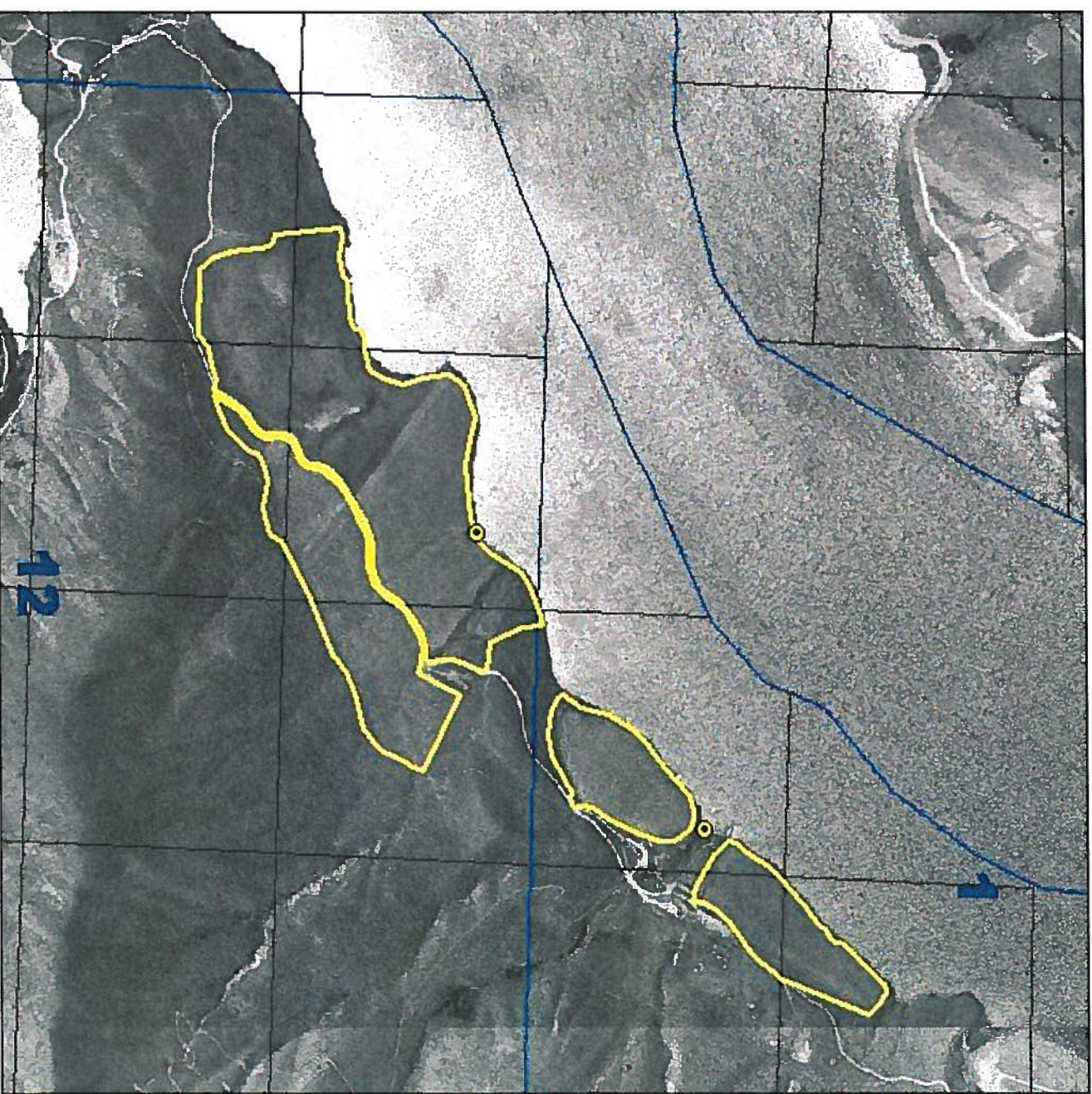
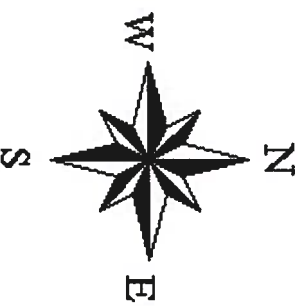


Idaho Department of Water Resources

Claim Number:

03-10223

-  **Point of Diversion**
 -  **Place of Use**
 -  **Sections**
 -  **Quarter Quarters**
- Legal: T14N, R07W, S1 & 12**



1994 Aerial Photography



07/13/2006

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

RIGHT NUMBER: 3-10223

NAME AND ADDRESS: MAGNESS RACING VENTURES INC
ATTN SHARON MAGNESS BLAKE
4343 S HOLLY ST
ENGLEWOOD CO 80111

ROCKING M CATTLE CO
C/O ROY M MOORE
5360 N FRANKLIN ST
DENVER CO 80216

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.320 CFS

Right Nos. 3-10223 and 69-2012 are limited to a total combined diversion rate of 1.6 cfs.

PRIORITY DATE: 03/15/1971

POINT OF DIVERSION:

T14N R07W S1 NESWSE Lot 5 Within WASHINGTON County
T14N R07W S12 NENENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	1.320 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T14N R07W S01	NESE	4.00	T14N R07W S01 Lot 5 SWSE	8.00
T14N R07W S01	SESE	3.00	T14N R07W S12 NWNE	11.00
T14N R07W S12	NENW	28.00	T14N R07W S12 Lot 1 NWNW	4.00
T14N R07W S12	SWNW	6.00	T14N R07W S12 SENW	6.00

70 ACRES TOTAL

Right Nos. 3-10223 and 69-2012 are limited to the irrigation of a combined total of 80 acres 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 - Beneficial Use

07/13/2006

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

RIGHT NUMBER: 69-2012

NAME AND ADDRESS: MAGNESS RACING VENTURES INC
ATTN SHARON MAGNESS BLAKE
4343 S HOLLY ST
ENGLEWOOD CO 80111

ROCKING M CATTLE CO
C/O ROY M MOORE
5360 N FRANKLIN ST
DENVER CO 80216

SOURCE: DENNETT CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 12/18/1909

POINT OF DIVERSION:

T14N R07W S12 NWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 10/31	1.000 CFS

PLACE OF USE: IRRIGATION Within WASHINGTON County

T14N R07W S01 Lot 5 SWSE	8.00	T14N R07W S11 Lot 2 SENE	1.00
T14N R07W S12 NWNE	5.00	T14N R07W S12 NENW	21.00
T14N R07W S12 Lot 1 NWNW	4.00	T14N R07W S12 SWNW	12.00
T14N R07W S12 SENW	4.00		

55 ACRES TOTAL

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 - License

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

REPORT OF ENGINEER.

1. State name of applicant and number of permit: *James A. Tarter 5-688*
2. State source of water supply: *Dennett Creek*
3. Location of point of diversion: *NW 1/4 SE 1/4 Sec 12 Twp 14 N R. 7 W. B. M.*
4. State whether or not the works of diversion are fully completed and in accordance with the terms of permit: *Yes*
5. Describe works as they exist, giving dimensions of same as follows:
- (a) Width of conduit at bottom: *18 inches*
 - (b) Width at water line: *30*
 - (c) Depth of water: *1 1/2*
 - (d) Grade per mile: *10 feet*
 - (e) Capacity of ditch: *At least 1 cubic foot per second*
6. State whether or not water has been turned into works of diversion, and if so, to what extent: *Water has been through entire length of ditch and has been used to irrigate 55 acres twice this season.*
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract: *Portions of NW 1/4 NE 1/4 and NE NW 1/4 Sec 12 Twp 14 N R. 7 W. B. M. and Lots 4 & 5 Sec. 1 Twp 14 N R. 7 W. B. M. Under irrigation the following: 30 acres in NE 1/4 & NW 1/4 10 acres in NW 1/4 NE 1/4 of Sec 12 9 acres in Lot 4 16 acres in Lot 5 Sec 1 All in Twp 14 N R. 7 W. B. M.*
8. Submit map on enclosed plat, showing source of supply, point of diversion, route of ditch or ditches and cross-hatch lands to be irrigated.

Remarks: *I find 30 acres in alfalfa and 25 acres in wheat which has been irrigated twice this season and has every appearance of a good crop.*

RECEIVED

JUN 6 1912

OFFICE OF STATE ENGINEER

STATE OF IDAHO,

County of *Washington* } ss.*C. L. Randall*

C. L. Randall, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this *5th* day of *June* 191*2*.

Arthur H. Brennan

My Commission Expires *Sept 21/1913*

Notary Public.

Washington County *
Dennett Creek *
1 second-foot *
Irrigation *
Priority 12/18/1909. *

STATE OF IDAHO
Water License No. 5688

WHEREAS, On the 18th day of December, A.D. 1909, JAMES A. TARTER, of Huntington, County of Baker, State of Oregon, duly made application (No. 8080) to me for a permit to use one (1) cubic foot per second of the waters of DENNETT CREEK, County of Washington, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 1st day of February, A.D. 1910, Permit No. 5688 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 1st day of February, A.D. 1912, and for the application to beneficial use of said water on or before the 1st day of February, A.D. 1913, and,

WHEREAS, On the 8th day of February, A.D. 1912, JAMES A. TARTER, the holder of said permit, duly made proof of the completion of adequate works for the diversion of one (1) cubic foot per second of said waters, as evidenced by my Certificate No. 5688, dated April 27th, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one (1) cubic foot per second of water, with date of priority of December 18th, 1909, and,

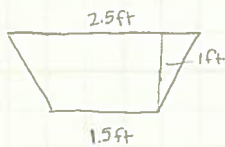
WHEREAS, On the 25th day of June, A.D. 1912, JAMES A. TARTER, the holder of said permit, duly made proof of the application to beneficial use of one (1) cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JAMES A. TARTER, of Huntington, County of Baker, State of Oregon, the holder and owner of said Permit No. 5688, a perpetual right, dating from December 18th, 1909, to the use of one (1) cubic foot per second of the waters of DENNETT CREEK, in the County of Washington and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Northwest quarter of the Southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 12, Township 14 North, Range 7, West of the Boise Meridian, and conducted to and upon 69 acres, divided as follows: (20 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 10 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, 9 acres in Lot 4, 16 acres in Lot 5, Section 1, Township 14 North, Range 7, West of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 9th day of August, A.D. Nineteen hundred and twelve.

(SEAL)

A. E. Robinson
State Engineer.



$$A = 2.0 \text{ ft}^2$$

$$P = 1.5 + 2(\sqrt{1.5^2 + 1^2}) = 3.74 \text{ ft}$$

$$R = 2/3.74 = 0.5353$$

$$S = 10/5280 = 0.00189$$

$$Q = \frac{1.49}{n} A R^{2/3} S^{1/2}$$

$$Q = \frac{1.49}{0.054} (2) (0.5353)^{2/3} (0.00189)^{1/2}$$

$$Q = 1.58 \text{ cfs}$$

$$n = (n_0 + n_1 + n_2 + n_3) m$$

$$n_0 = 0.024 \text{ for gravel}$$

$$n_1 = 0.005 \text{ for minor irregular}$$

$$n_2 = 0.01 \text{ for minor obstruction}$$

$$n_3 = 0.01 \text{ for low vegetation}$$

$$m = 1.1 \text{ for minor to appreciable}$$

$$n = (0.024 + 0.01 + 0.015 + 0.01) 1.1$$

$$= 0.0671$$

$$\frac{1200 \text{ gal}}{\text{min}} \times \frac{1 \text{ ft}^3}{7.4805 \text{ gal}} \times \frac{1 \text{ min}}{60 \text{ s}} = 2.674 \text{ cfs}$$

$$\frac{1200 \text{ gal}}{\text{min}} \left(\frac{0.02 \text{ cfs}}{9 \frac{\text{gal}}{\text{min}}} \right) = 2.667 \text{ cfs}$$

Idaho Department of Water Resources

Claim Number:

03-10223

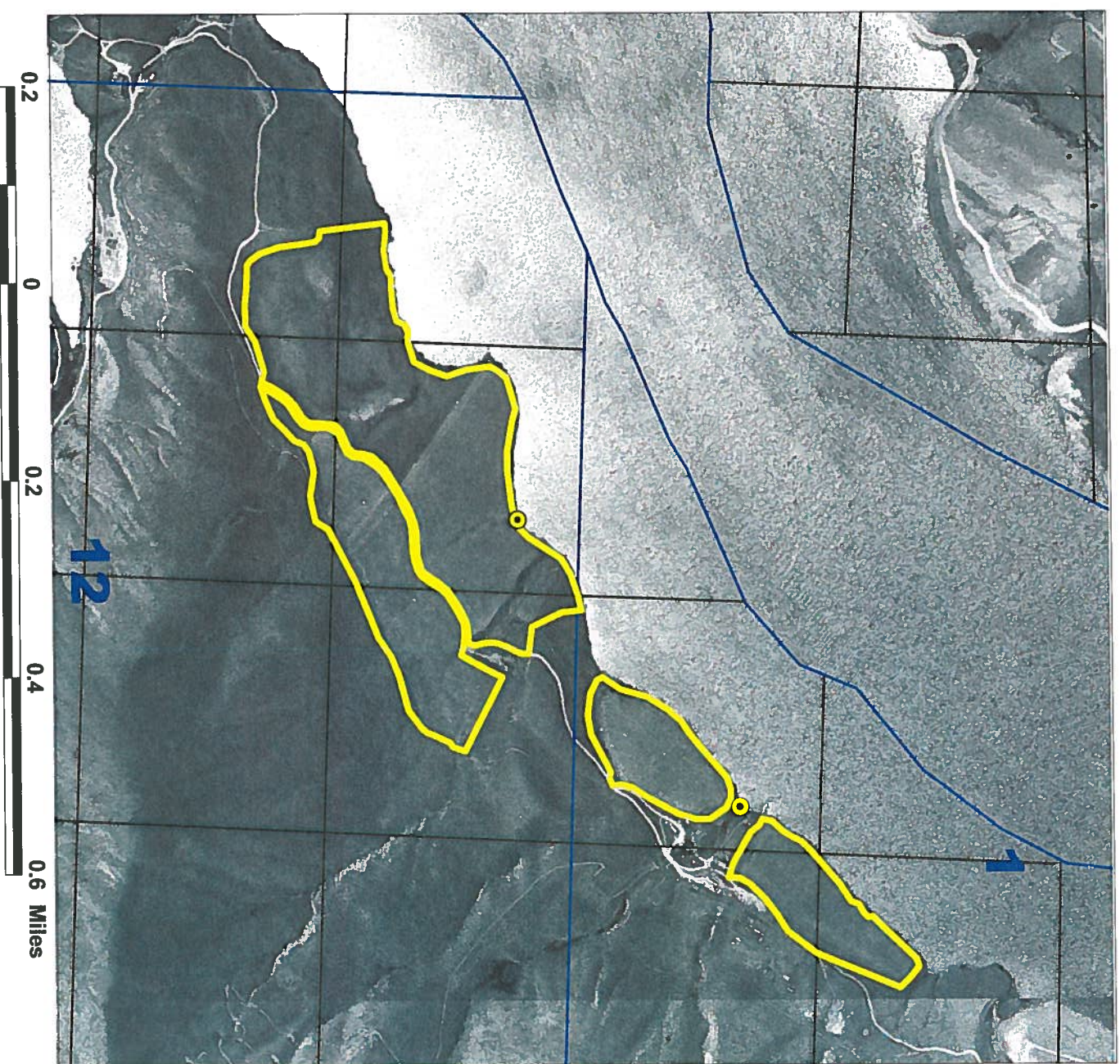
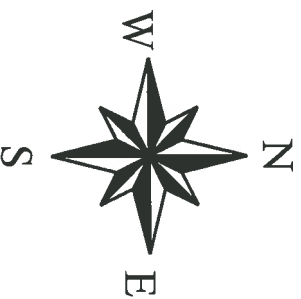
● Point of Diversion

□ Place of Use

□ Sections

□ Quarter Quarters

Legal: T14N, R07W, S1 & 12



06/07/2006

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

RIGHT NUMBER: 3-10223

NAME AND ADDRESS: MAGNESS RACING VENTURES INC

ATTN SHARON MAGNESS BLAKE

4343 S HOLLY ST

ENGLEWOOD CO 80111

ROCKING M CATTLE CO

C/O ROY M MOORE

5360 N FRANKLIN ST

DENVER CO 80216

SOURCE:

SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY:

1.320 CFS

Right Nos. 3-10223 and 69-2012 are limited to a total combined diversion rate of 1.6 cfs.

PRIORITY DATE:

03/15/1971

POINT OF DIVERSION:

T14N R07W S1 NESWSE Lot 5 within WASHINGTON County

T14N R07W S12 NENENW within WASHINGTON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

1.320 CFS

PLACE OF USE:

IRRIGATION within WASHINGTON County

T14N R07W S01	NESE	4.00	T14N R07W S01 Lot 5 SWSE	8.00
T14N R07W S01	SESE	3.00	T14N R07W S12	11.00
T14N R07W S12	NENW	28.00	T14N R07W S12 Lot 1 MNW	4.00
T14N R07W S12	SWNW	6.00	T14N R07W S12	6.00

70 ACRES TOTAL

Right Nos. 3-10223 and 69-2012 are limited to the irrigation of a combined total of 80 acres 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 - Beneficial Use

Meridian: 1
Township: 14N
Range: 07W
RangePartial: 0
Section: 1 4
QQ: NESE
Government Lot: NULL
Survey Code: NULL
Survey Number: NULL
Tract ID: NULL
County: WASHINGTON
Acres: ~~14~~ 3.3 5 4 4

Meridian: 1
Township: 14N
Range: 07W
RangePartial: 0
Section: 1 3.4
QQ: SESE
Government Lot: NULL
Survey Code: NULL
Survey Number: NULL
Tract ID: NULL
County: WASHINGTON
Acres: ~~15~~ 3.4 5 3.7 3.4

Meridian: 1
Township: 14N
Range: 07W
RangePartial: 0
Section: 1 8.5
QQ: SWSE
Government Lot: 5
Survey Code: NULL
Survey Number: NULL
Tract ID: NULL
County: WASHINGTON
Acres: ~~13~~ 9.3 10 12 8.5

Meridian: 1
Township: 14N
Range: 07W
RangePartial: 0
Section: 12 2.8
QQ: NENW
Government Lot: NULL
Survey Code: NULL
Survey Number: NULL
Tract ID: NULL
County: WASHINGTON
Acres: 27 30 2.8 2.8

Meridian: 1
Township: 14N
Range: 07W
RangePartial: 0
Section: 12
QQ: NWNW
Government Lot: NULL 4.2
Survey Code: NULL
Survey Number: NULL
Tract ID: NULL
County: WASHINGTON
Acres: ~~18~~ 1.8 20 20 8.3

Meridian: 1
Township: 14N
Range: 07W
RangePartial: 0
Section: 12
QQ: NWNW
Government Lot: 1 5.3
Survey Code: NULL
Survey Number: NULL
Tract ID: NULL
County: WASHINGTON
Acres: 4.3 5 5.4 5.4

Meridian: 1
Township: 14N
Range: 07W
RangePartial: 0
Section: 12
QQ: SWNW
Government Lot: NULL 12
Survey Code: NULL
Survey Number: NULL
Tract ID: NULL
County: WASHINGTON
Acres: 15 10 15 12

Meridian: 1
Township: 14N
Range: 07W
RangePartial: 0
Section: 12
QQ: SENW 5.7
Government Lot: NULL
Survey Code: NULL
Survey Number: NULL
Tract ID: NULL
County: WASHINGTON
Acres: 8.6 5 8.6 5.8

Update PLS?

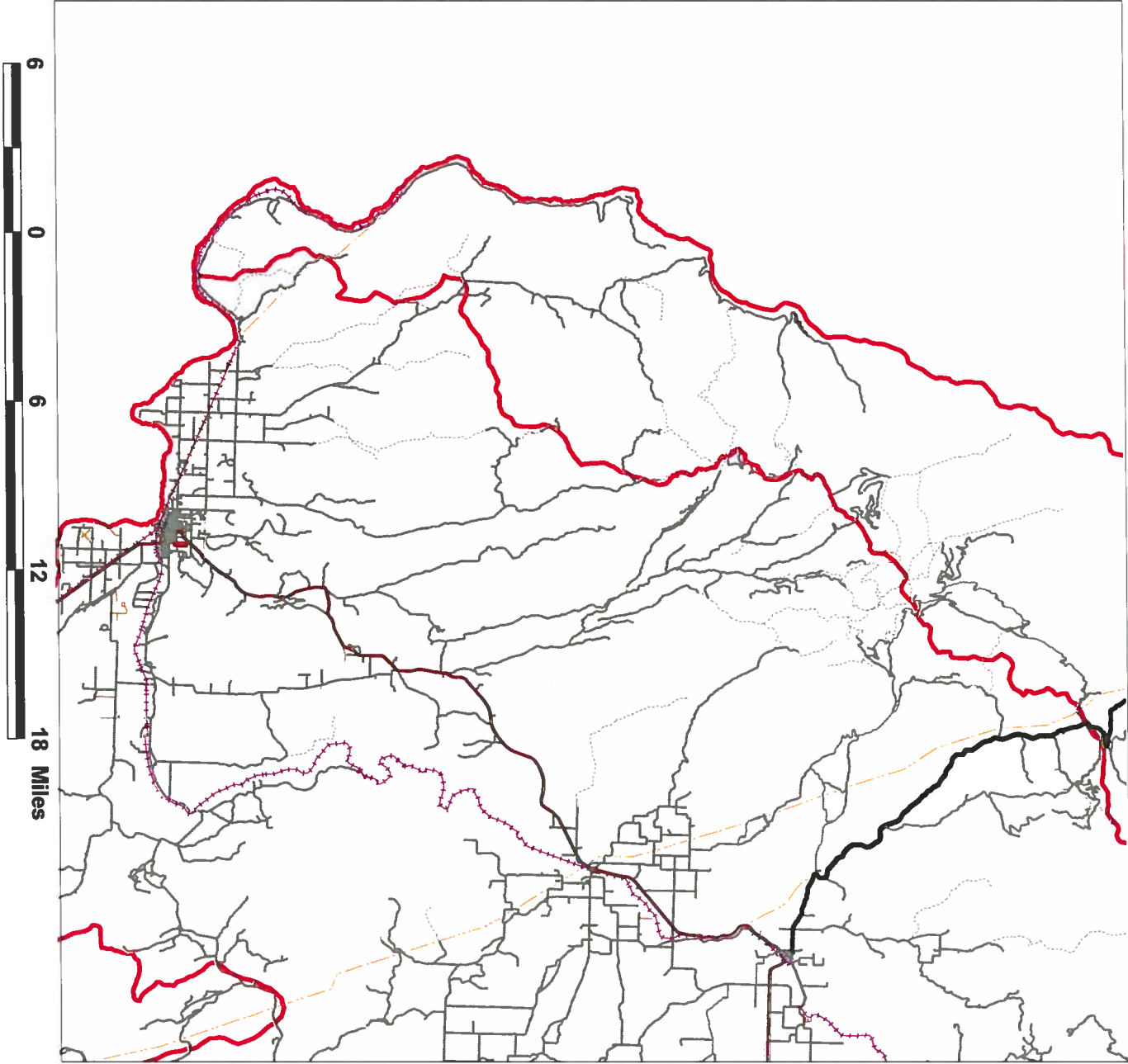
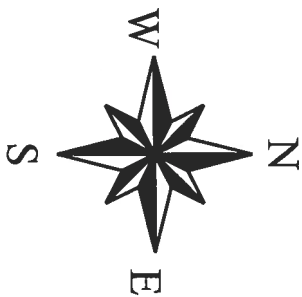
Total Acres: 115.9

Idaho Department of Water Resources

Claim Number:

03-10223

03_10233_rec_pou.shp
Administrative BasinsAdminbas.shp



State of COLORADO
County of DENVER) ss.

SUPPLEMENT #2
AFFIDAVIT OF ROY R. MOORE, JR.
(Irrigation at North Pastures)

I, Roy R. Moore, Jr., being first duly sworn, upon oath state that:

1. I am the General Partner of Rocking M Cattle Co., a limited partnership ("Rocking M").
2. Rocking M acquired the ranch land in Washington County, Idaho (the "Idaho Ranch") in late 1972. Rocking M operated the ranch the summer of 1972 prior to the acquisition. Currently, Rocking M owns an undivided 22.8% interest in the ranch property and Magness Racing Ventures, Inc. ("Magness") owns an undivided 77.2% interest.
3. This Affidavit supplements my prior Affidavits concerning operations on the Idaho Ranch ("First Affidavits").
4. As I have stated previously, we and our predecessor in interest Harold Woods grew hay in the area on the ranch described in the First Affidavits as the hay meadow. We grew hay in a larger area south of the two houses, and in the smaller fields north of the two houses (the "North Pastures"). I recall that Woods first grew hay in the North Pastures in 1971.
5. Harold would have planted the North Pastures in the fall before the first harvest and it is likely that it was irrigated that fall, but I do not know that for sure. Harold always planted in the fall, so the seed would have been put in the North Pastures in the fall of 1970, before the first harvest in 1971. It is logical to expect that Harold irrigated prior to that. We usually cut the first cutting of hay in early May and always got four cuttings.
6. Our family would have arrived at the Ranch in June of 1972. When we operated the ranch, we generally didn't start irrigation until after the first cutting (we lived in Phoenix until 1979 and school generally wasn't out until June 1st). Generally, we cut the first cutting without irrigation and then irrigated the second cutting. However, there were some dry years that my hired men did irrigate early, probably in April.

7. The 2 small pumps at the North Pastures were put in by Harold Woods before we operated the property. I recall that they were installed in early 1971 to irrigate the North Pastures. They could have been installed before that. We irrigated the North Pastures with these pumps in 1972 when we operated the property.

8. Based on my recollection of planting and harvesting practices, it is logical to conclude that Harold Woods irrigated the North Pastures when they were planted in the fall of 1970 and that he irrigated them again in early 1971. Exactly when the pumps were first used and when Harold irrigated in 1970 -1971 I cannot say. Based on my recollection, he used the pumps in early 1971 to irrigate the new hay crop planted in the North Pastures. I am certain that Harold used the small pumps to irrigate the North Pastures from Brownlee Reservoir before May 20, 1971.

9. I have reviewed this statement and have made all changes and corrections that I feel are necessary. This statement accurately reflects my knowledge about the Ranch, use of water from Brownlee Reservoir, and the pumps. I understand that I am signing this affidavit under oath before a notary public. I swear under penalty of perjury that this statement is true and correct to the best of my knowledge and belief.

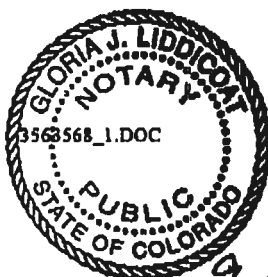
FURTHER THE AFFIANT SAYETH NAUGHT.

Date: June 6, 2006

Roy R. Moore, Jr.
Roy R. Moore, Jr.

Subscribed and sworn to before me this 6th day of June, 2006.

[SEAL]



My Commission Expires 9-14-09

Gloria J. Liddicoat
Notary Public for Colorado
Residing at D.anner
My Commission Expires 9-14-09

Contacts Data Entry Form• **Claim Number: 3-10223**

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	MAGNESS RACING VENTURES INC	ATTN SHARON MAGNESS BLAKE 4343 S HOLLY ST	ENGLEWOOD	CO	80111	(970)262-2325
Current Owner	ROCKING M CATTLE CO	C/O ROY M MOORE 5360 N FRANKLIN ST	DENVER	CO	80216	(303)294-0146

Date of Field Exam: no exam Time: using affidavits

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number 3-10223

Claimed Priority Date: 3/1/1969

Claimed Basis: Beneficial Use

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date 3/15/1971Recommended Basis Beneficial Use

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Affidavits of Roy Moore

Irrigation of hay in north fields began fall 1970 or spring 1971. Because crops were planted, intent to irrigate was established.

This was the last portion to be developed so this is the appropriate priority date.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number 3-10223

Claimed Point of Diversion and Source

T14N R07W S12 ^{NE} NENW Within WASHINGTON County Source: SNAKE RIVER COLUMBIA RIVER☒ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Snake River

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>14N</u>	<u>7W</u>	<u>1</u>		<u>NESWSE</u>	<u>Washington</u>	<u>Snake River</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? None

Document how the POD and Source were verified:

POD verified as per affidavit of Roy Moore

Source verified as per affidavit and claim map.

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 3-10223

Claimed Place Of Use

T14N R07W S01	NESE	5.00	T14N R07W S01	SWSE	10.00
T14N R07W S01	SESE	5.00	T14N R07W S12	NWNE	20.00
T14N R07W S12	NENW	30.00	T14N R07W S12	NWNW	5.00
T14N R07W S12	SWNW	10.00	T14N R07W S12	SENW	5.00

Total Acres 90

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

needs work
use aerial photography

Recommended Place of Use

☐ See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres 70

Document how the POU was verified:

as per aerial photography

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 3-10223

Claimed Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

IRRIGATION

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

Irrigation				
------------	--	--	--	--

--	--	--	--	--

--	--	--	--	--

Document how the Purpose of Use was verified:

Irrigation as per affidavit of Roy Moore
--

--

--

--

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 3-10223

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	03/01	10/31	1.8	

Overall Diversion Rate 1.8 Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
-----------	-------	-----	------	--------

Overall Diversion Rate Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate Overall Diversion Volume

Document how the Period of Use and/or Diversion Rate were verified:

use standard period 3/15 - 10/31

Quantity - ~~not recommended~~

- recommend maximum 1.39 cfs.

Reviewer: _____

Date: _____

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 3-10223
 Reviewer: Jennifer Dean
 Affidavit by: Roy R. Moore, Jr.
 Date of Affidavit: 5/1/2006

P/D No.:	Deisel Pump	1973 Elec. High	1973 Elec. Low	Tandem Pumps
PUMP HORSEPOWER BOOSTER HORSEPOWER	90	30	30	7.5 7.5
PUMPING LEVEL	200	200	40	~~30~~ 75
DISCHARGE PRESSURE	35	~~30~~ 35	~~80~~ 75	55
RATE OF FLOW (cfs)	1.41	0.69 46	0.82 47	0.52 46
The above calculates the formula =				180 gpm $\left(\frac{1 \text{ cfs}}{7.4805 \text{ gal}} \right)$ $\left(\frac{1 \text{ min}}{60 \text{ sec}} \right) = .401$

Assumptions: %70 efficiency.
 No Friction

Maximum diversion = $0.82 + 0.52 = 1.34 \text{ cfs}$

$1200 \text{ gpm} \left(\frac{1 \text{ cfs}}{7.4805 \text{ gal}} \right)$
 $\left(\frac{1 \text{ min}}{60 \text{ sec}} \right) = 2.67$

Dean, Jennifer

From: Linda Jones [LJones@hollandhart.com]
Sent: Thursday, May 25, 2006 5:00 PM
To: Dean, Jennifer
Subject: RE: Review of 3-10223

I have gleaned some additional information from Roy, but not much. He says Harold and his wife are deceased, and Harold's family (one son) did not participate in the ranch and Roy does not know where he is now. Harold was old when he sold the ranch to Roy. Roy also is getting on in years, and he remembers as much as he can.

Roy does recall that Harold had hay on the north hay pastures (those north of the houses) in 1971 - he thinks that was the first year they had hay up there, as he said they planted the north pasture in 1971. But he also recalls that they (Roy and family) seeded hay in the fall when they operated the ranch, for an early crop in the spring. That would mean Harold likely planted in fall 1970, for an early 1971 crop. The first crop would have been harvested by June (he thinks). When Roy and his boys operated the ranch in the summer of 1972, they arrived in June and irrigated a second crop of hay then. That is how they operated too - seeding in the fall and harvesting an early crop. They did not always irrigate the first crop, if the spring weather was wet. If the spring was dryer, they would have irrigated early in the spring (I believe the irrigation season in that area begins late March, early April and Roy recalls irrigating in April some years). He recalls irrigating the second crop of hay in June (when he operated the Ranch for Harold in 1972 and then after he bought it). So, as best as Roy can recall and surmise from how he operated the ranch, Harold likely planted in the fall 1970, and irrigated an early crop of hay in 1971. He recalls that the two smaller pumps were installed in "early spring" of 1971. He does not know if Harold irrigated the north fields before that, but he says it is possible he might have irrigated the fall before (1970).

Roy and his boys operated the ranch in the summer of 1972 (beginning in June) . That was when their purchase was being negotiated. They closed their purchase in late 1972/early 1973, he recalls. 1972 was not the first year there was hay on the north pasture - it was in, in 1971.

So, while he cannot say for sure when Harold first irrigated the north pasture/hay fields in 1971, he believes it is likely it was before May 20th, given the way the hay meadows were operated and given this was the first year hay was planted there.

I hope this helps. Linda

From: Dean, Jennifer [mailto:Jennifer.Dean@idwr.idaho.gov]
Sent: Thursday, May 18, 2006 4:44 PM
To: Linda Jones
Subject: Review of 3-10223

Dear Ms. Jones,

I am writing to request some additional information pertaining to this claim. Unfortunately, in my initial review of the affidavits that were provided to support this water right, I failed to note that a portion of this development may have been developed after the mandatory permit statute. The permit system for establishing a water right became mandatory for uses developed from surface water after May 20, 1971. In the second affidavit provided by Mr. Roy Moore, Jr. he said, "[The smaller 7.5 hp pumps] were installed (by Woods) in early 1971 to irrigate the North pastures. I recall that Woods planted hay in the North pastures in 1971." Because of the sensitivity of the dates, I will need some more information to verify Mr. Moore's statement. I am looking for the specific date that these fields were first irrigated from the Snake River.

First hand information about these irrigation practices would be best. Information from Harold Woods, his family, or other people involved with the property at the time of development may be available. If it was previously owned by a ranching or farming company they may have receipts and other information associated with purchases made during the development or irrigation of this property. When obtaining this information, please look for other specifics about the development of irrigation from the Snake River. The specific dates when irrigation from the Snake River began for the entire claimed area would be helpful. If this information can be obtained, please submit it as well.

I apologize for not realizing sooner the need for this additional information. Please submit the information by June 8,

5/26/2006

2006. If you have any questions, please call me at (208) 287-4918.

Thank you,
Jennifer Dean

Jennifer Dean
Engineer in Training
Idaho Dept. of Water Resources
322 E. Front Street
PO BOX 83720
Boise, ID 83720
(208) 287-4918

5/26/2006