

11/09/2010

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

DISTRICT COURT-SBBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

NOV 12 2010

RIGHT NUMBER: 37-159B  
NAME AND ADDRESS: HEATHERLANDS HOMEOWNERS ASSN INC  
PO BOX 3901  
KETCHUM ID 83340-3901

SOURCE: GROUND WATER

QUANTITY: 0.600 CFS  
105.00 AFY

By \_\_\_\_\_  
TRIBUTARY: \_\_\_\_\_

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 07/30/1888

POINT OF  
DIVERSION:

T03N R18E S17 SESW Within BLAINE County  
T03N R18E S20 NWNE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 4/15 10/15           | 0.600 CFS<br>105.00 AFY |

PLACE OF USE: IRRIGATION in BLAINE County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T03N R18E S17 | SWNW | 7.70 | T03N R18E S17 | NESW | 3.60 |
| T03N R18E S17 | NWSW | 1.90 | T03N R18E S17 | SESW | 6.70 |
| T03N R18E S20 | NWNE | 0.40 | T03N R18E S20 | NENW | 9.70 |

30 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.

The total instantaneous diversion of water from all points of diversion under transfer no. 4649 shall not exceed 0.60 cfs, nor total combined annual volume of 105.0 af.

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The portion of right no. 37-00159b described as 7.40 cfs has been abandoned through approval of transfer no. 4649.

Use of water under this water right will be regulated by the watermaster of

Use of water under this water right will be regulated by the watermaster of  
State Water District No. 37.

Diversion of groundwater is limited to those times water is available for  
diversion under this right and priority from the original source, Big Wood  
River, East Fork.