

Affidavit of Publication

I, Le Ella Cammack...
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 3-8-79

and ending with the issue dated 3-15-79

Le Ella Cammack

Subscribed and sworn to before me this

30 day of May, 1979

[Signature]
Notary Public

Residence: Arco, Idaho.

My commission expires [Signature], 19

87-A

RECEIVED

APR 4 1979

Department of Water Resources
Eastern District Office

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

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

33-7065

CHAMBERS, ROBERT R.
11439 LAURELCREST
DRIVE, STUDIO CITY, CA 91604
Source: GROUNDWATER
Date Filed: 02-23-1979
Amount: 3.10 CFS
Diversion Point: NWSW Sec. 25 T
06N R 29E, BUTTE COUNTY
Use: IRRIGATION — (3.10 CFS)
from 04-01 to 11-01
Place of Use: NESE NWSE SESE
SWSE Sec 30 T 06N R 30E NESW
NWSW SWSW SESW NESE NWSE
SESE Sec 25 T 06N R 29E SWSE Sec
25 T 06N R 29E NESW Lot 03
(NWSW) LOT 04 (SWSW) SESW
Sec 30 T 06N R 30E FOR 613 ACRES
Diversion Means: WELL &
PUMP

33-7066

OWENS, GARY R.
RURAL ROUTE, HOWE, ID
83244
Source: GROUNDWATER
Date Filed: 02-23-1979
Amount: 6.40 CFS
Diversion Point: NWNW Sec 14 T
08N R 27E, BUTTE COUNTY
Use: IRRIGATION — (6.40 CFS)
from 04-01 to 11-01
Place of Use: NWNW SWNW
NWSW SWSW Sec 14 T 08N R 27E
NENE SENE NESE SESE Sec 15 T
08N R 27E FOR 320 ACRES
Diversion Means: WELL, PUMP
& SRPINKLER SYSTEM

If issued, the permits will be
subject to all prior water rights.
Protests against the granting of any
permit must be filed with the
Director of the Idaho Department
of Water Resources, 1515 Lincoln
Rd., Idaho Falls, Idaho 83401 on or
before MARCH 26, 1979.

C. STEPHEN ALLRED
Director

Pub. 3-8 & 3-15-79.

MICROFILMED

⑧

202.9

10/11

15/14

196 NHEL
T-307 NW
D R/PHILLIPS

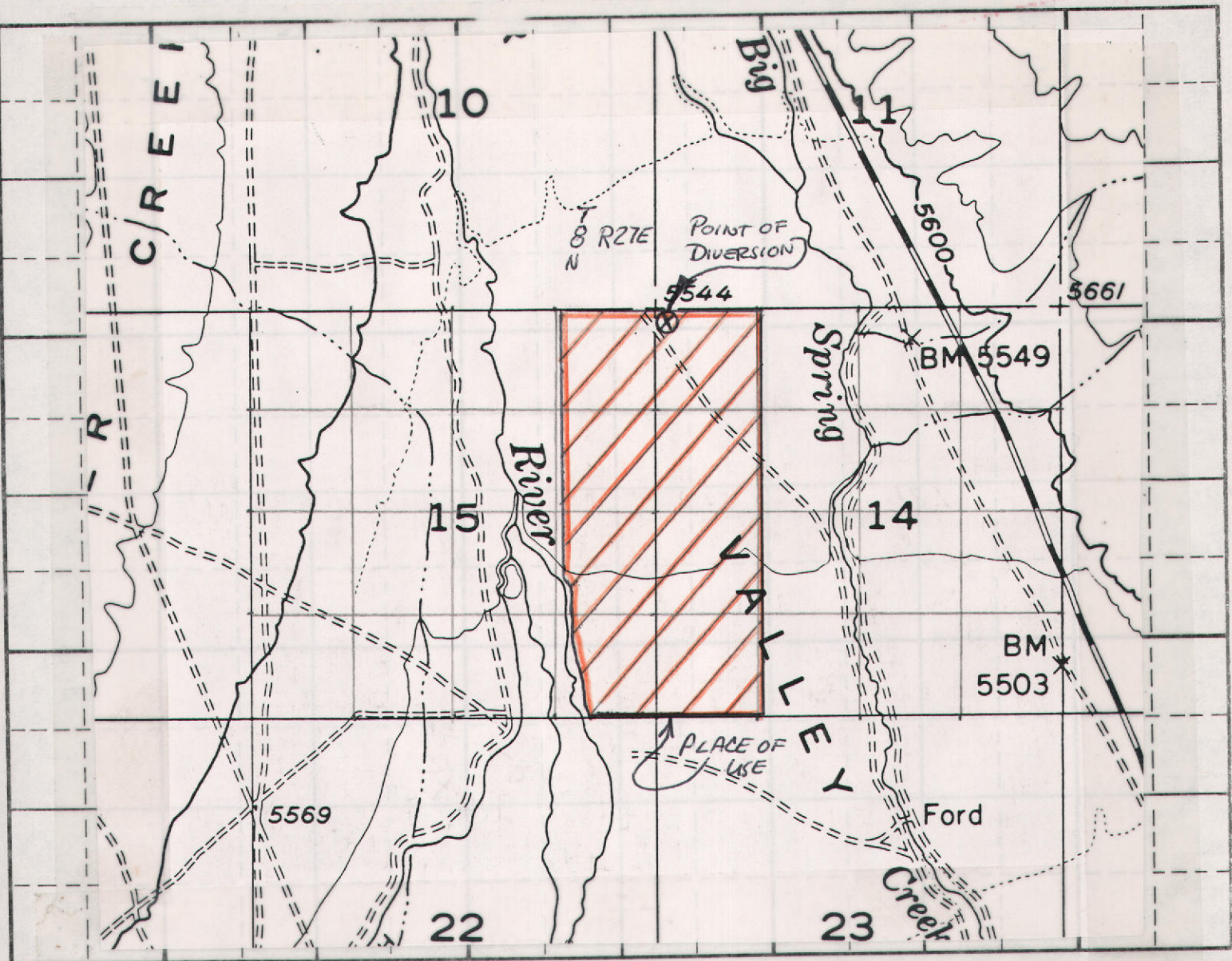
136.5

308.5

15/14

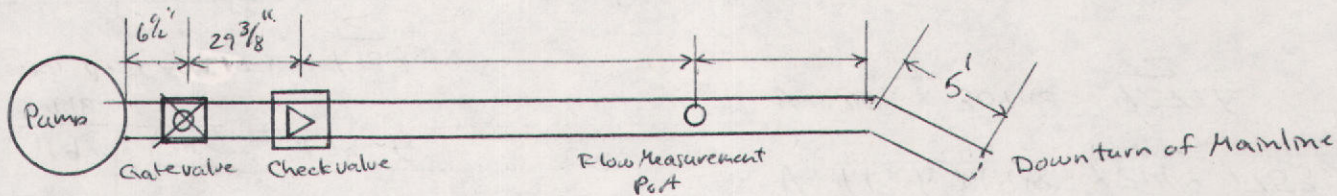
22/23

DEC 18 1996



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NW 1/4 NW 1/4 NW 1/4 Sec 14 T8N R27E

Place(s) of Use

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
08N	27E	14					1	39	40	1	1	40	40	2					164
		15	38			39									37		31		145

Total 309

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☒ Add P.U. as reflected above

- ☐ None
☐ Other

JUN 03 1991

Examiner's Signature

Checked by

Approved by

Keith C. Wilson
H. Jones

Date

Date

Date

8 Oct 1985

10-31-85

12/27/88

Jon

R 27E

T
8
N

POINT OF DIVERSION

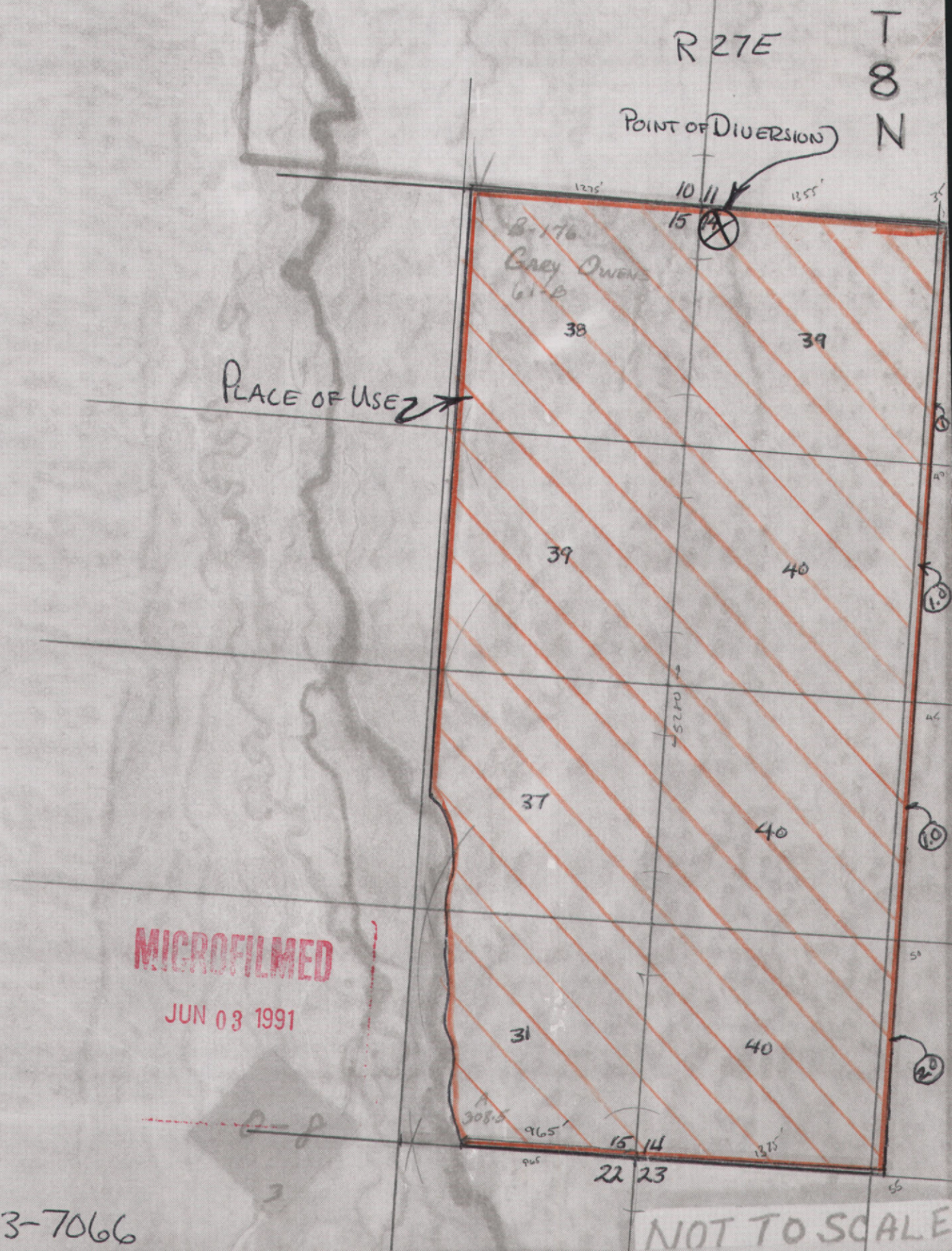
PLACE OF USE

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JUN 03 1991

33-7066

NOT TO SCALE



State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 33-07066

Priority: February 23, 1979

Maximum Diversion Rate:

4.13 CFS

Maximum Diversion Volume:

1074.5 AF

This is to certify, that ROCKY ROSS
CAROL ROSS
DONALD PHILLIPS
BILLIE PHILLIPS

PO BOX 10
HOWE ID 83244

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 23, 1979; and has submitted Proof of Beneficial Use on July 11, 1983. An examination indicates that the works have a diversion capacity of 4.130 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	4.13 CFS	1074.5 AF

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 15, Township 08N, Range 27E
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>
08N	27E	14	NWNW 37	SWNW 38	NWSW 39	154
			SWSW 40			
	15		NENE 40	SENE 40	NESE 38	153
			SESE 35			

Total number of acres irrigated: 307

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

MICROFILMED
DEC 18 1988

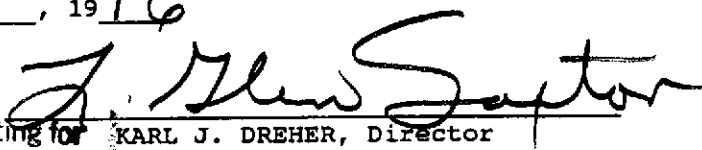
State of Idaho
Department of Water Resources

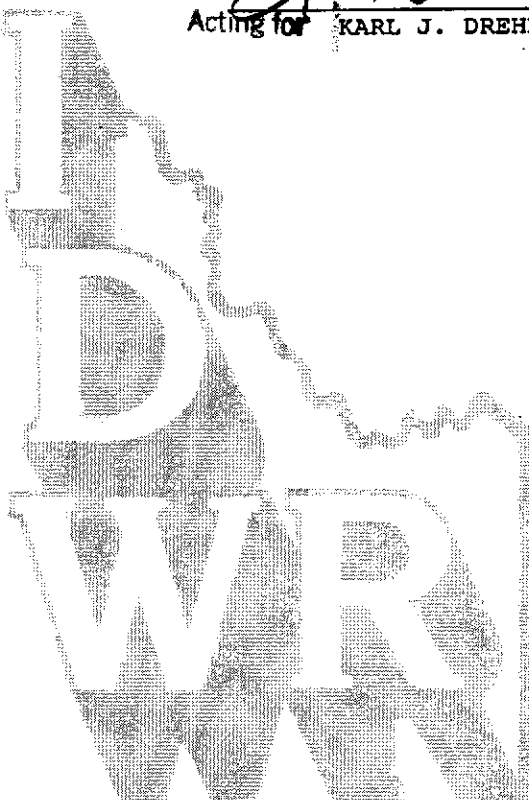
WATER RIGHT LICENSE

WATER RIGHT NO. 33-07066

CONDITIONS OF APPROVAL AND REMARKS

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director affixed at Boise, this 26th
day of November, 1996


Acting for KARL J. DREHER, Director



MICROFILMED

DEC 18 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 33-07066

Priority: February 23, 1979

Maximum Diversion Rate:
Maximum Diversion Volume:¹

4.13 CFS
927.0 AF

This is to certify, that ROCKY ROSS
CAROL ROSS
DONALD PHILLIPS
BILLIE PHILLIPS

P.O. BOX 10
HOWE, ID 83244

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 23, 1979; and has submitted Proof of Beneficial Use on July 11, 1983. An examination indicates that the works have a diversion capacity of 4.130 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	4.13 CFS	927.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW, Sec. 14, Township 08N, Range 27E
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>
08N	27E	14	NENW 1	NWNW 39	SWNW 40	
			SEnw 1	NESW 1	NWSW 40	
			SWSW 40	SESW 2		164
	15		NENE 38	SENE 39	NESE 37	
			SESE 31			145

Total number of acres irrigated: 309

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

JUN 03 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 33-07066

CONDITIONS/REMARKS:

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 20TH
day of MAY, 1991.

Acting for


R. Keith Higginson, Director

RECEIVED
MAY 20 1991

APPROVED

State of Idaho
Department of Water Resources

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MAY 8 1991

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 33-07066

Department of Water Resources

Date of Priority: February 23, 1979

Maximum Diversion Rate:

4.13 CFS

Maximum Diversion Volume:¹

927.0 AF

Comes now

WILLIAM B. ROBISON
NORMA ROBISON

HOWE, ID 83244

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 33-07066, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	4.13 CFS	927.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW, Sec. 14, Township 08N, Range 27E
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>
08N	27E	14	NENW 1	NWNW 39	SWNW 40	
			SENW 1	NESW 1	NWSW 40	
			SWSW 40	SESW 2		164
	15		NENE 38	SENE 39	NESE 37	
			SESE 31			145

Total number of acres irrigated: 309

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JUN 03 1991

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

Signed at Howe, Id., this 6 day of May, 1991.

Rocky Stone
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 33-07066

FOR DEPARTMENT USE ONLY

Preliminary check by SC Fee ☒ \$20.00

Received by JD Date 5/7/91

#C020418

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 33-07066 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this 20th day of MAY, 1991.

Acting for

R. Keith Higginson
R. Keith Higginson, Director

JUN 03 1991

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

Norma Robison
I, William B. Robison, hereby assign to Donald and Billie Phillips
of P.O. Box 10 Howe, Idaho 83244
Address

All my right, title, and interest in and to Permit No. 33-07066
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. 33-07066 to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Township 08N Range 27E Sect. 15
1/4 NE of 1/4 NE of 1/4 NE Butte County

Made this 2nd day of April, 1991.

William B. Robison
Permit Holder

Norma Rae Robison
Spouse of Permit Holder

State of Idaho)
County of Jefferson) ss

On this 2nd day of April, 1991, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Jackie Shively
Notary Public residing at
Terreton, Idaho 83450

seal

My commission expires:
8-2-94

JUN 03 1991

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Orginial Permit	33-7066	Gary R. Owens	6.40 cfs
Full Assignment	33-7066	Farmers Home Admin.	6.40 cfs
Full Assignment	33-7066	William B. & Norma Robison	6.40 cfs

OK to
process
RC 4/13/83

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APR 6 1983

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

FARMERS HOME ADMINISTRATION, USDA, hereby assigns to WILLIAM B. ROBISON and
NORMA ROBISON, of Howe, Idaho, 83244

all right, title and interest in and to Permit No. 33-7066 to appropriate the
public waters of the State of Idaho.

Made this 5th day of April, 1983.

FARMERS HOME ADMINISTRATION, USDA
Permit Holder

By: Dennis R. Nelson
DENNIS R. NELSON, County Supervisor

STATE OF IDAHO :
 : ss.
County of Butte:

On this 5th day of April, 1983, personally appeared before me, the
signer(s) of the above instrument, who duly acknowledged to me that he executed
the same.

Sarah J. Ellis
Notary Public residing at Arco, ID.

My commission expires: Lifetime

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

OK to
process
RC 4/13/83

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APR 6 1983

Department of Water Resources
Eastern District Office

I, Gary R. Owens/Loretta R. Owens hereby assign to Farmers Home Administration
of 101 West Grand, Arco, Idaho 83213
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 33-7029 and 33-7066
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 23rd day of March, 19 81.

Gary R. Owens
Permit Holder

Loretta R. Owens
Spouse of Permit Holder

State of Idaho)
County of Butte) ss.

On this 23rd day of March, 19 81, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

Sarah J. Ellis
Notary Public residing at
Arco, Idaho

seal

My commission expires:
lifetime My bond expires: July 15, 1984

Note: original Assignment
is in file 33-7066

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Gary R. Owens Phone 767-3330

Post office address Rural Route, Howe, Idaho 83244

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14 Township 8N

Range 27E B.M. Butte County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 6.40 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:

a. 6.40 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Aurora Pump, 10 1/4 mile wheel lines,
32 11/16" nozzles, 1950 g.p.m.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 100 feet.

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

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

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

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

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

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SE¼	SW¼	
8N	27E	14						40	40			40	40						160
		15	40			40									40		40		160

Total number of acres to be irrigated 320

c. Describe any other water rights used for the same purposes as described above. None

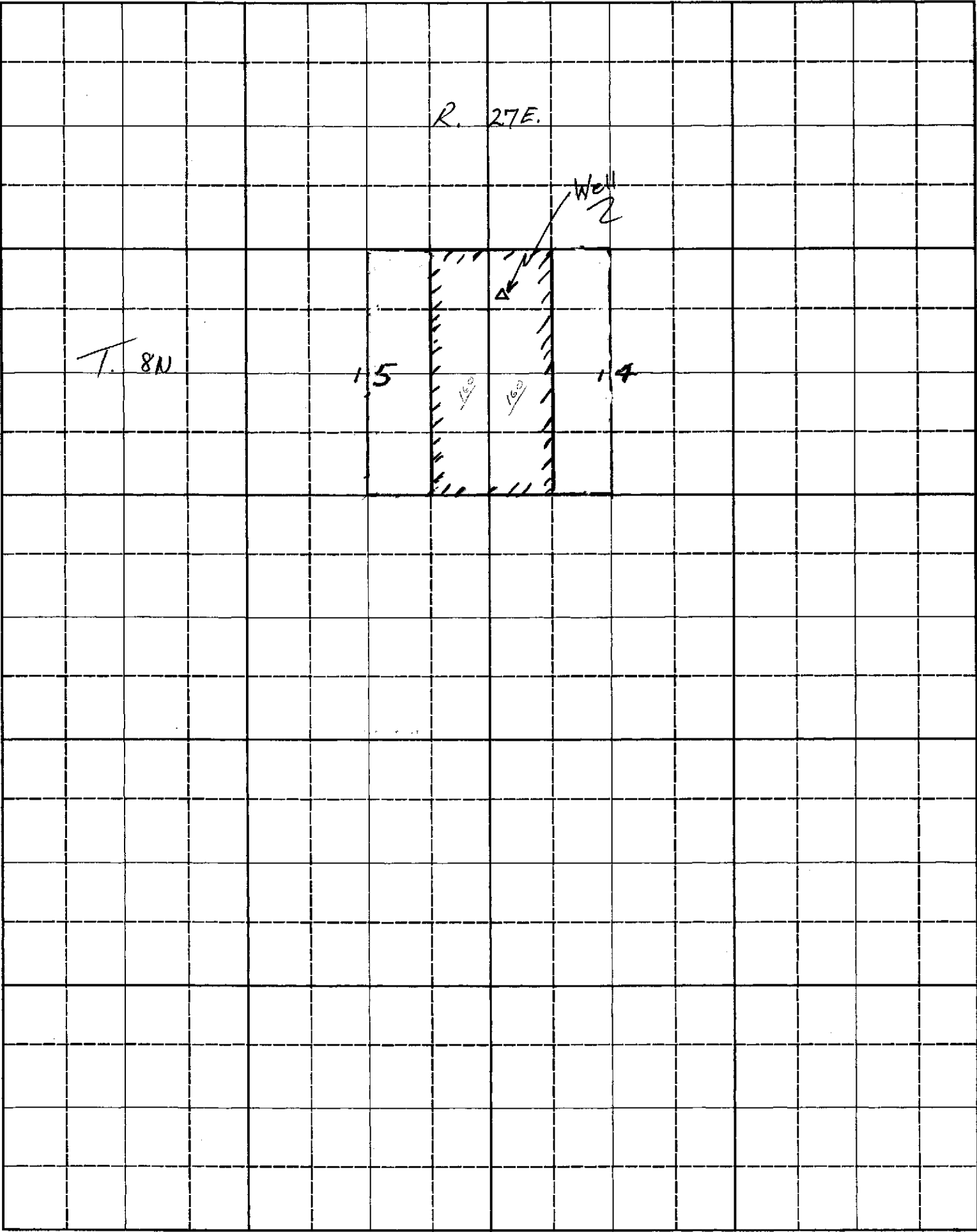
9. a. Who owns the property at the point of diversion Frank Hartman

b. Who owns the land to be irrigated or place of use Frank Hartman

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Land has not been transferred into Gary R. Owens' name.
Applicant holds option on property.and has written agreement with owner.

10. Remarks

11. 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.

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.

Bary R. Owens
(Applicant)

Proposed Priority 2-23-79

Received by dh Date 2-23-79 Time 2:30 p.m.

Preliminary check by SM Fee \$ 95.00

Received by dh Date 2-23-79 #12893

Publication prepared by dh Date 3-2-79

Published in Arco Advertiser

Publication dates March 8 & 15, 1979

Publication approved _____ Date _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by APC J.S.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 33-7066, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) An access 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.
(2) The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 6th day of June, 19 79.

J. Glen Sayton
Chief, Operations Bureau

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

OPTION TO PURCHASE REAL PROPERTY

1. In consideration of the sum of \$ 5,000.00 in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned (hereinafter called the "Seller"), who covenants that he is the owner thereof, hereby, for himself and his heirs, executors, administrators, successors and assigns, offers and agrees to sell and convey to

Gary and Loretta Owens Howe, Idaho

(Name and Address)

(hereinafter called the "Buyer"), and hereby grants to the said Buyer the exclusive and irrevocable option and right to purchase, under the conditions hereinafter provided, the following-described property, located in Butte

County, State of Idaho :

(Insert here full and complete legal description, including volume and page where recorded, of the property including any water rights and water stock being purchased.)

Sale of 320 acres below the Badger Creek Ranch.
Price is \$350.00 per acre.

All in: T8N, R27E, Boise Meridian.

Sec 15: N $\frac{1}{2}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$

Sec 14: W $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$

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MAY 2 1979

Department of Water Resources
Eastern District Office

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The title to said property is to be conveyed free and clear of all encumbrances except for the following reservations, exceptions and leases, and no others:

(Insert here a full statement of all reservations, exceptions and leases, including in the case of leases, the date of the termination of the lease, the correct name(s) and address(es) of the lessee(s) and, if recorded, the place of recordation)

~~2. This option is given to enable the Buyer to obtain a loan insured or made by the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, (hereinafter called the "Government"), for the purchase of said property. It is agreed that the Buyer's efforts to obtain a loan constitute a part of the consideration for this option and any downpayment will be refunded if a loan cannot be processed by FmHA.~~ *FB MO.*

3. The total purchase price for said property is \$ 112,000.00 ; said amount

☒ includes ☐ excludes the \$ 5,000.00 mentioned in paragraph 1.

4. The Seller agrees to pay all expenses of title clearance including, if required, abstract or certificate of title or policy of title insurance, continued down to the date of acceptance of this option and thereafter continued down to and including date of recordation of the deed from the Seller to the Buyer, costs of survey, if required, and attorney's fees; and the Seller agrees that, except as herein provided, all taxes, liens, encumbrances or other interests in third persons will be satisfied discharged, or paid by him including stamp taxes and other expenses incident to the preparation and execution of the deed and other evidences of title. Title evidences will be obtained from persons and be in such form as the Government shall approve.

(Strike inapplicable language above or insert herein any different agreement regarding the paying of title clearance charges)

5. The Seller also agrees to secure for the Buyer, from the records of the County Agricultural Stabilization and Conservation Committee, aerial surveys of the property when available, all obtainable information relating to allotments and production history and any other information needed in connection with the consideration of the proposed purchase of the property.

6. The Seller further agrees to convey said property to the Buyer by general warranty deed (except where the law provides otherwise for conveyances by trustees, officers of courts, etc.) in the form, manner and at the time required by the Government, conveying to the Buyer a valid, unencumbered, indefeasible fee-simple title to said property meeting all requirements of the Government; that the purchase price shall be paid at the time of recording such deed; and that said lands, including improvements, shall be delivered in the same condition as they now are, customary use and wear excepted.

7. Taxes, water assessments and other general and special assessments of whatsoever nature for the year in which the closing of the transaction takes place shall be prorated as of the date of the closing of the transaction, it being expressly agreed that for the purpose of such proration the tax year shall be deemed to be the calendar year. If the closing of the transaction shall occur before the tax rate is fixed, the apportionment of taxes shall be on the basis of the tax rate for the next preceding year applied to the latest assessed valuation.

(Insert here any different tax agreement)

(For use if Seller is a corporation)

IN WITNESS WHEREOF, the Seller has caused its corporate name to be hereunto subscribed by its _____
President, and its duly attested corporate seal to be hereunto affixed by its _____
Secretary, at _____, State of _____
on the _____ day of _____, 19 _____.

(CORPORATE SEAL)

(Name of Corporation)

ATTEST: _____ By _____

Secretary. _____ President.

ACKNOWLEDGMENT

★ U.S.GPO:1978-0-768-140

I Gary R. Owens agree to deposit \$5,000.00 on a
Purchase agreement under the following term to wit:
30 days from date \$5,000.00 to be a binder on pur-
chase agreement for 6 months _____.
If I Gary Owens can get a preliminary report from
FHA at the Arco level that I will receive the money
to purchase said property, then above amount of
money shall become a fixed binder that will go to
the seller if for any reason I don't pay full pur-
chase price.

8. This option may be exercised by the Buyer, at any time while the offer hereon shall remain in force, by mailing, telegraphing or delivering in person a written notice of acceptance of the offer herein to Frank Hartman, at his home, in the city of Howe, County of Butte, State of Idaho.

The offer herein shall remain irrevocable for a period of 6 months from the date hereof and shall remain in force thereafter until one (1) year from the date hereof unless earlier terminated by the Seller. The Seller may terminate

this offer at any time after the 6 months' irrevocable period provided herein by giving to the Buyer ten (10) days' written notice of intention to terminate at the address of the Buyer. Acceptance of this option by the Buyer within ten (10) days after such notice is received by him shall constitute a valid acceptance of the option.

9. Loss or damage to the property by fire or from an act of God shall be at the risk of the Seller until the deed to the Buyer has been recorded, and in the event that such loss or damage occurs, the Buyer may, without liability, refuse to accept conveyance of title, or he may elect to accept conveyance of title, in which case there shall be an equitable adjustment of the purchase price.

10. The Seller agrees that, irrespective of any other provision in this option, the Buyer, or his assignees, may, if the option is accepted, without any liability therefore refuse to accept conveyance of the property described herein if the foresaid loan cannot be made or insured because of defects in the title to other land now owned by, or being purchased by, the buyer.

11. The Seller agrees to furnish, at Seller's expense, to the Buyer a certificate from a reliable firm certifying that the following described building(s) covered by this option (1) is now free of termite infestation and (2) either is now free of unrepaired termite damage or has suffered unrepaired termite damage which is specifically described in the certificate.

12. The Seller agrees to furnish, at the Seller's expense, to the Buyer evidence from the Health Department or a reliable and competent source that the waste disposal system for the dwelling is functioning properly, and the water supply for domestic use meets State Health Department requirements. This evidence must be in the Farmers Home Administration County Office before a loan will be approved.

13. The Seller hereby gives the Government or its agents consent to enter on said property at reasonable times for the purpose of inspecting or appraising it, in connection with the making of a loan to purchase the property.

14. Insert here conditions peculiar to this particular transaction.

(Sellers Telephone Number)
767-2071

IN WITNESS WHEREOF, the Seller and the Buyer have set their hands and seals this 1 day of December, 19 78.

WITNESSES:

Frank Hartman
(Seller)(Husband)*
Ellie Hartman
(Seller)(Wife)
Harry R. Owens
(Buyer)(Husband)
Loretta B. Owens
(Buyer)(Wife)

*(Indicate marital status of Seller as "married," "single," "divorced," after signature.)

Affidavit of Publication

I, Le Ella Cammack,
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... 3-8-79 ...

and ending with the issue dated 3-15-79.

Le Ella Cammack

Subscribed and sworn to before me this

30 day of May, 1979.

[Signature]
Notary Public

Residence: Arco, Idaho.

My commission expires [Signature], 19 .

RECEIVED

APR 4 1979

Department of Water Resources
Eastern District Office

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

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

33-7065

CHAMBERS, ROBERT R.
11439 LAURELCREST
DRIVE, STUDIO CITY, CA 91604

Source: GROUNDWATER

Date Filed: 02-23-1979

Amount: 3.10 CFS

Diversion Point: NWSW Sec. 25 T
06N R 29E, BUTTE COUNTY

Use: IRRIGATION — (3.10 CFS)
from 04-01 to 11-01

Place of Use: NESE NWSE SESE

SWSE Sec 30 T 06N R 30E NESW

NWSW SWSW SESW NESE NWSE

SESE Sec 25 T 06N R 29E SWSE Sec

25 T 06N R 29E NESW Lot 03

(NWSW) LOT 04 (SWSW) SESW

Sec 30 T 06N R 30E FOR 613 ACRES

Diversion Means: WELL &

PUMP

33-7066

OWENS, GARY R.
RURAL ROUTE, HOWE, ID
83244

Source: GROUNDWATER

Date Filed: 02-23-1979

Amount: 6.40 CFS

Diversion Point: NWNW Sec 14 T
08N R 27E, BUTTE COUNTY

Use: IRRIGATION — (6.40 CFS)
from 04-01 to 11-01

Place of Use: NWNW SWNW

NWSW SWSW Sec 14 T 08N R 27E

NENE SENE NESE SESE Sec 15 T

08N R 27E FOR 320 ACRES

Diversion Means: WELL, PUMP

& SRPINKLER SYSTEM

If issued, the permits will be

subject to all prior water rights.

Protests against the granting of any

permit must be filed with the

Director of the Idaho Department

of Water Resources, 1515 Lincoln

Rd., Idaho Falls, Idaho 83401 on or

before MARCH 26, 1979.

C. STEPHEN ALLRED

Director

Pub. 3-8 & 3-15-79.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 26, 1996

ROCKY AND CAROL ROSS
DONALD AND BILLIE PHILLIPS
PO BOX 10
HOWE ID 83244

RE: WATER RIGHT NO. 33-07066

Dear Water Right Holder(s):

Enclosed is a copy of Amended the Water Right License issued on the above referenced permit. If you have any questions, please contact me within 10 days of receipt of this license.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SWK:ph

Enclosure

MICROFILMED
DEC 18 1996

MEMORANDUM

DATE: November 26, 1996

TO: Glen Saxton

FROM: Shelley W. Keen

RE: Amended License for 33-07066

I have prepared the amended license for Right 33-07066. Besides correcting the point of diversion and place of use, I have done the following:

- Applied the new standard annual volume figure, which raises the annual volume limit by nearly 150 AF.
- Applied the new standard season of use.
- Added condition no. 5, which is now standard.

MICROFILMED
DEC 18 1996

From: DWR70::ARUBERRY 25-NOV-1996 13:04:04.05
To: DWR03::SKEEN
CC:
Subj: 33-07066 amended

From: DWR03::SKEEN 25-NOV-1996 11:14:14.21
To: DWR70::ARUBERRY
CC: SKEEN
Subj: 33-07066_

Al,

I have created a draft amended license for 33-07066. It is on the database as L33-07066. Before I forge ahead, I would like you to look at it to make sure it meets your expectations.

Shelley

I HAVE REVIEWED YOUR L33-07066 AS YOU ASK. I BELIEVE WHAT YOU HAVE DONE IS GOOD. IT SHOULD BE THE CORRECTION WE HAVE BEEN SEEKING. THANK YOU FOR YOUR TROUBLE.

ABR

Keep in file 33-07066

MICROFILMED

DEC 18 1996

From: DWR70::ARUBERRY 22-NOV-1996 08:11:20.12
To: DWR03::SKEEN
CC:
Subj: 33-07066

From: DWR03::SKEEN 21-NOV-1996 14:31:38.17
To: DWR70::ARUBERRY
CC: SKEEN
Subj: Ross 33-07066

Al,

I read your mail message about 33-07066, and I am a little bit confused.

You indicate that your measurement from the well to the NE fence corner of the property was 1231 feet. If the NE fence corner of the property is the NE corner of the NWNW of Section 14, then the well must be in the NWNW of Section 14 as licensed. The well would have to be over 1320 feet from the corner to be in the NENE of Section 15.

I am not sure of the relevance of your measurement of the distance to Spring Creek.

Shelley Keen

THE MEASUREMENT IS REAL. WHAT YOU ARE NOT SEEING IS THAT THE FENCE CORNER IN SECTION 14 DOES NOT FOLLOW THE QUARTER-QUARTER LINE...RATHER IT IS INSIDE THE NWNW SECTION 14 AND ANGLES DOWN TO THE SESE (A STRAIGHT LINE), BUT DIAGONALED. IF YOU HAD AN ASCS PHOTO YOU WOULD BE ABLE TO SEE AND TO PLOT BOTH THE DISTANCE FROM THE WELL TO THE NE FENCE CORNER AND THE DISTANCE FROM THE FENCE CORNER TO THE CENTER OF BIG SPRING CREEK TO THE EAST. BEEN THERE DONE THAT (WITH KEITH WILSON) BOTH OF US AGREE(ED) THAT THE WELL AND POU'S ARE IN ERROR. I AGREE THAT THE STANDARD QUARTER-QUARTER DISTANCE IS 1320 FEET. BUT, IN THIS CASE, THAT'S NOT THE CASE WHEN REFERENCED TO THE NE FENCE CORNER. BECAUSE THE FENCE IS NOT ON THE QQ-LINE (AS STATED ABOVE). MORE Q'S. MORE E-MAIL...OR CALL. THANKS FOR THE CONSIDERATION.....
AL

Keep in file 33-07066

MICROFILMED

DEC 18 1996

From: DWR70::ARUBERRY 19-NOV-1996 15:20:14.31
To: DWR03::SKEEN
CC:
Subj: 33-07066

From: DWR70::ARUBERRY 19-NOV-1996 14:24:46.21
To: DWR03::SKEEN
CC:
Subj: ROSS WELL 33-07066, CORRECTION TO LICENSE

THE WATER RIGHT IN QUESTION, 33-07066, IS IN THE NAMES OF ROCKY ROSS AND DON PHILLIPS AND WIVES.

DURING THE ADJUDICATION FIELD EXAM MARCH 16, 1994, IT BECAME SUSPECT THAT THE POINT OF DIVERSION WAS LISTED WRONG ON THE LICENSE, AS NWNWNW SEC.14, T.8N., R.27E. THE ADJUDICATION CLAIM HAD BEEN CLAIMED AS NENENE SEC.15. A REVIEW WAS THEN MADE OF THE ASCS (NOW FSA) PHOTO. THAT TOO SEEMED TO CONFIRM THAT THE POD HAD BEEN WRONGLY LISTED. A TRACE OF THE MAINLINE CAN BE SEEN ON THE ORIGINAL PHOTO OR A GOOD QUALITY REPRODUCTION. THIS TOO PUTS THE POD IN SEC. 15.

ON 9 MAY 1995, I WAS ACCOMPANIED BY MR KEITH WILSON, IDWR, TO THE LOCATION OF THE WELL AND PLACE OF USE. WE USED A NEW MEASURING WHEEL TO FIRST MEASURE THE DISTANCE FROM THE WELL TO THE NE FENCE CORNER OF THE PROPERTY. THAT DISTANCE MEASURED 1231 FEET. WE THEN MEASURED FROM THAT CORNER TO THE CENTER OF BIG SPRING CREEK, WHICH IS THE STREAM TO THE EAST. THAT DISTANCE MEASURED 1597 FEET.

WHEN PLOTTING THE ABOVE REFERENCED MEASUREMENTS ON A PHOTOCOPY OF THE ASCS PHOTO IT BECAME APPARENT THAT THE POD HAD BEEN LICENSED IN THE WRONG QUARTER-QUARTER. FOR THE RECOMMENDATION OF THIS RIGHT IN THE ADJUDICATION I WOULD LIKE TO RECOMMEND THE POD AND POU ACCURATELY. THE SRBA ACCOMPLISHED TRANSFER STATUTE, IC 42-1425, ONLY PROVIDES FOR RECOMMENDATIONS THAT REFLECT CHANGES THAT OCCURED PRIOR TO THE SRBA COMMENCEMENT DATE OF 19 NOVEMBER 1987. THEREFORE, I RECOMMEND AN AMENDMENT BE MADE TO THE LICENSE CORRECTING THE POD AND THE POU IN THE QUARTER-QUARTERS HELD BY THE BLM.

THE ABOVE REFERENCE TO THE ERROR IN THE POU OCCURS IN THE E1/2W1/2 OF SEC. 14, WHICH TOTALS 5 ACRES. THESE ACRES SHOULD NOT BE RECOMMENDED IN THE ADJUDICATION SINCE THESE LANDS ARE HELD BY THE BLM.

ABRUBERRY

Keep in file 33-07066

MICROFILMED

DEC 18 1996

MEMORANDUM

DATE: November 18, 1996

TO: File 33-07066

FROM: Shelley W. Keen *SWK*

RE: Conversation with Keith Wilson

Last week I received a request for an amended license for Right 33-07066. The right holder submitted some information which seems to show that the licensed place of use and point of diversion descriptions are incorrect.

In order to get some perspective on the matter, I called Eastern Region and spoke with Allen Ruberry and with Keith Wilson. Allen is the SRBA Agent handling the claim review for Basin 33. Keith conducted the field exam for Right 33-07066 in 1983. Allen told me that he visited the site, located the section corners, and found the POU and PD to be incorrect on the license. He will send me some documentation. Keith said that he used an ASCS aerial photo to verify the PD in 1983, and he thinks that it is possible that the PD could be described in the wrong 40-acre tract.

RECEIVED

NOV 15 1996

Department of Water Resources

ROCKY ROSS
P O BOX 10
HOWE, IDAHO 83244
PH: (208) 767-3124

31 OCTOBER 1996

IDAHO DEPARTMENT OF WATER RESOURCES
ATTN: MR. SHELLY KEEN
1301 N. ORCHARD ST
BOISE, IDAHO 83706

RE: REQUEST FOR AMENDMENT OF LICENSE 33-07066

Dear Mr. Keen:

During a recent visit by IDWR agent Allen Ruberry a review was made of my adjudication claim to License 33-07066. It became apparent during that review that the license, as issued, was seriously in error.

Apparently, during the field examination which was conducted in 1983, the well was plotted in the wrong quarter-quarter and section. This error shifted the lay of the land to the East causing acreage to appear in the E1/2W1/2 of Section 14, T.8N., R.27E., which is owned by the BLM. My holdings, in this area, are totally contained within the W1/2W1/2 Section 14, and E1/2E1/2 Section 15, T.8N., R.27E. The well is actually located in the NE1/4NE1/4NE1/4 Section 15, T.8N., R.27E.

By this letter, I am formally requesting the issuance of an amended License for the Water Right 33-07066, which will show the Point of Diversion as NENENE Section 15 and the Place of use as follows:

Section 14	NWNW	37ac
	SWNW	38ac
	NWSW	39ac
	SWSW	40ac

Section 15	NENE	40ac
	SENE	40ac
	NESE	38ac
	SESE	35ac

Total 307ac (all within T.8N., R.27E.)

I realize this indicates a reduction of 2.0 acres, however, this reduction will reflect a more accurate accounting of the entire place of use, and, will accurately locate the Point of Diversion.

MICROFILMED

DEC 18 1996

PAGE 2
IDWR
LICENSE AMENDMENT

Thank you for your attention and consideration in this matter. Should you have questions regarding this request please contact me at (208) 767-3124. I look forward to your timely response.

RESPECTFULLY SUBMITTED,

Rocky Ross

ROCKY ROSS

CC: FILE
A. Ruberry, IDWR, Idaho Falls, ID

ENCLOSURE: 1987 Photomap (copy), Arco FSA
1983 IDWR field exam documents

MICROFILMED

DEC 18 1996

Do not Film

State of Idaho
Department of Water Resources

MAY 2 1991

WATER RIGHT LICENSE

Department of Water Resources
Eastern District Office

WATER RIGHT NO. 33-07066

Priority: February 23, 1979

Maximum Diversion Rate: 4.13 CFS
Maximum Diversion Volume:¹ 927.0 AF

This is to certify, that ROCKY ROSS
CAROL ROSS
DONALD PHILLIPS
BILLIE PHILLIPS

LC: May 20, 1991

P.O. BOX 10
HOWE, ID 83244

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 23, 1979; and has submitted Proof of Beneficial Use on July 11, 1983. An examination indicates that the works have a diversion capacity of 4.130 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	4.13 CFS	927.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 14, Township 08N, Range 27E
BUTTE County

<u>PLACE OF USE: IRRIGATION</u>		<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN</u>	<u>RGE SEC</u>				
08N	27E 14	NENW 1	NWNW 39	SWNW 40	
		SENW 1	NESW 1	NWSW 40	
		SWSW 40	SESW 2		164
	15	NENE 38	SENE 39	NESE 37	
		SESE 31			145

Total number of acres irrigated: 309

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED

DEC 18 1986

APPROVED

State of Idaho
Department of Water Resources

RECEIVED

MAY 8 1991

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 33-07066

Department of Water Resources

Date of Priority: February 23, 1979

Maximum Diversion Rate:

4.13 CFS

Maximum Diversion Volume:¹

927.0 AF

Comes now

WILLIAM B. ROBISON
NORMA ROBISON

HOWE, ID 83244

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 33-07066, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	4.13 CFS	927.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNW, Sec. 14, Township 08N, Range 27E
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>
08N	27E	14	NENW 1	NWNW 39	SWNW 40	
			SENW 1	NESW 1	NWSW 40	
			SWSW 40	SESW 2		164
	15		NENE 38	SENE 39	NESE 37	
			SESE 31			145

Total number of acres irrigated: 309

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

Signed at Blower, Id., this 6 day of May, 1991.

MICROFILMED

Stacy Ross
(Signature) 18 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

Do not Fill

33-7066

Permit No.

NOV 6 1985

CONTACT WITH PERMIT HOLDER

- ☐ Appointment letter mailed.
- ☐ Telephone call made
(List Telephone No. used)
- ☐ Appointment scheduled for:
(Date, time, location)

DATE

INITIALS

REMARKS

Department of Water Resources

EXAMINATION

Date 8-30-1983 Accompanied by Bill Robinson Total Q measured 4.13 cfs
Source Groundwater Tributary to _____ Supp. annubar measurement sheet used? No
If source is surface water, estimate total flow of source _____
Methods of measurement Annubar # 11147 (10.02") Meets permit requirements? Yes
Meas. # 0 11473

Measurement calculations: $V = 24" (1.025) = 2.4"$
 $V = 4.13 \text{ cfs} \times 1.9835 \times 2.14 = 1753 \text{ pk}$
 $Q = (3.85) (9.85) \sqrt{29.6} = 4.13 \text{ cfs}$
 448.6
 $Q_{LIMITED BY CAPACITY} = 4.13 \text{ cfs}$
 $V = 30 \text{ sec} \times 309 \text{ ac} = \frac{927 \text{ af}}{2}$

WELL/DIV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	200	U.S. Motors	CP6377-50W	Quincy	3 P8-8005+	Annubar	Good	
			84-02075					

System Description well pump machine to lateral with sprinklers

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE Irrigation Irrigation requirement 3.0 AFA Acre
Q req'd 4.13 V. rate 927 FROM 4/1 TO 11/1

Total

Remarks

MICROFILMED

DEC 18 1986

R 27E

T
8
N

POINT OF DIVERSION

PLACE OF USE

33-7066

MICROFILMED

DEC 18 1936

②
202.9

1011
1514

196
T-307 NHCL
D R/PHILLIPS

1365

308.5

1514
2223
1976

May 20, 1991

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

RE: WATER RIGHT NO. 33-07066

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

RECEIVED
MAY 23 1991

March 13, 1991

RE: Water Right No. 33-07066

Rocky and Carol Ross
Donald and Billie Phillips
Box 5
Howe, ID 83244

Dear Property Owners:

The above referenced water right is in the process of being reviewed for licensing. We have tried unsuccessfully to contact the water right holder of record to obtain an amendment to the permit so that a license can be issued. The correspondence has been returned undeliverable and contact with the assessor's office revealed that you are listed as the owners of the property in their records.

We also find that you have submitted a Snake River Basin Adjudication Claim on this particular right. In order for the adjudication claim to be included in the final decree, the license needs to be issued on the existing right. Therefore, we are forwarding the amendment form to you. You need simply to sign the form and return it to us along with the \$20.00 filing fee.

Once we receive the amendment, we will issue a license and will forward a copy to you for your records. The license will be issued in the name of the right holder shown in our records. If you wish to have the license issued in your name, you need to have the current holder of record, William &/or Norma Robison, assign the right to you via the enclosed assignment form. Whether or not an assignment is received, a license becomes real property and is appurtenant to the land which it covers.

Please submit the amendment form and fee to us within 30 days. You can submit the assignment form at the same time, if you desire to have the license issued in your name. If you have any questions concerning this matter, please feel free to contact us.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

RECORDED
JUN 03 1991

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

New Owners
Donald & Billie Phillips
or Rocky & Carol Ross
P.O. Box 5
Hwy 1, ID
83244



PREPAID
FIRST CLASS



U.S. POSTAGE

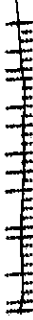
0.21

RECEIVED

SEP 06 1989

Department of Water Resources

forwarding
has expired



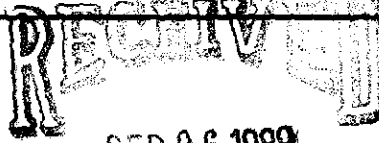
JUN 03 1991



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

August 30, 1989
DIRECTOR

WILLIAM B. ROBISON
HOWE, ID 83244

Department of Water Resources

RE: PERMIT NO. 33-07023

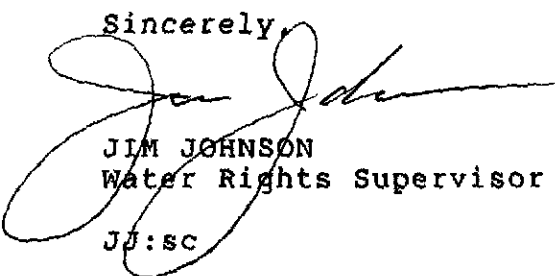
Dear Permit Holder(s):

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

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

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

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 33-07023

Date of Priority: August 30, 1973 Maximum Diversion Rate: 2.02 CFS
Maximum Diversion Volume:¹ 302.7 AF

Comes now WILLIAM B. ROBISON
 HOWE, ID 83244 and represents to the Director of the
Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 33-07023, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	2.02 CFS	302.7 AF

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 17, 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	16	SWNW 1.5	NWSW 3.4		4.9
		17	NENE 25	NWNE 17	SWNE 11	
			SENE 38	NESE 5		96
Total number of acres irrigated:						100.9

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

Signed at _____, this _____ day of _____, 19____.

(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 33-07023

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00 Received by _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 33-07023 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

Witness my hand this _____ day of _____, 19____.

R. Keith Higginson, Director

July 10, 1989

WILLIAM B. ROBISON
NORMA ROBISON
HOWE, ID 83244

RE: PERMIT NO. 33-07066

Dear Permit Holder(s):

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

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

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

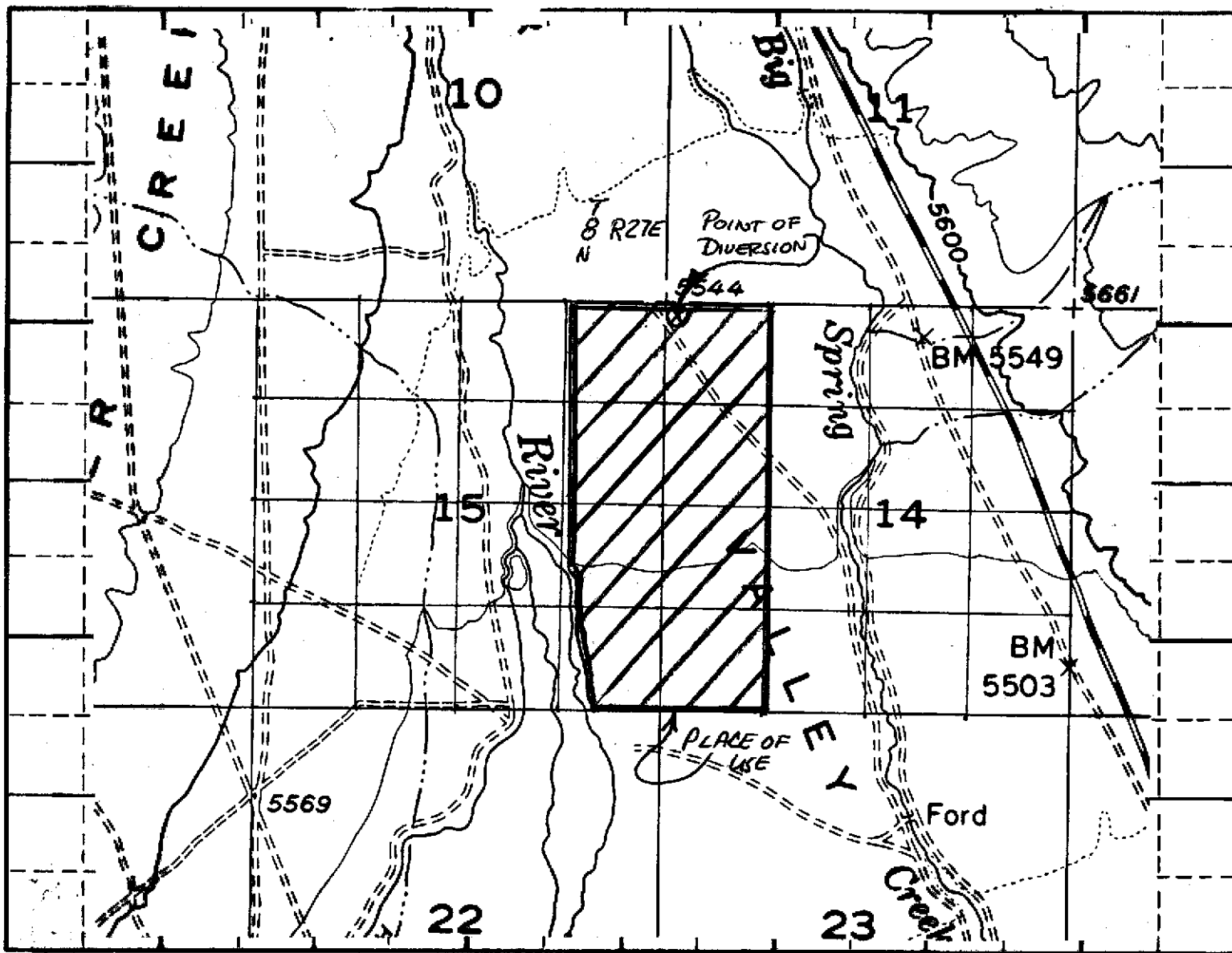
JUN 03 1991

POINT OF DIVERSION OVER

WR-NUMBER	TWP	RNG	SC	TRACT	LT	#SOURCE	#NAME
				1\4 1\4 1\4			
3307066	08N	27E	14	NW NW		GROUNDWATER	OWENS, GARY R.
NO MATCHES FOR THIS POD							

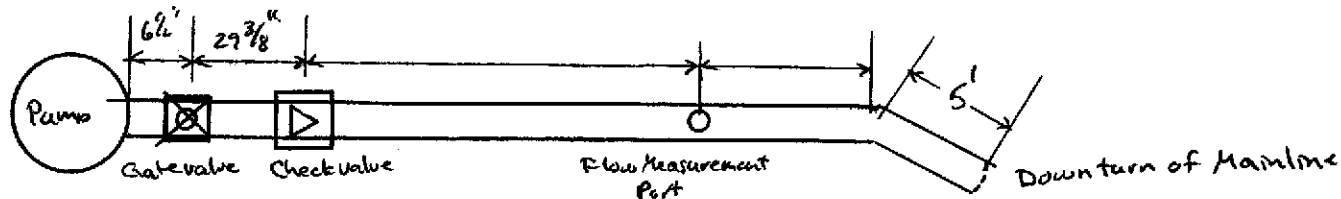
MAINTAINED

JUN 03 1991



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NW 1/4 NW 1/4 NW 1/4 Sec 14 T8N R27E

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
08N	27E	14					1	39	40	1	1	40	40	2					164
		15	38			39									37			31	145

Total

1349

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☒ Add P.U. as reflected above

- ☐ None
☐ Other

JUN 03 1991

Examiner's Signature

Keith C. Wilson

Checked by

John Jones

Approved by

John

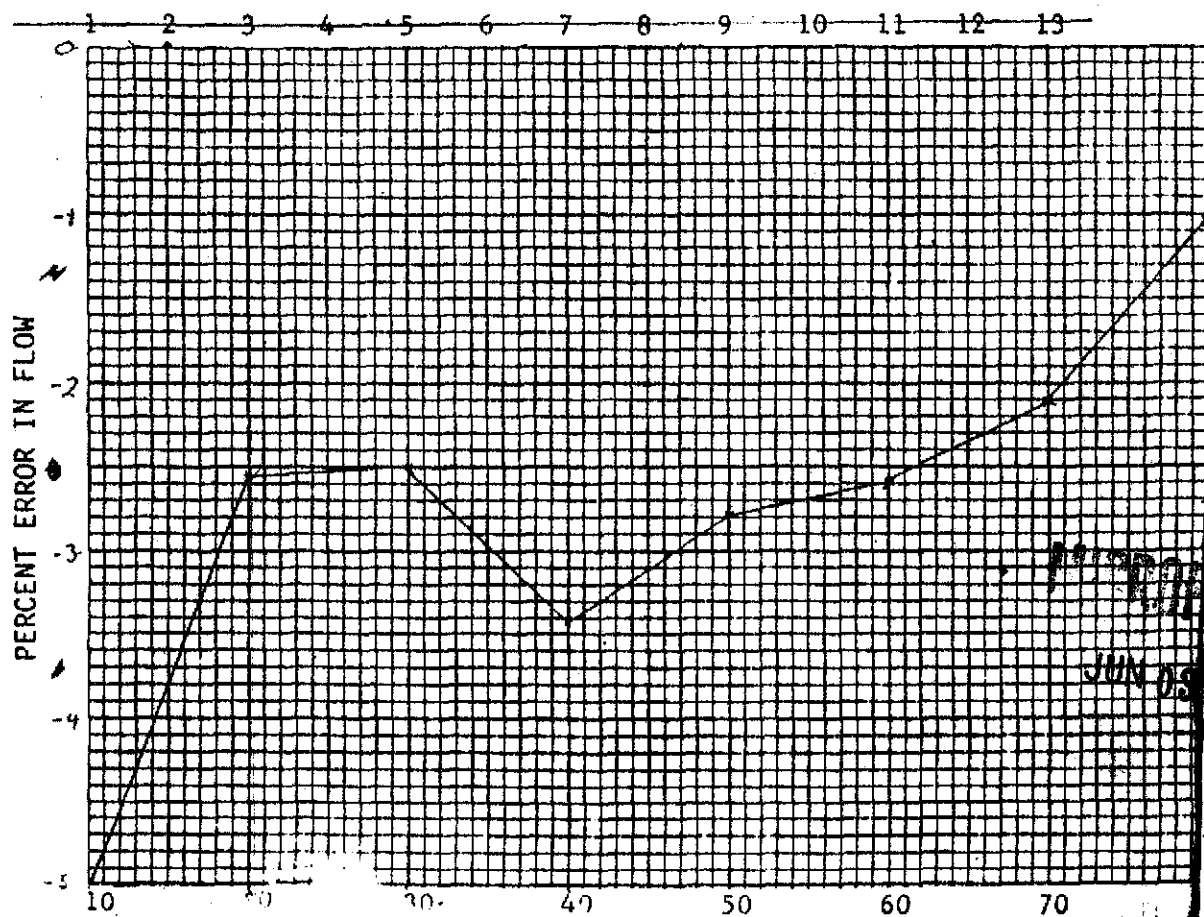
Date 8 Oct - 1985

Date 10-31-85

Date 12/27/88

METER NO. 09147RANGE 10-80DATE TESTED 4/25/83LO
ADM

APPLIED PRESSURE			METER READING	FLOW ERROR (%)	FLOW CORRECTION FACTOR
UPSCALE	DOWNSCALE	AVERAGE *			
11.29	10.87	11.08	10.0	-5.00	1.050
21.50	20.62	21.06	20.0	-2.55	1.025
32.14	30.97	31.56	30.0	-2.50	1.025
43.47	42.27	42.87	40.0	-3.41	1.034
53.50	52.29	52.90	50.0	-2.78	1.028
63.80	62.63	63.22	60.0	-2.58	1.026
73.47	72.59	73.03	70.0	-2.10	1.021
81.87	81.42	81.65	80.0	-1.01	1.010

33-7066
10

1110001MED

JUN 05 1991

R 27E

T
8
N

POINT OF DIVERSION

10 11

115'

Bay Over
W

38

38

Place of Use

37

MICROFILMED

JUN 03 1991

PERMIT NO. 33-7066 (Name) "Bill"
Accompanied by: William
EXAMINATION: DATE: 8-30-88 Robison

Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.
us Motors Hightower	200	CD6377-584 89-02075	Aurora Vertiline	3P8-88054

Measuring Device Type: _____

Meter # _____ Annubar# _____ Size # 10.02

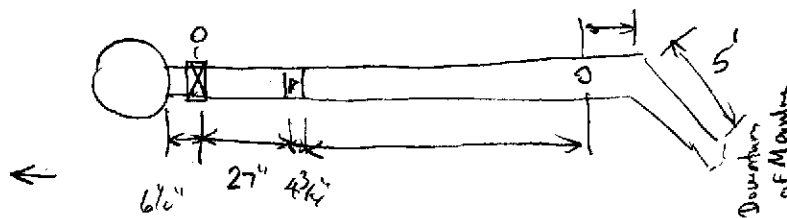
Remarks: _____

Measurement calculations:

24" w/ 10.02" annubar

SCHEMATIC DIAGRAM OF SYSTEM

Mainline Diameter _____ Length _____



RECEIVED
JUN 03 1991



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

August 5, 1983

William B. Robinson
Howe,
Idaho 83244

RE: Permit #33-7066

Dear Permit Holder:

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

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

☐ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

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

If you have any questions regarding the field examination, please contact this office.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:jk

RECEIVED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 33-7066

Name(s) of Permit Holder: William B. Robinson

Post Office Address: Howe, Idaho 83244

Tel. No. 767-3458

Source of Water: well & pump

Extent of Use:

☐ Domestic	(number of households)
☐ Stockwater	(number and type of stock)
☒ Irrigation <u>310 #</u>	(acres)
☐ Other	

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

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

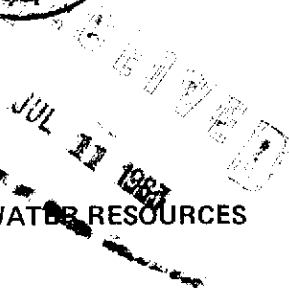
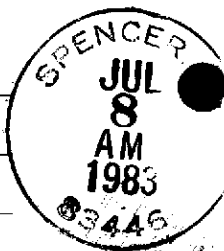
The above information is a true statement of the extent to which the above numbered permit has been developed.

Feb 6, 83
Date

William B. Robinson
Signature of Permit Holder

William B. Sullivan
Homer, Idaho

767-3458



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

April 20, 1983

RE: Permit No. 33-7066

William B. Robison & Norma Robison
Howe,
Idaho 83244

Dear Mr. and Mrs. Robison:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

The 1982 Idaho Legislature added a requirement to your permit. Because of the change, you must commence the excavation and construction of the diverting works for your permit no later than July 1, 1983. The statute further requires that you then proceed with due diligence in completing the diverting works and applying the water to beneficial use.

To maintain the validity of your permit, you must return the Commencement of Works postcard for your permit subject to the requirement. Note that on the card you can indicate that either (1) you have commenced construction or (2) you have been prevented from initiating development due to a factor beyond your control, such as the Idaho Power Moratorium, a required approval of the Federal Government, or litigation which prevents development of the project. Please note the recent purchase of the land is not considered a reason for prevention from initiating development under this permit. Enclosed you will find the Commencement of Works postcard. Please return this card to our office no later than July 1, 1983.

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

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosures



United States
Department of
Agriculture

Farmers
Home
Administration

101 West Grand Avenue
Post Office Box 656
Arco, ID 83213

RECEIVED

APR 6 1983

• Department of Water Resources
150 Shoup Street
Suite 15
Idaho Falls, ID 83401

• April 5, 1983 Department of Water Resources
Eastern District Office

RE: Well Permit No. 34-7066

• Gentlemen:

Enclosed is an Assignment of Permit regarding the subject water permit, assigning the interest of Gary R. Owens and Loretta R. Owens to Farmers Home Administration (FmHA).

In addition, we are attaching a second Assignment of Permit, assigning to William B. Robison and Norma Robison all right, title and interest in this permit. Would you please change your records accordingly and if you have any questions, please call me at 527-3486.

Sincerely,

Dennis R. Nelson

DENNIS R. NELSON
County Supervisor

/emc

Enclosures



Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination should be sent to:
Secretary of Agriculture, Washington, D.C. 20250

WATER RIGHT
DATA ENTRY LOG

[illegible]

33-7060

STAFF REVIEW - STATE OFFICE

1. ✓ Name vs. Signature
2. W Source
3. ✓ Point of Diversion
4. 6.4 Amnt. & Period of Use
5. ✓ Descrip. of Diverting Wrks.
6. 5 Time req. for Proof of B/U
7. N/A Place of Use for other than irrig.
8. 320 Place of Use for irrigation (add acres)
9. other Property Owner at Pt. of Div. & Pl. of Use
10. ✓ Map
11. 95 Fee & Rec't. No.

Copies Sent To:

NO Idaho Health Department
NO Idaho Fish & Game Dept.
NO Bureau of Land Management

NO U.S.F.S.
NO Dept. of Lands
NO Other

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

Check:

Critical G.W. Area yes ✓ no

Other rights on same land None plotted

Withdrawals of all protests received N/A yes no

Conditions:

ID Power Co. Letter - Snake R. NO

ID Power Co. Letter - G.W. & Tribs. Yes

Snake River Condition NO

Payette River Letter I

Priority Date 2/23/79

Water Quality #16 NO

Water Quality #10 intrastate interstate

Meas. Dev. or Sc. Meas. Yes Code # 01C

Totalizing meter no

Supplemental no

Right-of-Way Cond. Yes Code # 04

Watermaster Cond. NO
 Wtr. Dist No. no

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

Jhi Reviewer
6/1/79 Date



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

June 7, 1979

Re: Permit No. 33-7066

Gary R. Owens
Rural Route
Howe, Idaho 83244

Dear Mr. Owens:

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

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

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

DRT:lr

Enclosures

April 26, 1979

Gary R. Owens
Rural Route
Howe, Idaho 83244

Dear Mr. Owens:

Re: Application for Permit No. 33-7066

During a telephone conversation on April 5, 1979 with Steve McCormick, Water Resource Analyst, you apparently agreed to send the Department a copy of the agreement allowing you to file the above application for permit on land owned by Frank Hartman. Since the Department cannot forward your application to Boise for final action without this document, we would appreciate receiving it as soon as possible.

If you cannot provide proof of ownership for the land relative to the application or the above mentioned agreement by May 14, 1979, we will recommend that the application be voided from our records for failure to provide the requested information. Should you have any questions concerning this matter, please feel free to contact me at our eastern regional office.

Respectfully submitted,

ERNEST M. CARLSEN
Water Resource Analyst

EMC:dh

*Rec'd
May 2, 1979*

FROM

DATE

TO

STEVE

SUBJECT - 33-7066

Write letter to Mr. Owens requesting he send proof of ownership (signed sales contract or warranty deed) from Frank Hartman or an affidavit from Mr. Hartman explaining Mr. Owens interest in property & that he, Mr. Hartman has no objection to Mr. Owens filing the lg.

TELECON W/ G. OWENS: 4-5-1979 MC. OWENS WILL SEND
A COPY OF AGREEMENT.

S.M.

SIGNATURE

April 2, 1979

The Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Re: Application for Permit No. 33-7065 - Chambers
" " " No. 33-7066 - Owens

Please send affidavits of publication and certified bills in connection with the above referenced applications. The legal notices were to have been published on March 8 and 15, 1979.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

RECEIVED
APR 11 1979
FBI - ARCO

CONVERSATION MEMORANDUM

DATE 3-5-79

FILE 33-7066

NAME OF PARTY Lori Beck, Deputy Assessor
Butte Co. Assessor Office

EMPLOYEE Donna

RE: The Butte County assessors office shows no record or deed for lands
reportedly sold by Frank Hartman to Gary Ownes.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

MARCH 2, 1979

Arco Advertiser
Box "C"
Arco, Idaho 83213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before MARCH 26, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

33-7066

OWENS, GARY R.
RURAL ROUTE, HOWE, ID
83244

Source: GROUNDWATER

Date Filed: 02-23-1979

Amount: 6.40 CFS

Diversion Point: NWNW Sec 14 T
08N R 27E, BUTTE COUNTY

Use: IRRIGATION -- (6.40 CFS)
from 04-01 to 11-01

Place of Use: NWNW SWNW
NWSW SWSW Sec 14 T 08N R 27E
NENE SENE NESE SESE Sec 15 T
08N R 27E FOR 320 ACRES

Diversion Means: WELL, PUMP
& SRPINKLER SYSTEM

If issued, the permits will be
subject to all prior water rights.
Protests against the granting of any
permit must be filed with the
Director of the Idaho Department
of Water Resources, 1515 Lincoln
Rd., Idaho Falls, Idaho 83401 on or
before MARCH 26, 1979.

C. STEPHEN ALLRED
Director

Pub. 3-8 & 3-15-79.

NOTICE OF APPLICATION FOR WATER RIGHT

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

33-2066-

OWENS, GARY R.

RURAL ROUTE, HOWE, ID 83244

Source: GROUNDWATER

Date Filed: 02/23/1979

Amount: 6.40 CFS

Diversion Point: NWNW Sec 14 T 08N R 27E, BUTTE Co.

Use: IRRIGATION (6.40 CFS) from 04/01 to 11/01

Place of Use: NWNW SWNW NWSW SWSW Sec 14 T 08N R 27E NENE SENE NESE SESE
Sec 15 T 08N R 27E FOR 320 ACRES

Diversion Means: WELL, PUMP & SPRINKLER SYSTEM

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Rd., Idaho Falls, Idaho 83401 on or before MARCH 26, 1979.

C. STEPHEN ALLRED

Director

Published 3/8 & 3/15/79.

UNRECORDED

Ernie.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 01000

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

(1) emc 2/26/79

In form to receipt YES.

(2) " "

Send Copies to:

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

(3) " "

(4) " "

In form for advertising YES.

(5) " "

Platted on Map No. 8N 27E

(6) " "

Located within Water Basin District No. 33

(7) " "

Critical groundwater area: yes ☐ no ☒

(8) " "

Groundwater levels:

☐ Declining, ☒ Stable, ☐ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) DA 4-4-79

Affidavit of Publication received(date) 4-4-79

(12) DA 4-4-79

Final date for protests MARCH 26, 1979

Protests received: yes ☐ no ☒

(13) RC 5/16/79

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

(14) 11 5/16/79

Action recommended:

☒ Approve

☐ Deny

2/23/79 Proposed Priority

☐ Reason for Reduction _____

☒ Measuring device access required

☐ See attached sheet for other conditions of approval

☐ No special conditions for approval

(15) District E

By RC Date 5/16/79

RECEIVED
MAY 31 1979

Department of Water Resources