

RECEIVED DISTRICT COURT-SRBA
JUL 23 2009 TWIN FALLS CO., IDAHO
DEPARTMENT OF WATER RESOURCES FILED
2009 JUL 22 AM 10 07

COPY

**SUPPLEMENTAL DIRECTOR'S REPORT
REGARDING SUBCASE NO. 37-1005**

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Gary Spackman, Interim Director
Donald V. Shaff, Adjudication Bureau Chief

July 20, 2009

I. INTRODUCTION

In accordance with Idaho Code § 42-1412(4), Administrative Order 1, the Director of the Idaho Department of Water Resources (“Department”) submits this Supplemental Director’s Report (“Report”) regarding subcase number 37-1005. The Report was prepared under the supervision of Gary Spackman, Interim Director, and Donald V. Shaff, Adjudication Bureau Chief.

The following Department employee has knowledge of the information contained in the Report: Carter Fritschle, Manager, Adjudication Technical Section.

II. SUMMARY OF THE ISSUE

At issue is the Department’s recommendation for water right no. 37-1005, more particularly, the Department’s recommendation of Muldoon Creek and Spring Creek as sources for the right. The Department’s recommendation of Muldoon Creek and Spring Creek as sources for water right no. 37-1005 has been objected to by Anita and Terry Clark (“Clark”). Water right no. 37-1005 was recommended by the Department to Muldoon Ranch Co., LLC (“Muldoon Ranch”).

III. DISCUSSION

Water right no. 37-1005 was decreed by the district court in *Woodworth et al. v. Anthony et al.* (Blaine County, November 10, 1903).¹ As with all water rights in the *Woodworth* decree, no source was listed for the individual rights; instead, the court stated that the source for all rights in the decree was the “Little Wood River and its tributaries” *Woodworth* at 1. The holder of water right no. 37-1005, H.H. Butler, was awarded 70 inches of water (1.40 cfs) with a priority date of April 1, 1886. On November 18, 1908, an *Order Amending Findings of Fact*

¹ Attached hereto as Exhibit A is a copy of the *Woodworth* decree.

was issued by the *Woodworth* court, describing Butler's place of use as "Southwest quarter of Section 8, in Township 2, N. R. 21, Boise Meridian"² No point of diversion or source was described for water right no. 37-1005.

On or about October 28, 1988, a claim for water right no. 37-1005 was filed in the SRBA by Grant Ellsworth. The source claimed for water right no. 37-1005 was Spring Creek and Muldoon Creek. The claim to water right no. 37-1005 was amended by Muldoon Ranch on or about April 27, 2006. The amendments added acres and quarter-quarter descriptions to the claimed place of use as well as a point of diversion for Spring Creek in Section 8. On February 20, 2007, the Department recommended water right no. 37-1005 with sources of Muldoon Creek and Spring Creek.³ Water right no. 37-1005 is one of a number of rights that service the place of use owned by the claimant, Muldoon Ranch.⁴

Prior to issuance of the Director's Report for water right no. 37-1005, information was submitted to the Department by Brockway Engineering, PLLC, on behalf of Muldoon Ranch ("Brockway Report").⁵ In the Brockway Report, it was stated that Muldoon Ranch was originally two ranches, held by Laidlaw and Peterson. The Brockway Report stated that water right no. 37-1005 was originally appurtenant to the Peterson Ranch and diverted from Muldoon Creek and Spring Creek.

On November 14, 2007, an objection to water right no. 37-1005 was filed on behalf of Clark, stating that the source for the right should be Muldoon Creek, and that the point of diversion and place of use should be as previously decreed. Additionally, Clark stated that it was

² Attached hereto as Exhibit B is a copy of the *Order Amending Findings of Fact*.

³ Attached hereto as Exhibit C is a copy of the Department's recommendation; attached hereto as Exhibit D is a map of the decreed and recommended places of use.

⁴ Attached hereto as Exhibit E is a map of the Muldoon Ranch place of use and its water rights.

⁵ Attached hereto as Exhibit F is a copy of the Brockway Report.

unlawful for the Department to recommend an accomplished change in source pursuant to Idaho Code § 42-1425.⁶

In order for water from Muldoon Creek to service parts of the Peterson Ranch, it was necessary to construct a ditch across the northern edge of the property. The Brockway Report refers to this diversion as the Muldoon Ditch, with the point of diversion located in Section 3.⁷ In the Brockway Report, it was stated that Muldoon Ditch “was installed on the property in approximately 1919. . . .” *Brockway Report* at 2. The Brockway Report examined the history of Muldoon Ditch to support a priority date of June 1, 1919 for a beneficial use right “that intersects many small drainages along its length, including the Spring Creek and Brown Creek drainages.”⁸ *Id.*

As shown on the map contained in Exhibit G, Muldoon Ditch carries water from Muldoon Creek and intercepts Spring Creek in the NESW of Section 8. It appears from the Department’s investigation of previously decreed and licensed rights that divert from Muldoon Ditch in Section 3 that the ditch was likely completed in phases from approximately 1885 to approximately 1919. It therefore seems likely that the Muldoon Ditch was in use as early as 1885, but not fully completed until at least 1919. It is possible, but not known, if Muldoon Ditch replaced an earlier ditch.

⁶ The Department agrees with Clark that the recommendation should not have denoted an accomplished change in source, as this is not permitted under Idaho Code § 42-1425. The reference to accomplished change in source should be stricken from the Department’s recommendation. As will be discussed below, the ambiguity of the *Woodworth* decree is what led the Department to originally recommend Muldoon Creek and Spring Creek as sources for the right, not an accomplished transfer. See Idaho Code § 42-1427(2).

⁷ Attached hereto as Exhibit G is a map depicting water rights held by Muldoon Ranch that divert from Muldoon Ditch in Section 3.

⁸ The beneficial use claim was recommended by the Department as water right no. 37-22015 with a priority date of February 16, 1927 and sources of Brown Creek, Spring Creek, and Unnamed Stream. February 16, 1927 was recommended as the priority date because that date is one day after the decree for water right no. 37-1139. Water right no. 37-1139 is the most junior water right decreed to the Muldoon Ranch lands. Water right no. 37-22015 is unobjected.

Because the *Woodworth* decree did not describe particular sources, the Department could not determine which source or sources were decreed to water right no. 37-1005 or make a reasoned interpretation as to whether the right, as originally decreed, was supplied only by Muldoon Creek, only by Spring Creek, or a combination thereof. Due to the ambiguities of the *Woodworth* decree, the Department used Idaho Code § 42-1427(2) to support its recommendation. Idaho Code § 42-1427(2) states: “If a licensed or decreed water right does not describe all of the elements of a water right . . . the director shall include in his report recommendations for those elements not defined by the prior license or decree *based upon the extent of beneficial use of the water right as of the date of the commencement of an adjudication.*” Emphasis added.

While there is conflicting information on when Muldoon Ditch was completed, the extent of beneficial use for water right no. 37-1005 from the commencement of the SRBA shows that water has been diverted by Muldoon Ranch from Muldoon Creek through Muldoon Ditch. Muldoon Ditch intercepts Spring Creek and applies those waters to beneficial use. Watermaster records do not specifically list Spring Creek or Muldoon Creek as the source of water right no. 37-1005.

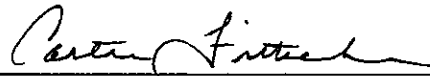
Based on present understanding of historic use together with reasonable conclusions, attached hereto as Exhibit H is a draft recommendation of how the Department now proposes to recommend water right no. 37-1005. Changes to the original recommendation (*see* Exhibit C) are shown in underline and strikeout. In the draft recommendation, Spring Creek has been removed as a source because there was no historical information available to indicate that both Muldoon Creek and Spring Creek supplied water right no. 37-1005. Spring Creek is recommended as one of several sources for water right no. 37-22015. The point of diversion for

Spring Creek, located in Section 8, has also been removed in the draft recommendation. Finally, the number of irrigable acres in the draft recommendation have been reduced from 160 to 113, to account for the number of acres that can be irrigated from Muldoon Creek in the originally decreed place of use.

IV. CONCLUSION

The Department's recommendation for water right no. 37-1005 is based on historical evidence of beneficial use and reasonable conclusions. Therefore, the Department respectfully requests that water right no. 37-1005, as currently proposed in Exhibit H, be recommended to the Snake River Basin Adjudication District Court for partial decree.

Submitted this 20th day of July 2009.



Carter Fritschle
Manager, Adjudication Technical Section

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the following described document on the persons listed below by United States mail with the correct postage affixed thereto on this 21st day of July 2009.

Document Served:

Supplemental Director's Report Regarding Subcase No. 37-1005

Persons Served:

Andrew J. Waldera
Moffatt, Thomas, Barrett, Rock & Fields, Chtd.
PO Box 829
Boise, ID 83701-0829

Gary Slette
Robertson & Slette, PLLC
PO Box 1906
Twin Falls, ID 83303-1906

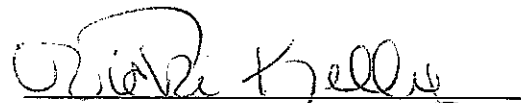

Idaho Department of Water Resources

Exhibit A

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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF IDAHO,
IN AND FOR THE COUNTY OF LOGAN.

N. R. WOODWORTH, et al, *
FRANK ANTHONY et al, *

D E C R E E .

*Amended
11-10-03*

This cause came on regularly for trial on the 28th day of November, 1892, V. Bierbower and H. S. Hampton appearing as counsel for plaintiff and P. M. Bruner, N. M. Ruick and E. Aubury, appearing for Defendants, a trial by jury having been expressly waived by the counsel for the respective parties, the cause was tried before the Court sitting without a Jury, whereupon numerous witnesses were examined and documentary evidence introduced on behalf of the several plaintiffs and defendants, and the evidence being closed, the cause was submitted to the Court for consideration and decision in writing which is filed and ordered that judgment be entered in accordance therewith.

Wherefore by reason of the law and the findings aforesaid it is ordered, adjudged and decreed that the several parties, plaintiff and defendant, herein named do have judgment respectively for the right to use for irrigation purposes the following number of inches of water, measured under a four inch pressure, from said Little Wood River and its tributaries in the Counties of Logan and Alturas as a prior right, respectively dating as follows, to-wit:

PLAINTIFFS.

- | | |
|-------------------------------|--|
| N. R. Woodworth, | 100 inches, from April 1, 1877. |
| James Otterson, | 160 inches, from Feby. 22, 1883. |
| John W. Dyer & John A. Boggs, | 70 inches, from April 1, 1883. |
| William H. Otterson, | 75 inches, from April 1, 1896. |
| Granville Brown, | 75 inches, from April 1, 1880. |
| James Devaney, | 100 inches, from April 1, 1890. |
| E. L. Woodworth, | 100 inches Feby. 22, 1893. |
| Edw. W. Gooding, | 60 inches, June 30, 1882, and 100 inches Apr. 1, 1883. |

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Thomas H. Gooding, 100 inches, April 1, 1886, and 10 inches, from April 1, 1887.

Frank R. Gooding, 120 inches from April 1, 1884, 90 inches from April 1, 1888, 35 inches from Jan. 7, 1890, 40 inches from April 1, 1886.

William Mabbitt, 130 inches from June 15, 1885.

Jerome B. Kempton, 30 inches from April 1, 1885.

Benjamin Lisle, 55 inches from April 1, 1883.

L. L. Ormsby, 200 inches, June 3, 1884.

James Hunter, 110 inches, May 16, 1884.

Daniel Hunter, 100 inches, from May 16, 1886.

Fred. Stiffler, 100 inches, from April 1, 1884.

John Murphy, 230 inches, from April 6, 1883.

Sarah J. Murphy, 60 inches, from April 1, 1887.

B. G. Mullins, 70 inches, from July 17, 1884.

W. H. Peters, 120 inches, from April 1, 1890

Martin Johnson, 160 inches, April 1, 1884.

James W. ^{Bowman} ~~Rowan~~, 50 inches, from April 1, 1885.

Joseph M. B. Castro, 145 inches, from April 1, 1884.

John W. Dwyer, 15 inches, from April 1, 1884.

Edward Mc Nulty, 60 inches, from April 1, 1884.

2 John H. ^RRichards, 150 inches, from April 1, 1885.

Gus. Bassler, 100 inches, from April 30, 1884.

E. W. Horton, 60 inches, from Aug. 31, 1892.

Joseph F. White, 180 inches, from May 5, 1884.

Patrick Hughes, 150 inches, from April 30, 1884.

J. C. Brown, 110 inches, April 1, 1887.

John Ennis, 65 inches, from May 5, 1884.

Rose Ennis, 65 inches, from May 5, 1884.

7 Henry ^{Beck} Beck, 95 inches, May 1, 1884.

Gustave Nusgen, 90 inches from April 15, 1885.

William Dill, 75 inches, from April 1, 1883.

H. M. Thatcher, 110 inches, from April 1, 1884.

W. B. Kelly, 40 inches, May 15, 1884, 60 inches, May 15, 1884.

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Laura L. Thatcher, 225 inches, from April 1, 1883.

W. C. Hill, for the people of Shoshone, 80 inches, from Nov. 28, 1882.

DEFENDANTS.

Van Heller, 80 inches, from May 30, 1881.

Archibald Billingsley, 25 inches, from Nov. 30, 1882.

" " 75 " " May 15, 1883.

Alexander J. Spicer, 100 inches, from May 15, 1885. ^{1881 Amended 5-12-11}

James Miller, 30 inches, from April 1, 1891.

William S. Phippen, 65 inches, from May 2, 1884.

H. R. Butler, 70 inches, April 1, 1886. ^{from ?}

Walter B. Davis, 100 inches, from April 1, 1888.

Richard J. Scoble, 110 inches, from April 1, 1884.

A. H. Billingsley, administrator of the estate of Maroni

Billingsley, 80 inches, from May 15, 1880.

Billingsley 30 inches, from April 1, 1884.

James Ainsworth, 80 inches, from June 20, 1883, and 80 inches from April 15, 1884.

James Ainsworth, 80 inches from May 15, 1883, and 90 inches from April 15, 1884.

Joseph M. Pettigrew, 100 inches, from April 15, 1886.

Stephen Winchester, 80 inches from April 1, 1887.

Joseph Smith, 35 inches, from May 1, 1881.

" " 80 " " April 1, 1884. or 1882

George S. Harris, 100 inches, from May 15, 1883.

Asa L. Womack, 25 inches, from April 1, 1885, and 25 inches from April 1, 1888.

B. F. Morrison, 15 inches, from Aug. 1, 1880, and 80 inches from April 1, 1881.

Douglas S. Goodman, 30 inches from June 30, 1884, 20 inches from April 1, 1885, and 40 inches from April 1, 1887.

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James W. Evans, David J. Evans, Sarah Ann Evans Edwards,
heirs of Jane Evans, 60 inches from April 1, 1888.

James D. Evans, 15 inches, from April 1, 1883, and 60 inches from
April 1, 1884.

Frank Anthony, 140 inches, June 1, 1881, 109 inches, from April
1, 1882. 40 inches, from June 10, 1883, 100 inches from May
1, 1883, 35 inches from April 1, 1886.

Orville E. Hartwell, 100 inches, from April 1, 1888.

Mary S. Phippen, 100 inches, from May 26, 1883.

Joseph Phippen, 100 inches, from May 26, 1883.

Edgar W. ~~Druce~~ ^{Drue}, 100 inches, from April 1, 1892.

Ernest A. Giles, 110 inches, from June 1, 1884.

Thompson Parke, 110 inches, from May ~~1883~~ 1883.

Hirum Mc Garry, 110 inches, from May 31, 1882.

William B. Vaughan, 100 inches, from May 1, 1883, 50 inches
from July 9, 1886, 20 inches from June 30, ~~1889~~ 1889.

J. W. Ballentine, 60 inches from June ~~1885~~ 1885, 50 inches from
April 1, 1886.

James Gillispie, 80 inches from April 1, 1885.

James Carey, 80 inches, from May ~~1884~~ 1884.

James Smitham, 100 inches, from April 1, 1884.

William P Richards, 110 inches, from June 22, 1884.

David J. Evans, -- inches from April 1, 1888.

Theodore Neal, 100 inches from April 1, ~~1883~~ 1883.

J. B. Edwards, ~~100~~ 160 inches from May 31, 1884.

Richard H. Davis, 100 inches from April 1, 1882.

A. S. Phippen, 100 inches from Dec. 1, 1886.

Henry S. Cushing, 110, from May 20, 1885.

James Judge, Jr., 25 inches from Dec. 1881, 60 inches from April
1, 1882, and 40 inches from April 1, 1882.

Myron J. Brockway, 80 inches, from Nov. 1, 1892.

Philip Shanahan, 50 inches from May 15, 1885.

Joseph Bergier, 175 inches, from May 15, 1884.

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John L. Freeman, 135 inches, from June 15, 1887.

Joseph B. Lawrence, ²⁵95 inches, from June 1, 1886.

" " " 60 " " 15, 1887.

Calvin Loving, 35 inches, from June 30, 1885, and 35 inches from June 15, 1887.

Manuel Antene Oliveras, ⁸⁰85 inches from April 1, 1890.

Louis Muchade, 20 inches from Nov. 1, 1882, and 60 inches from June 1, 1891.

James C. Carpenter, 125 inches, from April 1, 1887.

Mary Parke, 110 inches, from June 1, 1892.

John Gillihan, 125 inches, from June 1, 1887.

Joseph Loving, 65 inches, from June 1, 1887.

Heber Stanfield, 95 inches, from June 1, 1887.

Albert Albertsen, 40 inches, from Nov. 1, 1885, and 80 inches from April 1, 1888.

Sidney A. Kelley, ⁶⁰80 inches from April 1, 1882, 75 inches from April 1, 1883, 120 inches from April 1, 1883.

G. S. Ellisen, 20 inches from July 1, 1886, and 90 inches from April 1, 1889.

Douglas Thomas, 120 inches from ~~June 15~~, 1884.

Peter Le Duc, 100 inches from June 15, 1888.

Rose Roncaglien, 80 inches, from April 1, 1885, and 100 inches from April 1, 1887.

Tellof Tostensen, 60 inches from April 1, 1889.

Samuel P. Martin, 135 inches from June 15, 1887.

George Kelley, 125 inches from April 1, 1888.

N. C. Larsen, 140 inches, from May 31, 1883.

Walter G. White, 75 inches, from April 1, 1890.

John G. Haydon, 75 inches from April 1, 1890.

W. K. White, 75 inches from April 1, 1890.

Andrew J. Graham, 100 inches, from June 1, 1890.

Ansel Robinson, 10 inches, from April 1, 1884, 100 inches from April 1, 1885.

L. J. Baker, 120 inches from Nov. 1, 1889, and 80 inches from May

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31, 1890.

M. S. Lawson, 100 inches from May 31, 1885, 50 inches from
Oct. 25, 1892,

H. Faulhaber, 100 inches from June 1, 1886.

L. E. Gannett, 40 inches, from April 1, 1886, and 80 inches
from April 1, 1890.

Samuel Chaney, 120 inches from May 1, 1889.

Thomas ^{Stacks} Stacks, 200 inches, from April 1, 1890.

Mary C. Donati, 40 inches from April 1, 1888, and 50 inches
from April 1, 1890.

Joseph B. Brown, 280 inches, from Sept. 1, 1887.

Jacob Adams, 150 inches, from May 1, 1891, and 125 inches from
April 1, 1885, and 30 inches from April 1, 1887.

^{Christina Mussen} Christian Nisson, 125 inches, from Aug. 14, 1890.

W. A. Hodgman, 150 inches, from June 14, 1885.

Mrs. A. B. Hodgman, 180 inches from June 14, 1883.

W. R. Kilpatrick, S. D. Kilpatrick and Marion D. Kilpatrick,
100 inches from Sept. 1, 1883, 500 inches from April 1, 1890.

It is further ordered and adjudged that each and every
party to this suit be and is hereby enjoined from using or in any
manner interfering with the water of said Little Wood River and
its tributaries except in the manner and in the amount, and in
the order in which it is herein decreed that each is entitled
thereto; and each and every party hereto is hereby enjoined from
wasting any of the waters of said stream, and is hereby required
to turn all waste water back into said stream at the nearest
practicable point provided that said water may be measured
according to the plan prescribed by the State Engineer as an
equivalent of so many feet per second instead of under a four
inch pressure.

It is further ordered that each of the parties hereto
shall pay a proportionate part of the costs herein taxed
* * * according to the number of inches of water decreed to

each respectively, and that any person to whom such costs are due may have execution therefor.

C. O. STOCKSLAGER,

Dist. Judge.

CERTIFICATE OF TRUE COPY.

STATE OF IDAHO, §
 § SS.
County of Alturas. §

I, W. C. Martin, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Alturas, do hereby certify that the foregoing is a true and correct copy of the original Decree in the above entitled cause now on file in my office.

Given under my hand and the seal of said Court in Hailey, this,
the 5 day of July, A. D. 1895.

(SEAL)

Attest: W. C. MARTIN, Clerk.

By GEO. W. RICHARDS, Deputy.

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JUN 05 1896

Exhibit B

Note: This is a corrected copy
 USE THESE NUMBERS WHEN
 SEARCHING FOR DECREE NUMBERS.

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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF IDAHO, IN AND
 FOR BLAINE COUNTY.

Printed

N. R. WOODWORTH ET AL, Plaintiffs, }
 vs. } ORDER AMENDING AND CORRECTING DECREE,
 FRANK ANTHONY ET AL, Defendants. }

And now, on this November 10, 1903, it being one of the days of the regular November term of this Court, came on to be heard the motion heretofore filed in this cause, by the defendants, W. H. Kilpatrick, S. D. Kilpatrick and Marian D. Kilpatrick, appearing by their attorneys, P. M. Bruner, Sullivan & Sullivan and N. K. Griggs, to amend and correct the judgment and decree heretofore rendered in this cause as now appearing of record in Judgment Book 6 of this County, at pages 257 to 261.

And it appearing, from the records and files in this cause, that there is clerical error and mistake in the record of said judgment and decree as so appearing of record in said Judgment Book at pages aforesaid, which error and mistake should be now corrected and proper record and entry of said judgment and decree entered by this Court, now as of said November 28, 1892.

It is therefore considered and ordered by the Court that judgment and decree be, and the same hereby is, entered anew in said cause, as of November 28, 1892, now for then, as follows:

DECREE.

In the District Court of the Fourth Judicial District of Idaho, in and for the County of Logan.

N. R. Woodworth et al,
 vs.
 Frank Anthony et al.

This cause came on regularly for trial on the 28th day of November, 1892, V. Bierbower, and H. S. Hampton appearing as counsel for plaintiffs, and P. M. Bruner, N. M. Ruick and E. Aubury appearing for defendants, a trial by jury having been expressly waived by the counsel for the respective parties, the cause is tried before the Court sitting without a jury, whereupon numerous witnesses were examined and documentary evidence introduced on behalf of the several plaintiffs and defendants, and the evidence being closed, was submitted to the Court for consideration and decision in writing which is filed, and ordered that judgment be entered in accordance therewith.

Wherefore, by reason of the law and the findings aforesaid, it is ordered, adjudged and decreed that the several parties, plaintiff and defendant, herein named, do have judgment respectively for the right to use, for irrigation purposes, the following number of inches of water, measured under a four inch pressure, from said Little Wood River and its tributaries, in the Counties of Logan and Alturas, as a prior right respectively, dating as follows, to-wit:

PLAINTIFFS.

- N. R. Woodworth, 100 inches from April 1, 1877. 37 0952
- James Otterson, 160 inches from Feby. 22, 1883. 37 0953
- John W. Dwyer and John A. Boggs, 70 inches from April 1, 1883. Frost Decree
- William H. Otterson, 75 inches from April 1, 1886. 37 0955
- Granville Brown, 75 inches from April 1, 1886. 37 0956
- James Devaney, 100 inches from April 1, 1890. Frost Decree
- E. L. Woodworth, 100 inches from Feby. 22, 1883. Frost Decree (37-0709)
- Fred W. Gooding, 60 inches from June 30, 1882, and 100 inches from April 1, 1883. Frost Decree 37 0960
- Thomas H. Gooding, 100 inches from April 1, 1885, and 10 inches from April 1, 1887. Frost Decree
- Frank R. Gooding, 120 inches from April 1, 1884, 90 inches from April 1, 1888, 35 inches from Jan. 7, 1890, and 40 inches from April 1, 1886. Frost Decree
- William Mabbit, 130 inches from June 15, 1885. 37 0967
- Jerome B. Kempton, 30 inches from April 1, 1885. 37 0968

37 0963
37 0964
37 0965
37 0966

Benjamin Lisle, 55 inches from April 1, 1883. 37 9969
 L. L. Ormsby, 200 inches from June 3, 1884. 37 9970
 James Hunter, 110 inches from May 15, 1884. First Decree
 Daniel Hunter, 100 inches from May 15, 1886. 37 9972
 Fred Stiffler, 100 inches from April 1, 1884. 37 9973 - T. #2073
 John Murphy, 230 inches from April 6, 1883. 37 9974
 Sarah J. Murphy, 60 inches from April 1, 1887. 37 9975
 B. G. Mullins, 70 inches from July 17, 1884. 37 9976
 W. H. Winters, 120 inches from April 1, 1886. 37 9977
 Martin Johnson, 160 inches from April 1, 1884. 37 9978
 James W. Bowman, 50 inches from April 1, 1885. 37 9979
 Joseph M. B. Castro, 145 inches from April 1, 1884. 37 9980
 John W. Dwyer, 15 inches from April 1, 1884. First Decree
 Edward McNulty, 60 inches from April 1, 1884. First Decree
 John R. Richards, 150 inches from April 1, 1885. 37 9983
 Anna Bassler, 100 inches from April 30, 1884. 37 9984
 E. W. Horton, 60 inches from Aug. 31, 1892. 37 9985
 Joseph F. White, 180 inches from May 5, 1884. First Decree
 Patrick Hughes, 150 inches from April 30, 1884. First Decree
 J. C. Brown, 110 inches from April 1, 1887. 37 9988
 John Ennis, 65 inches from May 5, 1884. 37 9989
 Rose Ennis, 65 inches from May 5, 1884. 37 9990
 Harry Bock, 95 inches from May 1, 1884. First Decree
 Gustave Nusgen, 90 inches from April 15, 1885. 37 9992
 William Dill, 75 inches from April 1, 1883. First Decree
 H. M. Thatcher, 110 inches from April 1, 1884. 37 9994
 W. B. Kelly, 40 inches from May 15, 1884. First Decree
 W. B. Kelly, 60 inches from May 15, 1885. First Decree
 Laura L. Thatcher, 225 inches from April 1, 1883. 37 9997
 W. C. Hill, for the people of Shoshone, 60 inches from Nov. 28, 1882. 37 9998

DEFENDANTS.

Van Heller, 60 inches from May 30, 1881. 37 9999
 Archibald Billingsley, 25 inches from Nov. 30, 1882. 37 1000
 Archibald Billingsley, 75 inches from May 15, 1883. 37 1001
 Alexander J. Spicer, 100 inches from May 15, 1885. Amended 37 1002
 James Miller, 30 inches from April 1, 1891. 37 1003
 William E. Phippen, 65 inches from May 2, 1884. 37 1004 37-0561 First Decree
 H. R. Butler, 70 inches from April 1, 1886. 37 1005
 Walter B. Davis, 100 inches from April 1, 1888. 37 1006
 Richard J. Scoble, 110 inches from April 1, 1884. 37 1007 37-0099 First Decree
 A. H. Billingsley, administrator of the estate of Marian Billingsley, 60 inches from May 15, 1890. 37 1008
 Billingsley, 30 inches from April 1, 1884. 37 1009
 James Ainsworth, 80 inches from June 20, 1883, and 80 inches from April 15, 1884. First Decree
 James Ainsworth, 80 inches from May 15, 1883, and 90 inches from April 15, 1884. 37 1012
 Joseph M. Pettigrew, 100 inches from April 15, 1886. First Decree
 Stephen Winchester, 80 inches from April 1, 1887. 37 1015
 Joseph Smith, 35 inches from May 1, 1881. First Decree
 Joseph Smith, 80 inches from April 1, 1884. First Decree
 George S. Harris, 100 inches from May 15, 1883. 37 1018
 Ann L. Womack, 25 inches from April 1, 1885, and 25 inches from April 1, 1888. 37 1019
 B. F. Morrison, 15 inches from Aug. 1, 1880, and 80 inches from April 1, 1881. 37 1021
 Douglas H. Goodman, 30 inches from June 30, 1884, 20 inches from April 1, 1885, and 40 inches from April 1, 1887. 37 1022
 James W. Evans, David J. Evans and Sarah Ann Evans Edwards, heirs of Jane Evans, 60 inches from April 1, 1888. 37 1025
 James D. Evans, 15 inches from April 1, 1883, and 60 inches from April 1, 1884. First Decree
 Frank Anthony, 140 inches from June 1, 1891, 109 inches from April 1, 1882, 40 inches from June 10, 1883, 100 inches from May 1, 1885, and 35 inches from April 1, 1886. 37 1030
 Orville E. Hartwell, 100 inches from April 1, 1888. First Decree 37 1031
 Mary S. Phippen, 100 inches from May 26, 1883. First Decree 37 1032
 37 1033

Joseph Phippen, 100 inches from May 26, 1883. 1036
 Edgar W. Druce, 100 inches from April 1, 1892. Frost Decree
 Earnest A. Giles, 110 inches from June 1, 1884. 1038 Superceded by 37-0268
 Thompson Parke, 110 inches from May 5, 1883. Frost Decree
 Hiram McGarry, 110 inches from May 31, 1882. 1040
 William B. Vaughan, 110 inches from May 1, 1883, 50 inches from July 9, 1886, and 20 inches from June 30, 1889. 1041
 J. W. Ballentine, 60 inches from June 15, 1885, and 50 inches from April 1, 1886. 1042
 James Gillespie, 80 inches from April 1, 1886. 1044
 James Carey, 80 inches from May 15, 1884. Frost Decree 1046
 James Smitham, 100 inches from April 1, 1884. 1048
 William P. Richards, 110 inches from June 22, 1884. Frost Decree
 David J. Evans, 100 inches from April 1, 1888. 1050
 Theodore Neal, 100 inches from April 1, 1888. 1051
 J. B. Edwards, 160 inches from May 31, 1884. Frost Decree 1053
 Richard H. Davis, 100 inches from April 1, 1882. 1055
 A. S. Phippen, 100 inches from Dec. 1, 1886. Frost Decree 1057
 Henry S. Cushing, 110 inches from May 20, 1885. 1059
 James Judge, Jr., 25 inches from Dec. 1, 1881, 60 inches from April 1, 1882, and 40 inches from April 1, 1882. Frost Decree 1061
 Mayron J. Brockway, 80 inches from Nov. 1, 1892. 1063
 Phillip Shanahan, 50 inches from May 15, 1885. Frost Decree 1065
 Joseph Bergier, 175 inches from May 15, 1884. 1067
 John L. Freeman, 135 inches from June 15, 1887. Frost Decree 1069
 Joseph B. Lawrence, 25 inches from June 1, 1886. 1071
 Joseph B. Lawrence, 60 inches from June 15, 1887. 1073
 Calvin Loving, 35 inches from June 30, 1885, and 35 inches from June 15, 1887. Frost Decree 1075
 Manuel Anton Oliveras, 80 inches from April 1, 1890. 1077
 Louis Machado, 20 inches from Nov. 1, 1882, and 50 inches from June 1, 1882. 1079
 James C. Carpenter, 125 inches from April 1, 1887. 1081
 Mary Parke, 110 inches from June 1, 1892. 1083
 John Gillinan, 125 inches from June 1, 1887. Frost Decree 1085
 Joseph Loving, 65 inches from June 1, 1887. 1087
 Heber Stanfield, 95 inches from June 1, 1887. Frost Decree 1089
 Albert Albertson, 40 inches from Nov. 1, 1885, and 80 inches from April 1, 1888. 1091
 Sidney A. Kelley, 60 inches from April 1, 1882, 75 inches from April 1, 1883, and 120 inches from April 1, 1883. 1093
 G. S. Ellison, 20 inches from July 1, 1886, and 90 inches from April 1, 1889. 1095
 Douglas Thomas, 120 inches from July 8, 1884. Trans 1097
 Peter Leduc, 100 inches from June 15, 1888. 1099
 Ross Rencaglion, 80 inches from April 1, 1885, and 100 inches from April 1, 1887. 1101
 Teodor Tostensen, 60 inches from April 1, 1889. 1103
 Samuel P. Martin, 135 inches from June 15, 1887. Frost Decree 1105
 George Kelley, 125 inches from April 1, 1888. 1107
 W. C. Larsen, 140 inches from May 31, 1883. 1109
 Walter G. White, 75 inches from April 1, 1890. 1111
 John G. Haydon, 75 inches from April 1, 1890. 1113
 W. E. White, 75 inches from April 1, 1890. 1115
 Andrew J. Graham, 100 inches from June 1, 1890. 1117
 Unsol Robinson, 10 inches from April 1, 1884, and 190 inches from April 1, 1885. 1119
 L. J. Baker, 120 inches from Nov. 1, 1889, and 60 inches from May 31, 1890. 1121
 L. S. Lawson, 100 inches from May 31, 1885, and 50 inches from Oct. 25, 1892. Frost Decree 1123
 H. Paulhaber, 100 inches from June 1, 1886. 1125
 L. S. Gannett, 40 inches from April 1, 1888, and 80 inches from April 1, 1890. 1127
 James Chaney, 120 inches from May 1, 1889. 1129
 James Stocks, 200 inches from April 1, 1890. 1131
 Gary C. Daput, 40 inches from April 1, 1888, and 50 inches from April 1, 1890. 1133
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Joseph B. Brown, 280 inches from Sept. 1, 1887. ^{37 1107}
Jacob Adams, 150 inches from May 1, 1881, 125 inches from April 1, 1885,
and 30 inches from April 1, 1887. ^{First Decree}
Christian Nissen, 125 inches from Aug. 14, 1890. ^{37 1111}
W. A. Hodgman, 150 inches from June 14, 1883. ^{First Decree}
Mrs. A. B. Hodgeman, 180 inches from June 14, 1883. ^{First Decree}
W. H. Kilpatrick, S. D. Kilpatrick and Marian D. Kilpatrick, 1000 inches
from Sept. 1, 1883, and 500 inches from April 1, 1890. ^{Trans 19}

It is further ordered and adjudged that each and every party to this suit be and is hereby enjoined from using, or in any manner interfering with, the water of said Little Wood River and its tributaries, except in the manner and in the amount and in the order in which it is herein decreed that each is entitled thereto; and each and every party hereto is hereby enjoined from wasting any of the waters of said stream and is hereby required to turn all waste water back into said stream at the nearest practicable point, provided that said water may be measured according to the plan prescribed by the State Engineer as an equivalent of so many feet per second instead of under a four inch pressure. It is further ordered that each of the parties hereto shall pay a proportionate part of the costs herein, taxed at \$, according to the number of inches of water decreed to each respectively, and that any person to whom such costs are due may have execution therefor.

LITTLETON PRICE,

Attest:

District Judge.

(SEAL)

GEO. A. McLEOD,

Clerk of District Court.

STATE OF IDAHO,)
COUNTY OF BLAINE) ss.

I, Geo. A. McLeod, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Blaine, do hereby certify that the foregoing is a full, true and correct copy of the "Order Amending and Correcting Decree" in the case of N. R. Woodworth et al. vs. Frank Anthony et al., as recorded in Judgment Book 6, at pages 301 to 306 inclusive, records of Blaine County, Idaho.

Given under my hand and the seal of said Court, at office in Hailey, this, the 2nd day of April A. D. 1904.

Attest:

Geo A McLeod

Clerk of the District Court.

JUN 25 1906

Exhibit C

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED 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:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.400 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R20E S13 SWNE	9.20	T02N R20E S13 SENE 35.00
	T02N R20E S13 SWNW	1.50	T02N R20E S13 SENW 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 SENW	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 SENW 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	

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.

Exhibit D

37-1005 Decreed POU and Recommended POU

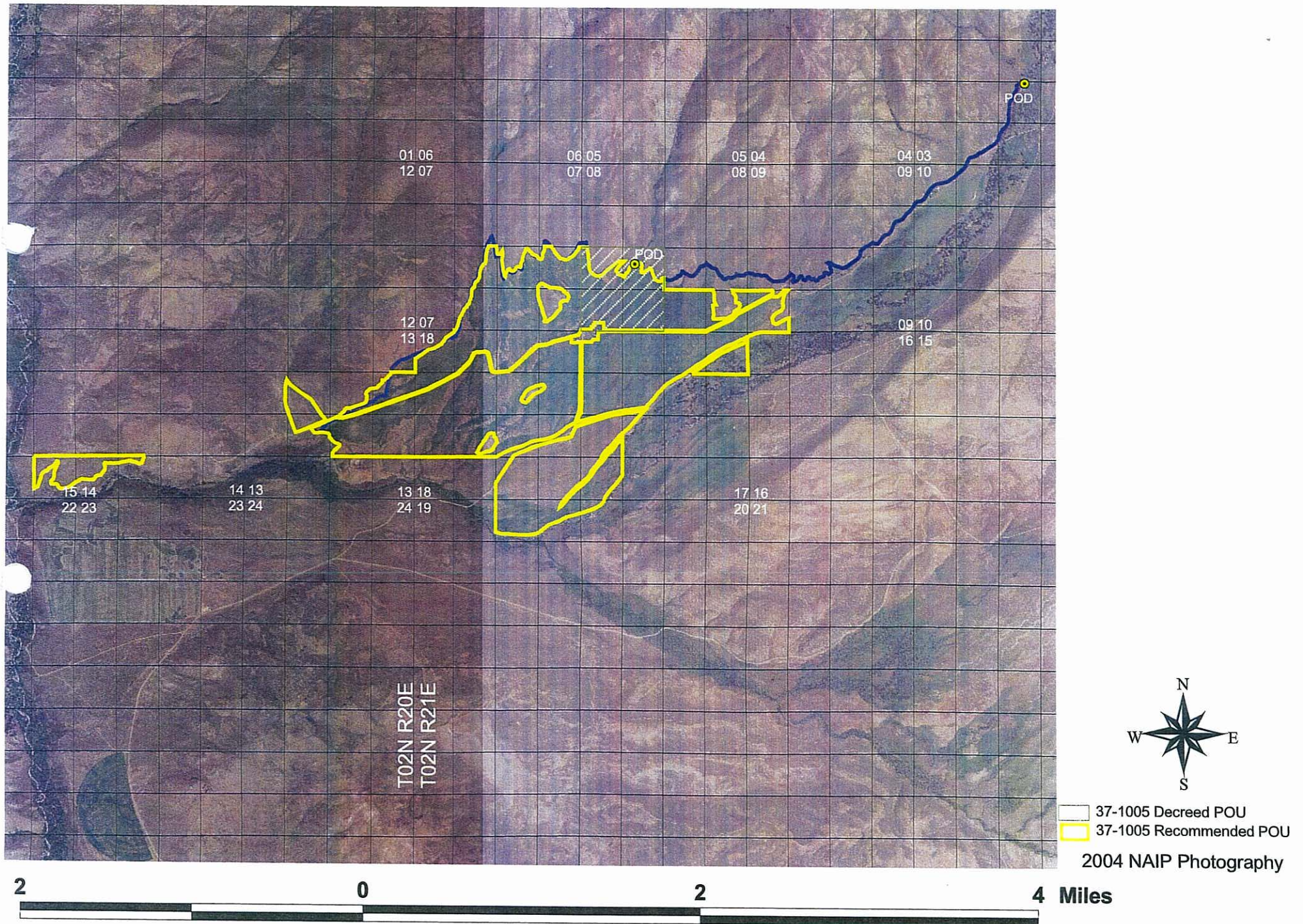
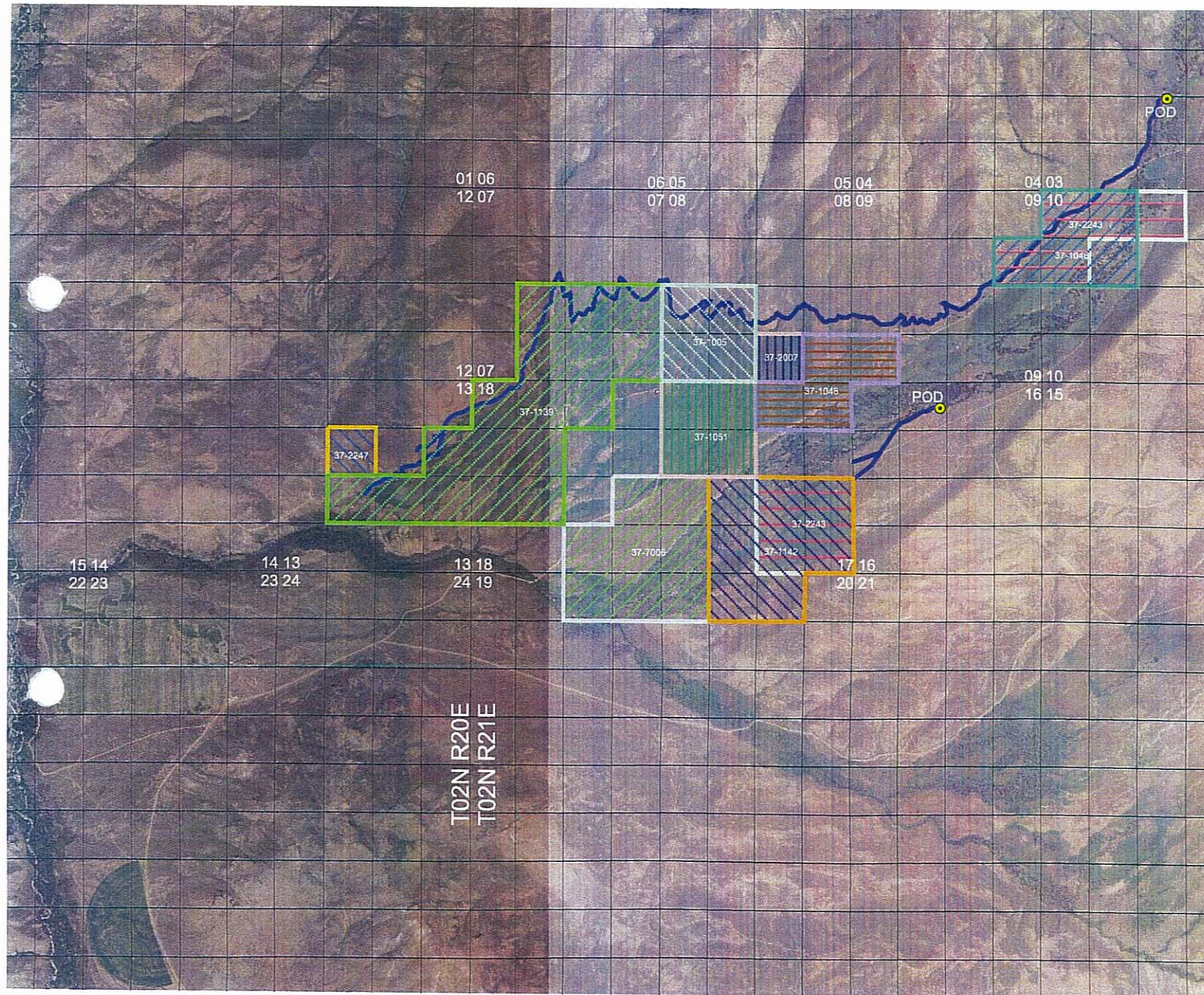
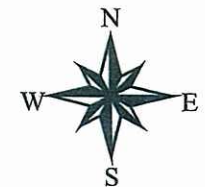


Exhibit E

Muldoon Ranch Decreed and Licensed POU's



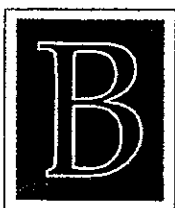
- 37-1005
- 37-1046
- 37-1048
- 37-1051
- 37-1139
- 37-1142
- 37-2007
- 37-2243
- 37-2247
- 37-7006



1 0 1 2 3 4 Miles

2004 NAIP Photography

Exhibit F



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

April 27, 2006

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

Re: Muldoon Ranch Co., LLC – Amended Claims

Dear Matt:

Please find the enclosed amended claims submitted on behalf of Muldoon Ranch Co., LLC, c/o Arlen Crouch. These amended claims hopefully should reflect the water rights that should be appurtenant to the property now owned by Muldoon Ranch Co in Township 2N, Ranges 20E and 21E. The property was acquired by Muldoon Ranch in 1998. However, in 1987 the property was two separate entities, which we are calling the Peterson Ranch and the Laidlaw Ranch. These rights have been managed like a permissible place of use (PPU) since the Ranch acquired the property and was managed in this same manner on the two separate ranches in 1987. Therefore, we are proposing that the rights appurtenant to the ranch be listed as a PPU for the separate parcels that were relevant in 1987.

Muldoon Ranch currently has thirteen (12) water rights that are appurtenant to the property, and have been claimed in the SRBA. The majority of these rights have either been decreed (8 rights) or licensed (3 rights) prior to the SRBA. However, one of the rights (37-20554) is a beneficial use claim. In addition, to these rights we are also claiming a licensed right (37-2010) that has not been claimed in the SRBA, and two new rights; a new beneficial use claim and an enlargement claim. See Table 1 for a summary of the water rights/claims that will be appurtenant to the property and to determine which PPU each water right is being submitted under.

The land that was being irrigated in 1987 on the "Peterson Ranch" portion of the ranch can be seen in the attached figure (1987 Estimated Peterson Irrigation). According to the shapefiles and files that were acquired from you approximately 1,316.2 acres were being irrigated in 1987. However, the ranch does have more than 1,316.2 acres that could possibly be irrigated from these rights. Therefore, in order to provide for an improved management of the ranch we are proposing that the rights appurtenant to the "Peterson Ranch" be combined into a PPU. Approximately 1800 acres would be listed within the PPU, however, the rights would be limited to a combined limit of 1,316.2

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

acres, a diversion rate of 26.3 cfs, and a annual volume of 5,264.8 acre-feet (see attached figure: Peterson PPU).

Table 1: Muldoon Ranch Co, LLC – Water Right Summary

Water Right #	Priority Date	Source	Diversion (cfs/afa)	Appurtenant PPU	Decree / License Date	Allowed Acreage
Formerly Decreed Irrigation Rights						
37-1005	04/01/1886	Muldoon Creek & Spring Creek	1.40/---	Peterson	11/10/1903	114
37-1046	04/01/1885	Muldoon Creek	1.60/---	Laidlaw	11/10/1903	160
37-1048	04/01/1884	Muldoon Creek	2.00/---	Peterson	11/10/1903	120
37-1051	04/01/1888	Muldoon Creek	2.00/---	Peterson	11/10/1903	146
37-1139	06/01/1919	Muldoon Creek	7.00/---	Peterson	02/15/1927	530
37-1142	05/15/1910	Muldoon Creek	2.00/---	Laidlaw	07/08/1940	187
37-2007	08/28/1904	Muldoon Creek	0.80/---	Peterson	05/08/1979	40
Formerly Licensed Irrigation Rights						
37-2010	12/16/1904	Muldoon Creek	2.60/---	Laidlaw	03/12/1907	130
37-2243	08/08/1912	Wastewater	4.30/---	Laidlaw	05/10/1979	215
37-2247	08/22/1912	Brown Creek	0.50/160	Peterson	05/10/1979	25
37-7006	12/18/1967	Muldoon Creek	2.18/603	Peterson	12/26/1979	201
Beneficial Use Claims for Irrigation						
37-20544	04/15/1935	Spring Creek	5.00/1000	Peterson	---	736
New Claim	06/01/1919	Spring Creek, Brown Creek, and many small Unnamed Streams	26.30/---	Peterson	---	1316.4
Enlargement Claim for Irrigation						
New Claim	04/15/1974	Muldoon Creek, etc...	0.91/181.6	---	---	45.5
Formerly Decreed Stockwater Claim						
37-401A	05/12/1888	Springs	0.12/---	---	12/13/1909	---

As before mentioned we are submitting a new beneficial use claim that would be included in the "Peterson" PPU. As evidenced from the back files for water right 37-1139 the Muldoon Ditch was installed on the property in approximately 1919 along the northern edge of the property. This ditch originates from Muldoon Creek, in the NE ¼, NW ¼, SE ¼, of Sect. 3, Twp 2N, Rge 21E. The ditch intersects many small drainages along its length, including the Spring Creek and Brown Creek drainages. The water from these drainages is then utilized as irrigation water on the property. This new beneficial use claim is being filed in order to ensure that the claimant has a

right to divert the water from these small drainages that historically have terminated on their property. The proposed priority date for this right would be 06/01/1919, and should correspond to the time when the Muldoon Ditch was first installed. The proposed diversion rate and volume would then be the maximum value of water that could beneficially be used on the property (26.3 cfs and 5,264.8 acre-feet annually), and will be the combined limit for all of the water rights at the proposed PPU. The points of diversion listed for the claim includes most of the small drainages that are intersected by this ditch. However, historically all the runoff that enters the ditch has been utilized on the property for irrigation. Therefore, this claim is also stating that all this runoff could be utilized on the property based on the historical irrigation practices of the ranch and not just the water from the individual POD's.

The land that was being irrigated in 1987 on the "Laidlaw Ranch" portion of the ranch can be seen in the attached figure (1987 Estimated Laidlaw Irrigation). According to our analysis approximately 443.8 acres were being irrigated in 1987. However, their water rights do not allow the ranch to irrigate more than ~ 423 acres. As seen in this analysis the ranch does have more than 423 acres that could possibly be irrigated from the applicable rights on the ranch; therefore, we are proposing that the rights appurtenant to the "Laidlaw Ranch" also be combined into a PPU. Approximately 606 acres would be listed within the PPU; however, the rights should be limited to a combined limit of ~ 423 acres, a maximum diversion rate of ~ 8.46 cfs, and an annual volume of ~ 1,692 acre-feet.

The initial shapefiles that estimated of the "Laidlaw" PPU, in which you sent to our office, recorded a total acreage of ~270.5 acres. We believe that this estimate was based on the recorded point of diversions at the site and not the actual diversions that are used on the property, and we believe that some of the irrigated land was not included. In addition, water right 37-2010 was not listed since IDWR concluded that the license had been superseded by the decree for 37-1142. However, we believe that the decree does not record that this license was superseded. Therefore, we feel that this right should not have been disallowed and are submitting a claim for 37-2010, and proposing that it be included within this PPU.

Water right 37-2010 has a priority date of 12/16/1904 and was licensed on 03/12/1907 for 2.6 cfs and 130 acres. Water right 37-1142 has a priority date of 5/15/1910 and was decreed on 07/08/1940 for use in the same place of use as that for 37-2010 and 37-2243. Water right 37-2243 has a priority date of 08/08/1912 and was licensed on 05/10/1979 for 4.3 cfs and 215 acres. However, only 80 acres (1.6 cfs) of this water right is appurtenant to the acres covered by 37-1142, and is not stacked on the place of use for 37-2010. The decreed rate/volume of 37-1142 would not be adequate for irrigation without

37-2010. Therefore, water right 37-1142 should be considered supplemental to that of 37-2010. We believe that this water right should not have been withdrawn and that the representative that disallowed the right did not have the jurisdiction to do so. Muldoon Ranch Co. is in the process of acquiring legal representation regarding the water rights for the ranch and will be working with us and with your office at that time.

The eastern portion of section 10 could not have been irrigated from the POD's listed under the current water rights. However, 37-1046 did list a POD that was located in the SE $\frac{1}{4}$, SE $\frac{1}{4}$ of Sect. 3. This diversion actually should have been located farther to the northwest (NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sect 3), and is known locally as the Clark Diversion. In addition, to the south the ranch has utilized two other diversions to irrigate the southern portion of the property. One of these diversions are also used for the "Peterson PPU" (was listed under 37-7006). In an attempt to show how the water rights can irrigate the property I have digitized estimated ditches that are located on the property.

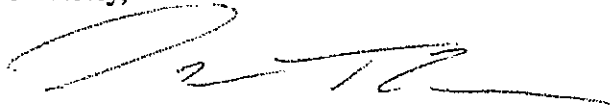
In addition, to these two PPU's we are also submitting an amended claim for a stockwater right (37-401A), and an enlargement claim. The original stockwater claim located the springs for this right in the wrong location. The correct location for this claim should be in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, of Sect. 15, Twp 2N, Rge 21E. The enlargement claim is located in the S $\frac{1}{2}$, SW $\frac{1}{4}$, Sect 14 and the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Sect 15 of Twp 2N, Rge 20E at the convergence of Muldoon Creek with the Little Wood River. The flow from the Muldoon Ditch flows into a pond in the NE $\frac{1}{4}$, SW $\frac{1}{4}$, Sect 13, Twp 2N, Rge 20E before flowing back into Muldoon Creek. The water from this pond is then pumped into an underground pipeline that is diverted to an open ditch in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sect 14, Twp 2N, 20E. The water then irrigates approximately 65.6 acres of land by gravity flow. However, according to the current deed for the property only 45.4 acres of this irrigated property is owned by Muldoon Ranch Co. According to Arlen and his fellow neighbors this additional 20.2 acres of land is owned by the ranch, but at this time we can not find any documentation to prove this claim. Until such documentation is obtained this claim will only list the 45.4 acres listed on the deed. This pipeline was originally installed in the spring of 1974 (assumed priority date of 4/15/1974). We are currently in the process of obtaining an affidavit from the prior owner of the ranch that installed this pipeline in order to provide proof for this priority date.

If you or the agent for these transactions has any questions regarding these claims, please do not hesitate to contact our office. In addition, please contact our office regarding the fees in which will be incurred regarding the submission of the new beneficial use claim and the new enlargement claim.

As soon as we are contacted regarding these fees our office can submit these fees for processing.

Thank you for your prompt attention to this matter.

Sincerely,

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

Daren T. Nelson, Hydrologist

Attachments: Amended Claim and New Claim Forms
Warranty Deed for Muldoon Ranch Co.
Figures for 1987 Irrigation of "Peterson & Laidlaw" Ranches
Figures of PPU's for "Peterson & Laidlaw" Ranches
Figures for 37-401A and New Enlargement Claim

cc. Arlen Crouch

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

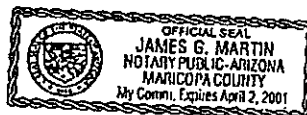
County of Maricopa

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.

Notary Public

Commission Expires:



RECEIVED

JAN 15 1998

Department of Water Resources
Southern Region

EXHIBIT "A"

PARCELS

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 $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 14: S $\frac{1}{2}$ S $\frac{1}{4}$

Section 15: SE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCELS

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 "A"

PARCEL I:

TOWNSHIP 2 NORTH, RANGE 21 EAST of the BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

SECTION 17: $S\frac{1}{2} NE\frac{1}{4}, SE\frac{1}{4}, E\frac{1}{2} SW\frac{1}{4};$

SECTION 20: $NW\frac{1}{4}NE\frac{1}{4}, NE\frac{1}{4}NW\frac{1}{4}.$

PARCEL II:

TOWNSHIP 2 NORTH, RANGE 21 EAST of the BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

SECTION 9: That portion of the $SE\frac{1}{4}NE\frac{1}{4}$, lying South of the Muldoon Road, known as Tax Lot 4896;

SECTION 10: That portion of the $NW\frac{1}{4}NW\frac{1}{4}$, lying South of the Muldoon Road, known as Tax Lot 4897-A; that portion of the $S\frac{1}{2}NW\frac{1}{4}$, lying South of the Muldoon Road, known as Tax Lot 4897; that portion of the $NE\frac{1}{4}NW\frac{1}{4}$, lying South of the Muldoon Road, known as Tax Lot 4457; $W\frac{1}{2}NE\frac{1}{4}, SE\frac{1}{4}NE\frac{1}{4}, E\frac{1}{2}SE\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}, E\frac{1}{2}SW\frac{1}{4}, SE\frac{1}{4}NW\frac{1}{4};$

SECTION 11: $S\frac{1}{2}SW\frac{1}{4};$

SECTION 14: $W\frac{1}{2}NW\frac{1}{4};$

SECTION 15: $NW\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}, E\frac{1}{2}SW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4}, NE\frac{1}{4}NE\frac{1}{4}, NW\frac{1}{4}SE\frac{1}{4};$

SECTION 16: $NW\frac{1}{4};$

SECTION 19: $SE\frac{1}{4}NE\frac{1}{4};$

SECTION 20: $S\frac{1}{2}SE\frac{1}{4}, SW\frac{1}{4}, NE\frac{1}{4}SE\frac{1}{4};$

SECTION 21: $N\frac{1}{2}, N\frac{1}{2}S\frac{1}{2}, SE\frac{1}{4}SW\frac{1}{4};$

SECTION 22: $W\frac{1}{2}NW\frac{1}{4}, NW\frac{1}{4}SW\frac{1}{4};$

SECTION 28: $N\frac{1}{2}NW\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}.$

WARRANTY DEED

FOR VALUE RECEIVED

BEAN/TWOMBLY LAND & CATTLE COMPANY, a Texas Joint Venture, who acquired title as BEAN/TWOMBLY LAND & CATTLE COMPANY, a Texas General Partnership

the grantors, do hereby grant, bargain, sell and convey unto

A.B.C. Agra, LLC

the grantee, whose current address is P.O. Box 378
Jerome, ID 83338

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

{TOGETHER WITH ALL APPURTENANT WATER RIGHTS INCLUDING BUT NOT
LIMITED TO THE FOLLOWING IDWR WATER RIGHTS:

LICENSE NUMBER - 37-00401-A
LICENSE NUMBER - 37-01142
LICENSE NUMBER - 37-02243
LICENSE NUMBER - 37-01046
LICENSE NUMBER - 37-11363
LICENSE NUMBER - 37-11364

SUBJECT TO: Taxes, assessments, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 28, 1997

BEAN/TWOMBLY LAND & CATTLE COMPANY, a Texas Joint Venture

Jeff Bean
Jeff Bean

W. Bruce Twombly
W. Bruce Twombly

STATE OF:
COUNTY OF:

On this 29th day of October, 1997, before me a Notary Public in and for said State, personally appeared Jeff Bean known or identified to me to be one of the members in the Joint Venture of Bean/Twombly Land & Cattle, Co, a Texas Joint Venture and the member who subscribed said membership name to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said Joint Venture name.

Ceresa Schumann
Notary Public
Residing at: 9519 U.S. HWY 42
Comm. expires: 11/21/2000
My comm. does expire 11/21/2000 Seal/Stamp:

WARRANTY DEED

FOR VALUE RECEIVED

BEAN/TWOMBLY LAND & CATTLE COMPANY, a Texas Joint Venture, who acquired title as BEAN/TWOMBLY LAND & CATTLE COMPANY, a Texas General Partnership

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and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 28, 1997

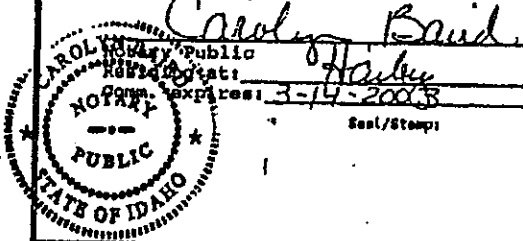
BEAN/TWOMBLY LAND & CATTLE COMPANY, a Texas Joint Venture

Jeff Bean

W. Bruce Twombly
W. Bruce Twombly

STATE OF: *Idaho*
COUNTY OF: *Blaine*

On this 30th day of October, 1997, before me a Notary Public in and for said State, personally appeared W. Bruce Twombly known or identified to me to be one of the members in the Joint Venture of Bean/Twombly Land & Cattle, Co, a Texas Joint Venture and the member who subscribed said membership name to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said Joint Venture name.



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

Blaine

CO., IDAHO

AS RECORDED IN DEPARTMENT OF RECLAMATION, STATE OF IDAHO

March 23

19 61 Revised

Water List, No. 11-D

LICENSE	PERMIT	NAME		AMT. inches	Date of Filing or Priority	Point of Diversion				PLACE OF USE, REMARKS, ETC.
						Subdiv.	Sec.	Twp	Rge.	
604	37-2004	Ada L. Womack	Ellsworth Leslie Peterson	40	8-28-04	SW 1/4 NW 1/4	10	2 N	21 E	SW 1/4 Sec. 8-2N-21E
1000	37-1142	Absolum Womack	Fred W. Laidlaw, Inc	130	12-16-04	3200' NE from NW 1/4 Cor	16	2N	21E	NE 1/4 Sec. 17; NW 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.
8545	34-2243	James Laidlaw	Fred W. Laidlaw, Inc	Mutual 215	Tunnel Water 8-8-12	NW 1/4 Sec. 3	2N	21E		NW 1/4, SW 1/4, NW 1/4, Sec. 10; SE 1/4 Sec. 9; SE 1/4 Sec. 17-2N-21E
8612	34-2247	Andy Glahn	Ellsworth Brown's Creek Leslie Peterson	25	8-22-12	SE 1/4 NW 1/4	7	"	"	SE 1/4 Sec. 13 - 2N-20E
11377		Frank Somsan	Jim P. Thompson Cr.	50	6-23-15	NW 1/4 Sec. 3	3N	21E		NE 1/4 Sec. 3 - 3N-21E
12233		Frank R. Hills	Fred W. Laidlaw, Inc	120	9-24-16	SW 1/4 Sec. 2	2N	"	"	SE 1/4, 1/4 Sec. 23; SW 1/4 Sec. 24 3N-21E
	11625	R. J. Scobie	Alc Billingsley	160	3-24-20	SE 1/4 Sec. 9	2N	21E		NW 1/4, Sec. 17; ESE 1/4, SW 1/4 Sec. 18-2N-21E
14810		Leo Karty		200	6-26-20	NE 1/4 NW 1/4	10	"	"	Power purpose at po of diversion
37-7306	37038	Keith Testerson	(Ellsworth)	215 chg 123 inch	8-25-64	NE 1/4 NW 1/4	17	2N	21E	
	34-702	(Approved 12-12-67 I.D.N. 37-7002)								

License Page 1

A = Decree
(11/10/1903)

(07/15/1940) Decree

(Decree of - 02/15/1924)

CASE: "P" - Fattie vs. Lewis
"E" - Laidlaw vs. Spofford
"P" Hines vs. Watkins
"P" Peterson vs. Kulp
JUDICIAL DIST. _____
DATE OF DECREE _____
JUDGE _____
RECORDED IN BOOK NO. _____ AT PAGE NO. _____ FILE NO. _____

RH.	DN.	DEGREED OWNER	NAME	PRESENT OWNER	AM. INCHES	PRIORITY	DIVERSION	REMARKS, LAND TO BE IRRIGATED, ETC.	CT.
							SUBDIV. SEC. TWR. RS.		
		CASS							
37-99?	A	Richard J. Scoble	<i>Richard J. Scoble</i>	D. F. Peterson	110	4-1-84		E4SE4, Sec. 9; E4SW4, Sec. 10 2 N.-21E (see below)	
37-1048	A	James Smithan	<i>Ellsworth</i>	Leslie Peterson	100	4-1-84		SW4SW4, Sec. 9; NW4NE4, Sec. 17 SE4SE4, Sec. 8 - 25-21E E4SW4, Sec. 9; W4SW4, Sec. 10	
37-99?	B	James M. Brooks	<i>William Linton</i>	D. F. Peterson	110	4-1-84		2 N.-21E (see above and below)	
37-1141	C	Harmon Watkins	<i>Richard J. Scoble</i>	D. F. Peterson	110	4-7-84	SW4SW4, 10 2N 21E	(see above) E4SE4, W4SE4, Sec. 9-2N-21E (See above)	
37-1046	A	James Gillocoie	Fred M. Laidlaw, Inc		80	4-1-85		(NW4, Sec. 10; SE4NE4, Sec. 9-2N-21E)	
37-1005	A	H. R. Butler	<i>Ellsworth</i>	Leslie Peterson	70	4-1-86		(SW4, Sec. 8-2N-21E)	
37-1051	A	Theodore Neal	<i>Ellsworth</i>	Leslie Peterson	100	4-1-88		(NW4, Sec. 17-2N-21E)	
37-1143	G	John E. & Florence E. Peterson	<i>Guy Peterson</i>		110	5-1-10		Lot 1, SE4SW4, Sec. 24 - 3N-21E SE4, E4SW4, Sec. 17-NW4NE4, NW4NE4, Sec. 20 2N-21E (See License No. 1000)	
37-1142	E	James Laidlaw	Fred M. Laidlaw, Inc		100	5-15-10			
37-1140	D	Thomas A. & Cora A. Baptie	John Baptie		10	12-2-11	NW4SW4, 35 3N 21E	E4NE4, Sec. 3-2N-21E (License No. 8007)	
37-1119		" " "	Spring		5	Primary Right	NW4SW4, 2 2N 21E	" " " " " " " " " " " "	
37-1120		" " "	Logan Tunnel		55		SW4SW4, 8 3N 21E	tunnel " " " " " " " " " " " "	
37-1139	F	Rebecca Hines	<i>Ellsworth</i>	Leslie Peterson	350	6-1-19	SE4, 3 2N 21E	as the supply is maintained and used. (SE4, E4SW4, Sec. 7; E4NE4, NW4NE4, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000)	

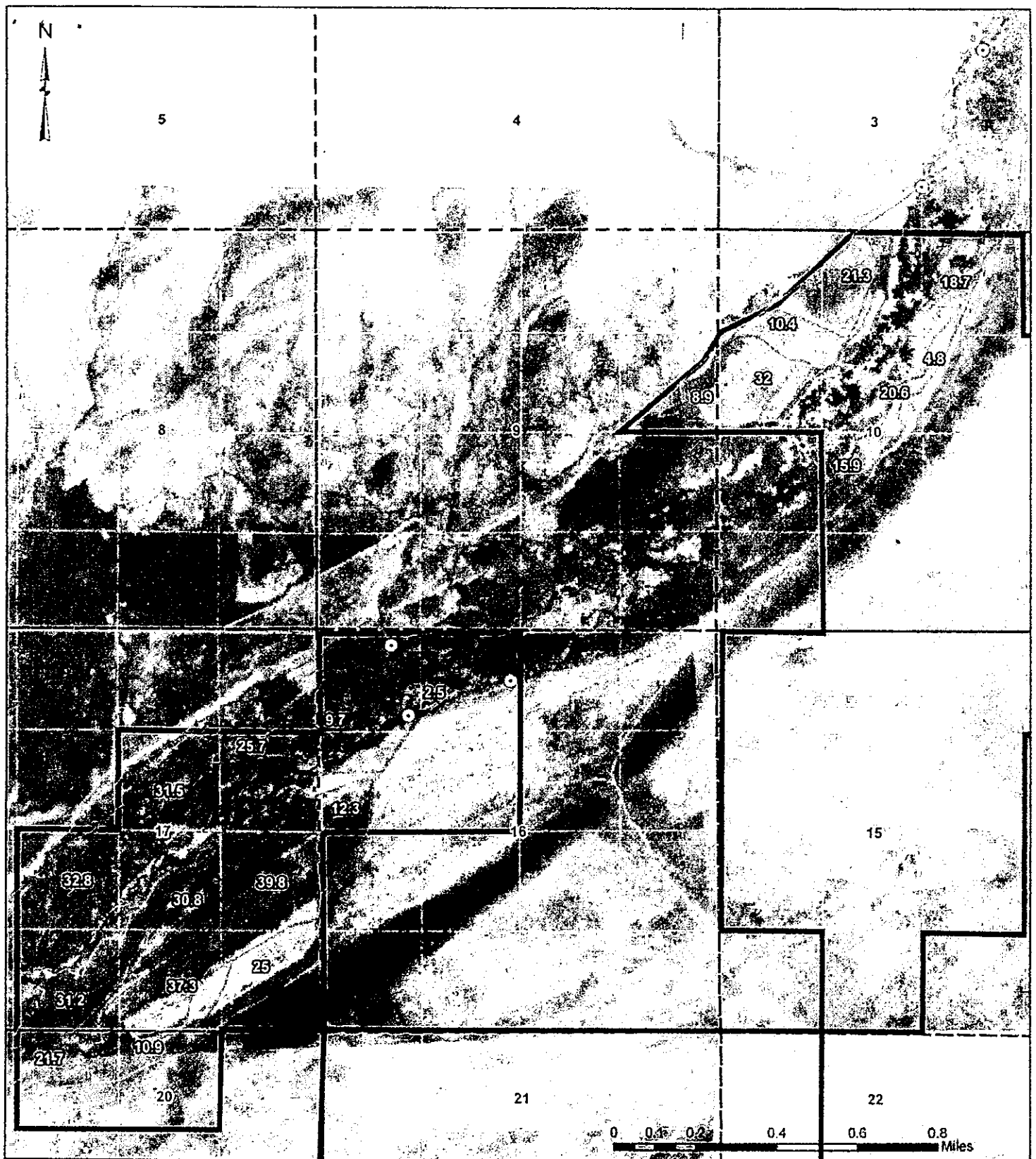
First, third and fourth rights above show conflict in land description
First and third rights are probably duplicates and only one right is valid

RECEIVED
SEP 28 2005

Department of Water Resources
Department of Water Resources
Application Bureau

BARTIE IS CLARK

* Submitted by Arlen Crouch of ABC Agra + Moldoon Ranch



The Muldoon Ranch Co., LLC: Laidlaw 1987 Irrigation

Township 02N, Range 21E
1987 Adjudication Aerial Photo

PLS - Sections

Laidlaw Property

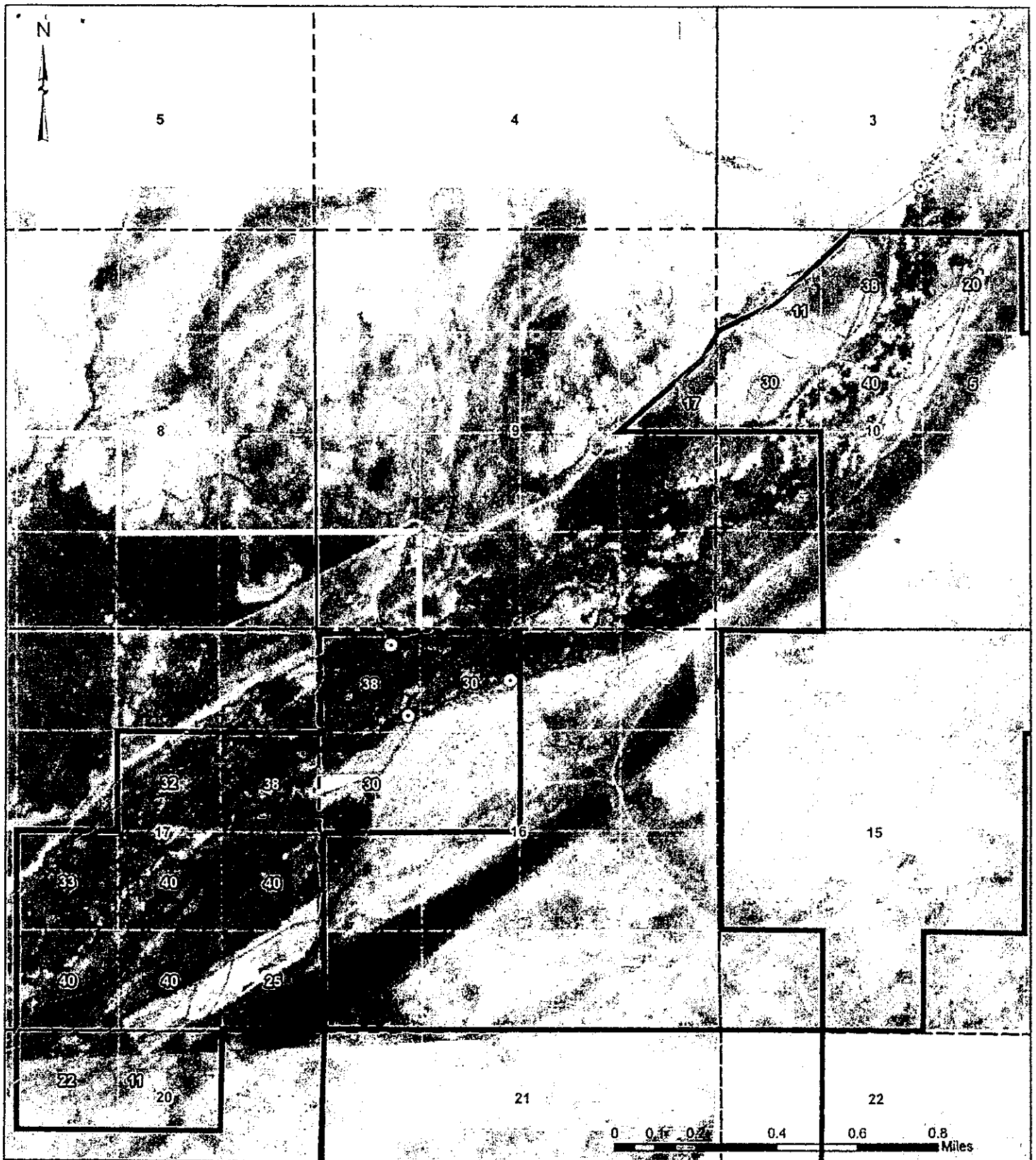
Laidlaw POD's

Brockway Engineering, PLLC
DTN - 03/30/2006

PLS - quarter quarter

Ditches

Est 1987 Irrigated Acres
443.8 total estimated acres



The Muldoon Ranch Co., LLC: Laidlaw PPU

Township 02N, Range 21E
1987 Adjudication Aerial Photo

Brockway Engineering, PLLC
DTN - 03/31/2006

[- -] PLS - Sections

PLS - quarter quarter

Ellsworth/Peterson Property

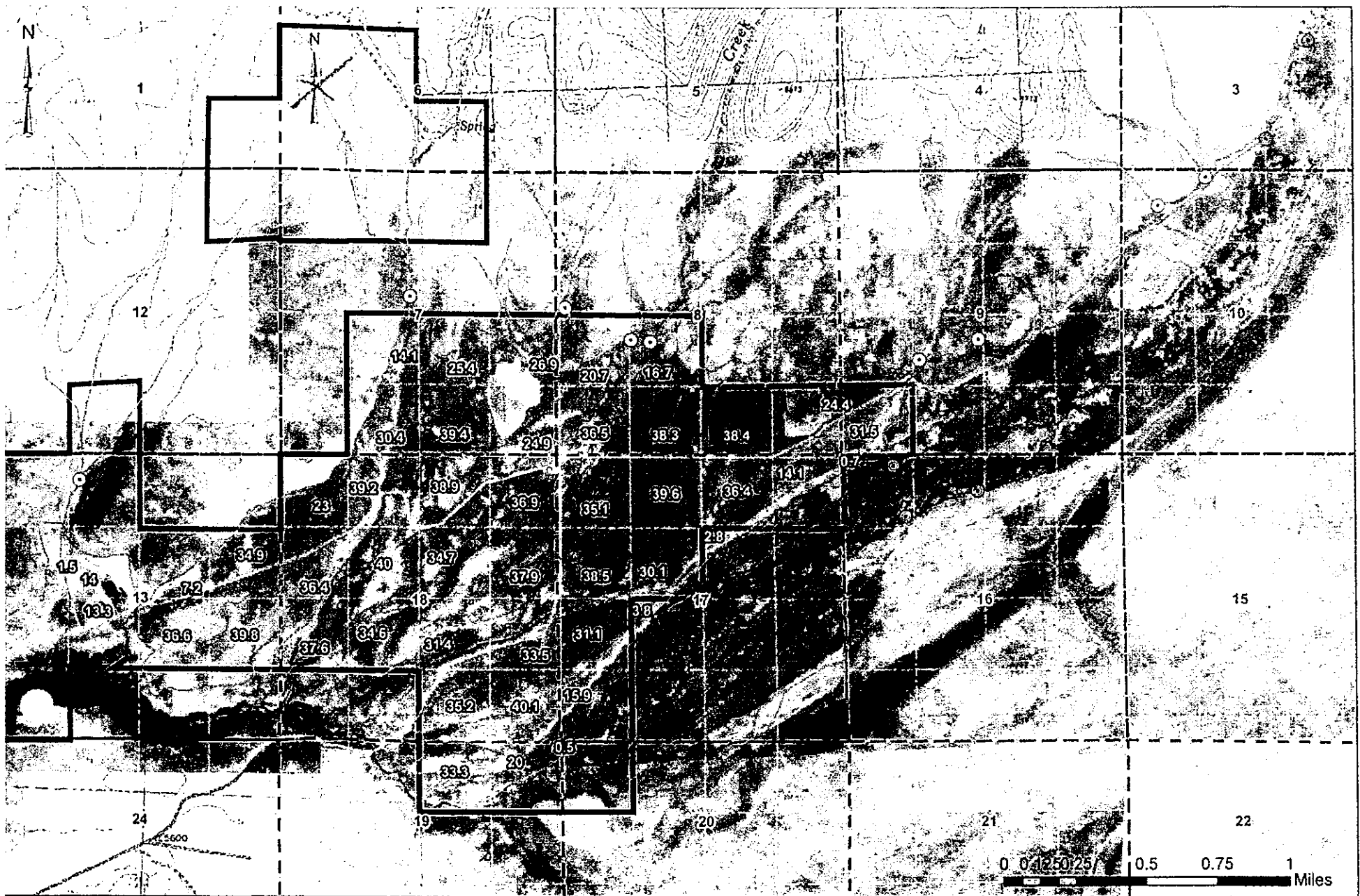
[] Laidlaw Property

--- Ditches

⊙ Laidlaw POD

40 PPU Acres

Total Acres of PPU = 606
Allowed Irrigatable Acres = 423



The Muldoon Ranch Co., LLC: 1987 Estimated Irrigation

Township 02N, Range 21E
1987 Adjudication Aerial Photo

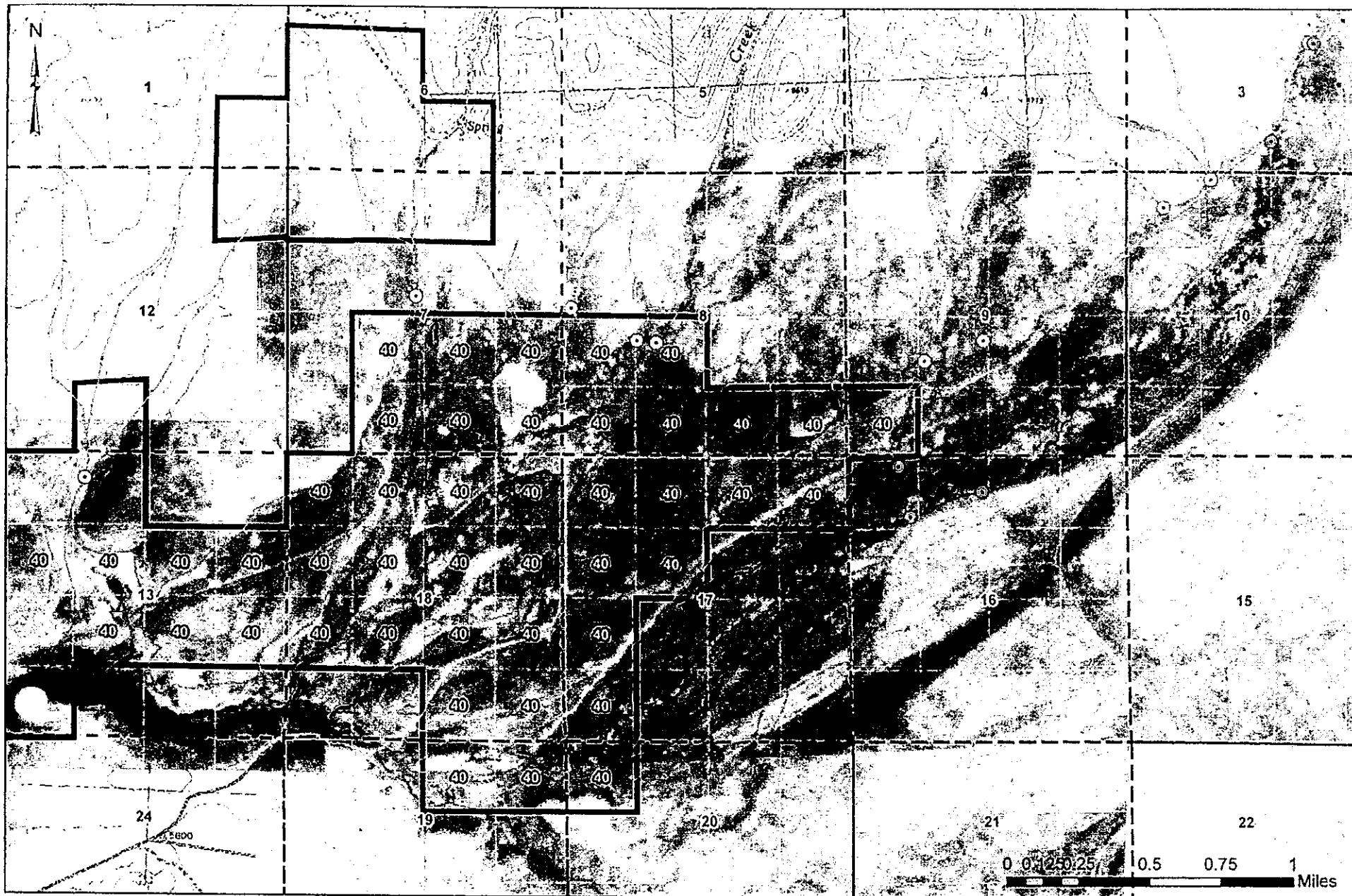
Brockway Engineering, PLLC
DTN - 03/30/2006

PLS - Sections
PLS - quarter quarter

Peterson Property
Ditches

Peterson POD's
Laidlaw POD's

Peterson Irrigated Acres 1987
1316.4 total estimated acres



The Muldoon Ranch Co., LLC: Peterson PPU

Township 02N, Range 21E
1987 Adjudication Aerial Photo

Brockway Engineering, PLLC
DTN - 04/26/2006

[- -] PLS - Sections

PLS - quarter quarter

[] 1987 Peterson Property

..... Ditches

○ Peterson POD's

⊙ Laidlaw POD's

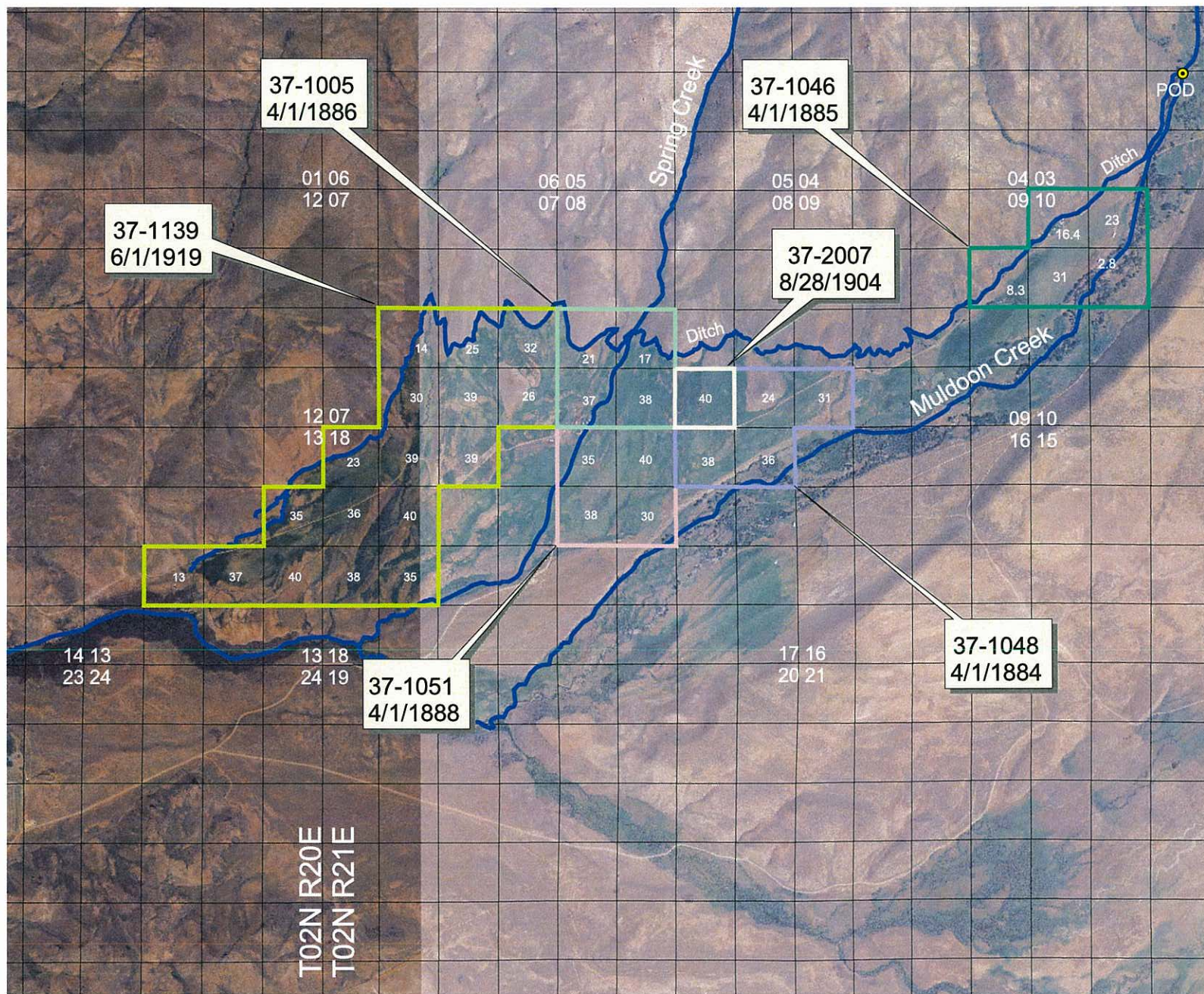
40 PPU Acres

Total Acres of PPU = 1555

Allowed Irrigatable Acres = 1316.4

Exhibit G

Muldoon Ranch Decrees and License Currently Using POD in Section 3



2004 NAIP Photography

Exhibit H

07/09/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED 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 TRIBUTARY: LITTLE WOOD RIVER
~~SPRING CREEK~~ TRIBUTARY: ~~MULDOON CREEK~~

QUANTITY: 1.400 CFS

PRIORITY DATE: 04/01/1886

POINT OF
DIVERSION:

T02N R21E S3 NENWE Within BLAINE County
~~T02N R21E S8 NWNESW Within BLAINE County~~

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.400 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T02N R20E S13 SWNE 9.20	T02N R20E S13 SENE	35.00
	T02N R20E S13 SWNW 1.50	T02N R20E S13 SENW	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 NWNW	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 SENW 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 NWNW	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 SENW	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			

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~~ 113 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.