

01/23/2007

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

RIGHT NUMBER: 73-10020A

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.140 CFS
549.50 AFY

4,33
651

PRIORITY DATE: 06/09/1969

POINT OF

DIVERSION: T13N R22E S12 SENESE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

3.140 CFS

549.50 AFY

4.33
651

PLACE OF USE:

IRRIGATION in CUSTER County

T13N R22E S12

SENE

40.00

T13N R22E S12

NESE

40.00

T13N R23E S07 Lot 2 SWNW

39.00✓

T13N R23E S07 Lot 3 NWSW

38.00✓

157 ACRES TOTAL

217

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.

140
47
287

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Part of 73-7005, 73-7004

73-10020A

- The acres requested do not appear irrigated until after 1987 in any of the Landsat imagery available, nor do they appear irrigated in the 1988 aerial photography. The recommendation will stand as is.

D. Shaff

12/29/09

Ownership issue & 2 tracts in Objection ~~are~~ resolved by deed dated in 2007; the deed document is in 73-147A.

Non use above: The Field exam for the permit was conducted in 1986 with the Amend. License issued in June 1986. The predecessor to Flying Joseph Filed a claim for all of the right in 1990 or less than 5 years from the date of the exam and license. Forfeiture is not an issue. The quantity 120 cts and 60 acres added to the recommendation matches with the unallocated parts of ~~the~~ initial right.
show

1986



1988

NWNW

NENW

NWN

NENE

NWNW

SWNW

SENW

SWNE

SENE

SWNW

NMSW

NESW

NWSE

NENE

NMSW

SWSW

SWSE

SWSE

SESE

SWSW

13N22E12

13N23E7

Legend



Requested Acres



Recommendation POU

1992

NENE

NWNW

NWN

SWNW

SENW

SWNE

SENE

SWNW

13N22E12

13N23E7

NWSW

NESW

NWSE

NESE

NWSW

NWSW

SWSE

SESE

SWSW

Legend



Requested Acres



Recommendation POU

SRBA

DIRECTORS REPORT 73-10020A

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 73-10020A

Name and Address: FLYING JOSEPH RANCH LLC
C/O JUDY Galfano
7213 PERIMETER RD S
SEATTLE, WA 98108

Source: GROUND WATER

Quantity: 3.14 CFS
549.50 AFY

Priority Date: 06-09-1969

Diversion Point: T13N R22E S12 SENESE Within Custer County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-01 TO 10-31	3.14 CFS 549.50 AFY

Place of Use:	Irrigation	Within Custer County
	T13N R22E S12	SENE 40 NESE 40
	R23E S07 LOT 2	(SWNW) 39 LOT 3 (NWSW) 38
	157 Acres Total	

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

[Return to SRBA Home Page](#)

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 73 7005 & 7004

Date Received 1-12-90/92

Receipt Number E011673

A73-11840 DC 5/6/94

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Randy E. Whittier/ Allan F. Corbett Phone (208) 357-7843

Mailing Address 330 Quigg Ave., Shelley, IDAHO Zip 83274

2. Date of Priority (Only one (1) per claim) 6 June 1969

3. Source of water supply (a) Well
which is tributary to (b)

4. a. Location of existing point of diversion is: Township N13 Range 23 Section 18 ,
NW 1/4 of SE 1/4 of SW 1/4 , Govt. Lot, B.M., County of Custer

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Apr 1 to Nov 1 amount 3.9 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 100 - 200 Head of livestock

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13N	22E	13	40			40													80
13N	22E	13													40				40
13N	22E	13										Lot 3		40					76
		<u>sec 10</u>																	

Total number of acres irrigated _____ 196

11. In which county (ies) are lands listed above as place of use located? Custer

12. Do you own the property listed above as place of use? Yes x No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Decree as per _____ or None ()

14. Remarks:

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

Last Name Whitler/Gibbs Ident No. 73-700427005 Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments none

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Alfred Corbett Date 1-12-90
Randy L. Whittier Date 1-12-90

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 12th day of Jan 19 90

SEAL

Notary Public Betty J. Thompson

Residing at _____

BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires _____

RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Whittier/Corbett Ident. Number 73 7005 & 7004

Copies White-State, Yellow-Claimant

2-17-10

2/22/2006

Children Acres

[illegible]

Split Analysis

Water Right Number: 73-7005
 Diversion Rate: 4.37 CFS
 Reviewer Name: R. Brown
 Date: 2/22/2006

Acreage Analysis

[illegible]

RIGHT NUMBER: 73-10020A

NAME AND ADDRESS: ILA ZIEGLER
HC 62 BOX 2140
MAY ID 83253

LEON ZIEGLER
HC 62 BOX 2140
MAY ID 83253

TRIBUTARY:

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

QUANTITY
3.140 CFS
549.50 AFY

T13N R22E S12	SENE	40.00	T13N R22E S12	NESE	40.00
T13N R23E S07 Lot 2	SWNW	39.00	T13N R23E S07 Lot 3	NWSW	38.00

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



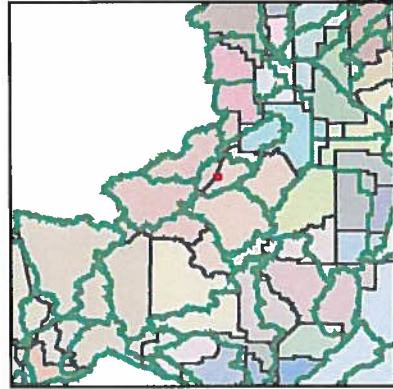
Idaho Department of Water Resources

Adjudication Claim Number: **73-10020A**

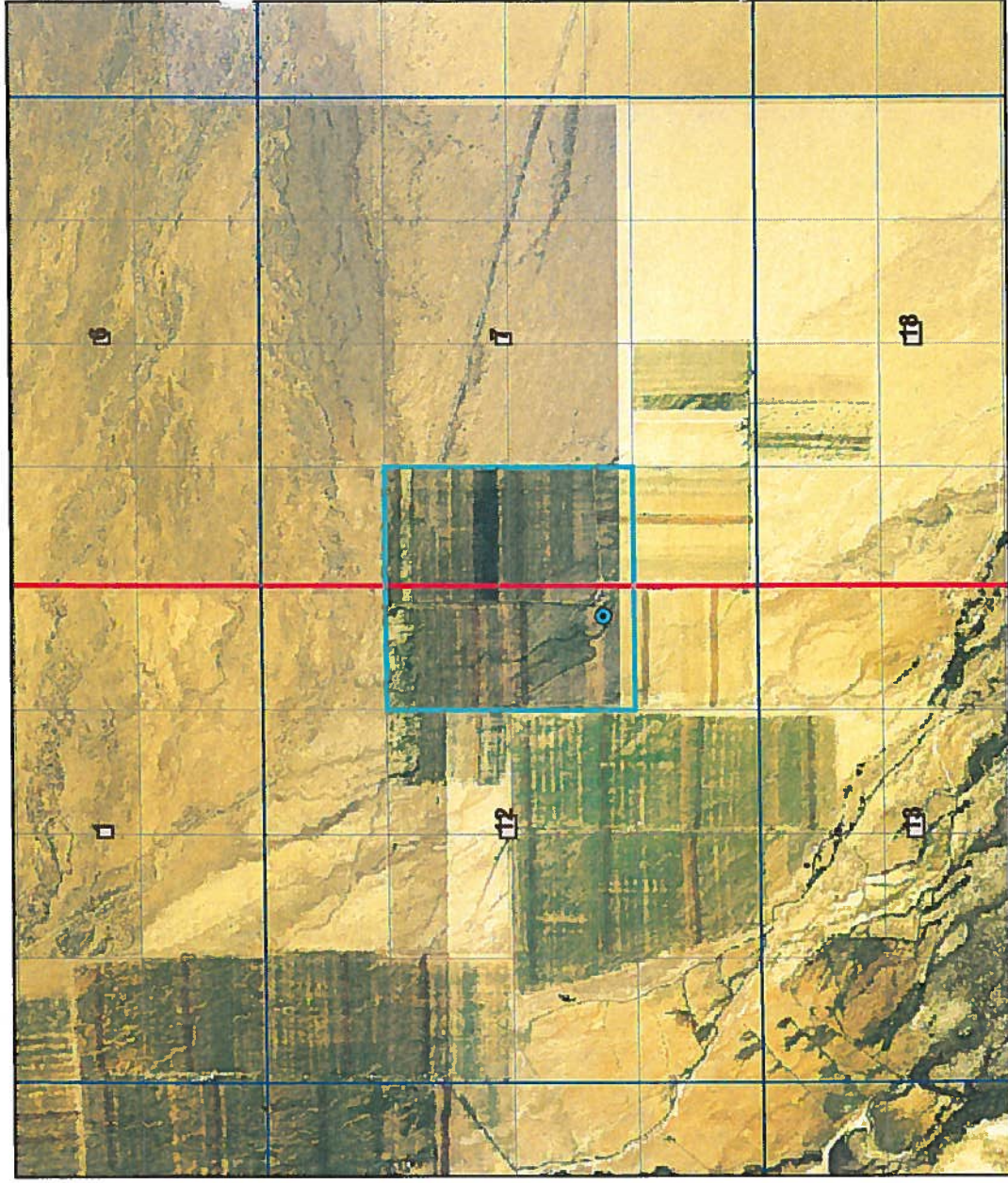
T13N R22E
T13N R23E

Legend

- Well
- 73-10020A
- Township/Range
- Sections
- GCDB13N22E GCDB
- GCDB13N23E GCDB



Custer County
IDWR Basin 73



Prepared by R. Brown
On Wednesday, February 22, 2006
1988 Aerial Photography

RECEIVED
DEC 19 2007
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

A. Subcase 73-10020A

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Flying Joseph Ranch LLC
Address: c/o Judy Galfano
7213 Perimeter Rd. South
Seattle, WA 98108
Daytime Phone: (800) 946-4538

Name & Address of Attorney, if any:
James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Flying Joseph Ranch LLC
Address: c/o Judy Galfano
7213 Perimeter Rd. South
Seattle, WA 98108

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☒ **Quantity**
Should be: 4.32 cfs as claimed.
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: 217 acres as claimed, including 40 acres in the SWNE and 20 acres in the SENW of Section 12, T.13N., R.22E., Custer County.
10. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Claimant acquired the claimed place of use in two separate transactions so the entire amount of the water right as claimed should be recommended and decreed. A notice of change in water right ownership for the entire claim was filed after the second transaction closed.

F.

VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

James P. Speck, being first duly sworn, upon oath, deposes and says:

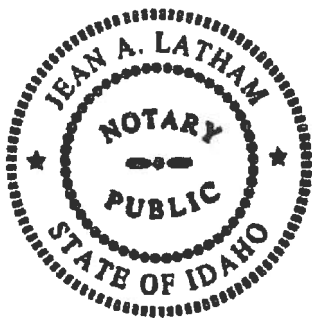
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

J. P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

December 18, 2007



Jean A. Latham
Notary Public for Idaho

Residing at Blaine Co.

My Commission expires 1-25-2013

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on December 19, 2007, I sent by courier the original and mailed copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

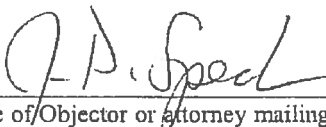
Name: Flying Joseph Ranch LLC
Address: c/o Judy Galfano
7213 Perimeter Rd. South
Seattle, WA 98108

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf

Brown, Roxanne

From: Jim Speck [jim@speckandaanestad.com]
Sent: April 03, 2006 10:58 AM
To: Brown, Roxanne
Cc: 'Joe Clark'; csc53@msn.com; 'Mr. Brian Barsotti'
Subject: Re: Clark/Ziegler Ranch - 73-10020A

Roxanne,

Confirming our phone conversation, we will file a notice of change of water right ownership for this ENTIRE water right once we close on the purchase of the Ziegler's land. The same entity, Flying Joseph Ranch, LLC, an Idaho limited liability company, will then be the owner of both the Pines and Ziegler properties. However, the IDWR records changed the ownership of the Pines water rights to Joe Clark rather than the LLC! I believe this was a mistake due to the NCO for those rights incorrectly identifying Joe as the new owner/claimant on the front page while including deeds showing title was conveyed directly to the LLC! Can you correct the ownership of the Pines water rights without us having to file another NCO?

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com _____

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Brown, Roxanne

From: Jim Speck [jim@speckandaanestad.com]
Sent: March 31, 2006 3:24 PM
To: Brown, Roxanne
Cc: 'Joe Clark'; 'Brian Barsotti'
Subject: Re: Clark/Ziegler Ranch 73-10020A

Roxanne,

I'm assisting Joe Clark purchase 160 acres from the Ziegler's. It looks like Claim 73-10020A is the only appurtenant water right. Your recommendation for this right gives it 157 inches of ground water to irrigate 157 acres, which matches the portions of licensed rights 73-7004 & 7005 appurtenant to the Ziegler 160. Since Lots 2 and 3 in Section 7 are each aprox. 38.5 acres your recommendation will cover virtually the entire property, and that's good!!

When I investigated the water right files for the two licensed rights I discovered that 60 acres of the licensed place of use for 73-7004 is part of the Pines Ranch previously purchased by Joe (40A in the SWNE and 20A in the SENW, S.12). The previous owners of Pines had not claimed this appurtenant right - instead it was part of the original claim 73-10020A filed by the Ziegler's. Couldn't (and shouldn't) we file a notice of change in water right ownership for that 60A of 73-10020A, especially since we are now acquiring the balance of the lands irrigated by that right??!! Would you then recommend the rest of that claim??

Please call me to talk about this as soon as you can. Thank you.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com _____

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