

Claimant's Name:
South Cove Ventures L.L.C.

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
FAX: (208) 726-0752

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 37-4386
	)	
_____	)	

DESCRIPTIVE SUMMARY

This is an affidavit in support of the claim for Water Right 37-4386.

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 1983 I completed, signed under oath and filed with the Idaho Department of Water Resources Claim to a Water Right No. 37-4386, a copy of which is attached hereto as Exhibit A (the

"Claim"), describing the historic diversion of waste and runoff water 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 410 acres described as the place of use in the Claim.

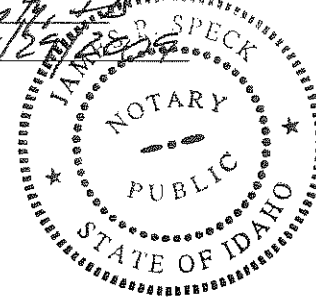
3. I moved onto the ranch in the early 1940's. My grandfather homesteaded a part of this land. Before water was delivered to this land from the Big Wood River, water was diverted out of Thome Creek that was wastewater diverted into the creek to irrigate the 410 acres. I never met my grandfather, but my father told me this was how the water was diverted and delivered for irrigation and when it started.

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. D. Speck
NOTARY PUBLIC for IDAHO
Residing in: Blaine County, ID
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 37-4386 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

RECEIVED

JUL 11 1983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Department of Water Resources
Southern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that GEORGE L. MOODY, JR.

(Name of Claimant)

Route #1 GOODING, IDAHO

83330

Telephone No. 886-7509

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1910

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Runoff, waste and decreed water tributary to Thorne Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>10.0 cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>April 1</u>	To <u>Nov 1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 10.0 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 SE 25 Twp. 4S Rge. 15 E B.M., County of Gooding

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Low rock diversion dam which diverts waste water, runoff water and decreed canal water into Thorne Creek.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NEX				NWX				SWX				SEX				TOTAL
			NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	NEX	NWX	SWX	SEX	
4S	15E	25															40	40	80
4S	15E	36	40	40	35	35	40			30									220
4S	16E	31						40	35	15	20								110

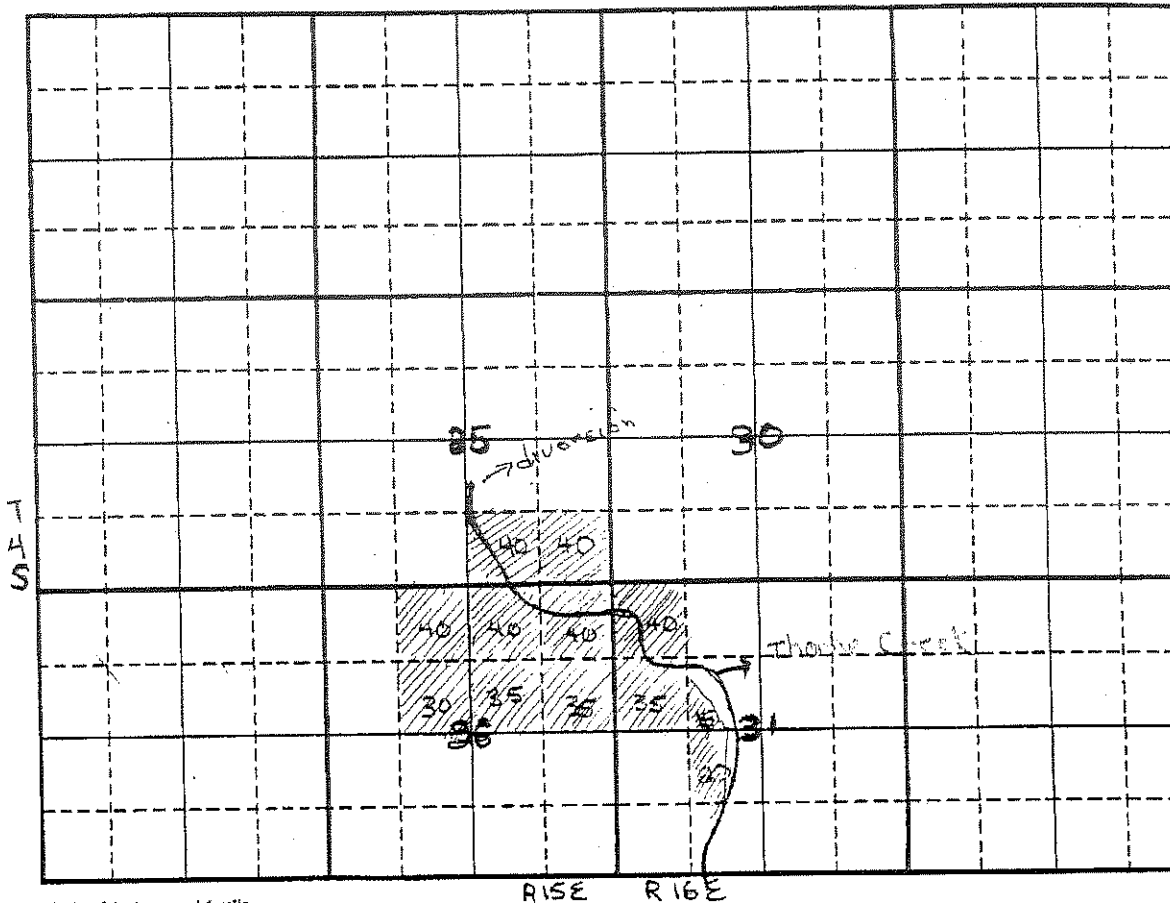
No. of acres 410

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

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

(8) Remarks _____



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.

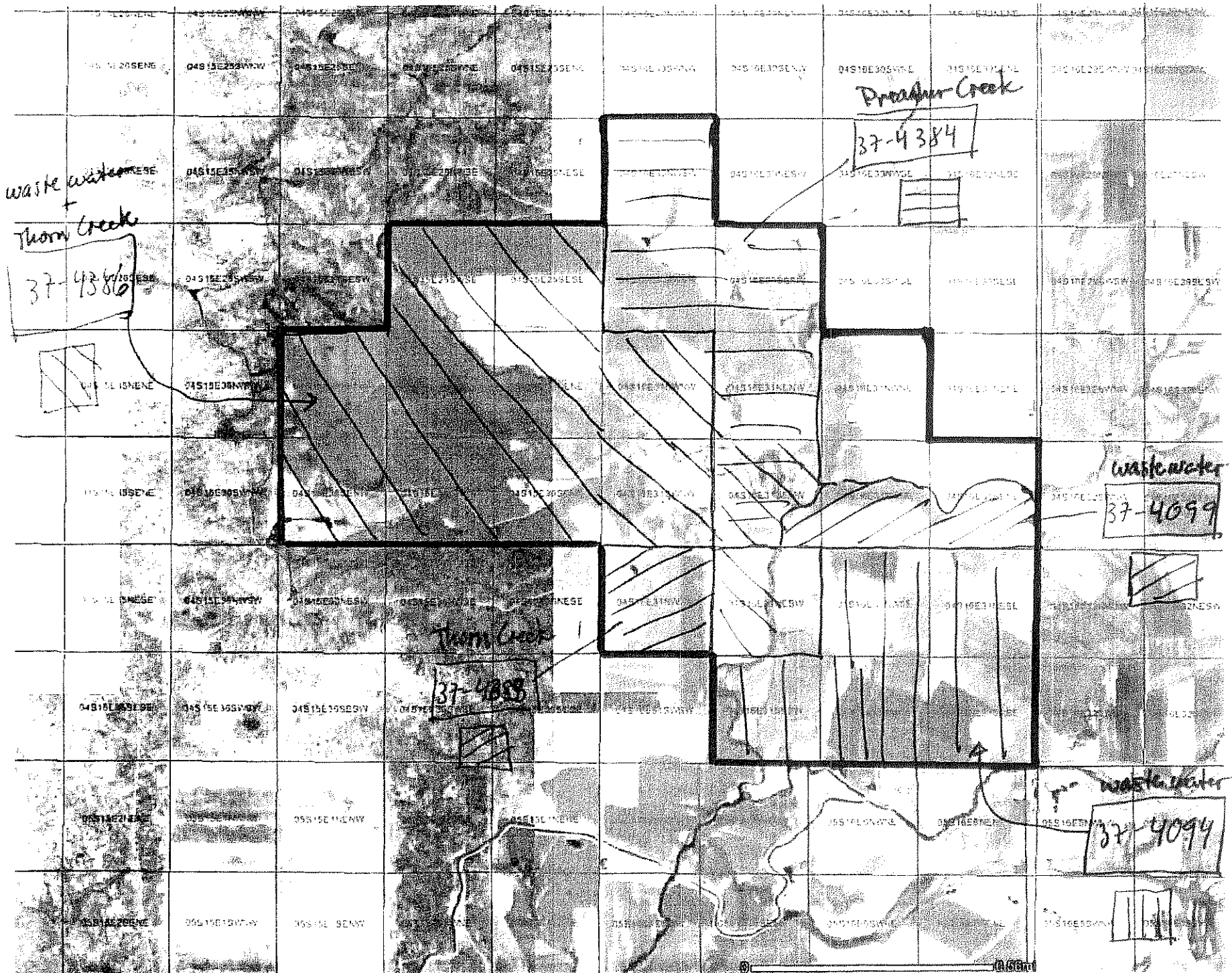
State of Idaho)
County of Idaho) ss.

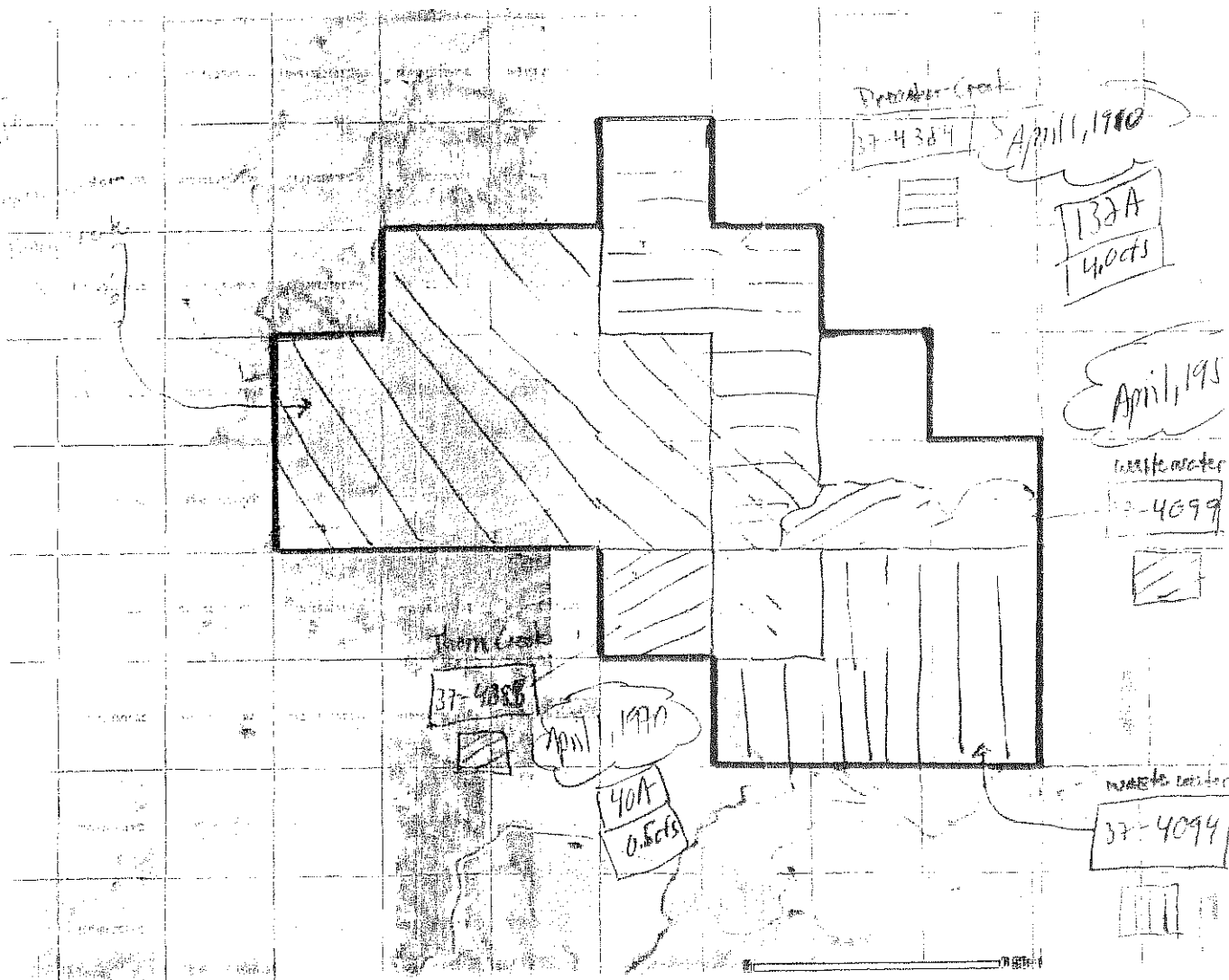
Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 26th day of June, 1983.
George Z. Moody Jr. (Claimant)
James L. Shaw Notary Public
Residing at Gooding Idaho

My commission expires Life Appointment

Received by SPR Date 7/1/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by SPR Date 7/12/83
\$20.00 fee received by SPR Date 7-12-83 29-83
Published in Gooding Co. Leader
Dates 7-1-83 + 7-12-83





LETTER TO IDWR TO BE SIGNED BY GEORGE MOODY:

Dear Sirs:

I am ____ years old and a resident of Gooding, Idaho. From 1958 until 1988 my family owned and operated a ranch in Gooding County, Idaho. In 1978 I completed, signed under oath and filed with the Idaho Department of Water Resources four statutory claims to water rights for this ranch, copies of which are enclosed.

Claim to a Water Right No. 37-4383 describes the historic diversion of water from Thorn Creek to irrigate a portion of this ranch. From 1970 until 1988 the water was diverted in the amount and at the point of diversion described in the Claim and used to irrigate the 40 acres described as the place of use in the Claim. [DESCRIBE BASIS FOR CLAIMING THE APRIL 1, 1970 PRIORITY DATE].

Claim to a Water Right No. 37-4099 describes 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. [DESCRIBE BASIS FOR CLAIMING THE APRIL 1, 1953 PRIORITY DATE].

Claim to a Water Right No. 37-4386 describes the historic diversion of waste and runoff water 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 410 acres described as the place of use in the Claim. [DESCRIBE BASIS FOR CLAIMING THE APRIL 1, 1910 PRIORITY DATE].

Claim to a Water Right No. 37-4384 describes the historic diversion of water from Preacher 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 132 acres described as the place of use in the Claim. [DESCRIBE BASIS FOR CLAIMING THE APRIL 1, 1910 PRIORITY DATE].