

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82322**

This is to certify that: DAWN HIGLEY AND
HEATH HIGLEY
1971 S 2350 E
MALTA, ID 83342-8645

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	12.6	314.1	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
43-13768	WR/DECREED	9/8/1950	0.510 cfs	166.0 af	41.5	314.1	GROUND WATER
43-13769	WR/DECREED	3/5/1956	2.930 cfs	766.8 af	191.7	314.1	GROUND WATER
43-13770	WR/DECREED	1/1/1953	1.230 cfs	251.6 af	62.9	314.1	GROUND WATER
43-13771	WR/DECREED	4/1/1954	0.630 cfs	129.6 af	32.4	314.1	GROUND WATER
43-13772	WR/DECREED	4/1/1954	0.400 cfs	194.2 af	260.0	314.1	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	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	N/A	12.6	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.170 cfs	50.4 af	N/A	12.6		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 43-13773

Transfer No. 82322

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82322

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 31ST day of July, 2018.



Southern Region Manager



WATER RIGHT NO. 43-13773

As Modified by Transfer No. 82322

In accordance with the approval of Transfer No. 82322, Water Right No. 43-13773 is now described as follows:

Right Holder: HEATH HIGLEY And
DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342-8645

Priority Date: 3/15/1956

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **to** 11/15

Diversion Rate
0.170 cfs
0.170 cfs

Diversion Volume
50.4 af
50.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (SWNWSW) Sec 30 Twp 13S 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	26E	25															12.6		12.6

POU Total Acres: 12.6

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. 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.
3. 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.
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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 82322

WATER RIGHT NO. 43-13773
As Modified by Transfer No. 82322

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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. 43-13768
As Modified by Transfer No. 82322

In accordance with the approval of Transfer No. 82322, Water Right No. 43-13768 is now described as follows:

Right Holder: HEATH HIGLEY And
DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342-8645

Priority Date: 9/8/1950

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **to** 11/15

Diversion Rate
0.510 cfs
0.510 cfs

Diversion Volume
166.0 af
166.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 4	Twp 14S Rge 27E	CASSIA County
GROUND WATER	L3 (NENENW)	Sec 5	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SWSESW	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	32											32.0	32.1			33.6	36.0	133.7
14S	27E	5	39.0	39.0	19.2	19.2	32.0	32.0											180.4
			L 1	L 2			L 3	L 4											

Right Acre Limit: 41.5

POU Total Acres: 314.1

CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. 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.

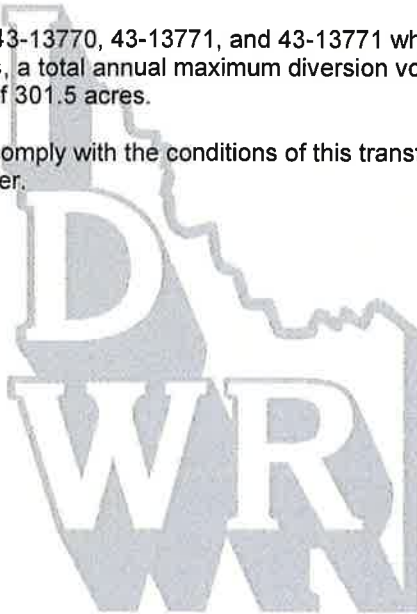
Transfer No. 82322

WATER RIGHT NO. 43-13768

As Modified by Transfer No. 82322

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 41.5 acres within the authorized place of use in a single irrigation season.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Rights 43-13768, 43-13769, 43-13770, 43-13771, and 43-13771 when combined shall not exceed a total diversion rate of 5.62 cfs, a total annual maximum diversion volume of 1206 af at the field headgate, and the irrigation of 301.5 acres.
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.



WATER RIGHT NO. 43-13769**As Modified by Transfer No. 82322**

In accordance with the approval of Transfer No. 82322, Water Right No. 43-13769 is now described as follows:

Right Holder: HEATH HIGLEY And
DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342-8645

Priority Date: 3/5/1956

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
2.930 cfs
2.930 cfs

Diversion Volume
766.8 af
766.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 4	Twp 14S Rge 27E	CASSIA County
GROUND WATER	L3 (NENENW)	Sec 5	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SWSESW	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	32											32.0	32.1			33.6	36.0	133.7
14S	27E	5	39.0	39.0	19.2	19.2	32.0	32.0											180.4
			L 1	L 2			L 3	L 4											

Right Acre Limit: 191.7

POU Total Acres: 314.1

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. This right is limited to the irrigation of 191.7 acres within the authorized place of use in a single irrigation season.
3. Rights 43-13769, 43-13770, 43-13771, and 43-13772 when combined shall not exceed a total diversion rate of 5.22 cfs, a total annual maximum diversion volume of 1044 af at the field headgate, and the irrigation of 261 acres.

Transfer No. 82322

WATER RIGHT NO. 43-13769

As Modified by Transfer No. 82322

CONDITIONS OF APPROVAL

4. Rights 43-13768, 43-13769, 43-13770, 43-13771, and 43-13772 when combined shall not exceed a total diversion rate of 5.62 cfs, a total annual maximum diversion volume of 1206 af at the field headgate, and the irrigation of 301.5 acres.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 place of use.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 43-13770**As Modified by Transfer No. 82322**

In accordance with the approval of Transfer No. 82322, Water Right No. 43-13770 is now described as follows:

Right Holder: HEATH HIGLEY And
DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342-8645

Priority Date: 1/1/1953

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
1.230 cfs
1.230 cfs

Diversion Volume
251.6 af
251.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 4	Twp 14S Rge 27E	CASSIA County
GROUND WATER	L3 (NENENW)	Sec 5	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SESENW	Sec 9	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SWSESW	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	32											32.0	32.1			33.6	36.0	133.7
14S	27E	5	39.0	39.0	19.2	19.2	32.0	32.0											180.4
			L 1	L 2			L 3	L 4											

Right Acre Limit: 62.9

POU Total Acres: 314.1

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Transfer No. 82322

WATER RIGHT NO. 43-13770
As Modified by Transfer No. 82322

CONDITIONS OF APPROVAL

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 place of use.
6. This right is limited to the irrigation of 62.9 acres within the authorized place of use in a single irrigation season.
7. Rights 43-13769, 43-13770, 43-13771, and 43-13772 when combined shall not exceed a total diversion rate of 5.22 cfs, a total annual maximum diversion volume of 1044 af at the field headgate, and the irrigation of 261 acres.
8. Rights 43-13768, 43-13769, 43-13770, 43-13771, and 43-13772 when combined shall not exceed a total diversion rate of 5.62 cfs, a total annual maximum diversion volume of 1206 af at the field headgate, and the irrigation of 301.5 acres.

WATER RIGHT NO. 43-13771
As Modified by Transfer No. 82322

In accordance with the approval of Transfer No. 82322, Water Right No. 43-13771 is now described as follows:

Right Holder: HEATH HIGLEY And
DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342-8645

Priority Date: 4/1/1954

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **to** 11/15

Diversion Rate
0.630 cfs
0.630 cfs

Diversion Volume
129.6 af
129.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 4	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	L3 (NENENW)	Sec 5	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SWSESW	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	32											32.0	32.1			33.6	36.0	133.7
14S	27E	5	39.0	39.0	19.2	19.2	32.0	32.0											180.4
			L 1	L 2			L 3	L 4											

Right Acre Limit: 32.4

POU Total Acres: 314.1

CONDITIONS OF APPROVAL

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. 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.
3. This right is limited to the irrigation of 32.4 acres within the authorized place of use in a single irrigation season.

Transfer No. 82322

WATER RIGHT NO. 43-13771
As Modified by Transfer No. 82322

CONDITIONS OF APPROVAL

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. Rights 43-13769, 43-13770, 43-13771, and 43-13772 when combined shall not exceed a total diversion rate of 5.22 cfs, a total annual maximum diversion volume of 1044 af at the field headgate, and the irrigation of 261 acres.
8. Rights 43-13768, 43-13769, 43-13770, 43-13771, and 43-13772 when combined shall not exceed a total diversion rate of 5.62 cfs, a total annual maximum diversion volume of 1206 af at the field headgate, and the irrigation of 301.5 acres.

WATER RIGHT NO. 43-13772**As Modified by Transfer No. 82322**

In accordance with the approval of Transfer No. 82322, Water Right No. 43-13772 is now described as follows:

Right Holder: DAWN HIGLEY And
HEATH HIGLEY
1971 S 2350 E
MALTA, ID 83342-8645

Priority Date: 4/1/1954

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
0.400 cfs
0.400 cfs

Diversion Volume
194.2 af
194.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 4	Twp 14S Rge 27E	CASSIA County
GROUND WATER	L3 (NENENW)	Sec 5	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SESENW	Sec 9	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SWSESW	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	32											32.0	32.1			33.6	36.0	133.7
14S	27E	5	39.0	39.0	19.2	19.2	32.0	32.0											180.4
			L 1	L 2			L 3	L 4											

Right Acre Limit: 260.0

POU Total Acres: 314.1

CONDITIONS OF APPROVAL

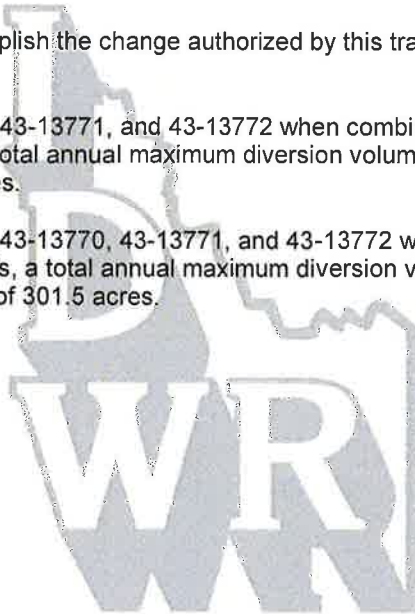
1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. Pursuant to 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 82322

WATER RIGHT NO. 43-13772
As Modified by Transfer No. 82322

CONDITIONS OF APPROVAL

4. 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.
5. This right is limited to the irrigation of 260 acres within the authorized place of use in a single irrigation season.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Rights 43-13769, 43-13770, 43-13771, and 43-13772 when combined shall not exceed a total diversion rate of 5.22 cfs, a total annual maximum diversion volume of 1044 af at the field headgate, and the irrigation of 261 acres.
8. Rights 43-13768, 43-13769, 43-13770, 43-13771, and 43-13772 when combined shall not exceed a total diversion rate of 5.62 cfs, a total annual maximum diversion volume of 1206 af at the field headgate, and the irrigation of 301.5 acres.



State of Idaho
Department of Water Resources
Attachment to Transfer # 82322
43-13773

This map depicts the IRRIGATION place of use boundary for this water right 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

0 0.075 0.15 0.3 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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 2, 2018

HEATH HIGLEY
DAWN HIGLEY
1971 S 2350 E
MALTA ID 83342-8645

Re: Transfer No: 82322

Water Right No(s): 43-13768, 43-13769, 43-13770, 43-13771, 43-13772, 43-13773

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,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a small "C" at the beginning and a long, sweeping underline.

Corey Skinner
Southern Regional Manager

Enclosure

cc:

IRELAND BANK
486 YELLOWSTONE AVE
POCATELLO ID 83201-4532

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

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2018 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.: 82322

Water Right No(s): 43-13768, 43-13769, 43-13770, 43-13771, 43-13772, 43-13773

**HEATH HIGLEY
DAWN HIGLEY
1971 S 2350 E
MALTA ID 83342-8645**

**IRELAND BANK
486 YELLOWSTONE AVE
POCATELLO ID 83201-4532**

**NATHAN ERICKSON (via e-mail)
WATER DISTRICT 143
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: July 30, 2018
To: Transfer 82322 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes moving water right 43-13773, a 12.6 acre, 0.17 cfs ground water irrigation right from its current farm and point of diversion (POD) located approximately 4.7 to 5.4 miles south and 1.8 to 2.8 miles east of Malta to a new place of use (POU) at an established farm and existing well. The proposed POU and POD are located approximately 3.5 to 3.8 miles south and 0.1 to 0.9 miles east of Malta.

The proposed POU will be within the permissible place of use (PPU) for water rights 43-2308B and 43-10827. This water right is proposed to be used on a short term basis (proposed for one year) to irrigate a 12.6 acre portion of 22.33 acres that have been curtailed under expansion water right 43-10827 (33.5 total expansion acres).

All POUs and PODs in this application are located in Water District 143. Watermaster comments were solicited and the Watermaster did not oppose approval of this application.

- **Authority to File:** IDWR records indicate the applicants currently own the water right. A contract of agreement was provided with the application indicating the applicants consent to use of their water right at the proposed POU, the land owners at the proposed POUs consent to move the water there and that the applicants will retain ownership of the water right. A letter from the security interest holder was also provided indicating their consent to the proposed transfer provided the applicants retain ownership of the water right.
- **Water Right Validity:** Water right 37-13773 was decreed in the SRBA on 6/28/2002. Recent aerial and satellite imagery indicate the properties involved with this transfer appear to be irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Application was subject to public notice.

- **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 on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 82322
Water Right No: 43-13773
Applicant Name: HEATH & DAWN HIGLEY

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: July 20, 2018

Water District 143


Nathan Erickson, Watermaster

*** Proof of Publication ***

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 70136

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 12 day of July in the year of 2018 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Noelle R. Smith
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6-13-2023

PUBLISHED ON: 07/05/2018, 07/12/2018

TOTAL AD COST: 436.77
FILED ON: 7/12/2018

NOELLE R. SMITH
Notary Public
State of Idaho

RECEIVED

JUL 19 2018

DEPT. OF WATER RESOURCES
SOUTHERN REGION

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-23110

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

Point of Diversion L4(SWSE) S25 T04S R19E LINCOLN County
Source LITTLE WOOD RIVER Tributary MALAD RIVER
Point of Diversion SWNE S36 T05S R17E LINCOLN County
Source LITTLE WOOD RIVER Tributary MALAD RIVER
Point of Injection SESW S15 T05S R17E LINCOLN County
Source LITTLE WOOD RIVER Tributary MALAD RIVER
Use: GROUND WATER RECHARGE 01/01 to 12/31 800 CFS
Total Diversion: 800 CFS

Date Filed: 4/17/2018

Place Of Use: GROUND WATER RECHARGE

Located within portions of:

T04S R19E S25, S36T05S R15E S10, S12, S13, S14, S15, S16, S21, S22, S28, S29, S32

T05S R16E S7, S8, S9, S11, S12, S13, S14, S15, S16

T05S R17E S7, S8, S15, S16, S17, S18, S22, S23, S25, S26, S36T05S R18E S34

T05S R19E S2, S10, S11, S15, S22, S26, S27, S34, S35

T06S R18E S2, S3, S4, S9, S10, S11, S12, S13, S14, S24, S25, S36

T06S R19E S2, S3, S4, S5, S6, S7, S8, S9, S10, S11, S12, S13, S14, S15, S16, S17, S18, S19, S20, S21, S22, S23, S26, S27, S28, S29, S30, S31, S32, S33, S34

T07S R19E S1, S2, S3, S4, S10, S11, S12

Application for permit proposes to divert up to 800 cfs from 2 existing points of diversion on the Little Wood River located approximately 0.5 mile south and 0.6 mile east of Richfield and approximately 0.9 mile north and 1.2 miles east of Shoshone for ground water recharge purposes. The application proposes to inject &/or redirect this water through portions of the Dietrich Canal system, the Milner Gooding Canal, and the Big Wood River channel as well as existing and proposed off-channel recharge sites located near Richfield, Dietrich, & Shoshone.

✓ OK AM 7/23/2018

37-23111

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720

BOISE, ID 83720-0098

Point of Diversion SENE S30 T02S R18E BLAINE County
Source BIG WOOD RIVER Tributary MALAD RIVER

Point of Injection NWSE S25 T04S R19E LINCOLN County
Source BIG WOOD RIVER Tributary MALAD RIVER

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County Source BIG WOOD RIVER Tributary MALAD RIVER

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T02S R18E S29, S30, S32, S33, S34

T03S R18E S2, S3, S10, S11, S13, S14, S15, S16, S20, S21,
S22, S23, S24, S25, S28, S36

T03S R19E S13, S14, S15, S16, S17, S18, S19, S20, S21, S22,
S23, S24, S25, S26, S27, S28, S30, S31, S32, S35, S36

T03S R20E S19, S30, S31

T04S R18E S1, S12, S13

T04S R19E S1, S2, S5, S6, S7, S8, S9, S10, S11, S12, S13,
S14, S15, S16, S17, S18, S19, S20, S21, S22, S23, S24, S25,
S26, S27, S28, S29, S30, S31, S32, S33, S34, S35, S36

T04S R20E S5, S6, S7, S8, S17, S18, S19

T05S R15E S10, S12, S13, S14, S15, S16, S21, S22, S28, S29,
S32

T05S R16E S7, S8, S9, S11, S12, S13, S14, S15, S16

T05S R17E S7, S8, S15, S16, S17, S18, S22, S23, S25, S26,
S36

T05S R18E S34

T05S R19E S2, S4, S5, S6, S7, S10, S11, S15, S22, S26, S27,
S34, S35

T06S R18E S2, S3, S4, S9, S10, S11, S12, S13, S14, S24, S25,
S36

T06S R19E S2, S3, S4, S5, S6, S7, S8, S9, S10, S11, S12, S13,
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S28, S29, S30, S31, S32, S33, S34

T07S R19E S1, S2, S3, S4, S10, S11, S12

Application for permit proposes to divert up to 800 cfs from an existing point of diversion on the Big Wood River located approximately 20 miles north and 2.5 miles east of Shoshone for ground water recharge purposes. The application proposes to inject &/or redivert this water through portions of the Richfield Canal system, Dietrich Canal system, Milner Gooding Canal, Little Wood River, and the Big Wood River channel as well as existing and proposed off-channel recharge sites located near Richfield, Dietrich, & Shoshone. Published in the Idaho Mountain Express on July 4th & 11th, 2018, and Times News, Idaho Statesman, Post Register & Lewiston Tribune on July 5th & 12th, 2018

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82322**

DAWN HIGLEY and HEATH HIGLEY, 1971 S 2350 E, MALTA, ID 83342-8645; has filed Application No. 82322 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13773. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes moving a 12.6 acre, 0.17 cfs ground water irrigation right from its current place of use (POU) and point of diversion (POD) to an existing well and a new POU at an existing farm. The current farm and POD are located approximately 4.7 to 5.4 miles south and 1.8 to 2.8 miles east of Malta. The proposed farm and well are located approximately 3.5 to 3.8 miles south and 0.1 to 0.9 miles east of Malta.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82371**

HANK T HIGLEY and LACEY G HIGLEY, PO BOX 652, MALTA, ID 83342-0652; has filed Application No. 82371 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13805, 43-13806. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the place of use of a 0.096 cfs ground water right and a 0.05 cfs Cassia Creek right that are used to irrigate 4.7 acres on a farm located approximately 2.2 miles to 2.4 miles south and 0.4 to 0.5 miles east of Malta to a new place of use located at the northwest edge of Malta. Application also proposes a change in point of diversion for the ground water right from a well located on the farm southeast of Malta to an existing well on the farm at the northwest edge of Malta. The application also proposes moving the Cassia Creek right's point of diversion 0.3 miles downstream to an existing diversion located approximately 1.8 miles south and 0.1 mile west of Malta.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **July 23, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 5th & 12th, 2018

✓ OK dm 7/23/2018

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 70136

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	436.77
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	436.77
Fax			
Section	Legals	Start/End Dates	07/05/2018 - 07/12/2018
SubSection		Insertions	2
Category	50 Legal	Size	294
Ad Key	70136-1	Salesperson(s)	Ruby Aufderheide
Keywords	Transfer Nos 82322 & 82371	Taken By	Ruby Aufderheide
Notes			

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 IDAHO WATER RESOURCE BOARD
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 BOISE, ID 83720-0098
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Proof of legal notice received

from Times News 7/2/2018

(3 pgs)

✓ OK Am 7/2/2018
 E-mail sent to
 newspaper.

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 70136

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Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern District office at (208) 726-2022; or for a full description of the

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 70136

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GARY SPACKMAN, Director
Published on July 5th & 12th, 2018

A handwritten signature in blue ink, appearing to be 'DM', is written next to a large blue checkmark.