

Transfer No. 71089
Receipt No. S026523

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

1. Applicant Information PETER J GRUSH

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

And

SYLVIA GRUSH
2025 S HWY 81
MALTA ID 83342
(208)645-2321

Will this transfer result in an ownership change? ☒ Yes ☒ No

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

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
43-2414	WR/Decreed	3.10	792.0	198.0	459.0	GROUND WATER
43-10605	WR/Decreed	0.43		32.0	459.0	GROUND WATER
43-2367	WR/Decreed	2.18	584.0	146.0	459.0	GROUND WATER
43-2456	WR/Decreed	1.60	916.0	229.0	459.0	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
43-2414	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

Describe the reason for the proposed changes

The west well in Sec. 18 was recently drilled as a replacement well for the east well in Sec. 18 under a previous transfer. We have now decided to keep the east well as part of the system in case it is needed in the future. This transfer adds the third point of diversion to the system. We are also buying the Hutchison ground from them (Right 43-2456), and the transfer changes the ownership of that water right (we are now shown as lessees rather than current owners).

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
AGREEMENTS

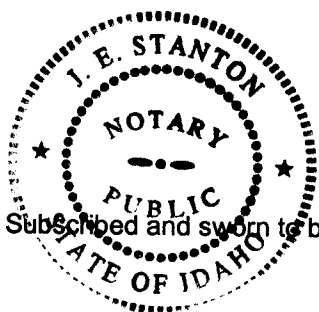
5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
43-2414	3.10 cfs	198.0	459.0	792.0 af
43-10605	0.43 cfs	32.0	459.0	
43-2367	2.18 cfs	146.0	459.0	584.0 af
43-2456	1.60 cfs	229.0	459.0	916.0 af
TOTAL	6.88 cfs		459.0	1,708.0 af

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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.



Peter J. Shush
(Signature of Applicant)

S. J. Sh
(Title or Office)

Subscribed and sworn to before me this 5th day of March, 2003.

J. E. Stanton
(Notary Public)

My commission expires 10-25-2006

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

Current Water Right No. 43-2414

Priority Date: December 08, 1954

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	3.10 CFS	792.0 AFA	
	Total Diversion	3.10 CFS	792.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSESE Sec. 7 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/Remarks:

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 9.824 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. 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.
6. Right 43-10605 is an expansion of right 43-2414 pursuant to section 42-1416B Idaho Code.
7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
10. 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.

Documentation of Ownership of the Current Place of Use
AGREEMENTS

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

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

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. 43-10605

Priority Date: June 30, 1985
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.43 CFS		
	Total Diversion	0.43 CFS		

Source and Point(s) of Diversion:

GROUND WATER SWSESE Sec. 7 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/Remarks:

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 9.824 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. 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.
6. Right 43-10605 is an expansion of right 43-2414 pursuant to section 42-1416B Idaho Code.
7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one (1) 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.
10. 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.

Documentation of Ownership of the Current Place of Use

AGREEMENTS

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

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

N/A

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. 43-2367

Priority Date: October 23, 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	2.18 CFS	584.0 AFA	
Total Diversion		2.18 CFS	584.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSESE	Sec. 7 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/Remarks:

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 9.824 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. 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. 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.
6. The right holder shall accomplish the change authorized by this transfer within one (1) 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. 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.

Documentation of Ownership of the Current Place of Use

LEASE AGREEMENT WITH WATER RIGHT OWNER, OPTION TO BUY

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

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

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

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

Current Water Right No. 43-2456

Priority Date: February 18, 1957
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	1.60 CFS	916.0 AFA	
Total Diversion		1.60 CFS	916.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSESE	Sec. 7 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/Remarks:

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 9.824 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. 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.

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.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

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?

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

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

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

Proposed Water Right No. 43-2414

Priority Date: December 08, 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	03/15 11/15	3.10 CFS	792.0 AFA	
	Total Diversion	3.10 CFS	792.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 Existing well, 150 hp or 200 hp motor, pump, mainline to sprinklers
 Point of Diversion # 2 New well just drilled, 150 hp or 200 hp motor, pump, mainline to sprinklers
 Point of Diversion # 3 Original south well on farm; will be kept available as a backup well if needed.
 Pump to be installed, mainline to sprinklers

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													229.0
14S	27E	18	39.0	39.0	36.0	39.0								39.0			38.0	230.0	

Total Acres: 459

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

Proposed Water Right No. 43-10605

Priority Date: June 30, 1985

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	0.43 CFS		
	Total Diversion	0.43 CFS		

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 Existing well, 150 hp or 200 hp motor, pump, mainline to sprinklers
 Point of Diversion # 2 New well just drilled, 150 hp or 200 hp motor, pump, mainline to sprinklers
 Point of Diversion # 3 Original south well on farm; will be kept available as a backup well if needed.
 Pump to be installed, mainline to sprinklers

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

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

Proposed Water Right No. 43-2367

Priority Date: October 23, 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	2.18 CFS	584.0 AFA	
	Total Diversion	2.18 CFS	584.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 Existing well, 150 hp or 200 hp motor, pump, mainline to sprinklers
 Point of Diversion # 2 New well just drilled, 150 hp or 200 hp motor, pump, mainline to sprinklers
 Point of Diversion # 3 Original south well on farm; will be kept available as a backup well if needed.
 Pump to be installed, mainline to sprinklers

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

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

Proposed Water Right No. 43-2456

Priority Date: February 18, 1957

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	1.60 CFS	916.0 AFA	
	Total Diversion	1.60 CFS	916.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 Existing well, 150 hp or 200 hp motor, pump, mainline to sprinklers
Point of Diversion # 2 New well just drilled, 150 hp or 200 hp motor, pump, mainline to sprinklers
Point of Diversion # 3 Original south well on farm; will be kept available as a backup well if needed.
Pump to be installed, mainline to sprinklers

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

36

31

2

32

3

1

6

5

12

7

8

13

18

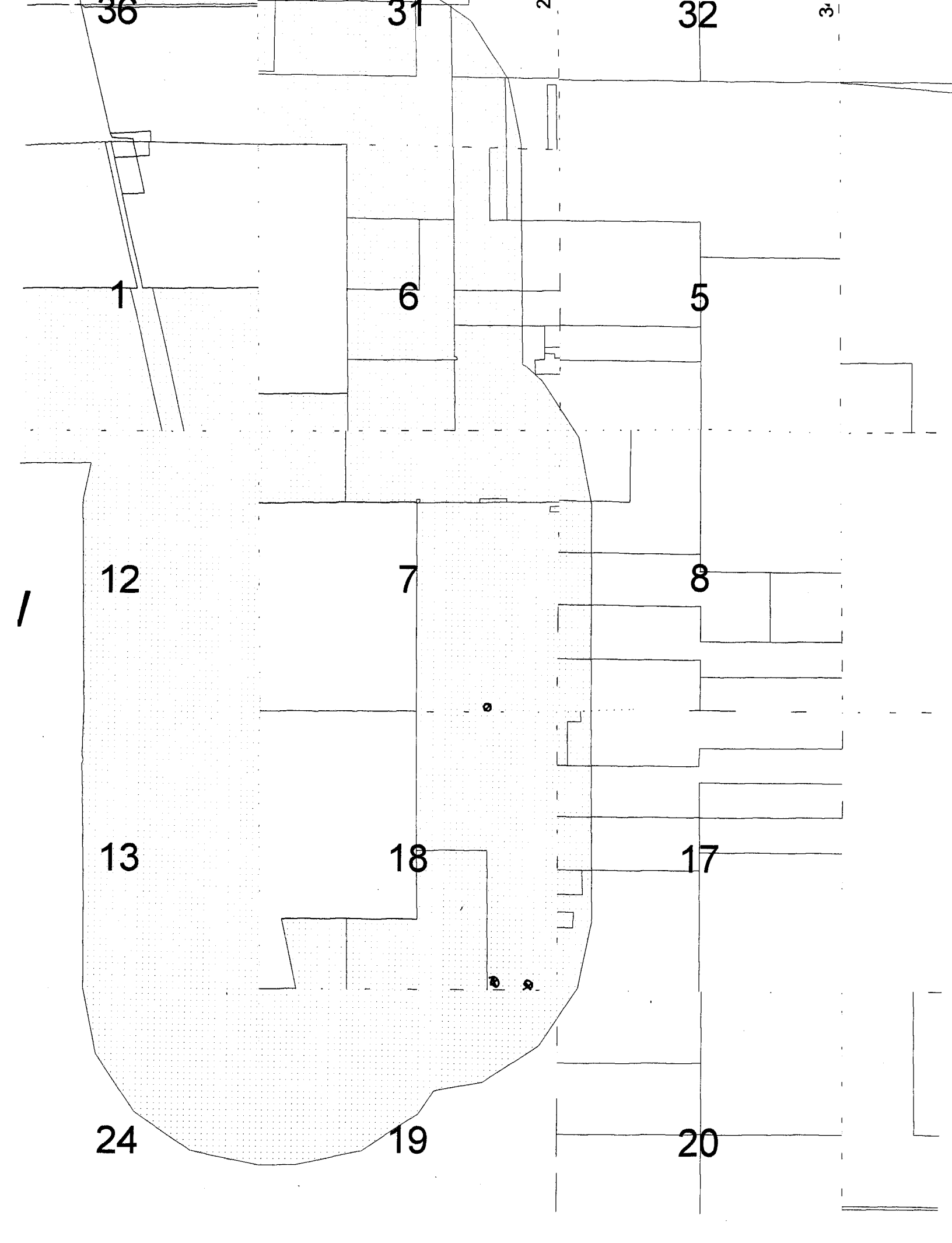
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REAL ESTATE PURCHASE AGREEMENT

This Agreement is made between **JOYCE B. HUTCHISON**, a widow, 441 West 300 South, Heyburn, Idaho 83336 (Seller) and **PETER J. GRUSH and SYLVIA T. GRUSH**, husband and wife, 2025 South Highway 81, Malta, Idaho 83342 (Buyer).

RECITALS

Seller desires to sell to Buyer, and Buyer desires to purchase from Seller, the real property described on Exhibit A including the water rights described on Exhibit B and the irrigation equipment described on Exhibit C (collectively referred to as "real property"). The parties desire to set forth the terms of their agreement in writing.

Based upon the foregoing, the parties agree:

1. **SALE**: Seller agrees to sell to Buyer and Buyer agrees to purchase from Seller the real property.
2. **PURCHASE PRICE**: The total purchase price for the real property is Two Hundred Sixty-five Thousand Dollars (\$265,000.00).
3. **PAYMENT OF PURCHASE PRICE**: The purchase price shall be paid as follows:
 - 3.1. Two Thousand Dollars (\$2,000.00) shall be paid by Cashier's Check, Money Order, or certified check at the time of closing.
 - 3.2. The balance of the purchase price, Two Hundred Sixty-three Thousand Dollars (\$263,000.00), shall bear interest at the rate of 7.5% per annum from December 10, 2002, until paid. Payments toward the balance of the purchase price shall be made as follows:
 - 3.2.1. Two payments of Two Thousand Forty Dollars (\$2,040.00) each on January 20, 2003, and February 10, 2003, receipt of which is acknowledged by Seller.
 - 3.2.2. One Thousand Two Hundred Ten Dollars (\$1,210.00) shall be paid by Cashier's check, Money Order, or certified check at the time of closing.

2 security interest, and authorizes Seller to record a UCC-1 as a fixture filing, if deemed necessary by
3
4 Seller.

5
6 7. **TITLE**: Seller represents that Seller holds title to the real property subject only to those
7 exceptions described on Exhibit A.

8 8. **TITLE INSURANCE**: Not less than fifteen (15) days prior to closing, Seller shall furnish
9 to Buyer a Commitment for a policy of title insurance issued through Land Title and Escrow, Inc.
10 Buyer shall have five (5) days from the date of receipt of the Commitment for Title Insurance to object
11 to any encumbrances or exceptions noted on the Commitment for Title Insurance. Should Buyer
12 object, Seller shall have five (5) days to cure all objections. Should Buyer fail to object within five (5)
13 days, Buyer shall take the property subject to all encumbrances and exceptions noted on the
14 Commitment for Title Insurance. Should Seller fail to cure Buyer's objections within five (5) days
15 after objection this Agreement shall be null and void, and the earnest money shall be returned to Buyer.

16 At the time of closing it shall be Seller's duty to furnish and pay the premium on a policy of
17 title insurance.

18 9. **INCLUDED ITEMS**: All irrigation equipment and fixtures located on the real property are
19 included in the sale.

20 10. **INSURANCE**: Seller shall keep all irrigation equipment, personal property, and the
21 residence located on the real property insured as described in the Mortgage, in an amount not less than
22 the replacement value of the irrigation equipment, personal property, and residence.

23 11. **CLOSING COSTS**: Seller shall pay one-half (½) and Buyer shall pay one-half (½) of the
24 closing costs charged by Land Title and Escrow, Inc. and Seller shall pay the premium on the policy of
25 title insurance furnished to Buyer at the time of closing.

26 12. **CONVEYANCE**: At the time of closing, title to the real property shall be conveyed by
27 Seller to Buyer by Warranty Deed subject only to those exceptions set forth on Exhibit A and taxes and
28

assessments for the year 2003 and subsequent years. Title to the personal property shall be conveyed by Bill of Sale.

13. **DUTIES AT CLOSING**: At the time of closing, Seller and Buyer shall execute and deliver to the closing agent all documents necessary to complete the purchase of the real property in accordance with this Agreement.

14. **POSSESSION**: Possession of the real property shall be delivered to Buyer on the date of closing.

15. **PROPERTY TAXES AND ASSESSMENTS**: All property taxes, levies, and assessments assessed against the real property shall be prorated as of January 1, 2003.

16. **TIME IS OF THE ESSENCE**: Time is of the essence of this Agreement.

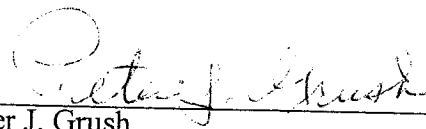
17. **HEIRS AND SUCCESSORS BOUND**: This Agreement shall be binding upon the heirs, personal representatives, successors in interest, and assigns of the parties hereto.

18. **REPRESENTATION BY ATTORNEY**: The parties acknowledge that Fletcher Law Office has been hired by Seller to represent the interests of the Seller in the negotiation of and drafting of this Agreement. Buyer has been advised to obtain advice of an attorney of Buyer's own choice prior to signing this Agreement.

19. **ATTORNEY'S FEES**: Should either party breach or default in any of the covenants or agreements contained herein, the defaulting party shall pay all costs and expenses including reasonable attorney's fees which may arise or accrue from enforcing this agreement or in pursuing any remedy provided by this agreement or by the statutes of the State of Idaho, whether such remedy is pursued by filing suit or otherwise.

DATED this 11 day of March, 2003.

Joyce B. Hutchison
Joyce B. Hutchison


Peter J. Grush


Sylvia T. Grush

STATE OF IDAHO)
County of Cassia) ss

On this _____ day of _____, in the year of 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared JOYCE B. HUTCHISON, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Notary Public for Idaho
Residing at _____
My commission expires on _____

STATE OF IDAHO)
County of Cassia) ss

On this _____ day of _____, in the year of 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared PETER J. GRUSH and SYLVIA T. GRUSH, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public for Idaho
Residing at _____
My commission expires on _____

TOWNSHIP 14 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 7: SE¼ and S½NE¼, LESS the following described parcel of land located
in the SE¼NE¼;

Beginning at the Northeast corner of said Section 7; thence West in a
straight line 28.38 feet to a reference point (Brass Cap); thence
South 05°55' West for a distance of 1388.10 feet to the Point of
Beginning of said property;
Thence South 89°41' East 160.0 feet;
Thence South 0°15' West 100 feet;
Thence North 89°41' West for a distance of 160 feet;
Thence North 0°15' East to the Point of Beginning.

Subject to:

Financing Statement between Peter J. Grush, as Debtor #1 and Sylvia T. Grush, as
Debtor #2 and Northwest Farm Credit Services, ACA, as Secured Party, recorded
February 19, 1997 as Instrument No. 247500 on Film No. 284, records of Cassia
County, Idaho. ASSIGNED to Northwest Farm Credit Services, PCA, by
instrument recorded February 9, 2000 as Instrument No. 267304, records of
Cassia County, Idaho.

Property taxes for 2003 and subsequent years.

Right of Way Deed between John O. Smith and Flossie Smith, his wife, party of
the first part and Raft River Highway District, a quasi municipal corporation,
party of the second part, dated June 29, 1940 and recorded June 19, 1964 as
Instrument No. 19189 on Film No. 28, records of Cassia County, Idaho.

Right of Way Deed between Malta Land & Irrigation Co., party of the first part and the Raft River Highway District, a quasi municipal corporation, party of the second part, dated July 3, 1940 and recorded June 19, 1964 as Instrument No. 19190 on Film No. 28, records of Cassia County, Idaho.

Effects of Agreement for Purchase of Power between Raft River Rural Electric Cooperative, Inc., Seller and J. D. Hutchison, Consumer, dated April 1, 1969 and recorded July 26, 1977 as Instrument No. 100492 on Film No. 110, records of Cassia County, Idaho, covering the S $\frac{1}{2}$ of Section 7, Township 14 South, Range 27 East of the Boise Meridian.

Effects of Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and J. D. Hutchison and Joyce Hutchison, Consumer, dated November 16, 2000 and recorded December 4, 2000 as Instrument No. 272388, records of Cassia County, Idaho, covering the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 14 South, Range 27 East of the Boise Meridian.

Effects of Agreement for Electric Service between Raft River Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and J. D. Hutchison and Joyce Hutchison, Consumer, dated November 16, 2000 and recorded December 4, 2000 as Instrument No. 272389, records of Cassia County, Idaho, covering the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 14 South, Range 27 East of the Boise Meridian.