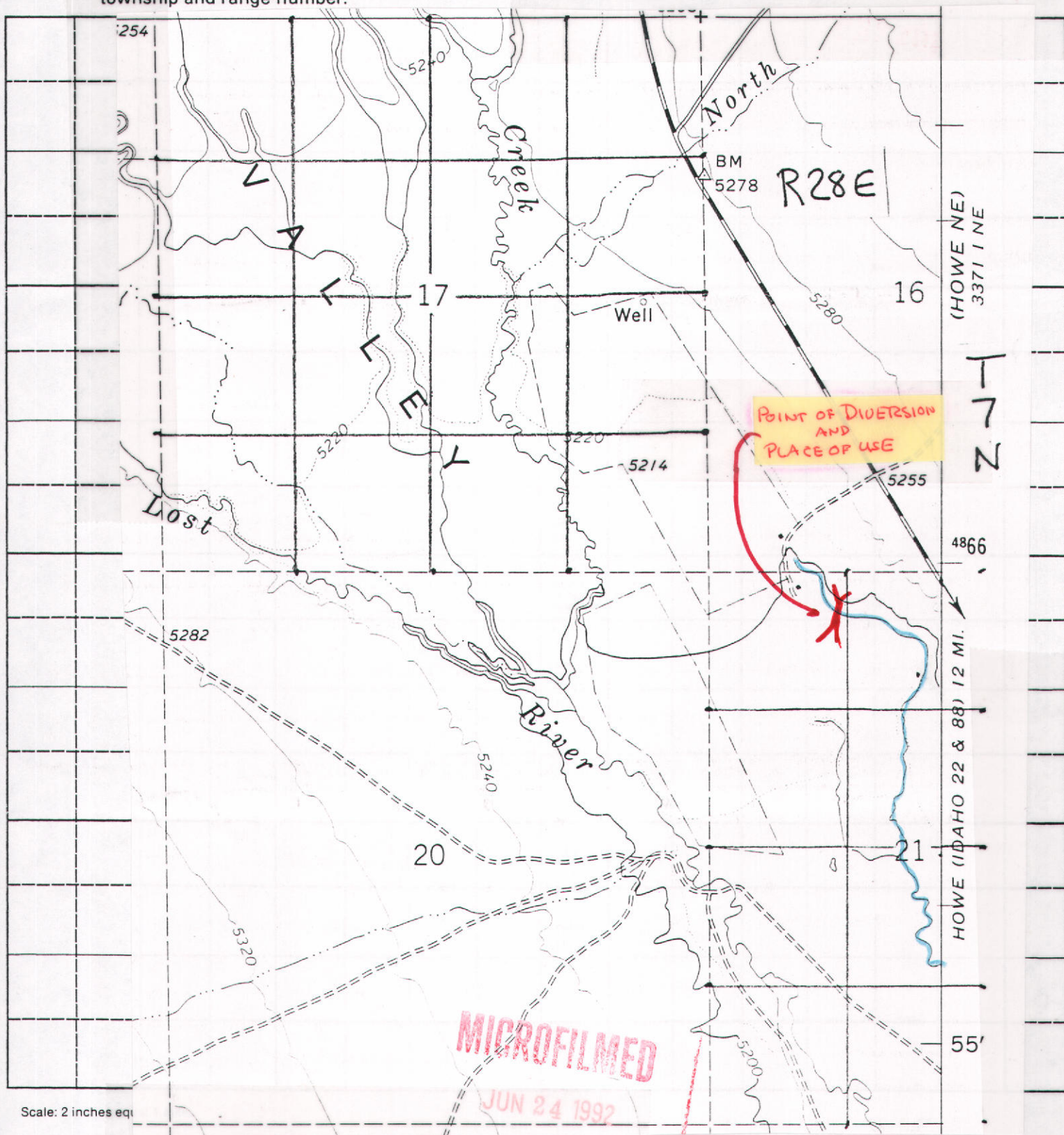


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Rocky Gross
(Applicant)

DIAMOND MILLIRON RANCH

RECREATION

10/3

VIEW OF
SPRING
SOURCE



UPPER 1st
RESERVOIR
BACKUP
BEHIND
UPPER DAM
#1



PERMIT
NUMBER

33-07200

DIAMOND HILLIRON RANCH

RECREATION

25/3

VIEW #1
LEFT TO
RIGHT



VIEW #2
LEFT TO
RIGHT



PERMIT
NUMBER

33-07200

DIAMOND HILLIRON RANCH

RECREATION

343



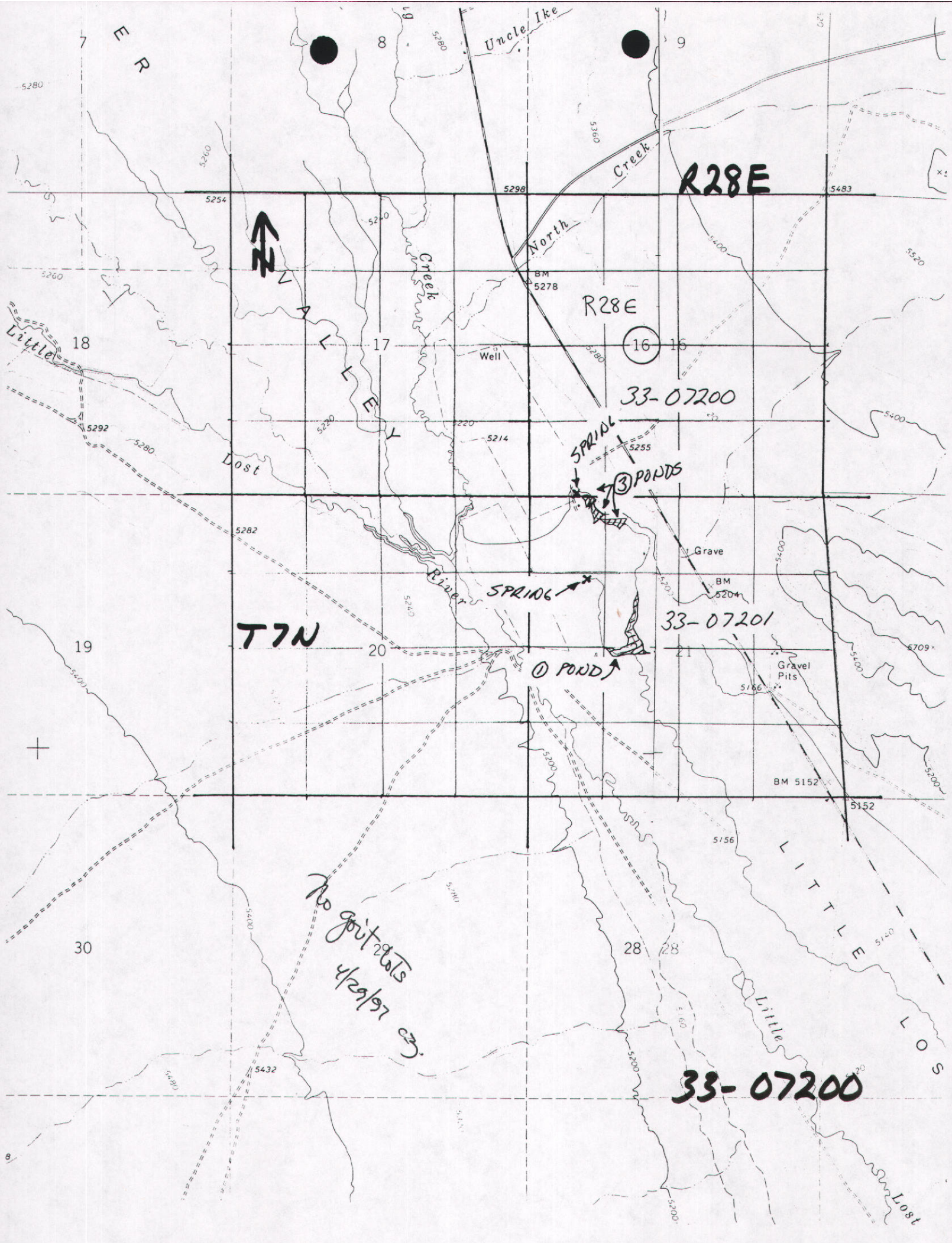
VIEW #3
LEFT TO
RIGHT



VIEW #4
LEFT TO
RIGHT

PERMIT
NUMBER

33-07200



R28E

R28E

33-07200

33-07201

33-07200

T7N

SPRING

SPRING

POND

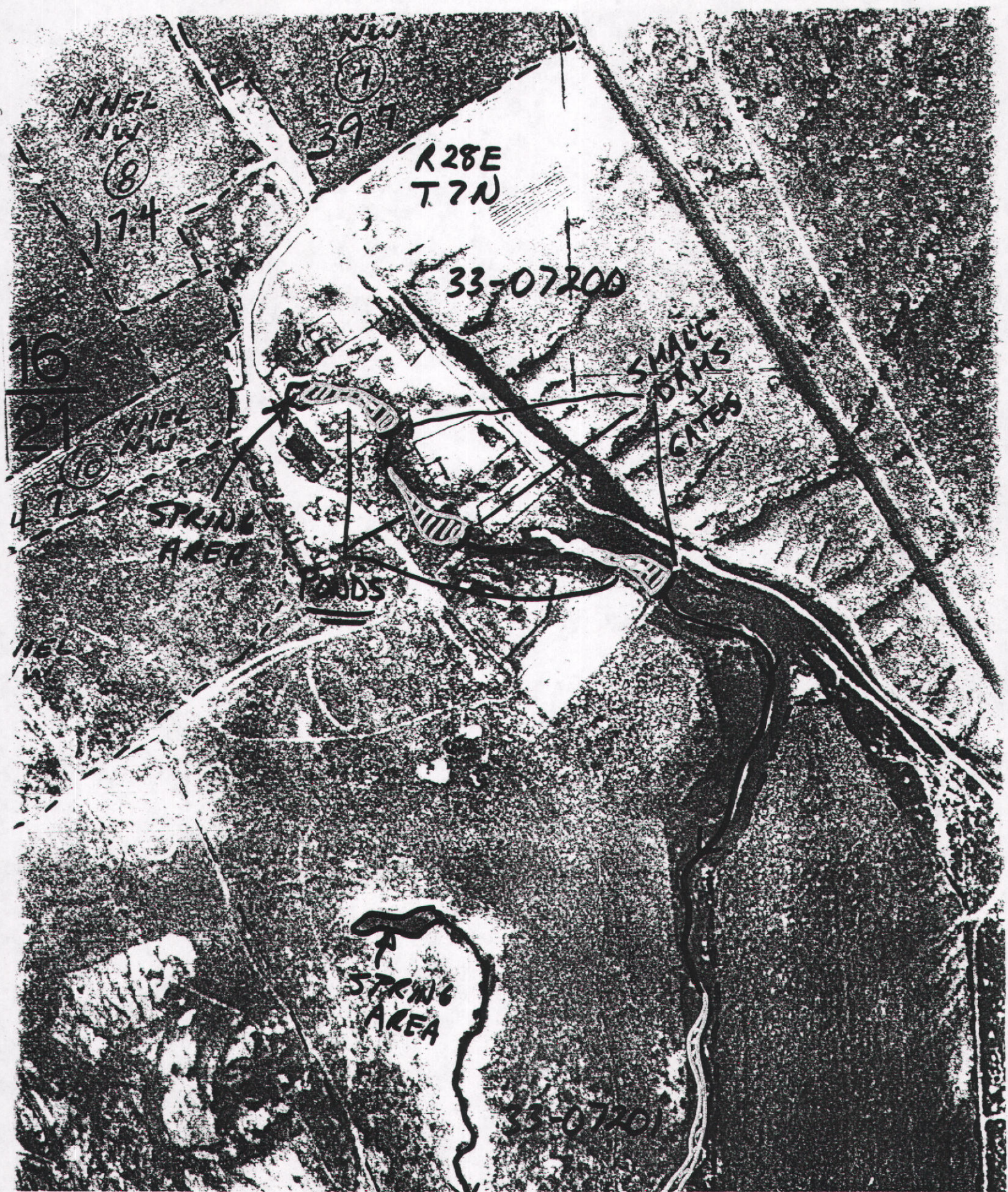
PONDS

Grave

Gravel Pits

No gut rats
up/over





Log of test well No. 3, NW 1/4 SW 1/4 SEC. 21,

T. 7 N., R. 28 E.

Altitude of land surface 56.1 feet.

	Thickness (feet)	Depth (feet)
Fine, sandy loam soil	5	5
Cemented gravel (Sample at 9 feet impermeable pea-sized gravel in limy-clay matrix)	7	12
(Sample at 12 feet similar but ~~impermeable~~ appears to have been leached)		
Dirty, partly consolidated gravel (Samples at 15 and 18 feet contain gravel as large as nut size but look as if they would be impermeable prior to churning by drill)	8	20
Gravel (Sample at 21 feet mostly shot-sized gravel and sand)		
(Sample at 24 feet not very clean gravel but contains pebbles as large as half and inch in diameter)	4	24
Sand (Sample at 27 feet sharp sand gravel)	3	27
Gravel (Sample at 30 feet clean pea and nut sized gravel)	5	32
Sand (Sample at 33 feet coarse, fairly clean sand)	2	34
Fine gravel (Samples at 36 and 40 feet shot to pea sized gravel in fine sand with a few larger pebbles)	6	40
Clay		
Gravel (Sample at 42 feet clean, pea to nut sized gravel)	2	42
(Sample at 44 feet coarse gravel as large as 1 1/2 inches in diameter)	7	49
(Sample at 47 feet clean pea to nut sized gravel)		
Sand (Sample at 51 feet coarse and fine sand containing shot-sized gravel)	3	52
Gravel (Sample at 54 feet like sample at 51 feet)		
(Sample at 57 feet clean gravel as large as 1 1/2 inches in diameter)	8	60
(Sample at 60 feet not quite so coarse as that at 57 feet)		

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USGS

JUN 24 1992

POOR QUALITY
POOR QUALITY
POOR QUALITY

POOR QUALITY

POOR QUALITY

Log of test well No. 5, SW. $\frac{1}{4}$ SE. $\frac{1}{4}$ SEC. 21,
T. 7N., R. 28E.

Altitude of land surface 44.8 feet.

	Thickness (feet)	Depth (feet)
Fine sandy loam		
Cemented gravel (Sample at 12, 15, and 18 feet pea-sized gravel in clay-matrix)	6 14	6 20
Fine gravel (Sample at 21 feet fine silt, sand, and pea-sized gravel) (Sample at 24 feet a little cleaner sand than at 21 feet and nut-sized gravel)	4	24
Gravel (Sample at 27 feet fairly clean gravel as large as 1 inch in diameter) (Sample at 30 feet fairly clean gravel as large as 2 inches in diameter) (Sample at 33 feet fairly clean gravel of nut size or smaller) (Sample at 36 feet sand and coarse gravel, much of it over 1 inch in diameter) (Samples at 39 and 42 feet somewhat girty fine sand with small gravel) (Sample at 40, 48, 52, 54, and 60 feet fine sand and silt with coarse gravel)	36	60

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JUN 24 1992

USGS

POOR QUALITY

Log of test well No. 4. SE. $\frac{1}{4}$ SW. $\frac{1}{4}$

SEC. 21, T. 7 N., R. 28 E.

Altitude of land surface at well 49.1 feet.

	Thickness (feet)	Depth (feet)
Fine sandy loam	6	6
Cemented gravel (Samples at 9, 12, and 15 feet pea to nut-sized gravel in limy-clay matrix)	9	15
Gravel	1	16
Clay (Sample at 18 feet like those from 9 to 15 feet; hence material at this depth is cemented gravel)	5	21
Fine gravel - - - (Sample at 21 feet fairly clean sand and pea-sized gravel); (Sample at 24 feet a little finer than that at 21 feet); (Sample at 27 feet a little coarser than that at 21 feet); (Sample at 30 feet similar to those above but contains nut-sized gravel); (Sample at 33 feet still coarser and contains gravel as large as 1 inch in diameter)	12	33
Clay, Gravel, and Sand (Sample at 36 feet fairly clean sand and gravel as large as nut size); (Sample at 39 feet dirty pea-sized gravel); (Sample at 42 feet dirty nut-sized gravel); (Sample at 45, 48 and 51 feet dirty peasized gravel)	18	51
Gravel (Sample at 54 feet exceptionally clean gravel 1 inch or less in diameter, much of it poorly rounded); (Sample at 57 feet silty sand and coarse gravel as large as 1 inch in diameter)		

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JUN 24 1992 USGS

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JUN 10 1993

OFFICE USE ONLY

Amt. of Fee \$ 0.00

Department of Water Resources

Receipt No. 5-7-93Receipt by SEW

RECEIVED

MAY 07 1993

Department of Water Resources
Eastern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 33-07200 Telephone No. 767-3124
2. Name(s) of Permit Holder(s): DIAMOND MILLIRON RANCH, C/O ROCKY ROSS
3. Mailing Address: PO Box 10; HOWE, ID. 83244
4. Source of Water: UNNAMED STREAM TRIB: LITTLE LOST RIVER

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other RECREATION

6. Total rate and/or volume for which proof is submitted _____ cfs OR 4 acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

Flow Measurement Port: Required? _____ Yes ☒ No Installed? _____ Yes ☒ No

8. Fee Enclosed: \$ N/A (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name ABOVE Telephone No. 767-3528 (ALT)

Address _____

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

MICROFILMED

5-7-93
Date

Rocky Ross Partner
Signature (and title, if on behalf of a company or organization)

JUN 29 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 33-07200

Proposed Priority: January 29, 1991

Maximum Storage Volume:

4.0 AF

This is to certify, that **DIAMOND MILLIRON RANCH**
C/O ROCKY ROSS
PO BOX 10
HOWE ID 83244

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of **LITTLE LOST RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31		4.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 21, Township 07N, Range 28E
BUTTE County

PLACE OF USE: RECREATION
TWN RGE SEC

07N 28E 21 NWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **July 1, 1994**.
2. Subject to all prior water rights.
3. See adopted Proposed Memorandum and Decision Order for conditions of approval.

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

18th day of June, 1992.

for R. Keith Higginson
R. Keith Higginson, Director

MICROFILMED

JUN 24 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)	FINAL ORDER ADOPTING
PERMIT NO.'S 33-07200 AND 33-07201)	PROPOSED MEMORANDUM
IN THE NAME OF)	DECISION AND ORDER
DIAMOND MILLIRON RANCH)	
_____)	

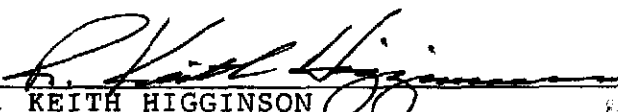
WHEREAS, R. Keith Higginson, Director of the Department of Water Resources, sent a copy of the Proposed Memorandum Decision and Order addressing the above captioned matter to the parties of record on June 2, 1992, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order, and Application for Permit No.'s 33-07200 and 33-07201 are APPROVED, and proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1994.

Dated this 18TH day of JUNE, 1992.



R. KEITH HIGGINSON
Director

RECEIVED

JUN 24 1992

I HEREBY CERTIFY THAT on 18th day of June, 1992, a true and correct copy of the Final Order Adopting the Proposed Memorandum Decision and Order was mailed, postage prepaid, to the following:

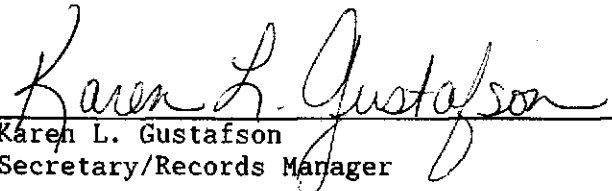
Rocky Ross
Box 10
Howe, ID 83244

George Woodie
HC 65 Box 1018
Howe, ID 83244

James G. Mayes
Mays Land & Livestock
Box 1
Howe, ID 83244

Robert R. Mayes
Box 2105
Howe, ID 83244

Darrel D. Mayes
HC 65 Box 21
Howe, ID 83244



Karen L. Gustafson
Secretary/Records Manager

RECORDED

JUN 24 1992

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF Application for Permit No.'s
33-07200 and 33-07201 in the name of Diamond
Milliron Ranch

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by this appointee, L. Glen Saxton, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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MIL. 67-5211

JUN 24 1992

III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

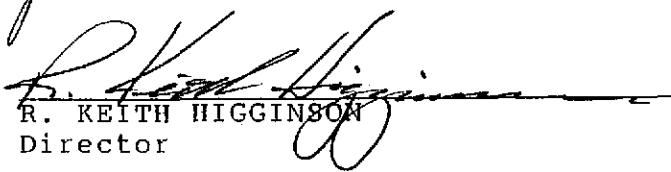
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 2nd day of June, 19 92


R. KEITH HIGGINSON
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	SOURCE; UNNAMED STREAM
FOR PERMIT NO.'S 33-07200 AND	)	TRIBUTARY: LITTLE LOST
33-07201 IN THE NAME OF DIAMOND	)	RIVER
MILLIRON RANCH	)	
	)	

PROPOSED MEMORANDUM DECISION AND ORDER

On January 29, 1991, Diamond Milliron Ranch submitted Application for Permit No.'s 33-07200 and 33-07201 to the Department of Water Resources (department). Each application proposed the diversion of 4 acre feet of water to be diverted from an unnamed stream tributary to the Little Lost River.

Notice of the applications was published in the Arco Advertiser in Butte County, Idaho, on February 21 and 28, 1991. A protest was received for both applications on March 11, 1991 from James G. Mays and Robert R. Mays. On February 25, 1991, George Woodie also submitted a protest.

On October 22, 1991, the department conducted a conference to discuss the issues of the protests.

The protestants fear that any loss in velocity within the Little Lost River system via on-stream ponds allows more water to percolate to the ground water system and be lost to down stream surface water right holders.

The protestants also object to work in the stream channel which might break an existing seal and thus allow water to percolate to the ground water system and not be available to down stream surface water users.

The applicants state that the ground water in this area is approximately 4 feet below the surface. They imply that this area of their ranch does not share the same porous nature of much of the Little Lost River system.

Both the applicants and protestants agreed to allow the

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JUN 24 1992

department to issue a proposed decision based on the information presented at the conference.

FINDINGS OF FACT

1. Rocky Ross and Don Phillips (applicants) testified that the proposed ponds were meant to be non-consumptive, on-stream entities to be used as a recreational fishery.

2. Past work with heavy equipment within the stream channel in the Little Lost River drainage has shown that there is a porous stream channel that is sensitive to invasive construction procedures in the stream.

3. The applicants have consulted with Don Shenton, Water Master for Water District 31, to see if any projected loss could be established for the proposed ponds. Mr. Shenton's June 26, 1991 letter suggests that the only loss would be evaporation since the bed loss was insignificant.

4. Three USGS well logs of test wells in Sec.21, T7N, R28E, near the proposed ponds, show "cemented gravel" at levels from 5' to 20' below the surface. The comment on test well no. 3 in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ at the third test level says "Samples at 15 and 18 feet contain gravel as large as nut size, but look as if they would be impermeable prior to churning by drill".

CONCLUSIONS OF LAW

1. The use proposed by these applications is non-consumptive and will not reduce the quantity of water to existing rights.

2. Section 42-203A, Idaho Code states in part:

. . . the director of the Department of Water Resources may grant a permit upon conditions.

3. The department should approve the applications and issue permits.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit NO.'s 33-08200 and 33-7201 are APPROVED subject to the following

JUN 24 1992

conditions.

1. Use of water under the permits is subject to all prior rights.

2. No material shall be removed from the stream bank or stream bed in the construction of the recreation ponds.

3. The department retains jurisdiction over these permits. If there is a measured loss between inlet and outlet points on these ponds that exceed 5%, the permit holder or current owner shall take steps as determined by the department to reduce or mitigate the loss.

4. The Water Master of the Little Lost river drainage is authorized to regulate diversion and use of water under the permits.

5. Proof of construction of works and application of water to beneficial use shall be as provided in the Final Memorandum Decision and Order.

Dated this 2nd day of June, 1992,



L. GLEN SAXTON
Chief, Water Allocation Bureau

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JUN 24 1992

I HEREBY CERTIFY THAT on 2nd day of June, 1992, a true and correct copy of the Proposed Memorandum Decision and Order and the Order Issuing the Proposed Memorandum Decision and Order was mailed, postage prepaid, to the following:

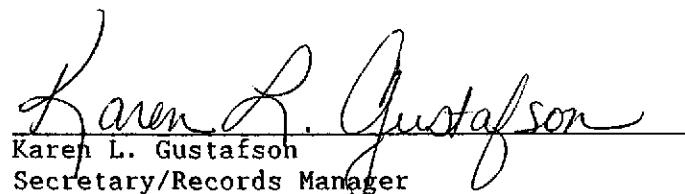
Rocky Ross
Box 10
Howe, ID 83244

George Woodie
HC 65 Box 1018
Howe, ID 83244

James G. Mayes
Mays Land & Livestock
Box 1
Howe, ID 83244

Robert R. Mayes
Box 2105
Howe, ID 83244

Darrel D. Mayes
HC 65 Box 21
Howe, ID 83244


Karen L. Gustafson
Secretary/Records Manager

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JUN 24 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Diamond MILLIRON RANCH

1. Name of applicant % Rocky Ross Phone 767-3124

Post office address P.O. Box 10, Howe Id 83244

2. Source of water supply Unnamed Stream which is a tributary of Little Lost River

3. Location of point of diversion is _____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot _____

Sec. 21 Township 7N Range 28E B.M. Butte County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 4 for RECREATION purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) _____ and/or (b) 4
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Diversion Dam for headgate for storage for fish ponds.

b. Height of storage dam 8 feet; active reservoir capacity 4 acre-feet; total reservoir capacity 4 acre-feet; period of year when water will be diverted to storage: 11/1 to 4/1 inclusive.

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

d. Is ground water with a temperature of greater than 90°F being sought? N/A

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year).

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JUN 24 1992

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Recreational fish pond

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	28E	21					R												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

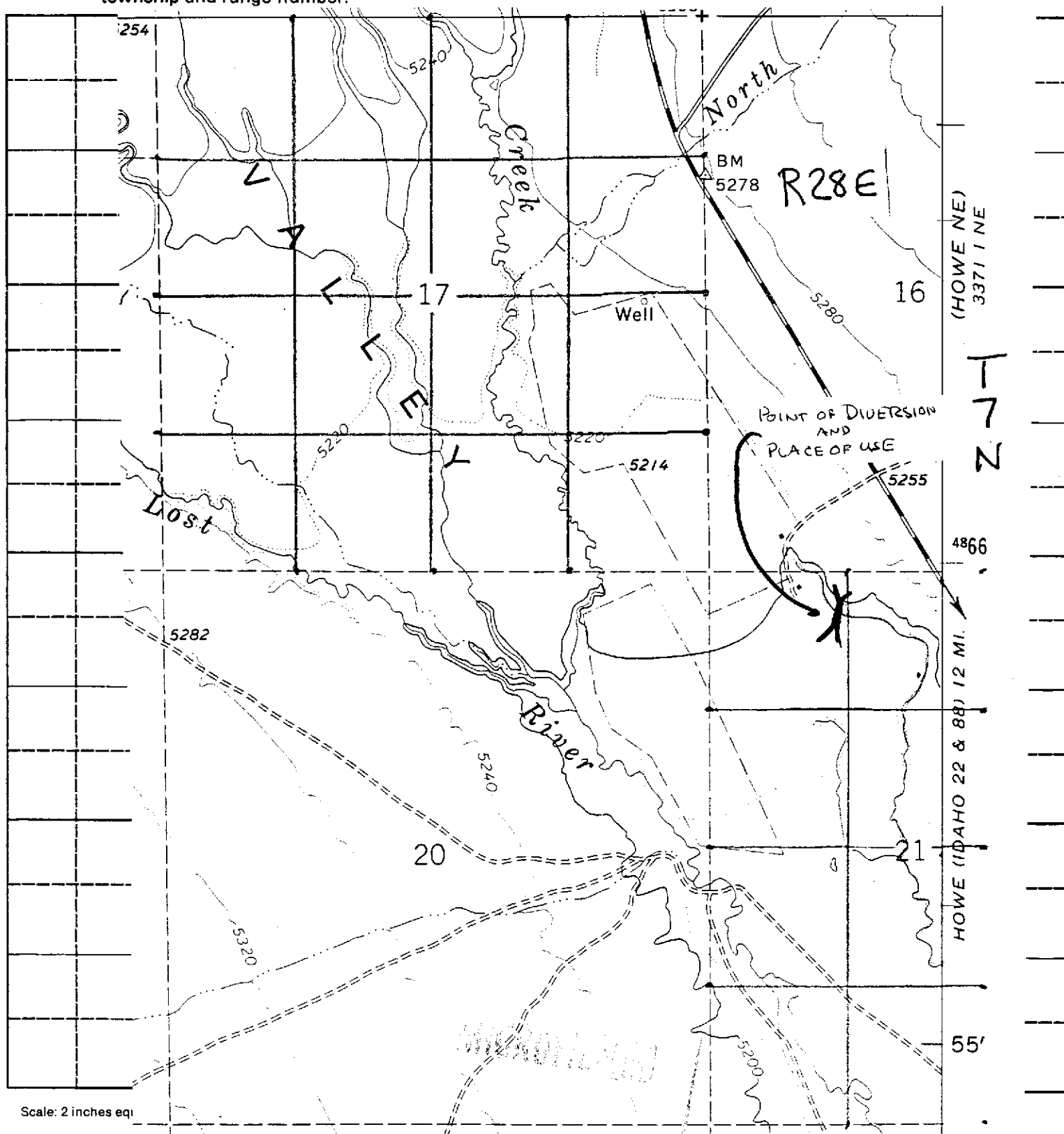
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? "
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Diversion Dam used in conjunction with headgate for an irrigation water right.

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JUN 24 1992

JUN 24 1992

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



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Rocky Groos
(Applicant)

Received by JD Date 1-29-91 Time _____ Preliminary check by _____
Fee \$ 30. Received by JD # E 015642 Date 1-29-91
Publication prepared by LB Date 2-21-91 Published in Arco Advertiser
Publication approved QW Date 3-4-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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JUN 24 1992

AFFIDAVIT OF PUBLICATION

I, Colleen Babcock
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco, Idaho,
since March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,

for 2 consecutive weeks, commencing with
the issue dated Feb. 21, 1991

and ending with the issue dated

Feb. 28, 1991
Colleen Babcock

STATE OF IDAHO }
COUNTY OF BUTTE }

On this 1 day of March
in the year of 1991, before me, a Notary Public,

personally appeared

Colleen Babcock
known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he
executed the same.

Thomas D. Cannon
Notary Public for Idaho

Residing at Arco, ID

My commission expires: 12-17-91

RECEIVED

MAR 4 1991

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 34-02447 / A34-10930

Department of Water Resources
Eastern District Office

Notice is hereby given that JACK OR
LOIS WALKER has applied to the De-
partment of Water Resources to ADD
DIVERSION POINTS of the waters of a
GROUNDWATER source. The right
sought to be changed is evidenced by a
LICENSE & CLAIM and recorded as fol-
lows:

LICENSE NO. 34-02447
AMOUNT: 3.64
PRIORITY: JULY 16, 1963
POINT(S) OF DIVERSION: NWSE,
SEC. 5, T 5N, R 26E, B.M. BUTTE
COUNTY

The water is used from APRIL 1 to
NOVEMBER 1 to irrigate 182 acres
within the SWSW, W $\frac{1}{4}$ SE $\frac{1}{4}$, SEC 4; SWNE,
SE $\frac{1}{4}$, SEC. 5, T 5N, R 26E, B.M.

CLAIM NO. A34-10930
AMOUNT: 1.70
PRIORITY: JULY 17, 1963
POINT(S) OF DIVERSION: NWSE, SEC
5, T 5N R 26E, B.M. BUTTE COUNTY

The water is used from APRIL 1 to
NOVEMBER 1 to irrigate 85 acres within
the N $\frac{1}{4}$ SW $\frac{1}{4}$, SWSW, SEC. 4; SENE, SWSE,
SEC. 5, T 5N, R 26E, B.M.

TO BE CHANGED AS FOLLOWS:
The water will be diverted from the
SWSW, SEC. 4; NWSE, SEC. 5, T 5N, R
26E, B.M. and used to irrigate 267 acres
within the N $\frac{1}{4}$ SW $\frac{1}{4}$, SWSW, W $\frac{1}{4}$ SE $\frac{1}{4}$, SEC. 4;
S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, SEC. 5, T 5N, R 26E, B.M.

Any protests against the proposed
change must be filed with the Idaho
Department of Water Resources, 150
Shoup Ave., Idaho Falls, ID 83401, on or
before MARCH 11, 1991.

R. KEITH HIGGINSON
Director
Published in the ARCO ADVERTISER
on FEBRUARY 21 & 28, 1991.

33-07199

DIAMOND MILLIRON RANCH
C/O ROCKY ROSS
P.O. BOX 10
HOWE, ID 83244
Source: BIG SPRING CREEK
Tributary: LITTLE LOST RIVER
Diversion Pt: SWNE Sec 17 T 07N R
28E

Use: RECREATION (5.00 AF)
Total Diversion: (5.00 AF)
Date Filed: 1/29/1991
In: T07N R28E S17 SWNE

33-07200

DIAMOND MILLIRON RANCH
C/O ROCKY ROSS
P.O. BOX 10
HOWE, ID 83244
Source: UNNAMED STREAM, Tribu-
tary: LITTLE LOST RIVER
Diversion Pt: NWNW Sec 21 T07N R
28E

Use: RECREATION (4.00 AF)
Total Diversion: (4.00 AF)
Date Filed: 1/29/1991
In: T07N R28E S21 NWNW

33-07201

DIAMOND MILLIRON RANCH
C/O ROCKY ROSS
P.O. BOX 10
HOWE, ID 83244
Source: UNNAMED STREAM, Tribu-
tary: LITTLE LOST RIVER
Diversion Pt: NESW Sec 21 T 07N R
28E

Use: RECREATION (4.00 AF)
Total Diversion: (4.00 AF)
Date Filed: 1/29/1991
In: T07N R 28E S21 NESW

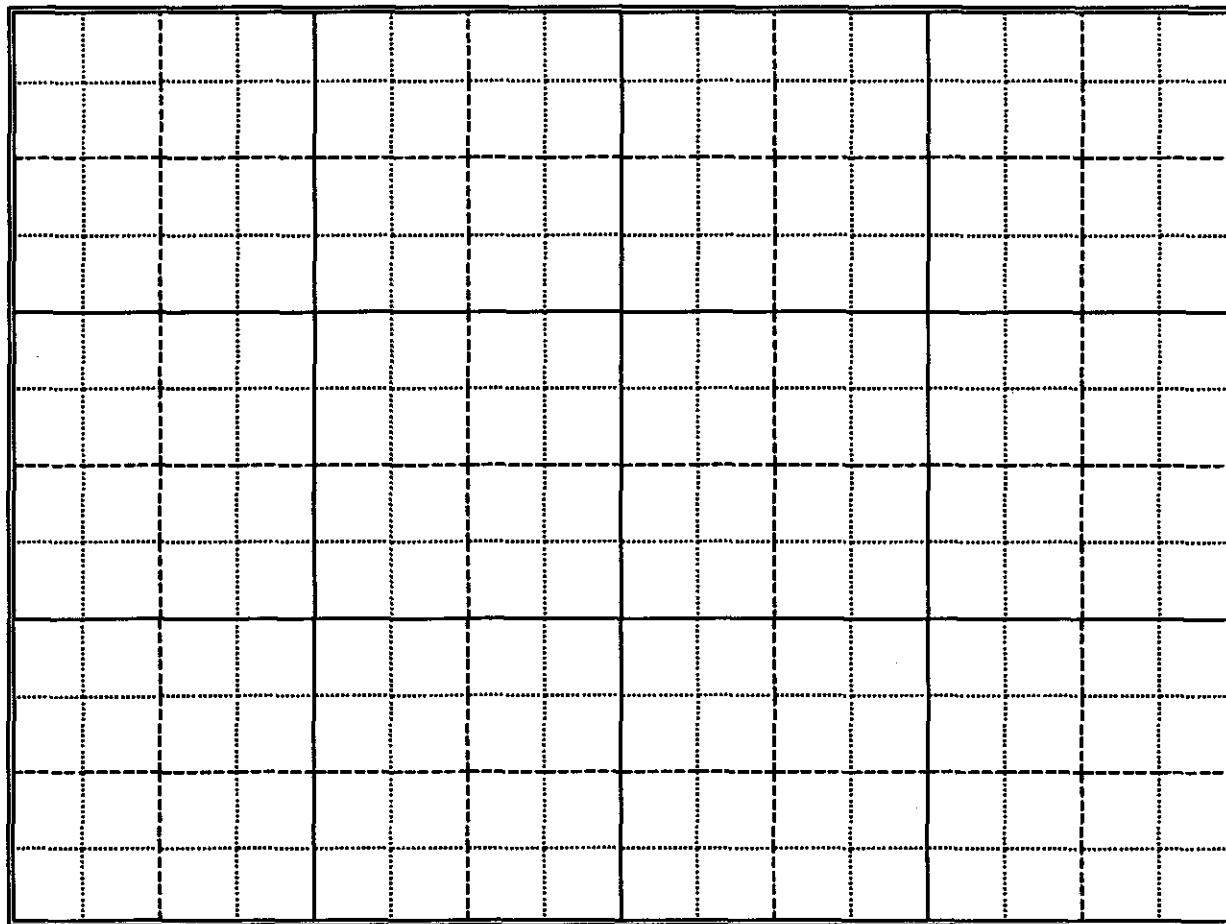
The permit(s) will be subject to all
prior water rights. Protests may be sub-
mitted based on the criteria of Sec. 42-
203A, Idaho Code and/or the new public
interest criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with the
Director, Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls, Idaho
83402 on or before MARCH 11, 1991.

R. Keith Higginson, Director
Published 2/21/1991 & 2/28/1991

JUN 24 1992

[illegible]

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



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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: NO FLOW MEASUREMENTS POSSIBLE - SEE ATTACHED MEASUREMENTS OF COMBINED STREAM FLOW.

DIAMOND HILLIRON RANCH
RECREATION

10/3

VIEW OF
SPRING
SOURCE



UPPER 1st
RESERVOIR
BACKUP
BEHIND
UPPER DAM
#1



PERMIT
NUMBER

33-07200

DIAMOND HILLION RANCH

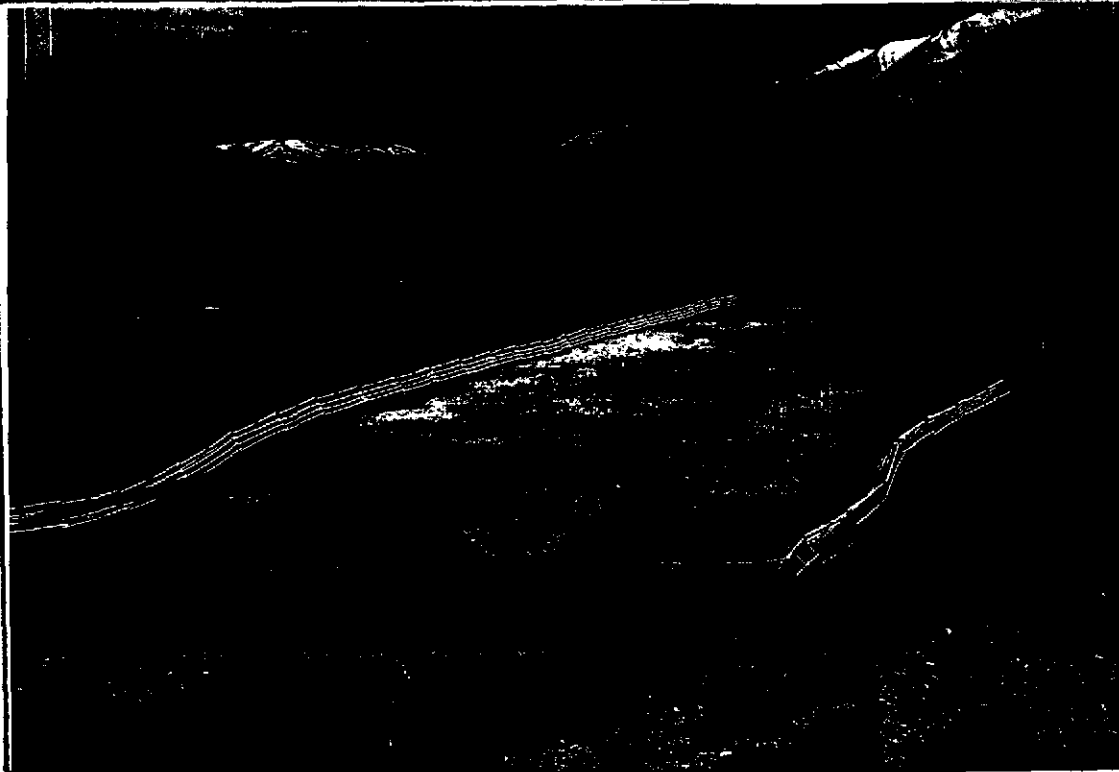
RECREATION

25/3

VIEW #1
LEFT TO
RIGHT



VIEW #2
LEFT TO
RIGHT



PERMIT
NUMBER

33-07200

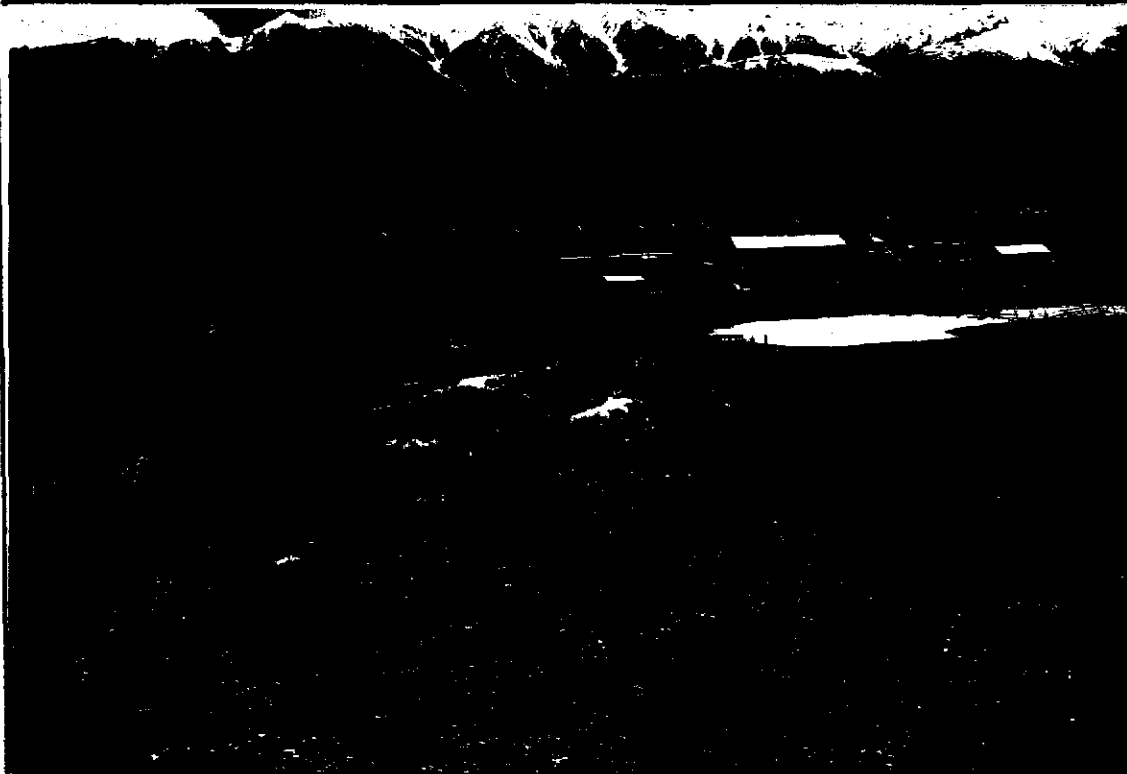
DIAMOND HILLION RANCH

RECREATION

343



VIEW #3
LEFT TO
RIGHT



VIEW #4
LEFT TO
RIGHT

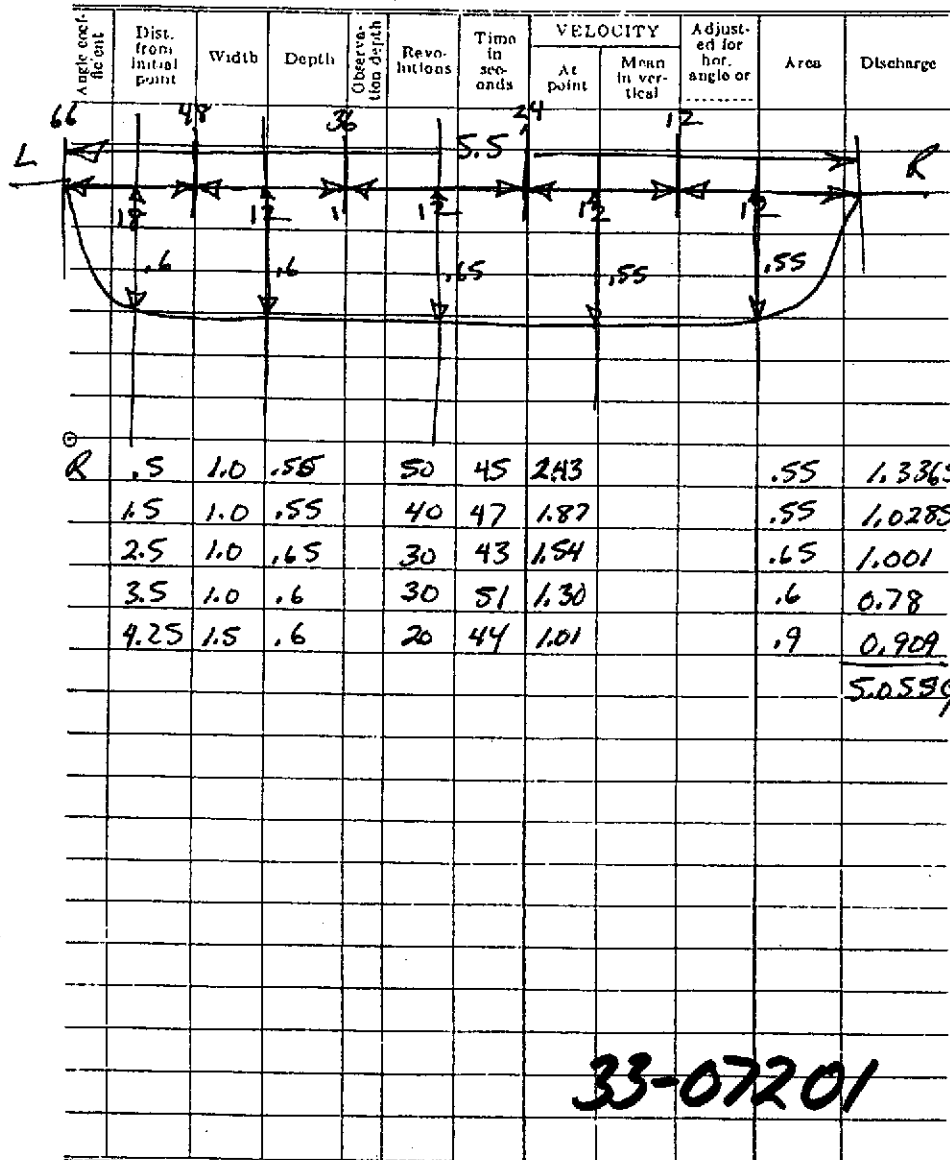
PERMIT
NUMBER

33-07200

State of Idaho 33-07201
Department of Water Resources

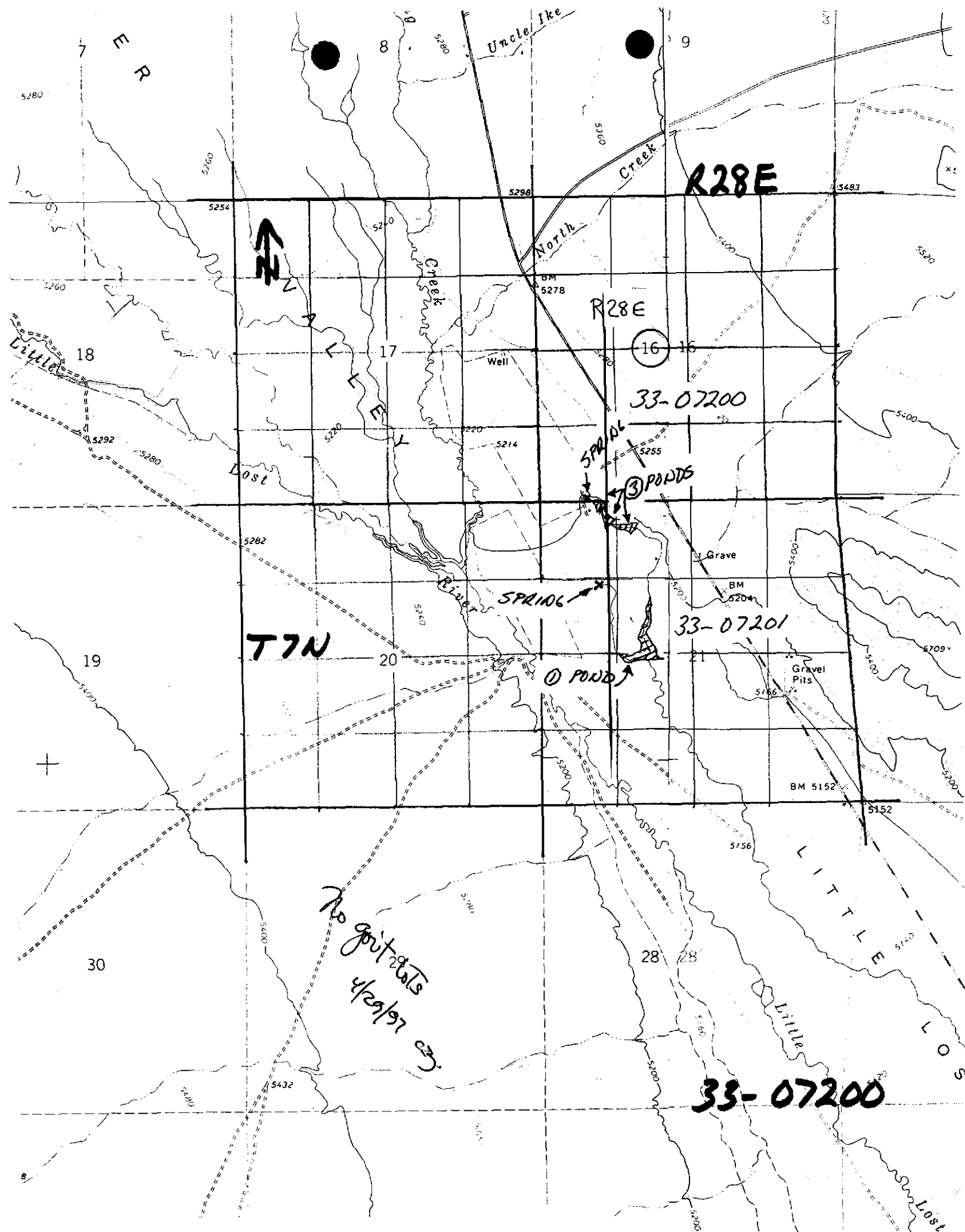
Date 5/12/75 DISCHARGE MEASUREMENT NOTES

River at DIAMOND MILLION RANCH



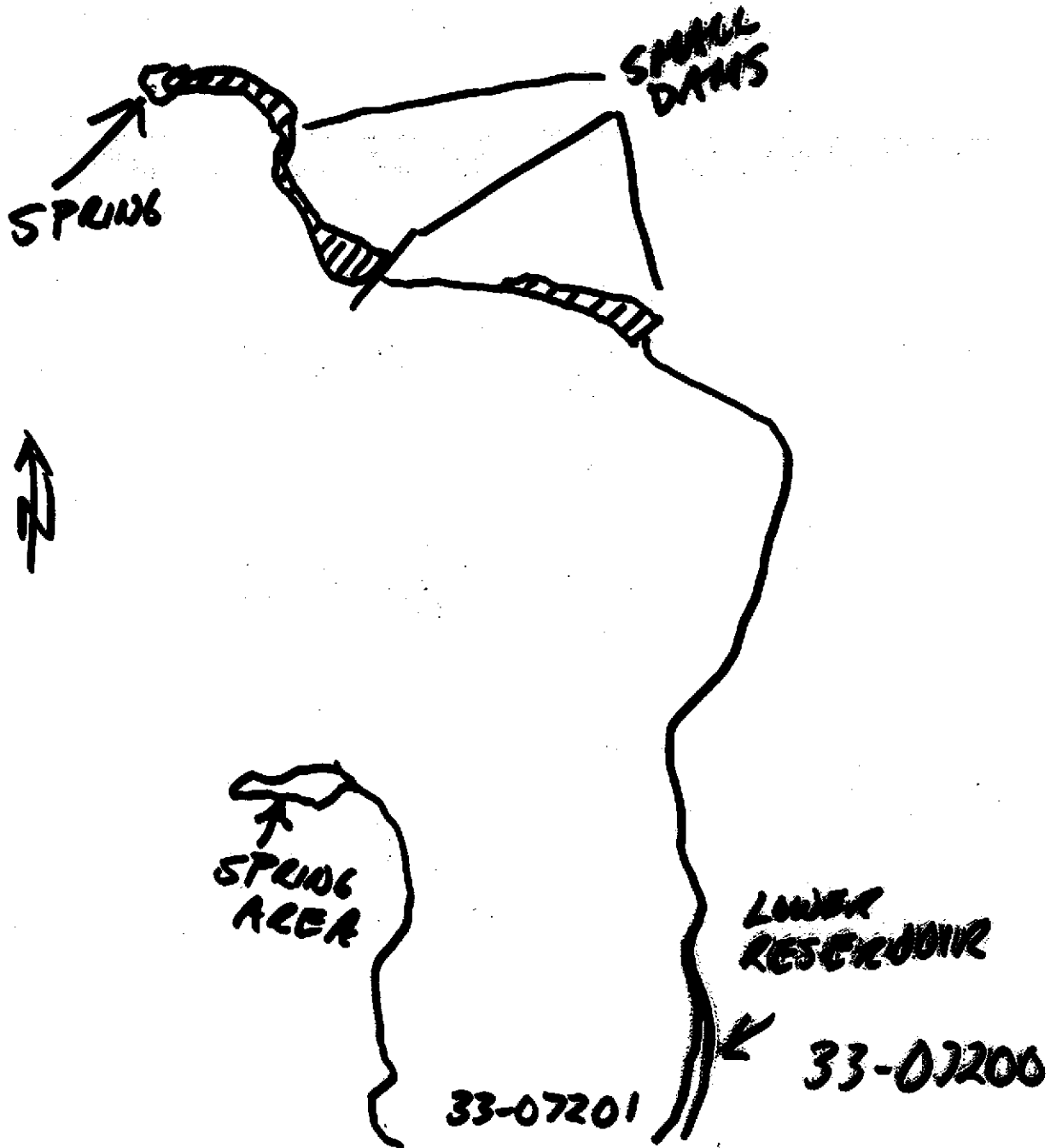
No. 1 of 1 Sheets. Comp. by Chk. by

33-07200





R28E
T7N



E. NARRATIVE/REMARKS/COMMENTS

WATER FOR THIS RECREATIONAL PERMIT IS SUPPLIED BY A SPRING ORIGINATING AT SE SW SW - SH 516 T7N R8E WHICH FLOWS INTO A NATURAL STREAM. THE STREAM HAS HAD SEVERAL CONTROL DAMS ~~PLACED~~ PLACED ACROSS THE FLOW TO CREATE SMALL RESERVOIRS.

NO FLOW MEASUREMENTS WERE POSSIBLE UNTIL AFTER LOWER (LARGE RESERVOIR [33-07201]). DEPTH OF PONDS ARE ASSUMED (3' DEEP).

NO SPECIFIC CONTROL GATE HAS BEEN INSTALLED EXCEPT RESTRICTIVE DAM + LIMITING CORRUGATED CULVERTS.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

$$Q = 5.055 \text{ CFS HEASKEED BELOW RESERVOIR (33-07201)}$$

ASSUME THIS PERMIT 33-07200 IS HARD SPREAD AND STRAIGHT

$$FLOW 5.055 \text{ CFS} \times \frac{3}{5} = \text{APPROXIMATE } 3.033 \text{ CFS.}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

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

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

ACREAGE DOT COMPUTER

$$16 \text{ DOTS} / 4 = 4 \text{ AF} \times 3' \text{ DEEP} = 12 \text{ AF} \times 0.44 \text{ FACTOR} = 4.8 \text{ ACRES FEET}$$

H. RECOMMENDATIONS PERMIT LIMITS TO 4.0 AFA

1. Recommended Amounts

Beneficial Use

RECREATION

From

1/1

Period of Use

To

12/31

Rate of Diversion

Q (cfs)

Annual Volume

V (afa)

Totals:

4.0 AFA

2. Recommended Amendments

☒ Change P.D. as reflected above

☒ Add P.D. as reflected above

☐ None

☐ Other

☒ Change P.U. as reflected above

☒ Add P.U. as reflected above

I. AUTHENTICATION

Field Examiner's Name DOUG SIMPSON

Date 11/25/96

Reviewer Cindy Zimmerman

Date 4/29/97

SEAL

June 11, 1993

DIAMOND MILLIRON RANCH
C/O ROCKY ROSS
PO BOX 10
HOWE ID 83244

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 33-07200

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
JUN 29 1993

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 33-07200

Reviewed by klg

Date 5/14/93

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

Recreation
Correct Uses? yes

SOURCE OF WATER

✓ Surface water source
Ground water source

NA Drilling permit required?
Copy in the file? Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50 Amount Submitted
yes Correct?

MEASURING DEVICE

NA Required?
Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due -
No. of days late =
Priority Date +
New Priority Date

DEFICIENCIES OR ACTION ITEMS

needs OK file

proof acceptable

DATA ENTRY

New Address _____

Proof Made 6/10/93



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 14, 1993

Diamond Milliron Ranch
c/o Rocky Ross
PO Box 10
Howe, ID 83244

Re: Permit No. 33-07201 and 33-07200

Dear Permit Holder:

Returned are the proofs of beneficial use submitted in connection with the above referenced permit. Unfortunately, they are unacceptable as filed.

The Department has determined, from pertinent sections of the Idaho Code, that the permit holder must meet two requirements in order to be exempt from the license exam fee. They are:

1. The water right must use a groundwater (well) source.
2. The rate of diversion must be .04 cfs or 4.0 AF or less.

As you can see, you do not meet requirement #1 since you use an unnamed stream for your source. Therefore, a license examination fee of \$50 applies to each of your permits. I have enclosed a copy of the Instructions for the Proof of Beneficial Use for your convenience.

In order to be in compliance with all of the required dates, you must return the original proof and fee on or before July 1, 1994.

If you have any questions or if I can be of any further assistance, please feel to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR - Regional Office - Eric Verner

RECEIVED

JUN 29 1993

June 22, 1992

DIAMOND MILLIRON RANCH
C/O ROCKY ROSS
PO BOX 10
HOWE ID 83244

RE: PERMIT NO. 33-07200 & 33-07201

Dear Mr. Ross:

Enclosed are copies of your approved applications for permit. At the time the Proposed Memorandum and Decision Order was adopted approving your applications, you should have been sent copies of the actual permits in conjunction with the Order adopting the decision.

I do apologize for this oversight. This type of situation can happen when applications deviate from the usual processing procedures.

Thank you for your patience in this matter.

Sincerely,

Brenda L. Miller
Technical Records Specialist

Enclosures

MICROFILMED

JUN 24 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 18, 1992

RE: Application for Permit to Appropriate Water Nos. 33-7200 and 33-7201 in the Name of Diamond Milliron Ranch

Dear Interested Party:

Please find enclosed a copy of the Order Adopting Proposed Memorandum Decision and Order on the above referenced permit.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within twenty (20) days or may appeal to the district court within thirty (30) days from the date this decision is mailed.

Sincerely,

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

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JUN 24 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 2, 1992

Dear Interested Party:

Enclosed are copies of the Proposed Memorandum Decision and Order and the Order Issuing the Proposed Memorandum Decision and Order.

Any party who appeared at the hearing is given the opportunity to file exceptions or briefs, or to request oral arguments within 15 days of the date of this mailing. At the end of that time, the director will issue his final decision adopting, modifying rejecting or replacing the proposed decision. Copies of that decision and order shall also be mailed to all parties.

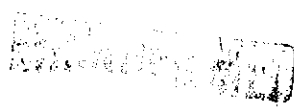
If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'L. Glen Saxton'.

L. Glen Saxton
Chief, Water Allocation Bureau

Enc: Proposed Memorandum Decision and Order
Order Issuing the Proposed Memorandum Decision and
Order
Certificate of Mailing



JUN 7 1992

Dist. for staffing: 2-4-91
Submitted for advertising:

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS SHEET

33.7200

INITIAL REVIEW BY HWS DATE 2-6-91 APPLICATION NO. _____
APPLICANT NAME: Diamond Milliron Ranch c/o Rocky Ross

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION

- Overlapping place of use (Describe source & relationship to present application on the back.)
Overlapping point of diversion
Yes _____ No _____ Field check required
Field check by _____
Yes _____ No _____ Field report attached
Yes _____ No _____ Critical groundwater area
Yes _____ No _____ Groundwater management area
Yes _____ No _____ Send dam safety information
Yes _____ No _____ Send power requirement letter
Yes _____ No _____ Send fish farm requirement letter
Yes _____ No _____ Power residency affidavit
Yes _____ No _____ Power efficiency form
☒ Yes _____ No _____ Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
Yes _____ No _____ Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

RECEIVED
APR 24 1992

Department of Water Resources

PROCESSING ☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ Water District 33
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☐ No Protests received
Final date for protest 3-11-91
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☒ Yes ☐ No Recommendations, attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 33
☒ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information
Date of priority recommended 1-29-91
By HWT Date 4-22-92

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

See attached Memorandum Decision (Proposed)

LOCAL PUBLIC INTEREST

Comments received from

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other <u> </u>

Project impacts/implications report

COMMENTS

POOR QUALITY

	Thickness (feet)	Depth (feet)
Fine sandy loam soil	5	5
Cemented gravel (Sample at 9 feet cemented gravel in clay matrix) (Sample at 11 feet cemented gravel in clay matrix) (Sample at 13 feet cemented gravel in clay matrix) (Sample at 15 feet cemented gravel in clay matrix)	11	17
Dirty, partly consolidated gravel (Sample at 15 and 16 feet contain gravel as large as nut size but look as if they could be impermeable prior to churning by drill)	8	25
Gravel (Sample at 17 feet mostly shot size gravel and sand) (Sample at 20 feet not very clean gravel but containing pebbles as large as half an inch in diameter)	23	23
Sand (Sample at 22 feet very sandy gravel)	4	27
Gravel (Sample at 24 feet clean pea and nut sized gravel)	5	32
Sand (Sample at 28 feet very clean sand)	12	44
Fine gravel (Samples at 36 and 40 feet shot to pea sized gravel in fine sand with a few larger pebbles)	6	50
Gravel (Sample at 42 feet clean, pea to nut sized gravel) (Sample at 44 feet coarse gravel as large as 1 1/2 inches in diameter) (Sample at 47 feet clean pea to nut sized gravel)	2	52
Sand (Sample at 51 feet coarse and fine sand containing shot sized gravel)	5	57
Gravel (Sample at 54 feet like sample at 51 feet) (Sample at 57 feet clean gravel as large as 1 1/2 inches in diameter) (Sample at 60 feet not quite so coarse as that at 57 feet)	6	63

151515

POOR QUALITY
POOR QUALITY
POOR QUALITY

POOR QUALITY

Altitude of land surface 11.8 feet.

	Thickness (feet)	Depth (feet)
Fine sandy loam	6	6
Cemented gravel	14	20
(Sample at 22, 15, and 12 feet pea-sized gravel)		
(Sample at 22 feet clay matrix)		
Fine gravel		24
(Sample at 21 feet fine sand, and pea-sized gravel)		
(Sample at 24 feet a little cleaner sand than at 21 feet and nut-sized gravel)		
Gravel	26	60
(Sample at 27 feet fairly clean gravel as large as 1 inch in diameter)		
(Sample at 30 feet fairly clean gravel as large as 2 inches in diameter)		
(Sample at 33 feet fairly clean gravel of nut size or smaller)		
(Sample at 36 feet sand and coarse gravel, much of it over 1 inch in diameter)		
(Samples at 39 and 42 feet somewhat girty fine sand with small gravel)		
(Sample at 40, 48, 51, 54, and 60 feet fine sand and silt with coarse gravel)		

MICROFILMED

JUN 24 1992

USGS

POOR QUALITY

POOR QUALITY

Log of test well No. 1, SE 1/4 SW 1/4
SEC. 21, T. 7 N., R. 28 E.

Altitude of land surface at well 49.1 feet.

	Thickness (feet)	Depth (feet)
Fine sandy loam	6	6
Cemented gravel (Samples at 9, 12, and 15 feet pea to nut-sized gravel in clay- clay matrix)	9	15
Gravel	1	16
Clay (Sample at 18 feet like those from 9 to 15 feet; hence material at this depth is cemented gravel)	5	21
Fine gravel (Sample at 21 feet fairly clean sand and pea-sized gravel) (Sample at 24 feet a little finer than that at 21 feet) (Sample at 27 feet a little coarser than that at 21 feet) (Sample at 30 feet similar to those above but contains nut-sized gravel) (Sample at 33 feet still coarser and contains gravel as large as 1 inch in diameter)	12	33
Clay, Gravel, and Sand (Sample at 36 feet fairly clean sand and gravel as large as nut size) (Sample at 39 feet dirty pea-sized gravel) (Sample at 42 feet dirty nut-sized gravel) (Sample at 45, 48 and 51 feet dirty peasized gravel)	18	51
Gravel (Sample at 54 feet exceptionally clean gravel 1 inch or less in diameter, much of it poorly rounded) (Sample at 57 feet silty sand and coarse gravel as large as 1 inch in diameter)		

MICROFILMED

JUN 24 1992 USGS

Dubois, Idaho
June 26, 1991

To Whom it May Concern:

I Donald W. Shenton, a water master of water District's #31, 32-C, 32-D, make the following statements. I do not make this statement as the watermaster of the above Districts but as an individual, who has made many numerous measurements by request of many agencies, engineering firms, water districts, canal companies, individuals, and others. I have had 31 years of experience in all types of water measurements including thousands of measurements by current meter on open streams, canals and ditches.

In the spring of 1991 Mr. Rocky Ross called for assistance in measuring a stream on his farm to determine the losses or seepage of a stretch of stream. He told me an I.D.W.R. employee and his own watermaster had suggested getting me to see if we could determine the amount of loss in the mentioned reach.

I traveled to Howe, Idaho, to Rocky's Ranch to find this stretch to be spring fed and a substantial gain along this reach making it almost impossible to determine or quantify the amount of loss at any given point. Mr. Ross informed me that he needed to know if there was a loss because he wished to put small dams in the stream for recreation and fishing and had protester's within the water district claiming injury to their water rights.

After looking the stream stretch over I suggest Rocky might get a permit to install a weir at the top fo the reach and at the bottom of the reach, and study the loss or gain for a year and then put in the dams and see if there was a loss or injury for the next year. This would have been difficult as the stream was very wide and still would not be totally conclusive because there would be a certain amount of evaproation and transpiration as plant habitat developed.

We then explored the possibility of digging dams off stream as he had one anyway in which the water stayed in the year around. Rocky felt that these ponds would freeze over and sufficate fish because there was not fresh water circulation through them, where as the stream would remain open because of flowing spring water.

Rocky then showed me his well pumping system and we discussed the possibility of spilling some amount of water into the channel where his sprinkler pipe crossed from west to east. Determining the amount needed would be the difficult part. I felt that an amount needed would only apply to what evaporation took place as the spring fed creek would probably not suffer any significant bed losses. I suggest maybe .04 C.F.S might be more than sufficient as that would total approx. 2.4 A.F. per month or 14.4 A.F. for the irrigation season.

I know of recreation ponds in our district with sealed bottoms which only require 3 gallons per minute to sustain a water level. These ponds do have some small trees on their banks. This would calculate into 0.40 of an acre foot per month. (.02 C.F.S. X 30 days X 2 for A.F. divided by 3 gallon per minute)(as .02 is actually 9 gallons per minute)

This ended the tour - consultation - and evaluation of Mr. Rocky Ross's concerns for his fish pond evaluations.

Sincerely,

Donald W. Shenton

Donald W. Shenton

Subscribed and sworn to before JUN 24 1992
28th day of June, 1991.

Ann S. Tavenner
to Ann S. Tavenner, Notary Public

10-22-91

33-7199, 7200, 7201
Diamond Mill Iron

Conference

Protestants complain about possible injury if "seal" is broken in creek.

Pump in pond would be an additional pd that is located in the transfer.

Some of the issue is the transfpd. wage on Fallat creek. This is not one we can consider.

Applicants say that subwater is 4 feet below surface.

There are some fears that a precedent for the system will be set & Mr. Dumper & Pancheri will apply for a large group of Ponds.

- ① Protestants feel this appl. will reduce water supplies.
- ② " not be in public interest
(Precedent setting situation)

Can a measuring device be put in to help this?
(I doubt it)

MICROFILMED

JUN 24 1992

Applicants & protestants have asked Dept. to write a memorandum decision based on this

In the matter of Applications)
33-7201 & 33-7200)

We the undersigned agree to allow the Dept of
Water Resources to make a decision to approve
or disapprove the above applications based on the
Testimony provided at Conference on 10-22-1991
at the Butte Co. Courthouse.

We also understand that there is a right of
appeal when this memorandum decision is issued.

Applicant

Rocky Ross
Don Phillips

Protestant

George Woodie
James B. May
Robert B. Forays

Date 10-22-91

MICROFILMED

JUN 24 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 10, 1991

ATTN: Judy Bailey
Butte County Commissioner's
Arco Memorial Bldg.
Arco, ID 83213

Dear Judy:

This is to confirm the use of the Commissioner's Room in the Butte County Courthouse for a water right conference to be held by this Department beginning at 9:30 a.m. on Tuesday, October 22, 1991.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Assistant

RECEIVED
JUN 24 1992

NAME AND
ADDRESS
OF SENDERDEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified
☐ Express MailCheck appropriate block for
☐ Registered Mail:
☐ With Postal Insurance
☐ Without Postal InsuranceAffix stamp here if issued as
certificate of mailing or for
additional copies of the bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	NAME OF ADDRESSEE, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (if Regs.)	Insured Value	Due Sender if C.O.D.	R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
1	0783	John Albrecht, 1815 S. 10th St, 83330											13-7431
2	0783	James Hunt 719 1345 Barton Road											"
3	0784	Jack Hubbard, APC, 2111 State Boise											13-7431
4	0785	Phil Post 1760 Dick Rd, 83341											27-7485
5	0786	David M. Moderski, Rt 1 Box 1560, 83341											"
6	0787	William H. Hunt 392 E 400N Blackfoot											27-7485
7	0788	Rocky Road, 10 Bay 10, 83341											33-7199/1200
8	0789	Rocky Road, 10 Bay 139, 83341											"
9	0790	James Hunt, 10 Bay 1, 83341											"
10	0791	James Hunt, 10 Bay 1, 83341											"
11	0792	James Hunt, 10 Bay 1, 83341											33-7199/1200
12		James Hunt, 10 Bay 1, 83341											
13		James Hunt, 10 Bay 1, 83341											
14		James Hunt, 10 Bay 1, 83341											
15		James Hunt, 10 Bay 1, 83341											

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. G.P.O. 1985-478-804

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
PERMITS NOS. 33-07199, 33-07200,	)	NOTICE OF
AND 33-07201 IN THE NAME OF	)	COMBINED CONFERENCE
DIAMOND MILLIRON RANCH	)	

On January 29, 1991, Rocky Ross, Diamond Milliron Ranch, filed with the Department of Water Resources three applications to appropriate the public waters of the State of Idaho. On February 25, 1991, the Department received a protest against approval of said applications from George Woodie, Woodie Land & Livestock. On March 11, 1991, additional protests were received from James G. Mays, and Randall C. Budge, Attorney at Law, in behalf of Robert R. Mays. The Department has set the matter of protests for an administrative conference to be conducted at 9:30 a.m. on Tuesday, October 22, 1991, in the Commissioner's Room, Butte County Courthouse, Arco, Idaho.

Agenda items for this conference will include:

1. Identify spokesman and/or counsel representing the protestant.
2. Review of the application.
3. Identify issues of protest.
4. Designate date for identifying witnesses.
5. Designate target date for conducting administrative hearing if resolution is not possible during the conference.

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JUN 24 1992

The conference will be held in accordance with the provisions of the adopted Rules of Practice and Procedure of the Department of Water Resources.

Dated this 7th day of October, 1991.



RONALD D. CARLSON
Eastern Regional Manager

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 11, 1991

Diamond Milliron ranch
c/o Rocky Ross
P. O. Box 10
Howe, ID 83244

Dear Mr. Ross:

Enclosed are copies of protests filed against the issuance of permits pursuant to applications Nos. 33-7199, 33-7100, and 33-7201. The Department suggests you contact the protestants directly in an effort to determine the nature of the protests and to attempt to resolve the protests.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protests. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. That it is contrary to conservation of water resources within the State of Idaho.

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JUN 24 1992

Diamond Milliron Ranch
April 11, 1991
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

Enclosure

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JUN 24 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 11, 1991

RE: Application for Permit No. 33-7199, 33-7200, 33-7201
DIAMOND MILLIRON RANCH

Randall C. Budge
Attorney at Law
PO Box 1391
Pocatello, ID 83204-0391

Dear Mr. Budge:

Your protest against approval of the above referenced applications has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the applications and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. That it is contrary to conservation of water resources within the State of Idaho.

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JUN 24 1992

Randall C. Budge
April 11, 1991
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office
Robert R. Mays

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JUN 24 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 11, 1991

RE: Application for Permit No. 33-7199, 33-7200, 33-7201
DIAMOND MILLIRON RANCH

James G. Mays
General Manager
Mays Land & Livestock, Inc.
Box 1
Howe, ID 83244

Dear Mr. Mays:

Your protest against approval of the above referenced applications has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the applications and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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6. That it is contrary to conservation of water resources within the State of Idaho.

JUN 24 1992

James G. Mays
April 11, 1991
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

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JUN 24 1992

Mays Land and Livestock, Inc.

Box 1
Howe, Idaho 83244

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MAR 11 1991

Department of Water Resources
Eastern District Office

March 9, 1991

Mr. R. Keith Higginson
Director, Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

Attn: Mr. Higginson

SUBJECT: Notice of Proposed Change of Water Rights Nos: 33-07199,
33-07200, and 33-07201 of the Diamond Milliron Ranch.

As these streams are tributaries to the Little Lost River, we, Mays Land & Livestock, Inc. will have to protest the granting of such rights until it can be proven that obstructing these streams will not affect the existing water rights. It appears to us that any impounding of water may cause some seepage into ground water causing a loss to the surface flow.

Please advise of any further action that we may need to perform to properly protest this action.

Sincerely,


James G. Mays,
General Manager

MICROFILMED

JUN 24 1992

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
GARY B. COLAIANNI
BRENT D. ROCHE
FRED J. LEWIS
KIRK S. HADLEY
MITCHELL W. BROWN

*ALSO MEMBER ILLINOIS BAR

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-0391

TELEPHONE
AREA CODE 208
232-6101

TELEX
208-232-6109

FAX TRANSMITTAL MEMO

No. of Pages 4 Date 3/11/91
TO: Director FROM: Randall C. Budge
COMPANY: Idaho Dept Water Resources COMPANY: Racine Law Office
FAX NO: 525-7177 FAX NO: 232-6109
TEL. NO: _____ TEL. NO: 232-6101
COMMENTS:

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MAR 11 1991

Department of Water Resources
Eastern District Office

RECORDED

JUN 24 1992

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
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VALSO MEMBER ILLINOIS BAR

LAW OFFICES OF
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POCATELLO, IDAHO 83204-0391

TELEPHONE
AREA CODE 208
232-6101

TELEX
208-232-6109

March 11, 1991

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MAR 11 1991

Department of Water Resources
Eastern District Office

Director
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

Re: Water Right Change Applications
Nos. 33-07199, 33-07200 and 33-07201

Dear Director:

Enclosed please find the Protest of Robert R. Mays to the above referenced proposed water right changes filed by Diamond Milliron Ranch, c/o Rocky Ross on January 29, 1991. Please advise when a hearing may be scheduled in this matter.

Also, please send a copy of the Applicant's transfer applications, as well as a computer print-out of the pertinent water rights of the Applicant and the Protestant.

As always, we greatly appreciate your assistance in this matter.

Yours very truly,

Randy Budge
RANDALL C. BUDGE

RCB:bb

Enclosure

cc: Robert R. Mays (with encl.)

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JUN 24 1992

Randall C. Budge
Kirk B. Hadley
RACINE, OLSON, NYE, COOPER
& BUDGE, Chartered
P.O. Box 1391 - A2 Center Plaza
Pocatello, Idaho 83204-0391
Telephone: (208)232-6101

RECEIVED

MAR 11 1991

Department of Water Resources
Eastern District Office

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

EASTERN DIVISION

IN THE MATTER OF THE APPLICATION }
OF DIAMOND MILLIRON RANCH }
C/O ROCKY ROSS TO CHANGE WATER }
RIGHT, APPLICATIONS NOS. 33-07199, }
33-07200 AND 33-07201 }

PROTEST OF ROBERT R. MAYS

COMES NOW the Protestant, Robert R. Mays, an individual residing in Howe, Idaho, and protests the above-named application as follows:

1. That the Protestant is the owner of priority water rights evidenced by the records of State of Idaho, Department of Water Resources, pertaining to water diverted from sources tributary to the Little Lost River.

2. That the above named Applicant filed on January 29, 1991, Applications Nos. 33-07199, 33-07200 and 33-07201 to change the Applicants water rights pertaining to water diverted from sources tributary to the Little Lost River.

3. That notice of set Applications were published on February 24, 1991 and February 28, 1991 in the Arco Advertiser.

4. That the Applicants proposed water right changes should be denied for the following reasons:

A. Such changes will reduce the quantity of water under

PROTEST OF ROBERT R. MAYS -1-

RECORDED
JUN 24 1991

existing water rights.

B. The water supply itself is insufficient for the purpose for which it is sought to be appropriated.

C. Such application is not made in good faith, and is made for delay or speculative purposes.

D. The Applicant has not the sufficient financial resources with which to complete the work involved therein.

E. Such change will conflict with the local public interest, i.e., the affairs of the people in the area directly affected by the proposed use.

F. Such change is contrary to the conservation of water resources within the State of Idaho.

G. Other water rights including the Protestant's will be injured thereby.

H. The proposed changes constitute enlargements in use of the original rights.

I. The Applicant has lost or forfeited its water rights through failure to apply it to the beneficial use for which it was appropriated for the term of five years.

WHEREFORE, Protestant requests that the Applicant's proposed changes of water rights be denied in full for the reasons set forth above.

DATED this 11th day of March, 1991.

PROTEST OF ROBERT R. MAYS -2-

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JUN 24 1992

RACINE, OLSON, NYE, COOPER
& BUDGE, Chartered

BY


RANDALL C. BUDGE

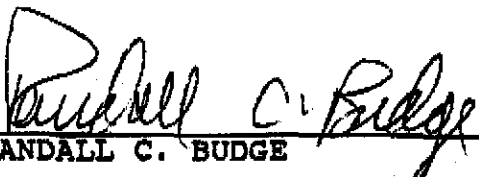
Attorney for Protestant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 11th day of March, 1991, I mailed a true and correct copy of the foregoing document, postage prepaid, to the following:

Director
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

Diamond Milliron Ranch
c/o Rocky Ross
P.O. Box 10
Howe, ID 83244


RANDALL C. BUDGE

PROTEST OF ROBERT R. MAYS -3-

MICROFILMED

JUN 24 1992

12-Feb-1991

DAVID ANDREASON
WATER DIST 33
PO BOX 31
HOWE ID 83244

RE: Application No. 33-7199, 33-7200, 33-7201, A33-00061

Dear Watermaster:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is March 11, 1991, and we are required to take action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold Jones
Water Rights Supervisor

HJ/rb
Enclosure

MICROFILMED

JUN 24 1992

12-Feb-1991

HERBERT POLLARD
DEPT OF FISH & GAME
REGION 6
1515 LINCOLN RD
IDAHO FALLS ID 83401

RE: Application NO. 33-7199, 33-7200, 33-7201

Dear Sir:

We are enclosing a copy of the applications that may be of interest to your department. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is March 11, 1991, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb
enc.

UNCONFIRMED

JUN 24 1992

33-07200

DIAMOND MILLIRON RANCH
C/O ROCKY ROSS
P.O. BOX 10
HOWE, ID 83244

Source: UNNAMED STREAM

Tributary: LITTLE LOST RIVER

Diversion Pt: NWNW Sec 21 T 07N R 28E

Use: RECREATION

(4.00 AF)

Total Diversion:

(4.00 AF)

Date Filed: 1/29/ 1991

In: T07N R28E S21

NWNW

RECORDED

JAN 24 1992