

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A43-02580B**
Date Received: 6/15/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: PETER J GRUSH
Address: 2218 E PIERCE LANE
MALTA ID

83342

208-645-2361

Name: SYLVIA GRUSH
Address: 2218 E PIERCE LANE
MALTA ID

83342

208-645-2361

2. Date of Priority: JUL 13, 1964

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	26E	1		SW	NW		CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.200		40.00

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) 40.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14S	26E	1	SW	NW		STOCK	

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	26E	1	SE	NW		STOCK	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

After specific notification by the department, the right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Approval of Transfer 5078 does not authorize the construction of any new well or deepening or enlargement of any existing well. The remainder of Right 43-02580 is identified as 43-02580A and is limited to a diversion rate of 5.28 cfs, an annual diversion volume of 924.0 af, and irrigation of 264.0 acres each year.

Prior to use of water for irrigation purposes under Right 43-02580A the right holder shall install a measuring device to measure the amount of water diverted and shall annually report the diversion to the department. The right holder shall obtain prior approval from the department of the type of measuring device to install.

The acres which are no longer authorized for irrigation under Right 43-02580A are specifically described as follows: 10.0 historically irrigated acres located east of State Highway 81 within Lot 4 (SWSW), S18, T14S, R27E.

15. Basis of Claim: LICENSE

Water Right Number: 31996

02/07/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-2580B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PETER J GRUSH
Current Owner	SYLVIA GRUSH
	2218 E PIERCE LANE
	MALTA, ID 83342
	(208)645-2361

Priority Date: 07/13/1964
 Basis: License
 Status: Active

Source Tributary to
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.2 CFS	40 AFA	
Total Diversion			0.2 CFS	40 AFA	

Location of Point(s) of Diversion:

GROUND WATER SWNW Sec. 01 Township 14S Range 26E CASSIA County

Place(s) of use:

Place of Use Legal Description: STOCKWATER CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
14S	26E	1		SWNW			SENE							

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
KCHRISTE	1/21/00	COPIED FROM REMARKS	After specific notification by the department, the right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code. Approval of Transfer 5078 does not authorize the construction of any new well or deepening or enlargement of any existing well. The remainder of Right 43-02580 is identified as 43-02580A and is limited to a diversion rate of 5.28 cfs, an annual diversion volume of 924.0 af, and irrigation of 264.0 acres each year. Prior to use of water for irrigation purposes under Right 43-02580A the right holder shall install a measuring device to measure the amount of water diverted and shall annually report the diversion to the department. The right holder shall obtain prior approval from the department of the type of measuring device to install. The acres which are no longer authorized for irrigation under Right 43-02580A are specifically described as follows: 10.0 historically irrigated acres located east of State Highway 81 within Lot 4 (SWSW), S18, T14S, R27E.
kchrste	1/31/01	BASIS FOR RECOMMENDATION	RECOMMENDATION IS BASED UPON T-5078 APPROVED ON 1-13-98.

Dates:

Licensed Date: 07/03/1979
Claim Received Date: 06/15/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	1/31/01 3:40:36 PM		1/31/01 3:40:36 PM	kchrste	Complete

Other Information:

Receipt Number(s): X777777
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
Summary	1/31/01 3:40:34 PM	kchrste	7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

01/21/00 11:10:47
Page 1

VERIFIED BY

SKC

Water Right Number - R43-025808

Prefix Translation: RESEARCH

Old (D) Number - 31996

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - -

*** C - CURRENT OWNER ***
GRUSH

PETER J

1 - 2218 E PIERCE LANE

State- ID Zip- 83342

GRUSH

SYLVIA

2 -
3 -
City- MALTA
Phone - 208-645-2361
1 - 2218 E PIERCE LANE

State- ID Zip- 83342

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/13/1964 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + - - - - Tributary - - - - -

GROUNDWATER

+ - - - - Point of Diversion - - - - -

14S 26E 1 SW NW (31) CASSIA

+ - - - - Water Use - - - - -

Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 0.200 40.00

+ - Total Div. Rate - + - Total Div. Volume - + - Total Consumptive Use - + - KW Usage - +
0.200 40.00 0.0

+ - - - - Place of Use - - - - -

Twn Rng Sec Tract Lot Acres Code Description County
14S 26E 1 SW NW 04 STOCKWATER (31) CASSIA
14S 26E 1 SE NW 04 STOCKWATER (31) CASSIA

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - -
No Remarks found.

Water right number - R43-025808

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
4302580

+ - - - - Conditions of Approval - - - - - +
C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
- ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

+ - - - - Decree Plaintiff - - - - - + - - - - Decree Defendant - - - - - + - - - - Decree Date - - - - - +
00/00/0000

+ - - - - Date: 01/21/2000 User Id: KCHRISTE Subject: COPIED FROM REMARKS - - - - - Comments - - - - - +
After specific notification by the department, the right holder shall measure and annually report diversions of water and/or
other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
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historically irrigated acres located east of State Highway 81 within Lot 4 (SWSW), S18, T14S, R27E.

+ - - - - Audit Fields - - - - - +
01/21/00 KCHRISTE

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 01/21/2000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 06/15/1989 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - X777777 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag -
Notice of Error Flag -

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:12:11
01/21/00

PAGE: 4
QUICKLOOK INFORMATION

4
CLAIM NUMBER: A43-02580B

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	-			N	KKC 1-21-00	KKC 1-21-00	KKC 1-21-00	
POINT OF DIV	-							
SOURCE	-							
PLACE OF USE	-							
DIV. AMOUNT CFS/VOLUME	-							
CONSUMPTIVE USE	-							
PURPOSES OF USE	-							
PERIOD OF USE	-							
BASIS OF CLAIM	-							
REMARKS	Y			Y				

Claim recommendation based upon approved transfer
No T-5078 approved 1-13-98.
No other pages of CVR retained.

BARCODE UPDATED
WHOM/DATE

Kelly K. Christensen
Sr Water Resource Agt
1-21-00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:12:11
01/21/00

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A43-02580B

LAST: GRUSH FIRST: PETER J
ADDRESS: 2218 E PIERCE LANE
CITY: MALTA STATE: ID ZIP: 83342
PHONE NUMBER: 208-645-2361

OWNER CODE: C

LAST: GRUSH FIRST: SYLVIA
ADDRESS: 2218 E PIERCE LANE
CITY: MALTA STATE: ID ZIP: 83342
PHONE NUMBER: 208-645-2361

OWNER CODE: C

FIELD EXAM REQUIRED?	DATABASE	FIELD EXAMINER
VERIFICATION REQUIRED DUE TO REMARKS?	Y	Y() N()

CLAIM REMARKS: GEN After specific notification by the department, the right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5078
WATER RIGHT NO. 43-02580B

RECEIVED

JAN 16 1998

This is to certify that: **PETER J GRUSH**
SYLVIA GRUSH
2218 E PIERCE LANE
MALTA ID 83342

Department of Water Resources
Southern Region

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.20 CFS	40.0 AF

SOURCE

GROUNDWATER

Priority: 07/13/1964

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 1, Township 14S, Range 26E
CASSIA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

14S 26E 1

SWNW

SENE

CONDITIONS OF APPROVAL AND REMARKS

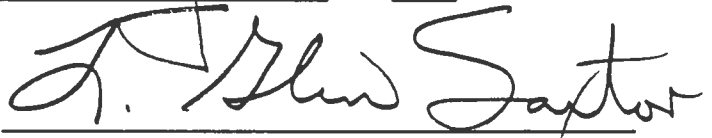
1. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
2. After specific notification by the department, the right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. Approval of Transfer 5078 does not authorize the construction of any new well or deepening or enlargement of any existing well.
4. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

TRANSFER NO. 5078
WATER RIGHT NO. 43-02580B

CONDITIONS OF APPROVAL AND REMARKS

5. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
6. The remainder of Right 43-02580 is identified as 43-02580A and is limited to a diversion rate of 5.28 cfs, an annual diversion volume of 924.0 af, and irrigation of 264.0 acres each year.
7. Prior to use of water for irrigation purposes under Right 43-02580A the right holder shall install a measuring device to measure the amount of water diverted and shall annually report the diversion to the department. The right holder shall obtain prior approval from the department of the type of measuring device to install.
8. The acres which are no longer authorized for irrigation under Right 43-02580A are specifically described as follows: 10.0 historically irrigated acres located east of State Highway 81 within Lot 4 (SWSW), S18, T14S, R27E.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 13th day of January, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 43-02580

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER 5078

DATE: January 13, 1998

=====

Transfer 5078 changes the point of diversion, place, season and nature of use under a portion of Right 43-02580, splitting the right into parts A and B.

The applicant is purchasing a portion of an irrigation right to use for stockwater at an existing dairy. Ownership of the original place of use was confirmed with the Cassia County assessor's office as the Lloyds who have entered into an agreement to sell and transfer a portion of their right.

Season of use was adjusted to year round for stockwater use. Commercial use for the dairy is provided under Permit 43-07308.

Recommended conditions include measuring device, water quality, county zoning, future annual reporting, non-authorization for well construction, remaining irrigation portion limits and standard transfer conditions.

Change in Nature of Use Evaluation

Transferred Portion Before Transfer

			Div.Vol./C.U.Vol.
Irrigation	0.20 cfs	10.0 acres	40.0 afa/30.0 afa

Transferred Portion After Transfer

Stockwater	0.20 cfs	800 Dairy Cows	40.0 afa/ 4.6 afa
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