

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 37-22108
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)

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

Phone: (208)788-1710

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	0.11	

7. Total Quantity Appropriated is:
0.11 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	SW NW	IRRIGATION	3.5
Section Acres					3.5

Total Acres 3.5

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

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



Idaho Department of Water Resources

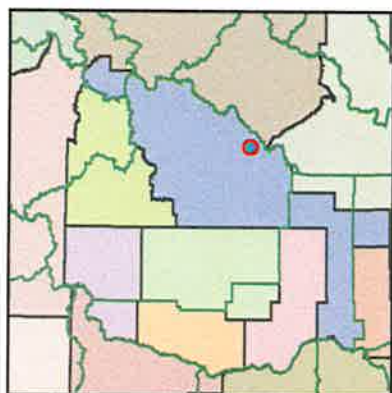
SRBA Recommendation:

37-22108

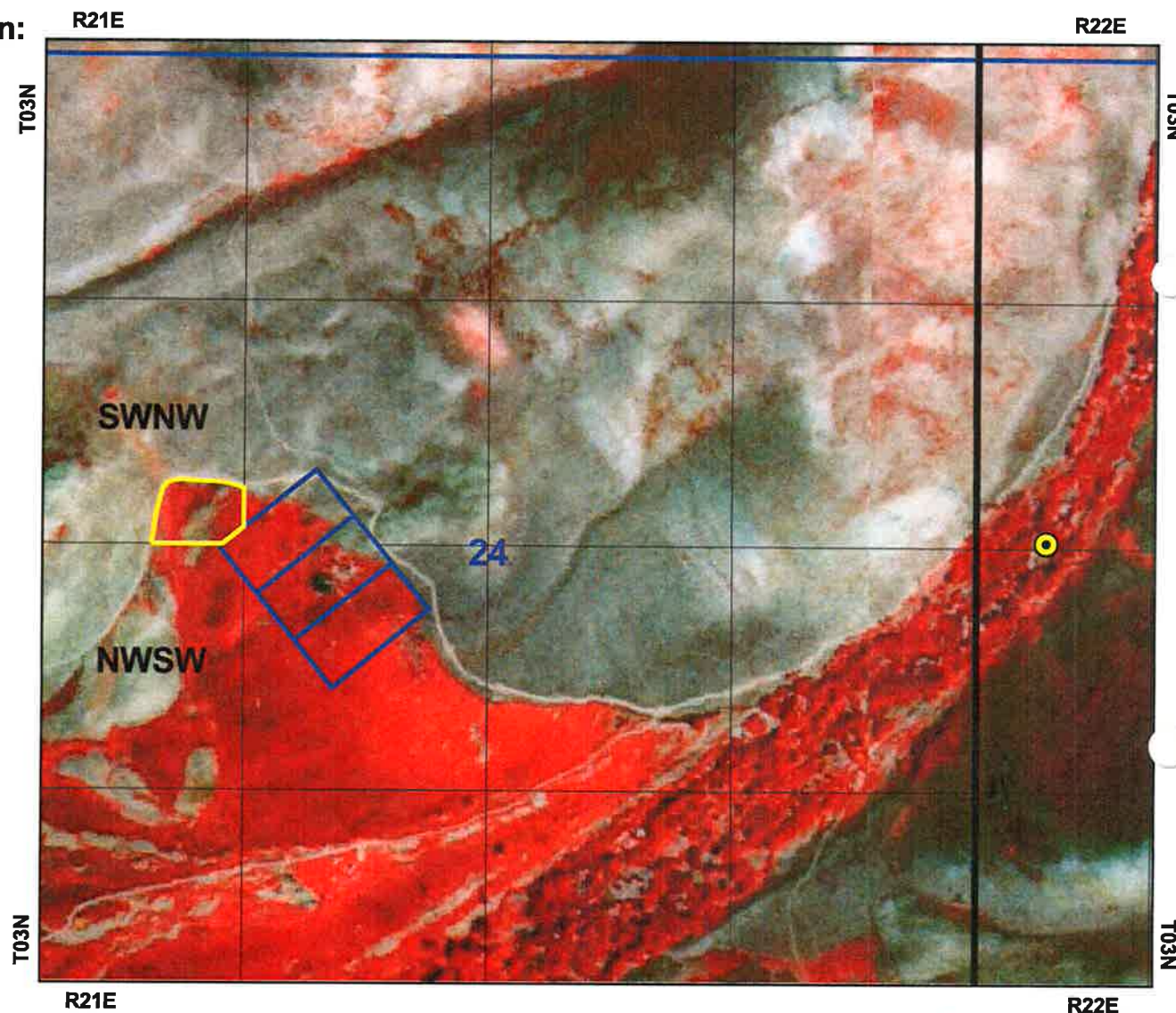
(Irrigation)

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

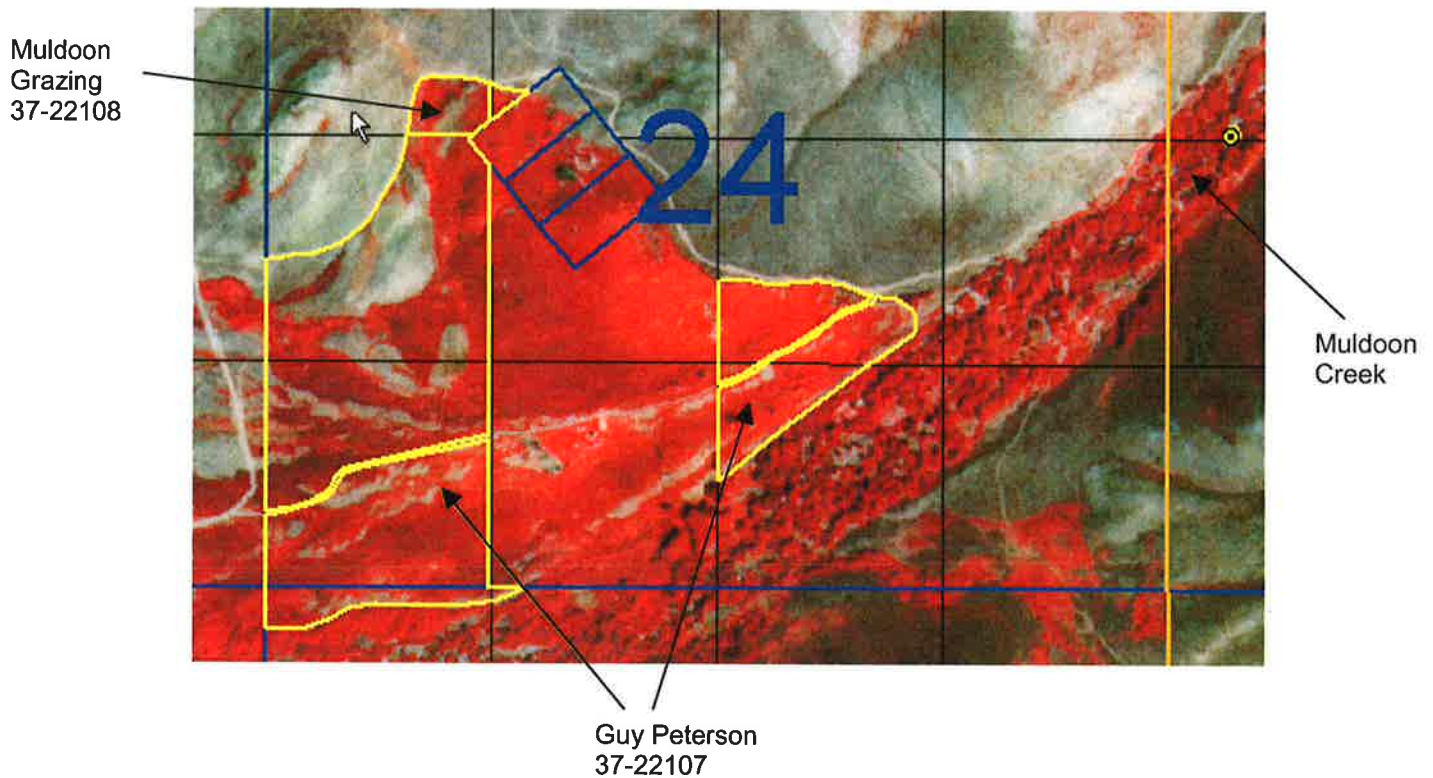
Place Of Use Data

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