

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, October 14, 2009 7:57 AM
To: 'Stanish, David'
Subject: RE: 67-04450 - Questions re: Amended Director's Report

Hey David,

(1) Absent the inclusion of the remark, is there another way that we could memorialize the understanding that fish stocking for recreational purposes is acceptable under this purpose of use (e.g., note in water right file)?

Perhaps adding a condition that states the place of use is known as the Weiser Bass Pond would remove any uncertainty as to whether or not fish are allowed in the pond.

(2) Does fish stocking for recreational purposes under a "recreation storage" purpose of use allow for raising fish to be transplanted to other ponds for public, non-commercial recreational fishing?

I know of nothing that would prevent them from stocking fish in the pond or removing fish from the pond.

If IDFG feels your suggested remark, or one similar to it is necessary, I would be agreeable to adding it to the recommendation. All I was saying is that I think, by statute, that IDFG already has the authority to stock fish. These two statutes seem to give Fish and Game complete authority over fish and fishing:

<http://www.legislature.idaho.gov/idstat/Title36/T36CH1SECT36-103.htm>

<http://www.legislature.idaho.gov/idstat/Title36/T36CH9SECT36-901.htm>

In addition, the fact that recreation use would include fish stocking, adding the remark simply didn't seem necessary.

But adding the remark isn't going to hurt anything so if IDFG needs to object, then let's make sure to identify the desire for the added remark on the objection and we can work together and get an acceptable remark added to the recommendation that will satisfy IDFG's needs.

Thanks,
c

From: Stanish, David [mailto:david.stanish@ag.idaho.gov]
Sent: Tuesday, October 13, 2009 3:34 PM
To: Saxton, Craig
Subject: 67-04450 - Questions re: Amended Director's Report

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Craig:

Your explanation of the place of use and point of diversion description answered my questions regarding those issues.

As for my request that the description include a remark recognizing recreational fish stocking (e.g., "The purpose of use for this right includes, but is not limited to, fish stocking for recreational purposes."), I have two follow-up questions:

(1) Absent the inclusion of the remark, is there another way that we could memorialize the understanding that fish stocking for recreational purposes is acceptable under this purpose of use (e.g., note in water right file)?

(2) Does fish stocking for recreational purposes under a "recreation storage" purpose of use allow for raising fish to be transplanted to other ponds for public, non-commercial recreational fishing?

Sincerely,

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