STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85056

This is to certify that: GARY A DE MOSS AND
HELEN DE MOSS
PO BOX 61
BLISS, ID 83314-0061

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
37-22168	WR/DECREED	9/20/1974	1.730 cfs	338.7 af	84.0	808.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
37-2778	WR/DECREED	2/26/1957	80.000 cfs	1936.0 af	242.0	808.0	DRY CREEK
37-7754	WR/DECREED	12/14/1978	3.230 cfs	2504.0 af	313.0	808.0	DRY CREEK
37-21961	WR/DECREED	1/17/1932	1.880 cfs	N/A	93.0	808.0	DRY CREEK
37-21962	WR/DECREED	4/13/1954	6.620 cfs	N/A	330.0	808.0	DRY CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-22168	YES	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-22168	37-23303	0.120 cfs	24.0 af	N/A	6.0	37-22168	1.610 cfs	314.7 af	78.0	802.0
COMBINED TOTALS		**0.120 cfs**	**24.0 af**	**N/A**	**6.0**		**N/A**	**N/A**	**N/A**	**N/A**

SUPPORT DATA
IN FILE # 37-22168

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85056

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 28th day of September, 2021.

Southern Region Manager

WATER RIGHT NO. 37-22168

As Modified by Transfer No. 85056

In accordance with the approval of Transfer No. 85056, Water Right No. 37-22168 is now described as follows:

Right Holder: HELEN DE MOSS AND/OR
GARY A DE MOSS
PO BOX 61
BLISS, ID 83314-0061

Priority Date: 9/20/1974

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	11/01	1.560 cfs	312.0 af
STOCKWATER	01/01	to	12/31	0.050 cfs	2.7 af
				1.610 cfs	314.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSENW Sec 16 Twp 05S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	13E	3						28.0	32.0			36.0							96.0
								L 4											
05S	13E	4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
			L 1	L 2															
05S	13E	9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S	13E	16		13.0			40.0	33.0	30.0	10.0									126.0

Right Acre Limit: 78.0
POU Total Acres: 802.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	13E	3						X	X			X							
								L 4											
05S	13E	4	X	X	X	X					X			X	X	X	X	X	
			L 1	L 2															
05S	13E	9		X	X	X	X	X		X	X			X		X	X		
05S	13E	16		X			X	X	X	X									

Transfer No. 85056

WATER RIGHT NO. 37-22168

As Modified by Transfer No. 85056

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 78.0 acres within the place of use described above in a single irrigation season.

2. Rights 37-856, 37-857, 37-2778, 37-2780, 37-7754, 37-21961, 37-21962, and 37-22168 when combined shall not exceed the irrigation of 808.0 acres.

3. 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 1977.0 af at the field headgate, and the irrigation of 633.0 acres.

4. 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 633.0 acres in a single irrigation season.

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

6. The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

7. Prior to the diversion and use of water under Transfer approval 69896, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point of diversion, in accordance with Department specifications.

8. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Idaho Code § 42-701.

9. The period of use for the irrigation described in this approval 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 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 11, 2002.

10. 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.

11. The right holder shall accomplish the change authorized by 69896 transfer within one (1) year of the date of its approval.

12. Failure of the right holder to comply with the conditions of transfer 69896 is cause for the Director to rescind approval of the transfer.

13. 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.

WATER RIGHT NO. 37-23303

As Modified by Transfer No. 85056

In accordance with the approval of Transfer No. 85056, Water Right No. 37-23303 is now described as follows:

Right Holder: GARY A DE MOSS AND/OR
HELEN DE MOSS
PO BOX 61
BLISS, ID 83314-0061

Priority Date: 9/20/1974

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	11/01	0.120 cfs	24.0 af
				0.120 cfs	24.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 26 Twp 05S Rge 14E	GOODING County
GROUND WATER	SWSE	Sec 26 Twp 05S Rge 14E	GOODING County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	14E	26															6.0		6.0

POU Total Acres: 6.0

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

3. 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.

4. The period of use for the irrigation described in this approval 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 11/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 11, 2002.

Transfer No. 85056

WATER RIGHT NO. 37-23303

As Modified by Transfer No. 85056

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one 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 Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 37-2778

As Modified by Transfer No. 85056

In accordance with the approval of Transfer No. 85056, Water Right No. 37-2778 is now described as follows:

Right Holder: GARY A DE MOSS And
HELEN DE MOSS
PO BOX 61
BLISS, ID 83314-0061

Priority Date: 2/26/1957

Source: DRY CREEK **Tributary:** BIG WOOD RIVER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	01/01	to	12/31	80.000 cfs	
IRRIGATION	04/01	to	10/31	4.840 cfs	726.0 af
IRRIGATION FROM STORAGE	04/01	to	10/31		1210.0 af
IRRIGATION STORAGE	01/01	to	12/31		1210.0 af
				80.000 cfs	1936.0 af

LOCATION OF POINT(S) OF DIVERSION

DRY CREEK SENESE Sec 6 Twp 04S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	13E	3						28.0	32.0			36.0							96.0
								L 4											
05S	13E	4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
			L 1	L 2															
05S	13E	9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S	13E	16		13.0			40.0	39.0	30.0	10.0									132.0

Right Acre Limit: 242.0
POU Total Acres: 808.0

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	13E	3						28.0	32.0			36.0							96.0
								L 4											
05S	13E	4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
			L 1	L 2															
05S	13E	9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S	13E	16		13.0			40.0	39.0	30.0	10.0									132.0

Right Acre Limit: 242.0
POU Total Acres: 808.0

Transfer No. 85056

WATER RIGHT NO. 37-2778

As Modified by Transfer No. 85056

PLACE OF USE: IRRIGATION STORAGE

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	13E	25										X	X						
													L 1						
04S	13E	26													X			X	
																		L 7	
04S	13E	35	X	X	X	X													
			L 1	L 1	L 4	L 5													
04S	13E	36						X	X										
								L 1	L 2										

CONDITIONS OF APPROVAL

1. 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.

2. Rights 37-856, 37-857, 37-2778, 37-2780, 37-7754, 37-21961, 37-21962, and 37-22168 when combined shall not exceed the irrigation of 808.0 acres.

3. 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 1977.0 af at the field headgate, and the irrigation of 633.0 acres.

4. 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.

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

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

7. 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.

8. 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.

9. 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).

10. 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.

WATER RIGHT NO. 37-2778

As Modified by Transfer No. 85056

CONDITIONS OF APPROVAL

11. 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.

12. 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 633.0 acres.

13. 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.

14. 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.

WATER RIGHT NO. 37-7754

As Modified by Transfer No. 85056

In accordance with the approval of Transfer No. 85056, Water Right No. 37-7754 is now described as follows:

Right Holder: HELEN DE MOSS And
GARY A DE MOSS
PO BOX 61
BLISS, ID 83314-0061

Priority Date: 12/14/1978

Source: DRY CREEK **Tributary:** BIG WOOD RIVER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	01/01	to	12/31	3.230 cfs	
IRRIGATION	04/01	to	11/01	3.230 cfs	939.0 af
IRRIGATION FROM STORAGE	04/01	to	11/01		1565.0 af
IRRIGATION STORAGE	01/01	to	12/31		1565.0 af
				3.230 cfs	2504.0 af

LOCATION OF POINT(S) OF DIVERSION

DRY CREEK SENESE Sec 6 Twp 04S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	13E	3						28.0	32.0			36.0							96.0
								L 4											
05S	13E	4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
			L 1	L 2															
05S	13E	9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S	13E	16		13.0			40.0	39.0	30.0	10.0									132.0

Right Acre Limit: 313.0
POU Total Acres: 808.0

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	13E	3						28.0	32.0			36.0							96.0
								L 4											
05S	13E	4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
			L 1	L 2															
05S	13E	9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S	13E	16		13.0			40.0	39.0	30.0	10.0									132.0

Right Acre Limit: 313.0
POU Total Acres: 808.0

Transfer No. 85056

WATER RIGHT NO. 37-7754

As Modified by Transfer No. 85056

PLACE OF USE: IRRIGATION STORAGE

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04S	13E	25										X	X						
													L 1						
04S	13E	26													X			X	
																		L 7	
04S	13E	35	X	X	X	X													
			L 1	L 1	L 4	L 5													
04S	13E	36						X	X										
								L 1	L 2										

CONDITIONS OF APPROVAL

1. 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 1977.0 af at the field headgate, and the irrigation of 633.0 acres.

2. Rights 37-856, 37-857, 37-2778, 37-2780, 37-7754, 37-21961, 37-21962, and 37-22168 when combined shall not exceed the irrigation of 808.0 acres.

3. 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 633.0 acres.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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).

10. 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.

Transfer No. 85056

WATER RIGHT NO. 37-7754

As Modified by Transfer No. 85056

CONDITIONS OF APPROVAL

11. 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.

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

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

14. 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.

WATER RIGHT NO. 37-21961

As Modified by Transfer No. 85056

In accordance with the approval of Transfer No. 85056, Water Right No. 37-21961 is now described as follows:

Right Holder: HELEN DE MOSS And
GARY A DE MOSS
PO BOX 61
BLISS, ID 83314-0061

Priority Date: 1/17/1932

Source: DRY CREEK **Tributary:** BIG WOOD RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	11/15	1.860 cfs
STOCKWATER	01/01	to	12/31	0.020 cfs
				1.880 cfs

LOCATION OF POINT(S) OF DIVERSION

DRY CREEK NESE Sec 6 Twp 04S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	13E	3						28.0	32.0			36.0							96.0
								L 4											
05S	13E	4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
			L 1	L 2															
05S	13E	9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S	13E	16		13.0			40.0	39.0	30.0	10.0									132.0

Right Acre Limit: 93.0
POU Total Acres: 808.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	13E	3						X	X			X							
								L 4											
05S	13E	4	X	X	X	X					X			X	X	X	X	X	
			L 1	L 2															
05S	13E	9		X	X	X	X	X		X	X			X		X	X		
05S	13E	16		X			X	X	X	X									

Transfer No. 85056

WATER RIGHT NO. 37-21961

As Modified by Transfer No. 85056

CONDITIONS OF APPROVAL

1. Rights 37-856, 37-857, 37-2778, 37-2780, 37-7754, 37-21961, 37-21962, and 37-22168 when combined shall not exceed the irrigation of 808.0 acres.

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

3. 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.

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

5. 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 633.0 acres in a single irrigation season.

6. 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.

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

8. 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.

WATER RIGHT NO. 37-21962

As Modified by Transfer No. 85056

In accordance with the approval of Transfer No. 85056, Water Right No. 37-21962 is now described as follows:

Right Holder: GARY A DE MOSS And
HELEN DE MOSS
PO BOX 61
BLISS, ID 83314-0061

Priority Date: 4/13/1954

Source: DRY CREEK **Tributary:** BIG WOOD RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	11/15	6.600 cfs
STOCKWATER	01/01	to	12/31	0.020 cfs
				6.620 cfs

LOCATION OF POINT(S) OF DIVERSION

DRY CREEK NESE Sec 6 Twp 04S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	13E	3						28.0	32.0			36.0							96.0
								L 4											
05S	13E	4	25.0	1.0	11.0	40.0					27.0			40.0	38.0	34.0	39.0	21.0	276.0
			L 1	L 2															
05S	13E	9		32.0	38.0	19.0	34.0	18.0		40.0	40.0			40.0		25.0	18.0		304.0
05S	13E	16		13.0			40.0	39.0	30.0	10.0									132.0

Right Acre Limit: 330.0
POU Total Acres: 808.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	13E	3						X	X			X							
								L 4											
05S	13E	4	X	X	X	X					X			X	X	X	X	X	
			L 1	L 2															
05S	13E	9		X	X	X	X	X		X	X			X		X	X		
05S	13E	16		X			X	X	X	X									

Transfer No. 85056

WATER RIGHT NO. 37-21962

As Modified by Transfer No. 85056

CONDITIONS OF APPROVAL

1. Rights 37-856, 37-857, 37-2778, 37-2780, 37-7754, 37-21961, 37-21962, and 37-22168 when combined shall not exceed the irrigation of 808.0 acres.

2. 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.

3. 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.

4. 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 633.0 acres in a single irrigation season.

5. 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.

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

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

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

State of Idaho
Department of Water Resources

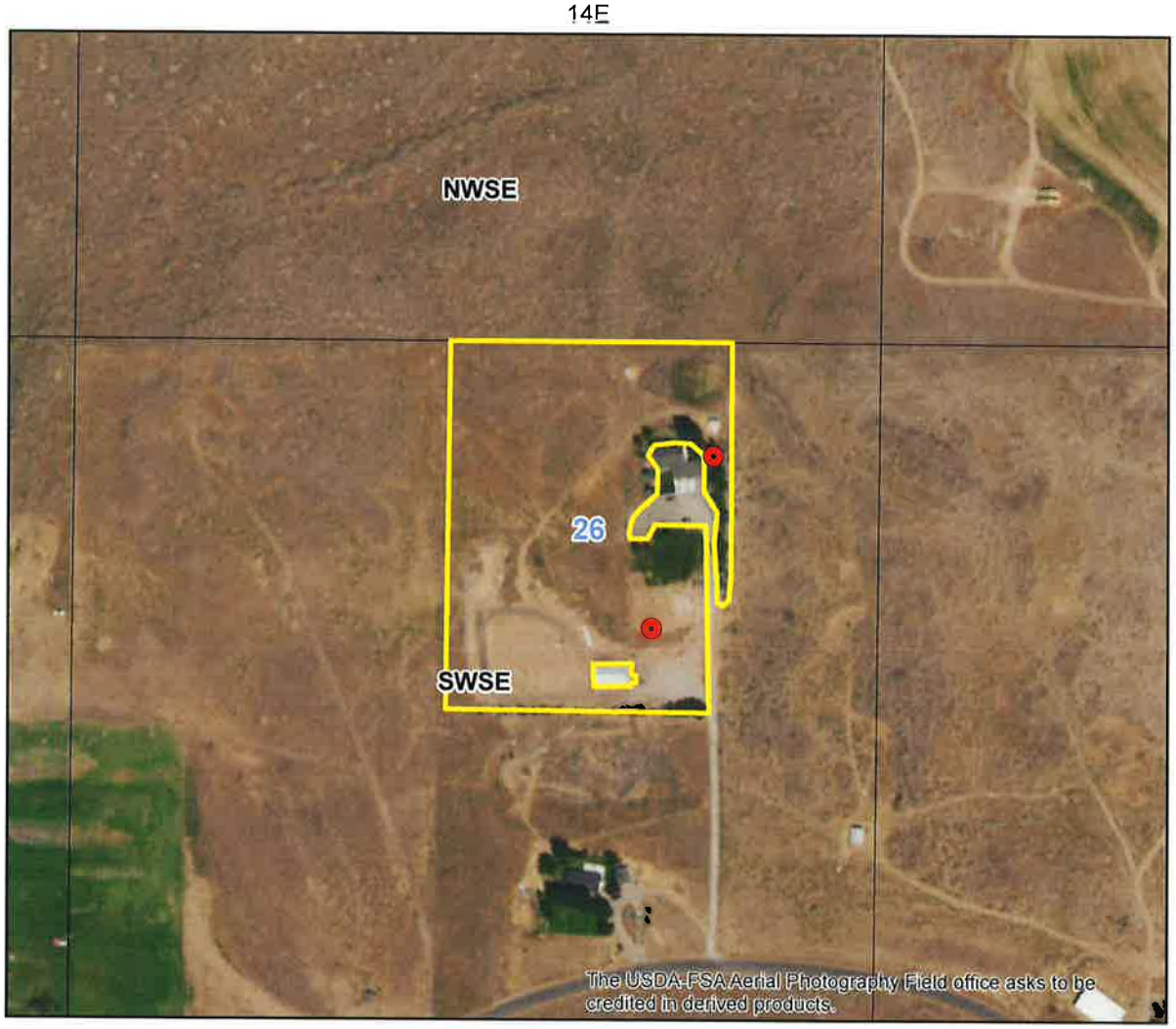
Attachment to Transfer # 85056

37-23303

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

14E

05S



Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.035 0.07 0.14 Miles

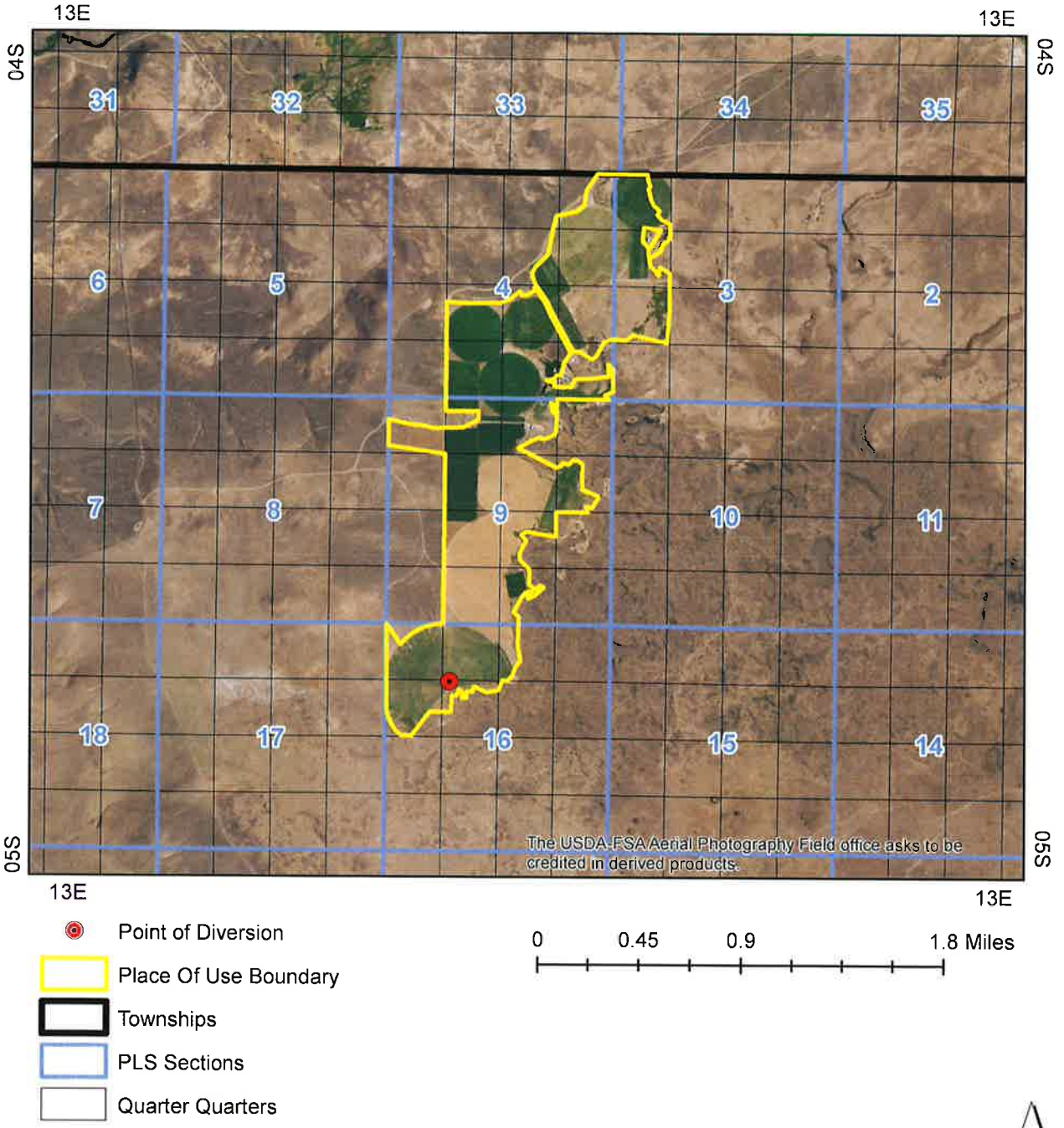
N

State of Idaho
Department of Water Resources

Attachment to Transfer # 85056

37-22168

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

September 28, 2021

GARY A DE MOSS
HELEN DE MOSS
PO BOX 61
BLISS ID 83314-0061

Re: Transfer No: 85056
Water Right No(s).: 37-2778, 37-7754, 37-21961, 37-21962, 37-22168

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85056
Water Right No(s).: 37-2778, 37-7754, 37-21961, 37-21962, 37-22168

GARY A DE MOSS
HELEN DE MOSS
PO BOX 61
BLISS ID 83314-0061

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

Denise Maline

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) The petition for reconsideration is disposed of; or
(b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: September 21, 2021

To: Transfer #85056, Gary and Helen DeMoss File

From: Jim Bitzenburg

Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the place of use (POU) and point of diversion (POD) for a 6.0 acre (0.12 cfs) portion of ground water irrigation right 37-22168 which is currently appurtenant to land located approximately 9.7 to 11.0 miles west and 4.5 to 7.0 miles north of the intersection of State Highway 46 and U.S. Highway 26 in Gooding. The proposed POU is located approximately 4.5 miles west and 2.2 miles north of Gooding. A new well and an existing well located within the proposed POU will be utilized as PODs for the transferred portion.

Right 36-22168 is currently leased into the Water Supply Bank and the split portion will remain there until after the transfer is approved and the ownership is changed to the owner of the proposed POU.

This transfer was advertised and comments were sought from the Watermaster of Water District 130. No protests were filed and the Watermaster did not object to the transfer.

The transfer involves a change in point of diversion from non-adjacent ESPA model grid cells so ESPA modeling was required. The model analysis shows no mitigation will be required for the proposed change.

- **Authority to File:**
  The applicants are listed as the current owners of the right being transferred according to IDWR records. Tax parcel information shows the applicants are the owners of the lands from which the irrigation rights are being transferred. A Contract of Agreement signed by the owner of the proposed POU of the transferring portion is enclosed with the application. The application was signed by both applicants.

- **Water Right Validity:**
  The right involved in the transfer was decreed in the SRBA in 2002. Aerial imagery shows the irrigated lands being converted have been irrigated within the last 5 years. Forfeiture does not appear to be an issue.

- **Injury to Other Water Rights:**
  None anticipated or foreseen. An ESPA POD change model analysis is attached to the application.

- **Enlargement of Use:**
  None anticipated. The land now irrigated by the transferring portion of right 37-22168 will be dried up. In this situation, because the storage rights on the farm can irrigate the entire 808.0 acres and

the ground water right is separated from the surface water flow rights and limited with the other surface water rights by conditions, no enlargement will occur, since reductions in right 37-22168 will take place. Idaho Code 42-222 allows for the enlargement of stored water rights used for irrigation purposes.

- **Local Public Interest:**
  No issues anticipated. This application was advertised and subject to protest. No protests were filed.

- **Beneficial Use/Conservation of Water Resources:**
  Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**
  None Anticipated

- **Effect of the Agricultural Base of the Area:**
  None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

*** Proof of Publication ***

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

IDAHO DEPT OF WATER RESOURCES
Denise Lauerman
2735 AIRPORT WAY
BOISE ID 83705

RECEIVED
SEP 01 2021
WATER RESOURCES
WESTERN REGION

ORDER NUMBER 117994

Sherri Davis

(Legals Clerk)

RECEIVED
SEP 17 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 26TH day of August in the year of 2021 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M Davis
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5/8/26

REBA M. DAVIS
NOTARY PUBLIC
MY COMMISSION EXPIRES 5-8-2026
STATE OF IDAHO
COMMISSION NUMBER 63586

Section: Legals
Category: 50 Legal
PUBLISHED ON: 08/19/2021, 08/26/2021

TOTAL AD COST: 235.98
FILED ON: 8/26/2021

✓ 9-20-2021

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

✓ **45-14539**
ALBION 12 INVESTMENTS LLC
7595 E MCDONALD DR STE 130
SCOTTSDALE, AZ 85250-6081
Point of Diversion SWNWSE S16 T12S R25E CASSIA County
Source UNNAMED STREAM Tributary SUMMIT CREEK
Point of Diversion SENENW S21 T12S R25E CASSIA County
Source SPRING CREEK Tributary HOWELL CREEK
Point of Diversion SENENW S21 T12S R25E CASSIA County
Source SPRING CREEK Tributary HOWELL CREEK
Use: AESTHETIC STORAGE 0101 to 12⅜1 7.5 AF
Use: WILDLIFE STORAGE 0101 to 12⅜1 7.5 AF
Total Diversion: 7.5 AF
Date Filed: 07-27-2021
Place Of Use: AESTHETIC STORAGE, WILDLIFE STORAGE
T12S R25E S16 NWSE
T12S R25E S21 NENW
Application for permit proposes the appropriation of 3.6 af from Spring Creek and 3.9 af from an unnamed stream (total for both 7.5 af) for uses associated with 3 on-stream ponds. A mitigation plan was submitted with application to account for evaporative losses and initial fill of ponds. Two ponds on Spring Creek are located approximately 1.9 miles east and 2.7 miles to 2.8 miles south of Albion. The pond on unnamed stream is located approximately 2 miles east and 2.4 to 2.5 miles south of Albion.

✓ **NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85056**
GARY DE MOSS and HELEN DE MOSS, PO BOX 61, BLISS, ID 83314 has filed Application No. 85056 for changes to the following water rights within GOODING County(s): Right No(s). 37-22168. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and point of diversion (POD) for a 6.0 acre (0.12 cfs) portion of ground water irrigation right 37-22168 which is currently appurtenant to land located approximately 9.7 to 11.0 miles west and 4.5 to 7.0 miles north of the intersection of State Highway 46 and U.S. Highway 26 in Gooding. The proposed POU is located approximately 4.5 miles west and 2.2 miles north of Gooding. A new well and an existing well located within the proposed POU will be utilized as PODs for the transferred portion.

✓ **TRANSFER NO. 85172**
ALBION 12 INVESTMENTS LLC, 7595 E MCDONALD DR STE 130, SCOTTSDALE, AZ 85250-6081 has filed Application No. 85172 for changes to the following water rights within CASSIA County(s): Right No(s). 45-517D. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a new point of diversion to a 0.2 cfs Spring Creek irrigation water right that is located approximately 1.9 miles east and 2.8 miles south of Albion. Application also proposes removing a currently authorized point of diversion from the same water right.

✓ **TRANSFER NO. 85190**
SCHENK LAND & CATTLE LP, 1380 S 50 W, OAKLEY, ID 83346-8715 has filed Application No. 85190 for changes to the following water rights within CASSIA County(s): Right No(s). 45-12444. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the recorded place of use of an existing Land Ranch Spring water right (0.50 cfs) to reflect actual water use for stock water purposes at a feedlot facility located approximately 3.4 miles east and 7.2 miles north of Oakley.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &r proposed transfer, please see https:/research.idwr.idaho.gov. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of $25.00 for each application on or before **September 7, 2021**. The protestant must also send a copy of the protest to the applicant.

Published 19, 26 August, 2021

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 85056
Water Right No: 37-22168
Applicant Name: Gary & Helen DeMoss

Watermaster's Recommendation:

a) __X__ I do not oppose approval of this application

b) ____ I do not oppose approval of this application under the following terms:

c) ____ I oppose approval of this application(s) for the following reasons:

d) ____ Additional comment:

Dated: August 19, 2021

Water District 130

Nathan Erickson

Nathan Erickson, Watermaster