

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81344**

This is to certify that: **HANK T HIGLEY AND
LACEY G HIGLEY
PO BOX 652
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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
43-13287	WR/DECREED	7/5/1963	0.450 cfs	90.0 af	22.5	100.0	GROUND WATER
43-13289	WR/DECREED	7/5/1963	0.220 cfs	43.2 af	10.8	100.0	GROUND WATER
43-13291	WR/DECREED	6/30/1985	0.060 cfs	N/A	4.2	100.0	GROUND WATER
43-13738	WR/DECREED	4/11/1948	0.290 cfs	58.0 af	14.5	100.0	GROUND WATER
43-13739	WR/DECREED	6/30/1985	0.160 cfs	N/A	16.5	100.0	GROUND WATER
43-13746	WR/DECREED	8/13/1958	0.230 cfs	86.0 af	21.5	100.0	GROUND WATER
43-2277	WR/DECREED	8/13/1958	0.570 cfs	214.0 af	N/A	53.5	GROUND WATER
43-2354A	WR/DECREED	9/17/1954	0.150 cfs	40.0 af	10.0	100.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-13287	NO	NO	YES	NO	NO	NO
43-13289	NO	NO	YES	NO	NO	NO
43-13291	NO	NO	YES	NO	NO	NO
43-13738	NO	NO	YES	NO	NO	NO
43-13739	NO	NO	YES	NO	NO	NO
43-13746	NO	NO	YES	NO	NO	NO
43-2277	YES	YES	YES	NO	NO	NO
43-2354A	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
43-13287	43-13287	0.450 cfs	90.0 af	22.5	120.0	N/A	N/A	N/A	N/A	N/A
43-13289	43-13289	0.220 cfs	43.2 af	10.8	120.0	N/A	N/A	N/A	N/A	N/A
43-13291	43-13291	0.060 cfs	N/A	4.2	120.0	N/A	N/A	N/A	N/A	N/A
43-13738	43-13738	0.290 cfs	58.0 af	14.5	120.0	N/A	N/A	N/A	N/A	N/A
43-13739	43-13739	0.160 cfs	N/A	16.5	120.0	N/A	N/A	N/A	N/A	N/A
43-13746	43-13746	0.230 cfs	86.0 af	21.5	120.0	N/A	N/A	N/A	N/A	N/A
43-2277	43-13784	0.210 cfs	80.0 af	20.0	120.0	43-2277	0.360 cfs	134.0 af	N/A	33.5
43-2354A	43-2354A	0.150 cfs	40.0 af	10.0	120.0	N/A	N/A	N/A	N/A	N/A

Transfer No. 81344

SUPPORT DATA

IN FILE # 43-2277

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81344

COMBINED TOTALS	1.400 cfs	397.2 af	120.0	120.0	N/A	N/A	N/A	N/A
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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 August, 2017.



Southern Region Manager

Transfer No. 81344

WATER RIGHT NO. 43-2277

As Modified by Transfer No. 81344

In accordance with the approval of Transfer No. 81344, Water Right No. 43-2277 is now described as follows:

Right Holder: HANK T HIGLEY AND
LACEY G HIGLEY
PO BOX 652
MALTA, ID 83342

Priority Date: 8/13/1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.360 cfs	134.0 af
			0.360 cfs	134.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSWSW Sec 1 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	1										3.9	29.6						33.5

POU Total Acres: 33.5

CONDITIONS OF APPROVAL

- 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.

Transfer No. 81344

WATER RIGHT NO. 43-13784
As Modified by Transfer No. 81344

In accordance with the approval of Transfer No. 81344, Water Right No. 43-13784 is now described as follows:

Right Holder: HANK T HIGLEY AND
LACEY G HIGLEY
PO BOX 652
MALTA, ID 83342

Priority Date: 8/13/1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.210 cfs	80.0 af
			0.210 cfs	80.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 25 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												23.0			39.0		62.0
13S	26E	25		39.0			19.0												58.0

Right Acre Limit: 20.0

POU Total Acres: 120.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20 acres within the authorized place of use in a single irrigation season.
2. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739, 43-13746 and 43-13784 when combined shall not exceed a total diversion rate of 1.4 cfs, a total annual maximum diversion volume of 397.2 af, and the irrigation of 120.0 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. 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.

Transfer No. 81344

WATER RIGHT NO. 43-13784
As Modified by Transfer No. 81344

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. 43-13287

As Modified by Transfer No. 81344

In accordance with the approval of Transfer No. 81344, Water Right No. 43-13287 is now described as follows:

Right Holder: HANK T HIGLEY AND
LACEY G HIGLEY
PO BOX 652
MALTA, ID 83342

Priority Date: 7/5/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.450 cfs 0.450 cfs	90.0 af 90.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 25 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	24												23.0			39.0		62.0
13S	26E	25		39.0			19.0												58.0

Right Acre Limit: 22.5

POU Total Acres: 120.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 22.5 acres within the place of use described above in a single irrigation season.
2. Rights 43-13287, 43-13289 and 43-13291 when combined shall not exceed a total diversion rate of 0.52 cfs, a total annual maximum diversion volume of 133.2 af, and the irrigation of 37.5 acres.
3. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738 and 43-13739 when combined shall not exceed a total diversion rate of 0.96 cfs, a total annual maximum diversion volume of 231.2 af, and the irrigation of 78.5 acres.
4. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739 and 43-13746 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 317.2 af, and the irrigation of 100.0 acres.

Transfer No. 81344

WATER RIGHT NO. 43-13287
As Modified by Transfer No. 81344

CONDITIONS OF APPROVAL

5. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739, 43-13746 and 43-13784 when combined shall not exceed a total diversion rate of 1.4 cfs, a total annual maximum diversion volume of 397.2 af, and the irrigation of 120.0 acres.
6. 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.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6-28-2002.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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. 43-13289

As Modified by Transfer No. 81344

In accordance with the approval of Transfer No. 81344, Water Right No. 43-13289 is now described as follows:

Right Holder: HANK T HIGLEY And
LACEY G HIGLEY
PO BOX 652
MALTA, ID 83342

Priority Date: 7/5/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.220 cfs	43.2 af
			0.220 cfs	43.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 25 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												23.0			39.0		62.0
13S	26E	25		39.0			19.0												58.0

Right Acre Limit: 10.8

POU Total Acres: 120.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10.8 acres within the place of use described above in a single irrigation season.
2. Rights 43-13289 and 43-13291 when combined shall not exceed a total diversion rate of 0.22 cfs, a total annual maximum diversion volume of 43.2 af at the field headgate, and the irrigation of 15.0 acres
3. Rights 43-13287, 43-13289 and 43-13291 when combined shall not exceed a total diversion rate of 0.52 cfs, a total annual maximum diversion volume of 133.2 af, and the irrigation of 37.5 acres.
4. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738 and 43-13739 when combined shall not exceed a total diversion rate of 0.96 cfs, a total annual maximum diversion volume of 231.2 af, and the irrigation of 78.5 acres.

Transfer No. 81344

WATER RIGHT NO. 43-13289
As Modified by Transfer No. 81344

CONDITIONS OF APPROVAL

5. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739 and 43-13746 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 317.2 af, and the irrigation of 100.0 acres.
6. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739, 43-13746 and 43-13784 when combined shall not exceed a total diversion rate of 1.4 cfs, a total annual maximum diversion volume of 397.2 af, and the irrigation of 120.0 acres.
7. 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.
8. 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.
9. 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.
10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6-28-2002.
11. Right No. 43-13291 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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. 43-13291

As Modified by Transfer No. 81344

In accordance with the approval of Transfer No. 81344, Water Right No. 43-13291 is now described as follows:

Right Holder: HANK T HIGLEY And
LACEY G HIGLEY
PO BOX 652
MALTA, ID 83342

Priority Date: 6/30/1985

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From
03/15

To
to 11/15

Diversion Rate
0.060 cfs
0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 25 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	24												23.0			39.0		62.0
13S	26E	25		39.0			19.0												58.0

Right Acre Limit: 4.2

POU Total Acres: 120.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4.2 acres within the place of use described above in a single irrigation season.
2. Rights 43-13289 and 43-13291 when combined shall not exceed a total diversion rate of 0.22 cfs, a total annual maximum diversion volume of 43.2 af at the field headgate, and the irrigation of 15.0 acres.
3. Rights 43-13287, 43-13289 and 43-13291 when combined shall not exceed a total diversion rate of 0.52 cfs, a total annual maximum diversion volume of 133.2 af, and the irrigation of 37.5 acres.
4. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738 and 43-13739 when combined shall not exceed a total diversion rate of 0.96 cfs, a total annual maximum diversion volume of 231.2 af, and the irrigation of 78.5 acres.

Transfer No. 81344

WATER RIGHT NO. 43-13291
As Modified by Transfer No. 81344

CONDITIONS OF APPROVAL

5. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739 and 43-13746 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 317.2 af, and the irrigation of 100.0 acres.
6. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739, 43-13746 and 43-13784 when combined shall not exceed a total diversion rate of 1.4 cfs, a total annual maximum diversion volume of 397.2 af, and the irrigation of 120.0 acres.
7. 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.
8. 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.
9. 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.
10. This right is an expansion of Right No. 43-13289 pursuant to Section 42-1416B of the Idaho Code.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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. 43-13738
As Modified by Transfer No. 81344

In accordance with the approval of Transfer No. 81344, Water Right No. 43-13738 is now described as follows:

Right Holder: HANK T HIGLEY And
 LACEY G HIGLEY
 PO BOX 652
 MALTA, ID 83342

Priority Date: 4/11/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.290 cfs	58.0 af
			0.290 cfs	58.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 25 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	24												23.0			39.0		62.0
13S	26E	25		39.0			19.0												58.0

Right Acre Limit: 14.5

POU Total Acres: 120.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 14.5 acres within the authorized place of use in a single irrigation season.
2. Rights 43-13738 and 43-13739 when combined shall not exceed a total diversion rate of 0.29 cfs, a total annual maximum diversion volume of 58.0 af at the field headgate, and the irrigation of 31.0 acres.
3. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738 and 43-13739 when combined shall not exceed a total diversion rate of 0.96 cfs, a total annual maximum diversion volume of 231.2 af, and the irrigation of 78.5 acres.
4. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739 and 43-13746 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 317.2 af, and the irrigation of 100.0 acres.

Transfer No. 81344

WATER RIGHT NO. 43-13738
As Modified by Transfer No. 81344

CONDITIONS OF APPROVAL

5. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739, 43-13746 and 43-13784 when combined shall not exceed a total diversion rate of 1.4 cfs, a total annual maximum diversion volume of 397.2 af, and the irrigation of 120.0 acres.
6. 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.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. Right No. 43-13739 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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. 43-13739
As Modified by Transfer No. 81344

In accordance with the approval of Transfer No. 81344, Water Right No. 43-13739 is now described as follows:

Right Holder: HANK T HIGLEY And
 LACEY G HIGLEY
 PO BOX 652
 MALTA, ID 83342

Priority Date: 6/30/1985

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 0.160 cfs
 0.160 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 25 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	24												23.0			39.0		62.0
13S	26E	25		39.0			19.0												58.0

Right Acre Limit: 16.5

POU Total Acres: 120.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16.5 acres within the authorized place of use in a single irrigation season.
2. Rights 43-13738 and 43-13739 when combined shall not exceed a total diversion rate of 0.29 cfs, a total annual maximum diversion volume of 58.0 af at the field headgate, and the irrigation of 31.0 acres.
3. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738 and 43-13739 when combined shall not exceed a total diversion rate of 0.96 cfs, a total annual maximum diversion volume of 231.2 af, and the irrigation of 78.5 acres.
4. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739 and 43-13746 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 317.2 af, and the irrigation of 100.0 acres.

Transfer No. 81344

WATER RIGHT NO. 43-13739
As Modified by Transfer No. 81344

CONDITIONS OF APPROVAL

5. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739, 43-13746 and 43-13784 when combined shall not exceed a total diversion rate of 1.4 cfs, a total annual maximum diversion volume of 397.2 af, and the irrigation of 120.0 acres.
6. 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.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. This right is an expansion of Right No. 43-13738 pursuant to Section 42-1416B, Idaho Code.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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. 43-13746

As Modified by Transfer No. 81344

In accordance with the approval of Transfer No. 81344, Water Right No. 43-13746 is now described as follows:

Right Holder: HANK T HIGLEY AND
LACEY G HIGLEY
PO BOX 652
MALTA, ID 83342

Priority Date: 8/13/1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.230 cfs	86.0 af
			0.230 cfs	86.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 25 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	24												23.0			39.0		62.0
13S	26E	25		39.0			19.0												58.0

Right Acre Limit: 21.5

POU Total Acres: 120.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 21.5 acres within the authorized place of use in a single irrigation season.
2. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739 and 43-13746 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 317.2 af, and the irrigation of 100.0 acres.
3. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739, 43-13746 and 43-13784 when combined shall not exceed a total diversion rate of 1.4 cfs, a total annual maximum diversion volume of 397.2 af, and the irrigation of 120.0 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. 143.

Transfer No. 81344

WATER RIGHT NO. 43-13746
As Modified by Transfer No. 81344

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.
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. 43-2354A

As Modified by Transfer No. 81344

In accordance with the approval of Transfer No. 81344, Water Right No. 43-2354A is now described as follows:

Right Holder: HANK T HIGLEY AND
LACEY G HIGLEY
PO BOX 652
MALTA, ID 83342

Priority Date: 9/17/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.150 cfs	40.0 af
			0.150 cfs	40.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 25 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												23.0			39.0		62.0
13S	26E	25		39.0			19.0												58.0

Right Acre Limit: 10.0

POU Total Acres: 120.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
2. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738 and 43-13739 when combined shall not exceed a total diversion rate of 0.96 cfs, a total annual maximum diversion volume of 231.2 af, and the irrigation of 78.5 acres.
3. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739 and 43-13746 when combined shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 317.2 af, and the irrigation of 100.0 acres.
4. Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739, 43-13746 and 43-13784 when combined shall not exceed a total diversion rate of 1.4 cfs, a total annual maximum diversion volume of 397.2 af, and the irrigation of 120.0 acres.

Transfer No. 81344

WATER RIGHT NO. 43-2354A
As Modified by Transfer No. 81344

CONDITIONS OF APPROVAL

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. 143.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to 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.

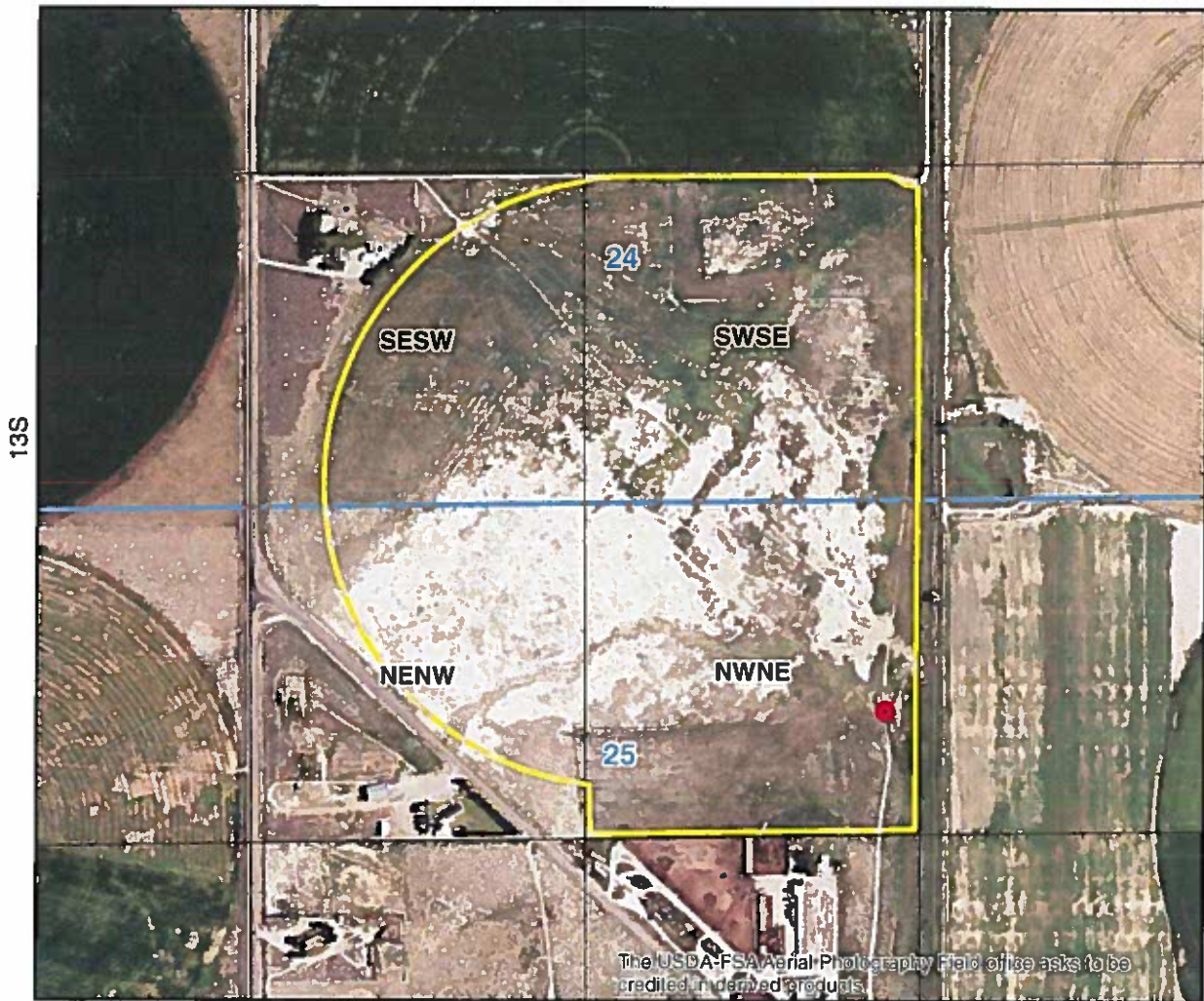
State of Idaho
Department of Water Resources

Attachment to Transfer # 81344

Rights 43-13287, 43-13289, 43-13291, 43-2354A, 43-13738, 43-13739, 43-13746, and 43-13784

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.

26E



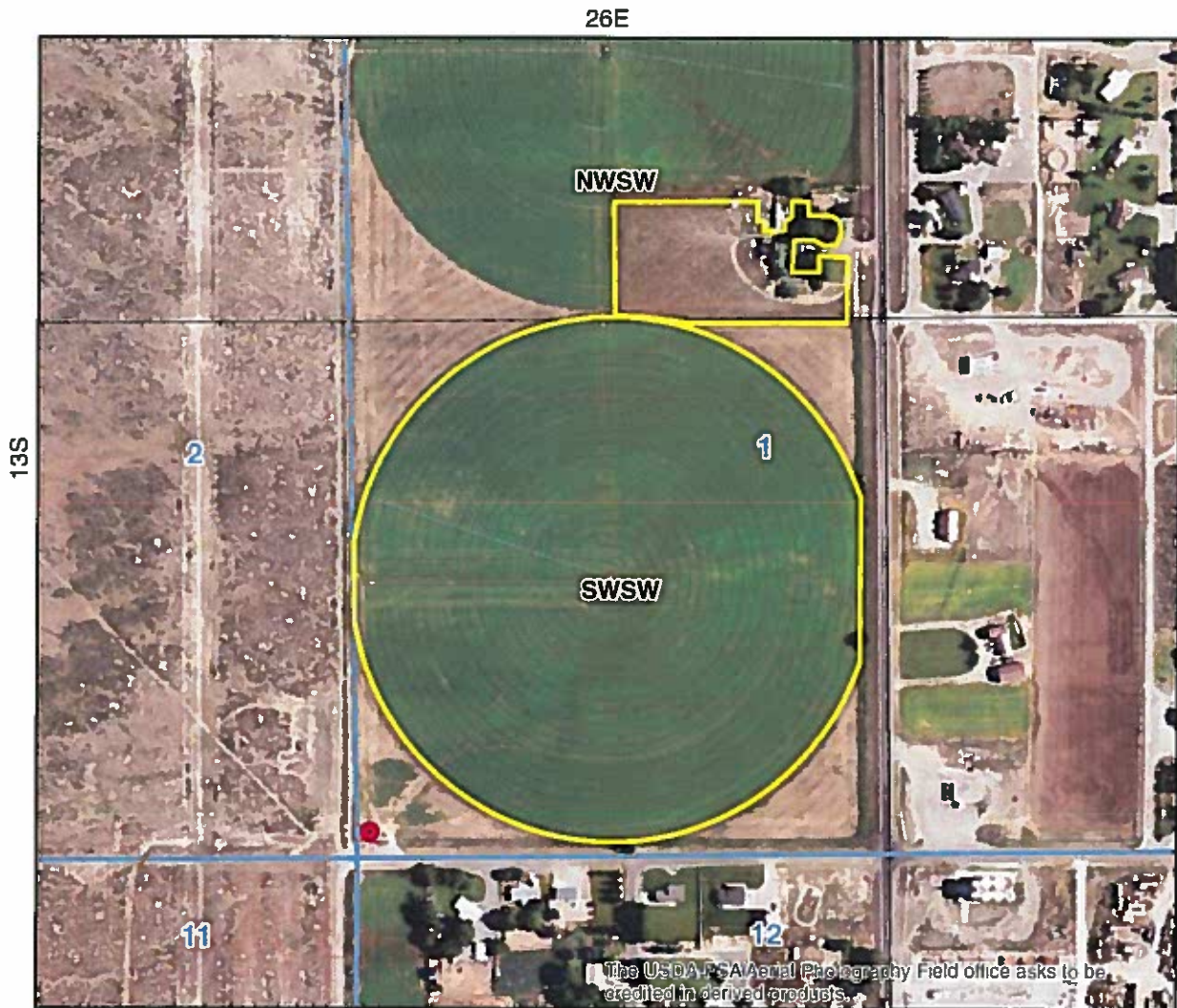
0 0.075 0.15 0.3 Miles

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



State of Idaho
Department of Water Resources
Attachment to Transfer # 81344
43-2277

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



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

0 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 14, 2017

HANK T HIGLEY
LACEY G HIGLEY
PO BOX 652
MALTA ID 83342

Re: Transfer No: 81344

Water Right No(s): 43-2277, 43-2354A, 43-13287, 43-13289, 43-13291, 43-13738,
43-13739, 43-13746

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" being more prominent than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

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

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2017 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.: 81344

**Water Right No(s): 43-2277, 43-2354A, 43-13287, 43-13289, 43-13291, 43-13738,
43-13739, 43-13746**

**HANK T HIGLEY
LACEY G HIGLEY
PO BOX 652
MALTA ID 83342**

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

via e-mail



**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.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 81344
Water Right No: 43-2277, etc.
Applicant Name: Higley, Hank & Lacey

Watermaster's Recommendation:

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

Dated: June 9, 2017

Water District 143



Nathan Erickson, Watermaster

*** Proof of Publication ***

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

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

2 Insertions

ID DEPARTMENT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

ORDER NUMBER 45883

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 .SS
COUNTY OF TWIN FALLS)

On this 11 day of May in the year of 2017, 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.

Miriam King
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5.10.22



PUBLISHED ON: 05/04/2017, 05/11/2017

TOTAL AD COST: 340.74
FILED ON: 5/11/2017

RECEIVED

MAY 18 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

→
OVER

✓ OK DM 5-18-2017

✓ 47-17660

DOUGLAS L ELGAN

PO BOX 544

SODA SPRINGS, ID 83276

Point of Diversion SWSE S30 T08S R14E TWIN FALLS County

Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.02 CFS

Use: HEATING 09/01 to 05/31 0.05 CFS

Total Diversion: 0.07 CFS

Date Filed: 3/20/2017

Place Of Use: DOMESTIC, HEATING

T08S R14E S30 SWSE

Application for permit proposes to divert up to 0.07 cfs of low temperature geothermal water from an existing well for in-house domestic and heating uses. The property and point of diversion are located on the east side of Hwy 30 approximately 8.1 miles south and 2.0 miles east of Hagerman.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81344

✓ HANK T HIGLEY and LACEY G HIGLEY, PO BOX 652, MALTA, ID 83342; has filed Application No. 81344 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13287, 43-13289, 43-13291, 43-13738, 43-13739, 43-13746, 43-2277, 43-2354A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 0.21cfs and 20 acre portion of a groundwater right from the northwest edge of Malta to a farm located 2.7 to 3.2 miles south 0.0 to 0.5 miles east of Malta. The transferred right will be combined with seven other ground water rights on the farm southeast of Malta to create a 120 acre permissible place of use. The transferred right and the existing rights will divert up to 1.4 cfs from an existing well located on the farm southeast of Malta.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81347

✓ HANK T HIGLEY and LACEY G HIGLEY, PO BOX 652, MALTA, ID 83342; has filed Application No. 81347 for changes to the following water rights within CASSIA County(s): Right No(s). 43-103B, 43-2310. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 0.4 cfs portion of a ground water right and a 0.41 cfs portion of a Cassia Creek right used to irrigate 20 acres on a farm located approximately 1.0 to 1.2 miles south and 0.1 to 0.7 miles east of Malta to a farm located on the northwest edge of Malta. The 0.41 cfs of surface water will be moved from a diversion located approximately 1.0 mile south and 0.3 miles west of Malta to an existing diversion and ditch located approximately 0.3 miles downstream. The transferred ground water will be diverted from an existing well at the farm on the northwest edge of Malta.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81350

✓ HANK T HIGLEY and LACEY G HIGLEY, PO BOX 652, MALTA, ID 83342; has filed Application No. 81350 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10237, 43-103B, 43-11263, 43-2310, 43-2355, 43-242, 43-243, 43-2530A. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes irrigating 325 acres within a 340 acre permissible place of use with 4 ground water rights and 4 Cassia Creek rights with a combined limit of 13.19 cfs that are currently used on adjacent properties. Application also proposes identifying 3 existing wells as authorized PODs for all 4 ground water rights. Place of use and existing wells are located approximately 0.5 to 1.3 miles south and 0.0 to 0.8 miles east of Malta.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81544

✓ GARY ERICKSON and TODD ERICKSON, PO BOX 545, ALBION, ID 83311; RICH REDMAN, PO BOX 14, ALBION, ID 83311; has filed Application No. 81544 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13429. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion of a ground water irrigation right currently authorized to be diverted from a well located approximately 0.3 miles east and 0.5 miles south of the City of Albion (Main and Market streets) to an existing well located approximately 0.5 miles east and 0.3 miles south of the City of Albion. This water right allows for the diversion of up to 0.27 cfs (63.0 af) and the irrigation of 18.0 acres.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81546

✓ GARY ERICKSON, PO BOX 545, ALBION, ID 83311; RICH REDMAN, PO BOX 14, ALBION, ID 83311; has filed Application No. 81546 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13464. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion for a Marsh Creek irrigation right currently authorized to be diverted from a point located approximately 1.0 mile south and 1.0 mile west of the City of Albion (Main and Market streets) to an existing point of diversion on Marsh Creek located approximately 0.5 miles east and 0.15 miles north of the City of Albion. This water right allows for the diversion of up to 0.07 cfs and the irrigation of 3.7 acres.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033, or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before May 22, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on May 4th & 11th, 2017

✓ OK DM 5-18-2017