

01/17/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-40

NAME AND ADDRESS: D & K MOEN RANCH LLC
C/O KENT MOEN
811 PAHSIMEROI RD
MAY ID 83253

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 10/01/1887

POINT OF DIVERSION:

T14N R22E S8 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 05/14	2.000 CFS3.200
	05/15 07/09	CFS3.200 CFS
	07/10 11/01	

PLACE OF USE: IRRIGATION in LEMHI County

T15N R21E S22	NESE	40.00	T15N R21E S22	SESE	30.00
T15N R21E S23	SWNW	30.00	T15N R21E S23	SENW	40.00
T15N R21E S23	NESW	40.00	T15N R21E S23	NWSW	40.00
T15N R21E S23	SESW	40.00	T15N R21E S26	NENW	40.00
T15N R21E S26	NWNW	21.00			

321 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 364.1 acres in a single irrigation season. Combined Right Nos.: 73-40, 73-41, 73-136, 73-139A, 73-12033.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Source is also known as Spring Creek.

10/13/2006

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T15N R21E S22	NESE	40.00	T15N R21E S22	SESE	30.00
T15N R21E S23	SWNW	30.00	T15N R21E S23	SENE	40.00
T15N R21E S23	NESW	40.00	T15N R21E S23	NWSW	40.00
T15N R21E S23	SESW	40.00	T15N R21E S26	NENW	40.00
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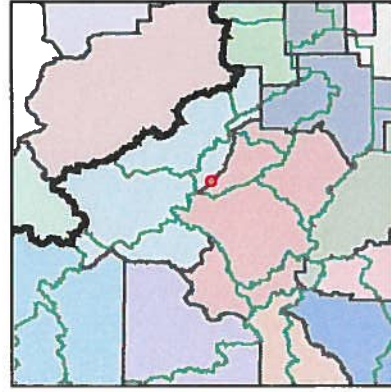
Idaho Department of Water Resources

SRBA Recommendation:

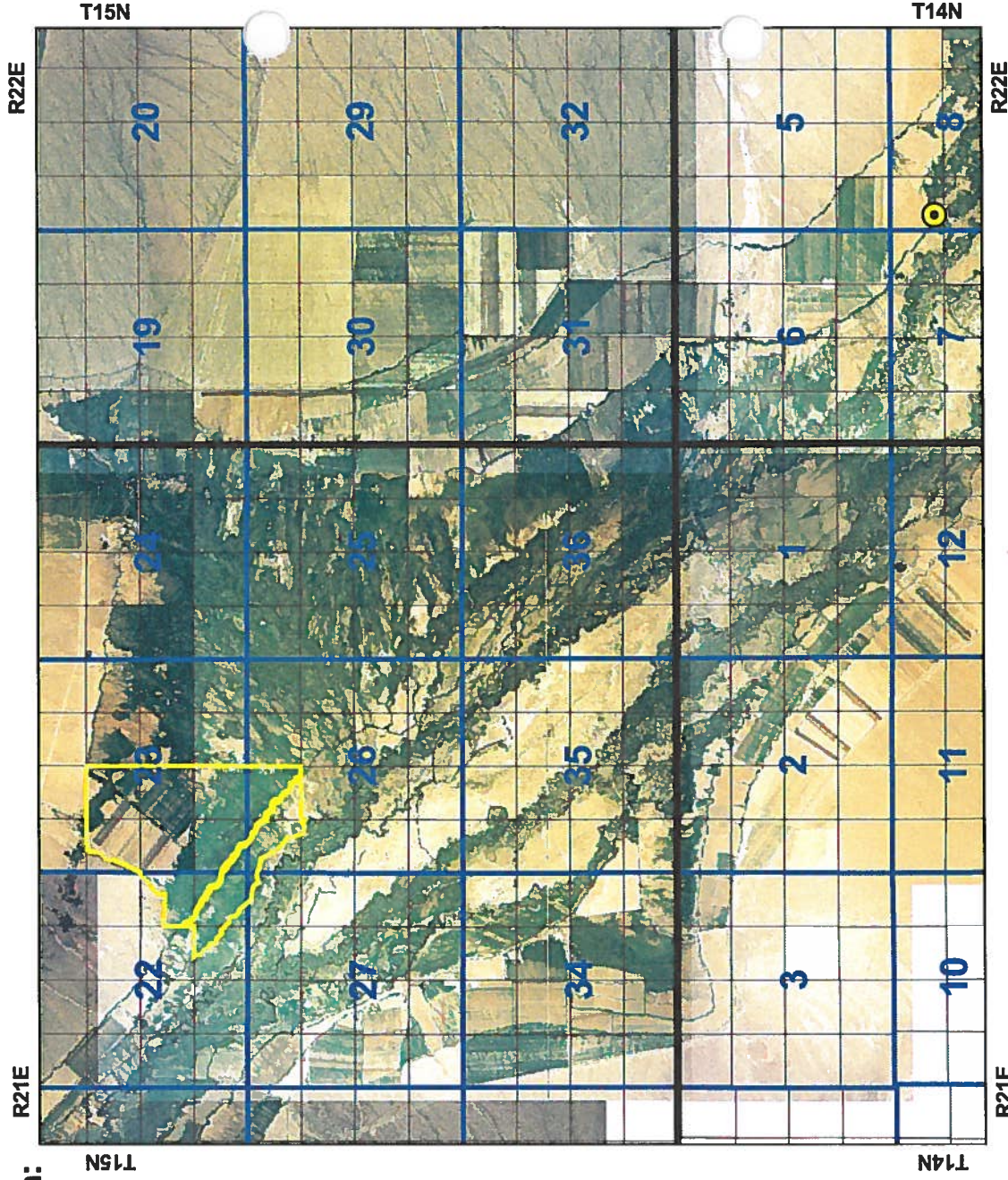
73-40
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi, Custer Counties
IDWR Basin 73



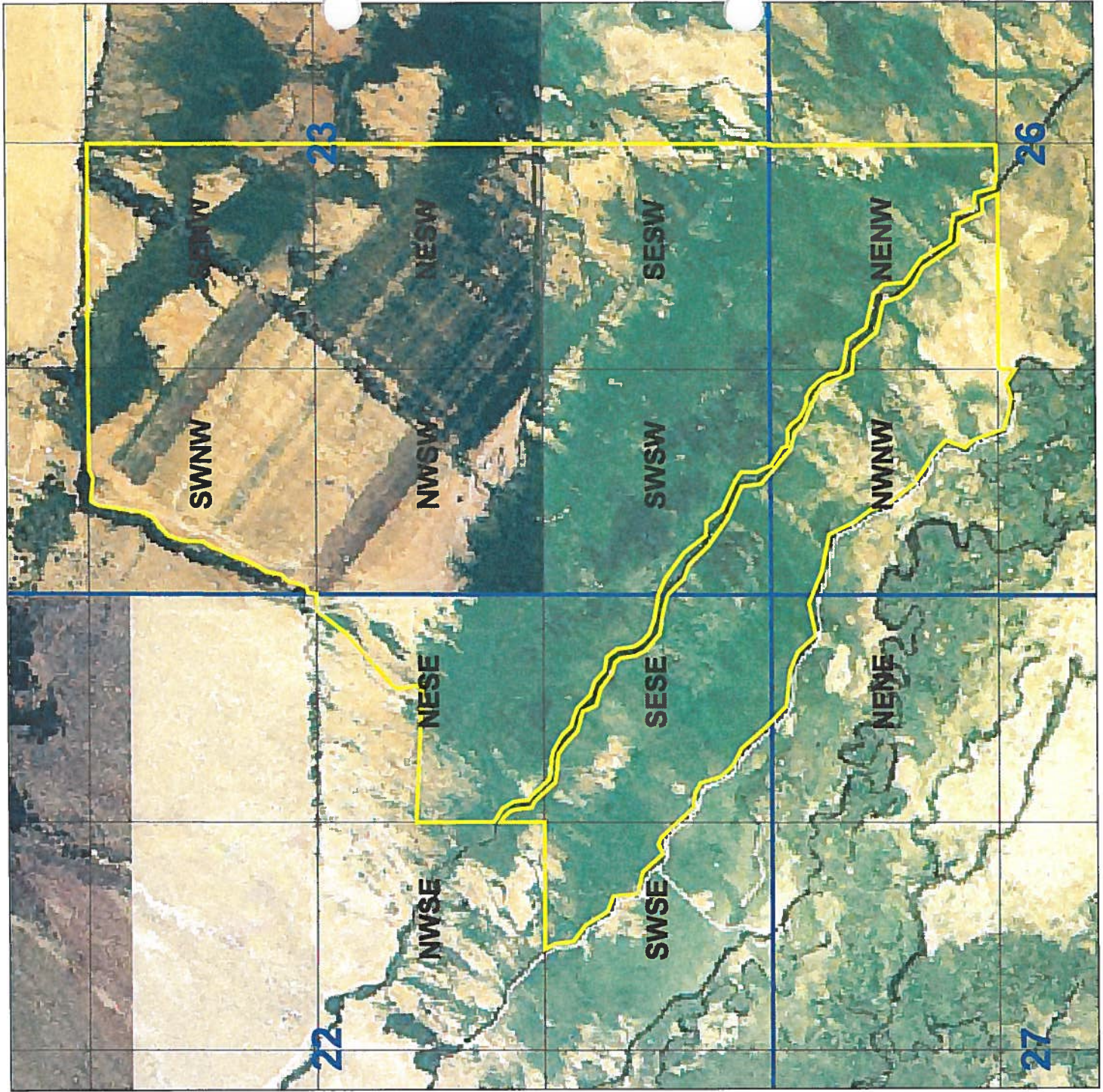
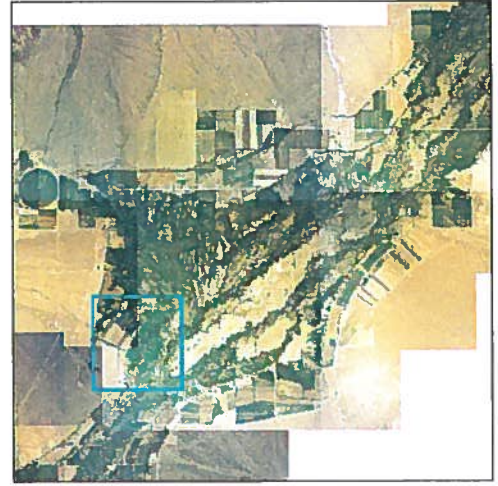
4 Miles

2

0

Prepared by R. Brown
On Friday, October 13, 2006
1987/88 Aerial Photography

73-40





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 29, 2006

Kent Moen
811 Pahsimeroi Rd.
May, ID 83253

Re: Snake River Basin Adjudication (SRBA)
Investigation of Claim No(s). 73-41, 73-136, 73-139A, 73-252,
73-257, 73-12031, 73-12033

Dear Kent,

We are currently reviewing the water right claim noted above and need your assistance. It appears a claim was not made on 73-40, a water right from Patterson Creek (Spring Creek) that is appurtenant to your ranch.

We have enclosed a claim form for your use, assuming the land list is the same as that for 73-41 (copy enclosed). Please sign the form, have your signature notarized, and return it as soon as possible. The fee schedule is enclosed; there will be no late fee for this oversight. You may use the enclosed return envelope.

Please feel free to contact me at (208) 287-4914 if you have additional questions or concerns. You may also reach me using email: roxanne.brown@idwr.idaho.gov.

Sincerely,

Roxanne Brown
Adjudication Bureau
Idaho Dept. of Water Resources

Enclosures

Overlap Analysis

D&K Moen Ranch LLC

Reviewer Name: R. Brown

Date: 8/29/2006

Acreage Analysis*

				Water Rights - Original Place of Use									
Twp	Rng	Sec	Q-Q	Lot	73-41	73-136	73-139A	73-252	73-257	73-40	Total	PPU	73-252/275 Overlap
15N	21E	22	NENE										
			SENE										
			NESE		40	40					40	27	
			SWSE		40	40					40	8	
			SESE		40	40					40	35	
		23	NENW										
			NWNW										
			SWNW			40	40				40	31	
			SENW			40	40				40	40	
			NESW			40					40	40	
			NWSW			40					40	40	
			SWSW			40					40	38	
			SESW			40		40	40		40	40	40
			SWSE					40	40		40		
			SESE					40	40		40		
		26	NENW			40		40	40		40	38	26
			NWNW			40	40				40	24	
			SWNW			40					40	0.5	
		27	NENE		40	40					40	2.6	
			SENE			40	40				40		
					160	560	160	160	160	0	640	364.1	66

*based on land owned by Moen

PPU = 364.1

Total POU = 428.1 (PPU + portion of 73-252/257)