

MEMORANDUM

Date: March 14, 2022
To: Transfer 85827
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer rearranges the portion of 35-2877 remaining after approval of companion Transfer 85696.

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 water right owner of record at the time of transfer submittal, according to the Department's database.
The applicant owned the pre-transfer and post-transfer places of use, according to Bonneville County taxlot data.

Water Right Validity:

The water right is valid for transfer.
It was decreed in 2002. The Decree was amended in 2007.
The water right was enrolled in a Conservation Reserve Program from May 1, 2007 – September 30, 2021, according to a Conservation Reserve Program Contract, submitted with the application. It was thus unused during that time. Participation in a federal cropland set-aside Program is a valid defense to forfeiture under Idaho Code 42-223(1).

Injury to Other Water Rights:

No injury will result from this transfer's approval.
The Watermaster for Water District 120 was notified of the transfer and did not oppose its approval.

Enlargement of Use:

No enlargement of use will result from this transfer's approval.
Rate, volume, nor irrigated acres are authorized to increase.
The elements in the approval are reduced as compared to the proof report submitted at transfer application because a 35-acre portion of this right was split as part of companion Transfer 85696.

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.