

RECEIVED

JUN 18 2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

JUN 14 2010

DEPARTMENT OF
WATER RESOURCES

1. Matter being protested:

Application for Transfer #75708 (73-00147A, 73-10041, and 73-12110) for Flying Joseph Ranch, LLC

2. Name of protestant:

United States Department of the Interior
Bureau of Land Management
Idaho State Office (ID-933b)
1387 South Vinnell Way
Boise, Idaho 83709

3. Protestant's Representative for service (if different than protestant):

Fredric W. Price (contact person)

4. Service mailing address:

United States Department of the Interior
Bureau of Land Management
Idaho State Office (ID-933b)
1387 South Vinnell Way
Boise, Idaho 83709-1657

5. Service telephone #:

(208) 373-3831

6. Basis of protest (including statement of facts and law upon which the protest is based):

A.) Flying Joseph Ranch LLC is not authorized to use the public land described within POU:
T13N, R22E, S01, Lot 4 (NWNW) (IDWR's electronic version).

B.) Flying Joseph Ranch LLC is not authorized to use the public land described within POU:
T13N, R22E, S14, SWNE (2nd Amended Hardcopy Version).

C) Flying Joseph Ranch LLC transfer identifies places of use (POUs) which contain both private and public land (i.e. mixed ownership): T13N, R22E, S14, NWSE and T13N, R22E, S23, NESE.

7. What would resolve your protest?

A) Correct IDWR's electronic version of Transfer No. 75708 to remove the POU described as:
T13N, R22E, S01, Lot 4 (NWNW).

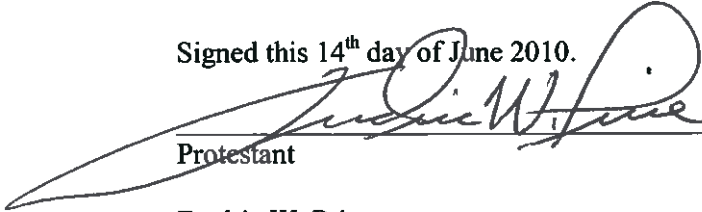
B) Amend the 2nd Amended Application for Transfer No. 75708 to exclude the POU described as: T13N, R22E, S14, SWNE.

C) Amend the IDWR's electronic version to clarify the mixed POUs (i.e. NWSE, S14 and NESE, S23, T13N, R22E), so that it is clear only private land is intended by including a remark: "Place of use does not include federal public lands."

Receipt
#C091108

I hereby, acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 14th day of June 2010.


Protestant

Fredric W. Price
Protestant's Representative

Attachments:

Application for Transfer #75708 for Flying Joseph Ranch LLC (IDWR computer generated copy).

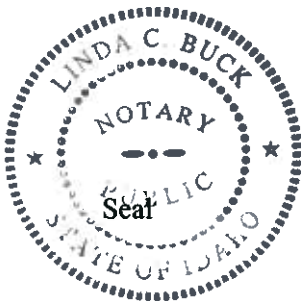
Application for Transfer #75708 for Flying Joseph Ranch LLC (Form #222 submitted by applicant).

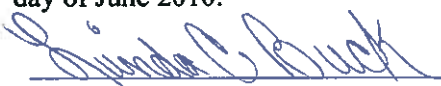
Legal Notice Challis Messenger dated May26, 2010.

Master Title Plat for: T13N, R 22 E, and enlargement of Sections 01; 14; and 23.

NOTARY:

Subscribed and sworn to before me on this 14th day of June 2010.




Linda C. Buck
Notary Public in and for: State of Idaho
Residing at: Mountain Home, Idaho
My Commission expires: December 21, 2011

FOR DEPARTMENT USE ONLY

Received by Shari R. Kenny Date: June 14, 2010 Time 2:37 AM / PM

\$25.00 fee Received by SR7 # C091108 Date: June 14, 2010

CERTIFICATE OF SERVICE

I certify that on June 14, 2010, I served a true and correct copy of the "Protest for Application for Transfer #75708" with enclosures upon the following individuals by placing the documents in the United States mail in Boise, Idaho, postage paid, and addressed as follows:

Original to: Jeff Peppersack, Administrator
Idaho Department of Water Resources (IDWR)
Water Management Division, Idaho State Office
The Idaho Water Center
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Copies to: James Cefalo, Administrative Office Manager
Idaho Department of Water Resources (IDWR)
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Flying Joseph Ranch LLC
c/o Joseph Clark
7213 Perimeter Road South
Seattle, Washington 98108

Nathaniel Arave, Geologist
Department of the Interior
Bureau of Land Management
Idaho Falls District Office
Challis Field Office
801 Blue Mountain Road
Challis, Idaho 83226

Timothy Vanek, Realty Specialist
Department of the Interior
Bureau of Land Management
Idaho Falls District Office
Challis Field Office
801 Blue Mountain Road
Challis, Idaho 83226

Linda C. Buck

Person Serving Documents (print name)


Signature of Person Serving Documents

June 14, 2010

Date

Close

TRANSFER NO. 75708

FLYING JOSEPH RANCH LLC
 C/O JOSEPH CLARK 7213 PERIMETER RD S
 SEATTLE WA 98108, has filed Application No. 75708 for changes to the following water rights within
 County: CUSTER

Purpose of Transfer	Water Right Number
Change Period of Use	73-147A
Change Nature of Use	73-147A

Right No. 73-147A

Priority Apr 25 1886 12:00AM

Source PAHSIMEROI RIVER,

Use IRRIGATION(1857.6 acres) (220 acre limit) 4.4 CFS,

Total Amount 4.4 CFS

Point(s) of Diversion

Township	Range	Section	QQQ	QQ	Quarter	Government Lot Number
13N	23E	20	SW	NE	SW	

Place Of Use

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
13N	22E	1	4	NWNW	0.9	4	NWNW	19			
				NWSW	35			41			
		2	1	NENE	29	2	NWNE	8.8		SENE	40
				NESE	40			40			
		11		NENE	37			33			
				NESE	26			29			
		12		NWNE	0.4			23			
				NENW	2.3			41			
				NESW	41			31		SENE	0.3
				NWSE	41			39		SESW	37
		13		NWNE	22			12			
				NENW	10			37		SENE	4.5
				NESW	0.2			9.8			
		14		NWSE	23			34			
				NENE	17			0.2			

23	NESE	2.8	NWSE	19	SWSE	31	SESE	36
	NENE	40	NWNE	36	SWNE	23	SENE	40
	NESE	12	NWNE	0.5	SWNE	30	SENE	12
	NENE	8	NWNW	40	SWNW	40	SENE	40
24	NENW	19	NWNW	27				
	NESW	36	NWSE	39				
	NESE	39	SWNE	39				
	SWSW	25	SWNE	39				
23E	NWNE	23	NWNW	36	SENE	26		
	NENW	39	NWNW	36	SWNW	7.8	SENE	38
	NESW	13	NWSE	40	SWSW	1.5	SENE	21
	NESE	39	NWSE	40	SWSE	7.9		
20	NWSW	26						

Total Acres: 1857.6

The purpose of the transfer is to change the above rights a follows:

Proposed Right No. 73-147A

Priority Apr 25 1886 12:00AM

Source PAHSIMEROI RIVER,

Use IRRIGATION (1857.6 acres) (220 acre limit) 4.4 CFS,

Total Amount 4.4 CFS

Township	Range	Section	Quarter	Government Lot Number
13N	23E	20	SW	NE

Place Of Use

Place of Use Legal Description: IRRIGATION LEMHI County

13N	22E	1	NESE	2.8	NWSE	19	SWSE	31	SESE	36
			NENE	40	NWNE	36	SWNE	23	SENE	40
			NESE	12	NWNE	0.5	SWNE	30	SENE	12
			NENE	8	NWNW	40	SWNW	40	SENE	40
	2	1	NENW	19	NWNW	27				
			NESW	36	NWSE	39				
			NESE	39	SWNE	39				
			SWSW	25	SWNE	39				
	11		NWNE	23	NWNW	36	SENE	26		
			NENW	39	NWNW	36	SWNW	7.8	SENE	38
			NESW	13	NWSE	40	SWSW	1.5	SENE	21
			NESE	39	NWSE	40	SWSE	7.9		
	12		NWSW	26						
	13									

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 75708

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: Copy of 2006 aerial depicting most of the new private airplane runway

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75708APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Flying Joseph Ranch LLCPhone (206) 762-1171Mailing address c/o Joseph Clark, 7213 Perimeter Rd. S., Seattle, WA 98108Email 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. SpeckPhone (208) 726-4421Mailing address SPECK & AANESTAD, P.C., PO Box 987, Ketchum ID 83340Email 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.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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. Change nature of use for a 47.7 acre portion of Rights 73-147A, 73-10041 & 73-12110 from Irrigation to storage purposes to cover annual fill and consumptive uses from an 11 acre pond built pursuant to Permit 73-14146. Pond was intended to intercept the water table and fill with groundwater but inflows have been insufficient to fill the pond.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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
☐ ☐	see attachment	# 10		to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
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Total authorized under rights 44.4 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 1.76 cubic feet per second and/or 110.9 acre-feet per annum.

3. Point(s) of Diversion:

- ☒ 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 #

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	
13N	23E	19													J			J	
13N	23E	19													R			R	
13N	23E	19													W			W	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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: _____

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

- 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: _____

- 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: _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

For each water right listed in Part 1.B.1. of the application, attach a Part 2A report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

2 Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

[illegible][illegible]

Total Acres (for irrigation use)	47.7
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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it Attachment #7a.

- ☒ 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. Label it Attachment #7b. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it Attachment #8a.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it Attachment #8b.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.

1. *Introduction*
 2. *Methodology*
 3. *Results*
 4. *Discussion*
 5. *Conclusion*
 6. *References*
 7. *Appendix*
 8. *Index*
 9. *Glossary*
 10. *Notes*
 11. *Tables*
 12. *Figures*
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 248. *Figures*
 249. *Tables*
 250. *Figures*
 251. *Tables*
 252. *Figures*
 253. *Tables*
 254. *Figures*
 255. *Tables*

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid _____ Date _____ Received by _____ Receipt # _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

Attachment #10

Right Number	Amount (cfs/af/ft)	Nature of Use	Period of Use	Source/Contributor
73-147A	3.45 cfs	Irrigation	4/1 to 10/31	Pahsimeroi River trib to Salmon River
73-147A	0.95 cfs	Diversion to Storage	4/1 to 10/31	Pahsimeroi River trib to Salmon River
73-147A	110.9 af	Aesthetic Storage	1/1 to 12/31	Pahsimeroi River trib to Salmon River
73-147A	110.9 af	Recreation Storage	1/1 to 12/31	Pahsimeroi River trib to Salmon River
73-147A	110.9 af	Wildlife Storage	1/1 to 12/31	Pahsimeroi River trib to Salmon River
73-10041	7.06 cfs	Irrigation	4/1 to 10/31	Big Creek trib to Pahsimeroi River
73-10041	0.14 cfs	Diversion to Storage	4/1 to 10/31	Big Creek trib to Pahsimeroi River
73-10041	59.1 afa	Aesthetic Storage	1/1 to 10/31	Big Creek trib to Pahsimeroi River
73-10041	59.1 afa	Recreation Storage	1/1 to 10/31	Big Creek trib to Pahsimeroi River
73-10041	59.1 afa	Wildlife Storage	1/1 to 10/31	Big Creek trib to Pahsimeroi River
73-12110	32.13 cfs	Irrigation	4/1 to 10/31	Big Creek trib to Pahsimeroi River
73-12110	0.67 cfs	Diversion to Storage	4/1 to 10/31	Big Creek trib to Pahsimeroi River
73-12110	110.9 af	Aesthetic Storage	1/1 to 12/31	Big Creek trib to Pahsimeroi River
73-12210	110.9 af	Recreation Storage	1/1 to 12/31	Big Creek trib to Pahsimeroi River
73-12210	110.9 af	Wildlife Storage	1/1 to 12/31	Big Creek trib to Pahsimeroi River

Totals Transferred:

1.76 cfs

110.9 af

Adjudication Recommendation Report 73-147A V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WOOD LIVE STOCK CO LTD

Original Owner SPENCER, ID
PINES GRAZING ASSN INC
C/O LYNN TRITTHART
HC 63 BOX 1769
CHALLIS, ID 83226
(208)879-2354

Current Owner FLYING JOSEPH RANCH LLC
C/O JOSEPH CLARK
7213 PERIMETER RD S
SEATTLE, WA 98108
(206)762-1171

Attorney **SPECK & AANESTAD**
JAMES P SPECK
PO BOX 987
KETCHUM, ID 83340
(208)726-4421

Basis: Decreed

Source

Tributary

PAHSIMEROI RIVER

SALMON RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

04/01 to 10/31

4,400 CFS

Total Diversion: 4.400 CFS

Location of Point(s) of Diversion

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

PAHSIMEROI RIVER NE1/4SW1/4 Sec. 2, Twp 12N, Rge 23E, B.M.
GUSTER 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 L 1	9.8 L 2	0.3	40.0								40.0			40.0	168.9

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-147A V2

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	9.8	16.0	.2	9.8				23.0	34.0	179.9
13N 22E 14	17.0	4.5	21.0									36.0	20.0	166.5
13N 22E 23	40.0	37.0	23.0	40.0								12.0	31.0	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										25.0	L 4			25.0
13N 23E 19	25.0	39.0	27.0	39.0	36.0	7.8	38.0	28.0	29.0	25.0	40.0	39.0	40.0	487.8
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								226.0

Total Acres: 2417.8

Conditions of Approval:

1. U42 Place of use does not include federal public lands.
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. 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
4. C06 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. F05 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 Pahelmerol River through the point of diversion described above.
6. K06 This right is limited to the irrigation of 220 acres within the place of use described above in a single irrigation season.
7. E55 Right Nos. 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-268, 73-2185, 73-10040, 73-10041 and 73-12110 are limited to the irrigation of a combined total of 2417.8 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 73-147A V2

Remarks:

Comments:

1. dritsch 4/16/2010 Version 2
Comment: Version 2 created to resolve objections.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 73
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2417.6

Combined Water Rights: 73-2165 , 73-259 , 73-10041 , 73-150D , 73-10040 ,
73-12110 , 73-189 , 73-147A , 73-147C , 73-147B

Water Supply Bank:

Adjudication Recommendation Report 73-10041 V2

WATER RIGHT NUMBER: 73-10041 V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PINES GRAZING ASSN INC C/O LYNN TRITTHART HC 83 BOX 1769 CHALLIS, ID 83226 (208)879-2354
Current Owner	FLYING JOSEPH RANCH LLC C/O JOSEPH CLARK 7213 PERIMETER RD S SEATTLE, WA 98108 (208)762-1171
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 11/24/1909

Bas/s: **Decreed**

Status:

<u>Source</u>	<u>Tributary</u>
BIG CREEK	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	7.200 CFS	
	Total Diversion:	7.200 CFS	

Location of Point(s) of Diversion

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

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 L 1	9.6 L 2	8.3 L 2	40.0								40.0			40.0	168.9

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 73-10041 V2

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	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		4.5	21.0								36.0	20.0	166.5
13N 22E 23	40.0	37.0	23.0	40.0								12.0		162.0
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										25.0				25.0
13N 23E 19		25.0	39.0	27.0	39.0	36.0	7.8	38.0	28.0	29.0	25.0	40.0	39.0	487.8
13N 23E 20										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: 2417.8

Conditions of Approval:

1. P29 This right is a combination of old Right Nos. 73-18 and 73-19.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
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(8), Idaho Code.
4. U42 Place of use does not include federal public lands.
5. 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 2417.8 acres in a single irrigation season.
6. G02 Point of injection into Goldberg Creek. Point of redirection from Pahsimero River.

Remarks:

Comments:

1. cfrisch 4/22/2010 Version 2
Comment: Version 2 created to resolve objection.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 73-10041 V2

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 73
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-12110 V2

WATER RIGHT NUMBER: 73-12110 V2

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	FLYING JOSEPH RANCH LLC C/O JOSEPH CLARK 7213 PERIMETER RD S SEATTLE, WA 98108 (208)762-1171
Original Owner	WOOD LIVE STOCK CO LTD
Original Owner	SPENCER, ID PINES GRAZING ASSN INC C/O LYNN TRITTHART HC 83 BOX 1769 CHALLIS, ID 83226 (208)879-2364
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421

Priority Date: 04/01/1969

Basis: Beneficial Use

Status: Active

Source

BIG CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

<u>From</u>	<u>To</u>
04/01	to 10/31

Diversion Rate

32.800 CFS

Annual VolumeTotal Diversion: 32.800 CFSLocation of Point(s) of Diversion

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

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 73-12110 V2

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 L 1	9.8 L 2	8.3	40.0									40.0			40.0	168.9
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		<u>4.5</u>	21.0									36.0	<u>20.0</u>	31.0	37.0	166.6
13N	22E	23	40.0	37.0	23.0	40.0									<u>12.0</u>	<u>mixed</u>			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											25.0 L 4						25.0
13N	23E	19		25.0	39.0	27.0	39.0	36.0 L 1	7.8 L 2	38.0	28.0	29.0 L 3	25.0 L 4	40.0	39.0	40.0	40.0	35.0	487.8
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 L 1											225.0

Total Acres: 2417.8

Conditions of Approval:

1. U42 Place of use does not include federal public lands.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. This right is renumbered from former claim 73-2126A.
4. G02 Point of Injection into Goldberg Creek. Point of diversion from Pahsimeroi River.
5. 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 2417.8 acres in a single irrigation season.
6. 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 73-12110 V2

Comments:

1. dritsch 4/27/2010 Version 2

Comment: Version 2 created because of evidence of use for previously disallowed claim.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 73
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

May 26, 2010

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226

RE: Transfer No. 75708,
Water Right No(s). 73-147A

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/21/2010. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 75708

FLYING JOSEPH RANCH LLC, C/O JOSEPH CLARK, 7213 PERIMETER RD S, SEATTLE, WA 98108 has filed Application No. 75708 for changes to the following water rights within CUSTER County(s): Right No(s). 73-147A; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant proposes to change the nature of use from irrigation to storage purposes to cover annual fill and consumptive use for an 11 acre pond. The point of diversion remains the same in the NESESW Sec 20 T13N R23E for .95 cfs. the place of use is within the NESE and the SESE Sec 19 T13N R23E for aesthetics, recreation and wildlife storage.

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before June 21, 2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on June 3 and 10, 2010

MT PLAT

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