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SEP 30 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

September 27, 2013

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

RE: Notice of Protest-Application for Transfer of Water Right-Transfer No. 78799 and Application for Exchange of Water-Transfer No. 78800, Ms. Nancy Linell Bills-Carmen and Freeman Creeks

Dear James:

The Idaho Department of Fish and Game (Fish and Game) has reviewed the above referenced Applications for Transfer of Water Right and Exchange of Water submitted by Ms. Nancy Linell Bills (Applicant), whose address is PO Box 137, Carmen, ID 83462. The Applicant seeks to exchange and/or change existing water rights (including point of diversion and place of use) from surface water of Carmen Creek, tributary to the Salmon River, and Freeman Creek, tributary to Carmen Creek, to provide more flexibility in managing her water supply for irrigation and stockwater purposes. We are very familiar with water use and aquatic habitat conditions of Carmen and Freeman Creeks and spend considerable time and financial resources with many collaborative partners monitoring and improving anadromous and resident fish populations in the Carmen Creek basin.

The Carmen Creek basin is a known spawning and rearing watershed for Endangered Species Act (ESA) listed summer steelhead, ESA listed bull trout, westslope cutthroat trout, mountain whitefish, and a juvenile rearing stream for ESA listed Chinook salmon. The transfer proposals submitted by the applicant may potentially affect these species by diminishing or altering the timing of water supply in Carmen and/or Freeman Creeks.

In accordance with provisions of Idaho Code § 42-222 and 42-203A(4) Fish and Game understands that a formal protest is required to participate in the transfer/exchange 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.

Keeping Idaho's Wildlife Heritage

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 the decision-making process.

Please initiate the Interagency Billing for the applicable protest fee of \$50.00 (\$25.00 per application). 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.

Sincerely,



Tom Curet
Regional Supervisor

SLS: 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)
Ms. Nancy Linell Bills (Applicant)
Mr. Robert Harris (Holden, Kidwell, Hahn & Crapo P.L.L.C)

Cox, Sharla

From: Cox, Sharla
Sent: Monday, September 30, 2013 12:17 PM
To: Sutcliffe, Lorna
Subject: Interagency Billing, 78779 and 78800.
Attachments: 20130930112321582.pdf

Please bill the following:

Idaho Dept of Fish & Game
PO Box 25
Boise ID 83707

For an Exchange and transfer. PCA 63103

Amount to bill: \$50.00 total

Please let me know when you get the BILL Number.

Sharla

Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax

-----Original Message-----

From: Weeks, Larry [<mailto:larry.weeks@idfg.idaho.gov>]
Sent: Monday, September 30, 2013 11:41 AM
To: Cox, Sharla
Cc: Curet, Tom; Bassista, Tom; Poole, Walt
Subject: FW: Message from "PTR-R7-SS-LAN645C"

Sharla,

Attached you will find the Protest-Application for Transfer of Water Right-Transfer No. 78799 and Application for Exchange of Water-Transfer No. 78800, Ms. Nancy Linell Bills-Carmen and Freeman Creeks.

Please initiate the Interagency Billing for the applicable protest fee of \$50.00 (\$25.00 per application). 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 have any questions, feel free to call Tom Bassista at 525-7290, Tom Curet at 756-2271 or myself at 756-6022.

Thank you,
Larry Weeks