

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: A37-00099
Date Received: 9/27/1988
Receipt No: 500 3009
Received By: SEC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MULDOON LIVESTOCK, INC. 208-823-4425
Address: BOX 67
CAREY, ID 83320

2. Date of Priority: APR 01, 1884

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

4. Point of Diversion:

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

5. Description of diverting works:
OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.200		

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

8. Total consumptive use is 283.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	21E	9	NE	SW		IRR	4.0
			SE	SW		IRR	30.0
			NE	SE		IRR	20.0

A37-00099

Page 1

Date: 09/27/88

MICROFILMED
FEB 22 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	21E	9	NW	SE		IRR	20.0
			SW	SE		IRR	10.0
			SE	SE		IRR	15.0
						Section Acres	99.0
		10	NW	SW		IRR	13.0
			SW	SW		IRR	8.0
						Section Acres	21.0
						Total Acres	120.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-01048, A37-01141

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.

Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Secretary of
Title
Muldoon Livestock Inc., that I have signed the foregoing
Organization
document in the space below as Secretary of
Title
Muldoon Livestock Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Mary C. Peterson
Signature of Authorized Agent
Sec. Muldoon Livestock Inc.
Title and Organization
9-28-1988
Date

State of Idaho)
County of Butte) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of Sept. 19 88

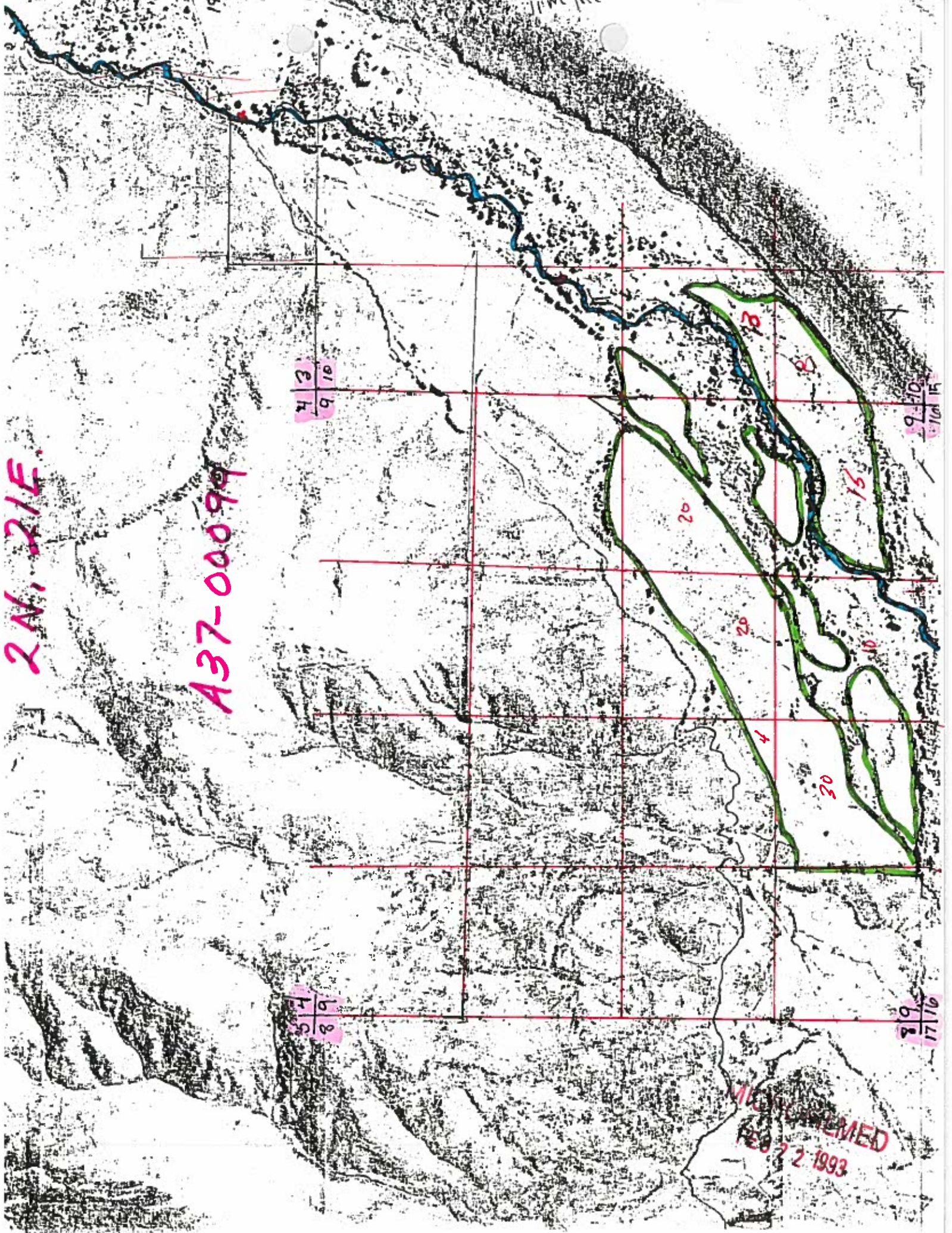
Nancy Carlson
Notary Public

Seal

Residing at Asco, Id.
My Commission Expires 6-19-93

2N, 21E.

A37-00099



UNCLASSIFIED
FEB 22 1993

11/24/2006

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

RIGHT NUMBER: 37-99

NAME AND ADDRESS: MULDOON LIVESTOCK INC
PO BOX 67
CAREY ID 83320

SOURCE: MULDOON CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 2.200 CFS

PRIORITY DATE: 04/01/1884

POINT OF DIVERSION:

T02N R21E S3 SESESW Within BLAINE County

T02N R21E S10 SESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
2.200 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R21E S09	NESW	1.70	T02N R21E S09	SESW	27.00
T02N R21E S09	NESE	25.00	T02N R21E S09	NWSE	19.00
T02N R21E S09	SWSE	11.00	T02N R21E S09	SESE	15.00
T02N R21E S10	NWSW	7.30	T02N R21E S10	SWSW	14.00

120 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 120 acres in a single irrigation season. Combined Right Nos.: 37-99 and 37-1141.

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 place of use pursuant to Section 42-1425, Idaho Code.



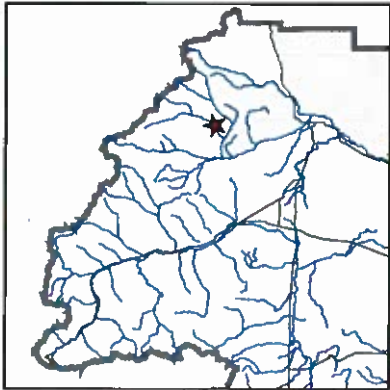
Idaho Department of Water Resources

SRBA Recommendation:

37-99
37-1141

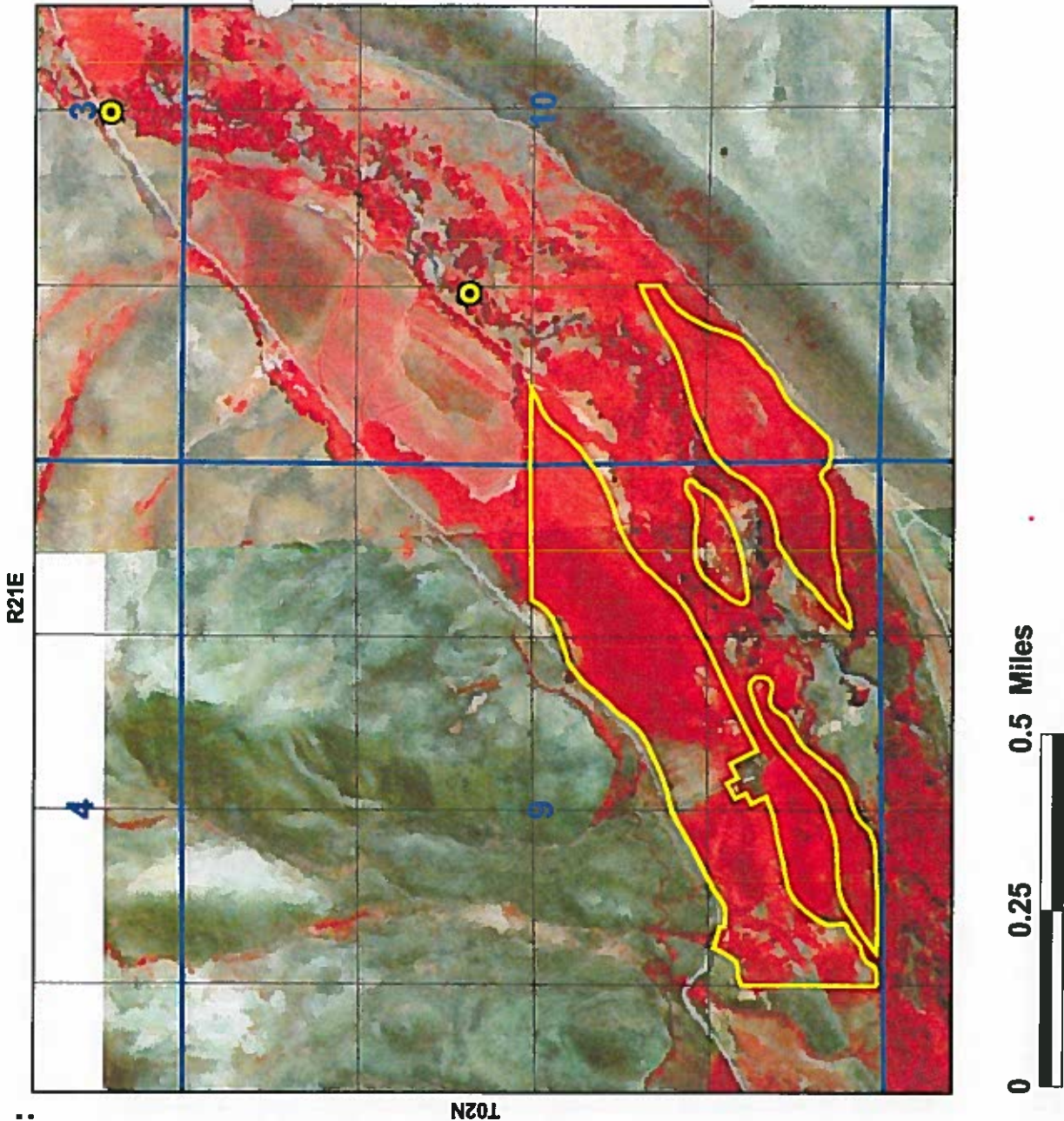
Legend

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



Blaine County
IDWR Basin 37

Prepared by M. Anders
On Friday, November 24, 2006
1987/88 Aerial Photography



Adjudication Claim Notes

Claim(s): 37-99, 37-1048, 37-1141

Background Data

37-99

- Source is Muldoon Creek
- Decreed 2.2 cfs on 4 QQ
- Priority Date: 4/1/1884
- Claimed 2.2 cfs on 120 acres

37-1048

- Source is Muldoon Creek
- 37-1048 originally decreed as 2.0 cfs on 4 QQ
- Priority Date: 4/1/1884
- A priority date search indicates the following:
 - 37-1048 (Muldoon Livestock) claimed as 2.0 cfs on land 120 acres
 - 37-1048A (ABC Agra) claimed as 2.0 cfs on unspecified acres
 - **Overclaimed**

37-1141

- Source is Muldoon Creek
- Decreed 2.2 cfs on 4 QQ
- Priority Date: 4/7/1884
- Claimed 2.2 cfs on 115 acres

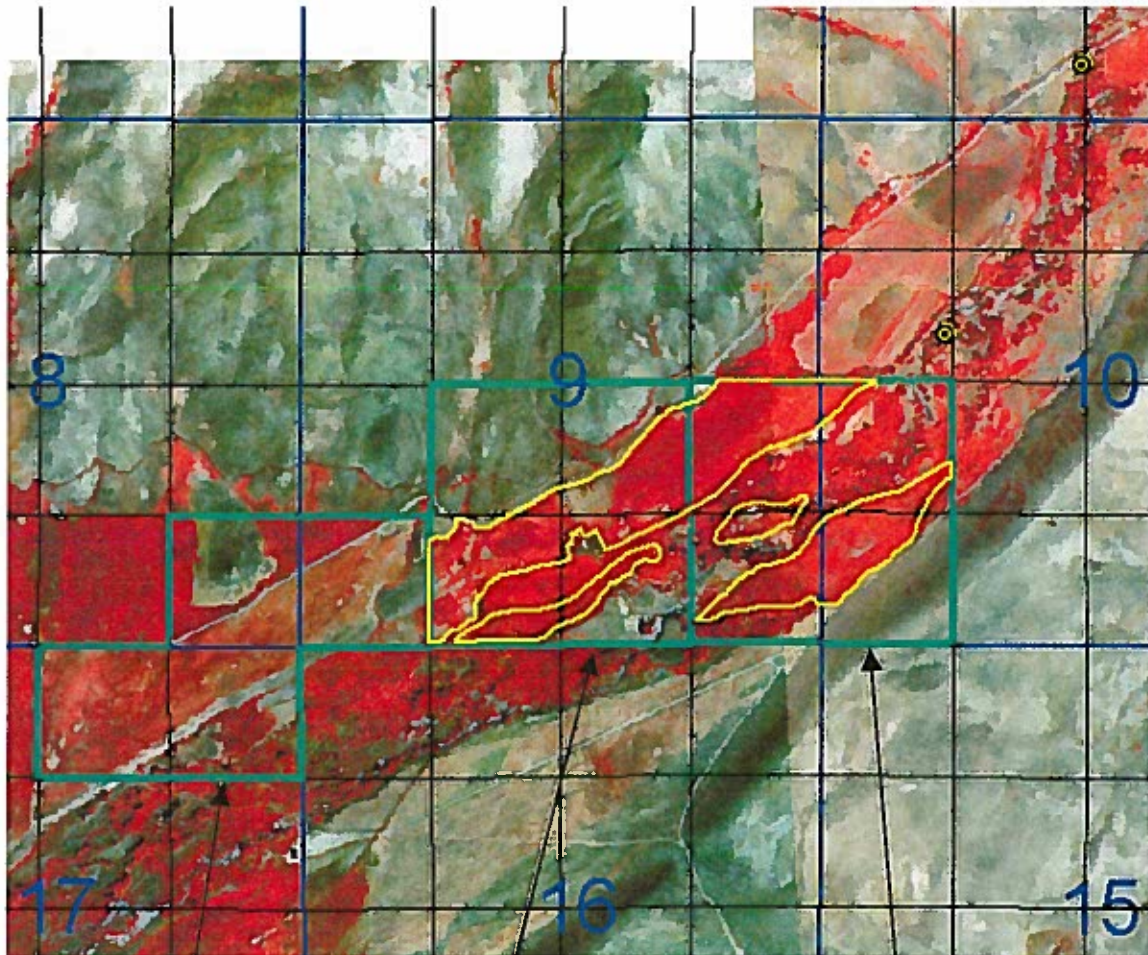
Place Of Use Data

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

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

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

1987 Aerial Photo



Decreed POU
for 37-1048

Decreed POU for
37-1141

Decreed POU for
37-99

Muldoon Creek
September 23, 2004

Jim Peterson Upper Diversion



ABOVE: View looking down Muldoon Creek showing the diversion location for the head of Jim Peterson's upper diversion ditch.



LEFT: View of one foot Parshall flume installed in Jim Peterson's upper diversion ditch.

GPS coordinate location for point of diversion: 2504730, 1369784 (IDTM coordinates NAD83 projection) Legal Description SESW Section 3 (T02N, R21E). Note that diversion point is located near the $\frac{1}{4}$ line. Site Tag #A0011842.

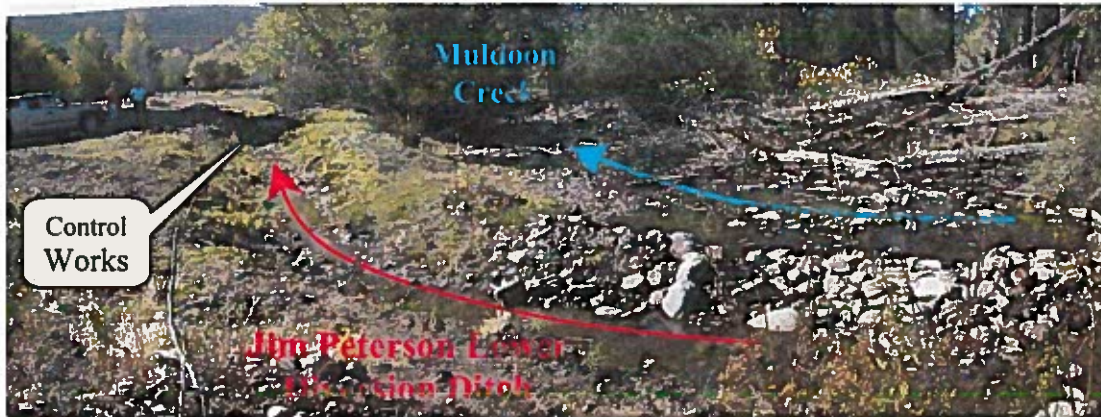
Control works consist of a concrete structure with metal slide gate. Measuring device consists of a 1.0 foot Parshall Flume. The staff gage on the flume was bent and read 0.84 feet, but the actual head reading was 0.95 feet. Flow through measuring device according to the gage was 3.07 cfs, but the actual flow was 3.70 cfs.

Concerns: Bent staff gage. Jim Peterson's SRBA filings, 37-99 and 37-1141, have claimant ownership issues (Muldoon Livestock vs Muldoon Grazing Assoc). Maybe database issues?

Data collected by Corey Skinner.

Muldoon Creek
September 23, 2004

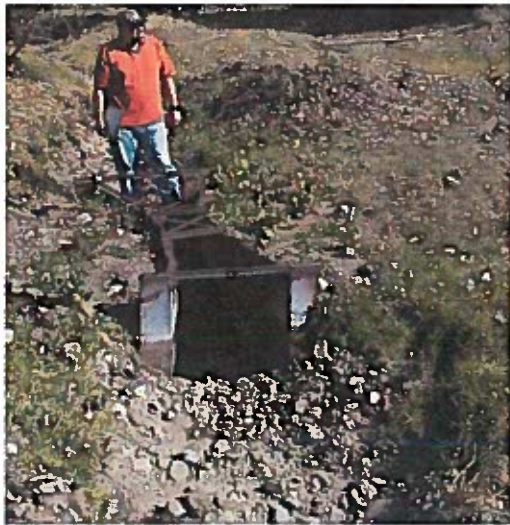
Jim Peterson Lower Diversion



ABOVE: View looking down Muldoon Creek showing Jim Peterson's lower diversion ditch.

LEFT: View of control works in Jim Peterson's lower diversion ditch

LOWER LEFT: View of one foot Parshall flume installed in Jim Peterson's lower diversion ditch.



GPS coordinate location for point of diversion: 2504316, 1368959 (IDTM coordinates NAD83 projection) Legal Description SWNW Section 10 (T02N, R21E). Site Tag #A0011843.

Control works consist of a concrete structure with no slide gate. Measuring device consists of a 1.0 foot Parshall Flume. The staff gage on the flume was bent. At the time of the inspection, no water was flowing through the flume.

Concerns: Bent staff gage. Jim Peterson's SRBA filings, 37-99 and 37-1141, have claimant ownership issues (Muldoon Livestock vs Muldoon Grazing Assoc). Maybe database issues?

Data collected by Corey Skinner.

T2N R21E Section 9 & 10

- Found 120 acres. The draft shape used for the field exam was 145 acres. The draft shape was drawn to include all the possible irrigated land with the assumption that it would be reduced during the field exam. According to the field exam, the owner said the draft shape was a good representation of the POU, but at this time Lee Peterson was not editing the draft shape during any of his field exams. Therefore I reduced the POU to 120 acres based on claim map, aerial photos, and comments by Lee.
- Right is overclaimed
 - 37-1048 was originally decreed as 2.0 cfs on 4 QQ.
 - 37-1048 (Muldoon Livestock) is claimed for 2.0 cfs on land 120 acres
 - 37-1048A (ABC Agra) claimed as 2.0 cfs on unspecified acres
 - Sent letter to both claimants asking them to resolve this if they can. 8/18/05
- 9/15/05 – Talked with Mary Peterson on the telephone. I told her that both Muldoon Livestock (Peterson) and Muldoon Ranch (Crouch) claimed the entire diversion rate of 37-1048. Mrs. Peterson said this disagreement has been going on for 10-15 years. She is not sure how it started, but both parties think they own the entire right. She said will talk with Arlen Crouch about resolving this.
- No evidence has been submitted that claim 37-1048 (Peterson) own this water right. Since the water right was decreed on land owned by Muldoon Ranch, they entire diversion rate will be recommended as 37-1048A. Claim 37-1048 will be disallowed.
- Duty of water is significantly over the standard of 0.02 cfs/acre. Since the claimed POU is still within decreed POU, this appears to be the historical use of these rights. Recommended entire decreed diversion rate.
- Recommendations:
 - 120-acre PPU (37-99 and 37-1141 claimed the exact same place of use except for 5 acres.
 - 37-99
 - 2.2 cfs for Irrigation of 120 acres
 - Assuming accomplished transfer for POU
 - 37-1048: claim disallowed
 - 37-1141
 - 2.2 cfs for Irrigation of 115 acres within 120-acre PPU
 - Assuming accomplished transfer for POU and POD
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

8/17/05

Muldoon Livestock & Peterson Farms

- owned by Jim & Mary Peterson

208-788-8171 or 208-823-4425

8/16/05
MDA

I talked w/ Mary about the following on the telephone:

37-401

- I told her it was claimed by Flat Top
Sleep Co (37-401) & ABC Agra
(37-401A)

- she confirmed that her & her husband do
not own ~~this~~ this right

37-2503

- 0.24 cfs on 12 acres (15, 21E, 516, NWNW)
- Mary said she & her husband own this
right & confirmed former owner was Eldredge
- there is no claim on this right & our records
show it is owned by Gail Eldredge
- Source is Little Wood River

other rights

- she was wondering if all their rights are claimed
- possible names
 - Muldoon Livestock
 - W. Jim Peterson
 - * Peterson Farms
 - Mary Peterson

other rights cont.

- they also have rights in a reservoir, but she is unsure if the company has made a claim
- reservoir rights are 1883 or 1884?

other rights

IR	Little Wood	** 37-16	Peterson Farms	Store C	in review
IR	Little Wood	** 37-17A	Peterson Farms	Store C	in review
IR	Little Wood	** 37-19	Peterson Farms	Store C	in review
IR	Little Wood	** 37-304	Peterson Farms	Store C	in review
IR	Little Wood	** 37-702	Peterson Farms	Store C	in review
IR	GW	** 37-2499	Peterson Farms	Store C	verified
IR	GW	37-2515A	Peterson Farms	Store C	verified
Dom	GW	* 37-11415	Peterson Farms	N/A	partial decree
Dom	GW	* 37-11416	Peterson Farms	N/A	partial decree
Dom, Stock	GW	* 37-11417	Peterson Farms	N/A	partial decree

* Dominant Rights

** 37-2503 overlaps these claims **

↳ Refer her to Store Chellard 208-287-4913

File No.
A37-00099-1141-1048

Owner
Muldoon Livestock, Inc.
Jim & Mary Peterson
Box. 67
Carey

Date
6/20/05

I met with Jim & Mary at heir home on Muldoon Creek this morning and reviewed their files ,while looking at the color photo with the property marked in blue Jim said this area is a good representation of his property [1987 aerial] and he also said the POD circles look good , the small areas of greenish red is lands irrigatrd when there is ample water and lightly when water is short, and the area green at bottom is natural trees-grass , brush. All his land is irrigated out of Muldoon Cr. 37-99, 1048, 1141.

37-00099 is Muldoon Cr. 2.2 CFS as file shown all questions is ok-

37-1141 source ok, 2.2 CFS ok, 1977 & 1955 date show priority date ok,
37-1048 source ok , 2 CFS ok, priority date ok, 2.2 CFS of

The only problem with 1048 is the owner Jim and Mary claim this water right is theirs and ABC claim it so this will have to be settled by IDWR or the court as I see this problem. The GPS listings below is by Corey Skinner see attached sheets.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
See Skinner sheets					

Lee R. Peterson

Background Data

37-99

- Source is Muldoon Creek
- Decreed 2.2 cfs on 4 QQ
- Priority Date: 4/1/1884
- Claimed 2.2 cfs on 120 acres

811 OK

37-1048

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

? OWNER Muldoon Livestock &
ABC both claim ownership

37-1141

- Source is Muldoon Creek
- Decreed 2.2 cfs on 4 QQ
- Priority Date: 4/7/1884
- Claimed 2.2 cfs on 115 acres

YES
YES court decree
"

Muldoon Livestock is

ABC Agra

Jim Peterson

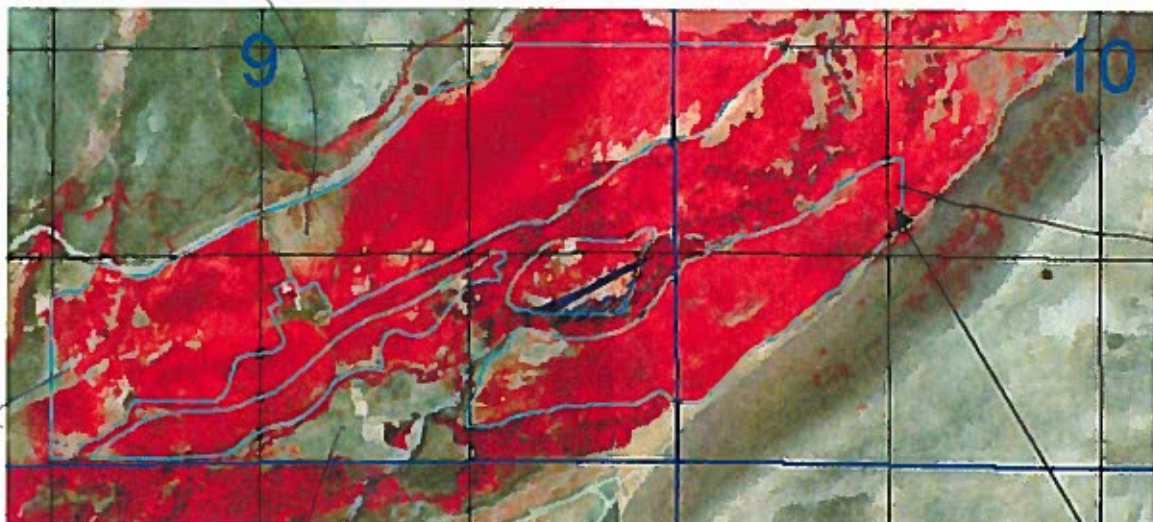
Guy Peterson

Partnership

owns Muldoon Livestock

Field Exam
By Lee Peterson

dry on years 10-11
is irrig when
water available



little dry is
irrig when
water is available

Fence
? you
Jim said land
in block is
good rep.

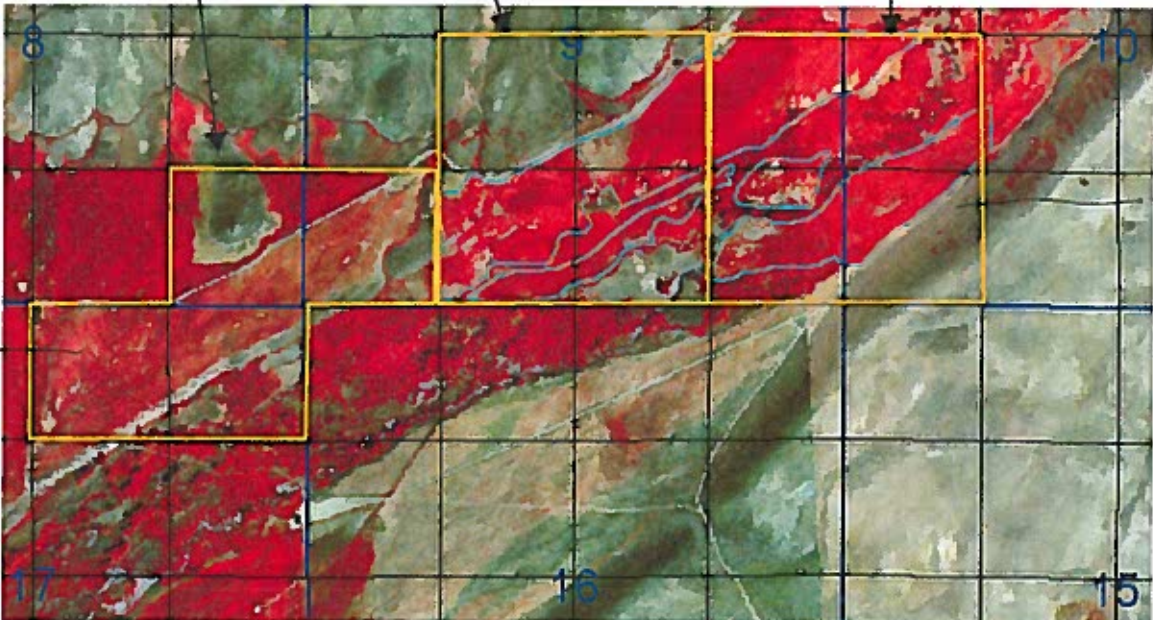
Native TREES - GRASS
irrig. 55000
No IR.

Irrigated?

Decreed POU
for 37-1048

Decreed POU for
37-1141

Decreed POU for
37-99



A B C
?

Mudston
? 35000
pump - 5000
the mudston

all out mudston

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-99

WATER RIGHT NUMBER: 37-99

Owner Type Name and Address
 Current Owner JAMES N BROWN

, ZZ

Priority Date: 04/01/1884

Basis: Decreed

Status: Active

Source Tributary
 MULDOON CREEK LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.200 CFS	
	<u>Total Diversion:</u>	2.200 CFS	

Location of Point(s) of Diversion

MULDOON CREEK

Sec. 3, Twp 02N, Rge 21E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	21E	9									40.0				40.0				80.0
02N	21E	10									40.0	40.0							80.0

Total Acres: 160

Conditions of Approval:Remarks:

- General P/U IS THAT PORTION OF JAMES BROWN LANDS NEAR MULDOON CREEK.
 SOURCE GIVEN INCORRECTLY IN DECREE AS LITTLE WOOD RIVER.
 P/D SHOWN ON USGS MAP; UNABLE TO DETERMINE EXACT LOCATION.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-99

Licensed Date:
Decreed Date: 12/13/1909
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 370
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Alturas Water Co, et al
Decree Plaintiff: S C Frost, et al
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:



Idaho Secretary of State
Viewing Business Entity

A37-00099

[[New Search](#)] [[Back to Summary](#)]

MULDOON LIVESTOCK, INC.

Type of Business: CORPORATION, GENERAL BUSINESS

Status: FORFEITED 02 Dec 1968

State of Origin: IDAHO

Date of 09 Sep 1963

Origination/Authorization:

Registered Agent: N/A

Organizational ID / Filing Number: C34816

Number of Authorized Stock Shares: N/A

Date of Last Annual Report: N/A

Amendments:

Amendment 0 filed 09 Sep 1963 INCORPORATION

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Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us