

RECEIVED

AUG 01 2008

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. <u>37-20459</u>
	)	(SPLIT INTO 37-22269 & 37-22270)
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

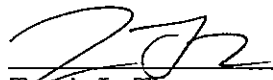
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

Pursuant to the terms of the *Stipulation and Joint Motion for Order Approving Stipulation* filed on August 29, 2002, such stipulation being incorporated into this *Standard Form 5*, the parties and IDWR agree and stipulate that the elements of the resulting water rights should be described per the attached. To resolve the objection, the whole of water right 37-20459 was split into two water rights and renumbered as 37-22269 and 37-22270. The parties and IDWR agree and stipulate that water right 37-20459 should be disallowed. Water rights 37-22269 and 37-22270 now supersede right 37-20459. The parties and IDWR have further indicated their concurrence to these renumbered water rights by signing below and initialing the attached page.

CLAIMANT:

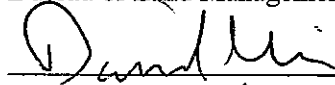
Flying Triangle Inc.

Travis L. Thompson
Attorney for Flying Triangle

7-3-08

Date

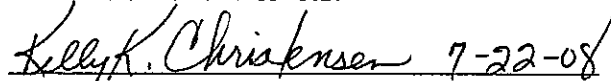
OBJECTOR:

United States on behalf of the
Bureau of Land ManagementDavid L. Negri
Attorney, U.S. Department of Justice
Environment and Natural Resources

7/30/08

Date

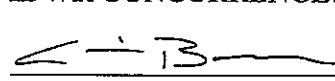
IDWR CONCURRENCE:

Kelly Christensen
Sr. Water Resource Agent

7-22-08

Date

IDWR CONCURRENCE:

Christopher M. Bromely
Deputy Attorney General
Attorney for IDWR

7/22/08

Date

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

RIGHT NUMBER: ~~37-20459~~ 37-22269

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

SOURCE: UNNAMED STREAM TRIBUTARY: SPARE CREEK

QUANTITY: 0.020 CFS

~~The quantity of water under this right shall not exceed 13,000 gallons per day.~~

THE QUANTITY OF WATER UNDER THE FOLLOWING RIGHTS SHALL NOT EXCEED A COMBINED TOTAL DIVERSION RATE OF 0.02 CFS AND A COMBINED TOTAL QUANTITY OF 13,000 GALLONS PER DAY. COMBINED RIGHT NOS: 37-22269 & 37-22270.

PRIORITY DATE: 12/31/1881

POINT OF DIVERSION: ~~T01N R16E S22~~ ~~SESWNE~~ ~~Begin of Stream Flow~~ ~~Within BLAINE County~~
~~T01N R16E S27~~ ~~NENENW~~ ~~Begin of Stream Flow~~ ~~Within CAMAS County~~
~~T01N R16E S27~~ ~~SENENW~~ ~~End of Stream Flow~~

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER 01/01 12/31 0.020 CFS

PLACE OF USE: STOCKWATER in ~~BLAINE County~~ and CAMAS County

~~T01N R16E S22~~ ~~SWNE~~
~~T01N R16E S22~~ ~~NWSE~~
~~T01N R16E S22~~ ~~SWSE~~

~~T01N R16E S27~~ ~~NWNE~~
~~T01N R16E S27~~ ~~NENW~~

KKC MB
DDJ
CB AN

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
The quantity of water decreed for this water right is not a determination of historical beneficial use.
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

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

RIGHT NUMBER: 37-20459 37-22270

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

SOURCE: UNNAMED STREAM

TRIBUTARY: SPARE CREEK

QUANTITY: 0.020 CFS

~~The quantity of water under this right shall not exceed 13,000 gallons per day.~~

THE QUANTITY OF WATER UNDER THE FOLLOWING RIGHTS SHALL NOT EXCEED A COMBINED TOTAL DIVERSION RATE OF 0.02 CFS AND A COMBINED TOTAL QUANTITY OF 13,000 GALLONS PER DAY. COMBINED RIGHT NOS: 37-22269 & 37-22270.

PRIORITY DATE: ~~12/31/1881~~ 03/27/1894

POINT OF DIVERSION:	T01N R16E S22	SESWNE	Begin of Stream Flow	Within BLAINE County
	~~T01N R16E S27~~	~~SENEENW~~	~~End of Stream Flow~~	Within CAMAS County
	<u>T01N R16E S27</u>	<u>NWNWNE</u>	<u>End of Stream Flow</u>	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in BLAINE County and CAMAS County

T01N R16E S22	SWNE
T01N R16E S22	NWSE
T01N R16E S22	SWSE
T01N R16E S27	NWNE
~~T01N R16E S27~~	~~NENW~~

KKC MS 727 CB BN

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

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

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

CERTIFICATE OF MAILING

I certify that on July 31, 2008, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

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

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

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Travis L. Thompson
Barker, Rosholt & Simpson, LLP
P.O. Box 485
Twin Falls, Idaho 83303



Signature of person or attorney mailing the form

07/23/2008

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

RIGHT NUMBER: 37-22269

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

VERIFIED BY KKC
7-23-08

SOURCE: UNNAMED STREAM

TRIBUTARY: SPARE CREEK

QUANTITY: 0.020 CFS

The quantity of water under the following rights shall not exceed a combined total of 0.02 cfs and a combined total quantity of 13,000 gallons per day. Combined right Nos: 37-22269 and 37-22270.

PRIORITY DATE: 12/31/1881

POINT OF DIVERSION:

T01N R16E S27 NENENW Begin of Stream Flow Within CAMAS County

T01N R16E S27 SENENW End of Stream Flow Within CAMAS 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 S27 NENW

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

This right is a split from former right 37-20459 .