

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

May 12, 2008

Ms. Sharla Cox
Administrative Assistant
IDWR - Eastern Region
900 N. Skyline, Suite A
Idaho Falls ID 83402

**RE: Application for Permit No. 73-12146 - Flying
Joseph Ranch, LLC
Our file No. 1402/050035**

RECEIVED
MAY 14 2008
Department of Water Resources
Eastern Region

Dear Sharla:

As you know I represent Flying Joseph Ranch, LLC the applicant for the above-referenced Application for Permit to appropriate groundwater (the "Application"). This letter will provide the additional information that you require for this Application pursuant to Water Appropriation Rules 40.05.c through 40.05.g. The response is as follows:

1. Rule 40.05.c.ii. I have enclosed copies of the Warranty Deed by which my client acquired the property together with a map depicting the property boundaries in black and labeled "Pine." The map was prepared by Ms. Roxanne Brown, then working for IDWR. I have confirmed on the IDWR website that there are no wells within a one-half mile radius of the proposed pond.
2. Rule 40.05.c.iii. The only potential impact on other water rights is the evapotranspiration loss from the surface area of the pond. No provisions are made in the current Application to mitigate for this loss.
3. Rule 40.05.d.i. The application sets forth all of the required information on the water requirements for the project. There is no diversion rate as the project merely entails the excavation of a pond into the water table. Likewise, there is no diversion volume of water. The volume of water consumptively used is set forth in the Application.
4. Rule 40.05.d.ii. As described in the Application, the average depth of the pond will be 8 feet and maximum depth between 12 and 16 feet.
5. Rule 40.05.e.i. See the enclosed copy of the Warranty Deed by which my client acquired the property.

Ms. Sharla Cox
May 12, 2008
Page - 2

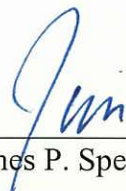
6. Rule 40.05.f. I have enclosed copies of correspondence from my client providing an estimate of the costs of construction as well as the source of the funds available to complete the project.

7. Rule 40.05.g. I have contacted Mr. Tom Curet at the Idaho Department of Fish & Game and Mr. Troy Saffle at the Idaho Department of Environmental Quality and requested their review and comment of the proposed project. I have also sent a copy of the Application to the Custer County Commissioners and requested them to review it and send to you any comment on the local public interest criteria which they deem appropriate.

Please call me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal
Enclosures
cc: Client (w/encls.)
Shelley Keen (w/encls.)

Order No. 55280

CORPORATION
WARRANTY DEED

231133
231133
Custodian: AMERICAN TITLE & TRUST
Title: WARRANTY DEED Date: 4/13/05
Ethereal: None None None
Deputy:

FOR VALUE RECEIVED

PINES GRAZING ASSOCIATION, INC., a corporation duly organized and existing under the laws of the State of Idaho, does hereby GRANT, BARGAIN, SELL and CONVEY unto

FLYING JOSEPH RANCH, L.L.C., an Idaho Limited Liability Company

GRANTEE whose address is: 7213 Perimeter Road South Seattle, WA 98108

Custer
the following described real property in County, Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President, Vice-President, Secretary or Assistant Secretary.

Dated: April 13, 2005

Pines Grazing Association, Inc

Ben Yates
BEN YATES, President

State of Washington CALIFORNIA }
County of SANTA CLARA } ss.

Michael Kaufman Notary Public

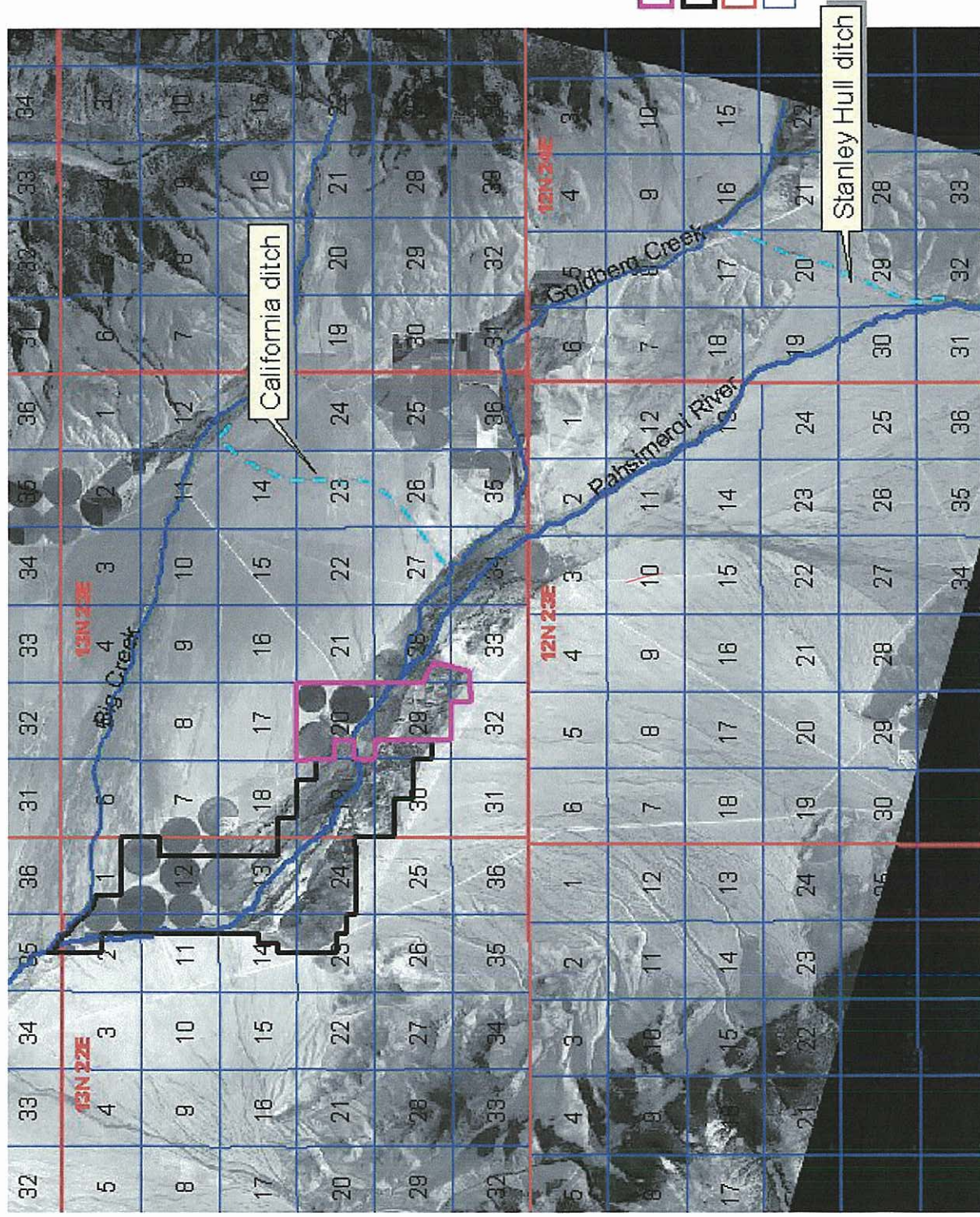
On this 15th day of April in the year 2005, before me, the undersigned, personally appeared BEN YATES, known or identified to me to be the president of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

WITNESS my hand and official seal,

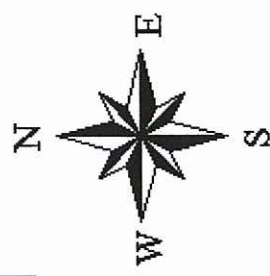
Michael Kaufman
Notary Public
Commission Expires: Dec 10, 2007



SCANNED



- Barnes
- Pines
- Township/Range
- Sections



8 Miles

4

0

Flying Joseph Ranch LLC

May 6, 2008

State of Idaho
Department of Water Resources
900 N. Skyline Dr.
Suite A
Idaho Falls, ID83402-1718

RE: Application to Appropriate Water 73-12146

To Whom It May Concern:

As for information relative to financial resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

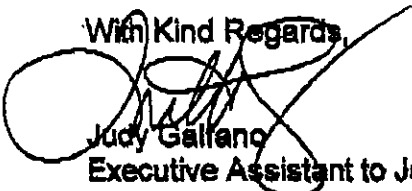
Location of point of diversion is :

SE1/4NE1/4SE1/4,S.18, T.13N., R23E., B.M., Custer County, Idaho

The project is estimated to cost \$1,000,000.00. The resources will come from Flying Joseph Ranch LLC.

Please see attached letter.

With Kind Regards,



Judy Galfano
Executive Assistant to Joe Clark
(206) 834-4380

7213 Perimeter Road So.
Seattle, WA 98108

Flying Joseph Ranch LLC
23523 Custer Road
May, ID 83253

Flying Joseph Ranch LLC

May 6, 2008

State of Idaho
Department of Water Resources
900 N. Skyline Dr.
Suite A
Idaho Falls, ID83402-1718

RE: Application to Appropriate Water 73-12146

To Whom it May Concern:

I, S.B. Joseph Clark, am the sole owner of Flying Joseph Ranch LLC which owns Flying Joseph Ranch.

I certify that Flying Joseph Ranch LLC has the funds available to complete the subject project.

Thank you.

Sincerely,

S.B. Joseph Clark

State of Washington

County of KING

I certify that I know or have satisfactory evidence that
S.B. Joseph Clark is the person who appeared and signed
before me on 5/6/08.

(Signature)

JUDITH GALFANO, NOTARY PUBLIC

My appointment expires JAN. 23, 2011



Flying Joseph Ranch LLC
23523 Custer Road
May, ID 83253

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

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jim@speckandaanestad.com
DOUGLAS J. AANESTAD
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120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

May 12, 2008

Custer County Commissioners
Post Office Box 385
Challis, Idaho 83226

Re: Flying Joseph Ranch, LLC - Application for Permit No. 73-12146
Our File No. 1402/050035

Dear Commissioners:

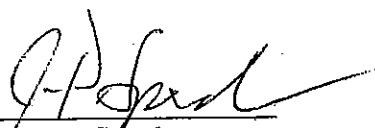
I represent Flying Joseph Ranch, LLC, the owner of the Pines Ranch in the Pahsimeroi Valley. Enclosed you will find a copy of Application for Permit No. 73-12146 filed by my client to appropriate ground water in a new pond for recreation, wildlife and aesthetic purposes. The project merely involves the excavation of the pond into the existing water table. No other new diversion of water will occur.

We are required pursuant to the rules of the Idaho Department of Water Resources to seek comment from you on this project relating to relevant public interest criteria. If you care to make any such comment, please send your letter to Ms. Sharla Cox, Administrative Assistant, Idaho Department of Water Resources, Eastern Region, 900 N. Skyline, Suite A, Idaho Falls ID 83402, with a copy to me.

Please contact my office if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal

cc: Client (w/encl.)
Ms. Sharla Cox (w/encl.)

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
jim@speckandaanestad.com

DOUGLAS J. AANESTAD
doug@speckandaanestad.com

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TELEPHONE
(208) 726-4421
FAX (208) 726-0752

May 12, 2008

VIA FACSIMILE - 1-208-528-2695
NO ORIGINAL WILL FOLLOW

Mr. Troy Saffle
Idaho Department of Environmental Quality
900 North Skyline, Suite B
Idaho Falls, Idaho 83402

Re: Flying Joseph Ranch, LLC - Application for Permit No. 73-12146
Our File No. 1402/050035

Dear Mr. Saffle

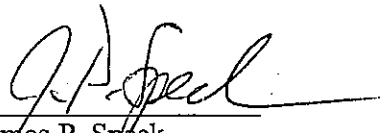
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Please contact my office if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:jal

cc: Client (w/encl.)
Ms. Sharla Cox (w/encl.)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant: **Flying Joseph Ranch, LLC, an Idaho LLC** Phone: **208-726-4421**
Mailing address: **c/o Judy Galfano, 7213 Perimeter Road S., Seattle, WA 98108**
2. Source of water supply: **ground water** which is a tributary of: **N/A**
3. Location of point of diversion is: **SE1/4NE1/4SE1/4, S.19, T.13N., R.23E., B.M., Custer County, Idaho**
4. Water will be used for the following purposes:
Amount 148 AFA for storage for recreation, wildlife and aesthetic purposes from January 1 to December 31 (both dates inclusive)
5. Total quantity to be appropriated is **148 AFA**.
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source: **A pond will be excavated into the water table. The surface area will be approximately 15 acres and the average depth will be 8 feet for a total volume of approximately 120 acre-feet.**
 - b. Height of storage dam **N/A** feet; active reservoir capacity **N/A** acre-feet; total reservoir capacity **N/A** acre-feet.
 - c. Proposed well diameter is **N/A** inches; proposed depth of well is **N/A** feet.
 - d. Is ground water with a temperature greater than 90°F being sought? **No**
 - e. If well is already drilled, when? **N/A**
7. Time required for the completion of the works and application of the water to the proposed beneficial use is years **two (2) years (minimum 1 year)**.
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydro power; show total feet of head and proposed capacity in KW. **None.**
 - b. Stockwatering; list number and kind of livestock. **None.**
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households.
 - e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

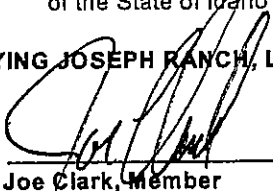
TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	23E	19													R,W J				

Total number of acres to be irrigated: N/A

10. Describe any other water rights used for the same purposes as described above: **None.**
11. a. Who owns the property at the point of diversion? **Applicant.**
- b. Who owns the land to be irrigated or place of use? **Applicant.**
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: **N/A.**
12. Remarks: **Amount for this Application is the sum of the pond volume and annual evaporation loss per the attached calculation sheet - see Exhibit 1.**
13. **MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.) See Exhibit 2.**

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

FLYING JOSEPH RANCH, LLC

By: 
Joe Clark, Member

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Receipted by _____ # _____ Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

EXHIBIT 1

FLYING JOSEPH RANCH POND EVAPORATION LOSS													
MONTH	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Annual FWS evap (inches)	30	30	30	30	30	30	30	30	30	30	30	30	30
Monthly distribution (%)	1	2	4	7	12	15	19	16	11	6	4	3	100
Monthly FWS evaporation (in/mo)	0.3	0.6	1.2	2.1	3.6	4.5	5.7	4.8	3.3	1.8	1.2	0.9	30
Avg. total precipitation (in/mo)	0.43	0.28	0.31	0.58	1.25	1.37	0.69	0.69	0.76	0.47	0.51	0.5	7.84
Pond loss (evap-precip, in)	0	0.32	0.89	1.52	2.35	3.13	5.01	4.11	2.54	1.33	0.69	0.4	22.29
Pond surface area (acres)	15	15	15	15	15	15	15	15	15	15	15	15	15
Total pond loss (ac-in)	0	4.8	13.35	22.8	35.25	46.95	75.15	61.65	38.1	19.95	10.35	6	334.35
Total pond loss (ac-ft)	0.00	0.40	1.11	1.90	2.94	3.91	6.26	5.14	3.18	1.66	0.86	0.50	27.86

EXHIBIT 2

