



IDAHO DEPARTMENT OF FISH AND GAME

SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

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

August 2, 2017

RECEIVED
AUG 11 2017
WATER RESOURCES
WESTERN REGION

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's. 63-34414 and 63-34415 (Boise River).

Dear Nick,

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 along and within the Boise River. It is not the purpose of the Idaho Department of Fish and Game ("IDFG") to support or oppose these water right applications. 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 above referenced Application for Permits submitted by BID, LLC c/o Douglas Bates, 777 W. Main St., Ste 900, Boise, ID 83702 ("Applicant"). The Applicant has identified SPF Water Engineering as a technical representative. Both applications seek to appropriate surface water from the Boise River (total of 48.5 cfs from 2 diversions) from 01 September through 28 February to flood a combined total of 343 acres of cultivated fields. The proposed beneficial uses are Wildlife & Recreation, Wildlife & Recreation Storage, and Diversion to Storage. The Applicant proposes to use the diverted water to flood cultivated fields to attract waterfowl and wildlife for hunting and viewing purposes.

IDFG is concerned that cumulative effects of incremental flow reduction from the proposed diversions are likely to have repercussions for public resources reliant on Boise River winter flows. Over the last several years IDFG staff has reviewed several similar applications on the lower Boise River (e.g. 63-32459, 63-32460, 63-33640, 63-33641, and 63-33910). It is our understanding that

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all of the winter diversion projects that IDFG has reviewed and commented on have been approved. Recently, IDFG protested Applications for Permit No's 63-34333 and 63-34334 for a combined diversion rate of 13.95 cfs from the Boise River for the purpose of waterfowl hunting. IDFG recognizes that resources such as overwinter fish habitat, fall fish spawning, waterfowl overwinter and nesting habitats, riparian zone maintenance, and public hunting, fishing and trapping opportunities could be affected by reduced winter flow. We request that IDWR consider cumulative effects to public resources when reviewing new water diversion applications along the Boise River.

As written, the applications do not demonstrate a benefit to public recreation. The applications state that waterfowl habitats created as a result of the proposed diversions and flooded cultivated fields will benefit wildlife, including waterfowl, while the recreation benefit from the diversion will be waterfowl hunting and wildlife viewing. This suggests that the intent of the diversion is to attract waterfowl to private property during the hunting season for the purpose of hunting. IDFG suggests, rather, that public resources and recreation are dependent on water in the Boise River to provide fish and wildlife habitats and, therefore, these proposals 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 \$50.00 (\$25.00 for each application). 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 the Region's Environmental Staff Biologist, Tom Bassista at (208) 525-7290.

Sincerely,



Bradley B Compton
Southwest Regional Supervisor

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

cc: BID, LLC c/o Douglas Bates
SPF Water Engineering