

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 71998APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Thomas Hejtmanek & Barbara Hejtmanek Phone 208 767 3368Post Office address 1395 W 3900 N Howe ID 83244

A. PURPOSE OF TRANSFER

- 1.
- ☒
- Change point of diversion
- ☐
- Add diversion point(s)
- ☐
- Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes
- Change point of diversion and
-
- split / Change ownership

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>33-2050</u>	<u>1948</u>	<u>.91</u>	<u>Irrigation</u>	<u>4/01/</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred
- .91
- 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	SE	NW	<u>23</u>	<u>6N</u>	<u>29E</u>	<u>Butte</u>	

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>6</u>	<u>29E</u>	<u>6N23</u>									<u>X</u>			<u>X</u>					

Total Acres 78

71998

PART 1

6. General Information:

a. Description of diversion system well, pump to pivot + 2 wheel lines

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X 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:
none

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

71998

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-14867

WATER RIGHT NUMBER: 33-14867

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MRS JESSE M STROPE 3614 N 3600 E KIMBERLY, ID 83341-5321
Original Owner	JESSE M STROPE 3614 N 3600 E KIMBERLY, ID 83341-5321
Original Owner	JAMES H &/OR VIRGINIA L SPAFFORD TRUST 3614 N 3600 E KIMBERLY, ID 83341-5321 (208)423-6133
Current Owner	BARBARA C HEJTMANEK 1395 W 3900 N HOWE, ID 83244 (208)767-3368
Current Owner	THOMAS HEJTMANEK 1395 W 3900 N HOWE, ID 83244 (208)767-3368

Priority Date: 11/10/1948

Basis: Decreed

Status: Active

Source	Tributary
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.910 CFS	
	Total Diversion:	0.910 CFS	

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4SE1/4 Sec. 22, Twp 06N, Rge 29E, B.M.
BUTTE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
06N	29E	23									40.0			38.0					78.0

Total Acres: 78

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-14867

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. E18 USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM BLAINE COUNTY CANAL CO.
3. USE OF THIS RIGHT WITH RIGHT NO. 33-02102 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 232 ACRES IN A SINGLE IRRIGATION SEASON.
4. USE OF THIS RIGHT WITH RIGHT NO. 33-02102 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 812 AF.

Remarks:Comments:

1. dcarlson 5/24/2005 ownership change
 Comment: split by ownership for two transfer

Dates and Other Information:

Licensed Date:
 Decreed Date: 8/11/2000
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: And
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	812	232

Combined Water Rights: 33-2102 , 33-14866 , 33-14867 , 33-14868

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

PART 2

6 of 6

1. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no If yes, describe _____

DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED
(If the entire right is to be changed by the applicant, omit part B and C.)

amount 91 cfs for _____ purposes from 4/1 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>22</u>	<u>6N</u>	<u>29E</u>	<u>Butte</u>	

3. 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>6N</u>	<u>29E</u>	<u>23</u>									<u>40</u>			<u>38</u>					

Total Acres 78

DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.81 for cfs purposes from 4/01 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>22</u>	<u>6N</u>	<u>29E</u>	<u>Butte</u>	

3. 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>6</u>	<u>29</u>	<u>22</u>													<u>39</u>			<u>39</u>	
<u>6</u>	<u>29</u>	<u>26</u>	<u>37</u>							<u>39</u>									

Total Acres 154

PART 3

CHANGES IN NATURE OF USE

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.



Barbara Hymanek

(Signature of Applicant)

Subscribed and sworn to before me this

11

day of

May

20 05

Dave Carlson

(Notary Public)

My commission expires

2/26/2008

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by

Date

Protest filed by

Prelim. Check by

Fee

250

EC30867

Received by

DC

Date

5/11/2005

Published in

Arco Advertiser

Copies of protest forwarded by

Pub. Dates

Hearing held by

Date

Watermaster recommendations requested on

Recommended for ☐ approval ☐ denial

received

by

Copy of transfer sent to lien holder

71998

NO. 0041968
RECORDED

CORRECTED DEED

MAY 03 2005

TRUSTEE'S DEED

A.M. 4:25
BUTTE COUNTY RECORDER
Jim Amet

This deed made this 2nd day of May, 2005, between **JAMES STEPHEN SPAFFORD** as Trustee of The Spafford Trust dated the 7th day of September, 1994, Grantor and Party of the First Part, and **THOMAS HEJTMANEK** and **BARBARA C. HETJMANEK**, husband and wife, whose address is 1395 W 3900 N, Howe, Idaho 83244, Grantees and Parties of the Second Part;

WITNESSETH, That the said Party of the First Part, for good and other valuable consideration, to them in hand paid by said Parties of the Second Part, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey without warranty unto the said Parties of the Second Part the following described real property situated in Butte County, State of Idaho, to wit:

Section 23: A portion of Township 6 North, Range 29 E.B.M., Butte County, Idaho, being the E1/2SW1/4 of Section 23, lying North of 3800 North Road; Beginning at 1320 feet, more or less, from the Southwest corner off 3800 North; Thence East 1320 feet, more or less; Thence North 2640 feet, more or less; Thence West 1320 feet, more or less; Thence South 2640 feet, more or less, to the Point of Beginning, on the North side of 3800 North Road.

Including .91 cfs of State of Idaho Water License No. 33-2050 along with 80 shares of Blaine County Canal Company.

This corrects the deed recorded as instrument #0041925 on April 18, 2005, Butte County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or otherwise appertaining, and all estate, right, title and interest in and to the said property.

TO HAVE AND TO HOLD all and singular the above-mentioned and described premises, together with appurtenances, unto the Parties of Second Part and their heirs and assigns forever.

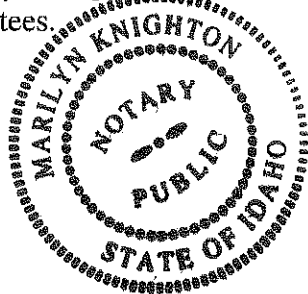
DATED this 2nd day of May, 2005.

THE SPAFFORD TRUST

By James Stephen Spafford
James Stephen Spafford as Trustee
For The Spafford Trust

STATE OF IDAHO)
COUNTY OF Jern) :ss.

On this 2 day of May, 2005, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared JAMES STEPHEN SPAFFORD, personally known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument as trustee of The Spafford Trust dated the 7th day of September, 1994, and acknowledged to me that he executed the same as such trustees.



Marilyn Knighton
Notary Public for Idaho
My Commission Expires on Apr 4, 2011

RIGHT NUMBER: 33-07062

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

SOURCE: GROUNDWATER

QUANTITY: 1.64 CFS

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.

PRIORITY-DATE: 12/02/1977

POINT OF DIVERSION T06N R29E S23 SWSNW Within BUTTE County

EXISTING WELL

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 11-01	1.64 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE County
	T06N R29E S23	NENW 39 NWNW 33 SWNW 39 SENW 40
	151 ACRES TOTAL	

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.

OTHER MATTERS 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM
BLAINE COUNTY CANAL CO.

RIGHT NO. 33-02092 IS ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE.