

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68886

Eastern

RECEIVED
APR 19 2001
Department of Water Resources
Eastern Region

This is to certify that: THOMAS HEJTMANEK JR
HC 65 BOX 1042
HOWE ID 83244

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. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
33-2120	AJC/License	07/09/1965	3.39 cfs	1207.5 af	345.0	345.0	GROUND WATER

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>
33-2120	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>
33-2120	33-2120	3.39 cfs	1207.5 af	345.0	345.0		N/A	N/A	N/A	N/A
TOTALS		3.39 cfs	1207.5 af	345.0	345.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 16th day of April, 2001

[Signature]
Chief, Water Allocation Bureau

WATER RIGHT NO. 33-2120
As Modified by Transfer No. 68886

In accordance with the approval of Transfer No. 68886, Water Right No. 33-2120 is now described as follows.

Right Holder: THOMAS HEJTMANEK JR AND
 BARBARA C HEJTMANEK
 HC 65 BOX 1042
 HOWE ID 832449709

Priority Date: 07/09/1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 11/01	3.39 CFS	1,207.5 AF
		3.39 CFS	1,207.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSW Sec. 34 Twp 06N Rge 29E BUTTE County

GROUND WATER NWNWNE Sec. 34 Twp 06N Rge 29E BUTTE County

GROUND WATER NWNWNE Sec. 34 Twp 06N Rge 29E BUTTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N 29E 34	39.0	30.0	40.0	40.0					33.0	39.0			31.0	31.0	31.0	31.0	345.0

Total Acres: 345

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Transfer 68886 shall not exceed 3.39 cfs, nor total combined annual volume of 1207.5 af.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

WATER RIGHT NO. 33-2120
As Modified by Transfer No. 68886

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right 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.

Dated this 16th day of April, 2001


Chief, Water Allocation Bureau

50 3/19/09

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 68886APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant THOMAS HEJTMANEK JR. Phone 208-767-3368Post Office address HC 65 Box 1042 Howe, ID 83244

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes I want to put on a pivot
which will also cover most of the SUSE of Sec 34. In so
doing I will dry up an equal amount of Cornus in
Sec 34.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>33-02120</u>	<u>7/09/1905</u>	<u>3.39 cfs</u>	<u>Irrig.</u>	<u>4/01 to 11/01</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 3.39 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	NW	NE	34	6N	29E	Butte	2 wells
	NW	NW	SW					

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	29E	34	39	30	40	40					33	39			31	31	31	31	345

Total Acres 345

6 General Information:

a. Description of diversion system 3 wells to sprinklers (Pneumatically)b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Several corners will be left dry.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

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PART 2

T68886

02/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 33-2120

Owner Type Name and Address
Current Owner THOMAS HEJTMANEK JR
 HC 65 BOX 1042
 HOWE, ID 83244
 (208)767-3368

Original Owner DOUG CUSHMAN
Original Owner DARRELL BARRETT
Original Owner NEWTON H FOSTER

Priority Date: 07/09/1965
Basis: License
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	3.39 CFS	1207.5 AFA	
Total Diversion			3.39 CFS	1207.5 AFA	

Location of Point(s) of Diversion:

GROUND WATER	NWNWNE	Sec. 34	Township 06N	Range 29E	BUTTE County
GROUND WATER	NWNWSW	Sec. 34	Township 06N	Range 29E	BUTTE County

IRRIGATION Use:
Acre Limit: 345

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	29E	34		NENE	39		NWNE	30		SWNE	40		SENE	40
				NESW	40		NWSW	39						
				NESE	39		NWSE	40		SESE	38			

Total Acres: 345

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Point of Diversion TWO POINTS OF DIVERSION LOCATED IN T06N, R29E, S34, NWNWNE.

Comments:

Author	Date	Subject	Comment
SKEEN	8/10/94	CLAIM REVIEW	DESKTOP REVIEW, DRAFT RECOMMENDATIONS, AND DATA ENTRY BY S.W. KEEN ON 8-10-1994.
AJU10-EC	11/22/99	AJU10 CONDITION UPDATE	CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates:

Licensed Date: 07/05/1983
 Claim Received Date: 01/11/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Other Information:

Receipt Number(s): E011617
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:NONE RECEIVED
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

PART 3

B. CHANGES IN NATURE OF USE

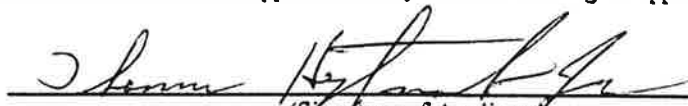
1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



 (Signature of Applicant)

Subscribed and sworn to before me this 5th day of FEBRUARY, 20 01.

AUSTIN B. RUBERRY

 (Notary Public)

My commission expires 09/23/03

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by PRM Fee 250

Received by HWT # EOR6457 Date _____

Published in PRCO Advertiser Copies of protest forwarded by _____

Pub. Dates 2/15 & 2/22/01 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____