

06/17/2010

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

RIGHT NUMBER: 34-14074

NAME AND ADDRESS: ROBERT K MOSS
3490 W 3600 N
MOORE ID 83255

CAROL C MOSS
3490 W 3600 N
MOORE ID 83255-8731

SOURCE: ANTELOPE CREEK

TRIBUTARY: BIG LOST RIVER

QUANTITY: 2.040 CFS

The rights listed below are limited to a total combined diversion rate of 3.52 cfs.
Combined Right Nos.: 34-837A, 34-837B, 34-2333A, 34-2333B, and 34-14074.

PRIORITY DATE: 04/05/1940

POINT OF DIVERSION:

T06N R26E S31 SESW Within BUTTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.040 CFS

PLACE OF USE: IRRIGATION in BUTTE County

T06N R26E S32	NESW	16.00	T06N R26E S32	SESW	38.00
T06N R26E S32	NWSE	10.00	T06N R26E S32	SWSE	38.00

102 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 118 acres in a single irrigation season. Combined Right Nos.: 34-837A, 34-837B, 34-2333A, 34-2333B, and 34-14074.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water is delivered through 3 in 1 Ditch.



Idaho Department of Water Resources

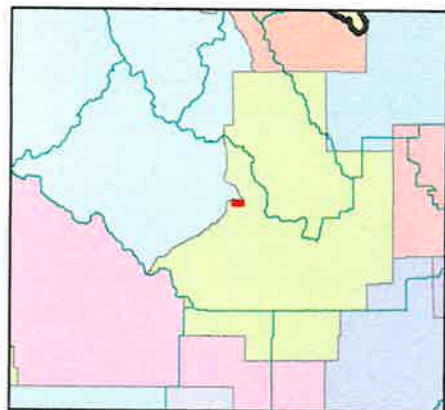
Adjudication Recommendation

34-14074

(IRRIGATION)

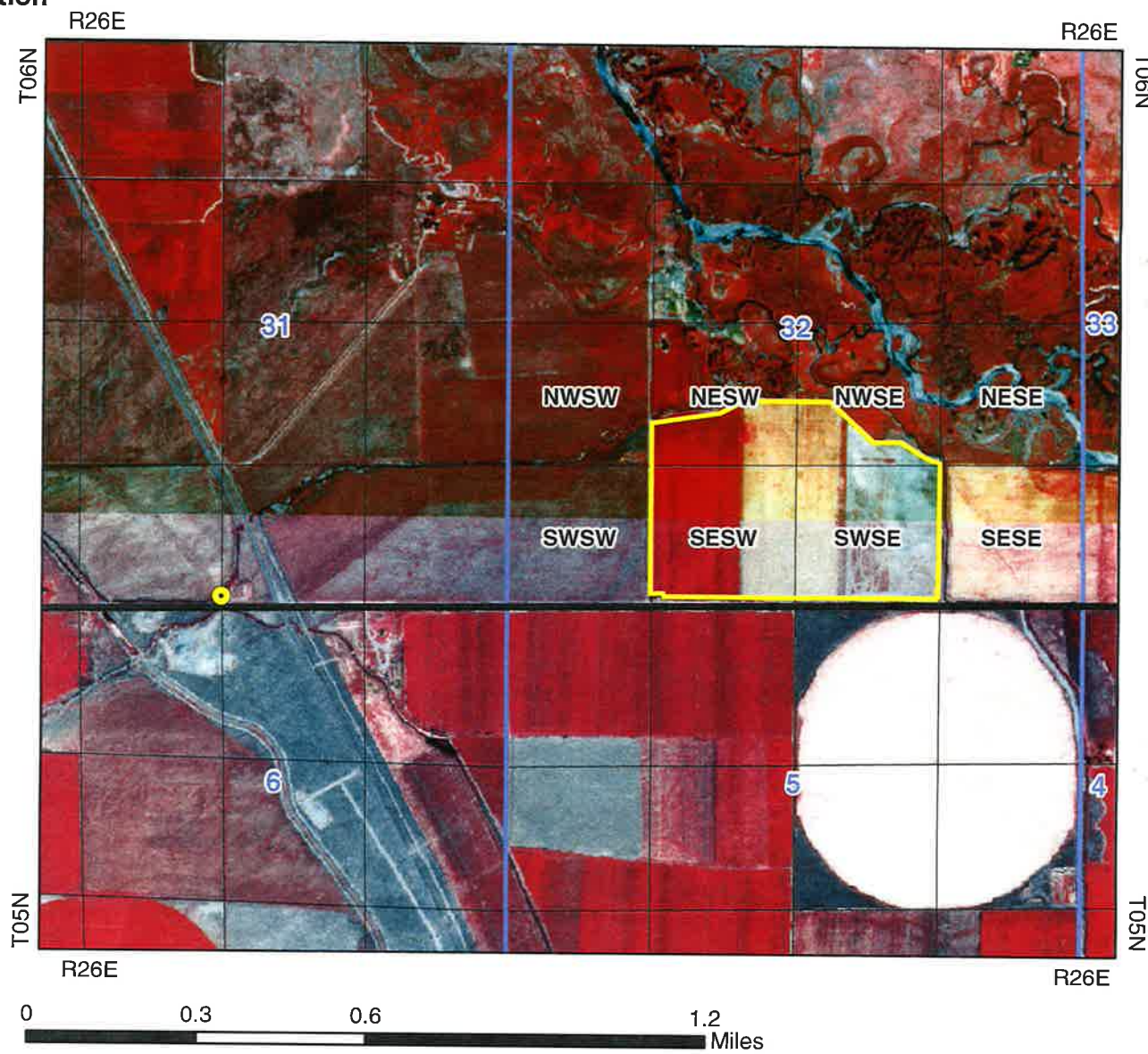
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Butte County
IDWR Basin 34

Prepared by Michael Holliday
On June 17, 2010
1987/88 Aerial Photography



DEC 22 2009

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

Subcase: 34-14074

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On March 20, 2009, Robert K. and Carol C. Moss filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on June 16, 2009. No party appeared in opposition to the *Motion to File Late Notice of Claim*, however, following the hearing the Court referred this matter to a special master to make findings consistent with the I.R.C.P. 55(s) standard.

On December 22, 2009, Special Master Brigitte Bilyeu issued a *Special Master's Report and Recommendation on Motion to File Late Claim* recommending the late claim be granted. No party appeared in opposition to the motion in conjunction with the proceedings before the special master. Although the time for filing a *Motion to Alter or Amend* to the *Special Master's Report and Recommendation* has not expired, the Court can find no reason to delay the issuance of this *Order* and will forward the late claim to IDWR for investigation and reporting.

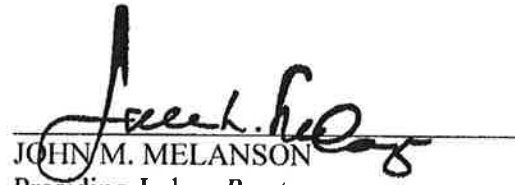
THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will

be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated December 22, 2009.


JOHN M. MELANSON
Presiding Judge, *Pro tem*
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on December 22, 2009, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CAROL C MOSS
ROBERT K MOSS
3490 W 3600 N
MOORE, ID 83255
Phone: 208-554-4302

ORDER

Page 1 12/22/09

FILE COPY FOR 02269

Deputy Clerk

Julie Murphy

RECEIVED

MAR 23 2009

DEPARTMENT OF
WATER RESOURCES

hearing on motion 12-16-2009

hearing: 6-16-09

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

See good
made
hope

In Re SRBA

Subcase 34-14074

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

Fees Good Check 3-27-09
Claim Complete

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

SCANNED

MAR 23 2009

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Robert K. Moss

My address is 3490 W 3600 N More, Idaho 83255

My phone number is: Work 208-554-4302 Home 208-554-4302

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

PLEASE SEE PAGE 2A (NEXT PAGE)

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I did not file a Notice of claim to the use of water in the SRBA because:

Historically (40+ years) we have been able to divert Antelope Creek water, when available due to spring run off, to our property through our head gate located on Antelope Creek and the 3 in 1 ditch.

The primary water source for the 3 in 1 ditch, out of the Big Lost River, is five miles North of our head gate on a ill maintained, water thirsty channel that consumes our water before it reaches us.

Our use of Antelope Creek spring run off water was questioned last year even though our head gate is the last gate on Antelope Creek.

The goal of this claim is to continue to use spring run off water, when available, from Antelope Creek at a point one half mile from our property instead of bringing water from the primary source, five miles upstream in the before described channel, where it is co-mingled with Antelope Creek water and divided again. This beneficial use of the available run off water reduces water shrink and maintains more available water for the use of others.

I have attached:

☒ A fully completed Notice of Claim (available from IDWR).

☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 312.30.

Follow these instructions regarding the hearing on this motion.

*212.3: Accs @ \$1.00 Acc
50.00 File
50.00 Late Fee*

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on June 16 @ 1:30

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of BUTTE

Robert K. Miss, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Robert K. Miss
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on March 16, 2009
(Insert Date)



Trilby S. McAfee
Notary Public for Butte County
Residing at: Arco, Idaho
My Commission expires: 1-28-2015

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on March 19, ~~199~~²⁰⁰⁹, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 34-14074

Date Received:

Receipt No:

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT K MOSS Phone: (208)554-4302

3490 W 3600 N
MOORE ID USA 83255

CAROL C MOSS Phone: (208)554-4302

3490 W 3600 N
MOORE ID USA 83255-8731

2. Date of Priority: 04/05/1966

3. Source: ANTELOPE CREEK Trib. to: BIG LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	26E	31	SE SE SW	BUTTE	

5. Description of diverting works:

headgate to 3 n 1 ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.8	

7. Total Quantity Appropriated is:
4.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	26E	4	NE	NW	3	IRRIGATION	1.6
			NW	NW	4	IRRIGATION	1.7
			Section Acres				
06N	26E	32	NE	SW		IRRIGATION	28
			SE	SW		IRRIGATION	38
			NW	SE		IRRIGATION	19
			SW	SE		IRRIGATION	39
			SE	SE		IRRIGATION	41
Section Acres						165	
06N	26E	33	SW	SW		IRRIGATION	33
			SE	SW		IRRIGATION	11
Section Acres						44	
Total Acres						212.3	

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used: 34-430, 34-873A, 34-837B, 34-2333B & 34-2493

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

Barrett K. Moss
Carol C. Moss

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Ramona K. Moss Date: 3-16-2009
Carol C. Moss Date: 3-16-09

State of Idaho)
County of Butte) SS.

Subscribed and sworn (or affirmed) before me this
of 3-16 2009

Tully S. McAfee

Notary Public

Residing at

Arco, ID

My commission Expires

1-28-2015





Idaho Department of Water Resources

Adjudication Claim
34-14074
(IRRIGATION)

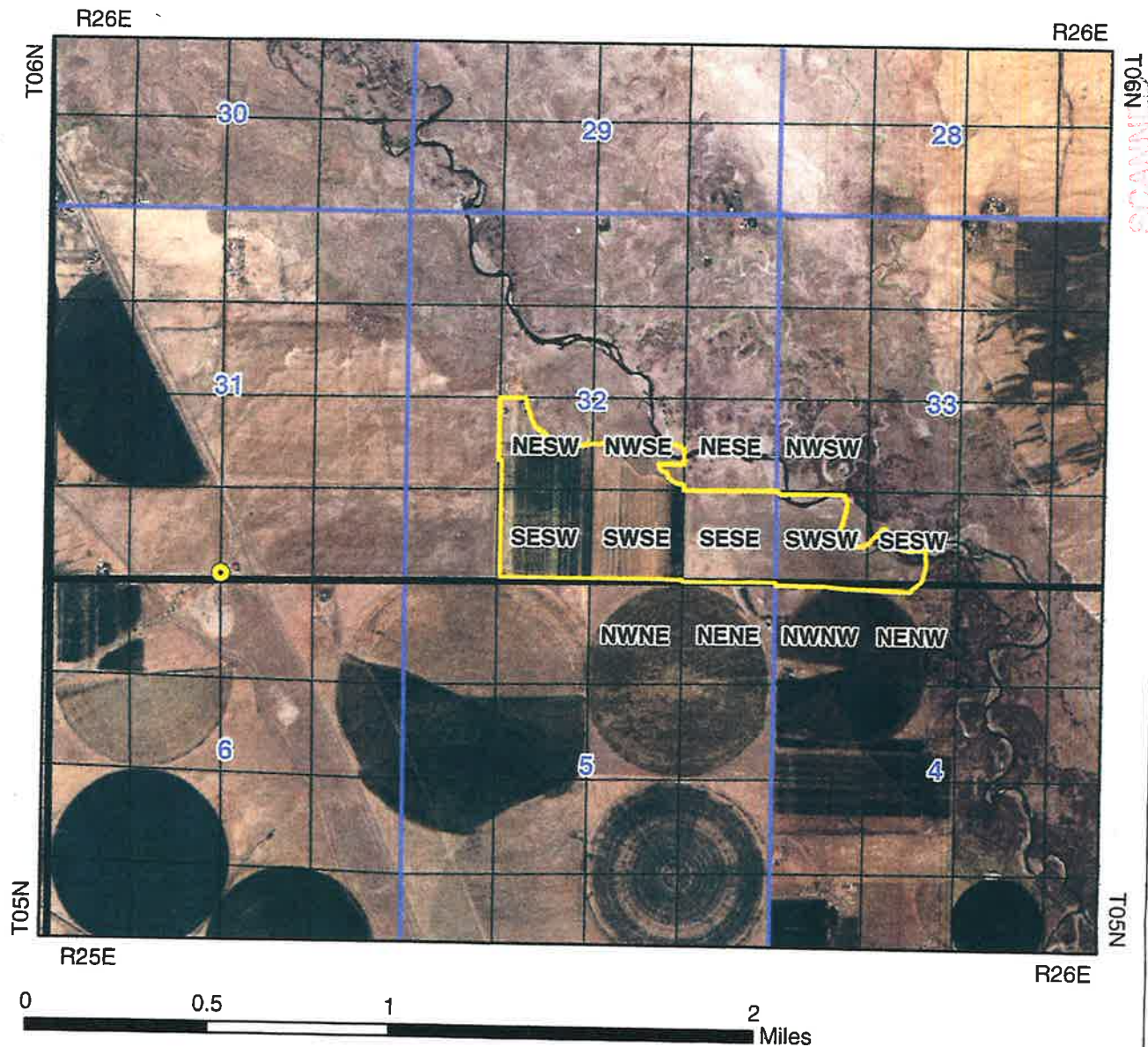
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots



Butte, Custer Counties
IDWR Basin 34

Prepared by Nathaniel Arave
On March 10, 2009
2004 Aerial Photography



May 24, 2010

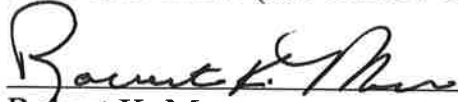
To Whom It May Concern:

In October 1975 we purchased our farm formerly known as the Dean Waddoups Farm which is located in Township 6 Range 26E Section 32.

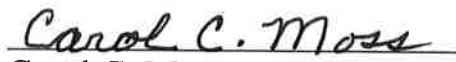
When we purchased our farm 102 of the 122.04 farmable acres, as determined by USDA maps, were irrigated with ditches. (see exhibit A) In the spring of 1976 we installed an irrigation system consisting of a buried mainline along the South border paralleling 4900 North county road. The mainline was connected to our deep well. (This deep well was installed on 7/7/1955 by Dean Waddoups.) Three wheel lines were installed on the 111.03 acres. A four inch aluminum mainline and a hand line was installed to irrigate the 11.01 acres on the North side of Antelope Creek. This system is designed so water can be pumped from the ditch or from the well. The new system allowed us to irrigate all the farmable acres covered under the water rights pertinent to the 122.04 acres. (see exhibit B)

Irrigation from Antelope Creek water was used by Dean Waddoups from 1940 until 1970, an interim out of state owner from 1970 until 1975 and Robert and Carol Moss from 1976 until 2010.

For 70 documented years Antelope Creek water has been diverted from Antelope Creek into the 3 in 1 ditch. From the 3 in 1 ditch the water was (is) brought two thirds of a mile down our ditch to our farm. Water from Antelope Creek was (is) used in the spring and into the summer as long as the water was (is) available at the point where Antelope Creek crossed over the 3 in 1 ditch. (see exhibit C)


Robert K. Moss

Date 5/24/2010


Carol C. Moss

Date 5-24-2010

3490 West 3600 North
Moore, Idaho 83255
(208) 554-4302

RECEIVED

JUN 15 2010

Department of Water Resources
Eastern Region

29
32

29 28
32 33

23
Strickland

A-24
J. Mankin
D. Waddoups

F 18.8
DITCH TO IRRIGATE S. 8 A.

H 17.5
G 1.8

A 1.6
B 2.0
C 1.6

H 3.4

D 4.0
G 31.4

E 9.2

F 4.1

I 13.3

J 11.1

32

5 Ditch From 3rd Headgate

3600 N

Ditch System Irrigation

ASCS MAP
Exhibit A



United States Department of Agriculture
Farm Service Agency

Butte County

1:12,142

August 23, 2005

0 17340 680 Feet
+++++



Farm # 725

Tract # 546

Exhibit B

Area within Violet Lines

Highway
93

Antelope Creek

Cross over
Point 2 mi E
Antelope

3 mi Ditch

MOSS FARM

Wall

Antelope Creek

3 mi Ditch

HEAD GATE

OUR DITCH

Exhibit C

May 24, 2010

To Whom It May Concern:

My name is Merlin Waddoups. I lived on the Waddoups family farm from 1940 to 1965. My father and mother, Dean and Ruth Waddoups, now deceased, owned this farm from 1940 to 1970. Our farm consists of land within Township 6 Range 26E Section 32. In 1940 I was 4 years old, however, to my knowledge, the irrigation system was the same then and did not change in all the years that I lived at home and was the same when our farm was sold in 1970. The 102 acres irrigated are identified and measured as indicated in the attached ASCS map, exhibit A.

We irrigated our farm with water that was diverted from Antelope Creek into the 3 in 1 ditch. Through our headgate on the 3 in 1 ditch we brought the water two thirds of a mile down our ditch to our farm. To water the land across Antelope Creek we brought water from Antelope down a ditch using a neighbors (Paul Strickland) 3 in 1 headgate which was North of Antelope creek. (See exhibit A)

Water from Antelope Creek was used in the spring and into the summer as long as the water was available in Antelope Creek. Obtaining water through the Blaine Diversion into the 3 in 1 ditch on the river five miles above Antelope Creek was near impossible because of the shrinkage of water in that section of the 3 in 1 ditch.

In 1955 my father obtained a permit and drilled a well in on the South West corner of the farm because of the unreliable source of water from Antelope Creek and the shrinkage of water from the 3 in 1. This well was used to supply water to the farm when the other two sources failed.


Merlin Waddoups

Date 5-24-10

3475W 3175N
Moore, Idaho 83255
(208) 554-3371

ASCS MAP
EXHIBIT A

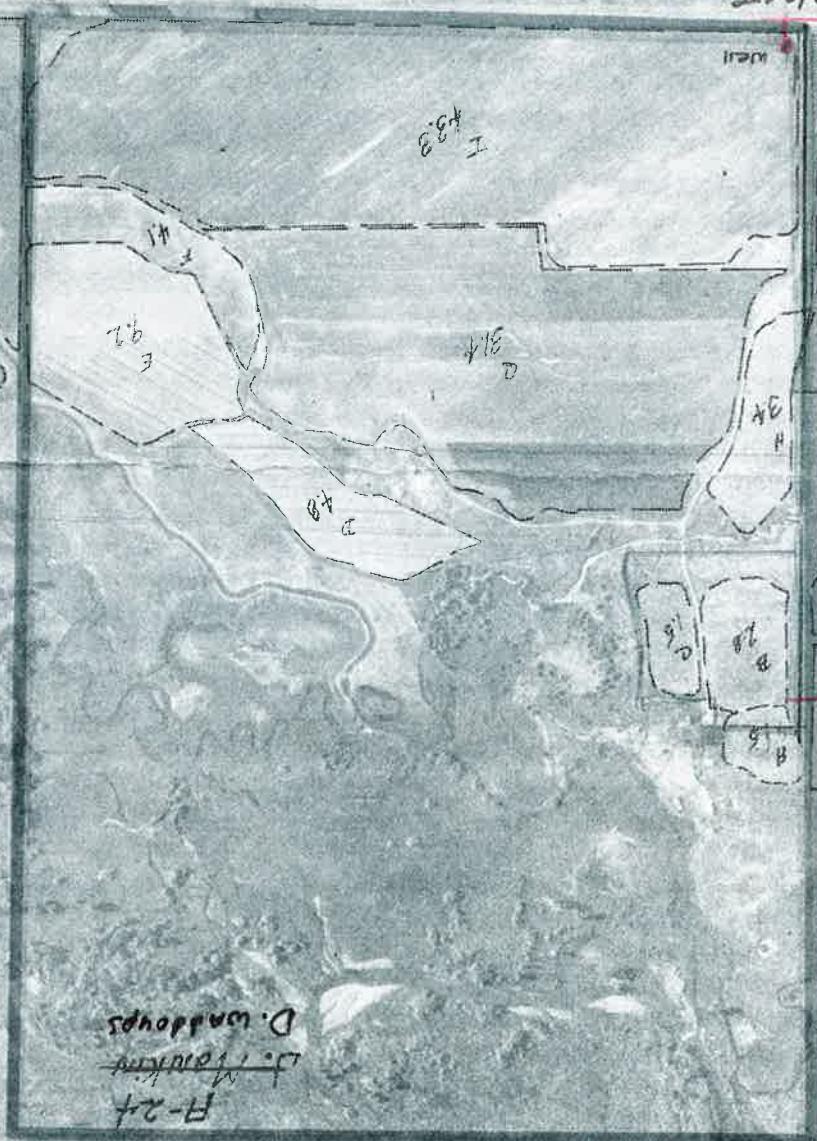
DITCH SYSTEM IRRIGATION

3600 N

DITCH FROM 3 IN 1 HEADGATE

32

Well



F-24
J. Marking
D. Waddoups

29
32

29
32

To Whom It May Concern:

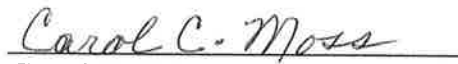
In 1975 we purchased the farm formerly known as the Dean Waddoups Farm.

The farm was irrigated with ditches going many different directions because of the topography of the land. We installed an irrigation system consisting of a buried mainline and three wheel lines that connected to the deep well that was installed by Dean Waddoups on 7/7/1955. We designed the system so water can be pumped from the ditch or from the well.

As did Dean Waddoups from 1940 until 1970, an interim out of state owner from 1970 until 1975 and us from 1975 until the present date, a total of 70 documented years this farm was irrigated with water that was diverted from Antelope Creek into the 3 in 1 ditch. Through the headgate on the 3 in 1 ditch water was brought one half mile down a ditch to the farm. Water from Antelope Creek was used in the spring and into the summer as long as the water was available at the point where Antelope Creek crossed over the 3 in 1 ditch. Obtaining water through the Blaine Diversion into the 3 in 1 ditch on the river five miles above Antelope Creek was and still is near impossible because of the shrinkage of water in that section of the 3 in 1 ditch.


Robert K. Moss

Date 5-20-2010


Carol C. Moss

Date 5-20-2010

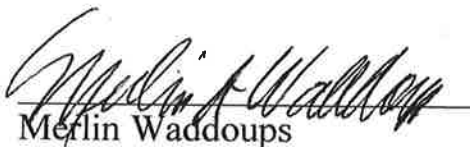
3490 West 3600 North
Moore, Idaho 83255
(208) 554-4302

To Whom It May Concern:

My name is Merlin Waddoups. I lived on the Waddoups family farm from 1940 to 1956. My father and mother; Dean and Ruth Waddoups owned the farm from 1940 to 1969-70 Robert and Carol Moss now own this same farm.

We irrigated the farm with water that was diverted from Antelope Creek into the 3 in 1 ditch. Through our headgate on the 3 in 1 ditch we brought the water one half mile down a ditch to the farm. Water from Antelope Creek was used in the spring and into the summer as long as the water was available in Antelope Creek. Obtaining water through the Blaine Diversion into the 3 in 1 ditch on the river five miles above Antelope Creek was near impossible because of the shrinkage of water in that section of the 3 in 1 ditch.

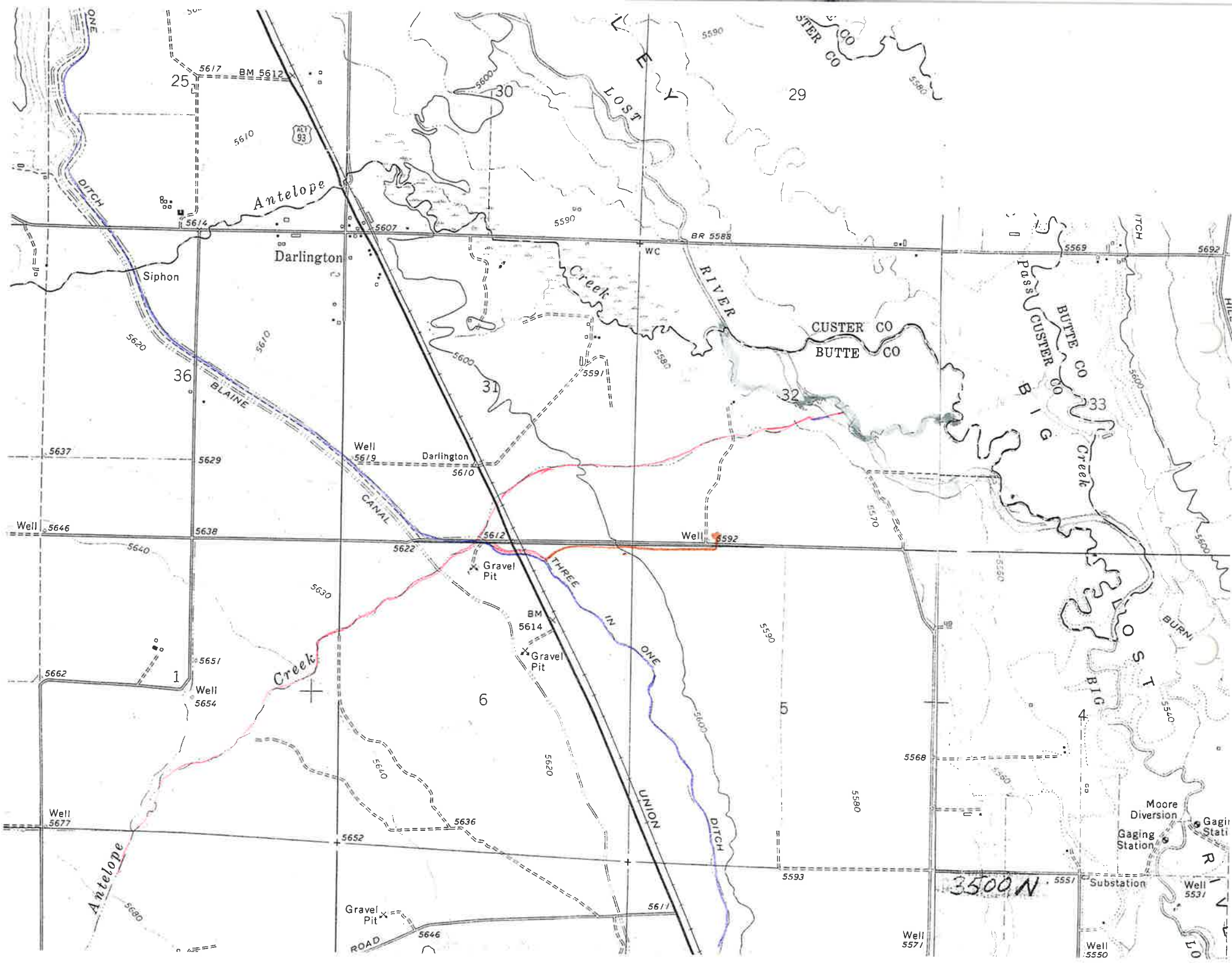
In 1955 my father obtained a permit and drilled a well in on the South West corner of the farm because of the unreliable source of water from Antelope Creek and the shrinkage of water from the 3 in 1. This well was used to supply water to the farm when the other two sources failed.

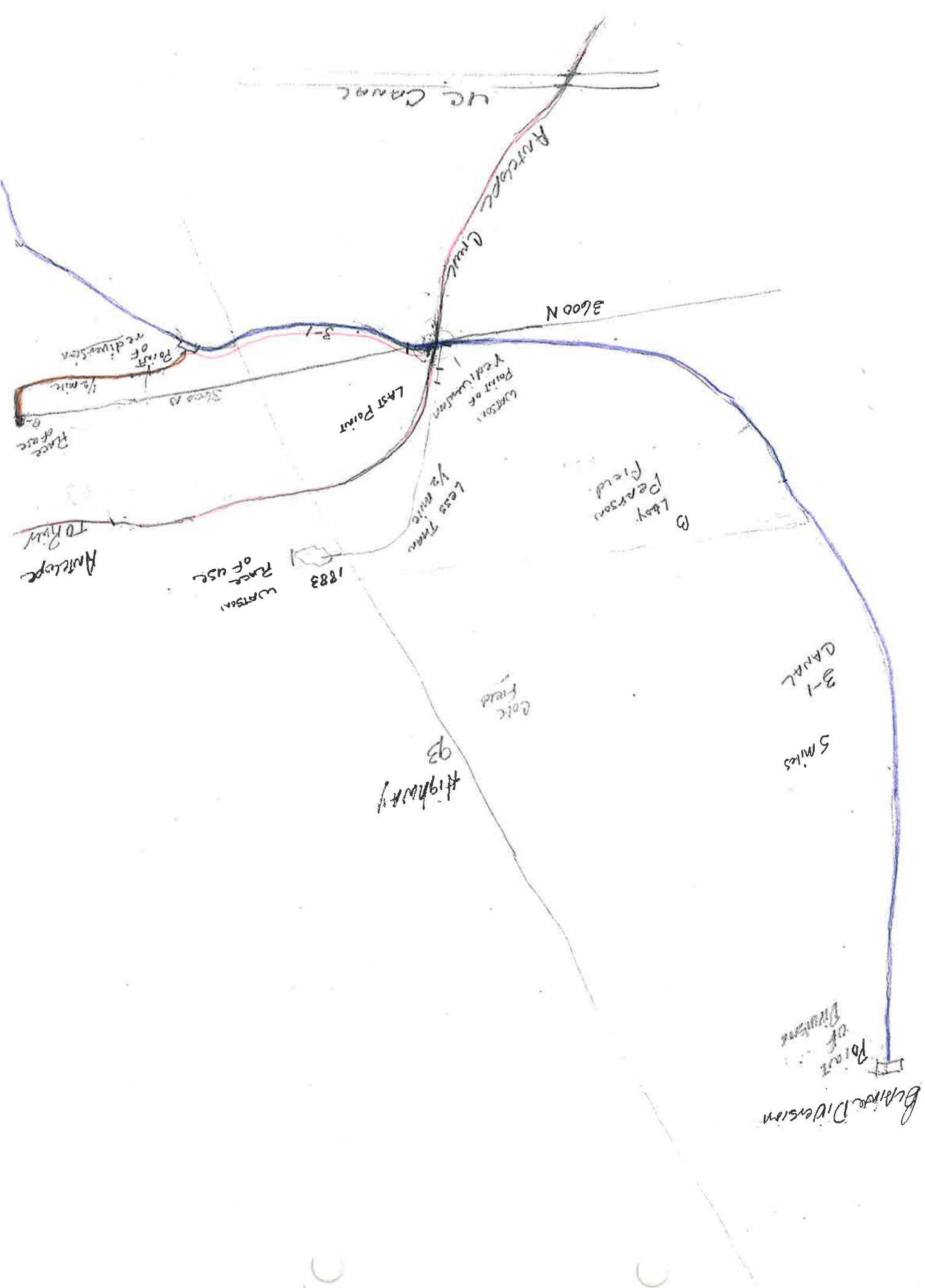

Merlin Waddoups

Date 5-19-10

3475W 3175N
Moore, Idaho 83255

(208) 554-3371





5/14/2010

- Talked to Bob Meier about the claim and requested EOP documentation
- said he purchased the property in 1976 and converted from flood to sprinkler in at that time.
- Bob said that water was delivered to the eastern part of the claimed POU via the B+J canal, although it was not claimed. (water POU via 3 in 1)
- requested map showing roads, power, and ditches along w/ EOP documentation.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 11, 2009

ROBERT K AND CAROL C MOSS
3490 W 3600 N
MOORE ID 83255

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #34-14074

Dear Claimants:

The Notice of Claim you filed was received from the SRBA Court recently. I have enclosed Receipt #C089762 for the filing fees you paid. Please retain the receipt for your records.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:state

Enclosure:

Receipt referenced above

SCANNED

JAN 05 2010

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

RECEIVED

JUN 15 2010

Department of Water Resources
Eastern Region

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Ident. Number 34-14074
Date Received: 3/10/2009
Receipt No: C089762
Received By: MWH

1. Name of Claimant(s)

ROBERT K MOSS Phone: (208) 554-4302
3490 W 3600 N
MOORE ID USA 83255

CAROL C MOSS Phone: (208) 554-4302
3490 W 3600 N
MOORE ID USA 83255-8731

2. Date of Priority: 04/05/1940

3. Source: ANTELOPE CREEK Trib. to: BIG LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	26E	31	SE SE SW	BUTTE	

5. Description of diverting works:

headgate to 3 n 1 ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2.14	

7. Total Quantity Appropriated is:
2.14 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06N	26E	32	NE SW	IRRIGATION	18

SE	SW	IRRIGATION	39
NW	SE	IRRIGATION	11
SW	SE	IRRIGATION	39

Section Acres 107

Total Acres 107

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

amended claim to earlier priority and fewer acres based on the delivery system.

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Robert E. Moss Date: 5-24-2010
Carol C. Moss 5-24-2010 Date:

State of Idaho)
County of Butte) SS.

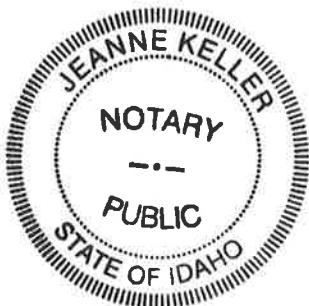
Subscribed and sworn (or affirmed) before me this
of May 24 2010

Jeanne Keller
Lisa McDermott JK

Notary Public

Residing at Moore, Idaho

My commission Expires 01/29/2013



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 34-14074

Date Received:

Receipt No:

Received By:

C089762

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT K MOSS Phone: (208)554-4302

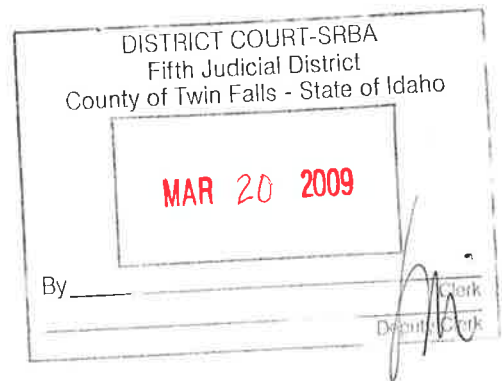
3490 W 3600 N

MOORE ID USA 83255

CAROL C MOSS Phone: (208)554-4302

3490 W 3600 N

MOORE ID USA 83255-8731



2. Date of Priority: 04/05/1966

3. Source: ANTELOPE CREEK Trib. to: BIG LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	26E	31	SE SE SW	BUTTE	

5. Description of diverting works:

headgate to 3 n 1 ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	4.8	

7. Total Quantity Appropriated is:
4.8 C.F.S.

SCANNED
DEC 24 2009

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres		
05N	26E	4	NE	NW	3	IRRIGATION	1.6	
			NW	NW	4	IRRIGATION	1.7	
			Section Acres					3.3
06N	26E	32	NE	SW		IRRIGATION	28	
			SE	SW		IRRIGATION	38	
			NW	SE		IRRIGATION	19	
			SW	SE		IRRIGATION	39	
			SE	SE		IRRIGATION	41	
			Section Acres					165
06N	26E	33	SW	SW		IRRIGATION	33	
			SE	SW		IRRIGATION	11	
			Section Acres					44
			Total Acres					212.3

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used: 34-430, 34-873A, 34-837B, 34-2333B & 34-2493

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

Robert K. Moss
Carol C. Moss

SCANNED
DEC 24 2009

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Robert K. Moss Date: 3-16-2009
Carol C. Moss Date: 3-16-09

State of Idaho)
County of Butte) SS.

Subscribed and sworn (or affirmed) before me this

of 3-16 2009

Tulby S. McAffee

Notary Public

Residing at Arco, ID

My commission Expires 1-28-2015



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DEC 24 2009

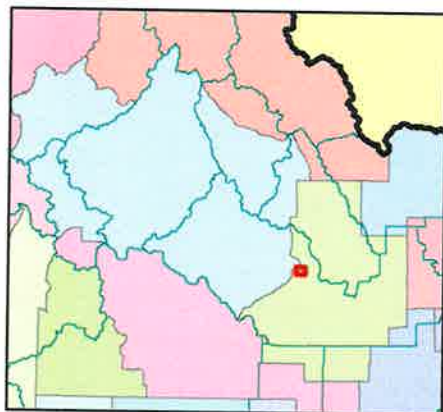


Idaho Department of Water Resources

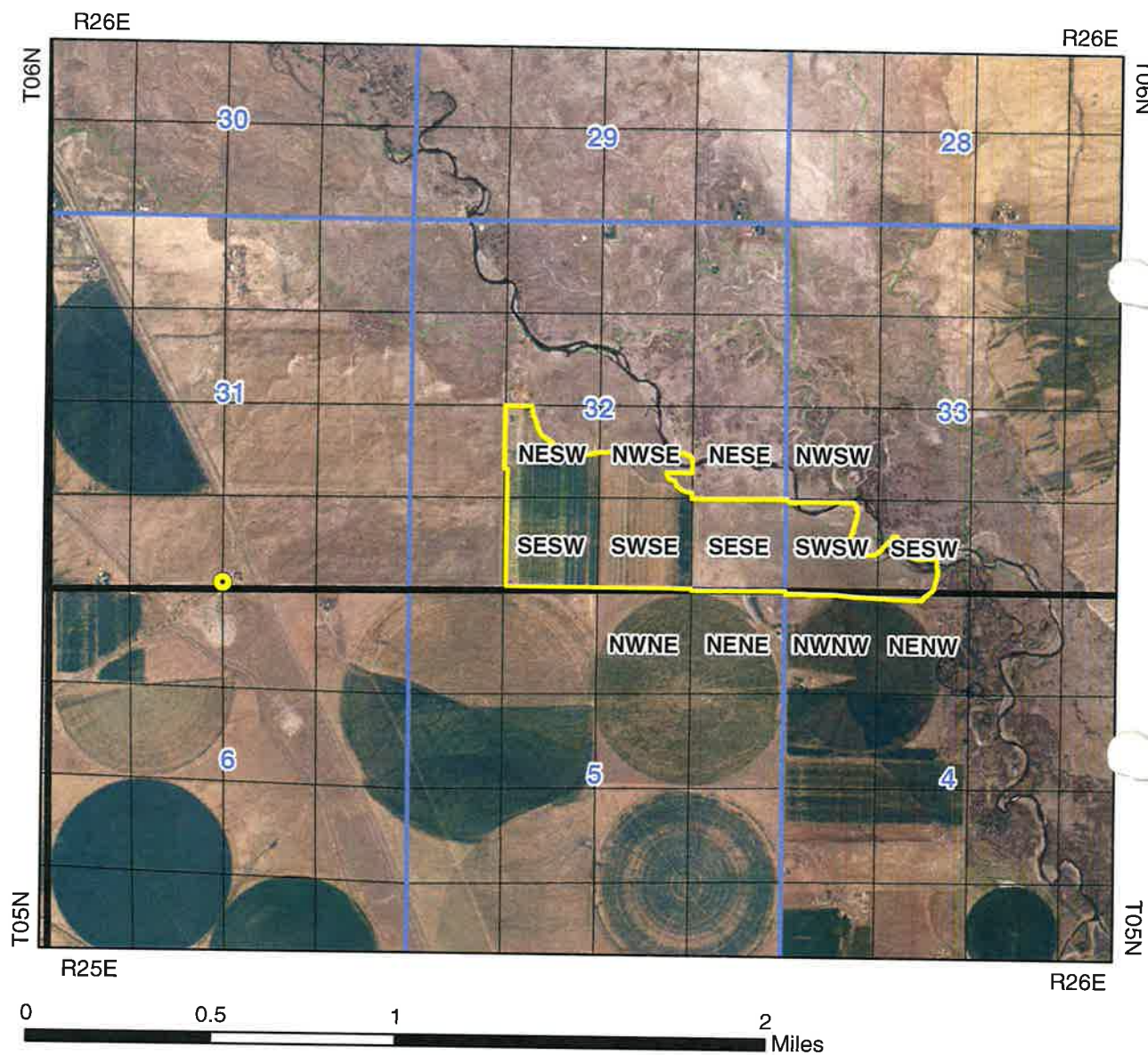
Adjudication Claim
34-14074
(IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots



Butte, Custer Counties
IDWR Basin 34



Prepared by Nathaniel Arave
 On March 10, 2009
 2004 Aerial Photography

DEC 24 2009

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