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AUG 11 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 10 2010	
By _____	Clerk
Deputy Clerk	

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) Subcases 73-147A, 73-2165 and 73-12110
Case No. 39576) (Flying Joseph Ranch LLC)
)
) SPECIAL MASTER REPORT
)
_____)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended claim 73-147A to Flying Joseph Ranch LLC, c/o Joseph Clark, 7213 Perimeter Road South, Seattle, Washington, 98108, for 4.4 cfs from the Pahsimeroi River to irrigate 1,857.6 acres in Custer County from April 1 to October 31 with a priority date of April 25, 1886, based on a decree. The Director recommended claim 73-2165 to for 2.05 cfs from groundwater to irrigate 294 acres in Custer County from April 1 to October 31 with a priority date of September 23, 1966, based on a license. The Director recommended claim 73-12110 be disallowed: "No beneficial use found."

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 73-147A on December 18, 2007, objecting to place of use. The claimant filed an *Objection* in the same subcase on December 19, 2007, objecting to point of diversion and place of use. IDWR identified 73-2165 as uncontested and overlapping with subcase 73-147A.

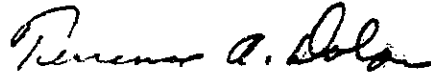
The claimant filed an *Objection* in subcase 73-12110 on December 19, 2007, objecting to the claim not being recommended as claimed. The BLM filed a *Response* on February 15, 2008, concerning place of use.

The claimant and BLM, with IDWR's concurrence, filed *Standard Forms 5* in all three subcases on July 19 and 28, 2010.

Conclusions of Law

Flying Joseph Ranch LLC is entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-147A, 73-2165 and 73-12110*.

DATED August 10, 2010.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 73-00147A

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

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 4.40 CFS

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

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

PRIORITY DATE: 04/25/1886

POINT OF DIVERSION: T13N R23E S02 NESW Within Custer County
S20 SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.40 CFS

PLACE OF USE:	Irrigation		Within Custer County
	T13N R22E S01	SWNW 19.0	NWSW 35.0
		SWSW 41.0	
	S02 LOT 1	(NENE) 31.0	LOT 2 (NWNE) 9.6
		SWNE 8.3	SENE 40.0
		NESE 40.0	SESE 40.0
	S11	NENE 37.0	SENE 33.0
		NESE 27.0	SESE 29.0
	S12	NWNE 0.5	SWNE 23.0
		NENW 2.6	NWNW 41.0
		SWNW 40.0	SENW 1.1
		NESW 41.0	NWSW 31.0
		SWSW 30.0	SESW 37.0
		NWSE 41.0	SWSE 39.0
	S13	NWNE 23.0	SWNE 12.0
		NENW 15.0	NWNW 37.0
		SWNW 9.9	SENW 16.0
		NESW 0.2	SWSW 9.8
		NWSE 23.0	SESE 34.0
	S14	NENE 17.0	SENE 21.0
		NESE 36.0	NWSE 20.0
		SWSE 31.0	SESE 37.0
	S23	NENE 40.0	NWNE 37.0
		SWNE 23.0	SENE 40.0
		NESE 12.0	
	S24	NENE 8.0	NWNE 0.5
		SWNE 30.0	SENE 12.0
		NENW 19.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESW 37.0	NWSW 28.0
		NESE 39.0	NWSE 39.0
	R23E S18 LOT 4	(SWSW) 25.0	
	S19	NWNE 25.0	SWNE 39.0

PLACE OF USE (continued)

	SENE 27.0		NENW 39.0
LOT 1	(NWNW) 36.0	LOT 2	(SWNW) 7.8
	SENE 38.0		NESW 28.0
LOT 3	(NWSW) 29.0	LOT 4	(SWSW) 25.0
	SESW 40.0		NESE 39.0
	NWSE 40.0		SWSE 40.0
	SESE 35.0		
S20	NWSW 27.0		
S29	NWNW 37.0		SWNW 40.0
	NWSW 28.0		
S30	NENE 40.0		NWNE 40.0
	SWNE 40.0		SENE 40.0
	NENW 40.0	LOT 1	(NWNW) 25.0
2413.3 Acres Total			

This right is limited to the irrigation of 220 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 2413.3 acres in a single irrigation season. Place of use does not include federal public lands.

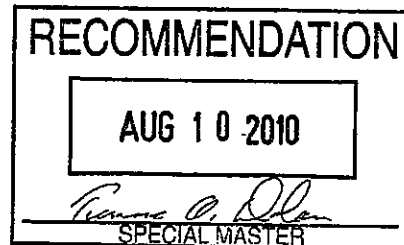
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 73-02165

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Jul-19-2010

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 73-12110

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

SOURCE: BIG CREEK TRIBUTARY: PAHSIMEROI RIVER

Point of injection into Goldburg Creek. Point of redirection
from Pahsimeroi River.

QUANTITY: 32.80 CFS

PRIORITY DATE: 04/01/1969

POINT OF DIVERSION: T13N R23E S13 NENW Within Custer County
S20 SESW (Rediversion)
S27 SESW (Injection)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	32.80 CFS

PLACE OF USE:	Irrigation	Within Custer County
T13N R22E S01	SWNW 19.0 SWSW 41.0	NWSW 35.0
S02 LOT 1	(NENE) 31.0 SWNE 8.3 NESE 40.0	LOT 2 (NWNE) 9.6 SENE 40.0 SESE 40.0
S11	NENE 37.0 NESE 27.0	SENE 33.0 SESE 29.0
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R23E S18 LOT 4	(SWSW) 25.0	
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LOT 1	(NWNW) 36.0 SENE 38.0	LOT 2 (SWNW) 7.8 NESW 28.0

PLACE OF USE (continued)

LOT 3	(NWSW) 29.0	LOT 4	(SWSW) 25.0
	SESW 40.0		NESE 39.0
	NWSE 40.0		SWSE 40.0
	SESE 35.0		
S20	NWSW 27.0		
S29	NWNW 37.0		SWNW 40.0
	NWSW 28.0		
S30	NENE 40.0		NWNE 40.0
	SWNE 40.0		SENE 40.0
	NENW 40.0	LOT 1	(NWNW) 25.0

2413.3 Acres Total

Place of use does not include federal public lands.
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 2413.3 acres in a single
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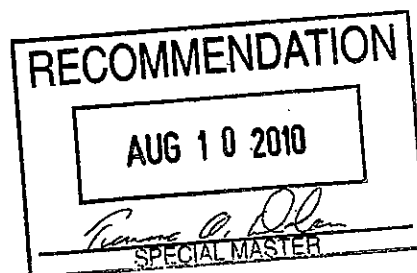
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ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication



Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 10 2010	
By _____	Clerk
_____	Deputy Clerk

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)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

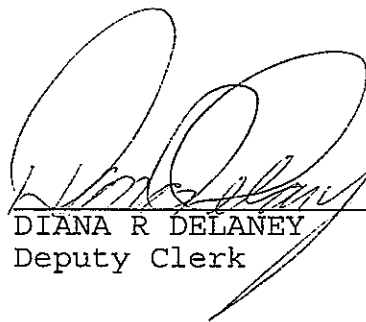
Water Right(s): 73-00147A
73-02165 73-12110

On August 10, 2010, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 10, 2010.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 10 2010	
By _____	Clerk
_____	Deputy Clerk

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 73-00147A
73-02165 73-12110

CERTIFICATE OF MAILING

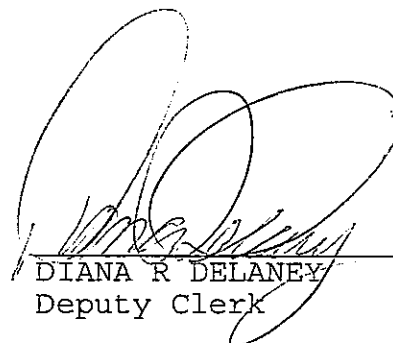
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 10, 2010, with sufficient first-class postage prepaid to the following:

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

FLYING JOSEPH RANCH LLC
Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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