

## MEMORANDUM

**Date:** November 13, 2023  
**To:** Transfer 88535  
**From:** Cooper Fritz  
**Re:** Review & Evaluation of Sufficiency of Information

This transfer adds a point of diversion to rights 35-7914, 35-14241, and 35-14655, and changes the place of use and the point of diversion and adds the same additional point of diversion to a 58 acre portion of right 35-2391. After the transfer approval, the four rights will share the two points of diversion. Each right will continue to have independent, uncombined places of use, except for water rights 35-14241 and 35-14655 share a 415.8 acre combined place of use.

### Authority to File:

The applicant, Farmland Reserve, has the authority to file. Farmland Reserve is the current owner of record of water right 35-2391. The existing place of use for 35-2391 was owned by Lance Funk, according to Bannock County taxlot data. A 2022 Water Rights Bargain and Sale Deed changed the ownership of right 25-2391 from Lance Funk to Farmland Reserve. The applicant was the owner of the post-transfer place of use for the 58 acres split from 25-2391, the places of use for 35-7914, 35-14241, and 35-14655, and the points of diversion, according to Power County taxlot data. The application was signed by Scott Baird, the Vice President of Land Management for Farmland Reserve, Inc.

### Water Right Validity:

The water rights are valid for transfer. They were all either licensed in 2019 or decreed in 2002. Right 35-2391 was leased to the supply bank until the lease was cancelled on 11/7/2023. Aerial photography of the place of use for 35-7914, 35-14241, and 35-14655 demonstrate continuous use.

### Injury to Other Water Rights:

No other water rights will be injured as a result of the approval of this transfer. The transfer was advertised and no protests were received. The Watermaster of Water District 120 was notified of the application and did not respond. A simulation of the transfer was performed in ETRAN3.4. Mitigation was not required.

### Enlargement of Use:

No enlargement of use will result from the approval of this transfer. Rate, volume, nor irrigated acres are authorized to increase. The remainder of 35-2391 and associated right 35-7777 reflect the concurrent approvals of Transfers 88535, 87498, and 87507.

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.