

RECEIVED**OCT 03 2012**DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78180**MINIMUM REQUIREMENTS CHECKLIST****TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**

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

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

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

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

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

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78180

OCT 17 2012 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Teri Szombathy and/or Sandor Szombathy Phone 208-309-0861

Mailing address PO Box 2996 Ketchum, Idaho 83340 Email _____

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

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

☐ No Representative

Name of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543

Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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

[Signature]
Signature of Applicant or Authorized Representative

SANDOR SZOMBATHY
Print Name and Title if applicable

10-4-12
Date

[Signature]
Signature of Applicant or Authorized Representative

Teri Szombathy
Print Name and Title if applicable

10-4-12
Date

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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Change the point of diversion**.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78180

RECEIVED

OCT 03 2012

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT. OF WATER RESOURCES

Name of Applicant Sandor Szombathy and/or Sandor SzombathyPhone 208-309-0861Mailing address PO Box 2996 Ketchum, Idaho 83340

Email _____

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

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

☐ No RepresentativeName of Representative Greg Sullivan of Brockway EngineeringPhone 208-736-8543Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301Email greg.sullivan@brockwayeng.com☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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

[Signature]
Signature of Applicant or Authorized Representative

SANDOR SZOMBATHY
Print Name and Title if applicable

9-20-12
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☐ Change place of use
☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Change the point of diversion**.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

		Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part						
☒	☐	37-22767	.07/	Irrigation	4/15 to 10/31	East Fork Wood River
☐	☐				to	Big Wood River
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 0.07/ cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.07/ cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NW	SE	SW	3	03N	18E	Blaine	East Fork Wood River	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Proposed Booster pump and existing main lines.

- b. Who owns the property at the point(s) of diversion? Porter Family Living Trust

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Porter Family Living Trust and the Szombathy's have entered into an agreement to share the pump.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: No Change

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: 37-8421 and 37-12842

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-22767

Current Owner: SANDOR SZOMBATHY
TERI SZOMBATHY

Priority Date: 6/3/1884

Origin: Water Right

Status: Active

Basis: Decreed

Source

EAST FORK WOOD RIVER

Tributary

BIG WOOD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

0.07 CFS

0.07 CFS

Annual Volume

Location of Point(s) of Diversion

EAST FORK WOOD RIVER

BLAINE County

NE1/4SE1/4NE1/4

Sec. 3, Twp 03N, Rge 18E B.M.

EAST FORK WOOD RIVER

BLAINE County

SW1/4SW1/4NE1/4

Sec. 3, Twp 03N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S3

SESW

1.80

Total Acres: 1.8

Conditions of Approval:

1. This right shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.
2. 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.
3. The actual diversion rate of this right is .068 cfs.
4. X60 Place of use is located within Lot 30, Hyndman Peak Subdivision.
5. P21 This right is a split from former right 37-539E

Decreed Date: 6/29/2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)

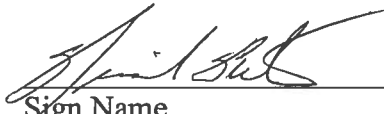
Add'l Fee Paid	Date	Received by	Receipt #
----------------	------	-------------	-----------

CONTRACT OF AGREEMENT

This CONTRACT is made and entered into this 11TH day of SEPTEMBER, 2012 by and between Richard Porter and/or Constance Porter and Teri Szombathy and/or Sandor Szombathy.

Richard Porter and Constance Porter agree to allow Teri Szombathy and Sandor Szombathy to utilize a point of diversion from the East Fork Wood River that is located in Lot 27 of Hyndman Peak Subdivision, Blaine County, Idaho. The legal description of the point of diversion is Township 03 North Range 18 East Section 3 SESW.

Teri Szombathy and Sandor Szombathy will be able to divert water from the East Fork Wood River to provide water for water right 37-22767. Teri Szombathy and Sandor Szombathy will retain all ownership, rights and privileges pertaining to 37-22767.


Sign Name

9/11/2012
Date

RICHARD PORTER
Print Name

Constance Porter
Sign Name

Date

CONSTANCE PORTER
Print Name



9-20-12

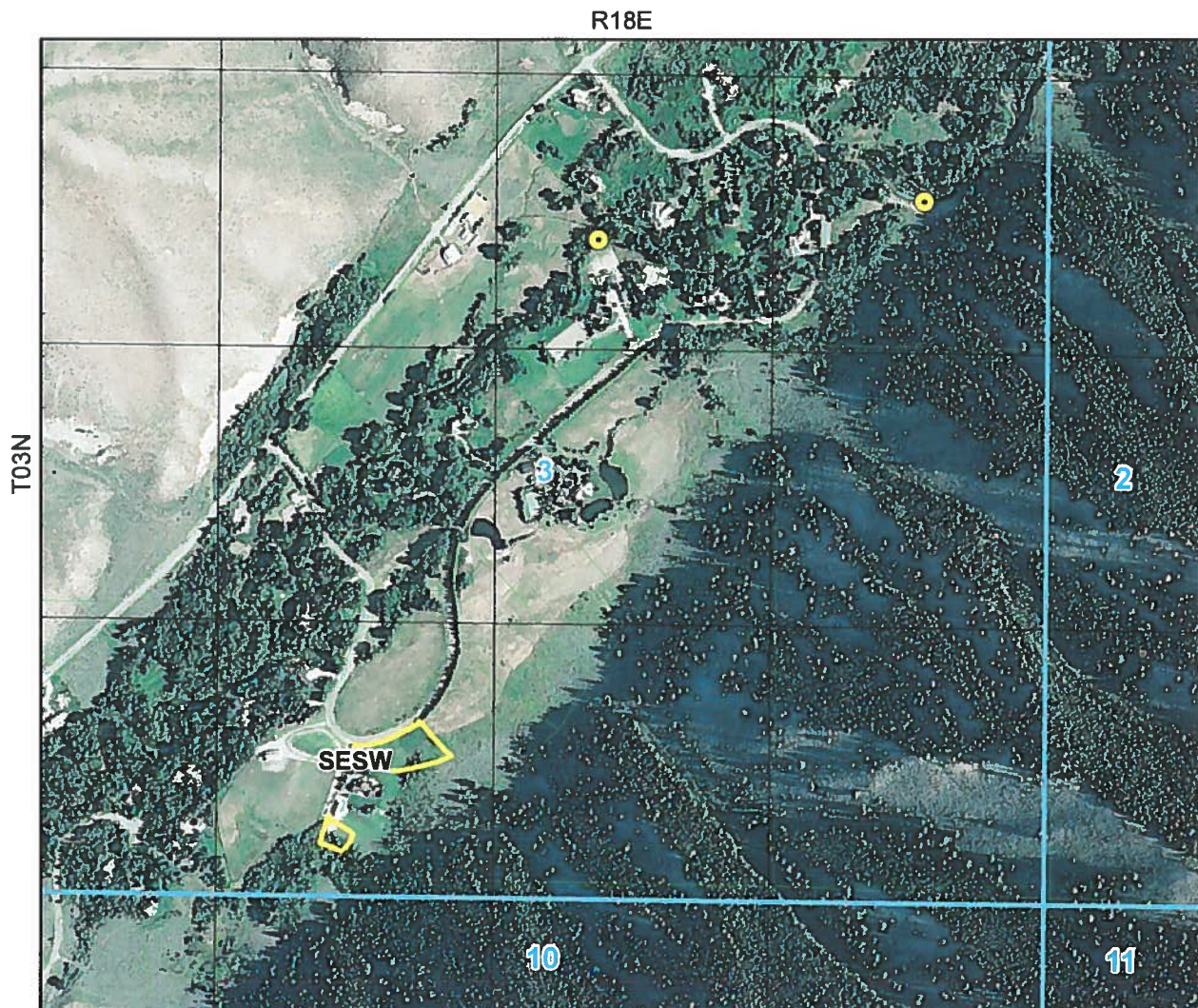
SANDOR SZOMBATHY

State of Idaho
Department of Water Resources

Water Right
37-22767

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.1 0.2 0.4 Miles

TRANSFER 78180





**PORTER, DICK - HYDMAN PEAK SUB. LOT 30
TRANSFER TO CHANGE POD, 37-22767
NAIP 2011 AERIAL**

0 125 250 500 Feet

BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 11, 2012

TRANSFER 78180

Legend

-  Points of Diversion
-  Sections
-  Hyndman_Peak_Sub
-  LOT 30 BLK 2
-  Township
-  Ladesc



Order No. 10766

DEED OF RECONVEYANCE

FIRST AMERICAN TITLE COMPANY, an Idaho Corporation, as Trustee in the deed of trust executed by Richard R. Porter and Constance G. Porter, husband and wife

Recorded April 10, 1986 as Instrument No. 271979, Mortgage records of Blaine County, Idaho, pursuant to the written request of the beneficiary, does hereby GRANT and RECONVEY unto the PARTIES ENTITLED THERETO,

Lot 27 of HYNDMAN PEAK SUBDIVISION, Blaine County, Idaho

without warranty, all the estate and interest derived to it by or through said Deed of Trust, in the lands therein described.

The corporate name subscribed by its Asst. Secretary, is pursuant to a resolution authorizing the execution of this reconveyance duly adopted by its Board of Directors.

Dated: July 19, 1991

FIRST AMERICAN TITLE COMPANY

Maureen A. Wheeler
Maureen A. Wheeler,
Assistant Secretary

State of Idaho

County of Blaine

On this 19th day of July, 1991, before me, a Notary Public in and for said State, personally appeared Maureen A. Wheeler and known to me to be the Ass't. Secretary of the corporation that executed this instrument, of the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this day and year in this certificate first above written.

John B.
Notary Public for the State of Idaho
Residing in Blaine County, Idaho
Commission Expires:

After Recording Send To:

Mr. and Mrs. Richard R. Porter
P.O. Box 2530
Ketchum, ID 83340

BLAINE CO. REQUEST

OF FIRST AMERICAN TITLE CO.

1991 JUL 22 P 4:11

3319161

MARY GREEN, CLERK

FEES \$

3.00

MP

Satis

TRANSFER 78180

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Instrument # 593562

HAILEY, BLAINE, IDAHO
1-4-2012 02:31:15 No. of Pages: 4
Recorded for : HYNDMAN PEAK HOA, INC
JOLYNN DRAGE Fee: 19.00
Ex-Officio Recorder Deputy
Index to: WTY/QC/CORP DEED

JP

(space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, HYNDMAN PEAK HOMEOWNERS' ASSOCIATION, INC., an Idaho non-profit corporation ("Grantor"), does hereby convey, release, remise and forever quitclaim to SANDOR SZOMBATHY and TERI SZOMBATHY, husband and wife, whose address is S. 821 Azalea Drive, Spokane, Washington, 99204 ("Grantee"), all its right, title and interest in and to the following described water rights, appurtenant to real property situated in Blaine County, Idaho:

That portion of Water Right No. 37-539G, the Order for Partial Decree for which is attached hereto as **Exhibit A**, appurtenant to Lot 30, Hyndman Peak Subdivision, to wit: 0.068 cfs to irrigate 1.8 acres.

DATED this 16th day of December, 2011.

HYNDMAN PEAK HOMEOWNERS' ASSOCIATION, INC.

By: *Lita Bennett, Esq.*
Board Vice President

QUITCLAIM DEED - 1

TRANSFER 78180

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED

JAN 09 2012

DEPT. OF WATER RESOUR
SOUTHERN REGION

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
37-539G	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Hyndman Peak Homeowners Association, Inc.
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Sandor and Teri Szombathy
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or
PO Box 2996
Mailing address
Ketchum ID 83340
City State ZIP
208.309-0861 tisz1@cox.net
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: _____.
6. 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.

7. Signature: [Signature] Title, if applicable _____ Date 12-26-11
Signature of new owner/claimant
- Signature: [Signature] Title, if applicable _____ Date 12-26-11
Signature of new owner/claimant

For IDWR Office Use Only:

Received by DB Date 1-9-2012 Receipt No. 5032297 Receipt Amt. \$100-
Approved by _____ Processed by _____ Date _____

EXHIBIT A

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 29 2011	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

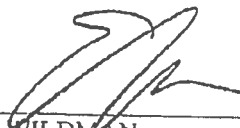
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	Subcase No. 37-00539G
	)	(Hyndman Peak Homeowners Assn.)

On May 24, 2011, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED June 29, 2011.

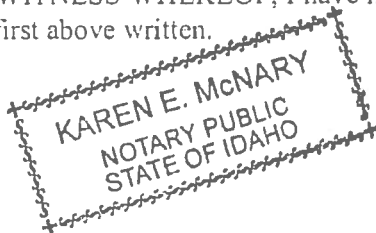


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

STATE OF IDAHO)
 : ss.
County of Blaine)

On this 16 day of DECEMBER, 2011, before me the undersigned Notary Public in and for said State, personally appeared RITA BEVETT ENSIEANT, known or identified to me to be the BOARD VICE PRESIDENT of HYNDMAN PEAK HOMEOWNERS' ASSOCIATION, INC., and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me he executed the same on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Karen E. McNary
Notary Public for Idaho
Residing at : Hooley, ID
Comm. Expires: 9-28-16

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-005390

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN 29 2011

By _____
Clerk
Deputy Clerk

NAME AND ADDRESS: HYNDMAN PEAK HOMEOWNERS ASSN
PO BOX 3700
KBTCEUM, ID 83340

SOURCE: EAST FORK WOOD RIVER TRIBUTARY; BIG WOOD RIVER

QUANTITY: 0.85 CFS

This right shall provide no more than 3.5 afa per acre at the
field headgate for irrigation of the lands in the place of use
whenever sprinkler methods of irrigation are used.

PRIORITY DATE: 06/03/1884

POINT OF DIVERSION: TOWN R18E S03 SWSWNE Within Blaine County
NESENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation		04-15 TO 10-31	0.85 CFS

PLACE OF USE:	Irrigation	SWNE 4.5	Within Blaine County
TOWN R18E S03		NWSE 5.8	SENE 2.2
		NWSE 0.7	SESW 9.2
22.4 Acres Total			

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Widman
Presiding Judge of the
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

October 26, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

SANDOR SZOMBATHY
TERI SZOMBATHY
PO BOX 2996
KETCHUM, ID 83340

RE: Transfer No. 78180
Water Right No(s). 37-22767

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS** on **10/31/2012 and 11/7/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**November 19, 2012**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS, ID 83301

Maline, Denise

From: Maline, Denise
Sent: Friday, October 26, 2012 8:44 AM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mountain Express Cover Letter.docx; Idaho Mountain Express Ad.docx

Attached please find (1) legal notice being submitted for publication on October 31st & November 7th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

October 26, 2012

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Transfer No. 78180
Water Right No(s): 37-22767

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before November 19, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78180**

TERI SZOMBATHY and SANDOR SZOMBATHY, PO BOX 2996, KETCHUM, ID 83340 has filed Application No. 78180 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22767; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing two authorized points of diversion to a new point of diversion for a 0.07 cfs East Fork of the Wood River irrigation right used to irrigate 1.8 acres. The new point of diversion is moving approximately 0.7 and 0.5 miles downstream of the existing diversions, and will be located on lot 27 of the Hyndman Peak Subdivision located approximately 6.7 miles north and 0.7 miles east of Hailey.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before November 19, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on October 31st & November 7th, 2012



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 26, 2012

IDAHO DEPT OF FISH & GAME
319 S 417 E
JEROME, ID 83338

RE: Transfer No. 78180
Water Right No(s). 37-22767

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**November 19, 2012**).

Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline
Administrative Assistant

Enclosure(s)

cc: Tom Bassista, IDFG Idaho Falls

MEMORANDUM

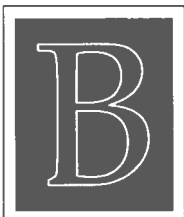
Date: October 23, 2012
To: Transfer 78180 File
From: William Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing two authorized points of diversion to a new point of diversion for water right 37-22767, a 0.07 cfs East Fork Wood River irrigation right used to irrigate 1.8 acres on lot 30 in the Hyndman Peak Subdivision. The new point of diversion is moving approximately 0.7 and 0.5 miles downstream of the existing diversions, and is located on lot 27 in the Hyndman Peak Subdivision approximately 6.7 miles north and 0.7 miles east of Hailey. The owners of lot 27 have provided a written agreement, signed by all parties, to allow the owners of lot 30 to divert water from lot 27 and to retain all rights and ownership of water right 37-22767 which is appurtenant to lot 30. Point of diversion and place of use are located in Water District 37 and watermaster comments will be solicited.

- **Authority to File:**
IDWR records indicate the applicants currently own the water right involved in the transfer. A contract of agreement was provided allowing diversion from lot 27.
- **Water Right Validity:**
Water right 37-22767 was decreed in the SRBA on 6/29/2010. Home site and irrigated lot is visible in 2011 aerial imagery and 2010 satellite imagery.
- **Injury to Other Water Rights:**
Water right 37-22767 presently shares points of diversion and ditches with a number of water rights. Transfer of water from shared diversions and ditches may have an impact on other water rights.
- **Enlargement of Use:**
None anticipated. No change to place of use.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.

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

Application proposes changing two authorized points of diversion to a new point of diversion for a 0.07 cfs East Fork of the Wood River irrigation right used to irrigate 1.8 acres. The new point of diversion is moving approximately 0.7 and 0.5 miles downstream of the existing diversions, and will be located on lot 27 of the Hyndman Peak Subdivision located approximately 6.7 miles north and 0.7 miles east of Hailey.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

OCT 17 2012

DEPT OF WATER RESOURCES
SOUTHERN REGION

October 15, 2012

Allan Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Teri and Sandor Szombathy

Dear Mr. Merritt:

Attached is the signature page for a transfer proposing changing the point of diversion of 37-22767. All other supporting documents and maps were submitted previously to IDWR.

Please let me know if there is any additional information that you require.

Sincerely,

Greg Sullivan, M.S., E.I.T.

Cc: Sandor Szombathy
Enc: Signature Page

CHARLES E.
BROCKWAY,
PH.D., P.E.

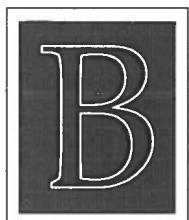
CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

OCT 03 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

October 3, 2012

Allan Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Teri and Sandor Szombathy

Dear Mr. Merritt:

It is proposed to change the point of diversion of water right 37-22767. The proposed new diversion point will be on property owned by Richard and Constance Porter.

The ownership of the water rights, the place of use of the water rights and the beneficial use of the water rights will not be changing with this application.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., E.I.T.

Cc: Sandor Szombathy
Enc: Transfer Application, Aerial Maps, Warranty Deeds, Contract of Agreement,
Check # 11039 for \$200.00

CHARLES E.
BROCKWAY,
Ph.D., P.E.

CHARLES G.
BROCKWAY,
Ph.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Walker, Benny

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Wednesday, October 03, 2012 1:45 PM
To: Walker, Benny
Subject: Dick Porter

RECEIVED

OCT 03 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Benny,

The POD for the Dick Porter transfers and Sandor Szombathy transfer will be located on property owned by Dick Porter. The POD will be located in Lot 27 of Hyndman Peak Subdivision, Blaine County, Idaho.

Greg Sullivan
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543