



IDAHO DEPARTMENT OF FISH AND GAME

MAGIC VALLEY REGION

319 South 417 East

Jerome, Idaho 83338

C.L. "Butch" Otter / Governor

Cal Groen / Director

September 5, 2007

Allen Merritt
1341 Fillmore Street
Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
SEP 17 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RE: Application for Permit No. 43-13518 (Albion Ranch 2006 LLC)

Dear Allen:

Idaho Department of Fish and Game (Department) has reviewed the application for surface water rights in an unnamed stream in the Blacksmith Creek drainage in Cassia County. This applicant proposes to construct an impoundment designed to store 0.2 acre-feet using a six foot earthen dam as a means of diversion.

Blacksmith Creek is a tributary to Cassia Creek which contains native Yellowstone Cutthroat trout and also is stocked by the Department with sterile rainbow trout. Yellowstone cutthroat trout are known to occupy the high elevation tributaries of the upper Cassia Creek drainage; however, the Department has no data that specifically describes the fishery in Blacksmith Creek.

It is unlikely the upper Blacksmith drainage is occupied by Yellowstone cutthroat trout given the relative small scale and low elevation of the drainage. Therefore, the Department has no objection to the applied water right and means of diversion.

If data are made available that indicate Yellowstone cutthroat trout do in fact inhabit the area, then the applicant may be required to provide fish passage and screen the intake as authorized under Title 36-906 (a) (Uninterrupted Fish Passage) and Title 36-906 (b) (Fishways in Dams – Screens in Diversions).

Thank you for the opportunity to review the application. Please contact Mike McDonald (Environmental Staff Biologist) or Doug Megargle (Fishery Manager) if you have questions or need additional information.

Sincerely,

David Parrish

Magic Valley Regional Supervisor

Cc: Albion Ranch 2006, LLC (Applicant)
IDFG (NRPB)
ECc: IDFG (R4 staff)

Keeping Idaho's Wildlife Heritage