

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 84662**

This is to certify that: **HIGLEY LAND INVESTMENTS LLC**  
PO BOX 25  
MALTA, ID 83342-0025

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 43-13773           | WR/DECREED          | 3/15/1956            | 0.170 cfs             | 50.4 af                 | N/A               | 12.6               | GROUND WATER  |
| 43-13889           | WR/DECREED          | 9/8/1950             | 0.990 cfs             | 325.6 af                | 81.4              | 616.0              | GROUND WATER  |
| 43-13890           | WR/DECREED          | 3/5/1956             | 5.760 cfs             | 1504.0 af               | 376.0             | 616.0              | GROUND WATER  |
| 43-13891           | WR/DECREED          | 1/1/1953             | 2.420 cfs             | 492.8 af                | 123.2             | 616.0              | GROUND WATER  |
| 43-13892           | WR/DECREED          | 4/1/1954             | 0.790 cfs             | 380.8 af                | 510.0             | 616.0              | GROUND WATER  |
| 43-13893           | WR/DECREED          | 4/1/1954             | 1.220 cfs             | 254.4 af                | 63.6              | 616.0              | GROUND WATER  |
| 43-13894           | WR/DECREED          | 3/15/1956            | 0.310 cfs             | 98.4 af                 | 24.6              | 616.0              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 43-13773              | NO           | YES        | YES        | YES            | NO                   | NO                   |
| 43-13889              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 43-13890              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 43-13891              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 43-13892              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 43-13893              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 43-13894              | NO           | NO         | YES        | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 43-13773               | 43-13773                         | 0.170 cfs            | 50.4 af                | 12.6              | 628.6              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 43-13889               | 43-13889                         | 0.990 cfs            | 325.6 af               | 81.4              | 628.6              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 43-13890               | 43-13890                         | 5.760 cfs            | 1504.0 af              | 376.0             | 628.6              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 43-13891               | 43-13891                         | 2.420 cfs            | 492.8 af               | 123.2             | 628.6              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 43-13892               | 43-13892                         | 0.790 cfs            | 380.8 af               | 510.0             | 628.6              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 43-13893               | 43-13893                         | 1.220 cfs            | 254.4 af               | 63.6              | 628.6              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 43-13894               | 43-13894                         | 0.310 cfs            | 98.4 af                | 24.6              | 628.6              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>11.520 cfs</b>    | <b>2514.4 af</b>       | <b>628.6</b>      | <b>628.6</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

SUPPORT DATA

Transfer No. 84662

IN FILE # 43-13773

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 84662

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 19<sup>th</sup> day of April, 2021

  
\_\_\_\_\_  
Southern Region Manager



**WATER RIGHT NO. 43-13773****As Modified by Transfer No. 84662**

In accordance with the approval of Transfer No. 84662, Water Right No. 43-13773 is now described as follows:

**Right Holder:** HIGLEY LAND INVESTMENTS LLC  
PO BOX 25  
MALTA, ID 83342-0025

**Priority Date:** 3/15/1956

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.170 cfs             | 50.4 af                 |
|                       |             |           | 0.170 cfs             | 50.4 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |       |                 |               |
|--------------|------|-------|-----------------|---------------|
| GROUND WATER | SESW | Sec 4 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |    |    |    | NW   |      |      |      | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|------|------|------|------|------|------|------|------|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 13S | 27E | 33  |    |    |    |    |      |      |      |      |      |      | 35.7 | 32.6 |    |    |    |    | 68.3   |
| 14S | 27E | 4   |    |    |    |    | 36.3 | 35.9 | 37.3 | 37.3 | 36.2 | 36.5 | 37.2 | 32.6 |    |    |    |    | 289.3  |
|     |     |     |    |    |    |    | L 3  | L 4  |      |      |      |      |      |      |    |    |    |    |        |
| 14S | 27E | 9   |    |    |    |    | 31.6 | 35.7 | 37.4 | 32.9 | 32.2 | 37.2 | 31.6 | 32.4 |    |    |    |    | 271.0  |

Right Acre Limit: 12.6

POU Total Acres: 628.6

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 12.6 acres within the place of use described above in a single irrigation season.
2. Rights 43-13773, 43-13889, 43-13890, 43-13891, 43-13892, 43-13893 and 43-13894 when combined shall not exceed a total diversion rate of 11.52 cfs, a total annual maximum diversion volume of 2514.4 af at the field headgate, and the irrigation of 628.6 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.

Transfer No. 84662

**WATER RIGHT NO. 43-13773**

**As Modified by Transfer No. 84662**

**CONDITIONS OF APPROVAL**

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 43-13889**  
**As Modified by Transfer No. 84662**

In accordance with the approval of Transfer No. 84662, Water Right No. 43-13889 is now described as follows:

**Right Holder:** HIGLEY LAND INVESTMENTS LLC  
 PO BOX 25  
 MALTA, ID 83342-0025

**Priority Date:** 9/8/1950

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.990 cfs             | 325.6 af                |
|                       |             |           | 0.990 cfs             | 325.6 af                |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |       |                 |               |
|--------------|------|-------|-----------------|---------------|
| GROUND WATER | SESW | Sec 4 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |    |    | NW   |      |      |      | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|------|------|------|------|------|------|------|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 13S | 27E | 33  |    |    |    |    |      |      |      |      |      |      | 35.7 | 32.6 |    |    |    |    | 68.3   |
| 14S | 27E | 4   |    |    |    |    | 36.3 | 35.9 | 37.3 | 37.3 | 36.2 | 36.5 | 37.2 | 32.6 |    |    |    |    | 289.3  |
|     |     |     |    |    |    |    | L 3  | L 4  |      |      |      |      |      |      |    |    |    |    |        |
| 14S | 27E | 9   |    |    |    |    | 31.6 | 35.7 | 37.4 | 32.9 | 32.2 | 37.2 | 31.6 | 32.4 |    |    |    |    | 271.0  |

Right Acre Limit: 81.4

POU Total Acres: 628.6

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 81.4 acres within the authorized place of use in a single irrigation season.
2. Rights 43-13889, 43-13890, 43-13891, 43-13892, 43-13893 and 43-13894 when combined shall not exceed a total diversion rate of 11.35 cfs, a total annual maximum diversion volume of 2464.0 af at the field headgate, and the irrigation of 616.0 acres.
3. Rights 43-13889, 43-13890, 43-13891, 43-13893, and 43-13892 when combined shall not exceed a total diversion rate of 11.03 cfs, a total annual maximum diversion volume of 2365.5 af at the field headgate, and the irrigation of 591.4 acres.

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**WATER RIGHT NO. 43-13889**  
**As Modified by Transfer No. 84662**

**CONDITIONS OF APPROVAL**

4. Rights 43-13773, 43-13889, 43-13890, 43-13891, 43-13892, 43-13893 and 43-13894 when combined shall not exceed a total diversion rate of 11.52 cfs, a total annual maximum diversion volume of 2514.4 af at the field headgate, and the irrigation of 628.6 acres.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 43-13890****As Modified by Transfer No. 84662**

In accordance with the approval of Transfer No. 84662, Water Right No. 43-13890 is now described as follows:

**Right Holder:** HIGLEY LAND INVESTMENTS LLC  
PO BOX 25  
MALTA, ID 83342-0025

**Priority Date:** 3/5/1956

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 5.760 cfs             | 1504.0 af               |
|                       |             |           | 5.760 cfs             | 1504.0 af               |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |       |                 |               |
|--------------|------|-------|-----------------|---------------|
| GROUND WATER | SESW | Sec 4 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |    |    |    | NW   |      |      |      | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|------|------|------|------|------|------|------|------|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 13S | 27E | 33  |    |    |    |    |      |      |      |      |      |      | 35.7 | 32.6 |    |    |    |    | 68.3   |
| 14S | 27E | 4   |    |    |    |    | 36.3 | 35.9 | 37.3 | 37.3 | 36.2 | 36.5 | 37.2 | 32.6 |    |    |    |    | 289.3  |
|     |     |     |    |    |    |    | L 3  | L 4  |      |      |      |      |      |      |    |    |    |    |        |
| 14S | 27E | 9   |    |    |    |    | 31.6 | 35.7 | 37.4 | 32.9 | 32.2 | 37.2 | 31.6 | 32.4 |    |    |    |    | 271.0  |

Right Acre Limit: 376.0

POU Total Acres: 628.6

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 376.0 acres within the authorized place of use in a single irrigation season.
2. Rights 43-13889, 43-13890, 43-13891, 43-13892, 43-13893 and 43-13894 when combined shall not exceed a total diversion rate of 11.35 cfs, a total annual maximum diversion volume of 2464.0 af at the field headgate, and the irrigation of 616.0 acres.
3. Rights 43-13889, 43-13890, 43-13891, 43-13893, and 43-13892 when combined shall not exceed a total diversion rate of 11.03 cfs, a total annual maximum diversion volume of 2365.5 af at the field headgate, and the irrigation of 591.4 acres.

Transfer No. 84662

**WATER RIGHT NO. 43-13890**  
**As Modified by Transfer No. 84662**

**CONDITIONS OF APPROVAL**

4. Rights 43-13890, 43-13891, 43-13893, and 43-13892 when combined shall not exceed a total diversion rate of 10.24 cfs, a total annual maximum diversion volume of 2047.9 af at the field headgate, and the irrigation of 512.0 acres.
5. Rights 43-13773, 43-13889, 43-13890, 43-13891, 43-13892, 43-13893 and 43-13894 when combined shall not exceed a total diversion rate of 11.52 cfs, a total annual maximum diversion volume of 2514.4 af at the field headgate, and the irrigation of 628.6 acres.
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 43-13891****As Modified by Transfer No. 84662**

In accordance with the approval of Transfer No. 84662, Water Right No. 43-13891 is now described as follows:

**Right Holder:** HIGLEY LAND INVESTMENTS LLC  
PO BOX 25  
MALTA, ID 83342-0025

**Priority Date:** 1/1/1953

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 2,420 cfs             | 492.8 af                |
|                       |             |           | 2,420 cfs             | 492.8 af                |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |       |                 |               |
|--------------|------|-------|-----------------|---------------|
| GROUND WATER | SESW | Sec 4 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SENW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |    |    |    | NW   |      |      |      | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|------|------|------|------|------|------|------|------|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 13S | 27E | 33  |    |    |    |    |      |      |      |      |      |      | 35.7 | 32.6 |    |    |    |    | 68.3   |
| 14S | 27E | 4   |    |    |    |    | 36.3 | 35.9 | 37.3 | 37.3 | 36.2 | 36.5 | 37.2 | 32.6 |    |    |    |    | 289.3  |
|     |     |     |    |    |    |    | L 3  | L 4  |      |      |      |      |      |      |    |    |    |    |        |
| 14S | 27E | 9   |    |    |    |    | 31.6 | 35.7 | 37.4 | 32.9 | 32.2 | 37.2 | 31.6 | 32.4 |    |    |    |    | 271.0  |

Right Acre Limit: 123.2  
POU Total Acres: 628.6

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 123.2 acres within the authorized place of use in a single irrigation season.
2. Rights 43-13889, 43-13890, 43-13891, 43-13892, 43-13893 and 43-13894 when combined shall not exceed a total diversion rate of 11.35 cfs, a total annual maximum diversion volume of 2464.0 af at the field headgate, and the irrigation of 616.0 acres.
3. Rights 43-13889, 43-13890, 43-13891, 43-13893, and 43-13892 when combined shall not exceed a total diversion rate of 11.03 cfs, a total annual maximum diversion volume of 2365.5 af at the field headgate, and the irrigation of 591.4 acres.

Transfer No. 84662

**WATER RIGHT NO. 43-13891**  
**As Modified by Transfer No. 84662**

**CONDITIONS OF APPROVAL**

4. Rights 43-13890, 43-13891, 43-13893, and 43-13892 when combined shall not exceed a total diversion rate of 10.24 cfs, a total annual maximum diversion volume of 2047.9 af at the field headgate, and the irrigation of 512.0 acres.
5. Rights 43-13773, 43-13889, 43-13890, 43-13891, 43-13892, 43-13893 and 43-13894 when combined shall not exceed a total diversion rate of 11.52 cfs, a total annual maximum diversion volume of 2514.4 af at the field headgate, and the irrigation of 628.6 acres.
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 43-13892****As Modified by Transfer No. 84662**

In accordance with the approval of Transfer No. 84662, Water Right No. 43-13892 is now described as follows:

**Right Holder:** HIGLEY LAND INVESTMENTS LLC  
PO BOX 25  
MALTA, ID 83342-0025

**Priority Date:** 4/1/1954

**Source:** GROUND WATER

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| IRRIGATION                   | 03/15              | to 11/15         | 0.790 cfs                    | 380.8 af                       |
|                              |                    |                  | 0.790 cfs                    | 380.8 af                       |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |       |                 |               |
|--------------|------|-------|-----------------|---------------|
| GROUND WATER | SESW | Sec 4 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |    |    | NW   |      |      |      | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|------|------|------|------|------|------|------|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 13S | 27E | 33  |    |    |    |    |      |      |      |      |      |      | 35.7 | 32.6 |    |    |    |    | 68.3   |
| 14S | 27E | 4   |    |    |    |    | 36.3 | 35.9 | 37.3 | 37.3 | 36.2 | 36.5 | 37.2 | 32.6 |    |    |    |    | 289.3  |
|     |     |     |    |    |    |    | L 3  | L 4  |      |      |      |      |      |      |    |    |    |    |        |
| 14S | 27E | 9   |    |    |    |    | 31.6 | 35.7 | 37.4 | 32.9 | 32.2 | 37.2 | 31.6 | 32.4 |    |    |    |    | 271.0  |

Right Acre Limit: 510.0

POU Total Acres: 628.6

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 510.0 acres within the authorized place of use in a single irrigation season.
2. Rights 43-13889, 43-13890, 43-13891, 43-13892, 43-13893 and 43-13894 when combined shall not exceed a total diversion rate of 11.35 cfs, a total annual maximum diversion volume of 2464.0 af at the field headgate, and the irrigation of 616.0 acres.
3. Rights 43-13889, 43-13890, 43-13891, 43-13893, and 43-13892 when combined shall not exceed a total diversion rate of 11.03 cfs, a total annual maximum diversion volume of 2365.5 af at the field headgate, and the irrigation of 591.4 acres.

Transfer No. 84662

**WATER RIGHT NO. 43-13892**

**As Modified by Transfer No. 84662**

**CONDITIONS OF APPROVAL**

4. Rights 43-13890, 43-13891, 43-13893, and 43-13892 when combined shall not exceed a total diversion rate of 10.24 cfs, a total annual maximum diversion volume of 2047.9 af at the field headgate, and the irrigation of 512.0 acres.
5. Rights 43-13773, 43-13889, 43-13890, 43-13891, 43-13892, 43-13893 and 43-13894 when combined shall not exceed a total diversion rate of 11.52 cfs, a total annual maximum diversion volume of 2514.4 af at the field headgate, and the irrigation of 628.6 acres.
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 43-13893****As Modified by Transfer No. 84662**

In accordance with the approval of Transfer No. 84662, Water Right No. 43-13893 is now described as follows:

**Right Holder:** HIGLEY LAND INVESTMENTS LLC  
PO BOX 25  
MALTA, ID 83342-0025

**Priority Date:** 4/1/1954

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 1.220 cfs             | 254.4 af                |
|                       |             |           | 1.220 cfs             | 254.4 af                |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |       |                 |               |
|--------------|------|-------|-----------------|---------------|
| GROUND WATER | SESW | Sec 4 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

|     |     |     | NE |    |    |    | NW   |      |      |      | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|------|------|------|------|------|------|------|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 13S | 27E | 33  |    |    |    |    |      |      |      |      |      |      | 35.7 | 32.6 |    |    |    |    | 68.3   |
| 14S | 27E | 4   |    |    |    |    | 36.3 | 35.9 | 37.3 | 37.3 | 36.2 | 36.5 | 37.2 | 32.6 |    |    |    |    | 289.3  |
|     |     |     |    |    |    |    | L 3  | L 4  |      |      |      |      |      |      |    |    |    |    |        |
| 14S | 27E | 9   |    |    |    |    | 31.6 | 35.7 | 37.4 | 32.9 | 32.2 | 37.2 | 31.6 | 32.4 |    |    |    |    | 271.0  |

Right Acre Limit: 63.6

POU Total Acres: 628.6

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 63.6 acres within the authorized place of use in a single irrigation season.
2. Rights 43-13889, 43-13890, 43-13891, 43-13892, 43-13893 and 43-13894 when combined shall not exceed a total diversion rate of 11.35 cfs, a total annual maximum diversion volume of 2464.0 af at the field headgate, and the irrigation of 616.0 acres.
3. Rights 43-13889, 43-13890, 43-13891, 43-13893, and 43-13892 when combined shall not exceed a total diversion rate of 11.03 cfs, a total annual maximum diversion volume of 2365.5 af at the field headgate, and the irrigation of 591.4 acres.

Transfer No. 84662

**WATER RIGHT NO. 43-13893**

**As Modified by Transfer No. 84662**

**CONDITIONS OF APPROVAL**

4. Rights 43-13890, 43-13891, 43-13893, and 43-13892 when combined shall not exceed a total diversion rate of 10.24 cfs, a total annual maximum diversion volume of 2047.9 af at the field headgate, and the irrigation of 512.0 acres.
5. Rights 43-13773, 43-13889, 43-13890, 43-13891, 43-13892, 43-13893 and 43-13894 when combined shall not exceed a total diversion rate of 11.52 cfs, a total annual maximum diversion volume of 2514.4 af at the field headgate, and the irrigation of 628.6 acres.
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 43-13894****As Modified by Transfer No. 84662**

In accordance with the approval of Transfer No. 84662, Water Right No. 43-13894 is now described as follows:

**Right Holder:** HIGLEY LAND INVESTMENTS LLC  
PO BOX 25  
MALTA, ID 83342-0025

**Priority Date:** 3/15/1956

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.310 cfs             | 98.4 af                 |
|                       |             |           | 0.310 cfs             | 98.4 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

|              |      |       |                 |               |
|--------------|------|-------|-----------------|---------------|
| GROUND WATER | SESW | Sec 4 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SENW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |
| GROUND WATER | SESW | Sec 9 | Twp 14S Rge 27E | CASSIA County |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |    |    |    | NW   |      |      |      | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|------|------|------|------|------|------|------|------|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 13S | 27E | 33  |    |    |    |    |      |      |      |      |      |      | 35.7 | 32.6 |    |    |    |    | 68.3   |
| 14S | 27E | 4   |    |    |    |    | 36.3 | 35.9 | 37.3 | 37.3 | 36.2 | 36.5 | 37.2 | 32.6 |    |    |    |    | 289.3  |
|     |     |     |    |    |    |    | L 3  | L 4  |      |      |      |      |      |      |    |    |    |    |        |
| 14S | 27E | 9   |    |    |    |    | 31.6 | 35.7 | 37.4 | 32.9 | 32.2 | 37.2 | 31.6 | 32.4 |    |    |    |    | 271.0  |

Right Acre Limit: 24.6  
POU Total Acres: 628.6

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 24.6 acres within the place of use described above in a single irrigation season.
2. Rights 43-13889, 43-13890, 43-13891, 43-13892, 43-13893 and 43-13894 when combined shall not exceed a total diversion rate of 11.35 cfs, a total annual maximum diversion volume of 2464.0 af at the field headgate, and the irrigation of 616.0 acres.
3. Rights 43-13773, 43-13889, 43-13890, 43-13891, 43-13892, 43-13893 and 43-13894 when combined shall not exceed a total diversion rate of 11.52 cfs, a total annual maximum diversion volume of 2514.4 af at the field headgate, and the irrigation of 628.6 acres.

Transfer No. 84662

**WATER RIGHT NO. 43-13894**

**As Modified by Transfer No. 84662**

**CONDITIONS OF APPROVAL**

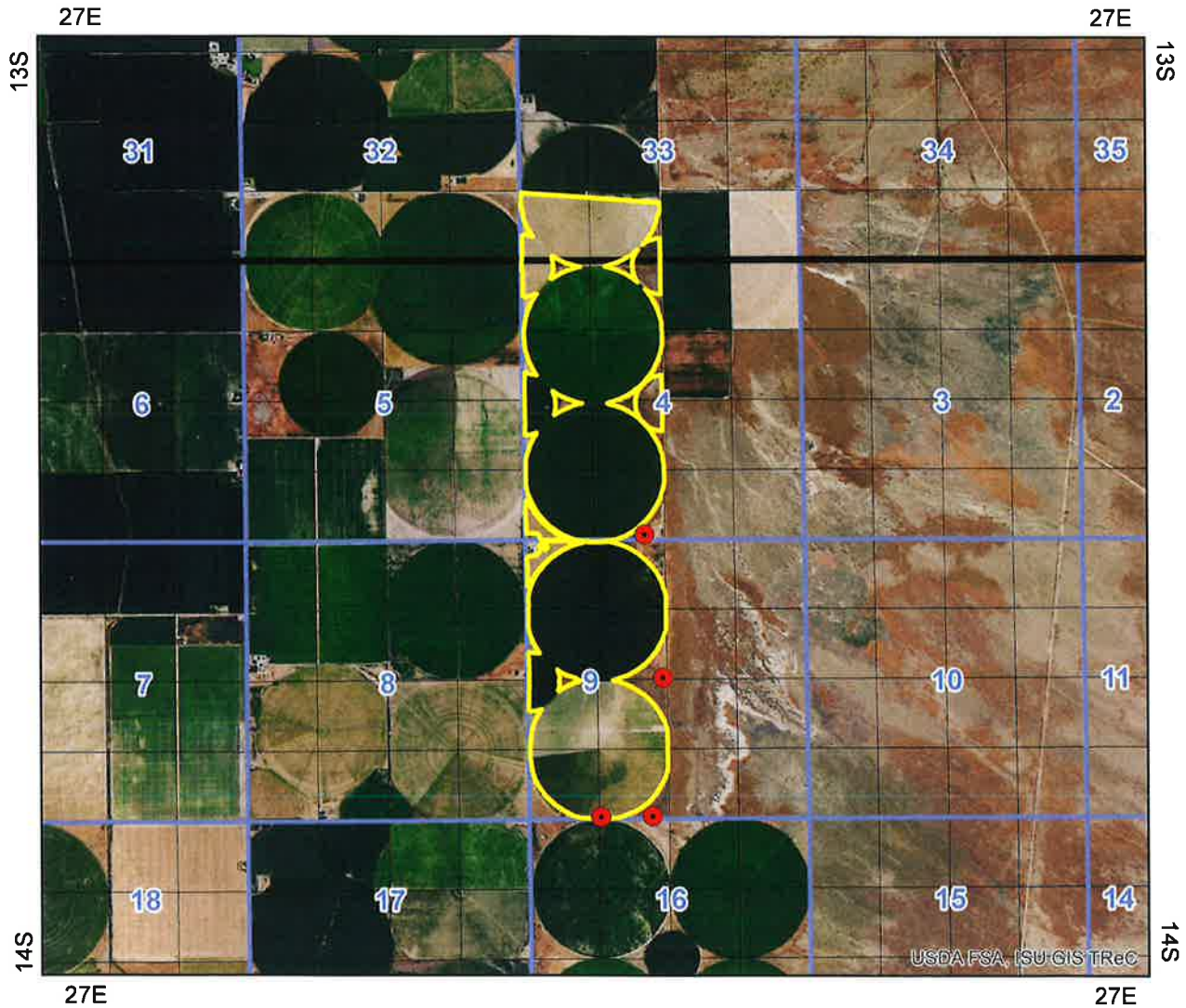
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 143.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho  
Department of Water Resources

## Attachment to Transfer # 84662

43-13773, 43-13889, 43-13890, 43-13891, 43-13892, 43-13893, and 43-13894

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.4 0.8 1.6 Miles





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov) • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

April 20, 2021

HIGLEY LAND INVESTMENTS LLC  
PO BOX 25  
MALTA ID 83342-0025

Re: Transfer No: 84662

Water Right No(s): 43-13773, 43-13889, 43-13890, 43-13891, 43-13892, 43-13893,  
43-13894

**Transfer Approval Notice**

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner  
Southern Regional Manager

Enclosure

c:

IRELAND BANK  
ATTN: LDC  
486 YELLOWSTONE AVE  
POCATELLO ID 83201-4532

WATER DISTRICT 143  
NATHAN ERICKSON  
650 ADDISON AVE W STE 500  
TWIN FALLS ID 83301-5858

## CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84662

Water Right No(s): 43-13773, 43-13889, 43-13890, 43-13891, 43-13892, 43-13893,  
43-13894

HIGLEY LAND INVESTMENTS LLC  
PO BOX 25  
MALTA ID 83342-0025

IRELAND BANK  
ATTN: LDC  
486 YELLOWSTONE AVE  
POCATELLO ID 83201-4532

WATER DISTRICT 143  
NATHAN ERICKSON  
650 ADDISON AVE W STE 500  
TWIN FALLS ID 83301-5858



Denise Maline  
Administrative Assistant

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## MEMORANDUM

**Date:** April 7, 2021  
**To:** Transfer #84662, Higley Land Investments, LLC File  
**From:** Jim Bitzenburg  
**Re:** Evaluation of Sufficiency of Information Submitted

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Application for transfer proposes to move ground water irrigation right 43-13773 from its present place of use (POU), located approximately 0.3 mile east and 3.1 miles south of Malta, to a nearby farm owned by the applicants, located approximately 2.8 to 3.3 miles east and 4.3 to 6.5 miles south of Malta, and modify the POU of the destination farm. The transfer will also drop one authorized point of diversion (POD) from each of the six existing rights at that farm and add the four remaining PODs to the right moving in. After the transfer, seven ground water irrigation rights will irrigate 628.6 acres with a combined flow rate of 11.52 cfs.

The applicant also requests to drop the 10 acre (QQQ) description from the PODs on all seven rights.

The transfer was advertised because it is located the Raft River Critical Ground Water Area. No protests were filed. Since it is located in Water District 143, watermaster comments were solicited. The Watermaster did not oppose the transfer.

The rights involved in the transfer include: 43-13773, 43-13889, 43-13890, 43-13891, 43-13892, 43-13893, & 43-13894.

- **Authority to File:**

The Department's database indicates that the water rights involved are owned by the applicant, Higley Land Investments, LLC and the application was signed by Heath Higley, who is the Registered Agent of the LLC. The latest Annual Report form on file with the Idaho Secretary of State is in the transfer application file.

- **Water Right Validity:**

The water rights involved have all been decreed in the SRBA. Aerial imagery seems to indicate that forfeiture is not an issue.

- **Injury to Other Water Rights:**

None anticipated or foreseen. Until a 2018 transfer, right 43-13773 was appurtenant to an adjacent farm. It was moved away for three years, and is now being moved back.

- **Enlargement of Use:**

None anticipated. Application intends to move a water right to a nearby farm and modify that farm's POU; no increase in rate, volume, or acres.

- **Local Public Interest:**

No issues anticipated. Transfer was advertised.

- **Beneficial Use/Conservation of Water Resources:**

Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**

None Anticipated

- **Effect of the Agricultural Base of the Area:**

None Anticipated

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.

✓ OK DM 4-2-2021

State of Idaho  
Department of Water Resources

**RECOMMENDATION OF WATERMASTER**

Transfer No: 84662  
Water Right No: 43-13773, etc.  
Applicant Name: HIGLEY LAND INVESTMENTS LLC

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

**Dated: March 18, 2021**

**Water District 143**

  
\_\_\_\_\_  
**Nathan Erickson, Watermaster**