

MEMORANDUM

Date: February 2, 2021
To: Transfer 84584
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to change the point of diversion for rights 34-363, 34-760, 34-14461, and 34-14462. The point of diversion will move from the Longhurst Ditch to a shared pump station on a back channel of the Big Lost River.

Authority to File:

The applicant, 1000 Springs Ranch, LLC, has the authority to file. The application was signed by Michael Coughlin, a registered agent for 1000 Springs Ranch, LLC, according to Idaho Secretary of State records. The ownership of the four water rights will be updated to 1000 Springs Ranch, LLC. At the time of transfer submittal, rights 34-363 and 34-760 were owned by BBB Assets, LLC, and 34-14461 and 34-14462 were owned by both Ching Revocable Trust and HCRSD, LLC. A warranty deed (Instrument No. 259097), included with the application, grants the property covered by both sets of water rights' places of use from their respective owners of record to 1000 Springs Ranch, LLC. The deeds are silent on the water rights. 1000 Springs Ranch owns the post-transfer point of diversion, according to Instrument No. 259097.

Water Right Validity:

The rights are valid for transfer. They were decreed in 2001. The two properties associated with this transfer were part of a larger contiguous ranch owned by Herb Whitworth at the time the water rights were decreed. In 2006, Whitworth sold one portion of the ranch to BBB Assets, LLC, (rights 34-363 and 34-760) and another to Ching Revocable Trust (34-14461 and 34-14462), but Whitworth continued to farm the property as a single ranch through to the present day. The rights involved in this transfer have very junior priority dates and are rarely available for diversion. The applicant provided an affidavit from Whitworth explaining that the limited amount of water available to the ranch under these four rights was diverted and used to irrigate other areas of the ranch. Forfeiture is not an issue.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and no protests were received. The Watermaster for Water District 34 was notified of the transfer and did not oppose its approval. The pre-transfer point of diversion was the Longhurst Canal. According to Department records, the canal has one other user, Herb Whitworth, who submitted the affidavit discussed above as part of the transfer application.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. Rate nor irrigated acres are authorized to increase.

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.