

Transfer No. 72433

Receipt No. 5028853

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information 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

RECEIVED

AUG 15 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
43-2409A	WR/Decreed	3.20	640.0	160.0	280.0	GROUND WATER
43-12966	WR/Decreed	3.42	682.0		171.0	GROUND WATER
43-13379	WR/Decreed	1.17	240.0	60.0	280.0	GROUND WATER
43-13381	WR/Decreed	0.83	240.0	60.0	280.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-2409A	NO	NO	YES	YES	NO	NO

43-12966	NO	NO	YES	YES	NO	NO
43-13379	NO	NO	YES	YES	NO	NO
43-13381	NO	NO	YES	YES	NO	NO

Describe the reason for the proposed changes

The existing well in Sec. 36 does not provide enough water for proper irrigation of the land in that section, so the wells in Sec. 6 are being tied in to make up the difference instead of drilling a new well there. Peter Grush farms all of this property, and believes that the existing wells will provide the needed water if the system is properly configured.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

N/A

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
43-2409A	3.20 cfs	160.0	451.0	640.0 af
43-12966	3.42 cfs		451.0	682.0 af
43-13379	1.17 cfs	60.0	451.0	240.0 af
43-13381	0.83 cfs	60.0	451.0	240.0 af
TOTAL	8.62 cfs		451.0	1,802.0 af

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

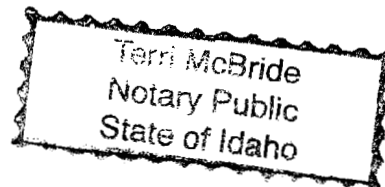
Ralph Walling Jr. Trustee
(Signature of Applicant)

Trustee
(Title or Office)

Subscribed and sworn to before me this 13th day of June, 2006.

Terri McBride
(Notary Public)

My commission expires 2-5-06



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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Barbara Jordan

(Signature of Applicant)

(Title or Office)

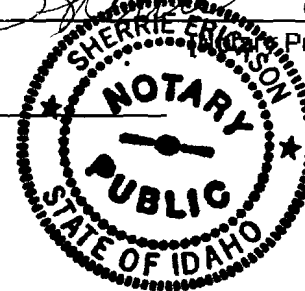
Subscribed and sworn to before me this 11th day of August, 2006.

Sherrie Erickson

(Signature of Notary Public)

My commission expires

3/14/08



18. 9. 2006 10:43AM

18.40 DEPT OF WATER RESOURCES

No. 47

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Receipt No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

[Signature]

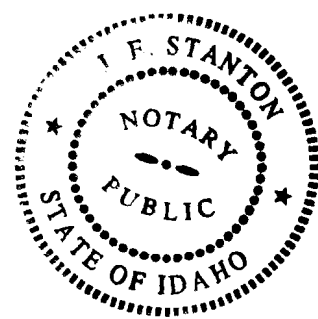
Peter J. Grub
(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 15th day of August, 2006.

JF Stanton
(Notary Public)

My commission expires 10-25-06



Transfer No. 72433

Receipt No. _____

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

Current Water Right No. 43-2409A

Priority Date: April 23, 1954

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	3.20 CFS	640.0 AFA	
Total Diversion		3.20 CFS	640.0 AFA	

Source and Point(s) of Diversion:

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

Total Acres: 280

Conditions/Remarks:

1. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
2. 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.
3. 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.
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. 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.
8. Rights 43-2409A, 43-13379 and 43-13381 are diverted through the point of diversion described above.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

~~YES~~ NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Land will be irrigated under a common system for maximum efficiency of water use.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 72433

Receipt No. _____

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

Current Water Right No. 43-12966

Priority Date: December 04, 1951

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	3.42 CFS	682.0 AFA	
Total Diversion		3.42 CFS	682.0 AFA	

Source and Point(s) of Diversion:

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	
14S 27E 6						49.0	49.0			49.0	24.0						171.0
						L 4	L 5			L 6	L 7						

Total Acres: 171

Conditions/Remarks:

1. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 3.42 cfs, nor a total combined annual volume of 682.0 af.
2. 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.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

5. 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.
6. Right 43-12967 is also diverted through the point of diversion located within Lot 7 (SWSWSW), Sec. 6, T14S, R27E.
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.

Documentation of Ownership of the Current Place of Use

N/A

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Land will be irrigated under a single system for maximum operational efficiency.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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

Current Water Right No. 43-13379

Priority Date: April 01, 1960

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.17 CFS	240.0 AFA	
Total Diversion		1.17 CFS	240.0 AFA	

Source and Point(s) of Diversion:

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

Total Acres: 280

Conditions/Remarks:

1. This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
2. 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.
3. 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.
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.

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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.
8. Rights 43-2409A, 43-13379 and 43-13381 are diverted through the point of diversion described above.

Documentation of Ownership of the Current Place of Use

N/A

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Land will be irrigated under a common system for maximum operational efficiency.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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

Current Water Right No. 43-13381

Priority Date: March 04, 1963

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.83 CFS	240.0 AFA	
Total Diversion		0.83 CFS	240.0 AFA	

Source and Point(s) of Diversion:

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

Total Acres: 280

Conditions/Remarks:

1. This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
2. 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.
3. 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.
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. 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.
8. Rights 43-2409A, 43-13379 and 43-13381 are diverted through the point of diversion described above.

Documentation of Ownership of the Current Place of Use

N/A

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Land will be irrigated under a common system for maximum operational efficiency.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 72433

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-2409A

Priority Date: April 23, 1954

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	3.20 CFS	640.0 AFA	
	Total Diversion	3.20 CFS	640.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to sprinklers

Point of Diversion # 2 Existing well, motor, pump, mainline to sprinklers

Point of Diversion # 3 Existing well; motor, pump to be installed; existing mainline

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

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-12966

Priority Date: December 04, 1951

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	3.42 CFS	682.0 AFA	
Total Diversion		3.42 CFS	682.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to sprinklers

Point of Diversion # 2 Existing well, motor, pump, mainline to sprinklers

Point of Diversion # 3 Existing well; motor, pump to be installed; existing mainline

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

Transfer No. 72433

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-13379

Priority Date: April 01, 1960

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.17 CFS	240.0 AFA	
	Total Diversion	1.17 CFS	240.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to sprinklers

Point of Diversion # 2 Existing well, motor, pump, mainline to sprinklers

Point of Diversion # 3 Existing well; motor, pump to be installed; existing mainline

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

Transfer No. 72433

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-13381

Priority Date: March 04, 1963

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.83 CFS	240.0 AFA	
Total Diversion		0.83 CFS	240.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to sprinklers

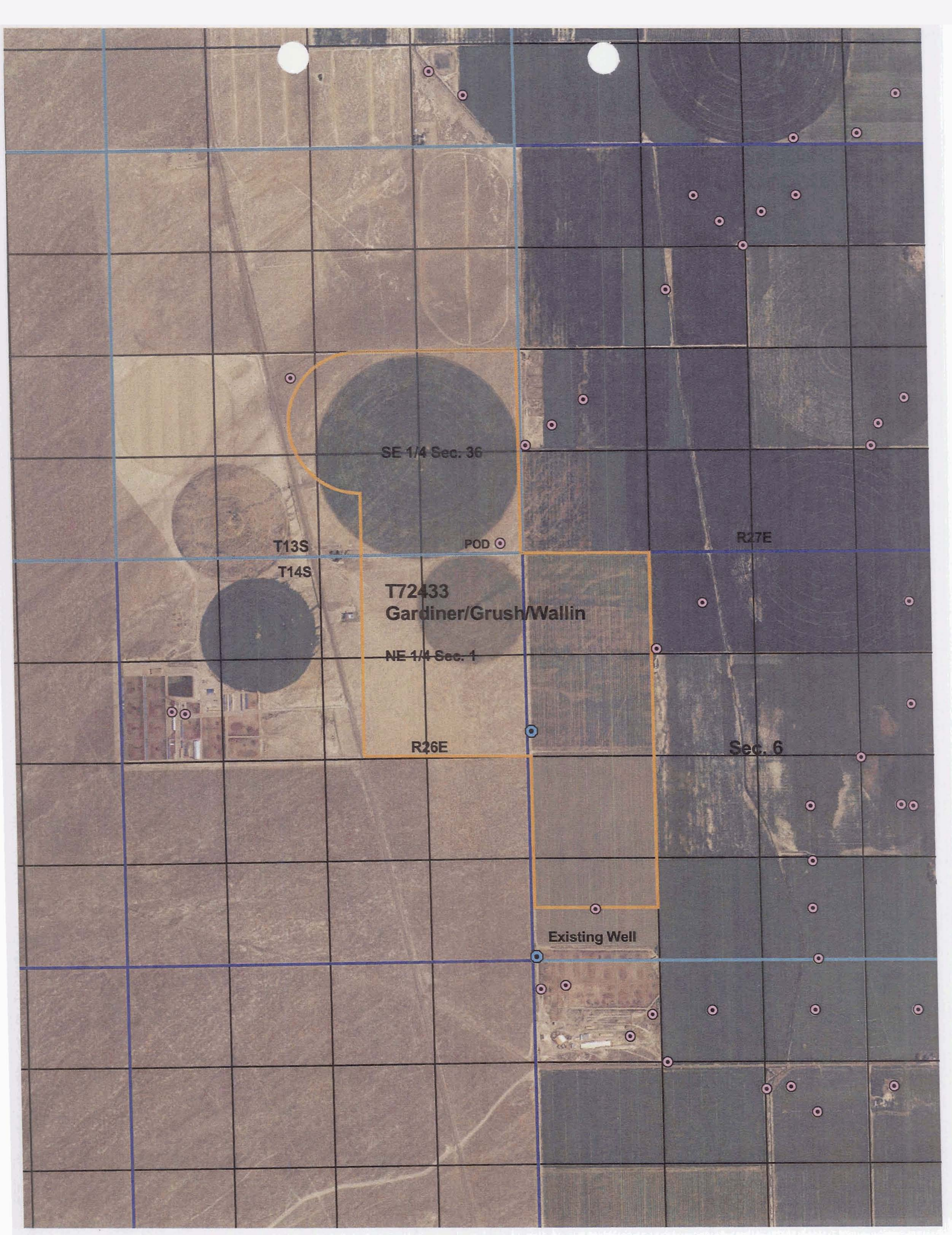
Point of Diversion # 2 Existing well, motor, pump, mainline to sprinklers

Point of Diversion # 3 Existing well; motor, pump to be installed; existing mainline

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



SE 1/4 Sec. 36

T13S

T14S

POD

R27E

T72433

Gardiner/Grush/Wallin

NE 1/4 Sec. 1

R26E

Sec. 6

Existing Well