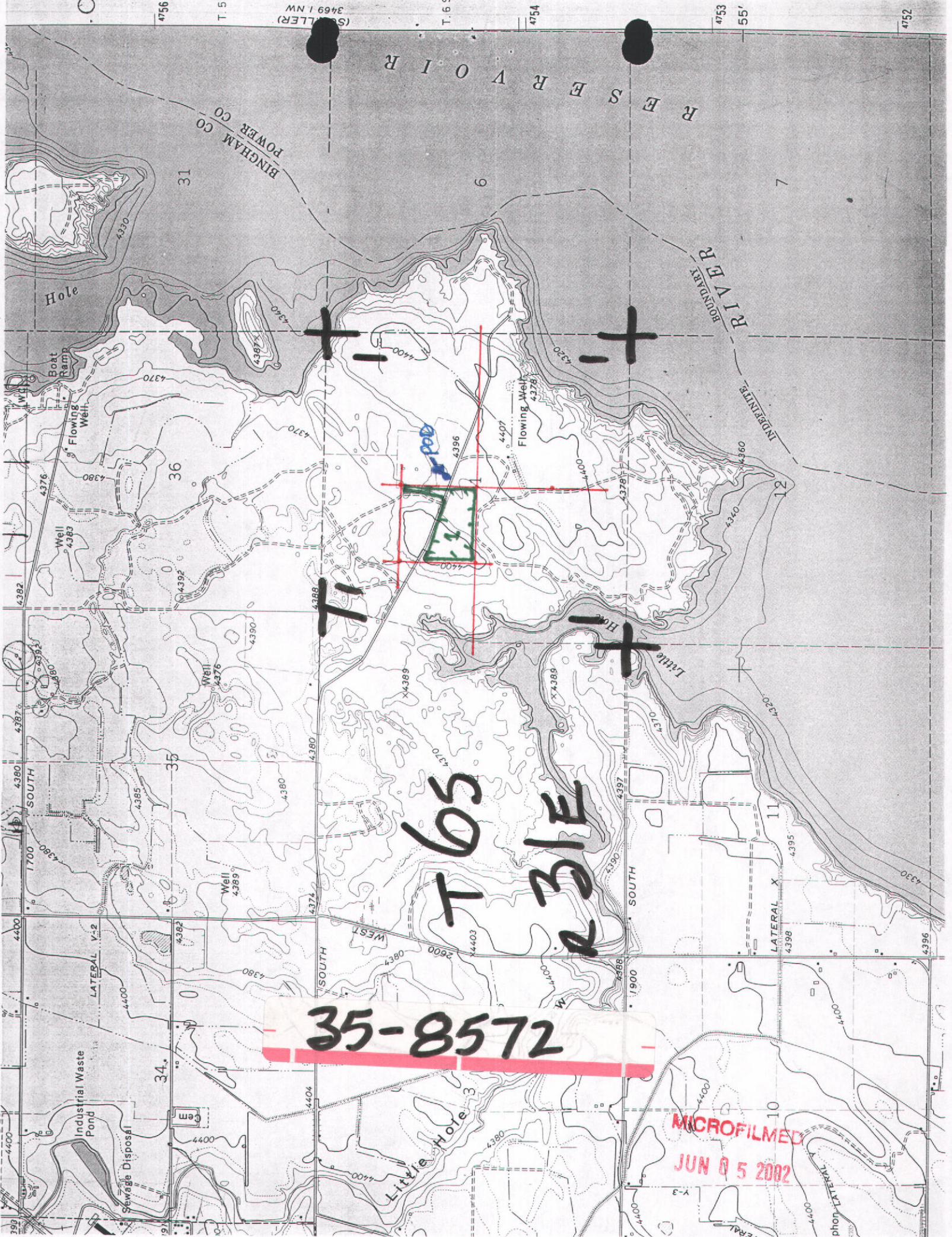




BINGHAM CO
POWER CO

RIVER
INDIFFERENT

Flowing Well
4378

T65

R31E

35-8572

MICROFILMED
JUN 05 2002

35-08572

35 36
2 1

1

T 65
R 31E

21
TOTAL
Irrigated

This
permit

1

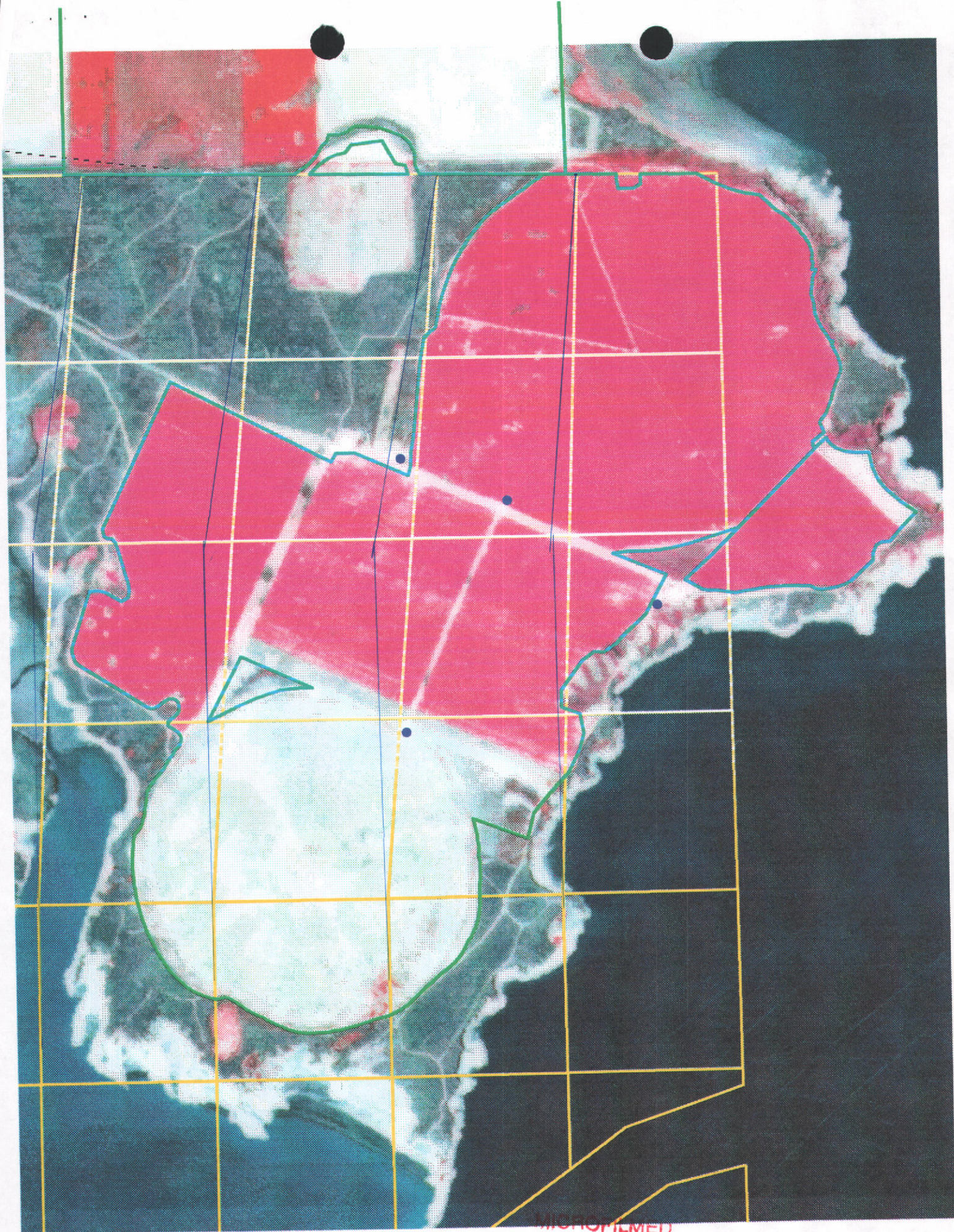
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MICROFILMED
JUN 05 2002

35-08572

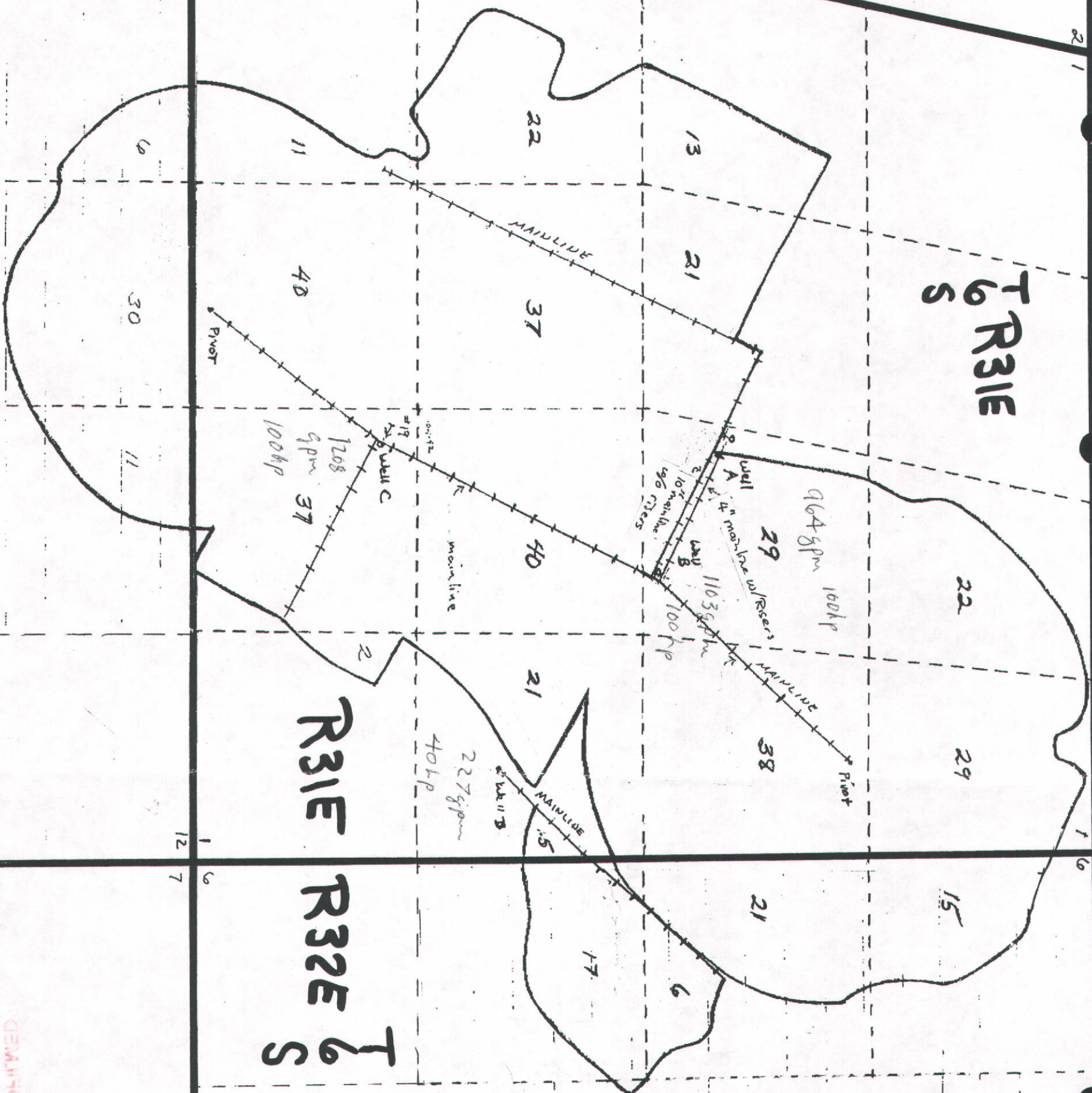


MICROFILMED

JUN 05 2002

TR31E
S

R31E
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35-08572

35 | 36

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T 65

R 31E

21

TOTAL
Irrigated

This
permit

①

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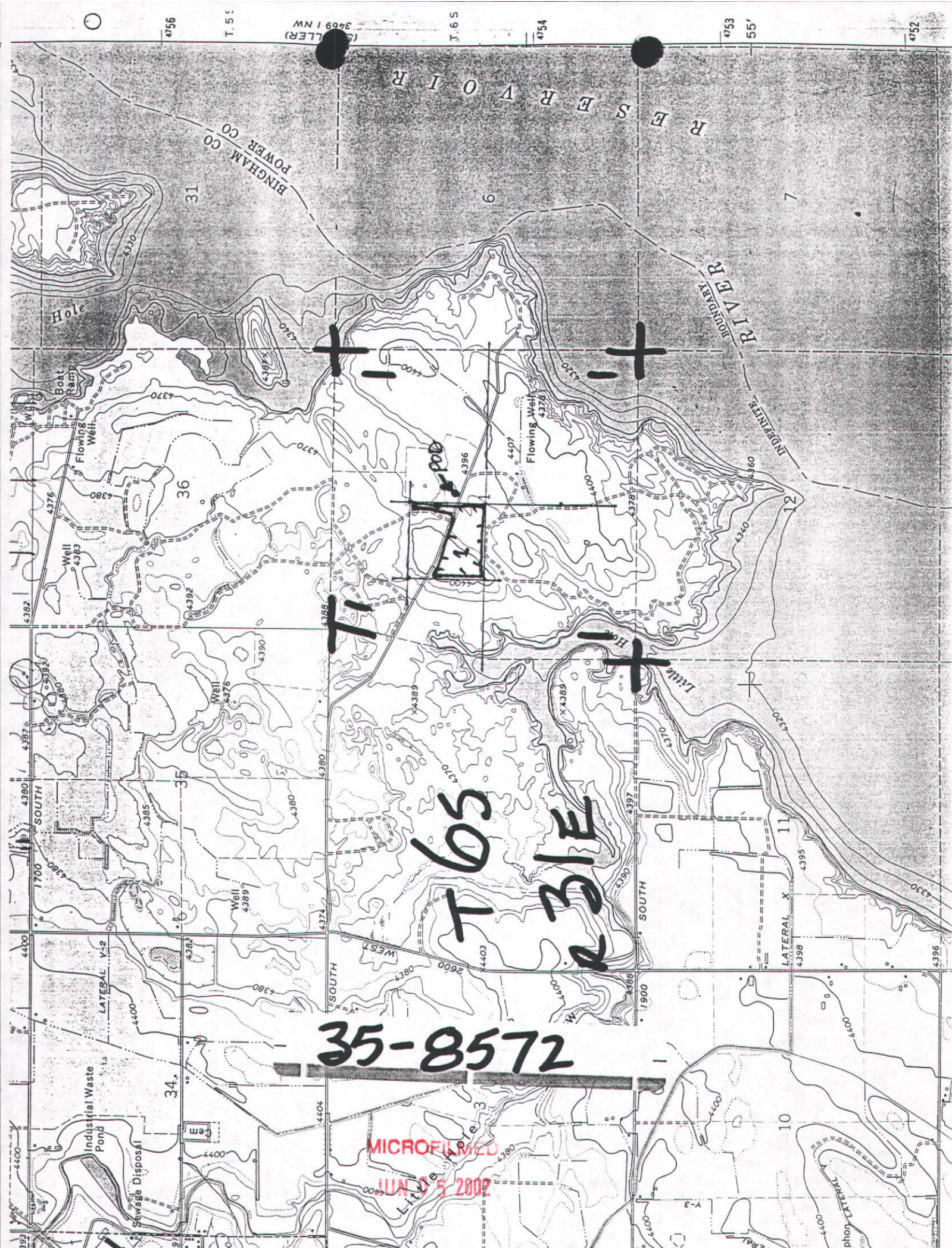
3 | 2

11 | 12

MICROFILMED

35-08572

JUL 13 2002





(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08572

Priority: May 20, 1985

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 4.0 AF

It is hereby certified that DWIGHT W HORSCH
1991 S 2700 W
ABERDEEN ID 83210 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 03, 1985; and has
submitted Proof of Beneficial Use on June 15, 1990. An examination indicates that the works have a
diversion capacity of 7.3 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	0.02 CFS	4.0 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1, Twp 06S, Rge 31E, B.M., BINGHAM County
GROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1, Twp 06S, Rge 31E, B.M., BINGHAM County
GROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, Twp 06S, Rge 31E, B.M., 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 L1	26.0 L2	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
06S 31E 12		9.0			27.0	6.5											42.5
06S 32E 6						18.0 L4	18.0 L5										36.0

Total Acres: 445.5

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

MICROFILMED

JUN 03 2002

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08572

- 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 27th day of May, 2002.


Acting for **KARL J. DREHER**
Director

MICROFILMED
JUN 05 2002

Rec'd
4-15-2002
pw

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 35-08572**Date of Priority:** May 20, 1985**Maximum Diversion Rate:** 0.02 CFS**Maximum Diversion Volume:** 4.0 AF

Comes now DWIGHT W HORSCH
1991 S 2700 W

ABERDEEN ID 83210 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 35-08572, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.02 CFS	4.0 AF

LOCATION OF POINTS OF DIVERSION:GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1, Twp 06S, Rge 31E, B.M., BINGHAM CountyGROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1, Twp 06S, Rge 31E, B.M., BINGHAM CountyGROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, Twp 06S, Rge 31E, B.M., 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
	L1	L2															
06S 31E 12		9.0			27.0	6.5											42.5
06S 32E 6					18.0	18.0											36.0
					L4	L5											

Total Acres: 445.5

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk Signed this 9th day of April, 2002.

Dwight W. Horsch
(Signature)

MICROFILMED
JUN 05 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08572

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee \$50.00 Received by JM # 0061380 Date 4-15-02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 35-08572 with the following:

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

Witness my hand this 7th day of May, 2002


Acting for **KARL J. DREHER**
Director

MICROFILMED
JUN 05 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 35-8572 IN THE
NAME OF DWIGHT W. HORSCH

)
) ORDER OF REINSTATEMENT
)
)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before June 1, 1990; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

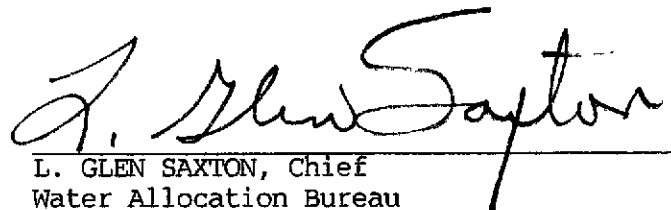
WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on June 18, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 35-8572 be REINSTATED and the priority advanced to May 20, 1985.

Dated this 16th day of November, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

DEC 11 1990

RECEIVED
JUN 18 1990

For Office Use Only
Amt. of Fee \$ 100
Date 6-15-90
Receipt No. E014842
Received by HGT

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department

Permit No. 35-08572

Telephone No. 208-397-4925

Name(s) of Permit Holder(s): Dwight W Hensch

Post Office Address: 1991 S 2700 W Aberdeen, Idaho 83210

Source of Water: Groundwater

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:

Domestic _____ (No. of households)

Irrigation X (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

Total rate and/or volume for which proof is submitted 0.40 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: May 3, 1985

One of the following may be a condition of approval of your permit

Measuring device: Required? Yes No Installed? Yes No

OR

Flow Measurement Port: Required? X Yes No Installed? X Yes No

Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination

See above
Name Telephone No.

Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho

6/15/1990
Date

Dwight W Hensch
Signature (and title if on behalf of a company or organization)

RECEIVED

DEC 11 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08572

Proposed Priority: May 3, 1985 Amount: 0.40 CFS

This is to certify, that DWIGHT W. HORSCH
RT. 1
ABERDEEN, ID 83210
has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.40 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNE Sec. 1, Township 06S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	31E	1	SENE	20		20

Total number of acres irrigated: 20

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1990.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

RECEIVED

JUN 12 1989

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08572

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

30th day of May, 19 89.

J. Glen Saxton
for R. Keith Higginson, Director

Seal of the State of Idaho

1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

CONDITIONAL
APPROVAL

To appropriate the public waters of the State of Idaho

1. Name of applicant Dwight W. Horsch Phone 397-4925

Post office address R.R. #1, Aberdeen, ID 83210

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1 Township 6S

Range 31E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.40 cfs for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.40 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump, mainline &
sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 16 inches; proposed depth of well is 268 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

20

Interim Permit No. 35-8082 is for 1.2 cfs from same well.

Different lands.

Applicant

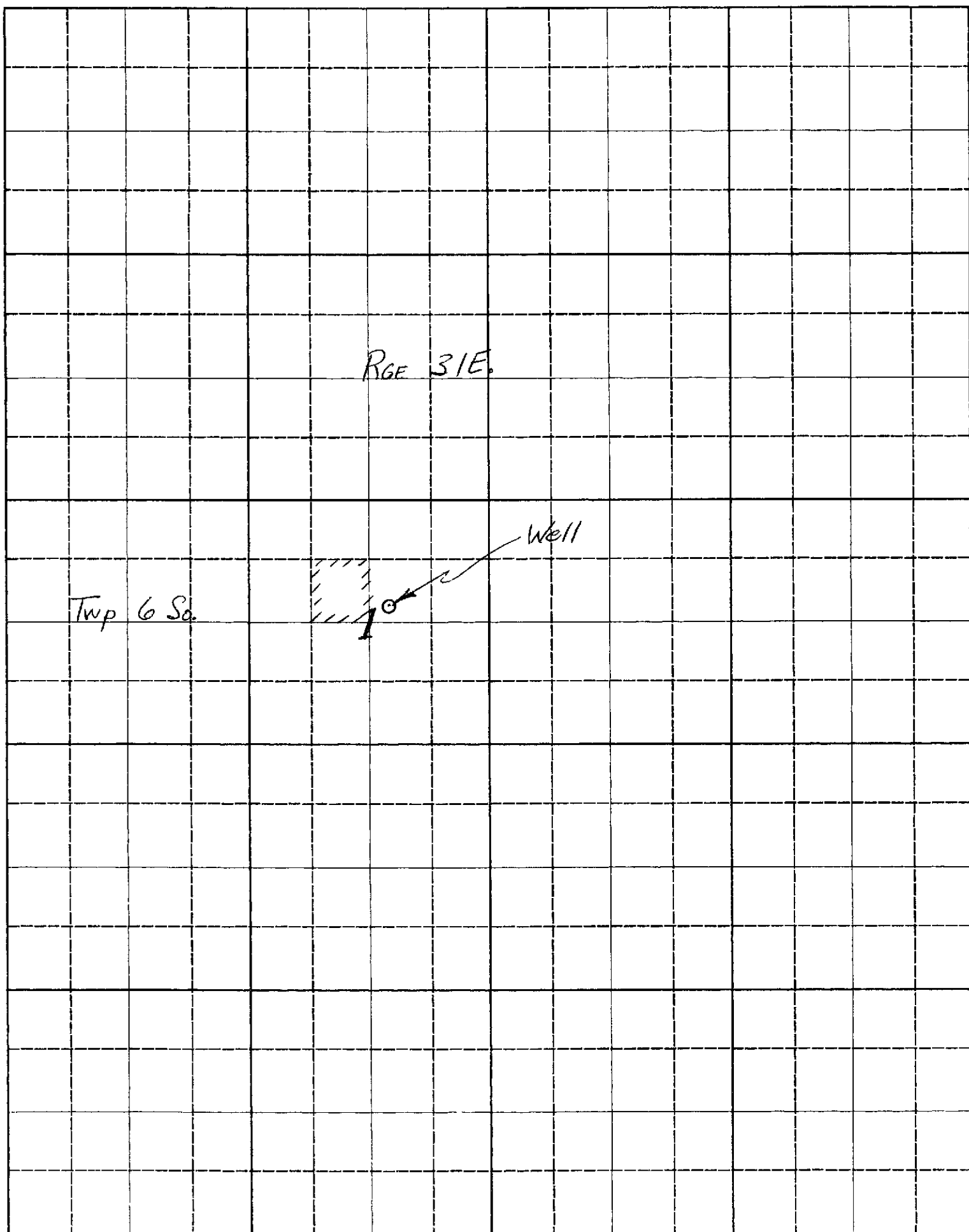
Applicant

applicant to make this filing

10. Remarks

[illegible]

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Dwight W. Horach

(Applicant)

RECORDED

MICROFILMED

3
12/31/89
Proposed Priority 5/13/85

Received by BMC Date 5-3-85 Time 1:30 P.
Preliminary check by HJC Fee \$ 45.00
Received by [initials] Date 5-3-85 # 33272
Publication prepared by IT Date 5-8-85
Published in 7/16/85, 1-11-85, 1-11-85
Publication dates 5-16-85 to 5-23-85
Publication approved _____ Date _____
Protests filed by: none
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by BMC kw

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-8572, and said application is hereby CONDITIONALLY APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use is not required unless permit is reprocessed and approved in compliance with 42-203C, Idaho Code.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: SEE ATTACHED SHEET FOR CONDITIONS d thru j.

Witness my hand this 19th day of June, 1985.

D. Munson
Chief, Operations Bureau

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

WITH RESPECT TO INTERIM APPROVAL OF

APPLICATION FOR PERMIT NO. 35-8572

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-8572; and interim approval is granted subject to the following limitations and conditions:

- a. Subject to all prior water rights.
- b. A measuring device or an access port of a design approved by IDWR shall be installed prior to diverting water under the interim approval.
- c. The water user acknowledges that the interim approval does not convey a continuing right to divert water and does not convey any right to divert water except as specifically provided in the interim approval.
- d. The water user assumes all risk that he or she will be successful in obtaining a permit for water which may be reallocated under the Water Appropriation Rules and Regulations. The water user accepts all risk that storage water will be available and obtainable from the rental pool in future years to allow the interim approval procedure to continue, if storage water is required.
- e. Violation of interim approval conditions, provisions of the Idaho Code, or the Water Allocation Rules and Regulations is cause for cancellation of the interim approval and denial of future requests.
- f. By accepting and commencing diversion of water under this interim approval, the water user acknowledges and agrees that the Director of IDWR is authorized to disconnect the power supply from the pump motor used to divert water under the interim approval or to take other reasonable steps to insure that water is not diverted during any period the interim approval is suspended or revoked.
- g. The Director may impose additional conditions not a part of the original interim approval conditions as determined by the Director.
- h. The filing on which the interim approval is given may be reprocessed under the provisions of Section 42-203C, Idaho Code, at the request of the water user or as determined by the Director in compliance with pertinent adopted rules and regulations and statutes.
- i. Investments made by the water user to divert and use water under the interim approval will not be considered by IDWR when reprocessing the filing under the provisions of 42-203C, Idaho Code.

Witness my hand this 30th day of March, 1987.

MICROFILMED

APR 13 1987

J. Glen Saylor
Chief, Operations Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CANCELLATION OF	)	
	)	
PERMIT NOS. 35-8082 AND 35-8572,	)	ORDER TO SHOW CAUSE
	)	AND CEASE AND DESIST
AND THE ILLEGAL DIVERSION OF	)	ORDER
	)	
GROUNDWATER BY DWIGHT W. HORSCH	)	
	)	
IN BINGHAM COUNTY	)	

The Director of the Department of Water Resources, being charged with the duties of protecting vested water rights, enforcing specific statutes of the State of Idaho, and the rules promulgated by the Department, and being authorized to order the cessation of violations or attempted violations of the provisions of the law relating to all aspects of the appropriation and distribution of water, has investigated certain diversions of water being made by Dwight W. Horsch. Based upon the Director's investigations and understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Dwight W. Horsch applied to the Department to appropriate groundwater for irrigation of lands within the State of Idaho, Bingham County. The applications, numbered by the Department as follows, sought authorization to divert groundwater from a well or wells to be constructed at a location as herein described for irrigation of lands as herein described. Each application, signed by Dwight W. Horsch states that the land

RECORDED

described in the application does not have any other water right appurtenant to it. The relevant information on the application is as follows:

Application No. 35-8082 (filed 1/21/83)

Requested point of diversion: SW1/4NE1/4, Sec. 1, T6S, R31E, B.M.

Requested place of use: N1/2SW1/4, SW1/4SW1/4, and SE1/4NW1/4, Sec. 1, T6S, R31E, B.M. (60 acres).

Application No. 35-8572 (filed 5/3/85)

Requested point of diversion: SW1/4NE1/4, Sec. 1, T6S, R31E, B.M.

Requested place of use: SE1/4NW1/4, Sec. 1, T6S, R31E, B.M. (20 acres).

2. On June 19, 1985, Application for Permit Nos. 35-8082 and 35-8572 (hereafter referred to as "the Interim Permits") were granted interim approval upon the applicant complying with the following conditions:

- d. Issuance of this permit is on an interim basis until processing can be accomplished under Section 42-203, as amended, Idaho Code, and is contingent upon the permit holder assigning storage water to replace water taken from other water rights as determined by the Director of IDWR.
- e. Each irrigation season before water is diverted under this permit, evidence shall be provided to the Department that storage water has been rented through the Upper Snake River Water Supply Bank and assigned to the Director of IDWR for release to replace water from other water rights.
- f. The volume of stored water required to be rented from the Upper Snake River Water Supply Bank shall be equal to the volume of water consumptively used, as determined by the Director.

- g. Water shall not be diverted at any time that storage water is not available and on assignment to the Director of IDWR for purposes of replacing reductions of flow to other water right holders.
- h. The Director of IDWR retains jurisdiction of this permit to enforce the provisions of this permit, to revise the volume of stored water required, to cancel this permit for failure to comply with the conditions of approval, and to require procedural and substantive compliance with any subsequently adopted rules and regulations concerning exchange or augmentation of water supplies.
- i. By accepting and commencing diversion of water under this permit, the permit holder acknowledges and agrees that: (1) the Director of IDWR may suspend the right to divert water during any period that evidence of the required storage water supply needed for release is not on file with IDWR, and (2) the Director of IDWR is authorized to obtain a court order to disconnect the power supply from the pump motor used to divert water under this permit or by other reasonable means insure that water is not diverted at any and all times, that the right to divert water under this permit is suspended.

3. Prior to interim approval of his applications, Dwight W. Horsch rented 160 acre-feet of storage water from the Upper Snake River Water Supply Bank (hereafter referred to as "Water Supply Bank"), payment for which was accepted on April 29, 1985 by Ronald D. Carlson, Watermaster for Water District No. 1 and Agent for the Committee of Nine, which controls the Water Supply Bank.

4. On May 29, 1986, a letter was sent to Dwight W. Horsch informing him that Water Supply Bank water must be rented for the 1986 irrigation season for continuation of interim approval.

5. Despite notification of the rental requirement, Dwight W. Horsch did not rent storage water for the 1986 irrigation season.

6. Field investigations conducted by the Department on August 19, 1986 revealed that portions of The S1/2NW1/4 and the SW1/4 of Section 1, T6S, R31E, Boise Meridian, Bingham County, which are owned or under the control of Dwight W. Horsch, were irrigated during the 1986 irrigation season by a sprinkler system drawing water from a groundwater well, located at the approximate location listed in the Interim Permits, and irrigating approximately the acreage listed in the Interim Permits.

7. The Director of the Department of Water Resources is not aware of any water rights, other than the Interim Permits, authorizing Dwight W. Horsch to divert groundwater and apply it to irrigation of the lands described in Findings of Fact Nos. 1 and 6.

8. Groundwater in the area described by Findings of Fact Nos. 1 and 6 has been determined by the Director of the Department of Water Resources to be tributary to the Snake River in the Milner Dam to Swan Falls Dam reach.

CONCLUSIONS OF LAW

1. Section 42-351, Idaho Code, enacted by the 49th Idaho Legislature in 1986 provides the following:

"If the director of the department of water resources finds, on the basis of available information, that a person is diverting water from a natural water source without having obtained a valid right to do so or is applying water not in conformance with the conditions of a valid right, then the director of the department of water resources may issue an order directing the person to cease and desist the activity or activities alleged to be in violation of applicable law or of any existing water right."

2. Condition "e" of the Interim Permits states that, annually, "evidence shall be provided to the Department that

MILNER

storage water has been rented through the Upper Snake River Water Supply Bank and assigned to the Director of IDWR for release to replace water taken from other water rights" before water is diverted under the permits for the particular irrigation season.

3. Condition "f" of the Interim Permits states that, until modified by the Director of the IDWR, the permit holder must rent stored water annually from the Upper Snake River Water Supply Bank.

4. Condition "g" of the Interim Permits prohibits the diversion of water if storage water is not assigned to the Director of the Department of Water Resources to replace reductions of flow to other water right holders.

5. Condition "h" of Interim Permit Nos. 35-8082 and 35-8572 provides that upon violation of the conditions of the Interim Permits, the Director is empowered to cancel the permits.

6. Section 42-311(1), Idaho Code, states:

"If the director of the department of water resources finds, on the basis of available information at any time after a permit is issued but prior to license, that the permittee has wilfully and intentionally failed to comply with any of the conditions in the permit, then the director of the department of water resources may issue (a) an order to show cause before the director of the department or the director's designee on or before a date therein set, which shall be not less than thirty (30) days from the date of service, why the director of the Department should not cancel said permit and declare the water subject to appropriation; or (b) an order directing the permittee to cease and desist the activity or activities alleged to be in violation of the conditions of the permit.

7. Appropriation of groundwater from the locations described in Findings of Fact No. 1 and No. 6 is subject to the requirements of Chapter 2, Title 42, Idaho Code, including the

additional public interest requirements of Section 42-203C, Idaho Code, for reallocating hydropower water rights held in trust by the State of Idaho.

8. The permit holder did not rent storage water for the 1986 irrigation season, but continued to irrigate the lands described in Findings of Fact No. 1 and No. 6 in violation of the conditions of the permits.

9. The noncompliance with the conditions of the permit by the permit holder was wilful and intentional in that the permit holder received notification of the requirement to rent storage water, did not rent the storage water as required by his permits, and diverted water for irrigation during the 1986 irrigation season. The above noncompliance with the storage water rental conditions in the permits is a violation of Section 42-311, Idaho Code.

10. In addition, the permit holder has and is applying water not in conformance with the conditions of a valid water right in violation of Section 42-351, Idaho Code.

11. The illegal diversion of the public waters of the State of Idaho must be stopped or mitigated to prevent injury to other water rights, to protect the water resources of the state, and to assure that the allocation and use of available water supplies takes place in an orderly manner.

12. Section 42-352, Idaho Code, provides that "Any person who wilfully violates any cease and desist order issued under Chapter 3, Title 42, Idaho Code, after the same has been served upon him shall be subject to civil penalty not to exceed

one hundred dollars (\$100) for each day following service of the cease and desist order in which the illegal diversion of use of water occurs."

13. Use of each well constitutes a separate, individual diversion and if used without a valid water right constitutes a separate violaton of Section 42-351, Idaho Code.

ORDER

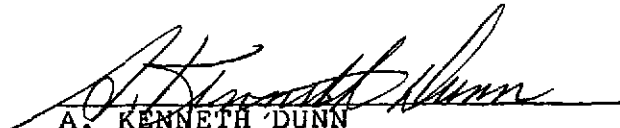
IT IS HEREBY ORDERED, under authority of Section 42-351, Idaho Code, that Dwight W. Horsch show cause before the Director of the Department of Water Resources, within 7 days of the date of service of this order, why he should not cease the irrigation of the above-described lands until he has received the approval of the Director to appropriate or otherwise use water for the irrigation of these lands.

IT IS FURTHER ORDERED, that should good cause not be shown as above ordered, then Dwight W. Horsch shall immediately cease and desist from diverting water for the irrigation of the subject lands until he has received the approval of the Director to appropriate or otherwise use water for the irrigation of these lands.

IT IS FURTHER ORDERED, that Dwight W. Horsch shall pay a civil penalty to the Department of Water Resources in the amount of \$100 per day for each day that water is illegally and wilfully pumped from his well following the date herein set to show cause. Each day of pumping of his well in violation of this order is a separate violation.

IT IS FURTHER ORDERED, under authority of Section 42-311, Idaho Code, that Dwight W. Horsch shall show cause before the Director of the Department of Water Resources, within 30 days of the date of service of this Order, why Interim Permit Nos. 35-8082 and 35-8572 should not be cancelled.

Dated this 9th day of September, 1986.

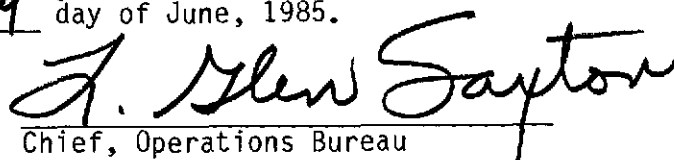

A. KENNETH DUNN
Director

CONDITIONS OF APPROVAL

The following conditions are hereby made a part of the action of the Director of the Idaho Department of Water Resources (IDWR) on Application for Permit No. 35-8572.

- d. Issuance of this permit is on an interim basis until processing can be accomplished under Section 42-203, as amended, Idaho Code, and is contingent upon the permit holder assigning storage water to replace water taken from other water rights as determined by the Director of IDWR.
- e. Each irrigation season before water is diverted under this permit, evidence shall be provided to the Department that storage water has been rented through the Upper Snake River Water Supply Bank and assigned to the Director of IDWR for release to replace water taken from other water rights.
- f. The volume of stored water required to be rented from the Upper Snake River Water Supply Bank shall be equal to the volume of water consumptively used, as determined by the Director. For the 1985 irrigation season and each following year that this permit is to be used or until modified by Order of the Director of IDWR, the volume of stored water required is 40 acre-feet (20 acres x 2.0 acre-feet per acre = 40 acre-feet per year).
- g. Water shall not be diverted at any time that storage water is not available and on assignment to the Director of IDWR for purposes of replacing reductions of flow to other water right holders.
- h. The Director of IDWR retains jurisdiction of this permit to enforce the provisions of this permit, to revise the volume of stored water required, to cancel this permit for failure to comply with the conditions of approval, and to require procedural and substantive compliance with any subsequently adopted rules and regulations concerning exchange or augmentation of water supplies.
- i. By accepting and commencing diversion of water under this permit, the permit holder acknowledges and agrees that: (1) the Director of IDWR may suspend the right to divert water during any period that evidence of the required storage water supply needed for release is not on file with IDWR, and (2) the Director of IDWR is authorized to obtain a court order to disconnect the power supply from the pump motor used to divert water under this permit or by other reasonable means insure that water is not diverted at any and all times, that the right to divert water under this permit is suspended.
- j. This permit will be reprocessed under the provisions of Section 42-203D, Idaho Code, at the request of the permit holder or as determined necessary by the Director for compliance with Section 42-203D, Idaho Code, and Section 7D of the Swan Falls Agreement.

Witness my hand this 19th day of June, 1985.


Chief, Operations Bureau

MICROFILMED

RECEIVED

JUN 5 1985

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho

35-8572

HORSCH, DWIGHT W
R R #1
Aberdeen, Idaho 83210
Source GROUNDWATER
Date Filed 05/03/1985
Diversion Pt SWNE, Sec 01, T 06S, R 31E
Use IRRIGATION (0 40 CFS)
In: SENW, Sec 01, T 06S, R. 31E for 20
ACRES

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before JUNE 3, 1985

KEN DUNN, Director

(8590)
Pub 5-16, 23

27

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, DAVID MARK BROWN
solemnly

swear that I am the PUBLISHER of
The Morning News which is a daily newspaper of general
circulation published each day except Sunday at
Blackfoot, Bingham County, Idaho, said newspaper hav-
ing been so published at Blackfoot, aforesaid for more
than one year past; that said newspaper heretofore com-
plied with all the provisions of Chapter 154 of the Ses-
sions Laws of Idaho of 1933, approved March 11, 1933,
and duly designated, pursuant to law, a particular day of
the week as the day on which legal notices required by
law or by the order of any Court of competent jurisdiction
within the State of Idaho shall be published to-wit: THURS.
of each week; that the notice attached hereto and which
is a part of this affidavit and part of the proof of
publication was published in said issue or said
newspaper 2 consecutive WEEKS

the first publication having been made on the

16th day of MAY, 19 85.

and the last publication having been made on the

23rd day of MAY, 19 85;

that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

David Mark Brown CB

Subscribed and sworn to before me this 29th

day of MAY, 19 85.

Patricia A. Johnson

Notary Public for the State of Idaho,

Residing at Blackfoot, Idaho

My commission expires

Oct. 20, 1988

RECEIVED

3 17 PM3/8/2002

Sherman, Sally

To: Grindle, Dave
Cc: Shaff, Don
Subject: CID Update for Dwight Horsch

Importance: High

Please use the perfect, current CID 104812 to replace CID 326903 for Mr. Horsch. I need to do an NCAP on this right, and will be gone next week. If possible, would you please do this one (and one other I'll send in a sec) today?

Thanx, Dave.

gave DAF wrong CID to keep. Fixed
address 3-18-02. b

35-7530

35-7619 A+B

35-8683

35-8686

-10682

-10687

-10688

35-11275

35-8082

35-8572

Basin Num	Sequence Split	Basis	Sta	Prio	Divers	Sou	Water	Owner	Lis	Version	Numbe	Source	Ta
35	7530	Licens Acti	###	2	96	GRC	IRRI	HORSCH, DWIGHT W	(Cur	wr	Adjudica		
35	7619 A	Licens Acti	###	1	81	GRC	IRRI	HORSCH, DWIGHT W	(Cur	wr	Adjudica		
35	7619 B	Licens Acti	###	0	49	GRC	IRRI	HORSCH, DWIGHT W	(Cur	wr	Adjudica		
35	10682	Benefi Acti	###	0	04	GRC	DOM	HORSCH, DWIGHT W	(Cur	wr	Adjudica		
35	10687	Benefi Acti	###	0	04	GRC	DOM	HORSCH, DWIGHT W	(Cur	wr	Adjudica		
35	10688	Benefi Acti	###	0	04	GRC	DOM	HORSCH, DWIGHT W	(Cur	wr	Adjudica		
35	11275	Benefi Acti	###	0	06	GRC	DOM	HORSCH, DWIGHT W	(Cur	wr	Adjudica		
35	7530	Licens Acti	###	2	96	GRC	IRRI	HORSCH, DWIGHT W	(Cur	wr	Adjudica		
35	7619 A	Licens Acti	###	1	81	GRC	IRRI	HORSCH, DWIGHT W	(Cur	wr	Adjudica		
35	7619 B	Licens Acti	###	0	49	GRC	IRRI	HORSCH, DWIGHT W	(Cur	wr	Adjudica		
35	7619 B	Licens Acti	###	0	49	GRC	IRRI	HORSCH, DWIGHT W	(Cur	wr	Adjudica		
35	8083	Licens Acti	###	2	32	GRC	IRRI	HORSCH, DWIGHT W	(Cur	wr	WaterRi		
35	8680	Licens Acti	###	1	14	GRC	IRRI	HORSCH, DWIGHT W	(Cur	wr	WaterRi		
35	10682	Decrei Acti	###	0	04	GRC	DOM	HORSCH, DWIGHT W	(Cur	wr	WaterRi		
35	10687	Decrei Acti	###	0	04	GRC	DOM	HORSCH, DWIGHT W	(Cur	wr	WaterRi		
35	10688	Decrei Acti	###	0	04	GRC	DOM	HORSCH, DWIGHT W	(Cur	wr	WaterRi		
35	11275	Decrei Acti	###	0	06	GRC	DOM	HORSCH, DWIGHT W	(Cur	wr	WaterRi		
35	8082	Acti	###	1	2	GRC	IRRI	HORSCH, DWIGHT W	(Cur	wr	WaterPe		
35	8572	Acti	###	0	4	GRC	IRRI	HORSCH, DWIGHT W	(Cur	wr	WaterPe		

Contact ID #104812
 11/1/02

Keller

NO F F 35-7530 only

Address Service
 Aberdeen Id 83210

83210

9 items
 Postage Due \$5.40

To:

Name	Old Address	New Address
University of Idaho Regents	P.O. box AA Aberdeen Id 83210	P.O. 870
Behrend Farms	RT 1 Box 114 Aberdeen Id 83210	P.O. Box 92
Behrend Farms	2807 W. 1900 S. Aberdeen Id 83210	P.O. Box 92
Behrend Farms	RT 1 Box 236 Aberdeen Id 83210	P.O. Box 92
Muirbrook Paul	2751 W. 1000 S. Aberdeen Id 83210	P.O. Box 775
Church of Jesus Christ of LDS	Aberdeen 2nd Ward Aberdeen Id 83210	2727 W. 1500 S.
Horsch Dwight	1911 S. 2700 W. Aberdeen Id 83210	1991 S. 2700 W.
Becker Daniel	RT 1 Box 124 Aberdeen Id 83210	3042 W. 2000 S.
Funk Raymond	RT 1 Box 77 Aberdeen Id 83210	2066 S. 2950 W.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 9, 2002

DWIGHT W HORSCH
1991 S 2700 W
ABERDEEN ID 83210

RE: License No 35-8572 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK.klt

Enclosure(s)

MICROFILMED

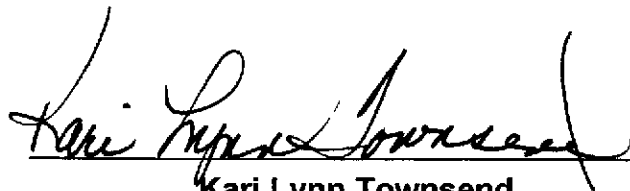
MAY 9 2002

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 35-8572

**DWIGHT W HORSCH
1991 S 2700 W
ABERDEEN ID 83210**


Kari Lynn Townsend
Secretary

MICROFILMED

JUN 04 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37 01 01302 and 37 01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when.

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 5, 2002

DWIGHT W HORSCH
1991 S 2700 W
ABERDEEN ID 83210

RE: Water Right Permit No. 35-08572

Dear Permit Holder:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ Point(s) of Diversion
☒ Place(s) of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

APR 6 5 2002

Comment Report

35-8572

1. kwalker 4/4/2002 GIS shape

Comment: The gcdb for this area is not accurate. Have used SRBA shape for p/ds and p/u with the exception of addition of 61 acres under Rt. 35-08082 and 35-08572.

2 kwalker 4/4/2002 Place of use

Comment. I talked to Carter Fritschle regarding this permit since he did the SRBA field examination and was familiar with the system. Carter said we should go ahead and license the permit with a permissible place of use since he thought that is what the permit holder would want.

MICROFILMED

10/20/02

LICENSE REVIEW CHECKLIST

Permit No. 35-8572 Date: 4-4-2002 Reviewer Kay Walker

Change/OK

Name/Address ok

Source ok

Point of Diversion: add

Does change clarify original intended source? If no, void permit
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use add
PPU

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s) 35-02079, 35-07619A, 35-07939
File reviewed 35-08082 Profile reports printed 35-08082

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion.

Permitted rate 0.40 cfs
Fee Limit 4.0 cfs
Measured 4.3 cfs
Theoretical cfs

Recommended Total Diversion Rate 0.02

Water Uses ok

Change (P46)

Season of Use per new Standards
4-1 10-31

Irrigation 0.02 cfs 4.0 af
Stockwater cfs af
Domestic cfs af
 cfs af
 cfs af
Total 0.02 cfs 4.0 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

0.02 cfs x 1 9835 x 214 days = af (vs) 1 acres x 40 (FHR) = 4.0 af

Remarks W27(1), W36, W35, 048

Additional Conditions yes Watermaster Control 120
 GW Measurement/Measuring Device
 Other
Trust R55 - remove 051
Non-trust (048)

GW Dist?
Water Msmt Dist?
Cnt GWMA?
GWMA?
Government Lots?

Advance Priority? yes If yes, explain why below
no

SRBA Claim? NO-

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice 144

S06

See OK review in file 35-8082

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Re-exam
2002 RECEIVED
JAN 16 1997

Department of Water Resources

A. GENERAL INFORMATION

1 Owner Dwight W. Horsch Permit No. 35-08572
Current Address: 19915 2700W Aberdeen, Id 83210 Phone No 397-4925
2 Accompanied by: same EXAM DATE 7-1-93
Address: _____ Phone No _____
Relationship to Permit Holder: _____
3. Source: groundwater tributary to _____

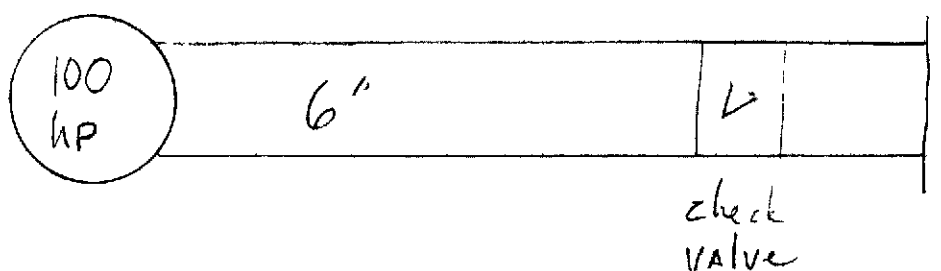
B. OVERLAP REVIEW

1 Other water rights with same place of use: NONE (NEW ACVE) ☐ Copies Attached
2. Other water rights with same point of diversion: 35-2079, 7619, 7939, 8082
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

see File 35-08082



MICROFILMED

JUN 05 2002

Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required) ☒ Aerial Photo Attached (required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

3 wells all 100 hp to main line
100 hp pump to 8" underground main line

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	115 motor	100	1345146	Vert line	D13530
Motor Make		Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	%	%	%	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
				SW NE	1	6S	3E	Bingham	USGS/ON SITE
				SE SW NE	1	6S	3E	Bingham	
				NE SW SE	1	6S	3E	Bingham	

6. Place(s) of Use:

Indicate Method of Determination.

[illegible]

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

operating pressure 53 psi dynamic pumping
depth - 135 feet
sonic reading 1080 gpm.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

Theoretical $Q = \frac{100(6.16)}{135 + (53)(2.308)} = 2.40 \text{ cfs}$

2. Alternate Method for Checking Purposes.

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1 \times 4 = 4 \text{ AF/A}$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 1 \times 4 = 4 \text{ AF/A}$

2. Volume Calculations for Other Uses:

MICROFILMED

NOV 5 2002

Overlap (review): see Carter-Fritzsche letter

After the three existing licenses 35-2079, 7619, 7939 were accounted for, there was an additional 61 acres irrigated. Permit 35-08082 provided for 60 acres and this permit will cover the one acre remaining.

This permit is for one well in the SWNE sec. 1 the last field exam 35-7939 indicates that this is probably irrigated by a three well system, totaling 409 acres/5.88 cfs plus 61 acres = $\frac{470}{5.88} = (.0175)(1) = 0.02$ cfs

see 35-08082

1. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
122	4/01 10/31	0.02	4
Totals:		0.02	4

2 Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
- ☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

K. Licensing recommendation shall be prepared by employee on a computer printout attached hereto.

3/25/2002 DAVE CARLSON

Idaho Power measured the 3 wells at 750 cfs in 1999 as a part of the Aberdeen American Falls Groundwater Measurement Dist.

MICROFILMED

MEMORANDUM

TO: Skip Jones

FROM: Shelley Keen *SWK*

DATE: March 18, 1997

RE: Returned Exams (35-08082 and 35-08572)

Attached are the two field exams we discussed on the phone this afternoon. The two permits are part of a system consisting of three wells and having three prior licenses (35-02079, 35-07619 and 35-07939) issued for the system.

The three prior licenses were based on the system in place between 1982 and 1984. The examiner's information of the well looked at under the two permits indicates changes in the diversion and delivery system that may have occurred around 1990 when proof was submitted.

For this reason, measurements should be made to accurately reflect the capacity of the system now in place rather than arbitrarily limiting the two licenses to the capacity of the system used in the 80's.

Thanks for your help.

well

(A) Poly sonic Readm 1080 gpm [SWNE Sect 1, T6S, R30E]
is system ran with wells B & C?

See memo

MICROFILMED

JUN 25 2002

Memo to file: 35-8082, 35-8572

Dave Carlson
March 25, 2002

Idaho Power measured these wells in 1999 as a part of the Aberdeen American Fall Groundwater measurement District.

Their measurements show that the three wells produce:

T6S, R31E

sec. 1- Swne - 964 gpm

sec1- nwswe -1208 gpm

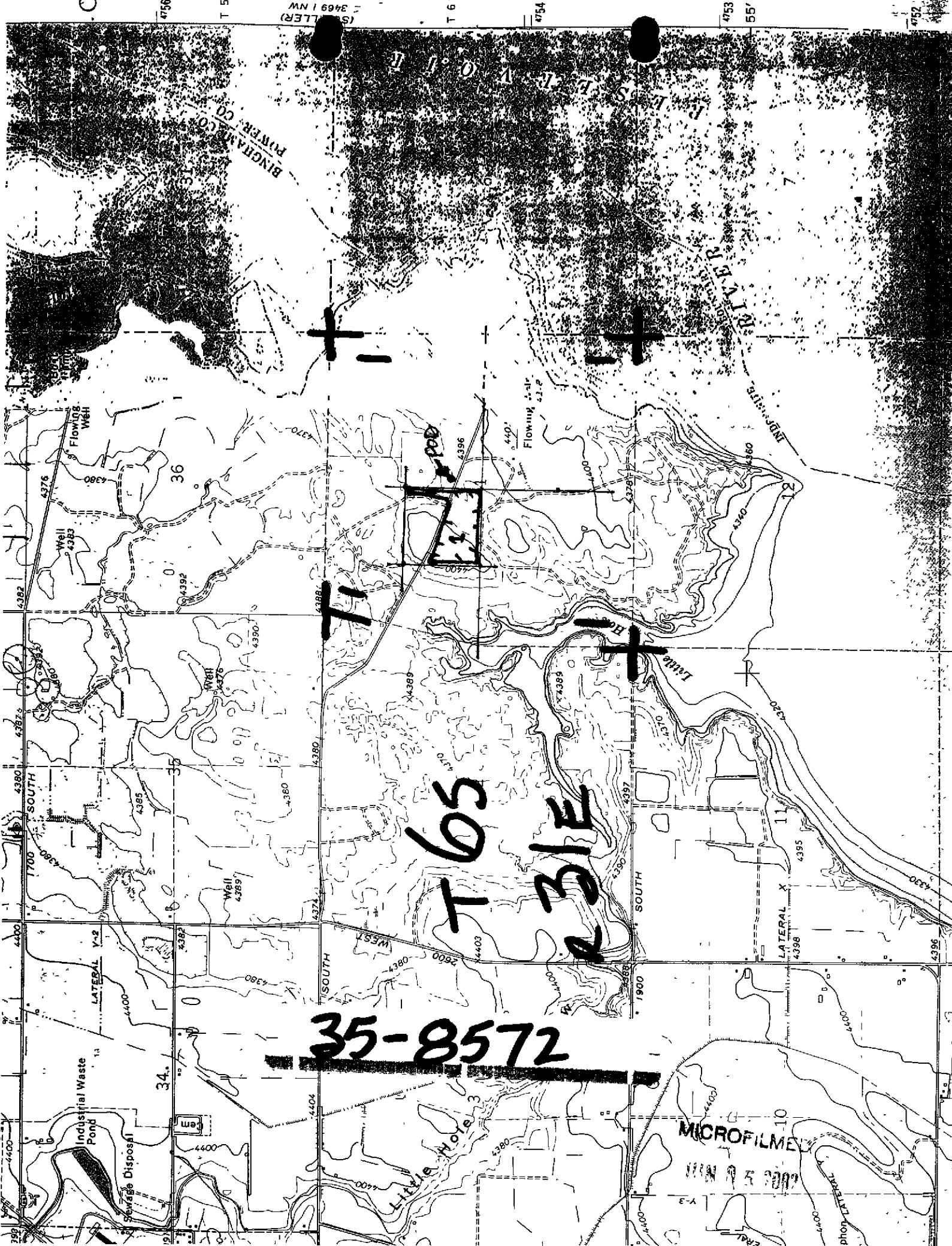
sec 1 seswe - 1103 gpm

For a total of 3275 gpm or 7.30 CFS, which would exceed the 5.88 cfs allowed on the Earlier licenses. These permits can be issued for additional CFS amounts.

Re-exam (use water measurement data)

MICROFILMED

MAR 25 2002



(S. MILLER) 3469 1 NW

BINGHAM CO. POWER CO.

P. L. S. E. R. V. O. I. T.

+

+

+

+

T 65
R 31E

35-8572

MICROFILMED

1971 9 5 2000

phonograph

35 36

21

1

65

31E

21

TOTAL
Irrigated

this
permit

①

POD

MICROFILMED

NOV 05 2002

35-08572



UNCLASSIFIED

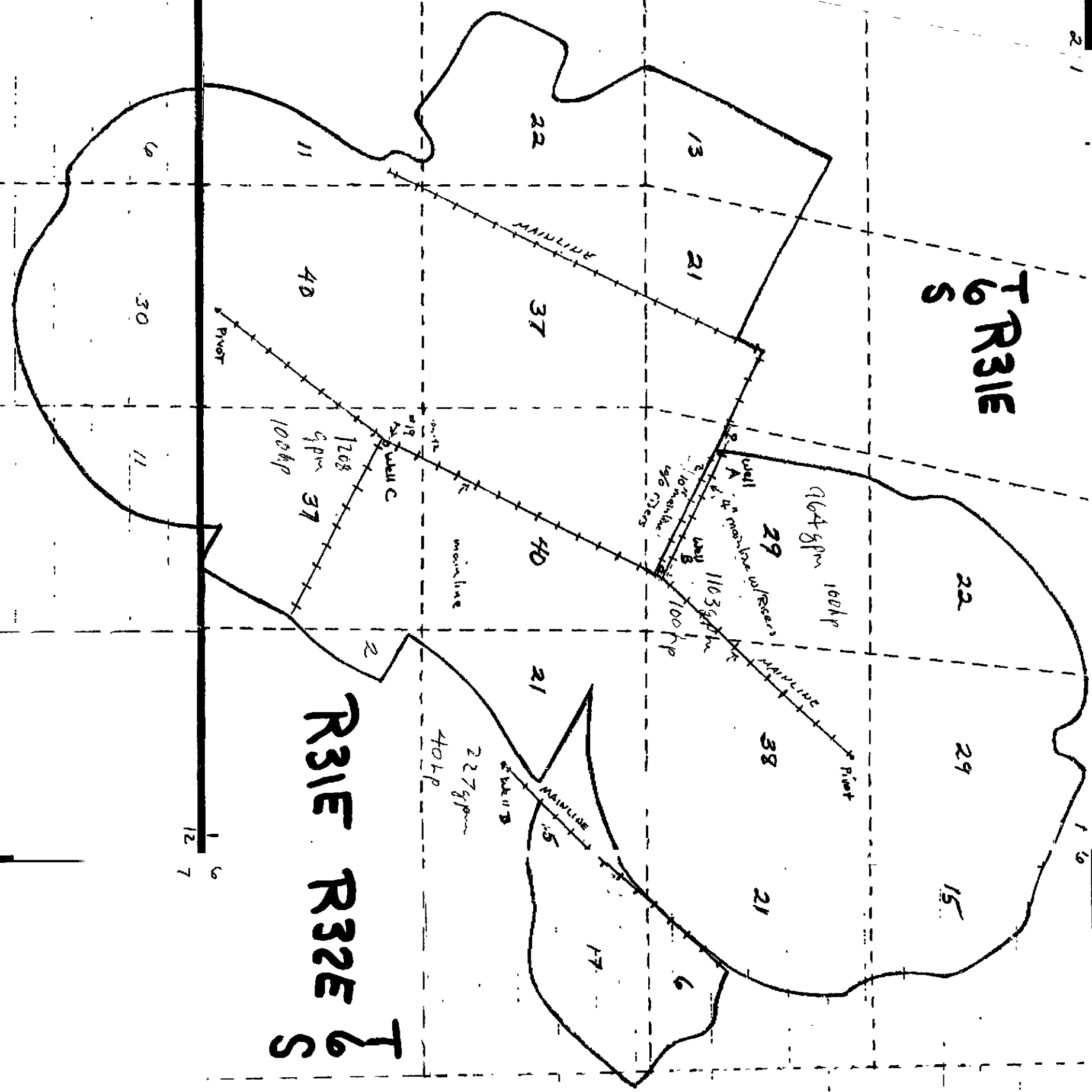
11/24/2002

210
211

TR31E
S

210 31
1 60

R31E R32E I
S



M. Leachy

SITE VISIT

5/27/99	9/1/98	964	SENE
9/1/98	7208	NW 5608E	
9/1/98	227	SENE SE	
7/29/98	1103	SE SW NW	

MICROFILMED

JUN 05 2002

MEMORANDUM

TO: Skip Jones

FROM: Shelley Keen *SK*

DATE: March 18, 1997

RE: Returned Exams (35-08082 and 35-08572)

Attached are the two field exams we discussed on the phone this afternoon. The two permits are part of a system consisting of three wells and having three prior licenses (35-02079, 35-07619 and 35-07939) issued for the system.

The three prior licenses were based on the system in place between 1982 and 1984. The examiner's information of the well looked at under the two permits indicates changes in the diversion and delivery system that may have occurred around 1990 when proof was submitted. For this reason, measurements should be made to accurately reflect the capacity of the system now in place rather than arbitrarily limiting the two licenses to the capacity of the system used in the 80's.

Thanks for your help.

MICROFILMED

MAR 25 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 16 1997

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Dwight W. Horsch Permit No. 35-08572
Current Address: 1991 S 2700 W Aberdeen, Id 83210 Phone No. 397-4925
2. Accompanied by: same EXAM. DATE: 7-1-93
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: groundwater tributary to _____

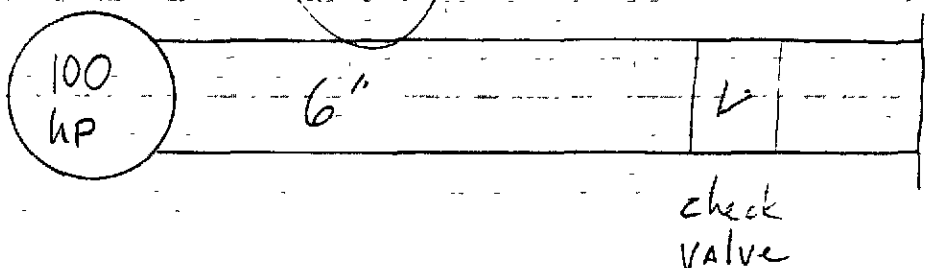
B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE (NEW ACRE) ☐ Copies Attached
2. Other water rights with same point of diversion: 35-2079, 7619, 7939, 8082
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

SEC File 35-08082



MICROFILMED

1994 9 5 2002

Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached ☒ Aerial Photo Attached
Showing location(s) of point(s) of diversion and (required for irrigation of 10 acres or more.)
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater)

☐ See Remarks on page 4 for continuation

4

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	115 motor	100	1345146	Vert Live	D13530

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NE		1	6S	3E	Bingham	USGS/ON SITE

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	31E	01								1									1

MICROFILMED

JUN 3 5 2002

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

operating pressure 53 psi dynamic pumping
depth - 135 feet
sonic reading 1080 gpm.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: Theoretical $Q = \frac{100(6.16)}{135 + (53)(2.308)} = 2.40 \text{ cfs}$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1 \times 4 = 4 \text{ AF/A}$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 1 \times 4 = 4 \text{ AF/A}$

2. Volume Calculations for Other Uses:

MICROFILMED

1989 9 3 2002

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Overlap review: see Carter Fritschle letter

After the three existing licenses 35-2079, 7619, 7939 were accounted for, there was an additional 61 ACRES irrigated. Permit 35-08082 provided for 60 ACRES and this permit will cover the one acre remaining

This permit is for one well in the SWNE sec.1 The last field exam 35-7939 indicates that this is probably irrigated by a three well system, totaling 409 acres/5.88 CFS plus 61 ACRES = 5.88
 $\frac{470}{470} = (.0125)(4) = 0.02 \text{ CFS}$

see 35-08082

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRR	4/01	10/31	0.02	4
Totals:			0.02	4

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

GARY BUSS

Signature

Certification Date

Field Report Preparation Date

1/13/97 Dave Carlson

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MICROFILMED

JUN 9 5 2002

35 | 36

2 | 1

1

T 65
R 31E

21

TOTAL
irrigated

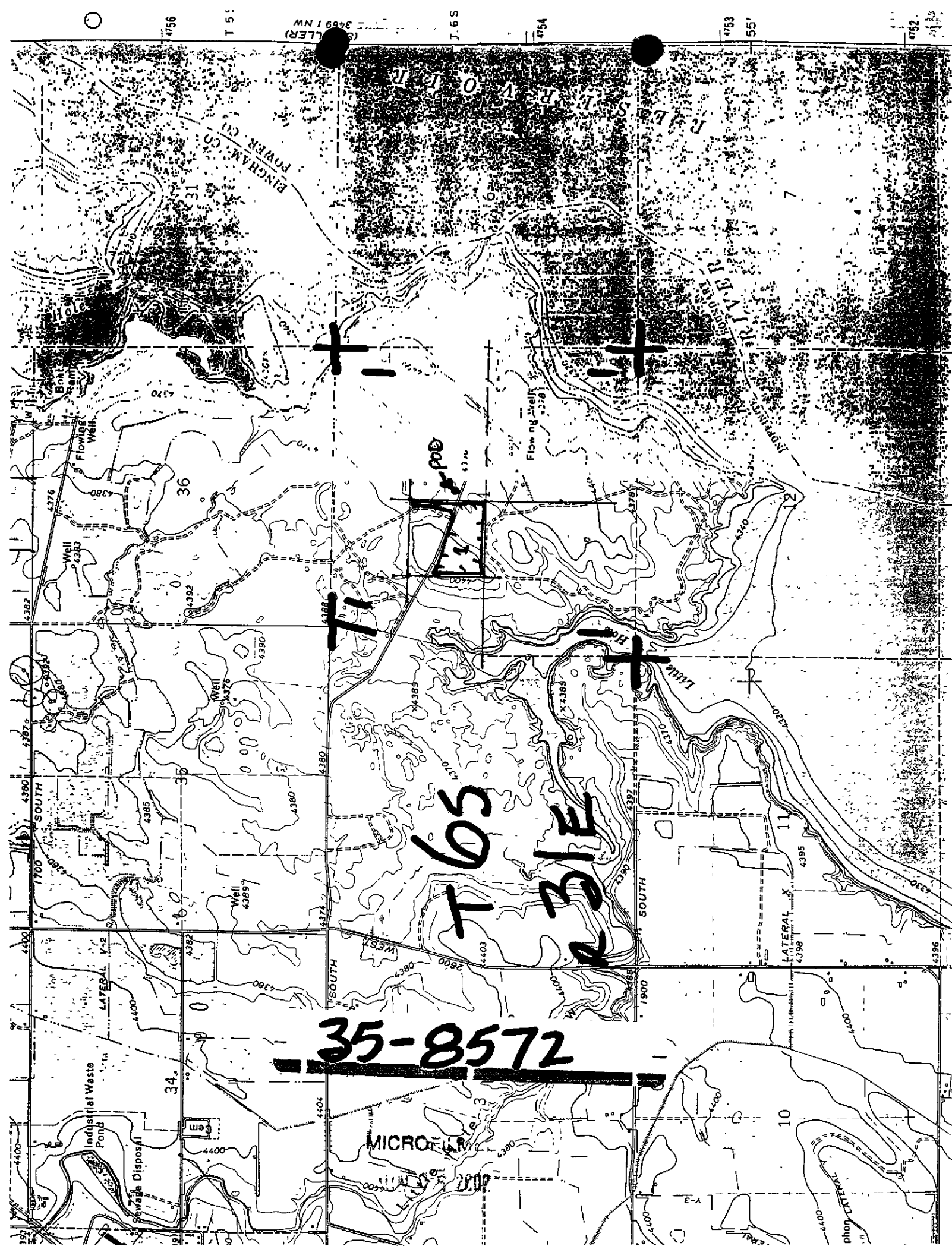
this
permit

1

POD

1

23 | 2
11 | 12



November 23, 1990

DWIGHT W. HORSCH
RT. 1
ABERDEEN, ID 83210

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08572

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

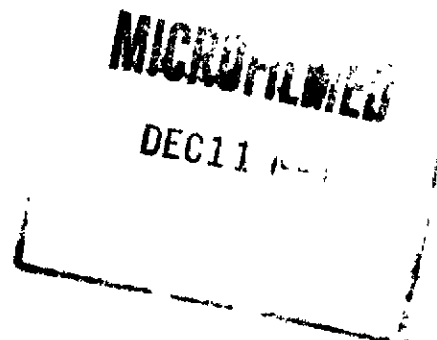
If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

Enclosure



1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 35-8572

Date: 11-8-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

- ☐ Surface water
☒ Groundwater
1. well log in file 1985
NA 2. drilling permit
NA A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Priority Calculation:	<u>June 18, 1990</u>	<u>169</u>
Date proof received		
Date proof due	<u>June 1, 1990</u>	<u>- 152</u>
No. of days late		<u>= 17</u>
Priority date	<u>May 3, 1985</u>	<u>+ 123</u>
NEW PRIORITY DATE	<u>May 20, 1985</u>	<u>= 140</u>

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

Address Change

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

June 13, 1990

DWIGHT W. HORSCH
RT. 1
ABERDEEN, ID 83210

LAPSE NOTICE

RE: PERMIT NO. 35-08572

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1990. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

LGS:RF

MICROFILMED

DEC 11 1990

CERTIFICATION OF MAILING

I hereby certify that on 6-15-90
a copy in original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above:

[Signature]

138443
March 31, 1990

DWIGHT W. HORSCH
RT. 1
ABERDEEN, ID 83210

PROOF DUE NOTICE

RE: PERMIT NO. 35-08572

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1990.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

DEC 11 1990

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
May 31, 1989

DWIGHT W. HORSCH
RT. 1
ABERDEEN, ID 83210

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. ~~P~~35-08572

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

RECORDED

JUN 12 1989

└──────────┘

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

JUN 12 1970

PROCESSING Yes No In form for advertising
 Yes No Statewide advertising
 Yes No Fee amount, receipt date & No. recorded on application

SEND COPIES TO Idaho Dept. of Health & Welfare U.S. BLM
 Idaho Dept. of Fish & Game U.S. Forest Service
 Idaho Dept. of Lands Water District
 Adjudication Bureau Unit Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes No Affidavit of publication received
☐ Yes No Application published correctly. If not, record action taken.

☒ Yes No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
 Final date for protest _____
☐ Yes No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☒ Yes No Access port required - *due to other rights at same pld*
☒ Yes No Will water be delivered by watermaster? If yes, what Dist. *01-P05*
☐ Yes No Special conditions of approval or cover letter below. _____

See below for additional information
Date of priority recommended 5-3-1985
By _____ Date _____

STATE OFFICE REVIEW *P23, P05, P03, P16* 46 016 48 49
By *kw* See below for additional information
Date 5/1/89

ADDITIONAL INFORMATION

App. in NON-TRUST area -
allow 1 year for development -



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 30, 1987

RE: Water Right No. 35-8572

Dwight W. Horsch
1991 S. 2700 W.
Aberdeen, ID 83210

Dear Mr. Horsch:

Enclosed is your interim approval for the 1987 irrigation season.

The copy of the application for permit to appropriate water attached to the interim approval defines the various components of your interim approval. The inclusion of the copy of the application is only for the purpose of definition, and any terms contained therein are limited by the conditions of the interim approval.

Sincerely,

GARY SPACKMAN
Supervisor, Water Allocation Section

GS:sc

Enclosures

cc: Eastern Region
Tom Nelson

MICROFILMED

APR 13 1987

RECEIVED
MAR 11 1987

Dep. of Water Resources

February 23, 1987

35-8572✓
35-8082

State of Idaho
Department of Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, ID 83401

RE: Interim Approval

Dear Mr. Spackman:

Yes, I do intend to divert water during the calendar
year 1987.

Thank-you.

Sincerely,

Dwight W. Horsch
(mh.)

Dwight W. Horsch
1991 South 2700 West
Aberdeen, ID 83210

DWH/mh

MICROFILMED

APR 13 1987

RECEIVED

FEB 20 1987

Department of Water Resources
Eastern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

February 13, 1987

Mr. Dwight W. Horsch
Rt. 1
Aberdeen, ID 83210

RE: Interim Approval

Dear Mr. Horsch:

Department records show that you were issued an interim approval for Application Nos. 35-8082 and 35-8572. As you know, interim approvals were a temporary measure to allow users the opportunity to divert and use water until the Department could consider processing the application under the provisions of the Swan Falls Agreement.

During past irrigation seasons, you have been required to lease storage water from the Upper Snake River Water Supply Bank. Your point of diversion has now been determined to be outside of the portion of the Snake River Groundwater Aquifer which supplies surface water below Milner Dam. The water you are diverting is not currently classified as trust water.

As a result of your diversion location falling outside of the present trust water boundaries, you will not be required as a condition of interim approval to lease storage water during the 1987 irrigation season. Nevertheless, if you desire to divert water during the calendar year 1987, you must inform the Department of Water Resources, in writing, of your intent to divert. Upon proper notification, the Department will issue you another interim approval without a requirement that you lease storage water in 1987.

Regional office personnel of the Department will field inspect the place of use for all continuing interim approvals and for all cancelled interim approvals, since the Idaho statutes now dictate penalties for the unauthorized diversion and use of water. Your present interim approval will expire in April, 1987.

MICROFILMED

APR 13 1987

For more information on interim approval, you should contact the Department's Eastern Regional office at 150 Shoup Avenue, Suite 15, Idaho Falls, ID 83401, telephone, 525-7161.

Sincerely,



GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Eastern Region

RECEIVED

APR 11 1987



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

MEMORANDUM

TO: Glen Saxton
FROM: Gary Spackman *Gary*
DATE: October 16, 1986
RE: Cease and Desist Orders

Five cease and desist orders prohibiting illegal diversion of water were prepared in September, 1986. The following is a summary by name of the status of each of the orders:

Richard Egbert

The cease and desist order was served upon Mr. Egbert personally on September 22, 1986. The order granted Mr. Egbert seven days from the date of service (September 20, 1986) to show cause why he should not cease and desist from diverting water at the points of diversion specified in the order.

I am not aware of any response to the order received by the state office. Eastern Region has not received a response. I conclude that Mr. Egbert has not shown cause, and that the cease and desist order is effective. I have scheduled the matter for call-up next spring for investigation during the irrigation season.

Alan Weaver

The cease and desist order was served upon Mrs. Alan Weaver at the Weaver residence on September 25, 1986 by the Fremont County Sheriff's Office. The order granted Mr. Weaver seven days from the date of service (October 2, 1986) to show cause why he should not cease and desist from diverting water at the points of diversion specified in the order.

I am not aware of any response to the order received by the state office. Eastern Region has not received a response. I conclude that Mr. Weaver has not shown cause, and that the cease and desist order is effective. I have scheduled the matter for call-up next spring for investigation during the irrigation season.

TO: Glen Saxton
DATE: October 16, 1986
PAGE: 2

Dennis and Mary Jo Marlow

The cease and desist order was served upon the Marlows by Department personnel on September 22, 1986. The order granted the Marlows seven days from the date of service (September 29, 1986) to show cause why they should not cease and desist diverting water from the point of diversion specified in the order.

A response was received from the Marlows by the state office on October 1, 1986. After a review of the facts contained therein, it was determined that their diversion was located outside of the trust water boundaries. A letter was sent to the Marlows on October 6, 1986 withdrawing the cease and desist order, but warning them that further diversion without an approved permit was a violation of the law.

Dwight Horsch Farms 35-8082 ✓ 35-8572 ✓

The cease and desist order was served upon Dwight Horsch personally on September 16, 1986. The Order granted Mr. Horsch seven days from the date of service (September 23, 1986) to show cause why he should not cease and desist diverting water at the points of diversion specified in the order.

Mr. Horsch responded to the order through his attorney, Ben Caveness. Mr. Horsch stipulated to a settlement which called for payment of the annual rental fee required by his interim permit, plus 25% of the annual rental fee or \$100.00, whichever was greater, as a civil penalty. The Department received a check for \$250.00 as a civil penalty.

After a review of the trust water boundaries, the Department determined that the Horsch diversion was outside the trust water area. On the basis of the decision made in the Marlow case listed above, the Horsch check was returned to Horsch Farms with a letter, dated October 6, 1986, withdrawing the cease and desist order, but informing the interim permit holder that any further diversions without an approved permit would be a violation of the law.

Rick Sturgill

A cease and desist order was prepared for service and sent to Eastern Region, but was returned to the state office because Mr. Sturgill's diversion falls outside of the trust water boundaries. The order will be retained in the file. No letter has been sent to Mr. Sturgill.



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V EVANS

Governor

A KENNETH DUNN

Director

Mailing address
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 6, 1986

Dwight Horsch
Dwight Horsch Farms
Rt. 1
Aberdeen, ID 83210

Re: Interim Permit Nos. 35-8082 and 35-8572

Dear Mr. Horsch:

A review of Interim Permit Nos. 35-8082 and 35-8572 reveals that the places of use lie outside the boundaries of the area within which groundwater has been determined to be tributary to the Milner Dam to Swan Falls Dam reach. (Re: Rule 1,5,1,2. Water Appropriation Rules and Regulations.) Therefore, the use of water in your particular location does not legally have an effect on trust water use downstream from Milner Dam. As a result, Finding of Fact No. 8 in the Order to Show Cause and Cease and Desist Order issued September 9, 1986 is in error.

As you are aware, however, Interim Permit Nos. 35-8082 and 35-8572 were issued as an interim approval permit prior to the amendments to Sec. 42-203, Idaho Code, during the last session of the legislature and prior to the determination and designation of the geographic area within which ground water has been determined to be tributary to the Snake River in the Milner Dam to Swan Falls Dam reach. (Re: 1,5,1,2. Water Appropriation Rules and Regulations.) The permit was also issued with unique conditions of approval. While your use is outside this geographic area, Interim Permit Nos. 35-8082 and 35-8572 must be reprocessed in essentially the same manner as if the Swan Falls trust water issue had never arisen.

Your permits are among approximately 375 pending applications outside the geographic area described above, which need to be processed. The Department will make every effort to timely process these pending filings including Interim Permit Nos. 35-8082 and 35-8572 prior to next irrigation season in order that you can divert and beneficially use water in compliance with state law.

MAILED
OCT 10 1986

Dwight Horsch
October 6, 1986
Page 2

If you have not been notified by the Department of the status of the reprocessing of your permit prior to the next irrigation season, please contact the Department to determine its status. You are entitled to divert water under Interim Permit Nos. 35-8082 and 35-8572 until they are reprocessed and approved. Diversion prior to approval is a violation of the law.

The Department, however, withdraws the cease and desist order previously issued, and regrets any inconvenience caused you over this matter. Enclosed is your check for \$250 that was previously imposed as a stipulated penalty for you to dispose of. If you have questions, please feel free to contact the Department.

Sincerely,


L. GLEN SAXTON
Chief, Operations Bureau

Is

Enclosure



BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CANCELLATION OF)
PERMIT NOS. 35-8082 AND 35-8572,)
AND THE ILLEGAL DIVERSION OF)
GROUNDWATER BY DWIGHT W. HORSCH)
IN BINGHAM COUNTY)

ACCEPTANCE OF SERVICE

I, Dwight W. Horsch do nereby acknowledge that on the
16 day of Sept., 1986, an original copy of an
ORDER TO SHOW CAUSE AND CEASE AND DESIST ORDER regarding the
illegal diversion of groundwater was personally served upon me.

Dated this 16 day of Sept., 1986.

Dwight W. Horsch
DWIGHT W. HORSCH

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CANCELLATION OF)
PERMIT NOS. 35-8082 AND 35-8572,)
AND THE ILLEGAL DIVERSION OF)
GROUNDWATER BY DWIGHT W. HORSCH)
IN BINGHAM COUNTY)

RETURN OF SERVICE

I, Harold W. Jones, being an adult citizen of
the State of Idaho over 18 years of age, hereby certify that on
the 16th day of Sept, 1986, I personally served
Dwight W. Horsch, with an original copy of an ORDER TO
SHOW CAUSE AND CEASE AND DESIST ORDER pertaining to the illegal
diversion of groundwater. Service was accomplished at
American Falls, ^{Power} Bingham County, Idaho.

Dated this 16th day of Sept., 1986.

Harold W. Jones

Subscribed and sworn to before me this 16th day of
September, 1986.

William May
Notary Public

FROM Harold W. Jones

DATE August 19, 1986

TO Ernest Carlsen

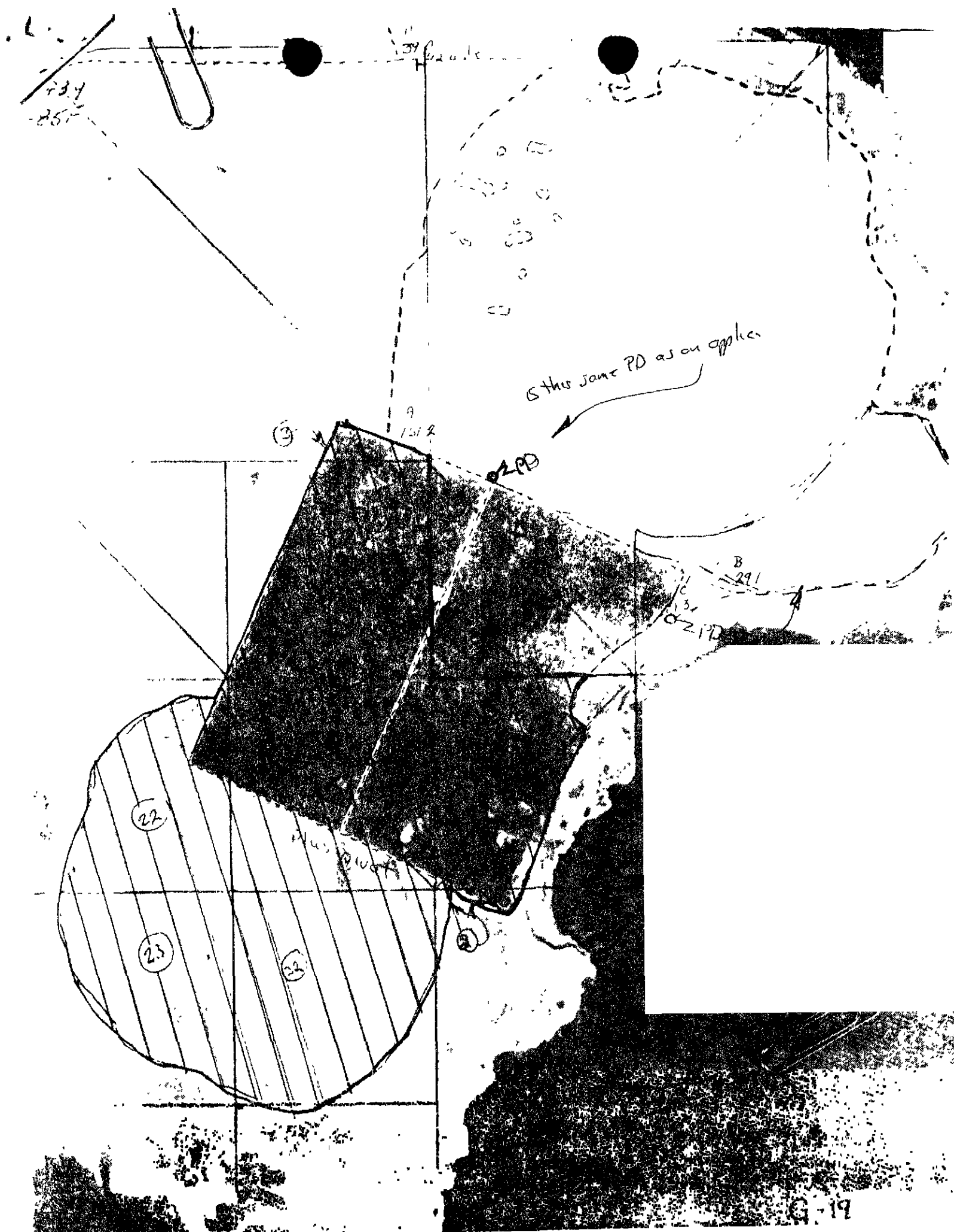
SUBJECT Interim Permit 35-8082 & 35-8572

At 10:50 A.M. on 8/19/86 I was at the place of use for the above permits. The ground had been farmed in grain and harvested and disked at the time of my visit. No water was being used for irrigation on this property but a portable mainline was in place (see map). Some residual of the crop remains near the road. ASCS office in Blackfoot says this P.O.U. is dedicated to wildlife use thru agreement with Fish & Game. There were no lines out in the field at the time of inspection. In my opinion this land was probably irrigated during the 1986 season.

pictures etc in 35-8082



SIGNATURE



(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

MICROFILMED

RECOMMENDED AMOUNT

#35-7939

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
35-7939		3.38			5.61

Permit Holder:

Kenneth Horsch

Address:

Rt 1 Howden, ID

Source:

Groundwater

tributary to

Beneficial Use

Period of Use
From ToRate of Diversion
Q (cfs)Annual Volume
V (afa)

Irrigation

4-1

11-1

3.38

591.5

Allowable Maximums:

Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
North Well			NW	SE	1	6S	31E	Bingham
East Well			NE	SE	1	6S	31E	
South Well			SE	SW	1	6S	31E	

Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	31E	1								2	31		21	38			24		116
		12					31	22											53
Total Acres 169																			

Recommended Conditions/Remarks: Transf 2506 /35-2079, 35-7619 (amended Permit)

and this permit list pd's which did not totally agree with my findings.
If applicant agree with my location & file licensing amendment then Transf.
2506 ought to be considered for a change in PD also.

Since 178 acres were found but only 169 acres allowed under permit 9 acres were
deleted.

R17 (35-2079 + 35-7619) 5.61 cfs

Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature

J. H. Horsch

Date

8-10-84

Checked in Regional Office by

Keith Carlson

Date

7 Sept 1984

State Office by

Date

RECEIVED

May 29, 1986

RE: Interim Approval for Permit No. 35-8082 & 35-8572, ✓

Mr. Dwight W. Horsch
Rt. 1
Aberdeen, ID 83210

Dear Mr. Horsch:

During 1985 you received interim approval for application No. 35-8082 and 35-8572. These approvals were for one year and were conditioned upon your leasing replacement storage from the Water Bank. If you are planning on diverting water during 1986, it appears it will be necessary for you to again lease replacement storage. In April, the Idaho Power Company filed suit to prevent implementation of the Department's rules and regulations, which would have allowed the Department to resume the processing of water right applications. This suit virtually guarantees that the rental of replacement water will be necessary again this year.

If you have any questions, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Watermaster

RDC:cw

MICROFILMET



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON

CHIEF, OPERATIONS BUREAU

MICR...



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 451 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 9, 1985

Thomas G. Nelson
Nelson, Rosholt, Robertson,
Tolman & Tucker
P.O. Box 1906
Twin Falls, ID 83303

Re: Interim Approvals for Seasonal Exchanges

Dear Mr. Nelson:

In response to your letter dated June 27, 1985 to Logan E. Lanham, the Department has issued the following interim approvals:

<u>Water Right No.</u>	<u>Name</u>	<u>Rate</u>	<u>Vol.</u>
27-7361	N. D. Collaer	0.56 cfs	56 AF
-7381	LDS Church	0.3	30
-7399	LaVerelle Stecklein	2.4	240
-7402	Dennis and Mary Jo Marlow	1.2	120
-7405	Samual J. Huffman	0.12	12
31-7378	Martin Family Trust	4.54	454
-7415	Quality Farms, Inc.	1.9	190
-7416	Quality Farms, Inc.	2.8	280
-7430	Alan Weaver	2.64	264
-7431	Alan Weaver	2.64	264
-7432	Alan Weaver	2.64	264
-7433	Alan Weaver	2.64	264
35-8082	Dwight W. Horsch	1.2	120
-8572	Dwight W. Horsch	0.4	40

Please note that the volume of water associated with Water Right No. 27-7381 should be 30 AF rather than 190, and the volume for Water Right No. 27-7405 should be 12.0 rather than 190. The volumes calculated were in error and are being corrected by Order.

Thomas G. Nelson
July 9, 1985
Page 2

As additional interim approvals are granted, the Department will forward copies to you as in the past.

Sincerely,



A. KENNETH DUNN
Director

AKD/LGS/1s

cc: Eastern Region

MICROFILMED

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW
142 3RD AVE NO

MAILING ADDRESS, P.O. Box 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700
SUN VALLEY (208) 726-4661

RECEIVED
JUL 1 1985

Department of Water Resources

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

TERRY T. UHLING
LAIRD B. STONE
GARY D. SLETTE

June 27, 1985

Mr. Logan E. Lanham
Idaho Power Company
P. O. Box 70
Boise, Idaho 83707

SAXTON
Draft response
for Ken
Ney

Re: Interim Approvals for
Seasonal Exchanges

Dear Logan:

You and I have previously discussed the program going on mostly around Blackfoot whereby IDWR is approving seasonal storage leases as a basis for approving development of wells. With the irrigation season fairly well along, perhaps the last of those has now been seen for this year, although I received one yesterday. In any event, I want to give you a list of the amounts of water that the Company is entitled to call from the rental pool pursuant to those interim approvals:

Dennis L. Marlow	No. 27-7402	120 acre feet	
LaVerelle Stecklein	No. 27-7399	240 acre feet	
Dwight Horsch	No. 35-8082	120 acre feet	
LDS Church	No. 27-7381	190 acre feet	← 30AF
Samuel J. Huffman	No. 27-7405	190 acre feet	← Should be 12AF
Quality Farms, Inc.	No. 31-7415	190 acre feet	
" " "	No. 31-7416	280 acre feet	
N. D. Collaer, Trustee	No. 27-7361	56 acre feet	

By the terms of my understanding with Mr. Dunn, the Company is entitled to call this water from the pool in a similar fashion to the leased water which it calls from the pool, and at the same time as that leased water is called. The reason for the last condition is the inability to measure extremely small amounts of water past Milner Dam.

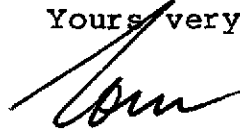
MICROFILMED

Mr. Logan E. Lanham
June 27, 1985
Page 2

By copy of this letter to Mr. Dunn, I am informing him of the interim permits known to me and asking him to notify us if there are any others.

If you need anything further, or need any copies of the actual documents, I will be happy to send them to you.

Yours very truly,



Thomas G. Nelson

TGN:gjc

cc: A. Kenneth Dunn
T. A. Spofford
P. L. Jauregui

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Storehouse
Boise, Idaho 83720
(208) 334-4440

July 3, 1985

RE: Permit No. 35-8572

Dwight W. Horsch
RR 1
Aberdeen, ID 83210

Dear Mr. Horsch:

Enclosed is the approved interim permit to allow use of groundwater provided that you comply with the conditions of approval listed on the permit.

This permit will be reprocessed under provisions of 42-203C, Idaho Code, to determine if the trust waters made available under 42-203B and the Snake River Water Rights Agreement can be allocated to the proposed use. Re-processing will occur after rules and regulations have been adopted to guide processing of applications under the criteria of 42-203C and will be in accordance with those adopted rules and regulations.

By issuing the interim approval, the Department is not committing to issuance of a permit for the trust water, and the investments you make pursuant to this interim approval will not influence the future decision as the permit is reprocessed. You assume all the risk that you will be successful in obtaining a permit for the reallocated water and thereby eliminate the need to provide replacement storage water. You are also assuming all risk relative to the availability of storage water from the rental pool in future years to allow use of water under the interim approval to continue.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

cc: Tom Nelson

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM E. CARLSEN

DATE JUNE 6, 1985

TO FILE #35-8572

SUBJECT

A WATER BANK LEASE AGREEMENT FROM DWIGHT HORSCH WAS RECEIVED ON APRIL 2, 1985. OF THE 160 AF BEING LEASED, INTERIM PERMIT ~~35-8572~~ ^{35-8082*} REQUIRED 120 AF. THE REMAINING 40 AF IS BEING UTILIZED THRU THIS APPLICATION. A COPY OF THE LEASE AGREEMENT IS IN THIS FILE, WHILE THE ORIGINAL IS INCLUDED WITH INTERIM PERMIT ~~35-8572~~ ^{35-8082.*}

MICROFILMED

Ernest Carlsen

SIGNATURE

* kw
6/18/85

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

INTERIM APPROV.

To appropriate the public waters of the State of Idaho

1. Name of applicant Dwight L. Almsch Phone 394-4925
Post office address Rt # 1 Aberdeen, Idaho 83210
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1 Township 6S
Range 31E B.M. Bingham County, additional points of diversion if any. _____

4. Water will be used for the following purposes.

- Amount 1.2 for irrigation purposes from April to Nov (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. 1.2 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. One well and pump to
mainline on O. H. O. line
- b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive
(Month/Day) (Month/Day)
- c. Proposed well diameter is 16 inches; proposed depth of well is 250 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is two years (minimum 1 year - maximum 5 years)

8. Description of proposed uses:

a. If water is not for irrigation.

- (1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
- (2) Amount of power to be generated: _____ horsepower under _____ feet of head
- (3) List number of each kind of livestock to be watered _____
- (4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
- (5) If water is to be used for other purposes describe: _____

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

35-8572

INITIAL REVIEW BY: HWS

APPLICATION NUMBER:

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

- ☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☐ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Water bank House Rec'd ed

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No
☐ Yes ☒ No
☒ Yes ☐ No*
☐ Yes ☒ No

Platted by: _____ Map No. _____

Other rights on same place of use. Same PO as several permits
+ apphc.

In form for advertising.

Final date for protests: _____

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 6-05-85
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.

☐ Protests, dates, withdrawal, etc., recorded on application.

☒ Recommendation & initial, recorded on application.

☐ Yes ☒ No Measuring device required.

☒ Yes ☐ No Access port required.

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____

☒ May 3, 1985 Date of priority recommended.

Special conditions of approval or cover letter. _____

outside S.F. area

Normal CONDITIONS FOR INTERIM PERMIT.

35-8166
35-8082
35-8083

app. not identified in S.F. suit

By: Ernest Carlson

Date: June 6, 1985.

STATE OFFICE REVIEW.

allow interim approval -

- ☐ See attached sheet for more information.

By: kw

Date: 6/18/85

RECEIVED
JUN 18 1985

MICROFILMED

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

June 3, 1985

Morning News
P.O. Box 70
Blackfoot, ID 83221

RE: Application for Permit No. 35-8572.

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on May 16 and 23, 1985.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

CHERYL THOMPSON
Secretary

MICROFILMED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MAY 8, 1985

Morning News
P.O. Box 70
Blackfoot, ID 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a sales proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 3, 1985.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.



NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 3, 1985.

KEN DUNN, Dir.

Published 5/16 & 5/23/85.

35-8572_

HORSCH, DWIGHT W.

R.F. #1, ABERDEEN, ID 83210

Source: GROUNDWATER

Date Filed 05/03/1985

Diversion Pt: SWNE Sec 01 T 06S R 31E

Use: IRRIGATION (0.40 CFS)

In: SENW Sec 01 T 06S R 31E FOR 20 ACRES

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho

35-8572

HORSCH, DWIGHT W

R R #1

Aberdeen Idaho 83210

Source GROUNDWATER

Date Filed 05/03/1985

Diversion Pt SWNE, Sec 01, T 06S, R 31E

Use IRRIGATION (0.40 CFS)

In SENW, Sec 01, T 06S, R 31E for 20 ACRES

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402, on or before JUNE 3, 1985

KEN DUNN Director

(8590)

Pub 5-16 23

RE: Application No. ~~35-8572~~

No. 35-8572

WATER BANK LEASE AGREEMENT FOR 1985

RECEIVED
APR 4 1985

EXCHANGE AGREEMENT

Department of Water Resources
Eastern District Office

The Committee of Nine, hereafter lessor, being authorized pursuant to Idaho Code §42-1765 to operate the Upper Snake River Water Supply Bank does agree to lease to Dwight W. Horsch of Aberdeen, hereafter lessee, ^{160 bush}~~120~~ A.F. of water for the irrigation year starting April 1, 1985. This agreement is subject to the adopted Rules and Regulations of the Water Supply Bank and applicable conditions on the requisite water right permit granted by the Idaho Department of Water Resources.

^{160 bush}~~400.00~~ Upon execution of this agreement and receipt of \$ ~~300.00~~, the Snake River Watermaster will assign to the Director of the Department of Water Resources ^{160 bush}~~120~~ A.F. of storage to be released at his discretion in exchange for water pumped from groundwater at a well(s) located within:

SW 1/4 NE 1/4, Sec. 1, T. 6S, R. 31E;

Other: _____

For the irrigation of ⁸⁰~~60~~ acres of land within:

SE 1/4 NW 1/4, N 1/2 SW 1/4, SW 1/4 SW 1/4, Sec. 1, T. 6S, R. 31E

The lessee understands and agrees that this lease in no way obligates the lessor to future leases or in any other manner not specified above.

Dwight W. Horsch

(Name) DWIGHT W. HORSCH

Rt. #1, Aberdeen, ID 83210

(Address)

RECEIVED

State of Idaho)

County of _____)

On this ____ day of ____, 19__, before me the undersigned Notary Public in and for said county and state, personally appeared _____, 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.

Notary Public in and for Idaho

Residing at :

I have accepted the request of Dwight Horsch
to purchase water from the Water Supply Bank this 29th day of
April, 1985.

[Signature]
Watermaster, Water District No. 1

Agent for the Committee of Nine