

**Amended Claim 37-2247**

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 FORM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number \_\_\_\_\_

Date Received \_\_\_\_\_

Receipt Number \_\_\_\_\_

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

Please type or print clearly

1. Name of Claimant (s) The Muldoon Ranch Co., LLC c/o Arlen Crouch Phone (208) 324-3117  
Mailing Address 370 E 500 N, Jerome, Idaho Zip 83338
2. Date of Priority (Only one (1) per claim) 08/22/1912
3. Source of water supply (a) Brown Creek  
which is tributary to (b) Little Wood River
4. a. Location of existing point of diversion is: Township 02N Range 21E Section 07,  
SE 1/4 of SE 1/4 of NW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Blaine  
Additional points of diversion if any: \_\_\_\_\_  
b. If instream flow, beginning point of claimed instream flow is:  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_  
ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed  
and as enlarged and the depth of each well. Muldoon Creek is diverted into a ditch that intersects and diverts the  
flow from Spring Creek, Brown Creek, Chicken Creek, and all other small drainages north of the Muldoon Ranch.  
This ditch can then deliver water to all the land applicable to this PPU through various small ditches. However,  
water is also diverted from a lower diversion on Muldoon Creek to the PPU.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/31 amount 0.50 or \_\_\_\_\_

For Domestic purposes from 01/01 to 12/31 amount 0.04 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.50 (cfs) and / or (b) 160 (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) Domestic – 1 home

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|-----|-----|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |     |     | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 02N | 20E | 13  |        |        | 40     | 40     |        |        | 40     | 40     | 40     |        |        |        | 40     | 40     |        |        | 280    |
| 02N | 21E | 07  |        |        |        |        |        |        |        |        | 40     |        |        | 40     | 40     | 40     | 40     | 40     | 240    |
| 02N | 21E | 08  |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     |        |        | 40     | 40     | 240    |
| 02N | 21E | 09  |        |        |        |        |        |        |        |        |        |        | 40     |        |        |        |        |        | 40     |
| 02N | 21E | 17  | 40     | 40     |        |        | 40     | 40     | 40     | 40     |        | 40     | 40     |        |        |        |        |        | 320    |
| 02N | 21E | 18  | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     |        |        | 40     | 40     | 40     | 40     | 560    |
| 02N | 21E | 19  | 40     | 40     |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 80     |
| 02N | 21E | 20  |        |        |        |        |        | 40     |        |        |        |        |        |        |        |        |        |        | 40     |

Total number of acres irrigated 1800\*

11. In which county (ies) are lands listed above as place of use located? Blaine County

12. Do you own the property listed above as place of use? Yes XX No \_\_\_\_\_  
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

37-1005, 37-1048, 37-1051, 37-1139, 37-2007, 37-2247, 37-7006, & 37-20544 Or None ☐

14. Remarks:

\*1: Total authorized irrigated acres shall not exceed 25 acres per irrigation season when used without the rest of the associated water rights of the PPU

\*2: Total authorized irrigated acres of the rights in the PPU shall not exceed 1316.4 acres per irrigation season (based on 1987 aerial photo interpretation).

Last Name \_\_\_\_\_ Ident. No. \_\_\_\_\_  
15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License XX \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number 37-2247

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We ☐ do ☐ do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments \_\_\_\_\_

**For Individuals:** I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) *Malvern Road Co LLC* Date *Dec 28, 2012*  
*Robert Brouck* Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_ Title \_\_\_\_\_

Of \_\_\_\_\_, that I have signed the foregoing  
Organization

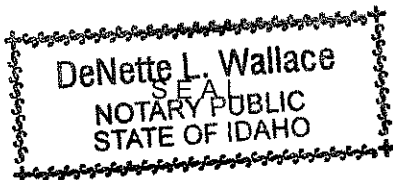
Document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_  
Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho / or \_\_\_\_\_ )  
County of *Tim Falls* ) ss.

Subscribed and sworn (or affirmed) before me this *28th* day of *December*, 20*12*  
Notary Public *DeNette L. Wallace*  
Residing at *Tim Falls, ID 83301*  
My Commission Expires *8-16-2012*



Please Print Name

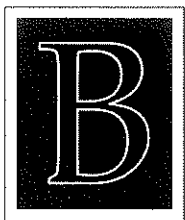
17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 28, 2006

Matt Anders  
Idaho Department of Water Resources  
322 E. Front St  
PO Box 83720  
Boise, Idaho 83720-0098

RECEIVED

JAN 9 1 2007

DEPARTMENT OF  
WATER RESOURCES

Re: Muldoon Ranch Co., LLC – Recommendation Review

Dear Matt:

Please find the enclosed notice of error forms submitted on behalf of Muldoon Ranch Co., LLC, c/o Arlen Crouch. These forms hopefully should reflect the errors within the recommendations for water rights 37-20554, and 37-22012 that are appurtenant to the property owned by Muldoon Ranch Co LLC in Township 2N, Ranges 20E and 21E.

The following Notices of Error are being submitted;

37-20554: The priority date for this right should actually be 06/01/1919. We are submitting an amended claim in order to revise this date. The Muldoon Ditch was constructed and in working order on 06/01/1919. This ditch intersects Spring Creek and diverts its water onto the property.

37-22012: This right was formerly decreed prior to the Snake River Basin Adjudication for Stockwater purposes at a diversion rate of 0.12 cfs and should not be reduced to a diminimis right.

In addition, to these notices of error our office and Mr. Crouch is awaiting the recommendations for three additional water rights (37-2010, 37-22014, and 37-22015). The following is in response to your email regarding these water rights that you sent our office on Dec 15, 2006;

- 1) The filing fees (total of \$300.00) for all three claims were paid yesterday (Dec. 27, 2006) in the Twin Falls Regional Office (see attached receipt).
- 2) I have discussed your suggestion of associating water right 37-1139 to the enlargement claim with Mr. Crouch and we also believe that this right would probably be the best associative right.

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

- 3) The new beneficial use claim 37-22012 should be separate from 37-20554, due to the difference in priority dates that are being claimed. In reality, 37-20554 also should have a priority date of 06/01/1919 since this is the time in which the Muldoon Ditch was constructed and the diversion of Spring Creek was first utilized on the property. If priority date for 37-20554 is changed to 06/01/1919 the right could potentially be combined with the new beneficial use claim. However, Mr. Crouch wishes to keep these two rights separate at this time. The new claim is for all the water that is intersected by the Muldoon Ditch and then utilized on the property.
- 4) We also still strongly believe that 37-2010 should not have been superseded, and that the agent who deemed it as such had no jurisdiction to do so. The place of use in which the associated rights 37-2010, 37-1142, and 37-2243 is located is very sandy (it is located on an old sand bar of Muldoon Creek), and additional water was needed in order to produce an acceptable crop on the property. This is why water rights 37-1142 and 37-2243 were applied for and granted. Without this right the property does not have a sufficient diversion rate in order to effectively irrigate the property. The decree for 37-1142 says that it is supplemental to former decrees and therefore should not supersede any former water rights associated with the property. Therefore, this right is being reclaimed and Mr. Crouch will be acquiring legal assistance in order to aid him in retaining this right.
- 5) In addition, we also followed your suggestions to change the diversion rates for the irrigation allowed under 37-2007 and 37-2247 to 0.80 and 0.50 cfs, respectively. Therefore, we have also attached the amended claims associated with these two rights.

If you have any questions regarding the enclosed documents, please feel free to give our office a call. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. T. Nelson', with a long horizontal line extending to the right.

Daren T. Nelson, Hydrologist

Attachments: Notices or Error: 37-1046C, 37-1142, 37-2243A, 37-20554,  
and 37-22012  
Amended Claims: 37-2007, 37-2247, and 37-20554  
Receipt regarding payment of filing fees

cc. Arlen Crouch