

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 Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54 (b) FOR
Case No. 39576	)	
	)	Water Right 73-00259

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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 80 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.

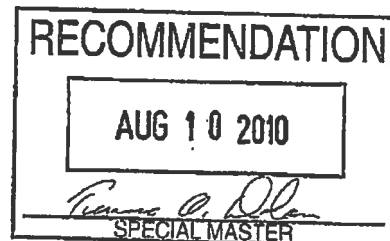
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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



02/16/2010

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

RIGHT NUMBER: 73-259

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: 1.600 CFS

PRIORITY DATE: 05/01/1950

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	1.600 CFS

PLACE OF USE: IRRIGATION in CUSTER County~~T13N R22E S01 LOT 4 NWNW~~ 0.90

T13N R22E S01	SWNW ~~19.00~~ <u>20.00</u>	T13N R22E S01	NWSW	35.00
T13N R22E S01	SWSW ~~41.00~~ <u>40.00</u>	T13N R22E S02 Lot 1	NENE ~~0.90~~ <u>29.90</u>	
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~~ <u>40.00</u>	T13N R22E S12	SWNW	40.00
T13N R22E S12	SENE 0.30	T13N R22E S12	NESW ~~41.00~~ <u>40.00</u>	
T13N R22E S12	NWSW ~~31.00~~ <u>32.00</u>	T13N R22E S12	SWSW ~~30.00~~ <u>31.00</u>	
T13N R22E S12	SESW ~~37.00~~ <u>38.00</u>	T13N R22E S12	NWSE ~~41.00~~ <u>40.00</u>	
T13N R22E S12	SWSE 39.00	T13N R22E S13	NWNE	22.00
T13N R22E S13	SWNE 12.00	T13N R22E S13	NENW ~~10.00~~ <u>15.00</u>	
T13N R22E S13	NWNW 37.00	T13N R22E S13	SWNW	9.50
T13N R22E S13	SENE ~~4.50~~ <u>14.50</u>	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
<u>T13N R22E S14</u>	<u>SWNE 3.30</u>	T13N R22E S14	SENE ~~0.20~~ <u>21.00</u>	
T13N R22E S14	NESE ~~2.8~~ <u>36.00</u>	T13N R22E S14	NWSE	19.00
T13N R22E S14	SWSE 31.00	T13N R22E S14	SESE ~~36.00~~ <u>37.00</u>	
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	SESW	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	SESW	38.00	T13N R23E S19	NESW	~~13.00~~ 28.00
T13N R23E S19 Lot 3	NWSW	~~13.00~~ 30.00	T13N R23E S19 Lot 4	SWSW	~~1.50~~ 24.50
<u>T13N R23E S19</u>	<u>SESW</u>	<u>40.00</u>	T13N R23E S19	NESE	~~0.70~~ 22.00
T13N R23E S19	NWSE	38.00	T13N R23E S19	SWSE	~~7.60~~ 40.00
T13N R23E S19	SESE	~~0.30~~ 35.00	<u>T13N R23E S20</u>	NWSW	3.00
<u>T13N R23E S29</u>	<u>NWNW</u>	<u>40.00</u>	<u>T13N R23E S29</u>	<u>SWNW</u>	<u>40.00</u>
<u>T13N R23E S29</u>	<u>NWSW</u>	<u>28.00</u>	<u>T13N R23E S30</u>	<u>NENE</u>	<u>40.00</u>
<u>T13N R23E S30</u>	<u>NWNE</u>	<u>40.00</u>	<u>T13N R23E S30</u>	<u>SWNE</u>	<u>40.00</u>
<u>T13N R23E S30</u>	<u>SENE</u>	<u>40.00</u>	<u>T13N R23E S30</u>	<u>NENW</u>	<u>40.00</u>
<u>T13N R23E S30</u>	<u>NWNW</u>	<u>25.00</u>	<u>T13N R23E S30</u>	<u>NWSE</u>	<u>4.00</u>

~~1677.3~~ 2274 ACRES TOTAL

This right is limited to the irrigation of 80 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~~ 2409 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 ~~1677.3~~ 2274 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 - Beneficial Use

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

Right No. 73-147B is also diverted through point of diversion described above.

02/16/2010

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

RIGHT NUMBER: 73-259

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: 1.600 CFS

PRIORITY DATE: 05/01/1950

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

1.600 CFS

PLACE OF USE:

IRRIGATION in CUSTER County

T13N R22E S01	SWNW ✓	20.00	T13N R22E S01	NWSW ✓	35.00
T13N R22E S01	SWSW ✓	40.00	T13N R22E S02 Lot 1	NENE ✓	29.90
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 ✓	40.00	T13N R22E S12	SWNW ✓	40.00
T13N R22E S12	SENE ✓	0.30	T13N R22E S12	NESW ✓	40.00
T13N R22E S12	NWSW ✓	32.00	T13N R22E S12	SWSW ✓	31.00
T13N R22E S12	SESE ✓	38.00	T13N R22E S12	NWSE ✓	40.00
T13N R22E S12	SWSE ✓	39.00	T13N R22E S13	NWNE ✓	22.00
T13N R22E S13	SWNE ✓	12.00	T13N R22E S13	NENW ✓	15.00
T13N R22E S13	NWNW ✓	37.00	T13N R22E S13	SWNW ✓	9.50
T13N R22E S13	SENE ✓	14.50	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	SWNE ✓	3.30	T13N R22E S14	SENE ✓	21.00
T13N R22E S14	NESE ✓	36.00	T13N R22E S14	NWSE ✓	19.00
T13N R22E S14	SWSE ✓	31.00	T13N R22E S14	SESE ✓	37.00
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	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 ✓ 38.00	T13N R23E S19	NESW ✓ 28.00
T13N R23E S19 Lot 3	NWSW ✓ 30.00	T13N R23E S19 Lot 4	SWSW ✓ 24.50
T13N R23E S19	SESW ✓ 40.00	T13N R23E S19	NESE ✓ 22.00
T13N R23E S19	NWSE ✓ 38.00	T13N R23E S19	SWSE ✓ 40.00
T13N R23E S19	SESE ✓ 35.00	T13N R23E S20	NWSW ✓ 3.00
T13N R23E S29	NWNW ✓ 40.00	T13N R23E S29	SWNW ✓ 40.00
T13N R23E S29	NWSW ✓ 28.00	T13N R23E S30	NENE ✓ 40.00
T13N R23E S30	NWNE ✓ 40.00	T13N R23E S30	SWNE ✓ 40.00
T13N R23E S30	SENE ✓ 40.00	T13N R23E S30	NENW ✓ 40.00
T13N R23E S30	NWNW ✓ 25.00	T13N R23E S30	NWSE ✓ 4.00

2274 ACRES TOTAL

This right is limited to the irrigation of 80 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 2409 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 2274 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 - Beneficial Use

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

Right No. 73-147B is also diverted through point of diversion described above.

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

RIGHT NUMBER: 73-259

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: 1.600 CFS

PRIORITY DATE: 05/01/1950

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 10/31	1.600 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 ²⁰
T13N R22E S01	NWSW 35.00	T13N R22E S01	SWSW 41.00 ⁴⁰
T13N R22E S02 Lot 1	NENE 29.00 ²⁹	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 ⁴⁰
T13N R22E S12	SWNW 40.00	T13N R22E S12	SENW 0.30
T13N R22E S12	NESW 41.00 ⁴⁰	T13N R22E S12	NWSW 31.00 ³²
T13N R22E S12	SWSW 20.00 ³¹	T13N R22E S12	SESW 37.00 ³⁸
T13N R22E S12	NWSE 41.00 ⁴⁰	T13N R22E S12	SWSE 39.00
T13N R22E S13	NWNE 22.00	T13N R22E S13	SWNE 12.00
T13N R22E S13	NENW 10.00 ¹⁵	T13N R22E S13	NWNW 37.00
T13N R22E S13	SWNW 9.50	T13N R22E S13	SENW 4.50 ^{14.5}
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 20.00 ²¹
T13N R22E S14	NESE 2.80 ³⁶	T13N R22E S14	NWSE 19.00
T13N R22E S14	SWSE 31.00	T13N R22E S14	SESE 25.00 ³⁷
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	SWNE 13.00	T13N R23E S19	NENW 21.00

19 SE3W 40²

20 NW3W 9²

2274 2409

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 12.00
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

28
24⁵
35

1677.3 ACRES TOTAL

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.

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.

? Limited to 60 Acres

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 - Beneficial Use

Right No. 73-147B is also diverted through point of diversion described above.

To Use For 259

02/11/2010

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

RIGHT NUMBER: 73-189

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: 6.400 CFS

PRIORITY DATE: 05/19/1909

POINT OF DIVERSION:

T12N R23E S2 NESW Within CUSTER County (Pines Ditch)

T13N R22E S13 SWNW Rediversion Within CUSTER County (Bubbler near Fly. Joe Pond)

T13N R23E S20 SWSW Rediversion Within CUSTER County (FJ6)

T13N R23E S19 SWSE Rediversion Within CUSTER County (FJ1)

T13N R23E S20 SESW Within CUSTER County (FJ7)

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

~~T13N R22E S01 Lot 4~~	~~NWNW~~	~~0.90~~	T13N R22E S01	SWNW	~~18.00~~ 20
T13N R22E S01	NWSW	35.00	T13N R22E S01	SWSW	~~41.00~~ 40
T13N R22E S02 Lot 1	NENE	29.90	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	10.40	T13N R22E S12	SWNE	✓ 23.00
T13N R22E S12	NENW	✓ 2.30	T13N R22E S12	NWNW	~~41.00~~ 40
T13N R22E S12	SWNW	40.00	T13N R22E S12	SENW	0.30
T13N R22E S12	NESW	~~41.00~~ 40	T13N R22E S12	NWSW	~~31.00~~ 32
T13N R22E S12	SWSW	~~30.00~~ 31	T13N R22E S12	SESW	~~37.00~~ 38
T13N R22E S12	NWSE	~~41.00~~ 40	T13N R22E S12	SWSE	✓ 39.00
T13N R22E S13	NWNE	✓ 22.00	T13N R22E S13	SWNE	✓ 12.00
T13N R22E S13	NENW	✓ 15.00	T13N R22E S13	NWNW	✓ 37.00
T13N R22E S13	SWNW	✓ 9.50	T13N R22E S13	SENW	✓ 14.50
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	SWNE	✓ 3.30

T13N R22E S14	SENE ✓ 21.00	T13N R22E S14	NESE ✓ 36.00
T13N R22E S14	NWSE ✓ 19.00	T13N R22E S14	SWSE ✓ 31.00
T13N R22E S14	SESE ✓ 37.00	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 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 ✓ 28.00	T13N R23E S19 Lot 3	NWSW ✓ 30.00
T13N R23E S19 Lot 4	SWSW ✓ 24.50	T13N R23E S19	SESW ✓ 40.00
T13N R23E S19	NESE ✓ 39.00	T13N R23E S19	NWSE ✓ 40.00
T13N R23E S19	SWSE ✓ 40.00	T13N R23E S19	SESE ✓ 35.00
T13N R23E S20	NWSW ✓ 26.00	T13N R23E S29	NWNW 40.00
T13N R23E S29	SWNW 259 40.00	T13N R23E S29	NWSW 252 28.00
T13N R23E S30	NENE 249 40.00	T13N R23E S30	NWNE 259 40.00
T13N R23E S30	SWNE 259 40.00	T13N R23E S30	SENE 259 40.00
T13N R23E S30	NENW 259 40.00	T13N R23E S30	NWNW 259 25.00
T13N R23E S30	NWSE 259 4.00		

2409 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 2409 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. 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.

06/29/2006

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

RIGHT NUMBER: 73-259

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

SOURCE: SPRING CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 05/01/1950

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	1.600 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	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. 73-147A, 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.

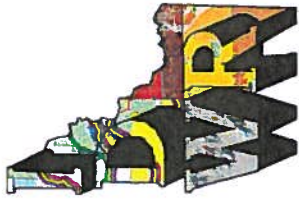
Right Nos. 73-147B and 73-259 are limited to the irrigation of a combined total of 1677.3 acres in a single irrigation season.

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 - Beneficial Use

Right No. 73-147B is also diverted through point of diversion described above.



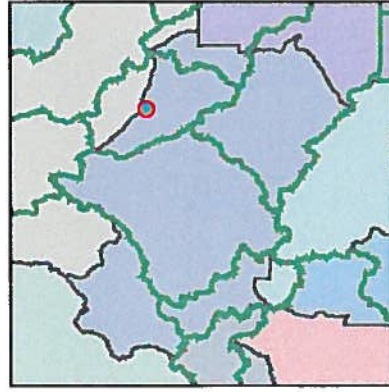
Idaho Department of Water Resources

SRBA Recommendation:

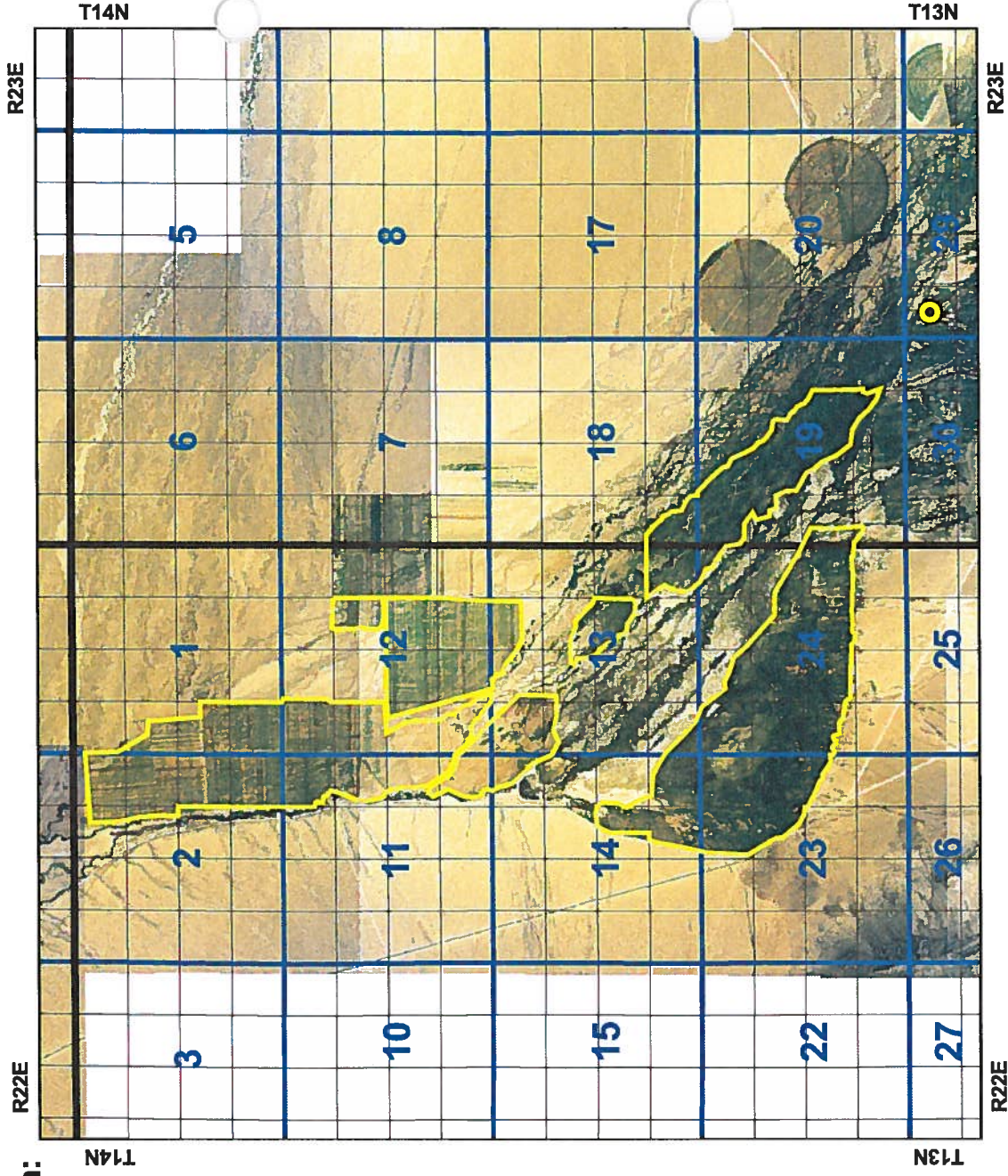
73-147B, 73-259

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