

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: **A37-00390**
Date Received: 12/27/1991
Receipt No: S014010
Received By: _____

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

1. Name: FLAT TOP SHEEP COMPANY 208-788-2850
Address: PO BOX 88
CAREY ID 83320
2. Date of Priority: JUN 30, 1884
3. Source: MULDOON CREEK, SOUTH FORK Trib. to: MULDOON CREEK
FRIEDMAN CREEK MULDOON CREEK, SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	21E	12		SW	SE		BLAINE
		14		NE	SE		BLAINE

5. Description of diverting works:
CONC. CHECK WITH HEADGATES TO DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	21E	13	NW	NE		IRR	10.0
			NE	NW		IRR	30.0
			NW	NW		IRR	30.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	21E	13	SW		NW		IRR	35.0
			SE		NW		IRR	30.0
			NE		SW		IRR	20.0
			NW		SW		IRR	30.0
							Section Acres	185.0
		14	SE		NE		IRR	30.0
			NE		SW		IRR	10.0
			SW		SW		IRR	25.0
			SE		SW		IRR	15.0
			NE		SE		IRR	5.0
			NW		SE		IRR	20.0
			SE		SE		IRR	5.0
							Section Acres	110.0
		22	NE		NE		IRR	20.0
			NW		NE		IRR	20.0
			SW		NE		IRR	30.0
			SE		NE		IRR	30.0
			NE		NW		IRR	10.0
			SE		NW		IRR	35.0
			NE		SW		IRR	20.0
			SW		SW		IRR	30.0
			SE		SW		IRR	20.0
			NE		SE		IRR	20.0
			NW		SE		IRR	20.0
			SW		SE		IRR	30.0
			SE		SE		IRR	30.0
							Section Acres	315.0
		23	NE		NE		IRR	25.0
			NW		NE		IRR	10.0
			SW		NE		IRR	35.0
			SE		NE		IRR	37.0
			NE		NW		IRR	5.0
			NW		NW		IRR	10.0
			SW		NW		IRR	5.0
			SE		NW		IRR	25.0
			NE		SW		IRR	40.0
			NW		SW		IRR	15.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	21E	23	SE	SE		IRR	40.0
Section Acres							447.0
		24	SW	NW		IRR	35.0
			SE	NW		IRR	10.0
			NE	SW		IRR	30.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	25.0
Section Acres							180.0
		25	SW	NE		IRR	10.0
			NE	NW		IRR	20.0
			NW	NW		IRR	40.0
			SW	NW		IRR	35.0
			SE	NW		IRR	30.0
			NE	SW		IRR	30.0
			NW	SW		IRR	25.0
			SW	SW		IRR	25.0
			SE	SW		IRR	25.0
			NW	SE		IRR	30.0
			SW	SE		IRR	20.0
			SE	SE		IRR	20.0
Section Acres							310.0
		26	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	38.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	30.0
			SE	SW		IRR	25.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	30.0
			SE	SE		IRR	25.0
Section Acres							588.0
		27	NE	NE		IRR	35.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	21E	27	NW		NE		IRR	40.0
			SW		NE		IRR	15.0
			SE		NE		IRR	40.0
			NE		NW		IRR	20.0
			NW		NW		IRR	20.0
			SW		NW		IRR	15.0
			SE		NW		IRR	20.0
			NE		SW		IRR	30.0
			NW		SW		IRR	25.0
			SE		SW		IRR	10.0
			NE		SE		IRR	40.0
			NW		SE		IRR	35.0
			SW		SE		IRR	20.0
			SE		SE		IRR	20.0
							Section Acres	385.0
		28	NE		NE		IRR	30.0
			SE		NE		IRR	15.0
			NE		SE		IRR	10.0
							Section Acres	55.0
		35	NE		NE		IRR	10.0
			NW		NE		IRR	5.0
			SW		NE		IRR	20.0
			SE		NE		IRR	25.0
			NE		NW		IRR	15.0
			NW		NW		IRR	10.0
			SE		NW		IRR	10.0
							Section Acres	95.0
							Total Acres	2670.0

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:
SEE REMARKS

14. Remarks:

OTHER RIGHTS USED ON THESE 2670 ACRES:

37-00390 THRU 37-00401 AND 37-02092, 37-02234 AND 37-02294.

THESE RIGHTS ARE DIVERTED FROM WHAT IS KNOWN AS THE SOUTH FORK
OF MULDOON CREEK WHICH IS MADE UP OF FRIEDMAN CREEK, TRAIL CREEK

14. Remarks: Continued

AND NUMEROUS SPRINGS WHICH ARE ALL COMINGLED AND USED TOGETHER
ON THE ABOVE LAND BY SURFACE AND SUBSURFACE IRRIGATION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

CATHERINE M. GILE, ET. AL.

Decree Plaintiff

JAMES LAIDLAW, ET. AL.

vs

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

MICROFILMED
FEB 22 1983

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
FEB 22 1993

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: A37-00390
Date Received: _____
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: Flat Top Sheep Company Phone: 788-2850 or
Address: P.O. Box 88 726-7568
Carey, Idaho 83320
2. Date of Priority: June 30, 1884
3. Source: S. Fork Muldoon Creek Trib. to: Muldoon Creek
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
2N	21E	12		SW	SE		Blaine
2N	21E	14		NE	SE		Blaine
5. Description of diversion works:
Concrete check and headgates, distribution ditches and
resulting subsurface from springs.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.
Irrigation	April 1	Nov. 1	.6		
7. Total Quantity Claimed is:
.6 C.F.S. (and/or) Acre Feet
8. Total consumptive use claimed is:
90 Acre Feet Per Annum.
9. Non-irrigation uses:
Stockwater
10. Description of place of use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
2N	21E	13	NW	NE			10

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Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
			NE		NW			30
			NW		NW			30
			SE		NW			30
			SW		NW			35
			NE		SW			20
			NW		SW			30
		14	SE		NE			30
			NE		SE			5
			NW		SE			20
			SE		SE			5
			NE		SW			10
			SE		SW			15
			SW		SW			25
		22	NE		NE			20
			NW		NE			20
			SW		NE			30
			SE		NE			30
			NE		NW			10
			SE		NW			35
			NE		SW			20
			SW		SW			30
			SE		SW			20
			NE		SE			20
			NW		SE			20
			SW		SE			30
			SE		SE			30
		23	NE		NE			25
			NW		NE			10
			SW		NE			35
			SE		NE			37
			NE		NW			5
			NW		NW			10
			SW		NW			5
			SE		NW			25
			NE		SW			40
			NW		SW			15
			SW		SW			40
			SE		SW			40
			NE		SE			40
			NW		SE			40
			SW		SE			40
			SE		SE			40
		24	SW		NW			35
			SE		NW			10
			NE		SW			30
			NW		SW			40
			SW		SW			40
			SE		SW			25
		25	SW		NE			10
			NE		NW			20

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Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
			NW		NW			40
			SW		NW			35
			SE		NW			30
			NE		SW			30
			NW		SW			25
			SW		SW			25
			SE		SW			25
			NW		SE			30
			SW		SE			20
			SE		SE			20
		26	NE		NE			40
			NW		NE			40
			SW		NE			40
			SE		NE			40
			NE		NW			40
			NW		NW			38
			SW		NW			40
			SE		NW			40
			NE		SW			40
			NW		SW			40
			SW		SW			30
			SE		SW			25
			NE		SE			40
			NW		SE			40
			SW		SE			30
			SE		SE			25
		27	NE		NE			35
			NW		NE			40
			SW		NE			15
			SE		NE			40
			NE		NW			20
			NW		NW			20
			SW		NW			15
			SE		NW			20
			NE		SW			30
			NW		SW			25
			SE		SW			10
			NE		SE			40
			NW		SE			35
			SW		SE			20
			SE		SE			20
		28	NE		NE			30
			SE		NE			15
			NE		SE			10
		35	NE		NE			10
			NW		NE			5
			SW		NE			20
			SE		NE			25
			NE		NW			15


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 FEB 22 1993

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
			NW	NW		10
			SE	NW		10

TOTAL: 2,670.00

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

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

13. Other water rights used at the same place and for the same purposes as described above.
37-00391, 00392, 00393, 00394, 00395, 00396, 00397, 00398, 00399, 00400, 00401; 37-02017, 37-02092, 37-02234, 37-02294, 37-02461, 37-02500

14. Remarks:
All of this water from Friedman Creek, Trail Creek and springs is comingled and used on the above land by surface and subsurface irrigation.

15. Basis of Claim: Decree.
Water Right Number: 37-00390

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 - showing lands now irrigated - circled numbers represent actual lands irrigated by surface and subsurface irrigation.

For Organizations:

I do solemnly swear or affirm that I am President of Flat Top Sheep Company, that I have signed the foregoing document in the space below as President of Flat Top Sheep Company and that the statements contained in the foregoing document are true and correct.

John T. Peavey
John T. Peavey
President - Flat Top Sheep Company

COPY

MICROFILMED
FEB 22 1983

Dec 19, 1991
Date

State of Idaho)
County of Minidoka) ss.

Subscribed and sworn (or affirmed) before me this 19th day of
~~November~~, 1991.
DECEMBER

(SEAL)

Roger D. Ling
Notary Public for Idaho
Residing at: Rupert, Idaho
My Commission Expires: 10/30/94

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling, will be acting as attorney at law on behalf of the claimant signing the 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.

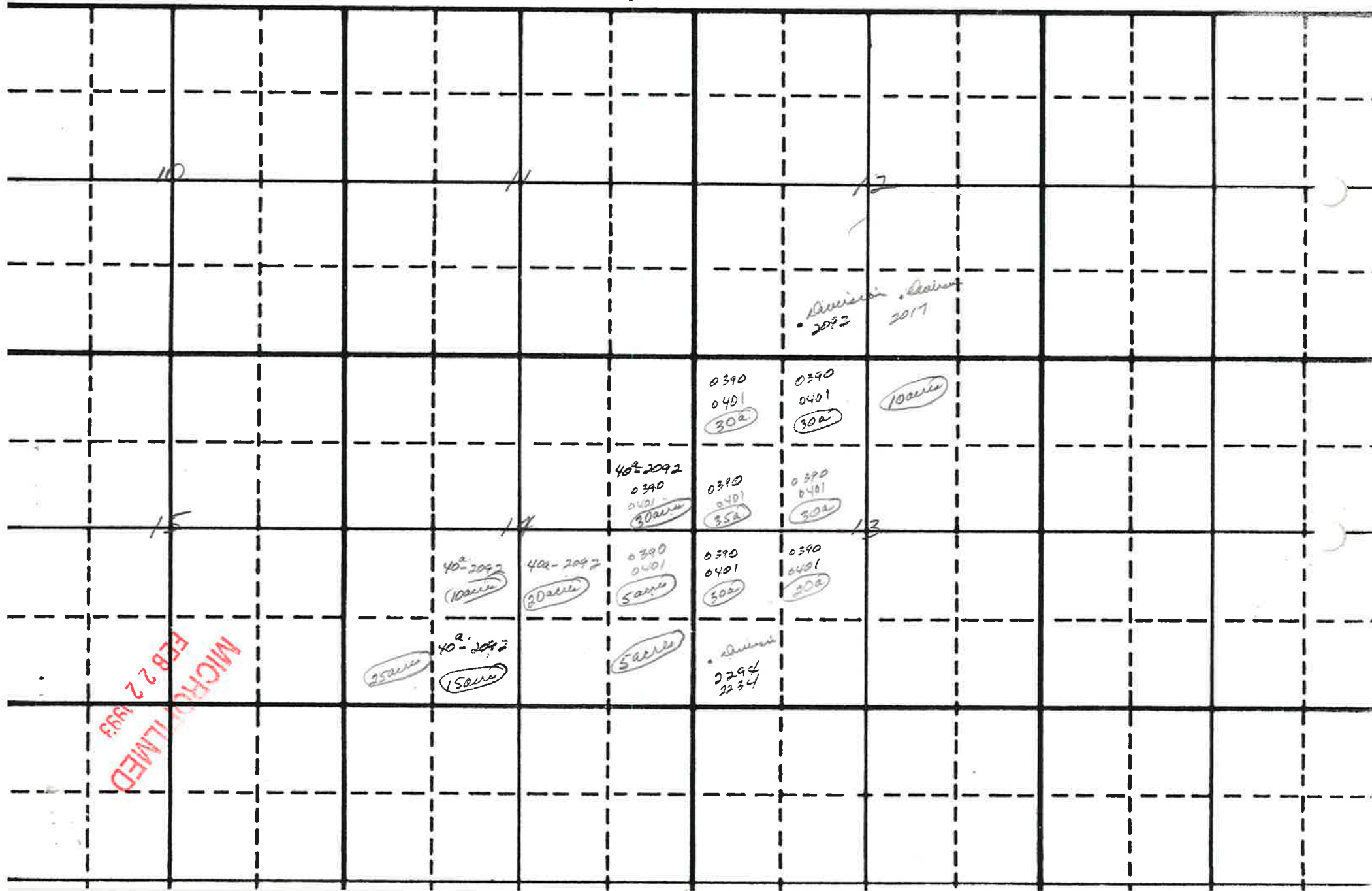
Signature: Roger D. Ling
Address: P. O. Box 396, Rupert, ID 83350
Date: Dec 19, 1991

COPY
MICROFILMED
FEB 22 1993

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

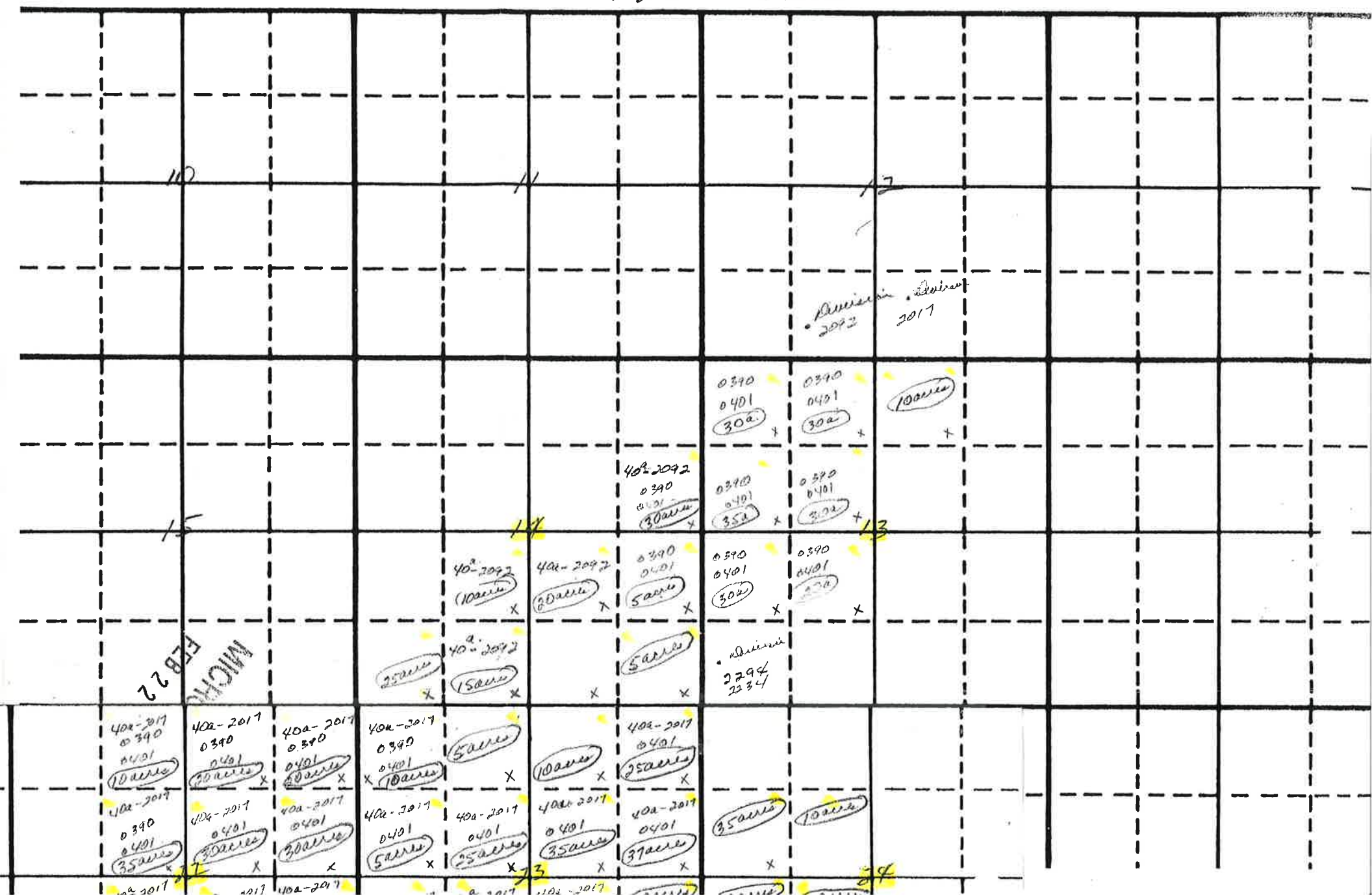
+2N R21E



MICHIGAN
FEB 22 1993

Show 40-acre subdivisions, townships, ranges and ditches.

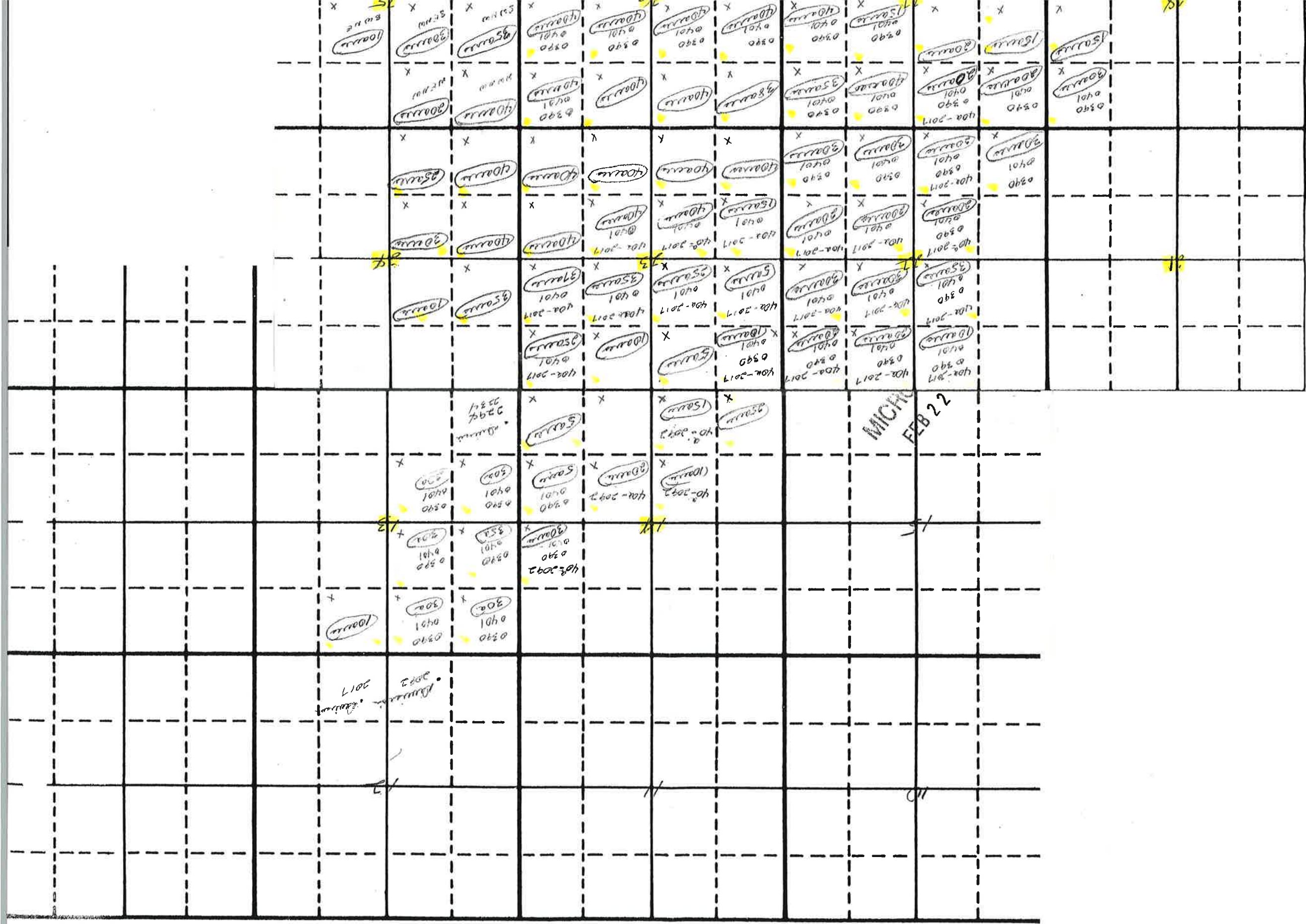
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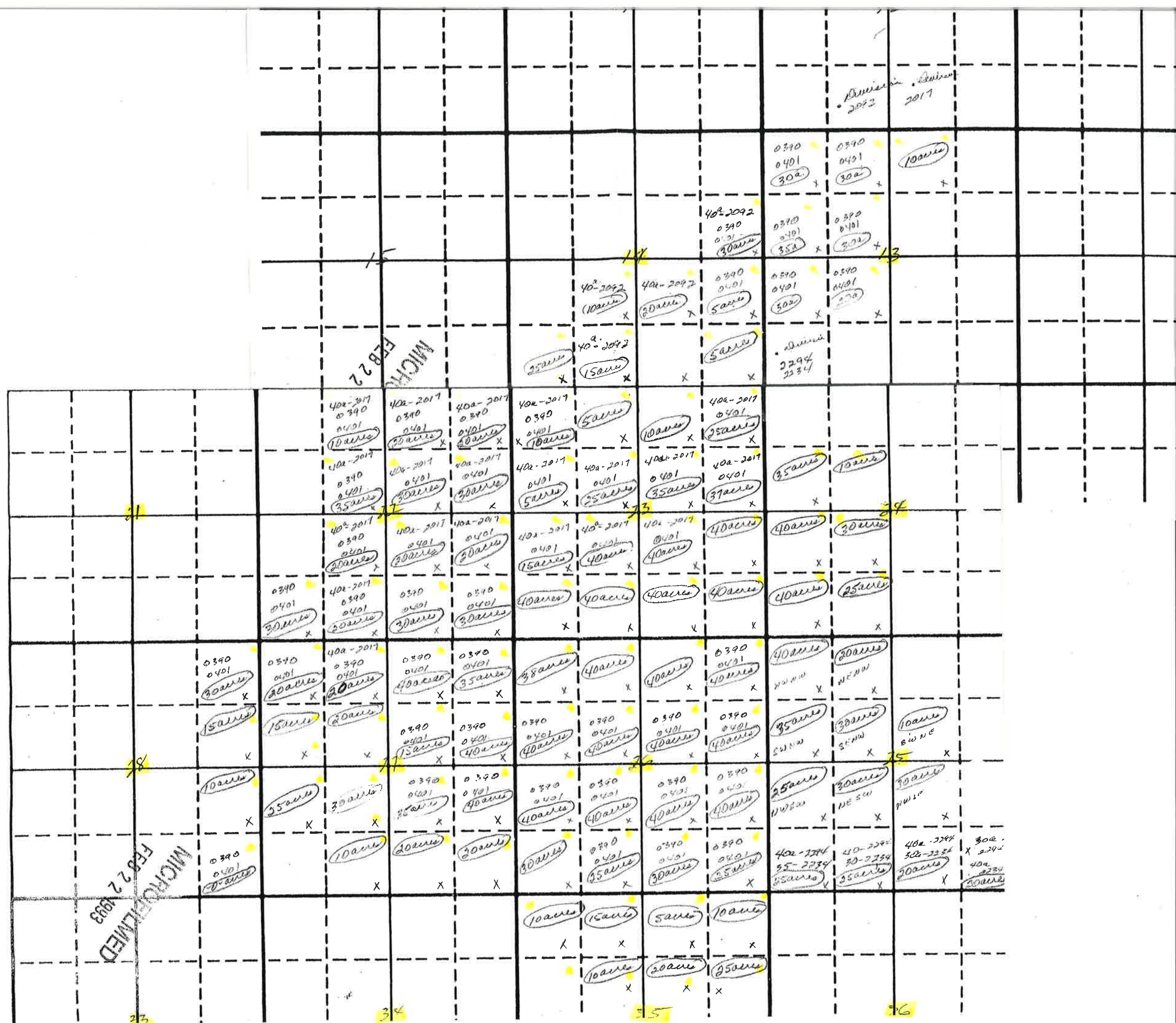


Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

212x net





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

TRIBUTARY: SOUTH FORK MULDOON CREEK

T02N R21E S14 NENESE Within BLAINE County

0.600 CFS

T02N R21E S13	NENW	26.50	T02N R21E S13	NWNW	29.00
T02N R21E S13	SWNW	28.00	T02N R21E S13	SENW	32.00
T02N R21E S13	NESW	12.00	T02N R21E S13	NWSW	23.00
T02N R21E S14	SWNE	5.10	T02N R21E S14	SENE	25.00
T02N R21E S14	NESW	1.70	T02N R21E S14	SESW	3.60
T02N R21E S14	NESE	40.00	T02N R21E S14	NWSE	36.00
T02N R21E S14	SWSE	38.00	T02N R21E S14	SESE	29.00
T02N R21E S22	SESE	5.20	T02N R21E S23	NENE	32.00
T02N R21E S23	NWNE	8.70	T02N R21E S23	SWNE	34.00
T02N R21E S23	SENE	36.00	T02N R21E S23	NENW	1.50
T02N R21E S23	SENW	27.00	T02N R21E S23	NESW	40.00
T02N R21E S23	NWSW	13.00	T02N R21E S23	SWSW	35.00
T02N R21E S23	SESW	40.00	T02N R21E S23	NESE	40.00
T02N R21E S23	NWSE	40.00	T02N R21E S23	SWSE	40.00
T02N R21E S23	SESE	40.00	T02N R21E S24	SWNW	38.00
T02N R21E S24	SENW	0.10	T02N R21E S24	NESW	18.00
T02N R21E S24	NWSW	39.00	T02N R21E S24	SWSW	39.00
T02N R21E S24	SESW	17.00	T02N R21E S25	NENW	13.00
T02N R21E S25	NWNW	39.00	T02N R21E S25	SWNW	39.00
T02N R21E S25	SENW	28.00	T02N R21E S25	NESW	18.00
T02N R21E S25	NWSW	38.00	T02N R21E S25	SWSW	8.10
T02N R21E S26	NENE	40.00	T02N R21E S26	NWNE	40.00
T02N R21E S26	SWNE	40.00	T02N R21E S26	SENE	40.00
T02N R21E S26	NENW	40.00	T02N R21E S26	NWNW	40.00
T02N R21E S26	SWNW	40.00	T02N R21E S26	SENW	40.00
T02N R21E S26	NESW	40.00	T02N R21E S26	NWSW	40.00
T02N R21E S26	SWSW	37.00	T02N R21E S26	SESW	32.00
T02N R21E S26	NESE	40.00	T02N R21E S26	NWSE	40.00

12/12/2006

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

T02N R21E S26	SWSE	32.00	T02N R21E S26	SESE	28.00
T02N R21E S27	NENE	35.00	T02N R21E S27	NWNE	26.00
T02N R21E S27	SWNE	40.00	T02N R21E S27	SENE	38.00
T02N R21E S27	NENW	2.50	T02N R21E S27	SWNW	2.40
T02N R21E S27	SENW	35.00	T02N R21E S27	NESW	17.00
T02N R21E S27	NWSW	2.80	T02N R21E S27	SESW	3.10
T02N R21E S27	NESE	40.00	T02N R21E S27	NWSE	40.00
T02N R21E S27	SWSE	20.00	T02N R21E S27	SESE	19.00
T02N R21E S35	NENE	13.00	T02N R21E S35	NWNE	14.00
T02N R21E S35	SWNE	25.00	T02N R21E S35	SENE	20.00
T02N R21E S35	NENW	16.00	T02N R21E S35	NWNW	8.40
T02N R21E S35	SENW	5.30			

2127 ACRES TOTAL

This right is limited to the irrigation of 1,600 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 1,600 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, and 37-401.

The rights listed below are limited to the irrigation of a combined total of 2,127 acres in a single irrigation season. Combined Right Nos.: 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B.

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.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

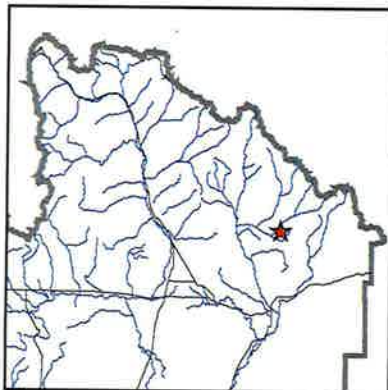


Idaho Department of Water Resources

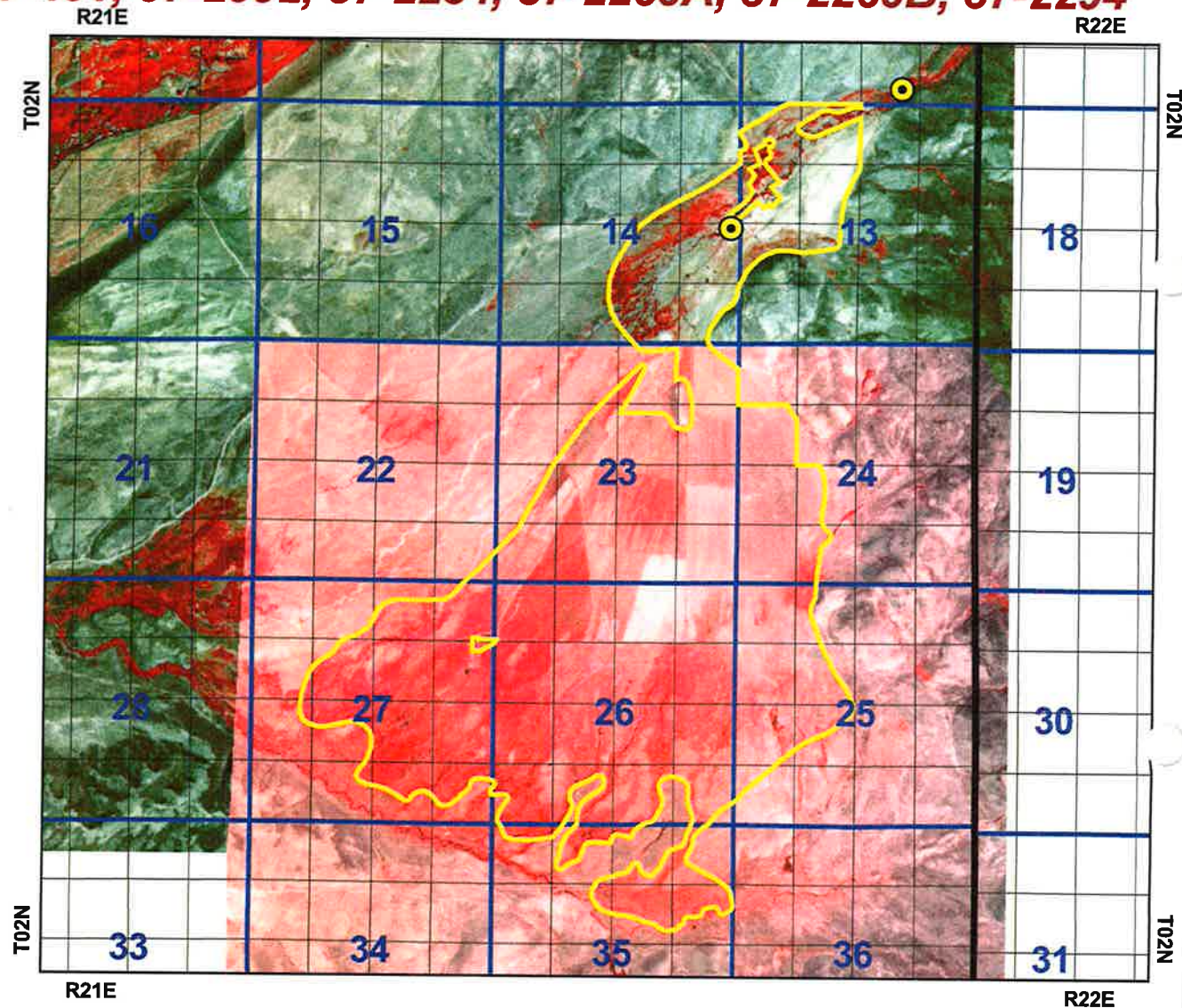
37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2260A, 37-2260B, 37-2294

Legend

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



Blaine County
IDWR Basin 37



0 0.25 0.5 0.75 1 Miles



Prepared by M. Anders
On Tuesday, December 12, 2006
1987/88 Aerial Photography

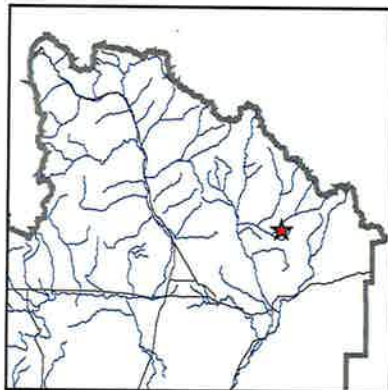


Idaho Department of Water Resources

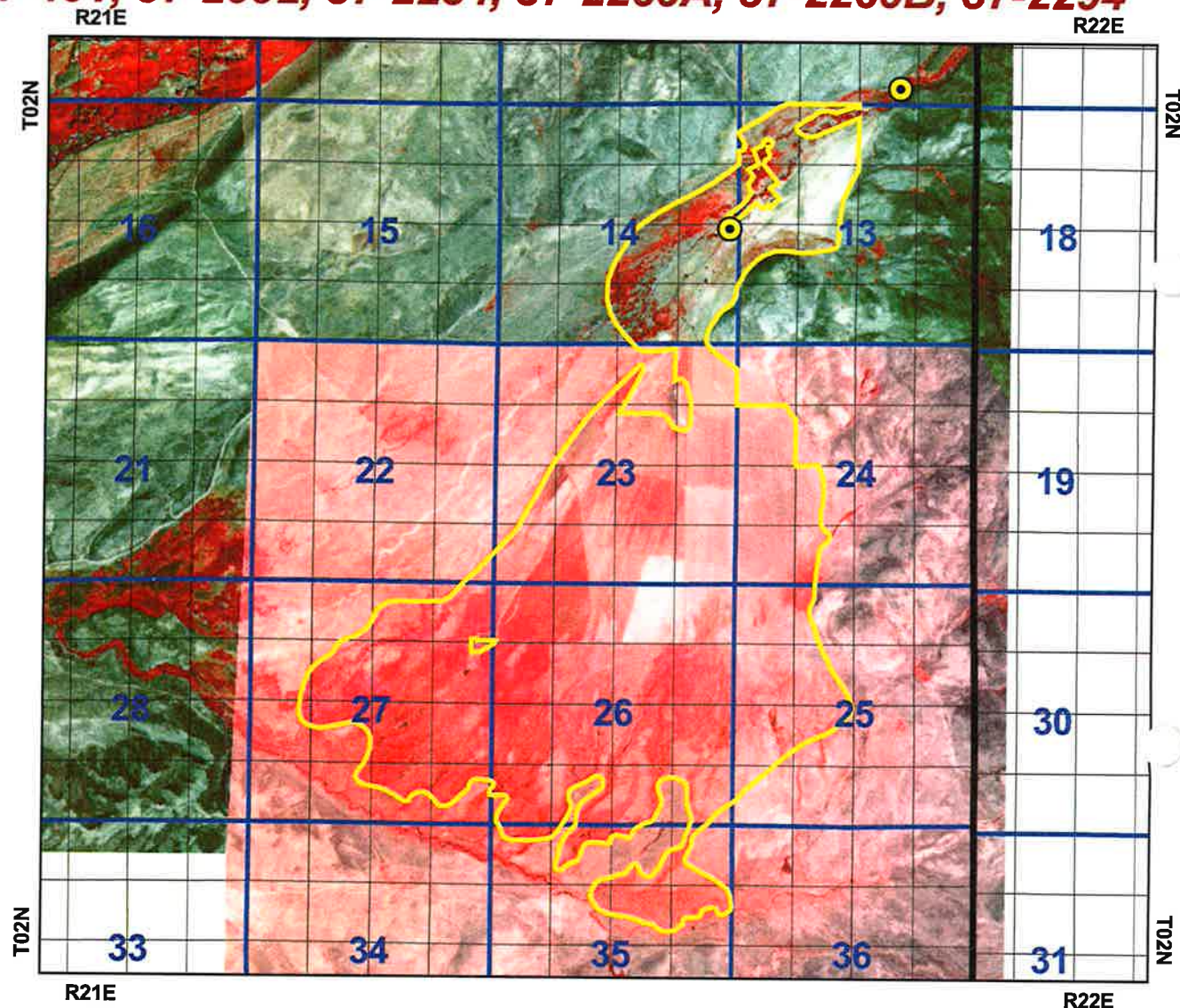
37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-398,
37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2260A, 37-2260B, 37-2294

Legend

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



Blaine County
IDWR Basin 37



0 0.25 0.5 0.75 1 Miles



Prepared by M. Anders
On Tuesday, December 12, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, 37-2260B

Background Data

37-390 to 37-400

- Originally decreed in Frost decree. Water rights 37-39 to 37-400 decreed in Frost decree were reaffirmed in Gile et al. vs Laidlaw et al. (1931), but Laidlaw and Watkins were enjoined from using excess water in Muldoon Creek that could naturally flow into the Little Wood River. The focus of Gile vs Laidlaw (1931) appears to have been the use of excess water on the South Fork of Muldoon Creek, not establishing water rights.
- POU listed in Frost decree is 56 QQ (2240 acres), but the POU in Gile vs Laidlaw (1931) is 40 QQ (1600 acres).
 - Legal: Nick Spencer's preliminary thought is that since the POU is listed in Gile vs Laidlaw (1931), the POU must have been part of the dispute and the updated land list should be considered the decreed POU for 37-390 to 37-400.
- 37-390
 - Source: South Fork Muldoon Creek tributary to Muldoon Creek
 - Priority Date: 6/30/1884
 - Decreed diversion rate: 0.6 cfs for Irrigation of 1600 acres (40 QQ)
 - Claimed 0.6 cfs for Irrigation of 2670 acres
- 37-391
 - Source: South Fork Muldoon Creek tributary to Muldoon Creek
 - Priority Date: 4/1/1884
 - Decreed diversion rate: 0.4 cfs for Irrigation of 1600 acres (40 QQ)
 - Claimed 0.4 cfs for Irrigation of 2670 acres
- 37-392
 - Source: South Fork Muldoon Creek tributary to Muldoon Creek
 - Priority Date: 5/20/1885
 - Decreed diversion rate: 2.2 cfs for Irrigation of 1600 acres (40 QQ)
 - Claimed 2.2 cfs for Irrigation of 2670 acres
- 37-393
 - Source: South Fork Muldoon Creek tributary to Muldoon Creek
 - Priority Date: 6/15/1885
 - Decreed diversion rate: 1.2 cfs for Irrigation of 1600 acres (40 QQ)
 - Claimed 1.2 cfs for Irrigation of 2670 acres
- 37-394
 - Source: South Fork Muldoon Creek tributary to Muldoon Creek
 - Priority Date: 4/1/1886
 - Decreed diversion rate: 1.0 cfs for Irrigation of 1600 acres (40 QQ)
 - Claimed 1.0 cfs for Irrigation of 2670 acres

- 37-395
 - Source: South Fork Muldoon Creek tributary to Muldoon Creek
 - Priority Date: 6/1/1888
 - Decreed diversion rate: 3.2 cfs for Irrigation of 1600 acres (40 QQ)
 - Claimed 3.2 cfs for Irrigation of 2670 acres
- 37-396
 - Source: South Fork Muldoon Creek tributary to Muldoon Creek
 - Priority Date: 4/15/1896
 - Decreed diversion rate: 3.2 cfs for Irrigation of 1600 acres (40 QQ)
 - Claimed 3.2 cfs for Irrigation of 2670 acres
- 37-397
 - Source: South Fork Muldoon Creek tributary to Muldoon Creek
 - Priority Date: 6/1/1897
 - Decreed diversion rate: 3.2 cfs for Irrigation of 1600 acres (40 QQ)
 - Claimed 3.2 cfs for Irrigation of 2670 acres
- 37-398
 - Source: South Fork Muldoon Creek tributary to Muldoon Creek
 - Priority Date: 4/15/1901
 - Decreed diversion rate: 3.2 cfs for Irrigation of 1600 acres (40 QQ)
 - Claimed 3.2 cfs for Irrigation of 2670 acres
- 37-399
 - Source: South Fork Muldoon Creek tributary to Muldoon Creek
 - Priority Date: 10/15/1902
 - Decreed diversion rate: 1.2 cfs for Irrigation of 1600 acres (40 QQ)
 - Claimed 1.2 cfs for Irrigation of 2670 acres
- 37-400
 - Source: South Fork Muldoon Creek tributary to Muldoon Creek
 - Priority Date: 7/1/1905
 - Decreed diversion rate: 16.0 cfs for Irrigation of 1600 acres (40 QQ)
 - Claimed 16.0 cfs for Irrigation of 2670 acres

37-401

- Source: Springs tributary to South Fork Muldoon Creek
- Priority Date: 5/12/1888
- Decreed diversion rate: all of Springs for Irrigation of 1600 acres (40 QQ)
- SRBA Claims:
 - 37-401 claimed 16.0 cfs for Irrigation of 2670 acres
 - 37-401A claimed 0.12 cfs for Stockwater
 - Overclaimed
- The POU listed in the Frost decree is larger than the POU listed in Gile et al. vs Laidlaw et al. (1931). Should the POU for 37-401 be the same as 37-390 to 37-401?
- POU listed in Frost decree is 56 QQ (2240 acres), but the POU in Gile vs Laidlaw (1931) is 40 QQ (1600 acres).
- Legal: Nick Spencer's preliminary thoughts:

- The focus of Gile vs Laidlaw (1931) appears to have been the use of excess water on the South Fork of Muldoon Creek, not establishing water rights. Since 37-401 is from Springs rather than Muldoon Creek, it was probably not in dispute and is still a valid right under the Frost Decree.
- The POU is listed in Gile vs Laidlaw (1931), the POU must have been part of the dispute and the updated land list should be considered the irrigated land of the owner (Laidlaw). Since Laidlaw also owned 37-401, the updated POU listed in Gile vs Laidlaw (1931) should apply to 37-401 as well.
- Claimed Springs as the source, but claimed Muldoon Creek PODs and the only PODs they showed a field examiner in 2005 where the two on Muldoon Creek. Decided to assume and accomplished transfer for PODs and Source to Muldoon Creek.
- 11/06 unable to conduct field exam to measure diversion rate because of too much snow. Diversion rate determination:
 - POU in Frost decree was 56 QQ (2240)
 - 37-390 to 37-400 are decreed for 35.4 cfs. Assuming they were decreed enough water for 0.02 cfs/acre on the entire 2240-acre POU, they would need an additional 9.4 cfs. Decided that the diversion rate for water right 37-401 is 9.4 cfs.
 - Overclaim:
 - 37-401A
 - Claimant owns a portion of the decreed POU for 37-401 in Section 17.
 - 37-401A is for Stockwater (no claim for Irrigation) in Section 17, but during the field exam and subsequent conversations, they indicate the POD and POU are in Section 15, which is not in or close to the decreed POU.
 - Conferred with Steve and decided to renumber 37-401A to 37-22012 and recommend it as a diminimus Beneficial Use claim.
 - 37-401
 - Decided to recommend 9.4 cfs for Irrigation of 1600 acres within PPU.

37-2092

- Source: Friedman Creek tributary to South Fork Muldoon Creek.
- Priority Date: 11/15/1907
- Licensed for 3.2 cfs for Irrigation of 160 acres
 - Licensed 2/4/1908
 - Licensed POU outside decreed POU for 37-390 and decreed to Oster (not Laidlaw)
 - Oster not in Frost decree
- Legal:
 - Talked with Nick Spencer and Chris Bromley. There is no cut off date or list of people who didn't get water in Frost decree (I double checked the decree). Also at the time of the Frost decree it was difficult to notify people to be joined in court action, so there were probably a few that got missed. Since there is no evidence that this license was superseded by Frost decree, it appears to be valid.

37-2234

- Source: South Fork Muldoon Creek tributary to Muldoon Creek
- Priority Date: 4/4/1912
- Licensed for 1.5 cfs for Irrigation of 140 acres
 - Licensed 11/15/1915
 - Licensed POU outside decreed POU for 37-390 and decreed to Alice Davis (not Laidlaw)
 - Alice Davis not in Frost decree
 - 37-2234 & 37-2294 licensed on same 165 acres, so they need a combined use limit of 165 acres

37-2260A

- Source: South Fork Muldoon Creek tributary to Muldoon Creek
- Priority Date: 2/13/1913
- Licensed for 0.94 cfs for Irrigation of 47 acres
 - Licensed 11/3/1915
 - Licensed POU outside decreed POU for 37-390 and decreed to Hattie Morgan and H.A Scott (not Laidlaw)
 - Hattie Morgan and H.A Scott not in Frost decree

37-2260B

- Source: South Fork Muldoon Creek tributary to Muldoon Creek
- Priority Date: 2/13/1913
- Licensed for 0.60 cfs for Irrigation of 30.5 acres
 - Licensed 1/25/1915
 - Licensed POU outside decreed POU for 37-390 and decreed to Hattie Morgan and H.A Scott (not Laidlaw)
 - Hattie Morgan and H.A Scott not in Frost decree

37-2294

- Source: South Fork Muldoon Creek tributary to Muldoon Creek
- Priority Date: 8/12/1914
- Licensed for 1.5 cfs for Irrigation of 150 acres
 - Licensed 11/13/1918
 - Licensed POU outside decreed POU for 37-390 and decreed to Alice Davis (not Laidlaw)
 - Alice Davis not in Frost decree
 - 37-2234 & 37-2294 licensed on same 165 acres, so they need a combined use limit of 165 acres

Place Of Use Data

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

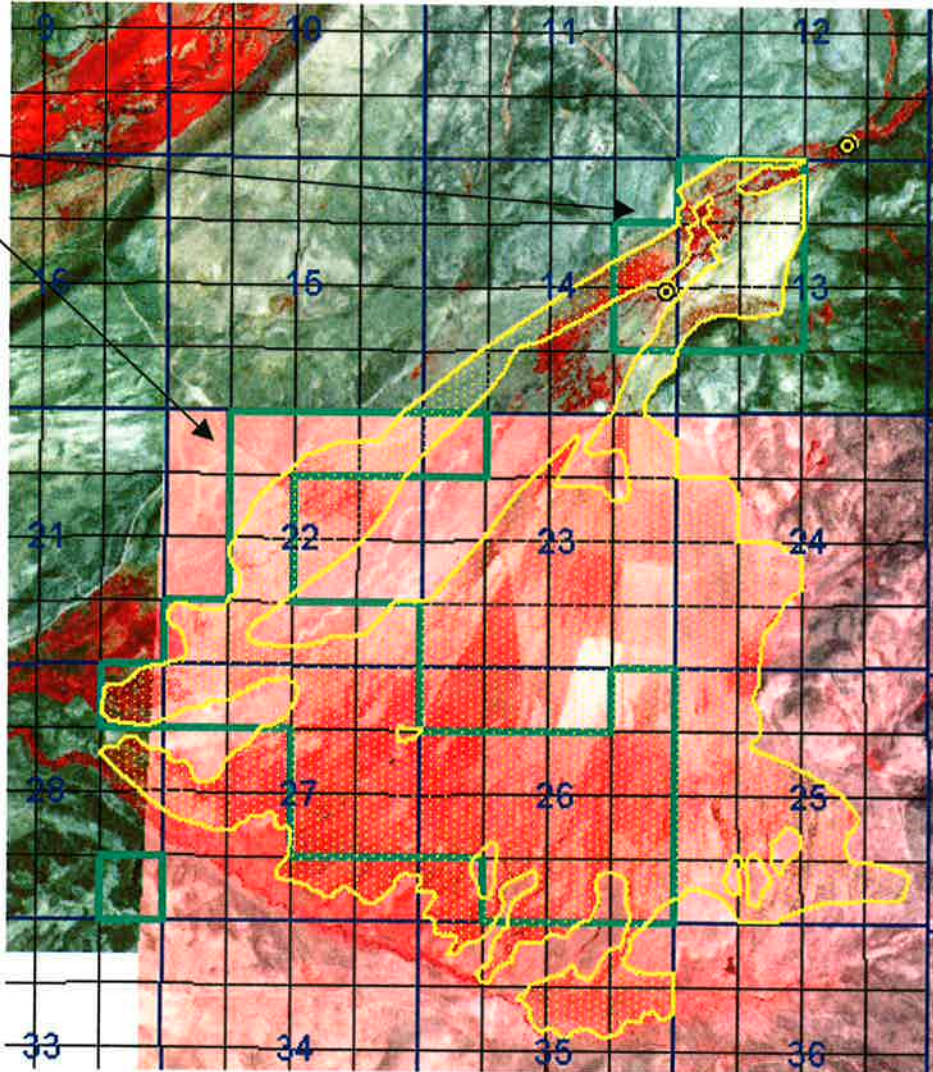
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

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

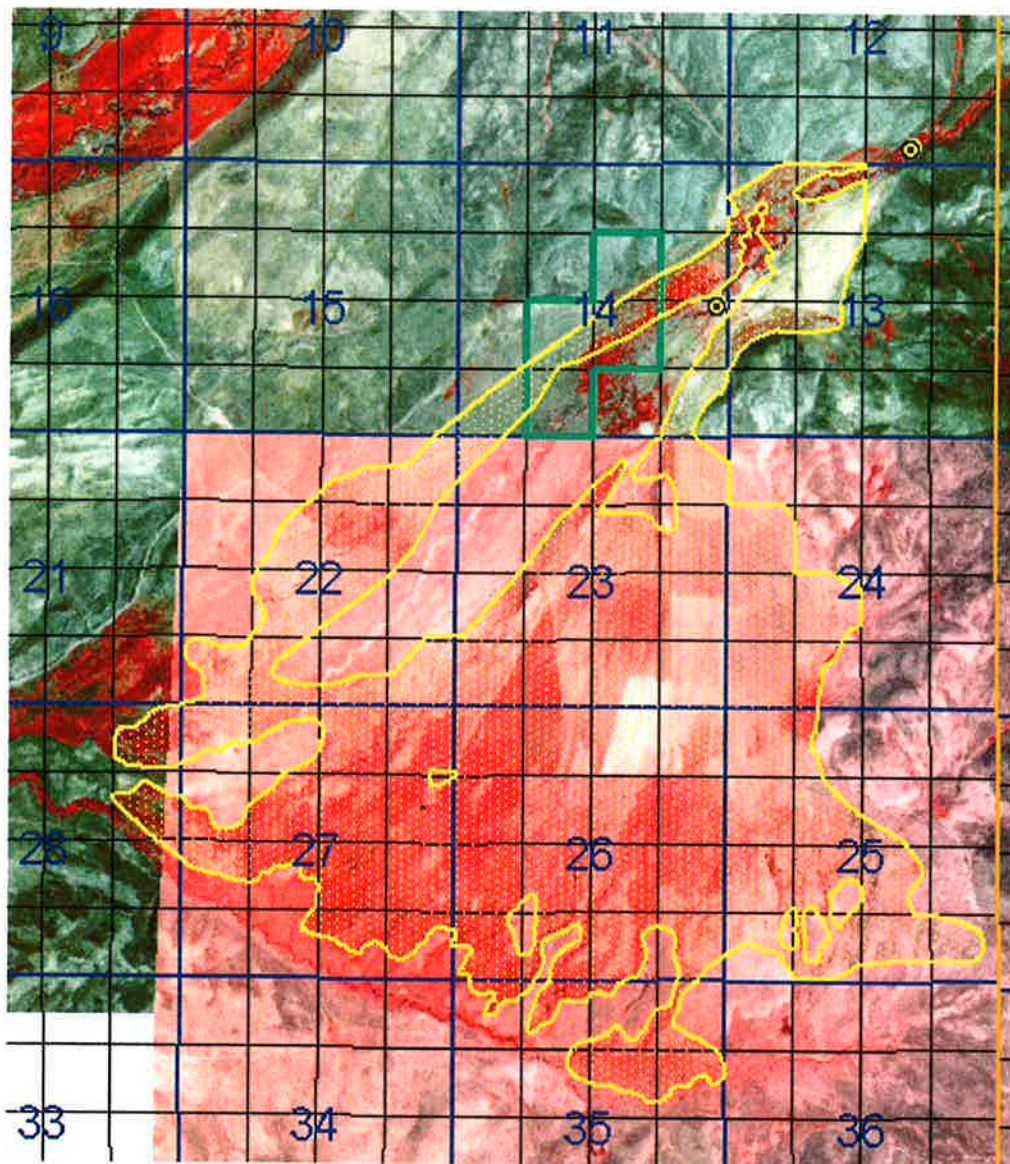
1987 Aerial Photo

37-390 to 37-401

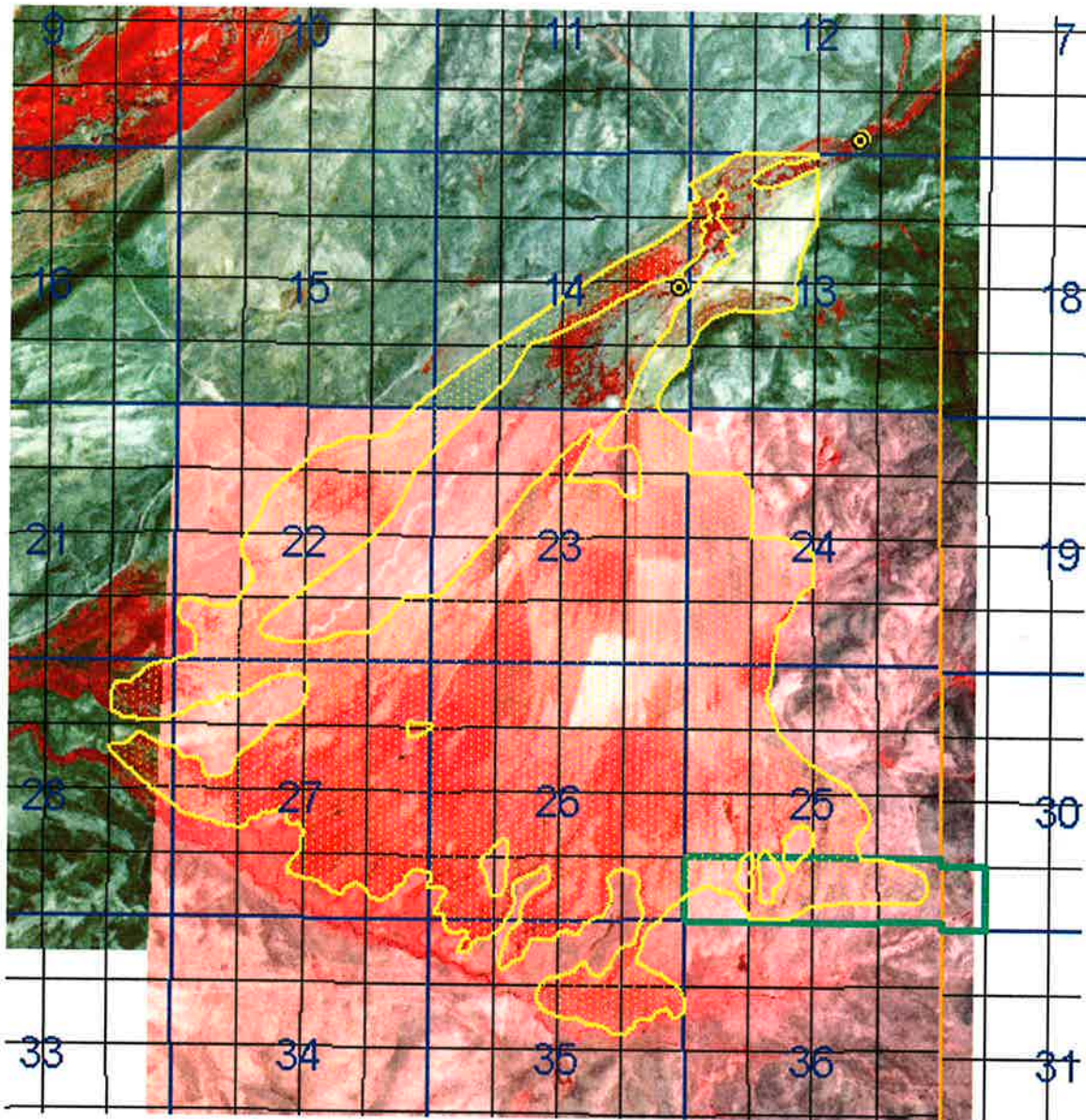
Decreed POU
(green line)



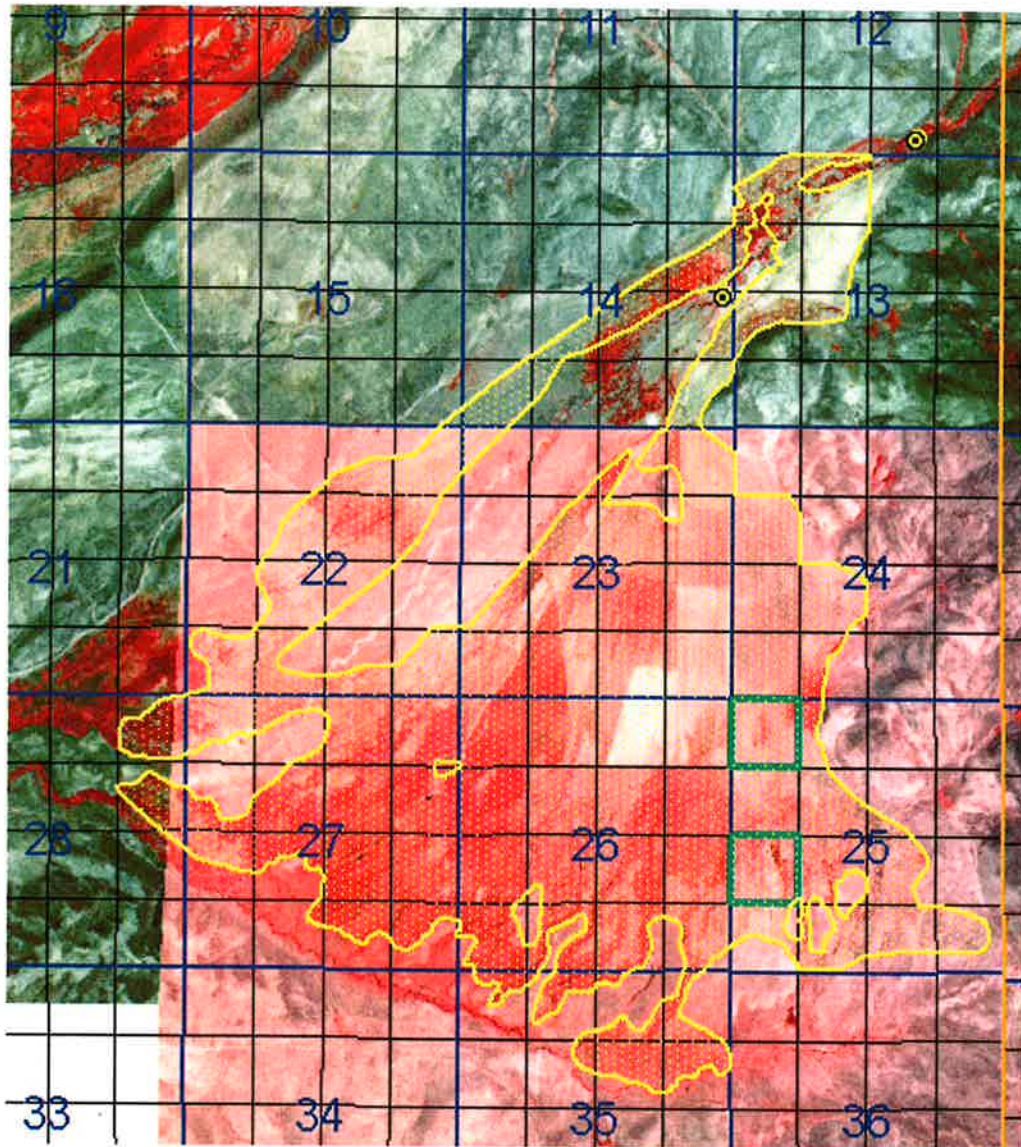
37-2092



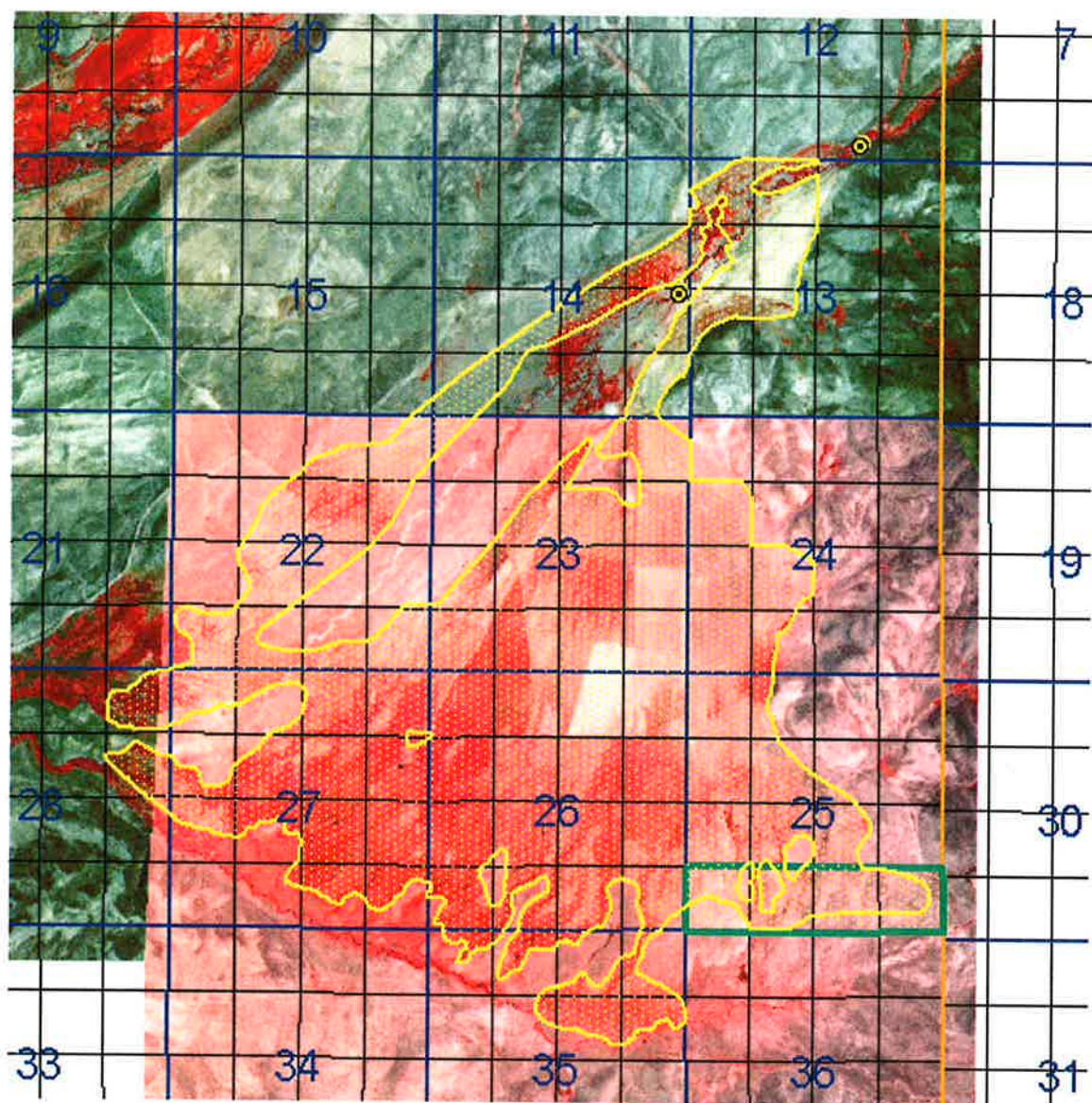
37-2234



37-2260A



37-2294



Notes

T2N R21E Sections 13, 14, 22, 23, 26, 27, & 28

- Source is Friedman Creek tributary to South Fork Muldoon Creek
 - According to 24K USGS topo
- 37-2017
 - License dated 7/1/1905
 - 16.0 cfs on 800 acres (20 QQ)
 - This license is superseded by the Frost decree (1909) and assigned water right number 37-400. Evidence supporting this is that 37-400 has the same diversion rate and priority date as License No. 1391. However, the POU appears to have changed somewhat.
- Owner commingles water and would like all the water rights to be a PPU. PPU is 2,127 acres the sum of the acreage limits (1600 + 160 + 140 + 47 + 30.5 + 150)
- Recommendations:
 - 2,127-acre PPU
 - When combined 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-397, 37-398, 37-399, 37-400, 37-401 are limited to 1,600 acres.
 - When combined 37-390, 37-391, 37-392, 37-393, 37-394, 37-395, 37-396, 37-397, 37-397, 37-398, 37-399, 37-400, 37-401, 37-2092, 37-2234, 37-2294, 37-2260A, and 37-2260B are limited to 2,127 acres.
 - When combined 37-2234 and 37-2294 are limited to 165 acres.
 - 37-390
 - 0.6 cfs for Irrigation of 1600 acres within PPU
 - 37-391
 - 0.4 cfs for Irrigation of 1600 acres within PPU
 - 37-392
 - 2.2 cfs for Irrigation of 1600 acres within PPU
 - 37-393
 - 1.2 cfs for Irrigation of 1600 acres within PPU
 - 37-394
 - 1.0 cfs for Irrigation of 1600 acres within PPU
 - 37-395
 - 3.2 cfs for Irrigation of 1600 acres within PPU
 - 37-396
 - 3.2 cfs for Irrigation of 1600 acres within PPU
 - 37-397
 - 3.2 cfs for Irrigation of 1600 acres within PPU

- 37-398
 - 3.2 cfs for Irrigation of 1600 acres within PPU
- 37-399
 - 1.2 cfs for Irrigation of 1600 acres within PPU
- 37-400
 - 16.0 cfs for Irrigation of 1600 acres within PPU
- 37-401
 - Assuming accomplished transfer to change PODs
 - Assuming accomplished transfer to change source to Muldoon Creek.
 - 37-401A
 - Renumbered to 37-22012
 - Recommend it as a diminimus Beneficial Use claim.
 - 37-401
 - 9.4 cfs for Irrigation of 1600 acres within PPU
- 37-2092
 - 3.2 cfs for Irrigation of 160 acres within PPU
- 37-2234
 - 1.5 cfs for Irrigation of 140 acres within PPU
 - 37-2234 & 37-2294 combined use limit of 165 acres
- 37-2260A
 - 0.94 cfs for Irrigation of 47 acres within PPU
- 37-2260B
 - 0.60 cfs for Irrigation of 30.5 acres within PPU
- 37-2294
 - 1.5 cfs for Irrigation of 150 acres
 - 37-2234 & 37-2294 combined use limit of 165 acres

➤ Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Flat Top Sheep Co

9/12/05

John Pearcey

208-788-2850 home

208-481-1448 cell

Atty: Roger Ling

208-436-4717

- 9/12/05 Talked w/ John about how he wants right written. I explained the advantages / disadvantages of a PPU vs individual rights. He wanted me to discuss it with his attorney Roger Ling. ~~then~~ I plan to talk to John again after Roger Ling. I also said I would send them a draft of what I plan to recommend.
- 9/12/05 Left message w/ Roger Ling's office
- 9/19/05 Left message w/ Roger Ling's office
- 9/23/05 Roger left message
- 9/26/05 - Roger said they want PPU. This was not available when they filed claim w/ SRBA. He has talked w/ John Pearcey + clarified what a PPU is + its limitations
- Asked Roger about 37-2260 A+B → he will look into these rights ~~that~~ that are on Flat Top Sheep Co land, but unclaimed

9/26/05
-cont

~~Roger Long~~
claim 37-4116

Roger has documents that he will send me that show there was an application for permit in 1911 No. 7573 by John Campbell

- it appears that they never confirmed the water use for some reason
- license cancelled in 1975 → lists 37-2217 on cancellation order

11/8/05 left message w/ ~~Roger~~ Roger Long's office

9/16/05
mat#A

Undeclared Rights on Flat Top Sheep Co Land

37-1015 → not in POV for Lardlow in Frost decree, & there is no right for Lardlow w/ this priority date, but this is assumed to be superceded by Frost decree because all other adjacent rights in Anthony vs. Woodworth (1903) were superceded

37-1023 → 37-390 in Frost

37-1024 → 37-391 "

37-1025 in decreed POV for Lardlow in Frost decree, but priority not listed for Lardlow - assumed to be superceded by Frost Decree

37-1044 → 37-393 in Frost Decree

37-1045 → 37-394 "

37-1055 → 37-392 "

37-2017 → 37-400 "

37-2266 A+B → claimed 2006

Place Of Use Data

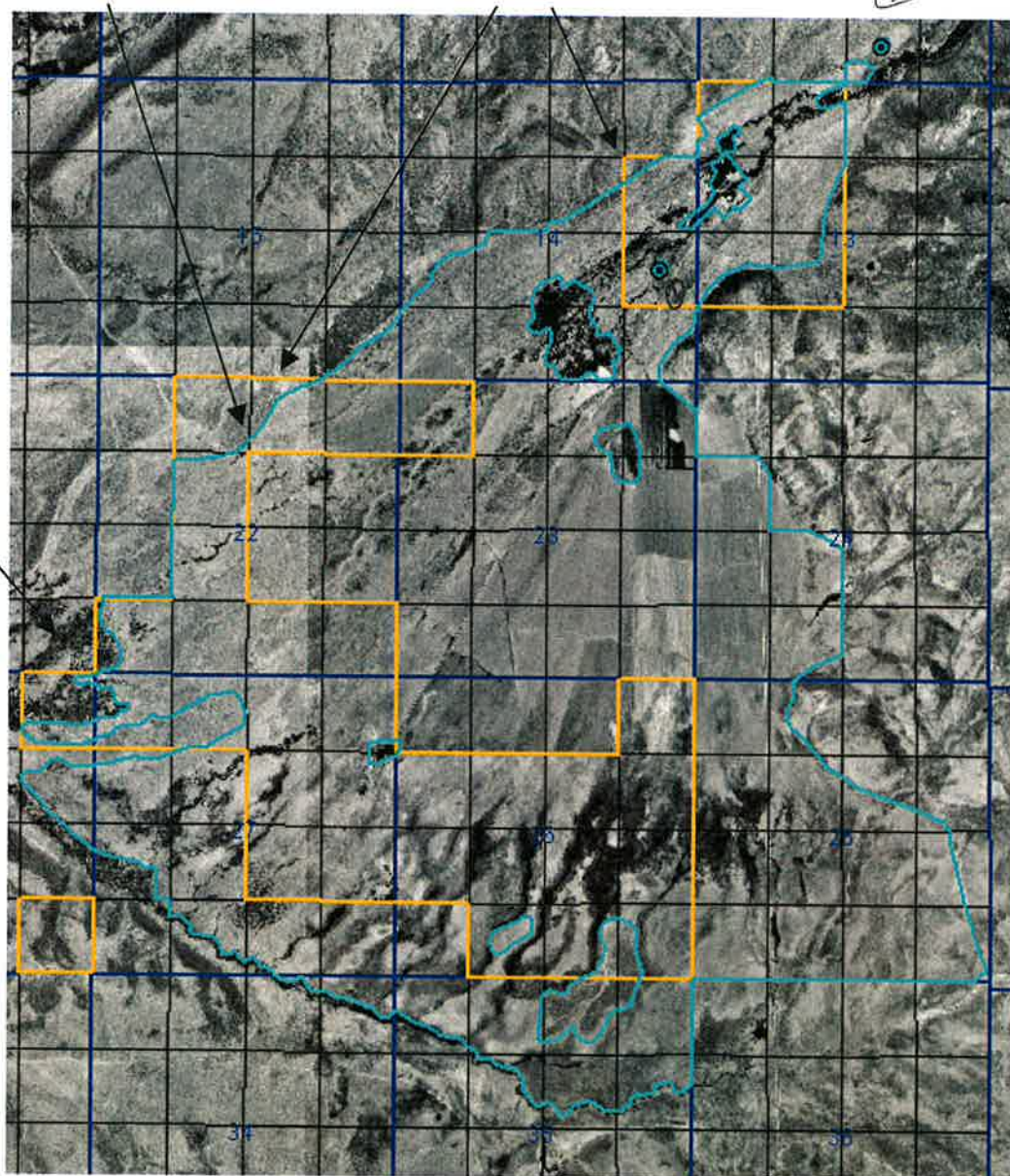
Blue line is the draft Place of Use created by IDWR based on historical data and records.
Blue line dot is draft Point of Diversion created by IDWR based on historical data and records.
Orange line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1992 Aerial Photo

(POU overlain on 1992 photos because of a problem with 1987 false-color photos)

Found POU
(within blue line)

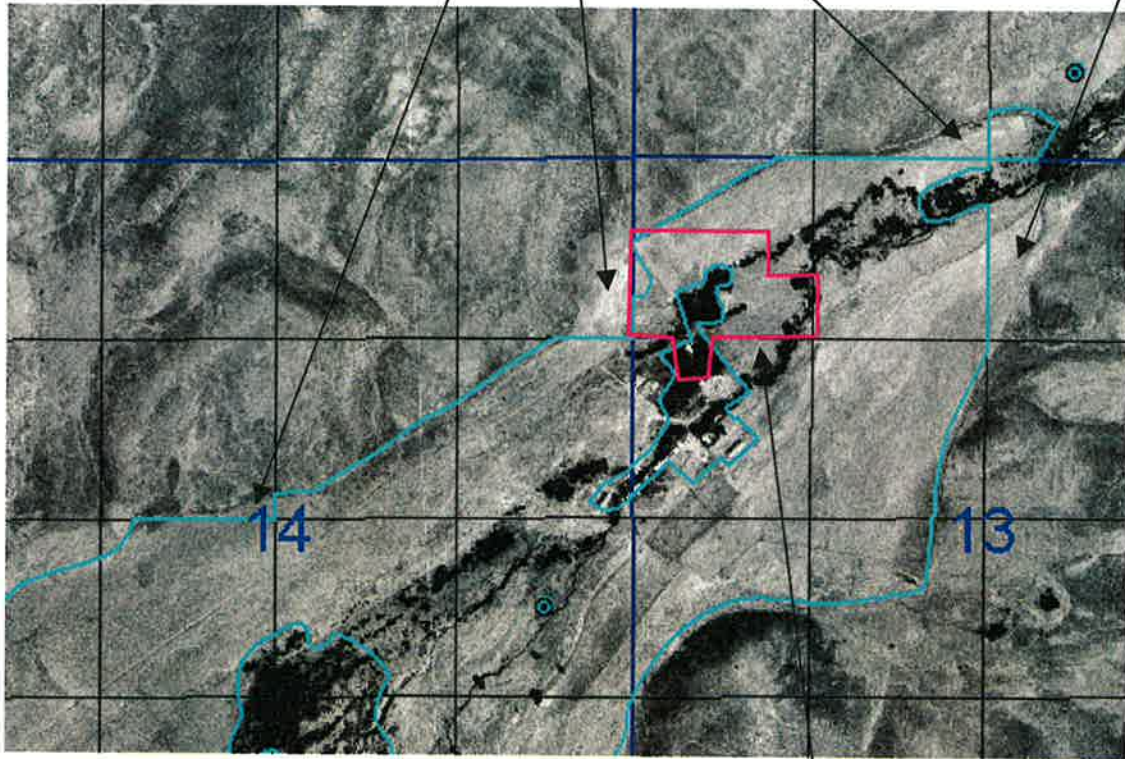
Decreed POU
(within orange line)



Is this
QQ being
irrigated?

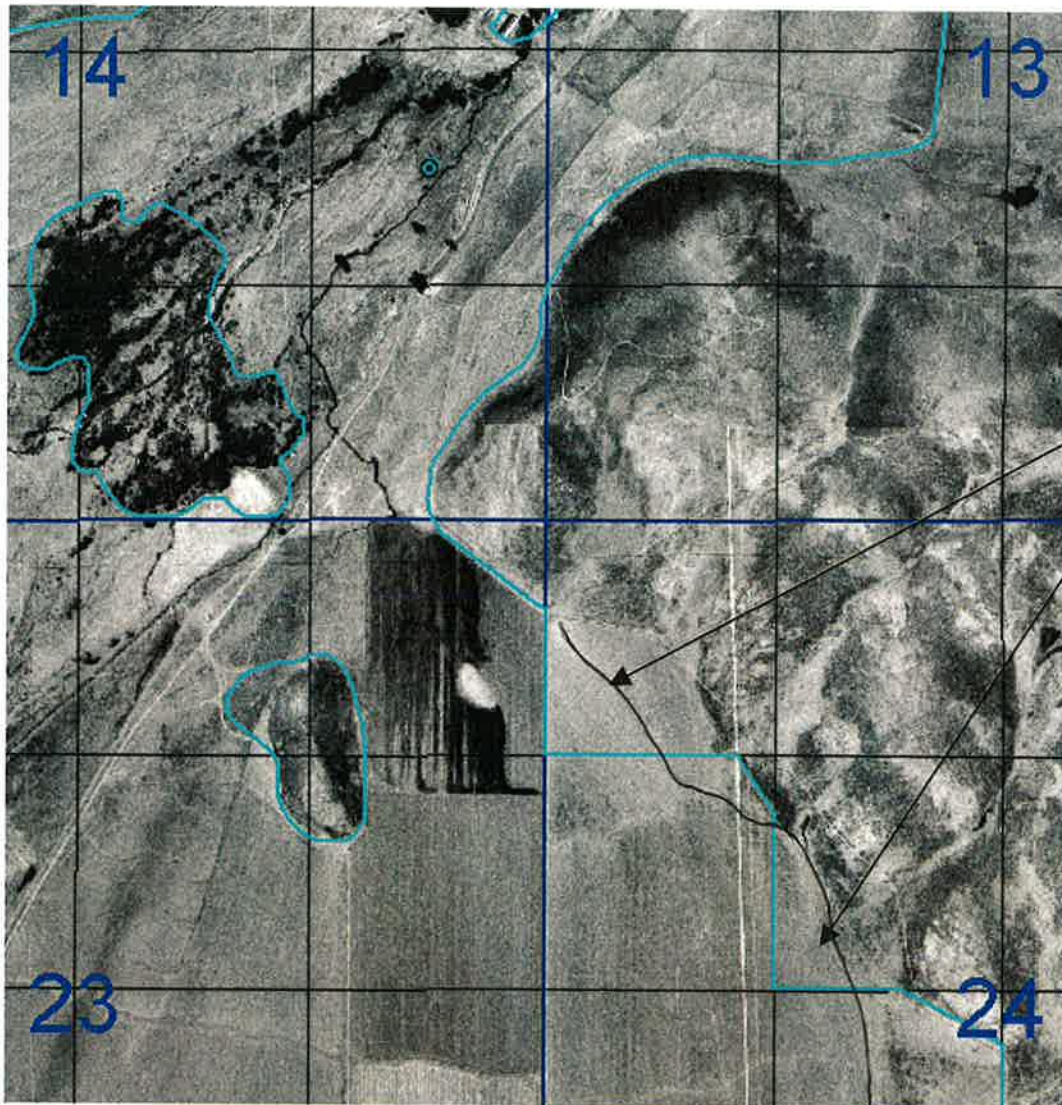
Areas where land owned by others is being irrigated?

BLM land being irrigated?



Approximate area owned
by Peavy?
(inside purple line)

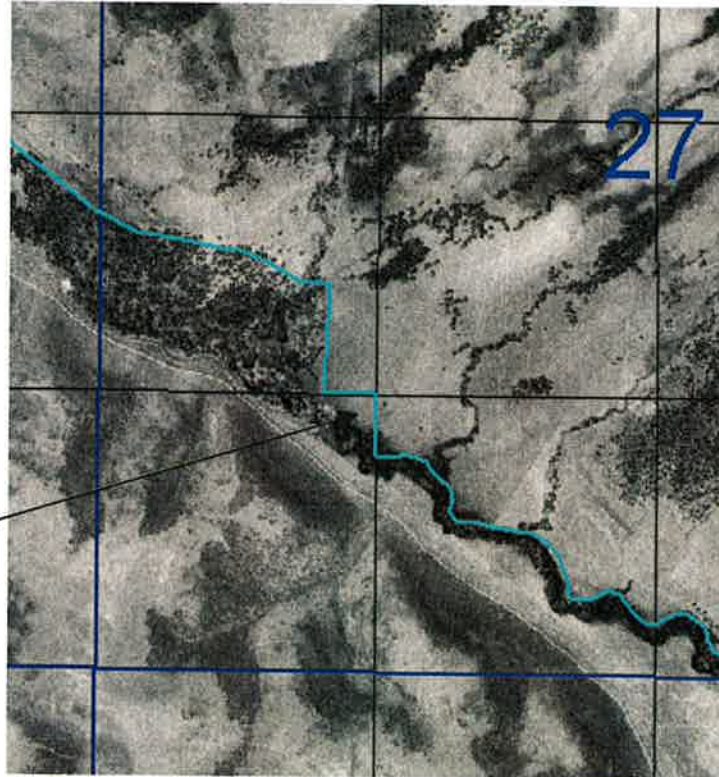
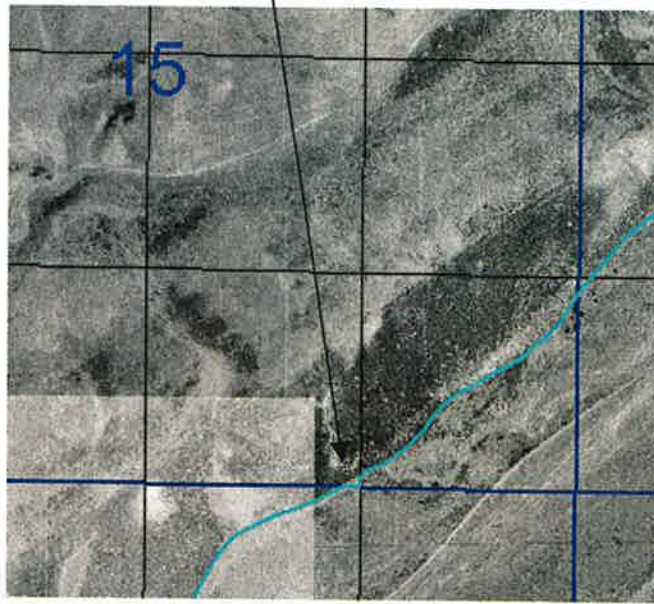
PEAVEY



BLM land
being
irrigated?

BLM land
being
irrigated?

John thinks
so
seepage
-no irrigation



Yes
sub
BLM land
being
irrigated?
-no irrigation

File No.
Many Files [see letter]

Owner
Flat Top Sheep Co.
P.O. Box 88
Carey

Date
7/11-28-29/05

I met with John Peavey owner of the company and reviewed some files and GPS 4 POD's on the 11th and he requested that we meet with his Attorney [Roger Ling] at a later date due to a appointment he has back east about sheep so I made an appointment with Roger for a meeting on the 28th to review files then the 29th John and I went to the fields to GPS 5 more locations .

W.R. Orphan Land= the Water source is a pump from Muldoon Cr and all irrigated with Little Wood Irrigation District Water. Roger Ling said he would look into this Water right and the filing of it.

37-340
37-344 W.R. 37-00390- Roger confirmed that this water is used pretty well by the area marked with purple tags
Within this file . His file had a similar drawing as these.

SEE LARGE PHOTO

W.R. A37-04116=This water is for property in T-2N, R-20E, Sections 26=27=35 as drawn on photo. The POD is a pump out of Muldoon Cr and ditch from Campbell Res. POD's 3-4on GPS . All this property is irrigated by hand line sprinkler system and one ½ circle system as on photo.

W.R. 37-4411- While looking over this file John said they own the small area west side of the West -North yellow 120 acre area which I outlined black with arrow pointing to it. Also Attn. Ling said he would look into this area not being claimed in the SRBA because this property lies within their owned property lines.

→ thrs map submitted w/ claim

37-340
37-344 W.R. A37-00390 this file takes in numerous rights which as per John and Roger they are included within there property boundary , on page 4 of 8 the QQ on West side is yes this 40 acres is irrigated mostly by sub water. The 40 acre parcel top left is also irrigated by seepage. Page 5 of 8 the parcel marked [red-purple] does belong to Peaveys and the three areas with arrows upper North East and area west is irrigated with seepage. Page 6-7 of 8 yes this area is BLM and is irrigated with seepage from ditch.

37-340
37-344 W.R.A37-00398-397-396-395-394-393-392-391-Water for these rights are ,as per John, are co-mingled and used where-ever needed and Roger said he would look into all these rights , He thought that they were filed on but would look into them for any problem.

W.R. A37-02294= the area North-East by #2 POD , John said he didn't think this area is claimed, but the area South- yellow , is yes POU, and the two circle sprinkler are shown, Note also S. Fork of Muldoon Cr. Is Known as Friedman Cr.

W.R.A37-00400= This Also is S. Fork of Muldoon Cr known to be Friedman. The area in section 15 with arrow is irrigated by seepage . The area marked with arrows on right side of photo are irrigated. John said there is no POD on South Fork Muldoon Cr. Both POD's are on Friedman Cr.. This area POD are #1-2.

W.R. A37-00401 = Roger Ling will check into 401A and John said the area marked 401A does not belong to Flat Top Sheep Co. and both POD's are from Friedman Cr. A tributary to Muldoon Cr.

W.R. A37-02092 = Source of water is from Friedman Cr. And is for 3.2 CFS for approx 4 QQ and the area in section 16 with arrow, John said he does not think this is claimed POU, and the Northern area with arrow h also does not think so as Licensed POU.

W.R. A37-02234 = Source of water is Friedman Cr for 1.5 CFS on area marked circle sprinkler irrigation and 4-¾ QQ marked yellow, there is a spring within the East ¾ area, this area in yellow is flood irrig. From #1-2 POD.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Flat Top Sheep Co	Flat 5	2503568	1364030	None	1060657
" " " "	" 6	2505050	1363113	"	658

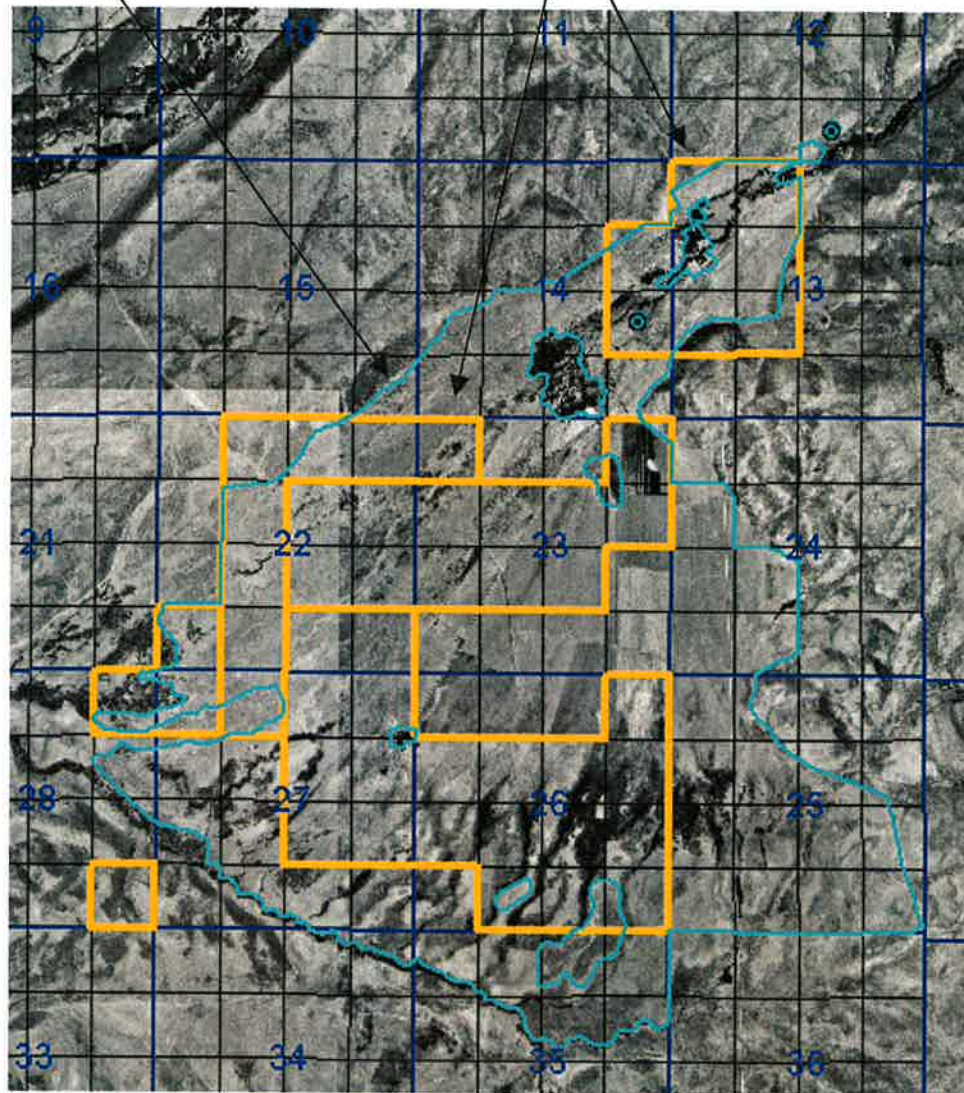
Lee R. Peterson

1992 Aerial Photo

(POU overlain on 1992 photos because of a problem with 1987 false-color photos)

Found POU
(within blue line)

Decreed POU for both 37-400 & 37-2017
(within orange line)



Notes

T2N R21E Sections 13, 14, 22, 23, 26, 27, & 28

- Decreed POU for 37-400 is different than 37-2017.
- Both PODs are on Friedman Creek. *is considered as Friedman is part of Muldoon Cr.* It there a POD on South Fork Muldoon Creek? Are their additional PODs *on*
- Claimed same POU as 37-390. SEE 37-390 FOR POU COMMENTS *DD*

File No.
Many Files [see letter]

Owner
Flat Top Sheep Co.
P.O. Box 88
Carey

Date
7/11-28-29/05

I met with John Peavey owner of the company and reviewed some files and GPS 4 POD's on the 11th and he requested that we meet with his Attorney [Roger Ling] at a later date due to a appointment he has back east about sheep so I made an appointment with Roger for a meeting on the 28th to review files then the 29th John and I went to the fields to GPS 5 more locations .

W.R. Orphan Land= the Water source is a pump from Muldoon Cr and all irrigated with Little Wood Irrigation District Water. Roger Ling said he would look into this Water right and the filing of it.

W.R. 37-00390- Roger confirmed that this water is used pretty well by the area marked with purple tags Within this file . His file had a similar drawing as these.

SEE LARGE PHOTO

W.R. A37-04116=This water is for property in T-2N, R-20E, Sections 26=27=35 as drawn on photo. The POD is a pump out of Muldoon Cr and ditch from Campbell Res. POD's 3-4on GPS . All this property is irrigated by hand line sprinkler system and one ½ circle system as on photo.

W.R. 37-4411- While looking over this file John said they own the small area west side of the West -North yellow 120 acre area which I outlined black with arrow pointing to it. Also Attn. Ling said he would look into this area not being claimed in the SRBA because this property lies within their owned property lines.

W.R. A37-00399 this file takes in numerous rights which as per John and Roger they are included within there property boundary , on page 4 of 8 the QQ on West side is yes this 40 acres is irrigated mostly by sub water. The 40 acre parcel top left is also irrigated by seepage. Page 5 of 8 the parcel marked [red-purple] does belong to Peaveys and the three areas with arrows upper North East and area west is irrigated with seepage. Page 6-7 of 8 yes this area is BLM and is irrigated with seepage from ditch.

W.R.A37-00398-397-396-395-394-393-392-391-Water for these rights are ,as per John, are co-mingled and used where-ever needed and Roger said he would look into all these rights , He thought that they were filed on but would look into them for any problem.

W.R. A37-02294= the area North-East by #2 POD , John said he didn't think this area is claimed, but the area South- yellow , is yes POU, and the two circle sprinkler are shown, Note also S. Fork of Muldoon Cr. Is Known as Friedman Cr.

W.R.A37-00400= This Also is S. Fork of Muldoon Cr known to be Friedman. The area in section 15 with arrow is irrigated by seepage . The area marked with arrows on right side of photo are irrigated. John said there is no POD on South Fork Muldoon Cr. Both POD's are on Friedman Cr.. This area POD are #1-2.

W.R. A37-00401 = Roger Ling will check into 401A and John said the area marked 401A does not belong to Flat Top Sheep Co. and both POD's are from Friedman Cr. A tributary to Muldoon Cr.

W.R. A37-02092 = Source of water is from Friedman Cr. And is for 3.2 CFS for approx 4 QQ and the area in section 16 with arrow, John said he does not think this is claimed POU, and the Northern area with arrow h also does not think so as Licensed POU.

W.R. A37-02234 = Source of water is Friedman Cr for 1.5 CFS on area marked circle sprinkler irrigation and 4-¾ QQ marked yellow, there is a spring within the East ¾ area, this area in yellow is flood irrig. From #1-2 POD.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Flat Top Sheep Co	Flat 5	2503568	1364030	None	1060657
" " " "	" 6	2505050	1363113	"	658

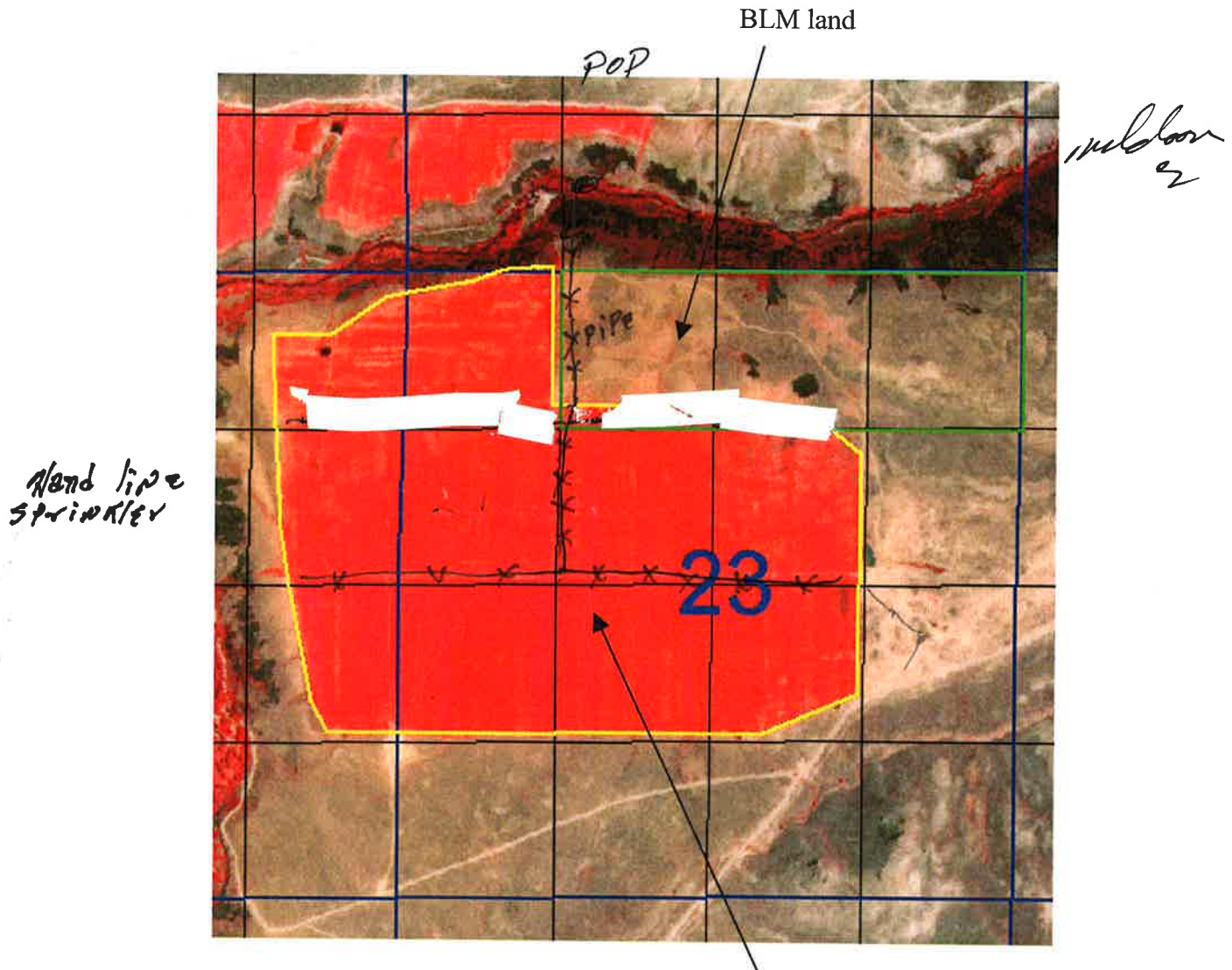
Lee R. Peterson

Irrigated w/ water from Little Wood Irrig District
Approx 900 AF

Notes for: Orphan Land Flat Top Sheep Co

- This is land that is irrigated but is unclaimed, unlicensed, and undecreed.

2004 Aerial Photo



T2N R20E

Flat Top Sheep Co land 1/4 S

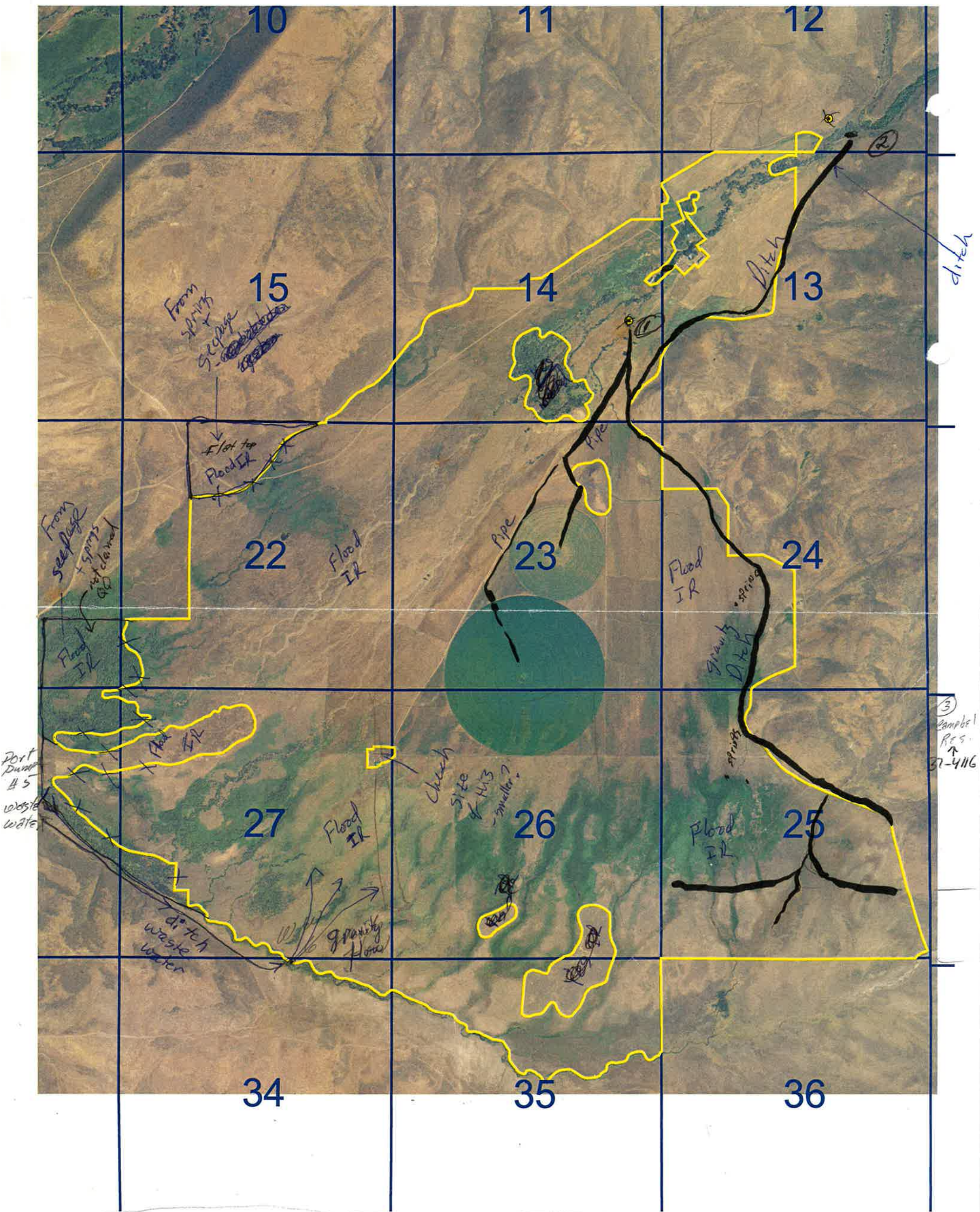
Section 23

- Land is owned by Flat Top Sheep Co, except NWNE & NENW

An aerial photograph of a landscape, likely a river valley, overlaid with a blue grid. The grid is labeled with large blue numbers: '15' in the top-left, '14' in the top-right, '22' in the bottom-left, and '23' in the bottom-right. A yellow line outlines a specific area within the grid, primarily covering the intersection of the '22' and '23' quadrants. The landscape shows a river on the left, a winding road or path, and various patches of vegetation and bare ground.

2004

2 N R 21 E Flat Top Sheep Co
④ muckoon &
Pump
~ 37-4116



- they will use temporary dams
to divert from springs
& ditches

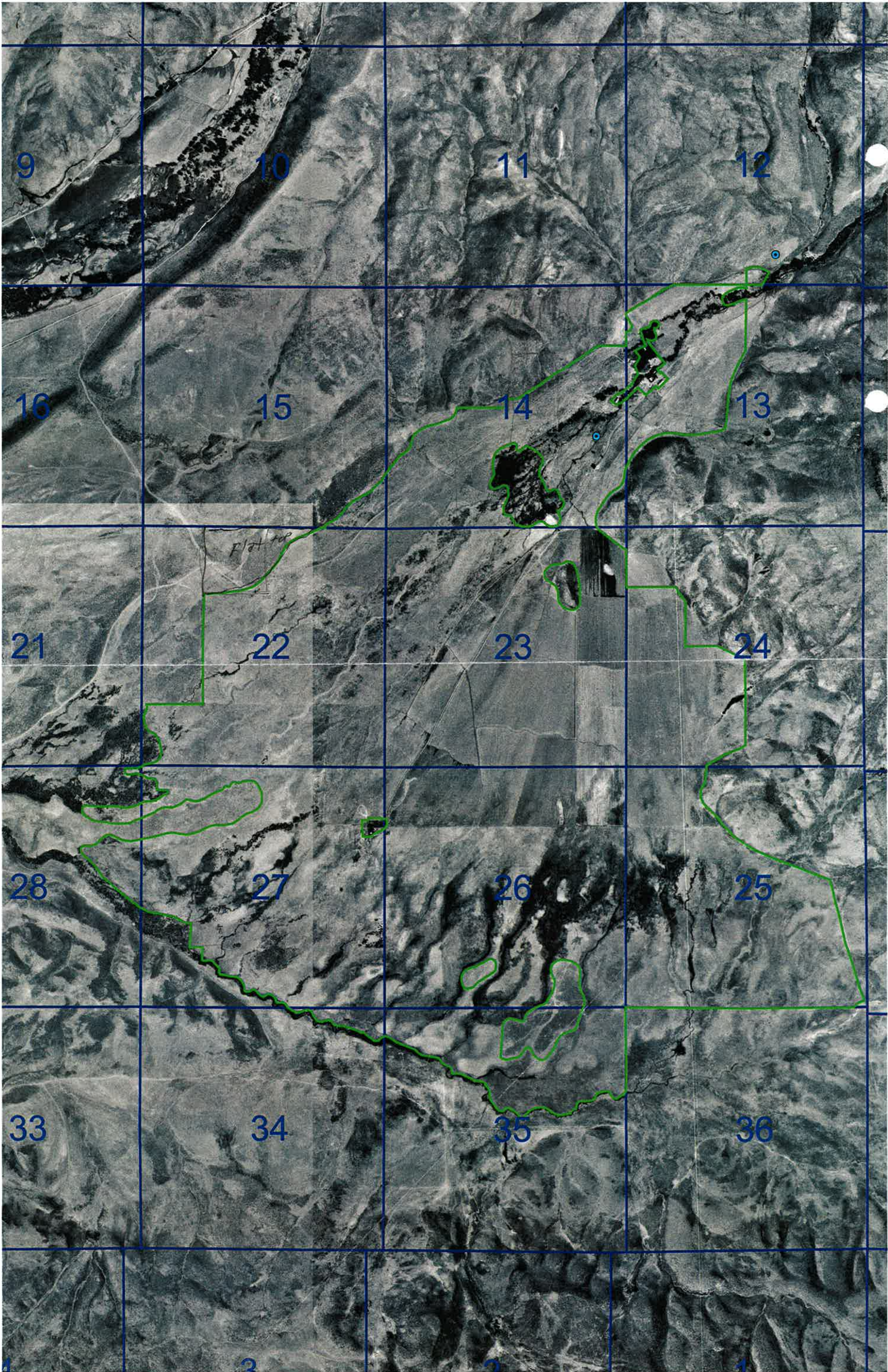
3

- water is put in at
NE + it sinks
& reemerges downslope (sw)

2

4116

1



7-0

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

CATHERINE M. GILE, IRVIN
PAYNE, and OLIVER PAYNE,

Plaintiffs,

vs.

DECREE

JAMES LAIDLAW and MRS. JAMES
LAIDLAW, his wife; and
HARMON WATKINS,

Defendants.

This cause came on regularly for trial on the 3th day of June, 1931, before Ralph W. Adair, Presiding Judge, the plaintiffs appearing by their counsel, A. F. James, and the defendants James Laidlaw and Mrs. James Laidlaw, husband and wife, by their attorneys Roy Van Winkle and Sullivan & Sullivan, and the defendant Harmon Watkins by his attorney Leo M. Bresnahan. Whereupon, evidence was introduced upon the part of all parties, certain stipulations entered into in open court, and the cause submitted on written briefs and the matter taken under advisement by the court, and the court having heretofore rendered his Findings of Fact and Conclusions of Law:

NOW THEREFORE, by reason of the premises, and of said Findings of Fact and Conclusions of Law:

370390
370400
IT IS HEREBY ORDERED, ADJUDGED AND DECREED That the defendants James Laidlaw and Mrs. James Laidlaw, husband and wife, and each of them, be and they are and each of them is hereby perpetually enjoined and restrained from taking or diverting from Muldoon Creek any water flowing therein in excess of the amounts expressly and specifically awarded to the said James Laidlaw in the decree in the case of S. C. Frost and others vs. Alturas Water Company and others, rendered December 13, 1909, to-wit, 1770 miners' inches, to-wit, 35.4 second feet, and they are and each of them is hereby perpetually

enjoined and restrained from interfering with or using any water flowing in said Muldoon Creek at any time in excess of said amount, when such excess water would, in the natural course of events, flow down to and into Little Wood River, provided, however, that said injunction shall be inoperative at such times when such excess water in Muldoon Creek would not, if permitted to flow therein, reach Little Wood River. The foregoing injunction shall also bind all successors in interest of the land to which the above water right is appurtenant, or any portion of such land, to-wit:

"N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 27, N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 27; also the NW $\frac{1}{4}$, Sec. 13, N $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 13, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14; also SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 26; also NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 27, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 22, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, all in Township 2 North Range 21 E. B. M. containing approximately 1600 acres, situate in Blaine County, Idaho."

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~~37 1141~~ IT IS FURTHER ORDERED, ADJUDGED AND DECREED That the defendant Harmon Watkins be and he is hereby perpetually enjoined and restrained from taking or diverting from said Muldoon Creek any water flowing therein in excess of the amount expressly and specifically awarded to the defendant Harmon Watkins in the summary adjudication decree in the case of the said Harmon Watkins v. S. G. Swendsen rendered on May 4, 1925, to-wit, 110 miners' inches, to-wit, 2.2 second feet and he is hereby perpetually enjoined and restrained from interfering with or using any water flowing in said Muldoon Creek at any time in excess of said amount, when such excess water would, in the natural course of events, flow down to and into Little Wood River, provided, however, that said injunction shall be inoperative at such times when such excess water in Muldoon Creek would not, if permitted to flow therein reach

Little Wood River. The foregoing injunction shall also bind all successors in interest of the land to which the above water right is appurtenant, or any portion of such land, to-wit:

"The E $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 9, Twp. 2 N. R. 21 E. B. M. situate in Blaine County, Idaho."

Each party shall pay his own costs incurred herein.

Dated this 15 day of Oct., 1931.

Ralph W. Adair

Presiding District Judge.

Filed and Entered
Oct. 20, 1931,
B. P. Thamm,
Clerk of District Court,
Blaine County, Idaho.

.....

STATE OF IDAHO, }
County of Blaine. } ss.

I, B. P. Thamm, 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 original Decree in the above entitled action now on file in my office, and recorded in Book 10 of Judgments at page 560, records of Blaine County, Idaho.

Given under my hand and the seal of said Court in my office, at Hailey, this the 11th day of March, 1932.

B. P. Thamm,

Clerk.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-401

WATER RIGHT NUMBER: ~~37-401~~-MDA
9/7/05

Owner Type Name and Address
 Current Owner JAMES LAIDLAW
 BELLEVUE, ID 83313

Priority Date: 05/12/1888

Basis: Decreed

Status: Active

Source

SPRINGS

Tributary

SOUTH FORK MULDOON CREEK

Comparison of Decreed
 POU for:

- A) Licensed 37-2017
 B) Frost Decree
 C) Gite vs Laidlaw

Beneficial Use

IRRIGATION

From To

/ to /

Diversion RateAnnual VolumeTotal Diversion:Location of Point(s) of Diversion

SPRINGS

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 13					X	X	X	X	X	X							
02N 21E 14				X									X				
02N 21E 17													X	X	X	X	
02N 21E 22	X	X	X	X	X			X	X		X	X	X	X	X	X	
02N 21E 23	X			X	X		X	X	X	X				X			
02N 21E 26	X		X	X			X	X	X	X		X	X	X	X	X	
02N 21E 27	X	X	X	X	X	X							X	X			
02N 21E 28	X															X	

- except 15 acres
 (Frost)

yellow = Frost decree

Green = Gite vs Laidlaw

pink = Licensed originally as ~~37-401~~ ³⁷⁻²⁰¹⁷, superseded by 37-400 in Frost

7 0375	Kelly, W. B.	60 inches.	100	May 15, 1885.	Little Wood River.
					(Also shares in Big Cottonwood Canal Co.)
7 0376	Kilpatrick Brothers Company, a corporation	1000 inches.		Sept. 1, 1883.	Silver Creek.
37 0377	Do.	40	"	145 Apr. 1, 1888.	" "
37 0378	Do.	100	"	150 June 15, 1888.	" "
7 0379	Do.	50	"	173 Apr. 1, 1890.	" "
7 0380	Do.	150	"	173 Apr. 1, 1890.	" "
7 0381	Do.	500	"	173 Apr. 1, 1890.	" "
7 0382	Kinsey, Alpha A.	120	"	251 May 1, 1900.	Lower Malad River.
7 0383	Kinsey, Henry H.	150	"	44 May 1, 1886.	" " "
37 0384	"	90	"	44 May 1, 1886.	" " "
7 0385	"	70	"	131 May 1, 1887.	" " "
7 0386	Kinsey, Mrs. H. H.	80	"	251 May 1, 1900.	" " "
7 0387	Knight, George H.	200	"	150 June 1, 1888.	East Fork of Big Wood River.
7 0388	Koons, William E.	120	"	131 May 1, 1887.	West Branch of Chimney Creek.
7 0389	Korenko, John, and John Pugal	160	"	104 June 30, 1888.	Spring Creek.
7 0390	Laidlaw, James	30	"	94 June 30, 1884.	S. Fork Muldoon Creek.
7 0391	"	20	"	94 Apr. 1, 1885.	Do.
7 0392	"	110	"	101 May 20, 1885.	Do.
7 0393	"	60	"	104 June 15, 1885.	Do.
7 0394	"	50	"	112 Apr. 1, 1886.	Do.
7 0395	"	160	"	100 June 1, 1888.	Do.
7 0396	"	160	"	219 Apr. 15, 1896.	Do.
7 0397	"	160	"	231 June 1, 1897.	Do.
7 0398	"	160	"	256 Apr. 15, 1901.	Do.
7 0399	"	60	"	279 Oct. 15, 1902.	Do.
7 0400	"	800	"	295 July 1, 1905.	Do.
7 0401	"	All of	"	148 May 12, 1888.	Certain springs.

Korenko, John,
and John Pugel

E 1/2 of SW 1/4 and SW 1/4 of SE 1/4 of Sec. 13,
and NE 1/4 of NW 1/4 of Sec. 24, T. 1 S., R.
18 E.

Krall, John

NE 1/4 of NW 1/4 of Sec. 22, NE 1/4 of Sec. 22,
W 1/2 of NW 1/4 and SE 1/4 of NW 1/4 of Sec.
23, T. 5 S., R. 14 E., containing 320 acres.

Laidlaw, James

N 1/2 of SE 1/4 and S 1/2 of NE 1/4 of Sec. 27,
T. 2 N., R. 21 E., containing 160 acres. Also,
N 1/2 of SW 1/4 and S 1/2 of NW 1/4 of Sec. 26,
T. 2 N., R. 21 E., except 15 acres. Also, SW
1/4 of SW 1/4 of Sec. 22, SE 1/4 of SE 1/4 and
NE 1/4 of NE 1/4 of Sec. 28, and NW 1/4 of NW
1/4 of Sec. 27, T. 2 N., R. 21 E., containing
160 acres. Also, S 1/2 of SE 1/4 of Sec. 22,
and N 1/2 of NE 1/4 of Sec. 27, T. 2 N., R. 21
E., containing 160 acres. Also, NW 1/4 of
Sec. 13, T. 2 N., R. 21 E., containing 160
acres. Also, N 1/2 of SW 1/4 of Sec. 13, NE
1/4 of SE 1/4 and SE 1/4 of NE 1/4 of Sec. 14,
T. 2 N., R. 21 E., containing 160 acres. Also,
E 1/2 of NE 1/4 and E 1/2 of SE 1/4 of Sec. 26,
T. 2 N., R. 21 E., containing 160 acres. Also,
SW 1/4 of NE 1/4, W 1/2 of SE 1/4, and SE 1/4
of SW 1/4 of Sec. 26, T. 2 N., R. 21 E. Also,
S 1/2 of NE 1/4 and N 1/2 of SE 1/4 of Sec. 22,
S 1/2 of NW 1/4 and N 1/2 of SW 1/4 of Sec. 23,
NW 1/4 of NW 1/4 of Sec. 23, N 1/2 of NE 1/4,
E 1/2 of NW 1/4, and E 1/2 of SW 1/4 of Sec.
22, NE 1/4 of NW 1/4 of Sec. 27, E 1/2 of NE
1/4, SW 1/4 of NE 1/4, and NW 1/4 of SE 1/4 of
Sec. 23, T. 2 N., R. 21 E. Also, SE 1/4 of

JUN 04 1996

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Sec. 17, T. 2 N., R. 21 E.

Lakes, Harold, and
Arthur, Jr.

SW 1/4 of SW 1/4 of Sec. 28, and W 1/2 of NW 1/4 of Sec. 33, T. 3 N., R. 18 E., containing 120 acres. Also, that portion lying on the East side of the track of the Oregon Short Line Railroad within boundaries of S 1/2 of SE 1/4 of Sec. 29, T. 3 N., R. 18 E., containing five acres.

Lane, Jennie

S 1/2 of SW 1/4 and W 1/2 of SE 1/4 of Sec. 25, E 1/2 of SE 1/4, SW 1/4 of SE 1/4, and SE 1/4 of SW 1/4 of Sec. 26, T. 4 S., R. 19 E., containing 320 acres.

Lawrence, Frank N.

E 1/2 of SE 1/4, NW 1/4 of SE 1/4, and SW 1/4 of NE 1/4 of Sec. 32, T. 2 N., R. 14 E., containing 160 acres.

Lawson, Martin

E 1/2 of NW 1/4 and W 1/2 of NE 1/4 of Sec. 28, T. 1 S., R. 21 E., containing 160 acres.

Lawson, M. S.

E 1/2 of NW 1/4 and NW 1/4 of NE 1/4 of Sec. 6, T. 2 S., R. 21 E. Also, SW 1/4 of SE 1/4 and SE 1/4 of SW 1/4 of Sec. 31, T. 1 S., R. 21 E. Also, 80 acres of unsurveyed land lying North of above described land.

Lemman, E. B.

W 1/2 of NE 1/4, NW 1/4 of SE 1/4, and NE 1/4 of SW 1/4 of Sec. 23, T. 1 N., R. 13 E., containing 160 acres.

Leonard, William

SE 1/4 of Sec. 30, T. 1 N., R. 15 E. Also, E 1/2 of SW 1/4 and Lots 3 and 4 of Sec. 30, T. 1 N., R. 15 E. Also, E 1/2 of NW 1/4 and Lots 1 and 2 of Sec. 30, T. 1 N., R. 15 E. Also, S 1/2 of NE 1/4 of Sec. 30, and S 1/2 of NW 1/4 of Sec. 29, T. 1 N., R. 15 E.

JUN 04 1996

File No.
Many Files [see letter]

Owner
Flat Top Sheep Co.
P.O. Box 88
Carey

Date
7/11-28-29/05

I met with John Peavey owner of the company and reviewed some files and GPS 4 POD's on the 11th and he requested that we meet with his Attorney [Roger Ling] at a later date due to a appointment he has back east about sheep so I made an appointment with Roger for a meeting on the 28th to review files then the 29th John and I went to the fields to GPS 5 more locations .

W.R. Orphan Land= the Water source is a pump from Muldoon Cr and all irrigated with Little Wood Irrigation District Water. Roger Ling said he would look into this Water right and the filing of it.

W.R. 37-00390- Roger confirmed that this water is used pretty well by the area marked with purple tags Within this file . His file had a similar drawing as these.

SEE LARGE PHOTO

W.R. A37-04116=This water is for property in T-2N, R-20E, Sections 26=27=35 as drawn on photo. The POD is a pump out of Muldoon Cr and ditch from Campbell Res. POD's 3-4on GPS . All this property is irrigated by hand line sprinkler system and one ½ circle system as on photo.

W.R. 37-4411- While looking over this file John said they own the small area west side of the West -North yellow 120 acre area which I outlined black with arrow pointing to it. Also Attn. Ling said he would look into this area not being claimed in the SRBA because this property lies within their owned property lines.

W.R. A37-00399 this file takes in numerous rights which as per John and Roger they are included within there property boundary , on page 4 of 8 the QQ on West side is yes this 40 acres is irrigated mostly by sub water. The 40 acre parcel top left is also irrigated by seepage. Page 5 of 8 the parcel marked [red-purple] does belong to Peaveys and the three areas with arrows upper North East and area west is irrigated with seepage. Page 6-7 of 8 yes this area is BLM and is irrigated with seepage from ditch.

W.R.A37-00398-397-396-395-394-393-392-391-Water for these rights are ,as per John, are co-mingled and used where-ever needed and Roger said he would look into all these rights , He thought that they were filed on but would look into them for any problem.

W.R. A37-02294= the area North-East by #2 POD , John said he didn't think this area is claimed, but the area South- yellow , is yes POU, and the two circle sprinkler are shown, Note also S. Fork of Muldoon Cr. Is Known as Friedman Cr.

W.R.A37-00400= This Also is S. Fork of Muldoon Cr known to be Friedman. The area in section 15 with arrow is irrigated by seepage . The area marked with arrows on right side of photo are irrigated. John said there is no POD on South Fork Muldoon Cr. Both POD's are on Friedman Cr.. This area POD are #1-2.

W.R. A37-00401 = Roger Ling will check into 401A and John said the area marked 401A does not belong to Flat Top Sheep Co. and both POD's are from Friedman Cr. A tributary to Muldoon Cr.

W.R. A37-02092 = Source of water is from Friedman Cr. And is for 3.2 CFS for approx 4 QQ and the area in section 16 with arrow, John said he does not think this is claimed POU, and the Northern area with arrow h also does not think so as Licensed POU.

W.R. A37-02234 = Source of water is Friedman Cr for 1.5 CFS on area marked circle sprinkler irrigation and 4-¾ QQ marked yellow, there is a spring within the East ¾ area, this area in yellow is flood irrig. From #1-2 POD.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Flat Top Sheep Co	Flat 5	2503568	1364030	None	1060657
" " " "	" 6	2505050	1363113	"	658

Lee R. Peterson

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-4411

WATER RIGHT NUMBER: 37-4411

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FLAT TOP SHEEP CO PO BOX 88 CAREY, ID 83320 (208)481-2252

Priority Date: 04/01/1961
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH FORK MULDOON CREEK	MULDOON CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	22.300 CFS	
STOCKWATER	1/01 to 12/31	1.000 CFS	
<u>Total Diversion:</u>		23.300 CFS	

Location of Point(s) of Diversion

SOUTH FORK MULDOON CREEK	SW1/4SE1/4	Sec. 12, Twp 02N, Rge 21E, B.M.
BLAINE County		
SOUTH FORK MULDOON CREEK	SE1/4NE1/4	Sec. 14, 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	14															40.0	40.0	80.0
02N	21E	22					40.0	40.0			40.0								120.0
02N	21E	23		40.0			40.0					40.0	40.0		40.0		40.0	40.0	280.0
02N	21E	24						40.0			40.0	40.0	40.0	40.0					200.0
02N	21E	25			40.0	40.0	40.0			40.0	40.0				40.0	40.0			280.0
02N	21E	26					40.0	40.0					40.0						120.0

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-4411

02N 22E 30			35.0		35.0
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Total Acres: 1115

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:Comments:Dates and Other Information:

Licensed Date:
 Decreed Date:
 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:
 Decree Plaintiff:
 Civil Case Number:
 Judicial 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>
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Water Supply Bank:

Background Data

- This is statutory claim that has not been claimed under the SRBA. Ask Flat Top Sheep Co about because they refer to it on the map in 37-390.
- Is it the same POU as 37-390 to 37-399 (blue line below)?

Place Of Use Data

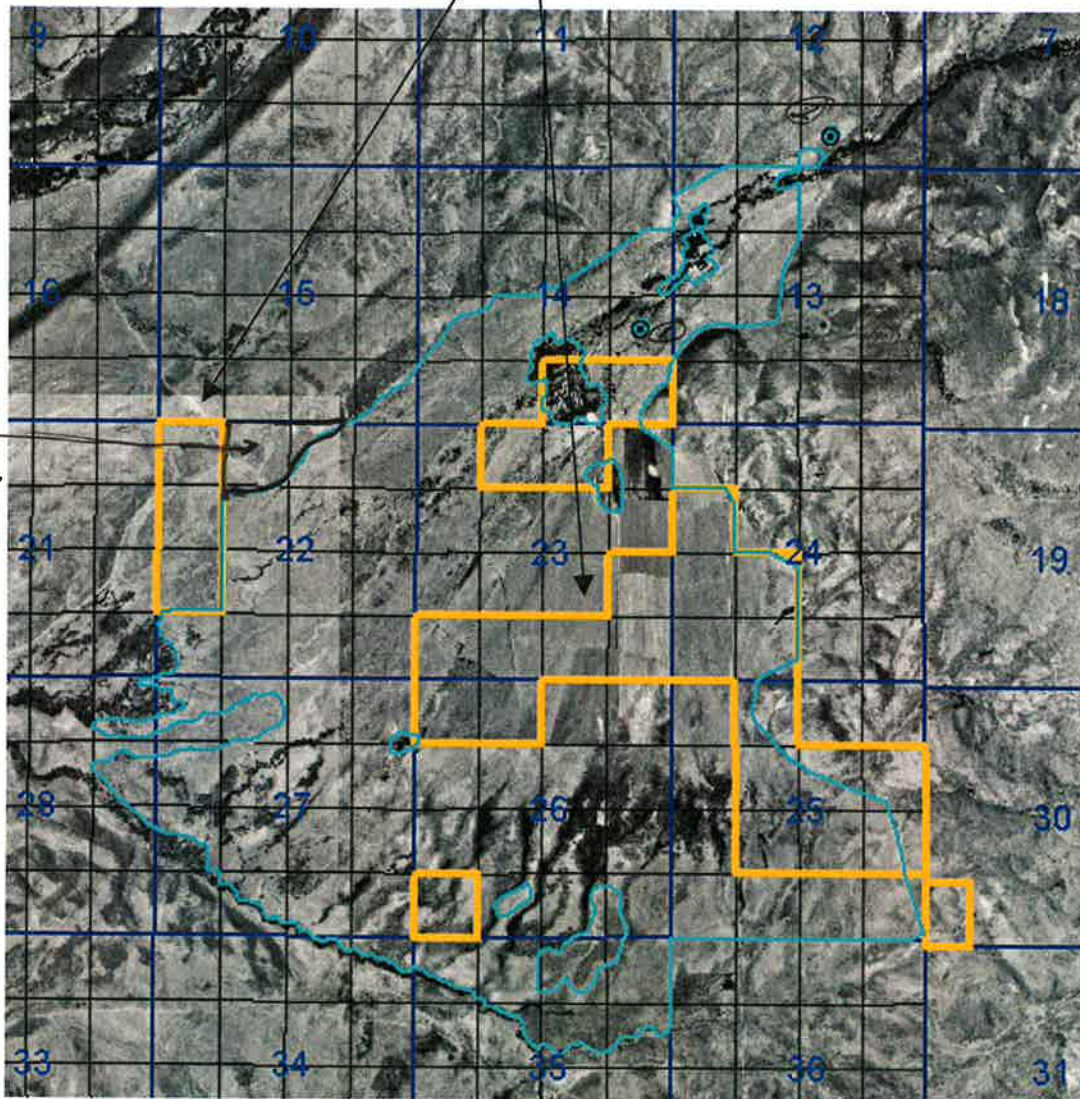
Blue line is the draft Place of Use created by IDWR based on historical data and records.

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

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

1992 Aerial Photo

Statutory claim POU
(within orange line)



Water Right Report 37-390

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MRS JAMES LAIDLAW
	, ZZ
Current Owner	JAMES LAIDLAW
	BELLEVUE, ID 83313

Priority Date: 06/30/1884
Basis: Deceased
Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH FORK MULDOON CREEK	MULDOON CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.600 CFS	
	<u>Total Diversion:</u>	0.600 CFS	

Location of Point(s) of Diversion
SOUTH FORK MULDOON CREEK

Place of Use

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-390

Conditions of Approval:

1. ORIGINALLY DECREED TO JAMES LAIDLAW IN THE FROST DECREE. SOURCE MAY INCLUDE FRIEDMAN CR. ACCORDING TO USGS MAP. AC. IRRIG. NOT SPECIFIED. FARM = 1600 AC.

Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 10/15/1931
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: James Laidlaw, et al
Decree Plaintiff: Catherine M Gile, 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>
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Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

31-DEC-1991

ROGER D. LING
PO BOX 396
RUPERT ID 83350

RE: ADJUDICATION CLAIM NO. A36-08273, A36-08274, A36-08275,
A36-02454B, A36-07007B, A36-07021,
A36-02455, A37-04116, A37-01217,
A36-15339, A37-04397, A36-04268,
A36-07138, A37-00390, A37-00391,
A37-00392, A37-00393, A37-00394,
A37-00395, A37-00396, A37-00397,
A37-00398, A37-00399, A37-00400,
A37-00401, A37-02092, A37-02234,
A37-02294 - FLAT TOP SHEEP COMPANY

Mr. Ling:

Pursuant to the notification that you are representing the claimant(s) on the above referenced Adjudication Claim(s), please find enclosed copies of the computer generated claim(s) based on the information from the original claim(s) which has been entered in our computer records.

Please review the record(s) and if you have any corrections or any questions, feel free to contact this office.

Sincerely,


Jeanie Robertson
Records Clerk

/jr
Enclosures

MICROFILMED
FEB 22 1993