

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81069

This is to certify that: **AMY HEFFNER AND/OR
RANDY R HEFFNER
14 HILL CREEK RD
HORSESHOE BEND, ID 83629**

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
65-23220	WR/DECREED	7/29/1966	0.220 cfs	54.0 af	N/A	11.0	PAYETTE RIVER
65-23222	WR/DECREED	7/7/1969	0.310 cfs	69.7 af	N/A	16.0	PAYETTE RIVER
65-23240	WR/DECREED	4/1/1958	0.440 cfs	100.8 af	N/A	25.6	PAYETTE RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
65-23220	NO	YES	NO	YES	NO	NO
65-23222	NO	YES	NO	YES	NO	NO
65-23240	YES	YES	NO	YES	NO	NO

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
65-23220	65-23220	0.220 cfs	54.0 af	N/A	11.0	N/A	N/A	N/A	N/A	N/A
65-23222	65-23222	0.310 cfs	69.7 af	N/A	16.0	N/A	N/A	N/A	N/A	N/A
65-23240	65-23676	0.330 cfs	76.4 af	N/A	19.4	65-23240	0.110 cfs	24.4 af	N/A	6.2
COMBINED TOTALS		0.860 cfs	200.1 af	N/A	46.4		N/A	N/A	N/A	N/A

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 6th day of January, 2017.



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 65-23220

Transfer No. 81069

WATER RIGHT NO. 65-23220**As Modified by Transfer No. 81069**

In accordance with the approval of Transfer No. 81069, Water Right No. 65-23220 is now described as follows:

Right Holder: AMY HEFFNER Or
RANDY R HEFFNER
14 HILL CREEK RD
HORSESHOE BEND, ID 83629

Priority Date: 7/29/1966

Source: PAYETTE RIVER **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.220 cfs	54.0 af
			0.220 cfs	54.0 af

LOCATION OF POINT(S) OF DIVERSION

PAYETTE RIVER	L4 (NWNW)	Sec 2	Twp 07N Rge 02E	BOISE County
PAYETTE RIVER	L6 (NESW)	Sec 2	Twp 07N Rge 02E	BOISE County
PAYETTE RIVER	L7 (SESW)	Sec 2	Twp 07N Rge 02E	BOISE 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	
07N	02E	2												11.0					11.0
													L7						

POU Total Acres: 11.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. 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. 65.
3. 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).
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 81069

WATER RIGHT NO. 65-23220

As Modified by Transfer No. 81069

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 65-23222**As Modified by Transfer No. 81069**

In accordance with the approval of Transfer No. 81069, Water Right No. 65-23222 is now described as follows:

Right Holder: AMY HEFFNER Or
RANDY R HEFFNER
14 HILL CREEK RD
HORSESHOE BEND, ID 83629

Priority Date: 7/7/1969

Source: PAYETTE RIVER **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.310 cfs	69.7 af
			0.310 cfs	69.7 af

LOCATION OF POINT(S) OF DIVERSION

PAYETTE RIVER	L4 (NWNW)	Sec 2	Twp 07N Rge 02E	BOISE County
PAYETTE RIVER	L6 (NESW)	Sec 2	Twp 07N Rge 02E	BOISE County
PAYETTE RIVER	L7 (SESW)	Sec 2	Twp 07N Rge 02E	BOISE 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	
07N	02E	2												13.0					16.0
													L 7						

POU Total Acres: 16.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. 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. 65.
3. 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).
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 81069

WATER RIGHT NO. 65-23222
As Modified by Transfer No. 81069

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 65-23240
As Modified by Transfer No. 81069

In accordance with the approval of Transfer No. 81069, Water Right No. 65-23240 is now described as follows:

Right Holder: O & D PARTNERSHIP
 PO BOX 366
 HORSESHOE BEND, ID 83629

Priority Date: 4/1/1958

Source: PAYETTE RIVER **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.110 cfs	24.4 af
			0.110 cfs	24.4 af

LOCATION OF POINT(S) OF DIVERSION

PAYETTE RIVER	L1 (NENW)	Sec 11 Twp 07N Rge 02E BOISE County
PAYETTE RIVER	L1 (NENW)	Sec 11 Twp 07N Rge 02E BOISE 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	
07N	02E	2													1.0			5.2	6.2

POU Total Acres: 6.2

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. 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. 65.
3. 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).
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 81069

WATER RIGHT NO. 65-23240

As Modified by Transfer No. 81069

CONDITIONS OF APPROVAL

6. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 65-23676
As Modified by Transfer No. 81069

In accordance with the approval of Transfer No. 81069, Water Right No. 65-23676 is now described as follows:

Right Holder: AMY HEFFNER Or
 RANDY R HEFFNER
 14 HILL CREEK RD
 HORSESHOE BEND, ID 83629

Priority Date: 4/1/1958

Source: PAYETTE RIVER **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.330 cfs	76.4 af
			0.330 cfs	76.4 af

LOCATION OF POINT(S) OF DIVERSION

PAYETTE RIVER	L4 (NWNW)	Sec 2	Twp 07N Rge 02E	BOISE County
PAYETTE RIVER	L6 (NESW)	Sec 2	Twp 07N Rge 02E	BOISE County
PAYETTE RIVER	L7 (SESW)	Sec 2	Twp 07N Rge 02E	BOISE 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	
07N	02E	2									3.1			11.1		1.0	4.2		19.4
													L7						

POU Total Acres: 19.4

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. 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. 65.
3. 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).
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 81069

WATER RIGHT NO. 65-23676

As Modified by Transfer No. 81069

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



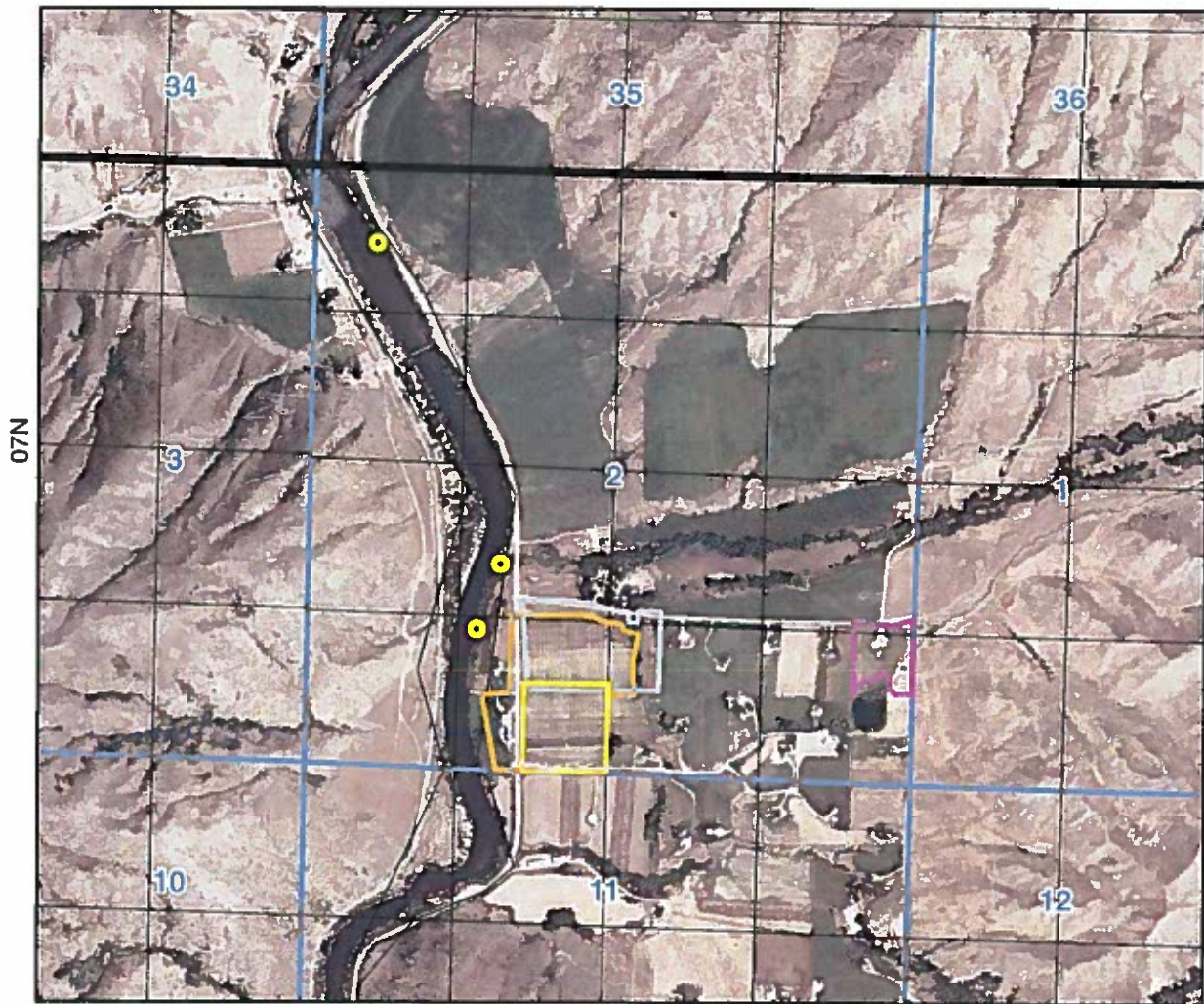
State of Idaho
Department of Water Resources

Attachment to Transfer of Water Right 81069

65-23222

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.

02E



-  Transfer POD
-  65-23220 Place of Use
-  65-23222 Place of Use
-  65-23240 Place of Use
-  65-23676 Place of Use
-  Townships
-  PLS Sections

0 0.175 0.35 0.7 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

January 6, 2017

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

AMY HEFFNER
RANDY R HEFFNER
14 HILL CREEK RD
HORSESHOE BEND ID 83629

Re: Transfer No: 81069
Water Right No(s): 65-23220, 65-23222, 65-23240

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)334-2190.

Sincerely,

A handwritten signature in black ink that reads "Rachel Neely for." The signature is written in a cursive, flowing style.

Nick Miller

Western Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 81069
Water Right No(s): 65-23220, 65-23222, 65-23240**

**AMY HEFFNER
RANDY R HEFFNER
14 HILL CREEK RD
HORSESHOE BEND ID 83629**

**RON SHURTLEFF
102 N MAIN
PAYETTE ID 83661**



**Rachel Neely
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.

The Idaho World

P.O. Box 220
Idaho City, ID 83631
(208) 342-3399

RECEIVED

DEC 12 2016

WATER RESOURCES
WESTERN REGION

✓ OK RN 12/20/16

State of Idaho)
County of Boise)

Eileen Capson, being duly sworn, deposes and says: that she is the Publisher of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Nov. 2, 2016, and ending with the issue of Nov. 9, 2016.

State of Idaho)
County of Boise)

On this 8 day of Dec. in the year 2016, before me, a notary public, personally appeared Eileen Capson 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 she executed the same.

Shirley A. George
Notary Public for Idaho
Residing at Idaho City, Idaho
Commission Expires 6/23/2017

The following applications have been filed to appropriate the public waters of the State of Idaho:

65-23663 ✓ OK RN 12/20/16
AMY HEFFNER
RANDY R HEFFNER
14 HILL CREEK RD.
HORSESHOE BEND, ID 83629

Point of Diversion L6 (NESW) S2 T07N R02E BOISE County Source PAYETTE RIVER Tributary SNAKE RIVER

Point of Diversion SENE S1 T07N R02E BOISE County Source HILL CREEK Tributary PAYETTE RIVER
Use: IRRIGATION 03/15 to 10/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 7/21/2016

Place of Use: IRRIGATION

T07N R02E S12 SWNW SENW

Total Acres: 10

65-23664 ✓ OK RN 12/20/16
AMY HEFFNER
RANDY R HEFFNER
14 HILL CREEK RD
HORSESHOE BEND, ID 83629

Point of Diversion L2 (SWNW) S7 T07N R03E BOISE County Source PORTER CREEK Tributary PAYETTE RIVER

Use: IRRIGATION 03/15 to 10/31 0.48 CFS

Total Diversion: 0.48 CFS

Date Filed: 7/21/2016

Place of Use: IRRIGATION

T07N R02E S12 SWNW SESE

Total Acres: 24

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT
TRANSFER NO. 81069

AMY HEFFNER and RANDY R HEFFNER, 14 HILL CREEK RD, HORSESHOE BEND, ID 83629; has filed Application No. 81069 for changes to the following water rights within BOISE County(s): Right No(s). 65-23220, 65-23222, 65-23240; 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: This transfer proposes to change the points of diversion to water right 65-23220, 65-23222 & 65-23240. New diversions are 0.25-0.9 miles north of the current POD's on the Payette River at the Gardena stretch of Hwy 55.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov/Water-Management/WaterRights. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 11/21/2016. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director
Published in the Idaho World on 11/2/2016 and 11/9/2016.

