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OCT 19 2015

Department of Water Resources
Eastern Region

IDAHO DEPARTMENT OF FISH AND GAME

UPPER SNAKE REGION

4279 Commerce Circle
Idaho Falls, Idaho 83401

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

October 19, 2015

James Cefelo
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

**RE: Notice of Protest-Application for Permit No. 25-14425 –South Fork Sellars Creek,
tributary to Sellars Creek (Willow Creek Basin)**

Dear James:

The purpose of this protest is to assist the Idaho Department of Water Resources ("IDWR") by addressing potential effects on fish and aquatic habitat. Fish and wildlife are property of all Idaho citizens, and the Idaho Department of Fish and Game ("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 and provide continued supply for hunting, fishing, and trapping (Idaho Code § 36-103 (a)). It is part of the role and responsibility of the IDFG in fulfilling its mission to provide technical information regarding the potential effects of the proposed water right on fishery and aquatic resources and assess how any adverse effects can be avoided, minimized or mitigated. It is not the purpose of the Idaho Department of Fish and Game ("IDFG") to support or oppose this water right application.

IDFG has reviewed the above referenced Application for Permit submitted by the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints (Applicant), 50 East North Temple, 12 floor, Salt Lake City, UT, 84150. The Applicant seeks to appropriate 0.25 cfs of public surface water from South Fork Sellars Creek for the proposed beneficial use of recreation from May 01 through September 30. 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.

IDFG is filing this protest to assist the IDWR in determining whether the proposed diversion of water from South Fork Sellars Creek conflicts with the local public interest defined in Idaho Code § 42-202B(3) and IDAPA 37.03.08.045.01.e.ii.

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<http://fishandgame.idaho.gov>

Please initiate the Interagency Billing for the applicable protest fee of \$25.00. The PCA is 11606 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,

A handwritten signature in dark ink, appearing to read 'Steve Schmidt', with a stylized, sweeping flourish at the end.

Steve Schmidt
Regional Supervisor

SLS: tpb

CC: Walt Poole (IDFG-HQ)
Sharon Kiefer (IDFG-HQ)
Applicant (Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, attention Mr. Matthew P. Davidson)