

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71669

This is to certify that: BARBARA E GARDINER And PETER J GRUSH And
 1750 S HWY 81 SYLVIA T GRUSH
 MALTA ID 83342 2025 S HWY 81
 (208)645-2563 MALTA ID 83342
 (208)645-2361

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>
43-2409A	WR/Decreed	04/23/1954	3.20 cfs	640 af	N/A	160.0	GROUND WATER
43-4087	WR/Decreed	04/01/1960	7.00 cfs	1440 af	N/A	360.0	GROUND WATER
43-4088	WR/Decreed	03/04/1963	5.00 cfs	1440 af	N/A	360.0	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>
43-2409A	NO	NO	YES	NO	NO	NO
43-4087	YES	YES	YES	NO	NO	NO
43-4088	YES	YES	YES	NO	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>
43-2409A	43-2409A	3.20 cfs	640 af	160.0	280.0		N/A	N/A	N/A	N/A
43-4087	43 -13379	1.17 cfs	240 af	60.0	280.0	43-13378	5.83 cfs	1200 af	N/A	300.0
43-4088	43 -13381	0.83 cfs	240 af	60.0	280.0	43-13380	4.17 cfs	1200 af	N/A	300.0
COMBINED										
TOTALS		5.20 cfs	1120 af	280.0	280.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 22nd day of August, 20 05


 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 43-2409A

WATER RIGHT NO. 43-13378
As Modified by Transfer No. 71669

In accordance with the approval of Transfer No. 71669, Water Right No. 43-13378 is now described as follows.

Right Holder: L HANGIN C LAND LLC
 2299 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	5.83 CFS	1,200.0 AF
			5.83 CFS	1,200.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSESE Sec. 14 Twp 13S 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	27E	14	25.0	40.0			40.0	25.0	40.0	40.0	40.0	25.0			25.0				300.0

Total Acres: 300

CONDITIONS OF APPROVAL

- 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.
- 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.

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 22nd day of August, 2005


 Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13379
As Modified by Transfer No. 71669

In accordance with the approval of Transfer No. 71669, Water Right No. 43-13379 is now described as follows.

Right Holder: PETER J GRUSH 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

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														
			L 1	L 2																

Total Acres: 280

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. 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.

WATER RIGHT NO. 43-13379
As Modified by Transfer No. 71669

CONDITIONS OF APPROVAL

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.

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 22nd day of August, 20 05



Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13380
As Modified by Transfer No. 71669

In accordance with the approval of Transfer No. 71669, Water Right No. 43-13380 is now described as follows.

Right Holder: L HANGIN C LAND LLC
 2299 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	4.17 CFS	1,200.0 AF
			4.17 CFS	1,200.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESENW Sec. 23 Twp 13S 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 27E 14									25.0	40.0					25.0		90.0
13S 27E 23			40.0	25.0	40.0	40.0	25.0	40.0									210.0

Total Acres: 300

CONDITIONS OF APPROVAL

- 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.
- 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.

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 22nd day of August, 2005


 Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13381
As Modified by Transfer No. 71669

In accordance with the approval of Transfer No. 71669, Water Right No. 43-13381 is now described as follows.

Right Holder: PETER J GRUSH 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 to	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

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														
			L 1	L 2																

Total Acres: 280

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. 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.

WATER RIGHT NO. 43-13381
As Modified by Transfer No. 71669

CONDITIONS OF APPROVAL

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.

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 22nd day of August, 20 05


Chief, Water Allocation Bureau

WATER RIGHT NO. 43-2409A
As Modified by Transfer No. 71669

In accordance with the approval of Transfer No. 71669, 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

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 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. 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.

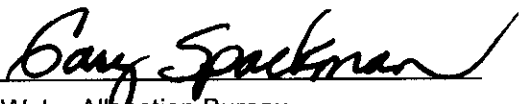
WATER RIGHT NO. 43-2409A
As Modified by Transfer No. 71669

CONDITIONS OF APPROVAL

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.

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 22nd day of August, 20 05



Chief, Water Allocation Bureau