

Transfer No. 76191

Receipt No. ED 35576
ED 35577

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information DWIGHT W HORSCH
 855 LUCILLE AVE
 POCA TELLO ID 83201
 (208)397-4925

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

Will this transfer result in an ownership change? Yes Yes _____ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
35-2079	WR/License	2.50	500.0	125.0	384.5	GROUND WATER
35-7619A	WR/License	1.81	362.0	90.5	384.5	GROUND WATER
35-7939	WR/License	3.38			384.5	GROUND WATER
35-8082	WR/License	1.20	240.0	60.0	445.5	GROUND WATER
35-8572	WR/License	0.02	4.0	1.0	445.5	GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
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

Describe the reason for the proposed changes

Applicants would like to rearrange his POU to match their current irrigation practices. This transfer will also resolve a pending NOV.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
35-2079	2.50 cfs	125.0	445.5	500.0 af
35-7619A	1.81 cfs	90.5	445.5	362.0 af
35-7939	3.38 cfs	169.0	445.5	676.0 af
35-8082	1.20 cfs	60.0	445.5	240.0 af
35-8572	0.02 cfs	1.0	445.5	4.0 af
TOTAL	7.30 cfs	445.5	445.5	1,782.0 af

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.

Kenneth Joseph

(Signature of Applicant)

Owner

(Title or Office)

Dwight W. Horach

(Signature of Applicant)

Owner

(Title or Office)

Transfer No. 76191

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-8082

Priority Date: February 07, 1983

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.20 CFS	240.0 AFA	
	Total Diversion	1.20 CFS	240.0 AFA	

Source and 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	
06S	31E	1	33.0	26.0	37.0	36.0			19.0	19.0	35.0	25.0	14.0	40.0	16.0	40.0	26.0	1.0	367.0
			L 1	L 2															
06S	31E	12		9.0			27.0	6.5											42.5
06S	32E	6						18.0	18.0										36.0
							L 4	L 5											

Total Acres: 445.5

Conditions/Remarks:

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 35-02079, 35-07619A, 35-07939 and 35-08572 are also diverted through the points of diversion described above.
3. Rights 35-02079, 35-07619A, 35-07939, 35-08572 and 35-08082 when combined shall not exceed a total diversion rate of 7.30 cfs, and the irrigation of 445.5 acres.

Page 5

4. 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.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 120.
6. 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.

Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 76191

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-8572

Priority Date: May 20, 1985

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.02 CFS	4.0 AFA	
	Total Diversion	0.02 CFS	4.0 AFA	

Source and 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	
06S 31E 1	33.0	26.0	37.0	36.0			19.0	19.0	35.0	25.0	14.0	40.0	16.0	40.0	26.0	1.0	367.0
	L 1	L 2															
06S 31E 12		9.0			27.0	6.5											42.5
06S 32E 6						18.0	18.0										36.0
					L 4	L 5											

Total Acres: 445.5

Conditions/Remarks:

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 35-02079, 35-07619A, 35-07939 and 35-08082 are also diverted through the points of diversion described above.

Page 7

3. Rights 35-02079, 35-07619A, 35-07939, 35-08082 and 35-08572 when combined shall not exceed a total diversion rate of 7.3 cfs, and the irrigation of 445.5 acres.
4. 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.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 120.
6. 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.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-7939

Priority Date: January 07, 1981

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 11/01	3.38 CFS		
	Total Diversion	3.38 CFS		

Source and 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	
06S	31E	1	33.0	26.0	37.0	36.0				8.0	29.0		14.0	40.0	16.0	40.0	26.0	1.0	306.0
			L 1	L 2															
06S	31E	12		9.0			27.0	6.5											42.5
06S	32E	6					18.0	18.0											36.0
							L 4	L 5											

Total Acres: 384.5

Conditions/Remarks:

- THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
- USE OF THIS RIGHT WITH RIGHT NOS. 35-02079 AND 35-07619A IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1538 AF. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.88 CFS. COMBINED RIGHT NOS.: 35-02079, 35-07619A AND 35-07619B

Page 9

3. USE OF THIS RIGHT WITH RIGHT NOS. 35-02079 AND 35-07619A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 384.5 ACRES IN A SINGLE IRRIGATION SEASON.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
OTHER RIGHT NOS.: 35-02079 AND 35-07619A

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 76191

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-7619A

Priority Date: June 23, 1976

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 11/01	1.81 CFS	362.0 AFA	
	Total Diversion	1.81 CFS	362.0 AFA	

Source and 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	
06S 31E 1	33.0	26.0	37.0	36.0				8.0	29.0		14.0	40.0	16.0	40.0	26.0	1.0	306.0
	L 1	L 2															
06S 31E 12		9.0			27.0	6.5											42.5
06S 32E 6						18.0	18.0										36.0
					L 4	L 5											

Total Acres: 384.5

Conditions/Remarks:

- USE OF THIS RIGHT WITH RIGHT NOS. 35-02079, 35-07619B AND 35-07939 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.88 CFS.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1538 AF.
COMBINED RIGHT NOS.: 35-02079 AND 35-07939

2. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 384.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 35-02079 AND 35-07939.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 90.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 35-02079 AND 35-07939

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-2079

Priority Date: September 11, 1947

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 11/01	2.50 CFS	500.0 AFA	
	Total Diversion	2.50 CFS	500.0 AFA	

Source and 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	
06S	31E	1	33.0	26.0	37.0	36.0				8.0	29.0		14.0	40.0	16.0	40.0	26.0	1.0	306.0
			L 1	L 2															
06S	31E	12		9.0			27.0	6.5											42.5
06S	32E	6					18.0	18.0											36.0
							L 4	L 5											

Total Acres: 384.5

Conditions/Remarks:

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

2. USE OF THIS RIGHT WITH RIGHT NOS. 35-07619A, 35-07619B AND 35-07939 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.88 CFS.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1538 AF.
COMBINED RIGHT NOS.: 35-07619A AND 35-07939
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 384.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 35-07619A AND 35-07939 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 125 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: COMBINED RIGHT NOS.: 35-07619A AND 35-07939.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 35-8082

Priority Date: February 07, 1983

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.20 CFS	240.0 AFA	
	Total Diversion	1.20 CFS	240.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 Well and 100 hp pump

Point of Diversion # 2 Well with 100 hp pump

Point of Diversion # 3 Well with 100 hp pump

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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 35-8572

Priority Date: May 20, 1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.02 CFS	4.0 AFA	
	Total Diversion	0.02 CFS	4.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 Well with 100 hp pump

Point of Diversion # 2 Well with 100 hp pump

Point of Diversion # 3 Well with 100 hp pump

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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 35-7939

Priority Date: January 07, 1981

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	3.38 CFS	676.0 AFA	
	Total Diversion	3.38 CFS	676.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 Well and 100 hp pump

Point of Diversion # 2 Well with 100 hp pump

Point of Diversion # 3 Well with 100 hp pump

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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 35-7619A

Priority Date: June 23, 1976

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	1.81 CFS	362.0 AFA	
	Total Diversion	1.81 CFS	362.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 3 WELLS, PUMPS & SPRINKLERS.

Point of Diversion # 2 3 WELLS, PUMPS & SPRINKLERS.

Point of Diversion # 3 3 WELLS, PUMPS & SPRINKLERS.

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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 35-2079

Priority Date: September 11, 1947

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	2.50 CFS	500.0 AFA	
	Total Diversion	2.50 CFS	500.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 3 WELLS, PUMPS AND SPRINKLERS

Point of Diversion # 2 3 WELLS, PUMPS AND SPRINKLERS

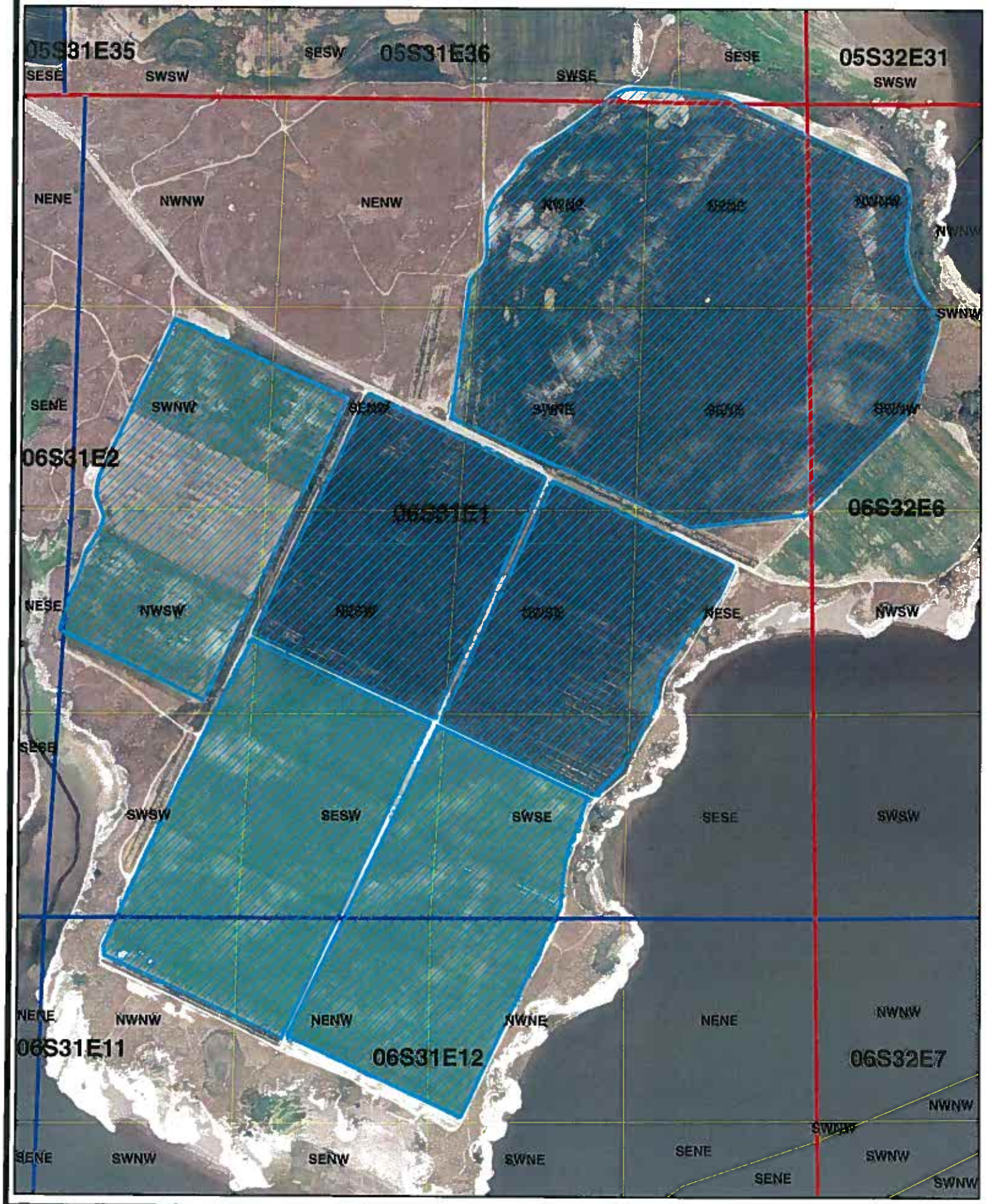
Point of Diversion # 3 3 WELLS, PUMPS AND SPRINKLERS

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

Proposed Water Use



January 26, 2010

To whom It may concern

We the undersigned do acknowledge that the underlist
water rights are equally owned and shared 50:50.

Water Rights

35-2079

35-7619A

35-7939

35-8082

35-8572

Kenneth Horsch

Dwight W. Horsch

State of Idaho)
County of Bennettville)

On this 26th day of January, 20 10, before me the
undersigned Notary Public in and for said county and state, personally appeared
Dwight Horsch, and Kenneth Horsch known to me to be the
person whose name is subscribed to within instrument and acknowledged to me that he
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal, the day and year in this certificate first written.



Wendy J. Murphy
Notary Public in and for Idaho

Residing at: Idaho Falls

FIRST AMERICAN TITLE - POCATELLO OFFICE

20921580 2009 OCT 07 AM 11:37:30
Electronically Recorded by Simplifile

AFTER RECORDING MAIL TO:

THIS INSTRUMENT FILED FOR RECORD BY
FIRST AMERICAN TITLE COMPANY AS AN
ACCOMMODATION ONLY AND HAS NOT BEEN
EXAMINED AS TO ITS EXECUTION OR AS
TO ITS EFFECT UPON THE TITLE.

Instrument # 611770
BINGHAM COUNTY, IDAHO
10-14-2009 08:38:10 AM No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - PO
SARA J. STAUB Fee: 6.00
Ex-Officio Recorder Deputy KBell
Index To: DEED
Electronically Recorded by Simplifile

QUITCLAIM DEED

File No.: 298552-B (th)

Date: May 22, 2009

For Value Received, Kenneth R. Horsch, a married man, as his sole and separate property and Dwight W. Horsch, a married man, as his sole and separate property, do(es) hereby convey, release, remise, and forever quit claim unto Kenneth R. Horsch and Marilyn Horsch, husband and wife and Dwight W. Horsch and Kathleen M. Horsch, husband and wife, whose address is 1991 S. 2700 W. ABERDEEN, ID 83210, herein after called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit:

TRACT A:

Township 6 South, Range 31 E.B.M., Bingham County, Idaho
Section 1: S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$, EXCEPT Beginning at the SE corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1; thence S. 89°52' W. along the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1179.4 feet to a point; thence N. 43°59' E. 356.5 feet to a point; thence N. 64°11' E. 447.2 feet to a point; thence N. 53°54 $\frac{1}{2}$ ' E. 659.7 feet, more or less, to the East line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence S. 0°16' W. along the said East line of NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1, 837.2 feet, more or less, to the point of beginning.

TRACT B:

Township 6 South, Range 31 E.B.M., Bingham County, Idaho
Section 12: NW $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPT Beginning at the SE corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$; thence N. 89°49' W. along the South boundary line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$, 746.4 feet to a witness corner; thence N. 23°09' E. 422 feet to a point; thence N. 39°20' E. 402.7 feet to a point; thence N. 66°03' E. 199.3 feet to a point; thence N. 45°40' E. 129.8 feet to a point; thence N. 3°56' E. 172.3 feet to a point; thence N. 24°15' E. 134.4 feet, more or less, to a witness corner on the East boundary line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$; thence S. 0°49' W. along said East boundary line 1167.9 feet, more or less, to the point of beginning.

together with its appurtenances.

Dated: 10/02/2009

APN:

Quitclaim Deed - continued

File No.: 298552-B (th)
Date: 05/22/2009

Dwight W. Horsch

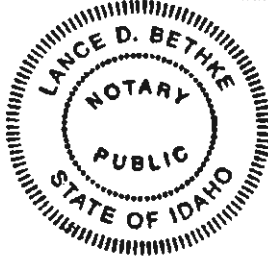
Kenneth R. Horsch

Kenneth R. Horsch Dwight W. Horsch

STATE OF Idaho)

COUNTY OF Bannock) ss.

On this 22 day of May, 2009, before me, a Notary Public in and for said State, personally appeared Kenneth R. Horsch and Dwight W. Horsch, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Lance D. Bethke
Notary Public of Idaho
Residing at: Pocatello
Commission Expires: 11/9/10

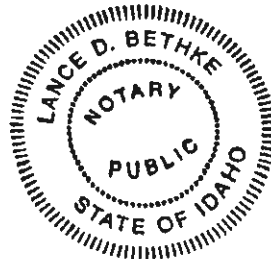
State of Idaho, County of Bannock, ss.

On this 2 day of October, 2009 before me, a Notary Public, personally appeared Dwight W. Horsch, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she) (they) executed the same.

Lance D. Bethke
Notary Public

Residing at: Pocatello

My commission expires: 11/9/10



page 4 of 4

611770

RECEIVED

MAR 26 2010

Department of Water Resources
Eastern Region

1

LAND USE AGREEMENT

This agreement, made and entered into by and between the State of Idaho, Department of Fish and Game (hereinafter the Department) and Dwight Horsch and Kenneth Horsch of Bingham County, Idaho (hereinafter Horsches), is made in reference to the following facts:

Recitals

A. Horsches desire to farm a certain portion of the Horsch Segment of the Sterling Wildlife Management Area, owned or controlled by the Department and lying within Bingham County, Idaho (hereinafter property), more fully described as follows:

T.6S., R.31E., B.M., Sec. 1, Sec. 2, A portion of the S 1/2, Sec. 12, A portion of the N 1/2. T.6S., R.32E., B.M., Sec. 6. A portion of the W 1/2, known as the Horsch Segment of the Sterling Wildlife Management Area.

B. The Department has determined that certain farming practices are not inconsistent with the purposes of habitat management on the property and is willing to allow Horsches to farm the property under the conditions set forth below.

NOW THEREFORE, in consideration of the recitals stated above the parties agree as follows:

SECTION ONE

Grant of License

A. The Department grants a license to Horsches to farm about 290 acres of the property designated.

B. Pursuant to the license, Horsches may:

1. Apply fertilizer to the property. However, if commercial fertilizer is used, they agree to provide to the Department a record of fertilizers applied by 31 December of each year (Attachment A).
2. Treat crops for control of noxious weeds.
3. Treat for insect infestations with prior approval by the Wildlife Management Area Manager (hereinafter Area Manager), and provide a record of all insecticides applied by 31 December of each year (Attachment A).

C. Horsches agree that they will:

1. Manage the property, and in all respects care for the property during the terms of this Agreement in a good and workmanlike manner and will furnish all tools, equipment, and labor necessary to do so.
2. Irrigate all or designated portions of the wildlife food and cover raised thereon at their own expense.
3. Pay the cost of seed bed preparation, seed, seeding, herbicide treatment, irrigation, and harvest.

4. Obtain approval from the Area Managers prior to treatment of crops for control of insects and use only the chemicals approved by the Area Manager.
 5. Provide to the Area Manager a record of all commercial fertilizers and insecticides applied by 31 December of each year.
- D. Nothing herein shall be construed as conveyance of an easement or other real property right in the property.
- E. The license shall include the right of ingress and egress for Horsches and their authorized agents over and upon the property for the purposes set forth herein.
- F. Employees, agents and representatives of the Department shall have the right to enter on and pass across the property at anytime. However, Horsches shall be notified prior to any entry which may impact standing crops.
- G. At no time shall Horsches exclude the public from the property for the purposes of hunting, fishing, or other recreational pursuits except where restrictions are imposed through mutual agreement for the benefit of one or both parties.
- H. For the purposes of regulating hunters, the Horsches agree to allow Department personnel to manage these lands and associated private lands consistent with the rules and regulations that are in force on the Sterling Wildlife Management Area.
- I. This agreement shall not be assigned without the prior written consent of the Department.

SECTION TWO

Payment

A. Horsches agree that in lieu of a cash payment for this license that they will provide the following goods or services to the Department.

1. Field A (AKA North Pivot field, 150) will be seeded to potatoes in the spring of 2010 then beets in 2011 and wheat in 2012. Two acres of grain will be planted for wildlife food and cover in small patches along the west edge of the field. Three acres of corn will be planted and raised along the northeast edge (Attachment B). This corn will be left standing for wildlife food and cover. Any portion of the food plots described in this agreement which do not produce a dense, fruit-bearing stand will be assessed against future agreements at a rate of \$250 per acre for corn and \$100 per acre for wheat. However, failure due to natural unavoidable circumstances will be exempt from this policy. All food plots will be examined by both parties in late May to ensure that acreages are correct.

Permanent cover along the northwest corner of the field will be irrigated (Attachment B).

2. Field B (AKA East Beach field, 25 acres) will be seeded to wheat in 2010 then potatoes in 2011 and then beets in 2012. The harvested portion of the crop and other grain crops referred to in this agreement will be combined to leave stubble at least 8 inches high and left to provide wildlife cover throughout the winter. This

stubble and other stubble referred to in this agreement may be ripped in the fall to promote moisture penetration, however the tools or passes must be spaced so that 60% of stubble remains standing and free of loose soil. At the north end of the field four acres of corn will be grown. All corn will be left standing for wildlife food and cover (Attachment B). The permanent cover, consisting of grass and trees planted in 2009, in the southwest corner of the field will be maintained as in past years.

3. Field C (AKA Center Beach field, 100 acres) will be seeded to beats in 2010 and wheat in the spring of 2011 and 2012. Five acres of grain will be left in a strip along the center of the field. Wheel lines should be moved out of the plot at the end of the irrigation season.
4. Field D (AKA South field, 135 acres) will be seeded to wheat in 2010 and 2011 then potatoes in 2012. Two acres of corn will be planted along the southeast edge of the field (Attachment B). All corn and grain food plots will be left standing for wildlife food and cover throughout the winter.

5. Field E (AKA West Beach field, 58 acres) will be in wheat in 2010 then potatoes in 2011 and beets in 2012. One acre of permanent cover will be left standing along the south edge of the field. The remainder of the grain will be harvested and the property of Horsches, however all stubble will be left at least 8 inches high. One acre of corn or wheat will be planted in the northwest corner of the field and left to provide food and cover. The one acre permanent cover plot in the southeast corner will be irrigated as needed (Attachment B). All corn and grain food plots will be left standing for wildlife food and cover throughout the winter. The permanent cover at the north and south of the field will be irrigated as in the past years. The 20 acre planting of alfalfa will be left on the south end of the field (Attachment B). No hay will be harvested prior to July 1 and none after September 2. Mowing will be conducted as shown in Attachment C. The alfalfa will be irrigated up prior to first frost. All harvested hay will be the property of the Horsches.
6. Field G (93 acres) will be seeded to wheat in 2010, wheat in 2011 and potatoes in 2012. All grain will be harvested and the property of Horsches, however all stubble will be left at least 8 inches high. One and 1/2 acres of corn will be planted and left for food and cover on the south end of the field. One half acre of grain (1/4 mile long, 16 feet wide) will be left standing along the east edge of the field (Attach. B).
7. In all years, Horsches will provide irrigation for shelterbelts adjacent to fields E,

A and D (Attachment B). Horsches will provide weed control through spraying or mowing particularly in the vicinity of Little Hole Draw.

SECTION THREE

Term

- A. This agreement shall take effect on April 30, 2010 and shall remain in effect until April 29, 2013, unless terminated in accordance with the provisions of Paragraph B below. At the option of the parties, this license may be extended by written mutual agreement.
- B. This agreement may be terminated upon thirty (30) days written notice by any of the parties hereto. Any notice shall be served on the parties as follows:
1. Idaho Department of Fish and Game
Region Five
1345 Barton Road
Pocatello, Idaho 83204
 2. Horsches, C/O Dwight Horsch
1991 South 2700 West
Aberdeen, Idaho 83210

SECTION FOUR

Indemnification

Horsches agree to protect, defend, indemnify and hold harmless the Department from all liability or expense on account of claims, suits and costs growing out of or connected with Horsches' use or occupation of the property, if any, provided, however, that the Department shall not be relieved hereby from liability for its own negligence or that of its employees.

SECTION FIVE

Waiver, Modification or Amendment

No waiver, modification or amendment of this agreement or of any covenant or condition herein contained shall be valid unless in writing duly executed by the party to be charged therewith and the parties further agree that the provisions of this section may not be waived, modified, or amended except as herein set forth.

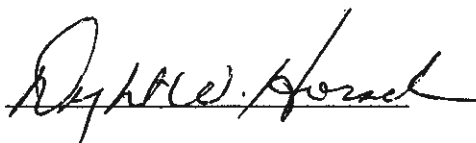
IN WITNESS WHEREOF, the parties have executed this agreement upon the date following their respective signatures.

IDAHO DEPARTMENT OF FISH AND GAME

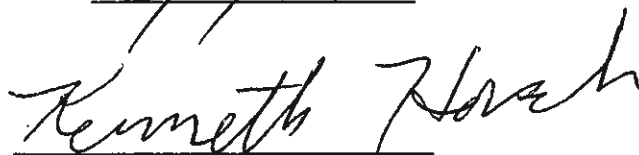
HORSCHES



Mark Gamblin

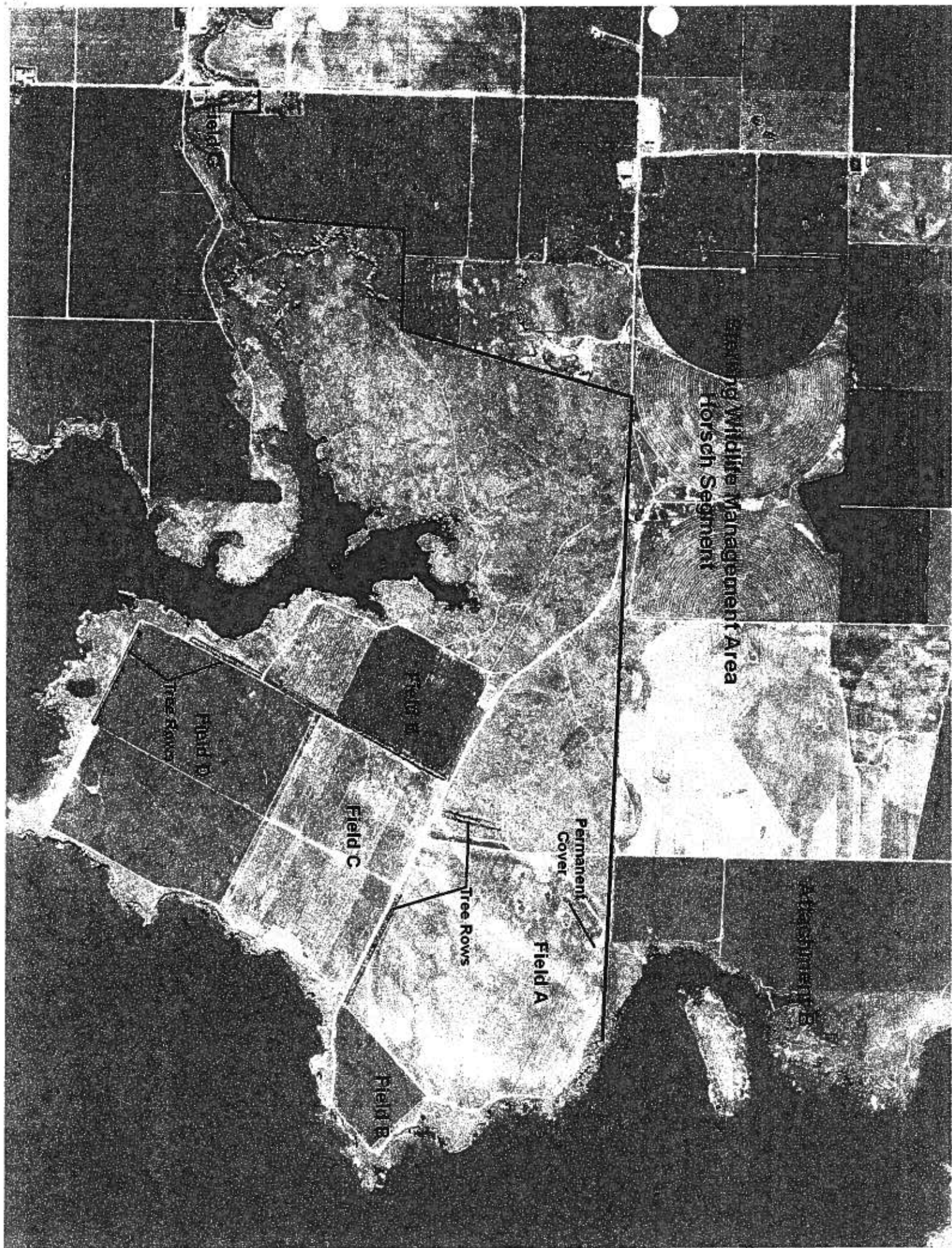


D. Horsch

Date: 3/9/10Date: 3/2/2010

K. Horsch

Date: 3-2-2010



Spartan Wildlife Management Area
Horsch Segment

Attachment B

Field A

Tree Rows

Field C

Field B

Field D

Tree Rows

ATTACHMENT C.

Haymowing

Hayfields are attractive to nesting pheasants, but they are also the habitat type with the highest nest and hen losses in most areas. With the advent of night mowing, birds incubating and roosting can also be lost in addition to the attendant nest destruction.

Most hayfield nests are established when the vegetation reaches 8 to 10 inches in height. It takes approximately 14 days for a hen pheasant to lay an average clutch of 10 or 11 eggs at 1.3 days per egg and an additional 23 days for incubation. Therefore, a hayfield needs to have approximately 37 days of unmolested time to hatch a nest that was initiated when hay was at the 8- to 10-inch stage. This is seldom the case, resulting in the high nest destruction. Researchers in Wisconsin wrote that the cutting date of hay averaged 35 days after a height of 8 to 10 inches was reached.

Some suggestions on how to reduce hayfield nesting losses would be to first delay the mowing date as long as possible. This, however, could result in a loss of quality in the hay. Second, mowing from the center of the field outward is advocated on the ground that it would help herd young broods out of the field and prevent their loss. A sometimes more practical suggestion is to mow from one side of the field to the other, thus herding young chicks out of the field ahead of the swather. Also, in large fields that take more than one day to cut, it would allow nests on the outer edges more time to hatch.

A third idea is to leave islands of uncut hay around nests of known location. The island should be as large as practical to avoid predation or other disturbances.

Flushing bars for use with mowers have provided varied success in the past. Today, however, tractor speeds have increased and the flushing bar approach to reducing hen mortalities is limited. The use of swathers reduces the time needed to cut and rake hayfields and they are also more lethal to nesting hens. Flushing bars are ineffective on swathers. However, work on an amplified sound system for use in flushing birds is currently being done in Nebraska. The indications are that this technique may be effective in reducing hen mortalities from hay harvesting operations.

