

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74403

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>
43-2399	WR/Decreed	08/26/1953	7.6 cfs	1668 af	417.0	634.0	GROUND WATER
43-13206	WR/Decreed	07/13/1964	0.1 cfs	15 af	N/A	N/A	GROUND WATER
43-13209	WR/Decreed	07/13/1964	1.37 cfs	206.1 af	N/A	N/A	GROUND WATER
43-2580B	WR/Decreed	07/13/1964	0.2 cfs	40 af	N/A	N/A	GROUND WATER

Associated Water Right Also Included In Transfer Approval (Conditions Updated)

43-10612	WR/Decreed	06/30/1985	2.6 cfs	N/A	217.0	634.0	GROUND WATER
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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>
43-2399	YES	NO	YES	YES	YES	YES
43-13206	NO	NO	YES	YES	NO	NO
43-13209	NO	NO	YES	YES	NO	NO
43-2580B	NO	NO	YES	YES	NO	NO

SUPPORT DATA
 IN FILE # 43-2399

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
43-2399	43-13540	0.08 cfs	55.7 af	N/A	N/A	43-13539	7.52 cfs	1592 af	398.0	551.0
43-13206	43-13206	0.10 cfs	15.0 af	N/A	N/A		N/A	N/A	N/A	N/A
43-13209	43-13209	1.37 cfs	206.1 af	N/A	N/A		N/A	N/A	N/A	N/A
43-2580B	43-2580B	0.20 cfs	40.0 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.75 cfs	317.8 af	N/A	N/A		7.52 cfs	1592 af	398.0	551.0

Detailed Water Right Description(s) attached

Dated this 30th day of September, 2008

Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13539
As Modified by Transfer No. 74403

In accordance with the approval of Transfer No. 74403, Water Right No. 43-13539 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	11/15	7.52 CFS	1,592.0 AF
			7.52 CFS	1,592.0 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	38.0	33.0	32.0	32.0	32.0	31.0	32.0	33.0	35.0	30.0	40.0	40.0	40.0	40.0	551.0

Total Acres: 551

WATER RIGHT NO. 43-13539
As Modified by Transfer No. 74403

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 398 acres within the place of use described above in a single irrigation season.
2. Use of this right with Right No. 43-10612 is limited to a total combined diversion rate of 7.52 cfs and to a total combined annual diversion volume of 1592 af.
3. Use of this right with Right No. 43-10612 is limited to the irrigation of a combined total of 551.0 acres in a single irrigation season.
4. Right No. 43-10612 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
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 30th day of September, 20 08



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13540
As Modified by Transfer No. 74403

In accordance with the approval of Transfer No. 74403, Water Right No. 43-13540 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>
COMMERCIAL	01/01 to	12/31	0.08 CFS	55.7 AF
STOCKWATER	01/01 to	12/31	0.08 CFS	55.7 AF
			0.08 CFS	55.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESWSW	Sec. 36 Twp 13S	Rge 26E	CASSIA County
GROUND WATER	L4 (NWNW)	Sec. 1 Twp 14S	Rge 26E	CASSIA County
GROUND WATER	SESWNW	Sec. 1 Twp 14S	Rge 26E	CASSIA County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
13S	26E	36											X		X					
14S	26E	1		X			X	X	X	X										
				L 2				L 3	L 4											

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
13S	26E	36											X		X					
14S	26E	1							X	X	X									
									L 4											

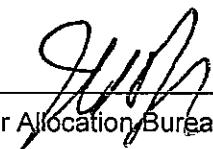
WATER RIGHT NO. 43-13540
As Modified by Transfer No. 74403

CONDITIONS OF APPROVAL

1. Rights 43-2580B, 43-13206, 43-13209 and 43-13540 when combined shall not exceed a total diversion rate of 1.75 cfs, and a total annual maximum diversion volume of 317.8 af at the field headgate.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. 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.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. 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. 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. 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 five years 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 30th day of September, 20 08



Chief, Water Allocation Bureau

Twp	Rge	Sec	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
13S	26E	36											X	X					
14S	26E	1						X L4	X	X									

WATER RIGHT NO. 43-2580B
As Modified by Transfer No. 74403

CONDITIONS OF APPROVAL

1. Rights 43-2580B, 43-13206, 43-13209 and 43-13540 when combined shall not exceed a total diversion rate of 1.75 cfs, and a total annual maximum diversion volume of 317.8 af at the field headgate.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. 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.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. 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. 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. 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 five years 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 30th day of September, 2008



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13206
As Modified by Transfer No. 74403

CONDITIONS OF APPROVAL

1. Rights 43-2580B, 43-13206, 43-13209 and 43-13540 when combined shall not exceed a total diversion rate of 1.75 cfs, and a total annual maximum diversion volume of 317.8 af at the field headgate.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. 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.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. 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. 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. 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 five years 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 30th day of September, 2008



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13209
As Modified by Transfer No. 74403

In accordance with the approval of Transfer No. 74403, Water Right No. 43-13209 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>
COMMERCIAL	01/01 to	12/31	1.37 CFS	206.1 AF
STOCKWATER	01/01 to	12/31	1.37 CFS	206.1 AF
			1.37 CFS	206.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESWSW	Sec. 36 Twp 13S	Rge 26E	CASSIA County
GROUND WATER	L4 (NWNW)	Sec. 1 Twp 14S	Rge 26E	CASSIA County
GROUND WATER	SESWNW	Sec. 1 Twp 14S	Rge 26E	CASSIA County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	36											X	X					
14S	26E	1		X			X	X	X	X									
				L 2				L 3	L 4										

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	36										X	X						
14S	26E	1						X	X	X									
									L 4										

WATER RIGHT NO. 43-13209
As Modified by Transfer No. 74403

CONDITIONS OF APPROVAL

1. Rights 43-2580B, 43-13206, 43-13209 and 43-13540 when combined shall not exceed a total diversion rate of 1.75 cfs, and a total annual maximum diversion volume of 317.8 af at the field headgate.
2. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. 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.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. 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. 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. 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 five years 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 30th day of September, 2008



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-10612
As Modified by Transfer No. 74403

In accordance with the approval of Transfer No. 74403, Water Right No. 43-10612 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	1.83 CFS
			1.83 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	38.0	33.0	32.0	32.0	32.0	31.0	32.0	33.0	35.0	30.0	40.0	40.0	40.0	40.0	551.0

Total Acres: 551

WATER RIGHT NO. 43-10612

As Modified by Transfer No. 74403

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 153.0 acres within the place of use described above in a single irrigation season.
2. This right is an expansion of Right No. 43-13539 pursuant to Section 42-1416B, Idaho Code.
3. Use of this right with Right No. 43-13539 is limited to a total combined diversion rate of 7.52 cfs and to a total combined annual diversion volume of 1592 af.
4. Use of this right with Right No. 43-13539 is limited to the irrigation of a combined total of 551.0 acres in a single irrigation season.
5. The approval of this transfer redefines all of the elements of this water right, and the reduced use of water authorized by this approval shall constitute the full extent of the right.
6. 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 30th day of September, 2008



Chief, Water Allocation Bureau