



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

January 12, 2022

ALBERT P BARKER
BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE ID 83701-2139

Re: Return of Temporary Change Applications No. TC-37-88 and TC-37-89

Dear Al,

On July 7 and 12, 2021, you submitted two applications for temporary change of water rights to the Idaho Department of Water Resources ("Department"); one application on behalf of South Valley &/ Galena Ground Water District ("TC-37-88") and the other on behalf of John Flood ("TC-37-89"). The Department requested additional information regarding the two applications, which was not provided. Given the proposed duration of both applications is not passed, the Department is returning TC-37-88 and TC-37-89 (enclosed).

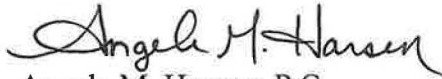
TC-37-88 requested to temporarily change portions of water rights 37-2493, 37-2576, 37-2649A, 37-2649B, 37-2681, 37-7644, 37-23090, 37-23091, 37-23092, and 37-23093 from irrigation to mitigation by delivery. The diversion point and place of use for all of the irrigation water use authorized under the 10 water rights previously listed was temporarily changed in the approvals issued for three other temporary change applications: TC-37-85, TC-37-86, and TC-37-87. Therefore, there was no irrigation use available under these water rights to retire to allow for the change in nature of use proposed within TC-37-88. See *Review Memo Temporary Change Applications TC-37-85, TC-37-86, and TC-37-87* for details (copy of memo enclosed).

TC-37-89 requested to temporarily change the point(s) of diversion for John Flood's water right 37-7014. Water right 37-7014 has a combined diversion rate limit with water rights 37-2649A and 37-2649B. It was the Department's understanding, John Flood filed TC-37-89 to make additional water available under water rights 37-2649A and 37-2649B to facilitate the processing of TC-37-88. To accomplish that objective, Mr. Flood would've had to reduce his use under water right 37-7014 not simply change the point of diversion. The Department corresponded with you regarding that fact (copy of emails enclosed), to which you responded by requesting the Department "pause" processing of TC-37-89.

The Department did not receive the information necessary to complete processing of TC-37-88 or TC-37-89. The proposed end date for TC-37-88 was September 1, 2021. The proposed end

date for TC-37-89 was November 1, 2021. Therefore, Department is returning both applications. Please contact me at (208) 287-4951 if you have any questions regarding this action.

Regards,

A handwritten signature in black ink that reads "Angela M. Hansen". The signature is fluid and cursive, with the first name being the most prominent.

Angela M. Hansen, P.G.
Water Rights Section Manager

Enc.: TC-37-88

TC-37-89

Review Memo Temporary Change Applications TC-37-85, TC-37-86, and TC-37-87

Re: John Flood temporary change email(s)

Cc: John Flood

TC37-89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 12 2021
DEPARTMENT OF
WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant John Flood Phone 208-420-7943

Mailing Address QUEENS CROWN RANCH, 19249 HIGHWAY 20, PICABO, ID 83348 Email _____

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and explain the reason(s) they are needed. _____

This transfer proposes to change the POD for 37-7014 to permit the Lucke well to be shut off for the remainder of the irrigation season to facilitate the mitigation plan for the Little Wood River water users.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
37-7014	3/11/1968	5.00	Irrigation	4/1 to 11/1
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
2. Total amount of water being transferred 5.00 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground Water tributary to _____
4. Point(s) of diversion: _____

Twsp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
1S	19E	5	1		SE	NE	Blaine	Ground Water	
1N	19E	32			NW	SW	"	"	No Log RF = 0.282

5. Lands irrigated or place of use:

Twsp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
No Change																			

Total Acres _____

6. General Information:

- a. Who owns the water right to be changed? John Flood
- b. Describe the arrangement allowing use of the right. Well owners agree to allow water right 37-7014 to be diverted from their wells.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
None, the wells are not currently being used for irrigation.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. Water has diverted from the Lucke well, owner now seeks another well source to facilitate the GWD's mitigation plan.
- e. Absent the changes, how would the right be used for the remainder of the year? Could not be used.
- f. Describe other water rights used for the same purpose. 37-407, 37-408, 37-693, 37-2573, 37-7014, 37-11932
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

John D Flood
Signature of Applicant

7-12-2021
Date

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ \$50 fee received by _____ Receipt No. _____

Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

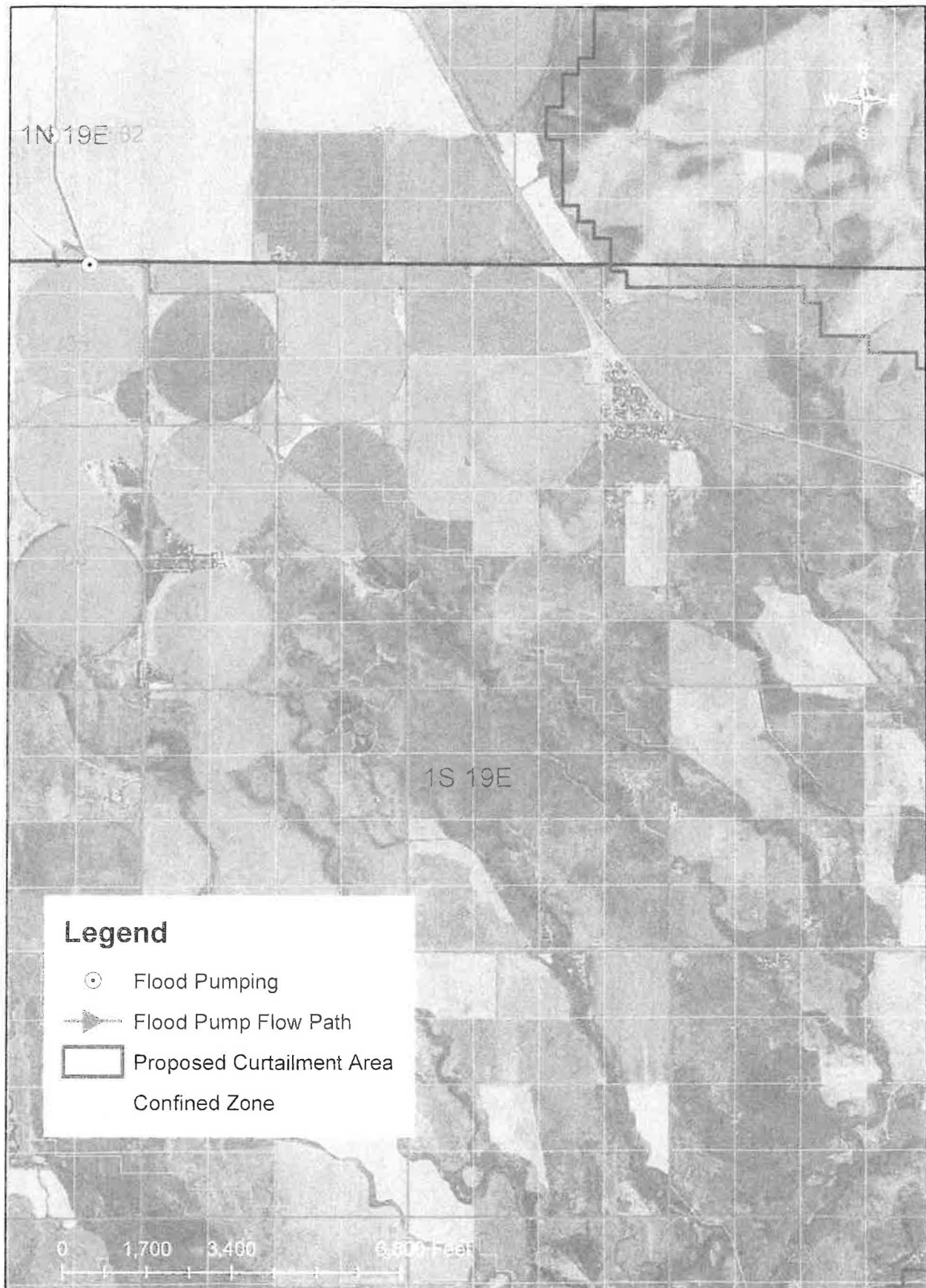
This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

Wells Proposed to Pump for 37-7014



Based on 2019 NAIP Photography



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

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WATER RIGHT REPORT

7/9/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 37-7014

Owner Type	Name and Address
Current Owner	JOHN D FLOOD QUEENS CROWN RANCH 19249 HIGHWAY 20 PICABO, ID 83348-5000 2084207943
Original Owner	KATIE FLOOD QUEENS CROWN RANCH PO BOX 3750 HAILEY, ID 83333 2087886399

Priority Date: 03/11/1968

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	5 CFS	1335 AFA
Total Diversion			5 CFS	1335 AFA

Location of Point(s) of Diversion:

GROUND WATER	NWNWNE	Sec. 20	Township 01S	Range 19E	BLAINE County
GROUND WATER Injection	NWNWNE	Sec. 20	Township 01S	Range 19E	BLAINE County
GROUND WATER Rediversion	NENENE	Sec. 35	Township 01S	Range 20E	BLAINE County
GROUND WATER Rediversion	NESWNE	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	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

IRRIGATION Use:

Acre Limit: 445

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		SWNE	16.8		SENE	20.1								
				SWSW	24.5		SESW	30.7								
				NESE	36.2		NWSE	35.7		SWSE	40.1		SESE	38.2		
				NWSW	16.7											
02S	20E	12		NENE	21.8											
			21E	6	1	NENE	5.8	2	NWNE	37.6		SWNE	12.4			
						NENW	35.2	4	NWNW	18.8	5	SWNW	36.5		SENE	30.1
						NESW	10.9	6	NWSW	24.1	7	SWSW	18.3			
		7	1	NWNW	38.8											

Total Acres: 549.3

Conditions of Approval:

1. The rate of diversion at the points of rediversion from Silver Creek shall not exceed 4.3 cfs.
2. X27 This right is limited to the irrigation of 445 acres within the place of use described above in a single irrigation season.
3. E51 The maximum combined rate of diversion under this right & rights 37-2649A and 37-2649B shall not exceed 7.44 cfs.
4. X35 Rights 37-407, 37-408, 37-693, 37-2573, 37-7014, and 37-11932 when combined shall not exceed the irrigation of 539 acres.
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. U42 Place of use does not include federal public lands.
8. 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 rights 37-2649A and 37-2649B.
9. 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.
10. 065 To the extent this right supplements surface water rights, the right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. 104 If the surface water right(s) supplemented by this right are abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
13. R43 The right holder shall maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the point of diversion, point of injection, and points of rediversion.
14. 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.
15. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 10/26/2009

Permit Proof Due Date: 10/1/1969

Permit Proof Made Date: 10/1/1969

Permit Approved Date: 9/16/1968

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 03/11/1968

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 539

Combined Volume Limit:

Combined Rate Limit:

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

**WELL LOG AND REPORT TO THE
STATE RECLAMATION ENGINEER OF IDAHO**

RECEIVED
SEP 18 1957

Department of Reclamation

Location Corrected by IDWR To:

T01S R19E Sec. 5 SENE

La By: mciscell 2013-10-11

Rec. _____, 19____

Well No. _____

Permit No. _____

(DO NOT FILL IN)

Owner B. R. Stoecking Address Gannett
Driller Eugene H. Walker Address Twin Falls Lic. No. 15
Location of Well: LOT 1 NE 1/4 SE 1/4 Sec. 5, T. 1 N/S, R. 19 E/W BLAINE County,
and 50 feet NS, and 800 feet EW from NE Corner of NE 1/4 SE 1/4 Sec. 5
Size of Drilled Hole 20 Total depth of Well 80
Give depth of standing water from surface 14 1/2 Water Temp. 52 °Fahrenheit
On pumping test delivery was See notes g.p.m. or _____ c.f.s. Drawdown was 18 feet.
Size of pump and motor used to make the test 50 HP
Length of time pumped during check was Permanent hr., _____ minutes.
If flowing well, give flow in c.f.s. _____ or g.p.m. _____ and shut in pressure _____
If flowing well, describe control works _____ (TYPE AND SIZE OF VALVE, ETC.)
Water will be used for Irrigation Weight of casing per linear foot 65 lb
Thickness of casing 5/8 Casing material Steel
E.G., PIPE, CONCRETE, WOOD.
Diameter, length and location of casing _____
(CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)
Number and size of perforations 17/0 located 19 feet to 77 feet
from surface of ground.
Other perforations _____
Date of commencement of well 29 July 1957 Date of completion of well 6 Aug 1957
Type of well rig Cable

CASING RECORD

DIAM. CASING	FROM FEET	TO FEET	LENGTH	"REMARKS" -- SEALS, GROUTING, ETC.

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

Permanent Pump delivers about 4200 G.P.M.
with 50 H.P.

LOT 1 NESE 5.5 19E

SE 11E

WELL LOG

[illegible]

WELL DRILLER'S STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed Engineer W Walker

By _____

Dated 15 Sept 1957

License No. 15