

APR 11 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION**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) HANK T HIGLEY AND LACEY G HIGLEY

Check 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: _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

RECEIVED
APR 11 2017
DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant HANK T HIGLEY Phone _____
Mailing Address PO BOX 652, MALTA ID 83342 Email _____
Name of Applicant LACEY G HIGLEY Phone _____
Mailing Address PO BOX 652, MALTA ID 83342 Email _____

- ☐ 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**.

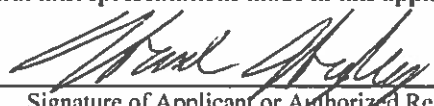
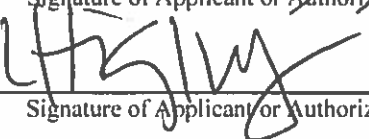
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ 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.

 Signature of Applicant or Authorized Representative	<u>Hank Higley</u> Print Name and Title if applicable	<u>4-11-17</u> Date
 Signature of Applicant or Authorized Representative	<u>Lacey Higley</u> Print Name and Title if applicable	<u>4-11-17</u> Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	43-2308B	No	No	Yes	No	No	No
	43-10827	No	No	Yes	No	No	No

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**

Create a 103 acre PPU for two ground water rights to allow more flexibility in irrigation practices on farm.

- 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
43-2308B	0.590 cfs	118.0 af	29.5	103.0		N/A	N/A	N/A	N/A
43-10827	0.310 cfs	N/A	33.5	103.0		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

0.590 cfs	118.0 af	63.0	103.0	N/A	N/A	N/A	N/A
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2. Total amount of water proposed to be transferred or changed 0.59 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 Transfer Right After Requested Changes

Proposed Water Right No. 43-2308B

Current Water Right Owner

HANK T HIGLEY
 PO BOX 652
 MALTA, ID 83342

And

LACEY G HIGLEY
 PO BOX 652
 MALTA, ID 83342

Priority Date: 4/11/1948

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	0.590 CFS	118.0 AFA	
Total Diversion			0.590 CFS	118.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER

L3(SWNWSW) Sec. 30 Twp 13S Rgc 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	25													39.0	40.0			79.0
13S	27E	30										24.0							24.0
												L3							

Right Acre Limit: 29.5

POU Total Acres: 103.0

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

Proposed Water Right No. 43-10827

Current Water Right Owner

HANK T HIGLEY
 PO BOX 652
 MALTA, ID 83342

And

LACEY G HIGLEY
 PO BOX 652
 MALTA, ID 83342

Priority Date: 6/30/1985

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>Subuse Code</u>
IRRIGATION	03/15	11/15	0.310 CFS	
Total Diversion			0.310 CFS	

Source and Point(s) of Diversion:
 GROUND WATER

L3(SWNWSW) Sec. 30 Twp 13S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	25													39.0	40.0			79.0
13S	27E	30										24.0							24.0
												L3							

Right Acre Limit: 33.5

POU Total Acres: 103.0

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
Well, lines and two pivots. Measuring devices will be installed as required by IDWR.

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

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

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:

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:

Only 63 acres will be irrigated within the 103 acre PPU in any given irrigation season. If irrigate
d acres are shifted within the PPU, then previously irrigated acres will be dried up and a 206 map will
be submitted to IDWR.

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:

N/A

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. 43-2308B

Current Water Right Owner

HANK T HIGLEY
 PO BOX 652
 MALTA, ID 83342

And

LACEY G HIGLEY
 PO BOX 652
 MALTA, ID 83342

Priority Date: 4/11/1948

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	0.590 CFS	118.0 AFA	
Total Diversion			0.590 CFS	118.0 AFA	

Source and Point(s) of Diversion:
 GROUND WATER

L3(SWNWSW) Sec. 30 Twp 13S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	25													40.0				40.0
13S	27E	30										23.0							23.0
												L 3							

Right Acre Limit: 29.5

POU Total Acres: 63.0

Conditions/Remarks:

1. This right is limited to the irrigation of 29.5 acres within the place of use described above in a single irrigation season.
2. Right No. 43-10827 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
3. The rights listed below are limited to a total combined diversion rate of 0.59 cfs and to a total combined annual diversion volume of 118 AF. Combined Right Nos.:43-2308B and 43-10827
4. 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. 43-10827

Current Water Right Owner

**HANK T HIGLEY
PO BOX 652
MALTA, ID 83342**

And

**LACEY G HIGLEY
PO BOX 652
MALTA, ID 83342**

Priority Date: 6/30/1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.310 CFS

Subuse Code

Total Diversion

0.310 CFS

Source and Point(s) of Diversion:

GROUND WATER

L3(SWNWSW) Sec. 30 Twp 13S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	25													40.0				40.0
13S	27E	30										23.0							23.0
												L3							

Right Acre Limit: 33.5

POU Total Acres: 63.0

Conditions/Remarks:

1. The rights listed below are limited to a total combined diversion rate of 0.59 cfs and to a total combined annual diversion volume of 118 AF. Combined Right Nos.:43-2308B and 43-10827
2. This right is limited to the irrigation of 33.5 acres within the place of use described above in a single irrigation season.
3. This right is an expansion of Right No. 43-2308B pursuant to Section 42-1416B, Idaho Code.
4. 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.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

- ☒ 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.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ 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**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

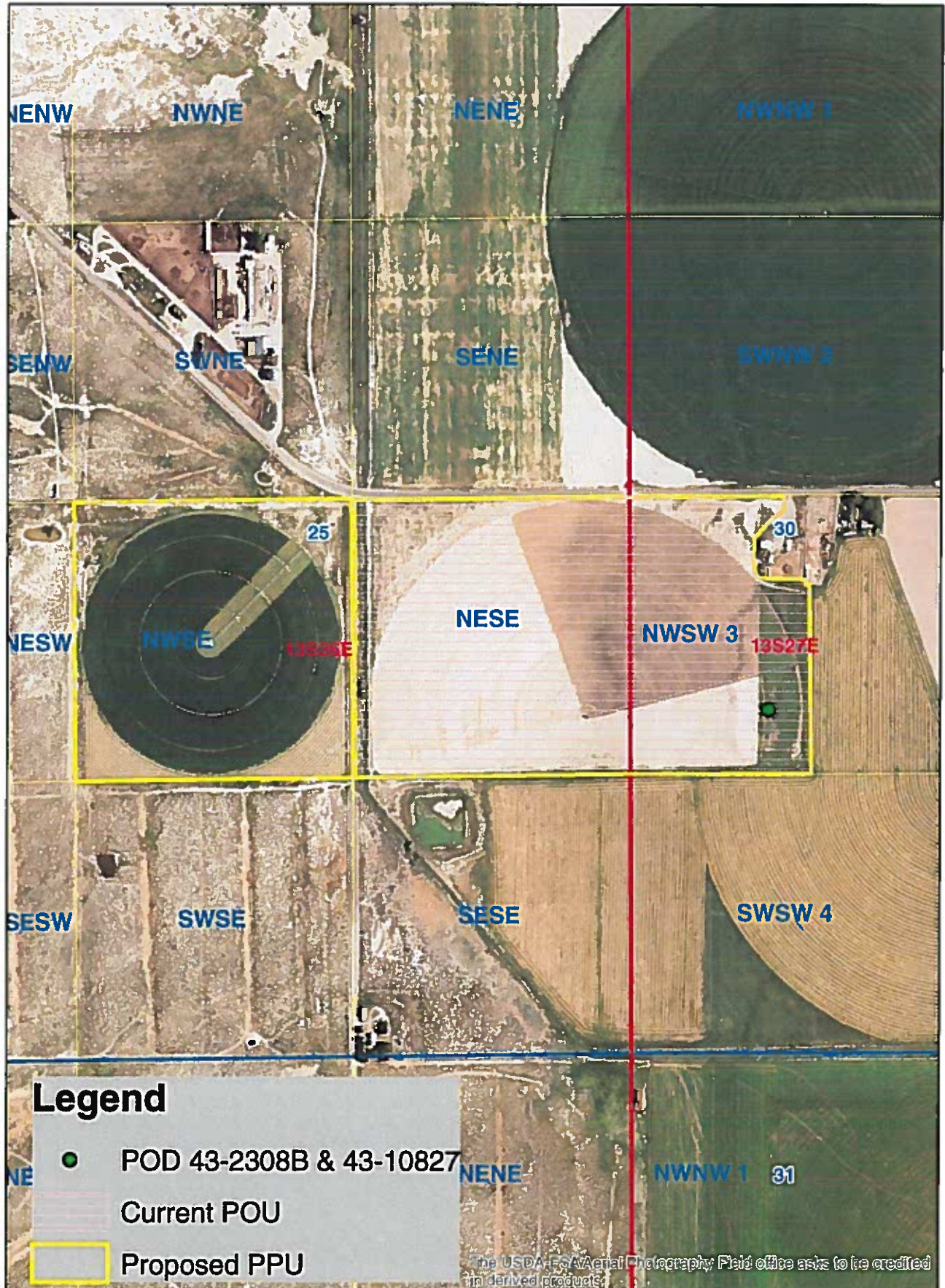
1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary 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]

FOR DEPARTMENT USE ONLY

Transfer Contains 9 pages and 1 attachments.
 Received By B.71 Date 4-11-2017 Prelim. Check By B.71 Date 4-13-2017
 Fee Paid \$580- Date 4-11-2017 Received By TP Receipt # 5036060
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

Attachment #7A & 7B



TRANSFER 81353

CASSIA COUNTY
Recorded for:
LAND TITLE AND ESCROW
2:24:14 pm 03-30-2012
2012-001339

No. Pages: 4 Fee: \$19.00
JOSEPH W. LARSEN
County Clerk
Deputy: VIKI

QUITCLAIM DEED

49050

This indenture, made this st March 2012 day of January, 2012, between Cathy M. Higley of 3563

East 108 North, Idaho Falls, ID 83402, herein called the "Grantor", and Hank T. Higley of P.O.
Box 652, Malta, ID 83342, herein called the "Grantee".

WITNESSETH:

The said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee and the heirs and assigns of the Grantee, all of the interest of the Grantor in that certain lot, piece or parcel of land situated, lying and being in the County of 8, State of Idaho, bounded and particularly described as follows, to-wit:

See attached Exhibit "A"

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. To have and to hold all and singular the said premises, together with the appurtenances, unto the Grantee, and to the heirs and assigns of Grantee forever.

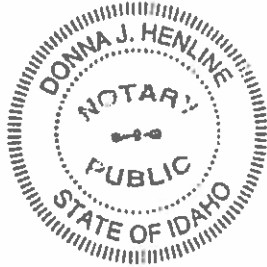
IN WITNESS WHEREOF, the Grantor has executed this Quitclaim Deed.


Cathy M. Higley

STATE OF IDAHO)

) ss
County of Bonneville

On this 1st day of ^{March} ~~January~~, in the year 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Cathy M. Higley, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.



Donna J. Henline
Notary Public for Idaho
Residing at Idaho Falls ID
My commission expires on 10-6-2012

Exhibit "A"

PARCEL NO. 1:

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

Section 24: E1/2SE1/4SW1/4, SW1/4SE1/4, W1/2SE1/4SW1/4

EXCEPTING the following tract of land:

Beginning at the Southwest corner of the SE1/4SW1/4 of said Section 24, which point is the intersection of the South line of said Section 24 with the centerline of the Raft River F.A.P. 131-E Highway,

Thence running North along the centerline of the said Highway 1320 feet more or less to an intersection with the North line of the SE1/4SW1/4, of Section 24;

Thence at right angles Easterly along the said North line 100 feet to a point; Thence at right angles 581 feet Southerly;

Thence at right angles 100 feet Easterly;

Thence at right angles 300 feet Southerly;

Thence at right angles 100 feet Westerly;

Thence at right angles 439 feet Southerly to a point in the South line of said Section 24;

Thence West along said South line 100 feet to the Point of Beginning.

ALSO EXCEPTING:

Commencing at the Northwest corner of said SE1/4SW1/4;

Thence East along the North boundary line of said SE1/4SW1/4, a distance of 650 feet;

Thence in a Southerly direction parallel to the West boundary of said SE1/4SW1/4 267 feet;

Thence South 48°17'13" West 223.28 feet;

Thence South 28°09'48" West 446.57 feet;

Thence South 8°02'24" West 223.28 feet;

Thence in a Westerly direction and parallel to the North boundary line of said SE1/4SW1/4, 241 feet more or less, to the West boundary of said SE1/4SW1/4;

Thence Northerly along the West boundary line 1030 feet, more or less to the Point of Beginning.

PARCEL NO. 2:

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

Section 25: W1/2NE1/4, NE1/4NW1/4, NW1/4SE1/4, and NE1/4SE1/4

EXCEPTING the following tract of land in the NE1/4NW1/4 of said Section 25:

Beginning at the Southwest corner of the NW1/4NW1/4 of said Section 25; Thence North 89°39'01" East for 1375.65 feet to the East Right-of-Way of old U.S.

Highway 30 South, which point shall be the True Point of Beginning;

Thence North 0°01'33" West along said Right-of-Way for 1065.43 feet to a point

where said Right-of-Way intersects the centerline of a county road;
Thence South 39°22'33" East along said centerline for 230.36 feet to a point;
Thence South 46°51'29" East along said centerline for 1287.99 feet to a point on the
1/16th section line;
Thence South 89°39'01" West along said 1/16th section line for 1085.48 feet to the True Point of
Beginning,

ALSO EXCEPTING part of the SW1/4NE1/4, described as follows:

Beginning at an iron pin in the Northwest corner of the SW1/4NE1/4 of said Section 25, which shall
be the True Point of Beginning;
Thence North 89°39'1" East along the 1/16th section line for 1000 feet to an iron pin;
Thence South 0°01'25" West for 997.13 feet to an iron pin;
Thence South 43°08'31" West for 85.84 feet to a P.K. nail on the centerline of the county road;
Thence North 46°51'29" West along centerline for 1289.56 feet to a P.K. nail on the 1/4 section line;
Thence North 0°01'25" East along the 1/4 section line for 171.86 feet to an iron pin,
The True Point of Beginning.

PARCEL NO. 3

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY,
IDAHO

Section 30: Lot 3

EXCEPTING the following tract of land:

Commencing at the Northwest corner of Lot 3; Thence East 843 feet 6 inches, which is the True
Point of Beginning;
Thence Southerly 1320 feet, more or less, to a point on the South boundary line of
Lot 3, which point is 890 feet West of the Southeast corner of said Lot 3; Thence East 890 feet,
more or less, to the Southeast corner of said Lot 3; Thence North 1320 feet, more or less, to the
Northeast corner of Lot 3; Thence West 880 feet, more or less, to the Point of Beginning,

PARCEL NO. 4

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

Section 25: E1/2SW1/4, SW1/4SE1/4

PARCEL NO. 5

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

Section 25: E1/2SE1/4NW1/4

299818

THIS BLANK FURNISHED BY CASSIA COUNTY ABSTRACT COMPANY

WARRANTY DEED

For Value Received

GLEN R. KUNAU and DONA KUNAU, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto
HANK T. HIGLEY and CATHY MAY HIGLEY, husband and wife,
P. O. Box 652, Malta, Idaho 83342

the grantors, the following described premises, to-wit:

SEE ATTACHED "EXHIBIT A" FOR LEGAL DESCRIPTION.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to
and with the said Grantees, that they are the owners in fee simple of said premises; that
said premises are free from all incumbrances except as above described, and that they will
warrant and defend the same from all lawful claims whatsoever.

Dated: January 6, 2005

Glen R. Kunau
Glen R. Kunau

Dona Kunau
Dona Kunau

STATE OF IDAHO, COUNTY OF CASSIA:

On this 6th day of January, 2004, before me, a
notary public in and for said State, personally appeared

Glen R. Kunau and Dona Kunau

FRED C. PETERSON
NOTARY PUBLIC
STATE OF IDAHO

known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the same.

Fred C. Peterson

Residing at

Burley

Idaho. Comm. Expires 8/28/06

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

2005 JAN 6 PM 4 11

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CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER

299818

TRANSFER 81353

PARCEL #1:

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
 Section 25: SE $\frac{1}{4}$ SW $\frac{1}{4}$

PARCEL #2:

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
 Section 24: SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

EXCEPTING the following tract of land: Beginning at the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 24, which point is the intersection of the South line of said Section 24 with the centerline of the Raft River P.A.P. 131-E Highway; Thence running North along the centerline of the said Highway 1320 feet more or less to an intersection with the North line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24; Thence at right angles Easterly 581 feet Southerly; Thence at right angles 100 feet Easterly; Thence at right angles 300 feet Southerly; Thence at right angles 100 feet Easterly; Thence at right angles 439 feet Southerly to a point in the South line of said Section 24; Thence West along said South line 100 feet to the Point of Beginning.

ALSO EXCEPTING: Commencing at the Northwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; Thence East along the North boundary line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 650 feet; Thence in a Southerly direction parallel to the West boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ 267 feet; Thence South 48°17'13" West 223.28 feet; Thence South 28°09'48" West 446.57 feet; Thence South 8°02'24" West 223.28 feet; Thence in a Westerly direction and parallel to the North boundary line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ 241 feet more or less, to the West boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; Thence Northerly along the West boundary line 1030 feet, more or less to the Point of Beginning.

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
 Section 25: W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING the following tract of land in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25; Beginning at the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25; Thence North 89°39'01" East for 1375.65 feet to the East Right-of-Way of old U.S. Highway 30 South, which point shall be the True Point of Beginning; Thence North 0°01'33" West along said Right-of-Way for 1065.43 feet to a point where said Right-of-Way intersects the centerline of a County Road; Thence South 39°22'33" East along said centerline for 230.36 feet to a point; Thence South 46°51'29" East along said centerline for 1287.99 feet to a point on the 1/16th section line; Thence South 89°39'01" West along said 1/16th section line for 1085.48 feet to the True Point of Beginning.

ALSO EXCEPTING part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, described as follows: Beginning at an iron pin in the Northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25, which shall be the True Point of Beginning; Thence North 89°39'01" East along the 1/16th section line for 1000 feet to an iron pin; Thence South 0°01'25" West for 997.13 feet to an iron pin; Thence South 43°08'31" West for 85.84 feet to a P.K. nail on the centerline of the County Road; Thence North 46°51'29" West along centerline for 1289.56 feet to a P.K. nail on the 1/4 section line; Thence North 0°01'25" East along the 1/4 section line for 171.86 feet to an iron pin, the True Point of Beginning.

SUBJECT TO a County Road Right-of-Way over and across said Section 25.

TOWNSHIP 13 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
 Section 30: Lot 3

EXCEPTING the following tract of land: Commencing at the Northwest corner of Lot 3; Thence East 843 feet 6 inches, which is the True Point of Beginning; Thence Southerly 1320 feet, more or less, to a point on the South boundary line of Lot 3, which point is 890 feet West of the Southeast corner of said Lot 3; Thence East 890 feet, more or less, to the Southeast corner of said Lot 3; Thence North 1320 feet, more or less, to the Northeast corner of Lot 3; Thence West 880 feet, more or less, to the Point of Beginning.

ALSO EXCEPTING: Beginning 843 feet 6 inches East of the Northwest corner of said Lot 3; Thence South 450 feet; Thence East 90 feet; Thence North 275 feet; Thence East 247 feet; Thence North 175 feet to the North boundary line of said Lot 3; Thence West 336 feet along the North boundary line of said Lot 3, to the Point of Beginning.

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO
 Section 25: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

ALL IN CASSIA COUNTY, STATE OF IDAHO

SUBJECT TO:

General taxon for the year 2005 and subsequent years.

OIL AND GAS LEASE, dated March 10, 1950, by and between O. John Nye and Rabor E. Bingham, recorded April 23, 1950 as Instrument No. 169079 in Book 7 of B.S. & A. on Page 511, records of Cassia County, Idaho. NE1/4SW1/4, NW1/4SW1/4 of Sec. 25 and SW1/4SW1/4, SW1/4SW1/4 of Sec. 26, all in Twp. 13 S., Rge. 26 E.B.M. PARCEL #2.

AGREEMENT FOR PURCHASE OF POWER, dated May 6, 1974, between Raft River Rural Electric Cooperative, Inc., and Glen Kunau, recorded May 7, 1976 as Instrument No. 90453 on Film No. 101, records of Cassia County, Idaho. NW1/4SW1/4 of Sec. 25, Twp. 13 S., Rge. 26, E.B.M. and NW1/4SW1/4 of Sec. 30, Twp. 13 S., Rge. 27, E.B.M. and has a well on the NW1/4SW1/4 of Section 20. PARCEL #2.

SUBJECT TO the interest of O. J. Thacker and Edith S. Thacker, husband and wife, as evidenced by WARRANTY DEED, recorded July 28, 1977 as Instrument No. 100580 on Film No. 110, records of Cassia County, Idaho for "The Right of Use of a Water Well for domestic purposes and easement for power, water lines and a 25 foot wide service road from the County Road to the well site located approximately 268 feet East from the centerline of old U. S. Highway 30 South and 421 feet North of the centerline of the County Road." Part of the NW1/4SW1/4 of Sec. 25, Twp. 13 S., Rge. 26, E.B.M. PARCEL #2.

OIL & GAS LEASE, dated July 13, 1979, by and between Glen R. Kunau and Dona Kunau, husband and wife, and Adobe Oil & Gas Corporation, recorded October 22, 1979 as Instrument No. 120816 on Film No. 129, records of Cassia County, Idaho. PARCEL #2 and COIL.

AGREEMENT FOR PURCHASE OF POWER, dated July 28, 1977, between Raft River Rural Electric Cooperative, Inc., and O. J. Thacker and Ray Thacker, recorded March 19, 1982 as Instrument No. 141991 on Film No. 148, records of Cassia County, Idaho. SW1/4 of Sec. 25, Twp. 13 S., Rge. 26, E.B.M. and has domestic and commercial service on the SW1/4SW1/4 of Sec. 25. PARCEL #2.

AGREEMENT FOR ELECTRIC SERVICE, dated February 25, 1993, between Raft River Rural Electric Cooperative, Inc., and Glen Kunau, recorded April 5, 1993 as Instrument No. 223883 on Film No. 243, records of Cassia County, Idaho. NW1/4 of Sec. 25, Twp. 13 S., Rge. 26, E.B.M. and has a well on the NW1/4SW1/4 of Sec. 25. PARCEL #2.

GRANT OF EASEMENT to Golden Gardiner and Barbara E. Gardiner, husband and wife, dated April 21, 1993, executed by Glen R. Kunau and Dona Kunau, husband and wife, recorded May 25, 1993 as Instrument No. 224724 on Film No. 245, records of Cassia County, Idaho. PARCEL #2.

GRANT OF EASEMENT to Rodney E. Hall and Doris J. Hall, husband and wife, dated March 12, 1993, executed by Glen R. Kunau and Dona Kunau, husband and wife, recorded May 25, 1993 as Instrument No. 224729 on Film No. 245, records of Cassia County, Idaho. PARCEL #2.

ELECTRIC LINE RIGHT-OF-WAY EASEMENT to Raft River Rural Electric Cooperative, Inc., dated April 21, 1993, executed by Glen R. Kunau and Dona Kunau, husband and wife, recorded June 10, 1993 as Instrument No. 225051 on Film No. 245, records of Cassia County, Idaho. PARCEL #2.

AGREEMENT FOR ELECTRIC SERVICE, dated April 20, 1999, between Raft River Rural Electric Cooperative, Inc., and Glen Kunau, recorded June 8, 1999 as Instrument No. 263246, records of Cassia County, Idaho. NW1/4SW1/4, Sec. 30, Twp. 13 S., Rge. 27 E.B.M. PARCEL #2.

CASSIA COUNTY ORDINANCE NO. 99-10-02, recorded October 27, 1999 as Instrument No. 265642, records of Cassia County, Idaho, pertaining to confined animal feeding operations. PARCEL #1 and PARCEL #2.

QUITCLAIM DEED

CASSIA COUNTY
Recorded for:
LAND TITLE AND ESCROW
4:02:12 pm 08-08-2012 49050
2012-003681
No. Pages: 3 Fee: \$16.00
JOSEPH W. LARSEN
County Clerk
Deputy: THERESA

For Value Received

HANK T. HIGLEY, a married man as his sole and separate property

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

HANK T. HIGLEY and LACEY G. HIGLEY, husband and wife as community property with right of survivorship

ADDRESS: P.O. Box 652 Malta, ID 83318

Hereinafter called the grantee, the following described premises, in Cassia County, Idaho to-wit:

See Attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: 8-8-12

Hank T. Higley
Hank T. Higley

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 8th day of August, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Hank T. Higley, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Mike Bruner
Notary Public
Residing at: Malta, ID
My Commission expires: 7-14-12

TRANSFER 81353

EXHIBIT "A"

PARCEL NO. 3
TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 24 E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

EXCEPTING the following tract of land.

Beginning at the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 24, which point is the intersection of the South line of said Section 24 with the centerline of the Raft River F.A.P. 131-E Highway,
Thence running North along the centerline of the said Highway 1320 feet more or less to an intersection with the North line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24;
Thence at right angles Easterly along the said North line 100 feet to a point,
Thence at right angles 581 feet Southerly;
Thence at right angles 100 feet Easterly;
Thence at right angles 300 feet Southerly,
Thence at right angles 100 feet Westerly;
Thence at right angles 439 feet Southerly to a point in the South line of said Section 24;
Thence West along said South line 100 feet to the Point of Beginning.

ALSO EXCEPTING:

Commencing at the Northwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence East along the North boundary line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 650 feet;
Thence in a Southerly direction parallel to the West boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ 267 feet;
Thence South 48°17'13" West 223.28 feet;
Thence South 28°09'48" West 446.57 feet;
Thence South 8°02'24" West 223.28 feet;
Thence in a Westerly direction and parallel to the North boundary line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ 241 feet more or less, to the West boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence Northerly along the West boundary line 1030 feet, more or less to the Point of Beginning.

-Continued-

PARCEL NO. 4

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

Section 25: W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING the following tract of land in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25:

Beginning at the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25; Thence North 89°39'01" East for 1375.65 feet to the East Right-of-Way of old U.S. Highway 30 South, which point shall be the True Point of Beginning;

Thence North 0°01'33" West along said Right-of-Way for 1065.43 feet to a point where said Right-of-Way intersects the centerline of a county road;

Thence South 39°22'33" East along said centerline for 230.36 feet to a point;

Thence South 46°51'29" East along said centerline for 1287.99 feet to a point on the 1/16th section line;

Thence South 89°39'01" West along said 1/16th section line for 1085.48 feet to the True Point of Beginning.

ALSO EXCEPTING part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, described as follows:

Beginning at an iron pin in the Northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25, which shall be the True Point of Beginning;

Thence North 89°39'11" East along the 1/16th section line for 1000 feet to an iron pin,

Thence South 0°01'25" West for 997.13 feet to an iron pin;

Thence South 43°08'31" West for 85.84 feet to a P.K. nail on the centerline of the county road;

Thence North 46°51'29" West along centerline for 1289.56 feet to a P.K. nail on the $\frac{1}{4}$ section line,

Thence North 0°01'25" East along the $\frac{1}{4}$ section line for 171.86 feet to an iron pin, The True Point of Beginning.

PARCEL NO. 5:

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 30: Lot 3

EXCEPTING the following tract of land:

Commencing at the Northwest corner of Lot 3; Thence East 843 feet 6 inches, which is the True Point of Beginning;

Thence Southerly 1320 feet, more or less, to a point on the South boundary line of Lot 3, which point is 890 feet West of the Southeast corner of said Lot 3;

Thence East 890 feet, more or less, to the Southeast corner of said Lot 3;

Thence North 1320 feet, more or less, to the Northeast corner of Lot 3;

Thence West 880 feet, more or less, to the Point of Beginning.

PARCEL NO. 6:

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

Section 25: E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL NO. 7:

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

Section 25: E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 81353
Water Right No: 43-2308B, 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: April 18, 2017

Water District 143



Nathan Erickson, Watermaster

MEMORANDUM

Date: April 14, 2017
To: Transfer 81353
From: William Mills
Re: Legal Notice Not Required

This application only modifies the place of use and there is no actual hydrologic change. Therefore, pursuant to Section 42-222, Idaho Code, this transfer can be processed and approved without advertising.

Legal Notice Not Required
4/14/2017

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

M E M O R A N D U M

Date: April 14, 2017
To: Transfer 81353
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #81353 were based on the total 0.59 cfs transferred, which makes the filing fee \$500.00 based on the current fee schedule (Receipt # S036060).

MEMORANDUM

Date: April 13, 2017
To: Transfer 81353 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes creating a 103 acre permissible place of use (PPU) for two Irrigation ground water rights: 43-2308B (0.59 cfs; 29.5 acres; 118 af) & 43-10827 (expansion of 43-2308B; 33.5 acres). Both rights share the same point of diversion (POD) and there will be no change to the POD. Current place of use (POU), proposed PPU and POD are all located approximately 3.4 to 3.5 miles south and 0.2 to 0.9 miles east of Malta.

There will be no changes to current irrigation practices for the 2017 irrigation season and the current water right shapefile will be used as the "206" map for the PPU.

Overlap analysis finds no other irrigation rights within the proposed PPU or diverted from the POD. POD and PPU are located in Water District 143 and the Raft River Critical Ground Water Management Area. Water District 143 Watermaster comments will be solicited.

This application only modifies the place of use and there is no actual hydrologic change. Therefore, pursuant to Section 42-222, Idaho Code, this transfer can be processed and approved without advertising.

- **Authority to File:** IDWR records indicate the applicant currently owns the water rights and all lands involved in this transfer.
- **Water Right Validity:** Water rights were decreed in the SRBA on 6/28/2002. Recent aerial and satellite imagery indicate the property involved with this transfer appears irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.

- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

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