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DEPARTMENT OF  
WATER RESOURCES

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 ) Subcase No. 37-20461  
) (SPLIT INTO 37-22271 & 37-22272)  
)  
Case No. 39576 ) STANDARD FORM 5  
)  
) AMENDED CLAIM  
) FOR DOMESTIC & STOCKWATER RIGHTS

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This form is used to report the stipulated elements of one domestic and/or stockwater right acquired under state law and/or one federal reserved water right and to amend the Notice of Claim. 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 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 Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that 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.

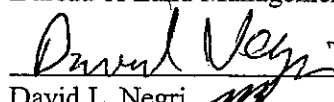
Pursuant to the terms of the *Stipulation and Joint Motion for Order Approving Stipulation* filed on August 29, 2002, such stipulation being incorporated into this *Standard Form 5*, the parties and IDWR agree and stipulate that the elements of the resulting water rights should be described per the attached. To resolve the objection, the whole of water right 37-20461 was split into two water rights and renumbered as 37-22271 and 37-22272. The parties and IDWR agree and stipulate that water right 37-20461 should be disallowed. Water rights 37-22271 and 37-22272 now supersede right 37-20461. 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

2-3-08  
Date

OBJECTOR:  
United States on behalf of the  
Bureau of Land Management

  
David L. Negri  
Attorney, U.S. Department of Justice  
Environment and Natural Resources

7/30/07  
Date

**IDWR CONCURRENCE:**

Kelly Christensen 7-22-08  
Kelly Christensen Date  
Sr. Water Resource Agent

**IDWR CONCURRENCE:**

Christopher M. Bromely 7/28/08  
Christopher M. Bromely Date  
Deputy Attorney General  
Attorney for IDWR

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

RIGHT NUMBER: ~~37-20461~~ 37-22271

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: 37-22271 & 37-22272.

PRIORITY DATE: 12/31/1881

POINT OF  
DIVERSION:

~~T01N R16E S21~~  
T01N R16E S27  
~~T01N R16E S27~~

Within CAMAS County  
~~NESESE Begin of Stream Flow~~  
NWNWNW Begin of Stream Flow  
~~SESENW End of Stream Flow~~

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
STOCKWATER

PERIOD OF USE  
01/01 12/31

QUANTITY  
0.020 CFS

PLACE OF USE:

STOCKWATER in CAMAS County

~~T01N R16E S21~~

~~SESE~~

T01N R16E S27

NENW

T01N R16E S27

NWNW

T01N R16E S27

SENW

~~T01N R16E S28~~

~~NENE~~

*MB*  
*KKC 757*  
*CB*  
*DN*

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:

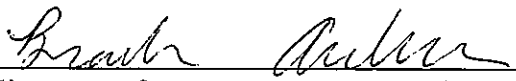
Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, Idaho 83711-4449

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: 37-22271

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: 37-22271 and 37-22272.

PRIORITY DATE: 12/31/1881

POINT OF DIVERSION:

T01N R16E S27 NWNWNW Begin of Stream Flow Within CAMAS County

T01N R16E S27 SESENW 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 and CAMAS County

|               |      |               |      |
|---------------|------|---------------|------|
| T01N R16E S27 | NENW | T01N R16E S27 | NWNW |
| T01N R16E S27 | SENW |               |      |

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 37-20461 .