

MEMORANDUM

Date: 11/18/2025
To: 90002
From: McKenna Webster
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes a split of water right 35-7449B as well as changes in point of diversion, nature of use, place of use, and period of use. The split water right, 21-13347, is to be for commercial use in basin 21. An Application for Water Permit was applied for with this transfer to obtain a reasonable diversion rate for the Applicant's purposes. Together these rights will not exceed the rate of 0.3 cfs and a volume of 3.1 afa. The volume to be transferred includes the proposed consumptive use for the Permit and Transfer applications combined.

Authority to File:

Purchase and sale agreements for the water right included in this transfer were provided by Rocky Mountain Environmental (RME), the applicants' representative. These documents were signed by the current owner of the water rights as supported by IDWR records. Upon approval of this transfer, the water right will be conveyed to the applicant. Additionally, Fremont County parcel data shows that the applicant is the owner of the proposed place of use. Both security interests were notified and neither objected to the transfer.

Water Right Validity:

The water right was decreed in the SRBA in 2002. Aerial imagery and google earth suggest regular irrigation and cultivation of the place of use for over two decades. No forfeiture issues.

Injury to Other Water Rights:

The current point of diversion is within the ESPA, but the proposed point of diversion lies outside the ESPA boundaries. An analysis of impacts to the Snake River was completed using the closest ESPA model cell, and the results show that no mitigation is required. The transfer application was advertised, and one protest was received and withdrawn.

Enlargement of Use:

According to WD 120 water measurement records (WMIS # 500056) water has consistently been diverted at a rate exceeding right 35-7449B. The Department notified RME and requested information on how the applicant plans to address the over diversion issue. RME responded via email outlining the steps that will be taken to resolve the matter. As long as the applicant implements the plan described in the correspondence, no future rate of diversion issues are anticipated. No other enlargement issues have been identified.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issues identified.

Effect on Economy of 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.