

Evans, Lynne

From: Flack,Brandon
Sent: Tuesday, July 11, 2023 12:28 PM
To: IDWR File
Cc: Bassista,Tom; Royse,Josh; Ann Yribar
Subject: Protest WR No. 65-24217
Attachments: IDFG_65-24217_ protest_20230711.pdf

Hello,

The Idaho Department of Fish and Game would like to formally protest the approval of water right application no. 65-24217. The protest letter is attached with interagency billing information included. The letter has been mailed to the applicant and the applicants representative.

Thank you,

Brandon Flack
Regional Technical Assistance Manager
Idaho Dept. of Fish and Game
Southwest Region
15950 N. Gate Blvd.
Nampa, ID 83687
Ph: (208) 854-8947





RECEIVED

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JUL 11 2023

WATER RESOURCES
WESTERN REGION**IDAHO DEPARTMENT OF FISH AND GAME**

SOUTHWEST REGION

15950 N. Gate Blvd.
Nampa, Idaho 83687Brad Little / Governor
Jim Fredericks / Director

July 11, 2023

State of Idaho Department of Water Resources
ATTN: Nick Miller
2735 W Airport Way
Boise, ID 83705Kelly Carpentier
1650 Banks Lowman Rd.
Garden Valley, ID 83622Neil Shippy
Water District 65 Water Master
102 N. Main St.
Payette, ID 83661**RE: Notice of Protest-Application for Water Right Permit No. 65-24217**

Dear Nick, Kelly, and Neil,

The Idaho Department of Fish and Game (IDFG) has reviewed the above referenced Applications for Permit submitted by Kelly Carpentier (Applicant). The Applicant seeks to appropriate seasonal diversions of public surface water from Carpenter Creek of 0.26 CFS for the beneficial uses of diversion to storage and irrigation storage for a total of 25 AF from 1/1 to 12/31, as well as 25 AF for the beneficial uses of irrigation from storage from 3/15 to 10/31, and 33.3 AF for the beneficial use of wildlife storage from 1/1 to 12/31.

IDFG's mission encompasses assessment of potential water appropriation effects on public interest fish and wildlife resources. IDFG is specifically concerned about the use that is intended to benefit wildlife when it appears a recreation beneficial use may be more appropriate in this case. IDFG can provide additional information that can assist the applicant in determining that the pond will provide a benefit to specific wildlife populations, if the Applicant would like to maintain wildlife storage as a beneficial use on their permit application. The application includes the following Applicant remarks: "*Diversion from Carpentier Creek, through property into Carpentier Irrigation Storage/Wildlife Pond, then continued overflow through property to Payette River*" implying there may be a culvert or other structure conveying irrigation water directly into the Payette River. IDFG requests additional information and clarification related to the pond storage overflow moving through the property to the Payette River as this could have an effect on water quality and fish in the Payette River. In addition, if the pond will be used for fish storage and recreational fishing, a private pond permit from IDFG is required and the inlet and outlet of the pond should be screened to avoid fish passage into and out of the pond.

IDFG is filing this protest per Idaho Code § 42-203A (4) to offer the Idaho Department of Water Resources (IDWR) technical assistance with decision making and recommendations to avoid, minimize, or mitigate adverse effects on public interest resources (Idaho Code § 42-203A(5)(e); IDAPA 37.03.08.45.01.e.ii). If information becomes available to alleviate concerns about potential adverse fishery, wetlands and stream flow effects, IDFG may withdraw this protest.

Thank you for the opportunity to review and comment. Please initiate the Interagency Billing for the applicable protest fee of \$25.00. The PCA is 11806 and the ABC code is B7/99. Please send the billing documents to IDFG Headquarters, Attention: Tom Bassista, P.O. Box 25, Boise, ID 83707. For questions and to arrange informal follow-up discussions, please contact the Regional Technical Assistance Manager, Brandon Flack, at 208-465-8465.

Sincerely,



Josh Royse
Southwest Regional Supervisor

JR/BF

ECC: Tom Bassista (IDFG-HQ)
Ann Yribar (Deputy Attorney General-Boise)
file@idwr.idaho.gov (IDWR efile email address)

e-file: S:\TECH ASSISTANCE\IDWR\WaterRights\Protests\65-24217-Kelly Carpentier\IDFG_65-24217_protest_20230711

Evans, Lynne

From: Evans, Lynne
Sent: Tuesday, July 11, 2023 4:40 PM
To: Marston, Sascha; Naomi Carr; Susan Steed
Subject: Interagency Billing Request - IDFG
Attachments: IDFG_65-24217_protest_20230711.pdf

Sascha, Susan, and Naomi,

Please initiate interagency billing for the following:

Notice of Protest received on **July 11, 2023** from the **Idaho Department of Fish and Game** (letter attached).

The required fee is **\$25.00**.

IDWR PCA for **Permits** is **62103**.

Bill to: **IDFG HEADQUARTERS**
ATTN TOM BASSISTA
PO BOX 25
BOISE ID 83707

Please advise me when the funds have been received.

Thank you,

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov