

MEMORANDUM

Date: April 29, 2009
To: Transfer 73931
From: Michele Edl
Re: own storage vs own water right discussion

On March 17th, I emailed John Homan a couple questions that had surfaced out of an attempt to process transfer 73931 (Wiggins).

This memo is documentation of a discussion that was related to this transfer but also had wider impact than this single transfer.

The rights involved in the transfer were for irrigation, diversion to storage, irrigation from storage and irrigation storage. The Wiggins did not own the water rights listed in the transfer however, they do own the storage ponds.

I asked John Homan to clarify whether owning the storage facility constitutes owning the water rights impounded by that facility and whether he was aware of any precedence cases.

In short, the answers John provided to both questions was no.

Discussion between Western Region office and the State office involved comparing the storage rights in the Boise system vs those in other Bureau of Reclamation storage facilities. In the Boise system, the rights are held in trust for the downstream right holders, not owned by the Corps of Engineers, or Bureau of Reclamation.