

JUL 29 2010

DEPARTMENT OF
WATER RESOURCES

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

Subcase No. 73-00147C

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.

OBJECTOR:

United States of America

James Speck, Attorney 6.29.10
Date

David Negri, Attorney Date
Bureau of Land Management

IDWR Concurrency:

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

Andrea Courtney 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: 73-147C

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

SOURCE: PAHSIMEROI RIVER
GOLDBURG CREEK

TRIBUTARY: SALMON RIVER
TRIBUTARY: PAHSIMEROI RIVER

Diversion of water from the Pahsimeroi River is limited to those times water is available for diversion under this right and priority from Goldburg Creek at its confluence with the Pahsimeroi River.

QUANTITY: 4.800 CFS

The appropriator is entitled to the quantity of water described above at the following points of measurement:

T13N, R22E, S13, SWNW
T13N, R23E, S19, SWSE
T13N, R23E, S19, SESE
T13N, R23E, S20, SWSW

PRIORITY DATE: 04/25/1886

POINT OF
DIVERSION:

T13N R23E S20 SWNE6W SESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	4.800 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T13N R22E S01 Lot 4 NWNW 0.90	T13N R22E S01	SWNW	19.00
T13N R22E S01 NWSW 35.00	T13N R22E S01	SWSW	41.00
T13N R22E S02 Lot 1 NENE 29.0 31.0	T13N R22E S02 Lot 2 NWNE 8.8 9.6		
T13N R22E S02 SWNE 8.2 8.3	T13N R22E S02	SENE	40.00
T13N R22E S02 NESE 40.00	T13N R22E S02	SESE	40.00
T13N R22E S11 NENE 37.00	T13N R22E S11	SENE	33.00
T13N R22E S11 NESE 26.0 27.0	T13N R22E S11	SESE	29.00
T13N R22E S12 NWNE 0.4 0.5	T13N R22E S12	SWNE	23.00
T13N R22E S12 NENW 2.3 2.6	T13N R22E S12	NWNW	41.00
T13N R22E S12 SWNW 40.00	T13N R22E S12	SENW 0.3 1.1	
T13N R22E S12 NESW 41.00	T13N R22E S12	NWSW	31.00
T13N R22E S12 SWSW 30.00	T13N R22E S12	SESW	37.00
T13N R22E S12 NWSE 41.00	T13N R22E S12	SWSE	39.00
T13N R22E S13 NWNE 22.0 23.0	T13N R22E S13	SWNE	12.00

T13N R22E S13	NENW ~~10-0~~ 15.0	T13N R22E S13	NWNW 37.00
T13N R22E S13	SWNW 9-5 9.9	T13N R22E S13	SENE ~~4-5~~ 16.0
T13N R22E S13	NESW 0.20	T13N R22E S13	SWSW 9.80
T13N R22E S13	NWSE 23.00	T13N R22E S13	SESE 34.00
T13N R22E S14	NENE 17.00	T13N R22E S14	SENE ~~0-2~~ 21.0
T13N R22E S14	NESE ~~2-8~~ 35.0	T13N R22E S14	NWSE ~~19-0~~ 20.0
T13N R22E S14	SWSE 31.00	T13N R22E S14	SESE ~~36-0~~ 37.0
T13N R22E S23	NENE 40.00	T13N R22E S23	NWNE ~~36-0~~ 37.0
T13N R22E S23	SWNE 23.00	T13N R22E S23	SENE 40.00
T13N R22E S23	NESE 12.00	T13N R22E S24	NENE 8.00
T13N R22E S24	NWNE 0.50	T13N R22E S24	SWNE 30.00
T13N R22E S24	SENE 12.00	T13N R22E S24	NENW 19.00
T13N R22E S24	NWNW 40.00	T13N R22E S24	SWNW 40.00
T13N R22E S24	SENE 40.00	T13N R22E S24	NESW ~~36-0~~ 37.0
T13N R22E S24	NWSW ~~27-0~~ 28.0	T13N R22E S24	NESE 39.00
T13N R22E S24	NWSE 39.00	T13N R23E S18 Lot 4	SWSW 25.00
T13N R23E S19	NWNE ~~23-0~~ 25.0	T13N R23E S19	SWNE 39.00
T13N R23E S19	SENE ~~26-0~~ 27.0	T13N R23E S19	NENW 39.00
T13N R23E S19 Lot 1	NWNW 36.00	T13N R23E S19 Lot 2	SWNW 7.80
T13N R23E S19	SENE 38.00	T13N R23E S19	NESW ~~13-0~~ 28.0
T13N R23E S19 Lot 3	NWSW ~~13-0~~ 29.0	T13N R23E S19 Lot 4	SWSW ~~1-5~~ 25.0
T13N R23E S19	SESW 40.00	T13N R23E S19	NESE 39.00
T13N R23E S19	NWSE 40.00	T13N R23E S19	SWSE ~~7-9~~ 40.0
T13N R23E S19	SESE ~~21-0~~ 35.0	T13N R23E S20	NWSW ~~26-0~~ 27.0
T13N R23E S29	NWNW 37.00	T13N R23E S29	SWNW 40.00
T13N R23E S29	NWSW 28.00	T13N R23E S30	NENE 40.00
T13N R23E S30	NWNE 40.00	T13N R23E S30	SWNE 40.00
T13N R23E S30	SENE 40.00	T13N R23E S30	NENW 40.00
T13N R23E S30 Lot 1	NWNW 25.00		

1857-6 2413.3 ACRES TOTAL

Place of use does not include federal public lands.

This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.

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 1857-6 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 - Decreed

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

~~Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.~~

Right Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the point of diversion described above. Right Nos. 73-10041 and 73-12110 ~~is~~ are rediverted from the Pahsimeroi River through the point of diversion ~~described above~~ in T13N, R23E, S20, SESW.

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

CERTIFICATE OF MAILING

I certify that on 7/27, 2010 mailed the original and copies of this form, including all attachments, 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

2. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

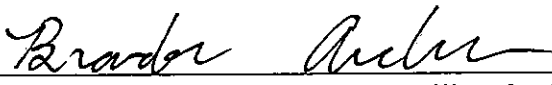
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Flying Joseph Ranch, LLC
c/o Joseph Clark
7213 Perimeter Rd S
Seattle, WA 98108

James P. Speck
Speck & Aanestad, PC
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
Attorney for Flying Joseph Ranch, LLC


Signature of person or attorney mailing the form