STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82302

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

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
43-13031	WR/DECREED	5/29/1907	2.400 cfs	N/A	113.0	149.0	CASSIA CREEK
43-13041	WR/DECREED	2/19/1960	1.910 cfs	452.0 af	113.0	149.0	GROUND WATER
43-13691	WR/DECREED	5/29/1907	0.760 cfs	N/A	36.0	149.0	CASSIA CREEK
43-13693	WR/DECREED	2/19/1960	0.610 cfs	106.1 af	36.0	149.0	GROUND WATER
43-323B	WR/DECREED	4/1/1912	0.540 cfs	N/A	N/A	54.9	CASSIA CREEK
43-7048	WR/DECREED	12/28/1973	0.760 cfs	N/A	74.0	149.0	UNNAMED STREAM

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-13031	NO	NO	YES	NO	NO	NO
43-13041	NO	NO	YES	NO	NO	NO
43-13691	NO	NO	YES	NO	NO	NO
43-13693	NO	NO	YES	NO	NO	NO
43-323B	YES	YES	YES	NO	NO	NO
43-7048	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-13031	43-13031	2.400 cfs	N/A	113.0	149.0	N/A	N/A	N/A	N/A	N/A
43-13041	43-13041	1.910 cfs	452.0 af	113.0	149.0	N/A	N/A	N/A	N/A	N/A
43-13691	43-13691	0.760 cfs	N/A	36.0	149.0	N/A	N/A	N/A	N/A	N/A
43-13693	43-13693	0.610 cfs	106.1 af	36.0	149.0	N/A	N/A	N/A	N/A	N/A
43-323B	43-13804	0.190 cfs	N/A	19.0	149.0	43-323B	0.350 cfs	N/A	N/A	35.9
43-7048	43-7048	0.760 cfs	N/A	74.0	149.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**6.630 cfs**	**N/A**	**149.0**	**149.0**		**N/A**	**N/A**	**N/A**	**N/A**

SUPPORT DATA

Transfer No. 82302

IN FILE # 43-323B

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82302

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 5th day of June, 2018.

Southern Region Manager

WATER RIGHT NO. 43-323B

As Modified by Transfer No. 82302

In accordance with the approval of Transfer No. 82302, Water Right No. 43-323B is now described as follows:

Right Holder: MARY LUANA BARRETT
1731 S HWY 81
MALTA, ID 83342-8744
AND
JOSEPH W BARRETT
HC 72 BOX 2024
MALTA, ID 83342

Priority Date: 4/1/1912

Source: CASSIA CREEK **Tributary:** RAFT RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	11/15	0.350 cfs
				0.350 cfs

LOCATION OF POINT(S) OF DIVERSION

CASSIA CREEK SESENW Sec 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	26E	24			30.0					5.9									35.9

POU Total Acres: 35.9

CONDITIONS OF APPROVAL

1. 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. 43-13804

As Modified by Transfer No. 82302

In accordance with the approval of Transfer No. 82302, Water Right No. 43-13804 is now described as follows:

Right Holder: DAWN HIGLEY AND
HEATH HIGLEY
1971 S 2350 E
MALTA, ID 83342

Priority Date: 4/1/1912

Source: CASSIA CREEK **Tributary:** RAFT RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	11/15	0.190 cfs
				0.190 cfs

LOCATION OF POINT(S) OF DIVERSION

CASSIA CREEK NWSWNE Sec 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	26E	13											29.0	25.0					54.0
13S	26E	24		33.0	20.0		31.0			11.0									95.0

Right Acre Limit: 19.0
POU Total Acres: 149.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 19.0 acres within the authorized place of use in a single irrigation season.

2. Rights Rights 43-7048, 43-13031, 43-13041, 43-13691, 43-13693, and 43-13804 when combined shall not exceed the irrigation of a total of 149.0 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. 43C.

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(s).

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.

Transfer No. 82302

WATER RIGHT NO. 43-13804

As Modified by Transfer No. 82302

CONDITIONS OF APPROVAL

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. 43-13691

As Modified by Transfer No. 82302

In accordance with the approval of Transfer No. 82302, Water Right No. 43-13691 is now described as follows:

Right Holder: DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342
AND
HEATH HIGLEY
1971 S 2350 E
MALTA, ID 83342

Priority Date: 5/29/1907

Source: CASSIA CREEK **Tributary:** RAFT RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	11/15	0.760 cfs
				0.760 cfs

LOCATION OF POINT(S) OF DIVERSION

CASSIA CREEK NWSWNE Sec 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	26E	13											29.0	25.0					54.0
13S	26E	24		33.0	20.0		31.0			11.0									95.0

Right Acre Limit: 36.0
POU Total Acres: 149.0

CONDITIONS OF APPROVAL

1. Rights 43-13691 and 43-13693 when combined shall not exceed the irrigation of 36.0 acres.
2. Rights 43-7048, 43-13031, 43-13041, 43-13691, 43-13693, and 43-13804 when combined shall not exceed the irrigation of a total of 149.0 acres.
3. Use of water under this right will 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. 43C.
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(s).

Transfer No. 82302

WATER RIGHT NO. 43-13691

As Modified by Transfer No. 82302

CONDITIONS OF APPROVAL

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. 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. 43-13693

As Modified by Transfer No. 82302

In accordance with the approval of Transfer No. 82302, Water Right No. 43-13693 is now described as follows:

Right Holder: HEATH HIGLEY
1971 S 2350 E
MALTA, ID 83342
AND
DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342

Priority Date: 2/19/1960

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	0.610 cfs	106.1 af
				0.610 cfs	106.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSWSW Sec 13 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	26E	13											29.0	25.0					54.0
13S	26E	24		33.0	20.0		31.0			11.0									95.0

Right Acre Limit: 36.0
POU Total Acres: 149.0

CONDITIONS OF APPROVAL

1. Rights 43-13691 and 43-13693 when combined shall not exceed the irrigation of 36.0 acres.
2. Rights 43-7048, 43-13031, 43-13041, 43-13691, 43-13693, and 43-13804 when combined shall not exceed the irrigation of a total of 149.0 acres.
3. Use of water under this right will 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.
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(s).

Transfer No. 82302

WATER RIGHT NO. 43-13693

As Modified by Transfer No. 82302

CONDITIONS OF APPROVAL

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. 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. 43-7048

As Modified by Transfer No. 82302

In accordance with the approval of Transfer No. 82302, Water Right No. 43-7048 is now described as follows:

Right Holder: HEATH HIGLEY
1971 S 2350 E
MALTA, ID 83342
AND
DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342

Priority Date: 12/28/1973

Source: UNNAMED STREAM **Tributary:** SINKS

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	11/15	0.760 cfs
				0.760 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM SWNENW Sec 24 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	26E	13											29.0	25.0					54.0
13S	26E	24		33.0	20.0		31.0			11.0									95.0

Right Acre Limit: 74.0
POU Total Acres: 149.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 74.0 acres within the authorized place of use in a single irrigation season.
2. Rights 43-7048, 43-13031, and 43-13041 when combined shall not exceed the irrigation of 113.0 acres.
3. Rights 43-7048, 43-13031, 43-13041, 43-13691, 43-13693, and 43-13804 when combined shall not exceed the irrigation of a total of 149.0 acres.
4. Use of water under this right will 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. 43C.

Transfer No. 82302

WATER RIGHT NO. 43-7048

As Modified by Transfer No. 82302

CONDITIONS OF APPROVAL

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 place of use.

7. The right holder shall accomplish the change authorized by this transfer within one year 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 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. 43-13031

As Modified by Transfer No. 82302

In accordance with the approval of Transfer No. 82302, Water Right No. 43-13031 is now described as follows:

Right Holder: HEATH HIGLEY
1971 S 2350 E
MALTA, ID 83342
AND
DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342

Priority Date: 5/29/1907

Source: CASSIA CREEK **Tributary:** RAFT RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	11/15	2.400 cfs
				2.400 cfs

LOCATION OF POINT(S) OF DIVERSION

CASSIA CREEK NWSWNE Sec 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	26E	13											29.0	25.0					54.0
13S	26E	24		33.0	20.0		31.0			11.0									95.0

Right Acre Limit: 113.0
POU Total Acres: 149.0

CONDITIONS OF APPROVAL

1. Rights 43-7048, 43-13031, and 43-13041 when combined shall not exceed the irrigation of 113.0 acres.
2. Rights 43-7048, 43-13031, 43-13041, 43-13691, 43-13693, and 43-13804 when combined shall not exceed the irrigation of a total of 149.0 acres.
3. Use of water under this right will 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. 43C.

WATER RIGHT NO. 43-13031

As Modified by Transfer No. 82302

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(s).

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. 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. 43-13041

As Modified by Transfer No. 82302

In accordance with the approval of Transfer No. 82302, Water Right No. 43-13041 is now described as follows:

Right Holder: DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342
AND
HEATH HIGLEY
1971 S 2350 E
MALTA, ID 83342

Priority Date: 2/19/1960

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	1.910 cfs	452.0 af
				1.910 cfs	452.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSWSW Sec 13 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	26E	13											29.0	25.0					54.0
13S	26E	24		33.0	20.0		31.0			11.0									95.0

Right Acre Limit: 113.0
POU Total Acres: 149.0

CONDITIONS OF APPROVAL

1. Rights 43-7048, 43-13031, and 43-13041 when combined shall not exceed the irrigation of 113.0 acres.
2. Rights 43-7048, 43-13031, 43-13041, 43-13691, 43-13693, and 43-13804 when combined shall not exceed the irrigation of a total of 149.0 acres.
3. Use of water under this right will 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.

WATER RIGHT NO. 43-13041

As Modified by Transfer No. 82302

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(s).

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. 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.

State of Idaho
Department of Water Resources

Attachment to Transfer # 82302

43-13804

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.

0 0.175 0.35 0.7 Miles

Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

N

State of Idaho
Department of Water Resources

Attachment to Transfer # 82302

43-7048, 43-13031, 43-13041, 43-13691, and 43-13693

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.

0 0.175 0.35 0.7 Miles

Place Of Use Boundary

Townships

PLS Sections

N

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

June 7, 2018

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

Re: Transfer No: 82302
Water Right No(s).: 43-323B, 43-7048, 43-13031, 43-13041, 43-13691, 43-13693

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

cc:

MARY LUANA BARRETT
1731 S HWY 81
MALTA ID 83342-8744

JOSEPH W BARRETT
HC 72 BOX 2024
MALTA ID 83342

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

WATER DISTRICT 43C
ROGER MUSSER
917 PARK LN
POCATELLO ID 83201

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 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.: 82302
Water Right No(s).: 43-323B, 43-7048, 43-13031, 43-13041, 43-13691, 43-13693

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

MARY LUANA BARRETT
1731 S HWY 81
MALTA ID 83342-8744

JOSEPH W BARRETT
HC 72 BOX 2024
MALTA ID 83342

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

WATER DISTRICT 43C
ROGER MUSSER
917 PARK LN
POCATELLO ID 83201

Denise Maline

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: May 29, 2018

To: Transfer 82302, Heath and Dawn Higley File

From: Jim Bitzenburg

Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to modify the place of use (POU) for two ground water and three surface water irrigation rights (6.44 cfs total) which currently irrigate 149.0 acres located approximately 1.3 to 2.0 miles south and 0.3 mile west to 0.5 mile east of Malta. The new place of use will irrigate 149.0 acres in the same general area. The transfer also proposes to change the point of diversion (POD) and POU of a 0.19 cfs (19.0 acre) portion of Cassia Creek right 43-323B. The POU of the split portion of 43-323B will be the same as the modified POU noted above and the POD of the split right will be changed to that of the existing Cassia Creek rights in the transfer, which is located approximately 1.9 miles south and 0.7 miles west of Malta, or approximately 0.25 mile downstream of the present location.

Because the transfer is located within the Raft River Critical Ground Water Area, and a surface water POD is being changed, the transfer was advertised. No protests were received. Comments were solicited from the Watermasters of WD-143 (ground water rights) and WD-43C (Cassia Creek rights). The watermaster of WD-143 had no objection and no comment was received from the watermaster of WD-43C.

- **Authority to File:**
  The application was signed by the applicants, Heath and Dawn Higley. They are the owners of the water rights involved.

- **Water Right Validity:**
  All of the rights involved in the transfer were decreed in the SRBA in 2002. Deeds are included with the transfer to change the water right ownership of a 19.0 acre portion of right 43-323B from Mary and Joesph Barrett to Heath and Dawn Higley. Corners of the present water right shapes being dried up look to be watered within the last 5 years or less, while the 19.0 acre parcel to which right 43-323B is appurtenant is unclear.

- **Injury to Other Water Rights:**
  None anticipated or foreseen. The modification of the POU will have no effect on other water rights, and it appears that moving the POD of the split right (43-323B) will have minimal effect, as it is an infrequently delivered late priority high water right, as are the other rights in the ditch in which it has been historically delivered.

- **Enlargement of Use:**
  None anticipated. Irrigated acreage in not increasing.

- **Local Public Interest:**
  No issues anticipated. The transfer was advertised and was not protested.

- **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.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 82302
Water Right No: 43-323B, etc.
Applicant Name: HEATH & DAWN HIGLEY

Watermaster's Recommendation:

a) _X_ 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: **May 29, 2018**

Water District 143

Nathan Erickson, Watermaster

*** Proof of Publication ***

RECEIVED
MAY 17 2018
DEPT OF WATER RESOURCES
SOUTHERN REGION

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 66702

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 10 day of MAY 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 Smith
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6·13·2023

PUBLISHED ON: 05/03/2018, 05/10/2018

TOTAL AD COST: 323.28
FILED ON: 5/10/2018

NOELLE R. SMITH
Notary Public
State of Idaho

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 81943

DOUBLE EAGLE PROPERTIES LLLP, 3173 N 4900 E, MURTAUGH, ID 83344-5359; has filed Application No. 81943 for changes to the following water rights within CASSIA, TWIN FALLS County(s): Right No(s). 45-10107, 45-13611, 45-13661, 45-14464, 45-2075, 45-2176, 45-2220, 45-2236, 45-2270, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-2408, 45-4032, 45-4074, 45-4120, 45-4142, 45-480, 45-481, 45-482, 45-483, 45-484, 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-497, 45-505, 45-506, 45-533, 45-7565. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to create a 2277 acre permissible place of use (PPU) for 15 ground water rights, 17 Dry Creek water rights, one waste water right, one Unnamed Stream water right, and one Cold Springs Creek water right on a farm approximately 2.4 to 6.0 miles south and 1.4 miles west to 1.0 miles east of the City of Murtaugh. The application also proposes to add 10 existing wells plus 3 new wells to be drilled as authorized points of diversion for all of the ground water rights. Four ground water rights will retain an additional currently authorized point of diversion. Two of the proposed new wells to be drilled are within the proposed PPU and one new well to be drilled will be on neighboring land adjacent to the proposed PPU. In addition, the application proposes to add three existing Dry Creek points of diversion as authorized points of diversion for all 17 Dry Creek water rights. The application also proposes to add a new point of diversion located approximately 6.6 miles south and 0.3 miles west of the City of Murtaugh as an additional authorized point of diversion for the Cold Springs Creek water right. All water rights allow for the combined total diversion of 44.837 cfs to be used within the proposed 2277 acre PPU.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82201

ISE 555 BROADWAY LLC, PO BOX 267, GALENA, MD 21635; has filed Application No. 82201 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-4107A. The purpose of the transfer is to change a portion of the above rights as follows: Applicant proposes changing the point of diversion for 1.2 cfs of groundwater for irrigation from a well located approximately 6.2 miles south and 1.5 miles east of the city center of Hansen to a well to be drilled located approximately 5.9 miles south and 1.4 miles east of the city center of Hansen.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82247

IDAHO AGRI INVESTMENTS LLC, PO BOX 418, CHESTERTOWN, MD 21620; has filed Application No. 82247 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-7673. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding points of diversion to an 8.02 cfs ground water right used to irrigate 760 acres within a 1505 acre permissible place of use. The transfer proposes adding two additional points of diversion, an existing well and one new well to be drilled. Points of diversion are located approximately 8.3 miles south and 3.4 miles east of the intersection of Center St and Main St in Kimberly.

OK DM 5/21/2018

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82289

IDA GOLD FARMS LLC, 246 E 300 S, BURLEY, ID 83318; has filed Application No. 82289 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13005, 43-2540B. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a new point of diversion for two stockwater and commercial ground water rights associated with a CAFO facility. The two ground water rights allow for the diversion of up to 0.47 cfs. The CAFO is located approximately 13.5 to 14.2 miles east and 3.0 to 3.5 miles south of the intersection of Interstate Highways 84 and 86 east of Burley. The proposed new well to be drilled is located within the CAFO facility.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82302

DAWN HIGLEY and HEATH HIGLEY, 1971 S 2350 E, MALTA, ID 83342; has filed Application No. 82302 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13031, 43-13041, 43-13691, 43-13693, 43-323B, 43-7048. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to modify the place of use (POU) for two ground water and three surface water irrigation rights (6.44 cfs total) which currently irrigate 149.0 acres located approximately 1.3 to 2.0 miles south and 0.3 mile west to 0.5 mile east of Malta. The new place of use will irrigate 149.0 acres in the same general area. The transfer also proposes to change the point of diversion (POD) and POU of a 0.19 cfs (19.0 acre) portion of Cassia Creek right 43-323B. The POU of the split portion of 43-323B will be the same as the modified POU noted above and the POD of the split right will be changed to that of the existing Cassia Creek rights in the transfer, which is located approximately 1.9 miles south and 0.7 mile west of Malta, or approximately 0.25 mile downstream of its present location.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department 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 **May 21, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: May 3 and 10, 2018

✓ OK DM 5/21/2018

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES **Order Nbr 66702**

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	323.28
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	323.28
Fax			
Section	Legals	Start/End Dates	05/03/2018 - 05/10/2018
SubSection		Insertions	2
Category	50 Legal	Size	216
Ad Key	66702-1	Salesperson(s)	Ruby Aufderheide
Keywords	Transfer No. 81943	Taken By	Ruby Aufderheide
Notes			

Ad Proof

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Proof of legal notice received from Times News 5/1/2018 (2 pages)

✓ OK DM 5-1-2018
E-mail sent.

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PUBLISH: May 3 and 10, 2018

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