

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79777**

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>
43-10827	WR/DECREED	6/30/1985	0.470 cfs	N/A	50.0	94.0	GROUND WATER
43-13287	WR/DECREED	7/5/1963	0.450 cfs	90.0 af	22.5	47.5	GROUND WATER
43-13289	WR/DECREED	7/5/1963	0.220 cfs	43.2 af	10.8	47.5	GROUND WATER
43-13291	WR/DECREED	6/30/1985	0.060 cfs	N/A	4.2	47.5	GROUND WATER
43-2308B	WR/DECREED	4/11/1948	0.880 cfs	176.0 af	44.0	94.0	GROUND WATER
43-2354A	WR/DECREED	9/17/1954	0.150 cfs	40.0 af	10.0	47.5	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>
43-10827	YES	YES	YES	NO	NO	NO
43-13287	NO	YES	YES	NO	NO	NO
43-13289	NO	YES	YES	NO	NO	NO
43-13291	NO	YES	YES	NO	NO	NO
43-2308B	YES	YES	YES	NO	NO	NO
43-2354A	NO	YES	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>
43-10827	43-13739	0.160 cfs	N/A	16.5	78.5	43-10827	0.310 cfs	N/A	33.5	63.0
43-13287	43-13287	0.450 cfs	90.0 af	22.5	78.5	N/A	N/A	N/A	N/A	N/A
43-13289	43-13289	0.220 cfs	43.2 af	10.8	78.5	N/A	N/A	N/A	N/A	N/A
43-13291	43-13291	0.060 cfs	N/A	4.2	78.5	N/A	N/A	N/A	N/A	N/A
43-2308B	43-13738	0.290 cfs	58.0 af	14.5	78.5	43-2308B	0.590 cfs	118.0 af	29.5	63.0
43-2354A	43-2354A	0.150 cfs	40.0 af	10.0	78.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.960 cfs	231.2 af	78.5	78.5		0.59 cfs	118.0 af	N/A	63.0

SUPPORT DATA

IN FILE # 43-2308B

Transfer No. 79777

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79777

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 15th day of April, 2015.



Southern Region Manager



WATER RIGHT NO. 43-13287
As Modified by Transfer No. 79777

In accordance with the approval of Transfer No. 79777, 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

BENEFICIAL USE
 IRRIGATION

From 04/01 **To** 10/31

Diversion Rate
 0.450 cfs
 0.450 cfs

Diversion Volume
 90.0 af
 90.0 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												20.5		21.0			41.5
13S	26E	25		19.0			18.0												37.0

Right Acre Limit: 22.5

POU Total Acres: 78.5

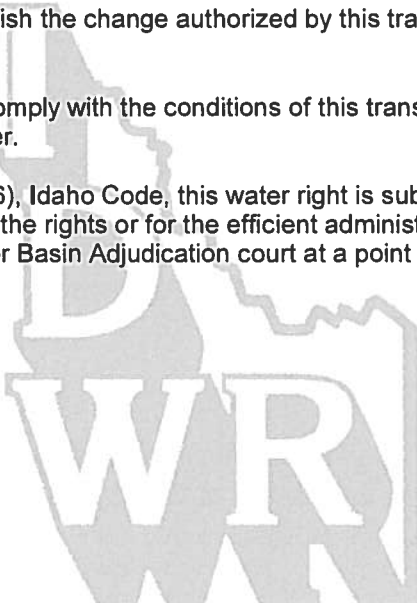
CONDITIONS OF APPROVAL

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.
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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 79777

WATER RIGHT NO. 43-13287
As Modified by Transfer No. 79777

CONDITIONS OF APPROVAL

6. 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 6-25-2002.
 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 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.
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WATER RIGHT NO. 43-13289**As Modified by Transfer No. 79777**

In accordance with the approval of Transfer No. 79777, 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

BENEFICIAL USE
IRRIGATION

From 04/01 **to** 10/31

Diversion Rate
0.220 cfs
0.220 cfs

Diversion Volume
43.2 af
43.2 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												20.5		21.0			41.5
13S	26E	25		19.0			18.0												37.0

Right Acre Limit: 10.8

POU Total Acres: 78.5

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 and a total annual maximum diversion volume of 43.2 af at the field headgate.
3. Rights 43-13287, 43-13289 and 43-13291 when combined shall not exceed a total diversion rate of 0.52 cfs.
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.

Transfer No. 79777

WATER RIGHT NO. 43-13289
As Modified by Transfer No. 79777

CONDITIONS OF APPROVAL

5. 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 6-25-2002.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. Right No. 43-13291 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 43-13291 **As Modified by Transfer No. 79777**

In accordance with the approval of Transfer No. 79777, 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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	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

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												20.5		21.0			41.5
13S	26E	25		19.0			18.0												37.0

Right Acre Limit: 4.2
 POU Total Acres: 78.5

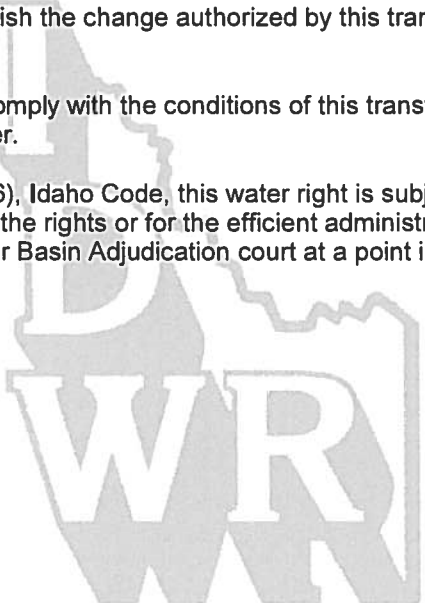
CONDITIONS OF APPROVAL

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 and a total annual maximum diversion volume of 43.2 af at the field headgate.
3. Rights 43-13287, 43-13289 and 43-13291 when combined shall not exceed a total diversion rate of 0.52 cfs.
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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 79777

WATER RIGHT NO. 43-13291
As Modified by Transfer No. 79777

CONDITIONS OF APPROVAL

6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
 7. This right is an expansion of Right No. 43-13289 pursuant to Section 42-1416B of the Idaho Code.
 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 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.
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WATER RIGHT NO. 43-2354A
As Modified by Transfer No. 79777

In accordance with the approval of Transfer No. 79777, 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

			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												20.5		21.0			41.5
13S	26E	25		19.0			18.0												37.0

Right Acre Limit: 10.0
 POU Total Acres: 78.5

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.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 79777

WATER RIGHT NO. 43-2354A
As Modified by Transfer No. 79777

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.



WATER RIGHT NO. 43-2308B
As Modified by Transfer No. 79777

In accordance with the approval of Transfer No. 79777, Water Right No. 43-2308B 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	0.590 cfs	118.0 af
			0.590 cfs	118.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (SWNWSW) Sec 30 Twp 13S Rge 27E 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	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 OF APPROVAL

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.

Transfer No. 79777

WATER RIGHT NO. 43-13738
As Modified by Transfer No. 79777

In accordance with the approval of Transfer No. 79777, 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 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												20.5		21.0			41.5
13S	26E	25		19.0			18.0												37.0

Right Acre Limit: 14.5
POU Total Acres: 78.5

CONDITIONS OF APPROVAL

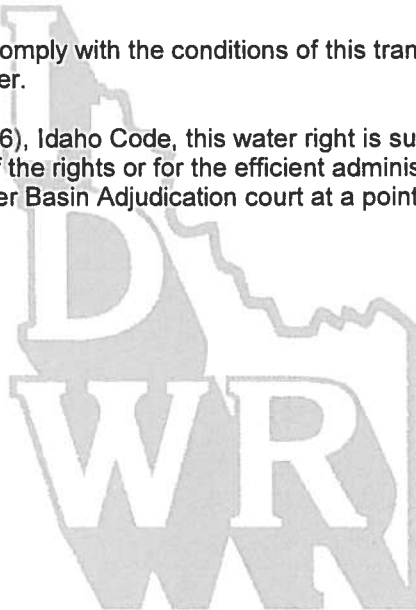
1. This right is limited to the irrigation of 14.5 acres within the authorized place of use in a single irrigation season.
2. Rights 43-13738 and 43-13739 when combined shall not exceed a total diversion rate of 0.29 cfs and a total annual maximum diversion volume of 58 af at the field headgate.
3. Rights 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.
4. Right No.43-13739 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 79777

WATER RIGHT NO. 43-13738
As Modified by Transfer No. 79777

CONDITIONS OF APPROVAL

6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
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 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.



WATER RIGHT NO. 43-10827
As Modified by Transfer No. 79777

In accordance with the approval of Transfer No. 79777, Water Right No. 43-10827 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

Diversion Rate
0.310 cfs
0.310 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (SWNWSW) Sec 30 Twp 13S Rge 27E 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	25													40.0				40.0
13S	27E	30										23.0							23.0
												L 3							

Right Acre Limit: 33.5
POU Total Acres: 63.0

CONDITIONS OF APPROVAL

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.

Transfer No. 79777

WATER RIGHT NO. 43-13739**As Modified by Transfer No. 79777**

In accordance with the approval of Transfer No. 79777, 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

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												20.5		21.0			41.5
13S	26E	25		19.0			18.0												37.0

Right Acre Limit: 16.5

POU Total Acres: 78.5

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 and a total annual maximum diversion volume of 58 af at the field headgate.
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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 79777

WATER RIGHT NO. 43-13739
As Modified by Transfer No. 79777

CONDITIONS OF APPROVAL

6. This right is an expansion of Right No.43-13738 pursuant to Section 42-1416B, Idaho Code.
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 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.

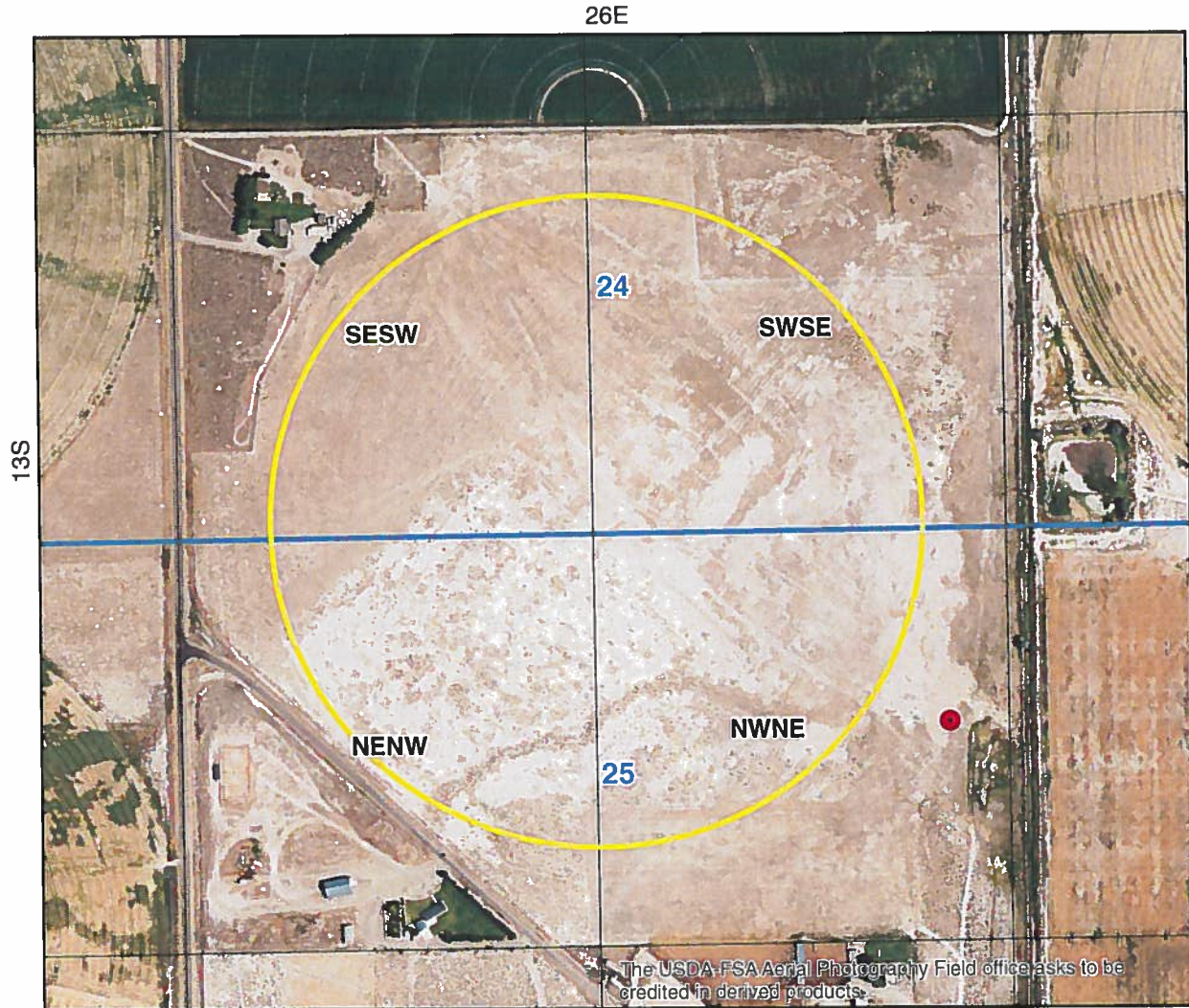


State of Idaho
Department of Water Resources

Attachment To Transfer No. 79777

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

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
- Quarter Quarters

0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 79777
Rights: 43-2308B and 43-10827

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
- Quarter Quarters

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

April 16, 2015

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

Re: Transfer No: 79777

Water Right No(s): 43-2308B, 43-2354A, 43-10827, 43-13287, 43-13289, 43-13291

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 "Allen Merritt". The signature is fluid and cursive, with a large initial "A" and "M".

Allen Merritt
Southern Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79777

Water Right No(s): 43-2308B, 43-2354A, 43-10827, 43-13287, 43-13289, 43-13291

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

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**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.

RECEIVED

MAR 02 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 19th day of February, 2015 and ending with the issue dated 26th day of February, 2015

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 26th day of February, 2015, before me,
Joyce Engleman
a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79777**

HANK T. HIGLEY and LACEY G. HIGLEY, PO BOX 652, MALTA, ID 83342; has filed Application No. 79777 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10827, 43-13287, 43-13289, 43-13291, 43-2308B, 43-2354A; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring four ground water rights (0.67 cfs; 173.2 af) from a farm located approximately 4.5 miles north and 0.5 miles west of Malta, along with portions of two ground water rights (0.29 cfs; 58 AF) from a farm located approximately 3.3 miles south and 0.8 miles east of Malta to a new location and point of diversion approximately 2.5 to 3.0 miles south and 0.0 miles to 0.5 miles east of Malta. A new well is proposed to be drilled for the diversion of the water rights in this transfer.

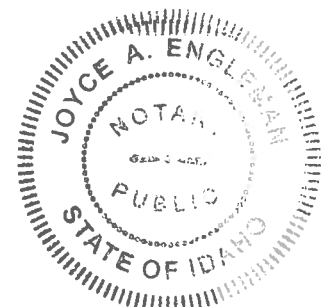
For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before March 9, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on February 19th & 26th, 2015

Joyce Engleman
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 6/28/19

✓ OK AM
3/3/2015



ZIONS BANK

SPANISH FORK OFFICE

RECEIVED

FEB 18 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

Zions First National Bank
190 North Main Street
Spanish Fork
Utah 84660
(801) 798-7314

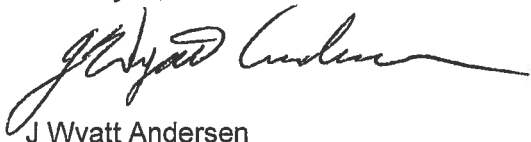
February 18, 2015

Idaho Division of Water Resources
Attn. William Mills

Mr. Mills,

This letter is to inform you that Zions Bank no longer has a security interest in the water rights previously owned by Bushman Farm and Livestock. Their commercial loan #7814-9002 was paid in full in Feb. of 2014. We have reconveyed our trust deed on the real estate that the water was tied to. If you have any questions please call me at (801)423-5755.

Thank you,



J Wyatt Andersen
Asst. Vice President
Zions Bank
Spanish Fork Office

MEMORANDUM

Date: February 17, 2015
To: Transfer 79777 File
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #79777 were based on the on the current transfer fee schedule and included \$500.00 for the 0.96 cfs being transferred, and an additional \$50.00 fee included for the change of ownership for water rights 43-2308B and 43-10827 (receipt No.S034495).

MEMORANDUM

Date: February 17, 2015
To: Transfer 79777 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes moving four ground water irrigation rights (total of 0.67 cfs; 173.2 af) from a farm located approximately 4.5 miles north and 0.5 miles west of Malta, along with portions of two ground water irrigation rights (total 0.29 cfs; 58 af) from a second farm located approximately 3.3 miles south and 0.8 miles east of Malta to a new POU and new POD located approximately 2.5 to 3.0 miles south and 0.0 to 0.5 miles east of Malta. Applicant is proposing to drill a new well for the diversion of the water rights at the new POU.

The four irrigation rights proposed to be moved from the first farm are as follows: 43-13287 (0.450 cfs, 90.0 af, 22.5 acres); 43-13289 (0.220 cfs, 43.2 af, 10.8 acres); 43-13291 (0.06 cfs, with no volume as right is an expansion of 43-13289, 4.2 acres); and 43-2354A (0.150 cfs, 40.0 af, 10.0 acres). Rights 43-13289 and 43-13291 when combined are limited to 0.22 cfs and 43.2 af. Rights 43-13287, 43-13289 and 43-13291 when combined are limited to a diversion rate of 0.52 cfs.

The portions proposed to be moved from the second farm are a 14.5 acre portion from water right 43-2308B (0.290 cfs, 58.0 af) and a 16.5 acre portion from water right 43-10827, (0.160 cfs, with no volume as right is an expansion of 43-2308B). Thirty one acres will be dried up at the current place of use in the NWSE1/4 of Sec. 25, Twp 13S, Rge 26E. There will be a combined limit of 0.29 cfs and 58.0 af for these two rights to maintain the existing combined limit proportions on the rights.

All six rights when combined will be limited to a diversion rate of 0.960 cfs.

Overlap analysis indicates there are no active surface or ground water irrigation rights appurtenant to the proposed POU. All points of diversion (POD) at the current and proposed POU are within the Raft River Critical Ground Water Area.

Water rights 43-13287, 43-13289, 43-13291 and 43-2354A listed Zions Bank as a security interest on the water rights. A letter is included with the transfer file from Zions Bank (dated 2/18/2015) indicating these rights were released as security interests when the previous owners paid the loan off in Feb. of 2014. The current owners have a lien through Northwest Farm Credit Services and NFCS provided a letter with the application indicating they are aware of the transfer application and have no concerns regarding the proposed transfer of these water rights.

- **Authority to File:** Applicant is listed as the current owner of all water rights in this transfer. A Warranty deed and quitclaims were provided for the proposed POU.

- **Water Right Validity:** The water rights in this transfer were all decreed in the SRBA on 6/28/2002. Recent aerial and satellite imagery indicate the properties associated with rights 43-2308B and 43-10827 appear to be irrigated. Water rights 43-13287, 43-13289, 43-13291 and 43-2354A were leased to the Water Supply Bank starting 3/12/2014, with the lease expiring 12/31/2014.
- **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.
- **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