

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 73-00189

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

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 6.40 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: 05/19/1909

POINT OF DIVERSION: T13N R23E S02 NESW Within Custer County
S20 SESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	6.40 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 (NWNE) 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	NWNE 25.0	SWNE 39.0

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

PLACE OF USE (continued)

	SENE 27.0		NENW 39.0
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
	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 320 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.

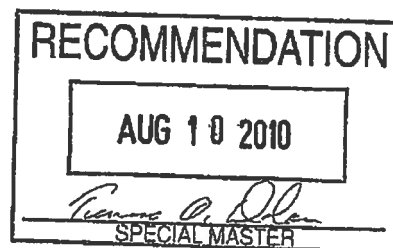
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



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 73-00189
(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)

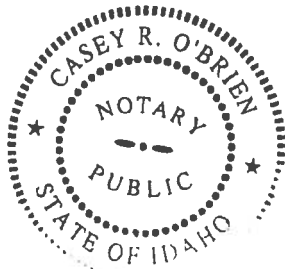
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 17, 2007



Casey R. O'Brien
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: 73-189

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

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 6.400 CFS

PRIORITY DATE: 05/19/1909

POINT OF

DIVERSION: T13N R23E S20 SWNESE Within CUSTER County

PURPOSE AND

PERIOD OF USE:

	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04/01 10/31	6.400 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
	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
Mixed	T13N R22E S23 NESE	13.00	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 R23E S19	SENE	26.00	T13N R23E S19	NENW	39.00
T13N R23E S19 Lot 1	NWNW	36.00	T13N R23E S19 Lot 2	SNNW	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	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 320 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:

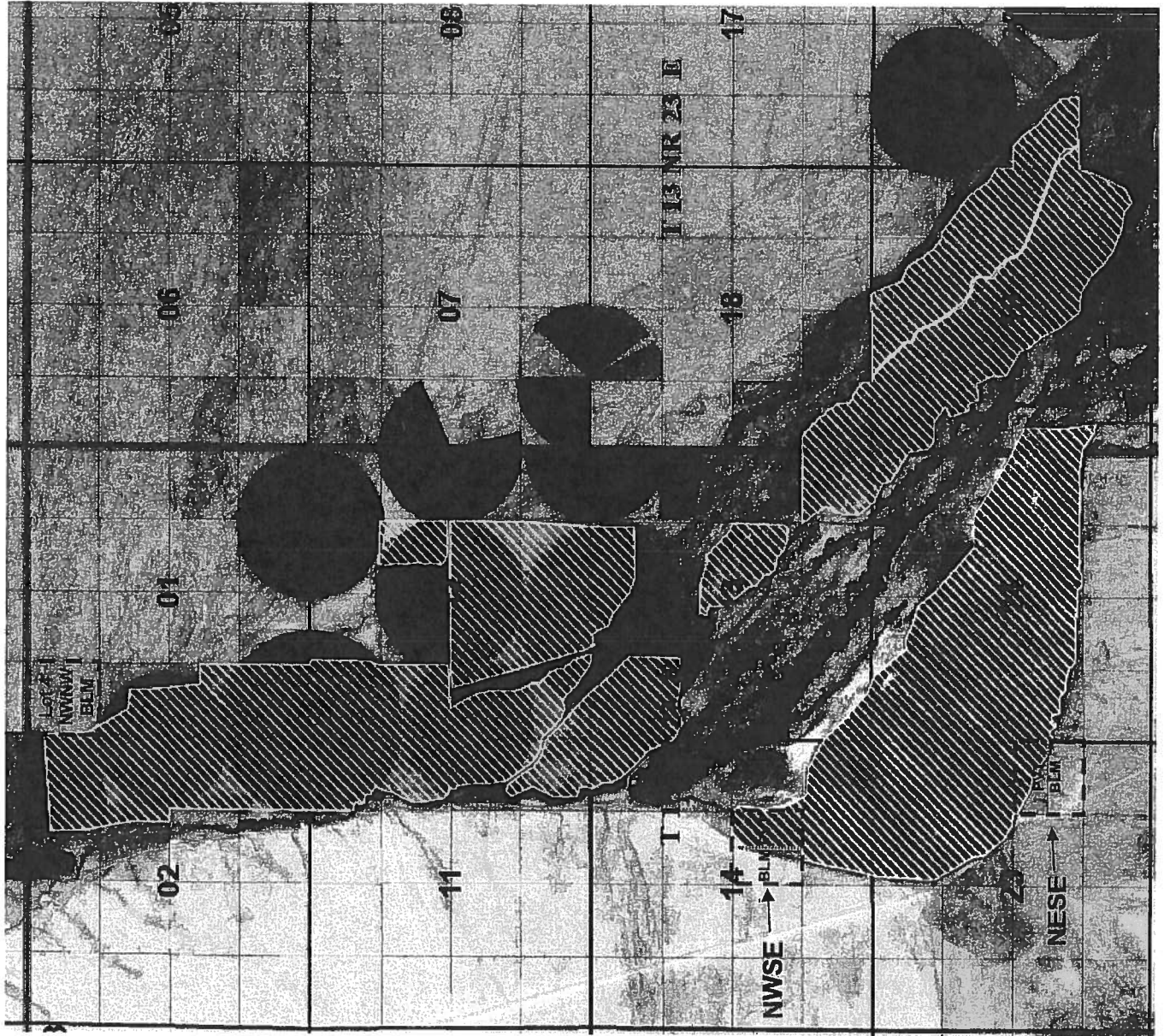
-The place of use T13N R22E S01
Lot 4 NWNW is BLM land; use is
not authorized.

-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:

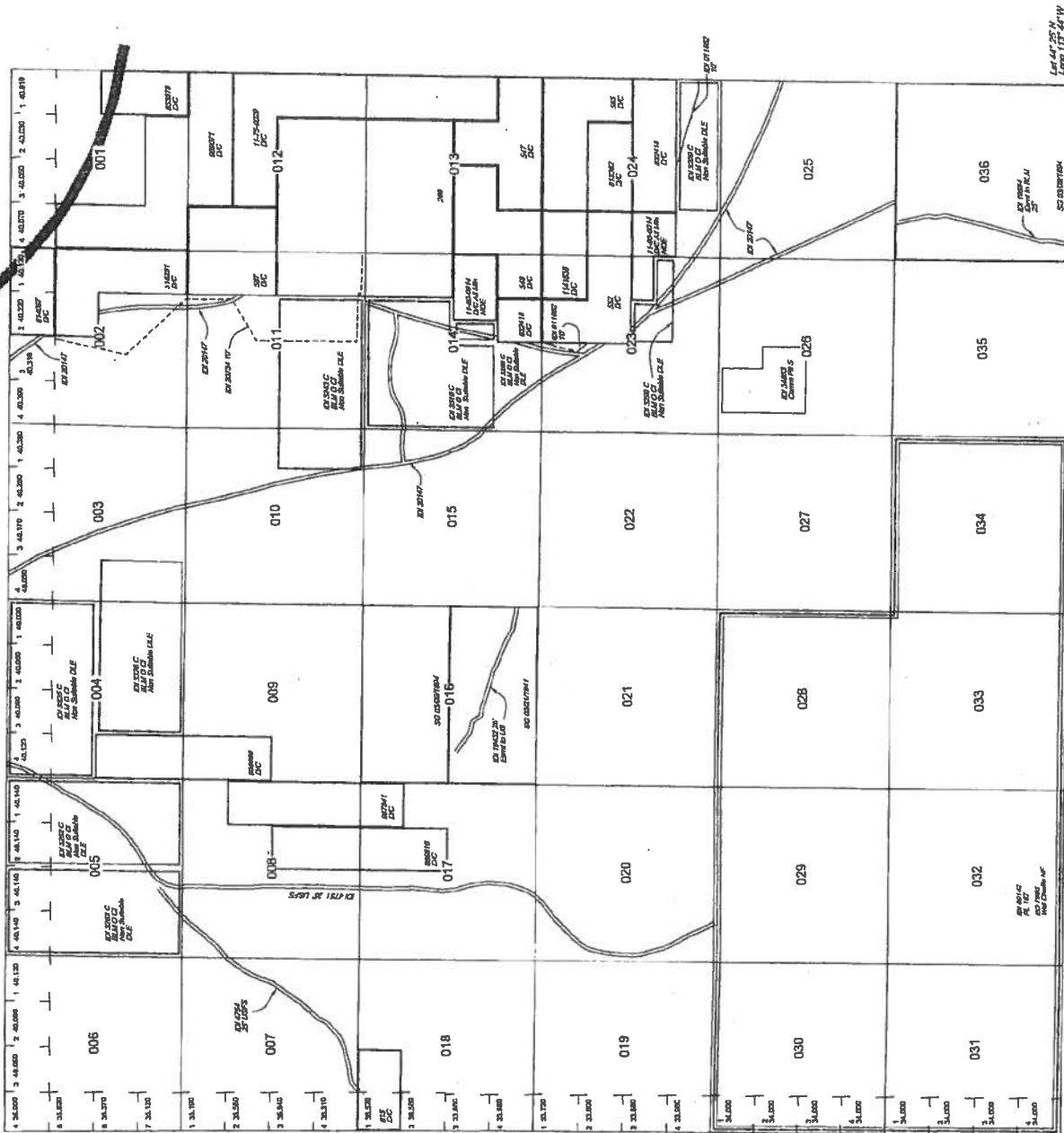
"Place of use does not include
federal public lands."



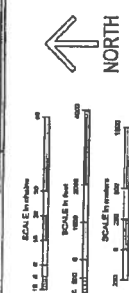
TOWNSHIP 13 NORTH RANGE 22 EAST OF THE BOISE MERIDIAN, IDAHO

RAVHO FALLS DISTRICT SEC-3

CUSTER COUNTY 037 LEMHI COUNTY 059



DISCLAIMER:
This map is a graphic display of the Bureau of Land Management's (BLM) Best Available Information (BAI). It is not a legal document and should not be used for legal purposes. The BLM is not responsible for any errors or omissions in this map. The BLM is not responsible for any damages or losses resulting from the use of this map. The BLM is not responsible for any claims or liabilities resulting from the use of this map. The BLM is not responsible for any claims or liabilities resulting from the use of this map.



U.S. Bureau of Land Management - Idaho State Office
1307 E. Myrtle Way Boise, Idaho 83708
(208) 373-4000

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC
001	13	22	001
002	13	22	002
003	13	22	003
004	13	22	004
005	13	22	005
006	13	22	006
007	13	22	007
008	13	22	008
009	13	22	009
010	13	22	010
011	13	22	011
012	13	22	012
013	13	22	013
014	13	22	014
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027	13	22	027
028	13	22	028
029	13	22	029
030	13	22	030
031	13	22	031
032	13	22	032
033	13	22	033
034	13	22	034
035	13	22	035
036	13	22	036

DOI 03142 Del PL 187 (Act of Cong. 07/27/1953)
Completed 12/10/1982. All NF surface rights by USFS

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

FILE NO.	00401000000000000000
CONVERTED FROM	BY: LJM
LAST UPDATED	DATE: 08/08/05
OWNER	DATE: 08/08/05
POSTED TO PUBLIC RECORD	DATE: 08/08/05
PUBLIC LAND SURVEY SYSTEM (PLS)	DATE: 08/08/05
BLM COORDINATE SYSTEM	DATE: 08/08/05
OTHER	DATE: 08/08/05
NOTE:	DATE: 08/08/05
USE PLATS:	DATE: 08/08/05

Page 1 of 1
T 13 N
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 73-189

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: 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)
) ss.
County of Blaine)

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

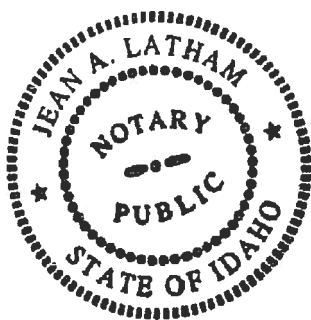
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

J. P. Speck

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: December 18, 2007



Jean A. Latham
Notary Public for Idaho
Residing at Blaine Co.
My Commission expires 1.25.2013

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on December 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:

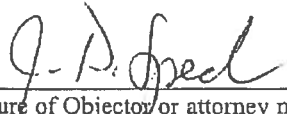
Name: Flying Joseph Ranch LLC
Address: c/o Judy Galfano
7213 Perimeter Rd. South
Seattle, WA 98108

3. Copies to:

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

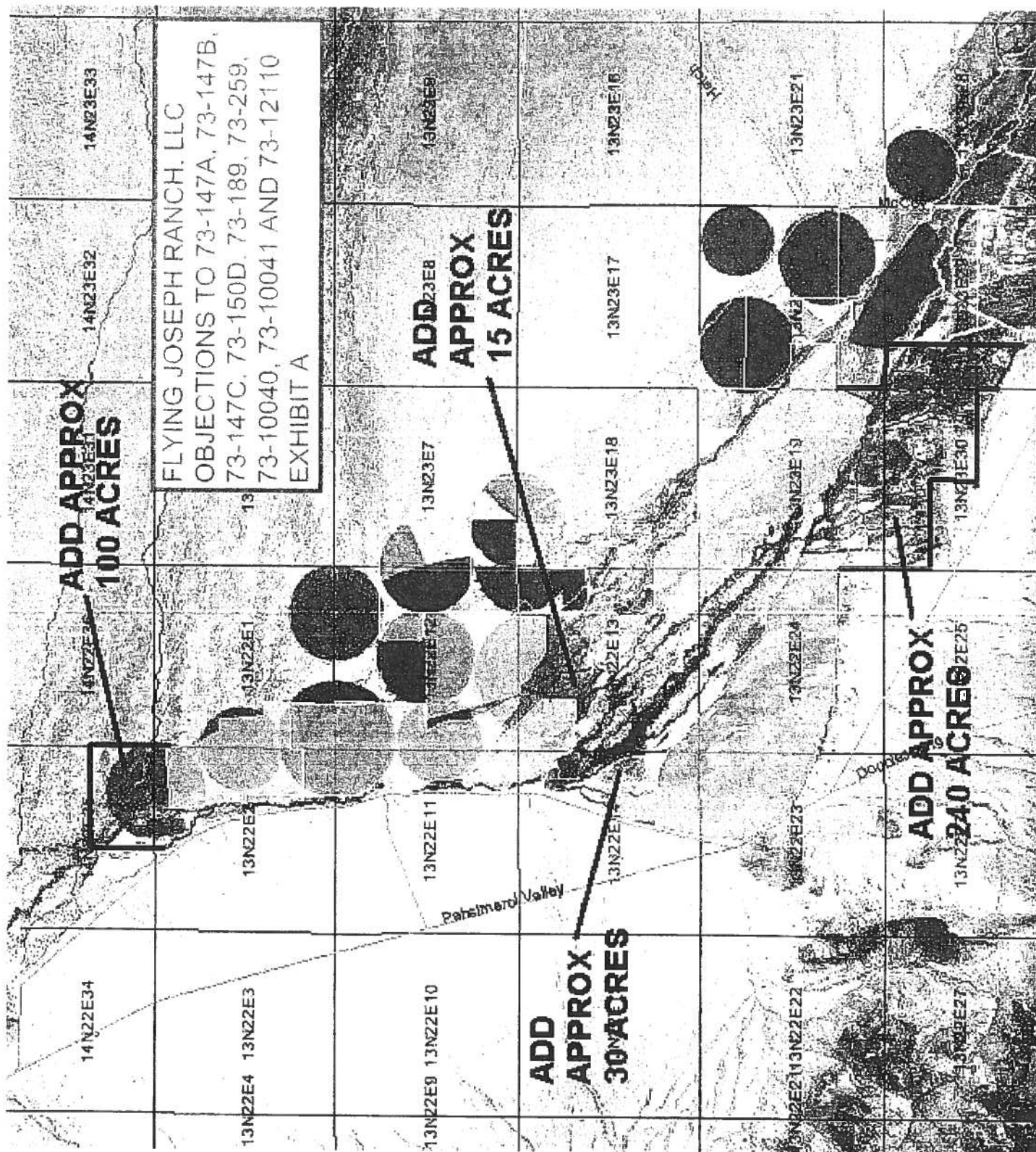
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

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

EXHIBIT A



AFFIDAVIT

STATE OF Idaho)
County of Blaine) ss.

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

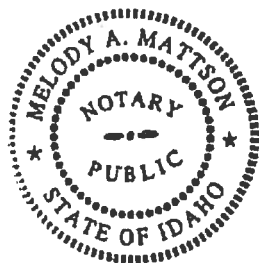
1. Garth Chivers, was a part owner and manager of the Pines Ranch from 1969 to 1997. We used the water from this water right to irrigate the ranch annually, without interruption during the above mentioned years. The points of diversion were from the Pahsimeroi River (Pines Ditch) in Sections 2, 19 and 20. To my knowledge the points of diversion have always been the same.

Regarding water right #73-189

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: Ketchikan ID
My commission expires: 4.3.2009

EXHIBIT B
OBJECTION TO 73-189

06/29/2006

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

RIGHT NUMBER: 73-189

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

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 6.400 CFS

PRIORITY DATE: 05/19/1909

POINT OF DIVERSION:

T13N R23E S20 SWNESW 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	6.400 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 320 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.



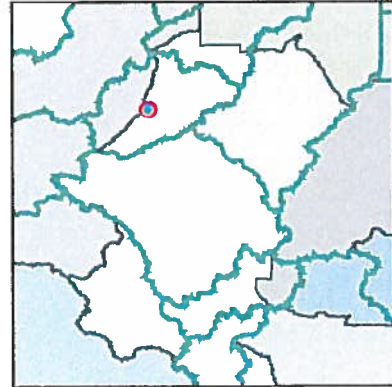
Idaho Department of Water Resources

SRBA Recommendation:

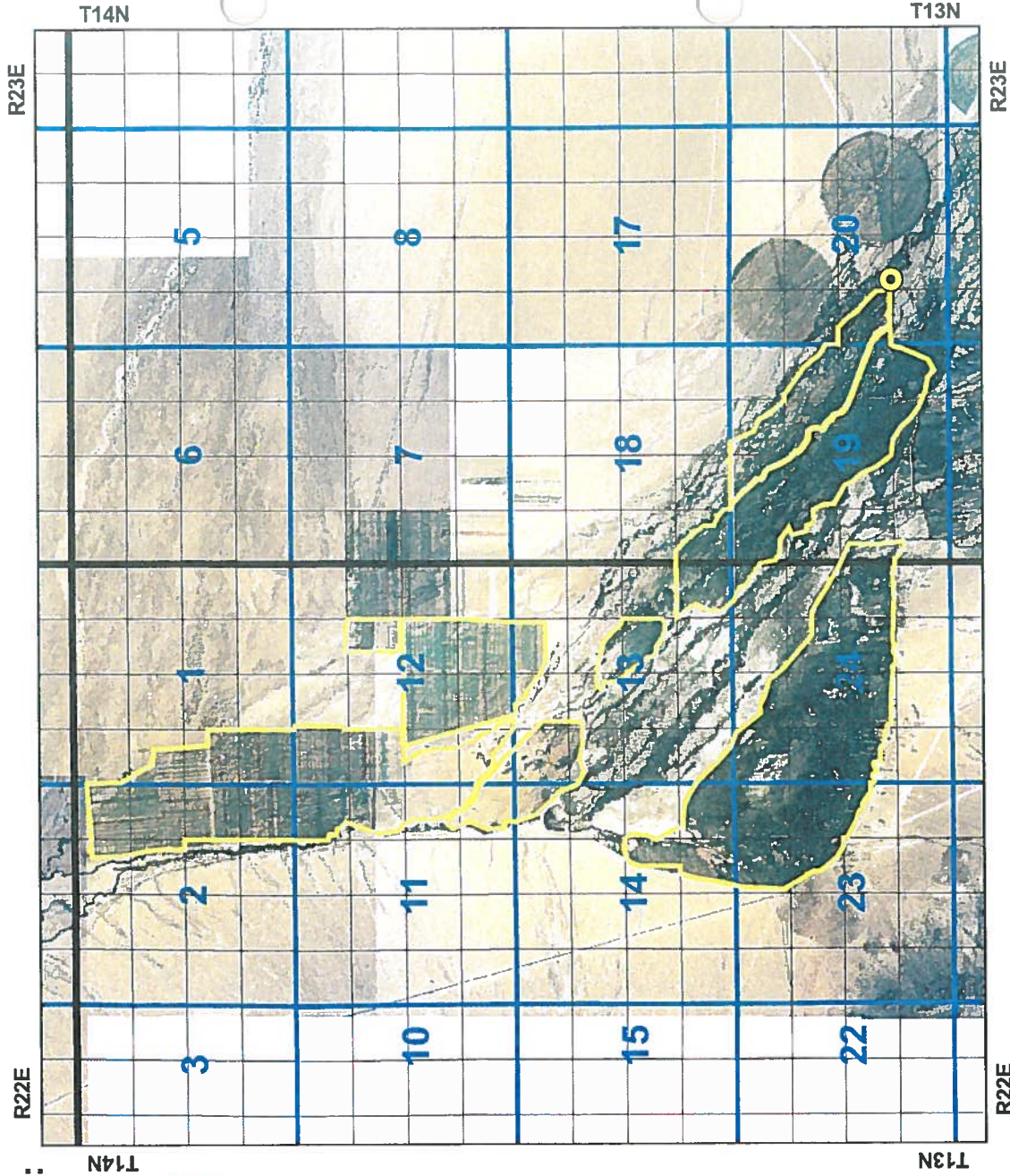
**73-147A, 73-147C,
73-150D, 73-189,
73-10040, 73-10041**

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 73-00189
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 USA 83226

2. Date of Priority: 05/19/1909

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	2	NW SE	CUSTER
13N	23E	19	SE SW	CUSTER
13N	23E	19	SW SW	CUSTER
13N	23E	20	NW SW	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
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A7300189



IRRIGATION

4/01 11/01 6.4

7. Total Quantity Appropriated is:
6.4 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	120
13N	22E	2	NW	NE		IRRIGATION	38
			SW	NE		IRRIGATION	24
			SE	NE		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	8
			SW	SE		IRRIGATION	4
			NE	NE		IRRIGATION	40
			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
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
						Section Acres	320
13N	22E	13	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
			SW	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	NE	NE	IRRIGATION	31.2
			SW	NE	IRRIGATION	17.2
			SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	22
			SW	SE	IRRIGATION	29.2
			SE	SE	IRRIGATION	40
					Section Acres	219.6
13N	22E	23	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	38.5
			SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	28.4
			NW	SE	IRRIGATION	1.6
			SW	NE	IRRIGATION	26.4
					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	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	1 IRRIGATION	38.5
			SW	NW	2 IRRIGATION	38.7
			NE	SW	IRRIGATION	40
			NW	SW	3 IRRIGATION	38.9
			NW	NE	IRRIGATION	40

			SE	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
						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