

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79754

This is to certify that: PETER J GRUSH AND
SYLVIA T GRUSH
2038 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	YES	YES	YES	NO	NO	YES
43-13209	YES	YES	YES	NO	NO	YES
43-13540	YES	YES	YES	NO	NO	YES
43-2580B	YES	YES	YES	NO	NO	YES

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	43-13729	0.010 cfs	1.0 af	N/A	N/A	43-13206	0.090 cfs	14.0 af	N/A	N/A
43-13209	43-13730	0.090 cfs	13.0 af	N/A	N/A	43-13209	1.280 cfs	193.1 af	N/A	N/A
43-13540	43-13727	0.010 cfs	3.5 af	N/A	N/A	43-13540	0.070 cfs	52.2 af	N/A	N/A
43-2580B	43-13728	0.010 cfs	2.5 af	N/A	N/A	43-2580B	0.190 cfs	37.5 af	N/A	N/A
COMBINED TOTALS		0.120 cfs	20.0 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 6th day of March, 2015.

SUPPORT DATA

IN FILE # 43-2580B Southern Region Manager

Transfer No. 79754

WATER RIGHT NO. 43-13540**As Modified by Transfer No. 79754**

In accordance with the approval of Transfer No. 79754, Water Right No. 43-13540 is now described as follows:

Right Holder: SYLVIA T GRUSH And
PETER J GRUSH
2038 S HWY 81
MALTA, ID 83342

Priority Date: 8/26/1953

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	0.070 cfs	52.2 af
STOCKWATER	01/01	to 12/31	0.070 cfs	52.2 af
			0.070 cfs	52.2 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

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			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									
				L 2			L 3	L 4											

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			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									
								L 4											

CONDITIONS OF APPROVAL

1. Rights 43-2580B, 43-13206, 43-13209 and 43-13540 when combined shall not exceed a total diversion rate of 1.63 cfs, and a total annual maximum diversion volume of 296.8 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. 79754

WATER RIGHT NO. 43-13540
As Modified by Transfer No. 79754

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 transfer No. 79225 within five years of the date of its approval.
8. Failure of the right holder to comply with the conditions of transfer No. 79225 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. 43-13727

As Modified by Transfer No. 79754

In accordance with the approval of Transfer No. 79754, Water Right No. 43-13727 is now described as follows:

Right Holder: PETER J GRUSH AND
SYLVIA T GRUSH
2038 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>
MUNICIPAL	1/1	to 12/31	0.010 cfs	3.5 af
			0.010 cfs	3.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NWNE) Sec 1 Twp 14S Rge 26E CASSIA County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by the public water supply system of P Bar S Dairy (Peter & Sylvia Grush). The place of use is generally located within Section 1, Township 14 South, Range 26 East.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
3. Rights 43-13728, 43-13729, 43-13730, and 43-13727 when combined shall not exceed a total diversion rate of 0.12 cfs and a total annual maximum diversion volume of 20.0 af.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 43-13727

As Modified by Transfer No. 79754

CONDITIONS OF APPROVAL

7. 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. 79754**

In accordance with the approval of Transfer No. 79754, Water Right No. 43-2580B is now described as follows:

Right Holder: SYLVIA T GRUSH AND
PETER J GRUSH
2038 S HWY 81
MALTA, ID 83342

Priority Date: 7/13/1964

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	0.190 cfs	37.5 af
STOCKWATER	01/01	to 12/31	0.190 cfs	37.5 af
			0.190 cfs	37.5 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

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			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									
				L 2			L 3	L 4											

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			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									
								L 4											

CONDITIONS OF APPROVAL

1. Rights 43-2580B, 43-13206, 43-13209 and 43-13540 when combined shall not exceed a total diversion rate of 1.63 cfs, and a total annual maximum diversion volume of 296.8 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.

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WATER RIGHT NO. 43-2580B
As Modified by Transfer No. 79754

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 transfer No. 79225 within five years of the date of its approval.
8. Failure of the right holder to comply with the conditions of transfer No. 79225 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. 43-13728
As Modified by Transfer No. 79754

In accordance with the approval of Transfer No. 79754, Water Right No. 43-13728 is now described as follows:

Right Holder: PETER J GRUSH AND
SYLVIA T GRUSH
2038 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>
MUNICIPAL	1/1	to 12/31	0.010 cfs	2.5 af
			0.010 cfs	2.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NWNE) Sec 1 Twp 14S Rge 26E CASSIA County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by the public water supply system of P Bar S Dairy (Peter & Sylvia Grush). The place of use is generally located within Section 1, Township 14 South, Range 26 East.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
3. Rights 43-13728, 43-13729, 43-13730, and 43-13727 when combined shall not exceed a total diversion rate of 0.12 cfs and a total annual maximum diversion volume of 20.0 af.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 79754

WATER RIGHT NO. 43-13728
As Modified by Transfer No. 79754

CONDITIONS OF APPROVAL

7. 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. 79754**

In accordance with the approval of Transfer No. 79754, Water Right No. 43-13206 is now described as follows:

Right Holder: SYLVIA T GRUSH AND
PETER J GRUSH
2038 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	0.090 cfs	14.0 af
STOCKWATER	01/01	to 12/31	0.090 cfs	14.0 af
			0.090 cfs	14.0 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									
				L 2			L 3	L 4											

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									
								L 4											

CONDITIONS OF APPROVAL

1. Rights 43-2580B, 43-13206, 43-13209 and 43-13540 when combined shall not exceed a total diversion rate of 1.63 cfs, and a total annual maximum diversion volume of 296.8 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. 79754

WATER RIGHT NO. 43-13206
As Modified by Transfer No. 79754

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 transfer No. 79225 within five years of the date of its approval.
8. Failure of the right holder to comply with the conditions of transfer No. 79225 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. 43-13729

As Modified by Transfer No. 79754

In accordance with the approval of Transfer No. 79754, Water Right No. 43-13729 is now described as follows:

Right Holder: PETER J GRUSH AND
SYLVIA T GRUSH
2038 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>
MUNICIPAL	1 /1	to 12/31	0.010 cfs	1.0 af
			0.010 cfs	1.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NWNE) Sec 1 Twp 14S Rge 26E CASSIA County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by the public water supply system of P Bar S Dairy (Peter & Sylvia Grush). The place of use is generally located within Section 1, Township 14 South, Range 26 East.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
3. Rights 43-13728, 43-13729, 43-13730, and 43-13727 when combined shall not exceed a total diversion rate of 0.12 cfs and a total annual maximum diversion volume of 20.0 af.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 43-13729
As Modified by Transfer No. 79754

CONDITIONS OF APPROVAL

7. 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. 79754**

In accordance with the approval of Transfer No. 79754, Water Right No. 43-13209 is now described as follows:

Right Holder: SYLVIA T GRUSH AND
PETER J GRUSH
2038 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	1.280 cfs	193.1 af
STOCKWATER	01/01	to 12/31	1.280 cfs	193.1 af
			1.280 cfs	193.1 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									
				L 2			L 3	L 4											

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									
								L 4											

CONDITIONS OF APPROVAL

1. Rights 43-2580B, 43-13206, 43-13209 and 43-13540 when combined shall not exceed a total diversion rate of 1.63 cfs, and a total annual maximum diversion volume of 296.8 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. 79754

WATER RIGHT NO. 43-13209

As Modified by Transfer No. 79754

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 transfer No. 79225 within five years of the date of its approval.
8. Failure of the right holder to comply with the conditions of transfer No. 79225 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. 43-13730

As Modified by Transfer No. 79754

In accordance with the approval of Transfer No. 79754, Water Right No. 43-13730 is now described as follows:

Right Holder: PETER J GRUSH AND
SYLVIA T GRUSH
2038 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>
MUNICIPAL	1/1	to 12/31	0.090 cfs	13.0 af
			0.090 cfs	13.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (NWNE) Sec 1 Twp 14S Rge 26E CASSIA County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by the public water supply system of P Bar S Dairy (Peter & Sylvia Grush). The place of use is generally located within Section 1, Township 14 South, Range 26 East.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
3. Rights 43-13728, 43-13729, 43-13730, and 43-13727 when combined shall not exceed a total diversion rate of 0.12 cfs and a total annual maximum diversion volume of 20.0 af.
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 79754

WATER RIGHT NO. 43-13730

As Modified by Transfer No. 79754

CONDITIONS OF APPROVAL

7. 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.

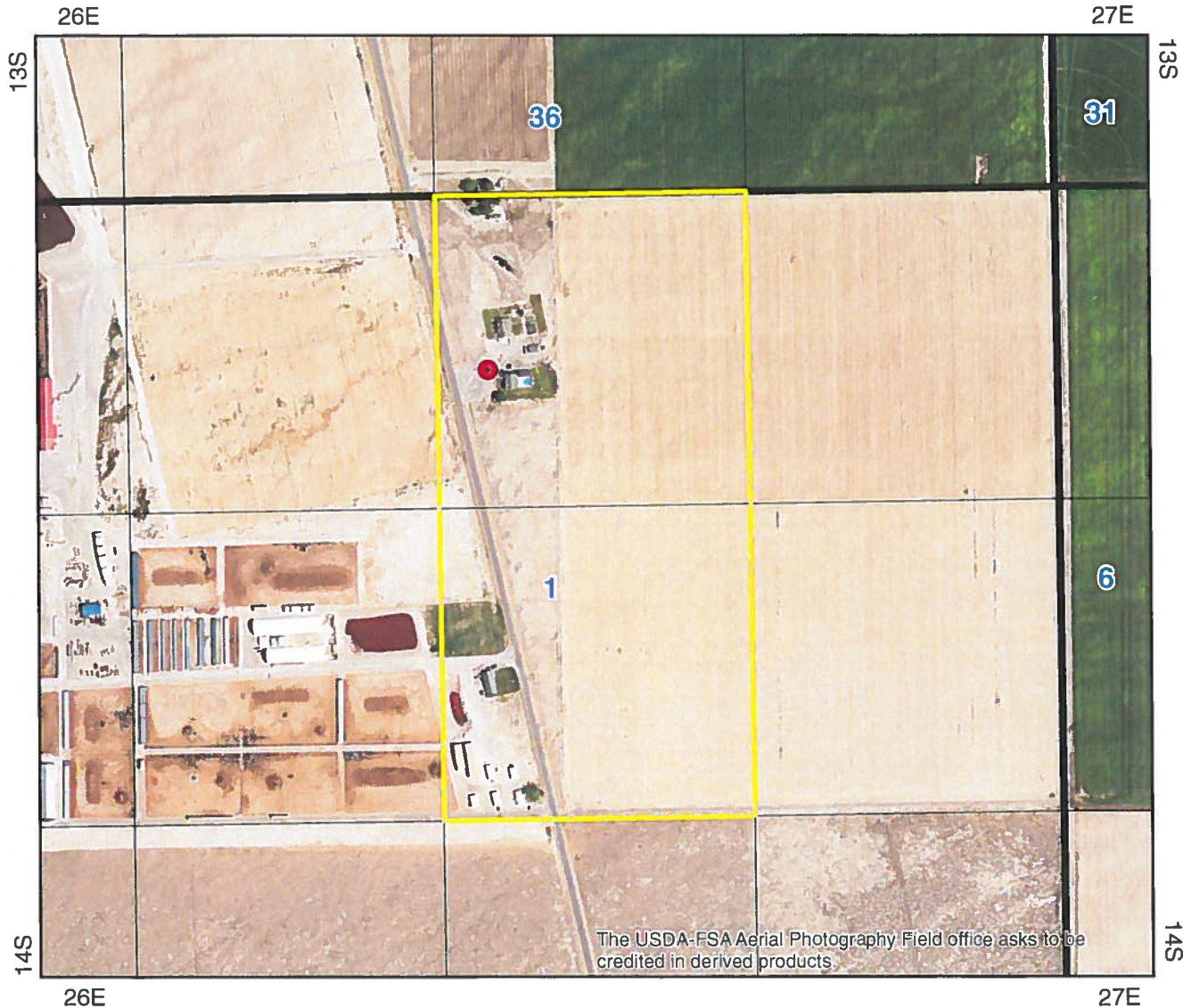


Peter J Grush

Attachment To Transfer No. 79754

Rights: 43-13727, 43-13728, 43-13729 and 43-13730

This map depicts the MUNICIPAL 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.



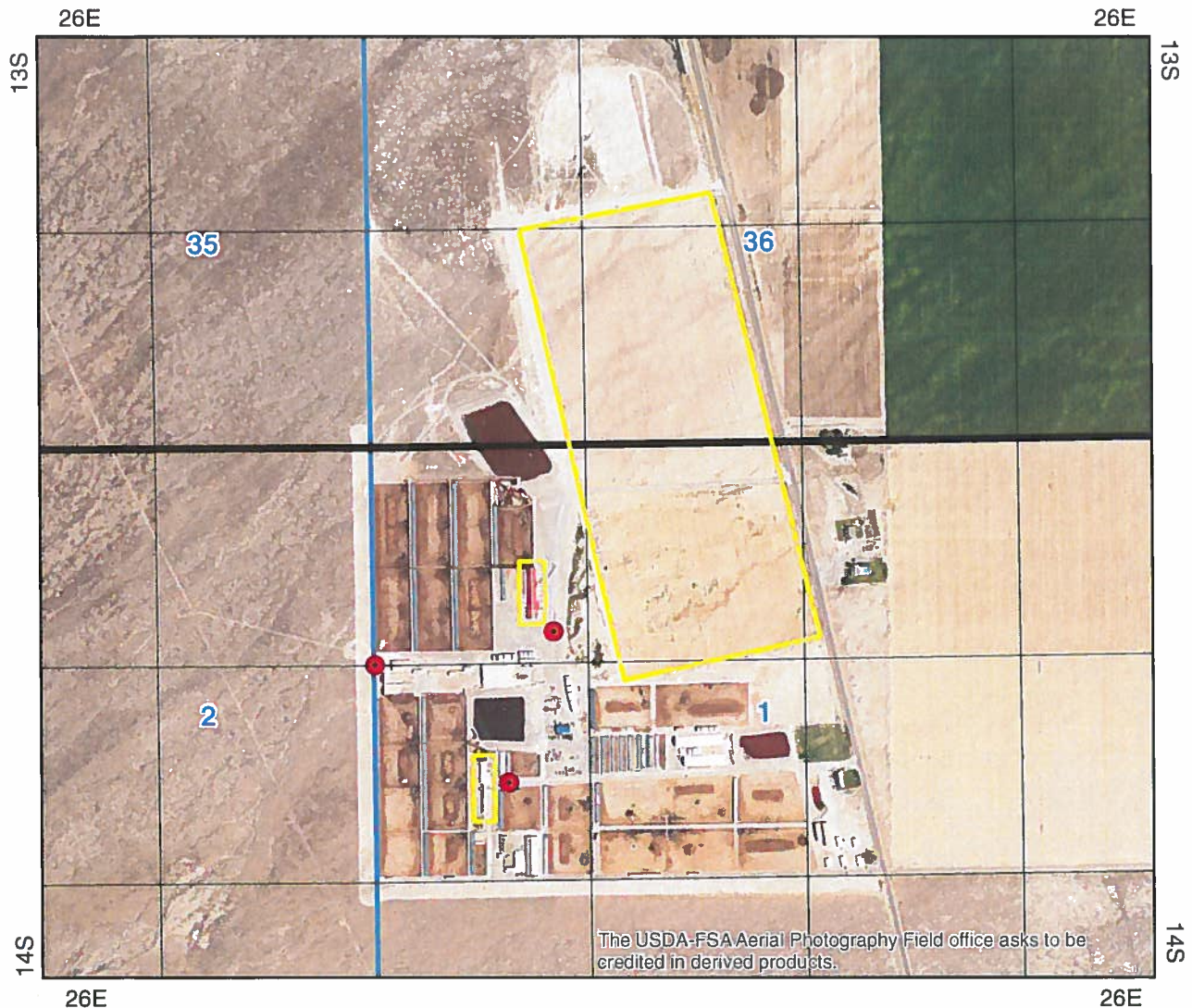
-  Point of Diversion
-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 79754
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.



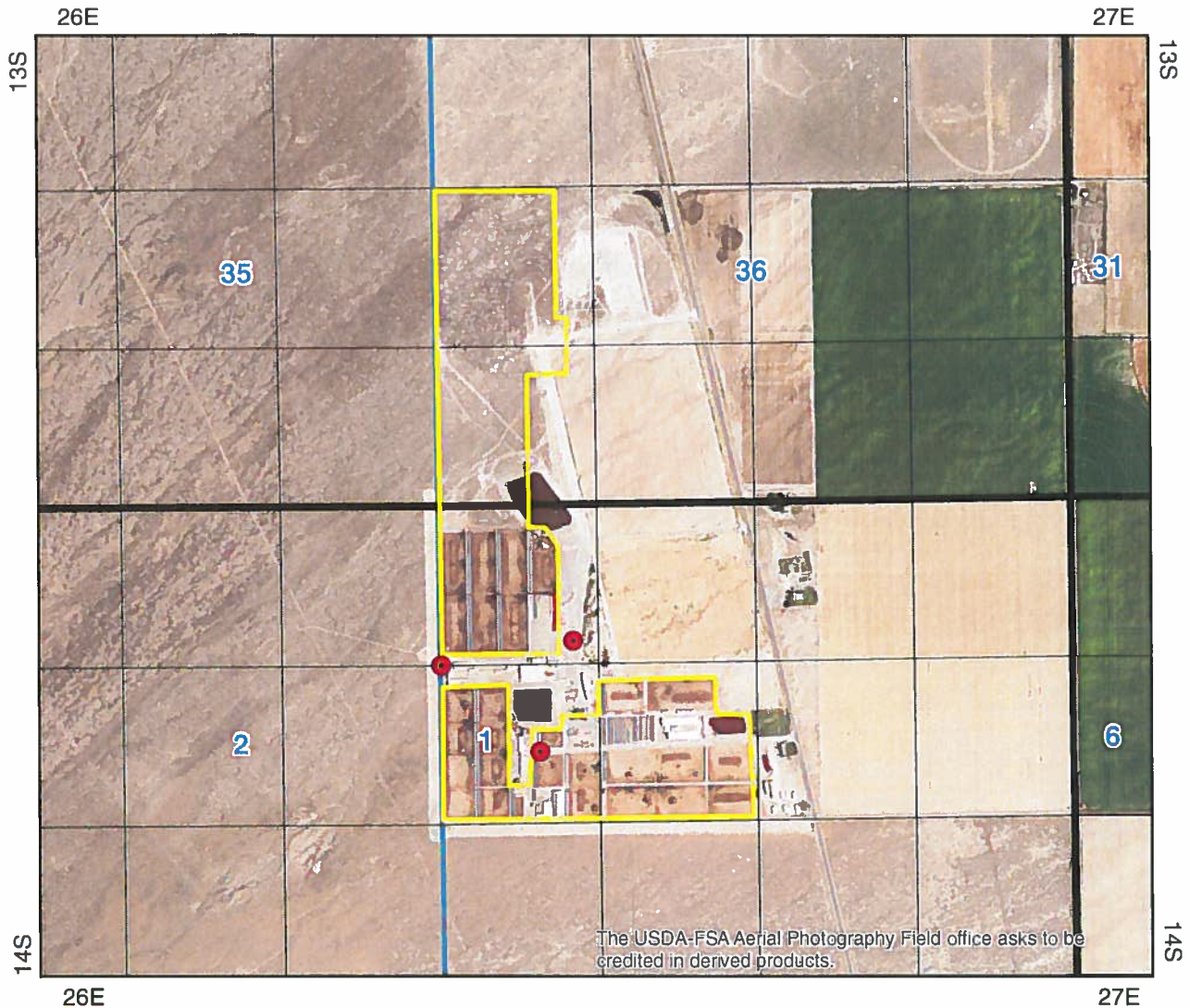
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 79754
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.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

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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

March 9, 2015

PETER J GRUSH
SYLVIA T GRUSH
2038 S HWY 81
MALTA ID 83342

Re: Transfer No: 79754
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 black ink, appearing to read "Allen Merritt". The signature is fluid and cursive, with the first name "Allen" written in a smaller, more compact script than the last name "Merritt".

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

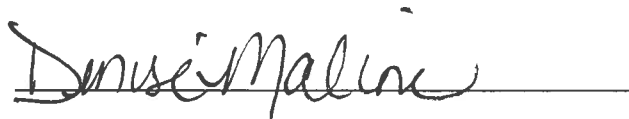
I hereby certify that on March 9, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79754

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

**PETER J GRUSH
SYLVIA T GRUSH
2038 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**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date 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.

MEMORANDUM

TO: Transfer # 79754 File

FROM: Corey Skinner

DATE: February 26, 2014

SUBJECT: Filing Fee

The filing fee, \$450.00, for this transfer is based on the total amount of water being transferred plus the \$250.00 change in nature of use fee. The transfer proposes modifying 0.12 cfs of water rights which equates to a \$200.00 fee. When the \$250.00 change in nature of use fee is added to the \$200.00, the total filing fee would be \$450.00.

RECEIVED

FEB 17 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 5th day of February, 2015 and ending with the issue dated 12th day of February, 2015

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

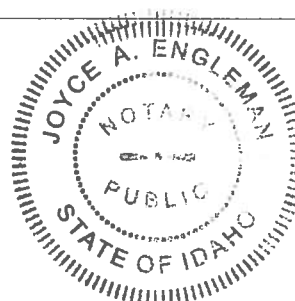
Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 12th day of February, 2015, before me,
Joyce Engleman
a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Joyce Engleman
Notary Public for Idaho
Residing at Twin Falls, Idaho

My commission expires: 2/18/19



✓ OK DM
2/18/2015

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

45-14465

✓ **ROGER DUFFIN**

P.O. BOX 663

PAUL, ID 83347

Point of Diversion L3(SWNE) S25 T10S R19E TWIN FALLS

County Source WASTE WATER Tributary SNAKE RIVER

Point of Diversion L3(SWNE) S25 T10S R19E TWIN FALLS

County Source WASTE WATER Tributary SNAKE RIVER

Use: AESTHETIC 01/01 to 12/31 2.6 CFS

Use: WATER QUALITY IMPROVEMENT 01/01 to 12/31 2.6 CFS

Use: WILDLIFE 01/01 to 12/31 2.6 CFS

Total Diversion: 2.6 CFS

Date Filed: 12/22/2014

Place Of Use: AESTHETIC, WATER QUALITY IMPROVEMENT, WILDLIFE

T10S R19E S25 L3(SWNE) L3(SENE) L6(NESE) L6(NWSE)

Application for permit proposes to divert 2.6 cfs of waste water for non-consumptive aesthetic, wildlife and water quality improvement uses. An existing pipeline and ditch will convey the waste water through an existing series of small, manmade, shallow wetlands located approximately 2.0 to 2.5 miles north and 0.7 to 0.8 miles west of the center of Murtaugh before returning to the Snake River.

47-17633

✓ **TERRY G WHITE**

PO BOX 663

BUHL, ID 83316

MARY D WHITE OSTRANDER

7637 S MCLINTOCK PL

MERIDIAN, ID 83642

Point of Diversion NENW S28 T09S R14E TWIN FALLS County

Source MUD CREEK Tributary SNAKE RIVER

Use: POWER 01/01 to 12/31 25 CFS

Total Diversion: 25 CFS

Date Filed: 12/23/2014

Place Of Use: POWER

T09S R14E S28 NWNE

Application proposes to divert water from Mud Creek to generate power for sale on the electrical grid from an existing power generation facility. Water is carried approximately 270 feet in a penstock from an existing diversion on Mud Creek into two generating units and then discharged back into Mud Creek. The power plant is located 3.1 miles west and 1.3 miles north of the Buhl city center. Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune on February 5th & 12th, 2015.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79699**

✓ **IDAHO WATER CO LLC, C/O DEL KOHTZ, 1135 VALLEY RD S, EDEN, ID 83325;** has filed Application No. 79699 for changes to the following water rights within JEROME County(s): Right No(s). 36-2117, 36-2594. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring an 11.9 acre (0.24 cfs) portion of two ground water irrigation rights currently used on a farm located approximately 5.0 miles south of Hazelton to year round commercial use associated with the Moss Greenhouses operation located approximately 2.7 miles south and 2.8 miles east of the center of Jerome. Three existing wells located on the Moss Greenhouses property will be used to provide up to 0.24 cfs and 37.0 afa of water for commercial use.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79700**

✓ **IDAHO WATER CO LLC, C/O DEL KOHTZ, 1135 VALLEY RD S, EDEN, ID 83325;** has filed Application No. 79700 for changes to the following water rights within JEROME County(s): Right No(s). 36-2117, 36-2594. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 13 acre (0.26 cfs) portion of two ground water irrigation rights currently used on a farm located approximately 5.0 miles south of Hazelton to a farm located approximately 0.3 to 2.0 miles north and 2.5 to 4.0 miles east of Declo. The transferred rights (0.26 cfs) will be diverted from five existing wells and used to irrigate 13.0 acres within a proposed 1081 acre permissible place of use on the farm northeast of Declo.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79719**

✓ **MATHERS RANCH INC, 3485 E 3100 N, KIMBERLY, ID 83341,** has filed Application No. 79719 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17555, 47-17560, 47-17565. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes transferring a combined 0.13 cfs (21.3af) portion of three irrigation ground water rights from a farm located approximately 9.2 to 10.0 miles south and 3.4 to 4.2 miles east of the city center of Twin Falls to commercial and stockwater use to be diverted from two existing wells at an existing dairy. Dairy is located approximately 5.2 miles south and 1.5 miles east of the city center of Buhl.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79754**

✓ **PETER J GRUSH and SYLVIA T GRUSH, 2038 S HWY 81, MALTA, ID 83342;** has filed Application No. 79754 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13206, 43-13209, 43-13540, 43-2580B. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes converting a 0.12 cfs and 20.0 ace-feet per year portion of four groundwater rights from stockwater and commercial use to municipal use associated with a community water system. The rights are currently authorized to be diverted from three wells on a dairy facility located along the west side of Highway 81 approximately 4.5 to 5.0 miles south of Malta and used for stockwater and commercial use(s) at the dairy facility. The proposed municipal use will be diverted from an existing well located along the east side of Highway 81 approximately 4.7 miles south of Malta and provide water for several residences located along Highway 81 approximately 4.5 to 5.0 miles south of Malta.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79759**

✓ **MICHAEL P WHEELER and DIANA M WHEELER, 2155 E 100 S, DECLO, ID 83323;** has filed Application No. 79759 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13688, 43-13690, 43-7129, 43-7192. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add a new well to be drilled to four groundwater rights with a total diversion of 3.26 cfs (820.8 af) for the irrigation of 205.2 acres. The new well will be located approximately 7.6 miles east and 3.3 miles south of the I-84 and I-86 interchange, on the north side of Yale Road, east of I-84. The application also proposes a slight modification to the place of use.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79775**

✓ **WICKEL LAND COMPANY, LLP, PO BOX 219, DECLO, ID 83323;** has filed Application No. 79775 for changes to the following water rights within MINIDOKA, CASSIA County(s): Right No(s). 36-7878. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 40 acre (0.80 cfs) groundwater irrigation right from a farm located approximately 4.4 to 4.65 miles north and 5.0 to 5.25 miles east of the center of Rupert to a farm located approximately 0.3 to 2.0 miles north and 2.5 to 4.0 miles east of Declo. The transferred right (0.80 cfs) will be diverted from five existing wells and used to irrigate 40.0 acres within a proposed 1081 acre permissible place of use on the farm northeast of Declo.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before February 23, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on February 5th & 12th, 2015

✓ ok DM
2/18/2015

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED
FEB 05 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 79754 **Water Right No.(s):** 43-13206, 43-13209, 43-13540, 43-2580B

Transfer Applicant's Name: PETER J GRUSH
SYLVIA T GRUSH
2038 S HWY 81
MALTA, ID 83342

Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

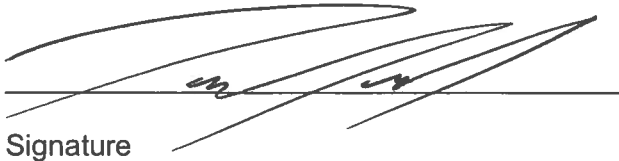


State of Idaho
**DEPARTMENT OF
ENVIRONMENTAL QUALITY**
650 Addison Avenue West, Suite 110
Twin Falls, Idaho 83301
Phone: (208) 736-2190
Fax: (208) 736-2194
Cell: (208) 731-3503
Email: michael.brown@deq.idaho.gov

Michael Brown
Regional Engineering Manager

Dated this 5 day of February, 2015

Dept of Environmental Quality


Signature

Michael Brown

Printed Name