

MEMORANDUM

Date: July 24, 2026
To: Transfer 90503
From: McKenna Webster
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 5-acre portion of water right 35-7449B. The 5.0-acre portion is now identified under right 29-14576. The applicant is seeking to provide irrigation water to a subdivision consisting of ten lots. Each lot will have its own well and is limited to irrigation of 0.3 acres. Overall, the subdivision will be limited to 3.0 acres.

Because a higher rate of diversion per acre is needed to provide a full water supply to each lot, the applicant filed Application for Permit no. 29-14577.

This transfer fully mitigates the depletion of water caused by the diversion and use under Permit 29-14577. The nature of use under 29-14576 (5.0-acre portion) will be changed to 'Mitigation by Non-Use'.

Authority to File:

Purchase and sale agreements involving the current owner of the water right 35-7449B and the applicant were provided, giving the applicant authority to file this transfer. After approval of this transfer, the ownership of right 29-14576 will be conveyed to the applicant and an ownership change application will be filed. Additionally, Bannock county parcel data shows that the applicant is the owner of the proposed place of use. A Secretary of State business report was provided showing Nick Jensen as an authorized signer on behalf of Spring Creek Homes LLC. The financial institutions holding a security interest in right 35-7449B has consented to the transfer.

Water Right Validity:

The water right was decreed in 2002. Aerial imagery shows regular irrigation of the place of use for over a decade. Forfeiture is not an issue.

Injury to Other Water Rights:

The current and proposed points of diversion are in the ESPA. An ESPA analysis was provided. To fully mitigate the depletions caused by the diversion and use of water under Permit 29-14577, five acres will be dried up. Additionally, to mitigate transient impacts to the ESPA river reaches, a staged development of irrigated acres and diversion volumes under Permit 29-14577 is proposed:

2026: 1.2 acres and 4.8 afa
2027: 1.5 acres and 6.0 afa.
2028 and beyond: 3.0 acres and 12.0 afa.

The transfer application was advertised, and no protests were received. The watermaster does not oppose both the transfer and permit applications. Injury concerns have been addressed.

Enlargement of Use:

Enlargement issues have been addressed.

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.