

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE BEAR RIVER BASIN WATER SYSTEM**

**CIVIL CASE NUMBER: 79576**

Claim ID: 11-137  
Date Received: 10-13-2023  
Receipt No: P000500  
Claim Fee: \$185.00 By: \_\_\_\_\_

**RECEIVED**

OCT 13 2023

**IDWR/Preston**

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

**Please type or print clearly**

1. Name of claimant(s) Hirschi Acres LLC Phone ( 801 ) 750-6300  
Mailing address c/o Steve Hirschi, 1477 E Budding Cir, Sandy, Utah Zip 84092  
Street or Box \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Email address (optional) \_\_\_\_\_
2. Date of priority: (Only one per claim) 04/01/1891 (Explain priority date selected in Remarks)  
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water ( ) or Other ( ☒ ) (a) Muddy Creek  
which is tributary to (b) Thomas Fork
4. a. Location of point of diversion is: Township 12S, Range 46E, Section 27,  
NE 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_, BM, County of Bear Lake  
Parcel no. \_\_\_\_\_  
Additional points of diversion, if any: 12S 46E 27 NWSW; 12S 46E 27 SWSW  
If available, GPS Coordinates \_\_\_\_\_  
b. If instream flow, beginning point of claimed instream flow is:  
Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_, BM, County of \_\_\_\_\_  
Ending point is: Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_, BM, County of \_\_\_\_\_
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well.  
Pump into mainline and handlines.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 4/15 to 10/31 amount 0.50 or \_\_\_\_\_

For Stockwater purposes from 1/1 to 12/31 amount 0.12 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.50 (cfs) and/or (b) \_\_\_\_\_ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) 500 range cattle.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW  |    |     |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|-----|----|-----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE  | NW | SW  | SE | NE | NW | SW | SE |        |
| 12  | 46E | 27  |    |    |    |    |    |    |    |    | 36. | 36 | 30. |    |    |    |    |    | 103    |
| 12  | 46E | 28  |    |    |    |    |    |    |    |    |     |    |     |    | 20 |    |    |    | 20     |
|     |     |     |    |    |    |    |    |    |    |    |     |    |     |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |     |    |     |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |     |    |     |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |     |    |     |    |    |    |    |    |        |

Parcel no(s). \_\_\_\_\_ Total number of acres irrigated 123

10. In which county(ies) are lands listed above as place of use located? Bear Lake

11. Do you own the property listed above as place of use? Yes (✓) No ( )  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.  
11-138, pond water right (stockwater), and instream flow water right (stockwater). or None ( )

13. Remarks (Include an explanation of the priority date selected):

~~Priority date is based on a prior decree. See also Approved Transfer No. 79341 (attached). POU is combined with WR 11-138. Form does not allow tenths of an acre to be included above. Should be 36.5 acres in the NESW of Sec. 27 and 30.5 in the SWSW of Sec. 27.~~

Name of claimant(s) Hirschi Acres LLC Claim ID \_\_\_\_\_

Scale: 2 inches equals 1 mile

[illegible]

Name of claimant(s) \_\_\_\_\_ Claim ID \_\_\_\_\_

14. Basis of claim (Check one) Beneficial Use ( ) Posted Notice ( ) License ( ) Permit ( ) Decree (✓)

Court District Court Decree Date 2/20/1902 Plaintiff v. Defendant Fawsett v. Thomas Fork Irr.

If applicable provide IDWR Water Right Number 11-137

15. **Signature(s)**

- (a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."  
(b.) I/We do ( ) do not ( ) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

**For Individuals:** I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)  Date: 10 OCT 23  
\_\_\_\_\_  
Date: \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

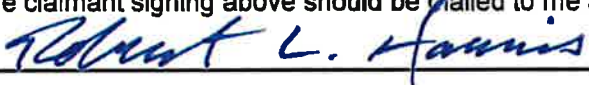
Registered Agent of Hirschi Acres LLC  
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

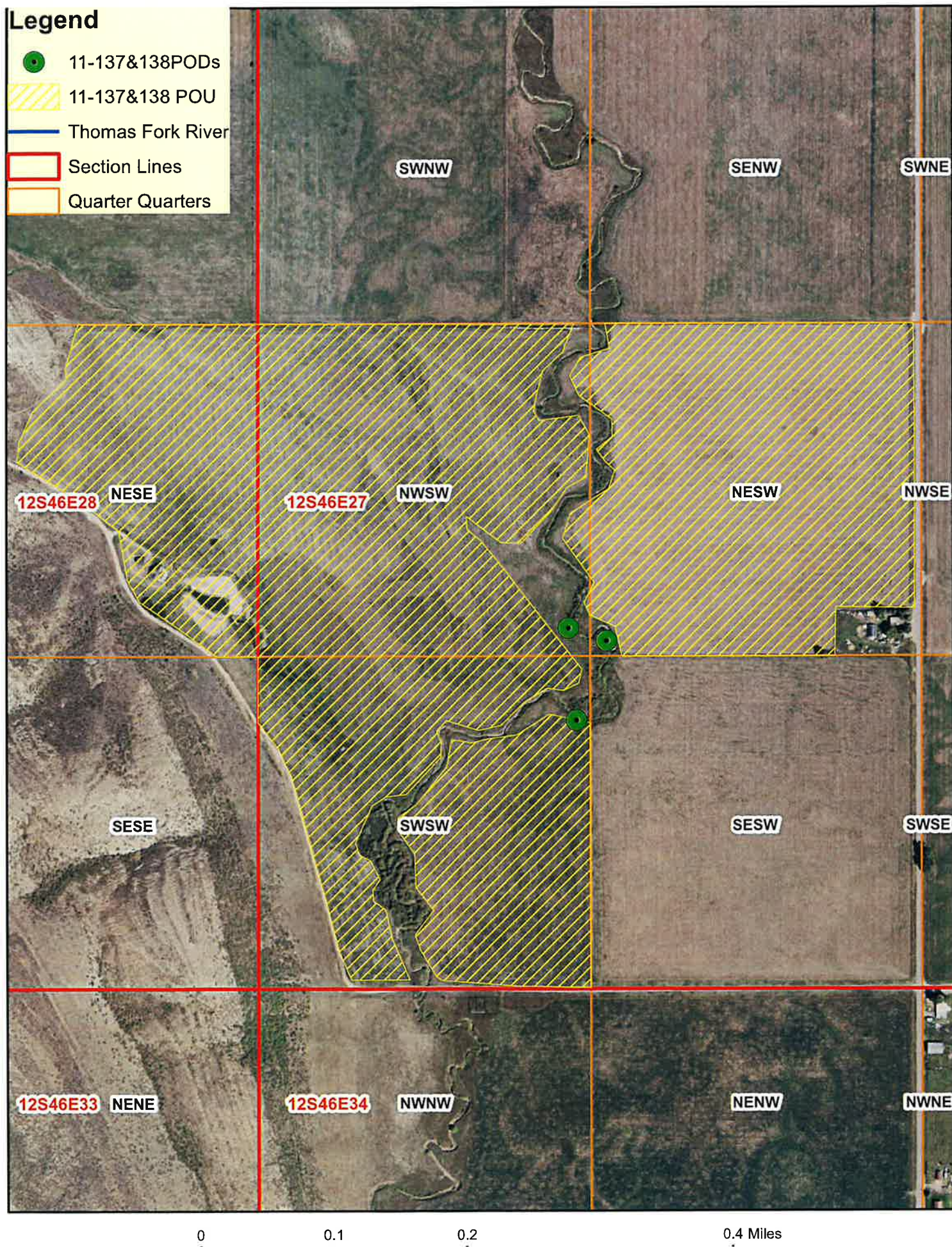
Signature of Authorized Agent  Date 10 OCT 23  
Printed Name of Authorized Agent Stephen R. Hirschi

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Robert L. Harris, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature  Date 10/10/2023

Address Holden, Kidwell, Hahn & Crapo, P.L.L.C.



**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 79341**

This is to certify that: HIRSCHI ACRES, LLC  
C/O STEPHEN HIRSCHI  
9858 SOUTH BLOSSOM DR  
SANDY, UT 84092

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 11-137             | WR/DECREED          | 4/1/1891             | 0.500 cfs             | N/A                     | N/A               | N/A                | THOMAS FORK   |
| 11-138             | WR/DECREED          | 9/15/1894            | 1.200 cfs             | N/A                     | N/A               | N/A                | THOMAS FORK   |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 11-137                | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 11-138                | NO           | NO         | YES        | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 11-137                 | 11-137                           | 0.500 cfs            | N/A                    | N/A               | 123.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 11-138                 | 11-138                           | 1.200 cfs            | N/A                    | N/A               | 123.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>1.700 cfs</b>     | <b>N/A</b>             | <b>N/A</b>        | <b>123.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 4th day of August, 2014.

  
for Chief, Water Allocation Bureau

SUPPORT DATA

Transfer No. 79341

IN FILE # 11-137

**WATER RIGHT NO. 11-137**  
**As Modified by Transfer No. 79341**

In accordance with the approval of Transfer No. 79341, Water Right No. 11-137 is now described as follows:

**Right Holder:**           HIRSCHI ACRES, LLC  
                                   C/O STEPHEN HIRSCHI  
                                   9858 SOUTH BLOSSOM DR  
                                   SANDY, UT 84092

**Priority Date:**           4/1/1891

**Source:**               THOMAS FORK

**Tributary:**           BEAR RIVER

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 04/15              | to 10/31         | 0.500 cfs<br>0.500 cfs       |

**LOCATION OF POINT(S) OF DIVERSION**

THOMAS FORK                   NESW                   Sec 27 Twp 12S Rge 46E BEAR LAKE County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW   |      |      |    | SE   |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|------|------|------|----|------|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE | NE   | NW | SW | SE |        |
| 12S | 46E | 27  |    |    |    |    |    |    |    |    | 36.5 | 36.0 | 30.5 |    |      |    |    |    | 103.0  |
| 12S | 46E | 28  |    |    |    |    |    |    |    |    |      |      |      |    | 20.0 |    |    |    | 20.0   |

POU Total Acres:           123.0

**CONDITIONS OF APPROVAL**

1. Rights 11-137 and 11-138 when combined shall not exceed the irrigation of 123 acres.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No 11F.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No.    79341

**WATER RIGHT NO. 11-137**  
**As Modified by Transfer No. 79341**

**CONDITIONS OF APPROVAL**

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



**WATER RIGHT NO. 11-138**  
**As Modified by Transfer No. 79341**

In accordance with the approval of Transfer No. 79341, Water Right No. 11-138 is now described as follows:

**Right Holder:**                HIRSCHI ACRES, LLC  
                                      C/O STEPHEN HIRSCHI  
                                      9858 SOUTH BLOSSOM DR  
                                      SANDY, UT 84092

**Priority Date:**                9/15/1894

**Source:**                        THOMAS FORK

**Tributary:**                    BEAR RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

04/15

to

**To**

10/31

**Diversion Rate**

1.200 cfs

1.200 cfs

**LOCATION OF POINT(S) OF DIVERSION**

THOMAS FORK

NESW

Sec 27 Twp 12S Rge 46E BEAR LAKE County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW   |      |      |    | SE   |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|------|------|------|----|------|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE | NE   | NW | SW | SE |        |
| 12S | 46E | 27  |    |    |    |    |    |    |    |    | 36.5 | 36.0 | 30.5 |    |      |    |    |    | 103.0  |
| 12S | 46E | 28  |    |    |    |    |    |    |    |    |      |      |      |    | 20.0 |    |    |    | 20.0   |

POU Total Acres:                123.0

**CONDITIONS OF APPROVAL**

1. Rights 11-137 and 11-138 when combined shall not exceed the irrigation of 123 acres.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No 11F.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No.        79341

**WATER RIGHT NO. 11-138**  
**As Modified by Transfer No. 79341**

**CONDITIONS OF APPROVAL**

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

