

MEMORANDUM

Date: December 9, 2025

To: Transfer 90151

From: Christian Stewart

Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change nature of use, period of use, point of diversion, and place of use for a split portion of an irrigation water right. The proposed use of the split water right is to provide industrial water for consumptive uses associated with a concrete mixing facility.

Authority to File: The application was filed by Knife River Corporation Mountain West and was signed by Joseph Smith, environmental manager, who was assigned the power to sign on behalf of the corporation. The proposed place of use is owned by Knife River Corporation Mountain West according to Bonneville County parcel data. The owner of record for the water rights is Phillips Brothers Farm and Livestock, who entered in an agreement with Rocky Mountain Water Exchange LLC (RMWE) to sell water right 35-7449B. Knife River Corporation Mountain West entered into an agreement to purchase a portion of the water right from RMWE.

Water Right Validity: Water right 35-7449B was decreed by the SRBA Court on 01/31/2002. The acres being moved are under a pivot. Cultivated crops are visible at the place of use in recent aerial imagery. No forfeiture issues identified.

Injury to Other Water Rights: The transfer was advertised without protest and the watermaster does not oppose application. The transfer proposes to move the point of diversion for rights within the Eastern Snake Plain Aquifer. According to ETRAN model, the transfer's impacts to the Snake River do not require mitigation. No injury issues identified.

Enlargement of Use: The portion of the water right being transferred was historically used to grow alfalfa. There are no stacked water rights at the irrigation place of use. The precipitation deficit for Alfalfa Less Frequent Cuttings is 2.92 feet per year according to ETIDWR. The volume for industrial use is limited to 28.6 af, the historical consumptive use of 9.8 acres of alfalfa.

According to WD 120 water measurement records (WMIS # 500056) water has consistently been diverted at a rate exceeding right 35-7449B. The Department notified the applicant's representative, Rocky Mountain Environmental (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 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.