

MEMORANDUM

Date: November 13, 2025
To: Transfer 90079
From: Blake Jordan
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion, place of use, season of use, and nature of use for a 3.9 acre portion of water right 35-14923. HK Contractors owns a concrete batch plant located in Fremont County and is seeking to acquire a water right for their operation. The applicant also filed application for permit 22-14678 seeking to establish a new water right for the concrete batch plant. Water right 35-14923 (3.9 acre portion) will be used to mitigate the diversion and use of water under permit 22-14678. The nature of use will be changed to Mitigation by Non-Use. The season of use will change to 04/01-12/31. A new well will be drilled.

Water rights 35-2276B, 35-13473 and 35-13474 were added to this transfer as associated water rights. These associated water rights share the same points of diversion with 35-14923 and carry a combined use condition that includes 35-14923. The combined use condition under the associated water rights will be updated to reflect the changes to 35-14923.

Authority to File:

The applicant is the current owner of the property at the proposed point of diversion and proposed place of use. Brian and Jessica Rowlan are the owners of water right 35-14923 per IDWR record and the owner. The applicant, water right owners and Rocky Mountain Environmental have purchase and sales agreement which allows the filing of this transfer. Jeff Trosper who is the president of HK Contractors, signed the application.

Water Right Validity:

A partial decree for this right was issued by the SRBA courts in 2002. The 3.9 acres being changed to be irrigated with wheel lines. In 2022 a pivot irrigation system was installed. The 3.9 acres have not been irrigated since 2022. Forfeiture is not an issue.

Injury to Other Water Rights:

The current point of diversion and proposed point of diversion are located within the ESPA model boundary. The Proposed point of diversion is within WD 100. The ESPA analysis that the applicant provided shows impacts to the individual ESPA river reaches are less than 2.0 af/trimester. No additional mitigation to the ESPA river reaches is required. This transfer was advertised and there were no protests. The watermaster for WD100 does not oppose the application.

Enlargement of Use:

A nature of use water balance was provided by the Applicant. The historic crops grown and harvested from the 3.9 acres was alfalfa-less frequent cuttings. According to ET-IDWR the ET value for alfalfa-less frequent cuttings is 2.8 acre-feet per acre. 10.9 acre-feet will be changed to Mitigation by Non-Use. The 3.9 acres proposed to be changed is associated with a pivot corner that will remain dry. There are no enlargement issues.

Local Public interest:

No issues identified

Beneficial Use/Conservation of Water Resources:
No issues identified.

Effect on Economy the Local Area:
No issues identified.

Effect on Agricultural Base of the Local Area:
No issues identified.

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.