



IDAHO DEPARTMENT OF FISH AND GAME

PANHANDLE REGION

2885 West Kathleen Avenue
Coeur d'Alene, Idaho 83815

RECEIVED
AUG 18 2006

IDWR/NORTH

James E. Risch/Governor
Steven M. Huffaker/Director

August 15, 2006

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Mr. Keith Franklin
Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd, S 210
Coeur d'Alene, ID 83814

Dear Keith:

REFERENCE: BARNHART 96-9292

We have reviewed the above-named application by Steve Barnhart to create a pond located on an unnamed tributary of Cocolalla Creek. The application did not describe how the pond will be created. The pond will be used for irrigation, stock water, and recreation (swimming, boating and fishing).

According to Section 36 (706), Idaho Code, no person shall establish and maintain a pond on premises owned or leased by him and obtain, possess, propagate and process for his own personal pleasure and use any fish approved by the Commission, unless he has first obtained a permit from the Director of the Idaho Department of Fish and Game. One of the stipulations that must be met before a permit may be issued by the Director is that the pond is not constructed in or across a natural stream bed containing wild fish, except when it has been determined by the Commission that the water flow and volume of wildlife concerned in such proposed private pond are not a significant part of the wildlife resource of the State.

Requirements to obtain a permit include the following.

- Pond construction may not be in or across any natural streambed, lake, or other watercourse containing wild fish, except when determined by the Commission that the water flow and volume of wildlife concerned in the proposed pond are not a significant part of the wildlife resource of the state.
- The pond must be located entirely on private property owned or leased by the applicant.
- Any dam constructed to divert water into the pond must meet all requirements in Section 36-906(a), Idaho Code.
- All inlets to the pond must be screened at the point of diversion as provided in Section 36-906(b), Idaho Code, to prevent the entrance of wild fish into the pond.

Keeping Idaho's Wildlife Heritage

August 15, 2006

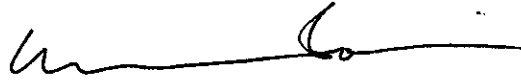
- The permit application is made using the form provided by the Department, which provides information required by the Director.
- The pond shall be posted in three (3) separate conspicuous places and all entrance roads.

In addition, unless the fish to be stocked are delivered by a commercial hatchery (required for trout), the applicant must acquire a fish transport permit to bring fish to the pond. Both permits are available from Idaho Department of Fish and Game. Before any fish are stocked into the pond, it must be inspected by the IDFG to ensure it is properly screened to prevent fish from escaping downstream into areas occupied by native fish.

We do not object to permitting the water right; however, we strongly recommend that the permit does not allow for the in-stream pond.

Thank you for the opportunity to comment.

Sincerely,



Charles E. "Chip" Corsi
Regional Supervisor

CEC:MTB:kh

C: Tracey Trent, IDFG Boise;
Gregg Raynor, COE CdA