

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 75943

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- | Yes | N/A | |
|--------------------------|-------------------------------------|--|
| ☐ | ☐ | * Means the item is <u>always required</u> and must be included with the application. |
| ☐ | ☐ | * Completed Application for Transfer of Water Right form, Part 1. |
| ☐ | ☐ | * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative. |
| ☐ | ☐ | * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded. |
| ☐ | ☒ | Complete and attach an Application for Transfer Part 2B <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application |
| ☐ | ☐ | * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s). |
| ☐ | ☐ | * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.) |

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- | | | |
|-------------------------------------|-------------------------------------|--|
| ☐ | ☒ | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.) |
| ☐ | ☒ | #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. |
| ☒ | ☐ | #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). |
| ☐ | ☒ | #3 Documentation of authority to make the change if the applicant is not the water right owner. |
| ☐ | ☒ | #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.) |
| ☐ | ☒ | #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/water/rights/ . |
| ☐ | ☒ | #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.) |
| ☐ | ☐ | * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.) |
| ☒ | ☐ | #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. |
| ☐ | ☒ | #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) |
| ☐ | ☒ | #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.) |
| ☐ | ☒ | #9 Other. Please describe: _____ |

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) JOHN D. FLOOD/QUEENS CROWN RANCH Phone (208) 788-2551Mailing address 19249 HIGHWAY 20, PICABO, ID 83348 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative TRAVIS L. THOMPSON & PAUL L. ARRINGTON Phone (208) 733-0700Mailing address PO BOX 485, TWIN FALLS, ID 83303-0485 Email TLT@IDAHOWATERS.COM

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

John D Flood
Signature of Applicant or Authorized Representative

JOHN D. FLOOD
Print Name and Title if applicable

8-21-09
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other CREATE PERMISSIBLE PLACE OF USE
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. APPLICANT DESIRES TO CREATE A PERMISSIBLE PLACE OF USE AND TO INCLUDE**
25.2 ADDITIONAL ACRES RECENTLY PLACED UNDER IRRIGATION. THE APPLICANT FURTHER SEEKS TO MATCH
UP ALL POINTS OF DIVERSION AND REDIVERSION WITH ALL RIGHTS, AND ADD A POINT OF INJECTION TO
WATER RIGHT 37-7014.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ ☐	37-407	2 cfs	Irrigation	4/15 to 10/31	Silver Creek/Little Wood
☐ ☐	37-408	1 cfs	Irrigation	4/15 to 10/31	Silver Creek/Little Wood
☐ ☐	37-693	1 cfs	Irrigation	4/15 to 10/31	Silver Creek/Little Wood
☐ ☐	37-2573	1.42 cfs	Irrigation	4/1 to 11/1	Ground water
☐ ☐	37-7014	5 cfs	Irrigation	4/1 to 11/1	Ground water
☐ ☐	37-11932	0.72 cfs	Irrigation	4/15 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 10.42 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 10.42 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Intentionally left blank. Please see attachment labeled Part 1.B.3										

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	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	
1S	21E	31			16.8	20.1							24.5	30.7	36.2	35.7	40.1	38.2	242.3
1S	21E	32										16.7							16.7
2S	20E	12S	21.8																21.8
2S	21E	6	5.8	37.6	12.4		35.2	18.8	36.5	30.1	10.9	24.1	18.3						229.7
2S	21E	7						38.8											38.8

Total Acres (for irrigation use) 549.3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: DIVERSION SYSTEM WILL NOT CHANGE.

- b. Who owns the property at the point(s) of diversion? JOHN D. FLOOD, AND OTHERS

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: THE POINTS OF DIVERSION FROM GROUND WATER AND SILVER CREEK IN SECTIONS 1, 17, 20, 35 WERE ALL INCLUDED IN PRIOR DECREES OR LICENSES.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: ALL PODS FOR ALL SILVER CREEK WATER RIGHTS WILL BE LISTED AND THE APPLICANT DESIRES TO CREATE A PERMISSIBLE PLACE OF USE AND TO ADD 25.2 ACRES RECENTLY PLACED UNDER IRRIGATION TO THE PLACE OF USE FOR ALL RIGHTS. APPLICANT SEEKS TO ADD A POINT OF INJECTION TO 37-7014 AS WELL.
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: NONE. ALL APPURTENANT WATER RIGHTS ARE INCLUDED IN THIS TRANSFER.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: n/a

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

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SOUTHERN REGION

Insert Part 2A reports into the application following Part 1.

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

[illegible][illegible]

Total Acres (for irrigation use)

John Flood: Application for Transfer

Part 1.B.3. (Points of Diversion)

SWSWSE Section 17 1S 19E

Point of Diversion for water right 37-2573 & 37-11932

SESESW Section 17 1S 19E

Point of Injection for water right 37-2573 & 37-11932

NWNWNE Section 20 1S 19E

Point of Diversion for water right 37-7014

NENENW Section 20 1S 19E

Point of Injection for water right 37-7014

NESWNE Section 1 02S 20E

Point of Diversion for water rights 37-407, 37-408, 37-693

Point of Rediversion for water rights 37-2573, 37-7014, 37-11932

NESWSW Section 6 02S 21E

Point of Diversion for water rights 37-407, 37-408, 37-693

Point of Rediversion for water rights 37-2573, 37-7014, 37-11932

SWNENW Section 6 02S 21E

Point of Diversion for water rights 37-407, 37-408, 37-693

Point of Rediversion for water rights 37-2573, 37-7014, 37-11932

SWNENW Section 6 02S 21E (second pod in this location)

Point of Diversion for water rights 37-407, 37-408, 37-693

Point of Rediversion for water rights 37-2573, 37-7014, 37-11932

NENENE Section 35 1S 20E

Point of Diversion for water rights 37-407, 37-408, 37-693

Point of Rediversion for water rights 37-2573, 37-7014, 37-11932

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-407

Current Owner: JOHN D FLOOD
Priority Date: 5/31/1885
Origin: Adjudication Recommendation
Status: Active
Basis: Decreed

Source	Tributary
SILVER CREEK	LITTLE WOOD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	2 CFS	
	Total Diversion	2 CFS	

Location of Point(s) of Diversion

SILVER CREEK	NE1/4SW1/4NE1/4	Sec. 1,	Twp 02S,	Rge 20E B.M.
BLAINE County				
SILVER CREEK	L3(SW1/4NE1/4NW1/4)	Sec. 6,	Twp 02S,	Rge 21E B.M.
BLAINE County				
SILVER CREEK	L7(NE1/4SW1/4SW1/4)	Sec. 6,	Twp 02S,	Rge 21E B.M.
BLAINE County				
SILVER CREEK	NE1/4NE1/4NE1/4	Sec. 35,	Twp 01S,	Rge 20E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T01S R21E S31	SWNE	17.00	T01S R21E S31	SENE	19.00
T01S R21E S31	SESW	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 S6	Lot 1 NENE	5.00	T02S R21E S6	Lot 2 NWNE	37.00
T02S R21E S6	Lot 3 NENW	31.00			

Total Acres: 304

Page _____ of _____

Conditions of Approval:

1. E56 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.

2. 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.

3. C18 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.

4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

5. U42 Place of use does not include federal public lands.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-408

Current Owner: JOHN D FLOOD
Priority Date: 10/25/1892
Origin: Adjudication Recommendation
Status: Active
Basis: Decreed

Source	Tributary
SILVER CREEK	LITTLE WOOD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	1 CFS	
	Total Diversion	1 CFS	

Location of Point(s) of Diversion

SILVER CREEK	NE1/4NE1/4NE1/4	Sec. 35,	Twp 01S,	Rge 20E B.M.
BLAINE County				
SILVER CREEK	NE1/4SW1/4NE1/4	Sec. 1,	Twp 02S,	Rge 20E B.M.
BLAINE County				
SILVER CREEK	L3(SW1/4NE1/4NW1/4)	Sec. 6,	Twp 02S,	Rge 21E B.M.
BLAINE County				
SILVER CREEK	L7(NE1/4SW1/4SW1/4)	Sec. 6,	Twp 02S,	Rge 21E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T01S R21E S31	SWNE	17.00	T01S R21E S31	SENE	19.00
T01S R21E S31	SESW	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 S6	Lot 1 NENE	5.00	T02S R21E S6	Lot 2 NWNE	37.00
T02S R21E S6	Lot 3 NENW	31.00			

Total Acres: 304

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Conditions of Approval:

1. 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.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. U42 Place of use does not include federal public lands.
4. C18 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.
5. E56 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-693

Current Owner: JOHN D FLOOD
 Priority Date: 4/1/1890
 Origin: Adjudication Recommendation
 Status: Active
 Basis: Decreed

Source
 SILVER CREEK

Tributary
 LITTLE WOOD RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	1 CFS	
	Total Diversion	1 CFS	

Location of Point(s) of Diversion

SILVER CREEK	NE1/4SW1/4NE1/4	Sec. 1,	Twp 02S,	Rge 20E B.M.
BLAINE County				
SILVER CREEK	L3(SW1/4NE1/4NW1/4)	Sec. 6,	Twp 02S,	Rge 21E B.M.
BLAINE County				
SILVER CREEK	NE1/4NE1/4NE1/4	Sec. 35,	Twp 01S,	Rge 20E B.M.
BLAINE County				

Place of Use

IRRIGATION Within BLAINE County

T01S R21E S31		SWSW	1.50	T02S R21E S6	Lot 3	NENW	5.50
T02S R21E S6	Lot 4	NWNW	23.00	T02S R21E S6	Lot 5	SWNW	37.00
T02S R21E S6		SENW	23.00				

Total Acres: 90

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Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. C18 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.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. U42 Place of use does not include federal public lands.
5. E56 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-2573

Current Owner: JOHN D FLOOD
Priority Date: 6/16/1955
Origin: Adjudication Recommendation
Status: Active
Basis: License

Source	Tributary				
GROUND WATER					
Beneficial Use	From	To	Diversion Rate	Annual Volume	
IRRIGATION	04/01 to 11/01		1.42 CFS	508 AF	
	Total Diversion		1.42 CFS	508 AF	
Location of Point(s) of Diversion					
GROUND WATER			NE1/4NE1/4NE1/4	Sec. 35,	Twp 01S, Rge 20E B.M.
BLAINE County				(Rediversion)	
GROUND WATER			NE1/4SW1/4NE1/4	Sec. 1,	Twp 02S, Rge 20E B.M.
BLAINE County				(Rediversion)	
GROUND WATER			L3(SW1/4NE1/4NW1/4)	Sec. 6,	Twp 02S, Rge 21E B.M.
BLAINE County				(Rediversion)	
GROUND WATER			SE1/4SE1/4SW1/4	Sec. 17,	Twp 01S, Rge 19E B.M.
BLAINE County				(Injection)	
GROUND WATER			SW1/4SW1/4SE1/4	Sec. 17,	Twp 01S, Rge 19E B.M.
BLAINE County					
GROUND WATER			L7(NE1/4SW1/4SW1/4)	Sec. 6,	Twp 02S, Rge 21E B.M.
BLAINE County				(Rediversion)	

Place of Use

IRRIGATION Within 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 S6	Lot 1 NENE	5.30	T02S R21E S6	Lot 2 NWNE	37.00
T02S R21E S6	SWNE	10.00	T02S R21E S6	Lot 3 NENW	36.00
T02S R21E S6	Lot 4 NWNW	23.00	T02S R21E S6	Lot 5 SWNW	37.00
T02S R21E S6	SENW	31.00	T02S R21E S6	NESW	11.00
T02S R21E S6	Lot 6 NWSW	25.00	T02S R21E S6	Lot 7 SWSW	20.00
T02S R21E S7	Lot 1 NWNW	45.00			

Total Acres: 494

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. K06 This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.
3. G02 Point of injection into Patton Creek. Point of rediversion from Silver Creek.
4. E61 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 604.5 AF. Combined Right Nos.: 37-2573 and 37-11932.
5. 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.
6. 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.
7. C18 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.
8. E56 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.
9. X56 The portion of Right 37-2573 used for conveyance losses is 0.14 cfs.
10. U42 Place of use does not include federal public lands.
11. K01 Right No. 37-11932 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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12. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-7014

Current Owner: JOHN D FLOOD
Priority Date: 3/11/1968
Origin: Adjudication Recommendation
Status: Active
Basis: License

Source	Tributary
GROUND WATER	
Beneficial Use	From To
IRRIGATION	04/01 to 11/01
	Total Diversion
Diversion Rate	Annual Volume
5 CFS	1335 AF
5 CFS	1335 AF
Location of Point(s) of Diversion	
GROUND WATER	L3(SW1/4NE1/4NW1/4) Sec. 6, Twp 02S, Rge 21E B.M.
BLAINE County	(Rediversion)
GROUND WATER	NW1/4NW1/4NE1/4 Sec. 20, Twp 01S, Rge 19E B.M.
BLAINE County	

Place of Use

IRRIGATION Within 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 S6	Lot 1	NENE 5.30
T02S R21E S6	Lot 2	NWNE 37.00	T02S R21E S6		SWNE 10.00
T02S R21E S6	Lot 3	NENW 36.00	T02S R21E S6	Lot 4	NWNW 23.00
T02S R21E S6	Lot 5	SWNW 37.00	T02S R21E S6		SENE 31.00
T02S R21E S6		NESW 11.00	T02S R21E S6	Lot 6	NWSW 25.00

Total Acres: 445

Conditions of Approval:

1. U42 Place of use does not include federal public lands.
2. 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.
3. 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.
4. E51 The maximum combined rate of diversion under this right & Rights 37-02649 37-02649A and 37-02649B shall not exceed 7.44 cfs.
5. C18 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.
6. 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.
7. The rate of diversion at the point of rediversion from Silver Creek shall not exceed 4.3 cfs.
8. Use of water under this water right will be regulated by the watermaster of State Water District No. 37-M.
9. E56 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.
10. R63 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-11932

Current Owner: JOHN D FLOOD

Priority Date: 4/15/1987

Origin: Adjudication Recommendation

Status: Active

Basis: Beneficial Use

Source

Tributary

GROUND WATER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/15 to 10/31	0.72 CFS	96.5 AF
	Total Diversion	0.72 CFS	96.5 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 35,	Twp 01S,	Rge 20E B.M.
BLAINE County	(Rediversion)			
GROUND WATER	NE1/4SW1/4NE1/4	Sec. 1,	Twp 02S,	Rge 20E B.M.
BLAINE County	(Rediversion)			
GROUND WATER	L3(SW1/4NE1/4NW1/4)	Sec. 6,	Twp 02S,	Rge 21E B.M.
BLAINE County	(Rediversion)			
GROUND WATER	SE1/4SE1/4SW1/4	Sec. 17,	Twp 01S,	Rge 19E B.M.
BLAINE County	(Injection)			
GROUND WATER	SW1/4SW1/4SE1/4	Sec. 17,	Twp 01S,	Rge 19E B.M.
BLAINE County				
GROUND WATER	L7(NE1/4SW1/4SW1/4)	Sec. 6,	Twp 02S,	Rge 21E B.M.
BLAINE County	(Rediversion)			

Place of Use

IRRIGATION Within 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 S6	Lot 1 NENE	5.30	T02S R21E S6	Lot 2 NWNE	37.00
T02S R21E S6	SWNE	10.00	T02S R21E S6	Lot 3 NENW	36.00
T02S R21E S6	Lot 4 NWNW	23.00	T02S R21E S6	Lot 5 SWNW	37.00
T02S R21E S6	SENW	31.00	T02S R21E S6	NESW	11.00
T02S R21E S6	Lot 6 NWSW	25.00	T02S R21E S6	Lot 7 SWSW	20.00
T02S R21E S7	Lot 1 NWNW	45.00			

Total Acres: 494

Conditions of Approval:

1. E61 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 604.5 AF. Combined Right Nos.: 37-2573 and 37-11932.
2. C11 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.
3. K09 This right is for an enlargement of 250 acres within the place of use described for this right.
4. E56 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.
5. K02 This right is based upon an enlargement of Right No. 37-2573 pursuant to Section 42-1426, Idaho Code.
6. C18 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.
7. E56 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.

JOHN D FLOOD/QUEENS CROWN RANCH
Summary of Changes to Water Rights

37-407

place of use T01S R21E S31 SESW changed to **28** (from 24)

ACRES TOTAL now **304** (from 300)

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 **539** (from 534) acres in a single irrigation season. Combined Right Nos.: 37-407, 37-408, 37-693, 37-2573, 37-7014, and 37-11932.

37-408

place of use T01S R21E S31 SESW changed to **28** (from 24)

ACRES TOTAL now **304** (from 300)

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 **539** (from 534) acres in a single irrigation season. Combined Right Nos.: 37-407, 37-408, 37-693, 37-2573, 37-7014, and 37-11932.

37-693 the only change---

The rights listed below are limited to the irrigation of a combined total of **539** (from 534) acres in a single irrigation season. Combined Right Nos.: 37-407, 37-408, 37-693, 37-2573, 37-7014, and 37-11932.

37-2573

QUANTITY: 1.420 CFS **562.3** AFY (from 508)

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 **562.3** AF. (from 508) Combined Right Nos.: 37-2573 and 37-7014

QUANTITY:

The maximum combined rate of diversion under this right & Right 37-02649 shall not exceed **7.44** (from 7.26) cfs.

PLACE OF USE:

The rights listed below are limited to the irrigation of a combined total of **539** (from 538) acres in a single irrigation season. Combined Right Nos.: 37-407, 37-408, 37-693, 37-2573, 37-7014, and 37-11932.

37-11932

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 (was 4/01) 10/31 (was 11/01)	1.420 CFS 562.3 AFY (from 508)

place of use: T01S R21E S31 SESW **29** (from 25)

494 ACRES TOTAL (was 490)

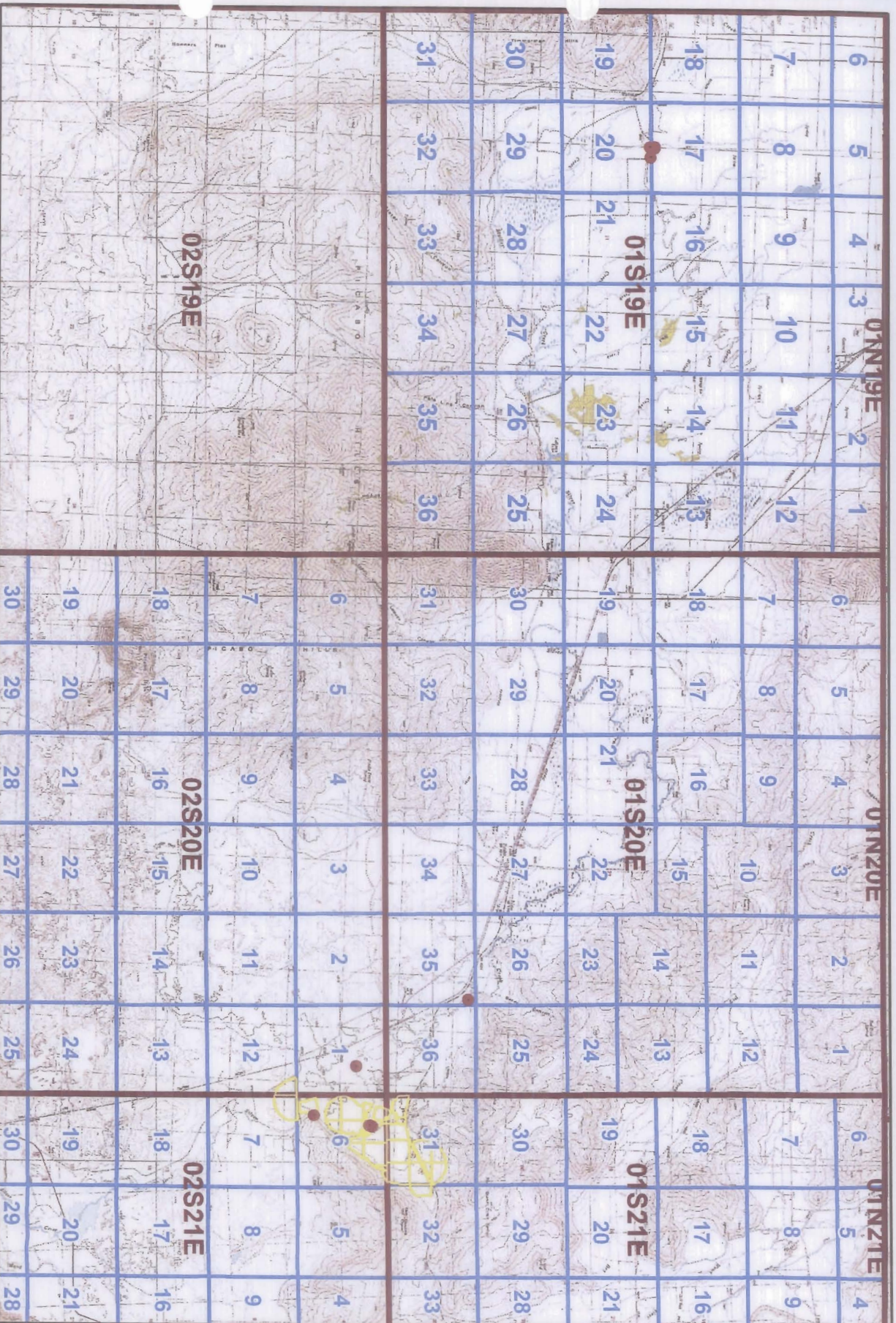
The rights listed below are limited to the irrigation of a combined total of **494** (was 490) acres in a single irrigation season. Combined Right Nos.: 37-2573 and 37-11932.

The rights listed below are limited to the irrigation of a combined total of **539** (was 534) 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 **25** (says "2504" in correction report) acres within the place of use described for this right.



FLOOD, JOHN - TRANSFER MAP TOPOGRAPHICAL MAP

Legend

- IDWR Rec. POD
- Proposed PPU 548.3 Ac.
- gndb_tr Sections



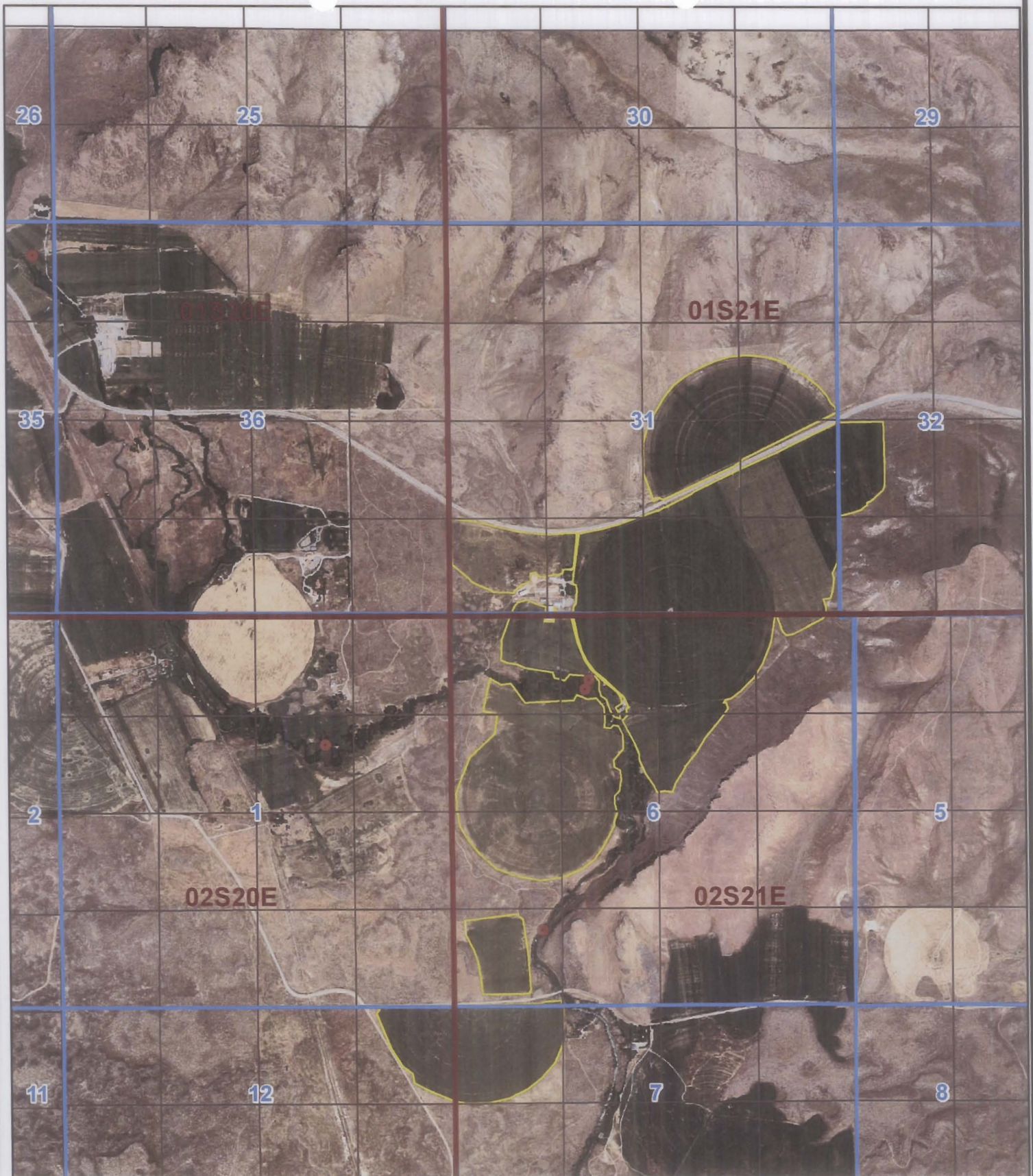
1 inch equals 550 feet

**FLOOD, JOHN
POINTS OF DIVERSION
NAIP 2006 Aerial**

Legend

-  GROUND_WATER_POD
-  Sections
-  t01s19e





1 inch equals 1,800 feet

FLOOD, JOHN - TRANSFER MAP **PROPOSED PPU** **NAIP 2006 AERIAL**

BROCKWAY ENGINEERING, PLLC.
 ALR - JUNE 22, 2009
 (ZL - 7/30/09)

Legend

- IDWR_Rec_POD
- gcdb_tr
- ▭ Sections
- ▭ Proposed PPU 549.3 Ac.



WARRANTY DEED

GRANTOR: JERRY L. CAVEN and MURIEL CAVEN, husband and wife.

GRANTEE: JOHN FLOOD, an unmarried man.

GRANTOR'S ADDRESS:

DESCRIPTION OF REAL PROPERTY CONVEYED BY THIS DEED:

Situated in the County of Blaine, State of Idaho:

The real estate more particularly described upon "Exhibit A" attached hereto, which said "Exhibit A" is by this reference incorporated herein and made a part hereof.

TOGETHER WITH all water rights appurtenant thereto.

SUBJECT TO: The matters set forth upon "Exhibit B" attached hereto, which said "Exhibit B" is by this reference incorporated herein and made a part hereof.

FOR VALUE RECEIVED, the above-named Grantor does hereby grant, bargain, sell, and convey unto the above-named Grantee, the real property above described; TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, and Grantee's heirs and assigns forever. Grantee by acceptance of this deed agrees to assume the incumbrance described after the words "Subject To" above, together with the notes or notes secured thereby, and agrees to pay, perform, and discharge the same according to the terms thereof.

And the said Grantor does hereby covenant to and with the said Grantee that Grantor is the owner in fee simple of said premises, and that they are free from all incumbrances except any expressly assumed by Grantee as herein provided, and except current year's taxes, levies, and assessments, and also except reservations, restrictions, and easements of record and easements visible upon the premises, and that Grantor will WARRANT and DEFEND the same from all lawful claims whatsoever. The use of the singular terms "Grantor" and "Grantee" herein shall be construed to include the plural as the context shall require under the circumstances.

DATED: May 23, 1979:

Jerry L. Caven
JERRY L. CAVEN

Muriel Caven
MURIEL CAVEN

STATE OF IDAHO, COUNTY OF ADA) ss.
On this 23rd day of May, 19 79
before me, a notary public in and for said State, personally
appeared

JERRY L. CAVEN and
MURIEL CAVEN, husband
and wife,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
execute the same.

[Signature]
Notary Public
Idaho

433481

Deed

BLAINE CO. REQUEST

BY: John Flood

'99 NOV 15 PM 4 35

MARSHA RIEMANN, CLERK

FEES \$ 9.00 MPP

"EXHIBIT A"**LEGAL DESCRIPTION**

ALL SITUATED IN THE COUNTY OF BLAINE, STATE OF IDAHO, TO-WIT:

TRACT 1

Section 31, Township 1 South, Range 21 East, B.M.:
The Southwest Quarter of the Southeast Quarter;
All of the Southeast Quarter of the Southwest Quarter
EXCEPT highway right-of-way designated as Tax Lots
2605 and 2606 on Blaine County Tax Assessor's Roll; and
All of Lot 4 (or W 1/4 SW 1/4) EXCEPT highway right-
of-way designated as Tax Lots 2603 and 2604 on
Blaine County Tax Assessor's Roll.

Section 6, Township 2 South, Range 21 East, B.M.:
The Southwest Quarter of the Northeast Quarter;
The Southeast Quarter of the Northwest Quarter; and
Lots 2, 3, 4, and 5.

TRACT 2

Section 6, Township 2 South, Range 21 East, B.M.:
Lots 6 and 7; and
The East Half of the Southwest Quarter.

Section 7, Township 2 South, Range 21 East, B.M.:
Lot 1.

Section 12, Township 2 South, Range 20 East, B.M.:
All of the Northeast Quarter of the Northeast Quarter
lying East of the County Road.

TRACT 3

Section 17, Township 1 South, Range 19 East, B.M.:
A parcel of land 20 feet square in the Southwest
Quarter of the Southeast Quarter; center of which
is a well and point of diversion, which bears
N.3°30'E. 175 feet distant from the South
Quarter Corner of said Section 17.

TRACT 4

Section 31, Township 1 South, Range 21 East, B.M.:
The Southeast Quarter of the Southeast Quarter;
All of the Northwest Quarter of the Southeast Quarter
EXCEPT highway right-of-way designated as Tax Lots
2608 and 2609 on Blaine County Tax Assessor's Roll; and
All of the Northeast Quarter of the Southeast Quarter
EXCEPT highway right-of-way designated as Tax Lots
2610 and 2611 on Blaine County Tax Assessor's Roll.

TRACT 5

Section 31, Township 1 South, Range 21 East, B.M.:
All of the South Half of the Northeast Quarter EXCEPT
highway right-of-way.

Section 32, Township 1 South, Range 21 East, B.M.:
The West Half of the Northwest Quarter of the
Southwest Quarter.

Section 6, Township 2 South, Range 21 East, B.M.:
Lot 1.

LEGAL DESCRIPTION - PAGE ONE OF ONE PAGES.



EXHIBIT B TO WARRANTY DEED

1. The right, title, and interest of HOLSTEIN HEIFER RANCHES, INC., and its successors and assigns, under a certain "Real Estate Contract", dated April 10, 1972, wherein HOLSTEIN HEIFER RANCHES, INC., is the "Seller", and KIMBER-OAK, INC. is the "Buyer". The interest of said "Buyer" was subsequently assigned to QUEENS CROWN RANCHES, INC., and reassigned by it to JERRY L. CAVEN and MURIEL CAVEN, husband and wife.
2. A certain Mortgage in favor of NEW YORK LIFE INSURANCE COMPANY, recorded as Instrument No. 130273, records of Blaine County, Idaho.
3. The right, title, and interest of QUEENS CROWN RANCHES, INC., and its successors and assigns, under a certain "Contract of Sale of Real Estate", dated January 26, 1973, wherein QUEENS CROWN RANCHES, INC. is the "Seller" and JERRY L. CAVEN and MURIEL CAVEN, husband and wife, are the "Purchasers".

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