

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☒ Add diversion point(s) ☒ Ownership change ☐ Ownership split

1. **APPLICANT(S)** RANDY R &/OR AMY HEFFNER Phone 208-793-2898
 2. **MAILING ADDRESS** 14 HILL CREEK RD City HORSESHOE BEND
 State ID Zip 83629 Email randyheffner9@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☒ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 65-23220, 65-2322, 65-23240

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.86 cubic feet per second and/or 200.1 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

[illegible]

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Five submersible 25 hp turbine pumps in Payette River to sprinklers. Lockable headgate for water master control already installed.
- b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
n/a
- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
- | Yes | No | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right(s), or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the right(s)? |
- If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No
- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
- ☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)
7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/Transfer/ApplicationLayouts/ provides a satisfactory template for creating the required map.
8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of applicant or authorized agent

Randy R. H. [Signature]
Print name and title if applicable

7/21/16
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by [Signature] Date 7/21/16

Fee paid \$650⁰⁰ Date 7/21/16 Received by [Signature] Receipt # W044440

Preliminary review by DM Date 8-10-16 Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

\$500⁰⁰ TRANSFER
\$150⁰⁰ OWNERSHIP CHANGE

6/30/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	O & D PARTNERSHIP PO BOX 366 HORSESHOE BEND, ID 83629 (208)793-2699

Status: Active

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.220 CFS	54.0 AF
	Total Diversion		0.220 CFS	54.0 AF

PAYETTE RIVER	L1(NENW)	Sec. 11, Twp 07N, Rge 02E,	BOISE County
PAYETTE RIVER	L1(NENW)	Sec. 11, Twp 07N, Rge 02E,	BOISE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N	02E	2												11.0 L7					11.0

1.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2.	R65	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. segbert 3/14/2008
Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/30/2016

3. segbert 4/17/2008 corrected change of ownership
Moved POD to a more accurate location per claimant and corrected change of ownership split
which had errors in the POU.

4. segbert 4/17/2008
Updated Shape

Dates and Other Information

Decreed Date: 5/6/2003
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: Or
Water District Number: 65
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

6/30/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	O & D PARTNERSHIP PO BOX 366 HORSESHOE BEND, ID 83629 (208)793-2699

Status: Active

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.310 CFS	69.7 AF
	Total Diversion		0.310 CFS	69.7 AF

PAYETTE RIVER	L1(NENW)	Sec. 11, Twp 07N, Rge 02E,	BOISE County
PAYETTE RIVER	L1(NENW)	Sec. 11, Twp 07N, Rge 02E,	BOISE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N	02E	2												13.0 L7			3.0		16.0

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. R65 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.

1. jhersley 12/20/2007 split right
This water right is the result of split from 65-10963 due to change in ownership

2. segbert 3/14/2008
Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/30/2016

3. segbert 4/17/2008 correction of change of ownership
Moved POD to a more accurate location per claimant and corrected change of ownership split
which had errors in the POU.

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Updated Shape

Dates and Other Information

Decreed Date: 5/6/2003

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: Or

Water District Number: 65

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

6/30/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	O & D PARTNERSHIP PO BOX 366 HORSESHOE BEND, ID 83629 (208)793-2699

Status: Active

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.440 CFS	100.8 AF
	Total Diversion		0.440 CFS	100.8 AF

PAYETTE RIVER	L1(NENW)	Sec. 11, Twp 07N, Rge 02E,	BOISE County
PAYETTE RIVER	L1(NENW)	Sec. 11, Twp 07N, Rge 02E,	BOISE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N	02E	2									3.1			11.1	1.0	1.0	4.2	5.2	25.6
											L7			L7	L7	L7			

1.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2.	E60	USE OF THIS RIGHT WITH RIGHT NO. 65-23222, 65-23223 & 65-23241 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4.5 AF PER ACRE AT FIELD HEADGATE.
3.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

2. seqbert 3/17/2008

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/30/2016

Updated Shape

3. segbert 4/17/2008 correction of change of ownership
Moved POD to a more accurate location per claimant and corrected change of ownership split
which had errors in the POU.

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Updated Shape

Dates and Other Information

Decreed Date: 5/6/2003
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: Or
Water District Number: 65
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



4031033 PD

Instrument # 197479

IDAHO CITY, BOISE COUNTY, IDAHO

2004-07-27

04:57:37 No. of Pages: 2

Recorded for : MTN VIEW TITLE

RORA A. CANODY

Fee: 6.00

Ex-Officio Recorder Deputy

Index to DEEDS

WARRANTY DEED

For Value Received O & D, a partnership

the Grantor, hereby grants, bargains, sells, conveys and warrants unto

Randy Heffner and Amy Heffner, husband and wife

the Grantee, whose current address is 14 Hill Creek Rd., Horseshoe Bend, ID., 83629

the following described premises, to wit:

Lot 2 of the Minor Plat of Faull Ranch Estates Number 2, according to the Official Plat thereof recorded as Instrument No. 197053, records of Boise County, Idaho.

Parcel Number: RP07N02E029101A

SUBJECT TO: Current General Taxes, a lien in the process of assessments, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated this 26th day of July, 2004.

O & D

By 

Leo T. Oliver
General Partner

By 

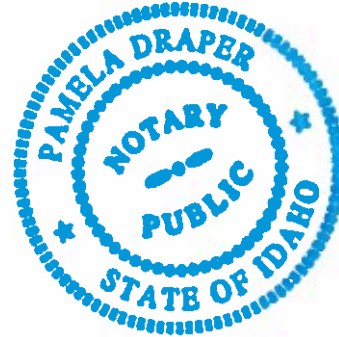
Steve Dobson
General Partner

STATE OF Idaho)
) ss.
COUNTY OF Ada)

On this 26th day of July, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared Leo T. Oliver and Steve Dobson known to me, and/or identified to me on the basis of satisfactory evidence, to be the General Partner and General Partner of the Partnership that executed the within instrument and acknowledged to me that such partnership executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public: Pamela Draper
Residing at: Eagle, Idaho
My commission expires April 16, 2009



Stewart Title of Boise, Inc.

9196 West Emerald, Suite 100

Boise, ID 83704

(208) 373-0009 / (800) 573-3310 (208) 377-0285 FAX

Date: July 26, 2004

Escrow Number: 4031033

Randy Heffner and Amy Heffner
14 Hill Creek Rd.
Horseshoe Bend, ID 83629

Dear Randy and Amy:

We thank you for the opportunity to be of service to you, and we are pleased to enclose your title insurance policy covering your newly acquired property. This policy is a valuable document and should be safeguarded with your important papers.

We have great interest in making certain you understand the purpose of title insurance and your protection under this policy. Basically, it is a contract with us in which we agree to defend and insure against any losses, which you may suffer because of any defects in the title to your property as of the date of this policy.

It is not a casualty insurance policy and does not protect against acts of theft or damage to your property by fire, storm, or other casualty type happenings.

There is another plus to this policy. Should you sell, refinance or build on this specific property within two years of this policy date, present this policy to us and you will receive a 25% credit of the premium paid on this policy toward the premium on the policy you are required to present to your purchaser or lender at the time of closing.

We maintain a separate file of each transaction for ready reference. Therefore, if you have any questions, call us.....STEWART TITLE, your Title Company. We are your information source for Title Insurance, past, present and future.

Sincerely,

Stewart Title of Boise, Inc.



Pamela Draper
Escrow Officer

Enclosures: Owners Policy No.: -
Warranty Deed No.: 197479

CHANGE OF OWNERSHIP SPLIT
FOR Randy R. Heffner

#	<u>65-23240</u>			
Name	<u>O + D Partnership</u>			
Irrigation:				
<u>25.6</u> acres	<u>.44</u> cfs	<u>100.8</u> AF		
Stockwater	<u>—</u> cfs	<u>—</u> AF		
Domestic	<u>—</u> cfs	<u>—</u> AF		
TOTAL	<u>.44</u> cfs	<u>100.8</u> AF		

$$\frac{.44}{25.6} \approx .0171875$$

$$\frac{100.8}{25.6} \approx 3.9375$$

#	<u>65-23240</u>			
Name	<u>O + D Partnership</u>			
Irrigation:				
<u>6.2</u> acres	<u>.11</u> cfs	<u>24.4</u> AF		
Stockwater	<u>—</u> cfs	<u>—</u> AF		
Domestic	<u>—</u> cfs	<u>—</u> AF		
TOTAL	<u>.11</u> cfs	<u>24.4</u> AF		

#				
Name	<u>Randy R. Heffner</u>			
Irrigation:				
<u>19.4</u> acres	<u>.33</u> cfs	<u>76.4</u> AF		
Stockwater	<u>—</u> cfs	<u>—</u> AF		
Domestic	<u>—</u> cfs	<u>—</u> AF		
TOTAL	<u>.33</u> cfs	<u>76.4</u> AF		

$$6.2 \times .0171875 = .10656 \approx .11 \text{ cfs} \quad 19.4 \times .0171875 = .33 \text{ cfs}$$

$$6.2 \times 3.9375 = 24.41 = 24.4 \text{ AF} \quad 19.4 \times 3.9375 = 76.39 = 76.4 \text{ AF}$$

07N 02E 2

NESE - 1 acres

SESE - 5.2 acres

07N 02E 2

NESW - 3.1 acres

SESW - 11.1 acres

NWSE - 1.0 acres

SWSE - 4.2 acres



65-23222



65-23240



65-2320

07N02E

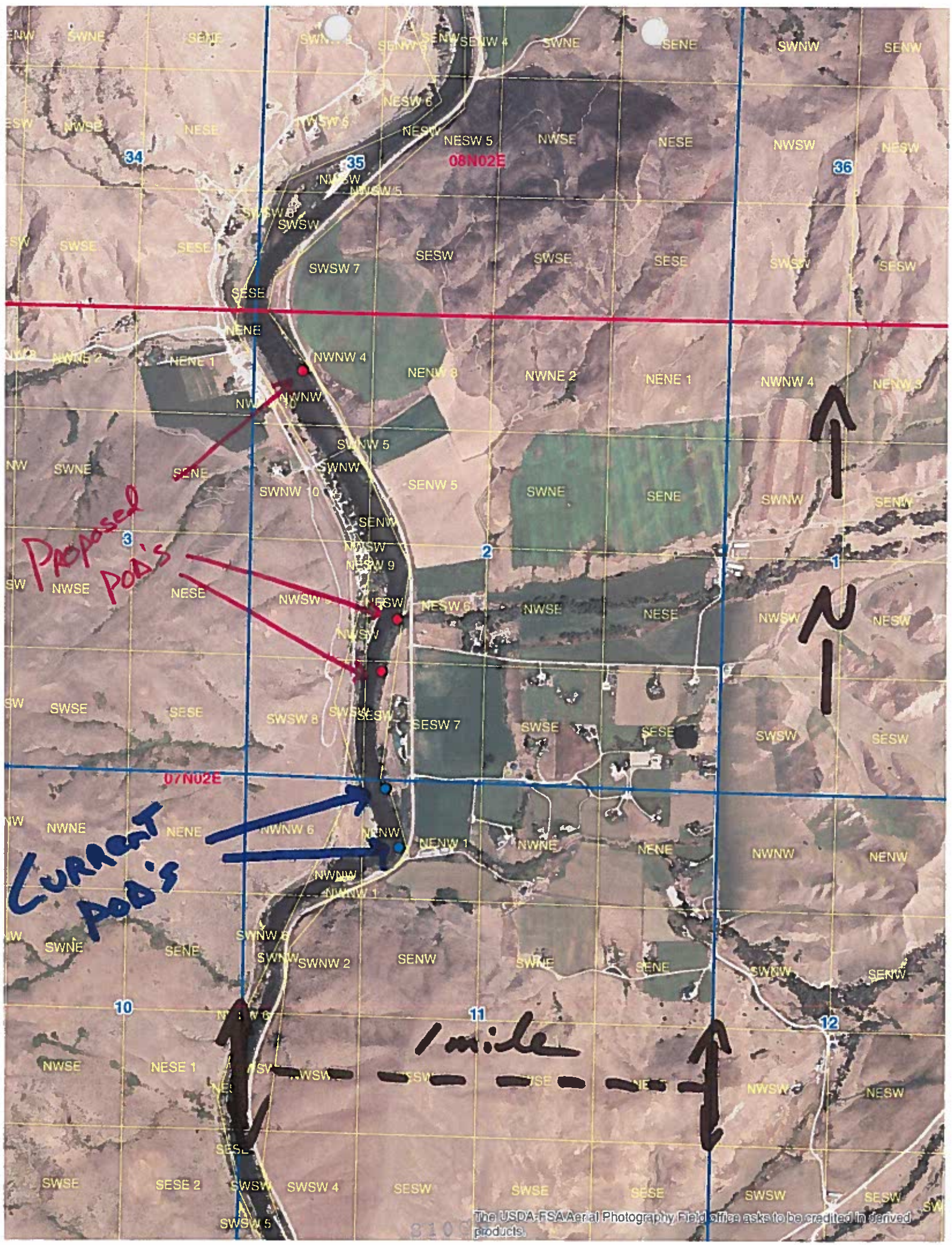
Steven
Loff

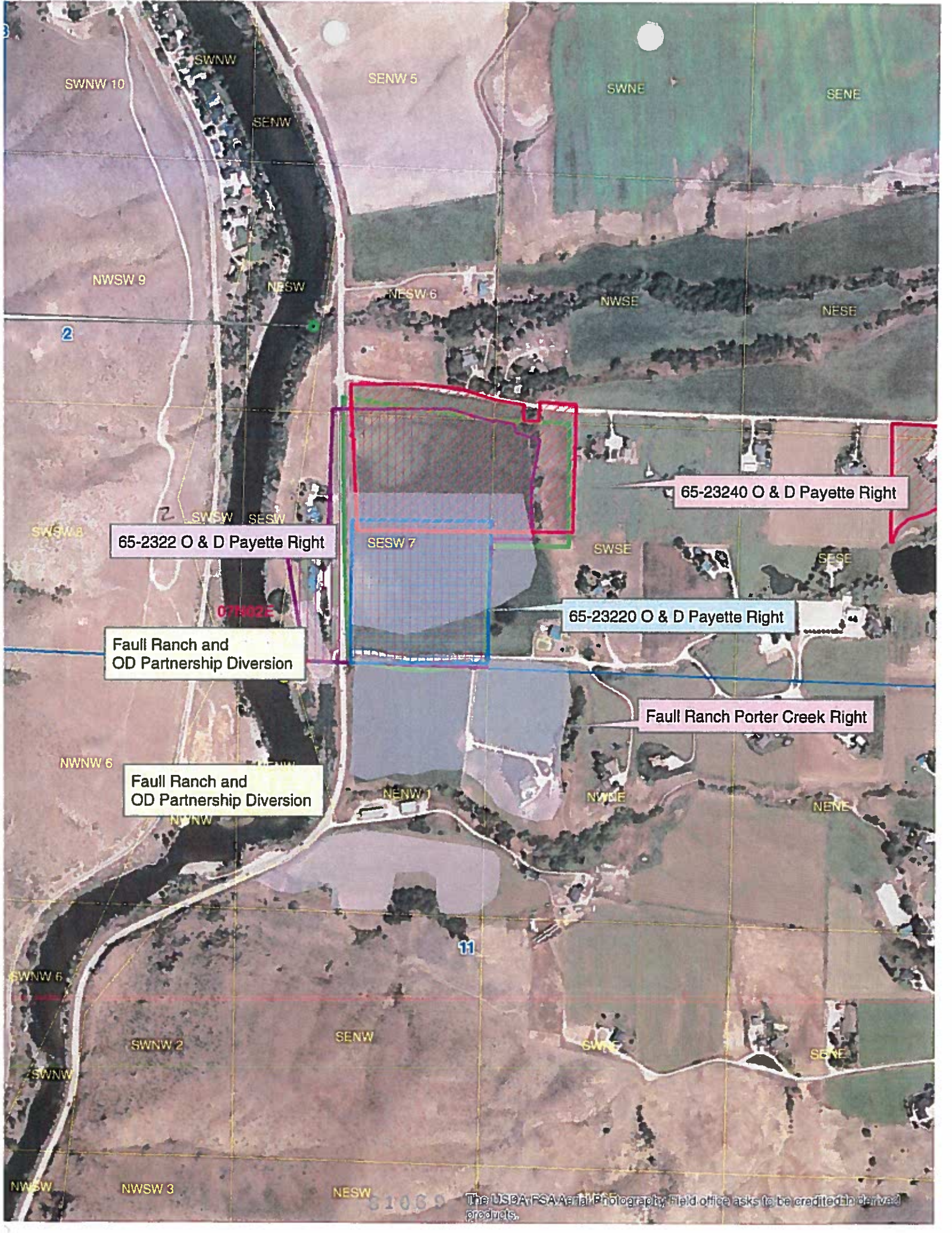
SW, SW

48 Hill
Creek Rd

Crack 10

3/21/13
NWNW





65-2322 O & D Payette Right

Faull Ranch and
OD Partnership Diversion

Faull Ranch and
OD Partnership Diversion

SES 7

65-23220 O & D Payette Right

Faull Ranch Porter Creek Right

65-23240 O & D Payette Right

Permit 65-22630

- 65-12389
- 65-9417B
- 65-3803B
- 65-7833
- 65-23490
- 65-23276
- 65-22630
- Township/Range
- Sections

65-22630 - Permit
65-9471B - WR
65-12389 - WR

65-23276 -- Permit
65-7833 -- WR

65-22630 -- Permit
65-7347 -- WR
65-65-12389 -- WR

65-23490 -- Permit
65-3803B -- WR

26

25

30

08N02E

08N03E

35

36

31

3

2

6

10

07N02E

11

07N03E

7

12

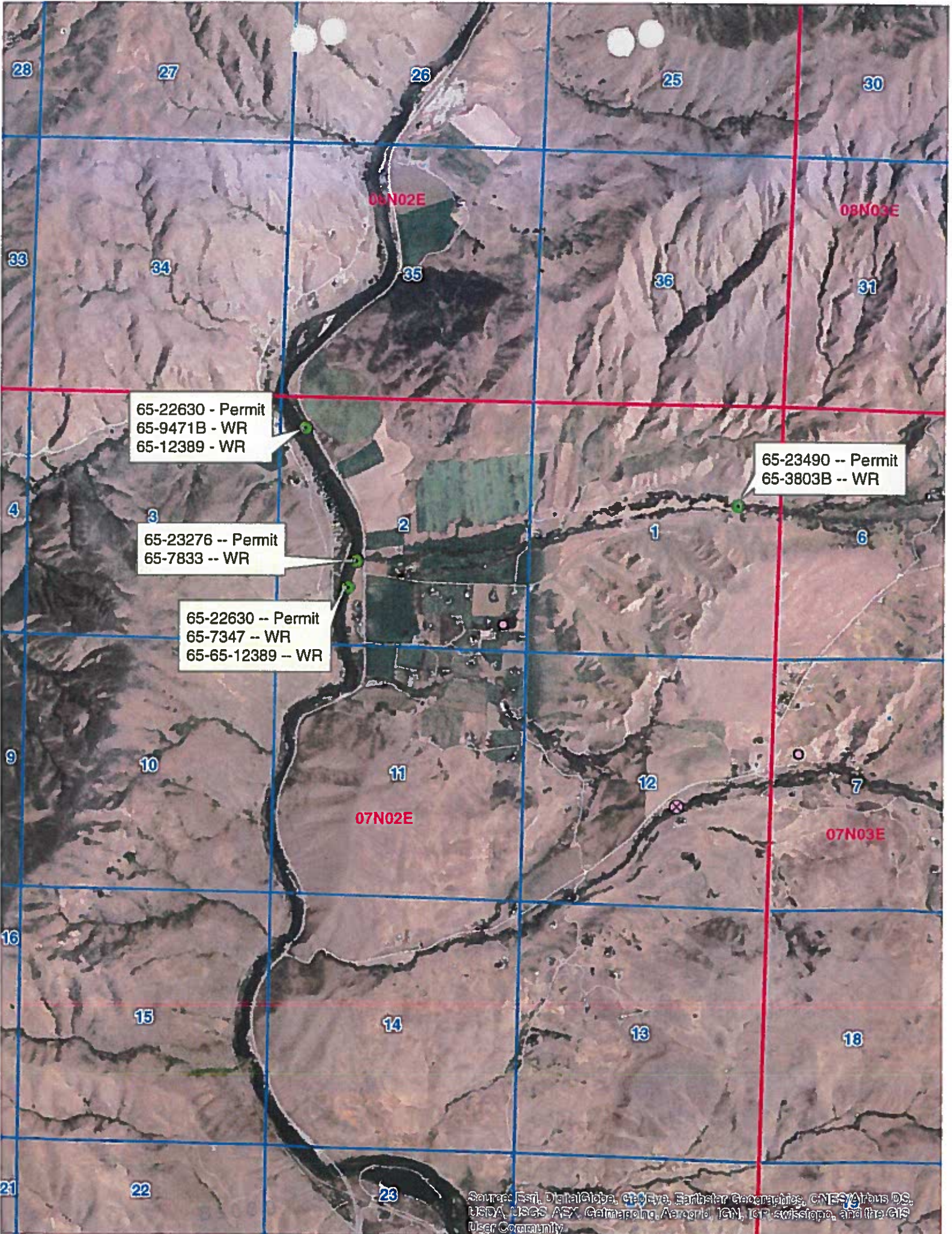
15

14

13

18

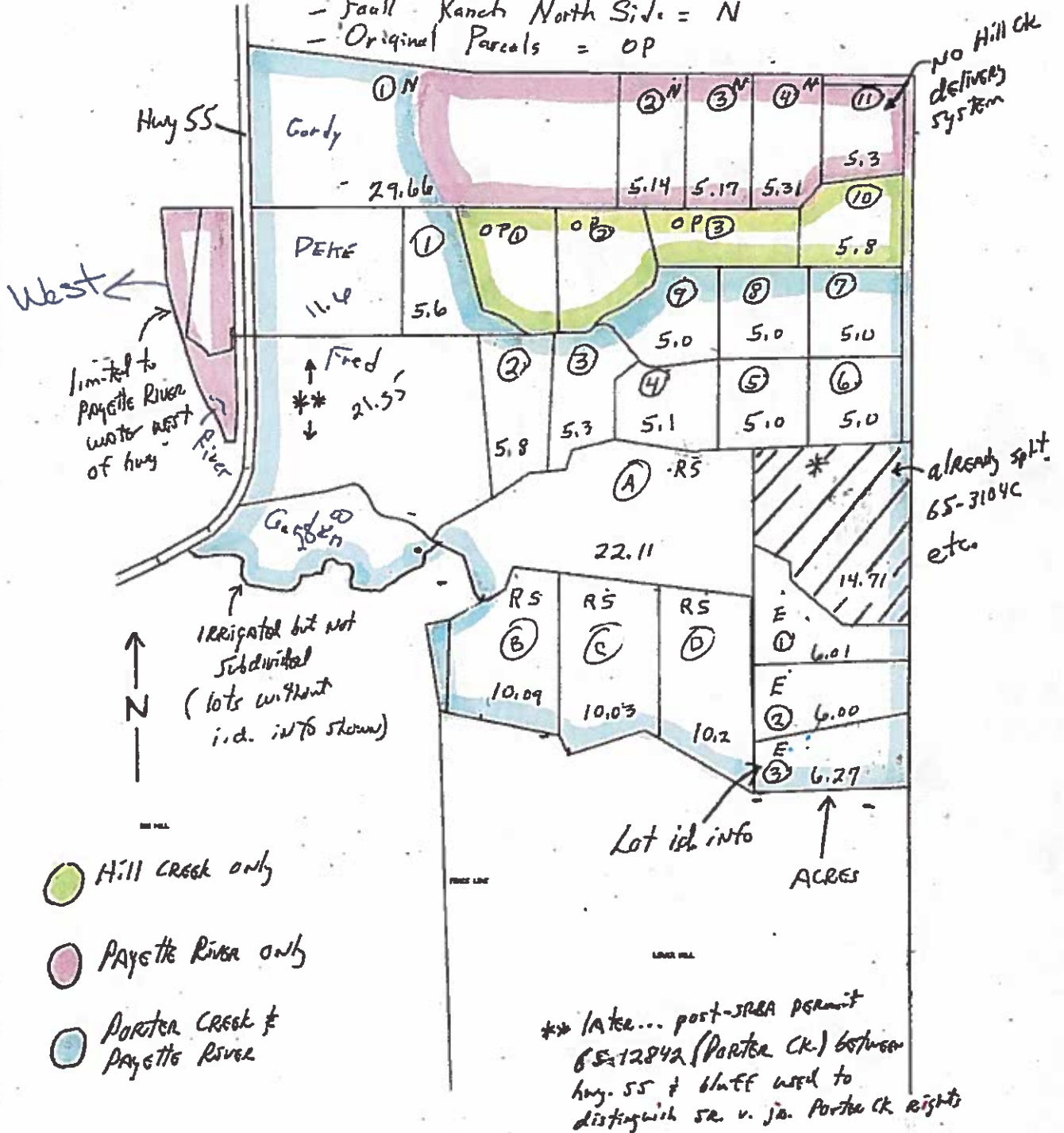
81069



KEY

- Faull Ranch #1 = ①
- * previously split (see 65-2858-8 etc.)
- Faull Ranch East Side = E
- Faull Ranch North Side = N
- Original Parcels = OP

RD - Record of Survey



① Hill Creek only

② Payette River only

③ Porter Creek & Payette River

** late... post-SREA permit
65-12842 (Porter Ck.) between
hwy. 55 & bluff used to
distinguish se. v. ja. Porter Ck. rights

SPLITS for Faull Ranch development - information per
Steve Dobson 5/17/02 -82

SCANNED

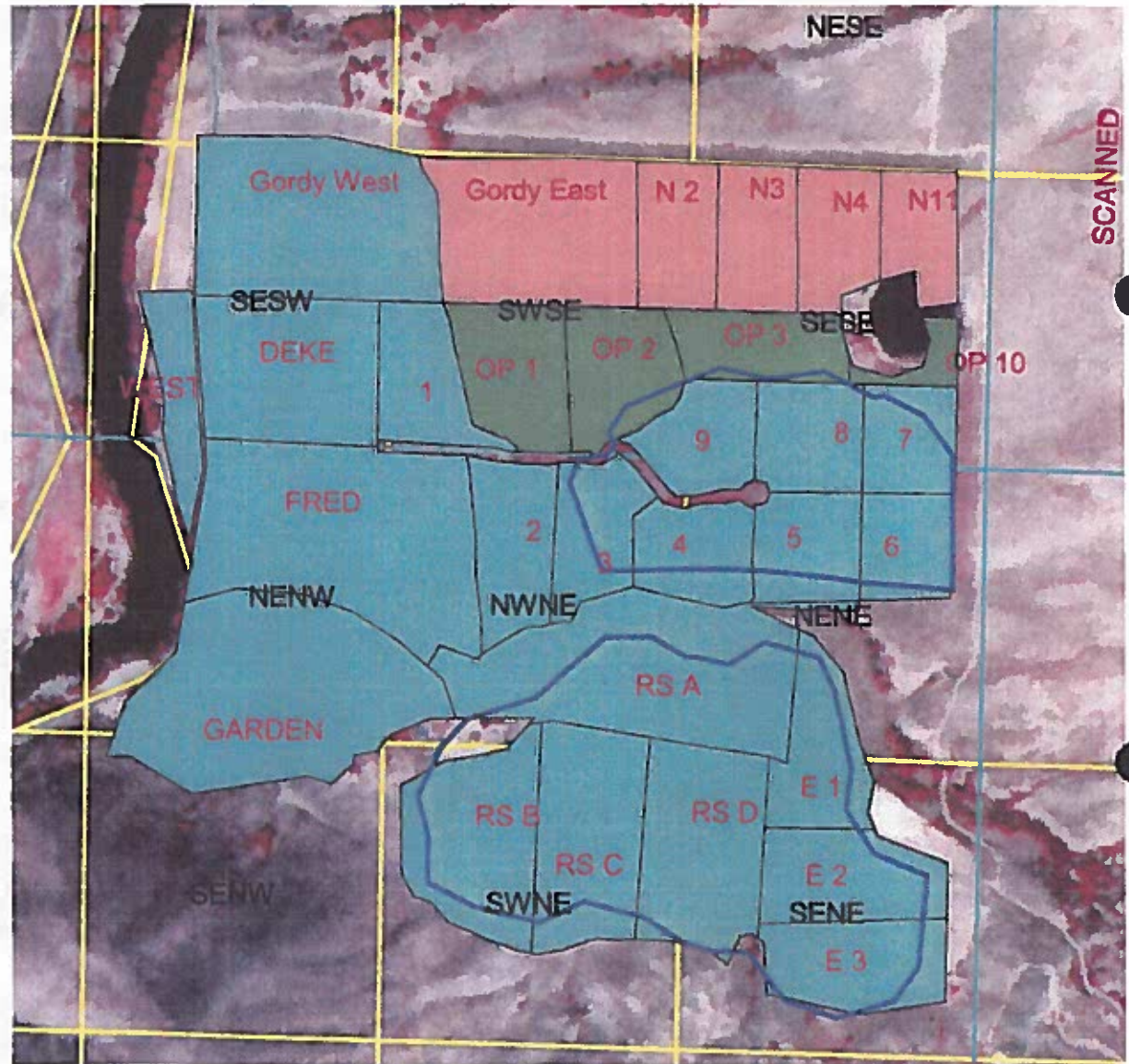
AUG 25 2003

81069

Idaho Dept. of Water Resources

81069

-  Porter2.shp
-  Od hill cr.shp
-  Od payette only.shp
-  Od porter & pay.shp
-  S07n02e.shp
-  T07n02e.shp



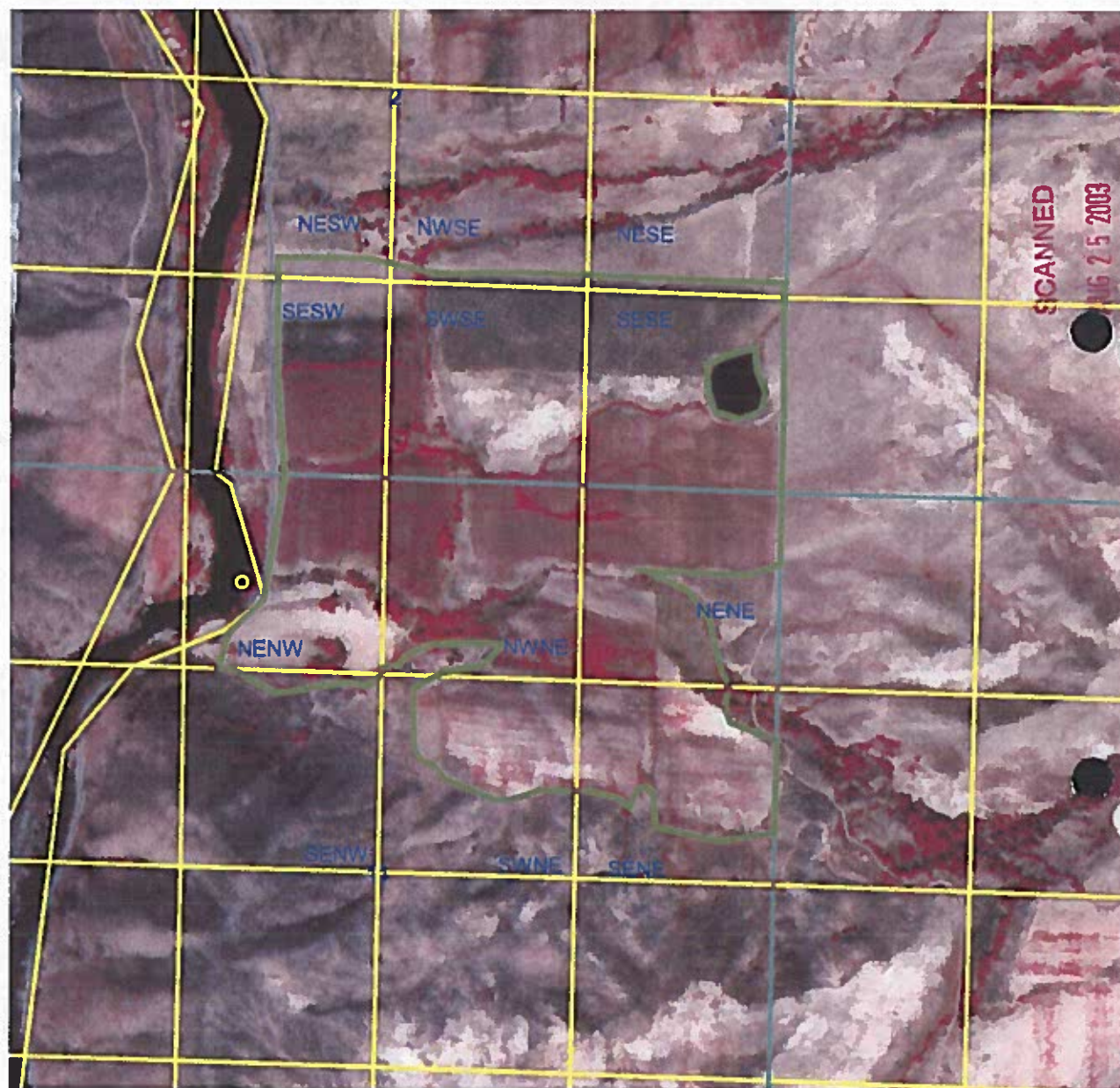
SCANNED

AUG 25 2003

1987 NAPP Photo

Idaho Dept. of Water Resources

Claim No(s): 65-02858A,
65-09417A, 65-10963
T07N, R02E, Sec 2, 11
Created by: Sue Bock
Date: 11/17/2000



 Place of Use

 Point of Diversion

 Section lines

 1/4 1/4 lines



0 1000 2000 3000 Feet



1987 NAPP Photo

69013



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 27, 2016

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

Application for Permit No. 65-23663
Application for Permit No. 65-23664
Application for Transfer No. 81069
Water Right No(s). 65-23220, 65-23222, 65-23240

Dear Applicant(s):

The Department of Water Resources has received your water right applications. Please refer to the numbers referenced above in all future correspondence regarding these applications.

Legal notices of the applications have been prepared and are scheduled for publication in the IDAHO WORLD on 11/2/2016 and 11/9/2016. Protests to either application may be submitted for a period ending ten (10) days after the second publication.

If any of the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If any of the applications are not protested, the Department will process your application and notify you of any action taken on the application. If any of your applications are approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the applications.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, October 27, 2016 8:51 AM
To: 'EDITOR@IDAHOWORLD.COM'
Subject: Boise Legal Ads
Attachments: Boise Cover Letter.docx; Boise Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 11/2/2016 & 11/9/2016.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

October 27, 2016

LEGAL NOTICE DEPARTMENT
IDAHO WORLD
PO BOX 50248
BOISE, ID 83705

RE: Application for Permit No. 65-23663
 Application for Permit No. 65-23664
 Application for Transfer No. 81069,
 Water Right No(s): 65-23220, 65-23222, 65-23240

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/21/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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

65-23663

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

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 SWSE 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/WaterManagement/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 on 11/2/2016 and 11/9/2016

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, October 27, 2016 8:51 AM
To: 'wd65@srvinet.com'
Subject: Applications for Permit Nos. 65-23663, 65-23664, 65-23631 and Application for Transfer No. 81069
Attachments: Watermaster Recommendation For1.docx; Application for Permit No. 65-23663.pdf; Application for Permit No. 65-23664.pdf; Application for Permit No. 65-23631.pdf; Application for Transfer No. 81069.pdf

October 27, 2016

RON SHURTLEFF
WATER DISTRICT #65
102 N MAIN
PAYETTE, ID 83661

RE: Applications for Permit Nos. 65-23663, 65-23664, 65-23631 and Application for Transfer No. 81069

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by November 21, 2016.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

MEMORANDUM

TO: Transfer No. 81069
FROM: Patrick Kelly
DATE: 10/12/2016
RE: Evaluation of Application

Summary of Information Submitted

Narrative: Transfer No, 81069 proposes to change the points of diversion to water right 65-23220, 65-23222 & 65-23240. Maps attached with the application indicate new points of diversion will match current irrigation practices and diversions installed on the system. Proposed POD's currently serve water rights 65-7347, 65-7833, 65-9471B & 65-12389. 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.

Authority to File: The application was filed in the name of Randy R and/or Amy Hefner indicating an ownership change is required. Ownership of the rights involved are currently in the name of O&D Partnership. The fee and required documents for ownership change were submitted with the transfer application. Current county taxlot data indicates the Heffner's own property covered by the POU's.

Ownership change of 65-23240 requires a split outlined by the Change of Ownership Split form included with the application. Review of the split form appears to be completed with the assistance of department staff. The right will be split on a rate/acre and volume/acre based on acres owned by the Hefner's within the rights POU.

Water Right Validity: Water rights 65-23220, 65-23222 & 65-23240 was decreed in 2003. Review of 2015 aerial imagery shows irrigated lands and domestic structures present associated with the POU. No forfeiture risk is found.

Overlap Analysis: Water rights found at the existing POD include 65-28588, 65-22725, 65-22713, 65-23221, 65-23223 & 65-23241. The POU's of these groups do not overlap, and there are no combined use limits or stacking to separate between the transfer rights and non-transfer rights.

Injury to Other Water Rights: None anticipated. The new points of diversion proposed are less than a mile upstream. Water availability for any rights in between is not threatened given the substantial amount of water available in the Payette at this location. Delivery to the place of use is not changing, and it is possible water has been already diverted at the proposed locations for years without a complaint of injury by neighboring water users.

Enlargement of Use: None anticipated. All diversions will be limited to a total diversion authorized by each right.

Local Public Interest: No issues identified. An announcement period will allow for the local public or any interested party to file protest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

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