

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 37-20456
Date Received: 8/30/2001
Receipt No: EC 24331
Received By: KKC

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

FLYING TRIANGLE INC Phone: (208)837-4926
PO BOX 180
HAGERMAN ID 83332

2. Date of Priority: 12/31/1881

3. Source: UNNAMED STREAM Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	16E	9	NW SW SE	CAMAS	Beginning Point
01N	16E	9	NE SW SW	CAMAS	Ending Point

5. Description of diverting works:

in stream stockwater use

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 1000

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01N	16E	9	SW SW	STOCKWATER	
			SE SW	STOCKWATER	
			SW SE	STOCKWATER	

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

STOCKWATER USE IS FOR 1000 COWS, 5000 SHEEP AND 25 HORSES
The source is locally known as Toones No 3

15. Basis of Claim: Beneficial Use

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 _____
_____ Organization, that I have signed the foregoing document in the
space below as _____ Title _____ of _____ Organization
and that the statements contained in the foregoing document are true and correct.

_____ Signature of Authorized Agent

_____ Title and Organization

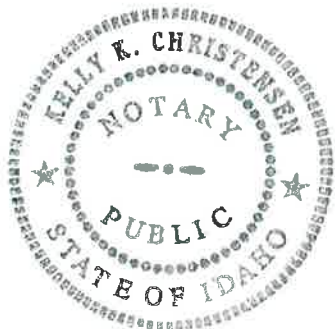
_____ Date

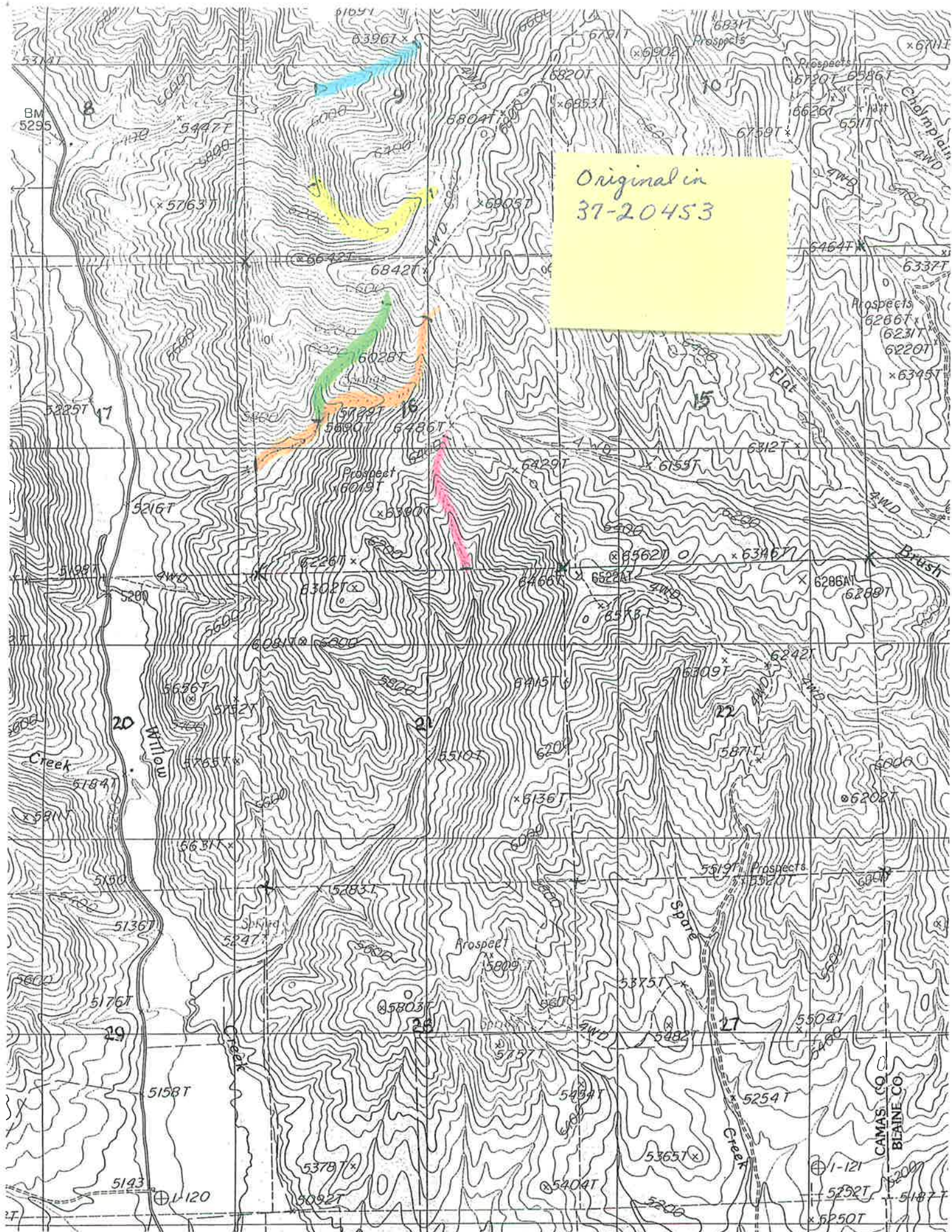
State of Idaho
County of _____ } SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 20__

_____ Notary Public

Residing at _____
My commission Expires _____





Original in
37-20453

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 37-20458

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Flying Triangle Inc Phone () _____

Mailing Address Po Box 180 Hagerman ID Zip 83332

2. Date of Priority (Only one (1) per claim) 1881

3. Source of water supply (a) unnamed stream #3 Toones
which is tributary to (b) Willow Creek

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

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

Township 1N Range 16E Section 9, NW 1/4 of SW 1/4 of SE 1/4,

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

ending point is: Township 1N Range 16E Section 9, NE 1/4 of SW 1/4 of
SW 1/4, Govt. Lot _____ B.M., County of CAMAS

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. in stream we

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 1-1 to 12-31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .02 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1000 cows 5000 Sheep 25 horses

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	
<u>1N</u>	<u>16E</u>	<u>9</u>											<u>S</u>	<u>S</u>			<u>S</u>		

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? CAMAS

12. Do you own the property listed above as place of use? Yes ☒ 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.
_____ or None ()

14. Remarks:

Last Name _____ Ident No. _____

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 SRBA)

A. Subcase 37-20456
(Insert water right number)

Case No. 39576)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

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

Daytime Phone: see below

Name & Address of Attorney, if any:

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

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

Name: Flying Triangle, Inc.; c/o William N. Brailsford

Address: P.O. Box 180; Hagerman, Idaho 83332

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

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

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☒ **Priority Date**
Should be: See attached.
5. ☒ **Point(s) of Diversion**
Should be: See attached.
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be: See attached.
9. ☒ **Place of Use**
Should be: See attached.
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

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

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of ADA)

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

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

Fredric W. Price
(Signature of person filing objection)

Dan F. CAP
(Attorney signing in representative capacity)

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

Linda C. Buck
Notary Public for State of Idaho
Residing at: Mountain Home, ID
My Commission Expires: 12-21-2011



INSTRUCTIONS FOR MAILING

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

G.

CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Flying Triangle, Inc.; c/o William N. Brailsford

Address: P.O. Box 180; Hagerman, Idaho 83332

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

3. Copies to:

IDWR Document Depository

P.O. Box 83720

Boise, ID 83720-0098

Chief, Natural Resources Division

Office of the Attorney General

State of Idaho

P.O. Box 44449

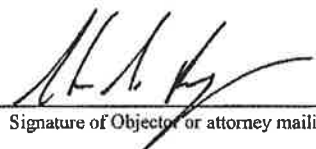
Boise, ID 83711-4449

United States Department of Justice

Environment and Natural Resource Division

550 West Fort Street, MSC 033

Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

12/02/2006

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

RIGHT NUMBER: 37-20456

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

SOURCE: UNNAMED STREAM

TRIBUTARY: WILLOW CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 12/31/1881

POINT OF

DIVERSION: T01N R16E S9 NESWSW End of Stream Flow Within CAMAS County
T01N R16E S9 NWSWE Begin of Stream Flow Within CAMAS County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: STOCKWATER in CAMAS County

T01N R16E S09	SWSW BLM	T01N R16E S09	SESW BLM
T01N R16E S09	SWSE BLM		

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

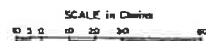
The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SAC SHDNE DISFECT SEC 3

MT PLAT



WARNING STATEMENT

This plot is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been effected by legal instruments of record or other holders of water. Refer to the cadastral surveys for official survey information.

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

[illegible]

1 07862 Det PL 167 (Act of Cong 7/23/1955)
Completed 6/22/1960. All PD surface Mont by BLY

1 CR561 Det PL 167 (Act of Cong 7/23/1955)
completed 9/14/1960. All PD surface Mgmt by BLU

Q1 258736 Natl Hist Trail
Historical information only, does not denote
public access

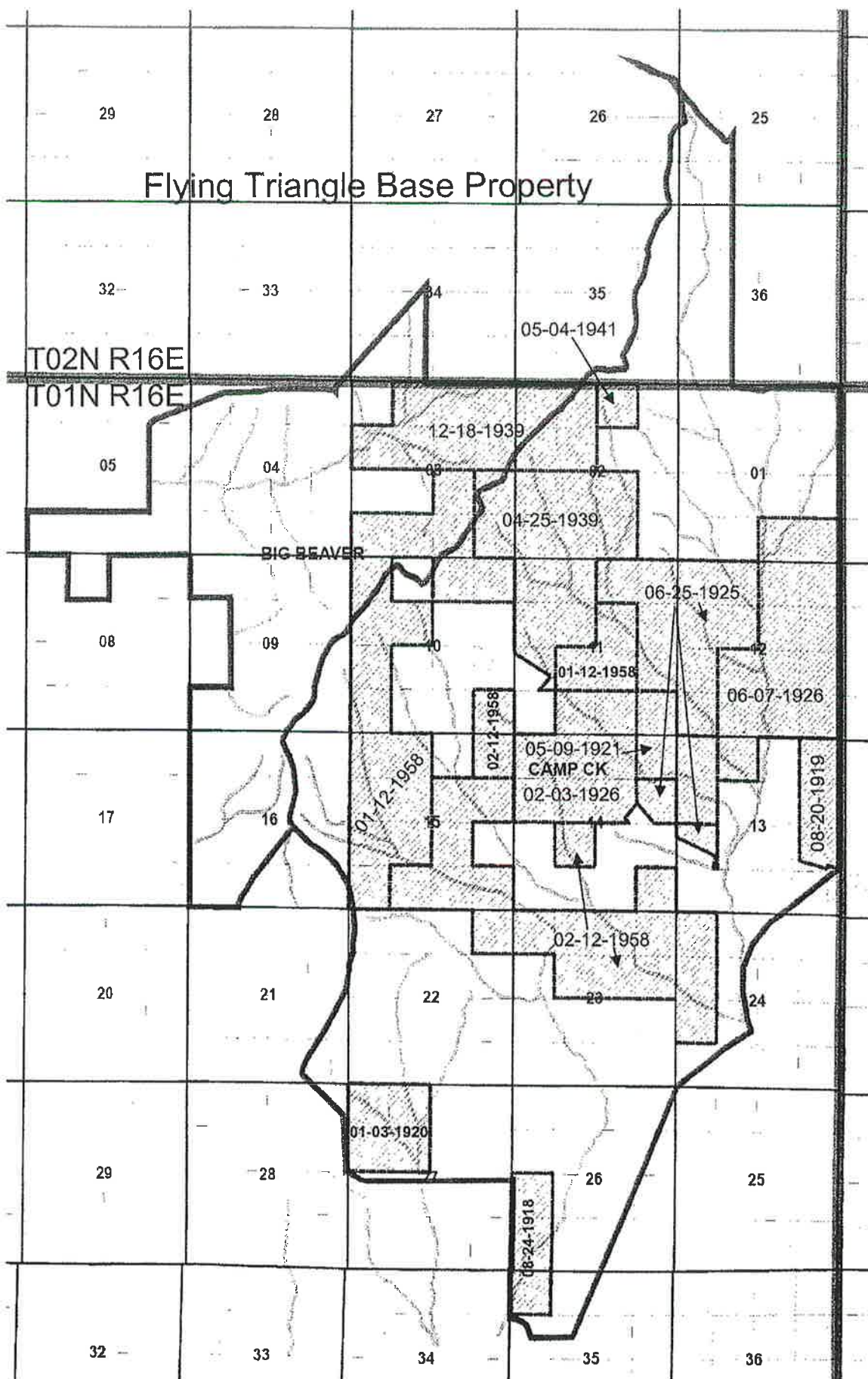
FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
1. J. L. 2. 4. 1957	

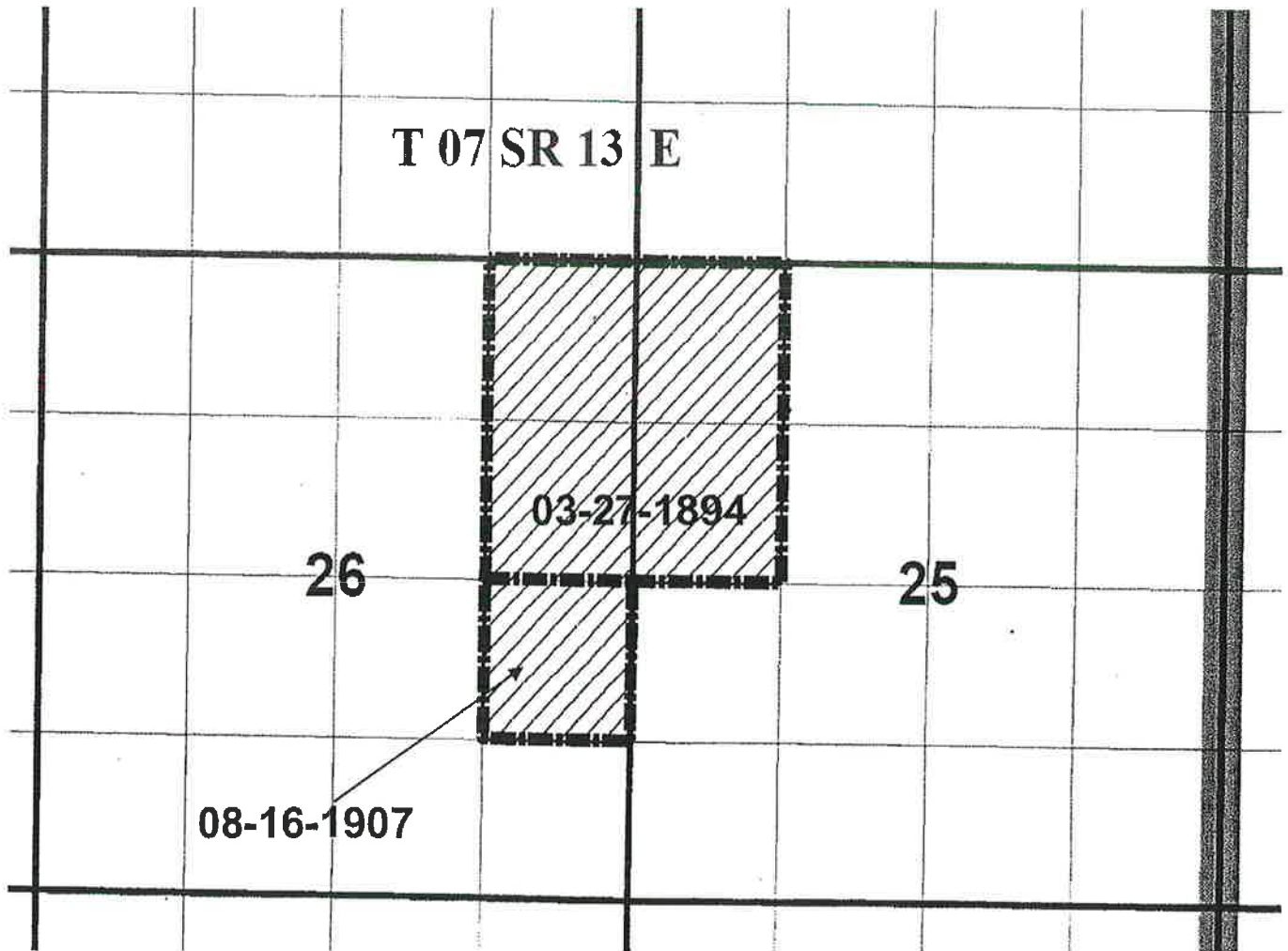
☐ USE PLATING

Future Work

T. IN.
R. 165.



Flying Triangle Base Property



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES[illegible][illegible]

EC 100-5-20; P. 5 Res 77 affects unsurveyed
land lying S Snake River in
Secs 34, 35

RM 0 9 27 1957 Opens to (nicely Sub) to Sec 4
 PAs Per 1 Res 77 SO 7/2/1910 Per 27/11/57
 1/1/57 1/1/57 0/1/57 1/1/57 1/1/57 1/1/57
 Sec 16 1957 23

1 12610 Sites P-1 6/11/1976
Sec 6 Lall 6,9, E,E,E,C,S
Sec 7: E,E,E,E,E
Sec 8: E,E,E,E,E
Sec 15 E,E,E,E,E
Sec 30 E,E,E,F,N,E,E,E,N,E,E,E

IDI 28150 FERC Pwr Proj, Wal 11020
See 2 NRG

ENLARGED DIAPHRAGM

33

FOR ORDER RECEIVING DISCARD OR
UNIDENTIFIED LAND REFER TO IN
MAY 1964 DOCUMENTS

CUERPO DE INGENIEROS

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

THE UNITED STATES OF AMERICA,

Deed of Land
CERTIFICATE
No. 236

To all to whom these Presents shall come, Greetings,

Whereas *Hannah J. Kennelly*, of *Idaho* County, *Idaho*

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

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

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

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

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

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

In testimony whereof *J. Grover Cleveland*

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

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

By the President: *Grover Cleveland*

M. M. Kear Secretary
Lechman Recorder of the General Land Office

Deed of Land
CERTIFICATE
No. 237

has deposited in the General Land Office of the United States a Certificate of the Recorder of the Land Office at *Hailey, Idaho*

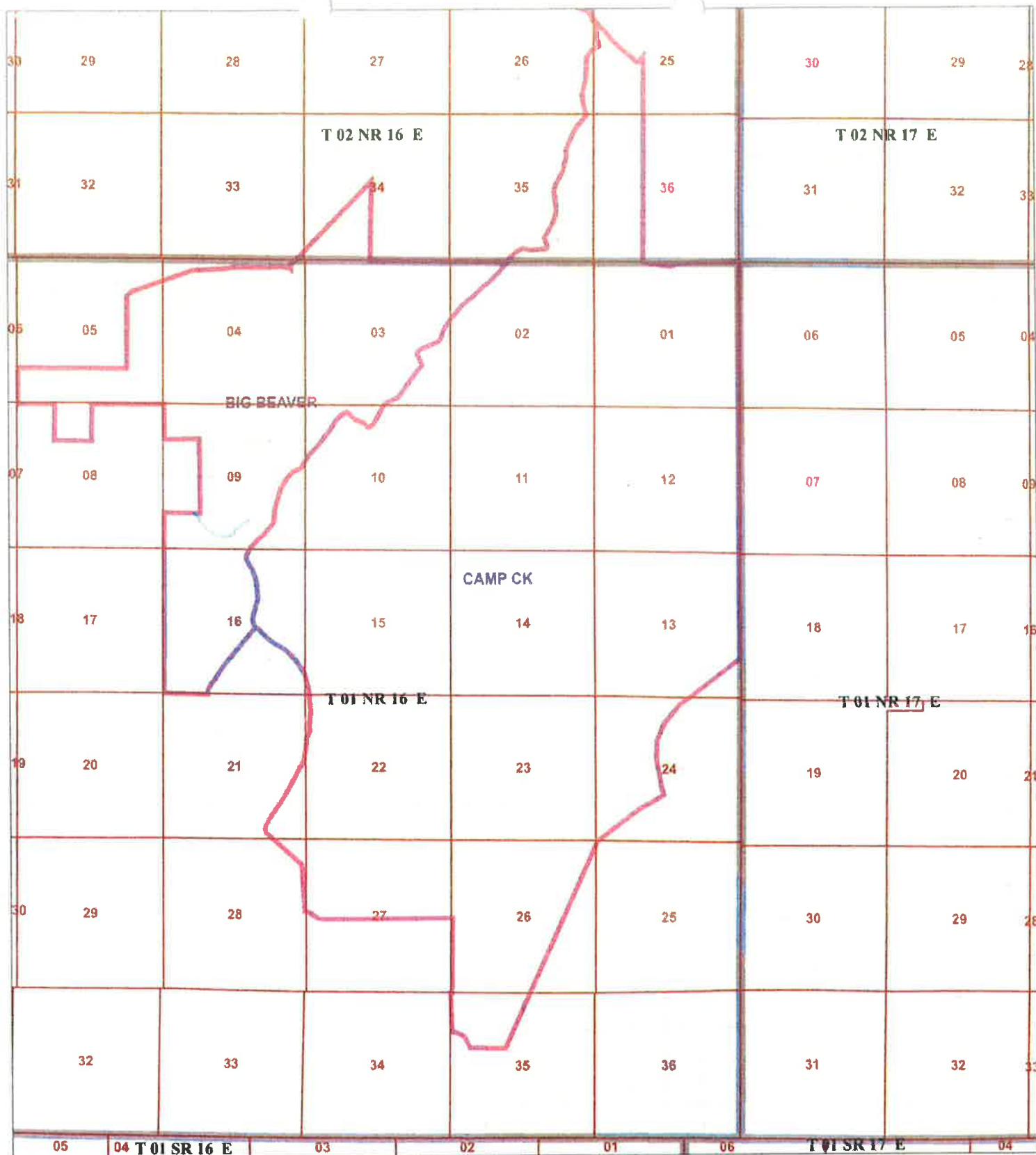
according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the *East half of the North East quarter of Section twenty-six and the West half of the North West quarter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

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

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

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

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



37-20456

01/27/2006

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

RIGHT NUMBER: 37-20456

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

SOURCE: UNNAMED STREAM TRIBUTARY: WILLOW CREEK

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

PRIORITY DATE: 12/31/1881

POINT OF DIVERSION:
T01N R16E S9 NESWSW End of Stream Flow Within CAMAS County
T01N R16E S9 NWSWSE Begin of Stream Flow Within CAMAS County

PURPOSE AND PERIOD OF USE:

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

PLACE OF USE: STOCKWATER Within CAMAS County

T01N R16E S09	SWSW	T01N R16E S09	SESW
T01N R16E S09	SWSE		

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use