

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79225

This is to certify that: PETER J GRUSH AND
SYLVIA T GRUSH
2025 S HWY 81
MALTA, ID 83342

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
43-13206	WR/DECREED	7/13/1964	0.100 cfs	15.0 af	N/A	N/A	GROUND WATER
43-13209	WR/DECREED	7/13/1964	1.370 cfs	206.1 af	N/A	N/A	GROUND WATER
43-13540	WR/DECREED	8/26/1953	0.080 cfs	55.7 af	N/A	N/A	GROUND WATER
43-2580B	WR/DECREED	7/13/1964	0.200 cfs	40.0 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

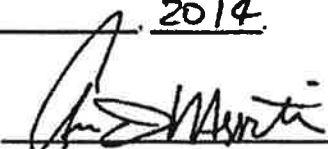
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-13206	NO	YES	YES	NO	NO	NO
43-13209	NO	YES	YES	NO	NO	NO
43-13540	NO	YES	YES	NO	NO	NO
43-2580B	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
43-13206	43-13206	0.100 cfs	15.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
43-13209	43-13209	1.370 cfs	206.1 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
43-13540	43-13540	0.080 cfs	55.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
43-2580B	43-2580B	0.200 cfs	40.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.750 cfs	316.8 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 30th day of May, 2014.


Southern Region Manager

Transfer No. 79225

SUPPORT DATA

IN FILE # 43-2580B

TRANSFER 81940
APPLICANT'S
EXHIBIT 3

WATER RIGHT NO. 43-13540**As Modified by Transfer No. 79225**

In accordance with the approval of Transfer No. 79225, Water Right No. 43-13540 is now described as follows:

Right Holder: PETER J GRUSH And
SYLVIA T GRUSH
2025 S HWY 81
MALTA, ID 83342

Priority Date: 8/26/1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	0.080 cfs	55.7 af
STOCKWATER	01/01	to 12/31	0.080 cfs	55.7 af
			0.080 cfs	55.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L4 (NWNW)	Sec 1	Twp 14S	Rge 26E	CASSIA County
GROUND WATER	L4 (SWNWNW)	Sec 1	Twp 14S	Rge 26E	CASSIA County
GROUND WATER	SESWNW	Sec 1	Twp 14S	Rge 26E	CASSIA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	36									X	X	X	X					
14S	26E	1		X			X	X	X	X									
				L2			L3	L4											

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	36										X	X						
14S	26E	1						X	X	X									
								L4											

CONDITIONS OF APPROVAL

1. Rights 43-2580B, 43-13206, 43-13209 and 43-13540 when combined shall not exceed a total diversion rate of 1.75 cfs, and a total annual maximum diversion volume of 316.8 af.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 79225

WATER RIGHT NO. 43-13540
As Modified by Transfer No. 79225

CONDITIONS OF APPROVAL

3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
7. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 43-2580B**As Modified by Transfer No. 79225**

In accordance with the approval of Transfer No. 79225, Water Right No. 43-2580B is now described as follows:

Right Holder: SYLVIA T GRUSH
PETER J GRUSH
2025 S HWY 81
MALTA, ID 83342

Priority Date: 7/13/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	0.200 cfs	40.0 af
STOCKWATER	01/01	to 12/31	0.200 cfs	40.0 af
			0.200 cfs	40.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L4 (NWNW)	Sec 1	Twp 14S Rge 26E	CASSIA County
GROUND WATER	L4 (SWNWNW)	Sec 1	Twp 14S Rge 26E	CASSIA County
GROUND WATER	SESWNW	Sec 1	Twp 14S Rge 26E	CASSIA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	36									X	X	X	X					
14S	26E	1		X			X	X	X	X									
				L2			L3	L4											

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	36										X	X						
14S	26E	1						X	X	X									
								L4											

CONDITIONS OF APPROVAL

1. Rights 43-2580B, 43-13206, 43-13209 and 43-13540 when combined shall not exceed a total diversion rate of 1.75 cfs, and a total annual maximum diversion volume of 316.8 af.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 79225

WATER RIGHT NO. 43-2580B
As Modified by Transfer No. 79225

CONDITIONS OF APPROVAL

3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
5. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 43-13206
As Modified by Transfer No. 79225

In accordance with the approval of Transfer No. 79225, Water Right No. 43-13206 is now described as follows:

Right Holder: SYLVIA T GRUSH
 PETER J GRUSH
 2025 S HWY 81
 MALTA, ID 83342

Priority Date: 7/13/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	0.100 cfs	15.0 af
STOCKWATER	01/01	to 12/31	0.100 cfs	15.0 af
			0.100 cfs	15.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L4 (NWNW)	Sec 1	Twp 14S	Rge 26E	CASSIA County
GROUND WATER	L4 (SWNWNW)	Sec 1	Twp 14S	Rge 26E	CASSIA County
GROUND WATER	SESWNW	Sec 1	Twp 14S	Rge 26E	CASSIA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	36									X	X	X	X					
14S	26E	1		X			X	X	X	X									
				L2			L3	L4											

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	36										X	X						
14S	26E	1						X	X	X									
								L4											

CONDITIONS OF APPROVAL

1. Rights 43-2580B, 43-13206, 43-13209 and 43-13540 when combined shall not exceed a total diversion rate of 1.75 cfs, and a total annual maximum diversion volume of 316.8 af.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 79225

WATER RIGHT NO. 43-13206

As Modified by Transfer No. 79225

CONDITIONS OF APPROVAL

3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
5. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 43-13209**As Modified by Transfer No. 79225**

In accordance with the approval of Transfer No. 79225, Water Right No. 43-13209 is now described as follows:

Right Holder: SYLVIA T GRUSH
PETER J GRUSH
2025 S HWY 81
MALTA, ID 83342

Priority Date: 7/13/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	1.370 cfs	206.1 af
STOCKWATER	01/01	to 12/31	1.370 cfs	206.1 af
			1.370 cfs	206.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L4 (NWNW)	Sec 1: Twp 14S Rge 26E CASSIA County
GROUND WATER	L4 (SWNWNW)	Sec 1: Twp 14S Rge 26E CASSIA County
GROUND WATER	SESWNW	Sec 1: Twp 14S Rge 26E CASSIA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	36									X	X	X	X					
14S	26E	1		X			X	X	X	X									
				L2			L3	L4											

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	36										X	X						
14S	26E	1						X	X	X									
								L4											

CONDITIONS OF APPROVAL

1. Rights 43-2580B, 43-13206, 43-13209 and 43-13540 when combined shall not exceed a total diversion rate of 1.75 cfs, and a total annual maximum diversion volume of 316.8 af.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 79225

WATER RIGHT NO. 43-13209

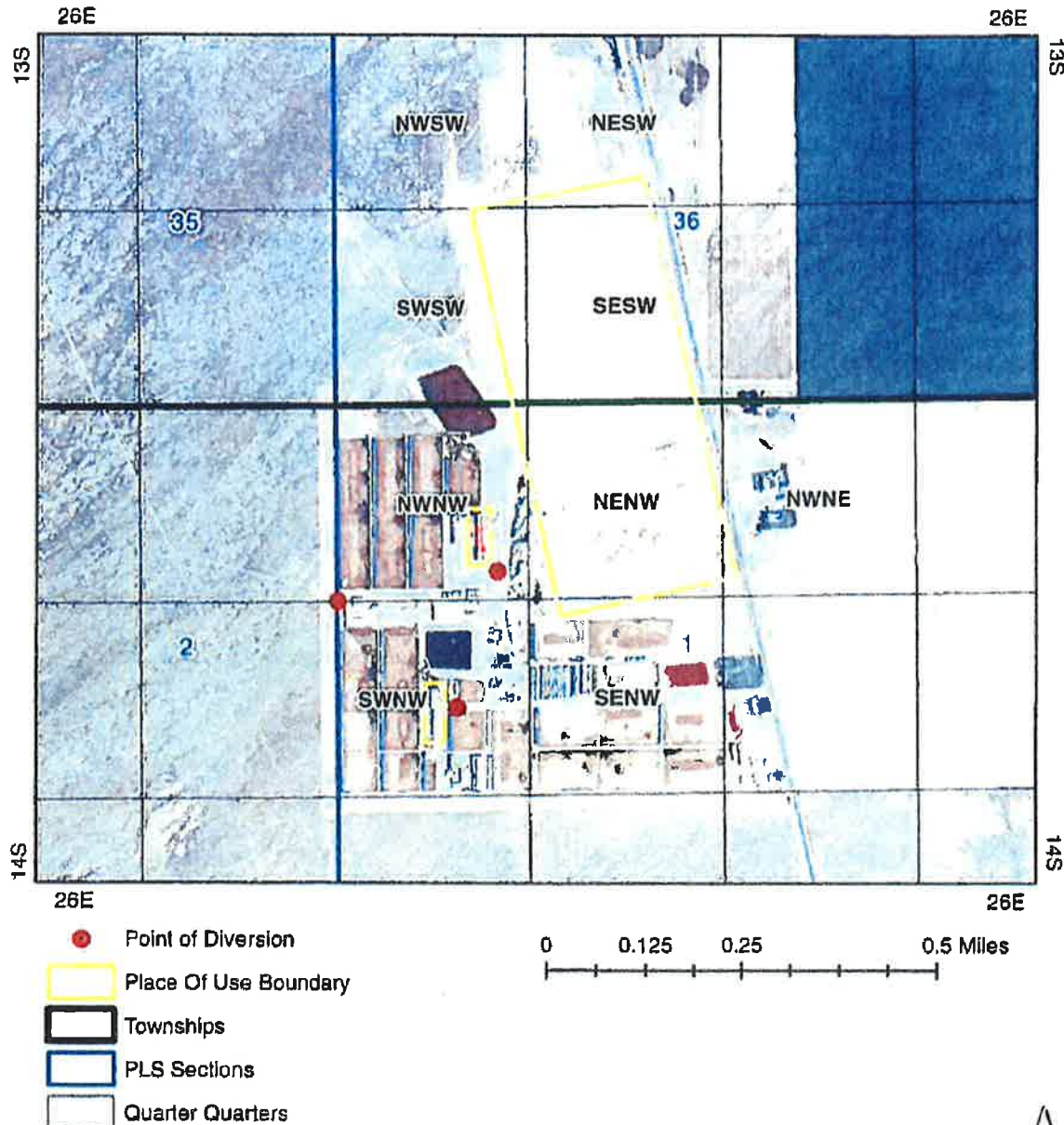
As Modified by Transfer No. 79225

CONDITIONS OF APPROVAL

3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
5. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho
Department of Water Resources
Attachment To Transfer No. 79225
Rights: 43-2580B, 43-13206, 43-13209 and 43-13540

This map depicts the COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

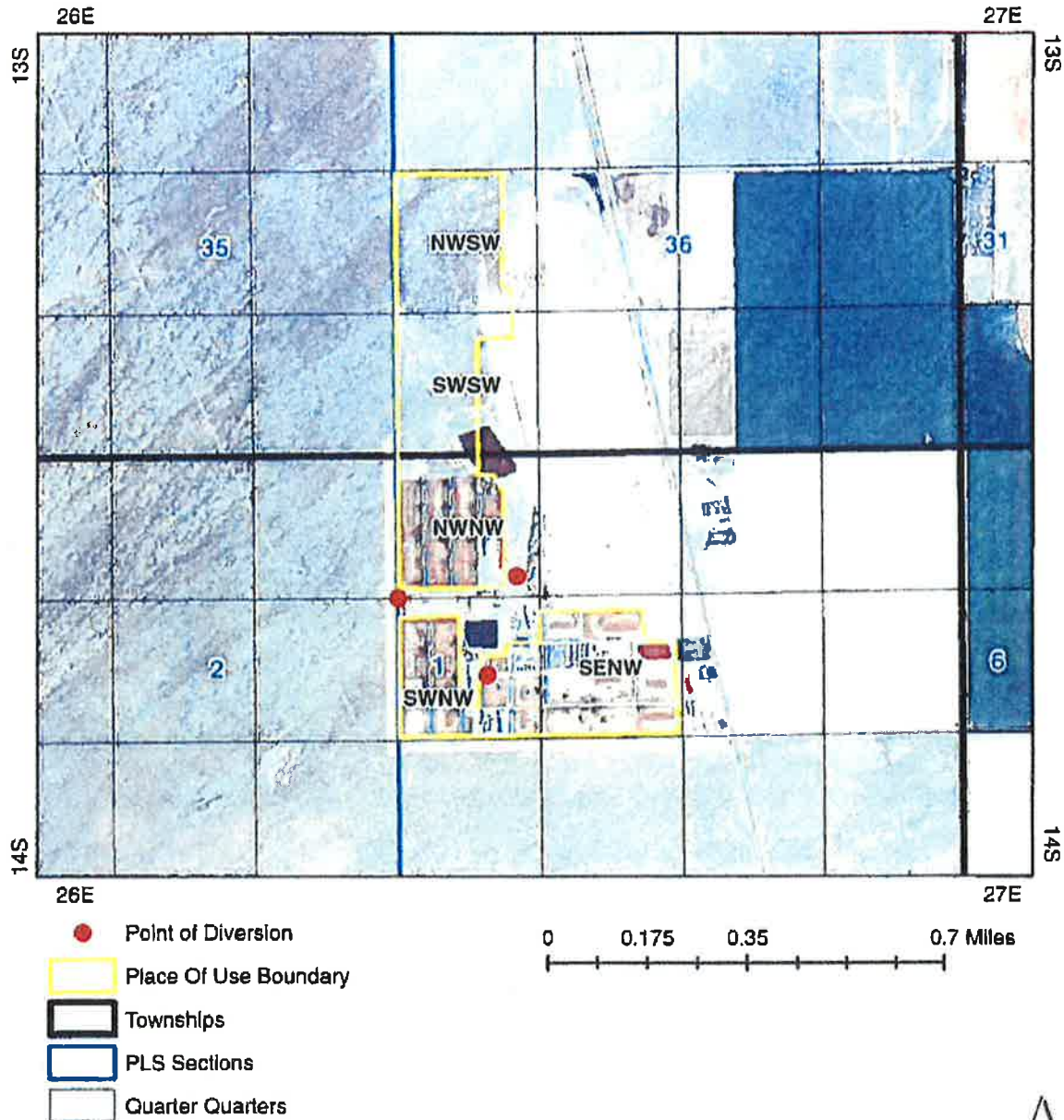


State of Idaho
Department of Water Resources

Attachment To Transfer No. 79225

rights: 43-2580B, 43-13206, 43-13209 and 43-13540

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 2, 2014

PETER J GRUSH
SYLVIA T GRUSH
2025 S HWY 81
MALTA ID 83342

Re: Transfer No: 79225
Water Right No(s): 43-2580B, 43-13206, 43-13209, 43-13540

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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) 736-3033.

Sincerely,

A handwritten signature in dark ink, appearing to read "Allen Merritt", with a stylized flourish at the end.

Allen Merritt
Southern Regional Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

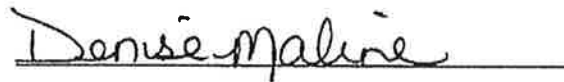
I hereby certify that on June 2, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79225

Water Right No(s): 43-2580B, 43-13206, 43-13209, 43-13540

**PETER J GRUSH
SYLVIA T GRUSH
2025 S HWY 81
MALTA ID 83342**

**BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**