

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 37-20472
Date Received: 8/31/2001
Receipt No: JC 2433/
Received By: KRC

**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: BEAVER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	16E	4	SW NE NW	CAMAS	Beginning Point
01N	16E	5	NE NE SE	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 COWS, 5000 SHEEP AND 25 HORSES

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01N	16E	4	NE NW	STOCKWATER	
			NW NW	STOCKWATER	
			SW NW	STOCKWATER	
01N	16E	5	NE 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

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 Secretary of

Flying Triangle, Inc. that I have signed the foregoing document in the
Organization space below as Secretary of Flying Triangle, Inc.
Title Organization

and that the statements contained in the foregoing document are true and correct.

W. D. Brinkley
Signature of Authorized Agent

Secretary of Flying Triangle, Inc.
Title and Organization

Sept 28, 2001
Date

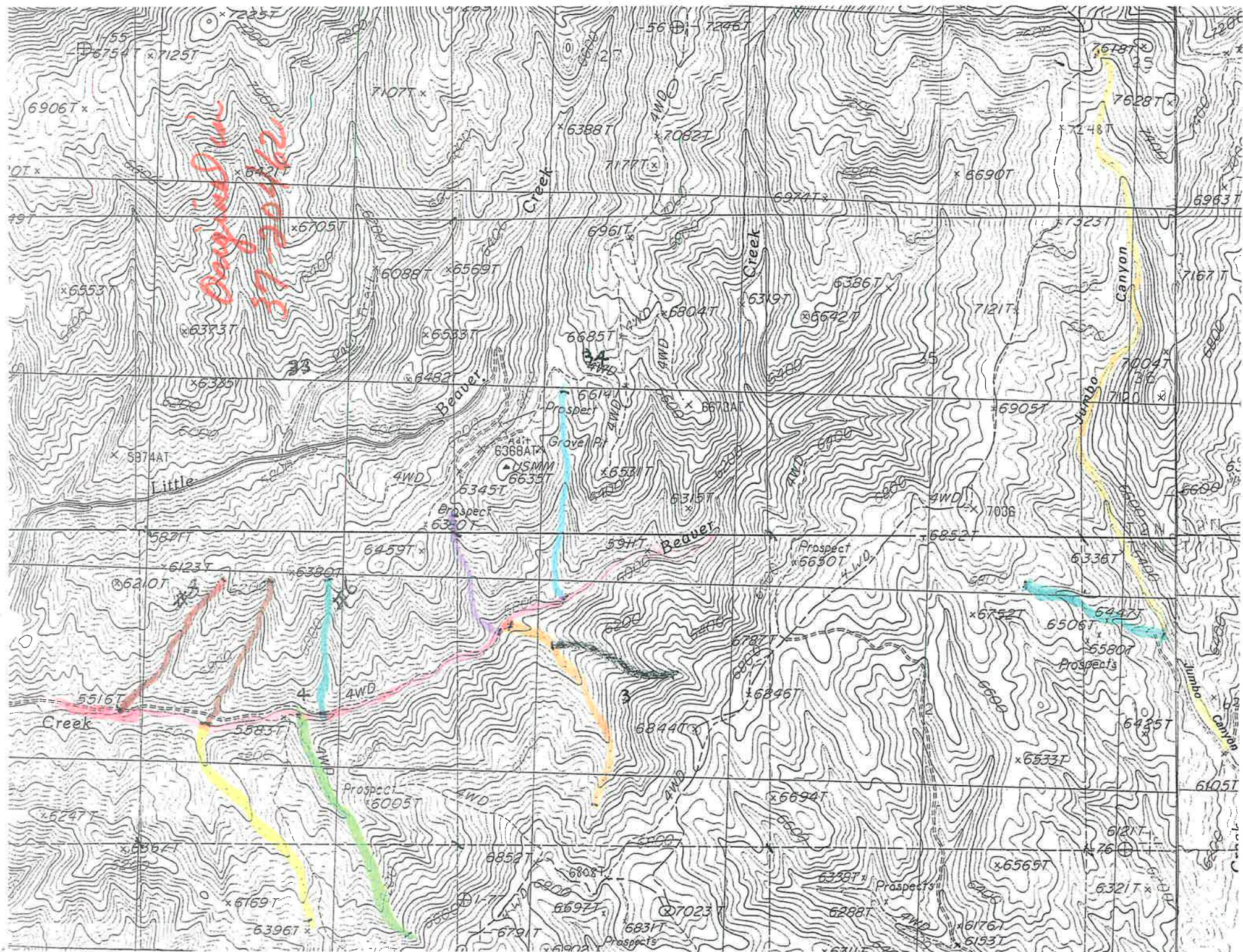
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 28th day of Sept 2001

Kelly K. Christensen
Notary Public

Residing at Twin Falls
My commission Expires 3-11-04





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

Date Received

Receipt Number

37-20472

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Place type or print clearly

1. Name of Claimant (s) Flying Triangle, Inc Phone (208) 837-4926

Mailing Address Po Box 180 Hagerman ID Zip 83332

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

3. Source of water supply (a) unnamed stream #8
which is tributary to (b) Beaver 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 1 N Range 16 E Section 4 . SW 1/4 of NE 1/4 of NW 1/4.

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

ending point is: Township 1 N Range 16 E Section 5 . NE 1/4 of NE 1/4 of

SE 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 use

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:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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
			NE 1/4	EN 1/4	EW 1/4	SE 1/4	NE 1/4	EN 1/4	EW 1/4	SE 1/4	NE 1/4	EN 1/4	EW 1/4	SE 1/4	NE 1/4	EN 1/4	EW 1/4	SE 1/4	
1N	16E	4					S	S	S										
1N	16E	5												S					

Total number of acres irrigated _____

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

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:

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

Case No. 39576

A. Subcase 37-20472
(Insert water right number)

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)

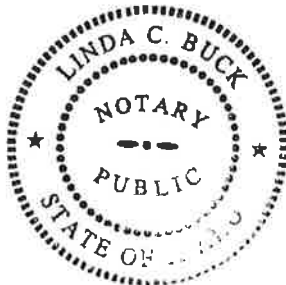
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

Debra F. Carr
(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:

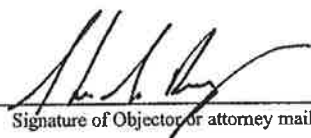
Name: Flying Triangle, Inc.; c/o William N. Brailsford
Address: P.O. Box 180; Hagerman, Idaho 83332
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

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: 37-20472

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

SOURCE: UNNAMED STREAM

TRIBUTARY: BEAVER 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 S4 SWNENW Begin of Stream Flow Within CAMAS County

T01N R16E S5 NENESE End of Stream Flow Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER in CAMAS County

T01N R16E S04

NENW BLM

T01N R16E S04

NWNW BLM

T01N R16E S04

SWNW BLM

T01N R16E S05

NESE BLM

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

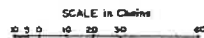
The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

SYNOPSIS DISTRICT SEC 3

MT PLAT



WARNING STATEMENT

This plan 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 lateral encroachments of rivers or other bodies 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 Der PL 167 (Act of Cong 7/23/1955).
completed 6/22/1960. All PD surface Mgmt by ELM

1 CB561 Del PL 167 (Act of Cong 7/23/1955)
completed 9/14/1960. Air PD surface light by ALM

DOI 258736 Natl Hist Trail

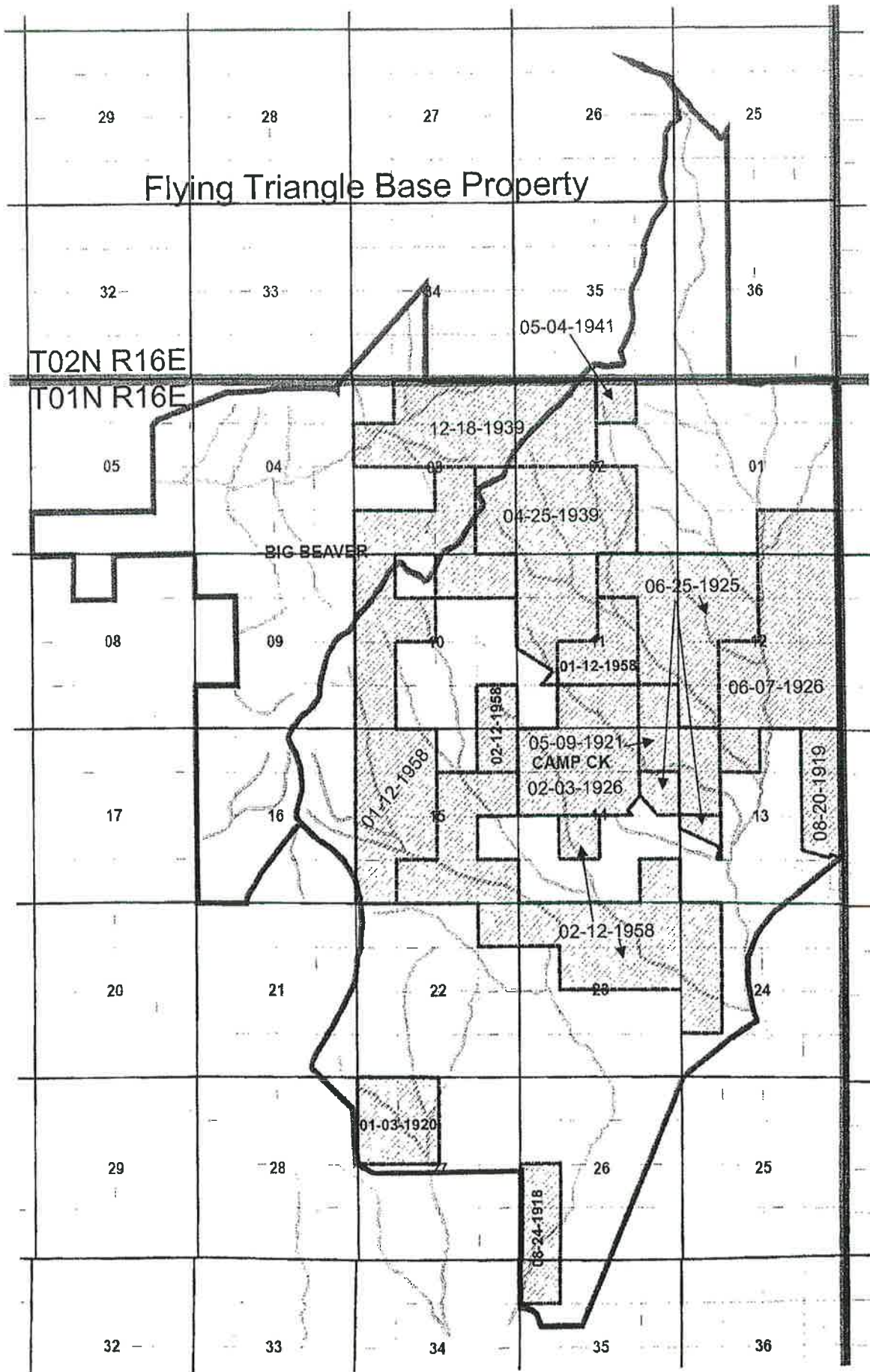
Historical information only, does not denote
public access

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

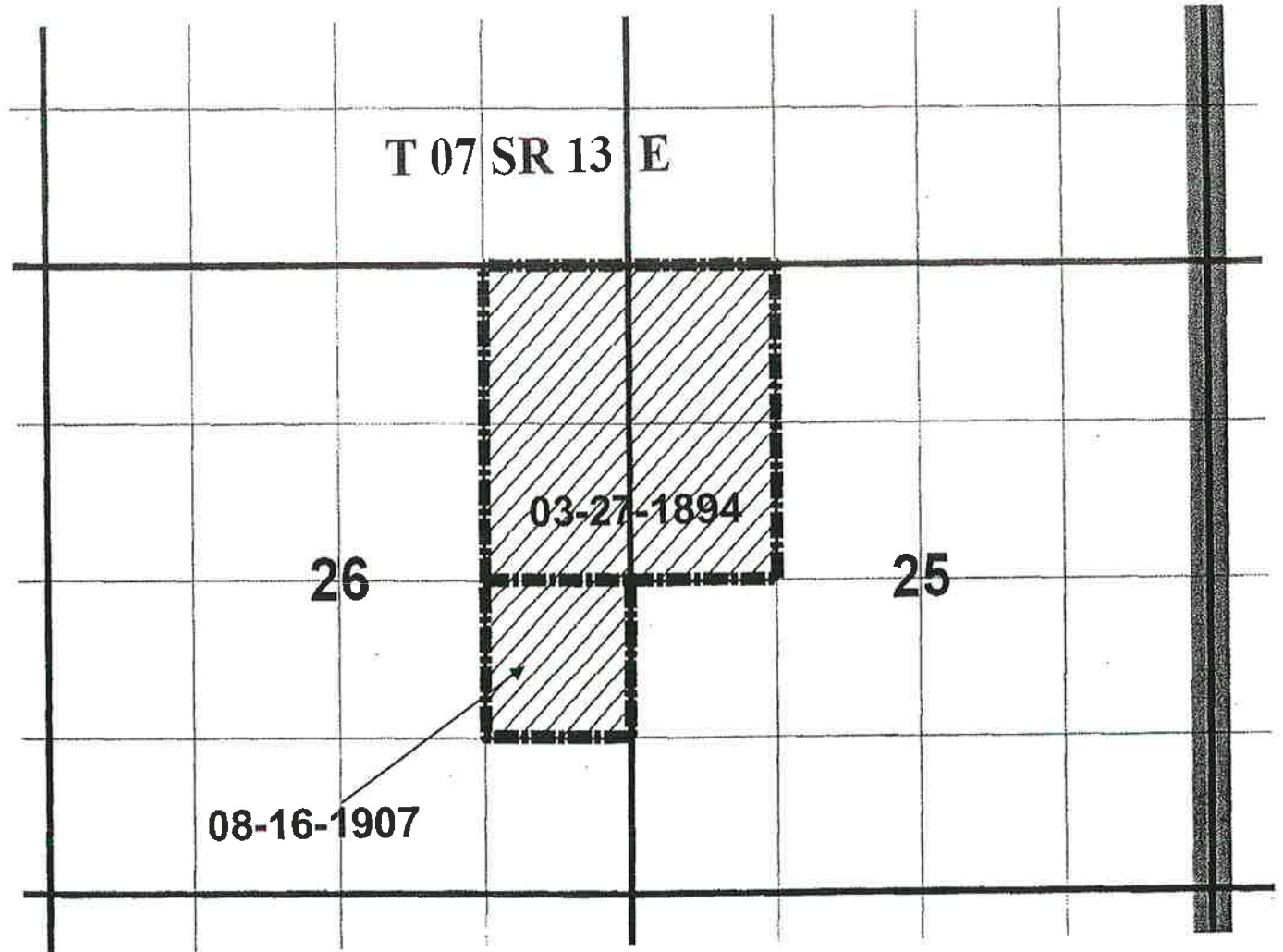
CURRENT TO	CURRENT TO
10-1-89	
USE PLATE:	

Figure 3

T. 161
R. 165



Flying Triangle Base Property



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

INDEX TO SEGREGATED TRACTS

REPORT NO. _____ DATE _____

SUBJECT _____

BY _____

REVIEWED BY _____

APPROVED BY _____

DISTRICT OFFICE _____

FBI - MEMPHIS

EC = 11111111 201 B₀ = 5 Res 77 affects measurement
land lying S Snake River in
Secs 34, 35

[illegible]

1. TROID Silver Act 8/17/1976
Sec 6, Latt 8,9, CPE, C, S;
Sec 7: ENEISEJ
Sec 8: ENEISEJ
Sec 9: ENEISEJ
Sec 10: ENEISEJ, ENEISEJ

FD-28(50 FERC) Pat. Proj. Wdr. 11020
Sec. 2 MBB

ENLARGED DIAGRAM

33

FOR PURPOSES EXCEPTING DISEASE, NO USE OF
UNIDENTIFIED LAND NEEDED TO INDEX OF
MINE, LARSEN, DOTTEN, U.S.

[illegible]

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,

To all to whom these Presents shall come, Greeting:

West Land
CERTIFICATE
No. 234

Whereas *Nannah J. Kennelly*, of *Marias County, Idaho*

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at *Boise, Idaho* whereby it appears that full payment has been made by the said

Nannah J. Kennelly

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act granting further provisions 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-five 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 *Nannah J. Kennelly*

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

and to her heirs, the said Tract above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereto belonging, unto the said *Nannah 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 eighteenth

By the President: *Grover Cleveland*

M. McKean Secretary
L. Schamar Recorder of the General Land Office

West
CERTIFICATE
No. 234

In I appear
at *Boise*
Idaho

Act of Cong.
Lands," as
said
twenty
four

according to
General, as

An
usual Acts,
unto the said
and to her
with off the
Van

vested and a
used in conn.
of courts, an
must be for
lands hereby

01/30/2006

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

RIGHT NUMBER: 37-20472

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

SOURCE: UNNAMED STREAM TRIBUTARY: BEAVER 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 S4 SWNENW Begin of Stream Flow Within CAMAS County
T01N R16E S5 NENESE End of Stream Flow Within CAMAS County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: STOCKWATER Within CAMAS County

T01N R16E S04	NENW	T01N R16E S04	NWNW
T01N R16E S04	SWNW	T01N R16E S05	NESE

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