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Attorneys for the Idaho Department of Fish and Game

BEFORE THE IDAHO DEPARTMENT OF FISH AND GAME

IN THE MATTER OF BEAVER) Docket No. AA-WRA-2021-001
REMOVAL IN BASIN 37)
) **IDFG NOTICE OF RESPONSE**
) **REGARDING REQUEST FOR AGENCY**
) **ACTION TO REMOVE WILD ANIMALS**
) **AND DAMS CAUSING DAMAGE TO**
_____) **WATER RIGHTS**

The Idaho Department of Fish and Game (“IDFG”), by and through its undersigned counsel hereby provides notice of its response to a Request for Agency Action to Remove Wild Animals and Dams Causing Damage to Water Rights attached as Exhibit A.

DATED this 29th day of June 2021.

/s/ Owen Moroney
OWEN H. MORONEY
Deputy Attorney General

Exhibit A



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

Albert P. Barker
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
PO Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-07000
Facsimile: (208) 344-6034
apb@idahowaters.com

June 29, 2021

James R. Laski
LAWSON LASKI CLARK, PLLC
675 Sun Valley Road, Suite A
Post Office Box 3310
Ketchum, Idaho 83340
Telephone 208.725.0055
Facsimile 208.725.0076
jrl@lawsonlaski.com

Sent via Email

RE: Removal of Beaver Dams on Silver Creek

Dear Mr. Barker and Mr. Laski:

The Idaho Department of Fish and Game (Department) appreciates the South Valley Ground Water and Galena Ground Water Districts' concerns and request to remove two dams on Silver Creek/Little Wood River along with associated beavers. The Department is committed to proactively working with water users and landowners to prevent damages caused by wild animals. As you point out, Idaho Code section 36-1107 provides the process for removal of beaver dams wherein individuals may obtain permission or permits from the Department to remove beavers and dams. This statute triggers a process where the Idaho Department of Water Resources (IDWR) provides a corresponding examination to determine if beavers or dams are injuring or otherwise adversely impacting water rights.

The Department recognizes the current exigencies surrounding water delivery for the Little Wood River in Basin 37. The effects of the particular beaver dams you referenced on water rights are uncertain. However, based on water delivery needs and agency resource availability, the Department has decided to remove the dam and associated beavers at the Bear Track

Natural Resources Division, Department of Fish and Game
600 South Walnut, Boise, P.O. Box 25, Boise, Idaho 83707
Telephone: (208) 287-2875, FAX: (208) 334-2148

Williams Access, which the Department manages. Regarding the other dam you reference on Silver Creek near its intersection with Highway 93, Department staff were unfamiliar with the dam's exact location and other details such as land ownership. For this reason and in the interest of time, I would propose that Department staff member Mike Peterson reach out to the Purdys directly to facilitate a solution. If this is acceptable to you, please let me know.

I note that Idaho Code section 36-1107 still provides the generally applicable process for removing problem beavers and their associated dams. In other instances, the Department would rely on IDWR to examine whether a beaver dam injures water rights; however, based on Little Wood River water delivery urgency and agency resource priorities for examination, the Department has chosen to go forward with dam removal at Bear Track Williams. Further, the Department is committed to gaining a better understanding of the dam you reference on Silver Creek near its intersection with Highway 93 and working proactively with Mr. Purdy.

Sincerely,

/s/ Owen Moroney
Owen Moroney
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
P.O. Box 83707
Phone: (208) 287-2875
Email: owen.moroney@idfg.idaho.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June 2021, I caused to be served a true and correct copy of the foregoing Notice by placing a copy thereof in the manner listed below:

<p>Idaho Department of Water Resources Director Spackman PO Box 83720 Boise ID 83720-0098</p> <p>Gary.Spackman@idwr.idaho.gov Megan.Jenkins@idwr.idaho.gov meghan.carter@idwr.idaho.gov Garrick.Baxter@idwr.idaho.gov</p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
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<p>James R. Laski Heather E. O’Leary Lawson Laski Clark, PLLC 675 Sun Valley Rd., Ste. A P.O. Box 3310 jrl@lawsonlaski.com</p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
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<p>Albert P. Barker Barker Rosholt & Simpson LLP 1010 W. Jefferson St., Ste. 102 PO Box 2139 Boise, ID 83701-2139 apb@idahowaters.com mas@idahowaters.com</p>	<p><input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email</p>
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/s/ Owen Moroney

 OWEN H. MORONEY
 Deputy Attorney General