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Department of Water Resources
Southern Region

Received 11-20-00
By J. Stanton
Receipt 5023501

IDAHO FISH & GAME

MAGIC VALLEY REGION

868 East Main Street

P.O. Box 428

Jerome, Idaho 83338-0428

Dirk Kempthorne / Governor

Rod Sando / Director

November 18, 2000

Mr. Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: Water Right Applications #37-08916 Walker Monroe 6.0 cfs – Big Wood River

Dear Allen,

We would like to protest the above referenced water right application for permit #37-08916 to divert six cubic feet per second (cfs) of water from the Big Wood River between 1/1 and 12/31, annually. The reason for this protest is the appropriation could be detrimental to fish and wildlife, including associated habitats, and therefore is not in the best interest of the general public of the State of Idaho.

The Big Wood River supports both native and introduced populations of fish (redband rainbow trout, whitefish, brook trout, Wood River sculpin, etc), waterfowl (Canada goose, mallards, teal, etc), and miscellaneous riparian dependent wildlife (mink, otter, muskrat, etc). Survival of these species is contingent on adequate in-channel flow to maintain biological parameters. Removal of six cfs from The Big Wood River, especially during the winter period, could result in flows that don't support these resources.

More specifically, a reduction of six cfs, which we estimate could represent between 6 and 12% of the natural flow during extreme climatic/cold weather conditions, will result in a substantial reduction in overall habitat available for fish and wildlife. This habitat loss is primarily due to freezing of pools and interstitial substrate spaces – essential habitat for wintering fish and other aquatic organisms. Besides direct mortality to fish and aquatic invertebrates, impacts can also reach to local small mammal and avian predator populations due to loss of forage.

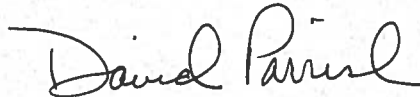
If the application is ultimately approved, we request that the priority date be the date the application was filed, not the date that coincides with the construction of the ponds. Allowing this application to receive a date prior to the date of the Idaho Water Resource Board approved minimum streamflow rights on the Big Wood River will cause further damage to fish, wildlife, recreation, and aesthetics of the river corridor and is not in the public interest.

Additionally, if this permit is approved we will require screening of the diversion through the

authority given to Idaho Department of Fish and Game under section 36-906 of the Idaho Code. We also require the diversion not be a fish passage barrier. General guidelines which would prevent the structure from being a barrier are: 1) the rise should be less than one vertical foot with a pool on the downstream side of the structure; and 2) flow velocities over the structure should be less than two feet per second. If the application is approved, we request these conditions become part of the permit as well.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, reading "David Parrish". The signature is fluid and cursive, with the first name "David" and last name "Parrish" clearly legible.

David Parrish
Acting Magic Valley Regional Supervisor

cc: IDFG-NRPB (Robertson)
State of Idaho A.G.'s Office (Ampe)
Blaine County Commission
Walker Monroe