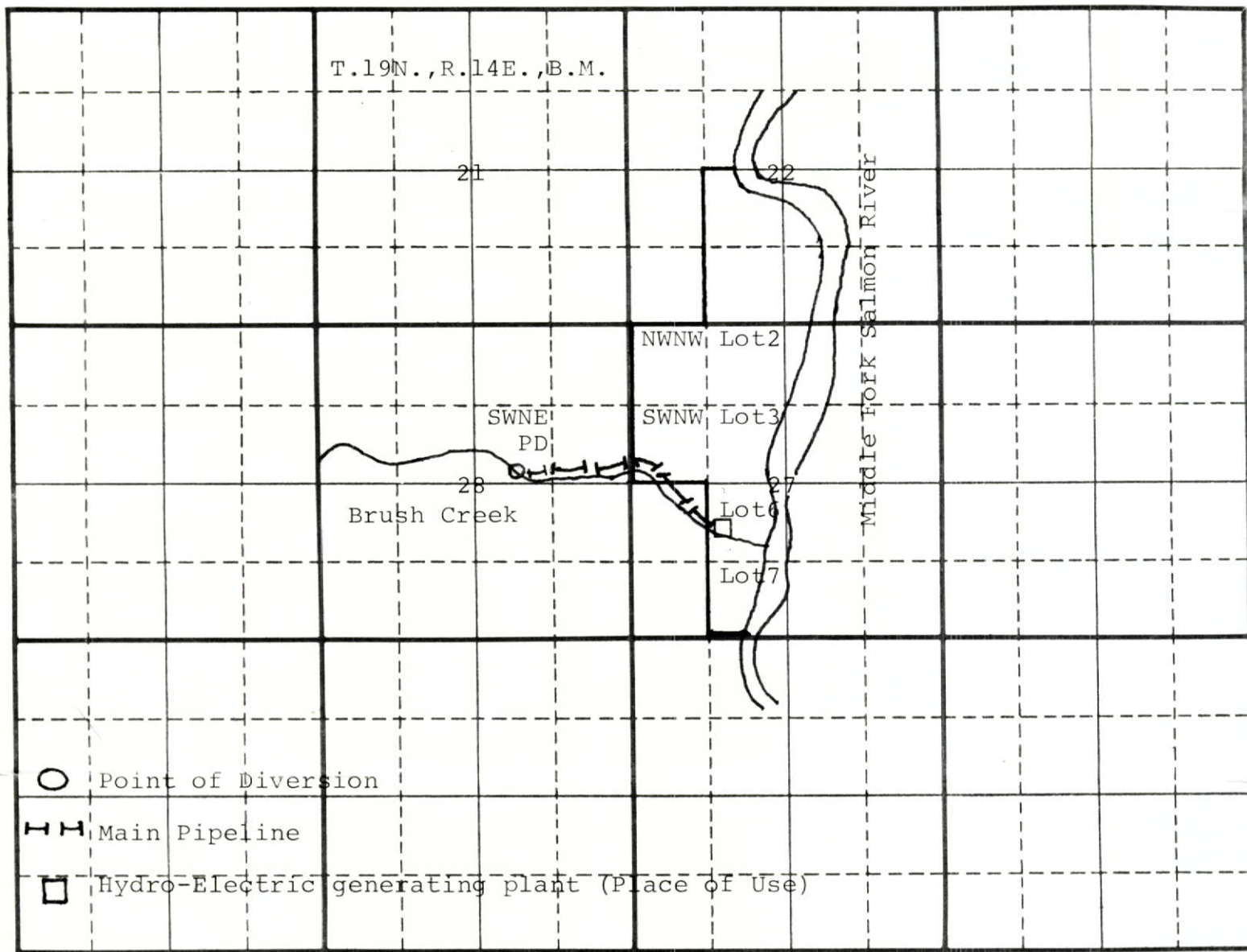


(8) Remarks Hydro-Electric generator, mainline, and domestic water line
were installed by a predecessor to the applicant. Pipeline is
authorized to be situated on U.S. Forest Service land by Special
Use Permit. Applicant owns land at place of use.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

by James T. Sepurth (pres)
(Claimant)

Sworn to before me this 10th day of November, 1981.

Janna Bosworth
Notary Public
Residing at Idaho Falls, Idaho

My commission expires lifetime

FOR DEPARTMENT USE ONLY

Received by <u>SKH</u>	Date <u>12/10/81</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CHS</u>	Date <u>12/21/81</u>		claimant by:	
\$30.00 fee received by <u>SKH</u>	Date <u>12/10/81</u>	# <u>21808</u>		
Published in <u>Star News</u>	Dates <u>1/7 & 1/14/82</u>			

MICROFILMED

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }

County of Valley }

SS.

Beryl Baker, being duly sworn deposes and says, I am the bookkeeper of the Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the Not. of Claims to Water a copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began January 7 19 82 and ended January 14 19 82.

Beryl Baker

Subscribed and sworn to before me this the
14th day of January 19 82.

Melody Juarez

Notary Public in and for the State of
Idaho, residing at McCall
therein.

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:
77-4086 ✓ 18

FLYING RESORT RANCHES INC.

C-O DON ELLSWORTH,
P.O. BOX 2336, IDAHO
FALLS, ID 83401

Source: BRUSH CREEK
tributary to SALMON
RIVER, MIDDLE FORK

Priority Date: 06-30-1958

Amount: 5.90 CFS

Diversion Point: SWNE
Sec 28 T 19N R 14E,
VALLEY Co.

Use: POWER (5.90 CFS)
from 01-01 to 12-31
DOMESTIC (0.08 CFS) from
01-01 to 12-31

Place of Use: LOT 06
(NESW) Sec 27 T 19N R 14E
Diversion Means: DAM &
PIPE MAINLINE

77-4087

FLYING RESORT RANCHES INC.

C-O DON ELLSWORTH,
P.O. BOX 2336, IDAHO

FALLS, ID 83401

Source: UNNAMED
STREAM tributary to
WHIMSTICK CREEK

Priority Date: 07-15-1960

Amount: 0.04 CFS

Use: DOMESTIC (0.04
CFS) Valley Co. from 01-01
to 12-31

Diversion Means: DAM &
PIPELINE

REMARKS: H.E. Survey
No. 298, Approx. Sec. 26 & 27,
Unsurveyed T23N, R12E,
B.M.

65-16007

WILLIAMS, MARVIN D.
1378 W. MELROSE,
BOISE, ID 83706

Source: GROUNDWATER
Priority Date: 09-30-1978

Amount: 0.04 CFS

Diversion Point: SWNE
Sec 32 T 16N R 03E,
VALLEY Co.

Use: DOMESTIC (0.04
CFS) from 01-01 to 12-31

Place of Use: SWNE Sec
32 T 16N R 03E

Diversion Means: WELL,
PUMP & PIPELINE

Any exception to any
claim of water right may be
filed with the Director of the
Idaho Department of Water
Resources, 92 S. Cole Road,
Boise, Idaho 83709.

A. KENNETH DUNN
Director

Published 1-7 & 1-14-82.

RECEIVED

JAN 15 1982

Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Department of Water Resources
Western Regional Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Flying Resort Ranches, Inc.

(Name of Claimant)

c/o Don Ellsworth Box 2336, Idaho Falls, Idaho 83401 Telephone No. (208) 523-1662

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) June 30, 1958

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Brush Creek tributary to Middle Fork Salmon River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>5.9 cfs</u>	Use <u>Power Generation</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity	<u>.08 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 5.9 cfs TOTAL QUANTITY USED.

(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SW ¼ NE ¼, Sec. 28 Twp. 19 N Rge. 14 E B.M., County of Valley

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Concrete dam 4 feet high and 3250 feet steel pipe mainline, 22 inches in diameter. Domestic system is 2" line off of mainline at place of use.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				Lot 6SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19N	14E	27									X								

Power generation and domestic use are at same place of use.

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Water is used to run a hydro-electric plant to generate electric power. Electric power so generated is used by applicant. Domestic water use is for 10 cabins, a lodge and a house.

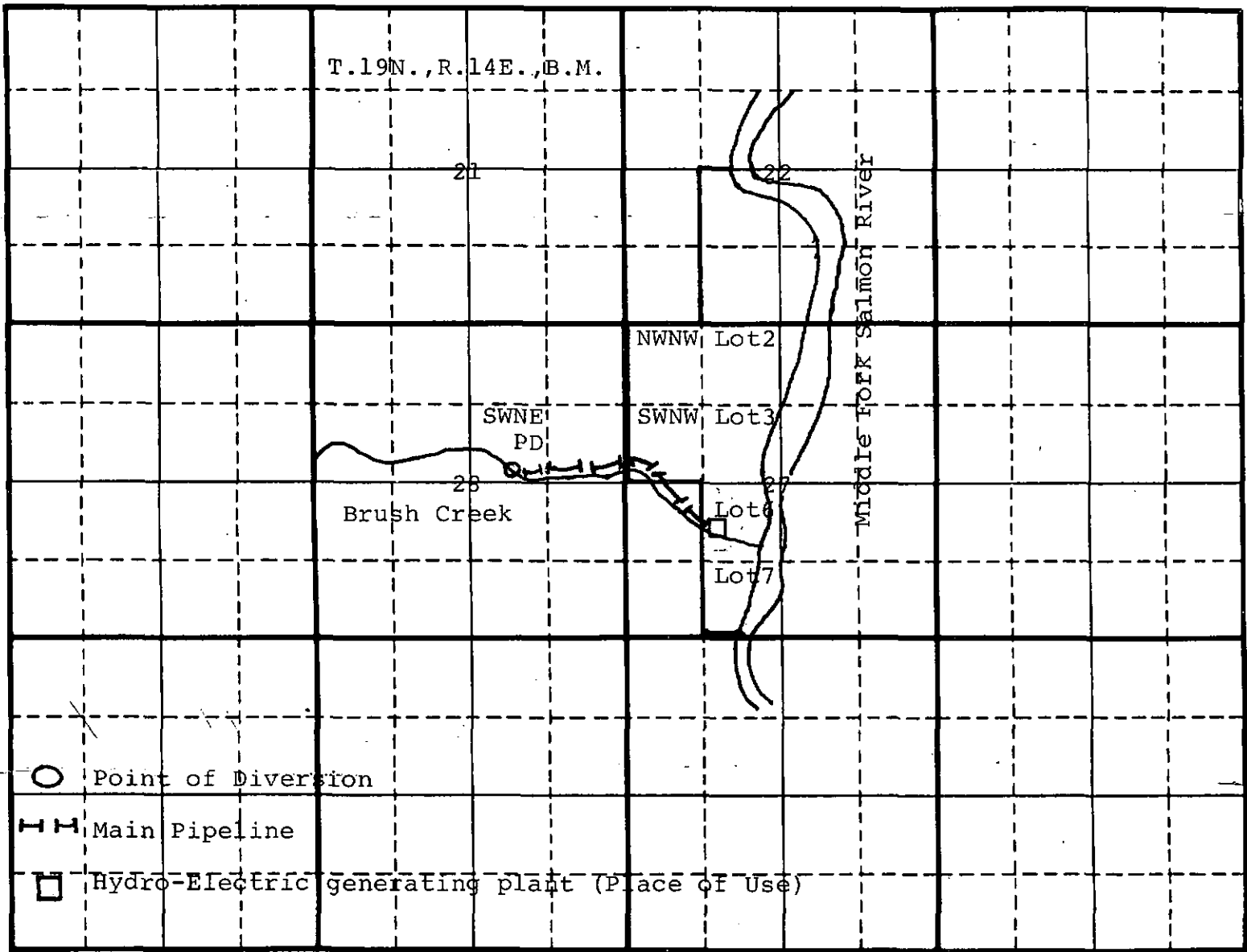
NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

Flying Resort Ranches, Inc., an Idaho Corporation.

RECEIVED

(8) Remarks Hydro-Electric generator, mainline, and domestic water line
were installed by a predecessor to the applicant. Pipeline is
authorized to be situated on U.S. Forest Service land by Special
Use Permit. Applicant owns land at place of use.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Bonneville)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Flying Resort Ranches, Inc.
by James T. Sepurth (Pres)
(Claimant)

Sworn to before me this 10th day of November, 1981.

Janna Bosworth
Notary Public
Residing at Idaho Falls, Idaho

My commission expires lifetime

FOR DEPARTMENT USE ONLY

Received by 9KH Date 12/10/81 Exception filed by: _____ Date _____
Prelim. check by 6K5 Date 12/21/81 Forwarded to claimant by: _____
\$30.00 fee received by 9KH Date 12/10/81 # 21808
Published in Star News
Dates 1/7 & 1/14/82

MICROFILMED

PUBLISHER'S AFFIDAVIT OF PUBLICATION

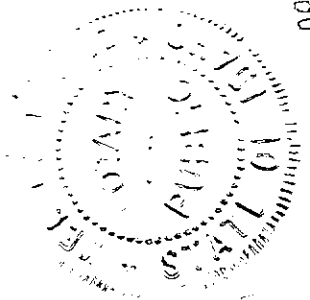
STATE OF IDAHO

County of Valley

ss.

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Subscribed and sworn to before me this the
14th day of January, 19 82



Melody Janney
Notary Public in and for the State of
Idaho, residing at McCall
therein.

RECEIVED

NOTICE OF CLAIMS
TO WATER RIGHTS
Notice is hereby given that
the following claim(s) to
water right(s) have been
established by diversion and
application to beneficial use:
77-4086 ✓ 18

FLYING RESORT
RANCHES INC.
C/O DON ELLSWORTH,
P.O. BOX 2336, IDAHO
FALLS, ID 83401

Source: BRUSH CREEK
tributary to SALMON
RIVER, MIDDLE FORK
Priority Date: 06-30-1958
Amount: 5.90 CFS
Diversion Point: SWNE
Sec 28 T 19N R 14E,
VALLEY Co.

Use: POWER (5.90 CFS)
from 01-01 to 12-31
DOMESTIC (0.08 CFS) from
01-01 to 12-31

Place of Use: LOT 06
(NESW) Sec 27 T 19N R 14E
Diversion Means: DAM &
PIPE MAINLINE

77-4087
FLYING RESORT
RANCHES INC.
C/O DON ELLSWORTH,
P.O. BOX 2336, IDAHO

FALLS, ID 83401

Source: UNNAMED
STREAM tributary to
WHIMSTICK CREEK

Priority Date: 07-15-1960
Amount: 0.04 CFS

Use: DOMESTIC (0.04
CFS) Valley Co. from 01-01
to 12-31

Diversion Means: DAM &
PIPELINE

REMARKS: H.E. Survey
No. 298, Approx. Sec. 26 & 27,
Unsurveyed T23N, R12E,
B.M.

65-16007

WILLIAMS, MARVIN D.
1378 W. MELROSE,
BOISE, ID 83706

Source: GROUNDWATER
Priority Date: 09-30-1978

Amount: 0.04 CFS
Diversion Point: SWNE
Sec 32 T 16N R 03E,
VALLEY Co.

Use: DOMESTIC (0.04
CFS) from 01-01 to 12-31
Place of Use: SWNE Sec
32 T 16N R 03E

Diversion Means: WELL,
PUMP & PIPELINE
Any exception to any
claim of water right may be
filed with the Director of the
Idaho Department of Water
Resources, 92 S. Cole Road,
Boise, Idaho 83709.

A. KENNETH DUNN
Director

Published 1-7 & 1-14-82.

RECEIVED
JAN 15 1982

Department of Water Resources
Western Regional Office

WRR100
77-4086

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 1
25-MAR-1986 19:51:20

01 WATER RIGHT NUMBER - 77-4086 02 OLD (D) NUMBER -

LAST NAME FIRST NAME ORIG. OWNER
03001 - FLYING RESORT RANCHES INC. 04001 - 05001 - C

06 ADD LINE 1 - C/O DON ELLSWORTH

07 ADD LINE 2 - P.O. BOX 2336

08 ADD LINE 3 -

09 CITY - IDAHO FALLS

10 STATE - ID

11 ZIP - 83401

12 STAGE - S STATUTORY CLAIM

13 STATUS -

SOURCE
14001 - BRUSH CREEK

TRIBUTARY OF
15001 - SALMON RIVER, MIDDLE FORK

16 DIVERSION MEANS - DAM & PIPE MAINLINE

17 COUNTY - 85 VALLEY

18 DIVERSION CAPACITY - .000

19 TOTAL DIVERSION RATE - 5.900

20 TOTAL DIVERSION VOLUME - .00

21 WATER DISTRICT -

----- DIVERSION POINTS -----												
TRACT	SEC	TWN	RNG	LOT	RFLG	S T R E A M	I N D E X	F I E L D S				
22001 - SWNE	23001 - 28	24001 - 19N	25001 - 14E	26001 -	27001 -							
				28001 - 0	272.0	92.0	279.0	59.0	0.0	0.0	0.0	0 0 0 1.1

29 NON-IRRIGATION USE - D/10 CABINS, LODGE & HOUSE.

----- PLACE OF USE -----						
USE CODE / USE	TWN	RNG	SEC	TRACT	ACRES	LOT
30001 - 28 POWER	31001 - 19N	32001 - 14E	33001 - 27	34001 - NESW	35001 -	36001 - 06
						TOTAL ACRES: 0

----- WATER USE -----				
PERIOD FROM	PERIOD TO	USE CODE / USE	DIVERSION RATE	DIVERSION VOLUME
37001 - 0101	38001 - 1231	39001 - 28 POWER	40001 - 5.900	41001 - 0.00
37002 - 0101	38002 - 1231	39002 - 43 DOMESTIC	40002 - 0.080	41002 - 0.00

42 DECREE PLAINTIFF NAME -

43 DECREE DEFENDANT NAME -

REMARKS
44001 -

APPROVAL CONDITIONS: 45001 -

46 OTHER RIGHTS FOR SAME USE -

----- D A T E S -----		----- D A T E S -----		----- F L A G S -----	
47 PRIORITY	- 30-JUN-1958	55 LICENSE	-	63 TRANSFER/AMENDED	-
48 PROOF DUE	-	56 APPL RECEIVED	-	64 DLE/CAREY ACT	-
49 PROOF MADE	-	57 FIELD EXAM MADE	-	65 FLAG_1	-
50 APPROVE/DENIED-	-	58 DECREE	-	66 FLAG_2	-
51 PROTESTED	-	59 START WORK	-	67 FLAG_3	-
52 HEARING	-	60 ORDER SHOW CAUSE	-		
53 VERIFIED	-	61 DATE_1	-		

WRR100
77-4086

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
25-MAR-1986 19:51:20

----- D A T E S ----- D A T E S ----- F L A G S -----

54 LAST UPDATE - 25-MAR-1986

62 DATE_2 -

VERIFIED AMS

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

JANUARY 27, 1982

FLYING RESORT RANCHES INC.
C/O DON ELLSWORTH
P.O. BOX 2336
IDAHO FALLS

ID 83401

RE: Claim No. 77-4086

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: 6LS

Right Number 77-4086 Applicant Flying Resort Ranches, Inc.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion. 2720/0920/2790/0590/ Reach = 1.1
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Yes 82 Stan Bauer
 - ☒ Claim published correctly. 1/2 & 1/4/82
 - ☐ Exceptions processed. 30.00/21800
- By DBS Date 1/25/82

STATE OFFICE PROCESSING:

- ☒ Claim review complete.
- By EW Date 1/28/82

MICROFILMED

RECEIVED
JAN 28 1982
Department of Water Resources
JAN 28 1982
Department of Water Resources

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709..

A. KENNETH DUNN

Director

Published 1/7 & 1/14/82.

MICROFILMED

ZZ-4086-

FLYING RESORT RANCHES INC.

C/O DON ELLSWORTH, P.O. BOX 2336, IDAHO FALLS, ID 83401

Source: BRUSH CREEK tributary to SALMON RIVER, MIDDLE FORK

Priority Date: 06/30/1958

Amount: 5.90 CFS

Diversion Point: SWNE Sec 28 T 19N R 14E, VALLEY Co.

Use: POWER	(5.90 CFS)	from 01/01 to 12/31
DOMESTIC	(0.08 CFS)	from 01/01 to 12/31

Place of Use: LOT 06 (NESW) Sec 27 T 19N R 14E

Diversion Means: DAM & PIPE MAINLINE

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