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Southern Region

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

April 27, 2005

Mr. Karl L. Dreher, Director
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098

RE: High Mountain Ranches Water Rights Transfer (One Project) (HUC 170602010403)

Dear Mr. Dreher:

This responds to the March 2, 2005, letter from the Twin Falls office requesting written comments and recommendations on the subject action. The project has been reviewed by the National Marine Fisheries Service (NMFS) as a courtesy to the Idaho Department of Water Resources (IDWR) but, in the absence of a Federal nexus, this response letter does not function as an Endangered Species Act (ESA) or Magnuson-Stevens Act (MSA) consultation. Based on information provided, NMFS believes the change in point of diversion to a new groundwater right, will be beneficial to listed salmonids at the irrigation diversion.

Snake River sockeye salmon, Snake River spring/summer Chinook salmon, anadromous Snake River Basin steelhead (*Oncorhynchus mykiss*), and the proposed Snake River Basin *O. mykiss* Evolutionarily Significant Unit (ESU) are likely to occur within the action area. The proposed Snake River Basin *O. mykiss* ESU includes both resident and anadromous forms where they coexist (June 14, 2004, 69 FR 33102). The action is within designated critical habitat for ESA-listed sockeye salmon and spring/summer Chinook salmon (December 28, 1993, 58 FR 68543), proposed critical habitat for *O. mykiss* (December 14, 2004, 69 FR 74572), and within Essential Fish Habitat (EFH) for Chinook salmon. NMFS evaluated the effect of the project on ESA-listed and proposed species, designated and proposed critical habitat, and EFH.

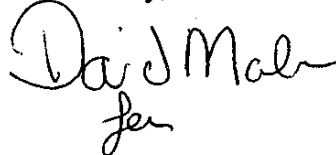
The IDWR proposes to transfer the High Mountain Ranches water rights for 1.2 cubic feet per second from the Salmon River in the vicinity of the confluence with Sink Creek (River Mile 341) to a new, nearby groundwater source. Potential efficiency improvements in withdrawing and delivering this state water right from an alluvial groundwater source to its place of application, the retirement of a dysfunctional fish screen, and the discontinuation of push-up dam maintenance in the mainstem Salmon River will likely have a net benefit to ESA-listed salmonids and their habitat.

If an existing diversion structure or fish screen is removed from the Salmon River that may require a Section 404 Clean Water Act Permit, which would trigger ESA Section 7 and MSA consultation with the U.S. Army Corps of Engineers.



Mr. Larry Zuckerman at (208) 756-6496 and Ms. Jan Pisano at (208) 756-6478 are the NMFS contacts for this project review. We would like to thank the IDWR for inviting our review on this water transfer.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Robert Lohn". The signature is fluid and cursive, with a large initial "D" and a stylized "Lohn".

D. Robert Lohn
Regional Administrator

cc: M. Baldwin – IDWR
T. Blau - IDWR
R. Brochu – COE
D. Mignogno – USFWS
R. Snyder - SCNF
J. Kraayenbrink – BLM
T. Curet - IDFG
N. Murillo – Shoshone-Bannock Tribes
A. Johnson – Nez Perce Tribe
R. Brown – IDWR (signed electronic only)
B. Graham – IDWR (signed electronic only)
C. Colter – Shoshone-Bannock Tribes (signed electronic only)
L. Denny – Shoshone-Bannock Tribes (signed electronic only)
D. Johnson – Nez Perce (signed electronic only)
I. Jones – Nez Perce (signed electronic only)
S. Althouse – Nez Perce (signed electronic only)
K. Forster – BLM (signed electronic only)
J. Vacirca – SCNF (signed electronic only)