

RECEIVED

SEP 22 2008



DEPARTMENT OF
WATER RESOURCES

Robertson & Slette, p.l.l.c.

ATTORNEYS AT LAW

J. EVAN ROBERTSON
GARY D. SLETTE

Robin L. Moore, PLS - Paralegal

134 Third Avenue East
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 933-0700
FAX (208) 933-0701

GARY D. SLETTE
gslette@rsidaholaw.com

September 18, 2008.

COPY

Andrew J. Waldera
Attorney at Law
P.O. Box 829
Boise, ID 83701-0829

RE: Muldoon Ranch Co., LLC / Clark

Dear Andy:

In accordance with our discussions at today's Initial Hearing, I am providing you with the following information:

1. Brockway Engineering Memorandum dated December 28, 2006.
2. IDWR Memorandum dated August 3, 2007.
3. IDWR Memorandum dated September 17, 2007.
4. IDWR Memorandum dated September 20, 2007.

If you need any additional information, please contact me at your convenience.

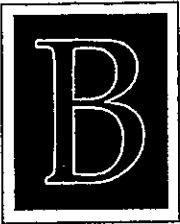
Yours truly,

GARY D. SLETTE

GDS:rlm

Encls.

cc: Carter Fritschle (w/encls)
Muldoon Ranch Co., LLC (w/o encls)
rlm\gds\letter\waldera



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

COPY

December 28, 2006

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

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

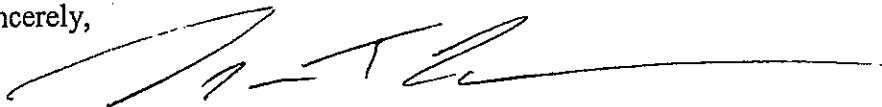
208•736•8543

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,



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

Date: 12/27/06

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: Date

Water right number 37-22012

Name Muldoon Ranch Co. LLC
Address c/o Arlen Crouch
Address Line 2 370 E 500 N
City, State Zip Jerome, ID 83338
Telephone Number (208) 324-3117

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

This right should not be limited to 13,000 gallons per day.

2. Describe the changes you wish to make in the proposed recommendation:

The right was decreed prior to the adjudication with a flow rate of 0.12 cfs; therefore, the basis of this right should not be based on a beneficial use claim and should not be considered as a diminimis right.

3. Give a brief explanation as to why you disagree with these portions:

The right was decreed prior to the adjudication with a flow rate of 0.12 cfs; therefore, the basis of this right should not be based on a beneficial use claim and should not be considered as a diminimis right.

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/27/06

SIGNATURE: _____

Please print your name:

ARLEN B CROUCH

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Due to the extremely short period for review and reply, and the considerable number of related preliminary recommendations currently under review by our firm, the undersigned must categorically object to, and disagree with, any and all portions of the recommendation which may be contrary to, or inconsistent with, the claim which has been filed for the above-referenced water right.

Date: 12/27/06

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: Date

Water right number 37-20554

Name Muldoon Ranch Co. LLC
Address c/o Arlen Crouch
Address Line 2 370 E 500 N
City, State Zip Jerome, ID 83338
Telephone Number (208) 324-3117

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source) :

Priority Date

2. Describe the changes you wish to make in the proposed recommendation:

The priority date should be at least 04/15/1935.

3. Give a brief explanation as to why you disagree with these portions:

The stream channel for Spring Creek intersects the Muldoon Ditch System. The Muldoon Ditch was constructed in 1919 (see attached); therefore, should actually be for this date. However, since the claim did not state this date the claimed date should at least be approved, since it was definitely utilized at this date. The water from Spring Creek is diverted into the Muldoon ditch system and is diverted into a series of other ditches on the property (see attached map).

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/27/06

SIGNATURE: *Arlen B. Crouch*
ARLEN B. CROUCH

Please print your name:

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Due to the extremely short period for review and reply, and the considerable number of related preliminary recommendations currently under review by our firm, the undersigned must categorically object to, and disagree with, any and all portions of the recommendation which may be contrary to, or inconsistent with, the claim which has been filed for the above-referenced water right.

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:

- 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
			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) By Mulgown Ranch CO LLC Date Dec 28, 2006

_____ 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 _____)

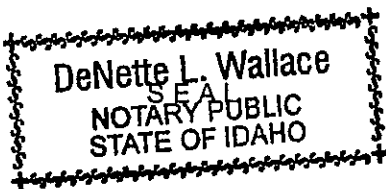
County of Min Falls) ss.

Subscribed and sworn (or affirmed) before me this 28th day of December, 2006

Notary Public DeNette L. Wallace

Residing at Min 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 _____

Amended Claim 37-2007

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

- 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
- Date of Priority (Only one (1) per claim) 08/28/1904
- Source of water supply (a) Muldoon Creek
which is tributary to (b) Little Wood River
- a. Location of existing point of diversion is: Township 02N Range 21E Section 03,
NE 1/4 of NW 1/4 of SE 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 _____
- 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.

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 0.80 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) 0.80 (cfs) and / or (b) _____ (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:

- 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
			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 40 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 37-2007

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) by Muddison Ranch LLC Date Dec 28, 2006
Peter E. Grouche Date _____

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

Of _____, that I have signed the foregoing
Organization

Document in the space below as _____ of _____
Title Organization

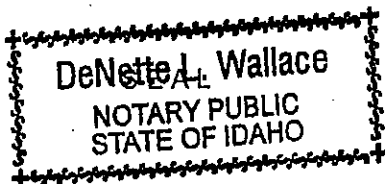
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho / or _____)
County of Miner Falls) ss.

Subscribed and sworn (or affirmed) before me this 28th day of December, 2006
Notary Public DeNette L. Wallace
Residing at Miner Falls, ID
My Commission Expires 8/10/2012



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 _____

Amended Claim 37-20544

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

- 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
- Date of Priority (Only one (1) per claim) 06/01/1919
- Source of water supply (a) Spring Creek & Unnamed Streams
which is tributary to (b) Little Wood River
- a. Location of existing point of diversion is: Township 02N Range 21E Section 08,
NW 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Blaine
Additional points of diversion if any: (Spring Creek) and various small drainages that intersect the Muldoon
Ranch Ditch
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 _____
- 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, 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.

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 5.00 or 1000

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.00 (cfs) and / or (b) 1000 (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.) _____

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
			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 736 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 37-20544

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) *Myildoon Ranch LLC*
Robert G. Kroeder

Date *Dec 28, 2006*

Date _____

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

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 _____

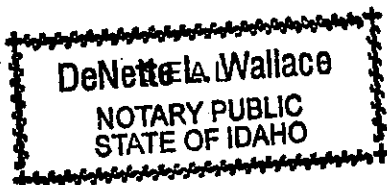
State of Idaho / or _____)
County of *Min Falls*) ss.
_____)

Subscribed and sworn (or affirmed) before me this *28th* day of *December*, 20*06*

Notary Public *DeNetta A. Wallace*

Residing at *Min Falls, ID*

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 _____

Idaho Department of Water Resources Receipt

Receipt ID S029148

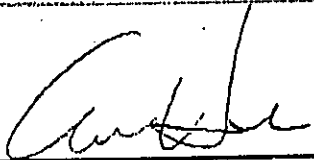
Payment Amount	\$300.00	Date Received	12/28/2006 7:52:37 AM	Region	Southern	Status	
Payment Type	Check	Check Number	6784				

Payer BROCKWAY ENGINEERING PLLC

Comment SRBA FILING FEE 37-22015, 37-22014, 37-2010

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$300.00	ADJUDICATION FILING FEE	0337	44503	1155	


Signature Line (Dept. Representative)**RECEIVED**

DEC 28 2006

MEMORANDUM

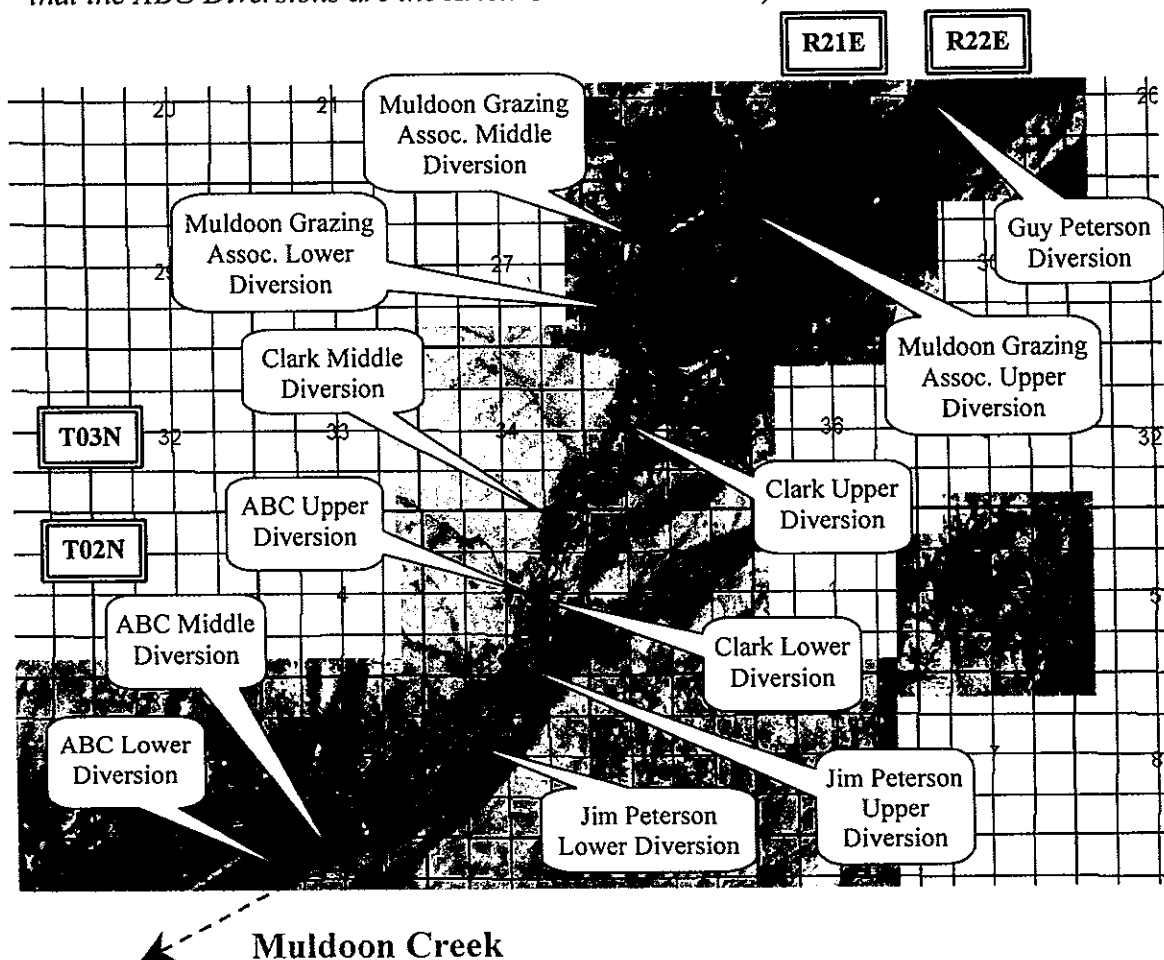
TO: Muldoon Creek Water District (37-O) File

FROM: Corey Skinner

DATE: August 3, 2007

SUBJECT: Field Visit

Monday, July 30th, Jeff Cooper and I traveled to Muldoon Creek to investigate several diversions related to an apparent complaint involving diversions of water from Muldoon Creek by Guy Peterson and available water to Muldoon Ranch Co (Arlen Crouch), previously ABC Agra. In previous years, similar types of complaints have been made. The Department issued an order in 2003 requiring installation of measuring devices and control works to the various water users on Muldoon Creek. In 2004, a detailed memo was prepared documenting the various diversions on Muldoon Creek relating to their degree(s) of compliance with the Department's 2003 order (see September 23, 2004 memo in Water District 37-O file). The following map was included as part of that particular memo, and is included in this memo for location reference (*note that the ABC Diversions are the Arlen Crouch diversions*)...



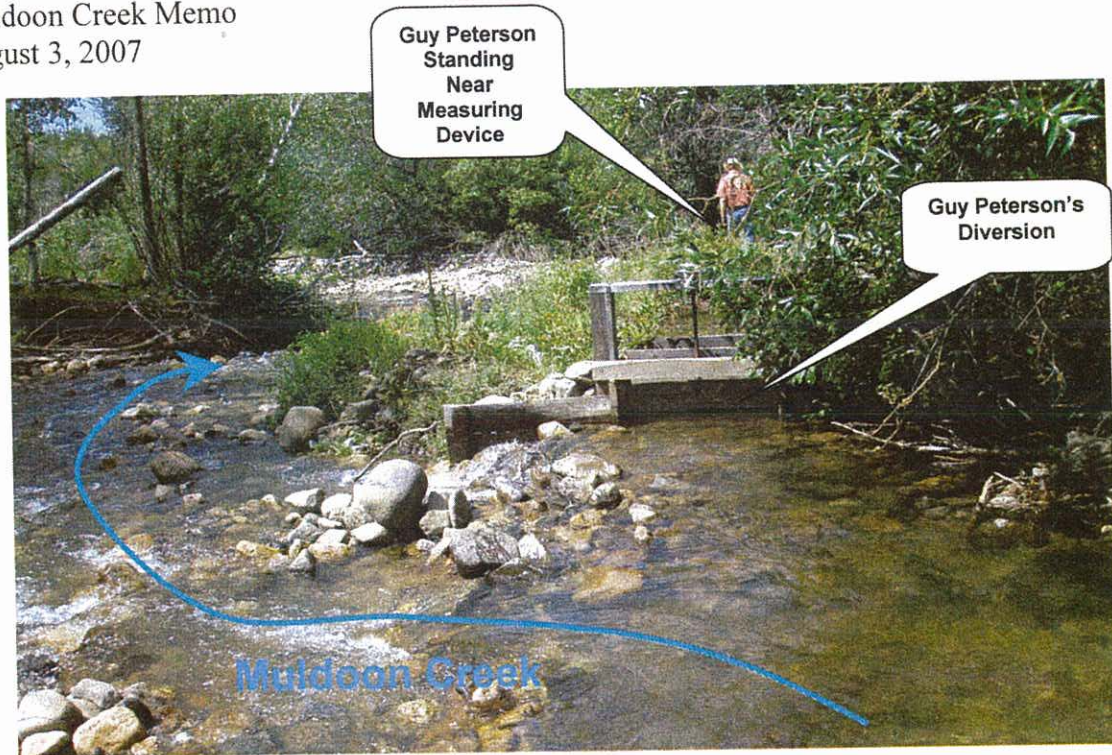
Upon arriving in the Muldoon Creek valley, Jeff and I stopped at Jim Peterson's (the Muldoon Creek water master) house. Guy Peterson was at the house also. Jeff and I, Jim Peterson, Jim Peterson's wife, and Guy Peterson proceeded to visit several diversions on Muldoon Creek.

A small amount of flow was observed to be flowing through Guy Peterson's diversion as shown in the following photo(s). The head over Guy Peterson's 3.0-foot Cipolletti weir varied from 0.02 to 0.05 feet, due to the weir plate not being entirely level. Note that a 0.05 foot head reading over a 3.0 foot Cipolletti weir is not even listed in the Cipolletti weir table in the Bureau of Reclamation water measurement manual. The lowest head reading in this particular table shows that a 0.20 head reading over a 3.0 foot Cipolletti weir corresponds to a flow of 0.903 cfs. A small amount of water (estimated at no more than what was flowing over the weir) was also observed flowing around &/or under the weir structure. It was noted that there were water stains on the weir structure indicating that higher flows had been diverted through the weir structure. The Petersons indicated that there was a recent thunderstorm higher up the Muldoon Creek Canyon that had washed water and debris down the stream. There was visible evidence in the area around the weir structure indicating that relatively recent higher creek flows had run around the structure.

After observing Guy Peterson's diversion, we then proceeded on down the Muldoon Creek Canyon. While driving by Guy Peterson's place, Jeff and I noted that more water in Guy Peterson's ditch than what was just observed flowing through his authorized diversion and measuring device. Jeff and I estimated that there was just over one cfs of flow through the ditch in the SESWNW of Section 24 (T03N, R21E). Note that this particular location is over a mile down the ditch from Guy Peterson's diversion, which was just observed to be diverting a rather minute amount of water.

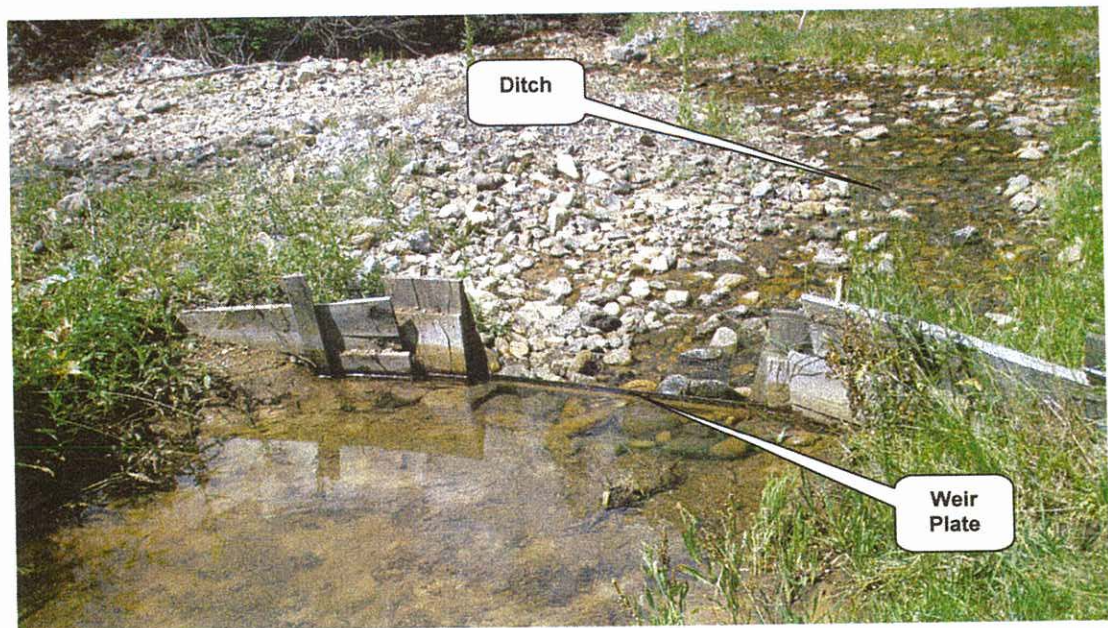
At the next stop to view another diversion, Guy Peterson indicated that there was some debris in the creek downstream of his diversion that might be contributing to the flow in his ditch. Later in the afternoon, after viewing other diversions, we returned to Guy Peterson's diversion and walked some distance downstream. It was observed that Muldoon Creek consisted of several braided channels with lots of cobble, woody debris, and dense vegetation growth downstream of Guy Peterson's diversion. It was observed that several streams were running the general direction of Guy Peterson's ditch below his diversion and his ditch could be considered a "gaining ditch". It was estimated that about 2.2 cfs was flowing through one particular section of his upper ditch. It was also noted that another lower ditch appeared to run across his pasture at a lower elevation contour than his upper ditch around his pasture. Note that this lower ditch was also conveying water from the Muldoon Creek Canyon bottom and is visible on the 2004 NAIP aerial photography.

The following photos document observations of Guy Peterson's diversion...



ABOVE: View of Guy Peterson's diversion. This is an authorized diversion for recommendation 37-1143 (2.8 cfs with 05/01/1910 priority) and recommendations 37-22107 and 37-22108 (totaling 1.88 cfs with 10/31/1966 priority).

BELOW: View looking downstream through Guy Peterson's measuring device. Note water stains on boards adjacent to weir indicating higher flows through measuring device in the past. Also note the relative amount of water in the ditch below the measuring device.





ABOVE: View looking upstream through Guy Peterson's measuring device (3.0 foot Cipolletti weir). The head over the weir varied from 0.02 to 0.05 feet, due to the weir plate not being entirely level

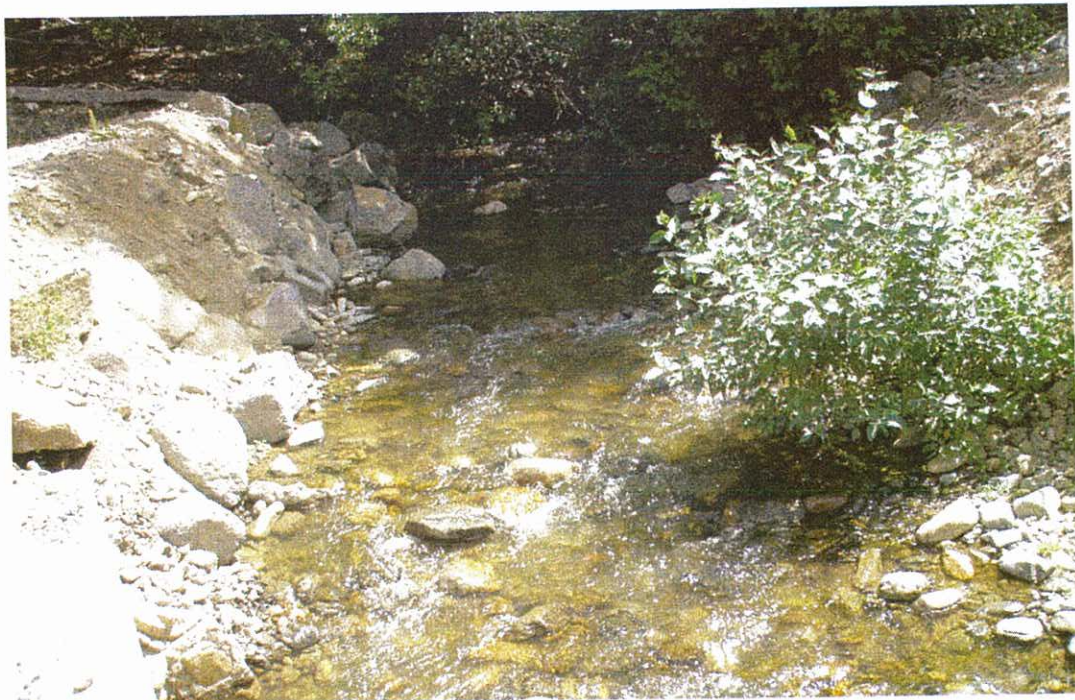
BELOW: View looking up Guy Peterson's ditch in the SESWNW of Section 24 (T03N, R21E) over one mile below his diversion. It was estimated that just over one cfs was flowing through this section of the ditch.





ABOVE: View looking up Guy Peterson's ditch in the NESE of Section 24 (T03N, R21E) over a quarter mile below his diversion. It was estimated that around 2.2 cfs was flowing through this section of the ditch.

BELOW: View looking up Muldoon Creek from the bridge crossing located in the NENE of Section 26 (T03N, R21E) approximately 1.4 miles below Guy Peterson's diversion.



During Monday's visit we also visited Muldoon Ranch Company's (Arlen Crouch's) middle diversion on Muldoon Creek located within the SENENW of Section 16 (T02N, R21E). It was observed that they were diverting all of the flow from Muldoon Creek at this particular location, so Muldoon Ranch Company's lower diversion was not visited. The head over Muldoon Ranch Company's 2.5-foot Cipolletti weir was measured at 0.42 feet. This would correspond to approximately 2.29 cfs of flow through the measuring device. However, it should be noted that the measuring device location on the ditch is approximately 0.2 mile downstream of the actual diversion from Muldoon Creek. It seems reasonable that some sort of loss in the ditch exists between the diversion point and the measuring point, so the actual diversion may be larger than what was measured. In addition, examination of the actual diversion point revealed that the diversion had no control works (lockable gate), which raises a question on whether or not the diversion is in compliance with the Department's 2003 order requiring the installation of control works and measuring devices on Muldoon Creek diversions.

Examination of the Department's SRBA recommendations reveals that the Muldoon Ranch Company's middle diversion is listed as a diversion on three recommendations, 37-1046C, 37-1142, and 37-2243A. Recommendation 37-1046C, with a priority date of 04/01/1885, allows for the diversion of 1.51 cfs of water from Muldoon Creek. However, note that the Muldoon Ranch Company's upper diversion point (NENWSE Section 3, T02N, R21E) is also listed as an authorized diversion point for this particular recommendation (no more than a total of 1.51 cfs can be diverted from both diversions under this recommendation). Recommendation 37-1142, with a priority date of 05/15/1910, allows for the diversion of 2.00 cfs of water from Muldoon Creek. However, note that the Muldoon Ranch Company's lower diversion point (SENWNW Section 16, T02N, R21E) is also listed as an authorized diversion point for this particular recommendation (no more than a total of 2.00 cfs can be diverted from both diversions under this recommendation). Recommendation 37-2243A, with a priority date of 08/08/1912, allows for the redirection of wastewater from the Muldoon Creek channel from the Muldoon Ranch Company's upper, middle, and/or lower diversions. However, note that there may be issues with the actual point of diversion and point of injection, and perhaps the exact source of water, on this particular recommendation.

The following photos document observations relating to Muldoon Ranch Company's middle diversion ...



LEFT: View of the Muldoon Ranch Company's middle diversion showing all of the flow in Muldoon Creek being diverted through this diversion. Also note that the head gate structure is not installed and that the actual diversion is uncontrolled.

BELOW: View looking downstream through the Muldoon Ranch Company's middle diversion ditch showing the uncontrolled diversion.





ABOVE: View of the measuring device (2.5 foot Cipolletti weir) on the Muldoon Ranch Company's middle diversion ditch. The head over the weir was measured at 0.42 feet, which would correspond to 2.29 cfs of flow. However, note that this device is located approximately 0.20 mile downstream of the Muldoon Ranch Company's middle diversion on Muldoon Creek.

We also visited Muldoon Ranch Company's (Arlen Crouch's) upper diversion on Muldoon Creek located within the NENWSE Section 3, T02N, R21E. The head over Muldoon Ranch Company's two 3.5-foot rectangular weirs was measured at 0.30 feet. This would correspond to approximately 3.8 cfs of flow through the measuring device. Examination of the diversion works at this location revealed that there is still an uncontrolled channel from Muldoon Creek leading to the Muldoon Ranch Company's upper diversion ditch (*see page 10 of 9/23/2004 inspection memo in IDWR files for photos of this location*). This raises a question on whether or not the diversion is in compliance with the Department's 2003 order requiring the installation of control works and measuring devices on Muldoon Creek diversions.

The following photos document observations relating to Muldoon Ranch Company's upper diversion ...



ABOVE: View of the measuring device (two 3.5 foot rectangular weirs) on the Muldoon Ranch Company's upper diversion ditch. The head over the weirs was measured at 0.30 feet, which would correspond to approximately 3.8 cfs of flow. Department records show 13 different recommendations, in the names of various parties with priority dates ranging from 4/1/1884 to 12/18/1967, that list the Muldoon Ranch Company's upper diversion as an authorized diversion.

BELOW: View looking up Muldoon Creek showing the flow in the creek directly downstream of the Muldoon Ranch Company's upper diversion.



During Monday's visit we also visited Jim Peterson's upper diversion on Muldoon Creek located within the SESESW of Section 3 (T02N, R21E). Jim Peterson has two diversion points from Muldoon Creek located between Muldoon Ranch Company's (Arlen Crouch's) upper and middle diversion points on Muldoon Creek. SRBA recommendations 37-99 (2.2 cfs with 04/01/1884 priority) and 37-1141 (2.2 cfs with 04/07/1884 priority) list both of Jim Peterson's diversions as authorized diversion points from Muldoon Creek. Jim Peterson indicated that he was taking all of his water out of his upper diversion, and was not taking any water out of his lower diversion. The head on the 1.0-foot Parshall flume that serves as the measuring device for Jim Peterson's upper diversion was measured at 1.0 foot, which would correspond to a flow of approximately 3.95 cfs. The following photo shows the flow through the measuring device on Jim Peterson's upper diversion ditch....



MEMORANDUM

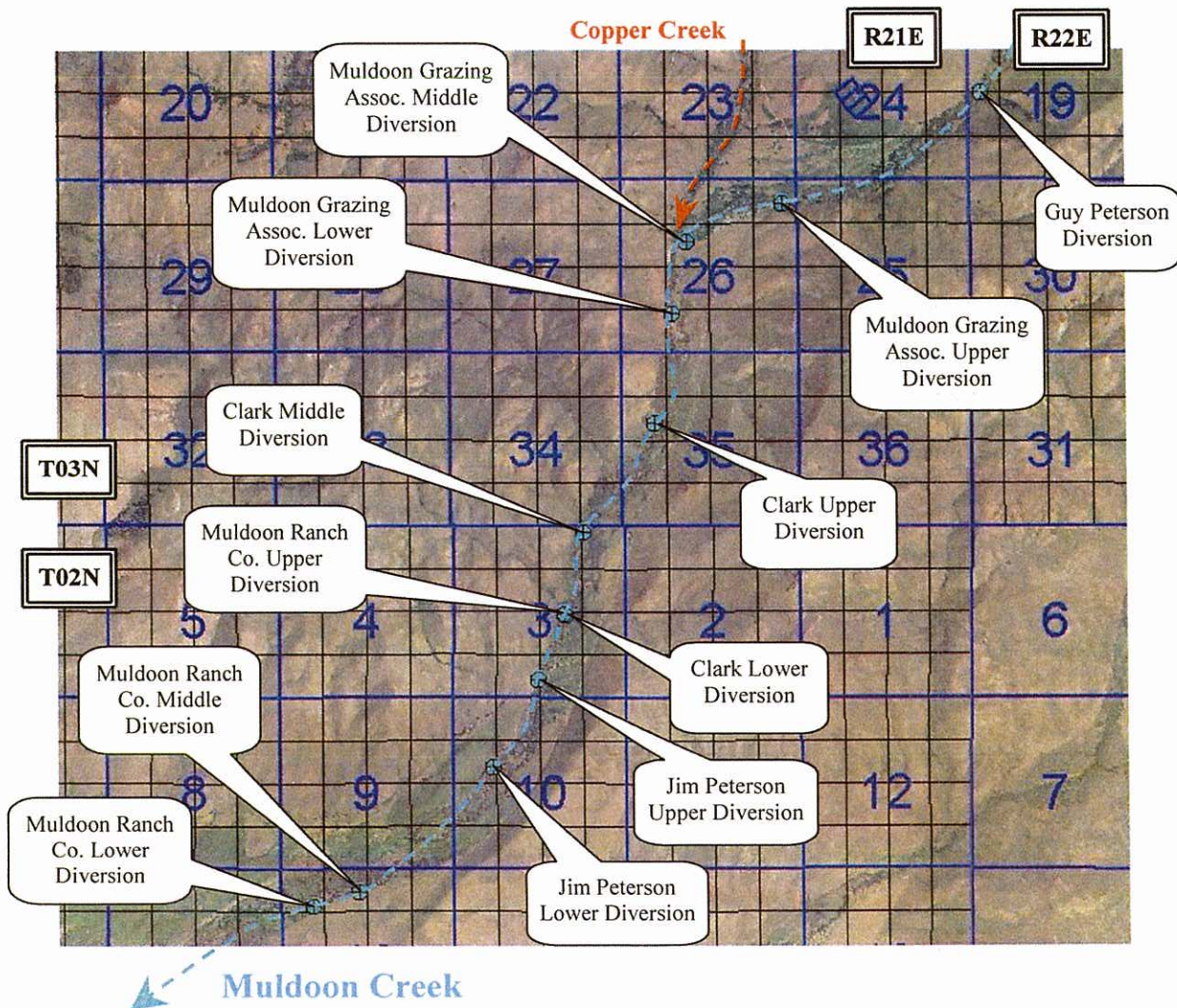
TO: Muldoon Creek Water District (37-O) File

FROM: Corey Skinner

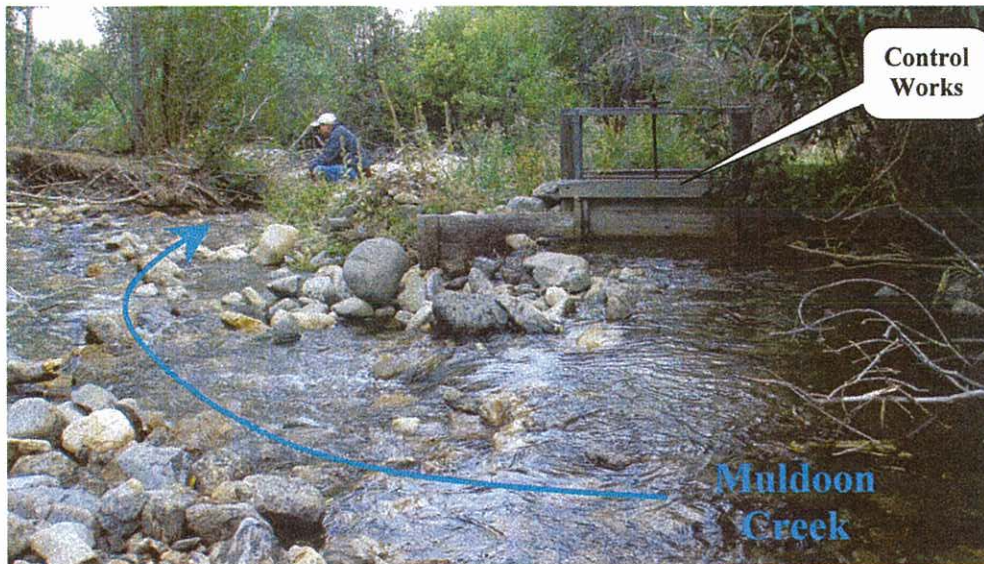
DATE: September 17, 2007

SUBJECT: Field Visit and Inventory of Diversions

On September 5th and 6th, Jeff Cooper and I visited the Muldoon Creek area as a follow up to the August 10th water call filed by Gary Slette on behalf of his client, Muldoon Ranch Co LLC, and the August 16th response from IDWR (e-mail from Tim Luke). As part of our visit an inventory of the 12 diversions identified in the September 23, 2004 memo was conducted. Note that the September 23, 2004 memo detailed an inventory of the diversions and was prepared as a follow up to the Department's October 2003 order requiring the installation of control works and measuring devices. The following map provides an overview of the area and the locations of the various diversions detailed in the following pages of this memo....

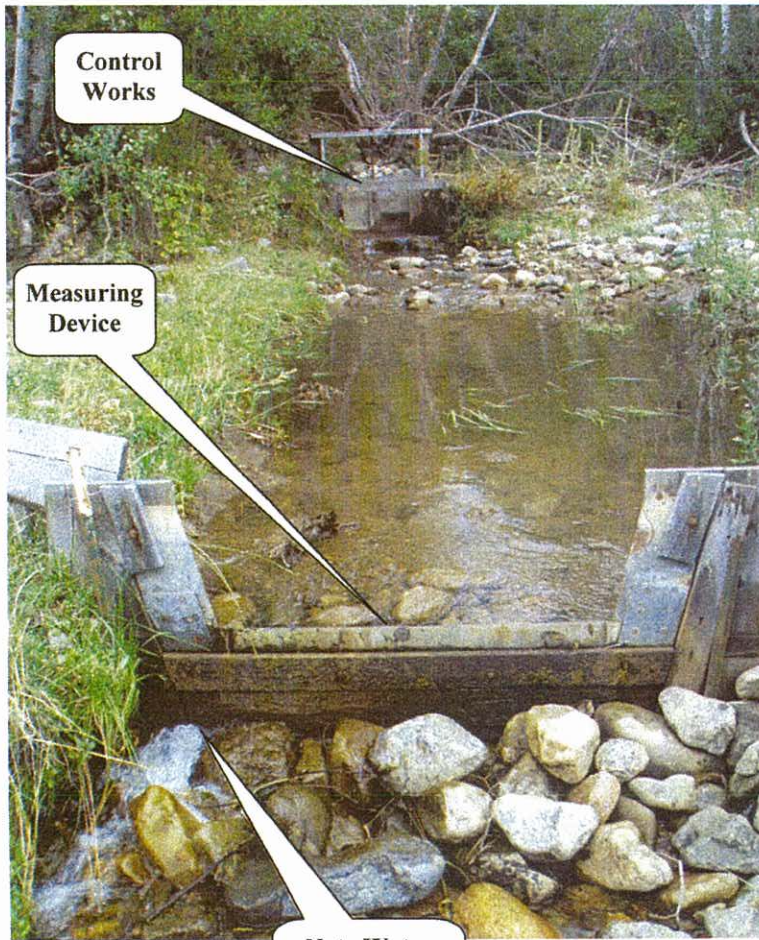


Guy Peterson Diversion



Control Works

Muldoon Creek



Control Works

Measuring Device

Note Water Flowing Under Device

ABOVE: View on 9/5/2007 looking down Muldoon Creek at Guy Peterson's diversion (Site Tag #A0011848) with the control works visible at the head of Guy Peterson's ditch. The control works consist of a wooden gate structure with wooden gate and metal gate stem.

LEFT: View on 9/5/2007 looking up Guy Peterson's ditch through the measuring device towards the control works. Measuring device consists of a 3.0 foot Cipoletti weir (metal blade in wood structure). No staff gage was present for the measuring device. Note the water leaking under the measuring device with no flow over the weir blade on the measuring device. It was also observed that Guy Peterson's ditch(es) have significantly more water flowing through them than what is being diverted at this location. During the middle of the day on September 5th, it was noted that water was flowing over the weir blade at an approximate depth of 2 inches (less than 1.0 cfs total), later that day (when this picture was taken) no water was observed to be flowing over the weir blade. During the middle of the day on September 6th, it was observed that once again water was flowing over the weir blade at an approximate depth of 2 inches (less than 1.0 cfs total).

Muldoon Grazing Assoc. Upper Diversion

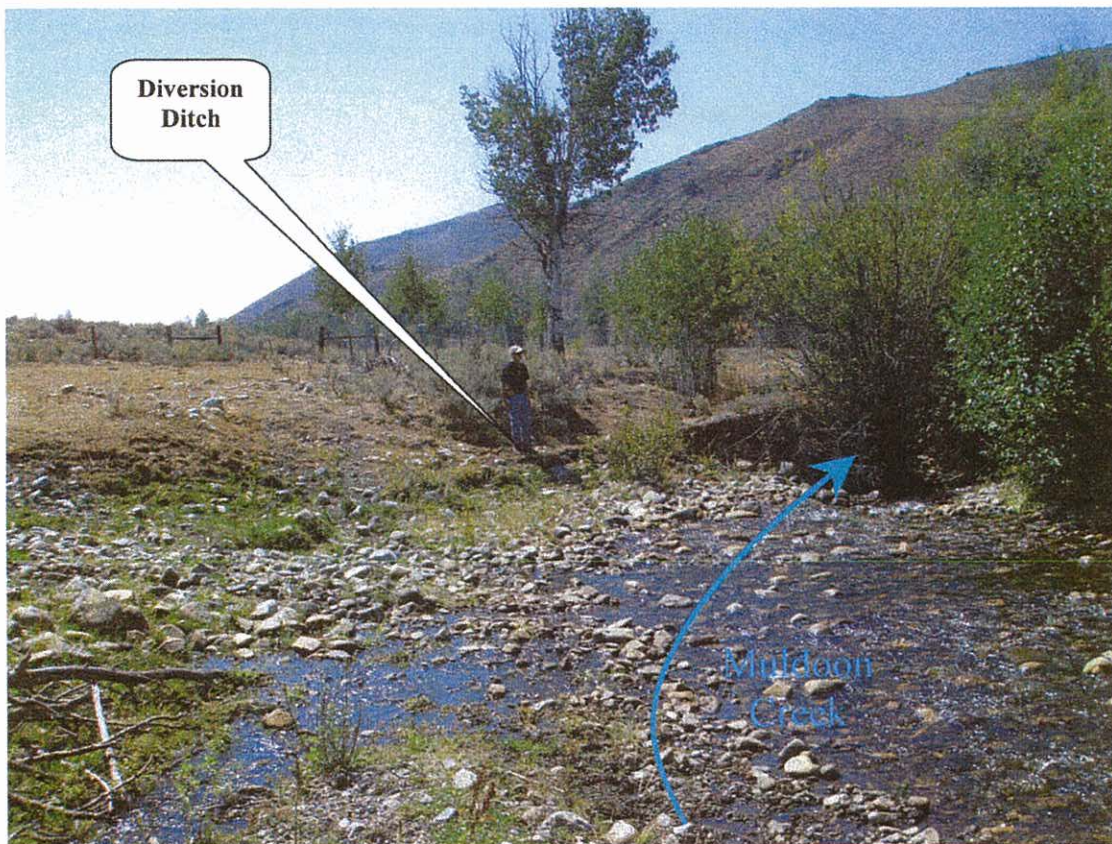


LEFT: View on 9/5/2007 looking at the Muldoon Grazing Association's upper diversion (Site Tag #A0011847) with the control works visible at the head of the ditch. The control works consist of a wooden gate structure with wooden gate and metal gate stem. Note that no water was being diverted when the picture was taken.

BELOW: View on 9/5/2007 further down the Muldoon Grazing Association's upper diversion ditch showing the location of the measuring device. The measuring device consists of a 3.0-foot rectangular weir. There is no metal blade in the wood structure and I do not recall noting a staff gage being present on the measuring device. Also note that the location of the measuring device has been moved slightly downstream from where it was located during the September 2004 investigation.

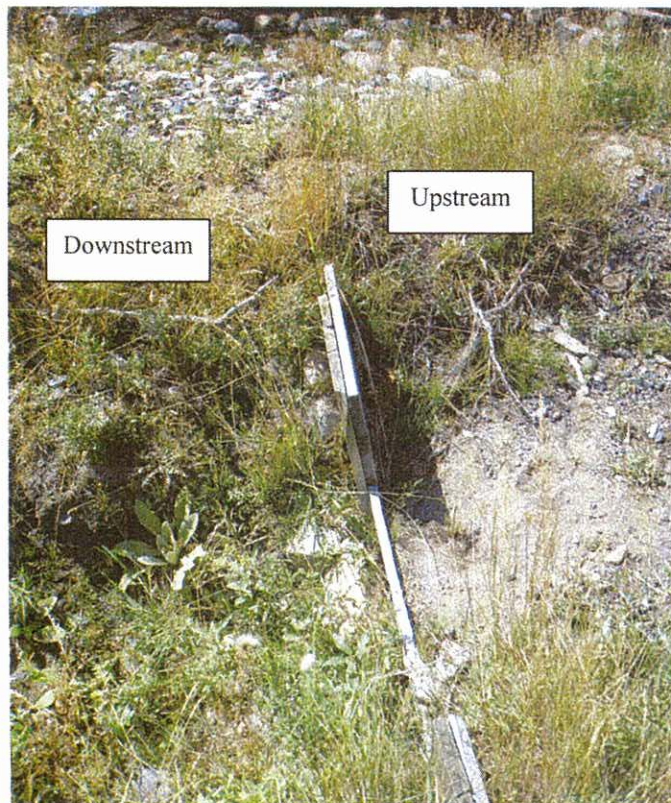
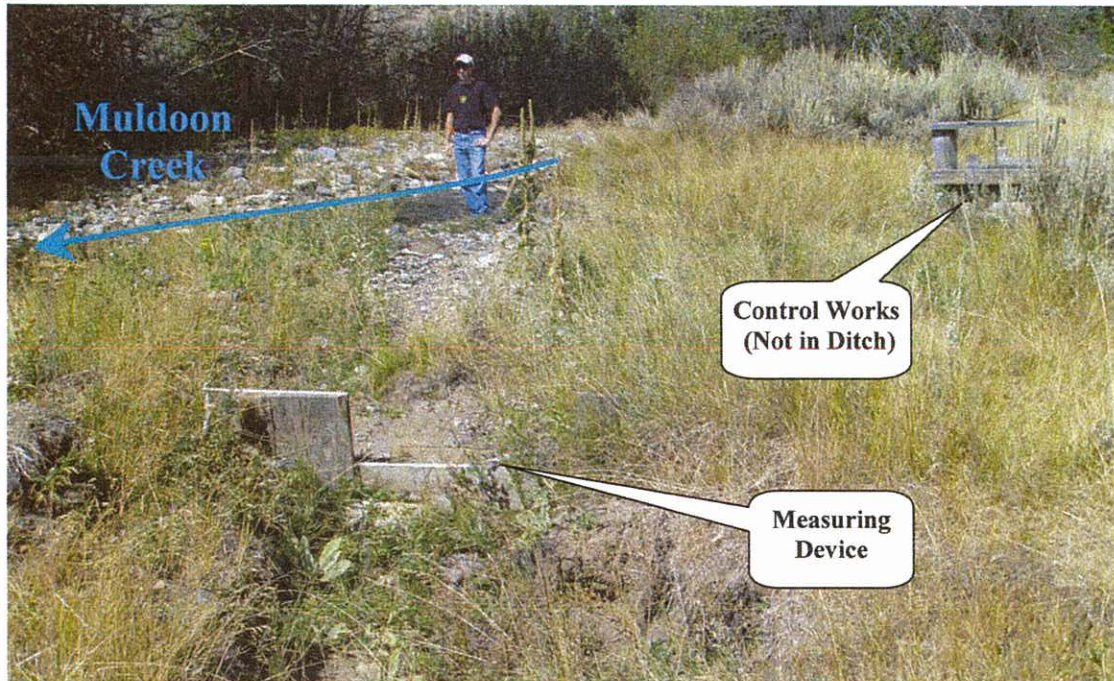


Muldoon Grazing Assoc. Middle Diversion



ABOVE: View on 9/6/2007 looking at the Muldoon Grazing Association's middle diversion. Note the relative height of the ditch in relation to the creek, the lack of control works and measuring device and the general appearance that appears to indicate lack of recent use of this diversion. Sagebrush was growing in the bottom of the ditch indicating lack of recent use of this particular diversion and ditch.

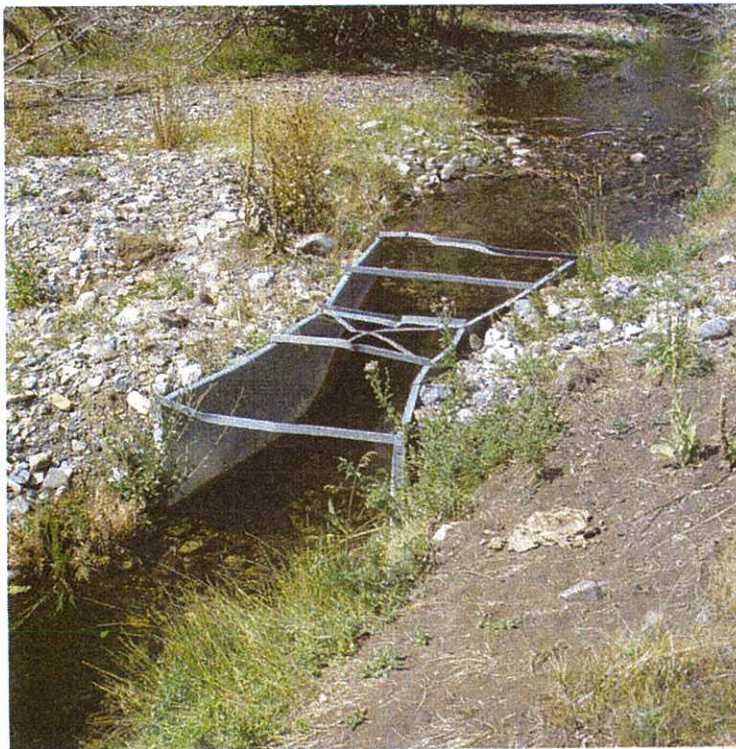
Muldoon Grazing Assoc. Lower Diversion



ABOVE: View on 9/6/2007 looking at the Muldoon Grazing Association's lower diversion (Site Tag #A0011849). Jeff is standing at the head of the diversion ditch. Note that the control works (wooden gate structure with wooden gate and metal gate stem) have been removed from the ditch and the ditch is full of sediment and gravel.

LEFT: View on 9/6/2007 showing the measuring device on the Muldoon Grazing Association's lower diversion ditch. The measuring device consists of a 3.0-foot rectangular weir. Note the sediment and gravel accumulated upstream of the device. No metal weir blade exists in the wood structure and a staff gage is not present.

Clark Upper Diversion



ABOVE: View on 9/6/2007 looking at the Clark upper diversion (Site Tag #A0011846) with the control works visible at the head of the ditch. The control works consist of a metal slide gate structure. Holes exist on the edge of the metal slide gate that would allow the gate to be locked in various positions to regulate the flow through the diversion. Note that water was being diverted when the picture was taken.

LEFT: View on 9/6/2007 further down the Clark upper diversion ditch showing the measuring device. The measuring device consists of a 2.5-foot Parshall flume. When the picture was taken, the head through the device was 0.31 feet, which would correspond to about 1.60 cfs of flow.

Clark Middle Diversion

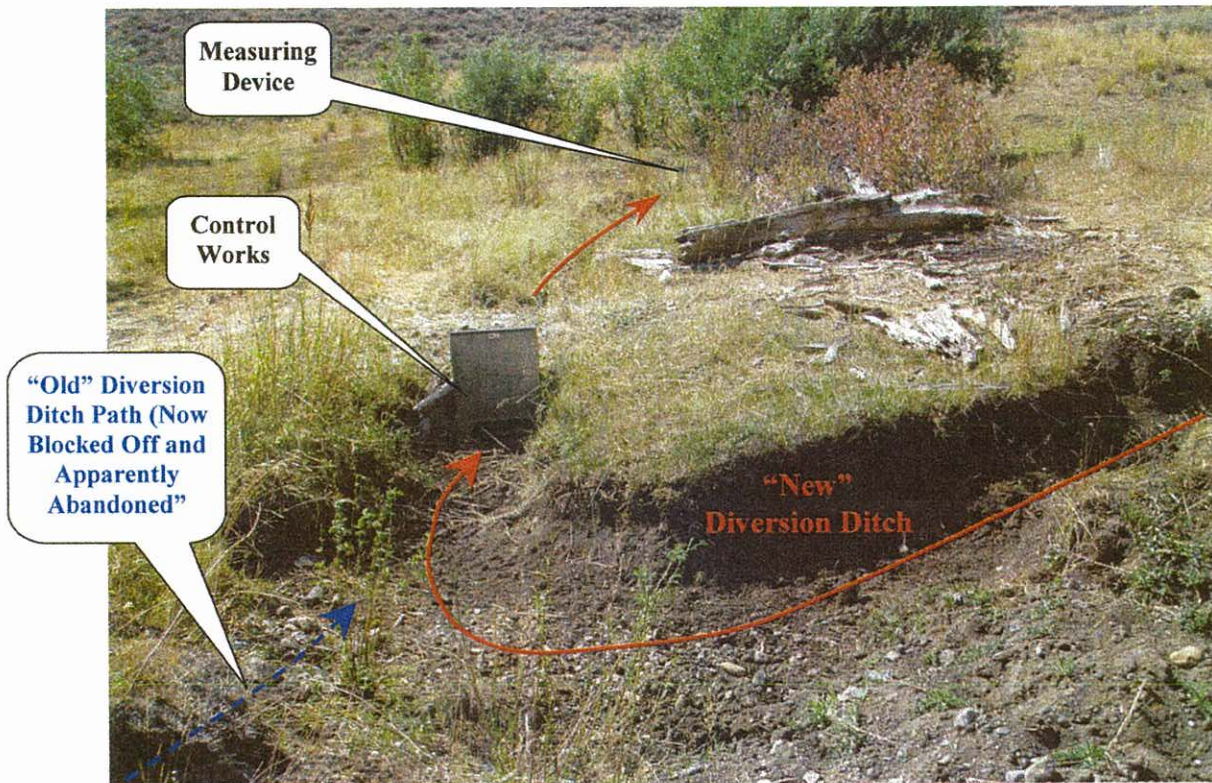


ABOVE: View on 9/6/2007 looking down Muldoon Creek with Jeff standing at the head of the Clark middle diversion at the location observed in September 2004. Fill material had been placed in the Clark middle diversion ditch (just downstream of Jeff) essentially blocking off this particular ditch.

BELOW: View on 9/6/2007 looking down Muldoon Creek approximately 200 feet upstream of the location shown in the view above showing what is now the Clark middle diversion showing diversion ditch on the right (west) side of Muldoon Creek. A metal slide gate structure (control works) is present on the ditch about 200 feet downstream of this location (see photo on next page).



Clark Middle Diversion

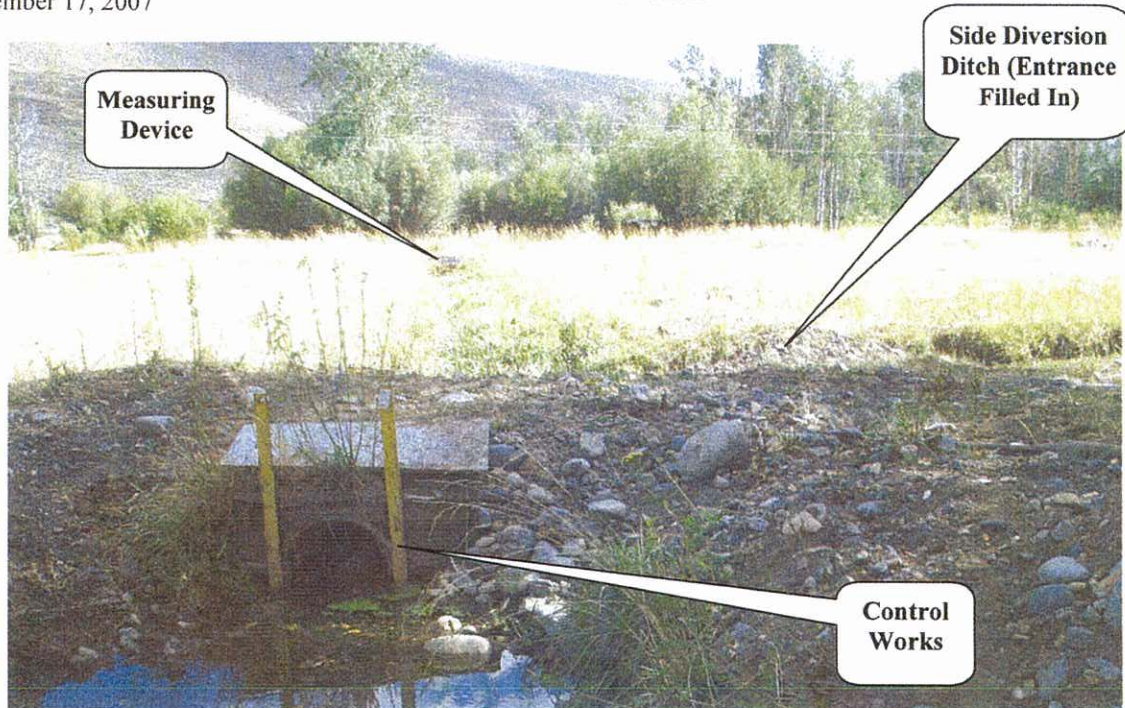


ABOVE: View on 9/6/2007 showing the control works (metal slide gate structure) on the Clark middle diversion ditch. This view location is about 200 feet downstream of the head of the “new” Clark middle diversion ditch (2nd view on previous page). Fill material had been placed in the “old” Clark middle diversion ditch upstream of this location essentially blocking off the old ditch so that only water from the “new” diversion can reach the location shown in this view. The approximate location of the measuring device (shown in view below) is indicated. Note that during the September 2004 inspection, no control works or measuring device was present at the Clark middle diversion.



LEFT: View on 9/6/2007 of measuring device (2.0-foot Parshall flume) located on the Clark middle diversion ditch. A staff gauge was located on the device. There may be some concern with the overall installation of this particular device. It appeared that the installation of the flume was not level, with the flume sloping towards the downstream end.

Clark Lower Diversion

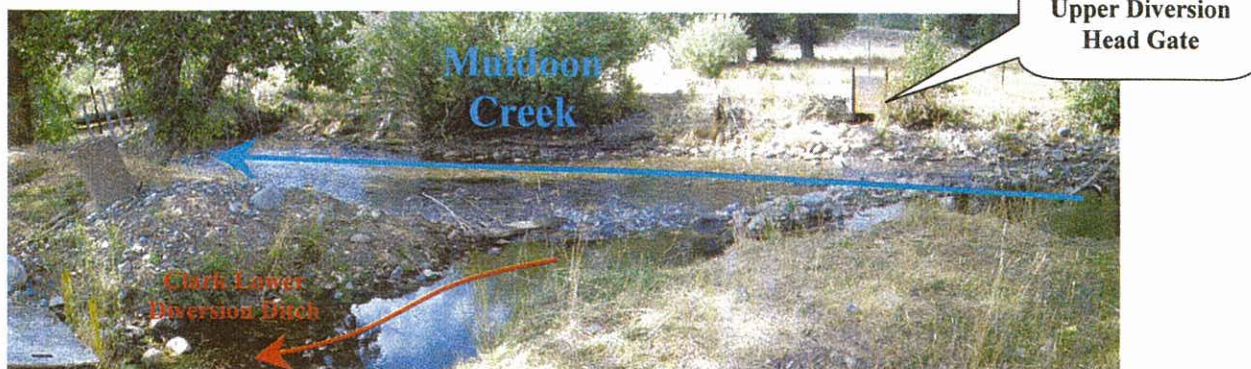


ABOVE: View on 9/6/2007 from Muldoon Creek showing the control works on the Clark lower diversion ditch. The control works consist of a buried culvert with a steel headwall and steel posts where a piece of plywood can be slid down to block the culvert entrance. It is debatable whether or not these control works could be locked or adjusted in more than the fully open or fully closed position. The location of the measuring device (shown in view below) is also indicated. During the September 2004 inspection it was noted that a side diversion ditch (location shown) was located upstream of the measuring device, but this ditch has now been blocked off with fill material. Note that the location shown in this view is directly across the stream from the Muldoon Ranch Co upper diversion shown on the next page.



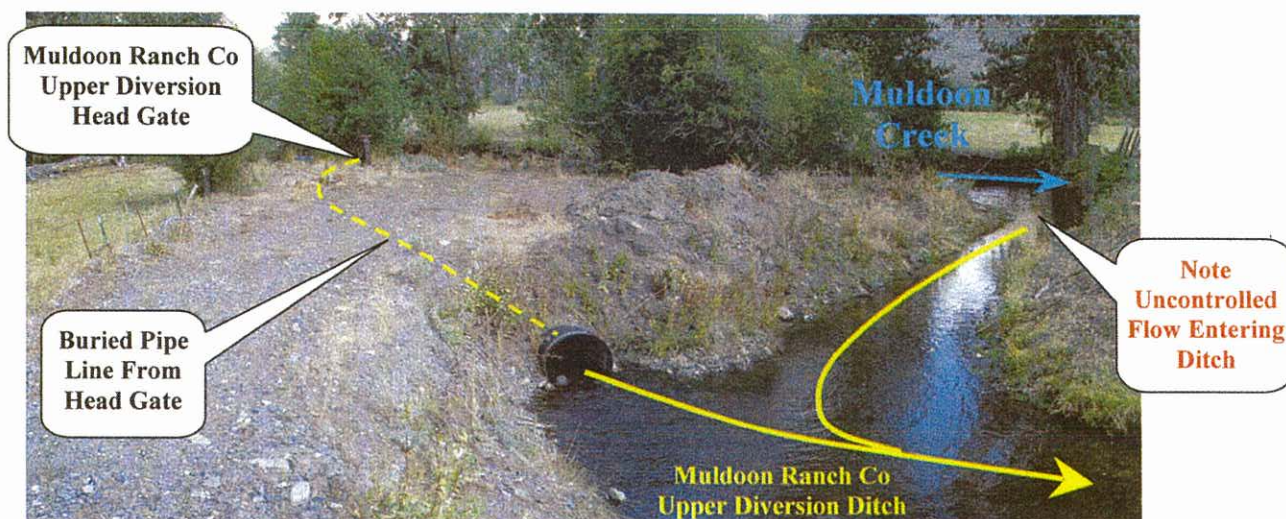
LEFT: View on 9/6/2007 of measuring device (2.5-foot Parshall flume) located on the Clark lower diversion ditch. A staff gauge was located on the device. It appears that the installation condition has improved since the September 2004 inspection (see photo in 9/23/2004 memo).

Muldoon Ranch Co Upper Diversion



ABOVE: View on 9/6/2007 looking across the Clark lower diversion ditch and Muldoon Creek with the Muldoon Ranch Co upper diversion control works (steel head gate) visible in the background across the creek.

BELOW: View on 9/6/2007 looking up the Muldoon Ranch Co upper diversion ditch (Site Tag #A0011841) showing the location of the pipe discharge from the diversion control works (steel head gate) and showing uncontrolled channel conveying water into the Muldoon Ranch Co upper diversion ditch.



LEFT: View on 9/6/2007 of the measuring device on the Muldoon Ranch Co upper diversion ditch. The measuring device consists of 42-inch rectangular weirs placed in parallel. When the picture was taken, the head through the device was 0.30 feet, which would correspond to about 3.78 cfs of flow.

Jim Peterson Upper Diversion



ABOVE: View on 9/6/2007 looking down the head of Jim Peterson's upper diversion ditch (Site Tag #A0011842) with the location of the control works indicated.

LEFT: View on 9/6/2007 of control works on Jim Peterson's upper diversion ditch. The control works consist of a metal slide gate structure. It is debatable whether or not these control works could be locked or adjusted in any position other than the fully open or fully closed position.



LEFT: View on 9/6/2007 of the measuring device (1.0-foot Parshall flume) located on Jim Peterson's upper diversion ditch. When the picture was taken, the head through the device was 0.90 feet, which would correspond to about 3.35 cfs of flow.

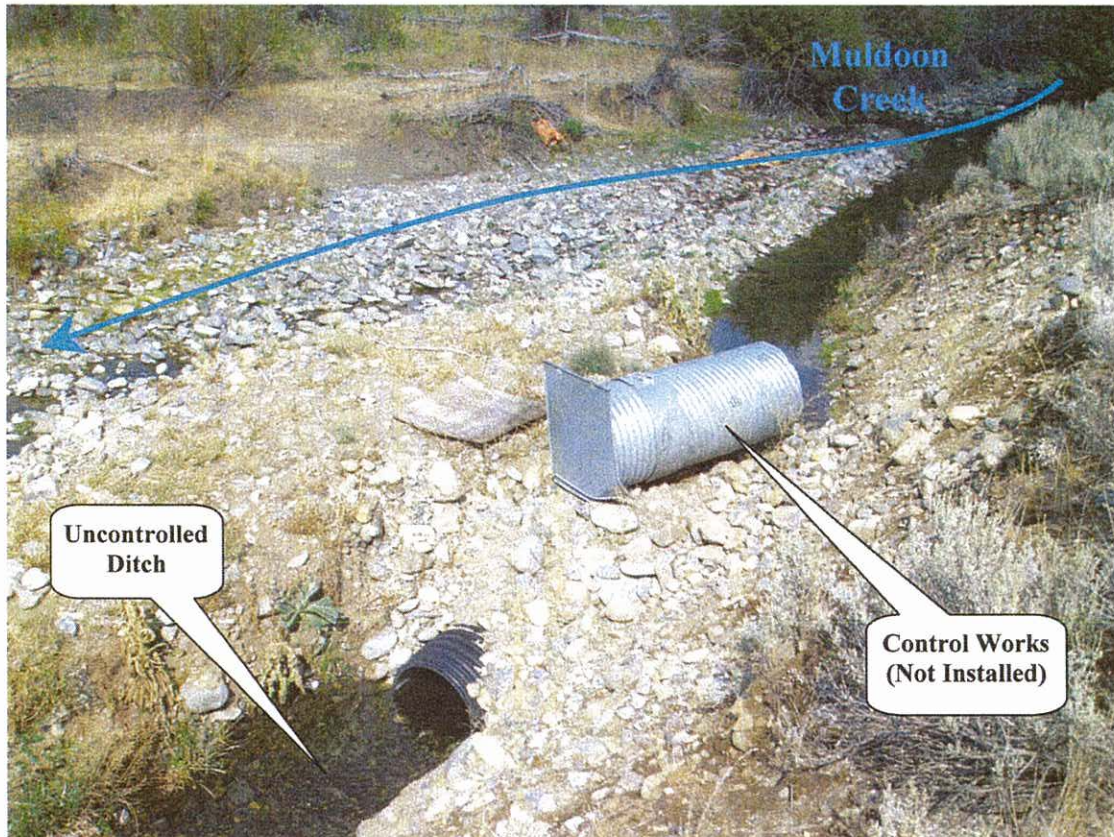
Jim Peterson Lower Diversion



ABOVE: View on 9/6/2007 of control works on Jim Peterson's lower diversion ditch (Site Tag #A0011843). Note that the control works have washed out and no longer regulate flow in the ditch. Prior to washing out, the control works consisted of a buried culvert with a concrete headwall where a piece of plywood could be slid down to block the culvert entrance. It is debatable whether or not these control works could be locked or adjusted in more than the fully open or fully closed position.

LEFT: View on 9/6/2007 further down Jim Peterson's lower diversion ditch showing measuring device (1.0-foot Parshall flume). When the picture was taken, the head through the device was 0.62 feet, which would correspond to about 1.88 cfs of flow.

Muldoon Ranch Co Middle Diversion



ABOVE: View on 9/6/2007 of the Muldoon Ranch Co middle diversion. Note that the control works (culvert with metal slide gate) are not installed and the diversion consists of an open, uncontrolled ditch, flowing through an open, uncontrolled pipe.

LEFT: View on 9/6/2007 further down the Muldoon Ranch Co middle diversion ditch showing measuring device (2.5-foot Cipoletti weir). When the picture was taken, the head through the device was 0.39 feet, which would correspond to about 2.05 cfs of flow. Note that this measuring device is located approximately 0.20 mile downstream of the diversion.

Muldoon Ranch Co Lower Diversion



ABOVE: View on 9/6/2007 looking down Muldoon Creek at the Muldoon Ranch Co lower diversion (Site Tag #A0011845). The control works consist of a metal slide gate structure.

LEFT: View on 9/6/2007 further down the Muldoon Ranch Co lower diversion ditch showing measuring device (2.5-foot Cipoletti weir). When the picture was taken, no flow was being diverted through this diversion (the entire creek was being diverted into the Muldoon Ranch Co middle diversion ditch).

MEMORANDUM

TO: Muldoon Creek Water District (37-O) File

FROM: Corey Skinner

DATE: September 20, 2007

SUBJECT: Investigation of Guy Peterson Property

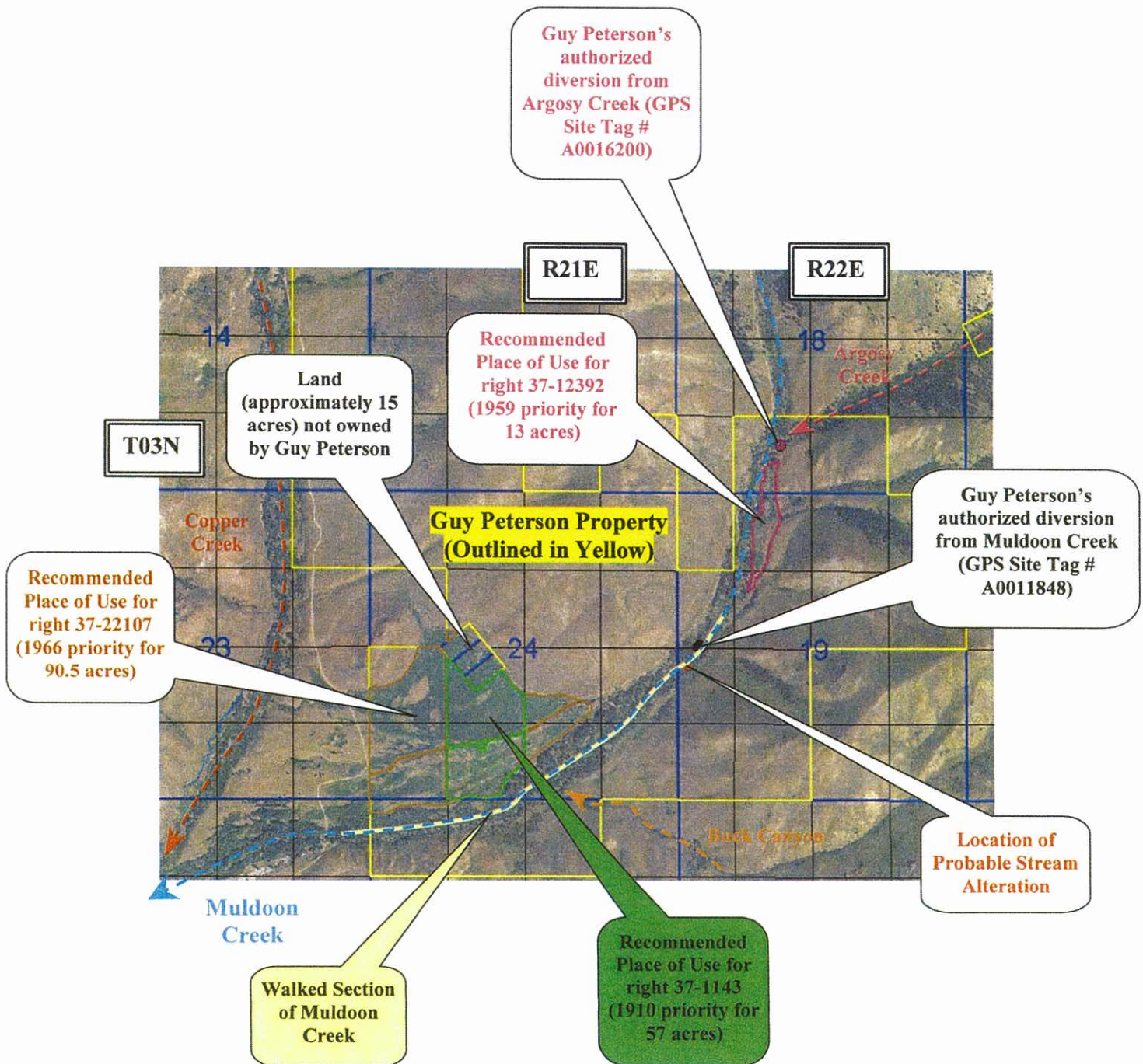
On September 5th and 6th, Jeff Cooper and I visited the Muldoon Creek area as a follow up to the August 10th water call filed by Gary Slette on behalf of his client, Muldoon Ranch Co LLC, and the August 16th response from IDWR (e-mail from Tim Luke). As part of our visit, we specifically looked into diversions from Muldoon Creek and Argosy Creek, on property owned by Guy Peterson. Note that allegations had been made by representatives of Muldoon Ranch Co that Guy Peterson was diverting &/or using water in excess of his water rights from Muldoon Creek and Argosy Creek.

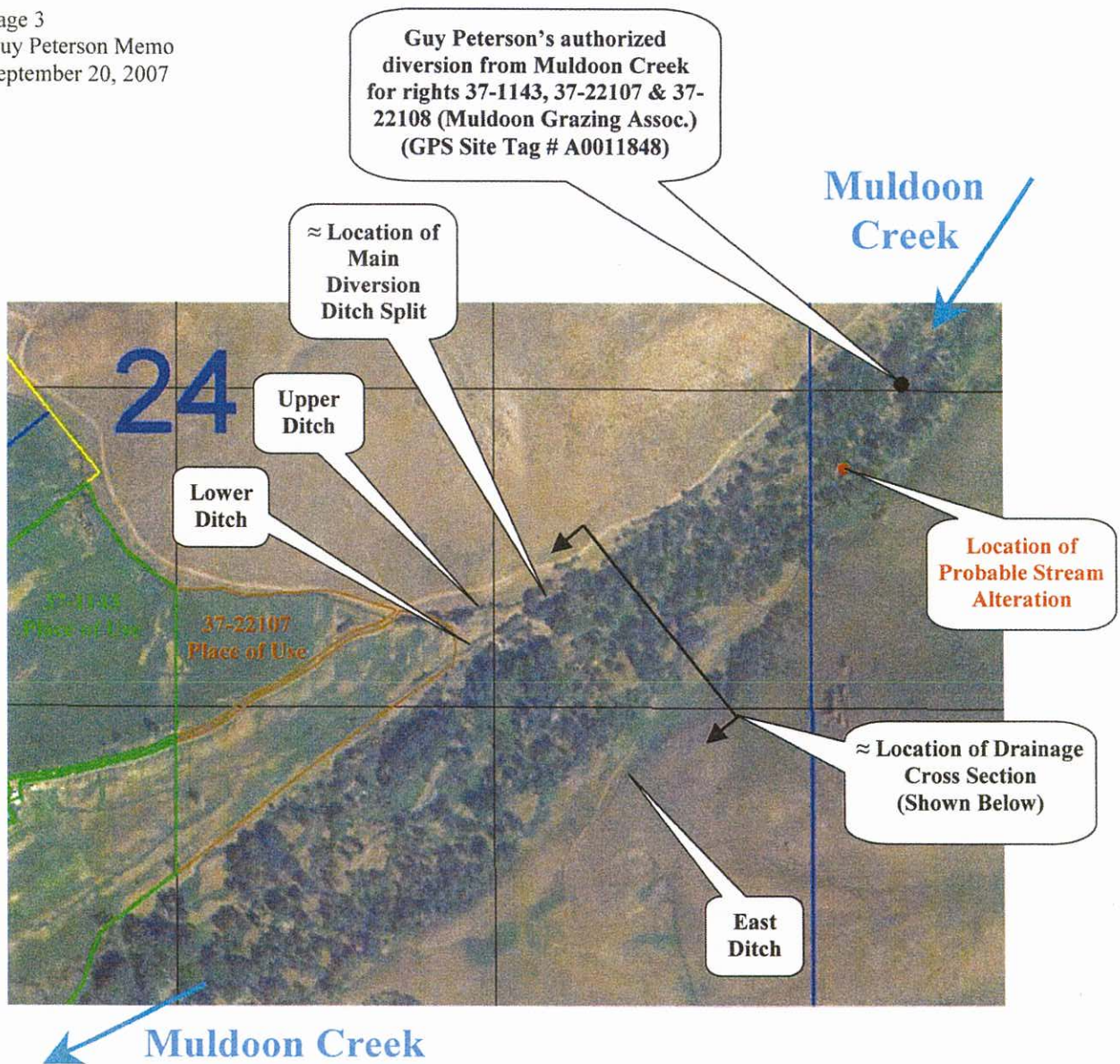
On the morning of September 5th, Jeff Cooper and I parked at the Muldoon Grazing Association upper diversion, located on the Muldoon Grazing Association property within the NENENE of Section 26 (T03N, R21E). We then proceeded to walk up Muldoon Creek through property owned by Guy Peterson all the way to just above Guy Peterson's authorized diversion from Muldoon Creek (GPS Site Tag # A0011848) located within the SWNW (Government Lot 2) of Section 19 (T03N, R22E). Along the way various locations of items of interest were observed and documented. Upon returning to the vehicle we were met by Guy Peterson's wife who questioned what we were doing and why we were there. After explaining the situation, she proceeded to leave and shortly thereafter Guy Peterson showed up for a further explanation. After discussing the situation with Guy Peterson, Jeff and I proceeded to drive further up Muldoon Creek and observed Guy Peterson's diversion from Argosy Creek (a tributary stream to Muldoon Creek). We then stopped by Guy Peterson's authorized diversion from Muldoon Creek (GPS Site Tag # A0011848) and observed that significantly less water was being diverted from this location than what had been observed earlier in the day.

Jeff and I were unable to complete our entire Muldoon Creek investigation on September 5th, so we returned to the area on September 6th. During the September 6th visit, we once again visited Guy Peterson's authorized diversion from Muldoon Creek (GPS Site Tag # A0011848) and observed that water was being diverted in an amount similar to the amount first observed on September 5th.

The following maps, photos, and comments document our September 5th and 6th observations relating to Guy Peterson's property....

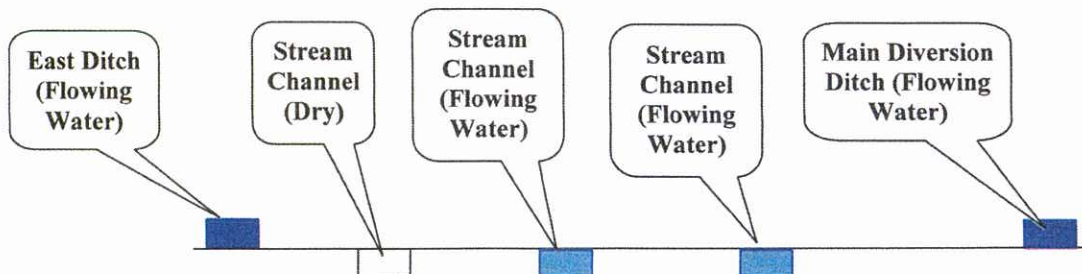
BELOW: Location reference map showing various points of interest on Guy Peterson's property in relation to the overall Muldoon Creek drainage and relative to each other.





ABOVE: Close up view of Muldoon Creek area between Guy Peterson's authorized diversion from Muldoon Creek (GPS Site Tag # A0011848) and the authorized place of use for the water rights from the diversion.

BELOW: Sketch (not to scale) of Muldoon Creek drainage cross section in area shown in view above (between diversion and place of use) showing two ditches and three stream channels at this particular section.

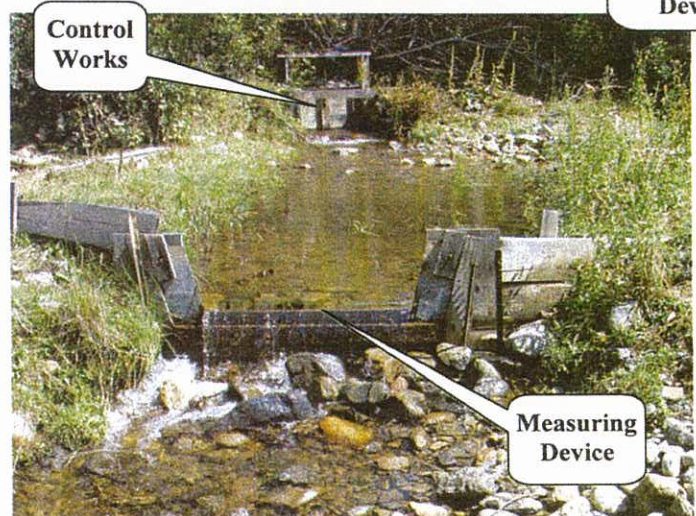
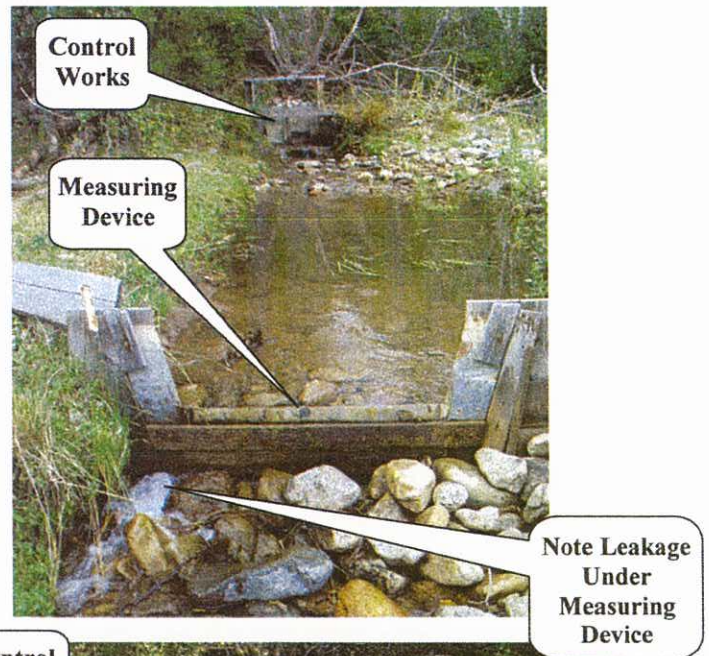
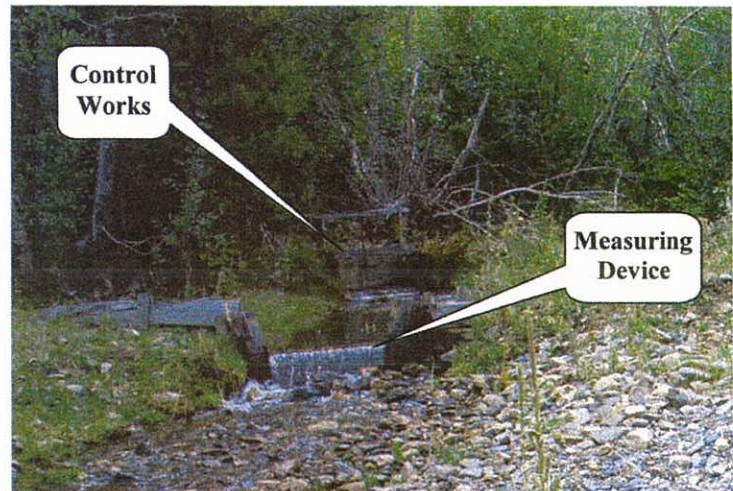


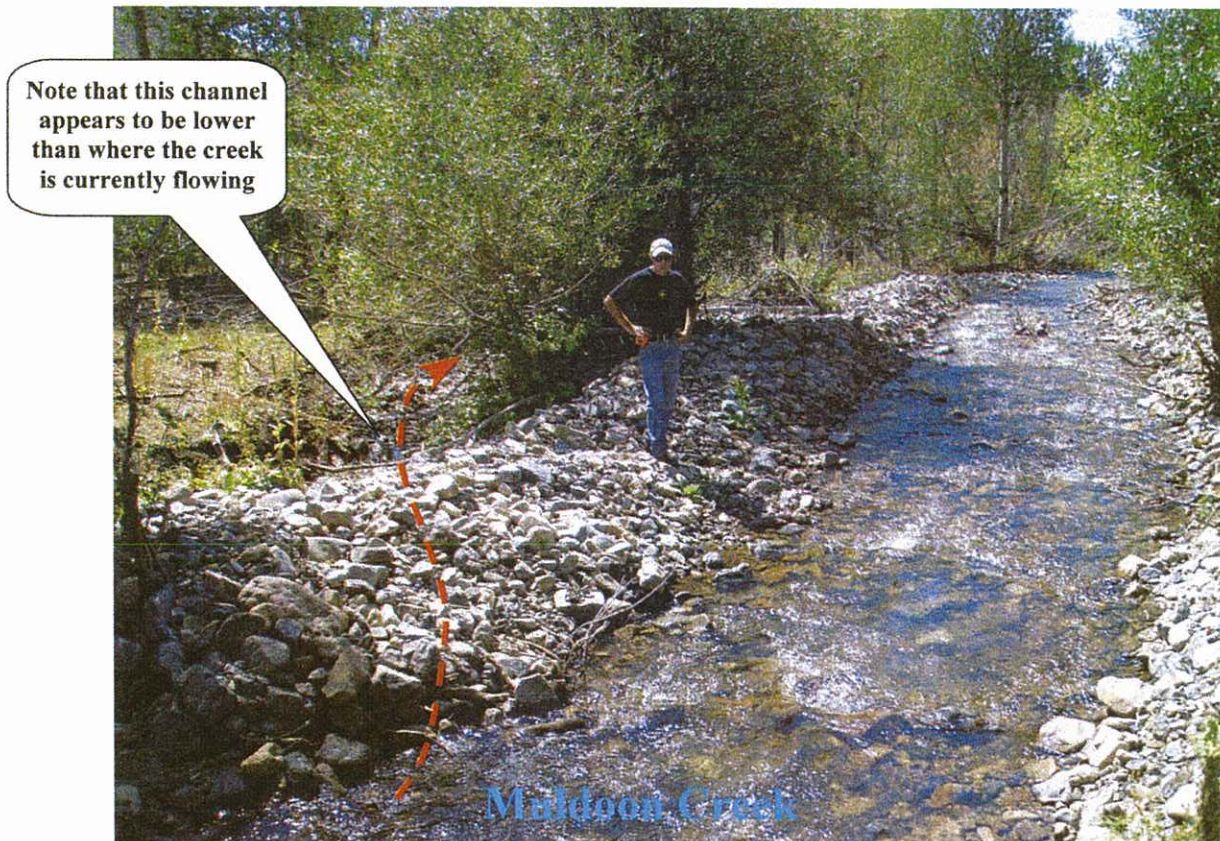
Note that the Main Diversion Ditch splits into two separate ditches (upper & lower) just downstream of this particular section.

RIGHT: View on 9/5/2007 looking up Guy Peterson's main diversion ditch, just below Guy Peterson's Muldoon Creek diversion (Site Tag #A0011848). At the time this photo was taken, middle of the day on September 5th, the depth of the flow over the measuring device (3.0 foot Cipoletti weir) was approximately 2 inches (less than 1.0 cfs total flow). SRBA Recommendations 37-1143 (2.8 cfs & 1910 priority in the name of Guy Peterson), 37-22107 (1.81 cfs & 1966 priority in the name of Guy Peterson), and 37-22108 (0.07 cfs & 1966 priority in the name of Muldoon Grazing Association) are the only rights that can be diverted from this diversion. In addition, this is the only diversion listed on the same three SRBA recommendations.

RIGHT: View on 9/5/2007, later in the day (approximately 3 hours and 45 minutes after the top photo was taken), looking up Guy Peterson's main diversion ditch, just below Guy Peterson's Muldoon Creek diversion (Site Tag #A0011848). At the time this photo was taken, water was not flowing over the weir blade. However, note the water flowing under the measuring device.

RIGHT: View on 9/6/2007 looking up Guy Peterson's main diversion ditch, just below Guy Peterson's Muldoon Creek diversion (Site Tag #A0011848). At the time this photo was taken, the depth of the flow over the measuring device was once again approximately 2 inches (less than 1.0 cfs total flow).

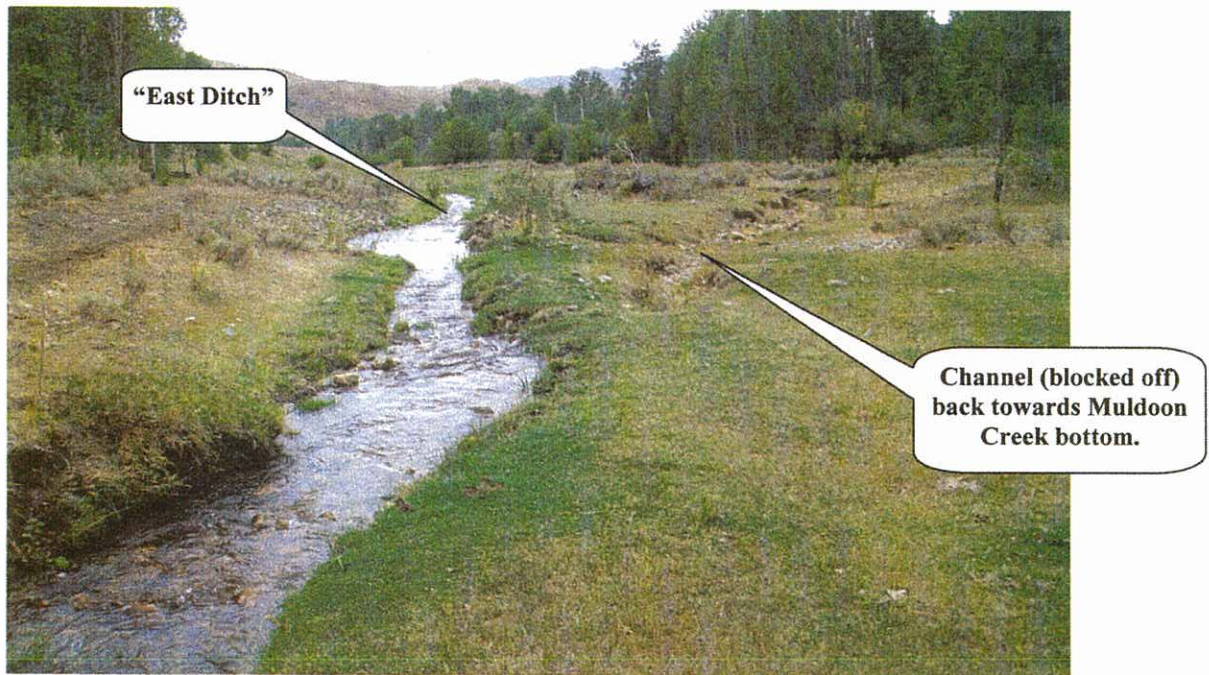




ABOVE: View approximately 420 feet downstream of Guy Peterson's Muldoon Creek diversion (Site Tag #A0011848) shown on previous page. This is the location of a suspected stream channel alteration where it appeared that material has been placed along the left (east) side of Muldoon Creek blocking off a lower channel (indicated by dashed arrow). The material that Jeff is standing on forces Muldoon Creek to the right (west) towards Guy Peterson's main diversion ditch below his Muldoon Creek diversion (Site Tag #A0011848). Note that the material Jeff is standing on appears to have been placed or piled in a linear, unnatural, manner. In addition in the general area where Jeff is standing some signs of cut trees &/or bushes was observed and a couple of small loose pieces of black plastic were observed. The GPS coordinates for this location are 2508771, 1375128 (IDTM coordinates NAD83 projection).



ABOVE: View on 9/5/2007 looking down Guy Peterson's main diversion ditch(es) approximately 1600 feet downstream of Guy Peterson's Muldoon Creek diversion (Site Tag #A0011848) showing the upper and lower delivery ditches (branches off of the main diversion ditch below the point of diversion). This photo was taken approximately one hour after the top photo on page 4 was taken. Estimates of the flow in both of these ditches was made using the "orange peel method" by timing a floating stick through a known length and average cross section for that length. The velocity through a 10-foot section of the upper ditch was 1.42 feet per second (7 seconds for a floating stick to travel the 10 measured feet). The average cross section was 3.75 square feet (9.0 feet wide x 5 inches deep). Since flow equals velocity multiplied by area, the flow through the upper ditch could have been as much as 5.36 cfs (1.42×3.75). However, since the water flows the fastest at the surface and the middle of the ditch, the 5.36 cfs estimate is probably high. Using a standard reduction factor of 60% – 80% indicates that the **flow in the upper ditch was probably in the neighborhood of 3.2 cfs – 4.3 cfs**. The velocity through a 10-foot section of the lower ditch was 1.25 feet per second (8 seconds for a floating stick to travel the 10 measured feet). The average cross section was 2.67 square feet (8.0 feet wide x 4 inches deep). Since flow equals velocity multiplied by area, the flow through the upper ditch could have been as much as 3.33 cfs (1.25×2.67). However, since the water flows the fastest at the surface and the middle of the ditch, the 3.33 cfs estimate is probably high. Using a standard reduction factor of 60% – 80% indicates that the **flow in the lower ditch was probably in the neighborhood of 2.0 cfs – 2.66 cfs**. Note that the total of the flows in the upper and lower ditch are significantly greater than the amount of water being diverted at Guy Peterson's Muldoon Creek diversion (2 inches of head over a 3.0 foot Cipoletti weir plus leakage under the measuring device).



ABOVE: View on 9/5/2007 of flow in the "East Ditch" along the east side of Muldoon Creek. This ditch runs along the hillside towards the mouth of Buck Canyon. Water from this ditch is apparently used to irrigate approximately five acres of pasture. However, note that Guy Peterson does not have any water right (s) that allow for the diversion and use of water from Muldoon Creek on the east side of the creek. An estimate of the flow in this ditch was made using the "orange peel method" by timing a floating stick through a known length and average cross section for that length. The velocity through a 10-foot section of this ditch was 2.5 feet per second (4 seconds for a floating stick to travel the 10 measured feet). The average cross section was 2.13 square feet (3.0 feet wide x 8.5 inches deep). Since flow equals velocity multiplied by area, the flow through this ditch could have been as much as 5.33 cfs.

However, since the water flows the fastest at the surface and the middle of the ditch, the 5.33 cfs estimate is probably high. Using a standard reduction factor of 60% – 80% indicates that the **flow in this ditch was probably in the neighborhood of 3.2 cfs – 4.3 cfs.**



LEFT: View on 9/5/2007 further down the "East Ditch" showing the ditch contouring around the hill towards the Buck Canyon drainage. Note how much higher the ditch is above the Muldoon Creek bottom (right edge of view).



ABOVE: View on 9/5/2007 looking at Guy Peterson's diversion from Argosy Creek (Site Tag #A0016200). SRBA recommendation 37-12392 (0.26 cfs & 1959 priority) is the only right authorized at this particular diversion. Jeff is standing at the approximate location of the measuring device on Guy Peterson's ditch from Argosy Creek (view shown below). At the time this photo was taken, a minimal amount of water was being diverted at this diversion.



LEFT: View on 9/5/2007 looking at Guy Peterson's measuring device on his ditch from Argosy Creek. The measuring device consists of a rectangular weir with an opening width of approximately two feet (not actually measured since the tape measure was left in the truck). There was just a small amount of water flowing over the device (approximately $\frac{1}{4}$ inch of head). However, it appeared that the water had recently been shut off since the measuring device was wet at a higher level than the level at the time this picture was taken. In addition, rocks above the water level in the ditch were wet.