



IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
P.O. Box 1336
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Cal Groen / Director

November 7, 2007

Lyle Swank
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RECEIVED
NOV 08 2007
Department of Water Resources
Eastern Region

Re: Water Right Application No. 73263 (Hallen)

Dear Lyle,

Idaho Department of Fish and Game (IDFG) staff recently toured Rob Hallen's property on Little Fourth of July Creek. IDFG is still concerned regarding loss of fish passage resulting from Mr. Hallen's pond and associated dam, however it is apparent from the size of Little Fourth of July Creek that the stream provides only a small portion of the overall flow to the Fourth of July Creek watershed. During the tour, Mr. Hallen discussed the steps he followed when he originally developed the pond, including contacting IDWR and IDFG. He indicated that IDFG told him that our agency was not concerned with the project due to the lack of water contribution from Little Fourth of July Creek. Although IDFG has no record of this communication, we are willing to accept Mr. Hallen's recollection of the contact. IDFG encourages Mr. Hallen to provide fish passage at the dam site and we offer IDFG's technical assistance if he is inclined to pursue a passage project. Please accept this letter as a formal withdrawal of our protest.

We appreciate the opportunity to review this application and provide comments.

Sincerely,

James R. Lukens
Regional Supervisor

cc: Walt Poole
Matt Sheppard
Bob Foster
Shelley Keen
Robert Hallen