



IDAHO FISH & GAME

MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

July 15, 2000

Dirk Kempthorne/Governor
Rod Sando/Director

RECEIVED

JUL 20 2000

Department of Water Resources
Southern Region

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

RE: Water Right Transfer Protest # 5752 Shoulder 3 Ranches – Trapper Creek

Dear Allen,

We have reviewed the above referenced application to transfer rights #45-00137 and #45-00138, totaling 2.8 cfs to the old Shaw Diversion on Trapper Creek. We do not consider this transfer to be in the public interest for the following reason:

- The new diversion structure for this transfer has already been constructed across Trapper Creek, a tributary to Oakley Reservoir. No provisions were incorporated into the earthen dam to allow fish passage beyond that point. Trapper Creek contains spawning habitat for native Yellowstone cutthroat, introduced rainbow trout, and a host of native non-game fish species. Blocking Trapper Creek at this location will prevent successful spawning upstream of the diversion, thereby reducing fish for anglers and forage for small mammals and raptors.

We will drop our protest if the applicant agrees to provide a ladder or other conveyance that will allow for fish to migrate freely past the diversion structure.

Thank you for the opportunity to review and comment on this water right application. If you have further questions please contact Dave Parrish, Environmental Staff Biologist at this office.

Sincerely,

Carl H. Nellis
Magic Valley Regional Supervisor

Cc: IDFG-NRB (Robertson)
ID-AG (Ampe)
Shoulder 3 Ranches

*Receipt
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7/20/00*