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JAN 16 2008
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 SRBA)

A. Subcase 37-00407
(Insert water right number)

Case No. 39576)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

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

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: John Flood

Address: P.O. Box 3750; Hailey, Idaho 83333

Name: Travis L. Thompson (attorney for objector)

Address: P.O. Box 485; Twin Falls, Idaho 83303-0485

Name:

Address: ;

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use See attached.

11. Recommendation:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING RESPONSE:

Claimant's objection seeks claimed places of use that were not recommended by IDWR which trespass upon federal public land (2 ac, SWNW, S32, T01S, R21E; 1 ac, NWSE, S06, T02S, R21E). Claim should not include federal public land.

E.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:

(Name of person filing response)

That I am the party/claimant filing this response, 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 response, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing response)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

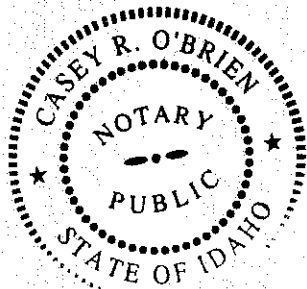
January 15, 2008

Casey R. O'Brien

Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009



INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F.

CERTIFICATE OF MAILING

I certify that on Jan 15, 2008, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

John & Katie Flood
P.O. Box 3750; Hailey, Idaho 83333

3. One copy to the party who filed the objection at the following address:

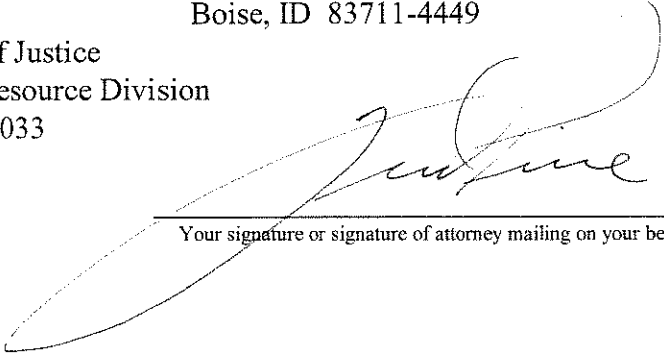
John Flood
P.O. Box 3750; Hailey, Idaho 83333
Travis L. Thompson (attorney for objector)
P.O. Box 485; Twin Falls, Idaho 83303-0485

4. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney mailing on your behalf

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/14/2008

WATER RIGHT NO. 37-407

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN D FLOOD QUEENS CROWN RANCH 19249 HWY 20 PICABO, ID 83348 (208)788-2357
Original Owner	KATIE FLOOD QUEENS CROWN RANCH PO BOX 3750 HAILEY, ID 83333 (208)788-6399

Priority Date: 05/31/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SILVER CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	2 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

SILVER CREEK	NENENE	Sec. 35	Township 01S	Range 20E	BLAINE County
SILVER CREEK	NESENE	Sec. 01	Township 02S	Range 20E	BLAINE County

SILVER CREEK	SWNENW Lt 3	Sec. 06	Township 02S	Range 21E	BLAINE County
SILVER CREEK	NESWSW Lt 7	Sec. 06	Township 02S	Range 21E	BLAINE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	21E	31		SWNE	16		SENE	16						
				SESW	30									
				NESE	37		NWSE	37		SWSE	40		SESE	40
		32		SWNW	2 BLM									
				NWSW	20 mixed		SWSW	2						
02S	20E	12		NENE	22									
	21E	6	1	NENE	10	2	NWNE	36		SWNE	18			
			3	NENW	39	4	NWNW	35	5	SWNW	45		SENE	40
				NESW	20	6	NWSW	45	7	SWSW	34			
				NWSE	1 BLM									
				NWNW	42									
		7	4											

Total Acres: 627

Conditions of Approval:

1.	R01	A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 37M.

Dates:

Licensed Date:

Claim Received Date:

Decreed Date: 12/13/1909

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 37M

Generic Max Rate per Acre:

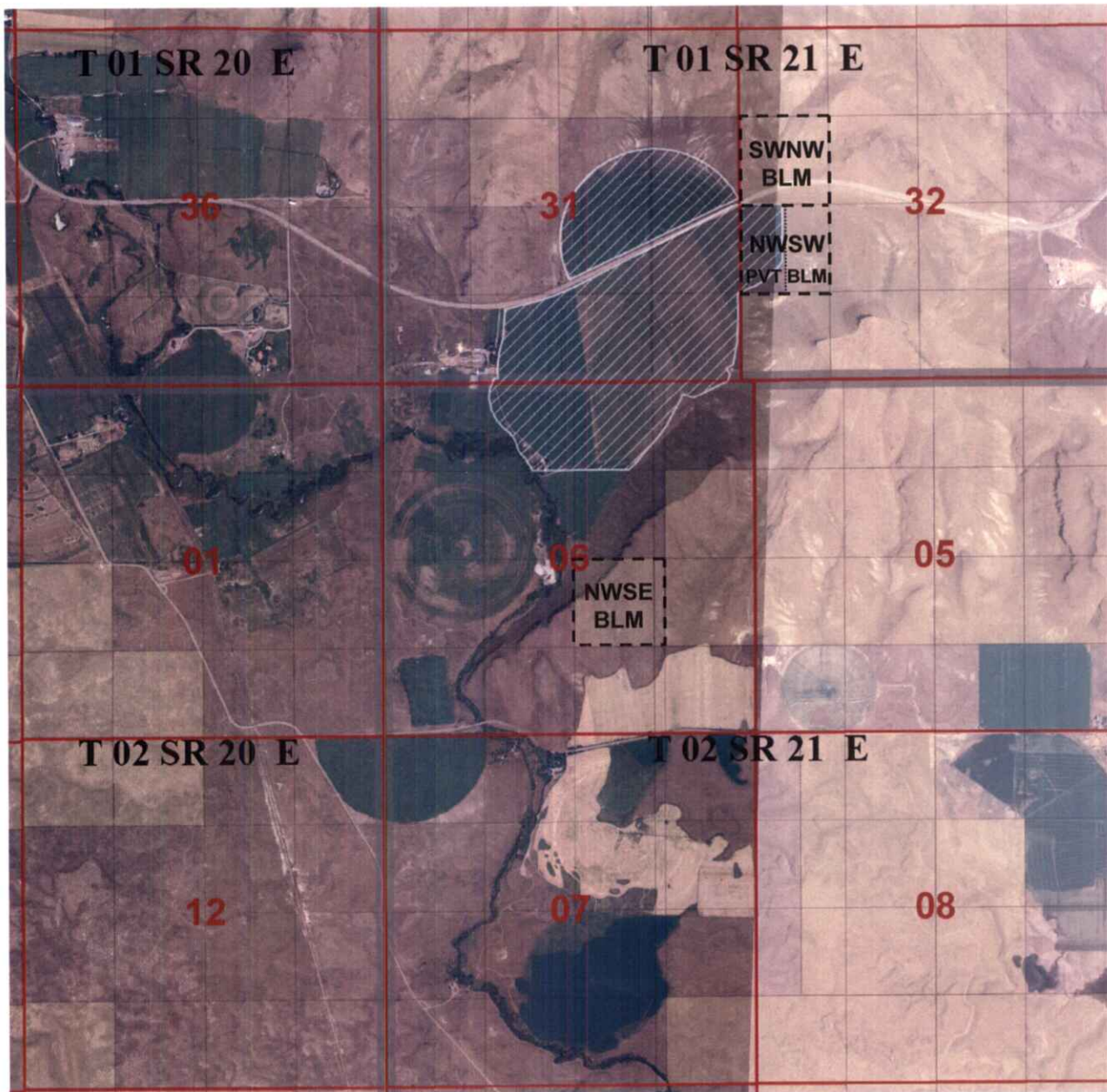
Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

37-00407, 37-00408
John Flood



POUs on BLM:

-Claimants objection seeks to add places of use on BLM land at T01S R21 S32 SWNW 2.00 acres and T02S R21E S06 NWSE 1.00 acre which are not authorized.

-Mixed POU:

The place of use T01S R21E S32 NWSW contains both private and public land.

-Please clarify such that only private land is intended by inserting the following remark under place of use:

“Place of use does not include federal public lands.”

