



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 13, 2009

S.M. Brigitte Bilyeu
Snake River Basin Adjudication Court
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: Clerical errors in descriptions of water right nos: 37-407, -408,
-693, -2573, -7014, and -11932

Dear Special Master:

On March 24, 2009, SF5s were filed in water right nos. 37-407, -408-, 693, -2573, -7014, and -11932. On July 31, 2009, you issued reports and recommendations for these water rights. Recently, in his review of the reports and recommendations, Kelly K. Christensen, senior water resource agent, discovered that the SF5s that were generated by the Department contained various clerical errors.

Enclosed are recommendations prepared by Mr. Christensen that identify the necessary changes in underline and strikeout format. I have discussed this matter with the attorney of record for the claimant, Travis L. Thompson. Mr. Thompson is in agreement that the SF5s were in error and should be corrected based on Mr. Christensen's enclosed descriptions.

Based on the clerical errors, the Department requests that corrections to your reports and recommendations be made consistent with the enclosed recommendations.

If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Chris M. Bromley".

Chris M. Bromley
Deputy Attorney General, IDWR

cc: Travis L. Thompson
enclosures

07/25/2008

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-407

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

SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 05/31/1885

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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.000 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 -28.00	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~~-304 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~300~~-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 ~~534~~ 539 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. 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.

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07/25/2008

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-408
NAME AND ADDRESS: JOHN D FLOOD
QUEENS CROWN RANCH
19249 HWY 20
PICABO ID 83348
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:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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 -28.00	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~~-304 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~300~~-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 534 539 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. 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.

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07/29/2008

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

RIGHT NUMBER: 37-693
NAME AND ADDRESS: JOHN D FLOOD
QUEENS CROWN RANCH
19249 HWY 20
PICABO ID 83348
SOURCE: SILVER CREEK TRIBUTARY: LITTLE WOOD RIVER
QUANTITY: 1.000 CFS
PRIORITY DATE: 04/01/1890

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

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.000 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R21E S31 SWSW 1.50	T02S R21E S06 Lot 3 NENW	5.50
	T02S R21E S06 Lot 4 NWNW 23.00	T02S R21E S06 Lot 5 SWNW	37.00
	T02S R21E S06 SENW 23.00		

90 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~~
539 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 - Decreed

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

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

05/22/2009

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

RIGHT NUMBER: 37-2573

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

SOURCE: GROUND WATER

TRIBUTARY:

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

QUANTITY: 1.420 CFS
~~500~~ 562.3 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 ~~500~~ 562.3 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
T01S R19E S17 SWSWSE Within BLAINE County
T01S R20E S35 NENENE Rediversion Within BLAINE County
T02S R20E S1 NESWNE Rediversion Within BLAINE County
T02S R21E S6 SWNENW Lot 3 Rediversion Within BLAINE County
T02S R21E S6 NESWSW Lot 7 Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 15 11/01 10/31	1.420 CFS 500 <u>562.3</u> AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R21E S31	SWSW	1.70	T01S R21E S31	SESW	29.00
T01S R21E S31	NESE	31.00	T01S R21E S31	NWSE	33.00
T01S R21E S31	SWSE	40.00	T01S R21E S31	SESE	38.00
T01S R21E S32	NWSW	16.00	T02S R20E S12	NENE	25.00
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	T02S R21E S06 Lot 7	SWSW	20.00
T02S R21E S07 Lot 1	NWNW	45.00			

494 ACRES TOTAL

Place of use does not include federal public lands.

This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.

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 5389 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

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

Measuring devices of a type approved by this Department shall be permanently installed and maintained at the points of injection into Silver Creek and points of rediversion from Silver Creek.

The portion of Right 37-2573 used for conveyance losses is 0.14 cfs.

Right No. 37-11932 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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

07/29/2008

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7014

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.000 CFS
1,335.000 AFY

The maximum combined rate of diversion under this right & Right 37-02649 shall not exceed 7.26 ~~44~~ cfs.

The rate of diversion at the point of rediversion 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 NWNNE Within BLAINE County

T02S R21E S6 SWNENW Lot 3 Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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 538 ~~9~~ 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.

05/22/2009

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

RIGHT NUMBER: 37-11932

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.720 CFS
96.50 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 ~~500~~ 562.3 AF. Combined Right Nos.: 37-2573 and 37-11932.

PRIORITY DATE: 04/15/1987

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T01S R19E S17 SESESW Injection Within BLAINE County
T01S R19E S17 SWSWSE Within BLAINE County
T01S R20E S35 NENENE Rediversion Within BLAINE County
T02S R20E S1 NESWNE Rediversion Within BLAINE County
T02S R21E S6 SWNENW Lot 3 Rediversion Within BLAINE County
T02S R21E S6 NESWSW Lot 7 Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.720 CFS 96.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R21E S31	SWSW	1.70	T01S R21E S31	SESW	25 <u>29.00</u>
T01S R21E S31	NESE	31.00	T01S R21E S31	NWSE	33.00
T01S R21E S31	SWSE	40.00	T01S R21E S31	SESE	38.00
T01S R21E S32	NWSW	16.00	T02S R20E S12	NENE	25.00
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	SENE	31.00	T02S R21E S06	NESW	11.00
T02S R21E S06 Lot 6	NWSW	25.00	T02S R21E S06 Lot 7	SWSW	20.00
T02S R21E S07 Lot 1	NWNW	45.00			

~~490-494~~ ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~490-494~~ 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 ~~534~~ 539 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 right is for an enlargement of ~~2504~~ acres within the place of use described for this right.

This right is based upon an enlargement of Right No. 37-2573 pursuant

to Section 42-1426, Idaho Code.

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 - Beneficial Use