

APPENDIX H
WATER RIGHTS ANALYSIS



MEMORANDUM

To: Red Mountain Ranch Partnership, LLLP, Mervyn Lapin Revocable Trust
 From: Scott Grosscup
 Date: May 5, 2017
 Re: Town of Eagle Water Rights Dedication

Red Mountain Ranch Partnership will be applying to annex certain lands that it owns to the Town of Eagle. These lands consist of approximately 130.3 acres and are to the east of Town, between the Eagle River and U.S. Highway 6. Section 12.26.030 of the Town of Eagle’s municipal code requires a land owner requesting annexation to the town to dedicate water rights to the Town.

We understand that the following water rights are appurtenant to the property to be annexed identified by name, case number of decree, adjudication date, appropriation date, total decreed amount and amount appurtenant to the property.

Water Right	Case No.	Adj. Date	App. Date	Total Absolute (cfs)	Appurtenant (cfs)
Warren Ditch	CA294	1889-12-17	1185-04-20	3.7	0.261
1 st Enlargement	CA294	1889-12-17	1889-10-09	2.4	0.170
2 nd Enlargement	CA294	1889-12-17	1889-10-09	1.6	0.113
3 rd Enlargement	CA963	1936-10-03	1922-10-01	11.83	0.725
4 th Enlargement	CA1193	1958-07-23	1952-04-30	15.00	1.103
Wilkinson Ditch	CA294	1889-12-17	1887-110-30	3.104	0.263
1 st Enlargement	CA963	1936-10-3	1915-10-30	5.597	0.555
Total				43.231	3.19

Portions of the Warren Ditch and Wilkinson Ditch were changed and quantified in Cases No. 84CW310 and 84CW659, District Court, Water Division 5. Those cases quantified the historical use of these water rights on 242.6 acres. The historical consumptive use of the water rights is 1.73 acre feet of water per acre. The property to be annexed include approximately 17.83 acres of land that had been irrigated under the Warren Ditch and 4.52 acres irrigated under the Wilkinson Ditch that was quantified in Cases No. 84CW310 and 84CW659. At a consumptive use rate of 1.73 acre feet per acre for those acres identified in

the two cases, consumptive use credits appurtenant to that portion of the property equals 7.82 acre feet.

In addition, the Applicants have acquired a parcel of land described as Nogal Property Parcel 3. It will be included in the lands to be annexed and is identified as Parcel 1. This land has historically been irrigated using the Wilkinson Ditch water rights. This parcel was not included in the previous two water court cases but was identified as having been irrigated. Wilson Water Group, consultants for the Applicants, has estimated that an average of 7.48 acres were irrigated. Total consumptive use available to this parcel using the factor of 1.73 acre feet per acre equals 12.94 acre feet of consumptive use credits.

In sum, appurtenant to the property to be annexed are 30.85 acre feet of quantified consumptive use credits under the Warren Ditch, 7.82 acre feet of quantified consumptive use credits under the Wilkinson Ditch, and an estimated 7.48 acre feet of consumptive use credits associated with the Nogal Parcel 3 for a total of 51.61 acre feet of water historically consumed on the property to be annexed.