

T7S, R4E

51-10099

51-

786

HEL

671
T 768
HEL

2
7.8

3
8.3

Geothermal Well
43.2

426

6
7.9

200

DAIRY
20 SITE

671
T 768
HEL

9
46.2

Geothermal well
49.8

10
9.6

CLAIMED
WELL

Domestic
Well

675
HEL

11
45.0

12
66.5

44.6

10
15
14

RECEIVED
DEC 25 1999

PAGE 5 OF 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5218
WATER RIGHT NO(S). 51-10099/51-12743

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. 51-10099 :			
STOCKWATER	01/01 to 12/31	0.20 CFS	11.8 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
Priority: 05/17/1976			
		<u>0.20 CFS</u>	<u>13.0 AF</u>
Right No. 51-12743 :			
STOCKWATER	01/01 to 12/31	0.02 CFS	14.5 AF
Priority: 06/03/1970			
	TOTAL:	* 0.22 CFS	* 27.5 AF
<u>SOURCE</u>			
GROUNDWATER			

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 10, Township 07S, Range 04E
NESE , Sec. 10, Township 07S, Range 04E
NWSE , Sec. 10, Township 07S, Range 04E
OWYHEE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

07S 04E 10 SENW NESE

PLACE OF USE: DOMESTIC

TWN RGE SEC

07S 04E 10 NESE

CONDITIONS OF APPROVAL AND REMARKS

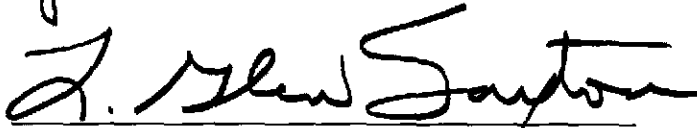
1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5218
WATER RIGHT NO(S). 51-10099/51-12743

CONDITIONS OF APPROVAL AND REMARKS

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 5218 shall not exceed 0.22 cfs, nor a total combined annual volume of 27.5 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 51-10099 and 51-12743 is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day under each right.

Dated this 16th day of August, 1999.


Chief, Water Allocation Bureau

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5218

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant William Hegerhorst family trust Phone 208-845-2085 *Grant Hegerhorst*
 Post Office address HC 85 Box 152, Brownlee, ID 83604

RECEIVED

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use MAY 06 1998
☐ Change nature of use ☐ Change period of use ☐ Other _____ DEPARTMENT OF WATER RESOURCES

2. Describe the reason for the proposed changes We want to add two low temp. geothermal wells to our dairy water system to use for barn clean up and as backup for stockwater. We will not be using any additional water. The two wells are existing irrigation wells.

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>51-10099</u>	<u>5-17-1976</u>	<u>.20 CFS</u>	<u>Stock / Dom</u>	<u>1-1</u> to <u>12-31</u>
		<u>.04 CFS</u>	<u>Dom</u>	<u>1-1</u> to <u>12-31</u>
<u>51-12743</u>	<u>6-3-1970</u>	<u>.02</u>	<u>Stock</u>	<u>1-1</u> to <u>12-31</u>

2. Total amount of water being transferred .22 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
		NE	SE	10	7S	4E	Chayhew	existing well 51-10099
	NW	SE	NW	10	"	"	"	well to be added 51-10099
	SW	NW	SE	10	"	"	"	" " " " 51-10099
	NW	SE	NW	10	"	"	"	~~51-10099~~ CORRECT P/D for 51-12743

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/D				51-10099
07S	04E	10								S					CORRECTED P/U				51-12743

(No Change)

Total acre -

PART 1**6 General Information:**

- a. Description of diversion system Two existing cold water wells for stockwater and domestic use and two low temp. geothermal wells for dairy barn use and backup stockwater use.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Not 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:

d. Remarks:+ P/D2/11

The P/D¹ for 51-12743 was decreed incorrectly. Ben. Use exam for 51-07055 found well in NWSE 1/4 S 10. This is the same well as 51-12743. Transfer corrects P/D + P/D for 51-12743.

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. 51-10099

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
STOCKWATER	01/01 to 12/31	0.20 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.20 CFS

SOURCE

GROUNDWATER

Priority: 05/17/1976

LOCATION OF POINT(S) OF DIVERSION:NESE , Sec. 10, Township 07S, Range 04E
OWYHEE CountyPLACE OF USE: STOCKWATERTWN RGE SEC

07S 04E 10 NESE

PLACE OF USE: DOMESTICTWN RGE SEC

07S 04E 10 NESE

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. RP 0178202
STOCKWATER, 300 DAIRY COWS

See Attachment A for information STATEMENT ON
CONTINUAL USE OF THE RIGHTS. 777

AJ5809NP
No. 51-12743

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/17/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM HEGERHORST FAMILY TRUST HC 85 BOX 152 BRUNEAU ID 83604 (208) 845-2085	06/03/1970	STOCKWATER	01-01 12-31	0.02 CFS	
					TOTAL DIVERSION:	0.02 CFS

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T07S R04E S10

SENNW

OWYHEE County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE																			
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	

07S 04E 10 :																															

POU County: OWYHEE

Other Rights: A51-07055

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. 07S04E103000
STOCKWATER, 300 DAIRY, 200 RANGE CATTLE

Dates: Exam Made Date: Verified Date: 07/15/1997 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 01/20/1994 User-ID: DUNN1 Subject: COPIED FROM REMARKS
SYSTEM IS CONNECTED BY MAINLINES AND USED SUPPLEMENTALLY WITH
A51-12742

Date: 02/25/1997 User-ID: STK-PROD Subject: D&S STK-BLM UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 01/20/94 DUNN1 03/30/95 POST-STD 02/25/97 STK-PROD 03/13/97 KWALKER
07/15/97 RHOWERTO 07/31/97 ADT-DSHA 08/01/97 CPD SHAFF 01/31/98 ADT-DSHA

T7S, R4E

51-10099

51-

786

HEL

671
T 768
HEL

2
7.8

3
8.3

Geothermal Well
48.2

426

6
7.9

20
DAIRY
SITE

671
T 768
HEL

9
46.2

Geothermal
Well
49.8

10
19.6

CLAIMED
WELL

Domestic
Well

675
HEL

11
45.0

12
66.5

44.6

10
15
4

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
map labeled page 5 of 6.*

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

1	New Nature of Use	Amount (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.

Subscribed and sworn to before me this 7th day of November, 1997.

Grant H. Hargrave
(Signature of Applicant)

Kathryn A. Walker
(Notary Public)

My commission expires 2-14-1999

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments (A1)

Received by KW Date 11/7/97 Protest filed by _____

Prelim. check by 1772 Fee \$100.00

Receipted by KW Date 11/7/97 # W023224

Published in Oregonian 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

Transfer Application
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 51-10099

DEC 22 1998 PM 1:34

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO

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

SOURCE: GROUNDWATER

QUANTITY: 0.2 CFS

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

PRIORITY DATE: 05/17/1976

POINT OF DIVERSION: T07S R04E S10 NESE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.2 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within Owyhee County
T07S R04E S10 NESE

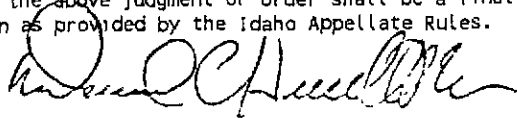
DOMESTIC Within Owyhee County
T07S R04E S10 NESE

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

MICROFILMED

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 51-10099

DEC 22 1998

PAGE 1
JAN-15-1998



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 51-10099/51-12743
(Transfer 5218)

Dear Water Right Holder(s) :

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5218). 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,

Jeff Peppersack
for Jeff Peppersack, Manager
Water Right Permits Sections

JP:klt

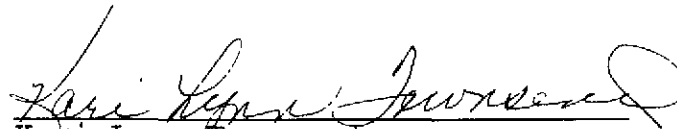
Enclosures

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 51-10099/51-12743
(Transfer 5218)

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.

FILED MED

APR 14 1997

MEMORANDUM

TO: Files 51-10099 & 51-12743

FROM: Pam Skaggs/²State Office

SUBJECT: Transfer 5218

DATE: August 12, 1999

Transfer 5218 adds two (2) existing irrigation wells to act as back-up wells to the dairy and stockwater system, and changes the place of use for stockwater under Rights 51-10099 and 51-12743. 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 # 5118

Date Reviewed 08-11-99

Right(s) 5110019 SRBA Decees
5112743

☒ WRQ/Split Summary ☒ ^{Decees} SRBA Status NA ^{STOCK/DOM} 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 Decees

Transfer ☒ All of Right ☐ Portion of Right
 Resulting Split(s) None

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 NA Expansion

(5) 5110045 300 Dairy Cows = 11.5 acr Dm = 1.2 ac = 13.6 acr } 17.5 acr
 5112743 300 Dairy Cows = 11.8 acr 200 range cattle = 2.7 acr = 14.5 }
 (7) Change & Add P/Ds 3 wells for use & back-up each rt.
 (8) Change P/U/add 2nd well each rt.

Existing geothermal/IRR wells
 Transfer Remarks Modified CIM (A5) WB4
 Conditions TO7, TO8 T17

Database/Processing Notes Standard ☐ Non-Standard ☒
Update w/WR3 & WRDEF to retain SRBA Flags

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒
 Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

08-16-99 38

SRBA

SUBCASE SUMMARY REPORT 51-10099

[Return to SRBA Home Page](#)

SRBA
08-12-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 51-10099 FILE#: 00000
CLAIMANT: HEGERHORST, WILLIAM
STATUS: PD ISSUED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

WILLIAM HEGERHORST PRO SE

**** ROA ENTRIES ****

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

[Return to SRBA Home Page](#)

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
51-10099	HEGERHORST, WILLIAM	C	05/17/1976	D/	GROUNDWATER	P DECR	WR

*51-10099	HEGERHORST, WILLIAM	C	05/17/1976	D/	GROUNDWATER	P DECR	AJ
A51-10099	HAGERHORST, WILLAIM	C	05/17/1976	J/	GROUNDWATER	DOMEST STOCK	AJ

SRBA

SUBCASE SUMMARY REPORT 51-12743

[Return to SRBA Home Page](#)

SRBA
08-12-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 51-12743 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

[Return to SRBA Home Page](#)

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
51-12743	HEGERHORST FAMILY TRUST, WILLIAM	C	06/03/1970	D/	GROUNDWATER	P DECR	WR
*51-12743	HEGERHORST FAMILY TRUST, WILLIAM	C	06/03/1970	D/	GROUNDWATER	P DECR	AJ
A51-12743	HEGERHORST FAMILY TRUST, WILLIAM	C	06/03/1970	J/	GROUNDWATER	STOCK	AJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

RECEIVED
MAY 06 1998
DEPARTMENT OF WATER RESOURCES

APPLICANT William Hegerboresi Family Trust

TRANSFER NO. 5218

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

DATE 11/21/1997
DATE _____

1. Right number(s) 51-10099 51-12743

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. ☒ 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: Right is limited to

13,000 gpd per SRBA recommendation. SRBA Memo No 4
Section D3 indicates uses in conjunction w/stock for
dairies is OK if < 13,000 gpd.

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MAY 06 1998
Department of Water Resources

i. MA Existing rights from same source, on land water is being transferred to; right number(s): _____

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) Transfer based on SRBA Partial closure. No other

k. ✓ Comment letters _____ Yes ✓ No ✓
If yes _____ Water District # _____
Other, see #2 below for name and address

SEE
MEMO.
closed
02/17/1998

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::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

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MAY 0 6 1998

Department of Water Resources

RECOMMENDED ACTION

1. ✓ Approve _____ See attached memo

2. _____ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

4. By Gay 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

MEMORANDUM

Hegerhorst transfer on 51-10099 & 51-12743

These rights are Partial Decrees. The transfer seeks to add two wells now used for irrigation to the right as backup for the dairy use (51-10099) and to correct the POD/POU (51-12743). There are several issues to review and resolve:

1. The irrigation wells in NWSENW and SWNWSE (S10) 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. 51-10099 is for domestic use and a dairy barn for 300 milking cows. SRBA Memo No. 4 indicates that stockwater for dairy cows may include uses in conjunction with the stockwater that may otherwise be considered commercial (washing of cows and equipment) if the total use is less than 13,000 gpd. Approval conditions should address this limitation.

3. The issue of 'stacking' domestic uses must be addressed. There are four other partial decrees for dairy use in the name of the applicant, some which include stock water for range cattle. The recommended stock water rights 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		300	S22 SENWNW
51-10085	09/30/1969	200		S15 NESW
51-12743	06/03/1970	300	200	S10 SENENW (s/b NWSENW)
51-10098	06/12/1974	300		S15 NWNWSE
51-10099	05/17/1976	300		S10 NESE

****NOTE**** 51-12746 was disallowed in the SRBA

The applicant indicated during an office visit (01/27/1998) that the dairy activities in section 10 and 15 are different parts of the same operation. The animals in S15 (51-10085 and 51-10098) are steers, heifers, and feeders. The animals in S10 (51-10099, 51-12742, 51-12743) are milking cows and feeders. Right 51-10099 is for the dairy barn operation, and 51-12742 and -12743 are grazing rights not intended to describe any dairy operation in addition to 51-10099.

4. If this and other pending transfers are approved as proposed, 51-10099, 51-12744 and 51-12745, all partial decrees for de minimis use, could be diverted from the geothermal wells in the NWSENW and SWNESE S10. This will be an increase in stock water taken from the geothermal aquifer.

5. This transfer also corrects the POD/POU for 51-12743. The applicant has indicated that this right comes from the same well as (A)51-07055 in S10. The correct location of the well (NWSENW) was verified by the B/U exam for 51-07055 but the location of 51-12743 was not corrected. This transfer corrects that oversight.

6. Then land is owned by the Family Trust as well as by individuals in the Hegerhorst family. Please see file 51-07055 for ownership documentation. Signed consent of all owners has been submitted.

M. Minicucci

~~082~~/17/1998

02

nn

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 Martens
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. 5218

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 domestic/stockwater rights in T7S R4E S10 Owyhee County:

~~Decree 51-12743, priority 5/17/1978, .20 cfs, ground water, diverted and used in NESE.~~

DECREE 51-12743, priority 6/3/1970, .02 cfs, ground water, diverted and used in NENW.

PROPOSED CHANGE

Add two existing geothermal wells located in NWSE and SWNWSE to 51-10099. Correct location of well and place of use to NWSE for 51-12743.

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 RESOURCES
WESTERN REGION

**NOTICE OF PROPOSED CHANGE OF WATER
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PROPOSED CHANGE

Add two existing geothermal wells located in NWSNW and SWNWSE to 51-10099. Correct location of well and place of use to NWSNW for 51-12743.

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

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

CONVERSATION MEMORANDUM

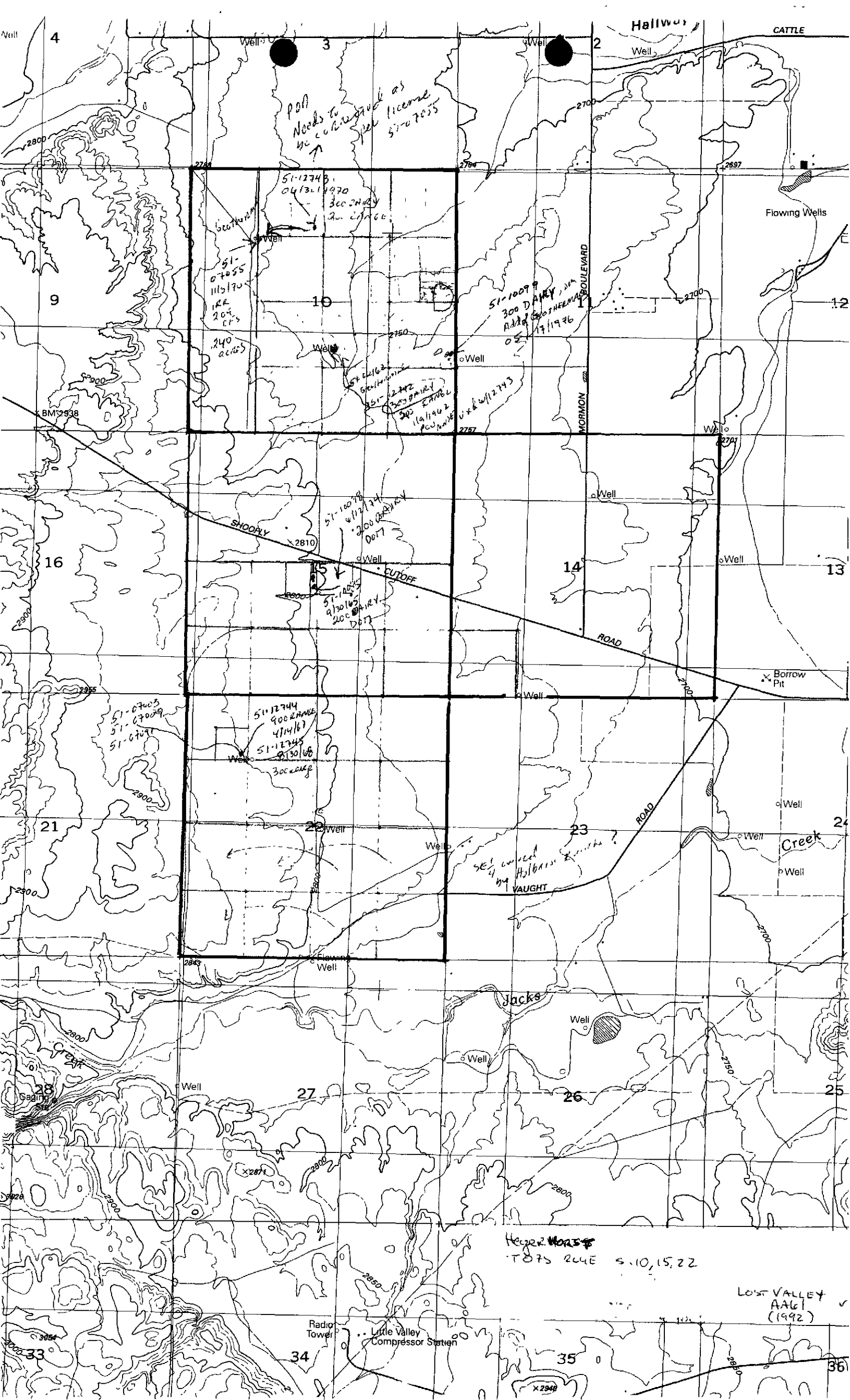
DATE 01/27/1998FILE 51-07055 51-070
51-10099 51-0705-
51-12744 51-0709
51-12745
51-12743NAME OF PARTY Grant HegerhorstEMPLOYEE Tom Minicucci

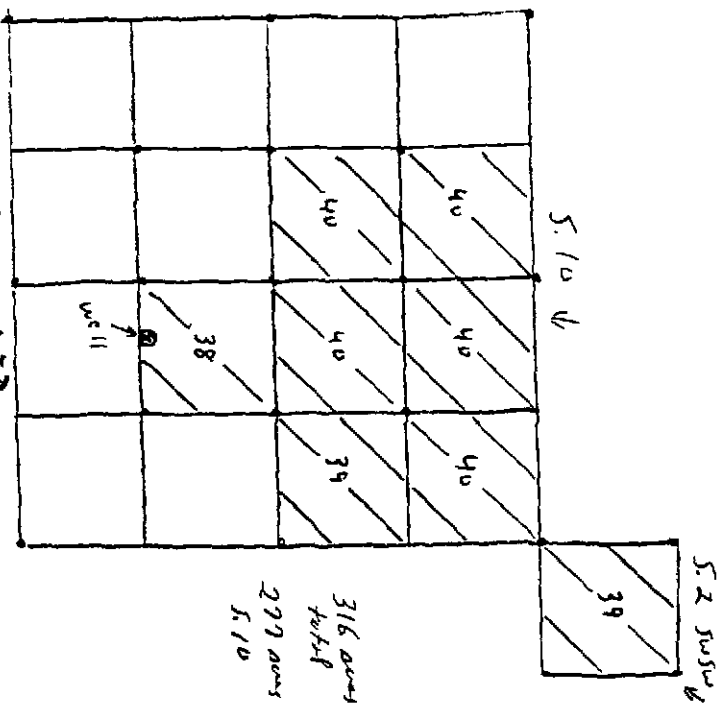
RE:

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 transfer filed on 51-07003, 51-07029, and 51-07091. The transfer 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).

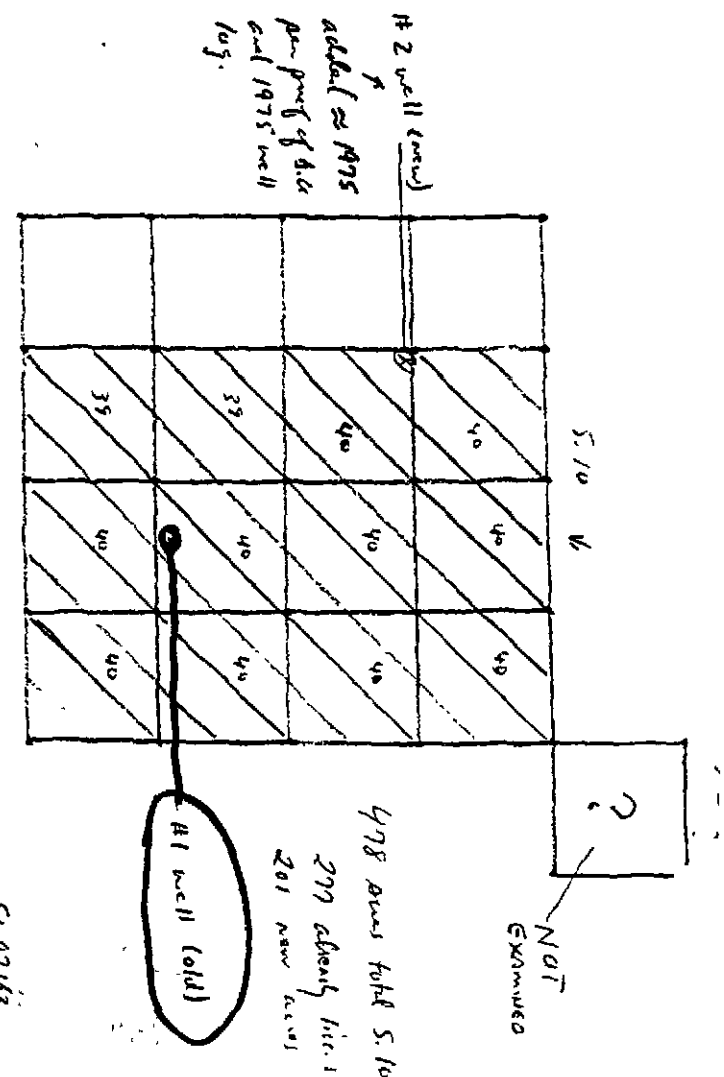
Mr. Hegerhorst provided ownership documentation (family trust and individuals of the family) a list of trustees, and written permission of the property owners to proceed with the transfers. The statement also addresses the issue of non-use as noted in SRBA claim file 451-07055. He indicated verbally that the well has been used continuously since it was drilled with non-use never occurring for more than two consecutive seasons.





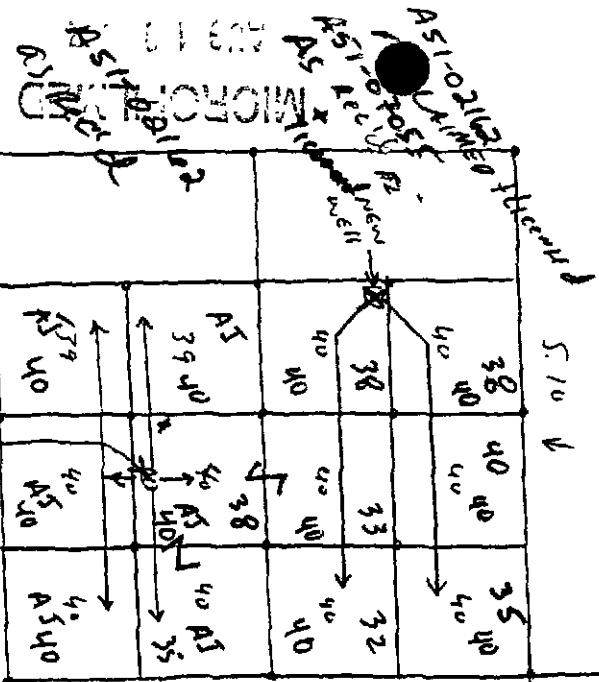
I. AS LICENSED

S. 20



II. FOUND IN 1988 EXAM - TOTAL SYSTEM

S. 10-02162
S. 10-07055

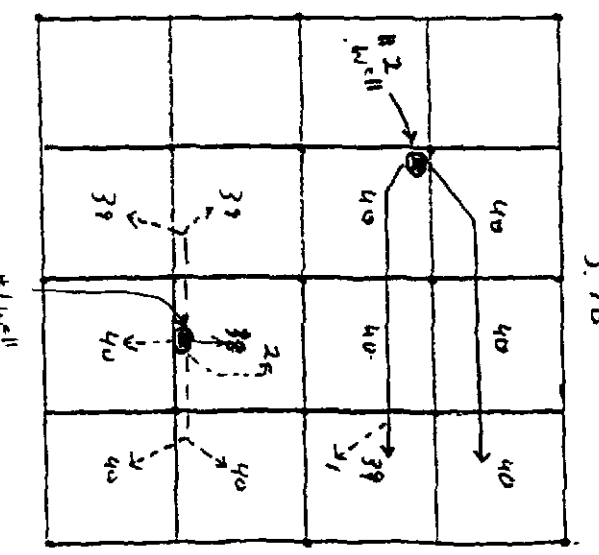


39 acres (out of 150 acres in S. 20) claimed by another well in another owner (S. 10-07055)

240 acres leased by new well S. 10-07055

238 acres leased by old well S. 10-02162

Rec'd for 285 acres A. 14 CFS



478 acres total S. 10
279 acres S. 20
201 new acres

41 well (old)

NOT EXAMINED

39 acres (out of 150 acres in S. 20) claimed by another well in another owner (S. 10-07055)

240 acres leased by new well S. 10-07055

238 acres leased by old well S. 10-02162

Rec'd for 285 acres A. 14 CFS

III. EXAMINER'S 1988 RECOMMENDATIONS

RECOMMENDED

IV. SCENARIO IF OLD LICENSE NOT RENEWED

with old acreage of current acreage east right with 2 pi