

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 37-08686

PRIORITY: November 15, 1990

Maximum Diversion Rate: 0.86 CFS

It is hereby certified that:

HEATHERLANDS HOMEOWNERS ASSN INC PO BOX 3901 KETCHUM ID 83340-3901

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 28, 1990, and has submitted Proof of Beneficial Use on November 18, 1996. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
FIRE PROTECTION	01/01 to 12/31	0.56 CFS	
DOMESTIC	01/01 to 12/31	0.23 CFS	12.6 AF
IRRIGATION	04/15 to 10/15	0.07 CFS	8.8 AF

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, Twp 03N, Rge 18E, B.M. BLAINE CountyGROUND WATER NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, Twp 03N, Rge 18E, B.M. BLAINE County**PLACE OF USE:** DOMESTIC and FIRE PROTECTION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	17														X			

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	17														4.1			4.1

Right Acre Limit: 2.5

Total Acres: 4.1

CONDITIONS OF APPROVAL

- Points of diversion are located within Lot 107, Block 8 and Lot 37, Block 2, Heatherlands Subdivision.
- This right does not grant any right-of-way or easement across the land of another.
- The following rights are diverted through point(s) of diversion described above: 37-159B, 37-8220, 37-8686 and 37-8831.
- Rights 37-159B, 37-8220, 37-8686 and 37-8831 when combined shall not exceed a total diversion rate of 3.51 cfs.

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5. Domestic use is for 13 homes.
6. The domestic place of use is located within lots 1-13, Sundance Subdivision.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
8. The irrigation place of use is located within lots 2, 7, 8, 12 and 13 Sundance Subdivision.
9. The irrigation authorized by the domestic component of this water right is limited to 1/2 acre within each of lots 1, 3 - 6, and 9 - 11 when a home has been constructed on the lot.
10. This right is limited to the irrigation of 2.5 acres within the authorized place of use in a single irrigation season.
11. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
12. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
13. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
14. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
15. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 21st day of May, 2018.


GARY SPACKMAN
Director

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37-8686

This map depicts the DOMESTIC and FIRE PROTECTION place of use boundary and points of diversion for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



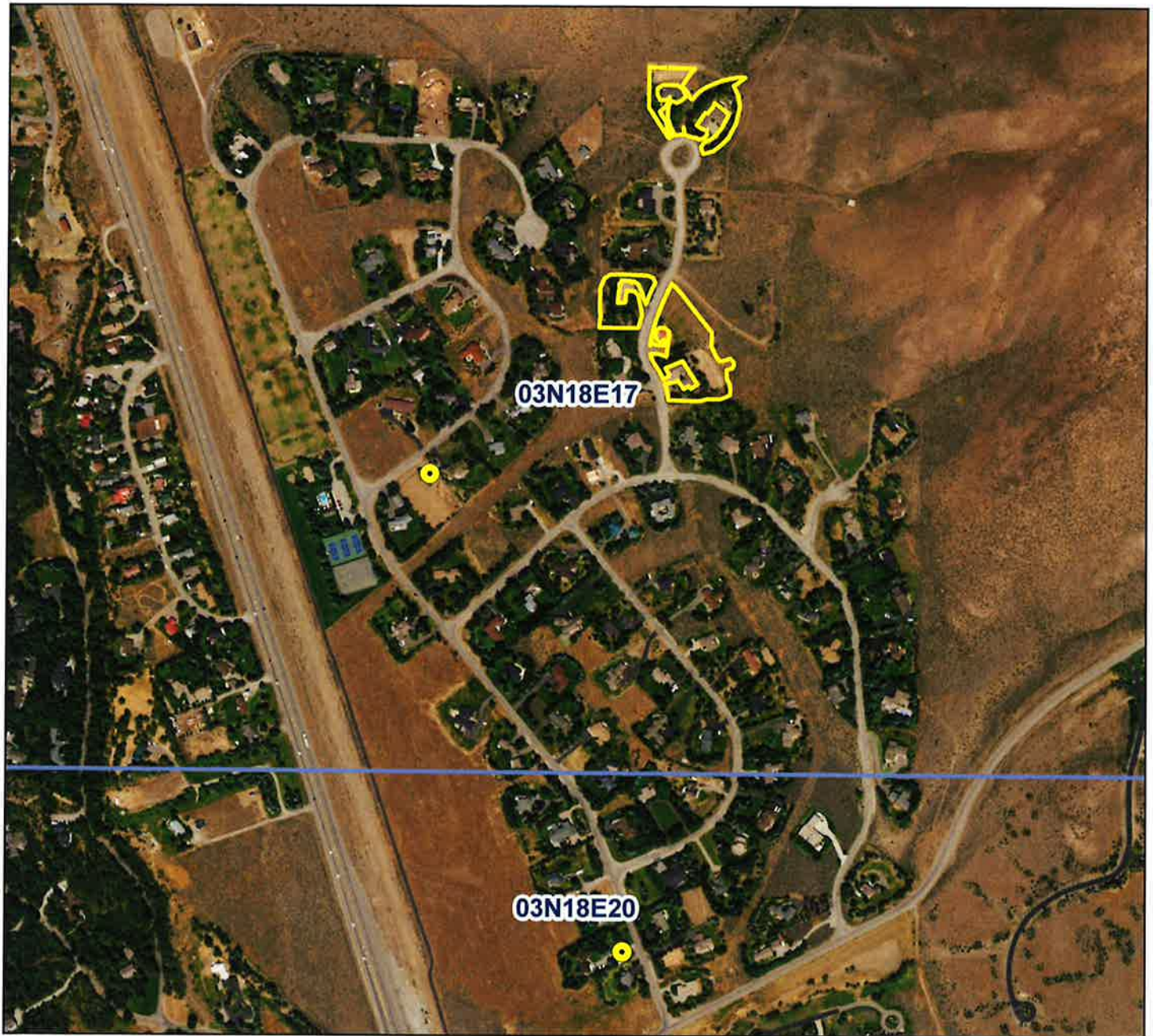
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections



0 0.25 0.5 Miles

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This map depicts the IRRIGATION place of use boundary and points of diversion for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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



0 0.25 0.5 Miles



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 23, 2018

HEATHERLANDS HOMEOWNERS ASSN INC
PO BOX 3901
KETCHUM ID 83340-3901

RE: Water Rights 37-8220 and 37-8686

Dear Water Right Holder:

On April 19, 2018, the Department issued licenses for permits 37-8220 and 37-8686. The licenses were issued as preliminary orders. On May 8, 2018, the Bureau of Land Management (BLM) filed a Petition for Reconsideration. According to the Petition the BLM owns all of T3N R18E Section 17 SWNE in Blaine County. The Department did not address the Petition. The licenses were withdrawn and replaced with the changes requested by the BLM. The amendment to 37-8686 was not needed and the Department will issue a refund for the withdrawn amendment.

The Amended License is a FINAL ORDER issued by the Department pursuant to Rule 740.02.a of the Department's Rules of Procedure (IDAPA 37.01.01). It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

If you disagree with these final orders, you can petition for reconsideration, request a hearing, or appeal to district court as further described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions about this information, please contact me at 208-287-4881 or sandra.thiel@idwr.idaho.gov.

Sincerely,

Sandra Thiel
Sr. Water Resource Agent

cc: James Speck and Charles G. Brockway
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2018, I served true and correct copies of the Amended Water Right Licenses Nos. 37-8220 & 37-8686 by U.S. Mail, postage prepaid, to the following:

HEATHERLANDS HOMEOWNERS ASSN INC (Current Owner)
PO BOX 3901
KETCHUM ID 83340-3901

JAMES P SPECK (Attorney)
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

WATER DISTRICT #37
KEVIN D LAKEY (Watermaster)
107 W 1ST
SHOSHONE ID 83352

CHARLES G BROCKWAY
BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301



Darla Block
Technical Records Specialist I

EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: The petition must be received by the Department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4), Idaho Code.

REQUEST FOR HEARING

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of: a) the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.