

MEMORANDUM

Date: May 3, 2022
To: Transfer 85881
From: Brian Normandeau
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes creating a single permissible place of use for water rights 11-7683, 11-7685, 11-7687, 11-7893, 11-7894, 11-7895, 11-7897, 11-7898 and 11-7899. The proposed 516-acre PPU consists of the area currently irrigated by these rights, and includes an area to be covered by a new center pivot. The application is for 476.2 acres of irrigation covered by these nine rights; however, the transfer approval is for 463.2 acres based on the evaluation described in the following paragraphs.

Rights 11-7893, 11-7894 and 11-7895 are the result of a split ownership change of rights 11-941, 11-942 and 11-943 completed 11/19/2021. Before this split, rights 11-941, 11-942 and 11-943 had a common 183-acre POU established by the 1924 Terrell Decree. The split portions of the rights covered 94 acres of the decreed POU based on property ownership.

As part of this transfer, an adjudication-type review was performed to determine the extent of irrigation established by the transferred rights. It was determined that the irrigable acreage covered by rights 11-7893, 11-7894 and 11-7895 is 82 acres of the 94 acres decreed. The remaining 89 acres still assigned to rights 11-941, 11-942 and 11-943 were not evaluated.

Rights 11-7687, 11-7683 and 11-7685 were split from rights 11-949, 11-950 and 11-951 as part of Transfer 74747 (Approved 1/7/2011). Rights 11-949, 11-950 and 11-951 (Parent Rights) had a common 480-acre POU established by the 1924 Terrell Decree before the split. The split portions (11-7687, 11-7683, 11-7685) were determined to cover 342.2 irrigable acres within the decreed 480-acre POU. The remaining portion of the Parent Rights (assigned water right numbers 11-7686, 11-7682, 11-7684) covered 85.5 acres of the decreed POU that were not evaluated in Transfer 74747.

Rights 11-7686, 11-7682, 11-7684 were also split as part of the ownership change completed 11/19/2021. The split portions were assigned right numbers 11-7898, 11-7899 and 11-7897, and covered 40 acres of the decreed POU based on property ownership. These rights were evaluated, and 39 acres within the 40-acre POU were deemed irrigable. The remaining 45.5 acres still assigned to rights 11-7686, 11-7682, 11-7684 were not evaluated.

Authority to File:

The applicant and signatory of this transfer is Scott W. Hirschi. The current water right owner and property covered by the rights at the current and proposed places of use are distributed among Hirschi Family Living Trust and Hirschi Wag Property, LLC, a Utah limited liability company. Scott W. Hirschi is the trustee for Hirschi Family Living Trust, and the registered agent for Hirschi Wag Property, LLC.

Water Right Validity:

The rights included in this transfer were decreed 3/7/1924 as part of the Terrell Decree. Rights 11-7683, 11-7685 and 11-7687 were evaluated previously in Transfers 74747 & 80722, approved 1/7/11 and 4/4/16, respectively. These rights did not demonstrate any evidence of non-use since the previous evaluation. The remaining transferred rights had not been evaluated since the decree. There was no evidence of forfeiture due to non-use, and the acre limits assigned to these rights were reduced from the decreed amounts based entirely on the historical extent of beneficial use.

Injury to Other Water Rights:

The changes proposed are to the place of use only, and do not appear to impact any other water users. The watermaster for Water District 11 did not provide comment on the proposed changes. No issues identified.

Enlargement of Use:

The diversion rate and total irrigated acres authorized by these rights are not changed by this transfer. Although the permissible place of use is larger than the authorized irrigated area, the pre-transfer acre limits are preserved. No issues of enlargement identified.

AS described above, water rights 11-7893, 11-7894 and 11-7895 were reduced from 94 acres to 82 acres. The Terrell Decree for the Bear River - Central Division limits all water rights to 0.03 cfs per acre for the early season and 0.02 cfs per acre for the late season. The diversion rates for water rights 11-7893 and 11-7894 were proportionately reduced to adhere to these rate per acre limits. Similar proportional reductions were made to the diversion rates for water rights 11-7898 and 11-7899.

Local Public interest:

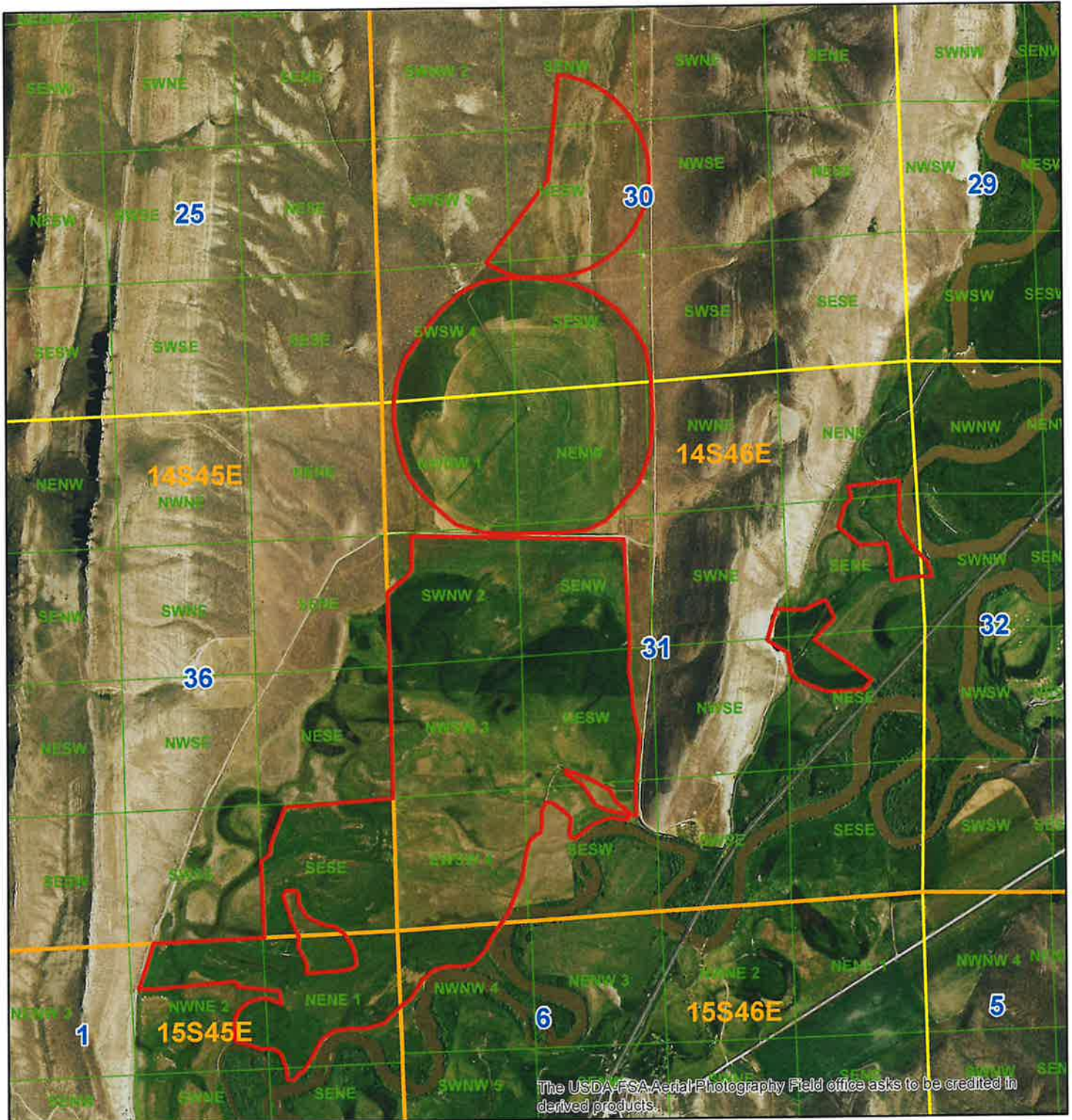
No Issues identified.

Beneficial Use/Conservation of Water Resources:

No Issues identified.

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.

Updated Irrigated Area Map - 463.2-acre combined



Legend

-  Irrigated_Area
-  Township/Range
-  Sections
-  QQ

0 950 1,900 3,800 Feet

1 inch = 1,415 feet



Place of Use Review - 11-7897, 11-7898 & 11-7899



Legend

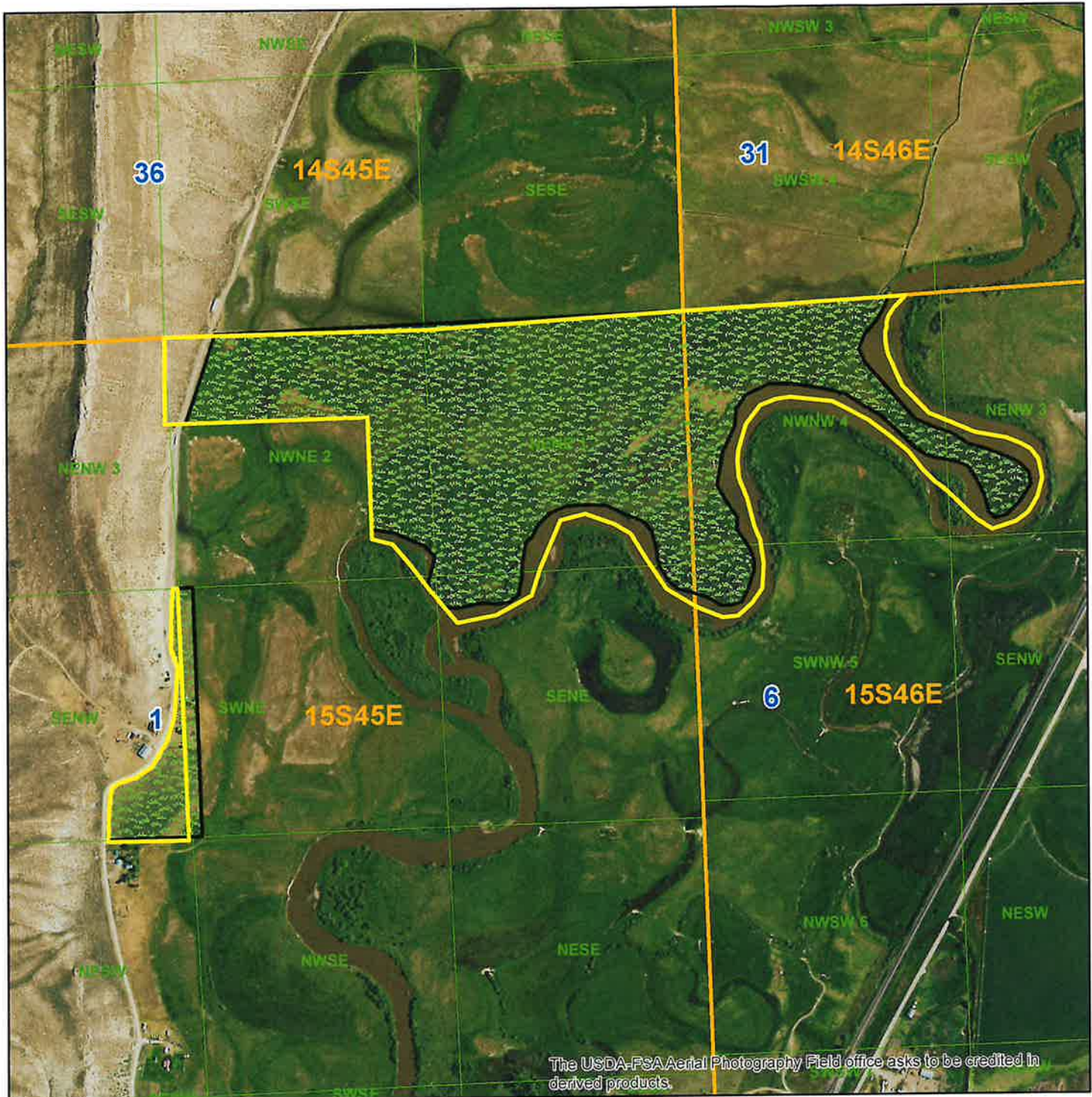
-  Decreed_POU
-  Non-irrigable_area
-  Township/Range
-  Sections
-  QQ

0 250 500 1,000 Feet

1 inch = 375 feet



Place of Use Review - 11-7893, 11-7894 & 11-7895



Legend

- Decreed_POU
- Irrigable_Area
- Township/Range
- Sections
- QQ

0 500 1,000 2,000 Feet

1 inch = 750 feet



DIVISION OF CORPORATIONS AND COMMERCIAL CODE
BUSINESS SEARCH

HIRSCHI WAG PROPERTY, LLC

[Update this Business](#)**Entity Number:** 8915484-0163**Company Type:** LLC - Series Domestic**Address:** 1095 S ROUECHE LANE Kaysville, UT 84037**State of Origin:****Registered Agent:** SCOTT WILLIAM HIRSCHI**Registered Agent Address:**

1095 SOUTH ROUECHE

KAYSVILLE, UT 84037

[View Management Team](#)**Status:** Active[Purchase Certificate of Existence](#)**Status:** Active  as of 02/25/2021**Renew By:** 01/31/2023**Status Description:** Current

The "Current" status represents that a renewal has been filed, within the most recent renewal period, with the Division of Corporations and Commercial Code.

Employment Verification: Not Registered with Verify Utah[View Filed Documents](#)

History

Registration Date: 01/16/2014**Last Renewed:** 02/02/2022

Additional Information