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OCT 07 2013

Department of Water Resources
Eastern Region

IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION

99 Highway 93 North
Salmon, Idaho 83467

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

October 4, 2013

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. 74-16004, Allan and Betty Purcell-Big Timber Creek, tributary to Lemhi River

Dear James:

The Idaho Department of Fish and Game (Fish and Game) has reviewed the above referenced Application for Permit submitted by Mr. and Mrs. Allan and Betty Purcell (Applicants), 89 Purcell Road, Leadore, ID, 83464. The Applicants seek to appropriate 5.76 cfs of public surface waters from Big Timber Creek for the proposed beneficial use of irrigation from March 15 through November 15 (inclusive). In accordance with provisions of Idaho Code § 42-203A(4) Fish and Game 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 Fish and Game 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 the Idaho Department of Water Resources in determining whether the proposed diversion of water from Big Timber Creek conflicts with the local public interest defined in Idaho Code § 42-202B(3) and IDAPA 37.03.08.045.01.e.ii.

We are very familiar with water use and the aquatic habitat conditions of Big Timber Creek. As it exists today, Big Timber Creek is connected to the Lemhi River throughout the irrigation season from the confluence to a diversion located approximately 1.5 miles upstream. Upstream of this diversion, Big Timber Creek is seasonally connected during high flows. Big Timber Creek is utilized by westslope cutthroat trout, mountain whitefish and Endangered Species Act (ESA)-listed bull trout. Recent Fish and Game monitoring efforts have documented ESA-listed juvenile Chinook salmon in the lower reaches of Big Timber Creek and ESA-listed adult steelhead migrating into Big Timber Creek during the spawning season. Additionally, ESA-listed juvenile steelhead marked in Big Timber Creek have been detected at the lower Snake

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River dams on their outmigration to the Pacific Ocean. Fish and Game considers Big Timber Creek a priority watershed for fish population improvement projects because it has the potential to become a significant Chinook salmon and steelhead trout production and rearing system in the Upper Lemhi River Basin.

As part of the 2004 Snake River Water Rights Settlement, the State of Idaho and other parties agreed to implement a suite of measures to address fish habitat issues in the Salmon and Clearwater Basins. The priority conservation measures include actions to reconnect tributaries with the Lemhi River that were previously inaccessible for fish. Over the past 5 years, there has been considerable progress toward those actions. The goal of these locally led efforts is to conserve, restore, and enhance sufficient aquatic and riparian habitat to sustain viable fish populations while protecting and preserving the farming and ranching lifestyle and economy of the Lemhi River Basin. Presently, Fish and Game along with the Idaho Water Resource Board, Idaho Office of Species Conservation, local landowners, and other partners are implementing conservation strategies designed to help reconnect Big Timber Creek with the Lemhi River. It will be important to thoroughly review any proposed additional appropriation of water from Big Timber Creek to ensure that our collaborative efforts to establish a fully functional fish connection between this tributary and the Lemhi River will not be affected.

Please initiate the Interagency Billing for the applicable protest fee of \$25.00. The PCA is 11606 and the ABC code is B7/TX. 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 or the Region's Fishery Staff Biologist, Jeff Diluccia at 756-2271.

Sincerely,



Tom Curet
Regional Supervisor

TC: tpb

CC: Walt Poole (IDFG-HQ)
Harriet Hensley (IDFG, Deputy Attorney General)
Sharon Kiefer (IDFG-HQ)
Helen Harrington (IDWR-Boise)
David Kampwerth (USFWS-Chubbuck)
David Mabe (NOAA-Fisheries-Boise)
Mr. & Mrs. Allan and Betty Purcell (Applicants)

Cox, Sharla

From: Cox, Sharla
Sent: Tuesday, October 08, 2013 10:28 AM
To: Sutcliffe, Lorna
Subject: Interagency Billing - 74-16004
Attachments: DOC.pdf; DOC000.pdf

Lorna, please do an interagency billing for the following:

Amount to Bill: \$25.00
Bill to: Idaho Dept of Fish & Game
Attn: Walt Poole
PO Box 25
Boise ID 83707

PCA: 63103

A Protest for Application for Permit 74-16004

See enclosed copy of protest from Idaho Dept of Fish & Game and a copy of application for permit.

Thank you. Please let me know what the BILL number is.

Sharla

*Sharla Cox
Administrative Assistant
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