

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 37-2751
Date Received: 9/27/1988
Receipt No: S002560
Received By:

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

1. Name of Claimant(s)

MULDOON GRAZING ASSN INC
ATT: CHERYL BENNETT
PO BOX 2249
HAILEY ID USA 83333

Phone: (208)788-1710

2. Date of Priority: 10/31/1966

3. Source: Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
03N	21E	26	NW	SW	NE	BLAINE	
03N	21E	35	SE	NE	NW	BLAINE	
03N	21E	26	SE	NE	NE	BLAINE	

5. Description of diverting works:

OPEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	11/01	5.33	915

7. Total Quantity Appropriated is:
5.33 C.F.S. and/or 915 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
----------	-------	---------	--------	---------	-----	-------

03N	21E	26	NE	NE	IRRIGATION	10
			NW	NE	IRRIGATION	35
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	10
			SE	SW	IRRIGATION	5
			NE	SE	IRRIGATION	5
			NW	SE	IRRIGATION	30
			SW	SE	IRRIGATION	30

Section Acres 165

03N	21E	35	SE	NW	IRRIGATION	25
			NE	SW	IRRIGATION	20
			NW	SW	IRRIGATION	5
			NW	NE	IRRIGATION	35
			SW	NE	IRRIGATION	25
			NE	NW	IRRIGATION	20
			SW	SW	IRRIGATION	5
			NW	SE	IRRIGATION	5

Section Acres 140

Total Acres 305

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:

15. Basis of Claim: License

2

COLEMAN, RITCHIE & ROBERTSON

Attorneys at Law
156 2nd Avenue West
P. O. Box 525
Twin Falls, Idaho 83303-0525

RECEIVE

AUG 18 2006

DEPARTMENT OF
WATER RESOURCES

JOHN R. COLEMAN, Retired
JOHN S. RITCHIE
THOMAS M. ROBERTSON
DAVID A. COLEMAN, CHTD.

TELEPHONE (208)734-1224

FAX (208)734-3983
E-MAIL: davidacoleman@msn.com

August 16, 2006

Trish Fawcitt
Idaho Department of Water Resources
1341 Fillmore St. Ste. 200
Twin Falls ID 83301-3380

SCANNED
AUG 17 2006

RECEIVED
AUG 17 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Muldoon Grazing Association, Inc.

Dear Trish:

I am writing to you on behalf of our client, Muldoon Grazing Association, Inc. Yesterday, I spoke with Cory Skinner in regard to water right claims with your office in the name of Muldoon Grazing Association, Inc. Those water right numbers are: 37-11418 and 37-2751.

The current address on the Department's records for these water rights is Box 67, Carey, Idaho, telephone number 208-823-4425. The address needs to be changed to update the current mailing address for Muldoon Grazing Association. Please change the address to PO Box 2249, Hailey, Idaho 83333, attention Cheryl Bennett, telephone number 208-788-1710.

If you have any questions regarding any of this please do not hesitate to contact me.

Sincerely,

DAVID A. COLEMAN

DAC/rs

cc: Mike Stevens



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 17, 2006

MULDOON GRAZING ASSOCIATION INC
C/O CHERYL BENNETT
PO BOX 2249
HAILEY ID 83333

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No #37-11418, #37-2751
Change of Address Notification

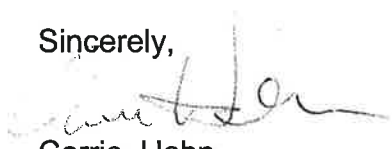
SCANNED
AUG 17 2006

Dear Claimant:

Thank you for notifying us of your change in address on the water right claims referenced above. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,


Carrie Hahn
Clerk

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: A37-02751
Date Received: 9/27/1988
Receipt No: 500 2560
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MULDOON GRAZING ASSN. INC. 208-823-~~4125~~
Address: BOX 67
CAREY, ID 83320

2. Date of Priority: OCT 31, 1966

3. Source: MULDOON CREEK Trib. to: COPPER CREEK
THOMPSON CREEK COPPER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	21E	26	SE	NE	NE		BLAINE
			NW	SW	NE		BLAINE
		35	SE	NE	NW		BLAINE

5. Description of diverting works:
OPEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	11/01	5.330		915.00

7. Total Quantity Appropriated is:
5.330 C.F.S. (and/or) 915.00 A.F.A.

8. Total consumptive use is 763.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	21E	26	NE	NE		IRR	10.0

COPY

MICROFILMED
FEB 23 1993

cheryl
mick
nailey
stevens
788 1710

788
1710

1710

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	21E	26	NW		NE		IRR	35.0
			SW		NE		IRR	40.0
			SE		NE		IRR	10.0
			SE		SW		IRR	5.0
			NE		SE		IRR	5.0
			NW		SE		IRR	30.0
			SW		SE		IRR	30.0
							Section Acres	165.0
		35	NW		NE		IRR	35.0
			SW		NE		IRR	25.0
			NE		NW		IRR	20.0
			SE		NW		IRR	25.0
			NE		SW		IRR	20.0
			NW		SW		IRR	5.0
			SW		SW		IRR	5.0
			NW		SE		IRR	5.0
							Section Acres	140.0
							Total Acres	305.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 33308

COPY

MICROFILMED
FEB 23 1993

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

For Organizations:

I do solemnly swear or affirm that I am Vice Pres. of
Title
Muldoon Grazing Assoc. Inc., that I have signed the foregoing
Organization
document in the space below as Vice Pres. of
Title
Muldoon Grazing Assoc. Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

Roxanne Storey
Signature of Authorized Agent

Vice Pres. Muldoon Grazing Assoc. Inc.
Title and Organization

9-27-88
Date

State of Idaho
County of Twin Falls)
SS.

Subscribed and sworn (or affirmed) before me this 27th day
of September 19 88

Roxanne Storey
Notary Public

Seal

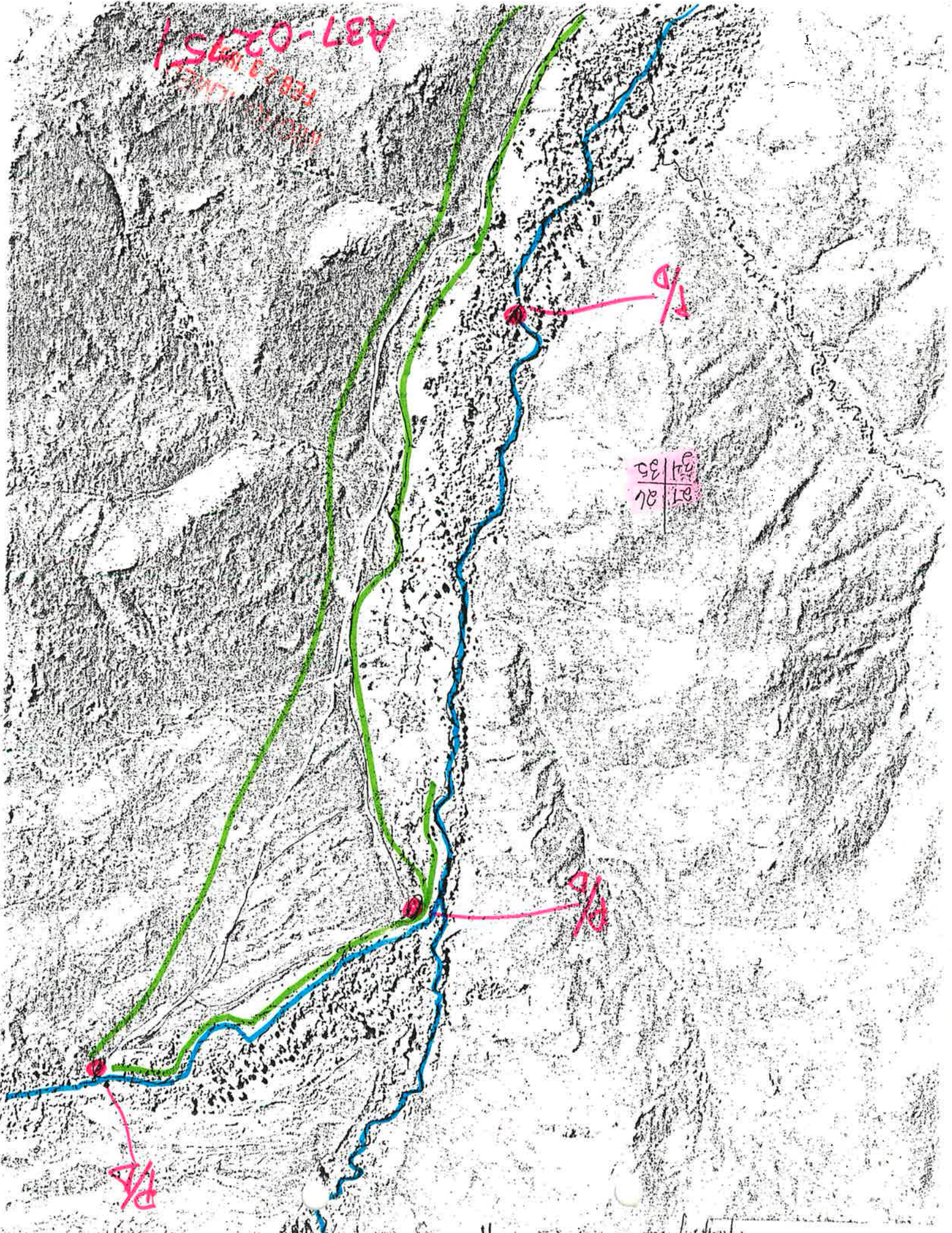
Residing at Buhl, Id
My Commission Expires 6-30-94

COPY

MICROFILMED
FEB 23 1993

A37-02751
FEB 23 1965
MILWAUKEE

21	26
24	35



July 1965

RECEIVED

NOV 15 2007

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

A. Subcase 37-2751

(Insert water right no.)

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Muldoon Grazing Association, Inc.
ATTN: Cheryl Bennett

Address: PO Box 2249
Hailey ID 83333

Daytime Phone: Attorney's Phone (208) 342-4591

Name & Address of Attorney, if any:
Charles L. Honsinger
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Muldoon Grazing Association, Inc.
ATTN: Cheryl Bennett

Address: PO Box 2249
Hailey ID 83333

COPY

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: Muldoon Creek and Thompson Creek - Tributary: Copper Creek
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: as follows:

T3N R21E S26 NENE 10	T3N R21E S26 NWNE35	T3N R21E S26 SWNE 40
T3N R21E S26 SENE 10	T3N R21E S26 SESW 5	T3N R21E S26 NESE 5
T3N R21E S26 NWSE 30	T3N R21E S26 SWSE 30	T3N R21E S35 NWNE35
T3N R21E S35 SWNE 25	T3N R21E S35 NENW 20	T3N R21E S35 SENW 25
T3N R21E S35 NESW 20	T3N R21E S35 NWSW 5	T3N R21E S35 SWSW 5
T3N R21E S35 NWSE 5		

305 Acres total

10. ☐ **I object because:**
☐ This water right should not exist.

- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION (S): This water right has been beneficially used as stated above.

F. VERIFICATION (must be completed)

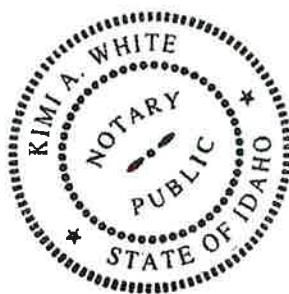
State of Idaho)
) ss.
County of Ada)

Charles L. Honsinger, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Charles L. Honsinger
Charles L. Honsinger

Subscribed and sworn to before me on: November 14, 2007



Kimi A. White
Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 11/14/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 14, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

Name: Muldoon Grazing Association, Inc.
ATTN: Cheryl Bennett

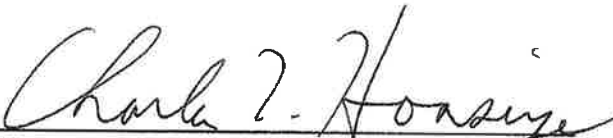
Address: PO Box 2249
Hailey ID 83333

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449


Signature of Objector or attorney
mailing on Objector's behalf

03/31/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2751

NAME AND ADDRESS: MULDOON GRAZING ASSN INC
ATTN CHERYL BENNETT
PO BOX 2249
HAILEY ID 83333

SOURCE: MULDOON CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 5.330 CFS
~~915-AFY~~

PRIORITY DATE: 10/31/1966

POINT OF DIVERSION:

T03N R21E S26 SENENE Within BLAINE County

T03N R21E S26 NWSEW Within BLAINE County

T03N R21E S26 NWSEW Within BLAINE County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

05/01 11/01

5.330 CFS

~~915-00 AFY~~

The use of water for irrigation under this right may begin as early as April 15, provided other elements of the right are not exceeded. The use of water before May 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R21E S26	NENE	<u>0.70</u> ~~1-3~~	T03N R21E S26	NWNE	0.90
T03N R21E S26	SWNE	21.00	T03N R21E S26	SENE	<u>17.00</u> ~~15-0~~
T03N R21E S26	NESW	<u>29.00</u> ~~24-0~~	T03N R21E S26	SESW	<u>28.00</u> ~~20-0~~
T03N R21E S26	NWSE	2.70	<u>T03N R21E S34</u>	NESE	<u>6.60</u>
T03N R21E S34	SESE	<u>28.00</u> ~~0-4~~	T03N R21E S35	NENW	<u>25.00</u> ~~9-4~~
<u>T03N R21E S35</u>	NWNW	<u>4.90</u>	<u>T03N R21E S35</u>	SWNW	<u>17.00</u>
T03N R21E S35	SENE	<u>20.00</u> ~~11-0~~	T03N R21E S35	NESW	<u>1.00</u> ~~0-9~~
T03N R21E S35	NWSW	<u>32.00</u> ~~7-2~~	T03N R21E S35	SWSW	<u>16.00</u> ~~0-2~~

249.8 ~~122~~ ACRES TOTAL

This right is limited to the irrigation of 122 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.

03/31/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

KKC

CERTIFICATE OF SERVICE

I certify that on _____, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Charles L. Honsinger
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, July 07, 2009 8:16 AM
To: Kelly, Vicki
Subject: 37-2751 Muldoon Grazing -- hearing 7-22-2009

This one popped up on my reminder list and it appears that we still have to route an SF-5 for this one. The paperwork should be tied to my 3-31-09 12:30 e-mail.

Have a great day.

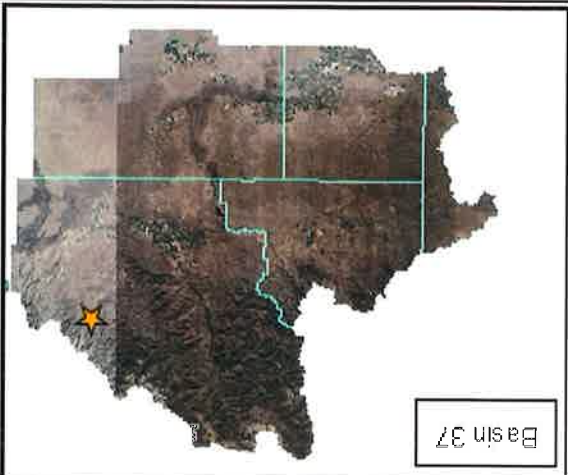
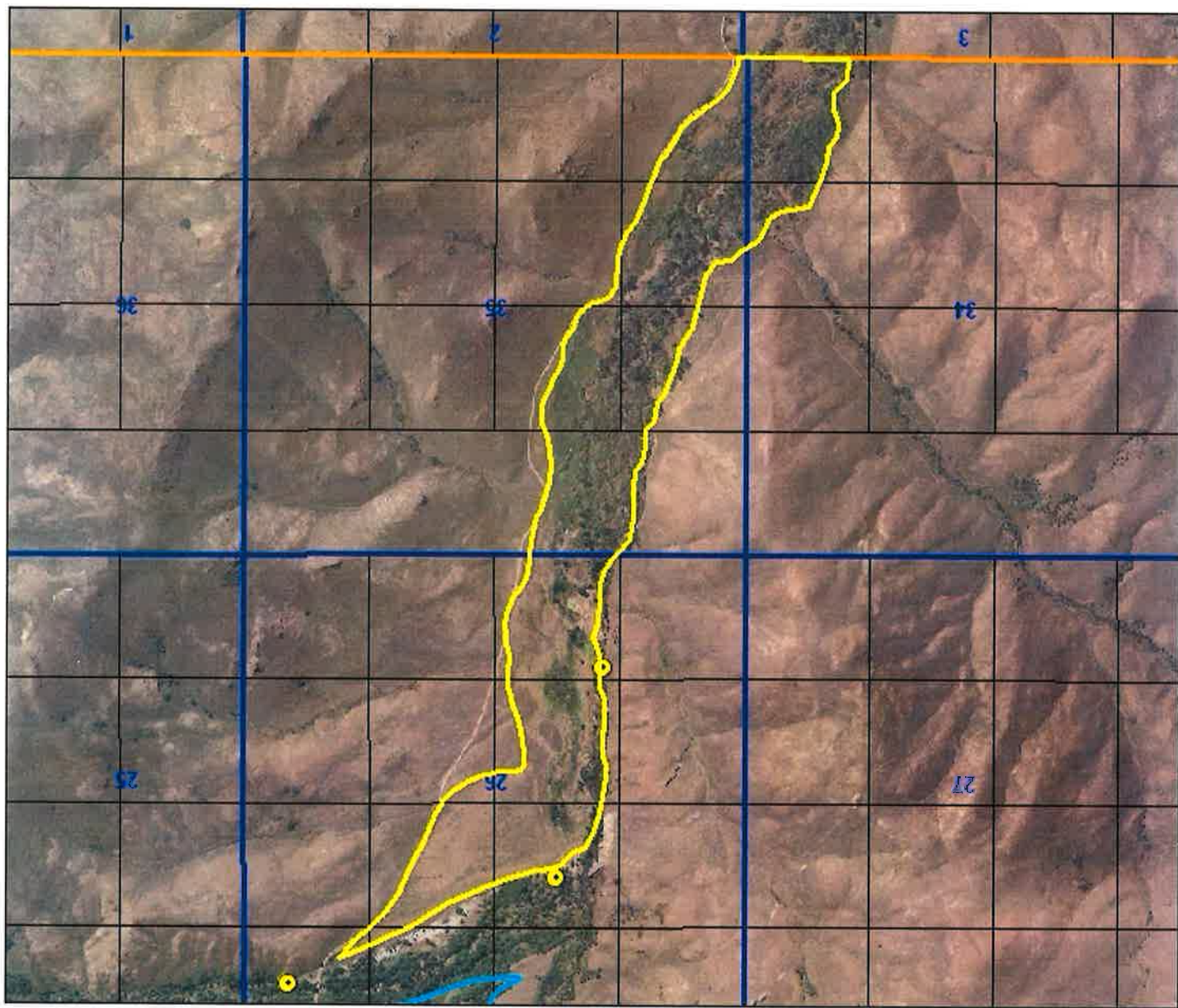
Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Reminder, I will be out from 7-9 thru 7-13. And no I will not be checking my e-mail on those days.

kkc

37 - 11418 } SF-5s Received by court
12390
22104
3-31-09

Idaho Department of Water Resources RECOMMENDED PLACE OF USE FOR 37-2751



LOCATION IN BASIN



GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
BY KELLY K. CHRISTENSEN

Recommended point of diversion
Recommended place of use
Township lines
Section lines
Quarter/quarter lines

PLACE OF USE
TWP 03N, R06 21E, SEC 26, 34, & 35
Data Entry on March 31, 2009

03/31/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-2751

NAME AND ADDRESS: MULDOON GRAZING ASSN INC
ATTN CHERYL BENNETT
PO BOX 2249
HAILEY ID 83333

SOURCE: MULDOON CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 5.330 CFS
~~915 AFY~~

PRIORITY DATE: 10/31/1966

POINT OF DIVERSION:

T03N R21E S26 SENENE Within BLAINE County

T03N R21E S26 NWSENW Within BLAINE County

T03N R21E S26 NWSESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

05/01 11/01

5.330 CFS

~~915.00 AFY~~

The use of water for irrigation under this right may begin as early as April 15, provided other elements of the right are not exceeded. The use of water before May 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R21E S26	NENE	0.70	~~1.3~~	T03N R21E S26	NWNE	0.90
T03N R21E S26	SWNE	21.00		T03N R21E S26	SENW	<u>17.00</u> ~~15.0~~
T03N R21E S26	NESW	<u>29.00</u>	~~24.0~~	T03N R21E S26	SESW	<u>28.00</u> ~~20.0~~
T03N R21E S26	NWSE	2.70		<u>T03N R21E S34</u>	NESE	<u>6.60</u>
T03N R21E S34	SESE	<u>28.00</u>	~~0.4~~	T03N R21E S35	NENW	<u>25.00</u> ~~9.4~~
<u>T03N R21E S35</u>	NWNW	4.90		<u>T03N R21E S35</u>	SWNW	<u>17.00</u>
T03N R21E S35	SENW	<u>20.00</u>	~~11.0~~	T03N R21E S35	NESW	<u>1.00</u> ~~0.9~~
T03N R21E S35	NWSW	<u>32.00</u>	~~7.2~~	T03N R21E S35	SWSW	<u>16.00</u> ~~8.2~~

249.8 ~~122~~ ACRES TOTAL

This right is limited to the irrigation of 122 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 -

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

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

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, March 25, 2009 3:14 PM
To: 'Charlie Honsinger'
Cc: Kelly, Vicki
Subject: 37-2751 preliminary POU for settlement

Attachments: 37-2751 preliminary POU for settlement.doc

Attached is a clip of the recommended area with the quad lines overlaying the aerial photo. I learned a couple of new arc map tricks that I tried out for this document. One of the big differences is that the aerial photo is set for 50% transparency. This mutes the photo and allows the quad lines to be easier to view.

Please look this over and give me your feedback. As there is no defined ditch system the boundary that I drew is somewhat subjective but I feel that it fairly represents what we discussed in the meeting at the State Office.

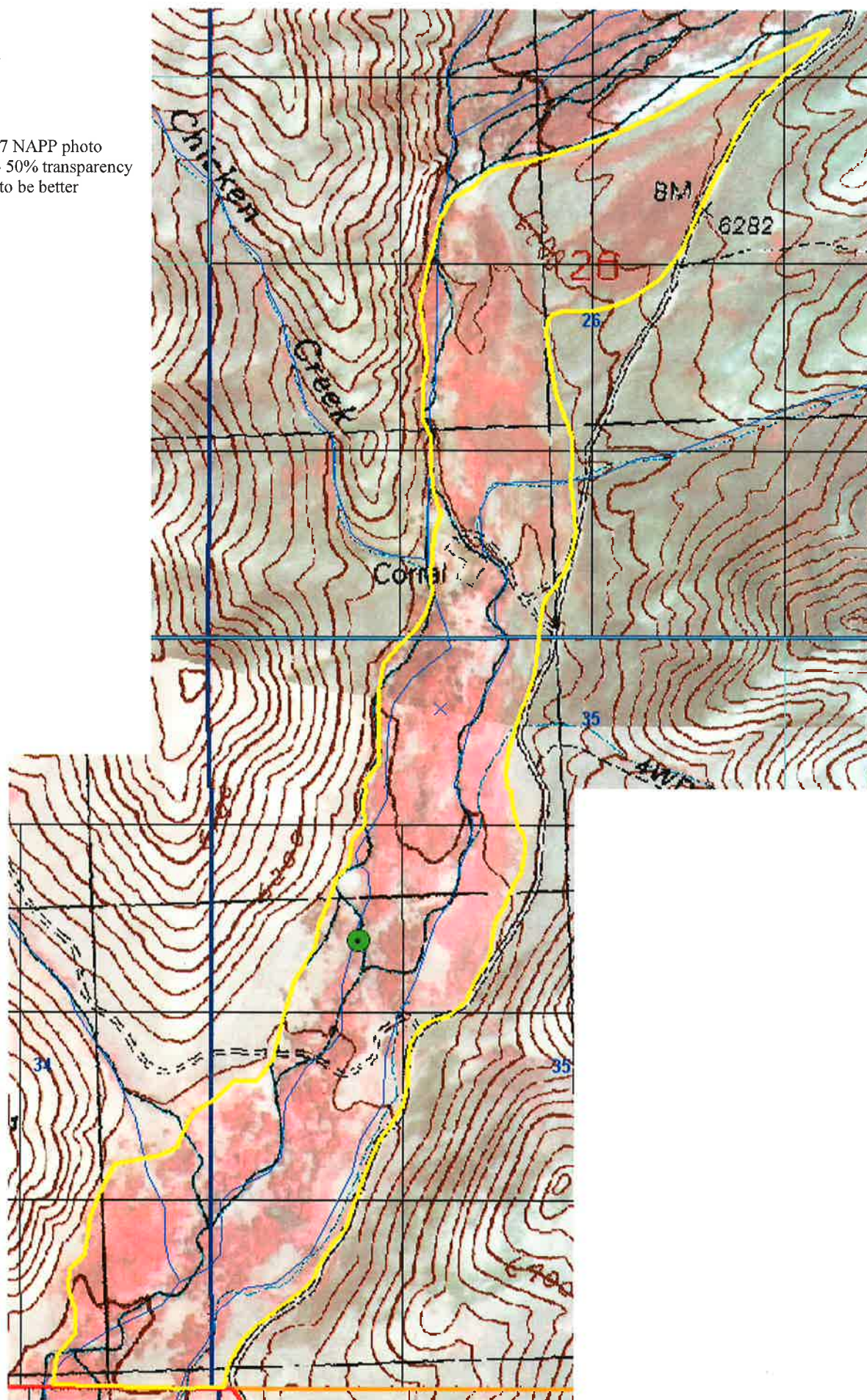


37-2751 preliminary
POU for se...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

37-2751 preliminary POU
Prepared March 25, 2009
By Kelly K Christensen

Quad map overlaying 1987 NAPP photo
The 1987 photo was set to 50% transparency
to allow the contour lines to be better
defined.



12/10/2006

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

RIGHT NUMBER: 37-2751
NAME AND ADDRESS: MULDOON GRAZING ASSN INC
ATT: CHERYL BENNETT
PO BOX 2249
HAILEY ID 83333
SOURCE: MULDOON CREEK TRIBUTARY: LITTLE WOOD RIVER
QUANTITY: 5.330 CFS
915.000 AFY
PRIORITY DATE: 10/31/1966
POINT OF DIVERSION:

T03N R21E S26 SENENE Within BLAINE County
T03N R21E S26 NWSNW Within BLAINE County
T03N R21E S26 NWSSEW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 11/01	5.330 CFS 915.00 AFY

The use of water for irrigation under this right may begin as early as April 15, provided other elements of the right are not exceeded. The use of water before May 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in BLAINE County

T03N R21E S26	NENE	1.30	T03N R21E S26	NWNE	0.90
T03N R21E S26	SWNE	21.00	T03N R21E S26	SENW	15.00
T03N R21E S26	NESW	24.00	T03N R21E S26	SESW	20.00
T03N R21E S26	NWSE	2.70	T03N R21E S34	SESE	0.40
T03N R21E S35	NENW	9.40	T03N R21E S35	SENW	11.00
T03N R21E S35	NESW	0.90	T03N R21E S35	NWSW	7.20
T03N R21E S35	SWSW	8.20			

122 ACRES TOTAL

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 place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

SRBA Recommendation:

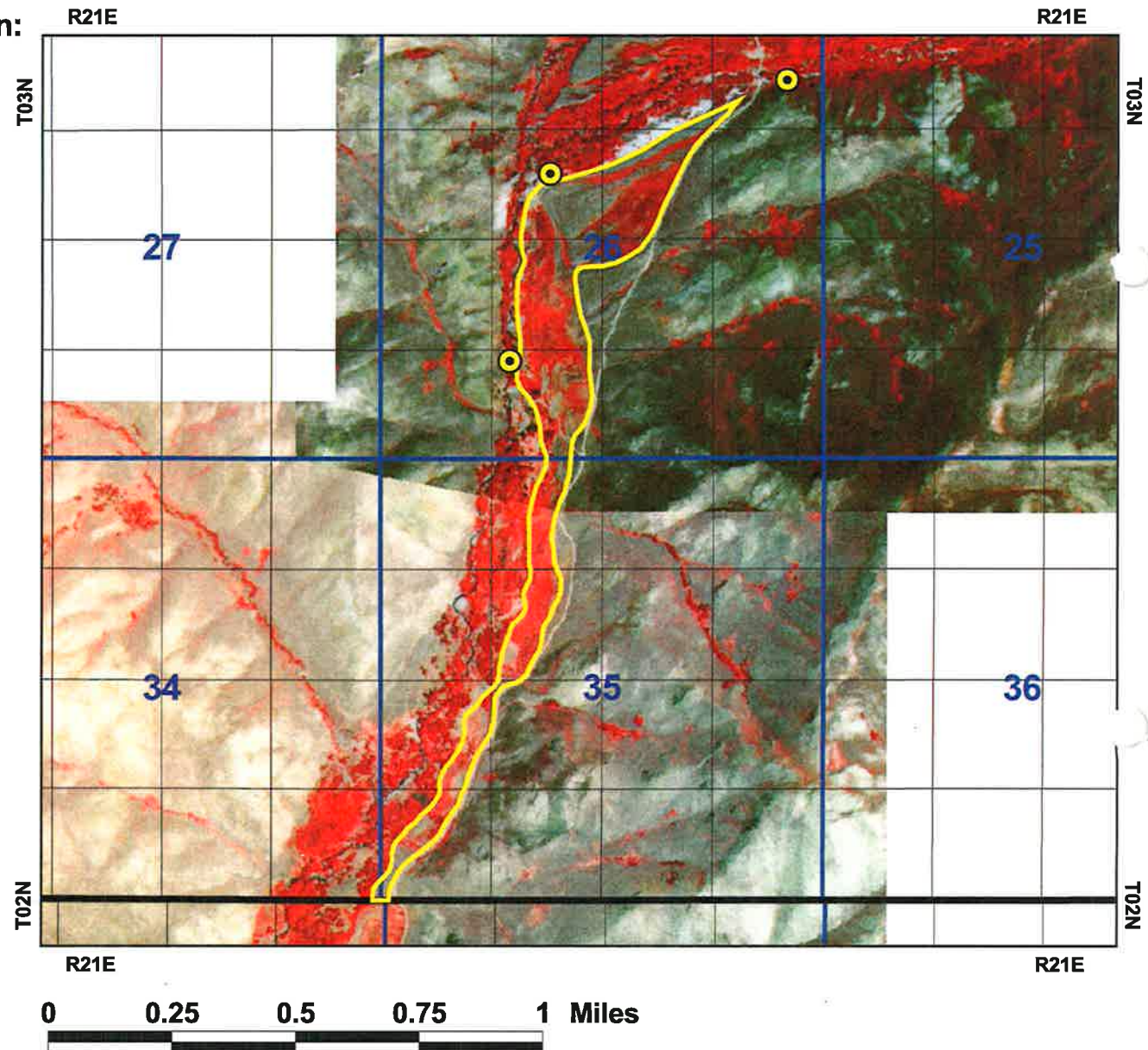
37-2751

Legend

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



Blaine County
IDWR Basin 37



Prepared by M. Anders
On Sunday, December 10, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-2751

Background Data

- Licensed source is Muldoon and Thompson Creek tributary of Copper Creek.
- Licensed for 5.33 cfs on 305 acres.
- Claimed for 5.33 cfs on 305 acres.

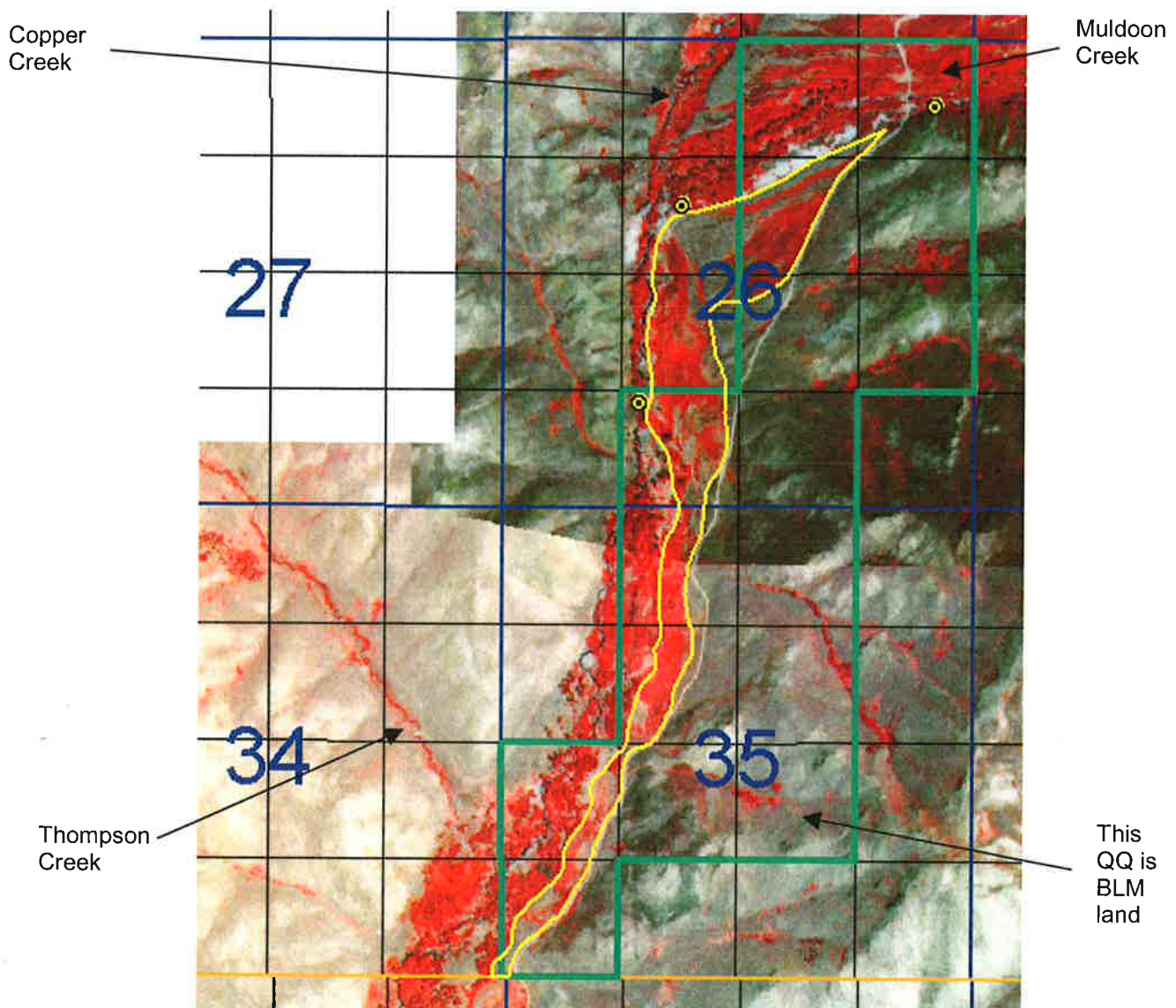
Place Of Use Data

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

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

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

1987 Aerial Photo



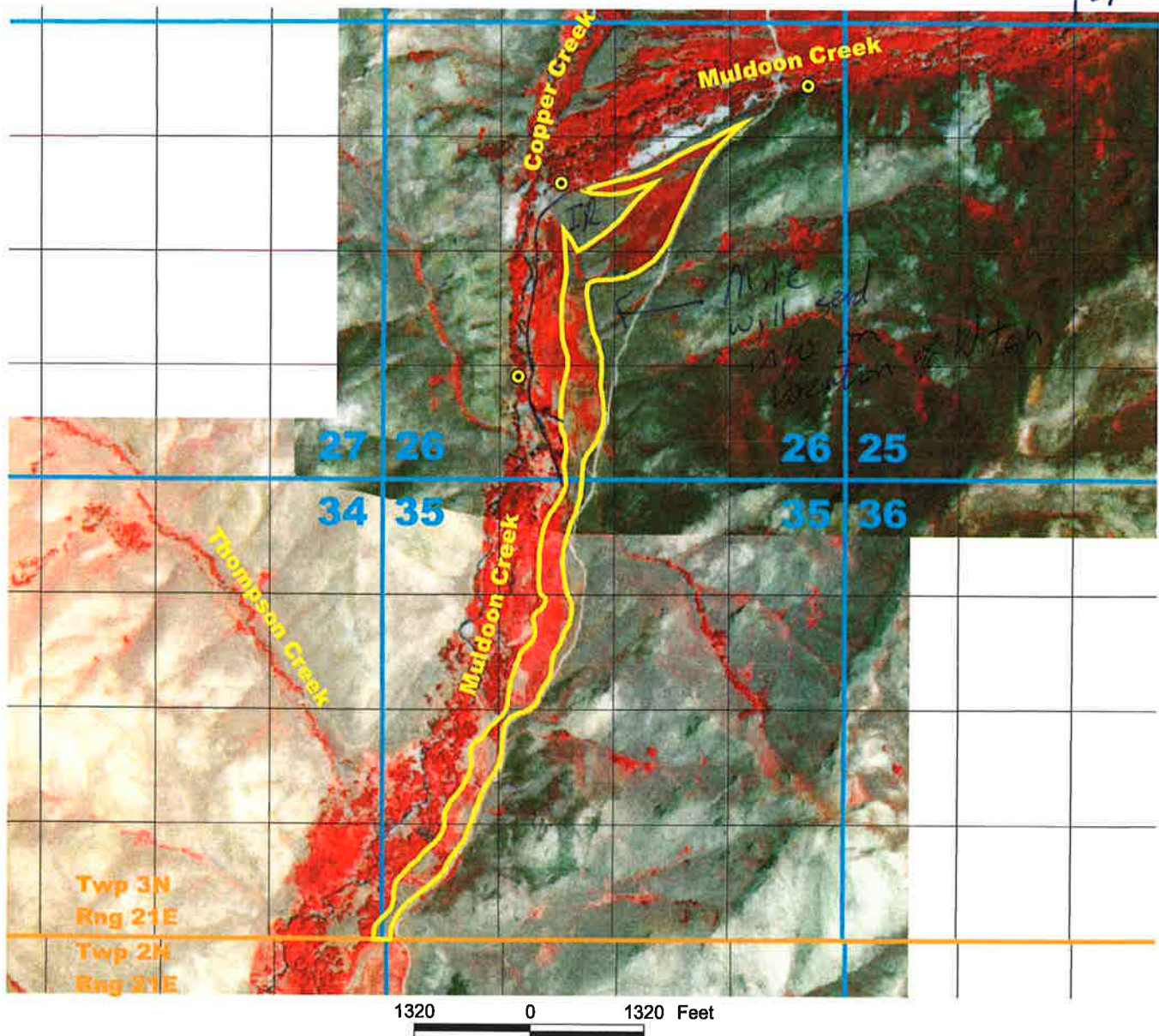
Notes

T3N R21E Sections 26 & 35

- Found 122 acres.
- The licensed POU covers a lot of land that is not irrigated and probably cannot be with flood irrigation such as ridges and hillsides.
- POU and ditches outlined by Lee in field. When they have water they flood irrigate from the ditches. From the eastern ditch the primarily water to the west.
- GPS data for 3 PODs collected by Corey Skinner on 6/24/05. The middle POD (SENW) washed out this year in a flood and will be relocated to (2506512, 1375093 IDTM NAD83). However, this location is on Copper Creek, rather than Muldoon Creek.
- There is no irrigation or diversion system at Thompson Creek, they utilize natural seepage.
- Licensed source is Muldoon and Thompson Creek tributary of Copper Creek. However, 24K Topo indicates that Copper Creek is a tributary to Muldoon Creek.
- Note that NWSE Sec 35 is BLM land, but was included in the license.
- 12/5/06 – Met with Mike Stevens at public meeting in Sun Valley
 - He said more land is irrigated in NW part of draft POU. I agreed to add more land – see map from meeting.
 - He also said more land in NWSE and NESW is irrigated than is shown in draft POU. I said that if he could provide evidence that shows this is under the ditch I would include more land.
 - Land on the north side of Muldoon Creek in SESW and SESE of Section 23 and NENE and NENW of Section 26 was included in the license. However, this land was claimed in 37-11418 as wastewater. Mr. Stevens is going to do some checking with the Petersons to see if this land is actually being irrigated under 37-2751, but was claimed incorrectly.
- It would have been very difficult to irrigate most of the licensed POU from Muldoon Creek, so it appears that the licensed POU had errors. The duty of water for the recommended POU of 122 acres is 0.043 cfs/acre. Decided to recommend licensed diversion rate on irrigated POU because: A) the irrigated POU is roughly the same as the licensed POU, suggesting this is the historical use of this water, and B) 37-1143 was decreed across Muldoon Creek to the north and duty of water was over 0.04 cfs/acre.
- Recommendation:
 - 5.33 cfs for Irrigation of 122 acres.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

RECOMMENDED PLACE OF USE FOR 37-2751

*Mike Skovens
comments
at
public
meeting
12/5/06*

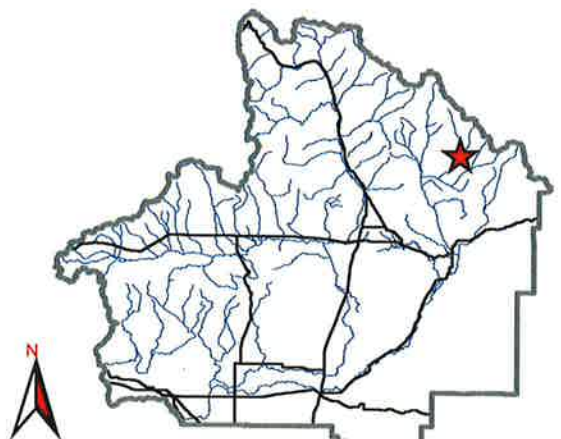


PLACE OF USE
TWP 3N, RNG 21E, SEC 26 & 35
Data entry on July 22, 2005

- ⊙ RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- TOWNSHIP LINES
- SECTION LINES
- QUARTER/QUARTER LINES

★ LOCATION IN BASIN 37

GIS PLACE OF USE PRESENTATION
1987 ORTHO AERIAL PHOTOGRAPHY
DATA ENTRY BY MATT ANDERS



July 22, 2005

Muldoon Grazing Association, Inc.
Box 67
Carey, ID 83320

RE: Snake River Basin Adjudication claims 37-2751 & 37-11418

Dear Muldoon Grazing Association, Inc.,

I have completed reviewing water right claim 37-2751 that you submitted for the Snake River Basin Adjudication. This right was originally licensed for a diversion rate of 5.33 cfs and diversion limit of 915 af for irrigation of 305 acres. A recent field exam, aerial photography (taken in 1987, 1992, & 2004), and the USGS 1:24,000 topographic map collectively indicate that a large portion of this land either cannot or is not being irrigated from Muldoon creek using your current technique of flood irrigation from distribution ditches. I have identified 82 acres that are being irrigated. This right was originally licensed for a diversion rate of 0.017 cfs/acre and diversion limit 3.0 af/acre. The Idaho Department of Water Resources is currently using slightly higher rates for this area. The standard diversion rate is 0.02 cfs/acre and the standard diversion limit is 3.5 af/acre. Based on 82 acres of irrigated land, I plan to recommend a diversion rate of 1.64 cfs and a diversion limit of 280 af for 37-2751.

I have also completed reviewing water right claim 37-11418 that you submitted for the Snake River Basin Adjudication. A recent field exam, aerial photography (taken in 1987, 1992, & 2004), and the USGS 1:24,000 topographic map collectively indicate that 54 acres that are being irrigated using flood irrigation from distribution ditches. Idaho Department of Water Resources is currently using a standard diversion rate is 0.02 cfs/acre and the standard diversion limit is 3.5 af/acre for this area. Based on 54 acres of irrigated land, I plan to recommend a diversion rate of 1.08 cfs and a diversion limit of 189 af for 37-11418.

Feel free to contact me at (208) 287-4937 if you have any questions or would like to discuss my recommendations.

Sincerely,



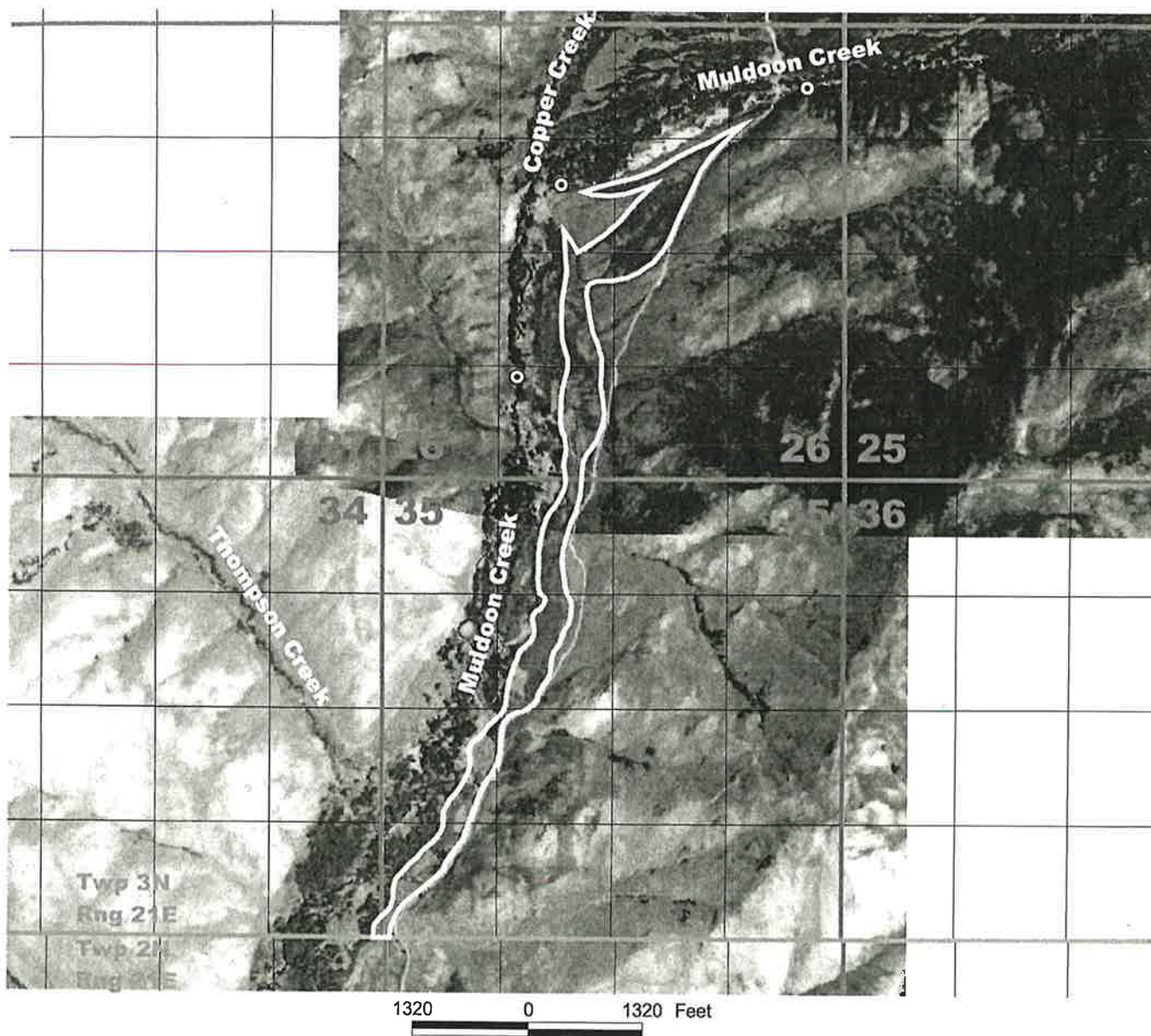
Matt Anders
GIS Specialist – Snake River Basin Adjudication

Draft

Idaho Department of Water Resources

Draft

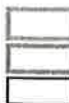
**RECOMMENDED PLACE OF USE FOR
37-2751**



PLACE OF USE
TWP 3N, RNG 21E, SEC 26 & 35
Data entry on July 22, 2005

⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



TOWNSHIP LINES

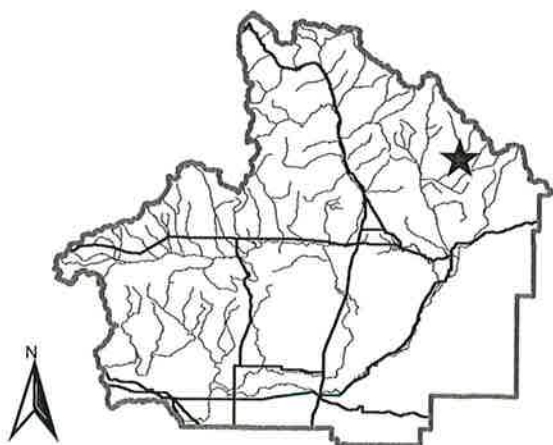
SECTION LINES

QUARTER/QUARTER LINES



★ LOCATION IN BASIN 37

GIS PLACE OF USE PRESENTATION
1987 ORTHO AERIAL PHOTOGRAPHY
DATA ENTRY BY MATT ANDERS



Draft

Adjudication Claim Notes

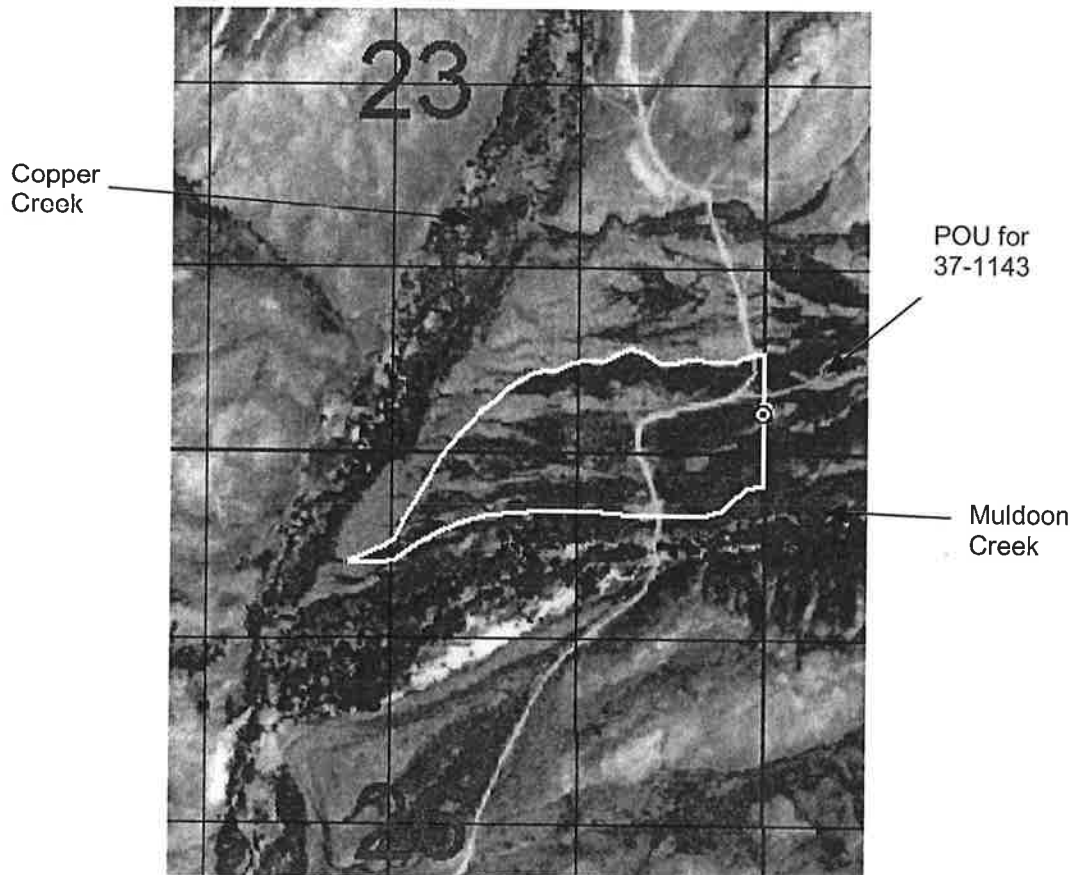
Draft

Claim(s): 37-11418

Place Of Use Data

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

1987 Aerial Photo



8/16/05

Muldoon Grazing Association is composed of 7 shares → According to Mary Peterson

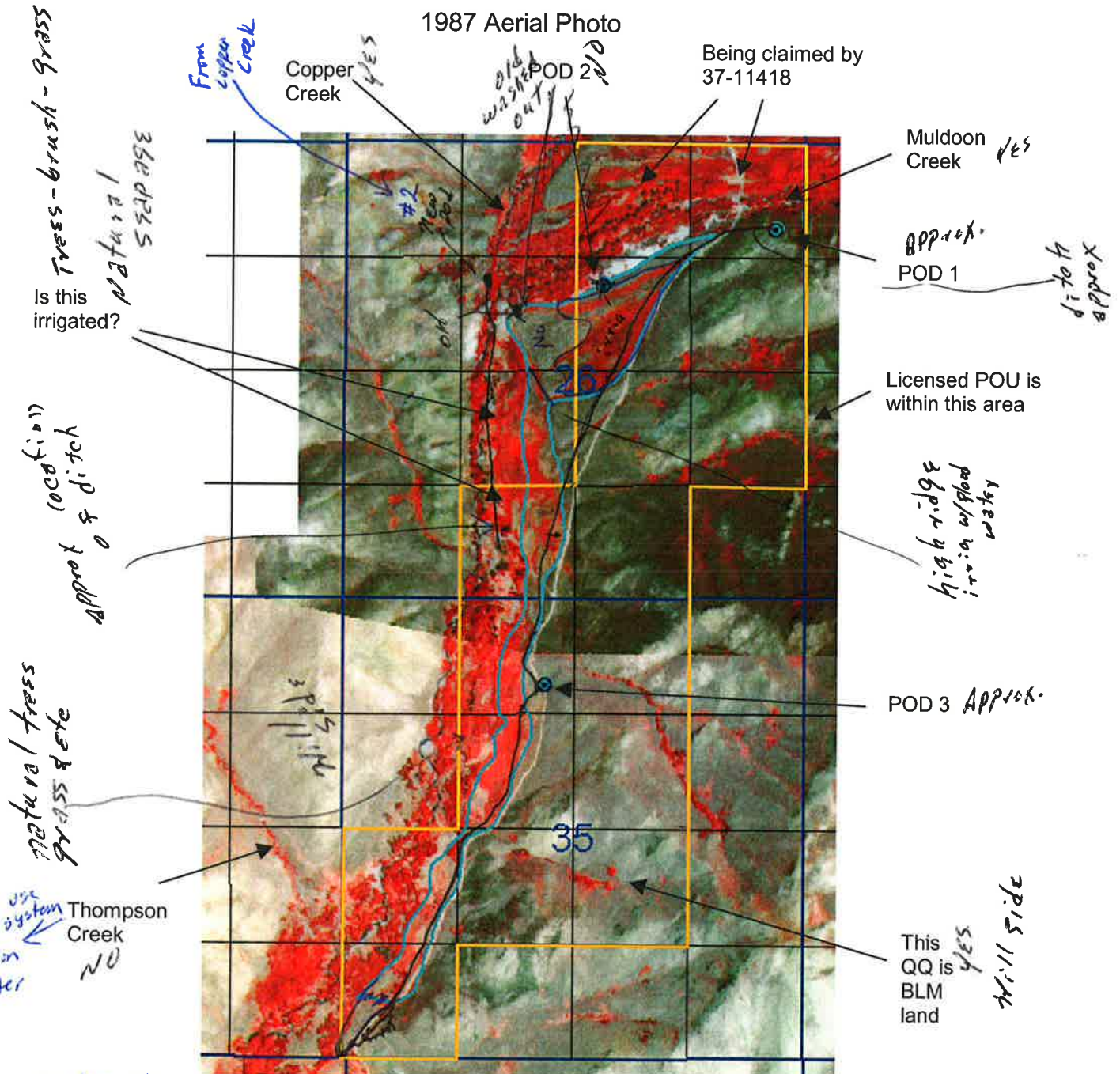
- she said current ownership is 2 shares owned by Guy Peterson & 5 shares owned by Lava Lake Land & Livestock

- Mary said her & Jim Peterson (her husband) used to own shares in Muldoon Grazing Assoc, but they sold them to Lava Lake Land & Livestock a few years ago

area marked
blue looks OK
yellow for approx 305 Ac

- Licensed source is Muldoon and Thompson Creek tributary of Copper Creek.
- Licensed for 5.33 cfs on 305 acres.
- Claimed for 5.33 cfs on 305 acres.
-

Blue line is the draft Place or 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)



- * Flood Irrigate when dry
have water from
ditch towards west

File No.
A37-02751-11418

Owner
Muldoon Grazing Assn. Inc.
Box 67
Carey

Date
6/24/05

I met with Mick Stevens in Hailey this morning to review these two files for water for the grazing assn. File no. 2751 Mick said the blue area looks ok for irrigation and the yellow for owned and the lines for ditches is approx. they do vary quite often when they have spring flooding the ditches and creeks have a way of changing locations like the POD for the middle diversion No. 2 which was washed out this spring and is going to be re-located as per new GPS. See color photo for notes
File 11418 this land is mostly irrigated by flood- seepage and natural springs from land above and up stream , the grayish areas are hill sides and high lands. Mick said he would get a letter for the priority date. This areas are in real need of additional waters due to the gravel and rocky soils thru the whole creek system. The GPS location were made by Corey Skinner 2004

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Upper POD 1 Corey					
Middle POD "washed out					
New GPS	Muldon	1	2506512	1375093	A0016198
Lower POD 3 Corey	muldon				1060620

} for 37-2751

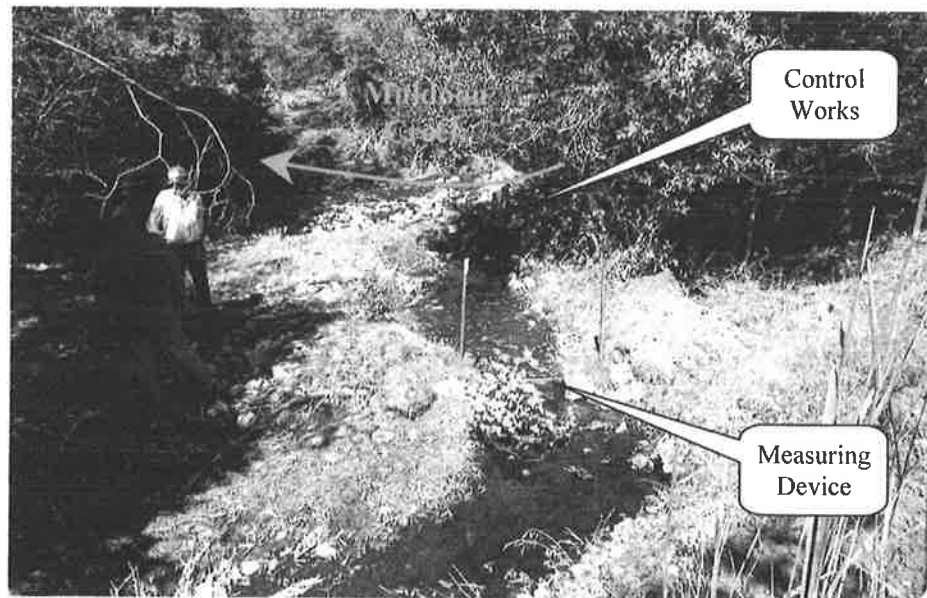
Lee R. Peterson

Muldoon Grazing Assoc. Upper Diversion



ABOVE: View looking down Muldoon Creek with the Muldoon Grazing Association's upper diversion works visible at the head of their ditch.

BELOW: View from hillside looking down towards the Muldoon Grazing Association's upper diversion works and ditch. Note standing water in ditch, but no flow over the measuring device.



Muldoon Grazing Assoc. Upper Diversion



LEFT: View of wooden control works at the head of the ditch.

BELOW: View of wooden measuring device (rectangular weir). Note lack of a metal weir blade, device leaning downstream, and standing water upstream and downstream (possible leakage?).



GPS coordinate location for point of diversion: 2506995, 1374205 (IDTM coordinates NAD83 projection) Legal Description NENE Section 26 (T03N, R21E). Site Tag #A0011847.

Control works consist of wooden gate structure with wooden gate and metal gate stem. Measuring device consists of a 3.0-foot rectangular weir (no metal blade in wood structure). No staff gage was present for the measuring device. The wooden device was leaning and water may have been leaking around device. No flow measurement was made.

Concerns: Durability of wooden control works and measuring device structure? Lack of staff gage and metal weir plate.

**Muldoon Grazing Assoc.
Middle Diversion**

*new GPS
up stream
m*

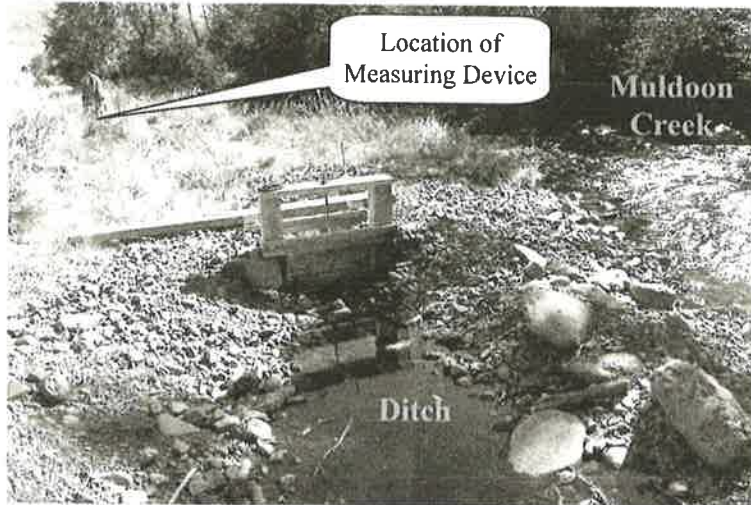


View looking down Muldoon Creek at the head of the Muldoon Grazing Association middle diversion ditch. Note relative height of ditch in relation to the creek, lack of control works, measuring device, and overall appearance that appears to indicate lack of recent use of this diversion.

GPS coordinate location for point of diversion: 2506130, 1373862 (IDTM coordinates NAD83 projection) Legal Description SENW Section 26 (T03N, R21E). No Site Tag # assigned.

Concerns: No control works or measuring device present. Possible lack of use of this particular diversion? Muldoon Grazing Association's SRBA filing, 37-2751 for 5.33 cfs, appears to identify this point of diversion in the SWNE of Section 26 (T03N, R21E).

Muldoon Grazing Assoc. Lower Diversion



LEFT: View looking down Muldoon Creek showing the diversion works for the Muldoon Grazing Association Lower Diversion Ditch.

BELOW: View of wooden measuring device (rectangular weir). Note lack of a metal weir blade, device leaning downstream, and standing water upstream and downstream (possible leakage?).



GPS coordinate location for point of diversion: 2505983, 1373184 (IDTM coordinates NAD83 projection) Legal Description NWSESW Section 26 (T03N, R21E). Site Tag #A0011849.

Control works consist of wooden gate structure with wooden gate and metal gate stem. Measuring device consists of a 3.0-foot rectangular weir (no metal blade in wood structure). No staff gage was present for the measuring device.

Concerns: Durability of wooden control works and measuring device structure? Lack of staff gage and metal weir plate. Muldoon Grazing Association's SRBA filing, 37-2751 for 5.33 cfs, appears to identify this point of diversion in the NENW of Section 35 (T03N, R21E).

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33308/37-2751 Priority Oct. 31, 1966 Amount 5.33 cfs

THIS IS TO CERTIFY, that MULDOON GRAZING ASSOCIATION, INC.
of Carey, Idaho, has complied with the terms and conditions of Permit
No. 33308/37-2751 issued pursuant to Application for Permit dated October 31, 1966
and has submitted proof to the Department of Water Administration on November 12, 1970
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 5.33 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Muldoon Creek & Thompson Creek
tributary of Copper Creek, is hereby confirmed in the following amounts:
Amount 5.33 cfs for Irrigation from May 1 to Nov. 1 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 5.33 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, Twp. 3 N, Rge. 21 E, B.M.

in the county of Blaine; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 915 acre feet per year or _____
3.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3 N	21 E	26	10	35	40	10								5	5	30	30		165
		35		35	25		20			25	20	5	5			5			140

Total number of acres irrigated 305

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19th day of

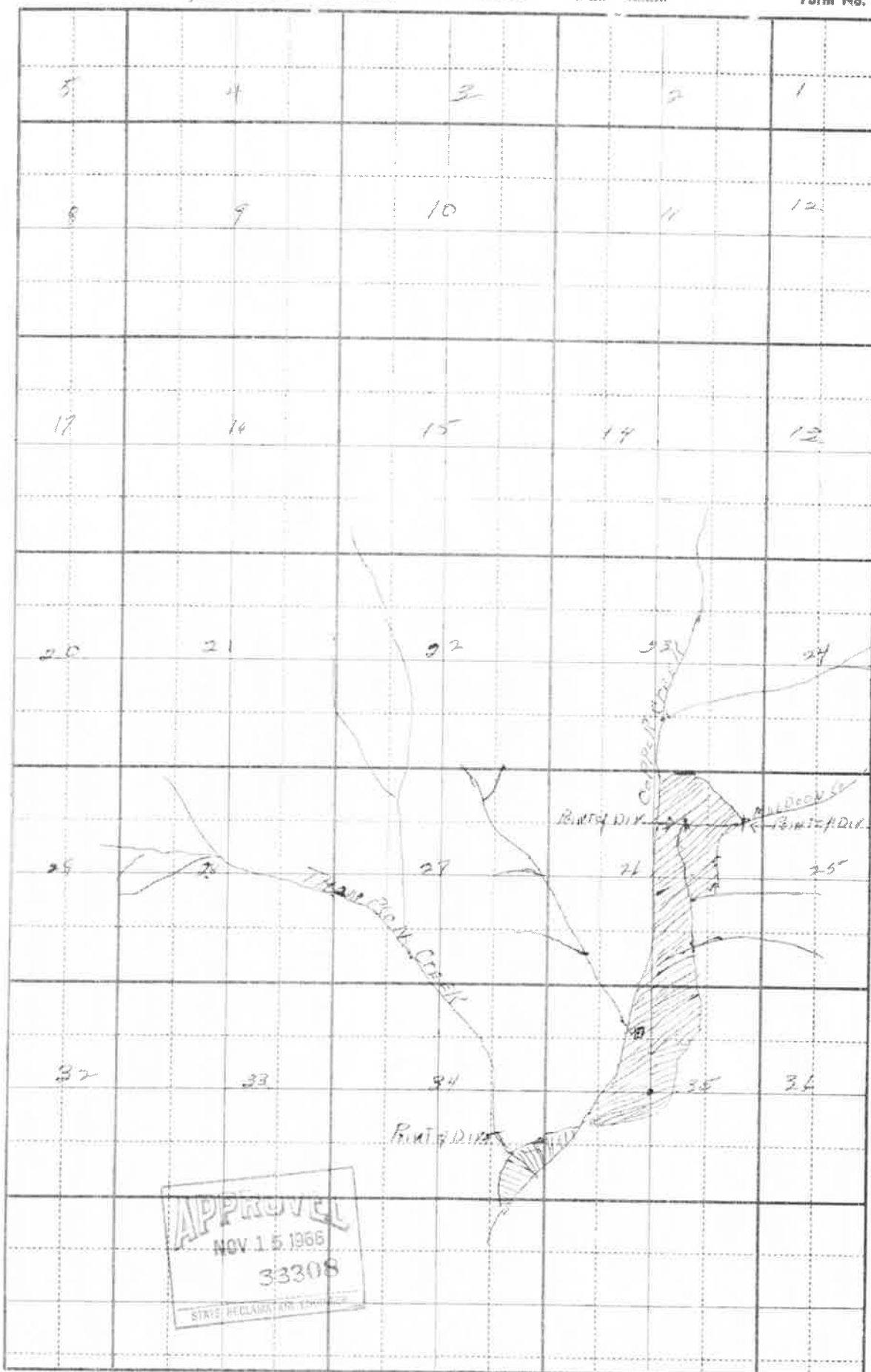
December, 19 72.


Deputy Director

37 2751

NAME OF APPLICANT M. L. DAVIS G. R. ZING R. S. S. S. IN

Form No. 0



SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

33308

271



Diagram of System

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

December 6, 1972

Muldoon Grazing Association, Inc.
Carey,
Idaho 83320

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 33308/37-2751 and has found the following:

Quantity of water diverted: 5.33 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 5.33 cfs

The maximum quantity diverted shall not exceed 915 acre feet per season.

Beneficial use: Irrigation of 305 acres within the NE $\frac{1}{4}$ (95), SE $\frac{1}{4}$ SW $\frac{1}{4}$ (5), N $\frac{1}{4}$ SE $\frac{1}{4}$ (35), SW $\frac{1}{4}$ SE $\frac{1}{4}$ (30), Sec. 26; W $\frac{1}{4}$ NE $\frac{1}{4}$ (60), E $\frac{1}{4}$ NW $\frac{1}{4}$ (45), N $\frac{1}{4}$ SW $\frac{1}{4}$ (25), SW $\frac{1}{4}$ SW $\frac{1}{4}$ (5), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (5), Sec. 35; Twp. 3N, Rge. 21E, B. M.

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, Twp. 3N, Rge. 21E, B. M.

The priority date established is: October 31, 1966

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

37 2751

No. C 36672		Due no later than Aug 31, 2002	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		Annual Report Form 1. Mailing Address (Corrected in 2004 box, if applicable) MULDOON GRAZING ASSOCIATION, INC. V. JAMES PETERSON 201 LITTLEWOOD RESERVOIR RD 90 CARREN PETERSON CAREY, ID 83320 321 N. MAIN	
NO FILING FEE IF RECEIVED BY DUE DATE		2. Registered Agent and Office NO PO BOX W. JAMES PETERSON 201 LITTLEWOOD RESERVOIR RD CARREN PETERSON CAREY, ID 83320 321 N. MAIN	
		3. New Registered Agent Signature Carren Peterson	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.			
Office held	Name	Street or P.O. Address	City State Zip
PRESIDENT	MIKE STEVENS	P.O. BOX 2249	HAILEY IDAHO
VIC. PRESIDENT	GUY PETERSON	P.O. BOX 66	CAREY IDAHO 83320
SECRETARY	CARREN PETERSON	321 NORTH MAIN	CAREY ID 83320
TREASURER			
5. Organized Under the Laws of: IDAHO C 36672		6. Signature: Carren Peterson Date: 6-13-02 Name: CARREN PETERSON Title: SECRETARY	
Issued 06/03/2002		Do Not Tape or Staple	

← Guy's ex
wife

No. C 36672	Due no later than Aug 31, 2001		2. Registered Agent and Office NO PO BOX
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080	Annual Report Form		W JAMES PETERSON 201 LITTLE WOOD RESERVOIR RC
NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address. Correct in this box, if applicable. MULDOON GRAZING ASSOCIATION, INC. W JAMES PETERSON 201 LITTLE WOOD RESERVOIR RD CAREY, ID 83320		CAREY, ID 83320
			3. Now Registered Agent Signature
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.			
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u> <u>State</u> <u>Zip</u>
president	James Peterson Sr.	201 Little Wood Reservoir Rd	Carey, Id 83320
vice president	James Peterson Jr.	Box 295	Carey, Id 83320
secretary	Carren Peterson		Carey, Id 83320
	Mary Peterson	Director	Carey, Id 83320
	Director	Brian Bean	
5. Organized Under the Laws of:		6. Signature <u>James Peterson Sr.</u> Date <u>6-9-2001</u>	
IDAHO C 36672		Name (typed or printed) <u>JAMES PETERSON</u> Title <u>president</u>	
Issued 06/01/2001		Do Not Tape or Staple 1063	

INSTRUCTIONS ON REVERSE SIDE

No. 16572	Idaho Corporation Annual Report Form		2. Registered Agent and Office	
Return To Secretary of State Room 203, Statehouse BOISE, ID 83720	Due No Later Than November <u>1, 1988</u>		W. JAMES PETERSON	
SEC. OF STATE	1. Mailing Address — Please Correct <u>036672</u>		BOX 67	
88 JUL 11 AM 11 19	MULDOON GRAZING ASSOCIATION, INC		CAREY, IDAHO	
	W. JAMES PETERSON		83320	
	BOX 67		3. Incorporated Under The Laws	
	CAREY IDAHO		of	
	83320		STATE OF IDAHO	
4. Names and Addresses of Officers and Directors				
	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u> <u>Zip</u>
President:	James Peterson sr.	Box 67	Carey	Id 83320
Secretary:	Cherren Peterson		Hagerman	Id 83332
Directors:	Guy Peterson		Carey	Id 83320
	James Peterson jr.	Box 245	Carey	Id 83320
	Pete Amann		Carey	Id 83320
5. Nature of Business				
Livestock ranching				
6. I certify that this Annual Report has been examined by me and is to the best of my knowledge true, correct and complete.				
Signature <u>James Peterson sr.</u>		Date <u>7-8-88</u>		
Name <u>James Peterson sr.</u>		Title <u>president</u>		