

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 43-13723

Priority: April 17, 2014

Maximum Diversion Rate: 0.37 CFS

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

And

SYLVIA T GRUSH
2025 S HWY 81
MALTA ID 83342

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
HEATING	01/01 to 12/31	0.37 CFS

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: HEATING

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S 26E 1		X	X				X										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2019**.
2. Subject to all prior water rights.
3. Rights 43-7308 and 43-13723 when combined shall not exceed a total diversion rate of 0.37 cfs.
4. Use of water under this right shall be non-consumptive.
5. Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
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.

State of Idaho
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Permit to Appropriate Water

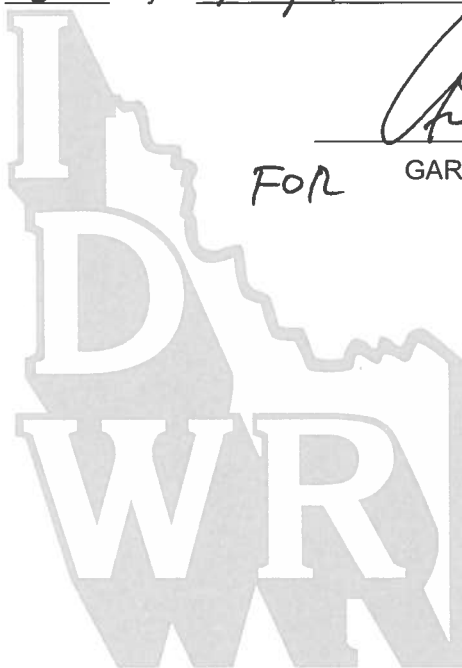
NO. 43-13723

7. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
8. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review 5 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 8th day of August, 2014.

FOR


GARY SPACKMAN, Director



State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

43-13723

This map depicts the HEATING 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.

26E



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

0 0.05 0.1 0.2 Miles





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

August 11, 2014

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

RE: Permit No. 43-13723

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

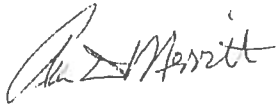
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, 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" and last name "Merritt" clearly distinguishable.

Allen Merritt
Southern Region Manager

Enclosure(s)

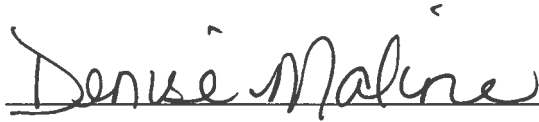
CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

43-13723

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

A handwritten signature in dark ink, 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

Date: August 08, 2014
To: Water Right File 43-13723
From: amerritt
Re: review and approval



This application for permit was processed in the region. It was advertised without protest. It is being approved out of the region as drafted with standard conditions.

Trust water conditions were added but this is being reviewed at the state office and arguably since water is hot may not be tributary to Snake River. If determined not to be trust water, conditions should be waived for this permit and 43-7308.

RECEIVED

JUL 11 2014

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, Twins 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 3rd day of July, 2014 and ending with the issue dated 10th day of July, 2014

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 uninterrupted.

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

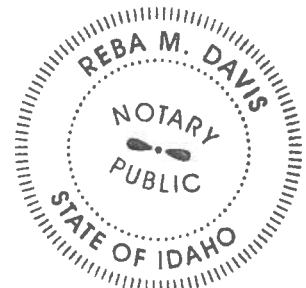
On this 10th day of July, 2014, before me,

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.

Reba M Davis

Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: May 8, 2020

✓ OK DM
7/21/2014



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

43-13723

PETER J GRUSH
SYLVIA T GRUSH

2025 S HWY 81

MALTA, ID 83342

Point of Diversion SENW S1 T14S R26E CASSIA County Source
GROUND WATER Tributary

Use: HEATING 01/01 to 12/31 0.37 CFS

Total Diversion: 0.37 CFS

Date Filed: 4/17/2014

Place Of Use: HEATING

T14S R26E S1 NWNE SWNE SWNW

Application for Permit 43-13723, filed in the name of Peter J and Sylvia T Grush, seeks to appropriate 0.37 cfs of ground water for heating from an existing low temperature geothermal well. Water used for Heating will be returned to the aquifer through an injection well. The proposed place of use and point of diversion are located approximately 5 miles south of the City of Malta.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79357

✓ **THOMAS LENO**, 4236 N 1900 E, BUHL, ID 83316; has filed Application No. 79357 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17589. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 16.3 acre (0.19 cfs & 30.5 afa) portion of a groundwater irrigation right from a farm located approximately 14.5 miles south and 1.0 mile west of Rogerson to stockwater and commercial uses associated with an existing dairy facility located approximately 4.3 to 4.75 miles south and 1.0 to 1.25 miles west of the Highway 30 and Highway 93 intersection. Two existing wells at the dairy facility will be used to divert the transferred water.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79380

✓ **THOMAS LENO**, 4236 N 1900 E, BUHL, ID 83316; has filed Application No. 79380 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17589. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 35.3 acre (0.42 cfs & 66.0 afa) portion of a groundwater irrigation right from a farm located approximately 14.5 miles south and 1.0 mile west of Rogerson to stock water and commercial uses associated with an existing dairy facility located approximately 4.0 to 4.5 miles south and 2.0 to 2.5 miles west of the Highway 30 and Highway 93 intersection. Two existing wells and a new well to be drilled at the dairy facility will be used to divert the transferred water.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79384

✓ **THOMAS LENO**, 4236 N 1900 E, BUHL, ID 83316; has filed Application No. 79384 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17589. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 41.6 acre (0.49 cfs & 124.8 afa) portion of a groundwater irrigation right from a farm located approximately 14.5 miles south and 1.0 mile west of Rogerson to a farm located approximately 5.5 - 6.0 miles south and 2.0 - 2.25 miles west of the Highway 30 and Highway 93 intersection for irrigation use in an 80.2 acre permissible place of use. A new well to be drilled at a location approximately 5.95 miles south and 1.9 miles west of the Highway 30 and Highway 93 intersection will be used to provide water for the proposed permissible place of use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79253

✓ **DEVAN HUBERT and KRISTINE C HUBERT**, 768 EAST 330 SOUTH, DIETRICH, ID 83324; has filed Application No. 79253 for changes to the following water rights within LINCOLN County(s): Right No(s). 37-10019. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes moving a commercial and stockwater right from an existing CAFO located approximately 1.5 mi. south and 0.7 mi. east of the city of Dietrich to an existing dairy located approximately 4.0 mi. south and 1.0 mi. west of the city of Dietrich. An existing well will divert up to 0.06 cfs and 16.8 AF for commercial and stockwater uses associated with the dairy facility.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, 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 July 21, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: July 3 and 10, 2014

✓ OK DM 7/21/2014