

MEMORANDUM

Date: July 09, 2007
To: Transfer 73532
From: dcarlson
Re: transfer Evaluation

This transfer proposes to change the point of diversion/source for a Badger Creek water right to a Little Lost River right to leave water in Badger Creek for Bull Trout. This would be accomplished under an exchange.

Little Lost water would be diverted at times and amounts when the Badger Creek water would be available.

Two groundwater rights also are used at the old pod under an exchange function they will also be diverted at the new pod under an exchange.

Authority to File:

Applicant is the owner of record as far as the SRBA decree. They already use the new pod for water rights 33-32a, 33-33a.

Water Right Validity:

This water right was decreed in the SRBA in 2002. Air photos from 2006 show it to be irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

No points of diversion down stream from the old point of diversion on Badger Creek to the new upstream diversion on the Little Lost River.

Within Water District 33. Outside the ESPA. Watermaster will comment.

Transfer will be advertised to determine any protests.

Enlargement of Use:

Water can only be diverted at the new point of diversion/source at times it would be available at the old point of diversion/source.

There is no evidence of enlargement of use.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.