

MEMORANDUM

Date: Sept. 22, 2014
To: Transfer 79190 File, Sun Valley Company
From: Douglas Jones
Re: Interpretation of "finality" of decree

Questions Needing Attention:

With respect to rights 37-415 and 37-416: Are the water rights appurtenant to the PPU post decree? Is the transfer of water from land formerly irrigated by these rights, but now subdivided, restricted by this appurtenancy? If IDWR is prevented from looking behind the decree, then is the water right holder likewise prevented? Can Sun Valley Co. now dry up roads, buildings, streams and move that water?

Summary:

Water rights 37-415 and 37-416 were decreed for irrigation of about 516 acres within an approx. 628 acre permissible place of use, in addition to Aesthetic and Wildlife use. They were decreed 12/1/2010 after substantial subcase objection negotiation. Water Supply Bank "transfers" within Sun Valley Co. ownership have been in place until this year. It appears that the WSB lease/rental required that "wet" area had to be dried to irrigate on the ridge west of the prior golf course. Attached are maps showing the PPU (Green Outline) and one showing the area owned by Sun Valley Co. or Sun Valley Resorts (Pink Cross Hatch).

Ownership Distribution and Desired Result:

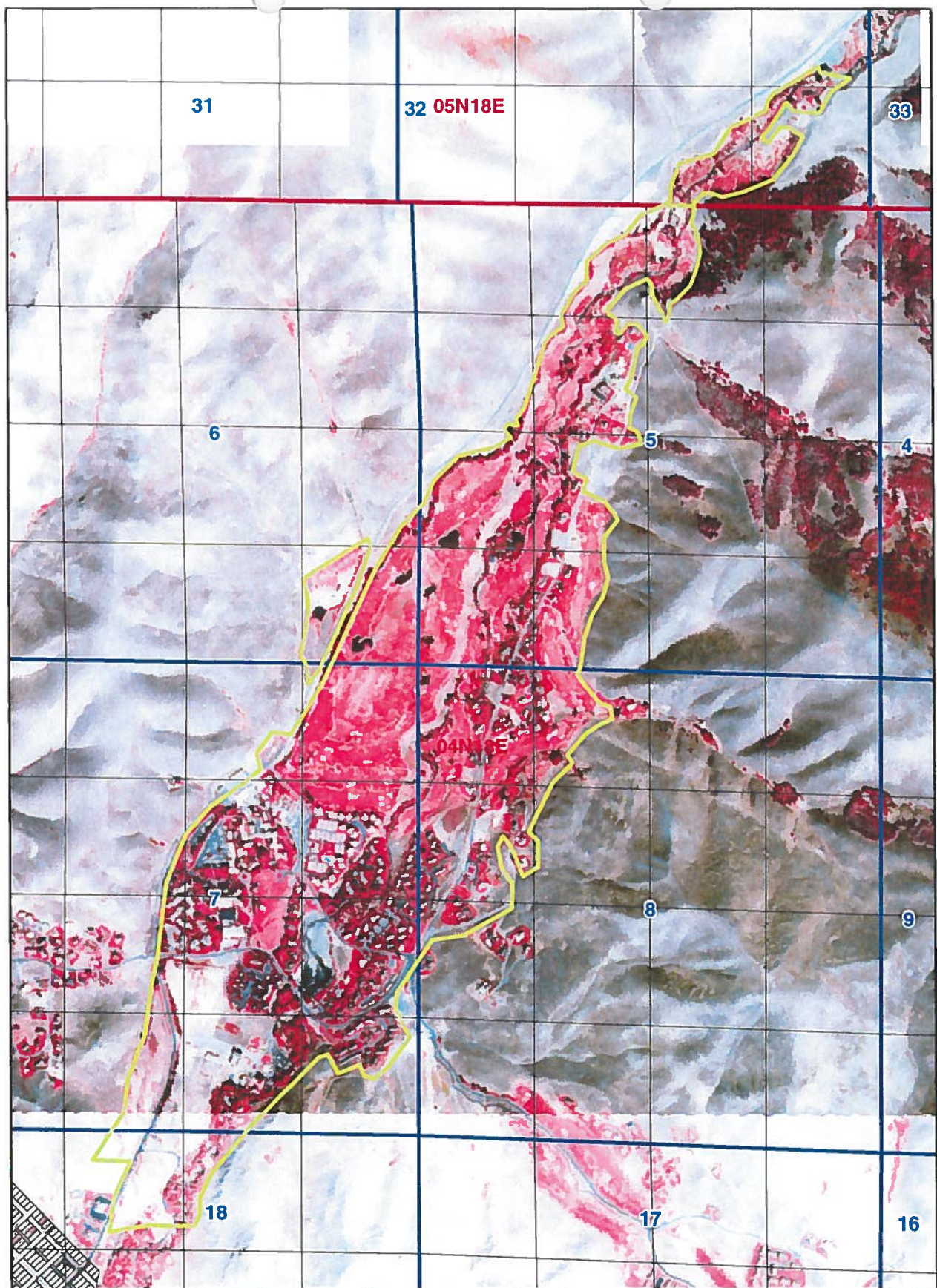
The following table portrays the PPU/Acres Irrigated breakdown between Sun Valley Co. owned and those Owned by Others:

	PPU	Acre Limit	Flow Rate
Decreed 37-415, -416	628.6	516.3	17.6, 4.6
SVC Owned (69%)	433.7	356.2	12.14, 3.17
Owned by Others (31%)	194.9	160.1	5.46, 1.43

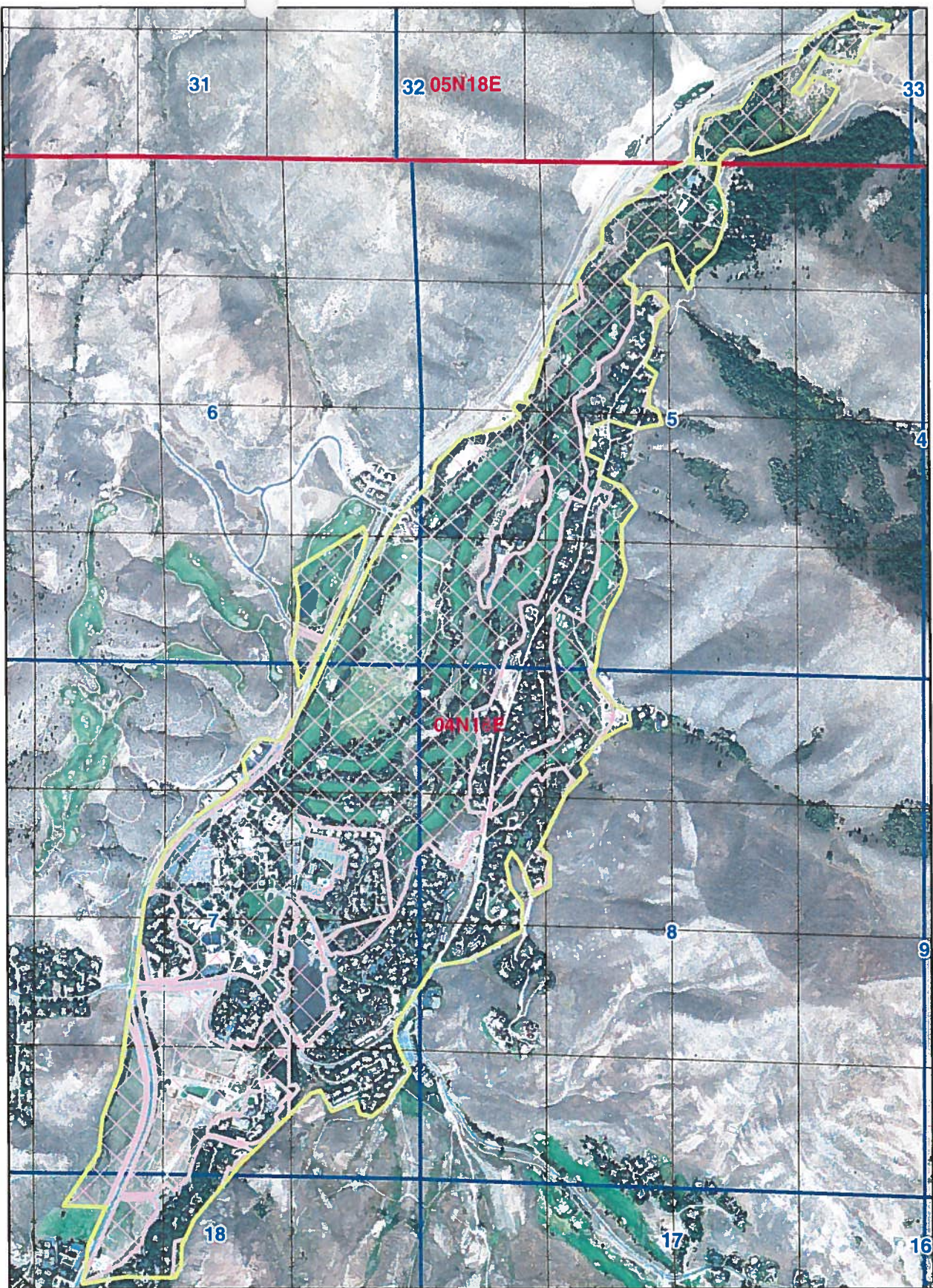
I am seeking to leave acres and flow rate of the owned by others in those exact locations and allowing SVC to transfer remaining 356 acres within a PPU of their choosing. The recommendation and decree are ridiculously flawed by uninformed persons during the "rush". Allowing the full 516 acres to transfer will be injurious to downstream users.

Summary of Meeting with Scott Campbell and Dr Brockway Sr on 9/16: {DJ:} = my responses to them

- 1) {SC:} PPU wrong, IDWR drew it, did not claim subdivisions {DJ: *Decreed in those places*}
- 2) {SC:} Name on water rights documents the ownership of water right {DJ: *No response*}
- 3) {SC:} SRBA result sanctified by decree, going behind the decree and changing would be "problematic" {DJ: *No response*}
- 4) {CEB asked:} Is there anything on this transfer that causes NEW enlargement issue? {DJ: *Moving irrigated acres off lands that are irrigated by another source (Sun Valley Water and Sewer) or long ago developed into roads, buildings would create enlargement*}
- 5) {SC:} Anything planned that is different than automatic approval of the now unprotested transfer will require IDWR Attorney dialogue with him. Seeks interactive, cooperative effort ahead of preliminary finding. {DJ: *No response*}



37-415 Permissible Place of Use



37-415 Permissible Place of Use (Green Outline)
and Sun Valley Co (etc.) ownership (Pink Cross
Hatch - 69% of PPU)