

MEMORANDUM

Date: March 30, 2021
To: Transfer 84705
From: Michelle Watts
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to change the point of diversion and place of use for rights 35-13991 and the remaining portion of 35-14040 after its split in transfer 84704.

Authority to File:

Rights 35-13991 and 35-14040 are currently owned by the applicant, KBC Farms LLC, who acquired the parent rights 35-2426 and 35-7448 in 2005. Klaren Koopin is a general partner in the LLC and is authorized to sign the application. According to Bingham County Parcel data, the new POD and POU is on parcel RP0025600 owned by William and Joanne Toevs. A cover letter, provided by the applicant's representative, explains the intent to change ownership of the rights to the Toevs once the transfer has been approved. William and Joanne Toevs have signed a contract of agreement authorizing the POD and POU on their property.

Water Right Validity:

Rights 35-13991 and 35-14040 were both split rights retained by KBC Farms LLC during ownership changes in 2009. Both rights were then leased into the Water supply Bank in 2010. Right 35-14040 was leased to the bank through 2020 while right 35-13991 was only leased through 2015. Correspondence with the American Falls Aberdeen GWD determined that right 35-13991 was utilized in the district's mitigation plan. Forfeiture is not an issue.

Injury to Other Water Rights:

Other water rights will not be injured by the proposed change. 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 watermaster of WD 120 has been notified of the proposed changes and has not provided comment.

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.