State of Idaho
Department of Water Resources

Water Right License

Water Right No. 37-22459

Priority: January 19, 2010

Maximum Diversion Rate: 60.40 CFS
Maximum Diversion Volume: 706.8 AF

It is hereby certified that:

HEART ROCK RANCH LLC
PO BOX 3724
HAILEY ID 83333

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 13, 2009, and has submitted Proof of Beneficial Use on March 31, 2016. An examination confirms water is diverted from:

Source :	BIG WOOD RIVER	**Tributary:**	MALAD RIVER
Source :	BLACK SLOUGH	**Tributary:**	BIG WOOD RIVER
Source :	CRYSTAL CREEK	**Tributary:**	WILLOW CREEK
Source :	SPRING CREEK	**Tributary:**	WILLOW CREEK
Source :	WILLOW CREEK	**Tributary:**	BIG WOOD RIVER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
WILDLIFE STORAGE	01/01 to 12/31		706.8 AF
RECREATION STORAGE	01/01 to 12/31		706.8 AF
AESTHETIC STORAGE	01/01 to 12/31		706.8 AF
DIVERSION TO STORAGE	01/01 to 12/31	60.40 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4SE1/4SW1/4	Sec. 12	Twp 01N	Rge 18E	Point of Diversion	Bypass Canal Diversion	Blaine County
BIG WOOD RIVER	NW1/4NE1/4	Sec. 35	Twp 01N	Rge 18E	Point of Injection	From the Bypass Canal to the Big Wood River	Blaine County
BIG WOOD RIVER	SE1/4NW1/4SE1/4	Sec. 2	Twp 01S	Rge 18E	Point of Rediversion	Black Ditch (#61) Diversion	Blaine County
BIG WOOD RIVER	SE1/4NW1/4SE1/4	Sec. 2	Twp 01S	Rge 18E	Point of Diversion	Black Ditch (#61) Diversion	Blaine County

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BIG WOOD RIVER	NE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Injection	From Black Ditch to Crystal Creek	Blaine County
BIG WOOD RIVER	NE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	SW1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	SW1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Injection	From Ditches to Crystal Creek	Blaine County
BIG WOOD RIVER	NW1/4SE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Injection	From Ditches to Crystal Creek	Blaine County
BIG WOOD RIVER	NE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	SE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	SE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	SE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County

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BIG WOOD RIVER	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County
BIG WOOD RIVER	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County
BIG WOOD RIVER	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County

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BIG WOOD RIVER	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County
BIG WOOD RIVER	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County
BIG WOOD RIVER	NE1/4SE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County
BIG WOOD RIVER	NW1/4NW1/4	Sec. 22	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County
BIG WOOD RIVER	NE1/4NE1/4	Sec. 21	Twp 01S	Rge 18E	Point of Injection	From Ditches to Willow Creek	Blaine County
BIG WOOD RIVER	SW1/4NE1/4	Sec. 21	Twp 01S	Rge 18E	Point of Rediversion	From Willow Creek to Ditches	Blaine County
BIG WOOD RIVER	SW1/4NW1/4	Sec. 12	Twp 01S	Rge 18E	Point of Injection	From Ditches to Spring Creek	Blaine County
BIG WOOD RIVER	SE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Spring Creek to Impoundment	Blaine County
BIG WOOD RIVER	SE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Spring Creek to Ditches	Blaine County
BIG WOOD RIVER	SE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Injection	From Ditches to Spring Creek	Blaine County
BIG WOOD RIVER	NE1/4SE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Spring Creek to Impoundment	Blaine County

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BIG WOOD RIVER	SW1/4NW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Injection	From Ditches to Black Slough	Blaine County
BIG WOOD RIVER	SW1/4NW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	SW1/4NW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Ditches	Blaine County
BIG WOOD RIVER	SE1/4SE1/4	Sec. 10	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Ditches	Blaine County
BIG WOOD RIVER	SE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Injection	From Ditches to Black Slough	Blaine County

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BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Ditches	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Ditches	Blaine County
BIG WOOD RIVER	SW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	SE1/4SE1/4	Sec. 10	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County

BIG WOOD RIVER	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County

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BIG WOOD RIVER	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Ditches	Blaine County
BIG WOOD RIVER	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	SE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Ditches	Blaine County
BIG WOOD RIVER	NE1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Injection	From Ditches to Black Slough	Blaine County
SPRING CREEK	SE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Spring Creek to Impoundment	Blaine County
SPRING CREEK	NE1/4SE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Spring Creek to Impoundment	Blaine County
CRYSTAL CREEK	NE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County

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CRYSTAL CREEK	NE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	SW1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NW1/4SE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	SE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	SE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	SE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County

CRYSTAL CREEK	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County

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CRYSTAL CREEK	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County
CRYSTAL CREEK	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County
CRYSTAL CREEK	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County
CRYSTAL CREEK	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County
CRYSTAL CREEK	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County
CRYSTAL CREEK	NE1/4SE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County
CRYSTAL CREEK	NW1/4NW1/4	Sec. 22	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County

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CRYSTAL CREEK	NE1/4NE1/4	Sec. 21	Twp 01S	Rge 18E	Point of Injection	From Ditches to Willow Creek	Blaine County
CRYSTAL CREEK	SW1/4NE1/4	Sec. 21	Twp 01S	Rge 18E	Point of Rediversion	From Willow Creek to Ditches	Blaine County
CRYSTAL CREEK	NE1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Injection	From Ditches to Black Slough	Blaine County
CRYSTAL CREEK	NE1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Rediversion	From Black Slough to Ditches	Blaine County
CRYSTAL CREEK	NW1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Rediversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	SW1/4NW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	SW1/4NW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Ditches	Blaine County
BLACK SLOUGH	SE1/4SE1/4	Sec. 10	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County

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BLACK SLOUGH	NE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Ditches	Blaine County
BLACK SLOUGH	SE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Ditches	Blaine County
BLACK SLOUGH	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Ditches	Blaine County
BLACK SLOUGH	SW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	SE1/4SE1/4	Sec. 10	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County

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BLACK SLOUGH	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Ditches	Blaine County
BLACK SLOUGH	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	SE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NE1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Ditches	Blaine County
WILLOW CREEK	SW1/4NE1/4	Sec. 21	Twp 01S	Rge 18E	Diversion	From Willow Creek to Ditches	Blaine County

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Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	10													X		X	X	
01S	18E	11	X	X	X	X	X		X	X	X	X	X	X	X	X			
01S	18E	12							X										
01S	18E	14					X	X											
01S	18E	15	X	X	X	X	X			X	X	X	X	X	X	X			
01S	18E	21	X		X														
01S	18E	22						X											

Place of Use: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	10													X		X	X	
01S	18E	11	X	X	X	X	X		X	X	X	X	X	X	X	X			
01S	18E	12							X										
01S	18E	14					X	X											
01S	18E	15	X	X	X	X	X			X	X	X	X	X	X	X			
01S	18E	21	X		X														
01S	18E	22						X											

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	10													X		X	X	
01S	18E	11	X	X	X	X	X		X	X	X	X	X	X	X	X			
01S	18E	12							X										
01S	18E	14					X	X											
01S	18E	15	X	X	X	X	X			X	X	X	X	X	X	X			
01S	18E	21	X		X														
01S	18E	22						X											

Conditions of Approval

1. Rights 37-22459, 37-23391, and 37-23392 when combined shall not exceed a total diversion rate of 76.36 cfs for the storage of water in 71 total ponds not exceeding a total capacity of 735.3 acre-feet or a total surface area of 129.3 acres.
2. The 68 ponds established by the storage of water under this right shall not exceed a total capacity of 706.8 acre-feet or a total surface area of 115.1 acres.
3. Within the project, Big Wood River water, Crystal Creek water and ground water are injected into and rediverted from Black Slough.

   Within the project, Big Wood River water and ground water are injected into and rediverted from Crystal Creek.

   Within the project, Big Wood River water and ground water are injected into and rediverted from Spring Creek.

   Within the project, Willow Creek through Crystal Creek and Spring Creek receives water originating from the Big Wood River and/or ground water.

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4. This right authorizes the annual filling of ponds listed above subject to the conditions listed below. Diversion to storage for off-stream ponds shall be limited as provided below. Flows through on-stream ponds are not limited.
5. Diversion from Spring Creek to off-stream ponds is not allowed unless Big Wood River water &/or ground water is being injected into Spring Creek upstream of the diversion/rediversion from Spring Creek.
6. Rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-577AZ, 37-1187, 37-1207, 37-2492, 37-2538, 37-2597, 37-2764, 37-22050, 37-22051, 37-22052, 37-22533, 37-22459, 37-23391, and 37-23392 when combined shall not exceed a total diversion rate of 76.74 cfs during the irrigation season.
7. Rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-310A, 37-577AZ, 37-1187, 37-1207, 37-2492, 37-2538, 37-2597, 37-2764, 37-19831, 37-22050, 37-22051, 37-22052, 37-22459, 37-23391, 37-23392, and 37-22533 when combined shall not exceed a total diversion rate of 78.1 cfs.
8. This right does not authorize diversion to storage from any source beyond the maximum rate and source identified by rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-577AZ, 37-1187, and 37-1207.

   This right is limited to the following rates from the following sources for diversion to storage in off-stream ponds:

Big Wood River	39.4 cfs
Crystal Creek	9.4 cfs
Willow Creek	16.4 cfs
Black Slough	16.4 cfs

   This right allows for the diversion to storage at the rates identified above at each off-stream pond diversion concurrently during the entire year except that this right does not authorize diversion to storage from the Big Wood River during the non-irrigation season.

9. Use of water under this right shall be non-consumptive. The consumptive use of the water features developed under this right is provided for by the wildlife, recreation and aesthetic uses under rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-577AZ, 37-1187, 37-1207, 37-2492, 37-2538, 37-2597, 37-2764 and 37-22050 established under transfers 75838, 75840, 75849, 75850, 75851, 75852, 75853, 75854, 75855 and 75856. If, due to curtailment for any reason, the total remaining active rights are insufficient to provide consumptive mitigation volume for all water features, the right holder shall cease diversion to, but need not drain, one or more ponds in the system as required so that the active rights are sufficient to provide the consumptive mitigation volume. Alternatively, the right holder shall cease irrigation of an area sufficient to provide the consumptive mitigation volume that was lost due to curtailment.
10. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

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State of Idaho
Department of Water Resources

Water Right License

Water Right No. 37-22459

11. The right holder shall maintain and comply with a plan acceptable to the watermaster and the Department that may include a description of pond usage, installation of staff gages on ponds, and the collection of other data sources as required by the watermaster to understand and monitor water use under this right. The Department retains the jurisdiction to require modification of the plan, now and in the future, as required to provide the watermaster the ability to adequately deliver the water under this right.
12. The diversion and use of water described in this right may be subject to additional limitations agreed to by the protestant(s) and the right holder under the Stipulation to Resolve Protests dated January 20, 2011 to which the Department is not a party and which may be enforceable by a court of law.
13. This right does not grant any right-of-way or easement across the land of another.
14. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
15. Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 19th day of April, 2023.

COREY SKINNER
Southern Regional Manager

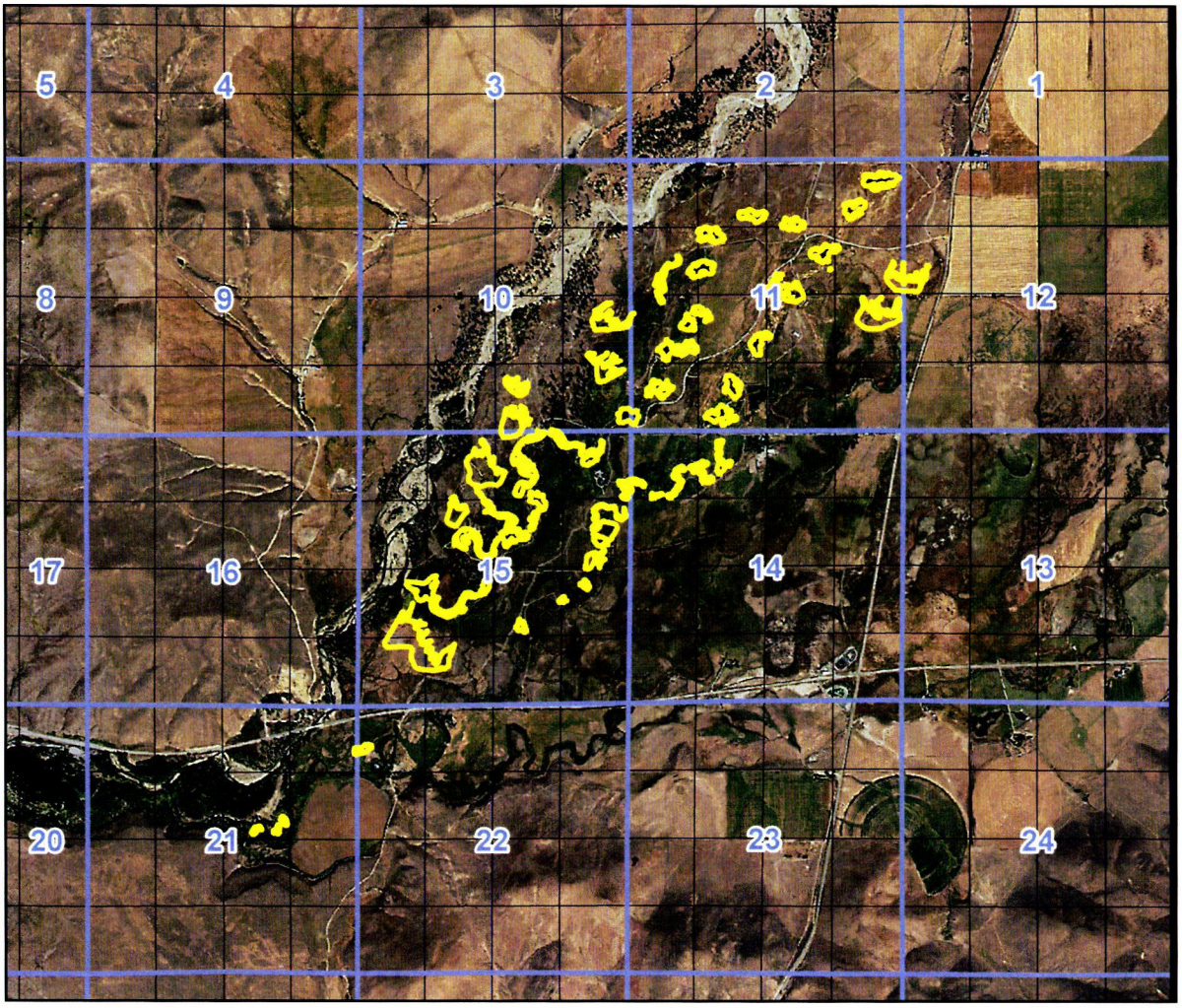
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Department of Water Resources

Attachment to Water Right

37-22459

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



0 0.45 0.9 1.8 Miles

Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

N

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APR 25 2023

RECEIVED
APR 17 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

Priority: January 19, 2010

Maximum Diversion Rate: 60.40 CFS
Maximum Diversion Volume: 706.8 AF

The owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 37-22459

HEART ROCK RANCH LLC
PO BOX 3724
HAILEY ID 83333

requests the permit be changed as follows:

Source :	BIG WOOD RIVER	**Tributary:**	MALAD RIVER
Source :	BLACK SLOUGH	**Tributary:**	BIG WOOD RIVER
Source :	CRYSTAL CREEK	**Tributary:**	WILLOW CREEK
Source :	SPRING CREEK	**Tributary:**	WILLOW CREEK
Source :	WILLOW CREEK	**Tributary:**	BIG WOOD RIVER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
WILDLIFE STORAGE	01/01 to 12/31		706.8 AF
RECREATION STORAGE	01/01 to 12/31		706.8 AF
AESTHETIC STORAGE	01/01 to 12/31		706.8 AF
DIVERSION TO STORAGE	01/01 to 12/31	60.40 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4SE1/4SW1/4	Sec. 12	Twp 01N	Rge 18E	Point of Diversion	Bypass Canal Diversion	Blaine County
BIG WOOD RIVER	NW1/4NE1/4	Sec. 35	Twp 01N	Rge 18E	Point of Injection	From the Bypass Canal to the Big Wood River	Blaine County
BIG WOOD RIVER	SE1/4NW1/4SE1/4	Sec. 2	Twp 01S	Rge 18E	Point of Rediversion	Black Ditch (#61) Diversion	Blaine County
BIG WOOD RIVER	SE1/4NW1/4SE1/4	Sec. 2	Twp 01S	Rge 18E	Point of Diversion	Black Ditch (#61) Diversion	Blaine County
BIG WOOD RIVER	NE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Injection	From Black Ditch to Crystal Creek	Blaine County

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State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

BIG WOOD RIVER	NE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County

BIG WOOD RIVER	SW1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	SW1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Injection	From Ditches to Crystal Creek	Blaine County
BIG WOOD RIVER	NW1/4SE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Injection	From Ditches to Crystal Creek	Blaine County
BIG WOOD RIVER	NE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	SE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	SE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	SE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County
BIG WOOD RIVER	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County

SCANNED
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State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

BIG WOOD RIVER	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County

BIG WOOD RIVER	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County
BIG WOOD RIVER	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County
BIG WOOD RIVER	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County
BIG WOOD RIVER	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County

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State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

BIG WOOD RIVER	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County
BIG WOOD RIVER	NE1/4SE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County
BIG WOOD RIVER	NW1/4NW1/4	Sec. 22	Twp 01S	Rge 18E	Point of Rediversion	From Crystal Creek to Ditches	Blaine County
BIG WOOD RIVER	NE1/4NE1/4	Sec. 21	Twp 01S	Rge 18E	Point of Injection	From Ditches to Willow Creek	Blaine County
BIG WOOD RIVER	SW1/4NE1/4	Sec. 21	Twp 01S	Rge 18E	Point of Rediversion	From Willow Creek to Ditches	Blaine County
BIG WOOD RIVER	SW1/4NW1/4	Sec. 12	Twp 01S	Rge 18E	Point of Injection	From Ditches to Spring Creek	Blaine County
BIG WOOD RIVER	SE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Spring Creek to Impoundment	Blaine County
BIG WOOD RIVER	SE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Spring Creek to Ditches	Blaine County
BIG WOOD RIVER	SE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Injection	From Ditches to Spring Creek	Blaine County
BIG WOOD RIVER	NE1/4SE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Spring Creek to Impoundment	Blaine County

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Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

BIG WOOD RIVER	SW1/4NW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Injection	From Ditches to Black Slough	Blaine County
BIG WOOD RIVER	SW1/4NW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	SW1/4NW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Ditches	Blaine County
BIG WOOD RIVER	SE1/4SE1/4	Sec. 10	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Ditches	Blaine County
BIG WOOD RIVER	SE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Injection	From Ditches to Black Slough	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Ditches	Blaine County

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State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Ditches	Blaine County
BIG WOOD RIVER	SW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	SE1/4SE1/4	Sec. 10	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County

BIG WOOD RIVER	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County

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Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

BIG WOOD RIVER	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Ditches	Blaine County
BIG WOOD RIVER	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	SE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NW1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Impoundment	Blaine County
BIG WOOD RIVER	NE1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Rediversion	From Black Slough to Ditches	Blaine County
BIG WOOD RIVER	NE1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Injection	From Ditches to Black Slough	Blaine County

SPRING CREEK	SE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Spring Creek to Impoundment	Blaine County
SPRING CREEK	NE1/4SE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Spring Creek to Impoundment	Blaine County
CRYSTAL CREEK	NE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NE1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County

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State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

CRYSTAL CREEK	SW1/4NE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NW1/4SE1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	SE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	SE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	SE1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County

CRYSTAL CREEK	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NE1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County

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State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

CRYSTAL CREEK	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Impoundment	Blaine County
CRYSTAL CREEK	NW1/4NW1/4	Sec. 14	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County
CRYSTAL CREEK	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County
CRYSTAL CREEK	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County
CRYSTAL CREEK	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County
CRYSTAL CREEK	SE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County
CRYSTAL CREEK	NE1/4SE1/4	Sec. 15	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County
CRYSTAL CREEK	NW1/4NW1/4	Sec. 22	Twp 01S	Rge 18E	Point of Diversion	From Crystal Creek to Ditches	Blaine County
CRYSTAL CREEK	NE1/4NE1/4	Sec. 21	Twp 01S	Rge 18E	Point of Injection	From Ditches to Willow Creek	Blaine County

SCANNED
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State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

CRYSTAL CREEK	SW1/4NE1/4	Sec. 21	Twp 01S	Rge 18E	Point of Rediversion	From Willow Creek to Ditches	Blaine County
CRYSTAL CREEK	NE1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Point of Injection	From Ditches to Black Slough	Blaine County
CRYSTAL CREEK	NE1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Rediversion	From Black Slough to Ditches	Blaine County
CRYSTAL CREEK	NW1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Rediversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	SW1/4NW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	SW1/4NW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Ditches	Blaine County
BLACK SLOUGH	SE1/4SE1/4	Sec. 10	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Ditches	Blaine County

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State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

BLACK SLOUGH	SE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Ditches	Blaine County
BLACK SLOUGH	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County

BLACK SLOUGH	NW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Ditches	Blaine County
BLACK SLOUGH	SW1/4SW1/4	Sec. 11	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	SE1/4SE1/4	Sec. 10	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NE1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County

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State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

BLACK SLOUGH	NW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Ditches	Blaine County
BLACK SLOUGH	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County

BLACK SLOUGH	SW1/4NE1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	SE1/4NW1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NW1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Impoundment	Blaine County
BLACK SLOUGH	NE1/4SW1/4	Sec. 15	Twp 01S	Rge 18E	Diversion	From Black Slough to Ditches	Blaine County
WILLOW CREEK	SW1/4NE1/4	Sec. 21	Twp 01S	Rge 18E	Diversion	From Willow Creek to Ditches	Blaine County

SCANNED
APR 25 2023

State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	10													X		X	X	
01S	18E	11	X	X	X	X	X		X	X	X	X	X	X	X	X			
01S	18E	12							X										
01S	18E	14					X	X											
01S	18E	15	X	X	X	X	X			X	X	X	X	X	X	X			
01S	18E	21	X		X														
01S	18E	22						X											

Place of Use: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	10													X		X	X	
01S	18E	11	X	X	X	X	X		X	X	X	X	X	X	X	X			
01S	18E	12							X										
01S	18E	14					X	X											
01S	18E	15	X	X	X	X	X			X	X	X	X	X	X	X			
01S	18E	21	X		X														
01S	18E	22						X											

Place of Use: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	10													X		X	X	
01S	18E	11	X	X	X	X	X		X	X	X	X	X	X	X	X			
01S	18E	12							X										
01S	18E	14					X	X											
01S	18E	15	X	X	X	X	X			X	X	X	X	X	X	X			
01S	18E	21	X		X														
01S	18E	22						X											

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 12th day of April, 2023.

(Signature)

SCANNED
APR 25 2023

State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = $100 Receipted by DM # S039741 Date 4-17-2023

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 37-22459 with the following:

Conditions of Approval

1. Rights 37-22459, 37-23391, and 37-23392 when combined shall not exceed a total diversion rate of 76.36 cfs for the storage of water in 71 total ponds not exceeding a total capacity of 735.3 acre-feet or a total surface area of 129.3 acres.
2. The 68 ponds established by the storage of water under this right shall not exceed a total capacity of 706.8 acre-feet or a total surface area of 115.1 acres.
3. Within the project, Big Wood River water, Crystal Creek water and ground water are injected into and rediverted from Black Slough.

   Within the project, Big Wood River water and ground water are injected into and rediverted from Crystal Creek.

   Within the project, Big Wood River water and ground water are injected into and rediverted from Spring Creek.

   Within the project, Willow Creek through Crystal Creek and Spring Creek receives water originating from the Big Wood River and/or ground water.
4. This right authorizes the annual filling of ponds listed above subject to the conditions listed below. Diversion to storage for off-stream ponds shall be limited as provided below. Flows through on-stream ponds are not limited.
5. Diversion from Spring Creek to off-stream ponds is not allowed unless Big Wood River water &/or ground water is being injected into Spring Creek upstream of the diversion/rediversion from Spring Creek.
6. Rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-577AZ, 37-1187, 37-1207, 37-2492, 37-2538, 37-2597, 37-2764, 37-22050, 37-22051, 37-22052, 37-22533, 37-22459, 37-23391, and 37-23392 when combined shall not exceed a total diversion rate of 76.74 cfs during the irrigation season.
7. Rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-310A, 37-577AZ, 37-1187, 37-1207, 37-2492, 37-2538, 37-2597, 37-2764, 37-19831, 37-22050, 37-22051, 37-22052, 37-22459, 37-23391, 37-23392, and 37-22533 when combined shall not exceed a total diversion rate of 78.1 cfs.
8. This right does not authorize diversion to storage from any source beyond the maximum rate and source identified by rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-577AZ, 37-1187, and 37-1207.

SCANNED
APR 25 2023

State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

This right is limited to the following rates from the following sources for diversion to storage in off-stream ponds:

Big Wood River	39.4 cfs
Crystal Creek	9.4 cfs
Willow Creek	16.4 cfs
Black Slough	16.4 cfs

This right allows for the diversion to storage at the rates identified above at each off-stream pond diversion concurrently during the entire year except that this right does not authorize diversion to storage from the Big Wood River during the non-irrigation season.

9. Use of water under this right shall be non-consumptive. The consumptive use of the water features developed under this right is provided for by the wildlife, recreation and aesthetic uses under rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-577AZ, 37-1187, 37-1207, 37-2492, 37-2538, 37-2597, 37-2764 and 37-22050 established under transfers 75838, 75840, 75849, 75850, 75851, 75852, 75853, 75854, 75855 and 75856. If, due to curtailment for any reason, the total remaining active rights are insufficient to provide consumptive mitigation volume for all water features, the right holder shall cease diversion to, but need not drain, one or more ponds in the system as required so that the active rights are sufficient to provide the consumptive mitigation volume. Alternatively, the right holder shall cease irrigation of an area sufficient to provide the consumptive mitigation volume that was lost due to curtailment.
10. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
11. The right holder shall maintain and comply with a plan acceptable to the watermaster and the Department that may include a description of pond usage, installation of staff gages on ponds, and the collection of other data sources as required by the watermaster to understand and monitor water use under this right. The Department retains the jurisdiction to require modification of the plan, now and in the future, as required to provide the watermaster the ability to adequately deliver the water under this right.
12. The diversion and use of water described in this right may be subject to additional limitations agreed to by the protestant(s) and the right holder under the Stipulation to Resolve Protests dated January 20, 2011 to which the Department is not a party and which may be enforceable by a court of law.
13. This right does not grant any right-of-way or easement across the land of another.
14. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
15. Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

SCANNED
APR 25 2023

State of Idaho
Department of Water Resources

Application for Amendment

(For Licensing Purposes)
Water Right No. 37-22459

Signed this 19th day of April, 2023.

COREY SKINNER
Southern Regional Manager

SCANNED
APR 25 2023

RECEIVED
APR 01 2016
DEPT OF WATER RESOURCES
SOUTHERN REGION

RECEIVED
APR 07 2016
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee $	N/A
Receipt No.	
Receipted By	
Date Receipted	

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at idwr.idaho.gov for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No. 37-22459 Telephone No. 208-788-2548
2. Name of Permit Holder(s) Heart Rock Ranch LLC
3. Mailing Address P.O. Box 3724 City Hailey
   State ID Zip 83333 Email
4. Source of Water B.W.R. C.C. B.S. W.C. c report If **GROUND WATER** (well), Date Drilled mo. ____ / yr. ____
   Well Driller 10 Wells, drilling date unknown. Drilling Permit Number
5. Extent of use(s) completed **as authorized by the water right permit**:
   Domestic (No. of households) N/A. Stockwater (No. and type of stock) N/A.
   Irrigation (No. of acres) N/A. Other R,J,W storage, diversion to storage.
6. Total rate of diversion or storage volume for which proof is submitted 76.36 cfs **OR** 740.9 acre-feet.
7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit: Refer to the approval conditions on your permit and respond accordingly.
   The Department will not issue a license if permit conditions are not met.

Measuring Device	**Is a measuring device required?**	Yes ☑	No ☐
	If yes, has the measuring device been installed?	Yes ☑	No ☐
Lockable Controlling Device	**Is a lockable device required to control the diversion?**	Yes ☑	No ☐
	If yes, has the lockable device been installed?	Yes ☑	No ☐
Fish Screen	**Is a fish screen required?**	Yes ☐	No ☑
	If yes, has the fish screen been installed?	Yes ☐	No ☑

   Other Conditions of Permit
   Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.
   No. WD 37 Watermaster approval of point of diversion locations is included. Completed? Yes ☑ No ☐
8. Fee Enclosed $ _____ or not applicable ☑. See fee schedule on page 2 of the instructions.
   Proof statements filed without an appropriate fee, will be considered incomplete.
9. Person to contact to accompany the Department representative during field examination of the water system.
   Name N/A. Telephone Number
   Mailing Address City
   State Zip Email

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder Chad R. Buckway - representative, consultant Date 4/01/2016
(Include your title, if on behalf of company or organization)

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098

Form No. 217 12/15

SCANNED
APR 10 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

April 20, 2023

HEART ROCK RANCH LLC
PO BOX 3724
HAILEY ID 83333-3724

RE: License No. 37-22459, 37-23391, 37-23392

Amendment & correspondence

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the signed Application(s) for Amendment of Permit received April 17, 2023.

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

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

SCANNED
APR 25 2023

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2023, I served a true and correct copy of Water Right License No(s). 37-22459, 37-23391, 37-23392 by U.S. Mail, postage prepaid, to the following:

HEART ROCK RANCH LLC (Current Owner)
PO BOX 3724
HAILEY ID 83333-3724

CHRIS M BROMLEY (Attorney)
MC HUGH BROMLEY PLLC
380 S 4TH ST STE 103
BOISE ID 83702-7687

BROCKWAY ENGINEERING PLLC (Representative)
C/O ZACH LATHAM
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT #37
SUNNY HEALEY (Watermaster)
107 W 1ST ST
SHOSHONE ID 83352-5425

Denise Maline

Denise Maline
Administrative Assistant 1

SCANNED
APR 25 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

SCANNED
APR 25 2023

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

SCANNED
APR 25 2023

April 12, 2023

Corey Skinner
IDWR
650 Addison Ave W STE 500
Twin Falls, ID 83301

Dear Corey,

Here are the three signed applications and a check for $300.00 - I decided to send all the pages.

Also for the record, please change the listed attorney for these records from Fritz Haemmerle to Chris Bromley

Thanks for your help!

Harry Hagy
Hunt Rock Ranch LLC

RECEIVED
APR 17 2023
DEPT OF WATER RESOURCES
SOUTHERN REGION

SCANNED
APR 25 2023

Skinner, Corey

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Friday, March 31, 2023 9:17 AM
To: Skinner, Corey
Cc: 'Chris Bromley'; charles.g.brockway@brockwayeng.com
Subject: RE: Heart Rock Ranch Licensing Amendments

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Corey-
Thank you for your very detailed explanations, I really appreciate it.
Your numbers and logic make sense relative to the flow rate and annual diversion volume under 37-23392.
As such, I will recommend the applicant sign the second draft of the licensing amendments.

I will be in touch-

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com
All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Saturday, March 11, 2023 3:56 PM
To: Zach Latham
Cc: Chris Bromley; charles.g.brockway@brockwayeng.com
Subject: RE: Heart Rock Ranch Licensing Amendments

Zach,

Thanks for getting back to me on this. It looks like we are getting close to agreement on these. If I understand correctly, you agree with everything, but are questioning the diversion rate on 37-22459 (when compared to condition #8) and the overall diversion volume limit on 37-23392. I will try and address these two items (highlighted in yellow in your e-mail below)....

The original permit was for a total diversion rate of 76.36 cfs and had the following condition...

> *This right does not authorize diversion to storage from any source beyond the maximum rate and source identified by rights 37-60, 37-61, 37-62, 37-63A, 37-64A, 37-66A, 37-67B, 37-68A, 37-69B, 37-70, 37-71B, 37-139, 37-180, 37-181, 37-230, 37-231A, 37-231B, 37-232, 37-233, 37-577AZ, 37-1187, 37-1207, 37-2492, 37-2538, 37-2597, 37-2764, 37-22050, 37-22051, 37-22052 and 37-22533. This right is limited to the following rates from the following sources for diversion to storage in off-stream ponds:*
>
> *Big Wood River 44.9 cfs*
> *Crystal Creek 9.4 cfs*

SCANNED
APR 25 2023

Willow Creek	*16.4 cfs*
Black Slough	*16.4 cfs*
Ground water	*10.84 cfs*

This right allows for the diversion to storage at the rates identified above at each off-stream pond diversion concurrently during the entire year except that this right does not authorize diversion to storage from the Big Wood River during the non-irrigation season and does not authorize the diversion to storage from ground water during the non-irrigation season in excess of 6.58 cfs. (Ground water diversion of this right during the non-irrigation season when combined with rights 37-22051, 37-22052 and 37-22533 is limited to 6.58 cfs.) The right holder shall be able to pump from any ground water right point of diversion during the irrigation season to the extent permitted by law, but shall not pump from any ground water right point of diversion during the non-irrigation season. The right holder is free to maintain any ground water point of diversion in any lawful fashion during any time of year in order to maintain diversion rates under this right.

I believe that the section of the condition that identified the individual rates for specific sources was an attempt to match sources with the existing irrigation rights in the first sentence of the condition. Note that the sum of 44.9 cfs + 9.4 cfs + 16.4 cfs + 16.4 cfs + 10.84 cfs = 97.94 cfs is way more than the permitted rate of 76.36 cfs. The rates in the condition for Crystal Creek, Black Slough, and Willow Creek are somewhat double counted when looking by source. Some of the existing irrigation rights list combinations of these sources (Black Slough **and** Willow Creek & Black Slough, Crystal Creek, **and** Willow Creek). The 16.4 cfs represents the most that can be diverted out of Willow Creek and the Black Slough (summation of rights 37-180, 37-181, 37-231A, 37-233 and 37-1207). If all 16.4 cfs is diverted out of Willow Creek, then nothing can be diverted out of Black Slough, and only 4.6 cfs can be diverted from Crystal Creek (per rights 37-139 and 37-233). The 16.4 cfs represents the summation of rights 37-180, 37-181, 37-231A, 37-233 and 37-1207. The 9.4 cfs represents the summation of rights 37-139, 37-233, and 37-1207.

My logic for the groundwater diversion limit is as follows...

- Right 37-2492 (2.75 cfs) and right 37-22051 (2.75 cfs) have a condition limiting them to a combined 2.75 cfs. Right 37-2492 only allows diversion during the irrigation season, but right 37-22051 allows year-round diversion. Therefore, 2.75 cfs x 1.9835 AF/cfs x 365 days = **1990.9 acre-feet**.

- Right 37-2538 (1.65 cfs) and right 37-22052 (1.65 cfs) have a condition limiting them to a combined 1.65 cfs. Right 37-2538 only allows diversion during the irrigation season, but right 37-22052 allows year-round diversion. Therefore, 1.65 cfs x 1.9835 AF/cfs x 365 days = **1194.6 acre-feet**.

- Rights 37-2597 and 37-2764 have a condition limiting them to a combined **576.0 acre-feet**.

- Right 37-22050 (3.10 cfs) and right 37-22533 (2.18 cfs) have a condition limiting them to a combined 3.10 cfs. Right 37-22050 only allows diversion during the irrigation season, but right 37-22533 allows year-round diversion. The combined 3.10 cfs can only be diverted during the irrigation season. During the non-irrigation season, only 2.18 cfs can be diverted. Therefore, 3.10 cfs x 1.9835 AF/cfs x 200 days = **1229.8 acre-feet.** Therefore, 2.18 cfs x 1.9835 AF/cfs x 165 days = **713.5 acre-feet.**

The summation of **1990.9 acre-feet + 1194.6 acre-feet + 576.0 acre-feet + 1229.8 acre-feet + 713.5 acre-feet = 5704.8 acre-feet.**

Hopefully, this helps. Let me know what you think,

Corey

SCANNED
APR 25 2023

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Thursday, March 9, 2023 12:18 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; 'Chris Bromley' <cbromley@mchughbromley.com>; charles.g.brockway@brockwayeng.com
Subject: RE: Heart Rock Ranch Licensing Amendments

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Corey-
I have gone through all three of the 2nd draft licensing amendments. Here are my comments:

37-22459 SW East Side of BWR:

- POD modifications look good, I went through and found every addition and deletion on your 2nd draft and cross referenced them on my notes from our meeting. I understand the drop from 715.3 AF to 706.8 AF associated with the deletion of the storage facility on the east side of HWY 75 as it doesn't get water from the BWR, rather ground water. This reduction makes sense as its storage volume is included in 37-23392 and the total storage volume limit remained the same at 735.3 AF for the project (which is correct).
- Should the maximum diversion rate on page 1 match the sum of Condition 8's diversion rate limits during concurrent diversions? I can see a scenario wherein all sources would be in priority and able to divert the sum of the diversion rate for all surface water rights.

37-23391 SW West Side of BWR:

- No changes needed per our meeting.

37-23392 GW East Side of BWR:

- POD modifications also look good, I went through and found every addition and deletion on your 2nd draft and cross referenced them on my notes from our meeting including adding a POD in the NE SE Sec. 15, T.01S R.18E. From Ditches to Crystal Creek.
- On Condition #7, I did check the annual diversion volume limit and I came out with a larger volume based on a 200 day irrigation season @ 10.84 cfs and a 165 non-irrigation season @ 6.85 cfs as shown below:
    - 10.84 cfs x 200 days x 1.983 AF/cfs = 4,299.1 AF, and 6.58 x 165 days x 1.983 AF/cfs = 2,152.9 AF. 4,299.1 AF + 2,152.9 AF = 6,452.0 AF.

I think that's all I had, I don't see any other errors.

I believe Chris is satisfied with the conditions on the 2nd Drafts, but I will let him confirm in a reply email.

Thanks and let us know what you think on the diversion rate for 37-22459 and the annual diversion volume limit on 37-23392.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com
All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

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APR 25 2023

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Tuesday, February 21, 2023 3:48 PM
To: Zach Latham; Chris Bromley; charles.g.brockway@brockwayeng.com
Subject: Heart Rock Ranch Licensing Amendments

Gentlemen,

Please find attached new licensing amendments and new draft licenses for Heart Rock Ranch. I believe that all the proposed changes that we discussed during our January 18th meeting have been incorporated into the attached documents. These changes are summarized as follows...

- Remove pond east of Highway 75 (in Section 13) from right 37-22459. (This resulted in a change in place of use, changing amounts on condition # 2, and eliminating previous condition # 11).
- Adding injection point into the Big Wood River from the Bypass Canal and adding a rediversion point (Black # 61 headgate) to right 37-22459.
- Removing diversion points on right 37-22459 to reflect off stream storage facilities in portions of Section 10 and Section 15 (not actually on the Black Slough).
- Adjustments to diversion points on rights 37-22459 and 37-23392 (mostly due to removing Spring Creek rediversions).

With regards to conditions, the proposed language that Chris suggested for the "non-consumptive" condition has been incorporated into the following conditions...

- Condition of Approval # 9 on draft license and licensing amendment for 37-22459
- Condition of Approval # 7 on draft license and licensing amendment for 37-23391
- Condition of Approval # 16 on draft license and licensing amendment for 37-23392

We discussed the proposed Trust Water condition adjustments internally within IDWR and have decided to not go there. I believe that we are "dug in" on this issue. The attached documents reflect the standard IDWR practice of replacing permit condition "051" with licensing conditions "933" and "935".

If the attached documents are acceptable, then we need the amendments signed by a representative of Heart Rock Ranch (page 13 of 37-22459 amendment, page 2 of 37-23391 amendment, and page 6 of 37-23392 amendment) and returned to our office along with $300.00. We also need a request to remove Fritz Haemmerle as the attorney for these records (and perhaps add Chris as attorney?).

Let me know if you have any questions,

Corey

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APR 25 2023

Skinner, Corey

From: Chris Bromley <cbromley@mchughbromley.com>
Sent: Thursday, January 19, 2023 1:47 PM
To: Skinner, Corey
Cc: 'Zach Latham'; charles.g.brockway@brockwayeng.com
Subject: RE: Trust Water Conditions on Heart Rock Ranch Draft Licenses

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Corey,

Thanks for passing this along, I noticed that this morning too when I was thinking through an email to Shelley.

Again, thanks for taking the time to talk through the draft licenses yesterday with us. I thought it was an extremely good use of time and believe we're very close.

Chris

From: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Sent: Thursday, January 19, 2023 1:21 PM
To: Chris Bromley <cbromley@mchughbromley.com>
Cc: Zach Latham <zach.latham@brockwayeng.com>; charles.g.brockway@brockwayeng.com
Subject: Trust Water Conditions on Heart Rock Ranch Draft Licenses

Chris,

I just wanted to clarify after yesterday's discussion that the "trust water condition" on permit 37-22459 **does** have the words "trust water" in the condition. In addition, IDWR has internally flagged water right records as trust water rights for querying purposes. Permit record 37-22459 has this flag set to identify it as a trust water right in IDWR's system. The following summarizes the conditions (with their corresponding condition codes) for the permit and draft licenses...

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051 Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

Draft Licenses

933 This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

935 Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

Hopefully this helps,

Corey

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APR 25 2023

Skinner, Corey

From: Skinner, Corey
Sent: Monday, January 2, 2023 11:34 AM
To: Keen, Shelley
Subject: Re: Request for Licensure: Heart Rock Ranch LLC Permit 37-22459

The amendments were sent to Zach and the permit holder Tuesday and Wednesday of last week. Currently waiting to hear back from them. I sent Zach draft licenses and shape files too.

Sent from my iPhone

On Jan 2, 2023, at 11:20 AM, Keen, Shelley <Shelley.Keen@idwr.idaho.gov> wrote:

Corey,

I'm writing to check in on your progress getting Permit 37-22459 (Heart Rock Ranch) resolved. In November I told Zach we would have a decision by the end of December. Have you gotten the draft amendments to Zach yet?

Shelley

From: Keen, Shelley
Sent: Thursday, November 10, 2022 9:55 AM
To: Zach Latham <zach.latham@brockwayeng.com>
Cc: Hansen, Angela <Angela.Hansen@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: Request for Licensure: Heart Rock Ranch LLC Permit 37-22459

Zach,

Thanks for your letter asking IDWR to prioritize the licensing review for Permit 37-22459. Dan Nelson has put substantial effort into the review already. I've asked Dan and Corey Skinner to collaborate to finish the review and issue a decision by the end of December 2022.

At this point, IDWR is considering issuing five licenses for the development under the single permit. We think the rights would be easier to define and administer if they were separated by drainage or source as follows – Black Slough, Willow Creek, Big Wood River west side, Big Wood River east side, and ground water.

Dan and Corey will contact you if they have questions.

Regards,

Shelley Keen
Water Allocation Bureau Chief
Idaho Dept. of Water Resources
208-287-4947

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APR 25 2023

shelley.keen@idwr.idaho.gov

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Wednesday, November 9, 2022 10:34 AM
To: Hansen, Angela <Angela.Hansen@idwr.idaho.gov>
Cc: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; hrhagey@gmail.com; Shirley Hagey <shirley.hagey@gmail.com>; westinsley@gmail.com; charles.g.brockway@brockwayeng.com; cbromley@mchughbromley.com
Subject: Request for Licensure: Heart Rock Ranch LLC Permit 37-22459

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Angela-
Please see the attached letter and supporting documents requesting licensure of Heart Rock Ranch LLC's active permit 37-22459. A hard copy will be mailed to your office.

Let us know if you have any questions, we look forward to seeing a draft license for 37-22459.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com
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APR 25 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

December 27, 2022

HEART ROCK RANCH LLC
PO BOX 3724
HAILEY ID 83333

RE: Water Right Permit No. 37-22459

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing water right licenses. During review, it was noted that three systems were developed (surface water sources east of the Big Wood River, Big Wood River water west of the Big Wood River, and groundwater east of the Big Wood River). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that points of diversion have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Idaho Code § 42-211. Before licenses can be issued, your permit must be amended to depict your water use as it was actually developed.

The enclosed Application for Amendment forms depict the elements of the water rights as they will appear on the licenses when issued. Please review the amendment forms carefully. If you concur with the information presented, please sign and return the forms with the filing fee of $300.00 within fourteen (14) days.

If you have any questions, please call me at (208) 736-3033.

Sincerely,

Corey Skinner, P.E.
IDWR Southern Region Manager

Enclosure(s): Applications for Amendment (37-22459, 37-23391, and 37-23392)

cc: Zach Latham – Brockway Engineering

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APR 25 2023

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED
NOV 14 2022
DEPARTMENT OF
WATER RESOURCES

November 9th, 2022

Ms. Angela Hansen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

VIA Email: Licensing Request; Heart Rock Ranch Permit 37-22459.

Dear Angela,

On behalf of Heart Rock Ranch LLC., Brockway Engineering is requesting licensure of active water right permit 37-22459. As you are aware, our office submitted proof of beneficial use and the licensing exam associated with the permit before the proof due deadline of April 1st, 2016. Subsequently, a meeting was held at Brockway Engineering's office on June 2nd 2016 with Chuck Brockway Sr., me, Mr. Dan Nelson and Mr. Shelley Keen to review items needed for licensing of the permit (see attached memo and meeting notes). A list of items needed for processing of the permit was generated by Mr. Keen in a June 1st memo and from the June 2nd meeting notes. Brockway Engineering submitted those items identified in the memo and notes electronically to Mr. Keen on June 16th 2016 (see attached email correspondence).

Heart Rock Ranch LLC has met the Department's requirements for proof of beneficial use for 37-22459. Six years have now passed without IDWR issuing a license. We respectfully request IDWR issue a draft license for 37-22459 as soon as possible. Thank you for your assistance and if you have questions or comments, please don't hesitate to call.

Regards,

Zach Latham, M.S., Hydrologist

Enc: (1) IDWR 6/1/16 Memo and 6/2/16 Meeting Notes.
(1) Brockway 6/16/16 Response to IDWR Request for Additional Information.
(1) Email Correspondence with Mr. Shelley Keen.

Cc: Mr. Shelley Keen
Heart Rock Ranch LLC
Mr. Chris Bromley

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NOV 15 2022

Nelson, Dan

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Friday, November 11, 2022 12:40 PM
To: Skinner, Corey; Keen, Shelley
Cc: Hansen, Angela; Nelson, Dan; hrhagey@gmail.com; 'Shirley Hagey'; westinsley@gmail.com; charles.g.brockway@brockwayeng.com; cbromley@mchughbromley.com
Subject: RE: Request for Licensure: Heart Rock Ranch LLC Permit 37-22459

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Corey-
I think that would be very helpful for all involved, thank you.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com
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From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Thursday, November 10, 2022 2:03 PM
To: Zach Latham; Keen, Shelley
Cc: Hansen, Angela; Nelson, Dan; hrhagey@gmail.com; Shirley Hagey; westinsley@gmail.com; charles.g.brockway@brockwayeng.com; cbromley@mchughbromley.com
Subject: RE: Request for Licensure: Heart Rock Ranch LLC Permit 37-22459

Zach,

We can share a draft license, or licenses, before issuance.

Corey

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Thursday, November 10, 2022 1:43 PM
To: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Cc: Hansen, Angela <Angela.Hansen@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Nelson, Dan <Dan.Nelson@idwr.idaho.gov>; hrhagey@gmail.com; Shirley Hagey <shirley.hagey@gmail.com>; westinsley@gmail.com; charles.g.brockway@brockwayeng.com; cbromley@mchughbromley.com
Subject: RE: Request for Licensure: Heart Rock Ranch LLC Permit 37-22459

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Shelley,
Thank you for the email response, I can understand why splitting the original permit up into multiple licenses by source would make sense. Dan and Corey please give me a call with questions or comments you may have. I presume the Department will issue Draft licenses for review, Corey or Dan can you confirm?

Thanks again for putting priority on the licensure of 37-22459, we really appreciate it and look forward to hearing from you in the near future.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com
All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Keen, Shelley [mailto:Shelley.Keen@idwr.idaho.gov]
Sent: Thursday, November 10, 2022 9:55 AM
To: Zach Latham
Cc: Hansen, Angela; Skinner, Corey; Nelson, Dan
Subject: RE: Request for Licensure: Heart Rock Ranch LLC Permit 37-22459

Zach,

Thanks for your letter asking IDWR to prioritize the licensing review for Permit 37-22459. Dan Nelson has put substantial effort into the review already. I've asked Dan and Corey Skinner to collaborate to finish the review and issue a decision by the end of December 2022.

At this point, IDWR is considering issuing five licenses for the development under the single permit. We think the rights would be easier to define and administer if they were separated by drainage or source as follows – Black Slough, Willow Creek, Big Wood River west side, Big Wood River east side, and ground water.

Dan and Corey will contact you if they have questions.

Regards,

Shelley Keen
Water Allocation Bureau Chief
Idaho Dept. of Water Resources
208-287-4947
shelley.keen@idwr.idaho.gov

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Wednesday, November 9, 2022 10:34 AM

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NOV 14 2022

To: Hansen, Angela <Angela.Hansen@idwr.idaho.gov>
Cc: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; hrhagey@gmail.com; Shirley Hagey <shirley.hagey@gmail.com>; westinsley@gmail.com; charles.g.brockway@brockwayeng.com; cbromley@mchughbromley.com
Subject: Request for Licensure: Heart Rock Ranch LLC Permit 37-22459

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Angela-
Please see the attached letter and supporting documents requesting licensure of Heart Rock Ranch LLC's active permit 37-22459. A hard copy will be mailed to your office.

Let us know if you have any questions, we look forward to seeing a draft license for 37-22459.

Zach Latham

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NOV 14 2022

Nelson, Dan

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Thursday, November 30, 2017 3:39 PM
To: Nelson, Dan; 'Kevin Lakey'
Cc: 'Charles E. Brockway'; Keen, Shelley
Subject: RE: Heart Rock Ranch Permit 37-22459
Attachments: Willow Creek Discharge Estimate for OX 45 46 48 11-30-17.pdf

Dan-
Please see my answers in red to your questions below that you had raised in your November 7th email. Please let me know if you have any questions or comments, we look forward to reviewing the draft license, thanks for your time.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com
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From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Wednesday, November 22, 2017 2:43 PM
To: Kevin Lakey
Cc: 'Charles E. Brockway'; Keen, Shelley; 'Zach Latham'
Subject: RE: Heart Rock Ranch Permit 37-22459

Hello Kevin,

I wanted to respond to the question in your email. I can understand you confusion, since you haven't been included in all of the discussion we have had in the process to license this permit 37-22459. This permit was field examined by Brockway Engineering, and we are trying to work through some of the issues and conditions. This permit was heavily protested, so we need to make sure we are performing our due diligence to properly license this permit. You are integral part of licensing this permit. As watermaster, you have an obligation to ensure that all of the conditions of a water right are being met. Therefore, we need you to participate in some of the requirements set forth when we move to license this permit, because you are ultimately going be responsible for ensuring those conditions are being met.

This permit is being mitigated by drying up acres, but with the multitude of new points of diversion and ponds included with the continued irrigation of a portion of this farm, you are going to need to be equipped with the tools and understanding of the system to be able to properly regulate the system. We need to know that you are comfortable with all of the measurement devices and how the system works before we can issue the license. This permit contains a number of new points of diversion, points of injection, and points of rediversion on top of the existing points of diversion, rediversion, and injection previously in place for the irrigation use. On top of that it has multiple sources that may need to be regulated separately from one another.

There are specific conditions on this permit that give you the ability to acquire the tools that you will need to properly regulate this system with the additional uses and sources, and the tools you will need to separate out

SCANNED NOV 14 2022

those uses and sources if needed for reporting purposes. This is why Zach and I contacted you about the staff gauge in the pond to ensure it was in place and you had access to read that staff gauge. We also wanted to know how Spring Creek was being regulated, because we have no flow data on Spring Creek, and we need to have a diversion rate to include that water source in the license.

I have attached a copy of the permit proof report. Condition 10 requires the staff gauge on the pond in Section 13. Condition 12 requires that the right holder and you develop a measurement plan that will allow you to properly regulate all of the diversions, water sources, and pond volumes. We did receive a measurement plan, but we haven't signed off on the plan yet until we are sure we know what is going to need regulation. There are also several conditions limiting amounts of water to be diverted from each source, and combined limitation of existing rights with this permit. We are counting on you to let us know what you need to ensure these conditons are being fulfilled.

This permit was heavily protested, so we need to ensure that it licensed properly and that all of the condition are being met. We also need to ensure that all of the conditions of the water right will continue to be met after the water right is licensed. We are counting on you to give us the feedback needed to ensure that this water right continues to be used properly after it is licensed.

If you have any further questions or need to talk over anything concerning this permit, I would be happy to meet with you and go over what we have and listen to your thoughts.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Kevin Lakey [mailto:watermanager@cableone.net]
Sent: Wednesday, November 22, 2017 8:24 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>; 'Zach Latham' <zach.latham@brockwayeng.com>
Cc: 'Charles E. Brockway' <charles.e.brockway@brockwayeng.com>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Subject: RE: Heart Rock Ranch Permit 37-22459

Dan and Zach:
I'm somewhat confused by the question concerning the pond in 1S 18E sec. 13. I don't remember where I saw it, but I was under the impression that all storage on the Heart Rock Ranch was already mitigated by the drying of acres. Not so? Regardless, the staff guage on the outlet structure would be sufficient for administration.

Kevin Lakey
Water District 37

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Tuesday, November 07, 2017 9:42 AM
To: Zach Latham

SCANNED
NOV 14 2022

Cc: Charles E. Brockway; Keen, Shelley; watermanager@cableone.net
Subject: RE: Heart Rock Ranch Permit 37-22459

Hello Zach,

I do need to apologize for taking so long to review this email. I had a very busy summer, and was unable to get back to this email until now. I wanted to go through your responses and match them up with what we see in the data you have provided.

I didn't receive a response from Kevin Lakey on any of the information you sent in your June 22, 2017 email. If Kevin emailed you, could you send our office a copy of his response to the email you sent on June 22? If there is a staff gauge on the pond and a plan to monitor the gauge, then we should be able to move forward with the review of this condition.

You state that Spring Creek isn't actively diverted, but the pond shape files you sent us show that pond #7 and Pond #6 are both on spring creek. It also looks as though several ditches that come out of spring creek are diverted or injected into Crystal Creek. If there are no ponds on Spring Creek and no ditches diverted out of Spring Creek that inject water back into Crystal Creek, then we can remove it from the licensing. However, if we do that and any of the water that is diverted out of Spring Creek enters any of the ponds, then that would be considered an illegal water use. I would like to ask if you could take a second look at this maps, and confirm that absolutely no water from Spring Creek is stored in the ponds. Spring Creek was included on the permit, so I would hate to remove it in licensing if some of that water is making it into one of the storage ponds. I don't know if there any records of the rate of water diverted out of Spring Creek through their ditch system, but that could be helpful in determining the flow rate of the water being diverted out of Spring Creek into Crystal Creek. It also looks as though a couple of the wells are also diverted into and out of Spring Creek to Crystal Creek.

Spring Creek is not actively diverted into any storage facility on the property. The storage facilities that were proposed to be built near and or fed by Spring Creek were never constructed. Ponds #6 and #7 are filled with Big Wood River water, Spring Creek originates against the bluff south of those storage facilities. Spring Creek is not a source of water for any storage listed within 37-22459 and therefore does not need to be included as a source during the licensing of this permit.

The next issue is the water diverted into the ponds from Willow Creek. We cannot authorize a license for diversion to storage from Willow Creek to the ponds without a flow rate. Without a diversion to storage flow rate, we cannot issue a license for off stream storage from Willow Creek and they would need to stop using these ponds. Our first goal in the process of issuing the licenses for this permit is to determine the flow rates required for each water source. We decided that we needed to determine how we were going to license the water rights before we could determine if the measurement plan was acceptable. Therefore, we need at least some idea of how much water is diverted through the ditch from Willow Creek to the 3 ponds. You may be able to estimate the flow rate for Willow Creek by using the headgate or by using a Mannings formula.

Please see the attached discharge estimation made in the ditch that delivers water to the first of the three storage facilities (OX-45) from Willow Creek.

We need to figure out how the licenses are going to look before we can make a reasonable decision on whether or not the measurement plan is adequate. Therefore, the Idaho Power measurement station will not help in determining the flows from Willow Creek to the bottom three ponds.

We are closing in on the licensing of this permit, so I am hoping we can work out these last couple of areas. If you have any questions, please don't hesitate to contact me. Once again, I apologize for taking so long to get back to you on this issue.

Thank you for all of your efforts.

SCANNED
NOV 14 2022

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Nelson, Dan
Sent: Thursday, June 22, 2017 7:00 AM
To: Zach Latham <zach.latham@brockwayeng.com>
Subject: RE: Heart Rock Ranch Permit 37-22459

Thank you Zach,

This is a busy time of the year for both of us. I will get back to the Heart Rock Ranch as soon as I can. We are in the middle of field season, and I have several field exams scheduled over the next couple of weeks, so it may be awhile before I can get back to the file.

I will let you know what else is needed as soon as I can get back to reviewing the file.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Wednesday, June 21, 2017 4:47 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: Charles E. Brockway <charles.e.brockway@brockwayeng.com>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; watermanager@cableone.net
Subject: RE: Heart Rock Ranch Permit 37-22459

Dan-
Thanks for the email and sorry for the late response. Here are our answers to your questions.

1. Kevin Lakey is copied on this email. On the table we supplied IDWR dated 6/16/16 showing the 71 constructed storage features, #23 that is located in T.01S R.18E Sec.13 has a surface area of 4.23 acres. If the 24-hour fill volume able to be utilized for irrigation out of the feature is 2.7 acre-feet, then the storage feature can be lowered approximately 0.64 ft maximum daily to facilitate irrigation. I believe there is a staff gauge currently fixed to the water side of the concrete outlet structure. We propose utilization of the staff gauge in order to determine the amount of drawdown in the feature for irrigation use.
    a. Kevin, is the staff gauge on the outlet structure sufficient for administration? Please comment, thanks.
2. Spring Creek is not actively diverted and water from this source is not stored under 37-22459, therefore measurement is not required under 37-22459. The reference to this source on page 2 of the BU narrative is incorrect as evidenced by the storage features map/table provided to IDWR on 6/1/16. I apologize for the confusion.

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3. Willow Creek is actively measured at the downstream end of the creek, below the 71st storage feature identified on the 6/16/16 map, in a partnership between the Water District 37 and Idaho Power and streamflow data can be accessed here: https://www.idahopower.com/OurEnvironment/WaterInformation/StreamFlow/maps/streamFlowsDataTable.cfm?id=202642609
    a. Willow Creek is also diverted for irrigation use at the Pivot diversions from the Creek which are metered and monitored by Kevin Lakey.
    b. Measurement of the Willow Creek discharge that flows through storage features 69, 70 and 71 is not beneficial for administration to this or other water rights per Kevin Lakey, Willow Creek is a gaining reach at the lower end where these features are located.
    c. Kevin, please confirm measurement into these features is not required.

Please let me know if you need any additional information or clarification moving forward, and thanks again for all of your assistance.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com
All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Tuesday, May 02, 2017 11:14 AM
To: Zach Latham
Subject: RE: Heart Rock Ranch Permit 37-22459

Hello Zach,

Shelley and I have been working on Heart Rock Ranch permit 37-22459 on a pretty regular basis, since our last meeting. I think we are getting relatively close to finalizing the licensing process. We are now at a point where we are passing the files back and forth to ensure that everything is properly recorded and described in the licenses, and to ensure that all of the conditions have been met and addressed. Unfortunately, we have ran into a couple of snags that we need to address before we can move forward.

1.) Condition 12 of the permit states the following:

> The ponds within Section 13, T01S, R18E are allowed a total facility volume of 34 acre feet. A portion of this volume may be used up to and limited to 2.7 acre feet to facilitate irrigation in a 24 hour period. Prior to the diversion of water under this right, the right holder shall prepare a plan acceptable to the Department and the watermaster for the use of these ponds describing how the use of the storage water and storage space will be limited to 2.7 acre feet for irrigation purposes in a 24 hour period. The 31.3 acre feet portion of the facility volume shall not be used to facilitate irrigation. This does not limit the total 34 acre feet facility volume of these ponds to be used for Aesthetic Storage, Recreation Storage and Wildlife Storage under this right.

You state in the narrative of the field exam that the 2.3 surface area of the pond is generally only drawn down 1 foot each day during the irrigation season. This sounds reasonable, but there is no mention of a staff gage or how that draw down is measured. The measurement plan doesn't address this condition, so we don't have confirmation from the watermaster what is needed to address this condition, and if he approves of the proposal for monitoring the pond. Could you provide us with something from the watermaster providing what he needs to monitor and ensure compliance with this condition?

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2.) Flow Rates of the Water Sources That Were Provided:

On 6/16/2016 you sent us measurement records for the points of diversion for the Black #61 diversion (Big Wood), Flood # 64 diversion (Big Wood), Crystal Creek Diversion #32, Black Slough at FP2 Outlet, and the ground water wells. These records are extremely helpful for the specific sources. Unfortunately, there are no records that show what the flow rates are for Spring Creek and Willow Creek. We can't move forward without some type of analysis or measurement of the water being used from those two sources. Could you provide a proposed flow rate and how it was calculated or recorded for Spring Creek and Willow Creek?

If you could provide us with the above two pieces to the puzzle, it will allow us to move forward. We have created draft licenses and maps for this permit, and we are in the final proof reading and verification phase of the process. The above information will get us that much closer to completing the process.

Thank you so much for your time and patience on this permit. It is complicated permit, and we need to make sure that we address all the issues to avoid issues with protestants of the original permit application.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

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HEART ROCK RANCH LLC

BENEFICIAL USE EXAM; 37-22459

DISCHARGE ESTIMATION; WILLOW CREEK

BROCKWAY ENGINEERING PLLC

11/30/2017

Discharge Estimation Date: 11/29/2017

ID Power 13140900 Willow Crk nr Bellevue, ID; Discharge on 11/29/17 (ft^3/s): 64.7

https://idastream.idahopower.com/Data/List/Parameter/Flow/Statistic/LATEST%20Flow/Interval/Latest

Measurement Location: Inlet to OX-45, approx. 20' downstream of Willow Creek.

Section Width (ft): 10

Section Station (ft):	Depth(ft):	Delta Area (ft^2):	Delta Discharge (ft^3/s):	Sum of Discharge (ft^3/s):
0	0.0	0.17	0.28	0.28
1	1.3	1.33	2.25	2.53
2	2.0	2.00	3.37	5.90
3	2.5	2.50	4.21	10.11
4	2.7	2.67	4.49	14.60
5	2.8	2.75	4.63	19.23
6	2.4	2.42	4.07	23.30
7	2.1	2.08	3.51	26.81
8	2.0	2.00	3.37	30.18
9	1.5	1.50	2.53	32.71
10	0.0	0.19	0.32	33.02
	Total Channel Area (ft^2):	19.60		
			Discharge Estimate (ft^3/s):	33.02

Velocity Trial Length (ft): 5

Velocity Trial #:	Time of Travel (sec):
1	3.1
2	2.88
3	2.9
4	3.16
5	2.71
6	3.06
Average tt (sec):	2.97
Avearage V (ft/sec):	1.68

*Discharge from Willow Creek into Oxbows OX-45, OX-46 and OX-48 estimated at 33.0 cfs.

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Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, November 07, 2017 9:42 AM
To: 'Zach Latham'
Cc: Charles E. Brockway; Keen, Shelley; watermanager@cableone.net
Subject: RE: Heart Rock Ranch Permit 37-22459

Hello Zach,

I do need to apologize for taking so long to review this email. I had a very busy summer, and was unable to get back to this email until now. I wanted to go through your responses and match them up with what we see in the data you have provided.

I didn't receive a response from Kevin Lakey on any of the information you sent in your June 22, 2017 email. If Kevin emailed you, could you send our office a copy of his response to the email you sent on June 22? If there is a staff gauge on the pond and a plan to monitor the gauge, then we should be able to move forward with the review of this condition.

You state that Spring Creek isn't actively diverted, but the pond shape files you sent us show that pond #7 and Pond #6 are both on spring creek. It also looks as though several ditches that come out of spring creek are diverted or injected into Crystal Creek. If there are no ponds on Spring Creek and no ditches diverted out of Spring Creek that inject water back into Crystal Creek, then we can remove it from the licensing. However, if we do that and any of the water that is diverted out of Spring Creek enters any of the ponds, then that would be considered an illegal water use. I would like to ask if you could take a second look at this maps, and confirm that absolutely no water from Spring Creek is stored in the ponds. Spring Creek was included on the permit, so I would hate to remove it in licensing if some of that water is making it into one of the storage ponds. I don't know if there any records of the rate of water diverted out of Spring Creek through their ditch system, but that could be helpful in determining the flow rate of the water being diverted out of Spring Creek into Crystal Creek. It also looks as though a couple of the wells are also diverted into and out of Spring Creek to Crystal Creek.

The next issue is the water diverted into the ponds from Willow Creek. We cannot authorize a license for diversion to storage from Willow Creek to the ponds without a flow rate. Without a diversion to storage flow rate, we cannot issue a license for off stream storage from Willow Creek and they would need to stop using these ponds. Our first goal in the process of issuing the licenses for this permit is to determine the flow rates required for each water source. We decided that we needed to determine how we were going to license the water rights before we could determine if the measurement plan was acceptable. Therefore, we need at least some idea of how much water is diverted through the ditch from Willow Creek to the 3 ponds. You may be able to estimate the flow rate for Willow Creek by using the headgate or by using a Mannings formula.

We need to figure out how the licenses are going to look before we can make a reasonable decision on whether or not the measurement plan is adequate. Therefore, the Idaho Power measurement station will not help in determining the flows from Willow Creek to the bottom three ponds.

We are closing in on the licensing of this permit, so I am hoping we can work out these last couple of areas. If you have any questions, please don't hesitate to contact me. Once again, I apologize for taking so long to get back to you on this issue.

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NOV 14 2022

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Nelson, Dan
Sent: Thursday, June 22, 2017 7:00 AM
To: Zach Latham <zach.latham@brockwayeng.com>
Subject: RE: Heart Rock Ranch Permit 37-22459

Thank you Zach,

This is a busy time of the year for both of us. I will get back to the Heart Rock Ranch as soon as I can. We are in the middle of field season, and I have several field exams scheduled over the next couple of weeks, so it may be awhile before I can get back to the file.

I will let you know what else is needed as soon as I can get back to reviewing the file.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Wednesday, June 21, 2017 4:47 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: Charles E. Brockway <charles.e.brockway@brockwayeng.com>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; watermanager@cableone.net
Subject: RE: Heart Rock Ranch Permit 37-22459

Dan-
Thanks for the email and sorry for the late response. Here are our answers to your questions.

1. Kevin Lakey is copied on this email. On the table we supplied IDWR dated 6/16/16 showing the 71 constructed storage features, #23 that is located in T.01S R.18E Sec.13 has a surface area of 4.23 acres. If the 24-hour fill volume able to be utilized for irrigation out of the feature is 2.7 acre-feet, then the storage feature can be lowered approximately 0.64 ft maximum daily to facilitate irrigation. I believe there is a staff gauge currently fixed to the water side of the concrete outlet structure. We propose utilization of the staff gauge in order to determine the amount of drawdown in the feature for irrigation use.
    a. Kevin, is the staff gauge on the outlet structure sufficient for administration? Please comment, thanks.
2. Spring Creek is not actively diverted and water from this source is not stored under 37-22459, therefore measurement is not required under 37-22459. The reference to this source on page 2 of the BU narrative is incorrect as evidenced by the storage features map/table provided to IDWR on 6/1/16. I apologize for the confusion.

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    c. Kevin, please confirm measurement into these features is not required.

Please let me know if you need any additional information or clarification moving forward, and thanks again for all of your assistance.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com
All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Tuesday, May 02, 2017 11:14 AM
To: Zach Latham
Subject: RE: Heart Rock Ranch Permit 37-22459

Hello Zach,

Shelley and I have been working on Heart Rock Ranch permit 37-22459 on a pretty regular basis, since our last meeting. I think we are getting relatively close to finalizing the licensing process. We are now at a point where we are passing the files back and forth to ensure that everything is properly recorded and described in the licenses, and to ensure that all of the conditions have been met and addressed. Unfortunately, we have ran into a couple of snags that we need to address before we can move forward.

1.) Condition 12 of the permit states the following:

> The ponds within Section 13, T01S, R18E are allowed a total facility volume of 34 acre feet. A portion of this volume may be used up to and limited to 2.7 acre feet to facilitate irrigation in a 24 hour period. Prior to the diversion of water under this right, the right holder shall prepare a plan acceptable to the Department and the watermaster for the use of these ponds describing how the use of the storage water and storage space will be limited to 2.7 acre feet for irrigation purposes in a 24 hour period. The 31.3 acre feet portion of the facility volume shall not be used to facilitate irrigation. This does not limit the total 34 acre feet facility volume of these ponds to be used for Aesthetic Storage, Recreation Storage and Wildlife Storage under this right.

You state in the narrative of the field exam that the 2.3 surface area of the pond is generally only drawn down 1 foot each day during the irrigation season. This sounds reasonable, but there is no mention of a staff gage or how that draw down is measured. The measurement plan doesn't address this condition, so we don't have confirmation from the watermaster what is needed to address this condition, and if he approves of the proposal for monitoring the pond. Could you provide us with something from the watermaster providing what he needs to monitor and ensure compliance with this condition?

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2.) Flow Rates of the Water Sources That Were Provided:

On 6/16/2016 you sent us measurement records for the points of diversion for the Black #61 diversion (Big Wood), Flood # 64 diversion (Big Wood), Crystal Creek Diversion #32, Black Slough at FP2 Outlet, and the ground water wells. These records are extremely helpful for the specific sources. Unfortunately, there are no records that show what the flow rates are for Spring Creek and Willow Creek. We can't move forward without some type of analysis or measurement of the water being used from those two sources. Could you provide a proposed flow rate and how it was calculated or recorded for Spring Creek and Willow Creek?

If you could provide us with the above two pieces to the puzzle, it will allow us to move forward. We have created draft licenses and maps for this permit, and we are in the final proof reading and verification phase of the process. The above information will get us that much closer to completing the process.

Thank you so much for your time and patience on this permit. It is complicated permit, and we need to make sure that we address all the issues to avoid issues with protestants of the original permit application.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

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NOV 14 2022

Nelson, Dan

From: Nelson, Dan
Sent: Wednesday, October 05, 2016 11:54 AM
To: Jones, Doug
Subject: RE: Heart Rock Ranch Diversions

Thanks Doug, I appreciate the help.

Dan

From: Jones, Doug
Sent: Wednesday, October 05, 2016 11:44 AM
To: Nelson, Dan
Subject: RE: Heart Rock Ranch Diversions

I think the Black Slough @ FP-2 outlet is part of the Kevin Lakey endorsed "Measuring Plan". I don't seem to have the plan but I recall seeing it somewhere. I think the plan measurement points are big red dots. You can see about where it is on Sheet 2 of 4 on the attachment to Zach's 6/6/16 email. Find pond FP2 and there is a blue line exiting at the southernmost part of the pond arc, heading southwest-ish into another pond. However, there is a permit POD in the NENW S15 that is named FP-2

I cannot figure out the Crystal Cr #32 diversion point. Most points on Crystal Creek are labeled CW-x. The highest number I found is CW-30.

We can continue the dialogue if you'd like.

Doug

From: Nelson, Dan
Sent: Wednesday, October 05, 2016 10:29 AM
To: Jones, Doug
Subject: Heart Rock Ranch Diversions

Hi Doug,

Here are the diversions that I am confused about concerning the Heart Rock Ranch information. I think the Big Wood River Black Diversion #61 is the Big Wood Diversion into the Black Slough, and I think the Flood #64 diversion is the diversion on the west side of the Big Wood River. I have no idea where the Crystal Creek Diversion #32, and the Black Slough at FP2 Outlet is. I am assuming they are the measurement points at the bottom of the systems.

Let me know what you find.

Thank you.

Dan Nelson

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HEART ROCK RANCH LLC

BENEFICIAL USE EXAM: PERMIT 37-22459

BROCKWAY ENGINEERING PLLC

6/16/2016

SELECT MEASUREMENTS AT WD37 WATERMASTER APPROVED MEASUREMENT PODS:

Location:	Date:	Measured Discharge (cfs):
Big Wood River Black #61 Diversion[1]	9/4/2013	59.55
Crystal Creek Diversion #32[2]	5/21/2013	3.17
Black Slough at FP2 Outlet[2]	7/27/2011	3.05
Flood #64 Diversion[1]	5/17/2011	10.00
Ground Water Wells[1]	2015 Season Daily Avg.	5.82
Total Diverted at WD37 Watermaster Approved Measurement POD's During Permit Development Period =		**81.59**

[1] Data Reported by WD 37 Watermaster

[2] Data Reported by Heart Rock Ranch

SCANNED NOV 1 - 2022

Nelson, Dan

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Monday, June 20, 2016 1:55 PM
To: Keen, Shelley
Cc: Nelson, Dan
Subject: RE: Heart Rock surface water right diversions

Thanks Shelley,
Please let us know if you have any questions.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com
All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Keen, Shelley [mailto:Shelley.Keen@idwr.idaho.gov]
Sent: Monday, June 20, 2016 8:18 AM
To: Zach Latham
Cc: Nelson, Dan
Subject: RE: Heart Rock surface water right diversions

Zach,

Thanks for getting the information to us so quickly. We will let you know if we have any questions.

Shelley

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Thursday, June 16, 2016 11:39 AM
To: Keen, Shelley
Cc: Charles E. Brockway; Nelson, Dan
Subject: RE: Heart Rock surface water right diversions

Shelley and Dan-
In response to your request below, please see the attached additional information memo and supporting information, including an as-built shapefile and supporting files in association with our beneficial use field exam for permit 37-

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NOV 1 4 20

22459. Don't hesitate to give me a call with comments or questions, thanks again for your help, have a great rest of your week.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
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f. 208-736-8506
zach.latham@brockwayeng.com
All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Keen, Shelley [mailto:Shelley.Keen@idwr.idaho.gov]
Sent: Wednesday, June 15, 2016 7:35 AM
To: Zach Latham
Subject: RE: Heart Rock surface water right diversions

Zach,

I've attached scanned images of my notes. We're still hoping you can provide items 2, 3, and 4 from the notebook page and the two items with your name written by them on the printout.

Call or email me or Dan if you have questions.

Shelley

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Tuesday, June 14, 2016 4:40 PM
To: Keen, Shelley
Subject: RE: Heart Rock surface water right diversions

Shelley-
Can I get a digital copy of your notes from the at meeting? I'm writing a memo to try and wrap up the questions you had and to review and provide the items we agreed to, your memo would save me some time, thanks.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543

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NOV 14 2022

c.208-721-2114
f. 208-736-8506
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From: Keen, Shelley [mailto:Shelley.Keen@idwr.idaho.gov]
Sent: Monday, June 06, 2016 3:52 PM
To: 'Charles E. Brockway'
Cc: Zach Latham; Jones, Doug; Nelson, Dan
Subject: RE: Heart Rock surface water right diversions

Chuck,

Thank you for meeting with Doug, Dan, and me last Thursday to help us understand the information in your field report for the Heart Rock Ranch permit, no. 37- 22459. The permitted water use is unique and complex, and we want to make sure we understand the beneficial use well enough to correctly define the water right. The supporting information you and Zach agreed to send us will help a lot.

Regards,

Shelley

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Monday, June 06, 2016 3:11 PM
To: Jones, Doug; Nelson, Dan; Keen, Shelley; 'Charles E. Brockway'
Subject: RE: Heart Rock surface water right diversions

Thanks Doug,
Dan, here are the as-built PDF files. We are working on acquiring the CAD files for conversion to shapefiles for IDWR. Stay tuned, thanks.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
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zach.latham@brockwayeng.com
All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Jones, Doug [mailto:Doug.Jones@idwr.idaho.gov]
Sent: Friday, June 03, 2016 10:18 AM

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To: Nelson, Dan; Keen, Shelley; Charles E. Brockway; 'Zach Latham'
Subject: Heart Rock surface water right diversions

Folks, I confirmed that the rights DO have 3 diversions listed on them – head of the Baseline Bypass, injection into the Big Wood, and the Black 61 headgate. It appears the permit needs to include the 2 unlisted points AND the Flood 64.

Thanks!

Doug

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7639 / Virus Database: 4591/12353 - Release Date: 06/03/16

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7639 / Virus Database: 4598/12373 - Release Date: 06/06/16

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7640 / Virus Database: 4604/12425 - Release Date: 06/15/16

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7640 / Virus Database: 4604/12450 - Release Date: 06/19/16

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NOV 14 2022

Nelson, Dan

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Monday, June 20, 2016 1:55 PM
To: Keen, Shelley
Cc: Nelson, Dan
Subject: RE: Heart Rock surface water right diversions

Thanks Shelley,
Please let us know if you have any questions.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
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To: Zach Latham
Cc: Nelson, Dan
Subject: RE: Heart Rock surface water right diversions

Zach,

Thanks for getting the information to us so quickly. We will let you know if we have any questions.

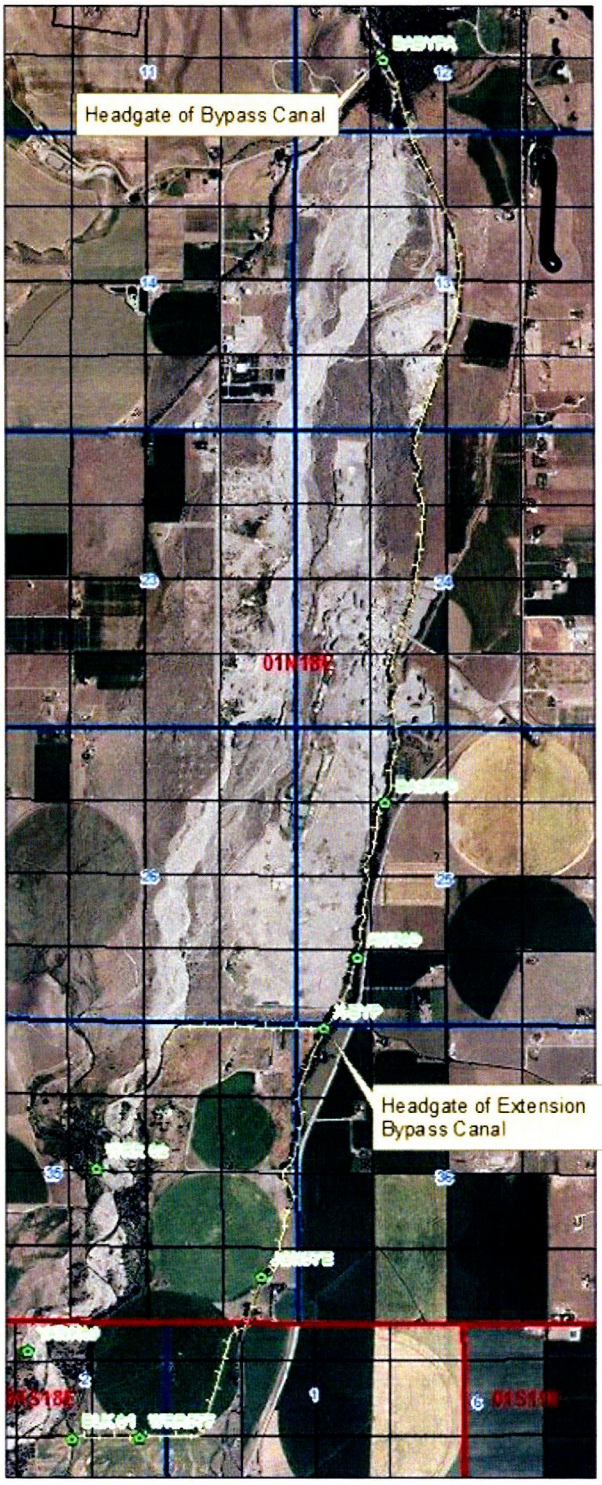
Shelley

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Thursday, June 16, 2016 11:39 AM
To: Keen, Shelley
Cc: Charles E. Brockway; Nelson, Dan
Subject: RE: Heart Rock surface water right diversions

Shelley and Dan-
In response to your request below, please see the attached additional information memo and supporting information, including an as-built shapefile and supporting files in association with our beneficial use field exam for permit 37-

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1) Early seaon. all priorities filled, water flows in Bypass and River. No "saved water" is delivered.

2) Mid season: Later priorites being cut, water flows in Bypass and River. No "saved water" is delivered. Water is returned to River at Bypass and perhaps at Extension Bypass returns as needed for deliveries.

3) Later Mid season. Middle priorites being cut, water flows in Bypass only (capacity="150 to200 cfs") and none in River. Up to 18 cfs Chapman Decree "saved water" is deliverable as called for by Decree holders. Water is returned to River at Bypass and perhaps at Extension Bypass returns as needed for deliveries.

4) Rights with priority of 6/15/1883 are cut and water is normally only diverted down Extension Bypass to fill senior rights. Flows in Extension Bypass in excess of the senior rights is available to fill Coffin Decree.

5) Quantities deliverable for Chapman rights is related to flow in the Bypass in excess of flows required for delivery of rights in priority down Bypass. For example, if there are 100 cfs of rights in priority down the Bypass and Extension Bypass and at least 118 cfs is being diverted into the Bypass then up to 18 cfs of Chapman Decree rights are deliverable.

6) When 6/15/1883 rights are cut, Chapman Decree 18 cfs rights are still good. Coffin Decree water is MAY be available up to 16.5 cfs if delivery of rights senior to 6/15/1883 and 18 cfs Chapman are delivered first.

7) Chapman and Coffin rights are proportionately delivered by shares called for by RIGHT HOLDERS (not share holders). Directions for delivery is the responsibility of the RIGHT HOLDERS within the descriotions of the water rights being supplemented (no new acres, no different diversion points).

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22459. Don't hesitate to give me a call with comments or questions, thanks again for your help, have a great rest of your week.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com
All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Keen, Shelley [mailto:Shelley.Keen@idwr.idaho.gov]
Sent: Wednesday, June 15, 2016 7:35 AM
To: Zach Latham
Subject: RE: Heart Rock surface water right diversions

Zach,

I've attached scanned images of my notes. We're still hoping you can provide items 2, 3, and 4 from the notebook page and the two items with your name written by them on the printout.

Call or email me or Dan if you have questions.

Shelley

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Tuesday, June 14, 2016 4:40 PM
To: Keen, Shelley
Subject: RE: Heart Rock surface water right diversions

Shelley-
Can I get a digital copy of your notes from the at meeting? I'm writing a memo to try and wrap up the questions you had and to review and provide the items we agreed to, your memo would save me some time, thanks.

Zach Latham

Hydrologist
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Twin Falls, ID 83301
t. 208-736-8543

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To: Nelson, Dan; Keen, Shelley; Charles E. Brockway; 'Zach Latham'
Subject: Heart Rock surface water right diversions

Folks, I confirmed that the rights DO have 3 diversions listed on them – head of the Baseline Bypass, injection into the Big Wood, and the Black 61 headgate. It appears the permit needs to include the 2 unlisted points AND the Flood 64.

Thanks!

Doug

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7639 / Virus Database: 4591/12353 - Release Date: 06/03/16

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7639 / Virus Database: 4598/12373 - Release Date: 06/06/16

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7640 / Virus Database: 4604/12425 - Release Date: 06/15/16

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7640 / Virus Database: 4604/12450 - Release Date: 06/19/16

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From: Keen, Shelley [mailto:Shelley.Keen@idwr.idaho.gov]
Sent: Monday, June 06, 2016 3:52 PM
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Cc: Zach Latham; Jones, Doug; Nelson, Dan
Subject: RE: Heart Rock surface water right diversions

Chuck,

Thank you for meeting with Doug, Dan, and me last Thursday to help us understand the information in your field report for the Heart Rock Ranch permit, no. 37- 22459. The permitted water use is unique and complex, and we want to make sure we understand the beneficial use well enough to correctly define the water right. The supporting information you and Zach agreed to send us will help a lot.

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Shelley

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Thanks Doug,
Dan, here are the as-built PDF files. We are working on acquiring the CAD files for conversion to shapefiles for IDWR. Stay tuned, thanks.

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All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Jones, Doug [mailto:Doug.Jones@idwr.idaho.gov]
Sent: Friday, June 03, 2016 10:18 AM

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NOV 14 2022

Beneficial Use Exam- 37-22459; Additional Information

To: Mr. Shelley Keen
From: Zach Latham, M.S., Hydrologist
Cc: Mr. Dan Nelson
Date: 6/16/16
Re: Beneficial Use Exam- 37-22459; Additional Information

This memo is intended to provide the additional information relative to the beneficial use field exam performed by Brockway Engineering for water right permit 37-22459 as requested in a "Notes" memo document by Shelley Keen presented in a 6/2/16 meeting with Mr. Keen and Dan Nelson of IDWR, and Zach Latham and Chuck Brockway Sr. from Brockway Engineering PLLC and a 6/15/16 email from Shelley Keen (both attached). The statements below are in direct response to Mr. Keen's requests per his 6/15/16 email.

Notebook Request #2:

1. A table has been created from the as-built ArcGIS shapefile for every storage feature and includes each storage features area, estimated depth, estimated volume, feature type, and zone within which each resides. The table is attached. This second table is intended to supersede the table provided with the original beneficial use field report as it is more accurate due to the breakdown of individual storage features and their respective attributes.

Notebook Request #3:

1. An ArcGIS shapefile and associated files has been provided to IDWR. This file was generated using the as-built CAD file that was constructed using high quality aerial imagery as well as on the ground GIS delineations. The shapefile was reviewed by Brockway Engineering PLLC and includes only constructed open water storage features authorized under permit 37-22459. Features such as interconnecting streams were omitted from the shapefile as these features were present before project construction. A closer look at as-built open water storage features also necessitated omitting constructed features that do not continually store water such as constructed wetlands and or backwater features that were not blue on the as-built plan set. It is for these reasons that the as-built total volume listed on the original submission's table for the project as-built storage are slightly larger than the total volume listed on the table as described above.

Notebook Request #4:

1. A simple table has been compiled which lists the maximum diversion rate diverted from points of diversion requiring measurement as requested by the WD37 Watermaster, over the course of the permit development period. As you can see, the total discharge through these points of diversion exceeds the 76.36 cfs flow rate permitted under 37-22459.

"Notes" Memo Paragraph #5:

1. The constructed storage features authorized under permit 37-22459 allow for aesthetic, wildlife, recreation and irrigation uses. To understand these uses and how they are

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intertwined, an understanding of how these storage features are operated is required. Starting at the beginning of the irrigation season, water is diverted from the Big Wood River, Crystal Creek, Black Slough, Willow Creek and ground water wells into the storage features. As the storage features fill and become full, they provide habitat and a food source for fish and other aquatic animals, birds and ungulates. Animals on the property that utilize the storage features include deer, elk, moose, antelope coyotes, foxes, ducks, geese, sand hill cranes, and a variety of birds. The interconnecting channels that connect the storage features provide a visual and audible enhancement to the property meaning the storage features can be seen and heard. Additionally, the storage features have been used for canoeing and fishing. Irrigation is also accomplished on the property through the filling and releasing of water from the storage features into existing ditches for flood irrigation as has been done historically.

"Notes" Memo Paragraph #7:

1.

a. As previously mentioned, water from the Big Wood River, Crystal Creek, Black Slough, Willow Creek and ground water wells is diverted into the storage features authorized under 37-22459. As these storage features fill up, the water level in the shallow alluvial aquifer gets closer to the ground surface. Water from these two sources and existing ground water then flows through surface water streams such as Crystal Creek and Black Slough through additional interconnecting streams and storage features and ultimately confluences with Lower Willow Creek and the Big Wood River.

b. Water can be diverted from the outlets of select storage features or from interconnecting stream channels for irrigation use or for additional storage use in downstream storage features that have been constructed along the length of the streams. Water can be directed numerous ways on the property into ditches or interconnecting streams or to other storage features and therefore water present in any one location cannot be attributable to one source or another by the time it is beneficially used for aesthetic, wildlife, recreation or irrigation uses.

c. The flow rate authorized under 37-22459 is the summation of the flow rates associated with the water rights previous to permit approval. It is possible to have any portion of the total flow rate associated with all existing water rights to be stored under this permit. Therefore, as long as the amount of water being diverted into the system and out of the streams from Crystal Creek, Black Slough, and Willow Creek doesn't exceed existing SRBA decreed water rights, and the amount of consumptive use is equal to or less than the historic consumptive use associated with the SRBA decreed water rights, no expansion and or no injury has occurred. It is for these reasons that the WD37 Watermaster has limited the number of diversions required under this permit.

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Notes

By: Shelley W. Keen

Date: June 1, 2016

Subject: Items needed to clarify the beneficial use field report for Permit 37-22459 (Heart Rock Ranch)

The maps submitted with the field report are difficult to read because the scale is too small. It would be great to have as-built maps of a larger scale. Maps should show whether each water feature identified is a constructed wetland, a constructed oxbow, interconnecting channel, back water (define), or deep water – enhanced (define). Shapefiles would be great, too. ***See Beneficial Use Examination Rule 35.01.c.***

The measurement plan intended to comply with condition no. 14 of the permit identifies one measuring point per source, and most of the measurement points are at the downstream end of the property. However, the application materials and permit suggest water from various sources is commingled at the upstream end of the project. It would be useful to have a diagram of flow through the system from each source so we can evaluate the measurement plan. So far, it seems the contributions from each of the ten artesian wells and the Big Wood River are individually discernible, but the contributions from Black Slough, Crystal Creek, Spring Creek, and Willow Creek are not distinguishable from each other. Therefore, the individual limits in condition no. 8 can't be verified. ***See Beneficial Use Examination Rule 35.01.c.***

Each pond intercepting and appropriating ground water should be identified as a point of diversion. Also, each place where surface water is stored should be identified as a point of rediversion. And where water is routed from one natural channel to another, we should see points of injection and points of rediversion. ***See Beneficial Use Examination Rule 35.01.c.***

The beneficial use field report should include diversion records to demonstrate the utilization of the entire 76.36 cfs. While the permit may authorize the use of the same amount of water as is authorized for irrigation, we cannot assume it was used during the development period for the permit. If the license is issued for less than 76.36 cfs, diversion will be limited to the lesser amount unless it is required for irrigation. ***See Beneficial Use Examination Rule 35.01.o.***

Item no. 5 of the stipulation to resolve the protest requires a narrative describing the use of the ponds. The key word in this requirement is "use." In the current narrative, the method by which the ponds accomplish the aesthetic, wildlife, and recreation uses is barely addressed. The narrative should confirm how the identified beneficial uses of water are accomplished. ***See Beneficial Use Examination Rule 35.01.l.*** Zach

Table 1 on page 3 of the Beneficial Use Exam Narrative is a useful summary. However, it's not sufficient for IDWR to corroborate the data. It would be useful to have a table describing the

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map ID, type, surface area, and volume of each feature. The application materials had maps and tables depicting each water feature. ***See Beneficial Use Examination Rule 35.01.c.***

The permit includes a number of combined use conditions. The beneficial use field report should describe in detail the relationship between the permit and the existing rights, including how the permit provides an "increment of beneficial use not authorized by prior existing rights." ***See Beneficial Use Examination Rule 35.01.d.*** Zach will provide a general statement.

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6/2/2016
S. Keen

Baseline - Bypass Canal then to Beehive Canal

(1) Glendale Bridge POD should be identified on the field report so we can get an amendment & add it to the license. Used for the Wood River diversion when a bypass is needed. May not need to call it a POD. Should be consistent with SRBA approach. Maybe a POD w/a reference? } IDWR to discuss

(2) Get table by feature by zone from Eggers to show how the zone table was compiled } B'way

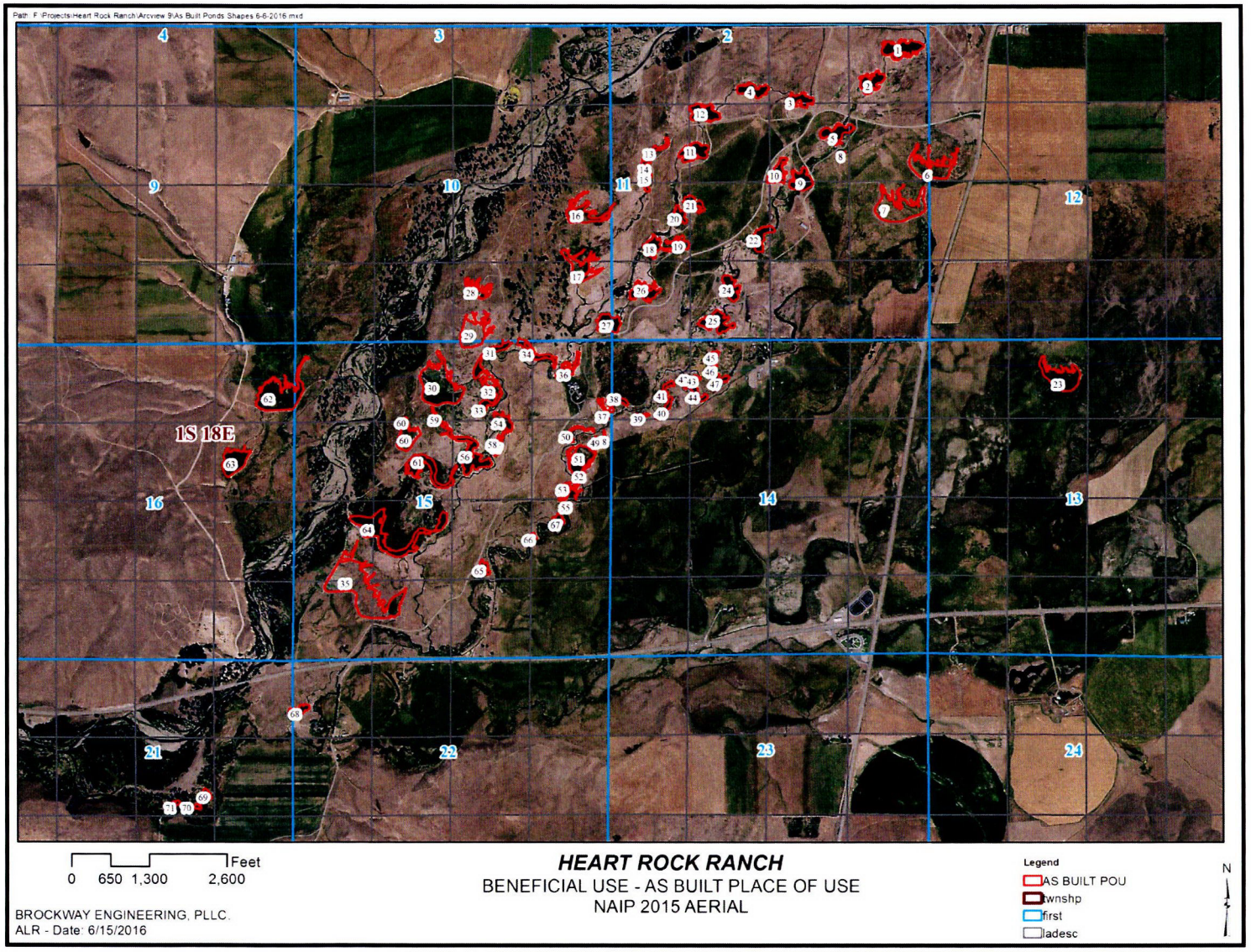
(3) Brockway Eng. will provide a ~~shapefile~~ shapefile. Just the blue open water from the maps. } B'way

Done 6/6/2016
Provide email ⟹ Confirming timeline + process to Check } SWR to check Sr.

(4) Zach will provide a table of measurements confirming 76.36 cfs or less. } B'way

(5) IDWR will discuss measurement plan with Kevin

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HEART ROCK RANCH LLC
BENEFICIAL USE EXAM; PERMIT 37-22459
BROCKWAY ENGINEERING PLLC
6/16/2016

Constructed Storage Feature #:	Zone:	Constructed Open Water Surface Area (Acres):	Estimated Average Depth (ft):	Constructed Open Water Average Volume (Acre-Feet):	Constructed Storage Feature Type:
1	1	3.22	12.0	38.6	AsBuilt-OpenWater-Oxbow
2	1	1.99	12.0	23.8	AsBuilt-OpenWater-Oxbow
3	1	1.42	12.0	17.0	AsBuilt-OpenWater-Oxbow
4	1	1.70	12.0	20.4	AsBuilt-OpenWater-Oxbow
5	1	2.16	12.0	25.9	AsBuilt-OpenWater-Oxbow
6	1	4.15	2.0	8.3	AsBuilt-Wetland-DucksUnlimited-Openwater
7	1	6.04	1.0	6.0	AsBuilt-Wetland-DucksUnlimited-Openwater
8	1	0.01	2.0	0.0	AsBuilt-OpenWater-BackWater
9	1	2.13	12.0	25.6	AsBuilt-OpenWater-Oxbow
10	1	1.63	2.0	3.3	AsBuilt-OpenWater-BackWater
11	1	2.24	12.0	26.9	AsBuilt-OpenWater-Oxbow
12	1	2.07	12.0	24.9	AsBuilt-OpenWater-Oxbow
13	1	1.01	2.0	2.0	AsBuilt-Wetland-DucksUnlimited-Openwater
14	1	0.12	2.0	0.2	AsBuilt-Wetland-DucksUnlimited-Openwater
15	1	0.56	2.0	1.1	AsBuilt-Wetland-DucksUnlimited-Openwater
16	1	3.01	2.0	6.0	AsBuilt-Wetland-DucksUnlimited-Openwater
17	1	2.98	2.0	6.0	AsBuilt-Wetland-DucksUnlimited-Openwater
18	1	1.28	12.0	15.3	AsBuilt-OpenWater-Oxbow
19	1	1.13	1.0	1.1	AsBuilt-Wetland-IntermittentWetland-IW
20	1	1.10	12.0	13.2	AsBuilt-OpenWater-Oxbow
21	1	0.90	2.0	1.8	AsBuilt-OpenWater-BackWater
22	1	1.77	12.0	21.2	AsBuilt-OpenWater-Oxbow
23	2	4.23	2.0	8.5	AsBuilt-Wetland-DucksUnlimited-Openwater
24	1	1.87	12.0	22.5	AsBuilt-OpenWater-Oxbow
25	1	2.37	12.0	28.4	AsBuilt-OpenWater-Oxbow
26	1	1.96	12.0	23.5	AsBuilt-OpenWater-Oxbow
27	1	1.99	12.0	23.9	AsBuilt-OpenWater-Oxbow
28	1	1.30	2.0	2.6	AsBuilt-Wetland-DucksUnlimited-Openwater
29	1	3.84	2.0	7.7	AsBuilt-Wetland-DucksUnlimited-Openwater
30	2	8.00	2.0	16.0	AsBuilt-Wetland-DucksUnlimited-Openwater
31	2	1.45	1.0	1.5	AsBuilt-Wetland-ConstructedWetland-CW
32	2	1.48	1.0	1.5	AsBuilt-Wetland-ConstructedWetland-CW
33	2	0.89	12.0	10.7	AsBuilt-OpenWater-Oxbow
34	2	1.45	1.0	1.4	AsBuilt-Wetland-ConstructedWetland-CW
35	3	13.11	2.0	26.2	AsBuilt-Wetland-DucksUnlimited-Openwater
36	2	1.38	1.0	1.4	AsBuilt-Wetland-ConstructedWetland-CW
37	2	0.70	1.0	0.7	AsBuilt-Wetland-ConstructedWetland-CW
38	2	0.63	12.0	7.5	AsBuilt-OpenWater-Oxbow
39	2	0.25	2.0	0.5	AsBuilt-OpenWater-BackWater
40	2	0.64	12.0	7.7	AsBuilt-OpenWater-Oxbow
41	2	0.51	12.0	6.1	AsBuilt-OpenWater-Oxbow
42	2	0.35	1.0	0.4	AsBuilt-Wetland-ConstructedWetland-CW
43	2	0.25	1.0	0.3	AsBuilt-Wetland-ConstructedWetland-CW
44	2	0.66	12.0	8.0	AsBuilt-OpenWater-Oxbow
45	2	0.32	1.0	0.3	AsBuilt-Wetland-ConstructedWetland-CW
46	2	0.23	1.0	0.2	AsBuilt-Wetland-ConstructedWetland-CW
47	2	0.86	12.0	10.3	AsBuilt-OpenWater-Oxbow
48	2	0.18	2.0	0.4	AsBuilt-OpenWater-BackWater
49	2	0.02	1.0	0.0	AsBuilt-Wetland-ConstructedWetland-CW
50	2	0.45	2.0	0.9	AsBuilt-OpenWater-BackWater
51	2	2.38	1.0	2.4	AsBuilt-Wetland-ConstructedWetland-CW
52	2	1.06	2.0	2.1	AsBuilt-OpenWater-BackWater
53	2	0.89	1.0	0.9	AsBuilt-Wetland-ConstructedWetland-CW
54	2	1.23	2.0	2.5	AsBuilt-OpenWater-BackWater
55	2	0.44	2.0	0.9	AsBuilt-OpenWater-BackWater
56	2	3.52	12.0	42.2	AsBuilt-OpenWater-Oxbow
57	2	0.46	2.0	0.9	AsBuilt-OpenWater-BackWater
58	2	0.07	2.0	0.1	AsBuilt-OpenWater-BackWater
59	2	0.27	1.0	0.3	AsBuilt-Wetland-ConstructedWetland-CW
60	2	2.52	2.0	5.0	AsBuilt-Wetland-DucksUnlimited-Openwater
61	2	3.01	12.0	36.1	AsBuilt-OpenWater-FP
62	2	7.00	2.0	14.0	AsBuilt-Wetland-DucksUnlimited-Openwater
63	2	3.01	2.0	6.0	AsBuilt-Wetland-DucksUnlimited-Openwater
64	2	6.42	12.0	77.1	AsBuilt-OpenWater-FP
65	3	0.60	12.0	7.2	AsBuilt-OpenWater-Oxbow
66	2	0.23	12.0	2.8	AsBuilt-OpenWater-Oxbow
67	2	0.39	12.0	4.7	AsBuilt-OpenWater-Oxbow
68	3	0.86	12.0	10.3	AsBuilt-OpenWater-Oxbow
69	3	0.38	12.0	4.5	AsBuilt-OpenWater-Oxbow
70	3	0.28	12.0	3.3	AsBuilt-OpenWater-Oxbow
71	3	0.35	12.0	4.2	AsBuilt-OpenWater-Oxbow
*TOTALS =		129.3		735.1	

*SEE WATER RIGHT PERMIT 37-22459 CONDITION #3 FOR TOTAL AREA AND VOLUME LIMITS

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HEART ROCK RANCH LLC

BENEFICIAL USE EXAM: PERMIT 37-22459

BROCKWAY ENGINEERING PLLC

6/16/2016

SELECT MEASUREMENTS AT WD37 WATERMASTER APPROVED MEASUREMENT PODS:

Location:	Date:	Measured Discharge (cfs):
Big Wood River Black #61 Diversion[1]	9/4/2013	59.55
Crystal Creek Diversion #32[2]	5/21/2013	3.17
Black Slough at FP2 Outlet[2]	7/27/2011	3.05
Flood #64 Diversion[1]	5/17/2011	10.00
Ground Water Wells[1]	2015 Season Daily Avg.	5.82
Total Diverted at WD37 Watermaster Approved Measurement POD's During Permit Development Period =		**81.59**

[1] Data Reported by WD 37 Watermaster

[2] Data Reported by Heart Rock Ranch

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Nelson, Dan

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Thursday, June 16, 2016 11:39 AM
To: Keen, Shelley
Cc: Charles E. Brockway; Nelson, Dan
Subject: RE: Heart Rock surface water right diversions
Attachments: Beneficial Use Exam 37-22954 Addtional Information for IDWR 6-16-16.pdf; As_Built_HRR_Water_Features_POU.dbf; As_Built_HRR_Water_Features_POU.prj; As_Built_HRR_Water_Features_POU.sbn; As_Built_HRR_Water_Features_POU.sbx; As_Built_HRR_Water_Features_POU.shp; As_Built_HRR_Water_Features_POU.shx

Shelley and Dan-
In response to your request below, please see the attached additional information memo and supporting information, including an as-built shapefile and supporting files in association with our beneficial use field exam for permit 37-22459. Don't hesitate to give me a call with comments or questions, thanks again for your help, have a great rest of your week.

Zach Latham

Hydrologist
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Regards,

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Thanks Doug,

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Zach Latham

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Version: 2016.0.7639 / Virus Database: 4591/12353 - Release Date: 06/03/16

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7639 / Virus Database: 4598/12373 - Release Date: 06/06/16

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Version: 2016.0.7640 / Virus Database: 4604/12425 - Release Date: 06/15/16

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NOV 14 2022

Nelson, Dan

From: Keen, Shelley
Sent: Monday, June 06, 2016 3:52 PM
To: 'Charles E. Brockway'
Cc: Zach Latham; Jones, Doug; Nelson, Dan
Subject: RE: Heart Rock surface water right diversions

Chuck,

Thank you for meeting with Doug, Dan, and me last Thursday to help us understand the information in your field report for the Heart Rock Ranch permit, no. 37- 22459. The permitted water use is unique and complex, and we want to make sure we understand the beneficial use well enough to correctly define the water right. The supporting information you and Zach agreed to send us will help a lot.

Regards,

Shelley

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Monday, June 06, 2016 3:11 PM
To: Jones, Doug; Nelson, Dan; Keen, Shelley; 'Charles E. Brockway'
Subject: RE: Heart Rock surface water right diversions

Thanks Doug,
Dan, here are the as-built PDF files. We are working on acquiring the CAD files for conversion to shapefiles for IDWR. Stay tuned, thanks.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com
All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Jones, Doug [mailto:Doug.Jones@idwr.idaho.gov]
Sent: Friday, June 03, 2016 10:18 AM

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To: Nelson, Dan; Keen, Shelley; Charles E. Brockway; 'Zach Latham'
Subject: Heart Rock surface water right diversions

Folks, I confirmed that the rights DO have 3 diversions listed on them – head of the Baseline Bypass, injection into the Big Wood, and the Black 61 headgate. It appears the permit needs to include the 2 unlisted points AND the Flood 64.

Thanks!

Doug

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Nelson, Dan

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Monday, June 06, 2016 3:26 PM
To: Nelson, Dan
Subject: RE: Heart Rock surface water right diversions

No problem, I should have a shapefile for you as well as a table with all of the individual storage features and their attributes by the end of the week, as well as the other items your requested in our meeting last week. Thanks again for coming down, we really appreciate it.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-721-2114
f. 208-736-8506
zach.latham@brockwayeng.com
All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Monday, June 06, 2016 3:19 PM
To: Zach Latham
Subject: RE: Heart Rock surface water right diversions

Thank you Zach, I appreciate this. I will put them in your files.

Dan Nelson

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Monday, June 06, 2016 3:11 PM
To: Jones, Doug; Nelson, Dan; Keen, Shelley; 'Charles E. Brockway'
Subject: RE: Heart Rock surface water right diversions

Thanks Doug,
Dan, here are the as-built PDF files. We are working on acquiring the CAD files for conversion to shapefiles for IDWR. Stay tuned, thanks.

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Sent: Friday, June 03, 2016 10:18 AM
To: Nelson, Dan; Keen, Shelley; Charles E. Brockway; 'Zach Latham'
Subject: Heart Rock surface water right diversions

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Thanks!

Doug

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Checked by AVG - www.avg.com
Version: 2016.0.7639 / Virus Database: 4598/12372 - Release Date: 06/06/16

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Nelson, Dan

From: Zach Latham <zach.latham@brockwayeng.com>
Sent: Monday, June 06, 2016 3:11 PM
To: Jones, Doug; Nelson, Dan; Keen, Shelley; 'Charles E. Brockway'
Subject: RE: Heart Rock surface water right diversions
Attachments: Sheet1-Zone1_2-5-13_11x17.pdf; Sheet2-Zone2_2-5-13_11x17.pdf; Sheet3-Zone3_2-5-13_11x17.pdf; Sheet4-WestOfBigWood_2-5-13_11x17.pdf; Sheet5-WillowCreekHeadWaters_2-5-13_11x17.pdf

Thanks Doug,
Dan, here are the as-built PDF files. We are working on acquiring the CAD files for conversion to shapefiles for IDWR. Stay tuned, thanks.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
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To: Nelson, Dan; Keen, Shelley; Charles E. Brockway; 'Zach Latham'
Subject: Heart Rock surface water right diversions

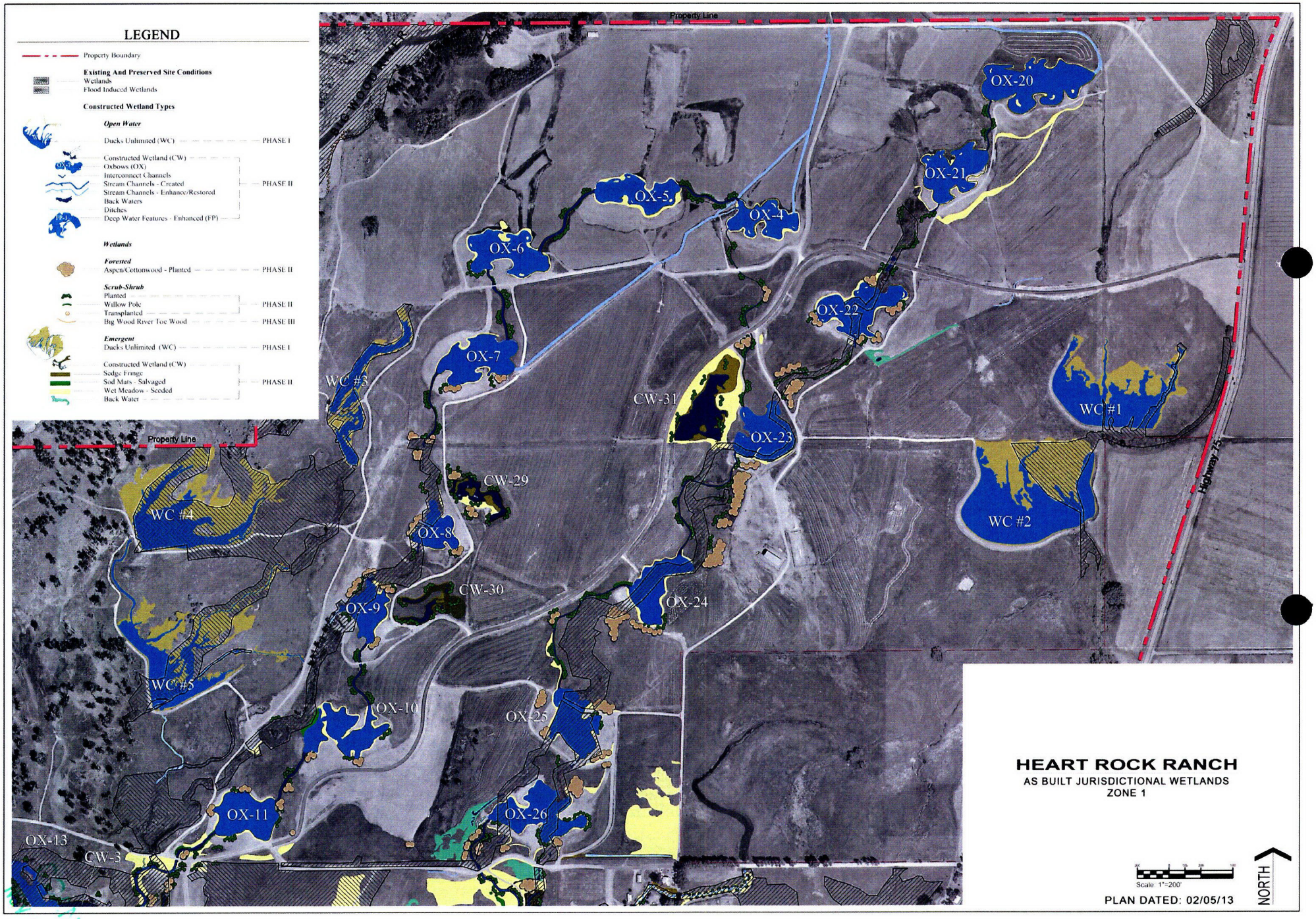
Folks, I confirmed that the rights DO have 3 diversions listed on them – head of the Baseline Bypass, injection into the Big Wood, and the Black 61 headgate. It appears the permit needs to include the 2 unlisted points AND the Flood 64.

Thanks!

Doug

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LEGEND

Property Boundary

Existing And Preserved Site Conditions
Wetlands
Flood Induced Wetlands

Constructed Wetland Types

Open Water
Ducks Unlimited (WC) — PHASE I

Constructed Wetland (CW)
Oxbows (OX)
Interconnect Channels
Stream Channels - Created
Stream Channels - Enhance/Restored
Back Waters
Ditches
Deep Water Features - Enhanced (FP) — PHASE II

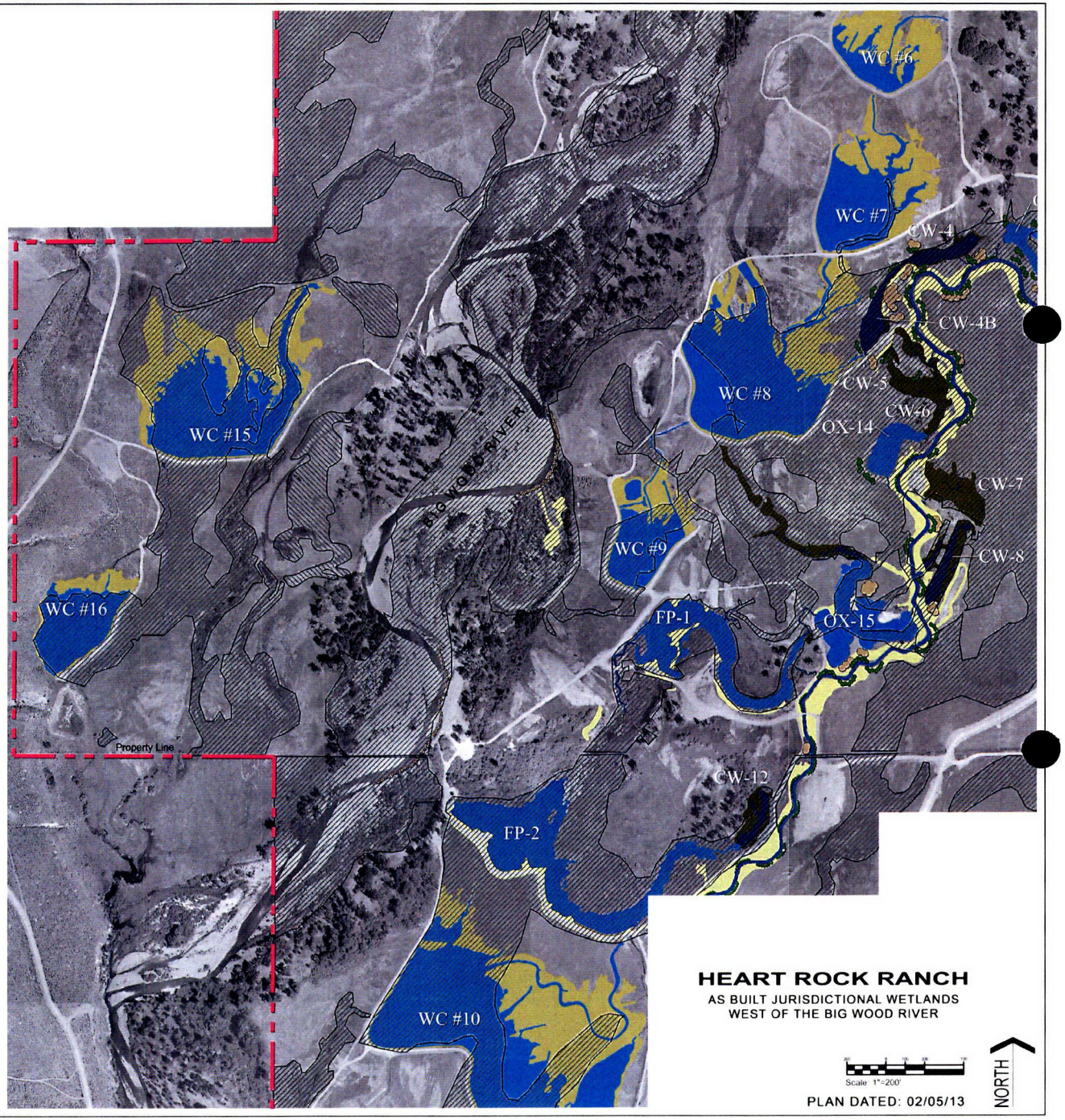
Wetlands

Forested
Aspen/Cottonwood - Planted — PHASE II

Scrub-Shrub
Planted
Willow Pole — PHASE II
Transplanted
Big Wood River Toe Wood — PHASE III

Emergent
Ducks Unlimited (WC) — PHASE I

Constructed Wetland (CW)
Sedge Fringe
Sod Mats - Salvaged
Wet Meadow - Seeded — PHASE II
Back Water



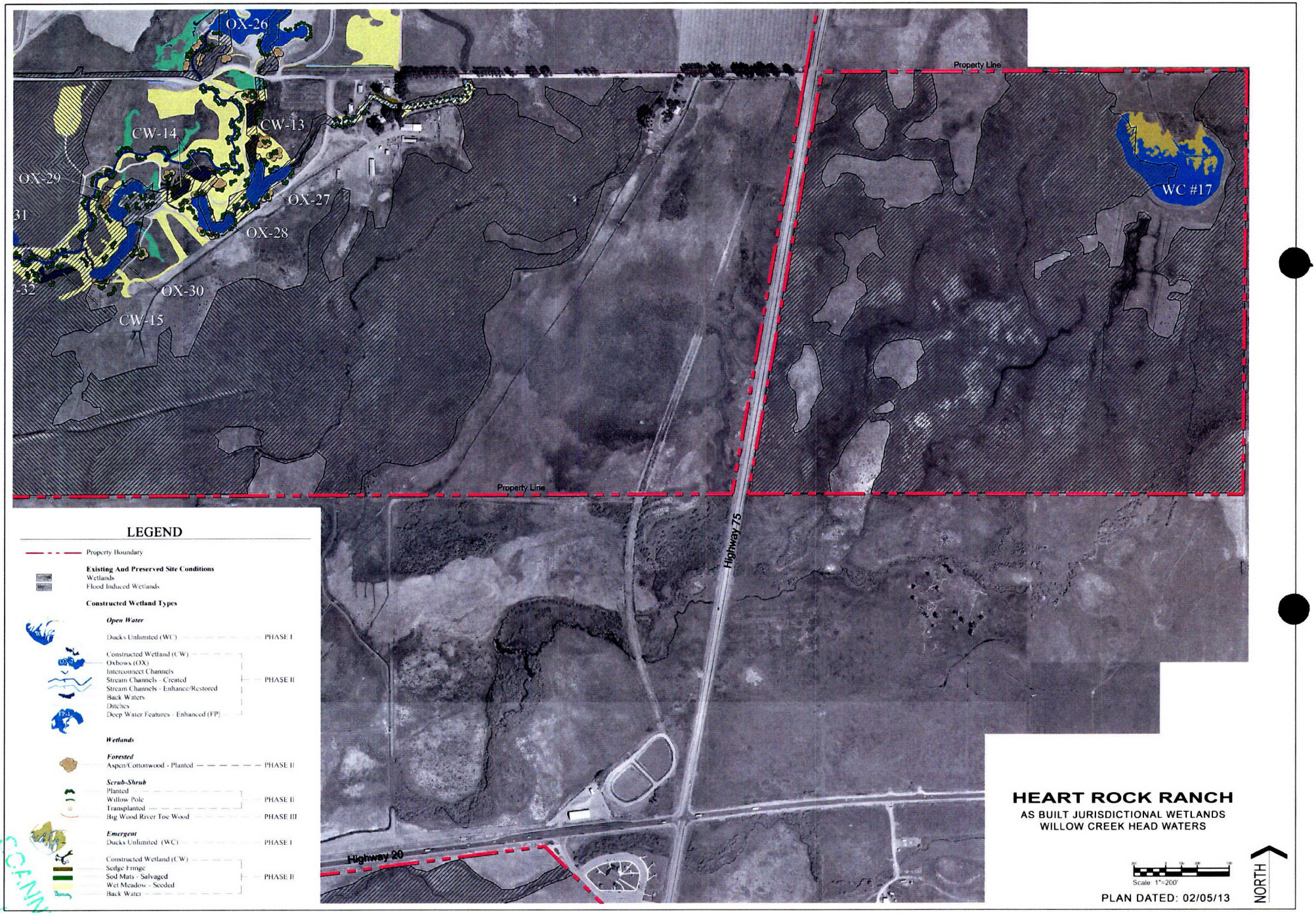
HEART ROCK RANCH
AS BUILT JURISDICTIONAL WETLANDS
WEST OF THE BIG WOOD RIVER

Scale 1"=200'

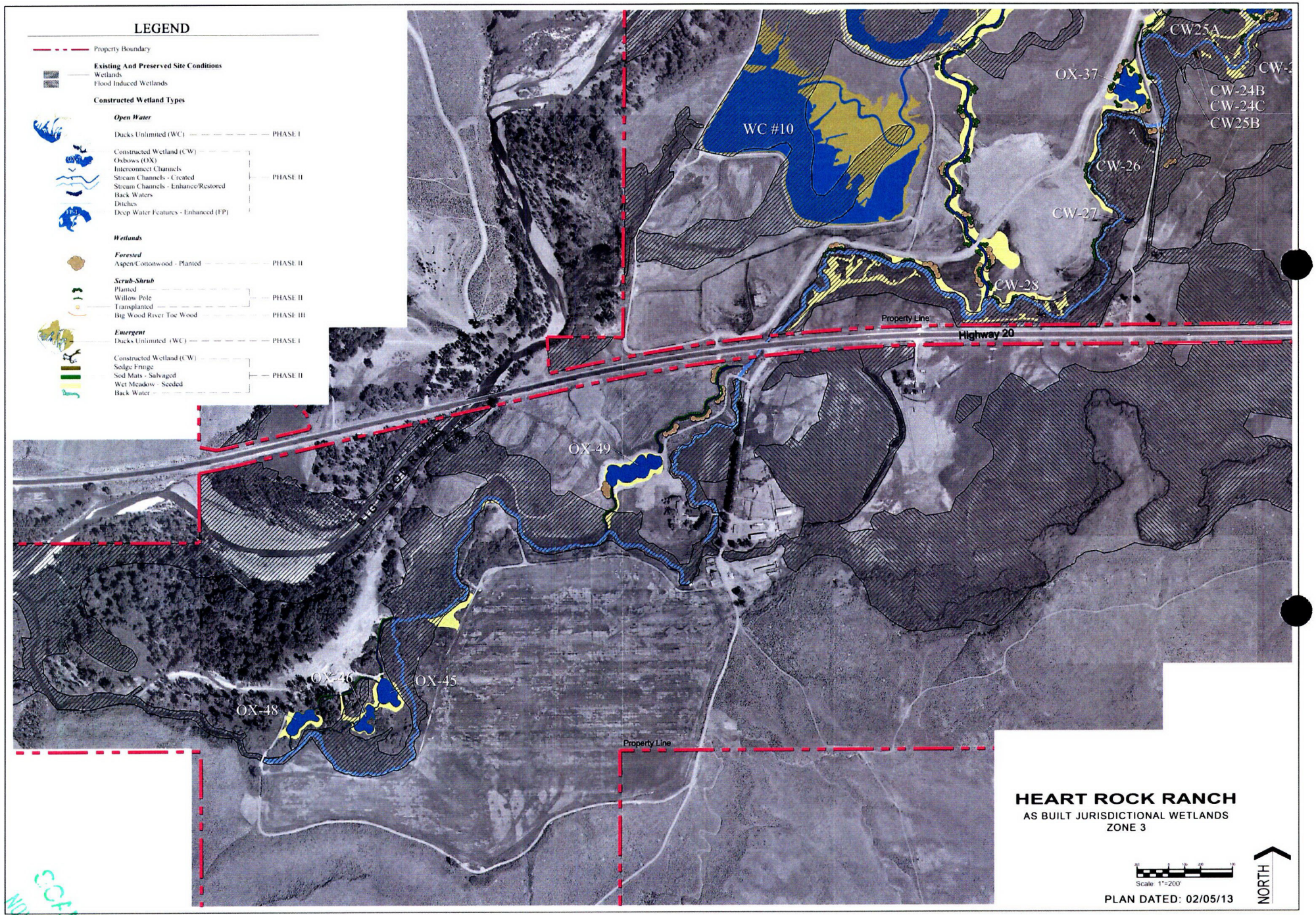
PLAN DATED: 02/05/13

NORTH

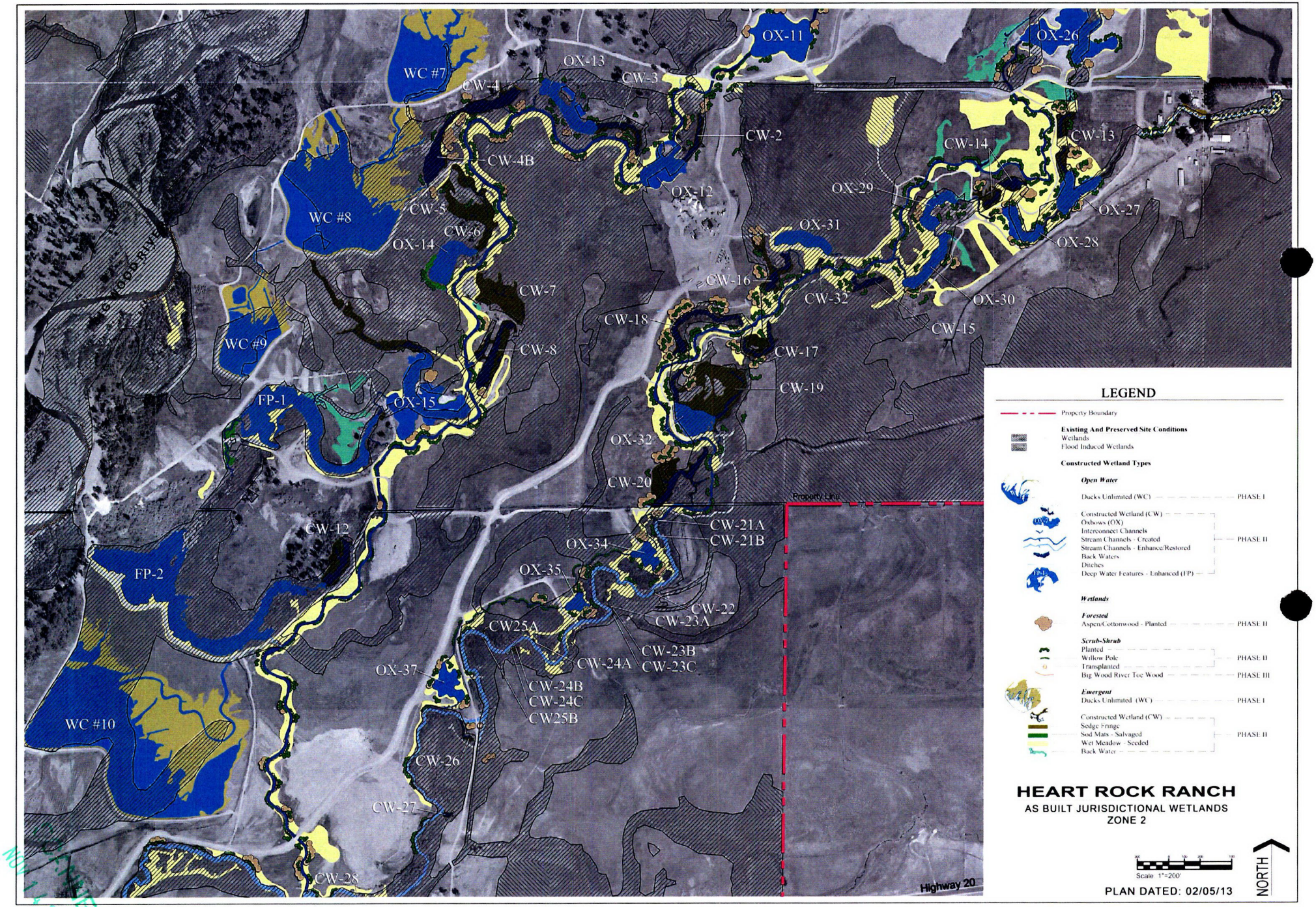
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LEGEND

- Property Boundary

Existing And Preserved Site Conditions
- Wetlands
- Flood Induced Wetlands

Constructed Wetland Types

Open Water
- Ducks Unlimited (WC) — PHASE I
- Constructed Wetland (CW)
- Oxbows (OX)
- Interconnect Channels
- Stream Channels - Created
- Stream Channels - Enhance/Restored
- Back Waters
- Ditches
- Deep Water Features - Enhanced (FP)

— PHASE II

Wetlands

Forested
- Aspen/Cottonwood - Planted — PHASE II

Scrub-Shrub
- Planted
- Willow Pole
- Transplanted

— PHASE II

- Big Wood River Toe Wood — PHASE III

Emergent
- Ducks Unlimited (WC) — PHASE I
- Constructed Wetland (CW)
- Sedge Fringe
- Sod Mats - Salvaged
- Wet Meadow - Seeded
- Back Water

— PHASE II

HEART ROCK RANCH

AS BUILT JURISDICTIONAL WETLANDS
ZONE 2

Scale 1"=200'

PLAN DATED: 02/05/13

NORTH

APPROVED
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DEPARTMENT OF WATER RESOURCES

Form 219 07/11

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

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DEPT OF WATER RESOURCES
SOUTHERN REGION

A Beneficial Use Field Report is prepared by a water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with a permit during the development period authorized by the permit and any extensions of time previously approved.

A. GENERAL INFORMATION

Permit No. 37-22459

1. Owner Heart Rock Ranch LLC Phone No. 208-788-2548
   Current address P.O. Box 3724 Hailey, ID 83333
2. Examiner's name Charles E. Brockway EXAM DATE 3/31/16
3. Accompanied by Wes Tinsley- Heart Rock Ranch LLC Manager Email westinsley@gmail.com
   Address P.O. Box 3724 Hailey, ID 83333
   Relationship to permit holder Property Manager Phone No. 208-720-2107
4. Source Crystal Creek, Black Slough, Big Wood River, Willow Creek, Ground Water tributary to Willow Creek, Malad River, Big Wood R.

B. OVERLAP REVIEW

1. Other water rights with the same place of use See Permit Condition #7.
2. Other water rights with the same source and point of diversion See Permit Condition #7.

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

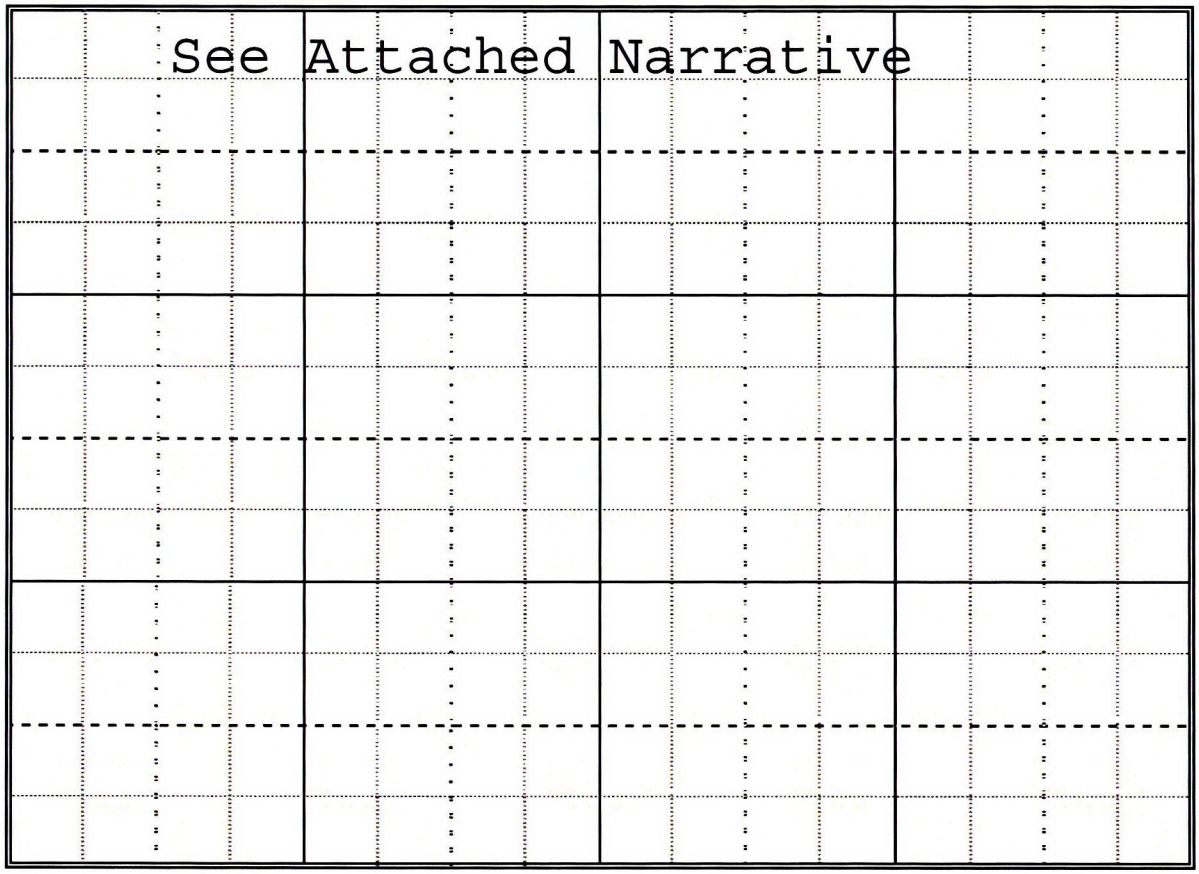
Ident. No.	Gov't Lot	¼	¼	¼	Sec	Twp	Rge	County	Method of Determination/Remarks
									See Attachment 1 for refined list of
									POD's. Also,
									See Attached Narrative & Approval by
									District 37 Watermaster Kevin Lakey

2. **Place(s) of Use:** Method of determination As-built aerial imagery, See ATTACHMENT 2 and Narrative.

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☒ 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**
10 Artesian Wells, see					
Figure 1 in attached					
narrative.					

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**
See Table 2 and associated text in						
attached narrative.						

2. **Measurements:** _____

Capacity of diversion facilities meet or exceed permitted flow rates.

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E. NARRATIVE/REMARKS/COMMENTS

Please see attached Narrative in Support of Beneficial Use Exam for Water Right Permit 37-22459, Heart Rock Ranch LLC.

Has the permit holder met all conditions of permit approval, including any mitigation requirements and/or measuring device installation requirements? ☒ Yes ☐ No If no, what must be done to meet the permit requirements?

Please see attached Narrative in Support of Beneficial Use Exam for Water Right Permit 37-22459, Heart Rock Ranch LLC.

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F. FLOW CALCULATIONS

☐ Additional computation sheets attached

Measured Method:
Capacity of diversion facilities meet or exceed permitted flow rates. Please see attached Narrative in Support of Beneficial Use Exam for Water Right Permit 37-22459, Heart Rock Ranch LLC.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = N/A.

$V_{D.R}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = N/A.

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = N/A.

2. Volume Calculations for Other Uses:
As built storage volume estimated at 740.9 Acre-Ft based on post-construction aerial imagery and GPS and GIS ground delineation of storage features. Please see Table 1 and Figures 2 through 6 in attached Narrative in Support of Beneficial Use Exam for Water Right Permit 37-22459, Heart Rock Ranch LLC.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Aesthetic Storage	01/01	12/31		740.9
Wildlife Storage	01/01	12/31		740.9
Recreation Storage	01/01	12/31		740.9
Diversion to Storage	4/15	10/31	76.36	
Diversion to Storage	11/1	4/14	31.46	
		Totals:	76.36	740.9

2. Recommended Amendments

☒ Change P.D. as reflected on page 1 ☐ Add P.D. as reflected on page 1 ☐ None
☒ Change P.U. as reflected on page 1 ☐ Add P.U. as reflected on page 1 ☐ Other

I. AUTHENTICATION

Field Examiner's Signature _____ Date 4/1/2016

Reviewer _____ Date _____

PROFESSIONAL ENGINEER REGISTERED SEAL 1696 STATE OF IDAHO CHARLES E. BROCKWAY 4/1/16

SCANNED APR 10 2023

Project No. 787-09-2011

Narrative in Support of Beneficial Use Exam for Water Right Permit 37-22459, Heart Rock Ranch LLC

Prepared for:

Heart Rock Ranch LLC
Harry and Shirley Hagey

March 31, 2016

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APR 01 2016
DEPT OF WATER RESOURCES
SOUTHERN REGION

For information concerning this report, contact

Charles E. Brockway, Ph.D., P.E.
Zach Latham, M.S., Hydrologist

BROCKWAY ENGINEERING P.L.L.C.

CHARLES E. BROCKWAY, PH.D., P.E.
CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, IDAHO 83301

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General:

Heart Rock Ranch LLC (HRR), is private ranch located in Sections 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 26, 27 and 28 T.01S R.18E south of the City of Bellevue, in Blaine County, Idaho. Water right permit 37-22459 was approved on April 12th of 2011 and proof of development under the permit is due to IDWR on April 1st 2016.

Permit 37-22459 Conditions Discussion:

Development of the water features authorized by water permit 37-22459 was commenced in 2011 and those features consist of wetlands area, shallow wetland ponds, oxbow ponds, and new channels within the Willow Creek, Black Slough, and Crystal Creek drainages. Figure 1 shows measurement locations as required by the Water District 37 Watermaster for ground water wells and surface water diversions. Water from Big Wood River, Crystal Creek and ground water from artesian wells can be diverted into Blacks Slough and Crystal Creek. Big Wood River water and ground water can be injected into and re-diverted from Black Slough and Crystal Creek as indicated in condition 4 of the water right permit.

The water sources for the permit include Big Wood River from the Black 61 Diversion, Black Slough, Spring Creek, Crystal Creek, Willow Creek, and artesian wells. Willow Creek receives water from Spring Creek and Crystal Creek and serves as the return stream from the east side of the project to the Big Wood River.

Approved beneficial uses include Aesthetic Storage, Wildlife Storage, Recreation Storage and Diversion to Storage. Diversion and diversion structures include Ground Water , injection, re-diversion and a number of ponds in series. (see Figure 1). The storage facilities are constructed facilities and are grouped into zones as outlined on Table 1 and shown on Figures 2 through 6.

The surface area of the various storage facilities in each zone were computed from aerial photographs, open water feature average depths have been estimated. The total surface area of all facilities is 122.8 acres and the computed total storage volume is 740.9 acre feet. Water right 37-22459 allows a total of 815.5 acre-feet of storage capacity or a total surface area of 183.4 acres. The constructed acreage and volume are therefore within the limits of the water right (Condition #3) and the consumptive use associated with the constructed storage features is less than permitted. A reduced surface area equates to a reduced consumptive use due to less evaporation from the smaller constructed water surface.

One hundred and nine (109) ponds for storage are authorized under water right permit 37-22459 of which eighty one (81) were constructed. Each of these ponds has a flow control structure at the inlet, however, each pond does not have a flow measuring device at the inlet or outlet. The following table shows the surface area and volume of storage area in each of the zones as outline in Figures 2 through 6.

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Open Water As Builts	Zone 1 - Crystal Creek				Zone 1 - Black Slough			
	Area		Depth	Volume	Area		Depth	Volume
	ft²	Acres	Avg. Depth (ft)	Avg. Vol. (Acre-Ft)	ft²	Acres	Avg. Depth (ft)	Avg. Vol. (Acre-Ft)
Totals	***795872***	***18.3***		***188.4***	***706468***	***16.2***		***166.8***
Constructed Wetland (CW)	71103	1.6	1.0	1.6	43436	1.0	1.0	1.0
Oxbows (OX)	675501	15.5	12.0	186.1	599112	13.8	12.0	165.0
Interconnect Channels	46162	1.1	0.5	0.5	63920	1.5	0.5	0.7
Back Waters	3106	0.1	2.0	0.1	0	0.0	2.0	0.0
Deep Water- Enhanced (FP)	0	0.0	12.0	0.0	0	0.0	12.0	0.0

	Zone 2 - Crystal Creek				Zone 2 - Black Slough			
	Area		Depth	Volume	Area		Depth	Volume
	ft²	Acres	Avg. Depth (ft)	Avg. Vol. (Acre-Ft)	ft²	Acres	Avg. Depth (ft)	Avg. Vol. (Acre-Ft)
Totals	***343465***	***7.9***		***66.4***	***744129***	***17.1***		***174.6***
Constructed Wetland (CW)	94813	2.2	1.0	2.2	109680	2.5	1.0	2.5
Oxbows (OX)	232099	5.3	12.0	63.9	246347	5.7	12.0	67.9
Interconnect Channels	14304	0.3	0.5	0.2	9369	0.2	0.5	0.1
Back Waters	2248	0.1	2.0	0.1	1046	0.0	2.0	0.0
Deep Water- Enhanced (FP)	0	0.0	12.0	0.0	377687	8.7	12.0	104.0

	Zone 3 - Wilow Creek			
	Area		Depth	Volume
	ft²	Acres	Avg. Depth (ft)	Avg. Vol. (Acre-Ft)
Totals	***100129***	***2.3***		***22.6***
Constructed Wetland (CW)	0	0.0	1.0	0.0
Oxbows (OX)	81225	1.9	12.0	22.4
Interconnect Channels	18415	0.4	0.5	0.2
Back Waters	489	0.0	2.0	0.0
Deep Water- Enhanced (FP)	0	0.0	12.0	0.0

	Irrigation Management Ponds			
	Area		Depth	Volume
	ft²	Acres	Avg. Depth (ft)	Avg. Vol. (Acre-Ft)
Totals	***2659763***	***61.1***		***122.1***
Constructed Wetland (CW)		0.0	1.0	0.0
Oxbows (OX)		0.0	12.0	0.0
Interconnect Channels		0.0	0.5	0.0
Back Waters	2659763	61.1	2.0	122.1
Deep Water- Enhanced (FP)		0.0	12.0	0.0

TOTAL CONSTRUCTED OPEN WATER SURFACE AREA (AC.):	***122.8***
TOTAL CONSTRUCTED OPEN WATER VOLUME (AC-FT):	***740.9***

Table 1: Heart Rock Ranch Open Water Area and Storage Volume

Condition #14 requires that "Prior to the diversion of water under this right, the right holder shall develop a plan acceptable to the Watermaster and the Department that may include a description of pond usage, installation of staff gages on ponds, stream gages on Willow Creek, Black Slough, Crystal Creek, Spring Creek and the collection of other data sources as required by the Watermaster to understand and monitor water use under this right. The Department retains the jurisdiction to require modification of the plan, now and in the future, as required by the Watermaster".

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To address Condition #14, a meeting was held with the Water District 37 Watermaster, Kevin Lakey, Heart Rock Ranch personnel and Brockway Engineering to review the water rights and constructed facilities to ascertain the elements of a water measurement and recording plan that would allow the Watermaster to administer this water right. Mr. Lakey identified four (4) surface water measuring sites along with the monitoring of 10 ground water wells that he believes will provide adequate flow data for administration of the water right. These sites have been instrumented and are shown on Figure 1. Table 2 describes the measuring facilities and device types as required, installed and approved by Mr. Lakey in association with conditions set forth in water right permit 37-22459. This report incorporates the elements of the Heart Rock Ranch report required by Condition #14 of the permit.

Measurement Location:	Source:	Measurement Device:
Black #61	Big Wood River	48" Parshall Flume
Diversion #32	Crystal Creek	Standard Rectangular Suppressed Weir
FP2 Outlet	Black Slough	Standard Rectangular Suppressed Weir
Spring Creek Pivots	Willow Creek	In-Line Flow Meters
Ground Water Wells	Ground Water	In-line Flow Meters

Table 2: Watermaster Requested Flow Measurement Sites, Heart Rock Ranch Water Right 37-22459

The standard rectangular weirs that have been installed are capable of diverting the flow rates authorized under HRR's existing water rights. Table 3 describes the rating table for the standard rectangular suppressed weirs that have been installed on the property. An example of a standard rectangular weir that has been installed on the property associated with Diversion #32 can be seen in Figure 8. The FP2 Outlet diversion structure can be seen in Figure 9. Siemens Sitrans FM Magflow 8000 model 7ME6880 in-line magnetic flow meters have been installed on all wells shown in Figure 1. During 2015, WD37 Watermaster diversion records for the ground water wells on the property reported a calculated average daily diversion rate of 5.8 cfs using data collected by the Watermaster from 12/5/14 through 12/2/15. An example of an inline flow meter installed on wells on the property can be seen in Figure 10. These same delivery records show diversion through the Black #61 diversion in excess of 44.9 cfs during 2015. The 48" parshall flume installed at this location can be seen in Figure 11. The Idaho Power Willow Creek rated section measurement location can be seen in Figure 12.

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PROJECT:	Heart Rock Ranch-Water Measurement Boxes
DATE:	4/9/2012
LOCATION:	Discharge Rating Tables-Measurement Boxes Stick Weir
TYPE OF WEIR:	Standard Rectangular Suppressed Q=3.33*L *h^1.5
CREST LENGTH (FT):	3.6542 ft = 43.85 inches <<<
ADJUSTMENT FOR WEIR LENGTH	$Q_A=Q_{TABLE}$ X LENGTH/43.85 Q_A= Adjusted Discharge
VELOCITY CORRECTION:	None

NOTE: No permanent staff gage is installed. Head on weir is measured with a weir stick

DISCHARGE IN CUBIC FEET PER SECOND

HEAD IN FEET	0	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
0	0.00	0.01	0.03	0.06	0.10	0.14	0.18	0.23	0.28	0.33
0.1	0.38	0.44	0.51	0.57	0.64	0.71	0.78	0.85	0.93	1.01
0.2	1.09	1.17	1.26	1.34	1.43	1.52	1.61	1.71	1.80	1.90
0.3	2.00	2.10	2.20	2.31	2.41	2.52	2.63	2.74	2.85	2.96
0.4	3.08	3.19	3.31	3.43	3.55	3.67	3.80	3.92	4.05	4.17
0.5	4.30	4.43	4.56	4.70	4.83	4.96	5.10	5.24	5.37	5.51
0.6	5.66	5.80	5.94	6.08	6.23	6.38	6.52	6.67	6.82	6.97
0.7	7.13	7.28	7.43	7.59	7.75	7.90	8.06	8.22	8.38	8.54
0.8	8.71	8.87	9.04	9.20	9.37	9.54	9.70	9.87	10.05	10.22
0.9	10.39	10.56	10.74	10.91	11.09	11.27	11.45	11.62	11.81	11.99

Table 3: Rating Table for Standard Rectangular Suppressed Weirs.

The Watermaster does not require flow measurements at each of the 109 storage ponds. Flow measurements at the Black 61 diversion from Big Wood River are measured by the Watermaster and the four (4) other surface water sites are measured weekly during the irrigation season by the manager of the ranch (see attached letter and memo). All measurements are reported to the Watermaster at his request. Annual well diversion volumes are collected by the Watermaster.

Willow Creek is also measured under a joint funding plan by Water District 37, Heart Rock Ranch, and Idaho Power Company. This site on Willow Creek is located in T.01S R.18E Sec21 NW ¼ SE ¼ B.M., and is a discharge rated section which is maintained by Idaho Power Company and published on their public website (Idaho Power Streamflow Data Station List, Sta. No. 13140900). The Watermaster indicated that he does not use the data from this lower Willow Creek site for administration of water right 37-22459.

In 2011 after construction was completed, the pond system was filled from all sources and performance of the ponds, streams and structures was observed. Five ponds exhibited high seepage rates and were successfully treated with ESS13 to reduce the seepage. During the 2011 irrigation season, a total of 47 .5 acres of authorized irrigated area was

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not irrigated to mitigate for the first-fill volumes of the ponds. The specific 47.5 acres are delineated on Figure 7.

The pond in Section 13, T1S R18E is utilized both as an irrigation management pond and Recreation, Aesthetic and Wildlife pond. The water supply for this pond is provided by two artesian wells located in the NENW of Sec 13. The two wells which supply the pond are included as POD/s on water right 37-2538 and the pond provides regulation for an irrigation volume of 2.7 acre feet which is the 24 hour rate for a discharge of 1.35 cfs. Water right permit 37-22459 limits the use of these ponds to a total volume of 34 acre feet and to the use of 2.7 acre feet in a 24 hour period for irrigation. Pond operation is a flow through operation and generally the pond level fluctuates about 1 foot during each irrigation. Since the pond area is about 2.3 acres, the pond volume utilized for storage regulation for irrigation is about 2.0 to 3 acre feet (Wes Tinsley, personal observation).

Condition #8 on water right permit 37-22459 limits the diversion to storage in off-stream ponds to specific discharge rates. Flow measurements at these sites are addressed in Condition #14 as required by the Watermaster. Condition #8 is duplicative and removal of Condition #8 from the permit is recommended as flow rates diverted to the pond system do not exceed the cumulative flow rates associated with all water rights owned by HRR that can physically be used to fill the storage features.

All other conditions under water right permit 37-22459 have been met.

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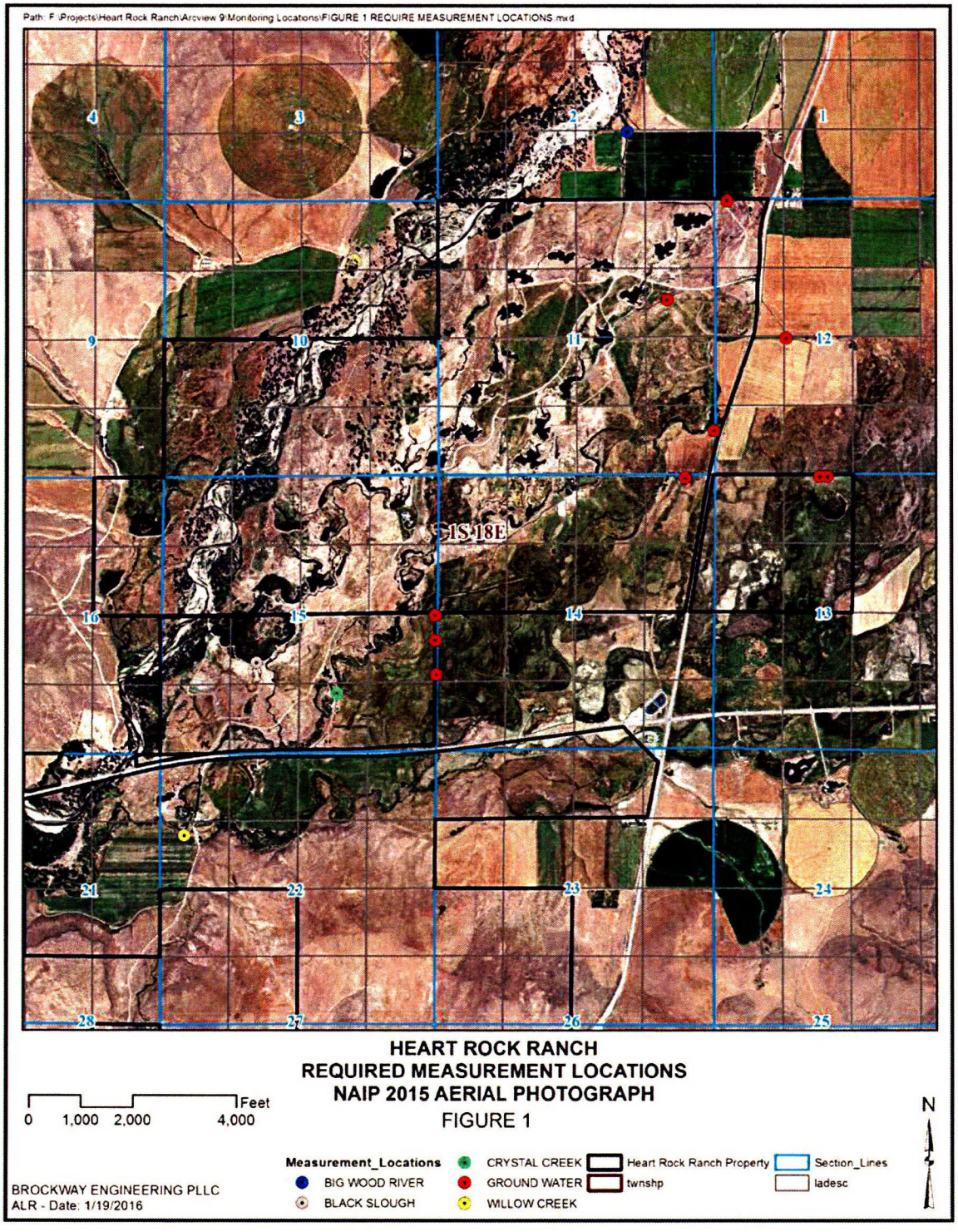


Figure 1: WD37 Watermaster Required Measurement Locations.

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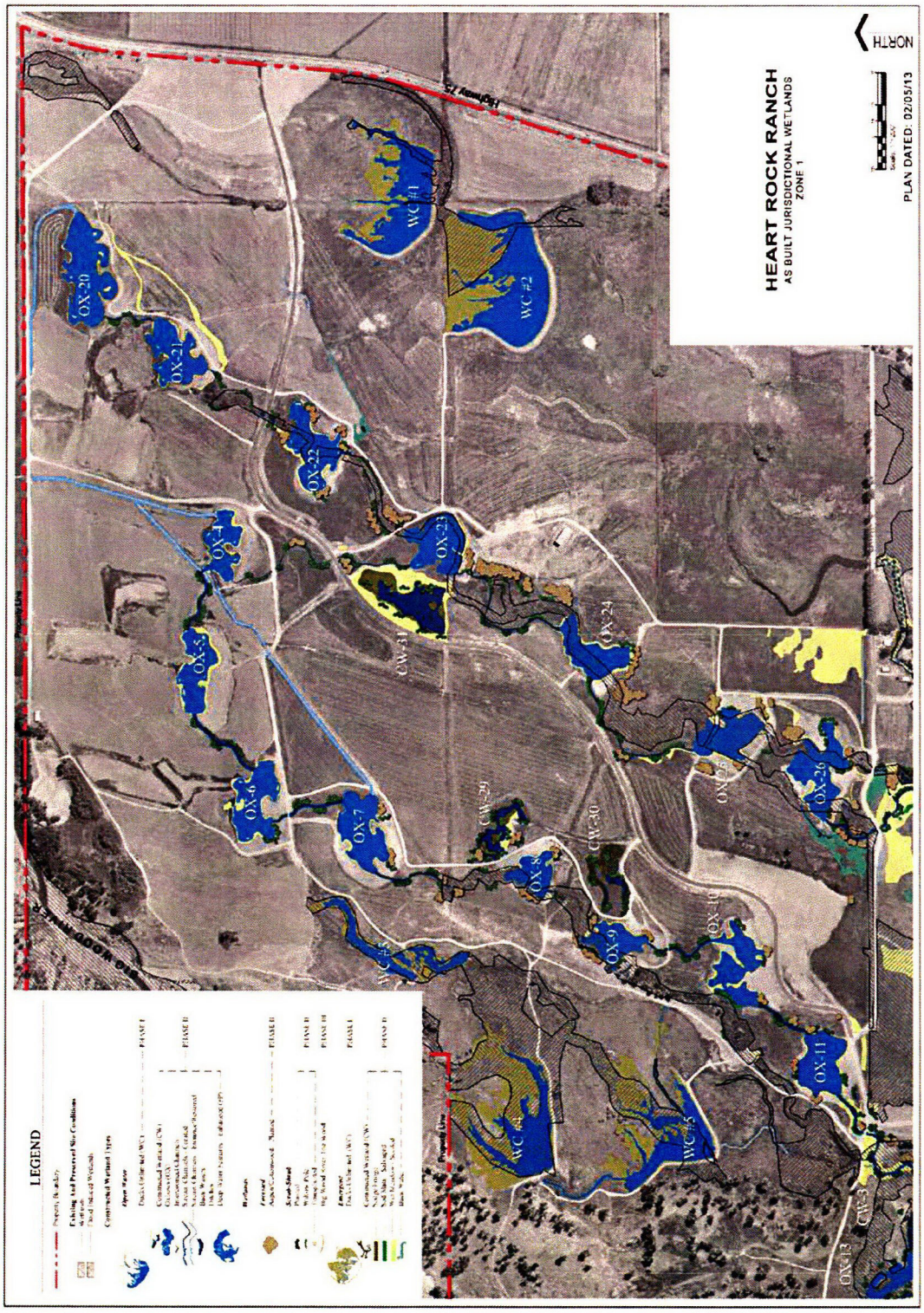


Figure 2: Open Water, Zone 1 As Built Map.

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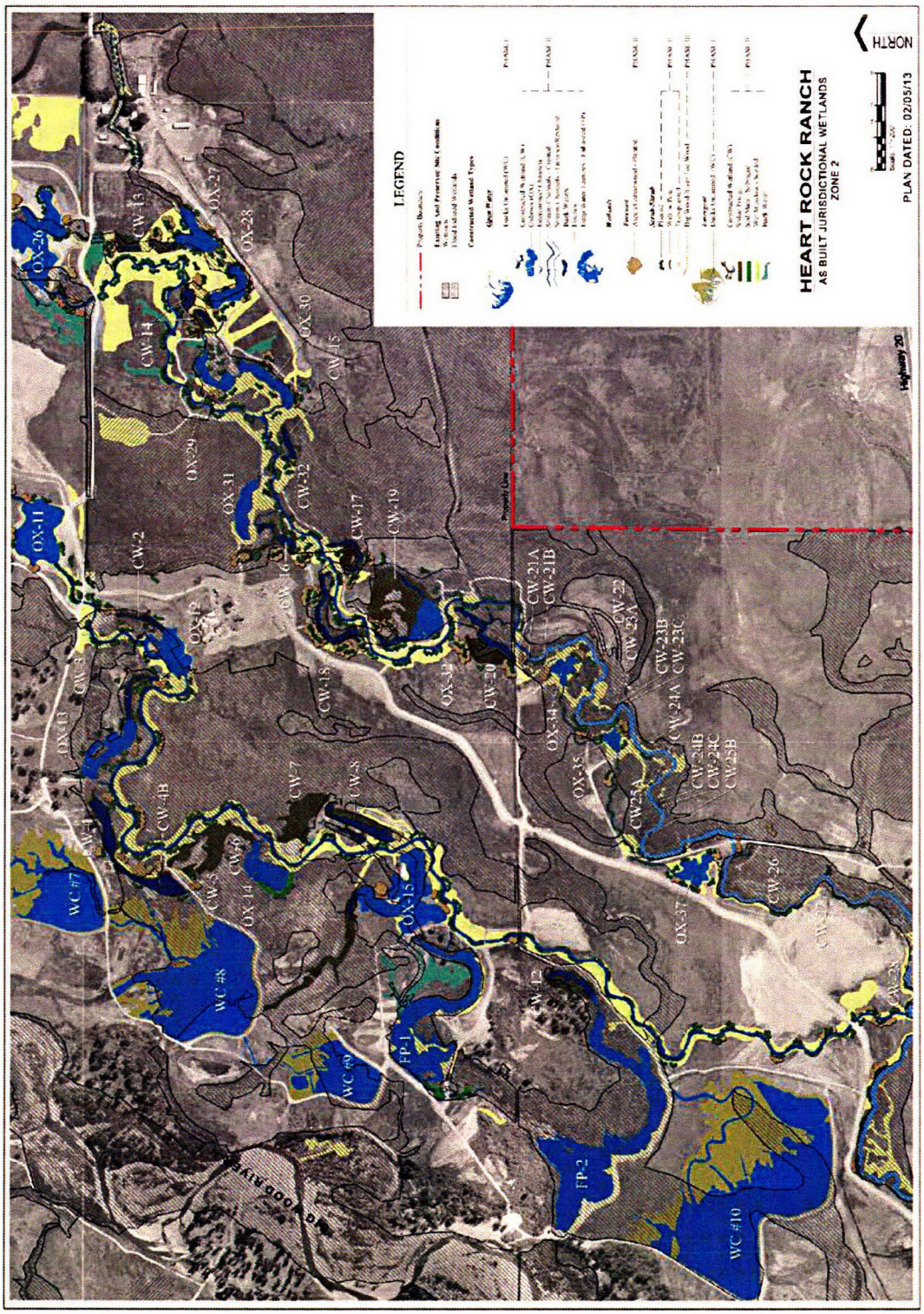


Figure 3: Open Water, Zone 2 As Built Map.

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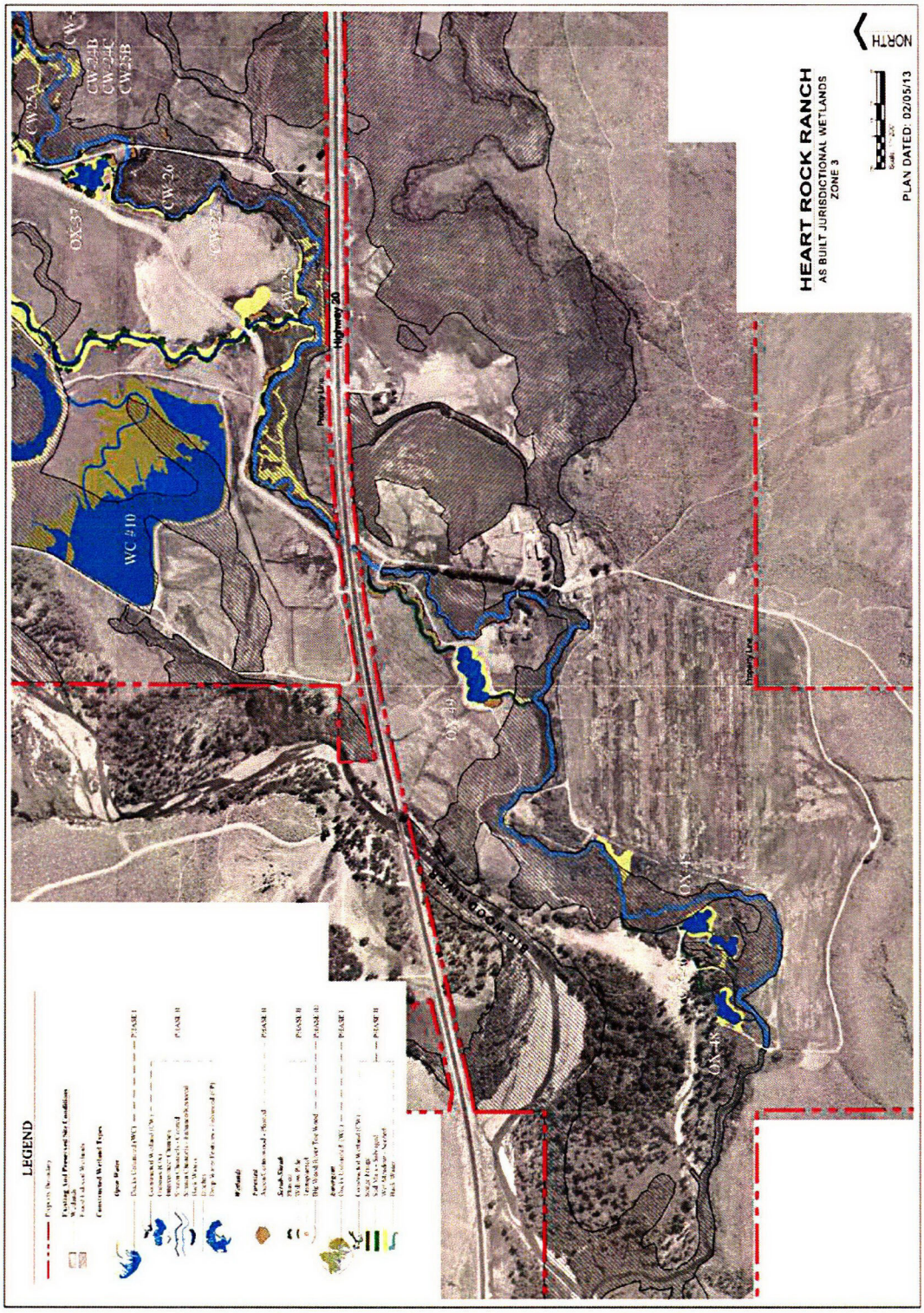


Figure 4: Open Water, Zone 3 As Built Map.

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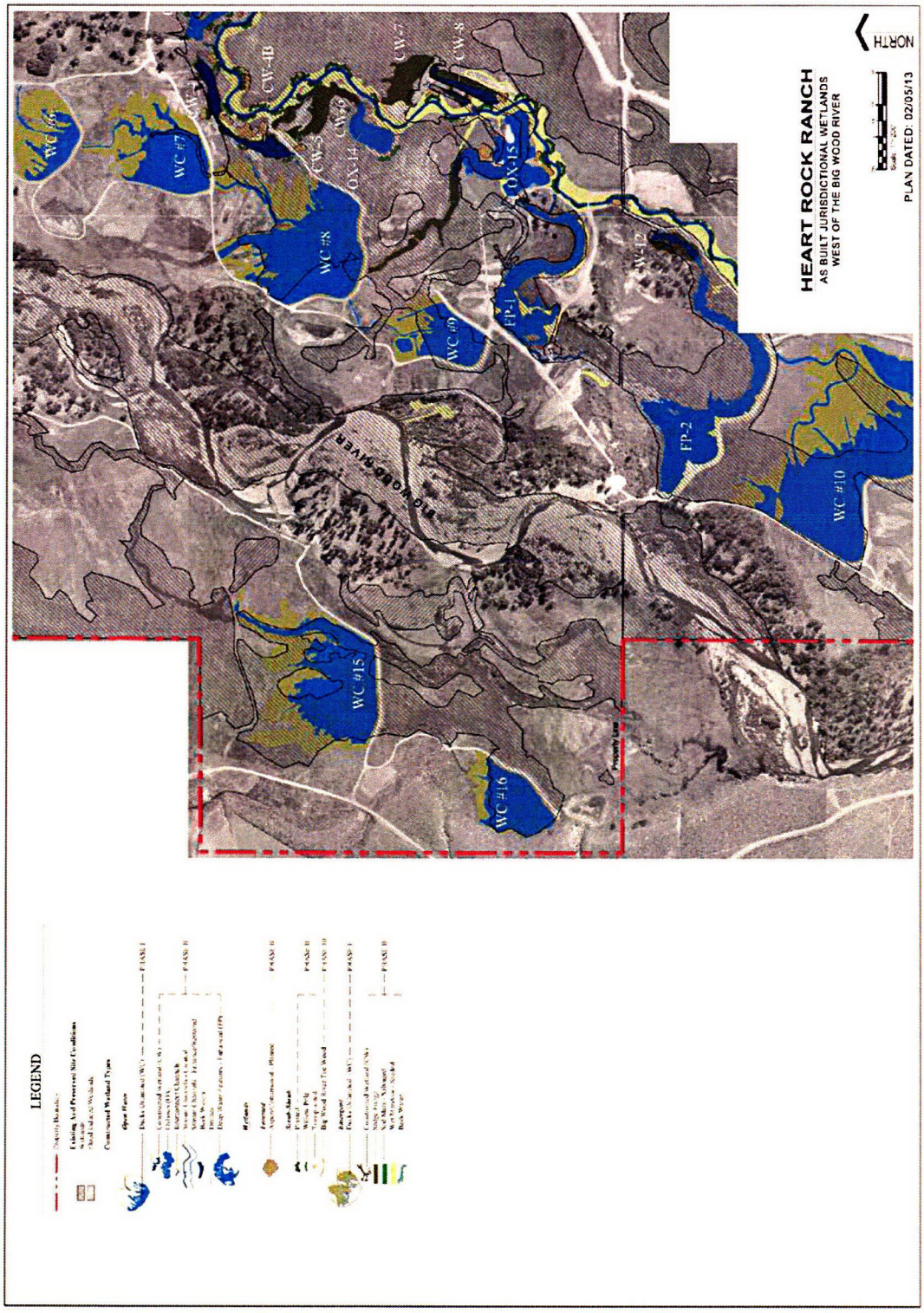


Figure 5: Open Water, West of Big Wood River As Built Map.

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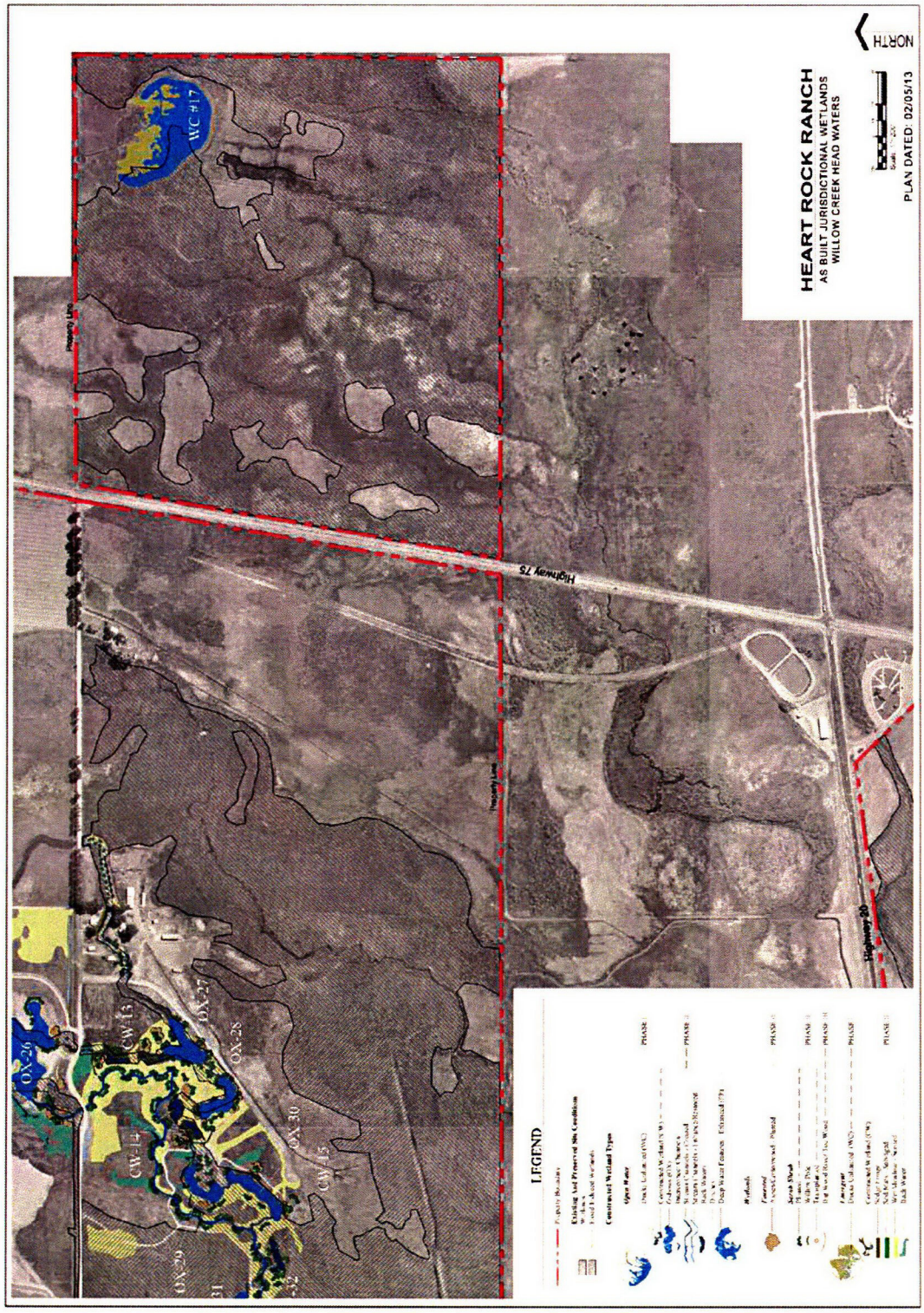


Figure 6: Open Water, Willow Creek Headwaters As Built Map.

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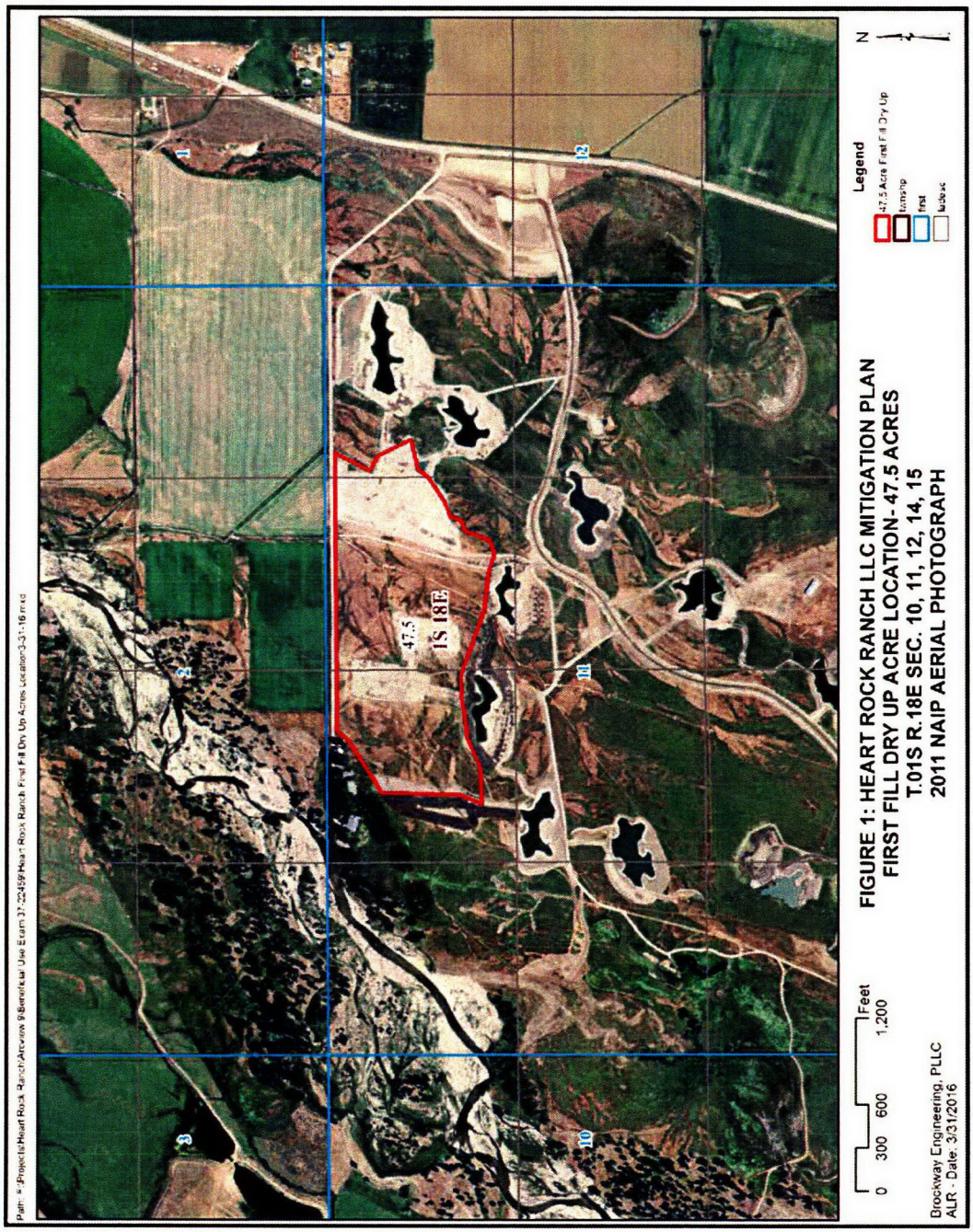


Figure 7: Location of 47.5 Acres Dried Up in 2011 for First Fill.

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Figure 8: Standard Suppressed Rectangular Weir.



Figure 9: FP2 Outlet Standard Suppressed Rectangular Weir.

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Figure 10: Example of In-line Flow Meter on Ground Water Well



Figure 11: Black #61 Diversion Flume.

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Figure 12: Idaho Power Willow Creek Rated Section Measurement Location.

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HEART ROCK RANCH LLC

ATTACHMENT 1:

Points of Diversion Requiring Measurement Per District 37 Watermaster Kevin Lakey:

GROUND WATER	NENENW Sec. 13 Township 01S Range 18E BLAINE County A4
GROUND WATER	NENENW Sec. 13 Township 01S Range 18E BLAINE County A5
GROUND WATER	NWSENE Sec. 11 Township 01S Range 18E BLAINE County A1
GROUND WATER	NWNWNW Sec. 12 Township 01S Range 18E BLAINE County A2
GROUND WATER	NENENE Sec. 14 Township 01S Range 18E BLAINE County A3
GROUND WATER	NENESE Sec. 15 Township 01S Range 18E BLAINE County A6
GROUND WATER	NENESE Sec. 15 Township 01S Range 18E BLAINE County A7
GROUND WATER	SENESE Sec. 15 Township 01S Range 18E BLAINE County A8
GROUND WATER	NESESE Sec. 11 Township 01S Range 18E BLAINE County WEST MCGONIGAL
GROUND WATER	NWNESW Sec. 12 Township 01S Range 18E BLAINE County EAST MCGONIGAL
BIG WOOD RIVER	NESWSE Sec. 2 Township 01S Range 18E BLAINE County BLACK #61
CRYSTAL CREEK	NESWSE Sec. 15 Township 01S Range 18E BLAINE County DIVERSION #32
BLACK SLOUGH	SENWSW Sec. 15 Township 01S Range 18E BLAINE County FP #2 DIVERSION
WILLOW CREEK	NWSWNW Sec. 22 Township 01S Range 18E BLAINE County SC PIVOT PUMPS

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ATTACHMENT 2:

Place Of Use

RECREATION STORAGE within BLAINE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	18E	10													X		X	X	
01S	18E	11	X	X	X	X	X		X	X	X	X	X	X	X	X			
01S	18E	12						X	X										
01S	18E	13					X												
01S	18E	14					X	X	X										
01S	18E	15	X	X	X	X	X	X		X	X	X	X	X	X	X	X		
01S	18E	16	X			X													
01S	18E	21	X		X	X										X			
01S	18E	22					X	X	X										

WILDLIFE STORAGE within BLAINE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	18E	10													X		X	X	
01S	18E	11	X	X	X	X	X		X	X	X	X	X	X	X	X			
01S	18E	12						X	X										
01S	18E	13					X												
01S	18E	14					X	X	X										
01S	18E	15	X	X	X	X	X	X		X	X	X	X	X	X	X	X		
01S	18E	16	X			X													
01S	18E	21	X		X	X										X			
01S	18E	22					X	X	X										

AESTHETIC STORAGE within BLAINE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	18E	10													X		X	X	
01S	18E	11	X	X	X	X	X		X	X	X	X	X	X	X	X			
01S	18E	12						X	X										
01S	18E	13					X												
01S	18E	14					X	X	X										
01S	18E	15	X	X	X	X	X	X		X	X	X	X	X	X	X	X		
01S	18E	16	X			X													
01S	18E	21	X		X	X										X			
01S	18E	22					X	X	X										

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Project No. 787-09-2011

Water Right Permit 37-22459, Condition #14; Measurement Plan for District 37 Watermaster

Prepared for:

Heart Rock Ranch
Harry and Shirley Hagey

January 19th 2016

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SOUTHERN REGION

For information concerning this report, contact

Charles E. Brockway, Ph.D., P.E.
Zach Latham, M.S., Hydrologist

BROCKWAY ENGINEERING P.L.L.C.

CHARLES E. BROCKWAY, PH.D., P.E.
CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, IDAHO 83301

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Project No. 787-09-2011

Water Right Permit 37-22459, Condition #14; Measurement Plan for District 37 Watermaster

Prepared for:

Heart Rock Ranch
Harry and Shirley Hagey

January 19th 2016

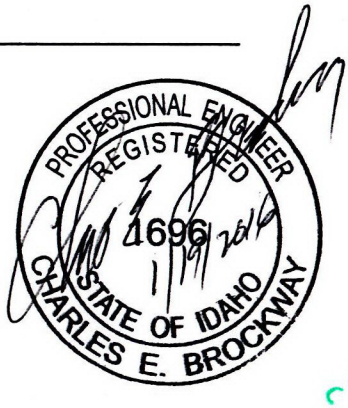
For information concerning this report, contact

Charles E. Brockway, Ph.D., P.E.
Zach Latham, M.S., Hydrologist

BROCKWAY ENGINEERING PLLC

CHARLES E. BROCKWAY, PH.D., P.E.
CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON, SUITE 4
TWIN FALLS, IDAHO 83301



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General

Heart Rock Ranch LLC (HRR), is private ranch located in Sections 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 26, 27 and 28 T.01S R.18E south of the City of Bellevue, Blaine County, Idaho. Water right permit 37-22459 was approved on April 12th of 2011 and proof of development under the permit is due to IDWR on April 1st 2016. Condition number 8 on water right permit 37-22459 is addressed in Condition #14. A waiver will be filed which will request to omit condition #8 from the permit as Condition #14 addresses measurement requirements on HRR as required by the District 37 Watermaster.

Condition number 14 on water right permit 37-22459 states "Prior to diversion of water under this right, the right holder shall develop a plan acceptable to the Watermaster and the Department that may include a description of pond usage, installation of staff gages on ponds, stream gages on Willow Creek, Black Slough, Crystal Creek, Spring Creek and the collection of other data sources as required by the Watermaster to understand and monitor water use under this right. The Department retains the jurisdiction to require modification of the plan, now and in the future, as required by the Watermaster." This plan is intended to satisfy this condition.

Water Measurement Requirements

Per a late 2015 meeting with the current District 37 Watermaster, Kevin Lakey, and HRR, the locations where discharge measurements are required are shown on Figure 1. These measurement locations were selected and approved by Mr. Lakey in this meeting.

Measuring Devices

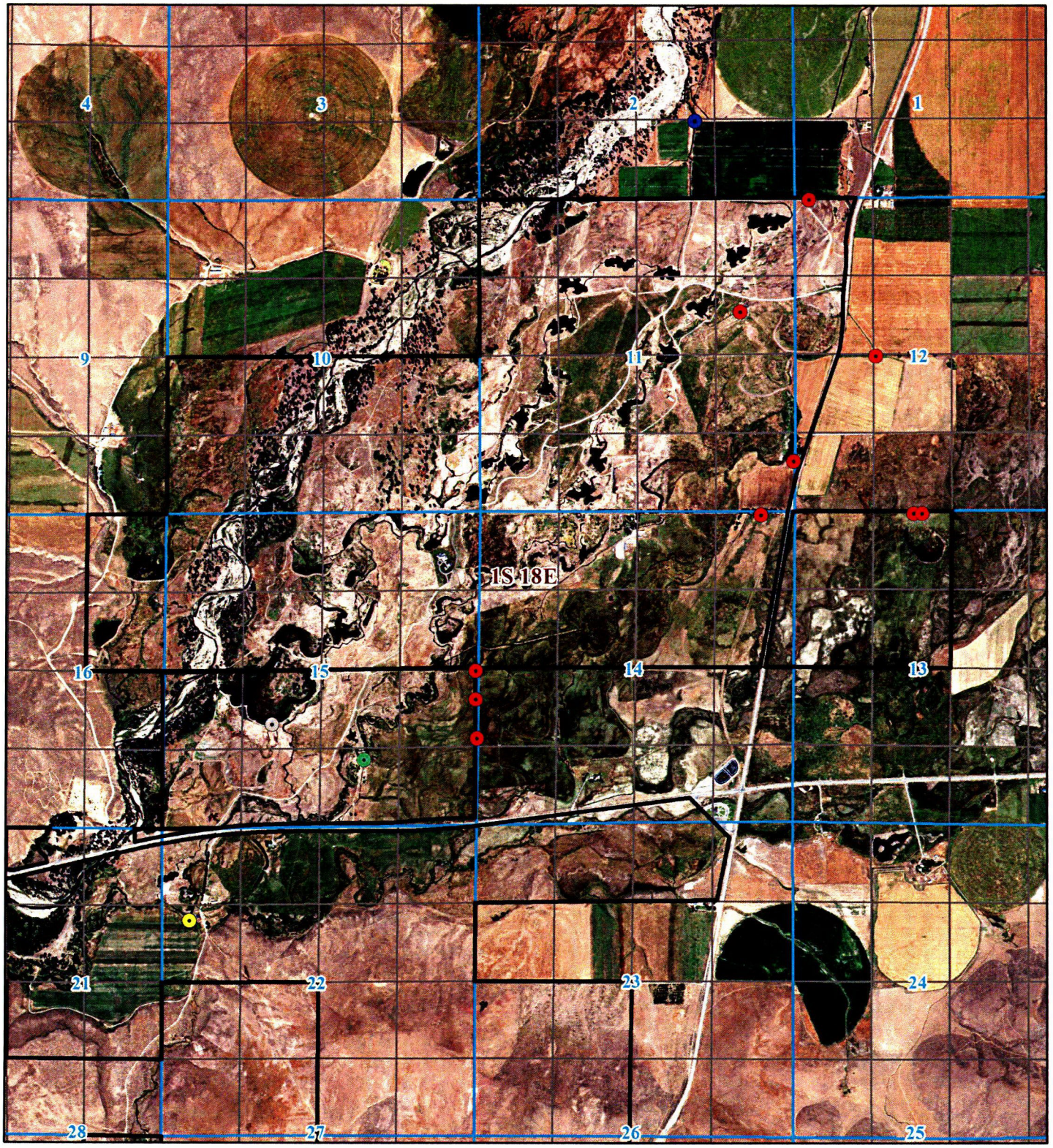
Acceptable measurement devices have been installed at locations specified by the District 37 Watermaster as required in association with permit 37-22459. Table 1 describes measurement locations and device types as required and approved by Mr. Lakey in association with conditions set forth in water right permit 37-22459.

Measurement Location:	Source:	Measurement Device:
Black #61	Big Wood River	48" Parshall Flume
Diversion #32	Crystal Creek	Standard Rectangular Surpressed Weir
FP2 Outlet	Black Slough	Standard Rectangular Surpressed Weir
Spring Creek Pivots	Willow Creek	In-Line Flow Meters
Ground Water Wells	Ground Water	In-line Flow Meters

Table 1: Measurement locations required by the District 37 Watermaster for 37-22459.

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Path: F:\Projects\Heart Rock Ranch\Arcview 9\Monitoring Locations\FIGURE 1 REQUIRE MEASUREMENT LOCATIONS.mxd



HEART ROCK RANCH
REQUIRED MEASUREMENT LOCATIONS
NAIP 2015 AERIAL PHOTOGRAPH
FIGURE 1

0 1,000 2,000 4,000 Feet

N

Measurement_Locations
- BIG WOOD RIVER
- BLACK SLOUGH
- CRYSTAL CREEK
- GROUND WATER
- WILLOW CREEK
- Heart Rock Ranch Property
- twnshp
- Section_Lines
- ladesc

BROCKWAY ENGINEERING PLLC
ALR - Date: 1/19/2016

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37
107 WEST 1ST
SHOSHONE, IDAHO 83352
(208) 886/2451

Kevin Lakey
Watermaster

February 2, 2016

Brockway Engineering
Attn: Charles E. Brockway and Zach Latham
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301

Idaho Department of Water Resources
Attn: Allen Merritt
650 Addison Ave. West, Suite 500
Twin Falls, Idaho 83301-5858

Gentlemen:

I have reviewed the Measurement Plan for water right permit #37-22459 as presented by Brockway Engineering and sent to me on January 19, 2016. I believe the plan provides the necessary description of measuring points within the Heart Rock Ranch system. Additionally, I believe the referenced points will give the Watermaster the necessary information to administer the water right.

Respectfully,

Kevin Lakey
Water District 37

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ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

April 1, 2016

Mr. Allen Merritt
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

Re: Beneficial Use Field Report-Heart Rock Ranch 37-22459

Dear Allen:

Please find enclosed the Statement of Completion and the Beneficial Use Field Report for Water Right Permit 37-22459 for the Heart Rock Ranch, LLC.

As we discussed in a previous meeting, Condition 14 of the approved permit requires the development of a flow measurement and reporting plan as required by the Watermaster. A plan was submitted to Kevin Lakey, Watermaster District 37 and approved. This plan (see attached) includes acceptable measuring devices for 4 principle surface water diversions and flow meters on 10 artesian wells.

Please contact me if you need further explanation of the project or operations.

Sincerely,

Charles E. Brockway, P.E., PhD.
Certified Water Rights Examiner

Cc: Harry Hagey
Enclosed Beneficial Use Field Report and Narrative
Statement of Completion
Measurement Plan

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

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