

Muldoon Creek Ranch

Terry & Anita Clark
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37-21383
37-21745
37-21746

Please see attached document pertaining to the irrigation water diverted from Muldoon Creek and used on Section 3, Township 2 North Range 21 East of the Boise Meridian. This document was prepared in 1967 by my Grandfather John Baptie, Grandmother Enid Baptie and Uncle Robert (Bob) Baptie. Individuals know as Baptie Ranch Partnership. This document shows the amount and use of water as early as 1907 with continued use until present day. Anita Clark (Granddaughter of Enid & John Baptie) and Terry Clark (husband) purchased the ranch in the early 1970's and have used the water for beneficial use on the land described until present day 2006. The ranch has not left family ownership for over 100 years. We have always used the water diverted from Muldoon Creek to water pastures & hay fields as indicated.

Please see the following list we have prepared for quick reference of decreed water and the amounts used on the ranch over the years. The amounts and dates of water shown in this document are essential for our livelihood and the continued operation of this 100 year old family owned ranch. Much of this land is pores soil and requires more than the standard 1 inch per/acre of irrigation water. The head gate of a major diversion point from Muldoon Creek is located one mile north of the ranch and there is a great loss of water before reaching the source of irrigation.

Decreed Water & Number:

10 Miners inches: #37-1140

05 Miners inches: #37-1119

55 Miners inches: #37-1120

Water as described in document attached beneficial & historic use:

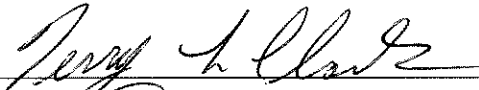
April, 1912 – used the waters of Muldoon Creek in the amount of 100 miner's inches

April, 1930 – used the waters of Muldoon Creek in the amount of 100 miner's inches

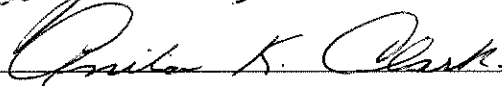
April, 1907 – used the waters of Muldoon Creek in the amount of 100 miner's inches

Terry L. and Anita K. Clark

Terry L. Clark



Anita K. Clark

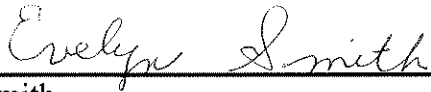


Evelyn Smith
Evelyn Baptie/Smith
Glenns Ferry, Idaho

March 16, 2006

Regarding my memory of irrigated fields at the (Baptie Ranch) in Muldoon Idaho:

I was born in Muldoon, Idaho in 1917. I spent my summers at the Baptie Ranch in Muldoon with my mother Cora Baptie and father Tom Baptie. My father and his brother John Baptie were partners in the sheep business for many years. My father sold his interest to his Brother John; however he did keep the registered Suffolk Sheep and spent his summers in Muldoon tending them. I stayed with my father during the summers and returned to Carey and later to Hagerman and Albion for school. I have lived in Idaho most of my life and have visited the Baptie Ranch almost every summer throughout my life. I have never seen a period of time that it was not irrigated. The fields were always green and I recall going with my father and changing the water taken from Muldoon Creek.

A handwritten signature in cursive script that reads "Evelyn Smith". The signature is written in dark ink and is positioned above a horizontal line.

Evelyn Smith

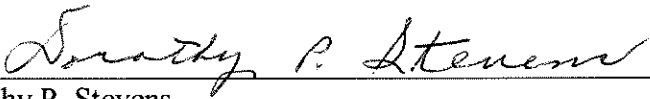
Dorothy P. Stevens
Dorothy P. Baptie / Stevens
9630 8th Street
Bay City, Oregon 97707

March 29, 2006

Regarding my memory of irrigated fields in Muldoon Idaho:

I was born in 1922 and spent my summers with my parents Enid & John Baptie at our ranch in Muldoon Idaho. The ranch was irrigated for grazing (pasture land) & hay fields for the two bands of sheep that my Father, John Baptie, Uncle, Tom Baptie and Brother, Robert Baptie owned. John and Tom Baptie / were partners and later my brother and father purchased Tom Baptie's interest and formed a partnership with John, Enid and Robert Baptie.

I remember going with my father John Baptie and Uncle Tom Baptie when they irrigated the different fields. They had several points to take water out of Muldoon Creek as the irrigation was done with a shovel. After my father passed away in the 70's Robert (Bob) Baptie lived year round at the ranch and continued to irrigate the pasture and hay fields at the Muldoon Ranch followed by my daughter Anita Clark and her husband Terry Clark. The ranch at Muldoon was always irrigated with the waters from Muldoon Creek that runs for approximately one mile through the property. As I remember we diverted water from Muldoon Creek in four different places and always had plenty of water for irrigating the property.


Dorothy P. Stevens

COUNTERCLAIM AND CROSSCLAIM OF
JOHN BAPTIE AND ROBERT BAPTIE

For counterclaim against plaintiff, Prunty Ranches, Inc.,
and crossclaim against Everett L. Tyler and Carl E. Tappan,
Watermaster for Water District 11-D and State Reclamation
Engineer, respectively, John Baptie and Robert Baptie allege
as follows:

I

That John Baptie and Enid Baptie, his wife, own the lands
situate in Blaine County, Idaho, particularly described as
follows, to wit:

The SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35,
Township 3 North, Range 21 East, Boise Meridian;
Lots 2 and 3 in Section 2, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the
SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 2 North, Range 21 East,
Boise Meridian.

to the case of Woodworth vs. Anthony, and in the said case of
Baptie vs. Lewis.

II

That Robert Baptie owns the NE $\frac{1}{4}$ of Section 3 in Township 2 North, Range 21 East, Boise Meridian in Blaine County, Idaho.

III

That said described lands are arid lands and require the utilization of the hydroelectric power of the Snake River artificial irrigation for the production of crops.

IV

That Robert Baptie owns water rights appurtenant to Lot 1 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 2 North, Range 21 East, Boise Meridian, as decreed in the case of Baptie vs. Lewis for 10 miners inches of the waters of Muldoon Creek with priority of December 2, 1911, for irrigation and domestic purposes upon Lot 1 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 2 North, Range 21 East, Boise Meridian, and for 5 miners inches of the waters of a spring arising in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 2 North, Range 21 East, Boise Meridian, for irrigation and domestic purposes upon Lot 1 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3, and for 55 miners inches of the waters of the so-called Logan Tunnel for irrigation and domestic purposes upon Lot 1 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3. That the said Robert Baptie accepts as binding upon him the respective decrees, and the respective findings of fact and conclusions of law upon which said decrees are based, in the case of Woodworth vs. Anthony, and in the said case of Baptie vs. Lewis.

V

That since the 1st day of April, 1912, John Baptie and Enid Baptie and their predecessors in interest have used the waters of Muldoon Creek in the amount of 100 miners inches for the irrigation of the irrigable portions of the $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ and $SE\frac{1}{4}SW\frac{1}{4}$ of Section 3, Township 2 North, Range 21 East, Boise Meridian, and have applied said water to beneficial use upon said described lands for the production of crops; that said 100 miners inches of the waters of Muldoon Creek are necessary and essential for the irrigation of said 160 acre parcel of land.

VI

That since the 1st day of April, 1930, John Baptie and Enid Baptie and their predecessors in interest have used the waters of Muldoon Creek in the amount of 100 miners inches for the irrigation of the irrigable portions of Lots 2 and 3 in Section 2, Township 2 North, Range 21 East, Boise Meridian, and the $SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ of Section 35, Township 3 North, Range 21 East, Boise Meridian, and have applied said water to beneficial use upon said described lands for the production of crops; that said 100 miners inches of the waters of Muldoon Creek are necessary and essential for the irrigation of said 160 acre parcel of land.

VII

That since April 1, 1907, the said Robert Baptie and his predecessors in interest have used flood waters of Muldoon Creek in excess of the decreed rights described in Paragraph IV hereof, in the amount of 100 miners inches for the irrigation of the irrigable portions of Lots 1 and 2 and the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 3, Township 2 North, Range 21 East, Boise Meridian, and have applied said 100 miners inches of flood waters to beneficial use upon said described lands for the production of crops; that said 100 miners inches of the flood waters of Muldoon Creek are necessary and essential for the irrigation of said described premises.

N.A.

N/A

[REDACTED]

(d) 100 miners inches with priority of April 1, 1912, for use upon $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$, and $SE\frac{1}{4}SW\frac{1}{4}$ of Section 3, Township 2 North, Range 21 East, Boise Meridian, in Blaine County, Idaho, to be decreed to John Baptie and Enid Baptie, husband and wife;

(e) 100 miners inches with priority of April 1, 1930, for use upon Lots 2 and 3 in Section 2, Township 2 North, Range 21 East, Boise Meridian, and upon $SW\frac{1}{4}SE\frac{1}{4}$

and SE $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 35, Township 3 North, Range 21 East, Boise Meridian, in Blaine County, Idaho, to be decreed to John Baptie and Enid Baptie, husband and wife;

(f) 100 miners inches with priority of April 1, 1907, for use upon Lots 1 and 2 and S $\frac{1}{2}$ NE $\frac{1}{4}$ in Section 3, Township 2 North, Range 21 East, Boise Meridian, in Blaine County, Idaho, to be decreed to Robert Baptie;

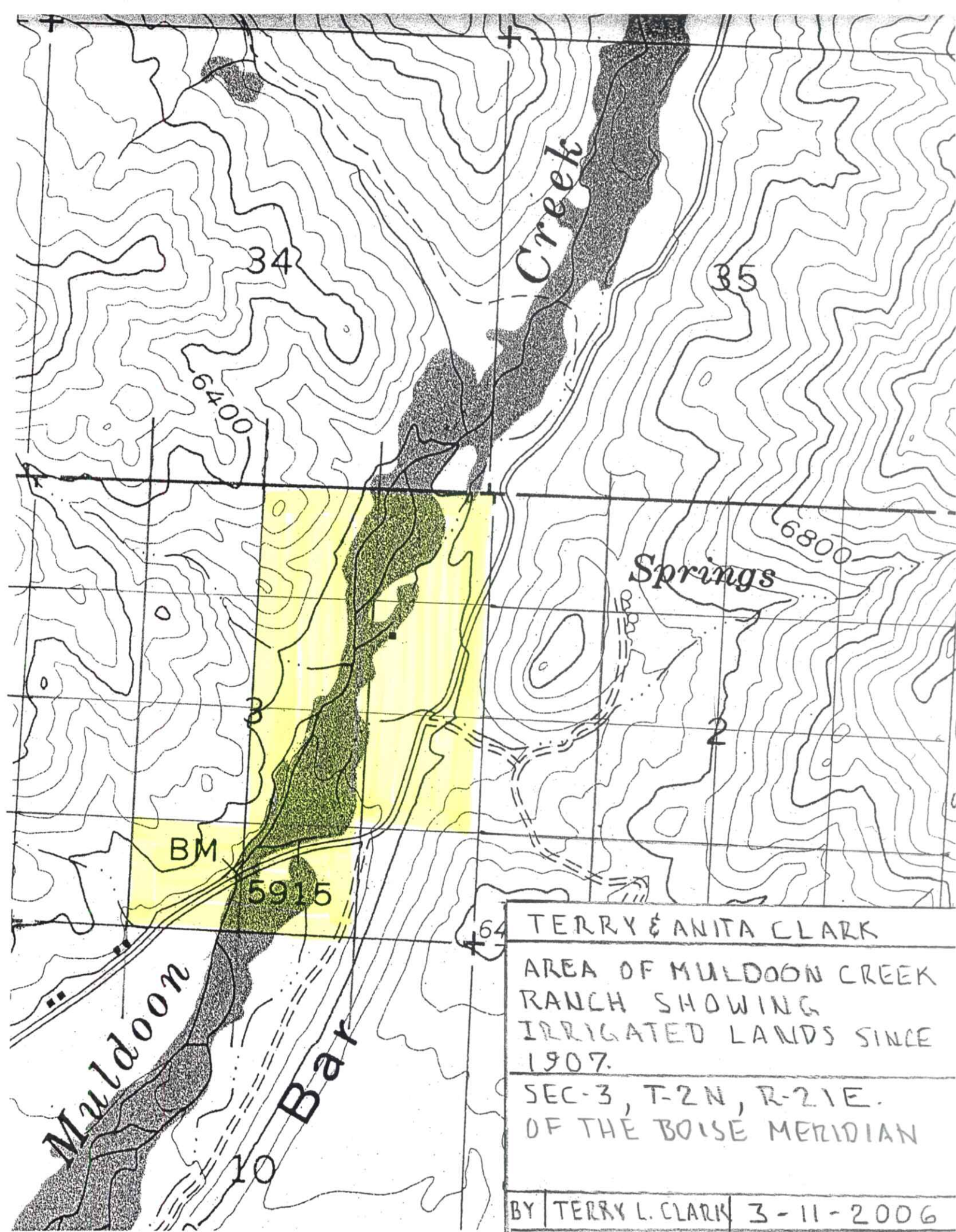
(g) For such other and further relief as to the court shall seem just and equitable in the premises.

ANDERSON, KAUFMAN, ANDERSON & RINGERT

William F. Ringert
A Member of the Firm
503 Idaho Bldg., Boise, Idaho
Attorneys for Interveners

I CERTIFY that service of the within and foregoing Answer, Counterclaims and Crossclaims was made on the 30th day of October, 1967, by mailing a copy to Parry, Robertson & Daly, attorneys for plaintiff, at P. O. Box 525, Twin Falls, Idaho, to Allan G. Shepard, Attorney General of the State of Idaho, attorney for defendants, at State House, Boise, Idaho, to Everett L. Tyler, Watermaster for Water District 11-D, at Murtaugh, Idaho, and to R. Keith Higginson, State Reclamation Engineer, State House, Boise, Idaho.

William F. Ringert



TERRY & ANITA CLARK
AREA OF MULDOON CREEK
RANCH SHOWING
IRRIGATED LANDS SINCE
1907.
SEC-3, T-2N, R-21E.
OF THE BOISE MERIDIAN

BY TERRY L. CLARK 3-11-2006