

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77375**

This is to certify that: TED HIGLEY

PO BOX 57
MALTA ID 83342
(208)645-2444

And

BETTY ANN HIGLEY
PO BOX 57
MALTA ID 83342
(208)645-2444

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
43-13032	WR/Decreed	05/29/1907	0.8 cfs	N/A	38.0	151.0	CASSIA CREEK
43-13042	WR/Decreed	02/19/1960	0.64 cfs	112 af	38.0	151.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
43-7048	WR/Decreed	12/28/1973	0.76 cfs	N/A	74.0	151.0	UNNAMED STREAM
43-13031	WR/Decreed	05/29/1907	2.4 cfs	N/A	113.0	151.0	CASSIA CREEK
43-13041	WR/Decreed	02/19/1960	1.91 cfs	452 af	113.0	151.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-13032	YES	YES	YES	NO	NO	NO
43-13042	YES	YES	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 43-13032

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77375

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-13032	43-13692	0.04 cfs	N/A	N/A	2.0	43-13691	0.76 cfs	N/A	36.0	149.0
43-13042	43-13694	0.03 cfs	5.9 af	N/A	2.0	43-13693	0.61 cfs	106.1 af	36.0	149.0
COMBINED										
TOTALS		0.07 cfs		N/A	2.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of October, 2011



Southern Region Manager

WATER RIGHT NO. 43-13691
As Modified by Transfer No. 77375

In accordance with the approval of Transfer No. 77375, Water Right No. 43-13691 is now described as follows.

Right Holder: BETTY ANN HIGLEY
 PO BOX 57
 MALTA ID 83342

And

TED HIGLEY
 PO BOX 57
 MALTA ID 83342

Priority Date: May 29, 1907

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.76 CFS

LOCATION OF POINT(S) OF DIVERSION:

CASSIA CREEK NWSWNE Sec. 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				<u>Totals</u>
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
13S 26E 13											33.0	28.0					61.0
13S 26E 24		34.0	17.0		37.0												88.0

Total Acres: 149

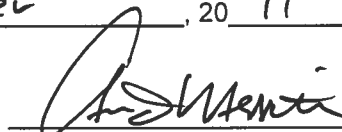
WATER RIGHT NO. 43-13691
As Modified by Transfer No. 77375

CONDITIONS OF APPROVAL

1. Rights 43-7048, 43-13031, 43-13041, 43-13691, and 43-13693 when combined shall not exceed the irrigation of a total of 149 acres.
2. Rights 43-13691 and 43-13693 when combined shall not exceed the irrigation of 36.0 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right 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.

Dated this 5th day of October, 20 11



Southern Region Manager

WATER RIGHT NO. 43-13692
As Modified by Transfer No. 77375

In accordance with the approval of Transfer No. 77375, Water Right No. 43-13692 is now described as follows.

Right Holder: JERRY UDY
1697 S HWY 81
MALTA ID 83342

And

DELMA UDY
1697 S HWY 81
MALTA ID 83342

Priority Date: May 29, 1907

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	01/01	to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

CASSIA CREEK SWSESW Sec. 13 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	26E	13												2.0					2.0

Total Acres: 2

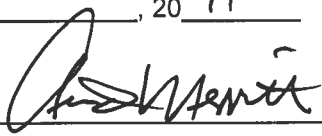
WATER RIGHT NO. 43-13692
As Modified by Transfer No. 77375

CONDITIONS OF APPROVAL

1. Rights 46-13692, and 43-13694 when combined shall not exceed the irrigation of 2.0 acres.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right 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.

Dated this 5th day of October, 20 11



Southern Region Manager

WATER RIGHT NO. 43-13693
As Modified by Transfer No. 77375

In accordance with the approval of Transfer No. 77375, Water Right No. 43-13693 is now described as follows.

Right Holder: TED HIGLEY
 PO BOX 57
 MALTA ID 83342

And

BETTY ANN HIGLEY
 PO BOX 57
 MALTA ID 83342

Priority Date: February 19, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.61 CFS	106.1 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
13S 26E 13											33.0	28.0					61.0
13S 26E 24		34.0	17.0		37.0												88.0

Total Acres: 149

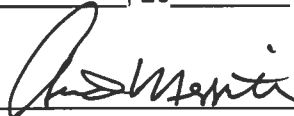
WATER RIGHT NO. 43-13693
As Modified by Transfer No. 77375

CONDITIONS OF APPROVAL

1. Rights 43-7048, 43-13031, 43-13041, 43-13691, and 43-13693 when combined shall not exceed the irrigation of a total of 149 acres.
2. Rights 43-13691 and 43-13693 when combined shall not exceed the irrigation of 36.0 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right 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.

Dated this 5th day of October, 2011



Southern Region Manager

WATER RIGHT NO. 43-13694
As Modified by Transfer No. 77375

In accordance with the approval of Transfer No. 77375, Water Right No. 43-13694 is now described as follows.

Right Holder: JERRY UDY
1697 S HWY 81
MALTA ID 83342

And

DELMA UDY
1697 S HWY 81
MALTA ID 83342

Priority Date: February 19, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.03 CFS	5.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSESW Sec. 13 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	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												2.0					2.0

Total Acres: 2

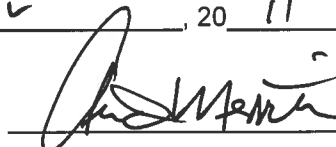
WATER RIGHT NO. 43-13694
As Modified by Transfer No. 77375

CONDITIONS OF APPROVAL

1. Rights 43-13692, and 43-13694 when combined shall not exceed the irrigation of 2.0 acres.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
4. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right 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.

Dated this 5th day of October, 2011



Southern Region Manager

WATER RIGHT NO. 43-7048
As Modified by Transfer No. 77375

In accordance with the approval of Transfer No. 77375, Water Right No. 43-7048 is now described as follows.

Right Holder: BETTY ANN HIGLEY
 PO BOX 57
 MALTA ID 83342

And

TED HIGLEY
 PO BOX 57
 MALTA ID 83342

Priority Date: December 28, 1973

Source: UNNAMED STREAM

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.76 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SWNENW Sec. 24 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	13											33.0	28.0					61.0
13S	26E	24			34.0	17.0		37.0											88.0

Total Acres: 149

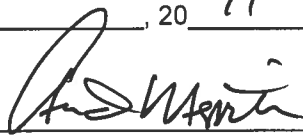
WATER RIGHT NO. 43-7048
As Modified by Transfer No. 77375

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 74.0 acres within the authorized place of use in a single irrigation season.
2. Rights 43-7048, 43-13031, 43-13041, 43-13691, and 43-13693 when combined shall not exceed the irrigation of a total of 149 acres.
3. Rights 43-7048, 43-13031, and 43-13041 when combined shall not exceed the irrigation of 113 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

This water right 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.

Dated this 5th day of October, 2011



Southern Region Manager

WATER RIGHT NO. 43-13031
As Modified by Transfer No. 77375

In accordance with the approval of Transfer No. 77375, Water Right No. 43-13031 is now described as follows.

Right Holder: TED HIGLEY
 PO BOX 57
 MALTA ID 83342

And

BETTY ANN HIGLEY
 PO BOX 57
 MALTA ID 83342

Priority Date: May 29, 1907

Source: CASSIA CREEK

Tributary: RAFT RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	2.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

CASSIA CREEK NWSWNE Sec. 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 26E 13											33.0	28.0					61.0
13S 26E 24		34.0	17.0		37.0												88.0

Total Acres: 149

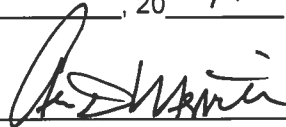
WATER RIGHT NO. 43-13031
As Modified by Transfer No. 77375

CONDITIONS OF APPROVAL

1. Rights 43-7048, 43-13031, 43-13041, 43-13691, and 43-13693 when combined shall not exceed the irrigation of a total of 149 acres.
2. Rights 43-7048, 43-13031, and 43-13041 when combined shall not exceed the irrigation of 113 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right 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.

Dated this 5th day of October, 2011



Southern Region Manager

WATER RIGHT NO. 43-13041
As Modified by Transfer No. 77375

In accordance with the approval of Transfer No. 77375, Water Right No. 43-13041 is now described as follows.

Right Holder: BETTY ANN HIGLEY
 PO BOX 57
 MALTA ID 83342

And

TED HIGLEY
 PO BOX 57
 MALTA ID 83342

Priority Date: February 19, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.91 CFS	452.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	13											33.0	28.0					61.0
13S	26E	24		34.0	17.0		37.0												88.0

Total Acres: 149

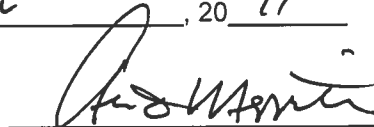
**WATER RIGHT NO. 43-13041
As Modified by Transfer No. 77375**

CONDITIONS OF APPROVAL

1. Rights 43-7048, 43-13031, and 43-13041 when combined shall not exceed the irrigation of 113 acres.
2. Rights 43-7048, 43-13031, 43-13041, 43-13691, and 43-13693 when combined shall not exceed the irrigation of a total of 149 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43C.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right 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.

Dated this 5th day of October, 2011



Southern Region Manager