

RECEIVED

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

Case No. 39576

A. Subcase 37-00408
(Insert water right number)

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.

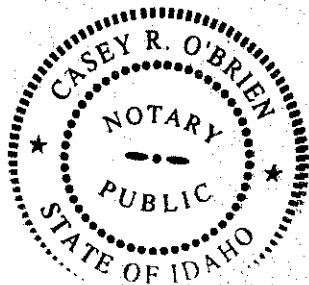
Fredric W. Price
(Signature of person filing response)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 08
December 18, 2008

Casey R. O'Brien
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 Jun 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:

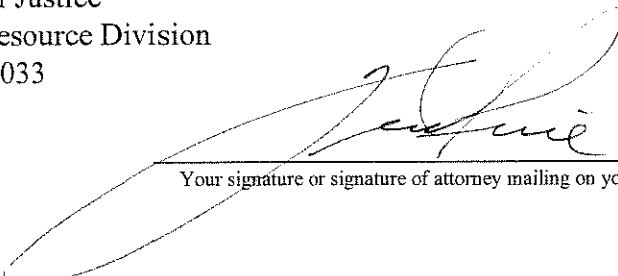
John Flood
P.O. Box 3750; Hailey, Idaho 83333
Travis L. Thompson (attorney for objector)
P.O. Box 485; Twin Falls, Idaho 83303-0485

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

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

RIGHT NUMBER: 37-408

NAME AND ADDRESS: JOHN FLOOD
QUEENS CROWN RANCH
PO BOX 3750
HAILEY ID 83333

KATIE FLOOD
QUEENS CROWN RANCH
PO BOX 3750
HAILEY ID 83333

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 10/25/1892

POINT OF
DIVERSION: T01S R20E S35 NENENE Within BLAINE County
T02S R20E S1 NESWNE Within BLAINE County
T02S R21E S6 SWNENW Lot 3 Within BLAINE County
T02S R21E S6 NESWSW Lot 7 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	1.000 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01S R21E S31	SWNE	17.00	T01S R21E S31	SENE	19.00
T01S R21E S31	SESW	24.00	T01S R21E S31	NESE	38.00
T01S R21E S31	NWSE	35.00	T01S R21E S31	SWSE	40.00
T01S R21E S31	SESE	38.00	T01S R21E S32	NWSW	16.00
T02S R21E S06 Lot 1 NENE		5.00	T02S R21E S06 Lot 2 NWNE		37.00
T02S R21E S06 Lot 3 NENW		31.00			

300 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 534 acres in a single irrigation season. Combined Right Nos.: 37-407, 37-408, 37-693, 37-2573, 37-7014, and 37-11932.

The rights listed below are limited to the irrigation of a combined total of 300 acres in a single irrigation season. Combined Right Nos.: 37-407 and 37-408.

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 - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

-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."

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/14/2008

WATER RIGHT NO. 37-408

<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: 10/25/1892

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	1 CFS	
Total Diversion			1 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~~									
		7	4	NWNW	42									

Total Acres: 627

Conditions of Approval:

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

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:

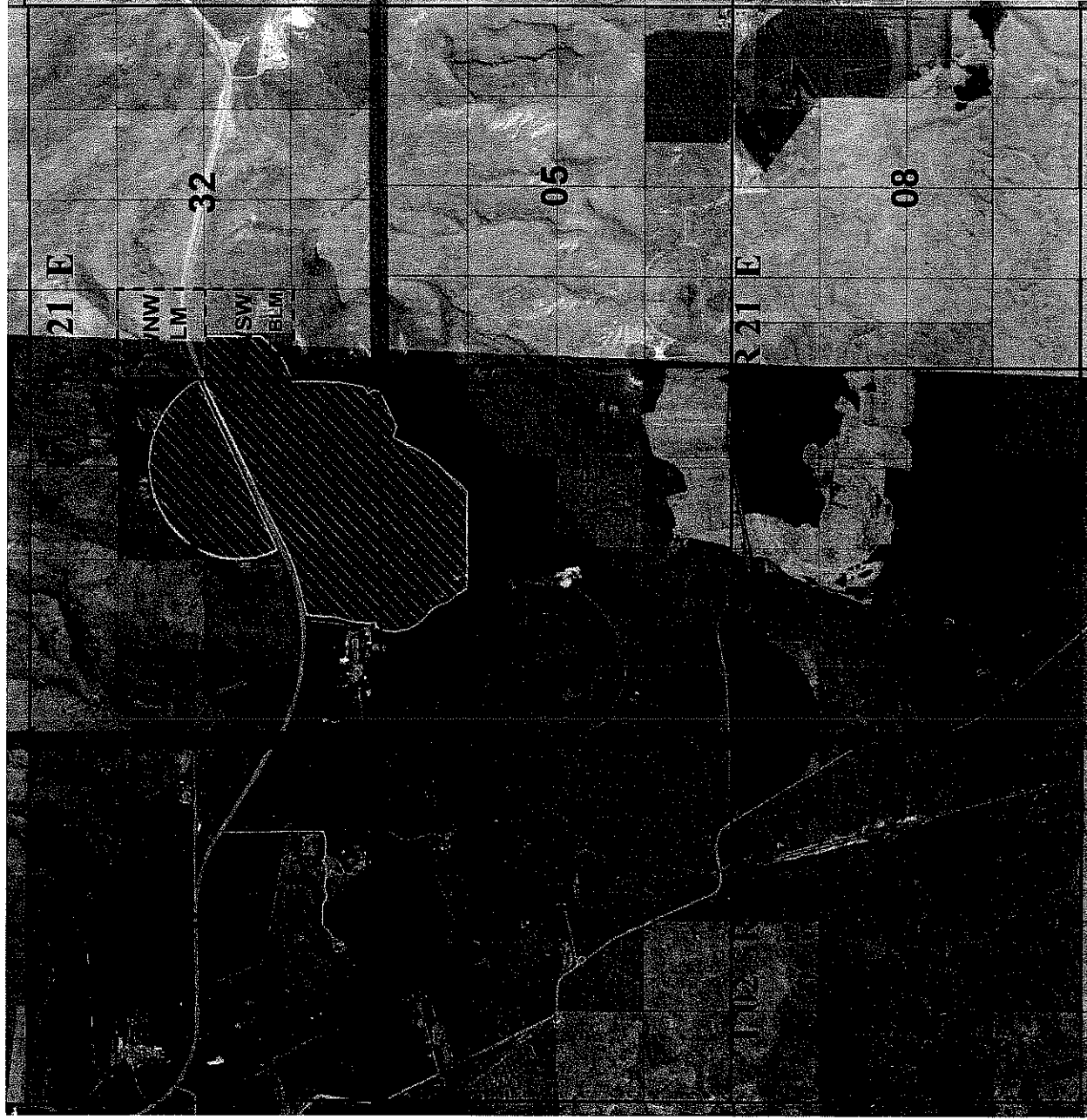
Generic Max Volume per Acre:

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:

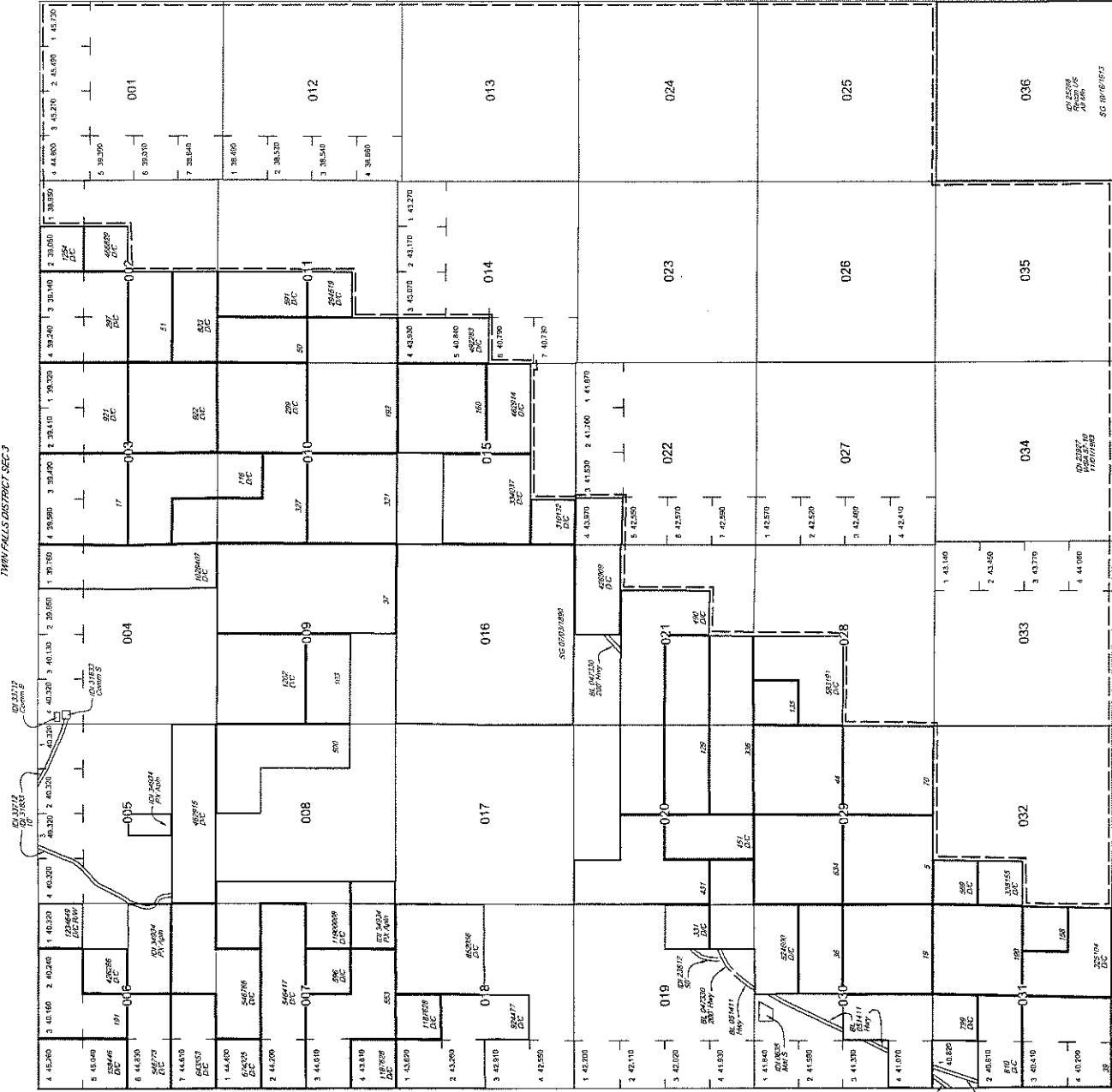
The place of use T01S R21E S32 NWSW contains both private and public land.

-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.”

TOWNSHIP 2 SOUTH RANGE 21 EAST OF THE BOISE MERIDIAN, IDAHO

BLAINE COUNTY 013
THIN FALLS DISTRICT SEC. 3



Lat. 43°12'05" N.
Long. 113°54'30" W.

DISCLAIMER:
This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and Township survey data. Records herein do not constitute a warranty of title or any other interest in the land. The plat is subject to change without notice. The plat is not a substitute for a title insurance policy. The plat is not a warranty of title or any other interest in the land. The plat is subject to change without notice. The plat is not a substitute for a title insurance policy.



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vineyard Way, Boise, Idaho 83709
(208) 373-4000



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
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33	21	2	3
34	21	2	3
35	21	2	3
36	21	2	3

FOR ORDERS PERTAINING TO THE USE OF
UNDEVELOPED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: BLM/2005/013/013/0000-000	BY: MGP
CONVERTED DATE: 01/20/2005	BY: LFM
LAST UPDATED: 11/08/2005	BY: LFM
POSTED TO PUBLIC RECORDS:	
PUBLIC LAND SURVEY SYSTEM (PLSS):	
BLM ACQUISITION: 06/19/2004	
USFS OFF ACQUIRED: N/A	
PROJECTED COORDINATE SYSTEM: UTM ZONE 14N, AND 18S	

USE PLAT:

Blaine Mer.
T. 2 S.
R. 21 E.