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DEC 23 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT TO
APPROPRIATE WATER NO. 37-22876

IN THE NAME OF:
FLYING HEART RANCH II
SUBDIVISION OWNERS ASSN

Applicant,

BLAINE COUNTY,
Protestant.

**NOTICE OF WITHDRAWAL
OF PROTEST**

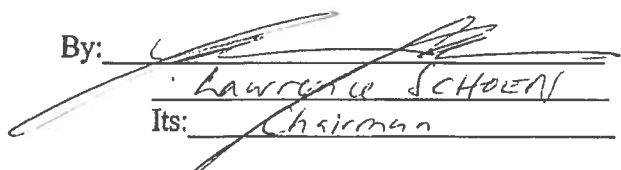
The undersigned, BLAINE COUNTY, hereby withdraws its Notice of Protest with regard to the application of Flying Heart Ranch II Subdivision Owners Association ("Applicant") for Permit No. 37-22876, which was filed with the Department on June 23, 2014. This Withdrawal is based upon the acceptance by the Applicant of the conditions to be imposed thereon as set forth hereinafter.

1. The priority date of the water right shall be the date of the application.
2. No more than 10 cfs will be allowed to flow through the Applicant's system (unless natural flow exceeds 10 cfs) as measured at the weir located at the southeastern end of the Upper Pond.

- 1
- 2 3. Well outflows of each well shall be measured by in-line flow measurement devices.
- 3 4. The Idaho Department of Water Resources ("IDWR") shall retain authority to require
- 4 mitigation of evaporative losses per its analysis.
- 5 5. This right shall be junior and subordinate to future water rights authorizing diversion and
- 6 use of water from the Big Wood River and its tributaries, including groundwater, for
- 7 consumptive uses, except that this right shall not be subordinate to future water rights for
- 8 similar wildlife, recreation and/or aesthetic uses.
- 9
- 10 6. Facsimiles and counterparts of this document shall be regarded as an original document by
- 11 all parties for all purposes. The parties acknowledge that IDWR is entitled to rely on
- 12 facsimile copies and counterparts hereof for all purposes.
- 13

14 DATED this 23rd day of December, 2014.

15 BLAINE COUNTY, IDAHO

16 By: 

17 Its: Lawrence Schoen

18 Chairman

19 ACCEPTANCE

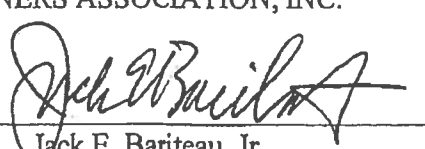
20 The Applicant accepts the terms of the foregoing, and agrees to be bound thereby upon the

21 IDWR's approval of the transfer application.

22 DATED this _____ day of December, 2014.

23 FLYING HEART RANCH II SUBDIVISION

24 OWNERS ASSOCIATION, INC.

25 By: 

26 Jack E. Bariteau, Jr.

Its: President

CERTIFICATE OF MAILING

I hereby certify that on this 23rd day of December, 2014, I served a copy of the foregoing instrument, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

Original:

Idaho Dept. of Water Resources
PO Box 83720
Boise, ID 83720-0098

- ☐ Hand Deliver
☐ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission 208-287-6700
✓ email

Copies:

Allen D. Merritt, P.E.
Southern Regional Manager
IDWR
650 Addison Ave. W, Ste. 500
Twin Falls, ID 83301

- ☐ Hand Deliver
☐ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission 736-3037
✓ email

Gary D. Slette
Robertson & Slette PLLC
PO Box 1906
Twin Falls, ID 83303-1906
Hailey, ID 83333

- ☐ Hand Deliver
☐ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission 208-933-0701
✓ email

Brockway Engineering PLLC
Attn: Charles E. Brockway
2016 Washington St. N, Ste. 4
Twin Falls, ID 83301

- ☐ Hand Deliver
☐ U.S. Mail
☐ Overnight Courier
☐ Facsimile Transmission 736-8506
✓ email



Tim Graves
Blaine County Deputy Prosecuting Attorney