

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 37-22121
Date Received: 1/19/2007
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 , UNNAMED STREAM Trib. to: SINKS , SINKS

4. Point of Diversion:

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

5. Description of diverting works:

INSTREAM STOCK WATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 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	STOCKWATER	

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

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

37-22121

Date Received

1/18/07

Receipt Number

5029233

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 18 2007

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 _____ Range _____ Section _____
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 05N Range 17E Section 10 SW 1/4 of SW 1/4 of SE 1/4,

Govt. Lot _____ B.M., County of BLAINE

ending point is: Township 05N Range 17E Section 10 NW 1/4 of SW 1/4 of
SE 1/4, Govt. Lot _____ B.M., County of BLAINE

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. Livestock
have historically used the spring fed creek year round as a source of drinking water.

6. Water is claimed for the following purposes:

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

For Stockwater purposes from 01/01 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (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.) Stockwater; cattle, horses.

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															S		S

Total number of acres irrigated S

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 runs through applicants property and has historically been used for in-stream watering of stock.

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 _____

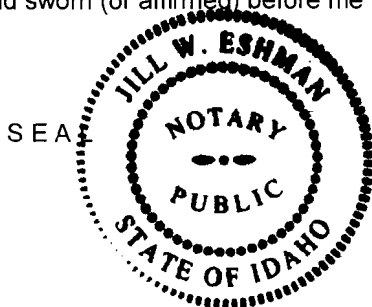
State of Idaho / or _____)
County of BLAINE) ss.

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

Notary Public Jill W. Eshman

Residing at Blaine

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 _____

10/23/2009

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

RIGHT NUMBER: 37-22121

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

JACKIE FLANIGAN
HC 64 BOX 8028
KETCHUM ID 83340

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/25/1920

POINT OF
DIVERSION:

T05N R17E S10 NW NESWSE End of Stream Flow Within BLAINE County
T05N R17E S10 SWSWSE Begin of Stream Flow Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in BLAINE County

T05N R17E S10 SWSE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

10/23/2009

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

RIGHT NUMBER: 37-22121

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: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/25/1920

POINT OF
DIVERSION:

T05N R17E S10 NW NESWSE End of Stream Flow Within BLAINE County
T05N R17E S10 SWSWSE Begin of Stream Flow Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

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The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, October 23, 2009 7:46 AM
To: 'Christopher H Meyer'; Bromley, Chris; Kelly, Vicki
Subject: 37-22121 Flanigan in stream stockwater proposed settlement

Attached is the proposed settlement for this claim. In the objection it was indicated that one solution would be to recommend the use as a diversion from the spring to the pou. As this would require an amendment to the claim I have corrected the ending point of diversion but left the rest the same.

Again, if this proposal is acceptable, let me know and I will get with Vicki and prepare the SF-5 for this claim.



37-22121
.NIGAN DIR RPT.doc

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

RECEIVED

JAN 12 2009

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 37-22121

(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):** This right is currently recommended as an instream stockwater right with a beginning and end point. The right is more accurately described as a diversionary stockwater right in which the point of diversion is the spring located at 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.

SF.1 - Objection

Amended 10/16/97

S:\CLIENTS\95821\Plan\gen SF1 Objection 37-22\21.doc

In the alternative, if the right is decreed as an instream stockwater right, the beginning point of the instream diversion is correct (T5N R17E §10 SWSWSE), but the end point should be changed to T5N R17E §10 NESWSE to correspond to IDWR's GIS database which correctly shows the location of the instream use.

F. VERIFICATION (Must be Completed)

P/B SWSWSE *verified*
E/P NESWSE "

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

11/13/2008

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

RIGHT NUMBER: 37-22121
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: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/25/1920

POINT OF
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PLACE OF USE: STOCKWATER in BLAINE County

T05N R17E S10 SWSE

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Christensen, Kelly

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

Attachments: 37-22121 AND 37-22125 REQUEST FOR INFORMATON.doc

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



2004 aerial photo



2004 aerial photo