

RECEIVED

DEC 30 2014

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79754MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) PETER & SYLVIA GRUSHCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

\$200.00

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEC 30 2014

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) PETER & SYLVIA GRUSH Phone (208) 645-2361
Mailing address 2038 Hwy 81 Malta, ID 83342 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Greg Sullivan Brockway Engineering, PLLC Phone 208-736-8543
Mailing address 2016 North Washington St. Suite 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

K T G
Signature of Applicant or Authorized Representative

Farm MANAGER
Print Name and Title if applicable

12-23-2014
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
This transfer will provide potable water to a public system.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	43-2580B	0.01/2.5	Municipal	1/01 to 12/31	Ground Water
☐ ☒	43-13206	0.01/1.0	Municipal	1/01 to 12/31	Ground Water
☐ ☒	43-13209	0.09/13.0	Municipal	1/01 to 12/31	Ground Water
☐ ☒	43-13540	0.01/3.5	Municipal	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.75 cfs and/or 316.8 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.12 cubic feet per second and/or 20.0 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twps	Rge	County	Source	Local name or tag #
			NW	NE	1	14S	26E	Cassia	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	26E	1		M	M														
Total Acres (for irrigation use)																			M

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Existing well, pump and mainline.

- b. Who owns the property at the point(s) of diversion? PETER & SYLVIA GRUSH
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: None

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Stock and Commercial water has been set aside for an expansion of the dairy. The expansion has not been performed yet.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 43-2580B

Current Owner: PETER J GRUSH
SYLVIA T GRUSH
Priority Date: 7/13/1964
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.2 CFS	40 AF
STOCKWATER	01/01 to 12/31	0.2 CFS	40 AF
	<u>Total Diversion</u>	0.2 CFS	40 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4NW1/4	Sec. 1,	Twp 14S,	Rge 26E B.M.
CASSIA County				
GROUND WATER	L4(NW1/4NW1/4)	Sec. 1,	Twp 14S,	Rge 26E B.M.
CASSIA County				
GROUND WATER	L4(SW1/4NW1/4NW1/4)	Sec. 1,	Twp 14S,	Rge 26E B.M.
CASSIA County				

Place of Use

COMMERCIAL Within CASSIA County

T13S R26E S36	NESW	T13S R26E S36	NWSW
T13S R26E S36	SWSW	T13S R26E S36	SESW
T14S R26E S1	Lot 2 NWNE	T14S R26E S1	Lot 3 NENW
T14S R26E S1	Lot 4 NWNW	T14S R26E S1	SWNW
T14S R26E S1	SENW		

STOCKWATER Within CASSIA County

T13S R26E S36	NWSW	T13S R26E S36	SWSW
T14S R26E S1	Lot 4 NWNW	T14S R26E S1	SWNW
T14S R26E S1	SENW		

Conditions of Approval:

1. T19 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.
2. X35 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.
3. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 01M 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. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
7. 106 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.
8. WD8 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.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 6/28/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 43-13206

Current Owner: SYLVIA T GRUSH
PETER J GRUSH

Priority Date: 7/13/1964

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.1 CFS	15 AF
STOCKWATER	01/01 to 12/31	0.1 CFS	15 AF
	<u>Total Diversion</u>	0.1 CFS	15 AF

Location of Point(s) of Diversion

GROUND WATER	L4(NW1/4NW1/4)	Sec. 1,	Twp 14S,	Rge 26E B.M.
CASSIA County				
GROUND WATER	L4(SW1/4NW1/4NW1/4)	Sec. 1,	Twp 14S,	Rge 26E B.M.
CASSIA County				
GROUND WATER	SE1/4SW1/4NW1/4	Sec. 1,	Twp 14S,	Rge 26E B.M.
CASSIA County				

Place of Use

COMMERCIAL Within CASSIA County

T13S R26E S36	NESW	T13S R26E S36	NWSW
T13S R26E S36	SWSW	T13S R26E S36	SESW
T14S R26E S1	Lot 2 NWNE	T14S R26E S1	Lot 3 NENW
T14S R26E S1	Lot 4 NWNW	T14S R26E S1	SWNW
T14S R26E S1	SENW		

STOCKWATER Within CASSIA County

T13S R26E S36	NWSW	T13S R26E S36	SWSW
T14S R26E S1	Lot 4 NWNW	T14S R26E S1	SWNW
T14S R26E S1	SENW		

Conditions of Approval:

1. WD8 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.
2. 106 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.
3. X35 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.
4. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. T19 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.
7. 01M 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.
8. T08 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. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

Decreed Date: 10/23/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 43-13209

Current Owner: PETER J GRUSH
SYLVIA T GRUSH

Priority Date: 7/13/1964

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	1.37 CFS	206.1 AF
STOCKWATER	01/01 to 12/31	1.37 CFS	206.1 AF
	<u>Total Diversion</u>	1.37 CFS	206.1 AF

Location of Point(s) of Diversion

GROUND WATER	L4(NW1/4NW1/4)	Sec. 1, Twp 14S, Rge 26E B.M.
CASSIA County		
GROUND WATER	L4(SW1/4NW1/4NW1/4)	Sec. 1, Twp 14S, Rge 26E B.M.
CASSIA County		
GROUND WATER	SE1/4SW1/4NW1/4	Sec. 1, Twp 14S, Rge 26E B.M.
CASSIA County		

Place of Use

COMMERCIAL Within CASSIA County

T13S R26E S36	NESW	T13S R26E S36	NWSW
T13S R26E S36	SWSW	T13S R26E S36	SESW
T14S R26E S1	Lot 2 NWNE	T14S R26E S1	Lot 3 NENW
T14S R26E S1	Lot 4 NWNW	T14S R26E S1	SWNW
T14S R26E S1	SE1/4SW1/4NW1/4		

STOCKWATER Within CASSIA County

T13S R26E S36	NWSW	T13S R26E S36	SWSW
T14S R26E S1	Lot 4 NWNW	T14S R26E S1	SWNW
T14S R26E S1	SE1/4SW1/4NW1/4		

Conditions of Approval:

1. 01M 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.
2. X35 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.
3. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T19 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.
6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. WD8 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.
8. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
9. 106 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.

Decreed Date: 6/28/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 43-13540

Current Owner: PETER J GRUSH
SYLVIA T GRUSH
Priority Date: 8/26/1953
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>
COMMERCIAL	01/01 to 12/31
STOCKWATER	01/01 to 12/31
	<u>Total Diversion</u>

Tributary

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.08 CFS	55.7 AF
0.08 CFS	55.7 AF
0.08 CFS	55.7 AF

Location of Point(s) of Diversion

GROUND WATER	L4(NW1/4NW1/4)	Sec. 1, Twp 14S, Rge 26E B.M.
CASSIA County		
GROUND WATER	L4(SW1/4NW1/4NW1/4)	Sec. 1, Twp 14S, Rge 26E B.M.
CASSIA County		
GROUND WATER	SE1/4SW1/4NW1/4	Sec. 1, Twp 14S, Rge 26E B.M.
CASSIA County		

Place of Use

COMMERCIAL Within CASSIA County

T13S R26E S36	NESW	T13S R26E S36	NWSW
T13S R26E S36	SWSW	T13S R26E S36	SESW
T14S R26E S1	Lot 2 NWNE	T14S R26E S1	Lot 3 NENW
T14S R26E S1	Lot 4 NWNW	T14S R26E S1	SWNW
T14S R26E S1	SENE		

STOCKWATER Within CASSIA County

T13S R26E S36	NWSW	T13S R26E S36	SWSW
T14S R26E S1	Lot 4 NWNW	T14S R26E S1	SWNW
T14S R26E S1	SENE		

Conditions of Approval:

1. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
2. 01M 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.
3. WD8 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.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T19 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.
6. 106 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.
7. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
9. X35 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.

Decreed Date: 6/28/2002

[illegible]

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0 200 400 800 Feet

**GRUSH, PETER
MUNICIPAL PLACE OF USE
NAIP 2013 AERIAL**

- Legend**
- Point of Diversion
 - Municipal POU
 - townshp
 - Sections
 - QQ Lines

BROCKWAY ENGINEERING, PLLC.
ALR -Date: 12/18/2014



TRANSFER 79754

State of Idaho
Department of Water Resources

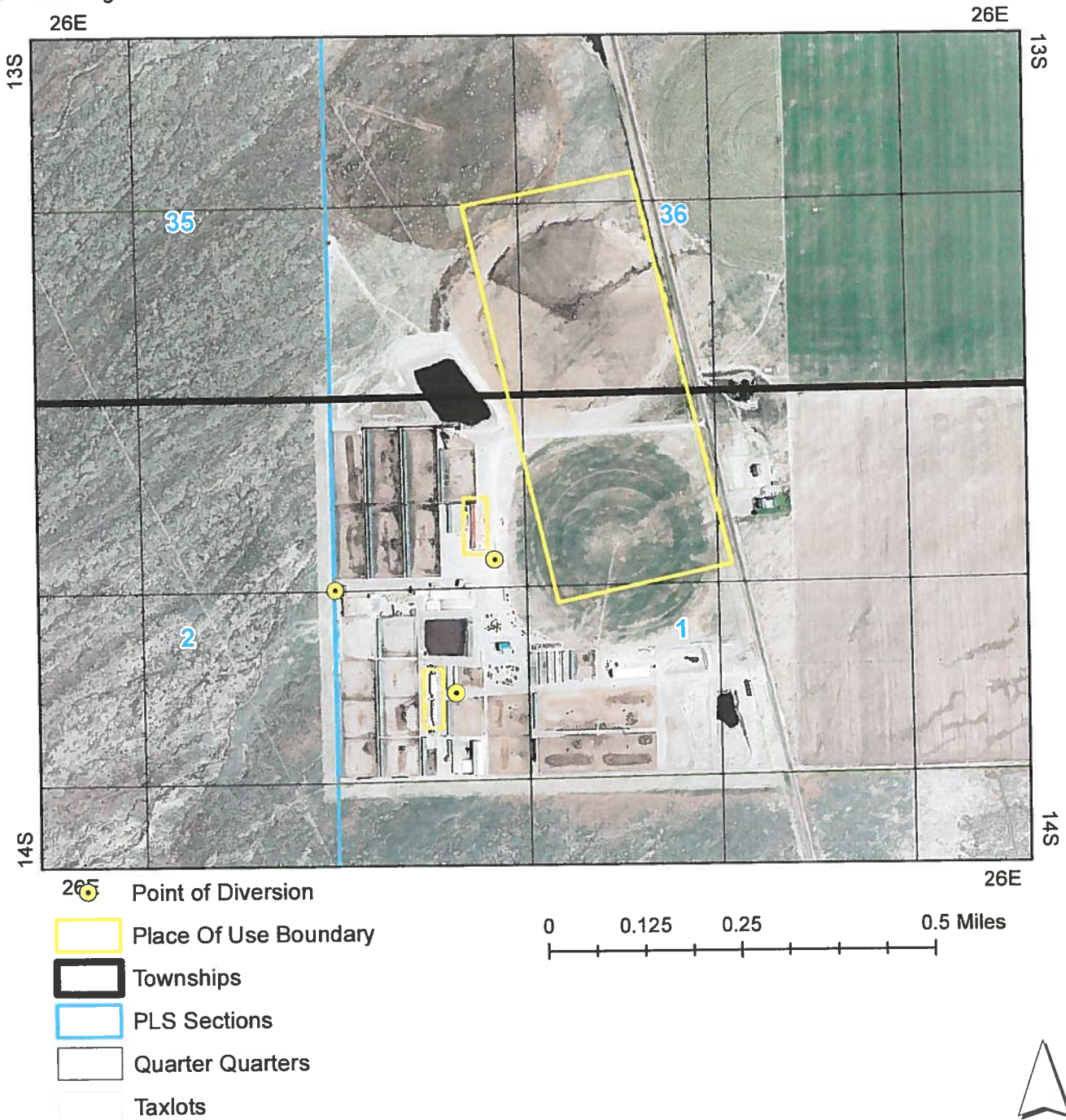
Water Right

43-2580B

43-13206, 43-13209, 43-13540

COMMERCIAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



State of Idaho
Department of Water Resources

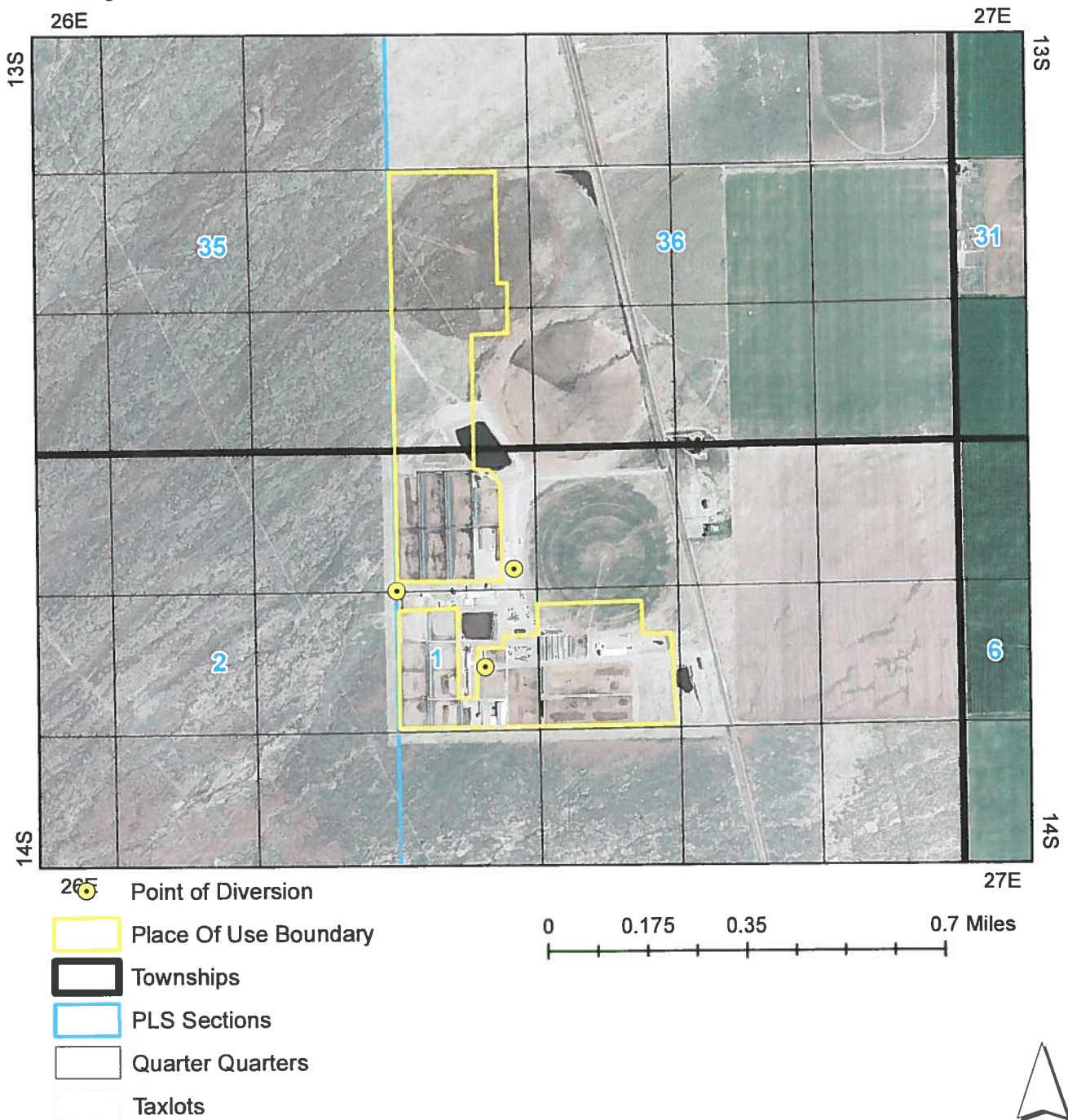
Water Right

43-2580B

43-13206, 43-13209, 43-13540

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Peter Grush and Sylvia Grush, hereby nominate and appoint
Kallan Rex as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water right
transfers before the Idaho Department of Water Resources for the following water right
transactions:

All water right applications and transactions pertaining to water rights that we own
and manage including domestic, irrigation, stockwater and commercial water rights.

in Cassia County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 13 day of March 2014.

Peter J. Grush
Signature

Sylvia Grush
Signature

State of Idaho

County of Cassia

ss.

On this 13 Day of March, 2014, before me, a Notary Public
in and for said County and State, personally appeared Peter + Sylvia Grush
known or identified to me to be the individual whose name and subscription to the 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 above written.

S
E
A
L



Trudy Tracy
Notary Public
In and for said State and County

11-13-18
My Commission Expires

TRANSFER 79754

DQ Public Drinking Water System Monitoring Schedule Report

Print Date: January 9, 2015

ID5160088 - P BAR S DAIRY HOUSING

Community water system serving 76 people and 19 connections.
Regulated by TWIN FALLS REGIONAL OFFICE.

The following schedules include monitoring periods between 1/1/2015 and 12/31/2017.

Schedules for Distribution System(s)

Code	Group/Analyte Name	Monitoring Frequency	Season Begin Date	Season End Date	Satisfied
3100	COLIFORM (TCR)	1 per MN	1/1	12/31	Monthly
PBCU	LCR - LEAD COPPER	5 per 6M due between 01/01/2015 and 06/30/2015	n/a	n/a	NO
PBCU	LCR - LEAD COPPER	5 per 6M due between 07/01/2015 and 12/31/2015	n/a	n/a	*FUTURE
PBCU	LCR - LEAD COPPER	5 per 6M due between 01/01/2016 and 06/30/2016	n/a	n/a	*FUTURE
PBCU	LCR - LEAD COPPER	5 per 6M due between 07/01/2016 and 12/31/2016	n/a	n/a	*FUTURE
PBCU	LCR - LEAD COPPER	5 per 6M due between 01/01/2017 and 06/30/2017	n/a	n/a	*FUTURE
PBCU	LCR - LEAD COPPER	5 per 6M due between 07/01/2017 and 12/31/2017	n/a	n/a	*FUTURE

Schedules for WELL, Tag # D0044460

Please label these samples as 'WELL'

Code	Group/Analyte Name	Monitoring Frequency	Season Begin Date	Season End Date	Satisfied
ASNA	ARSENIC AND SODIUM	1 per 3Y due between 01/01/2014 and 12/31/2016	n/a	n/a	YES
R226	RADS - RADIUM 226	1 per QT due between 01/01/2015 and 03/31/2015	n/a	n/a	NO
R226	RADS - RADIUM 226	1 per QT due between 04/01/2015 and 06/30/2015	n/a	n/a	*FUTURE
R226	RADS - RADIUM 226	1 per QT due between 07/01/2015 and 09/30/2015	n/a	n/a	*FUTURE
R226	RADS - RADIUM 226	1 per QT due between 10/01/2015 and 12/31/2015	n/a	n/a	*FUTURE
R226	RADS - RADIUM 226	1 per QT due between 01/01/2016 and 03/31/2016	n/a	n/a	*FUTURE
R226	RADS - RADIUM 226	1 per QT due between 04/01/2016 and 06/30/2016	n/a	n/a	*FUTURE
R226	RADS - RADIUM 226	1 per QT due between 07/01/2016 and 09/30/2016	n/a	n/a	*FUTURE
R226	RADS - RADIUM 226	1 per QT due between 10/01/2016 and 12/31/2016	n/a	n/a	*FUTURE
R226	RADS - RADIUM 226	1 per QT due between 01/01/2017 and 03/31/2017	n/a	n/a	*FUTURE
R226	RADS - RADIUM 226	1 per QT due between 04/01/2017 and 06/30/2017	n/a	n/a	*FUTURE
R226	RADS - RADIUM 226	1 per QT due between 07/01/2017 and 09/30/2017	n/a	n/a	*FUTURE
R226	RADS - RADIUM 226	1 per QT due between 10/01/2017 and 12/31/2017	n/a	n/a	*FUTURE
R228	RADS - RADIUM 228	1 per QT due between 01/01/2015 and 03/31/2015	n/a	n/a	NO
R228	RADS - RADIUM 228	1 per QT due between 04/01/2015 and 06/30/2015	n/a	n/a	*FUTURE
R228	RADS - RADIUM 228	1 per QT due between 07/01/2015 and 09/30/2015	n/a	n/a	*FUTURE
R228	RADS - RADIUM 228	1 per QT due between 10/01/2015 and 12/31/2015	n/a	n/a	*FUTURE
R228	RADS - RADIUM 228	1 per QT due between 01/01/2016 and 03/31/2016	n/a	n/a	*FUTURE
R228	RADS - RADIUM 228	1 per QT due between 04/01/2016 and 06/30/2016	n/a	n/a	*FUTURE
R228	RADS - RADIUM 228	1 per QT due between 07/01/2016 and 09/30/2016	n/a	n/a	*FUTURE
R228	RADS - RADIUM 228	1 per QT due between 10/01/2016 and 12/31/2016	n/a	n/a	*FUTURE
R228	RADS - RADIUM 228	1 per QT due between 01/01/2017 and 03/31/2017	n/a	n/a	*FUTURE
R228	RADS - RADIUM 228	1 per QT due between 04/01/2017 and 06/30/2017	n/a	n/a	*FUTURE
R228	RADS - RADIUM 228	1 per QT due between 07/01/2017 and 09/30/2017	n/a	n/a	*FUTURE
R228	RADS - RADIUM 228	1 per QT due between 10/01/2017 and 12/31/2017	n/a	n/a	*FUTURE
SOCS	SOCS - GROUP	1 per QT due between 01/01/2015 and 03/31/2015	n/a	n/a	NO
SOCS	SOCS - GROUP	1 per QT due between 04/01/2015 and 06/30/2015	n/a	n/a	*FUTURE
SOCS	SOCS - GROUP	1 per QT due between 07/01/2015 and 09/30/2015	n/a	n/a	*FUTURE
SOCS	SOCS - GROUP	1 per QT due between 10/01/2015 and 12/31/2015	n/a	n/a	*FUTURE
SOCS	SOCS - GROUP	1 per QT due between 01/01/2016 and 03/31/2016	n/a	n/a	*FUTURE

"*FUTURE" in the "Satisfied" column indicates the sampling requirement begins sometime in the future. Sampling before the monitoring period begin date will not satisfy the requirement for the monitoring period.

"*See CO" in the "Satisfied" column indicates the operator needs to contact his or her compliance officer (CO) to verify that samples have been taken and the schedule has been satisfied.



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

January 29, 2015

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

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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 2/5/2015 and 2/12/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**February 23, 2015**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc: BROCKWAY ENGINEERING PLLC

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 29, 2015 1:00 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on February 5th & 12th, 2015. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 29, 2015

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 45-14465 & 47-17633

RE: Transfer No. 79699

Water Right No(s): 36-2117, 36-2594

RE: Transfer No. 79700

Water Right No(s): 36-2117, 36-2594

RE: Transfer No. 79719

Water Right No(s): 47-17555, 47-17560, 47-17565

RE: Transfer No. 79754

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

RE: Transfer No. 79759

Water Right No(s): 43-13688, 43-13690, 43-7129, 43-7192

RE: Transfer No. 79775

Water Right No(s): 36-7878

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before February 23, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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



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

January 29, 2015

IDAHO DEPT OF ENVIRONMENTAL QUALITY
650 ADDISON AVE W STE 110
TWIN FALLS, ID 83301

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

Dear IDEQ:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department is currently publishing notice of this application. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**February 23, 2015**).

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure(s)

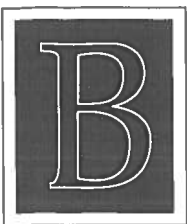
MEMORANDUM

Date: January 9, 2015
To: Transfer 79754 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes converting a 0.12 cfs and 20.0 ace-feet per year portion of four groundwater rights (43-2580B, 43-13206, 43-13209, and 43-13540) 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 - 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 will provide water for several residences located along Highway 81 approximately 4.5 - 5.0 miles south of Malta. Note that the proposed point of diversion, an existing well (tag # D0044460), is regulated as a public water supply system by IDEQ (public water supply # ID5160088). This satisfies the "municipal provider" definition of 42-202B(5), Idaho Code, which allows for the proposed use to be considered "municipal purposes" according to 42-202B(6), Idaho Code.

- **Authority to File:**
The application is filed in the name of Peter & Sylvia Grush, the current recorded owners of the rights involved with the transfer. The application was signed by Kallan Rex who has power of attorney to sign on behalf of Peter & Sylvia Grush (copy of power of attorney included with application).
- **Water Right Validity:**
The rights involved with the transfer were decreed in the SRBA in 2002 and involved in a recently approved transfer in May of 2014.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. The application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 29, 2014

Allan Merritt
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

Re: Grush Transfer

Dear Mr. Merritt:

Peter and Sylvia Grush desires to transfer a 20.0 acre feet portion of stock and commercial water rights 43-2580B, 43-13206, 43-13209 and 43-13540. The beneficial use will be changing to municipal use. The point of diversion will be changing to a single well located at 14S 26E Section 1 NWNW. The period of use will not be changing.

This transfer will provide municipal water to a public drinking water system that will be owned and operated by the Grush's.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Peter Grush

Enc: Aerial Maps, Limited Power of Attorney, Brockway Engineering Check # 12394 for \$200.00.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

DEC 30 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION