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Sugarloaf Conditional Water Rights Abandonment

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Background

1984 CF&I Water Rights Purchase

- Perfected Rights
 - 17,416 acre-feet storage
 - Placer Water Right
- Conditional Rights
 - Upper Sugarloaf Storage
 - Sugarloaf Enlargement
 - East Fork and Tennessee Fork Feeder Canal diversions



Sugarloaf Water Rights

- Currently utilize perfected rights for storage in Turquoise Reservoir
 - Allocated permanent space when Bureau of Reclamation took ownership

Conditional rights have never been utilized but have been studied

- Conditional Storage
 - Upper Sugarloaf Storage
 - Sugarloaf Enlargement
 - Decreed sites never developed
- Direct Flow Conditional
 - East Fork and Tennessee Fork Feeder Canal diversions
 - Physical canals no longer exist

Physical and Legal Constraints

- Rights adjudicated in 1969 but not perfected
 - Junior status indicates limited legal priority, e.g., Free River Conditions
- No physical means to divert water
- No means to store without Federal action
 - Need enlargement of Turquoise Reservoir
 - Action failed in 2001

Conclusion

- Recommend abandoning the conditional portions of the Subject Water Rights
 - Requires substantial new infrastructure, federal approvals, land acquisition, and water court actions
 - Uncertain and low potential yield
 - Growing legal risks to meet “can and will” standards

Next Steps

May 26 - Resolution
to City Council

File for voluntary
dismissal with
prejudice





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