

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 37-11932
(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.

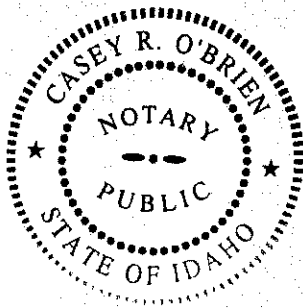
Fredric W. Price
(Signature of person filing response)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 08
December 15, 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 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:

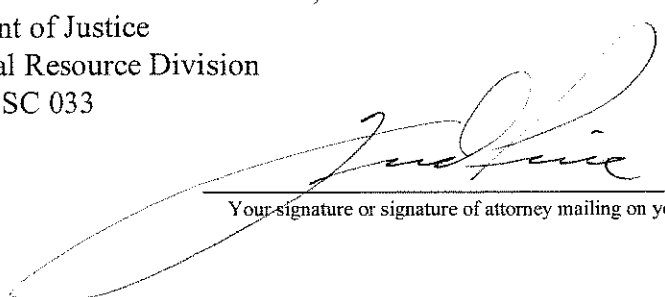
John Flood
P.O. Box 3750; Hailey, Idaho 83333
Travis L. Thompson (attorney for objector)
P.O. Box 485; Twin Falls, Idaho 83303-0485

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

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 490 acres in a single irrigation season. Combined Right Nos.: 37-2573 and 37-11932.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is for an enlargement of 90 acres within the place of use described for this 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.

This right is based upon an enlargement of Right No. 37-2573 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/14/2008

WATER RIGHT NO. 37-11932

<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: 05/01/1985

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	6.42 CFS	
Total Diversion			6.42 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSE	Sec. 17	Township 01S	Range 19E	BLAINE County
--------------	------	---------	--------------	-----------	---------------

GROUND WATER	NWNW	Sec. 20	Township 01S	Range 19E	BLAINE County
GROUND WATER Rediversion	NENENE	Sec. 35	Township 01S	Range 20E	BLAINE County
GROUND WATER Rediversion	NESENE	Sec. 01	Township 02S	Range 20E	BLAINE County
GROUND WATER Rediversion	SWNENW Lt 3	Sec. 06	Township 02S	Range 21E	BLAINE County
GROUND WATER Rediversion	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		SENE	6									
				NESE	3		SESE	10						
		32		SWNW	2 BLM									
				NWSW	8 MIXED		SWSW	2						
02S	20E	12		NENE	22									
	21E	6		NWSW	32		SWSW	34						
				NWSE	1 BLM									
		7	1	NWNW	42									

Total Acres: 162

Conditions of Approval:

1.	THIS CLAIM IS FOR THE EXPANDED ACRES BEYOND THOSE CLAIMED UNDER A37-02573 & A37-07014 WHICH ARE SUPPLIED WATER FROM THE LUCKE & BICKETT WELLS.
----	--

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

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:

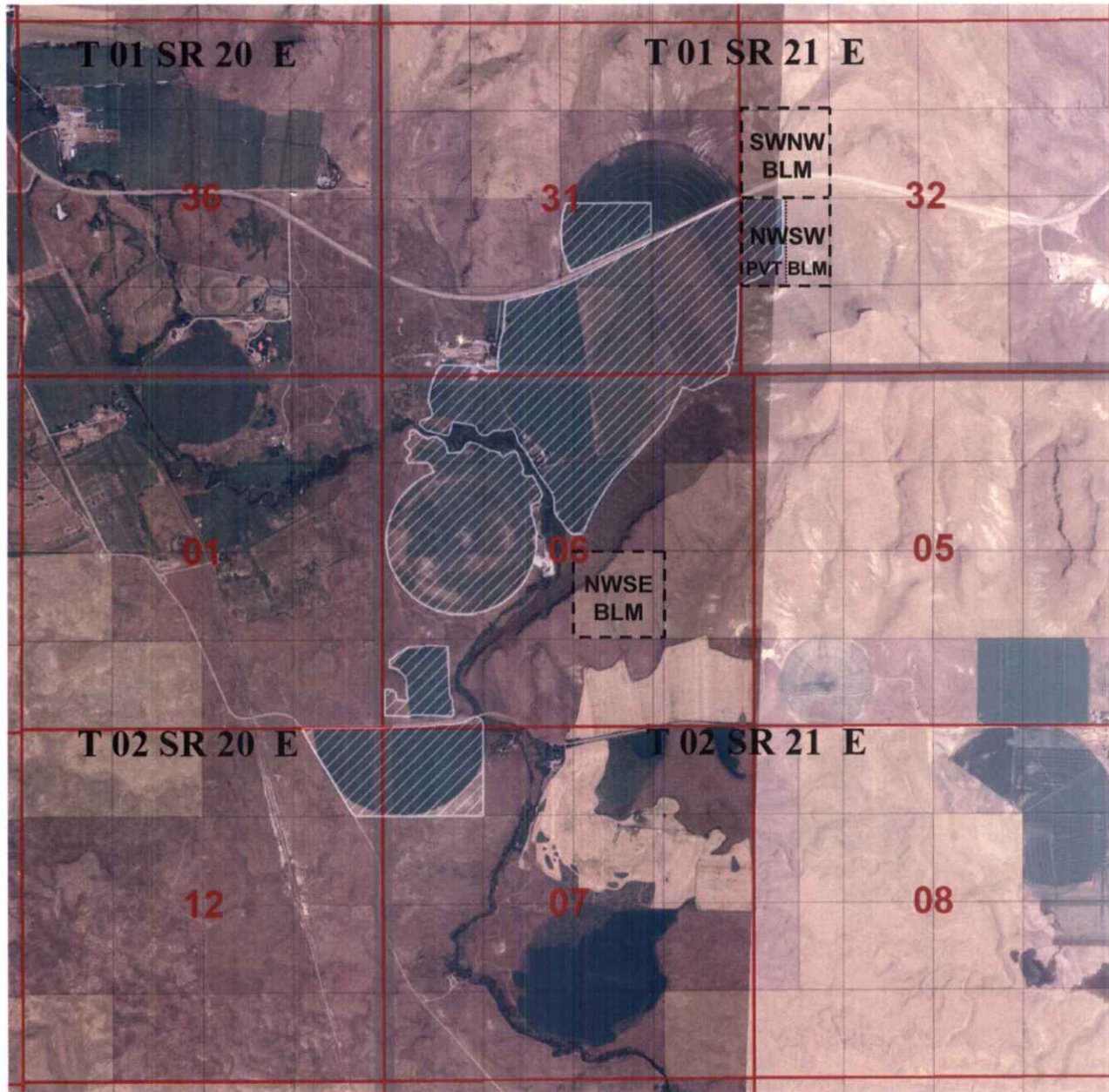
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

37-11932
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.”

BLAINE COUNTY 013
TWIN FALLS DISTRICT SEC 3STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

[illegible]

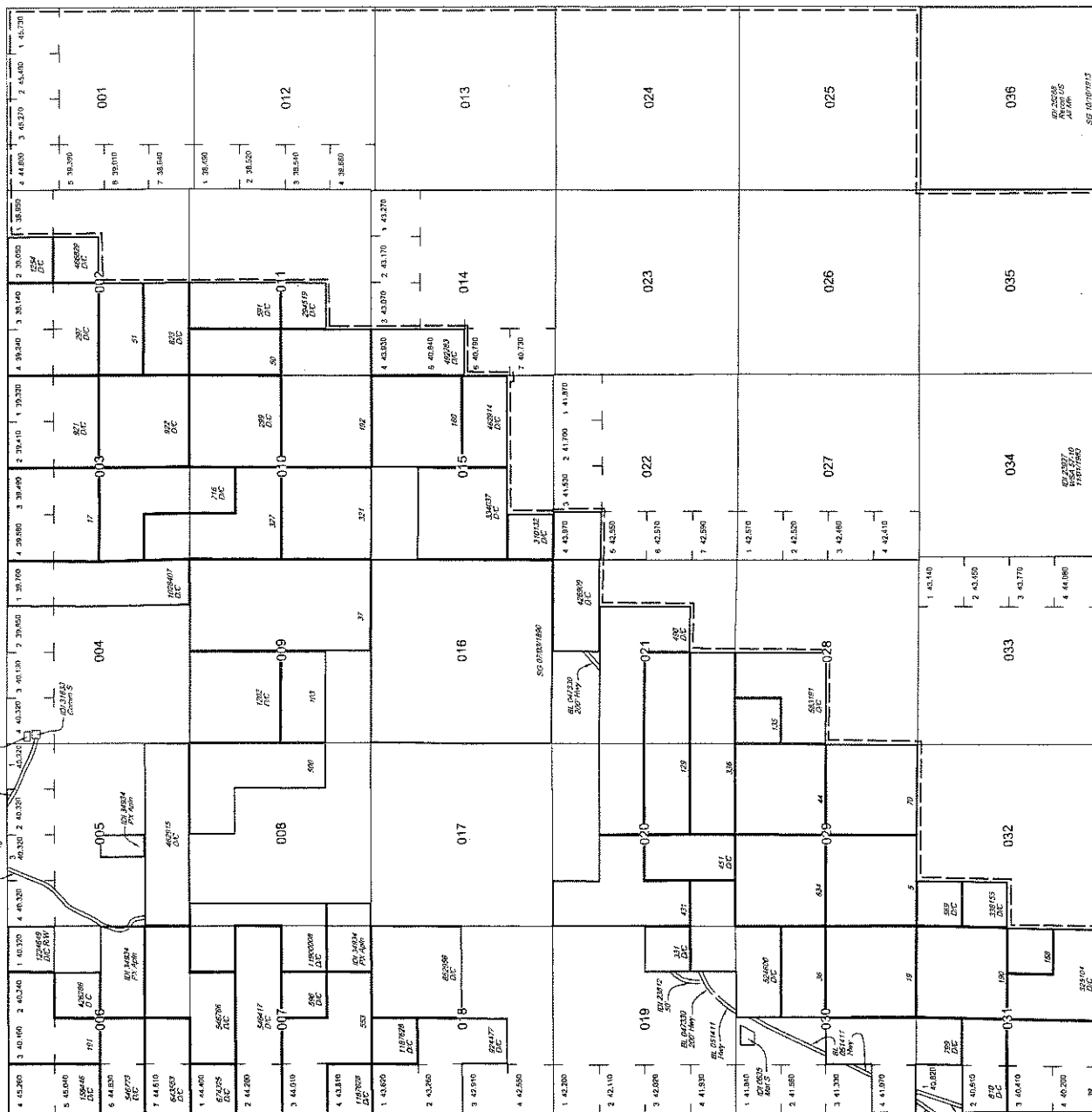
1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: D08030302 DEBANT000a.png	BY: MDP
CONVERTED TIF: 01/28/2005	LAST UPDATED: 01/28/2005
BY:	BY: LFM
LAST VERIFIED:	
POSTED TO PUBLIC RECORDS:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BUN QCB ACQUIRED:	N/A
USFS CPT ACQUIRED:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 11N, WAD 1983	
NOTES:	

USE PLAT:

T. 2 S
R. 21 E



DISCUSSION:

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and Township survey data. Records herein do not reflect title changes which may have been affected by lateral movements of Aves or other bodies of water. Refer to cadastral surveys for official information.

The notation shown on withdrawals represent the last action taken, but may not be the final action for this date

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual user or

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual user or



U.S. Bureau of Land Management - Idaho State Office
1367 S. Vinell Way Boise, Idaho 83709
(208) 373-4000



10000 Way Bldg, 10000
(208) 373-4000