

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 37-1005
Date Received: 10/28/1988
Receipt No: S003332
Received By:

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

1. Name of Claimant(s)

MULDOON RANCH CO LLC
C/O ARLEN CROUCH
370 E 500 N
JEROME ID USA 83338

Phone: (208)324-3117

2. Date of Priority: 04/01/1886

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	21E	3	NE NW SE	BLAINE	
02N	21E	8	NW NE SW	BLAINE	

5. Description of diverting works:

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 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.

DIVERSION DAM, HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	4/01 11/01	1.4	

7. Total Quantity Appropriated is:
1.4 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	20E	13	SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
					Section Acres	280
02N	21E	7	NE	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	240
02N	21E	8	NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	240
02N	21E	9	SW	SW	IRRIGATION	40
					Section Acres	40
02N	21E	17	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
					Section Acres	400
02N	21E	18	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40

			SE	SE	IRRIGATION	40
					Section Acres	560
02N	21E	19	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
					Section Acres	80
02N	21E	20	NW	NW	IRRIGATION	40
					Section Acres	40
					Total Acres	1880

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:

SOURCES NOT GIVEN IN DECREE BUT SHOWN ON USGS MAP.

P/U AMENDED BY ORDER DATED 11-18-1908.

THE LEGAL LAND DESCRIPTION FOR THE POU FOR THIS CLAIM IS THE SAME AS FOR CLAIM NUBER A37-01139. INCIDENTAL STOCK USE.

***** 5-6-98: OWNERSHIP CHANGE ELLSWORTH TO ABC AGRA PER NOTICE REC'D 1-15-98 - VH

10/31/06 - Claim amended (M.Anders)

Other water rights used: 37-1005, 37-1048, 37-1051, 37-1139, 37-2007, 37-2247, 37-7006, & 37-20544.

1: Total authorized irrigated acres shall not exceed 114 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).

15. Basis of Claim: Decreed

Amended Claim 37-1005

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) 04/01/1886

3. Source of water supply (a) Muldoon Creek, Spring Creek

which is tributary to (b) Little Wood River

4. 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: (upper Muldoon), 02N21E08NW NESW (Spring Creek)

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.

COPY

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 04/01 to 11/01 amount 1.40 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.40 (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.) _____

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
02N	20E	13			40	40			40	40	40				40	40			280
02N	21E	07									40			40	40	40	40	40	240
02N	21E	08									40	40	40	40			40	40	240
02N	21E	09											40						40
02N	21E	17	40	40	40		40	40	40	40	40	40	40						400
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 1880*

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 114 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).

COPY

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

If applicable provide IDWR Water Right Number 37-1005

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) _____ Date _____

_____ Date _____

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

Of MULDOON RANCH CO LLC Title _____ that I have signed the foregoing

Document in the space below as OWNER Organization _____ of MULDOON RANCH CO. LLC Title _____ Organization _____

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

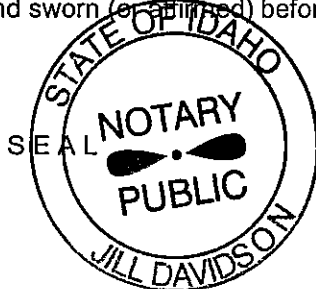
Signature of Authorized Agent [Signature]

Title and Organization OWNER Date Apr 12, 2006

State of Idaho / or _____)

County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 12TH day of April, 20 06.



Notary Public [Signature]

Residing at Twin Falls

My Commission Expires November 18, 2010

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 _____

COPY

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: A37-01005
Date Received: 10/28/1988
Receipt No: S003332
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ABC AGRA LLC 208-324-6644
Address: PO BOX 378
JEROME ID 83338

2. Date of Priority: APR 1, 1886

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

4. Point of Diversion:

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

5. Description of diverting works:
DIVERSION DAM, HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.400		

7. Total Quantity Appropriated is:
1.400 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 3885.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	20E	13	SW	NE		IRR	

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:

A37-01139, 01051, 01048, 02247, 07006, 02007

14. Remarks:

SOURCES NOT GIVEN IN DECREE BUT SHOWN ON USGS MAP.

P/U AMENDED BY ORDER DATED 11-18-1908.

THE LEGAL LAND DESCRIPTION FOR THE POU FOR THIS CLAIM IS THE
SAME AS FOR CLAIM NUBER A37-01139. INCIDENTAL STOCK USE.

5-6-98: OWNERSHIP CHANGE ELLSWORTH TO ABC AGRA PER NOTICE REC'D
1-15-98 - VH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

N. R. WOODWORTH ET. AL.

Decree Plaintiff

FRANK ANTHONY ET. AL., AMENDE

vs Decree Defendant

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) SEE ATTACHED DESCRIPTION OF WATER RIGHTS
Adjudication Claim Number(s) A37- 01139 - 02062 - 07006 - 01051 - 01048A
- 01065 - 02247 - 11664 etc
2. The following REQUIRED information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) GRANT R. ELLSWORTH AND FERN S. ELLSWORTH
2550 EAST SOUTHERN AVENUE
MESA, ARIZONA 85204
4. New Owner/Claimant(s) ABC AGRA, LLC
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. BOX 378 JEROME, ID 83338
City, State and ZIP Code JAN 15 1998
New Telephone Number (208-324-6644) Department of Water Resources
Southern Region
5. Date you acquired the property JANUARY 2, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) ABC AGRA, LLC
Steven L. Johnson, Mgr. Date 01/02/98
Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Order No. 23463

WARRANTY DEED

FOR VALUE RECEIVED

GRANT R. ELLSWORTH and FERN S. ELLSWORTH AS TRUSTEES UNDER THAT REVOCABLE LIVING TRUST AGREEMENT DATED MAY 22, 1984

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

ABC AGRA, L.L.C., an Idaho Limited Liability Company

GRANTEE(s) whose address is: P.O. Box 378, Jerome, ID 83338-0378

the following described real property in Blaine County, Idaho, to wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A", AND BY THIS REFERENCE INCORPORATED HEREIN, TOGETHER WITH ALL WATER RIGHTS, WATER SHARES AND WATER PERMITS APPURTENANT THERETO, INCLUDING, BUT NOT NECESSARILY LIMITED TO THOSE WATER RIGHTS DESCRIBED IN EXHIBIT "B", ATTACHED HERETO, AND BY THIS REFERENCE INCORPORATED HEREIN, AND ALSO TOGETHER WITH ANY AND ALL GRAZING RIGHTS OF WHATSOEVER KIND OR NATURE OWNED BY THE GRANTORS, INCLUDING, BUT NOT NECESSARILY LIMITED TO BUREAU OF LAND MANAGEMENT AUM'S AND/OR STATE LEASES DESCRIBED IN EXHIBIT "C", ATTACHED HERETO, AND BY THIS REFERENCE INCORPORATED HEREIN.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 24, 1997

Grant R. Ellsworth
GRANT R. ELLSWORTH, TRUSTEE

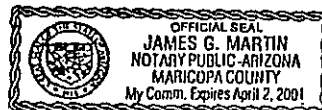
Fern S. Ellsworth
FERN S. ELLSWORTH, TRUSTEE

State of Arizona }
County of Maricopa } ss.

On this 24th day of December, 1997, in the year 1997, before me, the undersigned, personally appeared Grant R. Ellsworth and Fern S. Ellsworth, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as trustee(s) of the Revocable Living Trust Agreement dated May 22, 1984, and acknowledged to me that he/she/they executed the same as such trustee(s).

WITNESS my hand and official seal.

James G. Martin
Notary Public
Commission Expires:



J:\escrow\Wormshold

409472
Blaine Co. Request
of SAATCHI TITLE

98 JAN 2 AM 11 12
MARY GREEN, CLERK
FEE \$ 27.00

RECEIVED

JAN 15 1998

Department of Water Resources
Southern Region

EXHIBIT "A"

PARCEL 1

Township 2 North, Range 21 East, Boise Meridian, Blaine County, Idaho

- Section 6: E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 6 and 7
Section 7: NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 8: S $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$
Section 9: SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 17: N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$
Section 18: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 1, 2, and 3

Township 2 North, Range 20 East, Boise Meridian, Blaine County, Idaho

- Section 1: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 12: SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 13: NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 14: S $\frac{1}{2}$ S $\frac{1}{2}$
Section 15: SE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL 1

Township 2 North, Range 21 East, Boise Meridian, Blaine County, Idaho

- Section 17: W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 18: E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$
EXCEPT that portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ described as follows:
COMMENCING at the East quarter corner of said Section 18;
THENCE South 35°16' West, 777 feet to the TRUE POINT OF BEGINNING;
THENCE South 31°20' East, 200 feet;
THENCE South 58°40' West, 435.60 feet;
THENCE North 31°20' West, 200 feet;
THENCE North 58°40' East, 435.60 feet to the TRUE POINT OF BEGINNING.
- Section 19: N $\frac{1}{2}$ NE $\frac{1}{4}$
Section 20: NW $\frac{1}{4}$ NW $\frac{1}{4}$

READ AND APPROVED

READ AND APPROVED

EXHIBIT "B"

Ellsworth/ABC Agra, L.L.C.

Found
A37-01005
with 1.4 cfs
DH

1. IDWR No. 37-1139 for 1.40 cfs with a priority date of 6/1/1919
2. IDWR No. 37-1051 for 2.00 cfs with a priority date of 4/1/1888
3. IDWR No. 37-1048A for 2.00 cfs with a priority date of 4/1/1884
4. IDWR No. 37-1139 for 7.00 cfs with a priority date of 6/1/1919
5. IDWR No. 37-2007 for .80 cfs with a priority date of 8/28/1904
6. IDWR No. 37-2247 for .50 cfs with a priority date of 8/22/1912
7. IDWR No. 37-7006 for 2.18 cfs with a priority date 12/18/1967
8. IDWR No. 37-11664 for .10 cfs with a priority date of 6/30/1930

Grantors represent and warrant that the water rights appurtenant to the real property described in the warranty deed, including, but not limited to the foregoing, are valid existing water rights that have been duly claimed in the Snake River Basin Adjudication, and that they are not subject to a claim of forfeiture or abandonment.

12239703.GDS/by

READ AND APPROVED

READ AND APPROVED

Page (1)

FOR BLM USE ONLY

READ AND APPROVED

Page (2)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
GRAZING APPLICATION
GRAZING SCHEDULE

FORM APPROVED
OMB NO. 1004-0005
Expires: March 31, 1995

FOR BLM USE ONLY

State							
Office							
Operator No.							
Schedule No.							
Billing Code							
Special Bill Code							

PO BOX 378

~~REF ID: A3338-0378~~

I hereby apply for the following grazing use on the public lands and/or other lands administered by the Bureau of Land Management:

[illegible]

Show your recorded brands, earmarks, and wangles

Show reason for nonuse, if requested: ☐ conservation and protection of the public lands; ☐ annual fluctuation of livestock operations; ☐ financial or other reasons beyond control of the operator; or ☐ livestock disease or quarantine.

Signature

Date _____

LX

Reason, (or nonuse): ☐ Approved ☐ Disapproved
(Decision Required)

Signature of Authorized Officer

Date _____

Title 18, U.S.C., Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(See terms and conditions on the reverse hereof)

READ AND APPROVED

READ AND APPROVED

STATE OF IDAHO
STATE LAND LEASE

LEASE NUMBER: G-7202

This lease agreement is made and entered into by and between the State of Idaho, acting by and through the State Board of Land Commissioners (lessor) and Ellsworth Farms (lessee)
Box 246 Carey ID 83320
(Address) (City) (State) (Zip)

This lease shall commence January 1, 1990 and terminate December 31, 1999.

The annual rent payment is due on MAY 1 of each year.

The lessor, in consideration of the rental paid and the covenants, conditions and restrictions hereinafter set forth, in attachment B, does hereby lease and demise unto the lessee the lands described in attachment A at the rates and uses specified herein; grazing 154.32 acres containing 13.00 AUMs, cropland .00 acres of dryland at .00 per acre, .00 acres irrigated land at .00 per acre and .00 acres of wasteland at .00 per acre, miscellaneous .00 per annum, or .00 per acre bid.

IN WITNESS WHEREOF, The parties hereto have caused these presents to be duly executed the day and year first above written.

COUNTERSIGNED:

Pete T. Conzrussa Secretary of the State
Stanley F. Hamilton Director Department of Lands
Cecil D. Andrus President of the State Board of Land Commissioners and Governor of the State of Idaho

STATE OF IDAHO

COUNTY OF Ada

On this 4 day of January, in the year 1990 before me, a Notary Public in and for said State, personally appeared Cecil D. Andrus, known to me to be the president of the State Board of Land Commissioners of the State of Idaho and the Governor of the State of Idaho; and Pete T. Conzrussa, known to me to be the Secretary of the State of Idaho and Stanley F. Hamilton, known to me to be the Director, that executed the within instrument, and acknowledged to me that the State Board of Land Commissioners of the State of Idaho and the State of Idaho executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Residing at Idaho City, Idaho, Commission expires B- 25-92
John B. Benjamin
Notary Public for Idaho

*****LESSEE*****

STATE OF ARIZ
IDAHO

X Grant Ellsworth (lessee)
X Fern S. Ellsworth (lessee)

COUNTY OF ARIZONA

On this 16 day of DEC, in the year 1989, before me, a Notary Public in and for said State, personally appeared GRANT ELLSWORTH and FERN S. ELLSWORTH

known to me to be the lessee that executed the within instrument, and acknowledged to me that I they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Residing at MESEA, ARIZ, Commission expires 24 Oct 1993
James H. Bugh
Notary Public for Idaho

STATE OF IDAHO
STATE LAND LEASE

page (4)

LEASE NUMBER: G-7202

PAGE 2

ATTACHMENT A

DESCRIPTION OF PROPERTY:

COUNTY	ACRES	SUBDIVISION DESCRIPTION	SEC.	TWP.	RGE.	ENDOW.
BLAINE	0.00	L3,4(N2NW),L5(SWNW),	6 00	2 N	21.0 E	PS
BLAINE	154.32	SE1/4	6 05	2 N	21.0 E	PS

STATE OF IDAHO
STATE LAND LEASE

Page (5)

Lease Number G-7202
Page 1 of 2ATTACHMENT B

This lease is made pursuant to the laws of the State of Idaho and the Rules and Regulations governing grazing leases and cropland leases, IDAPA 20.13.

1. USE OF LAND

The lands herein described shall be used for the purpose of grazing and farming as specified on the signature page; no other uses shall be made of these lands without the prior written approval of the lessor.

2. RECLASSIFICATION OF LAND USE

At the sole discretion of the lessor, lands under this lease may be reclassified in whole or in part for agricultural, commercial, homesite, or other purposes that would result in increased rentals to the lessor. For uses other than cropland or grazing the lands affected will be dropped from the lease.

3. RATE OF RENT — CHANGE OF RENT

Lessee agrees to pay to the lessor, in lawful money of the United States, each year's rent in advance, and prior to the legal possession of the property for such year, an annual rent for each acre of cropland and every AUM covered by this lease. The rent shall be payable on or before the date specified on the signature page. The lessor reserves the right to increase or decrease the annual rent, and the lessee will be notified six months in advance of the first payment of any increase.

4. RIGHT OF LESSOR TO SELL — APPRAISAL OF IMPROVEMENTS — APPROVAL OF IMPROVEMENTS REQUIRED

The lessor reserves the right to sell all or any portion of the land herein described and the lessee agrees to deliver immediate possession unless the lessee is to be permitted to harvest a growing crop. In such event, lessee shall have possession of only the land on which such crops are growing. The lessee will be notified of a scheduled sale at least thirty (30) days prior to sale date. When creditable improvements or growing crops are present, they will be appraised in accordance with Idaho Code, Section 58-313, by the lessor and the lessee will be paid for the improvements or crops by the purchaser on the day of sale; lessor's appraisal shall be conclusive.

Prior written approval of lessor is required to make permanent range improvements, construct permanent buildings, or clear the land for agricultural uses. Failure to secure such written approval shall constitute forfeiture of the value of such improvements in case of sale or lease conflict.

5. RENEWAL OF LEASE — APPRAISAL OF IMPROVEMENTS

If the lessee is not the successful bidder at the expiration of this lease then the value of improvements recognized in Section 4 above shall be paid by the successful bidder to the lessee prior to possession provided no delinquent rent is owed. Improvement payments shall be applied towards any rent due before being disbursed to lessee.

6. RELINQUISHMENT OF RIGHTS

The lessee agrees to relinquish possession of the leased premises upon breach of any of the conditions herein set forth, with all permanent improvements thereon in good order and condition when such breach results in cancellation or forfeiture of this lease.

7. TIMBER ON LAND UNDER LEASE — STATE FIRE LAWS

This lease is made subject to all present and future timber sale contracts. The lessor reserves the right to restrict or prohibit grazing use on all or portions of the land leased for timber management purposes. The lessee will be given one hundred eighty (180) days written notice, prior to turn out of livestock on the lands leased, of any such restrictions or termination of grazing use, together with a map of the restricted area. This lease does not authorize the lessee to cut any timber growing on the land leased; any unauthorized use of such timber by the lessee or with his knowledge or consent, shall work a forfeiture of his lease without notice, and said lessee shall be responsible for treble damages to said timber. Lessee is subject to the provisions of state fire laws except for fire protection charges.

8. MINERAL RESERVATIONS

This lease is subject to any mineral lease (including oil, gas and geothermal resource leases) that is now in force or effect or that may hereafter be granted on the lands or any part thereof included herein as provided by Title 47, Idaho Code; provided, however, when a mineral lease is granted after the granting of this lease, the mineral lessee shall give a good and sufficient bond to protect the lessee herein from all damage occasioned to the surface of the lands embraced in this lease, or improvements thereon, whether the damage is due to mineral extraction or rights-of-way or other activities incident to mineral extraction.

9. GRAZING REGULATIONS

For grazing use, the grazing period and the number of stock may be fixed and determined by the lessor. The grazing lessee shall furnish such information as may be required from time to time, to assist in determining the grazing period and number of stock to be grazed. A lessee may be required to participate in a resource management plan which includes all or part of the lands described herein. Any written agreement concerning a management plan will be a condition of this lease.

Where sheep are grazed on land included in this lease, they shall not be bedded more than two nights consecutively on the same bedding ground without prior approval of the lessor.

10. PAYMENTS OF TAXES AND WATER CHARGES

Unless otherwise provided, the lessee shall pay all water charges, assessments or taxes of whatsoever nature that may be legally levied or assessed against the land herein described, or any portion thereof, and if the same is not paid it shall constitute a lien in favor of the State of Idaho against all improvements or crops growing on said land.

11. SUBLEASING — ASSIGNMENT

The lessee shall not sublease any of the land embraced in this lease without prior written approval of lessor. The lessee shall not assign this lease except upon the written approval of the lessor on forms provided for that purpose, and only where the rent owing has been paid in full, except that if a rental extension has been granted, such extension shall be assumed by the assignee and if improvements exist, such will be purchased by the assignee.

12. RIGHT OF ENTRY AND INSPECTION — ABANDONMENT

The lessor reserves the right to enter upon land, or any portion thereof, during the term of this lease for the purpose of inspecting the property. Should any of the property covered by this lease be abandoned, or the lease cancelled or forfeited for any breach of condition herein contained, all improvements placed upon the property by the lessee shall remain a part of the realty and title thereto shall vest in the State of Idaho.

13. LESSOR PROTECTED AGAINST WASTE — NOXIOUS WEED CONTROL

The lessee shall use the property under this lease in such manner as will best protect the State of Idaho against loss or waste, and shall cooperate with the lessor or any other agency authorized to undertake programs for control or eradication of noxious weeds. The lessee shall take measures to control noxious weeds on the leased land in accordance with title 22, chapter 24, Idaho Code. Control of noxious weeds on state grazing lands shall be shared jointly by the lessee and lessor with the lessor's share subject to funds appropriated for that purpose.

14. FORFEITURE OF LEASE

In case the lessee fails to comply with any of the covenants, terms or conditions of this lease, the lessor may forfeit or cancel the lease upon ten days notice to the lessee and the lessee shall not, during the period of notice, remove any of the improvements or crops thereon, whether the crops have been harvested or not. The lessee shall, upon lease expiration, deliver immediate possession of the lands herein to the lessor without further notice or demand.

15. EASEMENTS

The lessor reserves the right to grant easements and rights-of-way across or upon the land described in this lease and to grant immediate possession thereof to the grantee of such easement. The lessor shall coordinate with the lessee before processing any easement applications on the leased land. The grantee of such easement shall, before exercising the same, pay to the lessee the reasonable value of the growing and immature crops and improvements, as determined by the lessor's appraisal; lessor's appraisal shall be conclusive. This lease is subject to any right-of-way or easement heretofore granted over the lands embraced by this lease.

16. PUBLIC USE

The lessee must allow the general public the right to use the lands described in the lease for outdoor recreation. However, nothing in this lease authorizes or purports to authorize trespass on private lands to reach state-owned lands. State lands shall not be restricted without prior written approval of the lessor. Grazing or cropland leases will not be considered exclusive use leases as described under Idaho Code, Section 36-1603.

17. WATER RIGHTS

The establishment of any water right or rights shall be by and for the lessor, and no claim thereto shall be made by the lessee; such rights shall attach to and become appurtenant to said land. The lessee shall not cause any water to be conveyed off the land without prior written approval of the lessor.

18. SEED HARVEST

The lessor reserves the right to harvest seed from plants on land not under a cropland lease. The lessor will coordinate the harvesting activities with lessee to minimize impacts on livestock operations.

19. ROAD CLOSURE

The lessor reserves the right to close roads for road protection, wildlife protection or administrative purposes. Planned road closures will be reviewed with lessee prior to action. The lessee will have the right to appeal to the Land Board decisions affecting his use.

20. LIABILITY

The lessee shall indemnify and hold harmless the lessor, its departments, agencies and employees for any and all claims, actions, damages, costs and expenses which may arise by reason of lessee's occupation of the leased premises, or the occupation of the leased premises by any of the lessee's agents, or by any person occupying the same with the lessee's permission.

21. BINDING ON HEIRS

All of the terms, covenants, and conditions of this lease shall be binding upon the heirs, executors and assigns of the lessee.

22. CIVIL RIGHTS

The lessee shall not discriminate against any person on the basis of such person's race, creed, color, sex, national origin or handicap.

Sawtooth Title
C O M P A N Y

January 14, 1998

RECEIVED

JAN 15 1998

Idaho Department of Water Resources
1341 Fillmore St. #200
Twin Falls, ID 83301-3380

Department of Water Resources
Southern Region

Re: Order No. 23463

Sections 6, 7, 8, 9, 17, 18 Township 2 North, Range 21 East
ABC Agra, L.L.C./Ellsworth

Dear Ladies and Gentlemen:

In connection with the above mentioned order, please find attached copies/originals of the following document(s):

<u> x </u>	Warranty Deed recorded as Instrument No. 409472.
<u> x </u>	Notice of Change of Water Right Ownership.

If you should have any questions or if I may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,

SAWTOOTH TITLE COMPANY


Kristen Kludt
Escrow Officer

kk

Attachment(s)

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: A37-01005
Date Received: 10/14/1988
Receipt No: 5003332
Received By: (w)

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GRANT ELLSWORTH 208-788-3125
Address: BOX 246
CAREY, ID 83320

2. Date of Priority: APR 01, 1886

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

4. Point of Diversion:

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

5. Description of diverting works:
DIVERSION DAM, HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.400		

7. Total Quantity Appropriated is:
1.400 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 3885.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	20E	13	SW	NE		IRR	

11. Place of use in counties: BLAINE

A37-01005

Page 1

Date: 10/14/88

MICROFILMED

FEB 23 1993

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 X 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): Grant R. Greenworth Date: 10/17/88
Gene S. Ellsworth Date: 10/17/88

State of ARIZONA)
Idaho)
County of MARICOPA) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of October 19 88

Barbara B. Taylor
Notary Public

Seal

Residing at 2740 E. Southern Ave Mesa Az
My Commission Expires 5/3/89

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

13. Other Water Rights Used:

A37-01139, 01051, 01048, 02247, 07006, 02007

14. Remarks:

SOURCES NOT GIVEN IN DECREE BUT SHOWN ON USGS MAP.

P/U AMENDED BY ORDER DATED 11-18-1908.

THE LEGAL LAND DESCRIPTION FOR THE POU FOR THIS CLAIM IS THE
SAME AS FOR CLAIM NUBER A37-01139. INCIDENTAL STOCK USE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

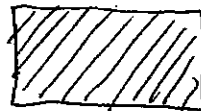
N. R. WOODWORTH ET. AL.

Decree Plaintiff

vs

FRANK ANTHONY ET. AL., AMENDED

Decree Defendant



= 100 ACRES
IRRIGATED

LOT 6
37.23

LOT 7
37.24

LOT 1
37.21

Mountain - Sage

MICROFILMED

FEB. 23 1993

11
12



Top 2N - Range 21 - 20 E B M

Scale = 3" = 1 Mile

Blaine Co, Idaho

(8)

DIVERSION S. DIV.
approx 1 1/2 mi upstream

4.1 1/2 mi

10
15

11
12
14
15

Top 2N - R. 20 E B M
Top 2N - R. 20 E B M

LOT 2
37.15

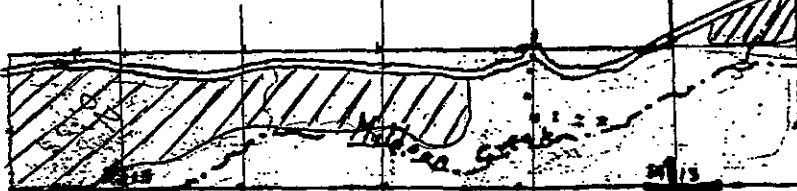
LOT 3
37.39

(17)

(16)

Mulligan Creek

17
20
21



Anders, Matthew

To: charles.g.brockway@brockwayeng.com
Subject: updated recommendations

Chuck,

Attached are the updated recommendations for the Muldoon Ranch - Peterson PPU claims. Below are a few notes about the claims:

37-20544:

Claim disallowed. I could not distinguish between 37-20544 and 37-22015, so 37-20544 is recommended as 37-22015.

37-22015:

Priority date is 2/16/1927. The most junior decree on this land is 37-1139. The ditch was used to convey the water being decreed in 37-1139, so the court and claimant were both aware of the ditch and small streams it intercepts. Our assumption is that the decree gave them all the water they were beneficially using at that time.

The Diversion rate is the amount of water required to bring the duty of water to 0.02 cfs/acre in the Peterson - PPU. If you feel this diversion rate is incorrect, please submit evidence supporting a higher diversion rate.

Let me know if you have any questions. Thanks!

Matt



muldoon_ranch_pet
erson_ppu.zip...

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

01/17/2007

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

RIGHT NUMBER: 37-1005

NAME AND ADDRESS: MULDOON RANCH CO LLC
C/O ARLEN CROUCH
370 E 500 N
JEROME ID 83338

SOURCE: MULDOON CREEK
SPRING CREEK

TRIBUTARY: LITTLE WOOD RIVER
TRIBUTARY: MULDOON CREEK

QUANTITY: 1.400 CFS

PRIORITY DATE: 04/01/1886

POINT OF DIVERSION:

T02N R21E S3 NENWSE Within BLAINE County

T02N R21E S8 NWNESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
1.400 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R20E S13	SWNE	9.20	T02N R20E S13	SENE	35.00
T02N R20E S13	SWNW	1.50	T02N R20E S13	SENE	13.00
T02N R20E S13	NESW	13.00	T02N R20E S13	NESE	40.00
T02N R20E S13	NWSE	37.00	T02N R20E S14	SWSW	16.00
T02N R20E S14	SESW	3.40	T02N R20E S15	SESE	23.00
T02N R21E S07	NESW	14.00	T02N R21E S07	SESW	30.00
T02N R21E S07	NESE	32.00	T02N R21E S07	NWSE	25.00
T02N R21E S07	SWSE	39.00	T02N R21E S07	SESE	26.00
T02N R21E S08	NESW	17.00	T02N R21E S08	NWSW	21.00
T02N R21E S08	SWSW	37.00	T02N R21E S08	SESW	38.00
T02N R21E S08	SWSE	38.00	T02N R21E S08	SESE	24.00
T02N R21E S09	SWSW	31.00	T02N R21E S16	NWNW	0.50
T02N R21E S17	NENE	36.00	T02N R21E S17	NWNE	38.00
T02N R21E S17	SWNE	2.80	T02N R21E S17	NENW	40.00
T02N R21E S17	NWNW	35.00	T02N R21E S17	SWNW	38.00
T02N R21E S17	SENE	30.00	T02N R21E S17	NESW	3.80
T02N R21E S17	NWSW	36.00	T02N R21E S17	SWSW	33.00
T02N R21E S18	NENE	37.00	T02N R21E S18	NWNE	39.00
T02N R21E S18	SWNE	37.00	T02N R21E S18	SENE	38.00
T02N R21E S18	NENW	39.00	T02N R21E S18 Lot 1	NWNW	23.00
T02N R21E S18 Lot 2	SWNW	36.00	T02N R21E S18	SENE	40.00
T02N R21E S18	NESW	35.00	T02N R21E S18 Lot 3	NWSW	38.00
T02N R21E S18	NESE	34.00	T02N R21E S18	NWSE	35.00
T02N R21E S18	SWSE	35.00	T02N R21E S18	SESE	39.00
T02N R21E S19	NENE	20.00	T02N R21E S19	NWNE	33.00
T02N R21E S20	NWNW	4.80			

01/17/2007

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

1419 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1,419 acres in a single irrigation season. Combined Right Nos.: 37-1005, 37-1048A, 37-1051, 37-1139, 37-2007, 37-2247, 37-7006, 37-22014, and 37-22015.

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

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

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



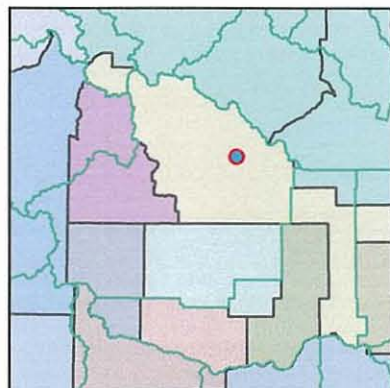
Idaho Department of Water Resources

SRBA Recommendation:

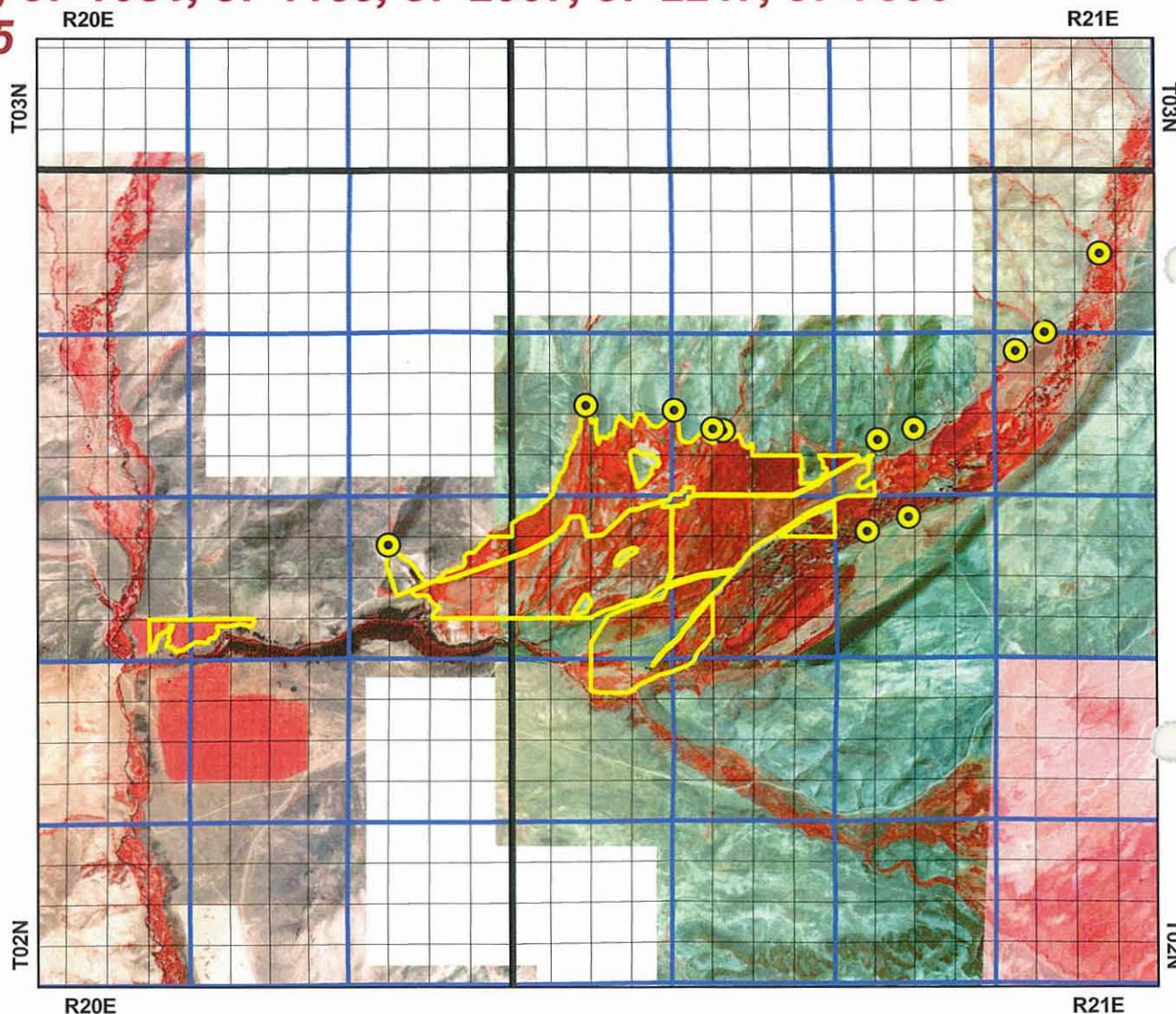
**37-1005, 37-1048A, 37-1051, 37-1139, 37-2007, 37-2247, 37-7006
37-22014, 37-22015**

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.5 1 Miles



Prepared by M. Anders
On Wednesday, January 17, 2007
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-1005, 37-1048A, 37-1051, 37-1139, 37-2007, 37-2247, 37-7006, 37-20544, 37-22014, 37-22015

Background Data

37-1005

- Sources are groundwater and Muldoon Creek.
- Decreed for 1.4 cfs on 4 QQ.
- Priority Date: 4/1/1886
- Claimed for 1.4 cfs for irrigation of 1880 acres

37-1048A

- Source is Muldoon Creek
- Priority Date: 4/1/1884
- Did a preliminary search on the splits, but need to confirm with priority date search file.
 - 37-1048 originally decreed as 2.0 cfs on 4 QQ with priority date of April 1, 1884
 - 37-1048 (Muldoon Livestock) claimed for 2.0 cfs on 120 acres
 - 37-1048A (ABC Agra) claimed for 2.0 cfs for irrigation of 1880 acres
 - **Overclaimed**

37-1051

- Source is Muldoon Creek
- Decreed 2.0 cfs on 4 QQ
- Priority Date: 4/1/1888
- Claimed 2.0 cfs for irrigation of 1880 acres

37-1139

- Source is Muldoon Creek
- Decreed for 7.0 cfs on land in 17 QQ
 - decree lists land as 671.78 acres – note this is total number of acres in QQ rather than the number of irrigated acres)
- Priority Date: 6/1/1919
- Claimed for 7.0 cfs for irrigation of 1880 acres

37-2007

- Source Muldoon Creek
- Decreed 0.8 cfs on 1 QQ
- Priority Date: 8/28/1904
- Claimed 0.8 cfs for irrigation of 1880 acres

37-2247

- Source is Brown's Creek
- Licensed for 0.5 cfs on 25 acres
- Priority Date: 8/22/1912
- Claimed for 0.5 cfs for irrigation of 1880 acres

37-7006

- Source is Muldoon Creek
- Licensed for 2.18 cfs and 603 af on 201 acres
- Priority Date: 12/18/1967
- Claimed for 2.18 cfs for irrigation of 1880 acres

37-20544

- Beneficial Use Claim
- Source is Spring Creek and other small streams that intersect Muldoon Ditch
- Claimed Priority Date: 6/1/1919
- Claimed 5.0 cfs for irrigation of 1880 acres

37-22014

- Beneficial Use Claim
- Source is Muldoon Creek
- Claimed Priority Date: 4/15/1987
- Claimed 0.91 cfs for irrigation of 45.4 acres

37-22015

- Beneficial Use Claim
- Source is Spring Creek and other small streams that intersect Muldoon Ditch
- Claimed Priority Date: 6/1/1919
- Claimed 26.3 cfs for irrigation of 1880 acres

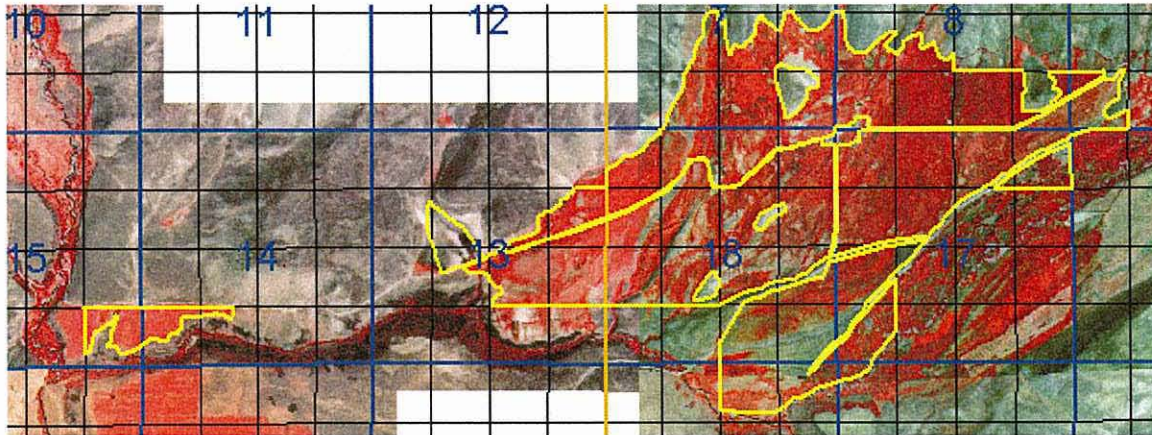
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

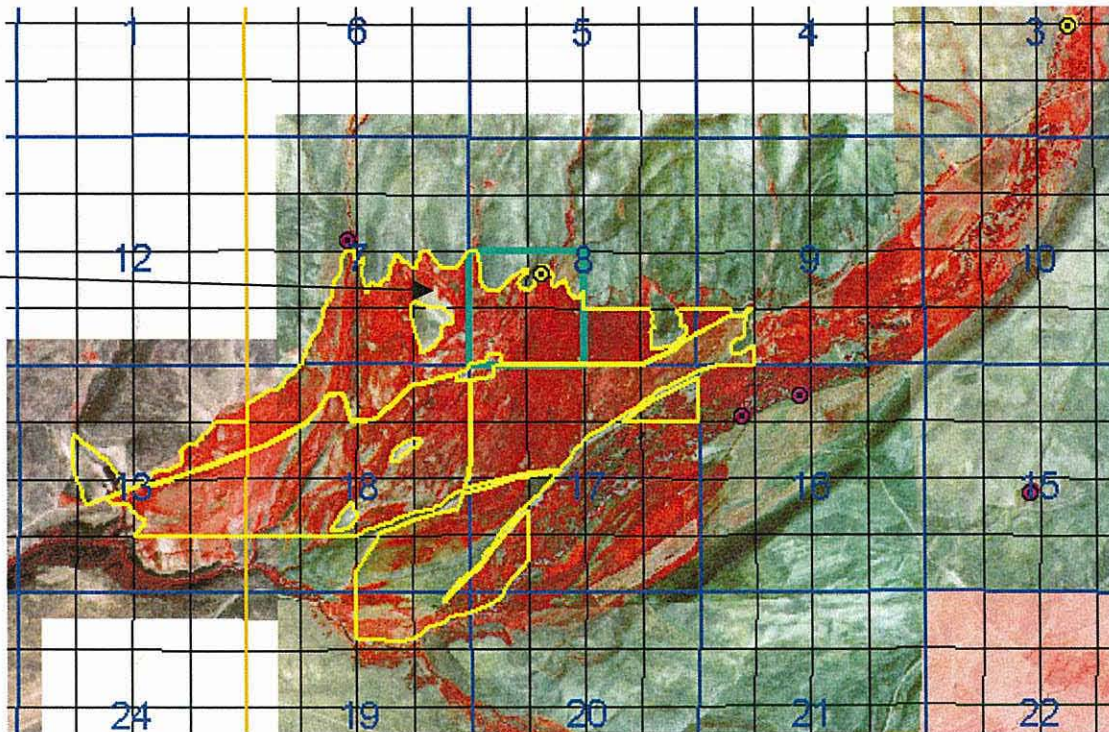
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



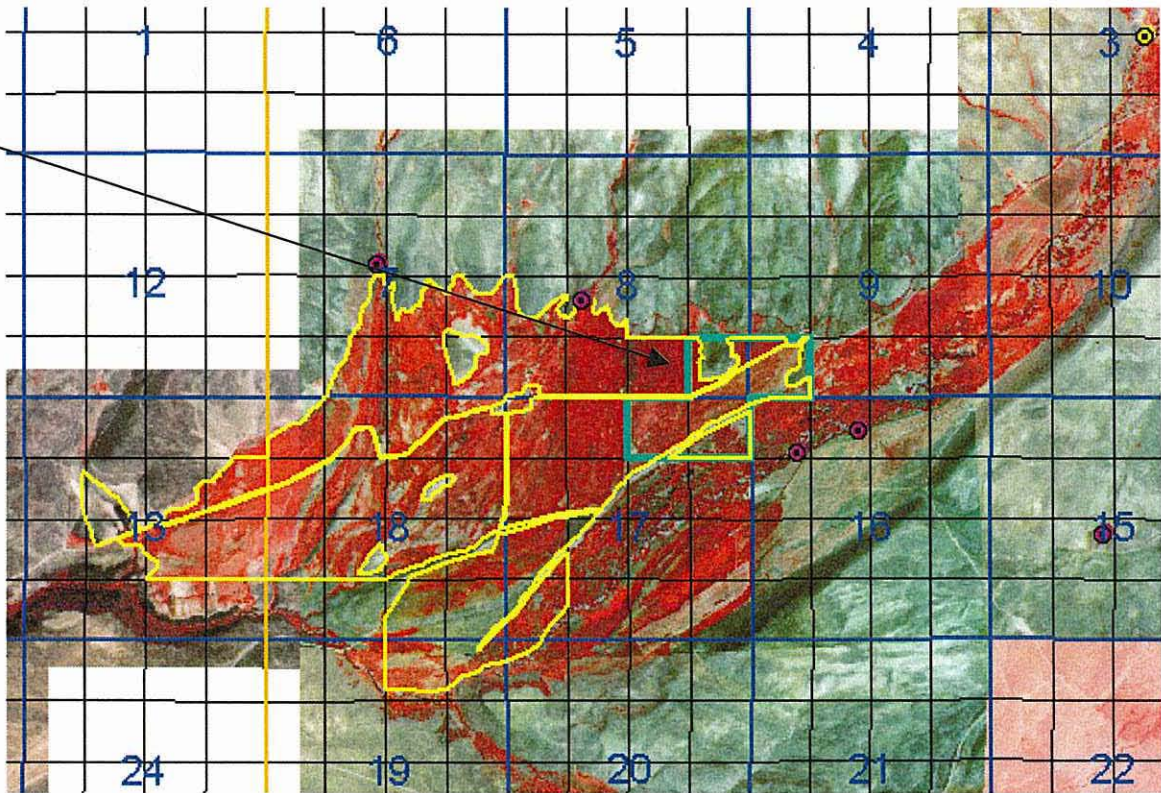
37-1005

Decreed POU
for 37-1005



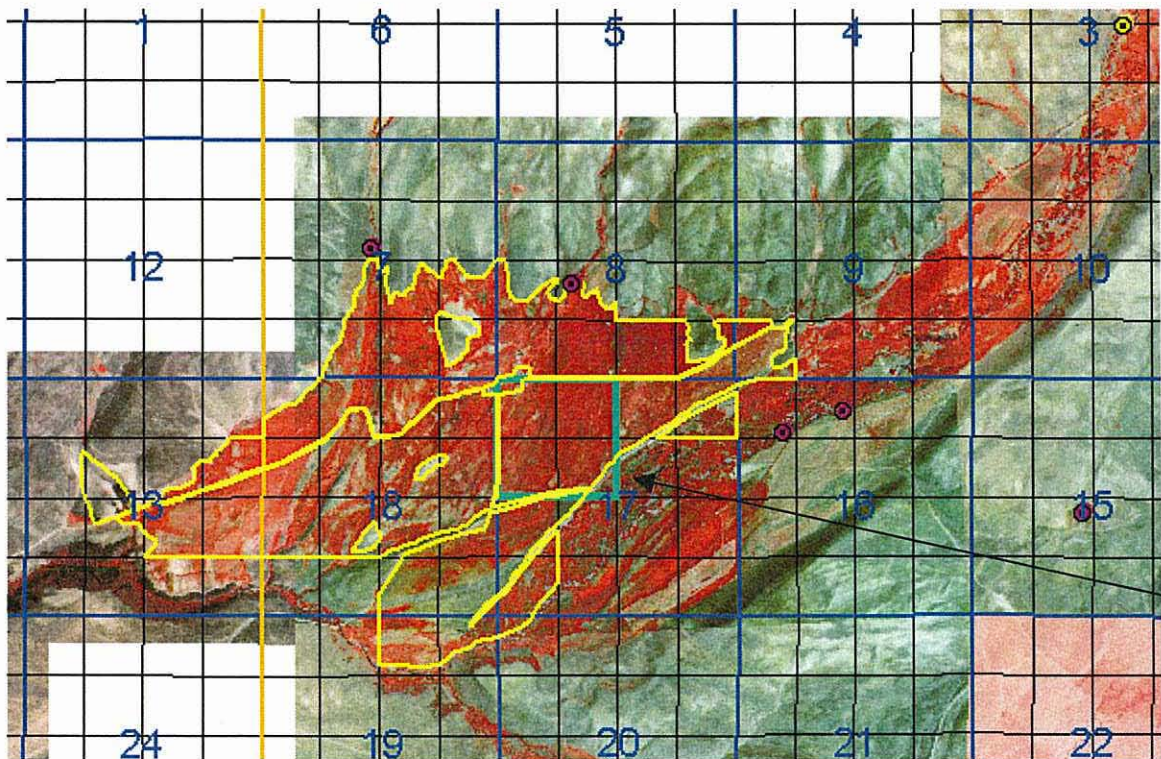
37-1048A

Decreed POU
for 37-1048A



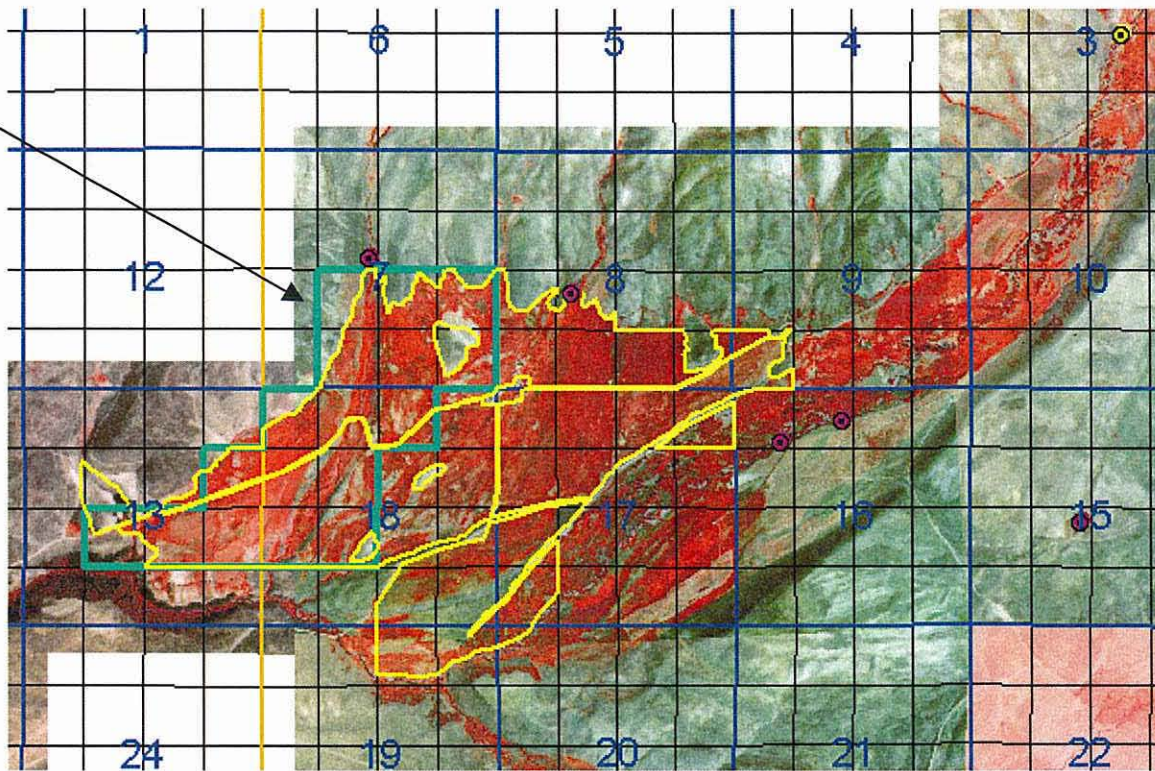
37-1051

Decreed POU
for 37-1051



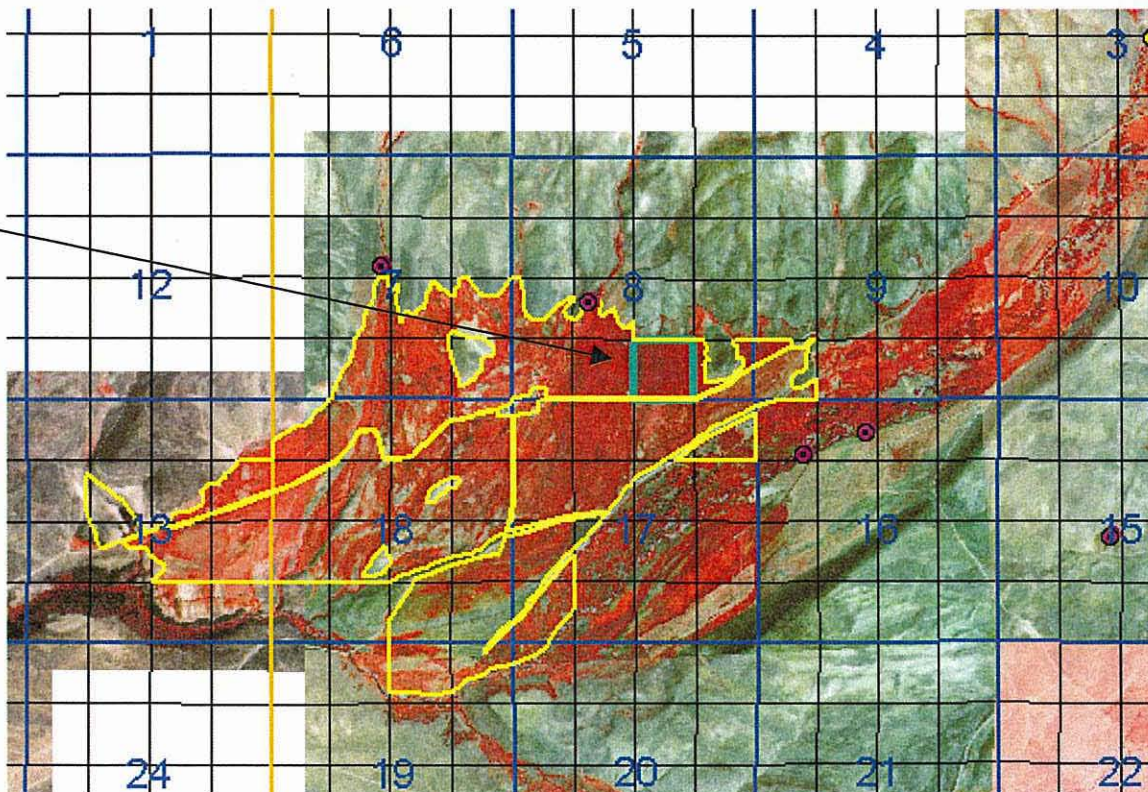
37-1139

Decreed POU
for 37-1139



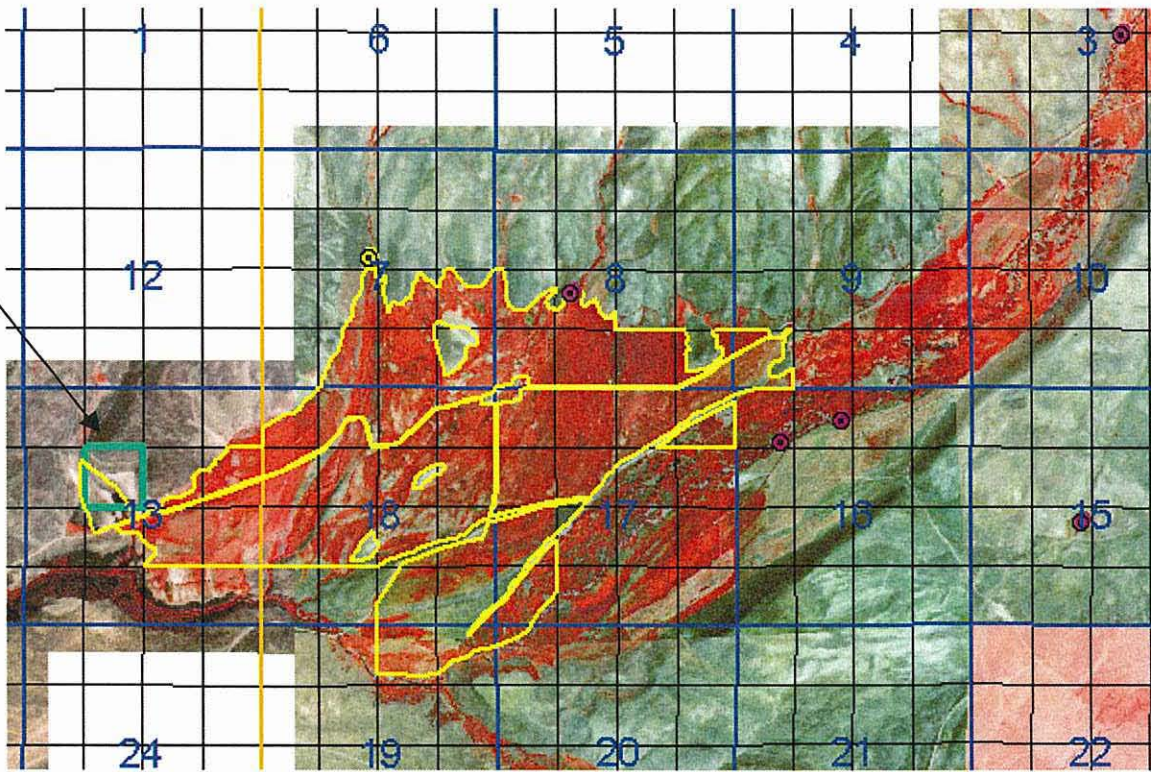
37-2007

Decreed POU
for 37-2007



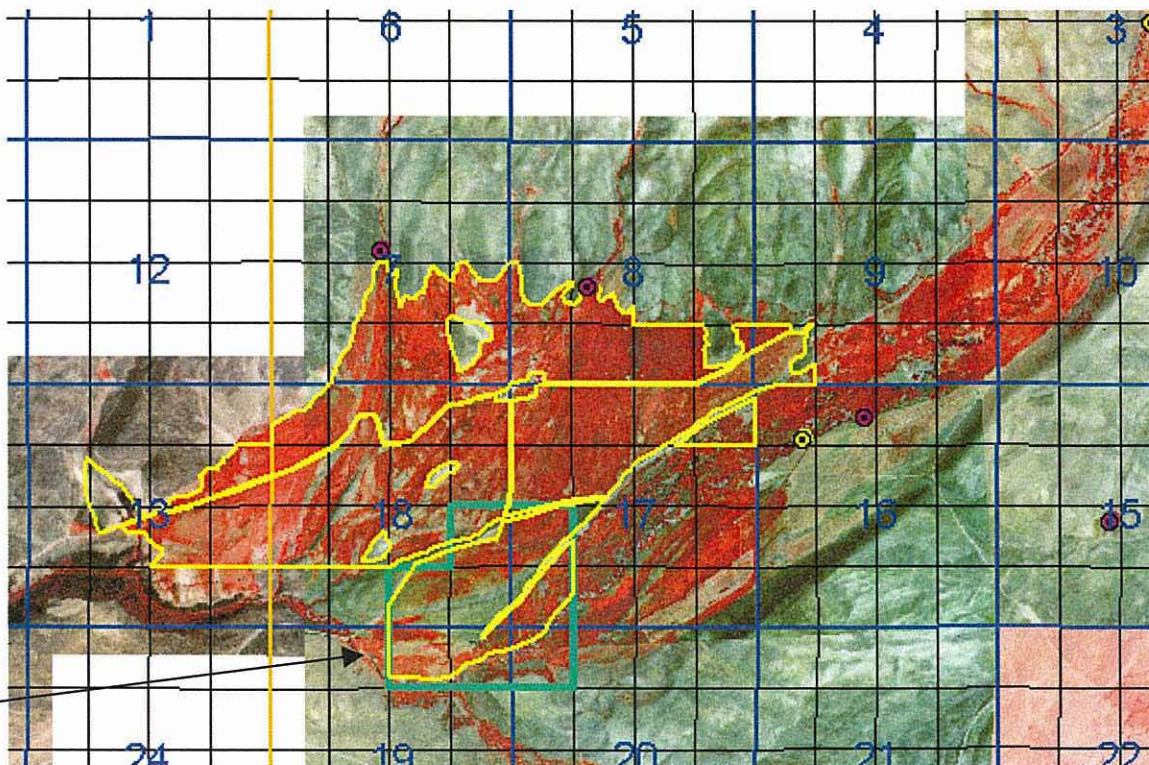
37-2247

Decreed POU
for 37-2247

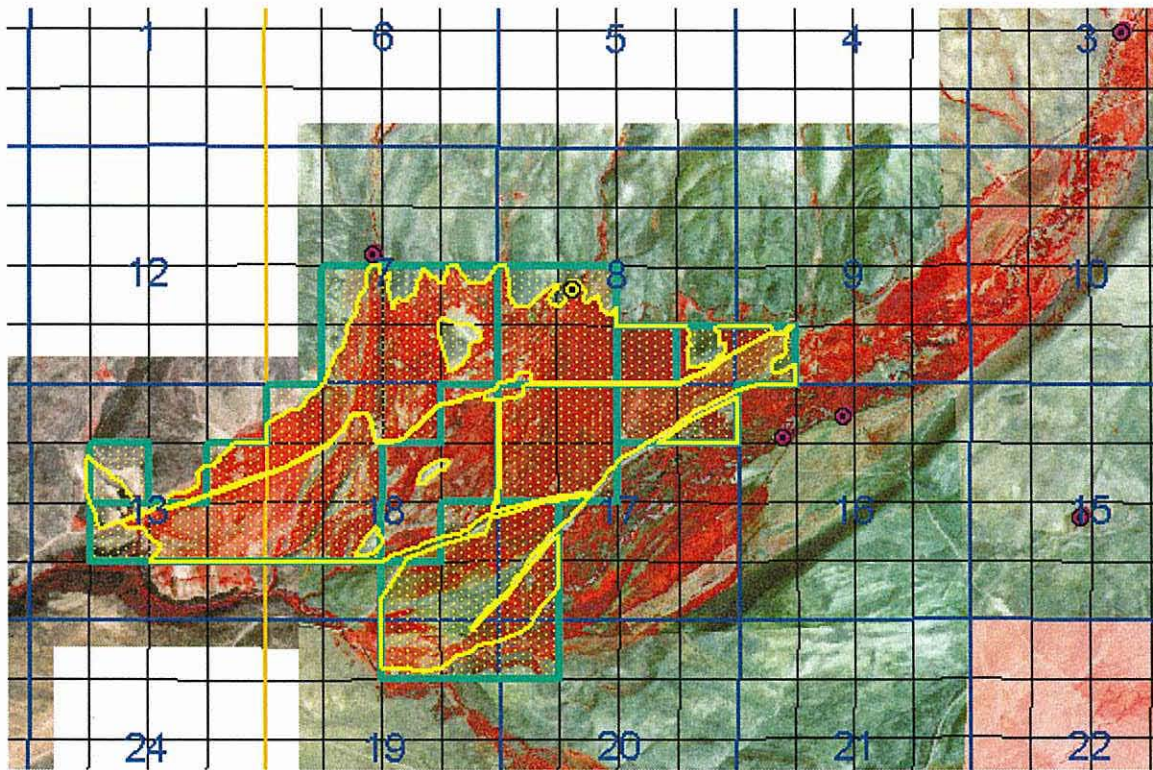


37-7006

Licensed POU
for 37-7006



All Decreed/Licensed Rights





Photographs of claimed POU for 37-2247 during field exam by Lee Peterson
Photo #: 1060628 and 1060629



Photographs of claimed POU for 37-2247 taken during field exam by Lee Peterson
Photo #: 1060630 and 1060631



Photograph of claimed POD for 37-2247 taken by Lee Peterson during field exam.
 Location: 2499876 1368910
 Plate: none
 Photo #: 1060627



Photograph of claimed POD for 37-20544 taken by Lee Peterson during field exam.
 Location: 2501244 1368651
 Plate: none
 Photo #: 1060626

ABC Agra Upper Diversion

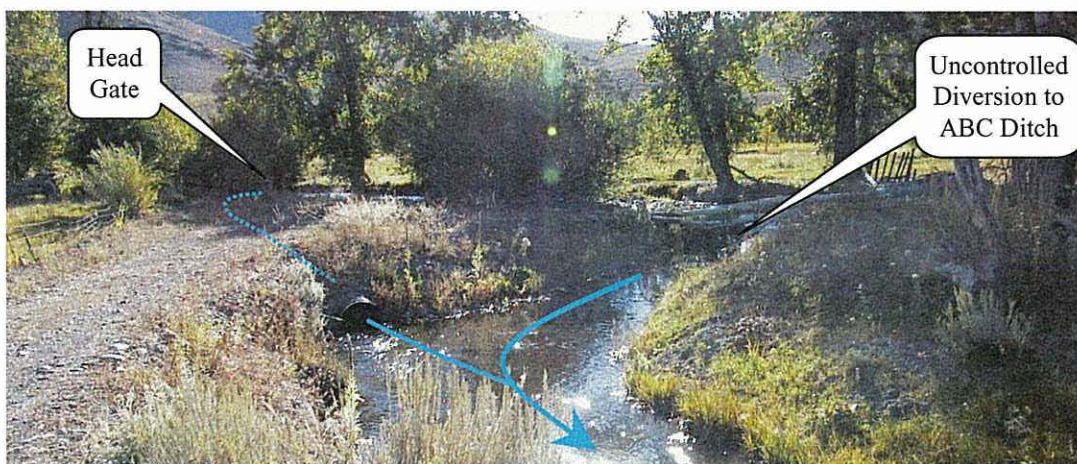


ABOVE: View looking across Muldoon Creek towards the ABC Agra Upper Diversion(s). Note a head gate has been installed, but water from Muldoon Creek still enters the diversion ditch via an uncontrolled diversion just downstream of the recently installed head gate. The head of the Clark Lower Diversion Ditch is visible in the foreground of this view.



LEFT: View of the recently installed head gate for the ABC Agra Upper Diversion. This head gate is tied into a buried 30" diameter pipeline that discharges into the upper diversion ditch.

BELOW: View looking back up the ABC Agra Upper Diversion Ditch showing the location of the discharge from the pipeline from the head gate. Also note uncontrolled water from Muldoon Creek entering the ditch.



ABC Agra Upper Diversion



LEFT: View of measuring device, two 42" rectangular weirs, in ABC Agra Upper Diversion Ditch.

BELOW: Close up view of measuring device showing presence of only one staff gage, but weirs are not at the same elevation.



GPS coordinate location for point of diversion: 2504977, 1370397 (IDTM coordinates NAD83 projection) Legal Description NWSE Section 3 (T02N, R21E). Site Tag #A0011841.

Diversion works consist of metal screw gate structure. However, another uncontrolled diversion also enters the ditch. Measuring device consists of two 42-inch rectangular weirs placed in parallel. One staff gage was present for one of the weirs, but the two weirs were not at the same elevation. Flow through left (east) weir was measured at 3.52 cfs and flow through right (west) weir was measured at 3.88 cfs.

Concerns: Lack of control on all of the water entering the ditch. Measuring device needs a staff gage on both weirs. ABC Agra's SRBA filings identify point of diversion in SWNE Section 3 (T02N, R21E).

ABC Agra Middle Diversion



ABOVE: View looking down on the ABC Middle Diversion. Note control works not yet installed.

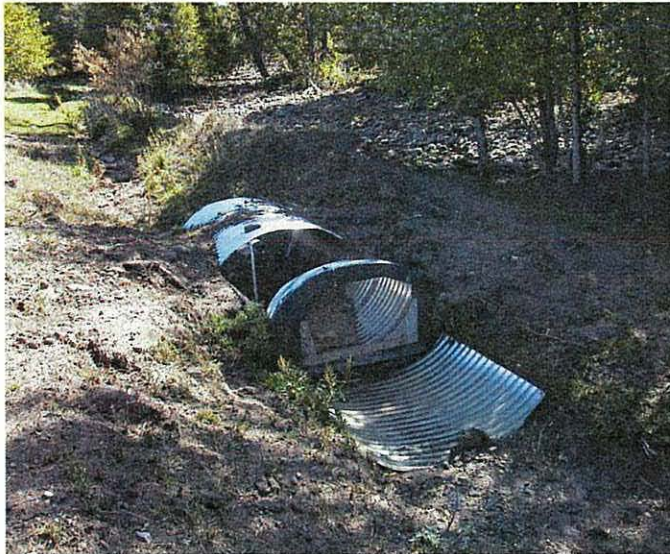
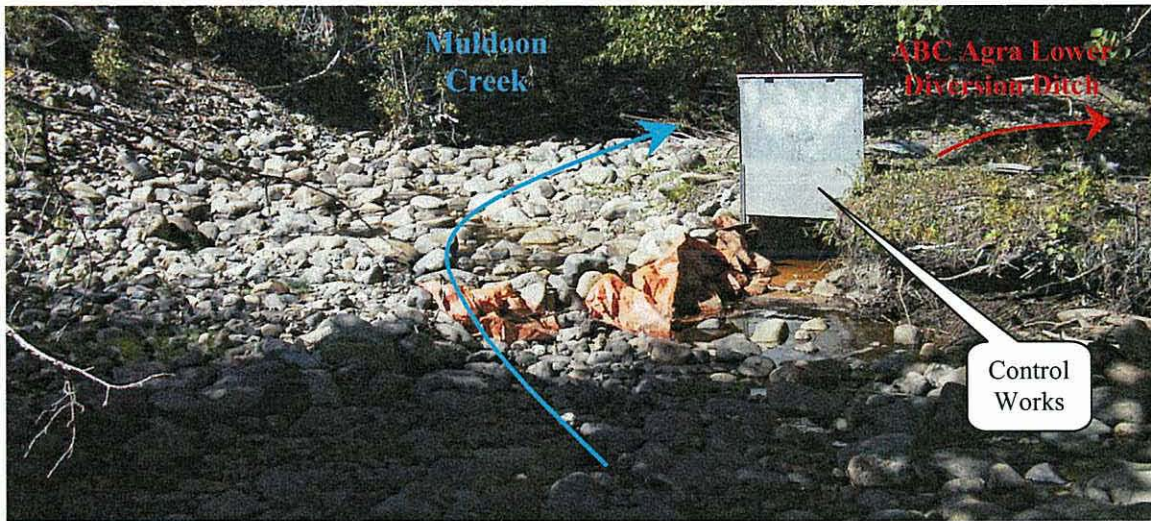
LEFT: View of measuring device located in the ABC Middle Diversion Ditch. Note that this point is approximately 0.20 mile downstream of the diversion location shown in view above.

GPS coordinate location for point of diversion: 2503069, 1367798 (IDTM coordinates NAD83 projection) Legal Description NENW Section 16 (T02N, R21E). No Site Tag # assigned.

Control works not yet installed. Measuring device consists of a 2.5 foot Cipoletti weir. However the measuring device is located approximately 0.20 mile down the ditch from the diversion point. Flow through measuring device was measured at 1.05 cfs. Only SRBA claim 37-1142 lists this diversion location.

Concerns: Lack of control works. Measuring device located quite a ways downstream from the point of diversion.

ABC Agra Lower Diversion



ABOVE: View looking down Muldoon Creek towards the ABC Agra Lower Diversion.

LEFT: View of measuring device located in the ABC Agra Lower Diversion Ditch.

GPS coordinate location for point of diversion: 2502658, 1367655 (IDTM coordinates NAD83 projection) Legal Description NWNW Section 16 (T02N, R21E). Site Tag #A0011845.

Diversion works consist of metal slide gate structure. Measuring device consists of a 2.5 foot Cipoletti weir. No flow through the diversion or device at the time of the inspection.

Concerns: No water right or SRBA filings list a point of diversion in the NWNW Section 16 (T02N, R21E). Perhaps, claim 37-7006 with a claimed point of diversion in the NENE of Section 17 is supposed to describe this diversion? Note that this claim also identifies other diversions further down Muldoon Creek that have not been documented.

Notes

- 37-1005, 37-1046, 37-1048, 37-1051, and 37-2007 superceded by Frost Decree?
 - Pages 30-31 of the Frost (1909) decree state:
 - "It is Further Ordered, Adjudged and Decreed that the respective parties, plaintiffs and defendants, in the various actions named in the Findings herein, to-wit:... N.R. Woodworth, et al., vs. Frank Anthony, et al....they and their successors in interest, be and they are hereby awarded the right to the use of the waters of the Big Wood River and its tributaries, and the various dry streams named in said decrees, to the extent that they are respectively awarded such use in the various actions and decrees to which they are parties, respectively; but that this right shall not be construed to be a double appropriation of the waters of said streams, and wherein the said parties are reawarded such amounts in this decree, they and their successors in interest, respectively, shall be entitled to the use of only one of such rights, to-wit: either the right named in said decree, or the right otherwise awarded in this decree."
 - There are water rights from the Frost decree that overlap N.R. Woodworth, et al., vs. Frank Anthony, et al., so it appears the water rights from this decree are valid.
- Claimant want to create a PPU for entire ranch.
 - They can create two PPU, but not one. The current Muldoon Ranch is composed of two ranches bought in 1997, one was originally the Leslie Peterson ranch and the other was the Laidlaw Ranch. In 1987, these ranches were in separate ownership and the water was not commingled, thus the entire ranch cannot be put into a PPU. However, the Leslie Peterson ranch and the appurtenant water rights were commingled in 1987 could be a PPU.

37-1005

- The water right proof report lists source as groundwater & Muldoon Creek. However, the decree only states the source as the Little Wood River and its tributaries. Since Spring Creek is tributary to Muldoon Creek, which is tributary to Little Wood River, recommend the source as Spring Creek and Muldoon Creek.

37-1048

- Right is overclaimed
 - 37-1048 was originally decreed as 2.0 cfs on 4 QQ.
 - 37-1048 (Muldoon Livestock) is claimed for 2.0 cfs on land 120 acres
 - 37-1048A (ABC Agra) claimed as 2.0 cfs on unspecified acres
 - Sent letter to both claimants asking them to resolve this if they can. 8/18/05
 - 9/15/05 – Talked with Mary Peterson on the telephone. I told her that both Muldoon Livestock (Peterson) and Muldoon Ranch (Crouch) claimed the entire diversion rate of 37-1048. Mrs. Peterson said this disagreement has been going on for 10-15 years. She is not sure how it started, but both parties think they own the entire right. She said will talk with Arlen Crouch about resolving this.

- No evidence has been submitted that claim 37-1048 (Peterson) own this water right. Since the water right was decreed on land owned by Muldoon Ranch, they entire diversion rate will be recommended as 37-1048A. Claim 37-1048 will be disallowed.

37-1139

- It appears that a map was submitted with the original claim that shows ~1500 acres that are being irrigated along Muldoon Creek. It is unclear if this map is what they want to claim for 37-1139 or it shows all of the land irrigated by ABC Agra north of Muldoon Creek (ABC Agra also has claims 37-1142, 37-1046 & 37-2243 on the south side of Muldoon Creek.
 - For 37-1139 they only want to claim the land in the decreed POU.

37-2247

- No domestic use for this claim.

37-20544

- Cannot distinguish between claims 37-20544 and 37-22015
 - 37-20544 originally filed as a Beneficial Use claim for 5 cfs from Spring Creek
 - 37-20544 was amended to include Spring Creek, Brown Creek, and several small stream that intersect the Muldoon Ranch ditch.
 - 37-20544 was amended to claim a priority date of 6/1/1919, the same claimed priority date as 37-22015
 - 37-22015 (a new beneficial use claim) was submitted for 26.3 cfs from Spring Creek, Brown Creek, and several small stream that intersect the Muldoon Ranch ditch
 - Since 37-20544 and 37-22015 would have the same priority date and appear to be the same water, 37-20544 was recommended as 37-22015
 - Chose 37-22015 because 37-20544 only claimed 5 cfs

37-22014

- Enlargement of 37-1139
- Priority date: 4/15/1987
 - Based on 1987 aerial photo. No additional evidence submitted to document when irrigation started on this land.
- Diversion rate:
 - POU for 37-1139 is 671.7 acres
 - POU for 37-22014 is 45.4 acres
 - Duty of water on 37-1139 and 37-22014: $7.0 \text{ cfs} / 717.10 \text{ acres} = 0.01 \text{ cfs/acre}$
 - Recommended diversion rate: 0.45 cfs
- Source: Muldoon Creek

37-22015

- SESW & SWSW Sec 18 owned by Hoag, not irrigated by ABC Agra.
- SESE Section 13 is BLM land, not irrigated by ABC Agra
- Beneficial Use water the intercepts the Muldoon Ranch ditch
 - Muldoon Ranch wants to get a water right for the water from several small/intermittent streams that intersect their ditch from Muldoon Creek. They have always used this water to irrigate when it is available.

- After conferring with Carter it seems they have two options for a Priority Date:
 - They can have the same priority dates as the water rights, but no more water or acreage than listed in the decreed water right
 - They would add the streams that intersect the ditches as sources and points of diversion.
 - They can have a priority date the day after the most junior decree/license and get additional water and acreage.
 - Assumption is that the decree gave them all the water they were entitled to on that land. The ditch was used to convey the water being decreed, so the court knew about the water being intercepted by the ditch.
 - Most junior decree (37-1139) was signed 2/15/1927
 - Uses ditch
 - Most junior license (37-7006) has a priority date of 12/18/1967
 - Does not use ditch
 - The Beneficial Use claim can have a priority date before 37-7006, but must add the Condition D10.
 - Same claimant for 37-1139, 37-7006, and new beneficial use claim (37-22015).
 - In letter dated 4/27/2006 from Brockway, they say that the evidence of the ditch is in the back-file for 37-1139
 - I couldn't not find the water right file or back-file
 - Decision:
 - The location of the decreed POU for 37-1139, the ditch was present in roughly is current length by that time.
 - Best possible Priority Date is the day after the decree for 37-1139 was signed: 2/16/1927.
 - Use Condition D10 on Beneficial Use claim
- Diversion rate
 - 11/06 unable to conduct field exam to measure diversion rate because of too much snow.
 - Steve and Carter both suggested using a diversion rate that is equal to the total amount of water required to bring the duty of water up to 0.02 cfs/acre for the PPU
 - Total decreed/licensed water = 15.88 cfs
 - Duty of water for Decreed/Licensed acres: $15.88 \text{ cfs} / 1419 \text{ acres} = 0.011 \text{ cfs/acre}$
 - Amount of water required to make duty of water 0.02 cfs/acre: $28.38 \text{ cfs} - 15.88 \text{ cfs} = 12.50 \text{ cfs}$
 - Duty of water: $28.38 \text{ cfs} / 1419 \text{ acres} = 0.02 \text{ cfs/acre}$
 - Decided to recommend 12.50 cfs for 37-22015

➤ Recommendations:

- 1,419-acre PPU
- 37-1005, 37-1048A, 37-1051, 37-1139, 37-2007, 37-2247, 37-7006, 37-22014, and 37-22015 are limited to 1,419 acres
- 37-1005
 - 1.4 cfs for irrigation of 160 acres within PPU
 - Sources: Spring Creek and Muldoon Creek
- 37-1048A
 - 37-1048 – Disallowed
 - 37-1048A
 - 2.0 cfs for irrigation of 160 acres within PPU
- 37-1051
 - 2.0 cfs for irrigation of 160 acres within PPU
- 37-1139
 - 7.0 cfs for irrigation of 671.7 acres within PPU
 - 37-1139 and 37-22014 are limited to 717.10 acres
- 37-2007
 - 0.8 cfs for irrigation of 40 acres within PPU
- 37-2247
 - 0.5 cfs for irrigation of 25 acres
 - Source is Brown's Creek
- 37-7006
 - 2.18 cfs and 603 AF for irrigation of 201 acres
- 37-20544
 - Recommended as 37-22015
- 37-22014
 - 0.45 cfs for Irrigation 45.4 acres within PPU
 - 37-1139 and 37-22014 are limited to 717.10 acres
 - Source is Muldoon Creek
- 37-22015
 - 12.5 cfs for irrigation of entire PPU
 - Source is Spring Creek and 8 other small streams that intersect Muldoon ditch
 - Priority Date: 2/16/1927
 - Use Condition D10

Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Anders, Matthew

To: Anders, Matthew
Subject: RE: Muldoon Ranch

Chuck Sr. and Chuck Jr.,

I sent the message below to Daren Nelson quite a while ago and haven't heard anything back. I talked with Arlen Crouch and his wife and the public meeting in Sun Valley last week and he thought that Daren no longer worked for you. If that's correct, who will be the contact person for the Muldoon Ranch claims?

I have finished reviewing the Muldoon Ranch claims. It appears that there is still some work to be done on these claims, so I plan to update my recommendations as you send me changes. Attached are the recommendations and shapefiles.

Below are some notes:

- 1) Daren sent a new claim for 37-2010. The \$100 filing fee has not been paid, so this claim has not been reviewed yet.
- 2) Daren sent a new beneficial use claim (37-22015). The \$100 filing fee has not been paid, so this claim has not been reviewed yet.
 - a. My understanding is that this claim is intended for the water from several small streams that intersect the Muldoon Ranch ditch. However, Daren also amended 37-20544 (originally only from Spring Creek) to also include the water from several small streams that intersect the Muldoon Ranch ditch. So, 37-20544 and the new beneficial use claim (37-22015) appear to be for the same water.
 - b. Talking with Arlen, he wants to make sure they have a right for the decreed/unlicensed water that goes into their ditch. It appears to me that 37-20544 is already for a portion of that water, so the new claim should amend 37-20544, rather than be a new/separate claim.
 - c. I talked with Arlen about this and he thought the new beneficial use claim should be filed as a separate claim rather than an amendment to 37-20544.
 - d. If you decide that the new claim amends 37-20544, there will be no filing fee.
- 3) Daren sent a new enlargement claim (37-22014). The \$100 filing fee has not been paid, so this claim has not been reviewed yet.
 - a. When I talked with Arlen, he was unsure which right the enlargement should go with. I'm not sure there is an advantage having the enlargement associated with one right versus another, so I suggested 37-1139 since it was the closest and large enough that spreading the water over additional acres was reasonable.
 - b. Let me know what water right the enlargement is associated with.
- 4) 37-401A has been renumbered to 37-22012 and recommended as a diminimus water right.
- 5) 37-1046 was renumbered to 37-1046C
- 6) 37-2243 was renumbered to 37-2243A
- 7) 37-2007 is decreed for 0.8 cfs. The claim is for 0.76 cfs for Irrigation and 0.04 cfs for Stockwater. Since the decree doesn't give a diversion rate for each use, I would suggest amending this claim so the diversion rate for Irrigation is 0.80 cfs. I will still limit the recommendation to 0.8 cfs, but this will allow the claimant to use all the decreed water for irrigation if Stockwater is not being used.
- 8) 37-2247 is decreed for 0.5 cfs. The claim is for 0.46 cfs for Irrigation and 0.04 cfs for Stockwater. Since the decree doesn't give a diversion rate for each use, I would suggest amending this claim so the diversion rate for

Irrigation is 0.50 cfs. Same season as 37-2007.

- 9) I have recommended the water rights in two PPUs for Muldoon Ranch. Some of the Muldoon Creek water rights didn't claim all the PODs used for its PPU. For example, 37-1142 only claimed 2 PODs in Section 16, but it also needs a POD in Section 3 to get water to the NE portion of the PPU. Take a look and see what you think.

Thanks!

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

-----Original Message-----

From: Anders, Matthew
Sent: Tuesday, October 31, 2006 11:08 AM
To: 'daren.nelson@brockwayeng.com'
Subject: Muldoon Ranch

Daren,

I am finally starting to work on the Muldoon Ranch claims again. I amended all the claims using the information you sent 4/27/06. I have a couple questions:

- 1) The enlargement claim needs to be associated with a water right. Which right do you want it attached to?
- 2) The new beneficial use claim lists Spring Creek, Brown Creek, and several other small unnamed streams as sources. 37-20544 lists Spring Creek and several other small unnamed streams as sources. It seems that the new beneficial use claim and 37-20544 are for the same water. So rather than a new beneficial use claim, the new claim should probably be an amendment to 37-20544.

Question 2 may affect the fees still owed by Muldoon Ranch, so I'll wait to give the total fees due.

Thanks!

Matt

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

Ph. 208-287-4937

Muldoon Creek Water Rights

4/20/06

Rights
in Dece

Dece

Dece Date

161

37-1005

Woodworth vs Anthony

11/10/03

37-1046

"

"

37-1048

"

"

37-1051

"

"

37-2007

Licenses

p = 8/28/04 Muldoon cr

300+

37-99

Frost vs. Alturas

12/13/1909

37-401

"

"

37-2243

Licenses

p = 8/8/1912 wake water

37-2247

Licenses

p = 8/22/1912 Brown Cr

3

1

37-1141

Watkins vs Swendsen

5/4/1925

3

37-1119

Baptie vs Lewis

1/22/1926

37-1120

"

"

37-1140

"

"

1

37-1139

Hines vs Watkins

2/15/1927

-supp to Anthony vs. Woodworth

37-1142

Land law vs. Spafford

8/8/1940

1 supp to Anthony vs. Woodworth

37-1143

Peterson vs Kolp

6/28/1955

37-2751

Licenses p = 10/31/1966

p = 10/31/1966 Muldoon Cr

37-7006

Licenses

p = 12/18/1967 Muldoon Cr

Notes from Meeting w/ Arlen + Blair Croush

9/22/05

- ABC Agva / Moldoon Ranch

1) The name on the water rights should be Moldoon Ranch LLC

2) 37-1139

- want POU to only be in decreed POU

3) Land in Sect 14 + 15

- Ellsworth (former owner) dug a ditch + used pipe to get water from Brown + Chicken Cr to this land.

- commonly not enough water ^{available} to irrigate this land

- They are unsure when Ellsworth dug ditch, they will research it

4) 37-401A

- they confirmed POU's + POD's

- only used for stockwater

5) 37-1005

- claimed incorrectly

- they want to claim it on decreed POU

6) 37-1048 A

- claimed incorrectly
- they want to claim it on decreed POV
- They feel they own this entire right
 - they provided purchase documents when they claimed it
 - they provided me a document that lists water rights on Muldoon Cr which shows 3 rights w/ a priority date of 4/1/1884. They think they own Smitham and Jim Peterson owns Scoble + Brown. ~~However~~ However, a note at the bottom of the page states that since these two rights are some legal, only one is likely valid. One possibility is that Jim Peterson is claiming 37-1048 thinking it is one of these rights.

7) 37-1051

- claimed incorrectly
- they want to claim decreed POV

8) 37-1046

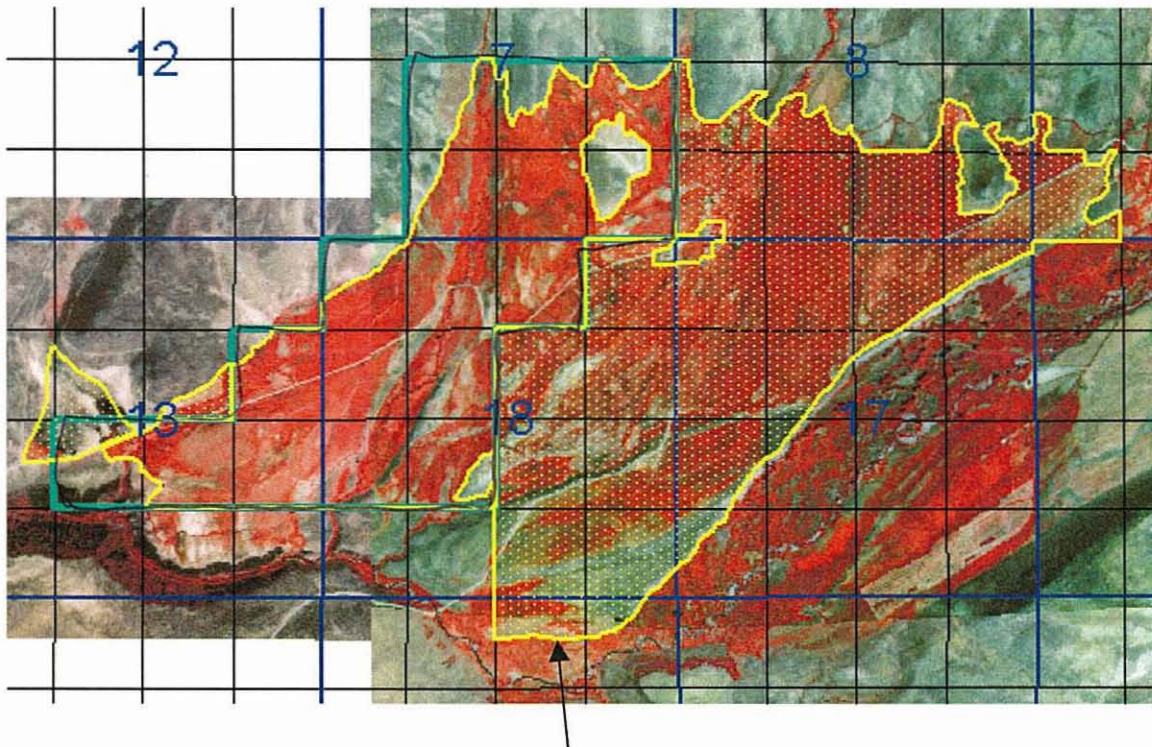
- ^{Meirill + Price}
- Arlen said ~~they~~ possibly have a portion of this right, he is not sure
- he will talk to them about this

9) 37-2243

- Arlen said Merrill + Price possibly have a portion of this right, he is not sure
- he will talk to them about this

10) 37-20544

- the SESE + SWSE Sect 13 are owned by BLM + not irrigated by ABC Agra



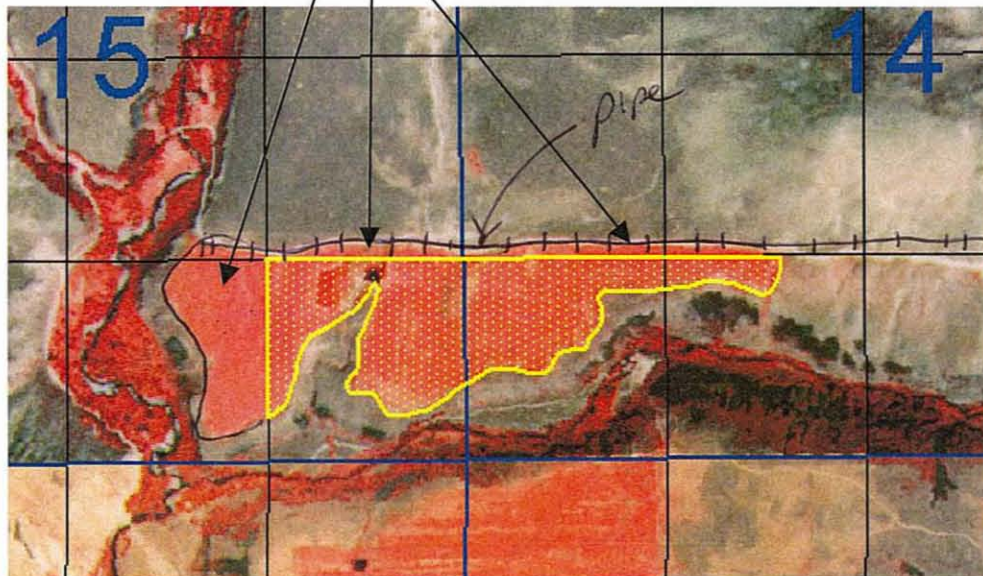
Irrigated down to Creek. This is included in 37-7006

- ~~this~~ water not always available for this

They are unsure about this date
↓ they will research it

Land outside yellow stipple is owned by Levenson. Is this irrigated by ABC Agra?

1960? Elsworth
- ~~they~~ installed ditch & sprinklers
- Source is Brown & Chicken Cr



Ditch

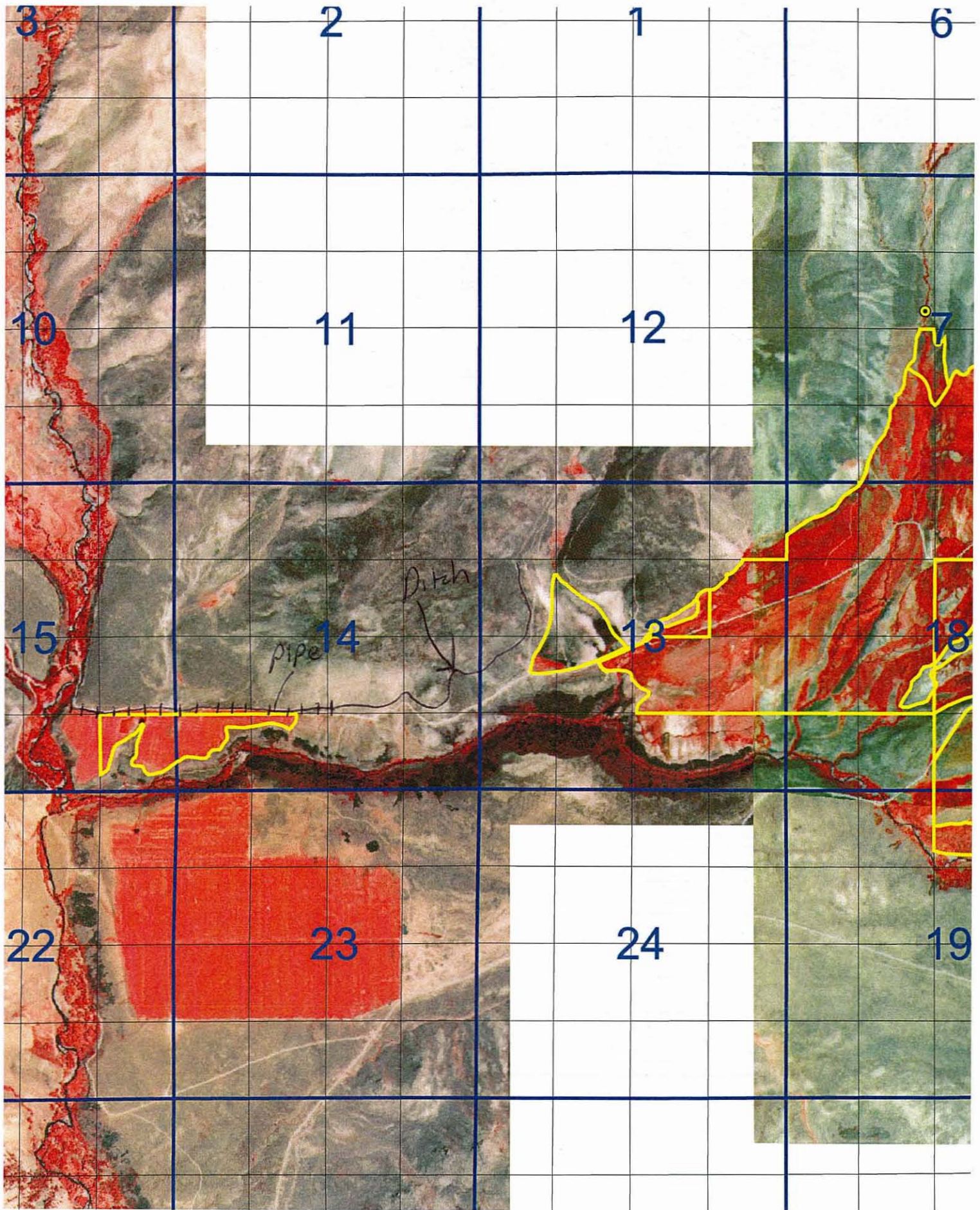
see map on next page

- this is connect to ditch upstream w/ the rest of their rights

T2N R20E Sections 14 & 15

- Land in NESW & NWSW Sec 14 & NESE, NWSE, & SWSE Sec 15 is owned by Levenson. Is it irrigated by ABC Agra?

Notes By Matt Anders
from Meeting 9/22/05
w/ Arlen & Blair Crouch



[illegible]

BARTIE IS CLARK

* Submitted by Arlen Crooch
of ABC Agra/Moldoon Ranch

File No.

A37-01139=07006=01051=01005=01048a=01046=01142=02007=02243=02247=00401A20544=orphan

Owner
ABC AGRA LLC
P.O. Box 378
Jerome,

Date
6/27/05
6/29/05

I called Blair Crouch and made an apt. to see him and Arlin Monday June 27 to review the water right files on ABC Agra property at Muldoon . Blair , Arlin and I met at their office in Jerome , we managed to get started in the files and both men decided that we should meet at the ranch in Muldoon canyon on Wed. the 29th with Pete Peterson [partner] and complete this file review and go out in the field to observe where the question areas are within these files.

WR A37-01139 This water is from Muldoon Cr.[Main source]Spring Cr, Brown Cr. Chicken Cr. See attached photo page 3 of 7 which shows the creeks .

See photos for info about this right. They will be in to see Kelly about name change

WR 07006 main water source is muldoon cr. And the areas owned in yellow and irrigated in blue looks very close to actual , see notes on color photo with the POD's as Corey skinner GPS as attached. Arlin said the 190 acres is OK and Pod 1-3 look OK.

WR 01005 = 1048A= 1051 the source of water for all this property is Spring Cr. And Muldoon Cr. With the area marked in yellow is a good indication of the POU of these three rights. And the small corner area on page 4=4is not irrigated the portion green is natural when rains or flood . Arlin said the ground water on 1005 is spring water.

WR 1048 & 1048A are question with Muldoon Livestock which I believe the IDWR will have to research for answers..

WR 01046 Arlin and Pete both said this water source is from Muldoon Cr. And the marked in yellow looks OK, also the two small parcels look OK

WR 01142 source for water is muldoon Cr. The decreed and claimed looks OK and all this land is irrigated as per Pete and the boat looking area he thinks was plowed at the fate of photo which makes it look dry, it is all now irrigated pasture. The small area in question in sec 20 is irrigated.

WR 02007 Arlin and Pete said this water source is muldoon CR. And the decreed=claimed is OK and the area in yellow is irrigated, on the claim this water was designated domestic , both of these people said there is and they do not remember any house and the water is not used for domestic purposes.

WR 02243 water source is muldoon Cr. This property is very sandy soil and a lot of water is required to irrigate the lands properly . This upper land appears to be the same as WR 1046, needs to be looked into by IDWR for duplication and the two small parcels with arrows are irrigated during short water years they get less water due to the land type.

WR02247 the source for this water is Chicken Cr. During good water years ,this creek on dry years ceases to flow enough to do much irrigating then what is provided is natural. See Photos 1060628=629=630=631.

WR 00401A both of these designated waters are springs for stock purposes only there is no irrigation.

WR 20544 see red-green photo in file for many notes, this water source is from muldoon cr , brown's cr. and Spring CR.

Orphan Lands file this land is not irrigated it is brush-trees- grass
naturally

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
POD's 1-2-3 GPS by Corey Skinner Sept. 23,2004					
ABC Spring Cr	ABC	1	2501244	1368651	None
ABC Browns Cr.	"	2	2499876	1368910	1060626
WR 2247 ABC land photo's	1060628-629-630-631				

Lee R. Peterson

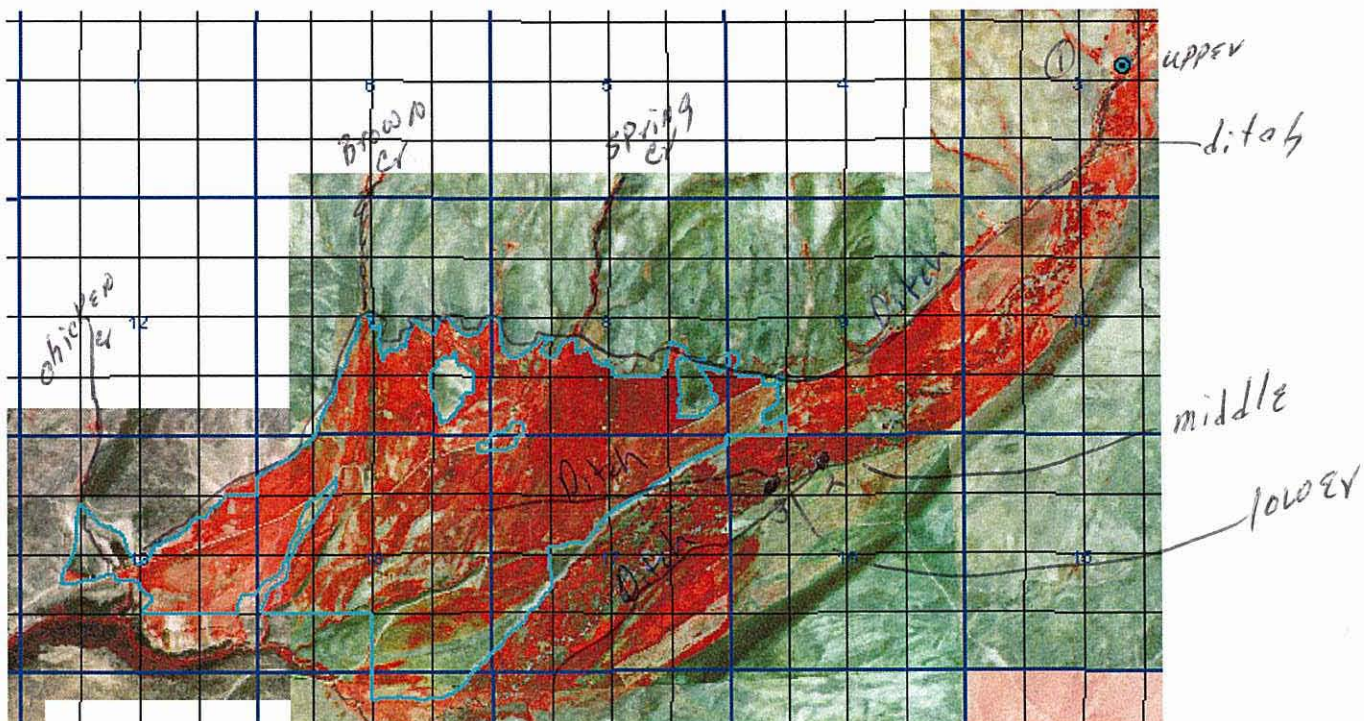
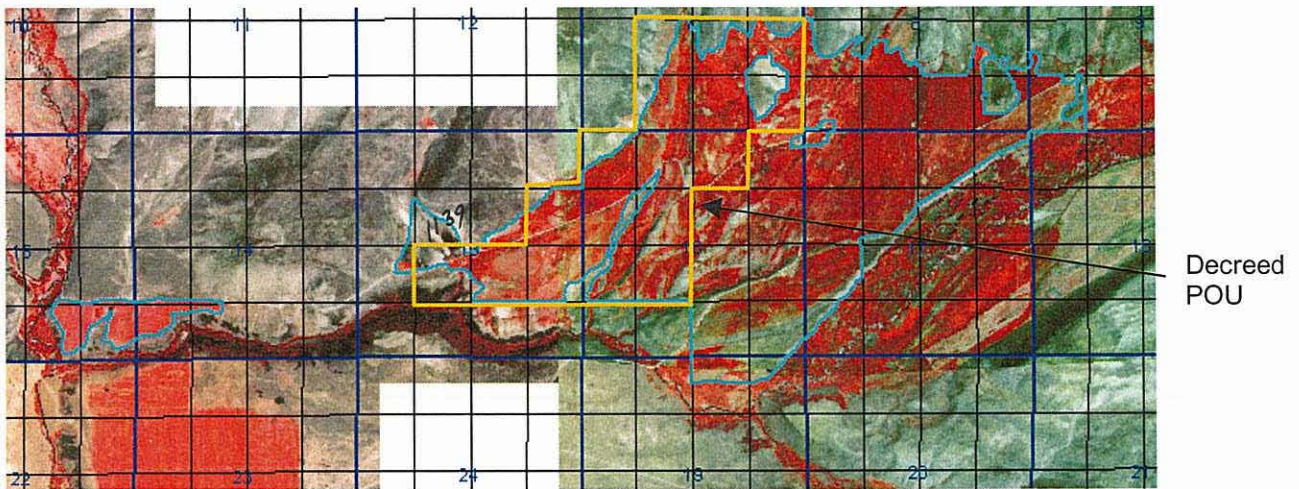
Background Data

- Source is Muldoon Creek
- Decreed for 7.0 cfs on 671.78 acres
- Claimed for 7.0 cfs on 1554 acres
- Found 1394 acres

Place Of Use Data

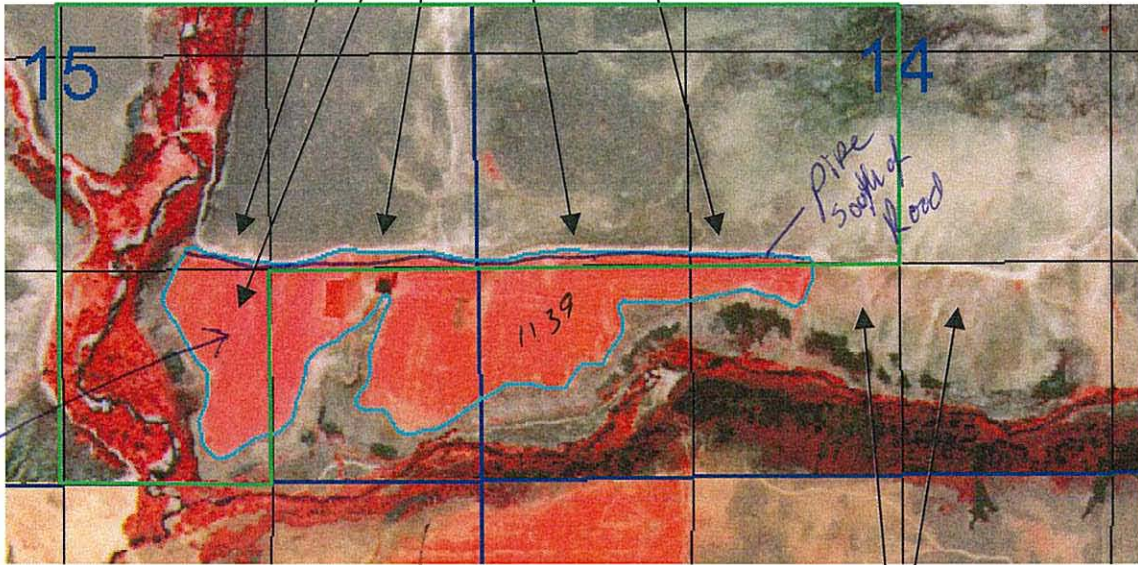
Blue line is the draft Place of Use created by IDWR based on historical data and records.
Blue dot is draft Point of Diversion created by IDWR based on historical data and records.
Orange line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Not claimed, but appears irrigated.
Owned by Levenson?

When



Talk to Alvin about who owns this QQ

T2N R20E Sections 14 & 15

- Land in NESW & NWSW Sec 14 & NESE, NWSE, & SWSE Sec 15 are not claimed and appear to be owned by Levenson. Is this related to the sale of 37-1217 by Flat Top Sheep Co to Levensen?

This is claimed. Is it irrigated?

spring water - no irrigation

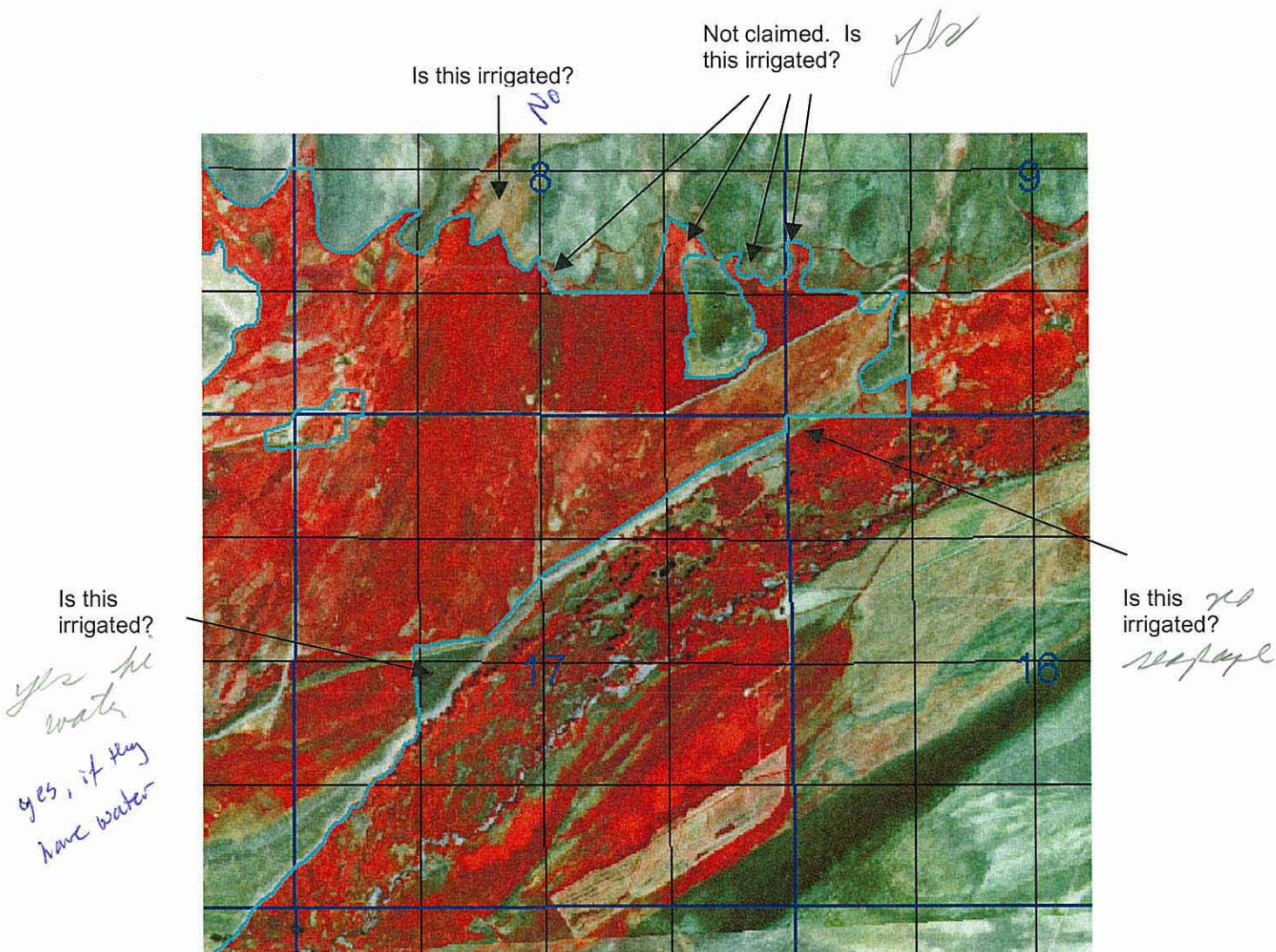
ABC Agra - This is the number for Cross-Roads Pt Real Estate where they work.

Arlin Crouch (co-owner)

324-6644 (office in Terore)

Blair Crouch (co-owner)

Pete Peterson (co-owner)

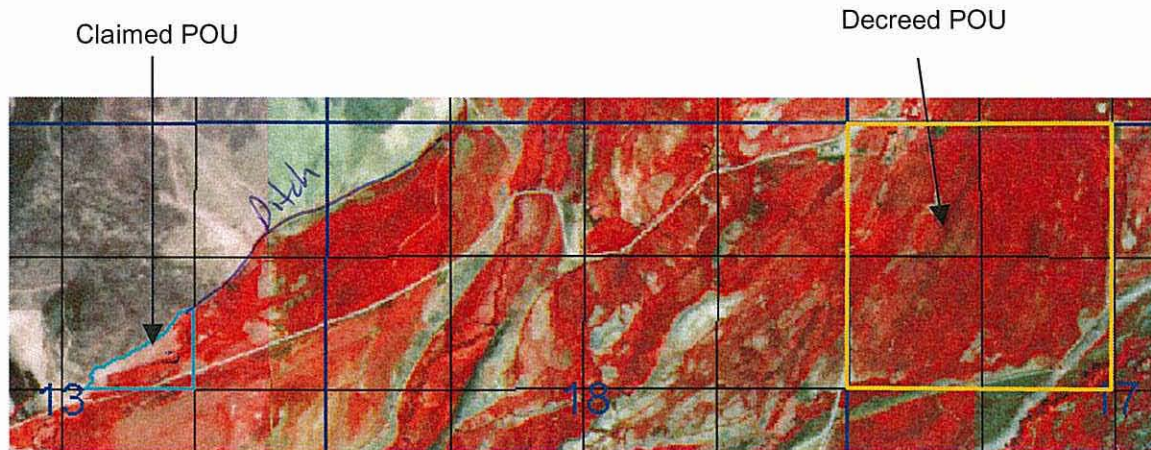


Sections 8, 9, 16, & 17

- Land in section 8 & 9 south of the canal is not claimed. Is it irrigated? If yes, should it be included in an existing water right or claimed under a new water right?
- Is there additional irrigated land in NESW Section 8? This is above canal. *reapage*
- Is land in SENW & NESW Section 17 irrigated? *yes & reapage*

Notes for: 37-1051

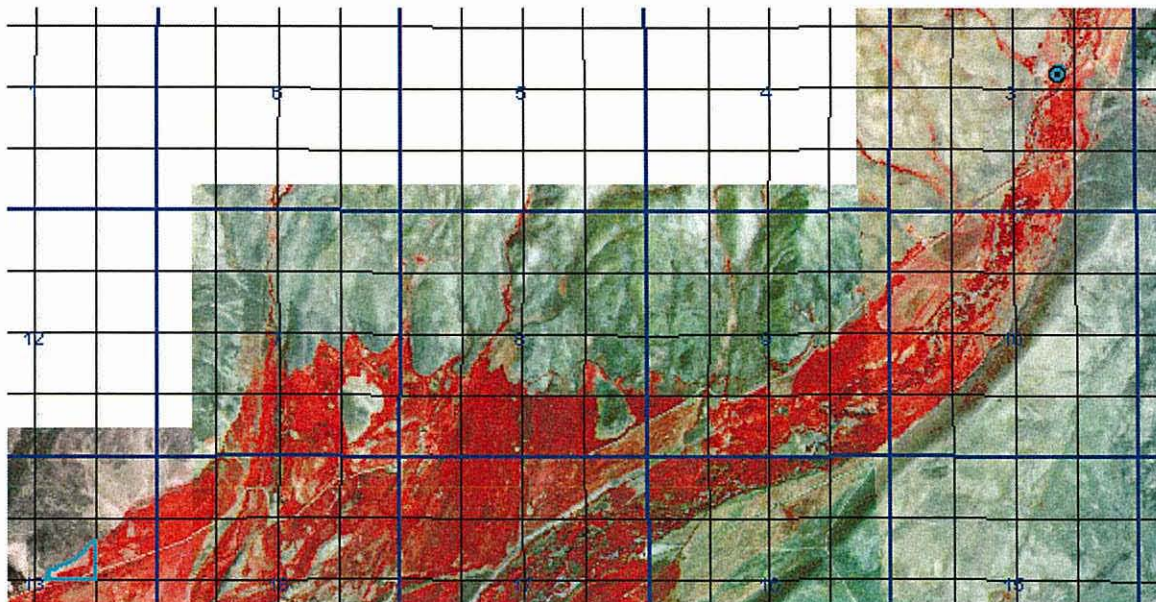
- Source is Muldoon Creek
- Decreed 2.0 cfs
- Claimed 2.0 cfs



T2N R20E

Section 13

- Decreed as all of the NW of 2N 21E S17, but claimed as un specified number of acres in SWNE 2N 20E S13
- Found 11 acres



- 1 POD claimed and located to QQQ. No decreed POD.

- Source Muldoon Creek
- Decreed 0.8 cfs on 1 QQ
- Claimed 0.8 cfs on 40 acres

Background Data

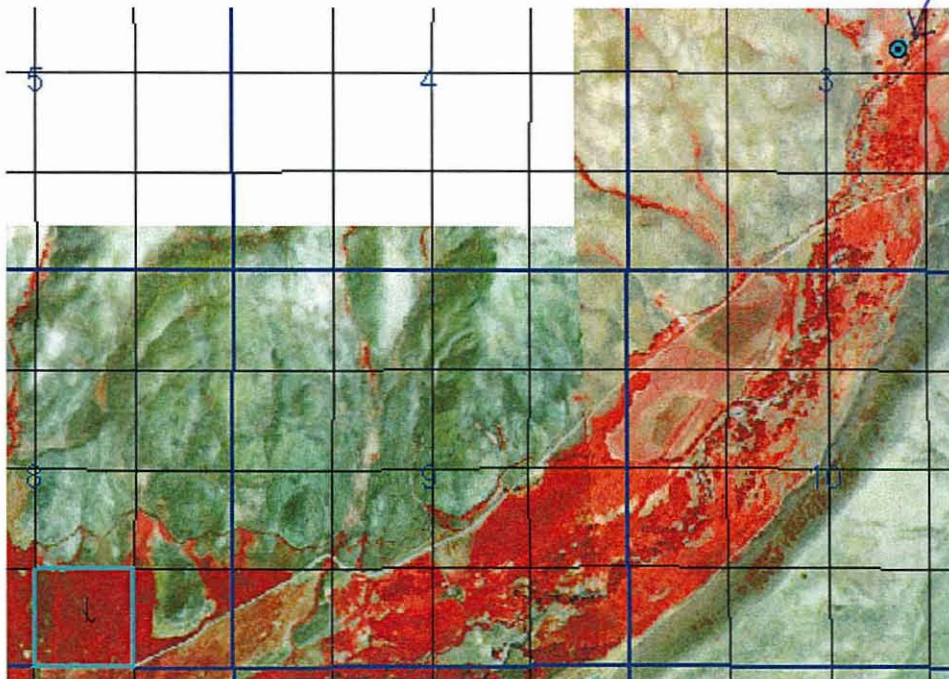
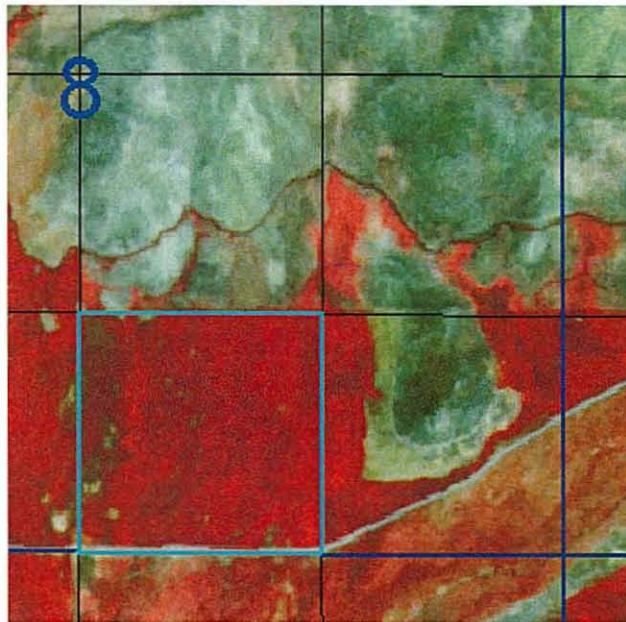
Place Of Use Data

Blue line is the draft Place of Use created by IDWR based on historical data and records.

Blue dot is draft Point of Diversion created by IDWR based on historical data and records.

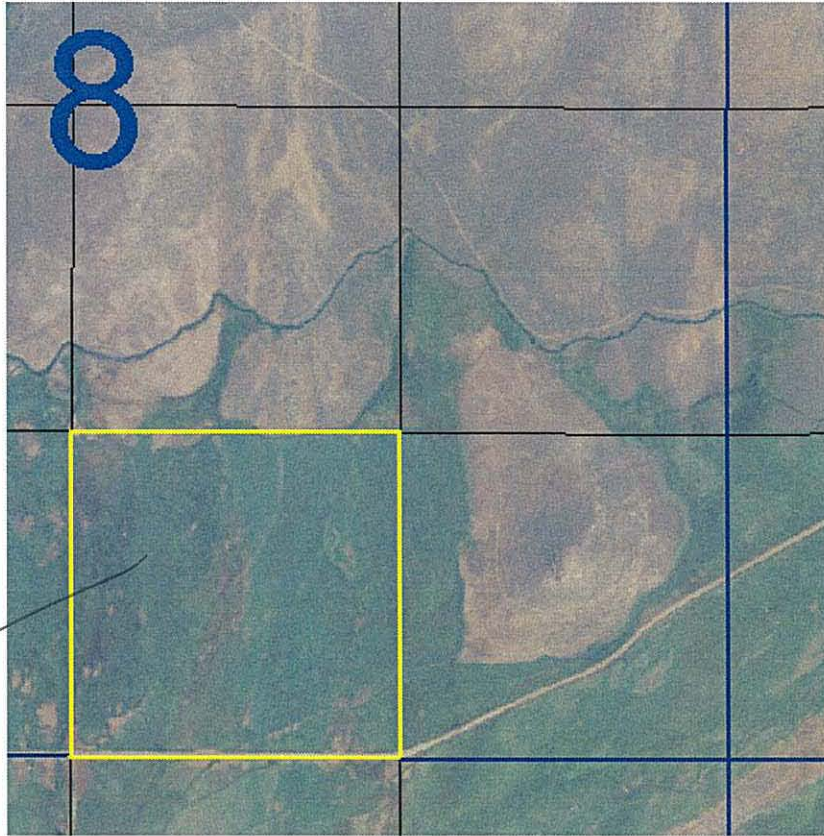
Orange line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



#1 muldoon
H

2004 Aerial Photo



celling

T2N R21E Section 8

- Decreed and claimed POU are the same

*confirm
domestic
no house
not used as homestead*

-POD is #1 Muldoon

File No.

A37-01139=07006=01051=01005=01048a=01046=01142=02007=02243=02247=00401A20544=orphan

Owner
ABC AGRA LLC
P.O. Box 378
Jerome,

Date
6/27/05
6/29/05

I called Blair Crouch and made an apt. to see him and Arlin Monday June 27 to review the water right files on ABC Agra property at Muldoon . Blair , Arlin and I met at their office in Jerome , we managed to get started in the files and both men decided that we should meet at the ranch in Muldoon canyon on Wed. the 29th with Pete Peterson [partner] and complete this file review and go out in the field to observe where the question areas are within these files.

WR A37-01139 This water is from Muldoon Cr.[Main source]Spring Cr, Brown Cr. Chicken Cr. See attached photo page 3 of 7 which shows the creeks .

See photos for info about this right. They will be in to see Kelly about name change

WR 07006 main water source is muldoon cr. And the areas owned in yellow and irrigated in blue looks very close to actual , see notes on color photo with the POD's as Corey skinner GPS as attached. Arlin said the 190 acres is OK and Pod 1-3 look OK.

WR 01005 = 1048A= 1051 the source of water for all this property is Spring Cr. And Muldoon Cr. With the area marked in yellow is a good indication of the POU of these three rights. And the small corner area on page 4=4is not irrigated the portion green is natural when rains or flood . Arlin said the ground water on 1005 is spring water.

WR 1048 & 1048A are question with Muldoon Livestock which I believe the IDWR will have to research for answers..

WR 01046 Arlin and Pete both said this water source is from Muldoon Cr. And the marked in yellow looks OK, also the two small parcels look OK

WR 01142 source for water is muldoon Cr. The decreed and claimed looks OK and all this land is irrigated as per Pete and the boat looking area he thinks was plowed at the fate of photo which makes it look dry, it is all now irrigated pasture. The small area in question in sec 20 is irrigated.

WR 02007 Arlin and Pete said this water source is muldoon CR. And the decreed=claimed is OK and the area in yellow is irrigated, on the claim this water was designated domestic , both of these people said there is and they do not remember any house and the water is not used for domestic purposes.

WR 02243 water source is muldoon Cr. This property is very sandy soil and a lot of water is required to irrigate the lands properly . This upper land appears to be the same as WR 1046, needs to be looked into by IDWR for duplication and the two small parcels with arrows are irrigated during short water years they get less water due to the land type.

WR02247 the source for this water is Chicken Cr. During good water years ,this creek on dry years ceases to flow enough to do much irrigating then what is provided is natural. See Photos 1060628=629=630=631.

WR 00401A both of these designated waters are springs for stock purposes only there is no irrigation.

WR 20544 see red-green photo in file for many notes, this water source is from muldoon cr , brown's cr. and Spring CR.

Orphan Lands file this land is not irrigated it is brush-trees- grass
naturally

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
POD's 1-2-3 GPS by Corey Skinner Sept. 23,2004					
ABC Spring Cr	ABC	1	2501244	1368651	None
ABC Browns Cr.	"	2	2499876	1368910	1060626
WR 2247 ABC land photo's	1060628-629-630-631				

Lee R. Peterson

Background Data

- Source is Brown's Creek
- Licensed for 0.5 cfs on 25 acres
- Claimed for 0.5 cfs on 25 acres

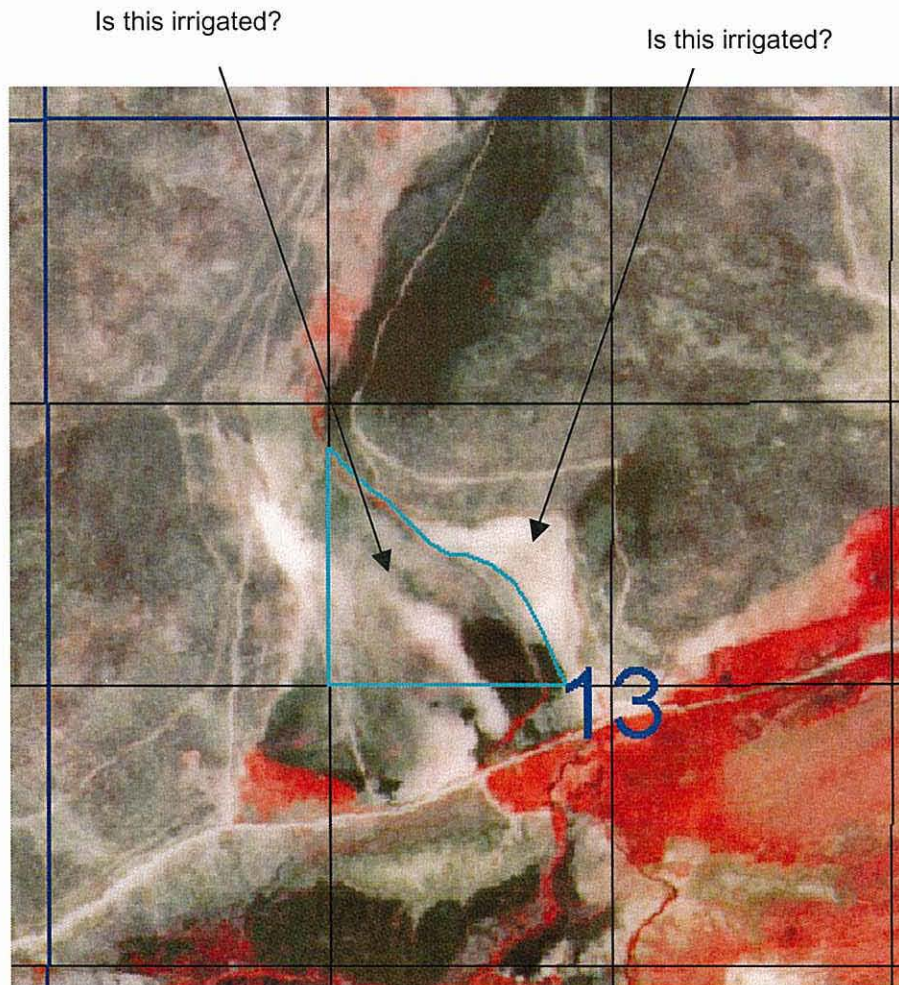
Place Of Use Data

Blue line is the draft Place of Use created by IDWR based on historical data and records.

Blue dot is draft Point of Diversion created by IDWR based on historical data and records.

Orange line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



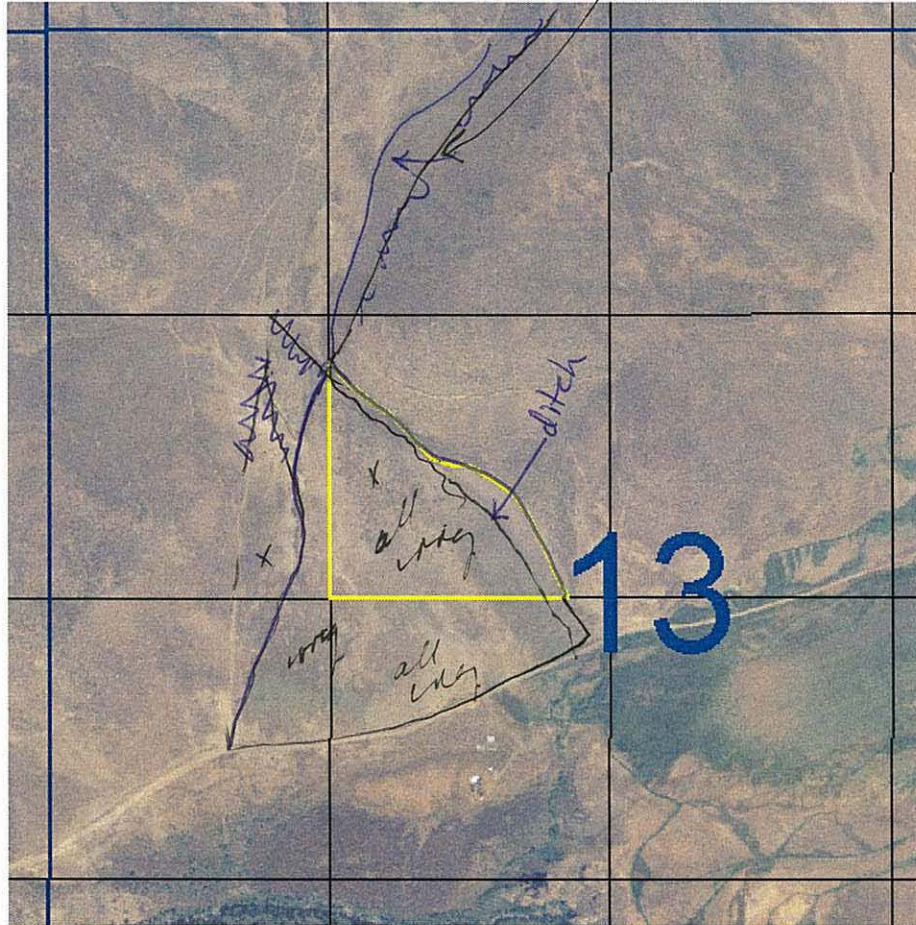
if irrigating → need picture

1060628
629
630
631

Irrig

Field Exam by
Lee Peterson

2004 Aerial Photo



Notes

T2N R20E Section 13

- Decreed POU is 25 acres in SENW *or*
- Found 16 acres. Is this land being irrigated? *yes*
- Is there additional irrigated land? Is it above the canal? *no*
- 2 claimed PODs, but only one was licensed. Licensed POD was located in SWNE Section 7. What is the other POD?

GPS all PODs

- Flood irrigation

Background Data

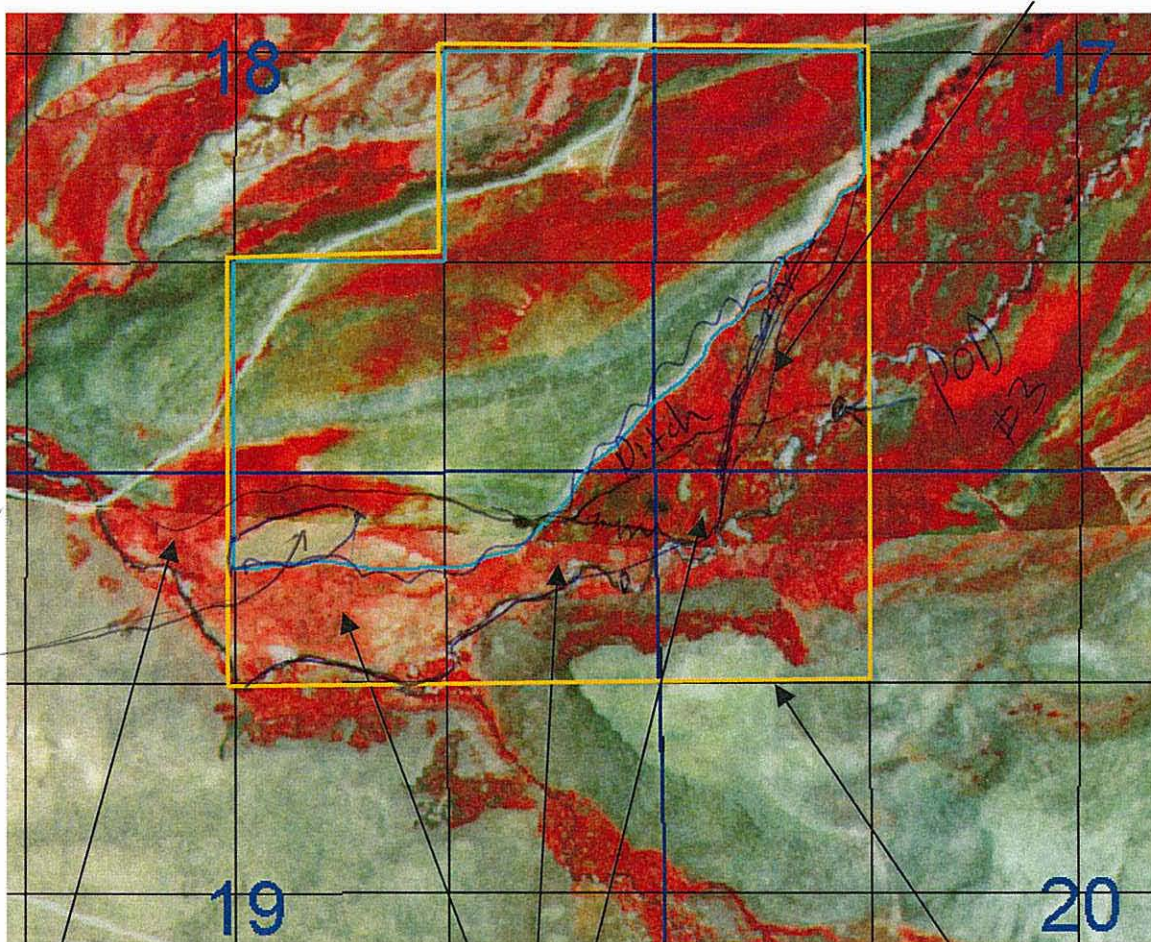
- Source is Muldoon Creek
- Licensed for 2.18 cfs and 603 af on 201 acres
- Claimed for 2.18 cfs on 201 acres

Place Of Use Data

Blue line is the draft Place of Use created by IDWR based on historical data and records.
Blue dot is draft Point of Diversion created by IDWR based on historical data and records.
Orange line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

Is this irrigated?

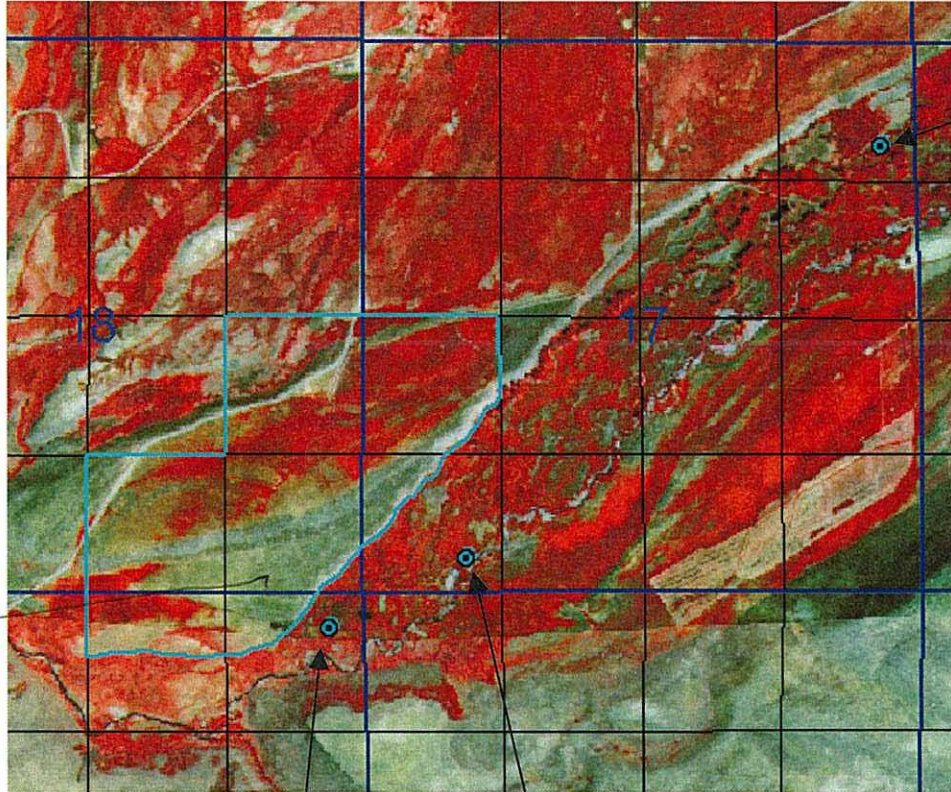


Owned by Hoag?
Is this irrigated by ABC
Agra?

Is this irrigated?
mostly

Licensed POU is within
this area

~~Not~~
- Not irrigated
- this is creek water
& seepage from
the land to the
east



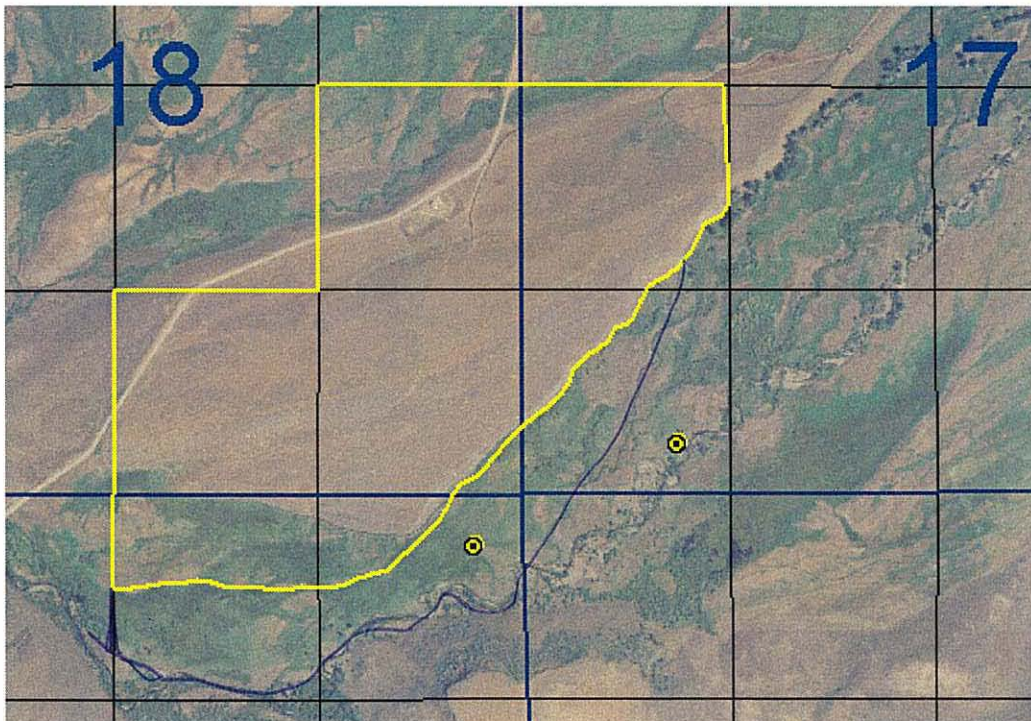
gas well
but being it
not off the
- ingats when
they have
water

~~POD 3~~

2004 Aerial Photo

~~POD 2~~

No, but check
for
GPS
pts in
Lorey SKinner



Notes

T2N R21E Section 17, 18, 19, & 20

- Found 190 acres *look on*
- Is riparian area irrigated?
- 2 claimed PODs located to QQQ. There are licensed PODs located to QQ in the same QQ as POD 1 & 3. There is also a licensed POD located to SESE Section 18. *on*

yellow area on
↓
orange licensed POD

Background Data

- Beneficial Use Claim
- Source is Spring Creek
- Claimed 5 cfs on 864 acres

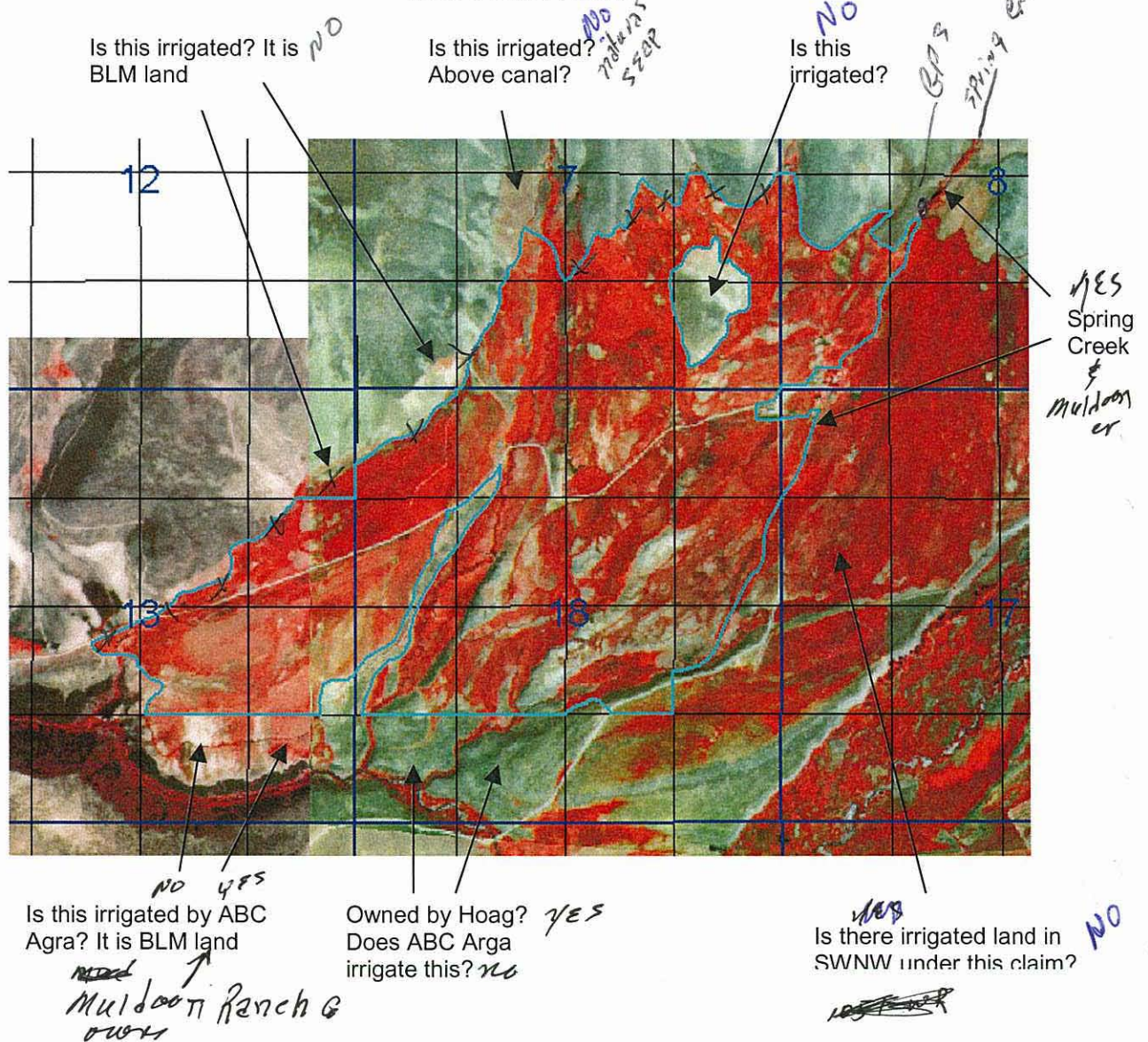
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

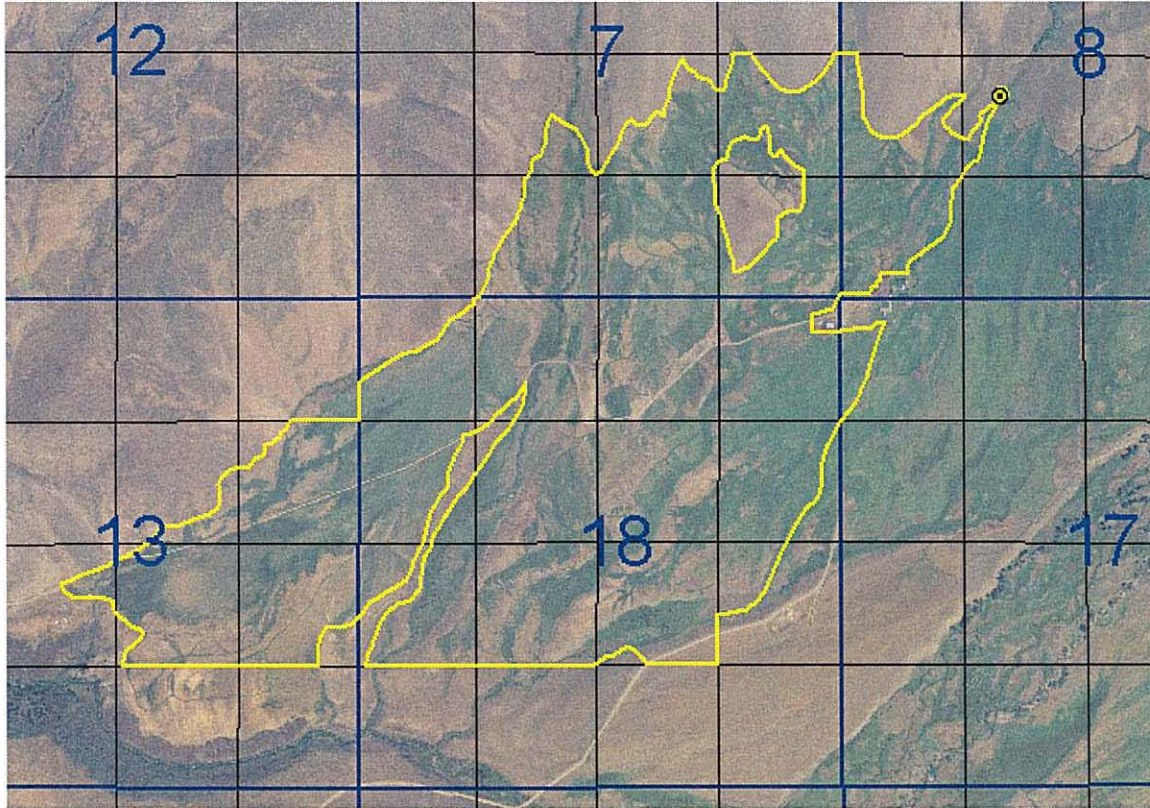
Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Call them & confirm this

2004 Aerial Photo



1134 covers = locate east line

Notes

Section 13 2N 21E & Section 7, 8, 17, & 18 2N 21E

- Found 727 acres
- Is BLM land irrigated by ABC Agra?
- Is land in SESW & SWSW Sec 18 owned by Hoag? Does ABC Agra irrigate this land?
- Spring Creek appears to be west of SWNW Sec 17 – Is there any irrigated land in this QQ for this claim?
- ✗ ➤ Additional PODs for Spring Creek? *did GPS*
- ✗ ➤ We need evidence supporting a priority date of 4/15/1935. *AK ARlin will get*

Background Data

37-1005

- Sources are groundwater and Muldoon Creek. *Spring Cr*
- Decreed for 1.4 cfs on 4 QQ.
- Claimed for 1.4 cfs on unspecified acres
- Same POU claimed for 37-1005, 37-1048A, & 37-1051

37-1048A

- Source is Muldoon Creek *qfr*
- Did a preliminary search on the splits, but need to confirm with priority date search file. *Assume?*
 - 37-1048 originally decreed as 2.0 cfs on 4 QQ
 - 37-1048 (Muldoon Livestock) claimed for 2.0 cfs on 120 acres
 - 37-1048A (ABC Agra) claimed for 2.0 cfs on unspecified acres
 - **Overclaimed**
- Same POU claimed for 37-1005, 37-1048A, & 37-1051

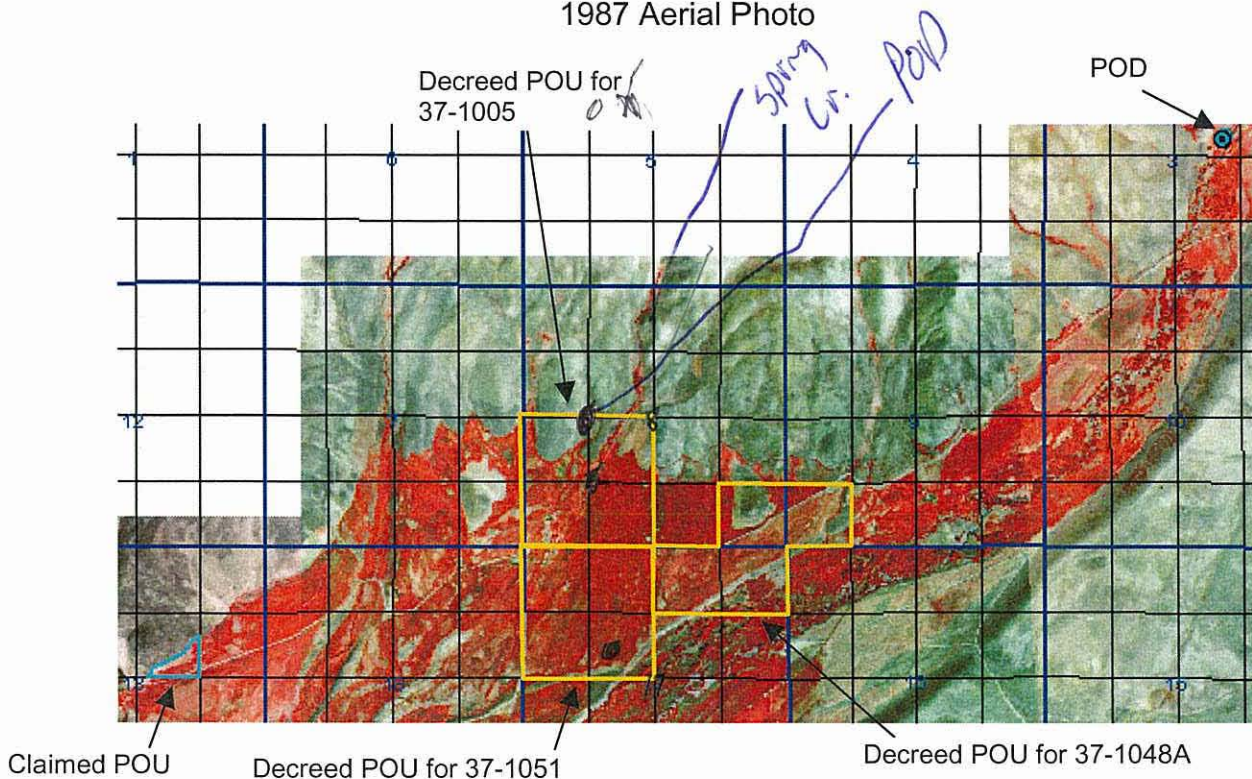
37-1051

- Source is Muldoon Creek
- Decreed 2.0 cfs on 4 QQ
- Claimed 2.0 cfs on unspecified acres
- Same POU claimed for 37-1005, 37-1048A, & 37-1051

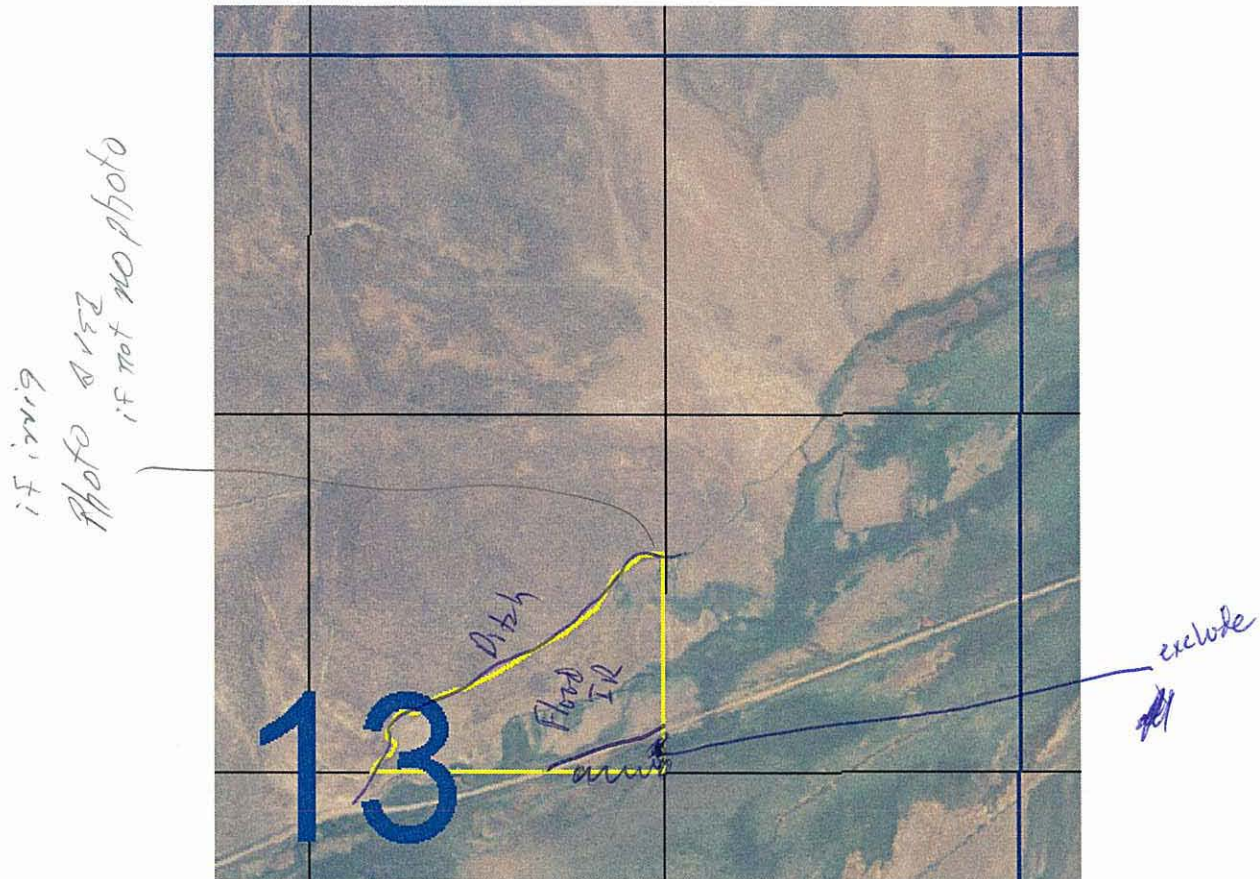
Place Of Use Data

Blue line is the draft Place of Use created by IDWR based on historical data and records.
Blue dot is draft Point of Diversion created by IDWR based on historical data and records.
Orange line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



2004 Aerial Photo



Notes

T2N R20E Section 13

37-1005

- Found 11 acres
- Claimed unspecified number of acres
- WR lists source as groundwater & Muldoon Creek. Claimed sources are Spring Creek & Muldoon Creek. Why the change in source?
- Claimed POD is for Muldoon Cr – need to locate POD for Spring Creek.
- Groundwater POD is in 7S 22E S36 (Lincoln Co) need to clarify if groundwater is being claimed and the location of the POD

37-1048A

- Found 11 acres
- Claimed unspecified number of acres

37-1051

- Found 11 acres
- Claimed unspecified number of acres

Well or what

No

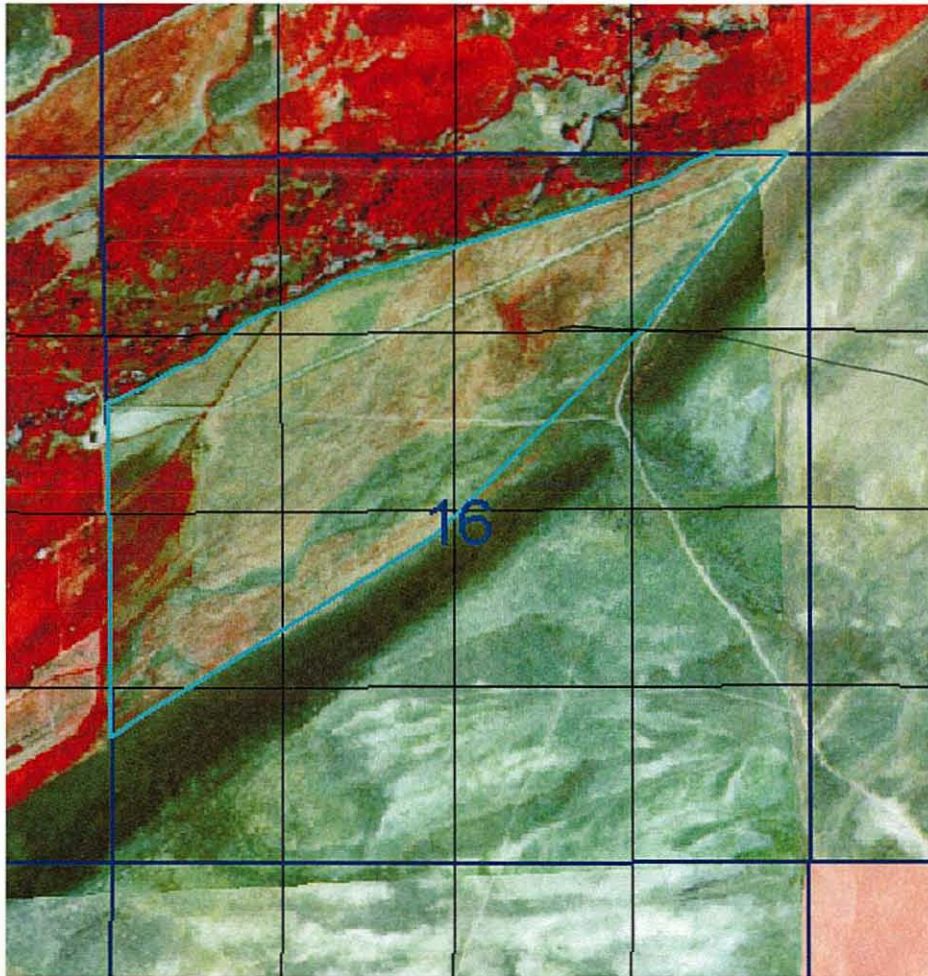
See Lee's Notes
- groundwater is actually springs?
- Pod

- no groundwater source

Check in Lee's shpfiles ABC 1

Notes for: Orphan Land

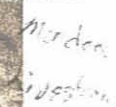
- This is land that might be irrigated but is unclaimed, unlicensed, and undecreed.



161 River

spring

upper
1005
1051
1048A
ABCP



4/5-

Anders, Matthew

From: Anders, Matthew
Sent: Wednesday, July 12, 2006 11:47 AM
To: 'Daren Nelson'
Subject: RE: ABC Agra / Muldoon Ranch

Daren,

I've been on vacation since July 3rd and just got back into to the office 20 minutes ago.

I have not worked in the amended claims you sent me for Muldoon Ranch. We are focusing on the completing the claims in the Camas Prairie (Fairfield) area and probably will be done with them in August. I'm planning on finishing the Muldoon Ranch claims when we get done with the Camas Prairie claims.

Thanks!

Matt

-----Original Message-----

From: Daren Nelson [mailto:daren.nelson@brockwayeng.com]
Sent: Wednesday, July 12, 2006 9:18 AM
To: Anders, Matthew
Subject: FW: ABC Agra / Muldoon Ranch

Matt, Could you please let me know what the status of the amended claims that were submitted to you re: Muldoon Ranch?

Daren T. Nelson (Hydrologist)
Brockway Engineering, PLLC
2016 North Washington #4
Twin Falls, Idaho 83301
daren.nelson@brockwayeng.com

Daren T. Nelson (Hydrologist)

-----Original Message-----

From: Daren Nelson [mailto:daren.nelson@brockwayeng.com]
Sent: Wednesday, July 05, 2006 11:45 AM
To: 'Anders, Matt'
Subject: RE: ABC Agra / Muldoon Ranch

Matt,

Arlen is wondering what the status is for the amended claims that were submitted to you re: Muldoon Ranch. Could you respond?

Thanks,

Daren T. Nelson (Hydrologist)
Brockway Engineering, PLLC
2016 North Washington #4
Twin Falls, Idaho 83301
daren.nelson@brockwayeng.com

-----Original Message-----

From: Anders, Matt [mailto:Matthew.Anders@idwr.idaho.gov]
Sent: Tuesday, January 03, 2006 12:48 PM
To: 'daren.nelson@brockwayeng.com'

Subject: ABC Agra / Muldoon Ranch

Daren,

Attached are the place of use shapes for ABC Agra / Muldoon Ranch as we discussed last week. The shapefile has 8 shapes in it:

ABC Agra - ??? Arlen is collecting information on this land to determine when water use started. Unclear if they will claim this.

37-401A A stockwater claim for a spring. The POU will be the two 40 acre parcels.

37-20544 A claim that needs evidence of priority. It is already part of PPU1.

37-1005 Claim needs to be amended to this land. It is already part of PPU1.

37-1048 Claim needs to be amended to this land. It is already part of PPU1.

37-1051 Claim needs to be amended to this land. It is already part of PPU1.

ABC Agra - PPU1 Proposed permissible place of use

ABC Agra - PPU2 Proposed permissible place of use

If you want anything else such as points of diversion let me know. Feel free to call me to discuss these claims.

Thanks!

Matt

<<to_brockway_010306.zip>>

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

Anders, Matt

From: Anders, Matt
Sent: Wednesday, January 25, 2006 9:19 AM
To: 'Daren Nelson'
Subject: part 1



ABC

Agra_Diversions1.doc



to_brockway_0125

06.zip

Daren,

The PODs for 37-401A have been hard to track down. I talked to Arlen about them a couple times and moved them around based on his comments, but it seems I still don't have one of them in the correct location. For the recommendation, I will use whatever you give me for the location of those springs.

I've been researching License 1000. I found the license, but there is a note in the water right file that the license may be superceded by 37-1142. I need to work on it more figure out the situation.

We don't have digital versions for all the decrees/licenses for these rights. I can send you paper copies if you want them.

I've looked over your irrigation shape and I have some questions about delivery to some of the additional areas you feel are irrigated. Attached is:

1) A Word document with notes about the ABC Agra diversions on Muldoon Creek. There was/is a dispute up there, and this is part of the documentation. (The whole version was 5.5 Mb and was denied by your email, so this is part 1)

A zip with 3 things:

- 2) A shapefile of the irrigation POUs by water right I delineated and used for the PPU.
- 3) A shapefile of the decreed/licensed POUs by water right
- 4) A shapefile of the PODs I have for these rights.

When you have time give me a call and we can talk about the water delivery to the additional areas.

Thanks!

Matt

-----Original Message-----

From: Daren Nelson [mailto:daren.nelson@brockwayeng.com]
Sent: Friday, January 20, 2006 4:55 PM
To: 'Anders, Matt'
Subject: Muldoon Ranch

Matt,

Here are those files that I was talking to you about. I am including the shapefiles that we used to calculate the irrigated acreage for 1987. We estimated a total of 1850.5 acres for 1987 (1322.1 ac. for Ellsworth's property & 528.4 ac. for Laidlaw's property). These estimates are based on what Arlen has told me regarding the irrigation at the ranch, and what Amy (our GIS Specialist) and I thought could conceivably be irrigated in 1987.

The POU's and POD's for 37-401A are also depicted per Arlen's knowledge of the ranch. He was not exactly sure where the springs were located up this draw, but he said he thinks there is one spring in section 10(?). However, I think that the location in section 15 would make more sense (I will talk to him more to verify the POU).

The data table that I am sending you is a list that IDWR made in 1961 regarding some of the rights in this area. The right that I am concerned about is license #1000. I originally thought that this could have been right 37-1142. However, these rights do not have the same priority date or volume, but exhibit similar POU's. If you could investigate this issue I would appreciate it.

In addition, do you have a digital copy of any of the decrees appurtenant to these rights? I have a copy of both of IDWR's lists (dated in 1961 - from Arlen) that list the rights, but it would be better if I could get the actual decrees.

I will get additional data to you as soon as possible regarding the land near the confluence of Muldoon Creek and the Little Wood.

Thanks for the assistance,

Daren T. Nelson (Hydrologist)
Brockway Engineering, PLLC
2016 North Washington #4
Twin Falls, Idaho 83301
daren.nelson@brockwayeng.com

-----Original Message-----

From: Anders, Matt [mailto:Matthew.Anders@idwr.idaho.gov]
Sent: Wednesday, January 18, 2006 9:43 AM
To: 'daren.nelson@brockwayeng.com'
Subject: ABC Agra

Daren,

Sorry! I missed the land for 37-7006 when I assembled the PPU. Attached is an updated version.

Give me a call and we'll talk about the bottom land.

Matt

<<to_brockway_011806.zip>>

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

Anders, Matt

From: Daren Nelson [daren.nelson@brockwayeng.com]
Sent: Friday, January 20, 2006 4:55 PM
To: 'Anders, Matt'
Subject: Muldoon Ranch



DTN_to_IDWR_01 Data Table.tif
2005.zip

Matt,

Here are those files that I was talking to you about. I am including the shapefiles that we used to calculate the irrigated acreage for 1987. We estimated a total of 1850.5 acres for 1987 (1322.1 ac. for Ellsworth's property & 528.4 ac. for Laidlaw's property). These estimates are based on what Arlen has told me regarding the irrigation at the ranch, and what Amy (our GIS Specialist) and I thought could conceivably be irrigated in 1987.

The POU's and POD's for 37-401A are also depicted per Arlen's knowledge of the ranch. He was not exactly sure where the springs were located up this draw, but he said he thinks there is one spring in section 10(?). However, I think that the location in section 15 would make more sense (I will talk to him more to verify the POU).

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I will get additional data to you as soon as possible regarding the land near the confluence of Muldoon Creek and the Little Wood.

Thanks for the assistance,

Daren T. Nelson (Hydrologist)
Brockway Engineering, PLLC
2016 North Washington #4
Twin Falls, Idaho 83301
daren.nelson@brockwayeng.com

-----Original Message-----

From: Anders, Matt [mailto:Matthew.Anders@idwr.idaho.gov]
Sent: Wednesday, January 18, 2006 9:43 AM
To: 'daren.nelson@brockwayeng.com'
Subject: ABC Agra

Daren,

Sorry! I missed the land for 37-7006 when I assembled the PPU. Attached is an updated version.

Give me a call and we'll talk about the bottom land.

Matt

<<to_brockway_011806.zip>>

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

PERMIT AND LICENSED RIGHTS ON MULDOON CREEK & TRIBUTARIES, Except South Fork

Blaine CO., IDAHO

AS RECORDED IN DEPARTMENT OF RECLAMATION, STATE OF IDAHO

March 23 19 61 Revised

Water Dist. No. 11-D

LICENSE	PERMIT	NAME	AMT. inches	Date of Filing or Priority	Point of Diversion				PLACE OF USE, REMARKS, ETC.	License Page
					Subdiv.	Sec.	Twp	Rge.		
604	37-2002	Ada L. Womack ^{Ellsworth} Leslie Peterson	40 ✓	8-28-04	SW ¹ / ₄ NW ¹ / ₄	10	2 N	21E	SW ¹ / ₄ SE ¹ / ₄ , Sec. 8-2N-21E	
1000	(37-1142)	Absolum Womack Fred W. Laidlaw, Inc	130 ^{2-6 ft}	12-16-04	3200' NE from NW ¹ / ₄ Cor	16	2N	21E	NE ¹ / ₄ SW ¹ / ₄ , Sec. 17; NE ¹ / ₄ NE ¹ / ₄ , Sec. 20-2N-21E (See Decree 5-15-10)	
3148	?	Muldoon Mining Co. East Fk	1200	8-7-07					At mines of Muldoon Mining Co.	
8595	37-2245	James Laidlaw Fred W. Laidlaw, Inc	Mutual 215 ✓	Tunnel Water 8-8-12	NW ¹ / ₄ SE ¹ / ₄	3	2N	21E	N ¹ / ₂ NW ¹ / ₄ , SW ¹ / ₄ NW ¹ / ₄ , NE ¹ / ₄ NE ¹ / ₄ , Sec. 10; SE ¹ / ₄ NE ¹ / ₄ , Sec. 9; SE ¹ / ₄ , Sec. 17-2N-21E	
8644	37-2247	Andy Glahn ^{Ellsworth} Leslie Peterson Brown's Creek	25 ✓	8-22-12	SE ¹ / ₄ NW ¹ / ₄	7	"	"	SE ¹ / ₄ NW ¹ / ₄ , Sec. 13 - 2N-20E	
11377		Frank Somsen ^{Jim P. Thompson} Thompson Cr.	50	6-23-15	NW ¹ / ₄ NE ¹ / ₄	34	3N	21E	N ¹ / ₂ NE ¹ / ₄ , Sec. 34 - 3N-21E	
12233		Frank R. Hills Fred W. Laidlaw, Inc	120	9-24-16	SW ¹ / ₄ SE ¹ / ₄	24	"	"	SE ¹ / ₄ NE ¹ / ₄ , E ¹ / ₂ SE ¹ / ₄ , Sec. 23; SW ¹ / ₄ NW ¹ / ₄ , Sec. 24 3N-21E	
	11625	R. J. Scoble Alf Billingsley	160 ✓	3-24-20	SE ¹ / ₄ SE ¹ / ₄	9	2N	21E	NW ¹ / ₄ SW ¹ / ₄ , Sec. 17; E ¹ / ₂ SE ¹ / ₄ , SW ¹ / ₄ SE ¹ / ₄ , Sec. 18-2N-21E	
U.S.O		Leo Martv	200 ?	6-28-20	NE ¹ / ₄ NW ¹ / ₄	10	"	"	Power purpose at point of diversion	
37-7206	32038	Keith Justesen ^{Ellsworth} (Ellsworth)	2.18 cfs ^{10.9 inch}	8-25-64	NE ¹ / ₄ NE ¹ / ₄	17	2N	21E		
	37-7006	(Approved 12-18-61 I.D.N. 37-7006)								

1/20/06 - MDA

Talked w/ Daren Nelson of Brockway Engineering

Land in Section 15 near confluence of Moldoon & Little
wood Creeks

- irrigation started in 1974 → they plan to file an
enlargement because the water being used was
Moldoon Creek water
- Ownership of part of this land is also in question.

~~Arlen Crouch would like to say~~

- They are sending me a slope file of what they think is
irrigated based on conversations w/ Arlen Crouch

11/17/05 - Phone conversation w/ Arlen + Blair Crouch

- 1) They will go to Twin Falls to charge name on Rgts to Muldoon Ranch
- 2) They will go to Twin Falls to amend claims 37-1005, 37-10484, + 37-1051 so the claimed POU is same as decreed POU
- 3) ~~Muldoon~~ The present Muldoon Ranch was 2 ranches (Bruce Trombley - Rock Bar Ranch, + Grant Ellsworth Ranch) in 1987. ~~The~~ I told them that one large PPD cannot be created for the whole ranch because it was 2 ranches in 1987. They asked if they could create 2 PPD's, one for each ranch. I said Yes they could do that. They will talk to Brockway Engineering about their water rights.
- 4) They will check into when the land in SE Sect 14 + SW Sect 15 ~~was~~ started being irrigated. Possibly after 1971 - the surface water maintenance.
- 5) They said the spring for 37-401A is not in Section 22, it is in Section 15.
- 6) They will send evidence of priority for 37-20544
- 7) Arlen felt Price should get 2" from 37-1046 + 2" from 37-2243, and Merrill should get 1.5" from 37-1046

Anders, Matt

From: Anders, Matt
Sent: Tuesday, November 08, 2005 9:59 AM
To: 'blair@crossroadspoint.com'
Subject: water rights

Arlen & Blair,

I am getting ready to make my final recommendations for water right claims on Muldoon Creek for the Snake River Basin Adjudication (SRBA). Based on our meeting in September, the following items remain to be resolved on the ABC Agra / Muldoon Ranch claims:

- 1) You stated that you desired to change the name on the water right from ABC Agra, LLC to Muldoon Ranch. This can be done at the Twins Falls IDWR office. Please make sure to take legal documentation that indicates your ownership of ABC Agra, LLC and Muldoon Ranch
- 2) You need to amend water right claims 37-1005, 37-1048A, & 37-1051 so that the claimed Place of Use is the same as the decreed Place of Use. This can be done at the Twins Falls IDWR office.
- 3) Let me know if you would like to create a PPU for the land that was formerly the Leslie Peterson ranch (see email I sent September 29, 2005). Otherwise, I will recommend the rights as claimed.
- 4) There is no SRBA claim for the land in SE1/4 Section 14 & SW1/4 Section 15, Twp 2N, Rng 20E, therefore it currently cannot be evaluated for a water right? Do you plan submit a water right claim for this land?

Feel free to contact me at 208-287-4937 if you have questions.

Thanks!

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

Anders, Matt

From: Anders, Matt
Sent: Thursday, September 29, 2005 9:53 AM
To: 'blair@crossroadspoint.com'
Subject: water rights

Arlen & Blair,

In our meeting last week you expressed interest in creating a Permissible Place of Use (PPU) for Muldoon Ranch. Based on my understanding of your water rights and how you use them, you could create a PPU covering a portion of the ranch, but not the entire ranch (see attached document). The basis for this determination is as follows: The Snake River Basin Adjudication began in 1987, so that is our reference year when we are determining the elements of a water right such as point of diversion, place of use, etc. The current Muldoon Ranch is composed of two ranches bought in 1997, one was originally the Leslie Peterson ranch and the other was the Laidlaw Ranch. In 1987 (our reference year), these ranches were in separate ownership and the water was not commingled, thus the entire ranch cannot be put into a PPU. However, the Leslie Peterson ranch and the appurtenant water rights were commingled in 1987 could be a PPU.

In our meeting last week you thought one of the stockwater PODs for 37-401A was in SENW Section 22 (see attached document). However, your purchase documents do not list this land and the Blain Co tax records indicate Flat Top Sheep Co owns this land. I plan to leave this POD and POU in SWNW Section 22 unless you tell me otherwise.

If you decide to create a PPU for a portion of your ranch, please contact me and we can review the advantages and disadvantages of a PPU.

Feel free to contact me if you have questions about any of your water rights.

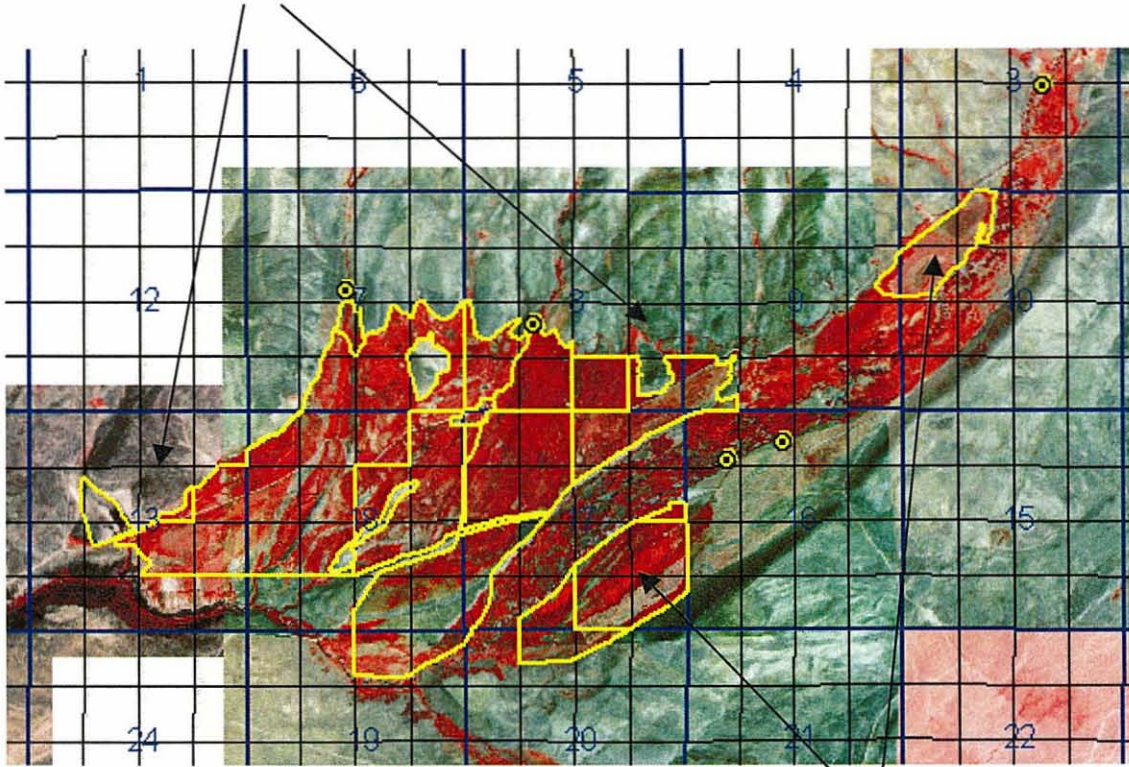
Thanks!

Matt

Matt Anders
GIS Specialist
Idaho Water Resources Research Institute
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

Ph. 208-287-4937

All of this land north of Muldoon Creek
could be in a Permissible Place of Use
(originally the Leslie Peterson ranch)



This land would NOT be in the
Permissible Place of Use
(originally the Laidlaw ranch)

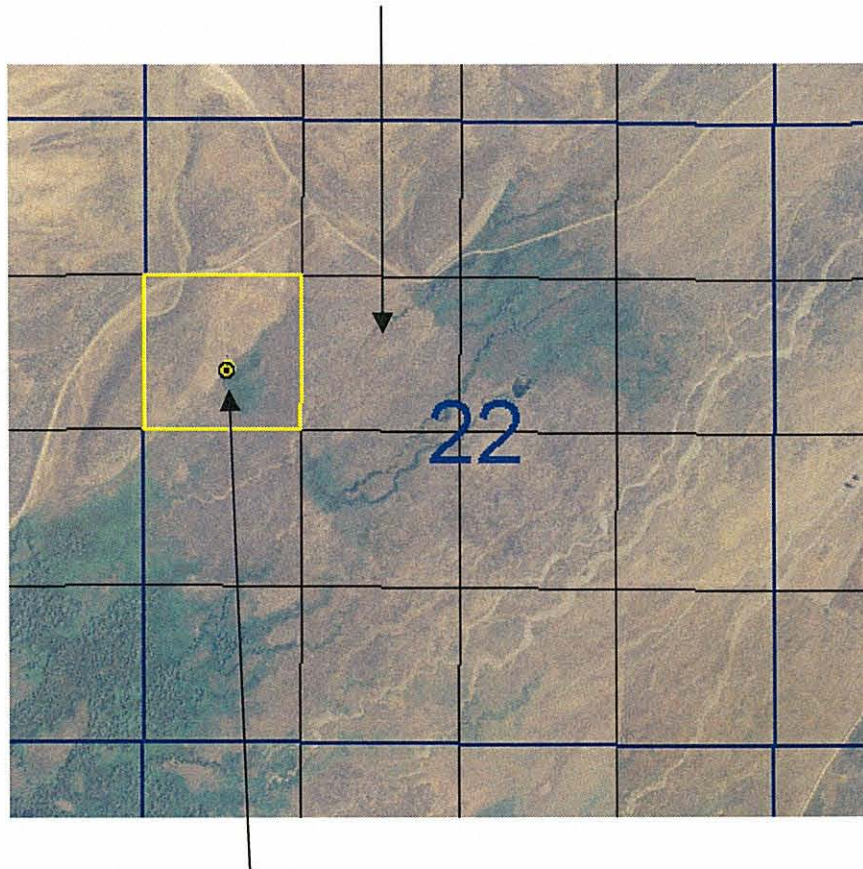
Rights that would be in PPU:

37-1005
37-1048
37-1051
37-1139
37-2007
37-2247
37-7006
37-20544

Rights NOT in PPU:

37-1046
37-1142
37-2243

At our meeting you thought the stockwater POD for 37-401A was in this location. However, your purchase documents do not list this land and the Blain Co tax records indicate Flat Top Sheep Co owns this land.



I am going to leave the stockwater POD and POU for 37-401A was in this location unless you inform me otherwise.

11/17/05
↓
move to Sect 15
some QQ

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1005

WATER RIGHT NUMBER: 37-1005

Owner Type Name and Address

Current Owner H R BUTLER

, ZZ

Priority Date: 04/01/1886

Basis: Decreed

Status: Active

SourceGROUND WATER
MULDOON CREEKTributary

LITTLE WOOD RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

1.400 CFS

Annual VolumeTotal Diversion: 1.400 CFSLocation of Point(s) of Diversion

MULDOON CREEK

GROUND WATER
LINCOLN County

SW1/4SW1/4SE1/4

Sec. 36, Twp 07S, Rge 22E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	21E	8									X	X	X	X					

Conditions of Approval:Remarks:

1. General

SOURCES NOT GIVEN IN DECREE BUT SHOWN ON USGS MAP.
P/U AMENDED BY ORDER DATED 11-18-1908.Comments:

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-1005



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 6, 1998

ABC AGRA, LLC
PO Box 378
Jerome, Idaho 83338

RE: Snake River Basin Adjudication (SRBA)
Claim No.(s): A37-01139, A37-02007, A37-07006, A37-01051,
A37-01048A, A37-01005, A37-02247, A37-11664
Change of Ownership Notification

Dear Claimant(s):

We have been notified that you have purchased property with the above referenced Snake River Basin Adjudication claim(s), and our records have been changed, accordingly. EXHIBIT "B" of your Warranty Deed listed water right claim number 37-01139 twice, once with the correct diversion rate of 7.00 cfs, and once with a diversion rate of 1.40 cfs. Upon investigation, I found claim number 37-01005 in the name of Grant Ellsworth, appurtenant to your property, with the diversion rate of 1.40 cfs. I have changed the ownership of that claim to your name.

The enclosed copies are for your records, please review these documents for accuracy in all respects. If you have any questions, please contact me at this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Vikie Hancock'.

Vikie Hancock
S.R.B.A. Records Clerk