

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 37-22107
Date Received: 11/9/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

GUY PETERSON
MULDOON VIA PO BOX 66
CAREY ID USA 83320

Phone: (208)788-4644

2. Date of Priority: 10/31/1966

3. Source: MULDOON CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	21E	24	SE NE SE	BLAINE	

5. Description of diverting works:

Headgate weir in Muldoon Creek.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	2.69	

7. Total Quantity Appropriated is:
2.69 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	22E	24	SE	NW	IRRIGATION	0.5
			NW	SW	IRRIGATION	29
			SW	SW	IRRIGATION	40
			NW	SE	IRRIGATION	11

			SW	SE	IRRIGATION	6.9
					Section Acres	87.4
03N	22E	25	NE	NW	IRRIGATION	0.2
			NW	NW	IRRIGATION	4.3
					Section Acres	4.5
					Total Acres	91.9

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:

This right is a split from former right 37-21608 .

1/11/07 - Change of Ownerhsip split 37-21608 into 37-22107 (Peterson) and 37-22108 (Muldoon Grazing Assoc.)

15. Basis of Claim: Beneficial Use

RECEIVED

NOV 16 2005

Department of Water Resources

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 37-21608
Date Received: 11/9/2005
Receipt No: SD 28137
Received By: Nov 8, 2005

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

1. Name of Claimant(s)

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

2. Date of Priority: 10/31/1966

3. Source: MULDOON CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	21E	24	SE NE SE	BLAINE	

5. Description of diverting works:

Headgate weir in Muldoon Creek.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	2.8	

7. Total Quantity Appropriated is:

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
03N	22E	24	SW	NW		IRRIGATION	3.5
			SE	NW		IRRIGATION	0.5
			NW	SW		IRRIGATION	29
			SW	SW		IRRIGATION	40
			NW	SE		IRRIGATION	11
			SW	SE		IRRIGATION	6.9
			Section Acres				
03N	22E	25	NE	NW		IRRIGATION	0.2
			NW	NW		IRRIGATION	4.3
			Section Acres				
Total Acres						95.4	

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: Beneficial Use

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.



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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

37-21608

Date Received

2608-2005

Receipt Number

5028137

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s)

Guy Peterson

Phone (208)

288-4644

Mailing Address

Carey PO Box 66

Zip

83320

2. Date of Priority (Only one (1) per claim)

10/31/66

3. Source of water supply (a)

Muldon Creek

which is tributary to (b)

little wood River - Copper Creek

4. a. Location of existing point of diversion is: Township

3 N

Range

21 E

Section

24SE

1/4 of

NW

1/4 of

SW

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.

Head gate & weir in Muldon Creek

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4-1 to 11-31 amount 2.80 or 4.80

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.8 (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	
03N	22E	24							3.5	0.5		29	40			11	6.9		90.9
03N	22E	25					0.2	4.3											4.5

Total number of acres irrigated 95.4

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 (x)

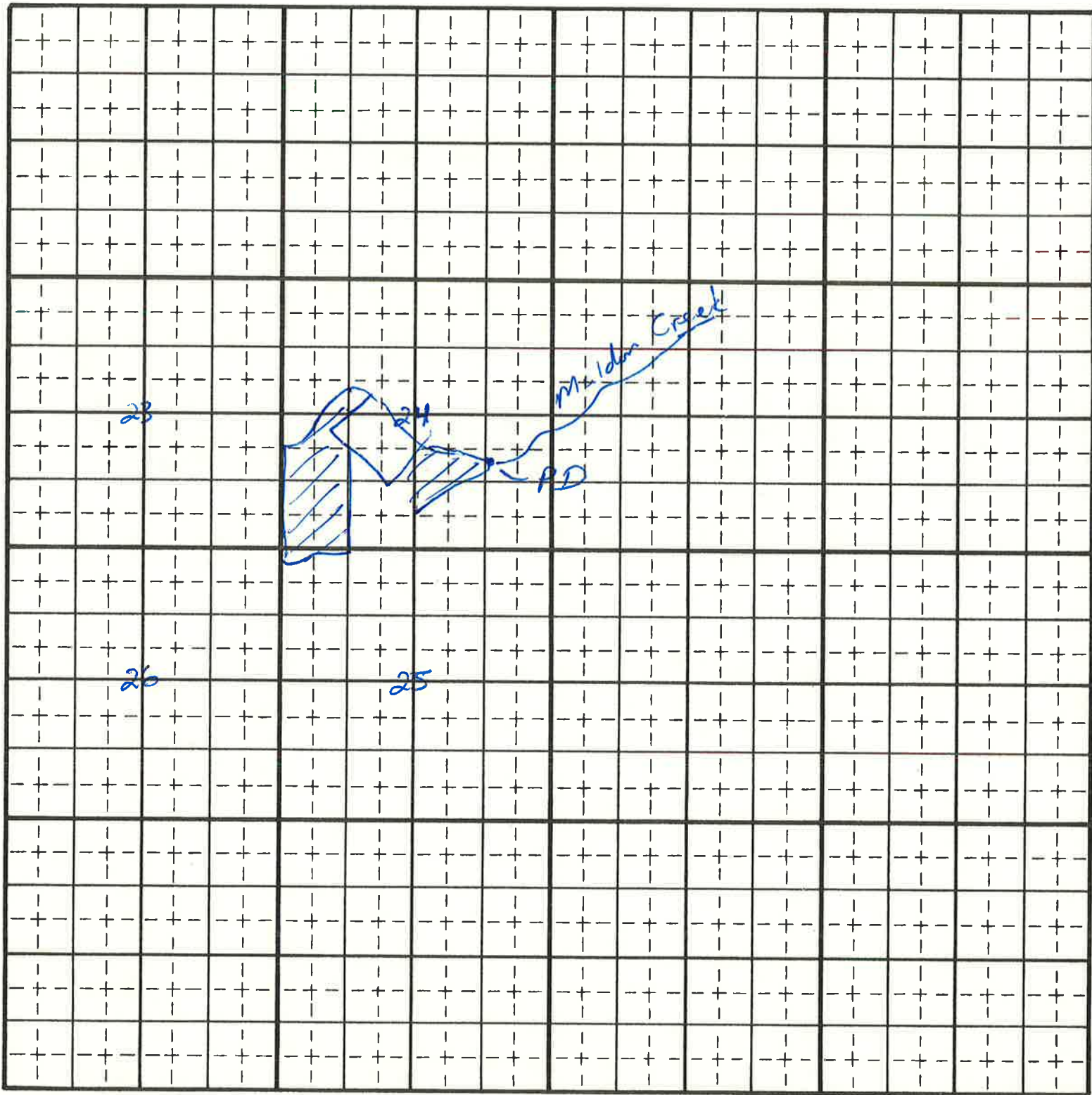
14. Remarks:

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



Last Name Peterson Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☒ Official 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 _____

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

Signature of Claimant (s) Guy Peterson Date Nov. 1-05

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____, that I have signed the foregoing

document in the space below as _____ of _____

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 Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 8th day of Nov 192005



Notary Public Kelly K. Christensen

Residing at Twin Falls, Id.

My Commission Expires 4-2-2010

Please Print Name

17. Notice of Appearance

Notice is hereby given that _____ 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 _____

Last Name _____ Ident. Number _____

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IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
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CIVIL CASE NUMBER: 39576

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Date Received: 11/9/2005
Receipt No:
Received By:

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MULDOON VIA PO BOX 66
CAREY ID USA 83320

Phone: (208)788-4644

2. Date of Priority: 10/31/1966

3. Source: MULDOON CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	21E	24	SE NE SE	BLAINE	

5. Description of diverting works:

Headgate weir in Muldoon Creek.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	2.8	

7. Total Quantity Appropriated is:

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03N	22E	24	SW NW	IRRIGATION	3.5
			SE NW	IRRIGATION	0.5
			NW SW	IRRIGATION	29
			SW SW	IRRIGATION	40

			NW	SE	IRRIGATION	11
			SW	SE	IRRIGATION	6.9
					Section Acres	90.9
03N	22E	25	NE	NW	IRRIGATION	0.2
			NW	NW	IRRIGATION	4.3
					Section Acres	4.5
					Total Acres	95.4

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: Beneficial Use

10/6/05
plans to file a claim
for 6.0 cfs → called Kelly
37-21608

August 15, 2005

Guy Peterson
Muldoon VIA
Carey, ID 83320

RE: Snake River Basin Adjudication claims 37-1143

Dear Mr. Peterson,

For the Snake River Basin Adjudication you submitted the attached claim for 37-1143. It appears that you claimed 2.8 cfs and 6.0 cfs for irrigation of 260 acres. Since water right 37-1143 was originally decreed for 2.8 cfs, state law mandates that the maximum diversion rate that can be claimed or recommended for this right is 2.8 cfs. To have the 6.0 cfs considered in the Snake River Basin Adjudication, you will need to file an additional claim with the Idaho Department of Water Resources. If this 6.0 cfs represents all or part of a previously decreed or licensed water right, you can file a claim against that water right. Otherwise, depending on when this diversion started, you may be able to file a beneficial use claim for the 6.0 cfs. Note that a beneficial use claim requires that you provide evidence supporting your claimed priority date (see enclosed pamphlet). Claims can be filed at the Idaho Department of Water Resources office in Twin Falls, located at 1341 Fillmore St., Suite 200, (208) 736-3033.

I have attached two maps. The first is a draft map of the Place of Use that I plan to recommend for 37-1143. The second is a draft map of what I assume is the Place of Use for the 6.0 cfs discussed above. This second draft map is based on a field exam conducted by Lee Peterson a few weeks ago.

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

NOTICE OF ERROR
REPLY

01/12/2007

RECEIVED

JAN 22 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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: January 23, 2007

Water right number: 37-22107

GUY PETERSON

MULDOON VIA PO BOX 66

CAREY ID 83320

Telephone Number: (208)788-4644

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:

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

DATE: 1-18-07

SIGNATURE: Guy Peterson

Please print your name: Guy Peterson

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

01/11/2007

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

RIGHT NUMBER: 37-22107
NAME AND ADDRESS: GUY PETERSON
MULDOON VIA PO BOX 66
CAREY ID 83320
SOURCE: MULDOON CREEK TRIBUTARY: LITTLE WOOD RIVER
QUANTITY: 1.810 CFS
PRIORITY DATE: 10/31/1966
POINT OF DIVERSION:

T03N R22E S19 SESWNW Lot 2 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.810 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R21E S24 Lot 1 SENW	0.30	T03N R21E S24 Lot 3 NWSW	29.00
T03N R21E S24 SWSW	39.00	T03N R21E S24 NWSE	11.00
T03N R21E S24 SWSE	6.70	T03N R21E S25 NENW	0.20
T03N R21E S25 NWNW	4.30		

90.5 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

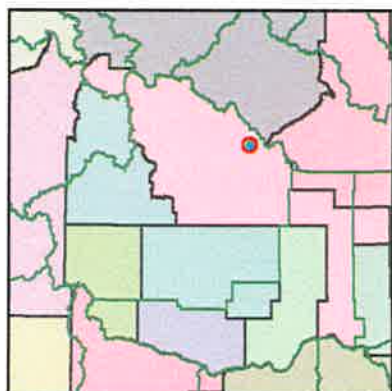
SRBA Recommendation:

37-22107

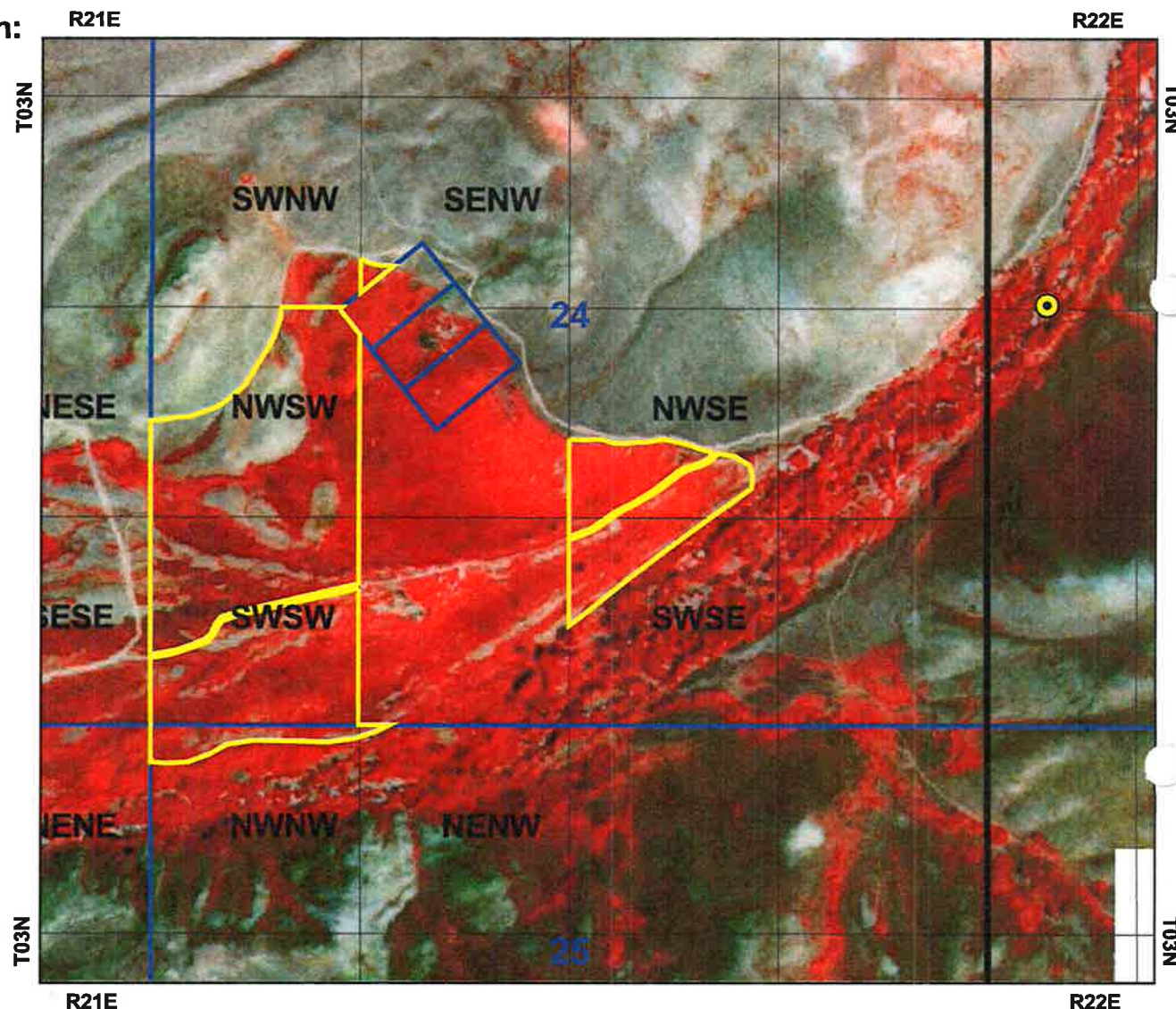
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.4 0.8 Miles



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

Adjudication Claim Notes

Claim(s): 37-22107, 37-22108

Background Data

- Beneficial Use Claim
- Source is Muldoon Creek
- Claimed for 2.8 cfs on 95 acres

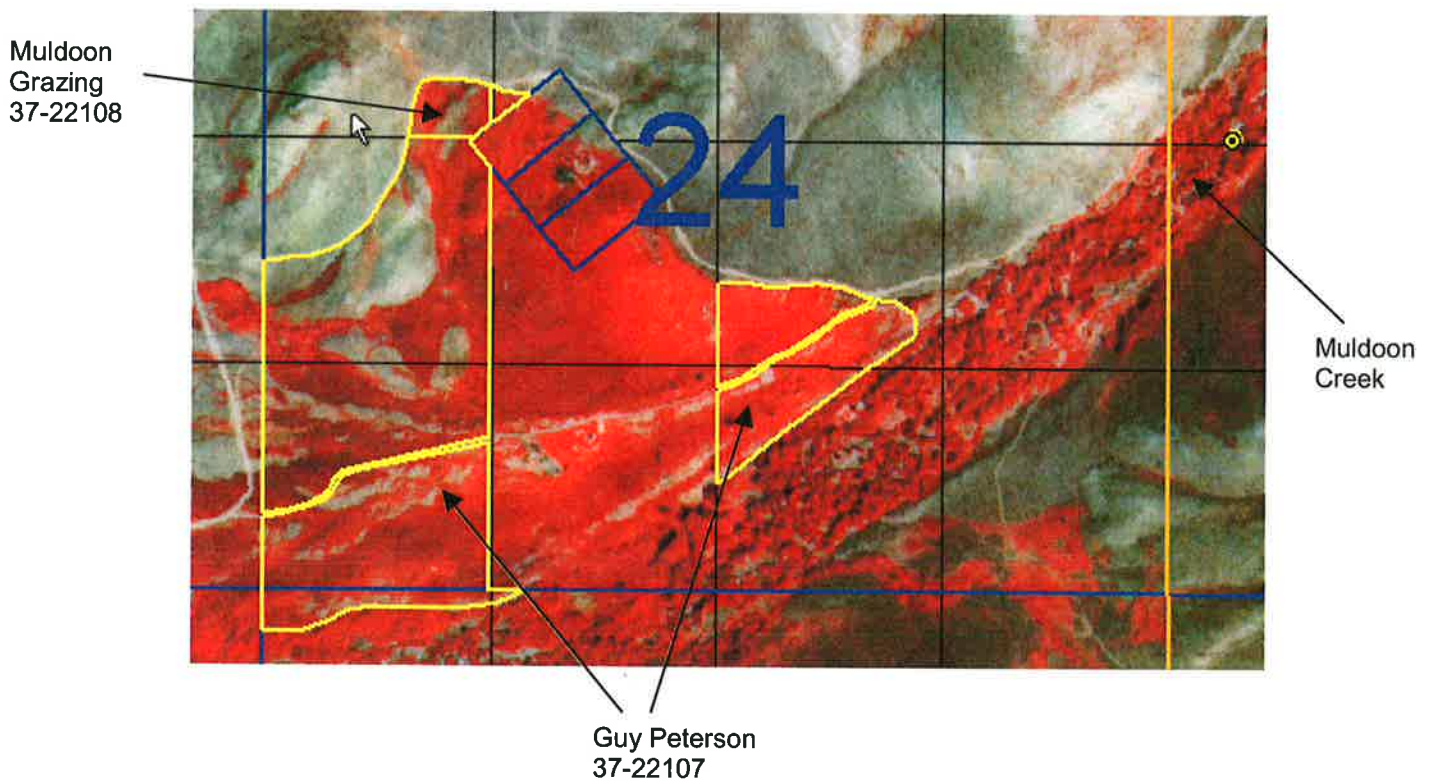
Place Of Use Data

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 24 & 25

- Found 94 acres
- Talked with Guy Peterson 8/30/05 and determined: He made 2 SRBA claims using the same form, one for 2.8 cfs and one 6.0 cfs. The 2.8 cfs is claimed against 37-1143. The 6.0 cfs is a beneficial use claim (he plans to submit a new beneficial use claim for the 6.0 cfs).
- Mining claim is not owned by Peterson.
- Notes regarding a priority date for a beneficial use right for this water:
 - 37-1143 was decreed 6/30/1955 to John Peterson
 - In that decree it states that original owner was Deeble. Among the evidence of priority appears to be a patent dated May 21, 1913 by Deeble for the decree land, as well as other land. The patent stated Deeble was in possession for 5 or more years (putting his ownership at ~1908) – but the priority date given to the right was in 1910. Thus it appears the court gave the right a priority date that coincides with the start of the first irrigation season following the Frost decree (12/13/1909)
 - After the Frost Decree 12/13/1909, there were three supplemental decrees on Muldoon Creek before the supplemental decree for 37-1143 in 1955. All three of these supplemental decrees focused on disputes related to an individual right.
 - Guy Peterson is claiming 37-12390 and 37-12393, both with a priority date of 5/1/1959.
- 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 claim at 0.02 cfs/acre.
 - 37-1143 is recommended at 0.049 cfs/acre, but I decided to use the standard duty of water.
- 1/11/07 – Muldoon Grazing Association submitted deed to split claim 37-21608
 - SWNW Section 24 owned by Muldoon Grazing Co.
 - 37-21608 split into
 - 37-22107 (Guy Peterson)
 - 37-22108 (Muldoon Grazing Assoc.)
- Recommendations:
 - 37-22107
 - 1.81 cfs for Irrigation of 90.5 acres
 - Priority date: 10/31/1966
 - Based on narrative by Jim Peterson, watermaster.
 - 37-22108
 - 0.07 cfs for Irrigation of 3.5 acres
 - Priority date: 10/31/1966
 - Based on narrative by Jim Peterson, watermaster.
- Date used for review: 1987, 1992, & 2004 aerial photos, Blaine Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

November 10, 2005

RECEIVED
NOV 14 2005
Department of Water Resources
Southern Region

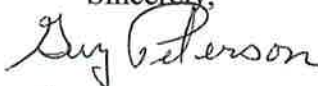
Nick Treasure
Dept. Of Water Resources
1341 Fillmore St. Suite 200
Twin Falls, ID. 83301

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