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STATE OF IDAHO Department of Water Resources
Eastern Region
DEPARTMENT OF WATER RESOURCES

Transfer No. 70891

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Bob or Mary Mozes Phone 208 554-2013
Post Office address 3320 W 3400N, Moore, Idaho 83255

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Reduce ditch loss and better utilization of
water

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-----------|-----------------------|------------------|---------------|
| 34-2406 G | 3/20/1961 | 0.33 cfs | IRRIGATION | 4/1 to 10/31 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 0.33 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use: *NO CHANGE*

[illegible]

NOV 27 1993

Total acres 14

T70891

PART 1

6. General Information:

a. Description of diversion system well pump mainline with sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Better IRRIGATION

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. 70891
Receipt No. _____

Current Water Right No. 34-2406G

Priority Date: 03/20/1961
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

Tributary to:

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/01 10/31	0.33 CFS		
Total Diversion		0.33 CFS		

Source and Point(s) of Diversion:

GROUND WATER NWSWSE 05N 26E 9 BUTTE

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 26E 9																14.0	14.0

Total Acres: 14

Conditions/Remarks:

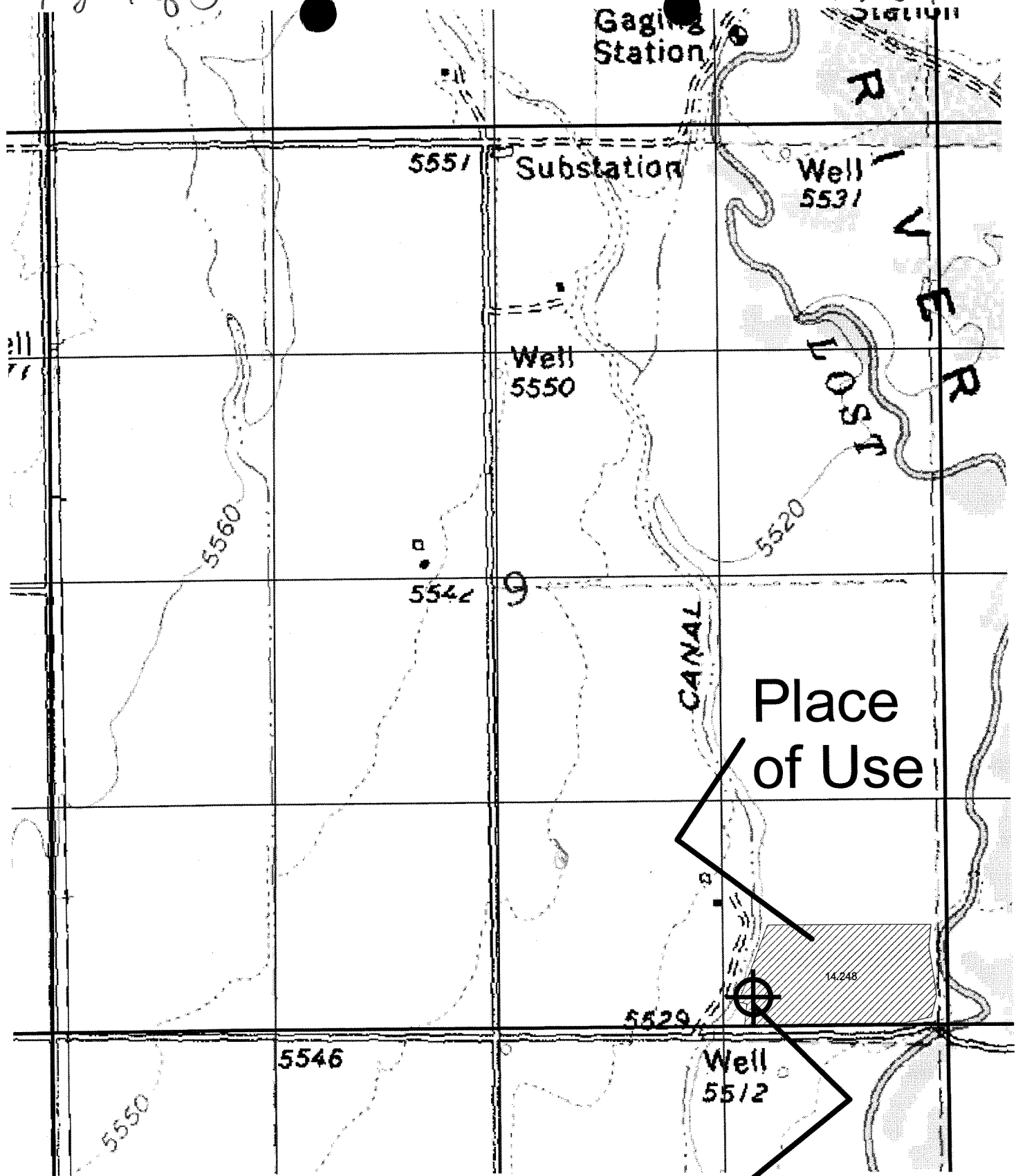
1. Right 34-386F, 34-387F and 34-2406G when combined shall not exceed a total diversion rate of 0.38 cfs, and the irrigation of 14.0 acres.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient 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.
3. Rights 34-2406D, 34-2406G, 34-2406H and 34-12367 when combined shall not exceed a total diversion rate of 2.69 cfs.

Documentation of Ownership of the Current Place of Use WARRANTY DEED

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer Better IRRIGATION

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? NO



-  Mozespu.shp
-  S05n26e.shp
-  T05n26e.shp

Point of Diversion

PART 3

CHANGES IN NATURE OF USE

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
NONE _____ to _____
_____ to _____
2. Quantity and quality of return flows and location of discharge:
NONE _____
3. Describe effects on ~~the~~ other water uses resulting from the proposed change:
NONE _____

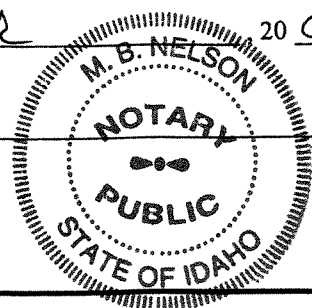
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Mary Mozes
(Signature of Applicant)

Subscribed and sworn to before me this 18th day of November 20 03

M B Nelson
(Notary Public)

My commission expires 2/2/07



FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 4 attachments
Received by SC Date 10/24/03 Protest filed by _____
Prelim. Check by _____ Fee 250⁰⁰ E029306
Received by SC Date 10/24/03
Published in Arco Advertiser Copies of protest forwarded by _____
Pub. Dates _____ Hearing held by _____ Date _____
Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
_____ received _____ by _____

Copy of transfer sent to lien holder _____

SCANNED
NOV 20 2003

T70891

PROPERTY DESCRIPTION

Parcel 'A'

A parcel of land generally described as being a portion of the southeast quarter of Section 9, Township 5 North, Range 26 East of the Boise Meridian, Butte County, Idaho; being more particularly described as follows:

Commencing at the southeast corner of said Section 9, (Recorded Instrument No. 20541-Butte Co. records), from which the south one-quarter corner of said Section 9, (Recorded Instrument No. 31454-Butte Co. records), bears North $89^{\circ} 22' 46''$ West, 2640.82 feet; thence from the southeast corner of said Section 9, North $89^{\circ} 22' 46''$ West along the south boundary of the southeast quarter of said Section 9, a distance of 374.95 feet to the POINT OF BEGINNING of this land description.

Thence continuing along the south boundary of the southeast quarter of said Section 9, North $89^{\circ} 22' 46''$ West, a distance of 1044.00 feet; thence North $52^{\circ} 30' 07''$ East, a distance of 48.82 feet to the easterly bank of the Moore Canal; thence along the easterly bank of said canal the following four courses and distances:

North $52^{\circ} 30' 07''$ East, 162.03 feet;

North $12^{\circ} 38' 48''$ East, 263.74 feet;

North $25^{\circ} 51' 34''$ East, 222.84 feet;

North $00^{\circ} 03' 03''$ West, 54.07 feet; thence

leaving said canal bank, South $89^{\circ} 22' 46''$ East, parallel with the south boundary of the southeast quarter of said Section 9, a distance of 1031.34 feet to an existing fenceline; thence South $01^{\circ} 27' 23''$ East along said fenceline, a distance of 219.62 feet to a point on the westerly bank of the Big Lost River; thence South $01^{\circ} 24' 55''$ East, a distance of 233.93 feet to a point on said westerly river bank; thence along said river bank the following two courses and distances:

South $08^{\circ} 10' 55''$ East, 42.68 feet;

South $18^{\circ} 08' 15''$ East, 77.36 feet; thence leaving

said river bank, South $78^{\circ} 15' 33''$ West, a distance of 60.49 feet to a point on the centerline of a county road right-of-way; thence along the centerline of said county road right-of-way the following two courses and distances:

South $76^{\circ} 41' 25''$ West, 150.96 feet;

South $80^{\circ} 31' 20''$ West, 146.90 feet to a point on

the south boundary of the southeast quarter of said Section 9, and the POINT OF BEGINNING.

The above described parcel of land contains 16.84 acres, more or less, and is subject to a portion of a county road right-of-way adjoining a portion of the southerly boundary thereof.

Said described parcel of land is also subject to an easement for the purpose of ingress and egress over and across a portion of said parcel; The centerline of said twenty feet wide access easement being more particularly described as follows:

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T 70891
ATTACHMENT 1 OF 4

Order No. 23168

WARRANTY DEED

FOR VALUE RECEIVED

RANDAL G. DAMIANA and SANDRA L. DAMIANA, husband and wife

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

BOB MOZES AND MARY MOZES, husband and wife

GRANTEE(s) whose address is: **4011 E. 49th S., Idaho Falls, ID 83406**

the following described real property in **Butte** County, Idaho, to wit:

SEE LEGAL DESCRIPTION FOR PARCEL "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTENANT THERETO

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: August 4, 1997

Randal G. Damiana
RANDAL G. DAMIANA

Sandra L. Damiana
SANDRA L. DAMIANA

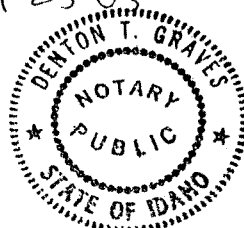
State of Idaho }
County of BUTTE } ss.

On this 8 day of August, in the year 1997, before me, the undersigned, personally appeared **RANDAL G. DAMIANA and SANDRA L. DAMIANA**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Denton T. Graves
Notary Public
Commission Expires: 4-23-03

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T 70891
ATTACHMENT 2 OF 4

Order No. 23108

WARRANTY DEED

FOR VALUE RECEIVED

RANDAL G. DAMIANA and SANDRA L. DAMIANA, husband and wife

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

BOB MOZES and MARY MOZES, husband and wife

GRANTEE(s) whose address is 4011 E. 49th S., Idaho Falls, ID 83406

the following described real property in Butte County, Idaho, to wit,

SEE LEGAL DESCRIPTION FOR PARCEL "A" ATTACHED HERETO AND MADE A PART HEREOF.

READ AND APPROVED

READ AND APPROVED

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Date: July 23, 1997

RANDAL G. DAMIANA

SANDRA L. DAMIANA

State of Idaho

County of

On this _____ day of _____, in the year _____, before me, the undersigned, personally appeared RANDAL G. DAMIANA and SANDRA L. DAMIANA, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal

Notary Public
Commission Expires:

I have been furnished

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ATTACHMENT 3 OF 4

Parcel 'A'

Commencing at the southeast corner of said Section 9, thence North $89^{\circ} 22' 46''$ West along the south boundary of the southeast quarter of said Section 9, a distance of 1198.47 feet to the centerline POINT OF BEGINNING of said twenty feet wide access easement.

Thence along the centerline of said twenty feet wide access easement, along an existing access lane, the following four courses and distances:

North $06^{\circ} 18' 36''$ East, 400.31 feet;
North $24^{\circ} 05' 13''$ East, 99.81 feet;
North $29^{\circ} 29' 32''$ East, 102.80 feet;
North $01^{\circ} 30' 55''$ East, 63.82 feet, more or less,
to the end of said access easement.

16.84 Acres

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ATTACHMENT 4 OF 4