

RECEIVED**APR 11 2017**DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81347**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 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: _____

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.

 Hank Higley 4-11-17
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date
 Lacey Higley 4-11-17
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
43-103B	Yes	Yes	Yes	No	No	No	No
43-2310	Yes	Yes	Yes	No	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**

Transfer a 20 acre portion from water rights 43-103B and 43-2310 from a farm in Sec. 13 to a farm in the NWSW Sec. 1 of Twp 13S Rge 26E. PODs and POU will change as a result of transfer.

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
43-13785	0.400 cfs	80.0 af	N/A	20.0	43-2310	1.920 cfs	384.0 af	N/A	96.0
43-13786	0.410 cfs	N/A	N/A	20.0	43-103B	1.990 cfs	N/A	96.0	96.0

**COMBINED
TOTALS**

0.810 cfs N/A 20.0 20.0 N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 0.81 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. 43-2310

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: 5/10/1948

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	1.920 CFS	384.0 AFA	
Total Diversion			1.920 CFS	384.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SWNENW

Sec. 13 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	13	38.7	38.6			18.7												96.0

POU Total Acres: 96.0

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

Proposed Water Right No. 43-13785

(Original Water Right No. 43-2310)

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: 5/10/1948

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	0.400 CFS	80.0 AFA	
Total Diversion			0.400 CFS	80.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SWSWSW

Sec. 1 Twp 13S Rge 26E CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	26E	1										20.0							20.0

Right Acre Limit: 20.0

POU Total Acres: 20.0

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

Original Water Right No. 43-103B

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: 4/1/1894

Origin: Water Right

Basis: Decreed

Status Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

1.990 CFS

Subuse Code

Total Diversion

1.990 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

SESENW

Sec. 14 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	38.7	38.6			18.7												96.0

Right Acre Limit: 96.0

POU Total Acres: 96.0

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

Proposed Water Right No. 43-13786

(Original Water Right No. 43-103B)

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: 4/1/1894

Origin: Water Right

Basis: Decreed

Status Active

Source: CASSIA CREEK

Tributary: RAFT RIVER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.410 CFS

Subuse Code

Total Diversion

0.410 CFS

Source and Point(s) of Diversion:

CASSIA CREEK

NENENE

Sec. 14 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	1										20.0							20.0

Right Acre Limit: 20.0

POU Total Acres: 20.0

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

Existing well (also used for water right 43-2277) and diversion from Cassia Creek to ditch to a small
pivot. Cassia Creek right measured at POD into ditch by Watermaster and measuring device on line as required
by IDWR.

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

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:
20 acres dried up.

- 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. 43-2310

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: 5/10/1948

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	2.320 CFS	464.0 AFA	
Total Diversion			2.320 CFS	464.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SWNENW

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	40.0	40.0			36.0												116.0

POU Total Acres: 116.0

Conditions/Remarks:

1. THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1976 TO 2000.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHTS 43-103B AND 43-2310.
3. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHTS 43-103B AND 43-2310.
4. 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.

HO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 43-103B

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: 4/1/1894

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

SESENW

Sec. 14 Twp 13S Rge 26E CASSIA County

Place of Use: IRRIGATION

[illegible]

Right Acre Limit:	116.0
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POU Total Acres: 116.0

Conditions/Remarks:

1. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHTS 43-103B AND 43-2310.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHTS 43-103B AND 43-2310.
3. 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.

☒ 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.

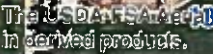
☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the 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

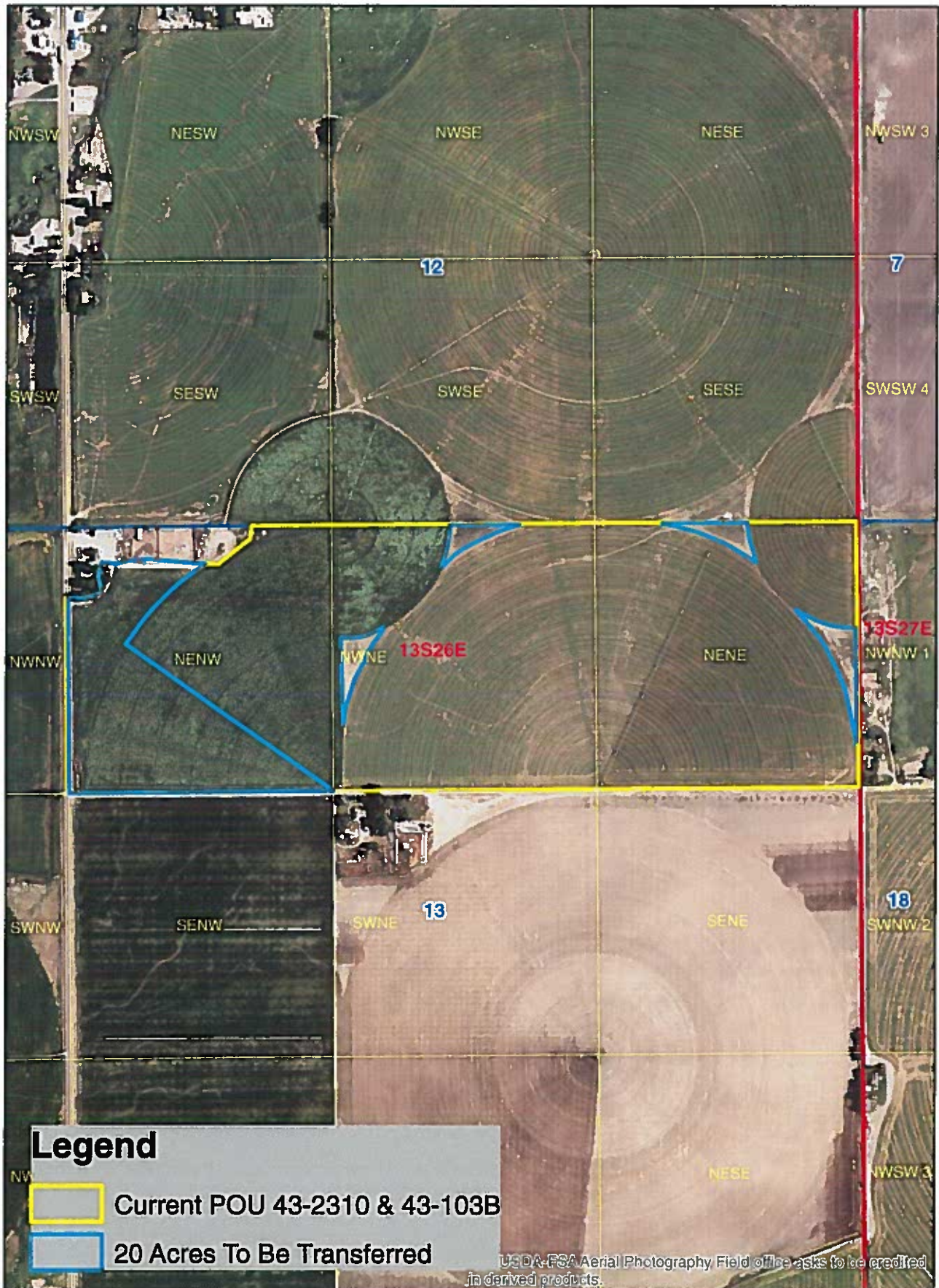
1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary 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 13 pages and 2 attachments.
 Received By B.71 Date 4-11-2017 Prelim. Check By B.71 Date 4-13-2017
 Fee Paid \$500- Date 4-11-2017 Received By TF Receipt # 36060
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____



Attachment #7B



TRANSFER 81347



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

April 28, 2017

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

RE: Transfer No. 81344
Water Right No(s). 43-13287, 43-13289, 43-13291, 43-13738, 43-13739, 43-13746,
43-2277, 43-2354A

RE: Transfer No. 81347
Water Right No(s): 43-103B, 43-2310

RE: Transfer No. 81350
Water Right No(s): 43-10237, 43-103B, 43-11263, 43-2310, 43-2355, 43-242, 43-243,
43-2530A

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 5/4/2017 and 5/11/2017**. 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 22, 2017**.

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, 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

April 28, 2017

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

via hand delivery

RE: Transfer No. 81344
Water Right No(s). 43-13287, 43-13289, 43-13291, 43-13738, 43-13739, 43-13746,
43-2277, 43-2354A

RE: Transfer No. 81347
Water Right No(s): 43-103B, 43-2310

RE: Transfer No. 81350
Water Right No(s): 43-10237, 43-103B, 43-11263, 43-2310, 43-2355, 43-242, 43-243,
43-2530A

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, 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

April 28, 2017

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

RE: Transfer No. 81347
Water Right No(s): 43-103B, 43-2310

RE: Transfer No. 81350
Water Right No(s): 43-10237, 43-103B, 43-11263, 43-2310, 43-2355, 43-242, 43-243,
43-2530A

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)

Maline, Denise

From: Maline, Denise
Sent: Thursday, April 27, 2017 4:45 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.doc

Attached please find (1) legal notices being submitted for publication on May 4th & 11th, 2017. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline

Administrative Assistant I

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

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 27, 2017

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 1-10644, 47-17660

RE: Transfer No. 81344

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

RE: Transfer No. 81347

Water Right No(s): 43-103B, 43-2310

RE: Transfer No. 81350

Water Right No(s): 43-10237, 43-103B, 43-11263, 43-2310, 43-2355, 43-242, 43-243,
43-2530A

RE: Transfer No. 81544

Water Right No(s): 45-13429

RE: Transfer No. 81546

Water Right No(s): 45-13464

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 22, 2017. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

1-10644

RAFT RIVER RECHARGE GROUP LLC

246 E 300 S

BURLEY, ID 83318

Point of Diversion NWSE S19 T09S R28E CASSIA County Source SNAKE RIVER Tributary COLUMBIA RIVER

Water to be injected &/or rediverted at the following locations on Raft River, Heglar Creek, &/or Calder Creek:

SWNW S24 T10S R27E CASSIA County
 NENW S24 T10S R27E CASSIA County
 SWNW S24 T10S R27E CASSIA County
 NENW S35 T10S R27E CASSIA County
 NWSW S36 T10S R27E CASSIA County
 SESW S36 T10S R27E CASSIA County
 NESE S3 T11S R27E CASSIA County
 NENW S10 T11S R27E CASSIA County
 NWNW S16 T11S R27E CASSIA County
 SWSE S13 T10S R27E CASSIA County
 SESE S23 T10S R27E CASSIA County
 NENW S24 T10S R27E CASSIA County
 SWNE S26 T10S R27E CASSIA County
 SESW S26 T10S R27E CASSIA County
 L7(SWSW) S6 T10S R28E CASSIA County
 L1(NWNW) S7 T10S R28E CASSIA County
 SENW S7 T10S R28E CASSIA County
 SENW S7 T10S R28E CASSIA County
 NENW S18 T10S R28E CASSIA County
 L1(NWNW) S18 T10S R28E CASSIA County
 L2(SWNW) S18 T10S R28E CASSIA County
 NESE S36 T09S R27E CASSIA County
 L1(NENE) S1 T10S R27E CASSIA County
 NWSE S13 T10S R27E CASSIA County
 NESE S23 T10S R27E CASSIA County
 SWNE S26 T10S R27E CASSIA County
 SWSE S26 T10S R27E CASSIA County
 NENE S35 T10S R27E CASSIA County
 NESW S36 T10S R27E CASSIA County
 L5(SWNW) S6 T10S R28E CASSIA County
 L6(NWSW) S6 T10S R28E CASSIA County
 NENE S7 T10S R28E CASSIA County
 NENE S7 T10S R28E CASSIA County
 NWNE S7 T10S R28E CASSIA County
 SENW S7 T10S R28E CASSIA County
 NENW S18 T10S R28E CASSIA County
 L2(SWNW) S18 T10S R28E CASSIA County
 L3(NWSW) S18 T10S R28E CASSIA County
 L3(NENW) S2 T11S R27E CASSIA County
 SWSE S3 T11S R27E CASSIA County
 SWNW S10 T11S R27E CASSIA County
 SWSE S18 T11S R27E CASSIA County
 SENW S19 T11S R27E CASSIA County
 L5(SWNW) S6 T11S R28E CASSIA County
 SESE S6 T11S R28E CASSIA County
 SESE S36 T09S R27E CASSIA County
 NESE S23 T10S R27E CASSIA County
 NWNE S35 T10S R27E CASSIA County
 SENE S35 T10S R27E CASSIA County
 NENW S35 T10S R27E CASSIA County
 L4(NWNW) S6 T10S R28E CASSIA County

L5(SWNW) S6 T10S R28E CASSIA County
 L6(NWSW) S6 T10S R28E CASSIA County
 L7(SWSW) S6 T10S R28E CASSIA County
 NENE S7 T10S R28E CASSIA County
 NWNE S7 T10S R28E CASSIA County
 NENW S7 T10S R28E CASSIA County
 L1(NWNW) S7 T10S R28E CASSIA County
 NESW S7 T10S R28E CASSIA County
 SESW S7 T10S R28E CASSIA County
 L2(SWNW) S18 T10S R28E CASSIA County
 L2(NWNE) S1 T11S R27E CASSIA County
 SESW S9 T11S R27E CASSIA County
 SWSE S9 T11S R27E CASSIA County
 L4(SWSW) S19 T11S R27E CASSIA County
 L1(NWNW) S30 T11S R27E CASSIA County
 NESW S6 T11S R28E CASSIA County
 Use: GROUND WATER RECHARGE 01/01 to 12/31 70 CFS
 Total Diversion: 70 CFS
 Date Filed: 1/25/2017
 Place Of Use: GROUND WATER RECHARGE

Located within portions of:

T09S R27E S36
 T10S R27E S1, S13, S23, S24, S26, S35, S36
 T10S R28E S6, S7, S8, S18
 T11S R27E S1, S2, S3, S9, S10, S16, S18, S19, S28, S29, S30, S33, S34
 T11S R28E S6
 T12S R27E S3, S4

Application for permit proposes to divert up to 70 cfs from a new point of diversion on the Snake River at a site located approximately 21.8 miles north and 7.4 miles east of Malta. This application proposes to inject &/or redivert this water at various sites within the Raft River, Heglar Creek and Calder Creek drainages for ground water recharge purposes on lands owned by members of the Raft River Recharge Group. Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on May 4th & 11th, 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

MEMORANDUM

Date: April 20, 2017
To: Transfer 81347 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes moving a 0.4 cfs, 20 acre portion of groundwater right 43-2310 and a 0.41 cfs, 20 acre portion of Cassia Creek right 43-103B from 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 right 43-103B 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.

There is a companion transfer (#81344) that is proposing to move a 0.21 cfs, 20 acre portion of water right 43-2277 from the farm on the northwest edge of Malta to a third farm (not part of this transfer) and this transfer (#81347) is proposing to move in portions of water rights 43-103B and 43-2310 to replace the portion transferred off of the farm on the northwest edge of Malta in transfer #81344. This is being proposed because the third farm has no access to Cassia Creek water and this farm has the applicant's only available ground water right that isn't stacked in with surface water rights. There is an existing ditch to this farm that will allow delivery of surface water to the farm, even though no surface water is currently used there. I spoke with the Watermaster of Water District 43C Cassia Creek, Roger Musser, on 12/13/2016 and he indicated that transferring the 0.41 cfs portion would be beneficial to all users on the ditch.

Overlap review indicates that the transferred rights will be the only rights used at the proposed place of use after transfer #81344 and #81347 are approved. The portion of the ground water right being transferred to the farm will be diverted from the same well as the remaining portion of water right 43-2277 which has a separate place of use on the same farm. All ground water points of diversion at the current and proposed place of use are within the Raft River Critical Ground Water Area and Water District 143. All surface water diversions are in Water District 43C. Watermaster comments will be solicited from both water districts.

- **Authority to File:** IDWR records indicate the applicants are the current owners of all water rights in this transfer.
- **Water Right Validity:** Water right 43-2310 was decreed in the SRBA on 6/28/2002 and 43-103B was decreed on 2/5/2004. Recent aerial and satellite imagery indicates the grounds appear irrigated.

- **Injury to Other Water Rights:** None anticipated.
- **Enlargement of Use:** None anticipated.
- **Local Public Interest:** No issues anticipated. Application is subject to public notice.
- **Beneficial Use/Conservation of Water Resources:** Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:** None Anticipated.

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

MEMORANDUM

Date: April 20, 2017
To: Transfer 81347
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #81347 were based on the total 0.81 cfs transferred, which makes the filing fee \$500.00 based on the current fee schedule (Receipt # S036060).