

DATA
FILED BY Adm
8/31/85 to change total
rate

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-07767
Date Received: 10/20/1988
Receipt No: S003082
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FLYING HEART RANCH OWNERS ASSN. 208-788-2461
Address: P.O. BOX 2163
HAILEY, ID 83333

2. Date of Priority: FEB 27, 1979

3. Source: UNNAMED SPRINGS Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	18E	5	SW	NE	NE		BLAINE
			NW	SE	NE		BLAINE

5. Description of diverting works:
VIA NATURAL STREAM INTO TWO SMALL PONDS, EARTH DAMS WITH GATES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
RECREATION	01/01	12/31	10.000		
AESTHETIC STORAGE	01/01	12/31			18.00
FISH PROPAGATION	01/01	12/31	10.000		

7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or) 18.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
AESTHETICS, RECREATION, FISHING, ETC. FOR RESIDENCES OF FLYING H.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	18E	5	NE		NE		REC S	
			NE		NE		AES S	
			NE		NE		FISH	
			NW		NE		REC S	
			NW		NE		AES S	
			NW		NE		FISH	
			SE		NE		REC S	
			SE		NE		AES S	
			SE		NE		FISH	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-11828

14. Remarks:

RECREATION USE IS FOR SPORT FISHERY AND OTHER SUCH RECREATIONAL
USES IN CONNECTION WITH THE FLYING HEART II SUBDIVISION.
HOMEOWNERS POSSESS EASEMENTS (PERPETUAL) FOR LAKES; VITAL THAT
SOURCE OF WATER SUPPLY (UNNAMED SPRINGS) BE PRESERVED AND NOT
SUBJECT TO OTHER APPROPRIATION.

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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IN RE THE GENERAL ADJUDICATION
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02N	18E	5	SW	NE	NE		BLAINE
			NW	SE	NE		BLAINE

5. Description of diverting works:
VIA NATURAL STREAM INTO TWO SMALL PONDS, EARTH DAMS WITH GATES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
RECREATION	01/01	12/31	10.000		
AESTHETIC STORAGE	01/01	12/31			18.00
FISH PROPAGATION	01/01	12/31	10.000		

7. Total Quantity Appropriated is:
12.000 C.F.S. (and/or) 18.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
AESTHETICS, RECREATION, FISHING, ETC. FOR RESIDENCES OF FLYING H.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	18E	5	NE		NE		REC S	
			NE		NE		AES S	
			NE		NE		FISH	
			NW		NE		REC S	
			NW		NE		AES S	
			NW		NE		FISH	
			SE		NE		REC S	
			SE		NE		AES S	
			SE		NE		FISH	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A37-11828

14. Remarks:
RECREATION USE IS FOR SPORT FISHERY AND OTHER SUCH RECREATIONAL
USES IN CONNECTION WITH THE FLYING HEART II SUBDIVISION.
HOMEOWNERS POSSESS EASEMENTS (PERPETUAL) FOR LAKES; VITAL THAT
SOURCE OF WATER SUPPLY (UNNAMED SPRINGS) BE PRESERVED AND NOT
SUBJECT TO OTHER APPROPRIATION.

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number

A-37-07767

Date Received

Receipt Number

5003082

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) FLYING HEART RANCH OWNERS ASSN Phone (208) 788-2461Mailing Address P.O. BOX 2163, HAILEY, IDAHO Zip 833332. Date of Priority (Only one (1) per claim) FEB 27, 19793. Source of water supply (a) UNNAMED SPRINGS
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 2N Range 18E Section 5,
SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, 1 B.M., County of BLAINEAdditional points of diversion if any: 2N, 18E, SEC 5, NW 1/4 SE 1/4 NE 1/4

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

EXISTING NATURAL STREAMS
CONVEY WATER FROM SPRINGS LOCATED IN 3N, 18E, SEC 32,
SW 1/4 SE 1/4 and 2N, 18E, SEC 5, NW 1/4 NE 1/4
WATER FLOWS TO EXISTING POND LOCATED IN N 1/2 NE 1/4
OF SEC 5, 2N, 18E — WATER FLOWS FROM EXISTING
POND TO SECOND EXISTING POND LOCATED IN SE 1/4 NE 1/4
OF SEC 5, 2N, 18E — WATER EXITS SECOND POND
VIA GATED OUTLET

MICROFILMED

Copies: White-State, Yellow-Claimant
MAR 01 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For AESTHETIC S. purposes from JAN 1 to DEC 31 amount ~~10.0~~ or 18

For RECREATION purposes from JAN 1 to DEC 31 amount 10.0 or ~~18~~

For FISH PROP purposes from JAN 1 to DEC 31 amount 10.0 or ~~18~~

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 10.00 (cfs) and/or (b) 18 (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) AESTHETICS, RECREATION, FISHING ETC FOR RESIDENTS

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	18E	5	JH R	JH R		JH R													

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? BLAINE

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None X

14. Remarks:

HOMEOWNERS POSSESS EASEMENTS (PERPETUAL)
FOR LAKES; VITAL THAT SOURCE OF WATER
SUPPLY (UNNAMED SPRINGS, SEE MAP) BE
PRESERVED AND NOT SUBJECT TO
OTHER APPROPRIATION

MICROFILMED

Last Name FLYING HENRI Ident No. A37-07767

MAR 01 1993

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit ☒
 Decree _____
 If applicable provide IDWR Water Right Number 37-07767
 Court _____ Case Number _____ Decree Date _____
 Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☒ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1 (map)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am the Treasurer / director
 of The Flying Heart Ranch Owners Assoc.
 Organization _____ Title _____, that I have signed the foregoing

document in the space below as Treasurer / director FHROA
 Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
 Title and Organization Treas., FHROA
 Date 10-18-88

State of Idaho/or _____)
 County of BLAINE) SS.

Subscribed and sworn (or affirmed) before me this 18th day of OCTOBER 1988

SEAL

Notary Public [Signature]

Residing at BLAINE COUNTY

My Commission Expires 12/12/93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, BRIAN L. BALLARD will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

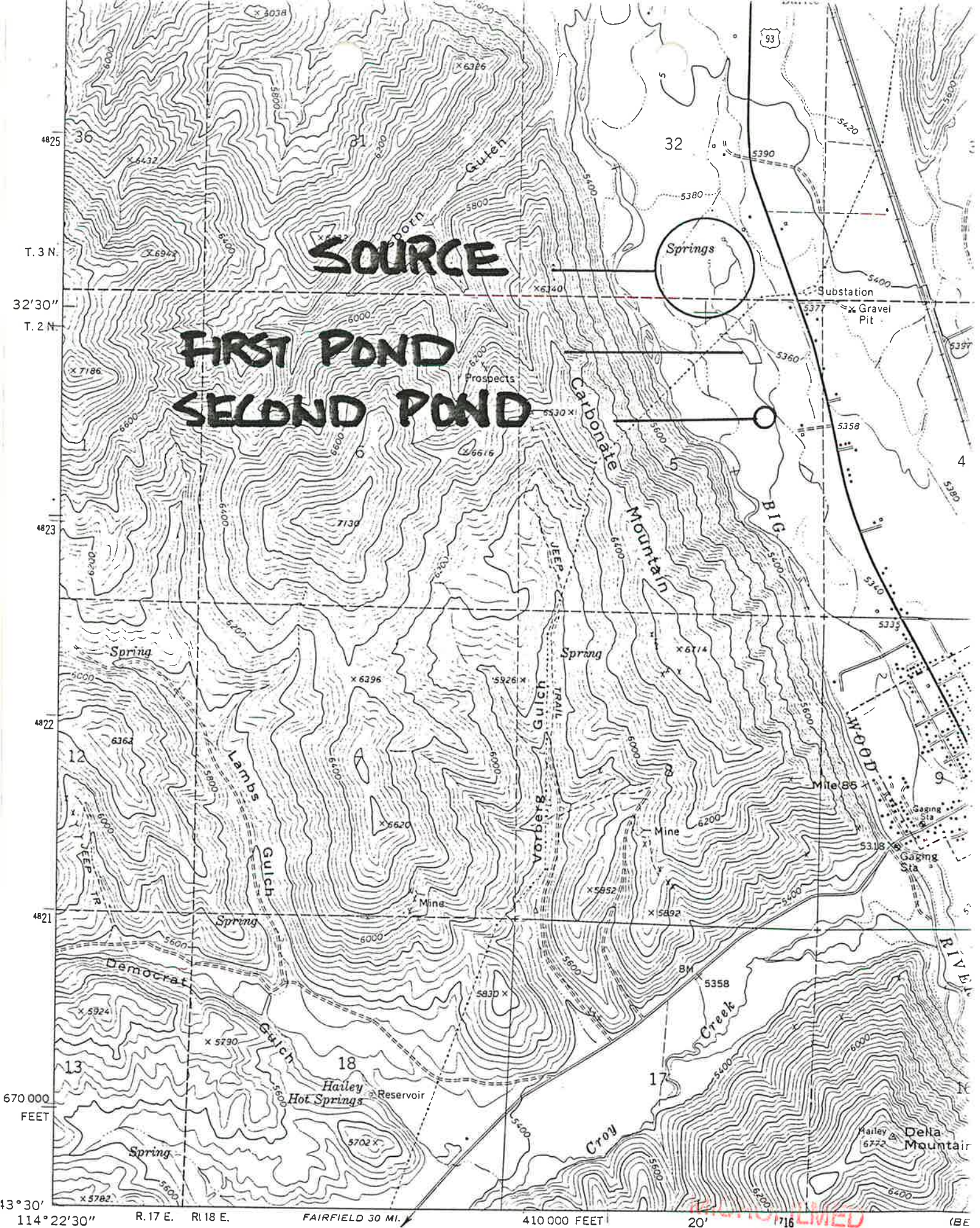
Signature [Signature]

Address P.O. Box 297 KETCHUM, IDAHO 83340

Date 10/18/88

Last Name FLYING HEART Ident. Number A37-07767

Copies White-State, Yellow-Claimant





Idaho Department of Water Resources

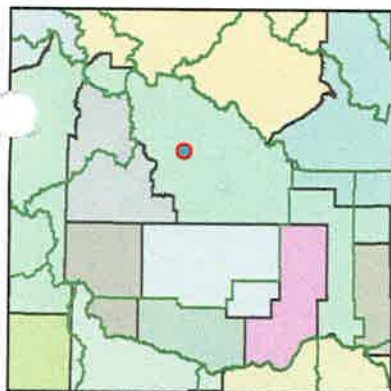
SRBA Recommendation:

37-7767

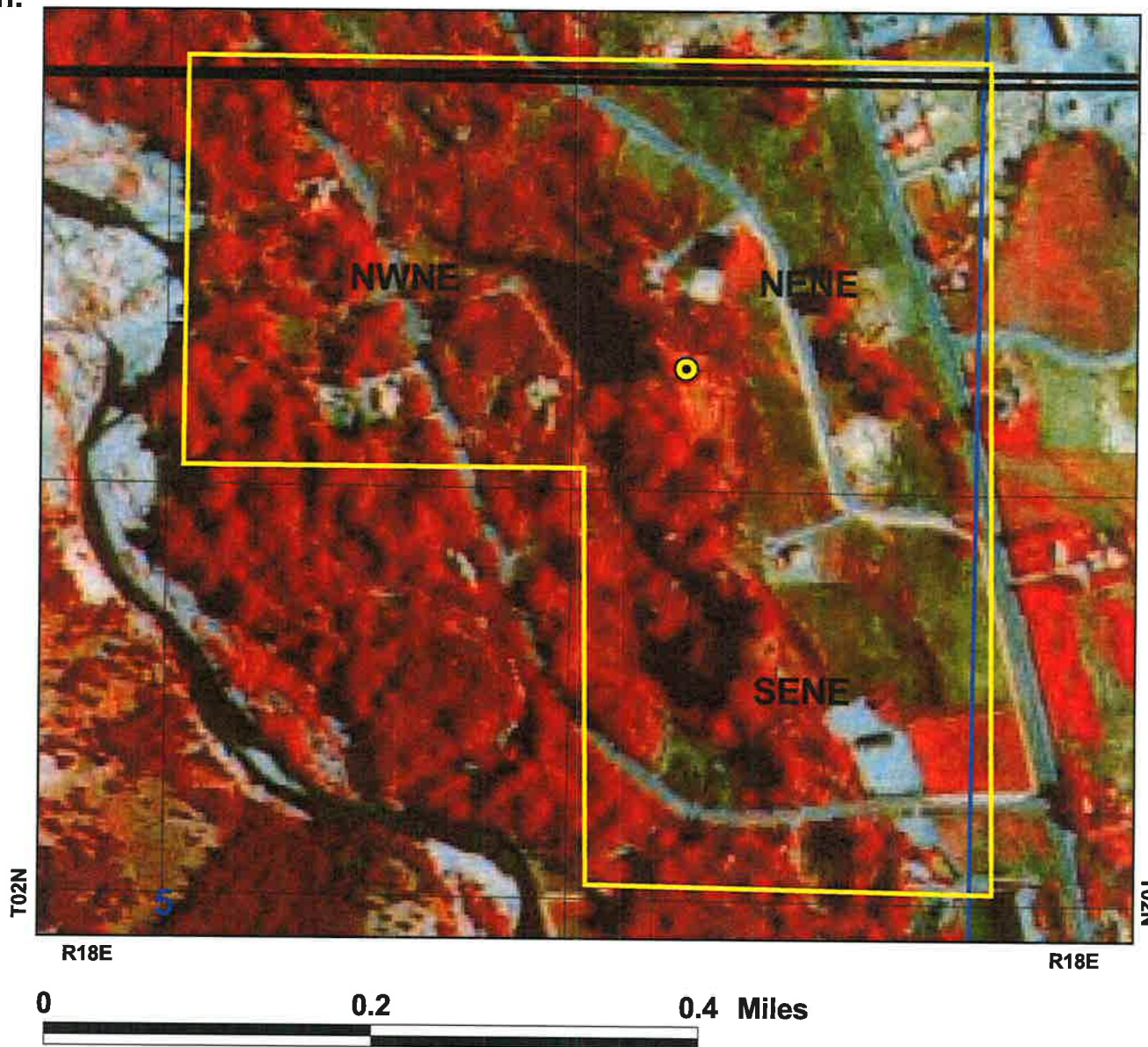
(Fish Propagation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Thursday, October 26, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

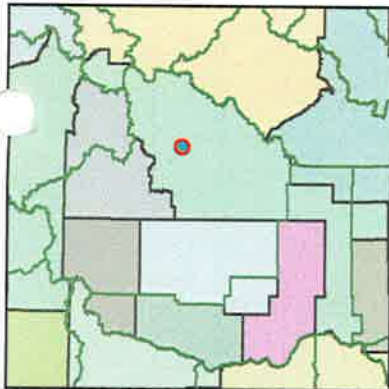
SRBA Recommendation:

37-7767

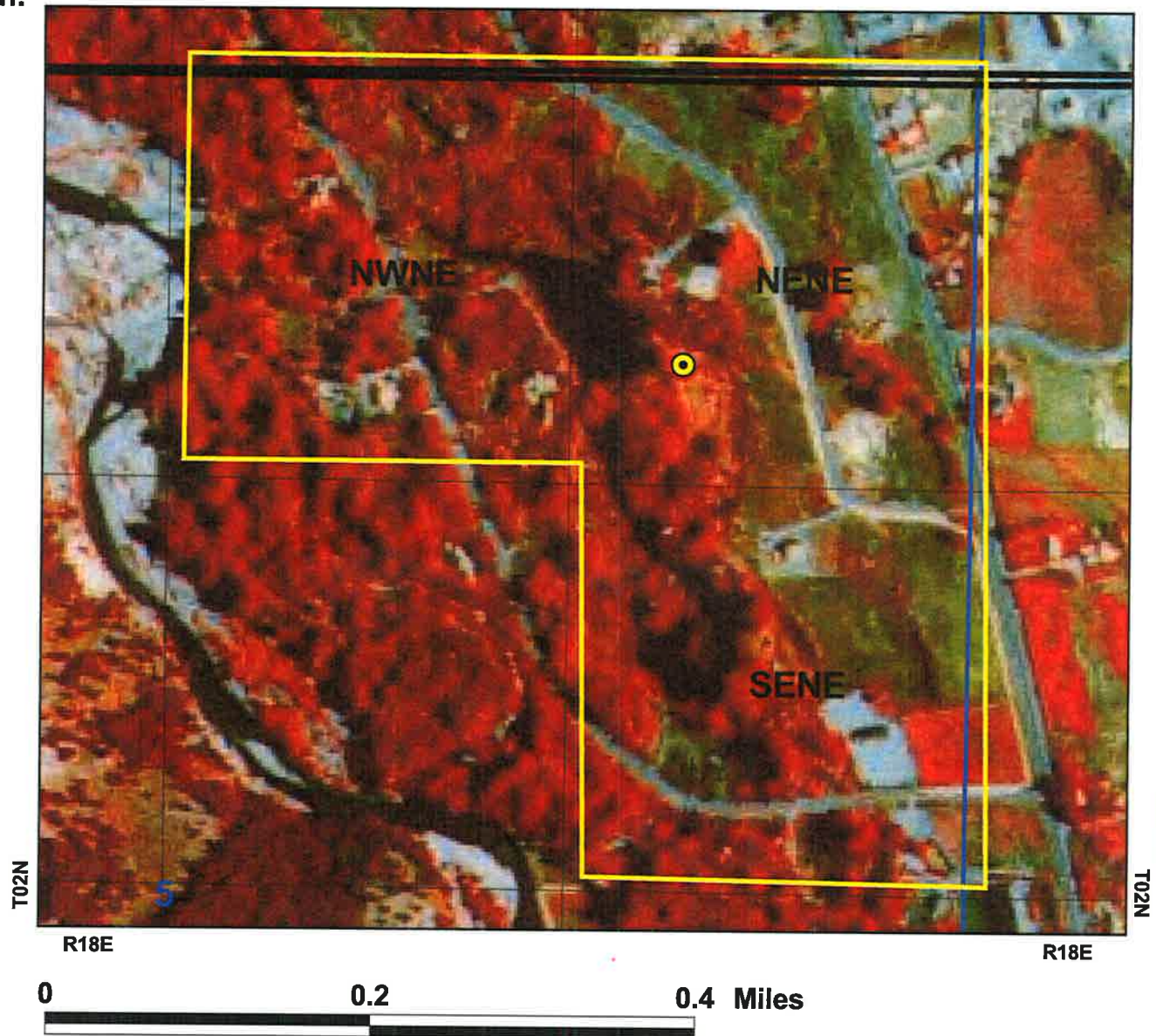
(Fish Propagation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Thursday, October 26, 2006
1987/88 Aerial Photography

10/23/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7767

NAME AND ADDRESS: FLYING HEART RANCH II SUBDIVISION OWNERS ASSN
PO BOX 2163
HAILEY ID 83333

SOURCE: SPRINGS

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 10.000 CFS
18.000 AFY

PRIORITY DATE: 02/27/1979

POINT OF DIVERSION:

T02N R18E S5 SWNE Within BLAINE County

T02N R18E S5 NWSNE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	1/01 12/31	10.000 CFS
AESTHETIC STORAGE	1/01 12/31	18.00 AFY
FISH PROPAGATION	1/01 12/31	10.000 CFS

PLACE OF USE:

FISH PROPAGATION Within BLAINE County

T02N R18E S05 NENE T02N R18E S05 NWNE

T02N R18E S05 SENE

AESTHETIC STORAGE Within BLAINE County

T02N R18E S05 NENE T02N R18E S05 NWNE

T02N R18E S05 SENE

RECREATION same as FISH PROPAGATION

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 - License

Use of water under this right is subject to control by the watermaster of State Water District No. 37.

This right does not grant any right-of-way or easement across the land of another.

Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

RECREATION USE IS FOR SPORT FISHERY AND OTHER SUCH RECREATIONAL USES IN CONNECTION WITH THE FLYING HEART II SUBDIVISION.

HOMEOWNERS POSSESS EASEMENTS (PERPETUAL) FOR LAKES; VITAL THAT SOURCE OF WATER SUPPLY (UNNAMED SPRINGS) BE PRESERVED AND NOT SUBJECT TO OTHER APPROPRIATION.

Return water shall be treated to insure that the effluent meets intrastate stream water quality standards.

FROM Helen Harrington-Thornton
S.O.

DATE 4-17

TO Steve Clelland

SUBJECT A37-07767

There are 2 versions on the computer. A version on the
lost master is receipted. The version in temp. is not.
Can you please figure out which is the correct version
and delete (or have deleted) the incorrect one??
Thanks!

Helen

SIGNATURE

MICROFILMED

MAR 11 1993

Water Right Number - A37-07767

Adj. Flag Translation: Adjudication Temporary Work Area

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

FLYING HEART RANCH II

C/O DAVID HOEL

1 - BOX 1882

2 -

3 -

City- KETCHUM

Phone - 208-000-0000

State- ID Zip- 83340

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +

02/27/1979

17

P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

UNNAMED SPRINGS

BIG WOOD RIVER

+ - - - - Point of Diversion - - - - - +

TwN Rng Sec Tract Lot RFlg County (Blank if no Index Code)

03N 18E 32 SW SE (13) BLAINE

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

46 - RECREATION

01/01

12/31

12.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +

12.000

+ - - - - Place of Use - - - - - +

TwN Rng Sec Tract Lot Acres Code Description County

02N 18E 5 NE NE 46 RECREATION (13) BLAINE

02N 18E 5 NW NE 46 RECREATION (13) BLAINE

02N 18E 5 SE NE 46 RECREATION (13) BLAINE

Total Acres:

+ - - Diversion Means - VIA NATURAL STREAM INTO EXISTING AND FUTURE PONDS

+ - - Non-Irrigation Use - R/FISH & AESTHETICS

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +

RECREATION USE IS FOR SPORT FISHERY AND OTHER SUCH RECREATIONAL
USES IN CONNECTION WITH THE FLYING HEART II SUBDIVISION.

+ - - - - Conditions of Approval - - - - - +

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - A37-07767

Adj. flag translation: Adjudication Temporary Work Area

+ - - Audit Fields - MOBILE3

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/14/1988	Last Amended Date	- 00/00/0000	Temporary Right	- T
		Receipt Number	-	Water District	- 037
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-		

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MAR 01 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SNAKE RIVER BASIN ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A37-07767FIELD REPORT LOG

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT RECEIVED	COMPLETED REVIEW	COMPLETED DATA ENTRY
PRIORITY DATE	N		SCC 3-6-90	
POINT OF DIV.			SCC 4-26-90	
SOURCE				
PLACE OF USE				
DIV. AMOUNT				
CONSUMPTIVE USE				
USES				
PERIOD OF USE				
BASIS OF CLAIM	YES			

REMARKS:

Recommend AS Licensed when issued

MICROFILMED

MAR 01 1993

GENERAL INFORMATION

Claim number: A37-07767

LAST: FLYING HEART RANCH OWNERS ASSN.

FIRST: _____

ADDRESS: P.O. Box 2163

CITY: HAILEY

STATE: ID

ZIP: 83333

PHONE: (208) 788 - 2461

OWNER CODE: C

OWNER CONNECTOR: _____

LAST: _____

FIRST: _____

ADDRESS: _____

CITY: _____

STATE: _____

ZIP: _____

PHONE: (____) ____ - ____

OWNER CODE: _____

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER (____) ____ - ____

DATE OF FIELD EXAM: ____ / ____ / ____ APPOINTMENT MADE? Y(____) N(____), TIME: _____

ACCOMPANIED BY: _____ PHONE NUMBER (____) ____ - ____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS: _____

MICROFILMED
MAR 01 1993

PAGE 3.
PRIORITY DATE REVIEW SHEET

CLAIM NUMBER: A37-07767

A. SRBA CLAIM # A37-07767 PRIORITY DATE: 2/27/1979 STAGE P

B. IDWR RECORD # 37-07767 PRIORITY DATE: 2/27/1979 STAGE P

C. REVIEW - FIELD EXAM NEEDED? Y() N(X)

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)
IF YES EXPLAIN.

REMARKS: _____

RECOMMENDED PRIORITY DATE: 2/27/1979

REVIEWED BY SCC DATE 3-6-90

MICROFILMED
MAR 01 1993

POINT OF DIVERSION AND SOURCE REVIEW SHEET

CLAIM # A37-07767

A. SRBA CLAIM POINT OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>5</u>	<u>SW</u>	<u>NE</u>	<u>NE</u>		<u>BLAINE</u>
			<u>NW</u>	<u>SE</u>	<u>NE</u>		

SOURCE: UNNAMED SPRINGS TRIB: BIG WOOD RIVER

B. IDWR RECORD POINT OF DIVERSION RECORD AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>3N</u>	<u>18E</u>	<u>32</u>		<u>SW</u>	<u>SE</u>		<u>13</u>

SOURCE: UNNAMED SPRINGS TRIB: BIG WOOD RIVER

C. REVIEW - FIELD EXAM NEEDED? Y() N()

		ATTACHED	OR	SEE FILE
VERIFIED	() TOPO MAP/ORTHO-PQ	YES()	NO()	_____
WITH:	() ASCS MAP	YES()	NO()	_____
	() WATERMASTER RECORDS	YES()	NO()	_____
	() FIELD EXAM	YES()	NO()	_____
	() OTHER _____	YES()	NO()	_____

REMARKS: _____

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
------	------	------	-----	-----	-----	-----	--------

_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

REVIEWED BY _____ DATE _____

MICROFILMED
MAR 01 1993

PAGE 5.
PLACE OF USE REVIEW SHEET(IRRIGATION)

CLAIM # A37-07767

FIELD EXAM REQUIRED: Y() N()

PRESUMPTION FLAG: Y() N()

ROOT WATER RIGHT NUMBERS 37-07767

TWP RGE SEC 1/4 1/4	S.R.B.A. #/ACRES	I.D.W.R #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
<u>2N 18E 5</u>	- / -	- / -	-	-	-
	- / -	- / -	-	-	-
	- / -	- / -	-	-	-
	- / -	- / -	-	-	-
	- / -	- / -	-	-	-
	- / -	- / -	-	-	-
	- / -	- / -	-	-	-
	- / -	- / -	-	-	-
TOTAL ACRES					

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

REMARKS: Fish PROPR/STORAGE USES

REVIEWED BY _____

DATE _____

MICROFILMED

MAR 11 1993

A. S.R.B.A CLAIMED USES:

PURPOSES	MONTH/DAY	RATE	
FOR <u>RECREATION</u>	FROM <u>1-1</u> TO <u>12-31</u>	<u>10.0</u>	CFS
FOR <u>AESTHETIC STORAGE</u>	FROM <u>1-1</u> TO <u>12-31</u>		CFS
FOR <u>FISH PROPAGATION</u>	FROM <u>1-1</u> TO <u>12-31</u>	<u>10.0</u>	CFS

18 AF

B. I.D.W.R. RECORDED USES:

PURPOSES	MONTH/DAY	RATE	
FOR <u>RECREATION</u>	FROM <u>1-1</u> TO <u>12-31</u>	<u>12.0</u>	CFS
FOR _____	FROM ____ TO ____	_____	CFS
FOR _____	FROM ____ TO ____	_____	CFS

PRESUMPTION FLAG: _____

PERIOD OF USE:

IS PERIOD OF USE WITHIN THE RECOMMENDED SEASON? Y(~~X~~) N()

RECOMMENDED AS CLAIMED? Y() N()

RECOMMEND TO IDWR STANDARDS OR OTHER? Y() N()

REMARKS:

RECOMMENDED USES:

PURPOSES	MONTH/DAY	RATE	
FOR _____	FROM ____ TO ____	_____	CFS
FOR _____	FROM ____ TO ____	_____	CFS
FOR _____	FROM ____ TO ____	_____	CFS

REVIEWED BY _____

DATE _____

MICROFILMED
MAR 01 1993

DIVERSION AMOUNT REVIEW SHEET

CLAIM # A37-07767A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N(☒)

SRBA CLAIMED RATE: 18.0 AF IDWR ROOT RIGHT RATE: 12.0 CFS
 IF NO or IF STATUTORY CLAIM or BENEFICIAL USE field exam required.

IS FLOW MEASUREMENT REQUIRED? Y() N()

B. FLOW MEASUREMENTS

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS

C. ARE OTHER WATER RIGHTS USED? Y() N() If YES complete overlap review.

OTHER RIGHTS LISTED IN CLAIM: _____

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE.

ACRES _____ X 0.02 CFS/ACRE = _____ CFS.
 (Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

IF YES EXCESSIVE WATER USE FORM FILED AND ATTACHED? Y() N()

2. ANNUAL IRRIGATION CONSUMPTIVE USE & FIELD HEADGATE DIVERSION VOLUME.

ACRES _____ X CONSUMPTIVE RATE FOR AREA _____ A.F./ACRE =

TOTAL CONSUMPTIVE USE _____ ACRE FEET/ANNUM

ACRES _____ X FIELD APPLIC. RATE FOR AREA _____ A.F./ACRE =

TOTAL FIELD APPLIC. _____ ACRE FEET/ANNUM

E. RATE/VOLUME CALCULATIONS: (OTHER USES)

CONTACT OWNER? Y() N() SEE ATTACHED SHEET? Y() N()

RECOMMENDED DIVERSION RATE: _____ CFS

RECOMMENDED CONSUMPTIVE USE: _____ AF/ANNUM

RECOMMENDED FIELD HEADGATE APPLICATION: _____ AF/ANNUM

REVIEWED BY _____ DATE _____

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BASIS OF CLAIM ISSUES REVIEW SHEET

CLAIM # 137-07767

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
EXCESSIVE AMOUNT _____	()	()

THIS SRBA CLAIM CFS/ACRE _____

OTHER SRBA CLAIMS CFS/ACRE _____

**Excessive water use form filed and ATTACHED? Y(E) N(E)

B. SPLIT WATER RIGHT REVIEW

ROOT RIGHT # _____	SPLITS # _____	_____ CFS
_____ CFS	# _____	_____ CFS
	# _____	_____ CFS
	# _____	_____ CFS
	# _____	_____ CFS
	TOTAL CFS _____	

**Do the sum of the parts equal the whole?

Y() N()

**IF NO is the written review sheet ATTACHED?

Y() N()

REMARKS: _____

=====

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

=====

RECEIVED

MAR 11 1993

- c. Has proof been submitted? If yes, but no field exam has occurred, FIELD EXAM BY ADJUDICATIONS OR ALLOCATIONS, AS PERSONNEL ARE AVAILABLE. Need to give deadline for field exam for each basin. If proof filed before 11/19/1987, exam first. Proofs submitted after 11/19/1987, exam later under administrative procedures if not in time for director's report. List in report as "set aside permit claims."
- d. If field exam has occurred, tell allocations by what date license must be issued. CAUTION: DO NOT USE DRAFT LICENSES. Issued license goes to RECOMMEND LIST and copy of license goes into claim file.

2.

A

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MAR 01 1993

SD-60
MODIFY RIGHT

IDA DEPARTMENT OF WATER RESOURCES
WATER RIGHTS SCREEN 4

DATE: 04/26/90
TIME: 15:35:02

WATER RIGHT NUMBER: 37-07767

STAGE/STATUS : P/-
REGION : 17-
TRANSFER/AMENDED:
SWAN FALLS SPEC : Z

TEMPORARY RIGHT: P
WATER DISTRICT : 037
FIELD EXAM :
DLE CAREY ACT : -

DATES:

APPL. REC.: -/-/
FIELD EXAM: 4/1/1986
PROTESTED : -/-/
VERIFIED : -/-/

PROOF MADE: 3/22/1984
DECREE : -/-/
HEARING : -/-/
SHOW CAUSE: -/-/

PROOF DUE : 4/1/1984
LICENSED : -/-/
APPR/DENY : 4/19/1979
START WORK: -/-/

RECEIPT NO.:
OLD NUMBER :

DIVERSION CAPACITY:
CIVIL CASE NO. :

DEFENDANT:
PLAINTIFF:

(GOLD2=UPDATE)

(GOLD3=UPDATE FIELD EXAM INFO)

(ENTER=EXIT)
(GOLD8=CANCEL)

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MAR U-1 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 12, 1989

RECEIVED

DEC 14 1989

Reid Newby
Box T
Shoshone, ID 83352

Department of Water Resources
Southern Region Office

RE: Permit No. 37-7767 in the Name of Flying Heart Ranch II

Dear Reid:

I wrote to you in February, 1989, and requested some comments about possible losses incurred by the Flying Heart Ranch II development. I spoke to you later in the summer about the submittal of this information, and you requested more time. Have you been able to investigate and gather information that would assist us in finally resolving this matter?

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc. Southern Region

MICROFILMED

MAR 11 1993

37-7767

Water Right Number - 37-07767 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - -

*** C - CURRENT OWNER ***
FLYING HEART RANCH II

1 - BOX 1882
2 -
3 -
City- KETCHUM State- ID Zip- 83340
Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
02/27/1979 17 P - PERMIT

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
UNNAMED SPRINGS BIG WOOD RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
03N 18E 32 SW SE (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
46 - RECREATION 01/01 12/31 12.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
12.000

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
02N 18E 5 NE NE 46 RECREATION (13) BLAINE
02N 18E 5 NW NE 46 RECREATION (13) BLAINE
02N 18E 5 SE NE 46 RECREATION (13) BLAINE

Total Acres:

+ - - Diversion Means - VIA NATURAL STREAM INTO EXISTING AND FUTURE PONDS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
RECREATION USE IS FOR SPORT FISHERY AND OTHER SUCH RECREATIONAL
USES IN CONNECTION WITH THE FLYING HEART II SUBDIVISION.

+ - - - - Conditions of Approval - - - - - +
005 - Use of water under this permit is subject to control by the
watermaster of State Water District No. 037.
002 - Measuring devices of a type approved by the Department shall be

RECORDED
MAR 01 1993

Water right number - 37-07767

Adj. flag translation: Standard Water Right Number

+ - - - - Conditions of Approval - - - - - +

- (Condition continued from previous page)
- permanently installed and maintained at the point of diversion
 - and the point of effluent discharge.
 - 004 - The issuance of this permit in no way grants any right-of-way or
 - easement across the land of another.
 - 009 - Return water shall be treated to insure that the effluent meets
 - intrastate stream water quality standards.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 09/22/87

05/28/88 CONVERT 06/27/89 CURTIS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 04/01/1984	Field Exam Made	- 04/01/1986	Field Exam Fee	-
Approved/Denied	- 04/19/1979	Protested Date	- 00/00/0000	Swan Falls	- Z
Proof Made Date	- 03/22/1984	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 037
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED
MAR 11 1993

Water Right Number - A37-07767

Adj. Flag Translation: Adjudication Temporary Work Area

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
FLYING HEART RANCH OWNERS ASSN.

1 - P.O. BOX 2163

2 -

3 -

City- HAILEY

State- ID Zip- 83333

Phone - 208-788-2461

+ - - Priority Date - - +
02/27/1979

+ - - - Region - - - +
17

+ - - - Stage - - - +
P - PERMIT

+ - - - Status - - - +

+ - - - - Source - - - - - +
UNNAMED SPRINGS

+ - - - - Tributary - - - - - +
BIG WOOD RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County (Blank if no Index Code)

02N 18E 5 SW NE NE (13) BLAINE

02N 18E 5 NW SE NE (13) BLAINE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

46 - RECREATION 01/01 12/31 10.000

53 - AESTHETIC STORAGE 01/01 12/31 18.00

19 - FISH PROPAGATION 01/01 12/31 10.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
10.000 18.00

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

02N 18E 5 NE NE 19 FISH PROPAGATION (13) BLAINE

02N 18E 5 NW NE 19 FISH PROPAGATION (13) BLAINE

02N 18E 5 SE NE 19 FISH PROPAGATION (13) BLAINE

02N 18E 5 NE NE 47 RECREATION STORAGE (13) BLAINE

02N 18E 5 NW NE 47 RECREATION STORAGE (13) BLAINE

02N 18E 5 SE NE 47 RECREATION STORAGE (13) BLAINE

02N 18E 5 NE NE 53 AESTHETIC STORAGE (13) BLAINE

02N 18E 5 NW NE 53 AESTHETIC STORAGE (13) BLAINE

02N 18E 5 SE NE 53 AESTHETIC STORAGE (13) BLAINE

Total Acres:

+ - - Diversion Means - VIA NATURAL STREAM INTO TWO SMALL PONDS, EARTH DAMS WITH GATES

+ - - Non-Irrigation Use - AESTHETICS, RECREATION, FISHING, ETC. FOR RESIDENCES OF FLYING H.

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MAR 0 1 1993

+ - - Other Rights for Same Use - A37-11828

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MAR 01 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - A37-07767

Adj. flag translation: Adjudication Temporary Work Area

+ - - - - Remarks - - - - -
RECREATION USE IS FOR SPORT FISHERY AND OTHER SUCH RECREATIONAL
USES IN CONNECTION WITH THE FLYING HEART II SUBDIVISION.
HOMEOWNERS POSSESS EASEMENTS (PERPETUAL) FOR LAKES; VITAL THAT
SOURCE OF WATER SUPPLY (UNNAMED SPRINGS) BE PRESERVED AND NOT
SUBJECT TO OTHER APPROPRIATION.

+ - - - - Conditions of Approval - - - - -

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields -

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/20/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S003082	Water District	- 037
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-		

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MAR 0 1 1993

R PROOF

CVR

MAPS

PHOTOS

MISC

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:46
06/02/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A37-07767

LAST: FLYING HEART RANCH OWNERS ASSN. FIRST:
ADDRESS: P.O. BOX 2163
CITY: HAILEY STATE: ID ZIP: 83333
PHONE NUMBER: 208-788-2461

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS? DATABASE FIELD
Y EXAMINER

CLAIM REMARKS: RECREATION USE IS FOR SPORT FISHERY AND OTHER SUCH RECREATIONAL
USES IN CONNECTION WITH THE FLYING HEART II SUBDIVISION.
HOMEOWNERS POSSESS EASEMENTS (PERPETUAL) FOR LAKES; VITAL THAT
SOURCE OF WATER SUPPLY (UNNAMED SPRINGS) BE PRESERVED AND NOT
SUBJECT TO OTHER APPROPRIATION.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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OCT 26 1994

A. AJ CLAIM: # A37-07767 PRIORITY DATE: 02-27-1979 STAGE: P
B. WR RECORD: # 37-07767 PRIORITY DATE: 02-27-1979 STAGE: P

C. FIELD EXAM REQUIRED? DATABASE FIELD
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) N EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS: _____

=====

RECOMMENDED PRIORITY DATE:
02-27-1979

REVIEWED BY _____ DATE _____

=====

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OCT 26 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A37-07767	02N	18E	5	SW	NE	NE		BLAINE
A37-07767	02N	18E	5	NW	SE	NE		BLAINE

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A37-11828	R37-11828
A37-11832	R37-11832
A37-00862A	R37-00862
A37-00862	R37-00862A
A37-04420	R37-04420

WR RECORDS IN SAME 40 ACRE TRACT

37-08429
37-08444
37-08446
37-08561

SOURCE: UNNAMED SPRINGS

TRIB: BIG WOOD RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
37-07767	03N	18E	32		SW	SE		BLAINE

OTHER WR RECORDS WITH SAME WR POD

L37-07767

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
----------	----------

NONE	NONE
------	------

SOURCE: UNNAMED SPRINGS

TRIB: BIG WOOD RIVER

C. FIELD EXAM REQUIRED?

	DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
			Y	_____
			N	_____

REMARKS:

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OCT 26 1994

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
------	------	------	-----	-----	-----	-----	--------

_____	_____	_____	_____	_____	_____	_____	_____
-------	-------	-------	-------	-------	-------	-------	-------

SOURCE: UNNAMED SPRINGS

TRIB: BIG WOOD RIVER

REVIEWED BY: _____ DATE: _____

MICROFILMED
OCT 26 1994

A. ROOT WATER RIGHT NUMBERS: A37-07767
R37-07767

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	18E	5	NE	NE		FLYING HEART RANCH OWNERS ASSNA37-07767	/	37-07767	/		
						FLYING HEART RANCH OWNERS ASSNA37-11828	/	-	/		
						FLYING HEART RANCH II SUBDIVISA37-11832	/13.0	-	/		
						MURPHY , KINGSLEY H. A37-00557	/35.0	37-00557	/		
						PALMER , CHRISTOPHER A37-00558	/35.0	37-00558	/		
						MURPHY , KINGSLEY H. A37-00559	/35.0	37-00559	/		
						THRESHER , FRANK E. A37-11677	/	-	/		
						NIELSEN , JOEL PHILIP A37-12940	/	-	/		
						LAWSON , EDWARD A. R37-00557	/35.0	-	/		
						PALMER , KELLY R. R37-00558	/35.0	-	/		
						MURPHY , KINGSLEY H. R37-00559	/35.0	-	/		
						FLYING HEART RANCH OWNERS ASSNR37-07767	/	-	/		
						THRESHER , FRANK E. R37-11677	/	-	/		
						FLYING HEART RANCH OWNERS ASSNR37-11828	/	-	/		
						FLYING HEART RANCH II SUBD. OWR37-11832	/13.0	-	/		
						NIELSEN , JOEL PHILIP R37-12940	/	-	/		
						FLYING HEART RANCH II SUBDIVIS		37-08429	/13.0		
02N	18E	5	SE	NE		FLYING HEART RANCH OWNERS ASSNA37-07767	/	37-07767	/		
						FLYING HEART RANCH OWNERS ASSNA37-11828	/	-	/		
						FLYING HEART RANCH II SUBDIVISA37-11832	/ 5.0	-	/		
						PETER TRUST, JEROME D. MACK, TA37-12353	/	-	/		
						MURPHY , KINGSLEY H. A37-00557	/35.0	37-00557	/		
						PALMER , CHRISTOPHER A37-00558	/35.0	37-00558	/		
						MURPHY , KINGSLEY H. A37-00559	/35.0	37-00559	/		
						LAWSON , EDWARD A. R37-00557	/35.0	-	/		
						PALMER , KELLY R. R37-00558	/35.0	-	/		
						MURPHY , KINGSLEY H. R37-00559	/35.0	-	/		
						FLYING HEART RANCH OWNERS ASSNR37-07767	/	-	/		
						FLYING HEART RANCH OWNERS ASSNR37-11828	/	-	/		
						FLYING HEART RANCH II SUBD. OWR37-11832	/ 5.0	-	/		
						PETER TRUST R37-12353	/	-	/		
						PETER TRUST		37-08444	/ 2.5		
						MACK, TRUSTEE , JEROME D.		37-08446	/ 2.5		
						THOMAS , E. PARRY		37-08102	/ 3.0		
						FLYING HEART RANCH II SUBDIVIS		37-08429	/ 5.0		
						PETER TRUST		37-08561	/ 3.0		
						FLYING HEART RANCH II		L37-07767	/		
02N	18E	5	NE	NE		FLYING HEART RANCH OWNERS ASSNA37-07767	/	37-07767	/		
						FLYING HEART RANCH OWNERS ASSNA37-11828	/	-	/		
						FLYING HEART RANCH II SUBDIVISA37-11832	/13.0	-	/		
						MURPHY , KINGSLEY H. A37-00557	/35.0	37-00557	/		
						PALMER , CHRISTOPHER A37-00558	/35.0	37-00558	/		
						MURPHY , KINGSLEY H. A37-00559	/35.0	37-00559	/		
						THRESHER , FRANK E. A37-11677	/	-	/		
						NIELSEN , JOEL PHILIP A37-12940	/	-	/		

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OCT 26 1994

LAWSON , EDWARD A.	R37-00557	/35.0	-	/
PALMER , KELLY R.	R37-00558	/35.0	-	/
MURPHY , KINGSLEY H.	R37-00559	/35.0	-	/
FLYING HEART RANCH OWNERS ASSNR	37-07767	/	-	/
THRESHER , FRANK E.	R37-11677	/	-	/
FLYING HEART RANCH OWNERS ASSNR	37-11828	/	-	/
FLYING HEART RANCH II SUBD. OWR	37-11832	/13.0	-	/
NIELSEN , JOEL PHILIP	R37-12940	/	-	/
FLYING HEART RANCH II SUBDIVIS			37-08429	/13.0

02N 18E 5 NE NE	FLYING HEART RANCH OWNERS ASSNA	37-07767	/	37-07767	/
	FLYING HEART RANCH OWNERS ASSNA	37-11828	/	-	/
	FLYING HEART RANCH II SUBDIVISA	37-11832	/13.0	-	/
	MURPHY , KINGSLEY H.	A37-00557	/35.0	37-00557	/
	PALMER , CHRISTOPHER	A37-00558	/35.0	37-00558	/
	MURPHY , KINGSLEY H.	A37-00559	/35.0	37-00559	/
	THRESHER , FRANK E.	A37-11677	/	-	/
	NIELSEN , JOEL PHILIP	A37-12940	/	-	/
	LAWSON , EDWARD A.	R37-00557	/35.0	-	/
	PALMER , KELLY R.	R37-00558	/35.0	-	/
	MURPHY , KINGSLEY H.	R37-00559	/35.0	-	/
	FLYING HEART RANCH OWNERS ASSNR	37-07767	/	-	/
	THRESHER , FRANK E.	R37-11677	/	-	/
	FLYING HEART RANCH OWNERS ASSNR	37-11828	/	-	/
	FLYING HEART RANCH II SUBD. OWR	37-11832	/13.0	-	/
	NIELSEN , JOEL PHILIP	R37-12940	/	-	/
	FLYING HEART RANCH II SUBDIVIS			37-08429	/13.0

02N 18E 5 NW NE	FLYING HEART RANCH OWNERS ASSNA	37-07767	/	37-07767	/
	FLYING HEART RANCH OWNERS ASSNA	37-11828	/	-	/
	FLYING HEART RANCH II SUBDIVISA	37-11832	/ 1.0	-	/
	MURPHY , KINGSLEY H.	A37-00557	/35.0	37-00557	/
	PALMER , CHRISTOPHER	A37-00558	/35.0	37-00558	/
	MURPHY , KINGSLEY H.	A37-00559	/35.0	37-00559	/
	STURDIVANT , PETER L.	A37-13001	/	-	/
	BRANDENBURGER , DON L.	A37-12544	/	-	/
	LAWSON , EDWARD A.	A37-11574	/	-	/
	LAWSON , EDWARD A.	R37-00557	/35.0	-	/
	PALMER , KELLY R.	R37-00558	/35.0	-	/
	MURPHY , KINGSLEY H.	R37-00559	/35.0	-	/
	FLYING HEART RANCH OWNERS ASSNR	37-07767	/	-	/
	LAWSON , EDWARD A.	R37-11574	/	-	/
	FLYING HEART RANCH OWNERS ASSNR	37-11828	/	-	/
	FLYING HEART RANCH II SUBD. OWR	37-11832	/ 1.0	-	/
	BRANDENBURGER , DON L.	R37-12544	/	-	/
	STURDIVANT , PETER L.	R37-13001	/	-	/
	FLYING HEART RANCH II SUBDIVIS			37-08429	/ 1.0
	STURDIVANT , PETER L.			37-08502	/ 3.0
	LAWSON , MRS. EDWARD A.			37-08461	/ 3.0

02N 18E 5 NW NE	FLYING HEART RANCH OWNERS ASSNA	37-07767	/	37-07767	/
	FLYING HEART RANCH OWNERS ASSNA	37-11828	/	-	/
	FLYING HEART RANCH II SUBDIVISA	37-11832	/ 1.0	-	/
	MURPHY , KINGSLEY H.	A37-00557	/35.0	37-00557	/
	PALMER , CHRISTOPHER	A37-00558	/35.0	37-00558	/
	MURPHY , KINGSLEY H.	A37-00559	/35.0	37-00559	/
	STURDIVANT , PETER L.	A37-13001	/	-	/
	BRANDENBURGER , DON L.	A37-12544	/	-	/
	LAWSON , EDWARD A.	A37-11574	/	-	/

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LAWSON , EDWARD A.	R37-00557	/35.0	-	/
PALMER , KELLY R.	R37-00558	/35.0	-	/
MURPHY , KINGSLEY H.	R37-00559	/35.0	-	/
FLYING HEART RANCH OWNERS ASSNR	37-07767	/	-	/
LAWSON , EDWARD A.	R37-11574	/	-	/
FLYING HEART RANCH OWNERS ASSNR	37-11828	/	-	/
FLYING HEART RANCH II SUBD. OWR	37-11832	/ 1.0	-	/
BRANDENBURGER , DON L.	R37-12544	/	-	/
STURDIVANT , PETER L.	R37-13001	/	-	/
FLYING HEART RANCH II SUBDIVIS			37-08429	/ 1.0
STURDIVANT , PETER L.			37-08502	/ 3.0
LAWSON , MRS. EDWARD A.			37-08461	/ 3.0

02N 18E 5 SE NE				
FLYING HEART RANCH OWNERS ASSNA	37-07767	/	37-07767	/
FLYING HEART RANCH OWNERS ASSNA	37-11828	/	-	/
FLYING HEART RANCH II SUBDIVISA	37-11832	/ 5.0	-	/
PETER TRUST, JEROME D. MACK, TA	37-12353	/	-	/
MURPHY , KINGSLEY H.	A37-00557	/35.0	37-00557	/
PALMER , CHRISTOPHER	A37-00558	/35.0	37-00558	/
MURPHY , KINGSLEY H.	A37-00559	/35.0	37-00559	/
LAWSON , EDWARD A.	R37-00557	/35.0	-	/
PALMER , KELLY R.	R37-00558	/35.0	-	/
MURPHY , KINGSLEY H.	R37-00559	/35.0	-	/
FLYING HEART RANCH OWNERS ASSNR	37-07767	/	-	/
FLYING HEART RANCH OWNERS ASSNR	37-11828	/	-	/
FLYING HEART RANCH II SUBD. OWR	37-11832	/ 5.0	-	/
PETER TRUST	R37-12353	/	-	/
PETER TRUST			37-08444	/ 2.5
MACK, TRUSTEE , JEROME D.			37-08446	/ 2.5
THOMAS , E. PARRY			37-08102	/ 3.0
FLYING HEART RANCH II SUBDIVIS			37-08429	/ 5.0
PETER TRUST			37-08561	/ 3.0
FLYING HEART RANCH II			L37-07767	/

02N 18E 5 SE NE				
FLYING HEART RANCH OWNERS ASSNA	37-07767	/	37-07767	/
FLYING HEART RANCH OWNERS ASSNA	37-11828	/	-	/
FLYING HEART RANCH II SUBDIVISA	37-11832	/ 5.0	-	/
PETER TRUST, JEROME D. MACK, TA	37-12353	/	-	/
MURPHY , KINGSLEY H.	A37-00557	/35.0	37-00557	/
PALMER , CHRISTOPHER	A37-00558	/35.0	37-00558	/
MURPHY , KINGSLEY H.	A37-00559	/35.0	37-00559	/
LAWSON , EDWARD A.	R37-00557	/35.0	-	/
PALMER , KELLY R.	R37-00558	/35.0	-	/
MURPHY , KINGSLEY H.	R37-00559	/35.0	-	/
FLYING HEART RANCH OWNERS ASSNR	37-07767	/	-	/
FLYING HEART RANCH OWNERS ASSNR	37-11828	/	-	/
FLYING HEART RANCH II SUBD. OWR	37-11832	/ 5.0	-	/
PETER TRUST	R37-12353	/	-	/
PETER TRUST			37-08444	/ 2.5
MACK, TRUSTEE , JEROME D.			37-08446	/ 2.5
THOMAS , E. PARRY			37-08102	/ 3.0
FLYING HEART RANCH II SUBDIVIS			37-08429	/ 5.0
PETER TRUST			37-08561	/ 3.0
FLYING HEART RANCH II			L37-07767	/

02N 18E 5 NW NE				
FLYING HEART RANCH OWNERS ASSNA	37-07767	/	37-07767	/
FLYING HEART RANCH OWNERS ASSNA	37-11828	/	-	/
FLYING HEART RANCH II SUBDIVISA	37-11832	/ 1.0	-	/
MURPHY , KINGSLEY H.	A37-00557	/35.0	37-00557	/

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OCT 26 1994

PALMER , CHRISTOPHER	A37-00558	/35.0	37-00558	/
MURPHY , KINGSLEY H.	A37-00559	/35.0	37-00559	/
STURDIVANT , PETER L.	A37-13001	/	-	/
BRANDENBURGER , DON L.	A37-12544	/	-	/
LAWSON , EDWARD A.	A37-11574	/	-	/
LAWSON , EDWARD A.	R37-00557	/35.0	-	/
PALMER , KELLY R.	R37-00558	/35.0	-	/
MURPHY , KINGSLEY H.	R37-00559	/35.0	-	/
FLYING HEART RANCH OWNERS ASSNR	37-07767	/	-	/
LAWSON , EDWARD A.	R37-11574	/	-	/
FLYING HEART RANCH OWNERS ASSNR	37-11828	/	-	/
FLYING HEART RANCH II SUBD. OWR	37-11832	/ 1.0	-	/
BRANDENBURGER , DON L.	R37-12544	/	-	/
STURDIVANT , PETER L.	R37-13001	/	-	/
FLYING HEART RANCH II SUBDIVIS			37-08429	/ 1.0
STURDIVANT , PETER L.			37-08502	/ 3.0
LAWSON , MRS. EDWARD A.			37-08461	/ 3.0

TOTAL ACRES A37-07767

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG: E

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

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A. AJ CLAIMED USES:

	PURPOSES	FROM	MONTH/DAY	TO	DIVERSION QUANTITY
A37-07767	RECREATION	FROM 01-01	TO 12-31		10.000 CFS
A37-07767	AESTHETIC STORAGE	FROM 01-01	TO 12-31		18.00 AF/A
A37-07767	FISH PROPAGATION	FROM 01-01	TO 12-31		10.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED					10.000 CFS 18.00 AF/A

B. WR RECORDED USES:

	PURPOSES	FROM	MONTH/DAY	TO	DIVERSION QUANTITY
37-07767	RECREATION	FROM 01-01	TO 12-31		12.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED					12.000 CFS

PRESUMPTION FLAG: E

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y	_____
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(____) N(____)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(____) N(____)

Explain in remarks, below.

REMARKS:

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OCT 26 1994

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 10.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 12.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) FIELD
Y DATABASE EXAMINER

B. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(Y) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A37-11828

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A37-11832	GROUNDWATER	FLYING HEART RANCH II SUBDIVIS	1.180	0.059		
R37-00557	BIG WOOD RIVER	LAWSON , EDWARD A.	1.000	0.005		
R37-00558	BIG WOOD RIVER	PALMER , KELLY R.	2.000	0.010		
R37-00559	BIG WOOD RIVER	MURPHY , KINGSLEY H.	3.600	0.018		
R37-11832	GROUNDWATER	FLYING HEART RANCH II SUBD. OW	1.180	0.059		
A37-11574	GROUNDWATER	LAWSON , EDWARD A.	0.110	0.036		
R37-11574	GROUNDWATER	LAWSON , EDWARD A.	0.110	0.036		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A37-07767	RECREATION	FLYING HEART RANCH OWNERS ASSN	FROM 01-01 TO 12-31	10.000 CFS	
A37-07767	AESTHETIC STORAGE	FLYING HEART RANCH OWNERS ASSN	FROM 01-01 TO 12-31		
A37-07767	FISH PROPAGATION	FLYING HEART RANCH OWNERS ASSN	FROM 01-01 TO 12-31	10.000 CFS	
A37-11828	RECREATION STORAGE	FLYING HEART RANCH OWNERS ASSN	FROM 01-01 TO 12-31		15.00 AF/A
A37-11828	AESTHETIC STORAGE	FLYING HEART RANCH OWNERS ASSN	FROM 01-01 TO 12-31		15.00 AF/A
A37-11828	FISH PROPAGATION	FLYING HEART RANCH OWNERS ASSN	FROM 01-01 TO 12-31	10.000 CFS	
A37-11832	DOMESTIC	FLYING HEART RANCH II SUBDIVIS	FROM 01-01 TO 12-31	.190 CFS	
A37-11832	FIRE PROTECTION	FLYING HEART RANCH II SUBDIVIS	FROM 01-01 TO 12-31	1.180 CFS	
A37-11677	DOMESTIC	THRESHER , FRANK E.	FROM 01-01 TO 12-31	.040 CFS	
A37-12940	DOMESTIC	NIELSEN , JOEL PHILIP	FROM 01-01 TO 12-31	.040 CFS	
R37-07767	RECREATION	FLYING HEART RANCH OWNERS ASSN	FROM 01-01 TO 12-31	10.000 CFS	

R37-07767	AESTHETIC STORAGE	FLYING HEART RANCH OWNERS ASSN	FROM 01-01	TO 12-31		18.00 AF/A
R37-07767	FISH PROPAGATION	FLYING HEART RANCH OWNERS ASSN	FROM 01-01	TO 12-31	10.000 CFS	
R37-11677	DOMESTIC	THRESHER, FRANK E.	FROM 01-01	TO 12-31	.040 CFS	
R37-11828	RECREATION STORAGE	FLYING HEART RANCH OWNERS ASSN	FROM 01-01	TO 12-31		15.00 AF/A
R37-11828	AESTHETIC STORAGE	FLYING HEART RANCH OWNERS ASSN	FROM 01-01	TO 12-31		15.00 AF/A
R37-11828	FISH PROPAGATION	FLYING HEART RANCH OWNERS ASSN	FROM 01-01	TO 12-31	10.000 CFS	
R37-11832	DOMESTIC	FLYING HEART RANCH II SUBD. OW	FROM 01-01	TO 12-31	.190 CFS	
R37-11832	FIRE PROTECTION	FLYING HEART RANCH II SUBD. OW	FROM 01-01	TO 12-31	1.180 CFS	
R37-12940	DOMESTIC	NIELSEN, JOEL PHILIP	FROM 01-01	TO 12-31	.040 CFS	
A37-12353	DOMESTIC	PETER TRUST, JEROME D. MACK, T	FROM 01-01	TO 12-31	.040 CFS	
R37-12353	DOMESTIC	PETER TRUST	FROM 01-01	TO 12-31	.040 CFS	
A37-13001	DOMESTIC	STURDIVANT, PETER L.	FROM 01-01	TO 12-31	.040 CFS	
A37-12544	DOMESTIC	BRANDENBURGER, DON L.	FROM 01-01	TO 12-31	.040 CFS	
A37-11574	DOMESTIC	LAWSON, EDWARD A.	FROM 01-01	TO 12-31	.040 CFS	
A37-11574	FIRE PROTECTION	LAWSON, EDWARD A.	FROM 01-01	TO 12-31	.110 CFS	
A37-11574	STOCKWATER	LAWSON, EDWARD A.	FROM 01-01	TO 12-31	.020 CFS	
R37-11574	DOMESTIC	LAWSON, EDWARD A.	FROM 01-01	TO 12-31	.040 CFS	
R37-11574	FIRE PROTECTION	LAWSON, EDWARD A.	FROM 01-01	TO 12-31	.110 CFS	
R37-11574	STOCKWATER	LAWSON, EDWARD A.	FROM 01-01	TO 12-31	.020 CFS	
R37-12544	DOMESTIC	BRANDENBURGER, DON L.	FROM 01-01	TO 12-31	.040 CFS	
R37-13001	DOMESTIC	STURDIVANT, PETER L.	FROM 01-01	TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
 ACRES _____ x 0.02 CFS/ACRE = _____ CFS
 (Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE
 CLAIMED CONSUMPTIVE USE = _____ AF/A
 ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
 TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME
 CLAIMED DIVERSION VOLUME = 18.00 AF/A
 ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
 TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:
 SEE ATTACHED SHEET? Y() N()

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REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
TOTAL FOR THIS RIGHT								

REVIEWED BY: _____

DATE: _____

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 37-07767

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 10.000	EXAMINER _____	CFS
-----------------------------------	--------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A37-07767	10.000	R37-07767	10.000	37-07767	12.000
A37-07767	R37-07767	10.000	R37-07767	10.000	37-07767	12.000
-	-	-	-	-	L37-07767	10.000
TOTAL CFS		20.000	20.000		10.000	

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

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OCT 26 1994

MICROFILMED
OCT 26 1984

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:46
06/02/90

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A37-07767

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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Apr 26, 2011

37-7767 & 11828 Flying Heart Ranch II

Fritz, Al, Nick, Andria Craig
1993 li date.

Fritz - 7767 based 1979 license

Hobley - not ready to sign need more answers.

Al go with Status conf.

scheduling
Status Conf

June 07 9:30 AM.

Mon @ 3:30 moved to Tues 2:30

~~37-21468~~ Flying Heart.

{ 7767 - B.W. wanted License language in
Recor.
37-11828 amended to show 37-555

★

Dec 28 status Conf.

ADR for 11828 by Oct 29th include 7767
go on Docket Sheet Nov 8

Obj 21 days. Nov 29

Response Dec 15.

Order ADR For Both obj will Not survive
the ADR's, if an issue exists then New Obj necessary.

Status Conf Feb 22, 2011 2:00
~~10:30~~

37-11828 Andria

- 7767 Nick.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-11828

WATER RIGHT NUMBER: 37-11828

KKC - Andria

Owner TypeName and Address

Current Owner

FLYING HEART RANCH II SUBDIVISION OWNERS ASSN
PO BOX 2163
HAILEY, ID 83333
(208)788-2461

See Also
37-7767

Priority Date: 05/14/1886

Basis: Statutory Claim

Status: Active

SourceTributary

SPRINGS

BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION STORAGE	1/01	to 12/31		15.00 AF
FISH PROPAGATION	1/01	to 12/31	10.000 CFS	
AESTHETIC STORAGE	1/01	to 12/31		15.00 AF
<u>Total Diversion:</u>			10.000 CFS	15.00 AF

Location of Point(s) of Diversion

SPRINGS

SW1/4NE1/4NE1/4

Sec. 5, Twp 02N, Rge 18E, B.M.

BLAINE County

Place of Use

RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	18E	5	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X	X		X													

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	18E	5	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X	X		X													

AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	18E	5	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X	X		X													

Conditions of Approval:

- RESEARCH HAS REVEALED THAT AN EARLIER PRIORITY DATE WAS ESTABLISHED FOR THESE USES AT THIS P/U. SEE WR #37-04420.

Remarks:

6-15-2010

37-7767

tied to 37-11828 - possibly late claim 37-555

→ AUG 23 init hearing keep date 3:30 PM

~~Vacate initial hearing~~

set Status Conf Dec ~~27~~ @ ~~10:00~~ A.M.

tues 28 9:30 A.M.

set 7767 same time

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

) Subcase No. 37-7767
)
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS/OBJECTORS:

Flying Heart Ranch II Subdivision Owners Assn

OBJECTORS/RESPONDENTS:

Concerned Water Users

 6/15/11
Fritz X. Haemmerle, Attorney Date

 6-22-11
Albert Barker, Attorney

STANDARD FORM 5 – 37-7767

COPY

OBJECTORS:

Big Wood Canal Company

Craig D. Hobdey 7-5-11
Craig D. Hobdey, Attorney Date

IDWR Concurrence:

Kelly L. Christensen 7-12-11
IDWR Agent Date Deputy Attorney General, IDWR Date

CERTIFICATE OF MAILING

I certify that on _____, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

BIG WOOD CANAL CO
BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

BIG WOOD CANAL COMPANY
Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330

FLYING HEART RANCH II
Represented by:
HAEMMERLE, FRITZ X.
PO BOX 1800
HAILEY, ID 83333

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

05/05/2011

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

RIGHT NUMBER: 37-7767

NAME AND ADDRESS: FLYING HEART RANCH II SUBDIVISION OWNERS ASSN
PO BOX 2163
HAILEY ID 83333

SOURCE: SPRINGS

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 10.000 CFS

When 37-7767 and 37-11828 are combined they are limited to a facility volume of 18.8 af.

Use of water under this right shall be non-consumptive.

PRIORITY DATE: 02/27/1979

POINT OF
DIVERSION:

T02N R18E S32 SWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

RECREATION

01/01 12/31

10.000 CFS

PLACE OF USE: RECREATION in BLAINE County

T02N R18E S05 Lot 1 NENE

T02N R18E S05 Lot 2 NWNE

T02N R18E S05 SENE

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

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

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.

The Director retains jurisdiction over this license to determine whether the use of water is consumptive, and to require measuring devices or testing by the water right holder to determine consumption. If water is being consumed, the Director also retains jurisdiction to require mitigation, or to regulate the right in its priority with other water rights of the Big Wood River.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water discharged into a natural channel must satisfy Idaho water quality standards.

Recreation use is for fishing.

Handwritten notes:
COPY
KRC
F&H
APB

05/05/2011

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

RIGHT NUMBER: 37-7767

NAME AND ADDRESS: FLYING HEART RANCH II SUBDIVISION OWNERS ASSN
PO BOX 2163
HAILEY ID 83333

SOURCE: SPRINGS

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 10.000 CFS

lic #9

When 37-7767 and 37-11828 are combined they are limited to a facility volume of 18.8 af.

(facility Vol = 820,000 for 2.5 af) on southern pond only.

lic #5

Use of water under this right shall be non-consumptive.

PRIORITY DATE: 02/27/1979

POINT OF
DIVERSION:

T02N R18E S32 SWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

RECREATION

01/01 12/31

10.000 CFS

PLACE OF USE:

RECREATION in BLAINE County

T02N R18E S05 Lot 1 NENE

T02N R18E S05 Lot 2 NWNE

T02N R18E S05

SENE

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

lic #4

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

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.

lic #6

The Director retains jurisdiction over this right to determine whether the use of water is consumptive, and to require measuring devices or testing by the water right holder to determine consumption. If water is being consumed, the Director also retains jurisdiction to require mitigation, or to regulate the right in its priority with other water rights of the Big Wood River.

License on license

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

license #7

Water discharged into a natural channel must satisfy Idaho water quality standards.

lic #8

Recreation use is for fishing.

lic cond 1 thru 4 not used.

05/05/2011

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

RIGHT NUMBER: 37-7767

NAME AND ADDRESS: FLYING HEART RANCH II SUBDIVISION OWNERS ASSN
PO BOX 2163
HAILEY ID 83333

VERIFIED BY

AKC
5-5-11

SOURCE: SPRINGS

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 10.000 CFS

When 37-7767 and 37-11828 are combined they are limited to a facility volume of 18.8 af.

Use of water under this right shall be non-consumptive.

PRIORITY DATE: 02/27/1979

POINT OF
DIVERSION:

T02N R18E S32 SWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	10.000 CFS

PLACE OF USE: RECREATION in BLAINE County

T02N R18E S05 Lot 1 NENE

T02N R18E S05 Lot 2 NWNE

T02N R18E S05 SENE

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

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

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.

The Director retains jurisdiction over this license to determine whether the use of water is consumptive, and to require measuring devices or testing by the water right holder to determine consumption. If water is being consumed, the Director also retains jurisdiction to require mitigation, or to regulate the right in its priority with other water rights of the Big Wood River.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water discharged into a natural channel must satisfy Idaho water quality standards.

Recreation use is for fishing.

11/1/2010

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-7767	FLYING HEART RANCH II SUBDIVISION OWNERS ASSN PO BOX 2163 HAILEY ID 83333	Disallowed	Recommended as Right No. 37-11828

ADR submitted
11-4-2010

02/20/2007

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

RIGHT NUMBER: 37-7767

NAME AND ADDRESS: FLYING HEART RANCH II SUBDIVISION OWNERS ASSN
PO BOX 2163
HAILEY ID 83333

*Director's Report
2-20-07*

SOURCE: SPRINGS

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 10.000 CFS
18.00 AFY

PRIORITY DATE: 02/27/1979

POINT OF
DIVERSION:

T02N R18E S5 SWNE Within BLAINE County
T02N R18E S5 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	1/01 12/31	10.000 CFS
AESTHETIC STORAGE	1/01 12/31	18.00 AFY
FISH PROPAGATION	1/01 12/31	10.000 CFS

PLACE OF USE: FISH PROPAGATION in BLAINE County

T02N R18E S05	NENE	T02N R18E S05	NWNE
T02N R18E S05	SENE		

AESTHETIC STORAGE in BLAINE County

T02N R18E S05	NENE	T02N R18E S05	NWNE
T02N R18E S05	SENE		

RECREATION same as FISH PROPAGATION

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 - License

This right does not grant any right-of-way or easement across the land of another.

Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-7767 V1

WATER RIGHT NUMBER: 37-7767 V1

*Peter Thomas Trust
area*Owner Type

Current Owner

Name and Address

FLYING HEART RANCH II SUBDIVISION OWNERS ASSN
PO BOX 2163
HAILEY, ID 83333
(208)788-2461

Priority Date: 02/27/1979

Basis: License

Status: Active

Source

SPRINGS

Tributary

BIG WOOD RIVER

Beneficial Use

RECREATION

From To

1/01 to 12/31

Diversion Rate

10.000 CFS

Annual Volume

AESTHETIC STORAGE

1/01 to 12/31

18.00 AF

FISH PROPAGATION

1/01 to 12/31

10.000 CFS

Total Diversion:

10.000 CFS

18.00 AF

Location of Point(s) of Diversion

SPRINGS

NW1/4SE1/4NE1/4

Sec. 5, Twp 02N, Rge 18E, B.M.

BLAINE County

SPRINGS

SW1/4NE1/4NE1/4

Sec. 5, Twp 02N, Rge 18E, B.M.

BLAINE County

Place of Use

AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5	X	X		X													

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5	X	X		X													

RECREATION same as AESTHETIC STORAGE

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-7767 V1

Conditions of Approval:

1. 004 This right does not grant any right-of-way or easement across the land of another.
2. R03 Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
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. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Remarks:

Comments:

1. mvanbussum 2/7/2007 Copied from remarks

Comment: RECREATION USE IS FOR SPORT FISHERY AND OTHER SUCH RECREATIONAL USES IN CONNECTION WITH THE FLYING HEART II SUBDIVISION.

HOMEOWNERS POSSESS EASEMENTS (PERPETUAL) FOR LAKES; VITAL THAT SOURCE OF WATER SUPPLY (UNNAMED SPRINGS) BE PRESERVED AND NOT SUBJECT TO OTHER APPROPRIATION.

2. mvanbussum 2/7/2007 Carried over from license

Comment: Return water shall be treated to insure that the effluent meets intrastate stream water quality standards.

3. cfritsch 2/8/2007 Updated Conditions

Comment: Updated Conditions

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, February 23, 2011 1:38 PM
To: 'Fritz'; 'Albert Barker'; Courtney, Andrea; 'Craig Hobdey'; Spencer, Nick; Kelly, Vicki;
Ridgeway, Renea
Subject: 37-7767 & 37-11828 Flying Heart system review

Following is my understanding of the system without regard to any actual water right. If I have missed something regarding how the water uses are in this area please let me know. Specific analysis by right and their relationship between each other is subject to the viability of the information as currently understood. I decided to not complete an analysis until I am comfortable that my understanding of the drainage and its uses are correct. See the attachment for a pictorial representation of the area.

10 CFS 11.2 AF DECREE
37-7767 & 37-11828 Flying Heart system review *37-22255*
SUBD. - DECREEED (1883) 2.88 CFS
(1979) (1884)

The current system as I understand it. There are several springs in Sec 32 SWSE and Sec 5 NWNE naturally flowing into a common unnamed stream eventually reaching the ice pond that is split by the quarter/quarter line in Sec 5 N $\frac{1}{2}$ NE $\frac{1}{4}$. Not clearly established but suggested in department records is that there may be springs rising within the unnamed stream and/or the ice pond. The discharge from that pond flows south into what is currently known as the Willis pond in Sec 5 SENE and eventually to the River Grove Ranch Subdivision for other rights and uses. There may be or have been a return flow from the Willis pond to the Big Wood River but it is normally not used to carry water. Historically there was a diversion from the Big Wood River through the Mc Bryan ditch to the unnamed stream and ultimately to the ice pond. This diversion no longer exists and based upon currently available information is considered to be forfeited for non use for many many years.

The first use on this unnamed stream system is the ice pond which is an on-stream diversion pond approximately 11.2 af in size. The unnamed stream continues to the Willis pond where it is again diverted for a second pond.

Additional rights have a point of diversion at the Willis pond carrying water to several different users and uses associated with the Flying Heart Ranch Subdivision.



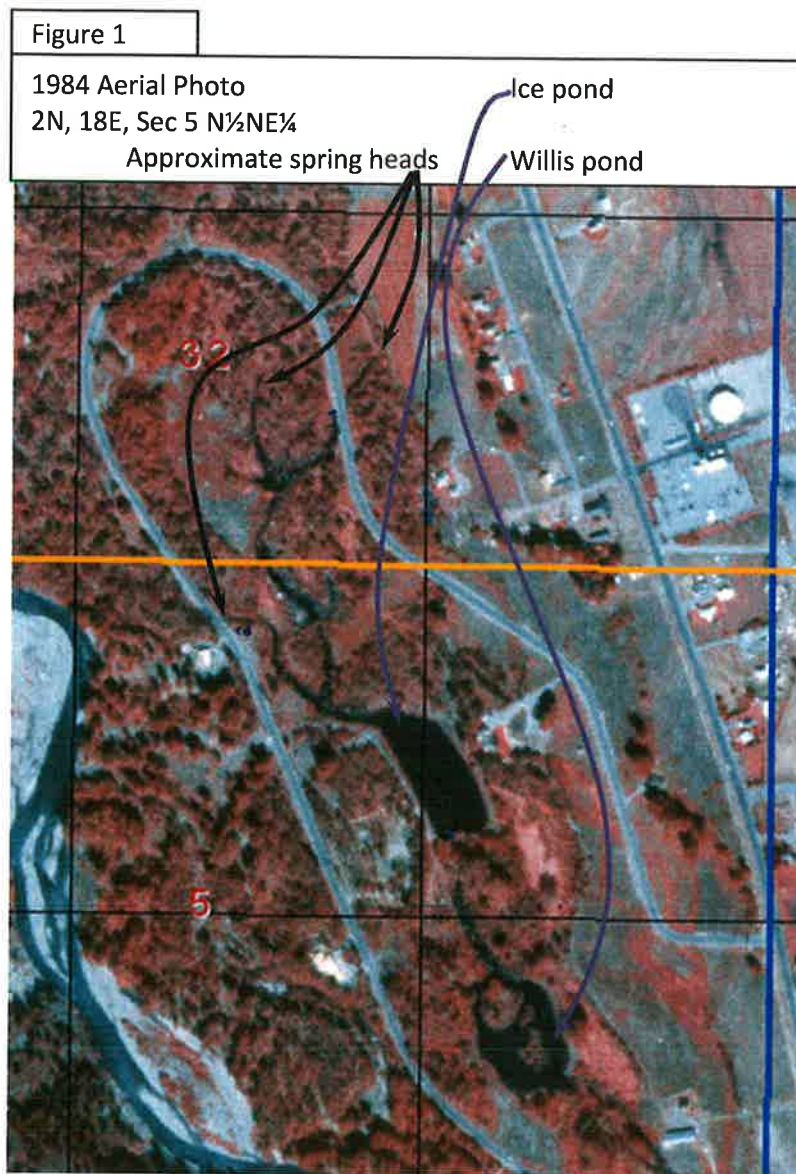
37-7767 &
37-11828 Flying Heart

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

FRITZ - 7767 & 11828
HASKY - 22255

37-7767 & 37-11828 Flying Heart system review

I utilized the 1984 coverage as this aerial photo provides the clearest picture of the area in general.



Attachment to
Feb 23 1:38PM e-mail

37-7767 RECOMMENDATION REVIEW

This right was licensed for recreation use from springs and was licensed on March 3, 1993. The place of use is two ponds, one natural or extremely old and the other built for this right. Curiously, there is no storage component for this right. It is structured similarly to a fish propagation right where no facility volume is identified. The licensed points of diversion were identified as springs flowing into a channel and then to the ponds. It is not clear if this is historically a natural channel or a man made ditch. In effect it is recognized as a ditch in that the spring locations are identified as the points of diversion. The recommendation appears to have been an attempt to recognize the system as a storage right with the actual points of diversion being the pond locations.

The recommendation needs to be corrected to reflect the right as licensed which includes changing the PODs, uses and POUs including arc map work. Need to review the licensed remarks to make sure that all that is necessary is included.

Many of the elements discussed in the licensing of this right have bearing on claims 37-22255 and 37-22256. The first is that if control of the water source is at the springs and the channel going to the ponds is a ditch then the points of diversion for the two claims are also the springs rather than the location coming out of the lower pond. The source would be springs not the Big Wood River. The historically decreed right 37-862 (parent of 37-22255 and 37-22256) was decreed with the Purdum Slough as the source.

The PC Docs backfile for 37-7767 contains several letters and conversation memos discussing the system in this area. The then watermaster Reed Newby provided a letter discussing the system and referred to the Purdum Slough. See pages 32 and 33.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-7767 V1

WATER RIGHT NUMBER: 37-7767 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FLYING HEART RANCH II SUBDIVISION OWNERS ASSN PO BOX 2163 HAILEY, ID 83333 (208)788-2461

Priority Date: 02/27/1979

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION	1/01	to 12/31	10.000 CFS	
AESTHETIC STORAGE	1/01	to 12/31		18.00 AF
FISH PROPAGATION	1/01	to 12/31	10.000 CFS	
	<u>Total Diversion:</u>		10.000 CFS	18.00 AF

Location of Point(s) of Diversion

SPRINGS	NW1/4SE1/4NE1/4	Sec. 5,	Twp 02N,	Rge 18E, B.M.
BLAINE County				
SPRINGS	SW1/4NE1/4NE1/4	Sec. 5,	Twp 02N,	Rge 18E, B.M.
BLAINE County				

Place of Use

AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	5	X	X		X													

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	5	X	X		X													

RECREATION same as AESTHETIC STORAGE

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-7767 V1

Conditions of Approval:

1. 004 This right does not grant any right-of-way or easement across the land of another.
2. R03 Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
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. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Remarks:Comments:

1. mvanbussum 2/7/2007 Copied from remarks
Comment: RECREATION USE IS FOR SPORT FISHERY AND OTHER SUCH RECREATIONAL USES IN CONNECTION WITH THE FLYING HEART II SUBDIVISION.
HOMEOWNERS POSSESS EASEMENTS (PERPETUAL) FOR LAKES; VITAL THAT SOURCE OF WATER SUPPLY (UNNAMED SPRINGS) BE PRESERVED AND NOT SUBJECT TO OTHER APPROPRIATION.
2. mvanbussum 2/7/2007 Carried over from license
Comment: Return water shall be treated to insure that the effluent meets intrastate stream water quality standards.
3. cfritsch 2/8/2007 Updated Conditions
Comment: Updated Conditions

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: NONE RECEIVED
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/23/2006 12:30:54 PM	dsmith			Active
Priority Date	10/23/2006 12:31:36 PM	dsmith			Active
POD	10/23/2006 12:42:05 PM	dsmith			Active
Source	10/23/2006 12:42:18 PM	dsmith			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-7767

WATER RIGHT NUMBER: 37-7767

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FLYING HEART RANCH II SUBDIVISION OWNERS ASSN PO BOX 2163 HAILEY, ID 83333 (208)788-2461

Priority Date: 02/27/1979

Basis: Permit

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	1/01	to 12/31	10.000 CFS	
RECREATION	1/01	to 12/31	10.000 CFS	
AESTHETIC STORAGE	1/01	to 12/31		18.00 AF
	<u>Total Diversion:</u>		10.000 CFS	18.00 AF

Location of Point(s) of Diversion

SPRINGS	SW1/4NE1/4NE1/4	Sec. 5,	Twp 02N,	Rge 18E, B.M.
BLAINE County				
SPRINGS	NW1/4SE1/4NE1/4	Sec. 5,	Twp 02N,	Rge 18E, B.M.
BLAINE County				

Place of Use

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5	X	X		X													

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5	X	X		X													

AESTHETIC STORAGE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-7767

Twp	Rge	Sec	NE				NW				SW				SE				Totals
02N	18E	5	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			X	X		X													

Conditions of Approval:

1. RECREATION USE IS FOR SPORT FISHERY AND OTHER SUCH RECREATIONAL USES IN CONNECTION WITH THE FLYING HEART II SUBDIVISION.
HOMEOWNERS POSSESS EASEMENTS (PERPETUAL) FOR LAKES; VITAL THAT SOURCE OF WATER SUPPLY (UNNAMED SPRINGS) BE PRESERVED AND NOT SUBJECT TO OTHER APPROPRIATION.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 10/20/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 37
 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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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37-7767 RECOMMENDATION REVIEW

This right was licensed for recreation use from springs and was licensed on March 3, 1993. The place of use is two ponds, one natural or extremely old and the other built for this right. Curiously, there is no storage component for this right. It is structured similarly to a fish propagation right where no facility volume is identified. The licensed points of diversion were identified as springs flowing into a channel and then to the ponds. It is not clear if this is historically a natural channel or a man made ditch. In effect it is recognized as a ditch in that the spring locations are identified as the points of diversion. The recommendation appears to have been an attempt to recognize the system as a storage right with the actual points of diversion being the pond locations.

The recommendation needs to be corrected to reflect the right as licensed which includes changing the PODs, uses and POUs including arc map work. Need to review the licensed remarks to make sure that all that is necessary is included.

Many of the elements discussed in the licensing of this right have bearing on claims 37-22255 and 37-22256. The first is that if control of the water source is at the springs and the channel going to the ponds is a ditch then the points of diversion for the two claims are also the springs rather than the location coming out of the lower pond. The source would be springs not the Big Wood River. The historically decreed right 37-862 (parent of 37-22255 and 37-22256) was decreed with the Purdum Slough as the source.

The PC Docs backfile for 37-7767 contains several letters and conversation memos discussing the system in this area. The then watermaster Reed Newby provided a letter discussing the system and referred to the Purdum Slough. See pages 32 and 33.

**INFORMATION COMPLETION FOR A POND LOCATED WITHIN
2N, 18E, Sec 5; N½NE¼**

37-7767	2-27-1995	10.00 cfs Recreation POU = 2N, 18E, Sec 5; N½NE¼ and SE¼NE¼	Basis = License
37-11828	5-14-1886	15 af Recreation storage 15 af Aesthetic storage 10.00 cfs Fish Propagation POU = 2N, 18E, Sec 5; N½NE¼ and SE¼NE¼	Basis = Statutory claim 37-4420
37-4420 (claimant Thomas)	5-14-1886	10 af Recreation storage 15 af Aesthetic storage POU = 2N, 18E, Sec 5; NE ¼ SE ¼	
37-555 (not claimed)	unknown	unk Harvesting ice unk Fish pond Water to be diverted through the McBryan ditch, to the pond, and ultimately returning to the Big Wood River.	Basis = Frost decree icing season, Dec 1 thru April 1

Pond history,

It appears that the pond was first developed prior to the Frost decree date of 12-13-1909. The pond was initially utilized for harvesting ice and to maintain fish as described in the Frost decree for A.M. Purdum (decree pages 86 and 109). The Frost Decree does not list a priority date. It also appears that the pond was developed on an unnamed stream channel fed by multiple spring sources primarily located in 2N, 18E, Sec 32; SW¼SE¼ AND 2N, 18E, Sec 5; NW¼NE¼ and supplemented with water from the Big Wood through the McBryan ditch. The exact point of diversion from the Big Wood has not been established but likely to have been in 2N, 18E, Sec 32; SE¼SW¼. That ditch has been abandoned for many years. Additional water from other channels north east of the pond may have also supplied water to the pond. Current use appears to be the pond constructed on the unnamed stream channel developing storage facilities utilized for aesthetic and recreational fishing uses. Currently available information does not support a diversion system from an independent source to the unnamed stream / pond.

Statutory claim 37-4420 was filed on May 22, 1985 and in reviewing the available records it appears that this right was for a pond on the same unnamed stream but for a pond located approximately ½ mile south of the ice pond. No evidence of priority was included with the statutory claim filing. That statutory claim has been claimed in the adjudication process by another individual and is tentatively being recognized with a 1969 priority date (active objection not yet resolved).

Beneficial use claim 37-11828 was filed with a stated basis of statutory claim 37-4420. No evidence of priority has been submitted as of this date. It does not appear that 37-4420 would establish any priority date for this claim.

Overview:

It appears that 37-555, 37-11822, and 37-7767 all reference the same pond. Historically, the pond was used for icing and fishing with both the unnamed stream source supplemented by Big Wood River water. At some point the icing operation ceased as well as the diversion from the Big Wood River. All available evidence indicates that the pond has been

maintained throughout time but the uses have changed and possibly some of the sources of water. No information is currently available as to when any that changes may have occurred.

It appears that the current uses as identified through 37-7767 and 37-11282 could be recognized through one right (37-11282) at a much earlier priority date as yet to be established.

37-7767 RECOMMENDATION REVIEW

This right was licensed for recreation use from springs and was licensed on March 3, 1993. The place of use is two ponds, one natural or extremely old and the other built for this right. Curiously, there is no storage component for this right. It is structured similarly to a fish propagation right where no facility volume is identified. The licensed points of diversion were identified as springs flowing into a channel and then to the ponds. It is not clear if this is historically a natural channel or a man made ditch. In effect it is recognized as a ditch in that the spring locations are identified as the points of diversion. The recommendation appears to have been an attempt to recognize the system as a storage right with the actual points of diversion being the pond locations.

The recommendation needs to be corrected to reflect the right as licensed which includes changing the PODs, uses and POUs including arc map work. Need to review the licensed remarks to make sure that all that is necessary is included.

Many of the elements discussed in the licensing of this right have bearing on claims 37-22255 and 37-22256. The first is that if control of the water source is at the springs and the channel going to the ponds is a ditch then the points of diversion for the two claims are also the springs rather than the location coming out of the lower pond. The source would be springs not the Big Wood River. The historically decreed right 37-862 (parent of 37-22255 and 37-22256) was decreed with the Purdum Slough as the source.

The PC Docs backfile for 37-7767 contains several letters and conversation memos discussing the system in this area. The then watermaster Reed Newby provided a letter discussing the system and referred to the Purdum Slough. See pages 32 and 33.

status Conf for

37-22255

22256

5 77CH

set for 12-9-09

Proof Submitted 3-20-84

PC Doc 58

F.E. 6-5-86

PC Doc 43

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. Measurement Calculations

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

c) Volume Calculations for Other Uses:

2. Overlap Review

a) Other water rights with same place of use: _____

b) Other water rights with same point of diversion: 37-4152(gw) - No overlap

c) Analysis:

MICROFILMED

APR 12 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 26 1986

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-7767

1. Owner: Flying Heart Ranch II

Phone No. _____

Current Address: P.O. Box 1882 Ketchikan

2. Accompanied by: David Noel

EXAM. DATE: 6-5-86

Address: _____

Phone No. _____

Relationship to Permit Holder: Developer

3. Source: Springs tributary to Big Wood River

B. OVERLAP REVIEW

1. Other water rights with same place of use: NO

☐ Copies Attached

2. Other water rights with same point of diversion: NO

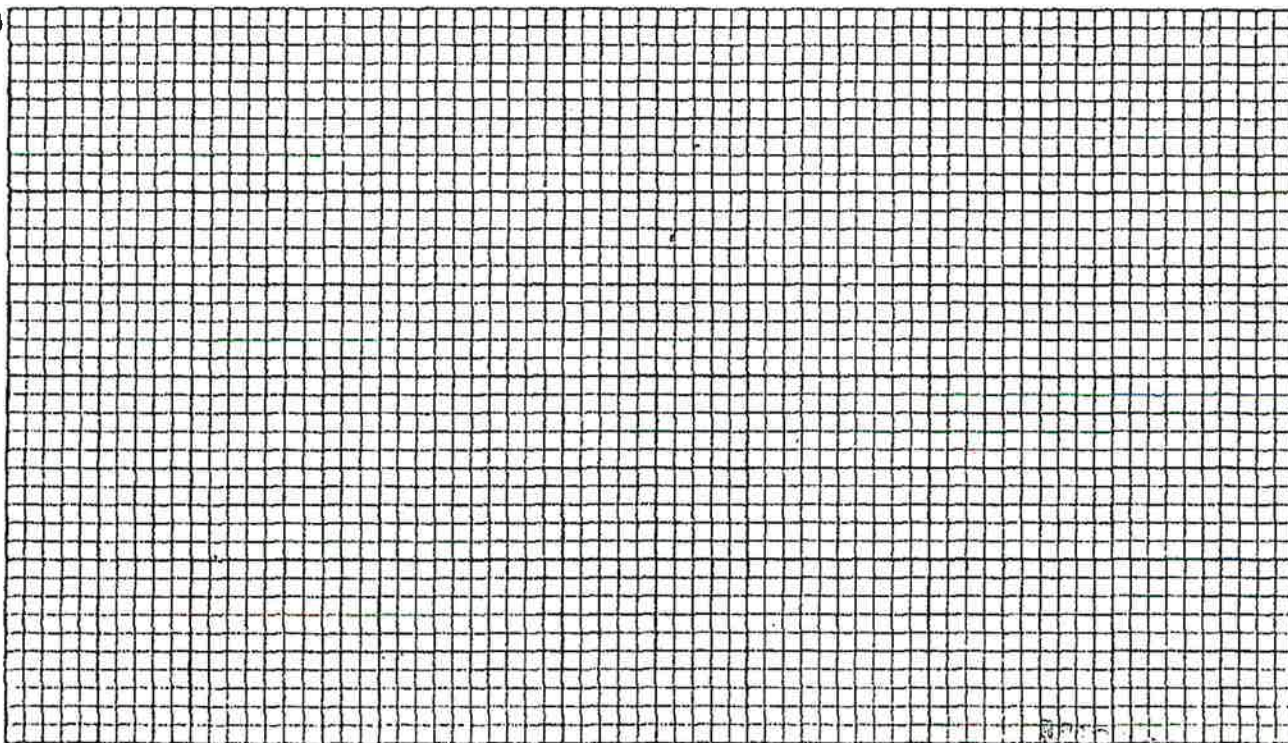
☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

See Attachment 5.

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.)

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more)

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37-7767 Backfile

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3. Narrative: Description (as operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

water is collected in (2) ponds see Attachment. measuring devices located at out and between the (2) ponds. Spring water rises in the upper pond. Water is used for. Esthetics & Recreation (fishing)

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		~~SE~~	~~SW~~	~~SE~~	~~32~~	~~2N~~	~~18E~~	~~Blaine~~	
		~~NW~~	~~NE~~		~~5~~	~~2N~~	~~18E~~		
1.	1		NE	NE	5	2N	18E		
2			SE	NE	5	2N	18E		

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	18E	5	x	x		x													
			L1	L2															
							(x)												

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Do not use this space

D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Parsall Flume					2.5'	

2. Measurements:

measured 1' on 2.5' Parsall Flume. =

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$Q = 4WHa^{1.522W^{0.026}} = 10.0 \text{ cfs.}$$

$$Ha = 1'$$

$$W = 2.5'$$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

Recreation - upper pond $500' \times 250' \times 4' = 500,000 \text{ cu ft.} = 11.48 \text{ Ac Ft.}$ lower pond $400' \times 200' \times 4' = 320,000 \text{ cu ft.} = 7.35 \text{ Ac}$ APR 12 1993
18.83 Ac Ft

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Recommend upper measuring device be waived.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Recreation (Fishing)	1-1	12-31	10.0 cfs	18.83
Totals:			10.0 cfs	18.83

2. Recommended Amendments

☒ Change P.D. as reflected above

☒ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

 Field Examiner's Name Gary Fynderburg

 Signature Gary Fynderburg

Certification Date _____

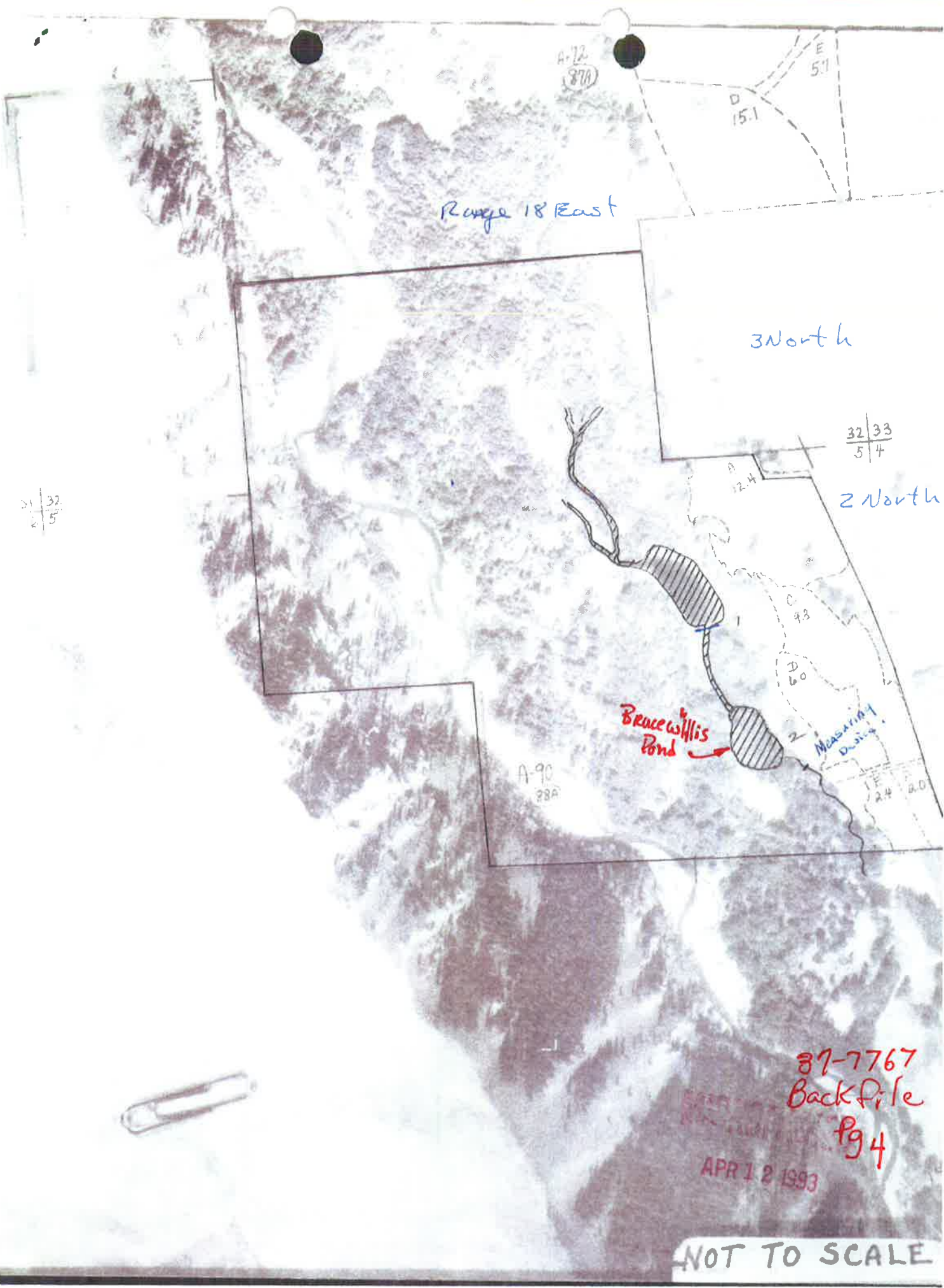
Field Report Preparation Date _____

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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31 | 32
2 | 5

A-72
87A

D
15.1

E
5.1

Range 18 East

3 North

32 | 33
5 | 4

2 North

A
12.4

C
9.3

D
6.0

Brace Willis Pond

Measuring Ditch

A-90
88A

2.4 2.0

37-7767
Back File
Pg 4

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NOT TO SCALE

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07767

Priority: February 27, 1979 Maximum Diversion Rate: 10.00 CFS

This is to certify, that FLYING HEART RANCH II
C/O BRIAN BALLARD
PO BOX 297

KETCHUM ID 83340 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated February 27, 1979; and
has submitted Proof of Beneficial Use on March 22, 1984. An examination indicates
that the works have a diversion capacity of 10.000 cfs of water from:

SPRINGS tributary to **BIG WOOD RIVER**

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	10.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 32, Township 03N, Range 18E
BLAINE County

PLACE OF USE: RECREATION
TWN RGE SEC

02N 18E 5 Lot 1(NENE) Lot 2(NWNE) SENE

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
- 4. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
- 5. Use of water under this right shall be non-consumptive.
- 6. The Director retains jurisdiction over this license to determine whether the use of water is consumptive, and to require measuring devices or testing by the water right holder to determine consumption. If water is being consumed, the Director also retains jurisdiction to require mitigation, or to regulate the right in its priority with other water rights of the Big Wood River.
- 7. Water discharged into a natural channel must satisfy Idaho water quality standards.
- 8. Recreation use is for fishing.

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07767

CONDITIONS/REMARKS:

9. Facility Volume = 820,000 cubic feet.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 3rd
day of MARCH, 1993.

Acting for  Director

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-7767

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APPROVED
FEB 27 1979

To appropriate the public waters of the State of Idaho

Department of Water Resources
Southern District Office

1. Name of applicant Flying Heart Ranch II
David Hoel - Developer Phone 788-3831

Post office address P. O. Box 1882 Ketchum, Id. 83340

2. Source of water supply springs are which ~~is~~ tributary of Big Wood River

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32 Township 3N

Range 18E B.M. Blaine County, additional points of diversion if any:

4. Water will be used for the following purposes:

fish,

Amount 12 cfs for recreation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 12 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing natural streams convey water from the springs to an existing pond. From the existing pond, water will flow approximately 800 feet to a new pond to be constructed. A gated outlet will be constructed from

this new pond to a downstream user.

b. Height of storage dam new pond, 3 feet, active reservoir capacity 4 acre-feet; total reservoir capacity 6 acre-feet, materials used in storage dam: local gravels and gravelly loam; soil from pond excavation.

Period of year when water will be diverted to storage Jan. 1 to Dec. 31 inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is -- inches; proposed depth of well is -- feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NE $\frac{1}{4}$

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5 Township 2N

Range 18E B.M.

(2) Amount of power to be generated: -- horsepower under -- feet of head.

(3) List number of each kind of livestock to be watered --

(4) Name of municipality to be served --, or number of families to be supplied with domestic water --.

(5) If water is to be used for other purposes describe: Sport fishery and recreation
for subdivision residents.

MICROFILMED

[illegible]

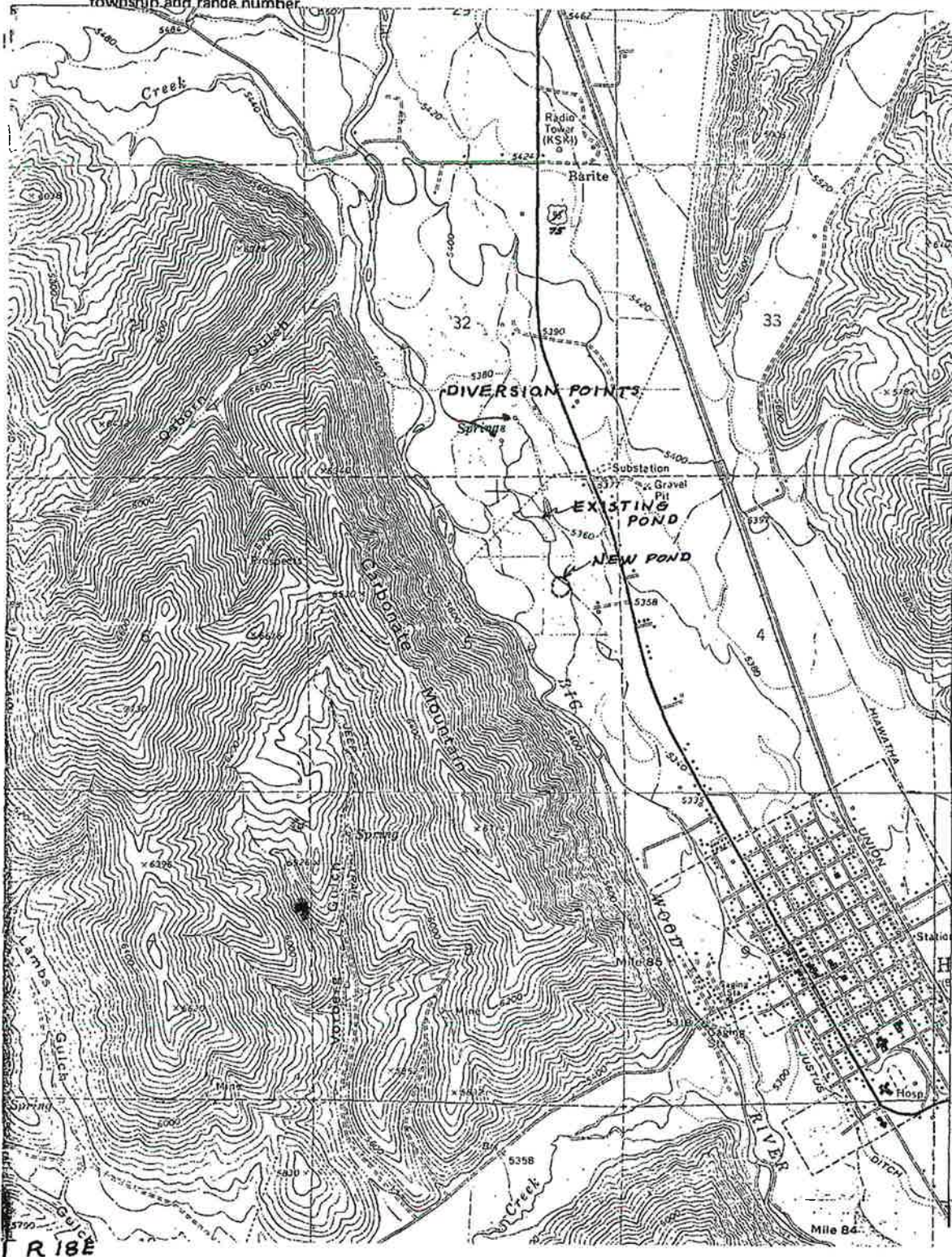
c. Describe any other water rights used for the same purposes as described above. _____

b. Who owns the land to be irrigated or place of use Flying Heart II Subdivision.

10. Remarks _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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

David Wolf
(Applicant)

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PRIORITY 2-27-79

Received by LH Date 2-27-79 Time 5:00 PM

Preliminary check by RB Fee \$ 145.00

Received by LH Date 2-27-79 # 12712

Publication prepared by ADM Date 3/1/79

Published in Wood River Journal

Publication dates 3/5 & 3/22/79

Publication approved mmj Date 3/6/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by LH J.S.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7767, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) Use of water under this permit is subject to control by the water-
master of State Water District No. 37, Big Wood River. (2) Measuring devices
of a type approved by this Department shall be permanently installed and main-
tained at the point of diversion and the point of effluent discharge. (3) The
issuance of this permit in no way grants any right-of-way or easement across
the land of another. (4) Return water shall be treated to insure that the efflu-
ent meets intrastate stream water quality standards.

Witness my hand this 19th day of April, 1979.

J. Glen Saxton
Chief, Operations Bureau