

MEMORANDUM

Date: May 6, 2026
To: Transfer 90280
From: Christian Stewart
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion, place of use, and nature of use for a 1.5-acre portion of groundwater right 35-7449B. The transferred portion will be used to mitigate the depletion caused by the diversion and use of water under Permit 29-14564. Pocatello Ready Mix (applicant) is seeking to mitigate for the consumptive use associated with an industrial holding pond authorized under Permit 29-14564. Mitigation is achieved through non-use under the portion of right 35-7449B being transferred. Accordingly, the nature of use will be changed to Mitigation by Non-Use.

Authority to File: Phillips Brothers Farm and Livestock is the owner of record for water right 35-7449B. Pocatello Ready Mix Inc. has contracted to buy a portion of water right 35-7449B through Rocky Mountain Water Exchange LLC. The application was signed by Coleman Horrocks, vice president of Pocatello Ready Mix Inc. according to the Idaho Secretary of State.

Water Right Validity: Water right 35-7449B was decreed in the SRBA on 1/31/2002 and has been thoroughly evaluated for validity in several recently approved transfers. Forfeiture is not an issue.

Injury to Other Water Rights: This transfer proposes to mitigate the consumptive use under Permit 29-14564, specifically the evaporation losses from an industrial storage holding pond. The applicant provided an ESPA analysis demonstrating that full mitigation will be achieved. To fully mitigate transient impacts to the Near Blackfoot to Neeley reach, the applicant has secured 4.0 acres under rights 35-13944, 35-13946, and 35-13948 that will not be irrigated during the 2026 irrigation season. The watermaster for Water District 120 does not oppose the application. This transfer was advertised and there were no protests.

Enlargement of Use: The diversion rate of the transfer portion is not changing. The 1.5 acres being transferred were previously used to grow alfalfa. Using ETIDWR, Alfalfa (less frequent cuttings) has a precipitation deficit of 2.95af/ac at the Taber station. The total consumptive volume available to use for Mitigation-by-Nonuse is 4.4 acre-feet. There are no stacked water rights at the current irrigation place of use. No enlargement issues identified.

Local Public interest: No issues identified.

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

Effect on Agricultural Base of the Local Area: Drying up 1.5 irrigated acres is unlikely to have significant effect on the agricultural base of the local area.

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.