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DEC 20 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

|                |   |                          |
|----------------|---|--------------------------|
| In Re SRBA     | ) | Subcase No. 73-10023     |
|                | ) |                          |
| Case No. 39576 | ) |                          |
|                | ) | STANDARD FORM 5          |
|                | ) |                          |
|                | ) | STIPULATED ELEMENTS OF A |
|                | ) | WATER RIGHT              |

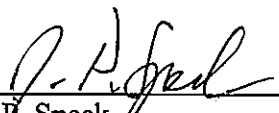
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

  
James P. Speck \_\_\_\_\_ Date  
Speck & Aanestad, PC  
Attorney for Claimant

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: 73-10023

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

*John CA*

SOURCE: BIG CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 9.600 CFS

PRIORITY DATE: 04/17/1915

POINT OF  
DIVERSION:

|                                |                      |
|--------------------------------|----------------------|
| T13N R23E S13 NENW             | Within CUSTER County |
| T13N R23E S28 SWNW Rediversion | Within CUSTER County |
| T13N R23E S27 SESW Injection   | Within CUSTER County |

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                            | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|--------------------------------------------------|----------------------|-----------------|
| IRRIGATION                                       | 04/01 10/31          | 9.600 CFS       |
| <u>PLACE OF USE: 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.

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

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

This right is the combination of former right nos. 73-3 and 73-17.

PS  
AKW CA

## 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:

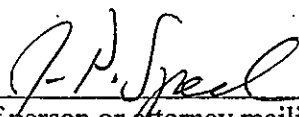
CLERK OF THE DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
253 THIRD AVENUE NORTH  
P.O. BOX 2707  
TWIN FALLS, IDAHO 83303-2707

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