

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75708

This is to certify that: FLYING JOSEPH RANCH LLC
 C/O JOSEPH CLARK
 7213 PERIMETER RD S
 SEATTLE WA 98108
 (206)762-1171

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
73-147A	WR/Decreed	04/25/1886	4.4 cfs	N/A	220.0	2,413.3	PAHSIMEROI RIVER
73-10041	WR/Decreed	11/24/1909	7.2 cfs	N/A	N/A	2,413.3	BIG CREEK
73-12110	WR/Decreed	04/01/1969	32.8 cfs	N/A	N/A	2,413.3	BIG CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
73-147A	NO	NO	NO	NO	NO	YES
73-10041	NO	NO	NO	NO	NO	YES
73-12110	NO	NO	NO	NO	NO	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
73-147A		4.4 cfs	N/A	172.3	2,365.6		N/A	N/A	N/A	N/A
73-10041		7.2 cfs	N/A	N/A	2,365.6		N/A	N/A	N/A	N/A
73-12110		32.8 cfs	N/A	N/A	2,365.6		N/A	N/A	N/A	N/A
COMBINED TOTALS		44.4 cfs	N/A	172.3	2,365.6		N/A	N/A	N/A	N/A

This transfer approval also modifies conditions of seven associated water rights owned by Flying Joseph Ranch LLC, limiting the authorized irrigated acres to 2365.6 acres within the place of use in a single irrigation season. The associated rights are: 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, and 73-10040.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75708

Detailed Water Right Description(s) attached

Dated this 2nd day of December, 2010

for Pamela S Skaggs
Chief, Water Allocation Bureau

WATER RIGHT NO. 73-10041
As Modified by Transfer No. 75708

In accordance with the approval of Transfer No. 75708, Water Right No. 73-10041 is now described as follows.

Right Holder: FLYING JOSEPH RANCH LLC
 C/O JOSEPH CLARK
 7213 PERIMETER RD S
 SEATTLE WA 98108

Priority Date: November 24, 1909

Source: BIG CREEK

Tributary: PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	7.06 CFS	
DIVERSION TO STORAGE	04/01	to 10/31	0.14 CFS	
AESTHETIC STORAGE	01/01	to 12/31		59.1 AF
RECREATION STORAGE	01/01	to 12/31		59.1 AF
WILDLIFE STORAGE	01/01	to 12/31		59.1 AF

7.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

BIG CREEK NE¼NW¼ Sec. 13 Twp 13N Rge 23E CUSTER County
 BIG CREEK SE¼SW¼ Sec. 20 Twp 13N Rge 23E CUSTER County (Rediversion)
 BIG CREEK SE¼SW¼ Sec. 27 Twp 13N Rge 23E CUSTER County (Injection)

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N 22E 1							19.0			35.0	41.0						95.0
13N 22E 2	31.0	9.6	8.3	40.0									40.0			40.0	168.9
	L 1	L 2															
13N 22E 11	37.0			33.0									27.0			29.0	126.0
13N 22E 12		.5	23.0		2.6	41.0	40.0	1.1	41.0	31.0	30.0	37.0		41.0	39.0		327.2
13N 22E 13		23.0	12.0		15.0	37.0	9.9	16.0	.2		9.8			23.0		34.0	179.9
13N 22E 14	17.0			21.0									36.0	20.0	31.0	37.0	162.0
13N 22E 23	40.0	37.0	23.0	40.0									12.0				152.0
13N 22E 24	8.0	.5	30.0	12.0	19.0	40.0	40.0	40.0	37.0	28.0			39.0	39.0			332.5
13N 23E 18											18.0						18.0
											L 4						
13N 23E 19		25.0	39.0	25.5	27.6	32.4	7.8	38.0	27.8	29.0	25.0	40.0	32.5	29.5	40.0	28.0	447.1
						L 1	L 2				L 3	L 4					
13N 23E 20											27.0						27.0
13N 23E 29						37.0	40.0			28.0							105.0
13N 23E 30	40.0	40.0	40.0	40.0	40.0	25.0											225.0
						L 1											

Total Acres: 2365.6

WATER RIGHT NO. 73-10041
As Modified by Transfer No. 75708

PLACE OF USE: AESTHETIC STORAGE

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

PLACE OF USE: RECREATION STORAGE

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

PLACE OF USE: WILDLIFE STORAGE

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

CONDITIONS OF APPROVAL

1. Rights 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040, 73-10041, 73-12110 when combined shall not exceed the irrigation of 2365.6 acres.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.
3. The appropriator is entitled to the quantity of water described above at the following points of measurement:
 T13N, R22E, S13, SWNW
 T13N, R23E, S19, SWSE
 T13N, R23E, S19, SESE
 T13N, R23E, S20, SWSW
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions and points of measurement described above.
5. Rights 73-147A, 73-10041, and 73-12110 authorize the diversion of an annual total of 110.9 acre-feet to be used for the initial filling of a pond and for the replacement of losses caused by evaporation from the pond.
6. The pond established by the storage of water under this right shall not exceed a total capacity of 88 acre-feet or a total surface area of 11 acres.

WATER RIGHT NO. 73-10041
As Modified by Transfer No. 75708

CONDITIONS OF APPROVAL

7. Point of injection into Goldburg Creek. Point of redirection from Pahsimeroi River.
8. Right Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the point of diversion described above. Right Nos. 73-10041 and 73-12110 is are redirected from the Pahsimeroi River through the point of diversion described above in T13N, R23E, S20, SESW.
9. Place of use does not include federal public lands.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of December, 20 10

for Camela S Skaggs
Chief, Water Allocation Bureau

WATER RIGHT NO. 73-12110
As Modified by Transfer No. 75708

In accordance with the approval of Transfer No. 75708, Water Right No. 73-12110 is now described as follows.

Right Holder: FLYING JOSEPH RANCH LLC
 C/O JOSEPH CLARK
 7213 PERIMETER RD S
 SEATTLE WA 98108

Priority Date: April 01, 1969

Source: BIG CREEK

Tributary: PAHSIMEROI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	32.13 CFS	
DIVERSION TO STORAGE	01/01	to 12/31	0.67 CFS	
AESTHETIC STORAGE	01/01	to 12/31		110.9 AF
RECREATION STORAGE	01/01	to 12/31		110.9 AF
WILDLIFE STORAGE	01/01	to 12/31		110.9 AF
			32.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG CREEK NE¼NW¼ Sec. 13 Twp 13N Rge 23E CUSTER County
 BIG CREEK SE¼SW¼ Sec. 20 Twp 13N Rge 23E CUSTER County (Rediversion)
 BIG CREEK SE¼SW¼ Sec. 27 Twp 13N Rge 23E CUSTER County (Injection)

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N 22E 1							19.0			35.0	41.0						95.0
13N 22E 2	31.0	9.6	8.3	40.0									40.0			40.0	168.9
13N 22E 11	37.0	L 1		33.0									27.0			29.0	126.0
13N 22E 12		.5	23.0		2.6	41.0	40.0	1.1	41.0	31.0	30.0	37.0		41.0	39.0		327.2
13N 22E 13		23.0	12.0		15.0	37.0	9.9	16.0	.2		9.8			23.0		34.0	179.9
13N 22E 14	17.0			21.0									36.0	20.0	31.0	37.0	162.0
13N 22E 23	40.0	37.0	23.0	40.0									12.0				152.0
13N 22E 24	8.0	.5	30.0	12.0	19.0	40.0	40.0	40.0	37.0	28.0			39.0	39.0			332.5
13N 23E 18											18.0						18.0
13N 23E 19		25.0	39.0	25.5	27.6	32.4	7.8	38.0	27.8	29.0	25.0	40.0	32.5	29.5	40.0	28.0	447.1
13N 23E 20						L 1	L 2			L 3	L 4						27.0
13N 23E 29						37.0	40.0			28.0							105.0
13N 23E 30	40.0	40.0	40.0	40.0	40.0	25.0											225.0
						L 1											

Total Acres: 2365.6

WATER RIGHT NO. 73-12110
As Modified by Transfer No. 75708

PLACE OF USE: AESTHETIC STORAGE

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

PLACE OF USE: RECREATION STORAGE

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

PLACE OF USE: WILDLIFE STORAGE

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

CONDITIONS OF APPROVAL

1. Rights 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040, 73-10041, and 73-12110 when combined shall not exceed the irrigation of 2365.6 acres.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.
3. The appropriator is entitled to the quantity of water described above at the following points of measurement:
 T13N, R22E, S13, SWNW
 T13N, R23E, S19, SWSE
 T13N, R23E, S19, SESE
 T13N, R23E, S20, SWSW
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions and points of measurement described above.
5. Rights 73-147A, 73-10041, and 73-12110 authorize the diversion of an annual total of 110.9 acre-feet to be used for the initial filling of a pond and for the replacement of losses caused by evaporation from the pond.
6. The pond established by the storage of water under this right shall not exceed a total capacity of 88 acre-feet or a total surface area of 11 acres.

WATER RIGHT NO. 73-12110
As Modified by Transfer No. 75708

CONDITIONS OF APPROVAL

7. Point of injection into Goldburg Creek. Point of redirection from Pahsimeroi River.
8. Right Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the point of diversion described above. Right Nos. 73-10041 and 73-12110 is are redirected from the Pahsimeroi River through the point of diversion described above in T13N, R23E, S20, SESW.
9. Place of use does not include federal public lands.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of December, 20 10

for Camille S. Skaggs
Chief, Water Allocation Bureau

WATER RIGHT NO. 73-147A
As Modified by Transfer No. 75708

In accordance with the approval of Transfer No. 75708, Water Right No. 73-147A is now described as follows.

Right Holder: FLYING JOSEPH RANCH LLC
 C/O JOSEPH CLARK
 7213 PERIMETER RD S
 SEATTLE WA 98108

Priority Date: April 25, 1886

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	3.45 CFS	
AESTHETIC STORAGE	01/01 to	12/31		110.9 AF
DIVERSION TO STORAGE	04/01 to	10/31	0.95 CFS	
RECREATION STORAGE	01/01 to	12/31		110.9 AF
WILDLIFE STORAGE	01/01 to	12/31		110.9 AF
			4.40 CFS	

LOCATION OF POINT(S) OF DIVERSION:

PAHSIMEROI RIVER NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2 Twp 12N Rge 23E CUSTER County
 PAHSIMEROI RIVER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20 Twp 13N Rge 23E CUSTER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N 22E 1							19.0			35.0	41.0						95.0
13N 22E 2	31.0	9.6	8.3	40.0									40.0			40.0	168.9
	L 1	L 2															
13N 22E 11	37.0			33.0									27.0			29.0	126.0
13N 22E 12		.5	23.0		2.6	41.0	40.0	1.1	41.0	31.0	30.0	37.0		41.0	39.0		327.2
13N 22E 13		23.0	12.0		15.0	37.0	9.9	16.0	.2		9.8			23.0		34.0	179.9
13N 22E 14	17.0			21.0									36.0	20.0	31.0	37.0	162.0
13N 22E 23	40.0	37.0	23.0	40.0									12.0				152.0
13N 22E 24	8.0	.5	30.0	12.0	19.0	40.0	40.0	40.0	37.0	28.0			39.0	39.0			332.5
13N 23E 18											18.0						18.0
											L 4						
13N 23E 19		25.0	39.0	25.5	27.6	32.4	7.8	38.0	27.8	29.0	25.0	40.0	32.5	29.5	40.0	28.0	447.1
						L 1	L 2				L 3	L 4					
13N 23E 20											27.0						27.0
13N 23E 29						37.0	40.0			28.0							105.0
13N 23E 30	40.0	40.0	40.0	40.0	40.0	25.0											225.0
						L 1											

Total Acres: 2365.6

WATER RIGHT NO. 73-147A
As Modified by Transfer No. 75708

PLACE OF USE: AESTHETIC STORAGE

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

PLACE OF USE: RECREATION STORAGE

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

PLACE OF USE: WILDLIFE STORAGE

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

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 172.3 acres within the authorized place of use in a single irrigation season.
2. Rights 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040, 73-10041, and 73-12110 when combined shall not exceed the irrigation of 2365.6 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.
4. The appropriator is entitled to the quantity of water described above at the following points of measurement:
 T13N, R22E, S13, SWNW
 T13N, R23E, S19, SWSE
 T13N, R23E, S19, SESE
 T13N, R23E, S20, SWSW
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions and points of measurement described above.
6. Rights 73-147A, 73-10041, and 73-12110 authorize the diversion of an annual total of 110.9 acre-feet to be used for the initial filling of a pond and for the replacement of losses caused by evaporation from the pond.
7. The pond established by the storage of water under this right shall not exceed a total capacity of 88 acre-feet or a total surface area of 11 acres.

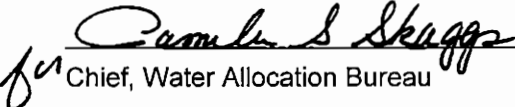
WATER RIGHT NO. 73-147A
As Modified by Transfer No. 75708

CONDITIONS OF APPROVAL

8. Right Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the point of diversion described above. Right Nos. 73-10041 and 73-12110 is are rediverted from the Pahsimeroi River through the point of diversion described above in T13N, R23E, S20, SESW.
9. Place of use does not include federal public lands.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of December, 20 10


for Chief, Water Allocation Bureau