



South Fork Lodge

Box 22 • Swan Valley, ID 83449-0022
Phone (208) 483-2112 • FAX (208) 483-2121

Spence Warner
South Fork Outfitters, LLC
DBA: South Fork Lodge
P.O. Box 22
Swan Valley, Idaho 83449

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AUG 27 1998

Department of Water Resources

Before The Director of the Department of Water Resources of the State of Idaho
"Petition To Protest"

Regarding: Application for permit to appropriate water right numbers 01-07131 through 01-07137 in the name of the State of Idaho.

My name is Spence Warner and I am addressing you as past Owner and present General Manager of the South Fork Lodge in Swan Valley, Idaho. This Lodge is a destination fishing resort including a restaurant, motel, fly shop, RV park, and Real Estate office. The Lodge specializes in complete Fly Fishing Packages for people throughout the United States and Internationally.

The Lodge currently possesses a State issued Outfitters license for use on the South Fork of the Snake River. The South Fork has long been thought of as one of many premier Blue Ribbon Trout streams throughout the West. This portion of the River has been profiled in many magazine and newspaper articles as well as being featured on numerous television programs nationwide.

The South Fork Lodge currently has 5 full time employees and an additional 50 seasonal employees (May through November). The South Fork Lodge gross payroll for the 1997 tax year totaled \$ 334,699.43. The total business of the Lodge is directly linked to the flows of the South Fork and would therefore be highly impacted by the approval of the aforementioned proposal. The River has experienced abnormal flooding in recent years which resulted in a negative impact on the local economies throughout the Swan Valley, Irwin, & Palisades areas. We all suffer when the fishermen don't come because the fishing has been severely affected by River conditions. If this proposal is passed, we feel its impact could negatively affect publicity and direct fishermen away from the area for years to come.

It is our opinion, not only would this proposal affect the local economy, but it would have a devastating and long term impact on fish and wildlife habitat. The recharge proposal would severely deplete minimum flows during the fall and winter months and would be biologically disastrous to the fishery. Also, the reduction of flood peaks during the spring run off could cause damage to habitat formation such as island loss, gravel bar deterioration, and riparian destruction, as well as affecting regeneration numbers. The South Fork has the largest known Cottonwood forest and relies heavily on annual spring run off for its regeneration.

We are very concerned about the reduction of the flows during the winter months. An increase in icing, caused by lower water levels would take a toll on the small trout population. We do not believe there has been orderly scientific assessment of the biological impacts this recharge diversion could cause on the fish or on the riparian areas of the South Fork. We have not seen any scientific data to support the proposal.

We are being advised through newspaper articles and word of mouth that downstream water users could be over pumping by as much as 50%. We would like to ask that ways to conserve some of this water be investigated before applying for more water from our upstream rivers.

We believe that the application is not in the best interest of the public under articles IC 42-203A (5); that "the water supply itself is insufficient for the purpose for which it is sought to be appropriated.", IC 42-203A (5); "that the application has been made for speculative purposes" , IC42-203A (5); and "that it is contrary to the conservation of the water resources on the State of Idaho" and IC42-203A (5). Also, our business will be economically impacted.

We therefore request that the above water rights applications be denied until the following issues are heard and addressed:

- 1.) An assessment of habitat conditions (at the range of river flows that would result from the proposed diversions) be undertaken to provide an improved understanding of the potential impacts on the River's physical and biological attributes.
- 2.) Scientific evidence should be provided to verify that the proposed diversions will recharge the targeted aquifers.
- 3.) Scientific evidence should be provided to qualify the amount of expected recharge at different times of the year at different locations.
- 4.) Safeguards must be provided to prevent total diversions from individual Rivers will not exceed amounts deemed biologically acceptable.
- 5.) Recharge Diversion timing of occurrence should be clarified.

I also recommend that the listed water rights applications are denied until further public comment and discussion occur. I respectfully request that a hearing be scheduled after the above mentioned scientific evidence is provided to consider the public impacts that these proposed water rights may have.

Signed

Dated 8-24-98



Spence Warner
General Manager
South Fork Lodge
Protestant