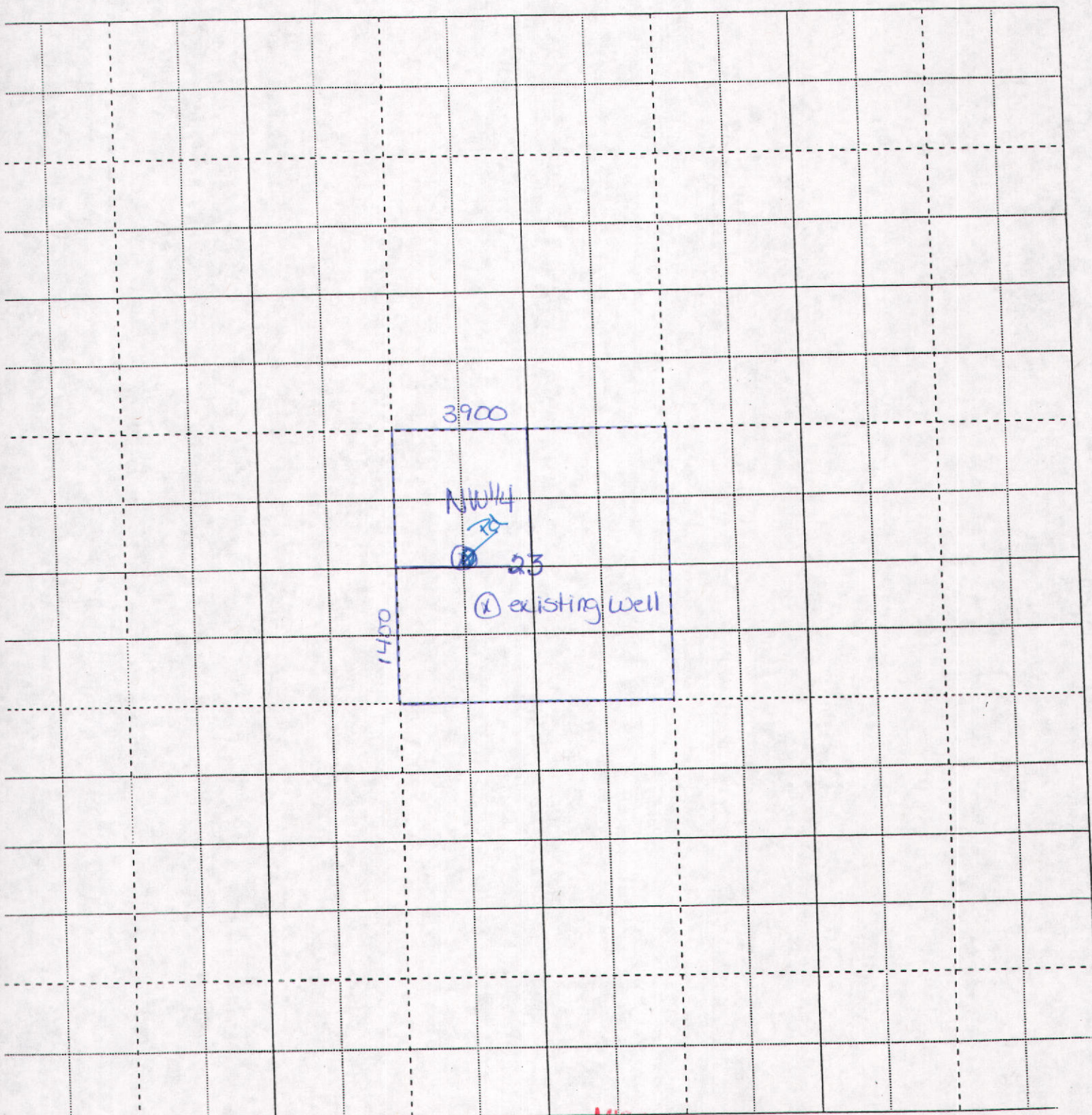


APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

MAR 24 2003

e 1 of 10STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 69968APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Thomas Hejtmanek Phone 208 527-3074 ⁷⁶⁷⁻³³⁶⁸Office address Rt 1 Box 392 ARCO ID 83213

RECEIVED

JUL 31 2002

PURPOSE OF TRANSFER

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

Department of Water Resources

Describe the reason for the proposed changes Drought has caused water level to drop.

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>33-02092</u>	<u>05/12/1960</u>	<u>0.9 cfs</u>	<u>IRRIGATION</u>	<u>04-01</u> to <u>11-01</u>
<u>33-07062</u>	<u>12/02/1977</u>	<u>1.64 cfs</u>	<u>IRRIGATION</u>	<u>04-01</u> to <u>11-01</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.54 ^{1.64 cfs} 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
		SW	NW	23	6N	29E	Butte	"New well"
	SW	SE	NW	23	6N	29E	Butte	

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	
<u>06N</u>	<u>29E</u>	<u>23</u>					<u>39</u>	<u>33</u>	<u>39</u>	<u>40</u>									<u>151</u>

MICHAEL

MAR 24 2003

Total Acres 151

2 of 10

PART 1

Transfer No. 69968

General Information:

a. Description of diversion system well + pump to a sprinkler system

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes ☒ 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:

n/a

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

MICHAEL MEO

MAR 24 2003

Page 1

06/04/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 33-7062 V1

WATER RIGHT NUMBER: 33-7062 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FLORENCE F HEJTMANEK RT 1 BOX 392 ARCO, ID 83213 (208)527-3074
Current Owner	THOMAS HEJTMANEK RT 1 BOX 392 ARCO, ID 83213 (208)527-3074

Priority Date: 12/02/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.640 CFS	
	<u>Total Diversion:</u>	1.640 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4NW1/4	Sec. 23, Twp 06N, Rge 29E, B.M.
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	23					39.0	33.0	39.0	40.0									151.0

Total Acres: 151

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
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. E18 USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM BLAINE COUNTY CANAL CO.

Remarks:

MICROFILMED
MAY 24 2003
MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 33-7062 V1

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 33-02092 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 151 ACRES IN A SINGLE IRRIGATION SEASON.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 33-02092 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.64 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 528.5 AF.
3. Explanatory RIGHT NO. 33-02092 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

Comments:

1. KEEN 7/12/1994 CLAIM REVIEW

Comment: FIELD CHECK OF THE POINT OF DIVERSION BY S.W. KEEN ON 6-22-1994. DESKTOP REVIEW, DRAFT RECOMMENDATIONS, AND DATA ENTRY BY S.W. KEEN ON 7-12-1994. *** PLOTTING OF QUARTER-QUARTERS ON FSA (ASCA) SHOWS P.O.D. TO BE IN SWSNW SEC.23, AFTER CLAIMANT CONTACT AND FIELD EXAM 10 JULY 1996. ***16JULY96 ABR***

2. ARUBERRY 1/2/1997 COPIED FROM REMARKS

Comment: RIGHT NO. 33-02092 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE. USE OF THIS RIGHT WITH RIGHT NO. 33-02092 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.64 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 528.5 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 377.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 151 ACRES IN A SINGLE IRRIGATION SEASON.

3. AJU10-EC 11/22/1999 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: NONE RECEIVED

State or Federal:

Owner Name Connector: 0

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed: False

DLE Act Number:

Carey Act Number:

Mitigation Plan: OR

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MAR 24 2003
MAR 24 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 69968

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(Attach one copy for each right)

DESCRIPTION OF RIGHT AS RECORDED

Right as evidenced by:

- a. Decree No. _____ Decreed to Thomas Hejtmarek
in case of Snake River Basin Adjudication vs. _____
dated _____ in _____ county of _____
- b. License No. 33-07062 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

Source of water Groundwater tributary to _____

Date or priority 12/02/1977

Water is used for the following purposes:

amount 1.64 cfs for IRRIGATION purposes from 04-01 to 11-01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

i. Total amount of water under right 1.64 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	SE	NW	23	66N	29E	Butte	

8. 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	
66N	29E	23					39	33	39	40									151

Total Acres 151

9. Describe any other water rights used for the same purpose as described above This right is combined with Right No. 33-02092

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 33-2092 V1

WATER RIGHT NUMBER: 33-2092 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FLORENCE F HEJTMANEK RT 1 BOX 392 ARCO, ID 83213 (208)527-3074
Current Owner	THOMAS HEJTMANEK RT 1 BOX 392 ARCO, ID 83213 (208)527-3074
Original Owner	LOLA A POPE

Priority Date: 05/12/1960

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.900 CFS	
<u>Total Diversion:</u>		0.900 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4NW1/4	Sec. 23, Twp 06N, Rge 29E, B.M.
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	23					39.0	33.0	39.0	40.0									151.0

Total Acres: 151

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
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. E18 USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM BLAINE COUNTY CANAL CO.

MICHAEL J. KELLEY

MAR 24 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 33-2092 V1

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHT LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 151.0 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 105.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 33-07062 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.64 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 528.5 AF.
3. Explanatory RIGHT NO. 33-07062 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

Comments:

1. KEEN 7/12/1994 COPIED FROM REMARKS
Comment: TRANS. 2190. POINT OF DIVERSION WAS TRANSFERED TO NEW WELL DRILLED FOR LICENSE 33-07062. ***PLOTING OF QUARTER-QUARTERS ON FSA (ASCS) SHOWS P.O.D. TO BE IN SWSEWN SEC.23, AFTER CLAIMANT CONTACT AND FIELD EXAM 10 JULY 1996. ***16JULY96 ABR***
2. ARUBERRY 1/2/1997 COPIED FROM REMARKS
Comment: RIGHT NO. 33-07062 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE. USE OF THIS RIGHT WITH RIGHT NO. 33-07062 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.64 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 528.5 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 377.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 151 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 105 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. AJU10-EC 11/22/1999 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal:
 Owner Name Connector: 0
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed: False
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: OR

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MAR 24 2003

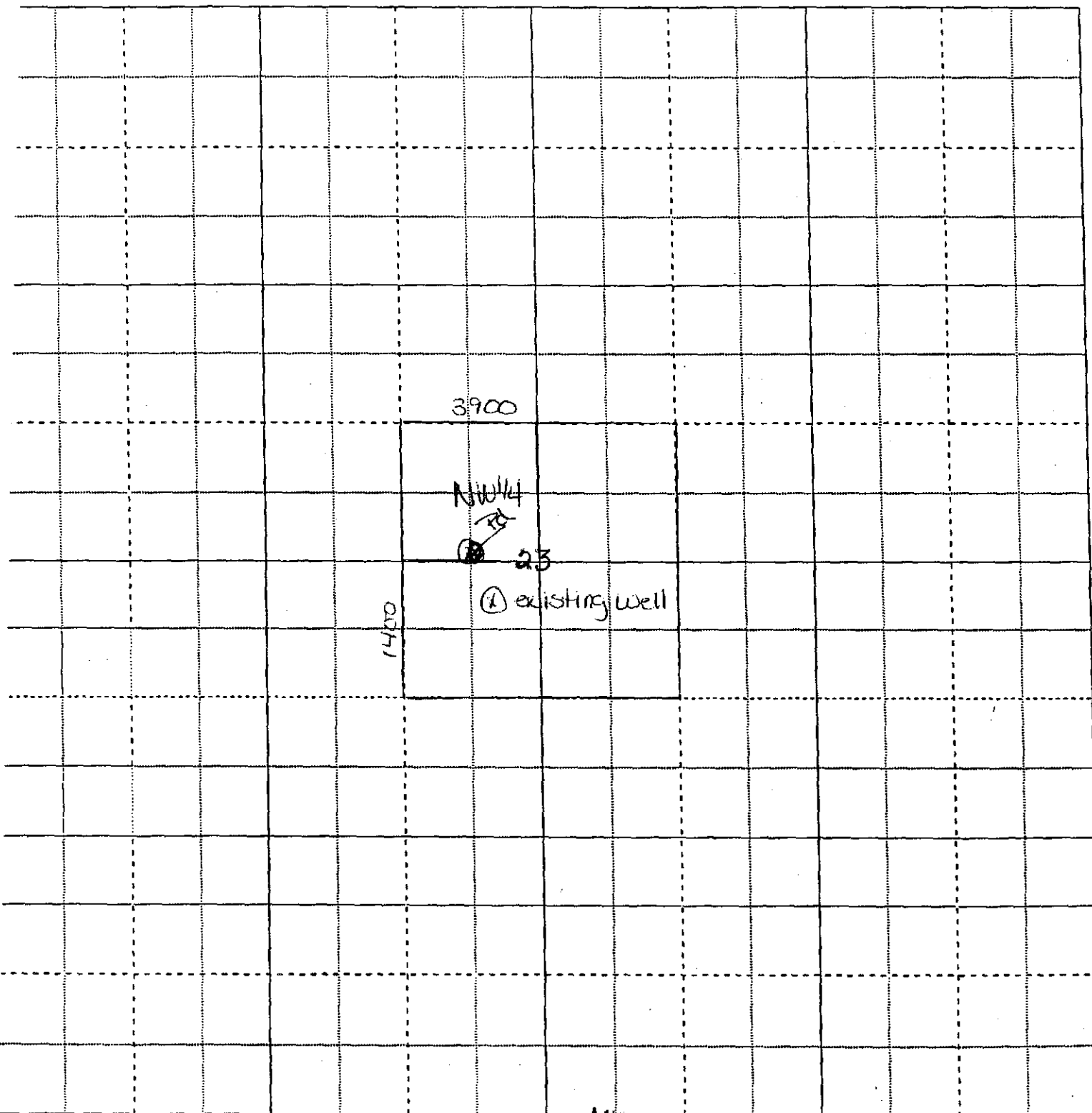
(Attach one copy for each right)

Right as evidenced by:

9. Describe any other water rights used for the same purpose as described above This Right is Combined
with Right No. 33-07062

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



Scale: 2 inches equal 1 mile. Draw plan in ink.

MICHAEL J. JONES

MAR 24 2003

10 of 10

PART 3

T69968

CHANGES IN NATURE OF USE n/a

New Nature of Use

Amount(cfs/af-ft)

Hours/days/year

Period of Use

to

to

Quantity and quality of return flows and location of discharge:

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.

Tom Highland

(Signature of Applicant)

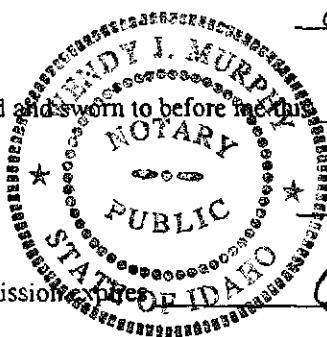
Subscribed and sworn to before me this

14th

day of

May

, 20 02



Wendy J. Murphy

(Notary Public)

My commission expires

6/23/06

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 1 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Receipted by Dennis McDunn Date 7 May 2002 @ 1:24 PM E027730

Published in Arco Advertiser Copies of protest forwarded by _____

Pub. Dates June 27 & July 4, 2002 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial

_____ received by RDC

Copy of transfer sent to lien holder _____

MICROFILM

MAR 24 2003

MAKE CHECK PAYABLE TO: 2001 TAX BILL/RECEIPT PARCEL NUM
 BUTTE COUNTY TAX COLLECTOR RP06N29E23
 P.O. BOX 121, ARCO, ID 83213 BILL# 3166 CODE AREA 10-00 L 6
 I 4

1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV	11
TAX 903.46	TAX 903.46	TAX 1,806.92		
LATE	LATE	LATE		
INT	INT	INT		
COST	COST	COST	WAC	
TOT	TOT	TOT	TOT ACS	15

HEJTMANEK TOM
 & HEJTMANEK FLORENCE
 LIVING TRUST
 RT 1 BOX 392
 ARCO ID 83213

TAXING DISTRICT	RATE	A
STATE	.000000000	
COUNTY	.005159026	5
SCHOOL #111	.007652425	8
L.L. WATERSHED	.000473252	
CEMETERY	.000194854	
LIBRARY	.000588081	
HOSP DIST	.001537561	1
DISTRICT TOTAL	.015605199	1.7
SOLID WASTE FEE		
AMOUNT DUE		1.8

NW4 SEC 23

★ ★ ★ IMPORTANT ★ ★ ★

PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

ENCLOSURE
 APR 14 2003

ATTACHMENT T 69968
1 OF 1

RECEIPT NOT VALID UNTIL CHECK CLEARS BANK
 THANK YOU

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 33-02092

NAME AND ADDRESS: FLORENCE F HEJTMANEK
THOMAS HEJTMANEK
RT 1 BOX 392
ARCO, ID 83213

SOURCE: GROUNDWATER

QUANTITY: 0.90 CFS

USE OF THIS RIGHT WITH RIGHT NO. 33-07062 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.64 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 528.5 AF.

PRIORITY DATE: 05/12/1960

POINT OF DIVERSION: T06N R29E S23 SWSENW Within Butte County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-01 0.90 CFS

PLACE OF USE: Irrigation Within Butte County
T06N R29E S23 NENW 39.0 NWNW 33.0
SWNW 39.0 SENW 40.0
151.0 Acres Total

USE OF THIS RIGHT WITH THE RIGHT LISTED ABOVE IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 151.0 ACRES IN A SINGLE
IRRIGATION SEASON.

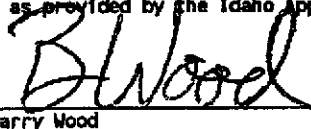
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 105.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

MICROFILMED

MAR 24 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 6, 2003

THOMAS HEJTMANEK
RT 1 BOX 392
ARCO ID 83213

RE: Transfer No.: 69968 - Water Right 33-7062, 33-2092 - Transfer Approval Notice

Dear Water Right Holder(s):

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.

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 208-327-7940.

Sincerely,

for *Sharla Curtis*
Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

MICROFILMED

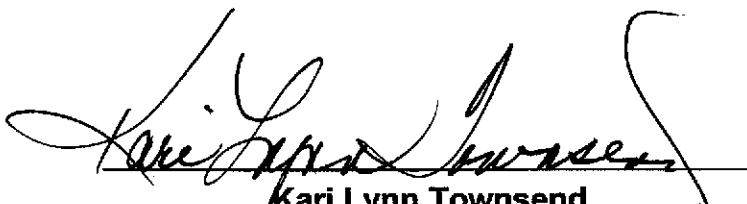
MAR 24 2003

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69968 - WATER RIGHTS 33-706, 33-2092

**THOMAS HEJTMANEK
RT 1 BOX 392
ARCO ID 83213**



**Kari Lynn Townsend
Secretary**

MICROFILMED

MAR 24 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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 issuance 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.

MICROFILMED
MAR 24 2003

TRANSFER REVIEW SHEET

Trans # 69968Date Reviewed 2/4/2002Right No(s). * 33-2092 33-7062
Split? Y N Y N Y N Y N Y N Y NAREA OF CONCERN: No/Yes ESPA

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period Change p/u
Add p/d Change nature of useRightID's of From & To records correct? X Y N (resolve with S.O.)

Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U Yes Lien Holder Release NA

GROUNDWATER:

DRILLING PERMIT

All wells

DP upgrade req'd Y N (contact GW)

WMD

≤ 0.24 cfs/5 acres

> 0.24 cfs/5 acres

WMB

≤ 0.24 cfs/5 acres

> 0.24 cfs/5 acres

SUPPLEMENTAL

SUPPLEMENTAL

WITHIN ESPA

USES:

STORAGE

IRR ≤ 5 ac

> 5 ac

Volume only

STOCKWATER - R37 (all BLM/USFS)

MINING

FISH PROP

HEAT/COOL

FIRE PROT.

DAIRY

SURFACE WATER:

WD

≤ 0.20 cfs/others

> 0.20 cfs

WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres

> 0.24 cfs/5 acres

STANDARD SEASON

STANDARD VOLUME

CONSUMPTIVE USE VOLUME

- R05 (WD#) WM comments rec'd

- R02, 01P or No MD

- R43

- No MD

- 01M or 01Q

4/1 to 10/31 (use X61 if extended season)

2.5 af/ac

af/ac

065-104 (where irrigation is the only use)

- 100-105 (where there are other uses besides irrigation)

- 113-114-116 (mitigation)

- 115 (meas. Device)

USES:

POWER

MUNICIPAL

Restricted area

Irr., GW supp to SW

DOMESTIC

Surface water

> 1 in restricted area

Irr use listed separate

- 17H-17K (+uses)-025-106

- 022-075

RAFN - 007-109-X64

- 102

- WB5 (Big Wood or Boise above Star Bridge)

- 27A (Payette River)

- 070-071-075 (no parks/common areas, etc)

- WB5

MISC CONDITIONS/REMARKS:

T02 - 1 yr to develop

T06 - comply or rescind

T17 - > 1 pd, measure all (use w/ WB4)

T18 - Special T17 & R43 combined -
multiple pds in WD

Protested - 020-X19

Water Quality - 106-R07

X27 - Number of acres/season in ppu

X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)

X51 - 2+ yrs to develop

X53 - Use ltd to orig. source availability

X54 - forfeited ac/rate (used rarely)

X55 - (transfer shrinks total water to less ac)

004 - no right-of-way

X58 - pending claim (statutory or AJ b/u claim)

X61 - extended irr season

X62 - replaces N11 and N13

X63 - replaces C12

WB4 - p/ds, cfs & afa (used with T17)

WD8 - land application of waste water

01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd

rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt
or Recomm yet)T19 - replaces C18
(if at Recommendation
or Partial Decree stage)T20 - use only on unchg'd rts
not subject to SRBA

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated DC Approval form printed ✓ Shape files created DC

Special Mailing Instructions (cc's, etc)

Final database update after approval 2/25/02 Comment to WR No(s). N/A

MEMORANDUM

Date: February 04, 2003
To: Transfer 69968
From: dcarlson
Re: transfer evaluation

This transfer proposes to drill a second well to supplement the first well.

Authority to File:

Applicant provided the tax notices for the POU and is the SRBA decreed water right holder.

Water Right Validity:

All rights involved have been recently been decreed in the SRBA.
Forfeiture does not appear to be an issue.

Injury to Other Water Rights:

No injury issues identified. ESPA cell analysis completed, no cell changes

Enlargement of Use:

There is no evidence of enlargement of use.

Local Public Interest:

No issues identified

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

The application was advertised. No protests.

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MAR 24 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

6-14-02

T# 69968

INITIAL REVIEW BY: Dennis M. Swan

32-2092

1. Right number 33-7062 Applicant Thomas Hejtmarek

2. Type of right: ☒ Decree ☐ License ☐ Claim ☐ SRBA Recommendation

3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s)
☐ Change place of use ☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☒ Description of original place of use.

RECEIVED

JUL 31 2002

Department of Water Resources

Don Shaff
ok - Adj

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. Map for remainder of right? ☐ Yes ☐ No

d. ☒ Check description of point(s) of diversion.

e. ☒ Check description of place of use

f. ☒ Check map (shows p.d. and p.u. after transfer).

g. ☒ Check for correct signature, notarization, and fee.

h. ☒ Check proof of ownership of right &/or land from which water is transferred.

i. ☐ Check for expansion in use of right. Comments _____

no expansion

j. ☐ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

k. ☐ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 33 - groundwater

one
IN ESPA
CELL

3.5

4/1-10/31

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☒ Yes ☐ No

3. Is transfer published correctly? ☒ Yes ☐ No

4. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By ROC Date 7/26/02

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco, Idaho,
since March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with
the issue dated June 27, 2002

and ending with the issue dated July 4, 2002
Colleen Babcock

STATE OF IDAHO

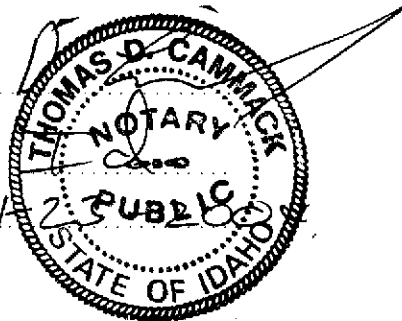
COUNTY OF BUTTE

On this 4th day of July
in the year of 2002, before me, a Notary Public,

personally appeared

Colleen Babcock
known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he
executed the same.

Thomas
Notary Public for Idaho
Residing at Arco, ID
My commission expires: 12-31-2003



**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 69968**

THOMAS HEJTMANEK, RT 1 BOX 392,
ARCO ID 83213, has filed Application No.
69968 for changes to the following water
rights within BUTTE County:

Right No. 33-7062

Priority: 12/2/1977

Source: GROUNDWATER

Use: IRRIGATION (151 acres) 1.64 CFS

Total Amount: 1.64 CFS

Point(s) of Diversion: SWSENW S23
T06N R29E

Place of Use: S23 T06N R29E

Right No. 33-2062

Priority: 5/12/1960

Source: GROUNDWATER

Use: IRRIGATION (151 acres) 0.90 CFS

Total Amount: 0.90 CFS

Point(s) of Diversion: SWSENW S23
T06N R29E

Place of Use: S23 T06N R29E

The purpose of the transfer is to change
a portion of the above rights as follows:

The applicant is adding a well to his
system to be located in the SWNW SEC 23
T06N R29E.

Protests may be submitted based on the
criteria of Sec. 42-222, Idaho Code.

Any protest against the proposed change
must be filed with the Department of Water
Resources, Eastern Region, 900 N Skyline
Dr Ste A, Idaho Falls ID 83402 together with
a protest fee of \$25.00 for each application
on or before July 15, 2002. The protestant
must also send a copy of the protest to the
applicant.

KARL J DREHER, Director

Published on June 27 and July 4, 2002

RECEIVED

JUL 12 2002

Department of Water Resources
Eastern Region

NOTIFIED

JUL 14 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
June 19, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

THOMAS HEJTMANEK
RT 1 BOX 392
ARCO ID 83213

RE: Application for Transfer No 69968
Water Right No(s) 33-7062 33-2092

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Arco Advertiser on June 27 and July 4, 2002. Submittal of protests to this application will be allowed for a period ending ten days (July 15, 2002) after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

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MAR 24 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
June 19, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department

ARCO ADVERTISER

PO BOX C

ARCO ID 83213

RE: Transfer No. 69966 and 69968

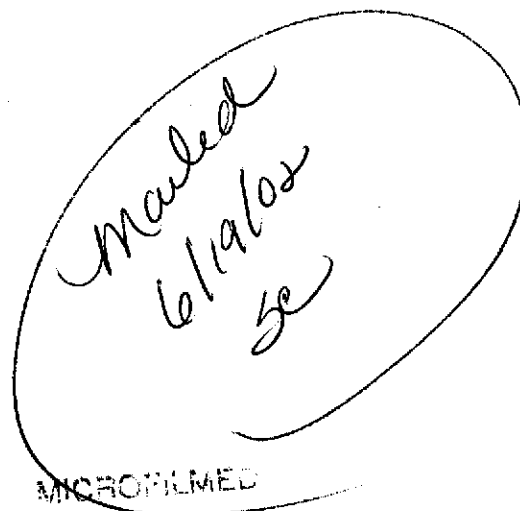
Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 July 15, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



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MAR 24 2003

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Place of Use S23 T06N R29E

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KARL J DREHER, Director

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