



RECEIVED

JUN 05 2017

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 2, 2017

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. 63-34333 and 63-34334 (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 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 the Thorpe Family Trust c/o Ryan Thorpe 28854 Boulder Rd., Parma, ID 83660 ("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 13.95 cfs from 2 diversions) from September through February to flood approximately 87 acres of cultivated and floodplain lands. The proposed beneficial uses are Wildlife & Recreation, Wildlife & Recreation Storage, and Diversion to Storage. The Applicant proposes to use the diverted water to attract waterfowl and wildlife for hunting and viewing purposes. The Place of Use is in T5N, R5W, Sections 16 and 17 near Parma, ID.

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

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-465-8465 • Fax: 208-465-8467 • Idaho Relay (TDD) Service: 1-800-377-3529 • <https://idfg.idaho.gov>

understanding that all of the winter diversion projects that IDFG has reviewed and commented on have been approved. IDFG recognizes that resources such as overwinter fish habitat, fall fish spawning, waterfowl overwinter and nesting habitats, riparian zone maintenance, and public hunting 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 application does not demonstrate a benefit to public recreation. The application states that waterfowl habitats created as a result of the proposed diversions will benefit wildlife, including waterfowl, while the recreation benefit from the diversion will be waterfowl hunting. 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 525-7290.

Sincerely,



Bradley B Compton
Southwest Regional Supervisor

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

cc: Thorpe Family Trust
SPF Water Engineering