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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 13, 1994

Jim Peterson
Watermaster, Water District 37-O
Box 67
Carey, ID 83320

Re: Water Right No. 37-01048 and Snake River Basin Adjudication Claims (SRBA)

Dear Jim:

Enclosed are computer printouts of the SRBA claims which you and Grant Ellsworth filed on decreed right no. 37-01048. Also included is a computer printout of right 37-01048 with information as originally decreed and recorded with the Department.

Your inspection of the attached printouts will verify that the place of use in the SRBA claims do not match the place of use as originally recorded. I suggest that you review ownership information or documents and work with Mr. Ellsworth or Mr. McCowan and determine who owns the appropriate lands and portions of right 37-01048. If the parties can agree on who owns the right or portions of the right, then the SRBA claims should be amended.

A separate letter is being sent to you and other water users regarding our meeting last week and your appointment as watermaster.

Sincerely,

Tim Luke
Water Allocations

cc: Gary McCowan

Water Right Number - A37-01048A Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** ELLSWORTH	GRANT	1 - BOX 246 2 - 3 - City- CAREY State- ID Zip- 83320 Phone - 208-788-3125

Priority Date	Region	Stage	Status
04/01/1884	17 SOUTHERN	D - DECREED	

Source	Tributary
MULDOON CREEK	LITTLE WOOD RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name
02N	21E	3	SE SW NE			(13) BLAINE	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	11/01	2.000	

Total Div. Rate	Total Div. Volume	Total Div. Capacity	Total Consumptive Use	KW Usage
2.000			3885.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
02N	20E	13	SW NE			01	IRRIGATION	(13) BLAINE

- Diversion Means - DIVERSION DAM, HEADGATE, DITCH

- Non-Irrigation Use - NONE

- Other Rights for Same Use - A37-01139, 01005, 01051, 02247, 07006, 02007.

Remarks

THE LEGAL LAND DESCRIPTION FOR THE POU FOR THIS CLAIM IS THE
SAME AS FOR CLAIM NUMBER A37-01139. INCIDENTAL STOCK USE.

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
N. R. WOODWORTH ET. AL.	FRANK ANTHONY ET. AL., AMENDED	00/00/0000

- Audit Fields - 06/30/89 MERRITT

Water Right Number - 37-01048 Prefix Translation: WATER RIGHT Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** SMITHAM	JAMES	1 - 2 - 3 - City- State- Zip- Phone -

Priority Date	Region	Stage	Status
04/01/1884	17 SOUTHERN	D - DECREED	

Source	Tributary
MULDOON CREEK	LITTLE WOOD RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION			2.000	

Total Div. Rate	Total Div. Volume	Total Div. Capacity
2.000		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
02N	21E	8	SE SE			01	IRRIGATION	13 BLAINE
02N	21E	9	SW SW			01	IRRIGATION	13 BLAINE
02N	21E	17	NE NE			01	IRRIGATION	13 BLAINE
02N	21E	17	NW NE			01	IRRIGATION	13 BLAINE

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks

No Remarks found.

Old Water Right Numbers

No Old Water Right Numbers found.

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
N. R. WOODWORTH ET. AL.	FRANK ANTHONY ET. AL., AMENDED	11/10/1903

Water right number - 37-01048 Prefix Translation: WATER RIGHT

+ -Comments- +

No Comments Found

+ - - Audit Fields - 05/21/86 05/28/88 CONVERT

+ - Water Rights Dates and Flags Area - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 05/21/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 370
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 11/10/1903	Name Connector	-	POU Ownership Flag	-
Presumption Flag	-				

Water right number - A37-01048A Prefix Translation: ADJUDICATION CLAIM

-Comments-

No Comments Found

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 05/21/1986	Old Judicial District	-
Claim Received Date	- 10/28/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 370
Licensed Date	- 00/00/0000	Receipt Number	- S003332	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	-	Notice of Error Flag	-

Water Right Number - A37-01048 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

*** C - CURRENT OWNER ***
MULDOON LIVESTOCK, INC.

1 - BOX 67
2 -
3 -
City- CAREY State- ID Zip- 83320
Phone - 208-823-4425

Priority Date: 04/01/1884
Region: 17 SOUTHERN
Stage: D - DECREED
Status:

Source: MULDOON CREEK
Tributary: LITTLE WOOD RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name
02N	21E	3	SE SE SW			(13) BLAINE	
		10	SE SW NW			(13) BLAINE	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	11/01	2.000	

Total Div. Rate: 2.000
Total Div. Volume:
Total Div. Capacity:
Total Consumptive Use: 300.0
KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
02N	21E	9	NE SW		4.0	01	IRRIGATION	(13) BLAINE
02N	21E	9	SE SW		30.0	01	IRRIGATION	(13) BLAINE
02N	21E	9	NE SE		20.0	01	IRRIGATION	(13) BLAINE
02N	21E	9	NW SE		20.0	01	IRRIGATION	(13) BLAINE
02N	21E	9	SW SE		10.0	01	IRRIGATION	(13) BLAINE
02N	21E	9	SE SE		15.0	01	IRRIGATION	(13) BLAINE
02N	21E	10	NW SW		13.0	01	IRRIGATION	(13) BLAINE
02N	21E	10	SW SW		8.0	01	IRRIGATION	(13) BLAINE
			Total Acres:		120.0			

Diversion Means - OPEN DITCHES

Non-Irrigation Use -

Other Rights for Same Use - A37-00099, A37-01141

Remarks

No Remarks found.

Water right number - A37-01048 Prefix Translation: ADJUDICATION CLAIM

Old Water Right Numbers

Old Water Right Numbers
No Old Water Right Numbers found.

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
N. R. WOODWORTH ET. AL.	FRANK ANTHONY ET. AL., AMENDED	11/10/1903

Audit Fields - 09/27/88 CLELLAND

Comments
No Comments Found

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 05/21/1986	Old Judicial District	-
Claim Received Date	- 10/18/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 370
Licensed Date	- 00/00/0000	Receipt Number	- S003009	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	- D
Fee Exempt Flag	-	Name Connector	-	Notice of Error Flag	-