

Contact ID
 #104812
 replace # replace
 326903
 11/1/02
 Keller

NCA P on 35-7530 only

Address Service
 Aberdeen Id 83211

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.

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	35 8082	DWIGHT W HORSCH,	GROUND WATER	06S31E1								20	15	15	10						60
Permit	35 8572	DWIGHT W HORSCH,	GROUND WATER	06S31E1								20									20
Rec	35 2079	KENNETH HORSCH,	GROUND WATER	06S31E1	33	26	37	36				8	29		14	40	16	40	26	1	306
Rec	35 7619A	KENNETH HORSCH, DWIGHT W HORSCH,	GROUND WATER	06S31E1	33	26	37	36				8	29		14	40	16	40	26	1	306
Rec	35 7619B	KENNETH HORSCH, DWIGHT W HORSCH,	GROUND WATER	06S31E1													1.5				1.5
Rec	35 7939	KENNETH HORSCH,	GROUND WATER	06S31E1	33	26	37	36				8	29		14	40	16	40	26	1	306
Right	35 2079	KENNETH HORSCH,	GROUND WATER	06S31E1			25	40									30	30			125
Right	35 7619	R J HORSCH,	GROUND WATER	06S31E1	32	29	15					5						1			82
Right	35 7939	KENNETH HORSCH,	GROUND WATER	06S31E1								2	31		21	38			24		116
Right	35 8082	DWIGHT W HORSCH,	GROUND WATER	06S31E1	33	26	37	36			19	19	35	25	14	40	16	40	26	1	367

+19 +11 +6 New ✓ ✓ ✓ ✓ ✓ ✓

61 new acres

$$60 = 35-8082$$

$$1 = 35-8572$$

61 new
384.5 decreed
445.5 total acres
@ 0.02 cfs = 8.91
exceeds capacity

P/U OL w/ 35-02079
35-07619A
35-07939

no OL w/ 35-7619B - different well
different lands

$$445.5 \text{ ac} \times 4.0 \text{ AF} = 1782.$$

$$- 1538. (\text{decreed})$$

$$244 = 60 \times 4 = 240 (35-8082)$$

$$1 \times 4 = 4. (35-8572)$$

$$244. \text{ No Vol limit req'd.}$$

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	35 2003	FANNIE E BOMAN,	BIG HOLE SPRINGS	06S31E12									40		40	40					120
Rec	35 2079	KENNETH HORSCH,	GROUND WATER	06S31E12		9			27	6.5											42.5
Rec	35 7619A	KENNETH HORSCH, DWIGHT W HORSCH,	GROUND WATER	06S31E12		9			27	6.5											42.5
Rec	35 7939	KENNETH HORSCH,	GROUND WATER	06S31E12		9			27	6.5											42.5
Right	35 7939	KENNETH HORSCH,	GROUND WATER	06S31E12					31	22											53
Right	35 8082	DWIGHT W HORSCH,	GROUND WATER	06S31E12		9			27	6.5											42.5
Right	35 2020	FANNIE E BOMAN,	UNNAMED STREAM	06S31E12									30		10	30					70

✓

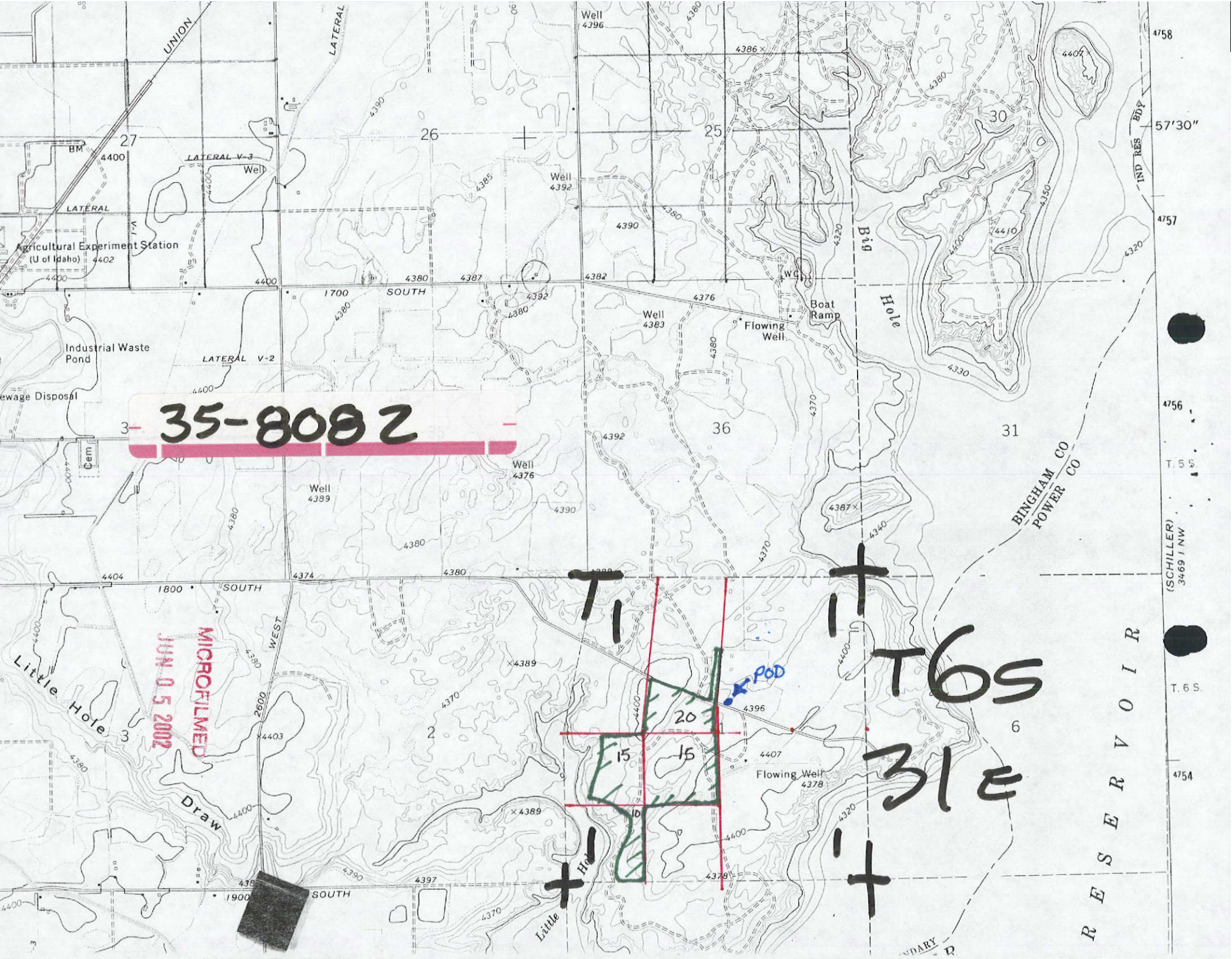
✓

✓

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	35 2004	GEORGE W PARSONS,	BIG HOLE SPRING, BOWMAN SPRING, PARRISH SPRING	06S32E6											30	40					70
Rec	35 2079	KENNETH HORSCH,	GROUND WATER	06S32E6						18	18										36
Rec	35 7619A	KENNETH HORSCH, DWIGHT W HORSCH,	GROUND WATER	06S32E6						18	18										36
Rec	35 7619B	KENNETH HORSCH, DWIGHT W HORSCH,	GROUND WATER	06S32E6							6			17							23
Rec	35 7939	KENNETH HORSCH,	GROUND WATER	06S32E6						18	18										36
Right	35 7619	R J HORSCH,	GROUND WATER	06S32E6						4	15			14							33
Right	35 8082	DWIGHT W HORSCH,	GROUND WATER	06S32E6						18	18										36

✓ ✓



3- 35-8082

MICROFILMED
JUN 05 2002

T1
T6S
31E
T.6S.

35-08082

35 36

2 1

1

21

TOTAL
irrigated →

20

This
permit

POD

22

15

37

TOTAL
irrigated →

15

This
permit

11

1

TOTAL
irrigated

10

This
permit

MICROFILMED

JUN 05 2002

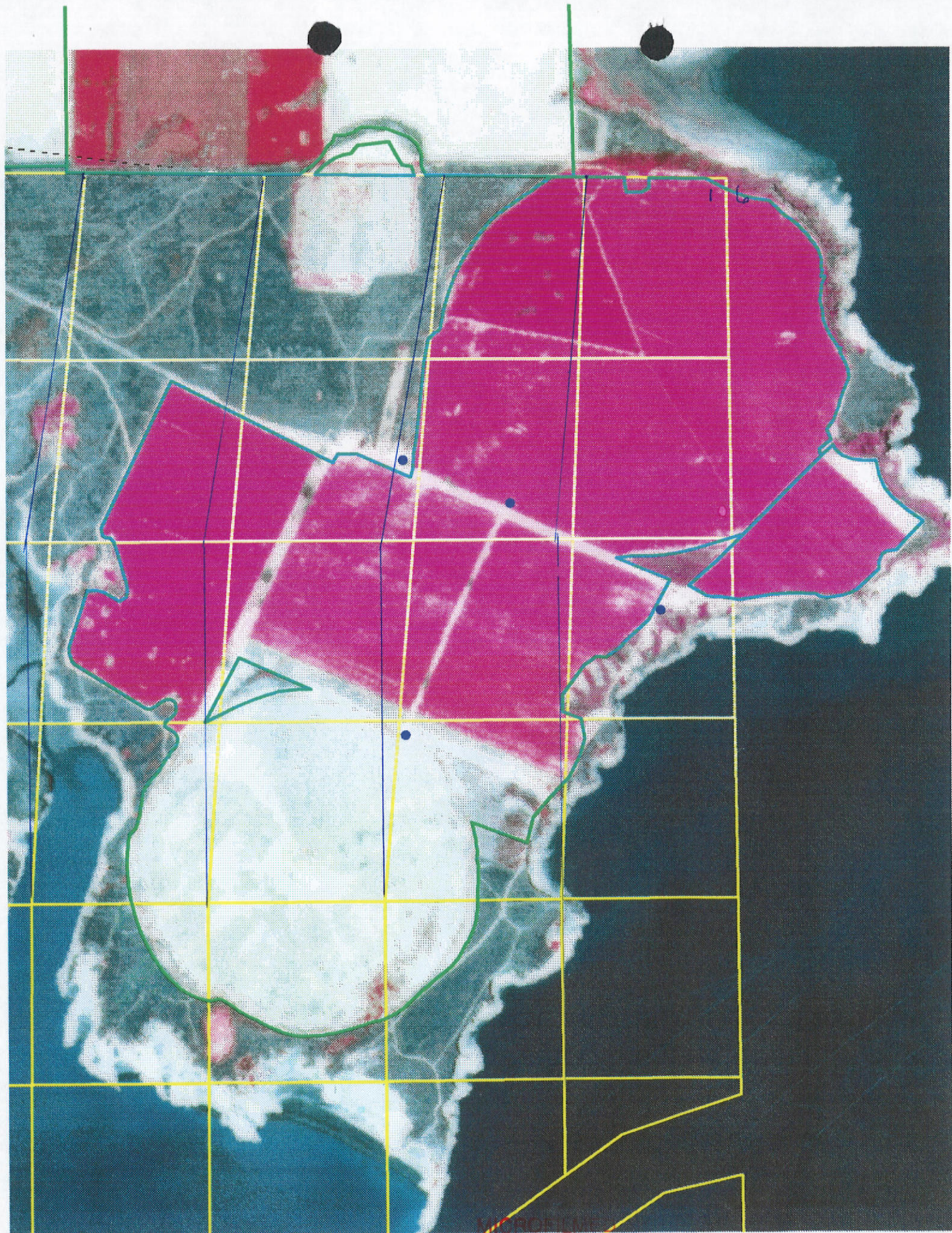
T 65 R 31 E

35-08082

35-8082



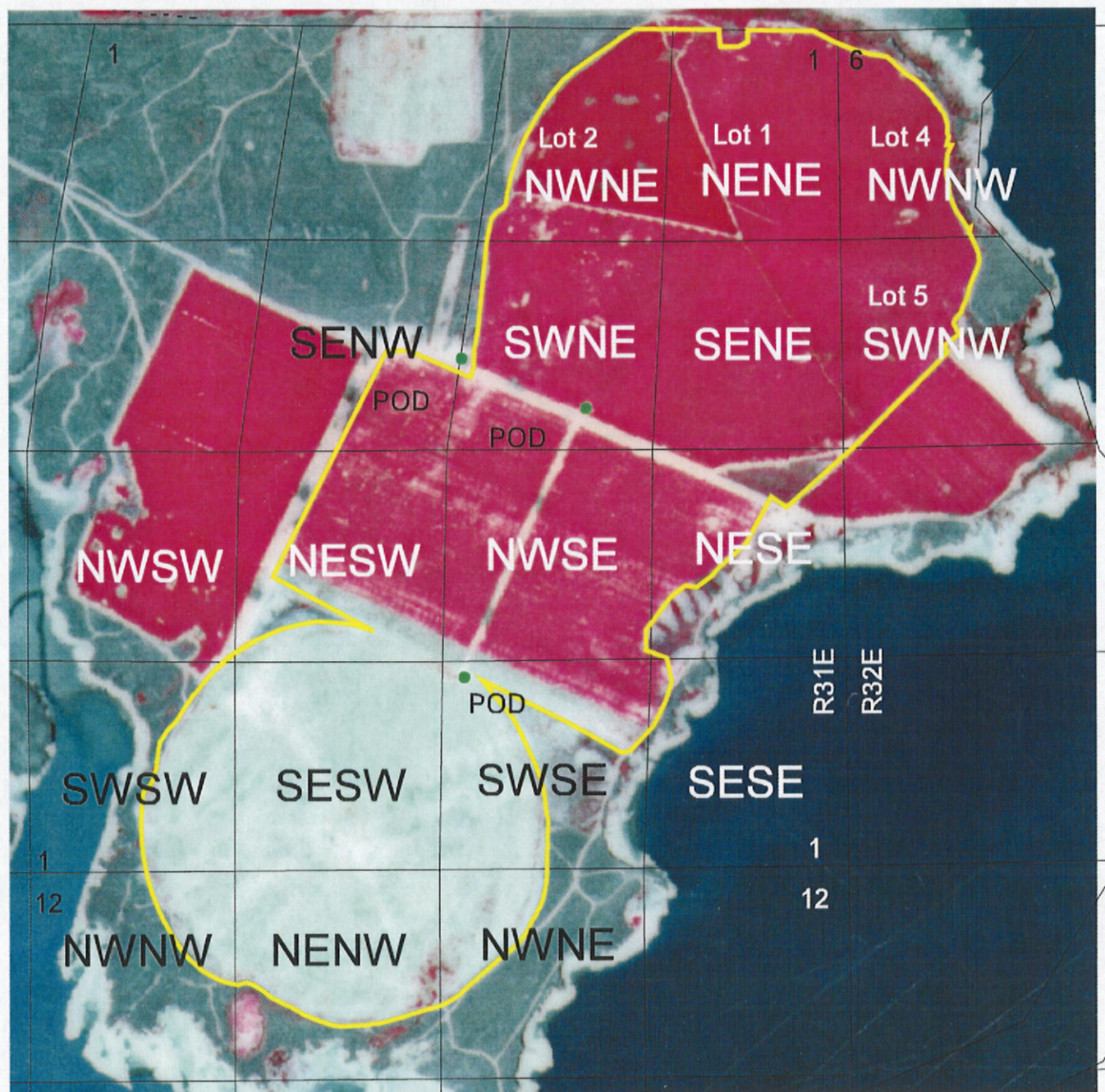
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JUN 05 2002



MICROFILM

JUN 05 2002

35-02079 35-07619A and 35-07939

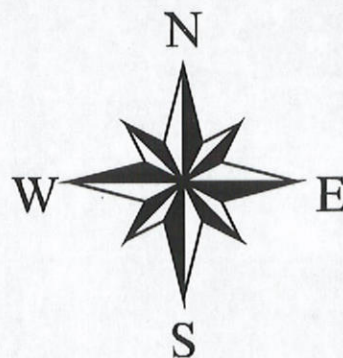


1000 0 1000 2000 Feet

T06S R31E S01 and S12
T06S R32E S06

Map prepared by: Carter Fritschle
Date prepared: 01/14/99
1987-1988 NAPP photography

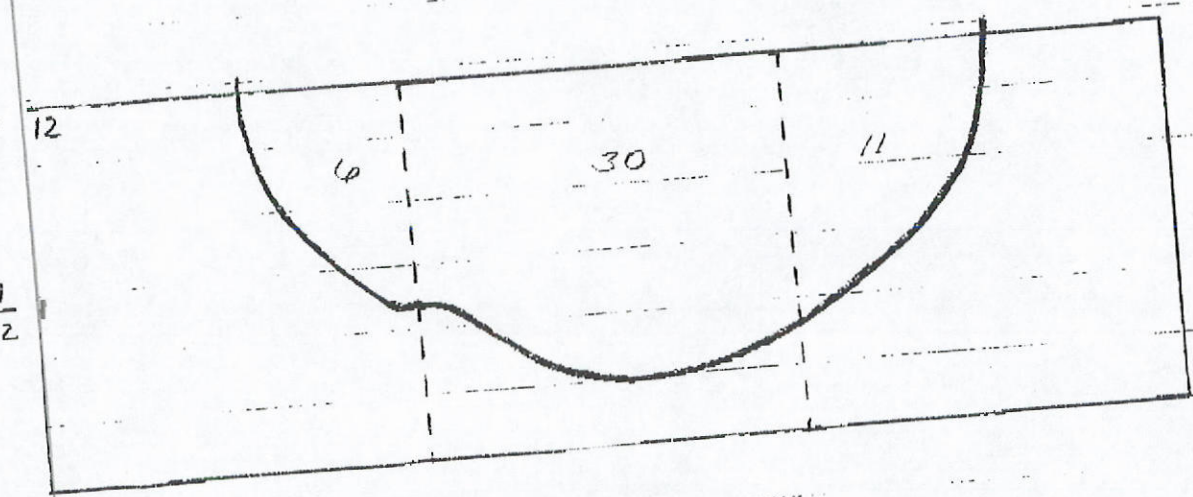
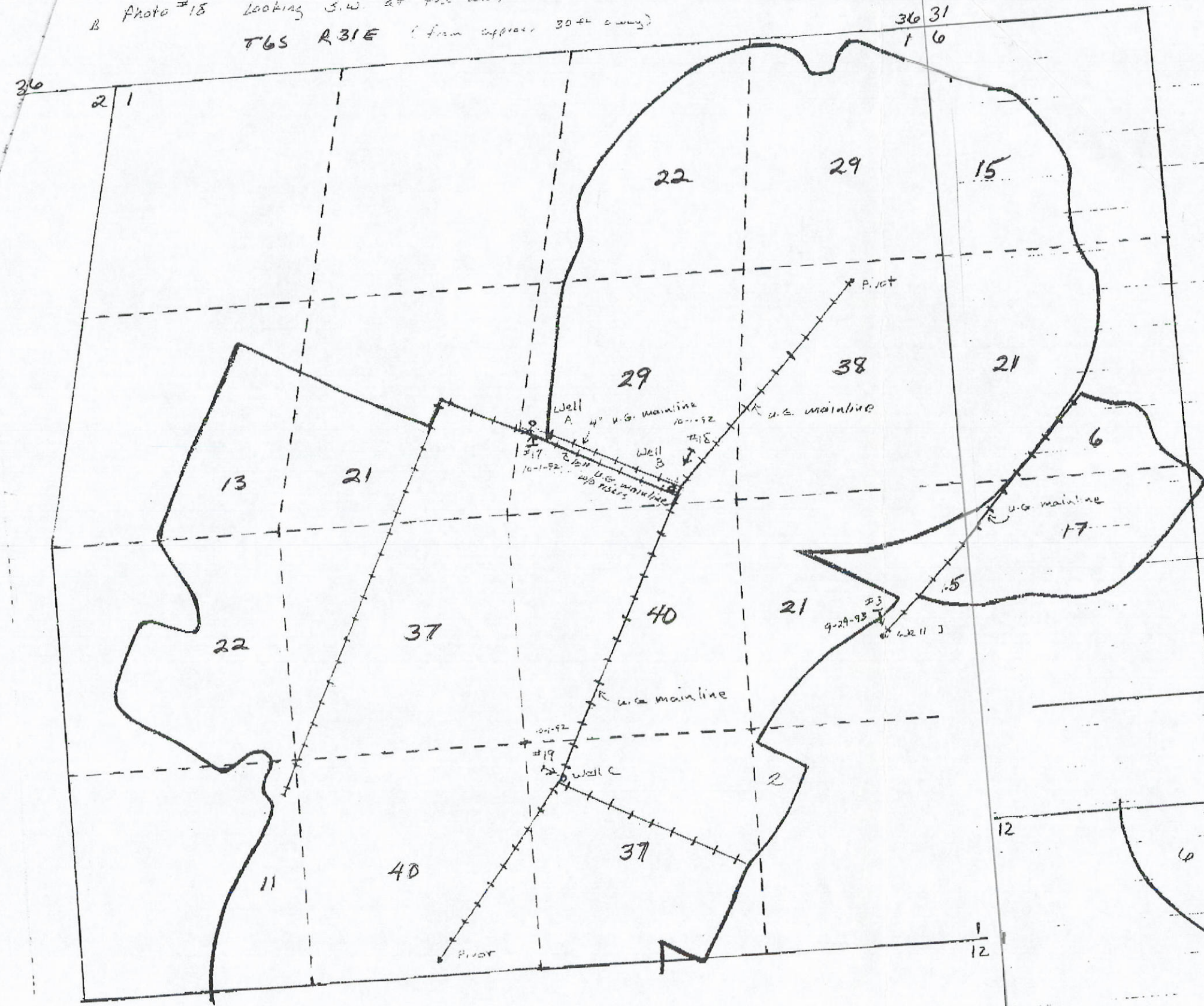
MICROFILMED
JUN 05 2002



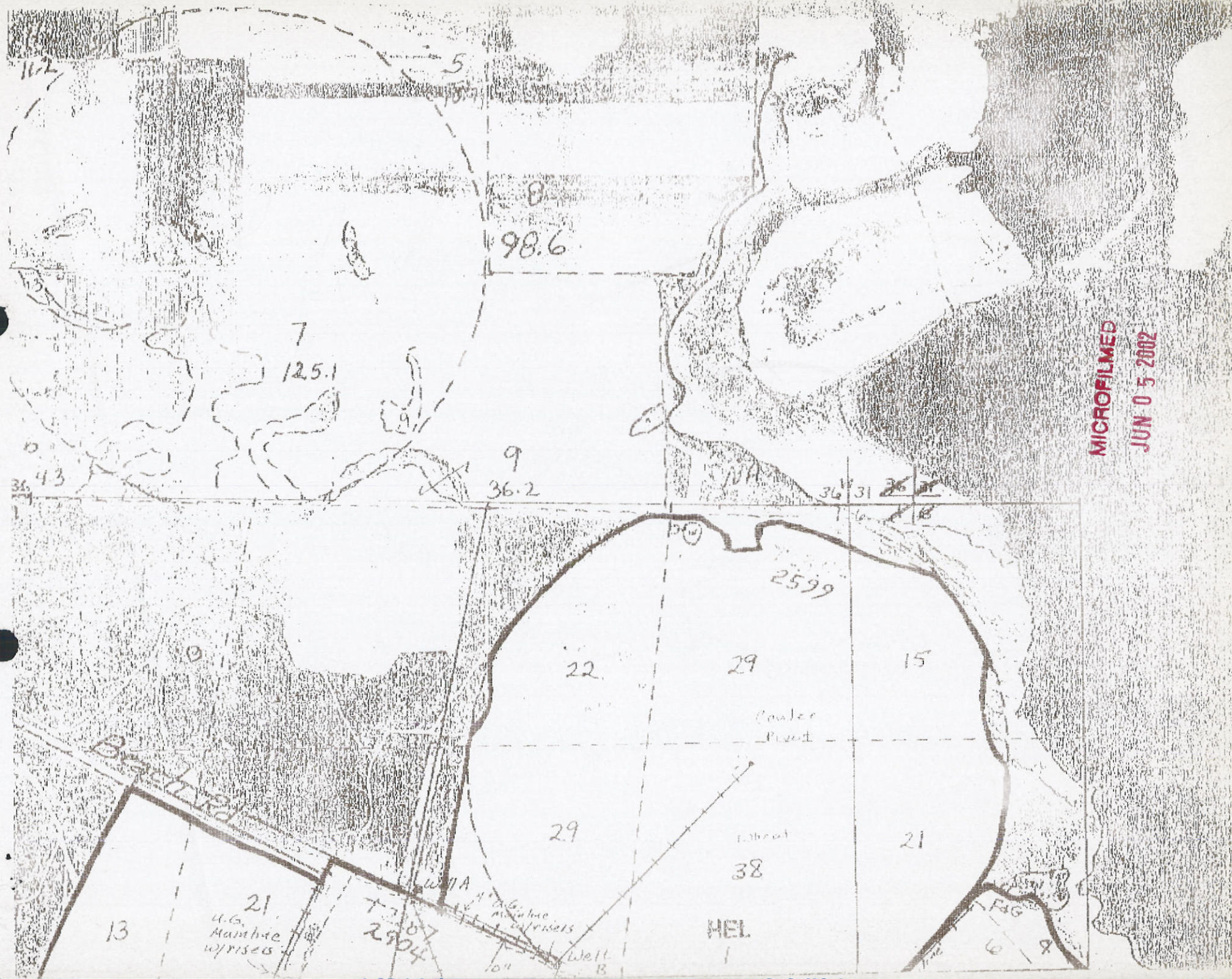
A Photo #17 Looking north at well in SWSW NE Sec. 1
 T6S R31E (from approx. 20 ft away)
 B Photo #18 Looking S.W. at the well in the SE SW NE Sec. 1
 T6S R31E (from approx. 30 ft away)

A35-07611
 A35-07939

From field data collected 10-1-92 & 9-29-93 CA
 T6S R32E Sec 6 W 1/2 NW 1/4
 NW SW



T6S R31E Sec 12 N 1/2 NW 1/4
 NW NE



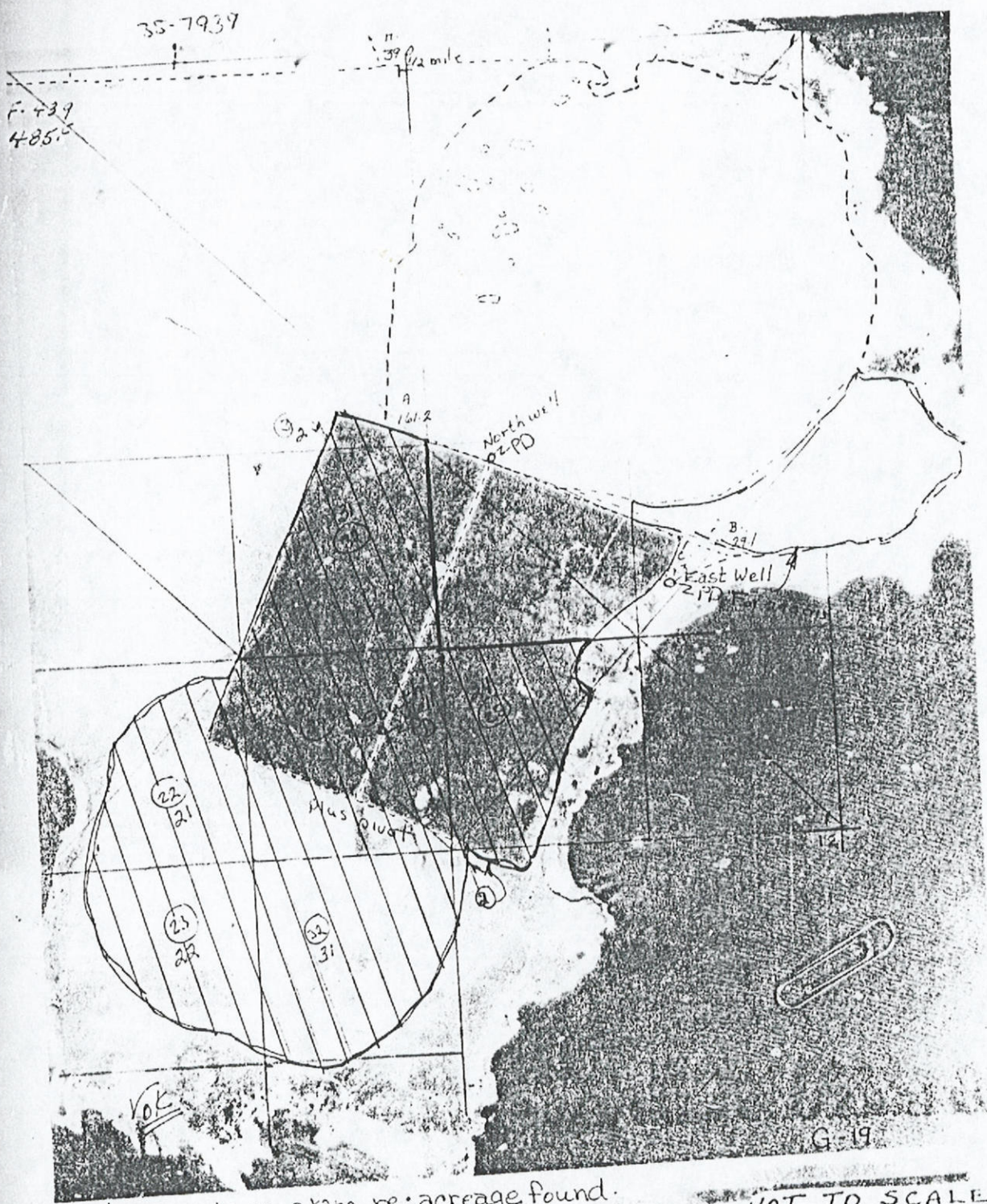
MICROFILMED

JUN 05 2002

66/027271 FT:ST



✓ R-21-93

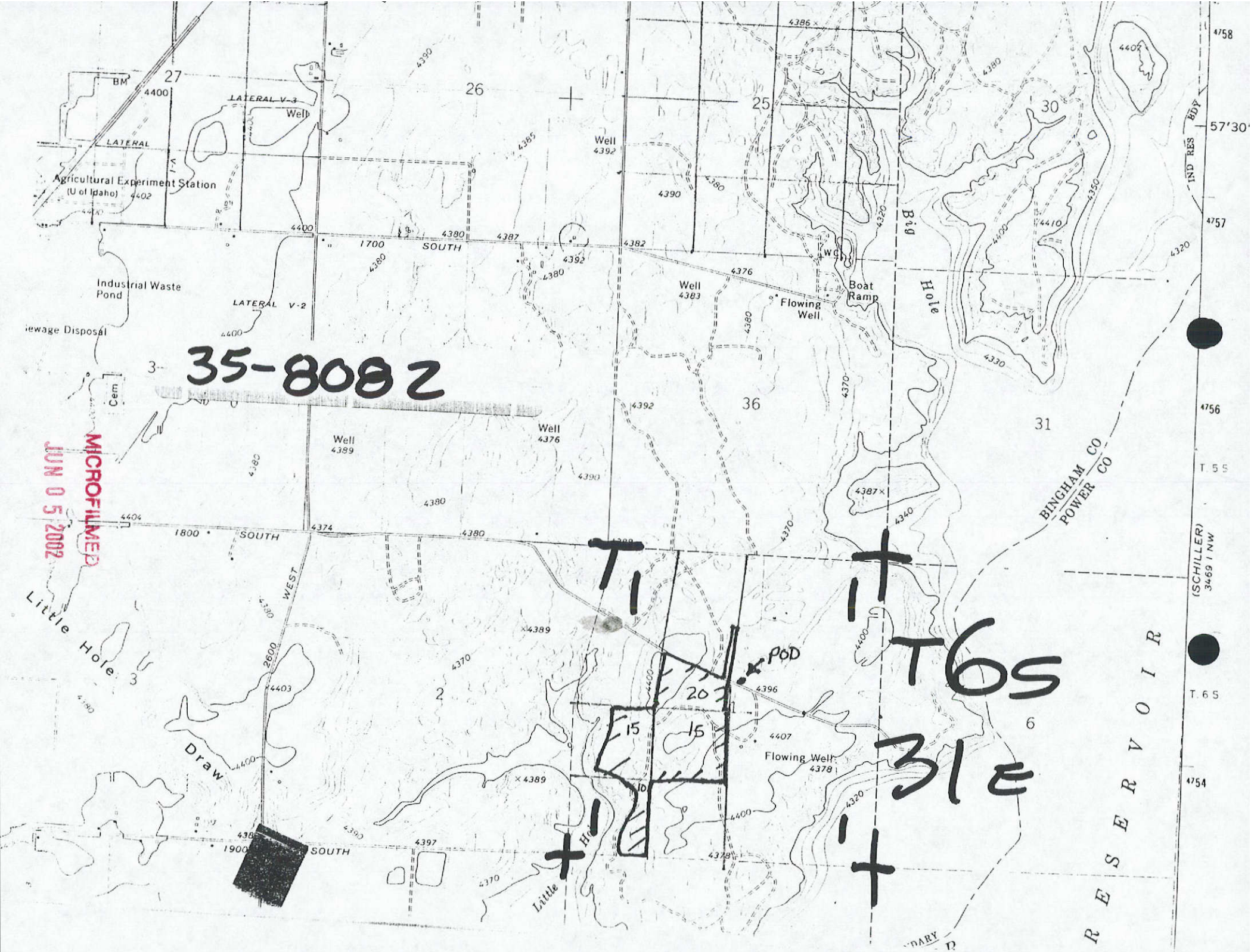


** see note on exam re: acreage found.

NOT TO SCALE

MICROFILMED

JUN 05 2002



1

21

TOTAL
irrigated

20

This
permit

POD

15

37

TOTAL
irrigated

15

This
permit

10

This
permit

TOTAL
irrigated

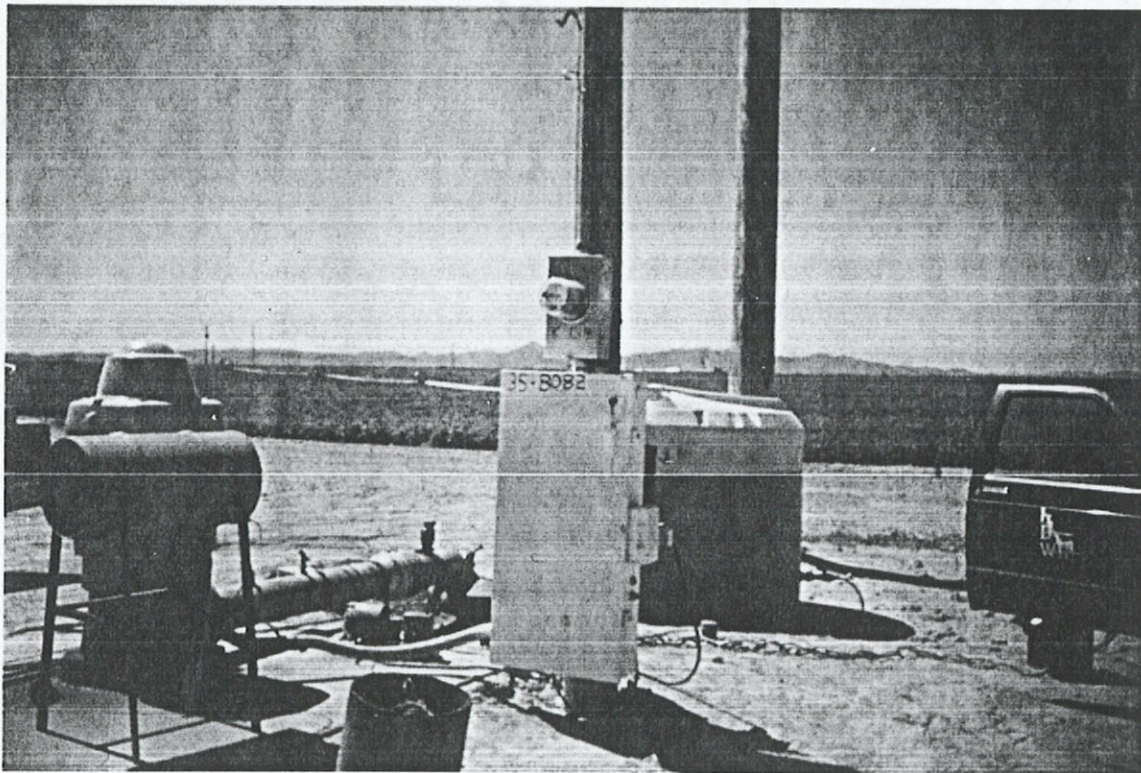
T 65 R 31E

35-08082

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JUN 05 2002

35-8082



MICROFILMED
JUN 05 2002

35-8082
35-8572

Licensed ground

New
tree
seedlings

Portable mainline

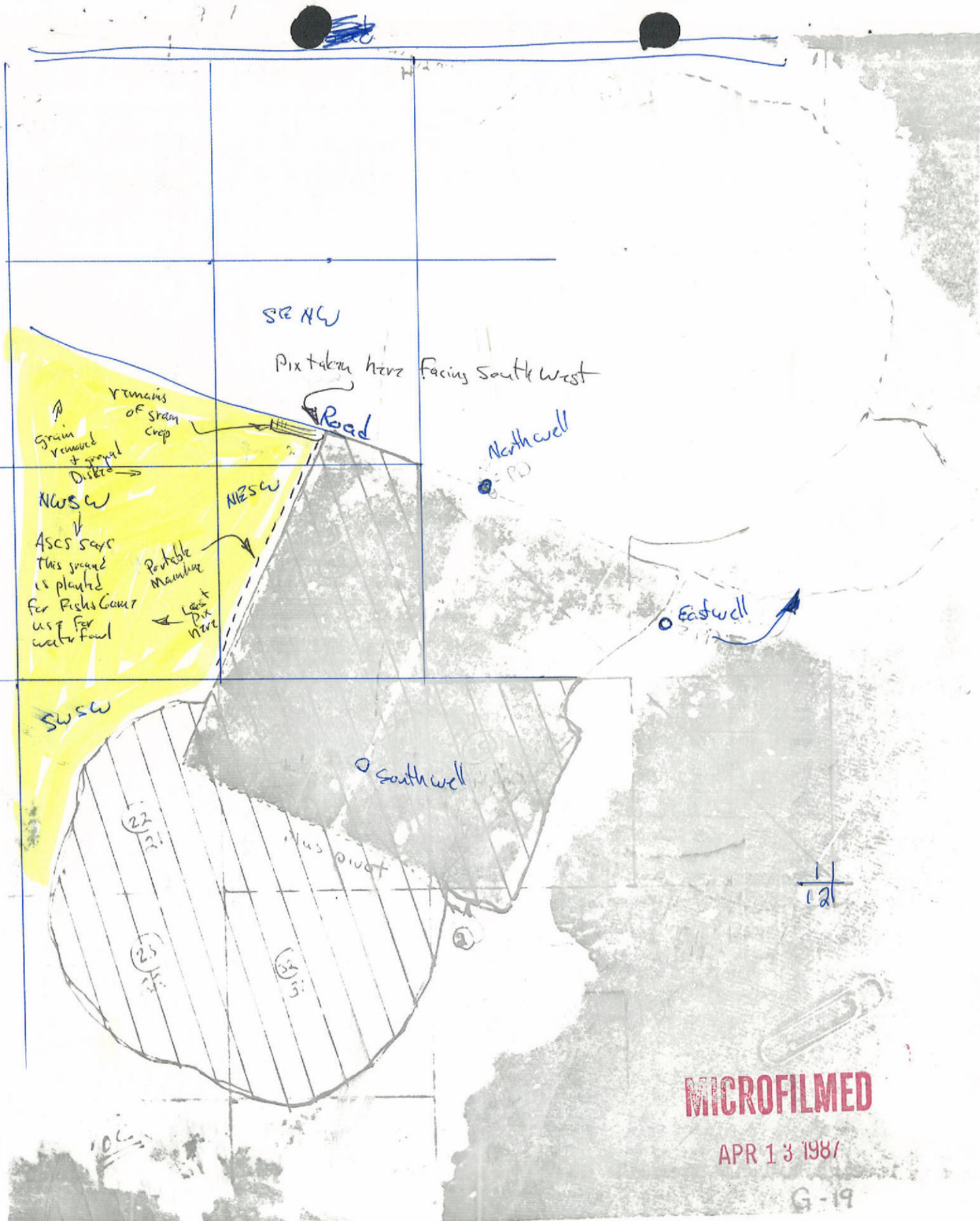
Ground For

Permits
35-8082 + 8572

residual
of wheat
crop left
in field
by road

MICROFILMED

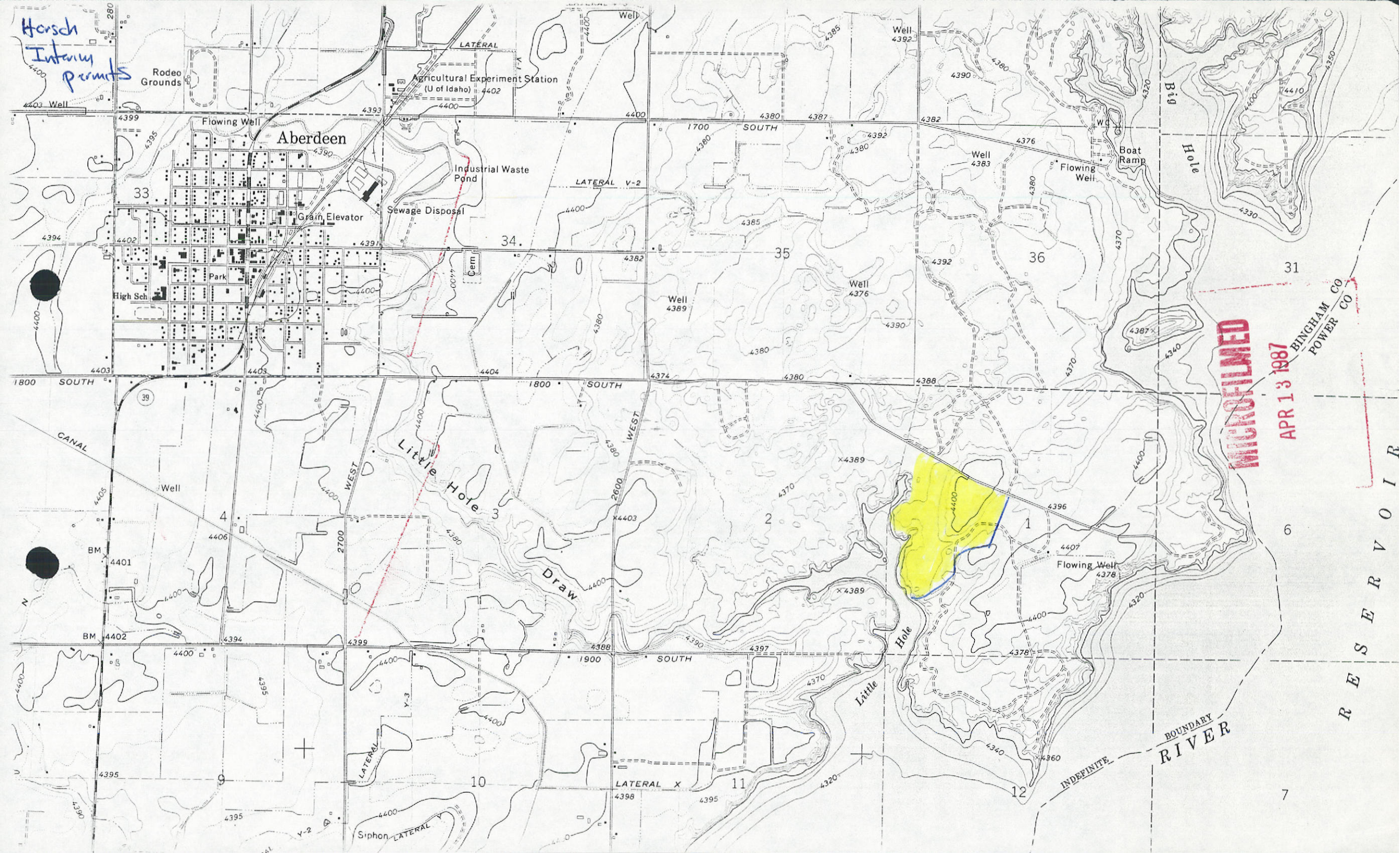
APR 13 1981



** see note on exam re: acreage found

NOT TO SCALE

Hersch
Internum
permutis



DELETED

APR 13 1987

BINGHAM POWER CO

RESEVOIR

BOUNDARY
RIVER

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08082

Priority: February 07, 1983

Maximum Diversion Rate: 1.20 CFS
Maximum Diversion Volume: 240.0 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 January 21, 1983; and has
submitted Proof of Beneficial Use on June 18, 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	1 20 CFS	240.0 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SW¼SW¼NE¼	Sec. 1, Twp 06S, Rge 31E, B.M., BINGHAM County
GROUND WATER	SE¼SW¼NE¼	Sec. 1, Twp 06S, Rge 31E, B.M., BINGHAM County
GROUND WATER	NW¼SW¼SE¼	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

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
2. Rights 35-02079, 35-07619A, 35-07939 and 35-08572 are also diverted through the points of diversion described above.

MICROFILMED
JUN 05 2002

State of Idaho
Department of Water Resources
Water Right License

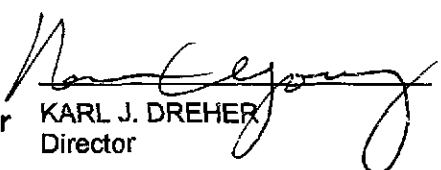
WATER RIGHT NO. 35-08082

3. Rights 35-02079, 35-07619A, 35-07939, 35-08572 and 35-08082 when combined shall not exceed a total diversion rate of 7.30 cfs, and the irrigation of 445.5 acres.
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 2nd day of May, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED
JUN 05 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08082

RECEIVED

APR 24 2002

Department of Water Resources

Date of Priority: February 07, 1983

Maximum Diversion Rate: 1.20 CFS

Maximum Diversion Volume: 240.0 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. 35-08082, 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	1.20 CFS	240.0 AF

LOCATION OF POINT(S) OF DIVERSION:

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 SE $\frac{1}{4}$ 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	26.0	37.0	36.0			19.0	19.0	35.0	25.0	14.0	40.0	16.0	40.0	26.0	1.0	367.0
	L 1	L 2															
06S 31E 12		9.0			27.0	6.5											42.5
06S 32E 6							18.0	18.0									36.0
							L 4	L 5									

Total Acres: 445.5

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 9 day of April, 2002.

Dwight W. Horsch
Dwight W. Horsch
(Signature)

MICROFILMED
JUN 05 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 35-08082

FOR DEPARTMENT USE ONLY
Preliminary check by kw Fee = \$50.00 Received by JM # 0061382 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. 35-08082 with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
2. Rights 35-02079, 35-07619A, 35-07939 and 35-08572 are also diverted through the points of diversion described above.
3. Rights 35-02079, 35-07619A, 35-07939, 35-08572 and 35-08082 when combined shall not exceed a total diversion rate of 7.30 cfs, and the irrigation of 445.5 acres.
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 1st day of May, 2002.

Acting for

Karl J. Dreher
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. 35-8082 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,

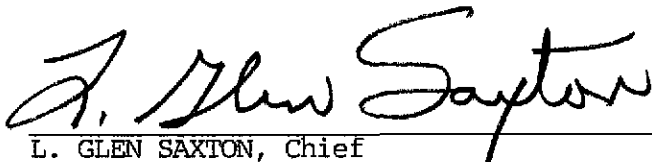
WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

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. 35-8082 be REINSTATED and the priority advanced to February 7, 1983.

Dated this 16th day of November, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

DEC 6 7 1990

RECEIVED
JUN 18 1990For Office Use Only
Amt. of Fee \$ 125
Date 6-15-90
Receipt No. 5014842
Received by HWSSTATE 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. 35-08082 Telephone No. 208-397-4925Name(s) of Permit Holder(s): Dwight W. HorschPost Office Address: 1951 S. 2700 W ABERDEEN, IDA 83210Source of Water: Groundwater

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

Extent of Use:
Domestic _____ (No. of households) Irrigation 60 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____Total rate and/or volume for which proof is submitted 1.20 cfs _____ acre/feetShow date water was first diverted and beneficially used under this permit: Jan. 21, 1983

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? ☒ Yes No Installed? ☒ Yes NoFee Enclosed: \$ 125 (See License Examination Fee Schedule)

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

Name See Above 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.

DEC 6 2 1990

Date 6/15/1990 Signature Dwight W. Horsch (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08082

Proposed Priority: January 21, 1983 Amount: 1.20 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	1.20 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	SENW 20	NESW 15	NWSW 15	60
			SWSW 10			

Total number of acres irrigated: 60

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. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
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.
7. 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.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08082

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, 1989.

J. Glen Saxton
for R. Keith Higginson, Director

MICROFILM

JUN 12 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

INTERIM APPROVAL

To appropriate the public waters of the State of Idaho

1. Name of applicant Dwight W. Hensch Phone 394-4925
Post office address RR # 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 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. 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 maintain an old 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: _____

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	31E	1								20	15	15	10						60

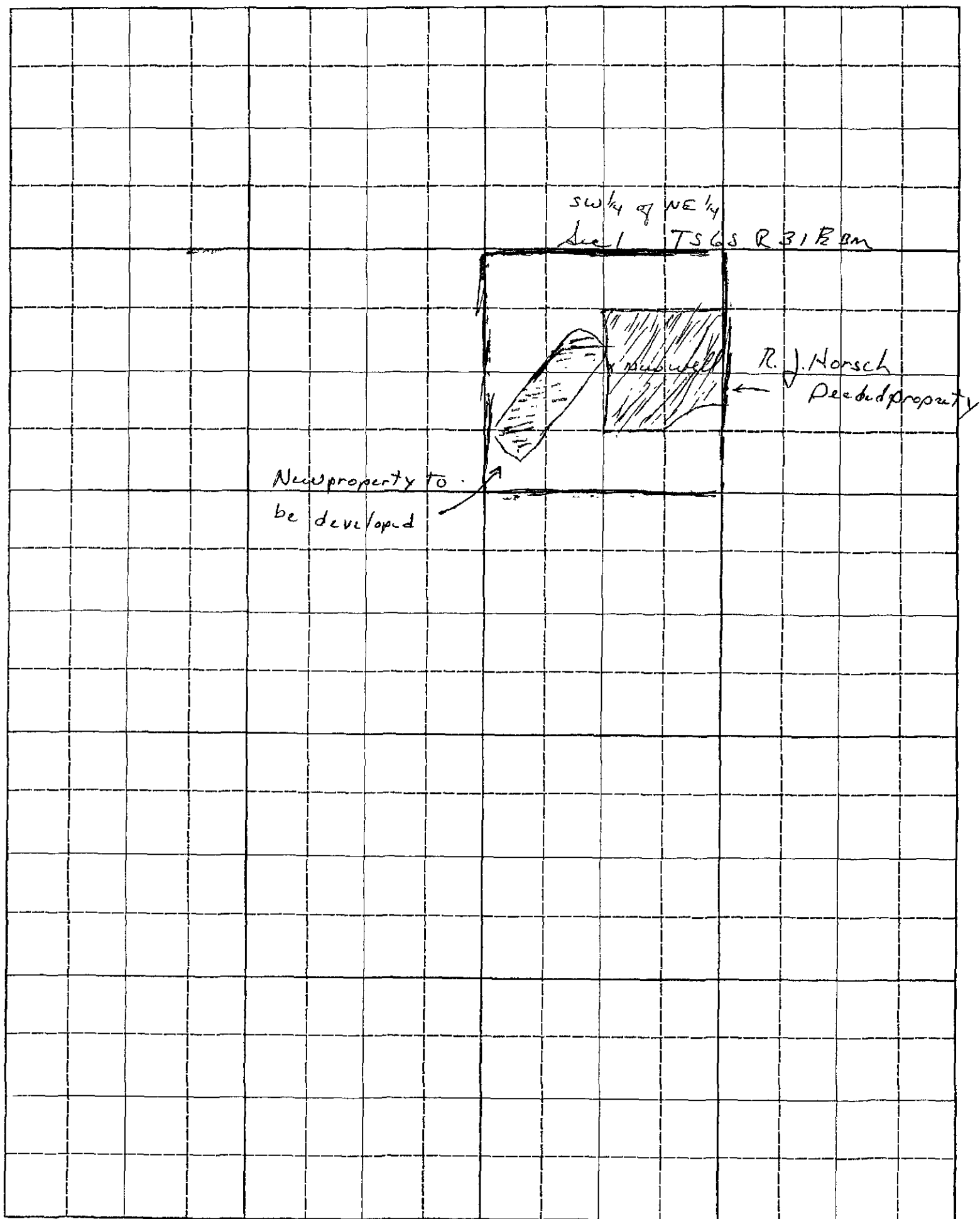
Total number of acres to be irrigated 60

c. Describe any other water rights used for the same purposes as described above. N/A

9. a. Who owns the property at the point of diversion R. J. Horsch
 b. Who owns the land to be irrigated or place of use United States Bureau of Reclamation
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Applicant's owners son Applicant holds base No. G-07-14-60047 with Deputy Intention This lease is confirmed to encompass the Added 60 acres.

10. Remarks Refer to Permit No 35 7939 held by Kenneth Horsch - applicant brother.

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. Horsch
(Applicant)

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Received by DER Date Jan 21, 1983 Time 4:10 PM
Preliminary check by NCT Fee \$ 65.00 # 25833
Receipted by DER Date Jan 21, 1983
Publication prepared by QW Date 3-27-85
Published in Spokane Falls Times
Publication dates 4/14 & 4/15/85
Publication approved (QW) Date 4-23-85
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

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. 35-8082, and said application is hereby given INTERIM APPROVAL.

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 shall be submitted on or before _____, 19____. None required unless reprocessed and approved under Sec. 42-203C IDAHO CODE (SB 1008)
- 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: Additional conditions attached hereto:

Dated this 23 day of April, 1985

Ernest Carlson
for

A. KENNETH DUNN
Director

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ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES
WITH RESPECT TO INTERIM APPROVAL OF
APPLICATION FOR PERMIT NO. 35-8082

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-8082; 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.


Chief, Operations Bureau

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BEFORE 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)
_____)

ORDER TO SHOW CAUSE
AND CEASE AND DESIST
ORDER

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

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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.

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- 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.

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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

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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.

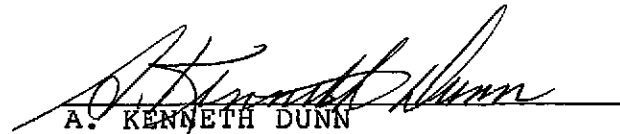
IT IS FURTHER ORDERED, that Dwight W. Horsch shall pay a civil penalty to the Department of Water Resources in the amount of \$100 per day for each day that water is illegally and wilfully pumped from his well following the date herein set to show cause. Each day of pumping of his well in violation of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

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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

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ATTACHMENT TO CONDITIONS OF APPLICATION

The following conditions are hereby made a part of the action of the Director of Water Resources (IDWR) on Application for Permit No. 35-8082

- d. Issuance of this permit is on an interim basis until processing can be accomplished under 42-203C, 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 120 acre-feet (60 acres X 2.0 acre-feet/acre = 120 acre feet/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 42-203C, Idaho Code, at the request of the permit holder or as determined by the Director and in compliance with pertinent adopted rules and regulations.
- k. A measuring device or an access port of a design approved by IDWR shall be installed prior to diverting water under this permit to allow the rate of diversion to be determined.

Dated this 23 day of April, 1985

Ernest Carlson
for

A. Kenneth Dunn
Director

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Source: GROUNDWATER
Date Filed: 02/20/1985
Diversion Pt.: SWSE, SESE, Sec. 16, T. 02S, R. 36E.
Use: IRRIGATION (2.40 CFS)
In: NESW, SESW, NESE, NWSE, SWSE, SESE, Sec. 16, T. 02S, R. 36E, for 120 ACRES.

27-7395

LDS CHURCH
Blackfoot South Stake
Route 4, Box 97
Blackfoot, Idaho 83221
Source: GROUNDWATER
Date Filed: 08/09/1984
Diversion Pt.: SWNW, Sec. 22, T. 02S, R. 35E.
Use: DOMESTIC (0.04 CFS)
In: SWNW, Sec. 22, T. 02S, R. 35E.

27-7386

CITY OF BLACKFOOT
157 N. Broadway
Blackfoot, Idaho 83221
Source: GROUNDWATER
Date Filed: 06/30/1983
Diversion Pt.: NWNE, Sec. 35, T. 02S, R. 35E.
Use: MUNICIPAL (2.00 CFS)
In: The City Limits of Blackfoot.

NOTICE OF APPLICATION FOR WATER RIGHT

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

35-8224

SHRADER, Lark G. &/or MAXINE R.
Rt. 2, Box 305
Blackfoot, Idaho 83221
Source: GROUNDWATER
Date Filed: 06/30/1983
Diversion Pt.: SWSE, Sec. 20, T. 03S, R. 34E.
Use: IRRIGATION (0.03 CFS)
DOMESTIC (0.04 CFS)
In: SWSE, Sec. 20, T. 03S, R. 34E, for 1 ACRES.

35-8351

PARRISH, Jay
Rt. 7, Box 356
Blackfoot, Idaho 83221
Source: GROUNDWATER
Date Filed: 06/25/1984
Diversion Pt.: NESE, Sec. 33, T. 02S, R. 34E.
Use: DOMESTIC (0.10 CFS)
In: NESE, Sec. 33, T. 02S, R. 34E.

35-8108

CALCHERA, Rosalie
Rt. 1, Box 262A
Shelley, Idaho 83274
Source: GROUNDWATER
Date Filed: 02/28/1983
Diversion Pt.: NENE, Sec. 17, T. 01N, R. 37E.
Use: IRRIGATION (0.02 CFS)
DOMESTIC (0.04 CFS)
In: NENE, Sec. 17, T. 01N, R. 37E, for 1 ACRES.

35-8083

HORSCH, DWIGHT W.
RR #1
Aberdeen, Idaho 83210
Source: GROUNDWATER
Date Filed: 01/21/1983
Diversion Pt.: NWNW, Sec. 02, T. 06S, R. 31E.
Use: IRRIGATION (2.40 CFS)
In: NWNW, SWNW, SENW, Sec. 02, T. 06S, R. 31E, for 120 ACRES.

35-8082

HORSCH, DWIGHT W.
RR #1
Aberdeen, Idaho 83210
Source: GROUNDWATER
Date Filed: 01/21/1983
Diversion Pt.: SWNE, Sec. 01, T. 06S, R. 31E.
Use: IRRIGATION (1.20 CFS)
In: SENW, NESW, NWSW, SWSW, Sec. 01, T. 06S, R. 31E, for 60 ACRES.

27-7402

MARLOW, Dennis L. &/or MARY JO
Route 6, Box 283
Blackfoot, Idaho 83221
Source: GROUNDWATER
Date Filed: 03/13/1985
Diversion Pt.: SWSW, Sec. 16, T. 02S, R. 36E.
Use: IRRIGATION (1.20 CFS)

27-7384

CITY OF BLACKFOOT
157 N. Broadway
Blackfoot, Idaho 83221
Source: GROUNDWATER
Date Filed: 6/30/1983
Diversion Pt.: SWNE, Sec. 27, T. 02S, R. 35E.
Use: MUNICIPAL (0.1440 CFS)
In: SWNE, Sec. 27, T. 02S, R. 35E.

27-7357

HENDRICKS, THOMAS H.
&/or GERTRUDE I.
Box 192
Fort Hall, Idaho 83203
Source: GROUNDWATER
Date Filed: 06/03/1983
Diversion Pt.: SENE, Sec. 36, T. 04S, R. 34E.
Use: IRRIGATION (0.09 CFS)
DOMESTIC (0.25 CFS)
In: SENE, Sec. 36, T. 04S, R. 34E, for 3 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 APRIL 22, 1985.

KEN DUNN, Director.

(8527)
Pub.: 4-4, 11

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Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, _____
solemnly

David Mark Brown

Publisher

swear that I am the _____ 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: Thursday
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
4th day of April, 19 85

and the last publication having been made on the
11th day of April, 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 by OCB

Subscribed and sworn to before me this 11th

day of April, 19 85

Patricia A. Johnson

Notary Public for the State of Idaho,

Residing at Blackfoot, Idaho

My commission expires

Oct. 20, 1984 1988

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3:17 PM 3/8/2002

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.

game DAF wrong CID to keep. Fixed
address 3-18-02.
-1b

35-7530

35-7619 A+B

35-8083

35-8686

-10682

-10687

-10689

35-11275

35-8082

35-8572

Abaddon id 83210



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. 35-8082 - 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)

PROFILMED

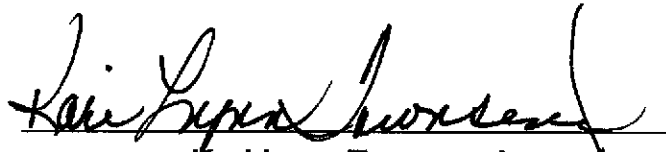
MAY 15 2002

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. 35-8082

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


Kari Lynn Townsend
Secretary

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JUN 05 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).

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JUN 05 2002

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.

MICROFILMED
JUN 05 2002



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. 35-08082

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

JUN 05 2002

Comment Report

35-8082

1. kwalker 4/4/2002 Place of Use

Comment: I talked with Carter Fritschle regarding this permit since he did the SRBA field work and he said we should go ahead and license this permit with a permissible place of use since he thought that is what the permit holder would want. The gcdb for this area is not accurate. Have used the SRBA shape for p/ds and p/u with the exception of the additional 61 acres under this right and Rt. 35-08572.

MICROFILMED
JUN 05 2002

LICENSE REVIEW CHECKLIST

Permit No 35-8082 Date 34-3-2002 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 ok
add
ppu

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

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 35-2079, 35-7619A, 35-7939
File reviewed Profile reports printed

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

Partial Decrees

Rate of Diversion

Permitted rate 1.20 cfs
Fee Limit 2.0 cfs
Measured 7.30 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 1.2

Water Uses ok

Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 1.2 cfs 240. af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
_____ cfs _____ af
Total 1.2 cfs 240 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

1.2 cfs x 1 9835 x 214 days = 509.4 af (vs) 60 acres x 4.0 (FHR) = 240. af
3.0 (con)

Remarks: W36, R04, 048

Additional Conditions 120

Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051)
Non-trust (048)

GW Dist? _____
Water Msmt Dist? _____
Crit GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below
no

SRBA Claim? NO

Adjust memo YES

Amend Letters _____

P87, S06

Second Amendment Notice P44

S06

Point of Diversion overlap in SW 1/4, S01, T6S, R31E

<u>Basin</u>	<u>Sequence</u>	<u>Split</u>	<u>Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Source Table</u>
35	2079		License	9/11/1947	2.50	wrAdjudicationRecommendation
35	7619	A	License	6/23/1976	1.81	wrAdjudicationRecommendation
35	7939		License	1/7/1981	3.38	wrAdjudicationRecommendation
35	8082			2/7/1983	1.20	wrWaterPermit
35	8572			5/20/1985	0.40	wrWaterPermit

Point of Diversion overlap in SW 1/4, S01, T6S, R31E

<u>Basin</u>	<u>Sequence</u>	<u>Split</u>	<u>Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Source Table</u>
35	2079		License	9/11/1947	2.50	wrAdjudicationRecommendation
35	7619	A	License	6/23/1976	1.81	wrAdjudicationRecommendation
35	7939		License	1/7/1981	3.38	wrAdjudicationRecommendation

2002 JAN 31 PM 3:34

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

Case No. 39576)

ORDER OF PARTIAL DECREE

For Water Right 35-02079

On November 21, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-02079 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 31, 2002.

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-02079

272 JAN 31 PM 4:01
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

NAME AND ADDRESS: KENNETH HORSCH
1990 S 2600 W
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 2.50 CFS
500.00 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 35-07619A, 35-07619B AND
35-07939 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
5.88 CFS.

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

PRIORITY DATE: 09/11/1947

POINT OF DIVERSION: T06S R31E S01 SESWNE Within Bingham County
SWSWNE
NWSWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.50 CFS 500.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T06S R31E S01 LOT 01 (NENE) 33.0	LOT 02 (NWNE) 26.0
	SWNE 37.0	SENE 36.0
	SENE 8.0	SESW 29.0
	SWSW 14.0	SESW 40.0
	NESE 16.0	NWSE 40.0
	SWSE 26.0	SESE 1.0
	S12 NWNE 9.0	NENW 27.0
	NNNW 6.5	
	R32E S06 LOT 04 (NNNW) 18.0	LOT 05 (SWNW) 18.0
	384.5 Acres Total	

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 384.5 ACRES IN A SINGLE
IRRIGATION SEASON.

COMBINED RIGHT NOS.: 35-07619A AND 35-07939

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 125 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

MICROFILMED

JUN 05 2002

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

JUN 05 2002

31
2002 JAN 29 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 35-02079

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-02079 was mailed
on January 29, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

KENNETH HORSCH
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING
MICROFILMED
JUN 05 2002

PAGE 1
01/29/02

2002 JAN 31 PM 3:34

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

)
) **ORDER OF PARTIAL DECREE**
)

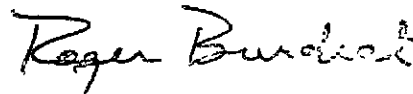
) **For Water Right 35-07619A**
)

On November 21, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-07619A is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 31, 2002.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
JUN 05 2002

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

In Re SRBA)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Case No. 39576)
Water Right 35-07619A

272 JAN 31 PM 4:01

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

NAME AND ADDRESS: KENNETH & DWIGHT HORSCH
1990 S 2600 W
ABERDEEN, ID 83210-1904

SOURCE: GROUNDWATER

QUANTITY: 1.81 CFS
362.00 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 35-02079, 35-07619B AND
35-07939 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE
OF 5.88 CFS.

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

PRIORITY DATE: 06/23/1976

POINT OF DIVERSION: T06S R31E S01 SWSWNE Within Bingham County
SESWNE
NWSWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.81 CFS 362.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T06S R31E S01 LOT 01 (NENE) 33.0	LOT 02 (NWNE) 26.0
	SWNE 37.0	SENE 36.0
	SENE 8.0	NESW 29.0
	SWSW 14.0	SESW 40.0
	NESE 16.0	NWSE 40.0
	SWSE 26.0	SESE 1.0
	S12 NWNE 9.0	NENW 27.0
	NWNW 6.5	
	R32E S06 LOT 04 (NWNW) 18.0	LOT 05 (SWNW) 18.0
	384.5 Acres Total	

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 384.5 ACRES IN A SINGLE
IRRIGATION SEASON.

COMBINED RIGHT NOS.: 35-02079 AND 35-07939.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 90.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

MICROFILMED
JAN 05 2002

2002 JAN 29 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-07619A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-07619A was mailed
on January 29, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

KENNETH & DWIGHT HORSCH
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIANA DELANEY
Chief Deputy Clerk

MICROFILMED

JUN 05 2002

CERTIFICATE OF MAILING

PAGE 1
01/29/02

2002 JAN 31 PM 3:34

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA

Case No. 39576

)
)
)
)

ORDER OF PARTIAL DECREE

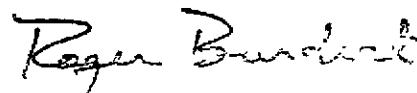
For Water Right 35-07939

On November 21, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-07939 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 31, 2002.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

JUN 05 2002

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C P. 54(b) FOR

Water Right 35-07939

2002 JUN 31 PM 4:01

DISTRICT COURT-3RD
TWIN FALLS CO., IDAHO
FILED _____

*permit
issued
for 169 ac*

NAME AND ADDRESS: KENNETH HORSCH
1990 S 2600 W
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 3 38 CFS

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

PRIORITY DATE 01/07/1981

POINT OF DIVERSION T06S R31E S01 SWSWNE Within Bingham County
SESWNE
NWSWSE

PURPOSE AND PERIOD OF USE	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	3 38 CFS

PLACE OF USE:	Irrigation	Within Bingham County
	T06S R31E S01 LOT 01 (NENE)33.0	LOT 02 (NWNE)26 0
	SWNE 37.0	SENE 36 0
	SENE 8.0	NESW 29.0
	SWSW 14.0	SESW 40.0
	NESE 16.0	NWSE 40.0
	SWSE 26 0	SESE 1.0
	S12 NWNE 9.0	NENW 27.0
	NWNW 6.5	
	R32E S06 LOT 04 (NWNW)18.0	LOT 05 (SWNW)18.0
	384.5 Acres Total	

USE OF THIS RIGHT WITH RIGHT NOS 35-02079 AND 35-07619A IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 384.5 ACRES IN A
SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

MICROFILMED
JUN 05 2002

2002 JAN ³¹~~29~~ PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-07939

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-07939 was mailed
on January ~~29~~³¹, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

KENNETH HORSCH
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIANA DELANEY
Chief Deputy Clerk

MICROFILMED

JAN 05 2002

CERTIFICATE OF MAILING

PAGE 1
01/29/02

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	IKS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SE'W	NESW	NWSW	SWSW	SESW	NFSE	NWSE	SWSE	SESE	Total
Right	35 2579	KENNETH HORSCH,	GROUND WATER	CS3111			22	13									30	30			60
Right	35 7312	R. HORSCH	GROUND WATER	CS31E1			15														20
Right	35 7339	KENNETH HORSCH,	GROUND WATER	CS31E1																	0
Right	35 P 82	DANIEL W. HORSCH,	GROUND WATER	CS3111			37	35			10	10			14	14	16	30	22	1	178

+19 +11 +6 New ✓ ✓ ✓ ✓ ✓ ✓

61 new acres

$$60 = 35-8082$$

$$1 = 35-8572$$

$$\frac{61 \text{ new}}{384.5 \text{ decreed}} = 445.5 \text{ total acres}$$

$$445.5 \text{ total acres} \times 0.02 \text{ cfs} = 8.91$$

exceeds capacity

P/U OL w/ 35-02079
35-07619A
35-07939

no OL w/ 35-7619B - different well
different lands

$$445.5 \text{ ac} \times 4.0 \text{ AF} = 1782.$$

$$- 1538. (\text{decreed})$$

$$244 = 60 \times 4 = 240 (35-8082)$$

$$1 \times 4 = 4. (35-8572)$$

$$244. \text{ No Vol limit req'd.}$$

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NCNC	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	35 2003	FANNIE E. KIRMAN	BIG HOLE SPRING	0/15/12									13		4	4					23
																					25
																					25
Right	35 7030	KENNETH HORSCH	GROUND WATER	0/15/12					31	22											53
Right	35 8082	JAMES H. HORSCH	GROUND WATER	0/15/12					27	65											92
Right	35 2020	FANNIE E. KIRMAN	UNNAMED STREAM	0/15/12									30			30					60

✓

✓

✓

Idaho Dept. of Water Resources
Place of Use Comparison Report

Line	WR #	Owner	Source	IRS	NFWF	NWFW	SAFW	SEFW	NLFW	NWFW	SAFW	SEFW	NWSW	SWSW	SLSW	ALSE	NWSE	SWSF	SESE	Total
1	312004	6400-0400-1-2-2004	E SHOLE SPRING ET AL. MAPS & LANDS DEPT. (185020)																	72
																				40
																				30
																				41
																				41
4	312004	6400-0400-1-2-2004	GRAND CANYON	185020																72
5	312004	6400-0400-1-2-2004	GRAND CANYON	185020																41

✓ ✓

RECEIVED
MAR 28 2002
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Re-exam
RECEIVED
JAN 16 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-8082

1. Owner: Dwight W. Horsch Phone No. 397-4925

Current Address: 1991 S. 2700 W. Aberdeen, Id 83210

2. Accompanied by: Dwight W. Horsch EXAM DATE: 7-1-93

Address: Same Phone No. Same

Relationship to Permit Holder: owner

3. Source: Ground water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE (THESE ARE NEW ACRES)

2. Other water rights with the same point of diversion: 35-2079, 7619, 7939, 8572

C. DIVERSION AND DELIVERY SYSTEM

1. 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	06S	31E	Bingham	USGS / on site
		SE	SW	NE	1	06S	31E	Bingham	
		DW	SW	SE	1	6S	31E	Bingham	

2. Place(s) of Use:

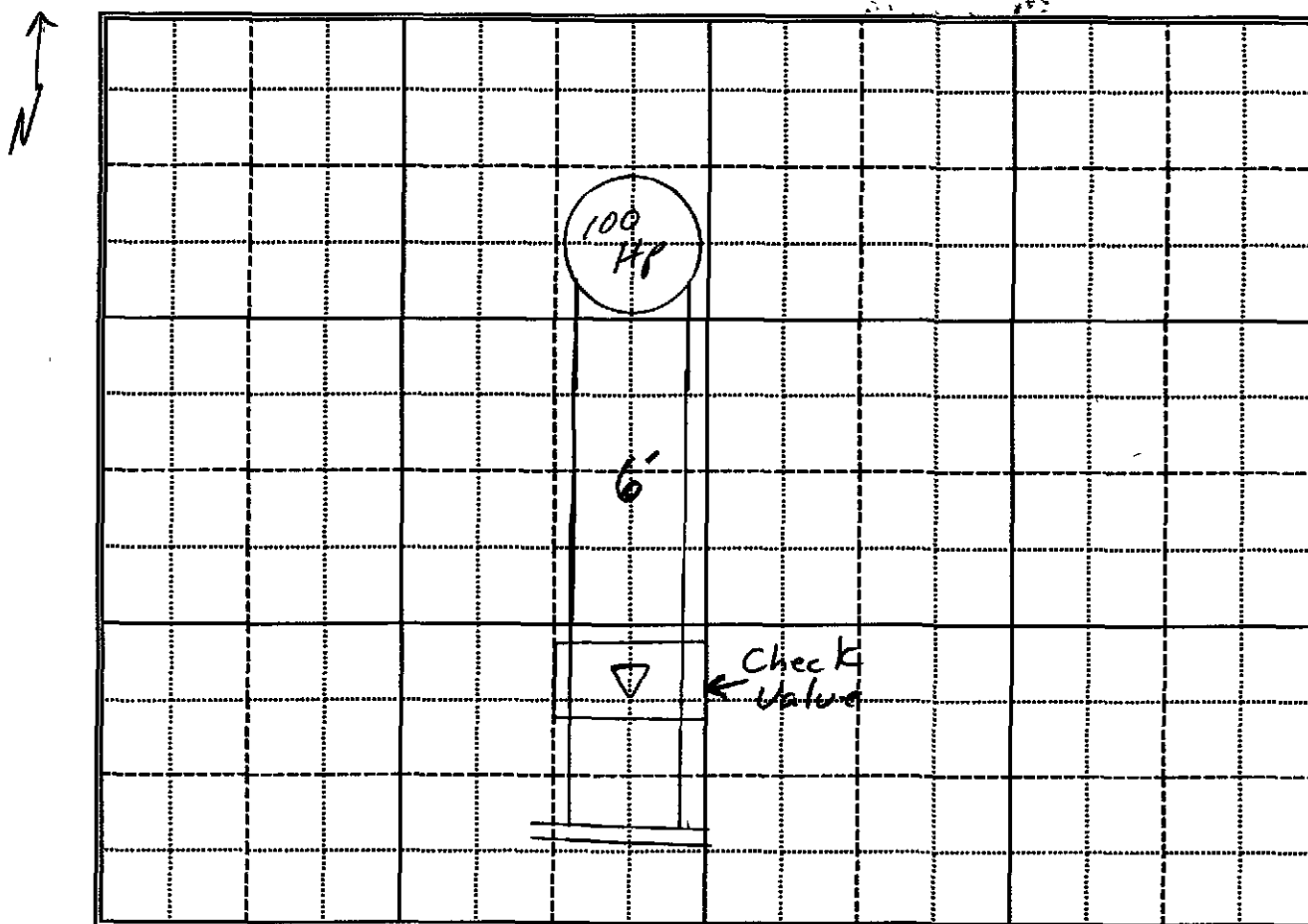
Indicate Method of Determination

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								20	15	15	10						60

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS 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)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US Motor	100	1345146	Verti line	D13530

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
pressure gage	Fluid	Ashecroft			100 psi	
Flow meter	Sonic	Poly				

2. Measurements: operating pressure 53 psi
dynamic pumping depth 135' (according to owner)
Sonic Reading 1080 gpm

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E. NARRATIVE/REMARKS/COMMENTS

100 Hp pump to 8" underground main line supplying water to 4 1/4 mile wheel lines with 30 birds (59pm flow control) and 3 wheel lines with 28 birds (59pm flow control).

tree lines also irrigated from well

Overlap review: see Carter Fritschle Letter. (Adjudication Review)
- After the three existing licenses 35-2079, 7619, 7939 were accounted for, there was an additional 61 acres irrigated. This permit will provide for 60 acres and 35-8572 will cover the one acre.

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, that irrigates 409 acres with 5.88 cfs rate of diversion. Adding the additional 61 acres comes to 470 acres and 5.88 cfs

$$\frac{5.88 \text{ cfs}}{470} = .0125 (60 \text{ acres this permit}) = 0.75 \text{ cfs this permit}$$

total Q = 5.88 cfs for these water rights

3 100hp wells to main line

Idaho Power Measured the three wells at 7.30 cfs (see memo)

Have conditions of permit approval been met? ☒ yes ☐ no

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F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

Theory

$$Q = \frac{(100 \times 8.814 \times .7)}{(135) + (53)(2.308)} = 2.40 \text{ cfs (1076 gpm)}$$

polysonic $1080/448.83 = 241 \text{ cfs}$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 60 \times 4 = 240$$

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

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 240 \text{ AFA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRR</u>	<u>4/01</u>	<u>10/31</u>	<u>0.75 cfs</u>	<u>240 AFA</u>
Totals:			<u>0.75 cfs</u>	<u>240 AFA</u>

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

I. AUTHENTICATIONField Examiner's Name Gary Buss Date 7-1-93Reviewer DAVE CARLSON Date 1/13/97

SEAL

DAVE CARLSON3/25/2002

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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

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35-08082

35 36

01

1

TOTAL
irrigated

20

This
permit

POD

15

37

TOTAL
irrigated

15

This
permit

10

This
permit

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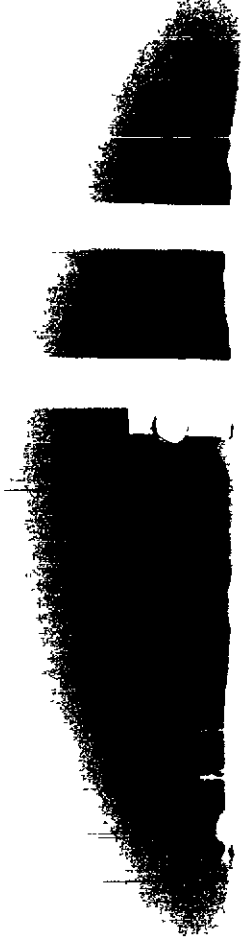
JUN 05 2002

165

R 31E

35-08082

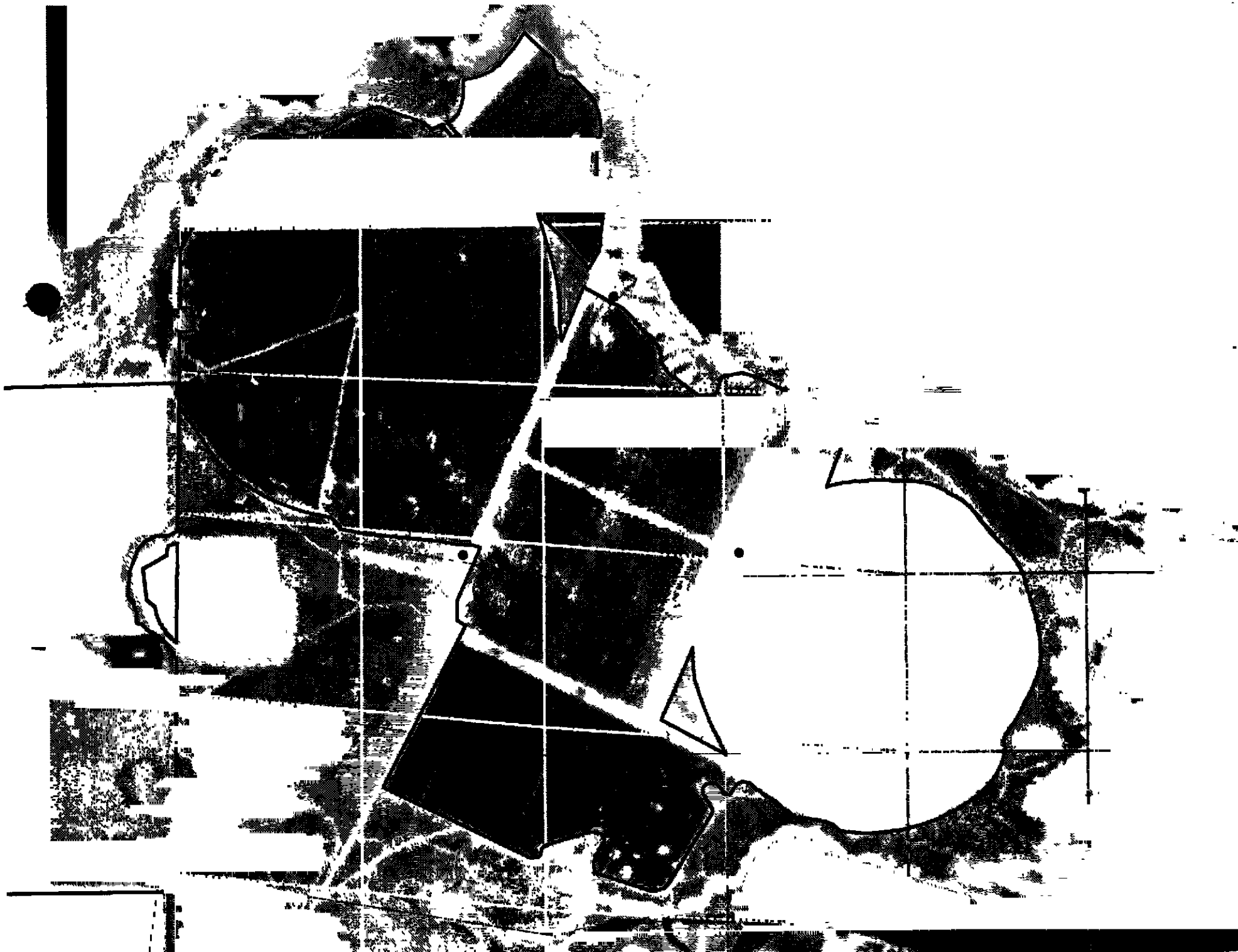
35-8082



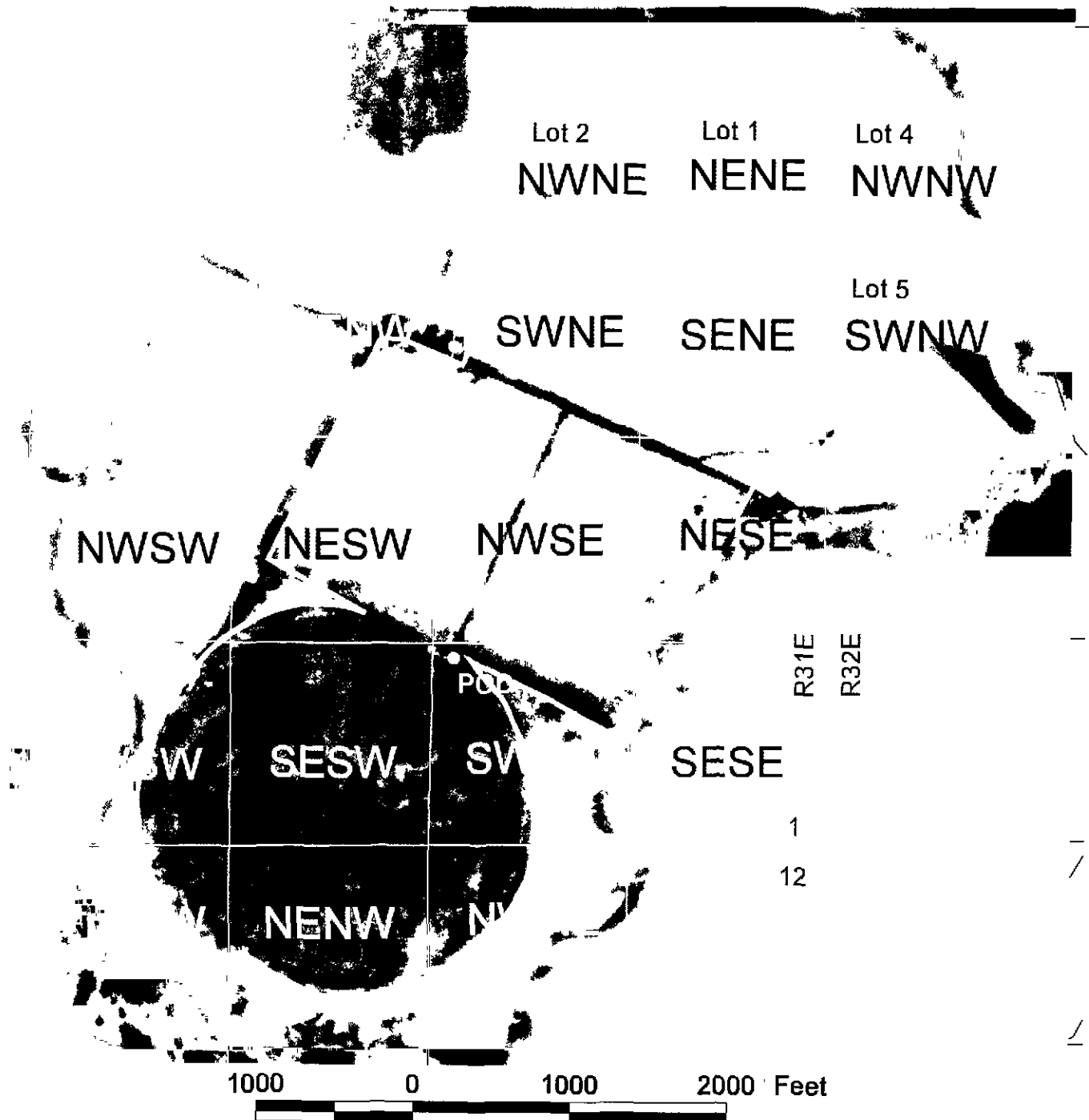
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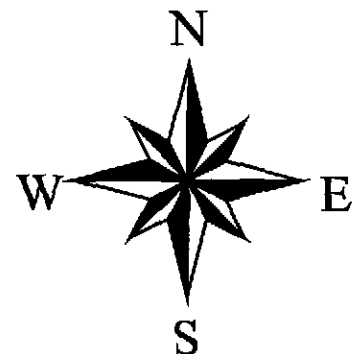
35-02079 35-07619A and 35-07939



T06S R31E S01 and S12
T06S R32E S06

Map prepared by: Carter Fritschle
Date prepared: 01/14/99
1987-1988 NAPP photography

MICROFILMED
JUN 05 2002





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNORR. KEITH HIGGINSON
DIRECTOR

December 21, 1993

Mr. Kenneth Horsch
1990 S. 2600 W.
Aberdeen, ID 83210

RE: Snake River Basin Adjudication (SRBA)
Claims A35-02079, A35-07619 and A35-07939 - Bingham County

Dear Mr. Horsch:

I am in the process of reviewing the claims referenced above. It appears that the three water rights share a common distribution system (same wells, pumps and a common mainline). When two or more water rights share a common distribution system, it is possible to recommend the rights with a permissible place of use. In your situation, I found 470 acres irrigated from the four wells in Section 1, Township 6 South, Range 31 East (see enclosed map). However, the three licenses total only 409 acres, but there are two permits, [REDACTED] and [REDACTED], which can cover the additional 61 irrigated acres.

I found three of the wells supplying water to 446.5 acres (of which 384.5 acres are covered by the licenses) through a system of interconnected mainlines. I found the fourth well supplying water for 24.5 acres which can be recommended as a portion of water right no. 35-07619. Therefore, I could recommend right no. 35-02079 for 125 acres, the remaining portion of right no. 35-07619 for 90.5 acres and right no. 35-07939 for 169 acres all within a 384.5 acre permissible place of use.

Recommending the rights with a permissible place of use usually results in the recommendation of the rights in a manner that more accurately describes the actual use of the water. I have enclosed amended Notices of Claim to a Water Right for the claims referenced above that reflect a permissible place of use. If you wish to have your rights recommended with a permissible place of use, please sign the claim forms before a notary public and return the completed forms to my attention at this office by December 30, 1993. Please note that claim nos. A35-07619A and A35-07619B will have to be signed by R. J. Hor

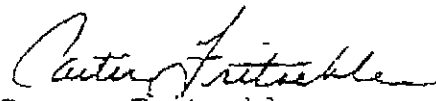
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Kenneth Horsch
December 21, 1993
Page 2 - Bingham County

If you have any questions, you may contact me by calling the
Department's toll free number, 1-800-451-4129.

Sincerely,



Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

CF:sf:state:tf
Enclosures:

Amended Claims A35-02079, A35-07619A,
A35-07619B and A35-07939

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JUN 05 2002

#35-07079
 #35-07619
 #35-07936

A35-07619

2002

A35-07936

CLAIM IDENTIFICATION NO.

PLACE OF USE OVERLAP REVIEW

CLAIM NO.	TWN	RNG	SEC	NE				NW				SW				SE				TOTAL ACRES
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Found	6S	31E	1	29	22	29	38			13	21	37	22	11	40	21	40	37	2	36.2
			12		11			30	6											47
	6S	32E	6						15	21			0.5							36.5
																				445.5
Found	6S	31E	1												1.5					1.5
	6S	32E	6						6				17							23
																				24.5
																				470
35-08082	6S	31E	1								20	15	15	10						60
35-08572	6S	31E	1								20									20
A35-02079	6S	31E	1	29	22	29	38			13	-	22	7	1	40	21	40	37	2	301
A35-07619A			12		11			30	6											47
A35-07939	6S	32E	6						15	21			0.5							36.5
																				384.5
A35-07619B	6S	31E	1												1.5					1.5
	6S	32E	6						6				17							23
																				24.5
																				409

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total

Licensed acreage 35-02079 + 35-07619 + 35-07936

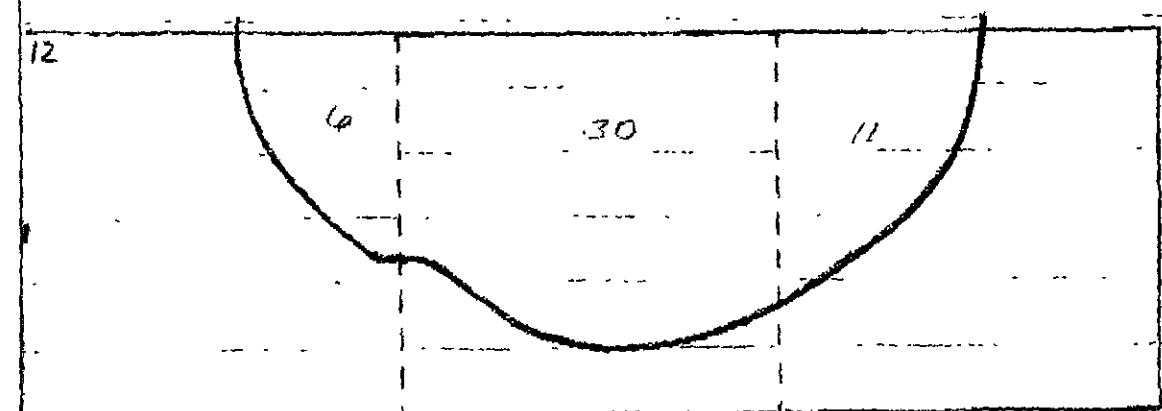
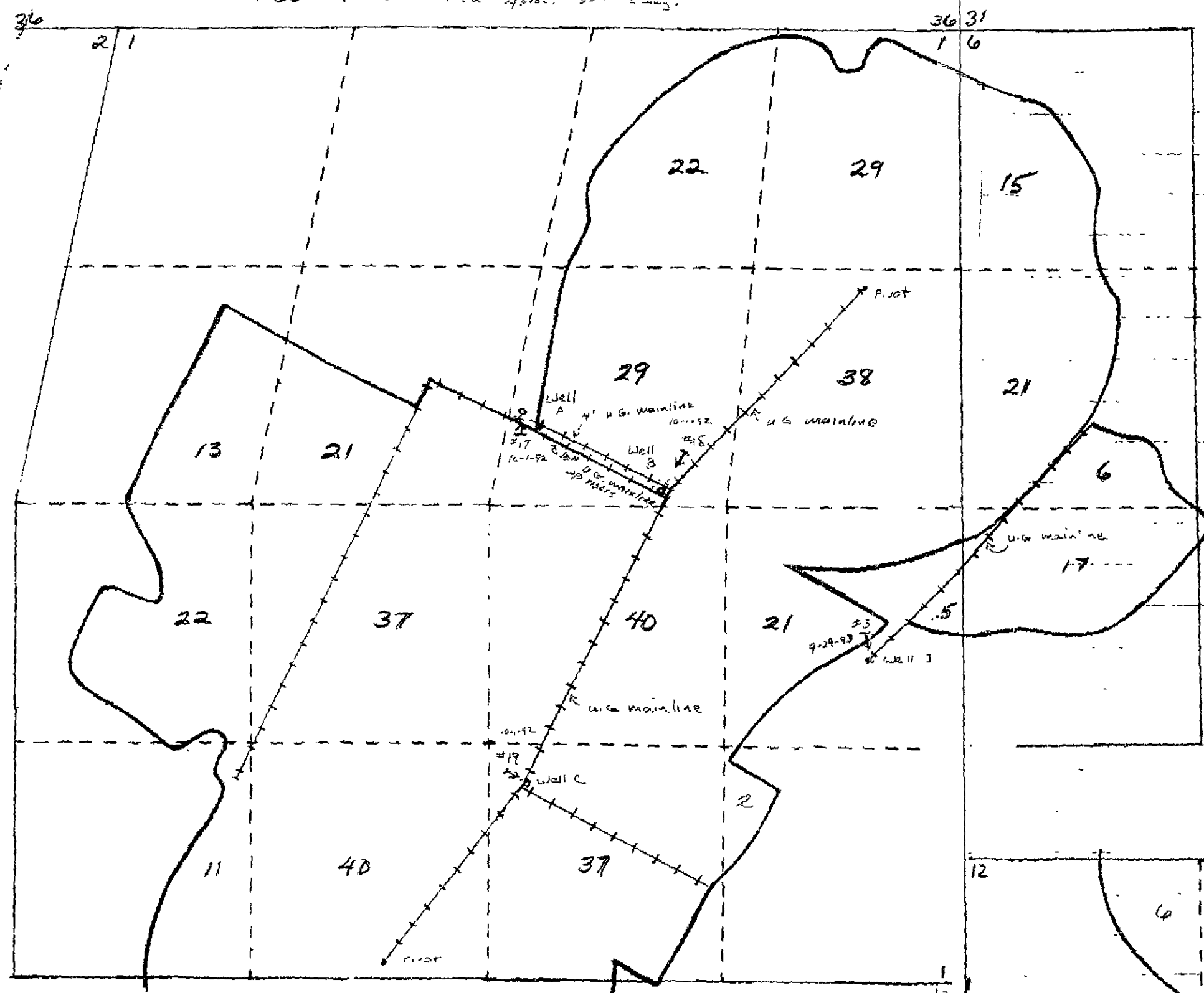
12.5 ac + 11.5 ac + 16.9 ac = 40.9 ac

B Photo #18 Looking S.W. at the well in the SE 1/4 NE 1/4 Sec 1
T6S R31E 4th approx. 30th Aug.

From field data collected 10-1-92 & 9-29-93 CA

TLS R32E Sec 6 - W1/2 NW1/4.

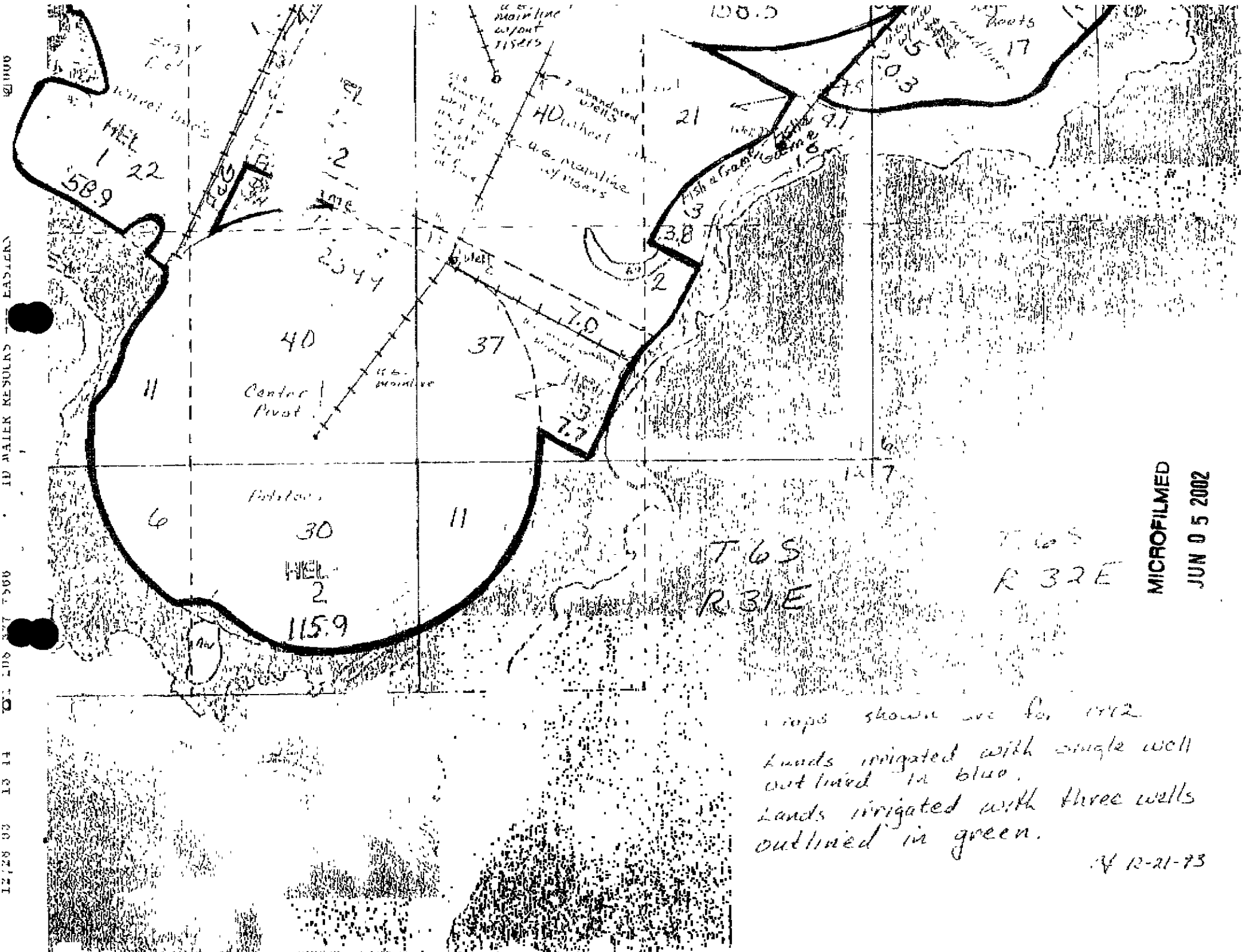
(۱) لکھنے کے لئے



T65 R31E Sec 12 N $\frac{1}{2}$ NW $\frac{1}{4}$
NW NE



12/28/93 13 14 01 208 377 7500 ID WATER RESOURCES - EASTERN 210000



crops shown are for 1992.
Lands irrigated with single well
outlined in blue.
Lands irrigated with three wells
outlined in green.

12/21-93

MICROFILMED
JUN 05 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 19, 1999

Kenneth Horsch
1990 S. 2600 W.
Aberdeen, ID 83210

Dwight Horsch
1962 S. 2600 W.
Aberdeen, ID 83210

RE: Snake River Basin Adjudication (SRBA) Claim Nos. 35-02079, 35-07619A
and 35-07939

Dear Claimants:

Enclosed are revised Preliminary Recommendations of Water Rights Acquired under State Law and a revised GIS map for the SRBA claims referenced above. The place of use outlined for these rights totals 384.5 acres, which when added to the 24.5 acres described on right no. 35-07619B totals the 409 acres these licenses were limited to. I am also forwarding a copy of the GIS map to Keith Wilson in IDWR's Idaho Falls office for his use in completing the licensing of the two remaining permits, 35-08082 and 35-08572. You may wish to contact Keith and make an appointment with him to review the place of use of the permits prior to the issuance of the licenses. If you have any questions concerning your SRBA claims, please contact me.

Sincerely,


Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Cc: Keith Wilson

Enclosures:

Recommendations of Water Rights
Acquired under State Law
GIS map

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JUN 05 2002

RIGHT NUMBER: 35-02079

NAME AND ADDRESS: KENNETH HORSCH
1990 S 2600 W
ABERDEEN ID 83210

SOURCE: GROUNDWATER

QUANTITY: 2.5 CFS
500.0 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 35-07619A, 35-07619B AND
35-07939 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF
5.88 CFS.

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

PRIORITY-DATE: 09/11/1947

POINT OF DIVERSION T06S R31E S01 SWSWNE Within BINGHAM County
SESWNE
NWSWSE

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 11-01	2.5 CFS
			500.0 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T06S R31E S01	LOT 1 (NENE) 33	LOT 2 (NENE) 26	SWNE 37	SENE 36
	SENE 8	NESW 29	SWSW 14	SESW 40
	NESE 16	NWSE 40	SWSE 26	SESE 1
S12	NWNE 9	NENW 27	NWNW 6.5	
R32E S06	LOT 4 (NWNW) 18	LOT 5 (SWNW) 18		
384.5 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 384.5 ACRES IN A SINGLE
IRRIGATION SEASON.

COMBINED RIGHT NOS : 35-07619A AND 35-07939

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 125 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 35

WATER RIGHT NO	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN

WATER RIGHT NO.	SOURCE
-----------------	--------

MICROFILMED

JUN 05 2002

35-02079 CONTINUED

NONE

NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.

COMBINED RIGHT NOS.: 35-07619A AND 35-07939.

MICROFILMED
JUN 05 2002

RIGHT NUMBER: 35-07619A

NAME AND ADDRESS: R J HORSCH
1962 S 2600 W
ABERDEEN ID 83210

SOURCE: GROUNDWATER

QUANTITY: 1.81 CFS
362.0 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 35-02079, 35-07619B AND
35-07939 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE
OF 5.88 CFS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1538 AF.
COMBINED RIGHT NOS. 35-02079 AND 35-07939

PRIORITY-DATE: 06/23/1976

POINT OF DIVERSION T06S R31E S01 SWSWNE Within BINGHAM County
SESWNE
NWSWSE

PURPOSE AND

PERIOD OF USE.	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		04-01 11-01	1.81 CFS
			362.0 AFY

PLACE OF USE:

IRRIGATION Within BINGHAM County

Section	Lot	Direction	Acres	Section	Lot	Direction	Acres
T06S R31E S01	LOT 1	(NENE)	33	LOT 2	(NWNE)	26	
		SESW	8			NESW	29
		NESE	16			NWSE	40
S12		NWNE	9			NENW	27
R32E S06	LOT 4	(NWNW)	18	LOT 5	(SNNW)	18	
						SWNE	37
						SESW	14
						SWSE	26
						NWNW	6.5
						SENE	36
						SESE	40
						SESE	1

384.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 384.5 ACRES IN A SINGLE
IRRIGATION SEASON

COMBINED RIGHT NOS : 35-02079 AND 35-07939.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 90.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 35.

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN

WATER RIGHT NO.	SOURCE
-----------------	--------

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JUN 05 2002

35-07619A CONTINUED

NONE

NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 35-02079 AND 35-07939

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JUN 05 2002

RIGHT NUMBER: 35-07939

NAME AND ADDRESS: KENNETH HORSCH
1990 S 2600 W
ABERDEEN ID 83210

SOURCE: GROUNDWATER

QUANTITY: 3.38 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 35-02079 AND 35-07619A IS
LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1538 AF

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.88 CFS.

COMBINED RIGHT NOS : 35-02079, 35-07619A AND 35-07619B

PRIORITY-DATE: 01/07/1981

POINT OF DIVERSION T06S R31E S01 SWSWNE Within BINGHAM County
SESWNE
NWSWSE

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 11-01	3.38 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T06S R31E S01	LOT 1 (NENE) 33	LOT 2 (NWNE) 26	SWNE 37	SENE 36
	SENW 8	NESW 29	SWSW 14	SESW 40
	NESE 16	NWSE 40	SWSE 26	SESE 1
S12	NWNE 9	NENW 27	NWNW 6.5	
R32E S06	LOT 4 (NWNW) 18	LOT 5 (SWNW) 18		
384.5 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NOS. 35-02079 AND 35-07619A IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 384.5 ACRES IN A
SINGLE IRRIGATION SEASON.

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 35:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 35 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 35 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

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JUN 05 2002

35-07939 CONTINUED

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.

OTHER RIGHT NOS.: 35-02079 AND 35-07619A

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JUN 05 2002

Review of these rights found
that there is no place of
use overlap.

There are 3 rights diverting
water from these 3 pld's.

~~35~~ 35-2079 Lic. - 2.5 cfs

35-7619 Recommended - 2.3 cfs

35-7939 Recommended - 3.38 cfs

Capacity of the wells = 5.88 cfs

0.02 cfs/acre licensed $\rightarrow$ 2.5 (35-2079)

3.38 remaining

I recommend we allow an inch
per acre for the 2 pending licenses
with a condition limiting use
to capacity of wells.

Kay Walker

4/11/85

We should also request a
transfer of Rt. 35-2079 to
correct the points of diversion
per examiner's recommendation.

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JUN 05 2002

Overlap Review for Permits 35-7619 & 35-7939
per terminal 4/11/85:

pld's (both rights have same pld's)
35-2079 Lic.

~~27-2380~~ No, these pld's on other side
of Snake River.

plu : 35-7619 → 35-2079 - no plu overlap
35-7939 - no plu overlap
35-8082 → app., NO OVERLAP
35-2004 ✓
35-7939 → 35-8682 → app., NO OVERLAP

Analysis:

old overlap 35-2079 - examiner has notated
that this right is also diverted
from these 3 wells - Lic. with
transfer #2506 - see attached - no
plu overlap with 35-7939; no plu
overlap with 35-7619.

35-2004 - possible plu overlap in NW1/4,
Sec. 4, T. 6S, R. 32E (35-7619) - no
plu overlap with 35-7939
source - Big Hole Springs, Parick
Springs & Bowman Springs -
further review found no plu
overlap.

over

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JUN 05 2002

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

SEP 13 1984

35-7939

Permit No

Department of Water Resources

Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

N. Well - Mainline = $0.922 \times K^2 \times MR = \sqrt{15.674} \times 3.85 \times (7.5'' \text{ID})^2 = 857.4 \text{ gpm}$
 Secondary line = $0.979 \times 2'' \times MR = \sqrt{1.958} \times 3.85 \times (7.5'' \text{ID})^2 = 303 \text{ gpm}$
 (2.59 cfs) ✓

East Well - Sprinkler line by Pitot gauge
 70 psi Av, 5/32 N, 30 Sprinkler = $6.10 \text{ gpm} \times 30 \text{ sprinklers} = 183 \text{ gpm}$
 (0.34 cfs) ✓

South Well - $(7.5'' \text{ID})^2 \times 3.85 \times \sqrt{6.95} = 570.92 \text{ gpm}$
 (2 acs/cfs) ✓
 These measurements taken 7-6-82
 $(7.5'' \text{ID})^2 \times 3.85 \times \sqrt{7.736} = 602.34 \text{ gpm}$
 1173.2 gpm or (2.61 cfs) ✓

b) Volume Calculations for Irrigation:

214 irrig days
 3.5 A/F/A
 Total 5.81 cfs
 5.88 cfs ✓
 $V_{in} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 167 \text{ acres} \times 35.5 \text{ gpa} = 591.5 \text{ afg}$
 $V_{on} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.38 \text{ cfs} \times 214 \times 1.9835 = 1434.7$
 $V = \text{Smaller of } V_{in} \text{ and } V_{on} = 591.5 \text{ afg}$

c) Volume Calculations for Other Uses:

Overlap Review

a) Other water rights with same place of use: _____

b) Other water rights with same point of diversion: Transf 2506 / 35-2079 For 2.5 cfs
+ 125 acres Also RQ License 35-7939
 35-7619

c) Analysis:

(R17) When License 35-2079 (Tr 2506), License 35-7939 + 35-7619 are used in conjunction a pumping rate of no more than 5.88 cfs can be recognized

* Per conv. with field examiner, H. W. Jones
 corrected by D. Turhill 3/6/85

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JUN 05 2002

SEP 13

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Page 10 of 10

Permit No. 35-7619

Phone No. 397-4913

Owner: Kenneth Horsch
Current Address: Rt 1, Abingdon ID

2. Accompanied by: Ken Horsch EXAM. DATE: 7-6-82
Address: _____ Phone No. 7-1-84

Relationship to Permit Holder: Applicant

3. Source: Groundwater tributary to _____

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
North Well	GE	100	EMJ526137	Bakerley	N/A
East Well	GE	40	6517093A	Whitington	47927
South Well	Yaskawa	100	907138200	Johnston	N/A
Booster	G.E.	40	N/A	Corrad	35023

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

3 wells/pumps to 2 pivots and sprinkler lines

9. Gifford Hill is Tower Pivot and one hour time at N.Well.

by 2 handlines at East well

6.	Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
	Annubar					6	
	Gas type meter					2-13 + 10-88	

7. Measurements *N. Well 2050m on fr* ☐ Additional data/computation sheets attached

main line - 17th MR

Eat well - Pitch your -

Secondary line - 2" MR

because of 5' to 3' direction

7.5" ID in both lines

main line

*See Reno, KS

651 X

5/32N
24-15

8. Point(s) of Diversion:

Indicate Method of Determination

[illegible]

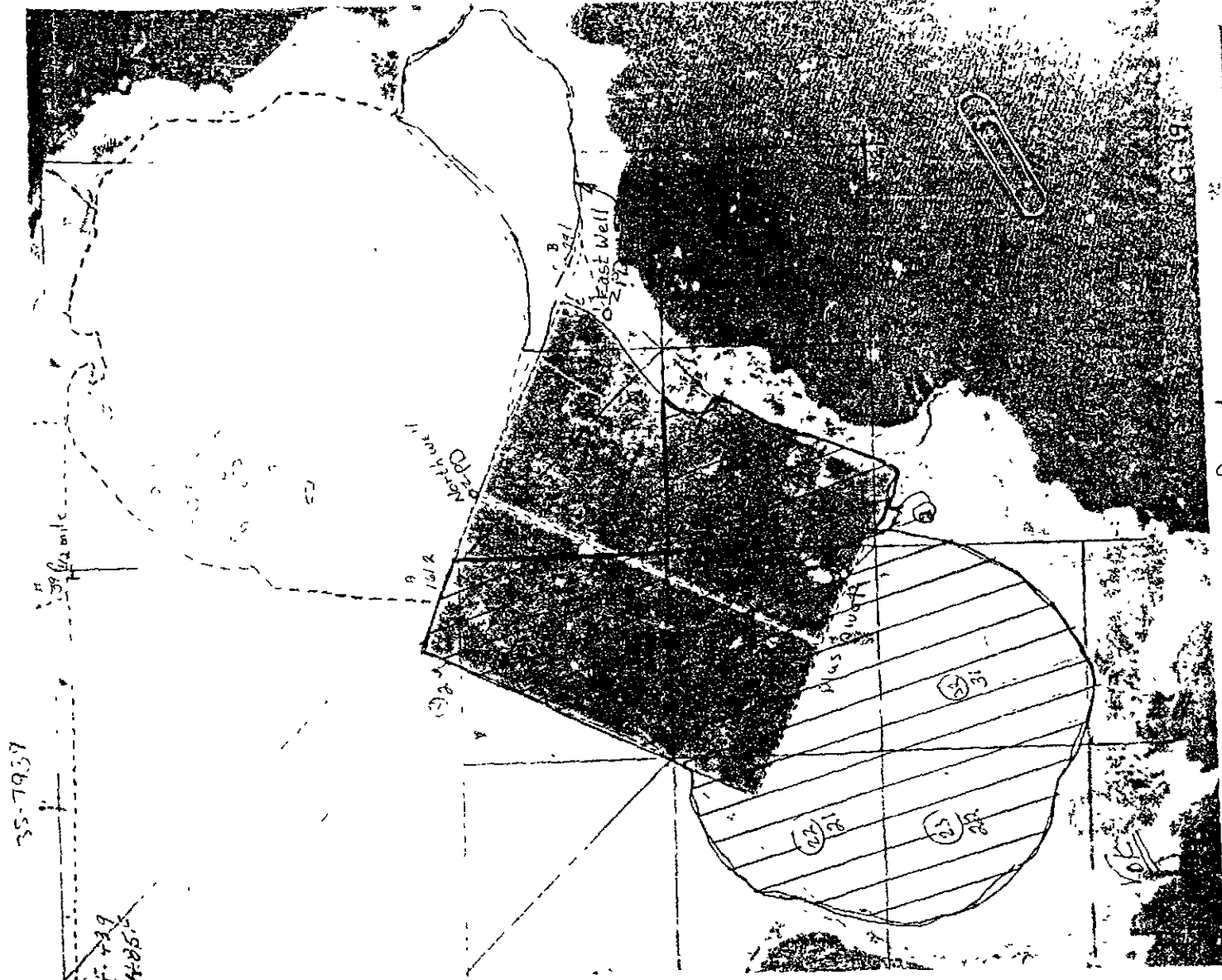
9.	Place(s) of Use.	Irrigation - give acres served by system at time of exam. Indicate Method of Determination

[illegible]

MICROFILMET

Total Acres

* PFC (COW WITH H W JONES) COLLECTED BY D 1934-05-2002



** see note on exam re: acreage found.

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JUN 05 2002

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.

MICROFILMED
JUL 05 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 16 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-8082

1. Owner: Dwight W. Horsch Phone No. 397-4925

Current Address: 1991 S. 2700 W. Aberdeen, Id 83210

2. Accompanied by: Dwight W. Horsch EXAM DATE: 7-1-93

Address: Same Phone No. Same

Relationship to Permit Holder: owner

3. Source: Ground water tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE (THESE ARE NEW ACRES)

2. Other water rights with the same point of diversion: 35-2079, 7619, 7939, 8572

C. DIVERSION AND DELIVERY SYSTEM

1. 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	06S	3/E	Brigham	USGS / on site

2. Place(s) of Use:

Indicate Method of Determination

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	3/E	1								20	15	15	10						60

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JUN 05 2002

E. NARRATIVE/REMARKS/COMMENTS

100 Hp pump to 2" underground
main line supplying water to
4 1/4 mile wheel lines with 30 birds (5 gpm
flow control) and 3 wheel lines with 28
birds (5 gpm flow control).

tree lines also irrigated from well

Overlap review: see Carter Fritschle Letter. (Adjudication Rem
- After the three existing licenses 35-2079, 71619, 7939
were accounted for, there was an additional 61 acres
irrigated. This permit will provide for 60 acres
and 35-8572 will cover the one acre.

This permit is for one well in the S1WNE sec 1. The
last field exam 35-7939 indicates that this is probably
irrigated by a three well system, that irrigates
409 acres with 5.88 cfs rate of diversion. Adding the
additional 61 acres comes to 470 acres and 5.88 cfs

$$\frac{5.88 \text{ cfs}}{470} = .0125 (60 \text{ acres this permit}) = 0.75 \text{ cfs this permit}$$

total Q = 5.88 cfs for these water rights

Have conditions of permit approval been met? ☒ yes ☐ no

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JUN 05 2002

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

Theory $Q = \frac{(100)(7.714)(.7)}{(135) + (53)(2.308)} = 3.40 \text{ cfs (1076 gpm)}$

polysonic $1080/448 \text{ cfs} = 241 \text{ cfs}$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 60 \times 4 = 240$

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

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 240 \text{ AF/A}$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRR</u>	<u>4/01</u>	<u>10/31</u>	<u>0.75 cfs</u>	<u>240 AF/A</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.75 cfs</u>	<u>240 AF/A</u>

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

I. AUTHENTICATION

Field Examiner's Name Gary Russ Date 7-1-93

Reviewer DAVE CARLSON Date 11/13/97

SEAL

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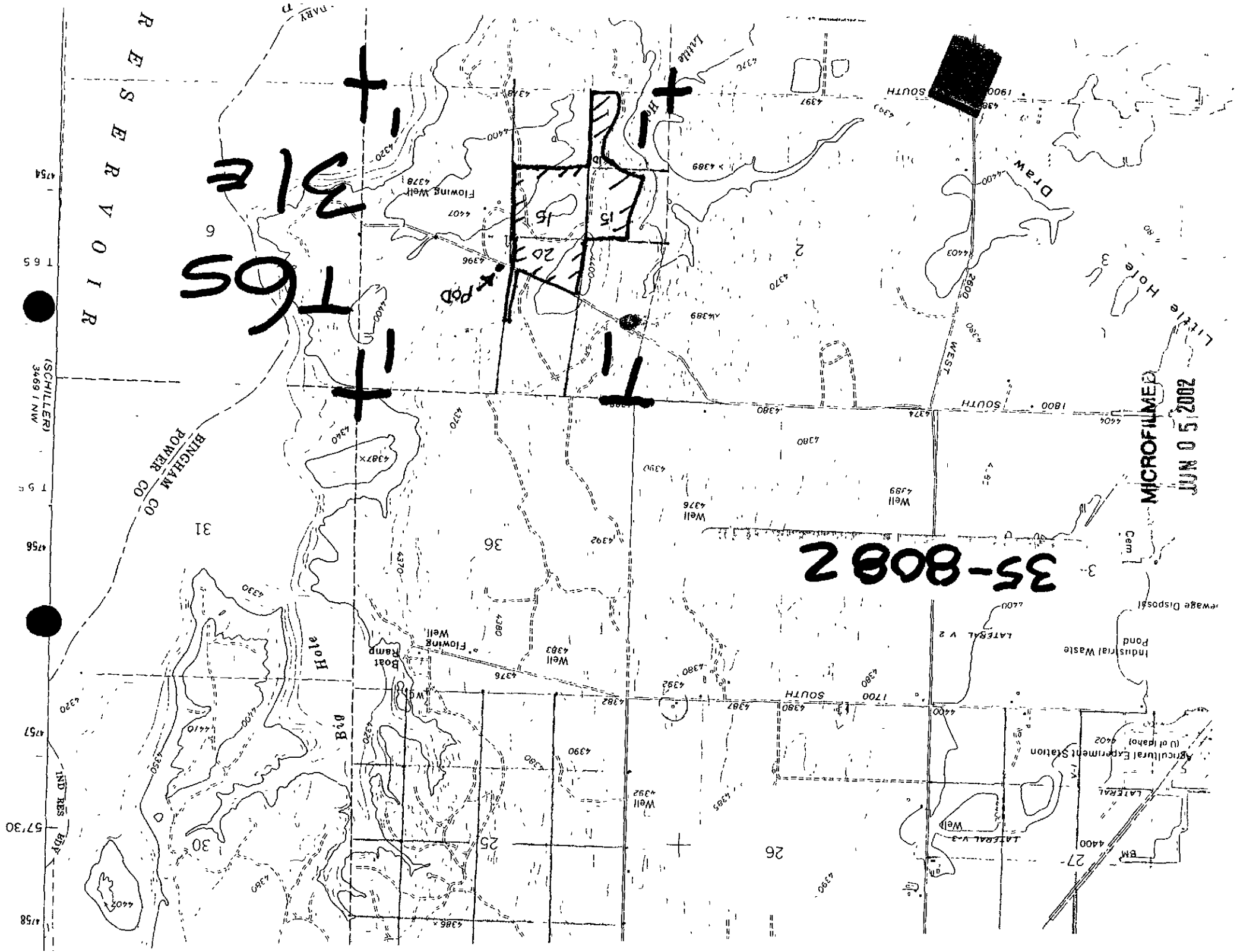
JUN 05 2002

MICROFILMED

35-808-52

71E
9
T65

R E S E R V O I R



35-08082

35-08082

1

21

TOTAL
irrigated

20

This
permit

POD

15

This
permit

37

TOTAL
irrigated

15

10

This
permit

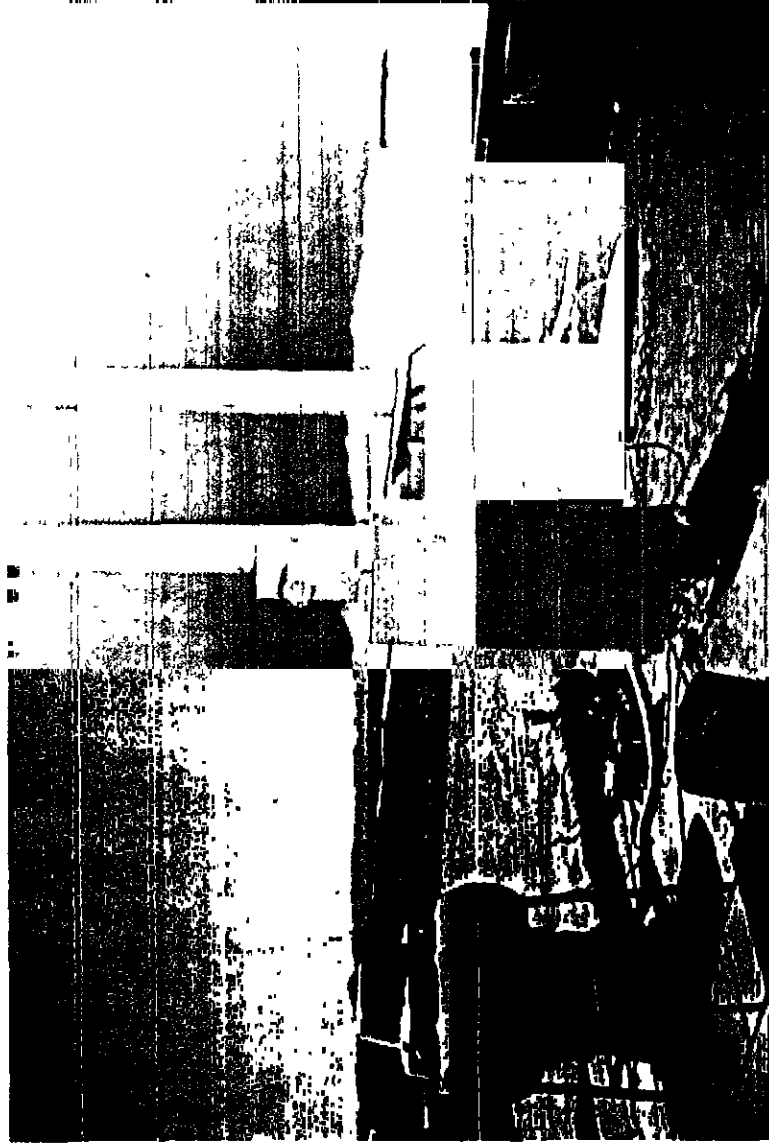
T 65 R 31 E

35-08082

MICROFILMED

JUN 05 2007

35-8082



MICROFILMED

JUN 05 2002

November 23, 1990

DWIGHT W. HORSCH
RT. 1
ABERDEEN, ID 83210

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08082

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

MICROFILMED

DEC 07 1990

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 35-8082

Date: 11-8-90

General Considerations:

☒ Name same as permit
☒ Signature the same as permit holder
3/yes ☒ Address change ☐ If yes, prepare a data entry
no ☒ Proof received timely
☐ Reinstated

Source of Water:

☒ Surface water
☒ Groundwater
☐ 1. well log in file prior to 1905 (1903)
☒ 2. drilling permit
☒ 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:

Date proof received	<u>June 18, 1990</u>	<u>169</u>
Date proof due	<u>June 1, 1990</u>	<u>- 152</u>
No. of days late		<u>= 17</u>
Priority date	<u>Jun 21, 1983</u>	<u>+ ~~152~~ 21</u>
NEW PRIORITY DATE	<u>Feb 7, 1983</u>	<u>= 38</u>

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

Check 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. 35-08082

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

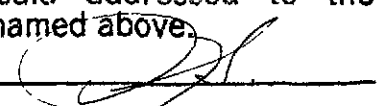
LGS:RF

MICROFILMED

DEC 17 1990

CERTIFICATION OF MAILING

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



138435
March 31, 1990

DWIGHT W. HORSCH
RT. 1
ABERDEEN, ID 83210

PROOF DUE NOTICE

RE: PERMIT NO. 35-08082

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

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DEC 07 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. ~~35~~-08082

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.

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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

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JUN 12 1989

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
✓ 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 1-21-1983
By Date

STATE OFFICE REVIEW P23, P05, P03, P16 46 04 48 49 01G
By kw See below for additional information
Date 5/1/1989

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. 35-8082

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

RECORDED

APR 13 1987

RECEIVED

MAR 11 1987

Dep. of Water Resol.

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 26 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.

INDEXED FILMED

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

MICROFILMED

APR 13 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.

MICROFILMED

APR 13 1987

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 + 35-8527

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.

MICROFILMED

APR 13 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

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.

MICROFILMED

APR 13 1987

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

1s

Enclosure

RECORDED

APR 13 1987

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.

MICROFILMED

APR 13 1987

Patricia Wray
Notary Public

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) ACCEPTANCE OF SERVICE
GROUNDWATER BY DWIGHT W. HORSCH)
IN BINGHAM COUNTY)
_____)

I, Dwight W. Horsch do hereby 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

INDEXED

APR 13 1986

FROM Harold W. Jones

DATE August 19, 1986

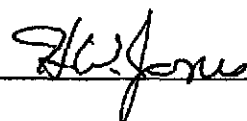
TO Ernest Carlsen

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.

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SIGNATURE

35-8082

35-8572

New
tree
seedlings



← Portable mainline

residual
of wheat
crop left
in field
by road

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APR 13 1987

SE NW

Pix taken from Facing South West

Northwell

Road

Remains of straw crop
Grain removed & stored
Ditch

NW SW

ASCS says
this ground
is planted
for Rehe Gaur
use for
water fund

NW SE

SW SE

Southwell

100 ft

100 ft

100 ft

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APR 13 1987

G-19

*** on diagram : average found

*** on diagram : average found

NOT TO SCALE

U.S. NINTENDO

**Department of Water Resources
Eastern District Office**

אנחנו מבינים אתכם

Amount 3.38 cfs

THIS IS TO CERTIFY, that _____
Kenneth Horsch

of 10

No. 35-7939 issued pursuant to Application for Permit dated January 7, 1981

and has submitted proof to the Department of Water Resources on February 19, 1982

that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 5.88 cfs of water from a groundwater source tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from April 1 to November 1	at 3.38 cfs and	591.5 acre feet
	from to	at cfs and	
	from to	at cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.38 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 591.5

591.5 _____ acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,

SE1SW1, Sec. 1; Twp 6S, Rge 31E
in the County of Bingham

Description and location of place of use:

[illegible]

Total number of acres irrigated	169
---------------------------------	-----

MAILED

APR 13 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

1. Owner Kenneth Horsch Permit No 35-7939
Current Address Rt 1 Aberdeen, ID Phone No 397-4913
2. Accompanied by Ken Horsch EXAM DATE 7-6-82
Address _____ Phone No _____ (original)
Relationship to Permit Holder Applicant 7-2-84
Source Groundwater tributary to _____ (re-measure)

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
North Well	GE	100	EMJS26137	Balckley	NA
East Well	GE	40	6517093AB	Weatherhead	47927
South Well	Yaskawa	100	907338206	Johnston	NA
Buster	GE	40	NA	Corndl	35023

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one

System Description (As operating at time of measurement indicate pressure, number of sprinklers, etc.)

3 wells/pumps to 2 pivots and sprinkler lines

e.g. Gifford Hill 11 Tower Pivot and one hand line at N Well

by 2 handlines at East well

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Annuubar					6	
Castle x meter					2-15 + 10-80	

Measurements N. Well 2 access points

☐ Additional data/computation sheets attached

Main line - 17" MR

East well - Pivot gauge -

Secondary line - 2" MR

because of 5 1/2" diameter

7.5" ID in both lines

main line

*See Remarks

5/32N

Point(s) of Diversion.

Indicate Method of Determination 50'

Point #	1/4	1/4	1/4	Sec.	Twp.	Rge.	Survey Information from Known Corner	County	Remarks

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Place(s) of Use

Irrigation - give acres served by system at time of exam
Indicate Method of Determination

— 100 —

Permit Holder Kenneth Horsch
Address Rt 1 Abingdon, ID
Source Groundwater tributary to _____

Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	4-1	11-1	3.38 cfs	591.5 AF

5.3E of 59.5AE

[illegible]
$$10'1.71' \times 0.02 = 3.38 \text{ off needed}$$
[illegible]

Recommended Conditions/Remarks Transf 2506/35-2679, 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.

col R17 (35-2079 + 35-7619)

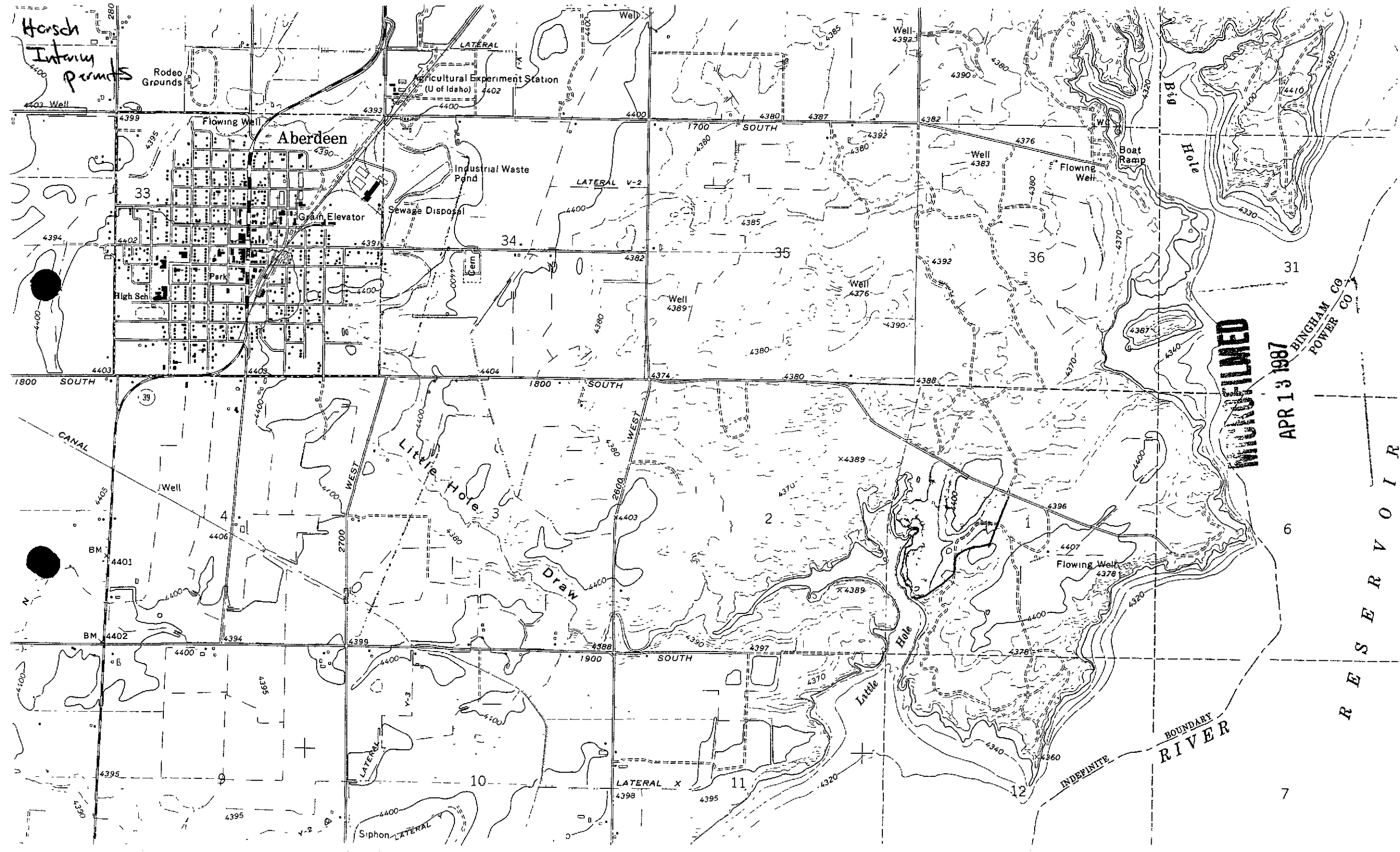
5.00 + 45
5.45 cts

REEL 1

APR 13 1987

Recommended Amendments

☒ Change F.D. as reflected above ☐ Add P.D. as reflected above ☐ None



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

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:
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

MINUTEMAN

Snake River



Hydro Power

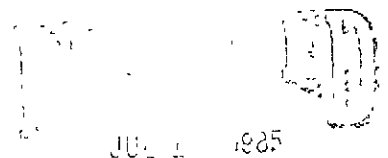
IDAHO POWER COMPANY

BOX 70 BOISE, IDAHO 83707

July 11, 1985
LOGAN E. LANHAM

Senior Vice President - Public Affairs

Mr A Kenneth Dunn
Director
Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720



Department of Water Resources

Re: Interim Approvals for Seasonal Exchanges

Dear Ken:

This will acknowledge Idaho Power Company's entitlement to call certain waters provided through storage leases as the basis for the Idaho Department of Water Resources's (IDWR) approval of the development of certain wells. The following is a list of the amounts of water that the Idaho Power Company is presently aware of that it can call from the rental pool pursuant to those interim IDWR approvals:

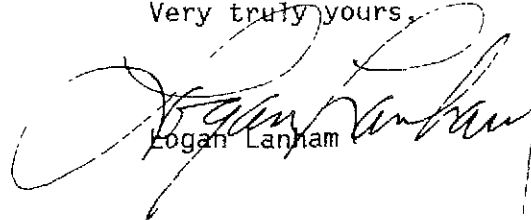
<u>Name</u>	<u>IDWR No</u>	<u>Acre-feet of Water</u>
Dennis L Marlow	27-7402	120
LaVerelle Stecklein	27-7399	240
Dwight Horsch	35-8082	120
LDS Church	27-7381	190
Samuel J Huffman	27-7405	190
Quality Farms, Inc	31-7415	190
Quality Farms, Inc	31-7416	280
N D Collaer, Trustee	27-7361	56
Alan Weaver	31-7430	264
Alan Weaver	31-7431	264
Alan Weaver	31-7432	264
Alan Weaver	31-7433	264
Total		2,386

It is our understanding that Idaho Power 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. This understanding is the same as set out in Mr Tom Nelson's letter to me of June 27, 1985, which you are shown as receiving a copy of

100

We would like to be kept informed of these interim approvals for seasonal exchanges as they arise.

Very truly yours,



Logan Lanham

LL/NRY:slp

cc: T A Spofford
P L Jauregui
T G Nelson
R D Carlson



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

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.

44-1000

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/ljs

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

*SATON
Draft response*

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

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	← 30AP
Samuel J. Huffman	No. 27-7405	190 acre feet	← Should be 12
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.

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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

INTER-DEPARTMENT MEMO — 1

FROM Kay Walker

DATE 6/12/1985

TO Files 35-8082, 27-7402 and 27-7399

SUBJECT Original Application Forms

Pursuant to a discussion with Ernie Carlsen of Eastern Region, the original application forms were sent to the right holders when the interim approvals were sent out. Therefore, we have only copies of the original forms in our files.

MICROFILMED

SIGNATURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McCormick

APPLICATION NUMBER: 35 8082

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.
☐ 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.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

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 Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. See back of sheet for maps
of previous permits + lisc.
☒ Yes ☐ No* In form for advertising.
Final date for protests: 4-22-85
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 4-12-85
☐ 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? _____
21 Jan 1983 Date of priority recommended.
Special conditions of approval or cover letter. _____

Interim Condition of Approval.
is remaining defendant 6-7-85
outside S.F. area - NON TRUST area

By: Ernest Cohen

Date: April 30, 1985

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.
By: _____

Date: _____

was given interim approval -
KW 6/11/85

RECEIVED

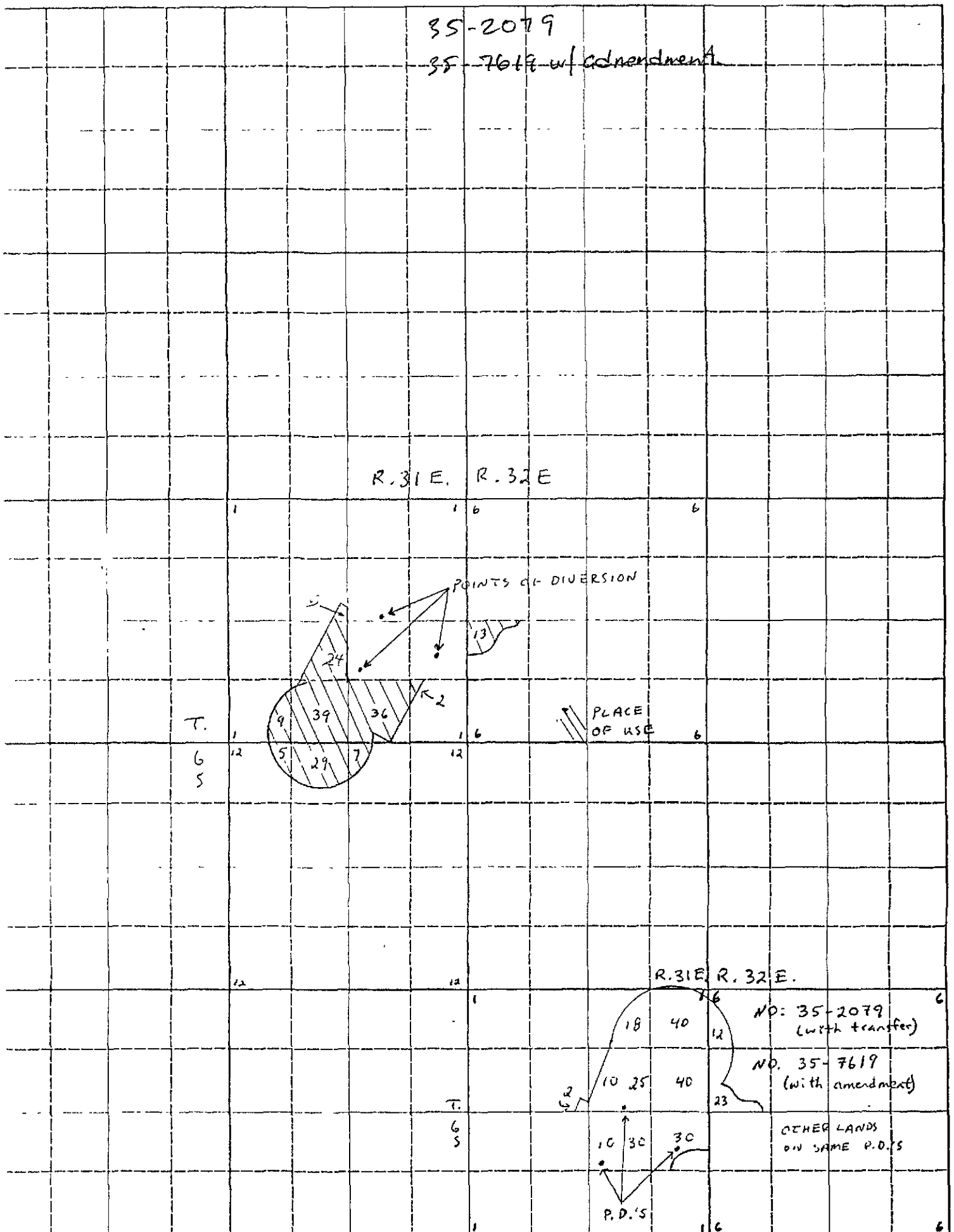
MAY 06 1985

Department of Water Resources

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

Permit # 35-7939



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.

W. W. Th. Throck

(Applicant)

April 23, 1985

Dwight Horsch
Rt#1
Aberdeen, ID 83210

RE: 35-8082

Dear Mr. Horsch:

You have requested that an interim approval be given authorizing diversion of water for use on the lands described in Application for Permit No. 35-8082. In addition, you have obtained a lease for 120 acre feet of water for the 1985 season from the Upper Snake River Water Supply Bank. The enclosed interim permit has been issued to allow the well to be drilled and groundwater to be used if storage water is obtained and assigned to the Director of the Department to replace water lost to other right holders. The permit will be reprocessed under the provisions of 42-203C 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. Reprocessing 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 this interim approval, I am not committing to issuance of a permit for the trust water, and the investment 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 this interim approval to continue.

Sincerely,

A. Kenneth Dunn
Director

EMC/cz

cc: Tom Nelson
Ron Carlson

MICROFILMED

RE: Application No. 35-8082

WATER BANK LEASE AGREEMENT FOR 1985

EXCHANGE AGREEMENT

APR 2 1985

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 dwt}~~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.

^{DwH} Upon execution of this agreement and receipt of
\$ ^{400.00}~~300.00~~, the Snake River Watermaster will assign to the
Director of the Department of Water Resources ^{160 dwt}~~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.

X Dwight W. Horsch

(Name) DWIGHT W. HORSCH

Rt. #1, Aberdeen, ID 83210

(Address)

MICROFILMED

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.

Dwight Horsch
Watermaster, Water District No. 1

Agent for the Committee of Nine

MICROFILMED

March 25, 1985

RE: Applications for Permits Nos. 35-7082 and 35-7083

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

Dear Mr. Horsch:

Pursuant to your request, please find enclosed copies of the above referenced applications. We have taken the liberty of completing the lease agreements necessary to start the processing of your applications. Please sign the agreements in the presence of a notary public and return to this office with the rental fee of \$900.00.

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

Very truly yours,

RONALD D. CARLSON
Watermaster

RDC:CV

Enclosures

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35-8082

HORSCH, DWIGHT W.

RR #1, ABERDEEN, ID 83210

Source: GROUNDWATER

Date Filed: 01/21/1983

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

Use: IRRIGATION (1.20 CFS)

In: SENW NESW NWSW SWSW Sec 01 T 06S R 31E FOR 60 ACRES

35-8082

HORSCH, DWIGHT W

RR #1

Aberdeen, Idaho 83210

Source: GROUNDWATER

Date Filed 01/21/1983

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

31E

Use IRRIGATION (1.20 CFS)

In SENW, NESW, NWSW, SWSW, Sec 01,

T 06S, R 31E, for 60 ACRES

MICROFILMED