

MEMORANDUM

Date: June 27, 2024
To: Transfer 88781
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer changes the place of use and point of diversion for 35 acres of overlapping rights 35-2632 and 35-8218. Companion Transfer 88772, submitted and approved simultaneously, changes an additional 29 acres of the overlapping rights.

Authority to File:

The applicant, Farmland Reserve, Inc., has the authority to file. Farmland Reserve is the owner of the water rights, according to the Department database. Farmland Reserve was the owner of the pre- and post-transfer places of use the post-transfer points 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. 35-2362 was decreed in 2002 and 35-8218 was licensed in 1999. Review of post-decree or post-licensing aerial photography demonstrates consistent irrigation.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer's approval. The Water of Water District 120 was notified of the transfer and did not 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 The protest was withdrawn without condition.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 irrigation acres are authorized to increase. The post-transfer place of use was covered by rights 35-14241 and 35-14655 at the time of this transfer's approval. 35-14241 and 35-14655 require mitigation for use, and the applicant indicated that the intent was to abandon the overlapping portions after transfer approval. As a result, no combined limit was included. The remaining portions of the rights in this approval document reflect the concurrent approval of Transfer 88772.

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.