

MEMORANDUM

Date: July 2, 2012
To: Exchange 77809 & Transfer 78009 File
From: Jeff Cooper
Re: Evaluation of Sufficiency of Information Submitted

Application for Transfer 78009 proposes to change the Point of Diversion (POD) for Little Wickiup Creek irrigation right 72-219A (0.18 CFS, 6.1 acres) to the actual location of diversion, approximately 23.4 mi. E & 10.9 mi. S of Stanley. Companion Application for Exchange 77809 proposes to change the POD for right 72-219C, which currently diverts up to 0.15 CFS (23.5 Acres) from the East Fork of the Salmon River, located approximately 23.7 mi E and 11.0 mi S of Stanley, to the same proposed Little Wickiup Creek POD as right 72-219A. Changes are proposed to facilitate increased fish passage in the East Fork of the Salmon River drainage. Points of Diversion for both these rights occur within WD 170 and within subdistrict 72D, so watermaster comments will be solicited. Because of the nature of the changes proposed in this transfer application, it is recommended that this transfer be processed with a public notice and protest period.

- **Authority to File:**
The Department's database indicates that rights 72-219A & 72-219C are currently owned by East Fork Land & Cattle LLC. Application for Exchange 77809 was signed by President of East Fork Land & Cattle LLC, Homer Saye, which was verified at the Idaho Secretary of State Website. Application for Transfer 78009 was signed on behalf of the LLC by James Bennetts, who had authority to sign based on a September 6, 2010 letter from Homer Saye.
- **Water Right Validity:**
Rights 72-219A & 72-219C were partially decreed in the SRBA in October of 2001. An analysis of aerial and satellite photography indicate the acres under these rights have been recently utilized. The diversion of water from both sources (East Fork of the Salmon River & Little Wickiup Creek) was verified by the current watermaster of WD 170.
- **Injury to Other Water Rights:**
None anticipated or foreseen. These rights will be the only rights diverted from Little Wickiup Creek.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Changes are proposed to facilitate closure of an East Fork diversion for fish passage benefits.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.