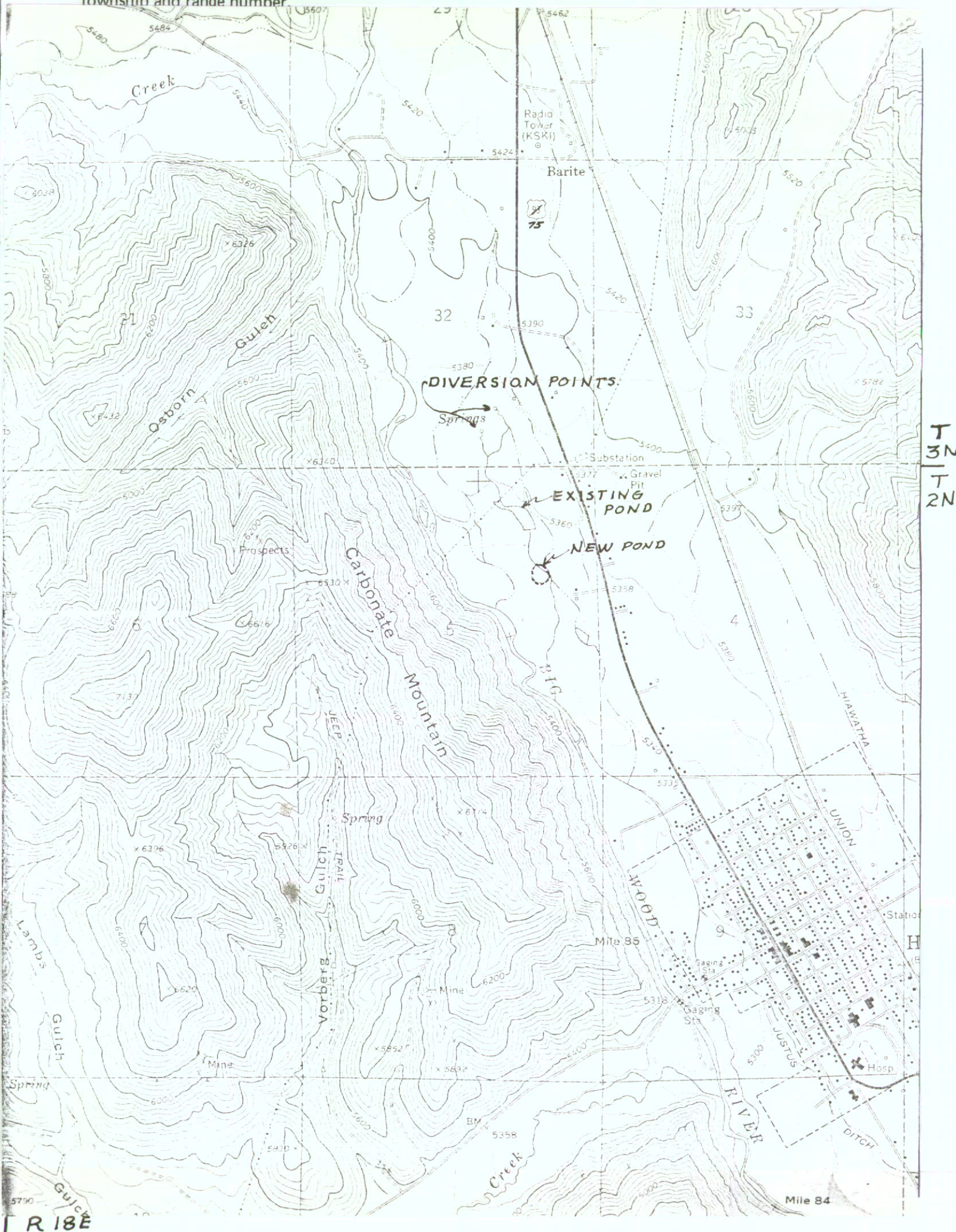


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

*David Wolf*

(Applicant)

MICROFILMED

# AFFIDAVIT PUBLICATION

State of Idaho, }  
 Connty of Blaine } SS.

\_\_\_\_\_, 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 15 day of March, 1979, and the date of the last publication was on the 22 day of March, 1979.

*[Signature]*

Subscribed and sworn to before me this 23rd

day of March, 1979.  
 (SEAL)

*[Signature]*

NOTARY PUBLIC

## WOOD RIVER JOURNAL

Hailey, Idaho

## COST OF PUBLICATION

Number of Lines in Notice ..... 64  
 Number of Insertions ..... 2  
 \_\_\_\_\_ Lines tabular at ..... 39c  
64 Lines straight at ..... 26c 16.64  
64 Subsequent lines at ..... 15c 9.60  
 TOTAL COST .... 26.24

*original affidavit in file 37-7766*

## COPY OF NOTICE

(Paste Here)

Permits 37-7766, 37,7767

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

*Dept of Water Resources  
 1041 Blue Lakes Blvd. N  
 Twin Falls, Idaho 83301*

37-7767

Name: Flying Heart Ranch II, c-o David Hoel

Address: P.O. Box 1882, Ketchum, Ida., 83340

Source: Unnamed Springs tributary to Big Wood River

Date Filed: 02-27-1979

Amount: 12.00 cfs

Diversion Point: SWSE, Sec. 32, T03N, R18E, Blaine County

Use: Recreation--(12.00 cfs) from 01-01 to 12-31

Place of Use: NENE, NWNE, SENE, Sec. 05, T02N, R18E

Diversion Means: Via Natural Stream into existing and future ponds.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301, on or before April 2, 1979.

C. Stephen Allred

Director

Publish: Wood River Journal--March 15, 22, 1979.

(Idaho Code, Rev. Statutes 1971)

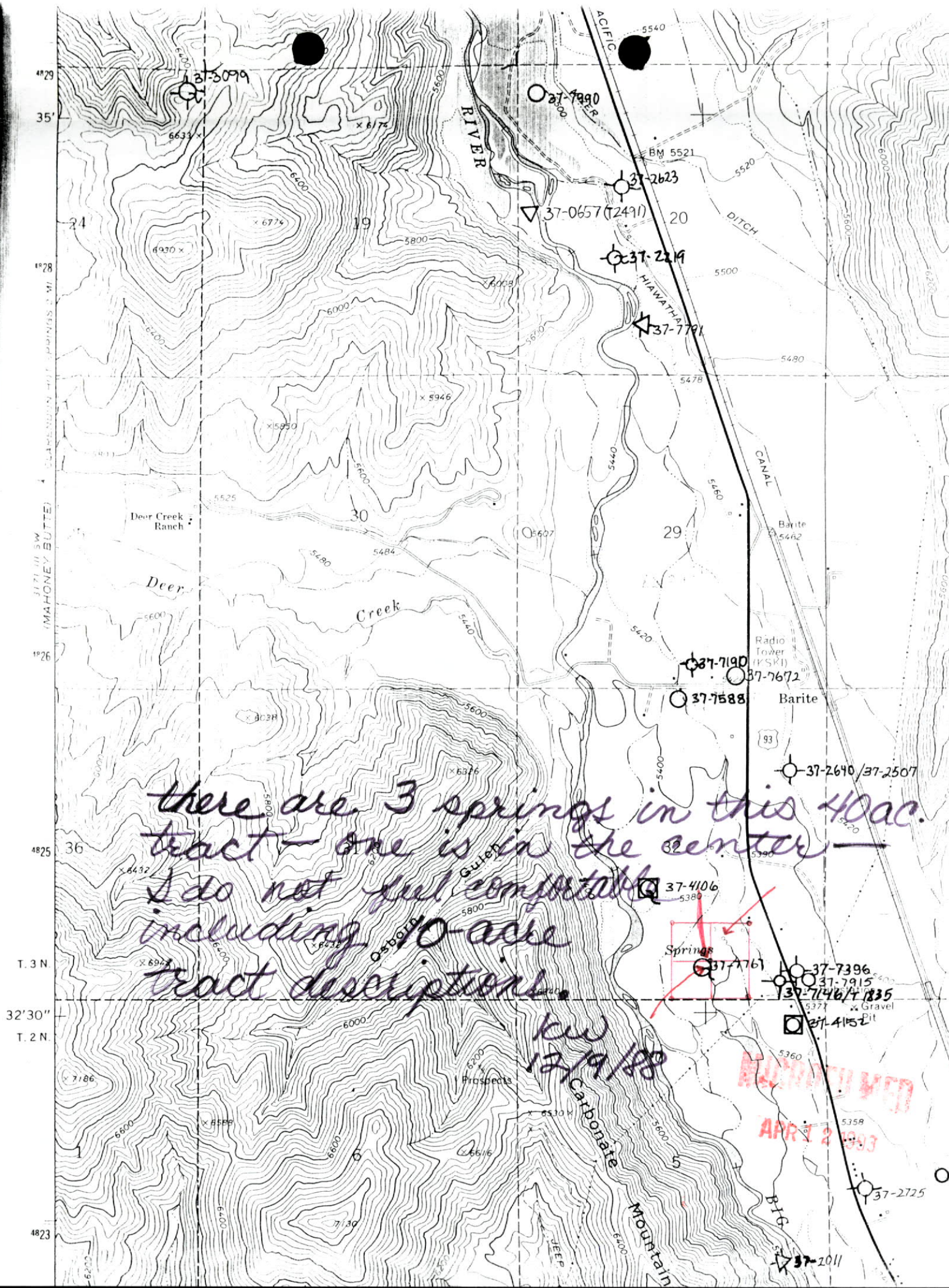
8 pt. per line, straight ..... 26c

8 pt. per line, tabular ..... 39c

8 pt. per line, successive  
 insertions ..... 15c

Nº 0653

**MICROFILMED**



*there are 3 springs in this 40ac. tract — one is in the center — I do not feel comfortable including 10-acre tract descriptions.*

*kw  
12/9/88*

**ADMITTED**  
**APR 2 1993**

*Carbonate Mountain*

*PIC*

*37-1011*

A-72  
87A

D 15.1  
E 5.1

Range 18 East

3 North

31 | 32  
6 | 5

32 | 33  
5 | 4

2 North

A 12.4

A-90  
88A

C 9.3

D 6.0

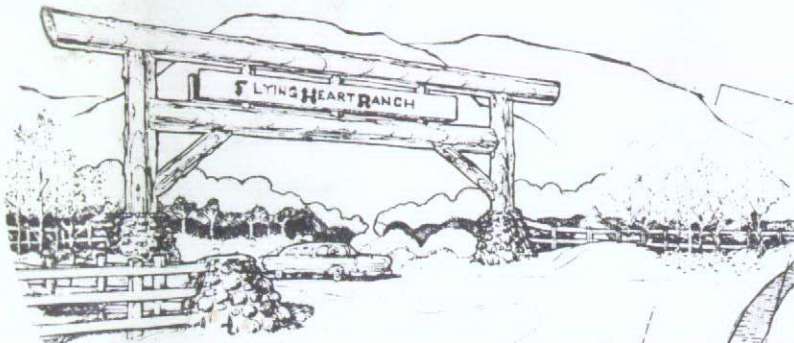
Measuring Device

E 2.4  
F 2.0

RECORDED

APR 12 1993

NOT TO SCALE



- COMPLETE UNDERGROUND UTILITIES
- READY TO BUILD
- RIVER & LAKE ACCESS
- EQUESTRIAN TRAILS
- CROSS COUNTRY SKI TRAILS

MEAS. DEVICE

HAILEY  
1.5 MILES

HIGHWAY 75 KETCHUM  
9.5 MILES

2 North Sec 5  
3 North Sec 32  
18 East

# FLYING HEART RANCH

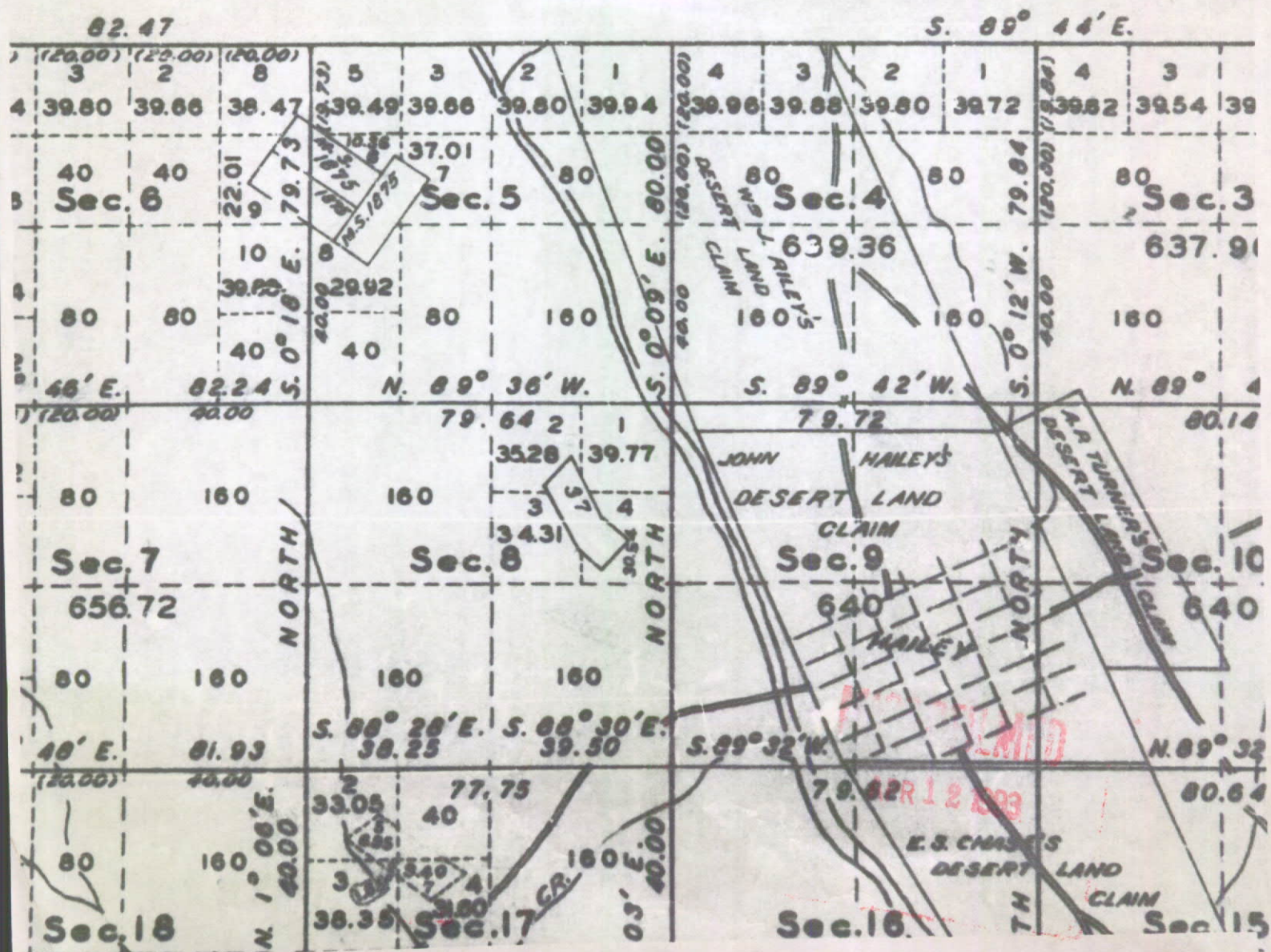
A DELUXE WATERFRONT SUBDIVISION  
NEAR SUN VALLEY, IDAHO

DEVELOPMENT

APR 12 1993

# COMPOSITE PLAT OF 2 NORTH, RANGE N° 18 EAST, O

6/1935



37-7767

measurement made on lower outlet



Parshall Flume looking up stream

APR 12 1993

Looking up-stream on upper Pond.

37-7767



Parshall Flume on lower Pond.

MICROFILMED  
APR 12 1993

37-7767



Lower Pond

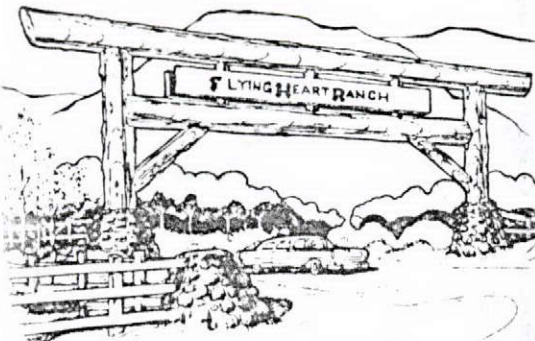
APR 12 1993



Looking Up-Stream on Lower Pond.

Measuring  
Device at  
Upper Pond





- COMPLETE UNDERGROUND UTILITIES
- READY TO BUILD
- RIVER & LAKE ACCESS
- EQUESTRIAN TRAILS
- CROSS COUNTRY SKI TRAILS

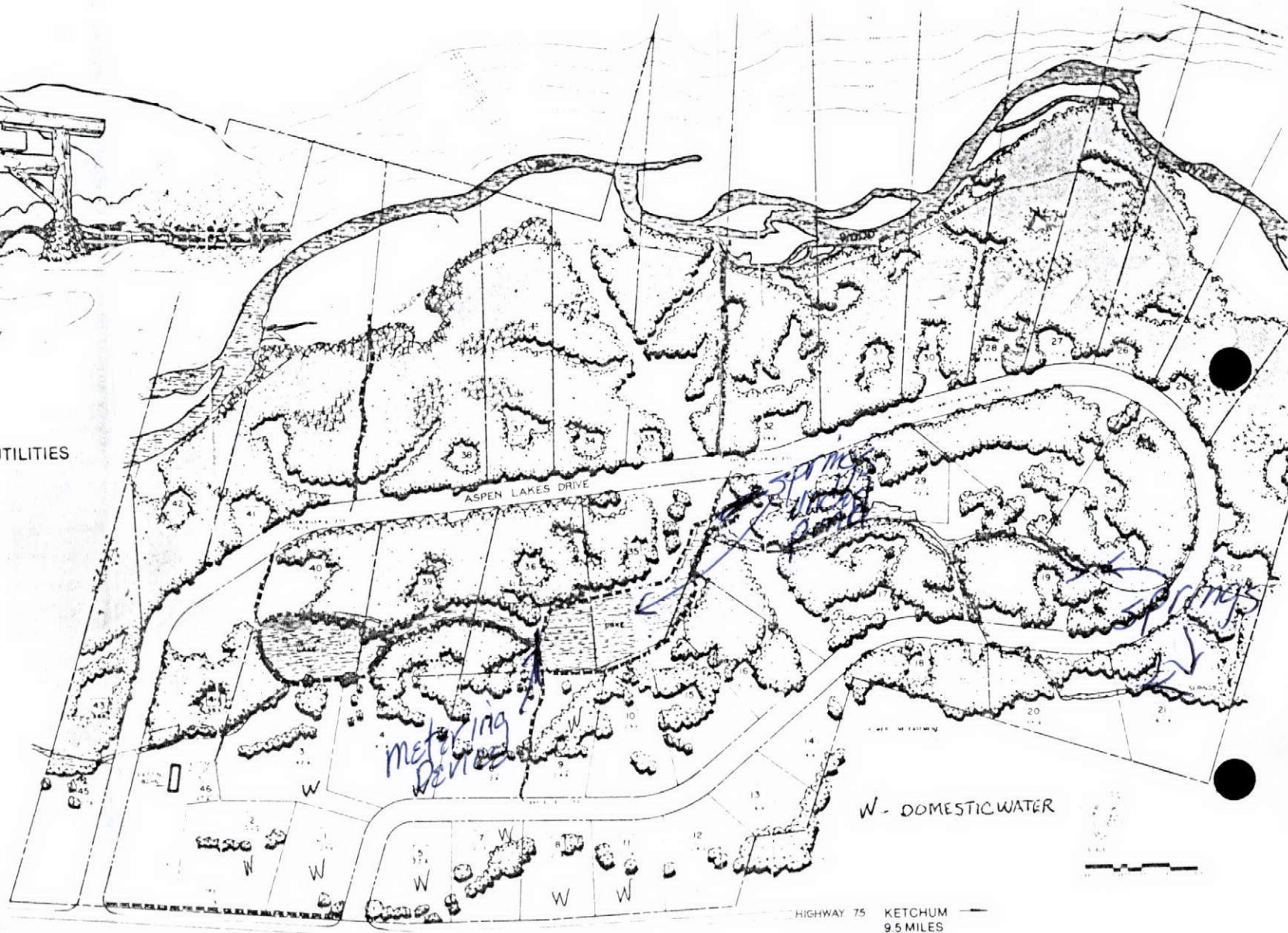
RECEIVED

SEP 26 1984

DEPT. OF WATER RESOURCES  
NORTHWEST DIVISION

HAILEY  
1.5 MILES

APR 12 1993



# FLYING HEART RANCH

A DELUXE WATERFRONT SUBDIVISION

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 37-07767

Priority: February 27, 1979 Maximum Diversion Rate: 10.00 CFS

This is to certify, that FLYING HEART RANCH II  
C/O BRIAN BALLARD  
PO BOX 297  
KETCHUM ID 83340

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated February 27, 1979; and  
has submitted Proof of Beneficial Use on March 22, 1984. An examination indicates  
that the works have a diversion capacity of 10.000 cfs of water from:

SPRINGS tributary to BIG WOOD RIVER

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> |
|-----------------------|----------------------|--------------------------|----------------------|
| RECREATION            | 01/01 to 12/31       | 10.00 CFS                |                      |

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 32, Township 03N, Range 18E  
BLAINE County

PLACE OF USE: RECREATION  
TWN RGE SEC

02N 18E 5 Lot 1(NENE) Lot 2(NWNE) SENE

CONDITIONS/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. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
5. Use of water under this right shall be non-consumptive.
6. The Director retains jurisdiction over this license 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.
7. Water discharged into a natural channel must satisfy Idaho water quality standards.
8. Recreation use is for fishing.

RECEIVED

APR 12 1993

## WATER RIGHT LICENSE

WATER RIGHT NO. 37-07767

CONDITIONS/REMARKS:

9. Facility Volume = 820,000 cubic feet.

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 30<sup>th</sup>  
day of MARCH, 1993.

Acting for R. Keith Higginson, Director

RECEIVED

APR 12 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

RECEIVED  
APPROVED  
FEB 27 1979

To appropriate the public waters of the State of Idaho

Department of Water Resources  
Southern District Office

1. Name of applicant Flying Heart Ranch II  
David Hoel - Developer Phone 788-3831

Post office address P. O. Box 1882 Ketchum, Id. 83340

2. Source of water supply                     springs                     are                      which ~~is~~ tributary of Big Wood River

3. Location of point of diversion is SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 32 Township 3N

Range 18E B.M. Blaine County, additional points of diversion if any:                     

4. Water will be used for the following purposes:

fish,  
Amount 12 cfs for recreation 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)

Amount                      for                      purposes from                      to                      (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:

a. 12 cubic feet per second and/or b.                      acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing natural streams convey water from the springs to an existing pond. From the existing pond, water will flow approximately 800 feet to a new pond to be constructed. A gated outlet will be constructed from

this new pond to a downstream user.

b. Height of storage dam new pond, 3 feet, active reservoir capacity 4 acre-feet; total reservoir local gravels and gravelly loam:  
capacity 6 acre-feet, materials used in storage dam: soil from pond excavation.

Period of year when water will be diverted to storage Jan. 1 to Dec. 31 inclusive.  
(Month/Day) (Month/Day)

c. Proposed well diameter is -- inches; proposed depth of well is -- feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:                      and NW $\frac{1}{4}$  of NE $\frac{1}{4}$  and NE $\frac{1}{4}$  of NE $\frac{1}{4}$   
(1) Give the place of use of water: SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 5 Township 2N  
Range 18E B.M.

(2) Amount of power to be generated: -- horsepower under -- feet of head.

(3) List number of each kind of livestock to be watered --

(4) Name of municipality to be served --, or number of families to be supplied with domestic water --.

(5) If water is to be used for other purposes describe: Sport fishery and recreation  
for subdivision residents.

RECEIVED  
APPROVED  
FEB 27 1979



This is a detailed topographic map of a mountainous region. The map features numerous contour lines indicating elevation, with labels such as 5400, 5600, 5800, 6000, and 6200. A prominent mountain range, labeled 'Carbonate Mountain', dominates the left and center. A 'Gulch' is labeled in several locations, and a 'Creek' is shown in the upper left. A road, likely Highway 75, runs vertically through the center-right. Various landmarks are marked, including a 'Radio Tower (KSKI)' near the top, a 'Substation', 'Gravel Pit', 'Spring', 'Prospect', 'Mine', 'Lamp', 'Station', 'Hosp', and 'Ditch'. Handwritten annotations in bold capital letters include 'DIVERSION POINTS' with an arrow pointing to a location near the center, 'EXISTING POND' with an arrow pointing to a location near the center-right, and 'NEW POND' with an arrow pointing to a location further right. The map also shows a grid system with numbers 32, 33, 4, and 9. The bottom right corner shows a town area with a grid of streets and labels for 'Mile 84' and 'Mile 85'. The map is oriented with North at the top.

R 18E

  
(Applicant)

(Applicant)

perati

RECEIVED

Proposed Priority 2-27-79

Received by LH Date 2-27-79 Time 5:00 PM

Preliminary check by TB Fee \$ 145.00

Receipted by LH Date 2-27-79 # 12712

Publication prepared by ADM Date 3/1/79

Published in Wood river journal

Publication dates 3/15 + 3/22/79

Publication approved marpa Date 3/6/79

Protests filed by: \_\_\_\_\_

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for approval denial by LH S.S.

#### 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. 37-7767, and said application is hereby APPROVED.

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 April 1, 19 84.
- 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. Other: (1) Use of water under this permit is subject to control by the water-  
master of State Water District No. 37, Big Wood River. (2) Measuring devices  
of a type approved by this Department shall be permanently installed and main-  
tained at the point of diversion and the point of effluent discharge. (3) The  
issuance of this permit in no way grants any right-of-way or easement across  
the land of another. (4) Return water shall be treated to insure that the efflu-  
ent meets intrastate stream water quality standards.

Witness my hand this 19<sup>th</sup> day of April, 1979.

J. Glen Saxton  
Chief, Operations Bureau

# AFFIDAVIT PUBLICATION

State of Idaho,  
 Connty of Blaine

SS.

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 15 day of March, 1979, and the date of the last publication was on the 22 day of March, 1979.

Subscribed and sworn to before me this 23rd

day of March, 1979.  
 (SEAL)

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

## COST OF PUBLICATION

Number of Lines in Notice ..... 64  
 Number of Insertions ..... 2  
 Lines tabular at ..... 39c  
64 Lines straight at ..... 26c 16.64  
64 Subsequent lines at ..... 15c 9.60  
 TOTAL COST .... 26.24

original affidavit in file 37-7766

## COPY OF NOTICE

(Paste Here)

Permits 37-7766, (37,7767)  
 TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Resources  
 1041 Blue Lakes Blvd N  
 Twin Falls, Idaho 83301

37-7767

Name: Flying Heart Ranch II, c-o David Hoel

Address: P.O. Box 1882, Ketchum, Ida., 83340

Source: Unnamed Springs tributary to Big Wood River

Date Filed: 02-27-1979

Amount: 12.00 cfs

Diversion Point: SWSE, Sec. 32, T03N, R18E, Blaine County

Use: Recreation--(12.00 cfs) from 01-01 to 12-31

Place of Use: NENE, NWNE, SENE, Sec. 05, T02N, R18E

Diversion Means: Via Natural Stream into existing and future ponds.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301, on or before April 2, 1979.

C. Stephen Allred  
 Director

Publish: Wood River Journal--March 15, 22, 1979.

(Idaho Code, Rev. Statutes 1973)

|                                       |     |
|---------------------------------------|-----|
| 8 pt. per line, straight              | 26c |
| 8 pt. per line, tabular               | 39c |
| 8 pt. per line, successive insertions | 15c |

Nº 0653

MICROFILMED



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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

March 4, 1993

FLYING HEART RANCH II  
C/O BRIAN BALLARD  
PO BOX 297  
KETCHUM ID 83340

RE: WATER RIGHT NO. 37-07767

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

A handwritten signature in cursive script that reads 'Pamela Skaggs'.

PAMELA SKAGGS  
Water Resource Agent

PS:cz

Enclosure

RECORDED  
APR 12 1993

WR0749NP  
No. L37-07767

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT  
(REGIONAL)

DATE: 02/22/93  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                               | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | FLYING HEART RANCH II<br>C/O BRIAN BALLARD<br>PO BOX 297<br>KETCHUM ID 83340 | 02/27/1979       | RECREATION | 01-01 12-31           | 10.00 CFS         |                     |
| TOTAL DIVERSION: |                                                                              |                  |            |                       | 10.00 CFS         |                     |

Water Source: SPRINGS

Tributary to: BIG WOOD RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 10.00 CFS

Point(s) of Diversion: T03N R18E S32 SW SE

Place of use Legal Description for: RECREATION

|     |     |   |   | NE   |    |      |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |   |
|-----|-----|---|---|------|----|------|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
| T   | R   | S | : | Lt   | Ac | Lt   | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : |
| 02N | 18E | 5 | : | 01-R |    | 02-R |    |    |    | R  | :  |    |    |    |    |    |    |    |    | : |

Pou County: BLAINE

Other Water Rights Listing Overlapping Place(s) of use:

|          |           |           |          |          |          |          |          |          |          |
|----------|-----------|-----------|----------|----------|----------|----------|----------|----------|----------|
| 37-00557 | 37-00558  | 37-00559  | 37-00908 | 37-08102 | 37-08423 | 37-08429 | 37-08444 | 37-08446 | 37-08561 |
| 37-08689 | P34-08423 | P37-08689 |          |          |          |          |          |          |          |

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
- 027 - Use of water under this right shall be non-consumptive.

Remarks: The Director retains jurisdiction over this license 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.  
Water discharged into a natural channel must satisfy Idaho water quality standards.  
Recreation use is for fishing.  
Facility Volume = 820,000 cubic feet.

|        |                 |            |                    |            |
|--------|-----------------|------------|--------------------|------------|
| Dates: | App. Received:  | 02/27/1979 | Priority Date:     | 02/27/1979 |
|        | Proof Due Date: | 04/01/1984 | Proof Made Date:   | 03/22/1984 |
|        | Exam Made Date: | 04/01/1986 | Exam Sent to S.O.: |            |
|        | Licensed Date:  |            |                    |            |

Misc: Water District Number: 37 Field Exam Fee:

Audit: 02/22/93 SKAGGS

02-22-93

MEMORANDUM

TO: File No. 37-7767 in the Name of Flying Heart Ranch II  
FROM: Gary Spackman *Gay*  
DATE: December 23, 1992

RE: Condition to Ensure Non-consumption of Water

Permit to appropriate water no. 37-7767 authorized diversion of 12.0 cfs for recreation (recreational fishing). The field examination found 10.0 cfs which filled two ponds.

The permit was not conditioned to require non-consumption of water. It stated, however, that the use of the water was subject to control by the watermaster of Water District #37. It also contemplated non-consumption by requiring measuring devices at the point of diversion and the point of discharge.

Whether the water right is consumptive is still in question. Furthermore, the measuring devices in place may or may not adequately determine non-consumption. I suggest that condition number 4 on the draft licenses prepared be changed to read as follows:

The Director retains jurisdiction over this license 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.

Condition 5 of the draft water right license is improper because the condition implies a possible industrial or commercial use with an effluent which leaves the commercial plant. I have looked for an appropriate standard condition, but have been unable to find one. Some of the conditions are close, but refer to permits rather than a license. The condition should read as follows:

Water discharged to a natural channel must satisfy Idaho water quality standards.

All of the other conditions printed on the old draft water right license should be reprinted on the new license.

RECEIVED  
APR 12 1993

# IDAHO DEPARTMENT OF WATER RESOURCES

MEMO-REPLY

Date 8/30/91

To GARY

From NOY

- |                                                   |                                               |
|---------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Take Appropriate Action  | <input type="checkbox"/> For Your Information |
| <input type="checkbox"/> Draft A Reply            | <input type="checkbox"/> For Your Approval    |
| <input type="checkbox"/> Action Required By _____ | <input type="checkbox"/> For Your Comments    |
| <input type="checkbox"/> See Me                   | <input type="checkbox"/> As You Requested     |
| <input type="checkbox"/> Call Me                  | <input type="checkbox"/> Copy (____ Copies)   |
| <input type="checkbox"/> Return To Me             | <input type="checkbox"/> File                 |

Comments ① Does this have to be non-consumptive?  
yes if diversion is going to be allowed  
"out of priority". This assumes  
that the springs are a source of  
water for one or more prior rights.  
If administration "in priority" is  
acceptable, the right can be consumptive  
and only needs to be conditioned to allow

Reply water master control with measuring  
devices adequate to determine total inflow  
and the outflow from the ponds.  
② Just as in Wood River Ranches  
it will be important to require the  
outflow to be returned where it can provide  
flow to the lower part of the river not to some  
dry wash.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Gary Spackman —

I don't understand Reid Newby's letter. Is he saying that springs only provided a small flow & remainder came from "Purdum slough"? I would like to see the larger condition that requires mitigation for losses. Also require discharge back to a particular location. *NC*

8/29/91

Norm,

It's my understanding that all the water comes from springs & that Purdum Slough is downstream of these ponds. Do I require this right to be non-consumptive? I don't

think it can be because of evaporation.

Gary

MEMORANDUM

TO: File No. 37-7767 in the Name of Flying Heart Ranch II  
FROM: Gary Spackman *Gary*  
DATE: January 9, 1991

RE: Compliance with Water Measurement Requirements

I have received a telephone call from Reid Newby, watermaster for Water District #37, Big Wood River. Reid indicates to me that Flying Heart is in the process or has installed the necessary measuring devices to his satisfaction. I recommend that we prepare the license for signature.

RECEIVED  
APR 12 1993



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

October 22, 1990

Brian L. Ballard, Attorney at Law  
P.O. Box 297  
Ketchum, ID 83340

RE: Permit to Appropriate Water No. 37-7767 in the Name of  
Flying Heart Ranch II

Dear Brian:

My files are replete with correspondence asking for evidence showing compliance with water measurement requirements requested by the watermaster. To date, I do not have a satisfactory response to the inquiries. The Department previously sent a notice of pending order cancelling permit, and, because of your inquiry, I deferred acting. I believe, however, that if the matter is not resolved, I should shortly prepare the order and have it finalized.

Please consider this letter a notice that the permit is in jeopardy, and that it will be cancelled expeditiously if the requested proof is not submitted immediately.

Respectfully,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager  
Water Right Permits Section

GS:js

cc: Southern Region  
Kingsley Murphy

RECEIVED

APR 12 1993

Sharla

Send licence to

BRIAN BALLARD

OF LAUSEN & PEEBLES

P.O. Box 297

KETUMA, IDAHO

DROP THE C/O FROM  
THE RIGHT - NAME

< Prepare Name to file

Do not approve  
until comments  
from watermaster  
received.

Gay

Gary —

Give Reid Newby an opportunity to comment on draft license.

I worry about consumer use component.

UC

Gary —

Can we issue a license on this or what?

SC

Sharla —

Let's prepare ~~notice of~~  
intent to void  
for failure to

comply with  
measuring device  
requirements.

1/1/87 Gary



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

August 3, 1990

Brian L. Ballard  
Attorney at Law  
P.O. Box 297  
Ketchum, ID 83340

RE: Permit to Appropriate Water No. 37-776<sup>7</sup> in the Name of Flying Heart Ranch II

Dear Brian:

After my conversation with you, I discussed the measuring devices that were needed to satisfy the conditions of the permit.

Reid Newby represents that there is a water right below the discharge of the last pond which must be satisfied. As a result, Flying Heart must insure that no water is lost while passing through the ponds. If losses occur, they must be mitigated in some way. This might be accomplished by purchasing some natural flow rights in the Big Wood River. I do not know, however, whether the purchase of these rights and their dedication to compensation will make a downstream user whole who does not divert from the Big Wood River. This compensation, however, may be required of Flying Heart in the future.

With respect to the measuring devices required, Reid has represented to me that we need staff gauges on each of the ponds, and a measuring device at the outlets from each of the ponds. In this way, we can roughly insure that the right amount of water is passing to downstream users.

I will wait for your response. The Department will not act to void the permit without my having contacted you again.

Sincerely,

GARY SPACKMAN, Manager  
Water Right Permits Section

GS:js

cc: Southern Region

RECEIVED

APR 12 1993



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

July 25, 1990

Brian Ballard  
Flying Heart Ranch II  
P.O. Box 297  
Ketchum, ID 83333

Re: Permit No. 37-7767

Dear Permit Holder(s):

NOTICE OF PENDING ORDER CANCELING PERMIT

On February, 27, 1979, the Department of Water Resources (Department) issued Permit No. 37-7767 which authorized the diversion of 12.0 cubic feet per second from springs for recreational purposes.

The Department mailed a letter to you on March 8, 1990, in connection with the permit. The letter provided notice that a license was pending and that the water system had been examined by a field examiner.

This letter also required that you comply with the condition requiring installation of a measuring device on the source of water into the upstream pond and also a measuring device and control gate on the outlet from the upstream pond.

The purpose of this letter is to provide a second and final opportunity for you to comply with the condition and install measuring devices. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order canceling the permit pursuant to Section 42-219, Idaho Code, where it states that if the Department finds "that the applicant has not fully complied with the law and the conditions of the permit . . . [it] may refuse issuance of a license and void the permit."

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

GARY SPACKMAN, Manager  
Water Right Permits Section

Enclosure

cc: Region  
Kingsley Murphy

RECEIVED

APR 12 1993

MEMORANDUM

TO: Files Nos. 37-07767, 37-00557, 37-00558, 37-00559, and Any  
Adjudication Claims Which May Also Relate to These Numbers  
FROM: Gary Spackman  
DATE: March 26, 1990

RE: Person Requesting Information or Notice

Cynthia Murphy, wife of Kingsley Murphy, asked that Kingsley be sent notice of any happenings regarding the above water rights. Kingsley's address is 60 Fairway Drive, Rafael, California, 94901.

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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

March 8, 1990

Brian Ballard  
Flying Heart Ranch II  
P.O. Box 297  
Ketchum, ID 83333

RE: Permit No. 37-7765 in the Name of Flying Heart Ranch II

Dear Mr. Ballard:

A draft license for water right no. 37-7767 has been pending in the Department of Water Resources for over a year. The use of the water has already been examined by a field examiner, but the condition requiring installation of measuring devices has not been complied with. The Department corresponded with Reid Newby, watermaster of the Big Wood River, and, in December, 1989, Mr. Newby sent his recommendations to me. I have enclosed a copy of his recommendations.

The last paragraph of Mr. Newby's letter states that he recommends installation of a measuring device on the source of the water into the upstream pond and also a measuring device and control gate on the outlet from the upstream pond. I am not acquainted at all with the layout of your project. I must, however, defer to the recommendation of the watermaster unless, through some consultation with him, we discover that a lesser requirement will satisfy his needs.

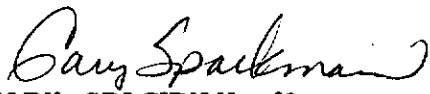
I would like to resolve the water measurement issue so a license can be issued. Would you please contact Mr. Newby at P.O. Box T, Shoshone, Idaho, 83352, telephone no. 886-2451, and discuss with him the water measurement needs. If you can install the measuring devices which he requires, we will finally consider the issuance of a license.

RECORDED

APR 12 1993

Please be advised that there is substantial controversy in the Wood River Valley concerning alleged non-consumptive uses of water similar to the use by Flying Heart Ranch. The license may require that you determine the water losses from your system and that you compensate the river for any losses which occur through evaporation or seepage. Concerns about water temperature change may also need to be addressed.

Respectfully,

  
GARY SPACKMAN, Manager  
Water Right Permits Section

GS:js

Enclosure

cc. Southern Region  
Kingsley Murphy

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APR 12 1993

**RECEIVED**  
DEC 14 1989

WATER DISTRICT #37 & 37M

Department of Water Resources

December 13, 1989

Gary Spackman  
Water Rights Section  
Statehouse Mail  
Boise, ID 83720

Re: Your letter of December 12, 1989, re Permit #37-7767

Dear Gary:

I've done extensive study in regards to the application for permit, made measurements from the spring into the ponds, also measurements from the first pond into the second pond and out of second pond. The following information is what I found:

1. Water was decreed from Big Wood River in the case of A. W. Warr vs. W. G. Swendsen, Commissioner; 160" appurtenant to 160 acres of land with a priority date of 5-1-1883, from Purdum Slough, sometimes tributary to Big Wood River.

2. In the case of S. C. Frost vs. Alturas Water Company, water was decreed to the Purdum brothers for the purposes of ice cutting and fish pond, and was to maintain a uniform depth of water in the pond and there was to be a sufficient amount of water to maintain a certain fish pond. This water to be delivered through McBryan ditch.

Application for Permit #37-7767 was applied for by Flying Heart Subdivision in the amount of 12 c.f.s. for fish recreation to be put through the first, or upstream, pond at the time of the application, to a new pond 800' downstream. The source of water being springs tributary to the Big Wood River.

During the course of my investigation I found, by making current meter measurements on the source of the springs as mentioned in the Permit #37-7767, only produced in 1989 a total of 4.0 c.f.s. on June 15, 1989, on July 6 produced 3.8 c.f.s. and on August 17, 1.25 c.f.s., and that one of these locations comes directly from the Purdum Slough. Therefore, in order to be able to deliver the decreed water right to the 160 acres of land below the second pond, we required and received the installation of a measuring device and control gate from the second pond.

**RECEIVED**

APR 12 1993

We recommend that a measuring device be installed on the source of water into the upstream pond and also a measuring device and control gate be installed on the outlet from the upstream pond.

Sincerely



Reid J. Newby  
Watermaster

RJN/ic

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APR 12 1993



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

December 12, 1989

Reid Newby  
Box T  
Shoshone, ID 83352

RE: Permit No. 37-7767 in the Name of Flying Heart Ranch II

Dear Reid:

I wrote to you in February, 1989, and requested some comments about possible losses incurred by the Flying Heart Ranch II development. I spoke to you later in the summer about the submittal of this information, and you requested more time. Have you been able to investigate and gather information that would assist us in finally resolving this matter?

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

GARY SPACKMAN, Manager  
Water Right Permits Section

GS:js

Enclosure

cc. Southern Region

MICROFILMED

APR 12 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

February 17, 1989

Reid Newby  
Box T  
Shoshone ID. 83352

RE: Permit no. 37-7767 in the name of Flying Heart Ranch II

Dear Reid:

The above permit for appropriation is being prepared for licensing. I have enclosed a copy of the permit and a copy of the field examination and draft license which has been prepared. It appears that water is diverted from springs which are tributary to Big Wood River, and is impounded in a couple of ponds that are fairly large. The Department is worried about the consumptive use and possible evaporation from ponds.

Would you please review the information we have sent, and comment?

Sincerely,

Gary Spackman, Manger  
Water Right Permits Section

cc: Southern Region

Enclosures

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APR 12 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KETH HIGGINSON

DIRECTOR

February 17, 1989

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Box T  
Shoshone ID. 83352

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Would you please review the information we have sent, and comment?

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman, Manger  
Water Right Permits Section

cc: Southern Region

Enclosures

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APR 12 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**LICENSING REPORT**

Permit No. \_\_\_\_\_

**1. Measurement Calculations**

a) Field Measurement Calculations (Include theoretical capacities and system capacity)

b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$  \_\_\_\_\_  
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$  \_\_\_\_\_  
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$  \_\_\_\_\_

c) Volume Calculations for Other Uses:

**2. Overlap Review**

a) Other water rights with same place of use: \_\_\_\_\_

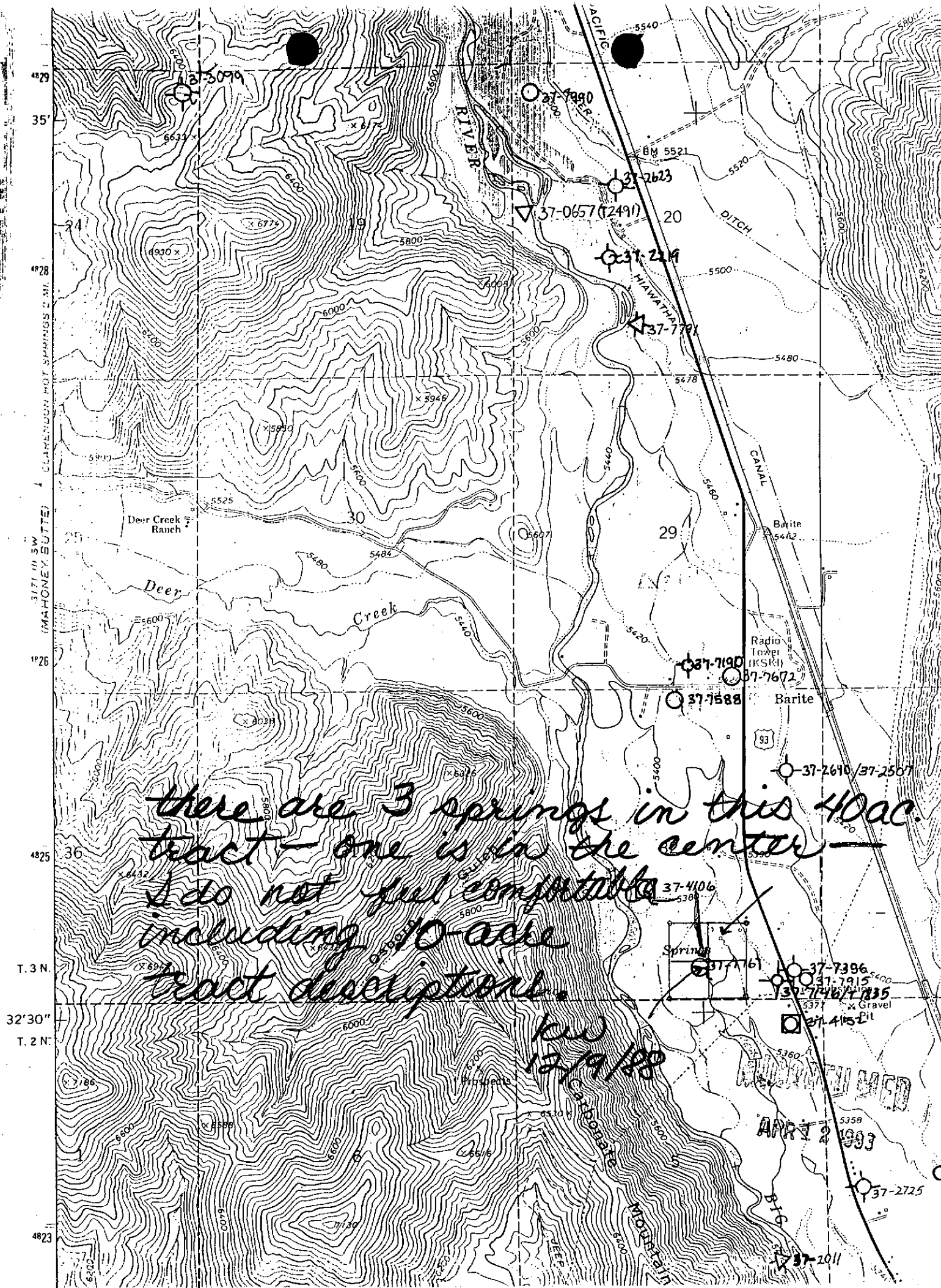
b) Other water rights with same point of diversion: 37-4152(gw) - No overlap

c) Analysis:

**MICROFILMED**

**APR 12 1993**





MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: TELEPHONE CONVERSATION WITH JOHN BIGGS

DATE: 7-OCT-1988

=====

Mr. Biggs called in reference to my letter of Sept 15, 1988.

He questioned why the location of the point of diversion did not include the location of the source of the springs in Sec. 32.

I reviewed the USGS map included in the permit and the Aerial Photo included as part of the field examination. The Aerial Photo, as well as the USGS map, clearly showed the origin of the springs in section 32 as originally described the permit.

The field examiner, in his report, described the spring source as arising in the upper pond and identified the point of diversion as being located in the NENE of sec. 5.

Mr. Biggs was concerned that this right may not have adequate protection if the springs in sec. 32 were left off.

Based upon the Aerial photo showing that portion of the upper pond extended into the SWSE of sec. 32 and that it is possible that the springs identified on the USGS map are now under water the location of the point of diversion was changed back to the original location as described on the permit.

REPROFILMED

APR 12 1993

September 15, 1988

FLYING HEART RANCH II  
C/O DAVID HOEL  
P.O. BOX 2163  
HAILEY, ID 83333

RE: PERMIT NO. 37-07767

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

Enclosure

MAILED 10  
SEP 15 1988

APR 12 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

37-7767

Permit No.

Staff Analysis Sheet  
for  
Beneficial Use Field Report

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SEP 26 1986

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Department of Water Resources

Check of P/D index AD 8/12 (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system

☐ Increase rate of flow or volume

☐ Other: \_\_\_\_\_

Check of P/U index AD 8/12 (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☐ Other: \_\_\_\_\_

Aerial Photo

Required? ☒ yes ☐ no If yes: ☒ copy attached?

Scheduling Letter sent? AD 8/12 (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed AD 8/12 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent QD 8-12-86 (Initial and date)

Exam Reviewed by Manager of Regional Office AD 9/18/86 (Initial and date)

Exam Date Entered in Computer \_\_\_\_\_ (Initial and date)

Exam sent to State Office \_\_\_\_\_ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original  
Refiled in White File \_\_\_\_\_ (Initial and date)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**RECEIVED**  
SEP 26 1986

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 37-7767

1. Owner: Flying Heart Ranch II

Phone No. \_\_\_\_\_

Current Address: P.O. Box 1882 Ketchikan

2. Accompanied by: David Noel

EXAM. DATE: 6-5-86

Address: \_\_\_\_\_ Phone No. \_\_\_\_\_

Relationship to Permit Holder: Developer -

3. Source: Springs tributary to Big Wood River

**B. OVERLAP REVIEW**

1. Other water rights with same place of use: NO

☐ Copies Attached

2. Other water rights with same point of diversion: NO

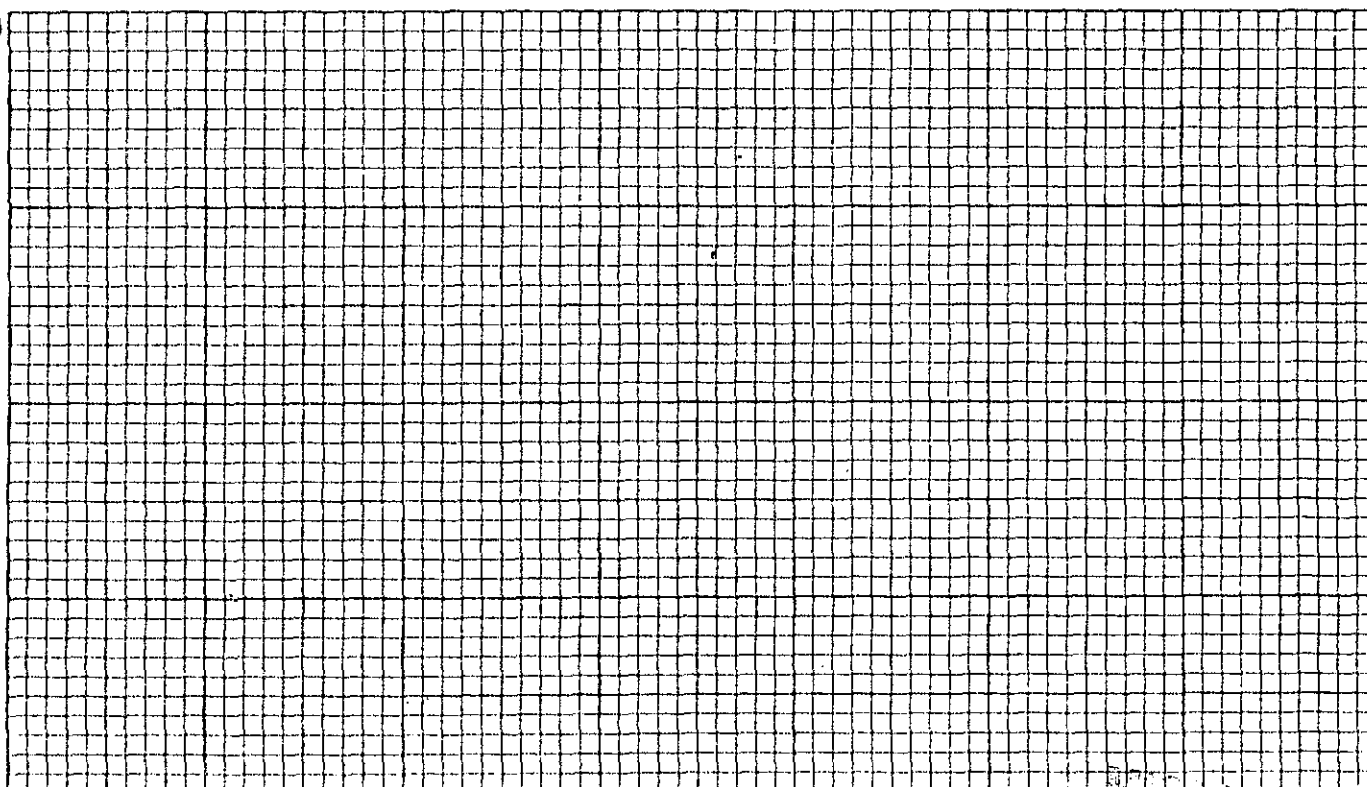
☐ Copies Attached

☐ Copies of Field Exam's Attached

**C. SYSTEM DESCRIPTION**

See Attachment 5.

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = \_\_\_\_\_

2. ☐ Copy of U.S.G.S. Quadrangle Attached  
Showing location(s) of point(s) of diversion and  
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached

(required for irrigation of 10 acres or more)

**APR 12 1993**

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3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

water is collected in (2) ponds see Attachment. measuring devices located at out and between the (2) ponds. Spring water rises in the upper pond. Water is used for. Esthetics & Recreation (Fishing)

☐ See Remarks on page 4 for continuation

- 4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

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

5. Point(s) of Diversion:

| Ident. No. | Gov't. Lot | 1/4           | 1/4           | 1/4           | Sec.          | Twp.          | Rge.           | County            | Method of Determination/Remarks |
|------------|------------|---------------|---------------|---------------|---------------|---------------|----------------|-------------------|---------------------------------|
|            |            | <del>SE</del> | <del>SW</del> | <del>SE</del> | <del>32</del> | <del>2N</del> | <del>18E</del> | <del>Blaine</del> |                                 |
|            |            | <del>NW</del> | <del>NE</del> |               | <del>5</del>  | <del>2N</del> | <del>18E</del> |                   |                                 |
| 1          | 1          | NE            | NE            |               | 5             | 2N            | 18E            |                   |                                 |
| 2          |            | SE            | NE            |               | 5             | 2N            | 18E            |                   |                                 |

6. Place(s) of Use:

Indicate Method of Determination

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 2N   | 18E  | 5    | x      | x      |        | x      |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      | L1     | L2     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        | (x)    |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

APR 12 1993

Do not use this space

## D. FLOW MEASUREMENTS

☒ Additional Data Sheets Attached

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
| Parshall Flume        |      |      |           |            | 2.5' |             |
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements:

measured 1' on 2.5' Parshall Flume =

## E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$Q = 4W H_a^{1.522} W^{0.026} = 10.0 \text{ cfs.}$$

$$H_a = 1'$$

$$W = 2.5'$$

2. Alternate Method for Checking Purposes:

## F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: \_\_\_\_\_ psi x 2.31 = \_\_\_\_\_ ft (1); Dynamic pumping level: \_\_\_\_\_ ft (2)

Total Head: (1) + (2) = \_\_\_\_\_ (3); Flow rate: \_\_\_\_\_ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = \_\_\_\_\_ (5)

Meter Input KW: 3.6 x \_\_\_\_\_ KH x \_\_\_\_\_ CTR or \_\_\_\_\_ MULT x \_\_\_\_\_ PTR x \_\_\_\_\_ N/ \_\_\_\_\_ T = \_\_\_\_\_ (6)

Meter Input HP: (6) x 1.34 = \_\_\_\_\_ (7)

Panel Input KW: \_\_\_\_\_ Ave PF x \_\_\_\_\_ Ave Volts x \_\_\_\_\_ Ave Amps x .001732 = \_\_\_\_\_ (6)

Panel Input HP: (6) x 1.34 = \_\_\_\_\_ (7) Efficiency: (5)/(7) x 100 = \_\_\_\_\_ %

## G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$  \_\_\_\_\_ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$  \_\_\_\_\_ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$  \_\_\_\_\_

2. Volume Calculations for Other Uses:

Recreation - upper pond  $500' \text{ Lg} \times 250' \times 4' = 500,000 \text{ cu ft.} = 11.48 \text{ Ac Ft.}$ lower pond  $400' \text{ Lg} \times 200' \times 4' = 320,000 \text{ cu ft.} = 7.35 \text{ Ac}$ 

18.83 Ac Ft

APR 12 1993

## H. REMARKS AND OVERALL REVIEW ANALYSIS

Recommend upper measuring device be waived.

## I. RECOMMENDATIONS

## 1. Recommended Amounts

| Beneficial Use       | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------------|---------------|-------|------------------------------|--------------------------|
|                      | From          | To    |                              |                          |
| Recreation (Fishing) | 1-1           | 12-31 | 10.0 cfs                     | 18.83                    |
|                      |               |       |                              |                          |
|                      |               |       |                              |                          |
|                      |               |       |                              |                          |
| Totals:              |               |       | 10.0 cfs                     | 18.83                    |

## 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

## J. AUTHENTICATION

Field Examiner's Name Gary FunderburgSignature Gary Funderburg

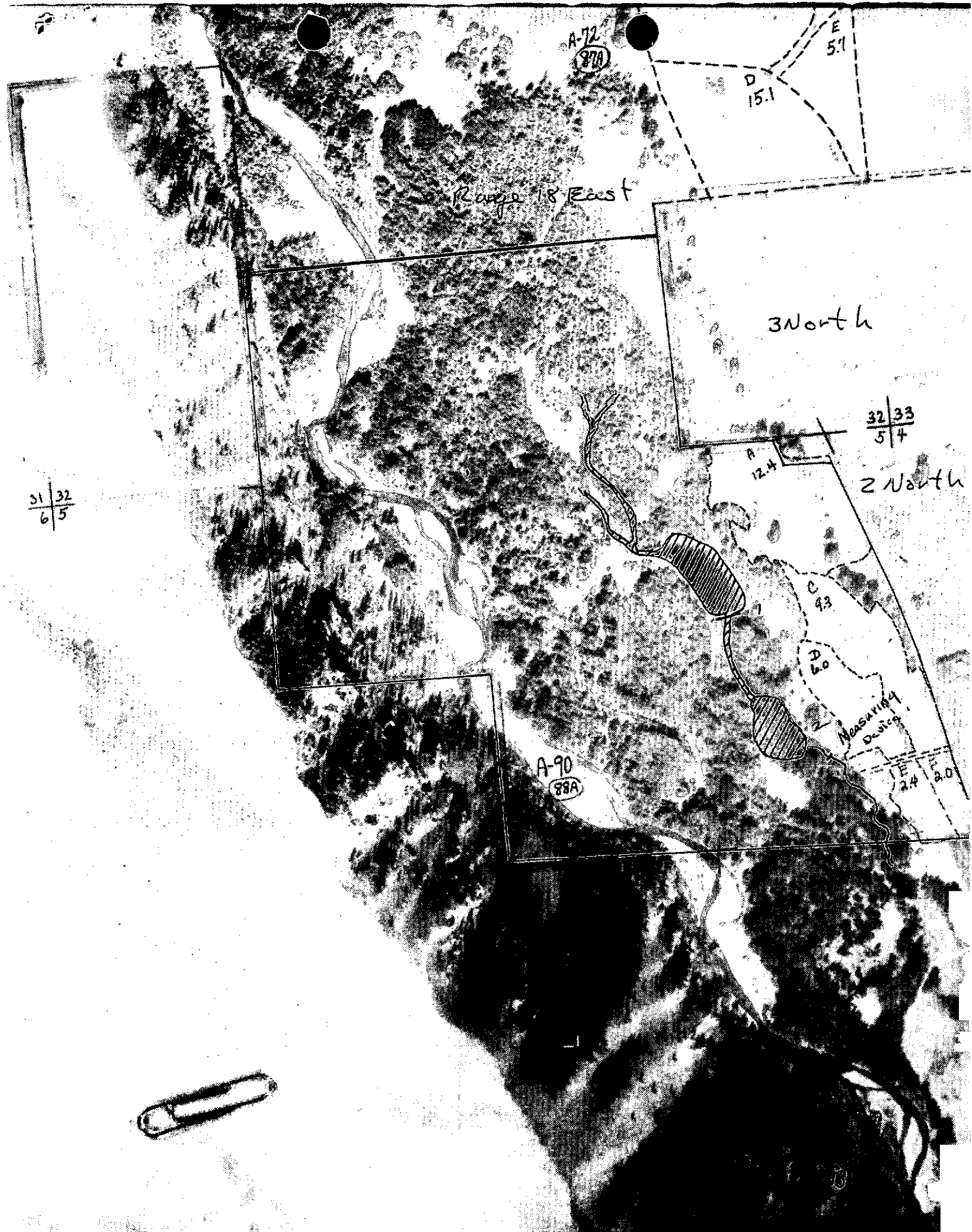
Certification Date \_\_\_\_\_

Field Report Preparation Date \_\_\_\_\_

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

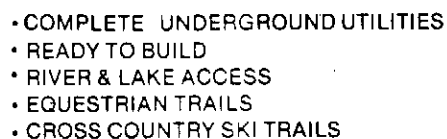
RECEIVED  
APR 12 1993



|    |    |
|----|----|
| 31 | 32 |
| 6  | 5  |

|    |    |
|----|----|
| 32 | 33 |
| 5  | 4  |

NOT TO SCALE



MEAS. DEVICE

— HAILEY  
1.5 MILES

— HIGHWAY 75 KETCHUM  
9.5 MILES

2 North      See 5  
3 North      see 32  
18 East

# FLYING HEART RANCH

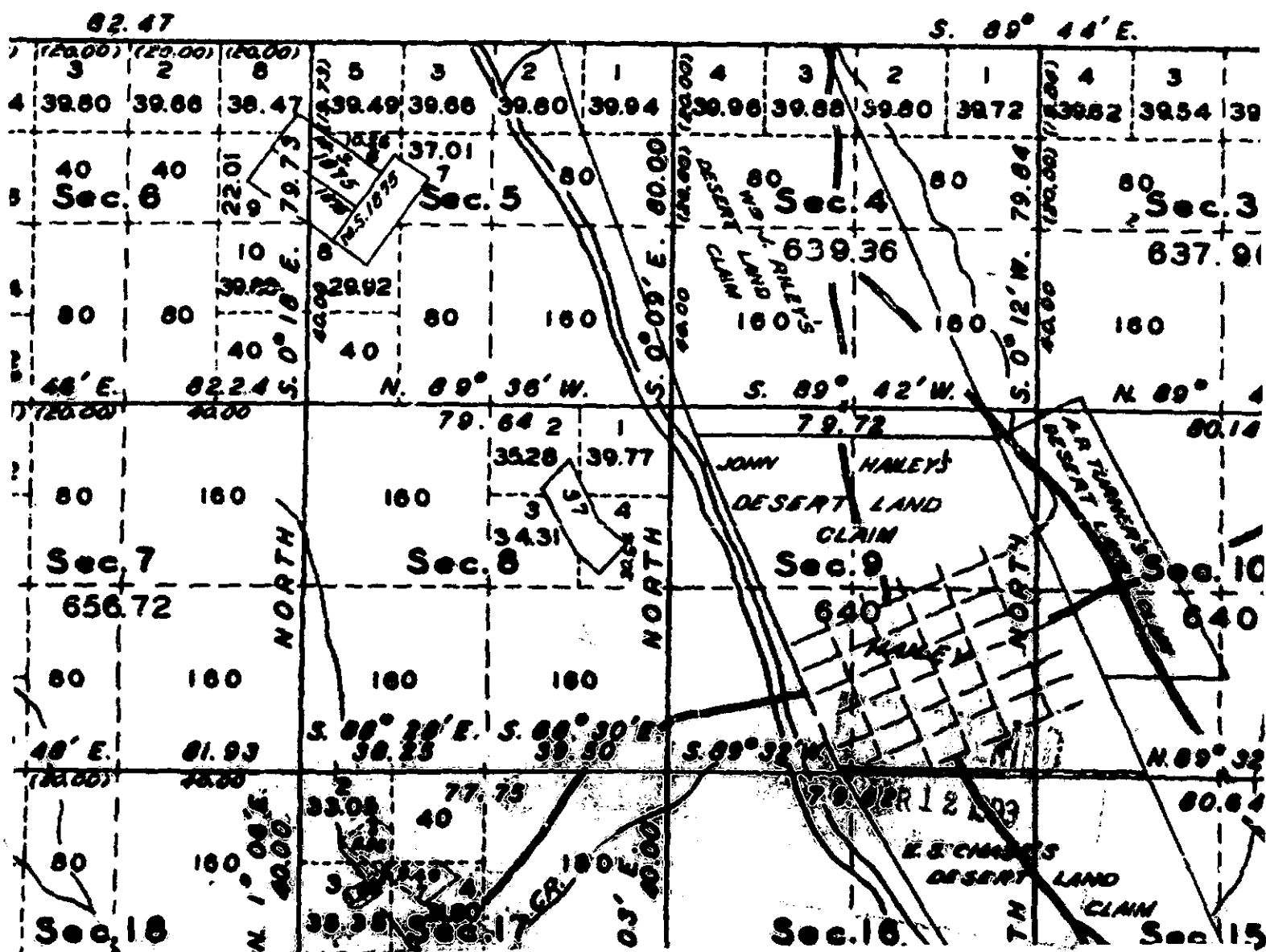
# A DELUXE WATERFRONT SUBDIVISION NEAR SUN VALLEY, IDAHO

100

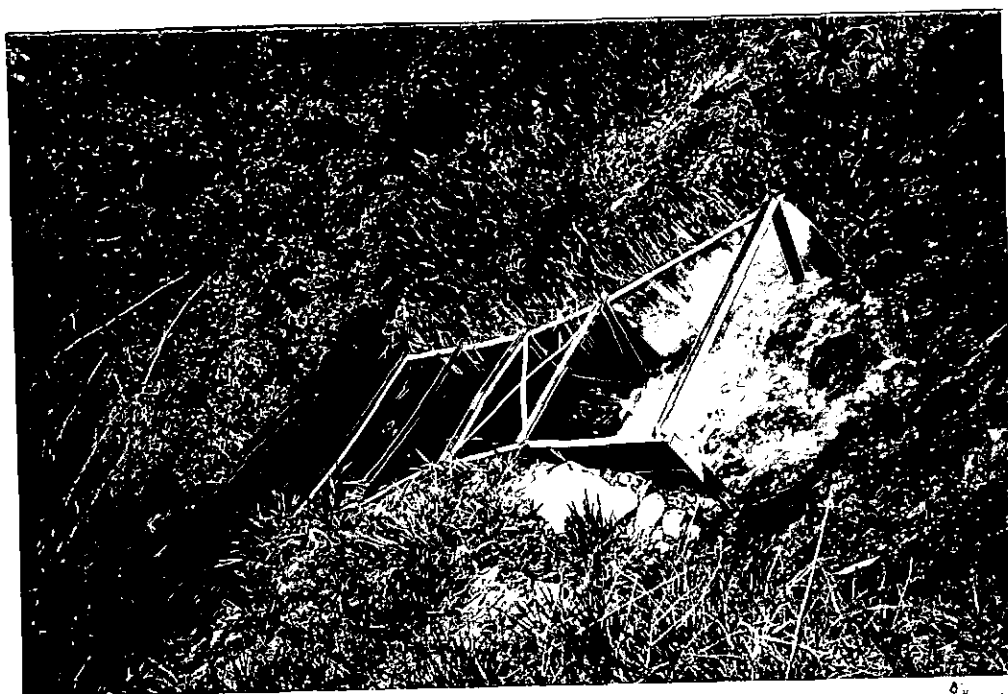
12 1993

# COMPOSITE PLAT OF 2 NORTH, RANGE N° 18 EAST, O

6/1935



Measurement made on lower outlet

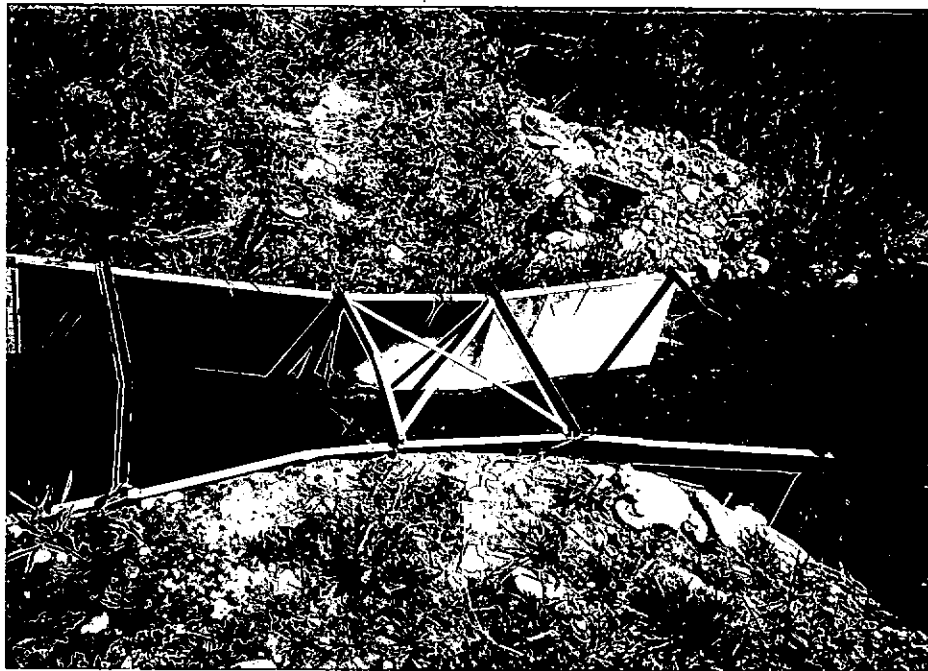


Parshall Flume Looking up Stream

APR 12 1993

Look up-stream on upper pond.

37-7767



Parshall Flume on lower pond.

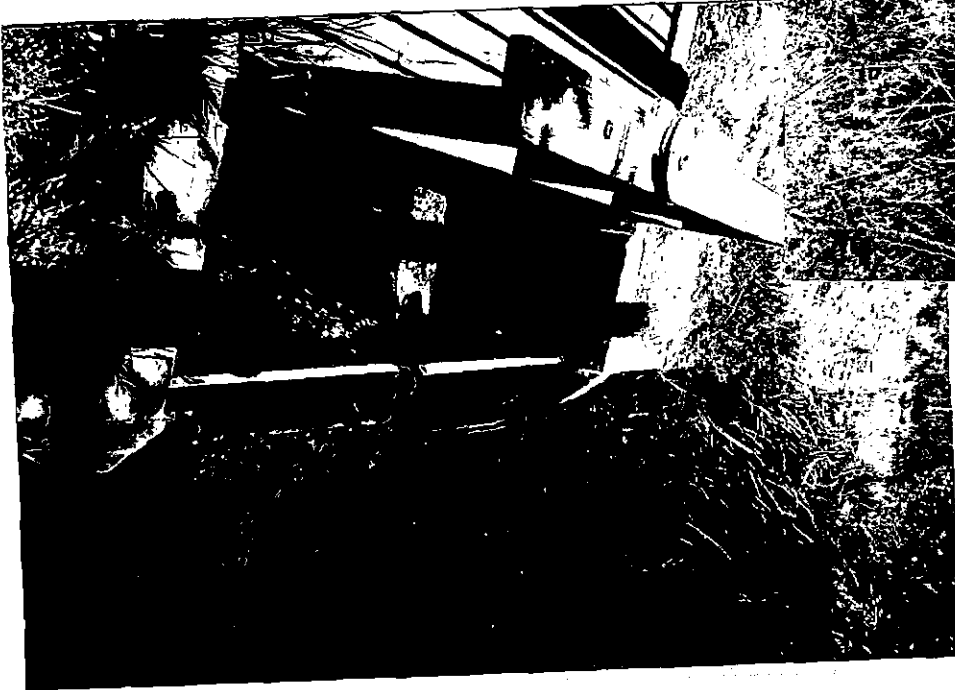
MICROFILMED  
APR 12 1993

37-7767

Looking up-stream on lower Pond.



Measuring device at  
Upper Pond



LOWE  
APR 12 1993  
Pond

December 5, 1984

David Hoel  
Flying Heart Sub-Division  
P. O. Box 1882  
Ketchum, ID 83340

Dear Mr. Hoel:

Re: Permit No. 37-7767

As a follow up to your letter of September 23, 1984 requesting removal of the measuring device at the point of effluent discharge for the above-referenced permit, our office in Twin Falls has conducted a field examination. The recommendation is that the outflow measuring device is needed due to the following factors:

1. Close proximity to the Big Wood River and Right 37-0862 decreed in Warr vs. Swendsen;
2. Potential of significant water loss in the ponds following construction, excavation or cleaning;
3. There are other water right filings on the same source of water.

Your letter refers to the measuring device as a meter. The measuring device can be a meter or could be another type of measuring device such as a weir below the lower pond.

I note in the water right file that proof of beneficial use has been submitted on the permit and that the department has advised you that a field exam will be conducted to determine the extent of beneficial use. The required measuring devices should be in place when the examination is conducted to assure the right will remain in good standing.

Our office in Twin Falls can advise you relative to the construction of weirs, should you choose that type of measuring device.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

12 1993

cc: Southern Region

INTER-DEPARTMENT MEMO — 1

FROM Loten Holmes

DATE 11/16/84

TO Glen Sexton

SUBJECT 37-7767

Text has made a field inspection & file search on this pending exam per the request for removal of the M.D. requirement.

His comments are attached.

37-0862 is in Watt vs Swendsen (file 37-E)

APR 12 1993

*LH.*

SIGNATURE

FROM

Terry Blau

DATE

10-2-84

TO

File 37-7767

SUBJECT

Measuring device Waiver Request

The following are reasons why this request should not be granted.

- (1) Close proximity to the Big Wood River and right # 37-0862
  - (2) The possibility of significant water loss in ponds following construction excavation and cleaning.
  - (3) The need to know the consumptive use if any.
  - (4) Other filings on the same source.
- There should be a measuring device installed below lower pond.

APR 12 1993

Terry Blau  
SIGNATURE

September 25, 1984

RECEIVED

SEP 26 1984

Idaho Department of Water Resources  
South District Office  
1041 Blue Lakes Boulevard North  
Twin Falls, Idaho 83301

Department of Water Resources  
Southern District Office

Re: Water Rights Permit No. 37-7767

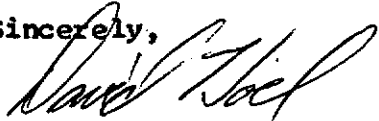
Dear Sir:

I am writing to request a partial waiver of condition number 2 on our water rights permit no. 37-7767. Condition number 2 requires two metering devices, one at ingress and one at egress. Flying Heart Homeowner's Association sincerely requests that this be changed to one metering device at the main collection pond.

The reason we feel this to be fair is because the water rights are for springs (nine of them) that originate and are beneficially used by the sub-division. They are collected and run through two fish ponds; Then, most of the year the water sinks back into the ground shortly after leaving the sub-division. Therefore, since we are historically and presently the main user and only applicant for all the water from these springs, we ask that you concur with us that the one metering weir at the outlet to the main lake which collects all the springs (see enclosed map) should be sufficient to establish our rights.

Thank you for considering our request.

Sincerely,



David J. Hoel  
Board of Directors  
Flying Heart Sub-Division

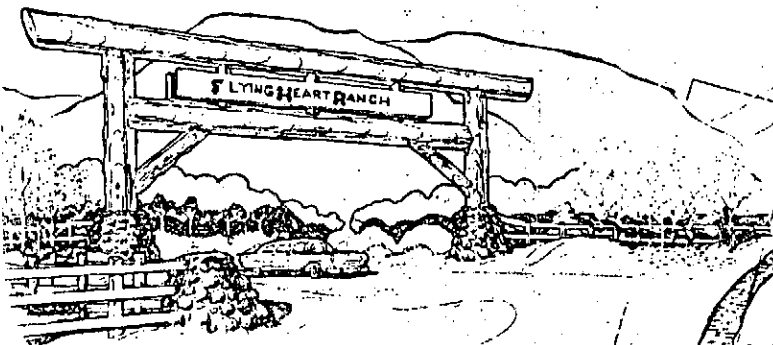
RECEIVED

NOV 30 1984

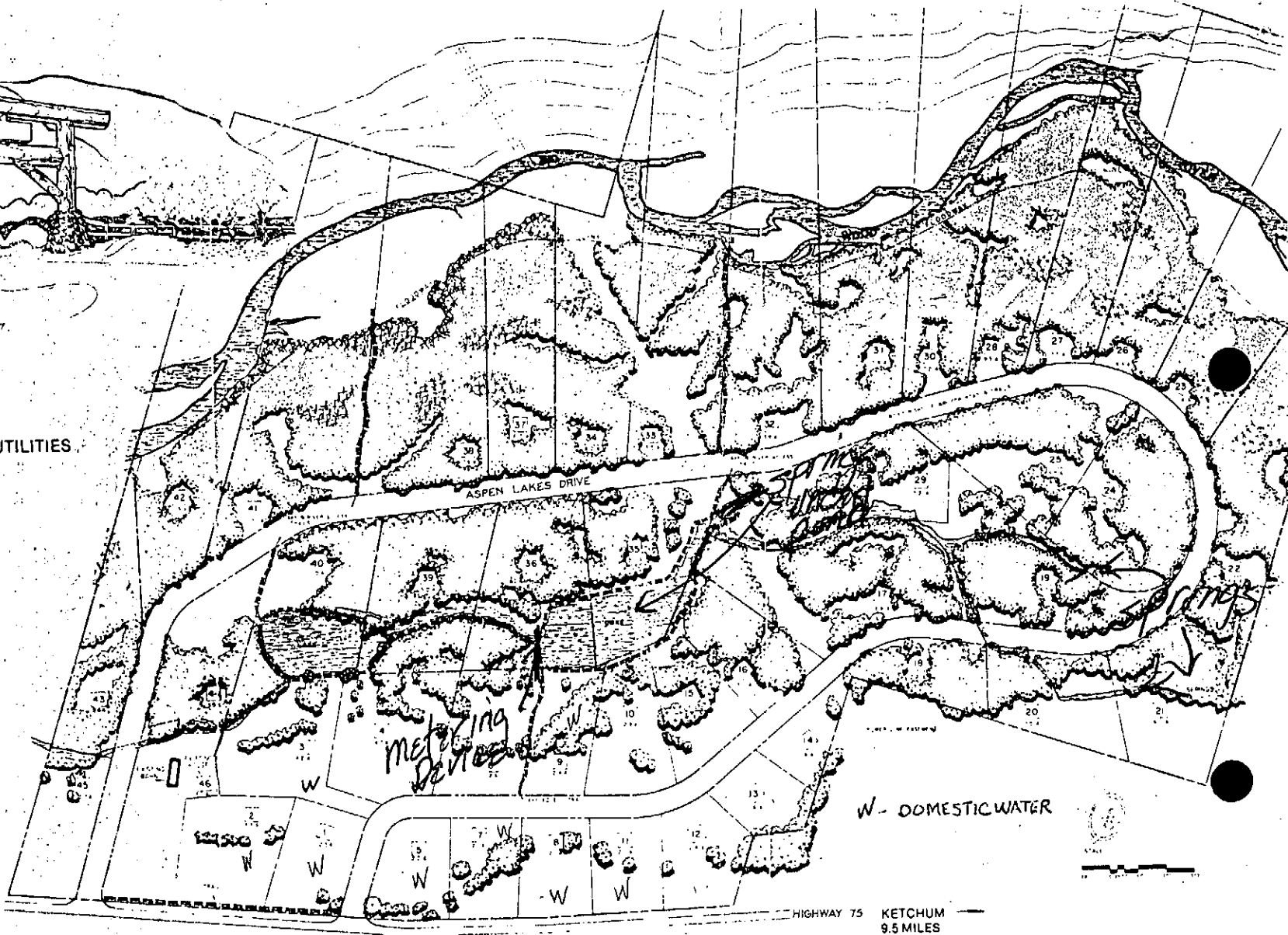
Department of Water Resources

RECEIVED

APR 12 1993



- COMPLETE UNDERGROUND UTILITIES
- READY TO BUILD
- RIVER & LAKE ACCESS
- EQUESTRIAN TRAILS
- CROSS COUNTRY SKI TRAILS



**RECEIVED**

SEP 26 1984

Department of Water Resources  
Regional District Office

APR 12 1983

# FLYING HEART RANCH

A DELUXE WATERFRONT SUBDIVISION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

---

1041 Blue Lakes Blvd. N.  
Twin Falls, Idaho 83301  
(208) 734-3578

MAY 15, 1984

FLYING HEART RANCH OWNERS ASSOC.  
BOX 2163  
HAILEY ID 83333

RE: Permit No. 37-7767

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of a measuring device which, according to the proof card submitted by you, has not been installed. A measuring device must be installed and operating at the time the field examination is made. If a measuring device is not installed your permit may be subject to cancellation.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 734-3578 or in person at our office at 1041 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,

s/Mary A. Newby  
Secretary

*Mary A. Newby*

RECEIVED

APR 12 1993

# DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 37-7767.

Name(s) of Permit Holder: Flying Heart Ranch / owners 955

Post Office Address: Box 2163 Hailey, Id 83333

Contact Mrs SUE LIPSEY Tel. No. 788-3510

Source of Water: springs on Ranch

Extent of Use: ☐ Domestic (number of households)  
☐ Stockwater (number and type of stock)  
☐ Irrigation (acres)  
☒ Other for Recreational fish ponds

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

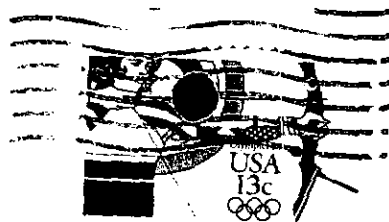
Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

3-20-84  
Date

David Noel  
Signature of Permit Holder

Flying ~~Post~~ *Post*  
Box 2143  
Hailey, Id 83333



RECEIVED



IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

Department of Water Resources

FROM

*Rita*

DATE

*3-15-1984*

TO

*37-7767*

SUBJECT

*The Blaine County Assessor's Office has  
Box 1858, Ketchum. Id as an  
address for David Joel*

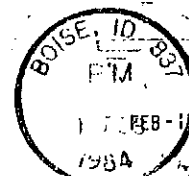
**MICROFILMED**  
\_\_\_\_\_  
SIGNATURE

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Statehouse  
Boise, Idaho 83720

MICROFILMED

RETURNED  
TO  
SENDER  
FEB 2 1984  
ADDRESSEE UNKNOWN

NO 1882



RECEIVED

FEB 10 1984

Department of Water Resources

|                |
|----------------|
| CERTIFIED MAIL |
| 138388         |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

---

STATEHOUSE  
BOISE, IDAHO 83720  
(208) 334-4440  
CERTIFIED MAIL

FLYING HEART RANCH II, C/O DAVID HOEL  
P.O. BOX 1882  
KETCHUM, ID 83340

138388

PROOF DUE NOTICE

JANUARY 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 37-7767 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE APRIL 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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

ENCLOSURE

RECEIVED  
JAN 31 1984

April 19, 1979

Re: Permit No. 37-7767

Flying Heart Ranch II  
David Hoel, Developer  
P.O. Box 1882  
Ketchum, Idaho 83340

Gentlemen:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note the special condition requiring you to install and maintain measuring devices at the point of diversion and the point of effluent discharge before submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Please be advised that, depending upon your plans for fish propagation, you may be subject to regulations of the Department of Fish and Game. We suggest that you check with them before starting construction.

If you have any questions, please feel free to contact us.

Sincerely,

DAVID R. TUTHILL, JR.  
Supervisor, Water Allocations Section

DRT:lr

Enclosures

37-7767

## STAFF REVIEW - STATE OFFICE

1. ✓ Name vs. Signature
2. SOS Source
3. ✓ Point of Diversion
4. 12.0 Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. ✓ Place of Use for other than irrig.
8. N/A Place of Use for irrigation (add acres)
9. A Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. 195 Fee & Rec't. No. added

## Copies Sent To:

NO Idaho Health Department      NO U.S.F.S.  
YES Idaho Fish & Game Dept.      1 Dept. of Lands  
NO Bureau of Land Management      YES Other watermaster

Dam Safety Information N/A (Goes to Permit Section)

## Check:

Critical G.W. Area \_\_\_\_\_ yes ✓ no

Other rights on same land N/A

Withdrawals of all protests received N/A yes \_\_\_\_\_ no

## Conditions:

ID Power Co. Letter - Snake R. NO

ID Power Co. Letter - G.W. & Tribs. NO

Snake River Condition NO

Payette River Letter NO

Priority Date 2/27/79

Water Quality #16 NO

Water Quality #10 Yes  
intrastate ✓ interstate \_\_\_\_\_

Meas. Dev. or Sc. Meas. Yes #3

Totalizing meter NO

Supplemental NO

Right-of-Way Cond. Yes

Watermaster Cond. Yes  
Wtr. Dist No. 307

Meas. Dev. Cond. for apps within  
a Water Dist. NO

Add FEG Paragraph to  
cover letter

Jim

Reviewer

4/16/79  
Date

MICROFILMED

DEPARTMENT OF WATER RESOURCES  
- STAFF ANALYSIS -

Item Initial Date

Flying Heart Ranch II  
Application No. 37-7767 - David Hoel - Developer

☒ Source  
☒ Point of Diversion  
☒ County  
☒ Quantity of Water and Period of Use  
☒ Description of Diverting Works  
☒ Time required for B/U of water  
☒ Place of Use or Acres Irrigated  
☒ Map  
☒ Signature  
☒ Fee

(1) TB 2-28

In form to receipt.

(2) TB 2-28

Send Copies to:

☐ Idaho State Health Department  
☒ Idaho Fish and Game Department  
☐ Bureau of Land Management  
☒ Reed Newby  
☐ Request Special Use Permit from U.S.F.S.  
☐ Request Easement from B.L.M.  
☐ Request Information from Applicant  
☐ Request Dam Safety Information

(4) LA 4-10-79

In form for advertising

(5) LA 4-10-79

Platted on Map No. X-74

(6) TB 2-28

Located within Water District No. 37

(7) LI 4

Critical groundwater area: yes ☐ no ☒

(8) LI 4

Groundwater levels:

☐ Declining, ☐ Stable, ☐ Increasing

(comment) \_\_\_\_\_

(9) LA 4-10-79

Other rights on the same place of use

(10) LA 4-10-79

Comments: \_\_\_\_\_

(11) margo 3/26/79

Affidavit of Publication received (date) 3/26/79

(12) margo 4/2/79

Final date for protests 4/2/79  
Protests received: yes ☐ no ☒

(13) LA 4-10-79

All requested information received from agencies or applicant: yes ☐ no ☒

(14) LA 4-10-79

Action recommended:

☒ Approve

2-27-79 Proposed Priority

Reason for Reduction \_\_\_\_\_

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

by Lore O. Lal Date 4-10-79

RECEIVED  
APR 12 1979

Department of Water Resources

District

5

MICROFILMED



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

April 5, 1979

Reid Newby  
Watermaster  
125 South Rail Street West  
Shoshone, Idaho 83352

Dear Mr. Newby:

Enclosed is a copy of the above referenced Application for Permit  
for your information and files.

Sincerely

Mary A. Hill  
Secretary

for

Loren O. Holmes  
Southern Region Supervisor

Encl:

MICROFILMED



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

April 5, 1979

Mr. Bob Bell, Regional Fisheries Biologist  
Idaho Fish & Game Department  
Region #4  
P. O. Box 428  
Jerome, Idaho 83338

Re: Application for Permit No. 37-7767 - Flying Heart Ranch II

Dear Mr. Bell:

Enclosed is a copy of the above referenced Application for Permit  
for your information and files.

Sincerely,

Mary A. Hill  
Secretary

for

Loren O. Holmes  
Southern Region Supervisor

Encl:

MICROFILMED

PRE-PERMIT SURFACE-WATER EXAMINATION DATA SHEET

Date 4-4-79 Examiner T.G.B. Application No. 37-7767

Applicant(s) Interviewed \_\_\_\_\_

Upstream Users Interviewed \_\_\_\_\_

&/or Upstream Diversions Inspected \_\_\_\_\_

Downstream Users Interviewed Oak Donnelly

&/or Downstream Diversions Inspected " Diverts water through Pond & uses for irrigation

Legal Description Verified By Map (or give proper description) Map in file

Water Flow: Visual Estimate \_\_\_\_\_ Channel Width \_\_\_\_\_ Average Depth \_\_\_\_\_

Water Velocity \_\_\_\_\_ Channel Slope \_\_\_\_\_

Do Additional Inflows Enter Downstream From This Diversion? \_\_\_\_\_

Does This Water Enter Canal-Company Waterways? NO Canal Co. Approval? \_\_\_\_\_

Source Of Waste Water: Legal Description \_\_\_\_\_

Proportion Of Water Flow Arising On Applicant's Land 100%

Does There Appear To Be Sufficient Water To Fulfill This Application Without Harming Downstream Users? Yes ✓ No \_\_\_\_\_

Do Other Aspects Of The Application Appear To Be As Stated? Yes \_\_\_\_\_ No \_\_\_\_\_

Notes The water flows through a 32" culvert with inlet control. At the time of exam there was not more than 2 or 3 cfs but there was evidence that the culvert does flow full. Mr. Donnelly stated that this time of year is typically a low flow period. He & Mr. Hoel are the only water users & he does not feel that Mr. Hoel proposal will significantly affect the hydrology.  
Signed Tom Hoel

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
Southern Region

---

1041 Blue Lakes Blvd N.  
Twin Falls, Idaho 83301  
(208) 734-3578

MARCH 1, 1979

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 billings to this office before APRIL 2, 1979.

Yours truly,

Mary A. Hill  
Secretary

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

37-2262-

FLYING HEART RANCH II, C/O DAVID HOEL

P.O. BOX 1882, KETCHUM, ID 83340

Source: UNNAMED SPRINGS tributary to BIG WOOD RIVER

Date Filed: 02/27/1979

Amount: 12.00 CFS

Diversion Point: SWSE Sec 32 T 03N R 18E, BLAINE Co.

Use: RECREATION (12.00 CFS) from 01/01 to 12/31

Place of Use: NENE NWNE SENE Sec 05 T 02N R 18E

Diversion Means: VIA NATURAL STREAM INTO EXISTING AND FUTURE PONDS

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before

C. STEPHEN ALLRED APRIL 2, 1979.

Director

Published 3/15 & 3/22/79.

APR 2 1979  
IDAHO DEPT. OF WATER RESOURCES  
TWIN FALLS, IDAHO

**37-7767**

**Name:** Flying Heart Ranch II, c-o David Hoel

**Address:** P.O. Box 1882, Ketchum, Ida., 83340

**Source:** Unnamed Springs tributary to Big Wood River

**Date Filed:** 02-27-1979

**Amount:** 12.00 cfs

**Diversion Point:** SWSE, Sec. 32, T03N, R18E, Blaine County

**Use:** Recreation--(12.00 cfs) from 01-01 to 12-31

**Place of Use:** NENE, NWNE, SENE, Sec. 05, T02N, R18E

**Diversion Means:** Via Natural Stream into existing and future ponds.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301, on or before April 2, 1979.

C. Stephen Allred

Director

Publish: Wood River Journal--March 15, 22, 1979.

RECEIVED  
3/6/79

DEPT. OF WATER RESOURCES  
TWIN FALLS, IDAHO 83301

## DATA ENTRY LOG

[illegible]