

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78422

MAR 07 2013

MINIMUM REQUIREMENTS CHECKLIST**TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**DEPT. OF WATER RESOURCES
SOUTHERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) MOSS LAND CO LLP**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.****Yes N/A** *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

MAR 07 2013

Name of Applicant MOSS LAND CO LLP Phone (208)300-0889
Mailing Address 390 N 925 E, DECLO ID 83323 Email clan@moosstams.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing Address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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.

[Signature] _____ DAN MOSS _____ 3/7/13
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	36-2566	No	Yes	No	Yes	No	No

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

This well has loss[sic] the volume of water it is licensed for, and so we are requesting to drill another
hole. In reviewing this application with Corbin Knowles, it become[sic] apparent that the location of
our existing well is not correct on our license, so this change will correct the existing point of diversion
and add a new point of diversion. Reviewing our map, it is clear we need to move back to the property
line on the southeast corner wheel line field which we will correct

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-2566	3.820 cfs	1280.0 af	N/A	472.4		N/A	N/A	N/A	N/A
COMBINED TOTALS	3.820 cfs	1,280.0 af	320.0	320.0		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 3.82 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes

Proposed Water Right No. 36-2566

Current Water Right Owner MOSS LAND CO LLP
 390 N 925 E
 DECLO, ID 83323

Priority Date: 4/27/1963

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	3.820 CFS	1280.0 AFA	
Total Diversion			3.820 CFS	1280.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENESW	Sec. 26 Twp 08S Rge 22E MINIDOKA County
GROUND WATER	SWSE	Sec. 26 Twp 08S Rge 22E MINIDOKA County

Describe the proposed diversion system

WELL AND PUMP, SPRINKLERS.

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	22E	26	40.0	40.0	40.0	40.0	40.0			40.0	40.0			40.0	40.0	40.0	32.4	40.0	472.4

POU Total Acres: 472.4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. 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

Drill new well and instal flow meters on
new well and existing well.

- b. Who owns the property at the point(s) of diversion

MOSS

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☐ If Yes, ☒

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: FARM CREDIT

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

NONE

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

NO

- f. 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 leased to the Water Supply Bank,
currently used in a mitigation plan limiting the use of water under the right, or
currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

[illegible]

Transfer Contains 7 pages and attachments.
Received By Date 2/11/2013 Prelim. Check By JB Date
Fee Paid \$740- Date 2.11.2013 Received By JB Receipt # S033044
Add'l Fee Paid Date Received By Receipt #



**CONSOLIDATED STATEMENT OF PARTNERSHIP AUTHORITY
AND
QUALIFICATION OF LIMITED LIABILITY PARTNERSHIP**
(Instructions on back of application)

The undersigned hereby file a consolidated statement of partnership authority and statement of limited liability partnership, and submit the following information to the Secretary of State pursuant to Idaho Code § 53-3-1001A, § 53-3-1001, § 53-3-303.

1. The name of the limited liability partnership is:
Moss Land Company, L.L.P.

2. It's prior name, if any, was:
Not Applicable

3. The street address of its chief executive office is:
450 South 850 East, Declo, Idaho 83323

4. The street address of one (1) office in Idaho; or name and street address of its registered agent in Idaho:
Daniel D. Moss 450 South 850 East, Declo, Idaho 83323

5. The names and mailing addresses of all partners (attached sheets may be added):

Name	Address
Daniel D. Moss & Jann Moss	450 South 850 East, Declo, Idaho 83323
Ryan Moss and Shabree Moss	2448 East 600 South, Declo, Idaho 83323

6. The names of the partners authorized to execute an instrument transferring real property held in the name of the partnership:
Signature of all Partners required.

7. The mailing address for future correspondence is:
450 South 850 East, Declo, Idaho 83323

8. The above-named partnership elects to be a limited liability partnership.

9. Future effective date (optional) N/A

10. Signatures of at least 2 partners:

1) Jann Moss

Typed Name Jann Moss

2) Ryan Moss

Typed Name Ryan Moss

FILED EFFECTIVE

Secretary of State use only

g:\temp\forms\partnership_auth_ip_combupmd
Revised 02/2003

IDAHO SECRETARY OF STATE
02/19/2004 05:00
CK: 9732 CT: 15366 BH: 728239
1 @ 100.00 = 100.00 QUALIF LLP # 2

J1107

TRANSFER 78422

This is an aerial photograph of a large, dark, circular feature, possibly a crater or impact site, centered on a grid. The grid is labeled with compass directions (N, S, E, W) and numbers (23, 24, 25, 26, 35, 36). The central area is labeled '26' and '08S22E'. The surrounding areas are labeled with compass directions like NWNW, NENE, SWNE, SENE, NWSE, NESE, NESW, and SESW. A red outline highlights the central circular feature and its immediate surroundings.

FEB 11 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

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 an entire 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 or to report an ownership change for a portion 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

1. APPLICANT(S) Moss Land Company Phone 208 300 0009
2. MAILING ADDRESS 390 North 925 East City Declo
State Idaho Zip 83323 Email dan@mossfarms.com

- ☐ 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) required for water right ownership changes; see fee schedule.
☐ 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) 36-2566

- ☒ 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 3.82 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*.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
8S	22E	26		NE	NE	SW	MINIDOKA	GROUND WATER	
8S	22E	26		SW	SE		MINIDOKA	GROUND WATER	

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:

NEW WELL INSTALL A MEASURING DEVICE AT DISCHARGE

- b. Who owns the property at the point(s) of diversion? MOSS LAND COMPANY

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 leased to the Water Supply Bank,
☐ ☒ 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

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at <http://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

DANIEL MOSS

Print name and title if applicable

2/8/13

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 3 pages of attachments. i Received by J. B. B. B. Date 2-11-13
Fee paid 740.00 Date 2-11-13 Receipted by J. B. B. B. Receipt # 5033044
Preliminary review completed by _____ Date _____

02-08-2013

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-2566

WATER RIGHT NUMBER: 36-2566

Owner Type: Name and Address
Current Owner MOSS LAND CO LLP
390 N 925 E

DECLO, ID 83323
(208)300-0009

Priority Date: 4/27/1963

Basis: Decreed

Status: Active

Source: Tributary:
GROUND WATER N/A

<u>Beneficial Use:</u>	<u>From / To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.820 CFS	1280.00 AF
	<u>Total Diversion</u>	3.820 CFS	1280.00 AF

Location of Point(s) of Diversion:

GROUND WATER SENESW Sec. 26, Twp 08S, Rge 22E B.M. MINIDOKA County

Place of Use:

IRRIGATION within MINIDOKA County

			NE				NW				SW				SE				Totals
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	22E	26	15.0	15.0	30.0	30.0	30.0			20.0	25.0			25.0	35.0	35.0	25.0	35.0	320
Total Acres: 320.0																			

Conditions of Approval:

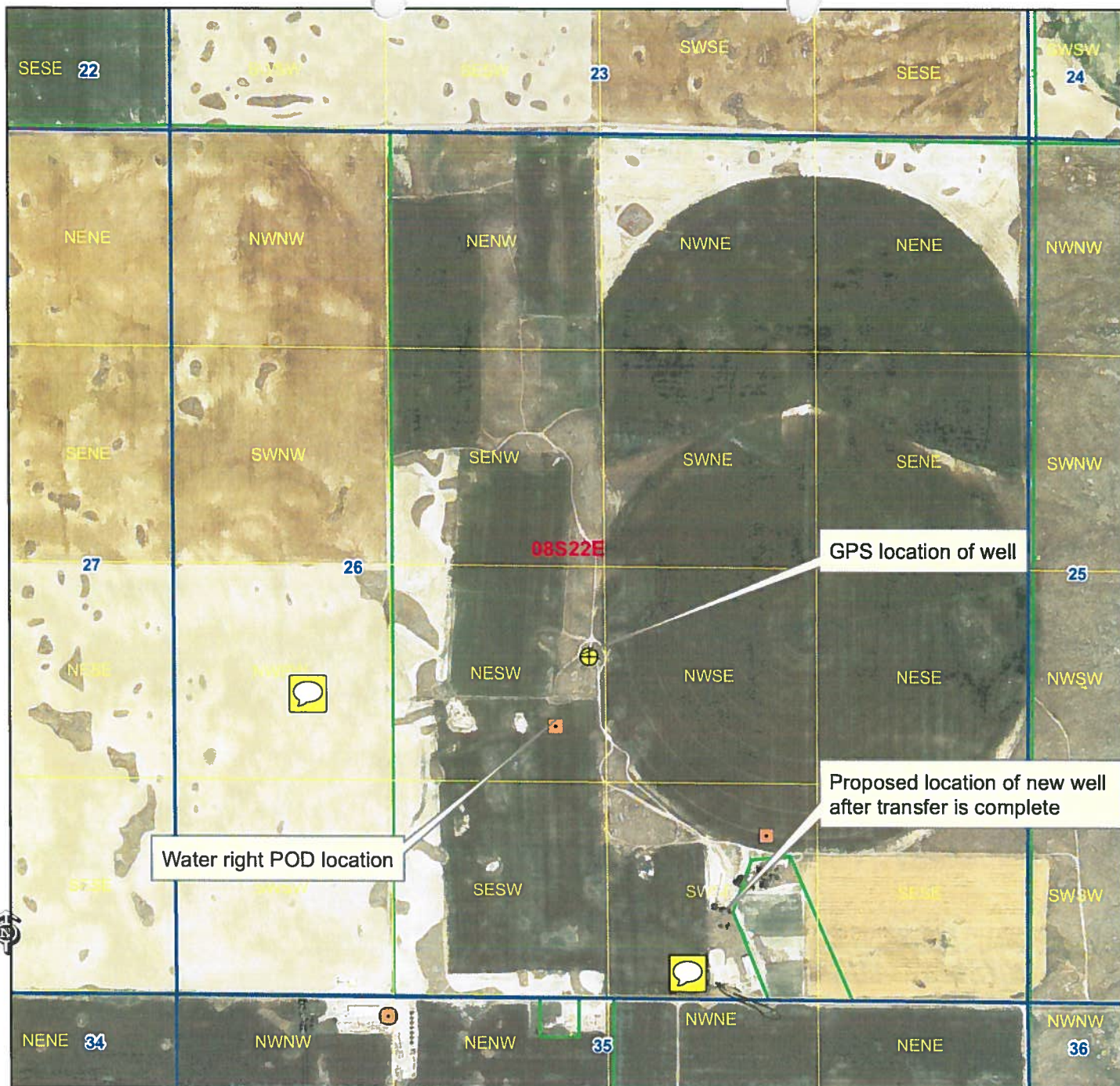
- THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
- 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.

Comments:

- CLELLAND 9/23/1991 12:00:00 AM ADDITIONAL ACRES FOUND
Comment: FINAL REVIEW FOUND AN ADDITIONAL 110 ACRES IRRIGATED WITHIN THIS PLACE OF USE. NO WATER RIGHT OR CANAL SHARES WERE FOUND FOR THEM NOR ANY CLAIM MADE FOR THEM. ORIGINAL LICENSE EXAM INDICATES THE EXPANSION WAS IN PROCESS IN OCTOBER 1969 AND ADDITIONAL WATER WOULD NEED TO BE DIVERTED TO IRRIGATE THE ADDITIONAL LANDS.
- SSHerman 8/11/1999 12:00:00 AM ADDRESS CHANGE
Comment: ADDRESS CHANGE BY CLAIMANT LETTER.
- AJU10-DS 12/21/1999 12:00:00 AM AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
- chahn 6/14/2012 12:00:00 AM OWNERSHIP CHANGE
Comment: Ownership change submitted 06/14/2012, Midnight Sun Inc VIII to Moss Land Company

Dates and Other Information:

Decreed Date: 8/27/2001
2008 Federal: S
Water District Number: 130



Water right 36-2566

- Active Water Right POD
- ⊕ WMIS
- Township/Range
- Sections
- QQ
- Taxlots

POD location on the right is SENESW
but GPS location of the well shows well is in the NENESW
Water right 36-2566 is decreed 3.82 cfs on 320 acres

Proposed new well location is SWSE of 08S 22E Section 26

0 0.125 0.25 0.5 Miles



TRANSFER 78422

New location



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 29, 2013

MOSS LAND CO LLP
390 N 925 E
DECLO, ID 83323

RE: Transfer No. 78422
Water Right No(s). 36-2566

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 4/4/2013 and 4/11/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**April 22, 2013**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 29, 2013

CINDY YENTER
WATER DISTRICT #130
1341 FILLMORE ST, STE 200
TWIN FALLS, ID 83301

Hand Delivered

RE: Transfer No. 78422
Water Right No(s): 36-2566

Dear Ms. Yenter:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an untested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, March 28, 2013 4:51 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on April 4th & 11th, 2013. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant, Southern Region
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

March 28, 2013

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 36-16948

RE: Transfer No. 78422
Water Right No(s): 36-2566

RE: Transfer No. 78482
Water Right No(s): 45-14165

RE: Transfer No. 78483
Water Right No(s): 45-14377, 45-14379, 45-14381, 45-2363

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before April 22, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

36-16948

OLD CURRAN RANCH LLC

PO BOX 3398

HAILEY, ID 83333

Point of Diversion NENESE S23 T07S R13E GOODING County Source WASTE WATER Tributary BILLINGSLEY CREEK

Use: DIVERSION TO STORAGE 01/01 to 12/31 6 CFS

Use: WILDLIFE 01/01 to 12/31 6 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 43.9 AF

Total Diversion: 6 CFS

Date Filed: 8/13/2012

Place Of Use: WILDLIFE AND WILDLIFE STORAGE

T07S R13E S23 SWSE SESE

This is a re-advertisement for Application for Permit 36-16948 to resolve a protest. Applicants propose to change the proposed point of diversion to a location further down the ditch, to address concerns expressed by the protestant. Application proposes diverting up to 6.0 cfs of waste water for wildlife use associated with an existing pond located approximately 1.0 mi. south of the city of Hagerman and west of HWY 30. The waste water has historically been delivered through a ditch from an existing fish hatchery located approximately 0.2 mi. south and 1.0 mi. east of the city of Hagerman.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78482

CITY OF ALBION, PO BOX 147, ALBION, ID 83311; has filed Application No. 78482 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14165. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes adding a new point of diversion and modifying a permissible place of use for Marsh Creek irrigation water right owned by the City of Albion. The new point of diversion is located approximately 0.6 miles north and 0.6 miles east of the City of Albion and will allow for the diversion and irrigation of different land to facilitate land application of waste water as required by IDEQ. The existing and new point of diversion on Marsh Creek will be used to divert up to 0.91 cfs for irrigation of 37.8 acres within a proposed 83.1 acre permissible place of use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78483

HOWARD and KAREN ROBINSON, 2288 WILLIAMSBURG CIRCLE, WEST JORDAN, UT 84088; has filed Application No. 78483 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14377, 45-14379, 45-14381 (Mill Creek); 45-2363 (Ground Water). The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a irrigation ground water right (1.0 cfs) from a farm located approximately 1.0-1.5 miles north and 0.5-1.0 miles east of the City of Oakley, to a farm located approximately 2.0-2.5 miles east and 0.25-0.9 miles north of the City of Oakley. The application will also modify the permissible place of use of three Mill Creek irrigation rights on the farm located approximately 2.0-2.5 miles east and 0.25-0.9 miles north of the City of Oakley. The ground water right (1.0 cfs) will be pumped from an existing well located approximately 0.4 miles north and 2.6 east of the City of Oakley.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78422

MOSS LAND CO LLP, 390 N 925 E, DECLO, ID 83323; has filed Application No. 78422 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-2566. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion (POD) and add a POD for a 3.82 CFS, (320 acres) irrigation water right, currently diverted from a well located approximately 6.4 miles north and 3 miles west of the intersection of State Highways 25 and 27 in Paul, ID. The new point of diversion will be located approximately 6.1 miles north and 2.9 miles west of the intersection of State Highways 25 and 27 in Paul. Application seeks to correct the described location of the existing well on the water right to the actual well location. The new POD sought by the application is to allow the applicants to drill a new well in order to withdraw the full diversion rate allowed by their water right because the existing well no longer supplies the full quantity.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before April 22, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on April 4th & 11th, 2013

To the Idaho Department of Water Resources

March 20, 2013

This letter is in response to the Departments question as to water rights for a small parcel outlined on the attached map. This small parcel includes a Home with a Shop and was deeded to Callin May and has no water rights that were conveyed with the sale.

I Callin May make it known that when I purchased this property from the Ball Estate that no Water Rights were conveyed with the purchase and I claim no part of water license 36-2566.


_____ Date 3-20-13
Callin May





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 833301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 25, 2013

Dan Moss
Moss Land Company LLP
390 N 925 E
Declo ID 83323

RE: Transfer Application (WR 36-2566)

Dear Dan:

I am processing your Application for Transfer involving water right 36-2566, north of Paul. It appears, based on aerial photography, that there are approximately 22.7 acres of farm ground being irrigated in excess of the amount allowed by the water right. In calculating this amount, I subtracted the rocky spots that don't appear to be farmed, and the portion on the southeast corner that encroaches on BLM ground.

In addition, because of changes in the irrigation system over time, the acres in each quarter/quarter no longer match up with the legal descriptions in the water right.

These issues could be addressed at this point in the process, without additional fees being charged. If you could call me at 736-3033, I would be glad to make an appointment for you to come into our office and visit with me and the Watermaster, Cindy Yenter, to resolve these minor issues and move ahead with the transfer.

Thank you, Dan, and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Bitzenburg'.

Jim Bitzenburg
Water Resource Agent

MEMORANDUM

Date: February 13, 2013
To: Transfer 78422 File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to change the point of diversion (POD) and add a POD for a 3.82 CFS, (320 acres) irrigation water right, currently diverted from a well located approximately 6.4 miles north and 3 miles west of the intersection of State Highways 25 and 27 in Paul, ID. The new point of diversion will be located approximately 6.1 miles north and 2.9 miles west of the intersection of State Highways 25 and 27 in Paul. Application seeks to correct the described location on the water right to the actual well location. The new POD sought by the application is to allow the applicants to drill a new well in order to withdraw the full diversion rate allowed by their water right because the existing well no longer supplies the full quantity.

- **Authority to File:**
The Department's database indicates that water right 36-2566 is owned by the applicant, Moss Land Company. Application was signed by Daniel Moss, who is a partner in Moss Land Company, LLP.
- **Water Right Validity:**
Right 36-2566 was partially decreed in the SRBA in August of 2001. A review of satellite imagery indicates irrigation has occurred on the place of use within the last five years. Based on this review, it appears that forfeiture is not an issue.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **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.

February 8, 1213

Idaho Department of Water Resources

This well has loss the volume of water it is licensed for.

And so we are requesting to drill another hole.

In reviewing this application with Corbin Knowles it become apparent

That the location of our existing well is not correct on our license

So this change will correct the existing point of diversion and

Add a new point of diversion.

Reviewing our map it is clear we need to move back to the property line

on the south east corner wheel line field which we will correct.

Thank You

Dan Moss

A handwritten signature in black ink that reads "Dan Moss". The signature is written in a cursive, flowing style.

If you have any questions please call me 208 300 0009

Or dan@mossfarms.com

RECEIVED

FEB 11 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION