

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 71089**

This is to certify that: PETER J GRUSH And  
SYLVIA T GRUSH  
2025 S HWY 81  
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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 43-2414      | WR/Decreed          | 12/08/1954      | 3.10 cfs    | 792 af        | 198.0             | 459.0              | GROUND WATER  |
| 43-10605     | WR/Decreed          | 06/30/1985      | 0.43 cfs    | N/A           | 32.0              | 459.0              | GROUND WATER  |
| 43-2367      | WR/Decreed          | 10/23/1951      | 2.18 cfs    | 584 af        | 146.0             | 459.0              | GROUND WATER  |
| 43-2456      | WR/Decreed          | 02/18/1957      | 1.60 cfs    | 916 af        | 229.0             | 459.0              | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 43-2414               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 43-10605              | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 43-2367               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 43-2456               | NO           | NO         | NO         | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 43-2414               | <b>43-2414</b>                   | 3.10 cfs             | 792 af                 | 198.0             | 459.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 43-10605              | <b>43-10605</b>                  | 0.43 cfs             | N/A                    | 32.0              | 459.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 43-2367               | <b>43-2367</b>                   | 2.18 cfs             | 584 af                 | 146.0             | 459.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 43-2456               | <b>43-2456</b>                   | 1.60 cfs             | 916 af                 | 229.0             | 459.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>6.88 cfs</b>      | <b>1708 af</b>         | <b>459.0</b>      | <b>459.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 21<sup>st</sup> day of January, 20 05

  
Chief, Water Allocation Bureau

**SUPPORT DATA**

**IN FILE # 43-2367**

**WATER RIGHT NO. 43-2414**  
**As Modified by Transfer No. 71089**

In accordance with the approval of Transfer No. 71089, Water Right No. 43-2414 is now described as follows.

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

**Priority Date:** December 08, 1954

**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     | 3.10 CFS              | 792.0 AF      |
|                       |             |           | 3.10 CFS              | 792.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                                       |
|--------------|--------|---------------------------------------|
| GROUND WATER | SWSESE | Sec. 7 Twp 14S Rge 27E CASSIA County  |
| GROUND WATER | SWSESE | Sec. 18 Twp 14S Rge 27E CASSIA County |
| GROUND WATER | SESESE | 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 7   |      |      | 38.0 | 33.0 |    |    |    |    |    |    |    |    | 39.0 | 40.0 | 40.0 | 39.0 | 229.0  |
| 14S 27E 18  | 39.0 | 39.0 | 36.0 | 39.0 |    |    |    |    |    |    |    |    | 39.0 |      |      | 38.0 | 230.0  |

Total Acres: 459

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 198 acres within the place of use described above in a single irrigation season.
2. Rights 43-10605 and 43-2414 when combined shall not exceed a total diversion rate of 3.1 cfs, a total annual maximum diversion volume of 792 af at the field headgate, and the irrigation of 230 acres.
3. Rights 43-2414, 43-10605, 43-10608, 43-11283, 43-11284, 43-11285, 43-11286, and 43-11287 when combined shall not exceed the irrigation of 230 acres in a single irrigation season.
4. Rights 43-2414, 43-10605, 43-10608, 43-11283, 43-11284, 43-11285, 43-11286, 43-11287, 43-165 C, 43-168 C, 43-169 E, 43-172 C, 43-178D, 43-2367, 43-2456, 43-10789, 43-11291, and 43-11292 when combined shall not exceed a total diversion rate of 9.82 cfs from all points of diversion, a total annual maximum diversion volume of 1836 af at the field headgate, and the irrigation of 459 acres.
5. 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.

**WATER RIGHT NO. 43-2414**  
**As Modified by Transfer No. 71089**

**CONDITIONS OF APPROVAL**

6. Right 43-10605 is an expansion of right 43-2414 pursuant to section 42-1416B Idaho Code.
7. 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.
8. 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.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. 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 21<sup>st</sup> day of January, 20 05

  
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Chief, Water Allocation Bureau

**WATER RIGHT NO. 43-2456**  
**As Modified by Transfer No. 71089**

In accordance with the approval of Transfer No. 71089, Water Right No. 43-2456 is now described as follows.

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

**Priority Date:** February 18, 1957

**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     | 1.60 CFS              | 916.0 AF      |
|                       |             |           | 1.60 CFS              | 916.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                                       |
|--------------|--------|---------------------------------------|
| GROUND WATER | SWSESE | Sec. 7 Twp 14S Rge 27E CASSIA County  |
| GROUND WATER | SWSESE | Sec. 18 Twp 14S Rge 27E CASSIA County |
| GROUND WATER | SESESE | 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 7   |      |      | 38.0 | 33.0 |    |    |    |    |    |    |    |    | 39.0 | 40.0 | 40.0 | 39.0 | 229.0  |
| 14S 27E 18  | 39.0 | 39.0 | 36.0 | 39.0 |    |    |    |    |    |    |    |    | 39.0 |      |      | 38.0 | 230.0  |

Total Acres: 459

**CONDITIONS OF APPROVAL**

1. Rights 43-168 C, 43-169 E, 43-172 C, 43-178 D, 43-2367, 43-2456, 43-10789, 43-11291, and 43-11292 when combined shall not exceed the irrigation of 229 acres in a single irrigation season.
2. Rights 43-2414, 43-10605, 43-10608, 43-11283, 43-11284, 43-11285, 43-11286, 43-11287, 43-165 C, 43-168 C, 43-169 E, 43-172 C, 43-178D, 43-2367, 43-2456, 43-10789, 43-11291, and 43-11292 when combined shall not exceed a total diversion rate of 9.82 cfs from all points of diversion, a total annual maximum diversion volume of 1836 af at the field headgate, and the irrigation of 459 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. 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.

**WATER RIGHT NO. 43-2456**  
**As Modified by Transfer No. 71089**

**CONDITIONS OF APPROVAL**

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 (1) 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 21<sup>st</sup> day of January, 2005

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 43-10605**  
**As Modified by Transfer No. 71089**

In accordance with the approval of Transfer No. 71089, Water Right No. 43-10605 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> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.43 CFS              |               |
|                       |             |           | 0.43 CFS              |               |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                                       |
|--------------|--------|---------------------------------------|
| GROUND WATER | SWSESE | Sec. 7 Twp 14S Rge 27E CASSIA County  |
| GROUND WATER | SWSESE | Sec. 18 Twp 14S Rge 27E CASSIA County |
| GROUND WATER | SESESE | 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 | 7   |      |      | 38.0 | 33.0 |    |    |    |    |    |    |    |      | 39.0 | 40.0 | 40.0 | 39.0 | 229.0  |
| 14S | 27E | 18  | 39.0 | 39.0 | 36.0 | 39.0 |    |    |    |    |    |    |    | 39.0 |      |      |      | 38.0 | 230.0  |

Total Acres: 459

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 32 acres within the place of use described above in a single irrigation season.
2. Rights 43-10605 and 43-2414 when combined shall not exceed a total diversion rate of 3.1 cfs, a total annual maximum diversion volume of 792 af at the field headgate, and the irrigation of 230 acres.
3. Rights 43-2414, 43-10605, 43-10608, 43-11283, 43-11284, 43-11285, 43-11286, and 43-11287 when combined shall not exceed the irrigation of 230 acres in a single irrigation season.
4. Rights 43-2414, 43-10605, 43-10608, 43-11283, 43-11284, 43-11285, 43-11286, 43-11287, 43-165 C, 43-168 C, 43-169 E, 43-172 C, 43-178D, 43-2367, 43-2456, 43-10789, 43-11291, and 43-11292 when combined shall not exceed a total diversion rate of 9.82 cfs from all points of diversion, a total annual maximum diversion volume of 1836 af at the field headgate, and the irrigation of 459 acres.
5. 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.

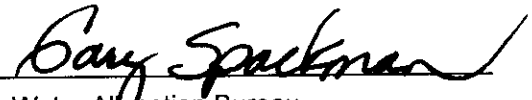
**WATER RIGHT NO. 43-10605**  
**As Modified by Transfer No. 71089**

**CONDITIONS OF APPROVAL**

6. Right 43-10605 is an expansion of right 43-2414 pursuant to section 42-1416B Idaho Code.
7. 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.
8. 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.
9. 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.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. 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 21<sup>st</sup> day of January, 20 05

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 43-2367**  
**As Modified by Transfer No. 71089**

In accordance with the approval of Transfer No. 71089, Water Right No. 43-2367 is now described as follows.

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

**Priority Date:** October 23, 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     | 2.18 CFS              | 584.0 AF      |
|                       |             |           | 2.18 CFS              | 584.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                                       |
|--------------|--------|---------------------------------------|
| GROUND WATER | SWSESE | Sec. 7 Twp 14S Rge 27E CASSIA County  |
| GROUND WATER | SWSESE | Sec. 18 Twp 14S Rge 27E CASSIA County |
| GROUND WATER | SESESE | 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 | 7   |      |      | 38.0 | 33.0 |    |    |    |    |    |    |    |      | 39.0 | 40.0 | 40.0 | 39.0 | 229.0  |
| 14S | 27E | 18  | 39.0 | 39.0 | 36.0 | 39.0 |    |    |    |    |    |    |    | 39.0 |      |      |      | 38.0 | 230.0  |

Total Acres: 459

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 146 acres within the place of use described above in a single irrigation season.
2. Rights 43-168 C, 43-169 E, 43-172 C, 43-178 D, 43-2367, 43-2456, 43-10789, 43-11291, and 43-11292 when combined shall not exceed the irrigation of 229 acres in a single irrigation season.
3. Rights 43-2414, 43-10605, 43-10608, 43-11283, 43-11284, 43-11285, 43-11286, 43-11287, 43-165 C, 43-168 C, 43-169 E, 43-172 C, 43-178D, 43-2367, 43-2456, 43-10789, 43-11291, and 43-11292 when combined shall not exceed a total diversion rate of 9.82 cfs from all points of diversion, a total annual maximum diversion volume of 1836 af at the field headgate, and the irrigation of 459 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.
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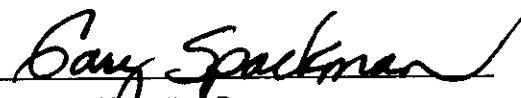
**WATER RIGHT NO. 43-2367**  
**As Modified by Transfer No. 71089**

**CONDITIONS OF APPROVAL**

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.
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Dated this 21<sup>st</sup> day of January, 20 05

  
Chief, Water Allocation Bureau