

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

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RECEIVED

FEB 21 2007

DEPARTMENT OF TELEPHONE
WATER RESOURCES (208) 726-4421
FACSIMILE
(208) 726-0752

February 20, 2007

SRBA District Court
P. O. Box 2707
Twin Falls ID 83303-2707

Re: Water Right Nos. 37-4099, 37-4383, 37-4384, 37-4386
South Cove Ventures L.L.C.
Our File No.: 88/040034

Dear Madam:

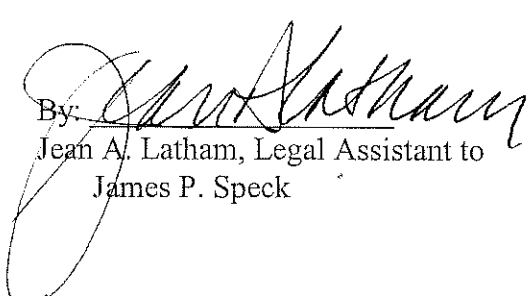
Enclosed please find four original and copies of Affidavits of George L. Moody for the above-referenced water rights. Please receipt date stamp the originals and return the copies in the enclosed self-addressed stamped envelope.

Please call if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

Jean A. Latham, Legal Assistant to
James P. Speck

:jal

Enclosures

cc: Carter Fritschle (w/encls.)

Claimant's Name:
Black Butte Hills LLC

Attorney Name & Address:
James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
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DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	
	)	
Case No. 39576	)	AFFIDAVIT OF GEORGE L.
	)	MOODY, JR. FOR 37-4099
	)	
_____	)	

DESCRIPTIVE SUMMARY

This is an affidavit in support of the claim for Water Right 37-4099.

AFFIDAVIT

STATE OF IDAHO)
)ss.
County of Gooding)

GEORGE L. MOODY, JR., being first duly sworn upon oath deposes and states as follows:

1. I am 75 years old and a resident of Gooding, Idaho. From 1958 until 1988 my family owned and operated a ranch in Lincoln County, Idaho.
2. In 1978 I completed, signed under oath and filed with the Idaho Department of Water Resources Claim to a Water Right No. 37-4099, a copy of which is attached hereto as Exhibit A (the

"Claim"), describing the historic diversion of waste water from a natural drain tributary to Thorn Creek to irrigate a portion of this ranch. From 1958 until 1988 the water was diverted in the amount and at the point of diversion described in the Claim and used to irrigate the 42.4 acres described as the place of use in the Claim.

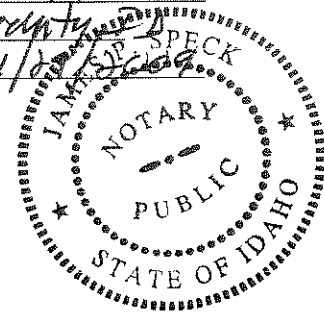
B.M.
3. The waste water flows from the East in Lincoln County. I moved on to the ranch in the early 1940's. I personally observed the waste water first diverted to irrigate the 42.4 acres in 1953, 49

Dated this 24 day of January, 2007.

George L. Moody Jr
GEORGE L. MOODY, JR.

SUBSCRIBED AND SWORN TO before me this 24 day of January, 2007.

J.P. Speck
NOTARY PUBLIC for IDaho
Residing in: Blaine County
My Commission Expires: 1/23/2009



CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of January, 2007, I served a true and correct copy of the foregoing AFFIDAVIT OF GEORGE L. MOODY, JR. FOR 37-4099 on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of
Idaho
P. O. Box 44449
Boise, ID 83711-4449

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United
States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United
States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

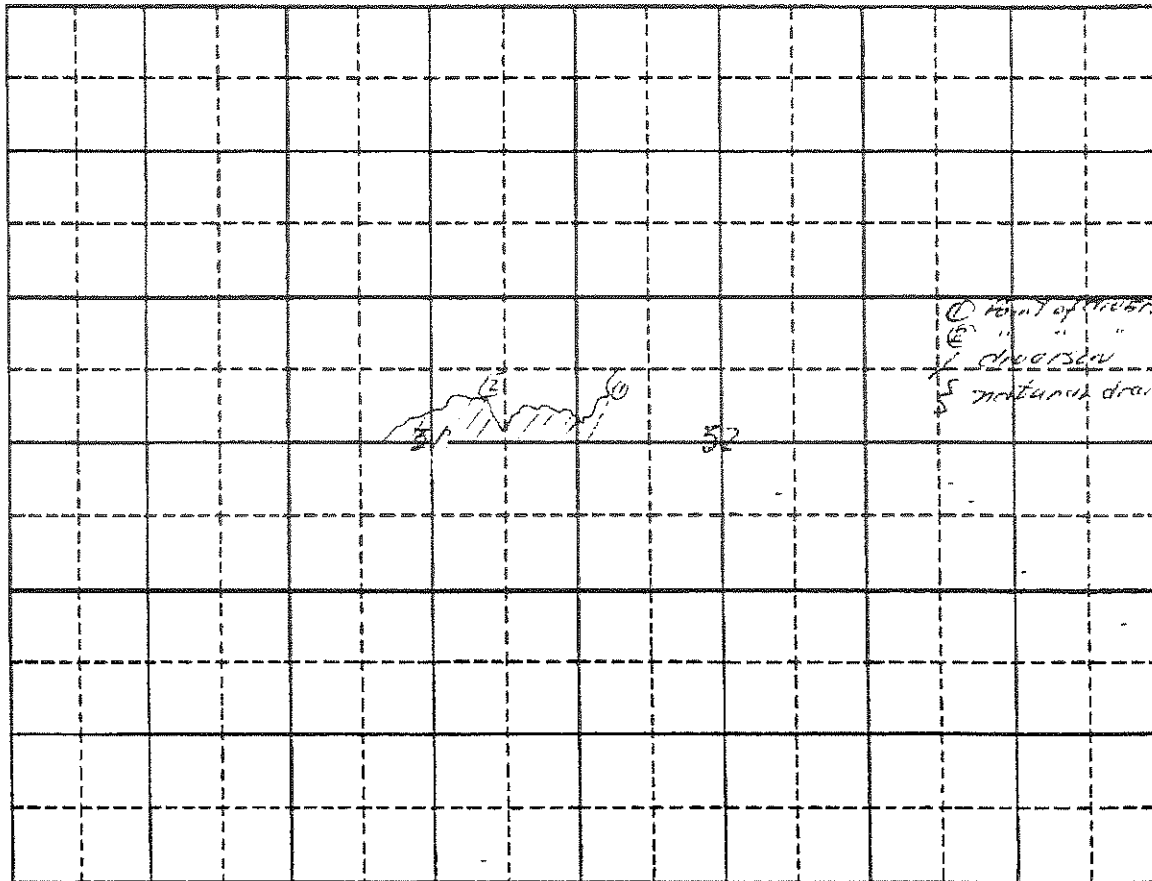
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United
States Mail, Postage Prepaid



JAMES P. SPECK

- (7) If you are claiming water as a member of an organization, list name of organization: _____

- (8) Remarks Applicants are the present owners of the real estate described herein, have owned a one-half interest for many years and are purchasing the other half under Contract of Sale from George Moody and Leota Moody



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Gooding)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

George Moody Jr
(Claimant)

Dorothy E. Moody
(Claimant)

Sworn to before me this 25th day of May

Malcolm James
Notary Public

Residing at Gooding, Idaho

My commission expires Perm.

For Department Use Only

Received by <u>T.G.B.</u>	Date <u>5-26-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JS</u>	Date <u>5-31-78</u>		claimant by:	
\$10.00 fee received by <u>JS</u>	Date <u>5/26/78</u>			
Approved for publication by <u>Sm</u>	<u>6/19/78</u>			
Published in <u>Gooding County Leader</u>				
Dates <u>6/8 & 6/15/78</u>				