

RECEIVED

AUG 11 2010

DEPARTMENT OF
WATER RESOURCES

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

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

In Re SRBA

Case No. 39576

) Subcases:
) 73-147B ✓
) 73-147C
) 73-150D
) 73-189
) 73-259
) 73-10040
) 73-10041
) (Flying Joseph Ranch LLC)
)
) SPECIAL MASTER REPORT
)

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Irrigation & Other Uses, Reporting Area 23, Basin 73* on January 25, 2007. The Director recommended the seven claims to Flying Joseph Ranch LLC, c/o Joseph Clark, 7213 Perimeter Road South, Seattle, Washington, 98108, for between 1.6 cfs and 11.2 cfs from Spring Creek, Pahsimeroi River and Big Creek to irrigate 1,677.3 acres and 1,857.6 acres in Custer County from April 1 to October 31 with priority dates between April 25, 1886, and May 1, 1950, based on a decree or beneficial use.

The United States of America, Department of Interior, Bureau of Land Management filed *Objections* on December 18, 2007, objecting to place of use. The claimant filed *Objections* on December 19, 2007, objecting to points of diversion and places of use. The claimant and BLM, with IDWR's concurrence, filed *Standard Forms 5* on July 28, 2010.

Conclusions of Law

Flying Joseph Ranch LLC is entitled to partial decrees adjudicating water rights as described in the *SF-5s* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-10040 and 73-10041*.

DATED August 10, 2010.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

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

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

SOURCE: SPRING CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 6.00 CFS

PRIORITY DATE: 04/25/1886

POINT OF DIVERSION: T13N R23E S29 NWNW Within Custer County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.00 CFS

PLACE OF USE:	Irrigation		Within Custer County
	T13N R22E S01	SWNW 19.0	NWSW 35.0
		SWSW 41.0	
	S02 LOT 1	(NENE) 31.0	LOT 2 (NWNW) 9.6
		SWNE 8.3	SENE 40.0
		NESE 40.0	SESE 40.0
	S11	NENE 37.0	SENE 33.0
		NESE 27.0	SESE 29.0
	S12	NWNE 0.5	SWNE 23.0
		NENW 2.6	NWNW 41.0
		SWNW 40.0	SENE 1.1
		NESW 41.0	NWSW 31.0
		SWSW 30.0	SESE 37.0
		NWSE 41.0	SWSE 39.0
	S13	NWNE 23.0	SWNE 12.0
		NENW 15.0	NWNW 37.0
		SWNW 9.9	SENE 16.0
		NESW 0.2	SWSW 9.8
		NWSE 23.0	SESE 34.0
	S14	NENE 17.0	SENE 21.0
		NESE 36.0	NWSE 20.0
		SWSE 31.0	SESE 37.0
	S23	NENE 40.0	NWNE 37.0
		SWNE 23.0	SENE 40.0
		NESE 12.0	
	S24	NENE 8.0	NWNE 0.5
		SWNE 30.0	SENE 12.0
		NENW 19.0	NWNW 40.0
		SWNW 40.0	SENE 40.0
		NESW 37.0	NWSW 28.0
		NESE 39.0	NWSE 39.0
	R23E S18 LOT 4	(SWSW) 25.0	
	S19	SWNE 13.0	NENW 21.0
	LOT 1	(NWNW) 36.0	LOT 2 (SWNW) 7.8
		SENE 38.0	NESW 28.0
	LOT 3	(NWSW) 29.0	LOT 4 (SWSW) 25.0
		SESE 40.0	NESE 24.0
		NWSE 39.0	SWSE 40.0
		SESE 35.0	
	S20	NWSW 2.6	
	S29	NWNW 37.0	SWNW 40.0

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

	NWSW 28.0	
S30	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	LOT 1 (NWNW) 25.0
2276.9 Acres Total		

This right is limited to the irrigation of 300 acres within the place of use described above in a single irrigation season. Right Nos. 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040, 73-10041 and 73-12110 are limited to the irrigation of a combined total of 2413.3 acres in a single irrigation season.

Place of use does not include federal public lands.

Right Nos. 73-147B and 73-259 are limited to the irrigation of a combined total of 380 acres within the place of use described above in a single irrigation season.

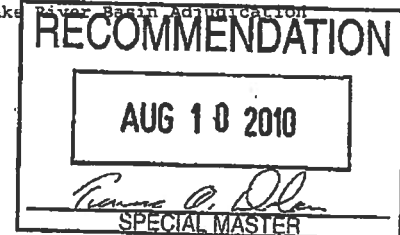
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

RULE 54(b) CERTIFICATE

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

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



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

RIGHT NUMBER: 73-147B

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

SOURCE: SPRING CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 6.000 CFS

PRIORITY DATE: 04/25/1886

POINT OF

DIVERSION: T13N R23E S29 NWNW 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	6.000 CFS
PLACE OF USE:	IRRIGATION in CUSTER County and 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 NWNW	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 NWNW	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 NWNW	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 SWNE	13.00	T13N R23E S19 NENW 21.00

Same
as
73-259

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	0.70	T13N R23E S19 NWSE	38.00
T13N R23E S19 SWSE	7.60	T13N R23E S19 SESE	0.30

1677.3 ACRES TOTAL

Right Nos. 73-147B and 73-259 are limited to the irrigation of a combined total of 1677.3 acres 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.

This right is limited to the irrigation of 300 acres within the place of use described above 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 No. 73-259 is also diverted through point of diversion described above.

06/29/2006

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

RIGHT NUMBER: 73-147B

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

SOURCE: SPRING CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 6.000 CFS

PRIORITY DATE: 04/25/1886

POINT OF DIVERSION:

T13N R23E S29 NWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

6.000 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	SWNE	13.00	T13N R23E S19	NENW	21.00
T13N R23E S19 Lot 1	NWNW	36.00	T13N R23E S19 Lot 2	SWNW	7.80
T13N R23E S19	SENE	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	0.70	T13N R23E S19	NWSE	38.00
T13N R23E S19	SWSE	7.60	T13N R23E S19	SESE	0.30

1677.3 ACRES TOTAL

Right Nos. 73-147B and 73-259 are limited to the irrigation of a combined total of 1677.3 acres 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.

This right is limited to the irrigation of 300 acres within the place of use described above 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 No. 73-259 is also diverted through point of diversion described above.



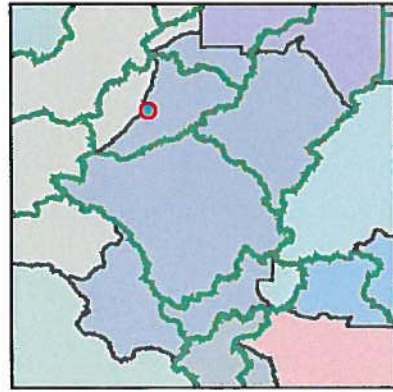
Idaho Department of Water Resources

SRBA Recommendation:

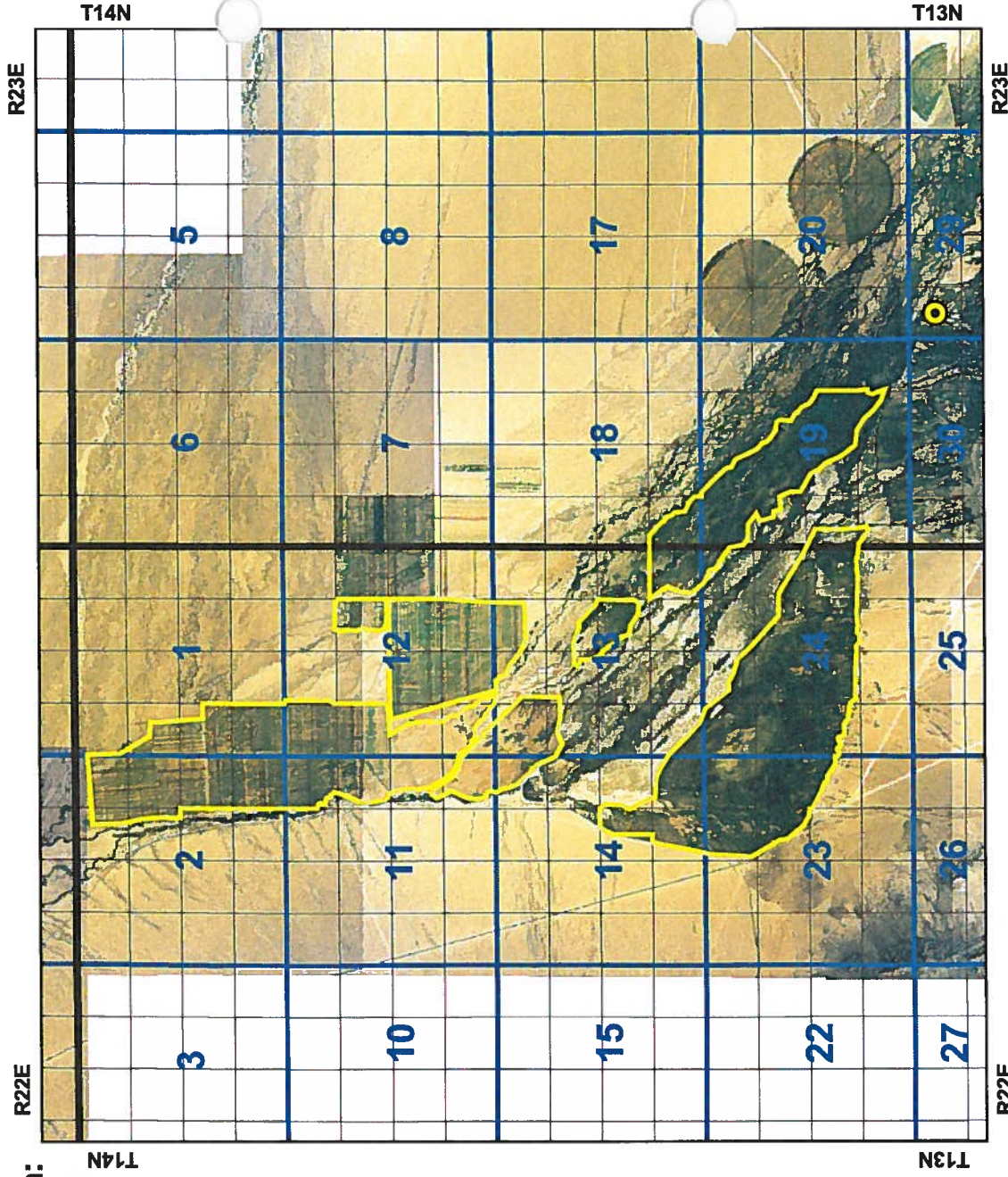
73-147B, 73-259

Legend

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



Custer County
IDWR Basin 73



4 Miles

2

0

Prepared by R. Brown
On Thursday, June 29, 2006
1987/88 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 73-00147B
(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; Seattle, 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 17, 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
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

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: 73-147E

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

SOURCE: SPRING CREEK

TRIBUTARY: PAHSINEROI RIVER

QUANTITY: 6.000 CFS

PRIORITY DATE: 04/25/1886

POINT OF
DIVERSION: T13N R23E S29 NWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

6.000 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 NWNW	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 NWNW	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	Mixed
	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	
Mixed	T13N R22E S23 NESE	12.00	T13N R22E S24	NENE	8.00	
	T13N R22E S24 NWNW	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 SWNE	13.00	T13N R23E S19	NENW	21.00	

T13N R23E S19 Lot 1 NWNW	36.00	T13N R23E S19 Lot 2 SWNW	7.80
T13N R23E S19	SENW	T13N R23E S19	NESW
	38.00		13.00
T13N R23E S19 Lot 3 NWSW	13.00	T13N R23E S19 Lot 4 SWSW	1.50
T13N R23E S19	NESE	T13N R23E S19	NWSE
	0.70		38.00
T13N R23E S19	SWSE	T13N R23E S19	SESE
	7.60		0.30

1677.3 ACRES TOTAL

Right Nos. 73-147B and 73-259 are limited to the irrigation of a combined total of 1677.3 acres 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.

This right is limited to the irrigation of 300 acres within the place of use described above 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 No. 73-259 is also diverted through 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:

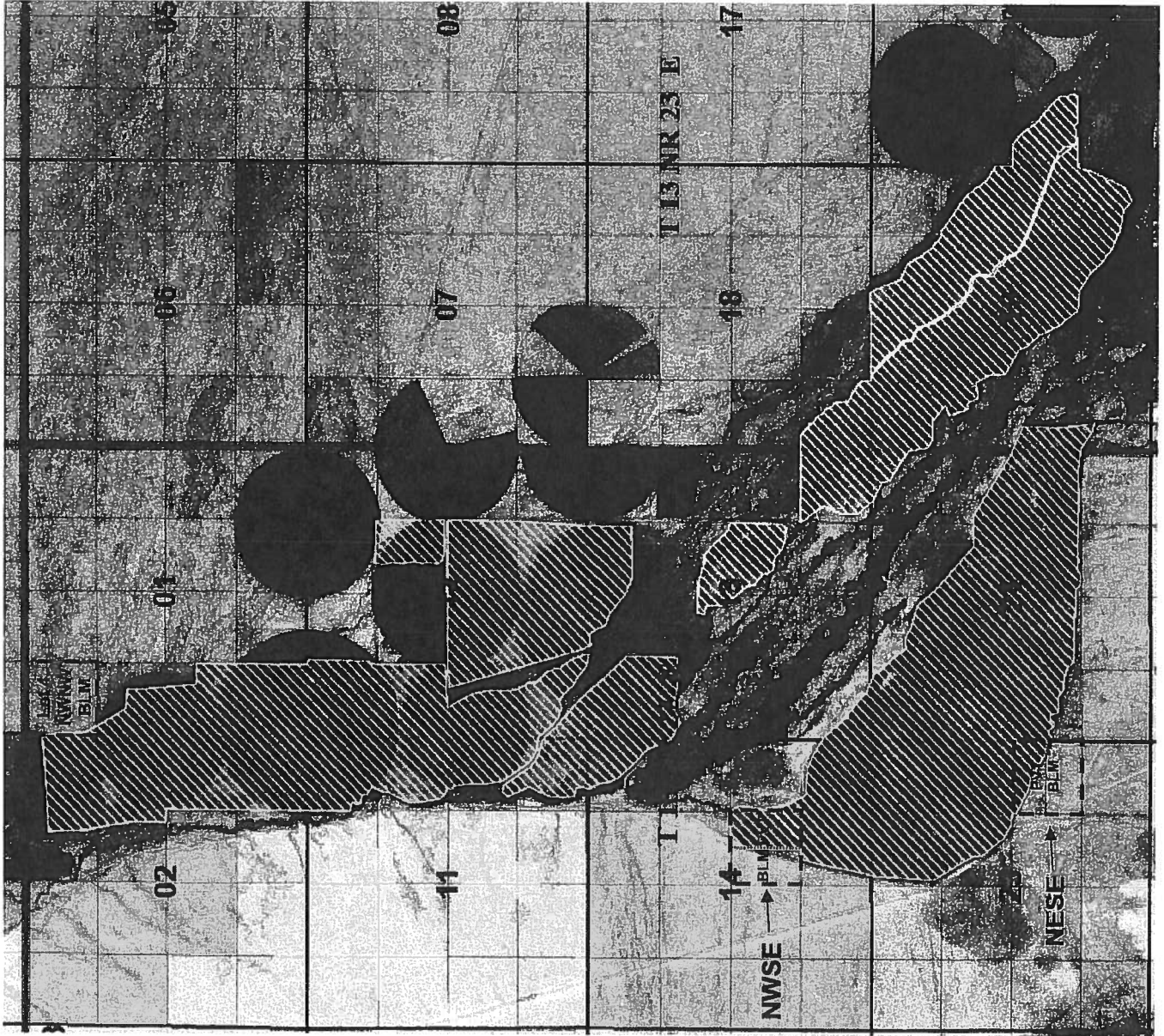
-The place of use T13N R22E S01
Lot 4 NWNW is BLM land; use is
not authorized.

-Remove from recommendation and
adjust shapefile accordingly.

Mixed POUs:

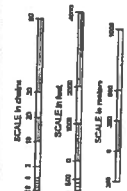
-T13N R22E S14 NWSE and T13N
R22E S23 NESE describes both
private and public lands. Please
clarify such that only private land is
intended by inserting the following
language under place of use:

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



IDAHO FALLS DISTRICT SEC. 3

CUSTER COUNTY 037



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinland Way Boise, Idaho 83709
(208) 373-4000

Bill Way Boins, Inc.
(208) 373-4000



13 AL21 F

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

[illegible]

101 09142 Del PL 167 (Act of Cong 07/23/1963)
completed 12/10/1962. All AF surface Mgmt by USFS

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

[illegible]

R. 22 E

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

A. Subcase 73-147B

Case No. 39576

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:

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.

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 W.
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 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:

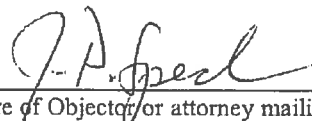
Name: Flying Joseph Ranch LLC
Address: c/o Judy Galfano
7213 Perimeter Rd. South
Seattle, WA 98108

3. Copies to:

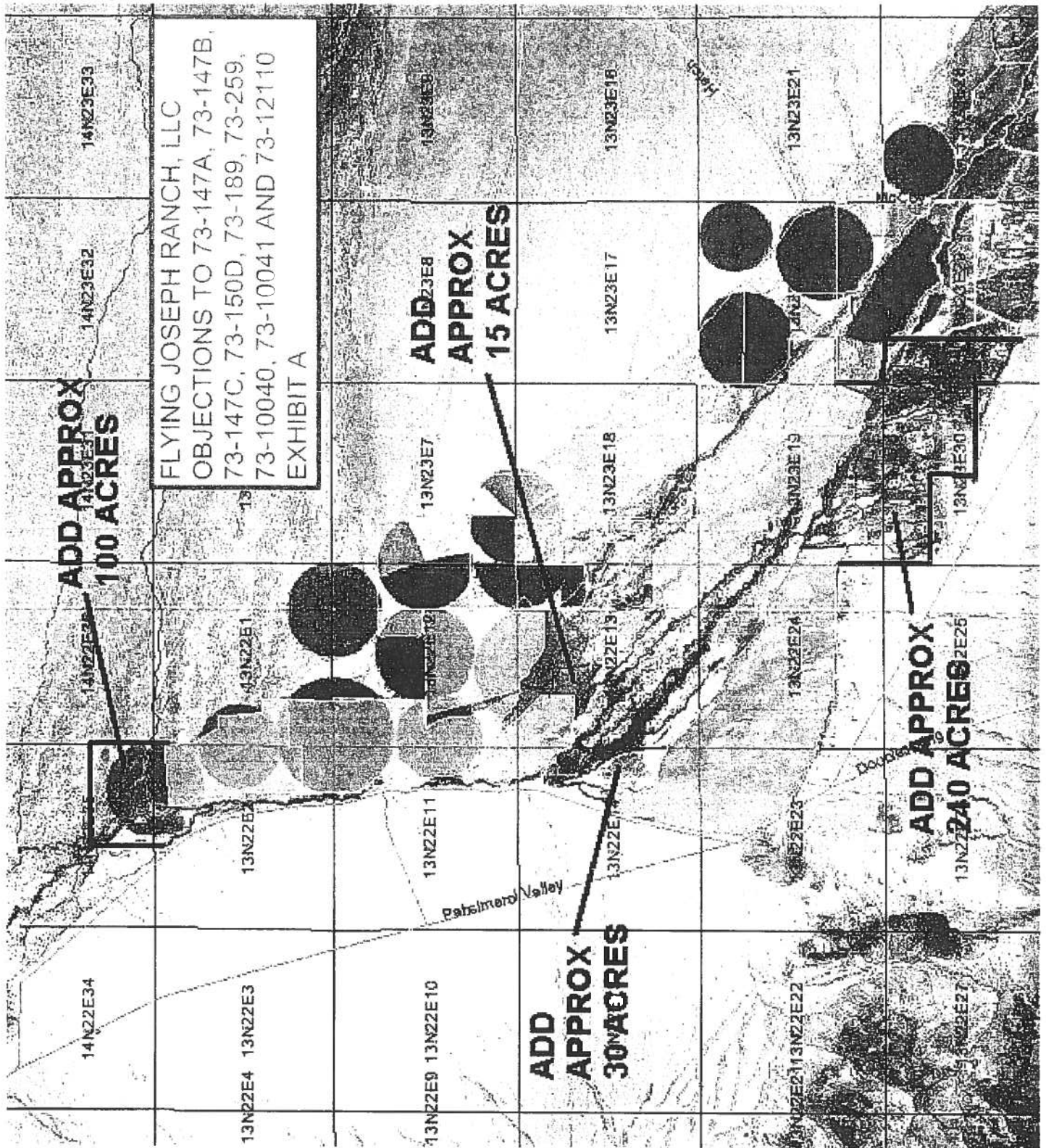
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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



FLYING JOSEPH RANCH, LLC
OBJECTIONS TO 73-147A, 73-147B,
73-147C, 73-150D, 73-189, 73-259,
73-10040, 73-10041 AND 73-12110
EXHIBIT A

**ADD APPROX
100 ACRES**

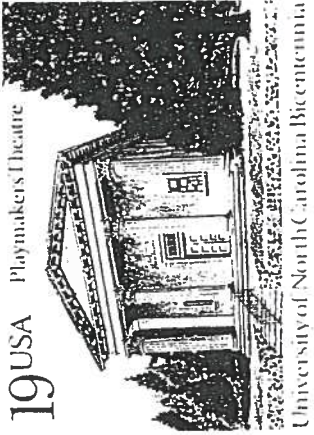
**ADD APPROX
15 ACRES**

**ADD
APPROX
30 ACRES**

**ADD APPROX
240 ACRES**

EXHIBIT A

19 USA Playmakers Theatre



University of North Carolina Bicentennial

PINES GRAZING ASSN INC
C/O LYNN TRITHART
HC 63 BOX 1769
CHALLIS ID 83226

10-5-94

AS REQUESTED, THE DEPARTMENT HAS CHANGED THE ADDRESS
ON THE FOLLOWING NOTICES OF CLAIM:

A73-00150D, -00189, -00259, -02126A, -10036, -10054
-02048, -10040, -10041, -10069, -02165, -00147A
-00147B, -00147C

IF YOU HAVE ANY QUESTIONS REGARDING THESE CHANGES,
PLEASE CALL THIS OFFICE.

THANK YOU, JO THOMPSON

SCANNED
AUG 29 2001

File to A73-00147A ONLY.

PINES GRADING ASSN.

- SENT change of Address Sept. 4 - Gary Skidmore is no longer in association.

- There appear to be numerous errors in the data entry for the points of diversion & place of use. List below are the notices that potentially need to be changed.

#	SOURCE	PRIORITY	POD.	POD.
73-00147A -	PAHSIMEROI R.	4-25-1886	-OKAY.-	-SHOULD SEC 2 BE R22E.
-00147B.-	SPRING CR	4-25-1886	PROBABLY NEEDS TO BE AMENDED.	- NEED TO IDENTIFY SPRING CREEK.
-00147C-	GOLDBERG CR	4-25-1886	OKAY	- NEED DESCRIPTION OF WATER DELIVER!
-00150D -	PAHSIMEROI R.	7-01-1887	DELETE SEC 29 & 30	- CHANGE 1/4 E for sec 2
-00189 -	"	5-19-1909	OKAY.	SAME AS -00147A.
-00259-	SPRING CR	5-01-1950	-	WHY IS THIS OFFER THAN -00147B.
-02048-	GOLDBERG CR	9-03-1909	- WHEN DID CHANGE IN P.O.U. OCCUR.	- ? SAME AS -00147C
-02126A -	BIG CREEK	8-01-1920	- WHY ONLY 2000 AC.	- SAME AS -10041
-02165-	GROUND WATER	9-23-1966	- AMEND P.O.U.	- OKAY.
-10036 -	DITTO	9-24-1966	DITTO	- OKAY
-10040 -	PAHSIMEROI R.	5-01-1897	- OKAY -	SAME AS -00147A
-10041 -	BIG CREEK	11-24-1909	- OKAY	13N 23E 13 NE NW 27 SE SW I 20 SE SW R
-10054 -	MULTIPLE SOURCES.	10-02-1962	NEEDS AMENDING.	OKAY.
-10069-10-5-94				

14

SD-0601-2 Last Name: PINES

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
-	PINES GRAZING ASSN INC						
-		C	A73-00150D ✓	07/01/1887	PAHSIMEROI	4.000	01 IRR
-		C	A73-00189 ✓	05/19/1909	PAHSIMEROI	6.400	01 IRR
-		C	A73-00259 ✓	05/01/1950	SPRING CREE	1.600	01 IRR
-		C	A73-02126A ✓	08/01/1920	BIG CREEK	40.000	01 IRR
-		C	A73-10036 ✓	09/24/1966	GROUNDWATER	2.050	01 IRR
-		C	A73-10054 ✓	10/02/1962	PAHSIMEROI	160.000	02 IRR S
-					SPRINGS		03 IRR FS
-					SPRING CREE		
-					GOLDBERG CR		
-					BIG CREEK		

SD-0601-2 Last Name: PINES

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
-	PINES GRAZING ASSN INC						
-		C	A73-02048 ✓	09/03/1909	GOLDBERG CR	3.200	01 IRR
-		C	A73-10040 ✓	05/01/1897	PAHSIMEROI	11.200	01 IRR
-		C	A73-10041 ✓	11/24/1909	BIG CREEK	7.200	01 IRR
-	PINES GRAZING ASSN.						
-		O	A73-04004A	08/21/1920	PAHSIMEROI	10.000	01 IRR
-		O	R73-04004A	08/21/1920	PAHSIMEROI	10.000	01 IRR
-		O	A73-04004	08/21/1920	PAHSIMEROI	60.000	01 IRR
-					SPLIT RIGHT		
-	PINES GRAZING ASSOC.						
-		C	A73-10069 ✓	11/24/1909	BIG CREEK	2.880	01 IRR
-	PINES GRAZING ASSN INC						
-		C	A73-02165 ✓	09/23/1966	GROUNDWATER	2.050	01 IRR
-		C	A73-00147A ✓	04/25/1886	PAHSIMEROI	4.400	01 IRR
-		C	A73-00147B ✓	04/25/1886	SPRING CREE	6.000	01 IRR
-		C	A73-00147C ✓	04/25/1886	GOLDBERG CR	4.800	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

~~CONFIDENTIAL~~

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number (s):

A73-02048 ~~X~~	A73-02165 ~~X~~	A73-00189 ~~X~~
A73-10040 ~~X~~	A73-00147A ~~X~~	A73-00259 ~~X~~
A73-10041 ~~X~~	A73-00147B ~~X~~	A73-02126A ~~X~~
A73-10054 ~~X~~	A73-00147C ~~X~~	A73-10036 ~~X~~
A73-10069 ~~X~~	A73-00150D ~~X~~	

[] Old Mailing Address: PINES GRAZING ASSN., INC
 c/o GARY SKIDMORE
 PO BOX 13 TERRETON, ID 83425

[] New Mailing Address: PINES GRAZING ASSN INC
 c/o LYNN TRITTHART
 H-C 13, BOX 1769 CHALLIS, ID 83226

New Telephone Number: (208) 879-2854

[] Signature of Claimant: Gary Skidmore
Date: Oct 13, 1994

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

RECEIVED

OCT 17 1994

Department of Water Resources
Eastern District Office

Done

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): all

RECEIVED

OCT 05 1994

[] Old Mailing Address: _____

Department of Water Resources
Eastern District Office

[] New Mailing Address: Pines Grazing Assn.
H.C 63 Box 1769
Challis, ID. 83226

New Telephone Number: (208) 874-2354

[] Signature of Claimant: Lynn T. Thorne Sec.

Date: 10-3-94

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-8-94 By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 10-8-94 By: go

SEND TO YOUR NEAREST
REGION OFFICE:

WESTERN REGION OFFICE
2735 AIRPORT WAY
BOISE ID 83705
208-334-2190

SOUTHERN REGION OFFICE
222 SHOSHONE ST EAST
TWIN FALLS ID 83301
208-736-3033

STATE OFFICE
1301 N ORCHARD ST
BOISE ID 83720
208-327-7900

EASTERN REGION OFFICE
900 N SKYLINE DR
IDAHO FALLS ID 83402
208-525-7161

NORTHERN REGION OFFICE
1910 NORTHWEST BLVD STE 210
COEUR D'ALENE ID 83814
208-769-1450

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E011542

PINES GRAZING ASSN., INC.
C/O GARY SKIDMORE
P.O. BOX 13
TERRETON, ID 83425

Date: 01/08/90
Time: 16:24:49

Received

From:

PINES GRAZING

Type of Payment

Program Acct Class

Amount

ADJUDICATION FEE

0410162 9337 6490

\$996.00

Total

\$996.00

AR/NO E000060 Total Claim Fee
CHECK 664

\$3,996.00 Current Bal.

\$3,000.00

WR/NO: ✓A73-02126A ✓A73-00147B ✓A73-00189 ✓A73-00259 ✓A73-10040
✓A73-02048 ✓A73-10041 ✓A73-00150D ✓A73-02165 ✓A73-10054
✓A73-10036 ✓A73-00147A ✓A73-00147C

Idaho Department of Water Resources

Region: EASTERN

Signature: 