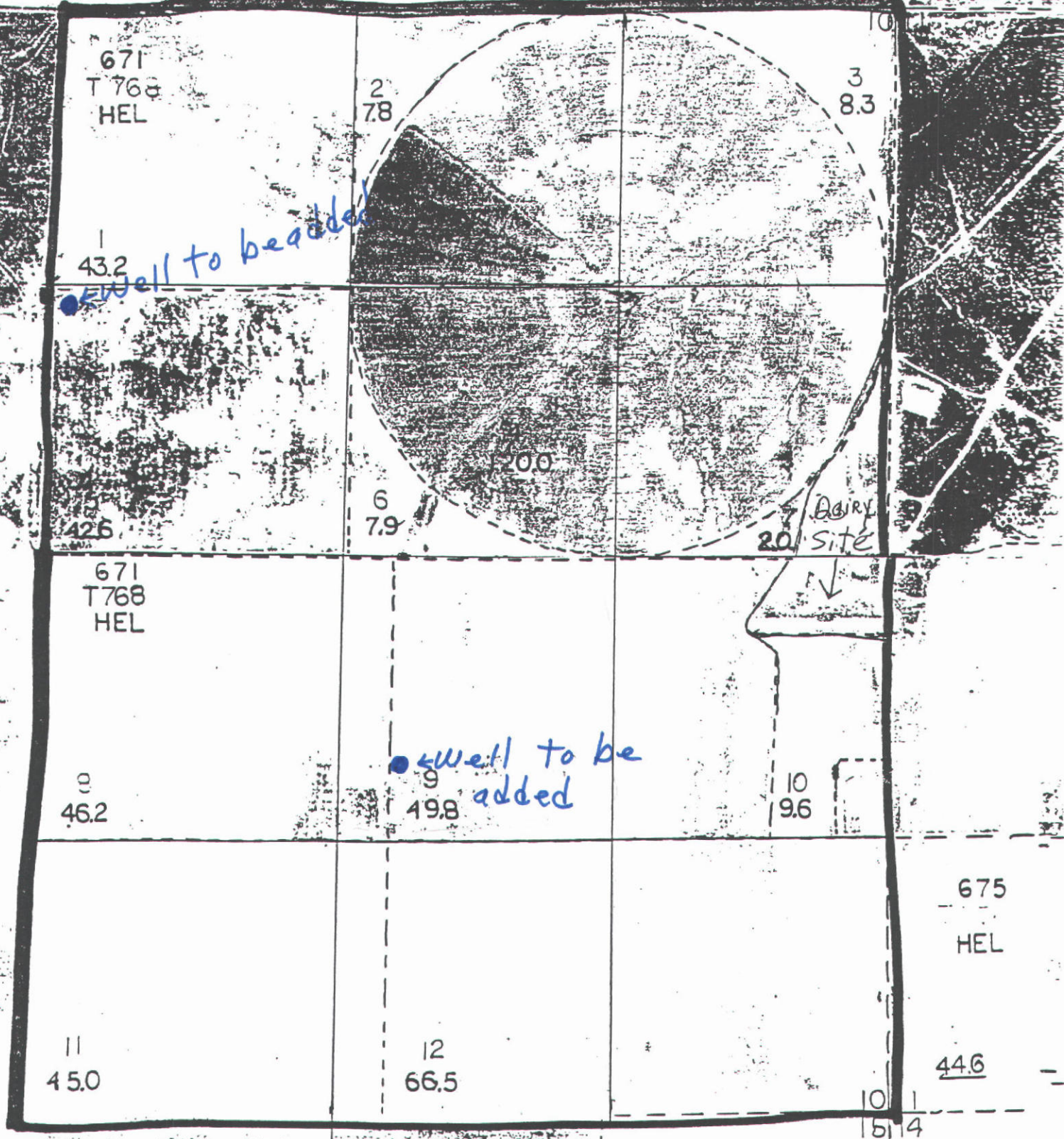


51-12744 4  
75.4E. 51-12745 TRANSFER.

786  
HEL



MICROFILMED

SEP 29 1999

Page 5 of 7

7S, 4E

39.5

80.0

51-12744 & 51-12745

6.73  
T771

2  
25

3  
65

7S

existing wells

48.2

4  
356

6  
106.6

NE NE SW

16 15  
2 22

5  
7.9

7  
20.5

9  
55.0

10  
58.4

1304  
T829

existing well

11  
18.0

16

13  
27.0

137.2

14  
26.6

15  
58.4

6  
13.2

16  
6.5

11.7

MICROFILMED  
SEP 24 1999

3  
30.0

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**TRANSFER OF WATER RIGHT**

TRANSFER NO. 5217  
WATER RIGHT NO(S) . 51-12744/51-12745

This is to certify that: **WILLIAM HEGERHORST FAMILY TRUST**  
**HC 85 BOX 152**  
**BRUNEAU ID 83604**

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|-----------------------|----------------------|
| Right No. 51-12744 :  |                      |                       |                      |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS              | 12.1 AF              |
| Priority: 09/14/1967  |                      |                       |                      |
| Right No. 51-12745 :  |                      |                       |                      |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS              | 4.0 AF               |
| Priority: 08/30/1968  |                      |                       |                      |
|                       | <b>TOTAL:</b>        | <b>* 0.04 CFS</b>     | <b>* 16.1 AF</b>     |

SOURCE  
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 10, Township 07S, Range 04E  
NWSE , Sec. 10, Township 07S, Range 04E  
NESW , Sec. 15, Township 07S, Range 04E  
NWNW , Sec. 22, Township 07S, Range 04E  
OWYHEE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

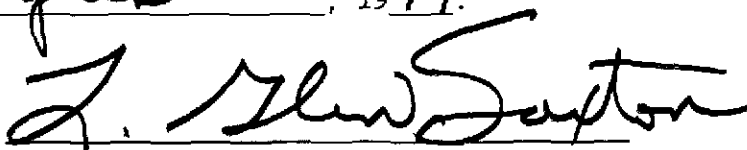
|            |      |      |      |
|------------|------|------|------|
| 07S 04E 10 | NENE | NWNE | SWNE |
|            | SENE | NENW | SENW |
|            | NESW | SESW | NESE |
|            | NWSE | SWSE | SESE |
| 15         | NESW | NWSW | SWSW |
|            | SESW | NESE | NWSE |
|            | SWSE | SESE |      |
| 22         | NENW | NWNW | SWNW |
|            | SENW | NESW | NWSW |
|            | SWSW |      |      |

TRANSFER NO. 5217  
WATER RIGHT NO(S). 51-12744/51-12745

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
- \* 4. The total instantaneous diversion of water from all points of diversion under Transfer 5217 shall not exceed 0.04 cfs, nor a total combined annual volume of 16.1 af.
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. The quantity of water decreed for Rights 51-12744 and 51-12745 is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day under each right.
7. Two points of diversion are located within the NESW, S15, T07S, R04E.
8. Rights 51-07003, 51-07029, 51-07091 and 51-12746 are also diverted from the well located within NWNW, S22, T07S, R04E.

Dated this 16<sup>th</sup> day of August, 1999.

  
Chief, Water Allocation Bureau

Page 1 of 7STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 5217

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant William Hegerhorst Family Trust Grant Hegerhorst  
 Post Office address HC 85 Box 152; Brunson, ID 83604 Phone 208-845-2085

RECEIVED

## 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 \_\_\_\_\_

MAY 06 1998

DEPARTMENT OF WATER RESOURCES

2. Describe the reason for the proposed changes We want to add two wells in Section 10 to our stockwater rights. We use the land we own adjacent to the wells for grazing.

## 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>51-12744</u> | <u>9-14-1967</u> | <u>.02 cfs</u>     | <u>Stockwater</u> | <u>1-1</u> to <u>12-31</u> |
| <u>51-12745</u> | <u>8-30-1968</u> | <u>.02 cfs</u>     | <u>Stockwater</u> | <u>1-1</u> to <u>12-31</u> |
| _____           | _____            | _____              | _____             | _____ to _____             |
| _____           | _____            | _____              | _____             | _____ to _____             |

2. Total amount of water being transferred .02.04 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 |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     | SE  | NW  | NW  | 22   | 7S   | 4E   | Cwyhee | existing well            |
|     | NW  | SE  | NW  | 10   | "    | "    | "      | Geothermal               |
|     | SW  | NW  | SE  | 10   | "    | "    | "      | Geothermal               |
|     | NE  | NE  | SW  | 15   | "    | "    | "      | " Two wells (cold)       |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |              | SE 1/4       |              |              |              | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------------|--------------|--------------|--------------|--------------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4       | NE 1/4       | NW 1/4       | SW 1/4       | SE 1/4       |        |
| 7S   | 4E   | 10   | S      | S      | S      | S      | S      |        | S      | S      | S      | S      | S      | S            | S            | S            | S            | S            |        |
|      |      | 22   |        |        |        |        | S      | S      | S      | S      | S      | S      | S      | <del>S</del> | <del>S</del> | <del>S</del> | <del>S</del> | <del>S</del> |        |
|      |      | 15   |        |        |        |        |        |        |        |        | S      | S      | S      | S            | S            | S            | S            | S            |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |              |              |              |              |              |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |              |              |              |              |              |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |              |              |              |              |              |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |              |              |              |              |              |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |              |              |              |              |              |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |              |              |              |              |              |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |              |              |              |              |              |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |              |              |              |              |              |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |              |              |              |              |              |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |              |              |              |              |              |        |

Total acres

**PART 1**

**6 General Information:**

a. Description of diversion system wells and stock tanks

\_\_\_\_\_  
\_\_\_\_\_

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:

NA  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 51-12744

STAGE: BENEFICIAL USE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS              |

SOURCE

GROUNDWATER

Priority: 09/14/1967

LOCATION OF POINT(S) OF DIVERSION:SENWNW , Sec. 22, Township 07S, Range 04E  
OWYHEE CountyPLACE OF USE: STOCKWATERTWN RGE SEC

07S 04E 22                      NWNW

CONDITIONS/REMARKS:

1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. PARCEL NO. 07S04E222400  
STOCKWATER, 900 RANGE CATTLE  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 51-07003, 51-07029, 51-07091, 51-12745 & 51-12746.

See ATTACHMENT A1 for STATEMENT ON  
CONTINUAL use of the rights.  
777

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 51-12745

STAGE: BENEFICIAL USE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION<br/>RATE</u> |
|-----------------------|----------------------|---------------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                  |

SOURCE

GROUNDWATER

Priority: 08/30/1968

LOCATION OF POINT(S) OF DIVERSION:SENWNW , Sec. 22, Township 07S, Range 04E  
OWYHEE CountyPLACE OF USE: STOCKWATERTWN RGE SEC

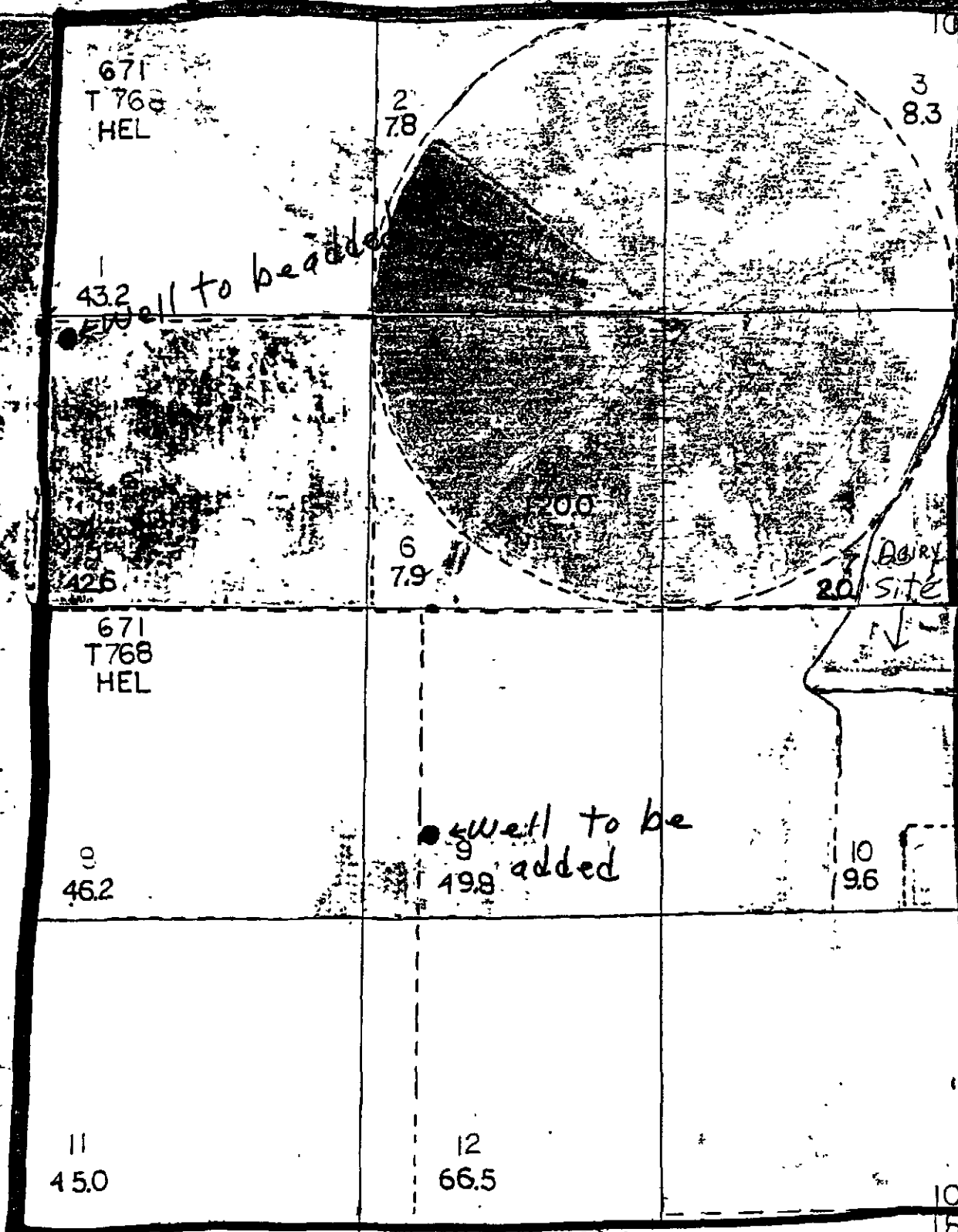
07S 04E 22                      NWNW

CONDITIONS/REMARKS:

1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. PARCEL NO. 07S04E222400  
STOCKWATER, 300 RANGE CATTLE  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 51-07003, 51-07029, 51-07091, 51-12744 & 51-12746.

51-12744  
75.4E. 51-12745 TRANSFER

786  
HEL



7S, 4E

80.0

51-12744 & 51-12745

6.73  
T771

12  
25

3  
65

existing wells

48.2

356

6  
106.6

16.15  
21.22

5  
7.9

7  
20.5

9  
55.0

10  
58.4

1504  
1829

existing

11  
18.0

16

137.2

13  
27.0

14  
26.8

15  
58.4

16  
6.5

6  
13.2

11.7

4  
9.9

5  
30.0

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

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

*Please see attached maps  
labeled as page 5 of 7 and 6 of 7.*

**PART 3****B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

3. 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.

Grant Hagerhorst trustee  
(Signature of Applicant)

Subscribed and sworn to before me this 7<sup>th</sup> day of November, 1997.

Kathryn A. Walker  
(Notary Public)

My commission expires 2-14-1999

**FOR DEPARTMENT USE ONLY**

Transfer contains 7 pages and 1 attachments (A1)  
Received by fw Date 11/7/97 Protest filed by \_\_\_\_\_  
Prelim. check by 717 Fee 100.00  
Receipted by fw Date 11/7/97 # WC23224  
Published in Quincy Advocate Copies of protest forwarded by \_\_\_\_\_  
Pub. dates 3-4-11-98 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial  
\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_  
Copy of transfer sent to lien holder \_\_\_\_\_

FEBRUARY 2, 1998

TO THE BEST OF OUR KNOWLEDGE THESE PERMITS "51-12743, 51-12744, 51-12745, 51-07055, 51-10099, 51-7003, 51-7029, 51-7091, 51-02162" HAVE BEEN IN USE."

LIST OF TRUSTEE OF WILLIAM HEGERHORST FAMILY TRUST  
VALERE HEGERHORST  
MARK HEGERHORST  
GRANT HEGERHORST

WE THE OWNERS OF SAID PROPERTY IN TOWNSHIP 7 RANGE 4 SECTION 10  
WISH TO TRANSFER WATER RIGHT FROM 51-07055 TO 51-02162.

MARK HEGERHORST Mark Hegerhorst  
MARLA HEGERHORST Marla Hegerhorst  
BILL HEGERHORST Bill Hegerhorst  
VALERE HEGERHORST Valere Hegerhorst  
GRANT HEGERHORST Grant Hegerhorst  
CATHLEEN HEGERHORST Cathleen Hegerhorst

WE THE ABOVE WISH TO WITHDRAW TRANSFER APPLICATION 51-07003, 51-07029, 51-07091

Hegerhorst  
51-12744, 51-12745  
Attachment A1

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 51-12744

1998 JAN 30 PM 1:47  
DISTRICT COURT - SRBA  
TWIN FALLS, IDAHO

NAME & ADDRESS: WILLIAM HEGERHORST FAMILY TRUST  
HC 85 BOX 152  
BRUNEAU ID 83604

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 09/14/1967

POINT OF DIVERSION: T07S R04E S22 SENWNW Within Owyhee County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|---------------|----------|
|                               | STOCKWATER     | 01-01 12-31   | 0.02 CFS |

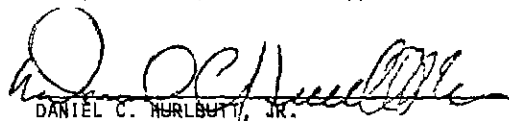
PLACE OF USE: STOCKWATER Within Owyhee County  
T07S R04E S22 NWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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.

  
DANIEL C. HURLBUTT, JR.  
PRESIDING JUDGE  
Snake River Basin Adjudication

03-2-1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

August 17, 1999

WILLIAM HEGERHORST FAMILY TRUST  
HC 85 BOX 152  
BRUNEAU ID 83604

RE: TRANSFER OF WATER RIGHTS 51-12744/51-12745  
(Transfer 5217)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5217). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

*for Keri Lynn Jewson*  
Jeff Peppersack, Manager  
Water Right Permits Sections

JP:klt

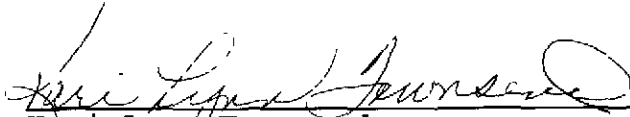
Enclosures

**CERTIFICATE OF MAILING**

I hereby certify that on the 17th day of August, 1999 I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

**RE: TRANSFER OF WATER RIGHTS 51-12744/51-12745**  
**(Transfer 5217)**

**WILLIAM HEGERHORST FAMILY TRUST**  
**HC 85 BOX 152**  
**BRUNEAU ID 83604**

  
Kari Lynn Townsend  
Secretary

## Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

### ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

### FINAL ORDER

The Department 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 Department 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.

## MEMORANDUM

**TO:** Files 51-12744 & 51-12745

**FROM:** Pam Skaggs<sup>PS</sup>/State Office

**SUBJECT:** Transfer 5217

**DATE:** August 12, 1999

---

Transfer 5217 adds existing wells to the stockwater system, and changes the place of use to include more of the applicant's property for stockwater use under Rights 51-12744 and 51-12745. These rights were evaluated by the SRBA and a partial decree issued for each right.

*Recommended conditions include decree conditions (non-confirmation of historical use and 13,000 gpd limit), multiple points of diversion/measuring devices, future annual reporting, and standard transfer conditions.*

# TRANSFER REVIEW SHEET

(07-98)

Transfer # 5217

Date Reviewed 08-12-99 CS

Right(s) 51-12744 } SRBA Deceased  
51-12745 }  
 \_\_\_\_\_  
 \_\_\_\_\_

☒ WRQ/Split Summary ☒ <sup>Deceased</sup> SRBA Status NA Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use  
 F:Change Period of Use G:Other H:Change P/D & Add P/D  
 I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership SRBA

Transfer ☒ All of Right \_\_\_\_\_ Portion of Right  
 Resulting Split(s) NDNE

Check Transfer Against Recorded Right Season/Vol. NA

(1) ☒ Priority (2) ☒ Use (3) ☒ Season (4) ☒ Rate (5) \_\_\_\_\_ Volume  
 (6) ☒ Source (7) \_\_\_\_\_ P/D (8) \_\_\_\_\_ P/U (9) ☒ Proof/Owner (10) ☒ Map  
 (11) NA Water District (12) Yes Pertinent Conditions (13) ND Expansion  
Non Confirmation POU + 13,000 gpd

(5) 51-12744 900 range cattle = 12.1 gfa 51-12745 300 range cattle = 4.0 gfa Total = 16.1 gfa  
 (8) Change P/U to include applicant's property - all PUs.

Existing wells added.

Carry - P/D overlap for well HWNW, S22. AS N11 + N13  
 Transfer Remarks 2 P/Ds in NESW, S15 Modified OIM WB4  
 Conditions T07 T08 T17

Database/Processing Notes Standard \_\_\_\_\_ ☒  
Update by WB3 to retain SRBA flags. Delete original rts & replace.  
 "T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒  
 Database Updated Following Approval ☒ Memo/Form Files Deleted ☒  
08-14-99 CS

# SRBA

## SUBCASE SUMMARY REPORT 51-12744

[Return to SRBA Home Page](#)

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SRBA  
08-12-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 51-12744      FILE#: 00000  
CLAIMANT: HEGERHORST FAMILY TRUST, WILLI  
STATUS: PD ISSUED  
WATER SOURCE: GROUNDWATER,

**\*\*\*\* PARTIES INVOLVED \*\*\*\***

WILLI HEGERHORST FAMILY TR      PRO SE

**\*\*\*\* ROA ENTRIES \*\*\*\***

01-30-1998    PARTIAL DECREE FILED  
01-30-1998    CERTIFICATE OF MAILING - PARTIAL DECREE

01-30-1998

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[Return to SRBA Home Page](#)

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| WATER RIGHT NO. | NAME                             | OWNER | PRIORITY DATE | STG/STS | SOURCE      | USE DESC | SYSTEM |
|-----------------|----------------------------------|-------|---------------|---------|-------------|----------|--------|
| 51-12744        | HEGERHORST FAMILY TRUST, WILLIAM | C     | 09/14/1967    | D/      | GROUNDWATER | P DECR   | WR     |
| *51-12744       | HEGERHORST FAMILY TRUST, WILLIAM | C     | 09/14/1967    | D/      | GROUNDWATER | P DECR   | AJ     |
| A51-12744       | HEGERHORST FAMILY TRUST, WILLIAM | C     | 09/14/1967    | J/      | GROUNDWATER | STOCK    | AJ     |

# SRBA

## SUBCASE SUMMARY REPORT 51-12745

[Return to SRBA Home Page](#)

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SRBA  
08-12-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 51-12745      FILE#: 00000  
CLAIMANT: HEGERHORST FAMILY TRUST, WILLI  
STATUS: PD ISSUED  
WATER SOURCE: GROUNDWATER,

\*\*\*\* PARTIES INVOLVED \*\*\*\*

WILLI HEGERHORST FAMILY TR      PRO SE

\*\*\*\* ROA ENTRIES \*\*\*\*

01-30-1998    PARTIAL DECREE FILED  
01-30-1998    CERTIFICATE OF MAILING - PARTIAL DECREE

01-30-1998

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[Return to SRBA Home Page](#)

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| WATER RIGHT NO. | NAME                             | OWNER | PRIORITY DATE | STG/STS | SOURCE      | USE DESC | SYSTEM |
|-----------------|----------------------------------|-------|---------------|---------|-------------|----------|--------|
| 51-12745        | HEGERHORST FAMILY TRUST, WILLIAM | C     | 08/30/1968    | D/      | GROUNDWATER | P DECR   | WR     |
| *51-12745       | HEGERHORST FAMILY TRUST, WILLIAM | C     | 08/30/1968    | D/      | GROUNDWATER | P DECR   | AJ     |
| A51-12745       | HEGERHORST FAMILY TRUST, WILLIAM | C     | 08/30/1968    | J/      | GROUNDWATER | STOCK    | AJ     |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

RECEIVED  
MAY 06 1998  
DEPARTMENT OF WATER RESOURCES

APPLICANT William Hegerhuist Family Trust

TRANSFER NO. 5217

INITIAL ALLOCATION REVIEW BY TRR  
SRBA SUPERVISOR REVIEW BY N/A

DATE 11/24/1997  
DATE \_\_\_\_\_

1. Right number(s) 51-12744, 51-12745

2. Type of right ☒ Decree ☐ License ☐ Statutory Claim  
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☐ Change P/D ☒ Add P/D ☒ Change P/U  
☐ Change N/U ☐ Change Source ☐ Split Right  
☐ Other: \_\_\_\_\_

4. Check Existing Right:  
☒ Source ☒ Priority ☒ Amount ☒ Purpose  
☒ Period ☒ SRBA Claim  
☒ Description of original point(s) of diversion  
☒ Description of original place of use  
☒ Overlapping rights on original place of use

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

- a. ☒ All of right
- b. N/A Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: Same amt of water and cattle, but spread out over many more Acs. Also adding wells.

- i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): 51-10085, 51-10098, 51-12742, 51-12743, All delinquent stock.
- j. ☒ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) See memo - claims have been decreed.
- k. ☒ Comment letters \_\_\_\_\_ Yes ☒ No  
If yes \_\_\_\_\_ Water District # \_\_\_\_\_  
Other, see #2 below for name and address \_\_\_\_\_

**PUBLICATION REVIEW**

1. Legal Notice electronically sent to DWRO3::VAULT? ☒ Yes
2. COMMENT LETTERS  
Watermaster recommendation requested on \_\_\_\_\_, Received on \_\_\_\_\_  
Other comments letters: \_\_\_\_\_ See attached information
3. Transfer published correctly? ☒ Yes ☐ No
4. Affidavit of publication received? ☒ Yes ☐ No
5. Protests received? ☐ Yes ☒ No; Acknowledgement sent? ☐ Yes
6. Data entry of application completed? ☒ Yes

**RECOMMENDED ACTION**

1. ☒ Approve ☐ See attached memo
2. ☐ Deny due to \_\_\_\_\_
3. Conditions (special conditions in Water Districts) Standard transfer conditions
4. By Bay S Date 4/24/98

**FILE FORWARDING**

1. Copies made for Region file (see attached supplemental page)? ☒ Yes Pam
2. File forwarded to S.O.: by St date 5-4-98

# The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 ) SS  
COUNTY OF OWYHEE )

I, Joe E. Aman, being first duly sworn, depose and say:

1 That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned

2 That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho

3 That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4 That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in Two (2)

(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s)

March 4 & 11, 1998

Signed

Subscribed and sworn to me this 11th day of March A.D., 19 98

Shirley Martinez  
Notary Public in and for the State of Idaho  
Residing at Homedale, Idaho  
Commission expires April 22, 2002

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT, ✓ TRANSFER NO. 5217

Notice is given that WILLIAM HEGERHORST FAMILY TRUST of HC 85 Box 152, Bruneau ID 83604 has applied to the Department of Water Resources to change the Point of Diversion and Place of Use pursuant to I.C. § 42-222 for the following stock water rights in T7S R4E NWNW S22 Owyhee County:

**DECREE 51-12744**, priority 9/14/1967, .02 cfs, ground water.

**DECREE 51-12745**, priority 8/30/1968, .02 cfs, ground water.

#### PROPOSED CHANGE

Add existing geothermal wells in NWSE and SWNWSE S10, and two existing cold water wells in NENESW S15. Add portions of S10, S22, and S15 to place of use.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before March 23, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director  
3/4&11/98

RECEIVED

MAR 11 1998

WATER DIVISION  
WESTERN REGION

**MEMORANDUM**  
Hegerhorst  
Transfer on 51-12744, 12745

The application for transfer seeks to add two wells to both rights. The new wells are now used for irrigation and dairy use. The applicants seek to significantly expand the place of use. There are several issues to review and resolve for this application:

1. The irrigation wells in S10 NWSE and SWNWSE are low temperature geothermal wells. The transfer process is an opportunity for IDWR to be certain the wells are constructed to IDWR standards for low temperature geothermal wells.

2. The issue of 'stacking' domestic uses must be addressed. There are two other partial decrees for range cattle stock water in the name of the applicant. The recommended stock water rights for the applicant are as follows:

| Right    | Priority   | Dairy | Range | P/D&P/U    |
|----------|------------|-------|-------|------------|
| 51-12742 | 01/09/1962 | 300   | 200   | s10 SWNWSE |
| 51-12744 | 09/14/1967 |       | 900   | s22 SENWNW |
| 51-12745 | 08/30/1968 |       | 200   | s22 SENWNW |
| 51-10085 | 09/30/1969 | 200   |       | s15 NESW   |
| 51-12743 | 06/03/1970 | 300   | 200   | s10 SENENW |
| 51-10098 | 06/12/1974 | 200   |       | s15 NWNWSE |
| 51-10099 | 05/17/1976 | 300   |       | s10 NESE   |

**\*\*NOTE\*\*** A51-12746 was disallowed by the SRBA

The applicant has indicated that the total number of range cattle is 1200 (see A51-12744). The applicant also indicated (office visit, 02/27/1998) that the intent is to be able to water the same 1200 cattle anywhere on the family farm in sections 10, 15, and 22.

Review and resolution of the stacking issue should include all partial decrees which include range cattle as a use (51-12742, 51-12743, 51-12744, and 51-12745). Approval conditions should include a 13,000 gpd limitation when these rights are used together or in any combination.

The rights which include dairy are for grazing use, with the exception of 51-10099, which is for the dairy barn in S10.

3. Documentation of ownership by the William Hegerhorst Family Trust (S14, S15, S22) and individuals of the Hegerhorst family (S10) has been provided. All owners have signed a statement that indicates their approval of the transfer filings. Please see file 51-07055 for ownership documents.

4. Questions regarding five years of non-use were not included on the application. The applicant provided a statement addressing this concern. See Attachment A-1.

M. Minicucci  
02/17/1998

77

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RIGHT, TRANSFER NO. 5217**

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Karl J. Dreher, Director

Published in the Owyhee Avalanche on March 4 and 11, 1998.

## CONVERSATION MEMORANDUM

DATE 01/27/1998FILE 51-07055 51-070  
51-10099 51-0702-  
51-12744 51-0709  
51-12745  
51-12743NAME OF PARTY Grant HegerhorstEMPLOYEE T. Minicucci

RE:

Mr. Hegerhorst came into the office to discuss the four applications for transfer ~~with~~ that he has submitted to IDWR. After a discussion of his options he elected to withdraw the transfers filed on 51-07003, 51-07029, and 51-07091. The transfers sought to change the rights to almost exactly what the SRBA recommendation will be. He decided to go with the SRBA recommendations and address any discrepancies via the Court.

Mr. Hegerhorst indicated the following for the dairy operation (51-10099, 51-12743, 51-12742): The two geothermal wells (51-07055, 51-02162) will be physically linked to the milking operation in S10. There are 300 total dairy cows (milkers) and 200 non-milkers (steers and heifers). The non-milkers are grazed everywhere on the family farm (S.10+15).

The Hegerhorst provided ownership documentation (family trust and individuals of the family) a list of trustees, and written permission of the property owners to proceed with the transfers. The statement also addresses the issue of non-use as noted in SRBA claim f.c. 51-07055. He indicated verbally that the well has been used continuously since it was drilled with non-use never occurring for more than two consecutive seasons.