



IDAHO DEPARTMENT OF FISH AND GAME

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

August 10, 2006

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

W. Roger Warner
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Re: Water Right Application No. 75-14301 (Arbon)

Dear Roger,

Idaho Department of Fish and Game staff has reviewed the above water right application from Mr. Arbon for up to 0.16 cfs through a private pond adjacent to the North Fork Salmon River. The proposal is for a flow-through pond to be constructed on the existing North Fork 3A ditch which is screened. However, juvenile salmon and trout have been observed in the ditch system downstream of the screen. These fish are entering the ditch at some point along the ditch system and until the source of this entrainment is identified and rectified, we object to any additional water rights on the ditch. Additional water spreading and manipulation on the 3A ditch will increase risk of stranding and take of an Endangered Species Act (ESA) listed fish. The taking of ESA fish would put water users at risk of federal prosecution. We request that this and other applications on the North Fork 3A ditch be held until this situation is resolved to protect both fish and water users. We encourage Mr. Arbon to work with other 3A ditch users and our Regional staff to rectify this situation. Once this situation is resolved, we would not oppose the issuance of this permit.

Thank you for the opportunity to review this application and provide comments.

Sincerely,

James R. Lukens
Regional Supervisor

cc: Cindy Robertson
Walt Poole
Matt Sheppard
Bob Foster
Shelley Keen
Rod Arbon

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Department of Water Resources
Salmon Region

Keeping Idaho's Wildlife Heritage