

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No. 73-02165
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

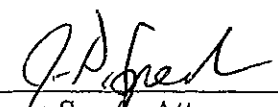
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Flying Joseph Ranch, LLC

 6-29-10
James Speck, Attorney Date

IDWR Concurrence:

 7-14-10
Carter Fritschle Date
Manager, Adjudication Section

 7/14/10
Andrea Courtney Date
Deputy Attorney General
Attorney for IDWR

06/24/2010

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

RIGHT NUMBER: 73-2165

NAME AND ADDRESS: FLYING JOSEPH RANCH LLC
C/O JUDY GALTANO JOSEPH CLARK
7213 PERIMETER RD S
SEATTLE WA 98108

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.050 CFS
~~1,029.5~~ 874.2 AFY

PRIORITY DATE: 09/23/1966

POINT OF
DIVERSION:

T13N R22E S13 NENW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

2.050 CFS
~~1,029.5~~ 874.2 AFY

PLACE OF USE: IRRIGATION in CUSTER County

T13N R22E S01	SWSW	40.00	T13N R22E S02	SESE	28.00
T13N R22E S11	NENE	37.00	T13N R22E S11	SENE	32.00
T13N R22E S11	NESE	25.00	T13N R22E S11	SESE	4.00
T13N R22E S12	NWNW	40.00	T13N R22E S12	SWNW	40.00
T13N R22E S12	NWSW	24.00	T13N R22E S12	SWSW	22.00
T13N R22E S12	SESW	2.00			

294 ACRES TOTAL

Right Nos. 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040, 73-10041 and 73-12110 are limited to the irrigation of a combined total of ~~1057.6~~ 2413.3 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on July 16, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

FLYING JOSEPH RANCH LLC
Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Jon Harris
Signature of person or attorney mailing form