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MAR 22 2010

DEPARTMENT OF
WATER RESOURCES

Claimant Name:

Pioneer Moon, 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

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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

STATE OF IDAHO

County of Blaine

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A. Subcase 37-260

AFFIDAVIT OF WOLF RIEHLE
IN SUPPORT OF MOTION TO
FILE LATE OBJECTION

I, WOLF RIEHLE , being over the age of eighteen years, make this affidavit based on personal information.

1. I am the one of the managers of Pioneer Moon, L.L.C., an Idaho limited liability company formed in March, 1999, which is the Claimant in this Subcase.

2. On or about March 17, 1999, Claimant purchased from Barbara J. McQueen a ranch

in the East Fork area of Blaine County, Idaho appurtenant to which is Water Right No. 37-260, the subject water right for this Subcase. Attached hereto as Exhibit A is a copy of the Notice of Change of Water Right Ownership which Claimant filed with IDWR in April 1999 for this water right.

3. In the fall of 1999 we investigated the possibility of installing new sprinkler irrigation systems to irrigate some previously unirrigated land. An IDWR agent reviewed the proposal for us. We eventually decided to not pursue this project. During the course of this review it was not brought to our attention that the points of diversion and place of use described on the original Notice of Claim were incorrect.

4. The preliminary and final recommendations for this water right prepared by IDWR in late 2006 and early 2007 matched the original notice of claim which, at that time, we had no reason to believe was inaccurate.

5. In May, 2005, Claimant purchased an adjacent parcel of land and the water right appurtenant to it, 37-21473. The recommendation filed by IDWR for this right incorrectly identified certain points of diversion and the source, so Claimant filed an objection. In the course of resolving the issues raised by this objection, IDWR agent Mr. Doug Jones did a site investigation and GPS'd the location of all of the diversions for both water rights. We received the map with his findings on February 24, 2010 which show that certain claimed and recommended diversions for 37-260 do not exist and other diversion points actually used for 37-260 were not claimed or recommended. A copy of the map prepared by Mr. Jones is attached hereto as Exhibit B.

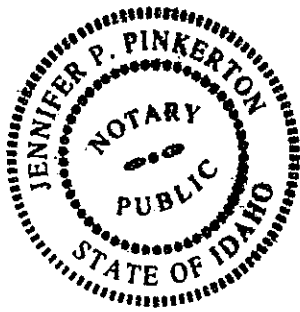
6. Mr. Jones also pointed out that approximately 25 acres of irrigated land in the Southwestern portion of the ranch had not been included in the claimed or recommended place of

use even though they are within the original decreed place of use for 37-260, and that approximately 25 acres in the Northeastern portion of the ranch were not being irrigated. This is another mistake in the original claim and recommendation for this water right which we would like to now correct.

DATED this 18 day of MARCH, 2010.

W. Riehle
WOLF RIEHLE

SUBSCRIBED AND SWORN TO before me this 18 day of March, 2010.



Jennifer P. Pinkerton
NOTARY PUBLIC for Idaho
Residing at: Ketchum, ID
Comm. Expires: 2/9/15

CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of March, 2010, I served a true and correct copy of the foregoing AFFIDAVIT OF WOLF REIHLE IN SUPPORT OF MOTION TO FILE LATE OBJECTION on the following persons in the manner designated below:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

Pioneer Moon, L.L.C.
PO Box 2881
Ketchum, ID 83340

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

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

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page
Incomplete forms will be returned.

1. Water Right Number(s) 37-00260
Adjudication Claim Number(s) A37-00260
 2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE, POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Services Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
 3. Name and Address of Former Barbara J. McQueen
Owner/Claimants PO Box 702, Ketchum, ID 83340
 4. New Owner/Claimant(s) Pioneer Moon, L.L.C.
Name connector (check one): [] AND, [] OR, [] AND/OR
New Mailing Address PO Box 2881
City, State and ZIP Code Ketchum, ID 83340
New Telephone Number (208) 726-9588
 5. Date you acquired the property March 17, 1999
 6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water rights(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS cubic feet per second Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
 7. Signature of New Felicitas Funke-Riehle Date 4-5-99
Owner/Claimant(s) Pioneer Moon, L.L.C. by Felicitas Funke-Riehle, Member
- (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), of Idaho Code. Section 42-248 requires certain property holders to notify the Department of water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right. During an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed Claim.

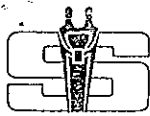
Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are Water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than ½ acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.
7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190
IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033
IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450
IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161



Order No. 98008772
This form furnished by
Blaine County Title Associates

WARRANTY DEED

For Value Received BARBARA MINTY MCQUEEN, a married woman as her sole and separate property

the Grantor hereby grants, bargains, sells, conveys and warrants unto SOUTH COVE VENTURES, L.L.C., a limited liability company

the Grantee whose current address is: P.O. Box 1607, Bellevue, WA 98009

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

425267
Blaine Co. Request
of Blaine County Title
99 MAR 17 PM 1 54
MARCOA BERNARD, CLERK
FEES \$ 6.00

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

Dated: March 15, 1999

BARBARA MINTY MCQUEEN

State of ARIZONA

County of Mohave

ss.

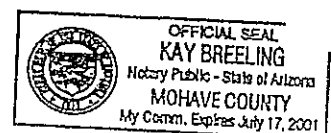
On this 16th day of March, 1999, before me, the undersigned, a Notary Public, in and for said State, personally appeared BARBARA MINTY MCQUEEN

, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that she executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)

Notary Public
Residing at: 1892 N Cullock Blvd RHC, AZ 86403
Commission Expires: 7-17-2001



SCHEDULE A

Order Number: 98008772

LEGAL DESCRIPTION

TOWNSHIP 4 NORTH, RANGE 19 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

Section 28: N1/2NE1/4, S1/2NE1/4, E1/2NW1/4, SW1/4NW1/4, N1/2SW1/4

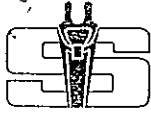
Section 29: E1/2SE1/4, SE1/4NE1/4

Also shown of record as "Parcel A" and "Parcel B" as depicted on that certain Record of Survey for Barbara McQueen recorded December 10, 1992 as Instrument No. 347784, records of Blaine County, Idaho.

TOGETHER WITH all water rights appurtenant thereto, including but not limited to the following:

All of Water Right No. 37-00260, as claimed in The General Adjudication of Rights to the use of Water From The Snake River Basin Water System, Twin Falls District Court Case No. 39576 (the "SRBA") Claim A37-00260,

SUBJECT TO the final outcome of all proceedings, terms and conditions of the decree to be entered in the SRBA.



Order No. 99009017
This form furnished by
Blaine County Title Associates

WARRANTY DEED

For Value Received SOUTH COVE VENTURES, L.L.C., a limited liability company

the Grantor hereby grants, bargains, sells, conveys and warrants unto PIONEER MOON, L.L.C., a limited liability company

the Grantee whose current address is: P.O. Box 2881, Ketchum, ID 83340

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
INCORPORATED HEREIN.

425268
Blaine Co. Request
of Blaine County Title
MAR 17 PM 1 54
MANSON, ID CO. CLERK
FEES \$9.00

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

Dated: March 15, 1999

State of WASHINGTON

ss.

County of

On this _____ day of March, 1999, before me, the undersigned, a Notary Public, in and for said State, personally appeared _____

_____, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that _____ executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)

Notary Public

Residing at:

Commission Expires:

SCHEDULE A

Order Number: 98008772

LEGAL DESCRIPTION

*TOWNSHIP 4 NORTH, RANGE 19 EAST OF THE BOISE MERIDIAN, BLAINE
COUNTY, IDAHO:*

Section 28: N1/2NE1/4, S1/2NE1/4, E1/2NW1/4, SW1/4NW1/4, N1/2SW1/4

Section 29: E1/2SE1/4, SE1/4NE1/4

*Also shown of record as "Parcel A" and "Parcel B" as depicted on
that certain Record of Survey for Barbara McQueen recorded December
10, 1992 as Instrument No. 347784, records of Blaine County, Idaho.*

*TOGETHER WITH all water rights appurtenant thereto, including but
not limited to the following:*

*All of Water Right No. 37-00260, as claimed in The General
Adjudication of Rights to the use of Water From The Snake River
Basin Water System, Twin Falls District Court Case No. 39576 (the
"SRBA") Claim A37-00260,*

*SUBJECT TO the final outcome of all proceedings, terms and
conditions of the decree to be entered in the SRBA.*

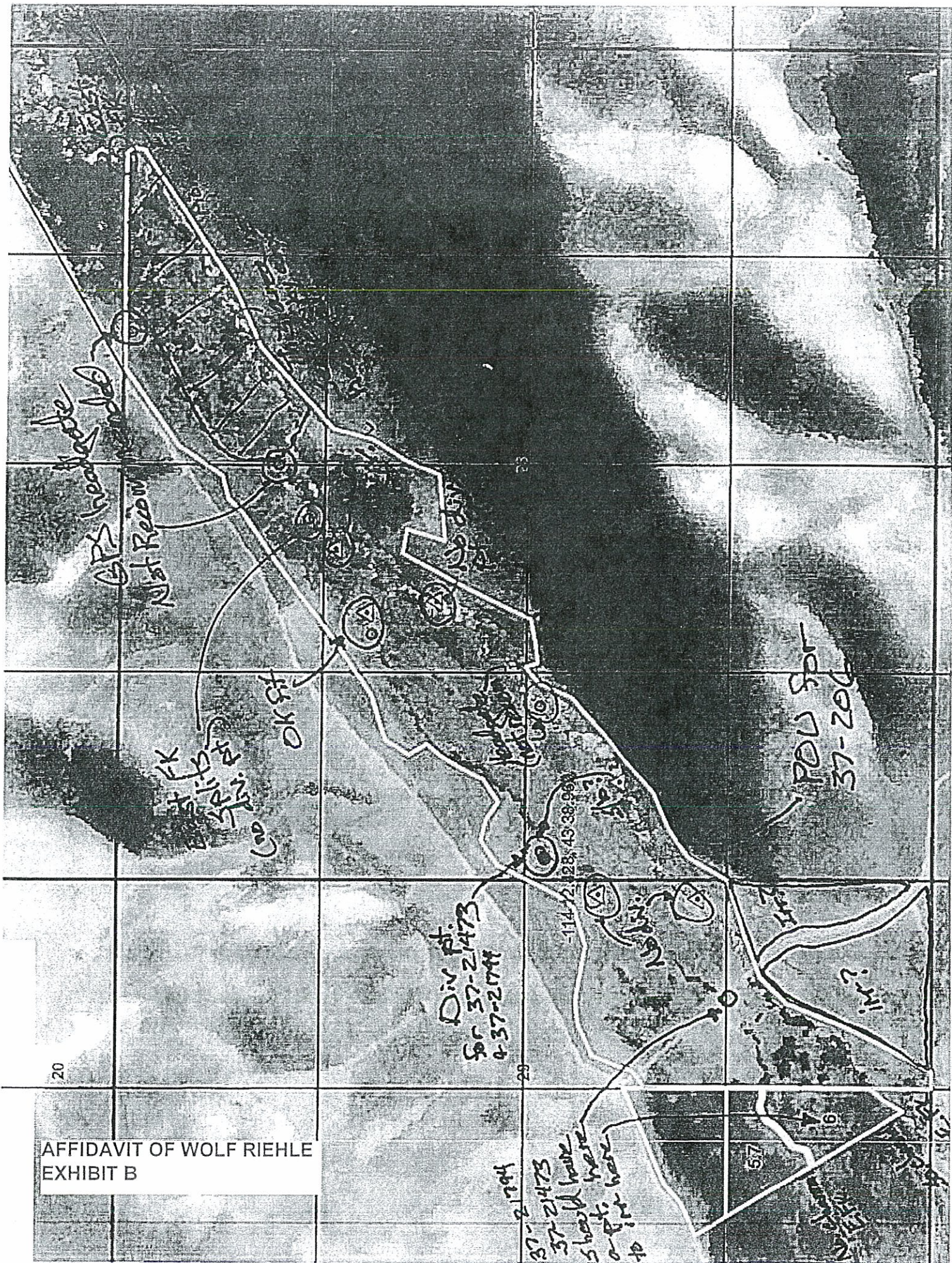
STATE OF: Washington)
)
) SS.
COUNTY OF: KING)

On this 16 day of March, 1999 before me a Notary Public in and for the State of Washington, personally appeared CHARLED HILL, known or identified to me to be the Managing Member of SOUTH COVE VENTURES, L.L.C. a Limited Liability Company and the person whose name is subscribed in the foregoing document and acknowledged to me that he executed the same on behalf of said entity.

IN WITNESS WHEREOF, I hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Jeannette Mandanas
Notary Public in and for
the State of Washington
Commission expires 9-17-00



AFFIDAVIT OF WOLF RIEHLE
EXHIBIT B