

MEMORANDUM

Date: June 25, 2024
To: Transfer 88772
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use for rights 35-14317, 35-14318, 35-14319, and 35-14320. It also changes the place of use and point of diversion for a 64-acre portion of 35-7777 and a 29 acre portion of overlapping rights 35-2632 and 35-8218.

It is one of four transfers (88765, 88767, 88772, and 88781) that were submitted and approved simultaneously. Transfer 88765 changes the point of diversion and updates the place of use for the other 40 acres of right 35-7777. Transfer 88781 changes the place of use and point of diversion for an additional 35 acres of rights 35-2632 and 35-8218.

Authority to File:

The applicant, Farmland Reserve, Inc., has the authority to file. It was the water right owner of record at the time of transfer submittal. It also owned the pre-transfer and post-transfer places of use and the post-transfer point of diversion according to Power County taxlot data. The exception is the pre-transfer place of use for right 35-7777, which was owned by Lance Funk, according to Bannock County taxlot data. A 2022 Water Right Bargain and Sale Deed transferred ownership of the right from Lance Funk to Farmland Reserve. The application was signed by Scott Baird, Vice President of Farmland Reserve.

Water Right Validity:

The water rights are valid for transfer.

35-2632, 35-7777, 35-14317, 35-14318, and 35-14320 were decreed in 2002. 35-8218 was licensed 1996 and 35-14319 was licensed in 1999. Review of post-decree or post-license aerial photography demonstrates consistent irrigation with the exception of right 35-7777 which was leased to the Water Supply Bank until November of 2023.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer's approval. The Watermaster of Water District 120 was notified of the application and did not provide comment. Application included an ESPA Transfer Tool analysis showing that no mitigation is required. The transfer was advertised and protested by Idaho Power Company. The protest was withdrawn without condition.

Enlargement of Use:

No enlargement of use will result from the approval of this transfer. Rate, volume, nor irrigated acres are authorized to increase. 35-7777 shared a combined limit with 35-2391 at transfer submittal. However, they were additive. The total of right 35-2391 was redefined by Transfers 88765 and 88767 and separated from 35-7777. As a result, no combined limit was carried forward. The remaining portions of rights 35-2632 and 35-8218 in this approval document also reflect the concurrent approval of Transfer 88781.

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.