

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76191

This is to certify that: DWIGHT W HORSCH
855 LUCILLE AVE
POCATELLO ID 83201
(208)397-4925

And/Or

KENNETH R HORSCH
1990 S 2600 W
ABERDEEN ID 83210
(208)397-4913

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
35-2079	WR/Decreed	09/11/1947	2.5 cfs	500 af	125.0	384.5	GROUND WATER
35-7619A	WR/Decreed	06/23/1976	1.81 cfs	362 af	90.5	384.5	GROUND WATER
35-7939	WR/Decreed	01/07/1981	3.38 cfs	N/A	N/A	384.5	GROUND WATER
35-8082	WR/License	02/07/1983	1.2 cfs	240 af	60.0	445.5	GROUND WATER
35-8572	WR/License	05/20/1985	0.02 cfs	4 af	1.0	445.5	GROUND WATER

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>
35-2079	NO	NO	YES	NO	NO	NO
35-7619A	NO	NO	YES	NO	NO	NO
35-7939	NO	NO	YES	NO	NO	NO
35-8082	NO	NO	YES	NO	NO	NO
35-8572	NO	NO	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 35-2079

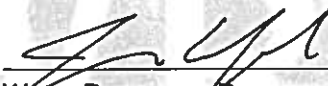
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76191

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-2079	35-2079	2.5 cfs	500 af	125.0	445.5		N/A	N/A	N/A	N/A
35-7619A	35-7619A	1.81 cfs	362 af	90.5	445.5		N/A	N/A	N/A	N/A
35-7939	35-7939	3.38 cfs	N/A	384.5	445.5		N/A	N/A	N/A	N/A
35-8082	35-8082	1.2 cfs	240 af	60.0	445.5		N/A	N/A	N/A	N/A
35-8572	35-8572	0.02 cfs	4 af	1.0	445.5		N/A	N/A	N/A	N/A
COMBINED TOTALS		7.3 cfs	1782 af	445.5	445.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 15th day of April, 2010



 Water Resources Program Manager

WATER RIGHT NO. 35-8082
As Modified by Transfer No. 76191

In accordance with the approval of Transfer No. 76191, Water Right No. 35-8082 is now described as follows.

Right Holder: DWIGHT W HORSCH
 855 LUCILLE AVE
 POCA TELLO ID 83201

And/Or

KENNETH R HORSCH
 1990 S 2600 W
 ABERDEEN ID 83210

Priority Date: February 07, 1983

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.20 CFS	240.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWNE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County
GROUND WATER	SESWNE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County
GROUND WATER	NWSWSE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	31E	36															1.0	.5	1.5
06S	31E	1	31.8	26.8	31.3	34.3	.2		24.0	20.0	36.0	28.6	16.0	36.8	12.0	34.4	29.8	.5	362.5
06S	31E	12		15.1			25.7	8.7											49.5
06S	32E	6						15.0	17.0										32.0

Total Acres: 445.5

WATER RIGHT NO. 35-8082
As Modified by Transfer No. 76191

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
2. Rights 35-2079, 35-7619A, 35-7939, 35-8572 and 35-8082 when combined shall not exceed a total diversion rate of 7.3 cfs, a total annual maximum diversion volume of 1782 af at the field headgate, and the irrigation of 445.5 acres.
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. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to the diversion and use of water under Transfer approval 76191, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. The following rights are diverted through point(s) of diversion described above: 35-2079, 35-7619A, 35-7939, 35-8082 & 35-8572.
8. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-8082
As Modified by Transfer No. 76191

CONDITIONS OF APPROVAL

This water right 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.

Dated this 15th day of April, 20 10


Water Resources Program Manager



WATER RIGHT NO. 35-8572
As Modified by Transfer No. 76191

In accordance with the approval of Transfer No. 76191, Water Right No. 35-8572 is now described as follows.

Right Holder: DWIGHT W HORSCH
 855 LUCILLE AVE
 POCA TELLO ID 83201

And/Or

KENNETH R HORSCH
 1990 S 2600 W
 ABERDEEN ID 83210

Priority Date: May 20, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.02 CFS	4.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWNE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County
GROUND WATER	SESWNE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County
GROUND WATER	NWSWSE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	31E	36															1.0	.5	1.5
06S	31E	1	31.8	26.8	31.3	34.3	.2		24.0	20.0	36.0	28.6	16.0	36.8	12.0	34.4	29.8	.5	362.5
06S	31E	12		15.1			25.7	8.7											49.5
06S	32E	6						15.0	17.0										32.0

Total Acres: 445.5

WATER RIGHT NO. 35-8572
As Modified by Transfer No. 76191

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1 acre within the place of use described above in a single irrigation season.
2. Rights 35-2079, 35-7619A, 35-7939, 35-8572 and 35-8082 when combined shall not exceed a total diversion rate of 7.3 cfs, a total annual maximum diversion volume of 1782 af at the field headgate, and the irrigation of 445.5 acres.
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. 120.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Prior to the diversion and use of water under Transfer approval 76191, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. The following rights are diverted through point(s) of diversion described above: 35-2079, 35-7619A, 35-7939, 35-8082 & 35-8572.
8. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-8572
As Modified by Transfer No. 76191

CONDITIONS OF APPROVAL

This water right 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.

Dated this 15th day of April, 20 10



Water Resources Program Manager



WATER RIGHT NO. 35-7939
As Modified by Transfer No. 76191

In accordance with the approval of Transfer No. 76191, Water Right No. 35-7939 is now described as follows.

Right Holder: DWIGHT W HORSCH
 855 LUCILLE AVE
 POCA TELLO ID 83201

And/Or

KENNETH R HORSCH
 1990 S 2600 W
 ABERDEEN ID 83210

Priority Date: January 07, 1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 11/01	3.38 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWNE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County
GROUND WATER	SESWNE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County
GROUND WATER	NWSWSE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 31E 36															1.0	.5	1.5
06S 31E 1	31.8	26.8	31.3	34.3	.2		24.0	20.0	36.0	28.6	16.0	36.8	12.0	34.4	29.8	.5	362.5
06S 31E 12		15.1			25.7	8.7											49.5
06S 32E 6						15.0	17.0										32.0

Total Acres: 445.5

WATER RIGHT NO. 35-7939
As Modified by Transfer No. 76191

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 384.5 acres within the place of use described above in a single irrigation season.
2. Rights 35-2079, 35-7619A and 35-7939 when combined shall not exceed a total annual maximum diversion volume of 1538 af at the field headgate, and the irrigation of 384.5 acres.
3. Rights 35-2079, 35-7619A, 35-7619B and 35-7939 when combined shall not exceed a total diversion rate of 5.88 cfs.
4. Rights 35-2079, 35-7619A, 35-7939, 35-8572 and 35-8082 when combined shall not exceed a total diversion rate of 7.3 cfs, a total annual maximum diversion volume of 1782 af at the field headgate, and the irrigation of 445.5 acres.
5. 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. 120.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 76191, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. The following rights are diverted through point(s) of diversion described above: 35-2079, 35-7619A, 35-7939, 35-8082 & 35-8572.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-7939
As Modified by Transfer No. 76191

CONDITIONS OF APPROVAL

This water right 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.

Dated this 15th day of April, 20 10



Water Resources Program Manager



WATER RIGHT NO. 35-7619A
As Modified by Transfer No. 76191

In accordance with the approval of Transfer No. 76191, Water Right No. 35-7619A is now described as follows.

Right Holder: DWIGHT W HORSCH
 855 LUCILLE AVE
 POCA TELLO ID 83201

And

KENNETH R HORSCH
 1990 S 2600 W
 ABERDEEN ID 83210

Priority Date: June 23, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	1.81 CFS	362.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWNE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County
GROUND WATER	SESWNE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County
GROUND WATER	NWSWSE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S 31E 36															1.0	.5	1.5
06S 31E 1	31.8	26.8	31.3	34.3	.2		24.0	20.0	36.0	28.6	16.0	36.8	12.0	34.4	29.8	.5	362.5
06S 31E 12		15.1			25.7	8.7											49.5
06S 32E 6						15.0	17.0										32.0

Total Acres: 445.5

WATER RIGHT NO. 35-7619A
As Modified by Transfer No. 76191

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 90.5 acres within the place of use described above in a single irrigation season.
2. Rights 35-2079, 35-7619A and 35-7939 when combined shall not exceed a total annual maximum diversion volume of 1538 af at the field headgate and the irrigation of 384.5 acres.
3. Rights 35-2079, 35-7619A, 35-7619B and 35-7939 when combined shall not exceed a total diversion rate of 5.88 cfs.
4. Rights 35-2079, 35-7619A, 35-7939, 35-8572 and 35-8082 when combined shall not exceed a total diversion rate of 7.3 cfs, a total annual maximum diversion volume of 1782 af at the field headgate, and the irrigation of 445.5 acres.
5. 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. 120.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 76191, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. The following rights are diverted through point(s) of diversion described above: 35-2079, 35-7619A, 35-7939, 35-8082 & 35-8572.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-7619A
As Modified by Transfer No. 76191

CONDITIONS OF APPROVAL

This water right 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.

Dated this 15th day of April, 20 10



Water Resources Program Manager



WATER RIGHT NO. 35-2079
As Modified by Transfer No. 76191

In accordance with the approval of Transfer No. 76191, Water Right No. 35-2079 is now described as follows.

Right Holder: DWIGHT W HORSCH
 855 LUCILLE AVE
 POCA TELLO ID 83201

And/Or

KENNETH R HORSCH
 1990 S 2600 W
 ABERDEEN ID 83210

Priority Date: September 11, 1947

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	2.50 CFS	500.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSWNE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County
GROUND WATER	SESWNE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County
GROUND WATER	NWSWSE	Sec. 1	Twp 06S	Rge 31E	BINGHAM County

PLACE OF USE:

<u>PLACE OF USE:</u>		IRRIGATION																	
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	31E	36														1.0	.5	1.5	
06S	31E	1	31.8	26.8	31.3	34.3	.2		24.0	20.0	36.0	28.6	16.0	36.8	12.0	34.4	29.8	.5	362.5
06S	31E	12		15.1			25.7	8.7											49.5
06S	32E	6						15.0	17.0										32.0

Total Acres: 445.5

**WATER RIGHT NO. 35-2079
As Modified by Transfer No. 76191**

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 125 acres within the place of use described above in a single irrigation season.
2. Rights 35-2079, 35-7619A and 35-7939 when combined shall not exceed a total annual maximum diversion volume of 1538 af at the field headgate and the irrigation of 348.5 acres.
3. Rights 35-2079, 35-7619A, 35-7619B and 35-7939 when combined shall not exceed a total diversion rate of 5.88 cfs.
4. Rights 35-2079, 35-7619A, 35-7939, 35-8572 and 35-8082 when combined shall not exceed a total diversion rate of 7.3 cfs, a total annual maximum diversion volume of 1782 af at the field headgate, and the irrigation of 445.5 acres.
5. 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. 120.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 76191, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. The following rights are diverted through point(s) of diversion described above: 35-2079, 35-7619A, 35-7939, 35-8082 & 35-8572.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 35-2079
As Modified by Transfer No. 76191

CONDITIONS OF APPROVAL

This water right 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.

Dated this 15th day of April, 2010


Water Resources Program Manager

