

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 37-12390
Date Received: 12/20/1988
Receipt No: C004213
Received By:

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

1. Name of Claimant(s)

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

Phone: (208)788-1710

2. Date of Priority: 05/01/1959

3. Source: DEEP GULCH CREEK Trib. to: COPPER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	21E	14	NE SW NE	BLAINE	

5. Description of diverting works:

SMALL DIVERSION INTO CREEK TO CARRY WATER INTO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.05	

7. Total Quantity Appropriated is:
0.05 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
03N	21E	14	SW NE	IRRIGATION	5
			NW SE	IRRIGATION	10
			SW SE	IRRIGATION	5

Section Acres 20

Total Acres 20

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:

1/11/07 - Change of Ownership to Muldoon Grazing Association, Inc.

15. Basis of Claim: Beneficial Use

Muldoon Grazing Association, Inc.

P.O. Box 2249
Hailey, Idaho 83333
Tel : 208-788-1710
Fax : 208-788-1264

RECEIVED

JAN 08 2007

DEPARTMENT OF
WATER RESOURCES

37-12390

37-22103

37-22104

37-22107

37-22108

January 5, 2007

Matt Anders
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720

Dear Matt:

I am submitting 6 claims for stockwater rights on property owned by Muldoon Grazing Association, Inc. ("MGA").

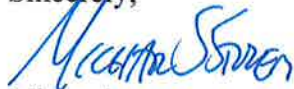
I have also enclosed a copy of the warranty deed for MGA's property so that you may make the necessary changes to the irrigation water right claims filed by Guy Peterson for deeded lands owned by MGA.

Please notify me if you anticipate not being able to prepare Director's Reports on these claims by the January 23rd deadline.

Please call me at 208-788-1710 if you have any questions or comments.

Thank you very much for your generous assistance on these matters.

Sincerely,



Michael S. Stevens
President
Muldoon Grazing Association, Inc.

SCANNED

JAN 16 2007

RECEIVED

JAN 8 2007

DEPARTMENT OF
WATER RESOURCES

(22.75 I.R.S.)
(Affixed and)
(Cancelled)

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the Grantors do hereby covenant to and with the said Grantees, that they - - the owners in fee simple of said premises; that they are free from all incumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: - - -

John Russell Bolliger

Gwen B. Kipper

STATE OF WASHINGTON, COUNTY OF BENTON

On this 8 day of June, 1966, before me, a notary public in and for said State, personally appeared JOHN RUSSELL BOLLIGER known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

(SEAL)

T. H. Loyd
Notary Public
Residing at Kennewick, WASHINGTON
Comm. Expires 12/27/69

ACKNOWLEDGMENT

STATE OF WASHINGTON)
)
County of KING) ss.

On this 5th day of June, 1966, before me, Genny A. Tenny, a Notary Public, in and for said State, personally appeared GWEN B. KIPPER known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal on the day and year in this certificate above written.

(SEAL)

Genny A. Tenny
Notary Public, Residing at Bellevue

Filed for record at the request of Sawtooth Title Company at 4:05 o'clock P. M., June 20, 1966.

George F. McCoy, Ex-Officio Recorder

By Goldie Ellinger, Deputy

No. 124330

WARRANTY DEED

FRED M. LAIDLAW, INC., A CORP. TO MULDOON GRAZING ASS'N. INC., A CORP. *

For Value Received FRED M. LAIDLAW, INC., a corporation Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto MULDOON GRAZING ASSOCIATION, INC., a corporation Hereinafter called the Grantee, the following described premises situated in Twin Falls County, Idaho, to-wit:

Township 3 North, Range 21 E., B.M.

Section 14: W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Section 24: Lot 2

Section 23: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 22: SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 25: S $\frac{1}{2}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ / SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 26: All

Section 27: W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$

Section 28: N $\frac{1}{2}$ SE $\frac{1}{4}$

Section 29: SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 34: E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 35: W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$

RECORDED

JAN 16 2007

Township 3 North, Range 22 E., B.M.

Section 19: SE¹/₄SE¹/₄

Section 30: Lot 1, NE¹/₄NW¹/₄

Together with 3420 AUM's Federal Range use in Shoshone Grazing district #5 in Wildhorse, Laidlaw Park, Kimama and Muldoon Units; National Forest Allotments in the Hailey Ranger District known as Copper Creek, Pot Creek and Muldoon Canyon Ranges; 385 shares of East side Grazing Association Stock.

(\$165.00 I.R.S.)
(Affixed and)
(Cancelled)

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 18, 1966

Fred M. Laidlaw, INC.

Mary E. Laidlaw
Secretary

Fred M. Laidlaw
President

STATE OF IDAHO, COUNTY OF TWIN FALLS

On this 18th day of April, 1966, before me, a notary public in and for said State, personally appeared Fred M. LAIDLAW, President of FRED M. LAIDLAW INC. The corporation that executed the within instrument known to me to be the person whose name - - subscribed to the within instrument, and acknowledged to me that he executed the same. for and on behalf of said corporation.

(SEAL)

H. F. LeMoyné
Notary Public
Residing at Twin Falls, Idaho.

Filed for record at the request of Farmers Home Administration at 1:40 o'clock P. M., June 21, 1966.

George F. McCoy, Ex-Officio Recorder

By Goldie Ellinger, Deputy

No. 124932

CORPORATION WARRANTY DEED
CONVEYANCE OF CONDOMINIUM

JANSS CORPORATION, A CORP. TO LODGE APARTMENT OWNERS ASSOCIATION, INC.

THIS INDENTURE, made this 13th day of June 1966, between Janss Corporation, a corporation duly organized and existing under the laws of the State of Delaware, and having its principal offices in Idaho at Sun Valley, in the County of Blaine, Party of the First Part, and Lodge Apartment Owners' Association, Inc., a corporation duly organized and existing under the laws of the State of Idaho, and having its principal offices in Idaho at Sun Valley, in the county of Blaine State of Idaho, Party of the Second Part,

WITNESSETH:

That the said party of the first part, having been hereunto duly authorized by resolution of its Board of Directors, has granted, bargained and sold, and by these presents does grant, bargain, sell convey and confirm unto the said party of the second part, and to its successors, and assigns forever, all described the following real estate situated in the Village of Sun Valley, County of Blaine, State of Idaho, to-wit:

November 10, 2005

RECEIVED
NOV 14 2005

Department of Water Resources
Southern Region

Nick Treasure
Dept. Of Water Resources
1341 Fillmore St. Suite 200
Twin Falls, ID. 83301

RE: Evidence for Snake River Adjudication claim # 37-21607

Dear Mr. Treasure,

In regards to your request for evidence of my claim 37-21607, I state that the priority date is correct as verified by the present watermaster, James Peterson. His father, D.F. Peterson, was the watermaster until his death in the early sixties and Jim has been watermaster ever since. Jim has lived in this area all his life and will confirm that the priority date and usage is correct.

Sincerely,



Guy Peterson

I, James Peterson Sr., Watermaster for District 37- Muldoon, verify that I have been watermaster since 1964 and am presently watermaster. The priority date and usage for claim 37-21607 are correct.

James Peterson, Sr.



SCANNED

JAN 16 2007

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: A37-12390

Date Received: 10/27/1988

Receipt No: C004313 *lao*

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GUY D. PETERSON 208-788-4644
Address: MULDOON VIA
CAREY, ID 83320

2. Date of Priority: MAY 01, 1959

3. Source: DEEP GULCH CREEK Trib. to: COPPER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	21E	14	NE	SW	NE		BLAINE

5. Description of diverting works:
SMALL DIVERSION INTO CREEK TO CARRY WATER INTO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.050		

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

8. Total consumptive use is 50.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	21E	14	SW	NE		IRR	5.0
			NW	SE		IRR	10.0
			SW	SE		IRR	5.0
						Section Acres	20.0

A37-12390

Page 1

Date: 02/15/89

MICROFILMED
FEB 26 1993

10. Place of Use: Continued

Total Acres 20.0

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: BENEFICIAL USE

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

DATA ENTRY Lat 2-16-89IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A31-12390Date Received 10-27-88Receipt Number COO 4213

RECEIVED

OCT 1 1988

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Guy D. Peterson Phone (208) 788-4644Mailing Address Muldoon via Carey Id. Zip 833202. Date of Priority (Only one (1) per claim) May 1, 19593. Source of water supply (a) Deep Gulch Creek
which is tributary to (b) Copper Creek - Little Wood River4. a. Location of existing point of diversion is: Township 3 N Range 21 E Section 14,
NE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Blaine

Additional points of diversion if any: _____

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 _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

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.Small diversion into creek
to Carey the water into a small irrigating ditch.

COPY

MICROFILMED

FEB 26 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 0.05 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.05 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	21E	14			5											10	5		20

Total number of acres irrigated 20

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 X 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.
_____ or None ()

14. Remarks:

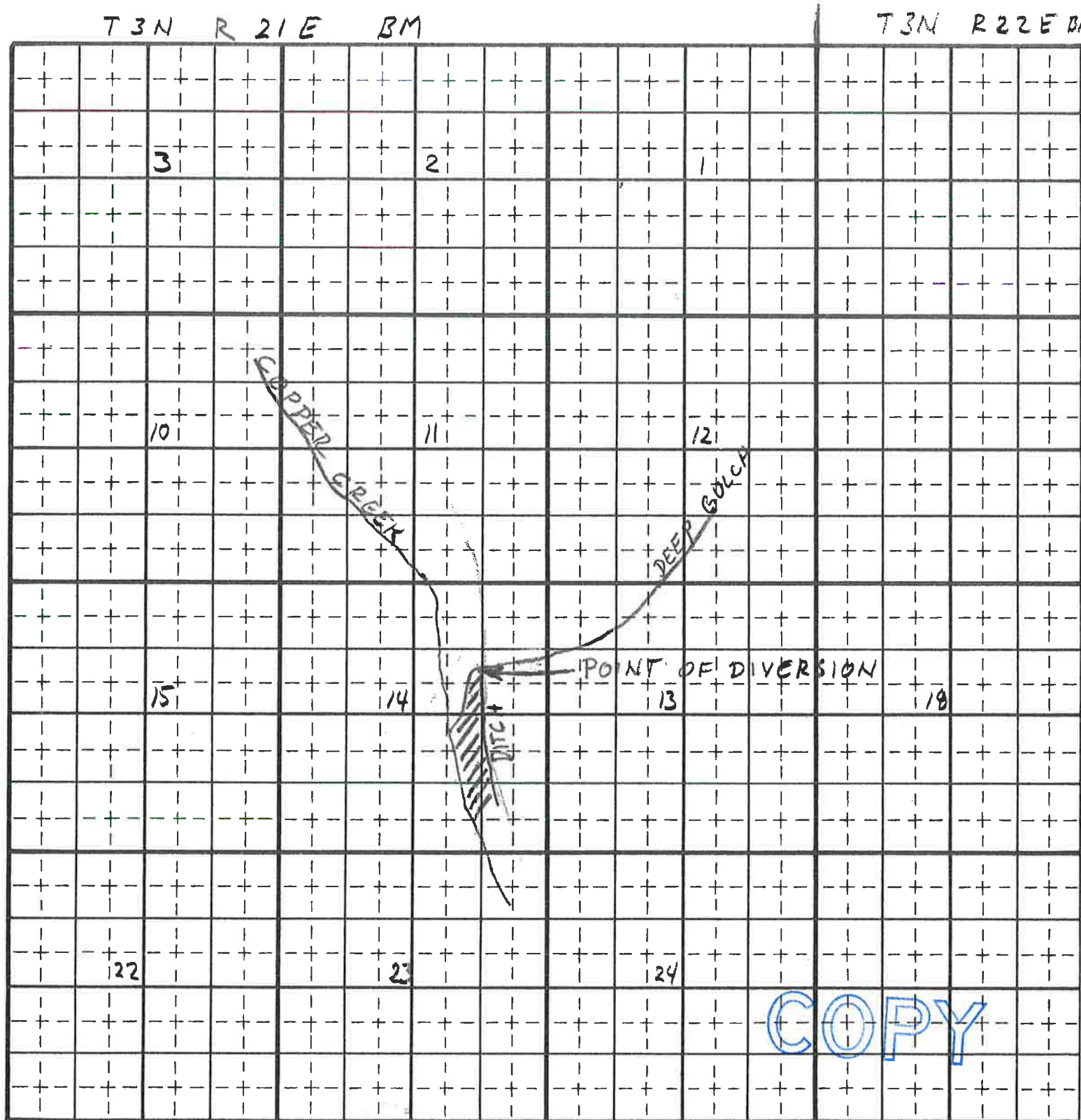
COPY

Last Name Peterson Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



DEEP GULCH CREEK

NE SW NE SEC 14 T 3 N R 21 E

Last Name GUY D. PETERSON Ident No. _____

Copies: W

FILED

1993

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ 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 ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 6

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

Signature of Claimant (s) Aug D Peterson Date 10-18-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 18 day of Oct. 19 88

SEAL

Notary Public Dorinda M. Adams

Residing at Hailey

My Commission Expires 1991

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing 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 _____

Address _____

Date _____

COPY

Last Name Peterson Ident. Number _____

MICROFILMED
Copies White-State, Yellow-Claimant
FEB 26 1993

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

MAR 31 2009

In Re SRBA

Subcase No.: 37-12390

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages. IDWR notes the recommendation of water right 37-12390 remains unchanged.

CLAIMANT / OBJECTOR:

Charles L. Honsinger 03/30/09

Charles L. Honsinger Date
Attorney for Muldoon Grazing Association, Inc.

IDWR CONCURRENCE:

Kelly K. Christensen 3-16-09
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Christopher M. Bromley 3/16/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 37-12390

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

SOURCE: DEEP GULCH CREEK

TRIBUTARY: COPPER CREEK

QUANTITY: 0.050 CFS

PRIORITY DATE: 05/01/1959

POINT OF
DIVERSION: T03N R21E S14 NESWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	05/01 10/31	0.050 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T03N R21E S14 SWNE 3.90	T03N R21E S14 NWSE	4.50
	T03N R21E S14 SWSE 1.30		

9.7 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 - Beneficial Use

C.2H
CB
KHC

37-12390 Claim = 20 ac Recom = 9.7 ac

2004 aerial photo.



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-12390 V1

WATER RIGHT NUMBER: 37-12390 V1

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	GUY PETERSON MULDOON VIA PO BOX 66 CAREY, ID 83320 (208)788-4644
Current Owner	MULDOON GRAZING ASSN INC ATTN CHERYL BENNETT PO BOX 2249 HAILEY, ID 83333 (208)788-1710

Priority Date: 05/01/1959

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DEEP GULCH CREEK	COPPER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/31	0.050 CFS	
	<u>Total Diversion:</u>	0.050 CFS	

Location of Point(s) of Diversion

DEEP GULCH CREEK	NE1/4SW1/4NE1/4	Sec. 14, Twp 03N, 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	
03N	21E	14			3.9											4.5	1.3		9.7

Total Acres: 9.7

Conditions of Approval:

1. C18 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.

Remarks:

Claimed on 20 ac claim rate, 0.05 cfs

Comments:

Recon on 9.7 Rec " 0.05 cfs

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-12390

WATER RIGHT NUMBER: 37-12390

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	GUY PETERSON MULDOON VIA PO BOX 66 CAREY, ID 83320 (208)788-4644
Current Owner	MULDOON GRAZING ASSN INC ATTN CHERYL BENNETT PO BOX 2249 HAILEY, ID 83333 (208)788-1710

Priority Date: 05/01/1959

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DEEP GULCH CREEK	COPPER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.050 CFS	
	<u>Total Diversion:</u>	0.050 CFS	

Location of Point(s) of Diversion

DEEP GULCH CREEK	NE1/4SW1/4NE1/4	Sec. 14, Twp 03N, 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	
03N	21E	14			5.0											10.0	5.0		20.0

Total Acres: 20

Conditions of Approval:

- 1/11/07 - Change of Ownership to Muldoon Grazing Association, Inc.

Remarks:Comments:

**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 37-12390

(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 DIRECTORS'S REPORT

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

Address: PO Box 2249
Hailey ID 83333

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: _____
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: 4/1 through 11/1
9. ☒ **Place of Use**
Should be: 5 acres in T3N R21E S14 SWNE; 10 acres in T3N R21E S14 NWSE; 5 acres in T3N R21E S14 SWSE; 20 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.

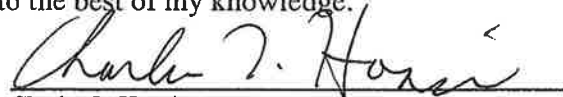
E. REASONS SUPPORTING OBJECTION (S): This water right has been beneficially used as stated above.

F. VERIFICATION (must be completed)

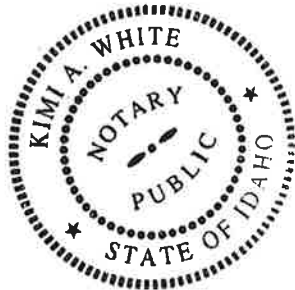
State of Idaho)
) ss.
County of Ada)

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

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




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

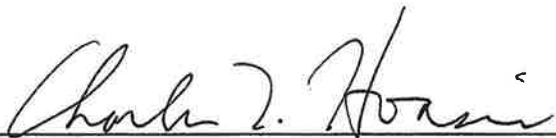
Address: PO Box 2249
Hailey ID 83333

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

RECEIVED
JAN 03 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

NOTICE OF ERROR
REPLY

12/11/2006

RECEIVED

DEC 26 2006

DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 01/05/2007

Water right number: 37-12390

GUY PETERSON
MULDOON VIA PO BOX 66
CAREY ID 83320
Telephone Number: (208)788-4644

B-9

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-20-06

SIGNATURE:

Guy Peterson

Please print your name:

Guy Peterson

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

DEC 27 2006

01/11/2007

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

RIGHT NUMBER: 37-12390

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

SOURCE: DEEP GULCH CREEK

TRIBUTARY: COPPER CREEK

QUANTITY: 0.050 CFS

PRIORITY DATE: 05/01/1959

POINT OF DIVERSION:

T03N R21E S14 NESWNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

05/01 10/31

0.050 CFS

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R21E S14	SWNE	3.90	T03N R21E S14	NWSE	4.50
T03N R21E S14	SWSE	1.30			

9.7 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 - Beneficial Use



Idaho Department of Water Resources

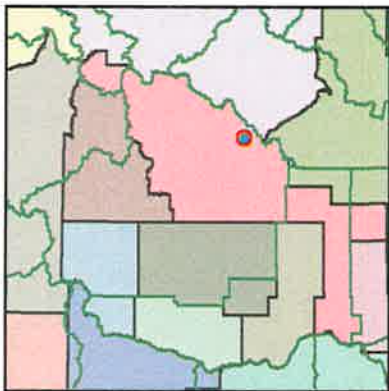
SRBA Recommendation:

37-12390

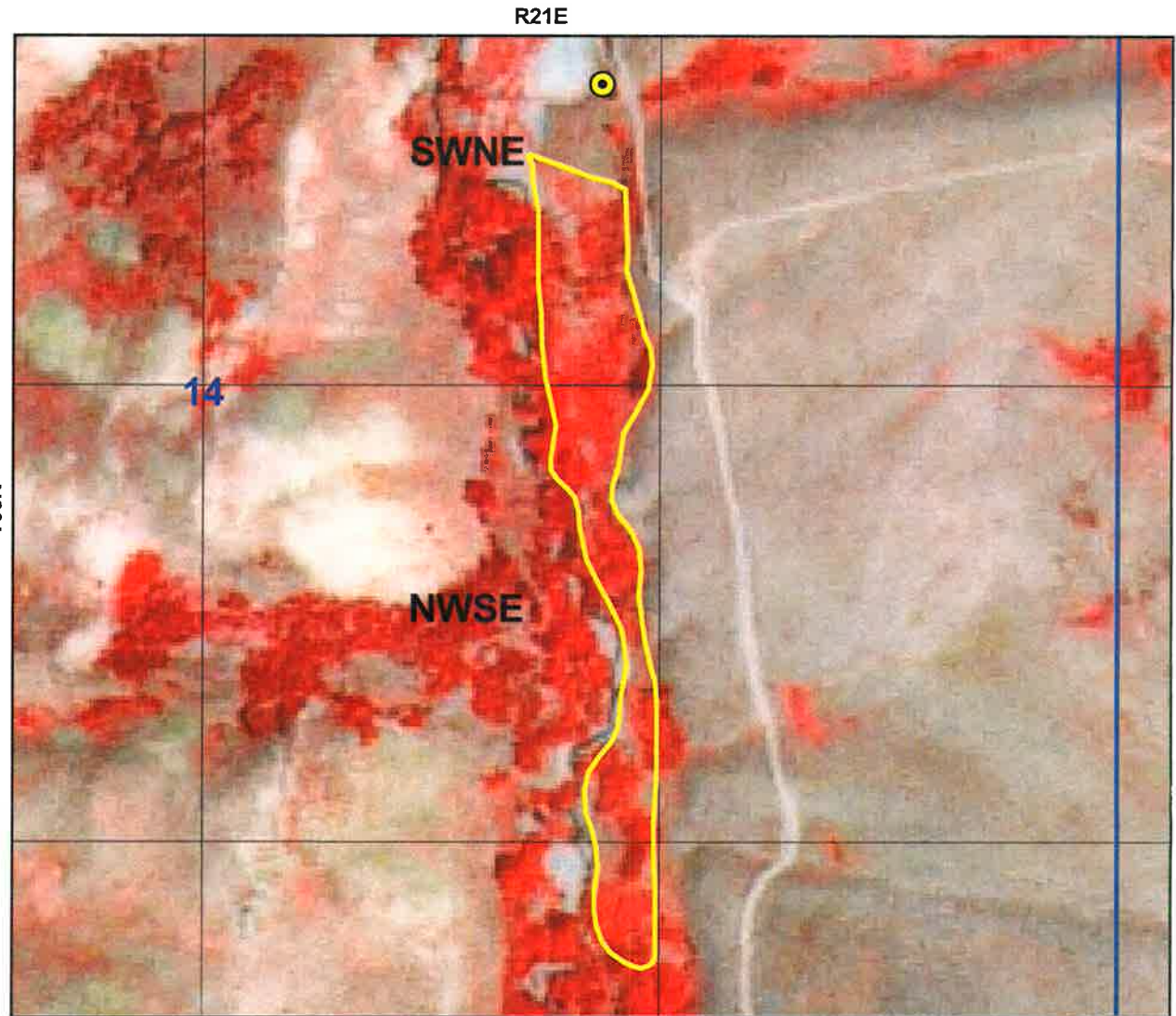
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.2 0.4 Miles



Prepared by M. Anders
On Thursday, January 11, 2007
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-12390

Background Data

- Statutory Claim
- Source is Deep Gulch Creek tributary to Copper Creek
- Claimed for 0.05 cfs on 20 acres

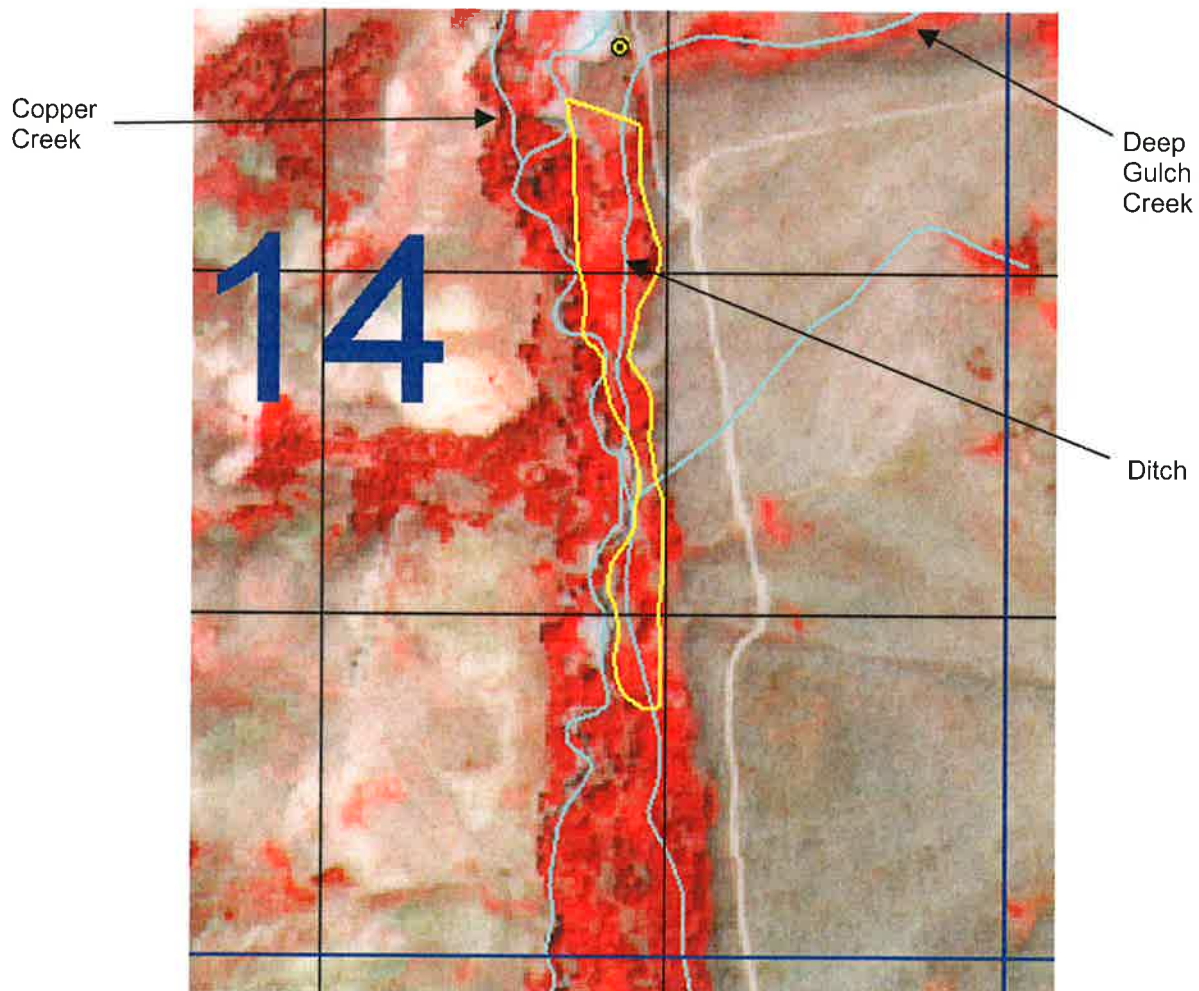
Place Of Use Data

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





Photograph of POD taken by Lee Peterson during field exam.

Location: 2506670 1377103

Plate: A0016199

Photo #: 1060621

Notes

T3N R21E Section 14

- Found 9.7 acres. Ditch runs south along east side of property and land is flood irrigated to west from ditch.
- Evidence of Priority: Claimed priority date is May 1, 1959. The current watermaster has been in this position since 1964 and he confirms the diversion rate and date. Use from 1959 to 1964 is only indirectly documented by the watermaster having lived in the area his entire life and his father preceding him as watermaster. Decided submitted evidence of priority is acceptable.
- 11/06 unable to conduct field exam to measure diversion rate because of too much snow. Based on 1987 aerial photo that indicates irrigation of POU, the evidence of priority submitted, and a ditch distribution system observed on during a 2005 field exam, I decided to recommend as claimed.
- 12/4/06 – Met with Mike Stevens of Lava Lake Land & Livestock. Land is owned by Muldoon Grazing Co. Lava Lake Land & Livestock is a majority owner in Muldoon Grazing Co. and they are unsure if this water right should be in the name of Guy Peterson or Muldoon Grazing Co.
- 1/11/07 – Change of Ownership to Muldoon Grazing Association.
- Recommendation:
 - 0.05 cfs for Irrigation of 9.7 acres
 - Priority Date: 5/1/1959
- Data used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.
A37-12393-12390-1143

Owner
Guy D Peterson
Muldoon VIA
Carey

Date
6/22/05

I went up to Guy's ranch this morning and met with him and his wife to review his three water files and while reviewing file 12393, he made a memo regarding his priority date which is in file , and he said the blue area is a good representation of his property but the POD is in the wrong place , it is in the creek shown on the red and green photo and this POD is in Buck creek. The area arrow by POD is owned by Grazing Co..

File 12390- Guy said this POD is in wrong location it is down red photo as shown and new GPS, he said the area mark in yellow is good and the arrow marked canal is -no- it is a creek and the POD on this red and gray photo has washed out and gone. The light area is rock out cropings which are irrig. When they have plenty of water.

File 1143-Guy said this blue area also looks good for his property and the POD is on Muldoon Cr. GPS by Corey Skinner Twin IDWR copy attached the area on color photo gray , he said they water this land when they have flood water and the same on the area in question Muldoon Grazing is only watered when flooding is available . The three areas claime3d by Mining is at this date mining but Guy has been paying taxes on this land for some years and they are going into the County and inquire about them owning or aquiring this land.

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Buck Cr	Guy 1	2508630	1374268	None	1060622
Deep Gulch	" 2	2506670	1377103	A0016199	" 621
Argosy Cr	" 3	2509270	1376277	200	623

Lee R. Peterson

Field Exam
by Lee Peterson

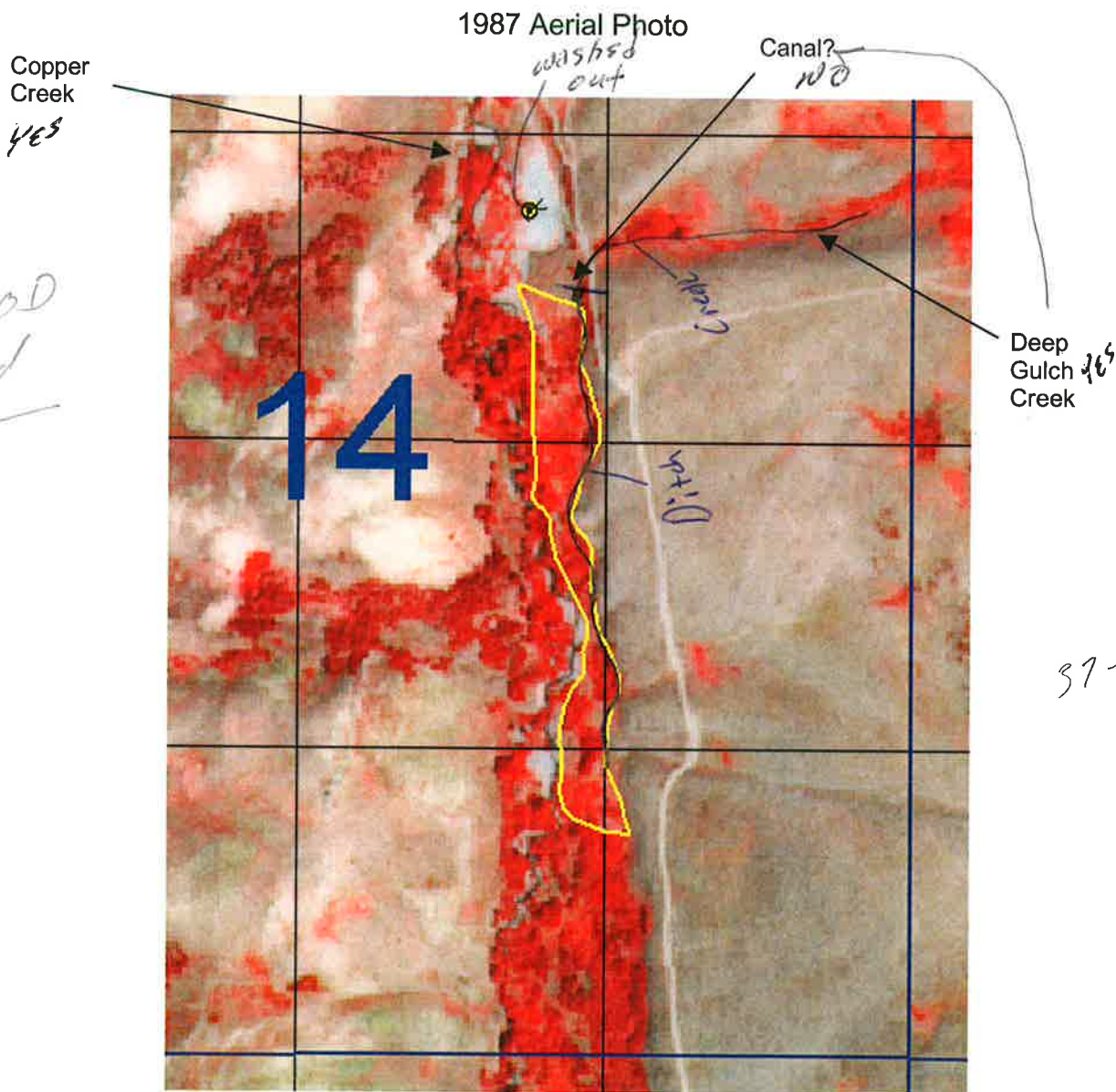
Background Data

- Statutory Claim
- Source is Deep Gulch Creek tributary to Muldoon Creek
- Claimed for 0.05 cfs on 20 acres

CONFIRM
POD
APPEAR
WRONG

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records. *yes - ok*
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)



* Flood Irrigation to
west of Ditch

RECEIVED
AUG 26 2005
Department of Water Resources

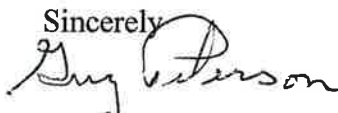
August 25, 2005

M. Anders
State Department of Water Resources
322 East Front St.
P.O.Box 83720
Boise, Idaho 83720

RE: Evidence for Snake River Adjudication claims 37-12390 & 37-12393

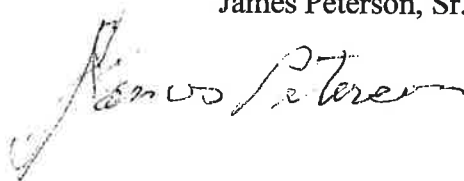
Dear Mr. Anders,

In regards to your request for evidence of my claims 37-12390 & 37-12393, I restate that the priority dates are correct as verified by the present watermaster, James Peterson. His father, D.F. Peterson was the watermaster until his death in the early sixties and Jim has been watermaster ever since. Jim has lived in this area all his life and will confirm that the priority dates and usage is correct.

Sincerely

Guy Peterson

I, James Peterson Sr., Watermaster for District 37- Muldoon, verify that I have been watermaster since 1964 and am presently watermaster. The priority dates and usage for claims 37-12390 & 37-12393 are correct.

James Peterson, Sr.



SCANNED
AUG 26 2005



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

August 1, 2005

Guy Peterson
Muldoon VIA
Carey, ID 83320

RE: Snake River Basin Adjudication claims 37-12390 & 37-12393

Dear Mr. Peterson,

For adjudication claims 37-12390 & 37-12393 you submitted the attached evidence to support the priority date of May 1, 1959. In order to recognize this claim, I need additional evidence that establishes that water was being diverted for a beneficial use on or prior to this date.

Please provide additional evidence that documents that the claimed water was being diverted for beneficial use on May 1, 1959. See enclosed Evidence of Priority pamphlet for guidance. If personnel testimony is submitted as evidence, please make sure it includes details describing how the person gained this personnel knowledge (e.g. "I was the watermaster for this creek from the year __ to __ ..." or "I have lived in this area since __ and I remember...") and any information they know about the diversion and water usage.

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

Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

May 9, 2005

Department of Water Resources
1341 Fillmore St. Suite 200
Twin Falls, ID. 83301-3380

RECEIVED
MAY 11 2005
Department of Water Resources
Southern Region

Re: Evidence of Priority for Water Right # 37-12390

Dear Mr. Jones,

Enclosed is the Water Resource copy pertaining to Water Right # 37-12390. The priority date is correct. This water has been and is used yearly according to availability.

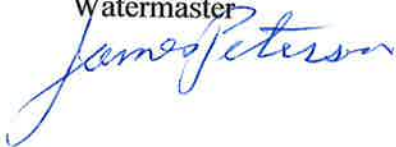
Also, James Peterson, Watermaster for District 37, has signed below, verifying the priority date is correct.

Sincerely,



Guy Peterson

James Peterson
Watermaster



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-12390

WATER RIGHT NUMBER: 37-12390

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GUY D PETERSON MULDOON VIA CAREY, ID 83320 (208)788-4644

Priority Date: 05/01/1959
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
DEEP GULCH CREEK	COPPER CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	0.050 CFS	
	<u>Total Diversion:</u>		0.050 CFS	

Location of Point(s) of Diversion

DEEP GULCH CREEK	NE1/4SW1/4NE1/4	Sec. 14, Twp 03N, Rge 21E, B.M.
BLAINE County		

Place of UseIRRIGATION Within BLAINE County

T03N R21E S14	SWNE	5.0	T03N R21E S14	NWSE	10.0
T03N R21E S14	SWSE	5.0			
Total Acres: 20					

Conditions of Approval:Remarks:Comments:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

February 9, 1996

KARL J. DREHER
DIRECTOR

RECEIVED

FEB 09 1996

GUY D PETERSON
6281 RD 3
ORLAND CA 95963

Department of Water Resources
Southern Region

Re: Snake River Basin Adjudication (SRBA)
Notice(s) of Claim No. A37-12390, A37-12391, A37-12392
& A37-12393
Change of Address

Dear Claimant,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim(s) can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The address is correct as shown above or as otherwise changed.

Claimant

NOV 27 1996

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

**In Re Snake River Basin Adjudication Case
No. 39576**

**Notice of Filing Director's Report and Supplemental
Director's Report Part II & III, United States' and Tribal
Non-consumptive Claims.**

**TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:**

**THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH
THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT.
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PRO-
CEEDINGS ON THESE WATER RIGHT CLAIMS.**

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

15192
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

RECEIVED

FEB 09 1996

BOI CTY Department of Water Resources
Southern Region

Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1

37-12391
92
93

RECEIVED
APR 20 1995
Department of Water Resources

GUY D PETERSON

~~MULDOON VIA~~

~~CAREY ID 33320~~

6281 Rd. 3

Orland, CA.

95963

NOV 27 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

FEB 28 1996

Department of Water Resources
Southern Region

February 9, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

FEB 23 1996

Department of Water Resources

GUY D PETERSON
~~6281 RD 3~~ MULDOON VIA CAREY, ID 83320
~~ORLAND CA 95963~~

Re: Snake River Basin Adjudication (SRBA)
Notice(s) of Claim No. A37-12390, A37-12391, A37-12392
& A37-12393
Change of Address

*database already had this address.
ss 02-23-96*

Dear Claimant,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim(s) can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The address is correct as shown above or as otherwise changed.

Guy Peterson
Claimant

NOV 27 1996

1/23/1988

SRBA CLAIMS RECEIVING CHECKLIST #2 *BN*CLAIMANT'S NAME *Peterson*CLAIM. IDENT. NO. *A37-12390*DATE RECEIVED *10-27-88*CK # *C004213*

AMOUNT \$

- | | YES | NO | Required Info? |
|--|-------------------------------------|-------------------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☐ | ☒ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be receipted and data entered? | ☒ | ☐ | |

Claim checked by: *Lat*Date: *2/15/89*

Claim must be returned to claimant:

(Yes) (No)

Claimant must be sent a copy of amended claim for approval:

(Yes) (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

Comments: *lists 6 attachments. Nothing attached.*

MICROFILMED

FEB 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 6, 1989

Mr. Guy D. Peterson
Muldoon Via
Carey, ID 83320

RE: Notice of Claim to a Water Right
No. A37-01143 - Blaine County

Dear Mr. Peterson:

We have accepted your Notice of Claim to a Water Right based on water right 37-01143. However, our records show that the original decree was issued for 2.8 cubic feet per second (cfs). Attached is a copy of the claim as accepted for you to keep in your files.

In order to protect the additional amount of water you are now claiming, you have one of two choices. You may file an additional claim to cover the 6.0 cfs based on beneficial use.

Your other option is to file an Application for Permit on this additional water and have it acted upon by the Department and may eventually be licensed. In this case, since the proof of beneficial use would be after the commencement date, November 17, 1987, you would not be required to file a Notice of Claim. Of course, you may do both if you wish.

I have enclosed both sets of forms to use as you wish. If you need assistance completing any of the forms, please do not hesitate to contact any of the offices listed in the instructions.

There are two additional items which need to be addressed. First, on the last page of the claim forms, you indicated that you wish to receive the docket sheet. The docket sheet is a document that lists all the legal documents in the preceeding month which have been filed with the Twin Falls District Court in the Snake River Basin Adjudication. It is prepared and published on a monthly basis. The fee for a calendar year subscription is \$7.50. In order to be added to the subscription list, you will need to send in the \$7.50 fee to Adjudication Bureau, Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720.

MICROFILMED

FEB 26 1993

Mr. Guy D. Peterson
March 6, 1989
Page 2

*We will forward
if/when they come.*

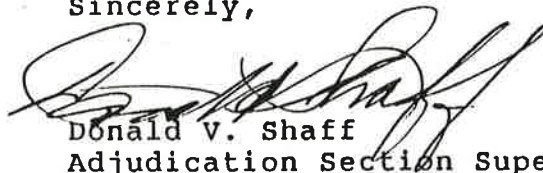
Secondly, on each of the five claims you submitted, you noted that there were six attachments to each of the claims. However, we were unable to locate any attachments to any of the claims. If you wish to attach six items to each claim, please send in one set and we will be happy to attach a set to the following claims:

A37-12390
A37-12391
A37-12392

A37-12393
A37-01143

If we do not receive any material, we will assume that you did not intend to have any attachments to these claims. If we can be of any assistance, please do not hesitate to contact the Department.

Sincerely,


Donald V. Shaff

Adjudication Section Supervisor

DVS:HH:db
Enclosures

Rec. #C004213
A37-01143
Application for Permit w/Instructions
Long Form w/Instructions

MICROFILMED
FEB 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 5, 1990

RECEIVED

DEC - 7 1990

Department of Water Resources
Southern Region Office

James P. Speck, Attorney
Crystal Hot Springs Ranch
P.O. Box 987
Ketchum, ID 83340

RE: Democrat Gulch Dam

A37-12396
D37-12396 = Dam

Dear Mr. Speck:

In accordance with Title 42, Chapter 17 (Safety of Dams Statutes) Idaho Code, the Department regulates water storage dams, that are 10 ft or more in height, or have capacity to store 50 ac-ft or more. During a recent field examination, a small (abandoned) dam, located in Section 18, T2N, R18E, Blaine County, was found on property purportedly owned by Crystal Hot Springs Ranch. Our cursory examination and estimates indicate the dam and reservoir capacity may not be sufficient in size to be regulated by the Department, considering the downstream hazard. However, our inspector advised a subdivision is contemplated, which may be constructed around the reservoir site and below the dam. If the subdivision is constructed, there could be houses downstream, which would change the risk category of the dam and therefore the Department would have jurisdiction (regulate the design, construction, operation and maintenance of the dam).

It's apparent the existing dam and appurtenances are in poor condition and considerable work will be required to rehabilitate the dam to assure it is safe to impound water. Since we are uncertain about the owner's intentions and future use of the project site, one of the following actions is recommended:

- Breach the embankment, such that no water can be impounded
- Reconstruct the dam and appurtenant features, so that it conforms with technical requirements and can safely store water.

Should the owner decide to proceed with developing the subdivision and reconstruct the dam, an application (copy enclosed) must be filed and approved before construction proceeds. The owner should submit the application and fee (based on the size of the reservoir) as explained in Section 42-1713 Safety of Dams Statutes, Idaho Code. A copy of the Safety of Dams, Rules and Regulations, is enclosed for reference; please note the Code provisions are printed in the Appendix of the booklet.

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The Department has searched the records, but found no water right filed for storage at the existing dam. If the dam is to be reconstructed, the owner will also need to file an application for a water (storage) right.

Should you have any questions regarding disposition of the dam, or filings required, contact Doug Jones (phone 734-3578) in our Twin Falls office.

Very truly yours,

David H. Hollingshead

DAVID H. HOLLINGSHEAD
Dam Safety Section, Mgr

DHH:nl

Enclosures

✓cc: IDWR - S. Region

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DEC 20 1993