

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 37-22104
Date Received: 12/20/1988
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: 05/01/1959

3. Source: BUCK CREEK Trib. to: MULDOON CREEK

4. Point of Diversion:

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

5. Description of diverting works:

DITCH INTO CREEK TO IRRIGATION DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.01	

7. Total Quantity Appropriated is:
0.01 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	24	SW SE	IRRIGATION	15
Section Acres					15

Total Acres 15

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 37-12393 .

1/11/07 - Change of Ownership split 37-12393 into 37-22103 (Peterson) and 37-22104 (Muldoon Grazing Assoc.)

15. Basis of Claim: Beneficial Use

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)

Case No. 39576)

A. Subcase 37-22104

(Insert water right no.)

**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: T3N R21E S24 SWSESE
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: 15 acres in T3N R21E S24 SWSE; 15 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.

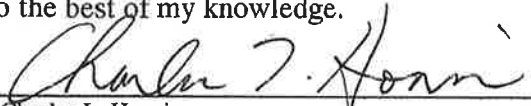
E. REASONS SUPPORTING OBJECTION (S): This water right has been beneficially used as stated above.

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: 04/01/10

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

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

Case No. 39576

Subcase No.: 37-22104

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 37-22104 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

02/20/2007

RIGHT NUMBER: 37-22104
NAME AND ADDRESS: MULDOON GRAZING ASSN INC
ATTN CHERYL BENNETT
PO BOX 2249
HAILEY ID 83333
SOURCE: BUCK CREEK
QUANTITY: 0.010 CFS
PRIORITY DATE: 05/01/1959
POINT OF DIVERSION: T03N R21E S25 NENENE Within BLAINE County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.010 CFS
<u>IRRIGATION in BLAINE County</u>		
T03N R21E S25	NENE 2.20	
	2.2 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
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

01/11/2007

RIGHT NUMBER: 37-22104
NAME AND ADDRESS: MULDOON GRAZING ASSN INC
ATTN CHERYL BENNETT
PO BOX 2249
HAILEY ID 83333
SOURCE: BUCK CREEK
QUANTITY: 0.010 CFS
PRIORITY DATE: 05/01/1959
POINT OF DIVERSION: T03N R21E S25 NENENE Within BLAINE County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.010 CFS

PLACE OF USE:

PLACE OF USE	QUANTITY
IRRIGATION in BLAINE County	
T03N R21E S25 NENE	2.20

2.2 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

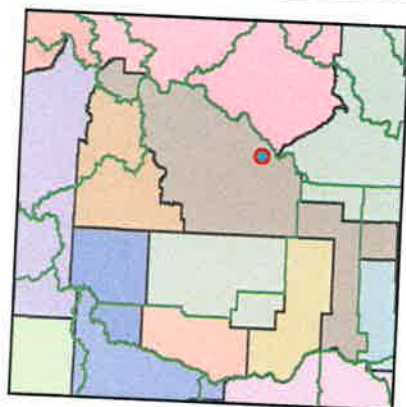
SRBA Recommendation:

37-22104

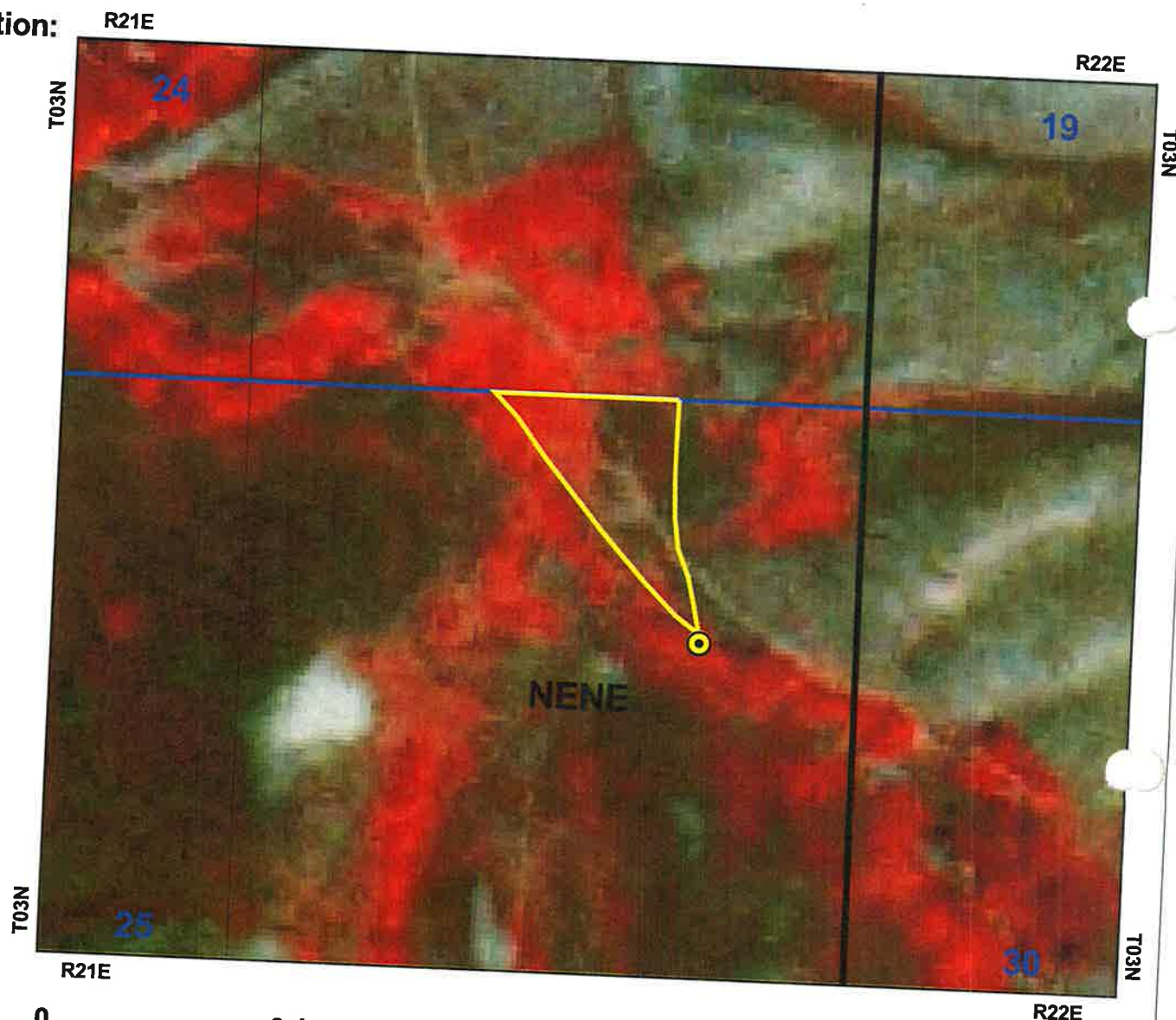
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



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

Adjudication Claim Notes

Claim(s): 37-22103, 37-22104

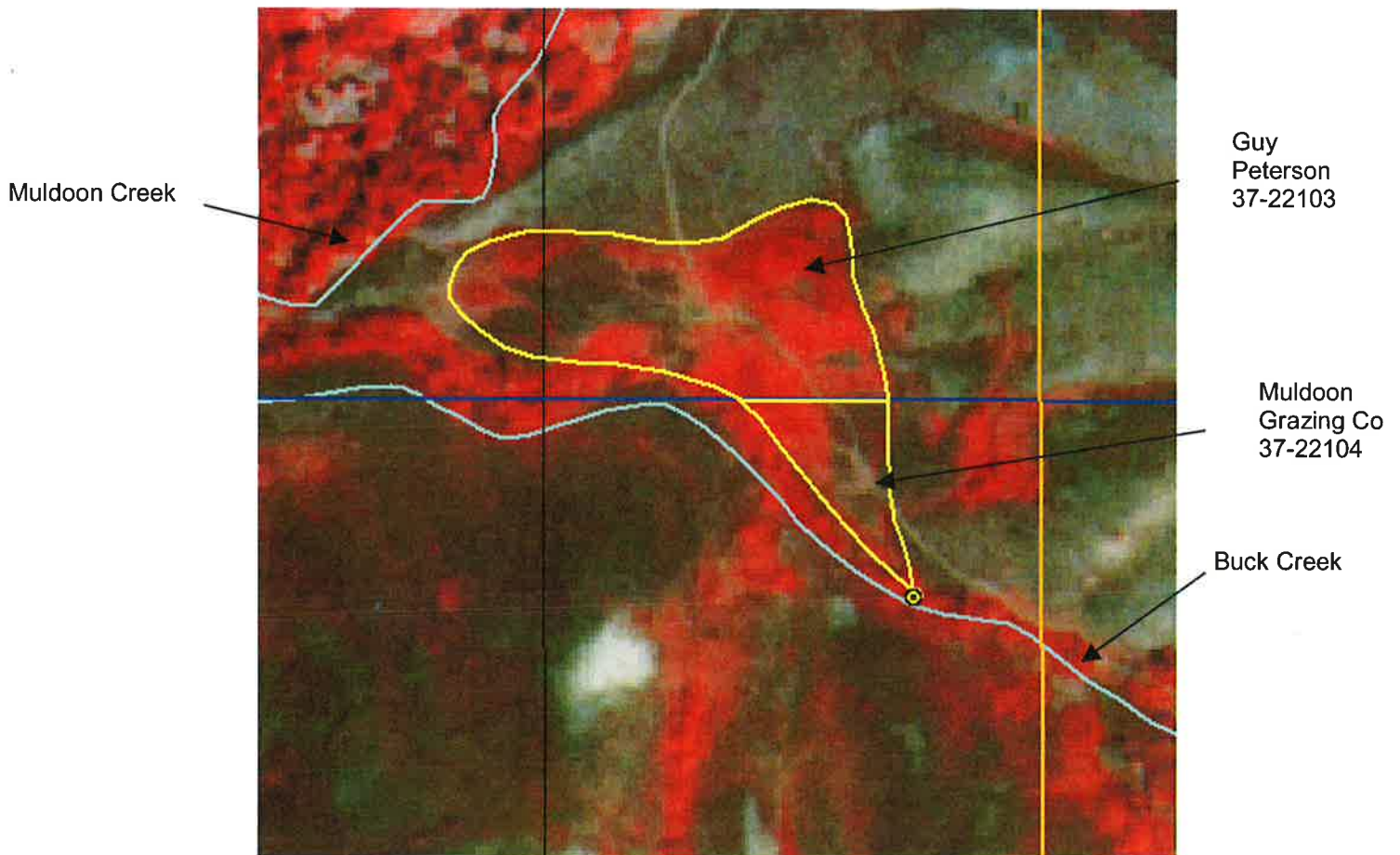
Background Data

- Beneficial Use claim.
- Source is Buck Creek.
- Claiming 0.05 cfs on 15 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.

1987 Aerial Photo





Photograph of POD taken by Lee Peterson during field exam.
Location: 2508630 1374268
Plate: None
Photo #: 1060622

Notes

T2N R20E Section 24

- Found 12 acres
- 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. Part of POU is on land 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 – Muldoon Grazing Association submitted deed to split claim 37-12393
 - NENE Section 25 owned by Muldoon Grazing Co (confirmed verbally by Guy Peterson).
 - 37-12393 split into
 - 37-22103 (Guy Peterson)
 - 37-22104 (Muldoon Grazing Assoc.)
- Recommendations:
 - 37-22103
 - 0.04 cfs for Irrigation of 9.8 acres
 - Priority Date: 5/1/1959
 - 37-22104
 - 0.01 cfs for Irrigation of 2.2 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