

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 37-22125
Date Received: 1/24/2007
Receipt No:
Received By:

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

1. Name of Claimant(s)

CHRIS FLANIGAN Phone: (208)725-5980

HC 64 BOX 8028
KETCHUM ID USA 83340

JACKIE FLANIGAN Phone: (208)725-5980

HC 64 BOX 8028
KETCHUM ID USA 83340

2. Date of Priority: 03/25/1920

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	17E	10	SE SE SW	BLAINE	

5. Description of diverting works:

Unnamed spring seepage flowing into natural shannel has been intercepted by the Oregon Gulch ditch and utilized on same lands as 37-2168A.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.31	

7. Total Quantity Appropriated is:
0.31 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
05N	17E	10	SW	SE	IRRIGATION	15.6
					Section Acres	15.6
					Total Acres	15.6

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

SCANNED
JAN 09 2008

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

Date Received

Receipt Number

37-22125
1/24/07
5029248

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

RECEIVED
JAN 18 2007
No. 1
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please type or print clearly

1. Name of Claimant (s) Chris and Jackie Flanigan Phone 208-725-5980
Mailing Address HC64 Box 8028 Ketchum, ID Zip 83340
2. Date of Priority (Only one (1) per claim) 03/25/1920
3. Source of water supply (a) Unnamed Stream
which is tributary to (b) Sinks
4. a. Location of existing point of diversion is: Township 05N Range 17E Section 10,
SE 1/4 of SE 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. Unnamed spring seepage flowing into natural channel has been
intercepted by the Oregon Gulch Ditch and utilized on same lands as 37-2168A.

COPY

SCANNED
11/29/2011

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/31 amount 0.31 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.31 (cfs) and / or (b) _____ (acre feet)

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

9. Non-irrigation uses; described fully (e.g. Domestic: list 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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
05N	17E	10															15.6		15.6

Total number of acres irrigated 15.6

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.

37-2168A Or None ☐

14. Remarks:

Unnamed spring seepage flowing into natural channel has been intercepted by the Oregon Gulch Ditch and
utilized on same lands as 37-2168A.

Last Name _____

Ident. No. _____

15. Basis of Claim (check one) Beneficial Use X 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) _____

Date 1/17/07

Date 1/17/07

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 _____

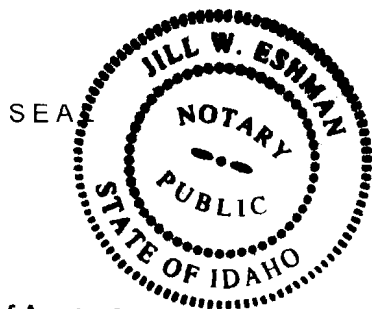
And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho / or _____)
County of BLAINE) ss.

Subscribed and sworn (or affirmed) before me this 17th day of January, 2007.



Notary Public Jill W. Eshman

Residing at BLAINE COUNTY, IDAHO

My Commission Expires FEBRUARY 15, 2012

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 _____

Last Name _____ Ident. Number _____

GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
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Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller

Judson B. Montgomery
Deborah E. Nelson
Kelsey J. Nunez
W. Hugh O'Riordan, LL.M.
Angela M. Reed
Justin A. Steiner
Scott A. Tschirgi, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

RETIRED
Kenneth L. Pursley
James A. McClure
Raymond D. Givens (1917-2008)

October 27, 2009

Mr. Kelly K. Christensen
Senior Water Resource Agent
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: *Chris and Jackie Flanigan Water Rights*

Dear Kelly:

It appears that the Department's online records do not consistently reflect Givens Pursley LLP as the attorneys for the following water rights owned by Chris and Jackie Flanigan:

37-2168A^{AS} 37-2168C^{AS} 37-22121^{AS} 37-22125^{AS}
37-12219^{PA} 37-8870^{LI, B, AS, E}

Enclosed is a copy of the Special Power of Attorney for Water Rights executed by Chris and Jackie Flanigan on April 25, 2008. Please update your records accordingly to ensure that I receive notice of any activity regarding these water rights. Thank you for your help in sorting through these rights.

Sincerely,


Christopher H. Meyer

Encl: *Special Power of Attorney for Water Rights*
cc: Chris and Jackie Flanigan
Jill Eshman, Esq.
CHM:ch
9582-1_694190_1.DOC

37-22125

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

Chris Flanigan and Jackie Flanigan, husband and wife, whose mailing address is HC 64, Box 8028, Ketchum, Idaho 83340, hereby appoints the attorneys of Givens Pursley LLP, 601 West Bannock Street, P.O. Box 2720, Boise, Idaho, 83701, as their true and lawful attorneys for the purpose of signing on their behalf the following forms for submission to the Idaho Department of Water Resources and/or any Court undertaking an adjudication of water rights held by Chris Flanigan and/or Jackie Flanigan:

1. Notice of Claim to a Water Right (including late claims and/or amendments of claims);
2. Application for Amendment of Permit to Appropriate the Waters of the State of Idaho;
3. Notice of Change of Water Right Ownership;
4. Request for Extension of Time to Provide Additional Time in Which to Submit Proof of Beneficial Use for a Water Right Permit;
5. Notice of Protest;
6. Application for Transfer of a Water Right;
7. Proof of Beneficial Use;
8. Application for Exchange of Water;
9. Application for Extension of Time to Avoid Forfeiture of a Water Right;
10. Application to Sell or Lease a Water Right to the Water Supply Bank;
11. Application for Temporary Approval of a Water Application;
12. Application for Permit to Appropriate the Waters of the State of Idaho;
13. Pleadings submitted to any Court undertaking a general or special adjudication of water rights held by Chris Flanigan and/or Jackie Flanigan; and
14. Any pleading or other document in support or furtherance of any of the above.

All may rely on such authority. This Special Power of Attorney shall be effective until revoked in writing by Chris Flanigan and Jackie Flanigan.

For purposes of the exercise of the powers herein granted, the facsimile signature of said attorneys shall be lawful and binding and any person may rely upon such facsimile signature as if it were an original.

[End of text]

IN WITNESS WHEREOF, we have executed this Special Power of Attorney effective as of the last date noted.

Dated: 4/25/08


Chris Flanigan

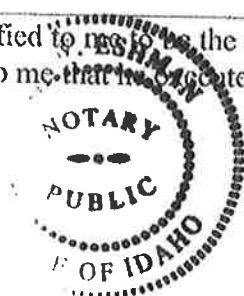
Dated: 4/25/08

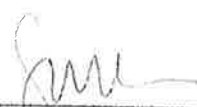

Jackie Flanigan

ACKNOWLEDGMENT

State of IDAHO)
) ss.
County of BLAINE)

On this 25th day of April, in the year of 2008, before me Jill Eshman, a notary public, personally appeared **Chris Flanigan**, known or identified to me to be the person that executed the above instrument, and acknowledged to me that he executed the same.

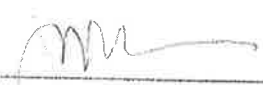


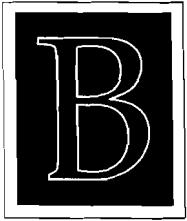

Notary Public for STATE OF IDAHO
Residing at BLAINE COUNTY
My Commission Expires FEB 12, 2015

State of IDAHO)
) ss.
County of BLAINE)

On this 25 day of April, in the year of 2008, before me Jill Eshman, a notary public, personally appeared **Jackie Flanigan**, known or identified to me to be the person that executed the above instrument, and acknowledged to me that she executed the same.




Notary Public for STATE OF IDAHO
Residing at BLAINE COUNTY
My Commission Expires FEB 12, 2015



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 18 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

January 18, 2007

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

Re: (2) Notice of Claims for a water right in the names of Chris and Jackie Flanigan.

Mr. Merritt,

Enclosed are two beneficial use claims, one for irrigation, and one for stockwater use in the names of Chris and Jackie Flanigan. Seepage water originating from a spring in the SE ¼ SE ¼ SW ¼ SEC.10 T.05N R.17E, Blaine County, Idaho, has historically been diverted for irrigation and used for in-stream watering of stock in the SW ¼ SE ¼ SEC.10 T.05N R.17E, Blaine County, Idaho. A narrative in support of these claims is attached and an affidavit also in support of these claims will be sent to IDWR as soon as it is made available.

Variable fees associated with the irrigation and stockwater claims have not been attached because to the attached claims' place of use and nature of use are identical to those that have been paid for under 37-2168A. A filing fee of \$100.00 U.S. dollars is attached (Brockway Engineering Check # 6873). Please copy our office on all correspondence regarding these two water right claims. If you have questions or comments, please don't hesitate to call. Thanks and have a great day.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Sincerely,

Zach Latham, Hydrologist

Attachments: (2) Notice of Claims for a water right
1969 aerial photograph of claim POU
Narrative and exhibits in support of (2) water right claims

Cc: Chris and Jackie Flanigan
Jill Eshman

NESW

NWSE

NESE

SESW

SWSE

SESE

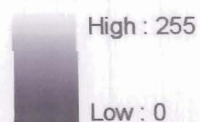
NENW

NWNE

NENE

Flanigan, Chris and Jackie
T.05N R.17E SEC.10 SWSE
8/9/1969 AERIAL PHOTO
Beneficial Use Claims-
Irrigation, Stockwater

Legend
8-9-1969rec.jpg
Value



0 0.025 0.05 0.1 Miles



NARRATIVE TO NOTICE OF CLAIM TO A WATER RIGHT
FILED BY CHRIS AND JACKIE FLANIGAN
REGARDING THE MATTER OF
STOCK WATER USE FROM A SPRING FED CREEK
ON THE FORMER GRAHAM RANCH LOCATED IN
T.05N R.17E. SEC10 BLAINE COUNTY, ID

Chain of Title: In June of 1999, Chris and Jackie Flanigan (“**Flanigans**”) purchased what is now known as Lots 1, 2, 3 and 4 of the North Fork Subdivision First Addition, according to the official plat (attached hereto as Exhibit “A”) thereof, recorded as Instrument No 529595, records of Blaine County, Idaho, and located within HES 123 and 124, Township 5 North, Range 17 East, B.M., Blaine County, Idaho. Prior to ownership of the Property by the Flanigans, Claire Kendall Bailey and Lynn G. Bailey owned the Property; and the owner prior to the Baileys was Alexia Maresi Haller.

On October 4, 1976, Alexia Maresi Haller purchased a portion of the property then known as the Graham Ranch from the Estate of Caroline Graham, as represented by the Executor of such estate, Everett B. Taylor. A copy of the Executor’s Deed is attached hereto as Exhibit “B.” By title records provided by Blaine County Title, the property Alexia Maresi Haller purchased from the Estate of Caroline Graham, is located in Township 05N, Range 17E, Sec.10, and was formerly known as Tax Lot 7579; the same property is now known as Lot 3 of the North Fork Subdivision First Addition, according to the official plat thereof, recorded as Instrument No. 529595, records of Blaine County, Idaho (the “**Property**”).

Caroline Graham became a part owner of the Property on title with her husband, Lowell L. Graham, in 1945; however her husband had first acquired the Property 1920 (a copy of the Warranty Deed is attached as Exhibit “C”); prior to the Lowell L. Graham’s ownership there were two prior owners from the time when it was originally patented by the United State to its first owner in 1916 (a copy of the patent is attached as Exhibit “D”). Caroline and Lowell L. Graham are now deceased.

Spring Water & Prior Beneficial Use: The spring at issue originates on the forest service land to the west of the Property located within Township 05N, Range 17E, Sec.10, NE ¼, SE ¼, SW ¼, Blaine County, ID. The Affidavit of Alexia Maresi

Haller supports the claim of beneficial use for stockwater and irrigation on the Property prior to 1971. Irrigation is evident based upon the photo taken in 1969 which is included with the two Notices of Claim.

EXHIBIT "A"

LEGEND

PROPERTY LINE
LOT LINE LUMINATED
DITCH/ROAD
10' PUBLIC UTILITY EASEMENT
PER ORIGINAL PLAT
CL 20' PUBLIC UTILITY EASEMENT (SEE NOTE #13)
100' BUILDING SETBACK
CL 10' WATERLINE EASEMENT (SEE NOTE #26)
BUILDING ENVELOPE
CL 10' DITCH MAINTENANCE EASEMENT
(SEE NOTE #8)
TOE OF SLOPE (SEE NOTES #9 & #10)
FOUND 1/2" REBAR
SET 1/2" REBAR
SET 5/8" REBAR
BRASS CAP

NORTH FORK SUBDIVISION FIRST ADDITION

LOCATED WITHIN:

HES 123 & 124, TOWNSHIP 5 NORTH, RANGE 17 EAST, B.M., BLAINE COUNTY, IDAHO

A LOT LINE SHIFT OF TAX LOTS 7579 & 3508 & NORTH FORK SUBDIVISION, LOTS 2 & 3.

NOVEMBER 2005



NOTES:

1. BASIS OF REBAR/IS FOR THE ORIGINAL PLAT OF NORTH FORK SUBDIVISION (HES NO. 22926). BOUNDARY LINES AND CERTAIN EASEMENTS SHOWN HEREON ARE PER SAID PLAT. REFER TO SAID PLAT FOR CONDITIONS AND RESTRICTIONS REGARDING THIS PROPERTY.
2. ALL PUBLIC UTILITY EASEMENTS AS DEPICTED WITHIN THE ORIGINAL PLAT OF NORTH FORK SUBDIVISION ARE PRESERVED UNLESS FORMALLY VACATED PER IDAHO CODE 50-1304A (5).
3. THE POWER LINE EASEMENT TO IDAHO POWER COMPANY IS HEREBY PRESERVED AS IN CONFLICT UNDER INSTRUMENT NO. 113327, IN BOOK 178 OF DEEDS, PAGE 421, RECORDS OF BLAINE COUNTY, IDAHO.
4. ALL FIRE PROTECTION REQUIREMENTS OF THE KETCHUM BURN FIRE DISTRICT, THE INTERNATIONAL FIRE CODE AND BLAINE COUNTY CODE TITLE 7, CHAPTER 7, HOLDINGS, BUT NOT LIMITED TO, WATER SUPPLY, ACCESS AND CLEAR ZONES SHALL BE COMPLIED WITH PRIOR TO ANY COMBUSTIBLE CONSTRUCTION IN THIS SUBDIVISION. APPROVED FIRE DISTRICT INSPECTIONS OF ALL EMERGENCY ACCESS ROADS, TURNAROUNDS AND FLOW TESTING OF FIRE PROTECTION SYSTEMS SHALL TAKE PLACE PRIOR TO ISSUANCE OF A BUILDING PERMIT.
5. POWER SHALL BE CONSTRUCTED UNDERGROUND FOR SERVICE TO EACH LOT AND SUCH IMPROVEMENT SHALL BE THE RESPONSIBILITY OF THE OWNER OF EACH LOT.
6. A 40-FOOT WIDE BY 50-FOOT ACCESS EASEMENT IS GRANTED WITHIN LOT 2 TO BENEFIT ADJOINING TAX LOT 3508 AS SHOWN HEREON.
7. A 40-FOOT WIDE PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT IS GRANTED WITHIN LOT 1 TO BENEFIT LOT 4 AS SHOWN HEREON. LOTS 1 AND 4 SHALL SHARE A JOINT ACCESS DRIVEWAY WITHIN SAID EASEMENT.
8. A 10-FOOT WIDE DITCH MAINTENANCE EASEMENT IS GRANTED WITHIN LOTS 1, 3 & 4 TO BENEFIT LOTS 1 THROUGH 4 AS SHOWN HEREON.
9. ANY STRUCTURE CONSTRUCTED WITHIN LOT 2 SHALL BE LOCATED WITHIN THE BUILDING ENVELOPE AS SHOWN HEREON. DISURBANCE TO EXISTING VEGETATION SHALL BE LIMITED TO THE BUILDING ENVELOPE. A PORTION OF THE BUILDING ENVELOPE ON LOT 2 IS LOCATED IN THE WILSON OVERLAY DISTRICT, HOWEVER A SITE ALTERATION PERMIT IS NOT REQUIRED TO CONSTRUCT WITHIN SAID BUILDING ENVELOPE.
10. ANY STRUCTURE CONSTRUCTED WITHIN LOT 3 SHALL BE LOCATED BELOW THE TOE OF HILL AND DISURBANCE TO EXISTING VEGETATION SHALL BE LIMITED TO THE AREA BELOW THE TOE OF SLOPE AS SHOWN HEREON. SAID SLOPE WAS SURVEYED BY BMA IN 2005 AND CONFIRMED BY BLAINE COUNTY.
11. THERE SHALL BE NO OBSTRUCTION OF DITCHES AND DRAINAGES SHOWN HEREON.
12. A 50-FOOT WIDE PUBLIC UTILITY AND PRIVATE DRIVEWAY EASEMENT EXISTS WITHIN LOT 1 NORTH FORK SUBDIVISION PER NORTH FORK SUBDIVISION INSTRUMENT NO. 22926.
13. A 20-FOOT WIDE PUBLIC UTILITY EASEMENT IS LOCATED WITHIN LOTS 1 AND 2 TO BENEFIT LOT 2 AS SHOWN HEREON.
14. PURSUANT TO STATE REGULATION, MAINTENANCE AND WEED CONTROL FOR ALL LOTS ARE THE RESPONSIBILITY OF THE DEVELOPER UNTIL THE LOT IS SOLD AND THEREAFTER THE RESPONSIBILITY OF THE INDIVIDUAL LOTS.
15. THE PURCHASER AND/OR OWNER OF ANY LOT IN THIS SUBDIVISION UNDERSTANDS AND AGREES THAT PRIVATE ROAD CONSTRUCTION, MAINTENANCE, AND SHOW REPAIRS SHALL BE THE OBLIGATION OF THE OWNER, HIS SUCCESSORS IN INTEREST, OR THE HOMEOWNERS' ASSOCIATION, AND THAT BLAINE COUNTY IS IN NO WAY OBLIGATED TO ACCEPT, MAINTAIN OR IMPROVE THESE ROADS UNLESS THE ROADS ARE BROUGHT UP TO COUNTY STANDARDS, DEDICATED, AND ACCEPTED BY THE COUNTY, AND THAT EACH OWNER SHALL NOTIFY IN WRITING ANY SUCCESSOR IN INTEREST OF THESE FACTS.
16. SOUTH CENTRAL DISTRICT HEALTH (SCDH) SHALL ISSUE SEPTIC SYSTEM PERMITS AFTER REVIEW AND APPROVAL OF A SITE PLAN FOR EACH LOT AS REQUESTED BY THE LOT OWNER. SCDH SHALL REQUIRE A 50 FOOT SETBACK BETWEEN SEWAGE DRAIN FIELDS AND ANY IRRIGATION STORAGE POND AND ACCOMPANYING DITCHES.
17. CONSISTENT WITH IDAHO CODE 50-1304A, THE INDIVIDUAL WELLS SHALL BE USED FOR DOMESTIC PURPOSES, AS DEFINED IN IDAHO CODE 50-1304A-111 TO THE EXTENT SURFACE WATER IS REASONABLY AVAILABLE FOR IRRIGATION PURPOSES. SURFACE WATER SHALL BE THE PRIMARY SOURCE OF IRRIGATION WATER WITH REGARD TO LOTS 1 AND 3.
18. REMOVAL OF NATIVE VEGETATION SHOULD BE KEPT TO ONLY WHAT IS NECESSARY TO CONSTRUCT DRIVEWAYS AND RESIDENCES AND ALL LANDSCAPING ADDED TO THE LOTS SHOULD BE SUBSTANTIALLY OF NATIVE VEGETATION INDICATIVE OF THE RURAL ENVIRONMENT AND SHOULD BE HARMONIOUS WITH THE SURROUNDING AREA. VEGETATION AND SOIL DISTURBANCE BY CONTRACTORS AND UTILITY COMPANIES SHOULD BE LIMITED TO ROADS AND BUILDING FOOTPRINTS ONLY.
19. LIVESTOCK GRAZING OF ANY KIND IS PROHIBITED ON SLOPES IN EXCESS OF FIVE PERCENT (5%).
20. BIG GAME AND OTHER WILDLIFE DEPENDENCIES ON ORNAMENTAL PLANTS AND FLOWERS ARE ANTICIPATED. ALL HAY AND OTHER LIVESTOCK FEED SHOULD BE STORED AND FED IN A MANNER THAT DOES NOT ATTRACT BIG GAME AND OTHER WILDLIFE SPECIES. IT SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER TO CONTROL THE WILDLIFE DEPENDENCY IN ACCORDANCE WITH ANY AND ALL ACTIONS OR REACTIONS PRESCRIBED BY IDAHO FISH AND GAME. FURTHER, THE FEEDING OF GAME SPECIES OR PREDATORY WILDLIFE IS PROHIBITED.
21. ALL PETS SHOULD BE KEPT IN-DOORS, KENNELLED, OR LEASHED AT ALL TIMES. ALL PET FOOD SHOULD BE STORED AND FED IN A MANNER THAT DOES NOT ATTRACT NUISANCE WILDLIFE SUCH AS SKUNKS, RACCOONS, MAGPYS, AND RED FOX. IT SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER TO CONTROL NUISANCE WILDLIFE IN ACCORDANCE WITH ANY AND ALL ACTIONS OR REACTIONS PRESCRIBED BY IDAHO FISH AND GAME.
22. FENCING SHOULD BE KEPT TO A MINIMUM FOR THE PURPOSE OF FACILITATING WILDLIFE PASSAGE THROUGH THE AREA. TO THE EXTENT FENCING IS ADDED IT SHOULD BE TO IDAHO FISH AND GAME STANDARDS, OF A POST AND RAIL DESIGN WITH A BOTTOM RAIL HEIGHT OF 42" AND A MINIMUM BOTTOM RAIL HEIGHT OF 18".
23. NONCONFORMING USES OF THE PROPERTY IMMEDIATELY TO THE NORTH OF THIS SUBDIVISION EXIST AS OF THE DATE HEREON, AND MAY CONTINUE TO EXIST.
24. IRRIGATION WATER RIGHTS SHALL REMAIN AND BE APPORTIONED WITH LOTS 1, 3 & 4 ON THE PROPERTY ADJACENT TO THE NORTH AND SHALL BE APPORTIONED AT THE SOLE DISCRETION OF THE OWNER OF SUCH RIGHTS.
25. TIES TO AND BETWEEN GLS MONUMENTS ARE IN PLACE BY IDAHO CENTRAL ZONE AT GRID USING PARAMETERS PUBLISHED FOR CONTROL POINT "HES124-1".
26. A 15-FOOT WIDE WATERLINE EASEMENT IS GRANTED WITHIN LOT 2 TO BENEFIT LOT 3 AS SHOWN HEREON.

HEALTH CERTIFICATE

Sanitary requirements as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary requirements may be performed in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date 11-14-2005

Rest W. W. South Central District Health Dept., HES



NORTH FORK SUBDIVISION FIRST ADDITION

LOCATED WITHIN: TOWNSHIP 5 NORTH, RANGE 17 EAST, B.M., BLAINE COUNTY, IDAHO

PREPARED FOR: CHRIS & JACKIE FLANAGAN

PROJECT NO. 04118
FINAL PLAT

DWG BY: JUD/JEL/CPL
FILE: 04118PG1.DWG
DATE: 11/04/05
SHEET: 1 OF 2

PREPARED BY: BENCHMARK ASSOCIATES P.A.
P.O. BOX 758 - 100 BELL DRIVE
KETCHUM, IDAHO, 83340
PHONE (208)726-0912 FAX (208)726-9514
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LINE DATA

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
1	S 89°23'32"E	32.82	18	N 20°38'34"W	13.74
2	S 89°42'00"E	18.30	19	S 89°33'38"W	32.50
3	S 89°42'00"E	18.30	20	S 89°33'38"W	32.50
4	N 72°25'00"E	36.06	21	S 89°33'38"W	32.50
5	N 50°51'00"E	25.12	22	S 89°33'38"W	32.50
6	S 89°33'38"W	25.12	23	S 89°33'38"W	32.50
7	N 120°15'00"E	83.71	24	S 89°33'38"W	32.50

CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
1	170.00	174.12	177.33	S 70°12'18"W	26°43'48"

HES NO. 123
COR. NO. 4

DETAIL "A"

NORTH FORK SUBDIVISION FIRST ADDITION

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS that CHRIS FLANIGAN and JACKIE FLANIGAN, husband and wife, do hereby certify that they are the owners of three parcels of land described as follows:

Parcel 1

Lots 2 & 3, of NORTH FORK SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 229263, records of Blaine County, Idaho.

Parcel 2

TAX LOT 7579

A parcel of land located within H.E.S. 123 and H.E.S. 124, and also within unsurveyed Section 10, Township 3 North, Range 17 East, Boise Meridian, Blaine County, Idaho, more particularly described by metes and bounds as follows:

Commencing at a U.S.F.S. brass cap marking corner No. 5 of said H.E.S. 123, said corner lying N18°32'00"W, 2949.91 feet from Corner No. 4 of said H.E.S. 123; thence S18°32'00"E, 609.69 feet along the westerly boundary of said H.E.S. 123 to the southerly corner of the North Fork Subdivision, which point is the TRUE POINT OF BEGINNING.

Thence N52°12'56"E, 740.00 feet along the southerly boundary of said North Fork Subdivision to the southerly corner of Lot 1, said North Fork Subdivision; thence N52°13'32"E, 402.59 feet along the southerly boundary of said North Fork Subdivision to the easterly corner of said Lot 1, said corner lying on the westerly boundary of Idaho State Highway No. 75; thence S33°14'46"E, 553.77 feet along said westerly boundary of Idaho State Highway No. 75 to the easterly corner common to Tax Lots 7579 and 3508; thence S45°25'39"W, 1225.99 feet along the boundary common to Tax Lots 7579 and 3508 to a point on the westerly boundary of said H.E.S. 123; thence N18°32'00"W, 287.98 feet along said boundary to the True Point of Beginning.

Parcel 3

TAX LOT 3508

A parcel of land located within H.E.S. 123 and H.E.S. 124, and also within unsurveyed Section 10, Township 3 North, Range 17 East, Boise Meridian, Blaine County, Idaho, more particularly described by metes and bounds as follows:

Commencing at a U.S.F.S. brass cap marking corner No. 5 of said H.E.S. 123, said corner lying N18°32'00"W, 2949.91 feet from corner No. 4 of said H.E.S. 123; thence S18°32'00"E, 897.67 feet to the TRUE POINT OF BEGINNING.

Thence N65°25'39"E, 1225.99 feet along the boundary common to Tax Lots 7579 and 3508 to a point on the westerly boundary of Idaho State Highway No. 75;

thence S33°13'08"E, 70.24 feet along said westerly boundary of Idaho State Highway No. 75 to the southeasterly corner of Tax Lot 3508;

thence S59°28'47"W, 1264.59 feet to the TRUE POINT OF BEGINNING.

Pursuant to Idaho Code 50-1336, I, the undersigned, as owner, do hereby state that the individual lots described in this plat will not be served by any water system common to one or more of the lots but will be served by an individual well.

The easements shown hereon are not dedicated to the public, but the right to use said easements for the intended purposes is hereby reserved forever. No structures other than for such utility and other designated uses are to be erected within the lines of said easements.

It is the intention of the undersigned to, and they do hereby include said land in this plat.

Signed this 15 day of November, 2005

Chris Flanigan
CHRIS FLANIGAN

Jackie Flanigan
JACKIE FLANIGAN

ACKNOWLEDGEMENT

COUNTY OF BLAINE
STATE OF IDAHO

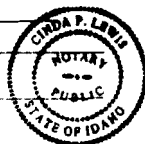
On this 15TH day of NOVEMBER, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared CHRIS FLANIGAN and JACKIE FLANIGAN, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

My commission expires: 9/30/2009

Residing at: KETCHUM, IDAHO

Cinda P. Lewis
Notary Public



SURVEYOR'S CERTIFICATE

I, JAMES E. ROBINSON, a duly Registered Land Surveyor in the State of Idaho, do hereby certify that the foregoing plat is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with Idaho State Code relating to plats and surveys.

James E. Robinson, P.L.S.



11/64/05

COUNTY SURVEYOR'S APPROVAL

This is to certify that I, Jim W. Kaunce, County Surveyor for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.

Jim W. Kaunce 11/7/05
Jim W. Kaunce Date

COUNTY PLANNING & ZONING APPROVAL

The foregoing plat was approved and accepted this 22nd day of November, 2005, by the Blaine County P & Z Administrator.

By: Jack Skram

COUNTY COMMISSIONER'S APPROVAL

The foregoing plat was approved and accepted this 14th day of November, 2005, by the County commissioners, Blaine County, Idaho.

By: Shari Mitchell

COUNTY TREASURER'S CERTIFICATE

On this 5th day of December, 2005, the foregoing plat was approved and accepted by the Blaine County Treasurer, Blaine County, Idaho.

By: Jackie X. Durr by Hal Peterson

COUNTY RECORDER'S CERTIFICATE

I hereby certify that this instrument was filed at the request of _____ at _____ minutes past _____ o'clock, _____ m., on this _____ day of _____, 20____, A.D., in my office and duly recorded in book _____ of plate of page _____.

Instrument No. _____ Fee \$ _____

By: _____

Instrument # 829885

FILED: BLAINE IDAHO
1009.12.09 09:40:00 REC. OF PLATS
Reviewed by: BENCHMARK ASSOCIATES
BENCHMARK ASSOCIATES
Ex. 2000 to Recorder: Durable
made in IDAHO



NORTH FORK SUBDIVISION
FIRST ADDITION

LOCATED WITHIN: T3N, R17E, B.M.
BLAINE COUNTY, IDAHO

PREPARED FOR: CHRIS & JACKIE FLANIGAN

FINAL PLAT DRAWN BY: CPL FILE 04116ch.DWG
PROJECT NO. 04116 DATE: 10/28/05 SHEET 2 OF 2

EXHIBIT "B"

168743
10/4/76

EXECUTOR'S DEED

This deed, made this 30th day of September, 1976, between Everett B. Taylor of the County of Blaine and State of Idaho, as executor of the last will and testament of Caroline Graham, a widow, deceased, late of Blaine County, State of Idaho, hereinafter referred to as executor, and Alexia Maresi, a single person, of Blaine County and State of Idaho, hereinafter referred to as grantee, witnesseth:

WHEREAS, Caroline Graham, late of Blaine County and State of Idaho, deceased, in her lifetime, made and executed her last will and testament, bearing date the 11th day of April, 1974, which will was thereafter, on the 24th day of May, 1976, duly proved and admitted to probate in and by the Magistrate Court of Blaine County, in the State of Idaho, whereby, among other things, she constituted and appointed Everett B. Taylor executor of her last will and testament, and did thereby empower executor to sell and dispose of real estate belonging to testatrix at the time of her death; and

WHEREAS, executor has been duly appointed such executor of said will and has duly qualified and is acting as such executor,

Now, therefore, executor, by virtue of the power and authority to him given in and by the said last will and testament and for and in consideration of Ten Dollars (\$10.00) and other valuable consideration, to him in hand paid by grantee, the receipt whereof is hereby acknowledged, does hereby grant and convey to grantee, her heirs and assigns forever, all that tract or parcel of land, lying and being in the County of Blaine and State of Idaho, described as follows, to wit:

Begin at Cor. #5 HES 123
So. 18°-47' East 610' to the N. corner of Section 93
N. 52°-09' East 1141.08' to
W. Boundary US 93
S. 33°-14' East along westerly
boundary of US 93 550' + or -
Then S. 65°-42' West 1223.37'
Then N. 18°-47' West 288' to
point of beginning.
(11.55 acres more or less)

Together with all and singular, the hereditaments and appurtenances thereto belonging, or in any wise appertaining, and all the estate, right, title, interest, claim and demand whatsoever, at law or in equity, which Caroline Graham, testatrix, had at the time of her death, in and to the said premises:

Alexia Maresi

SCANNED
JAN 11 9 2008

To have and to hold the same unto grantee, her heirs and assigns forever, as fully and effectually to all intents and purposes in law, as he the executor might, could or ought to sell and convey the same, by virtue of the said last will and testament above referred to.

And executor, for himself, his heirs, legal representatives and assigns, does hereby covenant with grantee, her heirs and assigns, that he has not made, done, committed, executed or suffered, any act or acts, thing or things, whatsoever, by means of which the above described land, or the title thereto, or any part thereof, now is, or may at any time hereafter be, impeached, charged or incumbered in any manner whatsoever.

IN WITNESS WHEREOF, Everett B. Taylor, as executor of the last will and testament of Caroline Graham, deceased, has hereunto set his hand and seal the day and year first above written.

ESTATE OF CAROLINE GRAHAM, DEC'D.

By

Everett B. Taylor
Everett B. Taylor, Executor of the last will and testament of Caroline Graham.

STATE OF IDAHO

County of Blaine

ss.

On the 30th day of September, 1976, before me personally appeared Everett B. Taylor executor of the last will and testament of Caroline Graham, deceased, to me known to be such executor and to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as the executor of the last will and testament of said Caroline Graham, deceased, and his free act and deed.

Notary Public for Idaho

Residing at:

EXHIBIT "C"

No. 45270.

WARRANTY DEED.
JOHN A. STURM TO LOWELL L. GRAHAM ET AL.

108/522
4-7-20

THIS INSTRUMENT, Made this 25th day of March in the year of our Lord one thousand nine hundred and Twenty between John A. Sturm, a Bachelor, of Jerome, County of Jerome, State of Idaho the party of the first part, and Lowell L. Graham and Charles E. Jones, of Jerome, County of Jerome, State of Idaho, the parties of the second part.

WITNESSETH, That said party of the first part, for and in consideration of the sum of Thirty Five Hundred (\$3,500.00) Dollars lawful money of the United States of America, to him in hand paid by said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in Blaine County, Idaho, to wit:

Containing a portion of Township five North of Range seventeen East of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at Corner No. 1 from which U.S. Location Monument No. 123 bears north seventy degrees, six minutes west one and twenty-eight-hundredths chains distant, thence south forty-three degrees, five minutes east sixty, six and eighty-nine-hundredths chains to Corner No. 2; thence south forty-five degrees, thirty-one minutes west twenty five and sixty-six hundredths chains to Corner No. 3, thence North fifty-one degrees, sixteen minutes west two ty-eight and nineteen hundredths chains to corner No. 4; thence north eighteen degrees, forty-seven minutes west forty-four and seventy-one hundredths chains to Corner No. 5, thence north fifty-two degrees, fifteen minutes east eleven and twenty-four hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-eight and seventy-nine hundredths acres, according to the official plat of the survey of the said land.

Also all water rights appurtenant to, and pertaining and belonging to the herein described land; subject, however, to a mortgage made and executed by Thomas E. Brinegar and Bora B. Brinegar, husband and wife to Union Central Life Insurance Company, which mortgage is hereby assumed by the guaranties herein and which agree to pay as additional consideration to the above mentioned.

TOGETHER, with all and singular, the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part:

TO HAVE AND TO HOLD All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said parties of the second parties, heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of
Henry M. Hall

John A. Sturm (Seal)

State of Idaho,)
County of Jerome.) ss

On this 25th day of March in the year 1920, before me Henry M. Hall,

SCANNED
JAN 09 2008

U. S. PATENT RECORD—HOMESTEAD

G. W. BROOKER CAL. ESTATE LAND, ETC.

No. 1860.
UNITED STATES
OF
AMERICA

T. F. Brinegar.

Dated

ID

Recorded at the request of

W. B. George.

April 6, 1916. A. D. 19

at 2:30

o'clock P. M.

Blaine County Records.

Geo. A. Malone,
County Recorder

By S. L. George. Deputy.

THE UNITED STATES OF AMERICA.

Selling space.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Homestead Certificate No.

APPLICATION

WHEREAS, There has been deposited in

General Land Office of the United States a Certificate of the Register of the Land Office
Idaho, has been deposited in the General Land Office,
of 20
Approved 20th May 1912. "To Secure Homesteads to Actual Settlers on the Public Domain
and the Acts supplemental thereto, the claim of

Thomas F. Brinegar.

has been established and duly consummated, in conformity to law for the

H. E. Survey No. 123, embracing a portion of Township
five North of Range seventeen east of the Boise Meridian,

Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from
which U. S. Location Monument No. 123 bears north seventy degrees, six minutes west one
and twenty-eight-hundredths chains distab; thence south forty-three degrees, five minutes
east sixty-six and eighty-nine-hundredths chains to corner No. 2; thence south forty-
five degrees, thirty-one minutes west twenty five and sixty-six hundredths chains to
corner No. 3, thence North fifty-one degrees, sixteen minutes west twenty-eight and
nineteen-hundredths chains to corner No. 4; thence north eighteen degrees, forty-
seven minutes west forty-four and seventy-one hundredths chains to corner No. 5;
thence north fifty-two degrees, fifteen minutes east eleven and twenty-four hundredths
chains to corner No. 1, the place of beginning, containing one hundred fifty-eight and seven
nine hundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

NOW, KNOW YE, That there is, therefore granted by the United States unto the said

claimant

the tract of land above described;

TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said

claimant

and to his heirs and assigns forever, subject

any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs
in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts
also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found
penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a
or way thereon or ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I Woodrow Wilson

President of the U

States of America, have caused these Letters to be made Patent, and the Seal of the General
Office to be hereunto affixed.

Given under my hand at the City of Washington, the seventeenth

day of March

in the year of our Lord one thousand nine hu

and Sixteen.

and of the Independence of the United States

one hundred and fortieth

BY THE PRESIDENT:

Woodrow Wilson

Recorded Patent Number 519455.

By M. P. LeRoy

Secr

Recorded Idaho, Vol

Page

L. Q. C. Lamar

Recorder of the General Land



SCANNED

JAN 11 4 2008

**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

) Subcase No.: 37-22125
)
)
)
)
)
)
)

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.

CLAIMANT:

Jackie and Chris Flanigan

Christopher H. Meyer Date
Attorney for Jackie and Chris Flanigan

IDWR CONCURRENCE:

Kelly K. Christensen 11-18-09

Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

10/27/2009

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

RIGHT NUMBER: 37-22125

NAME AND ADDRESS: CHRIS FLANIGAN
HC 64 BOX 8028
KETCHUM ID 83340

JACKIE FLANIGAN
HC 64 BOX 8028
KETCHUM ID 83340

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: ~~0.11~~ 0.120 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

~~This right when combined with Right No. 37-2168A shall provide no more than .02 cfs per acre.~~

PRIORITY DATE: 03/25/1920

POINT OF
DIVERSION:

T05N R17E S10 ~~SWSWSE~~ SESESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

~~04/15~~ 05/01 10/31

~~0.11~~ 0.120 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T05N R17E S10

SWSE

~~5.6~~ 6.10

5.6 6.10 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 13.2 acres in a single irrigation season. Combined Right Nos.: 37-2168A, 37-2168C, and 37-22125.

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

PROPERTY IS A PORTION OF HES 123 & 124.

10/27/2009

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

RIGHT NUMBER: 37-22125

NAME AND ADDRESS: CHRIS FLANIGAN
HC 64 BOX 8028
KETCHUM ID 83340

JACKIE FLANIGAN
HC 64 BOX 8028
KETCHUM ID 83340

VERIFIED BY KKC
Routed 10-27-09

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: ~~0.11~~ 0.120 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

~~This right when combined with Right No. 37-2168A shall provide no more than .02 cfs per acre.~~

PRIORITY DATE: 03/25/1920

POINT OF
DIVERSION:

T05N R17E S10 SWSWSE SESESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	~~04/15~~ 05/01 10/31	~~0.11~~ 0.120 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T05N R17E S10 SWSE ~~5.6~~ 6.10

~~5.6~~ 6.10 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 13.2 acres in a single irrigation season. Combined Right Nos.: 37-2168A, 37-2168C, and 37-22125.

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

PROPERTY IS A PORTION OF HES 123 & 124.

11/13/2008

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

RIGHT NUMBER: 37-22125

NAME AND ADDRESS: CHRIS FLANIGAN
HC 64 BOX 8028
KETCHUM ID 83340

JACKIE FLANIGAN
HC 64 BOX 8028
KETCHUM ID 83340

VERIFIED BY KKC
11-13-08

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.110 CFS

This right when combined with Right No. 37-2168A shall provide no more than .02 cfs per acre.

PRIORITY DATE: 03/25/1920

POINT OF
DIVERSION:

T05N R17E S10 SWSWSE 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	0.110 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T05N R17E S10	SWSE	5.60
---------------	------	------

5.6 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

Christensen, Kelly

From: Christensen, Kelly
Sent: Thursday, June 11, 2009 1:33 PM
To: 'Steven M Spencer'
Subject: RE: Flanigan 37-22121 & 37-22125

Regarding 37-22125, the irrigation right. They are asserting that the point of diversion is on Forest Service ground. They describe it as a spring development piped to a cistern and then via pipe and/or ditches to the POU. The POU is well within the privately owned ground and should not create any problems.

My question is, do you have a problem with the POD being on Forest service ground? Location is Sec 10 SESESW approximately 225 ft into that Q/Q.

From: Steven M Spencer [mailto:sspencer@fs.fed.us]
Sent: Monday, March 23, 2009 2:32 PM
To: Christensen, Kelly
Subject: Flanigan 37-22121 & 37-22125

Kelly, these maps may be useful to you in these two subcases. Hopefully you can keep them on the private land. If they start to cross the fence onto federal land please let me know. Thank you.

Steve Spencer
Water Use Specialist (208) 365-7055
USDA Forest Service (208) 365-7037 FAX
1805 Highway 16, Room 5 e-mail: sspencer@fs.fed.us
Emmett, ID 83617

OWNERSHIP ISSUE

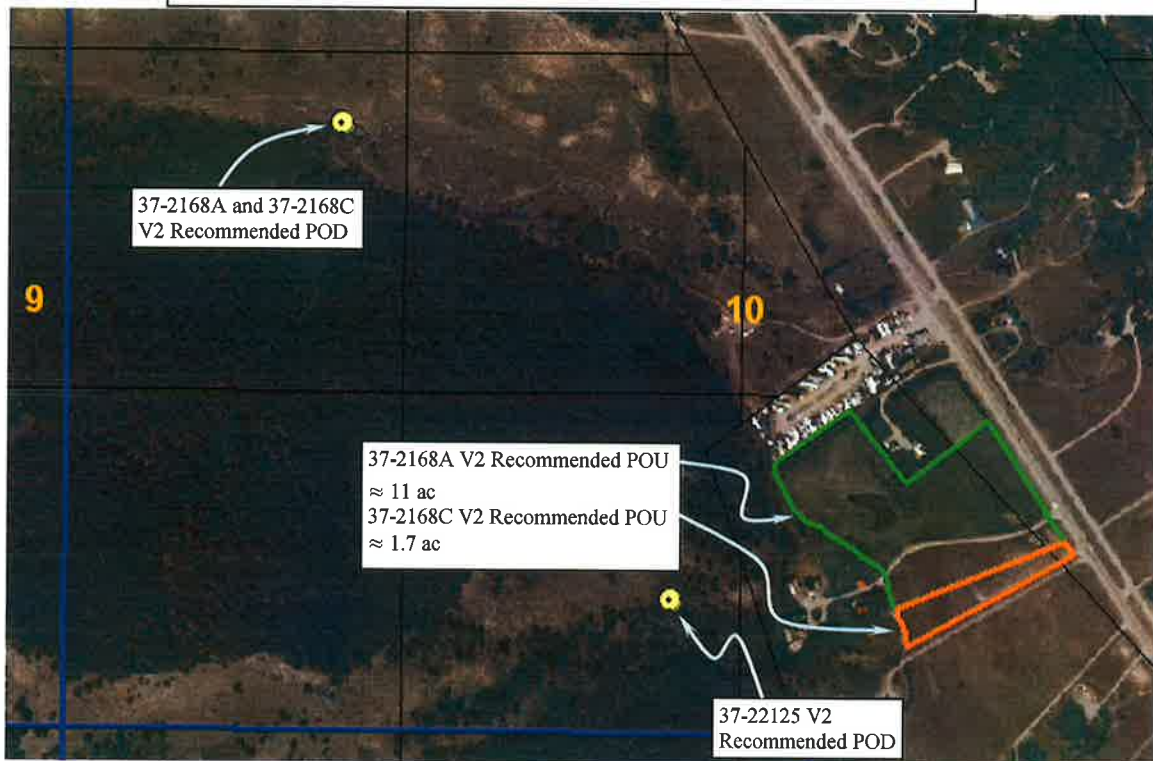
It is my understanding that all of the POU for 37-2168C and a portion of the POU for 37-2168A is owned by a different legal entity (Boweta LLC). Although Boweta LLC is controlled by Flanigan it is a separate and unique owner. This creates overlap issues with 37-22125. It is my understanding that both parcels are currently and historically operated as a common system rather than being managed on an ownership basis.

One possible solution would require a reassessment of the recommended POU for both 37-2168A and C. As the claims are based upon the same licensed right I feel that it would be reasonable to modify the POU for each right to reflect the ownership boundaries. As it stands if Boweta were to submit a change of ownership 37-2168A would have to be split creating two rights based upon 37-2168 for the Boweta property. This approach would not require any amendments to the claims as 37-2168A would be reduced by that portion going to Boweta and the recommendation 37-2168C could be increased by the same respective acreage. The claimed POU for 37-2168C exceeds the proposed increase in the POU under this analysis.

37-22125 could then be split based upon ownership and better reflect the actual ownership/overlap between the two systems and there would not be multiple claims derived from the same base right on either parcel.

The following aerial representations of the property in question are an attempt to visually describe what was discussed above.

Proposed changes for claims based upon water right 37-2168.
This does not reflect the POU by ownership.
2004 aerial photo



The revised recommendations for 37-2168A and 37-2168C recognize that the ground west of the delivery ditch has never been irrigated and has therefore been excluded in the V2 recommendation. Also the director's report recommendation included a portion of the Welsh property which is also excluded in this recommendation.

email attachment
RE Flanigan 37-22125 22125
June 11, 2009 1:33 PM

C:\Documents and Settings\kchrste\Local Settings\Temporary Internet Files\Content.Outlook\QK74H5H5\37-2168A and C V2 analysis (2).doc

Boweta LLC ownership boundary and overlap area with 37-22125
Welsh property boundary partly included in the initial
recommended POU
2004 aerial photo



Christensen, Kelly

From: Christensen, Kelly
Sent: Tuesday, December 23, 2008 11:11 AM
To: Kelly, Vicki
Subject: 37-22121 AND 37-22125 Flannigan

For the files.

They are planning on filing an obj to 37-22125 concerning the point of diversion location. We discussed it and I will likely go with what they submit. I am not sure but I do not think an objection is pending for 37-22121.

He also talked about going with other Flannigan recommendations through the SF-5 process. Should be more on specific claims later. They also said that they have reached agreements with the respondents so things should be able to move forward without further major battles.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, November 05, 2008 7:13 AM
To: 'chrismeyer@givenspursley.com'
Subject: 37-22121 37-22125 follow-up

I want to make sure we are both in agreement regarding the two late claims before I submit a director's report. Please review the attachment and then provide me with your input.

Thanks



37-22121 AND
7-22125 REQUEST .

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

October 24, 2008

by Kelly K Christensen

**REQUEST FOR INFORMATION
REGARDING 37-22121 AND 37-22125**



2004 aerial photo

I realize that we discussed this early this summer in regards to a potential transfer but I did make notes on the place of use or the exact route of the unnamed stream channel.

37-22121 was filed for in-stream stockwater use for the unnamed stream. I have identified the approximate location where the stream channel enters the Flanigan property. Although I created the northern boarder of the irrigated POU based upon what I recalled as the stream channel route I would appreciate additional input regarding this boundary. It is my expectation to utilize that line as the POU for the in-stream use. The black dots represent the approximate beginning and ending points.

37-22125 was filed for irrigation from the unnamed stream from the point where that channel is intersected by the Oregon Gulch Creek and gravity irrigation would thereby carry that water. As things stand I have outlined ground owned by Flanigan and Boweta LLC however since they are separate entities something needs to be done to resolve this conflict. I can either recommend the POU on the Flanigan property only or possibly Boweta could file a change of ownership. I need your direction in this area. I have included 2 closer views of the area with the various shape lines removed so that the physical features are not obscured. Please annotate the map and return it to me.

Thanks for your input

*attachment to e-mail
37-22121 37-22125 follow up
11-5-08 7:13am*



2004 aerial photo



2004 aerial photo

October 24, 2008

by Kelly K Christensen

**REQUEST FOR INFORMATION
REGARDING 37-22121 AND 37-22125**



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Thanks for your input

Christopher H. Meyer, Idaho State Bar No. 4461
Michael P. Lawrence, Idaho State Bar No. 7288
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com

RECEIVED

OCT 24 2008

DEPARTMENT OF
WATER RESOURCES

Attorneys for Christopher A. Flanigan and Jacqueline Renee Adams Flanigan, Husband and Wife, and for BOWETA LLC

**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

Subcase Nos. 37-2168A, 37-2168C
37-22121, and 37-22125

**STIPULATION FACILITATING
SF5s**

The undersigned parties ("Parties"), by and through their counsel of record, hereby stipulate as follows with respect to Water Right Nos. 37-8870, 37-2168A, 37-2168C, 37-12219, 37-22121, and 37-22125 (collectively as the "Water Rights"):

1. Christopher A. Flanigan and Jacqueline Renee Adams Flanigan, Husband and Wife (the "Flanigans"), who are named as Chris and Jackie Flanigan in some documents pertaining to the Water Rights, are the claimants for Water Right Nos. 37-2168A, 37-2168C, 37-22121, and 37-22125.

2. Some of the Water Rights and/or land to which the Water Rights are appurtenant may be owned by BOWETA LLC, a Colorado limited liability company.

3. The Flanigans own and control BOWETA LLC, a family-owned entity employed for estate and tax planning purposes.

4. The Flanigans and/or BOWETA LLC also own Water Right No. 37-8870, a licensed right for which no SRBA claim has been filed, and Water Right No. 37-12219, for which a partial decree has been issued by the SRBA Court.

5. The Flanigans filed objections to the Director's Reports for Water Right Nos. 37-2168A and 37-2168C. In their objections, the Flanigans contended that Oregon Gulch Creek is tributary to sinks. Part "E" of those objections set out the following explanation of the Flanigans' position:

Oregon Gulch Creek is physically separate from the Big Wood River. Oregon Gulch Creek is a "dry creek" and does not discharge to the Wood River during the irrigation season. Instead, it is tributary to sinks. Administration of this right historically has been separate from surface rights on the Big Wood River. This separate administration should be reflected in the general provisions governing this water right. . . .

6. Tom O'Gara, John F. Stevenson, Bill Molyneux, Pete Van Der Meulen, Grace Eakin, Gerald Bashaw, and Pepin Corso-Harris ("Concerned Water Users") and Big Wood Canal Company ("Canal Company") filed a combined Standard Form 2 Response to Objection ("Response") for Water Right No. 37-2168C.

7. The purpose of the Response was to contest the Flanigans' Objection as described in paragraph 4 above. Concerned Water Users and Canal Company did not file a response in connection to Water Right No. 37-2168A, but they have the same concern with respect to the Flanigans' "dry creek" objection as to that water right.

8. The Flanigans agree to enter into a Standard Form 5 Stipulation ("SF5") for Water Right Nos. 37-2168A and 37-2168C containing the following key terms: First, the Flanigans will withdraw their claim that the Oregon Gulch Creek is a "dry creek" entitled to

separate administration from the Big Wood River as described in paragraph 4 above. Second, the SF5s will correct the location of the point of diversion, which has not physically moved but is incorrectly displayed.

9. Concerned Water Users and Canal Company will execute the above-described SF5 for Water Right No. 37-2168C.

10. Concerned Water Users and Canal Company agree not to file any objection or response or otherwise to oppose recognition of Water Right No. 37-2168A as reflected in the above-described SF5.

11. Concerned Water Users and Canal Company agree not to file any objection or response or otherwise to oppose recognition of Water Right Nos. 37-22121 and 37-22125 so long as those water rights are recommended for approval by the Director of the Idaho Department of Water Resources materially in conformance with how they have been claimed (as reflected in the water right summaries set out as Exhibits A and B), except that the Director may, in his judgment, chose to describe the point of diversion for one or both of these rights as the spring source of the unnamed stream. The water rights shall contain no condition or general provision regarding separate administration.

12. Concerned Water Users and Canal Company agree not to oppose or collaterally attack Water Right Nos. 37-8870 or 37-12219.

13. This Stipulation is intended to facilitate the final adjudication those Water Rights now before the SRBA. The Flanigans are free to file a request with the Department to transfer, lease, or convey all or part of any of the Water Rights in the future, and Concerned Water Users and Canal Company are free to oppose any such action based on such legal grounds that they

might have in the future in light of and in recognition of the partial decree of these Water Rights agreed to in this Stipulation.

14. The obligations on the Parties set out in this Stipulation are contingent upon the approval by the SRBA Court of the above-referenced SF5s for Water Right Nos. 37-2168A and 37-2168C materially in accordance with paragraph 8 and upon the issuance of Director's Reports and approval by the SRBA Court of Water Right Nos. 37-22121 and 37-22125 materially in accordance with paragraph 11.

15. Except as set forth expressly in this Stipulation, the Flanigans and BOWETA LLC retain the right to pose any legal or factual defense (including but not limited to futile call) that they may have with respect to any future delivery call, curtailment, or administration of any of the Water Rights.

This Stipulation may be executed in counterparts. Facsimile and electronic signatures shall be treated as originals. This Stipulation is effective only if executed by all Parties.

Respectfully submitted,

GIVENS PURSLEY LLP

Dated: Sept. 24, 2008

By: 
Christopher H. Meyer

*Attorneys for Christopher A. Flanigan and
Jacqueline Renee Adams Flanigan, Husband and
Wife*

GIVENS PURSLEY LLP

Dated: Sept. 24, 2008

By: 
Christopher H. Meyer

Attorneys for BOWETA LLC

Christensen, Kelly

Subject: Updated: Check on the Flanigan right 37-2168A, 37-2168C. Initial hrg coming up July 1 on associated rights 37-22121 & 37-22125. *went out on ~~June 2009~~ Nov 2008*

Start: Tue 6/9/2009 9:30 AM

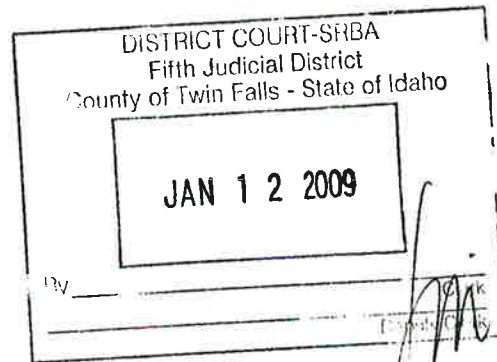
End: Tue 6/9/2009 10:00 AM

Show Time As: Tentative *late claim Rpt*

Recurrence: (none)

Meeting Status: Not yet responded

Required Attendees: Christensen, Kelly



**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 37-22125
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Chris and Jackie Flanigan

Address: HC 64, Box 8028

Ketchum, ID 83340

Daytime Phone: 208-725-5980

Name & Address of Attorney, if any:

Christopher H. Meyer

Givens Pursley LLP

P.O. Box 2720

Boise, ID 83701

208-388-1236

(chrismeyer@givenspursley.com)

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Chris and Jackie Flanigan

Address: HC 64, Box 8028

Ketchum, ID 83340 (208-725-5980)

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: Unnamed spring
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: Spring located at T5N R17E §10 SESESW
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **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): IDWR recommended the
POD for this right as "unnamed stream" in T5N R17E §10 SWSWSE. The correct POD
is the natural spring located in T5N R17E §10 SESESW. Water under this right is
diverted from this spring into a pipe leading to a cistern located in the same ten-acre
parcel as the spring (T5N R17E §10 SESESW). From the cistern, the water is moved
through a series of channels and pipes to its place of use.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Christopher H. Meyer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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 responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Christopher H. Meyer
(Attorney signing in representative capacity)

Christopher H. Meyer
Givens Pursley LLP

Subscribed and sworn to before me on: January 9, 2009



Caralea Hopingardner
Notary Public for Idaho
Residing at: Boise, ID
My Commission Expires: 5/8/2010