

01/17/2007

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

RIGHT NUMBER: 73-139A

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

SOURCE: MORGAN CREEK

TRIBUTARY: PATTERSON CREEK

QUANTITY: 0.580 CFS

PRIORITY DATE: 04/01/1897

POINT OF DIVERSION:

T15N R21E S11 SENENE Within LEMHI County

T15N R21E S11 NESENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.580 CFS

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	SENE	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.

10/07/2006

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

RIGHT NUMBER: 73-139A
NAME AND ADDRESS: D & K MOEN RANCH LLC
C/O KENT MOEN
811 PAHSIMEROI RD
MAY ID 83253

SOURCE: MORGAN CREEK TRIBUTARY: PATTERSON CREEK
QUANTITY: 0.580 CFS
PRIORITY DATE: 04/01/1897
POINT OF DIVERSION:

T15N R21E S11 SENENE Within LEMHI County
T15N R21E S11 NESENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.580 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	SENE	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.



Idaho Department of Water Resources

SRBA Recommendation:

73-136, 73-139A

Legend

Point of Diversion



Place of Use



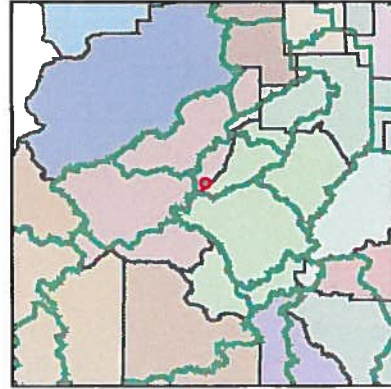
Townships



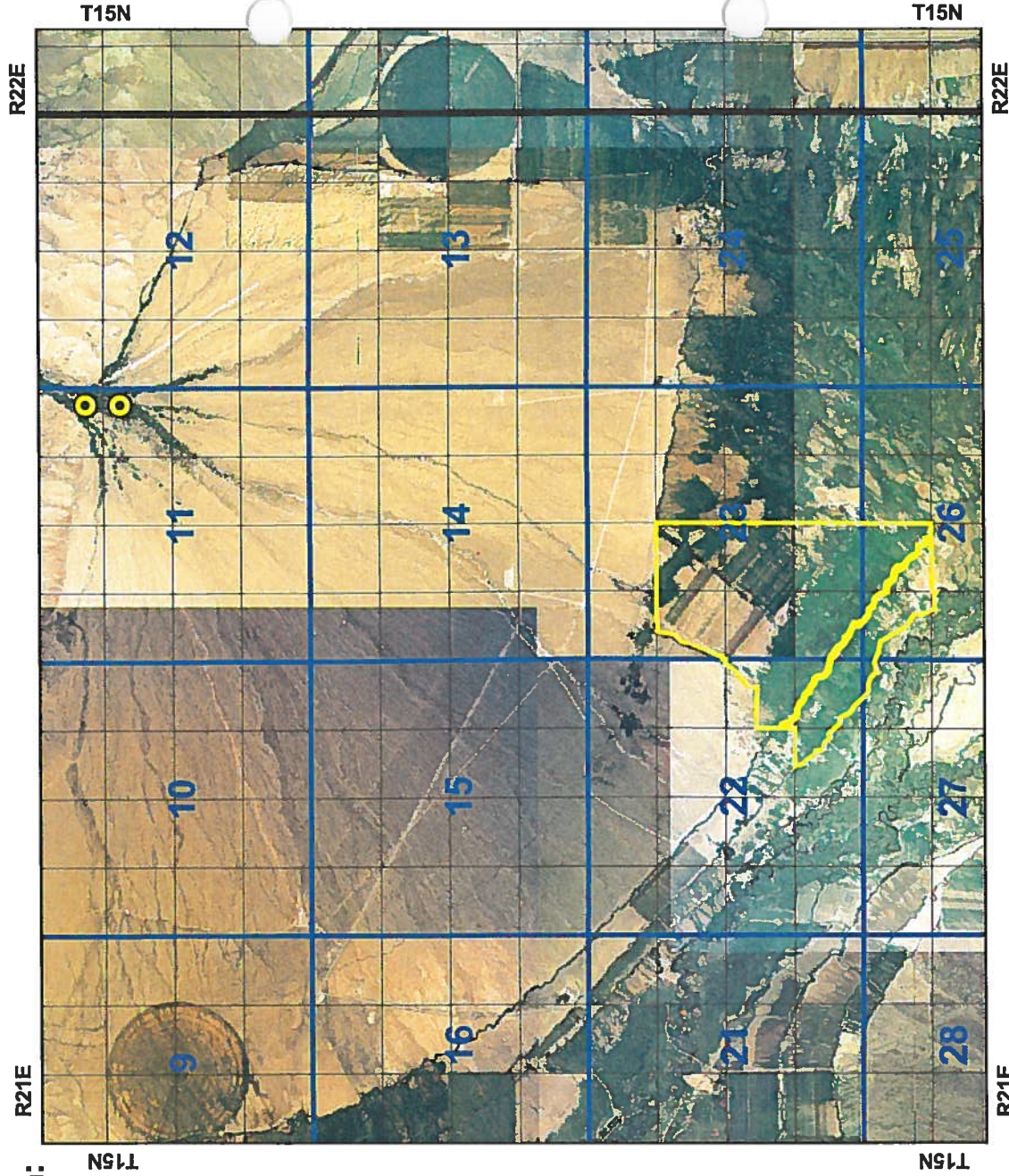
PLS Sections



Quarter Quarters



Lemhi, Custer Counties
IDWR Basin 73



0 1 2 Miles



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

08/29/2006

IDAHO DEPARTMENT OF WATER RESOURCES
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RIGHT NUMBER: 73-139A

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

SOURCE: MORGAN CREEK

TRIBUTARY: PATTERSON CREEK

QUANTITY: 0.580 CFS

PRIORITY DATE: 04/01/1897

POINT OF DIVERSION:

T15N R21E S11 SENENE Within LEMHI County
T15N R21E S11 NESENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.580 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	SENE	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.

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										
			NWNNW										
			SWNNW			40	40				40	31	
			SENNW			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
			NWNNW			40	40				40	24	
			SWNNW			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)

Water Right Number: 73-139

Diversion Rate: 2.4 CFS

Reviewer Name: _____ **R. Brown**

Date: 8/28/2006

[illegible]

Water Right Number:

73-139

Diversion Rate:

2.4 CFS

Reviewer Name:

R. Brown

Date:

38957

Split Tree

73-139A (Moen)	
(160.0 ac & 0.58 cfs)	
73-139B (Whitworth)	
(240.0 ac & 1.6* cfs)	
73-139C (Cook)	
(40.0 ac & 0.22 cfs)	

73-139

(440.0 ac & 2.40 cfs)

Summary

Right No:	Diversion Rate	Irrigated Acres
73-139	2.4	440
73-139A (Moen)	0.58	160
73-139B (Whitworth)	1.6*	240
73-139C (Cook)	0.22	40

*Trans. #837 moved 1.6 cfs to land now owned by Scott Whitworth

Cook owns 40 acres of original decree @ 2.4 cfs/440 ac=0.005cfs/acre

Moen owns remainder of water right

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 73-139A
Date Received: 11/28/1989
Receipt No:
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 83258

2. Date of Priority: 04/01/1897

3. Source: MORGAN CREEK , MORGAN CREEK Trib. to: PATTERSON CREEK , PATTERSON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	21E	11	NE SE NE	LEMHI	
15N	21E	11	SE NE NE	LEMHI	

5. Description of diverting works:

WOODEN HDGATE WITH DITCHES AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.8	

7. Total Quantity Appropriated is:
0.8 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
					Section Acres	30
					Total Acres	100

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:

TRANS. #837. DECREEED OWNERS JOINTLY AWARDED USE OF WATER FOR THEIR INDIVIDUAL LANDS DESCRIBED IN DECREE. P/D DESCRIBED IN TRANS. #837.

15. Basis of Claim: Decreed

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 73-139A
Date Received: 11/28/1989
Receipt No: E027514
Received By: JC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A7300139A



1. Name of Claimant(s)

KENT MOEN Phone: (208) 876-4022

811 PAHSIMEROI RD
MAY ID USA 83253

2. Date of Priority: 04/01/1897

3. Source: MORGAN CREEK Trib. to: PATTERSON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	21E	11	NE SE NE	LEMHI	
15N	21E	11	SE NE NE	LEMHI	

5. Description of diverting works:

WOODEN HDGATE WITH DITCHES AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.8	

7. Total Quantity Appropriated is:
0.8 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
					Section Acres	30
					Total Acres	100

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:

TRANSFER 837. DECREEED OWNERS JOINTLY AWARDED USE OF WATER FOR THEIR INDIVIDUAL LANDS DESCRIBED IN DECREE.
ROBERTA COOK FILED AND PAID ON PORTION OF DECREE PER CLAIM #A73-00139C AT WESTERN REGION ON 3/23/98. LG

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

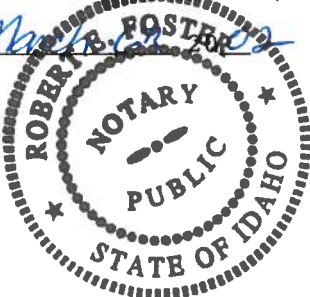
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Kent Moen Date: Mar 6, 02
March 6, 2002 Date:

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this

of March 6, 2002



Robert E Jost

Notary Public

Residing at Salmon Idaho

My commission Expires 02-16-07

2-28-02

Dear Mr Carlson,

It was recently brought to my attention that water right 73-139A filing fees were not paid.

I contacted Bob Foster and he said the charges were \$50 for filing fee and \$1 per acre. I have enclosed \$150, if this doesn't cover the fees please contact me.

Thank You,

Kent Moen
811 Paksimerai RD.
May, Idaho

83253

208-876-4022



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 4, 2002

KENT MOEN
811 PAHSIMEROI RD
MAY ID 83253

RE: NOTICE OF CLAIM TO A WATER RIGHT 73-139A & CHECK NO. 5031
FOR \$150.00.

Dear Mr. Moen:

I am returning the above referenced claim and check because we need a signed and notarized claim in addition to the fees. Please sign the enclosed claim in the presence of a notary public and return it and your fee to our office. We will process it as soon as possible and send you a copy for your files.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Bob Foster