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JAN 21 2010

DEPARTMENT OF
WATER RESOURCES

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

January 20, 2010

Dave Carlson
Water Resource Supervisor
Idaho Department of Water Resources
Eastern Region
900 N. Skyline, Suite A
Idaho Falls, ID 83402-1718

*Re: Flying Joseph Ranch LLC / Application for Transfer of Water Rights
Nos. 73-2159 and 73-2162*

Dear Dave:

Enclosed you will find the original and a copy of the above-referenced Application for Transfer of Water Right to add two more points of diversion to water rights 73-2159 and 73-2162. The points of diversion recommended in the SRBA and the additional points of diversion are existing wells and are the same three wells which constitute the points of diversion for Permit No. 73-7113. I have also enclosed my firm's check payable to the Department for the \$450 filing fee.

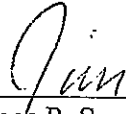
Please receipt date-stamp the copy of the Application and return it to me in the postage-prepaid self-addressed envelope I have included for that purpose.

Please contact me right away if you have any questions or concerns about this Application. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____


James P. Speck

Enclosures

CC w/ Enclosures: Client
Don Shaff

RECEIVED

JAN 21 2010

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

JAN 21 2010

DEPARTMENT OF STATE OF IDAHO
WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Flying Joseph Ranch LLC Phone (206) 762-1171Mailing address c/o Joseph Clark, 7213 Perimeter Rd. S., Seattle, WA 98108 Email jclark@aviationpartners.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative James P. Speck Phone (208) 726-4421Mailing address Speck & Aanestad, PC, PO Box 987, Ketchum, ID 83340 Email jim@speckandaanestad.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

James P. Speck, attorney-in-fact
Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Three wells are all inter-connected by the same mainline. The purpose of this application is to correct the description of the points of diversion for two of the three water rights which share this common system. The third right (73-7113) is in the permit stage and will be licensed with these three points of diversion.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	73-2159	3.29 cfs	irrigation	April 1 to Oct. 31	ground water
☒ ☐	73-2162	2.49 cfs	irrigation	April 15 to Oct. 31	ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.78 cfs and/or 2239.5 ac-ft

2. Total amount of water proposed to be transferred or changed 5.78 cubic feet per second and/or 2239.5 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	SE	NE	29	13N	23E	Custer	ground water	Barnes Well #1
		SE	NE	NE	29	13N	23E	Custer	ground water	Barnes Well #2
		SE	SE	NW	20E	13N	23E	Custer	ground water	Barnes Well #3

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Three wells pump into the common mainline delivery system depicted on the map attached as Attachment 7A, p.1. Valves at each well can be used to shut off the flow from that well. Measuring devices could be installed in the pipelines.

b. Who owns the property at the point(s) of diversion? Aplicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: 73-7113 is diverted from the same three wells and shares a portion of the 73-2162 place of use. 73-15A, 73-150C, 73-4001, 73-4003, 73-10023 and 73-10024 share the same place of use as 73-2162

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

Total Acres (for irrigation use)

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 73-2159

Current Owner: FLYING JOSEPH RANCH LLC

Priority Date: 8/8/1966

Origin: Adjudication Recommendation

Status: Active

Basis: License

Source

GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	3.29 CFS	1407 AF
	Total Diversion	3.29 CFS	1407 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4NE1/4 Sec. 29, Twp 13N, Rge 23E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T13N R23E S20	NESW	39.00	T13N R23E S20	SWSW	37.00
T13N R23E S20	SESW	38.00	T13N R23E S20	SWSE	38.00
T13N R23E S20	SESE	40.00	T13N R23E S29	NENE	36.00
T13N R23E S29	NWNE	38.00	T13N R23E S29	SWNE	33.00
T13N R23E S29	SENE	37.00	T13N R23E S29	NENW	34.00
T13N R23E S29	SENW	32.00			

Total Acres: 402

Conditions of Approval:

1. Right Nos. 73-15A, 73-150C, 73-2159, 73-2162, 73-4001, 73-4003, 73-10023 and 73-10024 are limited to the irrigation of a combined total of 926 acres in a single irrigation season.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 73-2162

Current Owner: FLYING JOSEPH RANCH LLC

Priority Date: 8/31/1966

Origin: Adjudication Recommendation

Status: Active

Basis: License

Source

GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	2.49 CFS	832.5 AF
	Total Diversion	2.49 CFS	832.5 AF

Location of Point(s) of Diversion

GROUND WATER

CUSTER County

NE1/4NE1/4 Sec. 29, Twp 13N, Rge 23E B.M.

Place of Use

IRRIGATION Within CUSTER County

T13N R23E S20	SWNE	24.00	T13N R23E S20	SENE	2.50
T13N R23E S20	SWNW	38.00	T13N R23E S20	SENE	40.00
T13N R23E S20	NESW	35.00	T13N R23E S20	NESE	31.00
T13N R23E S20	NWSE	40.00	T13N R23E S20	SWSE	28.00
T13N R23E S20	SESE	39.00			

Total Acres: 277.5

Conditions of Approval:

1. Right Nos. 73-15A, 73-150C, 73-2159, 73-2162, 73-4001, 73-4003, 73-10023 and 73-10024 are limited to the irrigation of a combined total of 926 acres in a single irrigation season.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E55 Right Nos. 73-15A, 73-2162, 73-4001, 73-4003, 73-10023 and 73-10024 are limited to the irrigation of a combined total of 370.6 acres in a single irrigation season.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it Attachment #7a.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it Attachment #7b. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid _____	Date _____	Received by _____	Receipt # _____
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Add'l Fee Paid	Date	Received by	Receipt #
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FLYING JOSEPH RANCH, LLC
APPLICATION FOR TRANSFER
Attachment #4

**SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)**

FLYING JOSEPH RANCH, LLC, an Idaho limited liability company, designates and appoints JAMES P. SPECK, of Ketchum, Idaho, as Grantor's attorney in fact and agent (subsequently called "Agent") to act in Grantor's name and for Grantor's benefit for the specific purposes stated herein only. Grantor grants to its Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as Grantor might or could do if personally present and fully competent, hereby ratifying and confirming all that Grantor's Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. Grantor's agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that Grantor now has or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or Grantor's Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

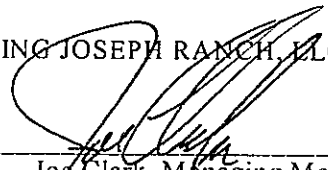
4. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to Grantor's Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to Grantor's Agent shall incur any liability to Grantor as a result of permitting the Agent to exercise any power.

5. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

6. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

9th IN WITNESS WHEREOF, Grantor has executed this Special Power of Attorney this
day of April, 2009.

FLYING JOSEPH RANCH, LLC

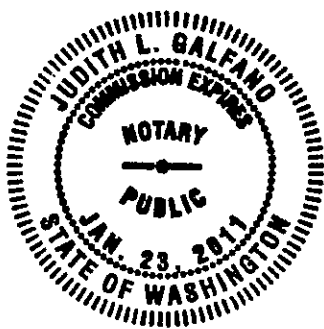
By: 
Joe Clark, Managing Member

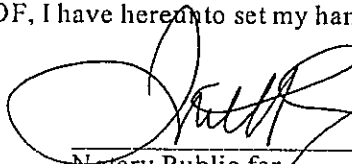
STATE OF WA)
County of KING)

ss.

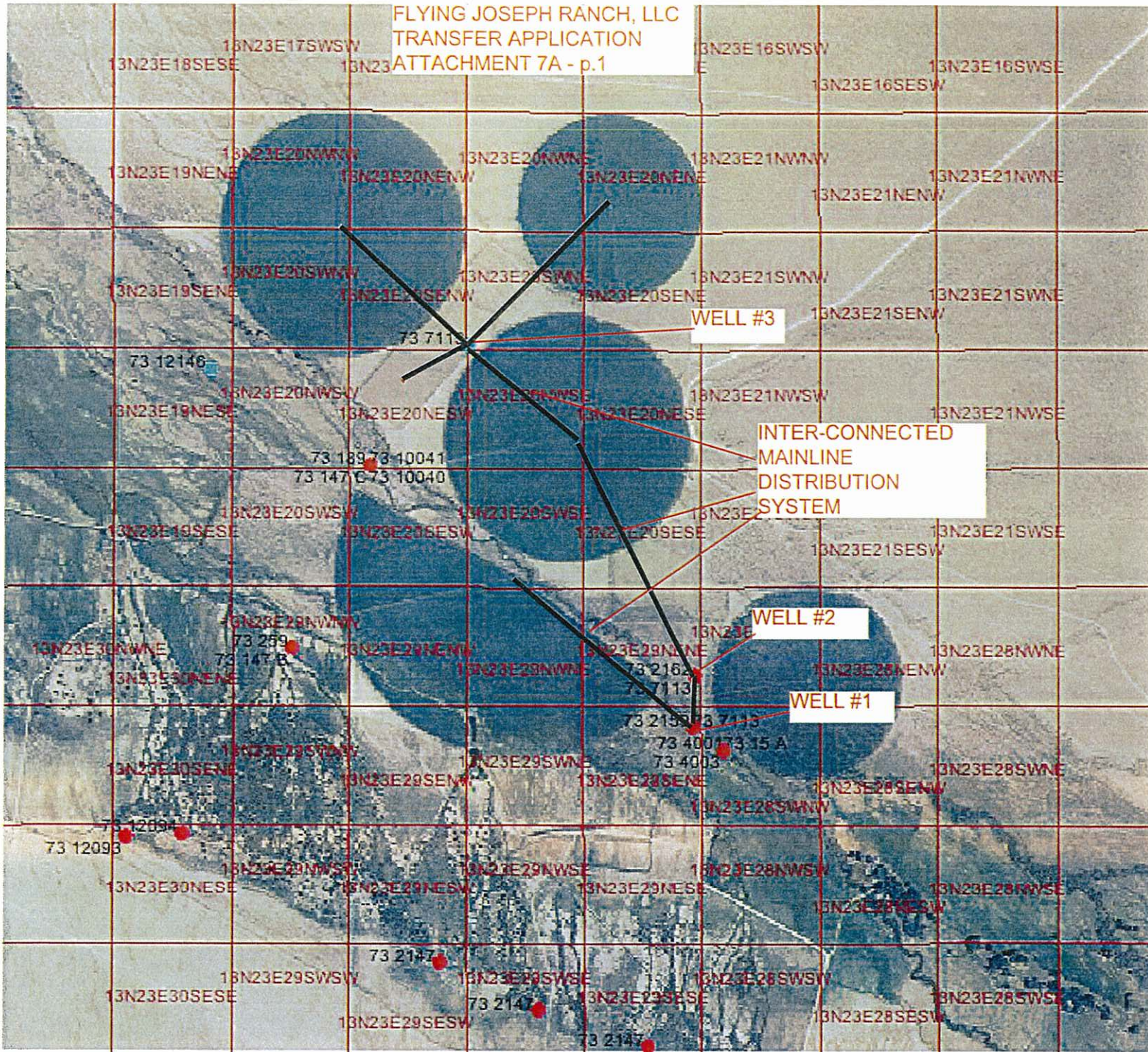
On this 9th day of April, 2009, before me, the undersigned notary public in and for said state, personally appeared Joe Clark, known or identified to me to be the Managing Member of FLYING JOSEPH RANCH, LLC and the person who executed the foregoing instrument on behalf of said limited liability company and acknowledged to me that said limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



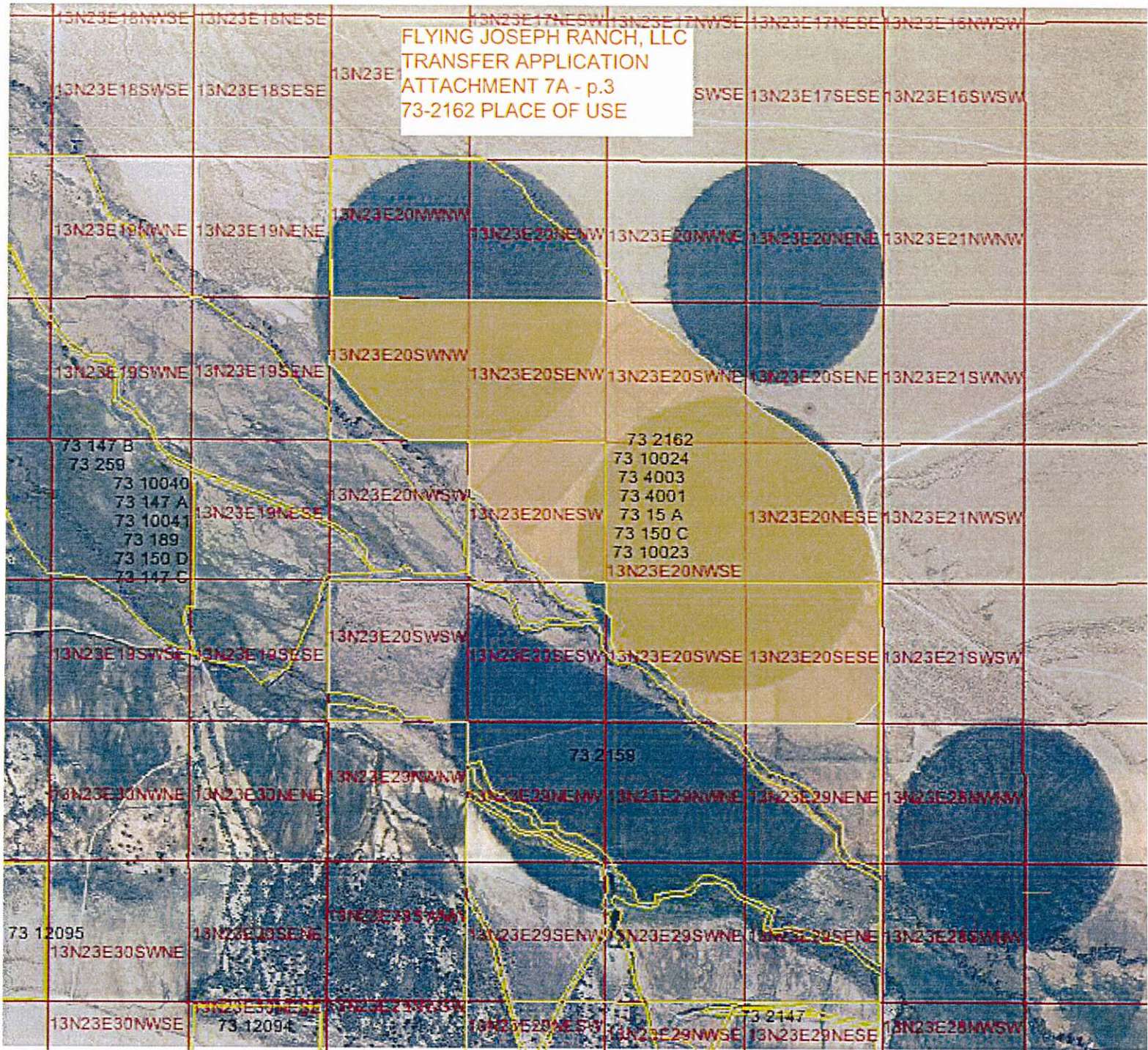

Notary Public for WASHINGTON
Residing at: SEATTLE
Commission expires: JAN. 23, 2011

FLYING JOSEPH RANCH, LLC
TRANSFER APPLICATION
ATTACHMENT 7A - p.1



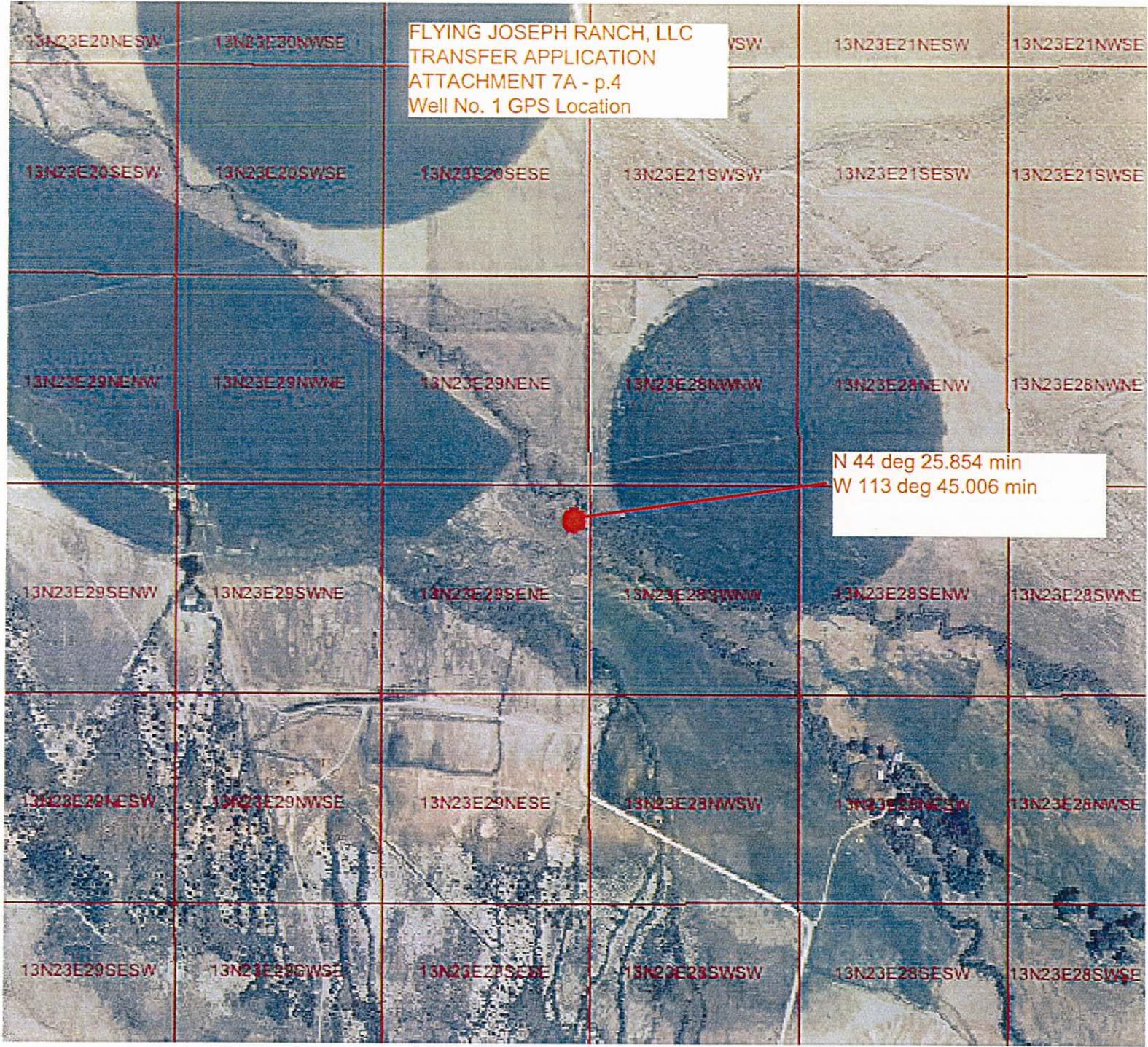
FLYING JOSEPH RANCH, LLC
TRANSFER APPLICATION
ATTACHMENT 7A - p.2
73-2159 PLACE OF USE

FLYING JOSEPH RANCH, LLC
TRANSFER APPLICATION
ATTACHMENT 7A - p.3
73-2162 PLACE OF USE



FLYING JOSEPH RANCH, LLC
TRANSFER APPLICATION
ATTACHMENT 7A - p.4
Well No. 1 GPS Location

N 44 deg 25.854 min
W 113 deg 45.006 min



FLYING JOSEPH RANCH, LLC
TRANSFER APPLICATION
ATTACHMENT 7A - p.5
Well No. 2 GPS Location

13N23E20NESW 13N23E20NWSE

13N23E20SESE

13N23E21NESW 13N23E21NWSE

13N23E20SESW 13N23E20SWSE

13N23E20SESE

13N23E21SWSW

13N23E21SESW 13N23E21SWSE

13N23E29NENW 13N23E29NNWNE

13N23E29NENE

13N23E28NNWW

13N23E28NENW 13N23E28NNWNE

N 44 deg 25.948 min
W 113 deg 45.000 min

13N23E29SENW 13N23E29SWNE

13N23E29SENE

13N23E28SNNW

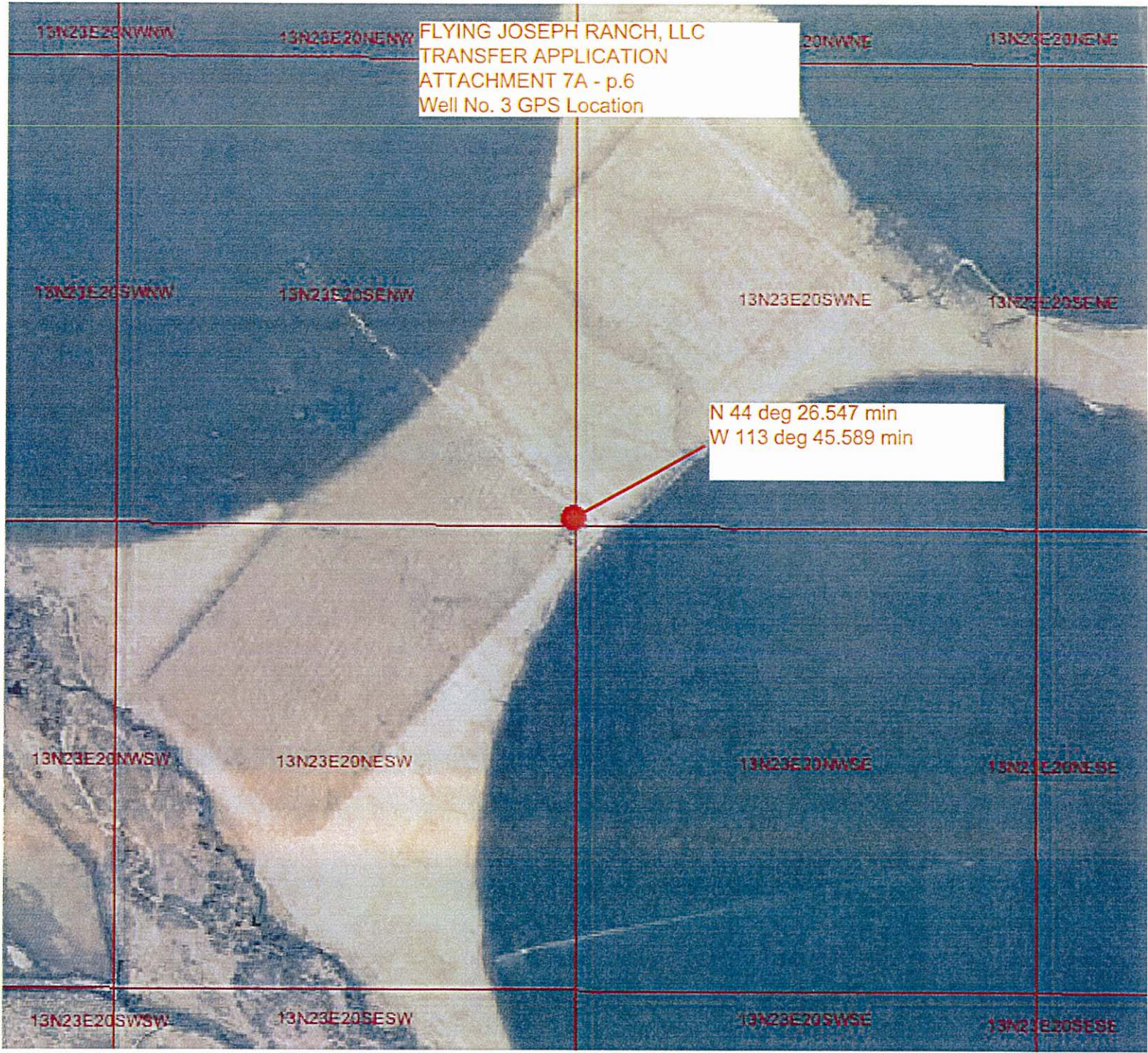
13N23E28SENW 13N23E28SWNE

13N23E29NESW 13N23E29NWSE

13N23E29NESE

13N23E28NWSW

13N23E28NESW 13N23E28NWSE



FLYING JOSEPH RANCH, LLC
TRANSFER APPLICATION
ATTACHMENT 7A - p.6
Well No. 3 GPS Location

N 44 deg 26.547 min
W 113 deg 45.589 min