

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87591**

This is to certify that: **MARTY BROOM**
29 COOK GULCH RD
HORSESHOE BND, ID 83629-5026

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
65-24185	WR/DECREED	1/1/1872	0.020 cfs	3.4 af	N/A	0.8	PORTER CREEK

Purpose of Transfer (Changes Proposed)

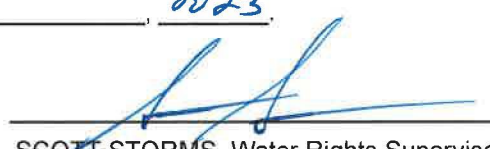
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-24185	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
65-24185	65-24185	0.020 cfs	3.4 af	N/A	0.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.020 cfs	3.4 af	N/A	0.8		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 29th day of November, 2023.


SCOTT STORMS, Water Rights Supervisor

WATER RIGHT NO. 65-24185
As Modified by Transfer No. 87591

In accordance with the approval of Transfer No. 87591, Water Right No. 65-24185 is now described as follows:

Right Holder: MARTY BROOM
 29 COOK GULCH RD
 HORSESHOE BND, ID 83629-5026

Priority Date: 1/1/1872

Source: PORTER CREEK

Tributary: PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.020 cfs	3.4 af
			0.020 cfs	3.4 af

LOCATION OF POINT(S) OF DIVERSION

PORTER CREEK L2 (SWNW) Sec 7 Twp 07N Rge 03E 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	12									0.8								0.8

POU Total Acres: 0.8

CONDITIONS OF APPROVAL

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/3/2004.
2. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
 This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
3. Prior to diversion of water under this approval, the right holder shall install a bypass in the existing diversion works to provide an alternate means of measurement and control within reasonable proximity to the point of diversion. The bypass system shall be subject to the approval of the Department and shall provide the watermaster suitable control of the diversion works when water is not available to satisfy junior water rights diverted at the same point of diversion.

Transfer No. 87591

WATER RIGHT NO. 65-24185
As Modified by Transfer No. 87591

CONDITIONS OF APPROVAL

4. The right holder shall maintain the existing diversion works with 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 within reasonable proximity to the point of diversion.
5. 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. 65B, Porter Creek.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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.

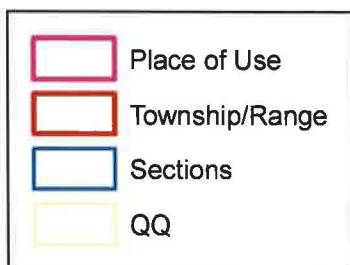
State of Idaho
Department of Water Resources
Attachment to Transfer No. 87591
Water Right(s): 65-24185

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.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

0 220 440 880 Feet



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MAR 02 2023

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 87591MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) MARTY Broom

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) MARTY BROOM Phone 208-781-0444
Mailing address 29 COOK BULLH ROAD HENSENSEE BEND 83629 Email broombamboo@AOL.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Marty Broom
Signature of Applicant or Authorized Representative

Marty Broom owner
Print Name and Title if applicable

3-2-23
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to [Idaho Code §42-221.O.8?](#)
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or Part	6524-24185	0.02 cfs	IRRIGATION	4/1 to 11/01	Porter Creek
☐		3.4 acre ft		to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 0.02 cfs and/or 3.4 acre-feet.2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or 3.4 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	02E	12									.8								.8
Total Acres (for irrigation use)																			.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or Part	6524-24185	0.02 cfs	IRRIGATION	4/1 to 11/01	Porter Creek
☐		3.4 acre ft		to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 0.02 cfs and/or 3.4 acre-feet.

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	02E	12									.8								.8
Total Acres (for irrigation use)																			.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

5. 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:

From POINT OF DIVERSION @ PORTA CREEK
CONVEYED TO ME BY 3/4 PIPE WITH FLOW METER

- b. Who owns the property at the point(s) of diversion? AGREEMENT WITH GRAMKOW
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

DELETED TO MY PROPERTY LINE BY RANDY HEFFNER

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

ORIGINAL POY BELONGS TO PARENT WATER RIGHT

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

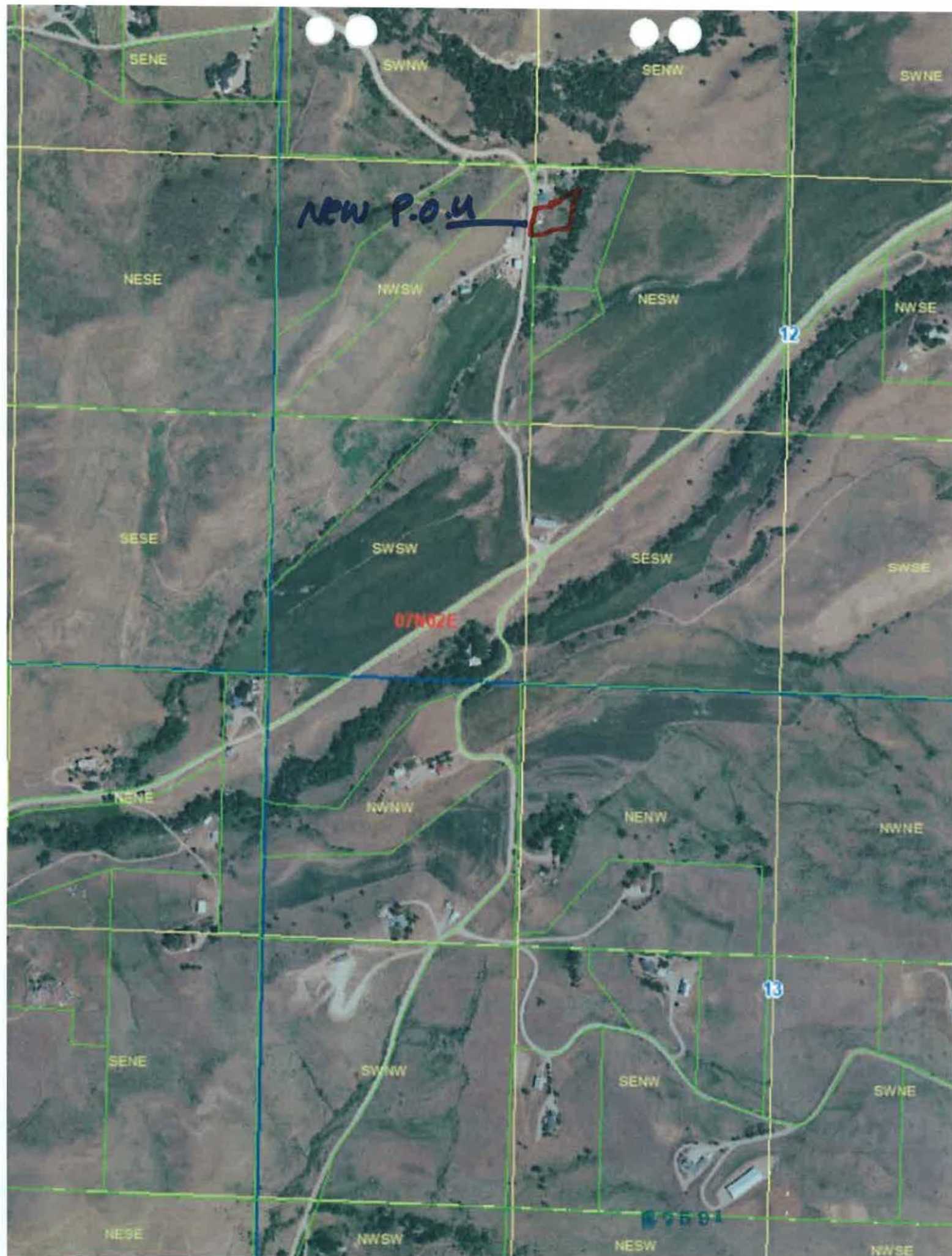
If yes, describe:

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.

87591 100



3/2/2023

65-24185

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/2/2023

- provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
4. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 65-22776.
5. 01J Prior to diversion of water under this approval, the right holder shall install a bypass in the existing diversion works to provide an alternate means of measurement and control within reasonable proximity to the point of diversion. The bypass system shall be subject to the approval of the Department and shall provide the watermaster suitable control of the diversion works when water is not available to satisfy junior water rights diverted at the same point of diversion.
6. R43 The right holder shall maintain the existing diversion works with 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 within reasonable proximity to the point of diversion.
7. R05 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. 65B, Porter Creek.
8. 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.
9. X36 Rights 65-22776, 65-10953, 65-22777, 65-22328, 65-22329 and 65-22330 are also diverted through the point of diversion described above.

Dates and Other Information:

Decreed Date: 8/3/2004
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65B
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

November 30, 2023

MARTY BROOM
29 COOK GULCH RD
HORSESHOE BEND ID 83629-5026

Re: Transfer No: 87591
Water Right No(s): 65-24185

Transfer Approval Notice

Dear Water Right Holder(s):

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, appearing to read 'Lynne Evans'.

Lynne Evans
Administrative Assistant I

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87591

Water Right No(s): 65-24185

MARTY BROOM
29 COOK GULCH RD
HORSESHOE BEND ID 83629-5026



Lynne Evans
Administrative Assistant I

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.

State of Idaho

Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

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WATER RESOURCES
WESTERN REGION

Water District #

65B

Application #

87591

Applicant Name

Marty Brown

Watermaster Recommendation:

a) ☒

I do not oppose approval of this application.

b) ☐

I do not oppose approval of this application if it is conditioned as follows:

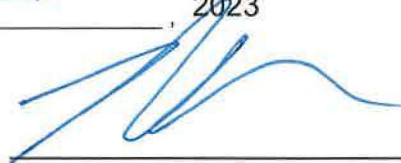
c) ☐

I oppose approval of this application for the following reasons:

d) ☐

Additional comments:

Dated this 8 day of November, 2023



Watermaster Signature

Thean Bellocchi

Printed Name

MEMORANDUM

Date: October 25, 2023
To: Transfer 87591
From: Jared Adamson
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to rearrange the place of use for 0.8 acres of irrigation. The place of use is being moved from the SWSW to the NESW, Sec. 12, T07N, R02E. The water is conveyed through a shared pipeline and shared diversion.

Authority to File:

The applicant is the owner of the water right per IDWR records. The applicant is the owner of the proposed place of use per Boise County tax lot data (updated 10/19/2023). An agreement was signed by Randy Heffner, allowing the applicant to share a pipeline that conveys water to the proposed place of use and to property owned by Randy Heffner.

Water Right Validity:

Water right 65-24185 was decreed on 8/3/2004. In review of aerial photography available to the department there is no clear and convincing evidence showing that forfeiture has occurred. Forfeiture is not an issue.

Injury to Other Water Rights:

Injury to other rights will not result from the proposed changes. The rate, volume, and irrigated acres will remain the same. These rights are regulated by WD 65B and the water master does not oppose the application.

Enlargement of Use:

The approval of this transfer will not result in an enlargement of the water right.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Effect on Economy the Local Area:

No issues identified.

Effect on Agricultural Base of the Local Area:

No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

Date: October 25, 2023
To: Transfer 87591
From: Jared Adamson
Re: Legal Notice Not Required

Legal Notice Not Required
10/25/2023

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Adamson, Jared

From: Randy Heffner <randyheffner9@gmail.com>
Sent: Friday, October 20, 2023 11:02 AM
To: Adamson, Jared
Subject: Right for Traverse of water right

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OCT 20 2023

WATER RESOURCES
WESTERN REGION

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

This document grants access in perpetuity to traverse parcels owned by the Heffner Family Trust via the existing irrigation system. As this is a pressurized system, we agree to roughly a 5% payment of the electric bill on the pump station that feeds this irrigation line paid at the end of the irrigation season each year. The purpose of this document is to create and maintain conveyance of Water Right 65-24185.

Given on October 20, 2023 by Randy R Heffner

Jared,
Let me know if you need anything else from me to help Marty Broon get his water.
Sincerely
Randy Heffner

RECEIVED

OCT 25 2023

WATER RESOURCES
WESTERN REGION

Randy R Heffner
10/25/23



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

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 23, 2023

THEAN BELLOCCHI
WATERMASTER 65B
434 PIONEER RD
HORSESHOE BEND, ID 83639

Re: Application for Transfer No(s). 87591

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. Attached is a copy of the application. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office at 334-2190 if you have any questions regarding the application(s).

Sincerely,

Jared Adamson
Water Resource Agent, Sr.

Enclosure Copy of Applications(s)
Watermaster Recommendation Form(s)



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

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 21, 2023

MARTY BROOM
29 COOK GULCH RD
HORSESHOE BEND, ID 83629

RE: Application for Transfer 87591

Dear Applicant:

The Idaho Department of Water Resources (Department) needs additional information before your Application for Transfer of Water Right 65-24185 can continue to be processed. Specifically, a written statement from Randy Heffner allowing access to their property for the continued use and maintenance of a pipeline for conveying water to the proposed place of use.

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 need more information. Thank you for your attention to these matters.

Respectfully,

Jared Adamson
Water Resource Agent, Sr.

McSherry, Laura

From: McSherry, Laura
Sent: Friday, June 9, 2023 4:29 PM
To: Randy Heffner
Cc: Broombamboo
Subject: FW: IDWR ACTION NEEDED
Attachments: 87591 Broom.pdf

Hello Mr. Heffner,

A water right transfer application submitted by Marty Broom requires your written permission before any processing can resume.

The application proposes conveyance across property under your ownership (see the attached application).

Confirmation by approving the text below will suffice and support the approval of Mr. Broom's proposal.

I, Randy Heffner, grant access in perpetuity to traverse parcels under my ownership for the purpose of creating and maintaining conveyance of water right 65-24185.

Once your reply and approval have been received, application processing will resume.

If you have any questions, please reach out.

Regards,
Laura McSherry
208-570-0718

From: McSherry, Laura
Sent: Tuesday, May 2, 2023 9:04 AM
To: broombamboo@aol.com
Subject: RE: IDWR ACTION NEEDED

Hi Marty,

Just following up regarding your transfer application.

If you have any questions or need further guidance on obtaining written permission from Mr. Heffner, please reach out.

Once the requested information is received, final processing will resume.

Regards,
Laura

From: McSherry, Laura
Sent: Tuesday, April 11, 2023 8:23 AM
To: 'broombamboo@aol.com' <broombamboo@aol.com>
Subject: RE: IDWR ACTION NEEDED

McSherry, Laura

From: McSherry, Laura
Sent: Tuesday, May 2, 2023 9:04 AM
To: broombamboo@aol.com
Subject: RE: IDWR ACTION NEEDED

Hi Marty,

Just following up regarding your transfer application.

If you have any questions or need further guidance on obtaining written permission from Mr. Heffner, please reach out.

Once the requested information is received, final processing will resume.

Regards,
Laura

From: McSherry, Laura
Sent: Tuesday, April 11, 2023 8:23 AM
To: 'broombamboo@aol.com' <broombamboo@aol.com>
Subject: RE: IDWR ACTION NEEDED

Hello Marty,

I'm back in the office after a long holiday vacation.

I received your voicemails and hope the following text supports creating a permissions "document" for your transfer application.

This document grants access in perpetuity to traverse parcels owned by Steve Loomis for the purpose of creating and maintaining conveyance of water right 65-24185.

The above text can be emailed from Steve directly to me and that will suffice in processing your transfer application. If you'd like to create a more formal document, I suggest using the above text in a written agreement, including the specific parcel numbers traversed and Steve's notarized signature.

If you have any questions, please reach out.

~Laura

From: McSherry, Laura
Sent: Monday, March 6, 2023 9:36 AM
To: Broombamboo <broombamboo@aol.com>
Subject: RE: IDWR ACTION NEEDED

Marty,

McSherry, Laura

From: McSherry, Laura
Sent: Monday, March 6, 2023 9:36 AM
To: Broombamboo
Subject: RE: IDWR ACTION NEEDED

Marty,

Perfect! Thanks for getting that back to me so soon.

~Laura

From: Broombamboo <broombamboo@aol.com>
Sent: Saturday, March 4, 2023 12:14 PM
To: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Subject: Re: IDWR ACTION NEEDED

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I hope this works. Let me know if I need to do anything else.

By the way, I will be preaching at Valley Christian Center again on March 12. We'd love to have you join us - 10 AM Service Time.

Thank you,
Marty Broom

-----Original Message-----

From: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
To: broombamboo@aol.com <broombamboo@aol.com>
Sent: Fri, Mar 3, 2023 12:11 pm
Subject: IDWR ACTION NEEDED

Hello Martin,

I hope your Friday is going well!

A small edit to your recently submitted transfer application is needed.

Add **0.02** and **3.4** to the Broom_Application(pg3) attachment using the Broom_EXAMPLE attachment as a reference.

Please email back the completed form.

McSherry, Laura

From: McSherry, Laura
Sent: Friday, March 3, 2023 12:11 PM
To: broombamboo@aol.com
Subject: IDWR ACTION NEEDED
Attachments: Broom_Application(pg3).pdf; Broom_EXAMPLE.pdf

Hello Martin,

I hope your Friday is going well!

A small edit to your recently submitted transfer application is needed.
Add **0.02** and **3.4** to the Broom_Application(pg3) attachment using the Broom_EXAMPLE attachment as a reference.
Please email back the completed form.

Please reach out if you have any questions.
Thanks for your patience during this process.

Regards,



Laura McSherry
Water Resource Agent, Sr.
P: (208) 605-4633
Idaho Dept. of Water Resources