

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: **A37-00400**
Date Received: 12/26/1991
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: JUL 1, 1905
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 | 16.000 | | |
7. Total Quantity Appropriated is:
16.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 2400.0 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

RECORDED
FEB 22 1993

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

REPRODUCTION
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10. Place of Use: Continued

Township 02N	Range 21E	Section 23	1/4 SE	of 1/4 SE	Lot	Use IRR	Acres 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:

CLAIM ALSO BASED ON LICENSE 37-02017 WHICH MAY HAVE BEEN
SUPERCEDED BY DECREE.

ALL OF THIS WATER FROM FRIEDMAN CREEK, TRAIL CREEK AND SPRINGS
IS COMINGLED AND USED ON THE ABOVE LAND BY SURFACE AND SUBSURFACE

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14. Remarks: Continued
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 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 _____

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FEB 22 1993

0400

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: A37-00400
Date Received: _____
Receipt No: _____
Received By: ADm

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: July 1, 1905
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	16.0		

7. Total Quantity Claimed is:
16.0 C.F.S. (and/or) Acre Feet

8. Total consumptive use claimed is:
2,400 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

COPY

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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			10

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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

COPY

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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.
37-00390, 00391, 00392, 00393, 00394, 00395, 00396, 00397, 00398, 00399, 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. License 37-02017
Water Right Number: 37-00400

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
President - Flat Top Sheep Company

COPY

MICROFILMED
FEB 22 1993

Dec 19, 1991
Date

State of Idaho)
) ss.
County of Minidoka)

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

(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

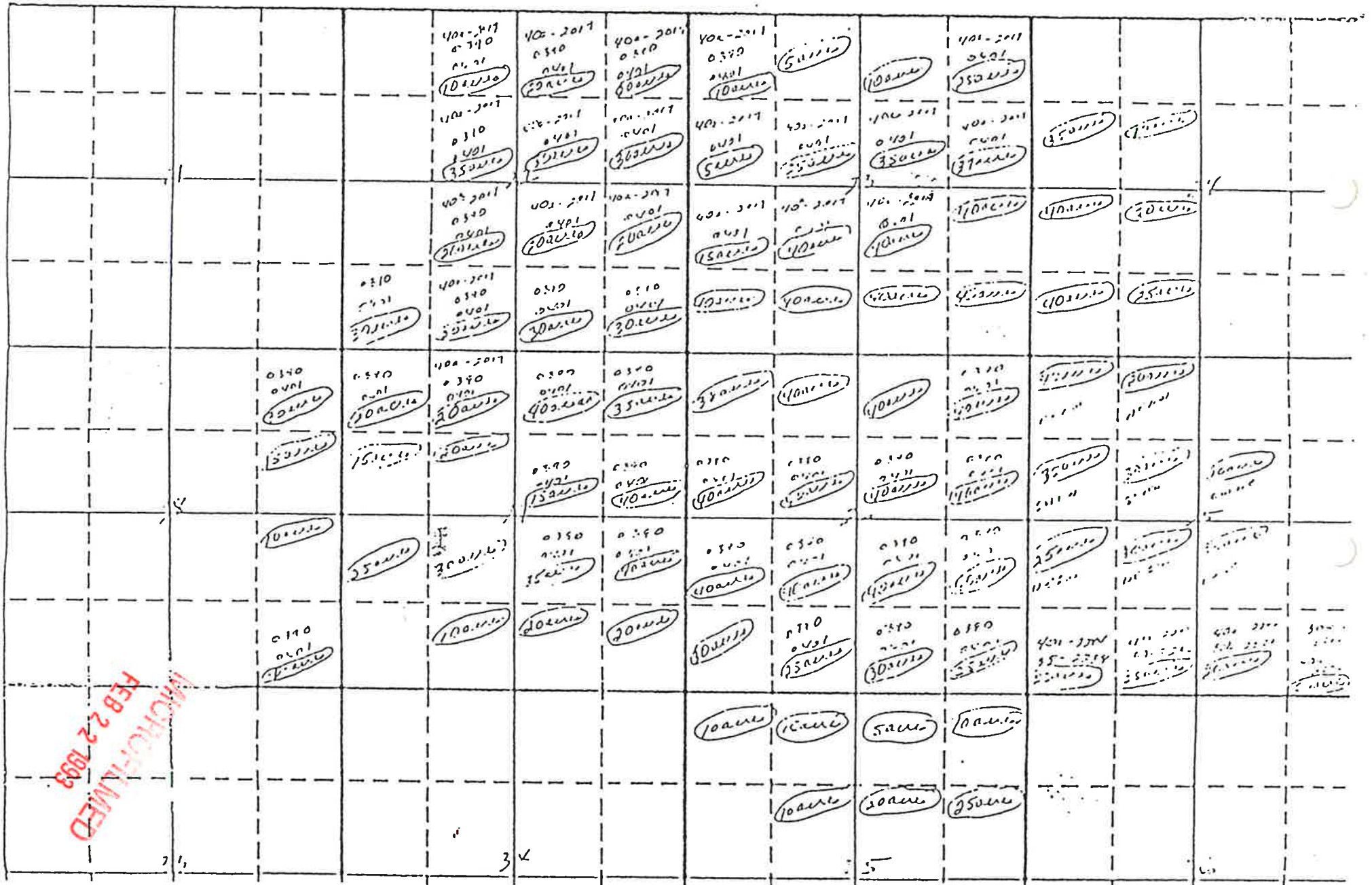
COPY

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FEB 22 1993

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

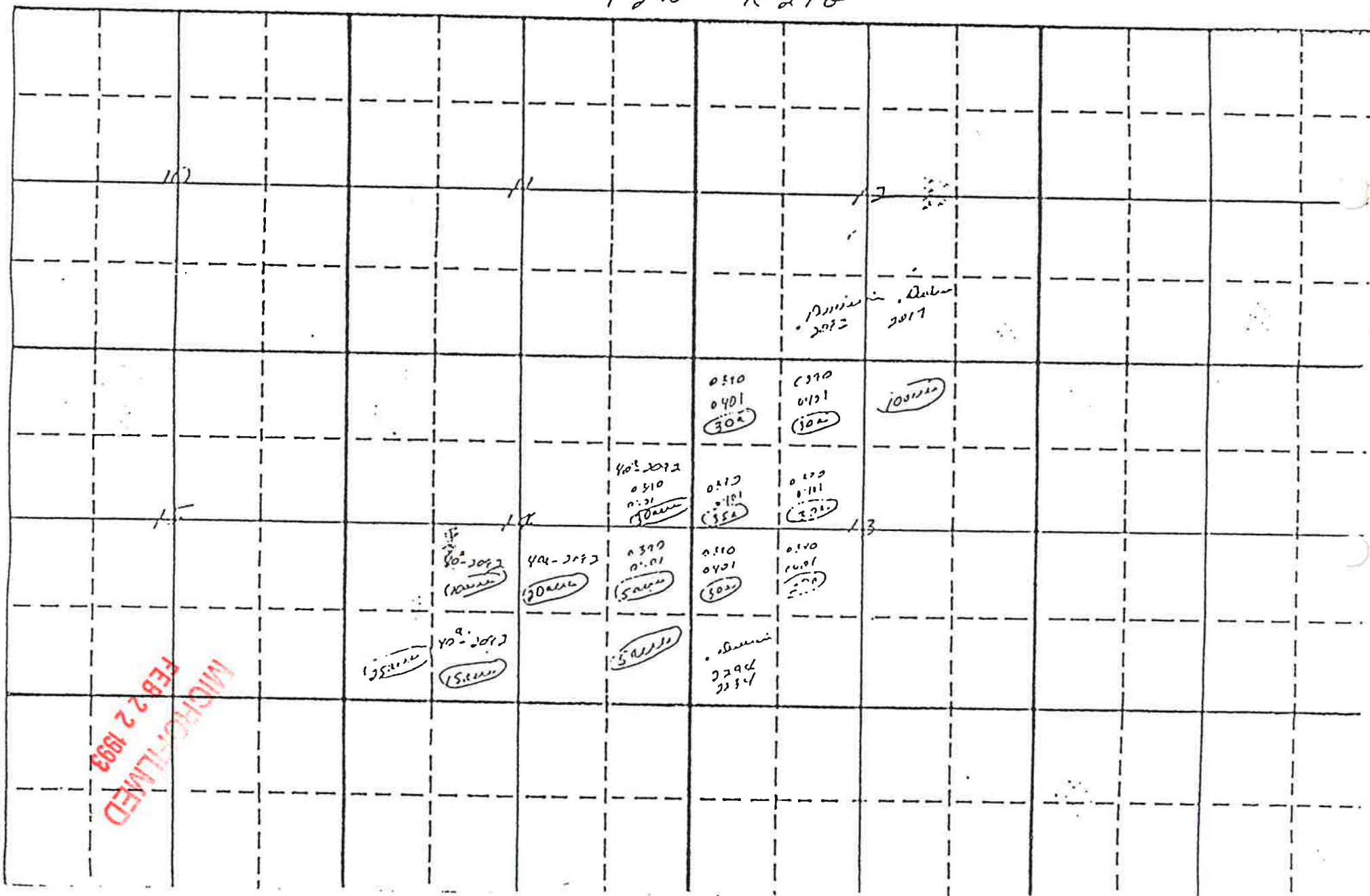
Show 40-acre subdivisions, townships, ranges and ditches.

+ 2 N K 21 E



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

72 N R 215



12/12/2006

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

RIGHT NUMBER: 37-400

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

SOURCE: FRIEDMAN CREEK

TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 16.000 CFS

PRIORITY DATE: 07/01/1905

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

16.000 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	SENE	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	SENE	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.

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 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

Water Right Report 37-400

WATER RIGHT NUMBER: 37-400

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

Priority Date: 07/01/1905

Basis: Decreed

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 /	16.000 CFS	
	<u>Total Diversion:</u>	16.000 CFS	

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

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	22	X	X			X			X	X		X	X			X	X	
02N	21E	23						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	

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-400

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
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:

Blaine County *
South Fork Muldoon Creek *
16 sec.ft. *
Irrigation *
Priority 7-1-05 *

S T A T E O F I D A H O

Water License No. 1391.

3, -2017

247

37-2017
Succeeded by
37-400

WHEREAS, On the 1st day of July, A. D. 1905, DANIEL BRAYMER STELLA BRAYMER AND BENJAMIN F. SMITH of Muldoon, County of Blaine and State of Idaho, duly made application (No. 1944) to me for a permit to use Sixteen (16) cubic feet per second of the waters of South Fork of Muldoon Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 8th day of July, A. D. 1905, Permit No. 1391 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 8th day of July, A. D. 1908, and for the application to beneficial use of said water on or before the 8th day of July, A. D. 1911, and,

WHEREAS, On the 10th day of October, A. D. 1907, the holder of said permit duly made proof of the completion of adequate works for the diversion of Sixteen (16) cubic feet per second of said waters, as evidenced by my Certificate No. 1391, dated December 18, 1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use Sixteen (16) cubic feet per second of water, with date of priority of July 1, 1905, and,

WHEREAS, On the 10th day of October, A. D. 1907, proof was duly made of the application to beneficial use of Sixteen (16) cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to DANIEL BRAYMER, STELLA BRAYMER AND BENJAMIN F. SMITH, of Muldoon, Idaho, the holders and owners of said Permit No. 1391, a perpetual right, dating from July 1, 1905, to the use of Sixteen (16) cubic feet per second of the waters of South Fork of Muldoon Creek in the County of Blaine and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Southwest quarter of Southeast quarter (SW4 SE4) Section 12, Township 2 North, Range 21 East of Boise Meridian, and conducted to and upon the following lands, to-wit:

40 acres in Northeast quarter of Northeast quarter (NE4 NE4)	Section 23;
40 acres in Southeast quarter of Northeast quarter (SE4 NE4)	" "
40 acres in Southwest quarter of Northeast quarter (SW4 NE4)	" "
40 acres in Northwest quarter of Southeast quarter (NW4 SE4)	" "
40 acres in Northeast quarter of Southwest quarter (NE4 SW4)	" "
40 acres in Northwest quarter of Southwest quarter (NW4 SW4)	" "
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40 acres in Southwest quarter of Northwest quarter (SW4 NW4)	" "
40 acres in Northwest quarter of Northwest quarter (NW4 NW4)	" "
40 acres in Northeast quarter of Northeast quarter (NE4 NE4)	" 22;
40 acres in Southeast quarter of Northeast quarter (SE4 NE4)	" "
40 acres in Southwest quarter of Northeast quarter (SW4 NE4)	" "
40 acres in Northwest quarter of Northeast quarter (NW4 NE4)	" "
40 acres in Northeast quarter of Southeast quarter (NE4 SE4)	" "
40 acres in Northwest quarter of Southeast quarter (NW4 SE4)	" "
40 acres in Northeast quarter of Northwest quarter (NE4 NW4)	" "
40 acres in Southeast quarter of Northwest quarter (SE4 NW4)	" "
40 acres in Northeast quarter of Southwest quarter (NE4 SW4)	" "
40 acres in Southeast quarter of Southwest quarter (SE4 SW4)	" "
40 acres in Northeast quarter of Northwest quarter (NE4 NW4)	" 27;

differs somewhat from decreed POV for 37-400

All in Township 2 North, Range 21 East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

(SEAL)

Recorded December 18, 1907.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 18th day of December, A.D. Nineteen Hundred and Seven.

Jas. Stephenson, Jr.
State Engineer.

37 2017

No. 1944

A P P L I C A T I O N F O R P E R M I T

To Appropriate the Public Waters of the State of Idaho.

1. Name of applicants - DANIEL BRAYMER, STELLA BRAYMER and BENJAMIN F. SMITH
Postoffice address: P. O. - Muldoon
County - Blaine.
2. The quantity of water claimed is 16 cubic feet per second.
3. Source of water supply - So. Fork Muldoon Creek.
County of Blaine.
4. Location of point of diversion - About 300 ft. N. E. of center of South line of Sec. 12, T. 2 N., R. 21 E. B. M.
5. To Be Used For:
 - I. Irrigation and domestic use:
 - (a) Number of acres to be irrigated eight hundred acres.
 - (b) In the following legal subdivisions - See list attached.
6. Estimated cost of works.
7. Description of works for diversion:
 - I. Kind of works - dam and two main ditches.
 - II. Dimensions of works:
 - (a) Height of dam 8 feet, length of dam at top 30 feet, length of dam at bottom 20 feet, material used in construction stone and earth.
 - (b) Capacity of reservoir 1/3 acre-feet.
 - (c) Size of headgate, N.W., width 3½ feet, height 3 feet.
" " " S.E., " 3 " 3 "
 - (d) North ditch, width at bottom 4 feet, width at water line 8 feet, depth of water 1½ feet. Average grade per mile is 20 feet. Length of ditch is about 3 miles, and it crosses the following quarter sections - SE¼ & SW¼ of 12, NW¼ Sec. 13, NE¼ 14, SE¼ 14, SW¼ 14, NW¼ 23, NE 22, SE 22, SW22, all in T. 2 N., 21 E. B. M. to lands described and shown on plat, which is the point of intended use.
8. Time required for the completion of the construction of such work is three years.
9. Time required for the complete application of the water to the proposed use is three additional years.

Remarks:

Lands to be irrigated:

S2 NE¼, N2 SE¼ Sec. 22, S2 NW¼, N2 SW¼ Sec. 23, Township 2 N., R. 21 E.B.M.	320 acres
NW¼ NW¼ Sec. 23, N2 NE¼, E2 NW¼, E2 SW¼ Sec. 22 and NE¼ NW¼ Sec. 27, T. 2 N. R. 21 E. B. M.	320 acres
E2 NE¼, SW¼ NE¼, NW¼ SE¼ Sec. 23, T. 2 N., R. 21 E. B. M.	160 acres

(All on North side of Muldoon Creek to be irrigated through North ditch, that on South side, through South ditch.)

Additional answer to Q. 7, Sub. II d.

Ditch, width at bottom 4 feet, width at water line 6 feet, depth 18 inches, average grade per mile is 20 feet, length of ditch is about two miles. It crosses the following quarter sections SE of 12, NE, NW and SW4s of 13, SE of 14, NE, NW, SW4 Sec. 23, Twp. 2 N., R. 21 E. B. M., to lands described and shown on plat, which is the point of intended use.

Capacity of Ditch on North side of Creek, 10 second feet,

Capacity of ditch on South side of Creek, six second feet.

Approval of State Engineer.

The number of this permit is 1391.

Date of first receipt of application 8 A. M. July 1, 1905.

Recorded in Book 5, page 1391 Approved July 8, 1905.

This is to certify that I have examined the within application for a permit appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before September 6, 1905, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before January 8, 1907.

The whole of said work to be completed on or before July 8, 1908.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to July 8, 1911.

Witness my hand this eighth day of July, 1905.

Jas. Stephenson, Jr.

State Engineer.

Notice of proof of completion and beneficial use mailed applicant June 14, 1907.

Notice received August 14, 1907, fixing October 10, 1907, as date and Hailey as place of proof.

Notice for publication mailed Wood River Times August 24, 1907.

Deposition blanks mailed applicant August 24, 1907.

L. A. Dithmer authorized August 24, 1907, to examine works.

Affidavit received October 2, 1907.

Report received October 11, 1907.

Depositions received October 12, 1907.

Fees received October 21, 1907.

Certificate and License were duly issued December 18, 1907.

Permit No. 1391

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that DANIEL BRAYMER, STELLA BRAYMER AND BENJAMIN F. SMITH, of Muldoon, County of Blaine and State of Idaho, the holder of Permit No. 1391, issued upon Application No. 1944, bearing date of priority of July 1, 1905, authorizing the diversion of 16 second feet of the waters of South Fork of Muldoon Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use 16 second-feet of the waters of South Fork of Muldoon Creek; that the point of diversion of said waters is in the Southwest quarter of Southeast quarter (SW4 SE4) Section 12, Township 2 North, Range 21 East of Boise Meridian and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: East half of Northwest quarter (E2 NW4), East half of Southwest quarter (E2 SW4), Northeast quarter (NE4), North half of Southeast quarter (N2 SE4) Section 22; East half of Northeast quarter (E2 NE4), Southwest quarter of Northeast quarter (SW4 NE4), Southeast quarter of Northwest quarter (SE4 NW4) West half of Northwest quarter (W2 NW4), North half of Southwest quarter (N2 SW4), North half of Southeast quarter (N2 SE4) Section 23; Northeast quarter of Northwest quarter (NE4 NW4) Section 27; All in Township 2 North, Range 21 East of Boise Meridian.

Witness my hand this 18th day of December, A. D. 1907.

Jas. Stephenson, Jr.

State Engineer.

License issued for 16 second feet
P. 247



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