

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number A36-11142

Date Received _____

Receipt Number 5006619 sc

RECEIVED

SEP 1 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 1 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) FLYING TRIANGLE, INC. Phone (208) 837-4926Mailing Address Rt. #1 Box 180, Hagerman ID Zip 833322. Date of Priority (Only one (1) per claim) 01-01-19003. Source of water supply (a) ⁽¹⁾ WEATHERBY SPRINGS & ⁽²⁾ CURRAN SPRINGS
which is tributary to (b) _____4. a. Location of existing point of diversion ⁽¹⁾ is: Township 7S Range 1E Section 30,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____Additional points of diversion if any: ⁽²⁾ SW 1/4 NE 1/4 SEC 31 7S 14E; continued on line 14

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Sent via Curren Ditch to NorthPipe (see note at item #14 re: diversion #3)A36-11142Review of 36-002050-40-70J

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Copies: White State Yellow 0000000000
OCT 20 1988

6. Water is claimed for the following purposes: (both dates are inclusive) (cfs) (acre feet)
- For STOCK WATER purposes from 01-01 to 12-31 amount .14 or _____
- For IRRIGATION purposes from 03-15 to 10-15 amount 3.04 or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 3.04 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is 210 acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 5000 sheep and 500 cattle
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	13E	26		15S	15S											40 S			70

Total number of acres irrigated 70

11. In which county (ies) are lands listed above as place of use located? GOODING
12. Do you own the property listed above as place of use? Yes XXXX No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
see attached sheet or None ()
14. Remarks:
#3rd diversion point is the junction of the Curren Ditch with the North Pipe at SE 1/4 NW 1/4 SEC 25, 7S, 13E. Water is carried through the pipe to \$4th diversion point at TAP #1, SW 1/4, NE 1/4, SEC 26, 7S, 13E. Diversion #5 is TAP #2, which is not fixed but is utilized at several points along pipeline. Stock water use is unlimited in return for right-of-way granted in the early 1900's for the North Pipe. Use and placement of the two 2" taps is outlined in the enclosed copy
FLYING TRIANGLE
Last Name BRAILSFORD Ident No. _____
of the 1956 agreement between Wilkins and Brailsford.

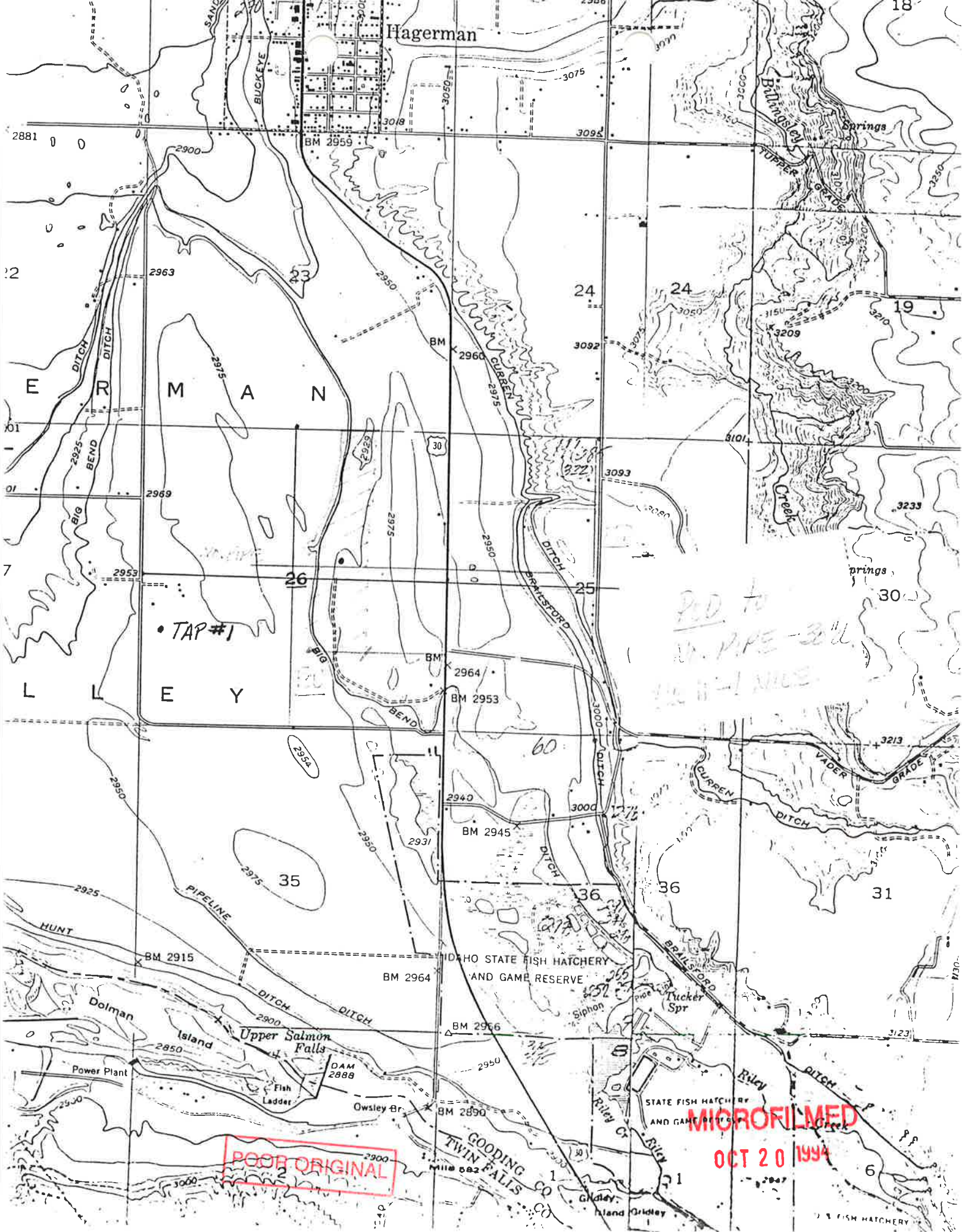
(Cont. #14 -- Remarks)

The stock water usage is based on the Department's figures in the appendixes showing rates of watering based on type of stock.

The amount shown in the claim is the amount figured from the table as the quantity beneficially used.

The place of use of the stock water is shown to be the same as the acres irrigated.

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OCT 20 1994



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OCT 20 1994

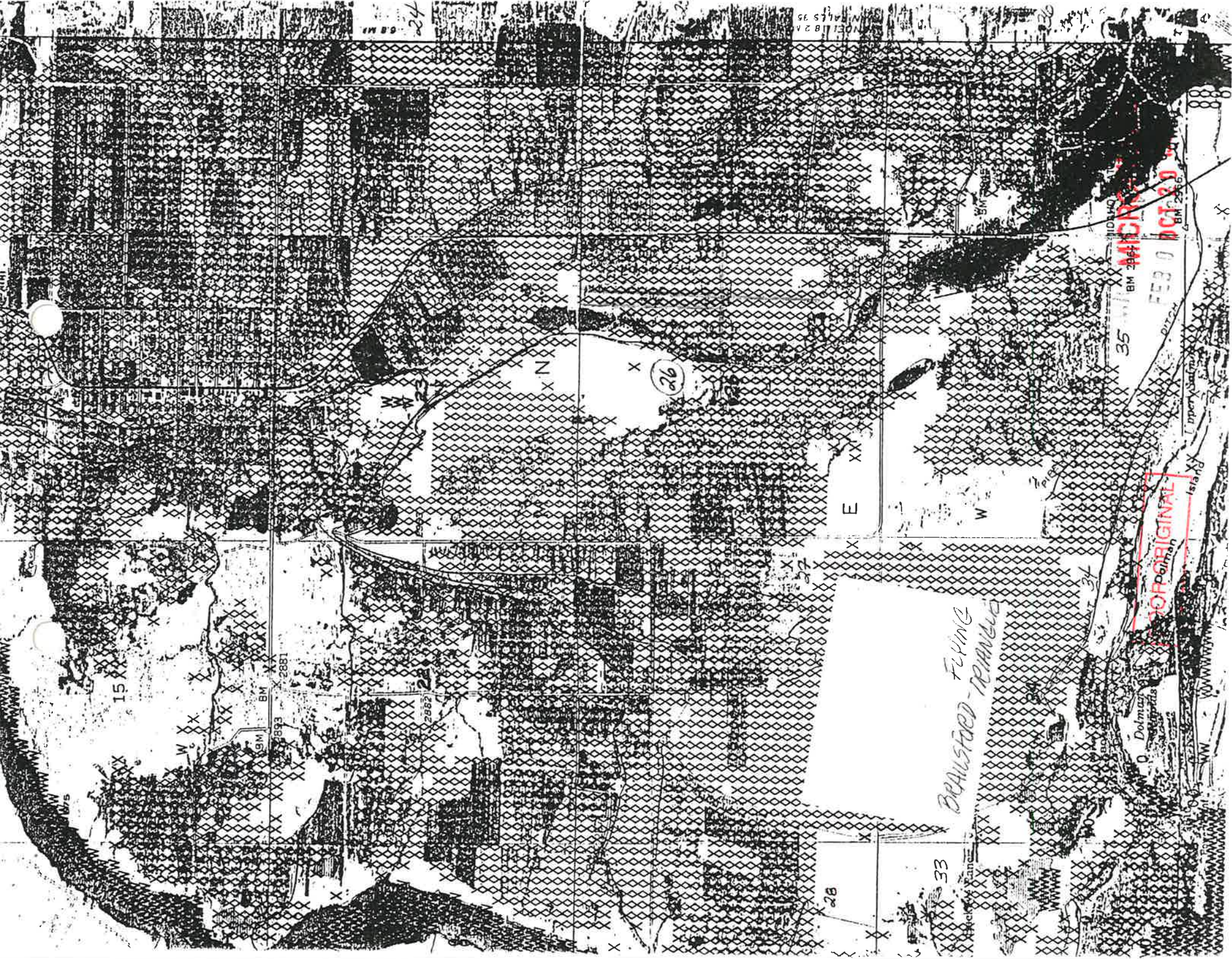
HAGERMAN, IDAHO
1974 USGS
ADVANCE PRINT
75 13E FLYING
BRADFORD-TRIANGLE

HAGERMAN, IDAHO
1974 USGS PRINT

HORIZONTAL RED
LINE IS APPROX.
LOCATION - NORTH
PIKE. CONVEYING
FROM CURRAN DITCH
TO POV IN 26.

34 [POD ORIGINAL]

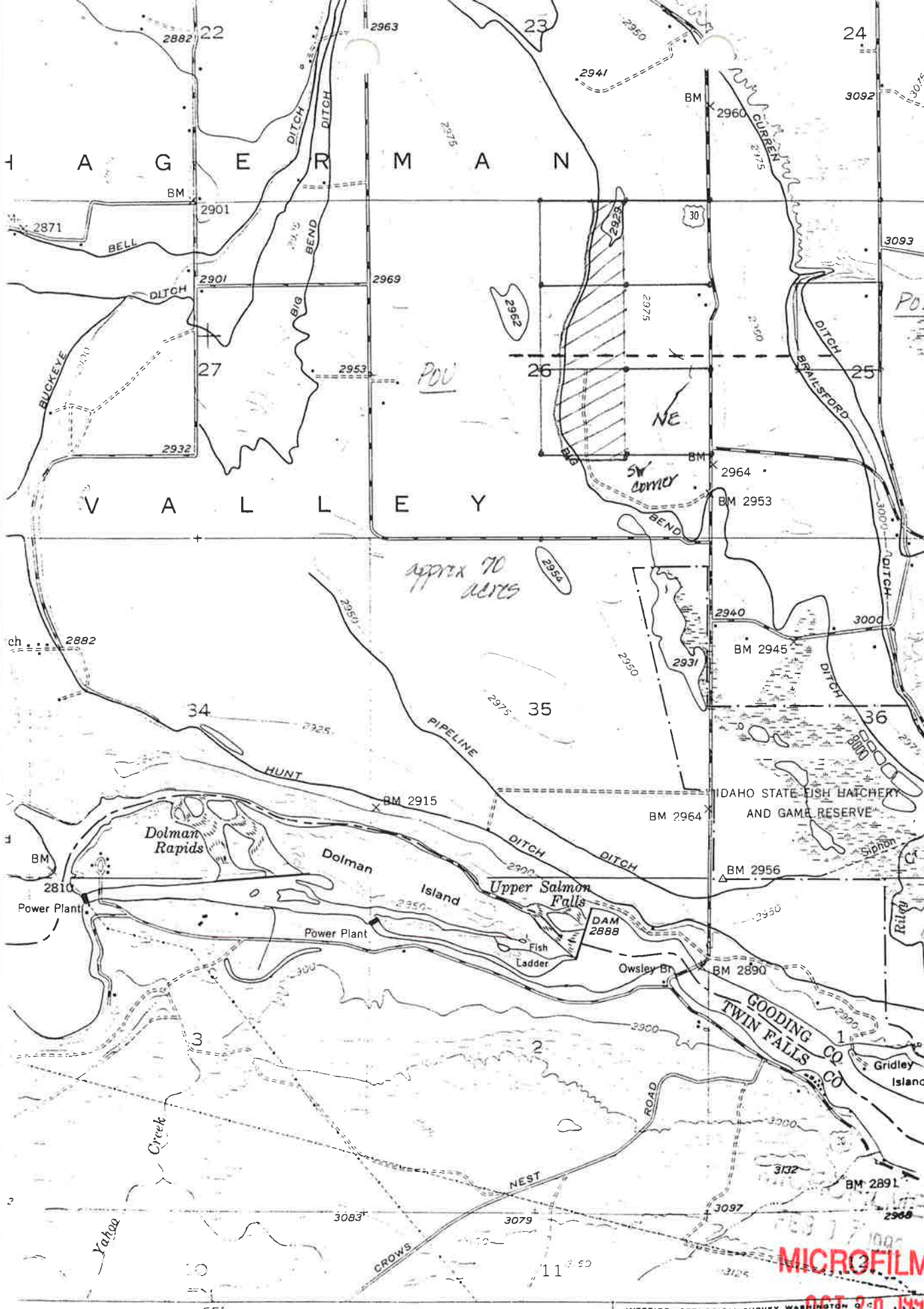
2890-1



POOR ORIGINAL

NORTH PIPE LINE

WENDELL 8.2 MI.
TWIN FALLS 35 MI.



deceased, at the time of her death, and also all the right, title and interest
said deceased by operation of law or otherwise may have acquired other than
of the said Mona M. Edwards at the time of her death, in and to all
in Gooding County, Idaho and described as follows:

(\$2.71)

belonging

To have
with the appurtenances
ever.

In witness whereunto
hereunto set her hand

whenever whatsoever to the same

promises, together
and assigns for-

fore said, has

of
said.

46 DEEDS

STATE OF IDAHO)
(sr.
County of Gooding)

undersigned, a notary public in and for
appealed Jeremiah Shaw, known to me to
Instrument, as the executrix of the estate
to me that she, as such executrix, executed

In witness whereof, I have hereunto set
said County of Gooding, the day and year in this
(NOTARY SEAL)

1955, before me, the
of Idaho, personally
subscribed to the within
deceased and acknowledged

and my official seal at the
first above written.

CECIL EY
Notary Public residing at
Gooding, Idaho

Filed for record at the request of Roy C. Miller, at 1:30 P.M., March 14, 1956.

Bert Bowler, Ex-Officio Recorder
By Dorothy Robbins, Deputy.

Fee \$1.50
PROOF PAID
No. 129646

1-23-56

THIS INDENTURE, Made this 23rd day of January in the year of our Lord one thousand nine
hundred and fifty six, between Wilkins & Co., Ltd., a co-partnership consisting of Mona F.
Wilkins and Jess Egurrola, individually, Jess Egurrola as trustee of Lillian Wilkins Trusts
#2, 3, 4 & 5, Jess Egurrola as trustee of Russell Wilkins Trusts # 5 & 6, Jess Egurrola
as trustee of Mona F. Wilkins Trusts # 3 & 4, and John Vandenberg as trustee of Russell
Wilkins Estate, of Denver, County of Denver, State of Colorado, the party of the first part,
and Brailsford Brothers, Inc., a corporation, of Hagerman, County of Gooding, State of
Idaho, the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum
of Ten Dollars (\$10.00) and other good considerations, lawful money of the United States of

POOR ORIGINAL

MICROFILMED
#7 EXHIBIT B
OCT 26 1954

America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all of the following described real estate, situated in the County of Gooding, State of Idaho, to-wit:

Beginning at the Southwest (SW) corner of the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-six (26), thence North and parallel with the East line of Section Twenty-six (26) to the Northwest (NW) corner of the Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-six (26), thence west along the North line of said section Twenty-six (26), to a point which is 30 feet West of the west bank of the Big Bend ditch, thence Southerly along a line running 30 feet west of the west bank of said Big Bend ditch to a point which is directly west of the Southwest (SW) corner of the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-six (26), thence East and parallel with the North line of Section Twenty-six (26), to the point of beginning, all in Section twenty-six (26), Township Seven (7) South, Range Thirteen (13) East Boise Meridian, containing approximately 70 acres.

Together with 87 $\frac{1}{2}$ shares of stock in the Big Bend Mining & Irrigation Co., together with all minerals and mineral rights owned by parties of the first part.

Reserving and excepting right of way for maintenance and upkeep of existing 24-inch pipe line extending easterly and westerly across said lands.

SEE PARAGRAPH (b) on reverse side hereof.

(b) The right to take water from a twenty-four (24) inch pipeline, presently known as the "North Pipe" by means of a two inch tap presently in existence upon the portion of said pipeline traversing the last above described parcel of realty and the right to take water from an additional two inch tap to be installed in said 24 inch pipeline at the point thereon to be designated by Brailsfords, provided: that the right to take water from the two taps above mentioned is hereby granted to Brailsfords for so long as the present pipeline or any pipeline installed in substitution or in lieu thereof, by Wilkins or its successors or assigns, is in existence and upon the refusal of Wilkins or its successors or assigns to permit Brailsfords to withdraw such water therefrom, the latter shall have the right to summarily remove any such pipeline from the premises, and provided further, that it is understood and agreed that Wilkins assumes no obligation to maintain said pipeline, or any other pipeline across said premises and in no case guarantees that there shall be water in said pipeline at any time.

(\$11.00 U.S.I.R. STAMPS ATTACHED AND CANCELLED)
TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever and the said party of the first part, and its successors, the said premises in the quiet and peaceable possession of the said party of the second part, its successors, and assigns, against the said party of the first part, and its successors, and against all and every person and persons whatsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and seal

the day and year first above written.
By JESS KURBOLA JR. as trustee of
Lillian Wilkins Trusts #2, 3, 4 & 5
By JESS KURBOLA JR. as trustee of Russell
Wilkins Trusts #6 3 & 4
By JESS KURBOLA JR. as trustee of Mona F.
Wilkins Trusts #7 3 & 4

WILKINS & CO., Ltd.,
a co-partnership, (Seal) MPW
By MONA F. WILKINS (Seal) JW
By JESS KURBOLA (Seal) JW
By JOHN VAN DYKE of Russell Wilkins Estate

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OCT 20 1954

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15. Basis of Claim (check one) By Special Use XX Posted Notice _____ Use _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Secretary _____
Title _____
of Flying Triangle, Inc. _____, that I have signed the foregoing
Organization _____
document in the space below as Secretary _____ of Flying Triangle, Inc. _____
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent W. N. Brailsford
Title and Organization Secretary, Flying Triangle, Inc. Date 9-1-88

State of Idaho/or Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 1st day of September 19 88

SEAL

Notary Public Sherry R. Paul

Residing at Twin Falls, Idaho

My Commission Expires 3/19/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, John A. Rosholt will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature John A. Rosholt

Address P.O. Box 1906, Twin Falls, ID 83303-1906

Date 9-1-88

Last Name W. N. BRAILSFORD Ident. Number _____

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Copies: White-State, Yellow-Claimant

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-11142
Date Received: 3/09/1989
Receipt No: S006619
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FLYING TRIANGLE, INC. 208-837-4926
Address: RT. 1 BOX 180
HAGERMAN, ID 83332

2. Date of Priority: JAN 01, 1900

3. Source: WEATHERBY SPRINGS Trib. to: SNAKE RIVER
CURRAN SPRINGS SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	25	SE	NW			GOODING
		31	SW	NE			GOODING

5. Description of diverting works:
VIA CURREN DITCH TO NORTH PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/15	3.040		
STOCKWATER	01/01	12/31	0.140		

7. Total Quantity Appropriated is:
3.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 210.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/500 CATTLE, 5000 SHEEP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	26	NW	NE		IRR	15.0
			NW	NE		STOCK	
			SW	NE		IRR	15.0
			SW	NE		STOCK	
			NW	SE		IRR	40.0
			NW	SE		STOCK	
						Section Acres	70.0
						Total Acres	70.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A36-00030

14. Remarks:

DIVERSION PT. AT SE,NW S. 25, 7S., 13E. IS THE JUNCTION OF THE CURRAN DITCH WITH THE NORTH PIPE. WATER IS CARRIED THROUGH THE PIPE TO 4TH DIVERSION PT. AT TAP #1, SW,NE S. 26, 7S., 13E. DIVERSION #5 IS TAP #2, WHICH IS NOT FIXED BUT IS UTILIZED AT SEVERAL POINTS ALONG PIPELINE. STOCKWATER USE IS UNLIMITED IN RETURN FOR RIGHT-OF-WAY GRANTED IN THE EARLY 1900'S FOR THE NORTH PIPE. USE AND PLACEMENT OF THE TWO 2" TAPS IS OUTLINED IN THE ENCLOSED COPY OF THE 1956 AGREEMENT BETWEEN WILKINS AND BRAILSFORD. THE STOCKWATER USAGE IS BASED ON THE DEPARTMENT'S FIGURES IN THE APPENDICES SHOWING RATES OF WATERING BASED ON TYPE OF STOCK. THE AMOUNT SHOWN IN THE CLAIM IS THE AMOUNT FIGURED FROM THE TABLE AS THE QUANTITY BENEFICIALLY USED. THE P/U OF THE STOCKWATER IS SHOWN TO BE THE SAME AS THE ACRES IRRIGATED.

15. Basis of Claim: BENEFICIAL USE

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FEB 07 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below, as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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FEB 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

1/30/85

Nelson Rosholt

RE: Flying Triumsk, Inc

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # _____ for \$ _____ which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

- | | | | |
|-----|--------------|--------------------------------------|------------------|
| [] | Item #1 | Name - Address | |
| [X] | Item #2 | Priority | |
| [] | Item #3 | Source | |
| [] | Item #4 | Point of Diversion Legal Description | |
| [] | Item #5 | Description of Diversion Works | |
| [X] | Item #6 | Uses descriptions | stockwater cfs ? |
| [] | Item #7 | Total Diversion Rate | |
| [] | Item #8 | Total Consumptive Use | |
| [] | Item #9 | Description of Non-irrigation Uses | |
| [] | Item #10 | Place of Use Legal Description | |
| [] | Item #11 | County of Place of Use | |
| [] | Item #12 | Ownership of Property | |
| [] | Item #13 | Other water rights for same uses | |
| [] | Item #14 | Remarks | |
| [] | Item #15 | Basis of Claim | |
| [] | Item #16 | Signature & Notorization | |
| [] | Improper fee | (THE CORRECT FEE IS \$ | 50.00) |

If you will make any necessary corrections and return the documents with the correct fee before March 1, 1985, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or need further assistance.

Sincerely,

Allen Merritt
Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

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FEB 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Jul-1990 13:51

Flying Triangle

A36-11142 *
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS

ID 833031906

RE: Field examination of a water right claimed
in the Snake River Basin Adjudication

Dear Counselor,

The field staff of this agency may need to conduct water right field examinations of your client's water right claim(s) during the coming season. The field examiner may be visiting your client's property to obtain information necessary to verify the water use.

If a field exam is necessary your client will be contacted directly about the examination unless you contact us otherwise. If you wish to accompany your client at the time of any field examination, or if you have any questions regarding the field examination, you may contact this office.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

*See Other Water Right Numbers Attached

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FEB 07 1993

A36-00002
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14902
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-07762
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14909
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-11146
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14901
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-14908
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-14900
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-10965
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14905
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36- 43
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14903
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-00003H
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14907
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-02366
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83301

A36-00015
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

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FEB 07 1993

A36-02013

THOMAS G. NELSON
NELSON, ROSHOLT, ROBERTSON,
TOLMAN, AND TUCKER.
BOISE ID 83701

A36-02018

THOMAS G. NELSON
NELSON, ROSHOLT, ROBERTSON,
TOLMAN, AND TUCKER
BOISE ID 83701

A36-02710

THOMAS G. NELSON
NELSON, ROSHOLT, ROBERTSON
TOLMAN, AND TUCKER
BOISE ID 83701

A36-02026

THOMAS G. NELSON
NELSON, ROSHOLT, ROBERTSON,
TOLMAN, AND TUCKER
BOISE ID 83701

A36-02704

THOMAS G. NELSON
NELSON, ROSHOLT, ROBERTSON,
TOLMAN, AND TUCKER
BOISE ID 83701

A1 00199
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-00016
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-02083
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-00017
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-00018
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-00046
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-00001
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14746
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-11144
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14904
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-14906
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

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FEB 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 3, 1990

A36-11142
FLYING TRIANGLE INC.
RT. 1 BOX 180

WABERMAN

ID 92332

Dear Claimant(s):

In the past you submitted the claim(s) identified with the number(s) shown above your name and address at the top of this letter. You indicated on the claim(s) that the basis for establishing the water right(s) was Beneficial Use, meaning the water right was not previously confirmed by a decree, water right license or permit before you filed the claim(s).

The purpose of this letter is to request evidence supporting the priority date(s) you have claimed. The enclosed pamphlet describes what this means. While I encourage you to read all of the pamphlet, I direct your attention to the right-hand half of the pamphlet after you open it. There you will find two sections: What Kind of Evidence is Required, and Some Examples of Documents which May Be Evidence of the Priority Date. These sections tell you what must be submitted. The other sections tell you why the evidence is necessary and what the consequences of not submitting the evidence could be.

Please submit the requested evidence by November 1, 1990. When returning to the Department please reference all documents with the claim(s) identification number(s) listed above.

If you have questions not addressed by the pamphlet or need other technical assistance, please feel free to contact this office. For advice on your water right(s), please contact your attorney.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

MICROFILMED
FEB 07 1993

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

Boise Office

1020 MAIN ST., SUITE 400

P.O. BOX 2139

BOISE, IDAHO 83701-2139

TELEPHONE (208) 336-0700

FAX (208) 344-6034

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
JERRY JENSEN
F. BRUCE COVINGTON
CAROLYN M. MINDER
BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
TIM J. WILLIAMS
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

October 25, 1990

RECEIVED

OCT 26 1990

Department of Water Resources
Southern Region Office

Mr. Allen Merritt, P.E.
Water Rights Supervisor
Idaho Department of Water Resources
Southern Region
222 Shoshone Street E.
Twin Falls ID 83301

RE: A36-11142
Flying Triangle, Inc.
Rt. #1 Box 180
Hagerman ID 83332

Dear Allen:

We have just received your SRBA letter to claimants regarding evidence of priority date. As you know, your first mailing is dated October 3, 1990, but our clients are only now getting the letter to us for review and response.

As we have just received an inquiry from our client, Flying Triangle, Inc., this morning, I request a thirty (30) day extension of time in order to advise our client and prepare the necessary response to your request.

Thank you in advance for your usual courtesy and attention to detail. Please call if you have additional questions regarding this usage.

Very truly yours,

Frank

FRANCIS G. HITCHCOCK
LEGAL ASSISTANT

FGH/dcb
74861

MICROFILMED
FEB 07 1993

ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

Boise Office

1020 MAIN ST., SUITE 400

P.O. BOX 2139

BOISE, IDAHO 83701-2139

TELEPHONE (208) 336-0700

FAX (208) 344-6034

JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY R. McDANIEL
GARY D. SLETTE
JERRY JENSEN
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BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
TIM J. WILLIAMS
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

November 26, 1990

Mr. Allen Merritt, P.E.
Water Rights Supervisor
Idaho Department of Water Resources
Southern Region
222 Shoshone Street E.
Twin Falls ID 83301

RE: A36-11142
Flying Triangle, Inc.
Rt. #1 Box 180
Hagerman ID 83332

Dear Allen:

I enclose a copy of a letter to W.N. Brailsford's predecessor dated June 3, 1939, from L.L. Ormsby regarding the pipeline as described in the SRBA claim A36-11142.

The second sheet of the June 3, 1939, letter is of particular interest in that it cites the date 1918 for installation of the pipe on the Brailsford property as described in the Flying Triangle, Inc. SRBA claim sourcing waters from Weatherby Springs and Curren Springs.

I submit these exhibits in hopes that they will satisfy your request for information regarding the priority date usage of the waters cited in the "pipeline" claim. I am reviewing the appurtenant usages on the subject property in order to review both the 1911 and 1932 decrees to identify more clearly an existing usage. So far, I haven't come up with anything that I can tie to the pipeline delivery of water.

Please let me hear from you regarding the enclosed information and let me know the status of the Flying Triangle claim with regard to your request for priority date information.

Best wishes.

Very truly yours,

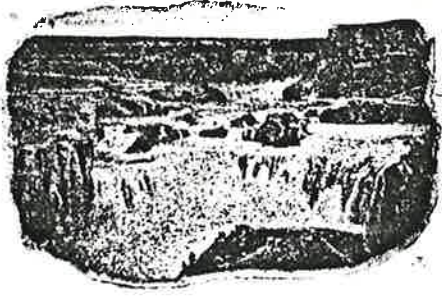


FRANCIS G. HITCHCOCK
LEGAL ASSISTANT

FGH/dcb
78811
Enclosures

RECEIVED
NOV 27 1990
Department of Water Resources
Southern Region Office

MICROFILMED
FEB 07 1993



— THE —
New Rogerson Hotel

Twin Falls, Idaho

May 27-1939

To whom it may concern—
In the year 1938 Mr Brailsford and
my self agreed that for the privilege
of one laying pipe across a section
of this ^{land} I would allow him the right
and privilege of using water at his
sheep corrals lambing sheds free of charge
L L Quenby

MICROFILMED
FEB 07 1993

Baire June 3-39 -

Mr A H Brinkford

Twine Falls

Idaho

Dear Sir -

Have just seen
Mr Ingalls the Engineer who put
the pipe line in on the ranch at
Hagerman and he says I was
in 1918

Yours truly

A H Brinkby

MICROFILMED

FEB 07 1993

After 5 days, return to
FIRST SECURITY BANK OF IDAHO,
Boise Branch,
P. O. Box 830,
BOISE, IDAHO.

R. Ormsby



*Mr A H Brainerd
Luna Falls
Idaho*

MICROFILMED
FEB 07 1993

ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

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BRUCE M. SMITH
G. RICHARD BEVAN
GARY L. QUIGLEY
TIM J. WILLIAMS
JUSTIN R. SEAMONS
JOHN O. FITZGERALD

November 30, 1990

RECEIVED

DEC - 3 1990

Department of Water Resources
Southern Region Office

Mr. Allen Merritt, P.E.
Water Rights Supervisor
Idaho Department of Water Resources
Southern Region
222 Shoshone Street E.
Twin Falls, ID 83301

RE: A36-11142
Flying Triangle, Inc.
Route #1 Box 180
Hagerman, ID 83332

Dear Allen:

Please advise me as to the status of this SRBA claim as a result of my November 26, 1990, letter to you enclosing copies of letters from L.L. Ormsby regarding the pipeline. You will remember that we discussed this situation and my submission of the original letters of proof of priority date subject to your review.

As we discussed yesterday, November 29, 1990, there is a good deal of decree information regarding the property identified as the place of use in both the 1911 and the 1932 decrees regarding land and water in Hagerman valley. There is no mention of pipeline diversion in the materials I have reviewed so far.

Unless I hear from you otherwise, I will conclude that the Ormsby letters satisfy the Department's requirement for proof of priority date to your satisfaction. Thank you Allen. Best wishes.

Very truly yours,

Frank
FRANCIS G. HUTCHCOCK
LEGAL ASSISTANT

MICROFILMED
FEB 07 1993

FGH/
79651

SD-33	LAST NAME: FLYING TRIANGLE					STATE	
S	O	W	W	P		T	U
E		R	R	R		D	S
L	FIRST	N	RIGHT NO.	DATE	SOURCE	DIVERSION	CODE DESC
	NAME						
---	FLYING TRIANGLE INC.						
---	C A36-00030			09/01/1889	LEN LEWIS S	8.000	01 IRR
---							04 STOCK
---	C A36-07762			11/10/1977	TUCKER SPRI	30.000	19 FISH
---					TUCKER SPRI		19 FISH
---	C A36-11142			01/01/1900	WEATHERBY S	3.040	01 IRR
---					CURRAN SPRI		04 STOCK
---	~~C A36-00030~~			09/01/1889	LEN LEWIS S	4.680	01 IRR
---							04 STOCK
---	~~C A36-07762~~			11/10/1977	TUCKER SPRI	30.000	19 FISH
---					TUCKER SPRI		
---	FLYING TRIANGLE, INC.						
---	C A37-10152			03/12/1971	GROUNDWATER	0.020	04 STOCK
---	C A37-10381			01/11/1954	UNNAMED STR	0.700	05 STOC S
---							06 STO FS
---	C A36-11144			05/19/1927	GROUNDWATER	0.050	43 DOMEST

SD-33	LAST NAME: FLYING TRIANGLE					STATE	
S	O	W	W	P		T	U
E		R	R	R		D	S
L	FIRST	N	RIGHT NO.	DATE	SOURCE	DIVERSION	CODE DESC
	NAME						
---	FLYING TRIANGLE, INC.						
---	C A36-11144			05/19/1927		0.050	04 STOCK
---	C A36-11145			04/21/1958	GROUNDWATER	0.050	43 DOMEST
---							04 STOCK

A36-00030
 07762
 11142
 11144 - Dom.
 11145 - Dom.

A37-10152
 10381

(ENTER=CONTINUE)

(GOLD 7=THIS QUERY)

(MENU _____)

MICROFILMED
 FEB 07 1993

To Steve (
Date _____ Time _____ A.M.
P.M.

WHILE YOU WERE OUT

FRANK H
of _____

Phone _____
AREA CODE NUMBER EXTENSION

Telephoned	☒	Please call	☒
Called to see you	☐	Will call again	☐
Wants to see you	☐	Returned your call	☐

Message A 36-11142

NEEDS Verbal-Plus
A copy of above
WR
MICROFILMED
FEB 07 1993

Signed dxt



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

1/30/85

Nelson Rosholt

RE: Flying Triumsk, Inc

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # _____ for \$ _____ which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

- [] Item #1 Name - Address
- [X] Item #2 Priority
- [] Item #3 Source
- [] Item #4 Point of Diversion Legal Description
- [] Item #5 Description of Diversion Works
- [X] Item #6 Uses descriptions *stockwater cfs ?*
- [] Item #7 Total Diversion Rate
- [] Item #8 Total Consumptive Use
- [] Item #9 Description of Non-irrigation Uses
- [] Item #10 Place of Use Legal Description
- [] Item #11 County of Place of Use
- [] Item #12 Ownership of Property
- [] Item #13 Other water rights for same uses
- [] Item #14 Remarks
- [] Item #15 Basis of Claim
- [] Item #16 Signature & Notorization
- [] Improper fee (THE CORRECT FEE IS \$ *1850⁰⁰*)

If you will make any necessary corrections and return the documents with the correct fee before *March 1, 1985*, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or need further assistance.

Sincerely,

Allen Merritt
Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

MICROFILMED
FEB 07 1993

A36-11142



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

1/30/89

R. KEITH HIGGINSON
Director

Nelson Roskoff

Flying Triangle, Inc

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # _____ for \$ _____ which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

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- [X] Item #6 Uses descriptions *Stockwater cfs ?*
- [] Item #7 Total Diversion Rate
- [] Item #8 Total Consumptive Use
- [] Item #9 Description of Non-irrigation Uses
- [] Item #10 Place of Use Legal Description
- [] Item #11 County of Place of Use
- [] Item #12 Ownership of Property
- [] Item #13 Other water rights for same uses
- [] Item #14 Remarks
- [] Item #15 Basis of Claim
- [] Item #16 Signature & Notorization
- [] Improper fee (THE CORRECT FEE IS \$ *50⁰⁰ + 200 = 250*)

If you will make any necessary corrections and return the documents with the correct fee before *March 1, 1989*, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or need further assistance.

Sincerely,

Allen Merritt

Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

MICROFILMED
FEB 07 1993

A36-00030



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

1/30/85

R. KEITH HIGGINSON
Director

Nelson Roselt

Flying Triangle, Inc.

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # _____ for \$ _____ which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

- [] Item #1 Name - Address
- [] Item #2 Priority
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- [] Item #9 Description of Non-irrigation Uses
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- [] Item #11 County of Place of Use
- [] Item #12 Ownership of Property
- [] Item #13 Other water rights for same uses
- [] Item #14 Remarks
- [] Item #15 Basis of Claim
- [] Item #16 Signature & Notorization
- [X] Improper fee (THE CORRECT FEE IS \$ 150 + 300 = 350)

If you will make any necessary corrections and return the documents with the correct fee before March 1, 1985, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or need further assistance.

Sincerely,


Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

MICROFILMED
FEB 07 1993

07762
A 36-~~1112~~

RE: In Re the General Adjudication of Rights to the Use of
Water from the Snake River Basin Water System, Case
No. 39576, District Court for Twin Falls County, Idaho

Claimant: Flying Triangle, Inc.

Claim No.(s): A36-11142; A36-11143; A36-11144; A36-11145;
A36-07762; A36-00030; A37-10152

✓ It is my desire that the law firm of Rosholt,
Robertson & Tucker enter an appearance on my behalf in the
Adjudication and represent my interest in the Adjudication
process.

DATED this 9 day of December, 1991.

W. N. Brailford

 It is not my desire that the law firm of Rosholt,
Robertson & Tucker represent my interest in the Adjudication
process.

DATED this _____ day of _____, 1991.

Gooding and
Lincoln Coenties

MICROFILMED
FEB 07 1993

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1020 MAIN STREET, SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 334-6034

February 5, 1992

RECEIVED

FEB 07 1992

By Special Agent in Charge
Idaho Department of Water Resources

Attention: Judy Givens
Southern Region
Idaho Department of Water Resources
222 Shoshone St. E.
Twin Falls, ID 83301

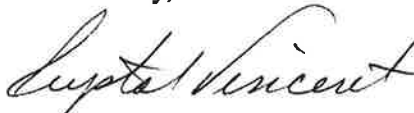
RE: SRBA CLAIMS IN THE SOUTHERN REGION

Dear Judy:

The attached is a list of our clients for whom we filed claims in the SRBA, and who by signing and returning a letter to our office, have requested that we continue to represent them in the adjudication process.

The claims highlighted identify those we filed in your region. Please check these claims and make certain that we are shown on your computer as representative, in order for us to receive the mailings from the department and perform the required service for our clients in a timely manner.

Yours truly,


Crystal Vincent

CV:mw
02059207.CV

MICROFILMED
FEB 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Jul-1990 13:51

A36-11142 *
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS

ID 833031906

RE: Field examination of a water right claimed
in the Snake River Basin Adjudication

Dear Counselor,

The field staff of this agency may need to conduct water right field examinations of your client's water right claim(s) during the coming season. The field examiner may be visiting your client's property to obtain information necessary to verify the water use.

If a field exam is necessary your client will be contacted directly about the examination unless you contact us otherwise. If you wish to accompany your client at the time of any field examination, or if you have any questions regarding the field examination, you may contact this office.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

*See Other Water Right Numbers Attached

MICROFILMED
FEB 07 1993

DEC 02 1999

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

IDWR has completed the following Administrative Proceeding:

X	Change of Address
_	Substitution of Party
_	I.C. 42-222 Transfer

Name of Claimant: FLYING TRIANGLE INC
New Address: PO BOX 180
HAGERMAN ID 83332
Phone: (208) 837-4926

Claimant's Water Rights: 36-00030, 36-07762, 36-11142, 37-10152,
and 37-10381

The Claimant has filed Objections or Responses to the following water rights:

PAGE 1

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

10/06/99



Signature of IDWR Representative

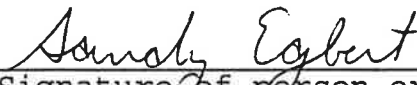
CERTIFICATE OF MAILING

I certify that on 11-1-99 I mailed the original and copies of this form to the following persons, 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. One Copy to:
Each party in the subcase, or attorney of record:

TERRY T UHLING
JOHN A ROSHOLT
PO BOX 1906
TWIN FALLS ID 83303-1906

NELSON ROSHOLT ET AL
ATTORNEYS AT LAW
PO BOX 1906
TWIN FALLS ID 83303-1906
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
4. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-30-1999
PAGE: A-1-----
RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 37-10152

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

SOURCE: GROUNDWATER

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 03/12/1971

POINT OF DIVERSION: T03S R17E S06 NWNW Within LINCOLN County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE: STOCKWATER Within LINCOLN County
T03S R17E S06 Lot 4 (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.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 03S17E063000
STOCKWATER, UNSPECIFIED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 4, 1999

RECEIVED

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

AUG 11 1999

Department of Water Resources

FLYING TRIANGLE INC
PO BOX 180
HAGERMAN ID 83332

RE: Snake River Basin Adjudication (SRBA) *R*
Water Rights #36-00030, 36-07762, 36-11142, 36-11144,
36-11145, 37-10152 & 37-10381 *R*

Dear Water Right Holder:

*Records changed, NCAP prepared,
as 8-12-99*

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by August 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:

Returned Mail

#####

Flying Triangle Inc
The address is as shown above or as otherwise changed.

W.N. Brailford
Claimant Signature

(208) 837-4926
Telephone No.

TRANSMITTAL COVER SHEET

TO: PAM WASCHER
837-9165

TOTAL PAGES SENT: 6
(including cover sheet)

DOCUMENT DESCRIPTION: 36-11/42 PRIORITY EVIDENCE

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES

1341 FILLMORE ST, STE 200

TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____ Please remit to the above address.

SENDER: STEVE CHELLAND

COMMENTS: JUST A REMINDER... WHEN THE CLAIMS WERE BEING ESTABLISHED, THE EFFORTS WERE MADE TO GET THE EARLIEST DATES POSSIBLE.

11/06 09:40
90379165
00:03:23
06
OK
STANDARD

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

TIME : 11/06/1998 09:43
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

From: DWR03::CFRITSCH 9-JAN-1996 11:13:11.59
To: DWR60::SCLELLAN
CC: CFRITSCH
Subj: FLYING TRIANGLE'S (36-11142) PRIORITY DATE

Hi Steve,

Rosholt's office has supplied a list of the chain of succession of the property that Flying Triangle now has. Their land in the W1/2 of the NE1/4 and the W1/2 of the SE1/4 of Sec. 26 was owned by Ormsby Land and Livestock from around 1910 to the early 1920's. Right 36-00186 was decreed to Ormsby Land and Livestock in Jones and Lemmon v. Cook et. al. in 1911. This same land was later acquired by John and Mary McCarty, and then after John's death sold to J. C. and Aleta Bedingfield. McCarty's acquired the land in 1928 and begin deeding it to the Bedingfield's in 1930. The final McCarty to Bedingfield deed is dated in 1937. The New International Mortgage Decree shows Bedingfield and McCarty with rights 36-00015, 36-00016 and 36-00017 coming from Weatherby Springs. Therefore, it looks like Flying Triangle may be entitled to a 1902 priority date for their Weatherby Springs water based on a portion of right 36-00015. I don't plan to do any renumbering at this time, and I am hoping if you know of any reason for them not to have a portion of 36-00015 you will let me know. Please give me a call if you would like to dicuss any of this over the phone.

Thanks,

Carter

A36-11142



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 26, 1995

RECEIVED

DEC 28 1995

JOHN SIMPSON
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

Department of Water Resources
Southern Region

RE: Snake River Basin Adjudication - SRBA
Claim No. A36-11142 - Flying Triangle, Inc.

Dear Mr. Simpson:

I wish to apologize for any unnecessary delay I may have caused, but during the settlement conference on October 26, 1995, I recall you mentioning that you or your client may have additional information concerning the priority date for SRBA claim A36-11142. If this is the case, we would like to review any new information before we proceed with a revised recommendation for this claim. If no additional information is available to support an earlier priority date, the May 24, 1939, priority date will be used in our revised recommendation.

Please contact me at (208) 327-7939 if you have any questions.

Sincerely,


Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

CF:ss:region

From: DWR03::CFRITSCH
To: DWR60::SCLELLAN
CC: CFRITSCH
Subj: FLYING TRIANGLE

24-MAY-1996 15:20:31.42

3pm

Hi Steve,

Apparently Brent will be handling a status (or scheduling) conference for Nick next week concerning 36-11142, 36-11144 and 36-11145. I revised the priority date for 36-11142 based on the information John Simpson sent me back in January. Today, I reformatted the remarks, so if you will look it over on Tuesday I would appreciate it. I looked to see if we had any "R" records for 36-11144 and 36-11145 but I didn't find any. I don't remember if any changes were proposed for these or not (I can't find anything in the files to document any changes.) So, I am hoping you can look into these and create an "R" record with any necessary changes.

Thanks,

Carter

No R-Record
agreed as recommended
in Director's Report.

sc
5/29/96

A36-11142

MICROFILMED
DEC 05 1996

AJ0749NP
No. R36-11142

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/03/95
PAGE: 1

SCC
MICROFILMED
DEC 05 1995

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FLYING TRIANGLE INC RT 1 BOX 180 HAGERMAN ID 83332 (208) 837-4926	05/24/1939	IRRIGATION STOCKWATER STOCKWATER	03-15 11-15 04-01 10-31 11-01 03-31	0.45 CFS 0.14 CFS 0.22 CFS	
TOTAL DIVERSION:					0.45 CFS	
CONSUMPTIVE USE:						56.10 AFA

Water Source: WEATHERBY SPRINGS

Tributary to: BILLINGSLEY CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R13E S30

SENESEW

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	13E	25	:																	:	5.0
07S	13E	26	:					06		01										:	13.7
																				TOTAL ACRES	18.7

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07S	13E	26	:			S		S										S		:

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07S	13E	26	:			S		S										S		:

POU County: GOODING

Non-Irrigation Uses: STOCKWATER, 500 CATTLE; 5000 SHEEP

Other Rights: NONE

Remarks: 0.08 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
WATER IS DELIVERED THROUGH THE BAR S DITCH, CURREN DITCH AND
NORTH PIPELINE.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 36A Field Inspection Flag:

AJ0749NP
No. R36-11142

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/03/95
PAGE: 2

=====

Comments: Date: 09/22/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 8/4/92. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/21/1992 User-ID: CLELLAND Subject: NOE RESPONSE
MET TODAY WITH JOHN SIMPSON AND SHARON STRICKLAND AT IDWR,
REVIEWED THE RECOMMENDATIONS AND ANALYSIS FOR THE ACRES AND
AMOUNTS. NO CHANGES.

Date: 10/03/1995 User-ID: SCELLAN Subject: REVISED RECOMMENDATION
THIS RECORD CREATED TO REFLECT REVISIONS IN THE REC'D FROM LEGAL
REVIEW AND ADDITIONAL INFORMATION SUPPLIED BY CLAIMANTS. ACRES
WERE INCREASED FROM 17.0 TO 18.7 ACRES AND THE PROPORTIONAL RATE
OF FLOW IS THE SAME AS REC'D 0.02 CFS/AC.

Audit: 10/03/95 SCELLAN

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DEC 05 1995

FLOW RATE REVISIONS

10-3-95
SCC

FLYING TRIANGLE (BRAILSFORD)

POOR ORIGINAL

(* Based on Recommended Rates
of A36-00030 & A36-11142)

A36-00030 :

$$\text{flow} = 2.50 \text{ cfs } (2.50^{\text{FIR}} + 1.35^{\text{CL}} = 3.85^{\text{CL}})$$

ACRES = 117.0 ACRES

$$* \text{RATE per Acre} = \frac{2.50}{117} = 0.02137 \text{ cfs/AC.}$$

A36-11142 :

$$\text{flow} : 0.34 \text{ cfs } (0.34^{\text{FIR}} + 0.08^{\text{CL}} = 0.42 \text{ cfs})$$

ACRES: 17.0 ACRES

$$* \text{Rate per Acre} = \frac{0.34}{17.0} = 0.02 \text{ cfs/AC}$$

REVISED A36-00030 :

131.7 ACRES

PDU:	S.25	SWNW 27.2, NWNW 32.0
T75	S.26	NENE 36.5, NWNE 1.0
R13E		SWNE 8.0, SENE 27.0

$$\begin{aligned} & \times 0.02137 \text{ cfs/AC} = 2.81 \text{ cfs} \\ & + \text{plus conv. Loss} = \underline{1.35 \text{ cfs}} \\ & \quad \quad \quad 4.16 \text{ cfs} \end{aligned}$$

REVISED A36-11142 :

18.7 ACRES

PDU:	S.25	SWNW 5.0
	S.26	SWNE 6.0, SENE 1.7
		NWSE 6.0

$$\begin{aligned} & \times 0.02 \text{ cfs/AC} = 0.37 \text{ cfs} \\ & + \text{plus conv. Loss} = \underline{0.08 \text{ cfs}} \\ & \quad \quad \quad 0.45 \text{ cfs} \end{aligned}$$

COMBINED TOTAL ACRES = 150.4

(DOES NOT INCLUDE 37.0 ACRES IN BIG BEND SYSTEM.)

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DEC 11 5 1995

BBI
37

DBT

6.0

Patches

FLYING TRIANGLE

BIG BEND ACRES = 37.0

BRAILS FORD DITCH Acres = 131.7

$$\begin{array}{r} 52.7 \\ 33.0 \\ 7.0 \\ 29.0 \\ 0.5 \\ 3.0 \\ \underline{6.5} \end{array}$$

POOR ORIGINAL

NORTH PIPELINE ACRES = 18.7

6.0
3.0
3.0
1.7
5.0

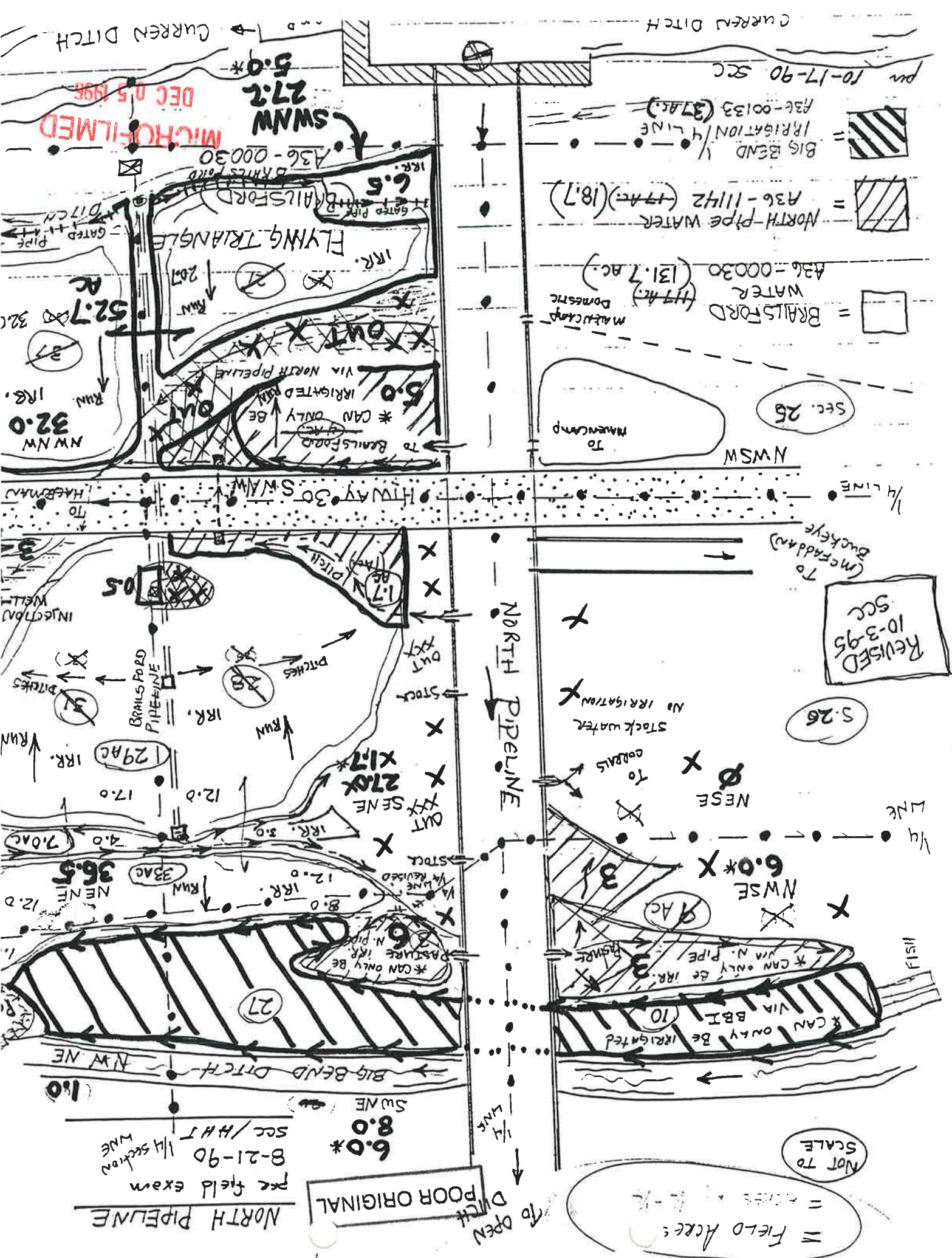
POOR C

150.4 (w/o BBI)

187.4 ACRES TOTAL

CRES TOTAL
MICROFILMED

DE 2-1-5



POOR ORIGINAL

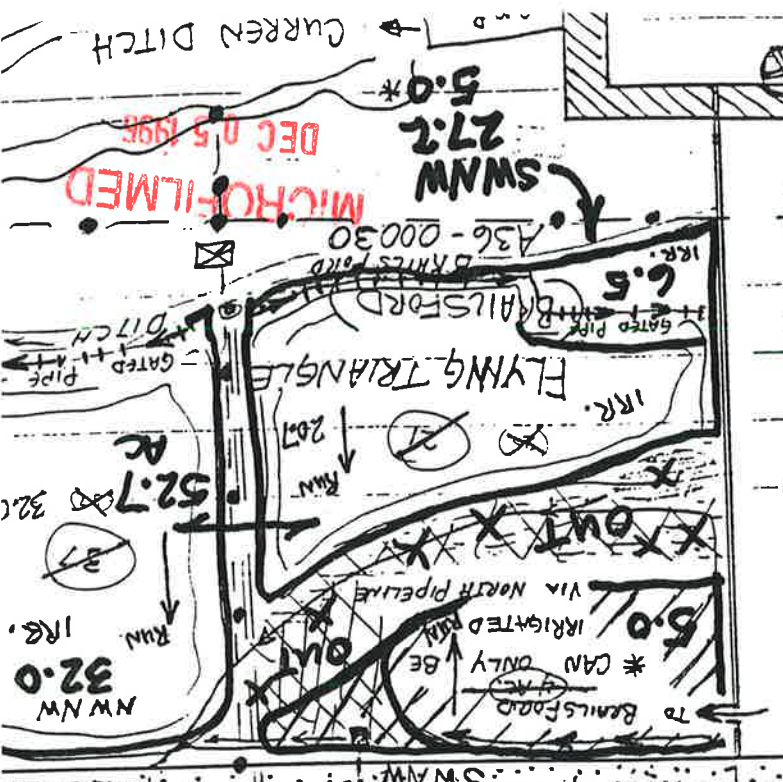
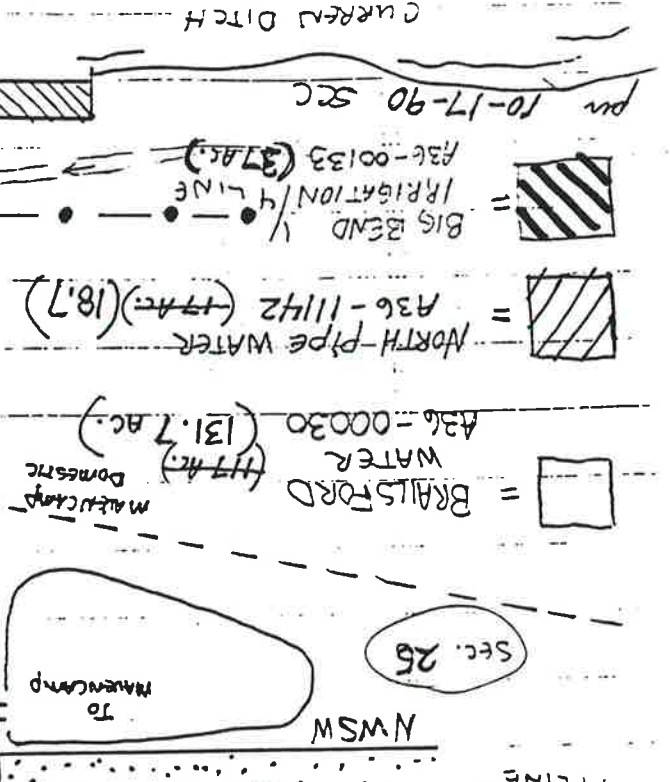
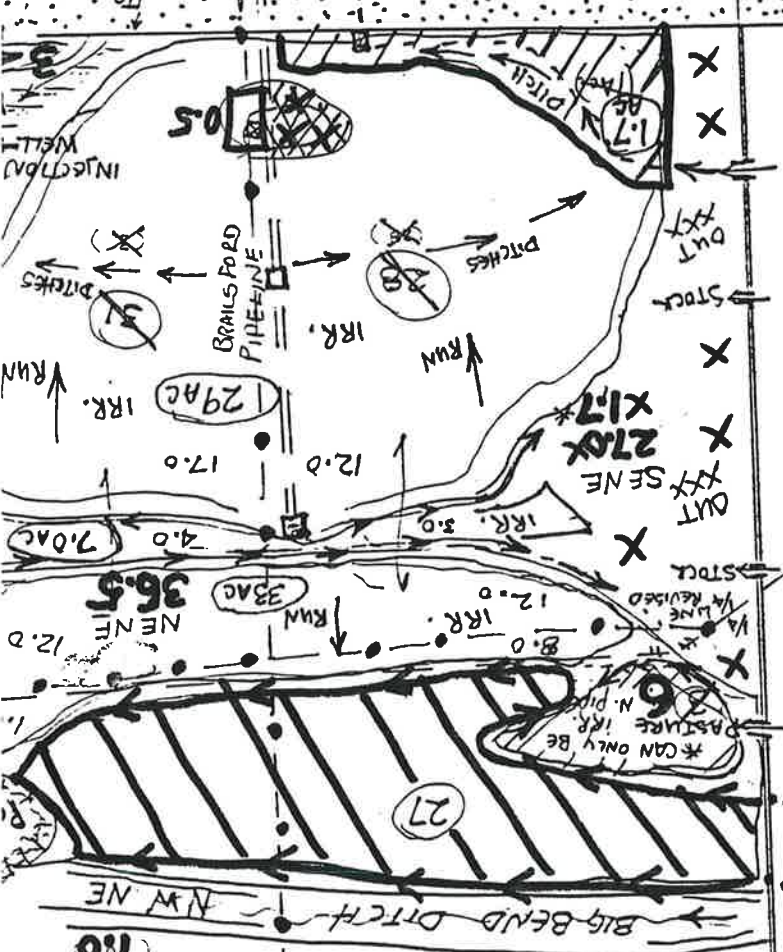
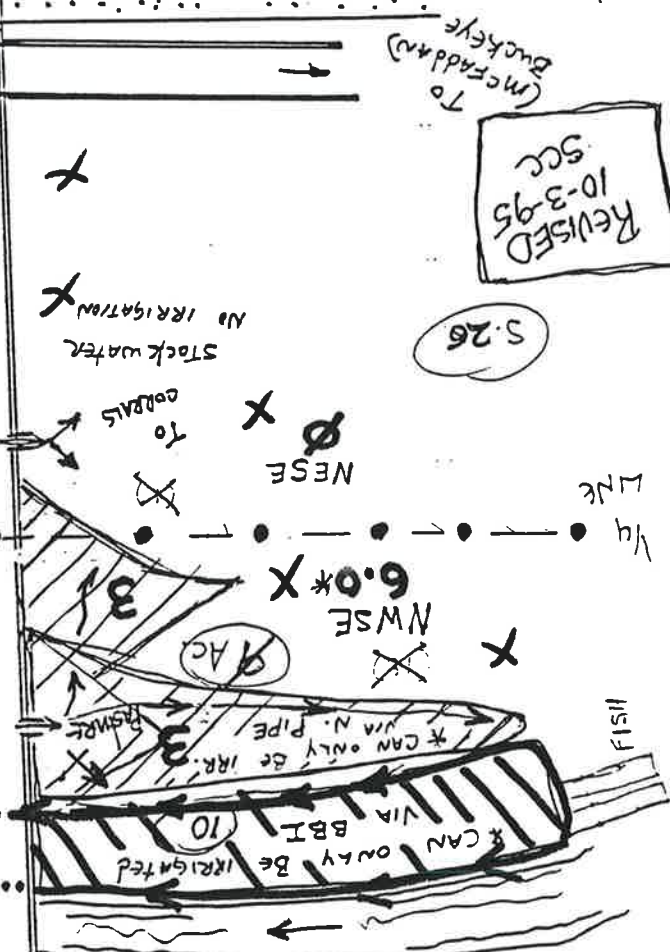
NORTH PIPELINE

pre field exam 8-21-90 1/4 section WNE

NOT TO SCALE

= FIELD ACRES

REVISED 10-3-95 SEC. 26



R PROOF

CVR

MAPS

PHOTOS

MISC

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OCT 20 1994

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

In Re the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)

Case No. 36-11142 -0001

The State of Idaho, ex rel.)
R. Keith Higinson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: FLYING TRIANGLE INC
Address: RT 1 BOX 180
HAGERMAN ID 83332

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. |☒| Quantity: I respond to the objection concerning:
- 3a. |☒| The total quantity of water used in cubic feet per second.
4. |☒| Priority Date: I respond to the objection concerning the priority date.
5. |☒| Points of Diversion: I respond to the objection concerning the legal description of the point(s) of diversion.
9. |☒| Place of Use: I respond to the objection concerning:
- 9a. |☒| The legal description of the place of use.
- 9b. |☒| The number of irrigated acres within each forty (40) acre subdivision.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. |☒| Remarks: I respond to the objection concerning the "remarks" listed with the water right.

14. ☒ Other: I respond to the objection concerning:
NON-IRRIGATION USES.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402).

In response to Statement of the Objection item 4, and all allegations of the objection IDWR responds as follows: This claim is based on beneficial use. The claimed priority date predates the date of the New International Mortgage Bank v. Idaho Power Company decree. Since that case adjudicated all rights to water from Weatherby Springs, if the priority date asserted by the claimant were correct this right would have been adjudicated and decreed at that time. It was not. Moreover, the claimant's predecessor in interest was a party to that adjudication; the predecessor therefore had opportunity at that time to address the court's error, if any, in failing to decree this right. Because of this the claimant is precluded from asserting a priority date predating that decree. IDWR further responds that the recommended priority date is based upon information provided by the claimant.

In response to Statement of the Objection items 5 and 11, and all allegations regarding these items, IDWR responds that the recommended water right accurately describes the point of diversion. The point of diversion described is Weatherby Springs, the recommended source of this right. The claimant has not objected to IDWR's recommendation of the source. It is not necessary to describe the points where the water is rediverted from the delivery ditches or pipeline.

In response to Statement of the Objection 9 and 9.a, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the place of use of the right.

In response to Statement of the Objection 9 and 9.b, and all allegations of the objection regarding those items, IDWR responds

(Over)

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OCT 20 1994

that the recommended water right accurately describes the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used for irrigation under this water right. IDWR further responds that the acres irrigated within the recommended place of use for this right are those that are irrigated exclusively from the North Pipeline. Other acres claimed for this right are recommended under other rights with earlier priority dates.

In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, IDWR responds as follows: Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. IDWR has developed uniform standards of consumptive use for various climatic areas throughout the state, based upon the definition of consumptive use contained in Idaho Code Sec. 42-1401A(2), which is the maximum volume of water consumed by "the most water consumptive crop that can be grown in the area during the period of year when water is used for irrigation." The per acre consumptive use volume of 3 AFY per acre claimed and recommended for this water right is based upon the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the irrigation season. Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code." Therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings, and not as a limitation on the quantity of water that the claimant may divert pursuant to this recommended right.

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right. IDWR further responds that the claimant stated no reason for the objection to this item; IDWR is therefore unable to address the objection further.

In response to Statement of the Objection 14, and all allegations of the objection regarding this item, IDWR responds that the recommended water right accurately describes the non-irrigation uses of the right. In further response to this objection item,

IDWR responds that it recommended this element of the water right as claimed.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of
Pages

Notice of Claim No. A36-11142

10

(Over)

701 20 00V
180001WED

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



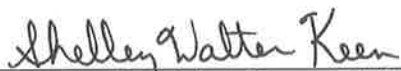
Signature of person filing response

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 9th day of September, 1993.





Notary Public for Idaho
Residing at: Boise, Idaho
My Commission expires: July 31, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of SEPTEMBER, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared 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. One copy to the owner of the water right, and you must fill in the following information:

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: JOHN K SIMPSON
Address: PO BOX 2139
BOISE ID 83701-2139

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number A36-11142

Date Received

Receipt Number 5006619 sc

RECEIVED

MAR 01 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

SEP 1 1988

Department of Water Resources
Southern Region Office

1. Name of Claimant (s) FLYING TRIANGLE, INC. Phone (208) 837-4926
- Mailing Address Rt. #1 Box 180, Hagerman ID Zip 83332
2. Date of Priority (Only one (1) per claim) 01-01-1900
3. Source of water supply (a) ⁽¹⁾ WEATHERBY SPRINGS & ⁽²⁾ CURRAN SPRINGS
which is tributary to (b) _____
4. a. Location of existing point of diversion ⁽¹⁾ is: Township 7S Range 1E Section 30,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____
Additional points of diversion ⁽²⁾ if any: SW 1/4 NE 1/4 SEC 31 7S 14E; continued on line 14
- b. If instream flow, beginning point of claimed instream flow is:
- Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
- ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Sent via Curren Ditch to North
Pipe (see note at item #14 re: diversion #3)

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FEB 07 1993

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Copies: White-State, Yellow-Claimant

6. Water is claimed for the following () es: (both dates are inclusive) (cfs) (acre feet)
- For STOCK WATER purposes from 01-01 to 12-31 amount .14 or _____
- For IRRIGATION purposes from 03-15 to 10-15 amount 3.04 or _____
- For _____ purposes from _____ to _____ amount _____ or _____
- For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 3.04 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is 210 acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 5000 sheep and 500 cattle
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	13E	26		15S	15S											40S			70

Total number of acres irrigated 70

11. In which county (ies) are lands listed above as place of use located? GOODING
12. Do you own the property listed above as place of use? Yes XXXX No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
see attached sheet or None ()
14. Remarks:
#3rd diversion point is the junction of the Curren Ditch with the North Pipe at SE 1/4 NW 1/4 SEC 25, 7S, 13E. Water is carried through the pipe to \$4th diversion point at TAP #1, SW 1/4, NE 1/4, SEC 26, 7S, 13E. Diversion #5 is TAP #2, which is not fixed but is utilized at several points along pipeline. Stock water use is unlimited in return for right-of-way granted in the early 1900's for the North Pipe. Use and placement of the two 2" taps is outlined in the enclosed copy
FLYING TRIANGLE
Last Name BRAILSFORD Ident No. _____
of the 1956 agreement between Wilkins and Brailsford.

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Copies: White - State Yellow - Claimant
FEB 7 1993

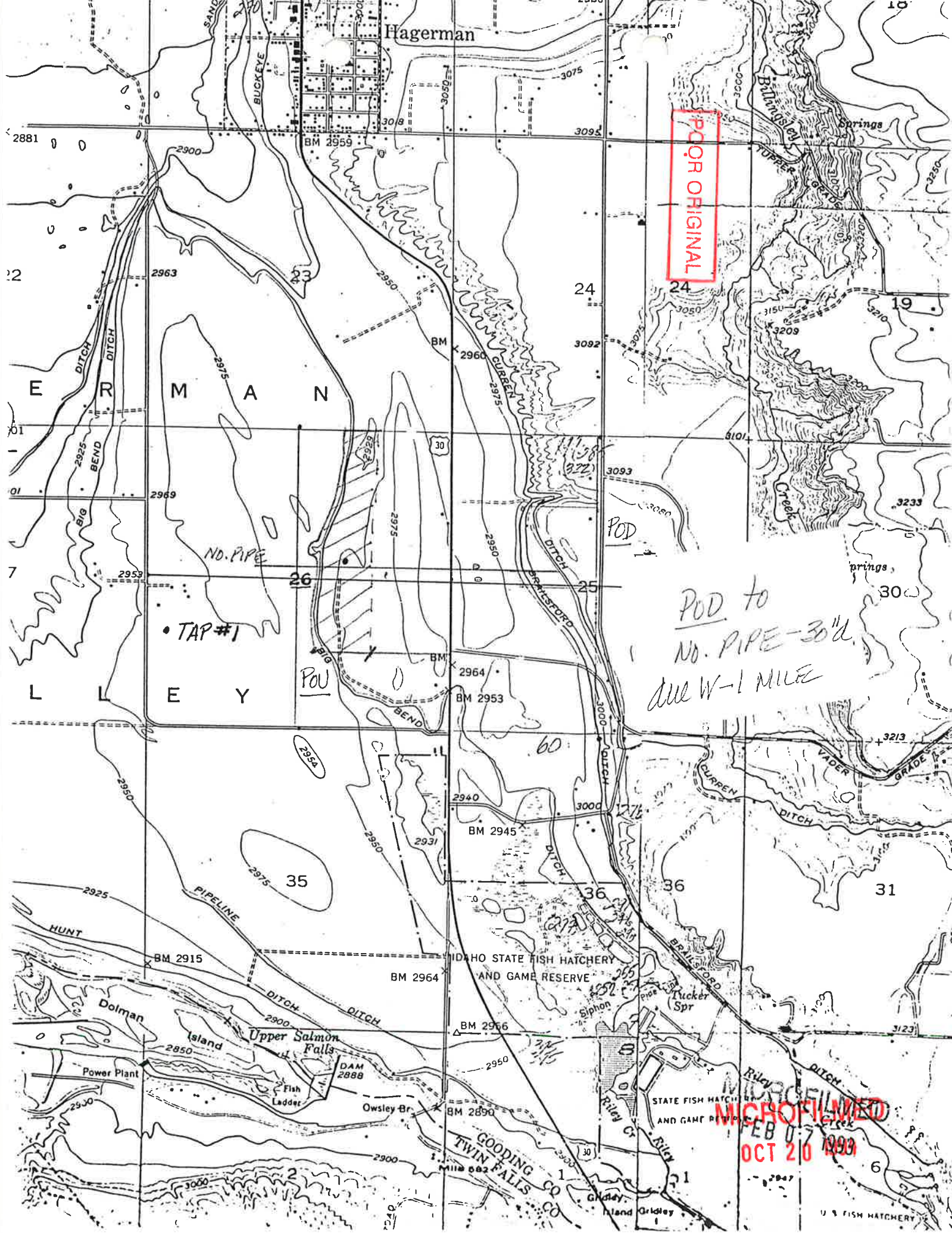
(Cont. #14 -- Remarks)

The stock water usage is based on the Department's figures in the appendixes showing rates of watering based on type of stock.

The amount shown in the claim is the amount figured from the table as the quantity beneficially used.

The place of use of the stock water is shown to be the same as the acres irrigated.

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FEB 07 1993
OCT 20 1991



POOR ORIGINAL

POD to
NO. PIPE - 30"
due W - 1 MILE

MICROFILMED
FEB 07 1993
OCT 20 1993

U S FISH HATCHERY

HALERMAN, IDAHO
1974 USGS
ADVANCE PRINT
75 13E FLYING
BRADFORD-TRIANGLE

HALERMAN, IDAHO
1974 USGS PRINT

HORIZONTAL RED
LINE IS APPROX.
LOCATION - NORTH
PIPE. CONVEYING E.
FROM CURRAN DITCH
TO POI IN 26.

POOR ORIGINAL

REPRODUCED
FROM A PHOTO



POOR ORIGINAL

DEQUESTED - FLYING

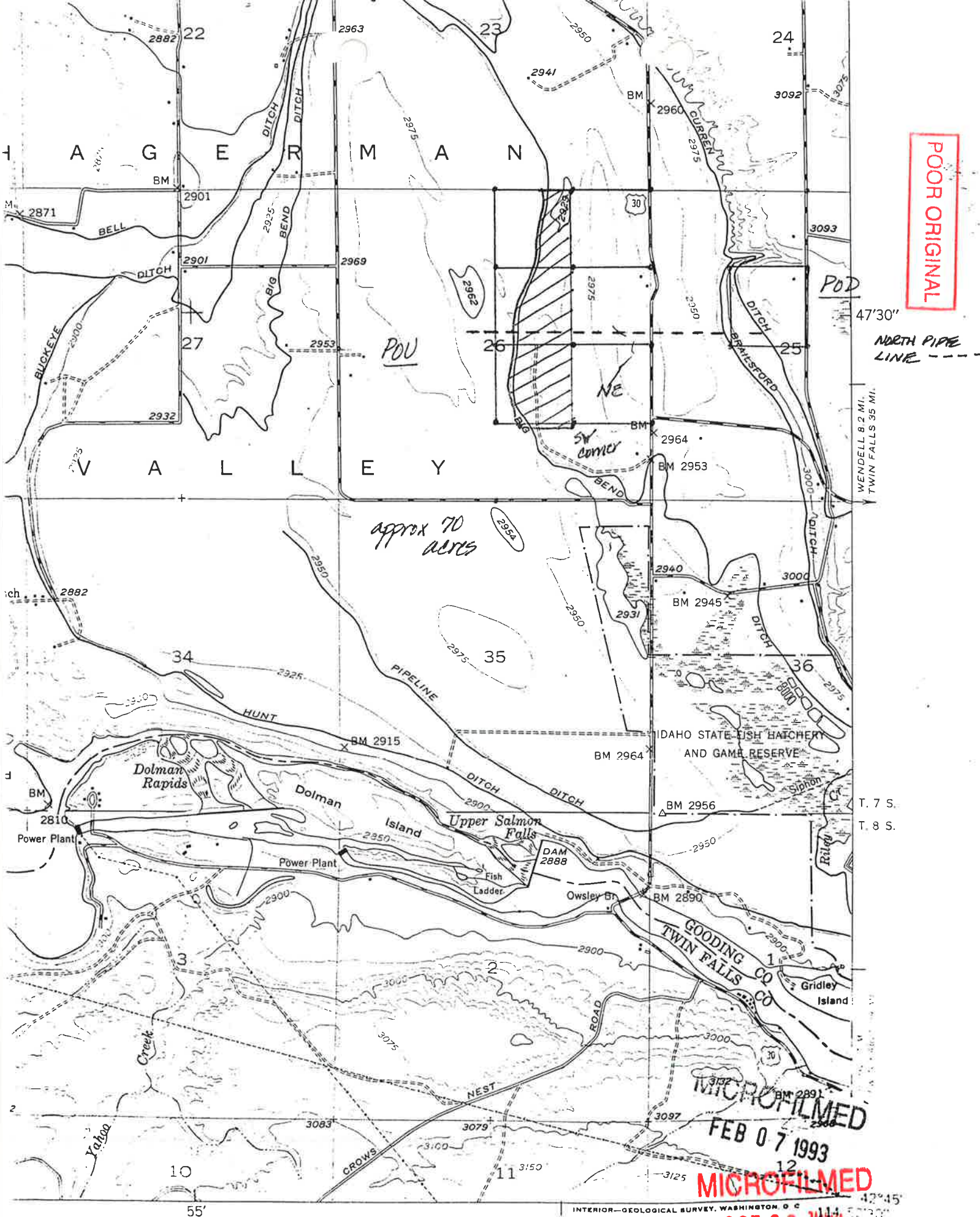
FEB 0 1961

24

6.8 MI

NO 118 2 A
W 144 S 35

POOR ORIGINAL



deceased, at the time of her death, and also all the right, title and interest
said deceased by operation of law or otherwise may have acquired other than
the said Mona M. Edwards at the time of her death, in and to all
in Gooding County, Idaho and described as follows:

(§2.7)

belonging

To have
with the appur-
over.

In witness where-
hereunto set her hand

ourtenances whatsoever to the same

promises, together
and assigns for-

oresaid, has

of
assess.

46 DEEDS

STATE OF IDAHO)
County of Gooding)

undersigned, a notary public in and
appeared Jeremiah Shaw, known to me to
instrument, as the executrix of the estate
to me that she, as such executrix, executed

In witness whereof, I have hereunto set
said County of Gooding, the day and year in this
(NOTARY SEAL)

1955, before me, the
te of Idaho, personally
subscribed to the within
deceased and acknowledged

ad my official seal at the
first above written.

CECIL EY
Notary Public residing at
Gooding Idaho

Filed for record at the request of Roy C. Miller, at 1:30 P.M., March 14, 1956.

Eert Bowler, Ex-Officio Recorder
By Dorothy Robbins, Deputy.

Fee, \$1.50
PROV. FEE

No. 129646

1-23-56

THIS INSTRUMENT, Made this 23rd day of January in the year of our Lord one thousand nine
hundred and fifty six, between Wilkins & Co., Ltd., a co-partnership consisting of Mona F.
Wilkins and Jess Egurrola, individually, Jess Egurrola as trustee of Lillian Wilkins Trusts
2, 3, 4 & 5, Jess Egurrola as trustee of Russell Wilkins Trusts # 5 & 6, Jess Egurrola
as trustee of Mona F. Wilkins Trusts ## 3 & 4, and John Vandenberg as trustee of Russell
Wilkins Estate, of Denver, County of Denver, State of Colorado, the party of the first part,
and Brailsford Brothers, Inc., a corporation, of Hagerman, County of Gooding, State of
Idaho, the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum
of Ten Dollars (\$10.00) and other good considerations, lawful money of the United States of

POOR ORIGINAL

#7 EXHIBIT

MICROFILMED

OCT

America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all of the following described real estate, situated in the County of Gooding, State of Idaho, to-wit:

Beginning at the Southwest (SW) corner of the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-six (26), thence North and parallel with the East line of Section Twenty-six (26) to the Northwest (NW) corner of the Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-six (26), thence west along the North line of said section Twenty-six (26), to a point which is 30 feet West of the west bank of the Big Bend ditch, thence Southerly along a line running 30 feet west of the west bank of said Big Bend ditch to a point which is directly west of the Southwest (SW) corner of the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-six (26), thence East and parallel with the North line of Section Twenty-six (26), to the point of beginning, all in Section twenty-six (26), Township Seven (7) South, Range Thirteen (13) East Boise Meridian, containing approximately 70 acres. Together with 87 $\frac{1}{2}$ shares of stock in the Big Bend Mining & Irrigation Co., together with all minerals and mineral rights owned by parties of the first part. Reserving and excepting right of way for maintenance and upkeep of existing 24-inch pipe line extending easterly and westerly across said lands.

SEE PARAGRAPH (b) on reverse side hereof.

(b) The right to take water from a twenty-four (24) inch pipeline, presently known as the "North Pipe" by means of a two inch tap presently in existence upon the portion of said pipeline traversing the last above described parcel of realty and the right to take water from an additional two inch tap to be installed in said 24 inch pipeline at the point thereon to be designated by Brailsfords, provided: that the right to take water from the two taps above mentioned is hereby granted to Brailsfords for as long as the present pipeline or any pipeline installed in substitution or in lieu thereof, by Wilkins or its successors or assigns, is in existence and upon the refusal of Wilkins or its successors or assigns to permit Brailsfords to withdraw such water therefrom, the latter shall have the right to summarily remove any such pipeline from the premises, and provided further, that it is understood and agreed that Wilkins assumes no obligation to maintain said pipeline, or any other pipeline across said premises and in no case guarantees that there shall be water in said pipeline at any time.

(\$11.00 U.S.I.R. STAMPS ATTACHED AND CANCELLED)
TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever and the said party of the first part, and its successors, the said premises in the quiet and peaceable possession of the said party of the second part, its successors, and assigns, against the said party of the first part, and its successors, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and seal

the day and year first above written.

By JESS ROBERTS JR. As trustee of
Lillian Wilkins Trusts #2, 3, 4 & 5
By JESS ROBERTS JR. As trustee of Russell
Wilkins Trusts #6, 7 & 8
By JESS ROBERTS JR. As trustee of Mona P.
Wilkins Trusts #9 & 10

WILKINS & CO., Ltd.,
a co-partnership,
By MONA P. WILKINS (Seal) MW
By JESS ROBERTS JR. (Seal) JE
By JOHN F. ROBERTS JR. (Seal) JW
Attorneys of Russell Wilkins Estate

POOR ORIGINAL

MED

34

15. Basis of Claim (check one) Be. ☐ I Use ☒ Posted Notice ☐ e ☐ Permit ☐
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Secretary _____
Title _____
of Flying Triangle, Inc. _____, that I have signed the foregoing
Organization _____
document in the space below as _____ Secretary _____ of Flying Triangle, Inc.
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent W.N. Brailsford
Title and Organization Secretary, Flying Triangle, Inc. Date 9-1-88

State of Idaho/or Idaho)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 1st day of September 19 88
SEAL Notary Public Sherry R. Cael
Residing at Twin Falls, Idaho
My Commission Expires 3/19/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, John A. Rosholt will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature John A. Rosholt

Address P.O. Box 1906, Twin Falls, ID 83303-1906

Date 9-1-88

Last Name W.N. BRAILSFORD Ident. Number _____

MICROFILMED
FEB 07 1993
MICROFILMED
OCT 20 1994
Copies White-State, Yellow-Claimant

RECEIVED

MAY 11 1993

Department of Water Resources
Adjudication Bureau

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

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 36-11142

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

OBJECTION

Petitioner,

36-11142 -0001/
93-04-0416

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

(Over)

MICROFILMED

OCT 20 1994

Any party physically filing 25 (twenty-five) or more objections must make an appointment with a Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: FLYING TRIANGLE, INC.

Address: Route 1, Box 180
Hagerman, Idaho 83332

Briefly describe your interest in this water right:

Owner of the right.

2. Owner of the water right:

Name: FLYING TRIANGLE, INC.

Address: Route 1, Box 180
Hagerman, Idaho 83332

3. If this objection is filed by an attorney:

Attorney Name: John K. Simpson

Attorney Address: P.O. Box 2139
Boise, Idaho 83701-2139

Attorney Phone No.: (208) 336-0700

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☒ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☒ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of use: I object to:
 - a. ☒ the legal description of the place of use; or
 - b. ☒ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.

(Over)

12. ☐ Water Right Recommendation: I object to:
- ☐ this water right being recommended at all; or
 - ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☒ Other: I object to:
- The non-irrigation use as reported.

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages, if necessary.

Boxes 3, 4, 5, 9, 10, 11 and 14: The owner of this right needs the water claimed in order to adequately irrigate their lands.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages, if necessary.

The Director's Report for Claim No. 36-11142 should read as originally claimed.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

- ☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____
- _____
- _____
- _____

VERIFICATION (Must be Completed)

State of Idaho

County of Ada

JOHN K. SIMPSON, being first duly sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

Flying Triangle, Inc.
Signature of person filing objection

By: [Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me this _____ day of _____, 1993.

Notary Public for Idaho
Residing at: _____
My commission expires: _____

(Over)

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the ____ day of _____, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, 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. One copy to the owner of the water right, and you must fill in the following information:

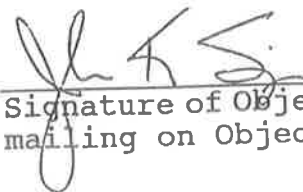
Owner name: FLYING TRIANGLE, INC.
Owner's address: Route 1, Box 180
Hagerman, Idaho 83332

3. One copy to:

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

4. One copy to:

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724



Signature of Objector or attorney
mailing on Objector's behalf

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
FEB 07 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

NOVEMBER 2, 1992

R. KEITH HIGGINSON
Director

FLYING TRIANGLE INC
C/O GARY D SLETTE
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: NOTICE OF ERROR IN THE SRBA FOR 36-00030, 36-11142,
36-11144 & 36-11145

DEAR MR. SLETTE,

THIS LETTER IS TO CONFIRM THE RESULTS OF THE NOTICE OF ERROR MEETING I HAD WITH SHARON STRICKLAND AND JOHN SIMPSON ON OCTOBER 21, 1992 AT OUR SOUTHERN REGIONAL OFFICE. MOST OF THE ISSUES RAISED BY YOUR NOE FILINGS WILL NOT BE RESOLVED IN THIS NOTICE OF ERROR PROCESS AND MUST BE PURSUED IN THE OBJECTION PHASE. BELOW IS A BRIEF SUMMARY OF EACH RIGHT DISCUSSED.

36-00030: STOCKWATER USES ARE INCIDENTAL TO THE IRRIGATION USE AND NO EVIDENCE WAS FOUND TO SHOW WINTER STOCK USE FROM THE BRAILSFORD DITCH. THE AMOUNT PROPOSED TO BE RECOMMENDED FOR THIS CLAIM IS BASED ON THE AMOUNT OF WATER DETERMINED TO BE BENEFICIALLY USED FOR THE RECOMMENDED USES, BASED ON AVAILABLE DATA AND CURRENT METHODS OF ANALYSIS. THE DIRECTOR HAS INCREASED THE SEASON OF USE FOR THE HAGERMAN VALLEY TO 3/15 TO 11/15.

36-11142: THE PRIORITY DATE FOR THIS RIGHT IS BASED ON THE EVIDENCE SUBMITTED WHICH SUPPORTS THE DATE RECOMMENDED. SOURCE REPRESENTS THE SOURCE OF WATER WHICH WAS COMMONLY USED TO PROVIDE WATER FOR RIGHTS DEVELOPED AFTER THE 1932 DECREE WITHIN THIS PIPELINE SYSTEM.

36-11144: ERROR IN THE NON-IRRIGATION USES WAS CORRECTED TO SHOW THE 2 HOUSES INSTEAD OF 3 AS LISTED. AMOUNT OF DIVERSION IS BASED ON THE PHYSICAL LIMITS OF THE PUMP AND DELIVERY SYSTEM.

36-11145: SHARON STRICKLAND CONFIRMED THIS USE WITHIN THE COOKHOUSE AND BUNKHOUSE AS OUR FIELD EXAM HAD SHOWN. THIS USE IS EQUIVALENT TO THE USE FOUND IN 1 HOME BUT 2 HOUSES HAVE BEEN LISTED. THE PUMP AND DELIVERY SYSTEM AGAIN LIMIT THE DIVERSION FOR STOCKWATER AND DOMESTIC USES.

IF YOU STILL DISAGREE WITH IDWR'S RECOMMENDATIONS, YOU WILL HAVE AN OPPORTUNITY TO FILE AN OBJECTION TO THE DIRECTOR'S REPORT WITH THE COURT.

SINCERELY


STEVE CLELLAND
SENIOR WATER AGENT

MICROFILMED
FEB 07 1993

NOTICE OF ERROR FORM

AUG-24-1992

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

RECEIVED

SEP 22 1992

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: 36-11142
2. Name: Flying Triangle, Inc.
Address: Gary D. Slette, Attorney
P.O. Box 1906
Twin Falls, ID 83303
Weekday Telephone Number: 734-0700

RECEIVED

SEP 28 1992

Department of Water Resources
Southern Region Office

MICROFILMED

FEB 07 1993

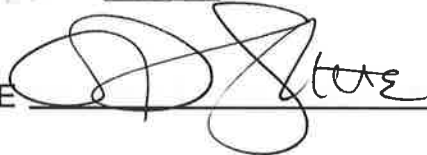
TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:
 - a) Priority Date
 - b) Period of Use
 - c) Quantity of Water
 - d) Source and P.O.D.
 - e) Place of Use
4. Describe the changes you wish to have made in the proposed recommendation:
 - a) Priority date as claimed.
 - b) Period of use as claimed.
 - c) Quantity of water as claimed.
 - d) Source and P.O.D. as claimed.
 - e) Place of use as claimed.
5. Describe why you disagree with the proposed recommendation:

Claimant is entitled to priority date, quantity of water, source, P.O.D. and place of use as claimed. Recommended period of use may restrict maximum beneficial use of the water.
6. Date: September 21, 1992.

SIGNATURE

A handwritten signature in black ink, appearing to be "J. L. Stue", written over a horizontal line.

R PROOF



CVR



MAPS



PHOTOS



MISC

MICROFILMED
FEB 07 1993

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLANO

FILE A36-11142

RE: NOE MEETING ON 10-21

DATE 10-22-92

NAME OF PARTY

SHARON STRICKLAND

734-0700

I called and told her the one score
we agreed to recognize has already been
included in the proposed recommendation.
any further addition must proceed with the
objection filing.

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FEB 07 1993

Water Right Number - R36-11142

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** A - ATTORNEY ***

ROSHOLT

JOHN A

1 - PO BOX 1906

2 -

3 -

City- TWIN FALLS

Phone - 208-734-0700

State- ID Zip- 833031906

*** C - CURRENT OWNER ***

FLYING TRIANGLE INC

1 - RT 1 BOX 180

2 -

3 -

City- HAGERMAN

Phone - 208-837-4926

State- ID Zip- 83332

+ - - Priority Date - - +

05/24/1939

+ - - Region - - - +

17 SOUTHERN

+ - - Stage - - - +

J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - - +

WEATHERBY SPRINGS

+ - - Tributary - - - - - +

BILLINGSLEY CREEK

+ - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

07S 13E 30 SE NE SW (47) GOODING

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01

10/31

0.420

04 - STOCKWATER

04/01

10/31

0.140

04 - STOCKWATER

11/01

03/31

0.220

+ - Total Div. Rate - + + - Total Div. Volume - +

0.420

+ - Total Consumptive Use - + + - KW Usage - +

51.0

+ - - - - Place of Use - - - - - +

Twn Rng Sec Tract Lot Acres Code Description County

07S 13E 25 SW NW 4.0 01 IRRIGATION (47) GOODING

07S 13E 26 SW NE 3.0 01 IRRIGATION (47) GOODING

07S 13E 26 SE NE 1.0 01 IRRIGATION (47) GOODING

07S 13E 26 NE SE 1.0 01 IRRIGATION (47) GOODING

07S 13E 26 NW SE 8.0 01 IRRIGATION (47) GOODING

07S 13E 26 NW NE 04 STOCKWATER (47) GOODING

07S 13E 26 SW NE 04 STOCKWATER (47) GOODING

07S 13E 26 NW SE 04 STOCKWATER (47) GOODING

Total Acres: 17.0

+ - - Diversion Means - VIA BAR S DITCH TO CURREN TO NORTH PIPE W. TAPS TO TROUGHS

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FEB 07 1993

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/11/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/04/1992	Old Judicial District	-
Claim Received Date	- 03/21/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006619	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

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FEB 07 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:40:53
07/03/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-11142

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y	Proof Submitted 11-26-90	8-21-90 S.C. 9-11-90 HHT	(V)	6. Legal & letters	SW 8-3-92	SW 4-15-91	
POINT OF DIV	Y	LEGAL REVIEW		(Y)	1,2,4,5,6			
SOURCE	Y			(V)				
PLACE OF USE	Y			(Y)	1,4,5			
DIV. AMOUNT CFS/VOLUME	Y			(Y)	6. STDS.			
CONSUMPTIVE USE	-			(Y)				
PURPOSES	Y			N				
PERIOD OF USE	Y			N (X)	6			
BASIS OF CLAIM	Y			N				
REMARKS	Y			N (Y)	6			

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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FEB 07 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:40:53
07/03/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-11142

LAST: ROSHOLT
ADDRESS: P.O. BOX 1906
CITY: TWIN FALLS
PHONE NUMBER: 208-734-0700

FIRST: JOHN A.
STATE: ID ZIP: 833031906

OWNER CODE: A

LAST: FLYING TRIANGLE INC.
ADDRESS: RT. 1 BOX 180
CITY: HAGERMAN
PHONE NUMBER: 208-837-4926

FIRST:
STATE: ID ZIP: 83332

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS:

DIVERSION PT. AT SE,NW S. 25, 7S., 13E. IS THE JUNCTION OF THE CURRAN DITCH WITH THE NORTH PIPE. WATER IS CARRIED THROUGH THE PIPE TO 4TH DIVERSION PT. AT TAP #1, SW,NE S. 26, 7S., 13E. DIVERSION #5 IS TAP #2, WHICH IS NOT FIXED BUT IS UTILIZED AT SEVERAL POINTS ALONG PIPELINE. STOCKWATER USE IS UNLIMITED IN RETURN FOR RIGHT-OF-WAY GRANTED IN THE EARLY 1900'S FOR THE NORTH PIPE. USE AND PLACEMENT OF THE TWO 2" TAPS IS OUTLINED IN THE ENCLOSED COPY OF THE 1956 AGREEMENT BETWEEN WILKINS AND BRAILSFORD. THE STOCKWATER USAGE IS BASED ON THE DEPARTMENT'S FIGURES IN THE APPENDICES SHOWING RATES OF WATERING BASED ON TYPE OF STOCK. THE AMOUNT SHOWN IN THE CLAIM IS THE AMOUNT FIGURED FROM THE TABLE AS THE QUANTITY BENEFICIALLY USED. THE P/U OF THE STOCKWATER IS SHOWN TO BE THE SAME AS THE ACRES IRRIGATED.

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FEB 07 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 8/21/90

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: 9-19-90 SCC/HHT

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

*System has the capacity to exceed the recommended rate of 0.34 cfs or
17" of water. (per field exams)*

MICROFILMED
FEB 17 1993

A. AJ CLAIM: # A36-11142 PRIORITY DATE: 01-01-1900 STAGE: J
B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) Y Y

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y(X) N()
IF YES EXPLAIN.

REMARKS: PROOF; WR should be listed in the decree w/ date claimed
Proof as submitted lists 1918 as date of first pipeline installed. (Ormsby letter)
Possible WR Root is 36-00186 with Priority of 3-8-1902. Legal Review needed.
(See Conversation Memo 1-9-91 SCC)
Legal Review Determined: This water right is not part of the Decree or it
would be listed in the water rights (Res judicata.) It is a beneficial use claim
after the decree.
Recommended 5-24-1939; letter from L. Ormsby allowing use of the water for
sheep & lambing sheds. (The other letter merely confirms the
pipeline was there - didn't establish use.)

RECOMMENDED PRIORITY DATE:

5-24-1939

REVIEWED BY

SCC

DATE

4-15-91

MICROFILMED
FEB 07 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT
A36-11142	07S	13E	31	NE	SW	NE	
A36-11142	07S	13E	25		SE	NW	

CNTY

GOODING
GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: WEATHERBY SPRINGS
CURRAN SPRINGS

TRIB: BILLINGSLEY CREEK
BILLINGSLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER

REMARKS:

~~Possibly Two original rights have been combined here - Two sources are separate~~

incorrect
4-15-91
SCC

MICROFILMED
FEB 07 1993

POD Curran Ditch
RE-DIVERSION pointed

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
75	13E	30	SE	NE	SW		47
		32	SE	SW	NW		

(WEATHERBY SPRINGS)
(M-C Tunnel)

SOURCE: WEATHERBY SPRINGS

TRIB: BILLINGSLEY CREEK

REVIEWED BY: SCU

DATE: 4-15-91

MICROFILMED
FEB 07 1993

~~MARTIN-CURRAN TUNNEL~~

No SOURCE EXISTS CURRAN SPRINGS — NOW POSSIBLY KNOWN AS MARTIN-CURRAN TUNNEL.
allow water from Weatherby Springs only.
no Diversion is made at the Currin Ditch for this right.
see 8-3-92

A. ROOT WATER RIGHT NUMBERS: A36-11142

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	26	NW	NE		ROSHOLT, JOHN A.	A36-11142 /15.0	- /	17.0		
						SPRING VALLEY RANCH INC.	A36-00004 /18.3	- /		10	
						BUCKEYE FARMS INC.	A36-00015 /30.0	36-00015 /			
						BUCKEYE FARMS INC.	A36-00016 /30.0	36-00016 /			
						BUCKEYE FARMS INC.	A36-00017 /30.0	36-00017 /			
						UHLLING, TERRY T.	A36-00030 /40.0	- /			
						BIG BEND IRRIGATION & MINING	CA36-00192 /40.0	36-00192 /			
						BIG BEND IRRIGATION & MINING	CA36-00133 /40.0	36-00133 /			
						ROSHOLT, JOHN A.	A36-00018 /30.0	36-00018 /			
						ORMSBY LAND & LIVESTOCK CO.		36-00186 /			
						MC CARTY, JOHN		36-02029 /40.0			
07S	13E	26	SW	NE		ROSHOLT, JOHN A.	A36-11142 /15.0	- /	34.0	20	3.0
						SPRING VALLEY RANCH INC.	A36-00004 /18.3	- /			
						BUCKEYE FARMS INC.	A36-00015 /15.0	36-00015 /			
						BUCKEYE FARMS INC.	A36-00016 /15.0	36-00016 /			
						BUCKEYE FARMS INC.	A36-00017 /15.0	36-00017 /			
						BIG BEND IRRIGATION & MINING	CA36-00192 /30.0	36-00192 /			
						BIG BEND IRRIGATION & MINING	CA36-00133 /30.0	36-00133 /			
						ROSHOLT, JOHN A.	A36-00018 /15.0	36-00018 /			
						UHLLING, TERRY T.	A36-00030 /40.0	- /			
						ORMSBY LAND & LIVESTOCK CO.		36-00186 /			
						MC CARTY, JOHN		36-02029 /40.0			
07S	13E	26	NW	SE		ROSHOLT, JOHN A.	A36-11142 /40.0	- /	38.0	18	8.0
						SPRING VALLEY RANCH INC.	A36-00004 /18.3	- /			
						BUCKEYE FARMS INC.	A36-00015 /10.0	36-00015 /			
						BUCKEYE FARMS INC.	A36-00016 /10.0	36-00016 /			
						BUCKEYE FARMS INC.	A36-00017 /10.0	36-00017 /			
						BIG BEND IRRIGATION & MINING	CA36-00192 /19.0	36-00192 /			
						ROSHOLT, JOHN A.	A36-07762 /	36-07762 /			
						BIG BEND IRRIGATION & MINING	CA36-00133 /19.0	36-00133 /			
						ROSHOLT, JOHN A.	A36-00018 /10.0	36-00018 /			
						ORMSBY LAND & LIVESTOCK CO.		36-00186 /			
						MC CARTY, JOHN		36-02029 /40.0			
						FLYING TRIANGLE INC.		L36-07762 /			
07S	13E	26	NW	NE		ROSHOLT, JOHN A.	A36-11142 /	- /	17.0		
						SPRING VALLEY RANCH INC.	A36-00004 /18.3	- /			
						BUCKEYE FARMS INC.	A36-00015 /30.0	36-00015 /			
						BUCKEYE FARMS INC.	A36-00016 /30.0	36-00016 /			
						BUCKEYE FARMS INC.	A36-00017 /30.0	36-00017 /			
						UHLLING, TERRY T.	A36-00030 /40.0	- /			
						BIG BEND IRRIGATION & MINING	CA36-00192 /40.0	36-00192 /			
						BIG BEND IRRIGATION & MINING	CA36-00133 /40.0	36-00133 /			
						ROSHOLT, JOHN A.	A36-00018 /30.0	36-00018 /			
						ORMSBY LAND & LIVESTOCK CO.		36-00186 /			
						MC CARTY, JOHN		36-02029 /40.0			

See also
A36-00030 for
MASTER
POU Review + MAPS

via
BBI

part via
BBI

part
via BBI

stock

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FEB 07 1993

07S 13E 26 SW NE

ROSHOLT, JOHN A.	A36-11142	/	-	/	
SPRING VALLEY RANCH INC.	A36-00004	/18.3	-	/	
BUCKEYE FARMS INC.	A36-00015	/15.0	36-00015	/	
BUCKEYE FARMS INC.	A36-00016	/15.0	36-00016	/	
BUCKEYE FARMS INC.	A36-00017	/15.0	36-00017	/	
BIG BEND IRRIGATION & MINING	CA36-00192	/30.0	36-00192	/	
BIG BEND IRRIGATION & MINING	CA36-00133	/30.0	36-00133	/	
ROSHOLT, JOHN A.	A36-00018	/15.0	36-00018	/	
UHLING, TERRY T.	A36-00030	/40.0	-	/	
ORMSBY LAND & LIVESTOCK CO.			36-00186	/	
MC CARTY, JOHN			36-02029	/40.0	

34.0

07S 13E 26 NW SE

ROSHOLT, JOHN A.	A36-11142	/	-	/	
SPRING VALLEY RANCH INC.	A36-00004	/18.3	-	/	
BUCKEYE FARMS INC.	A36-00015	/10.0	36-00015	/	
BUCKEYE FARMS INC.	A36-00016	/10.0	36-00016	/	
BUCKEYE FARMS INC.	A36-00017	/10.0	36-00017	/	
BIG BEND IRRIGATION & MINING	CA36-00192	/19.0	36-00192	/	
ROSHOLT, JOHN A.	A36-07762	/	36-07762	/	
BIG BEND IRRIGATION & MINING	CA36-00133	/19.0	36-00133	/	
ROSHOLT, JOHN A.	A36-00018	/10.0	36-00018	/	
ORMSBY LAND & LIVESTOCK CO.			36-00186	/	
MC CARTY, JOHN			36-02029	/40.0	
FLYING TRIANGLE INC.			L36-07762	/	

38.0

TOTAL ACRES

A36-11142

70.00

178.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y(X) N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DATABASE
Y

FIELD
EXAMINER
Y

DUE TO POU DISCREPANCY? (Y/N)

PRESUMPTION FLAG:

REMARKS:

Add:

7S. 13E. S. 26 NE SE
S. 26 SE NE
S. 25 SW NW

(part via Brailford)

Field

Rec.

1.0

1.0

1.0

1.0

4.0

4.0

54.0

17.0

RECOMMENDATIONS:

TOTAL ACRES:

17.0

REVIEWED BY:

See

DATE:

10-17-90

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FEB 07 1993

A. AJ CLAIMED USES:

PURPOSES
A36-11142 IRRIGATION
A36-11142 STOCKWATER

MONTH/DAY
FROM ~~03-15~~ TO ~~10-15~~ 4-1 10-31
FROM 01-01 TO 12-31

DIVERSION QUANTITY
3.040 CFS
.140 CFS
3.040 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

TOTAL DIVERSION RATE/VOLUME CLAIMED

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	<u>Y</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	<u>Y</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<u>Y</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X) Explain in remarks, below.

REMARKS:

* Stock use as claimed in A36-00030 is supplied by this right.

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(X)

AJ TOTAL CLAIMED DIVERSION RATE: 3.040 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

Y

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B.

FLOW MEASUREMENT

MEASUREMENT METHOD SONIC, SEE ATTACHED CALCULATIONS.

@ North Pipe = 19.5 cfs
9-19-90

C. ARE OTHER WATER RIGHTS USED? Y(Y) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: ~~A36-00030~~ NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-11142	WEATHERBY SPRINGS	ROSHOLT , JOHN A.	3.040	0.043		
	CURRAN SPRINGS					
A36-00004	BILLINGSLEY CREEK	SPRING VALLEY RANCH INC.	15.000	0.020		
A36-00017	WEATHERBY SPRINGS	BUCKEYE FARMS INC.	6.500	0.007	3315.00	3.81
A36-00030	LEN LEWIS SPRING	UHLING , TERRY T.	8.000	0.040		
A36-00192	TUCKER SPRINGS, LOWER	BIG BEND IRRIGATION & MINING C	15.000	0.017	10859.70	12.35
A36-00133	TUPPER SPRINGS, UPPER	BIG BEND IRRIGATION & MINING C	20.000	0.022	14479.60	16.47
A36-00018	BILLINGSLEY CREEK	ROSHOLT , JOHN A.	20.000	0.022		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-11142	STOCKWATER	ROSHOLT , JOHN A.	FROM 01-01 TO 12-31	.140 CFS	
A36-00030	STOCKWATER	UHLING , TERRY T.	FROM 01-01 TO 12-31	.140 CFS	
A36-07762	FISH PROPAGATION	ROSHOLT , JOHN A.	FROM 01-01 TO 12-31	15.000 CFS	
A36-07762	FISH PROPAGATION	ROSHOLT , JOHN A.	FROM 01-01 TO 12-31	15.000 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 17.0 x 0.02 CFS/ACRE = 0.34 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(X) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(X) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 210.0 AF/A

ACRES 17 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 51 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 17 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 68 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(X) N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

1b. CALCULATIONS

Non-Deeded Water
Allow IDWR Standard Rate.

0.34 cfs

Conveyance
Loss in

Bar-S ditch & Current Ditch = 0.079 cfs
(.029) + (.05)

Sheep = 2 GPD
Cattle = 12 GPD
TOTAL 0.42
1/6

per IDWR STANDARDS: $\frac{5000 \text{ sheep}}{6} = 833 \text{ cattle}$

• EQUIVALENT
• TO CATTLE RATES = 0.20 cfs
per TABLE

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL. AF/A		USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
<u>IRRIGATION</u>	<u>4-1</u>	<u>10-31</u>						
	~~3-15~~	~~10-15~~		~~0.34~~	0.42	68		51
<u>STOCK WATER</u>	<u>1-1</u>	<u>12-31</u>		~~0.20~~	0.14			
				0.34		68		51

TOTAL FOR THIS RIGHT

REVIEWED BY: SCC SCC

DATE: 10-17-90 4-15-91

* limited by claimant's claimed amount.
4-15-91 SCC

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FEB 07 1993

F01
D02 = 0.08

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
()
()
()

NEEDS
REVIEW
(X)
()
()

Legal

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-11142

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

A36-11142

3.040

TOTAL CFS

3.040

EXAMINER

CFS

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

Steve Collins

DATE:

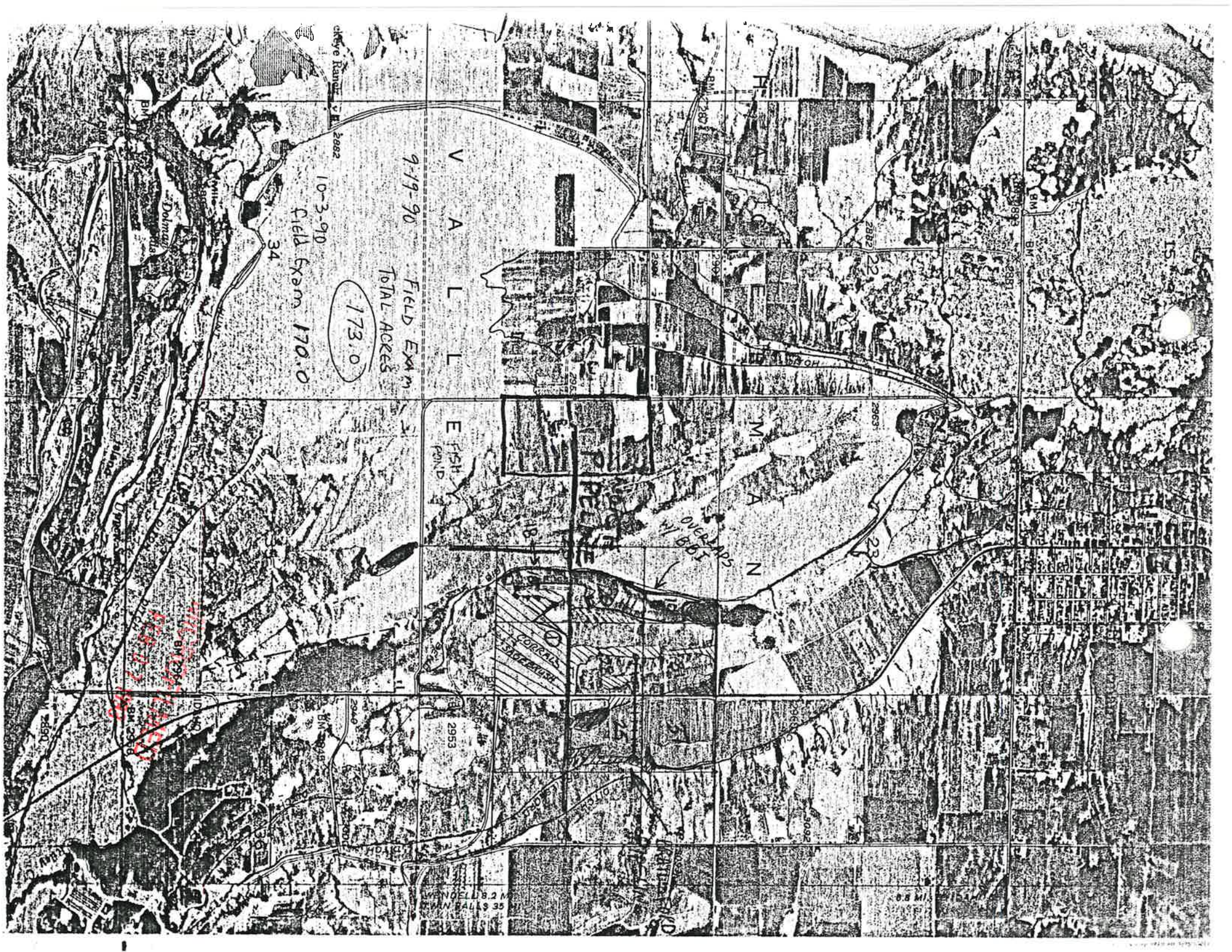
4-15-91

NAME OF FIELD EXAMINER:

TITLE:

SCC 8-3-92

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FEB 07 1993



CHERRY RAINIER V.M. 2882

10-3-90

FIELD EXAM

TOTAL ACRES

(173.0)

9-19-90

FIELD EXAM

34

V A L L E

E P R E N Z

FISH POND

CORRAL
STOCKPENS

OVERLAPS

DOLMA

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IRRIGAT. SYSTEMS

NOT TO SCALE

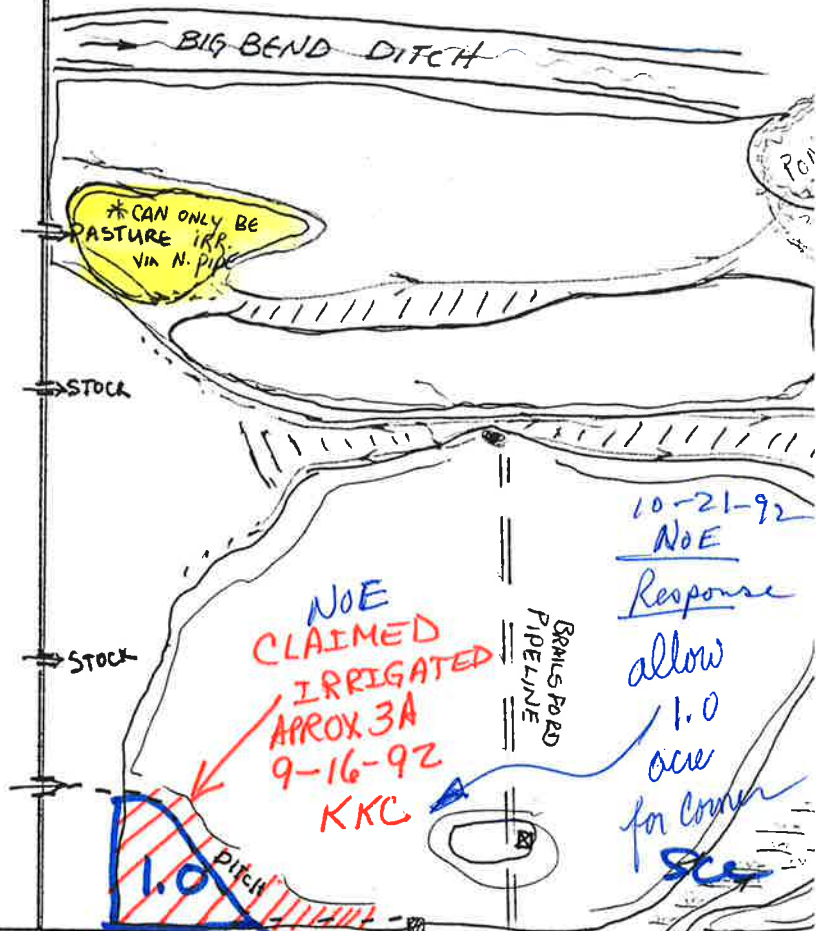
TO OPEN DITCH

NORTH PIPELINE

per field exam

8-21-90

SCC/HHT



To (McFADDAN) BUCKEYE

Hiway 30

To MAJENCAMP

MAJENCAMP DOMESTIC

To BRAILS FORD
* CAN ONLY BE IRRIGATED VIA NORTH PIPELINE

FLYING TRIANGLE

BRAILS FORD

A36-00030

MICROFILMED

FEB 07 1993

CURREN DITCH

CURREN DITCH

= FIELD ACRE:
= ACRES by 1/4-1/4

NOT TO SCALE

TO OPEN DITCH

1/4 LINE

NORTH PIPELINE

per field exam

8-21-90

SCC/HHT 1/4 section WNE

SWNE (20)

(10)

BIG BEND DITCH

NW NE

* CAN ONLY BE IRRIGATED VIA BBI

(10)

* CAN ONLY BE IRR. VIA N. PIPE

PASTURE

(18)

9 Ac.

NWSE

1/4 LINE

NESE

TO CORALS

S. 26

STOCK WATER
NO IRRIGATION

TO (MCFADDAN) BUCKEYE

1/4 LINE

NWSW

SEC. 25

TO MALENCAMP



= BRAILSFORD WATER (117 Ac.)
A36-00030

MALENCAMP DOMESTIC



= NORTH PIPE WATER A36-11142 (17 Ac.)



= BIG BEND IRRIGATION 1/4 LINE A36-00133 (37 Ac.)

per 10-17-90 SCC

CURREN DITCH

STOCK

SENE

STOCK

HWY 30 SW NW

TO HAERMAN

TO BRAILSFORD 4 AC.
* CAN ONLY BE IRRIGATED VIA NORTH PIPELINE

NWNW

(37)

FLYING TRIANGLE

(BRAILSFORD)

BRAILSFORD A36-00030

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FEB 07 1993

GATED PIPE DITCH

CURREN DITCH



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

MODE SELECT
INPUT

R. KEITH HIGGINSON
Director

OUTER DIAMETER
24.4142 IN

PIPE MATERIAL
? CS.88

WALL THICKNESS
.22700 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
20.118 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

MODE SELECT
T0 CHECK

0894.3 MMSEC
099.88 % T0

09-19 08:4100 *R
+002.40 % AI2

09-19 08:4100 *R
+867.541E 1GPM

09-19 08:4200 *R
+874.937E 1GPM

09-19 08:4200 *R
+876.258E 1GPM

09-19 08:4200 *R
+877.579E 1GPM

09-19 08:4200 *R
+875.466E 1GPM

09-19 08:4200 *R
+875.730E 1GPM

NORTH PIPELINE
MEASUREMENT.

TAKEN EAST SIDE HWY 30.

"North Pipeline" -
@ Hwy 30, east side

Gauge reading at Buckeye Pipeline diversion
6.95 for Curran ditch

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FEB 07 1993

$\bar{X} = 8745.9$

$\bar{X}$ CFS = 19.5 cfs

8-3-92

CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	2600	7.0	2.00	0.46	6.25	6.25	0.0736	0.46	6.71
2	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
3	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
4	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
5	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
6	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
7	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	-0.00
8				0.00		0.00	0.0000	0.00	-0.00
9				0.00		0.00	0.0000	0.00	-0.00
10				0.00		0.00	0.0000	0.00	-0.00
11				0.00		0.00	0.0000	0.00	-0.00
12				0.00		0.00	0.0000	0.00	-0.00
13				0.00		0.00	0.0000	0.00	-0.00
14				0.00		0.00	0.0000	0.00	-0.00
15				0.00		0.00	0.0000	0.00	-0.00
16				0.00		0.00	0.0000	0.00	-0.00
17				0.00		0.00	0.0000	0.00	-0.00
18				0.00		0.00	0.0000	0.00	-0.00
19				0.00		0.00	0.0000	0.00	-0.00
20				0.00		0.00	0.0000	0.00	-0.00
TOTALS	2600			0.46	6.25			0.46	

REACH = SECTION OF CHANNEL
 LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
 OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
 AVE WIDTH = AVERAGE TOP WIDTH OF REACH
 SEEPAGE = SOIL SEEPAGE RATE OF REACH
 WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
 DELIVERY = TOTAL DELIVERIES IN REACH
 DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
 LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
 DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
 REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH
 FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

*these rights share in the
conveyance loss:*

36-00011B
 36-00011D
 36-00033B
 36-00105
 36-00189A

*- But their portions are not
identified in the Deed.*

UPPER BAR-S DITCH

$0.46 \text{ cfs} \div 16 = 0.029 \text{ cfs}$
 per RIGHT

THESE RIGHTS SHARE THIS
 CONVEYANCE LOSS:

36-00011A 36-00198A
 36-00011C 36-15157
 36-00033C 36-00044
 36-00033D 36-00042A
 36-00033E 36-11142

36-00015

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CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	1600	10.0	2.00	0.40	0.06	31.06	0.0130	0.00	32.80
2	200	10.0	2.00	0.05	20.69	31.00	0.0016	0.30	32.34
3	1700	10.0	2.00	0.43	1.00	10.31	0.0417	0.06	11.60
4	1500	10.0	2.00	0.38	6.25	9.31	0.0407	0.61	10.17
5	6300	3.0	2.00	0.48	3.06	3.06	0.1561	0.77	3.54
6	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	0.00
7	0	0.0	0.00	0.00	0.00	0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	11300			1.74	31.06			1.74	

REACH = SECTION OF CHANNEL
 LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
 OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
 AVE WIDTH = AVERAGE TOP WIDTH OF REACH
 SEEPAGE = SOIL SEEPAGE RATE OF REACH
 WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
 DELIVERY = TOTAL DELIVERIES IN REACH
 DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
 LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
 DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
 REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH
 FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

* THESE RIGHTS SHARE THIS PORTION:

36-00015	36-00011B
36-00189A	36-00011C
36-11142	36-00011D
36-00198A	36-00033B
36-15157	36-00033C
	36-00033D
	36-00033E

$$0.61 \div 12 = 0.05 \text{ cfs per RIGHT}$$

⊗ Some rights will not have their conveyance loss identified in Decree.

CURRENT / BAR-S
DITCHES

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FEB 07 1993

CONVERSATION MEMORANDUM

NAME OF PARTY

FRANK HITCHCOCK

DATE

1-9-91

EMPLOYEE:

STEVE CLELAND

FILE

A36-11142RE: Basis of Claim:

Spoke with Frank and Allen Merrill about the Decree Right this claim should be based on. I may have the correct right with 36-00186 but legal issues are unclear from IDWR side. Frank was aware of the decree right but could not confirm it as the basis. We agreed to consult with IDWR attorneys for legal review and then inform Frank H. of needed actions.

(see memo dated 2-5-91)

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FEB 07 1993

CONVERSATION MEMORANDUM

NAME OF PARTY FRANK Hitchcock
EMPLOYEE: STEVE CLELLAND

DATE 2-5-91
FILE A36-11142

RE: PRIORITY DATE + ROOT WATER RIGHT.

We believed the WR # 36-00186 may have been the basis of Claim, however this water right is from the 1911 Decree and has been superseded by the 1932 Decree - No corresponding number could be found.

After reviewing the Ormsky letters, we concluded the water use was based on the water right being delivered by the pipeline i.e. 36-0015, -0016, -0017 + -0018. If that is the case three possibilities may have occurred:

① Basis of Claim is 36-00015.

then this claim will be a portion of that right and will reduce the claim A36-00015 by that portion.

② Beneficial Use with priority date after 1932 Decree.

Use was developed originally as part of 36-00015 but soon became independent of that right after the Decree.

③ Civil Matter.

Claimant was allowed use of the Decreed water for Easement of the said pipeline. No change is made in the Water Right or records so WR still belongs to final user (BUCKEYE FARMS CURRENTLY.) Since this is a Civil case no water right was established and claimant is at the discretion of final water users. Does a water Right Exist?

FURTHER LEGAL REVIEW NEEDED !!

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accepted
legal use
(in part)

Legal Review
concludes this
is not the case
It does not
say!

REMARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS **R36 - 11142**

AGENT

INITIALS *SCC*

DATE 8-3-92

[illegible]

DELETE "SHR"

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FEB 07 1993

RECEIVED

JAN 23 1979

APR 21 1989

Department of Water Resources
Southern Region Office

HEPWORTH, NUNGESTER & FELTON
Bank & Trust Building
Post Office Box 389
Twin Falls, Idaho 83301
Tel. No. 208-734-7510
Attorneys for Plaintiffs

Chapter No. _____
Case No. _____
Filed Jan. 22, 1979
Clerk
Deputy

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

* * * * *

JOHN W. JONES, JR., and DELORIS D.)
JONES, husband and wife; and W. A.)
SANDY and FLORENCE M. SANDY, husband)
and wife, dba, JONES AND SANDY)
LIVESTOCK,)

Case No. 16676

Plaintiffs,

vs.

RESERVOIR LAND COMPANY, INC., an)
Idaho corporation; KNAKE EYE LAND)
& CATTLE CO. and VIEJO MANAGEMENT)
CO.; dba BUCKEYE LAND CO.; BUCKEYE)
LAND CO.; CLIFFORD PETERSON; OMER E.)
LORANGER and BEVERLY B. LORANGER,)
husband and wife; WALLACE W. BATES)
and LOLEITA V. BATES, husband and)
wife; RICHARD P. SAUER and LUCILLE B.)
SAUER, husband and wife; SHELDON G.)
CARLETON and BARBARA S. CARLETON,)
husband and wife; EDNA M. (BELL) REA;)
STANLEY J. HOSKOVEC and BETTY)
HOSKOVEC, husband and wife; ALFRED)
H. COLE and PHYLLIS A. COLE, husband)
and wife; ELLIS & WEIR, INC., a)
domestic corporation; HAROLD V.)
WOLINE and LOIS C. WOLINE, husband)
and wife; FRED STURTEVANT and JOYCE)
E. STURTEVANT, husband and wife;)
and DOES I THROUGH V,)

STIPULATION OF FACTS

Defendants.

* * * * *

STIPULATION OF FACTS -1-

MICROFILMED

FEB 07 1993

1 COMES NOW the parties through their attorneys of
2 record and stipulate as follows:

3 WHEREAS, the Bar S ditch carrying water from Weatherby
4 Springs across Billingsly Creek consists of an open ditch and a
5 series of metal pipes;

6 WHEREAS, on or about 1960 or 1961, a steel pipe with
7 an outside diameter of 24 inches was welded near the mouth or
8 inlet portion of the pipe or siphon crossing Billingsly Creek;

9 WHEREAS, at all times since 1960 or 1961, to the
10 present date, this pipe or siphon has been restricted at its
11 inlet by a section or sections of metal pipe having an outside
12 diameter of 24 inches;

13 WHEREAS, the maximum flow discharge for said original
14 pipe or siphon at all times since 1960 or 1961 has been 325
15 miners inches of water; and,

16 WHEREAS four other reputed or alleged diverters of
17 water from the Bar S ditch downstream from said crossing at
18 Billingsly Creek have been discovered, who have not been named
19 in the above-entitled proceeding and who, therefore, cannot be
20 bound by any judgment, decree, adjudication or stipulation
21 entered in the above-entitled proceeding;

22 All parties, by and through their attorneys of record,
23 agree and stipulate: ~

24 1. (a) that plaintiffs shall continuously, and on
25 a year round basis, allow 325 miners inches of water from
26 Weatherby Springs to be delivered into the Bar S ditch from the
27 outlet of its fish hatchery operation upon the express condition

28 STIPULATION OF FACTS -2-

precedent that defendant Buckeye Land Company enclose on or before January 1, 1980, the existing open Bar S ditch with a suitable enclosed pipeline along the entire reach of said Bar S ditch located on the property presently owned by plaintiffs downstream from plaintiffs fish hatchery operation; or in the alternative,

(b) in the event said open ditch is not enclosed as set out in subparagraph (a) immediately above, that plaintiffs shall continuously allow 325 miners inches of water from Weatherby Springs to be delivered into the Bar S ditch from the outlet of its fish hatchery operation from March 1 until November 1 of each year, and plaintiffs shall continuously allow 200 miners inches of water from Weatherby Springs to be delivered into the Bar S ditch from the outlet of its fish hatchery operation from November 1 until March 1 of each year.

2. that the trial date scheduled for this matter be vacated to allow these individuals to be named so as to provide for a full adjudication of the water rights of all individuals diverting water along said stream;

3. that all other issues of law and fact not stipulated by the parties herein are reserved until the time of trial.

DATED this _____ day of January, 1979.

HEPWORTH, NUNGESTER & FELTON

By John C. Hepworth
John C. Hepworth for Plaintiffs

STIPULATION OF FACTS -3-

1 PARRY, ROBERTSON, DALY & LARSON

2 AND

3 BENOIT AND ALEXANDER

4
5 By *Robert Alexander*

6 Bob Alexander for Defendants
7 Buckeye Land Company and Reservoir
8 Land Company

9 CHURCH, CHURCH, & SNOW

10 By *Lawrence H. Church*

11 For Defendants
12 Ellis & Weir, Inc. *by Robert H. St. Louis*

13 JAMES HOBDEY & VARIN

14 By *Robert H. St. Louis*

15 For Defendants

16 Clifford Peterson; Omer E. Loranger
17 and Beverly B. Loranger; Wallace W.
18 Bates; Richard P. Sauer and Lucille B.
19 Sauer; Sheldon G. Carleton and Bar-
20 bara S. Carleton; Edna M. Rea;
21 Stanely J. Hoskovec and Betty
22 Hoskovec; and Alfred H. Cole.

23 O R D E R

24 IT IS SO ORDERED.

25 *1-22-79*

26 *151 Douglas D. Kramer*
27 District Judge

28 STIPULATION OF FACTS -4-

APR 27 AM 9:00

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GOODING

JOHN W. JONES, JR., and
DELORIS D. JONES, et al

Plaintiffs,

vs.

RESERVOIR LAND COMPANY, INC.,
et al,

Defendants.

CASE NO. 16676

MEMORANDUM OPINION

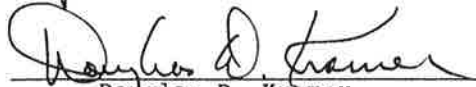
FILED 1980

The matter before the court is defendants' motion to amend the order of this Court dated January 22, 1979 incorporating a stipulation by all parties concerning their respective water rights in Weatherby Springs. The defendants' contend that their attorneys signed the stipulation under the mistaken impression that it called for 325 miner's inches of water to be delivered through the Billingsley Creek Siphon. In fact, the stipulation states that the water is to be delivered into the Bar S Ditch from the outlet of plaintiffs' fish hatchery operation. Though some comment was made at oral argument and in defendants' brief as to counsels' lack of authority to make the stipulation as worded, there is nothing in the affidavits filed with the Court to support that proposition. If there was a mistake in the formation of the stipulation it was unilateral, not mutual. Typically, a mutual mistake is required to make a contract voidable. Restatement, Contracts § 503. The stipulation explicitly deals with the problem of water loss in the Bar S Ditch. If the defendants place a suitable enclosed pipe line along the ditch by January 1, 1980 they are entitled to 325 miner's inches year round. If not, they are entitled to merely 200 inches from November 1 to March 1 of each year. The stipulation underscores the fact that the parties were well aware of the excessive water loss problem in the Bar S ditch at the time it was signed. It is well recognized in Idaho that only a reasonable loss in transport is allowed to the holder of a water right. Glenn Dale Ranches Inc. v. Shaub 94 Idaho 585, 494 P.2d 1029 (1972). The Court cannot believe that the dispute now before it centers around an amount of water which would constitute a reasonable loss. It must involve water substantially in excess of that amount. If so, the defendants are not entitled to the water under the Glenn Dale Ranches case. Accordingly, the Court sees no reason to exercise its discretion in favor of the defendants. The motion to alter or amend is denied. There appears no reason to order specific performance of the stipulation at this time.

RECORDED
FEB 07 1993

However, the Court will not hesitate to enforce its order should it be necessary to do so. No attorney's fees will be allowed.

Dated this 24 day of April, 1979.


Douglas D. Kramer
District Judge

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FEB 07 1993