

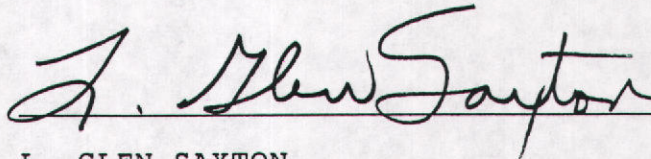
ATTACHMENT
CONDITIONS OF APPROVAL

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this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.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.

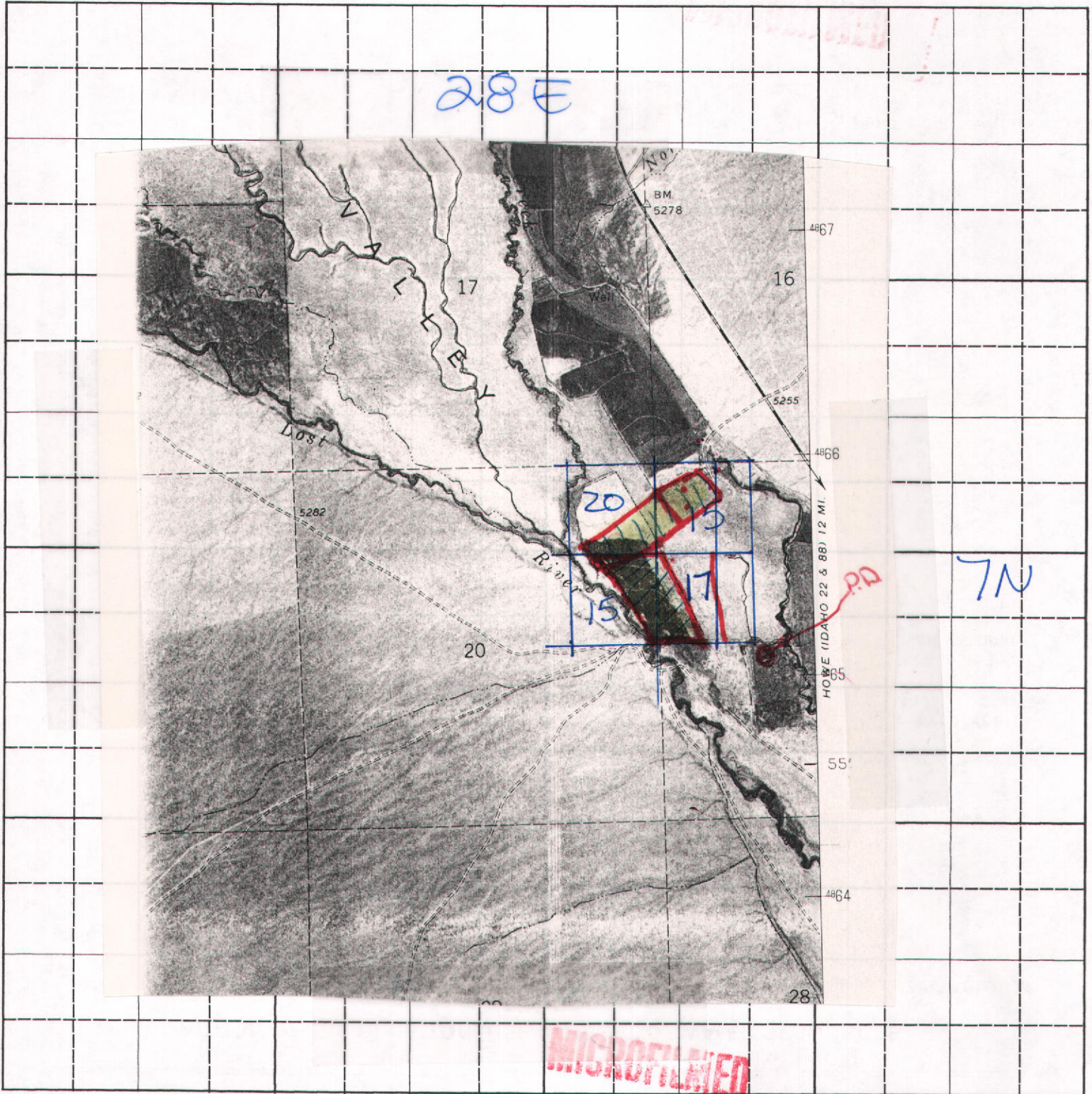


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

FEB 22 1994

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



Scale: 2 inches equal 1 mile.

MAY 14 1991

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.

X Rocky Groo
(Applicant)



Point of Diversion NENWSW Sec. 21

33-7191

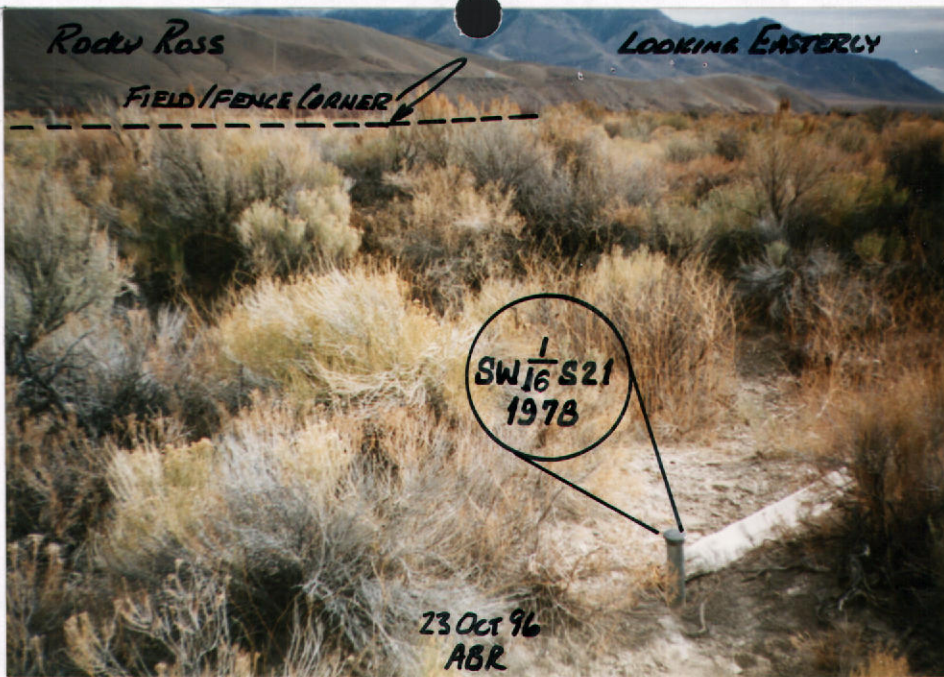


Photo 1.
Photo shows location of the field fence in relation to the Survey Monument. From this Monument the North-South and East-West Lines for the Westside and the Southside of NESW Sec 21.

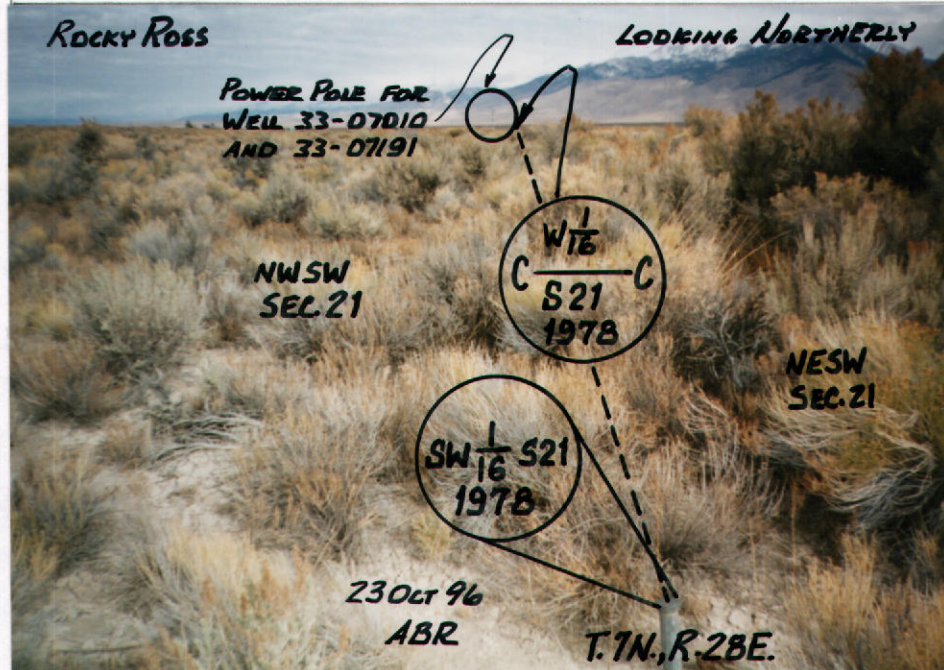


Photo 2.
Same Survey Monument As Photo 1.
Shows the relationship of the two Survey caps to the location of this well.
Clearly the well is in the NWSW Sec. 21, which is BLM Land.

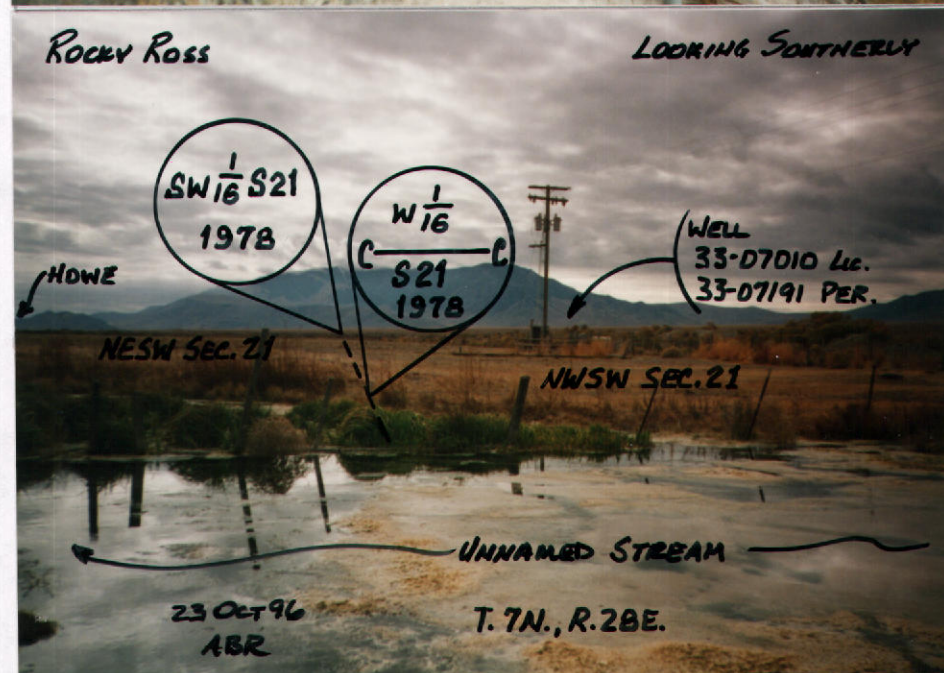


Photo 3.
Looking Southerly. The well and Survey monuments. Location also show the well to be in NWSW Sec. 21.

Photo Date: 10/23/96
Photos By: ABR

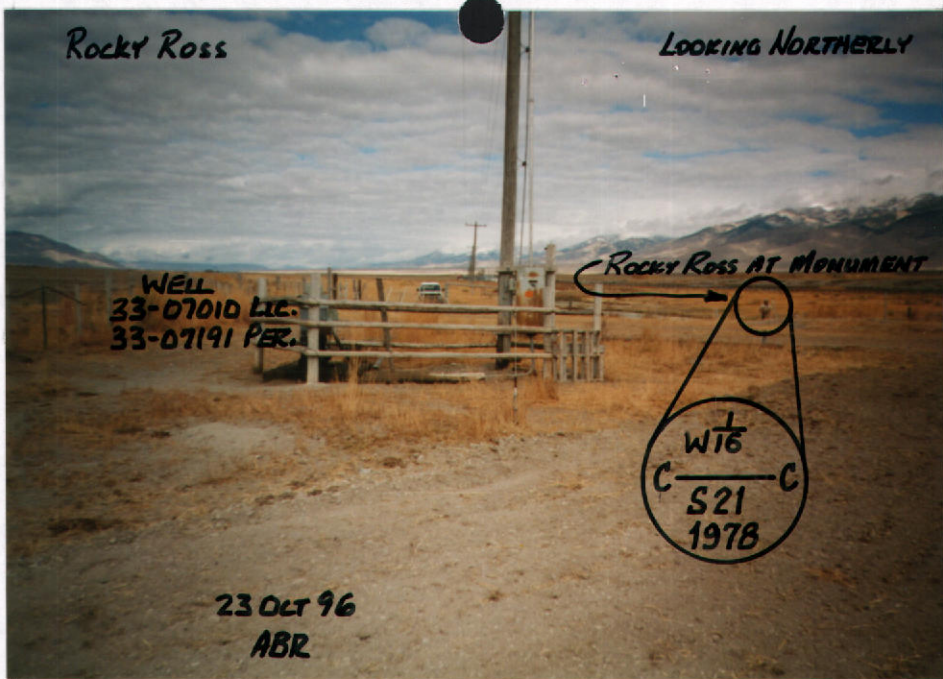


Photo 4

Looking Northerly. Photo shows Rocky Ross at the survey monument which is just on the South bank of the unnamed stream in Photo 5.

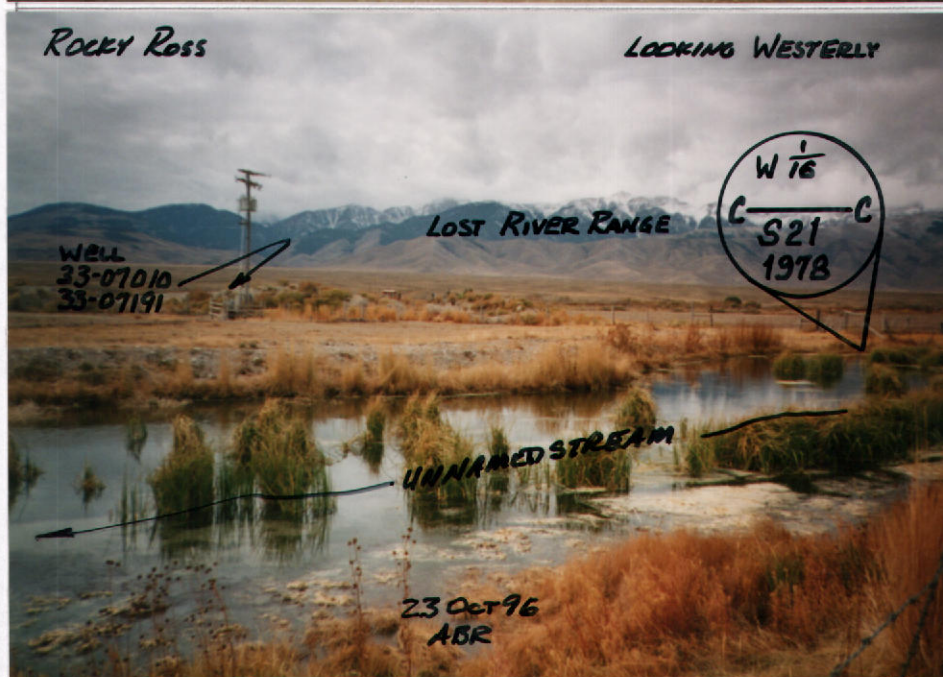


Photo 5

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.

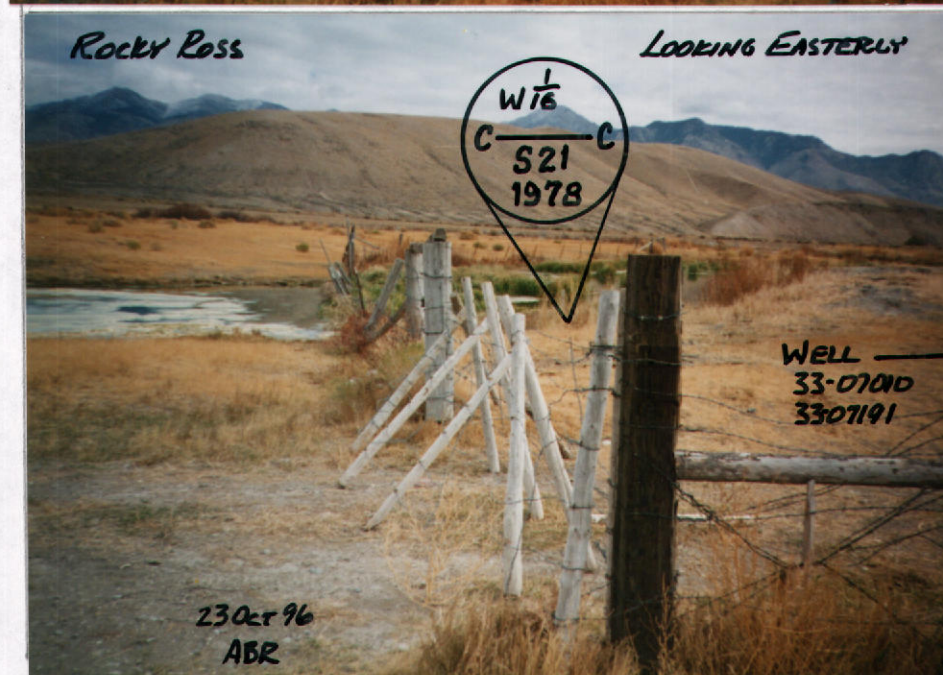
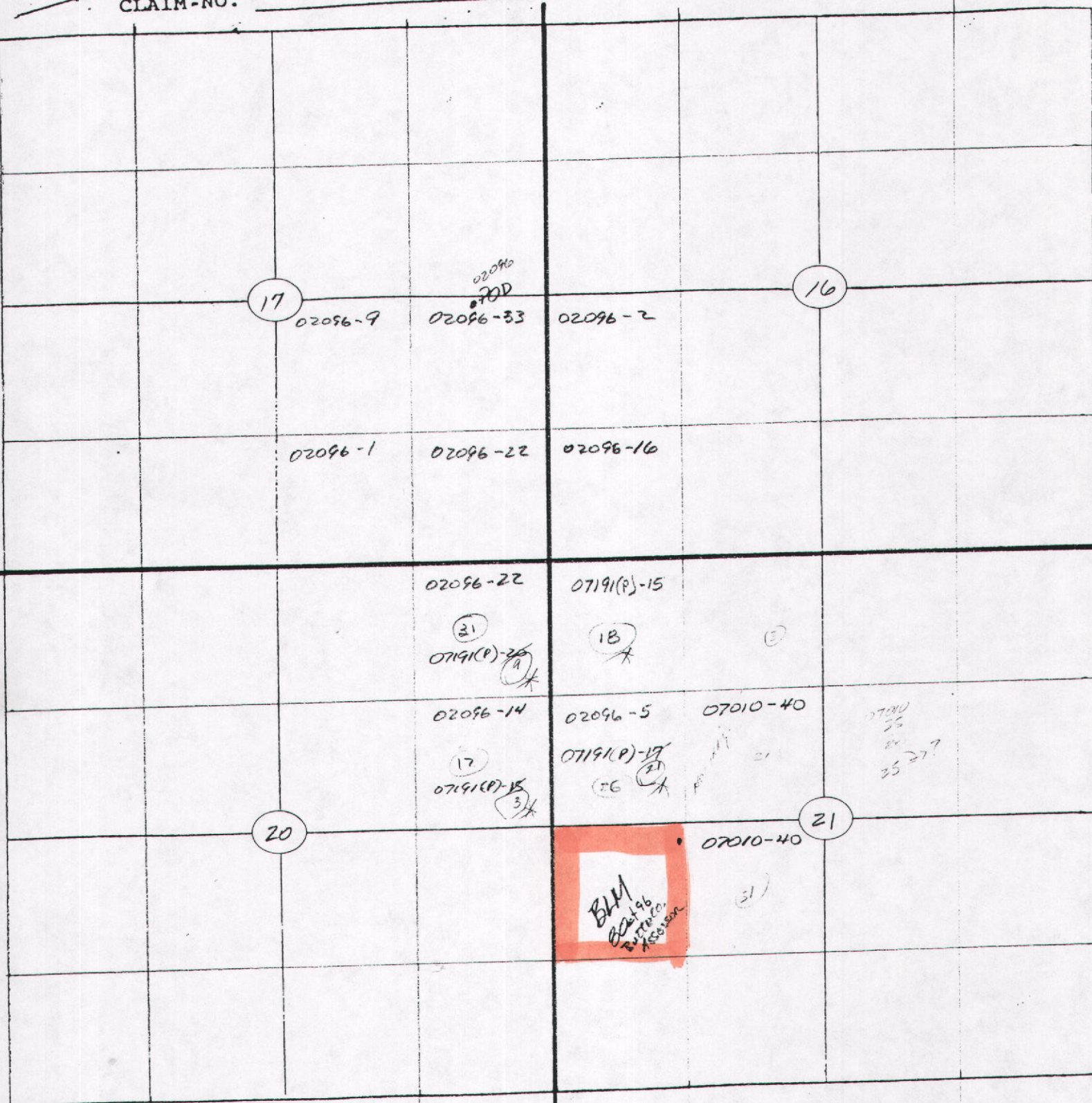


Photo 6.

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.

Photo Date: 10/23/96
Photos By: ABR

CLAIM-NO.



Lie. 02096 @ 2.48/124ac @ 0.02
 Lie. 07010 @ 1.60/80ac @ 0.02
 Permit 07191 @ 1.34/67ac @ 0.02
 0.73/51ac @ 0.014

2.94 Same P.O.D. 2.33 Actual = .61 - 1.34 = .73

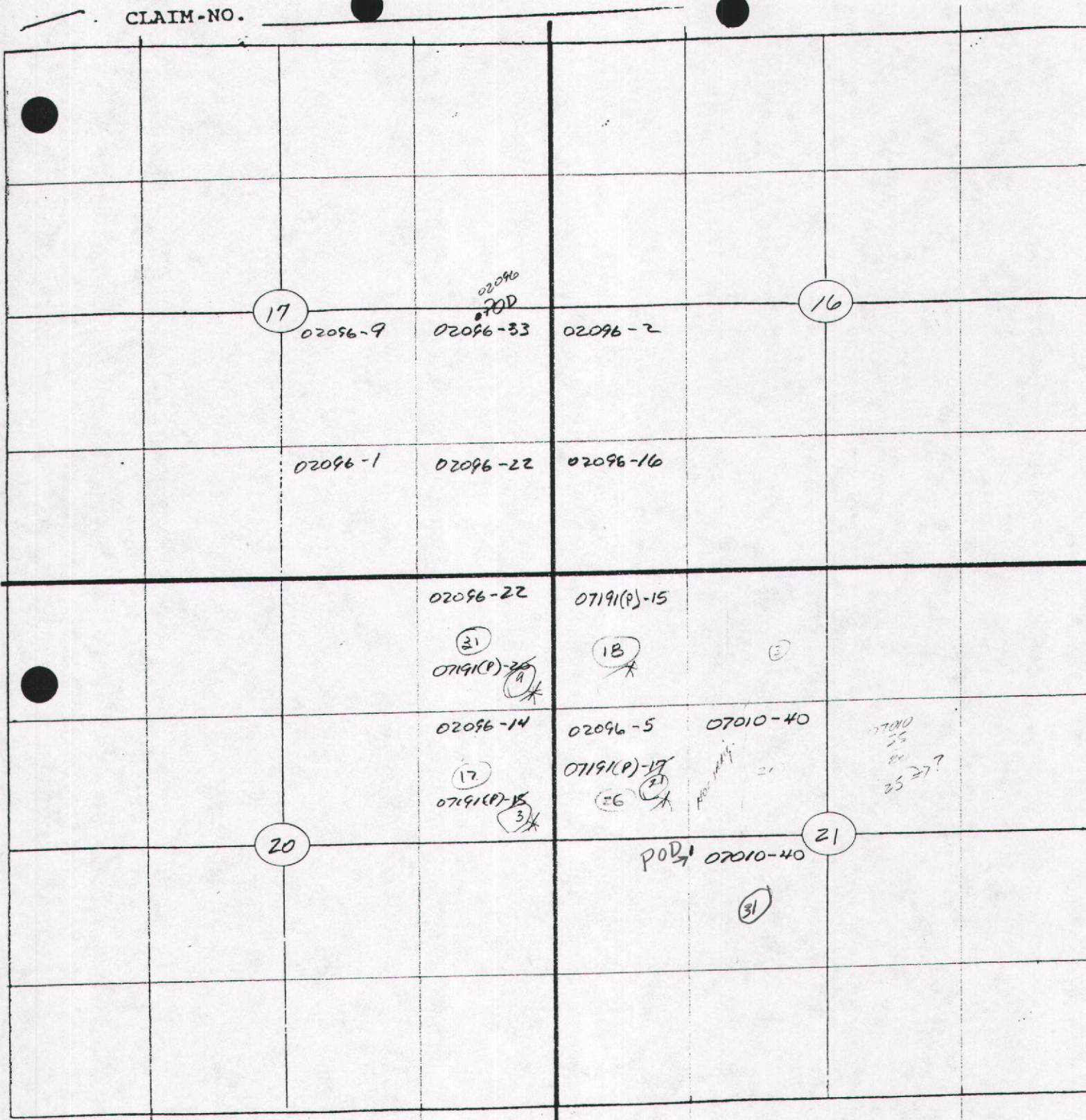
T. 7N R. 28E SEC. _____

DATE 10/2/96 AGENT _____

QQ MAP REF. W-33

NAPP REF. W-34 SW

CLAIM-NO.



Lic. 02096 @ 2.48/124ac @ 0.02

Lic. 07010 @ 1.60/80ac @ 0.02

Permit 07191 @ 1.34/67ac @ 0.07

0.73/51ac. @ 0.014

2.94 Same P.O.D. 2.33 Actual = .61 - 1.34 = .73 cfs

T. 7N R. 28E SEC. 20 ¹/₂ 21

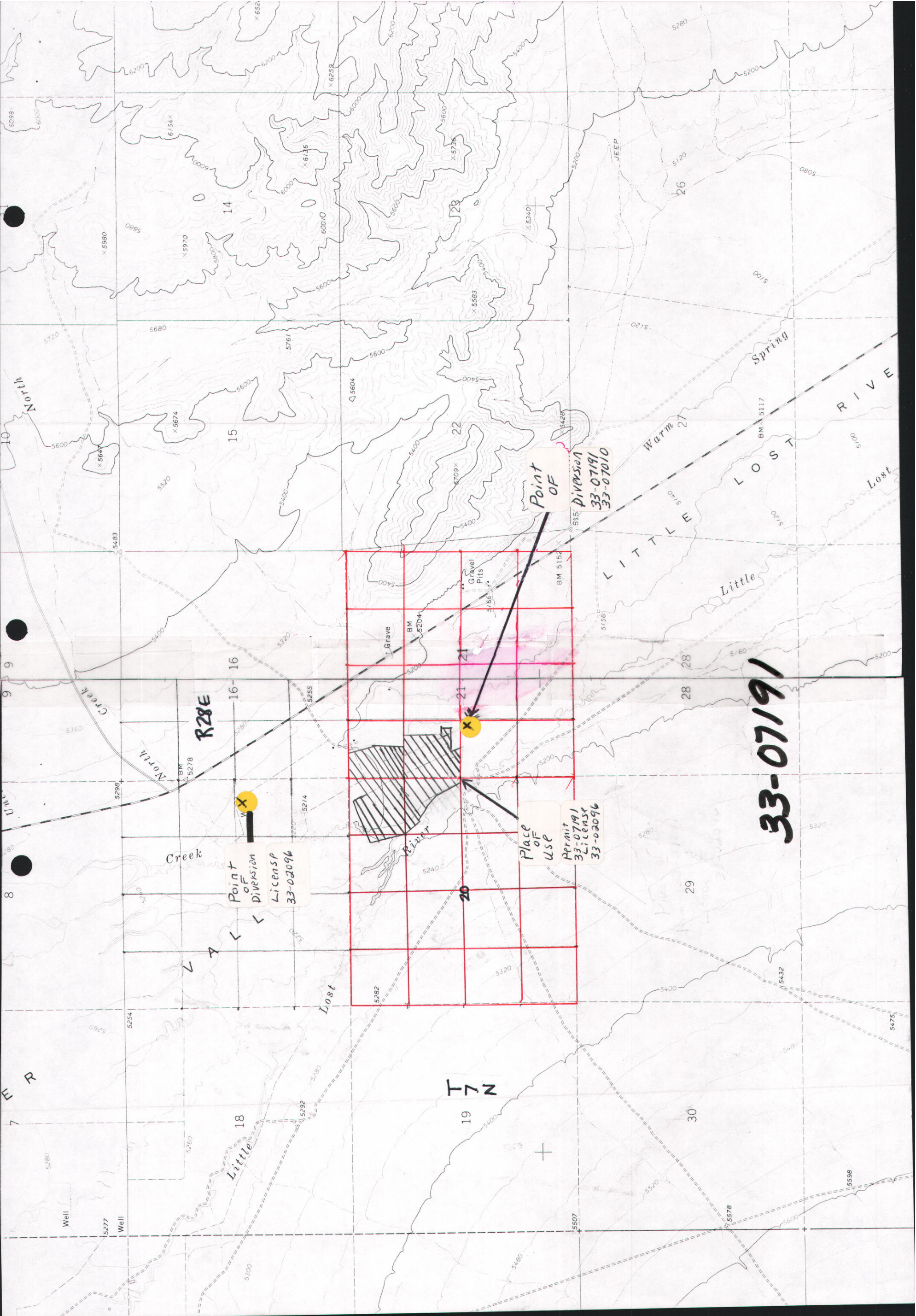
DATE 10/2/96

AGENT

S. Harrison

OQ MAP REF. W-33

NAPP REF. W-34 SW



7 8
18 17 691
T-306
DIAMOND MILLIRON

8 9
17 16

Point
OF
Diversion
License
33-02096

main line

18 17
19 20

T R28E

7

N

Place
OF
USE
License
33-02096

Point
OF
Diversion
Permit
33-07191

33-02096

8
7 691
T-306
DIAMOND MILLIRON

33.0

89
1716

NHE
NW
47.7

Point
of
Diversion
License
33-02096

46.8

NHE
NW

12.3

NHE
NW

11.7

mainline

T R28E
7
N

Place
of
use
Permit #
33-07191

Place
of
use
Permit #
33-07191

Place
of
use
Permit #
33-07191

mainline

Point
of
Diversion
Permit #
33-07191
License
33-07010

33-07191

WR0749NP
No. 33-07191

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/15/94
PAGE: 2

Dates: App. Received: 12/20/1989 Priority Date: 07/02/1990
Proof Due Date: 05/01/1992 Proof Made Date: 03/12/1992
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

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
water right no.s 33-0061, 33-0062, 33-0063 & 33-0064. Groundwater
right no.s 33-2096, 33-7010, 33-7075 & 33-7191 were supplemental
to the surface water rights prior to approval of the transfer.
Due to unstacking of groundwater and surface water rights under
the transfer, the groundwater rights have become primary rights.
The priority date of the groundwater rights therefore have been
advanced to the date the Department received the transfer, or
July 2, 1990.

Date: 03/12/1992 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 01/11/90 BODELL 01/17/90 CURTIS 03/06/90 CURTIS 04/19/91 MILLER
05/01/91 SKAGGS 05/06/91 SKAGGS 12/09/91 LUKE 03/12/92 COMMENTS
09/14/92 MILLER

RECEIVED
MAR 12 1992

OFFICE USE ONLY

Amt. of Fee \$ 125.00
Date 3/12/92
Receipt No. 6025489
Receipt by WJLSTATE OF IDAHO
Department of Water Resources 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. 33-07191 Telephone No. 767-3124
2. Name(s) of Permit Holder(s): Rocky & Carol Ross
3. Mailing Address: P.O. Box 10 Howe, Id. 83244
4. Source of Water: Groundwater

If GROUNDWATER, Well Driller's Name: Drilled before 1987 Date Drilled: _____

OPTIONAL:

Pump horsepower: 75 Pressure (psi): 80 Dynamic pumping level (ft.): _____

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

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

Irrigation 67 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 1.34 cfs OR _____ acre/feet

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

Measuring device: Required? 1 Yes X No Installed? _____ Yes _____ No

Flow Measurement Port: Required? X Yes _____ No Installed? _____ Yes X No will be installed in April

8. Fee Enclosed: \$ 125.00 (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.

Rocky Ross 767-3124
Name Telephone No.

P.O. Box 10 Howe, Id. 83244
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**APR 08 1992**3/10/92
DateRocky Ross
Signature (and title, if on behalf of a company or organization)

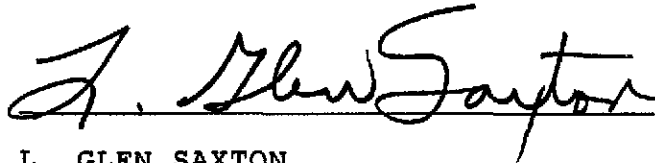
ATTACHMENT
CONDITIONS OF APPROVAL

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
Chief, Water Allocation Bureau

MICROFILMED

FEB 22 1994

State of Idaho
Department of Water Resources

NO. 33-07191

Proposed Priority: December 20, 1989

Maximum Diversion Rate:

1.34 CFS

This is to certify, that **ROCKY ROSS**
CAROL ROSS
P.O. BOX 10
HOWE, ID 83244

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 11/01

1.34 CFS

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	28E	20	NENE 20	SENE 15		35
		21	NNNW 15	SWNW 17		32

Total number of acres irrigated:

67

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1992.
2. Subject to all prior water rights.
3. A flow measurement port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MICROFILMED

MAY 14 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 33-07191

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

8th day of May, 1991

R. Keith Higginson
R. Keith Higginson, Director

for



RECEIVED

MAY 14 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Rocky or Carol Ross Phone 767-3124
Post office address Box 10 Howe ID 83244
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, 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 1.34 for IRRIGATION purposes from 4/1 to 11/1 (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) 1.34 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 75 hp pump on well
mainline to handlines

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is 12" inches; proposed depth of well is 100-150 feet.
d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
3 years (minimum 1 year).

RECORDED
MAY 14 1991

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. _____

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	20	20			15													35
		21					15	17											32

Total number of acres to be irrigated 67

10. Describe any other water rights used for the same purposes as described above. Supplemental to surface water rights 33-00061, 00062, 00063, 00064

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

12. Remarks: _____

MAY 14 1991

MAY 14 1991

X Rocky Goss
(Applicant)

Received by Jo Date 12-20-89 Time 4:10 P Preliminary check by _____
Fee \$ 65⁰⁰ Receipted by Jo # 5011370 Date 12-20-89 ^{per receipt} CS
Publication prepared by BLM Date 3-26-91 Published in Arco Advertiser
Publication approved TJL Date 4-18-91

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:

MICROFILMED
MAY 14 1991

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 April 4, 1991
and ending with the issue dated

April 11, 1991
Colleen Babcock

STATE OF IDAHO

COUNTY OF BUTTE

On this 16 day of April
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

**NOTICE OF APPLICATION
FOR TRUST WATER RIGHT**
33-07183

CALLAHAN, BILL
CALLAHAN, MARCUS
330 N. 14TH STREET
LAS VEGAS, NV 891010000
Source: GROUNDWATER
Diverston Pt: SWSW Sec 16 T 05N R
29E

Use: IRRIGATION (6.400 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (6.440 CFS)
Date Filed: 4/17/1987
In: T05N R29E S16 NESW NWSW
SWSW SESW NESE NWSE SWSE SESE
320.0 ACRES TOTAL

**NOTICE OF APPLICATION
FOR TRUST WATER RIGHT**
33-07191

ROSS, ROCKY
ROSS, CAROL
P.O. BOX 10
HOWE, ID 83244
Source: GROUNDWATER
Diverston Pt: NWNESE Sec 21 T 07N
R 28E

Use: IRRIGATION (1.340 CFS)
Total Diversion: (1.340 CFS)
Date Filed: 12/20/1989
In: T07N R28E S20 NENE SENE
S21 NWNW SWNW
67.0 ACRES TOTAL

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public inter-
est criteria of Sec. 42-203C, Idaho Code.
Protests must be filed with the Director,
Dept. of Water Resources, Statehouse
Mail, Boise, Idaho 83720 on or before
APRIL 22, 1991.

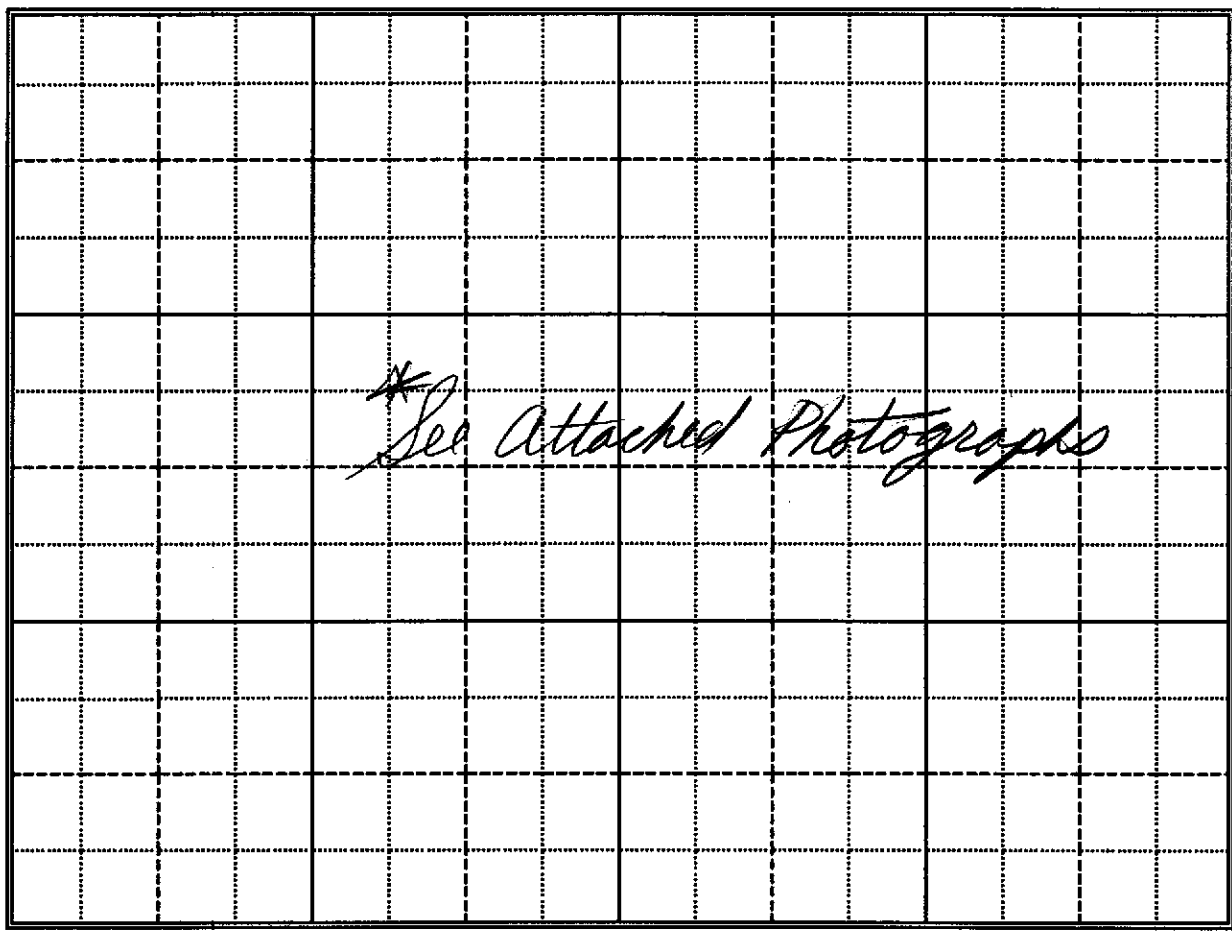
R. Keith Higginson, Director
Published 4/4/1991 & 4/11/1991

RECEIVED
APR 17 1991

Department of Water Resources

[illegible]

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



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
_____	U.S. Motors Hollowshaft	75	D-700 4851	Byron Jackson	7315 0349

*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
Polysomic						

2. Measurements: Q Meas. = 2.33 CFS

SETUP NO. 1

PIPE O.D
8.000 IN

PIPE WALL THICKNESS
0.103 IN

PIPE I.D
7.794 IN

PIPE MATERIAL
CARBON STEEL

PIPE SOUND VELOCITY
10597.129 F/S

MATERIAL
NONE

LINER SOUND VELOCITY
0.000 F/S

LINER THICKNESS
0.000 IN

INSIDE ABS ROUGHNESS
0.00015000

FLUID MATERIAL
WATER

FLUID SOUND VELOCITY
4863.330 F/S

FLUID VISCOSITY
1.132 Cst

TRANSDUCER TYPE
STANDARD

TRANSDUCER MOUNTING

TRANSDUCER SPACING
6.038 IN

10:09:40 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
XDCUER: STANDARD/U

WIN_DLY = 297.48 296.83
SEXR = 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) = 301.2 300.2
DEL TIME(ns) = 343.7
DIFF COUNT = 970
PZY = 56
SPS = 29.12
AERATION = 0.000

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 1.93 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 2.27 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



Point of Diversion NENWSW Sec. 21

33-7191



Photo 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 Westside and the Southside of NESW Sec 21.

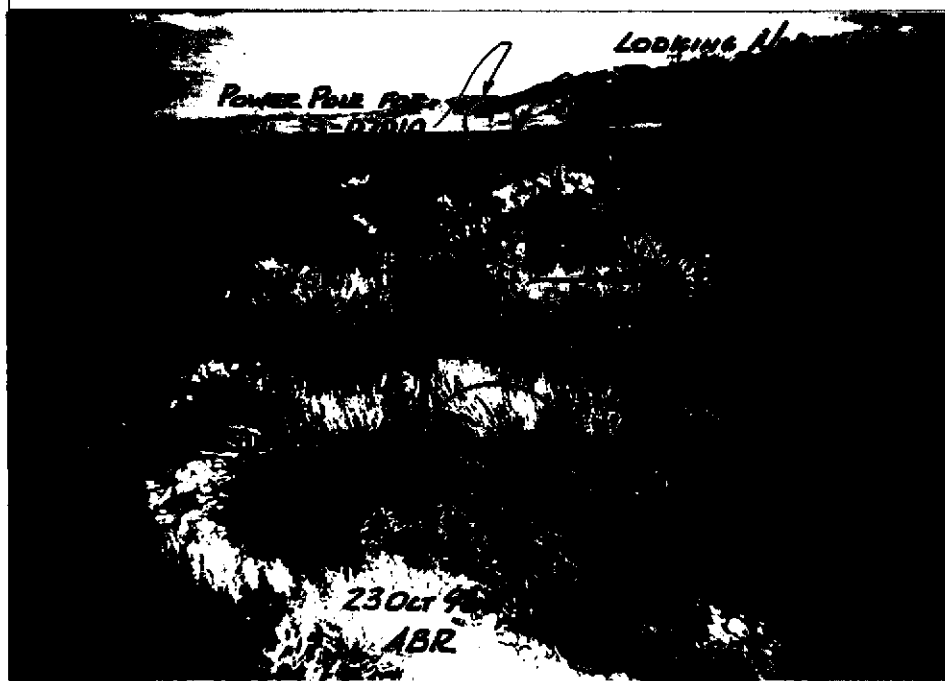


Photo 2.

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
Photos By: ABR

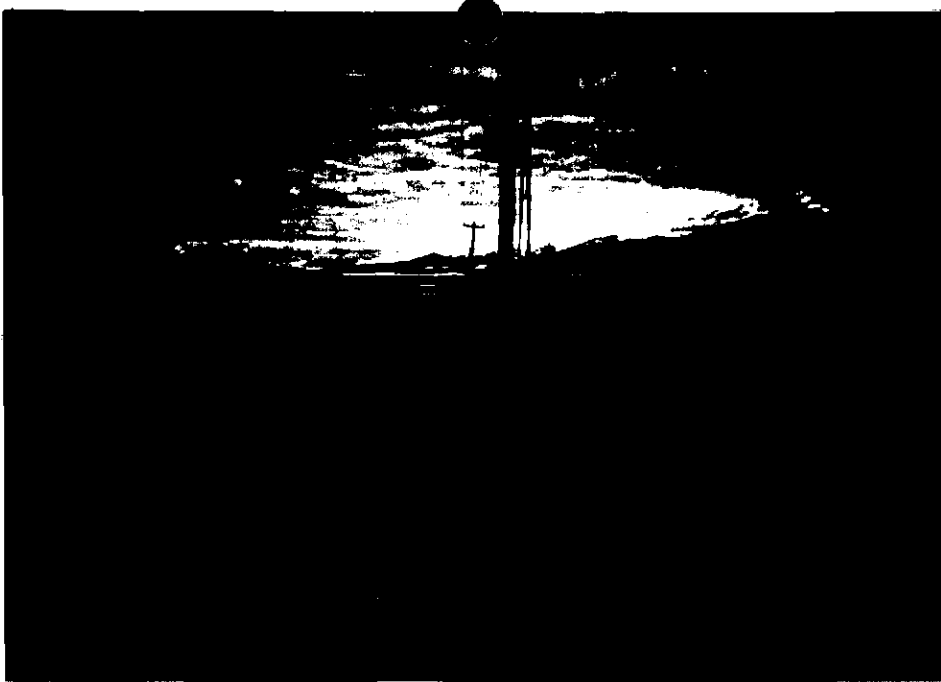


Photo 4

Looking Northerly. Photo shows Rocky Ross at the survey monument which is just on the South bank of the unnamed stream in Photo 5.



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.

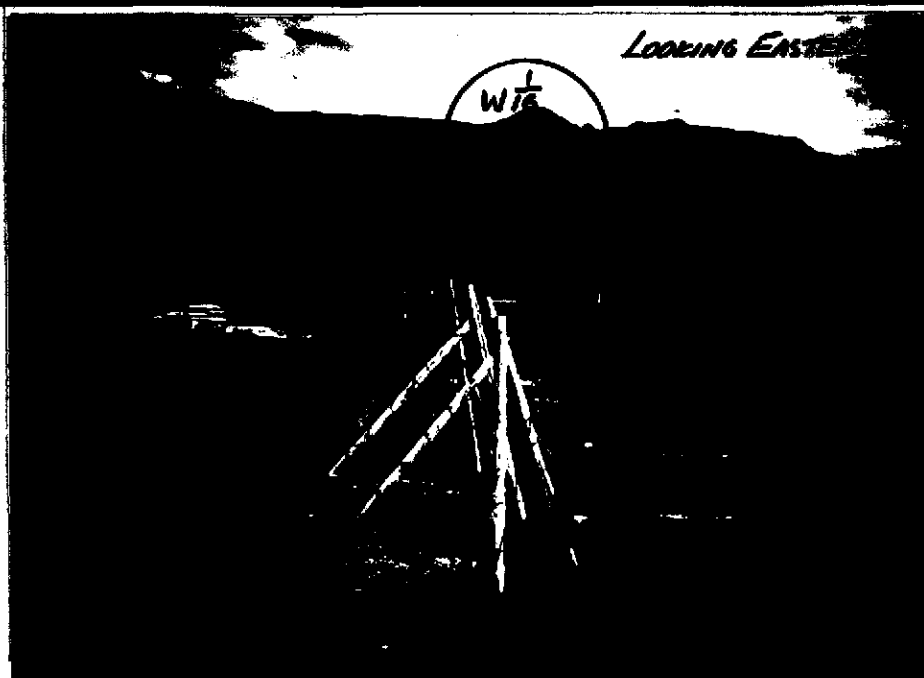
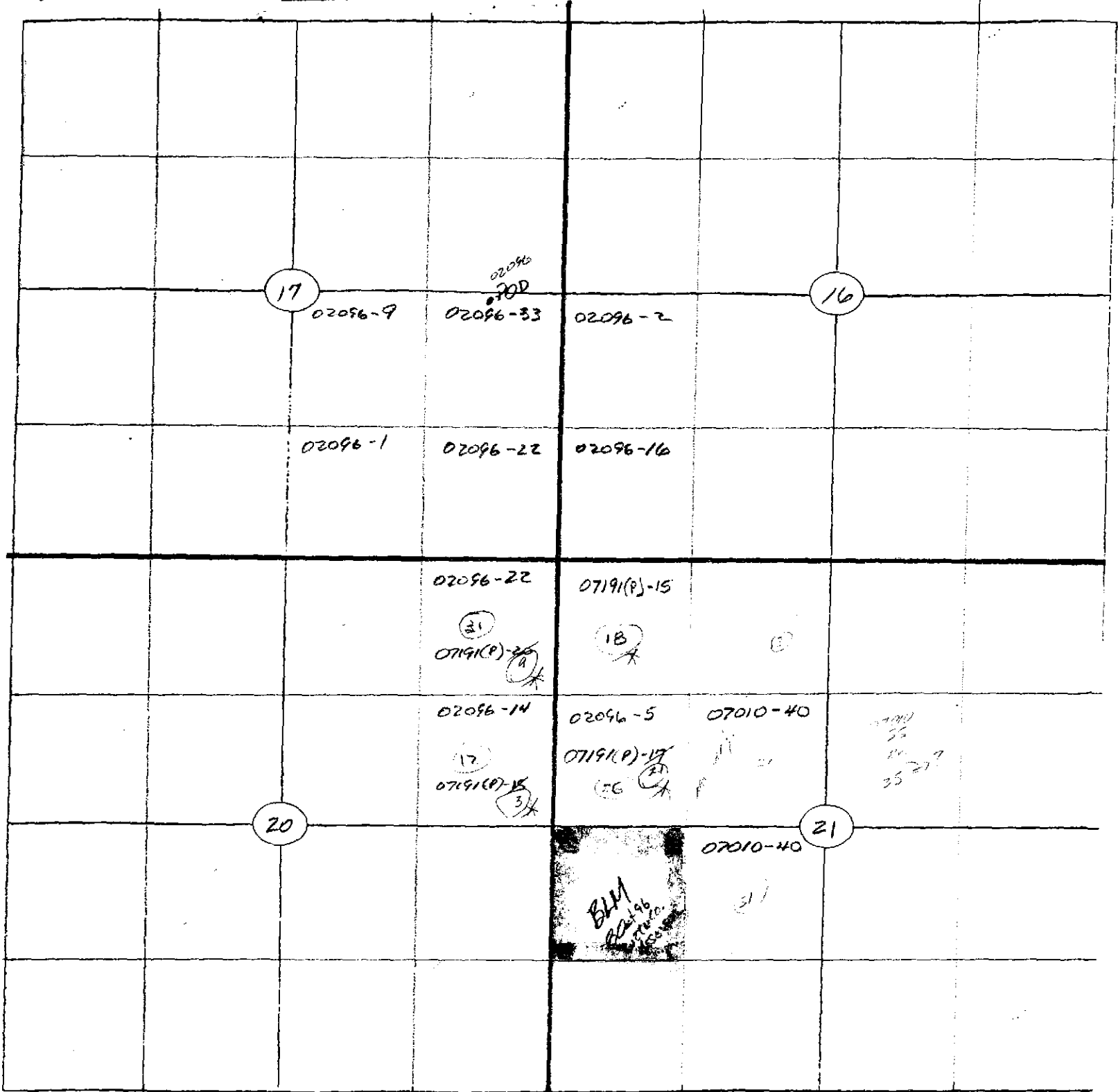


Photo 6.

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.

Photo Date: 10/23/96
Photos By: ABR

CLAIM-NO. _____



Lic. 02096 @ 2.48/124ac @ 0.02

Lic. 07010 @ 1.60/80ac @ 0.02

Permit 07191 @ 1.34/67ac @ 0.02
0.73/51ac @ 0.014

2.94 Same P.O.D. 2.33 Actual = 1.60 - 1.34 = .73

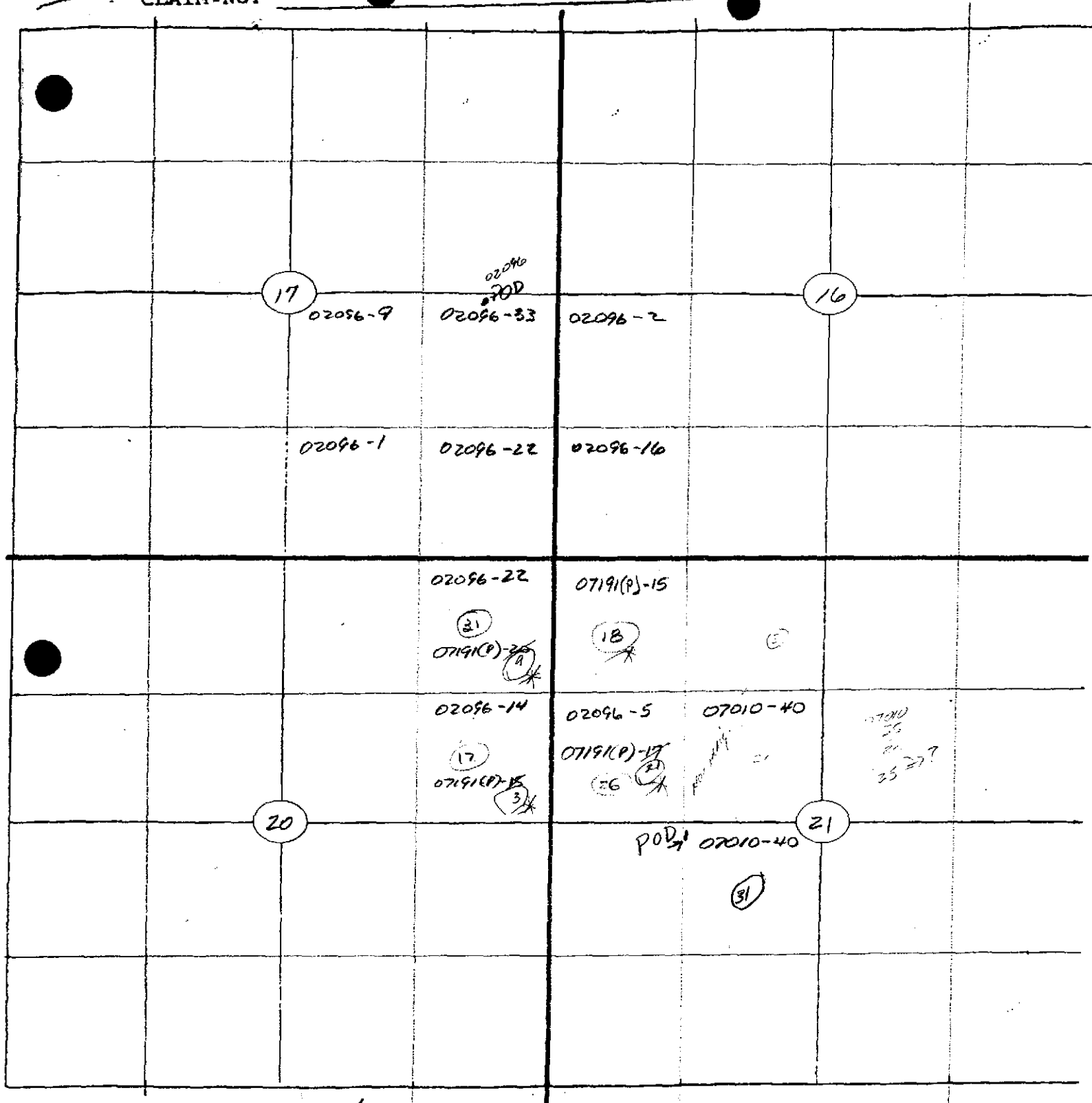
T. 7N R. 28E SEC. _____

DATE 10/2/96 AGENT _____

OQ MAP REF. W-33

NAPP REF. W-34 SW

CLAIM-NO.



Lic. 02096 @ 2.48/124ac @ 0.02

Lic. 07010 @ 1.60/80ac @ 0.02

Permit 07191 @ 1.34/67ac @ 0.02
0.73/51ac @ 0.014

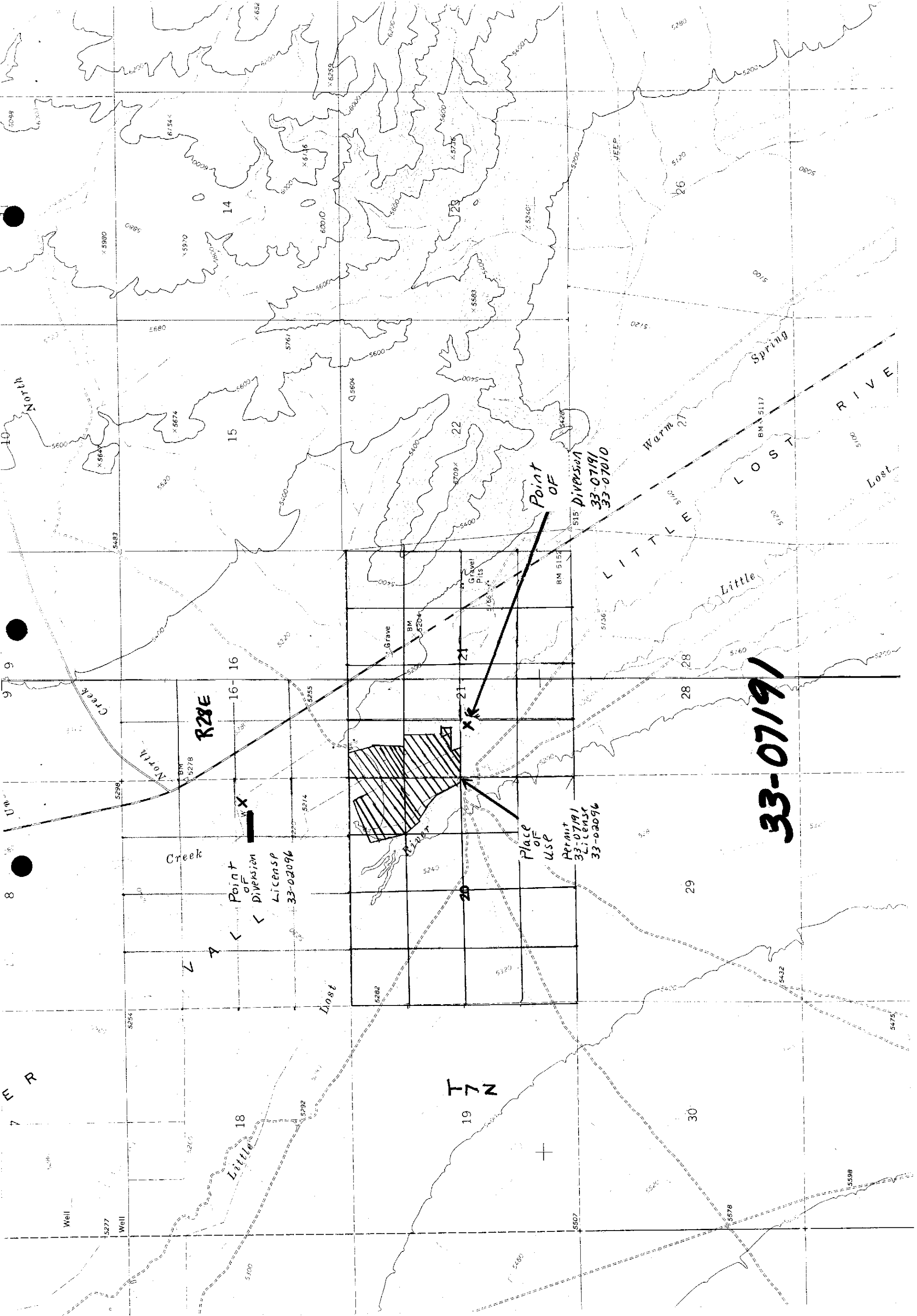
2.94 Same P.O.D. 2.33 Actual = 1.6 - 1.34 = .73 ac

T. 7N R. 28E SEC. 20, E 21

DATE 10/2/96 AGENT S. L. Lomison

OQ MAP REF. W-33

NAPP REF. W-34 SW



R28E

Point of Diversion
License
33-02096

Place of Use
Permit
33-07191
License
33-02096

Point of Diversion
33-07191
33-07010

33-07191

T72

7 8

18 17 69

T-306
DIAMOND MILLCROFT

Point
of
Diversion
License
33-02096

mainline

T R28E
7
N

Place
of
Use
License
33-02096

Point
of
Diversion
Permit
33-07191

33-02096

8
7 691
TF-306
DIAMOND MILLIRON

Point
of
Diversion
License
33-02096

mainline

T R28E
7
N

Place
of
use
Permit #
33-07191

Place
of
use
Permit #
33-07191

Place
of
use
Permit #
33-07191

mainline

Point
of
Diversion
Permit #
33-07191
License
33-07010

33-07191

E. NARRATIVE/REMARKS/COMMENTS

Note: Same Pump/Well is licensed under A33-07010, POD
in NW/NE SW Sec. 21, T7N, R28E. ASCS photographs &
survey monuments indicate that actual POD is
NE/NWSW Sec. 21, T7N, R28E. * See photographs.

Adjudication Claim A 33-07010, POD needs
to be changed to NE/NWSW Sec. 21, T7N R28E.

Also change POD on this permit to NE/NWSW,
Sec. 21, T7N, R28E.

* License - 33-02096 - Sec. 20, NENE, 22 ac.; Sec.
20 SENE, 14 ac.; Sec. 21, SWNW, 5 ac. Total - 2.48 CFS/
124 ac. @ 0.02 CFS/ac.

* License - A33-07010 @ 1.60 CFS/80 ac. @ 0.02 CFS/ac.

{ * Permit - 33-07191 requests 1.34 CFS on 67 ac. in
Sec. 20 & 21.
* Actual - 0.73 CFS on 51 ac. @ 0.014 CFS/ac.

* Maximum rate at pump 2.33 CFS, as measured
by Polysonic. 1.60 CFS applied to License
A 33-07010. Available CFS - 0.73 CFS.

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

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$Q_{MRS} = 2.33 \text{ CFS}$ * See Remarks A33-07010

Q Limited on this permit to $0.014 \text{ CFS/ac.} = 0.73 \text{ CFS}$

Total available for License A33-07010 & Permit 33-07191 is 2.33 CFS
 $1.60 \text{ CFS}/80 \text{ ac}$ on A33-07010
 $0.73 \text{ CFS}/51 \text{ ac}$ on Permit 33-07191

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: Total 2.33 CFS .

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 51 \times 3.5 = 178.5 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.73 \text{ CFS} \times 183 (1.9835) = 265 \text{ AFA}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 178.5 \text{ AFA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Irrigation</u>	<u>4-15</u>	<u>10-15</u>	<u>0.73</u>	<u>178.5 AFA</u>
Totals:			<u>0.73 CFS</u>	<u>178.5 AFA</u>

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Steven A. Harrison Date 20 OCT 96

Reviewer _____ Date _____

SEAL

March 13, 1992

ROCKY ROSS
CAROL ROSS
P.O. BOX 10
HOWE ID 83244

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 33-07191

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.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

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

MICROFILMED

APR 08 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 33-07191

Reviewed by Klg

Date 3/12/92

GENERAL CONSIDERATIONS

TYPES OF USE

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

irrigate 67-
Correct Uses? yes

SOURCE OF WATER

Surface water source
Ground water source

Before 1987
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?
125 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

proof acceptable

needs a flow

DATA ENTRY

New Address _____

Proof Made 3/12/92
3/13/92

February 28, 1992

ROCKY ROSS
CAROL ROSS
P.O. BOX 10
HOWE ID 83244

PROOF DUE NOTICE

RE: PERMIT NO. 33-07191

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

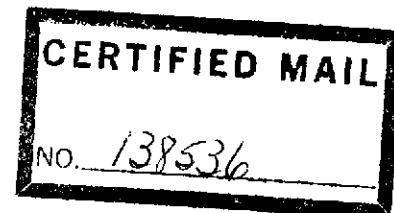
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

APR 08 1992



WR0749NP
No. 33-07191

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/15/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROCKY ROSS	07/02/1990	IRRIGATION	04-01 11-01	1.34 CFS	
C	CAROL ROSS					
	P.O. BOX 10					
	HOWE ID 83244					
	(208) 767-3124					
				TOTAL DIVERSION:	1.34 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T07N R28E S21 NWNESE BUTTE County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE															
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		SUM
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
07N	28E	20		20					15																									35.0	
07N	28E	21										15		17																				32.0	
																												TOTAL ACRES	67.0						

Pou County: BUTTE

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

Other Water Rights with Same Point(s) of Diversion and Source:
33-07010

Other Water Rights Listing Overlapping Place(s) of use:
33-00061 33-00062 33-00063 33-00064 33-02096

Conditions of Approval:

- 01C - A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 051 - Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
- 052 - Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
- 053 - The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
- 03A - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

(See Pg. 2 to see comment advancing priority)

Dates: App. Received: 12/20/1989 Priority Date: 07/02/1990
Proof Due Date: 05/01/1992 Proof Made Date: 03/12/1992
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 12/09/1991 User-ID: LUKE Subject: Transfer
Transfer no. 5809 changed the place of use of decreed surface
water right no.s 33-0061, 33-0062, 33-0063 & 33-0064. Groundwater
right no.s 33-2096, 33-7010, 33-7075 & 33-7191 were supplemental
to the surface water rights prior to approval of the transfer.
Due to unstacking of groundwater and surface water rights under
the transfer, the groundwater rights have become primary rights.
Priority date of the groundwater rights therefore have been
changed to the date the Department received the transfer, or
12/09/1991.

Date: 03/12/1992 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 01/11/90 BODELL 01/17/90 CURTIS 03/06/90 CURTIS 04/19/91 MILLER
05/01/91 SKAGGS 05/06/91 SKAGGS 12/09/91 LUKE 03/12/92 COMMENTS
09/14/92 MILLER



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 13, 1991

ROCKY ROSS
CAROL ROSS
P.O. BOX 10
HOWE, ID 83244

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 33-07191

Dear Permit Holder:

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

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

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

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of

MICROFILMED

MAY 14 1991

Idaho for the use and benefit of the people within the state.
Conditions pertaining to a term review, annual use fee and
jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

RECEIVED
MAY 14 1991

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 33-7191/Trust Water Processing

DATE: 3-28-91

The above application has come up for sequential trust water processing. The applicant returned the trust water questionnaire and states that the project represented by the application was not completed prior to 1984, but that the application is a supplemental filing.

On this date I reviewed a 1984 aerial photo on file at the SCS office in Boise and determined that all of the land under this application had been irrigated. The application therefore is a supplemental filing. The acreage under the application will not be counted as trust acreage since there is evidence that all of the land has been irrigated with a different source of water prior to 1984.

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MAY 14 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MARCH 26, 1991

Arco Advertiser
Box "C"
Arco, ID 83213

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before APRIL 22, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

NOT RECORDED

MAY 14 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

33-07191

ROSS, ROCKY
ROSS, CAROL
P.O. BOX 10
HOWE, ID 83244

Source: GROUNDWATER

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

Use: IRRIGATION (1.340 CFS)
Total Diversion: (1.340 CFS)

Date Filed: 12/20/ 1989

In: T07N R28E S20	NENE	SENE
S21	NWNW	SWNW

67.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 22, 1991.

R. Keith Higginson, Director

Published 4/ 4/1991 & 4/11/1991

MICROFILMED

MAY 14 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
MAR 14 1991
Department of Water Resources

Application No. 33-7191

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes No X

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. 120

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. about 700

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

33-00061, 00062, 00063, 00064

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Rocky Ross

Date 3/6/1991

ON 3-28-91 I reviewed a 1984 NMAP for described ROW
All of the land under the app. appears irrigated in 1984.
This groundwater therefore appears to be ~~entirely~~ a supplemental
filing. File 3-28-91

MAY 14 1991

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	SUM
3307191															
3300061	FALLERT	D	LITTLE LOST RIVER	07N	28E	20	X								
3300062	FALLERT	D	LITTLE LOST RIVER	07N	28E	20	X								
3300063	FALLERT	D	SAW MILL CREEK	07N	28E	20	X								
3300064	FALLERT	D	SPRING CREEK	07N	28E	20	X								
3300078	COLLETTE	D	LITTLE LOST RIVER	07N	28E	20		X							
3302096	LITTLE	L	GROUNDWATER	07N	28E	20	22								36
3307010	ROSS	A	GROUNDWATER	07N	28E	20	20								35
3307191	1986 MAPPING DATA	---	COUNTY 23 QUAD W	33	07N	28E	20	38	8	23				1	70
3307191															
3300061	FALLERT	D	LITTLE LOST RIVER	07N	28E	21									
3300062	FALLERT	D	LITTLE LOST RIVER	07N	28E	21									
3300063	FALLERT	D	SAW MILL CREEK	07N	28E	21									
3300064	FALLERT	D	SPRING CREEK	07N	28E	21									
3302096	LITTLE	L	GROUNDWATER	07N	28E	21									5
3307010	ROSS	L	GROUNDWATER	07N	28E	21									80
3307191	1986 MAPPING DATA	---	COUNTY 23 QUAD W	34	07N	28E	21	2	9	32	40	40	38	5	227

MAY 14 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 26, 1991

RE: APPLICATION FOR PERMIT NO. _____

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

MAY 14 1991

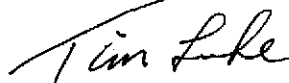
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Spec.

Enclosures

MAY 14 1991