

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: **A37-00401**
Date Received: 12/24/1991
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: MAY 12, 1888
3. Source: SPRINGS Trib. to: MULDOON CREEK, SOUTH FORK
MULDOON CREEK, SOUTH FORK MULDOON CREEK
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:
TWO DIVERSION FROM CREEK
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 16.000 | | |
7. Total Quantity Appropriated is:
16.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 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 A37-00390

14. Remarks:

PLACE OF USE IS SAME 2670 ACRES IDENTIFIED UNDER A37-00390.
CFS RATE IS ESTIMATE. AMOUNT CLAIMED IS ENTIRE FLOW OF SPRINGS.
WATER IS DIVERTED FROM WHAT IS LOCALLY KNOWN AS THE SOUTH FORK
OF MULDOON CREEK HOWEVER THE USGS LISTS THE SOURCE AS FRIEDMAN

RECEIVED
FEB 22 1993
FILMED

14. Remarks: Continued
CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.
Decree Plaintiff

ALTURAS WATER COMPANY, 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 1993

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
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8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
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11. Place of use in counties:

COPY

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FEB 22 1993

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WATER IS DIVERTED FROM WHAT IS LOCALLY KNOWN AS THE SOUTH FORK
OF MULDOON CREEK HOWEVER THE USGS LISTS THE SOURCE AS FRIEDMAN
CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST, ET. AL.
Decree Plaintiff

ALTURAS WATER COMPANY, 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 President of _____ Title

Flat Top Sheep Co. , that I have signed the foregoing Organization

document in the space below as President of Title

Flat Top Sheep Co. and that the statements contained in the Organization

foregoing document are true and correct.

John Peavey
Signature of Authorized Agent

Pres. Flat Top Sheep Co.
Title and Organization

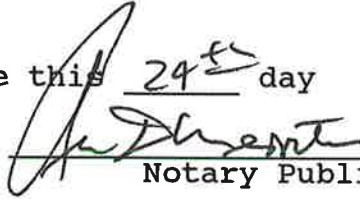
Dec 24 1991
Date

COPY

NOT FILMED
FEB 22 1993

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 24th day
of Dec 19 91


Notary Public

Seal

Residing at Kasey ID
My Commission Expires 6/30/94

COPY

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FEB 22 1993

12/12/2006

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

RIGHT NUMBER: 37-401

NAME AND ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY ID 83320

SOURCE: FRIEDMAN CREEK

TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 9.400 CFS

PRIORITY DATE: 05/12/1888

POINT OF DIVERSION:

T02N R21E S12 SESWSE Within BLAINE County

T02N R21E S14 NENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

04/15 10/31

QUANTITY

9.400 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

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	SESW	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	SESW	5.30			

2127 ACRES TOTAL

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.

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

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.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Water Right Report 37-401

Name and Address

JAMES LAIDLAW

Status: Active

SOUTH FORK MULDOON CREEK

Annual Volume

/ to /

SPRINGS

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-401

Conditions of Approval:

1. RT. IS FOR ENTIRE FLOW OF SPRINGS.
STATUS OF RT. UNCLEAR; RT. NOT MENTIONED IN GILE VS LAIDLAW, 1931 P/U UNCLEAR;
LAND LIST DIFFERS IN FROST & GILE DECREES.

Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 12/13/1909
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>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

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

Water Supply Bank:

Field Exam Notes

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

Background Data

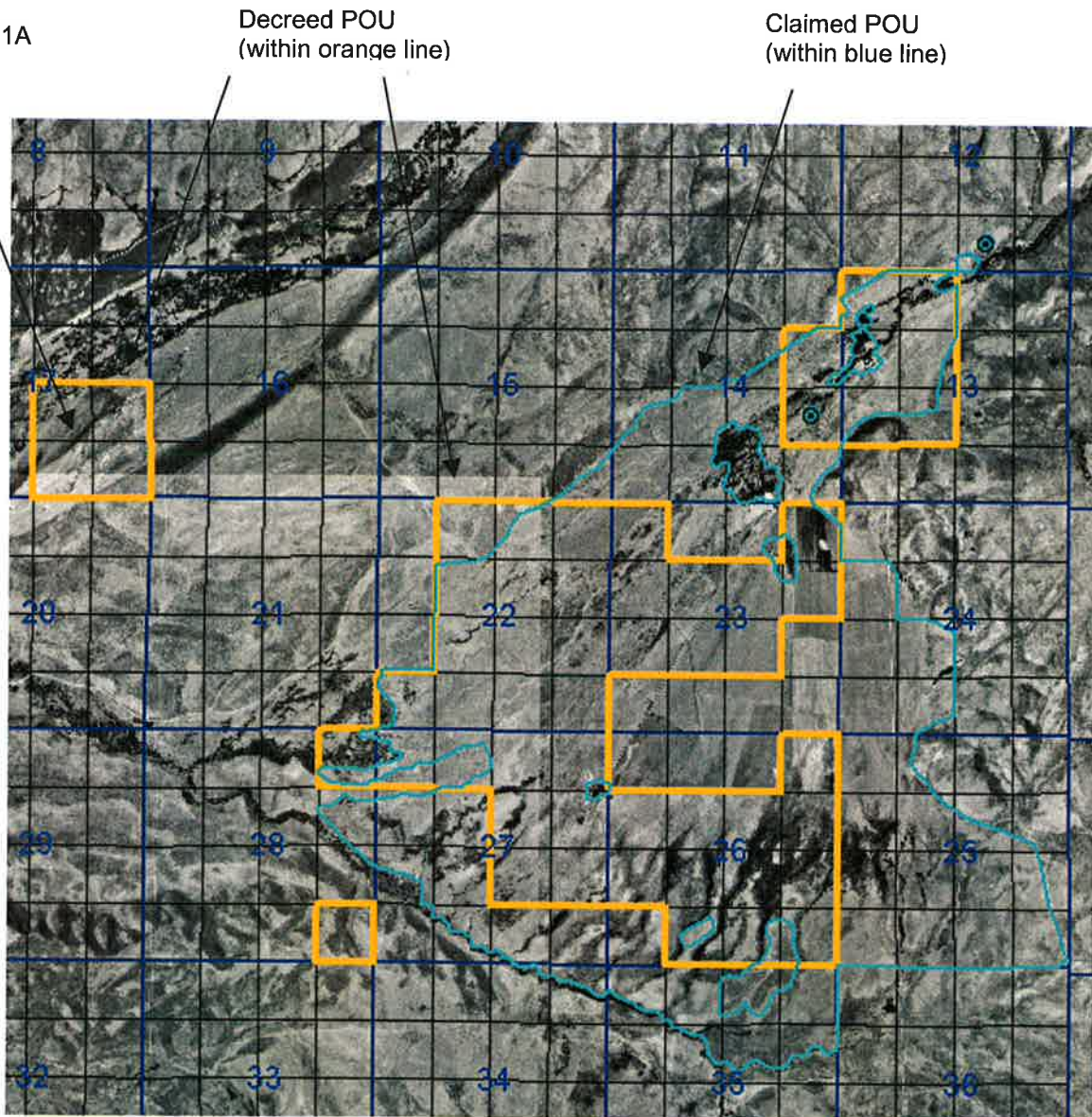
- Source is springs.
- Decreed for the whole discharge of springs - estimated to be 16 cfs on 56 QQ.

Place Of Use Data

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



Notes

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

*Section 13
are on
and E Muldoon*

- Both PODs are on Friedman Creek. ^{yes} Is there a POD on South Fork Muldoon Creek? Are there additional PODs
- Claimed same POU as 37-390. SEE 37-390 FOR POU COMMENTS



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

30-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

MICROFILMED
FEB 22 1993