

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74409

This is to certify that: PETER J GRUSH And
SYLVIA T GRUSH
2025 S HWY 81
MALTA ID 83342
(208)431-2361

And

P BAR S COMPANY LLC
2025 S HWY 81
MALTA ID 83342
(208)431-2361

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

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
43-13207	WR/Decreed	07/13/1964	0.3 cfs	60 af		15.0	GROUND WATER
43-13208	WR/Decreed	07/13/1964	3.51 cfs	613.6 af		175.3	GROUND WATER
43-13539	WR/Decreed	08/26/1953	7.52 cfs	1592 af	398.0	551.0	GROUND WATER
43-10612	WR/Decreed	06/30/1985	1.83 cfs	N/A	153.0	551.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-13207	NO	NO	YES	YES	NO	NO
43-13208	NO	NO	YES	YES	NO	NO
43-13539	YES	YES	YES	NO	NO	NO
43-10612	YES	YES	YES	NO	NO	NO

SUPPORT DATA
IN FILE # 43-10612

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-10612	43-13544	0.12 cfs	N/A	10.3	263.0	43-13543	1.71 cfs	N/A	142.7	514.0
43-13207	43-13207	0.30 cfs	60.0 af	15.0	263.0		N/A	N/A	N/A	N/A
43-13208	43-13208	3.51 cfs	613.6 af	175.3	263.0		N/A	N/A	N/A	N/A
43-13539	43-13606	0.50 cfs	106.8 af	26.7	263.0	43-13605	7.02 cfs	1485.2 af	371.3	514.0
COMBINED										
TOTALS		4.31 cfs	780.4 af	227.3	263.0		7.02 cfs	1485.2 af	514.0	514.0

Detailed Water Right Description(s) attached

Dated this 25th day of November, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13543
As Modified by Transfer No. 74409

In accordance with the approval of Transfer No. 74409, Water Right No. 43-13543 is now described as follows.

Right Holder: P BAR S CO LLC
2025 S HIGHWAY 81
MALTA ID 83342

Priority Date: June 30, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	1.71 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSWSW Sec. 16 Twp 14S Rge 27E CASSIA County

GROUND WATER SWSESW Sec. 16 Twp 14S Rge 27E CASSIA County

GROUND WATER SESESE Sec. 16 Twp 14S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 27E 16	31.0	32.0	32.0	33.0	32.0	32.0	32.0	31.0	32.0	33.0	35.0	30.0	31.0	33.0	33.0	32.0	514.0

Total Acres: 514

WATER RIGHT NO. 43-13543
As Modified by Transfer No. 74409

CONDITIONS OF APPROVAL

1. Use of this right with Right No. 43-13605 is limited to a total combined diversion rate of 7.02 cfs and to a total combined annual diversion volume of 1485.2 af.
2. This right is limited to the irrigation of 142.7 acres within the place of use described above in a single irrigation season.
3. Use of this right with Right No. 43-13605 is limited to the irrigation of a combined total of 514.0 acres in a single irrigation season.
4. 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.
5. This right is an expansion of Right No. 43-13605 pursuant to Section 42-1416B, Idaho Code.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 25th day of November, 2008

Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13544
As Modified by Transfer No. 74409

In accordance with the approval of Transfer No. 74409, Water Right No. 43-13544 is now described as follows.

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

Priority Date: June 30, 1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to	11/15	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (NWSWSW) Sec. 18 Twp 14S Rge 27E CASSIA County

GROUND WATER L4 (SWSWSW) Sec. 18 Twp 14S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 27E 18					32.0	40.0	46.0	40.0	40.0	38.0	27.0						263.0
						L 1	L 2			L 3	L 4						

Total Acres: 263

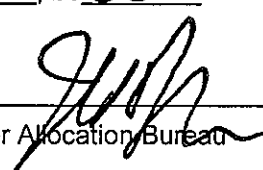
WATER RIGHT NO. 43-13544
As Modified by Transfer No. 74409

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10.3 acres within the place of use described above in a single irrigation season.
2. Rights 43-13606 and 43-13544 when combined shall not exceed a total diversion rate of 0.5 cfs, a total annual maximum diversion volume of 106.8 af at the field headgate, and the irrigation of 37 acres.
3. Rights 43-13207, 43-13208, 43-13606, and 43-13544 when combined shall not exceed a total diversion rate of 4.31 cfs, a total annual maximum diversion volume of 780.4 af at the field headgate, and the irrigation of 227.3 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. This right is an expansion of Right No. 43-13606 pursuant to Section 42-1416B, Idaho Code.
6. 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. 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 25th day of November, 2008



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13207
As Modified by Transfer No. 74409

In accordance with the approval of Transfer No. 74409, Water Right No. 43-13207 is now described as follows.

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

Priority Date: July 13, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	0.30 CFS	60.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (NWSWSW) Sec. 18 Twp 14S Rge 27E CASSIA County

GROUND WATER L4 (SWSWSW) Sec. 18 Twp 14S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 27E 18					32.0	40.0	46.0	40.0	40.0	38.0	27.0						263.0
					L 1	L 2			L 3	L 4							

Total Acres: 263

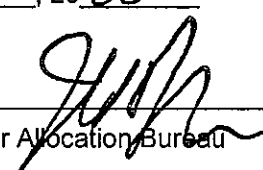
WATER RIGHT NO. 43-13207
As Modified by Transfer No. 74409

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 15.0 acres within the place of use described above in a single irrigation season.
2. Rights 43-13207, 43-13208, 43-13606, and 43-13544 when combined shall not exceed a total diversion rate of 4.31 cfs, a total annual maximum diversion volume of 780.4 af at the field headgate, and the irrigation of 227.3 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. 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.
5. 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 25th day of November, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13208
As Modified by Transfer No. 74409

In accordance with the approval of Transfer No. 74409, Water Right No. 43-13208 is now described as follows.

Right Holder: JEANETTE LLOYD And
 F STANLEY LLOYD
 2270 S ELBA-ALMO RD
 ELBA ID 83326

Priority Date: July 13, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	3.51 CFS	613.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (NWSWSW) Sec. 18 Twp 14S Rge 27E CASSIA County

GROUND WATER L4 (SWSWSW) Sec. 18 Twp 14S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	27E	18					32.0	40.0	46.0	40.0	40.0	38.0	27.0						263.0
								L 1	L 2			L 3	L 4						

Total Acres: 263

WATER RIGHT NO. 43-13208
As Modified by Transfer No. 74409

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 175.3 acres within the place of use described above in a single irrigation season.
2. Rights 43-13207, 43-13208, 43-13606, and 43-13544 when combined shall not exceed a total diversion rate of 4.31 cfs, a total annual maximum diversion volume of 780.4 af at the field headgate, and the irrigation of 227.3 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. 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.
5. 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 25th day of November, 2008



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13605
As Modified by Transfer No. 74409

In accordance with the approval of Transfer No. 74409, Water Right No. 43-13605 is now described as follows.

Right Holder: P BAR S COMPANY LLC
 2025 S HWY 81
 MALTA ID 83342

Priority Date: August 26, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	7.02 CFS	1,485.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSWSW Sec. 16 Twp 14S Rge 27E CASSIA County

GROUND WATER SWSESW Sec. 16 Twp 14S Rge 27E CASSIA County

GROUND WATER SESESE Sec. 16 Twp 14S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 27E 16	31.0	32.0	32.0	33.0	32.0	32.0	32.0	31.0	32.0	33.0	35.0	30.0	31.0	33.0	33.0	32.0	514.0

Total Acres: 514

WATER RIGHT NO. 43-13605
As Modified by Transfer No. 74409

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 371.3 acres within the place of use described above in a single irrigation season.
2. Right No. 43-13543 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
3. Use of this right with Right No. 43-13543 is limited to a total combined diversion rate of 7.02 cfs and to a total combined annual diversion volume of 1485.2 af.
4. Use of this right with Right No. 43-13543 is limited to the irrigation of a combined total of 514.0 acres in a single irrigation season.
5. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 25th day of November, 2008



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13606
As Modified by Transfer No. 74409

In accordance with the approval of Transfer No. 74409, Water Right No. 43-13606 is now described as follows.

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

Priority Date: August 26, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	0.50 CFS	106.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (NWSWSW) Sec. 18 Twp 14S Rge 27E CASSIA County

GROUND WATER L4 (SWSWSW) Sec. 18 Twp 14S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 27E 18					32.0	40.0	46.0	40.0	40.0	38.0	27.0						263.0
						L 1	L 2				L 3	L 4					

Total Acres: 263

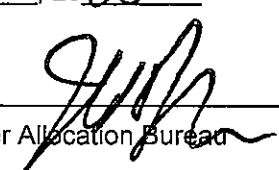
WATER RIGHT NO. 43-13606
As Modified by Transfer No. 74409

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 26.7 acres within the place of use described above in a single irrigation season.
2. Rights 43-13606 and 43-13544 when combined shall not exceed a total diversion rate of 0.5 cfs, a total annual maximum diversion volume of 106.8 af at the field headgate, and the irrigation of 37 acres.
3. Rights 43-13207, 43-13208, 43-13606, and 43-13544 when combined shall not exceed a total diversion rate of 4.31 cfs, a total annual maximum diversion volume of 780.4 af at the field headgate, and the irrigation of 227.3 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. Right No. 43-13544 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
6. 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. 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 25th day of November, 2008



Chief, Water Allocation Bureau