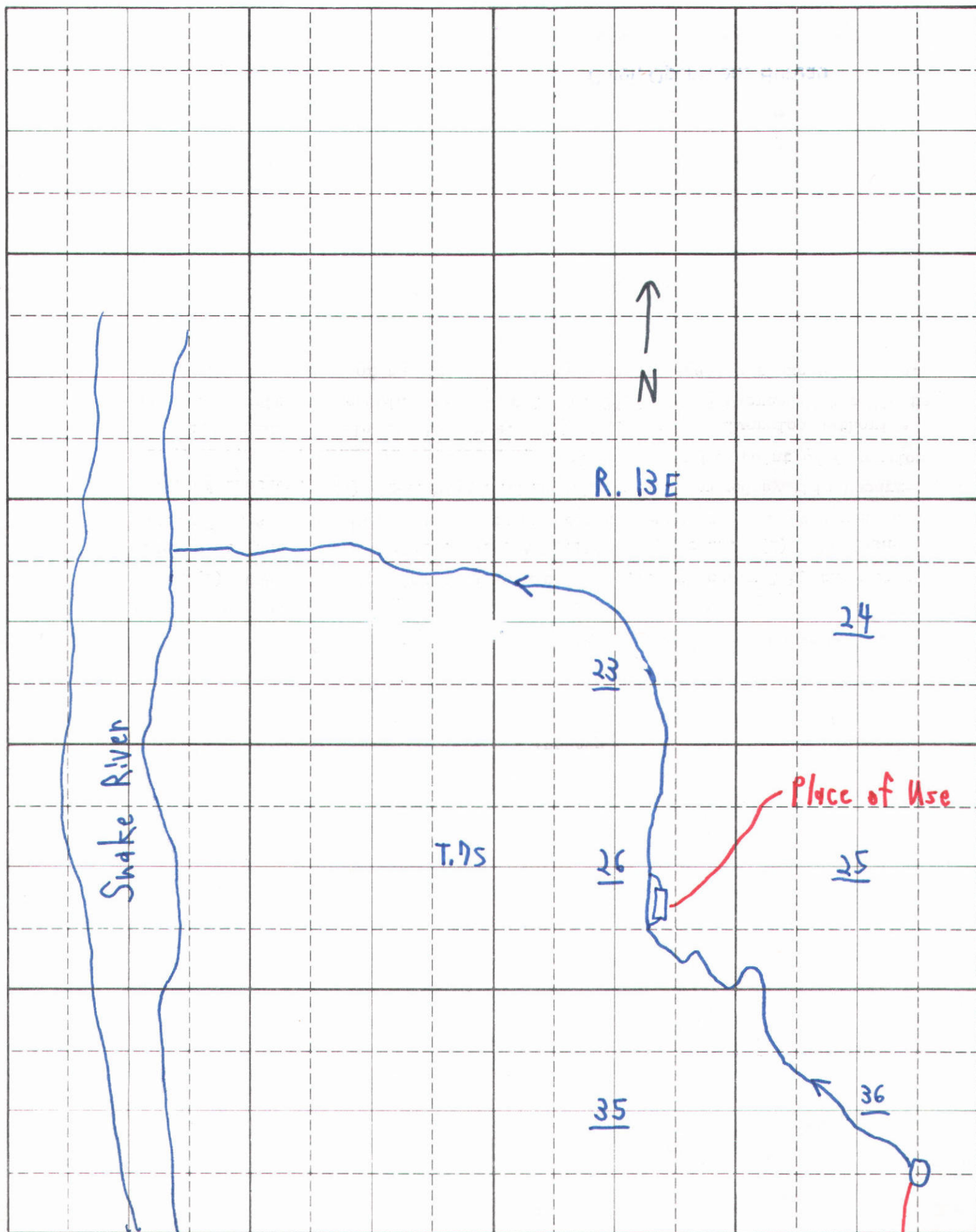


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Flying Triangle, Inc.

W. H. Bradford
(Applicant)

Points of
Diversion

Sec. 26

Settlement Pond

Proposed Fish Pond
Flying Triangle, Inc.
Hagerman, Idaho

2 Sections = Each 16 ponds
Each pond approx 175' Long -
50' wide - 4' deep
Sediment pond probable
for cleaning effluent

Ponds

← Roads

Diversion Structure

→ Big Bend Ditch

MICROFILMED

TAX COLLECTOR'S RECEIPT
GOODING COUNTY, IDAHO

1976

Nº 3570

Flying Triangles, Inc.
% W. N. Brallsford
Hagerman, Idaho 83330

Sec 26 T 7 R 13
E1NE1, V1E1S1, T1X 1

PERSONAL CHECKS ACCEPTED
SUBJECT TO BANK CLEARANCE

ALL CHECKS AND DRAFTS
SHOULD BE MADE PAYABLE TO

DORIS O. ROBERTSON
Gooding County Tax Collector
County Courthouse
Gooding, Idaho 83330

A CHECK MARK INDICATES DELINQUENT TAXES	
1973	
1974	
1975	

MARKET VALUE	DISTRIBUTION OF GENERAL TAXES					TOTAL TAXES	
	STATE	CITY	SCH. DIST.	CEMETERY	HIGHWAY	AMOUNT	CODE
54,069	.64		307.00	7.61	86.52	699.13	7
	243.15	52.81	1.40			18.00	6
	DISTRIBUTION OF GENERAL TAXES						
	COUNTY	FIRE	REG. AIRPORT				

LESS: EXEMPTION

TOTAL TAX DUE

717.13

SPECIAL CODE	
1-Weed Eradication	
2-Am Falls #1	
3-Gooding Irrig.	
5-Wendell Irrig.	
6-TV	

PENALTY	
TAX & PEN.	
INTEREST	
TOTAL	

MICROFILMED

AFFIDAVIT of PUBLICATION

RECEIVED

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

State of Idaho, }
County of Gooding } SS.

DEC 15 1977

Department of Water Resources
Southern District Office

Notice is hereby given that Flying Triangle, Inc., Hagerman, ID. 83332 has on

11/10/77 submitted Application No. 36-7762 for a permit to appropriate 30.0 cubic feet per second of water from Upper & lower Tucker Spr. via Big Bend Ditch by means of Big Bend Ditch, head-gate & ditch into ponds, settling pond within the NE¹/₄SE¹/₄, NW¹/₄SE¹/₄, SW¹/₄SE¹/₄, SE¹/₄SE¹/₄, Sec. 36, Twp. 7S, Rge. 13E., B.M., Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation (15cfs Upper Spr.) and from Jan. 1 to Dec. 31 for fish propagation (15cfs Lower Spr.) within the NW¹/₄SE¹/₄, Sec. 26, Twp. 7S, Rge. 13 E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before December 19, 1977.

/s/ C. Stephen Allred
Director

Pub: 12-1, 8

Kim R. Rumpston being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 6 day of December

1977, and the date of the last publication was on the 8

day of December, 1977.

Kim R. Rumpston

Subscribed and sworn to before me this 8

day of December, 1977.

(SEAL)

Barbara V. Vaita

NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 44

Number of Insertions 2

Lines tabular at 315c

Lines straight at 44 21c 9.24

Subsequent lines at 44 15c 6.60

TOTAL COST 15.84

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

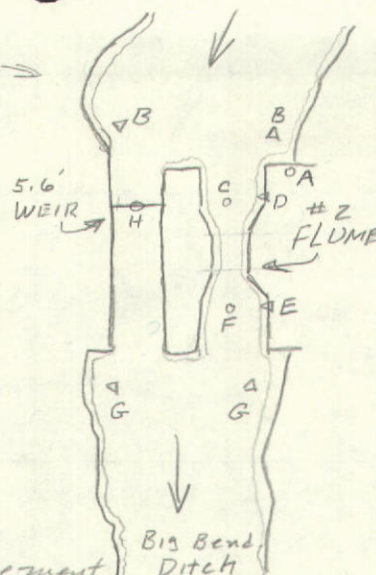
7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

22697

N^o 1460

MICROFILM

Point	HI = 10 FT		Diagram Symbol →
	ROD	ELEV	
B.M. - Flume Abutment	5 ⁸¹	4.19	OA
UPstream Water Surface	6 ⁹⁸	3.02	ΔB
Bottom of Flume - UPstream	9 ⁰⁶	.94	OC
W.S. in Flume - UPstream	7 ⁰⁸	2.92	ΔD
W.S. in Flume - DOWNstream	7 ¹⁶	2.84	ΔE
Bottom of Flume - DOWNstream	9 ¹⁰	.90	OF
DOWNstream W.S.	7 ¹⁴	2.86	ΔG
Well Ctest	8 ⁴⁵	1.55	OH



Flume

Flume is a No 2 Trapezoidal flume as described in IDWR Water Measurement Manual. Due to flat ditch gradient, the flume operates at a high degree of submergence.

$$\text{UPstream gage ht.}, h_1 = 2.92 - .94 = 1.98 \text{ ft}$$

$$\text{DOWNstream gage ht.}, h_2 = 2.84 - .90 = 1.94 \text{ ft}$$

$$\text{Submergence} = \frac{h_2}{h_1} = \frac{1.94}{1.98} = .98 \text{ or } 98\%$$

From Fig. 9, Water Measurement Manual, $Q/Q_0 = .68$

From Table 8, " " " Q_0 for $h_1 = 1.98$ is 28.37 cfs

$$\underline{Q} = (.68)(28.37) = \underline{19.29 \text{ cfs}}$$

Well

The well is a Suppressed Rectangular well with $L = 5.6$ ft, operating submerged.

$$\text{UPstream Head} = 3.02 - 1.55 = 1.47 \text{ ft}$$

$$\text{DOWNstream head} = 2.86 - 1.55 = 1.31 \text{ ft}$$

Analysis by method of Chapter II-25, USBR Water Measurement Manual:

$$\frac{d}{H} = \frac{1.31}{1.47} = .89, \Rightarrow C' = .453 \text{ (Table 13, USBR Manual)}$$

$$Q_0 = (3.33)(5.6)(1.47^{\frac{3}{2}}) = 33.24 \text{ cfs}$$

$$\underline{Q} = C'Q_0 = (.453)(33.24) = \underline{15.06 \text{ cfs}}$$

Total Flow

$$\begin{aligned} \text{Total flow in Big Bend Ditch available to} \\ \text{Permit 36-7762} &= Q_{\text{well}} + Q_{\text{flume}} = 19.29 \\ &+ 15.06 \\ &= \underline{34.35 \text{ cfs}} \end{aligned}$$

APPROVED
 APR 08 1993

WEIR AT THE INLET OF TUCKER SPRINGS



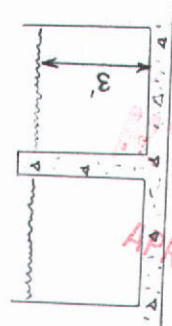
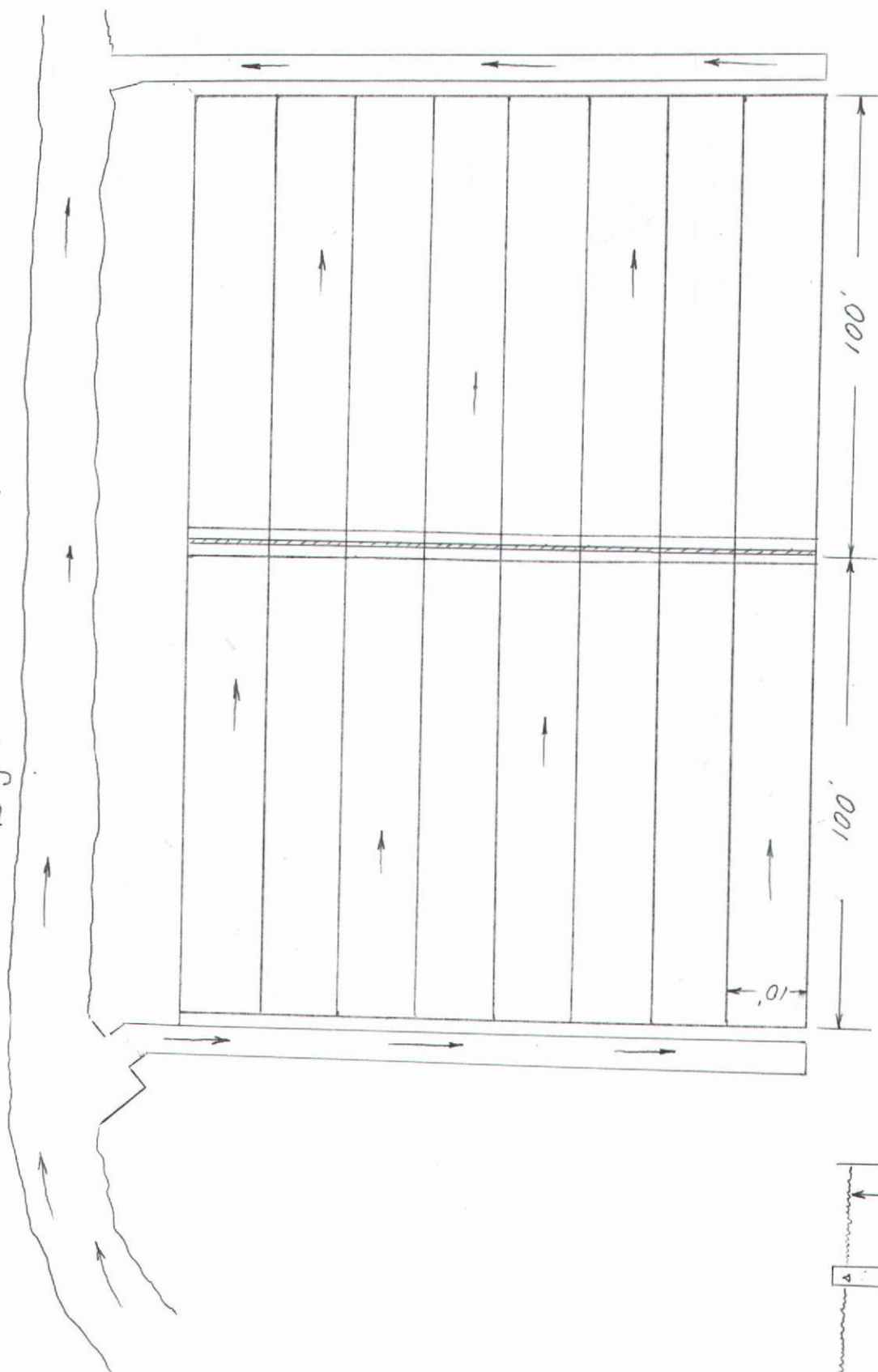
DIVERSION STRUCTURE AT BIG BEND DITCH
TO THE FISH PONDS.



APR 08 1993

Flying Triangle Inc. Fish Ponds

Big Bend Ditch



APR 08 1993

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

TWIN FALLS, IDAHO 83301

NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS

Indicate type of mail:

☐ REGISTERED	☐ REGISTERED
☐ C.O.D.	☐ CERTIFIED

Affix stamp here if issued a certificate of mailing or for additional
 copies of this bill.
 POSTMAN AND DATE OF RECEIPT

36-7762- Flying Triangle, circ

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	PER	PER	ACTUAL VALUE	HANDLING CHARGE	REMARKS
1	017 W. T. Swailsport	15	80	45			
2	018 John Swailsport - atty	15	80	45			
3	019 John Swailsport - atty	15	80	45			
4	020 John Swailsport - atty	15	80	45			
5							
6							
7							
8							
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11							
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15							
16							
17							
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19							
20							

TOTAL NO. OF PIECES LISTED BY SENDER

TOTAL NO. OF
PIECES REC'D AT P.O.

POSTMASTER, PER (Name of receiving employee)

*Show under "Remarks" class postage paid if other than in international.

PS Form 3877, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail.)

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

Name and
Address
of Sender

Indicate type of mail:

☐ REGISTERED ☐ REGISTERED
☐ C.O.D. ☐ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional
copies of this bill.
POSTMARK AND DATE OF RECEIPT

re: 36-7762 - flying triangle

MICROFILMED

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	REST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	714 W. M. Bradford	15	60	25				
2	715 John Reschalt -	15	60	25				
3	716 Mr. W. Stevens	15	60	25				
4	717 Bill Webb - ida fish + game	15	60	25				
5	718 John Nelson - atty. Gen. f + g.	15	60	25				
6								
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15								
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17								
18								
19								
20								

TOTAL NO. OF PIECES
LISTED BY SENDER

TOTAL NO. OF
PIECES REC'D AT P.O.

POSTMASTER, PER (Name of receiving employee)

*Show under "Remarks" class postage paid if other than first or
if international

PS Form 3877, Dec. 1973

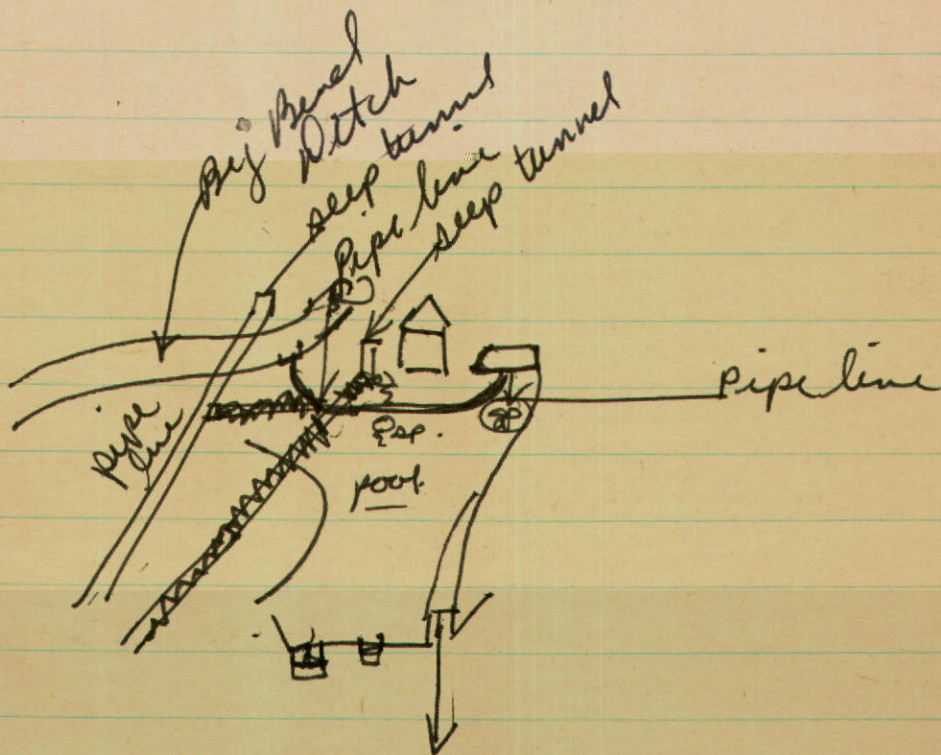
APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

* U. S. GOVERNMENT PRINTING OFFICE: 1974-0-529-726

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

Claim 1941 pri -
 Big Bend above Goose pond - 16. C.F.S.
 Overturn was const. when ditch was
 const. 1973 filed (Big Bend Inc co filed
 for 30-35 C.F.S.
Len Lewis 10.5 C.F.S. fed fish hotel.



question where is upper & lower truck sp.

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07762

Priority: November 10, 1977

Maximum Diversion Rate: 30.00 CFS

Maximum Diversion Volume: 21614.4 AF

This is to certify, that FLYING TRIANGLE INC
RT 1

HAGERMAN ID 83332 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 10, 1977; and has submitted Proof of Beneficial Use on September 8, 1980. An examination indicates that the works have a diversion capacity of 34.350 cfs of water from:

UPPER TUCKER SPRINGS tributary to SNAKE RIVER
LOWER TUCKER SPRINGS tributary to SNAKE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	30.00 CFS	21614.4 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSESE , Sec. 36, Township 07S, Range 13E
SWSESE , Sec. 36, Township 07S, Range 13E
GOODING County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

07S 13E 26 NWSE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

RECORDED

APR 08 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07762

CONDITIONS/REMARKS:

7. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
8. The maximum combined rate of diversion under this right & all other appurtenant rights shall not exceed 35.0 cfs.
9. Use of water under this right shall be non-consumptive.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this _____
day of _____, 19____.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 36-07762 IN THE NAME	)	ORDER REMOVING LOCKABLE
	)	DEVICE REQUIREMENT
OF FLYING TRIANGLE INC.	)	
_____	)	

WHEREAS, on July 8, 1981, the Department of Water Resources issued an Order on Permit No. 36-07762 in the name of Flying Triangle Inc. with the requirement that:

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

and,

WHEREAS, the Department of Water Resources has determined that a lockable controlling works is not required at this time for a determination of the quantity of water appropriated under the permit;

NOW THEREFORE, the condition of approval on Permit No. 36-07762 requiring that a measuring device and lockable controlling works is revised so that the lockable controlling works requirement is hereby REMOVED.

Dated this 29th day of February, 1993.



L. GLEN SAXTON
Chief, Water Allocations Bureau

APR 08 1993

Identification No. _____

Application No. 36-7762

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Flying Triangle, Inc. Phone: 837-4926 or 837-4715
post office address Route 1, Hagerman, Idaho 83332
via Big Bend Ditch

2. Source of water supply Upper & Lower Tucker Spr. which is a tributary of Snake River

3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36 Township 7S
Range 13E B.M. Gooding County; additional points of diversion if any: _____
NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36 T. 7S R. 13E (see Remarks)*
* Per conversation with applicant 1/11/79 J.J.

b. If water is not consumed, it will be discharged into Big Bend Ditch at a point in NW $\frac{1}{4}$
of SE $\frac{1}{4}$ of Section 26 Township 7S Range 13E B.M. _____

4. Water will be used for the following purposes:

Upper Spring amount 15cfs for fish prop. purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Lower Spring amount 15cfs for " " purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 30.0 cubic feet per second and/or

b. _____ acre feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. existing Big Bend Ditch, head gate
and ditch into ponds, 32 175' X 50' dirt ponds, settling pond.

b. Height of storage dam _____ feet active reservoir capacity _____ acre feet total reservoir _____

capacity _____ acre feet, materials used in storage dam: _____

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.

b. Estimated construction cost is \$ 24,000.

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26 Township 7S
Range 13E B.M.

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: commercial fish propagation

MICROFILMED

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above. _____

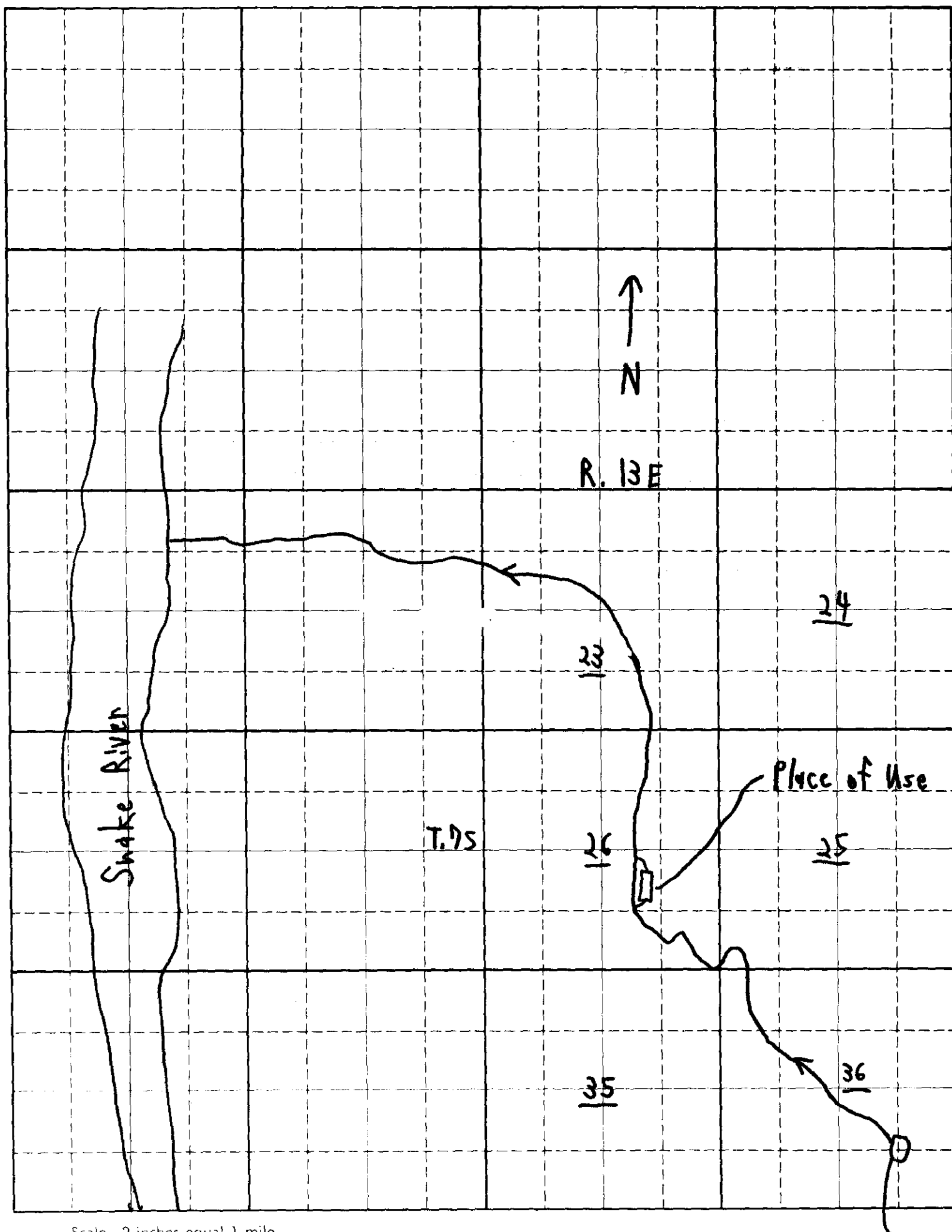
9. a. Who owns the property at the point of diversion State of Idaho

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Transportation of water via Big Bend Irrigation & Mining Co. ditch right-of-way. By agreement with said Big Bend Irrigation & Mining Co.

10. Remarks This water is used for irrigation during irrigation season, and for other purposes the rest of the year under License 36-⁷²³⁷~~2007~~^{3.7}. This filing will ~~interfere~~ not interfere with established water rights. Water will go back into Big Bend Ditch after leaving fish ponds. Rate of diversion will not exceed 35.0 cfs when combined with decreed rights from the same source to Big Bend Irrig. & Mining Co. in the case of New International Mortgage Bank vs Idaho Power Co. Entire flow of Tucker Springs is collected in head box at upper end of Big Bend Ditch. ~~Exact legal description of point of diversion is not known.~~ J.T.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Points of Diversion
 Flying Triangle, Inc.
 W. H. Bradford Sec. Treas.
 (Applicant)

Proposed Priority 11-10-77

Received by JA Date 11-10-77 Time 11 am
Preliminary check by ADM Fee \$ 265.00
Receipted by JA Date 11-10-77 # 7428
Publication prepared by JA Date 12/16/77
Published in Booming St. Leader
Publication dates 12/1 & 12/8/77
Publication approved JA Date 12/16/77
Priority reduced to _____ Reason _____

Protests filed by: Ed & Nance; R. St. Stevens
withdrawn by letters
Copies of protests forwarded by Sm 12/20/77
Hearing held by _____ Date _____
Recommended for approval denial by JA JS.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 36-7762, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1984.
- c. Other: (1) Use of water under this permit is subject to control by the water-master of State Water District No. 36A, Billingsley Creek. (2) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (3) Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge. (4) The rate of diversion authorized by this permit when combined with Permit No. 36-7237 and Decreed Water Rights from the same source of the Big Bend Ditch Company, shall not exceed 35 cfs.

Settlement Pond

Proposed Fish Pond
Flying Triangle, Inc.
Hagerman, Idaho

2 Sections = Each 16 ponds
Each pond approx 17' long
50' wide - 4' deep
Sediment found, probable
for clearing off bank

Ponds
Roads

Diversion Structure

Big Bend Ditch

MINUTEMAN



TAX COLLECTOR'S RECEIPT
GOODING COUNTY, IDAHO

1976

N^o 1070

PERSONAL CHECKS ACCEPTED
SUBJECT TO BANK CLEARANCE

ALL CHECKS AND DRAFTS
SHOULD BE MADE PAYABLE TO

Wm. E. ROBERTSON
Gooding County Tax Collector
County Courthouse
Gooding Idaho 83030

A CHECK MARK INDICATES DELINQUENT TAXES	
1973	
1974	
1975	

Flying Triangles, Inc.
% W. N. Brailsford
Hagerman, Idaho 83030

Sec 26 T 7 R 13
EINEI, VEI:00 TAX

MARKET VALUE	DISTRIBUTION OF GENERAL TAXES					EQUALIZED VALUATION	TOTAL TAXES	
	STATE	CITY	SCH. DIST.	CEMETERY	HIGHWAY		AMOUNT	CODE
54,069	.64		307.00	7.61	86.52	9,057	699.13	7
	243.15	52.81	1.40				18.00	6
COUNTY					FIRE	REG. AIRPORT		
DISTRIBUTION OF GENERAL TAXES								
					LESS: EXEMPTION			
					TOTAL TAX DUE			
					717.13			

SPECIAL CODE

1-Weed Eradication

2-Am Falls #1

3-Gooding Irrig.

4-Wendell Irrig.

5-TV

PENALTY

TAX & PEN.

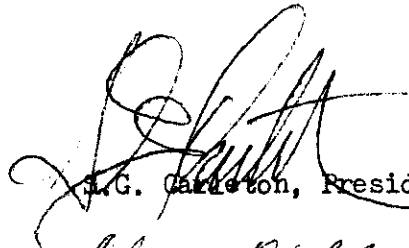
INTEREST

TOTAL

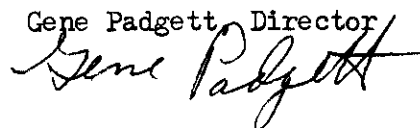
Big Bend Mining & Irrigation Company
Hagerman, Idaho
14 November 1977

To Whom it May Concern:

The Board of Directors of the Big Bend Mining & Irrigation Company of Hagerman, Idaho are amenable to the proposition of using the company's canal system to deliver water for fish propagation to the property known as the Brailsford Ranch in Hagerman Valley and adjacent to the company's canal. The Acceptance of this proposition by the Board of Directors is subject to the negotiation of a contract between both parties to protect all interests of the parties.


J.G. Carleton, President


Cleave E. Lloyd, Director

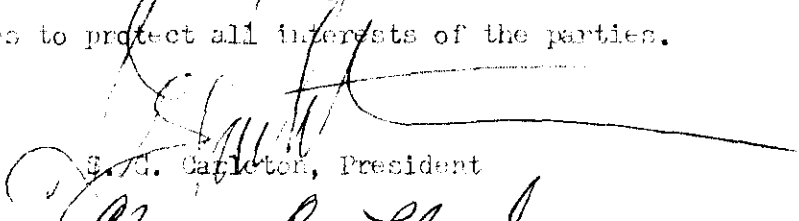
Gene Padgett, Director


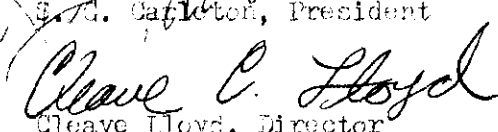
RECEIVED

BIG BEND MINING & IRRIGATION COMPANY
HAGERMAN, IDAHO
24 October 1977

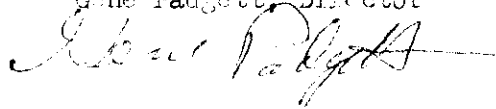
TO WHOM IT MAY CONCERN:

The Board of Directors of the Big Bend Mining & Irrigation Company of Hagerman, Idaho are amenable to the proposition of using the company canal system to deliver water for fish propagation to the property known as the Brailsford Ranch in Hagerman Valley, and adjacent to the company's canal, during the non-irrigating season. (The non-irrigating season as defined in the operation of the Big Bend Mining & Irrigation Company is from the 16th of November to the 14th of March, annually.) The acceptance of this proposition by the Board of Directors is subject to the negotiation of a contract between both parties to protect all interests of the parties.


S. M. Carlston, President


Cleave C. Lloyd, Director

Gene Padgett, Director



MICROFILMED

AFFIDAVIT of PUBLICATION

RECEIVED

COP. OF NOTICE

State of Idaho, }
County of Gooding } SS.

DEC 15 1977

Department of Water Resources
Southern District Office

Kim R. Crumpton being first duly sworn,
deposes and says that he is the printer (publisher) of the Gooding
County Leader, a newspaper published every week in Gooding, County
of Gooding, State of Idaho, that said newspaper has been continuous-
ly and uninterruptedly published for a period of seventy-eight consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
the 1919 session of the legislature of the State of Idaho, known as
House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication

of said advertisement was on the 1 day of December

1977, and the date of the last publication was on the 8

day of December, 1977.

Subscribed and sworn to before me this 8

day of December, 1977.
(SEAL)

Barbara H. Hsia
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice 44

Number of Insertions 2

Lines tabular at 315c

Lines straight at 44 21c 9.24

Subsequent lines at 44 15c 6.60

TOTAL COST 15.84

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

22697

Nº 1466

MICROFILMED



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 8, 1993

FLYING TRIANGLE INC
RT 1
HAGERMAN ID 83332

RE: WATER RIGHT NO. 36-07762

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

PAMELA SKAGGS
Water Resources Agent

PS:cz

Enclosure

RECEIVED

APR 08 1993

MEMORANDUM

Date: February 22, 1993
From: Jim Johnson
To: File
Subject: Field Exam Review

=====

During the review of the field exam a question arose as to whether lockable controlling were required under this right as listed on the Order issued in July 1981. After reviewing the file and the nature of the water use and the system used to convey the water to the fish propagation facility, I am convinced that a lockable device is not necessary. The reasons supporting by conclusion are;

1. The water supply coming the two springs can either be diverted into the Big Bend Ditch or left in the natural channel which flows into the Snake River. Historically water is diverted into the Big Bend Ditch year round rather than only during the irrigation season. Since there appears to be no competition for the water the installation of a lockable device appears unnecessary.

2. The water for Fish Propagation is located within the Big Bend Ditch Company. Actual regulation (if any) of water diverted would be under the control of the Big Bend ditch rider. If he needs a measuring device or lockable controls he can require installation.

3. The nature of the use is non-consumptive, if conflicts have not already arisen, it is unlikely that they will. If conflicts do occur it is up to the ditch company to resolve them.

RECEIVED

APR 08 1993

February 2, 1990

FLYING TRIANGLE INC.
RT. 1
HAGERMAN, ID 83332

RE: PERMIT NO. 36-07762

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

APR 04 1990

MEMORANDUM

TO: FILE

FROM: ROXANNE MCCARTHY

RE: ANNUAL VOLUME FOR FISH PROPAGATION

DATE: 7-SEP-1989

Per a memo dated 1-15-88, volume is calculated in this way:

1. calculate changes per hour:
total flow into facility x 3600/facility volume(cf)=changes
 2. calculate annual volume:
facility volume(AF) x changes x 8760=AFA
 3. calculate volume given by permitted flow:
flow rate(cfs) x 1.9835 x 365 days=AFA
 4. recommend lower figure
-

1. 30.00 cfs x 3600/ 64,000 cf= 1.69
2. 1.46 AF x 1.69 x 8760= 21,614.4 AFA
3. 30.00 cfs x 1.9835 x 365 days= 21,719.3 AFA

RECOMMENDATION: 21,614.4 AFA

APR 6 8 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

36-7762
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

RECEIVED

MAY 01 1987

A. Prior to Conducting the Exam, the File Contains:

- ☐ Blank Field Report Form
- ☐ Copy of Permit
- ☐ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☐ Copy of U.S.G.S. Quad
- ☐ Check for Government Ltr. If so, make a copy of Government Plat

Department of Water Resources

Check of P/D index AD 9-10-86 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☐ Other: _____

Check of P/U index AD 9-10-86 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/O's

☐ Increase number of acres within tracts

☐ Other: _____

Aerial Photo

Required? ☐ yes ☐ no If yes: ☐ copy attached?

Scheduling Letter sent? AD 9-10-86 (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Spring water is conveyed thru the Big Bend Ditch to the diversion to the Fish Ponds. Water is then discharged back into the Big Bend Ditch for other user's down stream. There are 16 concrete Raceways 100' Lg. 10' Wd & 4' Deep.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	3E	3E	36	7S	13E	Gooding	
		SW	3E	3E	36	7S	13E	Gooding	

6. **Place(s) of Use:**

Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	13E	26														X			

(X) FISH PROPAGATION

RECEIVED

APR 08 1993

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

Measurements were made by Loren Holme's Sup. for
Southern Region (see Field Notes)

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: Rectangular Weir = 34.35 cfs.
Trapezoidal Flume

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

~~48,000~~ cubic ft = 1.46 Ac. Ft.
64,000 " " =

RECEIVED
APR 08 1993

H. REMARKS AND OVERLAP REVIEW ANALYSIS

It is not possible to separate measurements for upper & lower Tucker Springs. The Spring Comingle at one point only point of diversion is in the SESE, Sec 36 T7S R13E.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Pond Annual Volume V (afa)
	From	To		
Fish Propagation	1-1	12-31	30.0	
Totals:			30.0	1.46 ACF

2. Recommended Amendments

- ☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name Gary Funderburg

Signature Gary Funderburg

Certification Date _____

Field Report Preparation Date 10-3-86

CONSULTANT SEAL

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MEMO

May 27, 1986

TO: File

From: Gary L. Funderburg

RE: Permit No. 36-7762 - Flying Triangle , Inc.

On 5/20/86 at 2:00 p.m. I made a field exam on permit 36-7762.

At the point where the measuring device was located, water was running around the measuring device, therefore, the total amount of water in the ditch was unable to be measured. See photos.

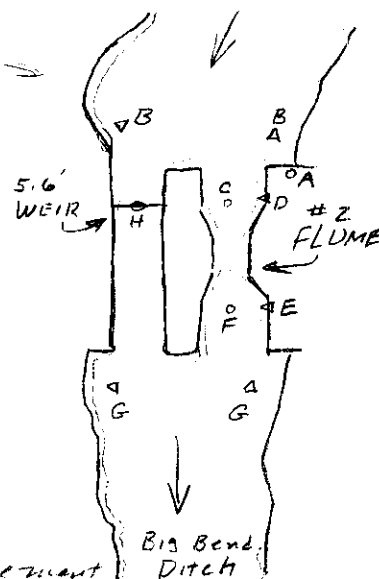
From where the measuring device and the location of the place of use on this permit, there were several locations where the water was being taken out of the ditch; therefore, not all the water was available to be used for fish propagation at the place of use.

The water was not running through the fish ponds but was bypassing them through the canal. See photos.

A locking controlling works was not installed at this time as required in letter dated 5/26/82.

APR 08 1993

Point	HI = 10ft		Diagram Symbol
	ROD	ELEV	
B.M. - Flume Abutment	5.81	4.19	OA
Upstream Water Surface	6.98	3.02	AB
Bottom of Flume - Upstream	9.06	.94	OC
W.S. in Flume - Upstream	7.04	2.92	AD
W.S. in Flume - Downstream	7.16	2.84	AE
Bottom of Flume - Downstream	9.10	.90	OF
Downstream W.S.	7.14	2.86	AG
Weir Crest	8.45	1.55	OH



Flume

Flume is a No. 2 Trapezoidal Flume as described in USBR Water Measurement Manual. Due to flat ditch gradient, the flume operates at a high degree of submergence.

Upstream gage ht., $h_1 = 2.92 - .94 = 1.98 \text{ ft}$

Downstream gage ht., $h_2 = 2.84 - .90 = 1.94 \text{ ft}$

Submergence = $\frac{h_2}{h_1} = \frac{1.94}{1.98} = .98$ or 98%

From Fig. 9, Water Measurement Manual, $Q/Q_0 = .68$

From Table 8, " " " Q_0 for $h_1 = 1.98$ is 28.37 cfs

$Q = (.68)(28.37) = 19.29 \text{ cfs}$

Weir

The weir is a suppressed rectangular weir with $L = 5.6 \text{ ft}$, operating submerged.

Upstream head = $3.02 - 1.55 = 1.47 \text{ ft}$

Downstream head = $2.86 - 1.55 = 1.31 \text{ ft}$

Analysis by method of Chapter II-25, USBR Water Measurement Manual:

$\frac{d}{H} = \frac{1.31}{1.47} = .89, \Rightarrow C' = 1.453$ (Table 13, USBR Manual)

$Q_0 = (3.33)(5.6)(1.47^{\frac{3}{2}}) = 33.24 \text{ cfs}$

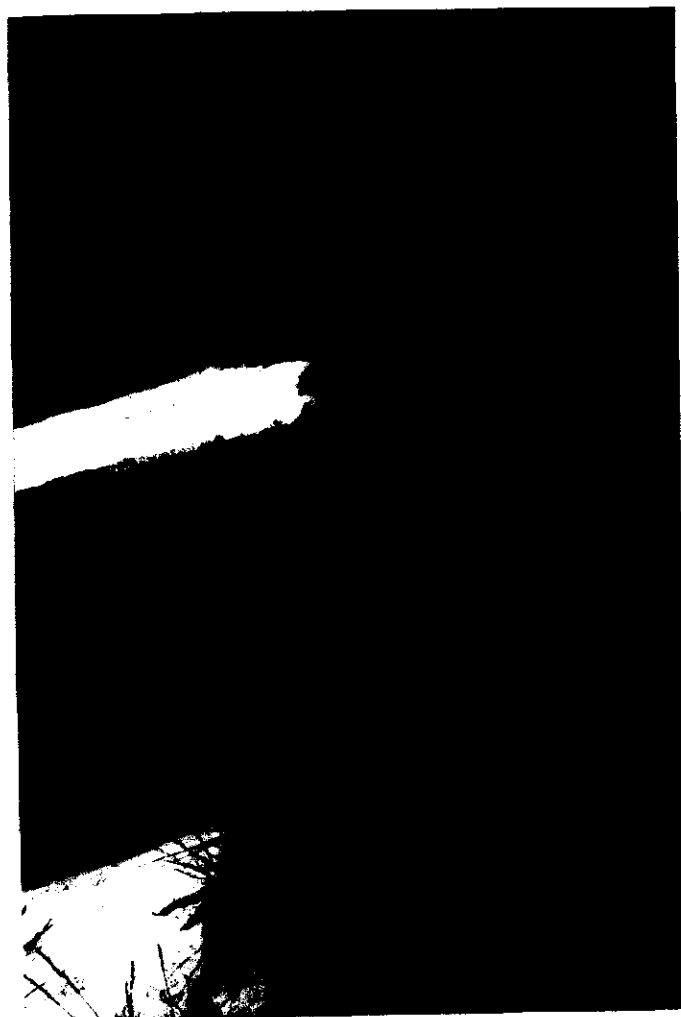
$Q = C'Q_0 = (1.453)(33.24) = 15.06 \text{ cfs}$

Total Flow

Total flow in Big Bend Ditch available to
Permit 36-7762 = $Q_{\text{weir}} + Q_{\text{flume}} = 19.29$
+ 15.06

APR 08 1993

WEIR AT THE INLET OF TUCKER SPRINGS



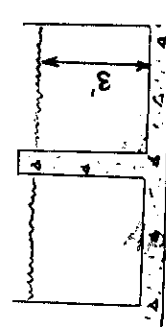
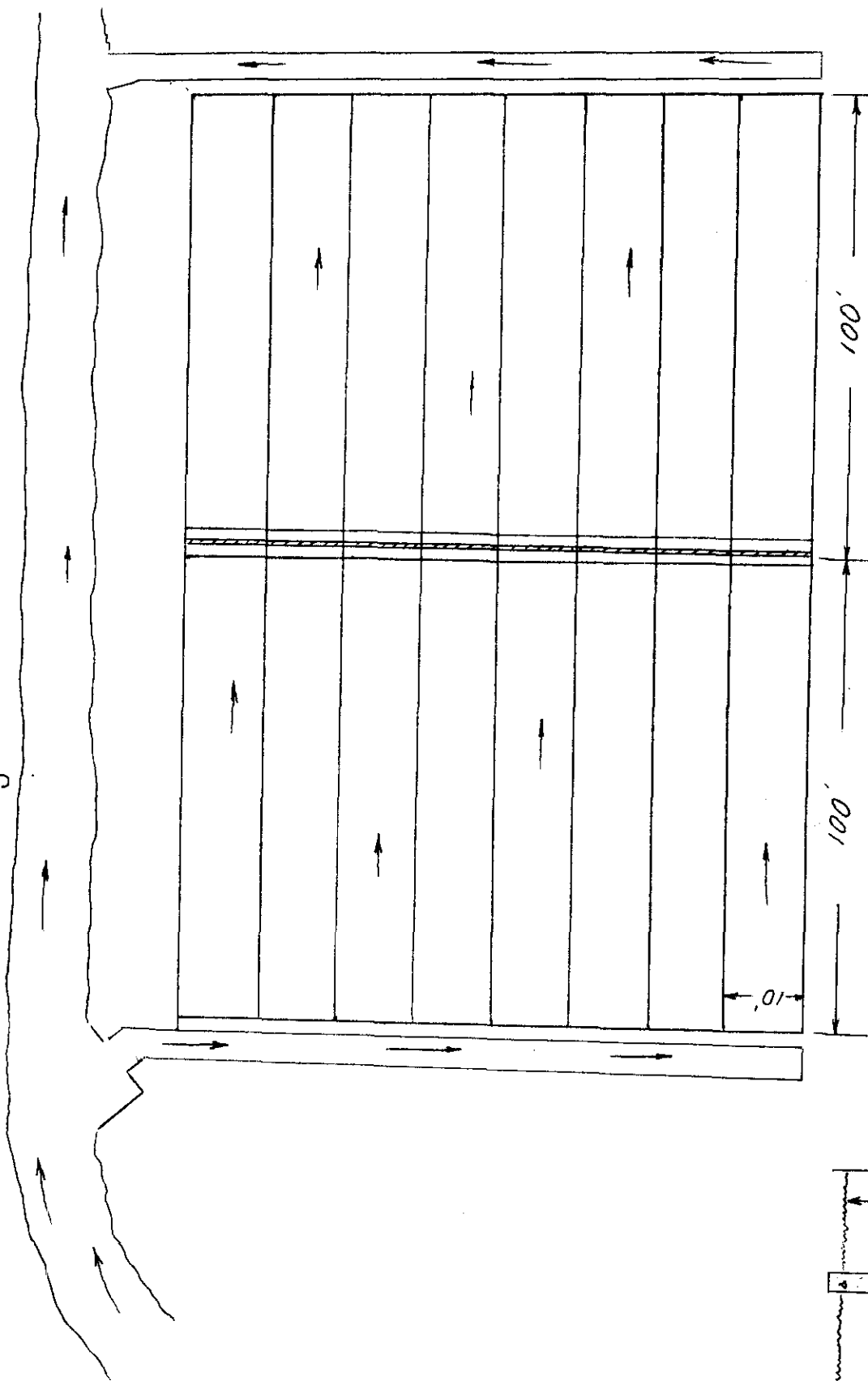
DIVERSION STRUCTURE AT BIG BEND DITCH
TO THE FISH PONDS.



APR 08 1993

Flying Triangle Inc. Fish Ponds

Big Bend Ditch

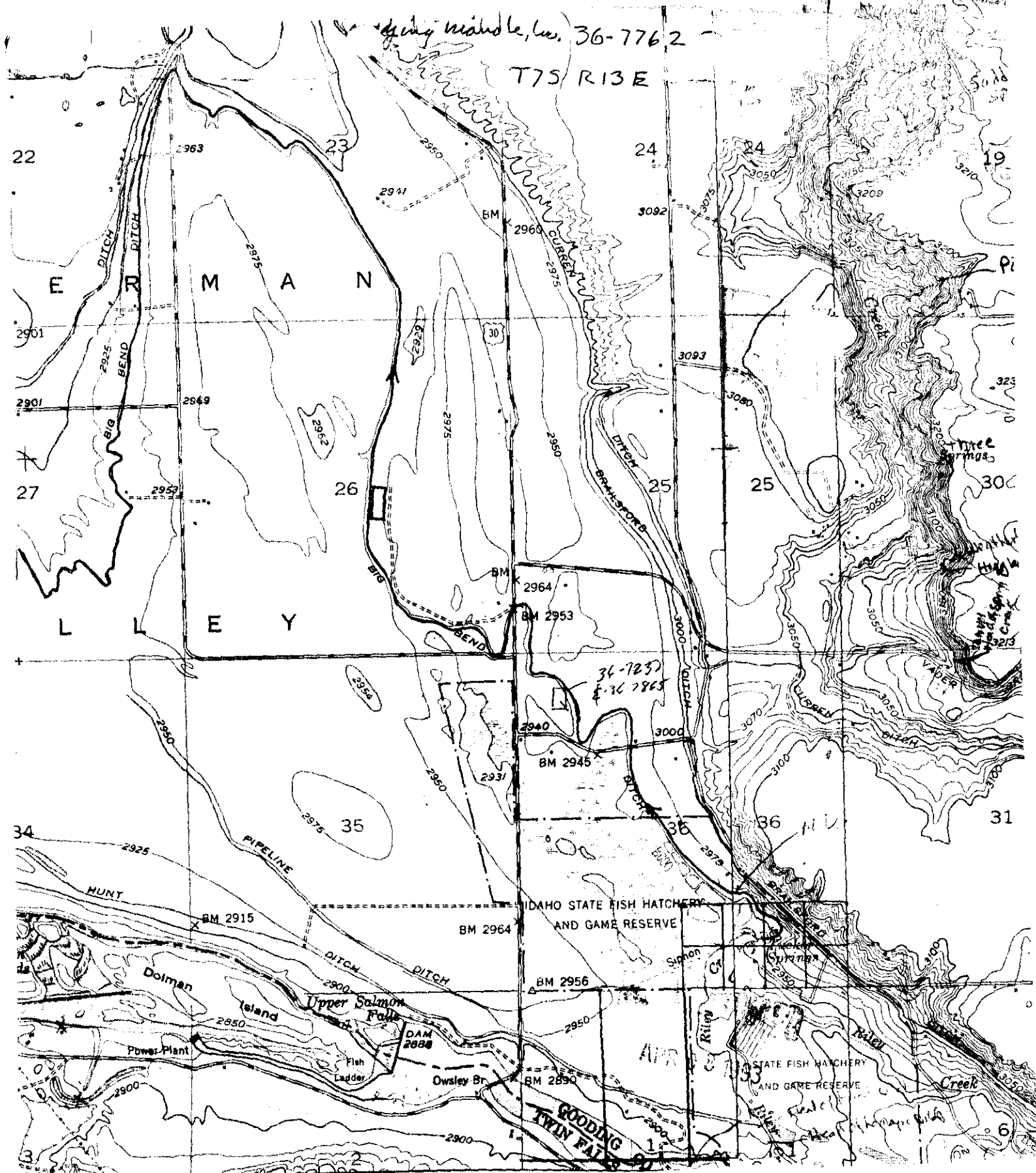


APR 20 1993

Flying Triangle Inc 36-77670

4
202

C318
(3210)



NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

P.O. BOX 1906
TWIN FALLS, IDAHO 83301
TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

June 22, 1982

SUN VALLEY-KETCHUM OFFICE
P.O. BOX 2399
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

RECEIVED

JUN 23 1982

Department of Water Resources
Southern District Office

Mr. Loren O. Holmes
Department of Water Resources
1041 Blue Lakes Blvd North
Twin Falls, Idaho 83301

Re: Permit No. 36-7762

Dear Loren:

Bill Brailsford of the Flying Triangle Ranch in Hagerman, has referred to me your May 26, 1982, letter to him concerning the need for installation of a measuring device so that the license can be issued.

On May 21, 1981, I wrote to Ken Dunn after having talked with Gary Funderberg requesting that part of the requirement of the permit be deleted for the reason that all of the water is in a canal and there is a measuring device at the Big Bend Trout Company immediately up the canal from the Flying Triangle facility. Thereafter an order was issued and sent directly to my client Brailsford on July 9, 1981, a copy of which I did not receive to my knowledge. That order requested a measuring device at the diverting work of the Flying Triangle Trout facility.

In this case, the Department has access to the flow information at the head of the ditch, and at the Big Bend Trout Company immediately above Flying Triangle, and all of the water is discharged back into the canal ahead of the diversion by Flying Triangle. Both facilities are designed to use all of the water regardless of how much is available. It almost seems like an internal matter for the Big Bend Ditch Company since both have been located by reason of the Ditch Company's permission. At this point I am sorry that I did not get a chance to look at the order of July 9, 1981, as to me the requirement appears in this case unnecessary, extremely expensive, and redundant.

Is there a possibility that your office would review the requirement and consider its total deletion?

Thank you for your cooperation.

Sincerely,

JUN 08 1993

John A. Rosholt
JOHN A. ROSHOLT

JAR:bs
cc: Bill Brailsford

May 1, 1986

TO: File 36-7762 - Flying Triangle, Inc.

An exam fee notice was sent on this permit and the office was contacted by the permit holder, who thought the exam had been completed and requested that we review the file and determine whether a fee was really required.

With the exception of a final water measurement, the exam fieldwork is completed. The fish farm diverts water via the Big Bend ditch and is approximately 2 miles downstream from the

the ditch. The exam has been held because of uncertainty whether the facility met the measuring conditions required by the permit.

ANALYSIS



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

May 7, 1986

W. N. Brailsford
Flying Triangle, Inc.
Rt. 1 Box 151
Hagerman, Idaho 83332

Re: Permit 36-7762

Dear Mr. Brailsford:

Per your request, we have reviewed the permit file and determined that the licensing examination is complete except for a final water measurement. Therefore, we will proceed with licensing without requiring a fee.

The condition on the permit requiring measuring devices at both the inlet and outlet of the facility has been modified to require only that a measuring device be installed and maintained as a permanent part of the diverting works.

Our file indicates that you wanted the measurement made using the device installed at the head of the Big Bend Ditch. We will use this device provided it is in good repair.

If you wish to be present when the measurement is made, please contact this office to schedule a date and time.

Very truly yours,

Loren O. Holmes, P. E .
Southern Region Supervisor

LOH:marya

APR 08 1993



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

September 26, 1980

Flying Triangle, Inc.
Rt. 1 Box 151
Hagerman, Idaho 83332

Re: Permit No. 36-7762

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Sincerely,

Gary L. Funderburg
Senior Water Resource Agent

GLF:marya

APR 08 1981



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

August 28, 1986

W.N. Brailsford
Flying Iriangle, Inc.
Rt. 1, Box 151
Hagerman, ID 83332

RE: Permit No. 36-7762-SECOND REQUEST

Dear Mr. Brailsford:

We have made a field trip to complete the license on the above mentioned permit.

We were unable to complete the exam for the following reasons:

1. All the water at the measuring device location was not going through the flume but around the side of it.
2. The flume itself needs to be cleaned and not totally submerged.
3. Water was not going through the ponds.

If you have any questions, please feel free to contact this office.

Very truly yours,

Gary L. Funderburg
Sr. Water Resource Agent

GF:MB

APR 08 1987



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

May 29, 1986

W.N. Brailsford
Flying Triangle, Inc.
Rt. 1, Box 151
Hagerman, ID 83332

RE: Permit No. 36-7762

Dear Mr. Brailsford:

We have made a field trip to complete the license on the above mentioned permit.

We were unable to complete the exam for the following reasons:

1. All the water at the measuring device location was not going through the flume but around the side of it.
2. The flume itself needs to be cleaned and not totally submerged.
3. Water was not going through the ponds.

If you have any questions, please feel free to contact this office.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

mab

RECEIVED

APR 08 1993

INTER-DEPARTMENT MEMO — 1

FROM Bob Fleenor

DATE

TO File 36-7762

SUBJECT Sept. 9, 1986 letter

Mr. Slette called and asked that his Sept 9th letter be ignored since an adequate measuring device has been installed

MICROFILMED

DDF

SIGNATURE

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700

Boise Office
1020 MAIN ST., SUITE 320
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700

TERRY T. UHLING
F. BRUCE COVINGTON
LAIRD B. STONE
JERRY JENSEN
GARY D. SLETTE

Reply to
Twin Falls office

September 9, 1986

RECEIVED
SEP 10 1986

Department of Water Resources

Mr. Robert Fleenor
State of Idaho
Department of Water Resources
Statehouse
Boise, ID 83720

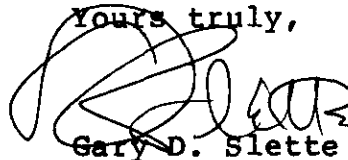
RE: Permit No. 36-7762

Dear Mr. Fleenor:

On behalf of my client, Mr. W.N. Brailsford, I would request that you modify the above-mentioned permit to eliminate the installation of a permanent measuring device at the inlet and outlet of the facility. In lieu of a permanent measuring device, my client will submit a registered professional engineer's certification of the volume of water passing into and out of the facility. According to conversations with Mr. Loren Holmes and Mr. Gary Funderberg of the Southern Region office, this alternative will provide acceptable information to complete processing of the license.

If this meets with your approval, kindly inform me at your earliest convenience. If you have any questions about this matter, please contact me at your convenience.

Yours truly,


Gary D. Slette

GDS/kk

cc: W.N. Brailsford
Department of Water Resources
Southern Region
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

Mailing address:
Statehouse
Boise, Idaho 83720

A. KENNETH DUNN
Director

36-7762
FLYING TRIANGLE INC.
RT. 1
HAGERMAN, ID 83332

138263

April 17, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

MICROFILMED

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

RECORDED
INDEXED

July 9, 1981

Re: Permit No. 36-7762

Flying Triangle, Inc.
Route #1
Hagerman, ID 83332

Gentlemen:

Enclosed is an Order which changes your measuring device requirement as requested for the above referenced permit.

The requirement now reads, "A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works."

If you have any questions concerning this matter, please contact us.

Sincerely,

JAN GROVER
Sr. Water Resource Agent

JG:j
Enc.

MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE 6-16-1981

FROM

GARY

TO

John Dave

SUBJECT

I have reviewed the system and feel the waiver should be granted or conduct of a non competitive use. also if the waiver is granted there, the flying by right should suffer the loss between the two systems.

RECEIVED

JUN 19 1981

Department of Water Resources

Gary

SIGNATURE

INTER-DEPARTMENT MEMO — 1

DATE 5/29/81

FROM DAVE TUTHILL

RECEIVED

TO LOREN HOLMES

JUN 1 1981

Department of Water Resources
Southern District Office

SUBJECT

PLEASE ATTACH A RECOMMENDATION ON THIS WAIVER REQUEST
BY THE PERSON IN YOUR OFFICE MOST FAMILIAR WITH THIS SYSTEM,
AND RETURN TO ME.

THANKS, DAVE

SIGNATURE

RECEIVED

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

MAY 22 1981

ATTORNEYS AT LAW

P. O. BOX 1906
TWIN FALLS, IDAHO 83301
TELEPHONE (208) 734-0700

Department of Water Resources

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

SUN VALLEY-KETCHUM OFFICE
P.O. BOX 2399
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

May 21, 1981

JUN 1 1981

Mr. Kenneth Dunn, Director
Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources
Southern District Office

Re: Flying Triangle, Inc. - Permit No. ³⁶~~37~~-7762

Dear Ken:

After discussions with Gary Funderberg of the Twin Falls office, on behalf of Flying Triangle, Inc., we request a variance or a waiver of permit conditions requiring two measuring devices at the facilities constructed pursuant to ~~37~~-7762.

³⁶

The facility is located approximately one mile below the facility of Big Bend Trout Co., and there are no diversions between the discharge of that facility and the diversion of Flying Triangle, Inc.'s fish facility. Because of this condition, we think that the measurement of the discharge from Big Bend Trout should suffice as an intake measurement for Flying Triangle, Inc., although Flying Triangle, Inc. will construct a measuring device at their point of discharge.

We request your review and consideration of this application for waiver and variance.

Respectfully submitted,

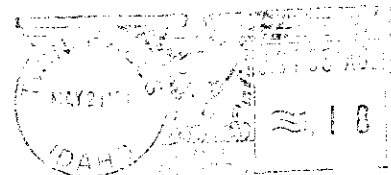
John A. Rosholt
JOHN A. ROSHOLT

JAR:bg

cc: Flying Triangle, Inc.
Bill Brailsford

MICROFILMED

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
P. O. BOX 1906
TWIN FALLS, IDAHO 83301



Mr. Kenneth Dunn, Director
Department of Water Resources
Statehouse
Boise, Idaho 83720

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 36-7762.

Name(s) of Permit Holder: FLYING TRIANGLE, INC.

Post Office Address: RT. 1 Box 151

HAGERMAN, Idaho 83332

Source of Water: UPPER & LOWER TUCKER SPRINGS

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres)
☒ Other FISH PROPAGATION

Measuring Device: Required? ☐ Yes ☐ No Installed? ☒ Yes ☐ No
Access Port: Required? ☐ Yes ☐ No Installed? ☒ Yes ☐ No

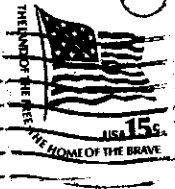
The above information is a true statement of the extent to which the above numbered permit has developed.

9-7-80

Date

Flying Triangle, Inc.
W. H. Brailsford
Signature of Permit Holder

FLYING TRIANGLE, INC.
RT. 1 BOX 151
HAGERMAN, IDAHO 83332



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

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SEP 8 1980

Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

C. Stephen Allred
Director

September 26, 1980

Flying Triangle, Inc.
Rt. 1 Box 151
Hagerman, Idaho 83332

Re: Permit No. 36-7762

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Sincerely,

Gary L. Funderburg
Senior Water Resource Agent

GLF:marya

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

January 12, 1979

Re: Permit No. 36-7762

Flying Triangle, Inc.
Route 1
Hagerman, Idaho 83332

Gentlemen:

Your approved copy of Application for Permit is enclosed and we direct your attention to the conditions of approval on the fourth page.

Please note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power. While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right. If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

MICROFILMED

Glen this condition
is similar to the
Condition we used on
approving Permit No.
36-7237.

APPROVED
BY
SPECIAL AGENT
IN CHARGE
JAN 10 1968

36-7762

STAFF REVIEW - STATE OFFICE

1. See Name vs. Signature
2. Water Spring Source
3. ✓ Point of Diversion Adj.
4. ✓ Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. ✓ Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. ✓ Property Owner at Pt. of Div. & Pl. of Use ^{State}
10. ✓ Map
11. 265 Fee & Rec't. No. 11-10-77

Copies Sent To:

NO Idaho Health Department
NO Idaho Fish & Game Dept.
NO Bureau of Land Management

NO U.S.F.S.
NO Dept. of Lands
NO Other

63 x 20 acs = 1260
 10 acs = 215
 A 265

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ no

Other rights on same land N/A

Withdrawals of all protests received X yes no Fed G Stevens

Conditions:

ID Power Co. Letter - Snake R. No
 ID Power Co. Letter - G.W. & Tribs. yes
 Snake River Condition No
 Payette River Letter No
 Priority Date 11/10/77
 Water Quality #16 No
 Water Quality #10 intrastate interstate

Meas. Dev. or Sc. Meas. yes # 3
 Totalizing meter NO
 Supplemental NO
 Right-of-Way Cond. yes
 Watermaster Cond. yes
 Wtr. Dist No. 36A
 Meas. Dev. Cond. for apps within a Water Dist. No

2015
 ADD THIS
 CONDITION
 The rate of diversion is 0.1 cfs

RECEIVED

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 1906
TWIN FALLS, IDAHO 83301
(208) 733-3722

T. M. ROBERTSON (1911-1977)
JOHN H. DALY (1913-1968)

R. P. PARRY
BERT LARSON
C. G. MCINTYRE
JOHN R. COLEMAN
THOMAS G. NELSON
JOHN A. ROSHOLT
FRED D. DECKER
J. EVAN ROBERTSON
THOMAS G. WALKER, JR.
JAMES C. TUCKER
STEVEN K. TOLMAN

January 4, 1979

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JAN 5 1979

Department of Water Resources

✓ Mr. Bobby Fleenor
Department of Water Resources
Statehouse
Boise, Idaho 83720

Mr. Loren Holmes
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Flying Triangle, Inc. - Permit No. 36-7762

Gentlemen:

Since all protests have been withdrawn, is there anything that remains to be done before you issue this permit?

Sincerely,

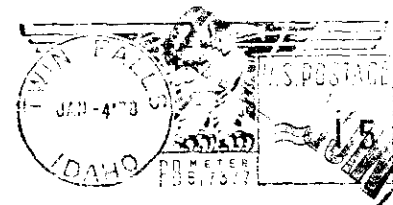


JOHN A. ROSHOLT

JAR:bg

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JAN 10 1979
DEPARTMENT OF WATER RESOURCES

PARRY, ROBERTSON, DALY & LARSON
LAWYERS
IDAHO FIRST NATIONAL BANK BUILDING
P. O. BOX 1906
TWIN FALLS, IDAHO 83301



Mr. Bobby Fleenor
Department of Water Resources
Statehouse
Boise, Idaho 83720

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 36-7762 - Flying Triangle, Inc.

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) ADM 11/10/77
(2) gs 11-10-77

In form to receipt

Send Copies to:

☐ Idaho State Health Department
☒ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) gs 11-10-77

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☒ Request Information from Applicant
☐ Request Dam Safety Information

1. proof of ownership
2. hatchery plans
3. right-of-way

(4) gs 11-18-77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) Df 12/16/77

Affidavit of Publication received (date) 12/15/77

(12) sm 11/18/77

Final date for protests 12/12/77 12/19/77

Protests received: yes ☒ no _____

(13) LH 1-9-77

All requested information received from agencies or applicant: yes ☒ no _____

(14) LH 1-9-77

Action recommended:

☒ Approve _____ Deny

11-10-77 Proposed Priority

_____ Reason for Reduction _____

☒ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District S By Loren O'Halloran Date 1-9-77

RECEIVED
JAN 10 1979

Department of Water Resources

copy to Boise 11-10-77

PARRY, ROBERTSON, DALY & LARSON

LAWYERS

THE IDAHO FIRST NATIONAL BANK BUILDING

P. O. BOX 1906

TWIN FALLS, IDAHO 83301

(208) 733-3722

R. P. PARRY
BERT LARSON
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JOHN A. ROSHOLT
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JOHN H. DALY (1913-1968)

January 4, 1979

RECEIVED

JAN 5 1979

Department of Water Resources
Southern District Office

Mr. Bobby Fleenor
Department of Water Resources
Statehouse
Boise, Idaho 83720

Mr. Loren Holmes
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Flying Triangle, Inc. - Permit No. 36-7762

Gentlemen:

Since all protests have been withdrawn, is there anything that remains to be done before you issue this permit?

Sincerely,



JOHN A. ROSHOLT

JAR:bg

11/11/79

INTER-DEPARTMENT MEMO — 1

DATE 12-4-78

FROM Jim Stanton

TO File

SUBJECT Proof of Ownership of the Place of Use, 36-7762

On this date I verified with the Gooding County assessor that the place of use is part of Tax Lot 1 Sec. 26, which the applicant owns according to the tax notice for 1976 submitted by the applicant.

MICROFILMED



SIGNATURE

RECEIVED

NOV 30 1978

RECEIVED

NOV 24 1978

BEFORE THE DEPARTMENT OF WATER RESOURCES
Southern District Office
OF THE

Department of Water Resources

STATE OF IDAHO

IN THE MATTER OF APPLICATION) WITHDRAWAL OF PROTEST OF STATE
FOR PERMIT NO. 36-7762,) OF IDAHO, DEPARTMENT OF FISH
FLYING TRIANGLE, INC.) AND GAME, TO APPLICATION FOR
PERMIT

COMES NOW, Protestant, STATE OF IDAHO, Department of Fish and Game, by and through its attorney, FREDERICK J. FRAHM, Assistant Attorney General of the State of Idaho, and withdraws its protest of the above entitled application and bases its withdrawal of said protest on the following understandings:

1. That the Department of Water Resources has or will issue Permit No. 36-7237 authorizing the Big Bend Irrigation Company to use the same 30 cfs of water that is applied for in application No. 36-7762 and that Big Bend Irrigation Company had commenced use of the 30 cfs which is the subject of Permit No. 36-7237.

2. That the Department of Water Resources will, in the event it issues Permit No. 36-7762, make all appropriation of waters under said permit subject to all relevant prior water rights, including those of the State of Idaho, Department of Fish and Game.

Respectfully Submitted



FREDERICK J. FRAHM
Assistant Attorney General
State of Idaho

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 22nd day of November, 1978, I mailed a true and correct copy of the above Withdrawal of Protest to Bobby D. Fleenor, Idaho Department of Water Resources, 373 W. Franklin Street, Boise, Idaho 83720 and John A. Rosholt, Parry, Robertson, Daly & Larson, Attorneys for Flying Triangle, Inc., P.O. Box 525, Twin Falls, Idaho 83301



FREDERICK J. FRAHM

36-7762

Rothert: 30 cfs is max winter flow of Big Bend Ditch. Has Permit 36-7237 for same purpose.

Frahm: F&G has licensed rights in Tuckett SPS. Is concerned about ~~Leopard~~ to 1960 Agreement for delivery of 5 cfs to Bass Ponds via Big Bend Ditch.

F&G currently uses water on a permissive basis. Asks if Applicant needs 30 cfs.

Rothert: 30 cfs corresponds with 36-7237 & represents amount traditionally run down the ditch.

— F&G has no diversions on ditch downstream from Applicants.

Frahm: F&G will withdraw protest if Permit considered their prior rights.

Flemer: I instructs Frahm to prepare withdrawal & send to Dept:

Dept will send letter to Applicant requesting Plans, Fin. St etc.

MICROFILMED

36-7767 - Idaho Department of Fish and Game

Gooding City Hall and Library - Gooding, Idaho

November 20, 1978 - 1:00 p.m.

Roster of Attendance

Name	Address	Representing
FRED. J. FRANK	P.O. Box 25 Boise, Id 83701	ID. DEPT. F&G
Burton D. Ainsworth Jr.	State Fish Hatchery, Hagerman	I F & G
Dale Turnipseed	Box 428	Id. Dept F & G.
Bob Bell	"	"
David A. Morgan	Route 2 Box 256-B	"
Bill Webb	Box 428 - Jerome	ID. DEPT. F & G
N. G. Burton	Box 242 HAGERMAN	ID DEPT F & G
Stuart L. Murrell	Box 428 Jerome	Id Dept F & G
Vernon G. Mavencamp	Box 232 Hagerman	Brailsford Ditch
WILLIAM H. BRAILSFORD	RT. 1 HAGERMAN	BRAILSFORD DITCH
JOHN A. ROSHOLT	P.O. 1906 Twin Falls, Id	"

UNFILMED

36-7762 - Flying Triangle, Inc.

GOODING CITY HALL AND LIBRARY, Gooding, Idaho

November 20, 1978 - 10:00 a.m.

Name

Address

Representing

See roster of attendance in 36-7767—

RECEIVED
NOV 21 1978

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 36-7762 in) NOTICE OF CHANGE OF CONFERENCE
the Name of Flying Triangle, Inc.) AND/OR HEARING

On November 10, 1977, Flying Triangle, Inc. filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On December 13, 1977 the Department received protests against approval of said application from the Idaho Department of Fish and Game and R. W. Stevens.

The Department has set the matter of protest for conference and/or hearing for Tuesday, October 31, 1978, at 10:00 a.m., in the Gooding County Courthouse, Gooding, Idaho. Said meeting has been changed to November 20, 1978, at 10:00 a.m., in the Gooding City Hall and Library, 308 Fifth Avenue West, Gooding, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated This 26th day of October, 1978.

Loren O. Holmes
Southern Region Supervisor

by/ Mary A. Hill
Mary A. Hill
Secretary

36-7762 - Flying Triangle, Inc.

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered ¢
☐ Show to whom, date, and address of delivery ¢
☐ RESTRICTED DELIVERY
 Show to whom and date delivered ¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$ ____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Johr, Rosholt - Attny -
 P.O. Box 1906 - Twin Falls, ID 83301

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

018

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

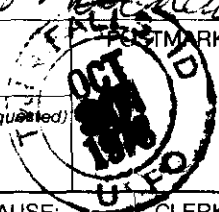
4

DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS



UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

RECEIVED

OCT 21

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Apr. 1977

1. The following service is requested (check one):

☒ Show to whom and date delivered\$

☐ Show to whom, date, and address of delivery\$

☐ RESTRICTED DELIVERY

 Show to whom and date delivered\$

☐ RESTRICTED DELIVERY

 Show to whom, date, and address of delivery\$

(CONSULT POSTMASTER FOR FEES)

Bill Webb - Idaho F & G
Region #4 - Box 428 - Jerome, ID
83338

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	020	

I have received the article described above.

4 Franklin

10/30/78

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



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NOV 7 1978

Department of Water Resources
Southern District Office

RETURN
TO



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

6-7762 - Flying Triangle, Inc.

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☒ Show to whom and date delivered. _____ C

☐ Show to whom, date, and address of delivery. _____ C

☐ RESTRICTED DELIVERY

Show to whom and date delivered. _____ C

☐ RESTRICTED DELIVERY

Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

John Vehlow - Attny - ID F & G
600 Walnut, S. - Boise, ID 83707

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

019

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

DATE OF DELIVERY

OCT 30 1978

POSTMARK

OCT

30

1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN
TO

RECEIVED

OCT 31 1978

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

Dr. *Water Resources*
Southern District Office

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Apr 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

36-7762 - Flying Triangle, Inc.

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- ☒ Show to whom and date delivered ¢
- ☐ Show to whom, date, and address of delivery ¢
- ☐ RESTRICTED DELIVERY
Show to whom and date delivered ¢
- ☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery \$ _____
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

W.N. Brailsford - Flying Triangle Inc
Rt. 1, Hagerman, Idaho 8 3332

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	017	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

4. *W.N. Brailsford*

DATE OF DELIVERY	POSTMARK
10-30-78	

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

Name and Address of Sender

LAND DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
104 BLUE LAKES BLVD. NORTH
SUN FALLS, IOWA 50801

Indicate ☐ REGD

NUMBER OF PIECES

NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS

1	017	W. M. Smith
2	018	John Smith - Army
3	019	John Smith - Army
4	020	John Smith - Army
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

TOTAL NO. OF PIECES LISTED BY SENDER

TOTAL NO. OF PIECES REGD AT P.O.

POSTMASTER PER

PS Form 3577, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERT

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

36-7762

Flying A Inc.

Big Bend Ditch

36-7237

Requested the right to reuse water used under 36-7237

Applicant holds a decreed right

This application is for new ponds →

F & G Concern

→ 1. Does Flying A intend to use ^{and} demand that flow be released from Tucker Springs

→ 2. Concerned about continuing agreement 5 cfs release as allowed in 1969 agreement -

→ This would be ~~the~~ ^{essentially the} same water that has been traditionally used under 36-7237

→ All F & G ~~on~~ diversion and use is above -

→ Investigate closely the use -

- Protest will be with drawn

RECEIVED
MARCH 1969



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES



STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

600 SO. WALNUT ST. - P. O. BOX 25
BOISE, IDAHO 83707

October 24, 1978

RECEIVED

OCT 25 1978

Department of Water Resources
Southern District Office

Mr. Loren O. Holmes
Southern Region Supervisor
Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Protest Hearings, Application Numbers 36-7762, 36-7767

Dear Loren:

By means of this letter, I wish to advise you that T. J. Jones, III of Boise, Idaho no longer represents the Department of Fish and Game in the above-mentioned matters. These cases have been turned over by the Department to me for legal representation.

To date, I have been unable to obtain copies of the files in these actions. As a consequence, I hereby request an extension of time for the scheduling of hearings on these matters until November 20, 1978. Such extension will provide me an adequate period of time to prepare these cases for the Idaho Department of Fish and Game. Your indulgence in this matter will be appreciated.

Respectfully,

John C. Vehlow
Assistant Attorney General
Idaho Department of Fish and Game

JCV:tlv

cc: Bill Webb, Reg. 4 Supervisor

RECEIVED
OCT 25 1978
Department of Water Resources
Southern District Office

36-7762 - Flying Triangle, Inc.

Courtroom, Gooding County Courthouse, Gooding, Idaho

October 31, 1978 - 10:00 a.m.

Name

Address

Representing

RECEIVED
OCT 31 1978
FBI - GOODING



FISHERIES DEVELOPMENT

ROUTE ONE

208/837-4593

HAGERMAN, IDAHO 83332

RECEIVED

OCT 19 1978

Department of Water Resources
Southern District Office

Oct 19, 1978

Department of Water Resources
1041 Blue Lake Blvd
Twin Falls, Idaho 83301

Re: 36-7762

Gentlemen:

I am this day verifying my former letter
which removes my protest of the application
for permit # 36-7762 made by Flying Triangle Inc.

Thank you for accepting my withdrawal of
protest.

Very truly yours,
John Stevens

RECEIVED

PARRY, ROBERTSON, DALY & LARSON

ATTORNEYS-AT-LAW

P. O. BOX 1906

IDAHO FIRST NATIONAL BANK BUILDING

TWIN FALLS, IDAHO 83301

(208) 733-3722

RECEIVED

Date:

9/21/78

SEP 22 1978

To:

Loren Holmes

Department of Water Resources
Southern District Office

Dwr

B.L. Blvd

Re:

TWF, 83301

Flying Triangle

Appl # 36-7762

Big Bend Ditch - Hagerman
Valley

This Appl was Filed
early in 1978. No Hearing
has been even talked about.
My Client is anxious to have
the matter disposed of.

PARRY, ROBERTSON, DALY & LARSON

Thank You,

By

John Rosholt

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 36-7762 in) NOTICE OF CONFERENCE AND/or HEARING
the name of Flying Triangle, Inc.)

On November 10, 1977, Flying Triangle, Inc. filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On December 13, 1977 the Department received protests against approval of said application from the Idaho Department of Fish and Game and R. W. Stevens.

The Department has set the matter of protest for conference and/or hearing for Tuesday, October 31, 1978, at 10:00 a.m., in the Gooding County Courthouse, Gooding, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party desiring the taking of stenographic notes by a qualified court reporter must request such in writing at least five (5) days before the date set for hearing and must submit to the director the name of a qualified reporter who is available on the date set for hearing. The party requesting the reporter shall bear the expense of the reporter's attendance fees. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 13th day of October, 1978.



Loren O. Holmes
Southern Region Supervisor

36-7762

Flying Triangle

1. The following service is requested (check one).
☐ Show to whom and date delivered. _____ ¢
☐ Show to whom, date, and address of delivery. _____ ¢
☐ RESTRICTED DELIVERY
 Show to whom and date delivered. _____ ¢
☐ RESTRICTED DELIVERY
 Show to whom, date and address of delivery. \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 R. W. Stevens - Route 1
 Hagerman, Idaho 83332

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | 716 |

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY | POSTMARK
 10-17-78 |

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS
 CM

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE

1041 BLUE LAKES BLVD. (Name of Sender)
TWIN FALLS, IDAHO 83401

(Street or P.O. Box)

(City, State, and ZIP Code)

Flying Triangle 36-7762

PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered ¢
- ☐ Show to whom, date, and address of delivery ¢
- ☐ RESTRICTED DELIVERY
Show to whom and date delivered ¢
- ☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery. \$
- (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

W.N.Brailsford - Route 1
Flying Triangle Inc. Hagerman, ID

3. ARTICLE DESCRIPTION: 83332

REGISTERED NO. CERTIFIED NO. INSURED NO.

714

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

4. *W.N. Brailsford*

DATE OF DELIVERY

10-17-78

POSTMARK

5. ADDRESS (Complete only if requested)



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OF POSTAGE \$300



**RETURN
TO**



**IDAHO DEPARTMENT OF WATER RESOURCES,
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301**

(Street or P.O. Box)

(City, State, and ZIP Code)

36-7762 - Flying Triangle

PS Form 3811, Ag

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on
reverse.

1. The following service is requested (check one).

☒ Show to whom and date delivered

©

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**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

Flying Triangle

36-7762

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.								
1. The following service is requested (check one). ☐ Show to whom and date delivered ¢ ☐ Show to whom, date, and address of delivery ¢ ☐ RESTRICTED DELIVERY Show to whom and date delivered ¢ ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ ____ (CONSULT POSTMASTER FOR FEES)								
2. ARTICLE ADDRESSED TO: John Vehlow - Attny - ID Dept F & G 600 S. Walnut - Box 25 Boise, Idaho 83707								
3. ARTICLE DESCRIPTION: <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td>718</td> <td></td> </tr> </table>			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		718	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.						
	718							
(Always obtain signature of addressee or agent)								
I have received the article described above. SIGNATURE ☐ Addressee ☒ Authorized agent								
4. DATE OF DELIVERY OCT 16 1978	POSTMARK OCT 17 1978							
5. ADDRESS (Complete only if requested)								
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS						

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OF POSTAGE, \$300



**RETURN
TO**



**IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301**

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

Flying Triangle 36-7762

PS Form 3811 Apr 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

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☐ Show to whom, date, and address of delivery \$
☐ RESTRICTED DELIVERY
Show to whom and date delivered \$
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery \$
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

John Rosholt - Attorney at Law
Parry, Robertson, Daly & Larson

Box 1906 - Twin Falls, Idaho 83301

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

715

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

POSTMARK

8/23

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



**IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT OFFICE
1041 BLUE LAKES BLVD. NORTH
TWIN FALLS, IDAHO 83301**

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

Name and
Address
of Sender

	NUMBER OF ARTICLE	NAME OF ADDRESS
1	714	Mr. A. Bentley
2	715	John Smith
3	716	Mr. W. Stevens
4	717	Bill Smith
5	718	John Smith
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TOTAL NO. OF PIECES
LISTED BY SENDER

TOTAL
PIECES



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

October 13, 1978

Vivian M. Burden
Gooding County Clerk
Gooding County Courthouse
Gooding, Idaho 83330

Dear Ms. Burden:

This is to confirm the use of the courtroom for conference and/or hearing to be held by this office on Tuesday, October 31, 1978, at 10:00 a.m., and 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

INTER-DEPARTMENT MEMO — 1

FROM Sheryl Merritt

DATE June 13, 1978

TO File

SUBJECT Application for Permit No. 36-7762 - Flying Triangle, Inc.

On June 7, 1978, Bill Brailsford came into the office and requested that a hearing be held on the above-referenced application as soon as possible. I informed him that our office would be getting a new Supervisor as of July 1, and that a hearing probably would not be held until that time. He informed me that if I call Mr. R. W. Stevens, one of the protestants, Mr. Stevens would withdraw his protest.

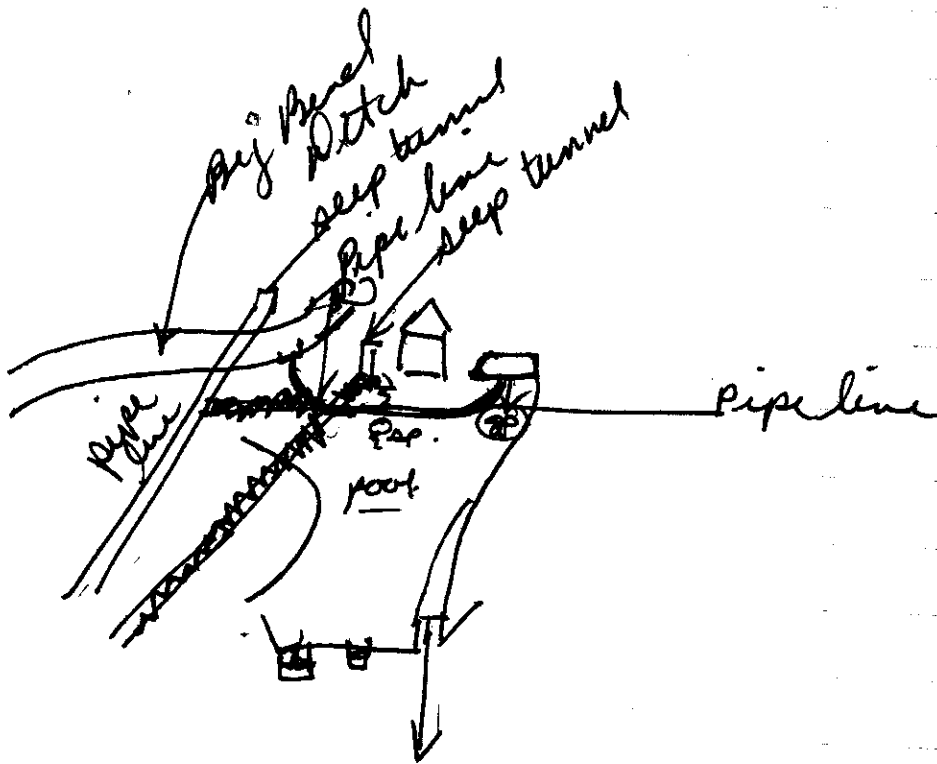
I informed Terry Blau, Acting Southern Region Supervisor, of Mr. Brailsford's visit. He asked if I would call Mr. Brailsford and inform him that a hearing would be set some time in mid-July.

On June 13, 1978, I called Mr. Brailsford's wife and left the message with her that a hearing will be scheduled some time in mid-July.

Sjm

SIGNATURE

Claim 1941 pri -
Big Bend above Goose pond - 16 CFS.
Aveision was const. when ditch was
const. 1973 filed (Big Bend In co filed
for 30-35 CFS.
Len Lewis 10.5 CFS. fed fish hatch.



question when is upper & lower truck sp.

MICROFILMED

LIST OF PROTESTANTS

36-7762 - FLYING TRIANGLE, INC.

12/13/77 - T. J. Jones, III for Fish & Game-Jones & Jones, P.O. Box 1003,
Boise, ID 83701

12/16/77 - R. W. Stevens - Route #1, Hagerman, ID 83332

MICROFILMED

December 20, 1977

Mr. W. N. Brailsford
Flying Triangle, Inc.
Route #1
Hagerman, ID 83332

Re: Application for Permit No. 36-7762

Dear Mr. Brailsford:

Enclosed is a copy of protests filed against the issuance of a permit pursuant to your Application No. 36-7762. The Department suggests you contact the protestants directly in an effort to determine the nature of the protests and to attempt to resolve the protests.

If you do not advise us within twenty (20) days that the protests have been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit Section 42-203, Idaho Code:

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

If this office can be of further assistance, please contact us.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm
Enclosures

December 20, 1977

Mr. R. W. Stevens
Route #1
Hagerman, ID 83332

Re: Application for Permit No. 36-7762 - Flying Triangle, Inc.

Dear Mr. Stevens:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

If this office can be of further assistance, please contact us.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm

December 19, 1977

Mr. T. J. Jones, III
Attorney at Law
Jones & Jones
P. O. Box 1003
Boise, ID 83701

Re: Application for Permit No. 36-7762 - Flying Triangle, Inc.

Dear Mr. Jones:

Your protest, filed in behalf of Idaho Department of Fish and Game, against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

If this office can be of further assistance, please contact us.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sm

MICROFILMED

PRE-PERMIT SURFACE-WATER EXAMINATION DATA SHEET

Date 11-14-77 Examiner Jim Stanton Application No. 36-7762

Applicant(s) Interviewed W. N. Brailsford

Upstream Users Interviewed Bud Ainsworth, Idaho Fish & Game Dept. Hagerman Hatchery

&/or Upstream Diversions Inspected diversions from Upper & Lower Tucker Springs

Downstream Users Interviewed Sarge & Edith Vernon, Vay Cook, Jess Lloyd

&/or Downstream Diversions Inspected _____

Legal Description Verified By Map (or give proper description) yes

Water Flow: Visual Estimate _____ Channel Width _____ Average Depth _____

Water Velocity _____ Channel Slope _____

Do Additional Inflows Enter Downstream From This Diversion? no

Does This Water Enter Canal-Company Waterways? yes Canal Co. Approval? yes

Source Of Waste Water: Legal Description _____

Proportion Of Water Flow Arising On Applicant's Land _____

Does There Appear To Be Sufficient Water To Fulfill This Application Without Harming
Downstream Users? Yes XX No _____ (non-consumptive use)

Do Other Aspects Of The Application Appear To Be As Stated? Yes XX No _____

Notes Mr. & Mrs. Vernon dislike app. for aesthetic reasons. at least two downstream
users have domestic rights which will be hurt by water pollution from fish hatchery,
and may protest this app. amount of filing is the same or less than amount of water

R
S

Southern District Office
Department of Water Resources

R BAR S RANCH

R. W. STEVENS

ROUTE ONE

208/837-4954

HAGERMAN, IDAHO 83332

R
S

December 10, 1977

RE: Application for water permit
#36-7762

Idaho Dept of Water Administration
Gentlemen,

The undersigned hereby files a protest against
the issuing of application for water permit # 36-7762
for the Flying Triangle Inc, Hagerman Idaho.

This objection is based on the water laws and
Idaho State Code as published by the Department of
Idaho Water Administration.

Very truly yours

R. W. Stevens

R
S

R BAR S RANCH

R. W. STEVENS

ROUTE ONE

208/837-4954

HAGERMAN, IDAHO 83332

RECEIVED

DEC 16 1977

R
S

Department of Water Resources
Southern District Office

December 14, 1977

Idaho Department of Water Administration RE: Application for water
permit # 36-7762

Gentlemen,

The undersigned hereby files protest against the issuing of application for water permit # 36-7762 for the Flying Triangle Inc., Hagerman Idaho.

This objection is based on the water laws and Idaho state Code as published by the department of Idaho Water Administration. More specifically this protest points out that under Section 42-203 of the Idaho Water laws and Regulations, granting of this application would reduce the quantity of water and that the water supply is insufficient.

During 1977, 1976, 1975, 1974, and 1973 Billingsley Creek in more than two areas between Ironman Fish Ponds, Fish and Game Bridge and the Rock Lodge water measure at 117 cubic feet per second. Therefore if 30 cubic feet per second had been removed two existing water rights would not have had sufficient water for allocation. Furthermore water for fish propagation is not always a non consumptive use. It depends on whether the amount taken does not exceed the amount returned.

Very truly yours,

R. W. Stevens

RECEIVED

RECEIVED

DEC 13 1977

Department of Water Resources
Southern District Office

LAW OFFICES
JONES & JONES
1611 WEST JEFFERSON STREET
P. O. BOX 1003
BOISE, IDAHO 83701

TELEPHONE 344-7676
AREA CODE 208

THOMAS J. JONES, JR.
T. J. JONES III

T. J. JONES, SR., (1858-1930)
F. T. JONES (1894-1920)
M. J. MEEHL (1932-1973)

December 9, 1977

Mr. Michael L. Steele
Southern Region Supervisor
State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

In Re: FLYING TRIANGLE, INC.
APPLICATION NO. 36-7762
30 CFS FROM UPPER AND LOWER TUCKER SPRINGS
GOODING COUNTY, IDAHO

Dear Mr. Steele:

Enclosed herewith please find a Protest by the Idaho Department of Fish and Game in the above-entitled matter.

In accordance with the attached Certificate of Mailing, a copy of this Protest has been served upon the Applicant as of this date.

Very truly yours,



T. J. Jones, III
Special Counsel
Idaho Department of Fish and Game

TJJ:sn
cc: W. N. Brailsford
Grant Christensen
Bill Webb

RECEIVED

DEC 13 1977

Department of Water Resources
Southern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF APPLICATION NO.)
36-7762 FOR PERMIT BY FLYING)
TRIANGLE, INC., TO APPROPRIATE) PROTEST
30 CFS OF WATER FROM UPPER AND)
LOWER TUCKER SPRING aka LARGE)
AND SMALL THOMPSON OR TUCKER)
SPRINGS.)

COMES NOW, the Idaho Department of Fish and Game and protests Application No. 36-7762 by Flying Triangle, Inc., for the appropriation of 30 cfs of water from upper and lower Tucker Springs, also known as the large and small Thompson or Tucker Spring, on the following grounds:

I

That all of the present flow from the upper Tucker or Thompson Spring is appropriated and beneficially used and that no additional waters of said spring are available for appropriation by the Applicant. That the proposed use will reduce the quantity of water under existing water rights.

II

That this Protestant is the owner of all of the waters of large Thompson or upper Tucker Spring other than those decreed to Big Bend Irrigation and Mining Company under the decision of the United States District Court for the District of Idaho, Southern Division, in the case of New International Mortgage Bank, a corporation, Plaintiff, vs. Idaho Power Company, a corporation, et al, Defendants, in equity No. 1602, decided March 22, 1932; and the allowance of the said Application would operate to deprive the Protestant of water previously appropriated to its use.

RECEIVED

III

That the proposed water supply is insufficient for the purposes intended during non-irrigation seasons.

IV

That the Application is made for speculative purposes and Protestant protests and questions whether or not Applicant has sufficient financial resources with which to complete the proposed project.

V

WHEREFORE, it is hereby respectfully requested that the State of Idaho Department of Water Resources reject and deny Application No. 36-7762.

DATED at Boise, Idaho, this 9th day of December, 1977.

IDAHO DEPARTMENT OF FISH AND GAME
600 South Walnut Street
P. O. Box 25
Boise, Idaho 83707

By T. J. Jones III
Special Counsel

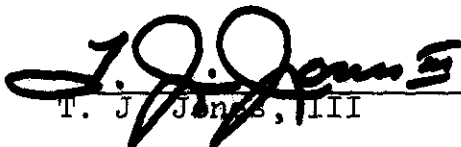
STATE OF IDAHO)
County of Ada) ss.

T. J. JONES, III, being first duly sworn, deposes and says:

That he is Special Counsel of the Idaho Department of Fish and Game, Protestant in the above-entitled matter; that he has read the foregoing Protest and knows the contents thereof; that the statements made therein are true to the best of his knowledge and belief.

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 9th day of December, 1977, I mailed a true and correct copy of the above and foregoing Protest to W. N. Brailsford, Secretary-Treasurer, Flying Triangle, Inc., Route 1, Hagerman, Idaho 83332.


T. J. Jones, III

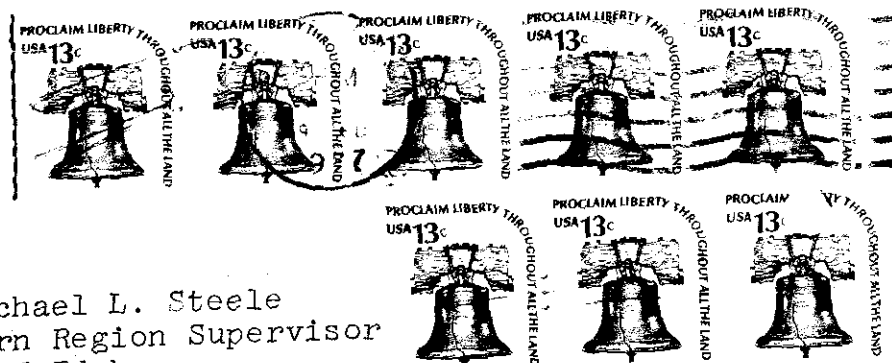
JONES & JONES
ATTORNEYS & COUNSELORS AT LAW
1611 WEST JEFFERSON STREET
P. O. BOX 1003
BOISE, IDAHO 83701

CERTIFIED

No. 148618

MAIL

UNRECORDED



Mr. Michael L. Steele
Southern Region Supervisor
State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Flying Triangle, Inc.

Hagerman ID 83332

has on 11/10/77 submitted Application No. 36-7762

for a permit to appropriate 30.0 cubic feet per second ~~more or less per annum~~

of water from Upper & lower Tucker Spr. via Big Bend Ditch

by means of Big Bend Ditch, headgate & ditch into ponds, settling pond

within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E., B.M.,

Gooding County

to be used from Jan. 1 to Dec. 31 for fish propagation (15cfs Upper Spr.) and from

~~for~~ Jan. 1 to Dec. 31 for fish propagation (15cfs Lower Spr.)

within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, Twp. 7S, Rge. 13E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before December ¹⁹~~12~~, 1977.

C. STEPHEN ALLRED

Director

Published in the Gooding County Leader

on ~~11/24~~ 12/1 and ~~12/1/77~~ 12/8/77

MICROFILMED

LEGAL (257) le *OK*
01 11/30/77
**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Flying Triangle, Inc., Hagerman, ID. 83332 has on 11/10/77 submitted Application No. 36-7762 for a permit to appropriate 30.0 cubic feet per second of water from Upper & lower Tucker Spr. via Big Bend Ditch by means of Big Bend Ditch, head-gate & ditch into ponds, settling pond within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Twp. 7S, Rge. 13E., B.M., Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation (15cfs Upper Spr.) and from Jan. 1 to Dec. 31 for fish propagation (15cfs Lower Spr.) within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, Twp. 7S, Rge. 13 E., B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before December 19, 1977.

/s/ C. Stephen Allred
Director

November 18, 1977

Gooding County Leader
Box 56
Gooding, ID 83330

Re: Application for Permit No. 36-7762 - Flying Triangle, Inc.

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele
Southern REgion Supervisor

MLS:sm

Enc.

Bill submitted: _____

RECEIVED
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