

Law Offices

John C. Grabow

P.O. Box 6880
Ketchum, Idaho 83340

February 16, 2006

208-622-7116
Fax 208-622-7470

Allen B. Ruberry
Idaho Dep't of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Water Rights Claims 22-4032, 22-13373, 22-13264 & 22-4095

Dear Mr. Ruberry:

My wife and I are the Managing Members of Shooting Star Developments LLC. I am writing in response to your letter of January 30, 2006, regarding the above-referenced water right claims on this 160 acre parcel in Teton County. The supporting information attached to this letter has been previously provided to Ernie Carlson in your office. Mr. Carlson has been extremely helpful and generous with his time in guiding me through this complex process (I am definitely not a water law guy). Out of an abundance of caution, however, I am providing additional copies in response to your letter.

As a starting point, your letter does not make mention of an additional claim relating to this same property, No. 22-13373. A copy of that Notice of Claim is attached as Exhibit A.

With respect to the priority dates claimed, attached as Exhibit B to this letter is the Affidavit of Randy Murdock (relating to my claim No. 22-4032 as well as Mr. Murdock's claim No. 22-4034 on his adjacent property) and as Exhibits C & D the Affidavits of past landowners of this property, Rodney Lewis and Gordon Allen (both relating to claim No. 22-13264).

Finally, consistent with the claimed priority dates and continuous irrigation of this property, attached as Exhibit E is the U.S. patent for these 160 acres to the original Lewis, dated 1916 and making specific reference to the conveyance of the water rights.

If there is any additional information I may provide in support of these claims, do not hesitate to contact me.

Sincerely yours,



John C. Grabow

RECEIVED

FEB 17 2006

Department of Water Resources
Eastern Region

Exhibit A

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 22-13373
Date Received: 4/25/2005
Receipt No: E030826
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SHOOTING STAR DEVELOPMENT LLC Phone: (208) 622-7455
PO BOX 6880
KETCHUM ID USA 83340

2. Date of Priority: 01/22/1916

3. Source: DARBY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	45E	10	SE SE SW	TETON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.62	

7. Total Quantity Appropriated is:
0.62 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	45E	10	NW SW	IRRIGATION	15
			SW SW	IRRIGATION	8.8
			SE SW	IRRIGATION	7.2
Section Acres					31

Total Acres 31

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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 Organizations:

I do solemnly swear or affirm that I am Managing Member of _____
Title

SHOOTING STAR DEVELOPMENT LLC, that I have signed the foregoing
Organization

document in the space below as Managing Member of _____
Title

SHOOTING STAR DEVELOPMENT LLC and that the statements contained in the
Organization
foregoing document are true and correct.

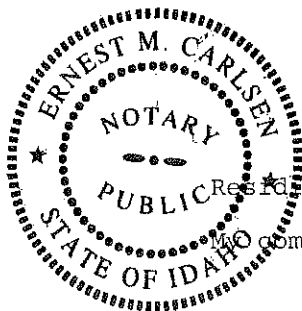
Signature of Authorized Agent

Managing Member, SHOOTING STAR DEVELOPMENT LLC
Title and Organization

April 25, 2005
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 25 of April 2005



Ernest M. Carlsen
Notary Public

Residing at

Idaho Falls ID.

My Commission Expires

8-21-2009

T04N R45E

10

NWSW

SWSW

ESW



Exhibit B

March 20, 2005
P.O. Box 969
Ketchum, ID 83340
208-351-5355

Mr. Randy Murdock
204 West, 300 South
Victor, ID 83455

Water Right Claims 22-4034 & 22-4032

Dear Mr. Murdock,

It has come to my attention that the Idaho Department of Water Resources is attempting to substantiate the priority date for your water right claim 22-4034 and my water right claim 22-4032.

For reference, both claims 22-4034 and 22-4032 have their source listed as the Lewis/Murdock Spring and its point of diversion located in the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Township 4N, Range 45E, Section 10.

I understand based upon speaking with you today that you are 61 years old, that you were born in Teton Valley and you have lived on your family's ranch since your birth in 1943. At the time of your birth your father Russell Murdock was already living on the ranch which he purchased in approximately 1930 from your grandfather Albert Murdock who homesteaded the property in approximately 1900-1910.

From the time you purchased your ranch from your father in approximately 1972 to the present day, you have irrigated 160 acres located in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Township 4N, Range 45E, Section 9 with water from the Lewis/Murdock Spring. Your father, who bought this property from your grandfather, owned it from approximately 1930-1972. While you grew up on the property, your father irrigated the same 160 acres with water from this spring. It is also your understanding that since the late 1800's your family has used water from the Lewis/Murdock spring to irrigate land for hay and cattle pasture in the area.

You also have knowledge that Bill Lewis, who owned the property to the east of your ranch from 1942-1986, and his father Eli Lewis who owned the property from the early 1900's, irrigated approximately 90 acres from the Lewis/Murdock Spring, and that irrigation has continued on the property to the present day. The location of the irrigation is just east of your place of use, located in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, and the SE $\frac{1}{4}$, Township 4N, Range 45E. (The pasture just north of the road and east of your home.) You have knowledge from Clair Hillman, who is 10 years older than you, that Clair's father homesteaded the acreage where the Lewis/Murdock Spring originates. Both your acreage and my property, formerly the Lewis property were irrigated from Lewis/Murdock Spring since the time that both properties were homesteaded.

You also have knowledge that the Lewis/Murdock Spring runs into a ditch and then flows westerly. There is no headgate diverting the water from the spring to any other properties except for your ranch and my property. You know that historically there is water in the Lewis/Murdock Spring for irrigation from approximately late March until late October each year. You remember that Bill Lewis and your father would share the maintenance of the ditch each spring and throughout the year. You currently clean the ditch out each spring with a backhoe to get proper flow.

If you are in agreement with the above facts please sign this letter in the presence of a Notary of the Public. Thank you very much for your cooperation and time regarding this matter.

Sincerely,

Craig Knight
Manager Teton Valley Holdings

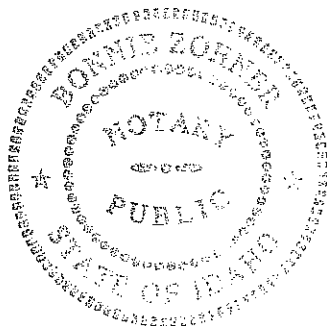
By signing below, I Randy Murdock solemnly swear that the statements contained in the foregoing documents are true and correct.

Signature Randy Murdock Date 3-21-05

State of Idaho _____)

County of Teton _____)

Subscribed and affirmed before me this 21st day of March 2005

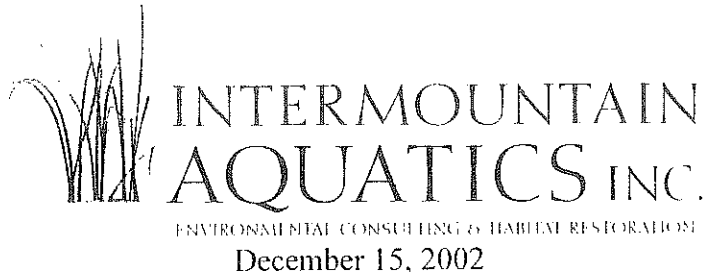


Notary Public Bonnie Zoller

Residing at Driggs Idaho

My Commission Expires 10/13/2010

Exhibit C



Mr. Rodney Lewis
202 N. 4100 E.
Rigby, ID 83442

RE Water Use on a Portion of the old Allen Ranch

Dear Mr. Lewis:

I am sending forth the facts surrounding historic water use on a portion of the old Allen Ranch. The facts are as I understand them after you explained them to me at our meeting on November 21, 2002.

The old Allen Ranch is located near Driggs, ID and described here as 160 acres composed of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9; SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and portions of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10; T 4 N, R 45 E, Boise Meridian. Your Dad Bill Lewis formerly owned this property from 1942 to 1986 and this was the place you grew up on. During that time your family irrigated the property for cattle pasture. Prior to your dad's ownership his uncle Eli Lewis owned the property.

I understand that your dad irrigated approximately 22 acres of pasture located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T 4N R 45E and that prior to that Eli Lewis also irrigated this same ground while he owned it. The irrigation water was diverted from Dick Creek in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sect. 10 (formerly Murdock Property). Historic diversion works consisted of a wooden headgate. The rate of diversion averages approximately 2 cfs and is conveyed by a well-maintained ditch. To keep the ditch clean the diversion was historically left in place year round but water was typically only used from early May until mid-October when the diversion ditch was regularly checked with canvas or earthen sod dams to flood the pasture. The attached aerial photograph shows the point of diversion and place of use you described to me please verify that it is correct.

If you are in complete agreement with the above facts please sign this letter in the presence of a Notary of the Public and return it to me. Thank you for your cooperation regarding this matter.

Sincerely,

Jeffrey Klausmann, *environmental consultant*

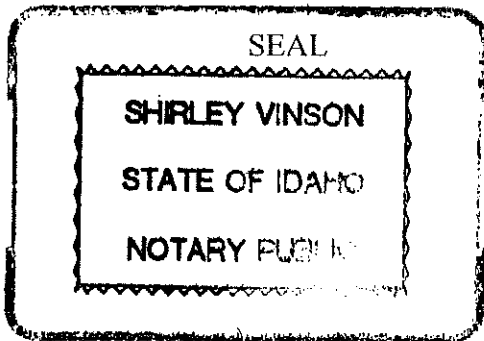
By signing below, I Rodney Lewis, solemnly swear that the statements contained in the foregoing document are true and correct.

 Signature Rodney Lewis Date 1-07-03

State of Idaho _____)

County of Jefferson)

Subscribed and affirmed before me this 7th day of January 2003



Notary Public Shirley Vinson

Residing at Rigby, Idaho

My Commission Expires 10-5-04

Exhibit D



December 15, 2002

Mr. Gordon Allen
4226 E 400 N
Rigby, ID 83442

RE Water Use on a Portion of the old Allen Ranch

Dear Mr. Allen:

I am sending forth the facts surrounding historic water use on a portion of the old Allen Ranch. The facts are as I understand them after you explained them to me at our meeting on November 19, 2002.

The old Allen Ranch is located near Driggs, ID and described here as 160 acres composed of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9; SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and portions of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10; T 4 N, R 45 E, Boise Meridian. You formerly owned this property from 1995 until the summer of 2002. During that time you irrigated the property for cattle pasture. Prior to your ownership your uncle Mr. Keith Clements owned the property from 1986 until his death in 1995. You also said that your uncle had purchased the property from Mr. Bill Lewis.

I understand that you irrigated approximately 22 acres of pasture located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T 4N R 45E and that prior to that your uncle Keith Clements also irrigated this same ground while he owned it. I also understand that he had told you that Mr. Bill Lewis, the landowner before your uncle did exactly the same. The irrigation water was diverted from Dick Creek in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sect. 10. Historic diversion works consisted of a wooden headgate but more recently the diversion has been replaced with wood piers and plastic tarping. The rate of diversion averages approximately 2 - 4 cfs and is conveyed by a well-maintained ditch. Of this amount approximately 0.5 cfs is used to flood the pasture and the remainder flows to the downstream neighbor and eventually makes it back into Dick Creek. To keep the ditch clean the diversion was historically left in place year round but water was typically only used from early May until mid-October when the diversion ditch was regularly checked with canvas or plastic dams to flood the pasture. The attached aerial photograph shows the point of diversion and place of use you described to me please verify that it is correct.

If you are in complete agreement with the above facts please sign this letter in the presence of a Notary of the Public and return it to me. Thank you for your cooperation regarding this matter.

Sincerely,

Jeffrey Klausmann, *environmental consultant*

By signing below, I Gordon Allen, solemnly swear that the statements contained in the foregoing document are true and correct.



Signature

Gordon Allen

Date

12-27-02

State of Idaho

County of

Bonneville

Subscribed and affirmed before me this

27th

day of

December

20 02

Notary Public

Helen Elliott

Residing at

Idaho Falls, Idaho

My Commission Expires

9/26/06

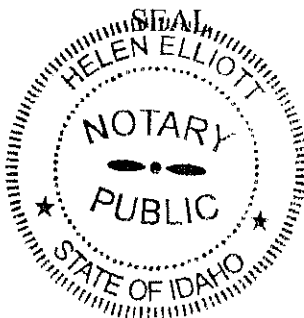


Exhibit E

KNIGHT: CO. 1
ORIGINAL PATENT
Allen Property

5/537

Instrument No. 1525.

Jul 15 1916.

Blackfoot 07846

THE UNITED STATES OF AMERICA.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, A Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Eleszar Lewis has been established and duly consummated, in conformity to law, for the southeast quarter of the northeast quarter of Section nine and the southwest quarter of the northwest quarter and the west half of the southwest quarter of Section ten in Township four north of Range forty-five east of the Boise Meridian, Idaho, containing one hundred sixty acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General;

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I Woodrow Wilson, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed. GIVEN under my hand, at the City of Washington, the thirteenth day of June in the year of our Lord one thousand nine hundred and sixteen and of the Independence of the United States the one hundred and fortieth.

By the President: Woodrow Wilson

(SEAL)

By W. P. LeRoy, Secretary.

L. T. C. Lamar, Recorder of the
General Land Office.

Recorded: Patent Number 536193

Recorded at the request of Miller & Vicle August 2nd 1916 at 5:06 P. M.

W. F. ROBERTSON, RECORDER.

536193

T4S, R45E.

SENE Sec. 9.

? SWNW Sec. 10.

W1/2SW

KNIGHT: COPY
ORIGINAL PATENT
ALLEN PROPERTY

5/537

Instrument No. 1526.

Jul 13 1916.

Blackfoot 07846

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

N R45E
cc. 9
NE
10
NW
2SW

WHEREAS, A Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Eleazar Lewis has been established and duly consummated, in conformity to law, for the southeast quarter of the northeast quarter of Section nine and the southwest quarter of the northwest quarter and the west half of the southwest quarter of Section ten in Township four north of Range forty-five east of the Boise Meridian, Idaho, containing one hundred sixty acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General;

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I Woodrow Wilson, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed. GIVEN under my hand, at the City of Washington, the thirteenth day of June in the year of our Lord one thousand nine hundred and sixteen and of the Independence of the United States the one hundred and fortieth.

By the President: Woodrow Wilson

(SEAL)

By W. P. LeRoy, Secretary.

Recorded: Patent Number 536193

L. T. C. Lamar, Recorder of the
General Land Office.

Recorded at the request of Miller & Vile August 2nd 1916 at 5:06 P. M.

W. F. ROBERTSON, RECORDER.

6/125

No. 31422

THE UNITED STATES OF AMERICA

Homestead Certificate No. 5098
Application 7854

ss. To all to Whom these Presents shall Come—GREETING:

WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of John B. Cowan

has been established and duly consummated, in conformity to law, for the South east quarter of the south west quarter of section ten and the east half of the north west quarter and the south west quarter of the north west quarter of section fifteen in township four North of Range forty five East of Boise Meridian, in Idaho, containing one hundred and sixty acres.

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

NOW, KNOW YE, That there is, therefore, granted by the United States unto the said

John B. Cowan

the tract of land above described:

TO HAVE AND TO HOLD THE SAID TRACT OF LAND, with the appurtenances thereof, unto the said

John B. Cowan

and to his heirs

and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I,

Theodore Roosevelt

President of the United

States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the ninth day

of May, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United

States the one hundred and thirty first

BY THE PRESIDENT: T. Roosevelt

By F. M. McKean

Secretary.

Miscellaneous
Recorded Vol. 602

Page 393 H. W. Sanford

Recorder of the General Land Office.



Filed for Record at 5 o'clock P. M., April 15 A. D. 1910, and recorded at the request of

F. A. Miller

I. N. Corey

By Deputy.

Recorder

Transcribed from Book D, Patents, page 382, Fremont County Records.
Transcribed from Book 40 of Patents-page 300 Madison County Records.