

Memorandum

Date: July 15, 2025

To: Transfer 89484

From: Cooper Fritz

Re: Review & Evaluation of Sufficiency of Information

This transfer changes the point of diversion and place of use for 20 acres of water right 13-311. Due to technical requirements, right 13-311 was split outside the transfer application; therefore, only the resulting child right, 13-9542, is included in the transfer approval. The remaining portion of 13-311 is listed as an Associated Water Right.

Authority to File:

The applicant, Greg Golightly, has the authority to file.

The applicant signed the application.

At the time the transfer was submitted, Department records listed Samuel Nash Hull as the owner of the water right. The transferred place of use covered three parcels: RP02022.02, owned by Karen Higley, and RP02604.02, and RP02604.00, owned by Storage Solutions, LLC. The water rights from these parcels were conveyed to Hull by quitclaim deeds dated September 26, 2022, May 11, 2023, and July 9, 2025, respectively, and were included in the application.

An "Agreement for Purchase and Sale of Water Right" included with the application states that, upon approval of the transfer, Hull will sell the right to the applicant. The agreement is signed by both Hull and the applicant.

Applicant owns the property at the post-transfer place of use, according to Franklin County parcel data.

A draft "Special Warranty Deed" transferring ownership of the water right from Hull to the applicant is included in the transfer application and is intended to be executed upon transfer approval. As a result, ownership will be updated after the transfer is approved.

Water Right Validity:

The water right is valid for transfer. It was decreed in 1981, and review of available post-decree aerial imagery shows consistent irrigation, indicating that forfeiture is not a concern.

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 of Water District 13A was notified and did not respond.

Water right 13-311 is a senior right on Spring Creek. The transfer proposes to move 20 acres downstream by 0.75 miles to the next diversion on the creek. On April 2, 2025, the applicant's consultant, Rocky Mountain Environmental Associates, Inc., conducted three flow measurements, which indicated an average gain of 0.41 cfs in the Spring Creek channel between the existing and proposed points of diversion. Junior water rights at the post-transfer point of diversion may have relied on that reach gain prior to this transfer. To prevent injury, the transferred portion of the water right will be limited to the diversion rate available at the original point of diversion.

Enlargement of Use:

No enlargement of use will result from the approval of this transfer.

Rate, volume, nor irrigated acres are authorized to increase.

The 20 transferred acres were, and will continue to be, overlapped by shares from Cub River Irrigation Company at both the pre- and post-transfer places of use.

Water rights 13-217, 13-62, and 13-7792 are also located at the post-transfer place of use.

Prior to the transfer application, these three rights had a combined limit of 218 AF on 57 acres, which is equivalent to 3.8 AF/acre, which exceeds the standard 3.5 AF/acre. Because these rights already provided a full water supply, the 20-acre portion of right 13-311 does not authorize any additional diverted volume.

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.