

August 31, 2006

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

Dear Mr. Warner,

SUBJECT RE: APPLICATION TO APPROPRIATE WATER 75-14301 -UPDATE

Thank-you for evaluating my application (75-14301) requesting the appropriation of water from the North Fork of the Salmon River. Please accept this note as demonstrating my desire to move forward with this application. In your letter, dated August 23, 2006, you quoted from an Idaho Department of Fish and Game (IDFG) letter in which they state: *"Juvenile salmon and trout have been observed in the ditch system downstream of the screen."* You requested that I discuss the measures needed to *"reduce or eliminate the potential effects of your proposed diversion on endangered or threatened fish species."* I share your and the IDFG concern on juvenile salmon being observed in North Fork Ditch 3A. To begin addressing this situation, I have notified IDFG concerning my willingness to work with them (see email on the following page). In addition, I have requested a list of water users from Bob Keen of Idaho Department of Water Resources in Salmon. This list would facilitate the completion of the actions suggested by the IDFG.

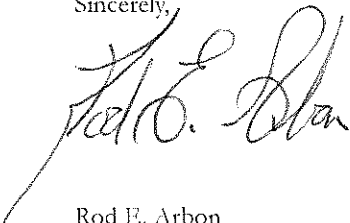
IDFG identified the following as the most likely cause of this problem (see email from Tom Curet of the IDFG- following page):

- Fish are entrained during the start up or shut down of the ditch.
- The juvenile salmon are entering the ditch in a back door manor i.e. not through the ditch in question but a different water source.

IDFG believes that the source of the entrainment can be identified and corrected. I believe this as well. To mitigate these problems the following is underway. IDFG is willing to provide training on the proper use of the ditch. The screen on North Fork Ditch 3a is no different than dozens of screens on the Lemhi and the North Fork of the Salmon. When utilized properly the screens are effective. In addition, the ditch will be walked down to identify and resolve the potential back door. I hope these actions are adequate to meet your objective to *"reduce or eliminate the potential effects of your proposed diversion on endangered or threatened fish species"* so that you may approve my request. If it is not sufficient please let me know what further action may be required.

Your thoughts or suggestions would be appreciated.

Sincerely,



Rod E. Arbon

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SEP 05 2006
Department of Water Resources
Eastern Region

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BLACKFOOT, IDAHO

August 31, 2006

Email note from Tom Curet.

"Curet, Tom" <tcuret@idfg.idaho.gov>

08/24/2006 09:23 AM

Rod,

Sorry for the delayed response but it is a very busy time for our fish staff currently. I appreciate your willingness to help resolve the situation on the L3a ditch. I'm sure that the fish are either entering the ditch in one or both of the routes mentioned in your e-mail. Our screen staff would be very willing to provide proper management guidelines for turning on and off the ditch annually. If you could arrange a meeting with the ditch users we would be happy to attend and discuss the fish entrainment situation, possible solutions, and also to discuss proper water management on the ditch. At the same time our staff would also be able (hopefully) to secure permission for access to the ditch through the various landowner properties. That is essential for us to determine the source of entrainment. It is our intent to work proactively with all the water users on the ditch to rectify this situation - not to get anyone in trouble. Working together I'm sure we can bring this issue to a positive conclusion for everyone. Thanks for your help. Tom Curet

From: Rodney E Arbon [mailto:ARBORE@amwtp.inl.gov]

Sent: Tuesday, August 22, 2006 9:29 AM

To: Curet, Tom

Cc: Lukens, Jim

Subject: North Fork 3A Ditch

Tom, I phoned Mr. Lukens after receiving his letter. He suggested I work with you on resolving the issue with North Fork 3A ditch. As you know, Mr. Luken reported that juvenile salmon have been found in North Fork 3A ditch. I do not want that to occur and would like to rectify the situation. I am at a loss as to what I should do. Mr. Luken suggested that there could be a back door to the ditch that allows juvenile salmon in. Can you or your staff look for this situation? Another possible scenario was that the water was turned into the ditch prior to the drum being in place. Maybe you could give us training on how to properly put water in the ditch. I want to resolve this so I can move forward with the permit application and prevent loss of juvenile salmon. I would appreciate your thoughts.

Rod E. Arbon

208-557-6303

CELL 208-360-0637

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