

RECEIVED

JUN 8 2009

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. <u>37-20403</u>
	)	(SPLIT INTO 37-22432 & 37-22433)
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 37-20403 was split into two water rights and renumbered as 37-22432 and 37-22433. The parties and IDWR agree and stipulate that water right 37-20403 should be disallowed. Water rights 37-22432 and 37-22433 now supersede right 37-20403. 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.

[Signature] 3/19/09
Travis L. Thompson Date
Attorney for Flying Triangle

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

[Signature] 6/4/09
David L. Negri Date
Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

[Signature] 3-18-09
Kelly Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

[Signature] 3/18/09
Christopher M. Bromley Date
Deputy Attorney General
Attorney for IDWR

03/18/2009

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION REASON</u>
37-20403	FLYING TRIANGLE INC C/O WILLIAM N BRAILSFORD PO BOX 180 HAGERMAN ID 83332	Parent split into 37-22432 and 37-22433

KC

B

MB

DD

PW

03/12/2009

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

RIGHT NUMBER: 37-22432

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

SOURCE: BRUSH CREEK
UNNAMED STREAM

TRIBUTARY: CAMP CREEK
TRIBUTARY: BRUSH CREEK

QUANTITY: 0.020 CFS

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: 37-22432 & 37-22433.

PRIORITY DATE: 12/31/1881

POINT OF
DIVERSION:

T01N R16E S10 NWSWSW Begin of Stream Flow Within CAMAS County
T01N R16E S16 SEWNNE Begin of Stream Flow Within CAMAS County
T01N R16E S16 SESWNE Begin of Stream Flow Within CAMAS County
T01N R16E S23 SENWNW End of Stream Flow Within BLAINE County
T01N R16E S26 NESWSW Lot 4 Begin of Stream Flow Within BLAINE County
T01N R16E S34 NESENE End of Stream Flow Within CAMAS County

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 S10	SWSW	T01N R16E S14	SWSW
T01N R16E S15	NWNW	T01N R16E S15	SWNW
T01N R16E S15	NESW	T01N R16E S15	NWSW
T01N R16E S15	SESW	T01N R16E S15	SWSE
T01N R16E S15	SESE	T01N R16E S16	NENE
T01N R16E S16	NWNE	T01N R16E S16	SWNE
T01N R16E S16	SENE	T01N R16E S16	NESE
T01N R16E S16	NWSE	T01N R16E S23	NENW
T01N R16E S23	NWNW	T01N R16E S26 Lot 4	SWSW
T01N R16E S34	NENE	T01N R16E S34	SENE
T01N R16E S35	NWNW		

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

This right is a split from former right 37-20403.

03/12/2009

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

RIGHT NUMBER: 37-22433

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

SOURCE: BRUSH CREEK
UNNAMED STREAM

TRIBUTARY: CAMP CREEK
TRIBUTARY: BRUSH CREEK

QUANTITY: 0.020 CFS

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: 37-22432 & 37-22433.

PRIORITY DATE: 03/27/1894

POINT OF
DIVERSION:

T01N R16E S9 SENESE Begin of Stream Flow Within CAMAS County
T01N R16E S9 SENESE End of Stream Flow Within CAMAS County
T01N R16E S22 NWNWNW Begin of Stream Flow Within BLAINE County
T01N R16E S23 NESWNW Begin of Stream Flow Within BLAINE County
T01N R16E S26 NWSESW Lot 3 End of Stream Flow Within BLAINE County

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 S09	NESE	T01N R16E S22	NWNE
T01N R16E S22	SWNE	T01N R16E S22	SENE
T01N R16E S22	NENW	T01N R16E S22	NWNW
T01N R16E S23	SWNW	T01N R16E S23	NESW
T01N R16E S23	NWSW	T01N R16E S23	SESW
T01N R16E S23	SWSE	T01N R16E S26	NWNE
T01N R16E S26	SWNE	T01N R16E S26	SENE
T01N R16E S26	NESW	T01N R16E S26 Lot 3	SESW

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

This right is a split from former right 37-20403.

CERTIFICATE OF MAILING

I certify that on 5/4, 2009, 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:

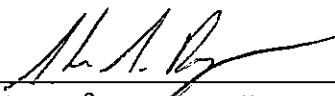
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

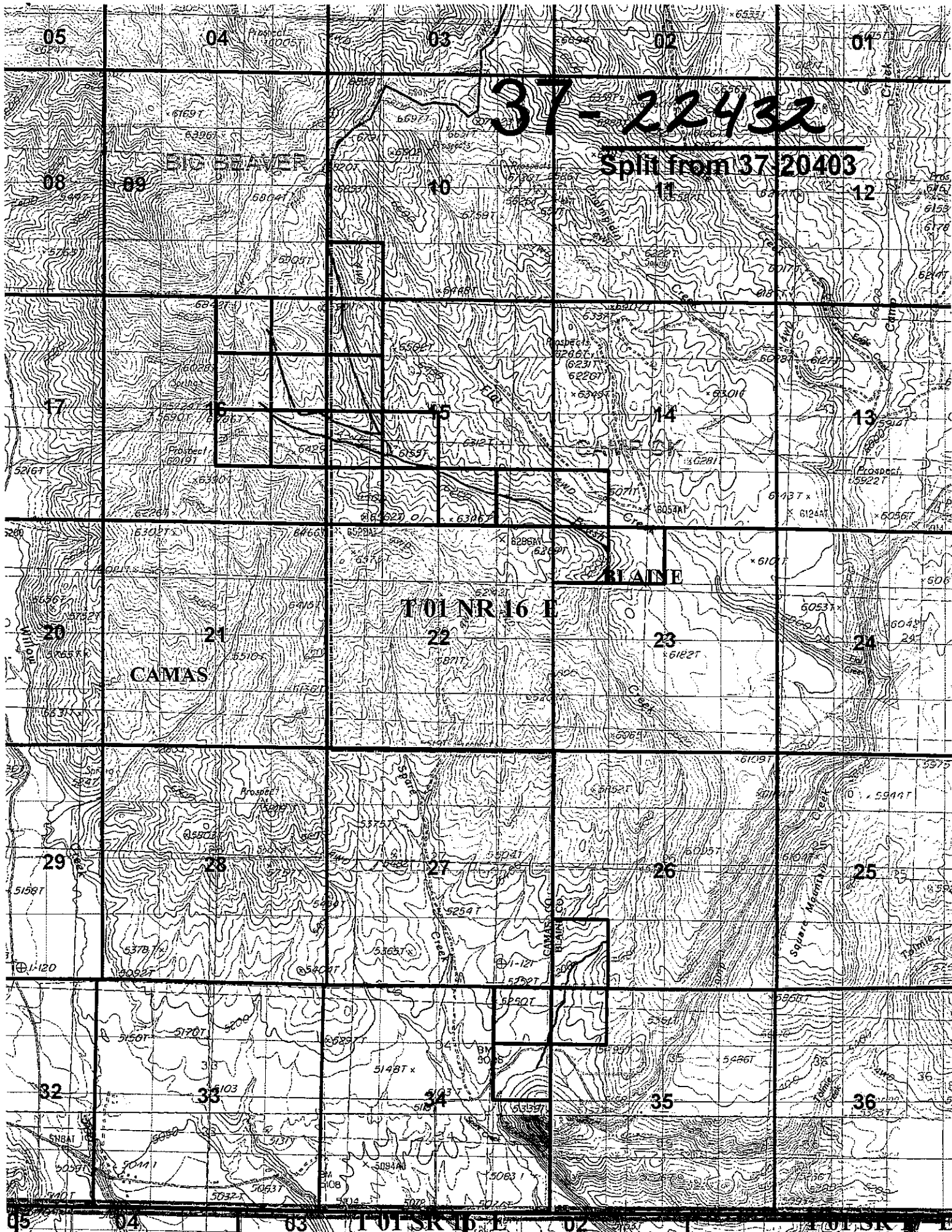
3. Copies to all parties to the subcase (insert names and addresses):

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



37-22432

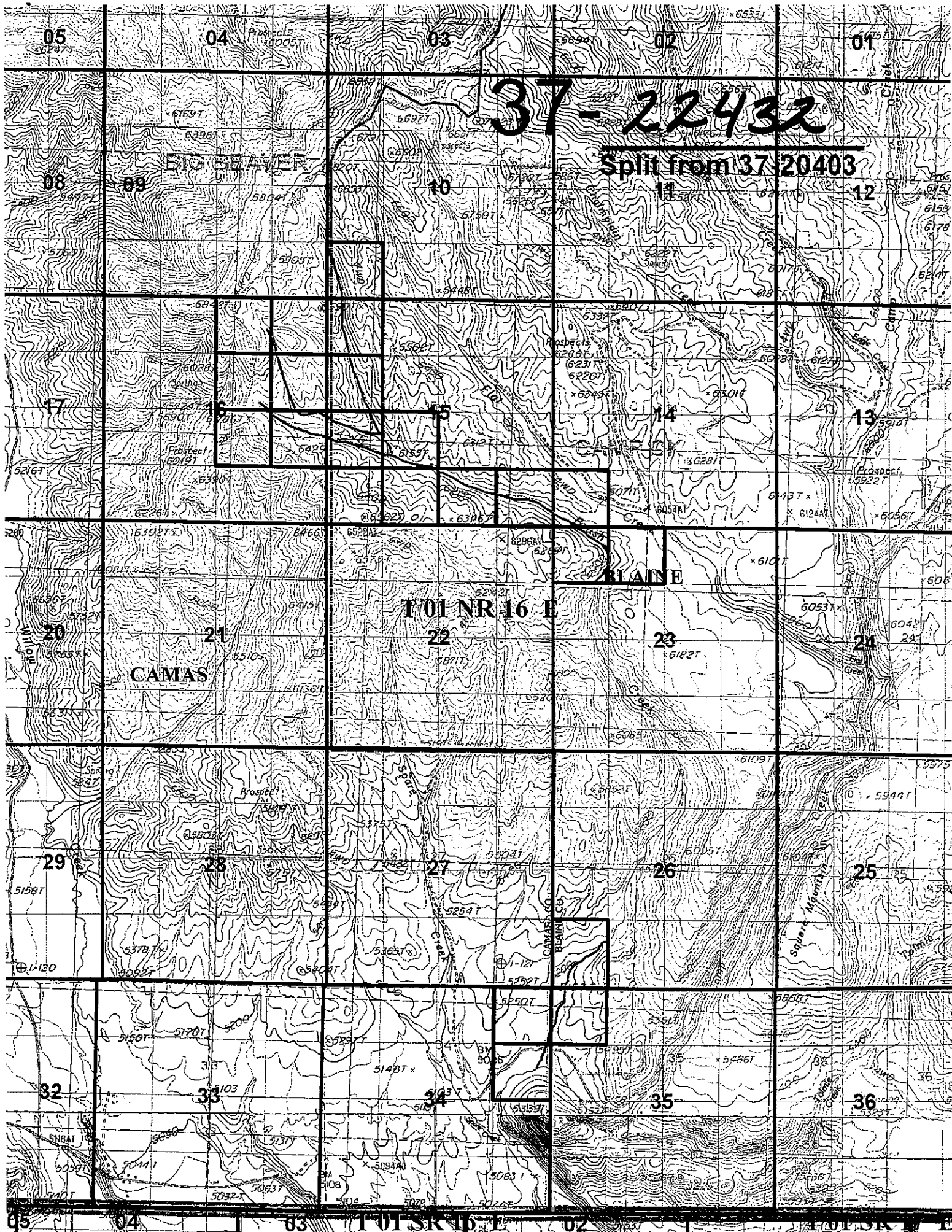
Split from 37-20403

BIG BEAVER

BLAINE

CAMAS

T01 NR 16 E



37-22432

Split from 37-20403

BIG BEAVER

BLAINE

CAMAS

T01 NR 16 E

