



In Reply Refer To:  
FWS/R1/ABA/  
ENG/WR

# United States Department of the Interior

RECEIVED

JAN 29 2010

FISH AND WILDLIFE SERVICE  
911 N.E. 11<sup>th</sup> Avenue  
Portland, Oregon 97232-4181

DEPARTMENT OF  
WATER RESOURCES



JAN 27 2010

Interim Director  
Department of Water Resources  
PO Box 83720  
Boise, Idaho 83720-0098.

Dear Sirs:

The U.S. Fish and Wildlife Service (Service) supports the proposed expansions of Water District 170 (District). Effective water right regulation through measurement, reporting, and the services of a water master should yield tangible benefits to water users within the District. However, the Service requests that the Sawtooth Satellite Facility and its related water rights be excluded from the Clayton Sub-district.

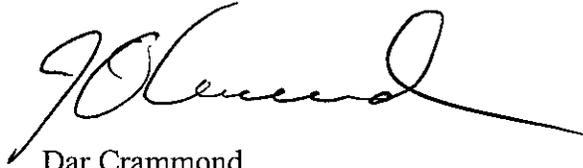
The policy of the U.S. Fish and Wildlife Service is to comply with state water resources law as a matter of comity. The Service is willing to pay assessments to the extent that they are fees that result in products or services rendered and not taxes or levies unrelated to benefits. In the case of the Sawtooth Satellite facility, the Service believes that there will be no discernable benefit. Therefore, the Service asks that this facility be excluded from the Clayton Subdistrict and from Water District 170.

The Sawtooth Satellite Facility of the Sawtooth Fish Hatchery is located on the East Fork Salmon River within the proposed Clayton Sub-district. There are two water rights associated with the facility, 72-7185 and 72-10516. Currently, the U.S. Fish and Wildlife Service has a petition before Idaho Department of Water Resources (IDWR) to exempt this facility from measuring diversions under these water rights. The difficulty of accurate measurement, coupled with the non-consumptive nature of the diversions, argue strongly for an exemption. At this point, IDWR has not acted on the Service's request for an exemption. If there is no measuring requirement, and if the facility is completely non-consumptive, it is difficult to enumerate any benefits that might accrue to the Service in return for the \$50 dollar per capita water right charge that has been proposed.

If IDWR finds that the East Fork Sawtooth Satellite facility must measure its diversions, the Service will measure diversions and report directly to IDWR. If IDWR finds that the facility is subject to regulation, the Service would, as a matter of comity, support a fair share of a watermaster's salary, either through the proposed fees or payment in kind. However, the burden is on the District to enumerate the benefits and services that this assessment will deliver to this facility.

The Fish and Wildlife Service supports Idaho's efforts to develop a long-term sustainable water management system in Water District 170 and is willing to participate in the State's effort as appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Crammond", with a long horizontal flourish extending to the right.

Dar Crammond  
Water Resources Branch Chief