

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: **A37-02092**
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: NOV 15, 1907
3. Source: FRIEDMAN CREEK 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 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N | 21E | 12 | SW | SE | | | BLAINE |
| | | 14 | NE | SE | | | BLAINE |
5. Description of diverting works:
CONC. CHECK & 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 | 3.200 | | |
7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 480.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

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

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

MICROFILMED

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

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:

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

MICROFILMED

15. Basis of Claim: LICENSE

Water Right Number: 3251

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

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 23 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: A37-02092
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: Nov. 15, 1907
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	3.2		

7. Total Quantity Claimed is:
3.2 C.F.S. (and/or) Acre Feet
8. Total consumptive use claimed is:
480 Acre Feet Per Annum.

COPY

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

MICROFILMED

FEB 23 1993

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

COPY

MICROFILMED

FEB 23 1993

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

MICROFILMED

FEB 23 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.

37-00390, 00391, 00392, 00393, 00394, 00395, 00396, 00397, 00398, 00399, 00400, 00401; 37-02017, 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: License.

Water Right Number: 37-02092

16. Signature(s)

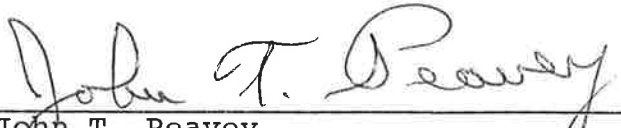
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication."

(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 23 1993

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: 10/30/92

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

MICROFILMED

FEB 23 1993

12/12/2006

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

RIGHT NUMBER: 37-2092

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

SOURCE: FRIEDMAN CREEK

TRIBUTARY: SOUTH FORK MULDOON CREEK

QUANTITY: 3.200 CFS

PRIORITY DATE: 11/15/1907

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

3.200 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	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

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 160 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 - License

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

yes

Background Data

- Source is Friedman Creek. Note: South Fork Muldoon Creek is called Friedman Creek on 24K USGS topo
- Licensed for 3.2 cfs on 4 QQ. *yes*

Place Of Use Data

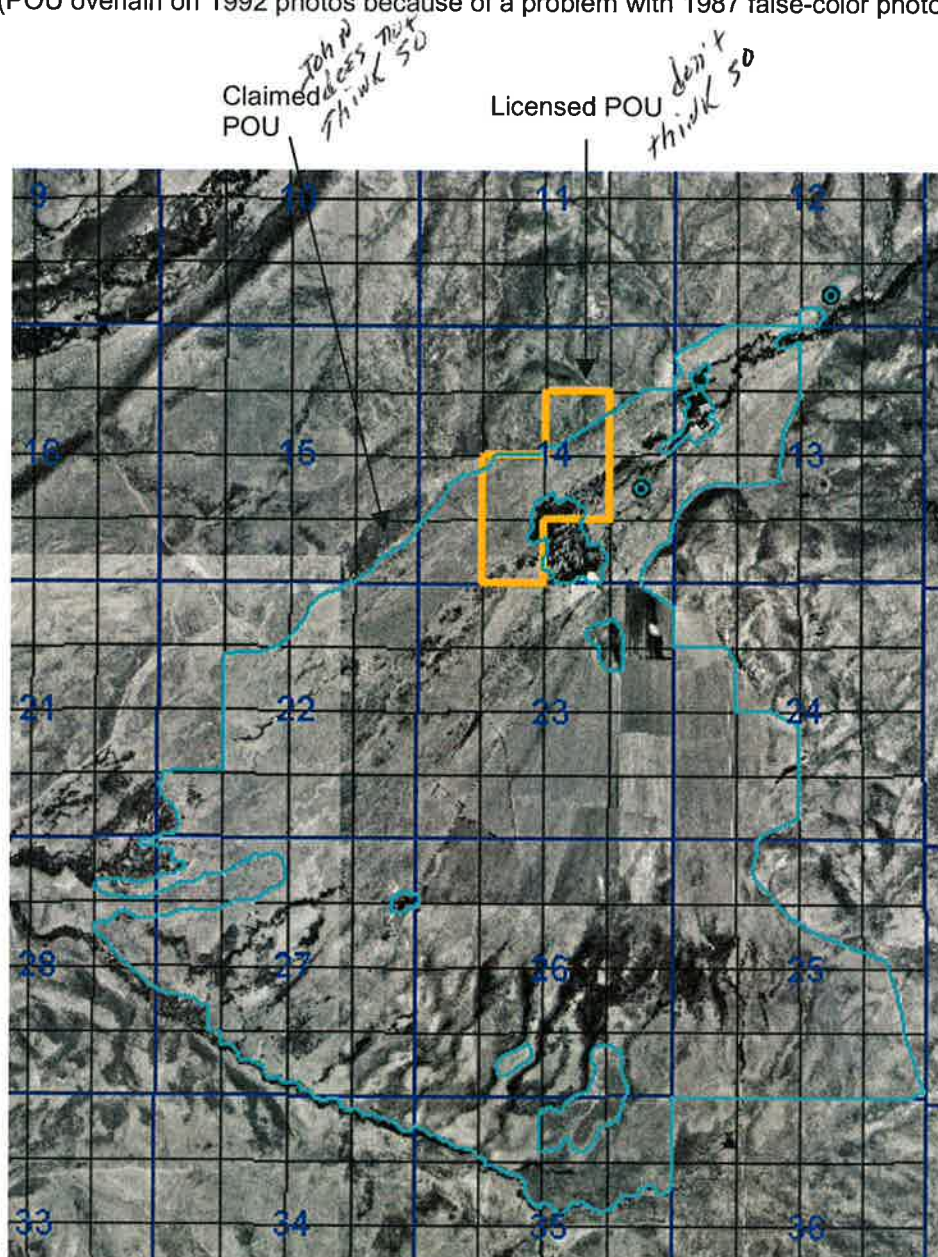
Blue line is the draft Place of Use created by IDWR based on historical data and records.

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

(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

- 2 claimed PODs located to QQ. The POD in Section 14 is the same as decreed POD.
- Claimed same POU as 37-390. SEE 37-390 FOR POU COMMENTS

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

Blaine County *
S.Fork Muldoon Creek *
3.2 sec.ft. *
Irrigation *
Priority - 11-15-07 *

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

Water License No.3251.

WHEREAS, On the 15th day of November, A. D. 1907, JAMES S. OSTER of Woodside, County of Nez Perce and State of Idaho, duly made application (No.4573) to me for a permit to use 3.2 cubic feet per second of the waters of South Fork Muldoon Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 16th day of November, A. D. 1907, Permit No. 3251 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 16th day of May, A. D. 1908, and for the application to beneficial use of said water on or before the 16th day of May, A. D. 1908, and,

WHEREAS, On the 3rd day of February, A. D. 1908, the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said water, as evidenced by my Certificate No.3251, dated February 4,1908, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of water, with date of priority of November 15,1907, and,

WHEREAS, On the 3rd day of February, A.D.1908, proof was duly made of the application to beneficial use of 3.2 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 JAMES S. OSTER, of Woodside, Idaho, the holder and owner of said Permit No.3251, a perpetual right, dating from November 15,1907, to the use of 3.2 cubic feet per second of the waters of South Fork 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,R. 21 E.B.M. and conducted to and upon 40 acres in Southwest quarter of Northeast quarter; 40 acres in Northwest quarter of Southeast quarter; 40 acres in Northeast quarter of Southwest quarter; 40 acres in Southeast quarter of Southwest quarter; All in Section 14, 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.

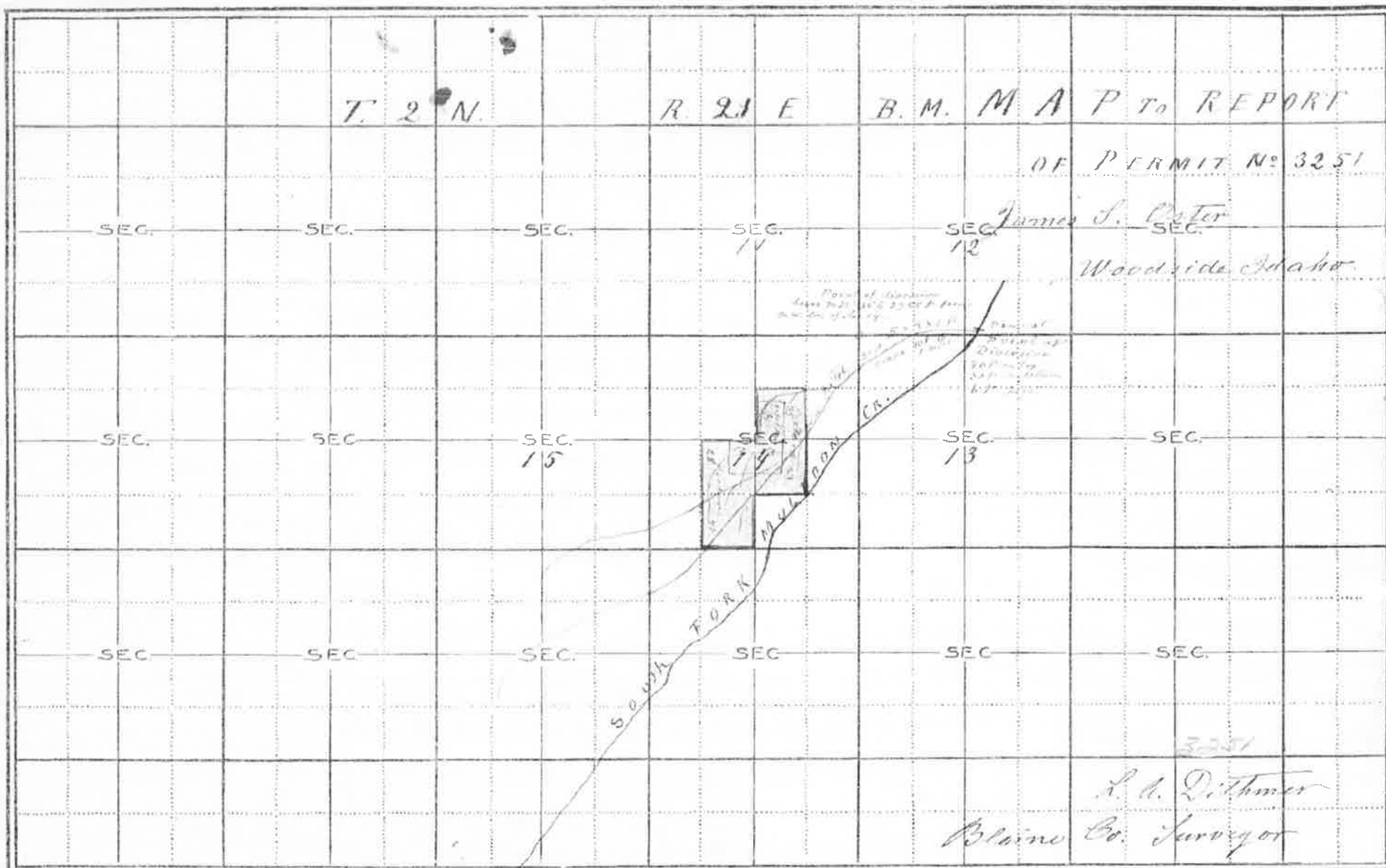
WITNESS, My hand and the seal of my office at Boise, Idaho, this
4th day of February, A.D.Nineteen Hundred and eight.

(SEAL)

Recorded February 4,1908.

Jas. Stephenson,Jr.

State Engineer.



Office of

L. A. Dithmer, Surveyor of Blaine Co.

Hailey, Idaho, Dec 26th 1907.

Mr. James Stephenson Jr.
State Engineer
Boise Idaho.

Dear Sir

3251

I herewith respectfully submit my report and map of examination of completion of works of diversion and beneficial use of 3.2 second-feet of the waters of South Muldoon Creek, Permit No: 3251 James S. Osler holder of said permit, residing at Woodside Idaho.

The point of diversion of 3.2 second-feet of the waters of South Fork Muldoon Creek bears North $85^{\circ} 30'$ East 3355 ft. distant from the N.E. Corner of Sec. 14 T. 2 N. R. 21 E. B.M. and is situated in the S.W. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ Sec 12 of same Township and range.

Size of dam 40 ft on top 30 ft. in bottom and 6 ft. high. Headgate 3 ft by 2 ft. Size of ditch ciled west ditch, from which the waters are conveyed on to the land to be irrigated is 5 ft. on top 3 ft. in bottom and 2 ft. deep. Average grade of ditch 10 ft to one mile.

The ditch runs from the dam in a westerly direction near the south line of Sec 12 1500 feet, thence in a

Office of

L. A. Dithmer, Surveyor of Blaine Co.

Hailey, Idaho, _____ 190

Southwesterly direction through N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ Sec 13.
Thence continuing same course through Sec 14 and the
land to be irrigated.

The land to which water has been beneficially applied
is as follows S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ 15 acres in alfalfa and
25 acres pasture N. W. $\frac{1}{4}$ S. E. $\frac{1}{4}$ 13 acres in alfalfa and
24 acres pasture N. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ 12 acres in alfalfa and
28 acres pasture S. E. $\frac{1}{4}$ S. W. $\frac{1}{4}$ 40 acres pasture all
in Sec 14. T. 2 N. R. 21 E. B. M.

The land is level and irrigated by laterals and
plowed furrows

Respectfully
L. A. Dithmer

Rec. 27-7

3251

333

This applicant has an interest in the works described in said Permit sufficient to irrigate his lands described herein. There is no dispute whatever between said parties as to this interest.

The works are now completed and water has been applied to a beneficial use upon the lands of said applicant described herein. Applicant is prepared to make proof of completion of works and proof of application of water to beneficial use.

APPROVAL OF STATE ENGINEER.

The number of this permit is 3251

Date of first receipt of application 9:00 A.M. November 15, 1907.

Recorded in Book 9 Page 3251 Approved November 16, 1907.

This is to certify that I have examined the within application for a permit to 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 January 15, 1908, 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 February 16, 1908.

The whole of said work to be completed on or before May 16, 1908.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to May 16, 1908.

Witness my hand this 16th day of November 1907.

Jas. Stephenson, Jr.,

State Engineer.

Blank notice of proof of completion and beneficial use mailed applicant November 15, 1907.

Notices received November 23, 1907, fixing February 3, 1908, as date and Hailey as place of proof
Notice for publication mailed December 6, 1907.

Deposition blanks mailed applicant December 6, 1907.

L. A. Dithmer authorized December 21, 1907, to make examination of works.

His report received December 27, 1907.

Affidavit of publication, depositions and fees received February 4, 1908.

Certificate and License issued February 4, 1908.

No. 4573.

37-2092

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: JAMES S. OSTER.

Postoffice address: Woodside

County: NezPerce State: Idaho.

2. The quantity of water claimed is 3.2 cubic feet per second.

3. Source of water supply: South Fork of Muldoon Creek.

County of Elaine.

4. Location of point of diversion: About 300 feet northeast 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) Amount of land to be irrigated: 160 acres.

(b) In the following legal subdivisions: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 14

T. 2 N. R. 21 E. B. M.

6. Estimated cost of works: \$200.00 (applicant's proportion).

7. Description of works for diversion:

I. Kind of works: dam and ditch.

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.

(c) Size of headgate: Width 3 $\frac{1}{2}$ feet, height 3 feet,

(d) Conduit ditch, width at bottom 4 feet, width at water line 8 feet, depth of water 1 $\frac{1}{2}$ feet. Average grade per mile is 20 feet. Length of conduit is 1 $\frac{1}{2}$ miles, and it crosses the following quarter sections: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 14, T. 2 N. R. 21 E. B. M. (This includes the land to be irrigated) to land described in 5 I (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is already completed.

9. Time required for the complete application of the water to the proposed use is no additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

James S. Oster
Woodside, Idaho.
Applicant.

By.....Daniel Braymer.....Agent.
Muldoon, Elaine Co., Idaho.

Remarks: The point of diversion is the same as that contained in Permit No. 1394 of

Daniel Braymer, Stella Braymer and Benjamin F. Smith and is the same ditch described therein

JONES BUSH, APPL. CO., TACOMA, WASH.

Permit No. 3251

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom it May Concern:

This is to certify that JAMES S. OSTER, of Woodside, County of Nez Perce and State of Idaho, the holder of Permit No. 3251, issued upon Application No. 4573, bearing date of priority of November 15, 1907, authorizing the diversion of 3.2 second feet of the waters of South Fork of Muldoon Creek, County of Blaine, State of Idaho, for irrigation and domestic use, has 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 3.2 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: Southwest quarter of Northeast quarter (SW4 NE4) Northwest quarter of Southeast quarter (NW4 SE4), East Half of Southwest quarter (E2 SW4), Section 14, Township 2 North, Range 21 East of Boise Meridian.

Witness my hand this 4th day of February, A.D. 1908.

Jas. Stephenson, Jr.

State Engineer.

License issued for 32 second feet

P. 265

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2092

WATER RIGHT NUMBER: 37-2092

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES S OSTER
	WOODSIDE, ID

Priority Date: 11/15/1907

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/	to /		
IRRIGATION	/	to /	3.200 CFS	
	<u>Total Diversion:</u>		3.200 CFS	

Location of Point(s) of Diversion

FRIEDMAN CREEK	SW1/4SE1/4	Sec. 12, 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			40.0			40.0		160.0

Total Acres: 160

DOMESTIC same as IRRIGATIONConditions of Approval:

1. LIC. INCORRECTLY DESCRIBES SOURCE AS SOUTH FK. MULDOON CK.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2092

Licensed Date: 5/8/1979
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>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

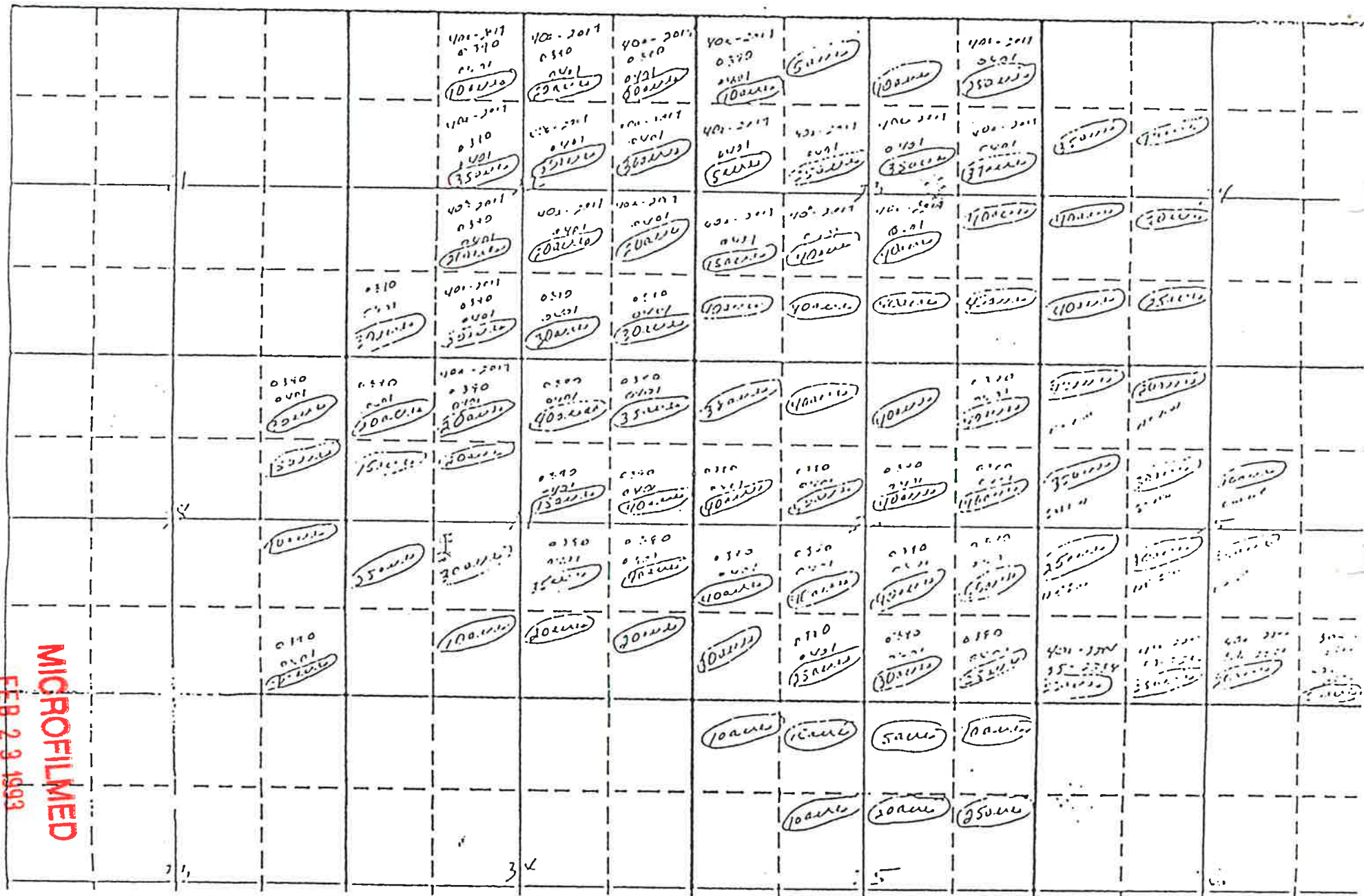
<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

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

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

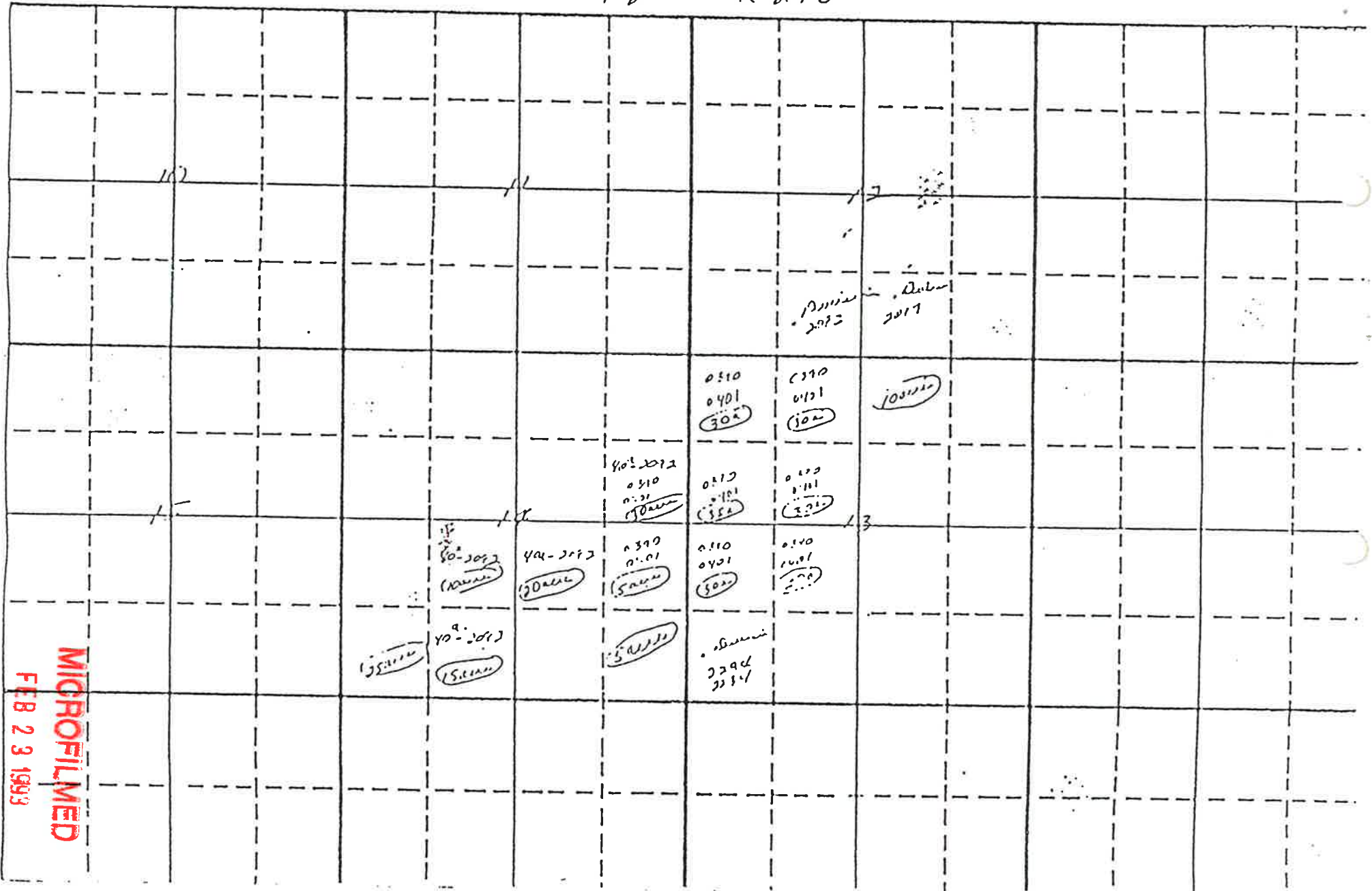
+ 2 N L 21 E



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 R 21 E





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 23 1993