

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-22876

Priority: May 16, 2014

Maximum Diversion Rate: 10.00 CFS

This is to certify, that FLYING HEART RANCH II SUBDIVISION OWNERS ASSN
PO BOX 2163
HAILEY ID 83333

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

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

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4SE1/4	Sec. 32, Twp 03N, Rge 18E, B.M.
BLAINE County		
GROUND WATER	SW1/4SE1/4	Sec. 32, Twp 03N, Rge 18E, B.M.
BLAINE County		
GROUND WATER	L2 (NW1/4NE1/4)	Sec. 5, Twp 02N, Rge 18E, B.M.
BLAINE County		

PLACE OF USE: 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															
			L 1	L 2															
03N	18E	32															X		

PLACE OF USE: WILDLIFE

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															
			L 1	L 2															
03N	18E	32															X		

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PLACE OF USE: AESTHETIC

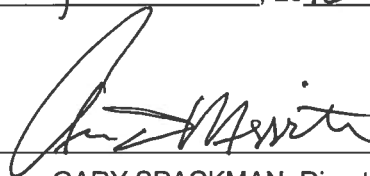
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	5	X	X		X													
			L 1	L 2															
03N	18E	32															X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2020**.
2. Subject to all prior water rights.
3. Use of water under this right shall be non-consumptive.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from the Big Wood River and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
6. 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.
7. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review 5 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
8. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device (in-line flow meter) and lockable controlling works of a type acceptable to the Department as part of the diverting works. Additionally the right holder shall install and maintain a measuring device at the southeastern end of the Upper Pond (SWNENE S05, T2N, R18E).
9. Rights 37-7767 and 37-22876 when combined shall not exceed a total diversion rate of 10.0 cfs.
10. This right shall be limited such that no more than 10 cfs will be allowed to flow through the right holder system (unless natural flow exceeds 10 cfs) as measured at the weir located at the southeastern end of the Upper Pond.
11. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 16th day of January, 2015.

FOR



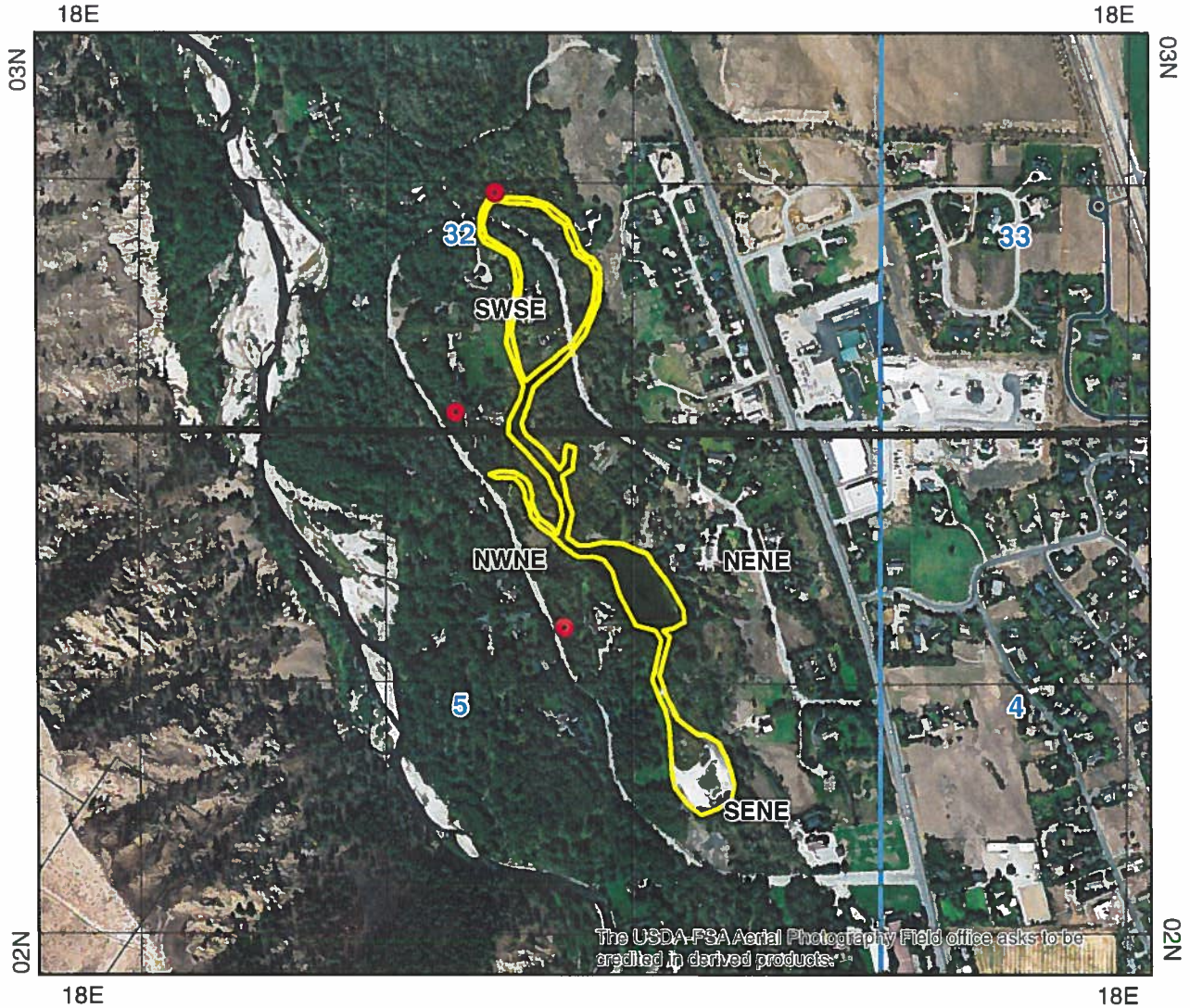
GARY SPACKMAN, Director

State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

37-22876

This map depicts the RECREATION/WILDLIFE/AESTHETIC 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.



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

0 0.1 0.2 0.4 Miles

