

MEMORANDUM

Date: May 23, 2024
To: Transfer 88765
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion and/or place of use for seven water rights.

Seven Transferred Water Rights:

35-2391: Changes the point of diversion and place of use for an 18-acre portion
35-7777: Changes the point of diversion and place of use for a 40-acre portion
35-13608, 35-14081, 35-14084, 35-14089, 35-14092: Point of diversion described to the QQ rather than the QQQ, and two points of diversion removed.

This is one of four transfers (88767, 88765, 88772, 88781) submitted and approved together. The remaining 64 acres of 35-7777 are moved to a new place of use and point of diversion as part of Transfer 88772. The remaining 51 acres of 35-2391 are moved to a new place of use and point of diversion as part of Transfer 88767.

Authority to File

The applicant is Farmland Reserve, Inc, the owner of record for the water rights. According to Bannock County taxlot data, Lance Funk, owned the pre-transfer place of use for rights 35-7777 and 35-2391. A 2022 Water Right Bargain and Sale Deed transferred ownership from Lance Funk to Farmland Reserve. The place of use for the remaining rights was owned by Farmland Reserve, according to Power County taxlot data. Farmland Reserve owns the post-transfer place of use and point of diversion, according to Power County taxlot data. The application was signed by Scott Baird, Vice President of Farmland Reserve.

Water Right Validity

The water rights are valid for transfer. Rights 35-7777 and 35-2391 were decreed in 2002 and leased to the Water Supply Bank until November 2023. Rights 35-13608, 35-14081, 35-14084, 35-14089 were decreed in 2002 and 35-14092 was licensed in 1999. Post-decree or post-license places of use show consistent irrigation.

Injury to Other Water Rights

No injury to other water rights will result from the approval of this transfer. The Watermaster of Water District 120 was notified and did not provide comment. Application included a ESPA Transfer Tool analysis that showed no mitigation is required for the change. Application was advertised and protested by Idaho Power Company. The protest was withdrawn without condition.

Enlargement of Use

No enlargement of use will result from this transfer. Rate, volume, and irrigated acres are not authorized to increase. The post-transfer place of use was covered by right 35-14243, but that right requires mitigation for use. The applicant indicated that the intent was to abandon 35-14243 after transfer approval and a result, no combined limit was included.

The remaining portions of rights 35-2391 and 35-7777 in this transfer reflect their rights as defined by Transfers 88767 and 88772, respectively.

35-2391 and 35-7777 shared a combined limit at transfer submittal. However, they were additive. Therefore, a combined limit for their child rights is not included.

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.

