

MEMORANDUM

Date: July 17, 2019
To: Transfer 83266
From: Brian Normandeau
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for water right 21-4059 to allow the water to be diverted from Fall River, and delivered through the Marysville gravity pressure pipeline system.

Authority to File:

The application was signed by James Boles on behalf of the Boles Family Trust. The Boles Family Trust is the current water right owner based on IDWR records, and the land owned based on Fremont County parcel data. Documentation was provided confirming James Boles is a trustee of the Boles Family Trust. The result of this transfer will allow the water to be diverted at the Marysville Diversion, and delivered through the Marysville canal system. The president of the Marysville Canal Company provided documentation stating their willingness to deliver the water using their existing infrastructure.

Water Right Validity:

The right was decreed 2/2/2007. Review of available aerial imagery does not indicate any 5-year period of non-use. No issues identified.

Injury to Other Water Rights:

The change in point of diversion will result in a change in source from Black Spring to Fall River. Both sources are tributary to the Henrys Fork. Generally, water rights on Fall River and Henrys Fork are curtailed to the same priority date. According to Water District 01, there are times during drought years when Fall River rights are curtailed to a different (more senior) priority date than Henrys Fork. The transferred right bears a 1910 priority date. This right would be curtailed long before the priority date split occurs. Further, this junior right is being moved into the more restrictive system, meaning the right may be curtailed earlier in certain drought years. The application was not protested, and the watermaster for Water District 01 did not oppose the approval of the transfer.

Enlargement of Use:

Approval of this transfer does not result in an increase to diversion rate or irrigated acres. The transfer cannot result in an enlargement of the water right. The water user cannot move to a more reliable source. Water right must be conditioned to limit the diversion to the amount of water available at the original source. Because this water right is so junior, it will likely already be curtailed before there would be spring flow declines at Black Spring.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

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.