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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

In Re SRBA

Case No. 39576

Subcase No. 73-00189

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.

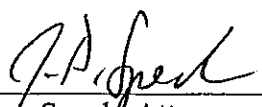
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

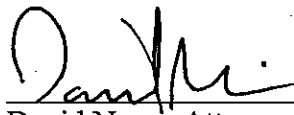
**CLAIMANT/OBJECTOR:**

Flying Joseph Ranch, LLC

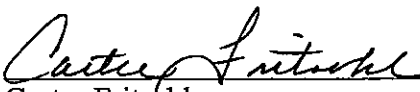
**OBJECTOR:**

United States of America

  
James Speck, Attorney Date 6-29-10

  
David Negri, Attorney Date 7/27/10  
Bureau of Land Management

**IDWR Concurrence:**

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

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

06/24/2010

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

RIGHT NUMBER: 73-189

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

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 6.400 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: 05/19/1909

POINT OF  
DIVERSION:

T12N R23E S2 NESW Within CUSTER County  
T13N R23E S20 SWNSW SESW Within CUSTER County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY  |
|----------------|---------------|-----------|
| IRRIGATION     | 04/01 10/31   | 6.400 CFS |

PLACE OF USE: IRRIGATION in CUSTER County

|                                                                |               |                      |                     |      |                     |
|----------------------------------------------------------------|---------------|----------------------|---------------------|------|---------------------|
| <del>T13N R22E S01 Lot 4</del> <del>NWNW</del> <del>0.90</del> | T13N R22E S01 | SWNW                 | 19.00               |      |                     |
| T13N R22E S01                                                  | NWSW          | 35.00                | T13N R22E S01       | SWSW | 41.00               |
| T13N R22E S02 Lot 1                                            | NENE          | <del>29.0</del> 31.0 | T13N R22E S02 Lot 2 | NWNE | <del>0.0</del> 9.6  |
| T13N R22E S02                                                  | SWNE          | <del>8.2</del> 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          | <del>26.0</del> 27.0 | T13N R22E S11       | SESE | 29.00               |
| T13N R22E S12                                                  | NWNE          | <del>0.4</del> 0.5   | T13N R22E S12       | SWNE | 23.00               |
| T13N R22E S12                                                  | NENW          | <del>2.3</del> 2.6   | T13N R22E S12       | NWNW | 41.00               |
| T13N R22E S12                                                  | SWNW          | 40.00                | T13N R22E S12       | SENW | <del>0.3</del> 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          | <del>22.0</del> 23.0 | T13N R22E S13       | SWNE | 12.00               |
| T13N R22E S13                                                  | NENW          | <del>10.0</del> 15.0 | T13N R22E S13       | NWNW | 37.00               |
| T13N R22E S13                                                  | SWNW          | <del>9.5</del> 9.9   | T13N R22E S13       | SENW | <del>4.5</del> 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 <del>0-2</del>  | <u>21.0</u> |
| T13N R22E S14                            | NESE <del>2-8</del>  | <u>35.0</u> | T13N R22E S14                           | NWSE <del>19-0</del> | <u>20.0</u> |
| T13N R22E S14                            | SWSE                 | 31.00       | T13N R22E S14                           | SESE <del>36-0</del> | <u>37.0</u> |
| T13N R22E S23                            | NENE                 | 40.00       | T13N R22E S23                           | NWNE <del>36-0</del> | <u>37.0</u> |
| 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                            | SENW                 | 40.00       | T13N R22E S24                           | NESW <del>36-0</del> | <u>37.0</u> |
| T13N R22E S24                            | NWSW <del>27-0</del> | <u>28.0</u> | T13N R22E S24                           | NESE                 | 39.00       |
| T13N R22E S24                            | NWSE                 | 39.00       | T13N R23E S18 Lot 4 SWSW                |                      | 25.00       |
| T13N R23E S19                            | NWNE <del>23-0</del> | <u>25.0</u> | T13N R23E S19                           | SWNE                 | 39.00       |
| T13N R23E S19                            | SENE <del>26-0</del> | <u>27.0</u> | 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                            | SENW                 | 38.00       | T13N R23E S19                           | NESW <del>13-0</del> | <u>28.0</u> |
| T13N R23E S19 Lot 3 NWSW <del>23-6</del> |                      | <u>29.0</u> | T13N R23E S19 Lot 4 SWSW <del>1-5</del> |                      | <u>25.0</u> |
| T13N R23E S19                            | SESW                 | 40.00       | T13N R23E S19                           | NESE                 | 39.00       |
| T13N R23E S19                            | NWSE                 | 40.00       | T13N R23E S19                           | SWSE <del>7-9</del>  | <u>40.0</u> |
| T13N R23E S19                            | SESE <del>21-0</del> | <u>35.0</u> | T13N R23E S20                           | NWSW <del>26-0</del> | <u>27.0</u> |
| 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 320 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 place of use pursuant to Section 42-1425, Idaho Code.

Right Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the points 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 point of diversion pursuant to Section 42-1425, Idaho Code.

*JPS*

*AK* *CF*  
*DN*

## 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

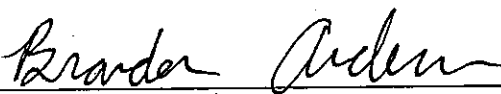
IDWR Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098

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