

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76991APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Flying Joseph Ranch LLC Phone (206) 762-1171Mailing address c/o Joseph Clark, 7213 Perimeter Rd. S., Seattle, WA 98108 Email jclark@aviationpartners.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative James P. Speck Phone (208) 726-4421Mailing address SPECK & AANESTAD, P.C., PO Box 987, Ketchum, ID 83340 Email jim@speckandaanestad.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

J. P. Speck
Signature of Applicant or Authorized Representative

James P. Speck, attorney-in-fact
Print Name and Title if applicable

1.4.2011
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Applicant desires to move one of the points of diversion on the Pashimeroi River upstream approximately 0.2 mile to accommodate planned construction activity.

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DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☐	See Addendum			to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights _____ cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 70.8 cubic feet per second and/or 170.0 acre-feet per annum.

3. Point(s) of Diversion: (See Addendum)

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
yes		SW	SW	SE	20	13N	23E	Custer	Pashimeroi River	
no			NE	SW	2	12N	23E	Custer	Pashimeroi River	
no			NE	NW	13	13N	23E	Custer	Big Creek	
no			SE	SW	27	13N	23E	Custer	Big Creek	point of injection

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

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STATE OF IDAHO
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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: See Addendum

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **No**
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: N/A

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: All water rights using the existing and proposed new point of diversion are listed in Part 1.B.1, above.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 73-147a

Current Owner: FLYING JOSEPH RANCH LLC

Priority Date: 4/25/1886

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
PAHSIMEROI RIVER	SALMON RIVER
Beneficial Use	Diversion Rate
WILDLIFE STORAGE	
IRRIGATION	3.45 CFS
AESTHETIC STORAGE	
DIVERSION TO STORAGE	0.95 CFS
RECREATION STORAGE	
Total Diversion	4.4 CFS
Annual Volume	
	110.9 AF
	110.9 AF
	110.9 AF
Location of Point(s) of Diversion	
PAHSIMEROI RIVER	SE1/4SW1/4 Sec. 20, Twp 13N, Rge 23E B.M. 107
CUSTER County	
PAHSIMEROI RIVER	NE1/4SW1/4 Sec. 2, Twp 12N, Rge 23E B.M. 108
CUSTER County	

Place of Use

IRRIGATION Within CUSTER County

T13N R22E S1		NWSW	35.00
T13N R22E S2	Lot 1	NENE	31.00
T13N R22E S2		SWNE	8.30
T13N R22E S2		NESE	40.00
T13N R22E S11		NENE	37.00
T13N R22E S11		NESE	27.00
T13N R22E S12		NWNE	0.50
T13N R22E S12		NENW	2.60
T13N R22E S12		SWNW	40.00
T13N R22E S12		NESW	41.00
T13N R22E S12		SWSW	30.00
T13N R22E S12		NWSE	41.00
T13N R22E S13		NWNE	23.00
T13N R22E S13		NENW	15.00
T13N R22E S13		SWNW	9.90
T13N R22E S13		NESW	0.20

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T13N R22E S1	SWNW	19.00	T13N R22E S13	NWSE	23.00
T13N R22E S1	SWSW	41.00	T13N R22E S14	NENE	17.00
T13N R22E S2	Lot 2 NWNE	9.60	T13N R22E S14	NESE	36.00
T13N R22E S2	SENE	40.00	T13N R22E S14	SWSE	31.00
T13N R22E S2	SESE	40.00	T13N R22E S23	NENE	40.00
T13N R22E S11	SENE	33.00	T13N R22E S23	SWNE	23.00
T13N R22E S11	SESE	29.00	T13N R22E S23	NESE	12.00
T13N R22E S12	SWNE	23.00	T13N R22E S24	NWNE	0.50
T13N R22E S12	NWNW	41.00	T13N R22E S24	SENE	12.00
T13N R22E S12	SENE	1.10	T13N R22E S24	NWNW	40.00
T13N R22E S12	NWSW	31.00	T13N R22E S24	SENE	40.00
T13N R22E S12	SESW	37.00	T13N R22E S24	NWSW	28.00
T13N R22E S12	SWSE	39.00	T13N R22E S24	NWSE	39.00
T13N R22E S13	SWNE	12.00	T13N R23E S19	NWNE	25.00
T13N R22E S13	NWNW	37.00	T13N R23E S19	SENE	25.50
T13N R22E S13	SENE	16.00	T13N R23E S19	Lot 1 NWNW	32.40
T13N R22E S13	SWSW	9.80	T13N R23E S19	SENE	38.00
T13N R22E S13	SESE	34.00	T13N R23E S19	Lot 3 NWSW	29.00
T13N R22E S14	SENE	21.00	T13N R23E S19	SESW	40.00
T13N R22E S14	NWSE	20.00	T13N R23E S19	NWSE	29.50
T13N R22E S14	SESE	37.00	T13N R23E S19	SESE	28.00
T13N R22E S23	NWNE	37.00	T13N R23E S29	NWNW	37.00
T13N R22E S23	SENE	40.00	T13N R23E S29	NWSW	28.00
T13N R22E S24	NENE	8.00	T13N R23E S30	NWNE	40.00
T13N R22E S24	SWNE	30.00	T13N R23E S30	SENE	40.00
T13N R22E S24	NENW	19.00	T13N R23E S30	Lot 1 NWNW	25.00
T13N R22E S24	SWNW	40.00			
T13N R22E S24	NESW	37.00			
T13N R22E S24	NESE	39.00			
T13N R23E S18	Lot 4 SWSW	18.00			
T13N R23E S19	SWNE	39.00			
T13N R23E S19	NENW	27.60			
T13N R23E S19	Lot 2 SWNW	7.80			
T13N R23E S19	NESW	27.80			
T13N R23E S19	Lot 4 SWSW	25.00			
T13N R23E S19	NESE	32.50			
T13N R23E S19	SWSE	40.00			
T13N R23E S20	NWSW	27.00			
T13N R23E S29	SWNW	40.00			
T13N R23E S30	NENE	40.00			
T13N R23E S30	SWNE	40.00			
T13N R23E S30	NENW	40.00			

Total Acres: 2365.6

WILDLIFE STORAGE Within CUSTER County

T13N R23E S19

NESE

T13N R23E S19

SESE

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Page 8 of 26RECREATION STORAGE Within CUSTER County

T13N R23E S19 NESE T13N R23E S19 SESE

AESTHETIC STORAGE Within CUSTER County

T13N R23E S19 NESE T13N R23E S19 SESE

Place of Use: DIVERSION TO STORAGE same as IRRIGATION

Conditions of Approval:

1. R43 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.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. R05 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. 029 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.
5. U42 Place of use does not include federal public lands.
6. 219 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. X27 This right is limited to the irrigation of 172.3 acres within the authorized place of use in a single irrigation season.
8. D09 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
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. X35 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.
11. F05 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.
12. 220 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.
13. T19 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.

Decreed Date: 9/30/2010

Current Water Right No.: 73-147c

Current Owner: FLYING JOSEPH RANCH LLC

Priority Date: 4/25/1886

Origin: Water Right

Status: Active

Basis: Decreed

Source

GOLDBURG CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use	From	To
IRRIGATION	04/01 to 10/31	
	Total Diversion	

Diversion Rate	Annual Volume
4.8 CFS	
4.8 CFS	

Location of Point(s) of Diversion

GOLDBURG CREEK
CUSTER County

SE1/4SW1/4 Sec. 20, Twp 13N, Rge 23E B.M.

Place of Use

IRRIGATION Within CUSTER County

T13N R22E S1	Lot 1	NWSW	35.00
T13N R22E S2		NENE	31.00
T13N R22E S2		SWNE	8.30
T13N R22E S2		NESE	40.00
T13N R22E S11		NENE	37.00
T13N R22E S11		NESE	27.00
T13N R22E S12		NWNE	0.50
T13N R22E S12		NENW	2.60
T13N R22E S12		SWNW	40.00
T13N R22E S12		NESW	41.00
T13N R22E S12		SWSW	30.00
T13N R22E S12		NWSE	41.00
T13N R22E S13		NWNE	23.00
T13N R22E S13		NENW	15.00
T13N R22E S13		SWNW	9.90
T13N R22E S13		NESW	0.20
T13N R22E S13		NWSE	23.00
T13N R22E S14		NENE	17.00
T13N R22E S14		NESE	36.00
T13N R22E S14		SWSE	31.00
T13N R22E S23		NENE	40.00
T13N R22E S23		SWNE	23.00
T13N R22E S23		NESE	12.00

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T13N R22E S1		SWNW	19.00	T13N R22E S24		NWNE	0.50
T13N R22E S1		SWSW	41.00	T13N R22E S24		SENE	12.00
T13N R22E S2	Lot 2	NWNE	9.60	T13N R22E S24		NWNW	40.00
T13N R22E S2		SENE	40.00	T13N R22E S24		SENE	40.00
T13N R22E S2		SESE	40.00	T13N R22E S24		NWSW	28.00
T13N R22E S11		SENE	33.00	T13N R22E S24		NWSE	39.00
T13N R22E S11		SESE	29.00	T13N R23E S19		NWNE	25.00
T13N R22E S12		SWNE	23.00	T13N R23E S19		SENE	27.00
T13N R22E S12		NWNW	41.00	T13N R23E S19	Lot 1	NWNW	36.00
T13N R22E S12		SENE	1.10	T13N R23E S19		SENE	38.00
T13N R22E S12		NWSW	31.00	T13N R23E S19	Lot 3	NWSW	29.00
T13N R22E S12		SESW	37.00	T13N R23E S19		SESW	40.00
T13N R22E S12		SWSE	39.00	T13N R23E S19		NWSE	40.00
T13N R22E S13		SWNE	12.00	T13N R23E S19		SESE	35.00
T13N R22E S13		NWNW	37.00	T13N R23E S29		NWNW	37.00
T13N R22E S13		SENE	16.00	T13N R23E S29		NWSW	28.00
T13N R22E S13		SWSW	9.80	T13N R23E S30		NWNE	40.00
T13N R22E S13		SESE	34.00	T13N R23E S30		SENE	40.00
T13N R22E S14		SENE	21.00	T13N R23E S30	Lot 1	NWNW	25.00
T13N R22E S14		NWSE	20.00				
T13N R22E S14		SESE	37.00				
T13N R22E S23		NWNE	37.00				
T13N R22E S23		SENE	40.00				
T13N R22E S24		NENE	8.00				
T13N R22E S24		SWNE	30.00				
T13N R22E S24		NENW	19.00				
T13N R22E S24		SWNW	40.00				
T13N R22E S24		NESW	37.00				
T13N R22E S24		NESE	39.00				
T13N R23E S18	Lot 4	SWSW	25.00				
T13N R23E S19		SWNE	39.00				
T13N R23E S19		NENW	39.00				
T13N R23E S19	Lot 2	SWNW	7.80				
T13N R23E S19		NESW	28.00				
T13N R23E S19	Lot 4	SWSW	25.00				
T13N R23E S19		NESE	39.00				
T13N R23E S19		SWSE	40.00				
T13N R23E S20		NWSW	27.00				
T13N R23E S29		SWNW	40.00				
T13N R23E S30		NENE	40.00				
T13N R23E S30		SWNE	40.00				
T13N R23E S30		NENW	40.00				

Total Acres: 2413.3

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Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. C18 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.
3. F05 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.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. K06 This right is limited to the irrigation of 240 acres within the place of use described above in a single irrigation season.
6. D09 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
7. X53 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.
8. U42 Place of use does not include federal public lands.
9. E55 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 2365.6 acres in a single irrigation season.

Decreed Date: 9/30/2010

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 73-150d

Current Owner: FLYING JOSEPH RANCH LLC

Priority Date: 7/1/1897

Origin: Water Right

Status: Active

Basis: Decreed

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

4 CFS

4 CFS

Annual Volume**Location of Point(s) of Diversion**

PAHSIMEROI RIVER

CUSTER County

SE1/4SW1/4

Sec. 20, Twp 13N, Rge 23E B.M.

PAHSIMEROI RIVER

CUSTER County

NE1/4SW1/4

Sec. 2, Twp 12N, Rge 23E B.M.

Place of UseIRRIGATION Within CUSTER County

T13N R22E S1		NWSW	35.00
T13N R22E S2	Lot 1	NENE	31.00
T13N R22E S2		SWNE	8.30
T13N R22E S2		NESE	40.00
T13N R22E S11		NENE	37.00
T13N R22E S11		NESE	27.00
T13N R22E S12		NWNE	0.50
T13N R22E S12		NENW	2.60
T13N R22E S12		SWNW	40.00
T13N R22E S12		NESW	41.00
T13N R22E S12		SWSW	30.00
T13N R22E S12		NWSE	41.00
T13N R22E S13		NWNE	23.00
T13N R22E S13		NENW	15.00
T13N R22E S13		SWNW	9.90
T13N R22E S13		NESW	0.20
T13N R22E S13		NWSE	23.00
T13N R22E S14		NENE	17.00
T13N R22E S14		NESE	36.00
T13N R22E S14		SWSE	31.00
T13N R22E S23		NENE	40.00

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T13N R22E S1		SWNW	19.00	T13N R22E S23		SWNE	23.00
T13N R22E S1		SWSW	41.00	T13N R22E S23		NESE	12.00
T13N R22E S2	Lot 2	NWNE	9.60	T13N R22E S24		NWNE	0.50
T13N R22E S2		SENE	40.00	T13N R22E S24		SENE	12.00
T13N R22E S2		SESE	40.00	T13N R22E S24		NWNW	40.00
T13N R22E S11		SENE	33.00	T13N R22E S24		SENW	40.00
T13N R22E S11		SESE	29.00	T13N R22E S24		NWSW	28.00
T13N R22E S12		SWNE	23.00	T13N R22E S24		NWSE	39.00
T13N R22E S12		NWNW	41.00	T13N R23E S19		NWNE	25.00
T13N R22E S12		SENW	1.10	T13N R23E S19		SENE	27.00
T13N R22E S12		NWSW	31.00	T13N R23E S19	Lot 1	NWNW	36.00
T13N R22E S12		SESW	37.00	T13N R23E S19		SENW	38.00
T13N R22E S12		SWSE	39.00	T13N R23E S19	Lot 3	NWSW	29.00
T13N R22E S13		SWNE	12.00	T13N R23E S19		SESW	40.00
T13N R22E S13		NWNW	37.00	T13N R23E S19		NWSE	40.00
T13N R22E S13		SENW	16.00	T13N R23E S19		SESE	35.00
T13N R22E S13		SWSW	9.80	T13N R23E S29		NWNW	37.00
T13N R22E S13		SESE	34.00	T13N R23E S29		NWSW	28.00
T13N R22E S14		SENE	21.00	T13N R23E S30		NWNE	40.00
T13N R22E S14		NWSE	20.00	T13N R23E S30		SENE	40.00
T13N R22E S14		SESE	37.00	T13N R23E S30	Lot 1	NWNW	25.00
T13N R22E S23		NWNE	37.00				
T13N R22E S23		SENE	40.00				
T13N R22E S24		NENE	8.00				
T13N R22E S24		SWNE	30.00				
T13N R22E S24		NENW	19.00				
T13N R22E S24		SWNW	40.00				
T13N R22E S24		NESW	37.00				
T13N R22E S24		NESE	39.00				
T13N R23E S18	Lot 4	SWSW	25.00				
T13N R23E S19		SWNE	39.00				
T13N R23E S19		NENW	39.00				
T13N R23E S19	Lot 2	SWNW	7.80				
T13N R23E S19		NESW	28.00				
T13N R23E S19	Lot 4	SWSW	25.00				
T13N R23E S19		NESE	39.00				
T13N R23E S19		SWSE	40.00				
T13N R23E S20		NWSW	27.00				
T13N R23E S29		SWNW	40.00				
T13N R23E S30		NENE	40.00				
T13N R23E S30		SWNE	40.00				
T13N R23E S30		NENW	40.00				

Total Acres: 2413.3

76991

Conditions of Approval:

1. C18 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.
2. F05 Right Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the points of diversion described above. Right Nos. 73-10041 and 73-12110 are rediverted from the Pahsimeroi River through the point of diversion in T13N, R23E, S20, SESW.
3. E55 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 2365.6 acres in a single irrigation season.
4. K06 This right is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
6. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
7. U42 Place of use does not include federal public lands.
8. D09 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

Decreed Date: 9/30/2010

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 73-189

Current Owner: FLYING JOSEPH RANCH LLC
Priority Date: 5/19/1909
Origin: Water Right
Status: Active
Basis: Decreed

Source
PAHSIMEROI RIVER

Tributary
SALMON RIVER

Beneficial Use **From To**
IRRIGATION 04/01 to 10/31
Total Diversion

Diversion Rate **Annual Volume**
6.4 CFS
6.4 CFS

Location of Point(s) of Diversion

PAHSIMEROI RIVER
CUSTER County

SE1/4SW1/4 Sec. 20, Twp 13N, Rge 23E B.M.

PAHSIMEROI RIVER
CUSTER County

NE1/4SW1/4 Sec. 2, Twp 12N, Rge 23E B.M.

Place of Use

IRRIGATION Within CUSTER County

T13N R22E S1		NWSW	35.00
T13N R22E S2	Lot 1	NENE	31.00
T13N R22E S2		SWNE	8.30
T13N R22E S2		NESE	40.00
T13N R22E S11		NENE	37.00
T13N R22E S11		NESE	27.00
T13N R22E S12		NWNE	0.50
T13N R22E S12		NENW	2.60
T13N R22E S12		SWNW	40.00
T13N R22E S12		NESW	41.00
T13N R22E S12		SWSW	30.00
T13N R22E S12		NWSE	41.00
T13N R22E S13		NWNE	23.00
T13N R22E S13		NENW	15.00
T13N R22E S13		SWNW	9.90
T13N R22E S13		NESW	0.20
T13N R22E S13		NWSE	23.00
T13N R22E S14		NENE	17.00
T13N R22E S14		NESE	36.00
T13N R22E S14		SWSE	31.00
T13N R22E S23		NENE	40.00

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T13N R22E S1		SWNW	19.00	T13N R22E S23		SWNE	23.00
T13N R22E S1		SWSW	41.00	T13N R22E S23		NESE	12.00
T13N R22E S2	Lot 2	NWNE	9.60	T13N R22E S24		NWNE	0.50
T13N R22E S2		SENE	40.00	T13N R22E S24		SENE	12.00
T13N R22E S2		SESE	40.00	T13N R22E S24		NWNW	40.00
T13N R22E S11		SENE	33.00	T13N R22E S24		SENW	40.00
T13N R22E S11		SESE	29.00	T13N R22E S24		NWSW	28.00
T13N R22E S12		SWNE	23.00	T13N R22E S24		NWSE	39.00
T13N R22E S12		NWNW	41.00	T13N R23E S19		NWNE	25.00
T13N R22E S12		SENW	1.10	T13N R23E S19		SENE	27.00
T13N R22E S12		NWSW	31.00	T13N R23E S19	Lot 1	NWNW	36.00
T13N R22E S12		SESW	37.00	T13N R23E S19		SENW	38.00
T13N R22E S12		SWSE	39.00	T13N R23E S19	Lot 3	NWSW	29.00
T13N R22E S13		SWNE	12.00	T13N R23E S19		SESW	40.00
T13N R22E S13		NWNW	37.00	T13N R23E S19		NWSE	40.00
T13N R22E S13		SENW	16.00	T13N R23E S19		SESE	35.00
T13N R22E S13		SWSW	9.80	T13N R23E S29		NWNW	37.00
T13N R22E S13		SESE	34.00	T13N R23E S29		NWSW	28.00
T13N R22E S14		SENE	21.00	T13N R23E S30		NWNE	40.00
T13N R22E S14		NWSE	20.00	T13N R23E S30		SENE	40.00
T13N R22E S14		SESE	37.00	T13N R23E S30	Lot 1	NWNW	25.00
T13N R22E S23		NWNE	37.00				
T13N R22E S23		SENE	40.00				
T13N R22E S24		NENE	8.00				
T13N R22E S24		SWNE	30.00				
T13N R22E S24		NENW	19.00				
T13N R22E S24		SWNW	40.00				
T13N R22E S24		NESW	37.00				
T13N R22E S24		NESE	39.00				
T13N R23E S18	Lot 4	SWSW	25.00				
T13N R23E S19		SWNE	39.00				
T13N R23E S19		NENW	39.00				
T13N R23E S19	Lot 2	SWNW	7.80				
T13N R23E S19		NESW	28.00				
T13N R23E S19	Lot 4	SWSW	25.00				
T13N R23E S19		NESE	39.00				
T13N R23E S19		SWSE	40.00				
T13N R23E S20		NWSW	27.00				
T13N R23E S29		SWNW	40.00				
T13N R23E S30		NENE	40.00				
T13N R23E S30		SWNE	40.00				
T13N R23E S30		NENW	40.00				

Total Acres: 2413.3

Conditions of Approval:

1. K06 This right is limited to the irrigation of 320 acres within the place of use described above in a single irrigation season.
2. E55 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 2365.6 acres in a single irrigation season.
3. C18 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.
4. D09 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. U42 Place of use does not include federal public lands.
6. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
7. F05 Right Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the points of diversion described above. Right Nos. 73-10041 and 73-12110 are rediverted from the Pahsimeroi River through the point of diversion in T13N, R23E, S20, SESW.
8. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Decreed Date: 9/30/2010

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 73-10040

Current Owner: FLYING JOSEPH RANCH LLC

Priority Date: 5/1/1897

Origin: Water Right

Status: Active

Basis: Decreed

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use **From To**
IRRIGATION 04/01 to 10/31
Total Diversion

Diversion Rate

11.2 CFS

11.2 CFS

Annual Volume

Location of Point(s) of Diversion

PAHSIMEROI RIVER

CUSTER County

SE1/4SW1/4

Sec. 20, Twp 13N, Rge 23E B.M.

PAHSIMEROI RIVER

CUSTER County

NE1/4SW1/4

Sec. 2, Twp 12N, Rge 23E B.M.

Place of Use

IRRIGATION Within CUSTER County

T13N R22E S1		NWSW	35.00
T13N R22E S2	Lot 1	NENE	31.00
T13N R22E S2		SWNE	8.30
T13N R22E S2		NESE	40.00
T13N R22E S11		NENE	37.00
T13N R22E S11		NESE	27.00
T13N R22E S12		NWNE	0.50
T13N R22E S12		NENW	2.60
T13N R22E S12		SWNW	40.00
T13N R22E S12		NESW	41.00
T13N R22E S12		SWSW	30.00
T13N R22E S12		NWSE	41.00
T13N R22E S13		NWNE	23.00
T13N R22E S13		NENW	15.00
T13N R22E S13		SWNW	9.90
T13N R22E S13		NESW	0.20
T13N R22E S13		NWSE	23.00
T13N R22E S14		NENE	17.00
T13N R22E S14		NESE	36.00
T13N R22E S14		SWSE	31.00
T13N R22E S23		NENE	40.00

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T13N R22E S1		SWNW	19.00	T13N R22E S23		SWNE	23.00
T13N R22E S1		SWSW	41.00	T13N R22E S23		NESE	12.00
T13N R22E S2	Lot 2	NWNE	9.60	T13N R22E S24		NWNE	0.50
T13N R22E S2		SENE	40.00	T13N R22E S24		SENE	12.00
T13N R22E S2		SESE	40.00	T13N R22E S24		NWNW	40.00
T13N R22E S11		SENE	33.00	T13N R22E S24		SENW	40.00
T13N R22E S11		SESE	29.00	T13N R22E S24		NWSW	28.00
T13N R22E S12		SWNE	23.00	T13N R22E S24		NWSE	39.00
T13N R22E S12		NWNW	41.00	T13N R23E S19		NWNE	25.00
T13N R22E S12		SENW	1.10	T13N R23E S19		SENE	27.00
T13N R22E S12		NWSW	31.00	T13N R23E S19	Lot 1	NWNW	36.00
T13N R22E S12		SESW	37.00	T13N R23E S19		SENW	38.00
T13N R22E S12		SWSE	39.00	T13N R23E S19	Lot 3	NWSW	29.00
T13N R22E S13		SWNE	12.00	T13N R23E S19		SESW	40.00
T13N R22E S13		NWNW	37.00	T13N R23E S19		NWSE	40.00
T13N R22E S13		SENW	16.00	T13N R23E S19		SESE	35.00
T13N R22E S13		SWSW	9.80	T13N R23E S29		NWNW	37.00
T13N R22E S13		SESE	34.00	T13N R23E S29		NWSW	28.00
T13N R22E S14		SENE	21.00	T13N R23E S30		NWNE	40.00
T13N R22E S14		NWSE	20.00	T13N R23E S30		SENE	40.00
T13N R22E S14		SESE	37.00	T13N R23E S30	Lot 1	NWNW	25.00
T13N R22E S23		NWNE	37.00				
T13N R22E S23		SENE	40.00				
T13N R22E S24		NENE	8.00				
T13N R22E S24		SWNE	30.00				
T13N R22E S24		NENW	19.00				
T13N R22E S24		SWNW	40.00				
T13N R22E S24		NESW	37.00				
T13N R22E S24		NESE	39.00				
T13N R23E S18	Lot 4	SWSW	25.00				
T13N R23E S19		SWNE	39.00				
T13N R23E S19		NENW	39.00				
T13N R23E S19	Lot 2	SWNW	7.80				
T13N R23E S19		NESW	28.00				
T13N R23E S19	Lot 4	SWSW	25.00				
T13N R23E S19		NESE	39.00				
T13N R23E S19		SWSE	40.00				
T13N R23E S20		NWSW	27.00				
T13N R23E S29		SWNW	40.00				
T13N R23E S30		NENE	40.00				
T13N R23E S30		SWNE	40.00				
T13N R23E S30		NENW	40.00				

Total Acres: 2413.3

Page 20 of 26**Conditions of Approval:**

1. P29 This right is a combination of old Right Nos. 73-148 and 73-149.
2. E55 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 2365.6 acres in a single irrigation season.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. K06 This right is limited to the irrigation of 560 acres within the place of use described above in a single irrigation season.
5. U42 Place of use does not include federal public lands.
6. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
7. D09 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
8. C18 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.
9. F05 Right Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the points of diversion described above. Right Nos. 73-10041 and 73-12110 are rediverted from the Pahsimeroi River through the point of diversion in T13N, R23E, S20, SESW.

Decreed Date: 9/30/2010

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 73-10041

Current Owner: FLYING JOSEPH RANCH LLC

Priority Date: 11/24/1909

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use	From	To
DIVERSION TO STORAGE	04/01 to 10/31	
AESTHETIC STORAGE	01/01 to 12/31	
RECREATION STORAGE	01/01 to 12/31	
WILDLIFE STORAGE	01/01 to 12/31	
IRRIGATION	04/01 to 10/31	
	Total Diversion	

Diversion Rate	Annual Volume
0.14 CFS	
	59.1 AF
	59.1 AF
	59.1 AF
7.06 CFS	
7.2 CFS	

Location of Point(s) of Diversion

BIG CREEK	NE1/4NW1/4	Sec. 13,	Twp 13N,	Rge 23E B.M.
CUSTER County				
BIG CREEK	SE1/4SW1/4	Sec. 27,	Twp 13N,	Rge 23E B.M.
CUSTER County	(Injection)			
BIG CREEK	SE1/4SW1/4	Sec. 20,	Twp 13N,	Rge 23E B.M.
CUSTER County	(Rediversion)			

Place of Use

IRRIGATION Within CUSTER County

T13N R22E S1		NWSW	35.00
T13N R22E S2	Lot 1	NENE	31.00
T13N R22E S2		SWNE	8.30
T13N R22E S2		NESE	40.00
T13N R22E S11		NENE	37.00
T13N R22E S11		NESE	27.00
T13N R22E S12		NWNE	0.50
T13N R22E S12		NENW	2.60
T13N R22E S12		SWNW	40.00
T13N R22E S12		NESW	41.00
T13N R22E S12		SWSW	30.00
T13N R22E S12		NWSE	41.00
T13N R22E S13		NWNE	23.00
T13N R22E S13		NENW	15.00

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T13N R22E S1		SWNW	19.00	T13N R22E S13		SWNW	9.90
T13N R22E S1		SWSW	41.00	T13N R22E S13		NESW	0.20
T13N R22E S2	Lot 2	NWNE	9.60	T13N R22E S13		NWSE	23.00
T13N R22E S2		SENE	40.00	T13N R22E S14		NENE	17.00
T13N R22E S2		SESE	40.00	T13N R22E S14		NESE	36.00
T13N R22E S11		SENE	33.00	T13N R22E S14		SWSE	31.00
T13N R22E S11		SESE	29.00	T13N R22E S23		NENE	40.00
T13N R22E S12		SWNE	23.00	T13N R22E S23		SWNE	23.00
T13N R22E S12		NWNW	41.00	T13N R22E S23		NESE	12.00
T13N R22E S12		SENW	1.10	T13N R22E S24		NWNE	0.50
T13N R22E S12		NWSW	31.00	T13N R22E S24		SENE	12.00
T13N R22E S12		SESW	37.00	T13N R22E S24		NWNW	40.00
T13N R22E S12		SWSE	39.00	T13N R22E S24		SENW	40.00
T13N R22E S13		SWNE	12.00	T13N R22E S24		NWSW	28.00
T13N R22E S13		NWNW	37.00	T13N R22E S24		NWSE	39.00
T13N R22E S13		SENW	16.00	T13N R23E S19		NWNE	25.00
T13N R22E S13		SWSW	9.80	T13N R23E S19	Lot 1	SENE	25.50
T13N R22E S13		SESE	34.00	T13N R23E S19		NWNW	32.40
T13N R22E S14		SENE	21.00	T13N R23E S19	Lot 3	SENW	38.00
T13N R22E S14		NWSE	20.00	T13N R23E S19		NWSW	29.00
T13N R22E S14		SESE	37.00	T13N R23E S19		SESW	40.00
T13N R22E S23		NWNE	37.00	T13N R23E S19		NWSE	29.50
T13N R22E S23		SENE	40.00	T13N R23E S19		SESE	28.00
T13N R22E S24		NENE	8.00	T13N R23E S29		NWNW	37.00
T13N R22E S24		SWNE	30.00	T13N R23E S29		NWSW	28.00
T13N R22E S24		NENW	19.00	T13N R23E S30		NWNE	40.00
T13N R22E S24		SWNW	40.00	T13N R23E S30		SENE	40.00
T13N R22E S24		NESW	37.00	T13N R23E S30	Lot 1	NWNW	25.00
T13N R22E S24		NESE	39.00				
T13N R23E S18	Lot 4	SWSW	18.00				
T13N R23E S19		SWNE	39.00				
T13N R23E S19		NENW	27.60				
T13N R23E S19	Lot 2	SWNW	7.80				
T13N R23E S19		NESW	27.80				
T13N R23E S19	Lot 4	SWSW	25.00				
T13N R23E S19		NESE	32.50				
T13N R23E S19		SWSE	40.00				
T13N R23E S20		NWSW	27.00				
T13N R23E S29		SWNW	40.00				
T13N R23E S30		NENE	40.00				
T13N R23E S30		SWNE	40.00				
T13N R23E S30		NENW	40.00				

Total Acres: 2365.6

WILDLIFE STORAGE Within CUSTER County

T13N R23E S19	NESE	T13N R23E S19	SESE
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Page 23 of 26RECREATION STORAGE Within CUSTER County

T13N R23E S19

NESE

T13N R23E S19

SESE

AESTHETIC STORAGE Within CUSTER County

T13N R23E S19

NESE

T13N R23E S19

SESE

Place of Use: DIVERSION TO STORAGE same as IRRIGATION

Conditions of Approval:

1. R43 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.
2. 220 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.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. F05 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.
5. U42 Place of use does not include federal public lands.
6. X35 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.
7. G02 Point of injection into Goldburg Creek. Point of rediversion from Pahsimeroi River.
8. R05 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.
9. D09 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
10. 219 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.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. T19 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.
13. 029 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.

Decreed Date: 9/30/2010

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 73-12110

Current Owner: FLYING JOSEPH RANCH LLC

Priority Date: 4/1/1969

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use	From To
DIVERSION TO STORAGE	01/01 to 12/31
AESTHETIC STORAGE	01/01 to 12/31
RECREATION STORAGE	01/01 to 12/31
WILDLIFE STORAGE	01/01 to 12/31
IRRIGATION	04/01 to 10/31
	Total Diversion

Diversion Rate	Annual Volume
0.67 CFS	
	110.9 AF
	110.9 AF
	110.9 AF
32.13 CFS	
32.8 CFS	

Location of Point(s) of Diversion

BIG CREEK

CUSTER County

SE1/4SW1/4 Sec. 20, Twp 13N, Rge 23E B.M.
(Rediversion)

BIG CREEK

CUSTER County

SE1/4SW1/4 Sec. 27, Twp 13N, Rge 23E B.M.
(Injection)

BIG CREEK

CUSTER County

NE1/4NW1/4 Sec. 13, Twp 13N, Rge 23E B.M.

Place of Use

IRRIGATION Within CUSTER County

T13N R22E S1		NWSW	35.00
T13N R22E S2	Lot 1	NENE	31.00
T13N R22E S2		SWNE	8.30
T13N R22E S2		NESE	40.00
T13N R22E S11		NENE	37.00
T13N R22E S11		NESE	27.00
T13N R22E S12		NWNE	0.50
T13N R22E S12		NENW	2.60
T13N R22E S12		SWNW	40.00
T13N R22E S12		NESW	41.00
T13N R22E S12		SWSW	30.00
T13N R22E S12		NWSE	41.00
T13N R22E S13		NWNE	23.00
T13N R22E S13		NENW	15.00

Page 25 of 26

T13N R22E S1		SWNW	19.00	T13N R22E S13		SWNW	9.90
T13N R22E S1		SWSW	41.00	T13N R22E S13		NESW	0.20
T13N R22E S2	Lot 2	NWNE	9.60	T13N R22E S13		NWSE	23.00
T13N R22E S2		SENE	40.00	T13N R22E S14		NENE	17.00
T13N R22E S2		SESE	40.00	T13N R22E S14		NESE	36.00
T13N R22E S11		SENE	33.00	T13N R22E S14		SWSE	31.00
T13N R22E S11		SESE	29.00	T13N R22E S23		NENE	40.00
T13N R22E S12		SWNE	23.00	T13N R22E S23		SWNE	23.00
T13N R22E S12		NWNW	41.00	T13N R22E S23		NESE	12.00
T13N R22E S12		SENW	1.10	T13N R22E S24		NWNE	0.50
T13N R22E S12		NWSW	31.00	T13N R22E S24		SENE	12.00
T13N R22E S12		SESW	37.00	T13N R22E S24		NWNW	40.00
T13N R22E S12		SWSE	39.00	T13N R22E S24		SENW	40.00
T13N R22E S13		SWNE	12.00	T13N R22E S24		NWSW	28.00
T13N R22E S13		NWNW	37.00	T13N R22E S24		NWSE	39.00
T13N R22E S13		SENW	16.00	T13N R23E S19		NWNE	25.00
T13N R22E S13		SWSW	9.80	T13N R23E S19		SENE	25.50
T13N R22E S13		SESE	34.00	T13N R23E S19	Lot 1	NWNW	32.40
T13N R22E S14		SENE	21.00	T13N R23E S19		SENW	38.00
T13N R22E S14		NWSE	20.00	T13N R23E S19	Lot 3	NWSW	29.00
T13N R22E S14		SESE	37.00	T13N R23E S19		SESW	40.00
T13N R22E S23		NWNE	37.00	T13N R23E S19		NWSE	29.50
T13N R22E S23		SENE	40.00	T13N R23E S19		SESE	28.00
T13N R22E S24		NENE	8.00	T13N R23E S29		NWNW	37.00
T13N R22E S24		SWNE	30.00	T13N R23E S29		NWSW	28.00
T13N R22E S24		NENW	19.00	T13N R23E S30		NWNE	40.00
T13N R22E S24		SWNW	40.00	T13N R23E S30		SENE	40.00
T13N R22E S24		NESW	37.00	T13N R23E S30	Lot 1	NWNW	25.00
T13N R22E S24		NESE	39.00				
T13N R23E S18	Lot 4	SWSW	18.00				
T13N R23E S19		SWNE	39.00				
T13N R23E S19		NENW	27.60				
T13N R23E S19	Lot 2	SWNW	7.80				
T13N R23E S19		NESW	27.80				
T13N R23E S19	Lot 4	SWSW	25.00				
T13N R23E S19		NESE	32.50				
T13N R23E S19		SWSE	40.00				
T13N R23E S20		NWSW	27.00				
T13N R23E S29		SWNW	40.00				
T13N R23E S30		NENE	40.00				
T13N R23E S30		SWNE	40.00				
T13N R23E S30		NENW	40.00				

Total Acres: 2365.6

WILDLIFE STORAGE Within CUSTER County

T13N R23E S19	NESE	T13N R23E S19	SESE
---------------	------	---------------	------

Page 26 of 26RECREATION STORAGE Within CUSTER County

T13N R23E S19

NESE

T13N R23E S19

SESE

AESTHETIC STORAGE Within CUSTER County

T13N R23E S19

NESE

T13N R23E S19

SESE

Place of Use: DIVERSION TO STORAGE same as IRRIGATION

Conditions of Approval:

1. 220 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.
2. X35 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. 219 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.
4. R05 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.
5. G02 Point of injection into Goldburg Creek. Point of rediversion from Pahsimeroi River.
6. U42 Place of use does not include federal public lands.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. T19 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.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. R43 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.
11. D09 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
12. 029 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.
13. F05 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.

Decreed Date: 9/30/2010

**SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)**

FLYING JOSEPH RANCH, LLC, an Idaho limited liability company, designates and appoints JAMES P. SPECK, of Ketchum, Idaho, as Grantor's attorney in fact and agent (subsequently called "Agent") to act in Grantor's name and for Grantor's benefit for the specific purposes stated herein only. Grantor grants to its Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as Grantor might or could do if personally present and fully competent, hereby ratifying and confirming all that Grantor's Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. Grantor's agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that Grantor now has or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims for water rights in Twin Falls County District Court Civil No. 39576, In Re the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, and the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or Grantor's Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

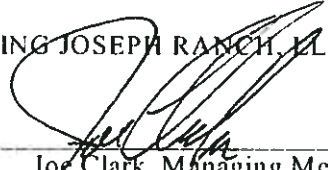
4. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to Grantor's Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to Grantor's Agent shall incur any liability to Grantor as a result of permitting the Agent to exercise any power.

5. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

6. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

9th day of April, 2009. IN WITNESS WHEREOF, Grantor has executed this Special Power of Attorney this

FLYING JOSEPH RANCH, LLC

By: 
Joe Clark, Managing Member

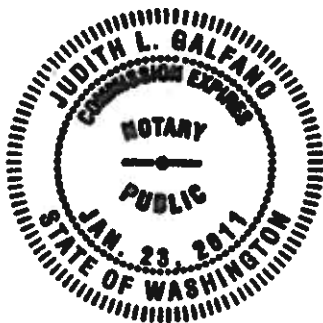
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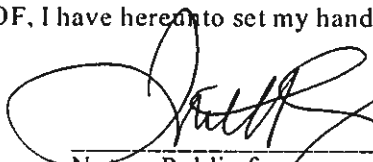
STATE OF WA)
County of KING)

ss.

On this 9th day of April, 2009, before me, the undersigned notary public in and for said state, personally appeared Joe Clark, known or identified to me to be the Managing Member of FLYING JOSEPH RANCH, LLC and the person who executed the foregoing instrument on behalf of said limited liability company and acknowledged to me that said limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

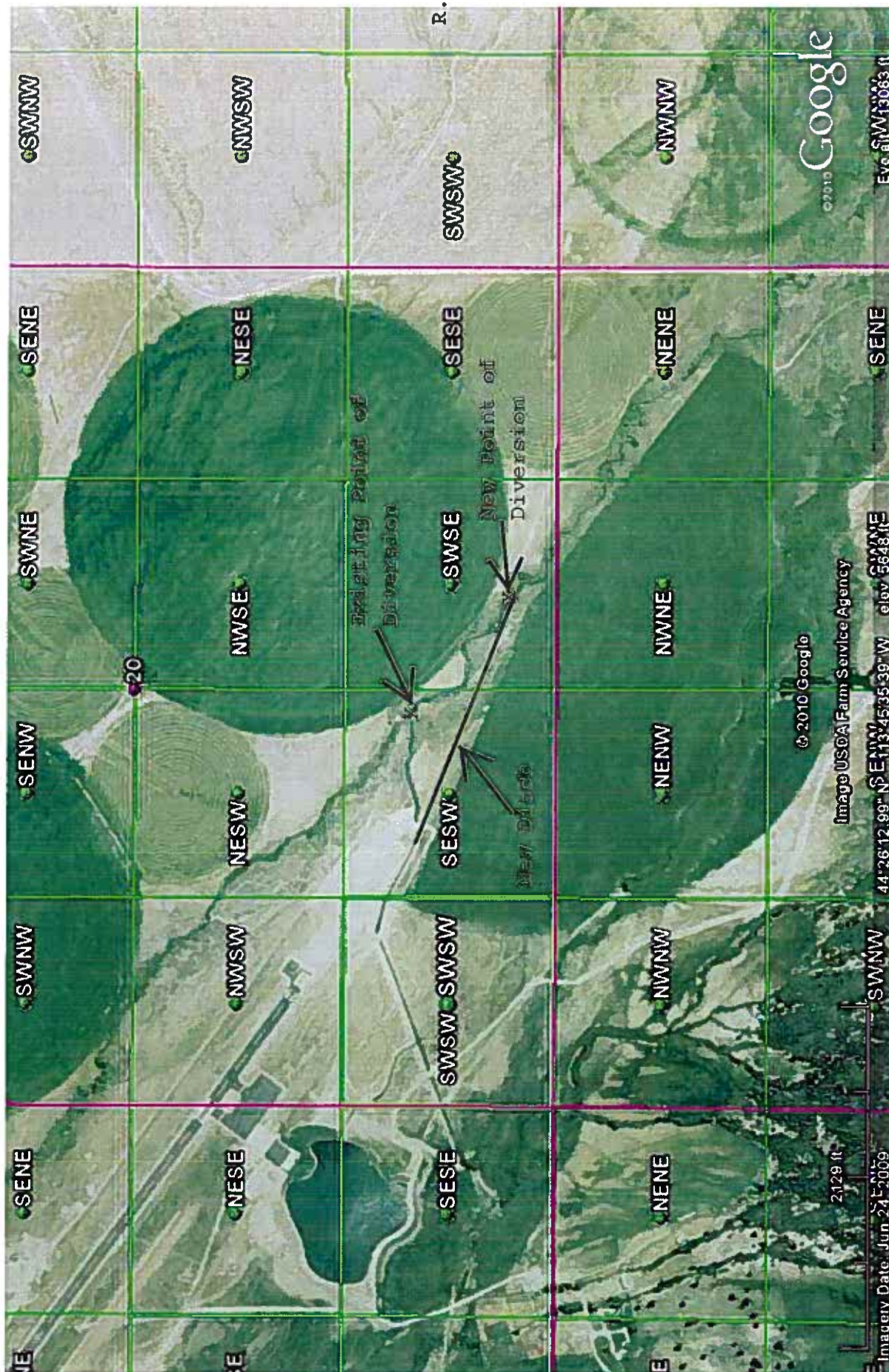


 JUDITH GALFANO
Notary Public for WASHINGTON
Residing at: SEATTLE
Commission expires: JAN. 23, 2011

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T.13N.

R.23E.



**FLYING JOSEPH RANCH LLC
APPLICATION FOR TRANSFER
ATTACHMENT 7a**

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FLYING JOSEPH RANCH LLC

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ADDENDUM TO

APPLICATION FOR TRANSFER

ATTACHMENT 9

Part 1.B.1

All or Part	<u>Right</u>	<u>Amount</u>	<u>Nature of Use</u>	<u>Period of Use</u>		<u>Source & Tributary</u>
	<u>Number</u>	<u>(cfs/ac-ft)</u>				
X	73-147A	3.45 cfs	Irrigation	April 1	to October 31	Pashimeroi River/Salmon River
X	"	0.95 cfs	Diversion to Storage	April 1	to October 31	Pashimeroi River/Salmon River
X	"	110.9 AF	Wildlife Storage	January 1	to December 31	Pashimeroi River/Salmon River
X	"	110.9 AF	Aesthetics Storage	January 1	to December 31	Pashimeroi River/Salmon River
X	"	110.9 AF	Recreation Storage	January 1	to December 31	Pashimeroi River/Salmon River
X	73-147C	4.8 cfs	Irrigation	April 1	to October 31	Goldburg Creek/Pashimeroi River
X	73-150D	4.0 cfs	Irrigation	April 1	to October 31	Pashimeroi River/Salmon River
X	73-189	6.4 cfs	Irrigation	April 1	to October 31	Pashimeroi River/Salmon River
X	73-10040	11.2 cfs	Irrigation	April 1	to October 31	Pashimeroi River/Salmon River
X	73-10041	7.06 cfs	Irrigation	April 1	to October 31	Big Creek/Pashimeroi River
X	"	0.14 cfs	Diversion to Storage	April 1	to October 31	Big Creek/Pashimeroi River
X	"	59.1 AF	Wildlife Storage	January 1	to December 31	Big Creek/Pashimeroi River
X	"	59.1 AF	Aesthetics Storage	January 1	to December 31	Big Creek/Pashimeroi River
X	"	59.1 AF	Recreation Storage	January 1	to December 31	Big Creek/Pashimeroi River
X	73-12110	32.13 cfs	Irrigation	April 1	to October 31	Big Creek/Pashimeroi River
X	"	0.67 cfs	Diversion to Storage	April 1	to October 31	Big Creek/Pashimeroi River
X	"	110.9 AF	Wildlife Storage	January 1	to December 31	Big Creek/Pashimeroi River
X	"	110.9 AF	Aesthetics Storage	January 1	to December 31	Big Creek/Pashimeroi River
X	"	110.9 AF	Recreation Storage	January 1	to December 31	Big Creek/Pashimeroi River

Total authorized under rights: 70.8 cfs and 170.0 acre-feet

Part 1.B.3

The new point of diversion from the Pashimeroi River is a point of re-diversion for 73-10041 and 73-12110. The Big Creek point of diversion and point of injection are only for 73-10041 and 73-12110.

Part 1.B.5

A concrete or wooden headgate will be constructed at the new point of diversion to split the flow of the Pashimeroi. Water diverted out of the Pashimeroi River will flow through a short section of new open ditch and connect with the existing Pashimeroi Ditch. No measuring device exists at the current point of diversion from the Pashimeroi River and none will be installed at the new point of diversion. The only

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FLYING JOSEPH RANCH LLC

ADDENDUM TO

APPLICATION FOR TRANSFER

ATTACHMENT 9

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water rights using this system are owned by Applicant and are measured at several points of measurement as set forth in the Conditions for Approval for each water right listed in Part 2A.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76991

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes ☐ N/A ☐

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Addendum

RECEIVED
JAN 05 2011
Department of Water Resources
Eastern Region

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