



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

DAVID R. TUTHILL, JR.
Director

April 21, 2009

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

COPY

Re: Application for Transfer No. 74727

Dear Mr. and Mrs. Heffner:

This office received your Application for Transfer to change a water right. Upon review of your application, there are a few areas of the application that need correction or completion. I address in further detail specific areas for correction or completion below. I have drafted an amended application for your signature that addresses the corrections based on my conversation with Mr. Heffner on 4/21/09 and information submitted with the original application. I flagged the areas of the application I amended with purple flags. I have flagged the areas of the application that you need to amend, as discussed below, with green flags. Please review the amended application, make any necessary changes (date and initial any such changes), sign and submit it to the Department for further processing.

The areas of your application that need correction or completion are as follows:

- The point of diversion (Part 1B 3). As we discussed, the legal description was incorrect on the original application. Based on our discussion, I described the proposed point of diversion (P/D) as being in the SW NW Sec 6 T7N R3E, the quarter quarter just east of your property line. If you intend to have the P/D even further upstream (east) on Hill Creek, please amend the application accordingly.
- The place of use (Part 1B 4). I checked the appropriate box on the application to indicate there will be no changes to the place of use (P/U) currently authorized as you stated during our conversation.
- General information lien holder (Part 1B 5c). On the original application you indicated this property is subject to lien(s), deeds of trust, mortgages or contracts. The Department requires a notarized statement from the lien holder for any transfer proposing a change to a water right that will affect the value of the property. I am not requiring you submit a lien holder letter for this application. However, I wanted you to be aware that it is the transfer

applicant's responsibility to notify the lien holder, trustee, mortgagor, or contract holder of any proposed change which may impact the value of the water rights or affected real property.

- General information other water right(s) for the same land (Part 1B 5e). The application has been amended to indicate water right 65-7833 is also currently used for a portion of the same place of use as right 65-3803B.
- General information regarding non-use of right (Part 1B 5f). The application has been amended to indicate the right has not undergone a period of five or more consecutive years of non-use, etc based on our conversation. Please amend this portion of the application if it is incorrect.
- Map of proposed changes (Part 3A). I have prepared a map and attached it to the amended application. This map shows the current P/U and P/Ds authorized under this water right. Please place a dot on the map to represent the location you propose for the new P/D. If it is not in the SW NW Sec 6 T7N R3E, please amend Part 1B 3 accordingly.
- This transfer application proposes to change a 3.97 cfs water right. The applicable fee for this application is \$370.00. I have enclosed a copy of the fee schedule for your reference. You submitted \$100.00 on 3/20/08 with the original application. Please submit the remaining \$270.00 fee with this amended application.

Please submit the signed amended application, with any necessary corrections, and the applicable fee to allow for further processing of your application. If amendments are necessary to the enclosed application, please note on the application the date you amended the application and initial or sign next to that date indicating you are the author of the amendments. Your response, or a request for more time to make your response, must be received within thirty (30) days from the date of this mailing. The application will be rejected without a timely written reply.

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,



Angela M. Grimm

Water Resource Agent, Sr.

Enclosure(s): Amended Application for Transfer No. 74727
Fee Schedule

Memorandum

Application for Transfer

From: J. Westra

Date: 3/24/08

-Mr. Heffner is proposing to move his P/D upstream for a screening/gravity flow sprinkler system

-Mr. Heffner will provide mortgage documentation and easement for the new P/D from neighboring property owner once processing is commenced.

-2 Applications for Permit submitted with the transfer are related to the Place of use; Porter Creek and Payette River Sources. Consider processing them as a package.