

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 55-13850

Priority: May 01, 2005

Maximum Diversion Volume: 1.0 AF

It is hereby certified that UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated April 18, 2005; and has submitted Proof of
Beneficial Use on February 14, 2008. An examination confirms water is diverted from:

SOURCE

UNNAMED STREAM

Tributary: DEER CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31	1.0 AF
WILDLIFE STORAGE	01/01 to 12/31	1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SE1/4NW1/4 Sec. 25, Twp 06S, Rge 04W, B.M. OWYHEE County

PLACE OF USE: STOCKWATER STORAGE AND WILDLIFE STORAGE

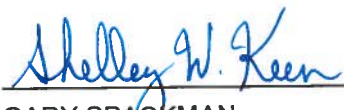
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 04W 25							X	X									

CONDITIONS OF APPROVAL

1. Project locally known as Deer Creek Pond, Project #09884.
2. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
3. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 31st day of March, 2014.

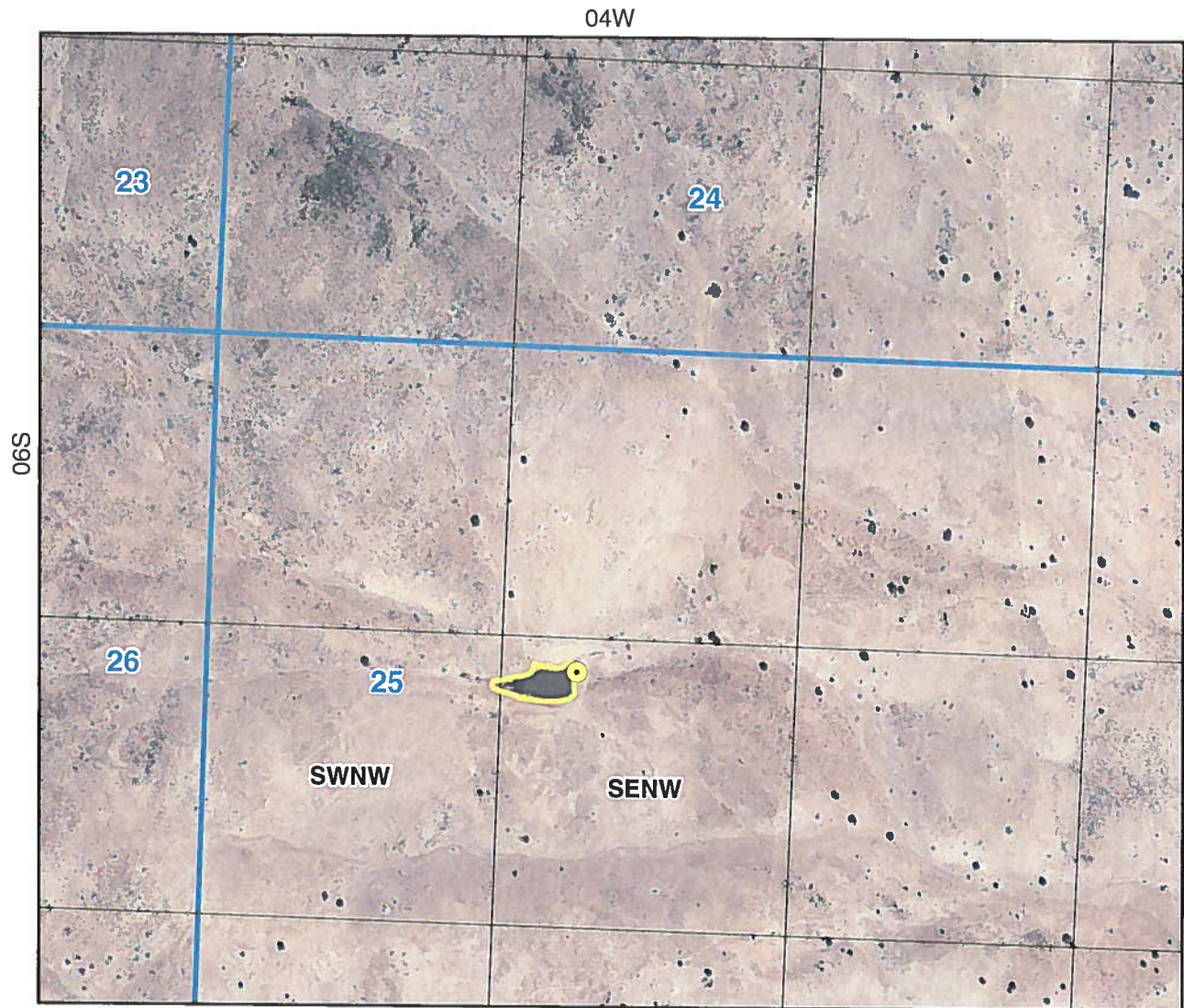

for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License

55-13850

This map depicts the STOCKWATER STORAGE AND WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.1 0.2 0.4 Miles



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 55-13850

RECEIVED
MAR 19 2014
DEPARTMENT OF
WATER RESOURCES

Date of Priority: May 01, 2005

Maximum Diversion Volume: 1.0 AF

Comes now UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 55-13850, and requests that the permit be changed as follows:

Source: UNNAMED STREAM

Tributary: DEER CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31	1.0 AF
WILDLIFE STORAGE	01/01 to 12/31	1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SE1/4NW1/4 Sec. 25, Twp 06S, Rge 04W, B.M.

OWYHEE County

PLACE OF USE: STOCKWATER STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 04W 25							X	X									

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 04W 25							X	X									

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 19 day of March, 2014


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 55-13850

.....
FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100⁰⁰ Received by CJ. # C098503 Date 3/19/2014

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 55-13850 with the following:

CONDITIONS OF APPROVAL

1. Project locally known as Deer Creek Pond, Project #09884.
2. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
3. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

Witness my hand this 31ST day of March, 20__.

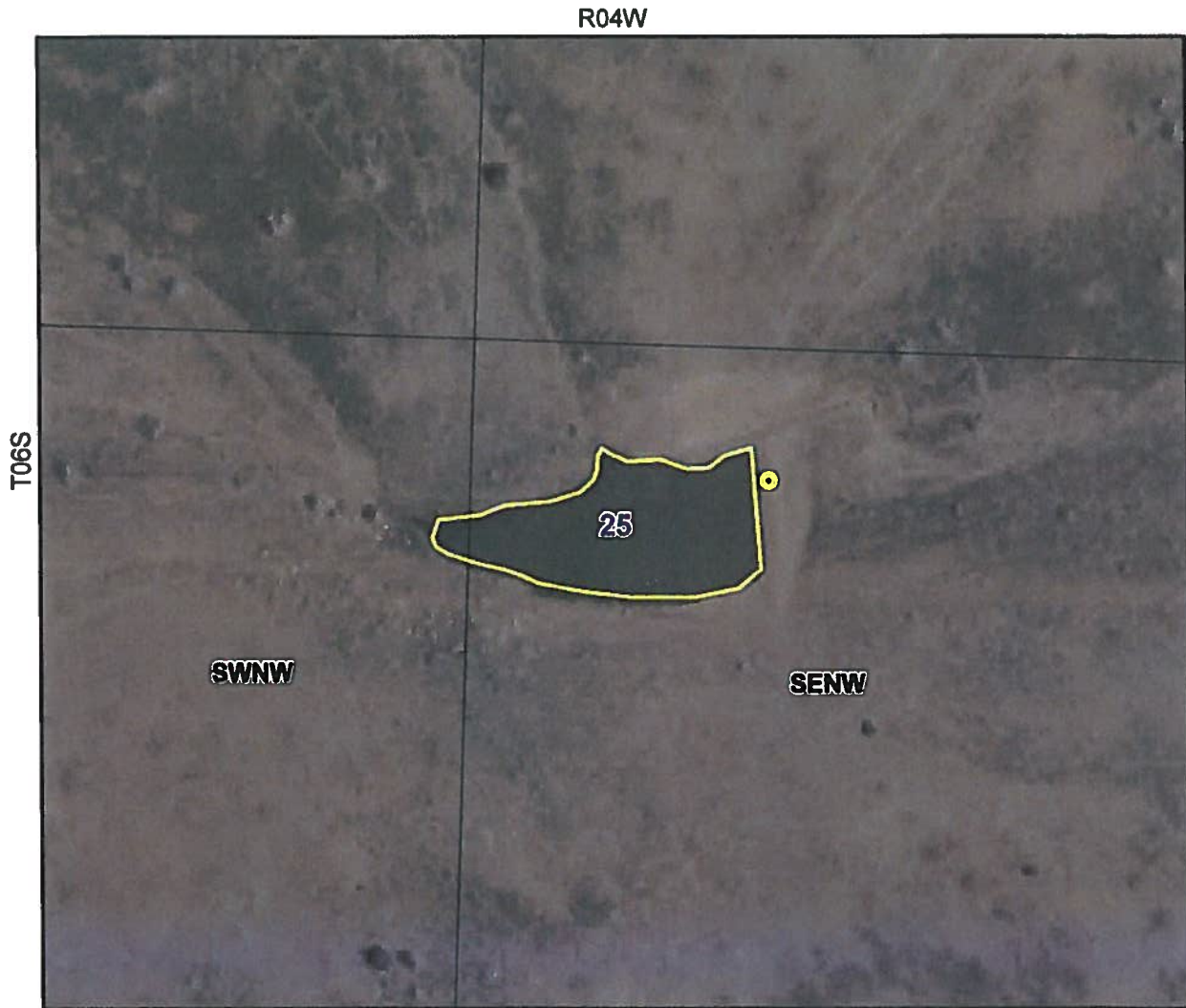
Shelley W. Keen
for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License

55-13850

This map depicts the STOCKWATER STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.025 0.05 0.1 Miles

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 3, 2014

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

RE: License No. 55-13850

Issuance of License

Dear Water Right Holder(s):

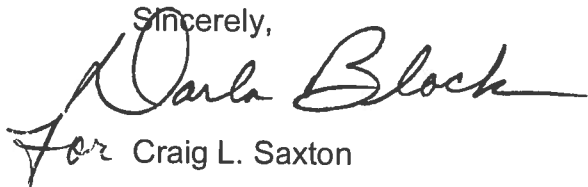
The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4916.

Sincerely,


For Craig L. Saxton

Water Rights Supervisor

Enclosure(s)

cc: US DEPT OF INTERIOR

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2014, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**Approved License**) to the person(s) listed below:

RE: WATER RIGHT NO. 55-13850

**UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657**

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
20 1ST AVE W
MARSING ID 83639**



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Danielle Favreau

FROM: Daniel Nelson – Staff Hydrologist

DATE: November 25, 2013, 2013

SUBJECT: Licensing Review of Water Right 55-13850

I was asked to run the Department's Pond Spreadsheet on this pond. The Bureau of Land Management (BLM) representative informed us that the pond has an average depth of 8 feet and our GIS information shows the pond at 1 acres of surface area. With this information the pond capacity is 8 acre feet, and the evaporation for this pond is 2.3 acre feet for a total of 10.3 acre feet of total storage requirement. This is an onstream pond, so no seepage amounts were calculated into the equations.

A new permit will need to be filed by the Bureau of Land Management for the remainder of the storage for this pond, or they will not be able to storage more than the 1 acre feet of water allowed by the permit. The pond surface area is 1 acres, so they are allowed to fill the pond to a maximum depth of 1 foot ($1 \text{ acre feet} / 1 \text{ acres} = 1 \text{ foot}$).

TOTAL STORAGE

FILE NUMBER	55-13850
REVIEWER	Dan Neilson
DATE	11/25/2013

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond

Surface Area (in Acres)	1	"Surface Area" is automatically carried over from the "Seepage Loss Sheet"
Average Pond Depth (in feet)	8	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the field examiner's handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above.
Pond Capacity (in acre feet)	8	

Volume Needed Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (in acre feet)	0	The "Volume Needed Above Initial Fill" is the acre-feet of water required to meet <i>afrom storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: If a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). PLEASE NOTE: You must have a " <u>From Storage</u> " component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (in acre feet)	0.00	The "Estimated Seepage Loss" is automatically carried over from the Seepage Loss Sheet
Estimated Evaporation Loss (in acre feet)	2.34	The "Estimated Evaporation Loss" is automatically carried over from the Evaporation Loss Sheet
Total Volume Required (in acre feet)	10.3	"The Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Flow Rate Into Pond (in cfs)	1.00	The "Flow Rate" Into the Pond depicts the actual flow either measured or estimated into the pond.
Highest Daily Evaporation Rate From Evaporation Tab. (in mm/day)	4.59	This number is automatically selected by picking the highest recorded number in the "Precipitation Deficit Table".
Maximum Required Daily Maintenance Volume (in acre feet per day)	0.02	"Maximum Required Daily Maintenance Volume" is the maximum volume of water needed on any given day during the year, and is calculated by adding the highest daily evaporation loss to the average daily seepage loss in acre feet. The average daily seepage loss is calculated by dividing the "Estimated Seepage Loss" by 365 days. This is acceptable, since the seepage rate shouldn't vary throughout the season unless the pond completely freezes over during the winter months. The highest daily evaporation loss is calculated by dividing the Highest Daily Evaporation Rate by the 304.8 conversion factor and multiplying this number by the pond surface area to attain a combined daily acre feet requirement.
Minimum Maintenance Flow (in cfs)	0.01	The "Minimum Maintenance Flow" is the minimum amount of flow required to maintain the level of the pond. This number is determine by dividing the "Maximum Required Daily Maintenance Volume" by 1.9835. This flow can be used to determine if the flow rate into the pond is adequate to maintain the pond level.
Days Required to Fill the Pond	4	The "Days Required to Fill the Pond" is calculated by dividing the "Pond Capacity" by the "Flow Rate" minus "Minimum Maintenance Flow" multiplied by 1.9835. This section will assist you in determining if the flow rate being diverted to the pond is adequate to fill the pond while maintaining the pond level. The length of time to fill the pond will help determine if the flow rate is adequate for the size of pond being proposed. This number should be between 1 and 365 days for a project to be sucessful.
Days Required to Fill the Pond at 13,000 gallons per day	322	The "Days Required to Fill the Pond at 13,000 gallons per day" is calculated converting the "Pond Capacity" and the "Maximum Daily Maintenance Volume" to gallons. The "Pond Capacity" is then divided by 13,000 gallons minus the "Maximum Daily Maintenance Volume" in gallons to determine the number of days to fill pond. This number should be between 1 and 365 if this pond is to described as a domestic use.

User Input
Calculated value
Formula Explanations

Evaporation Loss Calculation

FILE NUMBER	55-13850
REVIEWER	Dan Nelson
DATE	11/25/2013

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

The acronyms used on the Kimberly Research Center website are defined below:
P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

User Input
Calculated value
Formula Explanations

USING THIS SPREADSHEET

To ascertain the evaporation from a pond, you will need to go to the Kimberley Research Center website. The link is found below. This web site provides the Precipitation Deficit for the area where the pond is located. The Precipitation Deficit is the total amount of free pan evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used, and the entire state is pretty much covered. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.

Found at: <http://www.kimberly.uidaho.edu/ETIdaho/online.php>

Precipitation Deficit

Station: Twin Falls 2 NNE (NWS -- 109294)

Month	mm/day ¹	Days per month	mm/Month
Jan	0.00	31	0.00
Feb	0.30	28	8.40
March	1.09	31	33.79
April	2.07	30	62.10
May	2.69	31	83.39
June	3.71	30	111.30
July	4.59	31	142.29
August	4.00	31	124.00
September	3.04	30	91.20
October	1.71	31	53.01
November	0.16	30	4.80
December	0.00	31	0.00

PLEASE NOTE: We cannot use the season average, because there are several areas in Northern Idaho with a negative Precipitation Deficit. Therefore, we must enter each monthly deficit, and enter in a zero (0) for each negative month. The reason for this is that precipitation can only offset evaporation to the extent of the evaporation.

Please enter the daily average Precipitation Deficit as shown in the example below.

Although it has sometimes been useful to consider wintertime evaporation to be zero, Allen and Robison (2007, p. 169) noted, "Evaporation during nongrowing (wintertime) periods varies widely"

¹Negative monthly mean values should be entered in the above table as "0".

Total mm/year = **714.28**

$[(\text{mm/yr}) \div (\text{convert to feet})] \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$

(**714.28**) $\div$ (**304.8**) $\times$ (**1.00**) = (**2.3 AFA**)

Surface Area of Pond is automatically Carried over from the Seepage Loss Sheet.

SEEPAGE CALCULATIONS

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	55-13850
REVIEWER	Dan Nelson
DATE	11/25/2013

User Input
Calculated value
Formula Explanations

INPUTS

SQ. FT. Calculator
Pond Surface area in acres
1

POND SURFACE AREA (SQ. FT.)	43560
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SUGGESTED SEEPAGE RATE (FT/DAY)	0.0000
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Use the table below to find the "SUGGESTED SEEPAGE RATES".

FORMULA:
(Surface Area X Seepage Rate) / 7.48 = Gallons Per Day loss

CONVERT TO GPD	0	GPD
----------------	---	-----

TOTAL SEEPAGE LOSS (AFA)	0.0	AFA
--------------------------	-----	-----

SUGGESTED SEEPAGE RATES FOR DIFFERENT SOIL TYPES:
GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = 0.20 ft per day
OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = 0.016 ft per day
SC (clayey sands, sand clay mixtures) = 0.007 ft per day
CL (Low to medium plasticity clays) = 0.003 ft per day
MH, OH, PT and CH (high plasticity clays) = 0.0003 ft per day
LINED PONDS (liners can be chemical, fabric, or bentonite) = 0 ft per day
Ponds Intercepting Groundwater (excavated ponds filled with shallow Ground Water) = 0 ft per day

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at X:\Spatial\Soils\USCS\PondSoils.lyr. Use "0" if the ponds intersect the water table.

ET_{Idaho} 2012 -- Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robinson@kimberly.uidaho.edu Copyright 2012, University of Idaho.

Reynolds (NWS -- 107648)

Statistics based on thirty year normal spans 1975 to 2010 years

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - shallow systems (ponds, streams)														
Precipitation Deficit (Click here for a graph)														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b
Mean ^j	mm/day												mm	
Monthly ^c	0.22	0.30	1.09	2.07	2.69	3.71	4.59	4.00	3.04	1.71	0.16	0.32	697	0
15-Day Moving Average ^d	0.24	0.19	1.16	2.12	2.71	3.69	4.66	3.98	2.94	1.78	0.15	0.22		
7-Day Moving Average ^e	0.24	0.25	1.13	2.07	2.69	3.67	4.64	4.01	2.99	1.73	0.13	0.26		
3-Day Moving Average ^f	0.23	0.29	1.09	2.06	2.68	3.69	4.60	4.01	3.03	1.71	0.15	0.31		
Standard Deviation ^k	mm/day												mm	
Monthly ^c	0.71	0.53	0.99	0.80	1.81	1.01	0.68	0.69	0.61	1.06	0.68	1.29	106	0
15-Day Moving Average ^d	0.77	0.70	0.96	0.99	1.61	1.36	0.65	0.71	0.86	0.91	0.82	0.93		
7-Day Moving Average ^e	1.05	1.03	1.22	1.41	2.12	1.76	0.88	0.94	1.13	1.29	1.12	1.25		
3-Day Moving Average ^f	1.39	1.41	1.72	2.03	2.68	2.26	1.30	1.31	1.54	1.74	1.51	1.77		
20% Exceedance ^l	mm/day												mm	
Monthly ^c	0.20	0.77	1.58	2.70	3.64	4.60	5.05	4.41	3.57	2.18	0.87	0.21	814	0
15-Day Moving Average ^d	0.67	1.06	2.34	3.50	4.54	5.22	5.38	4.78	3.92	2.88	1.38	0.59		
7-Day Moving Average ^e	0.88	1.65	2.82	4.40	5.13	5.69	5.73	5.10	4.36	3.25	1.81	0.80		
3-Day Moving Average ^f	1.14	1.84	3.45	5.03	5.85	6.38	6.14	5.45	4.82	3.77	2.17	1.02		