

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	)	A. Subcase <u>37-20479</u> (Insert water right number)
	)	
Case No. 39576	)	STANDARD FORM 1
	)	OBJECTION
	)	
_____	)	

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Flying Triangle, Inc.; c/o William N. Brailsford
Address: P.O. Box 180; Hagerman, Idaho 83332

Name:
Address: ;

Name:
Address: ;

Name:
Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:

2. ☐ **Source**
Should be:

3. ☐ **Quantity**
Should be:

4. ☒ **Priority Date**
Should be: See attached.

5. ☒ **Point(s) of Diversion**
Should be: See attached.

6. ☐ **Instream Flow Description**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☒ **Period of Year**
Should be: See attached.

9. ☒ **Place of Use**
Should be: See attached.

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

For the portion of this recommendation that describes federal public land, this objection seeks to implement the terms of the stockwater Stipulation and Joint Motion for Order Approving Stipulation signed by the U.S. and the Federal Stockwater Group and filed with the SRBA Court on 08-29-2002 (37-02809 et al); to be made consistent with the limit of the authorized season of use; and the requirements of I.C. 42-1402.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

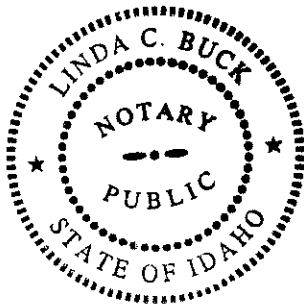
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Paul M. G. LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: *May 23, 2007*

Linda C. Buck
Notary Public for State of Idaho
Residing at: Mountain Home, ID
My Commission Expires: 12-22-2011



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on May 23, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

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

2. One copy to the claimant of the water right at the following address:

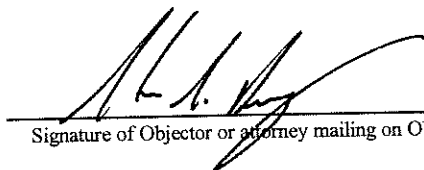
Name: Flying Triangle, Inc.; c/o William N. Brailsford
Address: P.O. Box 180; Hagerman, Idaho 83332
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

12/02/2006

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

RIGHT NUMBER: 37-20479

NAME AND ADDRESS: FLYING TRIANGLE INC
C/O WILLIAM N BRAILSFORD
PO BOX 180
HAGERMAN ID 83332

SOURCE: UNNAMED STREAM TRIBUTARY: CAMP CREEK

QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1881

POINT OF DIVERSION: T01N R16E S1 SESWSW End of Stream Flow Within BLAINE County
T01N R16E S2 SWNESE Begin of Stream Flow Within BLAINE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in BLAINE County

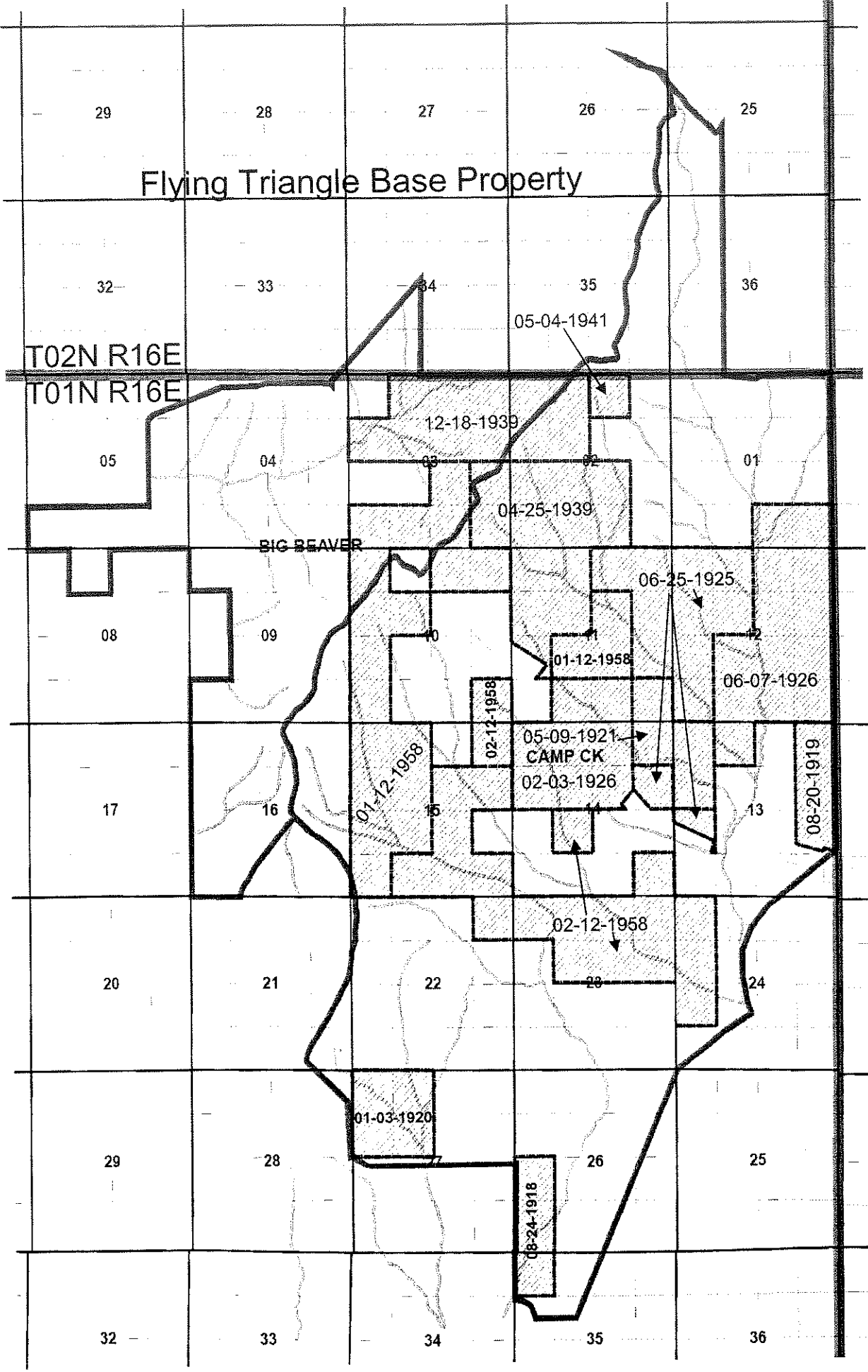
T01N R16E S01	SWSW BLM	T01N R16E S02	NESE BLM
T01N R16E S02	SESE BLM		

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

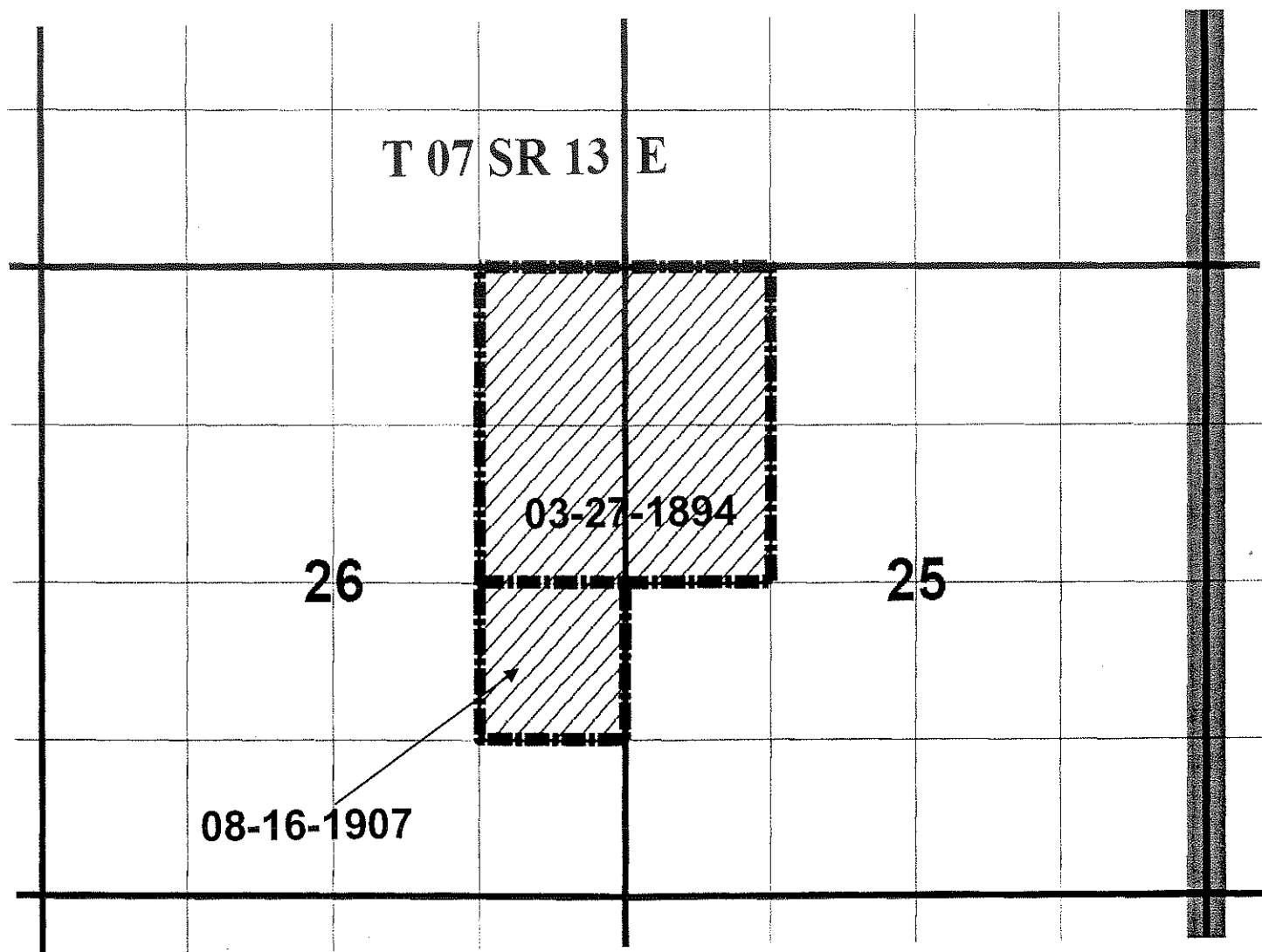
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



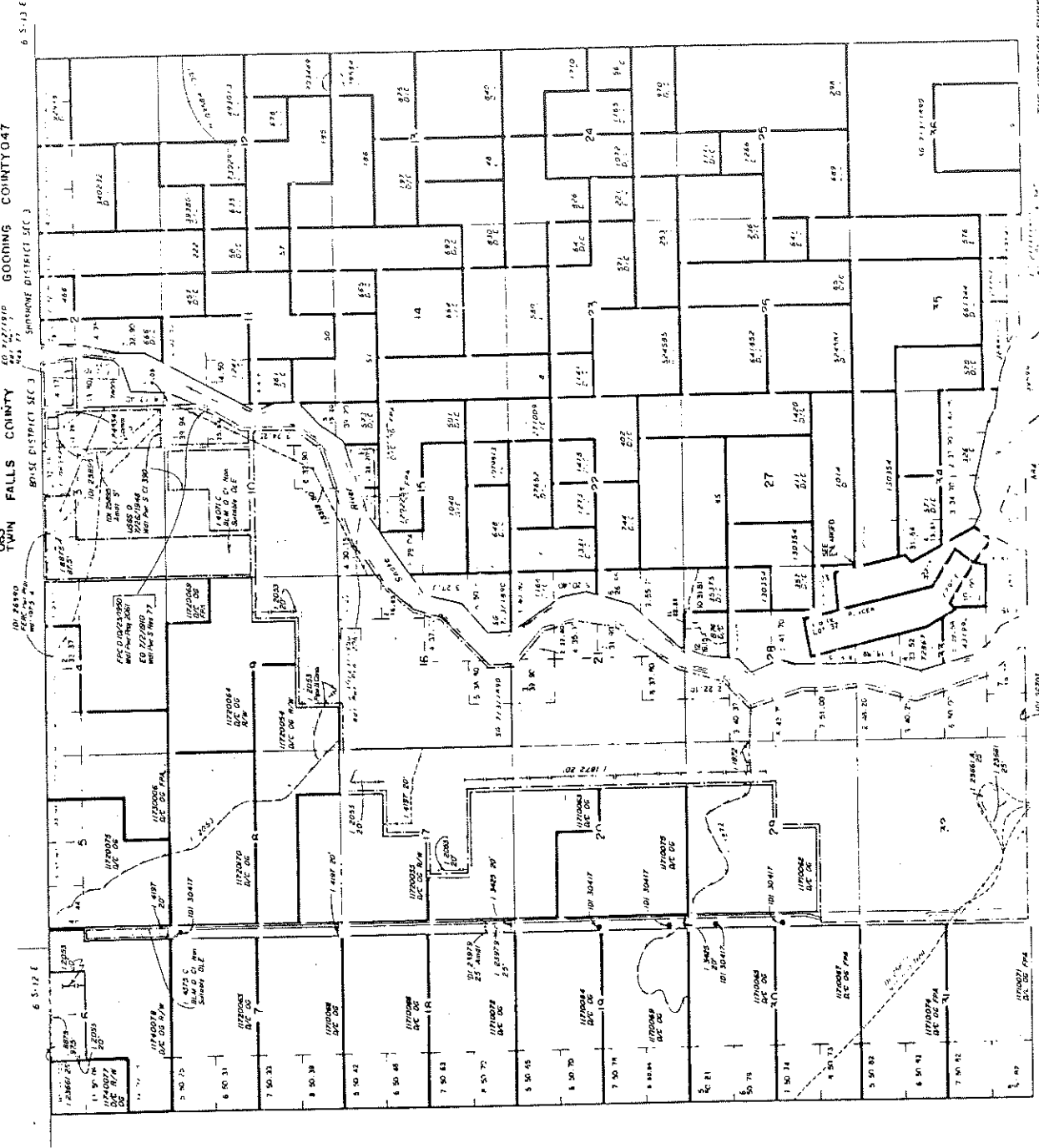
Flying Triangle Base Property



TOWNSHIP 7 SOUTH RANGE 13 EAST OF THE ROCKY MOUNTAIN, MONTANA

STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES

MT PLAT



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ENLARGED DIAGRAM



100-1000 100-1001 100-1002 100-1003 100-1004 100-1005 100-1006 100-1007 100-1008 100-1009 100-1010 100-1011 100-1012 100-1013 100-1014 100-1015 100-1016 100-1017 100-1018 100-1019 100-1020 100-1021 100-1022 100-1023 100-1024 100-1025 100-1026 100-1027 100-1028 100-1029 100-1030 100-1031 100-1032 100-1033 100-1034 100-1035 100-1036 100-1037 100-1038 100-1039 100-1040 100-1041 100-1042 100-1043 100-1044 100-1045 100-1046 100-1047 100-1048 100-1049 100-1050 100-1051 100-1052 100-1053 100-1054 100-1055 100-1056 100-1057 100-1058 100-1059 100-1060 100-1061 100-1062 100-1063 100-1064 100-1065 100-1066 100-1067 100-1068 100-1069 100-1070 100-1071 100-1072 100-1073 100-1074 100-1075 100-1076 100-1077 100-1078 100-1079 100-1080 100-1081 100-1082 100-1083 100-1084 100-1085 100-1086 100-1087 100-1088 100-1089 100-1090 100-1091 100-1092 100-1093 100-1094 100-1095 100-1096 100-1097 100-1098 100-1099 100-1100

THE NOTATION SHOWN ON WITHDRAWS REPRESENTS THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER.

THE UNITED STATES OF AMERICA,

To all to whom these Presents shall come, Greeting:

Deed Land
CERTIFICATE
No. *236*

Whereas *Nannah J. Kennelly, of Otterus County, Idaho*

has deposited in the General Land Office of the United States a Certificate of the Registrar of the Land Office at *Hailey, Idaho* whereby it appears that full payment has been made by the said

Nannah J. Kennelly

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the *East half of the North East quarter of Section twenty six and the West half of the North West quarter of Section twenty five in Township seven South of Range thirty East of Tenth Meridian in Idaho containing one hundred and fifty acres*

according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said *Nannah J. Kennelly*

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said *Nannah J. Kennelly*

and to *her* heirs, the said Tract above described: To have and to hold the same, together with all the rights, privileges, exemptions, and appurtenances, of whatsoever nature, thereto belonging, unto the said *Nannah J. Kennelly*

and to *her* heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof *J. Grover Cleveland*

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the *twenty seventh* day of *March*, in the year of our Lord one thousand eight hundred and *ninety four*, and of the Independence of the United States the one hundred and *eighty fifth*

By the President: *Grover Cleveland*

M. McKean Secretary
L. Schamar Recorder of the General Land Office

Deed Land
CERTIFICATE
No. *237*

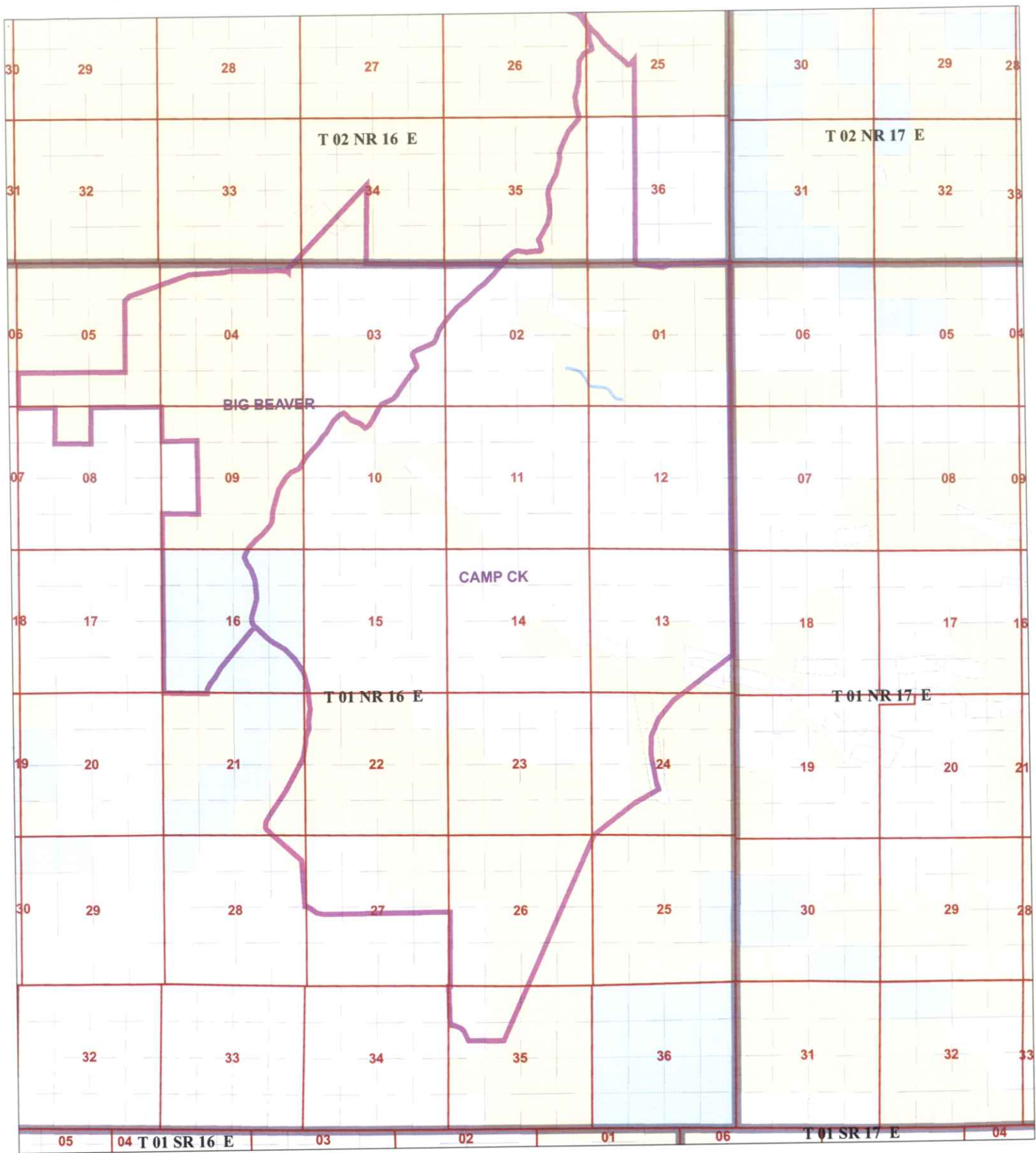
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Nannah J. Kennelly

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Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant unto the said *Nannah J. Kennelly*

and to *her* heirs, the said Tract above described: To have and to hold the same, together with all the rights, privileges, exemptions, and appurtenances, of whatsoever nature, thereto belonging, unto the said *Nannah J. Kennelly*



37-20479