

Flying Joseph Ranch Group 1.

The 2006 Notice of Error negotiations were concurrent with the sale of the Pines Ranch from the "Pines Grazing Association" to "Flying Joseph Ranch". The objections propose to remove 0.9 acres from BLM ground. The acre appears irrigated therefore Flying J needs to contact the BLM office in Challis to apply for an ag. permit.

The objection from Flying J proposes to add a point of diversion at the head of the "Pines" ditches. This point of diversion was not Recommended by Roxanne because it was not in use at the time (1987) that the adjudication began nor when Roxanne did her field exam. She stated that the elimination of this P/d was agreed to between the department and the owner in interest at that time.

The objections related to pour request additional grounds. The lands in the NE of Sec. 2 T13N R22E do not appear irrigated prior to 1987 in any aerial photography available to me. The rest of the acres appear to be naturally "subby" or filled by GW infiltration.

The real question for me about these grounds is should they require a WR. I think this would only be a dissatisfaction for the current owners because the only logical way to call the water would be to require the cutting of existing crop, which would be futile because it would quickly be replaced by natural veg. Therefore I do not believe that any of these areas should be added to the water rights and that the department should carry Roxanne's Rec's ~~to~~ forward

73-12110 - I am an additional CPS field examination will be needed to determine the maximum carrying capacity of the system. Ideally would be a flow measurement from the system when big Creek is flowing at max capacity, else a wastell should work as a proxy. A morning will also be used to determine the carrying along the ditch, wastell to figure out the 'leak', which should be substantiating across the alluvial fan.

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

RECEIVED

JAN 12 2010

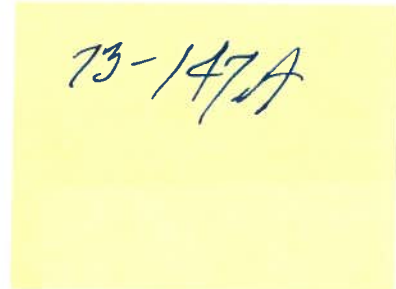
DEPARTMENT OF
WATER RESOURCES

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

January 11, 2010

Dave Carlson
Water Resource Supervisor
Idaho Department of Water Resources
Eastern Region
900 N. Skyline, Suite A
Idaho Falls, ID 83402-1718



**Re: Flying Joseph Ranch LLC / Amended Application for Transfer of
Water Right No. 75708**

Dear Dave:

Enclosed you will find the original and a copy of Amended Application for Transfer of Water Right No. 75708. The point of diversion and place of use have been corrected in Sections 3 and 4, respectively, of Part 1. The changes have been made following the recommendation by Tim Luke from your state office. Although the point of diversion differs from that on the original Director's Report Recommendation filed in the SRBA for the water right, it is and always has been the point of diversion from the Pashimeroi River and will be corrected in the SRBA by the filing of appropriate Standard Form 5's.

Please contact me right away if you need any additional information in order to advertise this application. Thank you.

Sincerely yours,

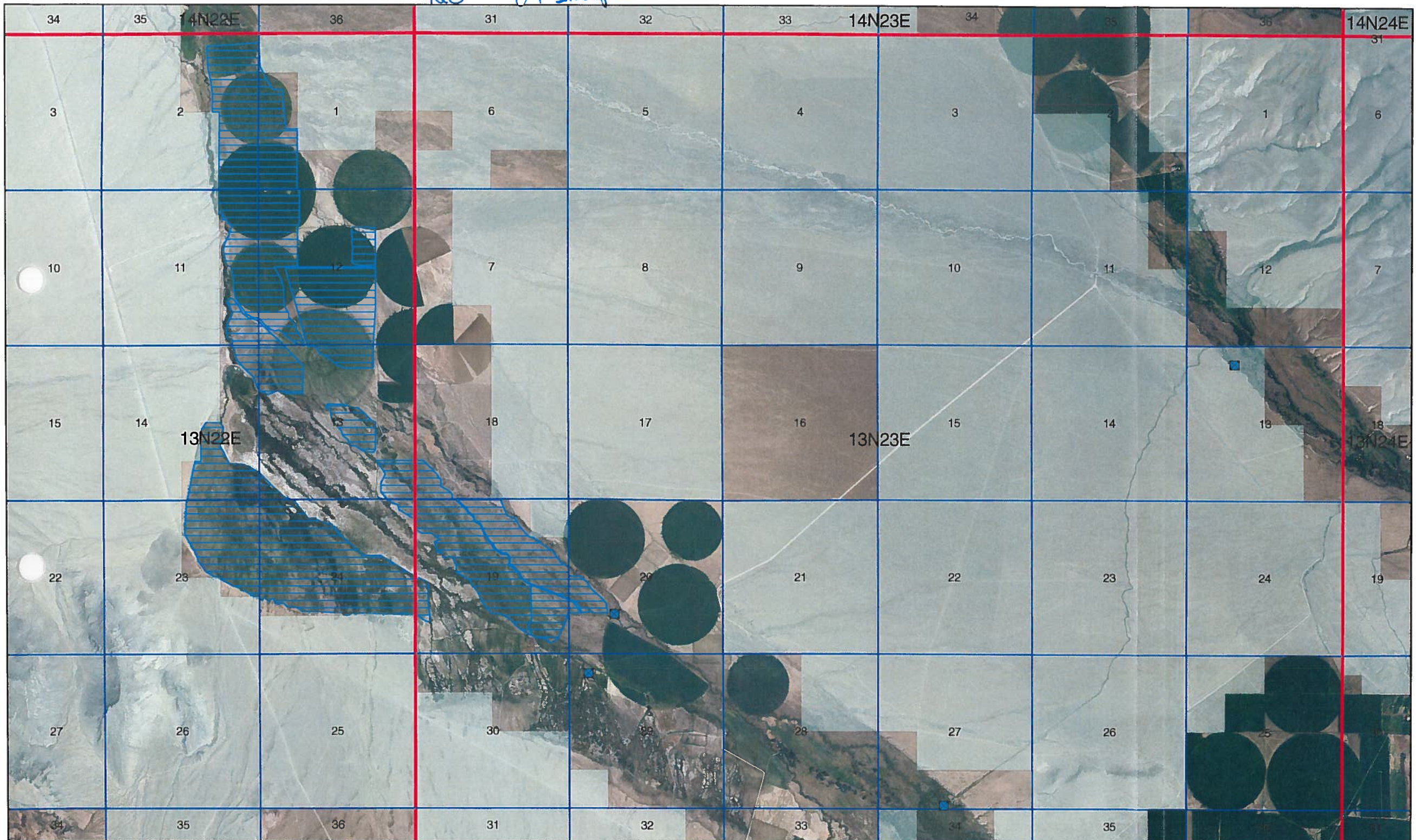
SPECK & AANESTAD
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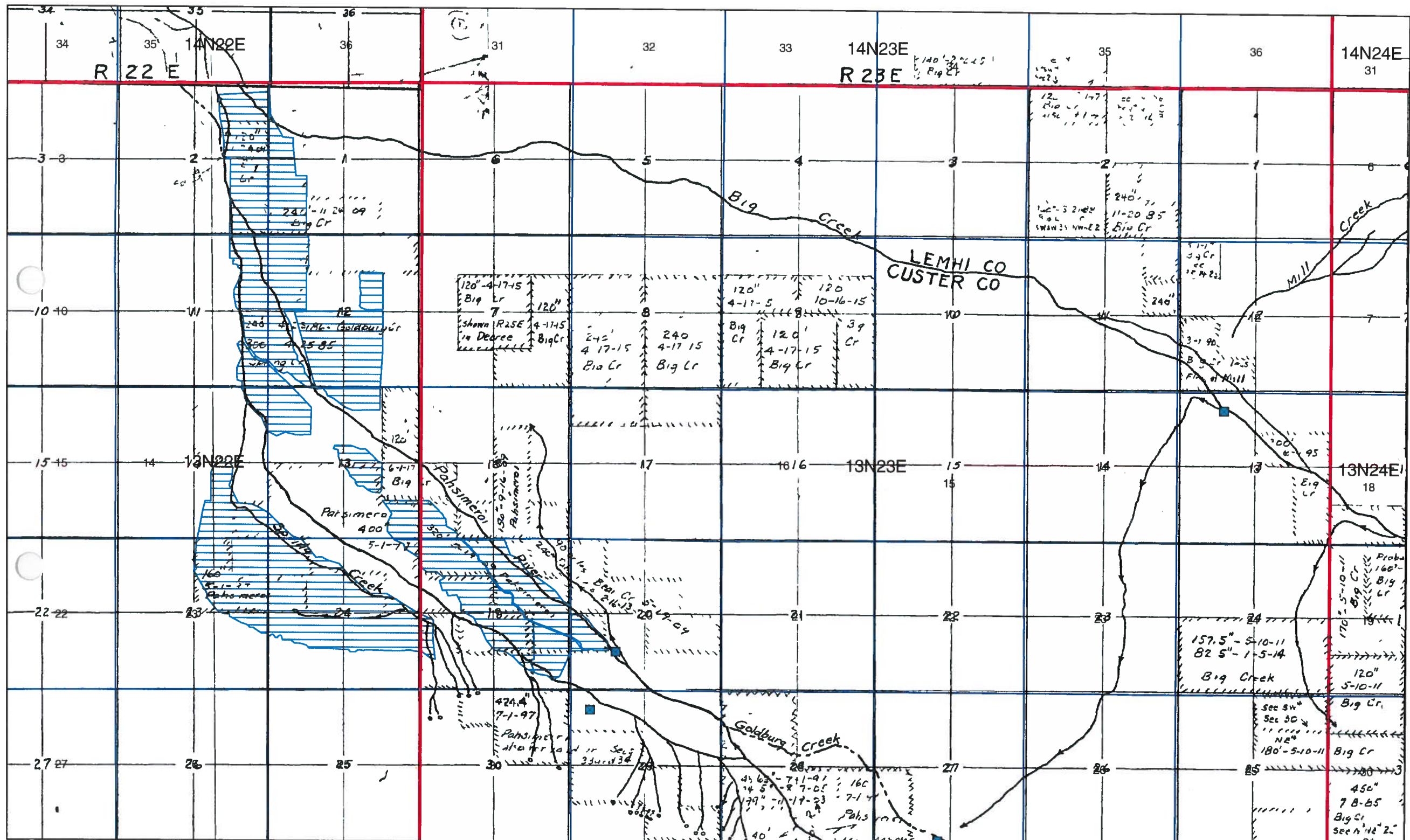
By: _____

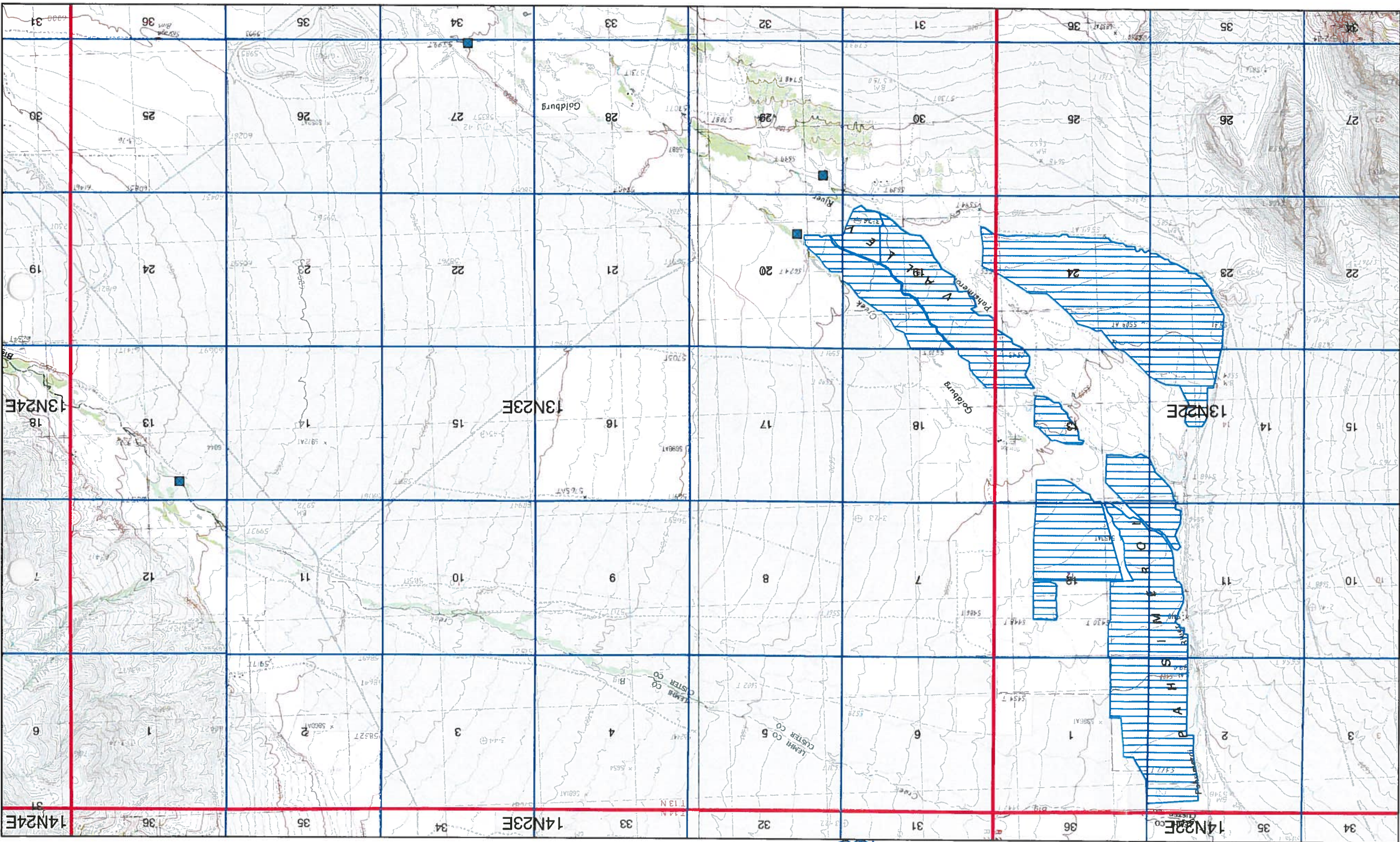
James P. Speck

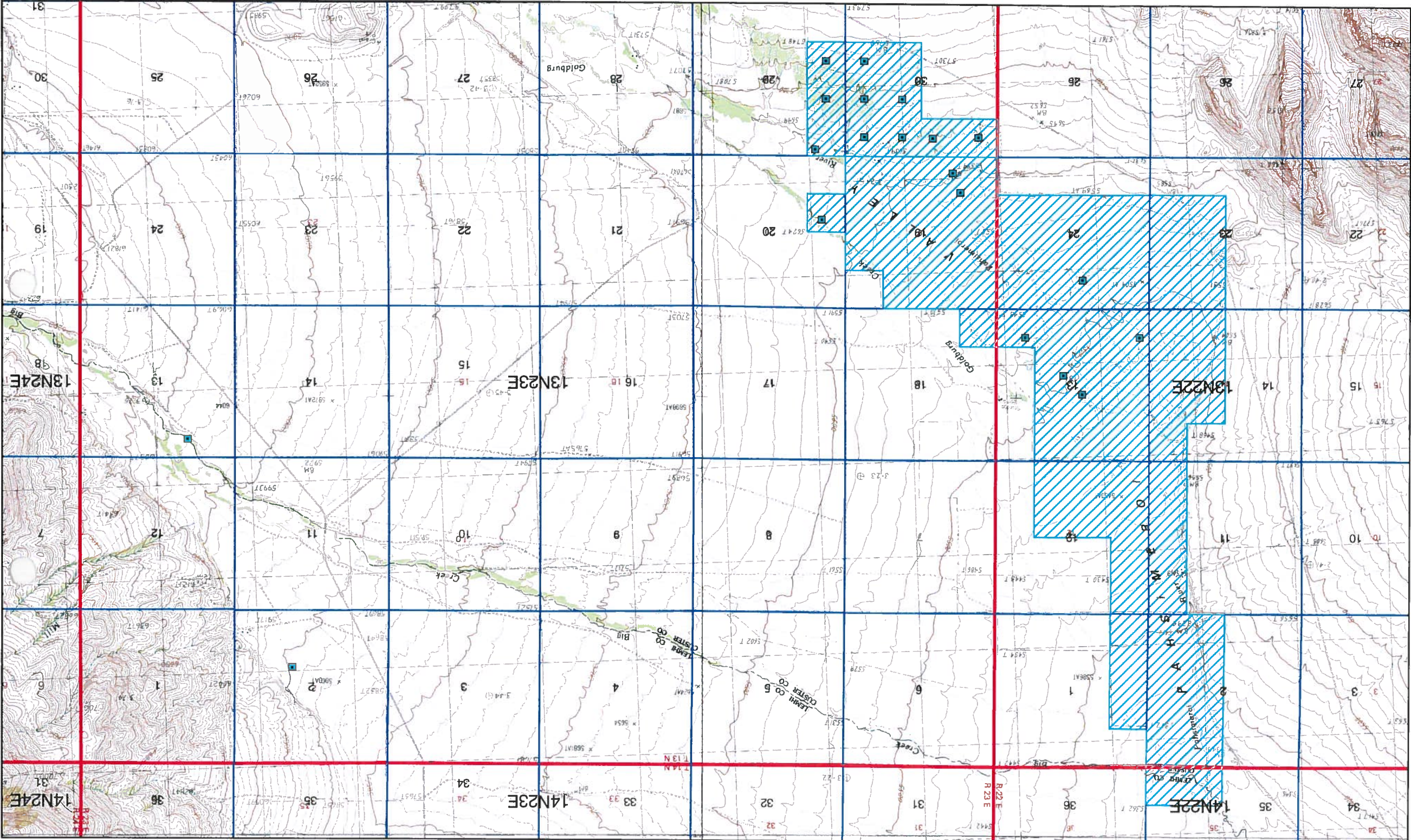
cc w/ encl: Tim Luke
Don Shaff
Client

Rec 04 Image









RECEIVED

JAN 12 2010

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDEDTransfer No. 75708APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer. * Means the item is always required and must be included with application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Notarized signature of applicant(s) or applicant's authorized representative on first page of transfer application form. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Proof Report (obtained from Department) or Details Report (obtained on website) describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (See last page of the instructions for application for transfer.)

Attachments to Application Label each attachment with the corresponding number shown below as **Attachment #1-9**.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Department records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.b.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Copy of 2006 aerial depicting most of the new private airplane runway

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

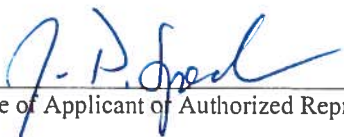
RECEIVED

JAN 12 2010

DEPARTMENT OF
WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Flying Joseph Ranch LLC Phone (206) 762-1171Mailing address c/o Joseph Clark, 7213 Perimeter Rd. S., Seattle, WA 98108 Email jclark@aviationpartners.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


 Signature of Applicant or Authorized Representative

James P. Speck, attorney-in-fact

Print Name and Title if applicable

- ☒ If signed by an authorized representative, attach Power of Attorney or documentation providing authority to sign on the applicant's behalf. Also attach documentation providing authority for others – consultants, attorneys or representatives – to act on the applicant's behalf. Label these documents **Attachment #4**.

Representative's name and mailing address James P. Speck, SPECK & AANESTAD, P.C., PO Box 987, Ketchum, ID 83340Phone 208-726-4421 Email jim@speckandaanestad.comSubscribed and sworn to before me this _____ day of January, 20 10.

(Notary Public)

My commission expires _____

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Pursuant to Permit 73-12146 a pond approximately 11 acres in surface area and averaging 8 ft. in depth has been constructed but did not completely fill with ground water as planned. One of the irrigation rights appurtenant to the 11 acres and other formerly irrigated land on which a private airplane runway has been built (see Attachment #9) will be changed to diversion to storage and aesthetic, recreation and wildlife storage to provide for the evaporation loss and annual fills of the pond in case the ground water level is too low to fill any portion of the pond in a particular year.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. <u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>		<u>Source & Tributary</u>
73-147A	0.95 cfs	diversion to storage	April 1	to October 31	Pashimeroi River
				to	trib, to Salmon River
73-147A	47.7 AFA	aesthetics storage	January 1	to Dec. 31	Pashimeroi River
				to	trib, to Salmon River
73-147A	47.7 AFA	recreation storage	January 1	to Dec. 31	Pashimeroi River
				to	trib, to Salmon River
73-147A	47.7 AFA	wildlife storage	January 1	to Dec. 31	Pashimeroi River
				to	trib, to Salmon River
				to	
Total 0.95 cfs cfs and/or 47.7 AFA ac-ft					

2. Total amount of water being transferred or changed 0.95 cfs cubic feet per second and/or 47.7 AFA acre-feet per annum.

3. Point(s) of Diversion:

- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	SE	SW	20	13N	23E	Custer	Pashimeroi River	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	23E	19													J			J	
13N	23E	19													R			R	
13N	23E	19													W			W	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: The existing point of diversion has an old headgate controlled by the Watermaster. The ditch served by this headgate was realigned in 2005 to accommodate the new runway. A new headgate with measuring device diverts water from the realigned ditch to the new pond. Water flowing through the pond is then delivered back into an existing irrigation ditch. All of this is depicted on Attachment #'s 7a & 7b.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

- d. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: 73-12146

- e. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of waer under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

Total Acres	47.7
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 73-147a

Current Owner: FLYING JOSEPH RANCH LLC

Priority Date: 4/25/1886

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source
PAHSIMEROI RIVER

Tributary
SALMON RIVER

Beneficial Use	From	To
IRRIGATION	04/01 to 10/31	
	Total Diversion	

Diversion Rate	Annual Volume
4.4 CFS	
4.4 CFS	

Location of Point(s) of Diversion

PAHSIMEROI RIVER

SW1/4NE1/4SW1/4

Sec. 20, Twp 13N, Rge 23E B.M.

CUSTER County

Place of Use

IRRIGATION Within LEMHI County

T13N R22E S1		SWNW	19.00
T13N R22E S1		SWSW	41.00
T13N R22E S2	Lo1 2	NWNE	8.80
T13N R22E S2		SENE	40.00
T13N R22E S2		SESE	40.00
T13N R22E S11		SENE	33.00
T13N R22E S11		SESE	29.00
T13N R22E S12		SWNE	23.00
T13N R22E S12		NWNW	41.00
T13N R22E S12		SENW	0.30
T13N R22E S12		NWSW	31.00
T13N R22E S12		SESW	37.00
T13N R22E S12		SWSE	39.00
T13N R22E S13		SWNE	12.00
T13N R22E S13		NWNW	37.00
T13N R22E S13		SENW	4.50
T13N R22E S13		SWSW	9.80
T13N R22E S13		SESE	34.00
T13N R22E S14		SENE	0.20
T13N R22E S14		NWSE	19.00
T13N R22E S14		SESE	36.00
T13N R22E S23		NWNE	36.00
T13N R22E S23		SENE	40.00

T13N R22E S1	Lot 4	NWNW	0.90	T13N R22E S24		NENE	8.00
T13N R22E S1		NWSW	35.00	T13N R22E S24		SWNE	30.00
T13N R22E S2	Lot 1	NENE	29.00	T13N R22E S24		NENW	19.00
T13N R22E S2		SWNE	8.20	T13N R22E S24		SWNW	40.00
T13N R22E S2		NESE	40.00	T13N R22E S24		NESW	36.00
T13N R22E S11		NENE	37.00	T13N R22E S24		NESE	39.00
T13N R22E S11		NESE	26.00	T13N R23E S18	Lot 4	SWSW	25.00
T13N R22E S12		NWNE	0.40	T13N R23E S19		SWNE	39.00
T13N R22E S12		NENW	2.30	T13N R23E S19		NENW	39.00
T13N R22E S12		SWNW	40.00	T13N R23E S19	Lot 2	SWNW	7.80
T13N R22E S12		NESW	41.00	T13N R23E S19		NESW	13.00
T13N R22E S12		SWSW	30.00	T13N R23E S19	Lot 4	SWSW	1.50
T13N R22E S12		NWSE	41.00	T13N R23E S19		NWSE	40.00
T13N R22E S13		NWNE	22.00	T13N R23E S19		SESE	21.00
T13N R22E S13		NENW	10.00				
T13N R22E S13		SWNW	9.50				
T13N R22E S13		NESW	0.20				
T13N R22E S13		NWSE	23.00				
T13N R22E S14		NENE	17.00				
T13N R22E S14		NESE	2.80				
T13N R22E S14		SWSE	31.00				
T13N R22E S23		NENE	40.00				
T13N R22E S23		SWNE	23.00				
T13N R22E S23		NESE	12.00				
T13N R22E S24		NWNE	0.50				
T13N R22E S24		SENE	12.00				
T13N R22E S24		NWNW	40.00				
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T13N R22E S24		NWSW	27.00				
T13N R22E S24		NWSE	39.00				
T13N R23E S19		NWNE	23.00				
T13N R23E S19		SENE	26.00				
T13N R23E S19	Lot 1	NWNW	36.00				
T13N R23E S19		SENW	38.00				
T13N R23E S19	Lot 3	NWSW	13.00				
T13N R23E S19		NESE	39.00				
T13N R23E S19		SWSE	7.90				
T13N R23E S20		NWSW	26.00				

Total Acres: 1857.6

Conditions of Approval:

1. C18 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.
2. F05 Right Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the point of diversion described above. Right No. 73-10041 is rediverted from the Pahsimeroi River through the point of diversion described above.
3. K06 This right is limited to the irrigation of 220 acres within the place of use described above in a single irrigation season.
4. E55 Right Nos. 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040 and 73-10041 are limited to the irrigation of a combined total of 1857.6 acres in a single irrigation season.

**SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)**

FLYING JOSEPH RANCH, LLC, an Idaho limited liability company, designates and appoints JAMES P. SPECK, of Ketchum, Idaho, as Grantor's attorney in fact and agent (subsequently called "Agent") to act in Grantor's name and for Grantor's benefit for the specific purposes stated herein only. Grantor grants to its Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as Grantor might or could do if personally present and fully competent, hereby ratifying and confirming all that Grantor's Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. Grantor's agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that Grantor now has or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or Grantor's Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to Grantor's Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to Grantor's Agent shall incur any liability to Grantor as a result of permitting the Agent to exercise any power.

5. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

6. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

9th IN WITNESS WHEREOF, Grantor has executed this Special Power of Attorney this
1 day of April, 2009.

FLYING JOSEPH RANCH, LLC

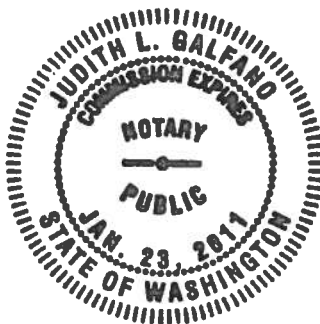
By: 
Joe Clark, Managing Member

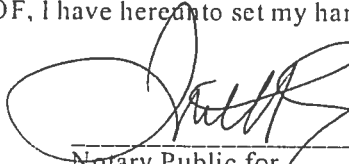
STATE OF WA)
County of KING)

ss.

On this 9th day of April, 2009, before me, the undersigned notary public in and for said state, personally appeared Joe Clark, known or identified to me to be the Managing Member of FLYING JOSEPH RANCH, LLC and the person who executed the foregoing instrument on behalf of said limited liability company and acknowledged to me that said limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



 JUDITH GALFANO
Notary Public for WASHINGTON
Residing at: SEATTLE
Commission expires: JAN. 23, 2011

new pond for
permit 73-12146

pond outflow to
existing irrigation ditch

new ditches

P/D from Pashmeroi

new headgate w/
measuring device

original ditch

existing ditches

**FLYING JOSEPH RANCH, LLC
APPLICATION FOR TRANSFER
Attachment #8a - Part 1**

WATER BALANCE NARRATIVE

Flying Joseph Ranch, LLC ("FJR") is the owner of Permit 73-12146 (the "Permit"). A copy of the Permit is included as Attachment 8a - Part 2. It provides for the storage of 120 acre-feet of ground water for aesthetic, recreation and wildlife purposes by excavating into the water table. It also provides for the annual diversion of 28 acre-feet of ground water to account for the evapotranspiration loss from the pond. Construction of the pond was recently completed. The "as-built" size is 11 acres in surface area with an average depth of 8 feet for a total storage volume of 88 acre-feet. Unfortunately it has not filled with ground water as the local water table at this time of the year is significantly lower than anticipated. Therefore, FJR has decided to convert a portion of one of its best priority Pashimeroi River irrigation rights (73-147A - the "Water Right") to provide for potential annual fills of the entire pond and to cover the evapotranspiration loss from the actual pond surface area.

The Water Right was used to raise pasture grass for an actively managed herd of cattle for many years prior to the purchase of the ranch by FJR in 2005. The nearest ET Idaho weather station is May, Idaho. Precipitation deficit data for grass pasture - high management and open water - shallow systems (ponds, streams) are included as Attachment #8a - Part 3 and Part 4, respectively. Data from these pages has been incorporated into a spreadsheet to calculate the total annual pond evapotranspiration loss at 22.90 acre-feet (see Attachment #8a - Part 5). This will be covered by retiring from irrigation 9.85 acres of the high management pasture grass. The new private airplane runway covers more than 9.85 acres. The amount of water which would otherwise be diverted for irrigation of this 9.85 acres will, instead, be left in the river. Retiring another 37.83 acres will account for filling the entire pond annually. The amount of water which would otherwise be diverted for irrigation of this 37.83 acres will, instead, be diverted to the

**FLYING JOSEPH RANCH, LLC
APPLICATION FOR TRANSFER
Attachment #8a - Part 1**

pond to the extent necessary each year to fill the pond at the beginning of the irrigation season with the remainder available for irrigation. Thus there will be no increase in diversion rate, diversion volume or consumptive use for the changed portion of the Water Right presently used to irrigate 47.7 acres.

FLYING JOSEPH RANCH,
APPLICATION FOR
TRANSFER
Attachment 8a - Part 2

Page 1

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 73-12146

Priority: March 28, 2008

Maximum Diversion Volume: 148.0 AF

This is to certify, that FLYING JOSEPH RANCH LLC
C/O JUDY GALFANO
7213 PERIMETER RD S
SEATTLE WA 98108

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31	148.0 AF
AESTHETIC STORAGE	01/01 to 12/31	148.0 AF
WILDLIFE STORAGE	01/01 to 12/31	148.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4NE1/4SE1/4 Sec. 19, Twp 13N, Rge 23E, B.M. CUSTER County

PLACE OF USE: RECREATION STORAGE, AESTHETIC STORAGE, and WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13N 23E 19													X				

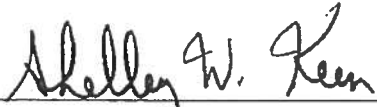
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2010**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Recreation storage, aesthetic storage and wildlife storage uses are for an excavated pond.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 73-12146

5. This right provides for a pond volume of 120 af and 28 af of annual evaporation losses.
6. The surface area of the pond constructed in connection with this right shall not exceed 15 acres.
7. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
8. This right does not authorize the diversion of water from a well, nor does it authorize the diversion of water from the pond established in connection with this right.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of November, 2008.


for DAVID R. TUTHILL, JR., Director

FLYING JOSEPH RANCH, LLC
APPLICATION FOR TRANSFER
Attachment 8a - Part 3

ETIdaho --- Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robinson@kimberlyuidaho.edu Copyright 2007, University of Idaho.

May (NWS NOAA--105685)

Statistics based on 30 years between 1961 to 2004

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Grass Pasture - high management														
Precipitation Deficit (Click here for a graph)														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Annual
Mean	mm/day												mm	
Monthly ^b	0.01	0.12	0.37	1.06	3.41	5.07	6.13	5.32	2.53	0.57	-0.09	-0.08	709	751
15-Day Moving Average ^c	0.01	0.11	0.37	0.99	3.33	5.06	6.15	5.28	2.39	0.55	-0.10	-0.07		
7-Day Moving Average ^d	0.00	0.12	0.37	1.01	3.36	5.05	6.13	5.32	2.43	0.56	-0.10	-0.08		
3-Day Moving Average ^e	0.01	0.13	0.37	1.04	3.40	5.06	6.13	5.33	2.50	0.56	-0.09	-0.08		
Standard Deviation	mm/day												mm	
Monthly	0.18	0.10	0.21	0.72	1.46	1.15	1.16	1.21	0.91	0.65	0.23	0.23	98	89
15-Day Moving Average	0.16	0.16	0.20	0.79	1.38	1.42	1.09	1.23	1.35	0.56	0.34	0.21		
7-Day Moving Average	0.24	0.22	0.30	0.95	1.86	1.87	1.54	1.46	1.71	0.78	0.49	0.32		
3-Day Moving Average	0.40	0.35	0.48	1.16	2.40	2.46	2.09	1.81	2.09	1.09	0.74	0.51		
20% Exceedance	mm/day												mm	
Monthly	0.10	0.21	0.48	1.60	4.24	5.88	6.73	5.89	3.25	0.89	0.10	0.03	778	825
15-Day Moving Average	0.16	0.28	0.67	2.27	5.56	6.70	7.22	6.58	4.29	1.55	0.28	0.14		
7-Day Moving Average	0.23	0.36	0.80	2.82	6.45	7.31	7.77	7.23	5.11	2.26	0.39	0.23		
3-Day Moving Average	0.31	0.55	0.97	3.62	7.02	7.91	8.16	7.55	5.82	2.81	0.51	0.32		
80% Exceedance	mm/day												mm	
Monthly	0.11	0.03	0.23	0.52	2.32	4.35	5.43	4.45	1.64	0.26	-0.31	-0.21	599	666

15-Day Moving Average	0.29	-0.14	-0.01	0.07	0.90	3.36	4.55	3.50	0.22	0.14	-0.55	-0.49	
7-Day Moving Average	0.66	-0.48	-0.46	-0.55	-0.25	0.74	3.07	1.85	0.75	0.90	-1.27	-0.98	
3-Day Moving Average	1.61	-1.31	-1.54	-1.78	-4.65	-3.22	1.20	-0.38	3.14	2.30	-2.87	-1.84	
Ave Highest ET	mm/day												--
15-Day Moving Average ^f	0.13	0.23	0.57	1.51	4.57	6.01	6.91	6.01	3.57	1.01	0.18	0.09	
7-Day Moving Average ^g	0.20	0.33	0.71	2.03	5.67	6.97	7.42	6.73	4.36	1.43	0.32	0.19	
3-Day Moving Average ^h	0.26	0.45	0.85	2.57	6.48	7.60	7.86	7.23	5.38	1.78	0.44	0.25	
Ave Lowest ET	mm/day												--
15-Day Moving Average ^f	0.13	0.00	0.18	0.56	2.11	3.99	5.39	4.46	1.33	0.13	-0.34	-0.24	
7-Day Moving Average ^g	0.34	-0.20	-0.11	0.13	0.88	2.54	4.12	3.50	0.37	0.38	-0.75	-0.51	
3-Day Moving Average ^h	0.90	-0.64	-0.80	-0.68	-1.24	-0.22	1.47	1.87	1.10	1.47	-1.74	-1.18	
Special normal distribution parameters for monthly, seasonal, and annual intervals													--
Skew	0.52	-0.19	0.03	1.27	0.13	-1.14	0.26	-0.26	0.19	0.17	-0.95	-0.56	-0.06 -0.06
Kurtosis	1.34	2.41	0.49	4.17	0.70	4.49	0.74	1.03	2.42	0.98	4.03	1.39	2.48 2.88

^a Growing Season: This is usually the time from green up or planting in the spring to a killing frost or harvest in the fall. It is not applicable for entries without a growing season and will be blank.

^b Mean of the average daily value for month

^c Mean of the fourteen 15-day period averages contained in the month

^d Mean of the twenty three 7-day period averages contained in the month

^e Mean of the twenty seven 3-day period averages contained in the month

^f Mean of the highest/lowest 15-day period average in month

^g Mean of the highest/lowest 7-day period average in month

^h Mean of the highest/lowest 3-day period average in month

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This work and report were prepared by the University of Idaho Research and Extension Center at Kimberly, Idaho under

contract with the Idaho Department of Water Resources. Work was supported by funding from IDWR and the Idaho Agricultural Experiment Station and Idaho Engineering Experiment Station. The authors gratefully acknowledge the long-term evapotranspiration data collection and long-standing advice provided by Dr. James L. Wright, USDA-ARS Kimberly (ret.), the more than two decades of high quality agricultural weather data collection by the U.S. Bureau of Reclamation AgriMet system, and the very long-standing, routine data collection by the hundreds of cooperative weather station volunteers across the state who, for more than one-hundred years, have faithfully observed daily air temperature and precipitation.

The citation for the evapotranspiration data used from this site should be: *Allen, Richard G. and Clarence W. Robison, 2006 (Revised 2007). Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.*

Questions regarding the data should be addressed to Clarence W. Robison or Richard G. Allen, University of Idaho, Kimberly Research and Extension Center, 3793 North 3600 East, Kimberly, ID 83341. Telephone (208)-423-6610

LYING JOSEPH RANCH, LLC
APPLICATION FOR TRANSFER
Attachment 8a - Part 4

ETIdaho --- Evapotranspiration and Consumptive Irrigation

Water Requirements for Idaho

Please send suggestions for improving this site to robison@kimberly.uidaho.edu Copyright 2007, University of Idaho.

May (NWS NOAA--105685)

Statistics based on 30 years between 1961 to 2004

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - shallow systems (ponds, streams)														
Precipitation Deficit (Click here for a graph)														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Annual
Mean	mm/day												mm	
Monthly ^b	0.03	0.44	1.23	2.13	2.49	3.25	4.07	3.51	2.08	1.39	0.14	-0.05	633	633
15-Day Moving Average ^c	0.06	0.41	1.24	2.14	2.39	3.30	4.11	3.44	1.92	1.42	0.11	-0.04		
7-Day Moving Average ^d	0.04	0.42	1.25	2.11	2.43	3.28	4.08	3.49	1.99	1.40	0.11	-0.04		
3-Day Moving Average ^e	0.03	0.44	1.24	2.12	2.48	3.26	4.08	3.52	2.05	1.39	0.13	-0.04		
Standard Deviation	mm/day												mm	
Monthly	0.35	0.28	0.48	0.58	1.21	0.99	1.12	1.12	0.69	0.68	0.48	0.49	77	77
15-Day Moving Average	0.34	0.41	0.44	0.69	1.22	1.18	1.08	1.15	1.04	0.62	0.63	0.44		
7-Day Moving Average	0.51	0.51	0.59	0.96	1.62	1.63	1.53	1.39	1.39	0.88	0.84	0.55		
3-Day Moving Average	0.74	0.67	0.82	1.36	2.18	2.26	2.07	1.78	1.84	1.24	1.20	0.79		
20% Exceedance	mm/day												mm	
Monthly	0.24	0.59	1.47	2.67	3.14	3.86	4.71	4.06	2.54	1.69	0.47	0.15	676	676
15-Day Moving Average	0.40	0.79	1.94	2.94	4.07	4.75	5.19	4.61	3.17	2.20	0.80	0.37		
7-Day Moving Average	0.49	0.99	2.20	3.44	4.69	5.27	5.43	5.05	3.72	2.63	1.00	0.47		
3-Day Moving Average	0.63	1.17	2.58	3.95	5.16	5.68	5.67	5.25	4.00	2.86	1.18	0.56		
80% Exceedance	mm/day												mm	

Monthly	0.20	0.28	0.96	1.69	1.55	2.39	3.53	2.75	1.56	0.88	-0.19	-0.25	577	577
15-Day Moving Average	0.53	-0.03	0.61	1.02	-0.12	1.50	2.46	1.65	0.15	0.04	-0.67	-0.63		
7-Day Moving Average	1.40	-0.37	-0.26	-0.10	-1.19	-0.33	0.89	-0.09	1.38	0.50	-1.68	-1.15		
3-Day Moving Average	2.83	-1.38	-1.60	-3.05	-4.85	-3.96	3.19	-2.13	4.68	2.31	-3.24	-2.22		
Ave Highest ET	mm/day												--	
15-Day Moving Average ^f	0.31	0.64	1.64	2.62	3.29	4.12	4.83	4.15	2.72	1.89	0.53	0.25		
7-Day Moving Average ^g	0.45	0.85	1.96	3.15	4.19	4.87	5.18	4.69	3.27	2.30	0.78	0.40		
3-Day Moving Average ^h	0.54	1.05	2.28	3.63	4.77	5.33	5.48	5.06	3.81	2.56	0.97	0.48		
Ave Lowest ET	mm/day												--	
15-Day Moving Average ^f	0.22	0.20	0.87	1.68	1.46	2.32	3.34	2.75	1.18	0.87	-0.28	-0.29		
7-Day Moving Average ^g	0.66	-0.14	0.39	0.85	0.22	0.99	2.06	1.77	0.00	0.15	-0.83	-0.74		
3-Day Moving Average ^h	1.57	-0.80	-0.57	-0.66	-2.08	-1.70	0.63	0.01	1.81	1.09	-2.08	-1.70		
Special normal distribution parameters for monthly, seasonal, and annual intervals													--	
Skew	0.25	-2.21	-0.04	0.01	-0.06	-1.11	0.30	-0.30	0.16	0.23	-1.63	-0.49	0.16	0.16
Kurtosis	0.85	10.52	0.84	2.41	0.70	4.81	0.77	0.98	2.82	0.73	5.40	1.12	3.37	3.38

^a Growing Season: This is usually the time from green up or planting in the spring to a killing frost or harvest in the fall. It is not applicable for entries without a growing season and will be blank.

^b Mean of the average daily value for month

^c Mean of the fourteen 15-day period averages contained in the month

^d Mean of the twenty three 7-day period averages contained in the month

^e Mean of the twenty seven 3-day period averages contained in the month

^f Mean of the highest/lowest 15-day period average in month

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Questions regarding the data should be addressed to Clarence W. Robison or Richard G. Allen, University of Idaho, Kimberly Research and Extension Center, 3793 North 3600 East, Kimberly, ID 83341. Telephone (208)-423-6610

FLYING JOSEPH RANCH, LLC
APPLICATION FOR TRANSFER

Attachment #8a - Part 5

FLYING JOSEPH HANGAR POND EVAPOTRANSPIRATION LOSS AND VOLUME

May, Idaho Weather Station Precipitation Deficit Values

MONTH	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Precipitation deficit (avg daily value, mm)	0.03	0.44	1.23	2.13	2.49	3.25	4.07	3.51	2.08	1.39	0.14	0	
Days per month	31	28	31	30	31	30	31	31	30	31	30	31	
Pond loss (precip deficit, mm)	0.93	12.32	38.13	63.90	77.19	97.50	126.17	108.81	62.40	43.09	4.20	0.00	634.64
Pond loss (precip deficit, in)	0.04	0.49	1.50	2.52	3.04	3.84	4.97	4.28	2.46	1.70	0.17	0.00	24.99
Pond surface area (acres)	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00
Total pond loss (ac-in)	0.40	5.34	16.51	27.67	33.43	42.22	54.64	47.12	27.02	18.66	1.82	0.00	274.84
Total pond loss (ac-ft)	0.03	0.44	1.38	2.31	2.79	3.52	4.55	3.93	2.25	1.56	0.15	0.00	22.90

Pond volume	88.00
Evaporation loss	22.90
Transfer application volume	110.90
Precipitation deficit (growing season, mm/A)	709.00
Precipitation deficit (growing season, in/A)	27.91
Precipitation deficit (growing season, AF/A)	2.33
# acres for evaporation loss	9.85
# acres for pond volume	37.83
# acres total	47.68

[illegible]

private runway

Jennifer Pinkerton

From: Melissa Wolfe [mwolfe@CoshoLaw.com]
Sent: Friday, January 08, 2010 9:14 AM
To: jennifer@speckandaanestad.com
Subject: RE: Eric Glen Coffelt v. Erin O'Toole
Attachments: Coffelt Exhibits.zip

Let me try again. I'll send as a zip file.

201.	FNOB Direct Separate Acct no 4820 June 07 to Oct 09	742-770
202.	E*Trade Brokerage Acct. No. 7157 4/1/07 to 12/31/09	771-959
203.	E*Trade Savings Acct No. 1222 April 2007 to Jan 2009	960-996
204.	T.D. Ameritrade Brokerage Amex & A.G. Edwards transferred to Ameritrade acct. No. 4274 2/27/04 to 12/31/09 997-1182	
205.	E*Trade House Down Payment Acct. No. 2602 6/7/07 to 12/31/09	1183-1227

-----Original Message-----

From: Jennifer Pinkerton [mailto:jennifer@speckandaanestad.com]
Sent: Friday, January 08, 2010 9:12 AM
To: Melissa Wolfe
Subject: RE: Eric Glen Coffelt v. Erin O'Toole

Hi Melissa,
Looks like we did not get your attachments... "Exceeded Internet Timeout"?

Jennifer P. Talmadge
Speck & Aanestad, PC
120 East Ave. S.
P.O. Box 987
Ketchum, Idaho 83340-0987
Tele: (208) 726-4421
Fax: (208) 726-0752
jennifer@speckandaanestad.com

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-----Original Message-----

From: Melissa Wolfe [mailto:mwolfe@CoshoLaw.com]
Sent: Friday, January 08, 2010 8:13 AM
To: jennifer@speckandaanestad.com; doug@speckandaanestad.com
Cc: Mackenzie E. Whatcott
Subject: Eric Glen Coffelt v. Erin O'Toole

FILE QUARANTINED

The original contents of this file have been replaced with this message because of its characteristics.
File name: "Body of Message"

Virus name: "Exceeded Internet timeout"

!SIG:4b47595c141301428769473!

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06/29/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-147A

NAME AND ADDRESS: JOE CLARK
C/O JUDY GALFANO
7213 PERIMETER RD S
SEATTLE WA 98108

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 4.400 CFS

PRIORITY DATE: 04/25/1886

POINT OF DIVERSION:

T13N R23E S20 SWNESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

04/01 10/31

QUANTITY

4.400 CFS

PLACE OF USE:

IRRIGATION Within LEMHI County

T13N R22E S01 Lot 4 NWNW	0.90	T13N R22E S01	SWNW	19.00
T13N R22E S01 NWSW	35.00	T13N R22E S01	SWSW	41.00
T13N R22E S02 Lot 1 NENE	29.00	T13N R22E S02 Lot 2 NWNE		8.80
T13N R22E S02 SWNE	8.20	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	26.00	T13N R22E S11	SESE	29.00
T13N R22E S12 NWNE	0.40	T13N R22E S12	SWNE	23.00
T13N R22E S12 NENW	2.30	T13N R22E S12	NWNW	41.00
T13N R22E S12 SWNW	40.00	T13N R22E S12	SENW	0.30
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	22.00	T13N R22E S13	SWNE	12.00
T13N R22E S13 NENW	10.00	T13N R22E S13	NWNW	37.00
T13N R22E S13 SWNW	9.50	T13N R22E S13	SENW	4.50
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	0.20
T13N R22E S14 NESE	2.80	T13N R22E S14	NWSE	19.00
T13N R22E S14 SWSE	31.00	T13N R22E S14	SESE	36.00
T13N R22E S23 NENE	40.00	T13N R22E S23	NWNE	36.00
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	36.00

06/29/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

T13N R22E S24	NWSW	27.00	T13N R22E S24	NESE	39.00
T13N R22E S24	NWSE	39.00	T13N R23E S18 Lot 4	SWSW	25.00
T13N R23E S19	NWNE	23.00	T13N R23E S19	SWNE	39.00
T13N R23E S19	SENE	26.00	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	13.00
T13N R23E S19 Lot 3	NWSW	13.00	T13N R23E S19 Lot 4	SWSW	1.50
T13N R23E S19	NESE	39.00	T13N R23E S19	NWSE	40.00
T13N R23E S19	SWSE	7.90	T13N R23E S19	SESE	21.00
T13N R23E S20	NWSW	26.00			

1857.6 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 and 73-10041 are limited to the irrigation of a combined total of 1857.6 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 Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the point of diversion described above. Right No. 73-10041 is rediverted from the Pahsimeroi River through the point of diversion described above.



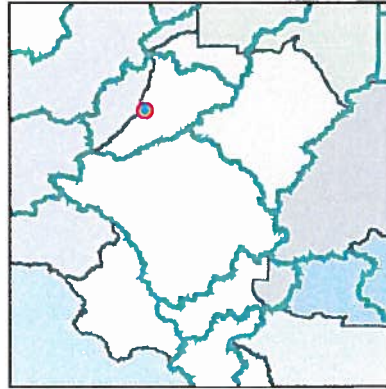
Idaho Department of Water Resources

SRBA Recommendation:

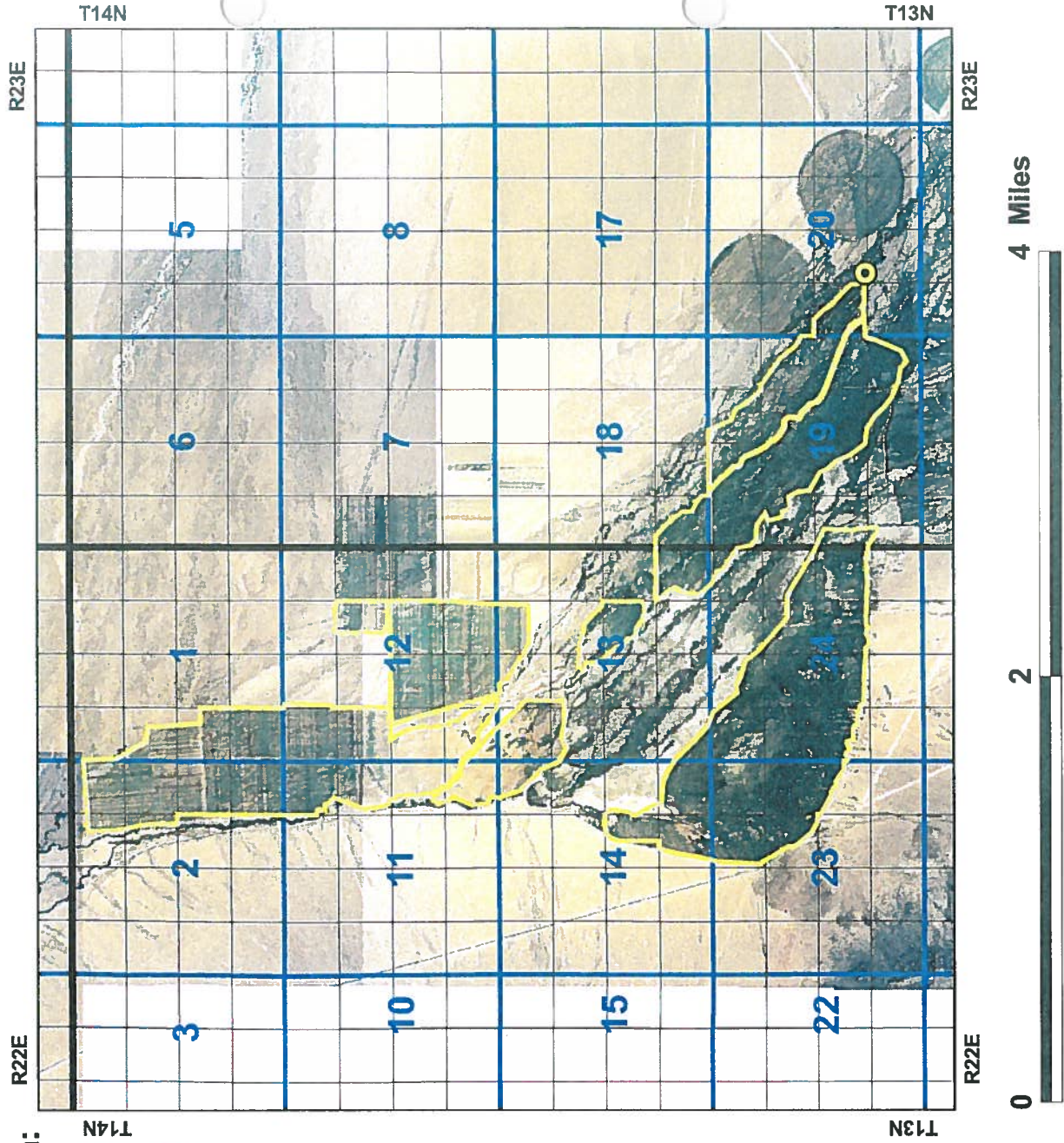
**73-147A, 73-147C,
73-150D, 73-189,
73-10040, 73-10041**

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Custer County
IDWR Basin 73



Prepared by R. Brown
On Thursday, June 29, 2006
1987/88 Aerial Photography

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 73-00147A
Date Received: 1/8/90
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: PINES GRAZING ASSN INC Phone: (208)879-2354

Address: C/O LYNN TRITTHART
HC 63 BOX 1769
CHALLIS ID 83226

2. Date of Priority: 04/25/1886

3. Source: PAHSIMEROI RIVER Trib. to: Salmon River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13N	23E	19	SE SW	CUSTER
13N	23E	20	NW SW	CUSTER
13N	23E	19	SW SW	CUSTER
13N	23E	2	NW SE	CUSTER

5. Description of diverting works:

OPEN DITCHES WITH PUMPS FOR BOTH FLOOD AND SPRINKLER IRRIGATION.

OPEN DITCHES WITH PUMPS FOR BOTH FLOOD AND SPRINKLER IRRIGATION.

OPEN DITCHES WITH PUMPS FOR BOTH FLOOD AND SPRINKLER IRRIGATION.

OPEN DITCHES WITH PUMPS FOR BOTH FLOOD AND SPRINKLER IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
---------	------	----	--------	------------

A7300147A



IRRIGATION

4/01 11/01 4.4

7. Total Quantity Appropriated is:
4.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13N	22E	1	SW	NW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			Section Acres				
13N	22E	2	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	38
			NW	SE		IRRIGATION	8
			SW	NE		IRRIGATION	24
			SE	NE		IRRIGATION	40
			NE	SE		IRRIGATION	40
			SW	SE		IRRIGATION	4
			SE	SE		IRRIGATION	40
Section Acres						234	
13N	22E	11	NE	NE		IRRIGATION	38.5
			SE	NE		IRRIGATION	31.2
			NE	SE		IRRIGATION	35
			SE	SE		IRRIGATION	34
Section Acres						138.7	
13N	22E	12	NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			NW	SE		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			SW	SE		IRRIGATION	40
Section Acres						320	
13N	22E	13	SW	SW		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40

			SW	NW	IRRIGATION	40	
			SE	NW	IRRIGATION	40	
			NE	SW	IRRIGATION	40	
			NW	SW	IRRIGATION	40	
			SE	SW	IRRIGATION	40	
			NW	SE	IRRIGATION	40	
			SW	SE	IRRIGATION	40	
			SE	SE	IRRIGATION	40	
					Section Acres	520	
13N	22E	14	SW	SE	IRRIGATION	29.2	
			NE	NE	IRRIGATION	31.2	
			SW	NE	IRRIGATION	17.2	
			SE	NE	IRRIGATION	40	
			NE	SE	IRRIGATION	40	
			NW	SE	IRRIGATION	22	
			SE	SE	IRRIGATION	40	
					Section Acres	219.6	
13N	22E	23	NE	NE	IRRIGATION	40	
			NW	NE	IRRIGATION	38.5	
			SW	NE	IRRIGATION	26.4	
			SE	NE	IRRIGATION	40	
			NE	SE	IRRIGATION	28.4	
			NW	SE	IRRIGATION	1.6	
					Section Acres	174.9	
13N	22E	24	NE	NE	IRRIGATION	40	
			NW	NE	IRRIGATION	40	
			SW	NE	IRRIGATION	40	
			SE	NE	IRRIGATION	40	
			NE	NW	IRRIGATION	40	
			NW	NW	IRRIGATION	40	
			SW	NW	IRRIGATION	40	
			SE	NW	IRRIGATION	40	
			NE	SW	IRRIGATION	40	
			NW	SW	IRRIGATION	40	
			NE	SE	IRRIGATION	40	
			NW	SE	IRRIGATION	40	
					Section Acres	480	
13N	23E	18	SW	SW	IRRIGATION	40	
					Section Acres	40	
13N	23E	19	SW	NW	2	IRRIGATION	38.7
			NW	SW	3	IRRIGATION	38.9
			NW	NW	1	IRRIGATION	38.5
			SE	NW		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40

			SW	SW	4	IRRIGATION	13.2
			SE	SW		IRRIGATION	15.6
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	14.8
			SE	SE		IRRIGATION	22
			NE	SW		IRRIGATION	40
						Section Acres	501.7
13N	23E	20	NW	SW		IRRIGATION	40
						Section Acres	40
14N	22E	35	SW	SE		IRRIGATION	37.5
			SE	SE		IRRIGATION	40
						Section Acres	77.5
						Total Acres	2866.4

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CHANGE ADDRESS 10-5-94/JT

15. Basis of Claim: Decreed

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 73-147A

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. ☐ **Priority Date**
Should be:

5. ☒ **Point(s) of Diversion**
Should be: Add the NW1/4NW1/4, Section 2, T.12N., R.23E., B.M.,
Custer County, commonly known as the Pines Ditch and as depicted on the claim map.

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: Add approximately 385 acres in the locations depicted on
Exhibit A.

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): See Exhibit A and the Affidavit of
Garth Chivers attached as Exhibit B.

F.

VERIFICATION (Must be completed)

State of Idaho)
)
County of Blaine)

ss.

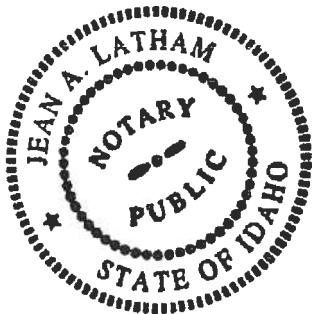
James P. Speck, being first duly sworn, upon oath, deposes and says:

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 County
My Commission expires 1-29-2009

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 ¹⁸~~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:

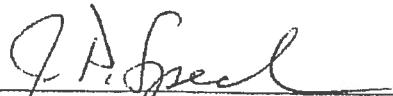
Name: Flying Joseph Ranch LLC
Address: c/o Judy Galfano
7213 Perimeter Rd. South
Seattle, WA 98108

3. Copies to:

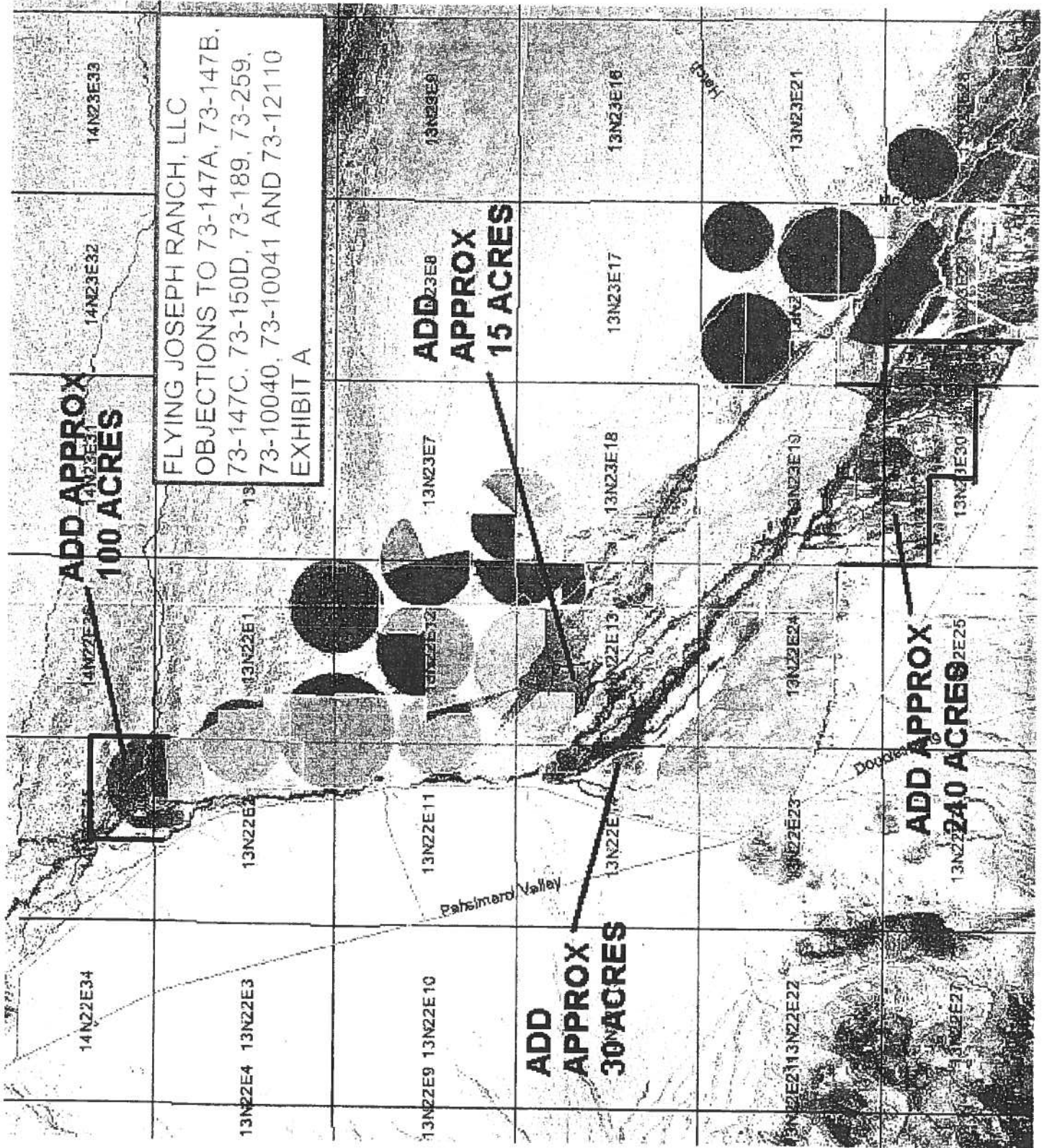
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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



AFFIDAVIT

STATE OF Idaho)
County of Blaine) ss.

_____, being first duly sworn upon oath, deposes and states as follows:

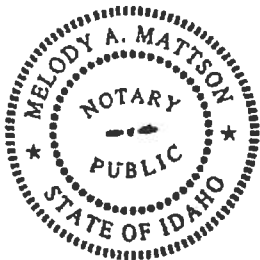
1. Garth Chivers, was a part owner and manager of the Pines Ranch from April 1969 to 1997. We (Pines Grazing) used the Pahsimeroi water on the ranch. We used the water for irrigation purposes annually, without interruption during the above mentioned years. The Pahsimeroi River and its point of diversion is the Pines Ditch in Section #2. This has always been the point of diversion to my knowledge.

Regarding to water right #73-147-A

FURTHER YOUR AFFIANT SAITH NOT.

Garth Chivers

SUBSCRIBED AND SWORN to before me this 22 day of June, 2005.



Melody A. Mattson
Notary Public for Idaho
Residing at: Pritchard ID
My commission expires: 4.3.2009

EXHIBIT B

OBJECTION TO 73-147A

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 73-00147A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice
Environment and Natural Resource Division

General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

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

Name: Flying Joseph Ranch, LLC; c/o Judy Galfano or Joe Clark

Address: 7213 Perimeter Road S; Scattle, WA 98108-3812

Name: James P. Speck (attorney for claimant)

Address: P.O. Box 987; Ketchum, Idaho 83340

Name:

Address: ;

Name:

Address: ;

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. ☐ **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: See attached.

11. **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):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include federal public land. Other places of use describe both public and private land. Clarify the right such that it is clear only private land is intended.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of ADA)

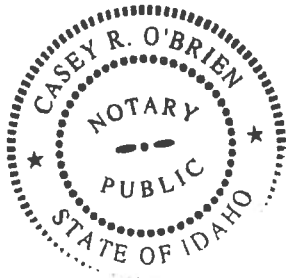
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

Fredric W. Price
(Signature of person filing objection)

Casey R. O'Brien
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 7, 2009



Casey R. O'Brien

Notary Public for State of Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009

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 the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on December 18, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
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2. One copy to the claimant of the water right at the following address:

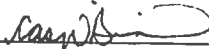
Name: Flying Joseph Ranch, LLC; c/o Judy Galfano or Joe Clark
Address: 7213 Perimeter Road S; Seattle, WA 98108-3812
Name: James P. Speck (attorney for claimant)
Address: P.O. Box 987; Ketchum, Idaho 83340
Name:
Address: ;
Name:
Address: ;

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

01/23/2007

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

RIGHT NUMBER: 73-147A

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

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 4.400 CFS

PRIORITY DATE: 04/25/1886

POINT OF

DIVERSION: T13N R23E S20 SWNESE 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	4.400 CFS

PLACE OF USE: IRRIGATION in CUSTER County and LEMHI County

BLM	T13N R22E S01 Lot 4 NWNW	0.90	T13N R22E S01	SWNW	19.00			
	T13N R22E S01	NWSW	35.00	T13N R22E S01	SWSW		41.00	
	T13N R22E S02 Lot 1 NENE	29.00	T13N R22E S02 Lot 2 NWNE	8.80				
	T13N R22E S02	SWNE	8.20	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	26.00	T13N R22E S11	SESE		29.00	
	T13N R22E S12	NWNE	0.40	T13N R22E S12	SWNE		23.00	
	T13N R22E S12	NENW	2.30	T13N R22E S12	NWNW		41.00	
	T13N R22E S12	SWNW	40.00	T13N R22E S12	SENW		0.30	
	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	22.00	T13N R22E S13	SWNE		12.00	
	T13N R22E S13	NENW	10.00	T13N R22E S13	NWNW		37.00	
	T13N R22E S13	SWNW	9.50	T13N R22E S13	SENW		4.50	
	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		0.20	Mixed
	T13N R22E S14	NESE	2.80	T13N R22E S14	NWSE		19.00	
T13N R22E S14	SWSE	31.00	T13N R22E S14	SESE	36.00			
T13N R22E S23	NENE	40.00	T13N R22E S23	NWNE	36.00			
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	36.00			
T13N R22E S24	NWSW	27.00	T13N R22E S24	NESE	39.00			
T13N R22E S24	NWSE	39.00	T13N R23E S18 Lot 4 SWSW	25.00				
T13N R23E S19	NWNE	23.00	T13N R23E S19	SWNE	39.00			

T13N R22E S19	SENE	26.00	T13N R23E S19	NENW	39.00
T13N R22E S19 Lot 1	NWNW	36.00	T13N R23E S19 Lot 2	SWNW	7.80
T13N R23E S19	SENW	38.00	T13N R23E S19	NESW	13.00
T13N R23E S19 Lot 3	NWSW	13.00	T13N R23E S19 Lot 4	SWSW	1.50
T13N R23E S19	NESE	39.00	T13N R23E S19	NWSE	40.00
T13N R22E S19	SWSE	7.90	T13N R23E S19	SESE	21.00
T13N R22E S20	NWSW	26.00			

1857.6 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 and 73-10041 are limited to the irrigation of a combined total of 1857.6 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 Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the point of diversion described above. Right No. 73-10041 is rediverted from the Pahsimeroi River through the point of diversion described above.

POU on BLM:

-The place of use T13N R22E S01 Lot 4 NWNW is BLM land; use is not authorized.

-Remove from recommendation and adjust shapefile accordingly.

Mixed POUs:

-T13N R22E S14 NWSE and T13N R22E S23 NESE describes both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal public lands."

73-00147A
 73-00147B
 73-00147C
 73-00150D
 73-00189
 73-00259
 73-10040
 73-10041

Flying Joseph Ranch LLC

POU on BLM:

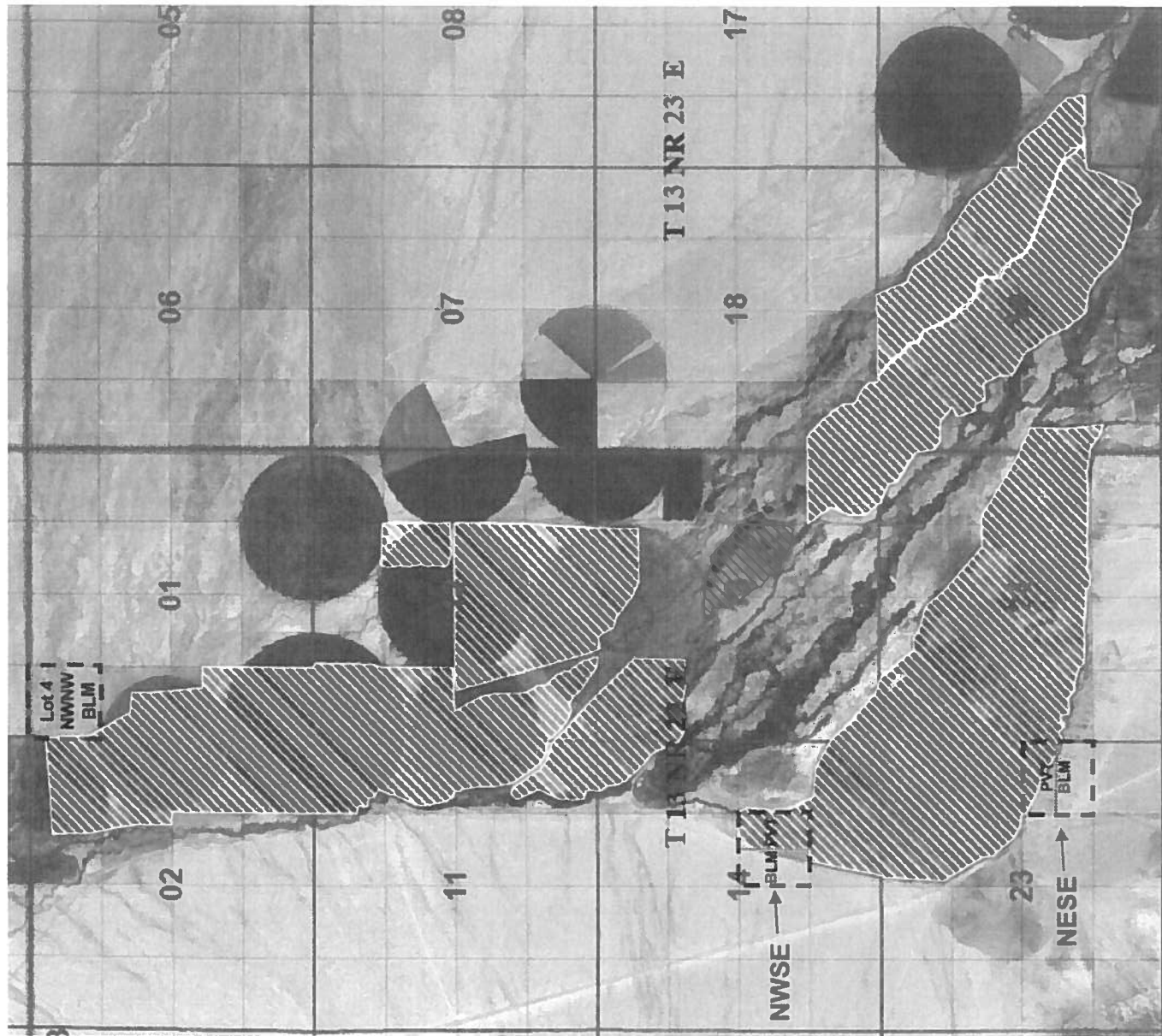
-The place of use T13N R22E S01 Lot 4 NWNW is BLM land; use is not authorized.

-Remove from recommendation and adjust shapefile accordingly.

Mixed POUs:

-T13N R22E S14 NWSE and T13N R22E S23 NESE describes both private and public lands. Please clarify such that only private land is intended by inserting the following language under place of use:

"Place of use does not include federal public lands."



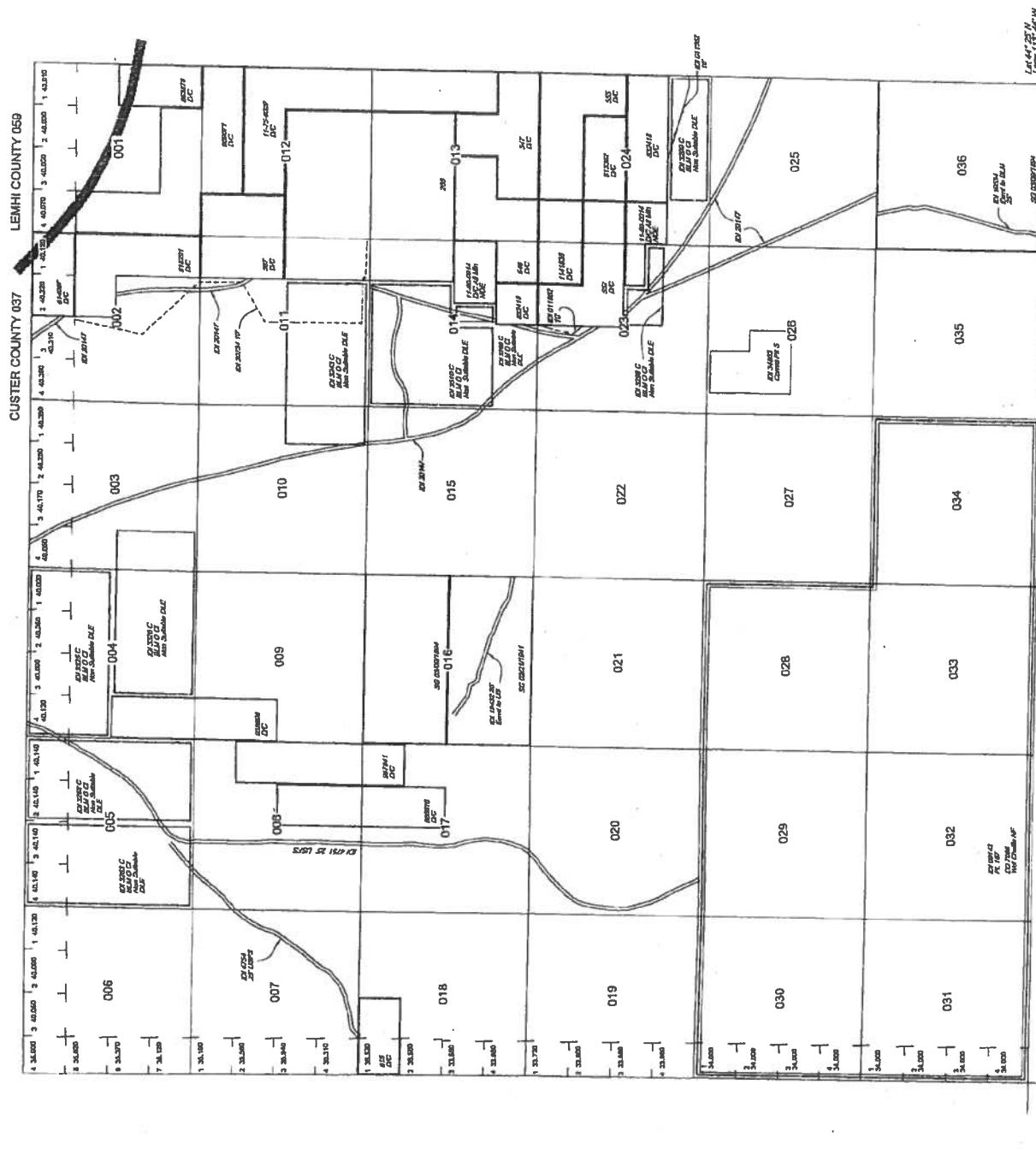
IDAHO FALLS DISTRICT SEC. 9

MT PLAT

[illegible]

DDI 00142 Del PL 187 (Act of Cong 07/23/1955)
completed 12/10/1962. All NF surface Agent by USFS

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

[illegible]T. 13 N
R. 22 E

0311 1234

This plot is only a graphic display of the Bureau of Land Management's (BLM) Record of Decision survey data. Records herein do not reflect the changes which may have been effected by later or other bodies of water. Nor do the tabulated surveys constitute official information.

The relation shown on withdrawnals represents the last section taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 19, 2005

JOE CLARK
C/O JUDY GALFANO
7213 PERIMETER RD S
SEATTLE WA 98108

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #73-147A, 73-147B, 73-147C, 73-150D,
73-189, 73-259, 73-2048, 73-2126A, 73-2165, 73-10036, 73-10040, 73-10041,
73-10054 and 73-10069 and Permit 73-7102

Dear Mr. Clark:

We have processed your change in ownership of the Notices of Claim referenced above. Thank you for your patience.

Although #73-4004A was also listed on your ownership change, that property and water right is owned by Don and Debra Barnes.

I have given a copy of your ownership change documents to our Water Allocations Bureau. They will be in contact with you regarding the fee due to change the ownership of your permit #73-7102.

Enclosed are copies of your Notices of Claim for your file. Please refer to these record numbers in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claims.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosures:

Copies of Notices of Claim Referenced Above
cc: Water Allocations Bureau