

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72433**

This is to certify that: BARBARA E GARDINER

1750 S HWY 81
MALTA ID 83342
(208)645-2563

And

PETER J GRUSH
2025 S HWY 81
MALTA ID 83342
(208) 645-2361

And

SYLVIA T GRUSH
2025 S HWY 81
MALTA ID 83342
(208) 645-2361

And

RALPH WALLIN JR FAMILY INTER VIVOS TRUST
PO BOX 243
GRACE ID 83241
(208)425-9016

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>
43-12966	WR/Decreed	12/04/1951	3.42 cfs	682 af	N/A	171.0	GROUND WATER
43-13379	WR/Decreed	04/01/1960	1.17 cfs	240 af	60.0	280.0	GROUND WATER
43-13381	WR/Decreed	03/04/1963	0.83 cfs	240 af	60.0	280.0	GROUND WATER
43-2409A	WR/Decreed	04/23/1954	3.2 cfs	640 af	160.0	280.0	GROUND WATER

SUPPORT DATA

IN FILE # 43-2409 A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72433

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>
43-12966	NO	NO	YES	YES	NO	NO
43-13379	NO	NO	YES	YES	NO	NO
43-13381	NO	NO	YES	YES	NO	NO
43-2409A	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
43-12966	43-12966	3.42 cfs	682 af	171.0	451.0		N/A	N/A	N/A	N/A
43-13379	43-13379	1.17 cfs	240 af	60.0	451.0		N/A	N/A	N/A	N/A
43-13381	43-13381	0.83 cfs	240 af	60.0	451.0		N/A	N/A	N/A	N/A
43-2409A	43-2409A	3.2 cfs	640 af	160.0	451.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		8.62 cfs	1802 af	451	451		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 31st day of August, 20 07


Administrator, Water Management Division

WATER RIGHT NO. 43-2409A
As Modified by Transfer No. 72433

In accordance with the approval of Transfer No. 72433, Water Right No. 43-2409A is now described as follows.

Right Holder: BARBARA E GARDINER
 1750 S HWY 81
 MALTA ID 83342

Priority Date: April 23, 1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	3.20 CFS	640.0 AF
			3.20 CFS	640.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESE Sec. 36 Twp 13S Rge 26E CASSIA County

GROUND WATER L5 (SWSWNW) Sec. 6 Twp 14S Rge 27E CASSIA County

GROUND WATER L7 (SWSWSW) Sec. 6 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	
13S 26E 36									7.9			1.1	39.0	39.0	29.0	39.0	155.0
14S 26E 1	39.0	24.0	23.0	39.0													125.0
	L 1	L 2															
14S 27E 6					49.0	49.0			49.0	24.0							171.0
					L 4	L 5			L 6	L 7							

Total Acres: 451

**WATER RIGHT NO. 43-2409A
As Modified by Transfer No. 72433**

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
2. Rights 43-2409A, 43-12966, 43-13379 and 43-13381 when combined shall not exceed a total diversion rate of 8.62 cfs, a total annual maximum diversion volume of 1802.0 af at the field headgate, and the irrigation of 451 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. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/28/2002.
5. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
6. This right does not grant any right-of-way or easement across the land of another.
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 31st day of August, 20 07


Administrator, Water Management Division

WATER RIGHT NO. 43-12966
As Modified by Transfer No. 72433

In accordance with the approval of Transfer No. 72433, Water Right No. 43-12966 is now described as follows.

Right Holder: RALPH WALLIN JR FAMILY INTER VIVOS TRUST
 PO BOX 243
 GRACE ID 83241

Priority Date: December 04, 1951

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	3.42 CFS	682.0 AF
			3.42 CFS	682.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESE Sec. 36 Twp 13S Rge 26E CASSIA County

GROUND WATER L5 (SWSWNW) Sec. 6 Twp 14S Rge 27E CASSIA County

GROUND WATER L7 (SWSWSW) Sec. 6 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	
13S	26E	36																	155.0
14S	26E	1	39.0	24.0	23.0	39.0													125.0
			L 1	L 2															
14S	27E	6					49.0	49.0			49.0	24.0							171.0
							L 4	L 5			L 6	L 7							

Total Acres: 451

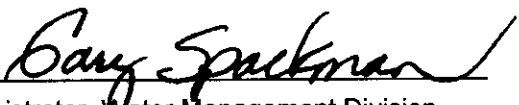
**WATER RIGHT NO. 43-12966
As Modified by Transfer No. 72433**

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 171 acres within the place of use described above in a single irrigation season.
2. Rights 43-2409A, 43-12966, 43-13379 and 43-13381 when combined shall not exceed a total diversion rate of 8.62 cfs, a total annual maximum diversion volume of 1802.0 af at the field headgate, and the irrigation of 451 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 install a suitable measuring device 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. This right does not grant any right-of-way or easement across the land of another.
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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 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 31st day of August, 20 07



Administrator, Water Management Division

WATER RIGHT NO. 43-13379
As Modified by Transfer No. 72433

In accordance with the approval of Transfer No. 72433, Water Right No. 43-13379 is now described as follows.

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

And

SYLVIA T GRUSH
 2025 S HWY 81
 MALTA ID 83342

Priority Date: April 01, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	1.17 CFS	240.0 AF
			1.17 CFS	240.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESE Sec. 36 Twp 13S Rge 26E CASSIA County

GROUND WATER L5 (SWSWNW) Sec. 6 Twp 14S Rge 27E CASSIA County

GROUND WATER L7 (SWSWSW) Sec. 6 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		
13S	26E	36																		
14S	26E	1	39.0	24.0	23.0	39.0														125.0
			L 1	L 2																
14S	27E	6					49.0	49.0				49.0	24.0							171.0
							L 4	L 5				L 6	L 7							

Total Acres: 451

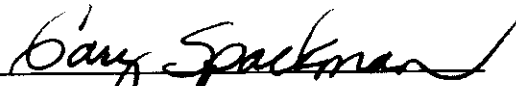
WATER RIGHT NO. 43-13379
As Modified by Transfer No. 72433

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
2. Rights 43-2409A, 43-12966, 43-13379 and 43-13381 when combined shall not exceed a total diversion rate of 8.62 cfs, a total annual maximum diversion volume of 1802.0 af at the field headgate, and the irrigation of 451 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. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12/31/2003.
5. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
6. This right does not grant any right-of-way or easement across the land of another.
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 31st day of August, 20 07


Administrator, Water Management Division

WATER RIGHT NO. 43-13381
As Modified by Transfer No. 72433

In accordance with the approval of Transfer No. 72433, Water Right No. 43-13381 is now described as follows.

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

And

SYLVIA T GRUSH
 2025 S HWY 81
 MALTA ID 83342

Priority Date: March 04, 1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.83 CFS	240.0 AF
			0.83 CFS	240.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESESE Sec. 36 Twp 13S Rge 26E CASSIA County

GROUND WATER L5 (SWSWNW) Sec. 6 Twp 14S Rge 27E CASSIA County

GROUND WATER L7 (SWSWSW) Sec. 6 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	
13S 26E 36									7.9			1.1	39.0	39.0	29.0	39.0	155.0
14S 26E 1	39.0	24.0	23.0	39.0													125.0
	L 1	L 2															
14S 27E 6					49.0	49.0			49.0	24.0							171.0
					L 4	L 5			L 6	L 7							

Total Acres: 451

WATER RIGHT NO. 43-13381
As Modified by Transfer No. 72433

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
2. Rights 43-2409A, 43-12966, 43-13379 and 43-13381 when combined shall not exceed a total diversion rate of 8.62 cfs, a total annual maximum diversion volume of 1802.0 af at the field headgate, and the irrigation of 451 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. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12/31/2003.
5. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
6. This right does not grant any right-of-way or easement across the land of another.
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 31st day of August, 2007


Administrator, Water Management Division