

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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MAR 13 2025

DEPT. OF WATER RESOURCES
EASTERN REGION

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 89484) PETITION FOR RECONSIDERATION
IN THE NAME OF GREG)
GOLIGHTLY AND E&M TRUST)

PROCEDURAL HISTORY

On October 31, 2024, Greg Golightly and E & M Trust ("Applicants") filed Application for Transfer 89484 with the Idaho Department of Water Resources. The Department published notice of the application on January 8 and 15, 2025. No protests were filed. On February 27, 2025, the Department issued a Preliminary Order Denying Application in this matter.

PETITION FOR RECONSIDERATION

With this document, the Applicants petition Idaho Department of Water Resources to reconsider the denial.

REASONS FOR RECONSIDERATION

Applicants make this request for the following reasons:

1. In its investigation, the Department discovered facts that the Applicants and their consultant had not considered. This is primarily because the Applicants are relatively new owners of the proposed place of use. The former owners are now of limited capacity to communicate, and therefore the Applicants were not fully aware of the history of the proposed place of use. Further, the Applicants are not the historical owners of water right 13-311 but rather are under contract to purchase the water right, pending the success of the Application for Transfer. Hence, the Applicants also were not fully aware of the history of the water right.
2. As a result of the unique current ownership of water right 13-311 separately from ownership of the underlying Place of Use, Applicants' consultant incorrectly considered only the overlap of canal shares held by the current owner of the water right, which all were in the Cub River Irrigation Company (CRIC). Further, the consultant was not aware of the current physical limitation to use of water right 13-217 that overlaps additional parts of the proposed Place of Use.
3. Prior to the Denial, the Applicants and consultant had not had an opportunity to discuss with the Department its concerns.

PETITION FOR RECONSIDERATION

4. The Applicants and consultant had not had an opportunity to present adjustments to the Application that Applicants are willing to make, and which they believe would alleviate the concerns expressed by the Department.
5. The Applicants would like to adjust the Application for Transfer as generally outlined in the proposal presented below, and request the benefit of communication with the Department in order to craft an acceptable Application.

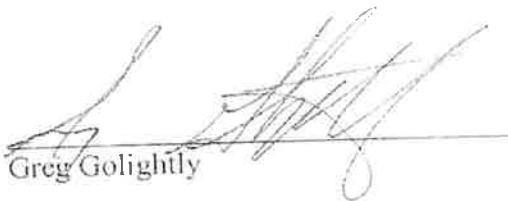
PROPOSAL.

Applicants propose the following adjustments:

6. Reduce the acreage to be transferred to reflect only the approximately 20 acres of the water right that can be transferred from a condition of overlap of the CRIC at the current Place of Use to an equivalent overlap of CRIC at the proposed Place of Use.
7. Transfer an additional rate of flow and corresponding acreage to a Mitigation use, to prevent injury from moving the Point of Diversion downstream. Applicants propose to specify the amount of flow and corresponding acreage after field work can be conducted to determine the rate of loss in the stream and the appropriate adjustment to keep other users whole.

Stockwater is an important part of the value of the right, and Applicants contemplate that the adjusted Transfer would include a stockwater component.

SIGNATURES


Greg Golightly

March 13, 2025


(signature)

March 13, 2025

Karla Jensen
(name)

PoA
(title)

of E&M Trust