

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

RECEIVED
APR 23 2018
Department of Water Resources
Eastern Region

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Robert K Moss Phone 208-554-4302
2. **MAILING ADDRESS** 3490 W 3600 N City Moore
State ID Zip 83255 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 34-430, 34-837A, 34-837B

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 4.8 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NW	SE	32	6N	26E	BUTTE	BIG LOST RIVER	
Y			SW	SW	33	6N	26E	BUTTE	BIG LOST RIVER	
All other PODs will remain the same.										
N		NW	SE	NW	32	6N	26E	BUTTE	BIG LOST RIVER	B&J 34-430,34-837B
N		SE	NW	SE	14	6N	25E	BUTTE	BIG LOST RIVER	3in1 34-430,34-837A

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The system will include two pumping stations on the River connected to mainline and a new pivot irrigation system. Measuring devices can be installed on new or existing mainline. Access to existing diversions will be unchanged.

- b. Who owns the property at the point(s) of diversion? Applicant owns property at new PODs

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.



Signature of applicant or authorized agent

Print name and title if applicable

4/23/18
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by SC

Date 4/23/18

Fee paid 820- Date 4/23/18

Received by SC

Receipt # E043924

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/23/2018

WATER RIGHT NO. 34-430

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAROL C MOSS
Current Owner	ROBERT K MOSS 3490 W 3600 N MOORE, ID 83255-8731 2085544302
Original Owner	EDWARD KING , ID
Original Owner	DIANA JENSEN
Original Owner	JACK A JENSEN 3328 W 2900 N MOORE, ID 83255 2085273179

Priority Date: 05/01/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	1.6 CFS	
Total Diversion			1.6 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWSE|Sec. 14|Township 06N|Range 25E|BUTTE County
 BIG LOST RIVER|NWSNW|Sec. 32|Township 06N|Range 26E|BUTTE County

8230'

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	26E	4		NENW	1.5		NWNW	1.5						
06N		32		SESE	40									
		33		SWSW	35		SESW	10						

Total Acres: 88

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-02493 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.76 CFS.
3. USE OF THIS RIGHT WITH RIGHT NO. 34-02493 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 88 ACRES IN A SINGLE IRRIGATION SEASON.
4. C18 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. WATER IS DELIVERED THROUGH 3 IN 1 AND/OR B & J DITCHES.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 88

Combined Volume Limit:

Combined Rate Limit: 1.76

82307

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/23/2018

WATER RIGHT NO. 34-837A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAROL C MOSS
Current Owner	ROBERT K MOSS
	3490 W 3600 N
	MOORE, ID 83255-8731
	2085544302
Original Owner	ERASTUS WEST

Priority Date: 06/01/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	1 CFS	
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWSE|Sec. 14|Township 06N|Range 25E|BUTTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	26E	32		NESW 17										
				NWSE 8										

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Total Acres: 25

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-02333A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.00 CFS.
3. USE OF THIS RIGHT WITH RIGHT NO. 34-02333A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 25 ACRES IN A SINGLE IRRIGATION SEASON.
4. C18 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. WATER IS DELIVERED THROUGH 3 IN 1 DITCH.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 25

Combined Volume Limit:

Combined Rate Limit: 1

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/23/2018

WATER RIGHT NO. 34-837B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAROL C MOSS
Current Owner	ROBERT K MOSS 3490 W 3600 N MOORE, ID 83255-8731 2085544302
Original Owner	CLYDE MC AFFEE DARLINGTON, ID
Original Owner	DIAMOND LAZY L RANCH LTD C/O JAMES LORD 3747 N US HWY 93 DARLINGTON, ID 83231 2085883066
Original Owner	JOHN E MC AFFEE 570 NORVIN AVE IDAHO FALLS, ID 83401 2085893223

Priority Date: 06/01/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	2.2 CFS	
Total Diversion			2.2 CFS	

Location of Point(s) of Diversion:

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BIG LOST RIVER|NWSNW|Sec. 32|Township 06N|Range 26E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	26E	32		NESW	9		SESW	38						
				NWSE	7		SWSE	39						

Total Acres: 93

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-02333B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.52 CFS.
3. USE OF THIS RIGHT WITH RIGHT NO. 34-02333B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 93 ACRES IN A SINGLE IRRIGATION SEASON.
4. C18 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.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 93

Combined Volume Limit:

82307

Combined Rate Limit: 2.52

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

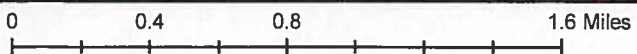
Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

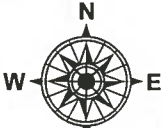
Close



2017 Aerial Photography

Legend

- | | | | |
|---|----------------|---|----------------|
|  | Proposed POD |  | WR POU 34-837B |
|  | WR POD 34-837B |  | WR POU 34-430 |
|  | WR POD 34-837A |  | Twp & Rng |
|  | WR POD 34-430 |  | Section |
|  | WR POU 34-837A |  | QQ |



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Application Overview

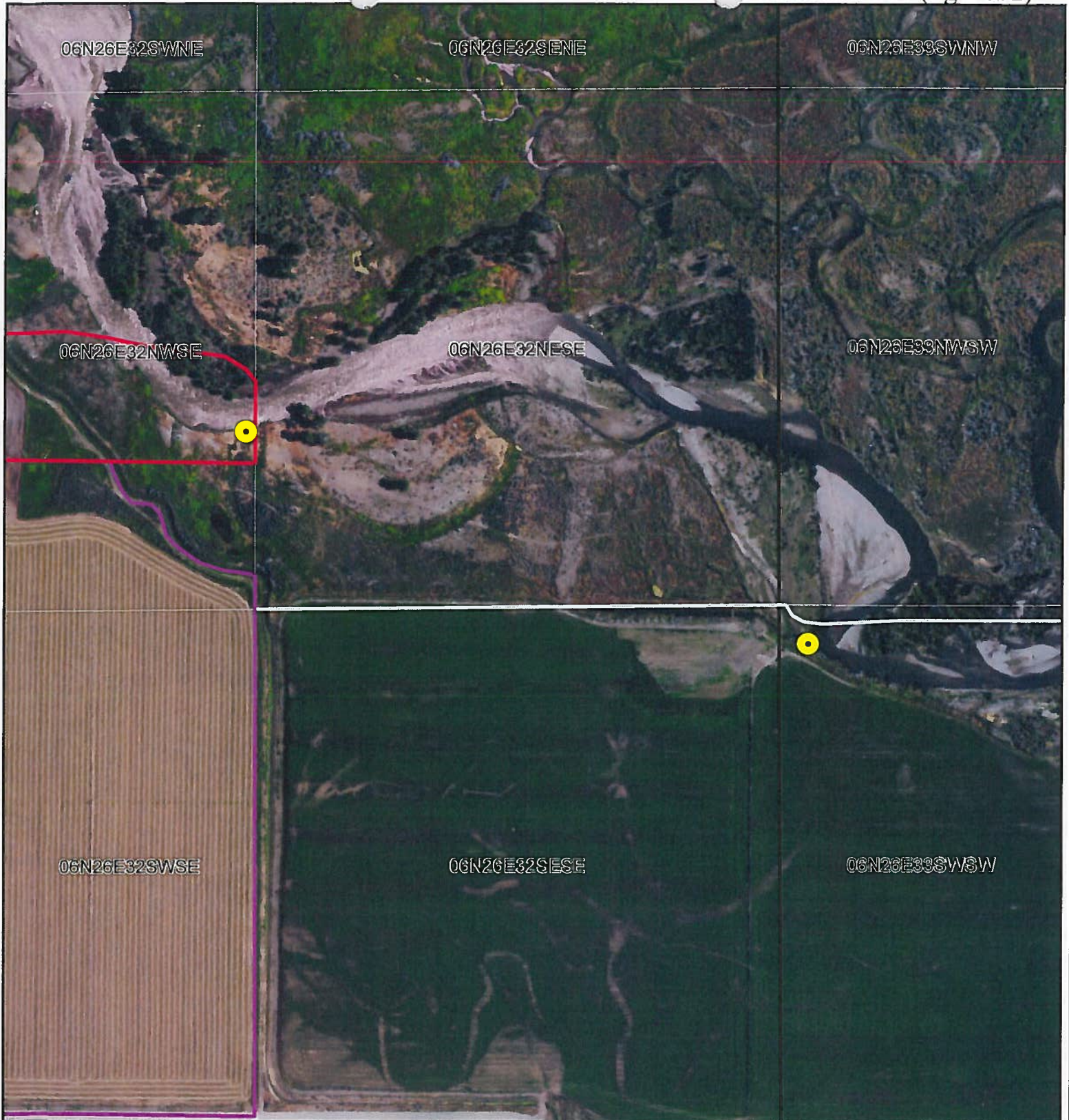
Robert K Moss

RMEA #17-0050

by: KM

Date: 4/23/2018





0 250 500 1,000 Feet

2017 Aerial Photography

Legend

-  Proposed POD
-  Twp & Rng
-  WR POU 34-837A
-  Section
-  WR POU 34-837B
-  QQ
-  WR POU 34-430



Proposed PODs

Robert K Moss

RMEA #17-0050

by: KM

Date: 4/23/2018





Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

RECEIVED
APR 23 2018
Department of Water Resources
Eastern Region

April 23, 2018

RMEA 17-0050

Idaho Department of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls, ID 83402

Re: Application for Transfer – POD Robert Moss

Dear IDWR,

Enclosed is an Application for Transfer – Point of Diversion for Robert K Moss for Water Right Nos. 34-430, 34-837A, and 34-837B. Also enclosed is a check for the filing fees of \$820.

These water rights are currently diverted from either the 3-in-1 Ditch or the B & J Ditch. The 3-in-1 Ditch has been reduced in diversion over the years and cannot always deliver the water rights while in priority. To economize water use and improve efficiency, this transfer proposes to add two diversions directly on the Big Lost River near the Places of Use.

One diversion, located in SWSW Section 33, T6N R26E, is already connected to the existing system. The historical diversion under water right 34-2493 is located about 170 feet west of the proposed point of diversion and has been connected directly to the River through erosion. This pumping station, along with another proposed station in NWSE Section 32, T6N R26E will divert water directly into new or existing mainlines and a new pivot irrigation system. No changes in the Places of Use are required.

The existing Points of Diversion from the Ditches will remain unchanged.

Please contact me with questions or concerns regarding this transfer.

Thank you,

Kristin Moore
Senior Water Rights Analyst

Enclosures: Application for Transfer - POD
 Check for \$820.00