

MEMORANDUM

Date: April 15, 2010
To: Transfer 76418 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes changing the point of diversion of a stockwater right 37-22121 (0.02 cfs), creating a 14 acre permissible place of use for irrigation water rights 37-2168A, 37-2168C and 37-22125 (totaling 0.45 cfs) and converting a 1.0 acre portion (0.05 cfs) of two (37-2168A and 37-22125) of those rights from irrigation to storage uses associated with an existing pond. The changed point of diversion, new permissible place of use and pond are located approximately 6.5 – 6.75 mi. north and 2.35 -2.6 mi. west of the center of Ketchum. An existing system will divert up to 0.52 cfs from Oregon Creek and an unnamed spring for 12.2 acres of irrigation, storage and stockwater uses.

Transfer proposes moving the point of diversion of an instream stockwater right 37-22121 (0.02 cfs) to a spring, tributary to sinks. Transfer also proposes creating a new 14 acre permissible place of use for irrigation water rights 37-2168A, 37-2168C and 37-22125 (combined total of 0.45 cfs) that will better reflect current irrigation practices. A 1.0 acre portion (0.05 cfs) of two of those rights (37-2168A and 37-22125) will be dried up and converted to storage uses associated with an existing pond. The pond has 0.4 acre surface area and a storage volume of 1.3 acre-feet. The storage uses are limited to a combined total of 2.0 acre-feet (1.3 acre-feet of actual storage + evaporative losses). The “from storage” uses are limited to a combined total of 1.3 acre-feet (actual volume of the pond). This conversion was based on an acre to volume conversion factor of 2.1 afa per acre, based on the U of I irrigation requirements from the Hailey Ranger station for grass pasture. The changed point of diversion, new permissible place of use and pond are located approximately 6.5 – 6.75 mi. north and 2.35 -2.6 mi. west of the center of Ketchum. An existing system will divert up to 0.52 cfs from Oregon Creek and an unnamed spring for 12.2 acres of irrigation, storage and stockwater uses. The area associated with the transfer is located within Water District 37 so water master comments will be required. Note that license 37-8870 diverts water from the same spring development, but was licensed with an incorrect legal description. The applicant via their attorney has chosen not to correct this particular point of diversion legal description (see various correspondence in the transfer file and the 37-8870 file).

- **Authority to File:**

Applicant is listed on IDWR records as the current owner for water rights 37-2168A, 37-2168C, 37-22121 & 37-22125. Forest Service Special Use permits KET5732 and KET61802 were submitted with the application authorizing permission for the applicants to use the Oregon Creek headgate and the existing spring development located on federal lands.

- **Water Right Validity:**
All rights have been recommended in the SRBA.
- **Injury to Other Water Rights:**
None anticipated. The change of point of diversion from an unnamed stream to spring is considered the same water system.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impact anticipated. Application will be subject to public notice.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses 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.