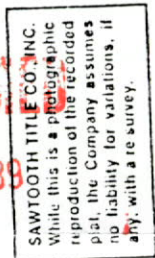


SECS. 485. T2N, R18E, & SEC. 32, T3N, R18E, B.M.

BLAINE COUNTY, IDAHO



AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

DANIEL J. GORHAM

being first duly sworn,
deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 3rd day of July, 1989, and the date of the last publication was on the 12th day of July, 1989.

Daniel J. Gorham
Subscribed and sworn to before me this 12th day of July, 1989.
(SEAL)

Kaluta McKee
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11
Number of Lines in Notice 115
Number of Insertions 2
Lines tabular at 5¢/Pica
115 Lines straight at 56.93 4¢/Pica
115 Subsequent lines at 44.28 3¢/Pica
TOTAL COST 101.21

RECEIVED

JUL 13 1989

Department of Water Resources
Southern Region Office

COPY OF NOTICE

(Paste Here)

Le Applications
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Six water right applications filed

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08429 ✓

FLYING HEART
RANCH II SUBD.
P.O. BOX 2163
HAILEY, ID 83333
Source: GROUNDWATER
Diversion Pt: SWNE Sec 5 T
02N R 18E
Use: DOMESTIC (.190 CFS)
IRRIGATION (.400 CFS)
FIRE PROTECTION (1.180 CFS)
Date Filed: 10/20/1988
In: T02N R18E S04 SWNW; S05
NENE NWNE SENE
20.0 ACRES TOTAL

37-08439

STARWEATHER SUBD.
PROP. OWNERS ASSN. INC.
C/O BRIAN BALLARD, ATTY.
P.O. BOX 297
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: NWNWNW Sec 20 T
03N R 18E
Use: DOMESTIC (.360 CFS)
IRRIGATION (.600 CFS)
FIRE PROTECTION (3.570 CFS)
Date Filed: 10/25/1988
In: T03N, R18E S17 NWSW
SWSW; S18 NESE SESE; S19
NENE; S20 NENW NWNW
SWNW SENW
30.0 ACRES TOTAL

37-08508

BUTTRAM, KENNETH
THORNTON, ROD
P.O. BOX 487
HAILEY, ID 83333
Source: GROUNDWATER
Diversion Pt: SESESW Sec 33 T
03N R 18E
Use: DOMESTIC (.080 CFS)
IRRIGATION (.150 CFS)
Date Filed: 5/22/1989
In: T02N R18E S04 NWNE NENW
T03N R18E S33 SESE SWSE
5.01 ACRES TOTAL

37-08509

HANWRIGHT, JOSEPH C.
HANWRIGHT, PATRICIA L.
P.O. BOX 478
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: NWNW Sec 9 T 02N
R 18E
Use: DOMESTIC (.10 CFS)
IRRIGATION (.12 CFS)
Date Filed: 5/02/1989
In: T02N R18E S09 NWNW
4.0 ACRES TOTAL

37-08521

GIRTON, RALPH
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: NENESE Sec 35 T
02N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 6/02/1989
In: T02N R18E S35 NESE
3.0 ACRES TOTAL

37-08522

HANSON, RONDELL B.
HANSON, JOYCE P.
C/O JAMES P. SPECK
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: SWSWNE Sec 35 T
02N R 18E
Use: DOMESTIC (.060 CFS)
IRRIGATION (.090 CFS)
Date Filed: 6/02/1989
In: T02N R18E S35 SWNE
3.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before JULY 24, 1989.

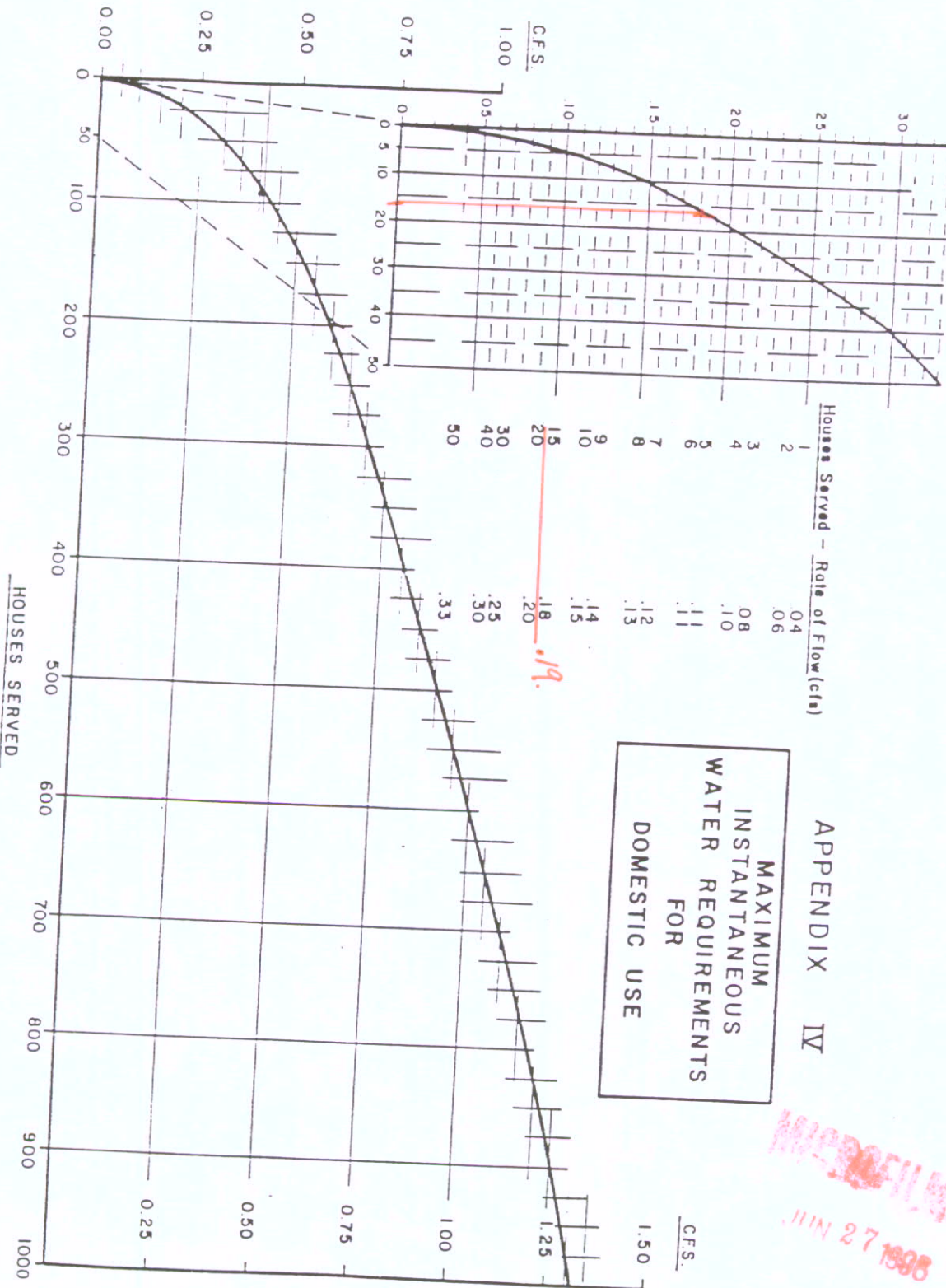
R. Keith Higginson, Director
Publish: Wood River Journal-July 3 & 12, 1989.

COMPOSITE P



6/13/35

37-08429



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JUN 27 1968

While this is a photocopy reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a resurvey.

FLYING HEART RANCH NO. II

37-08429
System Diagram

SCALE: 1" = 200'

⊗ = Occupied lot
— = P/U boundary

LEGEND

- Monument Found
- 1/2" x 24" Round Sign
- 3/8" x 30" " "
- PE Pedestrian Encasement, Private
- EE Equestrian
- BE Building Envelope
- ME Minimum Pad Elevation
- IRF Floodplain Limit
- Designated sewage mound location
- Well easement Lot 10-100x100'
- No livestock or contaminants
- Damage Easement

CURVE DATA

CURVE	A	R	L	CHORD	C.BEARING
R-7	40°50'56"	363.00'	228.80'	2.5335'	S36°58'33"E
R-8	44°30'00"	443.00'	315.84'	3.0919'	S36°58'33"E
R-9	72°58'30"	100.00'	129.14'	1.2035'	S53°32'50"E
R-10	77°01'01"	23.00'	23.45'	2.1683'	S53°32'50"E
R-11	102°52'28"	44.88'	39.10'	31.42'	S51°53'04"E
R-12	23°32'19"	221.96'	98.93'	39.10'	N42°01'03"E
R-13	7°24'48"	3592.34'	738.08'	516°23'59"E	



JUN 27 1996

While this is a photocopy reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

FLYING HEART RANCH NO. II

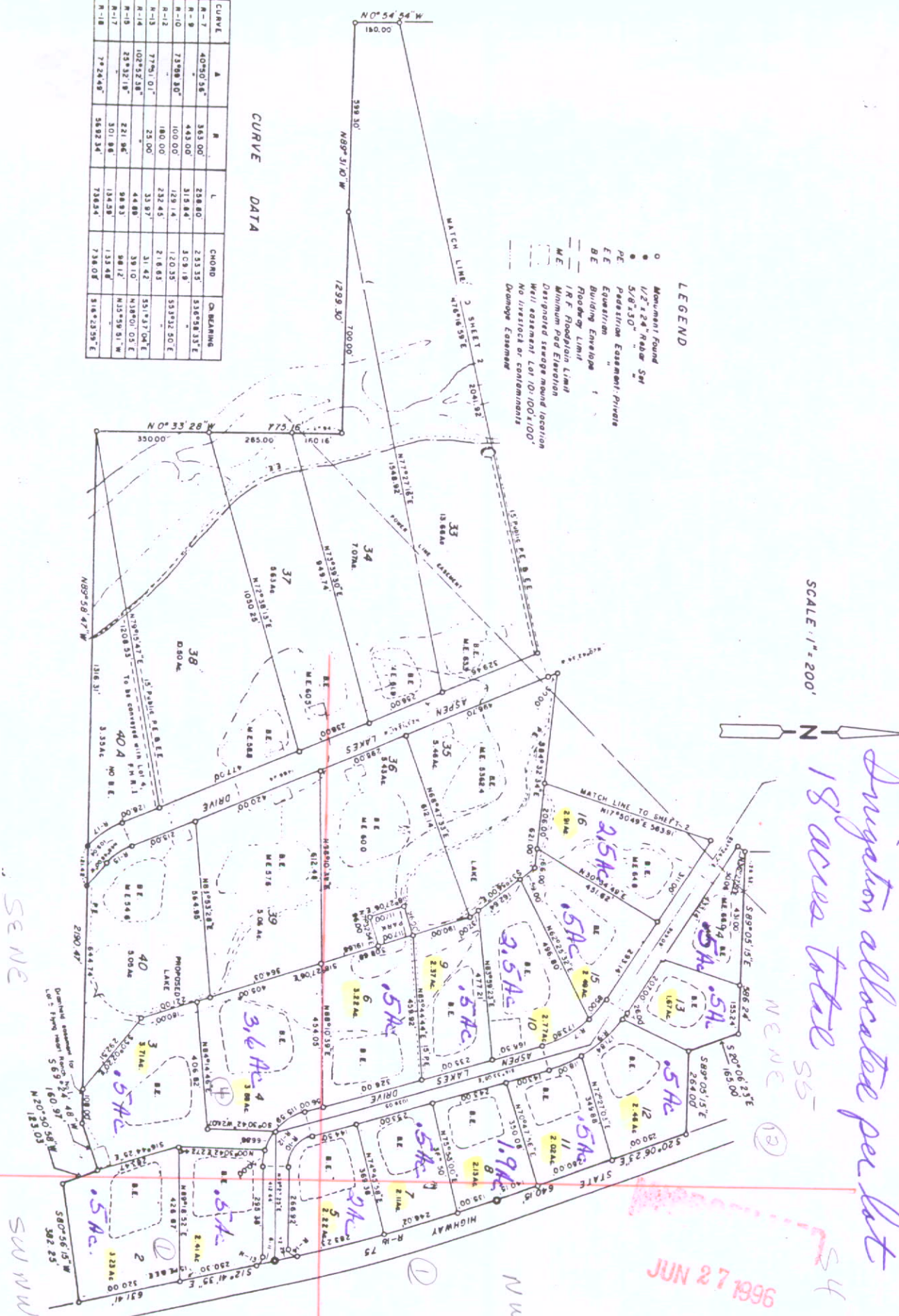
SCALE: 1" = 200'

LEGEND

- Monument Found
- 1/2" x 24" Rebar Set
- 5/8" x 30" " "
- PE Pedestrian Easement - Private
- EE Easement " "
- BE Building Easement
- RD Roadway Limit
- ME Minimum Road Elevation
- DE Designated sewage mound location
- WE Well easement Lot 10: 100' x 100'
- NO livestock or contaminants
- Damage Easement

CURVE	A	R	L	CHORD	CH MEASUREMENT
M-7	40°30'58"	363.00'	258.80'	253.35'	336°58'35"E
M-8	44°30'00"	443.00'	319.84'	359.18'	
M-9	73°08'30"	100.00'	129.14'	120.35'	53°32'50"E
M-10	77°01'01"	25.00'	33.97'	31.42'	51°13'04"E
M-11	102°52'28"	44.88'	44.88'	39.10'	118°01'03"E
M-12	25°32'18"	301.86'	134.35'	133.88'	115°59'01"W
M-13	7°24'48"	5892.34'	738.08'	516°23'55"E	

CURVE DATA



PERMIT 37-08429 INIT
T. R. S. Q/Q
P/D 2N 18E 5 NENE
SCALE
PHOTO ID.

61
32
65

61
15.1

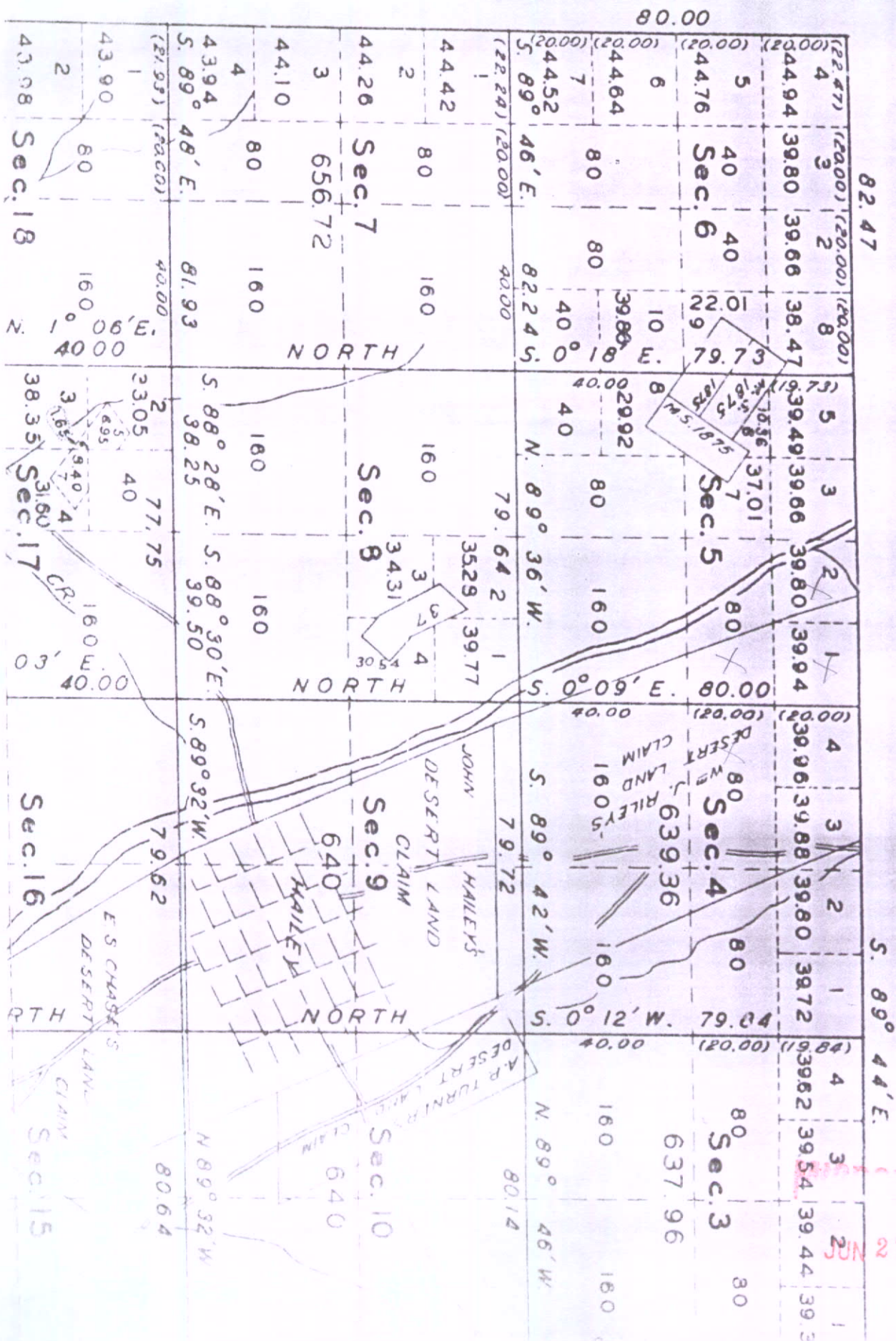
61
24.3

61
32.33

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MAY 27 1996

COMPOSITE PLAT OF HIP N^o 2 NORTH, RANGE N^o 18 EAST, OF T

37-08429



34
JUN 27 1966

37-8429



#1
PIR located
in well house.



#2.
Well house

MICHAEL AGON
JUN 27 1996

37-08429



#3

Pressure tanks
in well house



#4

PIU - Looking
NE across
unoccupied
Lots 11 & 12.

INVESTIGATION

JUN 27 1996

37-08429



#5

P14

Lots 4 & 3



#6.

P14 - Lot 4

MAE

JUN 27 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08429

Priority: October 20, 1988

Maximum Diversion Rate:

1.18 CFS

This is to certify, that FLYING HEART RANCH II SUBDIVISION
PO BOX 2163

HAILEY ID 83333-2163 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 20, 1988; and has submitted Proof of Beneficial Use on November 30, 1990. An examination indicates that the works have a diversion capacity of 1.200 cfs of water from a GROUNDWATER 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>
IRRIGATION	04/15 to 10/15	0.40 CFS	
DOMESTIC	01/01 to 12/31	0.19 CFS	
FIRE PROTECTION	01/01 to 12/31	1.18 CFS	
	Totals	1.18 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (NENE), Sec. 5, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	4	SWNW 1			1
		5	Lot 1 (NENE) 13	Lot 2 (NWNE) 1	SENE 5	19
Total number of acres irrigated:						20

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

PLACE OF USE:

FIRE PROTECTION, same as IRRIGATION use

CONDITIONS OF APPROVAL AND 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. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. Irrigation use under this right is authorized only in connection with a domestic use.
6. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for the use of existing rights used for supplemental purposes.

W. J. ...
JUN 27 1996

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 37-08429

CONDITIONS OF APPROVAL AND REMARKS

7. Point of diversion is located within Lot 10, Flying Heart Ranch No. 2 Subdivision.
8. Places of use are located within Lots 1-16, Flying Heart Ranch No. 2 Subdivision.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual diversion volume of 70.0 af for irrigation use on the lands described above.
10. Domestic use is for 16 homes.
11. Domestic use does not include lawn, garden, landscape, or other types of irrigation.
12. This right when combined with all other rights shall not exceed a combined annual diversion volume of 9.6 af for domestic use.

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 31st
day of MAY, 19 96.

Acting for

KARL J. DREHER, Director

RECEIVED
JUN 27 1996

RECEIVED

NOV 30 1990

For Office Use Only

Amt. of Fee \$ 125.00Date 11/30/90Receipt No. 6019008Received by J. Larson

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 37-08429 Telephone No. 788-9837

Name(s) of Permit Holder(s): FLYING HEART RANCH II SUBDIVISION

Post Office Address: P.O. BOX 2163 HAILEY, IDAHO 83333

Source of Water: GROUNDWATER

If ground water, well driller's name: WOOD RIVER DRILLING Date drilled: 9/5/1980

Extent of Use: (KEN SMITH)

Domestic 16 (No. of households) Irrigation 20 (No. of acres)

Stockwater _____ (No. and type of stock) Other FIRE PROTECTION

Total rate and/or volume for which proof is submitted 1.18 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 9/5/1980

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

MICROMETER
INSTALLED
10/5/1990
BY WOOD RIVER
DRILLING

Fee Enclosed: \$ 125 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

LUPE SUTTON

Name

788-9837

Telephone No.

P.O. BOX 3083 KETCHUM, IDAHO 83340

Address

MICROFILMED

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

11/28/1990
Date

Lupe Sutton Pres. FHOA
Signature (and title if on behalf of a company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08429

Proposed Priority: October 20, 1988 Maximum Diversion Rate: 1.18 CFS

This is to certify, that **FLYING HEART RANCH II SUBDIVISION**
P.O. BOX 2163
HAILEY, ID 83333

has applied for a permit to appropriate water from: **GROUNDWATER**
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>
IRRIGATION	04/01 to 11/01	0.40 CFS
DOMESTIC	01/01 to 12/31	0.19 CFS
FIRE PROTECTION	01/01 to 12/31	1.18 CFS
Totals		1.18 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNENE Sec. 5, Township 02N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	18E	4	SWNW 1			1
		5	NENE 13	NWNE 1	SENE 5	19

Total number of acres irrigated: 20

PLACE OF USE: DOMESTIC, same as IRRIGATION use
PLACE OF USE: FIRE PROTECTION, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1990.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Irrigation use under this permit is authorized only in connection with a domestic use.
5. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
6. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

NOT RECORDED

DEC 15 1989

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 37-08429

CONDITIONS/REMARKS:

8. Domestic use is for 16 homes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

27th day of November, 1989.

J. Glen Saxton

for R. Keith Higginson, Director

MICROFILMED

DEC 15 1989

RECEIVED
EOW 202
6/85

OCT 20 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-08429

Department of Water Resources
Southern Region Office

To appropriate the public waters of the State of Idaho

FLYING HEART RANCH II SUBDIVISION

1. Name of applicant OWNERS ASSN (LOTS 1-16) Phone 788-2461

Post office address P.O. BOX 2163 - HAILEY, IDAHO 83333

2. Source of water supply GROUNDWATER which is a tributary of _____

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____

Sec. 5 Township 2N Range 18E B.M. BLAINE County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .1944 for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .40 for IRRIGATION purposes from APR 1 to NOV 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.18 for FIRE PROTECT 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)

5. Total quantity to be appropriated is (a) 1.18 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. PUMPS & WELL;
2 - 7 1/2 HP X 12" X 80'

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

c. Proposed well diameter is 12" inches; proposed depth of well is 80' feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

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

EXISTING years (minimum 1 year).

1 yr

DEC 15 1989

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 16 LOTS (HOUSEHOLDS)

e. Other; describe fully. FIRE PROTECTION; PUMPS FEED MAIN
LINE WHICH SERVES FIRE HYDRANTS

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	18E	5	13	1		5													19
2N	18E	4							1										1
2N	18E	5	DF	DF		DF													
2N	18E	4							DF										

Total number of acres to be irrigated 20

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

11. a. Who owns the property at the point of diversion? NIEL LIPSEY

b. Who owns the land to be irrigated or place of use? HOMEOWNERS

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. HOMEOWNERS ASSOCIATION HAS

EASEMENT RE WELL SITE & SYSTEM

12. Remarks:

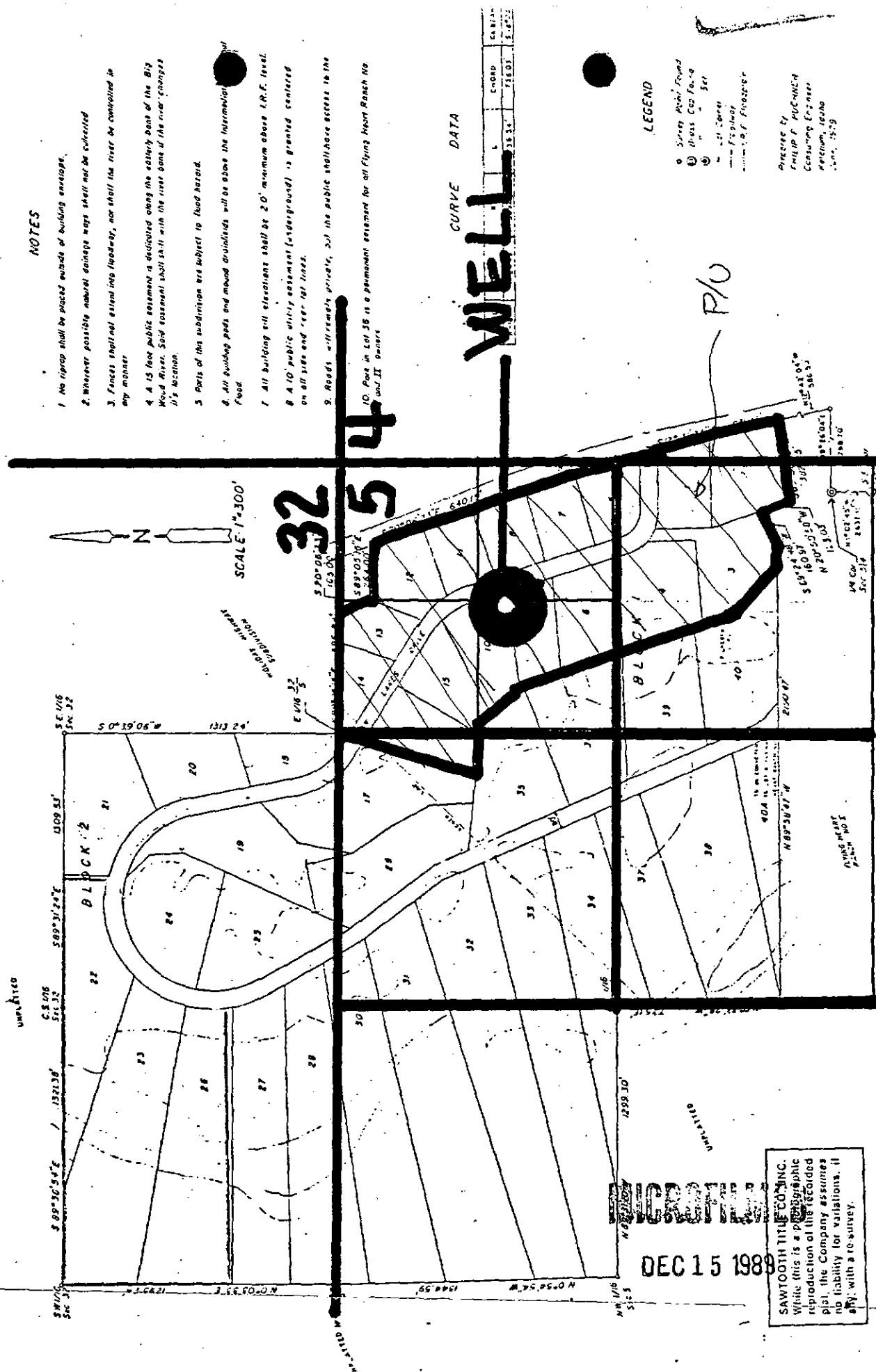
EXISTING SUBDIVISION - ESSENTIALLY SIXTEEN
HOUSEHOLD DOMESTIC USE w/ SMALL COMMON
AREA IRRIGATION AND FIRE PROTECTION
(HYDRANTS) SYSTEM

Adjudication Claim has been REMOVED
#A37-11832

FLYING HEART RANCH NO. II

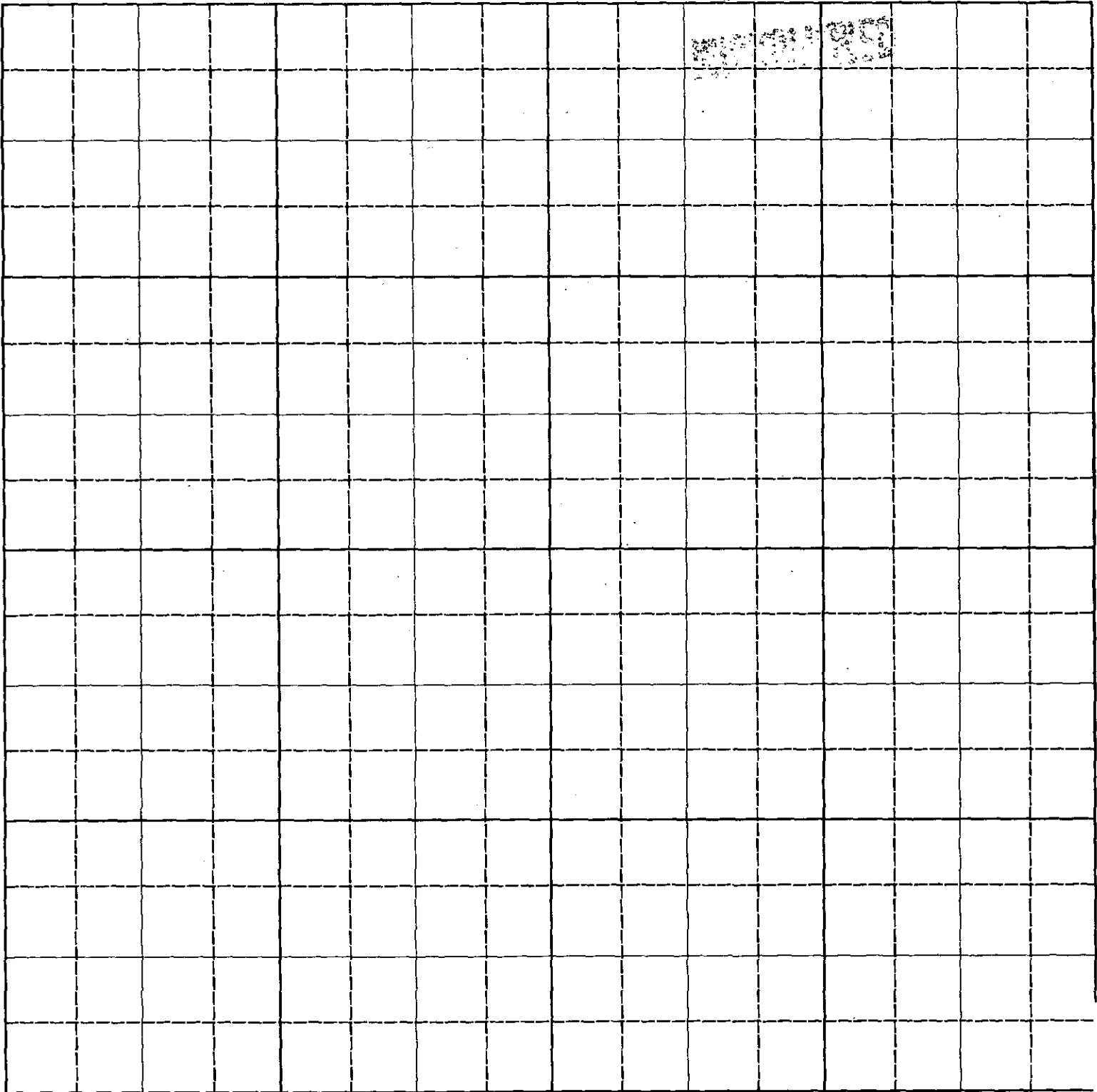
SECS. 48.5, T2N, R18E, & SEC. 32, T3N, R18E, B.M.

BLAINE COUNTY, IDAHO



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

DEC 12 1955



Scale: 2 inches equal 1 mile.

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.

FHR Owners Assoc.
By John M. Cygo Pres.
(Applicant)
Bernice H. Hays, director

Received by SCC Date 10/20/88 Time 10:00A Preliminary check by IRA
Fee \$ 65⁰⁰ Received by SCC # 5003082 Date 10/20/88
Publication prepared by M. Baldwin Date 6/16/89 Published in Wood River Journal
Publication approved M. Baldwin Date 7/14/89

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. _____, and said application is hereby _____.

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 _____, 19 ____.
- 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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MICROFILMED

DEC 15 1989

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340

LAWSON & PEEBLES
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

TELEPHONE
(208) 726-5657
FACSIMILE
(208) 726-9743

November 8, 1989

Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Re: Application for Permit No. 37-08429
Flying Heart Ranch II,
Subdivision Owners Association

Gentlemen:

Please be advised that the names and addresses of the above-referenced corporation's directors and officers are as follows:

President: Don Brandenburger
1355 Brandt Road
Hillsboro, CA 94101

Vice-President: Ed Lawson
P. O. Box 297
Ketchum, ID 83340

Secretary: Greg Bloomfield
P. O. Box 97
Ketchum, ID 83340

Treasurer: Tom Heinrich
P. O. Box 264
Sun Valley, ID 83353

Board of
Directors:

1. Greg Bloomfield
2. Don Brandenburger
3. Tom Heinrich
4. Ed Lawson
5. Sue Lipsey
P. O. Box 341
Sun Valley, ID 83353

Thank you.

Very truly yours,

LAWSON & PEEBLES

Brian L. Ballard

RECEIVED

NOV 9 1989

Department of Water Resources
Southern Region Office

RECEIVED

NOV 14 1989

Department of Water Resources

MICROFILMED

DEC 15 1989

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

DANIEL J. GORHAM

, being first duly sworn,
deposes and says that he is the printer (publisher) of the Wood River Journal, a
newspaper published every week in Hailey, County of Blaine, State of Idaho; that
said newspaper has been continuously and uninterruptedly published for a period of
seventy-eight consecutive weeks prior to the first publication of the annexed notice,
and is a newspaper qualified to publish legal notices as provided by act of the 1919
session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive
issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 3rd day of July, 1989, and

the date of the last publication was on the 12th day of July, 1989.

Daniel J. Gorham
Subscribed and sworn to before me this 12th day of July, 1989.
(SEAL)

Rabuta
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

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TOTAL COST 101.21

RECEIVED

JUL 13 1989

Department of Water Resources
Southern Region Office

COPY OF NOTICE

(Paste Here)

Le Applications
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Six water right
applications filed

NOTICE OF APPLICATION
FOR WATER RIGHT

The following application(s) have
been filed to appropriate the
public waters of the State of
Idaho:

37-08429 ✓

FLYING HEART
RANCH II SUBD.
P.O. BOX 2163
HAILEY, ID 83333
Source: GROUNDWATER
Diversion Pt: SWNE Sec 5 T
02N R 18E
Use: DOMESTIC (.190 CFS)
IRRIGATION (.400 CFS)
FIRE PROTECTION (1.180 CFS)
Date Filed: 10/20/1988
In: T02N R18E S04 SWNW; S05
NENE NWNE SENE
20.0 ACRES TOTAL

37-08439

STARWEATHER SUBD.
PROP. OWNERS ASSN. INC.
C/O BRIAN BALLARD, ATTY.
P.O. BOX 297
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: NWNWNW Sec 20 T
03N R 18E
Use: DOMESTIC (.360 CFS)
IRRIGATION (.600 CFS)
FIRE PROTECTION (3.570 CFS)
Date Filed: 10/25/1988
In: T03N, R18E S17 NWSW
SWSW; S18 NESE SESE; S19
NENE; S20 NENW NWNW
SWNW SENW
30.0 ACRES TOTAL

37-08508

BUTTRAM, KENNETH
THORNTON, ROD
P.O. BOX 487
HAILEY, ID 83333
Source: GROUNDWATER
Diversion Pt: SESESW Sec 33 T
03N R 18E
Use: DOMESTIC (.080 CFS)
IRRIGATION (.150 CFS)
Date Filed: 5/22/1989
In: T02N R18E S04 NWNE NENW
T03N R18E S33 SESW SWSE
5.01 ACRES TOTAL

37-08509

HANWRIGHT, JOSEPH C.
HANWRIGHT, PATRICIA L.
P.O. BOX 478
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: NWNW Sec 9 T 02N
R 18E
Use: DOMESTIC (.10 CFS)
IRRIGATION (.12 CFS)
Date Filed: 5/02/1989
In: T02N R18E S09 NWNW
4.0 ACRES TOTAL

37-08521

GIRTON, RALPH
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: NENESE Sec 35 T
02N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 6/02/1989
In: T02N R18E S35 NESE
3.0 ACRES TOTAL

37-08522

HANSON, RONDELL B.
HANSON, JOYCE P.
C/O JAMES P. SPECK
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: SWSWNE Sec 35 T
02N R 18E
Use: DOMESTIC (.060 CFS)
IRRIGATION (.090 CFS)
Date Filed: 6/02/1989
In: T02N R18E S35 SWNE
3.0 ACRES TOTAL

The permit(s) will be subject to all
prior water rights. Protests may
be submitted based on the criteria
of Sec. 42-203A, Idaho Code,
and/or the new public interest
criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with
the Director, Dept. of Water
Resources, 2148 4th Avenue
East, Twin Falls, Idaho 83301, on
or before JULY 24, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal--July
3 & 12, 1989.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 3, 1996

FLYING HEART RANCH II SUBDIVISION
PO BOX 2163
HAILEY ID 833332163

RE: WATER RIGHT NO. 37-08429

Dear Water Right Holder(s):

Enclosed is a copy of the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED
JUN 27 1996

B/U FIELD EXAM REVIEW

Cindy Zimmerman

Permit #: 37-8429 Name: Flying Heart Ranch II Date: 3/6/96
Subdivision 2/28/96 ✓ Lots ✓

NAME Chng Same ✓ Or Address Change?

SOURCE Clarify source
Prelim. Order to Void - Source change.

P/D Amendment Needed? clarify Lt 1 (SW NENE) S5 P39
Overlap(s)

P/U Amendment Needed? clarify Lt 1 (NENE) S5 P41
Overlap(s) Lt 2 (NW NENE) S5
 (Gov't special q's) *P/D & P/U Amend? P37

RATE Permit/fee limits: 1.18 / 1.18
Measured Q= None cfs/Theoretical Q= 1.20 cfs
 $(\text{Dom}/16 \text{ hrs} = 0.19 \text{ cfs}) + (\text{Dom } 20 \text{ ac} \times 0.02 \text{ cfs/ac} = 0.40 \text{ cfs}) + (\text{FP} = 1.18) = 1.18$
 $(\text{HP}) \frac{8.8 \times 0.70 \times 30}{15 + (2.31 \times 60)} = \frac{184.8}{153.6} = 1.20 \text{ cfs}$
Recommended capacity 1.20 cfs
Recommended rate 1.18 cfs

VOLUME Season of Use: 12/3/95 4/15 - 10/15 = 184 days
Calculations:
 $(\text{Irr: } 20 \text{ ac} \times 3.5 \text{ AF/ac} = 70.0 \text{ AF}) + (\text{Dom: } 16 \text{ hrs} \times 0.6 \text{ AF/hr} = 9.6)$
 $= 79.6 \text{ AF}$
Flow limit: 0.40 x 184 x 1.9835 = 146.0 AF
Recommended volume 79.6 AF

USES Same Nature of Use? P46
Amendment Needed?

REMARKS Multiple p/d's in 1/2? W32
① WBS/16 ② WBT ③ WBB ④ PD=LT 10 ⑤ PU=LT 1-16

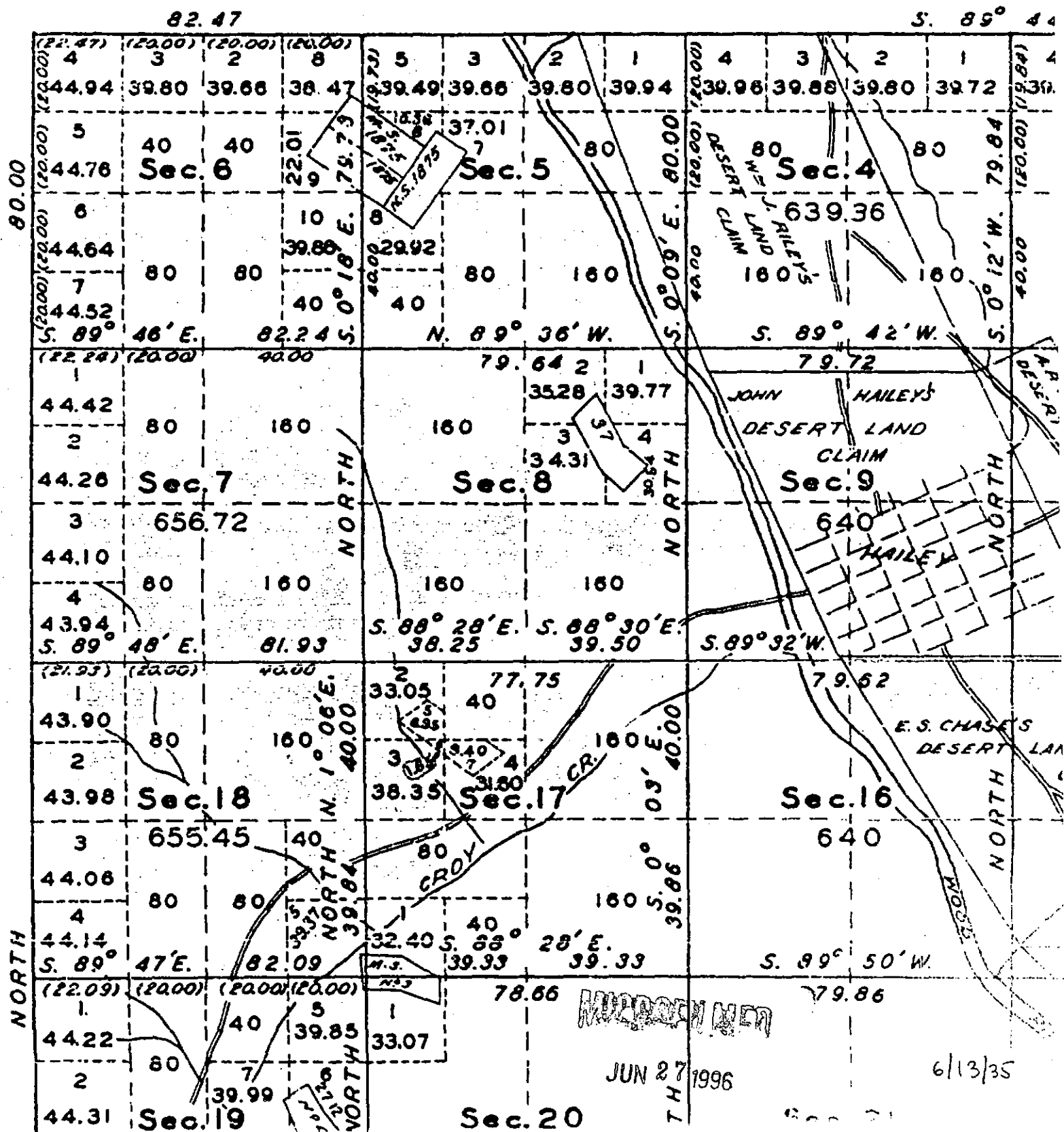
CONDITIONS R01 Measuring (R01)/Locking (R02) Devices
Watermaster Control (R04) - WD #
Irrigation rate/volume overlap (in remark)
GW irrigation replaces surface water (050)
GW irrigation supplements surface water (065) 37-557/18/2
041 Water Quality/Other

PRIORITY App Rcd 10/20/88 Due 12/1/90 Rc'd 11/30/90
 Receipt# 6019068 Fee OK? (Yes/No)
 Order to Reinstate Needed? Yes/No Done? (No)
 If Yes, Advanced? Yes/No to:
 Priority 10/20/88 Examined 9/17/93
add G.L.

COMMENTS: license as permitted; surface water overlap w/ 37-00557/558/559 seeking earlier prior

USE	CFS	DIV VOL	SRBA Overlap A37-11832
Irr	0.40	70.0	Adjustment Memo ✓
Dom	0.19	9.6	LICENSE LTR: <u>(P49)</u>
Fire Protection	1.18	NONE	#1 AMEND LTR: <u>/P38</u>
TOTAL	1.18	79.6	#2 AMEND LTR: <u>P42/P47</u>

COMPOSITE P



MEMORANDUM

DATE: February 28, 1996
TO: File No. 37-08429
FROM: Cindy Zimmerman *CZ*.
SUBJECT: Review of Beneficial Use Field Report

=====

During the review of this exam, I noted that the examiner used the orthophotoquad to determine $\frac{1}{4}$'s and acres which were in conflict with the USGS 7.5 minute series topographic map.

The following adjustments were made on the field report to reflect the topographic map:

1. Place of use is located within SWNW (1.0 A), S04; Lot 1-NENE (13.0 A), Lot 2-NWNE (1.0 A), & SENE (5.0 A), S05, T02N, R18E. Total irrigation = 20.0 Acres.
2. Rate of Diversion.
 - a. Irrigation = acres x cfs/acre
= 20.0 x 0.02
= 0.40 cfs.
 - b. Domestic, 16 homes = 0.19 cfs.
 - c. Fire Protection = 1.18 cfs.
 - d. Maximum rate of diversion = a + b + c
= 0.40 + 0.19 + 1.18
= 1.18 cfs (limited by permit).
3. Annual Volume.
 - a. Irrigation = acres x AF/acre
= 20.0 x 3.5
= 70.0 AF.
 - b. Domestic = homes x 0.6 AF/home
= 16 x 0.6
= 9.6 AF.
 - c. Fire Protection receives no allocated volume.
 - d. Maximum Annual Volume = a + b + c
= 70.0 + 9.6 + 0
= 79.6 AF.

Handwritten: HANDBOOK

JUN 27 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

February 28, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Hogue Speck & Aanestad
120 East Avenue
Box 987
Ketchum, Id 83340
Atten: Jim Speck

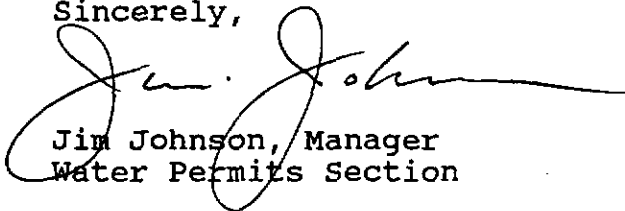
Re: Permit No. 37-08429

Dear Jim;

Good news. I have received authorization to proceed with licensing the above referenced water right with 20 acres of irrigation listed. I can do this without pursuing the action suggested in your January 23, 1996 letter.

It appears that we can start processing for licensing right away. If you have any questions let me know.

Sincerely,



Jim Johnson, Manager
Water Permits Section

RECEIVED
JUN 27 1996

MEMORANDUM

Date: February 23, 1996
From: Jim Johnson *OK NY*
To: Norm Young
Subject: Request for reconsideration

=====

I received a letter from Jim Speck representing Flying Heart Ranch II Subdivision explaining the circumstances leading to a premature filing of the beneficial use statement for Permit No. 37-08429.

I have reviewed the file and the beneficial use report and have concluded that rather than pursuing Jim Speck's proposal that the Department should adjust the beneficial use report. The difference between the permit and examination is only two acres. The water system is in place and will serve all 16 lots when construction is complete without further upgrade. The examiner confirmed that the location of the subdivision was the same as listed on the permit therefore the acres listed on the permit are valid and can be used for licensing.

If you concur I will proceed.

RECEIVED

JUN 27 1996

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

January 23, 1996

RECEIVED

JAN 24 1996

Department of Water Resources

Mr. Jim Johnson, Manager
Water-Right Permits Section
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

Re: Permit No. 37-08429
Flying Heart Ranch II Subdivision

Dear Jim:

I represent Flying Heart Ranch II Subdivision, the holder of Permit No. 37-08429 (the "Permit"). In 1988, in the course of reviewing the water rights for this Subdivision in anticipation of filing claims in the SRBA, it was discovered that the central water system for the Subdivision did not have a water right. Therefore, an Application for Permit was filed on October 20, 1988, the proposed priority date. The Application for Permit was processed without protest and the permit issued November 24, 1989, providing a December 1, 1990 deadline for proof of construction of the diversion works and application of water to beneficial use. My client then filed on November 28, 1990, the required Proof of Beneficial Use to the full extent of the Permit, i.e., domestic use for sixteen households and the irrigation of twenty acres. My client then understood, as did other homeowners associations in similar situations, that beneficial use of the water for both domestic and irrigation purposes could be accomplished by providing a water system stubbed out to each lot within the Subdivision. The system had been constructed many years before and, thus, there was no reason to request an extension of time to be sure that the full twenty acres were irrigated at the time of proving beneficial use on the Permit.

As we have discussed, the Beneficial Use Field Report completed in October 1993, found only eighteen irrigated acres. If my client had known at the time of filing the Application for Permit that beneficial use would require the irrigation of the full twenty acres within the Subdivision, a request for the maximum of five years to develop the Permit would have been initially made and, in all likelihood, a Request for Extension of Time for an additional five years to permit build out of the Subdivision would have been made. Therefore, we now request that IDWR grant an extension of time to fully prove beneficial use under the Permit to December 1, 1999, and treat the original Proof of Beneficial Use as if it had not been filed. This result is consistent with other subdivisions in similar situations in the Big Wood River Valley.

JUN 27 1996

Mr. Jim Johnson
Idaho Department of Water Resources
January 23, 1996
Page 2

Please contact me with your response as soon as possible. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD



James P. Speck

JPS:jrs

c: James Frehling

RECEIVED
MAY 27 1996

JUN 27 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 17, 1995

James P. Speck
Hogue, Speck & Aanestad
PO Box 987
Ketchum, ID 83340

RE: Permit No. 37-08429

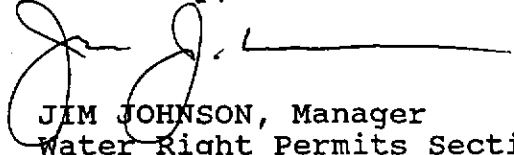
Dear Jim:

In response to your recent FAX regarding the above referenced permit, I offer the following.

The reduction of acres on the examination report for this permit was made in line with the $\frac{1}{2}$ acre irrigation limit allowed under the provisions of Section 42-111. Traditionally, domestic use with the usual $\frac{1}{2}$ acre of irrigation has been recognized for development to the point of having stub-outs to each lot. Undeveloped irrigation of lots above and beyond those parameters at the time of the exam cannot be included on a license.

If you have any further questions concerning this matter, give me a call.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:sc

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JUN 27 1995

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYSTERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
TRACY DUNLAP
MICHELE C. MESKE120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

August 8, 1995

VIA FACSIMILE TO: 208-327-7866Mr. Jim Johnson
Idaho Dept. of Water ResourcesRe: Permit No. 37-08429
Flying Heart Ranch II Subdivision

Dear Jim:

I represent the Flying Heart Ranch Owner's Association whose members include the owners of the lots within Flying Heart Ranch II Subdivision. Permit No. 37-08429 was issued in 1989 with an October 20, 1988, priority date to allow the diversion of ground water pursuant to a central water system to provide domestic water for sixteen homes, irrigate twenty acres, and provide fire protection. The well for the system had been drilled in 1980 and the entire delivery system, including stub-outs to each of the sixteen lots, completed by the end of 1980. The water was first used for one of the homes in 1981. Proof of Beneficial Use was submitted in November, 1990, to the full extent of the Permit.

The Beneficial Use Field Report dated October 6, 1993, and prepared by Mel Schulte, limits the irrigation to eighteen acres. The basis for this limitation is that unimproved lots are entitled to only one half acre.

My client disagrees with this restriction of the irrigation component of the Permit. The entire system was in place and Proof of Beneficial Use had been filed prior to the June 28, 1991 Order designating the Big Wood River Ground Water Management Area. The limitations of that Order should not be applied to this Permit.

Please let me hear from you as soon as possible on this matter. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.


James P. SpeckRECEIVED
JUN 27 1995

JUN 27 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 21 1994
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-08429

1. Owner: Flying Heart Ranch II Subdivision Phone No. _____

Current Address: P.O. Box 2163, Hailey, ID 83333

2. Accompanied by: James Frehling & Brett Barry EXAM DATE: 9-17-93

Address: #149 Aspen Lakes Drive, Hailey Phone No. _____

Relationship to Permit Holder: Lot owner

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 37-08689-Rejected, A37-11832

2. Other water rights with the same point of diversion: 37-08689-Rejected, A37-11832

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	1	SW	NE	NE	5	2N	18E	Blaine	Platmap, ASCS & USGS topo maps

* 2. Place(s) of Use:

Indicate Method of Determination ASCS + platmap

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	18E	5	12			4													16
			L+1																
		4					1	1											2
							L+4												
																			18

Domestic & Fire Protection same P/U as irrigation

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

See Attached

Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

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

☐ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	Franklin	15	Unknown	Barkley	6T-15-200
#2	"	15	"	"	"

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: No measurements taken - a flow meter in 6" pipe read 258,268 gallons since 10-5-1990

JUN 27 1993

E. NARRATIVE/REMARKS/COMMENTS

See Attached

Have conditions of permit approval been met? ☐ yes

☒ no

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F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$\frac{(15+15) \times 8.8 \times .7}{15 + (60 \times 2.31)} = 1.20$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 18 \times 3.5 \text{ ofa} = 6.3 \text{ ofa}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 131.4$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 6.3 \text{ ofa}$$

2. Volume Calculations for Other Uses:

Internal Domestic = $16 \times .6 = 9.6 \text{ ofa}$
 Fire Protection - Not required

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1-1	12-31	.19 cfs	9.6 ofa
Irrigation	4-15	10-15	.36 cfs *	63 *
Fire Protection	1-1	12-31	1.18	NA
			1.18	
			Totals: .55 cfs	72.6 ofa *

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

I. AUTHENTICATION

Field Examiner's Name Mel Schulte Date 10-6-1993

Reviewer _____ Date _____

SEAL

☒ Adjustments made during the review of this right for license approval.
 See memo for additional information.

JUN 27 1996

37-08429 FLYING HEART RANCH II SUBDIVISION
NARRATIVE, REMARKS & OVERLAY ANALYSIS

The system consists of a 12" diameter well with two 15 hp submersible pumps that discharge to a 6" steel pipe and six 60 gallon pressure tanks. The 6" steel pipe adjacent to the tanks has an inline flow meter that registered 258,268 gallons. The flow meter was started on 10-5-1990. The well and tanks are located in a small log well house.

From the well house a 6" steel pipe carries water to a 6" buried main line that runs along the West side of a paved road. The mainline services 16 lots and several fire hydrants. The lots vary in size from 1.4 to 3.88 acres. Four of the lots were occupied with single family domestic units and Lot 4 with a large barn.

The irrigation component was calculated on the basis that all lots were entitled to at least one-half acre of irrigation since all lots are stubbed in. Those lots occupied with a domestic use received the total lot acreage less about one-fourth acre for area not irrigated due to improvements and driveways.

The fire protection component is allocated the diversion rate of the permit because the theoretical calculation exceeds the permit rate.

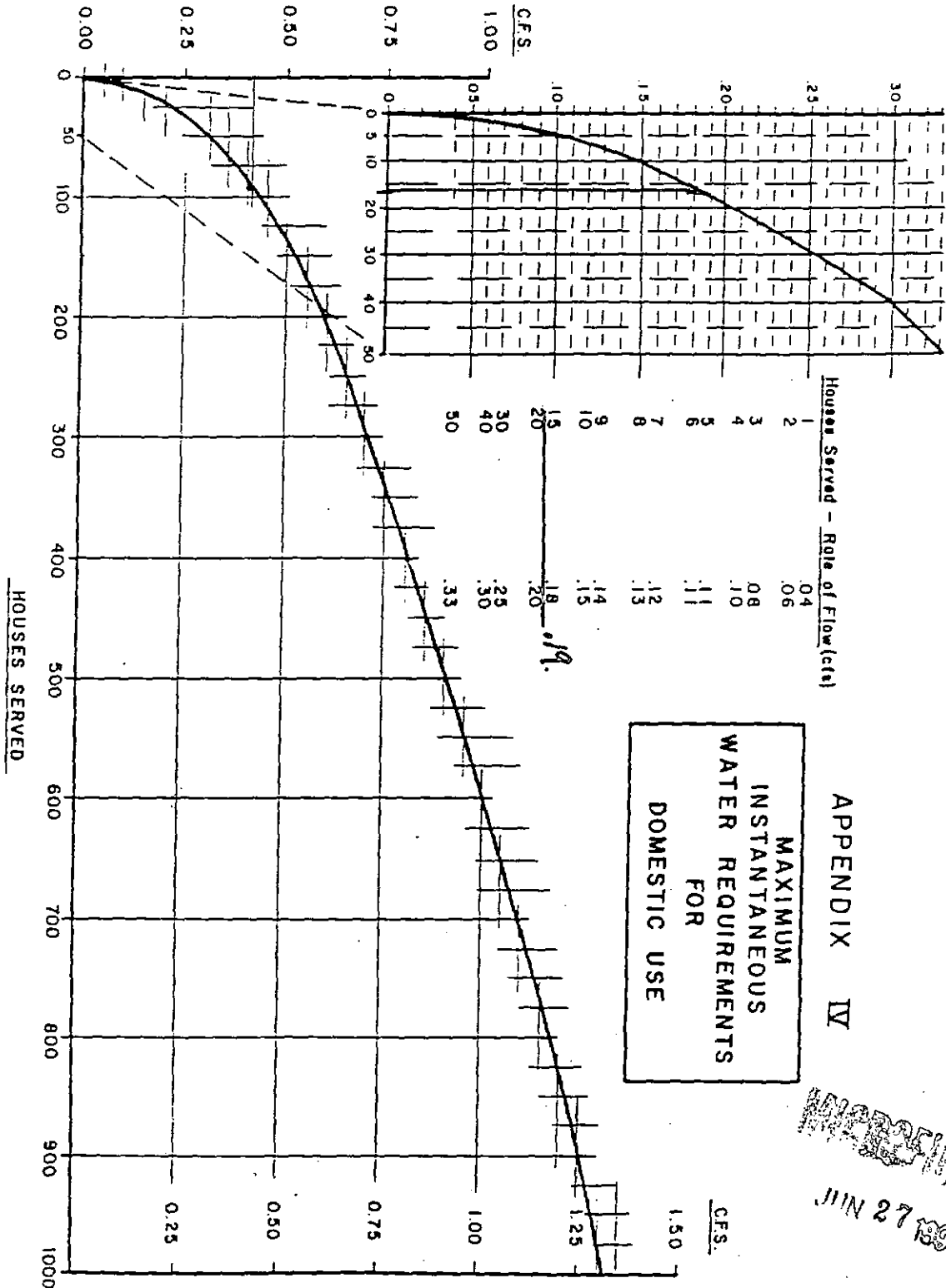
Application for Permit 37-08689 was filed for an additional 16 acres of irrigation for the same P/U as this permit but 37-08689 has been rejected. A37-11832 is an adjudication claim identical to this permit.

This permit covers part of the Flying Heart Ranch Subdivision. The other lots in the subdivision are serviced from individual wells with no interconnection to this permit.

No access port has been installed in the system and no practical way was available to measure each component. A theoretical calculation is used as the basis for the diversion rates.

RECEIVED
JUN 27 1996

37-08429



RECEIVED
 JUN 27 1936

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 37-08429.

DATE: 10-6-93

BY: MTS.

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS

H.P. = Total Brake Horsepower of pumping plant (including booster)

EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)

TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = depth to water in FEET from land surface to pumping water level

PSI = pumping pressure measured in psi near pump
(if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (30) \times (0.70)}{[(15) + (60 \times 2.31)]} = 1.20 \text{ cfs}$$

LIFT FROM: Wood River PSI FROM:
measurement Pump = measurement ()
owner () 12' owner ()
area estimate (X) estimate (X)
well logs () owner gage ()
Booster (Y) (N)

NOTES ON PUMP:

Motor Make, Serial or ID

Franklin

Pump Make, Serial or ID, rating

Berkley 6T-15-200

REMARKS Two new pumps and motors installed in June 1993
by Wood River Pump & Drilling, Oakley

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)
3/15 - 11/15	246
4/1 - 11/1	215
4/15 - 10/15	184
3/1 - 12/1	276

POTENTIAL = $(184) \times (1.98) \times (1.20) = 438.144$

POTENTIAL = 24.5

REQUIRED Acre Feet/Acre/Annum = 3.5
(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY (✓)

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

JUN 27 1996

While this is a photocopy reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

FLYING HEART - RANCH NO. II

37-08429

System Diagram

SCALE: 1" = 200'

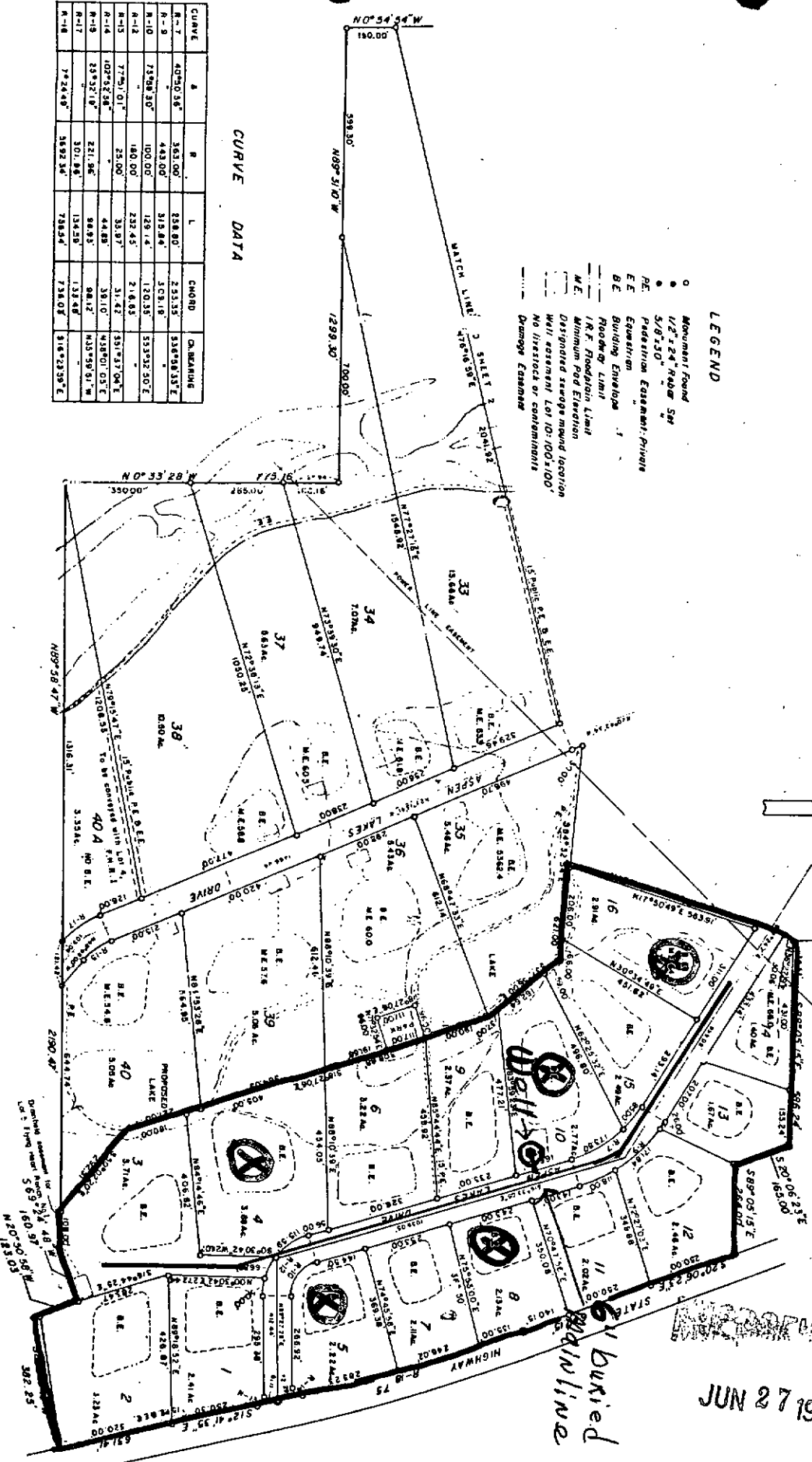
⊗ = Occupied lot
— = P/U boundary

LEGEND

- Monument Found
- 1/2" x 24" Round Sign
- 5/8" x 3/4" Round Sign
- PE. Perimeter Encumbrance-Private
- EE. Easement
- BE. Building Envelope
- RE. Roadway Limit
- ME. Minimum Pad Elevation
- DE. Designated Storage mound location
- Well assessment Lot 10: 100' x 100'
- No livestock or contaminants
- Damage Encumbrance

CURVE DATA

CURVE	A	R	L	CHORD	Δ MEANING
R-1	40°30'36"	361.00	233.35	338°58'13"E	
R-2	44°30'00"	443.00	318.84	308.18	
R-3	73°58'30"	100.00	128.14	333°32'50"E	
R-4	77°30'01"	180.00	232.45	216.85	
R-5	109°52'58"	25.00	31.42	31°13'04"E	
R-6	109°52'58"	221.26	44.89	38.10	
R-7	73°32'18"	301.26	88.95	98.12	
R-8	73°32'18"	134.25	132.58	43°59'51"E	
R-9	73°32'18"	358.24	738.08	316°22'39"E	



While this is a photocopy reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

FLYING HEART RANCH NO. II

37-08429

Augmentation allocated per lot 18 acres total 55

SCALE: 1" = 200'

LEGEND

- Monument Found
- 1/2" x 24" Rebar Set
- 5/8" x 30"
- PC Pedestrian Estimation: Private
- EE Equestrian
- BE Building Envelope
- Roadway Limit
- R.F. Roadway Limit
- Minimum Paved Elevation
- Designated sewage mound location
- Well easement Lot 10: 100' x 100'
- No livestock or contaminants
- Damage Estimated

CURVE DATA

CURVE	A	B	C	CHORD	C-MEASURING
R-1	40°50'58"	363.00'	258.80'	253.35'	328°52'37"E
R-2	40°50'58"	443.00'	312.44'	308.18'	328°52'37"E
R-3	73°09'30"	100.00'	128.14'	120.35'	33°32'50"E
R-4	73°09'30"	160.00'	232.64'	218.45'	33°32'50"E
R-5	73°09'30"	230.00'	331.37'	301.00'	33°32'50"E
R-6	102°32'58"	221.06'	44.88'	38.10'	148°00'05"E
R-7	23°32'58"	301.06'	134.28'	124.48'	148°00'05"E
R-8	73°09'30"	363.00'	258.80'	253.35'	328°52'37"E

SE NE

SW NW

JUN 27 1996

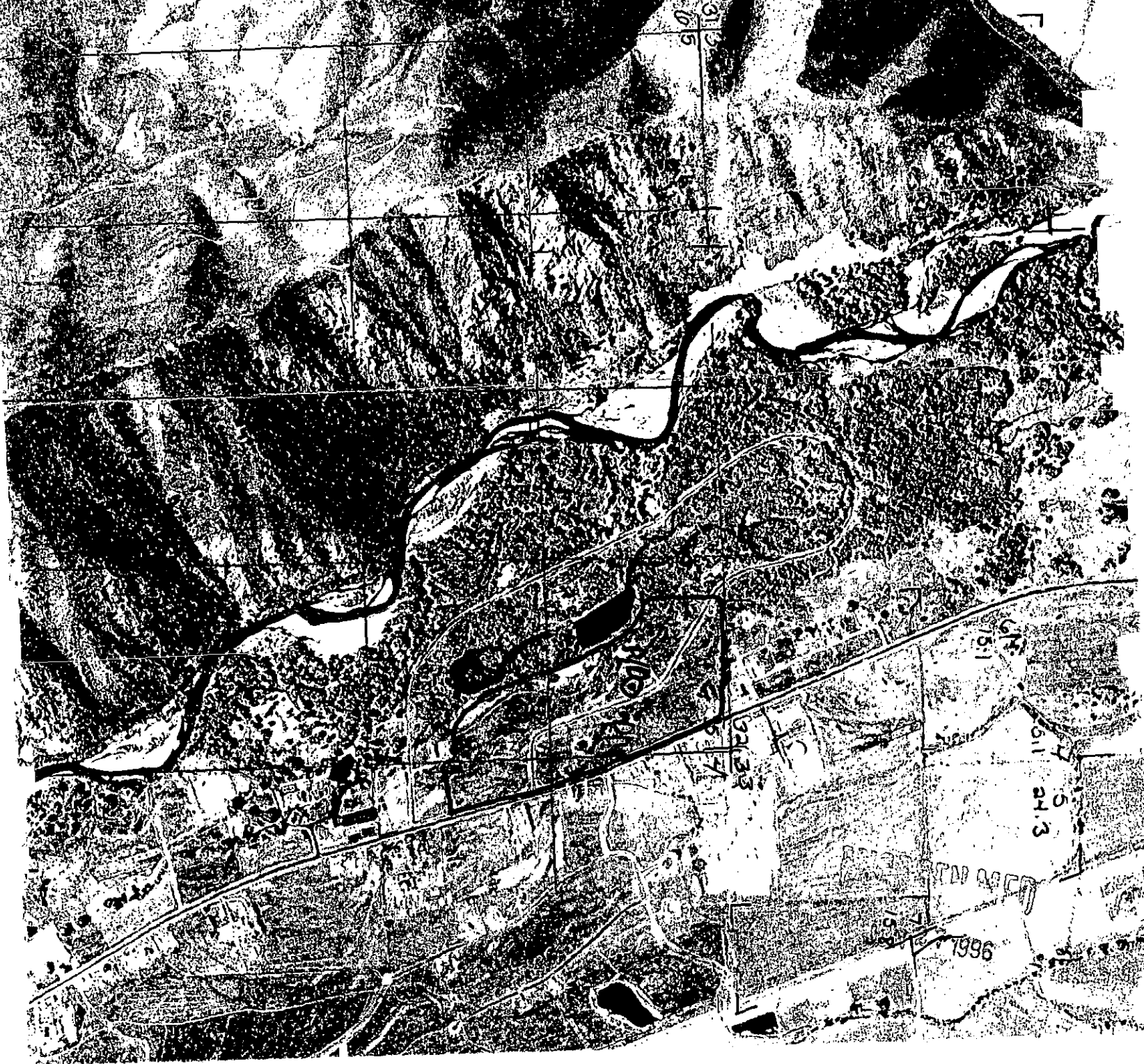
PERMIT 37-08429 INIT

T. R. S. Q/Q

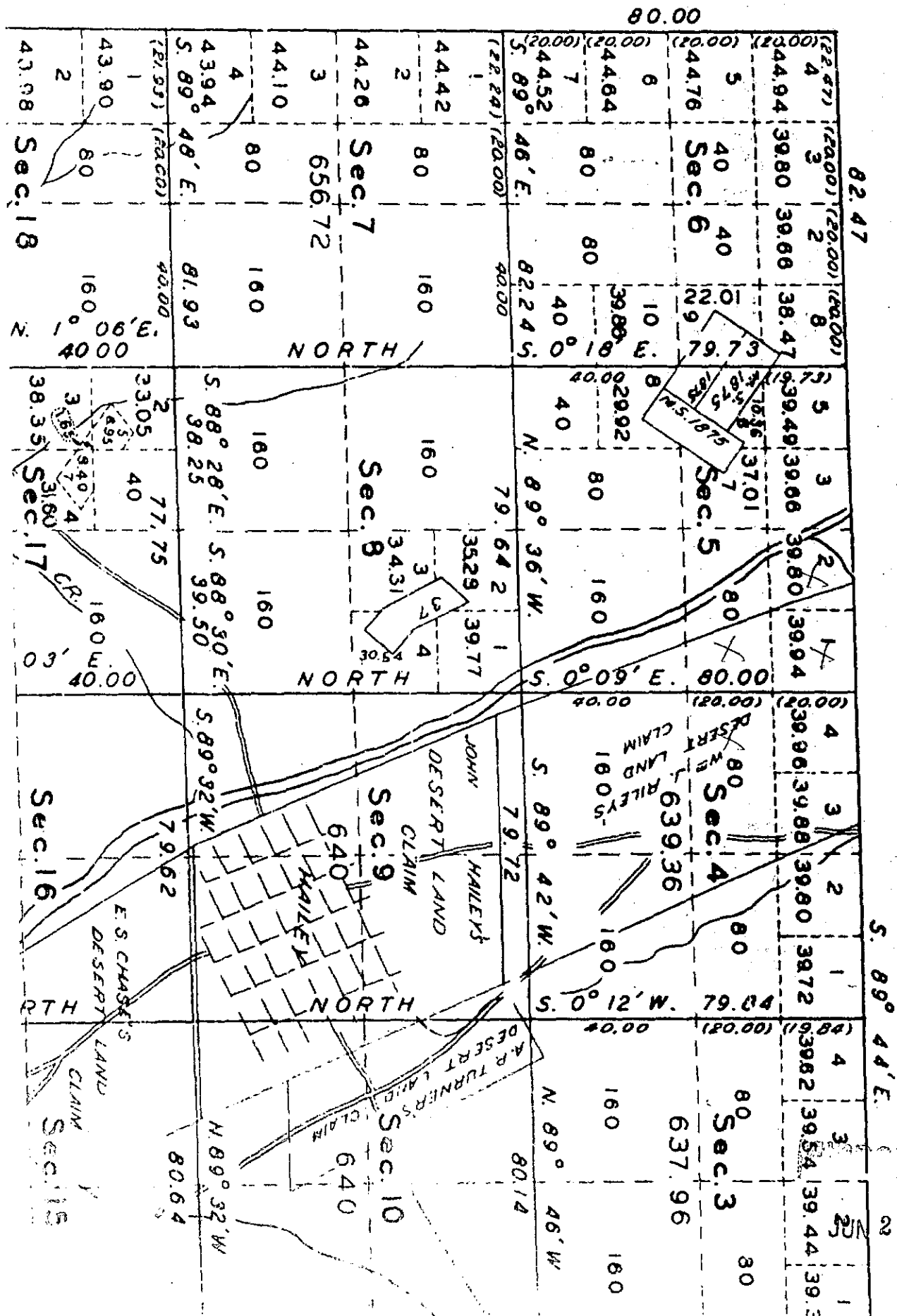
P/D 2N 18E 5 NENE

SCALE

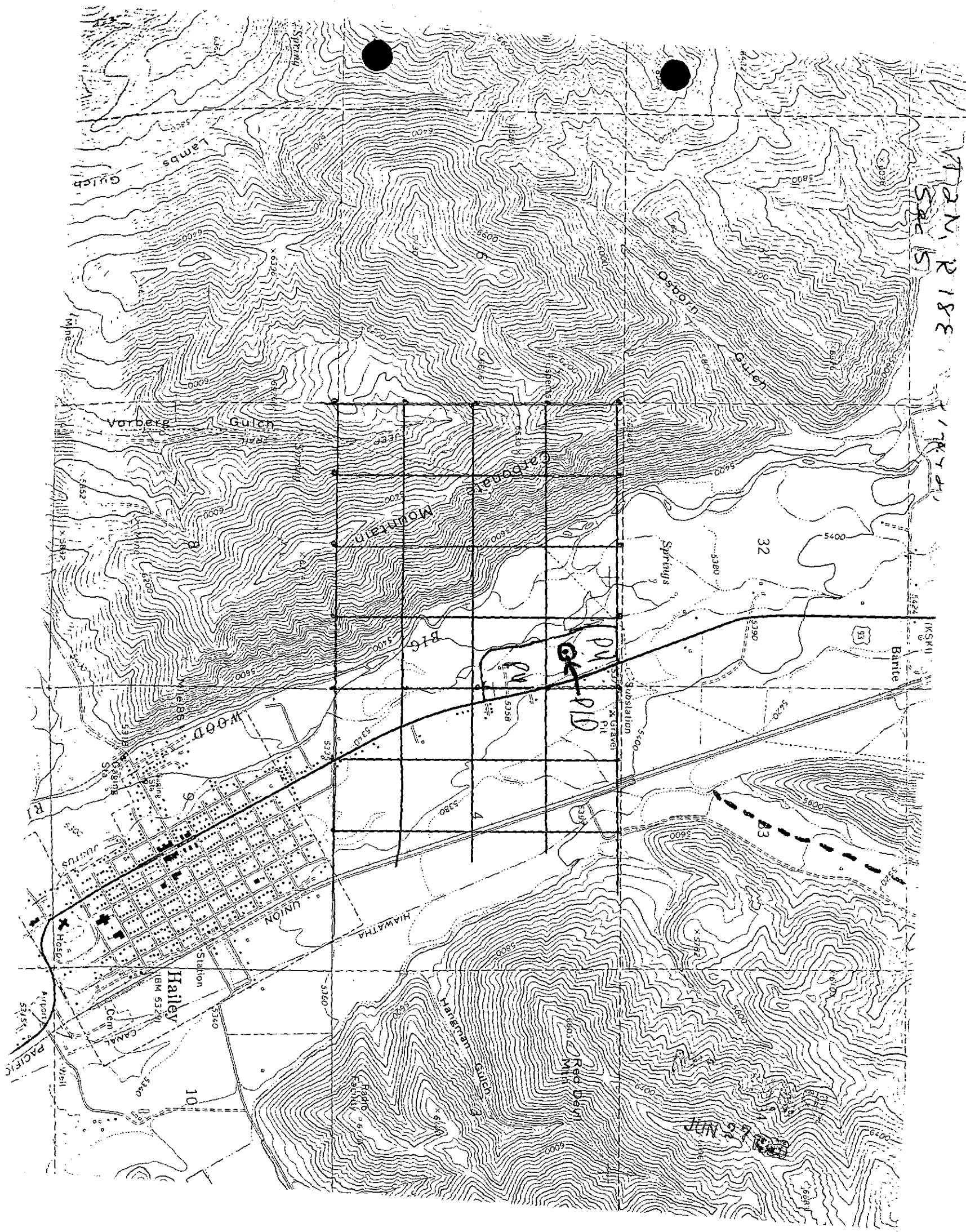
PHOTO ID.



37-08429



MAN R 188
SAC 5

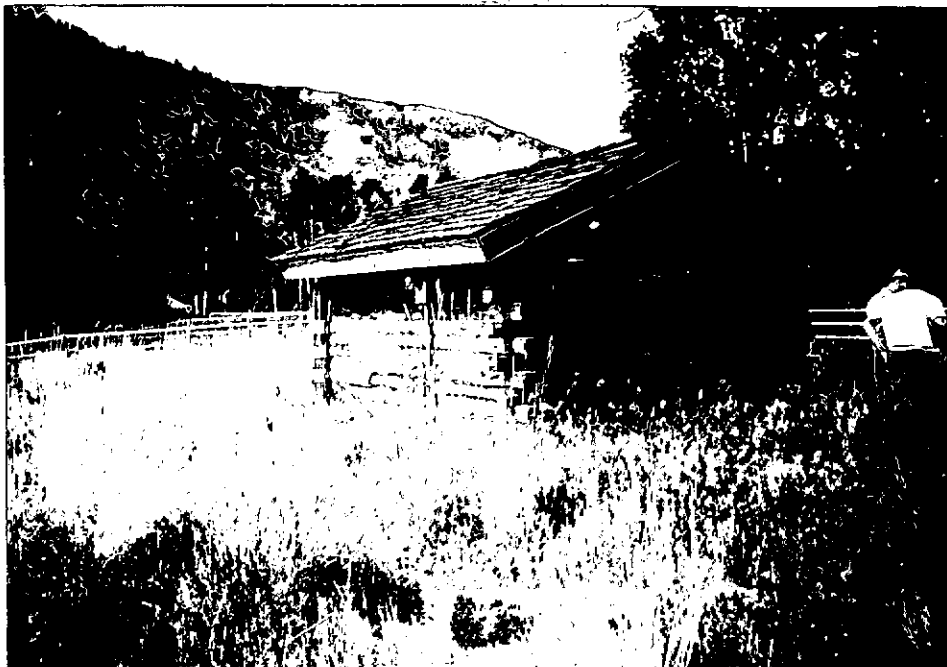


37-8429



#1

PIR located
in well house.



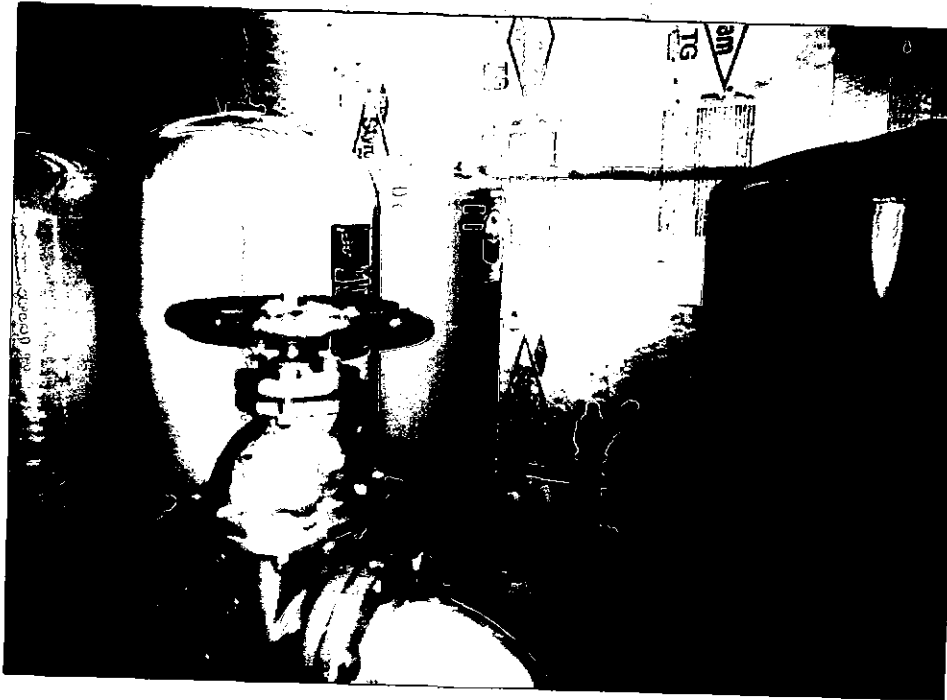
#2.

Well house

RECEIVED

JUN 27 1966

37-08429



#3
Pressure tanks
in well house

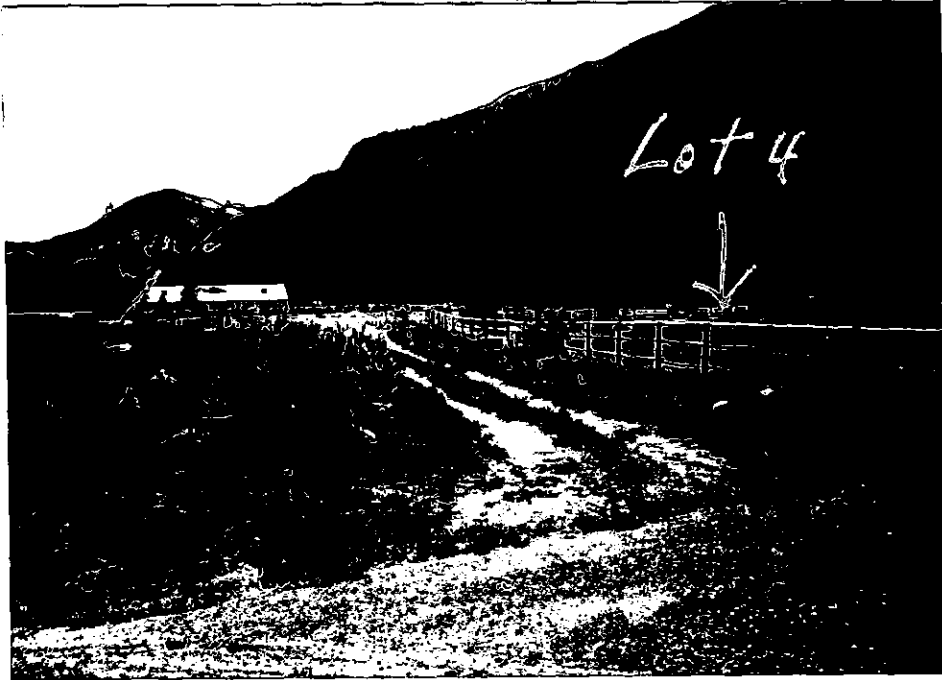


#4
P14 - Looking
NE across
unoccupied
Lots 11 & 12.

AMERICAN

JUN 27 1996

37-08429



#5

P14

Lots 4 & 3



#6.

P14 - Lot 4

37-08429

JUN 27 1996

December 28, 1990

FLYING HEART RANCH II SUBDIVISION
P.O. BOX 2163
HAILEY, ID 83333

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08429

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region
LAWSON: PEEBLES

MICROFILMED

JAN 28 1991

319 WALNUT AVENUE
POST OFFICE BOX 297
KETCHUM, IDAHO 83340

LAWSON & PEEBLES
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

TELEPHONE
(208) 726-1700
FACSIMILE
(208) 726-9743

November 28, 1990

Ms. Rita Fleck
I.D.W.R.
1301 No. Orchard Street
Statehouse Mail
Boise, Idaho 83702

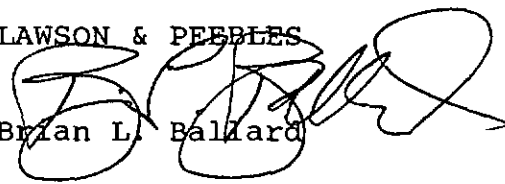
Re: Permit No. 37-08429

Dear Ms. Fleck:

Enclosed please find the requested Proof Due Notice, along with our check in the amount of \$125.00 for the license examination fee.

Very truly yours,

LAWSON & PEEBLES


Brian L. Ballard

da
Enclosure
cc: Lupe Sutton
Sue Lipsey
Tom Heinrich
blb\fleck.lt

MAILED
JAN 28 1991

JAN 28 1991

138423

September 30, 1990

FLYING HEART RANCH II SUBDIVISION
P.O. BOX 2163
HAILEY, ID 83333

PROOF DUE NOTICE

RE: PERMIT NO. 37-08429

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

JAN 28 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
November 27, 1989

FLYING HEART RANCH II SUBDIVISION
P.O. BOX 2163
HAILEY, ID 83333

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P37-08429

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

RECEIVED
DEC 15 1989

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

DEC 15 1989



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

September 29, 1989

RE: Application for Permit No. 37-8429

Flying Heart Ranch II Subdivision Owners Assn.
P.O. Box 2163
Hailey, ID 83333

Gentlemen:

We have received your application for permit, for domestic, irrigation, and fire protection purposes, from our Southern Regional Office for final review. However, prior to final action being taken on the application we need to have a list of the names, titles and addresses of all members of the association who are entitled to take action in regard to this permit. This is a requirement of the Department's Water Appropriation Rules and Regulations.

Please submit this information within the next thirty (30) days so we can continue processing your application.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:at

cc: Southern Region

RECEIVED

DEC 15 1989

Rec'd 11/14-
See below
app. kw

DATE 6/28/89

FROM Mary Baldwin, Sec/Office Coordinator

TO File

SUBJECT Change of publication date

Verified by telephone this date that the Wood River Journal will be publishing on 7/3/89 as the first publishing date of July due to the holiday, instead of the 5th as their normal schedules requires.

INDEXED

DEC 15 1989

Mary Baldwin
SIGNATURE

16-Jun-1989

Flying Heart Ranch II
Subd. Owners Assn.
P.O. Box 2163
Hailey, ID 83333

Re: Application for Permit No. 37-08429

Dear Applicants:

We have scheduled the advertising for the above referenced application for permit in the Wood River Journal on 7/5 & 7/12/89. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks. Please see attached list for additional information requirements.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

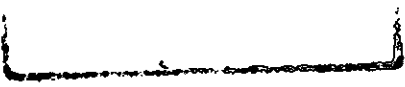
Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

Enclosure

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DEC 15 1989



S. Region
5/89

Application No. 37-08429

ADDITIONAL INFORMATION REQUIREMENTS
FOR APPLICATIONS IN THE NAME OF A CORPORATION,
COMPANY, OR PARTNERSHIP

In reviewing the application for compliance with the requirements of the Department's Rules and Regulations for Water Appropriations, we have determined that the following information is required to make the Application complete for processing.

- 1) If the Application is filed in the name of a corporation, the names and addresses of its directors and officers shall be provided. If the application is filed by or in behalf of a partnership or joint venture, the application shall provide the names and addresses of all partners and shall designate the managing partner, if any. (Rule 3,3,2,1)

Because the required information does not appear in the legal notice, we are proceeding with advertising of your Application. If the required information is received within ten days of the second publication date, no additional delay should be incurred in processing.

MICROFILMED

DEC 15 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

JUNE 16, 1989

WOOD RIVER JOURNAL
P.O. BOX 988
HAILEY, ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 24, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

DEC 15 1989

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

MICROFILMED

DEC 15 1989

37-08429

FLYING HEART RANCH II SUBD.
P.O. BOX 2163
HAILEY, ID 83333

Source: GROUNDWATER

Diversion Pt: SWNE Sec 5 T 02N R 18E

Use: DOMESTIC	(.190 CFS)
IRRIGATION	(.400 CFS)
FIRE PROTECTION	(1.180 CFS)

Date Filed: 10/20/1988

In: T02N R18E S04	SWNW		
S05	NENE	NWNE	SENE

20.0 ACRES TOTAL

MICROFILMED

DEC 15 1989

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08429

FLYING HEART
RANCH II SUBD.
P.O. BOX 2163
HAILEY, ID 83333

Source: GROUNDWATER
Diversion Pt: SWNENE Sec 5 T
02N R 18E
Use: DOMESTIC (.190 CFS)
IRRIGATION (.400 CFS)
FIRE PROTECTION (1.180
C F S)
Date Filed: 10/20/1988
In: T02N R18E S04 SWNW; S05
NENE NWNE SENE
20.0 ACRES TOTAL

37-08439

STARWEATHER SUBD.
PROP. OWNERS ASSN. INC.
C/O BRIAN BALLARD, ATTY.
P.O. BOX 297
KETCHUM, ID 83340

Source: GROUNDWATER
Diversion Pt: NWNWNW Sec 20 T
03N R 18E
Use: DOMESTIC (.360 CFS)
IRRIGATION (.600 CFS)
FIRE PROTECTION (3.570 CFS)
Date Filed: 10/26/1988
In: T03N, R18E S17 NWSW
SWSW; S18 NESE SESE; S19
NENE; S20 NENW NWNW
SWNW SENW
30.0 ACRES TOTAL

37-08508

BUTTRAM, KENNETH
THORNTON, ROD
P.O. BOX 487
HAILEY, ID 83333

Source: GROUNDWATER
Diversion Pt: SESESW Sec 33 T
03N R 18E
Use: DOMESTIC (.080 CFS)
IRRIGATION (.150 CFS)
Date Filed: 5/22/1989
In: T02N R18E S04 NWNE NENW
T03N R18E S33 SESW SWSE
5.01 ACRES TOTAL

37-08509

HANWRIGHT, JOSEPH C.
HANWRIGHT, PATRICIA L.
P.O. BOX 478
KETCHUM, ID 83340

Source: GROUNDWATER
Diversion Pt: NWNW Sec 9 T 02N
R 18E
Use: DOMESTIC (.10 CFS)
IRRIGATION (.12 CFS)
Date Filed: 5/02/1989
In: T02N R18E S09 NWNW
4.0 ACRES TOTAL

37-08521

GIRTON, RALPH
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340

Source: GROUNDWATER
Diversion Pt: NENESE Sec 35 T
02N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 6/02/1989
In: T02N R18E S35 NESE
3.0 ACRES TOTAL

37-08522

HANSON, RONDELL B.
HANSON, JOYCE P.
C/O JAMES P. SPECK
P.O. BOX 987
KETCHUM, ID 83340

Source: GROUNDWATER
Diversion Pt: SWSWNE Sec 35 T
02N R 18E
Use: DOMESTIC (.060 CFS)
IRRIGATION (.090 CFS)
Date Filed: 6/02/1989
In: T02N R18E S35 SWNE
3.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before JULY 24, 1989.

R. Keith Higginson, Director

Publish: Wood River Journal-July
3 & 12, 1989.

RECEIVED
DEC 15 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before JULY 24, 1989.

R. Keith Higginson, Director

Published 7/05/1989 & 7/12/1989

MICROFILMED

DEC 15 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Flying Heart Ranch II
Subdivision Owners Assoc.
PO Box 2163
Hailey, ID 83333

13-Jun-1989

Re: Application for Permit No. 37-08429

Dear Applicants,

Additional review of this application relative to the Department policies and plans for implementing the Swan Falls Agreement indicates that processing may continue out of sequence. The next phase of the processing is advertising the application. This office will contact you when this step is reached.

If you have any questions please contact us.

Sincerely,

A handwritten signature in cursive script that reads 'Douglas Jones'.

Douglas Jones, EIT
Water Resources Engineer-In-Training

MICROFILMED

DEC 15 1989

February 8, 1989

Flying Heart Ranch II
Subdivision Owners Assoc.
P.O. Box 2163
Hailey, ID 83333

Re: Application for permit No. 37-08429

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

MICROFILMED

DEC 15 1989

per water right app. kw