

DEC 20 2010

DEPARTMENT OF
WATER RESOURCESIN 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. 73-00188B
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT
	)	
_____	)	PREVIOUSLY DISALLOWED

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

 12/19/10

 James P. Speck Date
 Speck & Aanestad, PC
 Attorney for Claimant/Objector

IDWR Concurrence:

Carter Fritschle 12-10-10
Carter Fritschle Date
Adjudication Section Manager

Andrea L. Courtney 12/10/10
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

12/09/2010

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

RIGHT NUMBER: 73-188B

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

*all
9/3 c4*

SOURCE: BEAR CREEK

TRIBUTARY: GOLDBURG CREEK

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

QUANTITY: 2.000 CFS

The amount of water redirected from the Pahsimeroi River cannot exceed the lesser of 1.80 cfs or 90 percent of the water injected into Goldburg Creek.

PRIORITY DATE: 05/19/1909

Pursuant to a call in times of scarcity, this right is junior to Right No. 73-188A.

POINT OF
DIVERSION:

T12N R24E S23 NENW Within CUSTER County

T12N R24E S23 NESW Injection Within CUSTER County

T13N R23E S28 SWNW Rediversion Within CUSTER County

Water may be diverted under this right only if measuring devices acceptable to the Department are installed and maintained at the point of diversion from Bear Creek, the point of injection into Goldburg Creek and the point of redirection from the Pahsimeroi River.

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>	
	IRRIGATION		4/01	11/01	2.000 CFS	
PLACE OF USE:	<u>IRRIGATION in CUSTER County</u>					
	T13N R23E S20	NWNE	0.90	T13N R23E S20	SWNE	29.00
	T13N R23E S20	SENE	3.30	T13N R23E S20	NENW	26.00
	T13N R23E S20	NWNW	40.00	T13N R23E S20	SWNW	34.00
	T13N R23E S20	SENW	40.00	T13N R23E S20	NESW	32.00
	T13N R23E S20	SESW	1.80	T13N R23E S20	NESE	32.00
	T13N R23E S20	NWSE	40.00	T13N R23E S20	SWSE	29.00
	T13N R23E S20	SESE	39.00	T13N R23E S29	NENE	23.00
	T13N R23E S29	NWNE	0.50	T13N R23E S29	SENE	0.10
	370.6 ACRES TOTAL					

Right Nos. 73-15A, 73-188B, 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.

This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.

Right Nos. 73-15A, 73-150C, 73-188B, 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.

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

CERTIFICATE OF MAILING

I certify that on December 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:

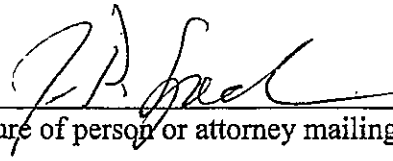
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copy to:

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



Signature of person or attorney mailing form