

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 37-21473
Date Received: 6/6/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

PIONEER MOON LLC Phone: (208)726-9588
PO BOX 2881
KETCHUM ID 83340

2. Date of Priority: 06/01/1884

3. Source: WOOD RIVER EAST FORK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	19E	28	SE SE NW	BLAINE	

5. Description of diverting works:

OPEN DITCH WITH PLASTIC DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.52	

7. Total Quantity Appropriated is:
0.52 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
04N	19E	29	NW	SE	IRRIGATION	1.7
			SW	SE	IRRIGATION	8.3
					Section Acres	10
					Total Acres	10

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

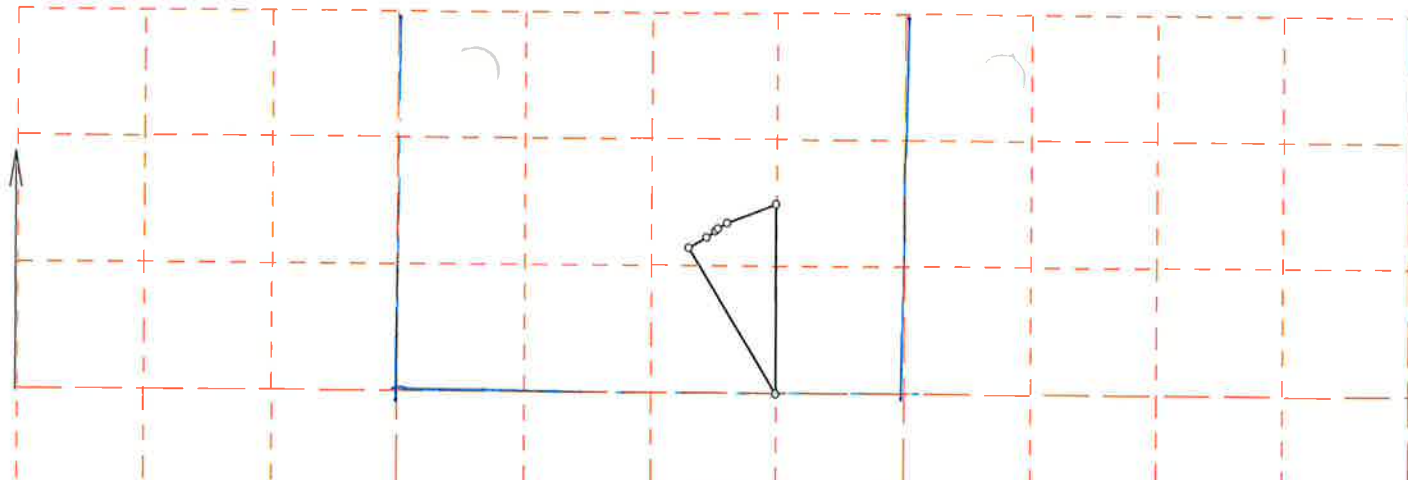
14. Remarks:

P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.
P/D FOR THIS CLAIM DETERMINED FROM AERIAL PHOTO ASCS MAP.
| P/U AMENDED AS PER ATTACHED LETTER. --RVW.
ADDRESS CHANGE RECD 04/18/1994 SS.

11-26-04, DJ: CLAIM AMENDED TO REDISTRIBUTE ACRES AND LIST POINTS OF DIVERSION AND REDIVERSION.

This right is a split from former right 37-120 .

15. Basis of Claim: Decreed



Title:		Date: 06-06-2005
Scale: 1 inch = 2000 feet	File:	
Tract 1: 21.452 Acres: 934464 Sq Feet: Closure = s72.1544w 0.00 Feet: Precision >1/999999: Perimeter = 4789 Feet		
001=/se,29.4n,19e	005=n53.4012e 114.33	009=s00.0621e 1978.77
002=/s89.3857w 1323.61	006=n47.0616e 36.51	
003=n31.1616w 1776.82	007=n57.5850e 113.21	
004=n60.1406e 219.47	008=n68.5124e 550.37	

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

RECEIVED
JUN 02 2005
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form
 Incomplete forms will be returned

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-120	x			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See Instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Gerard & Linda O'Conner, Trustees, Richard K. Robbins, Trustee
P.O. Box 48, Ketchum, ID 83340
4. New Owner/Claimant(s) Pioneer Moon, L.L.C.
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address P.O. Box 2881
- City, State and Zip Code Ketchum, ID 83340
- New Telephone Number (208)726-9588
5. Date you acquired the property May 6, 2005

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	052.cfs	10 acres
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	0.52 cfs	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New owner(s) or Claimant(s)
(include title if applicable)

Pioneer Moon, L.L.C.

By:

Felicitas Funke-Riehle Manager

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

June 1, 2005

Ms. Trish Fawcett
IDWR - Southern Region
1341 Fillmore
Suite 200
Twin Falls ID 83301-3380

RECEIVED
JUN 02 2005
Department of Water Resources
Southern Region

**Re: O'Connor - Robbins - Pioneer Moon, L.L.C.
Water Right No. 37-120**

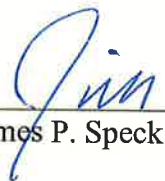
Dear Trish

I am enclosing the original and one copy of the Notice of Change in Water Right Ownership for our client Pioneer Moon, L.L.C. You have previously received a Notice for this water right, but the irrigation portion of the water use on page two was incorrect. Please receipt date stamp the copy and return it to me in the postage prepaid envelope I have enclosed for that purpose.

Call our office if you have any questions concerning this change in water right ownership.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosures
cc: Client

Order No. 54939

WARRANTY DEED

FOR VALUE RECEIVED

GERARD F. O'CONNOR and LINDA O'CONNOR, TRUSTEES OF THE O'CONNOR 2004 TRUST AGREEMENT DATED SEPTEMBER 8, 2004, as to an undivided 50% interest and THE AMENDED AND RESTATED ROBBINS TRUST 1985 AMENDED AND RESTATED NOVEMBER 16, 1999, RICHARD K. ROBBINS, TRUSTEE, as to an undivided 50% interest

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

PIONEER MOON, L.L.C., an Idaho limited liability company

GRANTEE(s) whose address is: P.O. Box 2881, Ketchum, ID 83340-2881

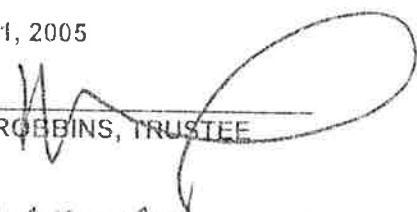
the following described real property in Blaine County, Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

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

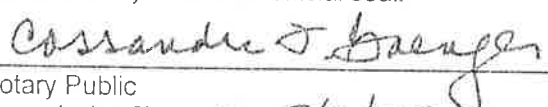
Dated: May 11, 2005


RICHARD K. ROBBINS, TRUSTEE

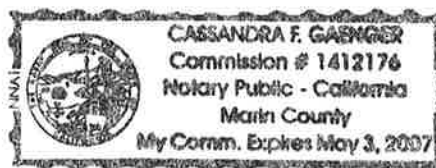
State of California }
County of Marin } ss.

On this 11th day of May, in the year 2005, before me, the undersigned, personally appeared RICHARD K. ROBBINS, known or identified to me to be the person whose name is subscribed to the within instrument as trustee of the AMENDED AND RESTATED ROBBINS TRUST 1985 AMENDED AND RESTATED NOVEMBER 16, 1999, and acknowledged to me that they executed the same as such trustee(s).

WITNESS my hand and official seal.


Notary Public

Commission Expires: 5/3/07



Order No. 54939

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

Dated: May 5, 2005

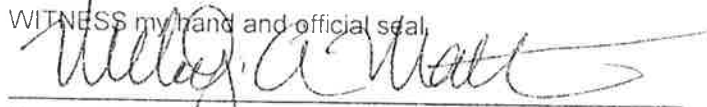

GERARD F. O'CONNOR, TRUSTEE


LINDA O'CONNOR, TRUSTEE

State of Idaho }
County of Blaine } ss.
6th }

On this 6th day of May, in the year 2005, before me, the undersigned, personally appeared GERARD F. O'CONNOR and LINDA O'CONNOR, known or identified to me to be the persons whose names are subscribed to the within instrument as trustees of the O'CONNOR 2004 TRUST AGREEMENT DATED SEPTEMBER 8, 2004, and acknowledged to me that they executed the same as such trustee(s).

WITNESS my hand and official seal.


Notary Public
Commission Expires: 4/3/2009



Order No. 54939
Legal Description

SCHEDULE 'A', CONTINUED

A Parcel of land located within the West Half of the Southeast Quarter of Section 29,
TOWNSHIP 4 NORTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY IDAHO, said
parcel being more particularly described as follows:

Commencing at a 1936 GLO Brass Cap which marks the Southeast Corner of said Section
29;

Thence S 89°38'57" W 1323.61' to an Aluminum Cap which marks the East 1/16 Corner of
Sections 29 & 32 as shown on Record of Survey Instrument #347784, said point being the
REAL POINT OF BEGINNING;

Thence N 31°16'16" W 1776.82';

Thence N 60°14'06" E 219.47';

Thence along a curve to the Left with a delta angle of 13°07'48", with a radius of 500.00',
with an arc length of 114.58', with a chord bearing N 53°40'12" E 114.33',

Thence N 47°06'16" E 36.51';

Thence along a curve to the right with a delta angle of 21°45'07", with a radius of 300.00',
with an arc length of 113.89', with a chord bearing N 57°58'50" E 113.21',

Thence N 68°51'24" E 550.37' to the East Boundary of said West Half

Thence S 00°06'21" E along said East Boundary 1978.77' to the REAL POINT OF
BEGINNING, said Parcel contains 21.46 acres more or less.

TOGETHER WITH – Right of Access to the Northerly Portion of Parcel A from the adjacent
portion of East Fork Road.

Order No. 54939

QUITCLAIM DEED

FOR VALUE RECEIVED

GERARD F. O'CONNOR and LINDA O'CONNOR, TRUSTEES OF THE O'CONNOR 2004 TRUST AGREEMENT DATED SEPTEMBER 8, 2004, as to an undivided 50% interest and THE AMENDED AND RESTATED ROBBINS TRUST 1985 AMENDED AND RESTATED NOVEMBER 16, 1999, RICHARD K. ROBBINS, TRUSTEE, as to an undivided 50% interest

do hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

PIONEER MOON, L.L.C., an Idaho Limited Liability Company

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

the following described premises situated in **Blaine** County, Idaho, to wit:

One-Tenth (1/10) of Water Right No. 37-120

together with their appurtenances.

Dated: May 5, 2005

RICHARD K. ROBBINS, TRUSTEE

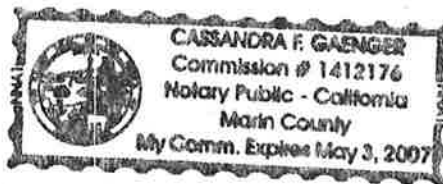
State of California }
County of Marin } ss.

On this 10 day of May, in the year 2005, before me, the undersigned, personally appeared **RICHARD K. ROBBINS**, known or identified to me to be the person whose names is subscribed to the within instrument as trustee of the **AMENDED AND RESTATED ROBBINS TRUST 1985 AMENDED AND RESTATED NOVEMBER 16, 1999**, and acknowledged to me that he executed the same as such trustee.

WITNESS my hand and official seal.

Notary Public

Commission Expires: 5/3/07



Order No. 54939

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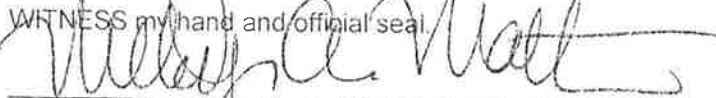
Dated: May 5, 2005

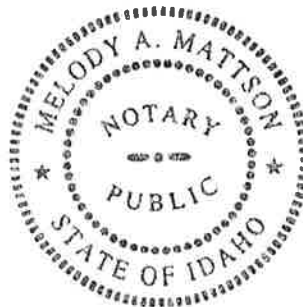

GERARD F. O'CONNOR


LINDA O'CONNOR

State of Idaho }
County of Blaine } ss.
6th }

On this 5 day of May, in the year 2005, before me, the undersigned, personally appeared GERARD F. O'CONNOR and LINDA O'CONNOR, known or identified to me to be the persons whose names are subscribed to the within instrument as trustees of the O'CONNOR 2004 TRUST AGREEMENT DATED SEPTEMBER 8, 2004, and acknowledged to me that they executed the same as such trustees.

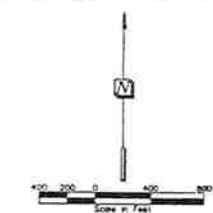
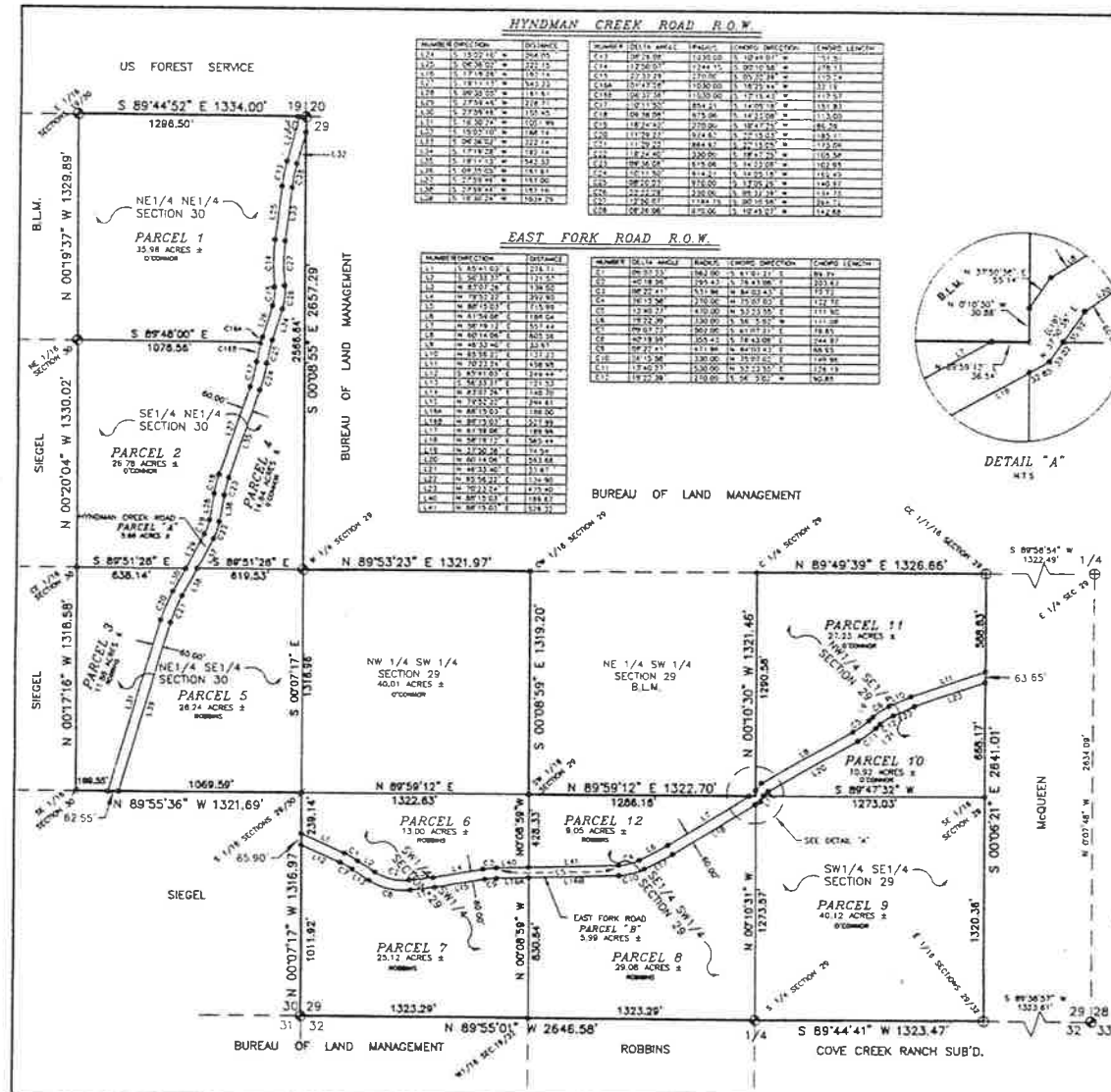
WITNESS my hand and official seal.

Notary Public
Commission Expires: 4/3/2009



DRAWING NUMBER

O'Connor + Robbins

ABER



LEGEND

- property boundary
- found brass cap
- found 5/8" rebar w/
Marzo alum. cap.
- find 5/8" rebar LS 6522
- set 1/2" iron pin LS907
- set 5/8" iron pin LS907

NOTES

1. Section Breakdowns based on Record of Surveys filed by Mike Broce in October of 1994

CERTIFICATE OF SURVEYOR

I, Bruce T. Butler, a professional land surveyor in the State of Idaho do hereby state that this survey is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code and local ordinances relating to plats and surveys.

Dwight L. Butler



COUNTY RECORDER'S CERTIFICATE

State of Idaho)
County of Blaine)

Instrument: 403236

This is to certify that the foregoing survey was filed in the Office of the Recorder at Boone County, Iowa, on this 26 day of June 1917 at the hour of five o'clock P.M. and duly recorded in the Record of Survey Book No. at Page

Ex-officio *Barack*

RECORD OF SURVEY

For
GERARD F. O'CONNOR & RICHARD K. ROBBINS

Located in
Sections 29 & 30, T.4 N., R.19 E., B.M.
Blaine County, Idaho



SAWTOOTH ENGINEERING
Civil Engineers and Land Surveyors

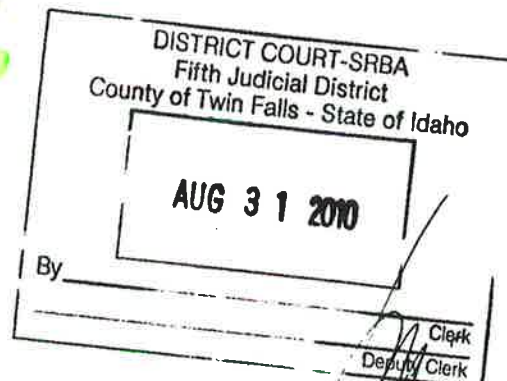
SCALE 1"=400'	Holley (208) 788-3060 Idaho		
	DATE 1996	DWG. NO. 2010BROS	SHT. 1 OF 1

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-21473



NAME AND ADDRESS: PIONEER MOON LLC
PO BOX 2881
KETCHUM, ID 83340

SOURCE: EAST FORK WOOD RIVER TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.52 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION: T04N R19E S28 NWNWSW Within Blaine County
S29 SWNESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	0.52 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T04N R19E S29 NWSE 9.3	SWSE 11.0
	20.3 Acres Total	

This right is limited to the irrigation of 10 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Williams
Presiding Judge of the
Snake River Basin Adjudication

Christensen, Kelly

From: Jones, Doug
Sent: Wednesday, November 17, 2010 12:30 PM
To: Christensen, Kelly
Subject: Robbins

Follow Up Flag: Follow up
Flag Status: Flagged

For Brockway Sr consumption:

37-21793: Propose to recommend 69.2 ac (was 68.2). 2 PODs consistent with Pioneer Moon's -21473 (any others?)

37-21385: Was claimed and disallowed for south of south branch of EFWoodRiver, can recommend for 7.3 ac north of south branch if we know what date that parcel was purchased. PODs would be consistent with 21793.

37-21794: recommended for 10.3 ac within 20 acre piece split with Pioneer Moon. PODs should be consistent with PM's 21473.



Robbins.jpg

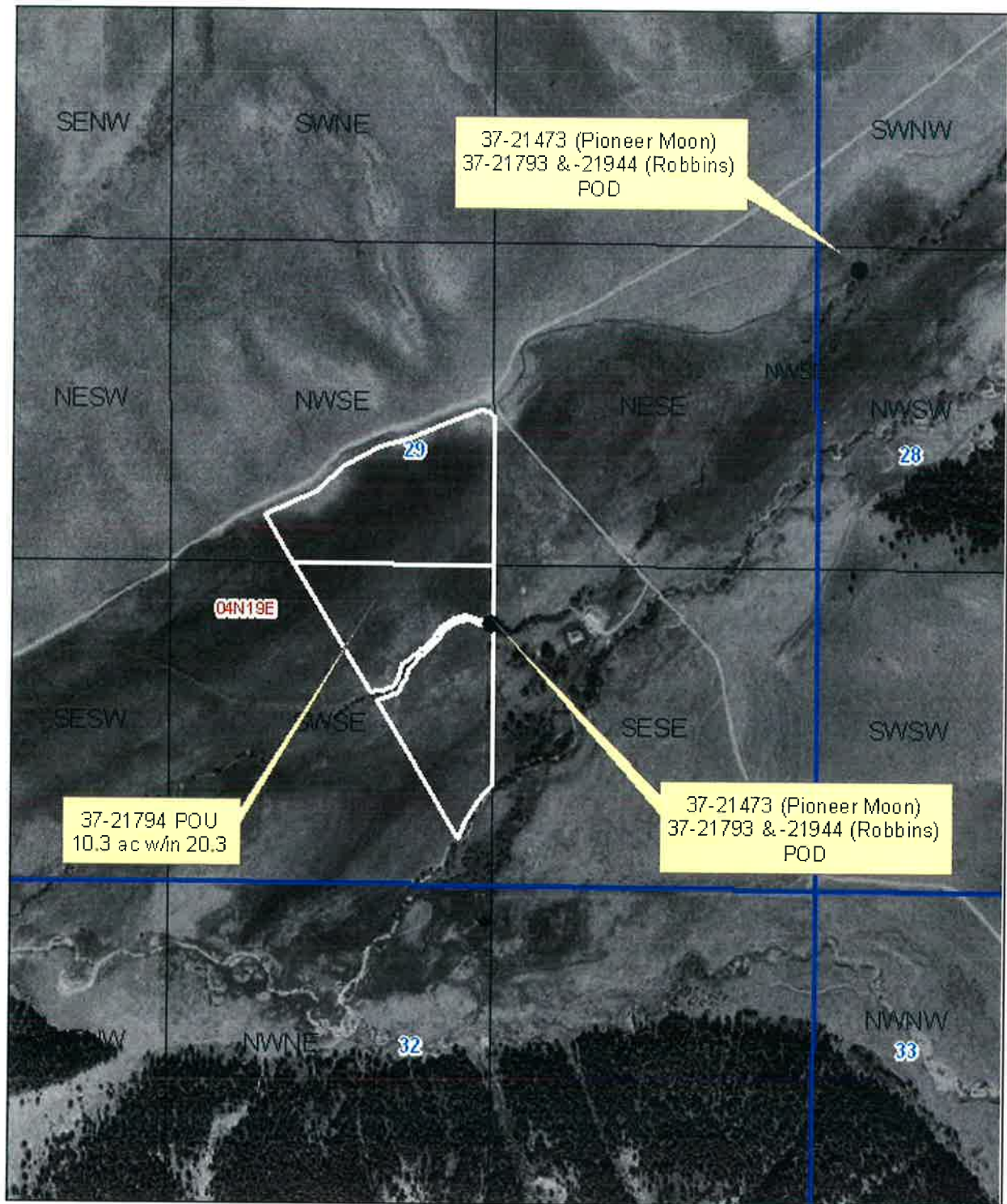


oConnor.jpg

Teleconf @ 2:30 tele # 1-215-446-0193

Code# 926509

IDAHO DEPARTMENT OF WATER RESOURCES



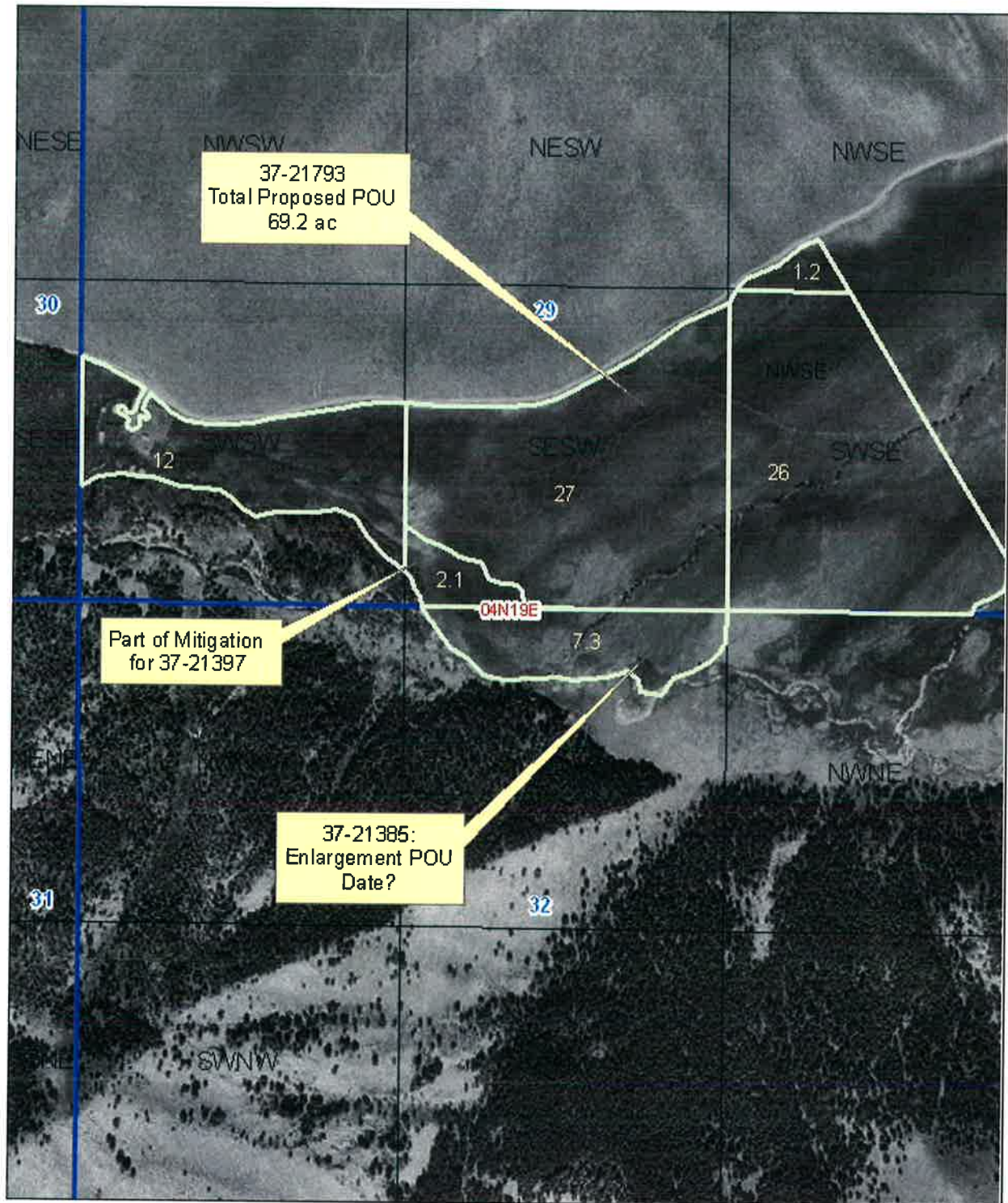
37-21794

Robbins Trust/ O'Connor Trust
Place of Use

1992 Photo Image

D.Jones
11-17-2010

IDAHO DEPARTMENT OF WATER RESOURCES



37-21793 & 37-21385

Robbins Trust/ O'Connor Trust
Place of Use

1992 Photo Image

D.Jones
11-17-2010

Settlement Conf 7-14-10

37-21743 Pioneer Moon

correction to add a ^{2nd} P/D signed by Doug & Speck.
ready to go to court.

37-260 Pioneer Moon

viewed ^{as} initial hearing Speck - noticed that proposed obj has 2 typ errors. re 4th & 5th P/S's

refer to SE $\frac{1}{4}$ sec rather than SW $\frac{1}{4}$

late obj accepted by Court

obj to be submitted to court by July 23.

Have erroneous claim - need Amended claim.

Amend granted by Court

Speck to submit Both

Doug to do ADR by Nov 19th

Settled @

obj deadline Dec 23rd

JAN 14 Response.

hearing → Jan 26th 1030

Basin 37 Hearings July 14, 2010

10:30 37-21793 & 37-21794 (Robbins Trust & O'Connor Trust - Robertson) TSC Nick / Doug

Doug sent out info and a map to Speck (Pioneer Moon) and Brockway after the last hearing, February 24. Doug told me there is agreement that the PODs on the 37-21794 right should match those recommended in the Amended SF5 that is routing for Pioneer Moon right 37-21473. Brockway and Doug need further discussion of the POD for the 37-21793 right. Doug was thinking there is a tentative POU agreement in the 37-21793 subcase. I am not sure where they are on the POU for 37-21794.

11:30 37-2607, 37-2608, 37-2609A, 37-2685 & 37-7284 (Chaney Creek Ranch - Speck) TSC Chris / Kelly

There was an amended claim filed on right 37-2685 (finally). We filed an ADR on 5/28/10 and all deadlines have run with no additional filings. SF5s on the remaining subcases were mailed to Speck on July 1st – Hobdey will also need to sign off on those. Hobdey may send them back to me for filing—his option. As of July 10, I hadn't seen or heard anything on these.

2:30 37-21473 (Pioneer Moon - Speck) Hrg on Status of Amended SF5 Chris / Doug / Kelly

We filed an SF5 on 2/26/10 with a recommendation prepared by Kelly. When Doug did a site visit on the Robbins Trust & O'Connor Trust rights, he came away feeling that this Pioneer Moon right should have another POD added to it. Kelly tried to get additional input from Doug on that but was unsuccessful. We filed the SF5 recommending the one POD we were sure of. Since then, Speck has confirmed the second POD, and I emailed an Amended SF5 to him on July 8th. Pioneer Moon is the only party so Speck may get this filed prior to the hearing on Wednesday, but as of July 10 it's not filed.

2:30 37-260 (Pioneer Moon - Speck) Hrg on Late Objection & Initial Hrg Nick / Doug

In the investigation of objections filed in Pioneer Moon right 37-21473, and Robbins Trust / O'Connor Trust rights 37-21793 & 37-21794, Doug discovered this unobjected to Pioneer Moon right had been claimed and recommended incorrectly. Problems with claimed PODs and POU need to be addressed thru amendment (Court could grant amendment at this hearing—I believe Doug needs to receive an amended claim form). Doug will need some time to ADR as the final group of initial hearings in Basin 37 is set for August. He was hoping to have an ADR deadline set for the end of November (look, I'm just passing that on—no comment).

3:00 37-208F (Ferris - Pro Se) Hrg on Late Obj / Initial Hrg Andrea or Nick / Kelly

The Court received an objection on November 16, 2007 – past the objection deadline. It's just now being set. Claimant has objected to the quantity element and this is a single party subcase. Andrea I'm leaving this file with you (thanks & sorry).

11/23/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21473

NAME AND ADDRESS: PIONEER MOON LLC
PO BOX 2881
KETCHUM ID 83340

VERIFIED BY KKC
11-23-09

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.520 CFS

PRIORITY DATE: 06/01/1884

POINT OF
DIVERSION:

T04N R19E S28 NWNWSW ~~(RediveBlaine)~~ Within BLAINE County
SENENW ~~(RediveBlaine)~~
S29 SWNESE ~~(RediveBlaine)~~

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	05/01 10/31	0.520 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T04N R19E S29 NWSE 9.30	T04N R19E S29 SWSE	11.00
	20.3 ACRES TOTAL		

This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.

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

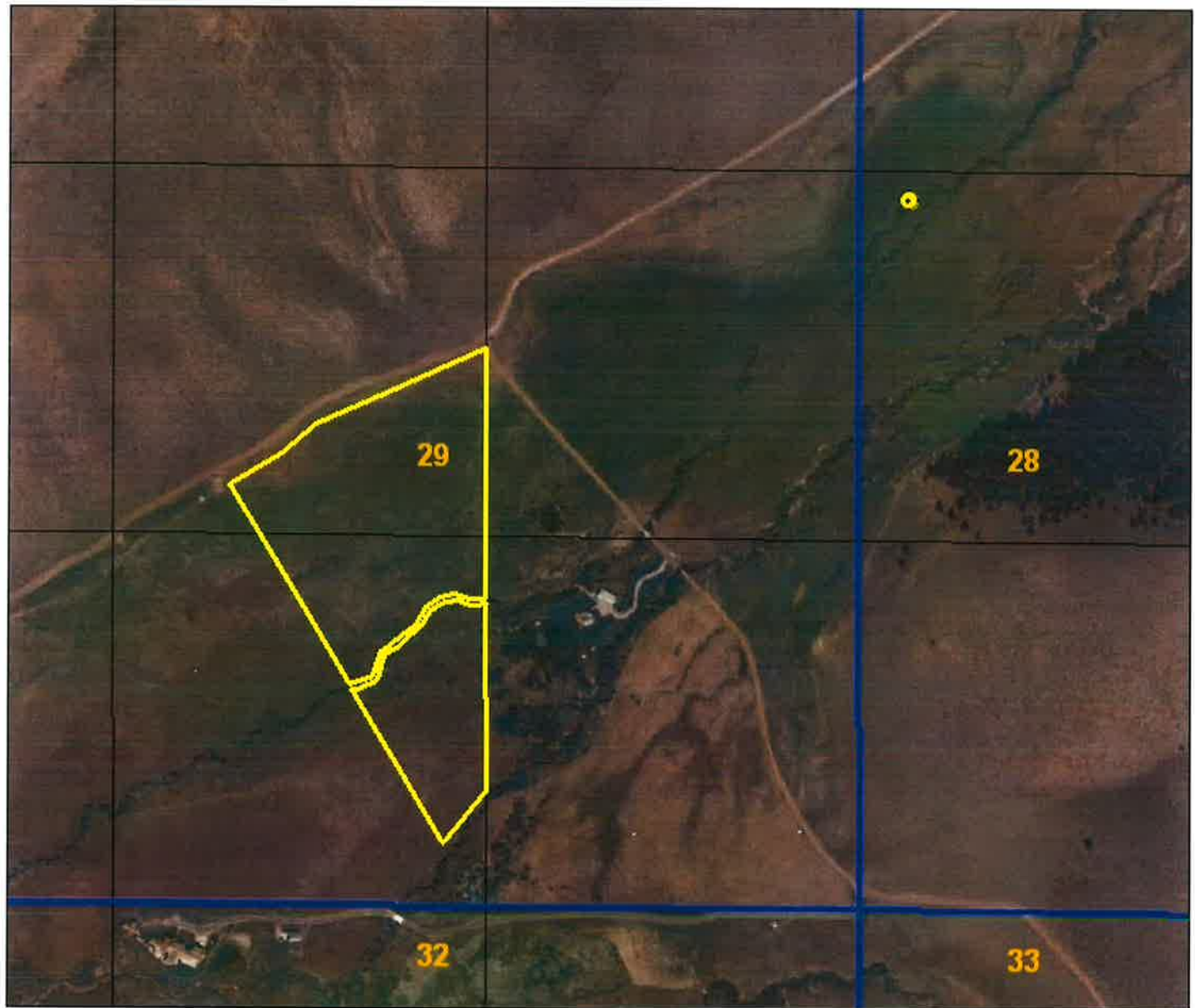
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through East Fork Wood River

This right is a split from former right 37-120.

RECOMMENDED PLACE OF USE FOR 37-21473 Pioneer Moon LLC



PLACE OF USE
TWP 04N, RNG 19E, SEC 29
Data Entry on November 23, 2009

★ LOCATION IN BASIN

- Recommended point of diversion
- Recommended place of use
- Township lines
- Section lines
- Quarter/quarter lines

GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
BY KELLY K CHRISTENSEN



Basin 37



Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, December 23, 2008 8:36 AM
To: 'Jim Speck'
Cc: Kelly, Vicki
Subject: 37-21473 Pioneer Moon; 37-21794 Robbins et al follow-up

I am going through my files of things to be done and decided to just check on these. On 11-5-08 I sent an e-mail regarding the points of diversion. Have you had a chance to discuss this with your clients?

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

3-18-09 10:00 AM.

37-21793-21794 Robbins Trust
AL Barker Sp of Cons. Citi.
Craig Hobdy BW Canal
Brockway

Points of Diversion issue

Channel vs Ditch issue

P/U difference of $\approx$ 6ac in POU

Barker - waiting for Result.

P/U in Sec 32 Not part of decreed P/U.

Calendar Sept. 2nd @ 11:00 AM.

21473 Pioneer Moon

See 28 SE NE NW in j

NW NW SW red.

29 SW NE SE red.

21473-288

37-1119 Clark SRB decree Don/stock use only
 37-1120 Thomas Baptee Baptee vs Lewis 1-22-26
 37-1140 Thomas Baptee Brother Baptee vs Lewis 1-22-26

Larry Hansen - John Westra
396-4416 over a year

22125 0.40ac > than

Flanigan
2168A

2168A & B Comb

convert Lat Lon

Verizon
 800 - 754
 0961

ARC MAP

Darrel Reed wcd log
 61-7449
 7427
 7375

Don Brandt
587-7325

Medrich

14 S - 3W
 15 S - 3W
 14 S - 3W
 15 S - 3W
 16 S - 2W
 15 S - 3W
 14 S - 3W
 15 S - 3W
 16 S - 2W
 13481

45

Pioneer Moon
37-21473

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, March 17, 2009 7:06 AM ✓
To: Brockway Engineering (charles.e.brockway@brockwayeng.com); Jones, Doug
Cc: Spencer, Nick; Kelly, Vicki
Subject: 37-21473 Pioneer Moon 37-21793 Robbins

That is fine for me to wait for a GPS reading for the second POD location.

Robbins Trust has the same date and time for status conference. I would assume that the same would work for Robbins as they apparently share that POD.

Doug, Chuck thinks that the POD currently identified in Sec 28 NWNWSW may be off and they want to GPS the location as soon as weather permits.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Due 3-18-09

Robins $\in$ Pioneer Moon

Point 1

Southwest of P/D 1 3 PODs ^{Sec 26} in SE NW

21473

260 all 3 points

21794

21793

Point 2

sw of P/D 2

ALL 3

2 P/Ds on E $\frac{1}{2}$ of NESE Sec 25

1 P/D tied to Parent 21472

Point 3

ALL 3

Point 4

21793 only

Point 5

21793 only

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, October 30, 2009 3:25 PM
To: Jones, Doug
Subject: 37-21473 21794 Pioneer Moon Robbins Trust

I have attached a clip of the area with my understanding of the current standing. If we can nail down the PODs I should be able to propose SF-5s for a couple of the claims and then push for activity on the other Robbins claim. The attachment may sound more definite than I am feeling on this one. I am like you, I would like to trim the POU a bunch but am not planning on that at this point. I really cannot picture the irrigation of the ground south of the East Fork especially in Sec 32.

ADRs have gone out on the Helios group so I feel like I have nothing to do.



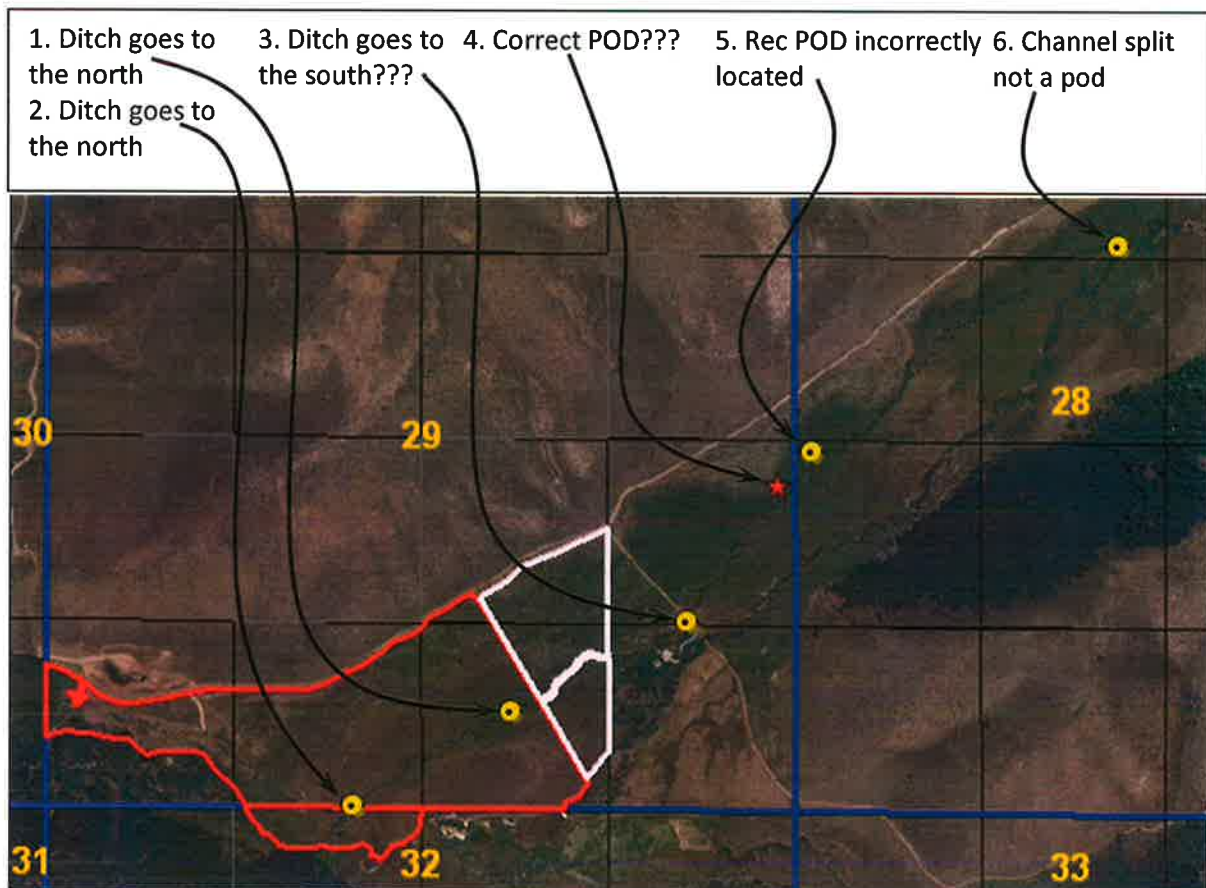
37-21473 Pioneer
Moon and 2179...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

My understanding of the POD situation for Pioneer Moon and Robbins Trust.

1. Robbins POD only
2. Robbins POD only
3. Both Pioneer Moon and Robbins Trust. (Pioneer Moon recommended on 10 ac within a PPU) so if this POD irrigates ground south of stream then it should be included for Pioneer Moon.
4. The location for the corrected POD. Ditch goes to the north. (location estimated)
5. Recommended POD location that is in the wrong location
6. Where the channel splits. Both channels are considered a part of the East Fork of the Wood River. NOT a point of diversion for anybody.

All locations are considered PODs. There are no injection points or redirection points.



Once we settle on the correct PODs then I should be set for SF-5s for 37-21473 Pioneer moon and 37-21794 Robbins Trust.

Additional work needs to be done on 37-21793 Robbins. There was talk of a beneficial use claim for the ground in Sec 32 as that ground is not a part of the decreed POU. This was touched on in the initial hearing. Brought up by either Hobby or Barker. Brockway is supposed to get back to me on this issue.

37-21473 Pioneer Moon
37-21794 Robbins Trust

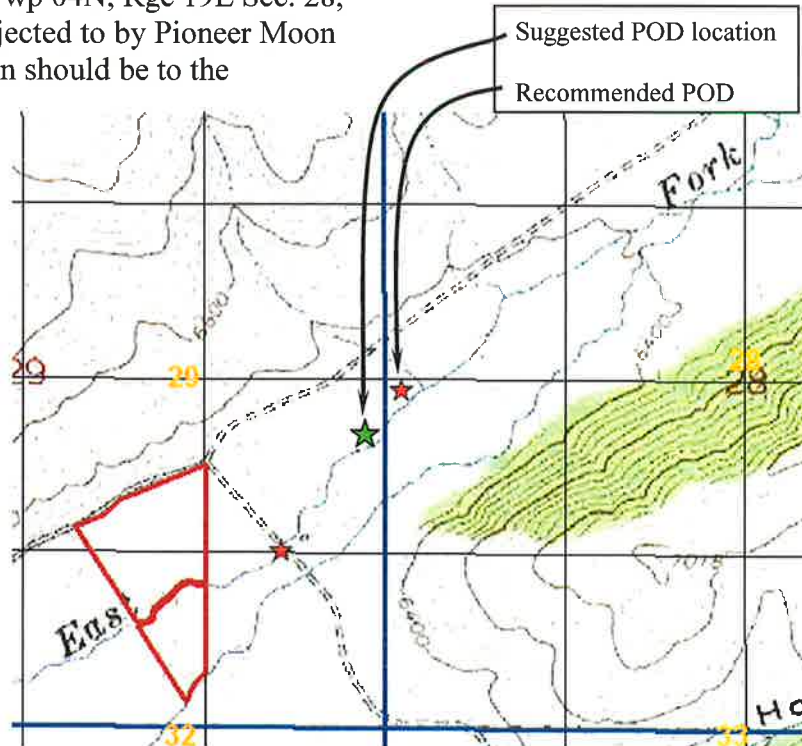
After discussing the system associated with this claim and other claims associated with a common system it was decided to utilize the USGS naming convention for identifying the source channel as shown below.

The point initially recommended as a point of injection is now considered to be just a split in the stream channel rather than a man made ditch. The other PODs identified as redirection points are actually points of diversion and not redirection points. The POD recommended in Twp 04N, Rge 19E Sec. 28, NWNWSW location was objected to by Pioneer Moon stating that the actual location should be to the southwest approximately 450 feet. Robbins Trust did not object to that point of diversion. There was no objection to the POD location recommended in Sec 29, SWNESW from either claimant.

POU ANALYSIS

Pioneer Moon did not object to the POU as recommended. The recommendation limits Pioneer Moon to the irrigation of 10 acres within a PPU of 20.3 acres.

Robbins trust objected to the POU stating that the recommendation should reflect 12.3 irrigated acres within a 22.3 acre PPU. First, in reviewing the POU I did not find any additional irrigated acreage. Second the claim as split was for 10.3 acres. The recommendation for this claim and Pioneer Moon's claim generated a PPU of (10 ac for Pioneer Moon and 10.3ac for Robbins Trust) for a total of 20.3 acres. Therefore the claim limits the recommendation. Third, this recommendation although not unique, is uncommon in that Robbins Trust no longer owns the property recommended. It is my understanding that at the time of the sale, Robbins Trust retained the claimed portion of the appurtenant water right with the intent of filing a transfer in the future to move the water off the property. Therefore the right is associated with the property but no longer appurtenant to the property. No change in the POU is anticipated at this time.



Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, June 23, 2009 12:12 PM
To: Spencer, Nick; Kelly, Vicki
Subject: 37-21473, 21793, 21794 Pioneer Moon and Robbins Trust

Attachments: 37-21473 Pioneer 21793 21794 Robbins Analysis.doc

Attached is a summary and analysis of where things stand right now. I need to confirm the POD locations. Robbins needs to respond to the POU issues I addressed.

I am planning sending this out to Speck (Pioneer Moon) and Robinson and Brockway (Robbins Trust). Should I also include Hobdey and Barker as they responded to the POU and actually was the individuals that raised the issue for the recommendation for Robbins that included ground outside of the decreed POU?



37-21473 Pioneer
21793 21794 R...

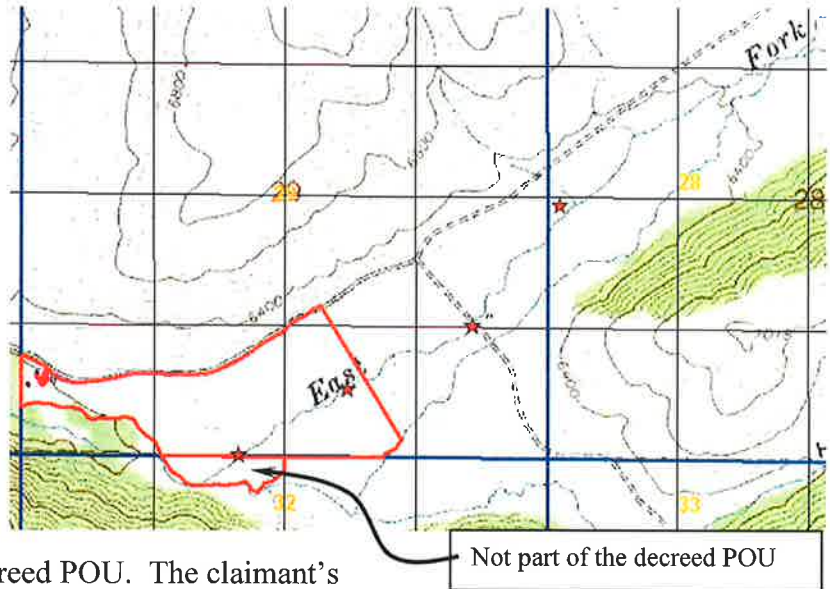
Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

37-21793 Robbins Trust

The objection filed against this claim was for the POU only, however the same POD issues affecting 37-21473 and 37-21794 also affect this claim as it shares the irrigation system supplying water to those claims. The resolution to those claims should also be reflected in the recommendation for this claim.

POU ANALYSIS

The recommendation was for 74.4 ac and the objection requested 81.2 ac. The POU shape was reviewed and ultimately modified to now reflect 75.5 ac. During the initial hearing for this claim it was pointed out that the 7.4 acres found in Sec 32 NENW was not a part of the decreed POU. Upon further research this was determined to be true. Ultimately 68.1 acres were found within the decreed POU. The claimant's intentions on dealing with this issue have not been addressed as of this date.



Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, December 23, 2008 8:36 AM
To: 'Jim Speck'
Cc: Kelly, Vicki
Subject: 37-21473 Pioneer Moon; 37-21794 Robbins et al follow-up

I am going through my files of things to be done and decided to just check on these. On 11-5-08 I sent an e-mail regarding the points of diversion. Have you had a chance to discuss this with your clients?

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

37- 21473 Pioneer Moon

P/D location for #2.

Calendar Sept. 2 - 11:00 double set with Robbins.

11/23/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21473

NAME AND ADDRESS: PIONEER MOON LLC
PO BOX 2881
KETCHUM ID 83340

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.520 CFS

PRIORITY DATE: 06/01/1884

POINT OF
DIVERSION:

~~T04N R19E S28 SENENW Injection Within BLAINE County~~
~~T04N R19E S28 NWNWSW Rediversion Within BLAINE County~~
~~T04N R19E S29 SWNESE Rediversion Within BLAINE County~~

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.520 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R19E S29	NWSE	9.30	T04N R19E S29	SWSE	11.00
20.3 ACRES TOTAL					

This right is limited to the irrigation of 10 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

Water is delivered through East Fork Wood River

This right is a split from former right 37-120.

37-21473 Pioneer Moon LLC

Objection by Pioneer Moon LLC, Source and a POD missing

37-21793 Robbins Trust & O'Connor Trust

Objection by Robbins Trust & O'Connor Trust, POU should total 81.2 acres

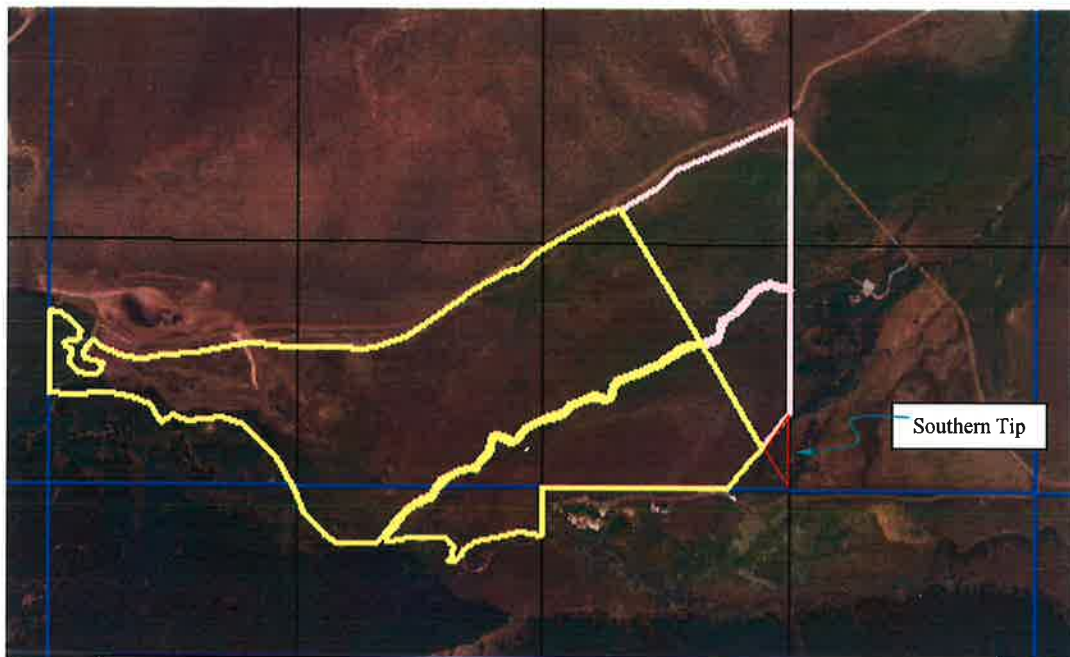
Response by Concerned Water Users etal Response to POU

37-21794 Robbins Trust & O'Connor Trust

Objection by Robbins Trust & O'Connor Trust, POU should total 12.3 acres within a 22.3 acre ppu (Late Objection)

37-21473 and 37-21794 have been recommended for the same place of use with 37-21794 being recommended for 10.3 acres within that shape and 37-21473 being recommended for 10.0 acres within that same shape. The property outlined in pink below and associated with both recommendations is wholly owned by Pioneer Moon.

37-21793 has been recommended to the parcel southwest of the previously identified parcel. That right was recommended for the irrigation of 79.7 acres and at 4.16 cfs.



2004 aerial photo. Place of use outline represents the recommended irrigated ground generated by Nick Treasure in 2006.

All three rights are splits from the original claim 37-120. The split tree is attached to the end of this document and shows that both the claimed rate and claimed acres are fully recognized through the three recommendations. Also attached is a narrative prepared by Nick Treasure in part describing a portion of the splits listed above. Specifically, why 37-21473 and 37-21794 are being recommended within the same PPU. This narrative is also attached.

Both of the objections filed by Robbins Trust to 37-21793 and 37-21794 seek to add acres to the

recommendations. As the original right on 100 acres and 5.20 cfs has been recognized through the three recommendations, there is no available claimed acreage to add to these claims unless one or more of the associated rights are reduced accordingly.

The objection to 37-21794 seeks to add 2 acres to both the PPU and the acre limit within that shape. In reviewing the recommended shape generated by Nick it appears that his shape is substantially correct. The southern tip identified above is south of the stream channel and there does not appear to be any irrigation system that could supply to that area. The claimed and recommended points of diversion are for a system that covers the ground north of the Southern Tip area. The northern boundary of the place of use could be modified as that boundary generally runs south of the main ditch; however it also appears that a portion of the place of use within the recommendation is not actually irrigated. It appears that water may run through channels along the hillside and not irrigate a portion of that ground. The net result could possibly be a net loss in irrigated ground as apposed to the recommended acreage.

The objection to 37-21793 seeks to add 6.8 acres to the POU for this claim. The objection suggests that there was possibly a poor rectification issue with the 1987 aerial photo. The objection requests reviewing the POU boundary using the 2004 aerial photography. While this right is also subject to being fully recommended I did check the two aerial photos in question. It does not appear to me that additional irrigated acres could be found beyond the original recommended POU.

PROBLEMS FOUND FOR 37-21793 and 37-21794

Although I do not find any reason to correct the POU I did find problems with the points of diversion. An additional point of diversion probably should be added to the recommendation as discussed in the narrative for 37-21473. The POD location in Sec 28 SENENW is also the same area where water is 'injected' into the unnamed stream. The two rights need to be corrected to reflect the common systems and legal descriptions.

The objection to 37-21473 was to add another point of diversion in Sec 29 SWNENE. This point of diversion is currently associated with 37-260. Initial analysis suggests that it would be appropriate to include this point of diversion with this right. In reviewing the points of diversion I noted that one point has the wrong legal description

Copied from PC docs pg 9

Memo

From: Nick Treasure

Date: June 17, 2005

Subject: Snake River Basin Adjudication (SRBA) review of claim(s):
37-21386, 37-21385, 37-21472, 37-21473

Due to questions that have arose to an application for permit as well as some question in regards to SRBA claims made by O'Connors and Robbins Trust, a field exam took place on June 17, 2005 by Allen Merritt, Aaron Reelle and myself. Mr. O'Connors (owner) and Jason Helm of Brockway Engineering were also present at the field exam.

The intent of the application for permit of the claimant is to dry up the POU from claim 37-21385 and southern portions of 37-21472 to mitigate water to ponds on the northern bench of the SWSW of section 29. In the course of researching the intent of this permit, the following issues arose that will affect the SRBA claim review and recommendations:

37-21385 – Found and examined the spring claimed as a source of irrigation of 4 acres. The claimed POU is not irrigated from the spring claimed. The actual output of water of the spring was very little. The contour of the POU to the spring would not allow for irrigation. The claim will be recommended for disallow. (See attached photos)

37-21386 – This claim is a Beneficial use right for 1.0 cfs of water from a spring located in the SWSE of section 29. The priority date claimed is 06/01/1884. According to Mr. O'Connors this right was claimed as supplement water for 37-21472 (1884 East Fork Decreed right). To recommend this right, evidence of priority would have to be submitted. The 06/01/1884 priority would more than likely be difficult to prove. Another issue presented with this water right is the use of the water. The claimant has applied for a permit to transfer water. However before this permit has been approved they have already gravity piped water from this spring approximately 2500 feet west to man-made ponds on a hillside. Mr. O'Connors indicated that this water will be pumped further up the hill to a house which is to be built. Allen is currently reviewing the application for permit. I will continue with the review looking at historical use. Evidence of priority will be needed.

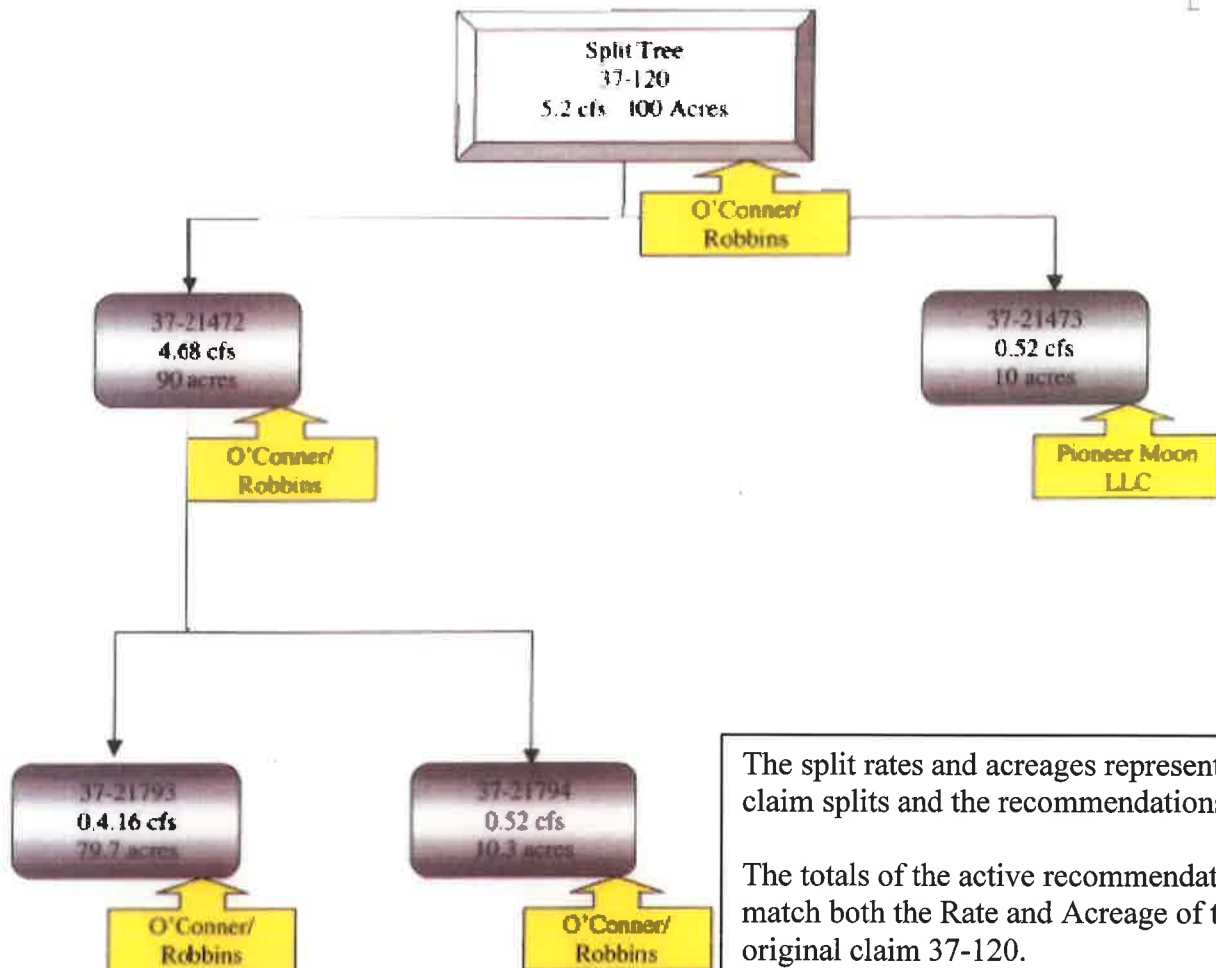
37-21472 – This is a decreed right for 4.68 cfs from the East Fork Wood River for 90 acres. Though the ground is obviously difficult to flood irrigate, it appeared that the place of use claimed could be irrigated with the present series of laterals and ditches available. There appears to be no obvious issues in reviewing this claim at this time.

37-21473 – This land and water right was recently sold from O'Connors/Robbins Trust to Pioneer Moon LLC (10 acres w/ 0.52 cfs). The warranty deed indicates a sale of 1/10th of the parent right 37-120 (100 acres w/ 5.2 cfs). The actual acreage of the land sold according to the claimant and taxlots is 20 acres. O'Connors/Robbins is keeping a portion of the water right on the 20 acres sold to Pioneer Moon, (which is why the sale was not for 2/10th or 20 acres w/ 1.04 cfs)- O'Connors/Robbins is keeping have the water right on the sold property. I will recommend this claim as per warranty deed.

that needs to be corrected. Another problem is that there is no point of diversion associated with the point of injection for this right. The point of diversion should be basically at the same spot.

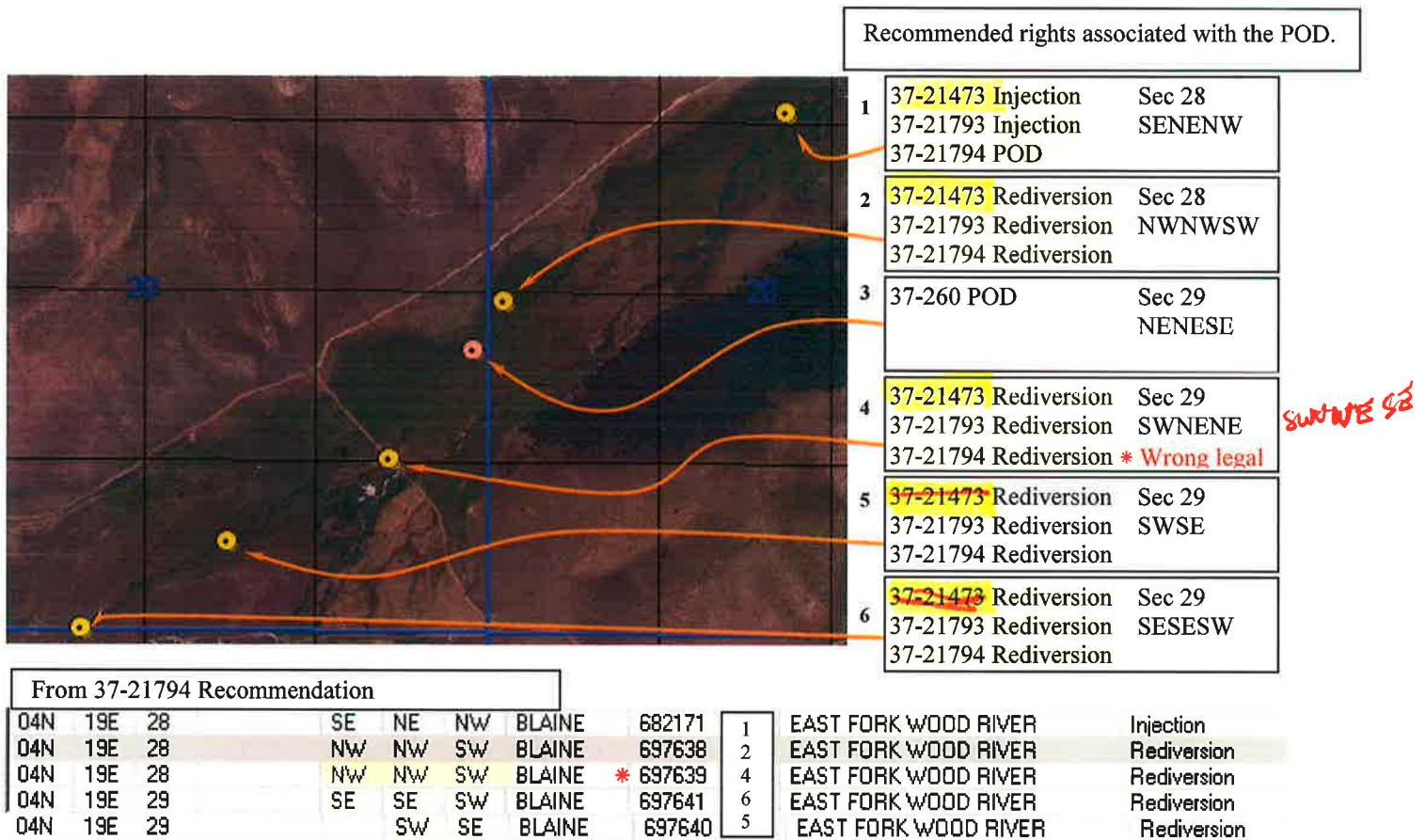
Copied from PC docs pg 11

Prepared by:
Nick Treasure
June 2005



The split rates and acreages represent both the claim splits and the recommendations.

The totals of the active recommendations match both the Rate and Acreage of the original claim 37-120.



POINT OF DIVERSION ISSUES

1. That location is where water is diverted from the East Fork Wood River into an unnamed stream channel. That location should be described as both a point of diversion and a point of injection. (two spatial points)
2. This is a point of rediversion and no problems were found for this point.
3. This point of diversion is the location that was requested to be added to 37-21794. If this point is recognized for one, it probably should be recognized for all three.
4. 37-21794 has a wrong legal description for this location otherwise the others are o.k.
5. No problems found for this location
6. No problems found for this location.

ISSUE WITH 37-260

This right was recommended with all "points of diversion" no injection points or rediversion points. This is not consistent with the recommendations for these rights. No objection filed.

RECEIVED
NOV 13 2007
DEPARTMENT OF
WATER RESOURCES

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

A. Subcase 37-21473

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Pioneer Moon LLC
Address: P.O. Box 2881
Ketchum, ID 83340
Daytime Phone: (208) 726-9588

Name & Address of Attorney, if any:
James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Pioneer Moon LLC
Address: P.O. Box 2881
Ketchum, ID 83340

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☒ **Source**

Should be: No source is listed! Should be East Fork of Big Wood River tributary to Big Wood River.

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☒ **Point(s) of Diversion**

Should be: The second point of diversion should be NENESE, Section 29, T.4N., R.19E., B.M., Blaine County.

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

10. **I object because:**

☐ This water should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): See attached map on 2004 aerial photo for correct location of second point of diversion.

F.

VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

James P. Speck, being first duly sworn, upon oath, deposes and says:

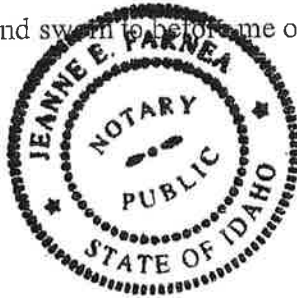
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

J P Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 8, 2007



Jeanne Farnea
Notary Public for Idaho
Residing at Shoshone, Idaho
My Commission expires 05/05/09

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on November 8, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

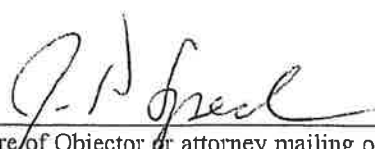
Name: Pioneer Moon LLC
Address: P.O. Box 2881
Ketchum, ID 83340

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734

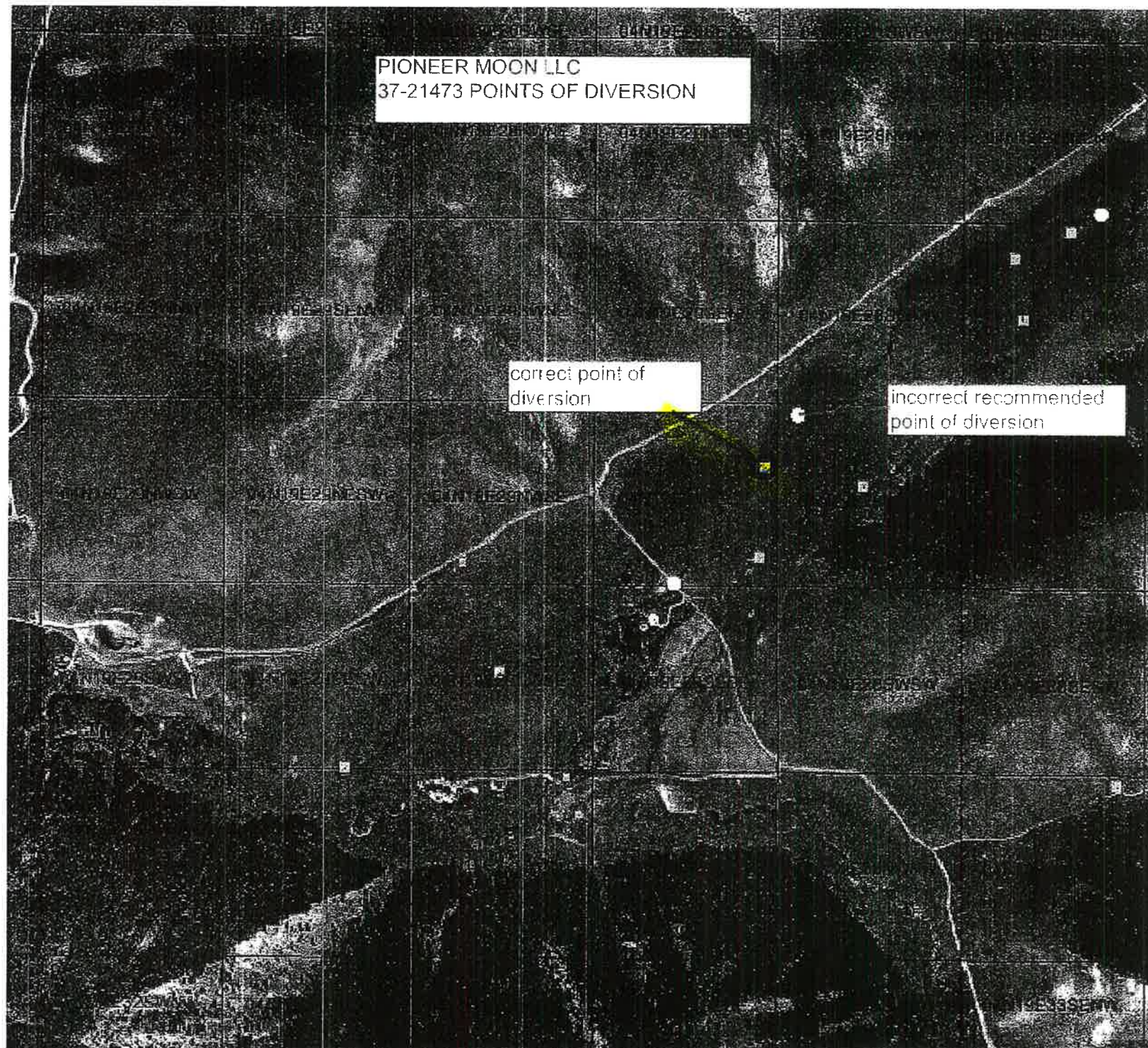


Signature of Objector or attorney mailing on
Objector's behalf

PIONEER MOON LLC
37-21473 POINTS OF DIVERSION

correct point of
diversion

incorrect recommended
point of diversion



Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, November 05, 2008 1:56 PM
To: Jim Speck
Subject: 37-21793, 37-21794, 37-21473 POD issues

Attachments: 37-21793 37-21794 37-21473 Robbins-Moon POD issues.doc

Jim after meeting with Robbins and reviewing the USGS information I have reached the conclusion as described in the attached file. As it differs from what was described by your client, I am sending this to you to review. At this point it is my intention to recommend this group with the points of diversions as described. As this group is scheduled for a hearing on March 18, 2009 I am not planning on rushing through to a recommendation but if you are in agreement, then I will work this group in and create SF5s for them.



37-21793 37-21794
37-21473 Rob...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Christensen, Kelly

From: Christensen, Kelly
Sent: Monday, September 22, 2008 4:56 PM
To: Jones, Doug
Subject: 37-21473 pioneer moon and overlap with Robbins 37-21973 etal

Attachments: 37-21473 settlement conf notes re POD.doc

Attached is a summary of the information I received in Hailey. Based upon what he said, the recommendation points of diversion for Robbins would also be wrong. I am planning on holding off on any action regarding this right until after conformation from Robbins regarding his understanding of the North channel (ditch or braided Channel). We need make sure that we coordinate on this group on their way to decree.



37-21473
ettlement conf notes

Let me know what you think.

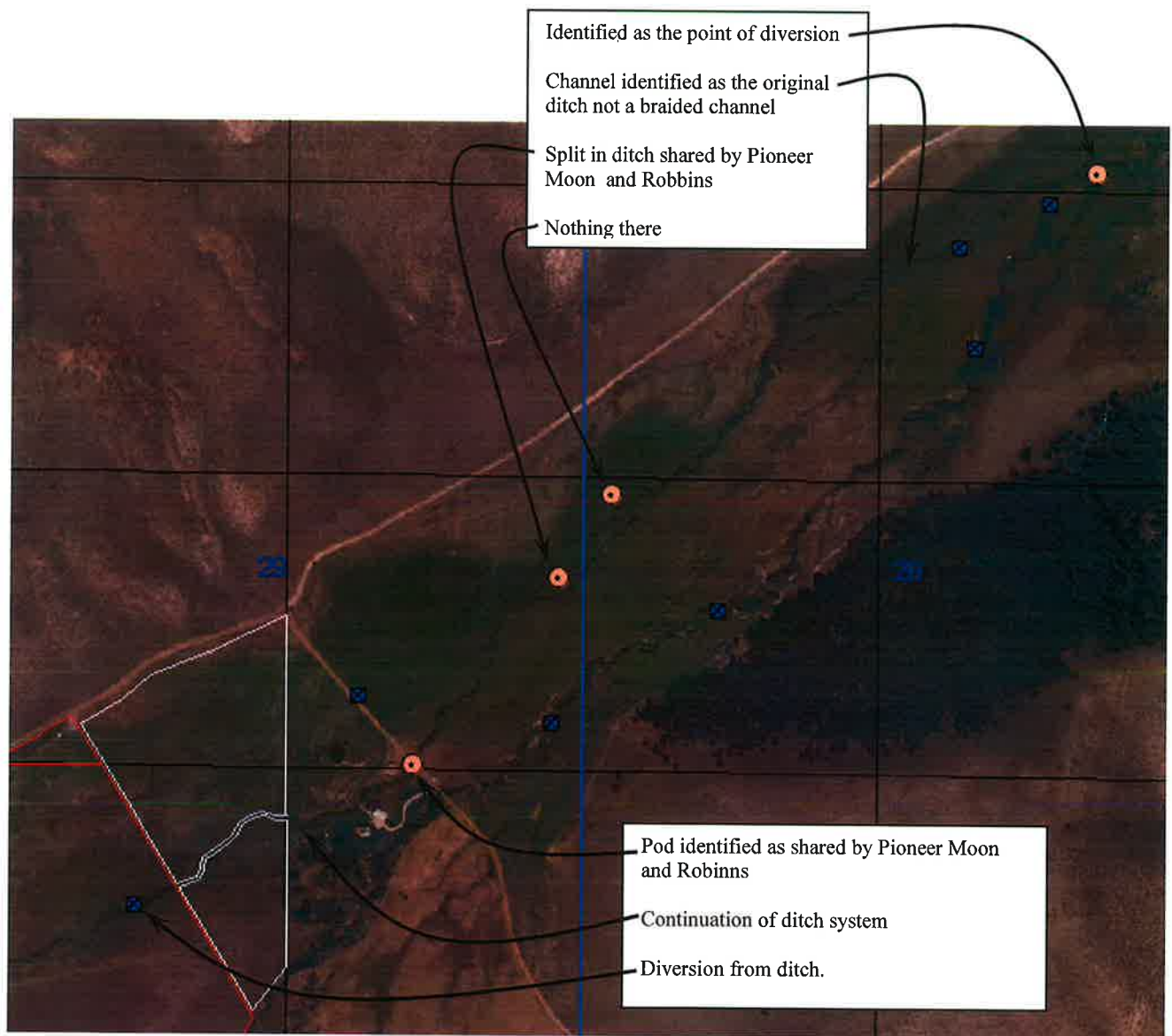
Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

37-21473

Settlement Conference notes September 19, 2008 in Hailey Idaho.

I met with the principal of Pioneer Moon and discussed his system. The conclusion I reached was that there would only be one point of diversion associated with his property associated with 37-21473, which is subject to additional information associated with POD overlapping rights. Robbins Trust rights are 37-21793 and 21794. As it stands, there is a conflict with the information from this meeting and the recommendations associated with the Robbins Trust rights.

Any settlement for Pioneer Moon's 37-21473 should be coordinated with the recommendations for the Robbins Trust claims.



Re 37-21473

Pioneer Mo.

Sept 19, 08

Re Pg 4

Pod #1 is the point of division From the east fork

Pod #2 Nothing there

P/D #3 A split in ditch. Pioneer Mo
§ 0 Conna share ditch.

P/D shared with 37-21494 Robbins Trust
21793

06/16/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: see cover letter

Water right number: 37-21473

PIONEER MOON LLC

PO BOX 2881

KETCHUM ID 83340

Telephone Number: (208) 726-9588

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

06/16/2006

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

RIGHT NUMBER: 37-21473

NAME AND ADDRESS: PIONEER MOON LLC
PO BOX 2881
KETCHUM ID 83340

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.520 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T04N R19E S28 SENENW Injection Within BLAINE County
T04N R19E S28 SENENW Within BLAINE County
T04N R19E S28 NWNWSW Rediversion Within BLAINE County
T04N R19E S29 SWNESE Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	05/01 10/31	0.520 CFS
PLACE OF USE:	<u>IRRIGATION Within BLAINE County</u>		
	T04N R19E S29 NWSE 9.30	T04N R19E S29 SWSE	11.00
	20.3 ACRES TOTAL		

This right is limited to the irrigation of 10 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.

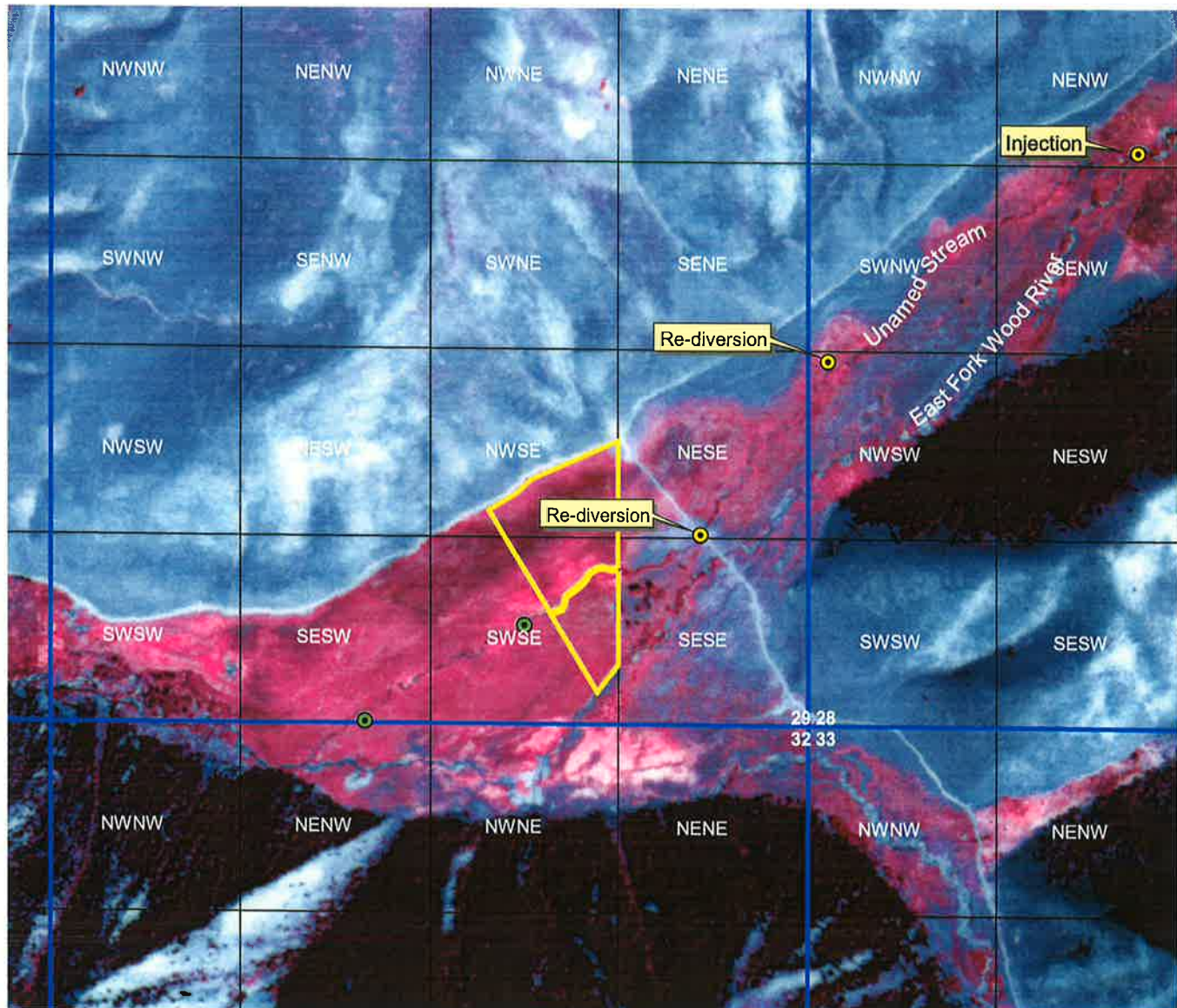
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through East Fork Wood River

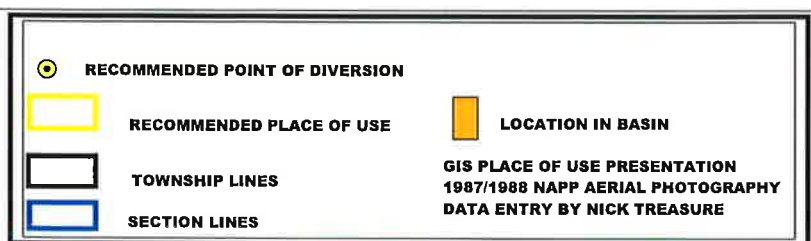
This right is a split from former right 37-120.

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR 37-21473



PLACE OF USE
TWP 04N, RNG 19E, SEC 29
 Data entry on June 14, 2006



Clark, Cynthia (Bridge)

From: Jim Speck [jim@speckandaanestad.com]
Sent: Thursday, November 30, 2006 1:05 PM
To: Clark, Cynthia (Bridge)
Cc: 'Wolf'; Tuthill, Dave
Subject: Re:Pioneer Moon LLC/Pioneer Moon Ranch - 37-260 and 37-21473

Cynthia,

I have reviewed these preliminary recommendations on behalf of my client, Pioneer Moon LLC, and we agree with them! Thank you for your continued hard work to get these done.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com

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11/30/2006

06/16/2006

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

RIGHT NUMBER: 37-21473

NAME AND ADDRESS: PIONEER MOON LLC
PO BOX 2881
KETCHUM ID 83340

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.520 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T04N R19E S28 SENENW Injection Within BLAINE County
T04N R19E S28 SENENW Within BLAINE County
T04N R19E S28 NWNWSW Rediversion Within BLAINE County
T04N R19E S29 SWNESE Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.520 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T04N R19E S29	NWSE	9.30	T04N R19E S29	SWSE	11.00
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20.3 ACRES TOTAL

This right is limited to the irrigation of 10 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.

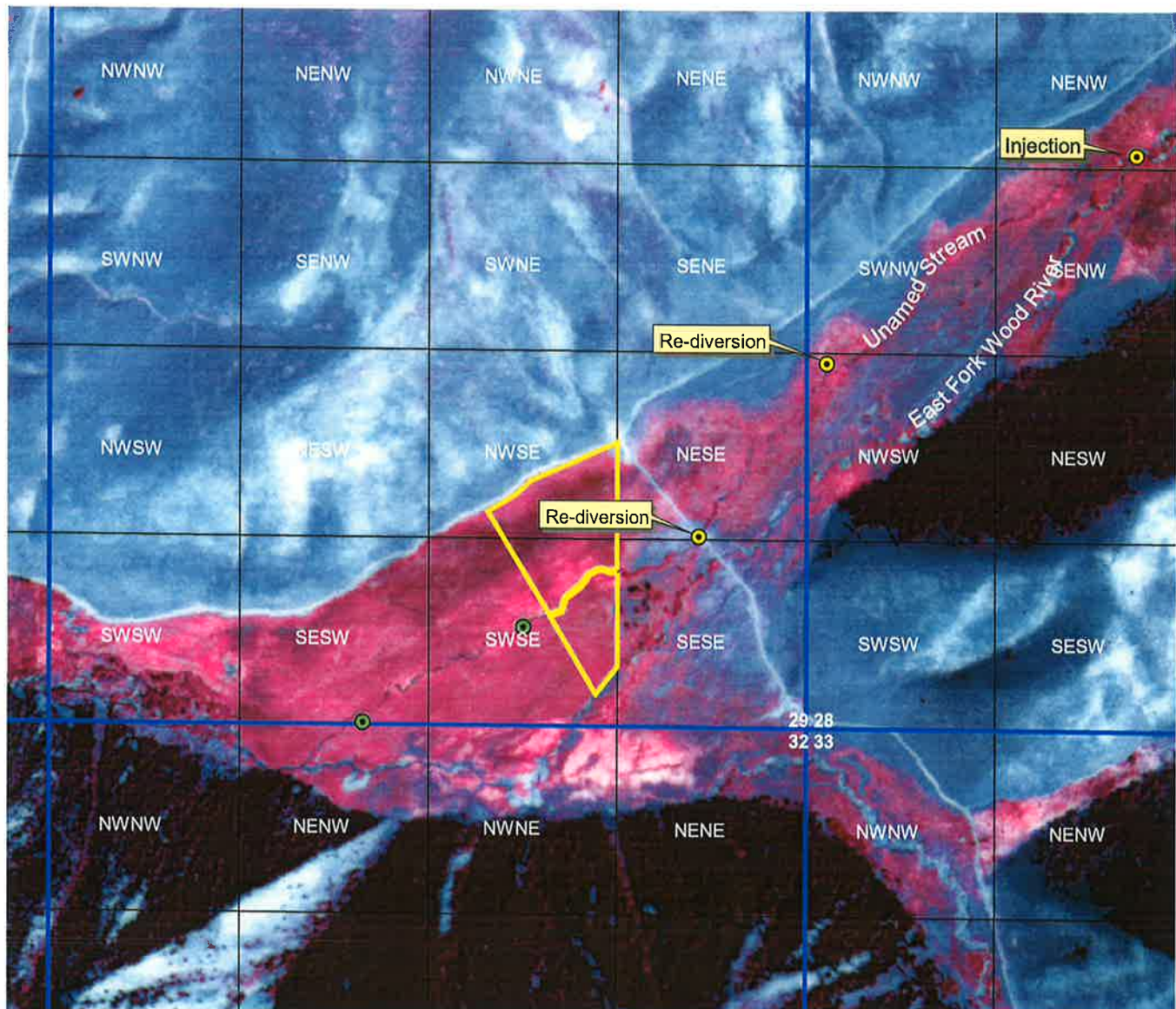
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through East Fork Wood River

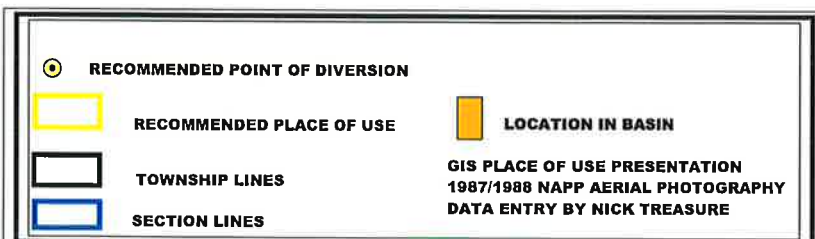
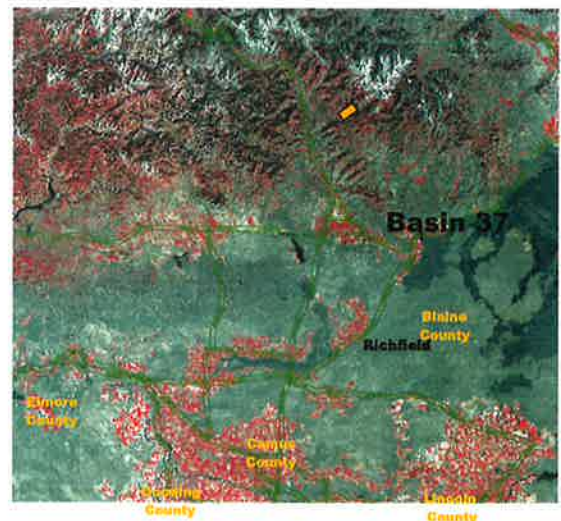
This right is a split from former right 37-120.

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR 37-21473



PLACE OF USE
TWP 04N, RNG 19E, SEC 29
Data entry on June 14, 2006



Memo

From: Nick Treasure

Date: June 17, 2005

Subject: Snake River Basin Adjudication (SRBA) review of claim(s):
37-21386, 37-21385, 37-21472, 37-21473

Due to questions that have arose to an application for permit as well as some question in regards to SRBA claims made by O'Connors and Robbins Trust, a field exam took place on June 17, 2005 by Allen Merritt, Aaron Retelle and myself. Mr. O'Connors (owner) and Jason Helm of Brockway Engineering were also present at the field exam.

The intent of the application for permit of the claimant is to dry up the POU from claim 37-21385 and southern portions of 37-21472 to mitigate water to ponds on the northern bench of the SWSW of section 29. In the course of researching the intent of this permit, the following issues arose that will affect the SRBA claim review and recommendations:

37-21385 – Found and examined the spring claimed as a source of irrigation of 4 acres. The claimed POU is not irrigated from the spring claimed. The actual output of water of the spring was very little. The contour of the POU to the spring would not allow for irrigation. The claim will be recommended for disallow. (See attached photos)

37-21386 – This claim is a Beneficial use right for 1.0 cfs of water from a spring located in the SWSE of section 29. The priority date claimed is 06/01/1884. According to Mr. O'Connors this right was claimed as supplement water for 37-21472 (1884 East Fork Decreed right). To recommend this right, evidence of priority would have to be submitted. The 06/01/1884 priority would more than likely be difficult to prove. Another issue presented with this water right is the use of the water. The claimant has applied for a permit to transfer water. However before this permit has been approved they have already gravity piped water from this spring approximately 2500 feet west to man-made ponds on a hillside. Mr. O'Connors indicated that this water will be pumped further up the hill to a house which is to be built. Allen is currently reviewing the application for permit. I will continue with the review looking at historical use. Evidence of priority will be needed.

37-21472 – This is a decreed right for 4.68 cfs from the East Fork Wood River for 90 acres. Though the ground is obviously difficult to flood irrigate, it appeared that the place of use claimed could be irrigated with the present series of laterals and ditches available. There appears to be no obvious issues in reviewing this claim at this time.

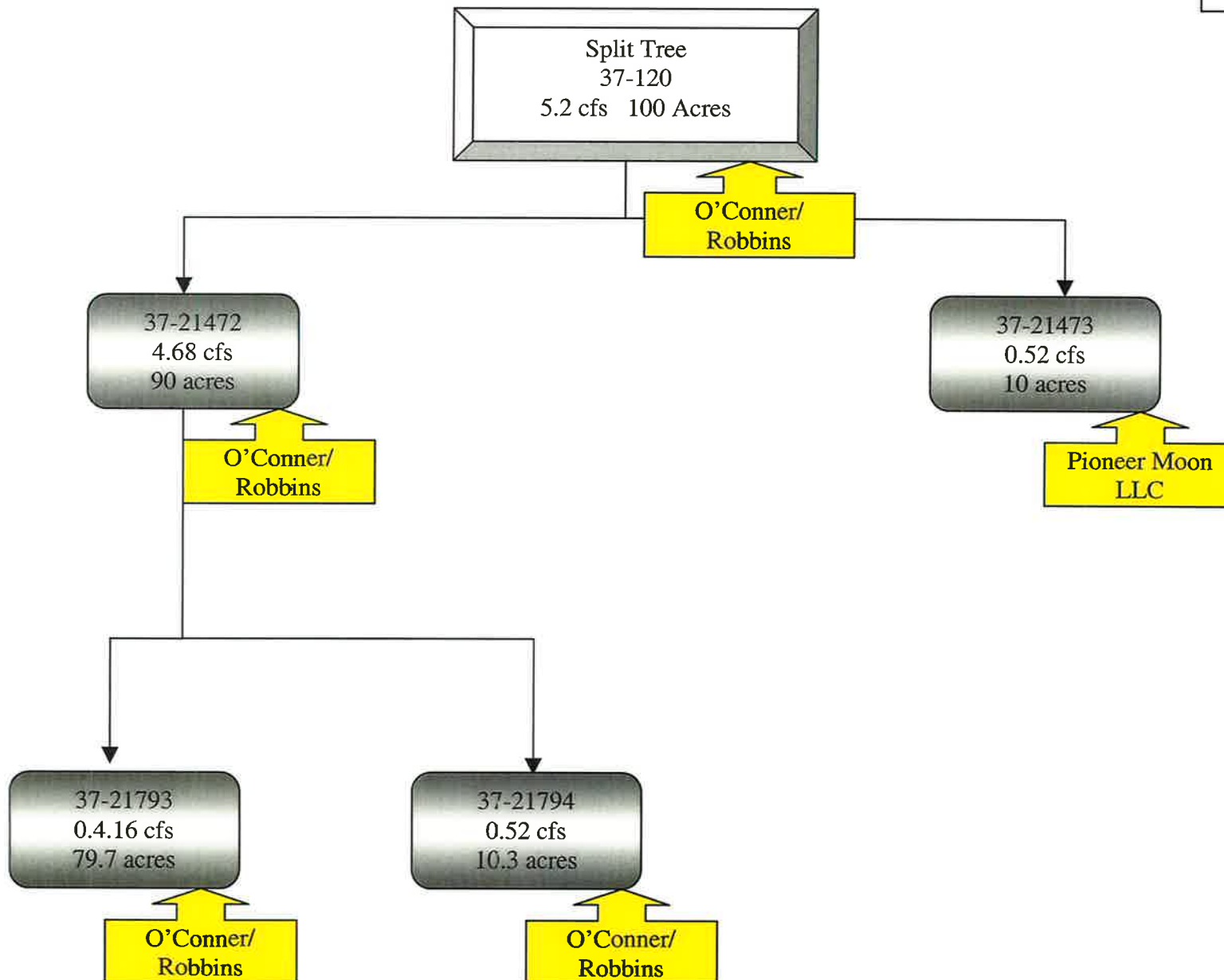
37-21473 – This land and water right was recently sold from O'Connors/Robbins Trust to Pioneer Moon LLC (10 acres w/ 0.52 cfs). The warranty deed indicates a sale of 1/10th of the parent right 37-120 (100 acres w/ 5.2 cfs). The actual acreage of the land sold according to the claimant and taxlots is 20 acres. O'Connors/Robbins is keeping a portion of the water right on the 20 acres sold to Pioneer Moon. (which is why the sale was not for 2/10th or 20 acres w/ 1.04 cfs)- O'Connors/Robbins is keeping have the water right on the sold property. I will recommend this claim as per warranty deed.

From: Nick Treasure

Date: June 14, 2006

37-21793 / 37-21794 – Water right 37-21472 is now split to 37-21793 (Pioneer Moon LLC) / 37-21794 (O'Conner's) to reflect the quit claim deed from O'Conner to Pioneer Moon LLC in which $1/10^{\text{th}}$ of water right 37-120 is conveyed to Pioneer Moon LLC while O'Conner retains the remaining portion of water right 37-120. Pioneer Moon LLC bought approx 20.3 acres of the 100-acre POU of 37-120. So instead of receiving $2/10^{\text{th}}$ (20.3 acres of 100 acres), Pioneer Moon LLC received $1/10^{\text{th}}$ of the water right. O'Conner wishes to keep 10 acres worth of the water right of the 20.3 acres. See split tree.

Prepared by:
Nick Treasure
June 2005





POD

East Fork Wood River

Unnamed Stream

O'Connors/Robbins Trust
POD



O'Conner/Robbins Trust

Unnamed Stream

Re-diversion using plastic dam

To POU



O'Connors/Robbins Trust

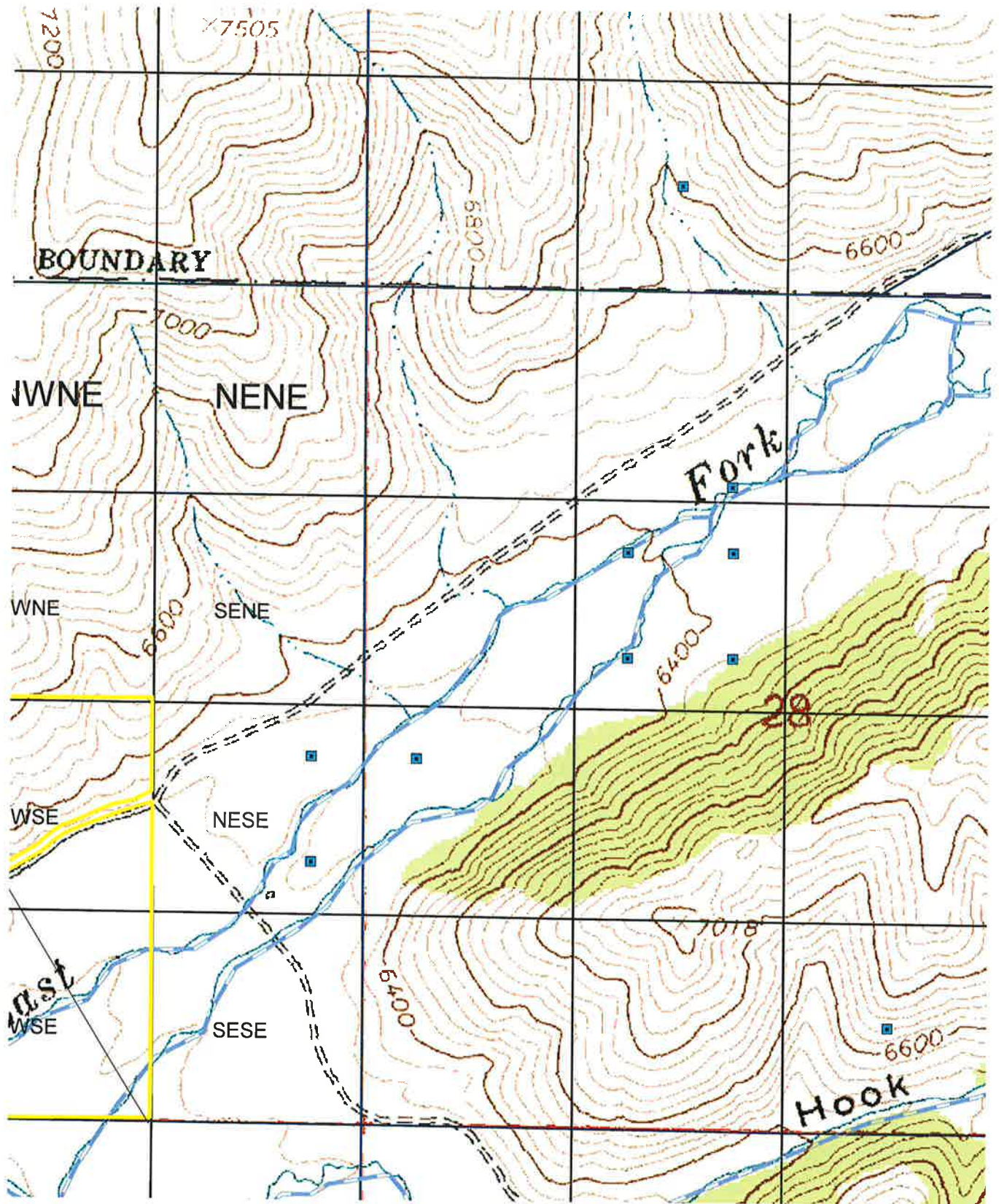
Unnamed Stream

Re-diversion

Ditch to POU



O'Conner Trust/ Robbins Trust

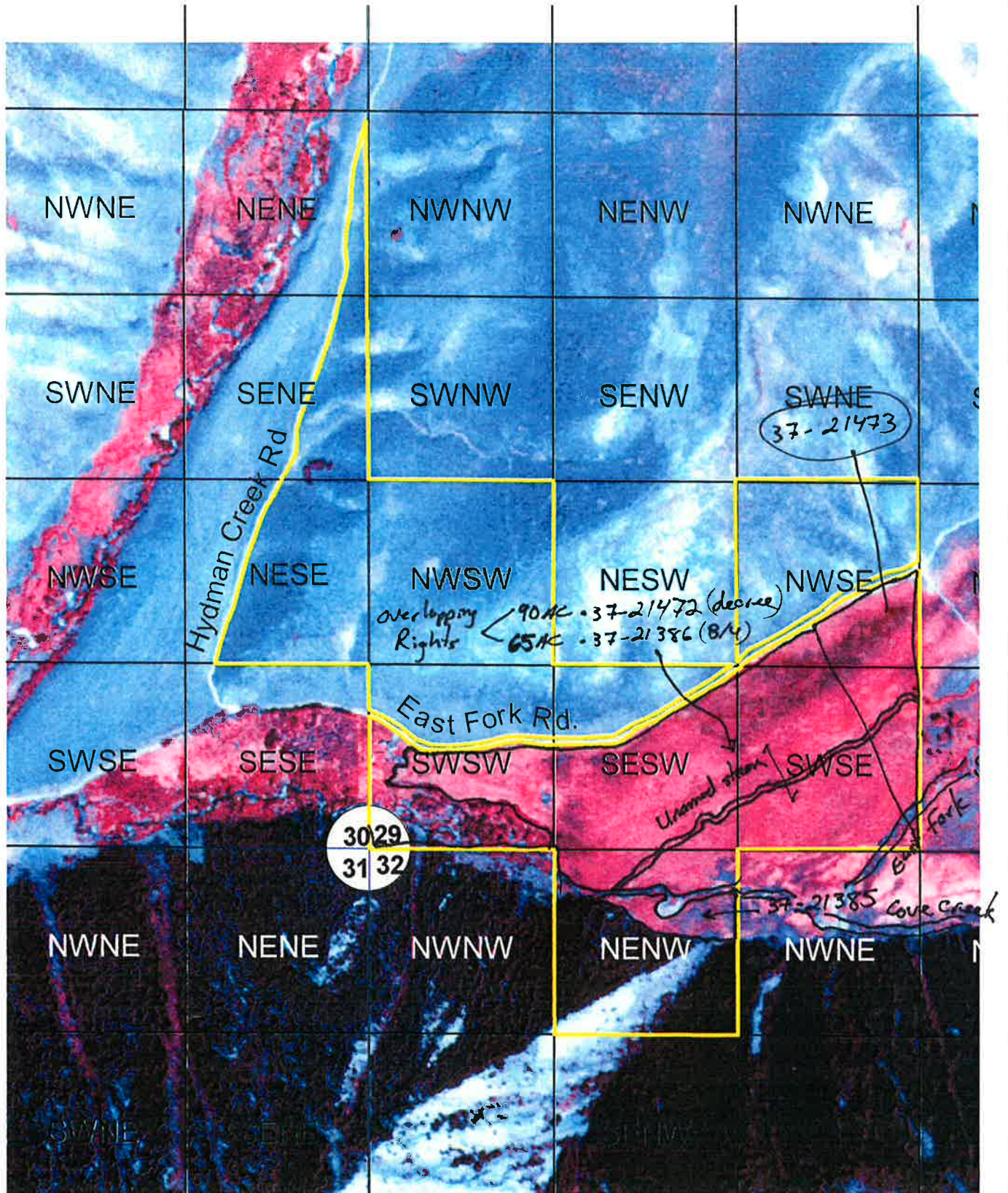


2000 0 2000 Feet

Twp 04N Rng 19E Secs 30, 29, 32



O'Conner Trust/ Robbins Trust



2000 0 2000 4000 Feet

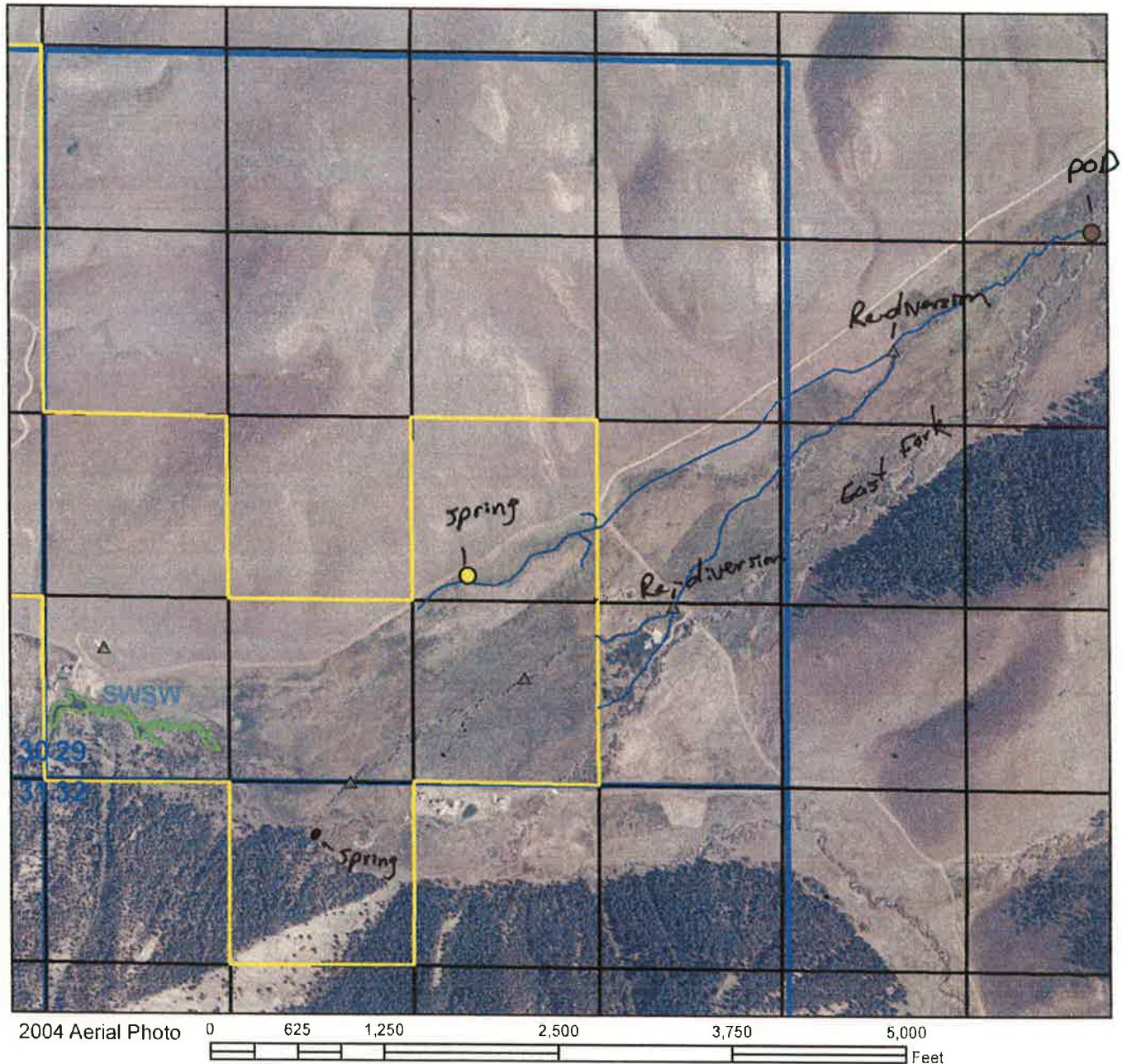
Twp 04N Rng 19E Secs 30, 29, 32



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Part 3

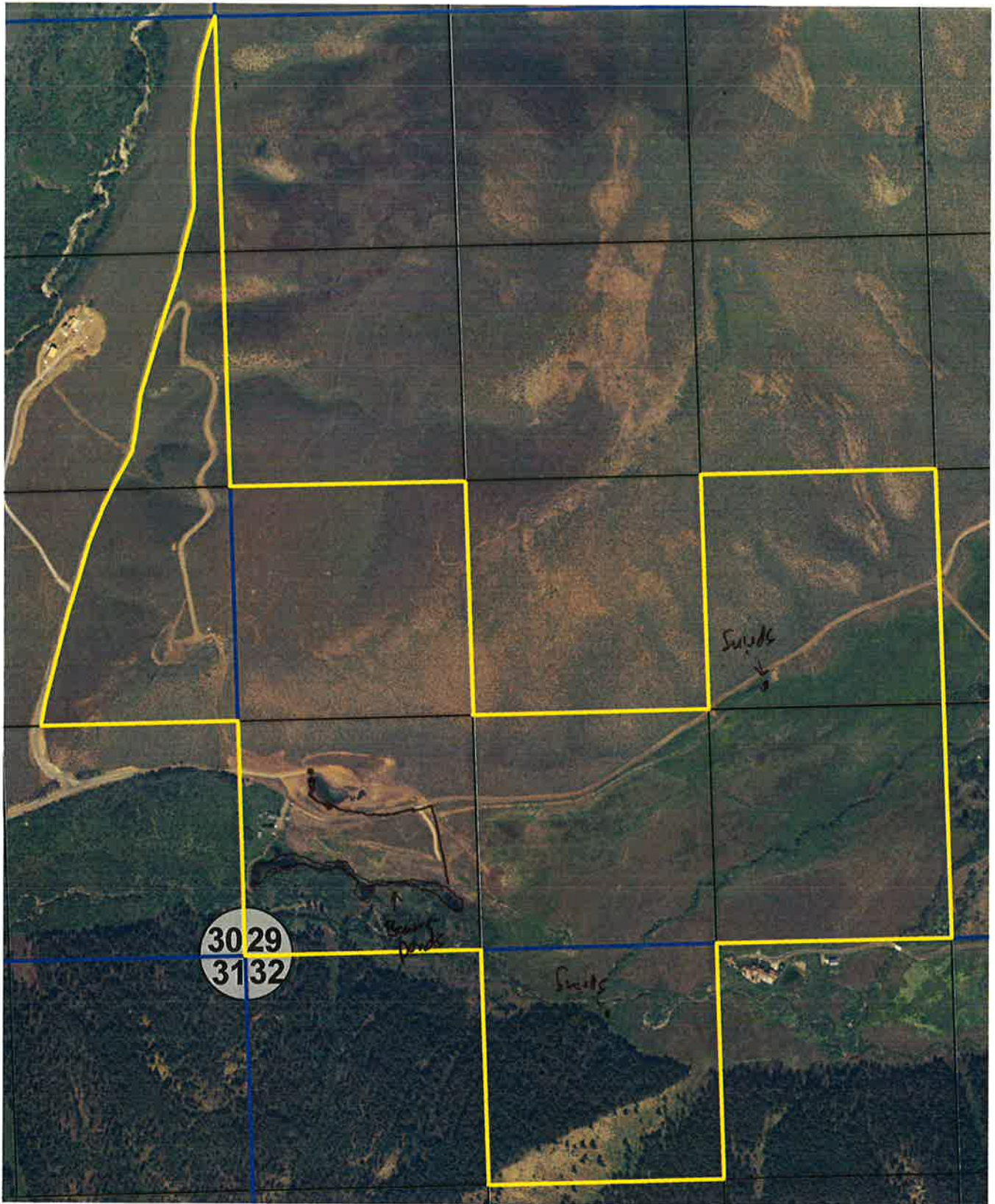
A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



Twp. 4N, Rng. 19E

- | | | | |
|--|------------------|--|---|
| | North Spring POD | | 37-120 Primary POD |
| | Re-Diversions | | Property Boundary |
| | Sections | | Open Water
(Previously Irrigated Area) |
| | 40's | | |

O'Conner Trust/ Robbins Trust

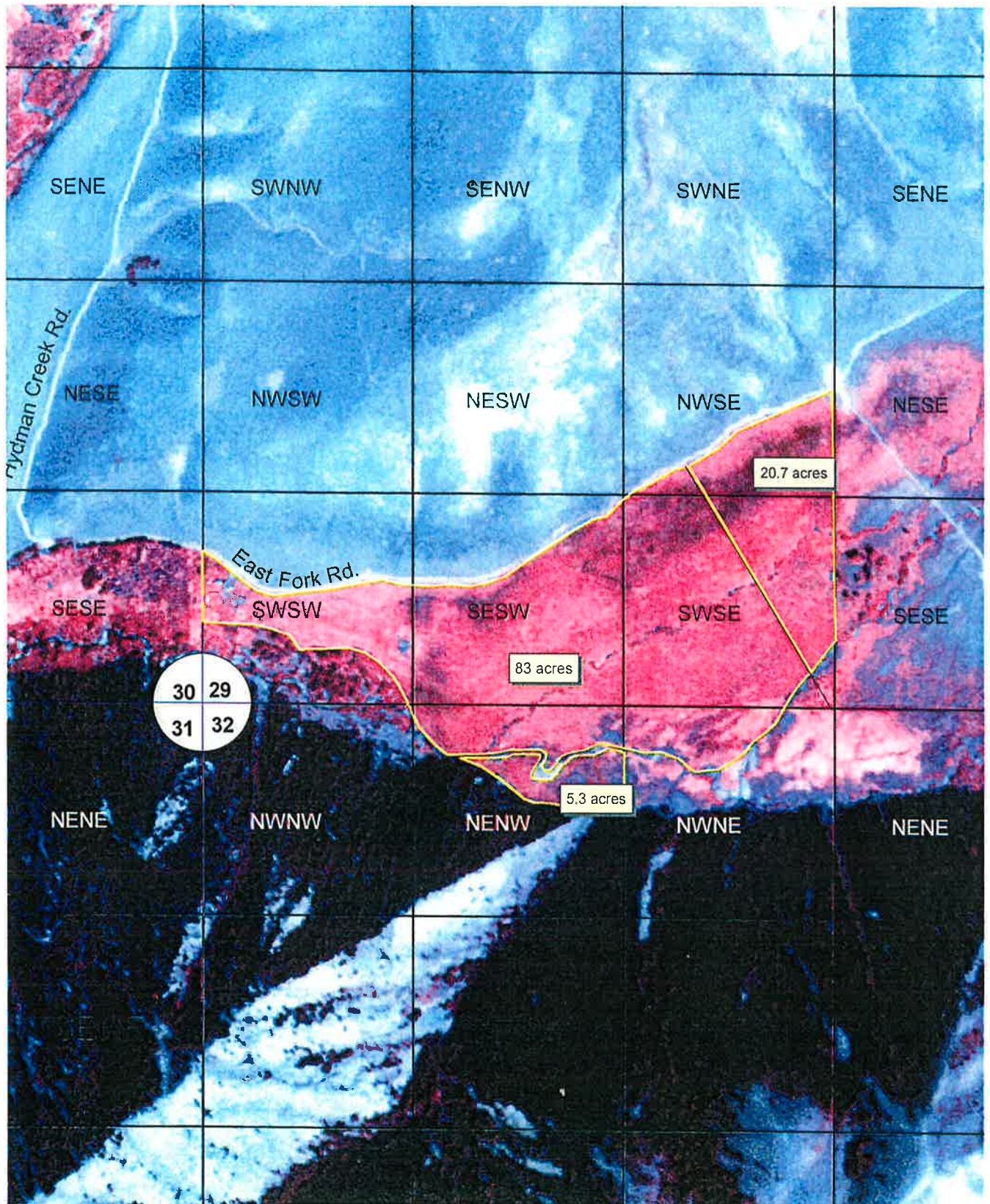


2000 0 2000 Feet

Twp 04N Rng 19E Secs 30, 29, 32



O'Conner Trust/ Robbins Trust



2000 0 2000 Feet

Twp 04N Rng 19E Secs 30, 29, 32



<u>Basin</u>	<u>Sequence</u>	<u>Suff</u>	<u>Basis</u>	<u>Status</u>	<u>Right ID</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume</u>	<u>Source</u>	<u>Water Use Owner(s)</u>	<u>Version</u>	<u>Source Tag</u>
37	21398		Decreed	Withdrawn	582678	1884-06-01	4.84		WOOD RIVER IRRIGATION	O CONNOR, GERARD		wrAdjudica
37	21399		Decreed	Withdrawn	582679	1884-06-01	0.36	24.5	WOOD RIVER MITIGATION	O CONNOR, GERARD		wrAdjudica
37	120		Decreed	Parent	234430	1884-06-01	5.2		WOOD RIVER IRRIGATION	ROBBINS TRUST & C		wrAdjudica
37	21385		Beneficial Use	Active	582251	1884-06-01	0.3		SPRING IRRIGATION	ROBBINS TRUST & C		wrAdjudica
37	21386		Beneficial Use	Active	582252	1884-06-01	1		SPRING IRRIGATION	ROBBINS TRUST & C		wrAdjudica
37	21472		Decreed	Active	590276	1884-06-01	4.68		WOOD RIVER IRRIGATION	ROBBINS TRUST & C		wrAdjudica
37	21473		Decreed	Active	590277	1884-06-01	0.52		WOOD RIVER IRRIGATION	PIONEER MOON LLC		wrAdjudica
							5.2					
37	260		Decreed	Active	247027	1884-06-01	3.2		WOOD RIVER IRRIGATION	PIONEER MOON LLC		wrAdjudica
37	120			Withdrawn	234430	1884-06-01	5.2		WOOD RIVER IRRIGATION			xrFromAdj
37	21385			Withdrawn	582251	1884-06-01	0.3		SPRING IRRIGATION			xrFromAdj
37	21385			Withdrawn	582682	1884-06-01	0.3	14	SPRING MITIGATION			xrToAdjCla
37	21398			Withdrawn	582678	1884-06-01	4.84		WOOD RIVER IRRIGATION			xrToAdjCla
37	21399			Withdrawn	582679	1884-06-01	0.36	24.5	WOOD RIVER MITIGATION			xrToAdjCla
37	120		Decreed	Active	36758	1884-06-01	5.2		WOOD RIVER IRRIGATION	BUTCH, JAMES W (C		wrWaterRig
37	260		Decreed	Active	36963	1884-06-01	3.2		WOOD RIVER IRRIGATION	GOODING, FRANK R		wrWaterRig