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DEC 28 2020

WATER RESOURCES
WESTERN REGION

**WITHDRAWAL
OF
APPLICATION FOR TRANSFER OF WATER RIGHT(S)**

I/We, John E. HOFFERD and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

_____ and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 83392 of Water Right

No(s). _____.

Signed this 22 day of DECEMBER, 20 20.


(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W Airport Way • Boise ID 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348

Website: idwr.idaho.gov • Email: westerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 17, 2020

JOHN E HOFFERD FAMILY TRUST
1376 NW REMARKABLE DR
BEND, OR 97703-5511

RE: Application for Transfer No. 83392

Dear Mr. Hofferd:

For the purpose of review, transfer application 83392 proposes to add a point of diversion (POD) within Twp 5N Rge 5W, Sec 36 SENE $\frac{1}{4}$ $\frac{1}{4}$, B.M. Looking over local hydrology using aerial imagery and USGS maps, this new location would divert from a source called Spoil Bank. The current POD within Twp 4N Rge 4W, Sec 6 NENE $\frac{1}{4}$ $\frac{1}{4}$ B.M. diverts water out of the North Drain. This evokes concerns that the added POD is not the same source of water as the current POD and that the two diversions are not hydraulically connected. Adding a POD from a new water source cannot be approved by the Department.

On January 13, 2020, Idaho Department of Water Resources (Department) sent you a letter requesting additional information. On February 3, 2020, a telephone conversation with you discussed the concerns of the Department. Notes regarding our conversation indicate that you intended to stop by our office to further discuss the application. The purpose of this letter is to reinstate contact to resolve your transfer application.

If it is your intent to further pursue your application, please provide a written response to the appropriate options below:

- **Option 1.** Please provide **evidence** that the proposed additional POD is hydraulically connected to the original POD so the Department can continue processing your transfer application.
- **Option 2.** **Withdraw** your transfer application by filling out the attached transfer withdrawal form.

Please submit the requested information so that your application may resume processing. The application may be **rejected** without a timely written reply within the next **thirty (30) days**. Refunds are not issued for rejected applications.

IDWR forms and other information are available on the internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Allen Bradbury
Water Resource Agent, Sr.
IDWR-Western Regional Office

Enclosure: Withdrawal of Application for Transfer

CC: City of Boise (Michelle Steel, Scott Muir, John Roldan) via email
Nick Miller via email

1:30 PM 2/3/2020

Spoke with John Hofferd concerning email sent on Friday 1/31/02.

He traced the route of the water from the original POD to the proposed. We discussed that the main issue is the diversion of water from the channel, labeled unnamed drain 2 on the maps. Suggest that he could move POD south into the ditch and avoid the unnamed drain 2 (in which case the transfer would be irrelevant). Also, suggested he stop by the office and describe in person. He said he wasn't in a hurry and may have other solutions, but he would go out and look things over. He indicated that he wasn't interested in investing a lot in this project, but he may stop by in a couple weeks.

Bradbury, Allen

From: Bradbury, Allen
Sent: Friday, January 31, 2020 4:58 PM
To: 'lhofferd@bendcable.com'
Subject: 83392 Water Right Transfer
Attachments: 83392_Hydraulic DRG Map.pdf; 83392 Existing POD Map.pdf; 83392 Proposed POD Map.pdf; 83392_Hydraulic Aerial Map.pdf

Mr. Hofferd,

It was good to talk to you, I appreciate the call. It looks like Department will need more detailed information. To summarize, the proposed POD identified on your application appears to have a different unnamed drain (labeled unnamed drain 2 on map) as the water source. For the Department to approve an additional POD, the proposed POD must be from the same water source, i.e. have a hydraulic connection with the existing POD. Your existing POD appears to either come from the North Drain and/or a combination of North Drain and the unnamed drain 1. I've included some aerial photos and a quad map of the area to help identify relevant features. To move forward, a written description with reference to the maps would be helpful. Describe the hydraulic connection of the source and how the water gets diverted onto you property now and how it will be diverted onto the property with the additional POD. Sketching in the waterways with a colored felt tip pen might be helpful.

Hope you have a good weekend. I look forward to hearing back from you.

Respectfully,

Allen Bradbury

*Water Resource Agent, Sr.
Idaho Department of Water Resources
Western Region
(208) 334-2190
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BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 13, 2020

JOHN E HOFFERD FAMILY TRUST
1376 NW REMARKABLE DR
BEND, OR 97703-5511

COPY

RE: Application for Transfer No. 83392

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right. After review of the application, some concerns were identified regarding your proposed additional diversion point. The transfer application could be denied due to these concerns.

An application for transfer proposing to change the point of diversion for a surface water right from one distinct surface water source to a totally separate surface water source is not approvable. In your application you identify what appears to be the North Drain as the point-of-diversion (POD) and historical water source for water right 63-37891 in township 04N, range 04W, section 6, NENE Lot1. The proposed POD that you have identified looks like it includes a different unnamed drain as a water source. Please provide evidence that the proposed POD you have applied for uses the same water source as the one that has been used historically and evidence that both points are hydraulically connected.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next **thirty (30) days**. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Allen Bradbury
Water Resource Agent, Sr.
IDWR-Western Regional Office

Enclosures

MEMORANDUM

TO: Transfer No. 83392 Hofferd Family Trust
FROM: Allen Bradbury
DATE: 11/21/2019
RE: Evaluation of Application

Summary of Application Proposal

Narrative: The purpose of the transfer is to add a point of diversion for right no. 63-31891. Water will be used at the current place of use approximately 3 miles west of Notus, ID. The water will be appropriated from an unnamed drain tributary to the Boise River.

Location of Application Proposal: The new point of diversion will be located in the SENE of section 36 of township 05N and range 05W.

Summary of Information Submitted

Authority to File: The original permit was issued to R. Jerrel and Carol L. Glenn. On April 27, 2015, the Glenn's assigned the permit to Scott and Clarrissa Garriigus. A notice of change in water right ownership was accomplished on July 5, 2018 from Scott and Clarrissa Garriigus to the John E Hofferd Family Trust. The property at the POD is owned by Banded Hen Again, LLC (617024) which is managed by John E. Hofferd Family Trust with signature authority of John E. Hofferd according to the Idaho Secretary of State business website. The transfer application was signed by John Hofferd.

Water Right Validity/Historical Beneficial Use: The license for water right no. 63-31891 was issued on 7/25/2018. The right is presumed to be valid based on the fact a license was issued within the past five year period.

Overlap Analysis: 63-32839 is an irrigation right from wastewater owned by John E. Hofferd Family Trust with a POU which completely overlaps the 63-31891 wildlife use. 63-33078 is an irrigation right from wastewater owned by John E. Hofferd Family Trust in which the POU partially overlap 63-31891, however the source is different. 63-32546, 63-32838, 63-34457, 63-32839, 63-32840 all share the same POD with the original 63-31891 POD. There are no overlaps with the proposed POD.

Injury to Other Water Rights: The proposed POD is with the Basin 63 Area of Concern for Wildlife. Over the years, applications in the Parma and Notus area have involved several hundred cfs and considerable off-stream storage volume from surface water. Sources include the Boise River, Sand Hollow Creek and various drains/waste water. Typically the proposed diversions are used for wildlife projects which are already used for older irrigation rights. The wildlife scenario here includes some controversial history, land owners at loggerheads, attorneys and consultants ... "dueling wildlife projects." Also has involved considerable involvement by IDWR administration. The Boise River Watermaster and IDFG remain concerned about these projects. This transfer was originally protested by the City of Boise which diverts water from Dixie Slough, but has since withdrawn the protest. There are five water rights associated with the original POD in section 6, 63-32838, 63-32839, 63-32840, 63-33078, 63-4595, and 63-34457. There are no know POD's between the original and proposed POD. However, there four water rights associated with a single POD location between the proposed POD and the Boise River: 63-32838 (Frank), 63-32839 (Hofferd), 63-32840, 63-34457 (Ramsower LLC). All of these water rights share the original POD in section 6. The confluence of the unnamed drain and the Boise

River is approximately 0.75 miles downstream of the proposed POD. There is no evidence that injury will occur to these other water rights.

Enlargement of Use: The new diversion rate for this transfer is 5 cfs from an unnamed drain. The beneficial uses are for diversion to storage, wildlife storage, and wildlife. The nature of use of the water right will not be altered by this transfer. There is no irrigation component therefore acres will not be increased. The right is still limited to the maximum rate of 5.0 cfs and the maximum annual volume limit of 3,620 acre-feet. The transfer does not propose any change to the diversion rate or volume, the number of irrigated acres, nor any unsubordinated change to the season of use. No enlargement is anticipated.

Local Public Interest: There are no anticipated impacts to recreation, fish, or wildlife as a result of this transfer. There is no indication that any applicable water or hazardous substance standards designed to protect water resources would be violated. This transfer is compatible with the objectives and policies of the State Water Plan. A protest was received at advertising from the City of Boise concerning water the city diverts from Dixie Slough. The protest was dropped given the rate and volume restrictions on the transfer. It is within the local public interest to allow private properties to develop their property and use their water rights to the fullest extent which in turn benefits the public at large. None of the available information suggests a conflict with the local public interest.

Beneficial Use/Conservation of Water Resources: No issues were identified. The application proposes beneficial use consistent with conservation of water resources in Idaho.

Summary of Application Approval / Denial

Conditions

If approved the following changes should be made to the conditions of water right no. 63-31891

- Add standard transfer conditions T07 and T08.

Assuming no other information contradicts the above analysis, the application can be approved as reflected by the draft approval.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

83392 Transfer 63-31891 Overlap Analysis

[illegible]

Process	Basin Sequence	Draft	Owner	Source	POD	Use	NENE	NWNE	SWNE	SENE	NENW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total Acres
Water Application			JOHN E HOFFERD FAMILY TRUST (Transfer Applicant)	UNNAMED DRAIN	POU	WILDLIFE	X	X	X	X								X				
Water Application			JOHN E HOFFERD FAMILY TRUST (Transfer Applicant)	UNNAMED DRAIN	POU	WILDLIFE STORAGE												X				
Water Right	63-31891	N	GARRIGUS, CLARRISSA; GARRIGUS, SCOTT; GLENN, CAROL L; GLENN, R. JERRELL; JOHN E HOFFERD FAMILY TRUST	UNNAMED DRAIN	POU	WILDLIFE	X	X	X	X								X				
Water Right	63-31891	N	GARRIGUS, CLARRISSA; GARRIGUS, SCOTT; GLENN, CAROL L; GLENN, R. JERRELL; JOHN E HOFFERD FAMILY TRUST	UNNAMED DRAIN	POU	WILDLIFE STORAGE												X				
Water Right	63-180	N	BOONE, T W; E G JOHNSON FARMS INC; MARSHALL, JOHN M	BOISE RIVER	POU	MITIGATION		X														
Water Right	63-181	N	BOONE, T W; E G JOHNSON FARMS INC; MARSHALL, JOHN M	BOISE RIVER	POU	MITIGATION		X														
Water Right	63-33406	N	E G JOHNSON FARMS INC; MARSHALL, JOHN M	BOISE RIVER	POU	MITIGATION		X														
Water Right	63-40368	N	E G JOHNSON FARMS INC	SAND HOLLOW CREEK	POU	MITIGATION		0.3														0.3
Water Right	63-33253	N	BOISE PROJECT BOARD OF CONTROL	TENMILE CREEK	POU	IRRIGATION										X						
Water Permit	63-332546	N	ERSKINE, CONNIE R; ERSKINE, DAN J	UNNAMED DRAIN	POU	IRRIGATION					26											26
Water Right	63-28751	N	E G JOHNSON FARMS INC	UNNAMED DRAIN	POU	IRRIGATION		0.3														0.3
Water Right	63-3572	N	EUREKA DITCH CO NO 2	UNNAMED DRAIN	POU	IRRIGATION											X					
Water Right	63-21534	N	BROWN, BLANCHE E; BROWN, JAMES L; COONEY, JANET S; MYERS, ACHILLES, EUGENE W; CATOZZI, SHEILA; EICKS, JOHN W; FRANK, JUANITA; FRANK, MITCH; GLENN, CAROL L; GLENN, R. JERRELL; GLENN, R. JERRELL; JOHN E HOFFERD FAMILY TRUST	UNNAMED STREAM	POU	IRRIGATION																20
Water Right	63-2465	N	BROWN, BLANCHE E; BROWN, JAMES L; COONEY, JANET S; MYERS, ACHILLES, EUGENE W; CATOZZI, SHEILA; EICKS, JOHN W; FRANK, JUANITA; FRANK, MITCH; GLENN, CAROL L; GLENN, R. JERRELL; GLENN, R. JERRELL; JOHN E HOFFERD FAMILY TRUST	UNNAMED STREAM	POU	IRRIGATION																10
Water Right	63-32838	N	ACHILLES, EUGENE W; CATOZZI, SHEILA; EICKS, JOHN W; FLYING E RANCH LLC; GLENN, CAROL L; GLENN, R. JERRELL; HATHAWAY, WARREN D; RAMSOWER LLC	UNNAMED STREAM	POU	IRRIGATION																11
Water Right	63-33078	N	GARRIGUS, CLARRISSA; GARRIGUS, SCOTT; GLENN, CAROL L; GLENN, R. JERRELL; JOHN E HOFFERD FAMILY TRUST	UNNAMED STREAM	POU	IRRIGATION				3	34											
Water Right	63-34457	N	ACHILLES, EUGENE W; CATOZZI, SHEILA; EICKS, JOHN W; FLYING E RANCH LLC; GLENN, CAROL L; GLENN, R. JERRELL; HATHAWAY, WARREN D; RAMSOWER LLC	UNNAMED STREAM	POU	IRRIGATION			22													22
Water Right	63-4595	N	ERSKINE, CONNIE R; ERSKINE, DAN J; MC CURRY, EMMETT R; MC CURRY, MARY N	UNNAMED STREAM	POU	IRRIGATION					20.5											
Water Right	63-2392F	N	BOISE PROJECT BOARD OF CONTROL	WASTE WATER	POU	IRRIGATION										X						20.5
Water Right	63-32859	N	BRUMBAUGH, GENE; GARRIGUS, CLARRISSA; GARRIGUS, SCOTT; JOHN E HOFFERD FAMILY TRUST	WASTE WATER	POU	IRRIGATION	20	28.6	2	4								36				90.6
Water Right	63-32840	N	BRUMBAUGH, GENE; CATOZZI, SHEILA; EICKS, JOHN W; FLYING E RANCH LLC; GLENN, CAROL L; GLENN, R. JERRELL; RAMSOWER LLC	WASTE WATER	POU	IRRIGATION		6.4														6.4
Water Right	63-4010	N	BARKER, ALBERT P; RIVERSIDE IRRIGATION DISTRICT LTD	WEST END DRAIN	POU	IRRIGATION										X	X					

JOHN E HOFFERD FAMILY TRUST, irrigation right with complete overlap

JOHN E HOFFERD FAMILY TRUST, irrigation right with partial overlap

RAMSOWER LLC, shares QQ but no overlap

Share QQ but no overlap

