

# 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

JUL 16 2014

By \_\_\_\_\_

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

Deputy Clerk

Please type or print clearly.

CIVIL CASE NUMBER: 39576

Ident. Number 21-2078

Date Received: \_\_\_\_\_

Receipt No: \_\_\_\_\_

Received By: \_\_\_\_\_

RECEIVED  
AUG 14 2014  
DEPARTMENT OF  
WATER RESOURCES

1. Name of Claimant (s) Michael Bryan Moedl Phone (208) 521-1111

Mailing Address 3325 E Skyview Dr Idaho Falls Id ZIP 83401  
Street or Box City State

2. Date of Priority (Only one (1) per claim) 11/11/1911  
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water ( ) or Other (✓) (a) Hope Creek  
which is tributary to (b) Henrys Lake

4. a. Location of Point of Diversion is: Township 15N, Range 42E, Section 24,  
SE, 1/4 of SE, 1/4 Govt. Lot \_\_\_\_\_, BM., County of Fremont

Parcel (PIN) no. \_\_\_\_\_

Additional points of diversion if any: \_\_\_\_\_

If available, GPS Coordinates \_\_\_\_\_

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_, 1/4 of \_\_\_\_\_, 1/4

Govt. Lot \_\_\_\_\_, BM., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, \_\_\_\_\_, 1/4 of \_\_\_\_\_, 1/4

Govt. Lot \_\_\_\_\_, BM., 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. \_\_\_\_\_

earth ditches; rock dams

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 05-01 to 10-31 amount 1.9 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 1.9 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.)

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| Twn | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 15N | 43E | 19  |    |    |    |    |    |    |    |    | 35 | 35 |    | 15 |    |    |    |    | 85     |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Parcel (PIN) no(s).

Total number of acres irrigated 85

10. In which county (ies) are lands listed above as place of use located? Fremont

11. Do you own the property listed above as place of use? Yes ( ) No (✓)

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

21-0094; 21-0096; 21-0097 is Duck Creek via Rock Creek. 21-2038; 21-2062 is Hope Creek or None ( )

13. Remarks: The 04/25/2012 Masterson Decree 21-2038 includes in the Place of Use description of portion of Subject property of which actual 85acres are flood irrigated by Hope/Rock/Duck Creek pod sec 24 SESE.

Warranty Deed from Thurlow Kinney from 1943 on total 375acre Subject property denotes:

"with the Natural Flow of Hope Creek and 200inches of Rock Creek" (see attached).

The following rights 21-0094; 21-0096; 21-0097; 21-2038 & 21-2062 are limited to the irrigation of a combined total of 195acres in a single irrigation season; 130acres from Sherman Decree & 65acres from Masterson Decree

This 375 acre property has been divided into 20acre parcels by five LLC's but was later enrolled into the Nature Conservancy Conservation Easement in its entirety. Future divisions or partitions are prohibited.

Michael Bryan Moedl is Manager of the five respective LLC's and is thereby the Authorized Agent.

Last Name

Moedl

Identification No.

21-2038

14. Basis of Claim (Check One) Beneficial Use ( ) Posted Notice ( ) License (X) Permit ( ) Decree ( )

Court \_\_\_\_\_ Decree Date 04/25/2012 Plaintiff v. Defendant \_\_\_\_\_

If applicable provide IDWR Water Right Number 21-2038

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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: -4-

For Individuals: I/We do solemnly swear or affirm under penalty of perjury 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 under penalty of perjury that I am

Manager: Hope Creek Cattle Co LLC; of Silver Saddle Cattle Co LLC; Badger Butte Cattle Co;

Title

Organization

that I have signed the foregoing document in the space below as

Manager: Bootjack Cattle Co LLC; of and Meadow Vue Cattle Co LLC

Title

Organization

and that the statements contained in the forgoing document are true and correct.

Signature of Authorized Agent Michael Bryan Moedl Date \_\_\_\_\_

Title and Organization Manager: Michael Bryan Moedl

16. Notice of Appearance:

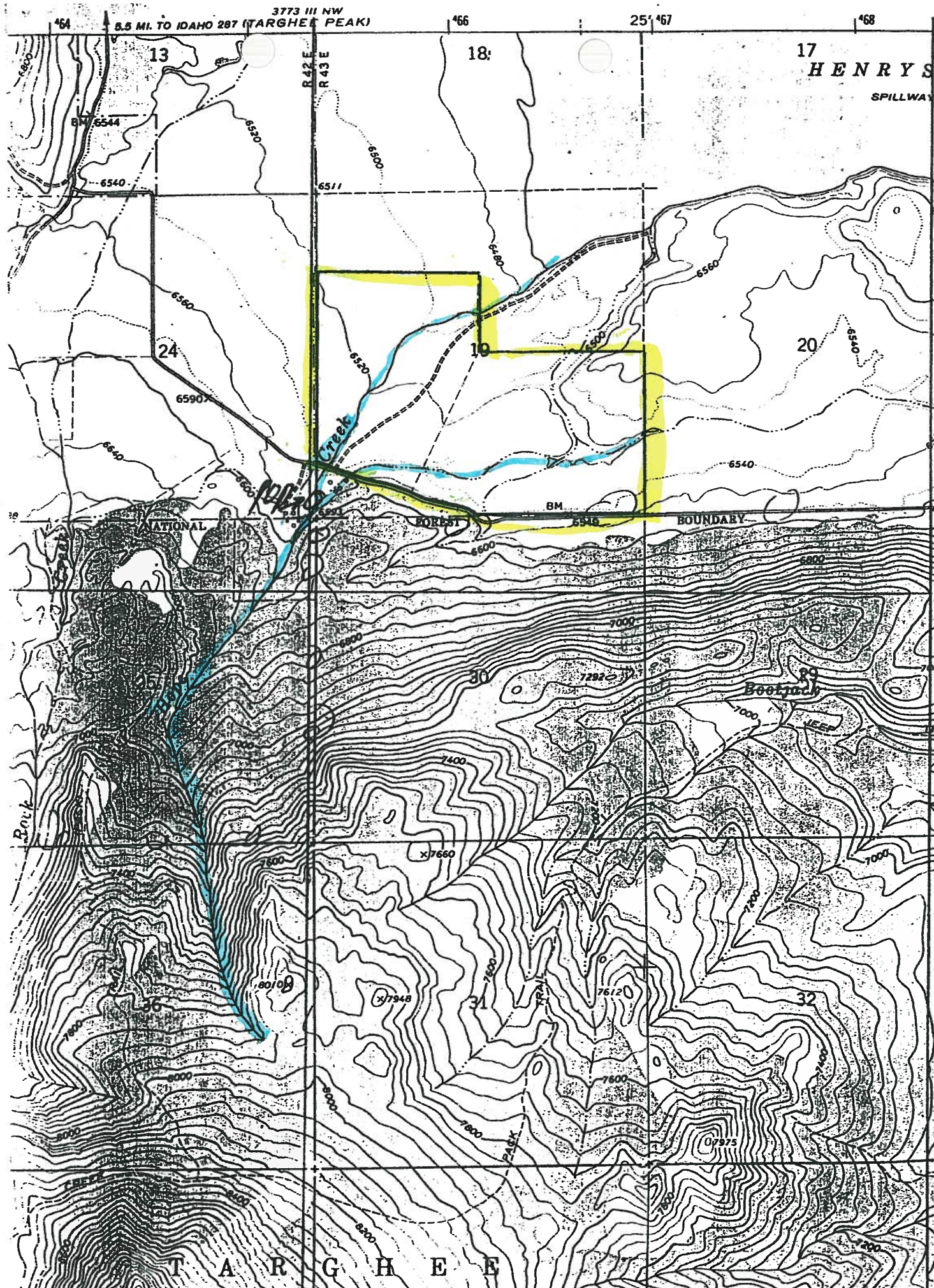
Notice is hereby given that I, \_\_\_\_\_, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Last Name Moedl Identification No. 21-2038



# Warranty Deed

THIS INDENTURE, Made this 19th. day of October  
in the year of our Lord One Thousand Nine Hundred and forty-three, between

Thurlow E. Kenney, a widower  
of Henrys Lake, County of Fremont, State of Idaho  
the part y of the first part, and

Luther Treasure and Catherine Treasure, his wife,  
of Rigby, County of Jefferson, State of Idaho  
the part i of the second part:

WITNESSETH: That the said part y of the first part, for and in consideration of the sum of  
Ten and no/100 - - - - - DOLLARS,  
lawful money of the United States of America, to him in hand paid by the said part i of the second part, the receipt  
whereof is hereby acknowledged

doES by these presents, Grant, Bargain, Sell and Convey and Confirm unto said part i of the second part, and to their heirs and assigns forever: All th at certain lot  
piece or parcel of land situate, lying and being in the County of Fremont State of Idaho, bounded  
and more particularly described as follows, to-wit:

Lots 2, 3, and 4; Southeast Quarter of North-  
west Quarter; East one-half of Southwest Quarter;  
and Southeast Quarter, all in Section 19, Town-  
ship 15, North of Range 45, E. B. M. Together  
with the Natural flow of Hope Creek, a tributary  
of Henrys Lake and 200 inches of Rock Creek  
flow, and all other water rights, if any, be-  
longing to said premises herein conveyed.

RECORDED

Together with all and singular, the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, and  
the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges therunto incident  
unto the said part i of the second part, and to their heirs and assigns forever. And the said part y of the  
first part, and his heirs the said premises in the quiet and peaceable possession of the said part i of the second part,  
their heirs and assigns against the said part y of the first part, and his heirs and against all and every  
person or persons whomsoever lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

# WARRANTY DEED

THIS INDENTURE, Made this 1st day of July  
in the year of our Lord, One Thousand Nine Hundred and Forty-six, by and between  
Luther Treasure and Catherine Treasure, his wife,  
of the County of Jefferson, State of Idaho  
the parties of the first part, and Elmer Moedl and Iola Moedl, his wife,  
of the County of Jefferson, State of Idaho  
the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of  
Seventy-five Hundred and No/100 - - - - - DOLLARS  
lawful money of the United States of America, to them in hand paid by the parties of the second  
part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do  
grant, bargain, sell, convey and confirm unto the said parties of the second part and to them heirs and  
assigns forever all the following described real estate, situated in

Fremont

County, State of Idaho, to-wit:

An undivided one-half interest in and to the following described real  
property, to-wit:

Lots 2, 3, and 4; Southeast Quarter of Northwest Quarter; East one-half  
of Southwest Quarter; and Southeast Quarter, all in Section 19, Township  
15, North of Range 43, E.B.M. Together with the Natural Flow of Hope  
Creek, a tributary of Henrys Lake and 200 inches of Rock Creek flow,  
and all other water rights, if any, belonging to said premises herein  
conveyed.



TOGETHER, With all and singular, the tenements, hereditaments and appurtenances thereunto belonging or  
in anywise appertaining, and the reversion or reversions, remainder and remainders, rents, issues and profits there-  
of, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said part  
of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the  
appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said  
parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the  
said parties of the second part, and their heirs and assigns against the said parties of the first part and  
their heirs and against all and every person and persons, whomsoever, lawfully claiming or to claim

BADGER BUTTE CATTLE COMPANY  
L.L.C., an Idaho limited liability company,

By: \_\_\_\_\_  
Name: Michael B. Moedl  
Title: Manager  
Date: \_\_\_\_\_

SILVER SADDLE CATTLE COMAPNY  
L.L.C., an Idaho limited liability company

By: \_\_\_\_\_  
Name: Michael B. Moedl  
Title: Manager  
Date: \_\_\_\_\_

BOOTJACK CATTLE COMPANY L.L.C., an  
Idaho limited liability company

By: \_\_\_\_\_  
Name: Michael B. Moedl  
Title: Manager  
Date: \_\_\_\_\_

HOPE CREEK CATTLE COMPANY L.L.C.,  
an Idaho limited liability company

By: \_\_\_\_\_  
Name: Michael B. Moedl  
Title: Manager  
Date: \_\_\_\_\_

MEADOW VUE CATTLE COMPANY  
L.L.C., an Idaho limited liability company

By: \_\_\_\_\_  
Name: Michael B. Moedl  
Title: Manager  
Date: \_\_\_\_\_