

MAR 25 2009

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

STIPULATED ELEMENTS OF A WATER RIGHT

IDWR CONCURRENCE:

Kelly K. Christensen 3-12-09
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Garrick L. Baxter 3/12/09
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

12/29/2008

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

RIGHT NUMBER: 37-7014

NAME AND ADDRESS: JOHN D FLOOD
QUEENS CROWN RANCH
19249 HWY 20
FICABO ID 83348

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.000 CFS
1,335.00 AFY

The maximum combined rate of diversion under this right & Right 37-02649 shall not exceed 7-26 7.44 cfs.

The rate of diversion at the point of redirection from Silver Creek shall not exceed 4.3 cfs.

This right when combined with all other water rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre for the lands above.

PRIORITY DATE: 03/11/1968

POINT OF DIVERSION:

T01S R19E S20 NWNWNE Within BLAINE County
T02S R21E S6 SWNWENW Lot 3 Rediversion Within BLAINE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 11/01	5.000 CFS 1,335.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R21E S31	SWNE	17.00	T01S R21E S31	SENE	19.00
T01S R21E S31	SWSW	1.70	T01S R21E S31	SESW	25.00
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	5.30
T02S R21E S06 Lot 2	NWNE	37.00	T02S R21E S06	SWNE	10.00
T02S R21E S06 Lot 3	NENW	36.00	T02S R21E S06 Lot 4	NWNW	23.00
T02S R21E S06 Lot 5	SWNW	37.00	T02S R21E S06	SENW	31.00
T02S R21E S06	NESW	11.00	T02S R21E S06 Lot 6	NWSW	25.00

445 ACRES TOTAL

Place of use does not include federal public lands.

The rights listed below are limited to the irrigation of a combined total of ~~534~~ 538 acres in a single irrigation season. Combined Right Nos.: 37-407, 37-408, 37-693, 37-2573, 37-7014, and 37-11932.

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 - License

The right holder(s) shall pay such charges for the watermasters service as shall be found to be required due to the additional expense of regulating use of this water.

Water is discharged from the well into Patton Creek, flowing through Stalker Creek and into Silver Creek where it is rediverted from Silver Creek onto the lands identified above. This exchange of groundwater for surface water occurs when surface water rights are not available for diversion.

The well shall be permanently maintained with a valve or other control device to stop flow when the well is not in use. No more water may be diverted from the well than the beneficial requirements to irrigate the lands described in this right and Right 37-02649.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37-M.

~~This right is subject to all prior water rights and may be forfeited by five years of non-use.~~

KKC

JB MB
DN 107

CERTIFICATE OF SERVICE

I certify that on March 24, 2009, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

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

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

2. Copies to:

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

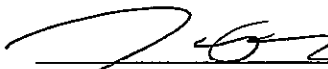
☐ Overnight Mail
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Travis L. Thompson
Barker, Rosholt & Simpson LLP
P.O. Box 485
Twin Falls, ID 83303-0485

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
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Signature of person or attorney mailing the form