

MEMORANDUM

Date: February 23, 2026
To: Transfer 90248
From: Christian Stewart
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion and place of use for a 2.4-acre portion of water right 35-7449B. The 2.4 acres being changed will be identified under water right 23-11588. Rainey Creek Enterprise (applicant) is seeking to irrigate an additional 2.4 acres within a 22.0-acre permissible place of use. Right 23-11588 will utilize the same irrigation system and share the same 22.0-acre permissible place of use described under Permit 23-11483.

Authority to File: The owner of record for water right 35-7449B is Phillips Brothers Farm and Livestock. Rainey Creek Enterprises LLC, the applicant, has contracted to buy a 2.4-acre portion of water right 35-7449B from Phillips Brothers Farm and Livestock through Rocky Mountain Water Exchange LLC. The proposed permissible place of use is owned by several entities, including Rainey Creek Enterprises LLC, who were each notified of the transfer application. The application was signed by Shane Fleming of Rainey Creek Enterprises LLC.

AXA Equitable Life Insurance Company (AXA) holds a security interest in water right 35-7449B. The applicant provided correspondence from AXA confirming their consent to the proposed changes.

Water Right Validity: The validity of water right 35-7449B has been well documented. Water right 35-7449B was decreed in the SRBA 01/31/2002 and was most recently included in Transfer Approval 90345 on 04/22/2026. There are no forfeiture concerns.

Injury to Other Water Rights: Originally, this transfer proposed to move a 3.5-acre portion of water right 35-7449B. The applicant later amended the application to address ESPA modeling injury concerns in the Heise-to-Shelley reach of the Snake River and to resolve enlargement issues related to the rate of diversion for the right being transferred, the amended transfer was advertised and wasn't protested.

This transfer proposes to change the point of diversion for a groundwater right within the ESPA. The proposed point of diversion is a shallow well located next to Rainey Creek, which is tributary to the South Fork of the Snake River, and outside the ESPA. The applicant provided an amended ESPA analysis indicating that 100% of the impacts from pumping 6.0 af (consumptive use volume) at the proposed point of diversion will be felt in the Heise to Shelley reach of the Snake River. Because 6.0 af/yr (2.0 af/trimester) is within the transfer approval threshold, no mitigation is required. Injury concerns have been addressed.

Enlargement of Use: The diversion rate, annual volume, and irrigated acreage are not increasing. No water rights are being unstacked. Permit 23-11483 authorizes the irrigation of 2.5 acres within the 22.0-acre permissible place of use. Water Right 23-11855 and Permit 23-11483 when combined are limited to 4.9 acres within the same 22.0-acre permissible place of use. The diversion rate associated with 23-11855 and 23-11483 provides an adequate supply of water to irrigate the 4.9 acres. The season of use at the proposed point of diversion and place of use is 04/15-10/31. No enlargement issues identified.

Local Public interest: No issues identified.

Beneficial Use/Conservation of Water Resources: 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.