

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

79225

MAR 27 2014

MINIMUM REQUIREMENTS CHECKLIST

DEPT. OF WATER RESOURCES TO BE SUBMITTED WITH APPLICATION FOR TRANSFER
SOUTHERN REGION

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 <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached (Yes)* or *not applicable (N/A)* for the proposed transfer.

- | Yes | N/A | |
|-------------------------------------|-------------------------------------|--|
| ☒ | ☐ | * Means the item is <u>always required</u> 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 <u>for each water right</u> for which <u>only a portion</u> 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.) |

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- | | | |
|-------------------------------------|-------------------------------------|--|
| ☐ | ☒ | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> 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 transfer 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). |
| ☐ | ☒ | #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 http://www.idwr.idaho.gov/water/rights/ . |
| ☐ | ☐ | #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. |
| ☐ | ☒ | #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.) |
| ☐ | ☒ | #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 Other. Please describe: _____ |

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Rev. 06/09

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79225

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Peter Grush and Sylvia Grush Phone 208-431-2361

Mailing address 2025 S HWY 81 Malta, Idaho 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 of Brockway Engineering Phone 208-736-8543

Mailing address 2016 North Washington Street, 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 R
Signature of Applicant or Authorized Representative

Kellan Pex
Print Name and Title if applicable

3-20-14
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. Move a POD that was approved in Transfer 74403 but never drilled.**

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	0.2/40	Stockwater	1/01 to 12/31	Ground Water
☒ ☐	43-2580B	0.2/40	Commercial	1/01 to 12/31	Ground Water
☒ ☐	43-13206	0.1/15	Stockwater	1/01 to 12/31	Ground Water
☒ ☐	43-13206	0.1/15	Commercial	1/01 to 12/31	Ground Water
☒ ☐	43-13209	1.37/206.1	Stockwater	1/01 to 12/31	Ground Water
☒ ☐	43-13209	1.37/206.1	Commercial	1/01 to 12/31	Ground Water
☒ ☐	43-13540	0.08/55.7	Stockwater	1/01 to 12/31	Ground Water
☒ ☐	43-13540	0.08/55.7	Commercial	1/01 to 12/31	Ground Water
☐ ☐				to	

Total authorized under rights 1.75 cfs and/or 317.8 ac-ft

2. Total amount of water proposed to be transferred or changed 1.75 cubic feet per second and/or 317.8 acre-feet per annum.

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	Twp	Rge	County	Source	Local name or tag #
			NW	NW	1	14S	26E	Cassia	Ground Water	
		SE	SW	NW	1	14S	26E	Cassia	Ground Water	
		SW	NW	NW	1	14S	26E	Cassia	Ground Water	New Well

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	
13S	26E	36									C	C	C	C					
14S	26E	1		C			C	C	C	C									
13S	26E	36										S	S						
14S	26E	1						S	S	S									

Total Acres (for irrigation use) _____

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: Two existing wells with existing delivery systems.

- b. Who owns the property at the point(s) of diversion? Peter 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: Northwest Farm Credit

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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____

N/A

- e. 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: _____

N/A

- f. 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: SYLVIA T GRUSH
PETER J GRUSH

Priority Date: 7/13/1964

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

<u>Beneficial Use</u>	<u>From 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>
0.2 CFS	40 AF
0.2 CFS	40 AF
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	NE1/4SW1/4SW1/4	Sec. 36, Twp 13S, Rge 26E B.M.
CASSIA County		

Place of Use

COMMERCIAL Within CASSIA County

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. 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.
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. 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 317.8 af at the field headgate.
5. 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.
6. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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. 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: 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

GROUND WATER

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

Tributary

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.1 CFS	15 AF
0.1 CFS	15 AF
0.1 CFS	15 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	NE1/4SW1/4SW1/4	Sec. 36,	Twp 13S,	Rge 26E B.M.
CASSIA County				

Place of Use

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		

COMMERCIAL Within CASSIA County

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		

Conditions of Approval:

1. 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.
2. 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.
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 317.8 af at the field headgate.
4. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
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. 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.
7. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to 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. 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: 10/23/2002

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

Current Water Right No.: 43-13209

Current Owner: SYLVIA T GRUSH
PETER J GRUSH
Priority Date: 7/13/1964
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>
1.37 CFS	206.1 AF
1.37 CFS	206.1 AF
1.37 CFS	206.1 AF

Location of Point(s) of Diversion

Location	Section	Twp	Rge
GROUND WATER CASSIA County	SE1/4SW1/4NW1/4	Sec. 1,	Twp 14S, Rge 26E B.M.
GROUND WATER CASSIA County	L4(NW1/4NW1/4)	Sec. 1,	Twp 14S, Rge 26E B.M.
GROUND WATER CASSIA County	NE1/4SW1/4SW1/4	Sec. 36,	Twp 13S, Rge 26E B.M.

Place of Use

COMMERCIAL Within CASSIA County

Location	Section	Twp	Rge
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

Location	Section	Twp	Rge
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. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
2. 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.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. 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 317.8 af at the field headgate.
5. 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.
6. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. 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.
8. 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.
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: 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 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	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	NE1/4SW1/4SW1/4	Sec. 36,	Twp 13S,	Rge 26E B.M.
CASSIA County				

Place of Use

COMMERCIAL Within CASSIA County

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. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
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. 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. T07 The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
6. 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 317.8 af at the field headgate.
7. 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.
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. 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.

Decreed Date: 6/28/2002

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

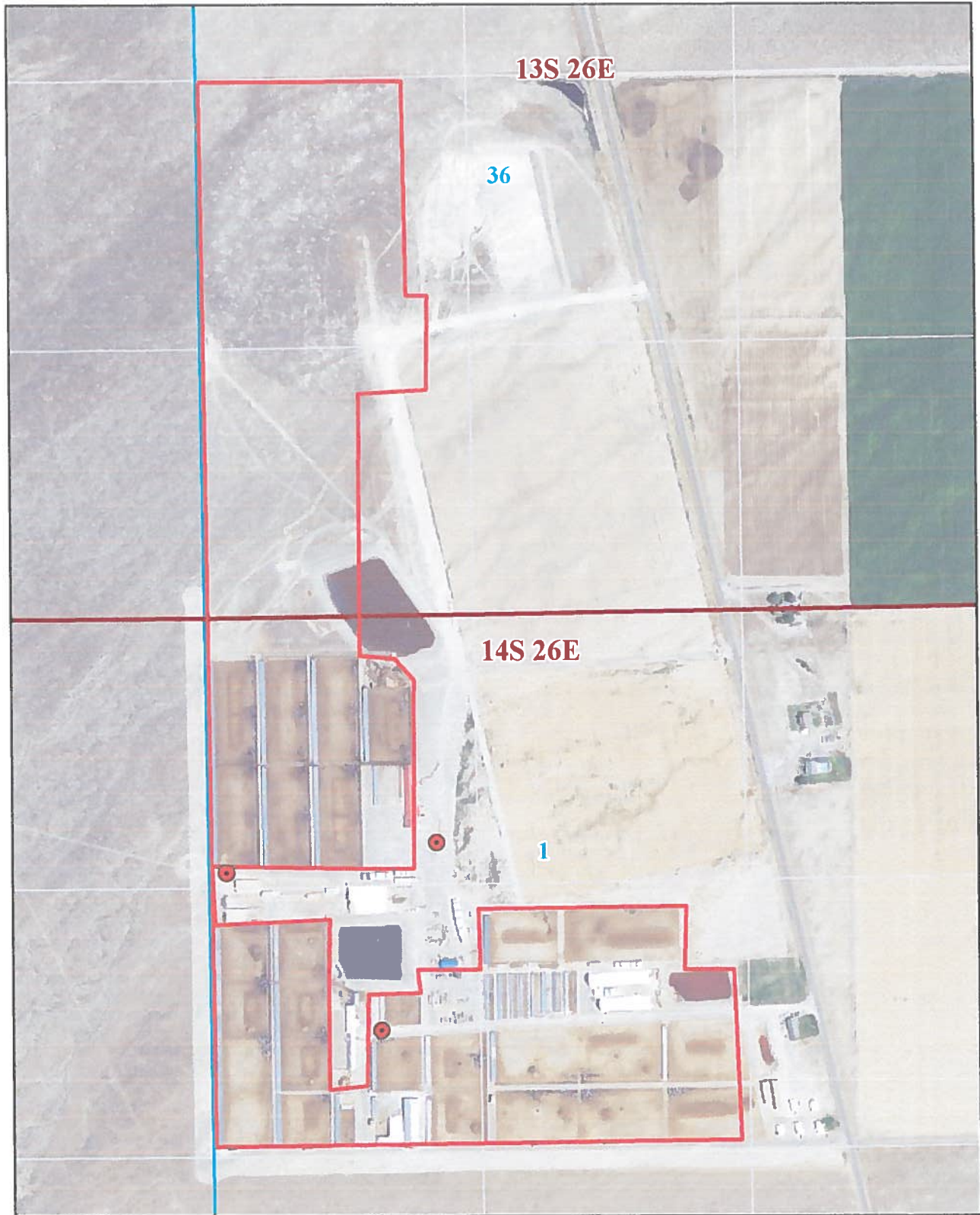
1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

Transfer contains 12 pages and _____ attachments.

Received by N. Erickson Date 3/27/14 Prelim. Check by N. Erickson Date 3/28/14

Fee Paid \$ 580.00 Date 3/28/14 Received by N. Erickson Receipt # SO33917

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



0 200 400 800 Feet

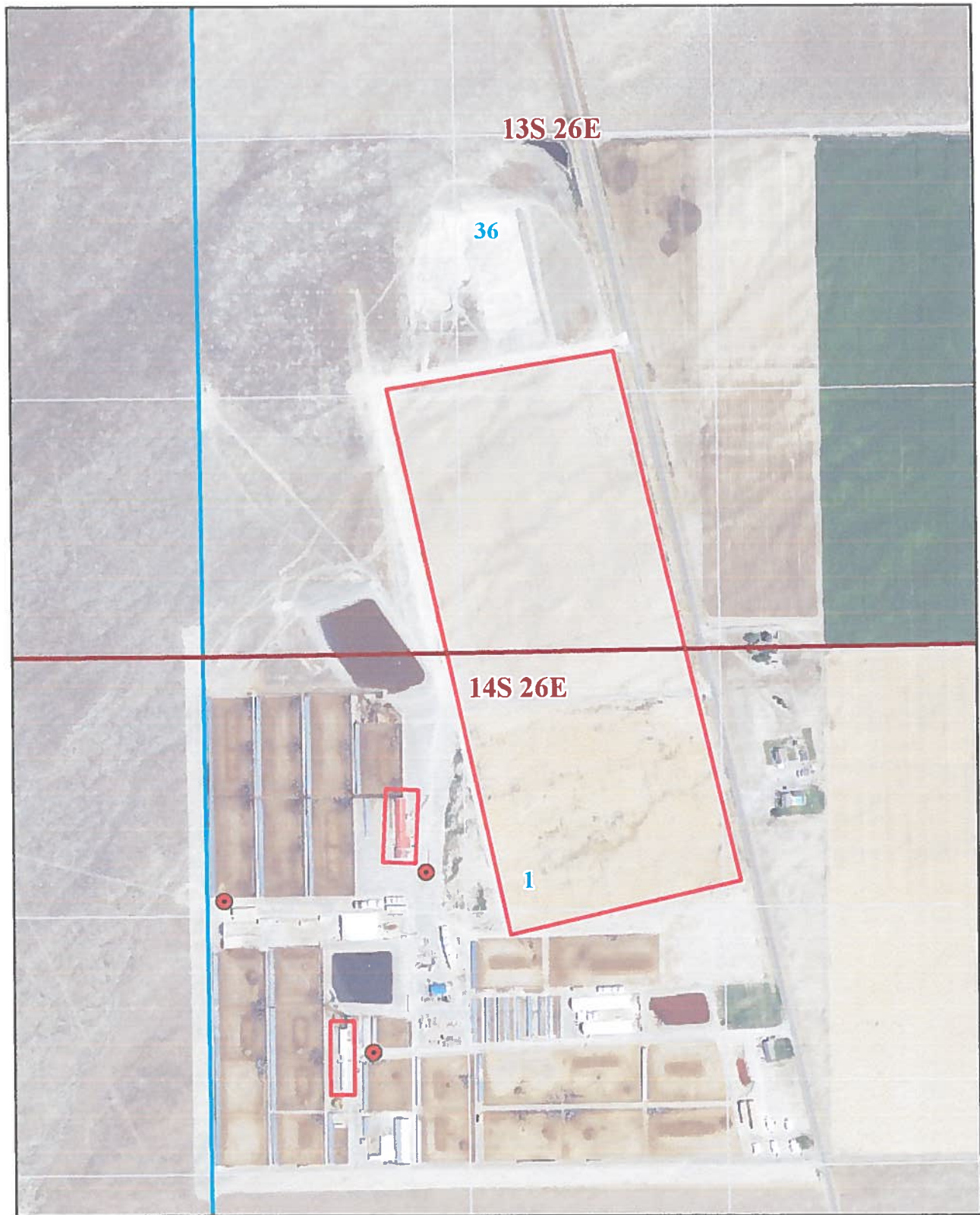
**GRUSH, PETER
TRANSFER MAP - STOCKWATER 2014
NAIP 2013 AERIAL**

BROCKWAY ENGINEERING, PLLC.
ALR - Date: 3/13/2014

Legend

- Pionts_of_Diversion
- Stockwater POU
- twnshp
- Sections
- ladesec





0 210 420 840 Feet

**GRUSH, PETER
TRANSFER MAP - COMMERCIAL 2014
NAIP 2013 AERIAL**

BROCKWAY ENGINEERING, PLLC.
ALR - Date: 3/13/2014

Legend

-  Points_of_Diversion
-  COMMERCIAL
-  twnshp
-  Sections
-  ladesec



TRANSFER 79225

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

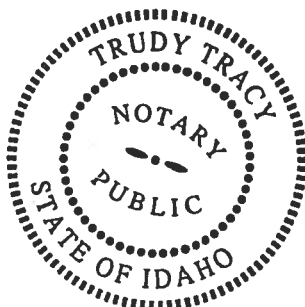
County of Cassia

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



Judy Tracy
Notary Public
In and for said State and County

11-13-18
My Commission Expires



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

April 10, 2014

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

RE: Transfer No. 79225
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 4/17/2014 and 4/24/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**May 5, 2014**).

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,

A handwritten signature in black ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline
Administrative Assistant

cc:

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

Maline, Denise

From: Maline, Denise
Sent: Wednesday, April 09, 2014 4:59 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 April 17th & 24th, 2014. 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
Idaho Dept of Water Resources
Administrative Assistant, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



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

April 9, 2014

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

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

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 May 5, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 79225**

PETER J GRUSH and SYLVIA T GRUSH, 2025 S HWY 81, MALTA, ID 83342; has filed Application No. 79225 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13206, 43-13209, 43-13540, 43-2580B; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to move a point of diversion and adjust the place of use for groundwater rights located approximately 5 miles south of the City of Malta. The new well will be drilled at the dairy site. The place of use is being adjusted to represent the current commercial and stock water uses. The water rights have a total flow rate of 1.75 cfs.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department 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 May 5, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on April 17th & 24th, 2014

Erickson, Nathan

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Friday, March 28, 2014 8:39 AM
To: Erickson, Nathan
Subject: RE: Grush Transfer

Nathan,

The change place of use box should have been checked for the Peter Grush transfer application for water rights 43-2580B, 43-13206, 43-13209 and 43-13540 that was recently submitted to IDWR.

Greg Sullivan
Brockway Engineering
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543

From: Erickson, Nathan [<mailto:Nathan.Erickson@idwr.idaho.gov>]
Sent: Friday, March 28, 2014 8:36 AM
To: greg.sullivan@brockwayeng.com
Subject: Grush Transfer

Greg,

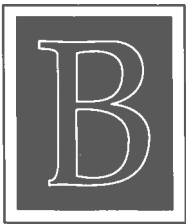
I was given the transfer you just submitted for Peter Grush. I know that we have discussed the change to the land application place of use for the commercial portion of the water rights. It is all represented on the transfer except for in part 1, the box is not checked for the purpose of the transfer showing that there is a change in the place of use. Could you send me back an email acknowledging whether the box should be checked or not? With that everything looks good and I can proceed with the transfer.

Thanks,
Nathan

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2247 / Virus Database: 3722/6757 - Release Date: 03/27/14



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 27 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

March 25, 2014

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

Re: Peter Grush

Dear Mr. Merritt:

Peter Grush desires to change the location of an approved point of diversion. Transfer 74403 was approved by IDWR and two of the three well were drilled in accordance with Transfer 74403. The third well was never drilled due to the unexpected circumstances. It is now proposed to drill the third well at a location that can more easily be utilized at the dairy facility. Maps identifying the current location of the third well and the proposed location of the third well are attached to this letter.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

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

Cc: Peter Grush

Enc: Aerial Maps, Limited Power of Attorney, Brockway Engineering Check # 11929 for \$580.00.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

DRAFTName of Applicant(s) Peter Grush and Sylvia Grush Phone 208-431-2361Mailing address 2025 S HWY 81 Malta, Idaho 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 RepresentativeName of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543Mailing address 2016 North Washington Street, 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.

Signature of Applicant or Authorized Representative_____
Print Name and Title if applicable_____
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. Move a POD that was approved in Transfer 74403 but never drilled.**
- _____
- _____

DRAFT

Insert Part 2A reports into the application following Part I.

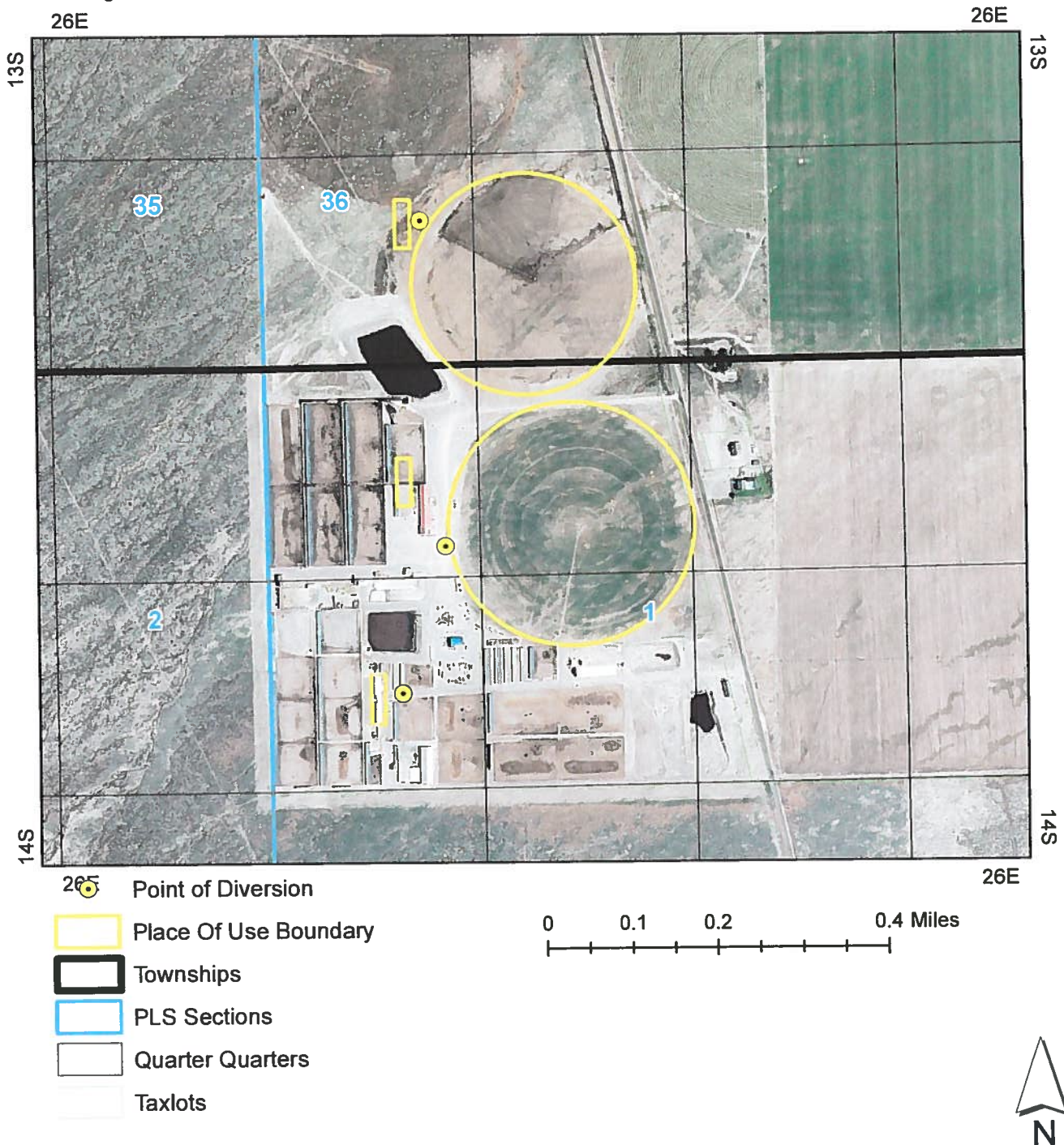
Total Acres (for irrigation use) _____

State of Idaho
Department of Water Resources

Water Right
43-2580B

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

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.

