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WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF FISH AND GAME

SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

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

June 25, 2018

Mr. Nick Miller, Regional Manager
Idaho Department of Water Resources-Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Notice of Protest-Applications for Permit No. 63-34497 (Willow Creek, Boise River drainage).

Dear Mr. Miller,

The purpose of this protest is to assist the Idaho Department of Water Resources ("IDWR") by providing technical information addressing potential effects and benefits of the proposed water development on fish and wildlife resources. It is not the purpose of the Idaho Department of Fish and Game ("IDFG") to support or oppose this water right application. Fish and wildlife are property of all Idaho citizens, and IDFG and the Idaho Fish and Game Commission are expressly charged with statutory responsibility to preserve, protect, perpetuate and manage all fish and wildlife in Idaho (I.C. § 36-103(a)). In accordance with provisions of I.C. § 42-203A(4), IDFG understands that a formal protest is required to participate in the water right review process.

IDFG has reviewed the Application for Permit No. 63-34497 submitted by Harry L. Bettis, PO Box 7, Emmett, Idaho, 83617 ("Applicant"). The application lists David Shaw, 4001 E. Main St., Emmett, Idaho, 83617 as the Applicant's representative. The application seeks to appropriate surface water from the South Fork of Willow Creek which is a tributary of Willow Creek, Gem County from a single diversion located at T6N, R1E, Section 31. The applicant proposes 2158 cfs from January 1 through December 31, listing the beneficial uses as Storage for Wildlife, Storage for Recreation, and Storage for Aesthetics. The Place of Use is in T6N, R1E, Sections 31 and 32.

To be beneficial to wildlife, diverted or impounded water must be managed with the primary purpose of developing habitat that corresponds to the range of characteristics required by a targeted species. IDFG contends that a wildlife beneficial use is provided when diverted or stored water is primarily managed to enhance the stability or growth of the targeted wildlife population(s). This is achieved by creating or improving habitat that enhances the targeted wildlife population's rate of survival or reproduction. As written, the application does not describe which wildlife the proposed water right is intended to benefit, nor does it address management actions necessary to create habitat that would increase survival or productivity rates of the targeted population(s). Merely attracting wildlife does not constitute a benefit to wildlife. Fish and wildlife habitat is a public

resource dependent on water in South Willow Creek, and, therefore, this proposal may conflict with the local public interest defined in I.C. § 42-202B(3) and IDAPA 37.03.08.045.01.e.ii..

Please initiate the Interagency Billing for the applicable protest fee of \$25.00. The PCA is 11306 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 IDFG Southwest Region's Environmental Staff Biologist, Bill Bosworth at 208-465-8465.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Compton", with a stylized flourish at the end.

Bradley B. Compton
Southwest Regional Supervisor

ecc: Vecellio, Poole/ HQ
Kozfkay, Ward, and Lowe (IDFG-Southwest Region)

cc: Applicant
Harry Bettis
David Shaw