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**

September 30, 2025

S. BRYCE FARRIS
1101 W RIVER ST
SUITE 110
BOISE, ID 83702

Re: Notices of Change in Water Right Ownership for 65-13627 Received August 25, 2025

Dear Mr. Farris:

On August 25, 2025, the Idaho Department of Water Resources ("Department") received two notices of change of ownership you submitted for portions of water number 65-13627. One ownership change notice is for the Duarte Revocable Living Trust, and the other is for Anthony Lynch and Harmony Satre. On October 24, 2023, the Department sent notification that it had become aware that the owner of record of then permit 63-13627, Donna Heffner, disputed the validity of the documentation supporting similar ownership change notices submitted to IDWR and processed in December 2022. In reviewing Donna Heffner's dispute of the 2022 ownership change notices, IDWR relied on Idaho Code § 42-248(8), which states:

> (8) Any action by the department updating the ownership of a water right in the department's records or returning the notice of change of ownership to the person filing the notice is not a determination of water right ownership, is not an administrative action subject to challenge under the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, and is not subject to a request for hearing pursuant to section 42-1701A, Idaho Code. Water right ownership disputes arising from a notice of change of water right ownership under this section must be resolved either in a water rights adjudication or in an action to quiet title pursuant to section 6-401, Idaho Code.

Given the dispute in ownership at that time, the Department reversed prior changes made to the records pursuant to notices of change of ownership filed in December 2022. Since that time, the Department has received no notice of a water rights adjudication or action to quiet title pursuant to Idaho Code § 6-401 to define ownership of Water Right 65-13627. The documents received on August 25, 2025, also did not contain evidence of such a decision or action. In fact, the letters accompanying the August 25 notices of change in ownership note only one fact that has changed since IDWR reversed its updates to the records in 2023 – the permit has now been licensed.

The Department is returning the August 25, 2025, ownership change notices because they contain no evidence of an adjudication or quiet title action that has occurred since the water right

ownership dispute was raised in 2023. The Department will not process any further notices in change of water right ownership until ownership has been determined through a water right adjudication or a quiet title action. The Department will issue a refund of the fees submitted with the notices that you should receive within 30-days.

Please feel free to call the Western Regional office at (208) 334-2190 with any questions.

Respectfully,

Scott Storms
Water Resource Supervisor

Cc: Donna Heffner c/o Angie Heffner

Storms, Scott

To: IdwrPayable
Subject: Refund for W052707 & W052706

TO: IDWR Payable (Sascha Marston, Naomi Carr, and Susan Steed)

FROM: Scott Storms

DATE: 10/02/2025
RE: Refund

Sawtooth Law Offices PLLC paid $200 for two Notices in Change of Water Ownership on August 25, 2025. The notices were returned on October 1, 2025 because the ownership of the right was previously contested by the current owner of record and the Department cannot process any further notices of change in ownership until a quite title action is received. A full refund should be issued.

Please issue a $200 refund as follows:

TO

SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST
BOISE, ID 83702

TEL. 208-629-7447

RECEIPT

Receipt nos. W052706 & W052707

IDAHO DEPARTMENT OF WATER RESOURCES

Scott Storms, CPM
Water Resources Supervisor
IDWR Western Region
208-334-2190
Scott.storms@idwr.idaho.gov
2735 W Airport Way Boise, ID 83705

Boise Office
1101 W. River St.
Suite 110
Boise, Idaho 83702
Tel. (208) 629-7447

Challis Office
1261 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office
213 Canyon Crest Drive
Suite 200
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559

RECEIVED
AUG 25 2025
WATER RESOURCES
WESTERN REGION

SAWTOOTH LAW OFFICES, PLLC

David P. Claiborne
S. Bryce Farris
Evan T. Roth
Andrew J. Waldera
Brian A. Faria
Thomas M. Larsen
Patxi Larrocea-Phillips
Kelsea E. Ross
Daniel V. Steenson
Katie L. Vandenberg-Van Vliet
James R. Bennetts *(retired)*

Thursday, August 21, 2025

Idaho Department of Water Resources
Attn: Nick Miller, Manager
2735 W. Airport Way
Boise, Idaho 83705
(208) 334-2190
Via U.S. First Class Mail and
via email at Nick.Miller@idwr.idaho.gov

RE: Notice of Change in Water Right Ownership - Water Right No. 65-13627

Dear Nick Miller

Please be aware, this office represents Anthony Lynch and Harmony Satre as it relates to their entitlement to water as the deeded owner of real property in Gem County, Idaho. Please find attached as Exhibit A a completed Idaho Department of Water Resources' ("IDWR") notice of change in water right ownership form for Anthony Lynch and Harmony Satre to split water right license number 65-13627. Please also find enclosed a copy of the required conveyance document (Exhibit A) demonstrating ownership in the property for the water right split and a check for the $100.00 filing fee.

As you may be aware, on December 19, 2022, IDWR acknowledged receipt of and changed its records to reflect changing ownership for permit to appropriate water permit number 65-13627 which resulted in IDWR splitting the permit into three (3) parts. One portion of permit number 65-13627 was created in the name of Anthony Lynch and Harmony Satre as permit number 65-24198. For your convenience, a copy of the correspondence from IDWR reflecting this change is attached hereto as Exhibit B. However, on December 8, 2023, IDWR reversed the split of permit number 65-13627 due to a dispute in ownership over said permit. A copy of IDWR's correspondence reversing the split of permit number 65-13627 is attached hereto as Exhibit C. On April 21, 2025, IDWR issued a license that changed permit number 65-13627 into a licensed water right, specifically, water right license number 65-13627. Please see attached as Exhibit D IDWR's issuance of water right license number 65-13627.

Pursuant to IDWR's issuance of water right license number 65-13627, Anthony Lynch and Harmony Satre are submitting their notice of change in water right ownership because they are the

owner of real property appurtenant to water right license number 65-13627. Through their notice of water right ownership, Anthony Lynch and Harmony Satre request that IDWR split water right license number 65-13627 in accordance with the split of ownership that occurred in December of 2022, specifically, with a portion of water right license number 65-13627 being created in the name of Anthony Lynch and Harmony Satre. Said split is consistent with the fact that Anthony Lynch and Harmony Satre are the deeded owners of real property appurtenant to water right license number 65-13627. Should you have any questions, please do not hesitate to contact me at bryce@sawtoothlaw.com or (208) 629-7447, and/or Kelsea Ross at Kelsea@sawtoothlaw.com or (208) 629-7447.

Very truly yours,

S. Bryce Farris

EXHIBIT A
[Notice]

Form 42-248/42-1409(6) Rev. 6/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
65-13627	Yes ■	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Donna & Donald Heffner
   Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Anthony Lynch & Harmony Satre
   New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

5115 Montour Road — Mailing address
Emmett — City; Idaho — State; 83617 — Zip
(208) 629 - 7447 — Telephone
bryce@sawtoothlaw.com; Kelsea@sawtoothlaw.com — Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
   - ☐ 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.
5. Date you acquired the water rights and/or claims listed above: April 29, 2021
6. Do you own the land identified as the water right place of use? Yes ■ No ☐
   - If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
   - ■ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   - ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   - ■ Filing fee (see instructions for further explanation):
     - $25 per *undivided* water right.
     - $100 per *split* water right.
     - No fee is required for pending adjudication claims.
   - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.
8. Signature: _____ (Signature of new owner/claimant) N/A (Title, if applicable) 8/20/2025 (Date)
   Anthony Lynch (Print name)
   Signature: _____ (Signature of new owner/claimant) N/A (Title, if applicable) 8/20/2025 (Date)
   Harmony Satre (Print name)

For IDWR Office Use Only:

Receipted by_____ Date_____ Receipt No._____ Receipt Amt._____
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9_____ Approved by_____ Processed by_____ Date_____

[Conveyance Document]

Instrument # 334183
EMMETT, GEM, IDAHO
2021-04-30 04:14:14 PM No. of Pages: 2
Recorded for: STEWART TITLE - MERIDIAN OFFIC
SHELLY TILTON Fee: $15.00
Ex-Officio Recorder Deputy SStewart
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

stewart TITLE

WARRANTY DEED

For Value Received **Jeffrey A. Parker and Lisa M. Parker, husband and wife,** the Grantor, hereby grants, bargains, sells, conveys and warrants

unto

Anthony Lynch and Harmony Satre, husband and wife,
the Grantee, whose current address is 5115 Montour Road, Emmett, ID 83617,
the following described premises, to wit:

That portion of the South 3/4 of the Southwest quarter of the Southeast quarter of Section 16, Township 7 North, Range 1 East, Boise Meridian, Gem County, Idaho, described as follows:

Beginning at the Northeast corner of the South 3/4 of the Southwest quarter of the Southeast quarter of Section 16, Township 7 North, Range 1 East, Boise Meridian;
Thence South 00° 17' 16" West, 429.47 feet, along the East line of said South 3/4 of the Southwest quarter of the Southeast quarter;
Thence North 89° 47' 26" West, 507.10 feet;
Thence North 00° 17' 16" East, 430.15 feet, parallel to said East line, to a point on the North line of said South 3/4 of the Southwest quarter of the Southeast quarter;
Thence South 89° 42' 47" East, 507.10 feet, along said North line, to the Point of Beginning.

AND

That portion of the South 3/4 of the Southwest quarter of the Southeast quarter of Section 16, Township 7 North, Range 1 East, Boise Meridian, Gem County, Idaho, described as follows:

Commencing at the Northeast corner of the South 3/4 of the Southwest quarter of the Southeast quarter of Section 16, Township 7 North, Range 1 East, Boise Meridian; thence
South 00°17'16" West, 429.47 feet, along the East line of said South 3/4 of the Southwest quarter of the Southeast quarter, to the Point of Beginning; thence
North 89°47'26" West, 507.10 feet; thence
North 00°17'16" East, 430.15 feet, parallel to said East line, to a point on the North line of said South 3/4 of the Southwest quarter of the Southeast quarter; thence
North 89°42'47" West, 815.01 feet, along said North line, to the Northwest corner of said South 3/4 of the Southwest quarter of the Southeast quarter; thence
South 00°25'13" West, 146.48 feet, along the West line of said South quarter of the Southwest quarter of the Southeast quarter, to a point on the Northerly right-of-way of the existing Canyon Canal, said point being on the arc of a non-tangent 766.20 foot radius curve to the right, a radial bearing from said point bears South 12°02'57" West; thence
Southeasterly along the arc of said curve and said Northerly right-of-way through a central angle of 33°54'25" a distance of 453.43 feet;
Tangent to said curve South 44°02'38" East, 189.25 feet, along said Northerly right-of-way; thence
South 89°47'26" East, 798.31 feet to a point on the said East line; thence
North 00°17'16" East, 66.00 feet, along said East line, to the Point of Beginning.

Parcel Number: RP00410205

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, together with the appurtenances, unto the said Grantee and to their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that they are the owner in fee simple of said premises, that said premises are free from all encumbrances and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated this 29th day of April, 2021.

Jeffrey A. Parker
Jeffrey A. Parker

Lisa M. Parker
Lisa M. Parker

State of Florida
) ss.
County of Broward

On this 29th day of April, 2021, before me the undersigned, a Notary Public, in and for said State, personally appeared Jeffrey A. Parker and Lisa M. Parker, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public: Norman James Embree
Residing at: Pompano Beach, Broward County, Florida
My commission expires: 09/02/2022
Notarized online using audio-video communication

NORMAN JAMES EMBREE
Notary Public - State of Florida
Commission # GG252975
Expires on September 2, 2022

Produced Identification: Valid Driver's Licenses.

EXHIBIT B

IDAHO DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little
Director Gary Spackman

December 19, 2022

ANTHONY LYNCH
HARMONY SATRE
5115 MONTOUR RD
EMMETT ID 83617-5011

Re: Change in Water Right Ownership: 65-13627 (Split into 65-13627 and **65-24198**)

Dear Water Right Holders:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4920 or debbi.judd@idwr.idaho.gov.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c. Donna & Donald Heffner
Water District 65 – *via email*

IDAHO DEPARTMENT OF WATER RESOURCES 12/15/2022
Proof Report

Water Right 65-24198

Owner Type	Name and Address
Current Owner	ANTHONY LYNCH 5115 MONTOUR RD EMMETT, ID 83617-5011 (206) 963-5316
Current Owner	HARMONY SATRE 5115 MONTOUR RD EMMETT, ID 83617-5011 (206) 963-5316

Priority Date: 7/20/1995
Basis: License
Status: Active

Source	Tributary
PAYETTE RIVER	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.160 CFS	
STOCKWATER	01/01	12/31	0.010 CFS	
		Total Diversion	0.160 CFS	

Source and Point(s) of Diversion:
PAYETTE RIVER L4(SWNE) Sec. 21, Twp 07N, Rge 01E, GEM County

Place Of Use:
STOCKWATER within GEM 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	01E	16															X		

IRRIGATION within GEM 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	01E	16															8.0		8.0

POU Total Acres 8.0

Conditions of Approval:

1.	03A	The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
2.	01J	Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type

IDAHO DEPARTMENT OF WATER RESOURCES 12/15/2022
Proof Report

		acceptable to the Department as part of the diverting works.
3.	005	Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.
4.	028	After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
5.		Stockwater use is for 100 cattle and 6 horses.
6.	004	The issuance of this right does not grant any right-of-way or easement across the land of another.
7.		The actual diversion rate for stockwater purposes is 0.002 cfs.

Comments:

1 djudd 12/15/2022 Split Right
This right is the result of split from 65-13627 due to change in ownership.

2 djudd 12/15/2022 POU
Updated Shape

Dates and Other Information:
Owner Name Connector: AND
Water District Number: 65
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 Receipt

Receipt ID: C114822

Payment Amount	$100.00	Date Received	12/7/2022	Region	STATE
Payment Type	Check	Check Number	1147		
Payer	YSURSA LAW PLLC				
Comments	CHANGE IN OWNERSHIP FOR ANTHONY LYNCH & HARMONY SATRE 65-13627				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
$100.00	OWNERSHIP CHANGES/SECURITY INTERESTS	56140	0229	21		1155

Signature Line (Department Representative)

EXHIBIT C

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**

December 8, 2023

DONNA HEFFNER
C/O ANGIE HEFFNER
4811 MONTOUR RD
EMMETT, ID 83617

DUARTE REVOCABLE LIVING TRUST
26415 JOSEL DRIVE
SANTA CLARITA, CA 91387-5029

ANTHONY LYNCH & HARMONY SATRE
5115 MONTOUR ROAD
EMMETT, ID 83617-5011

Re: Reversal of Ownership and Split for Permit 65-13627

To Whom it May Concern:

In December 2022, the Idaho Department of Water Resources ("Department") received and processed two notices of change of ownership for permit to appropriate water permit number 65-13627. The notices resulted in the Department splitting the permit into three parts[1]. One portion remained in the name of Donald and Donna Heffner ("Heffner"), one part was created in the name of Harmony Satre and Anthony Lynch ("Lynch"), and one part was created in the name of Duarte Revocable Living Trust ("Duarte").

Recently, the Department has become aware that Heffner disputes the notices of ownership change and asserts that no change in ownership of the permit has occurred. Section 42-248 (8), Idaho Code states as follows:

> (8) Any action by the department updating the ownership of a water right in the department's records or returning the notice of change of ownership to the person filing the notice is not a determination of water right ownership, is not an administrative action subject to challenge under the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, and is not subject to a request for hearing pursuant to section 42-1701A, Idaho Code. Water right ownership disputes arising from a notice of change of water right ownership under this section must be resolved either in a water rights adjudication or in an action to quiet title pursuant to section 6-401, Idaho Code.

Given that there is a dispute in ownership, the Department has reversed the changes it made to its records pursuant to the notices of change of ownership filed in December 2022. This reversal in the change of ownership records is not a determination of ownership.

Furthermore, the permit holder is required to install a measuring device before the permit can be licensed. The Department has given repeated notice of this requirement, and more than adequate time has been given for Heffner to install a measurement device since the first notice given in 1998. Since this time the Department has sent Heffner a notice requiring the installation of a measurement device on November 24, 2017, January 9, 2018, September 12, 2019, June 8, 2023, and finally the intent to void letter dated

[1] In December 2022, the notices were processed, and the notification was sent as if the water right license had been issued. This license had not been issued, so the Department's records were corrected in May 2023 to reflect a split in the permit, rather than a license.

October 16, 2023. Heffner responded to the intent to void letter asking for further time to install the flow meter, citing that the flow meter currently in possession is inadequate for installation and that a plan to purchase a new flow meter and to install the new flow meter is in place.

Given that the 2023 irrigation season has ended, a plan of action to install a flow meter is in place, and there is an ongoing dispute concerning ownership of the permit, the Department is not inclined to void the permit at this time. A measuring device will be required to be installed before the start of the 2024 irrigation season regardless of the status of ownership dispute. If a measuring device is not installed before the start of the 2024 irrigation season (3/15/2024) the Department may issue a void order. No further extensions of time will be allowed at this juncture.

Please call me at (208) 334-2190 with any questions.

Respectfully,

Jared Adamson
Water Resource Agent, Sr

Cc: Dylan B. Lawrence
Mick Ysursa

Attachments: 65-13627 Proof Report (Ownership Change Reversed)
65-13627 Map

IDAHO DEPARTMENT OF WATER RESOURCES **12/7/2023**
Proof Report

Water Permit 65-13627

Owner Type	**Name and Address**
Current Owner	DONALD D HEFFNER 4811 MONTOUR RD EMMETT, ID 83617 (208) 584-3383
Current Owner	DONNA HEFFNER 4811 MONTOUR RD EMMETT, ID 83617 (208) 584-3383

Priority Date: 7/20/1995
Status: Active

Source	**Tributary**
PAYETTE RIVER	SNAKE RIVER

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	3/15	11/15	1.200 CFS	
STOCKWATER	1/01	12/31	0.010 CFS	
		Total Diversion	1.200 CFS	

Source and Point(s) of Diversion:

PAYETTE RIVER	L4(SWNE)	Sec. 21, Twp 07N, Rge 01E, GEM County

Place Of Use:

STOCKWATER within GEM 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	01E	16															X		
07N	01E	21		X	X L4														

IRRIGATION within GEM 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	01E	16															16.0		16.0
07N	01E	21		30.0	14.0 L4														44.0

POU Total Acres: 60.0

Conditions of Approval:

1. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each

IDAHO DEPARTMENT OF WATER RESOURCES **12/7/2023**
Proof Report

Water Permit 65-13627

Owner Type	**Name and Address**
Current Owner	DONALD D HEFFNER 4811 MONTOUR RD EMMETT, ID 83617 (208) 584-3383
Current Owner	DONNA HEFFNER 4811 MONTOUR RD EMMETT, ID 83617 (208) 584-3383

Priority Date: 7/20/1995
Status: Active

Source	**Tributary**
PAYETTE RIVER	SNAKE RIVER

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	3/15	11/15	1.200 CFS	
STOCKWATER	1/01	12/31	0.010 CFS	
		Total Diversion	1.200 CFS	

Source and Point(s) of Diversion:

PAYETTE RIVER	L4(SWNE)	Sec. 21, Twp 07N, Rge 01E, GEM County

Place Of Use:

STOCKWATER within GEM 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	01E	16															X		
07N	01E	21		X	X L4														

IRRIGATION within GEM 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	01E	16															16.0		16.0
07N	01E	21		30.0	14.0 L4														44.0

POU Total Acres: 60.0

Conditions of Approval:

1. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

65-13627

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.



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

65-13627

This map depicts the STOCKWATER 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.



0 0.125 0.25 0.5 Miles

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion
- State Outline

N

EXHIBIT D

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 65-13627

Priority: July 20, 1995 **Maximum Diversion Rate:** 1.15 CFS

It is hereby certified that:

DONNA HEFFNER 4811 MONTOUR RD EMMETT ID 83617 AND
DONALD D HEFFNER 4811 MONTOUR RD EMMETT ID 83617

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 20, 1995, and has submitted Proof of Beneficial Use on October 02, 1996. An examination confirms water is diverted from:

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

Beneficial Use	Period of Use	Rate of Diversion
STOCKWATER	01/01 to 12/31	0.01 CFS
IRRIGATION	03/15 to 11/15	1.15 CFS

Location of Point(s) of Diversion
PAYETTE RIVER L4 (SW¼ NE¼), Sec. 21, Twp 07N, Rge 01E, B.M. GEM County

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	21		X	X L4														
07N	01E	16															X		

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	21		29.2	11.3 L4														40.5
07N	01E	16															17.0		17.0

Total Acres: 57.5

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. 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).
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Use of water under this right may 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.

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 65-13627

5. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 21st day of April, 2025.

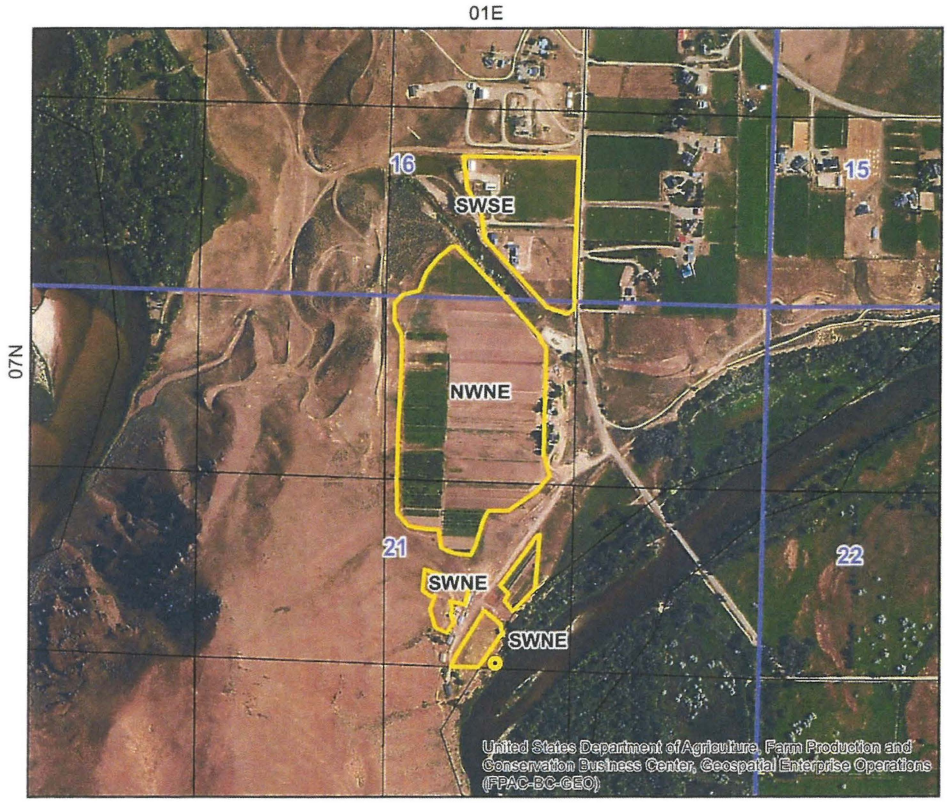
SCOTT STORMS
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Water Right

65-13627

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.



0 0.1 0.2 0.4 Miles

Place Of Use Boundary
Point of Diversion
State Outline
Townships
PLS Sections
Quarter Quarters

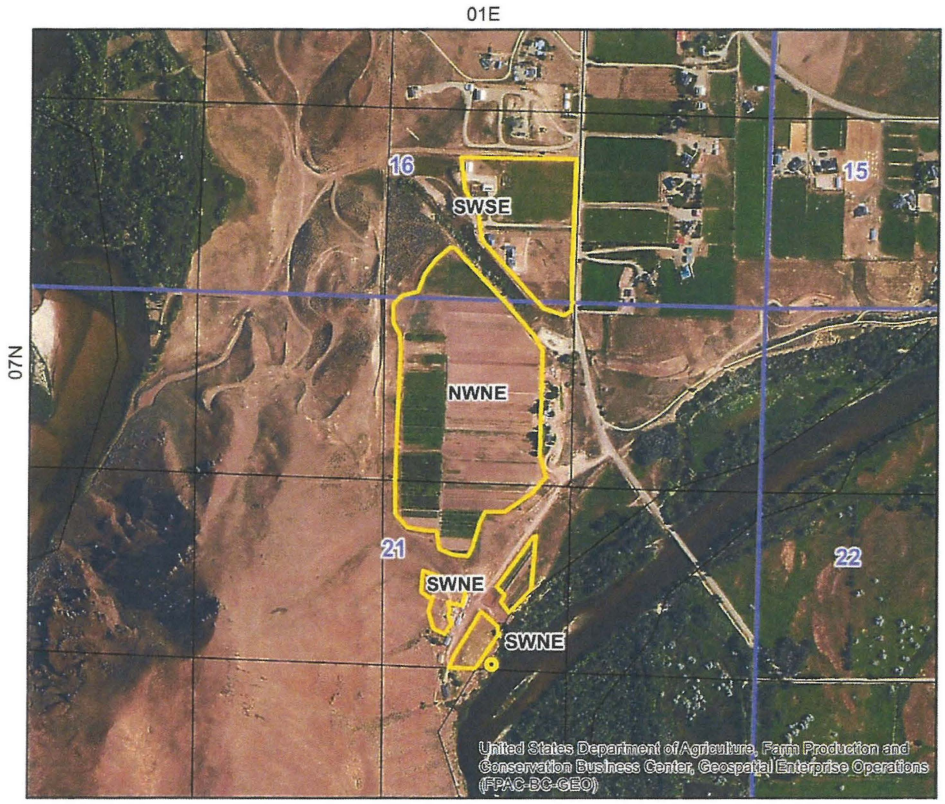
N

State of Idaho
Department of Water Resources

Attachment to Water Right

65-13627

This map depicts the STOCKWATER 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.



0 0.1 0.2 0.4 Miles

Place Of Use Boundary
Point of Diversion
State Outline
Townships
PLS Sections
Quarter Quarters

N

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

April 21, 2025

DONALD D HEFFNER AND DONNA HEFFNER
4811 MONTOUR RD
EMMETT ID 83617-5011

RE: License No. 65-13627

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,

Marina Bozdog

Marina Bozdog
for Scott Storms
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2025, I served a true and correct copy of Water Right License No. 65-13627 by U.S. Mail, postage prepaid, to the following:

DONALD D HEFFNER AND DONNA HEFFNER (Current Owners)
4811 MONTOUR RD
EMMETT ID 83617-5011

WATER DISTRICT #65
NEIL SHIPPY - WD 65 (Watermaster)
102 N MAIN ST
PAYETTE ID 83661-2522

Marina Bozdog

Marina Bozdog
Technical Records Specialist 1

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.

RECEIVED
AUG 25 2025
WATER RESOURCES
WESTERN REGION

Boise Office
1101 W. River St.
Suite 110
Boise, Idaho 83702
Tel. (208) 629-7447

Challis Office
1261 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office
213 Canyon Crest Drive
Suite 200
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559

SAWTOOTH LAW OFFICES, PLLC

David P. Claiborne
S. Bryce Farris
Evan T. Roth
Andrew J. Waldera
Brian A. Faria
Thomas M. Larsen
Patxi Larrocea-Phillips
Kelsea E. Ross
Daniel V. Steenson
Katie L. Vandenberg-Van Vliet
James R. Bennetts *(retired)*

Thursday, August 21, 2025

Idaho Department of Water Resources
Attn: Nick Miller, Manager
2735 W. Airport Way
Boise, Idaho 83705
(208) 334-2190
Via U.S. First Class Mail and
via email at Nick.Miller@idwr.idaho.gov

RE: Notice of Change in Water Right Ownership - Water Right No. 65-13627

Dear Nick Miller

Please be aware, this office represents the Duarte Revocable Living Trust as it relates to its entitlement to water as the deeded owner of real property in Gem County, Idaho. Please find attached as Exhibit A a completed Idaho Department of Water Resources' ("IDWR") notice of change in water right ownership form for the Duarte Revocable Living Trust to split water right license number 65-13627. Please also find enclosed a copy of the required conveyance document (Exhibit A) demonstrating ownership in the property for the water right split and a check for the $100.00 filing fee.

As you may be aware, on December 19, 2022, IDWR acknowledged receipt of and changed its records to reflect changing ownership for permit to appropriate water permit number 65-13627 which resulted in IDWR splitting the permit into three (3) parts. One portion of permit number 65-13627 was created in the name of the Duarte Revocable Living Trust as permit number 65-24199. For your convenience, a copy of the correspondence from IDWR reflecting this change is attached hereto as Exhibit B. However, on December 8, 2023, IDWR reversed the split of permit number 65-13627 due to a dispute in ownership over said permit. A copy of IDWR's correspondence reversing the split of permit number 65-13627 is attached hereto as Exhibit C. On April 21, 2025, IDWR issued a license that changed permit number 65-13627 into a licensed water right, specifically, water right license number 65-13627. Please see attached as Exhibit D IDWR's issuance of water right license number 65-13627.

Pursuant to IDWR's issuance of water right license number 65-13627, the Duarte Revocable Living Trust is submitting its notice of change in water right ownership because it is

the owner of real property appurtenant to water right license number 65-13627. Through its notice of water right ownership, the Duarte Revocable Living Trust requests that IDWR split water right license number 65-13627 in accordance with the split of ownership that occurred in December of 2022, specifically, with a portion of water right license number 65-13627 being created in the name of the Duarte Revocable Living Trust. Said split is consistent with the fact that Duarte Revocable Living Trust is the deeded owner of real property appurtenant to water right license number 65-13627. Should you have any questions, please do not hesitate to contact me at bryce@sawtoothlaw.com or (208) 629-7447, and/or Kelsea Ross at Kelsea@sawtoothlaw.com or (208) 629-7447.

Very truly yours,

S. Bryce Farris

EXHIBIT A
[Notice]

Form 42-248/42-1409(6) Rev. 6/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
65-13627	Yes ■	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Donna & Donald Heffner
   Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Duarte Revocable Living Trust
   New owner(s) as listed on the conveyance document Name connector ☐ **and** ☐ **or**

5113 Montour Road	Emmett	Idaho	83617
Mailing address	City	State	Zip

(208) 629 - 7447	bryce@sawtoothlaw.com; Kelsea@sawtoothlaw.com
Telephone	Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
   - ☐ 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.
5. Date you acquired the water rights and/or claims listed above: December 28, 2021.
6. Do you own the land identified as the water right place of use? Yes ■ No ☐
   - o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
   - ■ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   - ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   - ■ Filing fee (see instructions for further explanation):
     - o $25 per *undivided* water right.
     - o $100 per *split* water right.
     - o No fee is required for pending adjudication claims.
   - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.
8. Signature: _____ Trustee 08/20/2025
   Signature of new owner/claimant | Title, if applicable | Date
   Michael A. Duarte
   Print name
   Signature: _____ Trustee 08/20/2025
   Signature of new owner/claimant | Title, if applicable | Date
   Christina Duarte
   Print name

For IDWR Office Use Only:

Receipted by_____ Date_____ Receipt No._____ Receipt Amt._____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9_____ Approved by_____ Processed by_____ Date_____

[Conveyance Document]

Instrument # 339411
EMMETT, GEM, IDAHO
2022-01-19 03:20:52 PM No. of Pages: 4
Recorded for: CUSACK LAW FIRM, PLLC
SHELLY TILTON Fee: $15.00
Ex-Officio Recorder Deputy SStewart
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

RECORD FOR AND RETURN TO:

COREY J. SMITH
CUSACK LAW FIRM, PLLC
320 E NEIDER AVE, STE 206
COEUR D'ALENE, ID 83815

WARRANTY DEED

FOR VALUE RECEIVED, MICHAEL DUARTE and CHRISTINA DUARTE, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto MICHAEL A. DUARTE and CHRISTINA DUARTE as Trustees of THE DUARTE REVOCABLE LIVING TRUST, dated March 8, 2010, as fully restated July 30, 2021, and not as individuals, whose current address is 26415 Josel Drive, Canyon Country, California 91387, as Grantees, and to Grantees' heirs and assigns forever, the following described premises to wit, situated in Gem County, State of Idaho, together with all after acquired title of the Grantors therein:

PLEASE SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

together with their appurtenances, said Grantors, do hereby covenant to and with the said Grantees that they are the owner in fee simple of said real property; that said premises is free from all encumbrances excepting current taxes, restrictions, easements and rights-of-way in view and of record, and excepting those of record, and said Grantors will warrant and defend the same from all lawful claims whatsoever.

Tax notices should be sent to the Grantees at the address described above.

DATED this 28TH day of ~~November~~ DECEMBER 2021.

MICHAEL DUARTE
Grantor

CHRISTINA DUARTE
Grantor

STATE OF _____)
:ss
County of _____)

On this _____ day of November 2021, before me, a notary public in and for said state, personally appeared MICHAEL DUARTE and CHRISTINA DUARTE, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

See Attached

NOTARY PUBLIC

2. WARRANTY DEED
[5113 Montour Road, Emmett)
{CH00297673.DOCX;1/09605.4}

339411

EXHIBIT "A"

That portion of the South ¾ of the Southwest Quarter of the Southeast Quarter of Section 16, Township 7 North, Range 1 East, Boise Meridian, Gem County, Idaho, described as follows:

Commencing at the Northeast corner of the South ¾ of the Southwest Quarter of the Southeast Quarter of Section 16, Township 7 North, Range 1 East, Boise Meridian; thence
South 00°17'16" West, 495.47 feet, along the East line of said South ¾ of the Southwest Quarter of the Southeast Quarter to the Real Point of Beginning; thence
North 89°47'26" West, 798.31 feet to a point on the Northerly right of way of the existing Canyon Canal; thence
South 44°02'38" East, 485.18 feet, along said Northerly right of way; thence
South 89°28'30" East, 459.26 feet to the said East line; thence
North 00°17'16" East, 350.04 feet, along said East line to the Real Point of Beginning..

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles)

On 12/28/2021 before me, Anudeep Singh, Notary Public
(insert name and title of the officer)

personally appeared Christina Duarte & Michael Duarte,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed the same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

VRS5 ANUDEEP SINGH
COMM. # 2371934
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Comm. Expires Aug 22, 2025 VRS5

339411

EXHIBIT B

IDAHO DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little Director Gary Spackman

December 19, 2022

DUARTE REVOCABLE LIVING TRUST
26415 JOSEL DR
SANTA CLARITA CA 91387-5029

Re: Change in Water Right Ownership: 65-13627 (Split into 65-13627 and ***65-24199***)

Dear Water Right Holder:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of a portion of the above referenced water right to you. The Department has modified its records based on the information received and has enclosed a computer-generated report for you.

Your portion of each water right has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right. If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4920 or debbi.judd@idwr.idaho.gov.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c. Donna & Donald Heffner
Water District 65 – *via email*

IDAHO DEPARTMENT OF WATER RESOURCES 12/15/2022
Proof Report

Water Right 65-24199

Owner Type	Name and Address
Current Owner	DUARTE REVOCABLE LIVING TRUST 26415 JOSEL DR SANTA CLARITA, CA 91387-5029 (661) 305-6071

Priority Date: 7/20/1995
Basis: License
Status: Active

Source	Tributary
PAYETTE RIVER	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.090 CFS	
STOCKWATER	01/01	12/31	0.010 CFS	
		Total Diversion	0.090 CFS	

Source and Point(s) of Diversion:
PAYETTE RIVER L4(SWNE) Sec. 21, Twp 07N, Rge 01E, GEM County

Place Of Use:
STOCKWATER within GEM 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	01E	16															X		

IRRIGATION within GEM 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	01E	16															4.3		4.3

POU Total Acres: 4.3

Conditions of Approval:

1.	004	The issuance of this right does not grant any right-of-way or easement across the land of another.
2.	03A	The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
3.	005	Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.
4.	028	After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
5.	01J	Prior to diversion of water under this right, the right holder shall install and

maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

6. Stockwater use is for 100 cattle and 6 horses.

7. The actual diversion rate for stockwater purposes is 0.0009 cfs.

Comments:

1 djudd 12/15/2022 Split Right
This right is the result of split from 65-13627 due to change in ownership.

2 djudd 12/15/2022 POU
Updated Shape

Dates and Other Information:
Water District Number: 65
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 Receipt

Receipt ID: C114823

Payment Amount	$100.00	Date Received	12/7/2022	Region	STATE
Payment Type	Check	Check Number	1148		
Payer	YSURA LAW PLLC				
Comments	CHANGE IN OWNERSHIP FOR THE DUARTE REVOCABLE LIVING TRUST 65-13627				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
$100.00	OWNERSHIP CHANGES/SECURITY INTERESTS	56140	0229	21		1155

Signature Line (Department Representative)

EXHIBIT C

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**

December 8, 2023

DONNA HEFFNER
C/O ANGIE HEFFNER
4811 MONTOUR RD
EMMETT, ID 83617

DUARTE REVOCABLE LIVING TRUST
26415 JOSEL DRIVE
SANTA CLARITA, CA 91387-5029

ANTHONY LYNCH & HARMONY SATRE
5115 MONTOUR ROAD
EMMETT, ID 83617-5011

Re: Reversal of Ownership and Split for Permit 65-13627

To Whom it May Concern:

In December 2022, the Idaho Department of Water Resources ("Department") received and processed two notices of change of ownership for permit to appropriate water permit number 65-13627. The notices resulted in the Department splitting the permit into three parts[1]. One portion remained in the name of Donald and Donna Heffner ("Heffner"), one part was created in the name of Harmony Satre and Anthony Lynch ("Lynch"), and one part was created in the name of Duarte Revocable Living Trust ("Duarte").

Recently, the Department has become aware that Heffner disputes the notices of ownership change and asserts that no change in ownership of the permit has occurred. Section 42-248 (8), Idaho Code states as follows:

> (8) Any action by the department updating the ownership of a water right in the department's records or returning the notice of change of ownership to the person filing the notice is not a determination of water right ownership, is not an administrative action subject to challenge under the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, and is not subject to a request for hearing pursuant to section 42-1701A, Idaho Code. Water right ownership disputes arising from a notice of change of water right ownership under this section must be resolved either in a water rights adjudication or in an action to quiet title pursuant to section 6-401, Idaho Code.

Given that there is a dispute in ownership, the Department has reversed the changes it made to its records pursuant to the notices of change of ownership filed in December 2022. This reversal in the change of ownership records is not a determination of ownership.

Furthermore, the permit holder is required to install a measuring device before the permit can be licensed. The Department has given repeated notice of this requirement, and more than adequate time has been given for Heffner to install a measurement device since the first notice given in 1998. Since this time the Department has sent Heffner a notice requiring the installation of a measurement device on November 24, 2017, January 9, 2018, September 12, 2019, June 8, 2023, and finally the intent to void letter dated

[1] In December 2022, the notices were processed, and the notification was sent as if the water right license had been issued. This license had not been issued, so the Department's records were corrected in May 2023 to reflect a split in the permit, rather than a license.

October 16, 2023. Heffner responded to the intent to void letter asking for further time to install the flow meter, citing that the flow meter currently in possession is inadequate for installation and that a plan to purchase a new flow meter and to install the new flow meter is in place.

Given that the 2023 irrigation season has ended, a plan of action to install a flow meter is in place, and there is an ongoing dispute concerning ownership of the permit, the Department is not inclined to void the permit at this time. A measuring device will be required to be installed before the start of the 2024 irrigation season regardless of the status of ownership dispute. If a measuring device is not installed before the start of the 2024 irrigation season (3/15/2024) the Department may issue a void order. No further extensions of time will be allowed at this juncture.

Please call me at (208) 334-2190 with any questions.

Respectfully,

Jared Adamson
Water Resource Agent, Sr

Cc: Dylan B. Lawrence
Mick Ysursa

Attachments: 65-13627 Proof Report (Ownership Change Reversed)
65-13627 Map

IDAHO DEPARTMENT OF WATER RESOURCES **12/7/2023**
Proof Report

Water Permit 65-13627

Owner Type	**Name and Address**
Current Owner	DONALD D HEFFNER 4811 MONTOUR RD EMMETT, ID 83617 (208) 584-3383
Current Owner	DONNA HEFFNER 4811 MONTOUR RD EMMETT, ID 83617 (208) 584-3383

Priority Date: 7/20/1995
Status: Active

Source	**Tributary**
PAYETTE RIVER	SNAKE RIVER

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	3/15	11/15	1.200 CFS	
STOCKWATER	1/01	12/31	0.010 CFS	
		Total Diversion	1.200 CFS	

Source and Point(s) of Diversion:

PAYETTE RIVER	L4(SWNE)	Sec. 21, Twp 07N, Rge 01E, GEM County

Place Of Use:

STOCKWATER within GEM 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	01E	16															X		
07N	01E	21		X	X L4														

IRRIGATION within GEM 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	01E	16															16.0		16.0
07N	01E	21		30.0	14.0 L4														44.0

POU Total Acres: 60.0

Conditions of Approval:

1. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each

IDAHO DEPARTMENT OF WATER RESOURCES **12/7/2023**
Proof Report

		acre of land.
2.	005	Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.
3.		Stockwater use is for 100 cattle and 6 horses.
4.	028	After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
5.	004	The issuance of this right does not grant any right-of-way or easement across the land of another.
6.	01J	Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

Dates and Other Information:
Permit Proof Due Date: 11/1/1996
Permit Proof Made Date: 10/2/1996
Permit Approved Date: 10/23/1995
Field Exam Date: 8/7/1998
Owner Name Connector: AND
Water District Number: 65
Mitigation Plan: False

Combined Use Limits:
N/A

SubCase:
N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

65-13627

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.



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

65-13627

This map depicts the STOCKWATER 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.

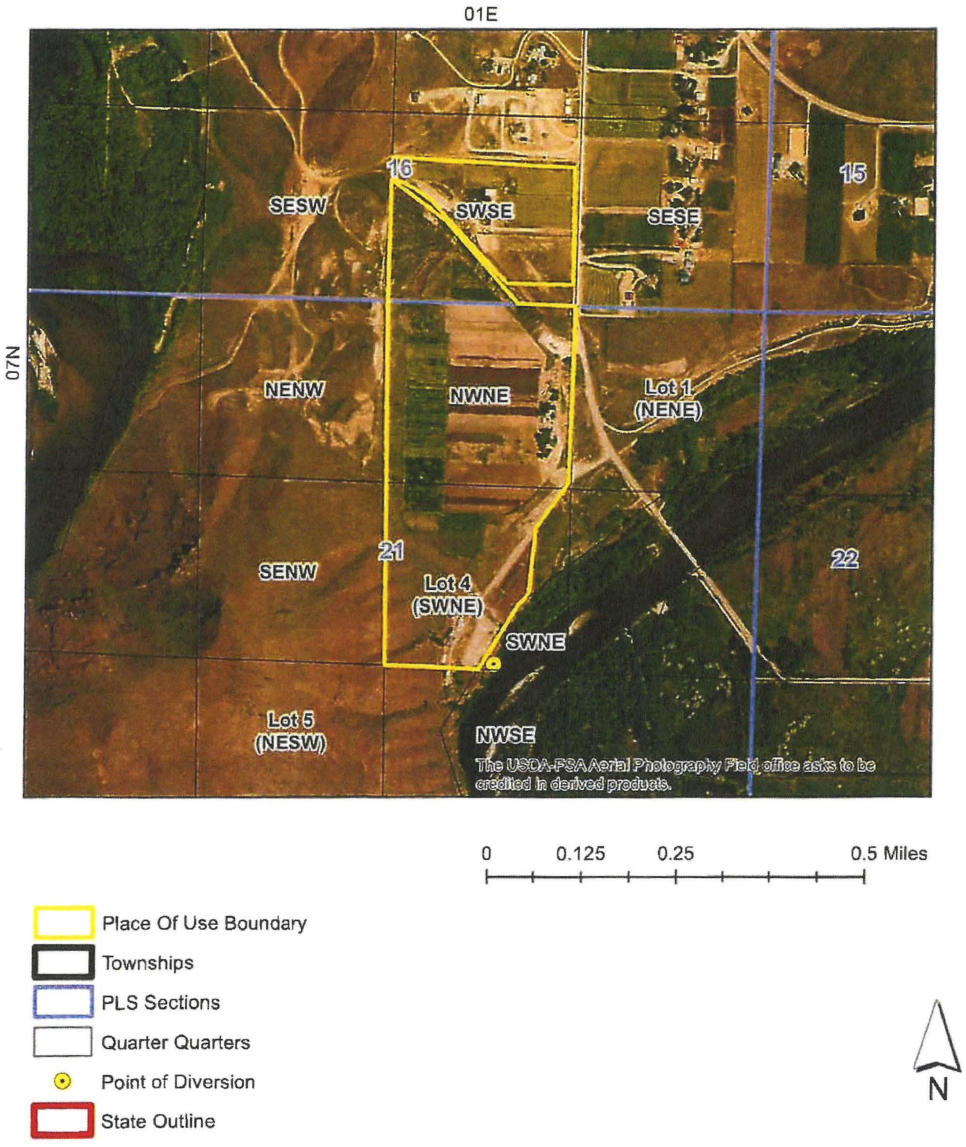


EXHIBIT D

Page 1

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 65-13627

Priority: July 20, 1995 **Maximum Diversion Rate:** 1.15 CFS

It is hereby certified that:

DONNA HEFFNER 4811 MONTOUR RD EMMETT ID 83617 AND
DONALD D HEFFNER 4811 MONTOUR RD EMMETT ID 83617

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 20, 1995, and has submitted Proof of Beneficial Use on October 02, 1996. An examination confirms water is diverted from:

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

Beneficial Use	Period of Use	Rate of Diversion
STOCKWATER	01/01 to 12/31	0.01 CFS
IRRIGATION	03/15 to 11/15	1.15 CFS

Location of Point(s) of Diversion
PAYETTE RIVER L4 (SW¼ NE¼), Sec. 21, Twp 07N, Rge 01E, B.M. GEM County

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	21		X	X L4														
07N	01E	16															X		

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	21		29.2	11.3 L4														40.5
07N	01E	16															17.0		17.0

Total Acres: 57.5

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. 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).
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Use of water under this right may 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.

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 65-13627

5. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 21st day of April, 2025.

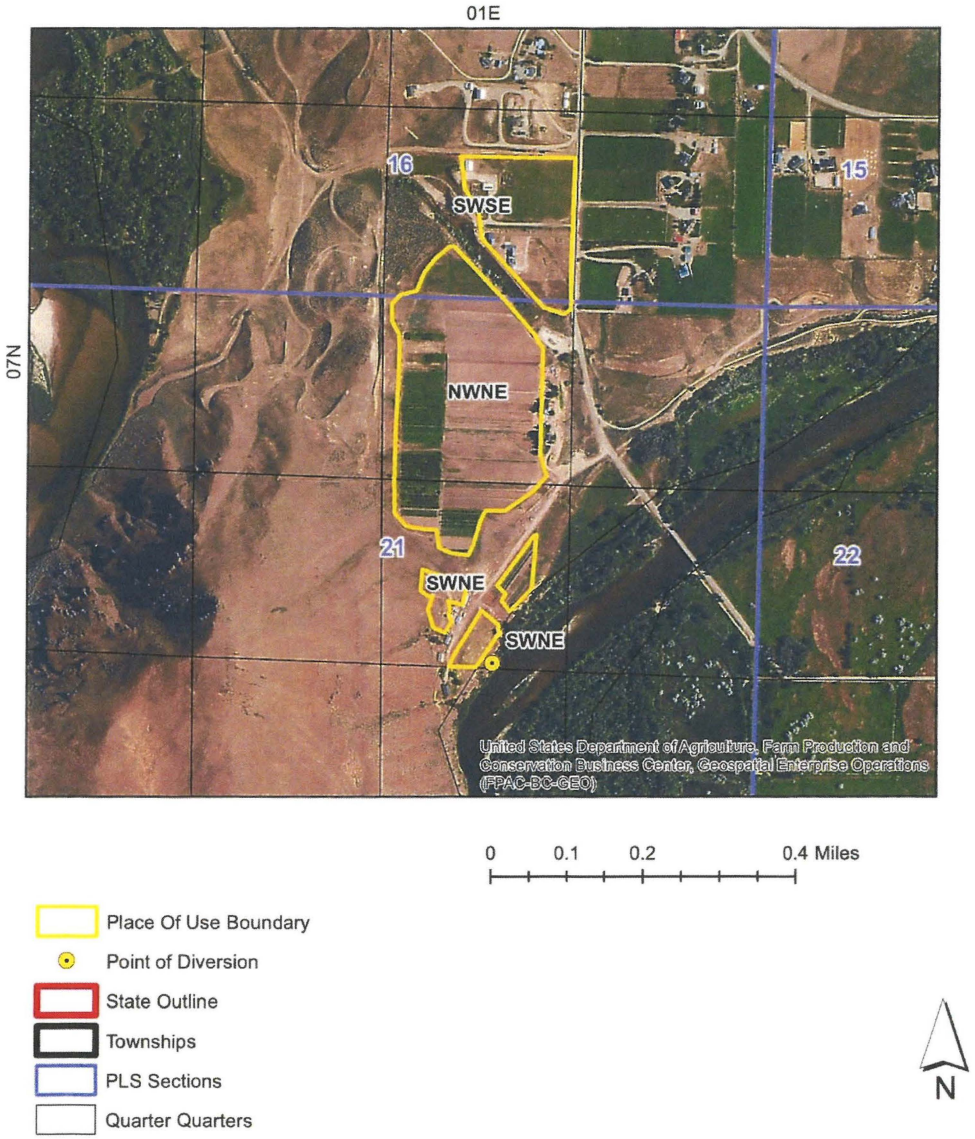
SCOTT STORMS
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Water Right

65-13627

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.

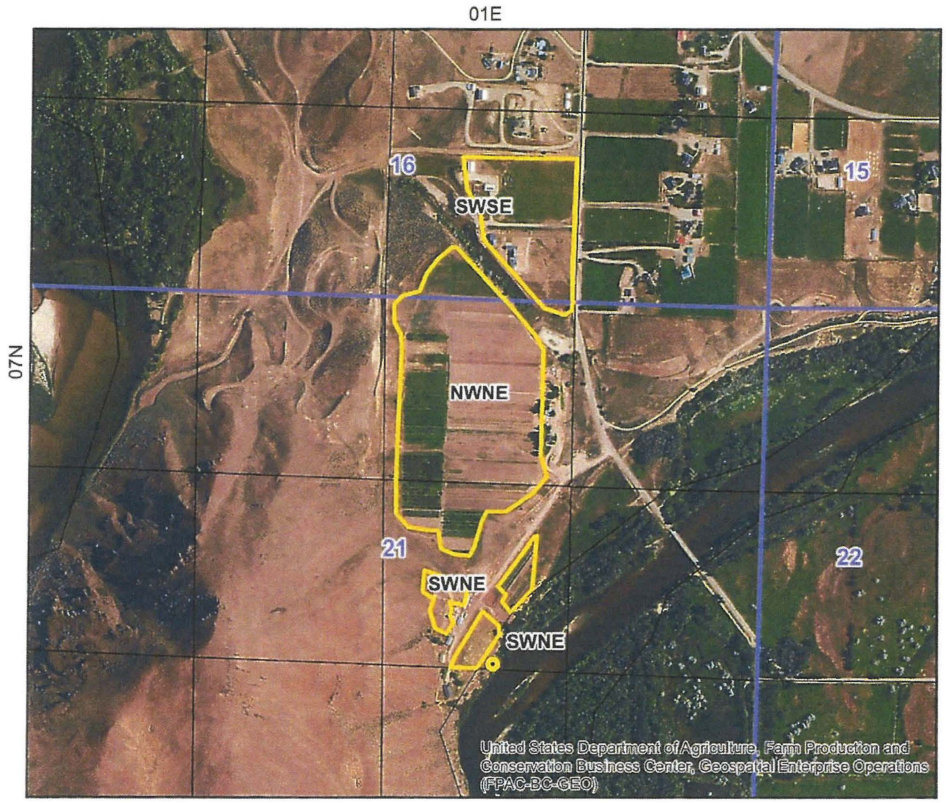


State of Idaho
Department of Water Resources

Attachment to Water Right

65-13627

This map depicts the STOCKWATER 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.



0 0.1 0.2 0.4 Miles

- Place Of Use Boundary
- Point of Diversion
- State Outline
- Townships
- PLS Sections
- Quarter Quarters

N

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

April 21, 2025

DONALD D HEFFNER AND DONNA HEFFNER
4811 MONTOUR RD
EMMETT ID 83617-5011

RE: License No. 65-13627

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,

Marina Bozdog

Marina Bozdog
for Scott Storms
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2025, I served a true and correct copy of Water Right License No. 65-13627 by U.S. Mail, postage prepaid, to the following:

DONALD D HEFFNER AND DONNA HEFFNER (Current Owners)
4811 MONTOUR RD
EMMETT ID 83617-5011

WATER DISTRICT #65
NEIL SHIPPY - WD 65 (Watermaster)
102 N MAIN ST
PAYETTE ID 83661-2522

Marina Bozdog
Marina Bozdog
Technical Records Specialist 1

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.