

MEMORANDUM

DATE: February 4, 2009
TO: Transfer 74856 File
FROM: Jeff Cooper
RE: Evaluation of Sufficiency of Information Submitted

Transfer application proposes creating a permissible place of use (PPU) and adds diversion points. Current points of diversion are located approximately 2.6 mi. north & 1.9 mi. west and 3.5 mi. north & 2.5 mi. west of the City of Hailey. The current place of use (POU) includes 489 acres and is located approximately 2.6 mi. north and 1.9 mi. west of the City of Hailey, extending west along the Deer Creek valley approximately 2.7 miles. The proposed groundwater diversions are to be located approximately 2.6 mi. north & 2.4 mi. west and 3.5 mi. north & 3.8 mi. west of the city of Hailey. The proposed PPU will encompass the current POU and include an additional 185.2 acres adjacent to the current POU. Irrigated acres will be limited to the 489 acres allowed under the transferred right. The current right (37-466), as recommended, includes conditions which require monitoring of flows on Deer Creek to dictate how much can be pumped from the groundwater diversions. It also contains conditions which require it to have measuring and lockable devices. Deer Creek is tributary to the Big Wood River but is identified in the Frost Decree as being a dry stream, which isolates it from calls on the Big Wood River. However, it appears as though it should fall within the jurisdiction of WD 37, so watermaster comments will be needed.

The source on the application and recommendation for WR 37-466 were given as groundwater, however the original intent when the surface rights were allowed to be changed to groundwater (under an approved 1991 transfer) implies that the groundwater is directly tributary to Deer Creek. Because of this, the source is being changed to groundwater tributary to Deer Creek in this transfer. Concerning hydraulic connectivity of the proposed groundwater PODs and Deer Creek, the following is offered: (1) the proposed POD in the NESE of 03N17E is the same diversion used under 37-11329, which was apparently recognized in an earlier 1991/1992 transfer as being connected to Deer Creek and (2) earlier transfers apparently recognized that groundwater wells within the Deer Creek Valley were assumed tributary to Deer Creek. Because of these prior assumptions, conditions were added to the rights to monitor and regulate the groundwater diversions. These same conditions will remain on the right in an attempt to prevent injury.

With regards to overlap, it should also be noted that WR 37-11329 is combined with 37-466 for the same 489 acres and only gives an additional 0.01 cfs of flow. The proposed diversion in the NESE of 03N17E is also a diversion under 37-11329. However, since combining conditions already exist on 37-466 & 37-11329, this right was not included in the transfer. Two other rights (37-833R & 37-5) were identified as overlap in the proposed PPU. Right 37-833R is recommended for 50 acres, of which approximately 37 overlap with the proposed PPU. Right 37-5 is recommended for 58 acres within a 116 acre PPU, which overlaps the proposed PPU by approximately 11 acres. This gives a total combined overlap of 48 acres. Given that the proposed PPU is 185.2 acres greater than the recommended 489 acres under 37-466 and that the total acreage overlaps under 37-5 & 37-833R is only 48 acres, no combining conditions were added.

- **Authority to File:**

IDWR Records show water right 37-466 as being owned by Deer Creek Ranch Inc. The application was signed by John A. Flynn, whom according to the IDSOS business registry is the Secretary and Directory of Deer Creek Ranch Inc. The proposed PPU and POD locations are owned by Deer Creek Ranch Inc.

- **Water Right Validity:**
Water right 37-466 was recommended to the SRBA court and is currently not objected to.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. Irrigation will be limited to the 489 acres and 9.77 cfs allowed under WR 37-466 within the new PPU.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use (Irrigation) is recognized as a beneficial use 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.