

June 5, 2007

- Application for exchange.
DKS Farms. LLC.

- Applicants Exhibits. -

- #1 Historic Moody Cr. Hydrograph.
- #2 Moody Cr. Monitoring Rpt. 2003.
- #3. Normal Hydrologic Regime of Moody Creek -
(power point)
- #4 SRBA Recommendation 22-594
- #5 Topo map of P.O.D.
- #6 - Consent Agreement - 2007.

Started at 9:30.

Intro. - 0-40.

- Dalin Jeppesen.
- Jerry Rigby - Attorney -
- Roger Warner
- Trent Wood.
- Scott Wood
- George Brown

189 - Jerry R. - open statement - exchange agreement.

↓
- applicant has sufficient water when SRBA rights will be partially decreed. - applicant can not utilize beneficial use ~~with~~ until partial decreed. Hence need to file exchange as interim relief until partial decrees are issued.

- 241- exchange is for rental storage delivered to Tetan thru Cross Cut Canal.
- Applicant has agreed to modify system so on pivot uses only ground water.
 - In a biblical drought - low snow pack & low run off.
 - Applicant is diverting less.

354 - Witness

Merl Jappesen. - started farming in Moody Creek area in 1966. - Obtained early right 22-594

- purchased shares in Woodmansee Johnson - stipulated shares used to irrigate only grain and mid July.
- WJ Canal used since 1980.

579 -

Quantity is 4 cfs cut to 2 cfs on June 20.

~~NOTE~~ Clerical error by IDWR indicated a reduced diversion. Has been objection.

1966 - transfer Dean Graham water 18⁷⁹?

~~August~~ After August 1 irrigated 200 acres. with 1879.

850 - Protestants exhibits A & B.

935 -

Initial measuring device lasted about 3 yrs then failed.

- IDWR started ~~the~~ monitoring PCC.

1096 - Fish in Moody Creek. - 1980 mtn. fish captured.
by ~~Martin~~ ~~Jeff~~ Paul Jeppsen.

1150 - Witness

Dalin Jeppsen. former in Madison Cty. - represents
applicants - started helping father in 1980.

22-265E - 200 AC

22-594 W.M.J. Canal

Woodmansee & used for irrigation of only grain. -

- Exchange will provide same amount of water as historically
used. - 22-265E - is used to irrigate potatoes.

Exchange is for 300 ac. - but only needs 140 ac. ft. -

- irrigate total 549 acres. -

how many acres of ~~grain~~ ^{grain} are being irrigated?

Applicant not aware of protestants -

1564 - Questions by protestants -

- ~~Identify~~ Identify protestants water rights.

- Moody Creek has been dry below applicant's P.O.D
in the last 5 years.

2165 - Witness -

- Roger Warner - consultant for Rocky Mtn. Environmental.

- worked for IDWR for 5 1/2 yrs. -

one home is inhabital because only source is Moody Creek which dries up. ~~looks~~ mentions 42-111. ~~that~~ number of times less than 13,00 gal/day flowing in Moody Creek.

4172 - X exam - Steve & Doreen Wood. priority 1974.

1 home has a well; others get water from "sub" - (digs a hole) - ^{has a culvert in end.} 1988, 1999.

He is not aware of any records recording the flows of Moody Creek prior to 1960. - First witnessed Moody Creek going dry in 1980.
- Fished Moody Creek

Robert

4549 - Scott Wood - direct.

- claims to have 1907 stock water right. at the confluence ~~mouth~~ of Dry Canyon & Moody Creek.

- Currently running 135 pr. - generally leave 15 pr. after mid June.

- purchased property in 1974. - Always had water when they only pumped 4.0 cfs.

- Creek has dried up twice since he purchased ~~water~~ property.

- believes creek will dry up sooner if Jeppens divert water.

- Has filed late claim for stock water.

- Water diverted late in year does not dry up Moody Creek at confluence of Dry Creek & Canyon Creek.

4976 - X-exam -

- 1988-2002 - creek was dry. Currently has water.
exchange is for grain only - stop on July 15.

— Direct - Cutthroat migrated up creek, Brook trout
migrate down the creek.

— 5418 George Brown - direct -

- Public Interest - IDWR failure -

- Jeppesen's limited to 200 acres under 22-265E after
June 20.

- Personal observations is ^{flow of} Moody Creek is at a
historic ~~low~~ low. Guessed at 40% of normal.

- 22-1004 - domestic
22-1005 - irrigation of yard & trees. - } priority 1936.

Need to define public interest - irrigation vs. fish.

— Rebutal -

6459 - Roger Warner -

- Dalin Jeppesen - 4 cfs is sufficient water for irrigation
up to July 15.

- 22-594 - recommendation does not reference limited irrigation to grain.
- 6.4 cfs -

2600 - Studies in Moody Creek.

Base flow - 3 to 5 cfs - ~~not~~

2734 - Study - peak flows in May & June, base flows in July.
hydrographs - show ~~for~~ lower reach of Moody Creek dried up in 2001 thru 2003.

~~2734~~

2980 - X-exam -

- Dry study prior to 1960 - not known.
- Are domestic rights being issued.
- Woods has stock right about $1\frac{3}{4}$ below Jappesen Pump.

3206 X-exam by Brown

- Public Interest - issue seems to be fish or crops.

USGS hydrograph is at Woods Crossing - downstream from applicant pump.

3880 - Trent Wood Direct - at Wood's Cross.

- pays taxes of 4 homes in Moody Creek - 2 are ~~inhab~~ inhabited - constitution provides domestic water out of Moody Creek. (I don't think so).