



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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File Name: Whitehorse Ranch Water Right Transfer T-10358
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May 9, 2007

Mr. Robert D. Rice
Transfers Section
Oregon Water Resources Department
725 Summer Street NE Ste A
Salem, OR 97301

Subject: Comments on Transfer T-10358, Whitehorse Ranch Water Right and Potential Effects to Lahontan cutthroat trout

Dear Mr. Rice:

In response to your public notice of water use requests, dated April 10, 2007, the U.S. Fish and Wildlife Service (Service) would like to offer the following comments regarding the application for water right transfer T-10358 submitted by Whitehorse Ranch LLC/David Herman, affecting water right certificate 64221.

The permit applicant proposes to transfer the current authorized water right point of diversion (POD), change the authorized point of use (POU), and change the authorized use from irrigation to reservoir storage. The change from irrigation to reservoir storage would require the construction of a reservoir at the new location. The Service requests that the Oregon Water Resources Department (WRD) and the applicant consider the following comments prior to permit issuance and project implementation.

Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*), which are listed as threatened under the Endangered Species Act, inhabit Whitehorse Creek. We are concerned that Lahontan cutthroat trout may be impacted through the alteration of habitat when the point of diversion is modified as proposed in the application for transfer. In order to minimize impacts to Lahontan cutthroat trout, a fish screen should be installed to the water diversion structure used to divert water out of Whitehorse Creek. A fish screen would reduce the risk of harm to Lahontan cutthroat trout which may otherwise be entrained into the irrigation system. In addition, fish

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passage at the point of diversion should be provided to allow Lahontan cutthroat trout access back up stream past the diversion structure, particularly in the spring months when fish tend to migrate upstream to spawn. A passage structure would also allow fish to move upstream during years of low stream flow when fish may otherwise be trapped below the diversion structure and perish.

In addition to our concerns regarding potential alterations to habitat, we are also concerned with the potential for introductions of stocked or non-native fish to the Whitehorse Creek. An introduction of non-native fish would have significant adverse impacts to the current native fish management objectives of both the Service and Oregon Department of Fish and Wildlife. In particular, it is important in the management of Lahontan cutthroat trout in the Whitehorse Creek drainage to prevent the introduction of salmonid fishes other than the native Lahontan cutthroat trout. We have found (through mistaken stocking and expensive rehabilitation) that the introduction of non-native rainbow trout are not compatible with Lahontan cutthroat trout. The two species are related closely enough so that they may interbreed and result in a hybrid cross which is detrimental to the status of the population of Lahontan cutthroat trout.

The Service would like to work with the WRD to ensure that adverse impacts to the Lahontan cutthroat trout do not occur as a result of permit issuance for this project. Please notify us regarding any notices of proposed final and final orders related to this application for water right transfer.

Thank you for the opportunity to provide these comments. If you have any questions or concerns regarding this letter, please contact me or Alan Mauer at the Bend Field Office at (541) 383-7146.

Sincerely,



Nancy Gilbert
Field Supervisor

cc: Tim Walters, ODFW, Hines, Or.

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