

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 37-21746
Date Received: 5-12-2009
Receipt No: (amended)
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TERRY L CLARK Phone: (208)788-4280
ANITA K CLARK Phone: (208)788-4280
PO BOX 308
CAREY ID USA 83320

Amended

2. Date of Priority: 04/01/1907

3. Source: MULDOON CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
02N	21E	3	NE	NE	BLAINE	
02N	21E	3	NW	SE	BLAINE	
03N	21E	35	SW	NW	BLAINE	

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	10/31	3.84	
STOCKWATER	01/01	12/31	0.05	

7. Total Quantity Appropriated is:
3.89 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
02N	21E	2	NW	NW	4 IRRIGATION	4

			NW	NW	4	STOCKWATER	
						Section Acres	4
02N	21E	3	NE	NE	1	STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			SE	SW		STOCKWATER	
			NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	SE		STOCKWATER	
			NE	NE	1	IRRIGATION	39
			NW	NE	2	IRRIGATION	11
			SW	NE		IRRIGATION	20
			SE	NE		IRRIGATION	27
			NE	SE		IRRIGATION	11
			NW	SE		IRRIGATION	22
			SW	SE		IRRIGATION	30
						Section Acres	160
						Total Acres	164

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This claim is for flood water form Muldoon Creek.

Amended claim received by court 5-12-2009 to increase diversion rate and to modify the POU.

15. Basis of Claim: Beneficial Use

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

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DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 12 2009

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

Attorney: Andrew J. Waldera
Moffatt, Thomas, Barrett,
Rock & Fields, Chartered
P. O. Box 829
Boise, Idaho 83701-0829
(208) 345-2000

By

Deputy Clerk

Please type or print clearly

1. Name of Claimant (s) Terry L. and Anita K. Clark Phone (208) 788-4280

Mailing Address P.O. Box 308, Carey, Idaho Zip 83320

2. Date of Priority (Only one (1) per claim) 04/01/1907

3. Source of water supply (a) Muldoon Creek
which is tributary to (b) Little Wood River

4. a. Location of existing point of diversion is: Township 02N Range 21E Section 3,
1/4 of NE 1/4 of NE 1/4, Govt. Lot, 1 B.M., County of Blaine

Additional points of diversion if any: T02N, R21E, S03, NWSE, Blaine County; T03N, R21E, S35, SWNW, Blaine
County

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.

Headgates and diversion dam on Muldoon Creek; open ditches to place of use.

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 3.84 or _____

For stockwater purposes from 01/01 to 12/31 amount 0.050 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.89 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
02N	21E	02						4,S											4
02N	21E	03	39,S	11,S	20,S	27,S									11,S	22,S	30,S		160

Total number of acres irrigated 164

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

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

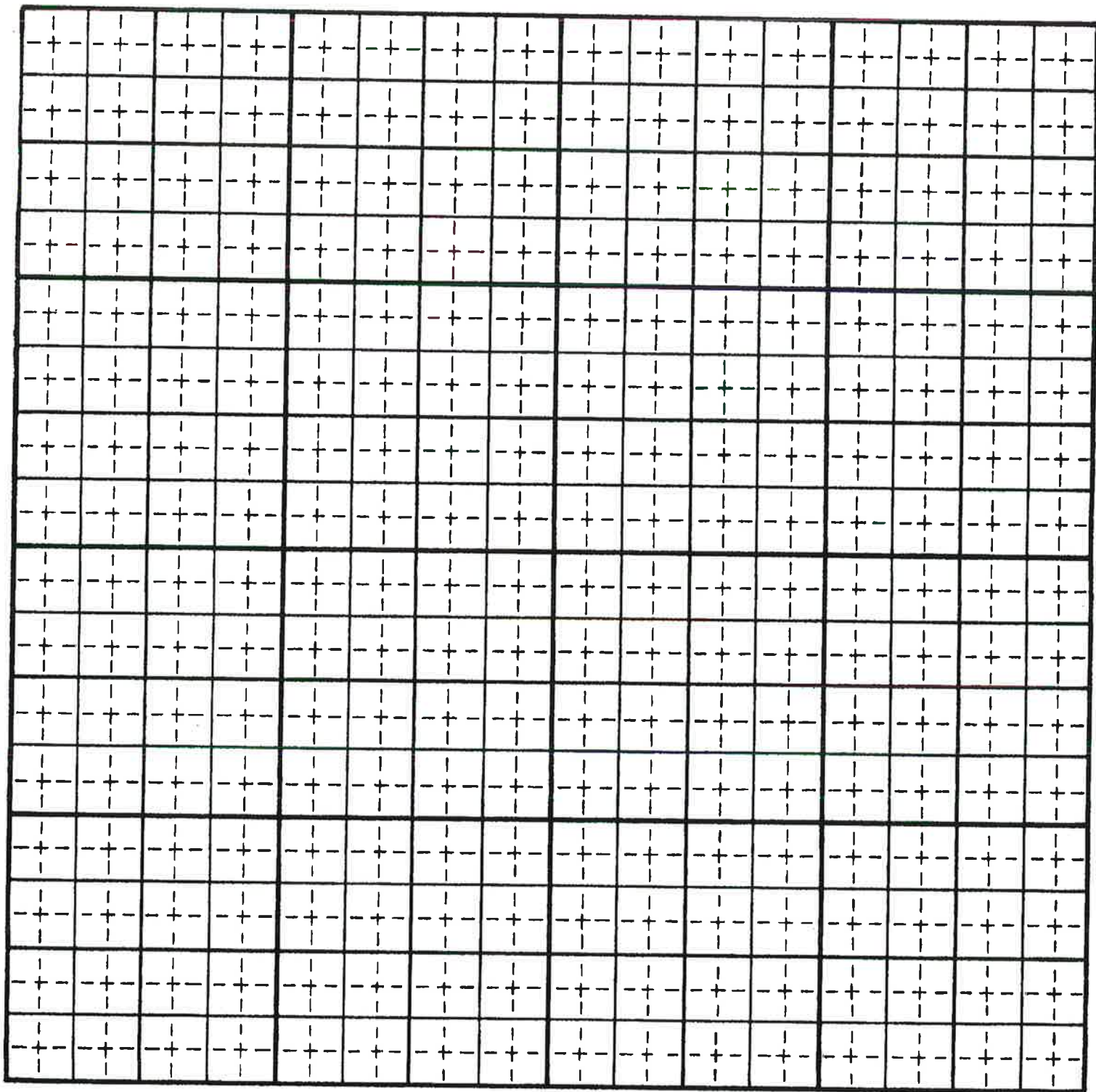
13. Describe any other water rights used at the same place and for the same purposes as described above.
37-01120, 37-01140, 37-21383, and 37-21746 or None ()

14. Remarks:

Last Name Clark Ident No. 37-21746

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 Inches equals 1 mile



Last Name Clark Ident No. 37-21746

Client:1207399.1

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number

37-21746

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)

Paula K. Clark
Dee L. Clark

Date 05-05-2009

Date 05-05-2009

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____

Organization _____

that I have signed the foregoing

document in the space below as _____

Title _____

of _____

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 Blaine)

SS.

Subscribed and sworn (or affirmed) before me this

5

day of

May



Notary Public

Charlotte Westendorf

Residing at

US Bank

My Commission Expires

October 19, 2012

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Andrew J. Walders, 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

AJ Walders

Address Moffatt Thomas, P.O. Box 829, Boise, ID 83701-0829

Date May 11, 2009

Last Name Clark

Ident. Number

37-21746

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 37-21746
Date Received: 4/19/2006
Receipt No: Co 81011
Received By: CB

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

1. Name of Claimant(s)

ANITA K CLARK
PO BOX 229
BELLEVUE ID USA 83313

Phone:

TERRY L CLARK
PO BOX 229
BELLEVUE ID USA 83313

Phone: (208)788-4280

2. Date of Priority: 04/01/1907

3. Source: MULDOON CREEK , MULDOON CREEK , MULDOON CREEK Trib. to: LITTLE WOOD
RIVER , LITTLE WOOD RIVER , LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	21E	3	NE NE	BLAINE	
02N	21E	3	NW SE	BLAINE	
03N	21E	35	SW NW	BLAINE	

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	10/31	2	
STOCKWATER	01/01	12/31	0.05	

7. Total Quantity Appropriated is:
2 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
02N	21E	2	NW	NW	4	IRRIGATION	5
			NW	NW	4	STOCKWATER	
						Section Acres	5
02N	21E	3	NE	NE	1	STOCKWATER	
			NW	NE		STOCKWATER	
			SW	NE		STOCKWATER	
			SE	NE		STOCKWATER	
			SE	SW		STOCKWATER	
			NE	SE		STOCKWATER	
			NW	SE		STOCKWATER	
			SW	SE		STOCKWATER	
			NE	NE	1	IRRIGATION	40
			NW	NE		IRRIGATION	35
			SW	NE		IRRIGATION	35
			SE	NE		IRRIGATION	35
			SE	SW		IRRIGATION	15
			NE	SE		IRRIGATION	25
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
						Section Acres	265
						Total Acres	270

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This claim is for flood water form Muldoon Creek.

15. Basis of Claim: Beneficial Use

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: _____

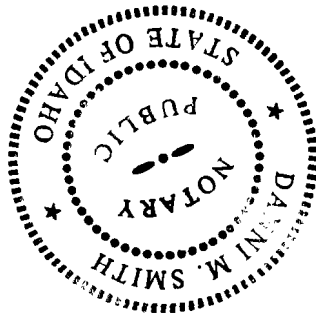
For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Larry L. Clark* Date: 4-19-06
Julia K. Clark 4-19-2006 Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 19th
of APRIL 2006 *Monie M. Smith*



Notary Public
Residing at BOISE ID
My commission Expires 12/05/2006

08/11/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21746

NAME AND ADDRESS: ANITA K CLARK
PO BOX 308
CAREY ID 83320

TERRY L CLARK
PO BOX 308
CAREY ID 83320

VERIFIED BY KKC
9-10-09
ADR Filed 8-28-09

SOURCE: MULDOON CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: ~~2.00~~ 3.890 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/23/1926 ~~04/15/1968~~

POINT OF
DIVERSION:

T02N R21E S3 ~~NWNE~~ Lot 1 Within BLAINE County
T02N R21E S3 ~~NWSE~~ Within BLAINE County
T03N R21E S35 ~~SESWNW~~ Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	~~2.00~~ 3.840 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R21E S02 Lot 4 NWNW	4.00	T02N R21E S03 Lot 1 NENE	39.00
T02N R21E S03 Lot 2 NWNE	11.00	T02N R21E S03 SWNE	20.00
T02N R21E S03 SENE	27.00	T02N R21E S03 NESE	11.00
T02N R21E S03 NWSE	22.00	T02N R21E S03 SWSE	30.00

STOCKWATER in BLAINE County

T02N R21E S02 Lot 4 NWNW		T02N R21E S03 Lot 1 NENE	
T02N R21E S03 Lot 2 NWNE		T02N R21E S03 SWNE	
T02N R21E S03 SENE		T02N R21E S03 NESE	
T02N R21E S03 NWSE		T02N R21E S03 SWSE	

164 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 170 acres in a single irrigation season. Combined Right Nos.: 37-1120, 37-1140, 37-21383, ~~37-21745~~, 37-21746, and 37-21963.

This right is limited to the irrigation of 101 ~~100~~ acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 164 acres in a single irrigation season. Combined Right Nos.: 37-1120, 37-1140, 37-21383, ~~37-21745~~, and 37-21746.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

08/11/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21746

NAME AND ADDRESS: ANITA K CLARK
PO BOX 308
CAREY ID 83320

TERRY L CLARK
PO BOX 308
CAREY ID 83320

SOURCE: MULDOON CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: ~~2.00~~ 3.890 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: ~~01/23/1926~~ 04/15/1968

POINT OF
DIVERSION:

T02N R21E S3 ~~NW~~NENE Lot 1 Within BLAINE County

T02N R21E S3 ~~NW~~SE Within BLAINE County

T03N R21E S35 ~~SE~~SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	~~2.00~~ 3.840 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R21E S02 Lot 4 NWNW	4.00	T02N R21E S03 Lot 1 NENE	39.00
T02N R21E S03 Lot 2 NWNE	11.00	T02N R21E S03	SWNE 20.00
T02N R21E S03	SENE 27.00	T02N R21E S03	NESE 11.00
T02N R21E S03	NWSE 22.00	T02N R21E S03	SWSE 30.00

STOCKWATER in BLAINE County

T02N R21E S02 Lot 4 NWNW	T02N R21E S03 Lot 1 NENE		
T02N R21E S03 Lot 2 NWNE	T02N R21E S03	SWNE	
T02N R21E S03	SENE	T02N R21E S03	NESE
T02N R21E S03	NWSE	T02N R21E S03	SWSE

164 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 170 acres in a single irrigation season. Combined Right Nos.: 37-1120, 37-1140, 37-21383, ~~37-21745~~, 37-21746, and 37-21963.

This right is limited to the irrigation of 101 ~~100~~ acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 164 acres in a single irrigation season. Combined Right Nos.: 37-1120, 37-1140, 37-21383, ~~37-21745~~, and 37-21746.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

12/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21746

NAME AND ADDRESS: ANITA K CLARK
PO BOX 308
CAREY ID 83320

TERRY L CLARK
PO BOX 308
CAREY ID 83320

SOURCE: MULDOON CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 2.000 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/15/1968

POINT OF DIVERSION:

T02N R21E S3 NWNENE Lot 1 Within BLAINE County

T02N R21E S3 NENWSE Within BLAINE County

T03N R21E S35 SESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.000 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R21E S02 Lot 4 NWNW	4.00	T02N R21E S03 Lot 1 NENE	39.00
T02N R21E S03 Lot 2 NWNE	11.00	T02N R21E S03 SWNE	20.00
T02N R21E S03 SENE	27.00	T02N R21E S03 NESE	11.00
T02N R21E S03 NWSE	22.00	T02N R21E S03 SWSE	30.00

STOCKWATER in BLAINE County

T02N R21E S02 Lot 4 NWNW		T02N R21E S03 Lot 1 NENE	
T02N R21E S03 Lot 2 NWNE		T02N R21E S03 SWNE	
T02N R21E S03 SENE		T02N R21E S03 NESE	
T02N R21E S03 NWSE		T02N R21E S03 SWSE	

164 ACRES TOTAL

This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 164 acres in a single irrigation season. Combined Right Nos.: 37-1120, 37-1140, 37-21383, 37-21745, and 37-21746.

The rights listed below are limited to the irrigation of a combined total of 170 acres in a single irrigation season. Combined Right Nos.: 37-1120, 37-1140, 37-21383, 37-21745, 37-21746, and 37-21963.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

12/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Muldoon Creek Ranch

Terry & Anita Clark
P. O. Box 308
Carey, ID 83320
Phone/Fax (208) 788-4280
E-Mail anitaclark@toast.net

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:

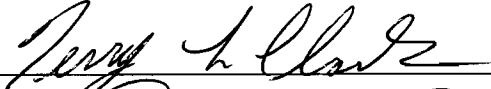
10 Miners inches: #37-1140
05 Miners inches: #37-1119
55 Miners inches: #37-1120

Water as described in document attached beneficial & historic use:

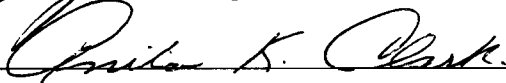
April, 1912 – used the waters of Muldoon Creek in the amount of 100 miner's inches
April, 1930 – used the waters of Muldoon Creek in the amount of 100 miner's inches
April, 1907 – used the waters of Muldoon Creek in the amount of 100 miner's inches

Terry L. and Anita K. Clark

Terry L. Clark



Anita K. Clark

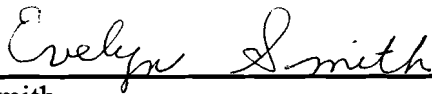


Evelyn Smith
Evelyn Baptie/Smith
Glenns Ferry, Idaho

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

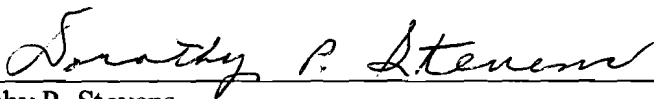
Dorothy P. Stevens
Dorothy P. Baptie / Stevens
9630 8th Street
Bay City, Oregon 97707

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 B. TIE

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.

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 irrigation of the hydrobia sections of the NE $\frac{1}{4}$ of said 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.

[REDACTED]

NA

[REDACTED]

(d) 100 miners inches with priority of April 1, 1912, for use upon $N\frac{1}{2}SE\frac{1}{4}$, $SW\frac{1}{2}SE\frac{1}{4}$, 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;

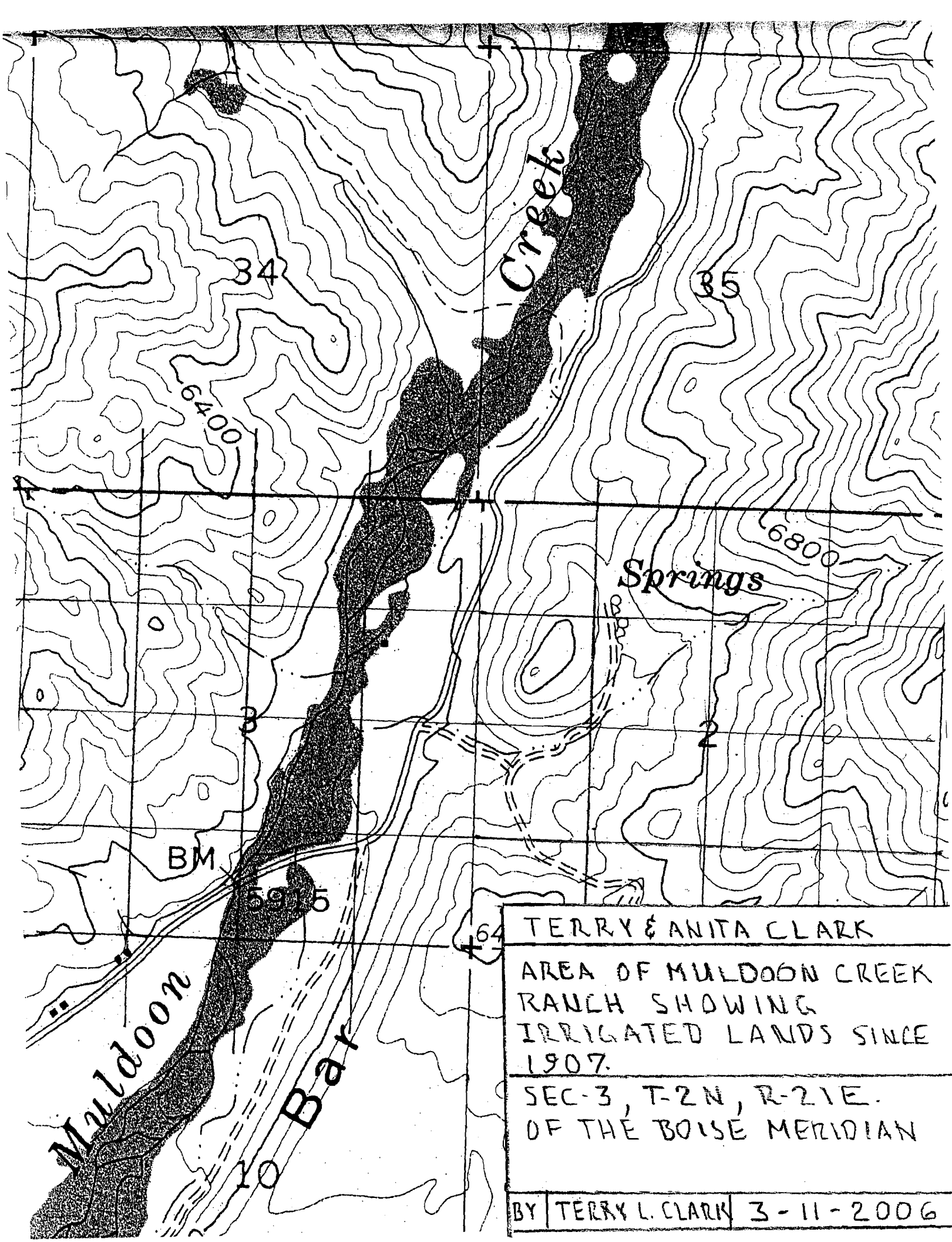
(g) For such other and further relief as to the court shall seem just and equitable in the premises.

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