

MEMORANDUM

Date: February 6, 2024

To: Transfer 87513

From: Thomas Lafortune

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to relocate a 30-acre portion of water right 35-14836 to create a new pivot in Bingham County owned by William and Joanne Toevs, changing the place of use and point of diversion. The new water right number for the 30-acre portion being moved is 35-14866. Water right 35-14836 and associated rights at the current place of use were split in an ownership change submitted in April 2023, after this transfer was submitted. Unfortunately, there were errors in the original ownership change splits. I reprocessed the ownership change before preparing the approval documents for this transfer to correct combined limits and split the POU. The parent water right of 35-14836 is right 35-14181. The parent right is the number listed in the application.

Authority to File: The applicant, Grandview Ranch LLC, is the owner of the parent right 35-14181. The application was signed by Dwight Baker, a registered agent of Grandview Ranch. The portion of the right being transferred (split portion 35-14836) was acquired by Lance and Lisa Funk in January 2023. The Funks signed a form of consent to transfer this right. The proposed place of use is owned by William and Joanne Toevs. A contract of agreement to move the 30-acre portion of this right to the Toevs' property was also included with the application. The applicant has authority to file.

Water Right Validity: Water right 35-14181 was decreed in the SRBA in 2002. Right 35-14836 is currently part of a 1550.5-acre permissible place of use. Aerial imagery shows consistent irrigation at most of the place of use since the right was decreed. Additionally, right 35-7489, part of the same place of use, is leased to the Water Supply Bank. Forfeiture is not a concern.

Injury to Other Water Rights: Transfer 87513 was advertised and protested by Idaho Power on the basis of trust water concerns. The protest was withdrawn upon the condition that the withdrawal does not act as a precedent to future protests. This transfer proposes a change in point of diversion within the ESPA. The ESPA Transfer Tool version 3.4 was run and did not reach the threshold to require mitigation. There is no evidence of injury to other water rights.

Enlargement of Use: The 30 acres being transferred will be moved from a 1550.5-acre permissible place of use to a 461.4-acre permissible place of use. The diversion rate, annual diversion volume, and acre limit of right 35-14836 will be reduced by the totals being transferred. Enlargement is not a concern.

Local Public interest: No issues identified.

Beneficial Use/Conservation of Water Resources: 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.