

1  
2 **Gary D. Slette**  
3 **ROBERTSON & SLETTE, PLLC**  
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7 Facsimile: (208) 933-0701  
8 ISB # 3198  
9 *litigABC Muldoon/aff Peterson*

10 *Attorneys for Muldoon Ranch Co., LLC*

11  
12 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
13 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

14 \* \* \* \* \*

15 IN Re SRBA )

Subcase No. 37-01005

16 Case No. 39576 )

17 **AFFIDAVIT OF GRANT**  
**ELLSWORTH**

18 \* \* \* \* \*

19 STATE OF ARIZONA )

:ss

20 County of MARICOPA )

21 GRANT ELLSWORTH, first being duly sworn, deposes and states as follows:

22 1. My wife and I signed the Claim attached hereto as Exhibit "A", and by this  
23 reference incorporated herein.

24 2. The water right referenced in that Claim was diverted from both Spring Creek and  
25 Muldoon Creek. When insufficient flows were available from Spring Creek to fulfill the water  
26 right, the balance was diverted from Muldoon Creek at the diversion dam referenced in paragraph  
5 of the Claim.

1  
2 Further, your Affiant sayeth naught.  
3  
4

5 Grant Ellsworth  
6 GRANT ELLSWORTH

7 SUBSCRIBED AND SWORN to before me this 24<sup>th</sup> day of November, 2009.  
8



Cari Brimhall  
NOTARY PUBLIC

Residing at: Gilbert AZ

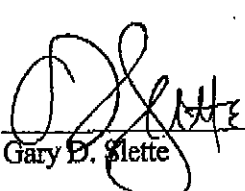
Commission expires: 7/3/2012

## CERTIFICATE OF MAILING

I hereby certify that on this 10 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                          | <input type="checkbox"/>            | Hand Deliver                                               |
| Andrew J. Waldera                          | <input type="checkbox"/>            | U.S. Mail                                                  |
| MOFFATT THOMAS BARRETT                     | <input type="checkbox"/>            | Overnight Courier                                          |
| P.O. Box 829                               | <input checked="" type="checkbox"/> | Facsimile Transmission - 208-385-5384                      |
| Boise, ID 83701-0829                       | <input type="checkbox"/>            | Email <a href="mailto:slc@moffatt.com">slc@moffatt.com</a> |
| <i>Counsel for Terry &amp; Anita Clark</i> |                                     | <a href="mailto:ajw@moffatt.com">ajw@moffatt.com</a>       |

|                               |                                     |                                       |
|-------------------------------|-------------------------------------|---------------------------------------|
| Director                      | <input type="checkbox"/>            | Hand Deliver                          |
| Idaho Dept of Water Resources | <input type="checkbox"/>            | U.S. Mail                             |
| P.O. BOX 83720                | <input type="checkbox"/>            | Overnight Courier                     |
| Boise, ID 83720-0098          | <input checked="" type="checkbox"/> | Facsimile Transmission - 208-287-6700 |

  
\_\_\_\_\_  
Gary D. Slette

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: [Signature]

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 of | 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 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 02N      | 20E   | 13      | SW     | NE     |     | IRR |       |
11. Place of use in counties: BLAINE
- A37-01005 Page 1 Date: 10/14/88

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FEB 23 1993

EXHIBIT A

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 NUMBER A37-01139. INCIDENTAL STOCK USE.

15. Basis of Claim: DECREEED  
Case Number:  
Court :  
Decree date:

N. R. WOODWORTH ET. AL.  
Decree Plaintiff

vs

FRANK ANTHONY ET. AL., AMENDED  
Decree Defendant

A37-01005

Page 2

Date: 10/14/88

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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 ) SS.  
County of MARICOPA )

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

Barbara B. Dwyer  
Notary Public

Seal

Residing at 2742 E. Southern Ave Mesa Az  
My Commission Expires 5/3/89

MICROFILMED

FEB 23 1993

**Robertson & Slette, p.l.l.c.**  
**ATTORNEYS AT LAW**

134 Third Ave. East  
P.O. BOX 1906  
TWIN FALLS, ID 83303-1906  
PHONE (208) 933-0700  
FAX (208) 933-0701

**FACSIMILE TRANSMISSION**

DATE: December 15, 2009

FAX TO: Director, Idaho Dept. of Water Resources 208-287-6700  
Andrew J. Waldera, Esq. 208-385-5384

FROM: Robin L. Moore for Gary Slette

RE: Muldoon Ranch Co., LLC – Water Right No. 37-01005

NUMBER OF PAGES INCLUDING THIS ONE: 12

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL US BACK AS SOON AS POSSIBLE AT (208) 933-0700.

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ADDITIONAL MESSAGE:

PLEASE SEE THREE (3) AFFIDAVITS FILED TODAY IN THE ABOVE-REFERENCED MATTER. THANK YOU.