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**File Code: 1950/2720
Date: June 24, 2009**

JUN 29 2009

**DEPT. OF WATER RESOURCES
SOUTHERN REGION**

Dear Interested Party:

The Sawtooth National Recreation Area (NRA) is seeking public comment on a proposal to issue special use authorizations for the installation, operation, and maintenance of headgates, flow measuring devices, and fish screens on diversions on National Forest System land in the Sawtooth Valley. The headgates, measuring devices, and screens are commonly referred to as 'HMS' facilities.

On February 20, 2007, the Idaho Department of Water Resources (IDWR) issued an order requiring installation of measuring devices and control works for diversions of ground water and surface water in Water District 170, Administrative Basins 71 and 72. (Please see enclosed IDWR letter.) The area affected by this order is in central Idaho and encompasses the Main Salmon River and its tributaries from the Middle Fork Salmon River upstream to Galena Summit. Within the Sawtooth NRA, this includes the area from the Headwaters of the Salmon River, downstream to the eastern border of the Sawtooth NRA near Holman Creek.

The project area is within a water district. A primary purpose of a water district is the administration of water rights within the water district by a water master. A water master administers water rights by reading measuring devices and adjusting head gates or other controlling works to deliver the authorized flow-rate to the water right holder. The purpose of the proposal is to comply with the 2007 IDWR order so that water rights may be accurately administered. Additionally, in places where HMS facilities exist but do not meet agency standards, the structures must now be upgraded.

For diversions located on National Forest System lands, a special use permit is required to authorize installation of control works, measuring devices, and fish screens. In the upper Salmon River Basin, many private landowners hold water rights to divert stream flow onto their properties using ditches that originate on or cross over National Forest System land, thus requiring permits from the Forest Service. The project does not include the day-to-day diversion ditch operations and maintenance on National Forest lands.

The Sawtooth National Forest has received multiple applications seeking authorization to install, operate, and maintain headgates, flow measuring devices, and fish screens. Two applications are being analyzed as part of this proposal: 1.) Brady White Cloud Ranch Salmon River Diversion



S-43 and 2.) Fisher Creek Partners, LLP Gold Creek Diversion SGC-04. Fish screens installed by Idaho Department of Fish and Game are currently in place on both of these diversions. The headgate and flow measuring device has already been installed in the Gold Creek diversion.

The Forest Service consulted on this proposal with the US Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), both of whom have oversight responsibilities for certain fisheries. A Biological Opinion was issued on September 19, 2008 by NMFS, which included an incidental take statement. The incidental take statement describes reasonable and prudent measures NMFS considers necessary or appropriate to minimize incidental take associated with this action. The take statement sets forth nondiscretionary terms and conditions, including reporting requirements which are made part of this proposal.

In order to install the HMS facilities, the remaining ditch will likely need to be dewatered prior to structure installation. Actions will be taken to minimize potential impacts to key fish species during this time and to comply with the NMFS Biological Opinion. The construction window is anticipated to be between July 7 and August 15.

The Forest Service is asking for public input to determine issues the environmental analysis should address. To be most helpful, comments should be received within 30 days of the date on the letter. Send your comments to: the Sawtooth National Forest, Attn. Jackie Richter, Resource Specialist, 2647 Kimberly Road East, Twin Falls, ID 83301.

Sincerely,



SARA E. BALDWIN
Sawtooth National Recreation Area Ranger

enclosure

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Flow Measuring Device - Salmon River Diversion S-43

Brady White Cloud Ranch

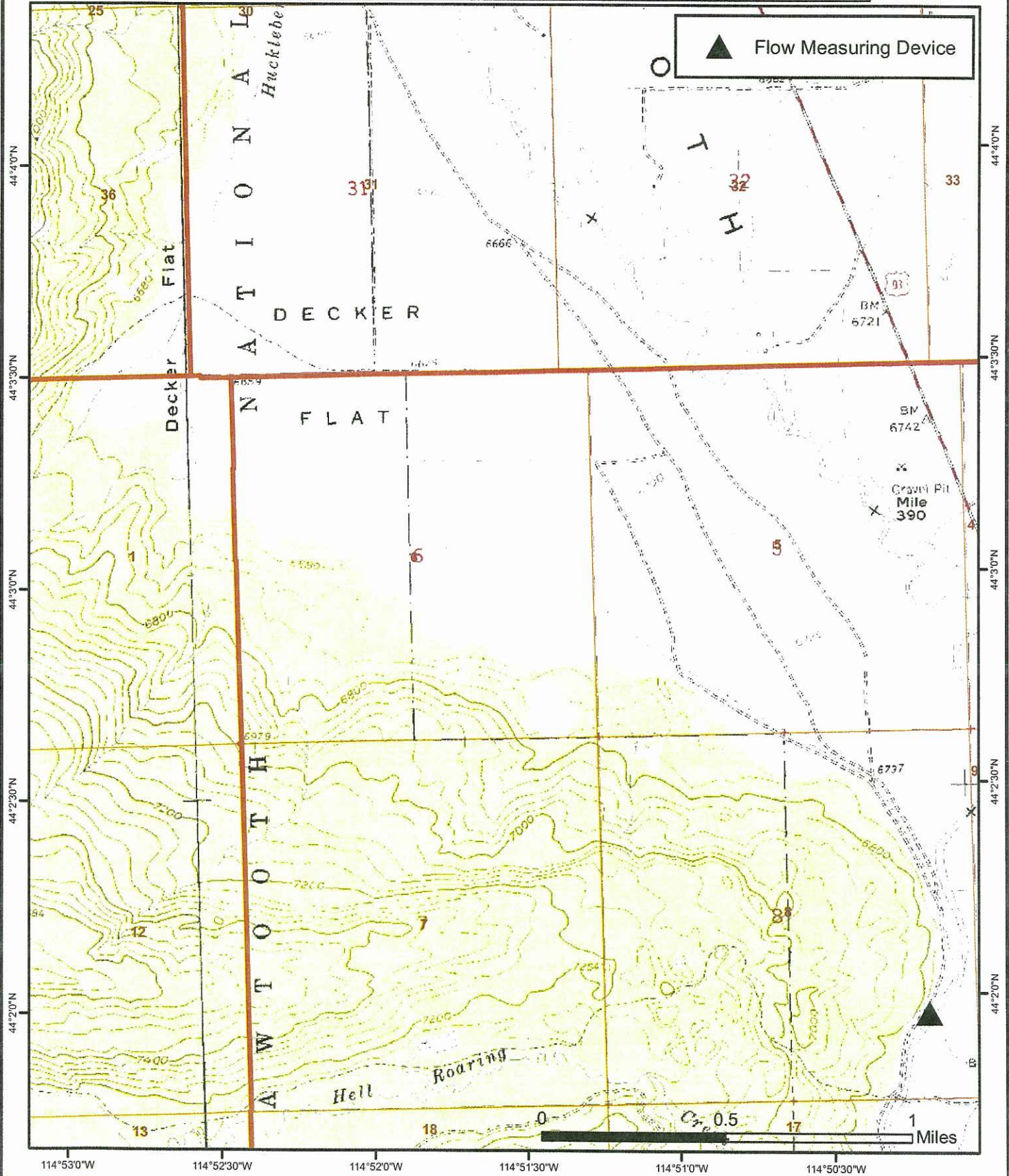
T8N R14E Sec 8 - B.M.

Sawtooth National Recreation Area
Sawtooth National Forest, Idaho

6/23/2009



Flow Measuring Device

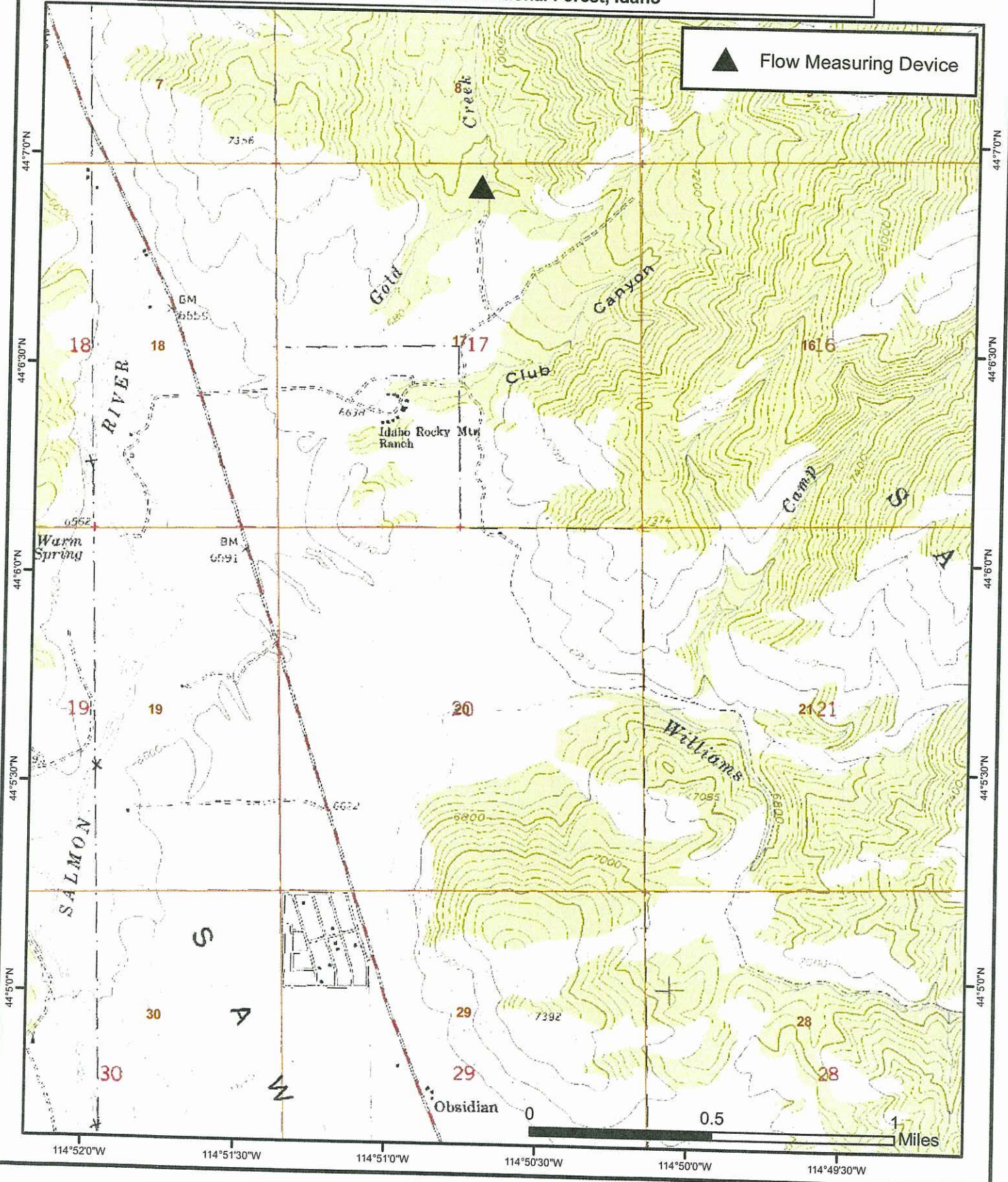


Flow Measuring Device - Gold Creek Diversion SGC-04
ID Rocky Mountain Ranch
T9N R14E Sec 17 - B.M.
Sawtooth National Recreation Area
Sawtooth National Forest, Idaho

6/23/2009



▲ Flow Measuring Device





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

February 20, 2007

Re: Order Requiring Measuring Devices and Head gates in Water District 170

Dear Water User,

The Idaho Department of Water Resources (IDWR or Department) has issued the enclosed preliminary order requiring installation of measuring devices and control works for diversions of ground water and surface water in the Department's Administrative Basin 71 prior to the 2008 irrigation season, and prior to the 2009 irrigation season for diversions in Administrative Basin 72. Pursuant to Section 67-5243, Idaho Code, the preliminary order will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as explained in the enclosed information sheet.

This order requires users in Basin 71 to submit plans for measuring devices and control works to the Department on or before June 1, 2007 and those in Basin 72 on or before December 31, 2007. The separate compliance deadlines for the two basins is a reflection of the difference in the number of diversions in Basin 71 versus Basin 72, as well as the different levels of inventory work that have been completed to date. The staged compliance schedule will allow the Department and other agencies to interact with users in each basin to provide focused effort in an effective and orderly way. Note that additional time to comply with the order may be granted by the Department if circumstances beyond the user's control prevent the user from meeting the compliance deadline.

Installation of headgates and flow measuring devices on Federal land may require a special use permit or other authorization. The authorization may require specific design criteria to meet State and Federal requirements. Additionally, all structures associated with diversions within the Sawtooth National Recreation Area (SNRA) must meet scenic easement requirements and/or comply with other Federal regulations. If you have a diversion within the SNRA or on other Federal land, please contact your local Federal land management office for information on steps to obtain any necessary authorization prior to initiating any ground disturbing activity on Federal land.

Users that may not be able to meet the compliance deadline due to delays resulting from the requirements of other governing agencies should contact IDWR as soon as such a delay is identified and request a time extension. Users should begin corresponding with relevant agencies

steps to obtain any necessary authorization prior to initiating any ground disturbing activity on Federal land.

Users that may not be able to meet the compliance deadline due to delays resulting from the requirements of other governing agencies should contact IDWR as soon as such a delay is identified and request a time extension. Users should begin corresponding with relevant agencies as early as possible to minimize such delays (see Federal land contacts on the attached information sheet).

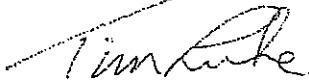
Please refer to the enclosed document "*Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices*" for information on types of measuring devices acceptable to IDWR. This document and other information on the topic is available on IDWR's Internet site at the following address:

http://www.idwr.idaho.gov/water/districts/water_measurement.htm

Additionally, users are encouraged to attend a one-day workshop to be held by IDWR during the second week of March, 2007 (see the attached information sheet for details). The workshop will provide additional information on construction and design of control works and measuring devices and will be held in the Stanley or Challis areas.

If you have questions concerning this order, please contact the Watermaster for Water District 170, Nick Miller, at the IDWR State Office (208-287-4956), or contact the Deputy Watermaster, Bob Foster, at the IDWR Salmon Field Office (208-756-6644).

Respectfully,



Tim Luke
Water Distribution Section

Enclosures:

Preliminary Order Requiring Controlling Works and Measuring Devices in Water District 170, Dated February 20, 2007 (27 pages)

Explanatory Information to Accompany a Preliminary Order (2 pages)

Information Sheet (2 pages)

IDWR Minimum Acceptable Standards for Open Channel and Closed Conduit Measuring Devices (6 pages)

Cc:

Nick Miller, Watermaster, Water District 170
Bob Foster, Deputy Watermaster, Water District 170, IDWR, Salmon
IDWR Southern Region