

DEPARTMENT OF
WATER RESOURCES

06/12/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2778

NAME AND ADDRESS: GARY A DE MOSS
PO BOX 61
BLISS ID 83314HELEN DE MOSS
PO BOX 61
BLISS ID 83314

SOURCE: DRY CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 80.000 CFS
1,936.000 AFY

All storage uses described by rights 37-856, 37-857, 37-2778, 37-2780 and 37-7754 when combined shall not exceed the reservoir storage capacity of 4365 acre-feet.

The direct flow irrigation use described by rights 37-7385B, 37-7754, and 37-2778 when combined shall not exceed a total annual maximum diversion volume of 2161 AF at the field headgate.

PRIORITY DATE: 02/26/1957

Pursuant to a call in times of scarcity, the diversion to storage from November 1 to March 31 is not subject to curtailment by Water Right Nos. 37-238A, 37-239A, 37-239D, 37-240A, 37-240D, 37-447C, 37-447D, 37-607D, 37-608D, 37-1160, 37-1175, 37-4091 and 37-11131.

POINT OF DIVERSION:

T04S R14E S6 SENESE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION STORAGE	01/01 12/31	1,210.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	1,210.00 AFY
IRRIGATION	04/01 10/31	4.840 CFS 726.00 AFY
DIVERSION TO STORAGE	01/01 12/31	80.000 CFS

~~The period of use for the irrigation and irrigation from storage described in this right 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 February 18, 2003.~~

PLACE OF USE: IRRIGATION in GOODING County

T05S R13E S03 Lot 4 NWNW	28.00	T05S R13E S03	SWNW	32.00
T05S R13E S03 NWSW	36.00	T05S R13E S04 Lot 1 NENE		25.00
T05S R13E S04 Lot 2 NWNE	1.00	T05S R13E S04	SWNE	11.00
T05S R13E S04 SENE	40.00	T05S R13E S04	NESW	27.00
T05S R13E S04 SESW	40.00	T05S R13E S04	NESE	38.00
T05S R13E S04 NWSE	34.00	T05S R13E S04	SWSE	39.00
T05S R13E S04 SESE	21.00	T05S R13E S09	NWNE	32.00
T05S R13E S09 SWNE	38.00	T05S R13E S09	SENE	19.00
T05S R13E S09 NENW	34.00	T05S R13E S09	NWNW	18.00

C &
NBS
JPB

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T05S R13E S09	SESW	40.00	T05S R13E S09	NESW	40.00
T05S R13E S09	SESW	40.00	T05S R13E S09	NWSE	25.00
T05S R13E S09	SWSE	18.00	T05S R13E S16	NWNE	13.00
T05S R13E S16	NENW	40.00	T05S R13E S16	NWNW	39.00
T05S R13E S16	SWNW	30.00	T05S R13E S16	SESW	10.00

IRRIGATION FROM STORAGE same as IRRIGATION

808 ACRES TOTAL

The direct flow irrigation use described by this right is limited to the irrigation of 242 acres within the place of use described above in a single irrigation season. Irrigation from storage is not limited but currently confined to the place of use described above.

The direct flow irrigation use described by rights 37-2778, 37-7385B and 37-7754 when combined is limited to the irrigation of 679 acres.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right is subject to the terms of the Agreement Between Gary A. and Helen DeMoss and Northside Canal Company Regarding Water Rights 37-856, 37-2778, 37-2780, 37-7754, executed October 5, 2007, and recorded in Gooding County, Idaho on October 19, 2007 (Instrument No. 223865).

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

CA
NBS
JPB

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

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 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.

The right holder shall accomplish the change authorized by this transfer by February 18, 2004.

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.

CERTIFICATE OF SERVICE

I certify that on July 14, 2008, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

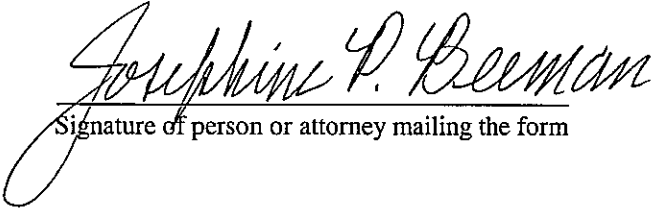
2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

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☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Josephine P. Beeman
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form