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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 69786

This is to certify that: THOMAS HEJTMANEK JR  
1395 W 3900 N  
HOWE ID 83244  
(208)767-3368

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.

**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> |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------|
| 33-2045      | WR/Decreed          | 04/08/1948      | 1.88 cfs    | 535.5 af      |              | 153.0        | GROUND WATER  |
| 33-2120      | WR/Decreed          | 07/09/1965      | 3.39 cfs    | 1207.5 af     | 345.0        | 345.0        | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

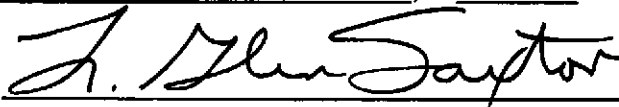
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 33-2045               | YES          | NO         | YES        | YES            | NO                   | NO                   |
| 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 33-2045               | 33-14853                         | 1.00 cfs             | 140.0 af               | 40.0              | 388.0              | 33-14852                           | 0.88 cfs              | 250.6 af                | N/A                         | 71.6                         |
| 33-2120               | 33-2120                          | 3.39 cfs             | 1207.5 af              | 345.0             | 388.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>TOTALS</b>         |                                  | <b>4.39 cfs</b>      | <b>1347.5 af</b>       | <b>385.0</b>      | <b>388.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 30<sup>th</sup> day of October, 2002

  
Chief, Water Allocation Bureau

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**WATER RIGHT NO. 33-2120**  
**As Modified by Transfer No. 69786**

In accordance with the approval of Transfer No. 69786, Water Right No. 33-2120 is now described as follows.

**Right Holder:** THOMAS HEJTMANEK JR And  
 BARBARA C HEJTMANEK  
 1395 W 3900 N  
 HOWE ID 83244

**Priority Date:** July 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                      NWNWNE Sec. 34 Twp 06N Rge 29E BUTTE County

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

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

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW |    |    |    | SW   |      |    |    | SE   |      |      |      | Totals |
|-------------|------|------|------|------|----|----|----|----|------|------|----|----|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE   | NW   | SW | SE | NE   | NW   | SW   | SE   |        |
| 06N 29E 34  | 39.0 | 30.0 | 40.0 | 40.0 |    |    |    |    | 40.0 | 39.0 |    |    | 40.0 | 40.0 | 40.0 | 40.0 | 388.0  |

Total Acres: 388

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 345.0 acres within the place of use described above in a single irrigation season.
2. Rights 33-2120 and 33-14853 are limited to the irrigation of 385.0 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Transfer 69786 shall not exceed 4.39 cfs, nor total combined annual volume of 1347.5 af.
4. 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.

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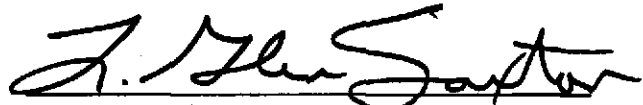
**WATER RIGHT NO. 33-2120**  
**As Modified by Transfer No. 69786**

**CONDITIONS OF APPROVAL**

5. 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.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

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 30<sup>th</sup> day of October, 2002

  
Chief, Water Allocation Bureau

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**WATER RIGHT NO. 33-14852**  
**As Modified by Transfer No. 69786**

In accordance with the approval of Transfer No. 69786, Water Right No. 33-14852 is now described as follows.

**Right Holder:** WILLIAM STAUFFER JR  
1256 W 3800 N  
HOWE ID 83244-8706

**Priority Date:** April 08, 1948

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.88 CFS              | 250.6 AF      |
|                       |             |           | 0.88 CFS              | 250.6 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SWNWNE Sec. 22 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 24  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 36.0 | 35.6 | 71.6   |

Total Acres: 71.6

**CONDITIONS OF APPROVAL**

1. Use of water under this right is combined with water from Blaine County Canal Co.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
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.

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 30<sup>th</sup> day of October, 2002

  
Chief, Water Allocation Bureau

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NOV 18 2002

**WATER RIGHT NO. 33-14853**  
**As Modified by Transfer No. 69786**

In accordance with the approval of Transfer No. 69786, Water Right No. 33-14853 is now described as follows.

**Right Holder:** THOMAS HEJTMANEK JR And  
 BARBARA C HEJTMANEK  
 1395 W 3900 N  
 HOWE ID 83244

**Priority Date:** April 08, 1948

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 1.00 CFS              | 140.0 AF      |
|                       |             |           | 1.00 CFS              | 140.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

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

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

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

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW |    |    |    | SW   |      |    |    | SE   |      |      |      | Totals |
|-------------|------|------|------|------|----|----|----|----|------|------|----|----|------|------|------|------|--------|
| 06N 29E 34  | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE   | NW   | SW | SE | NE   | NW   | SW   | SE   | 388.0  |
|             | 39.0 | 30.0 | 40.0 | 40.0 |    |    |    |    | 40.0 | 39.0 |    |    | 40.0 | 40.0 | 40.0 | 40.0 |        |

Total Acres: 388

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 40.0 acres within the place of use described above in a single irrigation season.
2. Approval of Transfer 69786 requires the right holder to secure control of 40 shares from Blaine County Canal Co. to ensure the shares are not used. This right shall not be used if those canal shares are used on lands located within the NENW and NWNE, S24, T6N, R29E or any other lands.
3. Rights 33-2120 and 33-14853 are limited to the irrigation of 385.0 acres within the place of use described above in a single irrigation season.
4. The total instantaneous diversion of water from all points of diversion under Transfer 69786 shall not exceed 4.39 cfs, nor total combined annual volume of 1347.5 af.

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**NOV 18 2002**

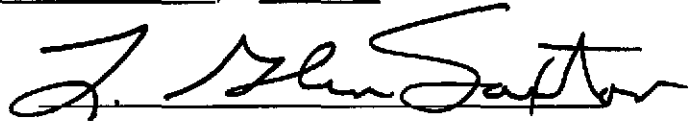
**WATER RIGHT NO. 33-14853**  
**As Modified by Transfer No. 69786**

**CONDITIONS OF APPROVAL**

5. 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.
6. 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.
7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

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 30<sup>th</sup> day of October, 2002

  
Chief, Water Allocation Bureau

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NOV 18 2002

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 33-02120

NAME AND ADDRESS: THOMAS HEJTMANEK JR  
HC 65 BOX 1042  
HOWE, ID 83244

SOURCE: GROUNDWATER

QUANTITY: 3.39 CFS  
1207.50 AFY

PRIORITY DATE: 07/09/1965

POINT OF DIVERSION: T06N R29E S34 NWNWNE Within Butte County  
NWNWSW

TWO POINTS OF DIVERSION LOCATED IN T06N, R29E, S34, NWNWNE.

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY                |
|-------------------------------|----------------|----------------|-------------------------|
|                               | Irrigation     | 04-01 TO 11-01 | 3.39 CFS<br>1207.50 AFY |

| PLACE OF USE: | Irrigation        | Within Butte County                                           |
|---------------|-------------------|---------------------------------------------------------------|
|               | T06N R29E S34     | NWNE 30.0<br>SENE 40.0<br>NWSW 39.0<br>NWSE 40.0<br>SESE 38.0 |
|               | 345.0 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.

  
Barry Wood  
Administrative District Judge  
Presiding Judge of the  
Snake River Basin Adjudication

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**CHANGE IN ADDRESS**

This form can be used to notify the Department of a change in  
address of the owners of record for the listed water rights.  
(Please print or type)

RECEIVED

SEP - 9 2002

Department of Water Resources

[ ] Water Right Number(s): 33-02120 AND 33-02045

[ ] Name(s): WILLIAM STAUFFER

William Stauffer  
A.K.A. Bill Stauffer

[ ] Old Mailing Address: RFD

HOWE ID 83244

[ ] New Mailing Address: 1256 W 3800 N

HOWE ID 83244-8706

Telephone Number: (208) 767 - 3474

[ ] Signature(s) of Owner(s) Bill Stauffer

NOV 18 2002

owner-operator irrigator  
(Include your title if on behalf of company or organization) since 1953

Date: 9-5-02

Database updated - Kari Lynn - 9.9.02

**MEMORANDUM**

**TO:** FILE 33-02120  
**FROM:** VAULT  
**RE:** TRANSFER # 69786  
**DATE:** 6-10-2002

=====

**Original Transfer Application, Form and correspondence regarding the above  
referenced Transfer is located within:**

**FILE #** 33-02045

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NOV 18 2002**