

Gary D. Slette
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IrimVlitig\ABC\Muldoon\att Slette

Attorneys for Muldoon Ranch Co., LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN Re SRBA	)	Subcase No. 37-01005
	)	
	)	<u>AFFIDAVIT OF GARY D.</u>
Case No. 39576	)	<u>SLETTE</u>
	)	
	)	
	)	

STATE OF IDAHO)
 :ss
County of Twin Falls)

GARY D. SLETTE, first being duly sworn, deposes and states as follows:

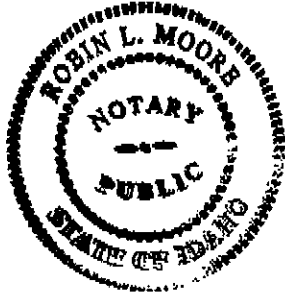
1. I am the attorney for the Claimant Muldoon Ranch Co., LLC.
2. Attached hereto as Exhibit "A", and incorporated herein by this reference, is a document sent to me by James Peterson, Sr., the former water master, represented by him to be the basis upon which he administered water rights in the Muldoon Creek area.

Further, your Affiant sayeth naught.



GARY D. SLETTE

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3 SUBSCRIBED AND SWORN to before me this 15 day of December, 2009.



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Robin L. Moore
NOTARY PUBLIC

Residing at: Jerome

Commission expires: 12-29-12

CERTIFICATE OF MAILING

I hereby certify that on this 15 day of December, 2009, I served the original hereof, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Scott L. Campbell
Andrew J. Waldera
MOFFATT THOMAS BARRETT
P.O. Box 829
Boise, ID 83701-0829
Counsel for Terry & Anita Clark

[] Hand Deliver
[] U.S. Mail
[] Overnight Courier
[x] Facsimile Transmission - 208-385-5384
[] Email slc@moffatt.com
ajw@moffatt.com

Director
Idaho Dept of Water Resources
P.O. BOX 83720
Boise, ID 83720-0098

[] Hand Deliver
[] U.S. Mail
[] Overnight Courier
[x] Facsimile Transmission - 208-287-6700

Gary D. Slette
Gary D. Slette

(CD-5816)
 85816NP
 SELECTION FILE: MULDOON

IDAHO DEPARTMENT OF WATER RESOURCES
 SOURCE SUMMARY REPORT
 BY WATER SOURCE/PRIORITY DATE

DATE: 09/12/94
 TIME: 08:19:41
 PAGE: 1

WATER RIGHT NUMBER	OWNER NAME	O C	PRIORITY DATE	SIG	POINT OF DIVERSION	POD FLAG	TOTAL DIVERSION	TOTAL ACRES	WATER USES
WATER SOURCE: MULDOON CREEK									
37-01048*	MULDOON LIVESTOCK ELLSWORTH, GRANT (SMITHAM, JAMES)	C	04/01/1884	D			2.000 CFS		01
37-00099	MULDOON LIVESTOCK (BROWN, JAMES N.)	C	04/01/1884	D	OZN 21E 3		2.200 CFS	160.0	01
37-01141	MULDOON LIVESTOCK (WATKINS, H.)	C	04/07/1884	D	OZN 21E 10	SNW	2.200 CFS		01
37-01046	BEAN/TWOMBLY L&L (GILLESPIE, J.)	C	04/01/1885	D			1.600 CFS		01
	YOUNG, B. (SREA CLAIM FOR 0.20 CFS OF 1.6 CFS DECREED RIGHT)								
	MECAHN, HARLEY JAMES (SREA CLAIM FOR 0.04 CFS OF 1.6 CFS DECREED RIGHT)								
37-01005	ELLSWORTH, G. (BUTLER, H. R.)	C	04/01/1886	D			1.400 CFS		01
37-01051	ELLSWORTH, G. (NEAL, THEODORE)	C	04/01/1888	D			2.000 CFS		01
37-02007	ELLSWORTH, G. (WONACK, ASA L.)	C	08/28/1904	L	OZN 21E 10	SNW	0.800 CFS		01,43
37-01143	PETERSON, GUY (PETERSON, JOHN E.)	C	05/01/1910	D			2.800 CFS		01
37-01142	BEAN/TWOMBLY L&L (LAIDLAW, JAMES)	C	05/15/1910	D			2.000 CFS		01,43
37-01140	CLARK, TERRY (BAPTIE, THOMAS A.)	C	12/02/1911	D	OZN 21E 35	NENE	0.200 CFS	15.0	01,43
37-02328	HILLS, FRANK R.	C	09/24/1916	L	OZN 21E 24	SESE	2.400 CFS	120.0	01,43
37-01139	ELLSWORTH, G. (HINES, REBECCA)	C	06/01/1919	D			7.000 CFS		01
37-02408	MARTY, LEO	C	06/28/1920	L	OZN 21E 10	NENE	4.000 CFS		28
37-02751	MULDOON GRAZING ASSN. INC.	C	10/31/1966	L	OZN 21E 26	NENE	5.330 CFS	305.0	01
37-02751	MULDOON GRAZING ASSN. INC.	C	10/31/1966	L	OZN 21E 26	SNW	5.330 CFS	305.0	01
37-07006	ELLSWORTH, GRANT	C	12/18/1967	L	OZN 21E 19	NENE	2.180 CFS	201.0	01
37-07006	ELLSWORTH, GRANT	C	12/18/1967	L	OZN 21E 17	NENE	2.180 CFS	201.0	01
37-07006	ELLSWORTH, GRANT	C	12/18/1967	L	OZN 21E 18	SESE	2.180 CFS	201.0	01
37-08260	ELLSWORTH, GRANT R.	C	01/23/1986	A	OZN 21E 3	NWSE	10.000 CFS		28

WATER SOURCE: SPRING CREEK

37-01005	ELLSWORTH, G. (BUTLER, H. R.)	C	04/01/1886	D			1.400 CFS		01
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WATER SOURCE: THOMPSON CREEK

37-02751	MULDOON GRAZING ASSN. INC.	C	10/31/1966	L	OZN 21E 26	SNW	5.330 CFS	305.0	01
37-02751	MULDOON GRAZING ASSN. INC.	C	10/31/1966	L	OZN 21E 26	NENE	5.330 CFS	305.0	01

Full rate of diversion under right 37-01048, 2.00 cfs, claimed by both Muldoon Livestock and Grant Ellsworth

EXHIBIT A