

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79304

This is to certify that: HENRY RAJCZAK
13941 SANTA RITA DR
NAMPA, ID 83686

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>
63-32919	WR/DECREED	3/22/1967	1.510 cfs	506.0 af	N/A	112.5	GROUND WATER
63-33383	WR/DECREED	4/13/1967	1.450 cfs	85.0 af	N/A	76.3	GROUND WATER

Purpose of Transfer (Changes Proposed)

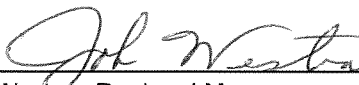
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-32919	YES	YES	NO	NO	NO	NO
63-33383	YES	YES	NO	NO	NO	NO

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>
63-32919	63-33948	0.050 cfs	16.6 af	N/A	3.7	63-32919	1.460 cfs	489.4 af	N/A	108.8
63-33383	63-33949	0.070 cfs	4.1 af	N/A	3.7	63-33383	1.380 cfs	80.9 af	N/A	72.6
COMBINED TOTALS		0.120 cfs	16.7 af	N/A	3.7		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 22nd day of September, 2014.


Western Regional Manager

Transfer No. 79304

WATER RIGHT NO. 63-32919
As Modified by Transfer No. 79304

In accordance with the approval of Transfer No. 79304, Water Right No. 63-32919 is now described as follows:

Right Holder: RUBY C VICTOR AND/OR
W NOLAN VICTOR
1528 ADDISON AVE E
TWIN FALLS, ID 83301
AND/OR
KATHI L MEYERS AND/OR
ROBERT J MEYERS
3921 N 3300 E
TWIN FALLS, ID 83301

Priority Date: 3/22/1967

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to 11/15

To

Diversion Rate

1.460 cfs

1.460 cfs

Diversion Volume

489.4 af

489.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NWSW

Sec 11 Twp 02N Rge 03W CANYON County

GROUND WATER

SESW

Sec 14 Twp 02N Rge 03W CANYON 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	
02N	03W	14									35.5	32.6	39.0	1.7					108.8

POU Total Acres: 108.8

CONDITIONS OF APPROVAL

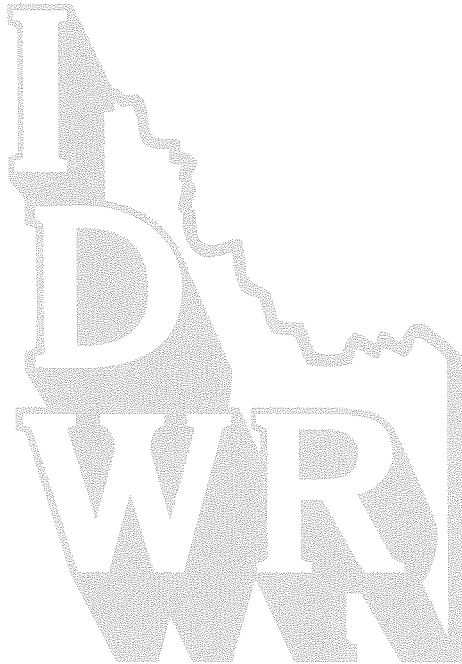
1. The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. Right 63-32633, 63-32634 and 63-33767 are also diverted through the point(s) of diversion described above.

Transfer No. 79304

WATER RIGHT NO. 63-32919
As Modified by Transfer No. 79304

CONDITIONS OF APPROVAL

3. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 63-33948**As Modified by Transfer No. 79304**

In accordance with the approval of Transfer No. 79304, Water Right No. 63-33948 is now described as follows:

Right Holder: HENRY RAJCZAK
13941 SANTA RITA DR
NAMPA, ID 83686

Priority Date: 3/22/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.050 cfs	16.6 af
			0.050 cfs	16.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSW Sec 14 Twp 02N Rge 03W CANYON 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	
02N	03W	14										3.7							3.7

POU Total Acres: 3.7

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/14/2009.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 79304

WATER RIGHT NO. 63-33948
As Modified by Transfer No. 79304

CONDITIONS OF APPROVAL

6. The following rights are diverted through point of diversion described above: 63-33948 and 33949.
7. Rights 63-33948 and 63-33949 when combined shall not exceed the irrigation of 3.7 acres.
8. Point of diversion and place of use is located within Lot 2, Blk. 2, Chaparral Ranch Subdivision.



WATER RIGHT NO. 63-33383

As Modified by Transfer No. 79304

In accordance with the approval of Transfer No. 79304, Water Right No. 63-33383 is now described as follows:

Right Holder: RUBY C VICTOR AND/OR
W NOLAN VICTOR AND/OR
RODNEY KENT MONTIERTH
1528 ADDISON AVE E
TWIN FALLS, ID 83301
AND/OR
ROBERT J MEYERS AND/OR
KATHI L MEYERS
3921 N 3300 E
TWIN FALLS, ID 83301
AND/OR
EDWARD RAY MONTIERTH AND/OR
SUSAN MONTIERTH AND/OR
THE ESTATE OF GOLDA D MONTIERTH
825 HEARTLAND DR
NAMPA, ID 83686
AND/OR
HERBERT R MONTIERTH JR
6312 S ZITHER AVE
BOISE, ID 83709

Priority Date: 4/13/1967

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

1.380 cfs

1.380 cfs

Diversion Volume

80.9 af

80.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

NESE

Sec 15 Twp 02N Rge 03W CANYON County

GROUND WATER

SWSE

Sec 15 Twp 02N Rge 03W CANYON 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	
02N	03W	14										32.6	40.0						72.6

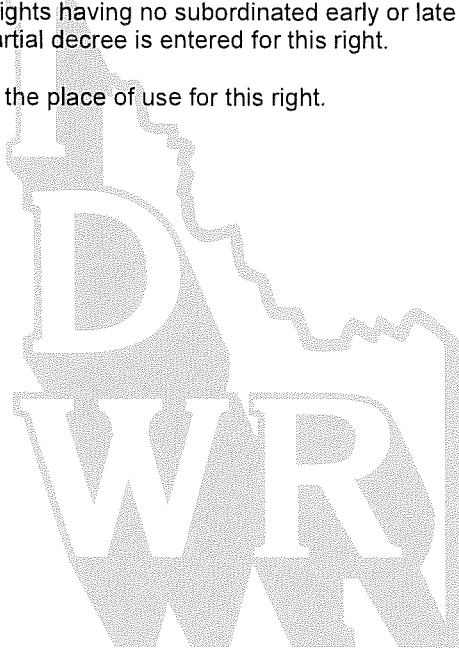
POU Total Acres: 72.6

Transfer No. 79304

WATER RIGHT NO. 63-33383
As Modified by Transfer No. 79304

CONDITIONS OF APPROVAL

1. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. Right 63-32919 overlaps the place of use for this right.



WATER RIGHT NO. 63-33949
As Modified by Transfer No. 79304

In accordance with the approval of Transfer No. 79304, Water Right No. 63-33949 is now described as follows:

Right Holder: HENRY RAJCZAK
 13941 SANTA RITA DR
 NAMPA, ID 83686

Priority Date: 4/13/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.070 cfs	4.1 af
			0.070 cfs	4.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSW Sec 14 Twp 02N Rge 03W CANYON 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	
02N	03W	14											3.7						3.7

POU Total Acres: 3.7

CONDITIONS OF APPROVAL

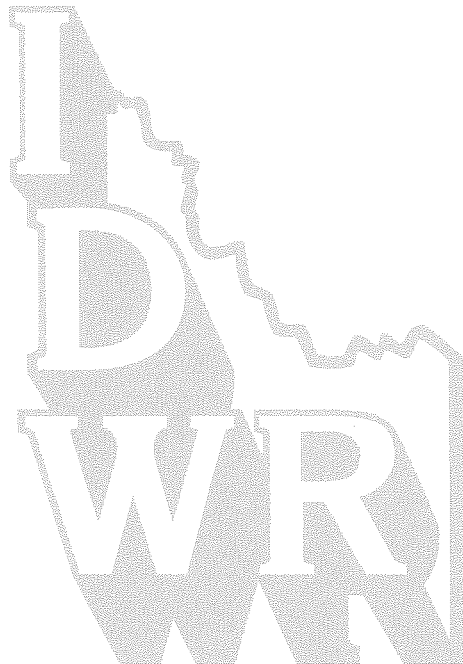
1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 1/14/2009.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 79304

WATER RIGHT NO. 63-33949
As Modified by Transfer No. 79304

CONDITIONS OF APPROVAL

6. The following rights are diverted through point of diversion described above: 63-33948 and 33949.
7. Rights 63-33948 and 63-33949 when combined shall not exceed the irrigation of 3.7 acres.
8. Point of diversion and place of use is located within Lot 2, Blk. 2, Chaparral Ranch Subdivision.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 22, 2014

HENRY RAJCZAK
13941 SANTA RITA DR
NAMPA ID 83686

Re: Transfer No. 79304
Water Right No's: 63-32919, 63-33383

Transfer Approval Notice

Dear Water Right Holder:

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 "Rachel Sommer". The signature is fluid and cursive, with the first name "Rachel" and last name "Sommer" clearly distinguishable.

Rachel Sommer
Administrative Assistant

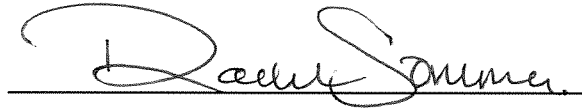
Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No. 79304
Water Right No's: 63-32919, 63-33383

HENRY RAJCZAK
13941 SANTA RITA DR
NAMPA ID 83686

A handwritten signature in black ink, reading "Rachel Sommer", is written over a horizontal line.

Rachel Sommer
Administrative Assistant

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.