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AUG 03 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 31 2009

By _____

Clerk

Deputy Clerk

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

) SPECIAL MASTER'S REPORT AND
) RECOMMENDATIONS; FINDINGS OF
) FACT AND CONCLUSIONS OF LAW

) FOR WATER RIGHTS: See Attached
) Exhibit A
)

I. FINDINGS OF FACT

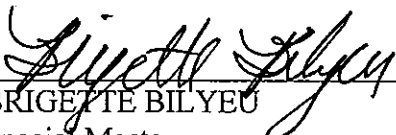
A notice of claim was filed for each of the above-captioned water rights pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of each of these water rights.

An *Objection* to each right was filed by John Flood on November 8, 2007, and the United States Bureau of Land Management on November 13, 2007. The *Objections* were resolved on March 24, 2009, with the filing of a *Standard Form 5* for each right. All parties to the subcases and IDWR are signatories to each *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the files and records herein, IT IS RECOMMENDED that the above-captioned water rights be **decreed** with the elements set forth in the attached *Special Master's Recommendations for Partial Decree*.

DATED: July 31, 2009.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

EXHIBIT A - JOHN FLOOD

Subcase Nos:

37-00407
37-00408
37-00693
37-02573
37-07014
37-11932

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DEPARTMENT OF
WATER RESOURCES

(Subcase list: JFLOOD)
7/10/09

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-00407

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JUL 31 2009
By _____ Clerk _____ Deputy Clerk

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

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 2.00 CFS

PRIORITY DATE: 05/31/1885

POINT OF DIVERSION: T01S R20E S35 NENENE Within Blaine County
T02S R20E S01 NESWNE
R21E S06 LOT 3 (SWNENW)
LOT 7 (NESWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	2.00 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R21E S31	SWNE 17.0 SENE 19.0
		SESW 28.0 NESE 38.0
		NWSE 35.0 SWSE 40.0
		SESE 38.0
	S32	NWSW 16.0
	T02S R21E S06 LOT 1	(NENE) 5.0 LOT 2 (NWNE) 37.0
	LOT 3	(NENW) 31.0
	304.0 Acres Total	

The rights listed below are limited to the irrigation of a combined total of 538 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 304 acres in a single irrigation season. Combined Right Nos.: 37-407 and 37-408.

Place of use does not include federal public lands.

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. I.C. SECTION 42-1412(6).

RECOMMENDATION
JUL 31 2009
<i>Bipetto Lilley</i> SPECIAL MASTER

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AUG 03 2009

DEPARTMENT OF
WATER RESOURCES

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 31 2009

By _____ Clerk
Deputy Clerk

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-00408

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DEPARTMENT OF
WATER RESOURCES

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

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 10/25/1892

POINT OF DIVERSION: T01S R20E S35 NENENE Within Blaine County
T02S R20E S01 NESWNE
R21E S06 LOT 3 (SWNENW)
LOT 7 (NESWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.00 CFS

PLACE OF USE:	Irrigation	Within Blaine County
T01S R21E S31	SWNE 17.0	SENE 19.0
	SESW 28.0	NESE 38.0
	NWSE 35.0	SWSE 40.0
	SESE 38.0	
S32	NWSW 16.0	
T02S R21E S06 LOT 1	(NENE) 5.0	LOT.2 (NWNE) 37.0
LOT 3	(NENW) 31.0	
304.0 Acres Total		

The rights listed below are limited to the irrigation of a combined total of 304 acres in a single irrigation season. Combined Right Nos.: 37-407 and 37-408.

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

Place of use does not include federal public lands.

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. I.C. SECTION 42-1412(6).

RECOMMENDATION

JUL 31 2009

Bridgette Lilley
SPECIAL MASTER

RULE 54(b) CERTIFICATE

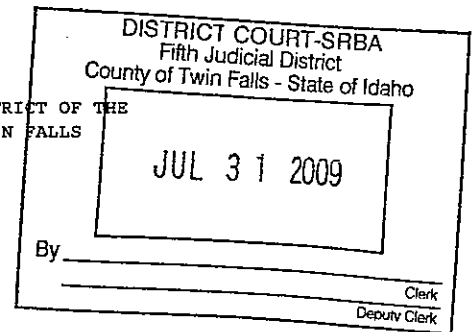
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00693



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

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 1.00 CFS

PRIORITY DATE: 04/01/1890

POINT OF DIVERSION: T01S R20E S35 NENENE Within Blaine County
T02S R20E S01 NESWNE
R21E S06 LOT 3 (SWNENW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.00 CFS

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R21E S31 SWS 1.5	
	T02S R21E S06 LOT 3 (NENW) 5.5	LOT 4 (NWNW) 23.0
	LOT 5 (SWNW) 37.0	SENW 23.0
	90.0 Acres Total	

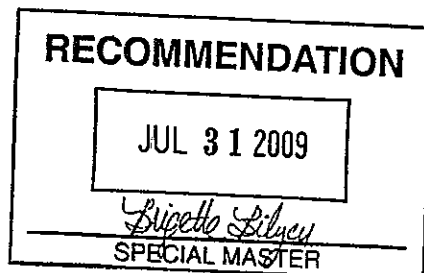
Place of use does not include federal public lands.
combined total of 538 acres in a single irrigation season.
Combined Right Nos.: 37-407, 37-408, 37-693, 37-2573, 37-7014,
and 37-11932.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



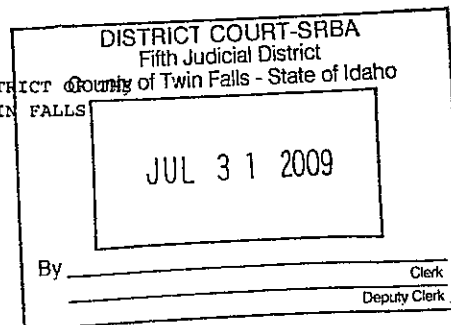
John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-02573



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

SOURCE: GROUND WATER

Point of injection into Patton Creek. Point of redirection from
Silver Creek.

QUANTITY: 1.42 CFS
508.00 AFY

The rights listed below are limited to a total combined
diversion rate of 1.42 cfs and to a total combined annual
diversion volume of 508 AF. Combined Right Nos.: 37-2573 and
37-11932.

PRIORITY DATE: 06/16/1955

POINT OF DIVERSION: T01S R19E S17 SESESW (Injection) Within Blaine County
SWSWSE
R20E S35 NENENE (Rediversion)
T02S R20E S01 NESWNE (Rediversion)
R21E S06 LOT 3 (SWNENW) (Rediversion)
LOT 7 (NESWSW) (Rediversion)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	1.42 CFS 508.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
T01S R21E S31	SWSW 1.7	SESW 29.0
	NESE 31.0	NWSE 33.0
	SWSE 40.0	SESE 38.0
S32	NWSW 16.0	
T02S R20E S12	NENE 25.0	
R21E S06 LOT 1	(NENE) 5.3	LOT 2 (NWNE) 37.0
	SWNE 10.0	LOT 3 (NENW) 36.0
LOT 4	(NWNW) 23.0	LOT 5 (SNNW) 37.0
	SENE 31.0	NESW 11.0
LOT 6	(NWSW) 25.0	LOT 7 (SWSW) 20.0
S07 LOT 1	(NWNW) 45.0	
494.0 Acres Total		

The rights listed below are limited to the irrigation of a
combined total of 494 acres in a single irrigation season.
Combined Right Nos.: 37-2573 and 37-11932.
The rights listed below are limited to the irrigation of a
combined total of 538 acres in a single irrigation season.
Combined Right Nos.: 37-407, 37-408, 37-693, 37-2573, 37-7014,
and 37-11932.
This right is limited to the irrigation of 240 acres within the
place of use described above in a single irrigation season.
Place of use does not include federal public lands.

RECOMMENDATION

JUL 31 2009

Dianna L. Liden
SPECIAL MASTER

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

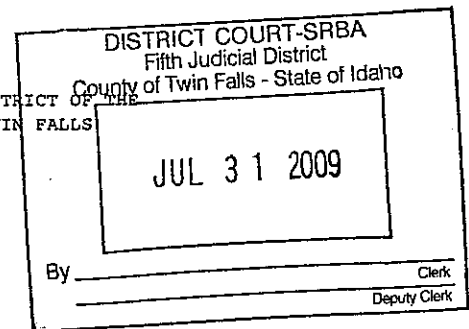
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-07014



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

SOURCE: GROUND WATER

QUANTITY: 5.00 CFS
1335.00 AFY

The maximum combined rate of diversion under this right & Right
37-02649 shall not exceed 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 S06 LOT 3 (SWNENW) (Rediversion)

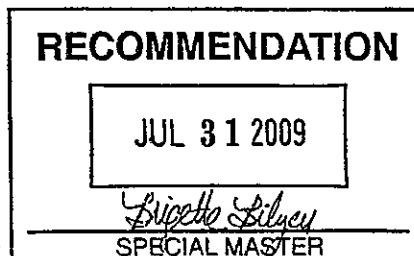
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	5.00 CFS 1335.00 AFY

PLACE OF USE:	Irrigation	Within Blaine County
T01S R21E S31	SWNE 17.0	SENE 19.0
	SWSW 1.7	SESW 25.0
	NESE 38.0	NWSE 35.0
	SWSE 40.0	SESE 38.0
S32	NWSW 16.0	
T02S R21E S06 LOT 1	(NENE) 5.3	LOT 2 (NWNE) 37.0
	SWNE 10.0	LOT 3 (NENW) 36.0
LOT 4	(NWNW) 23.0	LOT 5 (SWNW) 37.0
	SENW 31.0	NESW 11.0
LOT 6	(NWSW) 25.0	
445.0 Acres Total		

The rights listed below are limited to the irrigation of a
combined total of 538 acres in a single irrigation season.
Combined Right Nos.: 37-407, 37-408, 37-693, 37-2573, 37-7014,
and 37-11932.
Place of use does not include federal public lands.

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
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).



RULE 54(b) CERTIFICATE

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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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

Water Right 37-11932

PAGE 1
Jul-10-2009

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

This right is based upon an enlargement of Right No. 37-2573 pursuant to Section 42-1426, Idaho Code.
This right is for an enlargement of 250 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 31 2009

By _____

Clerk

Deputy Clerk

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)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

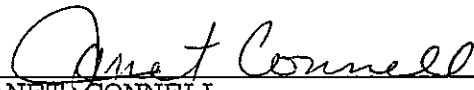
Water Right(s) : 37-00407
37-00408 37-00693 37-02573
37-07014 37-11932

On July 31, 2009, Special Master BRIGETTE BILYEU
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION
shall constitute a waiver of the right to challenge it before the
Presiding Judge.

DATED July 31, 2009.


JANET CONNELL
Deputy Clerk

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AUG 03 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 31 2009	
By _____	Clerk Deputy Clerk

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

)

CERTIFICATE OF MAILING

)

Case No. 39576

)

)

Water Right(s): 37-00407

37-00408 37-00693 37-02573

37-07014 37-11932

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 31, 2009, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JOHN D FLOOD

JOHN FLOOD

Represented by:

BARKER, ROSHOLT & SIMPSON LLP

113 MAIN AVE W, STE 303

PO BOX 485

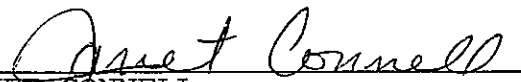
TWIN FALLS, ID 83303-0485

Phone: 208-733-0700

CERTIFICATE OF MAILING

PAGE 1
07/31/09

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



JANET CONNELL
Deputy Clerk