



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

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C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

June 12, 2007

ERIC LEITZINGER
ID DEPT FISH & GAME
3101 S POWERLINE
NAMPA ID 83686

NO Reply made by
IDFG JL 11/9/07

HAND DELIVERED

Re: Permit 63-32067, Condition of Approval for Bypass Flow in Creek

Dear Mr. Leitzinger:

This letter concerns a permit approved by the Idaho Department of Water Resources (IDWR) in September 2005 for winter use of water from Sand Hollow Creek (aka Sand Run Gulch etc.). Permit No. 63-32067 authorizes up to 90 cfs for wildlife habitat as noted in the other information provided to you simultaneous with this letter.

The above permit potentially allows the creek to be totally dewatered for about ¼ to ½ mile on the permit holder's property. IDWR assumes return flows to the creek would continue whenever water is diverted from the creek for the project. Dewatering of the creek would therefore be limited to an area just south of Highway 20/26 and just east of Highway 95.

Condition of Approval No. 5 in the permit states the following:

The Director retains jurisdiction to require a bypass flow on Sand Run Gulch Creek for maintenance of fish, wildlife, riparian and aquatic habitat.

IDWR received a petition asking the Director to invoke Condition No. 5 for this permit. The petitioner did not provide technical information to support the petition. I hope your agency can advise IDWR in this matter as noted by the following questions:

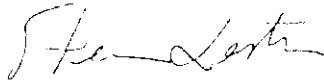
1. Should IDWR require some water to remain in the creek when Permit 63-32067 is being used?
2. If so, for what reasons should this be required? What habitat benefits would be realized by invoking this condition of approval?
3. What is the minimum rate of flow needed in the creek to protect those habitat benefits?

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Any information you can provide in this matter would be helpful as IDWR considers other applications for more wildlife projects also proposing to use the same source of water. However, the other applications do not propose to divert the entire flow of the creek.

Please let me know if you have any questions. Thank you for your help in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive, with the first name "Steve" and last name "Lester" clearly distinguishable.

Steve Lester
Water Rights Supervisor