

COPY

RECEIVED

AUG 19 2008
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 18 2008
By _____ Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Water Rights: 37-2778, 37-7754, 37-21961
	)	and 37-21962
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following administrative proceeding:

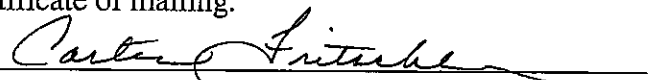
- ☐ Address change
- ☐ Substitution of Party
- ☒ IC § 42-222
 - ☐ Point of diversion
 - ☐ Period of use
 - ☐ Split of water right
 - ☐ Place of use
 - ☐ Nature of use
 - ☐ Change in ownership

Other: Transfer of an overlapping ground water right that changed the combined quantity and acre limits.

IDWR certifies that it has completed its investigation into the changes to the elements of the water right(s) listed above as set-forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water right(s) except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 8-13-08



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 15, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

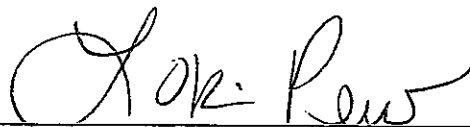
2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 W. Fort St. MSC 033
Boise, ID 83724

3. Copies to all parties to the subcase:

Gary A. and Helen DeMoss
P.O. Box 61
Bliss, ID 83314

A handwritten signature in cursive script, appearing to read "Lori Rous", written over a horizontal line.

Signature of person mailing this document

08/12/2008

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 37-2778, 37-7754, and 37-22168 when combined shall not exceed a total annual maximum diversion volume of 2001 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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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

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
T05S R13E S09 SENW	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	SENW	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, 37-7754, 37-21961, 37-21962 and 37-22168 when combined is limited to the irrigation of 639 acres.

The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961, and 37-21962 when combined shall not exceed the irrigation of 555 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.

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.

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

RIGHT NUMBER: 37-7754

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

GARY A DE MOSS
PO BOX 61
BLISS ID 83314

SOURCE: DRY CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 3.230 CFS
2,504.000 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 37-2778, 37-7754 and 37-22168 when combined shall not exceed a total annual maximum diversion volume of 2001 AF at the field headgate.

PRIORITY DATE: 12/14/1978

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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	3.230 CFS
IRRIGATION STORAGE	01/01 12/31	1,565.00 AFY
IRRIGATION	04/01 11/01	3.230 CFS 939.00 AFY
IRRIGATION FROM STORAGE	04/01 11/01	1,565.00 AFY

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
T05S R13E S09 SENW	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	SEnw	10.00

IRRIGATION FROM STORAGE same as IRRIGATION

808 ACRES TOTAL

The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961, 37-21962 and 37-22168 when combined is limited to the irrigation of 639 acres.

The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961, and 37-21962 when combined shall not exceed the irrigation of 555 acres.

The direct flow irrigation use described by this right is limited to the irrigation of 313 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.

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

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.

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).

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

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

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.

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

RIGHT NUMBER: 37-21961

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

GARY A DE MOSS
PO BOX 61
BLISS ID 83314

SOURCE: DRY CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.880 CFS

The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/17/1932

POINT OF
DIVERSION:

T04S R14E S6 NESE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.860 CFS
STOCKWATER	01/01 12/31	0.020 CFS

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
T05S R13E S09 SENW	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 SENW		10.00

STOCKWATER same as IRRIGATION

808 ACRES TOTAL

The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961 and 37-21962 when combined shall not exceed the irrigation of 555 acres.

This right is limited to the irrigation of 93 acres within the place of use described above in a single irrigation season.

The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961, 37-21962 and 37-22168 when combined shall not exceed a total of 639 acres in a single irrigation season.

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

RIGHT NUMBER: 37-21962

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

HELEN DE MOSS
PO BOX 61
BLISS ID 83314

SOURCE: DRY CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 6.620 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.

PRIORITY DATE: 04/13/1954

POINT OF
DIVERSION:

T04S R14E S6 NESE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	6.600 CFS
STOCKWATER	01/01 12/31	0.020 CFS

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
T05S R13E S09 SENW	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	SENE	10.00

STOCKWATER same as IRRIGATION

808 ACRES TOTAL

The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961, 37-21962 and 37-22168 when combined shall not exceed a total of 639 acres in a single irrigation season.

The direct flow irrigation use described by rights 37-2778, 37-7754, 37-21961 and 37-21962 when combined shall not exceed the irrigation of 555 acres.

This right is limited to the irrigation of 330 acres within the place of use described above in a single irrigation season.

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

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use