

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF 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
T05S R13E S04	SESW	40.00	T05S R13E S04	NESE
T05S R13E S04	NWSE	34.00	T05S R13E S04	SWSE
T05S R13E S04	SESE	21.00	T05S R13E S09	NWNE
T05S R13E S09	SWNE	38.00	T05S R13E S09	SENE
T05S R13E S09	NENW	34.00	T05S R13E S09	NWNW
T05S R13E S09	SENW	40.00	T05S R13E S09	NESW
T05S R13E S09	SESW	40.00	T05S R13E S09	NWSE
T05S R13E S09	SWSE	18.00	T05S R13E S16	NWNE
T05S R13E S16	NENW	40.00	T05S R13E S16	NWNW
T05S R13E S16	SWNW	30.00	T05S R13E S16	SENW

STOCKWATER same as IRRIGATION

808 ACRES TOTAL

The direct flow irrigation use described by rights 37-2778, 37-7385B, 37-7754, 37-21961 and 37-21962 when combined shall not exceed a total of 679 acres in a single irrigation season.

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

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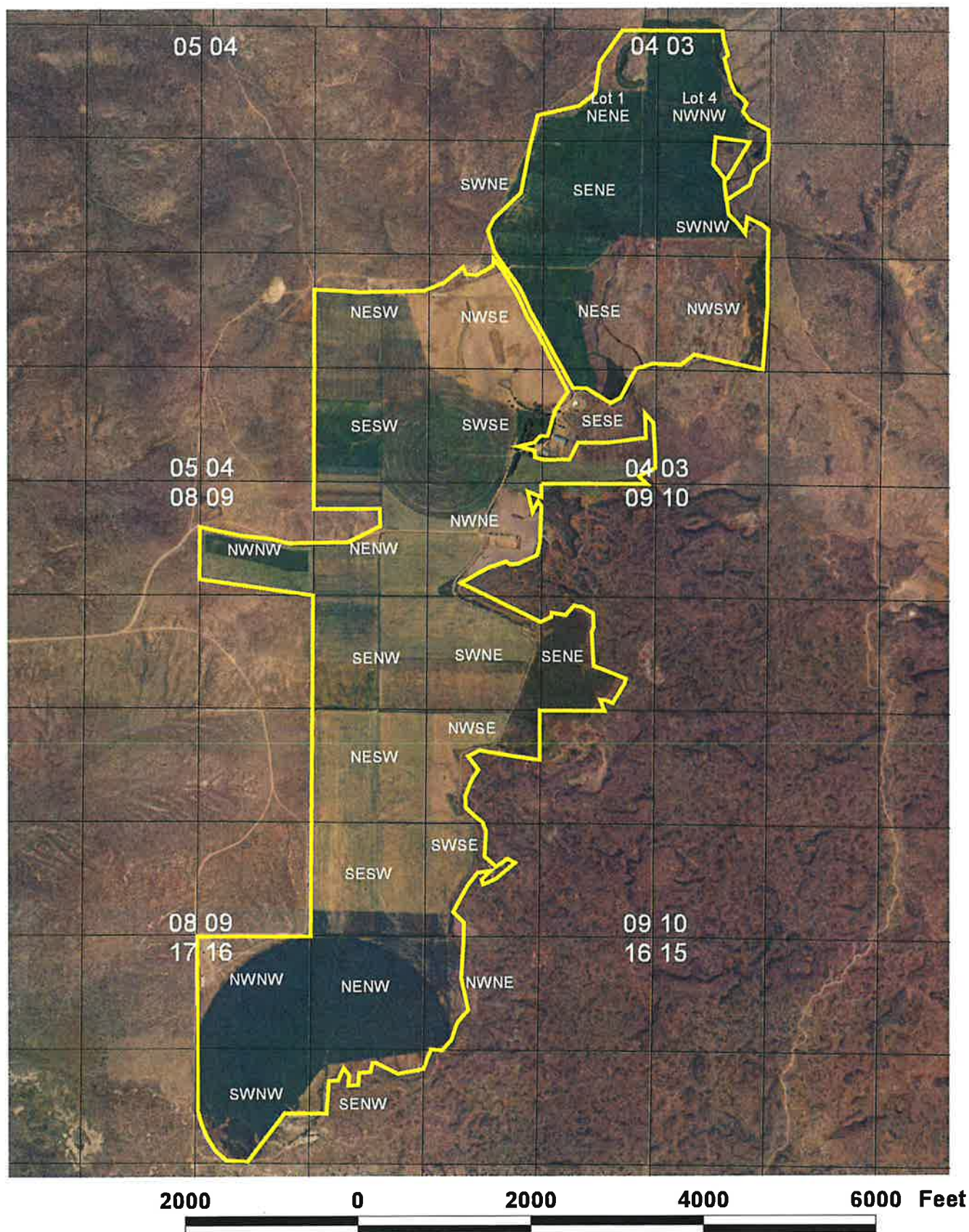
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

37-856 37-2778 37-2780 37-7754 37-21961 & 37-21962



**T05S R13E S03
S04 S09 & S16**

Map prepared by: Carter Fritschle
Date prepared: 10/09/03 - revised 11/25/06
2004 NAIP photography
Idaho Department of Water Resources



11/25/2006

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TRIBUTARY: BIG WOOD RIVER

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PRIORITY DATE: 04/13/1954

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T04S R14E S6 NESE Within GOODING County

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PERIOD OF USE:

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

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

Fritschle, Carter

From: Gary DeMoss [ghdemoss@earthlink.net]
Sent: Friday, November 03, 2006 11:13 AM
To: Fritschle, Carter
Cc: Jo Beeman
Subject: RE: New Claims

Carter,

Gary and I have not spoken to Jo yet, but your third option looks the best to us.

For documentation on year round stockwater rights:

- The Complaint for Decree 2791, top of page 8, refers to use of water for stock purposes, both during the irrigation and the non-irrigation season of the year.
- Two affidavits on Bray Lake Ranch stockwater use from Bray Lake. We supplied them to Corey Skinner for the transfer but they don't show up in our IDWR back file. I will fax them to you today. I'll also send the 1986 Bray Lake watermaster information since you don't have it.

Please let me know if you think the above will be adequate for documentation on the new claim.

Thank you very much,

Helen

----- Original Message -----

From: [Fritschle, Carter](#)
To: [Fritschle, Carter](#); [Jo Beeman \ \(E-mail\)](#); [Gary and Helen DeMoss \ \(E-mail\)](#)
Cc: [Hamlin Nygard, Susan](#); [Spencer, Nick](#); [Kelly, Vicki](#)
Sent: 11/2/2006 4:04:02 PM
Subject: RE: New Claims

Everyone,

I just discovered an error in my analysis. License 37-2778 includes only 2 acres that were not included on License 37-2780. Therefore the direct flow rate for 37-2778 should be reduced to 0.04 cfs. However, probably all of this can be taken care of with combined limits for the rate of flow and the number of acres on the recommendation(s) for the beneficial right(s).

Carter

-----Original Message-----

From: Fritschle, Carter
Sent: Thursday, November 02, 2006 3:44 PM
To: Jo Beeman (E-mail); Gary and Helen DeMoss (E-mail)
Cc: Hamlin Nygard, Susan; Spencer, Nick; Kelly, Vicki
Subject: New Claims

Jo, Gary and Helen,

I have been attempting to prepare the beneficial use claim for the direct flow from Dry Creek as per our discussion this morning. It looks like there are three options.

11/25/2006

The first option is to claim the direct flow companion right to 37-856. The decreed place of use for 37-856 is only 160 acres, and of that 160 acres only 93 acres were shown as irrigated on the 1954 priority date license (37-2780). This would limit my recommendation to 93 inches (1.86 cfs) for 93 acres under a January 17, 1932 priority date.

The second option is to claim the direct flow companion right to 37-2780. The licensed place of use for 37-2780 is 423 acres. This claim would allow me to recommend 423 inches (8.46 cfs) with an April 13, 1954 priority date. The direct flow portion of 37-2778 would be reduced to 0.60 cfs with a February 26, 1957 priority date for the 30 acres not covered by the place of use described in 37-2780. The direct flow portion of 37-7754 would remain unchanged since those 313 acres appear to be in addition to the acres described on 37-2780 and 37-2778.

Or, the third option would be to file two claims, one with the 1-17-1932 priority date for 1.86 cfs on 93 acres, and the other claim with a 4-13-1954 priority date for 6.60 cfs on 330 acres. The filing fee is \$100.00 per claim.

Please let me know which option you prefer.

Carter