



CUSTER SOIL AND WATER CONSERVATION DISTRICT

P.O. Box 305 - Challis, Idaho 83226 - (208) 879-4428

February 8, 2012

Idaho Department of Water Resources
% Jeffrey S. Cooper, Sr. Water Right Agent
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED
FEB 10 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RE: Exchange of Water Right 72-219C into 72-219A

To Whom it May Concern:

This is in response to your September 7 letter. It appears I picked up a "draft copy" when I mailed my last letter which did not contain many of the elements you requested. My sincere apologies for the error. Please find enclosed a signed request for an exchange through an existing point of diversion on Little Wicki Up Creek for water currently serving this property through the East Fork of the Salmon River. This project would in essence close the existing East Fork Diversion to allow fish passage for anadromous fish. Irrigation water from Little Wicki Up (72-219 A) would be provided via a sprinkler irrigation system thereby reducing the total required flow for flood irrigation. Little Wicki Up Creek currently does not reach the East Fork. The East Fork Diversion, 72-219 C no longer used to irrigate the land under that water right but would be instead exchanged for the water from Little Wicki Up (72-219 A). Because Little Wicki Up 72-219 A is not a fish bearing stream it would allow the removal of a barrier in East Fork where ESA listed Anadromous fish are a priority.

In processing this application we feel this application meets the Department of Water Resources requirements with the following:

Effect on Other Water Users:

The effect on other water rights is none existent because there are no other users from Little Wicki Up Creek or Wicki Up Creek.

Sufficiency of Water Supply:

Flow measurements taken from the stream in addition to the usage required for the irrigation system appear to be adequate based on a two year flow estimate. There are no issues anticipated related to flow. That said, the Wicki Up water right 72-219B would provide alternative flows on that portion of ground if needed.

Application Made In Good Faith:

This proposal was presented to the Custer SWCD Board by James Bennetts, legal counsel for Homer Saye as an alternative to requesting additional flows for this property based on historic use. Water User has worked directly with Mr. Bennetts to ensure no injury to his water right will occur. Although it is anticipated that the property may not need to use water from Wicki Up Creek, this water right will be retained and perhaps placed in the water bank to ensure a back up in low flow years.

Financial Resources:

This project has been funded via the Custer Soil and Water Conservation District to improve fish habitat and fish passage.

Local Public Comment:

The project was reviewed and ranked by the Upper Salmon Basin Technical Team which includes staff from NOAA Fisheries, US Fish and Wildlife Service, US Forest Service (SNRA), Idaho Department of Fish and Game and multiple other agencies who approved this project for fisheries benefits. The ranking can be provided upon request. The project was also presented at a public meeting of the Custer Soil and Water Conservation District Board for public review in April 2011 and again in February 2012. These meetings were publicly advertised. Mark Moulton, Sawtooth National Recreation Area, Hydrologist has also been consulted on this project. The project will abandon a diversion on or near federal land managed by SNRA and verbal communications indicated a positive response for fisheries.

Beneficial Use/Conservation of Water Resources:

This project will slightly reduce the water for the property by installing sprinklers for the property. This project's proposed use of water continues to be beneficial use.

Point of Diversion Location:

Please find a topographic map enclosed that shows the location of the newly proposed point of diversion and the existing point of diversion. Both locations are literally within "feet" of each other with the new diversion moved slightly upstream to a more stable location for construction. Both are within the same Quarter Section of the Stream which is Township 09N, Range, 17E, Section 33, NWSW in Custer County Idaho. After successful completion of this application the Diversion on East Fork (72-219 C) will be closed and the IDFG Fish Screen removed.

Filing Fee:

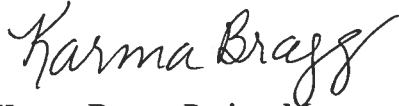
Please find enclosed two checks (2442 and 2329 each for \$100) totaling the required \$200 filing fee as requested in your September 7, 2010 letter.

Legal Authority:

Please also see attached, a letter written by Mr. Homer Saye authorizing James Bennetts as having legal authority to act in behalf on this application. Please feel free to contact Mr. Bennetts if you have any legal questions about this application.

Please feel free to call the Custer Soil and Water Conservation District if you have any additional questions or need additional information. I can be reached at 208-940-0406 (cell) or my office at (208) 879-44428.

Sincerely,

A handwritten signature in black ink that reads "Karma Bragg". The script is cursive and fluid, with the first name "Karma" and last name "Bragg" clearly distinguishable.

Karma Bragg, Project Manager
Custer Soil and Water Conservation District

cc: Mark Moulton, SRNA
Nick Miller, Water Master, Water District #170