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AUG 20 2018

DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Virgil Moore / Director

August 15, 2018

State of Idaho Department of Water Resources
ATTN: Jean Hersley, Technical Records Specialist II
322 East Front Street
P.O. Box 83720
Boise, ID 83720

SPF Water Engineering
ATTN: Roxanne Brown
300 E. Mallard Dr.
Suite 350
Boise, ID 83706

State of Idaho Department of Water Resources
Salmon Field Office
ATTN: Cindy Yenter, Water District 170 Watermaster
102 S. Warpath
Salmon, Idaho 83467

Flying Joseph Ranch LLC
ATTN: Joe Clark
7299 Perimeter RD S
Seattle, WA 98108

RE: Notice of Protest-Transfer No. 81963 & 81964, Pahsimeroi River, tributary to Salmon River

Dear Jean, Cindy, Roxanne and Joe:

The Idaho Department of Fish and Game (IDFG) has reviewed the above referenced Applications for Transfer submitted by Flying Joseph Ranch, LLC (Applicant). The Applicant proposes under Transfer No. 81963 to authorize 1,830.8 irrigable acres within newly created 1,965 acre Permissible Place of Use (PPU). This transfer offers to use authorized irrigable acres with 48 acres of 73-32 and the entirety of 73-2159, 73-150C, 73-15A, 73-188B, 73-4001, 73-10023, 73-10024, 73-4003, 73-2162, 73-12171, 73-12172, 73-7102, 73-10020A, 73-10020B and 73-11840. The Applicant also requested to remove a point of diversion (POD) located in NESW, T12N, R23E, S2 from all water rights. (73-150C, 73-147A, 73-150D, 73-189 & 73-10040, which are all Flying Joseph Ranch LLC water rights associated with this POD) from the Pahsimeroi River. Based on the amendment received by Idaho Department of Water Resources (IDWR) on May 15, 2018 this request was added to this transfer to remove this POD. The POD is located south of the corner of Hatch Lane and Double Springs Road in Custer County.

Transfer No. 81964 proposes to transfer 73.4 acres of the irrigation component of 73-147A, 73-10041 and 73-12110 to Wildlife, Aesthetic, and Recreation Storage and Diversion to Storage. To enlarge an existing pond from 11-acre surface area to a 27-acre surface area. The Applicant's proposal will reduce the authorized storage volume of the existing pond from 88.0 af to 86.4 af. The Applicant has a ground water right 73-12146 for the existing 11 acre pond. Since this proposed change will cause the pond to cross into 13N, 23E, S20, SWSW, it would alter the current POU for the storage of these rights. This transfer also proposes to create an irrigation PPU reducing the total irrigable acres from 2,365.6 to 2,292.2 within a 3,407.0 acre PPU for water rights 73-147A, 73-14B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040, 73-10041 and 73-12110 along with a split portion of right 73-32. The proposed PPU was reduced by 40 acres after IDWR additional information request. This PPU is located East of Pahsimeroi Valley Road and Bart Lane in Custer and Lemhi Counties.

The Applicant also seeks to add a new point of redirection to Big Creek water right 73-32. This POD is located in the SWSE, T13N, R23E, S20 on Flying Joseph Ranch property southeast of the airstrip.

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According to the application and map, this proposed POD is a redirection point of the Big Creek water that is diverted through the California Ditch and injected into the Pahsimeroi River. Flying Joseph Ranch already has this proposed (redirection) POD in section 20 authorized under Pahsimeroi River rights 73-147A, 73-150D, 73-10040, and 73-12260. Water right 73-32 is already authorized to divert the water down the California Ditch and inject the water into the Pahsimeroi River. This proposed additional POD will specify where the redirection is made to the Flying Joseph Ranch property from the Pahsimeroi River.

The Applicant seeks to remove a point of diversion located in NESW, T12N, R23E, S2 from all water rights. (73-150C, 72-147A, 73-150D, 73-189 & 73-10040 are all Flying Joseph Ranch LLC water rights with this POD) from the Pahsimeroi River. This POD is located south of the corner of Hatch Lane and Double Springs Road in Custer County.

IDFG staff are quite familiar with water use and aquatic habitat conditions in the Pahsimeroi River and spends considerable time and financial resources with many collaborative partners monitoring and improving anadromous and resident fish populations in this drainage. The purpose of this protest is to assist the IDWR by providing technical information addressing potential effects on anadromous fish and how any adverse effects might be mitigated. Pahsimeroi River is a known spawning and rearing stream for Endangered Species Act (ESA) listed Chinook salmon, steelhead and bull trout. The proposals submitted by the Applicant may potentially affect these species by diminishing or altering the water supply, adversely impacting aquatic and riparian habitat, impairing potential anadromous fish migration, and undermining state, federal, and private efforts to enhance flows and reconnect fragmented habitat throughout the Pahsimeroi River and the Upper Salmon River Basin.

In accordance with provisions of I.C. § 42-203A (4) IDFG understands that a formal protest is required to participate in the proposed Transfers No. 81963 & 81964 review process. It is part of the role and responsibility of IDFG in fulfilling its mission of protecting, preserving, and managing fish and wildlife resources to provide technical information regarding the potential effects of the proposed transfers on these resources and assess how any adverse effects can be avoided, minimized or mitigated. IDFG does not support or oppose the application but is instead filing this protest to assist IDWR in the decision-making process.

Please initiate the Interagency Billing for the applicable protest fee of \$25.00. The PCA is 11706 and the ABC code is B7/99. Please send the billing documents to IDFG Headquarters, Attention: Dr. Walt Poole, P.O. Box 25, Boise, ID 83707.

If you have any questions, please contact the Region's Environmental Staff Biologist, Jeff Richards at 208-756-2271.

Sincerely,


Tom Curet
Regional Supervisor

TC: jr

CC: Walt Poole (IDFG-HQ)
Ann Vonde (Deputy Attorney General)
Gary Vecellio (IDFG-Idaho Falls)
Cindy Yenter (IDWR-Salmon)
Greg Schoby (IDFG-Salmon)
Mike Demick (IDFG-Salmon)
Chad Fealko (NOAA-Fisheries-Salmon)

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Hersley, Jean

From: Richards, Jeff <jeff.richards@idfg.idaho.gov>
Sent: Monday, August 20, 2018 2:03 PM
To: Hersley, Jean
Subject: Please initiate the Interagency Billing for the application protest fee of \$50.00 for Transfer # 81963 & 81964
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Jean:

Please initiate the Interagency Billing for the application protest fee of \$50.00, instead of \$25.00 for Transfer #81963 & 81964.

Sorry for my mistake.

Sincerely,

Jeff Richards