

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											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			0.8											3.3			4.1

Right Acre Limit: 2.5

Total Acres: 4.1

CONDITIONS OF APPROVAL

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

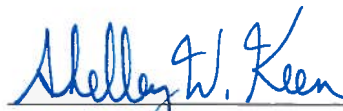
SCANNED
APR 25 2018

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

4. Rights 37-159B, 37-8220, 37-8686 and 37-8831 when combined shall not exceed a total diversion rate of 3.51 cfs.
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 19th day of April, 2018.

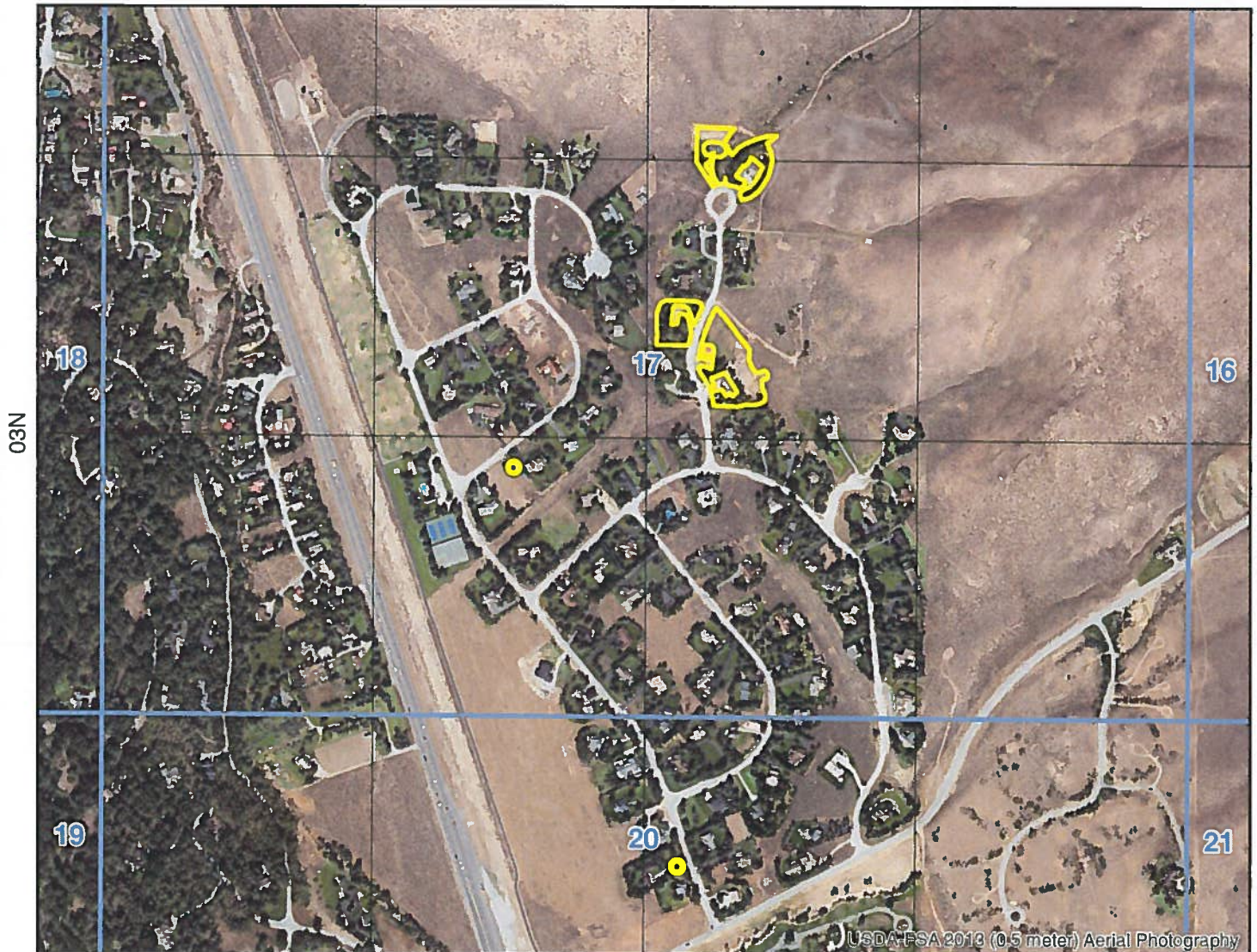


SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Water Right License
37-8686

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

18E



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



0 0.2 0.4 Miles

State of Idaho
Department of Water Resources
Water Right License
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.

18E



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



0 0.25 0.5 Miles



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

April 23, 2018

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

RE: License Nos. 37-8220, 37-8686 & 37-8831

Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right Licenses confirming that water rights have been established in accordance with your permits. Please be sure to thoroughly review all the conditions of approval listed on your licenses. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed are copies of the approved applications for amendment.

The licenses are PRELIMINARY ORDERS issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). They can and will become final orders without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4951.

Sincerely,

Pamela S Skaggs
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2018, I served true and correct copies of **Water Right License Nos. 37-8220, 37-8686 & 37-8831** 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

A handwritten signature in black ink, reading "Darla Block", written over a horizontal line.

Darla Block
Technical Records Specialist I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **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 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case 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 this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08686

RECEIVED

APR 16 2018

DEPARTMENT OF
WATER RESOURCES

PRIORITY: November 15, 1990

Maximum Diversion Rate: 0.86 CFS

Comes now

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

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 37-08686, and requests that the permit be changed as follows:

SOURCE:
GROUND WATER

<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	
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LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼SW¼ Sec. 17, Twp 03N, Rge 18E, B.M. BLAINE County

GROUND WATER NW¼NE¼ 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											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			0.8											3.3			4.1

Right Acre Limit: 2.5

Total Acres: 4.1

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 10th day of April, 2018.

Janet C. Wagle, Pres.
(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08686

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 37-08686 with the following:

CONDITIONS OF APPROVAL

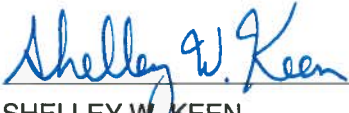
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State of Idaho
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APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08686

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 amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 19th day of April, 2018.


SHELLEY W. KEEN
Water Rights Section Manager