



IDAHO DEPARTMENT OF FISH AND GAME
SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

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DEC 05 2016

DEPT OF WATER RESOURCES
SALMON OFFICE

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

December 5, 2016

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DEPARTMENT OF
WATER RESOURCES

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

RE: Notice of Protest-Application for Permit No. 73-12257 – (Waste Water), Patterson Creek (Carter Ditch), tributary to Pahsimeroi River

Dear Jean:

The Idaho Department of Fish and Game (IDFG) has reviewed the above referenced Application for Permit submitted by Stanley and Patricia Dowton (Applicants), 700 Burststed Lane, Ellis, ID 83235. The Applicants seeks to appropriate 0.52 cfs of public surface water from Carter Ditch (in the form of waste water) for the proposed irrigation of 26 acres from April 1 through October 31. We are very familiar with water use and aquatic habitat conditions in Patterson Creek (Carter Ditch/PBSC-03) and the Pahsimeroi River. IDFG spends considerable time and financial resources with many collaborative partners monitoring and improving anadromous and resident fish populations in these drainages.

The purpose of this protest is to assist the Idaho Department of Water Resources (IDWR) by providing technical information addressing potential effects on anadromous fish and how any adverse effects might be mitigated. Patterson Creek is a known spawning and rearing stream for Endangered Species Act (ESA) listed Chinook Salmon, steelhead and bull trout. The proposal submitted by the applicant may potentially affect these species by diminishing or altering the water supply in both Patterson Creek and the Pahsimeroi River.

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In accordance with provisions of I.C. § 42-203A(4) IDFG understands that a formal protest is required to participate in the proposed water right 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 water right on these resources and assess how any adverse effects can be avoided, minimized or mitigated. The Fish and Game 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)
Sharon Kiefer (IDFG-HQ)
Gary Vecellio (IDFG-Idaho Falls)
Tom Bassista (IDFG-Idaho Falls)
Cindy Yenter (IDWR-Salmon)
Greg Schoby (IDFG-Salmon)
Dennis Mackey (USFWS-Boise)
Chad Fealko (NOAA-Fisheries-Salmon)
Chuck Mark (USFS-Salmon)
Steve Spencer (USFS-Emmett)
Fred Price (BLM-Boise)
Stanley and Patricia Dowton (Applicants)

Yenter, Cindy

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From: Yenter, Cindy
Sent: Monday, December 05, 2016 10:11 AM
To: Hersley, Jean; Keen, Shelley
Subject: Notice of Protest 73-12257
Attachments: IDFG protest 73-12257.pdf

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**DEPARTMENT OF
WATER RESOURCES**

Attached is a protest received this morning from IDFG. Today is the protest deadline for this application.

We don't yet have the finalized policy memo for protests received at Salmon, but I am following the guidelines that we discussed. Because this protest contains a request for interagency billing for the protest fee, there is no check to process.

Attached is a date-stamped copy of the protest. I will place the original in the mail today to Boise. Please treat this protest as timely received.

Cindy Yenter
Idaho Dept of Water Resources
Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell