

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 37-2260A
Date Received: 4/25/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FLAT TOP SHEEP CO
PO BOX 88
CAREY ID USA 83320

Phone: (208)481-2252

2. Date of Priority: 02/13/1913

3. Source: FRIEDMAN CREEK , SOUTH FORK MULDOON CREEK Trib. to: MULDOON CREEK SOUTH
FORK, MULDOON CREEK

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.94	

7. Total Quantity Appropriated is:
0.94 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
02N	21E	13	NW	NE	IRRIGATION	10
			NE	NW	IRRIGATION	30
			NW	NW	IRRIGATION	30
			SW	NW	IRRIGATION	35
			SE	NW	IRRIGATION	30
			NE	SW	IRRIGATION	20
			NW	SW	IRRIGATION	30
			Section Acres			
02N	21E	14	SE	NE	IRRIGATION	30
			NE	SW	IRRIGATION	10
			SW	SW	IRRIGATION	25
			SE	SW	IRRIGATION	15
			NE	SE	IRRIGATION	5
			NW	SE	IRRIGATION	20
			SE	SE	IRRIGATION	5
Section Acres					110	
02N	21E	22	NE	NE	IRRIGATION	20
			NW	NE	IRRIGATION	20
			SW	NE	IRRIGATION	30
			SE	NE	IRRIGATION	30
			NE	NW	IRRIGATION	10
			SE	NW	IRRIGATION	35
			NE	SW	IRRIGATION	20
			SW	SW	IRRIGATION	30
			SE	SW	IRRIGATION	20
			NE	SE	IRRIGATION	20
			NW	SE	IRRIGATION	20
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	30
Section Acres					315	
02N	21E	23	NE	NE	IRRIGATION	25
			NW	NE	IRRIGATION	10
			SW	NE	IRRIGATION	35
			SE	NE	IRRIGATION	37
			NE	NW	IRRIGATION	5
			NW	NW	IRRIGATION	10
			SW	NW	IRRIGATION	5
			SE	NW	IRRIGATION	25
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	15
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40

					Section Acres	447
02N	21E	24	SW	NW	IRRIGATION	35
			SE	NW	IRRIGATION	10
			NE	SW	IRRIGATION	30
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	25
					Section Acres	180
02N	21E	25	SW	NE	IRRIGATION	10
			NE	NW	IRRIGATION	20
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	35
			SE	NW	IRRIGATION	30
			NE	SW	IRRIGATION	30
			NW	SW	IRRIGATION	25
			SW	SW	IRRIGATION	25
			SE	SW	IRRIGATION	25
			NW	SE	IRRIGATION	30
			SW	SE	IRRIGATION	20
			SE	SE	IRRIGATION	20
					Section Acres	310
02N	21E	26	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	38
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	30
			SE	SW	IRRIGATION	25
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	25
					Section Acres	588
02N	21E	27	NE	NE	IRRIGATION	35
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	15
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	20
			NW	NW	IRRIGATION	20
			SW	NW	IRRIGATION	15
			SE	NW	IRRIGATION	20
			NE	SW	IRRIGATION	30
			NW	SW	IRRIGATION	25
			SE	SW	IRRIGATION	10
			NE	SE	IRRIGATION	40

			NW	SE	IRRIGATION	35
			SW	SE	IRRIGATION	20
			SE	SE	IRRIGATION	20
					Section Acres	385
02N	21E	28	NE	NE	IRRIGATION	30
			SE	NE	IRRIGATION	15
			NE	SE	IRRIGATION	10
					Section Acres	55
02N	21E	35	NE	NE	IRRIGATION	10
			NW	NE	IRRIGATION	5
			SW	NE	IRRIGATION	20
			SE	NE	IRRIGATION	25
			NE	NW	IRRIGATION	15
			NW	NW	IRRIGATION	10
			SE	NW	IRRIGATION	10
					Section Acres	95
					Total Acres	2670

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:

14. Remarks:

Other water rights used: 37-390 thru 37-401, 37-2092, 37-2234, & 37-2294.

The point of diversion has been transferred through an accomplished transfer which was completed prior to November of 1987.

15. Basis of Claim: License

RECEIVED

APR 20 2006

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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: 37-02260A

Date Received: 4/20/06

Receipt No.: C081022

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

1. Name of Claimant(s): Flat Top Sheep Company Phone: (208) 788-2850
Mailing Address: P.O. Box 88, Carey, Idaho Zip: 83320
2. Date of Priority (Only one (1) per claim): 02/13/1913
3. Source of water supply: South Fork Muldoon Creek which is tributary to Muldoon Creek
Friedman Creek which is tributary to South Fork Muldoon Creek

4. a. Location of existing point of diversion is: Township 02N Range 21E Section 12
SW1/4 of SE1/4, Govt. Lot, E.B.M., County of Blaine

Additional points of diversion if any: Township 02N Range 21EBM Section 14

NE1/4 of SE1/4, Govt. Lot, E.B.M., County of Blaine

- b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____. _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____ divorce

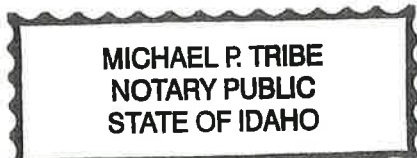
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.):, including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____
Concrete check with headgates to distribution ditches

COPY

- | TWP | Range | SEC | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|-----|-------|-----|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 02N | 21E | 13 | | NWNE | 10 | | | | | | | | | |
| | | | | NENW | 30 | | NWNW | 30 | | SWNW | 35 | | SENW | 30 |
| | | | | NESW | 20 | | NWSW | 30 | | | | | | |
| | | 14 | | SENE | 30 | | | | | | | | | |
| | | | | NESW | 10 | | SWSW | 25 | | SESW | 15 | | | |
| | | | | NESE | 5 | | NWSE | 20 | | SESE | 5 | | | |
| | | 22 | | NENE | 20 | | NWNE | 20 | | SWNE | 30 | | SENE | 30 |
| | | | | NENW | 10 | | SENW | 35 | | | | | | |
| | | | | NESW | 20 | | SWSW | 30 | | SESW | 20 | | | |
| | | | | NESE | 20 | | NWSE | 20 | | SWSE | 30 | | SESE | 30 |
| | | 23 | | NENE | 25 | | NWNE | 10 | | SWNE | 35 | | SENE | 37 |
| | | | | NENW | 5 | | NWNW | 10 | | SWNW | 5 | | SENW | 25 |
| | | | | NESW | 40 | | NWSW | 15 | | SWSW | 40 | | SESW | 40 |
| | | | | NESE | 40 | | NWSE | 40 | | SWSE | 40 | | SESE | 40 |
| | | 24 | | SWNW | 35 | | SENW | 10 | | | | | | |
| | | | | NESW | 30 | | NWSW | 40 | | SWSW | 40 | | SESW | 25 |
| | | 25 | | SWNE | 10 | | | | | | | | | |
| | | | | NENW | 20 | | NWNW | 40 | | SWNW | 35 | | SENW | 30 |
| | | | | NESW | 30 | | NWSW | 25 | | SWSW | 25 | | SESW | 25 |
| | | | | NWSE | 30 | | SWSE | 20 | | SESE | 20 | | | |
| | | 26 | | NENE | 40 | | NWNE | 40 | | SWNE | 40 | | SENE | 40 |
| | | | | NENW | 40 | | NWNW | 38 | | SWNW | 40 | | SENW | 40 |
| | | | | NESW | 40 | | NWSW | 40 | | SWSW | 30 | | SESW | 25 |
| | | | | NESE | 40 | | NWSE | 40 | | SWSE | 30 | | SESE | 25 |

State of Idaho)
) ss.
County of Minidoka)

Subscribed and sworn (or affirmed) before me this 17th day of April, 2006.



Michael P. Tribe
Notary Public, State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 4/5/11

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling and Michael P. Tribe, will be acting as attorneys 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 Michael P. Tribe
Michael P. Tribe

Address LING, ROBINSON & WALKER
P.O. Box 396
Rupert, Idaho 83350

Date April 17, 2006

COPY

BRENT T. ROBINSON
JASON D. WALKER

KELLY ARTHUR ANTHON
MICHAEL P. TRIBE

ROGER D. LING, OF COUNSEL

LING, ROBINSON & WALKER

ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

April 18, 2006

RECEIVED

APR 20 2006
DEPARTMENT OF
WATER RESOURCES

Karl J. Dreher, Director
Idaho Department of Water Resources
The Idaho Water Center
322 E. Front Street
P. O. Box 83720
Boise, ID 83720-0098

RE: **Flat Top Sheep Company claims to water rights;
Licensed Water Right Nos. 37-02260A and 37-02260B**

Dear Mr. Dreher:

Enclosed for filing with IDWR are two (2) *Notices of Claim to a Water Right* for the above-referenced licensed water rights. Also enclosed is our firm's check in the amount of \$100.00 representing \$50.00 for each claim. It is my understanding that, since a Director's Report has not been issued, a *Late Notice of Claim* is not required and that the documents and fees provided should be all that is necessary for filing. Thank you.

Sincerely,

LING, ROBINSON & WALKER



Michael P. Tribe

MPT/jb
encs
pc: Mr. Matt Anders

SCANNED

APR 24 2006

RECEIVED

APR 20 2006

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b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____ 1/4,

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5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.):, including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____
Concrete check with headgates to distribution ditches

Last Name: Flat Top Sheep Company

Ident. No. 37-02260A

- | TWP | Range | SEC | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|-----|-------|-----|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 02N | 21E | 13 | | NWNE | 10 | | | | | | | | | |
| | | | | NENW | 30 | | NWNW | 30 | | SWNW | 35 | | SENW | 30 |
| | | | | NESW | 20 | | NWSW | 30 | | | | | | |
| | | 14 | | SENE | 30 | | | | | | | | | |
| | | | | NESW | 10 | | SWSW | 25 | | SESW | 15 | | | |
| | | | | NESE | 5 | | NWSE | 20 | | SESE | 5 | | | |
| | | 22 | | NENE | 20 | | NWNE | 20 | | SWNE | 30 | | SENE | 30 |
| | | | | NENW | 10 | | SENW | 35 | | | | | | |
| | | | | NESW | 20 | | SWSW | 30 | | SESW | 20 | | | |
| | | | | NESE | 20 | | NWSE | 20 | | SWSE | 30 | | SESE | 30 |
| | | 23 | | NENE | 25 | | NWNE | 10 | | SWNE | 35 | | SENE | 37 |
| | | | | NENW | 5 | | NWNW | 10 | | SWNW | 5 | | SENW | 25 |
| | | | | NESW | 40 | | NWSW | 15 | | SWSW | 40 | | SESW | 40 |
| | | | | NESE | 40 | | NWSE | 40 | | SWSE | 40 | | SESE | 40 |
| | | 24 | | SWNW | 35 | | SENW | 10 | | | | | | |
| | | | | NESW | 30 | | NWSW | 40 | | SWSW | 40 | | SESW | 25 |
| | | 25 | | SWNE | 10 | | | | | | | | | |
| | | | | NENW | 20 | | NWNW | 40 | | SWNW | 35 | | SENW | 30 |
| | | | | NESW | 30 | | NWSW | 25 | | SWSW | 25 | | SESW | 25 |
| | | | | NWSE | 30 | | SWSE | 20 | | SESE | 20 | | | |
| | | 26 | | NENE | 40 | | NWNE | 40 | | SWNE | 40 | | SENE | 40 |
| | | | | NENW | 40 | | NWNW | 38 | | SWNW | 40 | | SENW | 40 |
| | | | | NESW | 40 | | NWSW | 40 | | SWSW | 30 | | SESW | 25 |
| | | | | NESE | 40 | | NWSE | 40 | | SWSE | 30 | | SESE | 25 |

Ident. No. 37-02260A

TWP	Range	SEC	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
		27		NENE	35		NWNE	40		SWNE	15		SENE	40
				NENW	20		NWNW	20		SWNW	15		SENW	20
				NESW	30		NWSW	25		SESW	10			
				NESE	40		NWSE	35		SWSE	20		SESE	20
		28		NENE	30		SENE	15						
				NESE	10									
		35		NENE	10		NWNE	5		SWNE	20		SENE	25
				NENW	15		NWNW	10		SENW	10			

Total number of acres irrigated: 2670

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 ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
37-00390 through 37-00401 and 37-02092, 37-02234 and 37-02294 or None ()
14. Remarks: The point of diversion has been transferred through an accomplished transfer which was completed prior to November of 1987
15. Basis of Claim (check one): Beneficial Use ☐ Posted Notice ☐ License ☒ Permit ☐
Decree ☐
If applicable, provide IDWR Water Right Number.: _____
Court _____ Case No. _____ Decree Date _____
Plaintiff vs. 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 ☒ not wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments: _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am John Peavey, 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.

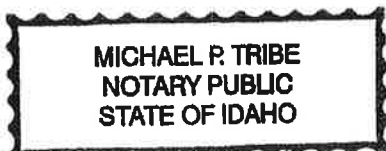
Signature of Authorized Agent John T. Peavey
Title and Organization President, Flat Top Sheep Company Date 4/17/2006

Last Name: Flat Top Sheep Company

Ident. No. 37-02260A

State of Idaho)
) ss.
County of Minidoka)

Subscribed and sworn (or affirmed) before me this 17th day of April, 2006.



Michael P. Tribe
Notary Public, State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 4/5/11

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Michael P. Tribe

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TELEPHONE 436-4717
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Sincerely,

LING, ROBINSON & WALKER



Michael P. Tribe

MPT/jb
encs
pc: Mr. Matt Anders

12/12/2006

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

RIGHT NUMBER: 37-2260A
 NAME AND ADDRESS: FLAT TOP SHEEP CO
 PO BOX 88
 CAREY ID 83320
 SOURCE: FRIEDMAN CREEK TRIBUTARY: SOUTH FORK MULDOON CREEK
 QUANTITY: 0.940 CFS
 PRIORITY DATE: 02/13/1913
 POINT OF DIVERSION:

T02N R21E S12 SESWSE Within BLAINE County
 T02N R21E S14 NENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.940 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

This right is limited to the irrigation of 47 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 - License

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.

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

County: Blaine
Stream: S. Fork Muldoon Cr.
Amount: 47/50 of 1 sec. ft.
Use: Irrigation.
Priority: Feb. 13, 1913.

STATE OF IDAHO

Water License No. 9102

WHEREAS, On the 13th day of February, A. D. 1913, Hattie E. Morgan, of Malad, County of Oneida, and H. A. Scott, of Bellevue, County of Blaine, State of Idaho, duly made application (No. 13749) to me for a permit to use 3.5 cubic feet per second of the waters of the South Fork of Muldoon Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 28th day of February, A. D. 1913, Permit No. 9102 was issued to said applicants for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 28th day of August, A. D. 1913 and for the application to beneficial use of said water on or before the 28th day of December, A. D. 1914, and,

WHEREAS, On the 28th day of August, A. D. 1913, Hattie E. Morgan and H. A. Scott, the holders of said permit, duly made proof of the completion of adequate works for the diversion of 3.5 cubic feet per second of said waters, as evidenced by my Certificate No. 9102, dated September 6th, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.5 cubic feet per second of said water with date of priority of February 13, 1913, and

WHEREAS, On the 28th day of September A. D. 1915, Hattie E. Morgan, the holder of said permit, duly made proof of the application to beneficial use of 47/50 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

Hattie E. Morgan of Malad, County of Oneida, State of Idaho, the holder and owner of said Permit No. 9102, a perpetual right, dating from February 13, 1913, to the use of 47/50 of 1 cubic foot per second of the waters of the 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 near the N.W. corner of the SW4 of SW4, Sec. 13, T. 2 N., R. 21 E. B. M.,

and conducted to and upon 47 acres, as follows: 32 acres in the NW4 of NW4 and 15 acres in the NW4 of SW4, Sec. 25, T. 2 N., R. 21 E. B. M.,

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 or 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 3rd day of November A. D. nineteen hundred and fifteen.

J. H. Smith,

(Seal)

State Engineer.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 14, 2005

Flat Top Sheep Company
P.O. Box 88
Carey, ID 83320

Roger Ling
P.O. Box 396
Rupert, ID 83350

RE: Snake River Basin Adjudication claim 37-4411, 37-2260A, & 37-2260B

Dear Flat Top Sheep Company,

I have completed the initial review of the water right claims that Flat Top Sheep Company has filed for the Snake River Basin Adjudication (SRBA). The draft Place of Use I created for these claims consists of 2,670 acres and is outlined in yellow on the attached copy of a 1992 aerial photograph. If you see errors in the place of use I have identified, please make edits on the map and return it to me.

You stated during the field exam we conducted in July that you are researching statutory claim 37-4411 to determine if you will submit a claim for that water in the SRBA. I have attached the original statutory claim form filed in 1983 and a map of the claimed place of use outlined in red on a copy of a 1992 aerial photograph. Please note that if you decide to file a SRBA claim for 37-4411, you will need to provide evidence that supports the priority date that you claim.

I found two unclaimed licensed rights appurtenant Flat Top Sheep Company land during my review of your SRBA claims. Attached are the licenses for 37-2260A & 37-2260B and a map of the licensed place of use outlined in red on a copy of a 1992 aerial photograph. Please let me know if you plan to claim these rights in the SRBA.

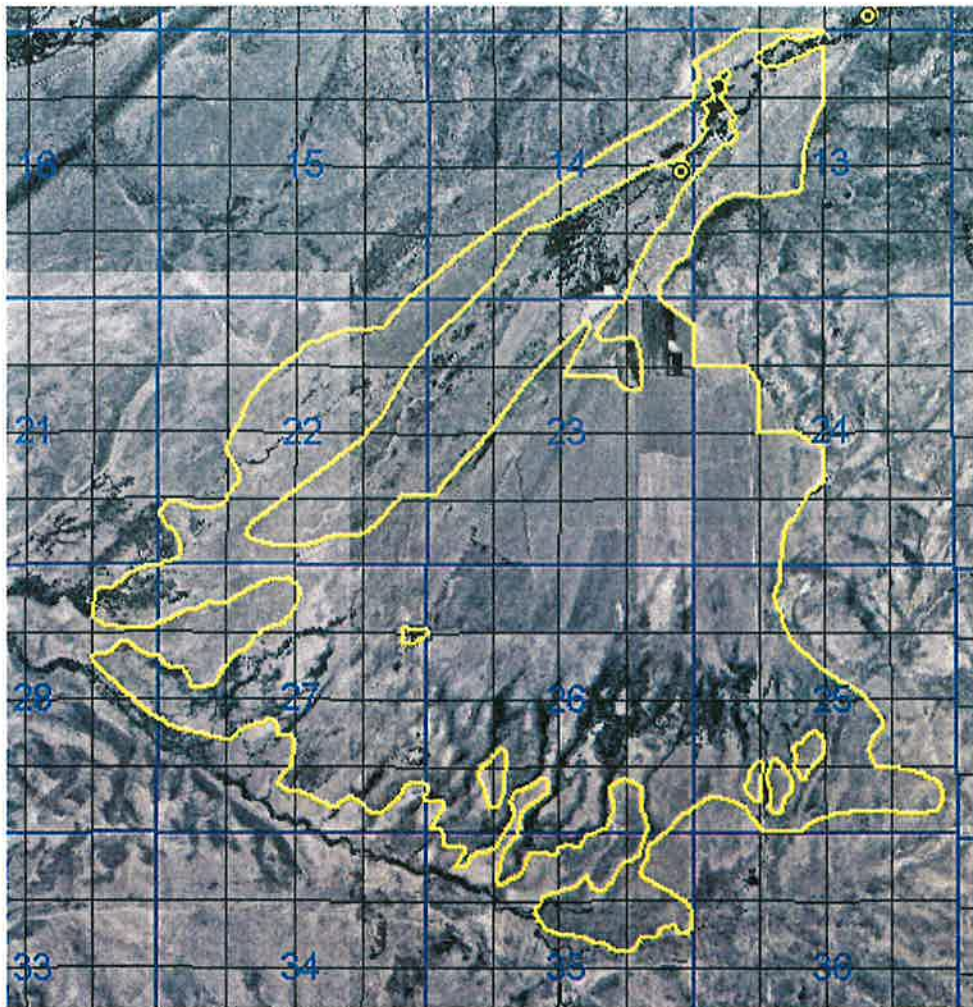
Feel free to contact me at (208) 287-4937 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Matt Anders". The signature is written in a cursive, flowing style.

Matt Anders
GIS Specialist – Snake River Basin Adjudication

Draft Place of Use on 1992 Aerial Photograph
(Place of Use = 2,670 acres)



RECEIVED

Claim No. 37-4411

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern District Office

Department of Water Resources
Western Regional Office

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Flat Top Sheep Co., an Idaho Corporation

(Name of Claimant)

P.O. Box 88 Carey, ID

(Mailing Address)

83320

(Zip Code)

Telephone No. 788-2707

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1961

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

South Fork Muldoon Cr. tributary to Muldoon Cr.

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>22.3 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity	<u>1.0 cfs</u>	Use <u>stockwater</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 23.3 cfs TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 SE 1/4, Sec. 12 Twp. 2N Rge. 21E B.M., County of Blaine

Additional points of diversion: SE 1/4 Sec. 14, Twp. 2N, Rge. 21E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgates and ditches

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	21E	14															40	40	80
		22					40	40			40								120
		23		40			40				40	40	40	40		40	40		280
		24						40		40	40	40	40	40					200
		25			40	40	40		40	40				40	40				280
		26					40	40			40								120
2N	22E	30									35								35

No. of acres 1115

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stockwatering from ditches in each of the places of use listed above

5,000 head range cattle

10,000 head sheep

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: N/A

Other lands in immediate area owned by Applicant are irrigated under right 37-0390 thru 37-0401, 37-2092, 37-2260, 37-2294, 37-2234, 37-2017, 37-2461, and 37-2500.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Ada

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

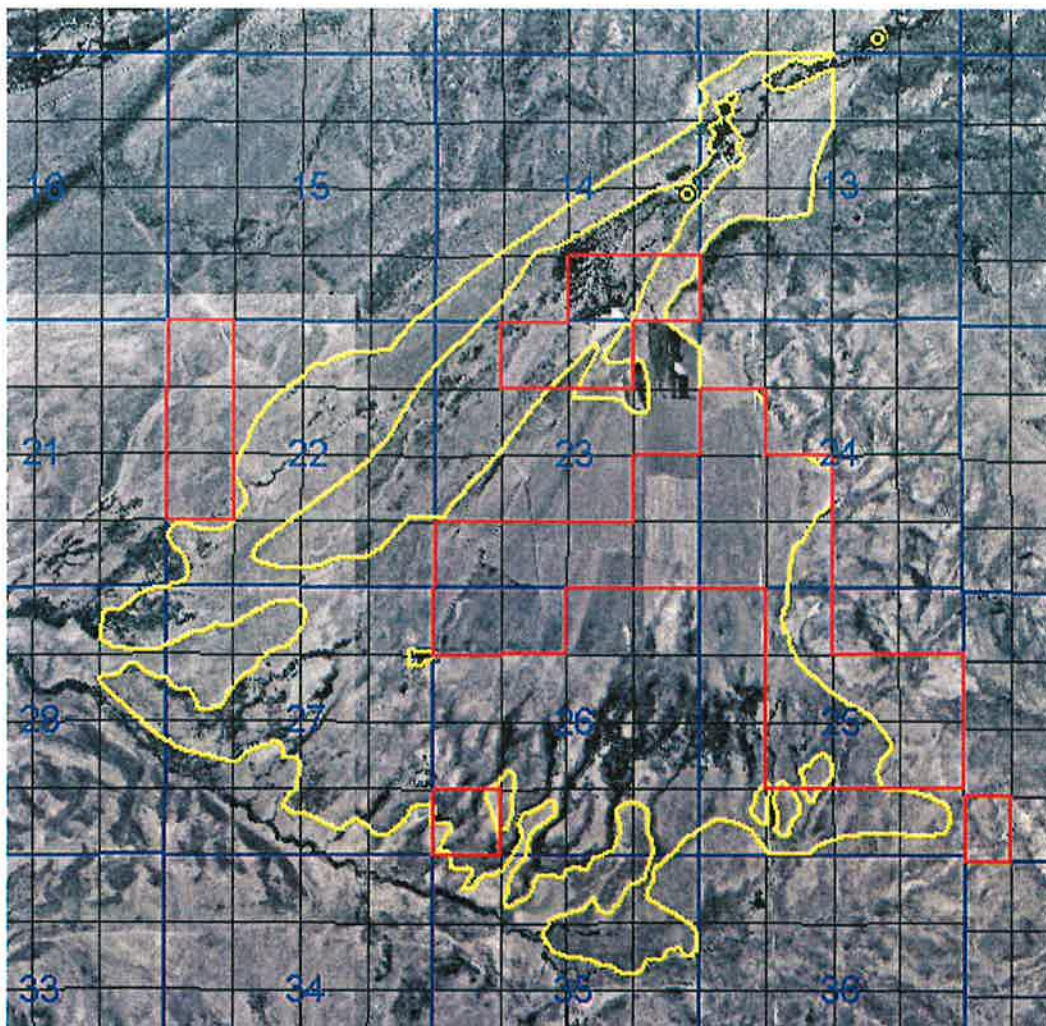
Sworn to before me this 30th day of June, 1983.

(Claimant)
Norman Cyphert
Notary Public
Residing at Boise Idaho

My commission expires 1/1/84

FOR DEPARTMENT USE ONLY
Received by: [Signature] Date: 6/21/83
Prelim. check by: [Signature] Date: 12/22/83
\$30.00 fee received by: [Signature] Date: 1/3/84
Published in: Idaho River Journal
Dated: 2/9/84
Exception filed by: [Signature]
Forwarded to claimant by: [Signature]
Date: 2/1/84

Claimed Place of Use for Statutory Claim 37-4411 on 1992 Aerial Photograph
(yellow line = draft Place of Use for claims already filed)
(red line = claimed Place of Use for 37-4411)



County: Blaine
Stream: S. Fork Muldoon Cr.
Amount: 47/50 of 1 sec. ft.
Use: Irrigation.
Priority: Feb. 13, 1913.

STATE OF IDAHO

Water License No. 9102

WHEREAS, On the 13th day of February, A. D. 1913, Hattie E. Morgan, of Malad, County of Oneida, and H. A. Scott, of Bellevue, County of Blaine, State of Idaho, duly made application (No. 13749) to me for a permit to use 3.5 cubic feet per second of the waters of the South Fork of Muldoon Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 28th day of February, A. D. 1913, Permit No. 9102 was issued to said applicants for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 28th day of August, A. D. 1913 and for the application to beneficial use of said water on or before the 28th day of December, A. D. 1914, and,

WHEREAS, On the 28th day of August, A. D. 1913, Hattie E. Morgan and H. A. Scott, the holders of said permit, duly made proof of the completion of adequate works for the diversion of 3.5 cubic feet per second of said waters, as evidenced by my Certificate No. 9102, dated September 6th, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.5 cubic feet per second of said water with date of priority of February 13, 1913, and

WHEREAS, On the 28th day of September, A. D. 1915, Hattie E. Morgan, the holder of said permit, duly made proof of the application to beneficial use of 47/50 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

Hattie E. Morgan

of Malad, County of Oneida, State of Idaho, the holder and owner of said Permit No. 9102, a perpetual right, dating from February 13, 1913, to the use of 47/50 of 1 cubic foot per second of the waters of the 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 near the N.W. corner of the SW4 of SW4, Sec. 13, T. 2 N., R. 21 E.B.M.,

and conducted to and upon 47 acres, as follows: 32 acres in the NW4 of NW4 and 15 acres in the NW4 of SW4, Sec. 25, T. 2 N., R. 21 E.B.M.,

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 or 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 3rd day of November, A. D. nineteen hundred and fifteen.

J. H. Smith,

State Engineer:

(Seal)

37 2200A

County: Blaine
Stream: S.F. Muldoon Ck.
Amount: 6/10 sec.ft.
Use: Irrigation
Priority: 2-13-1913

STATE OF IDAHO

Water License No. 9102

WHEREAS, On the 13th day of February, A. D. 1913, Hattie E. Morgan, of Malad City, County of Oneida, and H. A. Scott, of Bellevue, County of Blaine, State of Idaho, duly made application (No. 13749) to me for a permit to use 3.2 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 28th day of February, A. D. 1913, Permit No. 9102 was issued to said applicants for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 28th day of August, A. D. 1913, and for the application to beneficial use of said water on or before the 28th day of December, A. D. 1914, and,

WHEREAS, On the 28th day of August, A. D. 1913, Hattie E. Morgan and H. A. Scott, the holders of said permit, duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 9102, dated September 6, 1913, 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 said water, with date of priority of February 13, 1913, and

WHEREAS, On the 7th day of November, A. D. 1914, Hattie E. Morgan, the holder of said permit, duly made proof of the application to beneficial use of 6/10 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

Hattie E. Morgan

of Malad City, County of Oneida, State of Idaho, the holder and owner of said Permit No. 9102, a perpetual right, dating from February 13, 1913, to the use of 6/10 of 1 cubic foot per second of the waters of the 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 near the N.W. Cor. of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 13, T. 2 N., R. 21 E. B. M.

and conducted to and upon 30 $\frac{1}{2}$ acres in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 25, T. 2 N., R. 21 E. B. M.,

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 25th day of January, A. D. nineteen hundred and fifteen.

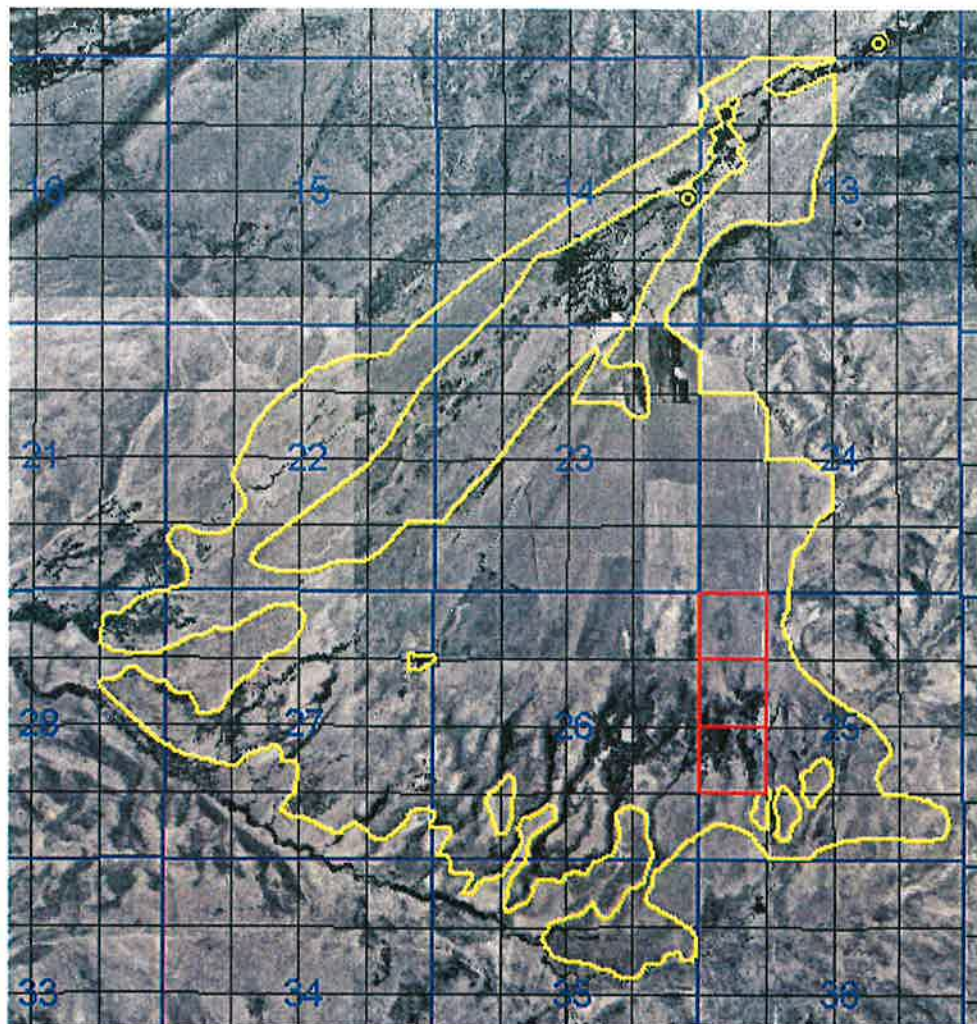
Herbert Wing,

37 2200B

(Seal)

Acting State Engineer.

Licensed Place of Use for 37-2260A & 37-2260B on 1992 Aerial Photograph
(yellow line = draft Place of Use for claims already filed)
(red line = licensed Place of Use for 37-2260A & 37-2260B)



37-2260A + 2260B

M. Aden

4/4/05

- Mike Tribe of Roger King's office called
- plan to claim accomplished transfer for PODs →
now PODs same as other rights.