



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

GARY SPACKMAN

Director

July 2, 2014

C.L. "BUTCH" OTTER

Governor

MOSS GREENHOUSES INC
269 S 300 E
JEROME ID 83338

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Mr. Moss:

As follow-up to our conversation of this afternoon, July 2, 2014, the Department of Water Resources is returning your application to rent water from the Water Supply Bank ("bank").

This letter is notice that the attached application for rental of water is **Returned** at your request.

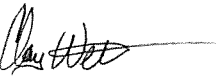
Any use associated with your proposed rental request is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If you wish to rent water in the future with a new proposal, please reapply using new forms from the department's website at www.idwr.idaho.gov.

Please note that any application to rent ground water which will move the point-of-diversion more than two miles within the Eastern Snake Plain Aquifer (ESPA), requires an additional evaluation step. The impact of the proposed move must be evaluated using software which models the ESPA. The approved modeling utility is available from our website and there are consultants in your area who can provide that modeling service for you. Modeling the impact to the ESPA is requirement for most WSB rentals. An application will be considered incomplete without it.

If you have any questions regarding this matter, please contact me, Michele Edl, at (208) 287-4946 or Cherie Palmer, Senior Water Resource Agent and WSB Process Point of Contact.

Sincerely,

for 

Michele Edl

Enclosure: Rental Application(s)

STATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANKRECEIVED
MAY 05 2014
DEPARTMENT OF
WATER RESOURCES

This application must be prepared in accordance with the minimum requirements listed to be acceptable for processing by the Department. Incomplete applications will be returned.

Name of Renter(s) MOSS GREENHOUSES, INC. - KEVIN D. MOSS
 Mailing Address 269 SOUTH 300 EAST, JEROME, ID, 83338
 Phone 208-731-6677 / 324-1000 Email kevin.moss@mossgreenhouses.com

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) 0.217 Maximum Volume (ac-ft) 30 Nature of Use COMMERCIAL Period of Use 03/15 to 11/01
 _____ to _____
 _____ to _____

Total: _____

2. Source of water GROUND WATER tributary to _____3. Point(s) of Diversion: 36-16702

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
07S	24E	11		SE	SE	NE	MINIDOKA

4. Lands to be irrigated or place of use: 36-8298

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	17E	33																	

If the use is for irrigation, show total number of acres proposed through rental.

Total Acres _____

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion? Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed point of diversion. _____

2. Do you own the land at the proposed place of use? Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed place of use. _____

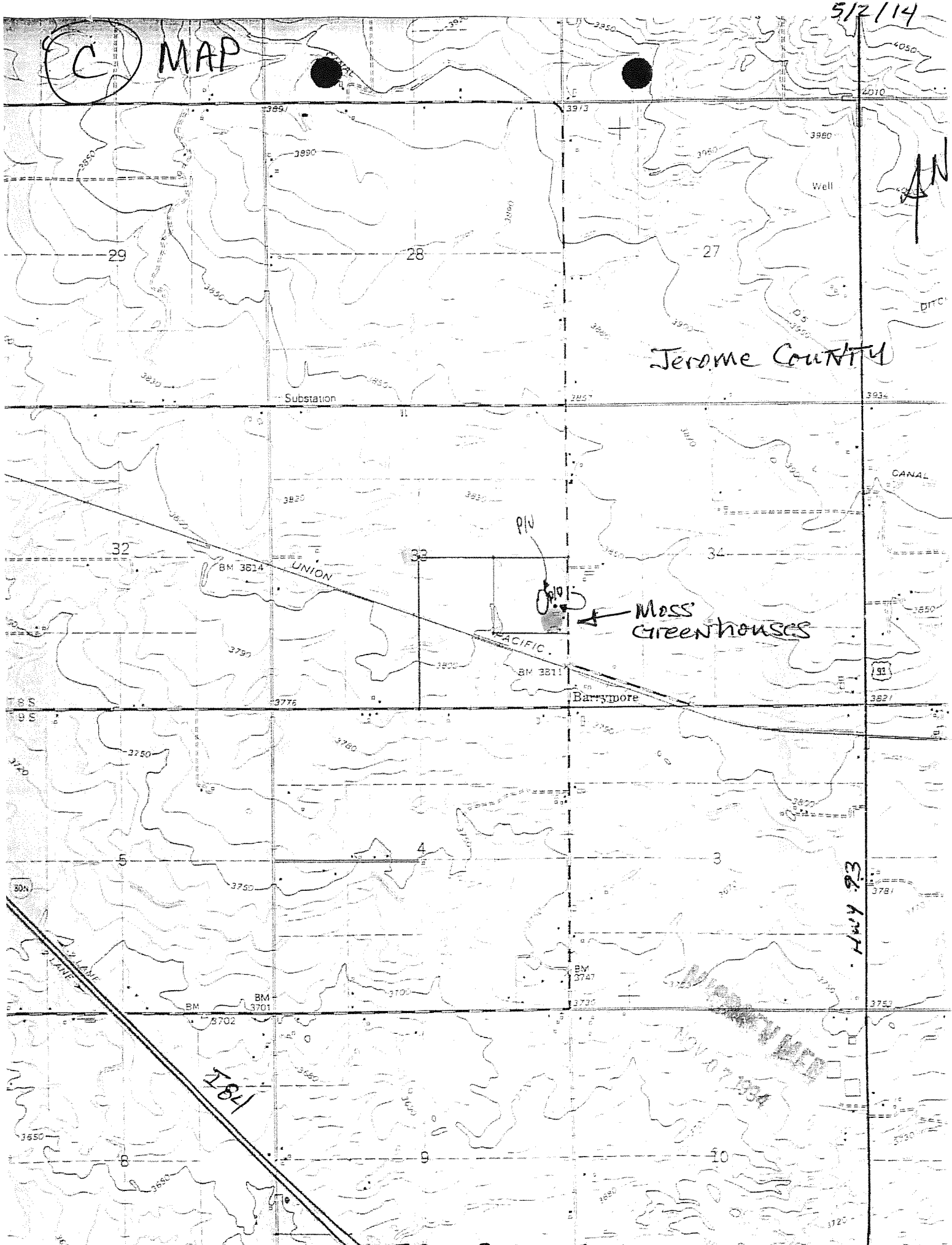
C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

INCLUDED

512114

(C) MAP



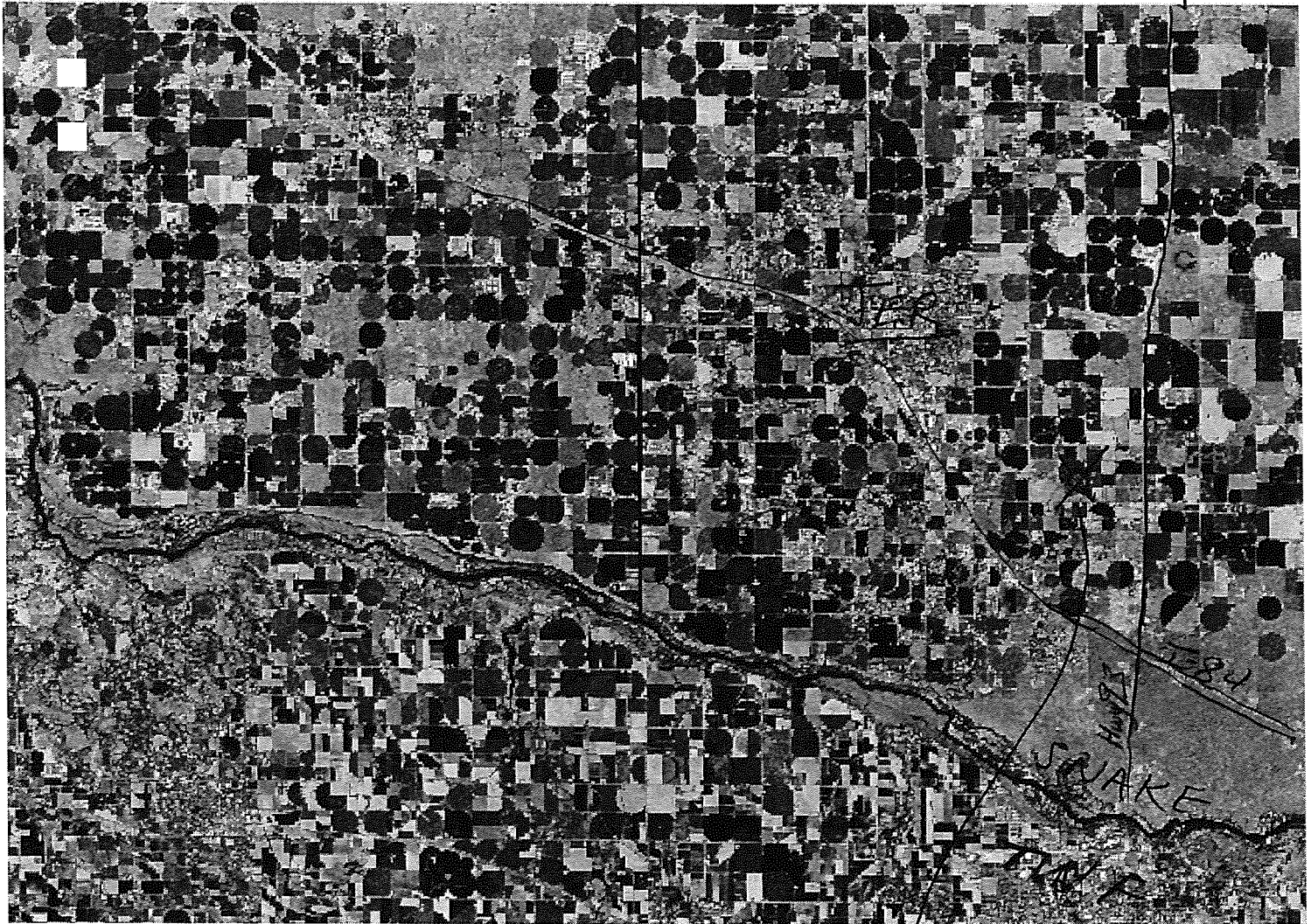
T84

T85, R. 17E, Sec. 33

IDAHO

Department of Water Resources Irrigation Rights Finder

Jerome County



[Help](#) [Other Maps](#) [Alternative Text Based Search](#) [Contact Us](#) [Water Resources Home](#) [Idaho.gov](#)

Location of Moss Grnhs.
269 South 300 East
Jerome, ID

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system.

EXISTING GROUND WATER WELL & PIPELINE

2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.

IDWR NO. 36-7898, 36-8298

3. Will the proposed place of use receive water from any other source?

Yes ☒ No ☐

If yes, describe. IDWR NO. 36-7898, 36-11546

4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed. N/A

5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental?

Yes ☐ No ☒

If yes, describe. _____

6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation?

Yes ☐ No ☒

If yes, describe. _____

E. RENTAL TERM

Do you wish to rent water from the Board's bank for more than one (1) year?

Yes ☒ No ☐

If yes, please specify the number of years desired through proposed rental. 10 yrs.

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. The Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

Kevin D. Moss
Signature of Applicant

KEVIN D. MOSS, PRESIDENT
Printed Name and Title*

5/2/2014
Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

MEMORANDUM

To: Moss Greenhouse application to rent from the Water Supply Bank

From: Michele Edl

Date: July 2, 2014

Re: WSB and transfer overlap

As follow-up to a phone conversation June 2, I called and spoke with Mr. Kevin Moss this morning. Mr. Moss has decided to withdraw his application to rent water from the Water Supply Bank for the 2014 season.

He has begun the search for a water right to transfer to his property and has contacted Brockway Engineering personnel to assist him in that search.

Edl, Michele

From: Kevin Moss [kevin.moss@mossgreenhouses.com]
Sent: Monday, June 30, 2014 9:15 AM
To: Edl, Michele
Subject: Re: Water Supply Bank Rental Application

I'm out of the office until Tuesday July 1. I will call you in the afternoon. Thanks, Kevin

Sent from my Verizon Wireless 4G LTE DROID

"Edl, Michele" <Michele.Edl@idwr.idaho.gov> wrote:

Mr. Kevin Moss,

I understand from your staff that you are away from your home base. I will be away from my phone and desk on June 30, which is the day that your staff expects you to return. This message is a extra attempt to connect with you about your request to rent water from the Water Supply Bank.

When we last spoke on June 2, I promised to reconnect with you in a couple weeks and discuss whether you wanted to rent water for the 2014 season. The weeks have passed and now I hope to retrieve a firm yes or no from you.

The right you proposed to rent did not have significant seniority to those already available to you. There is no guarantee that it would not be curtailed by the mitigation requirements of the Rangen call.

The Water Supply Bank would require you to rent and pay for the entire season, even if you only used the water for a short time.

Although the standard irrigation season-of-use has not reached its peak demand, I realize that greenhouse operations do not match the standard irrigation season. You mentioned in our previous conversation that with the perspective of a few additional weeks, you may find you do not want to rent water from the Water Supply Bank.

Therefore, please let me know no later than July 3, 2014 whether I should complete the processing of your rental request or return it to you unprocessed. If I don't hear from you within that time, I will assume that you no longer wish to pursue the water rental and I will return your application to you.

Sincerely,

Michele Edl

IDWR

322 E Front St

Boise, ID 83720

287-4946

MEMORANDUM

Date: June 2, 2014
To: Water Right File 15-7258
From: medl
Re: water supply bank rental application

I had a phone conversation with the applicant Mr. Kevin Moss about the need to process his application to rent WR 36-16702 from the WSB. The purpose of this memo is to document that conversation and provide some background for follow-up.

Moss Greenhouses, Inc. (Kevin D. Moss, president) hold water rights 36-7898 and 36-8298 for commercial use in a greenhouse complex. The priority dates on those rights are 2/27/1980 and 9/23/1985 respectively.

As of today, the curtailment order which had prompted Mr. Moss to apply to rent water from the WSB, is stayed. Based on the most recent mitigation plan that was presented to the department, right 36-7898 would not have been curtailed to satisfy the Rangen call.

I understand that the Director of IDWR will be conducting a hearing this week to determine the status of the relevant mitigation plan and the potential impacts to right holders with priorities junior to 1983.

The applicant agreed to allow me to hold off processing this application for two weeks so that IDWR can confirm the need for it.

word Moss Greenhouse WSB Rental Hold Memo



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 15, 2014

MOSS GREENHOUSES, INC
269 S 300 E
JEROME ID 83338

RE: APPLICATION(S) TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to rent water for from the Water Supply Bank (Bank). The Department will review your application(s) as time allows. If your application cannot be processed for the initial year specified on the application, it is possible that it may be approved for subsequent years.

Filing a rental application does not authorize diversion and use of water. It is unlawful to use water without a valid water right or an approved Water Supply Bank rental agreement. **You are not authorized to divert any water for the purposes described in your application until you have paid the rental fee and you and the Department have both signed and executed a rental agreement.**

You can check the status of your rental application by reviewing the Department's processing spreadsheet, accessible from the Water Supply Bank's website at:

http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterSupply/ws_default.htm

Regards,

Cherie Palmer
Sr. Water Resource Agent
Water Supply Bank Contact

C: GARY SLETTE
PO BOX 1906
TWIN FALLS ID 83303-1906

May 2, 2014

IDWR

ATTN: Pam Skaggs

Box 83720

Boise, ID 83720-0098

RECEIVED

MAY 05 2014

DEPARTMENT OF
WATER RESOURCES

RE: Rental bank request for IDWR 36-16702

Dear Ms. Skaggs,

My attorney, Gary Slette, spoke with you regarding our request to rent a portion of IDWR No. 36-16702. We own and operate a greenhouse, and became concerned about the potential 1983 priority cut for our water right No. 36-8298. I am aware that there may be future calls and that the rented 1981 right might also be cut off in the future, but we have to take steps now while we can to give us the best opportunity to maintain our livelihood and that of our 100 employees.

Please review the enclosed application to determine if it is complete or if you need further information. The other two water rights we possess are extremely small and insufficient to keep our greenhouse in operation. Anything you can do to expedite this application would be appreciated. If you need to me to send a check immediately, please advise me and I will do so. Do not hesitate to contact me on my cell phone which is 208-731-6677.

Yours truly,

A handwritten signature in black ink, appearing to read "Kevin Moss", written in a cursive style.

Kevin Moss

MOSS GREENHOUSES, INC