

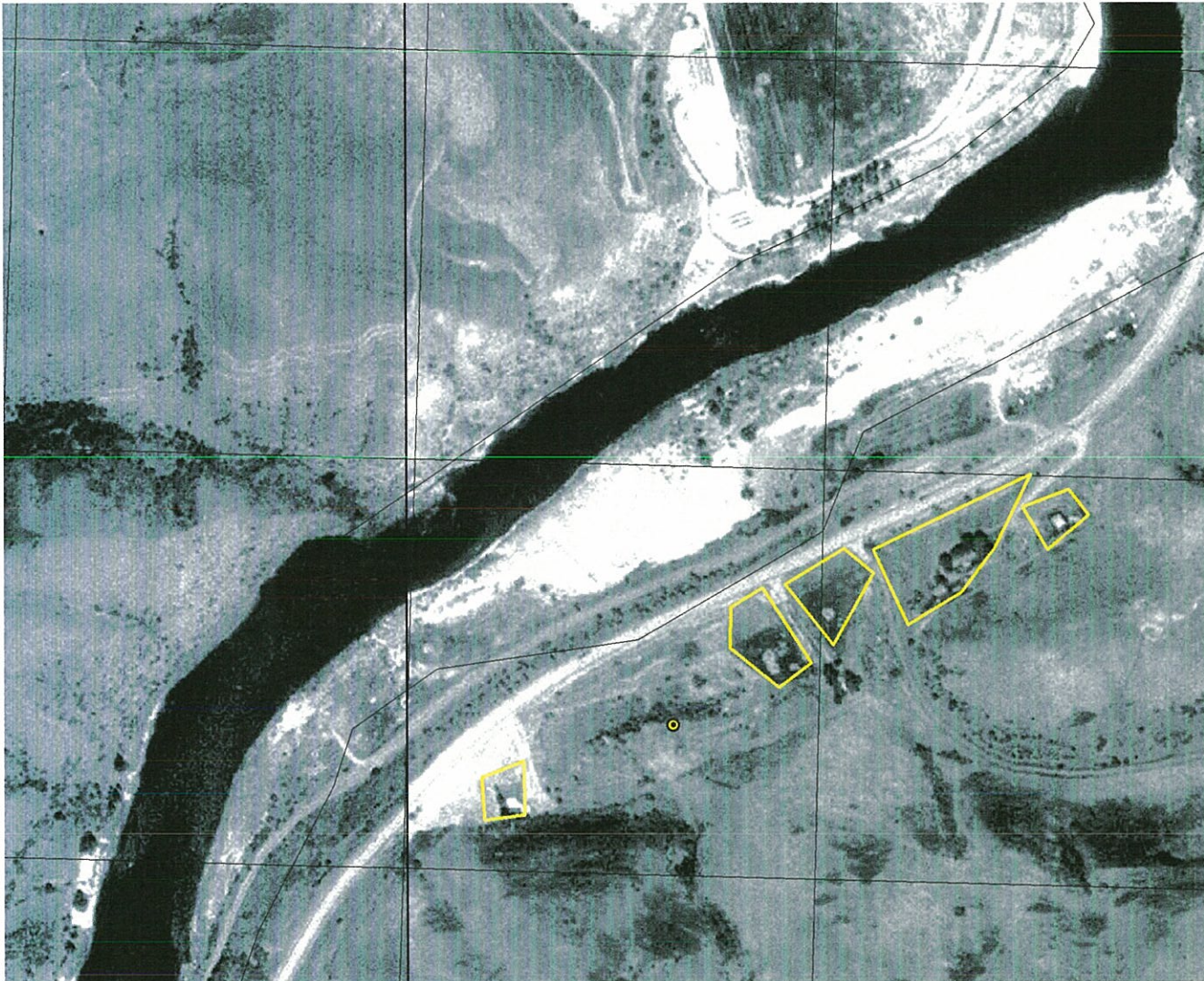
79-10407

T28N R01E
Section(s) 34 & 35

● Point of Diversion
□ Place of Use



Map prepared by: Greg Taylor
Date Prepared: March 22, 2005
Photography: Aerial Photo
Idaho Department of Water Resource



0 800 1600 2400 Feet

A horizontal scale bar with four segments, labeled with the numbers 0, 800, 1600, and 2400, followed by the word 'Feet'.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A79-10407
Date Received: 7/27/1988
Receipt No: W001714
Received By: DE SA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HECKMAN RANCHES, INC. 208-839-2386
Address: P.O. BOX 87
WHITEBIRD, ID 83554

2. Date of Priority: DEC 31, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	01E	34	NE	SE			IDAHO

5. Description of diverting works:
250' WELL W/PUMP AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.100		
STOCKWATER	01/01	12/31	0.050		
IRRIGATION	01/01	12/31	0.080		

7. Total Quantity Appropriated is:
0.230 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/5 HOUSEHOLDS, S/200 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	34	NE	SE		DOMEST	

A79-10407

Page 1

Date: 12/21/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	01E	34	NE	SE		STOCK	
			NE	SE		IRR	4.0
						Section Acres	4.0
						Total Acres	4.0

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

(8)

9

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number A29-10407Date Received 07/27/88 ESKReceipt Number W000714

RECEIVED
NOV 30 1988

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
AUG 1 1988

Department of Water Resources
Western Regional Office

Please type or print clearly

- Name of Claimant (s) HECKMAN RANCHES, INC. Phone (209) 839-2386
Mailing Address P.O. BOX 87, Whitebird, ID Zip 83554
- Date of Priority (Only one (1) per claim) 1958
- Source of water supply (a) Groundwater
which is tributary to (b) _____
- a. Location of existing point of diversion is: Township 28N Range 1E Section 34,
NE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of IDAHO
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. WELL, APPROXIMATELY 250' DEEP, PUMP
AND PIPELINE

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DOMESTIC purposes from 1/1 to 12/31 amount 0.10 or _____

For Livestock purposes from 1/1 to 12/31 amount .05 or _____

For Irrigation purposes from 1/1 to 12/31 amount .08 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .23 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) serves five households, domestic, waters 200 head of cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
28N	1E	34													DIS				4

Total number of acres irrigated 4

11. In which county (ies) are lands listed above as place of use located? Idaho

12. Do you own the property listed above as place of use? Yes XX No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ()

14. Remarks:

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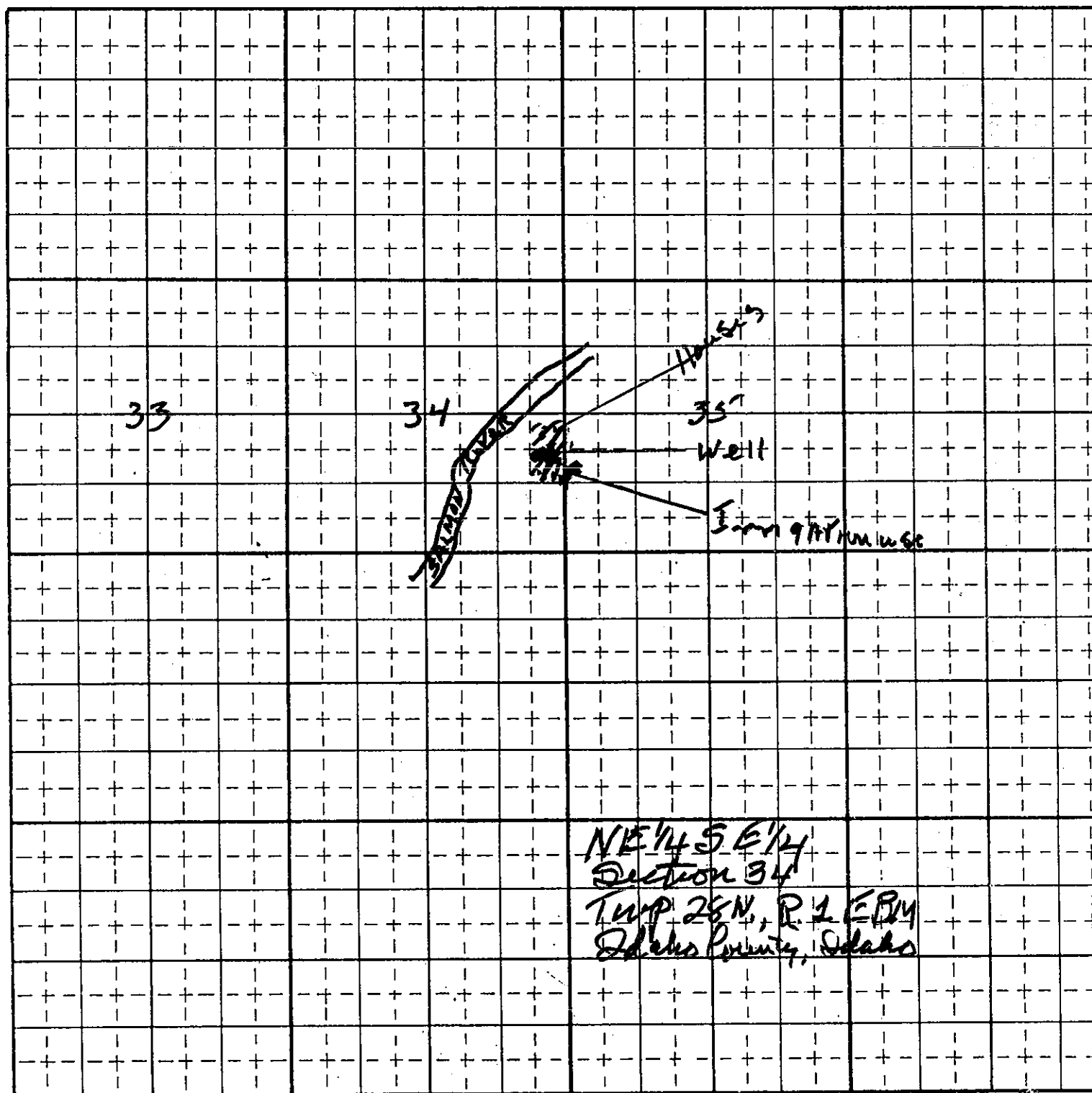
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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) XX _____ Date July _____, 1988

Date _____

For Organizations: I do solemnly swear or affirm that I am DONOVAN L. HECKMAN, President
Title

of HECKMAN RANCHES, INC., _____, that I have signed the foregoing
Organization

document in the space below as Secretary
~~President~~ _____ of Heckman Ranches, Inc.
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent X Donovan L. Heckman

Title and Organization HECKMAN RANCHES, INC., Secretary Date July 21, 1988
~~President~~

State of Idaho/or _____)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 21st day of July 1988

SEAL

Notary Public William J. Dee

Residing at Grangeville, therein.

My Commission Expires 10/1/92

Please Print Name

17. Notice of Appearance: WILLIAM J. DEE
Notice is hereby given that I, DEE, MacGREGOR & FALES will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature X William J. Dee

Address P.O. Box 463, Grangeville, ID 83530

Date July 21, 1988

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

0/4/1988 SRBA CLAIMS RECEIVING CHECKLIST CLAIMANT'S NAME Heckman Ranches CLAIM IDENT. NO. A29- DATE RECEIVED 02/27/88 CK # 9625 AMOUNT \$ 59.00

	YES	NO
1. Is the name and address complete with zip code?		
2. Is a priority date entered?		
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.		
3. (a) Is a source entered?		
(b) Is a tributary to entered? (if required)	N/A	
4. Is the legal description of the p.d. sufficient?		
5. Is there a description of the diverting works?		
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.		
Is the period of use included?		
Is a quantity claimed for each use?		
7. Is a total quantity claimed entered?		
8. If required is a consumptive use entered?	N/A	
Is the consumptive use correct?	N/A	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.		
10. Is (are) the place(s) of use entered?		
11. Is (are) the county(ies) entered?		
12. Is the ownership of p.u. checked?		
13. Are other water rights listed or "none" checked?		
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	N/A	
15. Is the basis of the claim checked?		
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)		
Has the claim been signed, sealed, and dated by a notary?		
Was this claim filed on time, or was an extension granted?		
Is the fee enclosed correct?		
If this claim is based on an existing water right, has the identification number been entered?	N/A	
Should this claim be receipted and data entered?		

Comments: Claim checked by: ERM MICROFILMED OCT 06 1992

CLAIM NO A79-10407

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

(to be used in connection with B/U exams for same owners)

- A. ☐ SEE B/U EXAM IN THE FILE FOR PERMIT NO. _____ - _____ FOR
ADJUDICATION CLAIM VERIFICATION. NOTE: If applicable, B/U exam
must contain the number of homes and the number of head of
stock.
- B. ☒ DIFFERENT SYSTEM THAN B/U EXAM FOR PERMIT NO. _____ - _____.
SEE ITEMS COMPLETED BELOW FOR CLAIM VERIFICATION EXAM. NOTE:
(This applies if the claim is filed for the same owner,
however, the water system is different than the b/u exam being
conducted for the permit.)

1. ☐ No Change NAME:
☐ NEW OWNER: _____
☐ No Change ADDRESS:
☐ NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification
Needed.
☐ Incomplete - Claim shows no priority date, claimant should be
asked during the exam when was water first used.
Priority date, per claimant, is _____
(if the priority date, based on your exam, seems questionable,
explain in remarks.)
3. ☒ No Change - SOURCE:
☐ Source is different than that claimed:
Source found: _____
4. ☐ No Change - POINT OF DIVERSION:
☒ Point of diversion is different than the claim
New P/D: Twp. 28N, Rge. 1E, Sec. 34, 1/4 SE 1/4 NE 1/4

Note: If the 10-acre tract is shown on the claim, then verification
of the 10-acre parcel is needed. Otherwise the 10-acre tract
is not required, unless the source is a spring.

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Incomplete desc., complete items missing, IF KNOWN.
☐ Additional comments in remarks.
HP of pump 1 Static water level 56' Well depth _____
Casing size 6" Pumping water level _____ Gravity flow _____
Method of irr. _____
6. ☒ No Change - WATER USES:
☐ Different uses, (list uses found).

Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af

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7. ☒ No Change - TOTAL VOLUME:
☐ Change found, The new total is, -- -- -- cfs af

8. N/A

9. ☒ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:

Domestic - No. of homes _____ Stockwater - No. of head _____

Other: _____

10. ☐ No Change - PLACE OF USE: (If changed, list below.)

Use	Twp.	Rge.	Sec.	1/4	1/4	1/4
Same	28N	1E	34		SE	NE

Remarks: (Comments pertinent to field examination)

Well + pump supplies water to
5 domestics, irrigation around domestics
+ small pasture + for approx. 200
Head of cattle.

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Permit File.

PHOTOS

MAP

SYSTEM DIAGRAM

☒
☒
☐☐
☐
☐

☐ Changes found during exam, see permit file.

DATE EXAM CONDUCTED: 7-27-90

FIELD EXAMINER:

Signature

Larry L. Water
Larry L. Water

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A79-10407



Picture of well + pump + pressure system
that feeds ^s houses, stock + irrigation. Picture
taken looking south west.

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Pictures of stock
watering areas fed
from pump. pictures
taken (top) looking North
east, (bottom) looking
south.

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Pictures of houses fed from pump. Pictures
taken looking (top) south west, (bottom) south
east.

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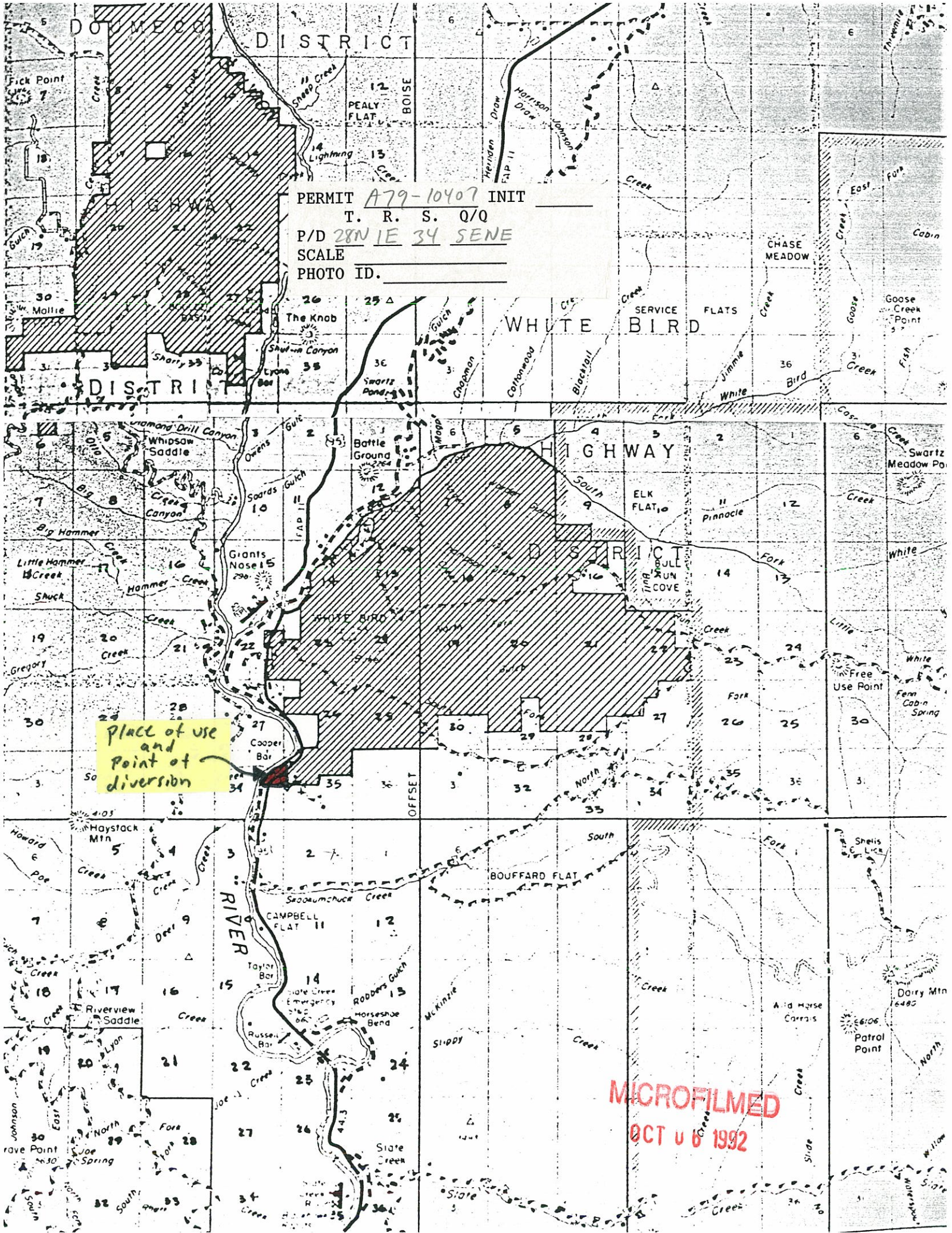
A79-10407



Pictures of houses fed from pump. Pictures taken looking (top) south east, (bottom) south west. fifth picture of house didn't turn out.

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PERMIT A79-10407 INIT
T. R. S. Q/Q
P/D 28N 1E 34 SENE
SCALE _____
PHOTO ID. _____

Place of use
and
point of diversion

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OCT 6 1992

MACGREGOR & MACGREGOR, LLP

W.C. MACGREGOR, JR.
KIRK A. MACGREGOR

MACGREGOR BUILDING
416 W. MAIN
P.O. BOX 463
GRANGEVILLE, IDAHO 83530
TELEPHONE (208) 983-0250 OR 983-0252
E-MAIL: maclaw@camasnet.com

WILLIAM J. DEE
(1918-1996)

FACSIMILE
(208) 983-1740

March 10, 2005

Gregory J. Taylor
Sr. Water Agent
State of Idaho
Department of Water Resources
1118 F. Street
Lewiston, ID 83501

Re: Heckman Ranches, Inc.

Dear Mr. Taylor:

I am responding to your letter of February 24, 2005 addressed to William J. Dee. Mr. Dee was a member of our law firm but is now deceased. I am replying to your letter on behalf of Donnie Heckman who is the majority stockholder and manager of Heckman Ranches, Inc. in White Bird, Idaho.

Pursuant to the instructions contained in your letter and the small pamphlet entitled "Evidence of Priority" enclosed therein, you will find herein the following evidence of the priority date requested:

1. For water claim identification A79-10413, there is submitted herewith an affidavit by Donovan Heckman and a second affidavit submitted by Clarence Reynolds.
2. For water claim identification A79-10411, there is submitted for evidence of priority date an affidavit by Donovan Heckman and also an affidavit by Clarence McReynolds.
3. For water claim identification A79-10407, for evidence of priority date, there is submitted an affidavit by Donovan Heckman and also an affidavit by Clarence McReynolds.

We trust that these affidavits suffice to show the required evidence of the priority date, but if for any reason they do not, we would appreciate your contacting us before the date of March 25, 2005.

Idaho Department of Water Resources

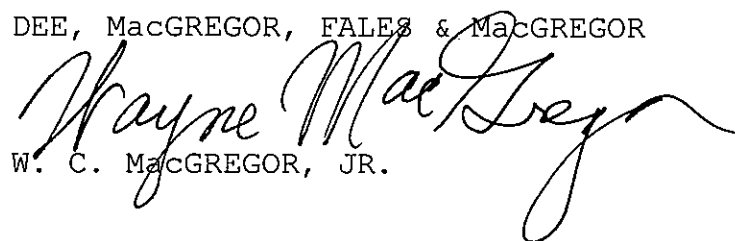
- 2 -

March 10, 2005

Thank you.

Sincerely,

DEE, MacGREGOR, FALES & MacGREGOR

A handwritten signature in cursive script that reads "Wayne MacGregor". The signature is written in black ink and is positioned over the printed name of the signatory.

W. C. MacGREGOR, JR.

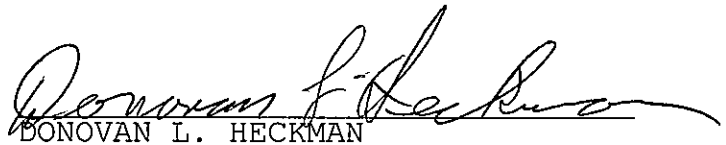
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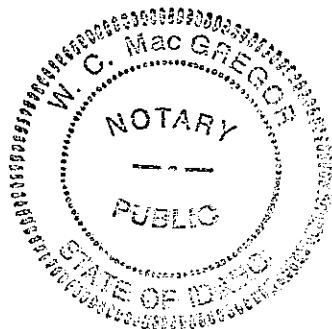
STATE OF IDAHO)
 ss.
County of IDAHO)

DONOVAN HECKMAN, being first duly sworn upon his oath, deposes and says:

That he is the majority stockholder in Heckman Ranches, Inc. and is an officer in the corporation. That the water right identification number that this affidavit is to support is A79-10407. That it claims a date of priority of December 31, 1958. That this well and pump and the pipeline which services the same which is part of the improvements was established approximately in December of 1958 by the drilling of a well. At the time of the drilling of a well, it furnished water for five households and approximately 200 head of cattle. That the water from the well has been utilized since the establishment of the well in 1958. It still serves off and on the five households and the approximate 200 head of cattle. The well, the pump and pipework have been utilized by Heckman Ranches, Inc. continually off and on every year since that date.


DONOVAN L. HECKMAN

SUBSCRIBED AND SWORN to before me this 9th day of March, 2005.




Notary Public in and for
the State of Idaho;
Residing at Grangeville, therein.
My commission expires: Oct. 1, 2010

AFFIDAVIT

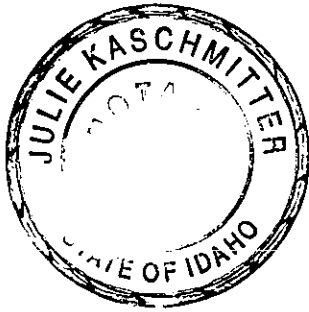
STATE OF IDAHO)
 ss.
County of IDAHO)

CLARENCE McREYNOLDS, being first duly sworn upon his oath,
deposes and says:

That he is a resident of Idaho County Idaho, and is personally acquainted with Donovan Heckman, an officer in Heckman Ranches, Inc. and your affiant has over a period of the past several years worked on occasions for said ranch. That he is a neighbor of Heckman Ranches, Inc. owning land that is contiguous and adjacent to said ranch. That the water right identification number that this affidavit is to support is A79-10407. That it claims a date of priority of December 31, 1958. That this well and pump and the pipeline which services the same which is part of the improvements was established approximately in December of 1958 by the drilling of a well. That your affiant is personally knowledgeable of when said well was drilled and when it began furnishing water to the households at the time states. At the time of the drilling of a well, it furnished water for five households and approximately 200 head of cattle. That the water from the well has been utilized since the establishment of the well in 1958. It still serves off and on the five households and the approximate 200 head of cattle. The well, the pump and pipework have been utilized by Heckman Ranches, Inc. continually off and on every year since that date. That your affiant states the above from his own personal knowledge.


CLARENCE McREYNOLDS

SUBSCRIBED AND SWORN to before me this 9th day of March,
2005.



Julie Kaschmitter
Notary Public in and for
the State of Idaho;
Residing at Grangeville, therein.
My commission expires: 9-30-10



State of Idaho
DEPARTMENT OF WATER RESOURCES

1118 F. St, Lewiston, Idaho 83501

Phone: (208) 743-0301 FAX: (208) 743-0415 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 24, 2005

79-10407, 7910411 & 79-10413
WILLIAM J DEE
PO BOX 463
GRANGEVILLE ID 83530

RESPONSE DEADLINE
MARCH 25, 2005

Re: Evidence of Priority Date

Dear Claimants:

The Notices of Claim to a Water Right (claim) identified with the numbers shown above your name have been filed in the Snake River Basin Adjudication (SRBA). The claims indicate your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

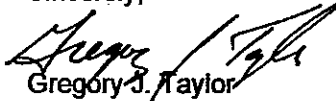
If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claims and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claims disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office at 1-208-743-0301.

Sincerely,


Gregory J. Taylor
Sr. Water Agent

Cc: Heckman Ranches, PO Box 87, Whitebird, ID, 83554