

MEMORANDUM

Date: March 14, 2022
To: Transfer 85696
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer rearranges the place of use for the entirety of water right 35-7216B and changes the place of use and point of diversion for a 35-acre portion of right 35-2877 and a 63.2-acre portion of right 35-13403. It combines the three rights onto a 410.2-acre place of use.

Authority to File:

The applicant, Idaho Falls Farms, LLC has the authority to file. The application was signed by Luke Marchant, Attorney for the applicant. The applicant was the owner of record for all three rights. According to Jefferson County taxlot data, the applicant owns the existing and proposed places of use for all of the rights.

Water Right Validity:

The water rights are valid for transfer. 35-7216B and 35-13403 were decreed in 2002; 35-2877 was also decreed in 2002 and amended in 2007. Review of 2004 aerial photography demonstrates irrigation at the decreed places of use. The rights were then placed into a Conservation Reserve Program from the 2007 irrigation season through the 2021 irrigation season, according to Conservation Reserve Program Contracts submitted with the application. They were unused during this time. Non-use resulting from participation in federal cropland set-aside programs is a valid defense to forfeiture under Idaho Code 42-223(1).

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and was not protested. The Watermaster for Water District 120 was notified of the application and did not oppose its approval. A simulation in ESPAM was not required because the pre-transfer and post-transfer points of diversion are in adjacent model cells.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate, volume, nor irrigated acres are authorized to increase. The remainder of 35-2877 appears in this transfer as modified by Transfer 85827, submitted as a companion transfer to this one and approved concurrently.

Conservation of Water / Local Public Interest:

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.