

01/17/2007

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

RIGHT NUMBER: 73-41

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: 3.100 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            | 05/15 07/09          | 3.100 CFS1.400  |
|                       | 07/10 10/31          | CFS2.000 CFS    |
|                       | 04/01 05/14          |                 |

PLACE OF USE: IRRIGATION in LEMHI County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T15N R21E S22 | NESE | 27.00 | T15N R21E S22 | SWSE | 8.00  |
| T15N R21E S22 | SESE | 35.00 | T15N R21E S23 | SWNW | 31.00 |
| T15N R21E S23 | SESW | 40.00 | T15N R21E S23 | NESW | 40.00 |
| T15N R21E S23 | NWSW | 40.00 | T15N R21E S23 | SWSW | 38.00 |
| T15N R21E S23 | SESW | 40.00 | T15N R21E S26 | NENW | 38.00 |
| T15N R21E S26 | NWNW | 24.00 | T15N R21E S26 | SWNW | 0.50  |
| T15N R21E S27 | NENE | 2.60  |               |      |       |

364.1 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.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Source is also known as Spring Creek.

10/07/2006

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

RIGHT NUMBER: 73-41

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: 3.100 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            | 05/15 07/09          | 3.100 CFS1.400  |
|                       | 07/10 10/31          | CFS2.000 CFS    |
|                       | 04/01 05/14          |                 |

PLACE OF USE: IRRIGATION Within LEMHI County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T15N R21E S22 | NESE | 27.00 | T15N R21E S22 | SWSE | 8.00  |
| T15N R21E S22 | SESE | 35.00 | T15N R21E S23 | SWNW | 31.00 |
| T15N R21E S23 | SESW | 40.00 | T15N R21E S23 | NESW | 40.00 |
| T15N R21E S23 | NWSW | 40.00 | T15N R21E S23 | SWSW | 38.00 |
| T15N R21E S23 | SESW | 40.00 | T15N R21E S26 | NENW | 38.00 |
| T15N R21E S26 | NWNW | 24.00 | T15N R21E S26 | SWNW | 0.50  |
| T15N R21E S27 | NENE | 2.60  |               |      |       |

364.1 ACRES TOTAL

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Source is also known as Spring Creek.



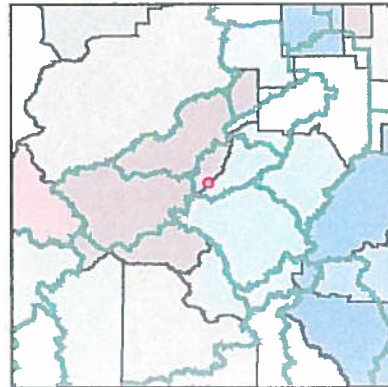
# Idaho Department of Water Resources

SRBA Recommendation:

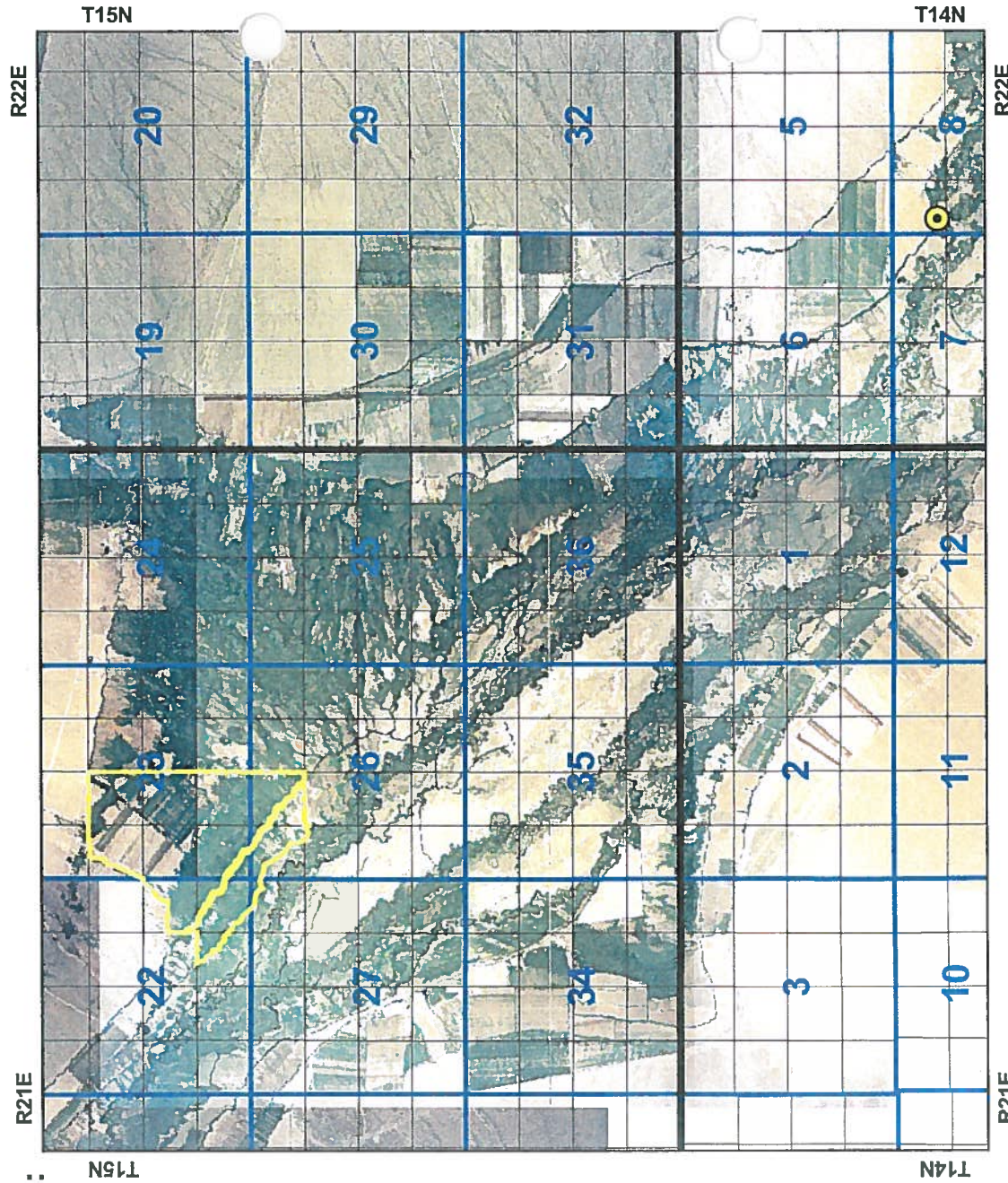
**73-41**

## Legend

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



Lemhi, Custer Counties  
IDWR Basin 73



Prepared by R. Brown  
On Tuesday, August 29, 2006  
1987/88 Aerial Photography

08/29/2006

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

RIGHT NUMBER: 73-41

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: 3.100 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            | 05/15 07/09          | 3.100 CFS       |
|                       | 07/10 10/31          | 1.400 CFS       |
|                       | 04/01 05/14          | 2.000 CFS       |

PLACE OF USE: IRRIGATION Within LEMHI County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T15N R21E S22 | NESE | 27.00 | T15N R21E S22 | SWSE | 8.00  |
| T15N R21E S22 | SESE | 35.00 | T15N R21E S23 | SWNW | 31.00 |
| T15N R21E S23 | SENW | 40.00 | T15N R21E S23 | NESW | 40.00 |
| T15N R21E S23 | NWSW | 40.00 | T15N R21E S23 | SWSW | 38.00 |
| T15N R21E S23 | SESW | 40.00 | T15N R21E S26 | NENW | 38.00 |
| T15N R21E S26 | NWNW | 24.00 | T15N R21E S26 | SWNW | 0.50  |
| T15N R21E S27 | NENE | 2.60  |               |      |       |

364.1 ACRES TOTAL

Right Nos. 73-41, 73-136, 73-139A, 73-252 and 73-257 are limited to the irrigation of a combined total of 428.1 acres in a single irrigation season.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Source is also known as Spring Creek.

# 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)

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 73-41  
Date Received: 4/24/1990  
Receipt No: E013599  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

D & K MOEN RANCH LLC Phone: (208)876-4002  
C/O KENT MOEN  
811 PAHSIMEROI RD  
MAY ID USA 83253

2. Date of Priority: 10/01/1887

3. Source: SPRING CREEK Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 14N      | 22E   | 8       | SW SE NW              | LEMHI  |      |

5. Description of diverting works:

WOODEN HDGATE WITH DITCH AND FLOOD IRR.

6. Water is used for the following purposes:

| Purpose    | From | To   | C.F.S. | (or) A.F.A |
|------------|------|------|--------|------------|
| IRRIGATION | 4/01 | 5/14 | 2      |            |

7. Total Quantity Appropriated is:  
3.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4    | Lot | Use        | Acres |     |
|----------|-------|---------|---------------|-----|------------|-------|-----|
| 15N      | 21E   | 22      | NE            | SE  | IRRIGATION | 40    |     |
|          |       |         | SE            | SE  | IRRIGATION | 30    |     |
|          |       |         | Section Acres |     |            |       | 70  |
|          |       |         |               |     |            |       |     |
| 15N      | 21E   | 23      | SW            | NW  | IRRIGATION | 30    |     |
|          |       |         | SE            | NW  | IRRIGATION | 40    |     |
|          |       |         | NE            | SW  | IRRIGATION | 40    |     |
|          |       |         | NW            | SW  | IRRIGATION | 40    |     |
|          |       |         | SE            | SW  | IRRIGATION | 40    |     |
|          |       |         | Section Acres |     |            |       | 190 |
| 15N      | 21E   | 26      | NE            | NW  | IRRIGATION | 40    |     |
|          |       |         | NW            | NW  | IRRIGATION | 21    |     |
|          |       |         | Section Acres |     |            |       | 61  |
|          |       |         | Total Acres   |     |            |       | 321 |

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

P/D MISSOURI CANAL.

15. Basis of Claim: Decreed