

MEMORANDUM

Date: March 30, 2021
To: Transfer 84704
From: Michelle Watts
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to move a split portion of right 35-14040 to a new point of diversion and new place of use. The split right, 35-14736, will add 39 acres within the permissible place of use for rights 35-14453 and 35-14454 to create a combined total of 121 acres to be irrigated. The remaining 8.5 acres of right 35-14040 will be moved in transfer 84705.

Authority to File:

Right 35-14040 is currently owned by the applicant, KBC Farms LLC, who acquired the parent right 35-7448 in 2005. Klaren Koornpin is a general partner in the LLC and is authorized to sign the application on behalf of the company. According to Bingham County Parcel data, the proposed POD and POU are on parcels RP0031700 and RP0036103 owned by William and Joanne Toevs. A cover letter, provided by the applicant's representative, explains the intent to change ownership of the right to the Toevs once the transfer has been approved. A contract of agreement from the Toevs authorizes the proposed POD and POU on their property.

Water Right Validity:

Right 35-14040 was created from a split within a change of ownership application completed in 2009. The right then entered the Water Supply Bank that same year and continued to be leased through 2020. Correspondence with Remington Buyer identified that IDWR received applications to lease rights 35-14040, 35-14453, and 35-14454 in 2021, but KBC Farms LLC and William Toevs confirmed they will move to cancel these applications. There should be no issues from the Water Supply Bank with the approval of this transfer and the right holders using their transferred portions this year. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be injured by the proposed changes. The current and proposed POU are within the ESPA boundary and a completion of the ESPA model analysis determined mitigation is not required. The transfer was advertised, and no protests were received. The proposed changes have been reviewed by the watermaster of WD 120, in which he does not oppose the approval of the application.

Enlargement of Use:

The proposed changes will not result in enlargement because water use will not increase as a result of the transfer.

Local Public Interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Effect on Economy of the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

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 this application.