

Rev. 07/11 APR 24 2018

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82302

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) DAWN HIGLEY AND HEATH HIGLEYCheck whether each item below is *attached (Yes)* or *not applicable (N/A)* for the proposed transfer.Yes N/A *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

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APR 24 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant DAWN HIGLEY Phone (208) 312-1016

Mailing Address 1971 S 2350 E, MALTA ID 83342 Email higdawn@gmail.com

Name of Applicant HEATH HIGLEY Phone (208) 312-1015

Mailing Address 1971 S 2350 E, MALTA ID 83342 Email hhigley@rrelectric.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

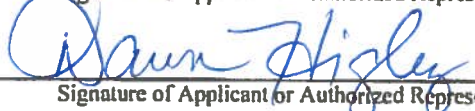
☒ No Representative

Name of Representative _____ Phone _____

Mailing Address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

	<u>Heath Higley</u>	<u>4/24/18</u>
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
	<u>Dawn Higley</u>	<u>4/24/18</u>
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	43-323B	Yes	Yes	Yes	No	No	No
	43-7048	No	No	Yes	No	No	No
	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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2

Transfer proposes to modify the POU of rights 43-7048, 43-13031, 43-13041, 43-13691, and 43-13693 and change the POD and POU of the split portion of right 43-323B.

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-13804	0.190 cfs	N/A	19.0	149.0	43-323B	0.350 cfs	N/A	N/A	35.9
43-13691	0.760 cfs	N/A	36.0	149.0		N/A	N/A	N/A	N/A
43-13693	0.610 cfs	106.1 af	36.0	149.0		N/A	N/A	N/A	N/A
43-7048	0.760 cfs	N/A	74.0	149.0		N/A	N/A	N/A	N/A
43-13031	2.400 cfs	N/A	113.0	149.0		N/A	N/A	N/A	N/A
43-13041	1.910 cfs	452.0 af	113.0	149.0		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
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2. Total amount of water proposed to be transferred or changed 6.63 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes**

Original Water Right No. 43-323B

Current Water Right Owner

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

**JOSEPH W BARRETT
HC 72 BOX 2024
MALTA, ID 83342**

Priority Date: 4/1/1912

Origin: Water Right

Basis: Decreed

Status Active

Source: CASSIA CREEK Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.350 CFS

Subuse Code

Total Diversion

0.350 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

SESENW

Sec. 23 Twp 13S Rge 26E 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	26E	24			30.0					5.9									35.9

POU Total Acres: 35.9

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes**

Proposed Water Right No. 43-13804

(Original Water Right No. 43-323B)

Current Water Right Owner

**DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342**

AND

**HEATH HIGLEY
1971 S 2350 E
MALTA, ID 83342**

Priority Date: 4/1/1912

Origin: Water Right

Basis: Decreed

Status Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.190 CFS

Subuse Code

Total Diversion

0.190 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

NWSWNE

Sec. 23 Twp 13S Rge 26E 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	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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 43-13691

Current Water Right Owner

**DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342**

**HEATH HIGLEY
1971 S 2550 E
MALTA, ID 83342**

Priority Date: 5/29/1907

Origin: Water Right

Basis: Decreed

Status Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.760 CFS

Subuse Code

Total Diversion

0.760 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

NWSWNE

Sec. 23 Twp 13S Rge 26E 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	26E	13											29.0	25.0					54.0
13S	26E	24		33.0	20.0		31.0			11.0									85.0

Right Acre Limit: 36.0

POU Total Acres: 149.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 43-13693

Current Water Right Owner

**HEATH HIGLEY
1971 S 2550 E
MALTA, ID 83342**

AND

**DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342**

Priority Date: 2/19/1960

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.610 CFS	106.1 AFA	
Total Diversion			0.610 CFS	106.1 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SWSWSW

Sec. 13 Twp 13S Rge 26E 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	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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 43-7048

Current Water Right Owner

**HEATH HIGLEY
1971 S 2550 E
MALTA, ID 83342**

AND

**DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342**

Priority Date: 12/28/1973

Origin: Water Right

Basis: Decreed

Status Active

Source: UNNAMED STREAM

Tributary: SINKS

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.760 CFS

Subuse Code

Total Diversion

0.760 CFS

Source and Point(s) of Diversion:

UNNAMED STREAM

SWNENW

Sec. 24 Twp 13S Rge 26E 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	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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 43-13031

Current Water Right Owner

**HEATH HIGLEY
1971 S 2550 E
MALTA, ID 83342**

AND

**DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342**

Priority Date: 5/29/1907

Origin: Water Right

Basis: Decreed

Status Active

Source: CASSIA CREEK Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

2.400 CFS

Subuse Code

Total Diversion

2.400 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

NWSWNE

Sec. 23 Twp 13S Rge 26E 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	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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 43-13041

Current Water Right Owner

**DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342**

**HEATH HIGLEY
1971 S 2550 E
MALTA, ID 83342**

Priority Date: 2/19/1960

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.910 CFS	452.0 AFA	
Total Diversion			1.910 CFS	452.0 AFA	

Source and Point(s) of Diversion:
GROUND WATER

SWSWSW Sec. 13 Twp 13S Rge 26E 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	26E	13											29.0	25.0					54.0
13S	26E	24		33.0	20.0		31.0			11.0									95.0
Right Acre Limit:																			
POU Total Acres:																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future

Weirs are on the Cassia Creek diversions and a flow meter on the deep wells.

- b. Who owns the property at the point(s) of diversion

Janet Ward - Cassia Creek PODs

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

The Cassia Creek rights are decreed rights in shared ditches from those PODs.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No, ☐ If Yes, ☒

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: Attachment #6

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The land will not be irrigated.

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

NONE

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes ☐
☐
☐
☐

No ☒
☒
☒
☒

undergone a period of five or more consecutive years of non-use,
currently leased to the Water Supply Bank,
currently used in a mitigation plan limiting the use of water under the right, or
currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-323B

Current Water Right Owner

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

JOSEPH W BARRETT
HC 72 BOX 2024
MALTA, ID 83342

Priority Date: 4/1/1912

Origin: Water Right

Basis: Decreed

Status: Active

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

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.540 CFS

Subuse Code

Total Diversion

0.540 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

SESENW

Sec. 23 Twp 13S Rgc 26E 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	26E	24			30.0					24.9									54.9

POU Total Acres:

54.9

Conditions/Remarks:

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-13691

Current Water Right Owner

**DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342**

AND

**HEATH HIGLEY
1971 S 2550 E
MALTA, ID 83342**

Priority Date: 5/29/1907

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.760 CFS

Subuse Code

Total Diversion

0.760 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

NWSWNE

Sec. 23 Twp 13S Rge 26E 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	26E	13											33.0	28.0					61.0
13S	26E	24		34.0	17.0		37.0												88.0

Right Acre Limit: 36.0

POU Total Acres: 149.0

Conditions/Remarks:

1. Rights 43-7048, 43-13031, 43-13041, 43-13691, and 43-13693 when combined shall not exceed the irrigation of a total of 149 acres.
2. Rights 43-13691 and 43-13693 when combined shall not exceed the irrigation of 36.0 acres.
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.
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.
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. 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 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-13693

Current Water Right Owner

**HEATH HIGLEY
1971 S 2550 E
MALTA, ID 83342**

AND

**DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342**

Priority Date: 2/19/1960

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.610 CFS	106.1 AFA	
Total Diversion			0.610 CFS	106.1 AFA	

Source and Point(s) of Diversion:
GROUND WATER

SWSWSW

Sec. 13 Twp 13S Rge 26E 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	26E	13											33.0	28.0					61.0
13S	26E	24		34.0	17.0		37.0												88.0

Right Acre Limit: 36.0

POU Total Acres: 149.0

Conditions/Remarks:

1. Rights 43-7048, 43-13031, 43-13041, 43-13691, and 43-13693 when combined shall not exceed the irrigation of a total of 149 acres.
2. Rights 43-13691 and 43-13693 when combined shall not exceed the irrigation of 36.0 acres.
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.
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.
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. 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 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-7048

Current Water Right Owner

**HEATH HIGLEY
1971 S 2550 E
MALTA, ID 83342**

AND

**DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342**

Priority Date: 12/28/1973

Origin: Water Right

Basis: Decreed

Status: Active

Source: UNNAMED STREAM

Tributary: SINKS

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.760 CFS

Subuse Code

Total Diversion

0.760 CFS

Source and Point(s) of Diversion:

UNNAMED STREAM

SWNENW

Sec. 24 Twp 13S Rge 26E 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	26E	13											33.0	28.0					61.0
13S	26E	24		34.0	17.0		37.0												88.0

Right Acre Limit: 74.0

POU Total Acres: 149.0

Conditions/Remarks:

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, 43-13041, 43-13691, and 43-13693 when combined shall not exceed the irrigation of a total of 149 acres.
3. Rights 43-7048, 43-13031, and 43-13041 when combined shall not exceed the irrigation of 113 acres.
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. 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.
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. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

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 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-13031

Current Water Right Owner

**HEATH HIGLEY
1971 S 2550 E
MALTA, ID 83342**

AND

**DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342**

Priority Date: 5/29/1907

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

2,400 CFS

Subuse Code

Total Diversion

2,400 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

NWSWNE

Sec. 23 Twp 13S Rge 26E 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	26E	13											33.0	28.0					61.0
13S	26E	24		34.0	17.0		37.0												88.0

Right Acre Limit: 113.0

POU Total Acres: 149.0

Conditions/Remarks:

1. Rights 43-7048, 43-13031, 43-13041, 43-13691, and 43-13693 when combined shall not exceed the irrigation of a total of 149 acres.
2. Rights 43-7048, 43-13031, and 43-13041 when combined shall not exceed the irrigation of 113 acres.
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.
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.
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. 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 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 43-13041

Current Water Right Owner

**DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342**

AND

**HEATH HIGLEY
1971 S 2550 E
MALTA, ID 83342**

Priority Date: 2/19/1960

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.910 CFS	452.0 AFA	
Total Diversion			1.910 CFS	452.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SWSWSW

Sec. 13 Twp 13S Rge 26E 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	26E	13											33.0	28.0					61.0
13S	26E	24		34.0	17.0		37.0												88.0

Right Acre Limit: 113.0

POU Total Acres: 149.0

Conditions/Remarks:

1. Rights 43-7048, 43-13031, and 43-13041 when combined shall not exceed the irrigation of 113 acres.
2. Rights 43-7048, 43-13031, 43-13041, 43-13691, and 43-13693 when combined shall not exceed the irrigation of a total of 149 acres.
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.
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.
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. 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 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

[illegible][illegible]

Transfer No. 82302

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it Attachment #7a.

☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it Attachment #7b. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it Attachment #8a.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.
Label it Attachment #8b

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

[illegible]

Transfer Contains 21 pages and attachments.
Received By JB Date 4-24-2018 Prelim. Check By Date
Fee Paid \$1680- Date 4-24-2018 Received By Am Receipt # 5036706
Add'l Fee Paid Date Received By Receipt #

ATTACHMENT #6

RECEIVED

APR 24 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

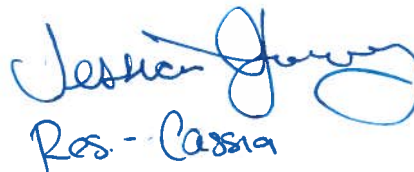
April 24, 2018

TO: Idaho Dept. of Water Resources

I, Ted Higley, give permission to Heath Higley, my son, to transfer the water rights as outlined in transfer no. 82302. Water rights are being transferred from and to ground that is being purchased by Heath from me.



Ted Higley



Res. - Cassia

Commission Exp. 10/19/23



Deed 2

CASSIA COUNTY
RECORDED FOR:
TITLEONE - BURLEY
09:32:22 AM 03-23-2018
2018-001167
NO. PAGES: 3 FEE: \$15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: CVELASQUEZ
Electronically Recorded by Simplifile

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT.

Order Number: 18307976

WARRANTY DEED

For Value Received,

Valley River Farms, LLC, an Idaho limited liability company, the Grantor, does hereby grant, bargain sell and convey unto, Heath Ted Higley and Dawn M. Higley husband and wife, whose current address is 1971 South 2450 East, Malta, ID 83342, the Grantee, the following described premises, in Cassia County, Idaho, To Wit:

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 24: Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 24, said corner marked by a 5/8 inch rebar;
Thence South 89°41'07" West along the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 56.91 feet to a ½ inch rebar which shall be the Point of Beginning;
Thence South 00°01'54" West for a distance of 1322.62 feet to a ½ inch rebar on the South line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence South 89°32'56" West along the South line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 614.96 feet to a ½ inch rebar;
Thence North 00°01'54" East for a distance of 1324.08 feet to a ½ inch rebar on the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence North 89°41'07" East along the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 614.95 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.



Order Number: 18307976

WARRANTY DEED

For Value Received,

Valley River Farms, LLC, an Idaho limited liability company, the Grantor, does hereby grant, bargain sell and convey unto, Heath Ted Higley and Dawn M. Higley husband and wife, whose current address is 1971 South 2450 East, Malta, ID 83342, the Grantee, the following described premises, in Cassia County, Idaho, To Wit:

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 24: Part of the SE¼NW¼, more particularly described as follows:

Beginning at the Northeast corner of the SE¼NW¼ of said Section 24, said corner marked by a 5/8 inch rebar;
Thence South 89°41'07" West along the North line of the SE¼NW¼ for a distance of 56.91 feet to a ½ inch rebar which shall be the Point of Beginning;
Thence South 00°01'54" West for a distance of 1322.62 feet to a ½ inch rebar on the South line of the SE¼NW¼;
Thence South 89°32'56" West along the South line of the SE¼NW¼ for a distance of 614.96 feet to a ½ inch rebar;
Thence North 00°01'54" East for a distance of 1324.08 feet to a ½ inch rebar on the North line of the SE¼NW¼;
Thence North 89°41'07" East along the North line of the SE¼NW¼ for a distance of 614.95 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: March 22, 2018

Valley River Farms, LLC, an Idaho limited liability company

BY: Rodney N. Hall
Rodney N. Hall, Manager/Member

BY: Doris Jane Hall
Doris Jane Hall, Manager/Member

BY: Michael Troy Lewis
Michael Troy Lewis, Manager/Member

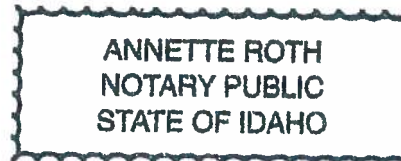
BY: Sherry Ann Lewis
Sherry Ann Lewis, Manager/Member

State of Idaho, County of Cassia, ss.

On this 22 day of March 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Rodney N. Hall, known or identified to me to be a Manager Member of Valley River Farms, LLC the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Annette Roth
Notary Public for Idaho
Residing In: Rupert Id
My Commission Expires: 8-4-2023

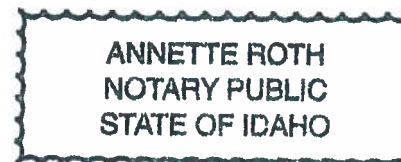


State of Idaho, County of Cassia, ss.

On this 22 day of March 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Doris Jane Hall, known or identified to me to be a Manager Member of Valley River Farms, LLC the limited liability company that executed the within instrument and acknowledged to me that she executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Annette Roth
Notary Public for Idaho
Residing In: Rupert Id
My Commission Expires: 8-4-2023

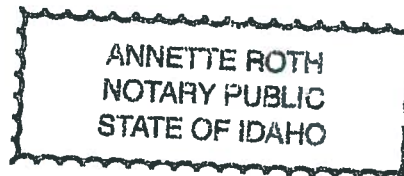


State of Idaho, County of Cassia, ss.

On this 22 day of March 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael Troy Lewis, known or identified to me to be a Manager Member of Valley River Farms, LLC the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Annette Roth
Notary Public for Idaho
Residing In: Rupert Id
My Commission Expires: 8-4-2023

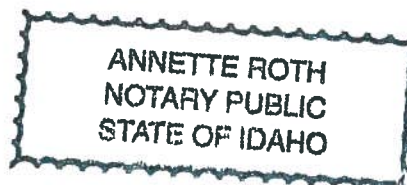


State of Idaho, County of Cassia, ss.

On this 22 day of March 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Sherry Ann Lewis, known or identified to me to be a Manager Member of Valley River Farms, LLC the limited liability company that executed the within instrument and acknowledged to me that she executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Annette Roth
Notary Public for Idaho
Residing In: Rupert Id
My Commission Expires: 8-4-2023



WARRANTY DEED

#45021

CASSIA COUNTY

RECORDED FOR:

LAND TITLE AND ESCROW
4:31:14 pm 10-15-2008

2008-005784

NO. PAGES: 2

FEE: \$6.00

LARRY A. NICKELSEN

COUNTY CLERK

DEPUTY: ALMARR

For Value Received

JOSEPH E. BARRETT and SUSAN B. BARRETT, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

VALLEY RIVER FARMS, LLC, an Idaho limited liability company
Address: P.O. BOX 631, MALTA, ID 83342

Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho, to-wit:

**TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 24: Part of the SE¼NW¼, more particularly described as follows:

Beginning at the Northeast corner of the SE¼NW¼ of said Section 24, said corner marked by a 5/8 inch rebar; Thence South 89°41'07" West along the North line of the SE¼NW¼ for a distance of 56.91 feet to a ½ inch rebar which shall be the Point of Beginning;
Thence South 00°01'54" West for a distance of 1322.62 feet to a ½ inch rebar on the South line of the SE¼NW¼;
Thence South 89°32'56" West along the South line of the SE¼NW¼ for a distance of 614.96 feet to a ½ inch rebar;
Thence North 00°01'54" East for a distance of 1324.08 feet to a ½ inch rebar on the North line of the SE¼NW¼;
Thence North 89°41'07" East along the North line of the SE¼NW¼ for a distance of 614.95 feet to the Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2008 and subsequent years, a lien, but not yet due or payable.

Reservations contain in State of Idaho Deed, dated December 16, 1955 and recorded August 15, 1963 as Instrument No. 14413 on Film No. 22, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

TRANSFER 82302

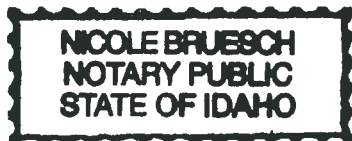
Dated: ^{October} ~~September~~ 15, 2008

Joseph E. Barrett
JOSEPH E. BARRETT

Susan B. Barrett
SUSAN B. BARRETT

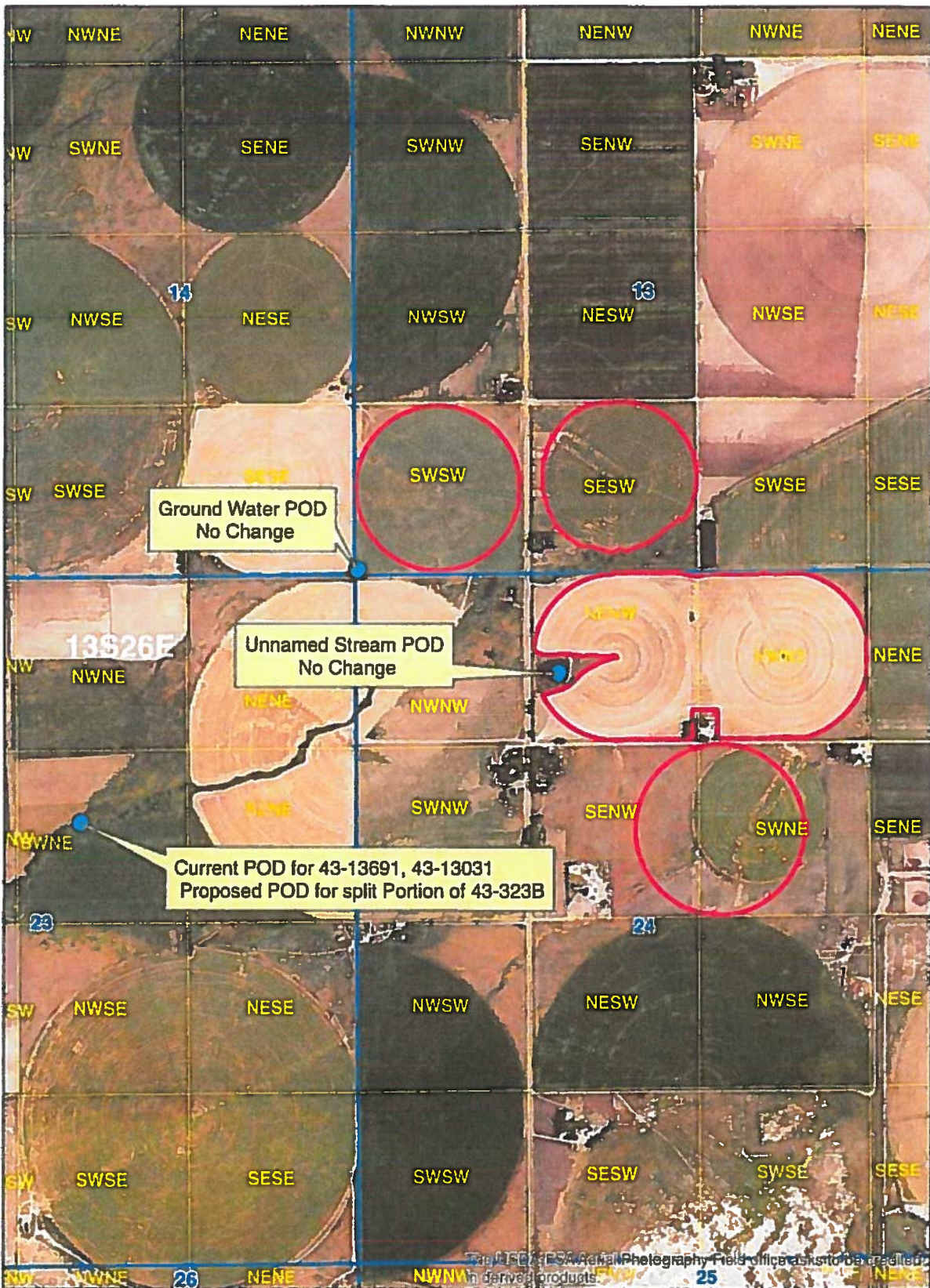
STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this ^{15th} ~~September~~ ^{October NB}, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared **JOSEPH E. BARRETT and SUSAN B. BARRETT**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Nicole Bruesch
Notary Public
Residing at: Malta, ID
My Commission expires: 7-14-12

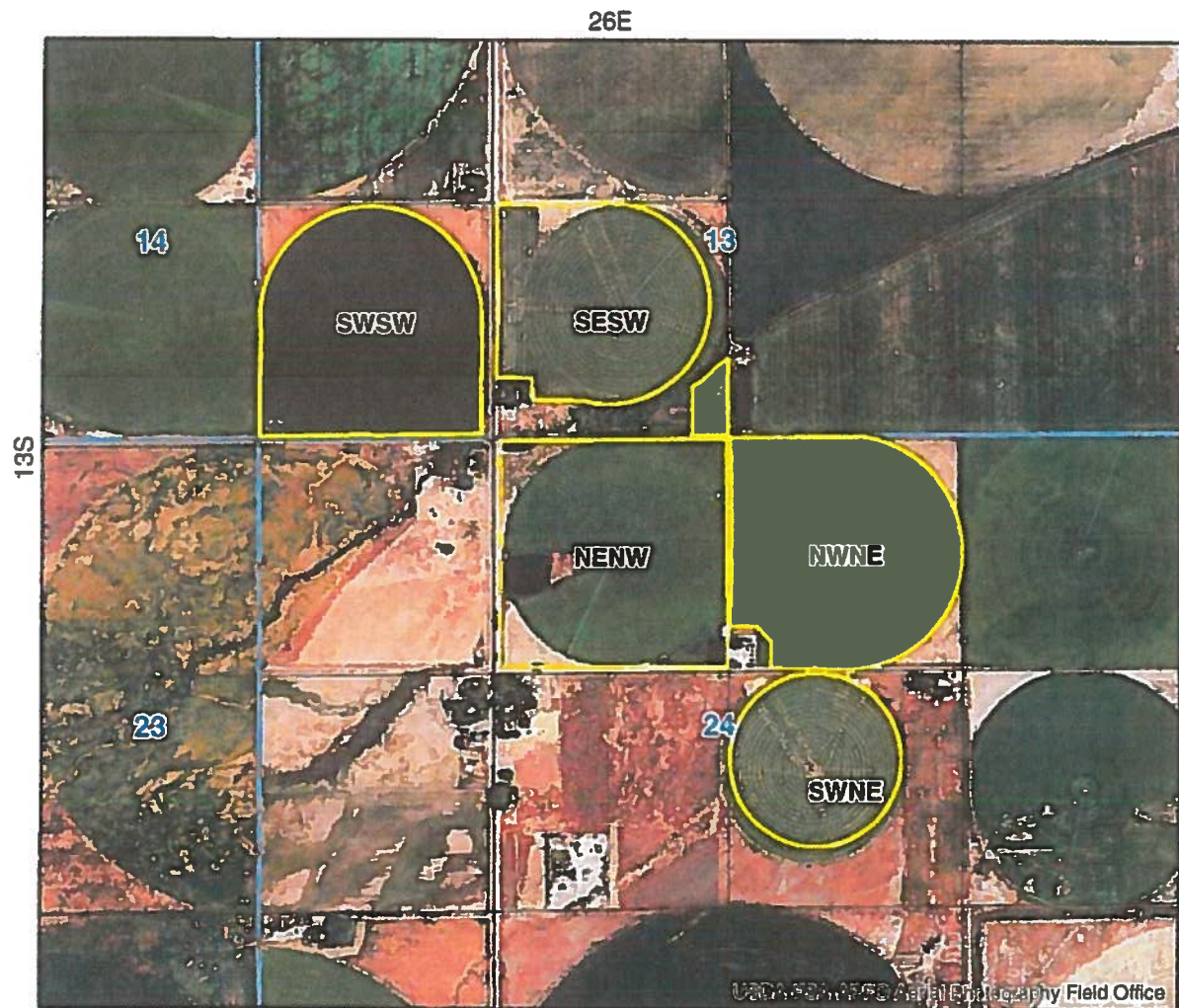
Higley - POU and PODs after transfer



State of Idaho
Department of Water Resources

Higley Water Right POU before transfer

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

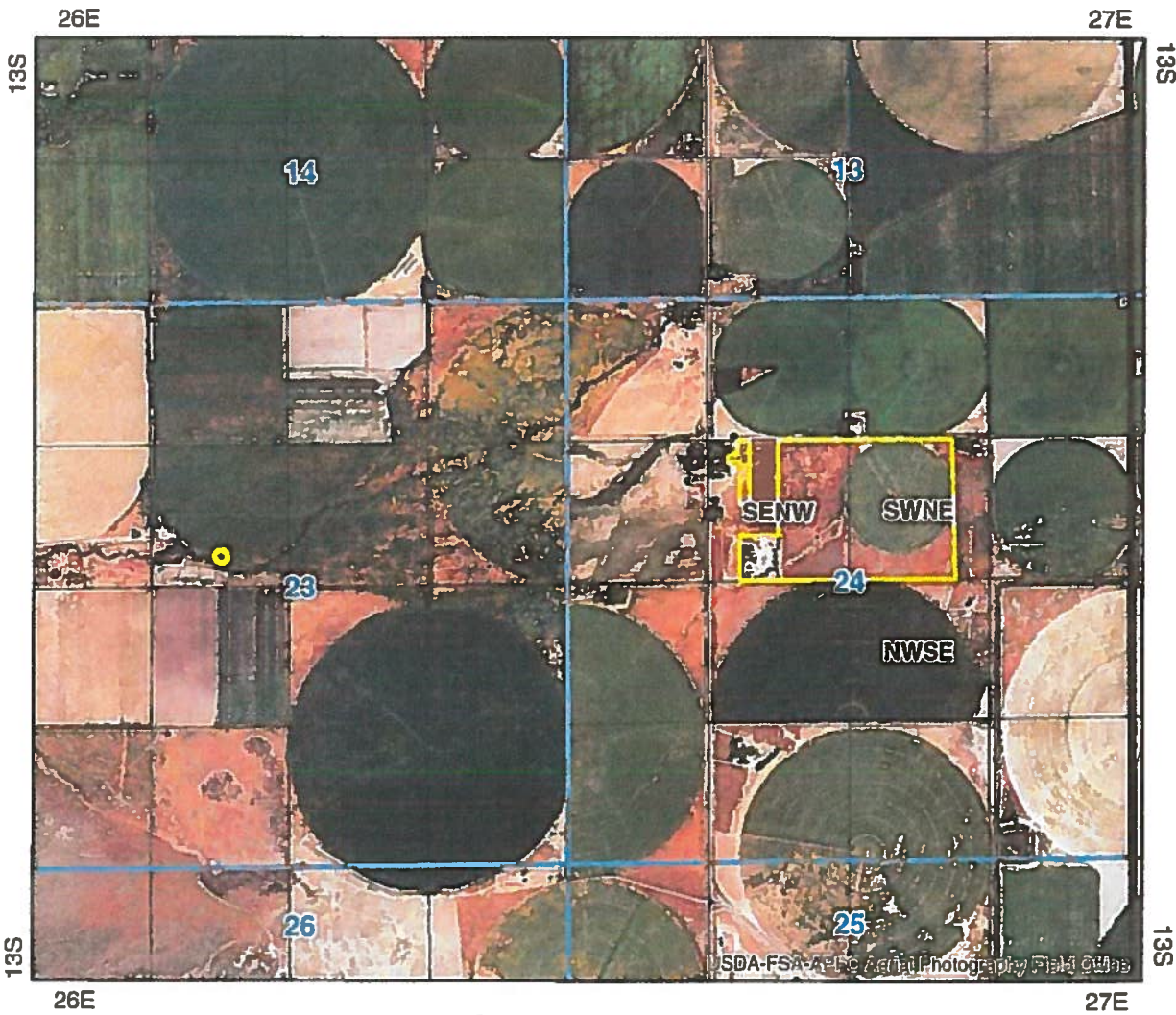


0 0.125 0.25 0.5 Miles

- Place Of Use Boundary
- Townships
- PLS Sections



State of Idaho
Department of Water Resources
Water Right 43-323B
before split and POD/POU change



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

0 0.2 0.4 0.8 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

April 27, 2018

HEATH HIGLEY
DAWN HIGLEY
1971 S 2350 E
MALTA, ID 83342

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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 5/3/2018 and 5/10/2018**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **May 21, 2018**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant



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

April 27, 2018

WATER DISTRICT #143
NATHAN ERICKSON
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

via hand delivery

RE: Transfer No. 82289
Water Right No(s). 43-13005, 43-2540B

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

Dear Nathan:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



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

April 27, 2018

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

RE: Transfer No. 82302

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

Dear Roger:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,


Denise Maline
Administrative Assistant

Enclosure(s)



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

April 27, 2018

IDAHO DEPT OF FISH & GAME
324 S 417 E, STE 1
JEROME, ID 83338

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

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days. In addition, detailed information regarding this application(s) can be found on our website at www.idwr.idaho.gov.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Friday, April 27, 2018 11:29 AM
To: Times News
Subject: LEGAL NOTICES
Attachments: Times News cover letter.docx; Times News ad.doc; TFGWMA Legal Notice 2018.docx

Attached please find **(2)** legal notice being submitted for publication. ***Please note:*** the ad labeled "Times News ad" is for publication on the normal dates of May 3rd & 10th, 2018. The ad labeled "TFGWMA legal notice 2018" is for publication on May 3rd, 10th, and 17th, 2018.

Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you again for your flexibility,

Denise

Denise Maline

Administrative Assistant

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Governor

GARY SPACKMAN
Director

April 27, 2018

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 81943

Water 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

RE: Transfer No. 82201

Water Right No(s): 47-4107A

RE: Transfer No. 82247

Water Right No(s): 47-7673

RE: Transfer No. 82289

Water Right No(s): 43-13005, 43-2540B

RE: Transfer No. 82302

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

RE: Notice of Moratorium Extension, Twin Falls Groundwater Management Area

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before May 21, 2018. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**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.

**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
Published on May 3rd & 10th, 2018

TRANSFER SYNOPSIS

Date: April 25, 2018
To: Heath and Dawn Higley, Transfer #82302 file
From: Jim Bitzenburg
Re: Summary of transfer

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.

Because the transfer is located within the Raft River Critical Ground Water Area, and a surface water POD is being changed, the transfer will be advertised. Comments will be solicited from the Watermasters of WD-143 (ground water rights) and WD-43C (Cassia Creek rights).

The rights in the transfer are 43-13693 (ground water, 0.61 cfs, 36.0 acres), 43-13691 (Cassia Creek, 0.76 cfs, 36.0 acres), 43-7048 (Unnamed stream, 0.76 cfs, 74.0 acres), 43-13031 (Cassia Creek, 2.4 cfs, 113.0 acres), 43-13041 (Ground water, 1.91 cfs, 113.0 acres), and 43-323B (Cassia Creek, 0.54 cfs, 54.9 acres) which will be split in the transfer with a 0.19 cfs, 19.0 acre portion undergoing a change of ownership to the Higleys. Deeds supporting the change of ownership are included in the transfer material. The 19.0 acre portion was found to be appurtenant to the newly purchased ground in the East ½ of the SENW of Section 24, and accordingly is being brought into the transfer.

FEE MEMORANDUM

Date: April 25, 2018
To: Heath and Dawn Higley, Transfer #82302 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on April 24, 2018 and was intended to change the POU for five rights and to change the POD and POU for one right, which would also undergo a split and change of ownership. The fee calculation for the change of POU for the five existing rights was done by dividing the number of acres changing (13.9) by the acre limit for each right:

43-13693	$13.9/36.0 \times 0.61 \text{ cfs} = 0.24 \text{ cfs}$
43-13691	$13.9/36.0 \times 0.29 \text{ cfs} = 0.29 \text{ cfs}$
43-7048	$13.9/74.0 \times 0.76 \text{ cfs} = 0.14 \text{ cfs}$
43-13031	$13.9/113.0 \times 2.4 \text{ cfs} = 0.30 \text{ cfs}$
43-13041	$13.9/113.0 \times 1.91 \text{ cfs} = \underline{0.24 \text{ cfs}}$
	1.21 cfs

This total is added to the flow rate of the right which is being split and changing its POD (0.19 cfs). The fee of \$580.00 for this portion of the transfer is based on 1.40 cfs from the transfer fee schedule. Because the split right will also have a change of ownership upon transfer approval, an additional fee of \$100.00 is added to the base fee for a total of \$680.00.

The fee of \$680.00 was paid by Dawn and Heath Higley upon filing the transfer on April 24, 2018 with check #3561. The receipt number is S036706.