

17
20

18
21

SWNW

27.0

SENW

20.7

33-07010

NESW

32.3

Rocky Ross

Looking Northwesterly

PHOTO 4

Looking Northwesterly Photo Shows Rocky Ross At The Survey Monument Which Is Just On The South Bank Of The Unnamed Stream Shown In Photo 5.

Well
33-07010 Lic.
33-07191 Per.

Rocky Ross At Monument



23 Oct 96
ABR

Rocky Ross

Looking Westerly

PHOTO 5

Photo Shows The N-S Relationship Of The Well And The Survey Monument.

The Well Was Originally Licensed With A 3/19/1971 Priority Date. Licensed To William B. Robinson. Transfer No. 3809 Caused The Priority Date To Be Advanced To 7/2/1990.

Lost River Range

Well
33-07010
33-07191



UNNAMED STREAM

23 Oct 96
ABR

Rocky Ross

Looking Easterly

PHOTO 6

This Photo Shows The Relationship Of The Fences, Which Are Historic In Their Locations, To The Survey Monument Which Was Placed In 1978. Some Years Before Rocky Ross And Don Phillips Bought The Ranch.

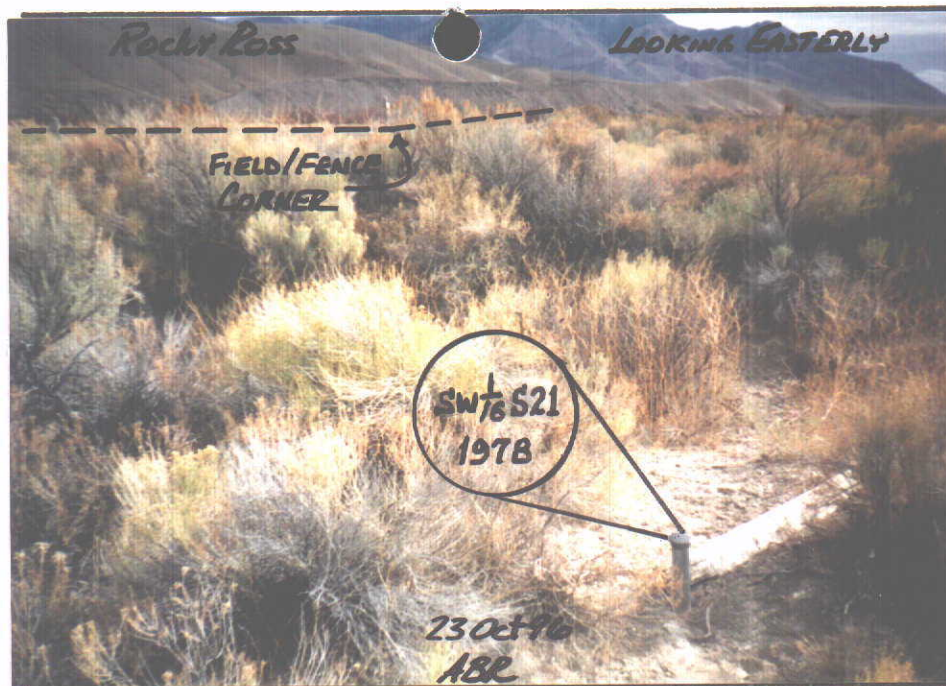
Well
33-07010 AND
33-07191



LEWIS RANGE

23 Oct 96
ABR

PHOTO DATE: 10/23/96
PHOTO BY: ABR



OTO 1.

Photo shows location of the field fence in relation to the survey monument. From this monument the north-south and east-west lines for the west side and the south side of NESW Sec. 21.

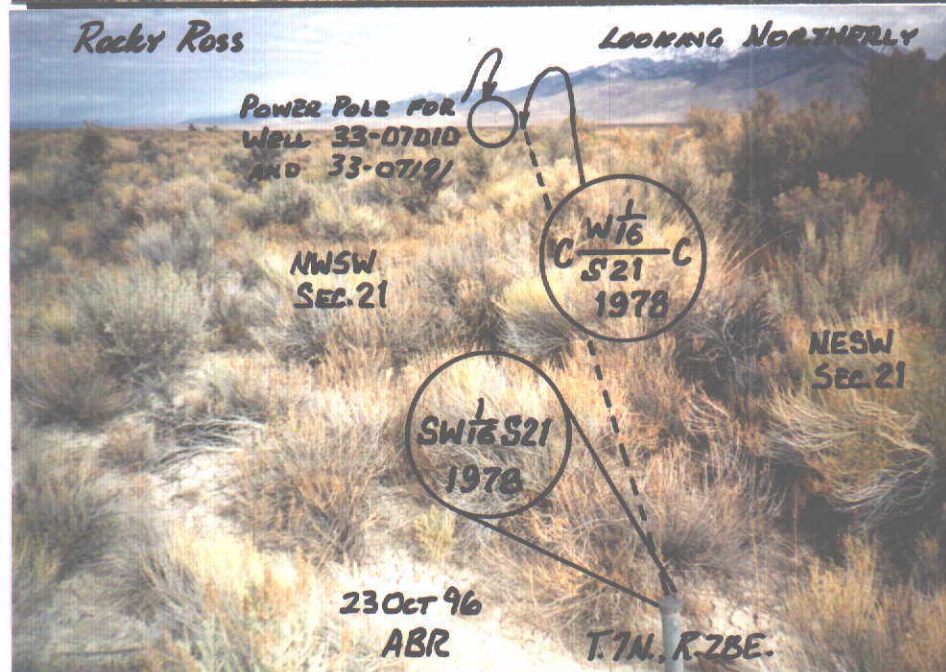


PHOTO 2.

SAME SURVEY MONUMENT AS Photo 1.

Shows the relationship of the two survey caps to the location of this well.

Clearly the well is in the NWSW Sec. 21, which is BLM land.

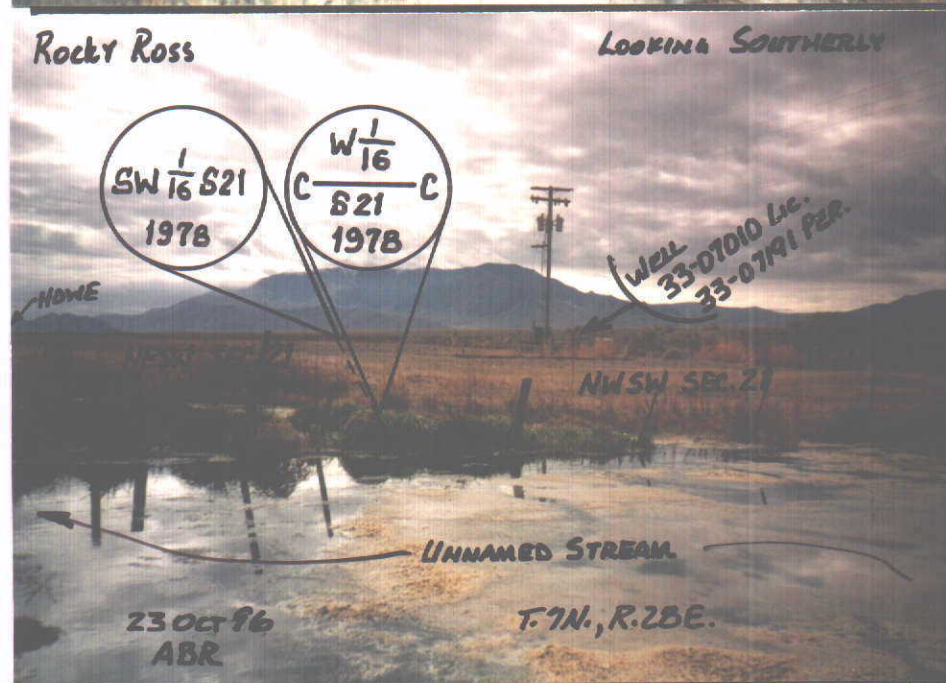


PHOTO 3.

Looking southerly the well and survey monuments location also show the well to be in NWSW Sec. 21.

PHOTO DATE: 10/23/96
PHOTO BY: ABR

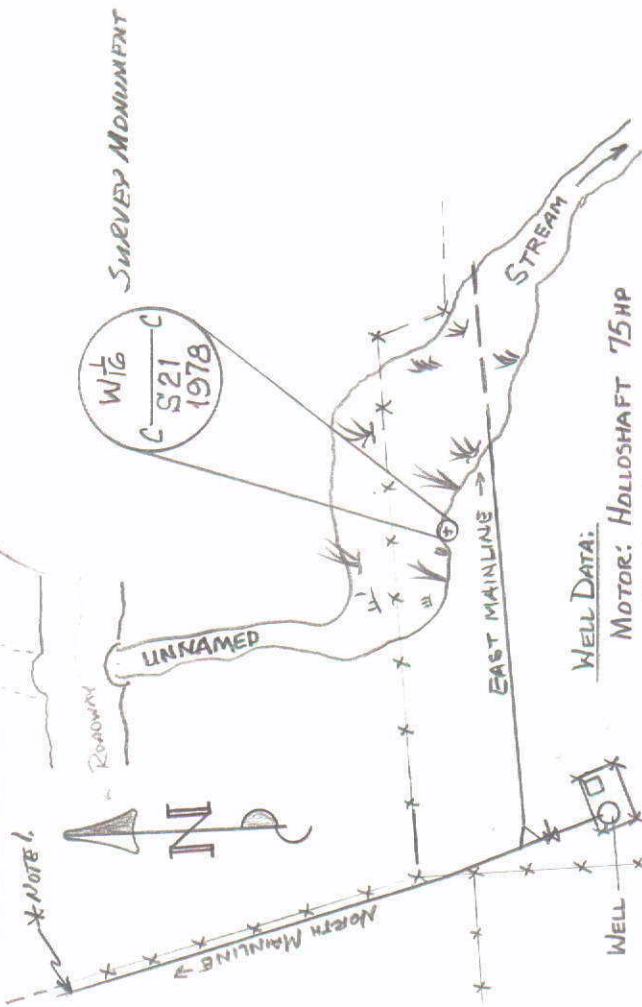
Permit 33-0791 Same P.O.D. (now-AJ)

But BMW knows
Well BMW knows
is on BMW

TRB:

10/2/96

11/10/16



8" LINE

NOTE:

SEE ADDITIONAL PHOTO
PAGES SUPPORTING THE
CHANGE AND/OR CORRECTION
OF THE POINT OF DIVER.
2 ANNOTATED PAGES.

SKETCH - NOT SCALE





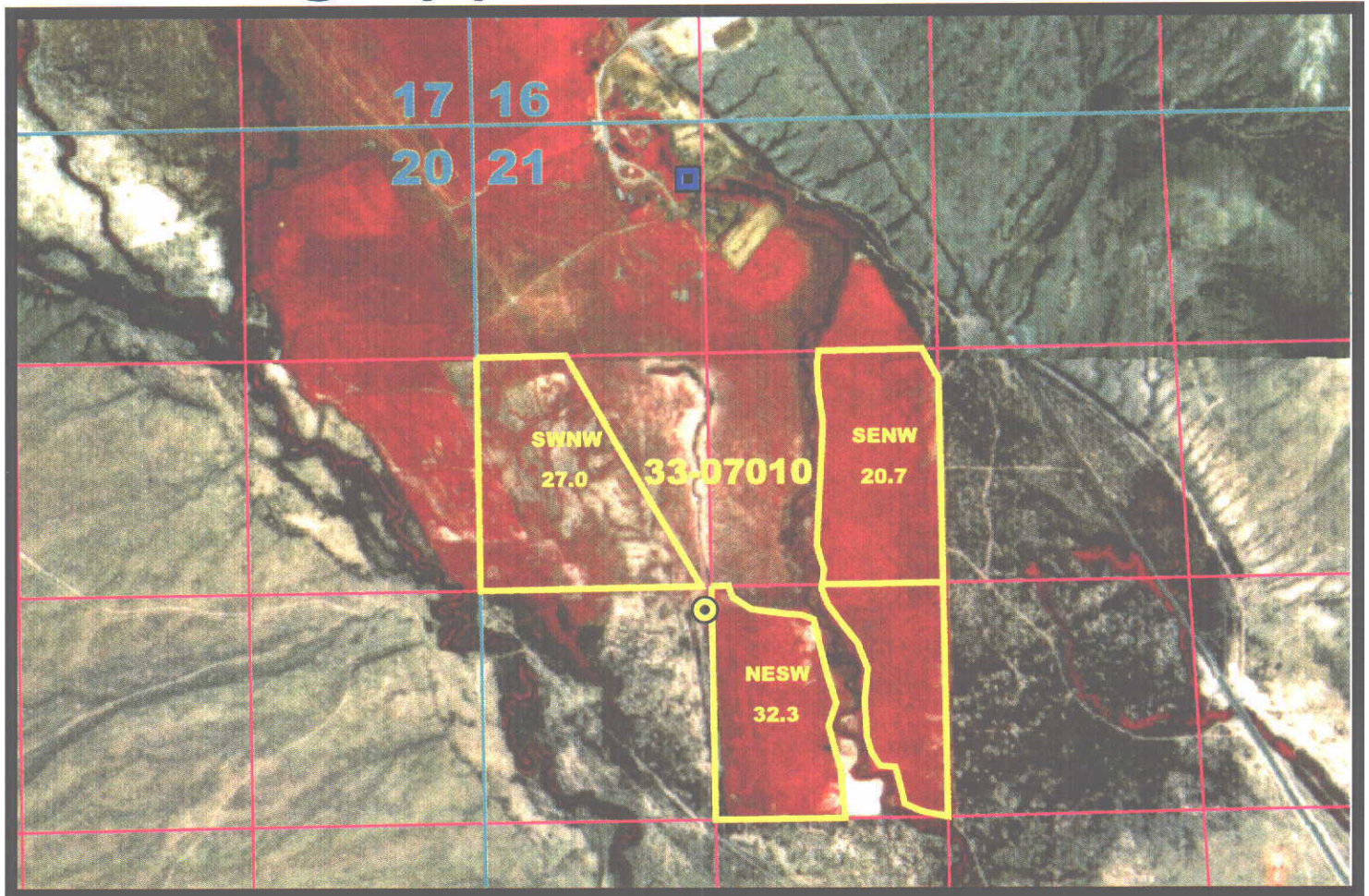
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: R. Ross & D. Phillips

Water Right(s): 33-07010



500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 Feet

LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line



Quarter-section line

**Place(s) of Use: T.7N., R.28E.
Sec. 21 (Parts of) S2NW, NESW**

**Point(s) of Diversion: T.7N., R.28E.
Sec. 21 NENWSW**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: November 1999

11 April 2000

From: [illegible] 10 April 2000

To: Fred Price, BLM-ISO

CC: Candice McHugh, IDWR ADJUD.

From: A. Ruberry, IDWR Eastern Region

Re: B33 Irr POD's objected to by BLM

POD LOCATION

T11N R26E S10 NWNENE

This legal description defines the beginning of a channelized portion of Sawmill Creek. Apparently back in the 1920'-1930's there were several attempts tried to preserve water from Sawmill Creek because the stream would "break". Among them were things like a canal dug from Sawmill Creek to Summit Creek and a channelization project aimed at cleaning and to some extent straightening the Sawmill Creek channel as it flowed across Mud Flats (ref: OQ U-82).

*See ATTACHMENT
LIST of S.W.
CR RIGHTS*

In review of the adjudication claims from Sawmill Creek and the Little Lost River, it was initially considered that the source(s) could all be Little Lost River since it was difficult to determine where Little Lost River started and Sawmill Creek ended. Seeing no difference in source recommendations of Sawmill Creek claims were changed to Little Lost River. The Preliminary Director's Report was filed only to find that Sawmill Creek now occasionally breaks at the shearing corrals, which is about half-mile upstream from the confluence of Sawmill Creek and Summit Creek; The beginning of the Little Lost River. This new information seriously impacted recommendations since the Sawmill Creek claims, now changed to Little Lost River, became senior to the junior Little Lost River rights, causing injury to the junior Little Lost River appropriators.

Ultimately, the source issue was changed back to Sawmill Creek. Now a problem arose where a Point of Diversion had to be defined for the Sawmill Creek claims since actual deliveries are made from Little Lost River (except 33-00107 which is a true Sawmill Creek right, but, Decreed as a Little Lost River right). The 1927 Decree states "at the mouth of Sawmill Creek". However, there were no rights diverted at the mouth of Sawmill Creek. And, the dilemma of where was the mouth of Sawmill Creek. In consideration of the channelization project aimed at preserving waters of Sawmill Creek it was determined that the channelization had in-fact changed the streambed to a canal, saving water. Therefore, the beginning of the channelization would now become the Point of Diversion and the ending of the channelization would be a Point of injection back into the Sawmill Creek stream channel. The Point of Injection is near the shearing corrals, about half-mile upstream from the confluence of the streams. The Sawmill Creek claims Point(s) of Diversion are recommended as Points of Re-diversion from Little Lost River at or near their respective Place(s) of Use. This recommendation preserves both the source and the Sawmill Creek priority dates and, forgoes the injury issue of junior Little Lost River rights.

T9N R27E S4 SWNWNE

This objection is a true error. Apparently a typographical error was made during the recommendation process. The TRUE Point of Diversion should read **T9N R26E S4 SWSWNE**. The claimant, Mr. Waymire has been notified and is now aware of the issue.

33-00033
00037
000930

T11NR27E S31 NESESE

BLM believes this POD should read S31 SENESE based on GPS data. However, during the field exam of these claims several Points of Diversion were identified to include the one in question. The recommended POD in-question is an actual Point of Diversion where an unnamed stream intersects with the collector ditch and can be verified using OQ V-32. The site proposed by the BLM is a drainage that was dry during the field exam, thus no recommended POD.

33-00055
33-7087

T6N R28E S2 SESWSW

Specifically named is SRBA claim 33-10995. This claim identifies private lands historically irrigated by the Hawley's, later sold without water. The Point of Diversion used during the irrigation era is on BLM but is now longer used. The claimant filed this SRBA claim and Transfer No. 4551 in an effort to preserve the acreage irrigated by surface water. The transfer is in-place awaiting the BLM objection to prompt IDWR to review and act. However, the transfer is currently protested.

33-00051 Thru
33-00060

T6N R 28E S11 SESENW

This is an historic Point of Diversion dating back to the late 1800's (according to the water right priority dates, 1885-1891) and is one of three serving the ranch. One of which previously mentioned above, T6N R28E S2 SESWSW. The other is within the private holding of the ranch.

33-10996 is an enlargement claim for acres on BLM lands that were historically irrigated by the Hawley's and is part of the Transfer No. 4551 aforementioned. BLM is aware of this claim and supports the transfer of acreage to private lands. As mentioned previously, the transfer is protested.

T7N R28E S21 NWNWSW

According to the Proof of Beneficial Use filed for this right (33-07010) this well dates to the 1940's. However, the Licensed date of priority was March 19, 1971, but then Transfer No. 3809 was filed to "unstack" surface and groundwater rights. As a result, the priority date of the well was advanced to July 2, 1990. Surface water decreed to this ranch date to 1885 to 1891.

This particular well dating to the 1940's (unsupported evidence of prior claimant) was located according to the initial survey dating to July 9, 1890, which no doubt established fence lines. A resurvey of the East line of Section 21 was done in August 1941. Then, in 1978, another resurvey was done as, evidenced by the monument caps. This 1978 resurvey puts the TRUE Point of Diversion of the 33-07010 well in the NENWSW (a BLM QQ). However, this matter was discussed with Ms Deena Teal, BLM, Idaho Falls District Office, in October of 1996, shortly after the discrepancy was found. Ms Teal indicated, at

Rocky Ross

that time, that since the well predated some 1976 ruling, by which BLM operated, they (BLM) would not protest the actual POD.

This basically explains the history of the well and the recommendation; however, the listing of the POD as NWNWSW is clearly an error. The CVR shows the POD to be located as NENWSW Sec. 21, which is accurate.

T8N R28E S31 SWNWSE

This POD defines a well used solely for mitigation and is defined as an amendment to the 1927 decree as a Judgement against Orville Nicholson, 1954.

The recommendation does define a Place of Use; however, this POU is by exchange with surface waters as defined in the Judgement. The period of use is 4/1 to 7/15 annually, when all this well does is deliver water to the river. The Objection is not to the Point of Diversion, but rather to the Point of Injection. And, in-fact, as recommended this Point of Injection is accurate.

T6NR29E S31 NWSWNW

This is another typographical error. The recommended POD should read T6N R29E Section 30 NWSWNW. There is a pending Transfer to correct the actual POD location to T6N R28E Section 25 NESENE.

33-02128
31B
48B
49B
50B
83C

Contor, Bryce
From: Contor, Bryce
Sent: Wednesday, January 19, 2000 4:27 PM
To: Ruberry, Allen; Carlsen, Ernie
Subject: Sawmill Creek Rights

This morning we met via teleconference with Dave Tuthill and Peter Anderson. One of the things we discussed was the Sawmill recommendations. During our call, Bill Stauffer called and reported that he had discussed the Sawmill recommendations with others, including Don Isham, James Andreason, and David Andreason. They all concur with the proposals in the January 6 letter. James Mays has sent us written concurrence.

Per Dave Tuthill's instructions to Al and me, I have gone ahead and changed the source of Sawmill Creek rights back to "Sawmill Creek, tributary to Little Lost River." The point of diversion is 11N 26E section 10, NWNENE, and the point of injection is 10N 27E section 18, NWSESW. The former points of diversion have been identified as points of redirection. I removed any comments relating to change of source and I removed condition C02.

The rights I changed were:

R33-00023B
R33-00030
R33-00043
R33-00077
R33-10070
R33-10073
R33-10084
R33-10086

I'll put a new profile report and a copy of this memo in each file.

There were other Sawmill rights which I did not change. These are:

R33-00038 1927 decree & claim list source as
Little Lost River
R33-00096B Recommended w/ source "Summit Creek"
R33-00107 Recommended originally w/ source
"Sawmill Creek"

33-10464 Stockwater claim already PD w/ source
"Sawmill Creek"

OCT 24 2000

CLERK

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase(s): 33-07010

Case No. 39576

ORDER SETTING HEARING

The court sets the following hearing in the above subcase(s):

☒ Motion to Amend

☐ Status Conference

☐ Settlement Conference

☐ Scheduling Conference

Date: November 28, 2000 3pm

Location: SRBA Court phone

DATED: 10/24/2000.

Brigitte Bilyeu
BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Order was hand delivered to the following:

Representative of:
Director of IDWR
PO Box 83720
Boise, ID 83720-0098

Billie & Donald Phillips
Carol & Rocky Ross

Representative of:
United States Dept. of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724

Yvonne Aronae
Deputy Clerk

DISTRICT COURT SRBA
FIFTH JUDICIAL DISTRICT
COUNTY OF TWIN FALLS, STATE OF IDAHO

OCT 24 2000

CLERK
DEPUTY CLERK

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

SUBCASE NO: 33-07010

(Insert Water Right Number)

Case No. 39576

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is: Rocky Ross Donald R. Phillips

My address is: Carol Ross Billie Phillips
P.O. Box 10 P.O. Box 5
Howe, Idaho 83244 Howe, Idaho 83244

My phone number is: Work: (208) 767-3124 Home: () 208-767-3124

I am an attorney representing:

My name is: _____

My address is: _____

My phone number is: () _____

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources (IDWR). Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:
The Point of Diversion (POD) claimed and the POD recommended in the
Director's Report do not accurately reflect the actual location of the well. The
POD claimed was NWNESW; the POD recommended was NWNWSW; the POD
should be described as NENWSW, S21, T07N, R28E.

☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

See attached Amended Notice of Claim

AMENDED NOTICE OF CLAIM

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 33-07010

NAME & ADDRESS: ROCKY ROSS
CAROL ROSS
PO BOX 10
HOWE ID 83244

DONALD R PHILLIPS
BILLIE PHILLIPS
PO BOX 5
HOWE ID 83244

SOURCE: GROUNDWATER

QUANTITY: 1.6 CFS
240.0 AFY

PRIORITY DATE: 07/02/1990

POINT OF
DIVERSION: T07N R28E S21

~~NWNESEW~~
NENWSW

Within BUTTE County

Fwp

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-15

QUANTITY
1.6 CFS
240.0 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION
T07N R28E S21

SWNW 27
SEnw 21
NESW 32

Within BUTTE County

80 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.

FWP

have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Ada

Billie Phillips
Carol Ross

Carol Ross, being first duly sworn, upon oath, deposes and says:

WE ARE

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A (1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Carol Ross
Signature of person filing motion

Billie Phillips

Attorney signing in representative capacity

Subscribed and sworn to before me on 10/24/00

(Insert Date)

Vicky L. Urmig

Notary Public for Idaho

Residing at: Boise

My Commission expires: 1/27/06

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 10/24, 2000, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

hand

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

hand

United States, Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

hand

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.

U.S.D.I., Bureau of Land Management
Idaho State Office
(objector at the address above)

Carol Ross
Signature of person or attorney mailing the form

East
EMC

RECEIVED

NOV 30 2000

200 NOV 29 AM 8:47

Department of Water Resources

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Subcase: 33-07010

Case No. 39576

)
)
) ORDER GRANTING MOTION TO
) AMEND CLAIM AND SETTING
) SUBCASE DEADLINES
)

On October 24, 2000, the claimants Rocky and Carol Ross and Donald and Billie Phillips filed a *Motion to Amend Claim* in the above subcase. Notice of the *Motion to Amend Claim* was placed on the Docket Sheet, and a hearing was held on November 28, 2000. There was no opposition to the *Motion to Amend Claim*. Therefore, IT IS ORDERED that the *Motion to Amend Claim* in the above subcase is **granted**. IT IS FURTHER ORDERED that the following deadlines shall apply for proceeding in this subcase:

December 28, 2000 5:00 pm

Deadline for Amended Director's Reports.

January 26, 2001 5:00 pm

Deadline for Objections to Amended Director's Reports.

February 9, 2001 5:00 pm

Deadline for Responses to Objections

February 13, 2001 10:30 am

TELEPHONE STATUS CONFERENCE

Location: SRBA District Court
253 Third Avenue North
Twin Falls, ID 83301

DATE November 29, 2000.



BRIGETTE BILYEU, Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

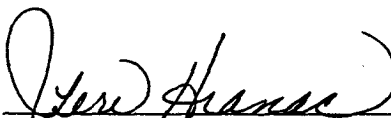
I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND CLAIM AND SETTING SUBCASE DEADLINES was mailed on November 29, 2000, with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

United States Dept. of Justice
Environment & Natural Resources Div.
550 W. Fort Street, MSC 033
Boise, ID 83724

Rocky & Carol Ross
PO Box 10
Howe, ID 83244

Donald & Billie Phillips
PO Box 5
Howe, ID 83244


Deputy Clerk

Carlsen, Ernie

From: Carlsen, Ernie
Sent: Tuesday, December 19, 2000 8:55 AM
To: Music, Vicky
Cc: Ruberry, Allen; Carlsen, Ernie; Fritschle, Carter
Subject: 33-7010, amended DR

Good Morning Vicki,

Per the SF4 attached is a recommended report with the amended POD and a layout.



A33-07010.TIF



33-7010.doc

Just in case you can not open a .tif file a copy of this message was sent to Carter.

Ernie

Post-It Note	7671	Date	11-00	# of pages	6
To	AL RABER	From	NICK NUGIE		
Co./Dept.	IDWR - E	Co.	DAB - IDWR		
Phone #		Phone #			
Fax #		Fax #			

DISTRICT COURT SRBA FIFTH JUDICIAL DISTRICT TY OF TWIN FALLS, STATE OF IDAHO
OCT 24 2000

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

SUBCASE NO: 33-07010

(Insert Water Right Number)

Case No. 39576

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☒ AMENDED NOTICE OF CLAIM

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☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is: Rocky Ross Donald R. Phillips

My address is: Carol Ross Billie Phillips
P.O. Box 10 P.O. Box 5
Howe, Idaho 83244 Howe, Idaho 83244

My phone number is: Work: 208 767-3124 Home: () 208-767-3124

I am an attorney representing:

My name is:

My address is:

My phone number is: () _____

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources (IDWR). Leave to amend a claim shall be freely given when justice so requires.

☒ I must amend my Notice of Claim to the use of water in the SRBA because:

The Point of Diversion (POD) claimed and the POD recommended in the Director's Report do not accurately reflect the actual location of the well. The POD claimed was NWNESW; the POD recommended was NWNWSW; the POD should be described as NENWSW, S21, T07N, R28E.

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CAROL ROSS
PO BOX 10
HOWE ID 83244

DONALD R PHILLIPS
BILLIE PHILLIPS
PO BOX 5
HOWE ID 83244

SOURCE: GROUNDWATER

QUANTITY: 1.6 CFS
240.0 AFY

PRIORITY DATE: 07/02/1990

POINT OF
DIVERSION: T07N R28E S21 ~~SWNW~~ Within BUTTE County
~~SEWSW~~ FWP

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE IRRIGATION PERIOD OF USE 04-01 10-15 QUANTITY 1.6 CFS
240.0 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION T07N R28E S21 Within BUTTE County
80 ACRES TOTAL
SNNW 27
SENN 21
NESW 32

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.

FWP

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- ☐ Payment of the following additional fees required by IDWR:

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County of Ada

Billie Phillips

Carol Ross

, being first duly sworn, upon oath, deposes and says:

WE ARE

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A (1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Carol Ross
Signature of person filing motion

Billie Phillips

Attorney signing in representative capacity

Subscribed and sworn to before me on 10/24/00
(Insert Date)

Vicky L. Uusitalo

Notary Public for Idaho

Residing at: Boise

My Commission expires: 1/27/06

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 10/24, 2000, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

hand

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

hand

United States, Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

hand

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.

U.S.D.I., Bureau of Land Management
Idaho State Office
(objector at the address above)

Carol Ross

Signature of person or attorney mailing the form

RECEIVED

APR 17 2000

Department of Water Resources
Eastern Region

RECEIVED

APR 18 2000

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 33-07010

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Rocky & Carol Ross

Address: P.O. Box 10 Howe, ID. 83244

Name: Donald R. & Billie Phillips

Address: P.O. Box 5 Howe, ID. 83244

Name:

Address:

Name:

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: See attached
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POD. Claimant's water right should not include this POD.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

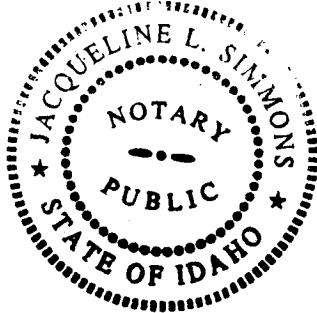
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 7, 2000



Jacqueline L. Simmons

Jacqueline L. Simmons

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 04-07-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 7, 2000, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Rocky & Carol Ross
Address: P.O. Box 10 Howe, ID. 83244

Name: Donald R. & Billie Phillips
Address: P.O. Box 5 Howe, ID. 83244

Name:
Address:

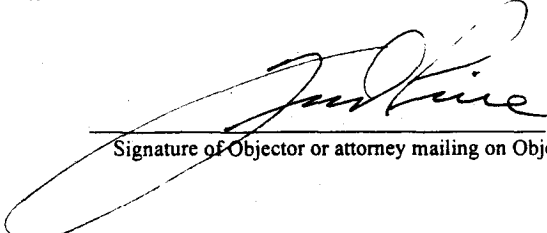
Name:
Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449


Signature of Objector or attorney mailing on Objector's behalf

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 33-07010

NAME & ADDRESS: ROCKY ROSS
CAROL ROSS
PO BOX 10
HOWE ID 83244DONALD R PHILLIPS
BILLIE PHILLIPS
PO BOX 5
HOWE ID 83244

SOURCE: GROUNDWATER

QUANTITY: 1.6 CFS
240.0 AFY

PRIORITY DATE: 07/02/1990

POINT OF DIVERSION: T07N R28E S21

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATIONPERIOD OF USE
04-01 10-15QUANTITY
1.6 CFS
240.0 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE
TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE
IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION
T07N R28E S21
80 ACRES TOTALWithin BUTTE County
SWNW 27

SENEW 21

NESW 32

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

Issue:
Point of diversion on BLM

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 33-07010 (CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

A33-07010
ROCKY ROSS
CAROL ROSS
BOX 10
HOWE

R

ID 83244



A3307010

NEEDS:

- ☐ POSITIVE LOCATION OF POD. (Probably in among QX-WHITE'S CAR?)
- ☐ P.O.U. CLAIMED DON'T FIT LIC. - Δ WHEN? EXAM. _____?
- ☐ 27 TEASERS?

BLA WEL?
 SEC. 21

17
20

18
21

SWNW

27.0

SENW

20.7

NESW

32.3

07010

Pg 1

Rocky Ross

Butter Co. Assessor

BN 27E S14 W2W²
S15 E²E²

320
Filed

7N 28E S16 OUTSIDE SCHOOL SUR.
S21 & S20 OUTSIDE BLM

Photos 1 & 2

SW $\frac{1}{16}$ S21
1978

Photo 3-6 inc.

W $\frac{1}{16}$
C ————— C
S21
1978

18 17 16
19 20 21

T1N R28E

8 9
17 16
1978

Pg 2

Rocky Ross'

33-07066 - ADJUST AC. IN SEC. 14
TO PRESERVE AC.

Pivot at Home place:

$$3 @ 146.3 =$$

$$7 @ 164.4 =$$

$$OH \ 54.8' =$$

$$\text{Total: } 1644 \text{ FT}$$

ADJUST ACREAGE FROM SEC. 20 &
21 TO MOVE TO THE PIVOT AREA
THAT HAS NO WIL COVERAGE.

LIST Q's AND ASSOC. AC.

How old in Pivot?

ENO Gums?

$$\text{Area (Ac) of Pivot} = \pi R^2$$

$$= (\pi)(1644)^2$$

$$= (3.1416)(2702736)$$

$$= 8490915.418 \div 43560$$

$$= 194.9 \Rightarrow 195 \text{ AC}$$

- Commitments Exchanged
- Journal Entry
- Thoughts & Ideas
- Agendas (telephone, meetings)
- Conversations

MARCH 1997
DAILY RECORD OF EVENTS

3
MONDAY
62nd Day 303 Left
Week 9

IN-OFFICE

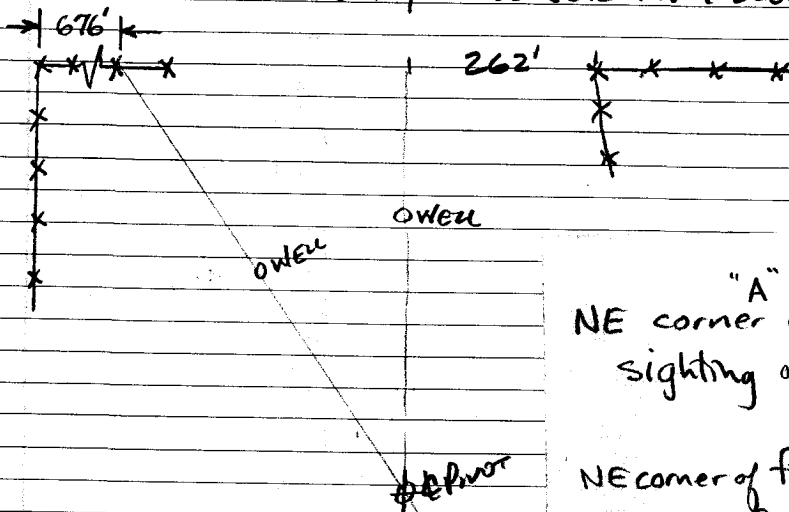
Cloudy Cold Windy

8:45⁺ CALLED DAVID ANDERSON - Re: Water Dist. 33
MEETING. AMCHAM/DM TUNNEL -
328-2605

9:53 CALLED BISH BRYANT - returned his call -
HE REQUESTED FAL (328-2306) ORIGINAL Permit of 35-08679.
10:05 FAXED TO BRYANT Permit of 35-08679. 3 TIMES.

TO HOME FOR DISTRICT 33 WATER MEETING.

MEASURED Rocky Ross for Pivot Location



"A"
NE corner of field to
sighting over 1st well = 677

"A"
NE corner of field to center
line of Road "B" = 1175

"A"
NE corner of field to
sighting over 2nd well = 2731

"A"
NE corner of field to Point "C"
= 2989

"A"
NE corner to corner Post @ Point "C"
sighting to center Pivot = 2994

11-12-96 Keith C Wilson



PHOTO 4 .

Looking Northwely Photo shows Rocky Ross at the SURVEY MONUMENT WHICH IS JUST ON THE SOUTH BANK OF THE UNNAMED STREAM SHOWN IN Photo 5.

Rocky Ross

Looking WESTERLY

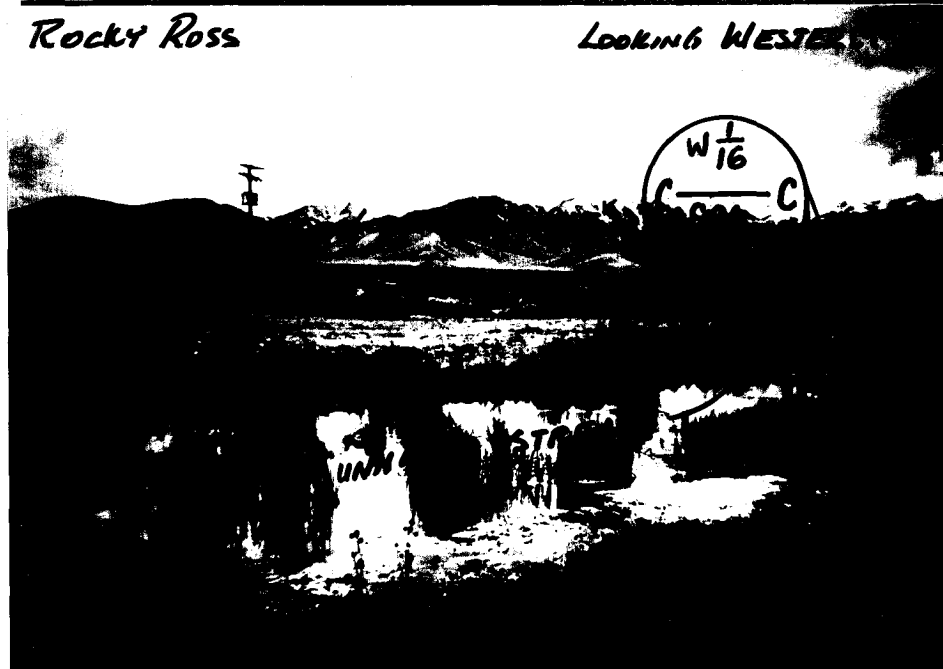


PHOTO 5 .

Photo shows the N-S RELATIONSHIP OF THE WELL AND THE SURVEY MONUMENT.

THE WELL WAS ORIGINALLY LICENSED WITH A 3/17/1971 PRIORITY DATE, LICENSED TO WILLIAM B. ROBINSON. TRANSFER NO. 3809 CAUSED THE PRIORITY DATE TO BE ADVANCED TO 7/2/1972.

Rocky Ross

Looking EASTERLY

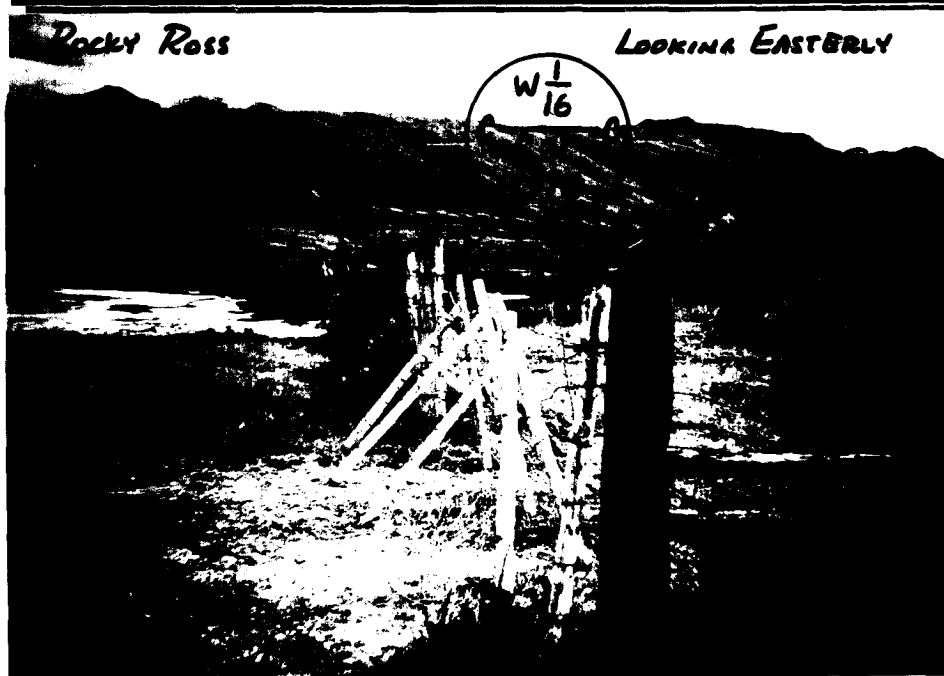
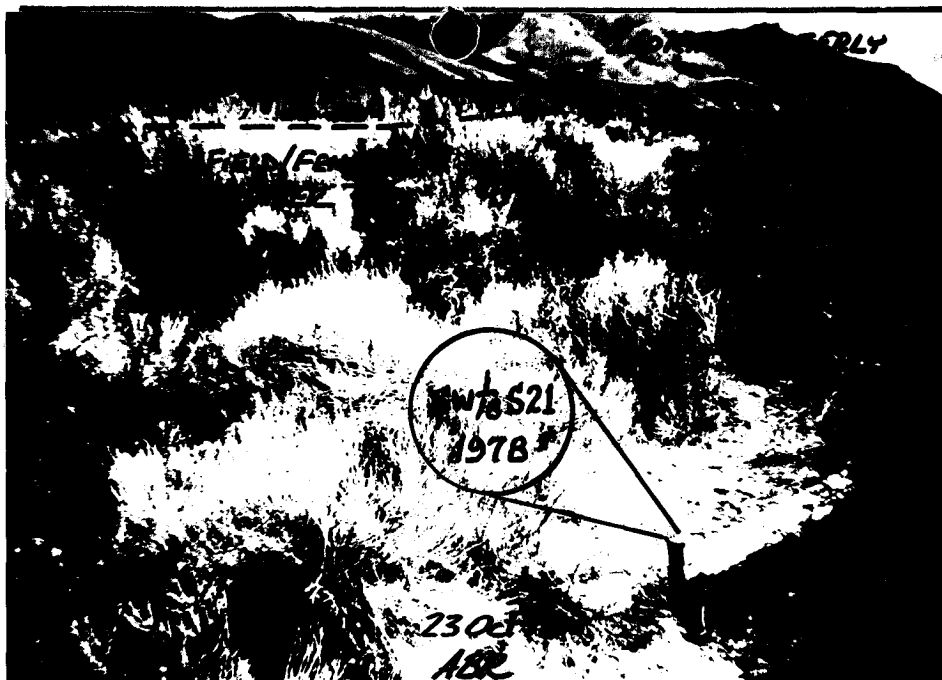


PHOTO 6 .

THIS PHOTO SHOWS THE RELATIONSHIP OF THE FENCES WHICH ARE HISTORIC IN THEIR LOCATIONS, TO THE SURVEY MONUMENT WHICH WAS PLACED IN 1973. SOME YEARS BEFORE ROCKY ROSS AND DEN PHILLIPS BOUGHT THE RANCH.

PHOTO DATE: 10/23/96
PHOTO BY: [signature]



OTO 1 .
 Photo shows location of
 the field fence in relation
 to the survey monument.
 From this monument the
 North South and East West
 lines for the West side
 and the South side of
 NSW Sec. 21.

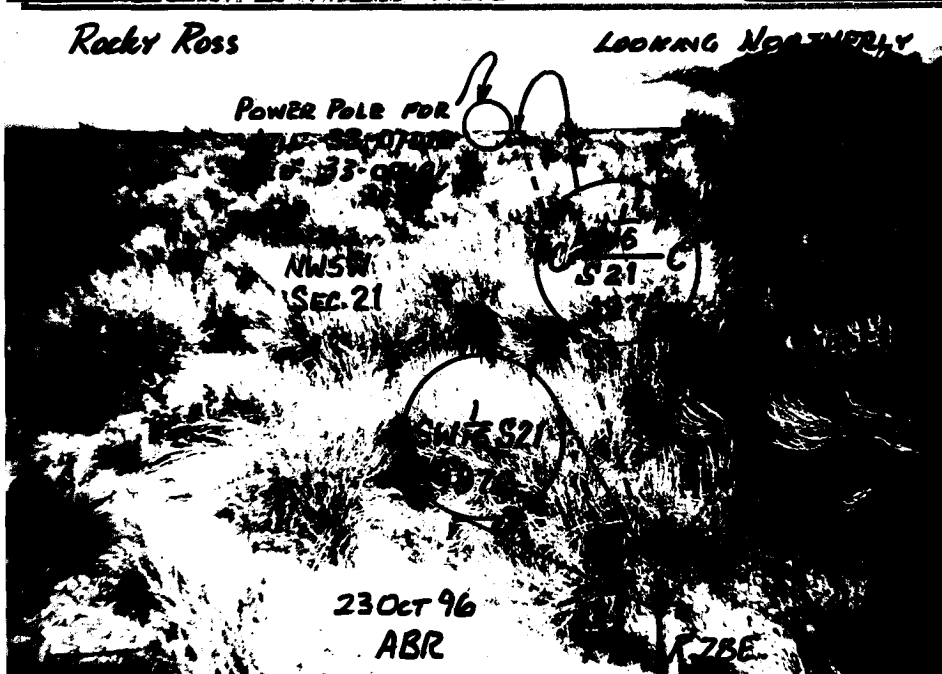


PHOTO 2 .
 Same survey monument
 as Photo 1.
 Shows the relationship
 of the two survey lines
 to the location of the
 well.
 Clearly the well is in
 the NSW Sec. 21, which
 is BLM land.

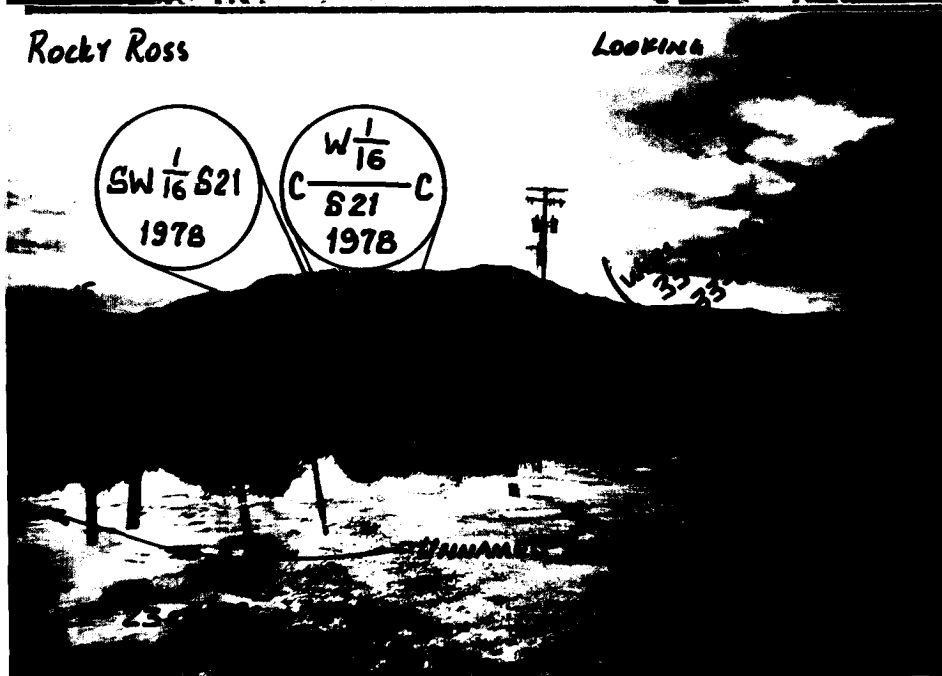


PHOTO 3 .
 Looking Southward the
 well and survey monuments
 location also show the
 well to be in NSW
 Sec. 21.
 PHOTO DATE: 10/23/96
 PHOTO BY: ABR

SD-4120-2
INQUIRY

Idaho Department of Water Resources
Comment Inquiry

Date: 03/11/94
Time: 10:27:56

Water Right Number: 33-07010

Comment Date: 12/ 9/1991 User ID: LUKE

Subject: Transfer

Transfer no. 3809 changed the place of use of decreed surface rights 33-0061, 33-0062, 33-0063 & 33-0064. Groundwater license no.s 33-2096, 33-7010, 33-7075 & 33-7191 were supplemental to the surface rights prior to approval of the transfer. Due to unstacking of groundwater and surface water rights under the transfer, the groundwater rights have been advanced to the date the Department received the transfer, or July 2, 1990.

Trans. 4082 Δ P.O.D. of 33-00061-64.

(ENTER=Continue/Exit)

(Gold4=Prev) (Gold5=Next)

CURRENT P.O.D. OF DECREEED WATERS 33-00061, 62, 63 & 64.

7N 28E Sec. 17

W2NE (41)+(18)
SENE 7
NESE 4
W2SE 18+30

P.O.D. 7N 28E Sec. 17 NWNW
Sec. 21 NWNW

Sec. 20

N2NE 33+15
SENE 17

Sec. 21

NWNW 14

160ac

00061 0.40acs 4/1/1885
00062 1.30acs 4/1/1891
00063 1.00ac 5/25/1891
00064 0.500acs 4/1/1888
3.20acs

SETUP NO. 1

PIPE O.D 8.000 IN

PIPE WALL THICKNESS
0.103 IN

PIPE I.D 7.794 IN

PIPE MATERIAL
CARBON STEELPIPE SOUND VELOCITY
10597.129 F/SLINER MATERIAL
NONELINER SOUND VELOCITY
0.000 F/SLINER THICKNESS
0.000 ININSIDE ABS ROUGHNESS
0.00015000FLUID MATERIAL
WATERFLUID SOUND VELOCITY
4863.330 F/SFLUID VISCOSITY
1.132 CSTTRANSDUCER TYPE
STANDARD

TRANSDUCER MOUNTING

TRANSDUCER SPACING
6.038 IN

10:08:40 09-26-96

SCALE FACTOR = 0.990
 OFFSET (CFS) = 0.000
 nsec OFFSET = 10.72
 usec OFFSET = -0.54
 XMT_DET_DLY = 17.70
 AERATION FAC. = 1.00
 XDUCER: STANDARD/U

WIN_DLY = 297.48 / 296.83
 SE>R = 1.25 / 1.33
 BIAS = 0.80 / 0.84
 AGC = 0.94 / 0.92
 SIG_STG = 8.24 / 8.12
 MISSED = 0 / 0
 TIME(us) = 301.2 / 300.9
 DEL TIME(ns) = 343.7 / 970
 DIFF COUNT = 56
 PZX = 29.12
 SPS = 0.000
 AERATION

FLUID (F/S) = 4863.33
 REYNOLDS NO. = 346071
 PROFILE FACTOR = 0.9455

FLOW: = 2.154 CFS
 6.501 F/S

10:09:22 09-26-96

Min. Rate 0.00 CFS
 Max. Rate 2.21 CFS
 Avg. Rate 2.04 CFS
 FLOW RATE 2.15 CFS
 NET TOT(X1) 92112 GAL
 POS TOT(X1) 97016 GAL
 NEG TOT(X1) 4905 GAL

10:11:22 09-26-96

Min. Rate 1.96 CFS
 Max. Rate 2.17 CFS
 Avg. Rate 2.13 CFS
 FLOW RATE 2.14 CFS
 NET TOT(X1) 94018 GAL
 POS TOT(X1) 98923 GAL
 NEG TOT(X1) 4905 GAL

10:13:22 09-26-96

Min. Rate 2.13 CFS
 Max. Rate 2.17 CFS
 Avg. Rate 2.15 CFS
 FLOW RATE 2.13 CFS
 NET TOT(X1) 95947 GAL
 POS TOT(X1) 100851 GAL
 NEG TOT(X1) 4905 GAL

10:15:23 09-26-96

Min. Rate 2.10 CFS
 Max. Rate 2.17 CFS
 Avg. Rate 2.15 CFS
 FLOW RATE 2.15 CFS
 NET TOT(X1) 97880 GAL
 POS TOT(X1) 102785 GAL
 NEG TOT(X1) 4905 GAL

10:17:23 09-26-96

Min. Rate 1.96 CFS
 Max. Rate 2.19 CFS
 Avg. Rate 2.14 CFS
 FLOW RATE 2.16 CFS
 NET TOT(X1) 99798 GAL
 POS TOT(X1) 104702 GAL
 NEG TOT(X1) 4905 GAL

10:19:23 09-26-96

Min. Rate 1.83 CFS
 Max. Rate 2.22 CFS
 Avg. Rate 2.09 CFS
 FLOW RATE 2.14 CFS
 NET TOT(X1) 101671 GAL
 POS TOT(X1) 106575 GAL
 NEG TOT(X1) 4905 GAL

10:50:05 09-26-96

Min. Rate 1.11 CFS
 Max. Rate 2.28 CFS
 Avg. Rate 2.28 CFS
 FLOW RATE 2.27 CFS
 NET TOT(X1) 133013 GAL
 POS TOT(X1) 137917 GAL
 NEG TOT(X1) 4905 GAL

10:52:05 09-26-96

Min. Rate 2.14 CFS
 Max. Rate 2.33 CFS
 Avg. Rate 2.27 CFS
 FLOW RATE 2.27 CFS
 NET TOT(X1) 135117 GAL
 POS TOT(X1) 140021 GAL
 NEG TOT(X1) 4905 GAL

33-07191

33-07191

Do Not Fill

State of Idaho
Department of Water Resources

RECEIVED
NOV 30 1982
Department of Water Resources
Eastern District Office

WATER RIGHT LICENSE

License of Water Right No. 33-7010 Priority March 19, 1971 Amount 1.6 cfs

THIS IS TO CERTIFY, that William B. Robison
of Howe, Idaho, has complied with the terms and conditions of Permit
No. 33-7010 issued pursuant to Application for Permit dated March 19, 1971,
and has submitted proof to the Department of Water Resources on August 3, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.0 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>October 15</u>	at <u>1.6</u> cfs and	<u>240.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.6 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
240.0 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Twp.
7N, Rge. 28E in the County of Butte

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	28E	21								40	40								80

Total number of acres irrigated 80

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
October, 19 82.

Director

RECEIVED

JUL 30 1976

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Identification No. _____

Permit No. 33-7010

RECEIVED

AUG 3 1976

Department of Water Resources

1. a) Name of Permit Holder: William B. Robinson
b) Post Office Address: Howe, Idaho
2. Permit Number: 33-7010
3. Date of Priority that you are prepared to establish: 3-19-71
4. a) Source from which water was appropriated: ground water
b) Location of the point of diversion: NE 1/4 SW 1/4, Section 21
Township 7N, Range 28E, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 4.34 for Irrigation purposes from Apr. 1 to Nov. 1 Incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ Incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ Incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated: 4.34 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Gem State Irrigation
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Well 16" x 400' deep, 75hp. Motor, pump with 8" discharge reduced to 6" mainline
b) Describe the type and size of measuring device which you have installed at your point of diversion: 6" McCrometer
c) Give well driller's name and address and the date the well was completed: Charles Cope Well drilling, drilled in 1940
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

Exam typed 5-19-76 jms

PUMP

power line

BP 10/29/78

DATE OF EXAM

8/25/78

ACREAGE *

Found

Recommended

100.00

100.00

Irrigation Requirement

3.0

Ac Ft/Ac

*USE

Irrigation Q = 1.6

Domestic Q = 2.0

Livestock Q = 0.0

V =

V =

V =

300

AF/Ann. from

AF/Ann. from

AF/Ann. from

Apr. 1

Oct. 15

Is water co-mingled? yes no

Name source:

N/A

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Exchange? yes no

Name source exchanged with:

N/A

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Point of injection:

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Point of exchange:

twp.

N/S, Rge

E/W, B.M., Sec.

Sub.

1/4

1/4

County

Total Q measured 1.998 cfs Method of measurement IN-LINE METER

Total Q recommended 2.0 cfs Meter No. 73-6-435 Type MICROMETER Condition GOOD

Total V recommended 300 ac/ft

Recommended Amendments:

P.D.

Place of Use

SEE R

Other

None

MEASUREMENT CALCULATION:

$$Q = 435.6 \div 218.3 \text{ sec.} = 1.998 \text{ cfs} \times 2.0 \text{ cfs} = 3.998 \text{ cfs}$$

$$V = 100 \text{ ac} \times 3.0 \text{ ac/ft} = 300 \text{ ac/ft}$$

$$184 \text{ ac} \times 1.998 \text{ cfs} \times 2.0 \text{ cfs} = 747.936 \text{ ac/ft}$$

SYSTEM DESCRIPTION:

Meter - U.S. Hollochcraft 75 hp 3 ph SFR. No. 07004881 FRAME No. 365 TP
 Pump - B.O. SER. No. 731-5-0349 265"
 20' of 6" STEEL TO 1/2 mile buried 6" MAIN EXPOSED 2-7' & 1-1/2' HANDLINGS

REMARKS:

System shown & described by MRS. William B. Robison
 No preexisting right

Examiner's Signature

Dorothy A. Parker

Date

10/29/78

Checked by

Anthony R. Kozlowski

Date

Dec 1, 1978

Approved by

[Signature]

Date

5/26/82

* See Calculations w/o amendment dated 10-26-82

Q's: 07010

1. WHEN WAS INFO OF BDR CHANGED
AS CLAIMED FROM AS LICENSED?

2. CAN DISTRICT WATER BE USED ON
SEC. 21 E. OR CREEK?

RECEIVED

~~AUG 23 1976~~
167-2702

Howe, Idaho 83244

Phone _____
Department of Water Resources
Eastern District Office
Phone _____

Phone _____

(name spring, stream, etc.)

Tributary to

Irrigation

(nature of use)

(mo.-day) inclusive (mo.-day)

(nature of use)

(mo.-day) inclusive (mo.-day)

(nature of use)

(mo.-day) inclusive (mo.-day)

Other uses:

4.34

AF/Annum

Butte

4. _____

4. _____

Other Points of Diversions:

well 16" x 400' deep, 75 hp motor, pump with 8" discharge
reduced to 6" mainline

☒ no ☐

USE.

TOTAL ACREAGE

217

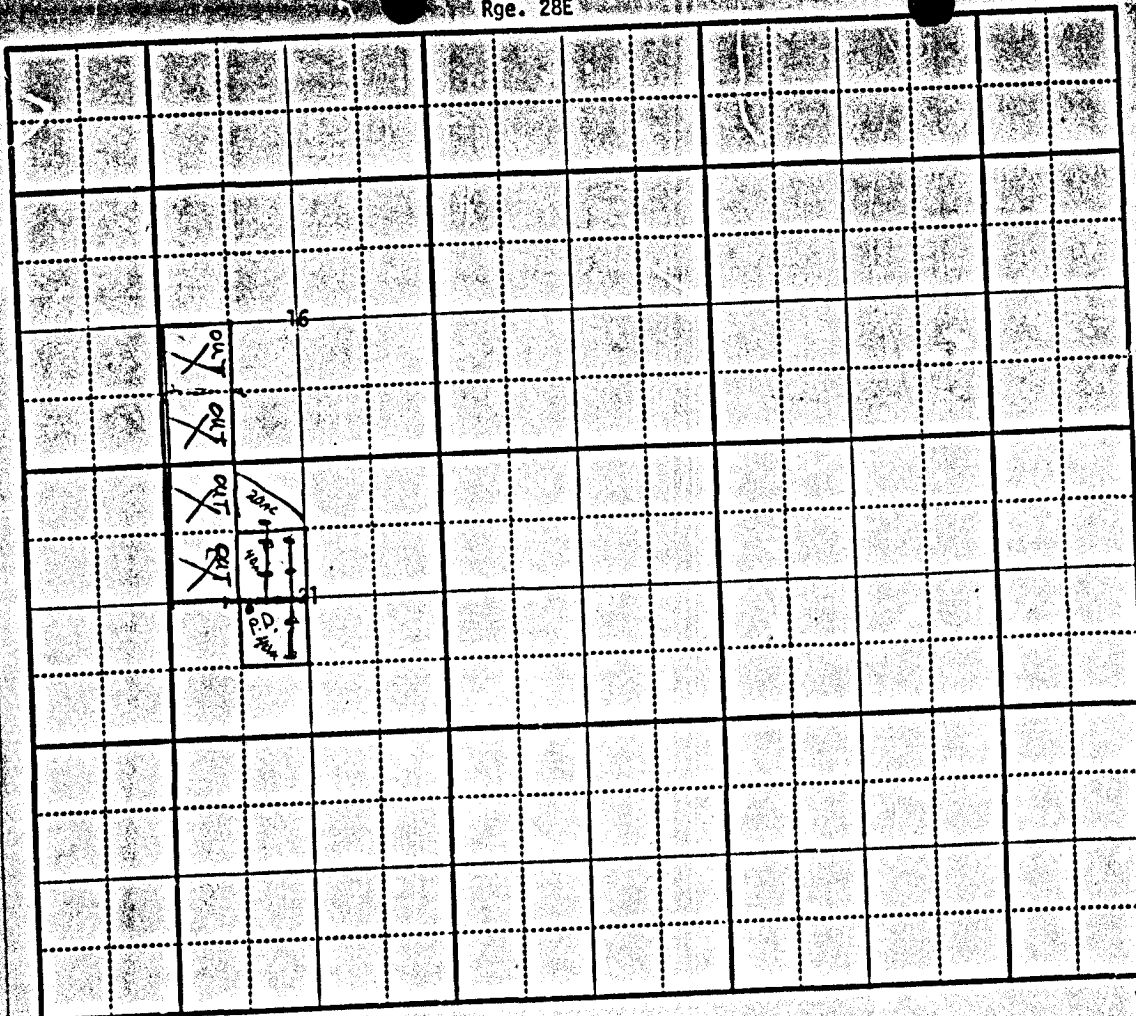
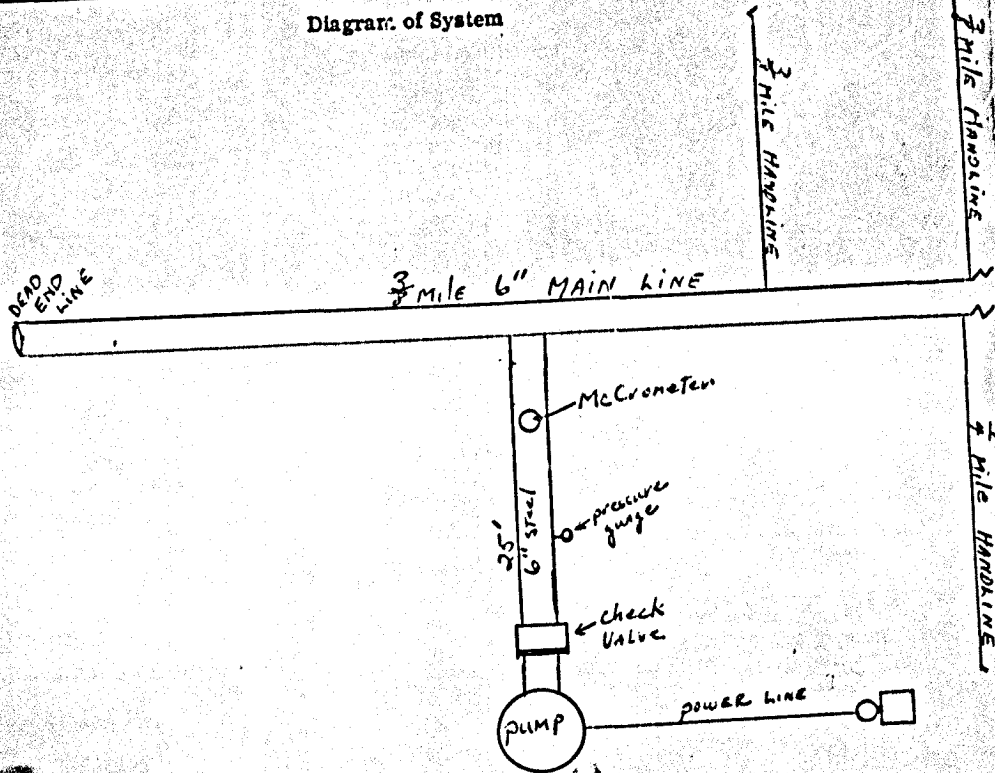


Diagram of System



R.P. 10/29/78

ATTACHMENT
CONDITIONS OF APPROVAL

Transfer of Water Right Nos. 33-0061/0062/0063/0064

(Transfer No. 3809)

1. Use of water under these water rights are subject to control by the watermaster of State Water District No. 33, Little Lost River.
2. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works at both point of diversion locations described above.
3. The maximum combined rate of diversion under Right Nos. 33-0061, 33-0062, 33-0063, 33-0064 and shall not exceed 3.20 cfs.
4. Priority dates shall be advanced for all former supplemental groundwater rights which remain appurtenance to the land from which the above rights are being removed. The priority dates of groundwater license nos. 33-2096, 33-7010, 33-7075, 33-7191 are hereby advanced to July 2, 1990.
5. The change authorized by this transfer shall be accomplished within (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 6th day of December, 1991.

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/22/99
PAGE: 10

PRIORITY
DATE 07/02/1990
WATER USE IRRIGATION

USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
04/01 10/15	1.600 CFS	240.00
TOTAL DIVERSION: 240.00		

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T07N R28E S21

BUTTE County

Place of use Legal Description for: IRRIGATION
NE[illegible]

Category	Acres
Forest	100.0
Grassland	100.0
Water	100.0
Barren	100.0
Other	100.0
TOTAL ACRES	80.0

Pou County: BUTTE

Dates:
App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date:

Priority Date: 07/02/1990
Proof Made Date: 01/01/1990
Exam Sent to S.O.:

Misc: **Water District Number:**

Field Exam Fee:

Comments:	Date: 12/09/1991	User-ID: LUKE	Subject: Transfer
Transfer no. 3809 changed the place of use of decreed surface rights 33-0061, 33-0062, 33-0063 & 33-0064. Groundwater license no.s 33-2096, 33-7010, 33-7075 & 33-7191 were supplemental to the surface rights prior to approval of the transfer. Due to unstacking of groundwater and surface water rights under the transfer, the groundwater rights have been advanced to the date the Department received the transfer, or July 2, 1990.			

Audit:	03/12/85	05/22/88	CONVERT	12/09/91	LUKE
--------	----------	----------	---------	----------	------

05/22/88 CONVERT

+ - - Audit Fields - 03/12/85

MICROFILMED
DEC 09 1992

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

12/19/89 11:23:31
Page 2

Water right number - 33-07010

Adj. flag translation: Standard Water Right Number

Proof Due Date	- 08/01/1976	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 01/01/1900	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 03/12/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 12/20/1982	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED
DEC 09 1992

00:03:54
03/31/93

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

2392
CLAIM NUMBER: A33-37010

LAST: ROBINSON
ADDRESS: HJWE
CITY: HJWE
PHONE NUMBER: 208-000-0000
OWNER CODE: 0
FIRST: WILLIAM B.
STATE: ID ZIP: 83244

LAST: ROSS
ADDRESS: BOX 10
CITY: HJWE
PHONE NUMBER: 208-767-3124
OWNER CODE: C
FIRST: ROCKY
STATE: ID ZIP: 83244

LAST: ROSS
ADDRESS: BOX 10
CITY: HJWE
PHONE NUMBER: 208-767-3124
OWNER CODE: C
FIRST: CAROL
STATE: ID ZIP: 83244

LAST: PHILLIPS
ADDRESS: BOX 5
CITY: HJWE
PHONE NUMBER: 208-767-3023
OWNER CODE: C
FIRST: DJM
STATE: ID ZIP: 83244

LAST: PHILLIPS
ADDRESS: BOX 5
CITY: HJWE
PHONE NUMBER: 208-767-3023
OWNER CODE: C
FIRST: BILLIE
STATE: ID ZIP: 83244
FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM
DATABASE N
FIELD EXAMINER

CONTACT PERSON: Steve Gorman - Al Ruzany PHONE NUMBER: () - - -
DATE OF FIELD EXAM: 9/26/86 APPOINTMENT MADE: Y() V() N() P()
ACCOMPANIED BY: Rocky Ross PHONE NUMBER: () - - -
RELATIONSHP TO CLAIMANT: Cousin

DIRECTIONS TO PROPERTY / NOTES:

STEVE MADE AN APPOINTMENT TO DO A FINGER EXAM FOR (VON AL) 33-07191 (Permit) TO DO A
POLYSONIC MEASUREMENT. AL Ruzany accompanied to REVIEW OTHER AL CLAIMS (P2010 INCL.)
Met Rocky AT THE APPOINTED TIME. MEASURED AL. REVIEWED AL CLAIMS AND VISITED
P.O.U. OF LADGE RIVER TO WEST OF THE HOUSE.

A. AJ CLAIM: # A33-07010 PRIORITY DATE: 03-19-1971 STAGE: L
B. WR RECORD: # 33-07010 PRIORITY DATE: 07-02-1990 STAGE: L

C. FIELD EXAM REQUIRED? FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE Y

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? (Y/N) NO

NOTES: TRANSFER #3809 ADVANCED P.D. TO JULY 2, 1990. SIGNED 6 DEC 1991 G. S. S. S.

RECOMMENDED PRIORITY DATE:

July 2, 1990

REVIEWED BY

DATE

3/1/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	R6E.	SEC.	1/4	1/4	1/4	LOT	CNTY
A33-07010	07N	29E	21	NW	NE	SW		BUTTE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE
WR RECORDS IN SAME 40 ACRE TRACT
33-07191
33-07201

SOURCE: GROUNDWATER

TRIS:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	R6E.	SEC.	1/4	1/4	1/4	LOT	CNTY
33-07010	07N	29E	21	NW	NE	SW		BUTTE

OTHER WR RECORDS WITH SAME WR POD
A PREFIX R PREFIX
AJ CLAIMS IN SAME 40 ACRE TRACT
A33-10050
NONE

33-07201

SOURCE: GROUNDWATER

TRIS:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
		Y N	---

NOTES:

REFER TO THE ACCOMPANYING PHOTO SET. THE POINT OF DIVERSION, AS LICENSED, IS
CLARLY IN ERROR. DURING A SUBSEQUENT FIELD EXAM OF THIS CLAIM, 10/23/96,
THE SURVEY MONUMENTS WERE LOCATED AND PHOTOGRAPHED. ALTHOUGH THIS WERE NOW
HAS A PRIORITY DATE AS SHOWN ON Pg. 3 OF 1990 - THIS WAS DUE TO TRANSFER #3809
WHICH CAUSED THE PRIORITY DATE TO BE ADVANCED DUE TO "UN-STACKING" OF DECEASED RIGHTS,
THE ORIGINAL PRIORITY DATE WAS 03-19-1991. THEREFORE, IC 42-1425 IS AMENDED
TO CORRECTLY IDENTIFY THE WELL LOCATION AS POINT OF DIVERSION.

PRESUMPTION "A" --- ERROR OF LICENSE DUE TO SURVEY AT THAT TIME.

214 132000

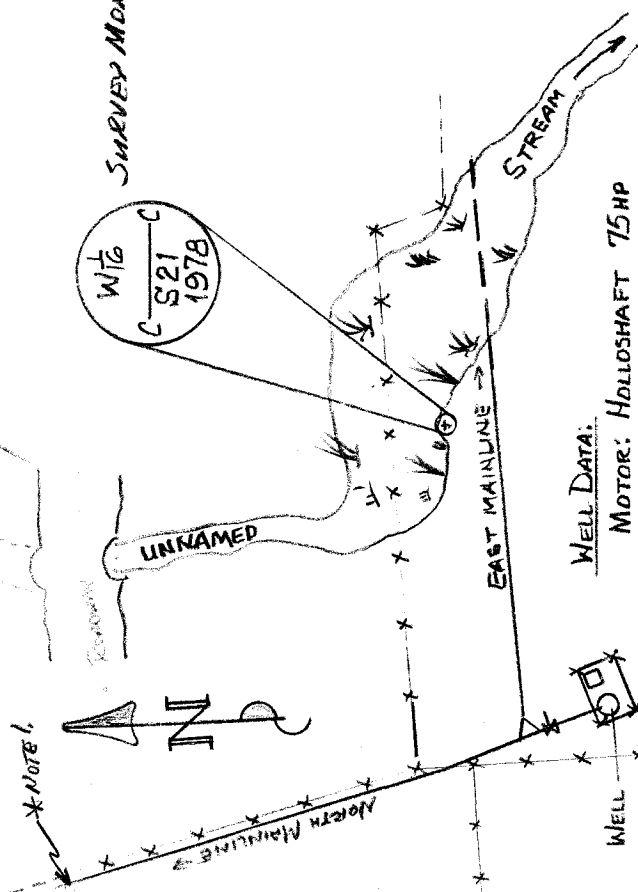
NE NW

21
20[illegible]

SINCE: 10/2/96

NOTE 1. THIS WELL IS CONNECTED TO THE WELL IN SECTION 1. AND, THE PUMP LOCATED BELOW THE DAM ON THE UNNAMED STRAD FLOWING THROUGH THE ALONG STRAD. ALSO JOINING THE MAINLINE IN ABOUT THE CENTER OF THE NW1/4 SEC. 21, WHERE THE MAINLINE TURNS NORTH.

Survey Moment



Well Data:

MOTOR: ПОЛНОШАФТ 75 HP

Id No.: 0-7004851

Pump:

SN: 7315 0349

8" LINE

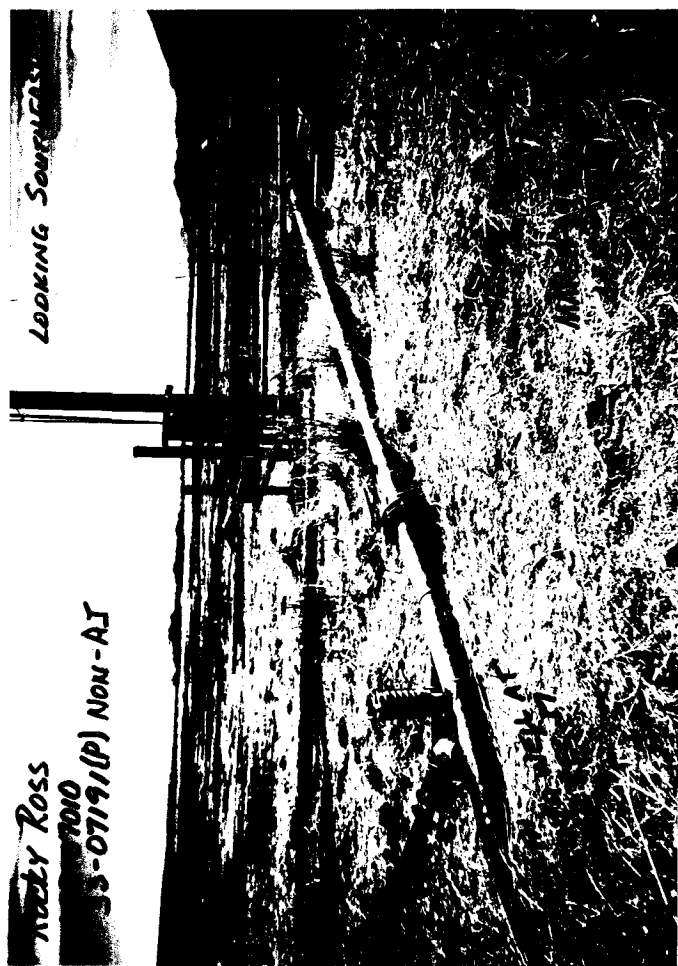
NOTE:

SEE ADDITIONAL PHOTO
PAGES SUPPORTING THE
CHANGE AND/OR CORRECTION
OF THE POINT OF DIVER.
2 ANNOTATED PAGES.

QUESTION - NOT SCALE

Rocky Ross
13-0719(P) NON-AI

SYSTEMS INNOVATION



A. 'ROOT WATER RIGHT NUMBERS: A33-07010

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	AR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECONNA. ACRES
07N	28E	21	54	NW		ROSS, ROCKY	A33-37010	139.0	1	40.0	
			54	NW		ROSS, ROCKY	A33-00051	130.0	-		
			54	NW		ROSS, ROCKY	A33-00052	130.0	-	1 CLAIM 19 AC. NOT CLAIMED	
			54	NW		PHILLIPS, BILLIE	A33-00053	130.0	-		
			54	NW		ROSS, CAROL	A33-00054	130.0	-		
			54	NW		PHILLIPS, BILLIE	A33-10049	1	-	1 IN STREAM STOCK WATER	
			54	NW		ROSS, ROCKY	33-32096	15.0			
			54	NW		ROSS, ROCKY	33-37191	117.0			
07N	28E	21	55	NW		ROSS, ROCKY	A33-37010	122.0	33-37010	140.0	38.0
			55	NW		ROSS, ROCKY	A33-00051	130.0	-		
			55	NW		ROSS, ROCKY	A33-00052	130.0	-	2 1/2 AC. NOT CLAIMED	
			55	NW		PHILLIPS, BILLIE	A33-00053	130.0	-		
			55	NW		ROSS, CAROL	A33-00054	130.0	-		
			55	NW		ROSS, ROCKY	A33-10050	1	-	1 IN STREAM STOCK - 0.07 AC.	
07N	28E	21	56	SW		ROSS, ROCKY	A33-37010	139.0	33-37010	140.0	38.0
			56	SW		ROSS, ROCKY	A33-10050	1	-	1 AC. NOT CLAIMED	
			56	SW		DIMOND MILLIOM RANCH		33-07201	1	0.2	
TOTAL ACRES							33-07310	50.30	80.00	116.50	3

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, YES (X) NO () NEW SUR 21 - - - 3AC.

C. FIELD EXAM REQUIRED?

DOE TO POJ DISCREPANCY? (Y/N)

FIELD

EXAMINER

DATABASE

POW COUNTRY: BUTRE

304

137-07010 use $T^*_{1,0,0,0}$ to $T^*_{1,0,0,0}$ Sec. 21. $SENW(40)^{\frac{1}{2}}$ $NE SW(40) \Rightarrow 80ac.$

#33-07010 WAS LICENSED TO 1 MINICO, INC. IN 1987. TRANSFER #3807 CHANGED R.D.M. ON DECEMBER RIGHTS BUT ONLY ADVANCED THE PRIORITY DATE OF THIS RIGHT TO 2 JULY 1990. NO CHANGE TO LICENSED P.O.D.

TRANSFER 4082 AFFECTS ONLY S.W. DECREASED RISK P.O.D.

NO TRANSFER IS FOUND MOVING AGENCIES AS CLAIMED, NOR IS THERE A TRANSFER MOVING DEERBRO SW.
RIGHTS TO THESE AGENCIES.

PRESUMPTION FLAG: C

NOTES:

RIGHT IS LITIGATED AS EONE IN SENWU(40) AND NGSN(40). SEE ASCS (FSA) PHOTOGRAPH.
 THE SENWU IS DIVIDED NEARLY IN HALF BY AN UNNAMED STREAM. THAT PORTION WEST OF THE STREAM
 IS NO LONGER FARMED (AS SHOWN ON THE LIC.). HOWEVER, A SMALL (NEARLY) TRIANGULAR TRACT IN
 THE SE CORNER OF SENWU SEC. 21 AND EAST OF THE UNNAMED STREAM IS FARMED BUT NOT CLAIMED
 BY THIS CLAIM.

RECOMMENDATIONS:

TOTAL ACRES: 800

REVIEWED BY: M. R. Henry

DATE: 7 Oct 96

Accompanied P.O. U.
 changed in U.
 from U.

DIVERSION QUANTITY
1.600 CFS
1.600 CFS
240.00 AF

MONTH/DAY
FROM 04-01 TO 10-15
TOTAL DIVERSION RATE/VOLUME CLAIMED

	FIELD	DATABASE	EXAMINER
DOE TO WATER-USE DISCREPANCY?	(Y/N)	N	-----
DOE TO DIVERSION RATE DISCREPANCY?	(Y/N)	N	-----
DOE TO PERIOD FROM/TD DISCREPANCY?	(Y/N)	N	-----

RECOMMEND TO MR STANDARDS OR OTHER?

Y(✓) M()

LYC 21/800 AS. April 1 to October 15. RECOMMEND AS SUCH.

Y(V) N()

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AW TOTAL CLAIMED DIVERSION RATE: 1.500 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.500 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. **

FLOW MEASUREMENT REQUIRED?

FIELD DATABASE EXAMINER
Y

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

B. FLOW MEASUREMENT

MEASUREMENT METHOD POLYSONIC, SEE ATTACHED CALCULATIONS. * SEE NOTE BELOW
FOR PERMIT 33-07191 - SAME P.O.D.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: 33-00051, 33-00362, 33-00053, 33-00064

LIST ALL RIGHTS WITH A SAME POJ AND IRRIGATION USAGE:

C.AIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A53-07010	GROUNDWATER	ROSS, ROCKY	1.500	0.020	240.00	3.00
A53-00051	LITTLE LOST RIVER	ROSS, ROCKY	0.400	0.001		
A53-00052	LITTLE LOST RIVER	ROSS, ROCKY	1.300	0.004		
A53-00053	SPRING CREEK	PHILLIPS, BILLIE	0.500	0.001		
A53-00054	SAN MILL CREEK	ROSS, CAROL	1.300	0.003		

LIST ALL RIGHTS WITH SAME POJ BUT NOT USED FOR IRRIGATION.

C.AIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A53-10049	STOCKWATER	PHILLIPS, BILLIE	FROM 01-01 TO 12-31	.090 CFS	
A53-10050	STOCKWATER	ROSS, ROCKY	FROM 01-01 TO 12-31	.090 CFS	

* POLYSONIC TAPE SHOWS 2.33 cfs AS MAX READING, LEAVING 0.93 FOR PERMIT 33-07191 (NEW-AJ), 36.5 ac.

0.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1B. CALCULATIONS

1A. IRRIGATION RATE
ACRES 80 X 0.02 CFS/ACRE = 1.60 CFS
(TAKEN FROM P/U REVIEW)

1.60 cfs/claimed

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 200.0 AF/A
ACRES 80 X CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =
TOTAL CONSUMPTIVE USE 200.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 240.00 AF/A
ACRES 80 X DIVERSION VOL. AF/A FOR AREA 3.5 =
TOTAL DIVERSION VOLUME 280.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

NOTES: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	~~04-01~~ 10-15 04-15	DATABASE EXAMINER 1.600 <u>1.600</u>	DATABASE EXAMINER <u>240.00</u> 280.0	DATABASE EXAMINER 200.3 <u>200.3</u>

TOTAL FOR THIS RIGHT

REVIEWED BY: John Henry DATE: 9 Oct 96

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 33-07010
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 1.600
EXAMINER 16

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A33-07010	1.600	-		33-07010	1.600
TOTAL CFS		1.600				

DIVERSION RATE REVIEW

DATABASE Y
FIELD EXAMINER

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

NOTES:

THIS RIGHT IS NOT SPLIT - CLAIMED IN FULL AT 1.60 CFS

AUTHENTICATION:

SIGNATURE: [Signature] DATE: 9 Oct 96
NAME OF FIELD EXAMINER: ANNE B. KENNEDY TITLE: SA, ASST

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:02:56
03/31/93

PAGE: 15
QUICKLOOK INFORMATION

CLAIM NUMBER: A33-37010
240%

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			see 9-26-96	4/7/3809	6			
POINT OF DIV	Y			4	5.2			
SOURCE	Y			N				
PLACE OF USE	Y			4	5.2			
DIV. AMOUNT CFS/VOLUME				4	6			
CONSUMPTIVE USE				N				
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM				4	6			
REMARKS				N				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 MASTER RECORDS = 3
 MAP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

PROFILE REPORT

CLAIM NUMBER: A33-37010

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROCKY ROSS	03/19/44	IRRIGATION	34-01 10-15	1.50 CFS	
C	CAROL ROSS			04-75		
	BOX 10				1.50 CFS	240.0 AFA
	HOME ID 33264					200.0 AFA

*
01/02/1990

TOTAL DIVERSION:
CONSUMPTIVE USE:

C DON PHILLIPS
C BILLIE PHILLIPS
C BOX 5
HOME ID 35244
(208) 757-3023

WATER SOURCE: GROUNDWATER

POINT(S) OF DIVERSION:

T07N R28E S21

TRIBUTARY TO:

*2 NEW/WSW
(BLM LANDS)

STAGE: LICENSE

BUTTE COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

[illegible]

POB COUNTRY: BURUNDI

OTHER RIG-ITS: 33-00051, 33-00062, 33-00063, 33-00054

DATES:
EXAM MADE DATE:
VERIFIED DATE: 03/12/1985

MISC: WATER DISTRICT NUMBER: FIELD INSPECTION FLAG: PRESUMPTION FLAG: C

*' PRIORITY DATE ADVANCED DUE TO UNSTACKING OF
S.W./G.W. RIGHT. PRIORITY ADVANCED TO PREVENT INJURY.
SIXTE TRANS. 3809.

*² P.O.D. IS ACTUALLY IN LOCATION SHOWN, W/100 MON.
LOCATED FOR VERIFICATION. SEE Photo Pages (2)

*³ ACRES TOTALS BO.DAC BUT NOT AS LICENSED,
Δ prior to 1987, Accomplished TRANS.

Frage 2

Bar 005

Case/Remarks

12/19/2000

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 33-7010

NAME AND ADDRESS: CAROL ROSS
ROCKY ROSS
PO BOX 10
HOWE, ID 83244

BILLIE PHILLIPS
DONALD R PHILLIPS
PO BOX 5
HOWE, ID 83244

SOURCE: GROUND WATER

QUANTITY: 1.6 CFS
240 AFY

PRIORITY DATE: 07/02/1990

POINT OF DIVERSION: T07N R28E S21 NENWSW Within BUTTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-15	1.60 CFS 240.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT

PLACE OF USE:

<u>IRRIGATION Within BUTTE County</u>			
T07N R28E S21	SWNW	27	T07N R28E S21 SENW 21
T07N R28E S21	NESW	32	

80 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.



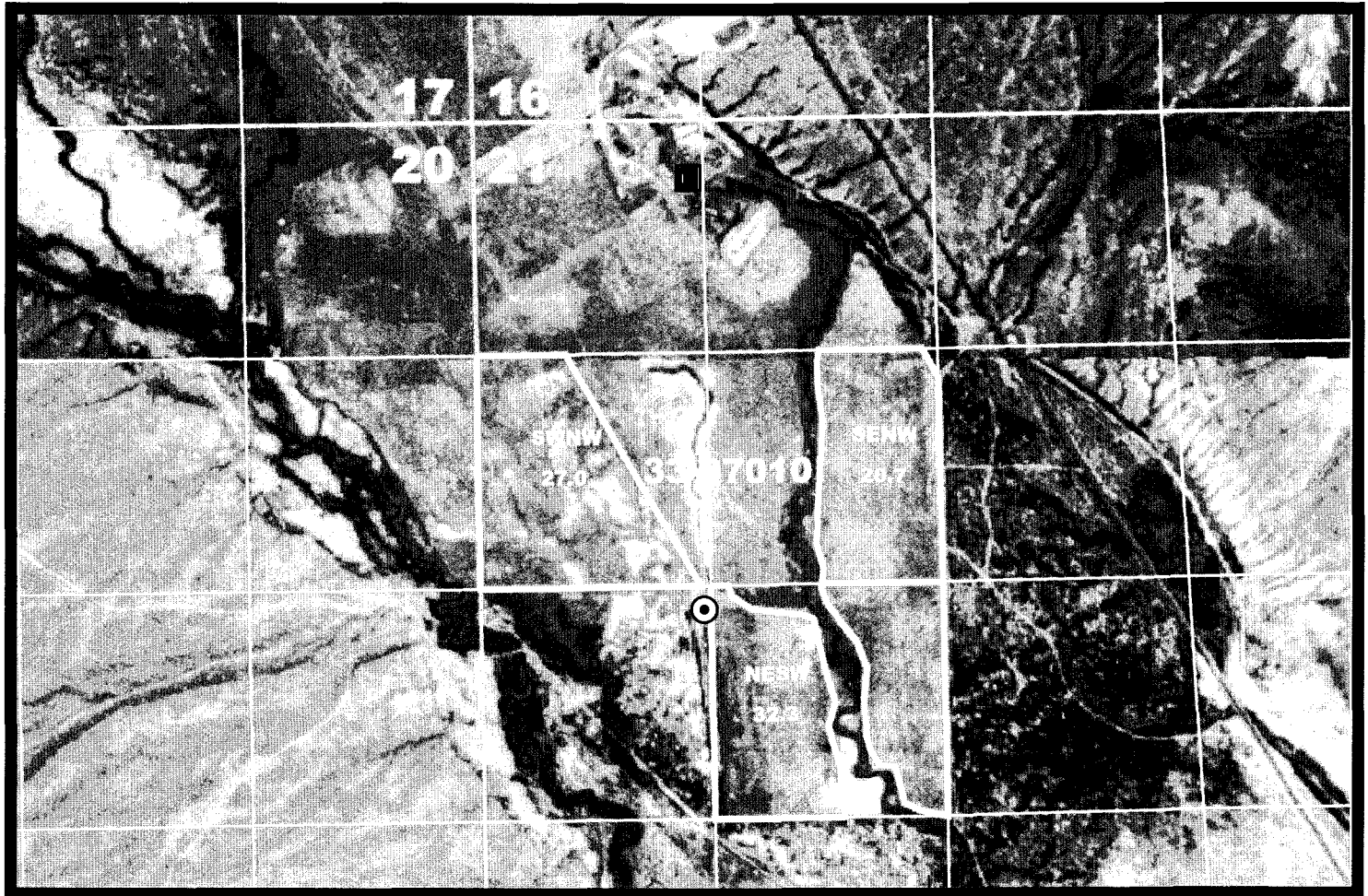
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: R. Ross & D. Phillips

Water Right(s): 33-07010



500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 Feet

LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

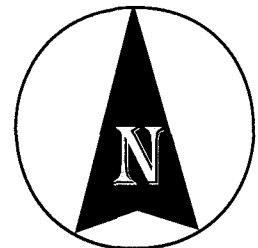
Place of Use

Section Line

Quarter-section line

**Place(s) of Use: T.7N., R.28E.
Sec. 21 (Parts of) S2NW, NESW**

**Point(s) of Diversion: T.7N., R.28E.
Sec. 21 NENWSW**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: November 1999

AJ0749NP
No. R33-07010

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DONALD R PHILLIPS	07/02/1990	IRRIGATION	04-01 10-15	1.600 CFS	240.00 AFA
C	BILLIE PHILLIPS					
C	ROCKY ROSS					
C	CAROL ROSS					
TOTAL DIVERSION:					1.600 CFS	240.00 AFA

Water Source: GROUNDWATER

Tributary to:

Point(s) of Diversion:

107N R28E S21 NW/4SW

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE		SUM	
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07N	28E	21	:	27	21	:	32	:	80.0
								TOTAL ACRES	80.0

POU County: BUTTE

Other Rights: 33-00061, 00062, 00063, 00064, 07075, 02096

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: USE

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE
TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE
IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Dates:

Exam Made Date: 10/23/1996

Verified Date:

Objection Filed Date:

Misc:

Water District Number:

Field Inspection Flag: C
Presumption Flag:

POD
NEW SW
Amended by CP3

Per Po# 46
POD Po# 55

AJ0749NP
No. R33-07010

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

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Comments:

Date: 11/25/1996 User-ID: ARUBERRY Subject: CHANGE TO P.O.D.
1978 SURVEY MONUMENTS WERE LOCATED WHICH CLEARLY PLACE THE P.O.D.
IN THE NEWSW SEC. 21. THIS WELL WAS DRILLED IN 1940, ACCORDING
TO PROOF OF BENEFICIAL USE.

Date: 11/22/1999 User-ID: AJU10-EC Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Audit:

11/23/99 BCONTOR

11100
y

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A33-07010
Date Received: 12-20-89
Receipt No: E011371/90
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROCKY ROSS 208-767-3124
Address: BOX 10
HOWE, ID 83244
OR
Name: CAROL ROSS 208-767-3124
Address: BOX 10
HOWE, ID 83244
OR
Name: DON PHILLIPS 208-767-3023
Address: BOX 5
HOWE, ID 83244
OR
Name: BILLIE PHILLIPS 208-767-3023
Address: BOX 5
HOWE, ID 83244

A3307010



2. Date of Priority: MAR 19, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Original
Sent to
court.

5-4-00

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	28E	21	NW	NE	SW		BUTTE

5. Description of diverting works:
WELL, PUMP, POND, FLOOD & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.600		

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) 240.00 A.F.A.

A33-07010

Page 1

Date: 12/19/89

MICROFILMED

DEC 09 1992

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	28E	21	SW	NW		IRR	19.0
			SE	NW		IRR	22.0
			NE	SW		IRR	39.0
Section Acres							80.0
Total Acres							80.0

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

33-00061, 33-00062, 33-00063, 33-00064

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Carol Ross Date: 12/19/89

Date: _____

State of Idaho)
County of Butte) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of December 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission ~~My Commission~~ Expires December 7, 1994



7N
28E
A33-67010

MICROFILMED
DEC 03 1992