

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77033**

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>
43-7048	WR/Decreed	12/28/1973	0.76 cfs	N/A	75.0	78.0	UNNAMED STREAM
43-13031	WR/Decreed	05/29/1907	2.4 cfs	N/A		113.0	CASSIA CREEK
43-13041	WR/Decreed	02/19/1960	1.91 cfs	452 af		113.0	GROUND WATER
43-13042	WR/Decreed	02/19/1960	0.64 cfs	112 af		38.0	GROUND WATER
43-13032	WR/Decreed	05/29/1907	0.8 cfs	N/A		38.0	CASSIA CREEK

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>
43-7048	NO	NO	YES	NO	NO	NO
43-13031	NO	NO	YES	NO	NO	NO
43-13041	NO	NO	YES	NO	NO	NO
43-13042	NO	NO	YES	NO	NO	NO
43-13032	NO	NO	YES	NO	NO	NO

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77033**

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
43-7048	43-7048	0.76 cfs	N/A	74.0	151.0		N/A	N/A	N/A	N/A
43-13031	43-13031	2.4 cfs	N/A	113.0	151.0		N/A	N/A	N/A	N/A
43-13041	43-13041	1.91 cfs	452 af	113.0	151.0		N/A	N/A	N/A	N/A
43-13042	43-13042	0.64 cfs	112 af	38.0	151.0		N/A	N/A	N/A	N/A
43-13032	43-13032	0.8 cfs	N/A	38.0	151.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		6.51 cfs	564 af	151	151		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 18th day of April, 20 11



Southern Region Manager

WATER RIGHT NO. 43-7048
As Modified by Transfer No. 77033

In accordance with the approval of Transfer No. 77033, 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	30.0					63.0
13S 26E 24			34.0	17.0	37.0												88.0

Total Acres: 151

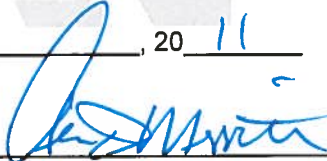
WATER RIGHT NO. 43-7048
As Modified by Transfer No. 77033

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, 43-13032, 43-13041, and 43-13042 when combined shall not exceed a total diversion rate of 6.51 cfs, a total annual maximum diversion volume of 564.0 af at the field headgate, and the irrigation of 151 acres.
3. This right is limited to the irrigation of 74.0 acres within the authorized place of use in a single irrigation season.
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. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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 18th day of April, 20 11


Southern Region Manager

WATER RIGHT NO. 43-13031
As Modified by Transfer No. 77033

In accordance with the approval of Transfer No. 77033, 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	30.0					63.0
13S	26E	24		34.0	17.0		37.0												88.0

Total Acres: 151

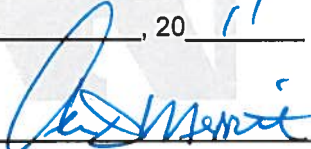
WATER RIGHT NO. 43-13031
As Modified by Transfer No. 77033

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, 43-13032, 43-13041, and 43-13042 when combined shall not exceed a total diversion rate of 6.51 cfs, a total annual maximum diversion volume of 564.0 af at the field headgate, and the irrigation of 151 acres.
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. 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).
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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 18th day of April, 2011



Southern Region Manager

WATER RIGHT NO. 43-13032
As Modified by Transfer No. 77033

In accordance with the approval of Transfer No. 77033, Water Right No. 43-13032 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	0.80 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	30.0					63.0
13S	26E	24		34.0	17.0		37.0												88.0

Total Acres: 151

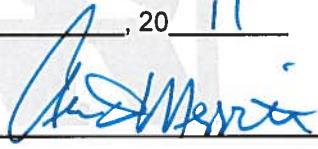
WATER RIGHT NO. 43-13032
As Modified by Transfer No. 77033

CONDITIONS OF APPROVAL

1. Rights 43-13032, and 43-13042 when combined shall not exceed the irrigation of 38.0 acres.
2. Rights 43-7048, 43-13031, 43-13032, 43-13041, and 43-13042 when combined shall not exceed a total diversion rate of 6.51 cfs, a total annual maximum diversion volume of 564.0 af at the field headgate, and the irrigation of 151 acres.
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. 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).
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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 18th day of April, 2011


Southern Region Manager

WATER RIGHT NO. 43-13041
As Modified by Transfer No. 77033

In accordance with the approval of Transfer No. 77033, 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	30.0					63.0
13S 26E 24			34.0	17.0			37.0										88.0

Total Acres: 151

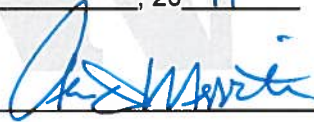
WATER RIGHT NO. 43-13041
As Modified by Transfer No. 77033

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, 43-13032, 43-13041, and 43-13042 when combined shall not exceed a total diversion rate of 6.51 cfs, a total annual maximum diversion volume of 564.0 af at the field headgate, and the irrigation of 151 acres.
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. 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).
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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 18th day of April, 20 11


Southern Region Manager

WATER RIGHT NO. 43-13042
As Modified by Transfer No. 77033

In accordance with the approval of Transfer No. 77033, Water Right No. 43-13042 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	0.64 CFS	112.0 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	30.0					63.0
13S 26E 24			34.0	17.0			37.0										88.0

Total Acres: 151

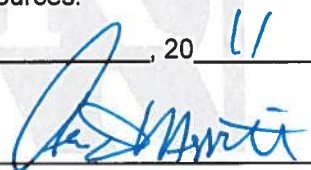
WATER RIGHT NO. 43-13042
As Modified by Transfer No. 77033

CONDITIONS OF APPROVAL

1. Rights 43-13032, and 43-13042 when combined shall not exceed the irrigation of 38.0 acres.
2. Rights 43-7048, 43-13031, 43-13032, 43-13041, and 43-13042 when combined shall not exceed a total diversion rate of 6.51 cfs, a total annual maximum diversion volume of 564.0 af at the field headgate, and the irrigation of 151 acres.
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. 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).
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as 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.

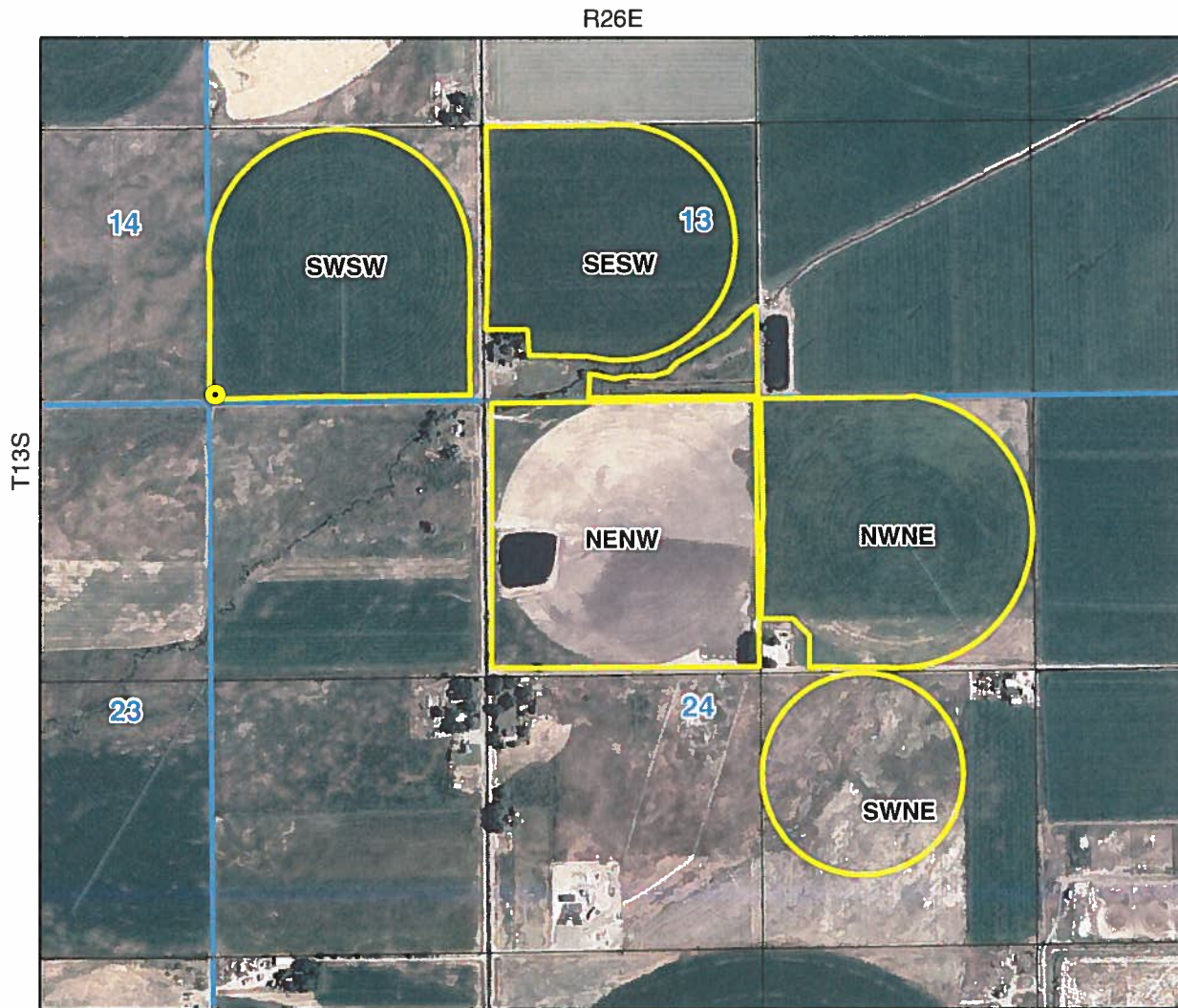
Dated this 18th day of April, 2011


Southern Region Manager

State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 77033

Rights: 43-13041, 43-13042

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.



Legend

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

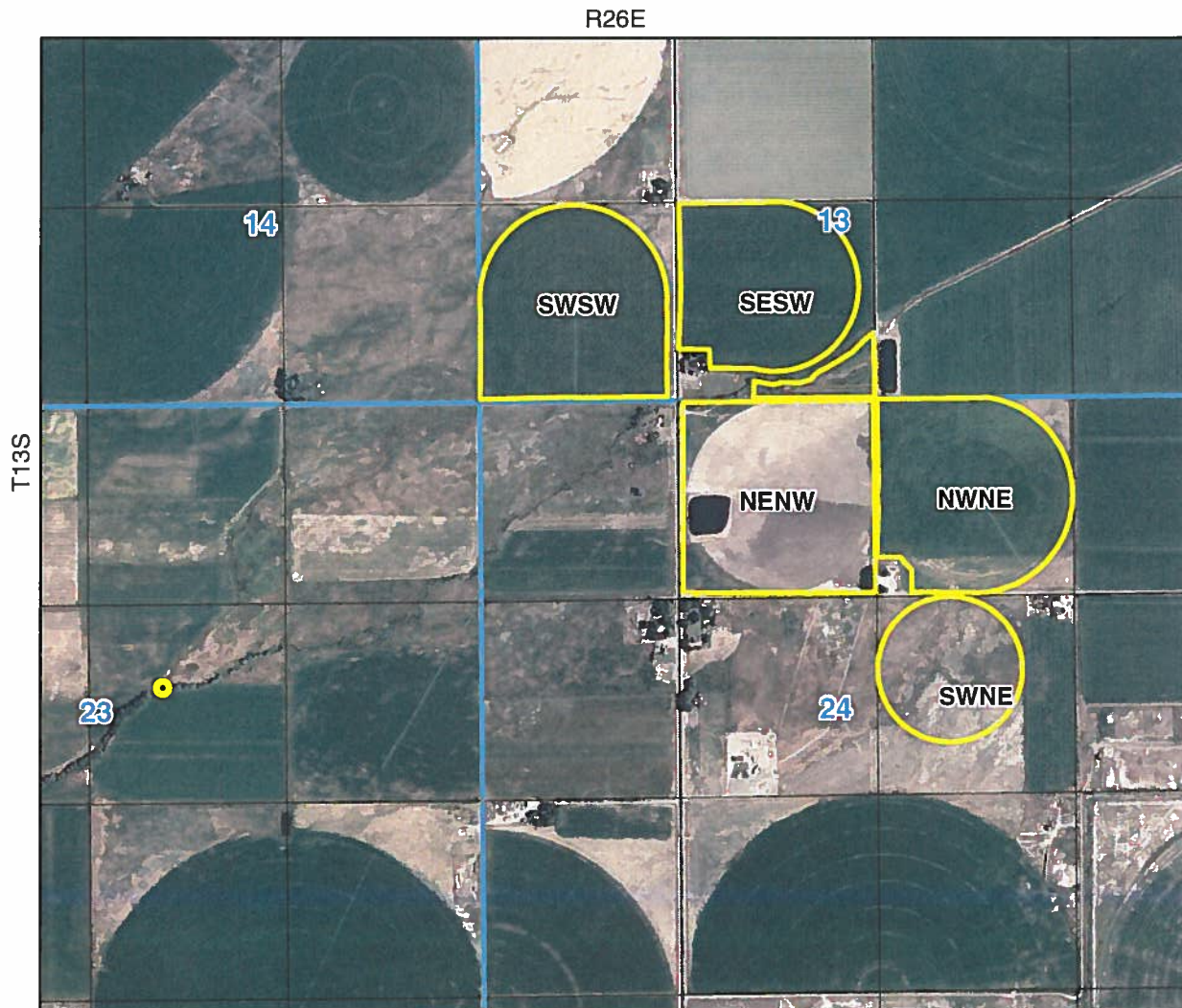
0 0.1 0.2 0.4 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 77033

Rights: 43-13031, 43-13032

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.



Legend

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

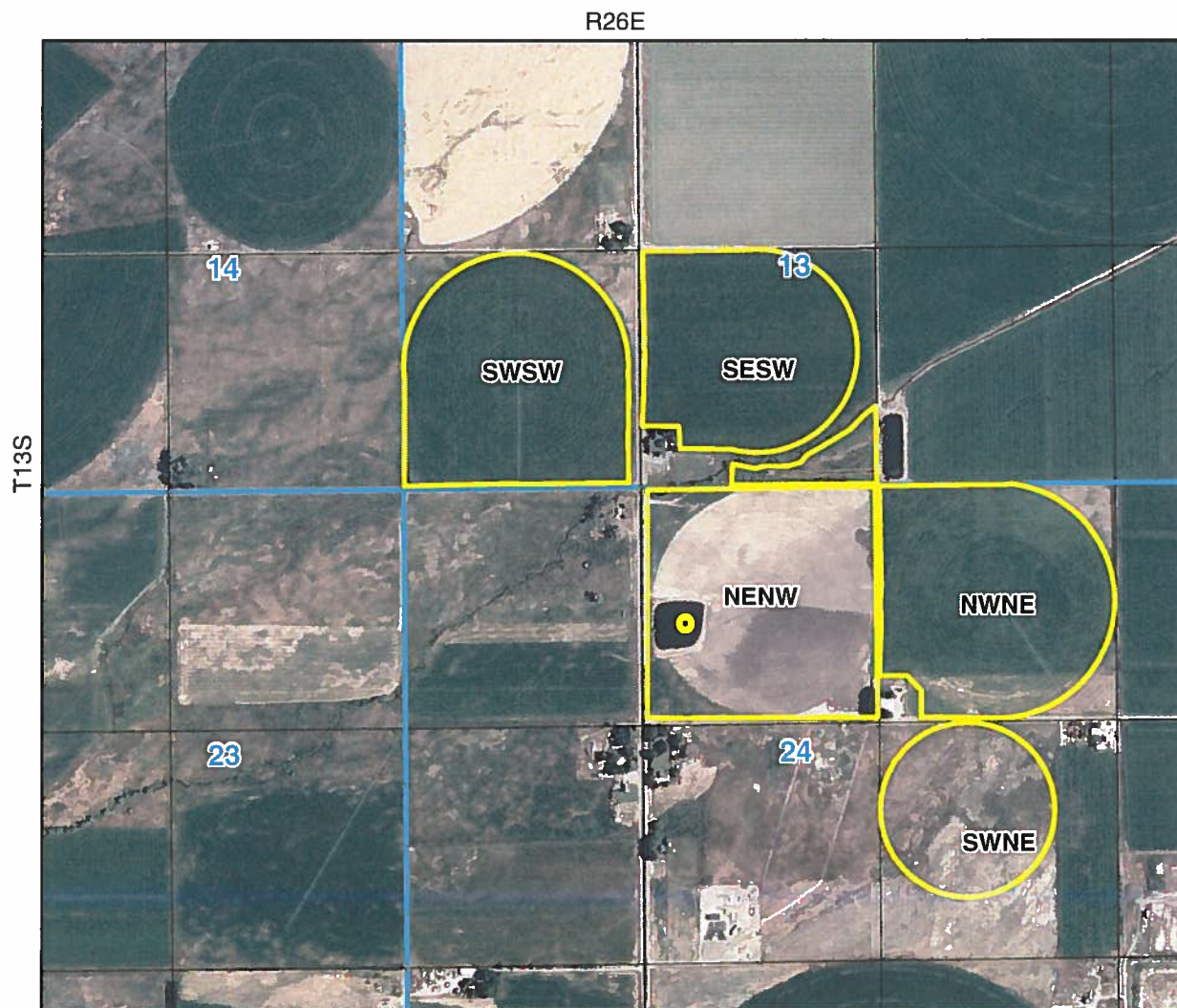
0 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 77033

Rights: 43-7048

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.



Legend

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

0 0.125 0.25 0.5 Miles

