

06/29/2006

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

RIGHT NUMBER: 73-147C

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

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

Diversion of water from the Pahsimeroi River is limited to those times water is available for diversion under this right and priority from Goldberg Creek.

QUANTITY: 4.800 CFS

PRIORITY DATE: 04/25/1886

POINT OF DIVERSION:

T13N R23E S20 SWNESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

4.800 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

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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 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 240 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.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

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



Idaho Department of Water Resources

SRBA Recommendation:

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

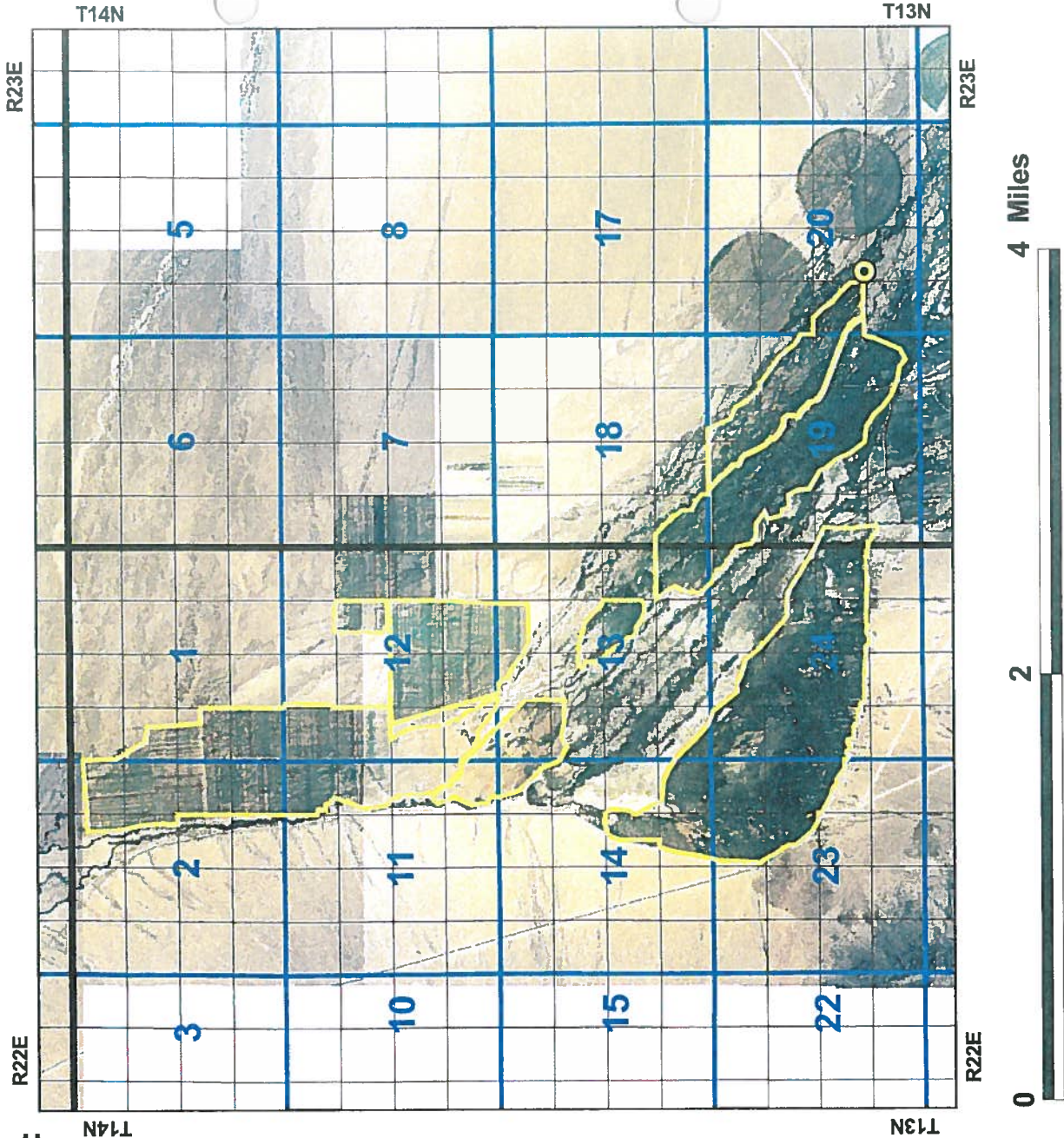
Legend

- 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



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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 73-00147C

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

SOURCE: GOLDBURG CREEK TRIBUTARY: PAHSIMEROI RIVER

Diversion of water from the Pahsimeroi River is limited to those
times water is available for diversion under this right and
priority from Goldberg Creek at its confluence with the
Pahsimeroi River.

QUANTITY: 4.80 CFS

The appropriator is entitled to the quantity of water described
above at the following points of measurment:

T13N, R22E, S13, SWNW
T13N, R22E, S19, SWSE
T13N, R23E, S19, SESE
T13N, R23E, S20, SWSW

PRIORITY DATE: 04/25/1886

POINT OF DIVERSION: T13N R23E S20 SESW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.80 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T13N R22E S01	NWSW 35.0
		SWNW 19.0
		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 SENW 1.1
		NESW 41.0 NWSW 31.0
		SWSW 30.0 SESW 37.0
		NWSE 41.0 SWSE 39.0
	S13	NWNE 23.0 SWNE 12.0
		NENW 15.0 NWNW 37.0
		SWNW 9.9 SENW 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 SENW 40.0

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

PLACE OF USE (continued)

	NESW 37.0	NWSW 28.0
	NESE 39.0	NWSE 39.0
R23E S18 LOT 4	(SWSW) 25.0	
S19	NWNE 25.0	SWNE 39.0
	SENE 27.0	NENW 39.0
LOT 1	(NWNW) 36.0	LOT 2 (SWNW) 7.8
	SENW 38.0	NESW 28.0
LOT 3	(NWSW) 29.0	LOT 4 (SWSW) 25.0
	SESW 40.0	NESE 39.0
	NWSE 40.0	SWSE 40.0
	SESE 35.0	
S20	NWSW 27.0	
S29	NWNW 37.0	SWNW 40.0
	NWSW 28.0	
S30	NENE 40.0	NWNE 40.0
	SWNE 40.0	SENE 40.0
	NENW 40.0	LOT 1 (NWNW) 25.0
2413.3 Acres Total		

This right is limited to the irrigation of 240 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.

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

