

MEMORANDUM

Date: June 25, 2024
To: Transfer 88767
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use and points of diversion for 51 acres of right 35-2391. The other 18 acres of the water right are changed through companion Transfer 88765.

Authority to File:

The applicant is Farmland Reserve, Inc, which is the owner of record for the rights. According to Bannock County taxlot data, Lance Funk, owned the pre-transfer place of use. A 2022 Water Right Bargain and Sale Deed transferred ownership from Lance Funk to Farmland Reserve. 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 right is valid for transfer. It was decreed in 2002 and leased to the Water Supply Bank until November 2023.

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. A simulation in ETRAN3.4 showed no need for mitigation.

The transfer was advertised and protested by Idaho Power Company, which subsequently withdrew its protest.

Enlargement of Use:

No enlargement of use will result from this transfer. Rate, volume, and irrigated acres are not authorized to increase. At the time of transfer approval the post-transfer place of use was covered by right 35-14240, which required mitigation for use. Applicant indicated that the intent was to abandon the overlapping portion of the right post transfer approval. Therefore, a combined limit was not included. 35-2391 and 35-7777 shared a combined limit at transfer submittal of 173 acres. However, they were additive. Transfers 88765 and 88772 change the remaining 122 acres.

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.