

JUL 29 1998

Department of Water Resources

Barbara Scott-Brier
 Agency Representative for
 Fish and Wildlife Service
 U.S. Department of the Interior
 500 N.E. Multnomah, Suite 607
 Portland, Oregon 97232
 Telephone: (503) 231-2139
 Telefax : (503) 231-2166

BEFORE THE DEPARTMENT OF WATER RESOURCES
 OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
 WATER RIGHTS, NOS. 01-07131, 01-07132,)
 01-07133, 01-07134, 01-07135, 01-07136,)
 01-07137, 01-07138, 01-07139, 01-07140,) NOTICE OF PROTEST
 01-07141, 02-07473, 02-07474, 21-07574,)
 21,07575, 21-07576, 21-07577, 21-07578,)
 21-07579, 21-07580.)
 BY THE IDAHO WATER RESOURCE BOARD)

Comes now the U.S. Fish and Wildlife Service (Fish and Wildlife Service) and protests, pursuant to Idaho Code §42-203A, the applications of the Idaho Water Resource Board (Applicant) for water rights, nos. 01-07131, 01-07132, 01-07133, 01-07134, 01-07135, 01-07136, 01-07137, 01-07138, 01-07139, 01-07140, 01-07141, 02-07473, 02-07474, 21,-07574, 21-07575, 21-07576, 21-07577, 21-07578, 21-07579, 21-07580. Applicant seeks to appropriate water from the Snake River, Henry's Fork of the Snake River, and Fall River throughout the year when water is available.

This protest is filed upon the grounds and for the reason that the proposed change may injure the the water rights of the Fish and Wildlife Service, including but not limited to the federal reserved water rights for the Deer Flat National Wildlife Refuge, and/or conflict with the local public interest, including but not limited to negatively impacting the fish and wildlife resources and habitat, aquatic life, or water quality of the Snake River and/or threatened or endangered species. The Fish and Wildlife has not had sufficient time to fully research the proposed applications and potential impacts.

The Fish and Wildlife Service submits herein the filing fee of \$25, as directed in the Notice of Application for Water Right, and requests that the subject applications be denied for the reasons described above.

1 - U.S. FISH AND WILDLIFE SERVICE NOTICE OF PROTEST of WATER
 RIGHT APPLICATIONS OF IDAHO WATER RESOURCE BOARD (7/28/98)

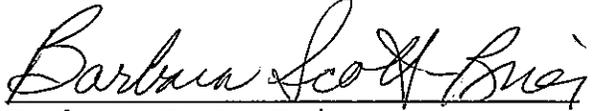
All communications regarding this matter should be directed to Barbara Scott-Brier, agency representative, as follows:

Barbara Scott-Brier
Agency Representative for
U.S. Fish and Wildlife Service
Office of the Solicitor, Pacific Northwest Region
U.S. Department of the Interior
500 N.E. Multnomah, Suite 607
Portland, Oregon 97232
Telephone: (503) 231-2139
Telefax : (503) 231-2166

In addition, we request that copies of all written communications also be sent to the following:

Paul Rauch, Hydrologist
Division of Engineering
U.S. Fish and Wildlife Service
911 N.E. 11th Avenue
Portland, Oregon 97232-4181

DATED this 28th day of July 1998.


Barbara Scott-Brier
Agency Representative for
U.S. Fish and Wildlife Service

cc: Paul Rauch, FWS
Kevin Ryan, Deer Flat NWR

2 - U.S. FISH AND WILDLIFE SERVICE NOTICE OF PROTEST of WATER
RIGHT APPLICATIONS OF IDAHO WATER RESOURCE BOARD (7/28/98)

CERTIFICATE OF SERVICE

I hereby certify that the above Protest was delivered via overnight mail to the following:

Karl J. Dreyer, Director (with \$25 filing fee)
Idaho Department of Water Resources
1301 North Orchard St.
Boise, ID 83706
(208) 327-7900

Idaho Water Resource Board
1301 North Orchard St.
Boise, ID 83706
(208) 327-7900

DATED this 28th day of July 1998.



Colleen Gooding
Office of the Solicitor, PNWR

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3 - U.S. FISH AND WILDLIFE SERVICE NOTICE OF PROTEST of WATER
RIGHT APPLICATIONS OF IDAHO WATER RESOURCE BOARD (7/28/98)

\$25.00 Rec. # C042975 7/29/98 KS