

Miller, Nick

From: Dylan Lawrence <dylan@varinthomas.com>
Sent: Monday, May 27, 2024 3:02 PM
To: Miller, Nick
Subject: Re: Filing re Water Right License 65-13627 (Heffner)
Attachments: 1996-10-02 Proof of Beneficial Use.pdf; 1998-08-07 field exam - map only.pdf; 2 Map attachment.pdf; 1996-07-04 photo.pdf

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.

Nick,

Thanks for the attachments; those are helpful. I have reviewed those materials and commiserated with the Heffners. I have listed a handful of observations below. As an immediate next step, I think it makes sense for you to update the irrigated acreages IDWR is willing to license to include the extra acre or two that you mentioned in your email, and in light of any of the observations below that you find relevant. Then, we can see how far away from 60 acres we are.

1) It seems inconsistent to exclude acres in the SWSE of Section 16 because they were not irrigated prior to the 1996 beneficial use deadline, but then reduce the irrigated footprint based upon aerial photography that is considerably more recent than 1996. *⇒ These Acres were clearly NOT irrigated < 2004 so omit*

2) As to the state of affairs in 1996, we have the Heffner's Proof of Beneficial Use form (attached) which certifies that 60 acres were being irrigated at that time. Then, we have the 1998 field exam report. While I agree with you that the depiction of the place of use in the map included with that report is difficult to interpret (also attached), I would expect the 1998 report to more specifically call out a discrepancy between the number of acres being recommended for licensing what was asserted in the 1996 form.

3) In the NWNE of Section 21, even when I use Google Earth to draw very tight boundaries around irrigated areas, I am still coming up with more than 28 acres of irrigation.

4) In Lot 4, the license appears to exclude a garden area slightly to the west of the southern-most blob of irrigation, depicted in green in the attached map. I've also attached here a photograph taken from the top of the hill on the Heffners' property on July 4, 1996, and you can see that additional garden area is green.

Thanks again,
Dylan

Dylan Lawrence

242 N. 8th Street, Ste. 220
PO Box 1676 | Boise, ID 83701

RECEIVED

OCT 02 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 65-13627 Telephone No. 208 584-3383

2. Name(s) of Permit Holder(s): Donald & Donna Heffner

3. Mailing Address: 4811 Montour Rd, Emmett, Id. 83617

4. Source of Water: Surface If GROUNDWATER (well), Date Drilled: mo. / yr.

a. Well Driller: Drilling Permit Number: - - -

b. OPTIONAL:
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock): 106

Irrigation (No. of acres): 60 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 121 cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes ☒ or No

Has the measuring device been installed? Yes or No ☒

Flow Measurement Port: Is a flow measurement port required? Yes or No

Has the measurement port been installed? Yes or No

8. Fee Enclosed: \$ 125.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

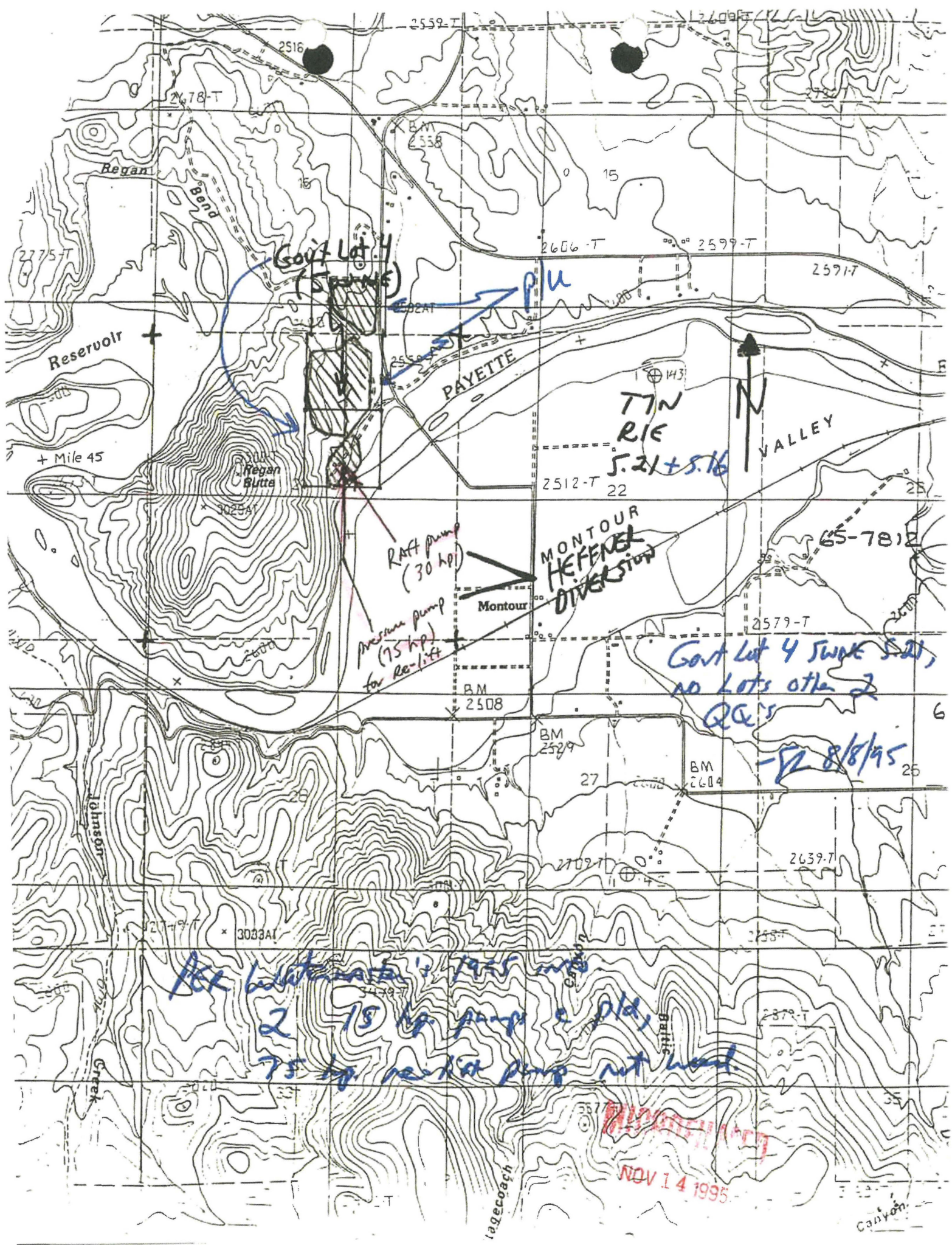
Name: Same as above Telephone Number:

Address:

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Owner Date: 10 2 96
(include your title, if on behalf of company or organization)

MICROFILMED
DEC 02 1996



Regan

Bend

Reservoir

+ Mile 45

Regan Bluffs

PAYETTE

VALLEY

RAFT pump
(30 hp)

pressure pump
(75 hp)
for re-lift

Montour

MONTOUR
HEFNER
DIVERSION

TIN
RIE
5.21 + 5.16

Govt Lot 4 SWNE 5.21,
no lots other 2
Q&A's

8/8/95

Per Luterbach's 1995 memo
2 15 hp pump & pld,
75 hp re-lift pump not used.

NOV 14 1995

Canyon



75 HP Booster Pump

Big Blue Harvestore Silo

Very **OBVIOUSLY** A GARDEN behind the Harvestore Silo



Booster – Not used.

Date that "the field exam" occurred that approved my parents water right permit

August 7, 1998

Field Exam 65-13627

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.

01E



0 0.1 0.2 0.4 Miles

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



