

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 08 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed, and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the changes which are proposed (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and a confirmation that the information provided is accurate (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov).

If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Hirschi Family Living TrustMailing Address 1095 S Roueche Lane, Kaysville, UT 84037Email* swhranch8@gmail.com Phone 801-309-3837Name of Representative (if any) N/A

Mailing Address _____

Email* _____ Phone _____

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents (such as the Power of Attorney) confirming that authority. Label documents as Attachment 1A.

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the business entity currently registered with the state of Idaho?

☐ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☒ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if this application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☒ **N/A.** This application does not propose to change the place of use or nature of use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	45E	35									1			2.5		5	32	5.5	46
15S	45E	1						16	12			1.4							29.4
								L4											
		2	30	13	2	18	0.5								22	4.5	1	16	107
			L1	L2			L3												
		11	9																9

Total Irrigated Acres to be Changed: 191.4

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be included on transfer applications. Identify the changes proposed in this application:

- | | |
|--|---|
| ☒ Change point(s) of diversion | ☒ Change place of use |
| ☐ Add point(s) of diversion | ☐ Change period of use |
| ☐ Change nature of use | ☐ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

We are in the process of purchasing water right 11-7827 from Private Capital Group. We are purchasing and moving the entire water right. Because the right was not well defined in the original decree, we thought it was important to show the location of the irrigated acres at the existing place of use. The map labeled as Attachment 2B/2C shows the acres irrigated under water right 11-7827 prior to the right being split into 11-7827 and 11-7599. The acres highlighted in purple are the 191.4 acres associated with water right 11-7827 that will be moved.

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C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume (in acre-feet) for storage uses or the rate (in cubic feet per second) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☒ ☐	11-7827	4.98 cfs	Irrigation	4/15 to 7/1	Bear River
☐ ☐		3.31 cfs	Irrigation	7/1 to 9/30	Bear River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 4.98 cfs cfs and/or _____ af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☐ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number
	14S	46E	29			SW	SW	Bear Lake	Bear River	Miller Ditch

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change a place of use.

Proposed Place of Use

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	45E	36	40			40										6.5	25	4	115.5
14S	46E	30			5.5											13	16		34.5
		31				10		9	2.5				1	9	5.5				37
								L1	L2				L4						
15S	45E	1	4.4																4.4
			L1																

Total Irrigated Acres: 191.4

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to be used to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the Department to evaluate the effects of the proposed change. The Department may deny an application if the

applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied.

In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

11-7598, 11-7599, 11-930

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

11-941, 11-942, 11-943, 11-944, 11-945, 11-949, 11-950, 11-951, 11-7482, 11-7682, 11-7683, 11-7684, 11-7685, 11-7686, 11-7687, 11-7893, 11-7894, 11-7895, 11-7897, 11-7898, 11-7899

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 11. ☐ No.

4. Are the proposed points of diversion equipped with Department-approved measuring devices? ☒ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes to change the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion in a time-series format, evaluating impacts at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA Model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

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C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

Water rights 11-930 and 11-7599 are split from the same original right as water right 11-7827 but are used to irrigate different acres than the acres proposed to be moved in this transfer.

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

This transfer will fill in gaps and cover acres not covered by our existing water rights from the Miller Ditch. the proposed 191.4-acre place of use is not covered by an other water rights.

3. If this application proposes to change the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☒ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes

☐

No

☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov).

Label the Form as Attachment 4C-7.

☐

☒

currently used in a mitigation plan limiting the use of water under the right?

☐

☒

subject to an agreement not to divert (CREP)?

☐

☒

currently enrolled in a federal set-aside program (CRP)?

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

Water is diverted from Bear River in an open ditch to proposed place of use. Some of the proposed place of use may be irrigated with sprinklers, but most of it will be flood irrigated.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

	<u>Scott W. Hirschi</u>	<u>10/8/24</u>
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date
 _____ Signature of Applicant or Representative*	 _____ Print Name and Title, if applicable	 _____ Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FILING FEE INFORMATION

FEES PAID: \$820.00 **DATE:** 10/8/24
RECIPT NO.: E050415 **RCTD BY:** CH

AH. 1B

WATER RIGHT PURCHASE AND SALE AGREEMENT

Seller: Private Capital Group
2600 N. Ashton Blvd.
Suite 200B | Lehi, UT
84043

RECEIVED

NOV 19 2024

Buyer: Scott W Hirschi
1095 S Roueche Ln
Kaysville, UT 84037

DEPT. OF WATER RESOURCES
EASTERN REGION

This Water Right Purchase and Sale Agreement ("Agreement") is entered into between the above-identified Seller and Buyer. Seller and Buyer are referred to herein individually as a "party" and collectively as the "parties." The Parties agree as follows:

1. **Effective Date.** This Agreement shall take effect on the date that both Seller and Buyer have signed this Agreement ("Effective Date"), as evidenced by the dates next to their signatures. A fully executed copy of this Agreement shall be delivered to both parties on the Effective Date.
2. **Sale of Water Rights.** Seller agrees to sell to Buyer, and Buyer agrees to purchase from Seller, upon the terms and conditions herein, all of Idaho water right number 11-7827 as described on the IDWR water right reports attached hereto as *Appendix A* (the "Water Rights").
3. **Purchase Price.** The total purchase price to be paid by Buyer to Seller for the Water Rights is twenty five thousand dollars (\$25,000.00).
4. **Payment of Purchase Price.** The purchase price shall be paid in full at closing
 - 4a. **Earnest Money.** \$1,000 shall be delivered with funds ^{within 3 days of Effective Date} ~~at the time of closing~~ ^{BS SH 11/18/2024}
 - 4b. **Due Diligence.** Contingent upon IDWR transfer approval with the Buyer. Agreement is terminated if transfer is not approved, and Earnest Money shall be refundable to Buyer. ^{BS 11/19/24}
5. **Closing.** Closing shall be no later than ~~February 12, 2025~~ ^{February 12, 2025} Closing shall occur remotely and shall be facilitated by the parties' attorneys, or in such other manner or at a place as may be mutually agreed by the parties. ^{BS SH 11/18/2024}
 - 5.1 **Warranty Deed.** Seller will execute and deliver ~~the warranty deed attached hereto as Appendix B:~~ ^{a special warranty deed} ^{BS SH 11/18/2024}
 - 5.2 **Payment.** Buyer will pay the purchase price in cash or other immediately available funds.
 - 5.3 **Additional Documents.** Seller and Buyer will execute such other documents as may be required to complete the sale.
6. **Seller Warranties and Representations.** Seller represents and warrants to Buyer that the following are true now and will be at closing.
 - 6.1 **Authority.** Seller has full power and authority to sell and transfer the Water Rights to Buyer.
 - 6.2 **Title.** Seller holds good and marketable title to the Water Rights in fee simple absolute. To Seller's knowledge there is no suit, action, arbitration, legal, administrative or other proceeding pending or threatened against the Water Rights.

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6.3 Cooperation. Seller will cooperate with Buyer before, during and after closing to effectuate the transactions contemplated in this Agreement.

7. Buyer Representations. Buyer makes the following representations:

7.1 Review. Buyer is familiar with the Water Rights and purchases them as is, where is, with all faults.

7.2 Legal Advice. Buyer has had the opportunity to consult with independent counsel to be advised on legal and tax matters concerning this Agreement.

8. Broker. Mark E. Jones Associate Broker, GRI, CRS, RLI Robert Jones Realty, Inc. Robert Jones Realty, Inc. 1766 Addison Ave. E. Twin Falls, Idaho, 83301 208.308.3030
mj@rjrealty.com

9. Attorney Fees. Each party is responsible for paying their own attorney fees and other expenses incurred in connection with forming and completing this Agreement. If either party is required to retain an attorney in order to enforce the terms of this Agreement, the prevailing party in any litigation arising therefrom shall be entitled to recover reasonable attorney fees and costs incurred.

10. Notices. Any notices and communications between the parties for the purpose of complying with or enforcing the terms of this Agreement shall be in writing and delivered to the party either by personal delivery, certified mail, or email at the party's address set forth above, with a copy to the party's attorney at the address set forth below. Notices sent by email shall be deemed delivered when the intended recipient acknowledges receipt via reply email. A party may change their designated address for notices by providing notice in accordance with this paragraph.

11. Time of Essence. Time is of the essence of this Agreement.

12. Binding Effect. This agreement shall be binding upon the heirs, personal representatives, successors and assigns of the respective parties.

13. Entire Agreement. This Agreement shall constitute the entire agreement between the parties and supersedes all prior oral or written agreements between the parties concerning the subject matter of this Agreement.

14. Amendment. No alteration, modification, or amendment of this Agreement shall be valid except in writing and when signed by the parties.

15. Severability. The invalidity or unenforceability of any provision of this Agreement shall not affected the validity or enforceability of any other provision.

SELLER:

Private Capital Group

By: 

Ben Schramm, Vice President

Date: 11/18/2024

BUYER: 

Scott W Hirschi

Date: 10/7/24

Appendix A

SH

11/18/2024

Close

Water Right Report : 11-7827(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	PRIVATE CAPITAL GROUP INC	160 W CANYON CREST RD	ALPINE	UT	84004
Original Owner	TRANSTRUM, OLA			ID	
Previous Owner	THE RETREAT AT BEAR LAKE LLC	346 E 3300 S	SALT LAKE CITY	UT	84115
Previous Owner	DESERET FIRST FEDERAL CREDIT UNION	PO BOX 45046	SALT LAKE CITY	UT	84145

Water Right Status

Priority Date : 4/15/1877
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
BEAR RIVER		GREAT SALT LAKE	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
BEAR RIVER	15S	45E	11	0				NE NE BEAR LAKE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	07/01	4.98 CFS	
IRRIGATION	07/01	09/30	3.31 CFS	
TOTAL			4.98 CFS	

Places of Use

Paged View

Place of Use Legal Description : IRRIGATION (BEAR LAKE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
14S	45E	35		SW	NE	33	
14S	45E	35		NE	SE	4.6	
14S	45E	35		NW	SE	40	
14S	45E	35		SW	SE	40	
14S	45E	35		SE	SE	12	
15S	45E	1	4	NW	NW	18	
15S	45E	1		SW	NW	15	
15S	45E	1		NW	SW	5.3	
15S	45E	2	1	NE	NE	40	
15S	45E	2	2	NW	NE	40	
15S	45E	2		SW	NE	40	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
15S	45E	2		SE	NE		40
15S	45E	2		NE	SE		40
15S	45E	2		NW	SE		40
15S	45E	2		SE	SE		40

Irrigation Totals

Total Acres Acre Limit

447.90 191.40

Conditions

Code Conditions

Meadow Right. 191.4 irrigated acres.

Water Supply Bank

Lease Type: Contract

Lease ID: 1003

Lease Status: Active

Lease Start Date: 1/1/2019

Lease End Date: 12/31/2023

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	4.98	669.90	191.40	447.90
Irrigation	3.31		191.40	447.90

Dates

Licensed Date :
Decreed Date : 3/7/1924
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal :
Water District Number : 11
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 3.5
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

10/24/2023

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HIRSCHI FAMILY LIVING TRUST

Name of Trust: HIRSCHI FAMILY LIVING TRUST

Date Established: February 11, 2008

Successor Trustees of SCOTT W. HIRSCHI:

DAWNA LOU HIRSCHI
(1) TRAVIS S. HIRSCHI
(2) MATTHEW H. HIRSCHI

Successor Trustees of DAWNA LOU HIRSCHI:

SCOTT W. HIRSCHI
(1) TRAVIS S. HIRSCHI
(2) MATTHEW H. HIRSCHI

Successor Trustees at Death of Both Trustors:

(1) TRAVIS S. HIRSCHI AND MATTHEW H. HIRSCHI
(2) JESSICA HOLT AND JORDAN F. HIRSCHI
(3) RYAN L. HIRSCHI AND KYLE W. HIRSCHI

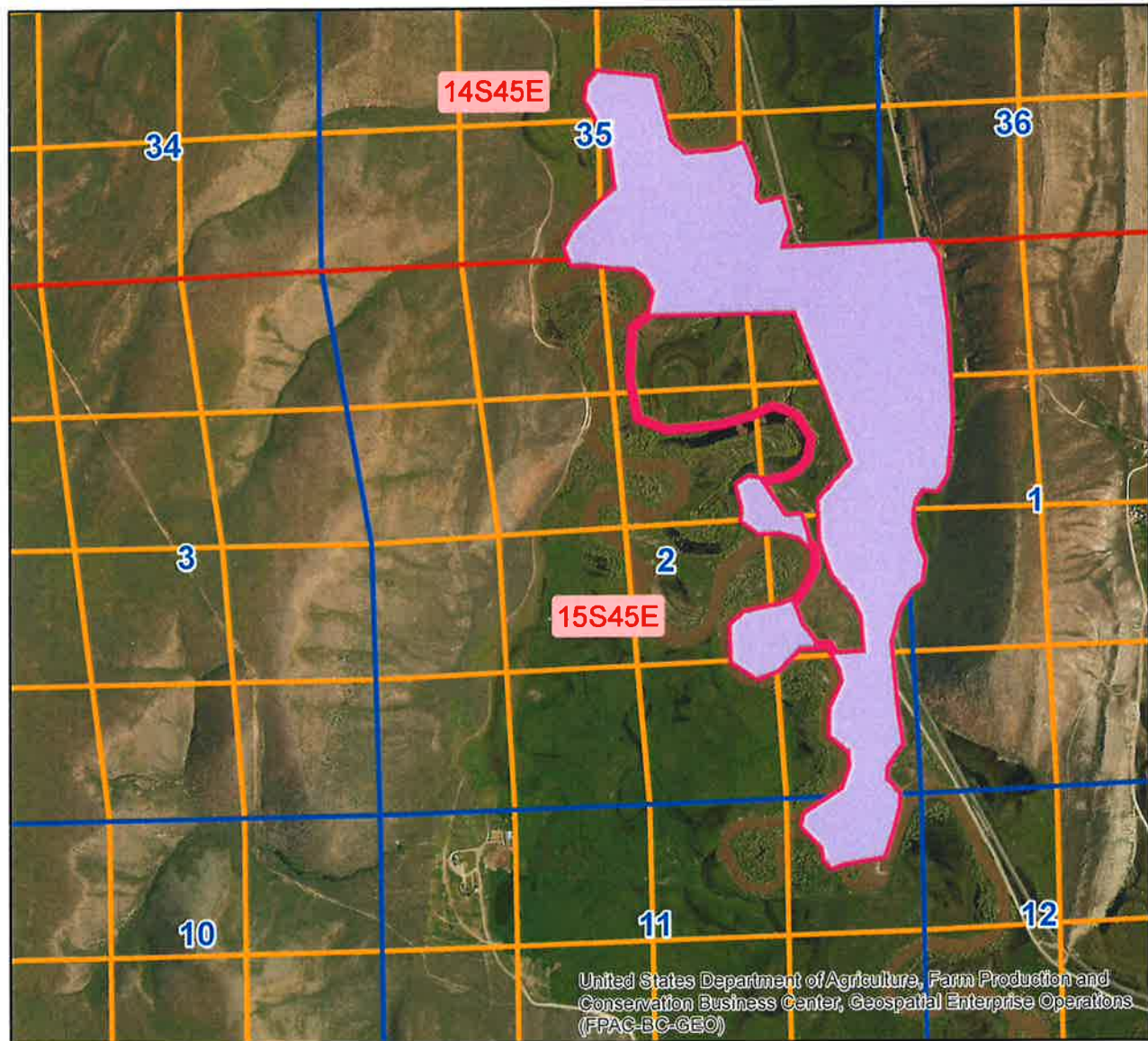
Informal Trust Name: HIRSCHI FAMILY LIVING TRUST, dated February 11, 2008

Formal Trust Name (Title to all Assets in the Trust are Vested in this Name):

SCOTT W. HIRSCHI and DAWNA LOU HIRSCHI, Trustees, or their successors in trust,
under the HIRSCHI FAMILY LIVING TRUST, dated February 11, 2008, and any
amendments thereto

THIS SUMMARY IS NOT PART OF THE TRUST

Application for Transfer WR 11-7827 Existing POU and Transfer Acres

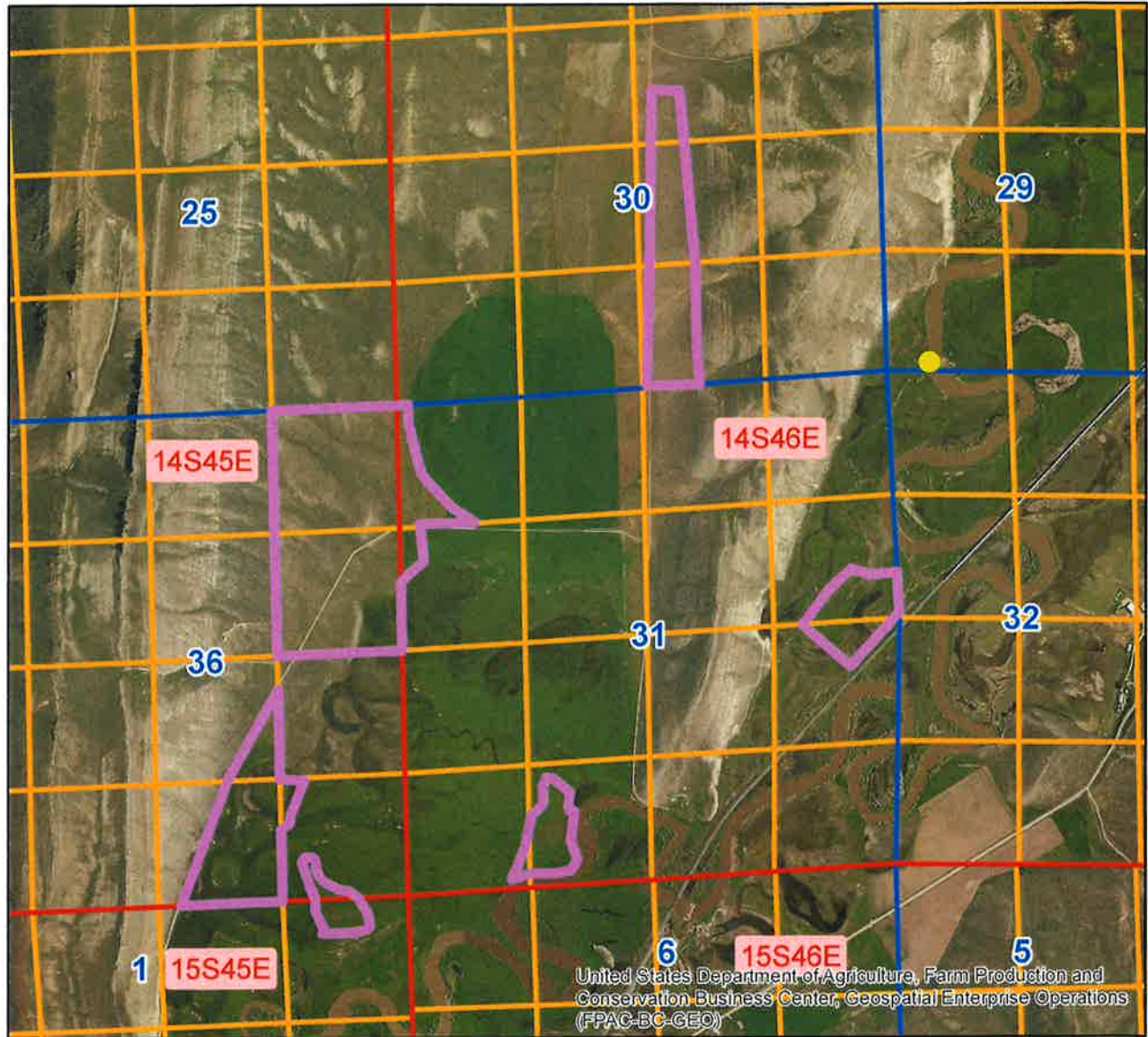


-  11-7827_To_Transfer
-  11-7827
-  Township/Range
-  Sections
-  QQ

0 0.2 0.4 0.8 Miles



Application for Transfer Water Right 11-7827 Proposed POU



-  Water Right POD
-  11-7827
-  Township/Range
-  Sections
-  QQ

0 0.25 0.5 1 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

November 20, 2024

HIRSCHI FAMILY LIVING TRUST
1095 S ROUECHE LN
KAYSVILLE, UT 84037

RE: Transfer No. 89381
Water Right No(s). 11-7827

Dear Applicant:

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

A legal notice of the application has been prepared and is scheduled for publication in the THE NEWS EXAMINER on 11/27/2024 and 12/4/2024. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. 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, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, November 20, 2024 4:24 PM
To: ne_legals@news-examiner.net
Subject: Legal Notice for News Examiner
Attachments: 89381 News Examiner.docx

LEGAL NOTICE DEPARTMENT
THE NEWS EXAMINER
PO BOX 278
MONTPELIER, ID 83254-0278

RE: Transfer No. 89381
Water Right No(s). 11-7827

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 12/16/2024. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89381**

HIRSCHI FAMILY LIVING TRUST, 1095 S ROUECHE LN, KAYSVILLE, UT 84037 has filed Application No. 89381 for changes to the following water rights within BEAR LAKE County(s): Right No(s). 11-7827; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in SWSW Sec 29 T14S R46E (Miller Ditch) for 4.98 cfs from Bear River. Proposed place of use is in Sec 36 T14S R45E, Sec 30 and 31 T14S R46E, and Sec 1 T15S R45E for 191.4 acres.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. 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 83402-1718 together with a protest fee of \$25.00 for each application on or before 12/16/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 11/27/2024 and 12/4/2024

Cefalo, James

From: Cefalo, James
Sent: Monday, November 18, 2024 12:09 PM
To: swhranch8@gmail.com
Subject: Application for Transfer 89381 (Hirschi Family Living Trust)

Scott,

I left a message for you earlier this month. I just wanted to give you an update on the status of your application for transfer. We cannot move forward with the public notice of your application until we receive a copy of the purchase and sale agreement, signed by a representative of Private Capital Group. A couple of weeks ago I spoke with two people from Private Capital Group who confirmed that the purchase and sale agreement had not been signed. We will continue to hold the application until we receive a signed copy of the purchase and sale agreement. Feel free to call if you have any questions or concerns.

James

 IDAHO DEPARTMENT OF
WATER RESOURCES
James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov