

MEMORANDUM

Date: April 15, 2014
To: Transfer 79190
From: Doug Jones
Re: Review & Evaluation of Sufficiency of Information

Transfer proposes to change the place of use for irrigation use of water rights 37-415 and 37-416 from subdivided and developed lands of the original farm and resort to new irrigation of recent golf course development on the ridge west of Trail Creek. The rights were decreed for 22.2 cfs and 516.3 acres of irrigation along with 9.3 cfs of water for aesthetic and wildlife use within a 628.6 acre area that included Sun Valley Resort lands and some or all of approximately 17 subdivisions, including but not limited to the various Fairway, Prospector, Trail Creek, East Lake Subdivisions and New Villager, Dollar Meadows and Cottonwood Condominiums. The proposed 516.3 acre irrigation place of use are part of Sun Valley Resort, northeast of Ketchum along Trail Creek, but also include some of the above subdivisions and additional other lots, condominium areas and subdivisions.

- **Authority to File:**

The applicant is listed as the current owner of involved water rights (37-415 and 37-416) according to IDWR records. However, lands proposed to be dried up are owned by others. Clear title to appurtenances is absent.

- **Water Right Validity:**

Both water rights have been decreed in the SRBA. Review of aerial photos from over the years show that the land being excluded from the Permissible Place of Use (PPU) were originally irrigated by the rights, then subdivided and developed over the decades. Lands involved, not in roadways and homes, with the transfer have recently been irrigated.

- **Injury to Other Water Rights:**

It is the apparent position of the applicant that the lands being irrigated are supplied water from another source and that they wish to move the surface water formerly used there for irrigation to other lands more recently developed. However, the applicant will continue to route surface water to the present PPU for aesthetic purposes under these same water rights. Unstacking the surface water and the current source for irrigation (presumably Sun Valley Water municipal supply) would result in an enlargement of total number of acres.

- **Enlargement of Use:**

See analysis on injury discussed above.

- **Local Public Interest:**

Hydrological impact due to enlargement may be anticipated.

- **Beneficial Use/Conservation of Water Resources:**

Proposed use is recognized as a beneficial use of water.

Questions of ownership of land the rights are appurtenant to and issues of enlargement by unstacking rights to provide new irrigation require close attention on whether to deny, or approve with conditions, the application for transfer.