

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

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 9 T29N R1W

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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.

Flying U Ranch Delores E. Robbins
(Applicant)

R1W

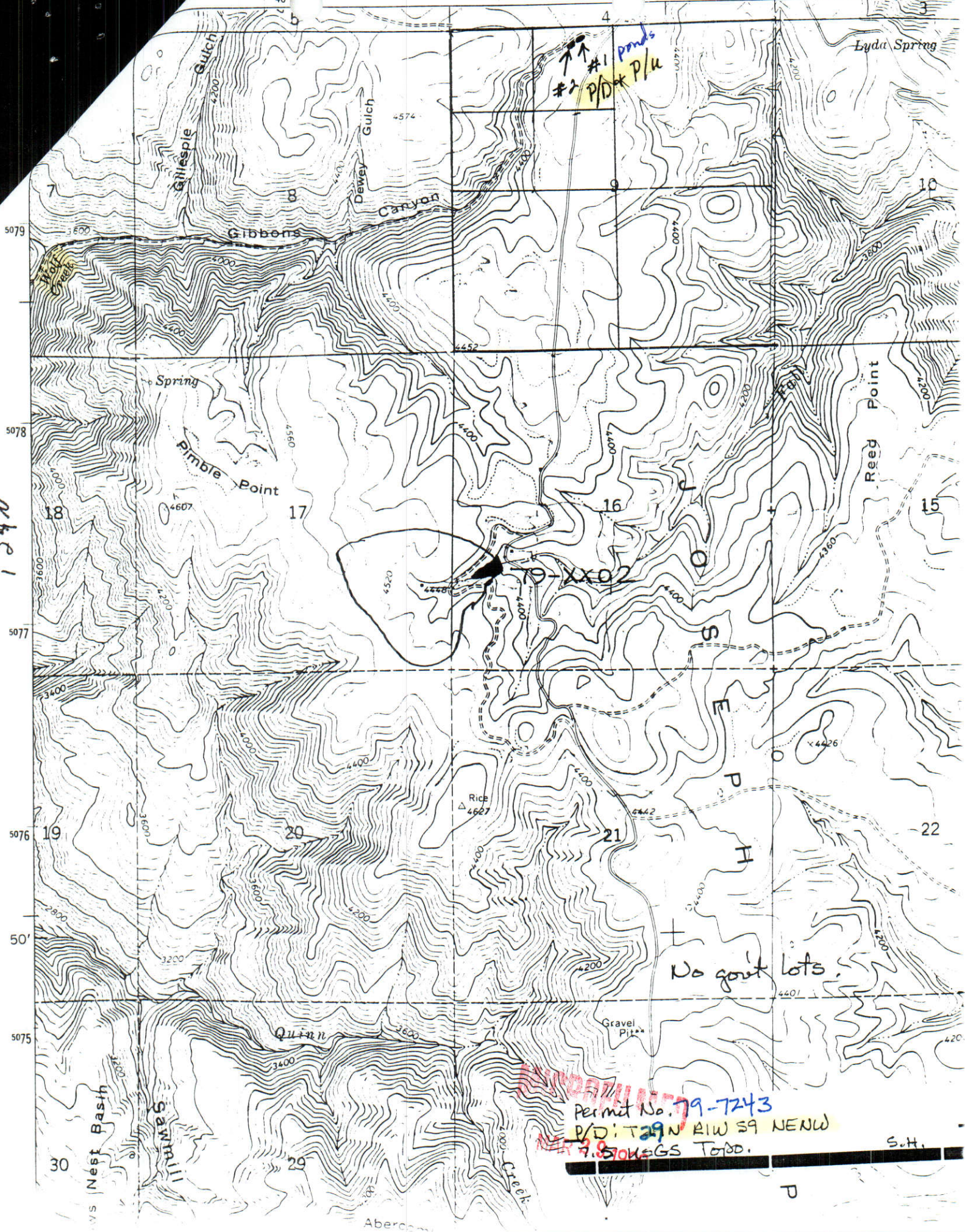
540

541

27'30"

BOLES 4.3 MI. (MO. 3)

T29N



Permit No. 79-7243

P/D: T29N R1W S9 NENW

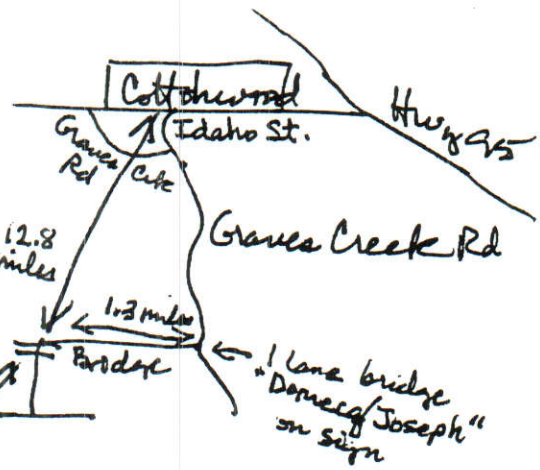
Net 9.8 StoneGS To 100.

S.H.

NR

E

W



$$47,385 \text{ ft}^2 \times 4' = 189,540$$

surface
1.1 ac

AF
Tot V

This ap

Gilbons Creek Sec. 9

#4 $(78 \times 2.5) \times (97 \times 2.5) \times 8$
 $(78 \times 2.5) \times (67 \times 2.5) \times 8$
 $145' \times 167.5 \times 8$

Sec. 16

- #3 seepage + spring under pond
- #2 seepage + spring under pond
- #1 spring under pond

$$32,760 \text{ ft}^2 \times 4' = 131,040$$

surface
7.5 ac

AF
Tot V

Total 1.8 ac surface area
Total vol.

MAR 29 1996

Sec. 17
52 x 2.5'

6' deep
spring under pond
+ snow melt-off
(no seepage below dam)

79-07222

6' average depth each

79-07220

79-07221

#3

#2

#1

123 x 2.5'

85 x 2.5'

73 x 2.5'

129 x 2.5'

76 x 2.5'

42 x 2.5'

8 miles

1.6 miles

1.2 miles

10.5 miles

12.8 miles

1.2 miles

1.2 miles

1.2 miles

1.2 miles

1.2 miles

1.2 miles

1.2 miles

1.2 miles

1.2 miles

1.2 miles

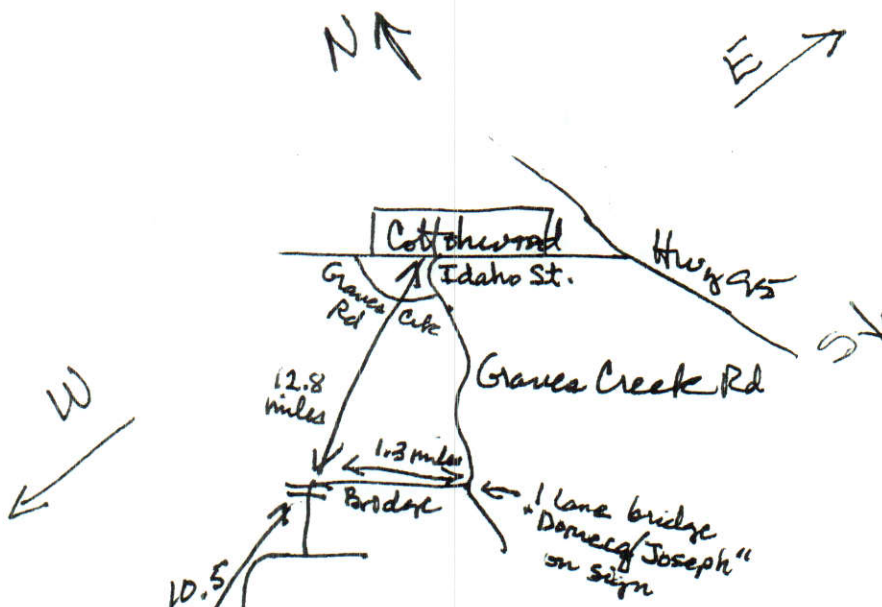
1.2 miles

1.2 miles

1.2 miles

1.2 miles

1.2 miles



Gilbons Creek Sec. 9
 #4 $(78 \times 2.5) \times (97 \times 2.5) \times 8'$
 $(78 \times 2.5) \times (67 \times 2.5) \times 195' \times 167.5 \times 8'$

Sec. 16
 #3 seepage + spring under pond
 #2 seepage + spring under pond
 #1 Spring under pond

79-07243

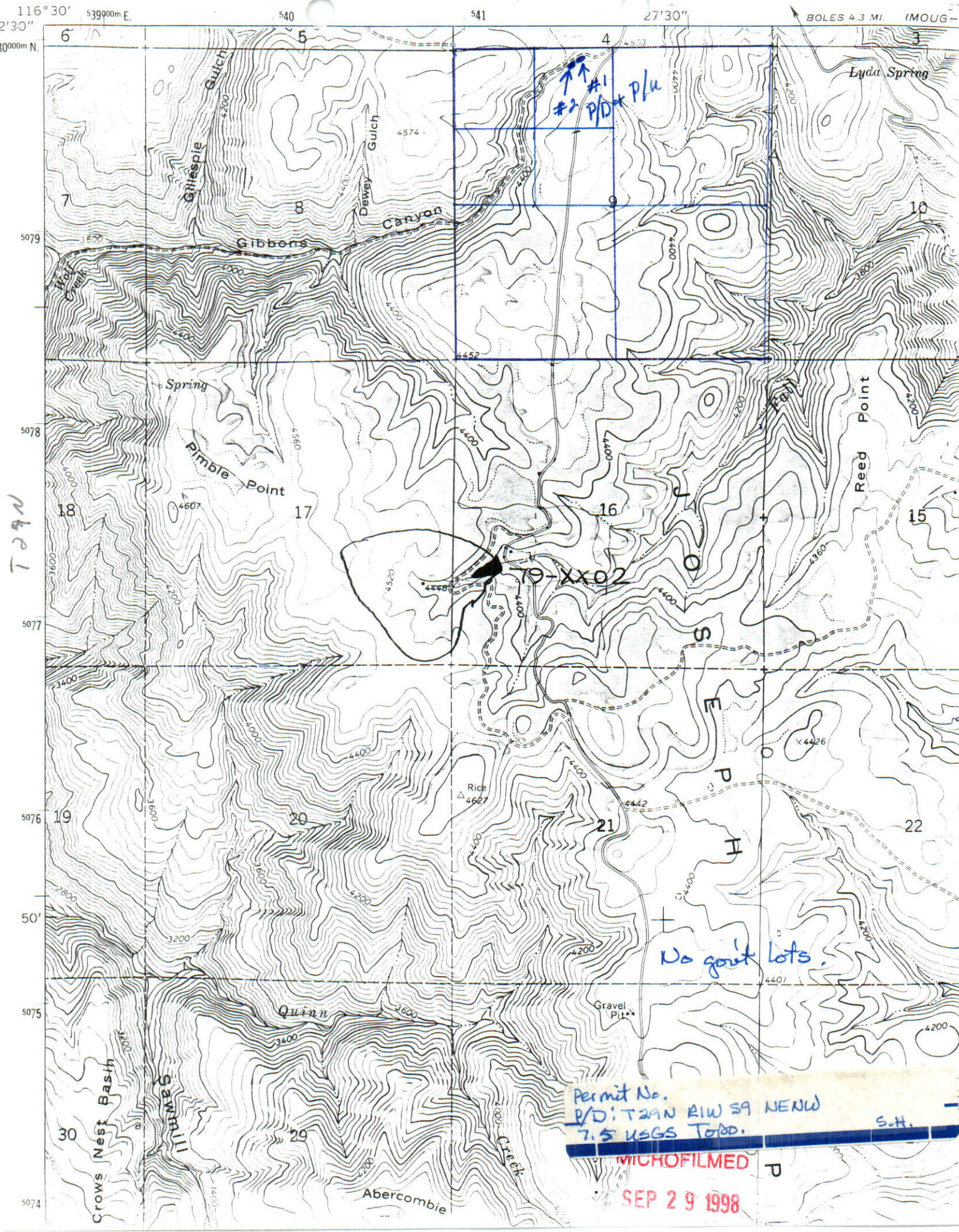
Sec. 17
 52 x 2.5'

6' deep
 spring under pond
 + snow melt-off
 (no seepage below dams)

1.6 miles
 123 x 2.5'
 95 x 2.5'
 #3 79-07222
 73 x 2.5'
 129 x 2.5'
 76 x 2.5'
 42 x 2.5'
 #2 79-07220
 #1 79-07221
 6' average depth each
 105'

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 SEP 29 1998

RIW



Permit No.
P/D: T-9-XX02 RIW S9 NENU
7.5 USGS T-9-XX02

S.H.

MICROFILMED

SEP 29 1998

done while doing 79-07220/21/22

9/28/98 S.H

Sec. 9

T29N R1W S9

NENW

spring tributary
to Gibbons Wolf
Creek

242.5'
195' x ~~167.5~~ x 8'
pond #1
run-off, + spring in pond



- no means to get a physical measurement spring below water level
- overflow to pond #2 from pond #1
- use for pond #1 + 2: stockwater for 200 cattle



Pond #2

195 x 167.5 x 8'

spring in pond, +
overflow from

pond #1
FILMED
SEP 29 1998

79-7243

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 79-07243

Priority: January 18, 1996

Maximum Diversion Rate:

0.05 CFS

Maximum Diversion Volume:

10.1 AF

This is to certify, that FLYING U RANCH
DELOS ROBBINS

PO BOX 7788

MISSOULA MT 59807-7788

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 18, 1996; and has submitted Proof of Beneficial Use on April 8, 1996. An examination indicates that the works have a diversion capacity of 0.050 cfs of water from:

SPRING

tributary to WOLF CREEK

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>
STOCKWATER	01/01 to 12/31	0.05 CFS	2.7 AF
STOCKWATER STORAGE	01/01 to 12/31		7.4 AF
	Totals	0.05 CFS	10.1 AF

LOCATION OF POINT(S) OF DIVERSION:

NENENW , Sec. 9, Township 29N, Range 01W
IDAHO County

PLACE OF USE: STOCKWATER

TWN RGE SEC

29N 01W 9

NENW

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 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Two points of diversion are located within NENENW, S9, T29N, R1W.

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SEP 29 1998

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 79-07243

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 14th
day of September, 1978.


KARL J. DREHER, Director

MICROFILMED

SEP 29 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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PROOF OF BENEFICIAL USE

APR 08 1996

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 Department of Water Resources for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 79-07243 Telephone No. 406-728-3052

2. Name(s) of Permit Holder(s): FLYING U RANCH - DELAS ROBBINS

3. Mailing Address: Box 7788 MISSOULA MT 59807

4. Source of Water: SPRING If GROUNDWATER (well), Date Drilled: mo. / yr.

a. Well Driller: Drilling Permit Number: - -

b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock): 200 RANGE CATTLE

Irrigation (No. of acres): Other:

6. Total rate of diversion and/or volume for which proof is submitted: 0.05 cfs OR 7.4 acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes or No ✓
Has the measuring device been installed? Yes or No

Flow Measurement Port: Is a flow measurement port required? Yes or No ✓
Has the measurement port been installed? Yes or No

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: DELOS ROBBINS Telephone Number: 406-728-3052

Address: BOX 7788
MISSOULA MT 59807

10. The information given on this form 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.

Signature of permit holder: Delos E Robbins Date: 4-5-96
(include your title, if on behalf of company or organization)

APR 30 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 79-07243

Proposed Priority: January 18, 1996

Maximum Diversion Rate:

0.05 CFS

This is to certify, that **FLYING U RANCH**

DELOS ROBBINS

PO BOX 7788

MISSOULA MT 59807-7788

has applied for a permit to appropriate water from:

SPRING

tributary of **WOLF CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.05 CFS	
STOCKWATER STORAGE	01/01 to 12/31		7.4 AF
	Totals	0.05 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NENENW , Sec. 9, Township 29N, Range 01W
IDAHO County

PLACE OF USE: STOCKWATER

TWN RGE SEC

29N 01W 9

NENW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1997.
2. Subject to all prior water rights.
3. Two points of diversion within NENENW, S09, T29N, R01W.
4. Stockwater is for 200 range cattle.

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

21st day of March, 1996

Karl J. Dreher
Karl J. Dreher, Director
for

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MAR 29 1996

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MAR 19 1996

Ident. No. 79-07243

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: FLYING U RANCH
Address: DELOS ROBBINS
BOX 7788
MISSOULA MT 59807
406-728-3052
2. Source: SPRING
Trib. to: WOLF CREEK
3. Location of Point of Diversion: NENENW Sec. 9, Township 29N, Range 01W
IDAHO County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.050		
STOCKWATER STORAGE	01/01	12/31			7.40
5. Total quantity to be appropriated is:
0.050 CFS (and/or) 7.40 AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
PONDS
 - b. Height of storage dam 10 feet; active reservoir capacity 7.40
acre-feet; total reservoir capacity 7.40 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).
8. Place of Use: STOCKWATER

TWN RGE SEC
29N 01W 9

NENW

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

10. Remarks:

Stockwater is for 200 head range cattle.

Two points of diversion within NENENW Section 9, T29N R01W.

11. Map of proposed point of diversion and place of use attached? ☒

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.

See original
Applicant

Received by _____ Date _____ Time _____ Preliminary check by gib
Fee \$ 50 - ~~100.00~~ Receipted by VP #W020267 Date 1/18/1996
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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JAN 29 1996

Ident. No. 79-07243

Comments: Date: 1/24/1996 User-ID: CHODGES

Subject: SYSTEM DESCRIPTION

Development is two existing ponds, in sequence, measuring 195 X 242 X 4 (avg) and 195 X 167 X 4 (avg). Ponds were verified during field exams for 79-07220, 07221 and 07222. Pictures may be available in those files. Because of the remoteness of this area, beneficial use report can likely be completed from the recently conducted exams once permit is issued and proof is filed.

Comments: Date: 1/29/1996 User-ID: CHODGES

Subject: MORATORIUM EXEMPTED

Wolf Creek is tributary to the Snake River upstream from the mouth of the Salmon River. Therefore, this application should not be held for the Salmon Moratorium.

1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

7243
Ident. No. 71-7243

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JAN 18 1996

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name of applicant FLYING U RANCH - DELOS ROBBINS Phone 406 7283052
Post office address Box 7788 MISSOULA MT 5-9807 Wolf
2. Source of water supply Pond spring which is a tributary of Gibbons Creek
Spring
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 9 Township 29N Range 1W B.M. Idaho County; additional
points of diversion if any: 2 p'd's within NENENW
4. Water will be used for the following purposes:
Amount .05 ~~2.0 AF~~ for STOCKWATER purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 7.4 for STOCK STORAGE purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .05 and/or (b) 7.4
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. N/A see comments attached
 - b. Height of storage dam 10 feet; active reservoir capacity 7.47 acre-feet; total
reservoir capacity 7.4 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.
 - c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for the completion of the works and ~~appropriation~~ application of the water to be proposed beneficial use is
1 years (minimum 1 year).

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

- a. Hydropower; show total _____ of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 200 Cows and Calves
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	
29N	1W	9					S												

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? _____

b. Who owns the land to be irrigated or place of use? FLYING U RANCH

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

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MAR 29 1996

ME $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 9 T 29N R 1W

MAR 29 1996

Felix U. Rovech Delos E. Robbins
(Applicant)

Received by VR Date 1-18-96 Time 10:50am Preliminary check by OW
Fee \$ 50- Rec. pted by VR # W02. 67 Date 1-18-96
Publication prepared by At Date 2-8-96 Published in Id City Free Press
Publication approved At Date 3-7-96

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

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T29N

5079

5078

5077

5076

50'

5075

30

vs Nest Basin

ITIMES

Sheslie Gulch

Dewey Gulch

Canyon

Gibbons

Spring

Pimble Point

Lyda Spring

Reed Point

Rice

Gravel Pit

Permit No. 79-7243

P/D: T29N R1W S9 NENW

4.3 BOLES TO GO.

S.H.

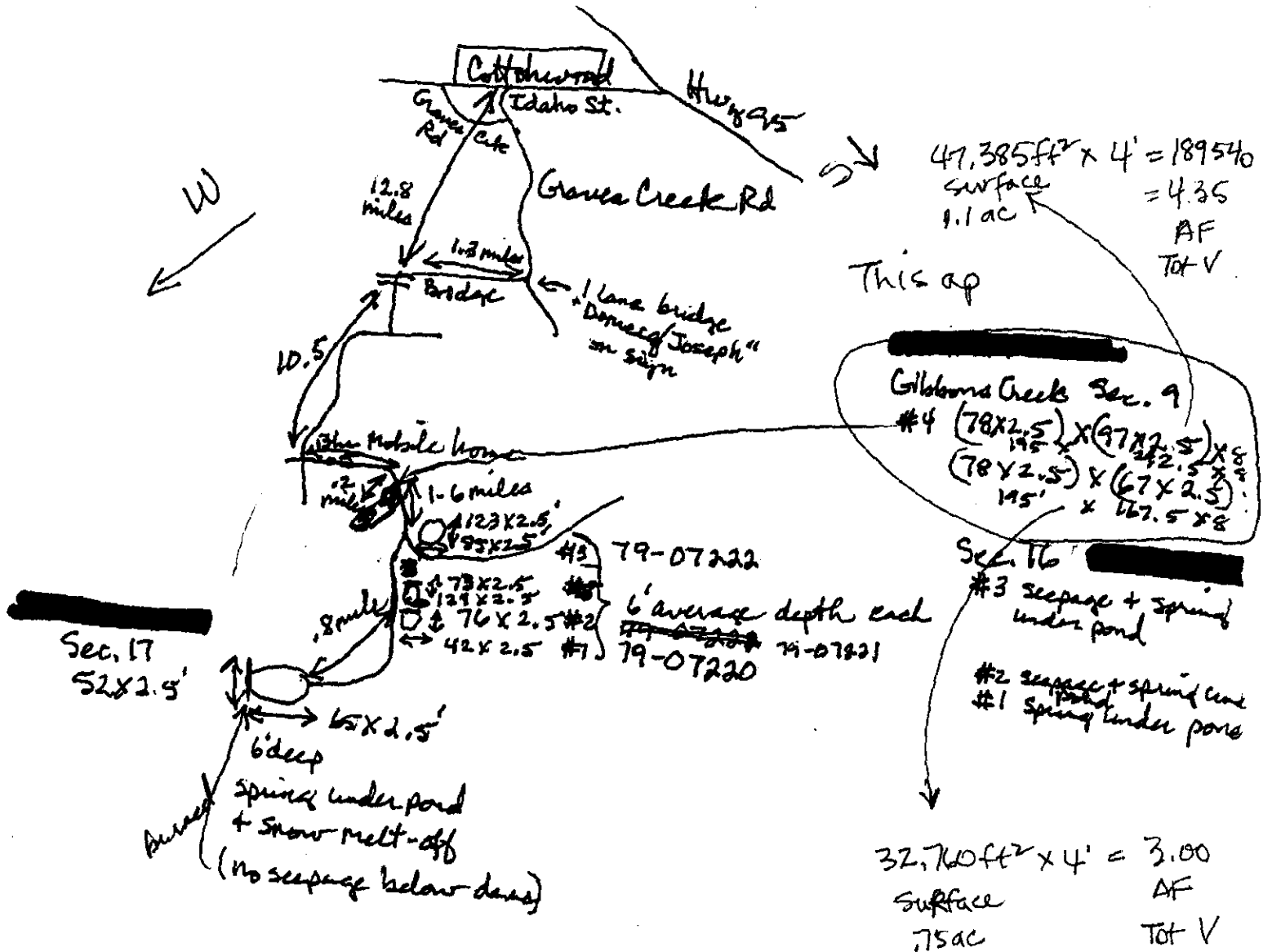
Abercrombie

U

NR

E

W



MAR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

September 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FLYING U RANCH
DELOS ROBBINS
PO BOX 7788
MISSOULA MT 59807-7788

RE: WATER RIGHT NO. 79-07243

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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SEP 24 1998

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

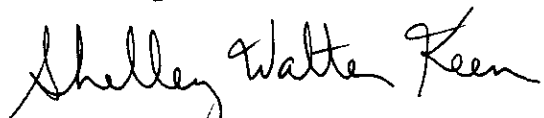
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

SEP 29 1998

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

If you have any questions, please call me at 208-327-7946.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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SEP 29 1998

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of **September, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 79-07243

FLYING U RANCH
DELOS ROBBINS
PO BOX 7788
MISSOULA MT 59807-7788


Kari Lynn Townsend
Secretary

MEMORANDUM

TO: Files 79-07242 and 79-07243

FROM: Sharla

DATE: August 27, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit Nos. 79-07242 and 79-07243 are as follows:

H. RECOMMENDATIONS

79-07242:

Stockwater	1/1 - 12/31	0.05 cfs	2.7 afa
Stockwater Storage	1/1 - 12/31		1.5 afa
	TOTALS	0.05 cfs	4.2 afa

79-07243:

Stockwater	1/1 - 12/31	0.05 cfs	2.7 afa
Stockwater Storage	1/1 - 12/31		7.4 afa
	TOTALS	0.05 cfs	10.1 afa

The total volume under these rights is additive from the two uses.

Exam Date: June 24, 1998

Examiner: Lori Graves

MICROFILMED

SEP 29 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 79-07243 DATE 8/27/98 REVIEWER: S H A R L A

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK _ Change (P39 /P47) _ Add (P45/P42) Feds - P40
 W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK _ Change (P41/P47) _ Add (P41/P42) Feds - P43
 W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .05 cfs 7.4 af
 Fee limit .20 cfs \$5000
 Measured 14.7 cfs af
 Theoretical _____ cfs
 Recommended Total Div Rate 7.4 cfs af

WATER USES	Change (P46)		
<u>Stock</u>	<u>OK</u>	cfs	<u>7.4</u> af
<u>Stock</u>	<u>OK</u>	cfs	<u>2.7</u> af
		cfs	
		cfs	
		cfs	
TOTALS		cfs	<u>10.1</u> af

Irrig - overlap (R58-R61, R62-R65, R66-R69)
 supp. gw (W87/065/079)
 overlap spec. combined rts (W35)
 <1acre (W31)
 Domestic (W01/WB5/070/071/075)
 Power (W42 or W43/025/027/R22 or R23)
 Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .05 cfs X 365 days X 1.98 = 36.1 af

REMARKS _____

ADD'L CONDITIONS _____ Watermaster Control WD# _____
 _____ GW Measurement/Measuring Device
 _____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes ☒ no SRBA Claim N/A Adjust Memo Volume additive
 Amend letters af flow

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL 24 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 79-07243

1. Owner: Flying U Ranch Phone No. 406-728-3052

Current Address: PO Box 7788 Missoula MT 59807-7788

2. Accompanied by: Delas Robbins EXAM DATE: 7/24/98

Address: same Phone No. _____

Relationship to Permit Holder: owner

3. Source: spring tributary to wolf Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	NE	NW	9	24N	1W	Idaho	Topo

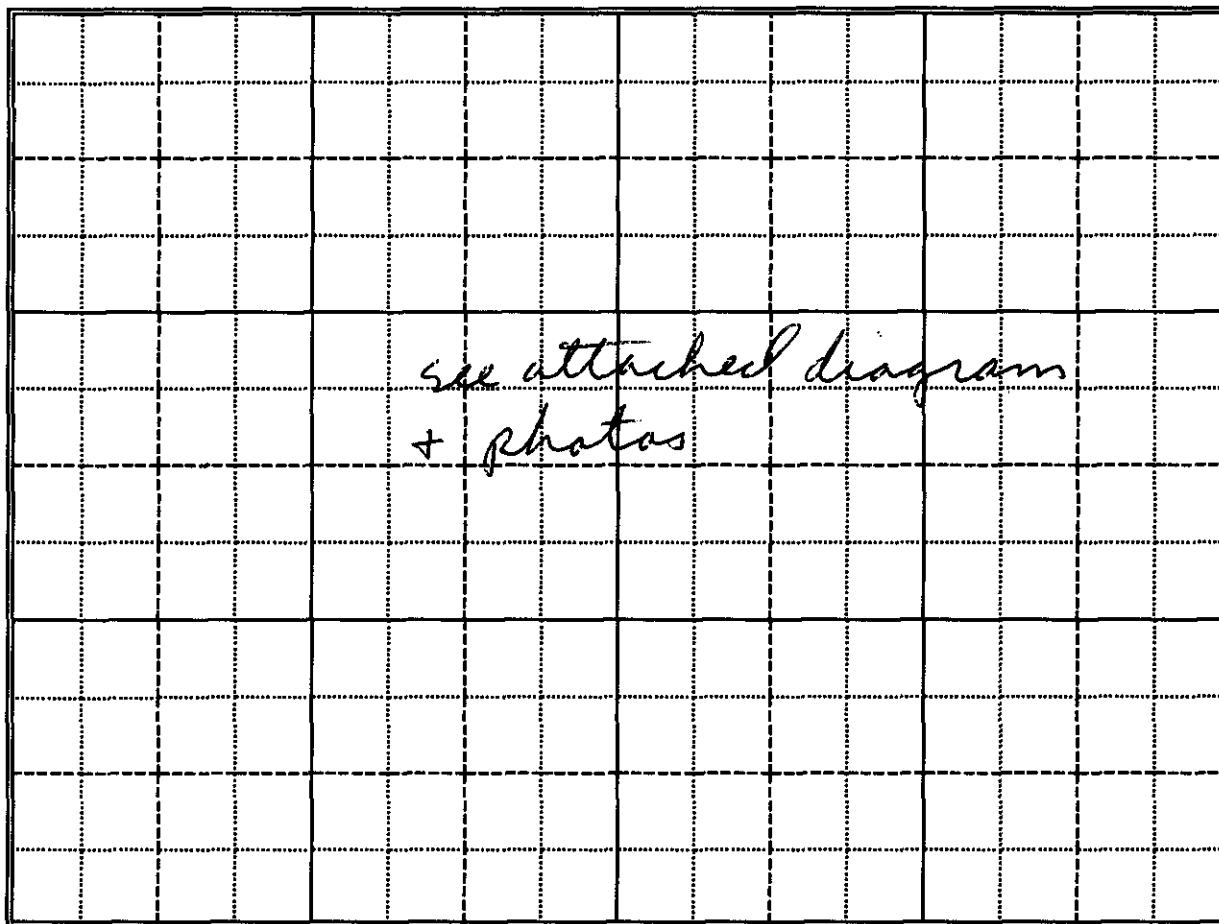
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	1W	9					S												
							SS												

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SEP 29 1998

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Not possible

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SEP 29 1998

E. NARRATIVE/REMARKS/COMMENTS

Sandy Hemenway verified ponds + users 9/23/95. She found pond #1 fed by a spring located within pond. Measurement was not possible. The pond also receives run-off water. The overflow from pond #1 feeds pond #2. This permit was filed as a result of field findings.
(Ponds were found during exams for owner's other permits)

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

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SEP 29 1998

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

measurement not possible

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$200 \text{ af} \times .0134 = 2.7 \text{ af}$$

Pond sizes: #1 $\frac{195' \times 242.5' \times 8'}{43560} = 8.7 \text{ af}$ + #2 $\frac{145' \times 167.5' \times 8'}{43560} = 6 \text{ af} = 14.7 \text{ af}$
limited to 7.4 af

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Stockwater</u>	<u>1/1</u>	<u>12/31</u>	<u>.05</u>	<u>2.7</u>
<u>" Storage</u>	<u>1/1</u>	<u>12/31</u>		<u>7.4</u>
Totals:			<u>.05</u>	<u>7.4</u>

2. Recommended Amendments

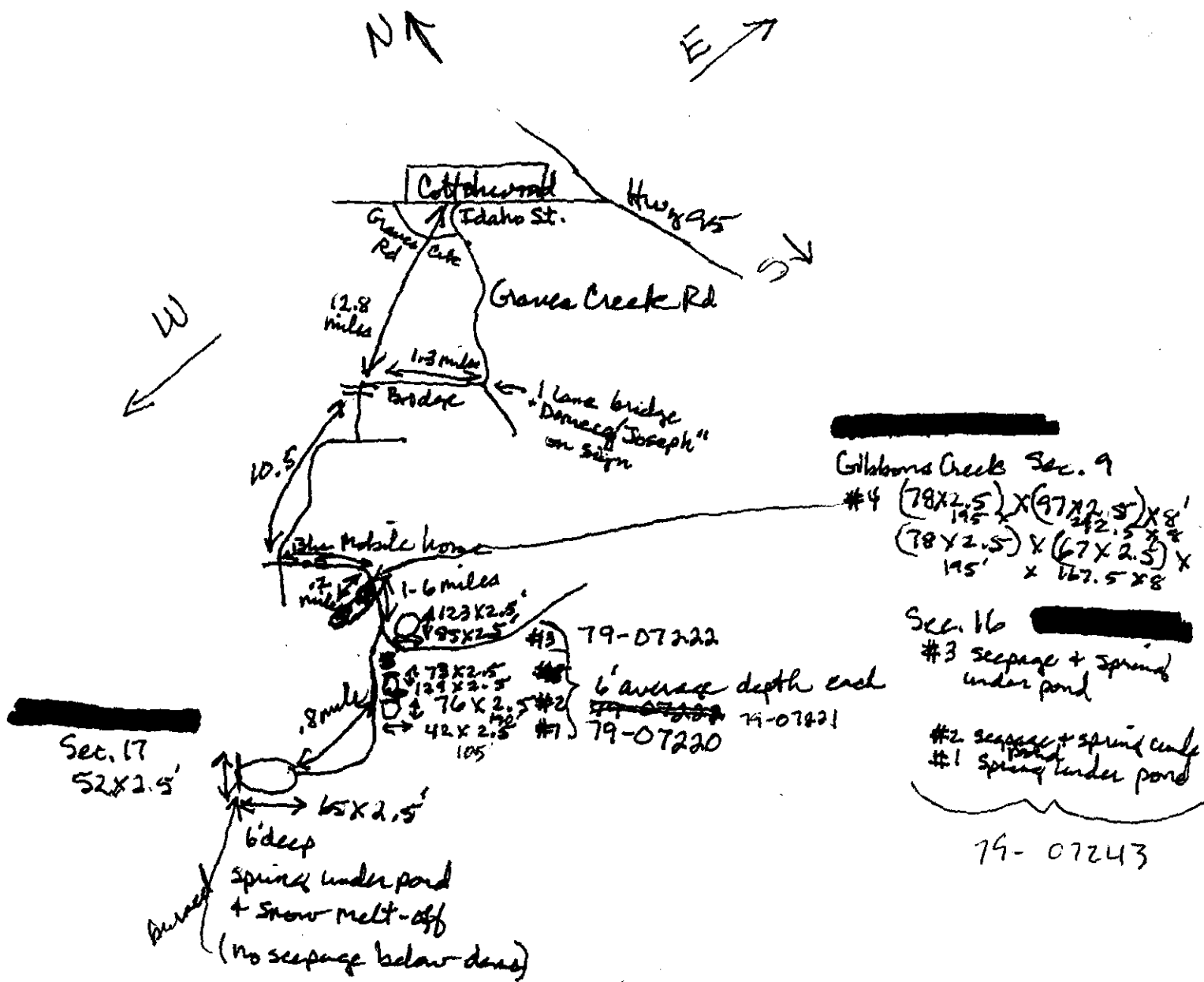
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Loi Graver Date 7/24/98

Reviewer Sandy Hemmenway Date 9/23/98

MICROFILMED
 SEP 29 1998
 SEAL



MICROFILMED
SEP 29 1998

GENERAL INFO

CONV DATE: 8/9/95

NAME: Delos Robbins

PHONE #: (406) 728-3052 (WK) (406) 257-4167 (hm)

PERMIT #: 79-07220 / 79-07221 / 79-07222

LOCATION OF WELL:

CASING SIZE:

HP:

DYNAMIC:

STATIC:

DEPTH:

PSI:

ACRES IRRIGATED:

~~SPRINKLER~~ INFO:

TYPE:

SIZE:

LENGTH:

OPERATING:

STOCK: 200 range cattle

DOMESTICS:

OTHER USES: wildlife

OTHER RTS USED:

DIRECTIONS:

(middle of town)
go Cottonwood, go south Graves Creek Rd
turns to gravel, Rt + cross the
1-20 cross main river, road splits Rt + climbs to top
before River
1st place @ top there's a "T" there
meet there.
mobile home w/ corals
in 25 miles from Cottonwood

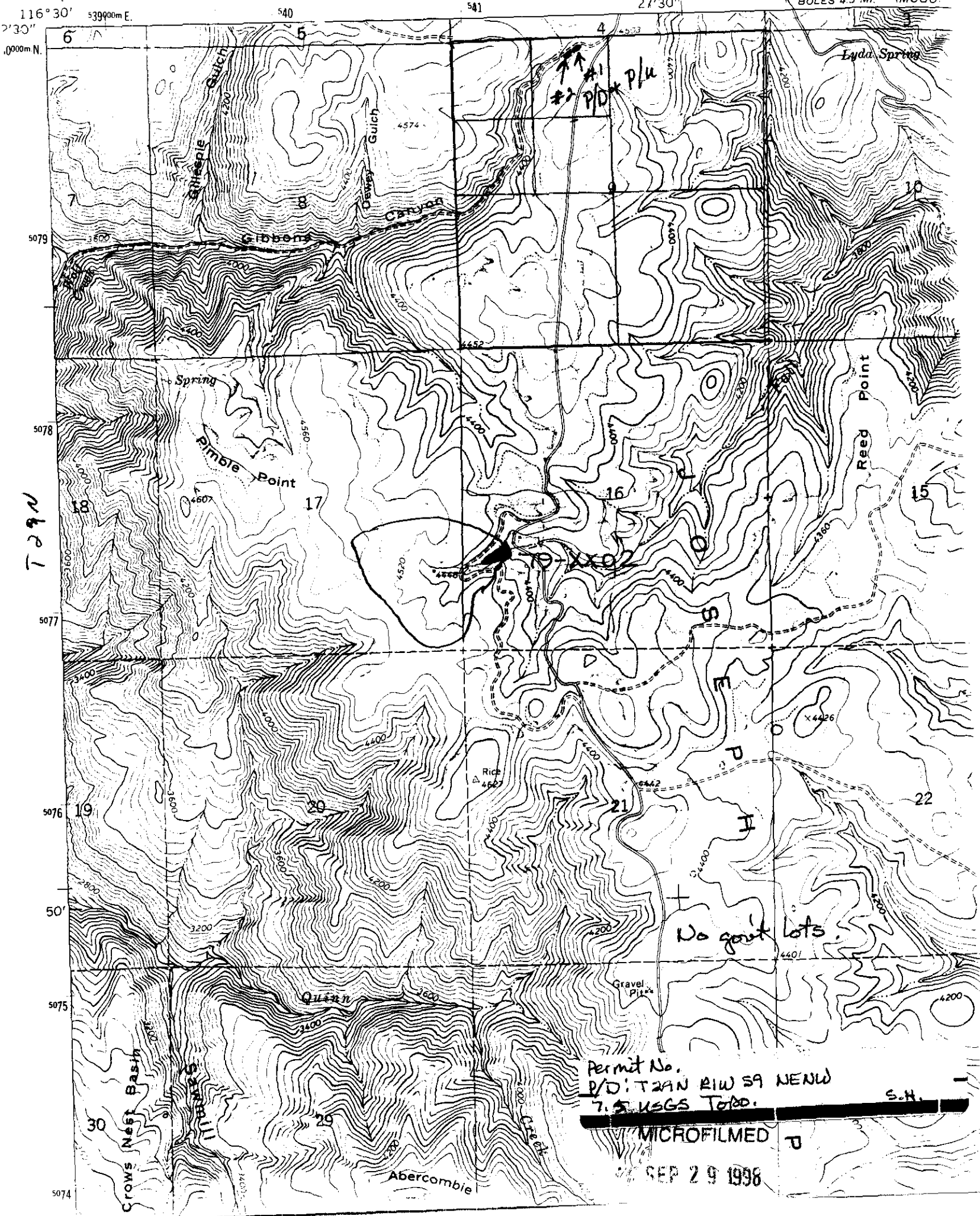
EXAM DATE:

Sept 23 9:30

MICROFILMED

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

AIW





done while doing 79-07220/21/22

9/23/98 S.H

Sec. 9

T29N R1W S9

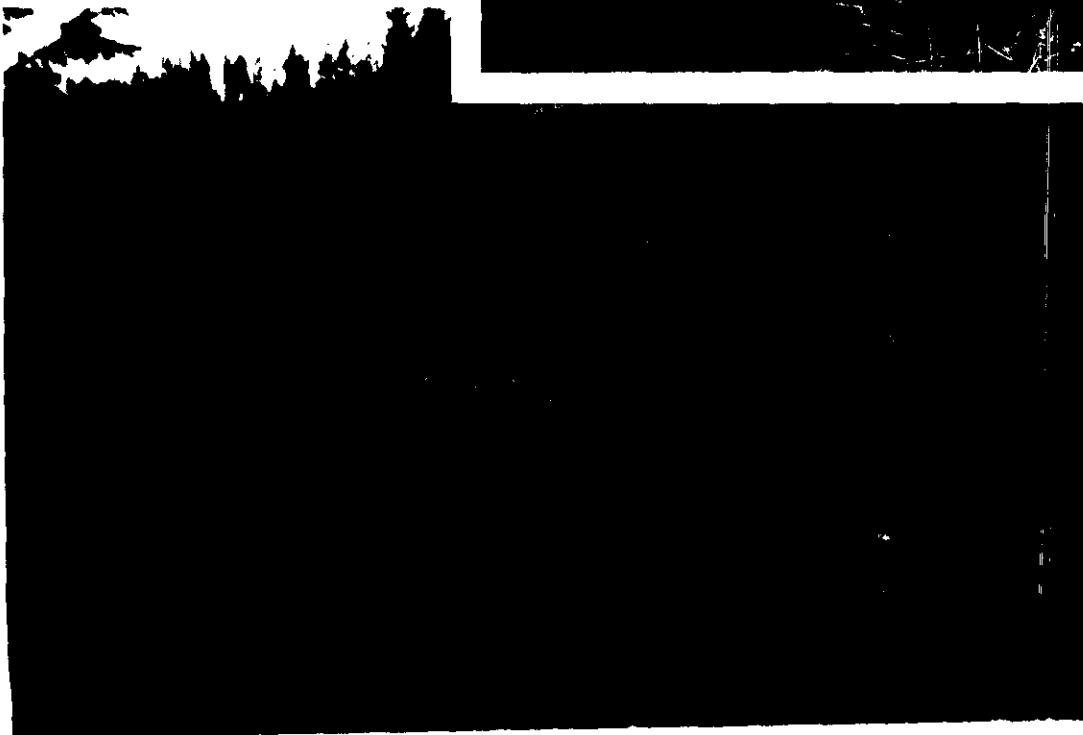
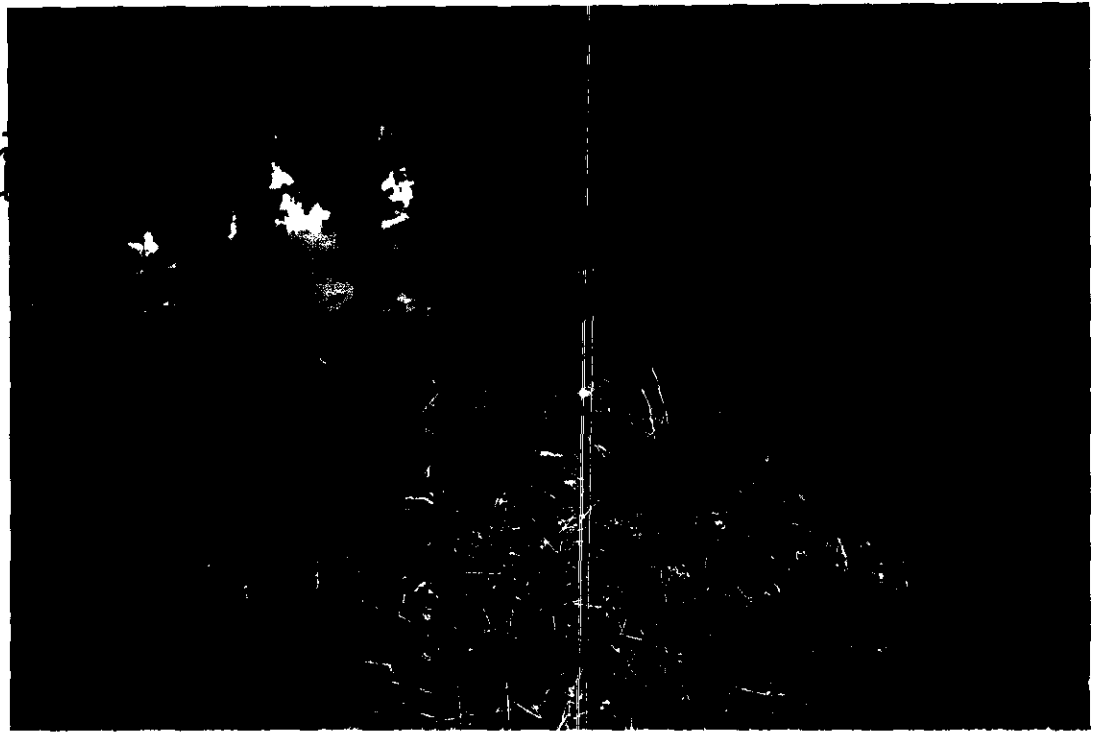
NENW

spring tributary
to Gibbons Wolf
Creek

195' x ^{242.5'}~~167.5'~~ x 8'
Pond #1
run-off, + spring in pond

- no means to get a physical measurement spring below water level
- overflow to pond #2 from pond #1

- use for pond #1 + 2:
stockwater
for 200 cattle



Pond #2

195 x 167.5 x 8'

spring in pond, +
overflow from

Pond #1
SEP 29 1998

79-7243

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 79-07243 Reviewed by [Signature] Date 4-17-96

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?

Stock

Yes Address same as permit?

Yes Proof timely received?

Correct Uses? Yes

If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source

 Ground water source

 Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit

 Correct?

 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

Yes Required?

no Required?

50- Amount Submitted

 Installed?

Yes Correct?

 Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address

Proof Made 4-8-96

April 17, 1996

FLYING U RANCH
DELOS ROBBINS
PO BOX 7788
MISSOULA MT 598077788

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 79-07243

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

APR 30 1996



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

March 25, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FLYING U RANCH
DELOS ROBBINS
PO BOX 7788
MISSOULA MT 59807-7788

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 79-07242 and 79-07243

Dear Permit Holder:

Enclosed are copies of your approved applications for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permits.

Enclosed are forms entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop these permits into licensed water rights. Also enclosed are forms entitled "Proof of Beneficial Use". If your projects are already completed, you should complete and submit these forms immediately.

Sincerely,

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

Shelley Water Keen
Water Right Supervisor

SWK:rl

Enclosures

Missoula MT

MAR 29 1996

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 79-7243 Name: Fluxing U Ranch Date: 3/20/96 Ad OK? ✓
Correct Fee? ✓ Receipt #: 5820267 Priority: 1/18/96 ✓ Gvmt Lts: ✓

AREA OF CONCERN? trib to Snake R. No/Yes _____ Mor _____ GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

Water District(~~dam~~) - 005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs - 01J(meas dev)-P08
=/- 0.2 cfs - 01H(lock dev)-P01 or No MD
In-WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-† Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R † Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
~~In-stream dev.~~ - P16 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - B/K <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

① w02/200

② w32

BENEFICIAL USE DUE:

COMMENTS:

4-1-1997
Partners/officers

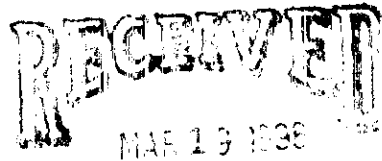
MEMORANDUM

DATE: March 20, 1996
TO: File No. 79-07243
FROM: Cindy Zimmermans
SUBJECT: Partners

=====

Per telecon today with Delos Robbins of Flying U Ranch, the partners of Flying U Ranch are Delos Robbins, Dave Robbins, Jennifer France, and WFB Co.

RECORDED
MAR 29 1996



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: CJL DATE: 2.7.96 APPLICATION: 71-7243

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No* In form to receipt:

Gov't. Lots:

2 P/D
1 P/U

ADDITIONAL INFORMATION

YES NO

☒ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion:
☐ Field check required: Field check by: _____
☐ Field report attached:
☒ Critical groundwater area:
☒ Groundwater management area:
☒ 1992 moratorium: exempt from Salmon Mor. See comments
☒ Copy to SCA staff: (perennial stream, non-pump diversion)
☒ Copy to Dam Safety staff: (for any storage)
☐ Basin 63 mitigation plan: (where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge)
☐ Send power requirement letter:
☐ Send fish farm requirement letter:
☐ Power residency affidavit:
☐ Power efficiency form:
☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

Additional information on reverse side:

PROCESSING

APPLICATION NO.

79-7243

YES NO

☒ ☒
☐ ☐
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☒ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. District Health

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒

Publication dates and paper recorded on application:

Protests received. Final date for protest 3-4-96

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, OK

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

See below for additional information

Recommended Date or Priority 1/18/96

Recommended by: OK

Date 3/15/96

STATE OFFICE REVIEW

See below for additional information. By

Date

ADDITIONAL INFORMATION

existing development, after 1971. See comments for more

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been
filed to appropriate the public waters of
the State of Idaho:

79-07242

FLYING U RANCH
DELOS ROBBINS
BOX 7788
MISSOULA, MT 59807
Source: SPRING Tributary: WOLF
CREEK
Diversion Pt: NENENW Sec 17 T 29N R
01W in IDAHO County.
Use: STOCKWATER (0.050 CFS)
STOCKWATER STORAGE (1.50 AF)
Total Diversion: (0.050 CFS)
Date Filed: 1/18/1996
In: IDAHO County

T29N R01W S17 NENW

79-07243

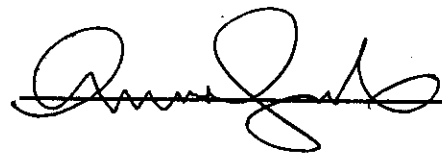
FLYING U RANCH
DELOS ROBBINS
BOX 7788
MISSOULA, MT 59807
Source: SPRING Tributary: WOLF
CREEK
Diversion Pt: NENENW Sec 9 T 29N R
01W in IDAHO County.
Use: STOCKWATER (0.050 CFS)
STOCKWATER STORAGE (7.40 AF)
Total Diversion: (0.050 CFS)
Date Filed: 1/18/1996
In: IDAHO County

T29N R01W S09 NENW
Permits will be subject to all prior water
rights. Protests may be submitted based
on the criteria of Sec. 42-203A, Idaho
Code. Any protest against the approval
of this application must be filed with the
Director, Dept. of Water Resources,
Western Region, 2735 Airport Way,
Boise, Idaho 83705 together with a
protest fee of \$25.00 on or before
MARCH 4, 1996. The protestant must
also send a copy of the protest to the ap-
plicant.

KARL J. DREHER, Director
Published: 2/15/1996 & 2/22/1996

F14-21

Andrew J. Mc Nab, being
first duly sworn, says she is the Publisher
of the IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho, and is
of general circulation in said county and state, that the said notice, of
which the one hereto attached is a true copy, was published in said
paper for 2 weeks, being published 2
times, the first publication being on the 14 day of
February, 19 96, and the last
publication on the 21 day of February, 19 96;
and that the said notice was published in the newspaper proper and not
a supplement; that said newspaper has been continuously and uninter-
ruptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or advertise-
ment.



STATE OF IDAHO }
COUNTY OF }

On this 26 day of February in the year of 1996,
Before me, a Notary Public, personally appeared
Andrew J. Mc Nab, 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.



Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002

RECEIVED

FEB 28 1996

WATER RESOURCES
WESTERN REGION

MAR 29 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 9, 1996

STATE OF IDAHO
DEPT OF FISH & GAME
600 S WALNUT
BOISE ID 83707

Re: Applications for Permit Nos. 79-7242 and 79-7243 in the Name
of Flying U Ranch

Dear Sir:

Enclosed are copies of the above-referenced applications
for permit which may be of interest to your agency. Please
review the applications and submit any comments you may have.

This office normally completes the processing of an
application within a six-week period and is required to take
final action shortly thereafter, however, if your agency
desires to file a formal protest against the approval of this
application(s), your written protest must be received in this
office by March 4, 1996.

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

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:st

Enclosure(s):

MAR 29 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 8, 1996

DAVE ROBBINS
FLYING U RANCH
BOX 7788
MISSOULA MT 59807

RE: *Supplemental Filings, Cottonwood, Idaho Ranch*

Dear Mr. Robbins:

Enclosed is the information we discussed by telephone yesterday. You will find:

- Copies of your Application for Permit Nos. 79-07242 and 79-07243 as they were submitted for advertising. You may retain these copies for your files.

- A short pamphlet entitled "Idaho Water Rights - A Primer". Although written primarily for the Snake River Basin Adjudication, this offers an excellent discussion of the different types of recorded and non-recorded water rights, the various components of a water right, and current filing requirements.

- Blank forms and instructions for filing additional applications for permit or notices of claim. The application for permit form may be duplicated if necessary. Contact this office if you need more notice of claim forms.

I spoke with our adjudication section regarding the filing of claims for the spring developments throughout the ranch. Fortunately, the filing process is not as cumbersome as I had first indicated. Adjudication standards allow for multiple spring developments for stockwater to be included on the same claim, provided that 1) the developments are all situated within a common surface drainage area, 2) the developments are all situated within a common grazing area or allotment and are used by the same animals (maximum 1000 head for the short form), and 3) the date of development or priority is the same for all points of diversion.

It is possible that you will be able to include most of the spring developments you described to me on just two claims: one in the Wolf Creek drainage and one in the Fall Creek drainage. When I receive your map showing the locations of the springs I can help confirm that presumption. Also, I will complete a check for any existing records or claims which may have been filed by previous owners. I'll contact you again after I have reviewed the map.

In the meantime, please call if you have questions.

Sincerely,

Cindy Hodges
Sr. Water Resource Agent

Enclosures

8-9-1996

79-07243

FLYING U RANCH
DELOS ROBBINS
BOX 7788
MISSOULA, MT 59807

Source: SPRING

tributary: WOLF CREEK

Diversion Pt: NENENW Sec 9 T29N R 01W in IDAHO County.

Use: STOCKWATER (050 CFS)
STOCKWATER STORAGE (7.40 AF)
Total Diversion: (050 CFS)

Date Filed: 1/18/1996

In: IDAHO County
T29N R01W S09 NENW

RECORDED

MAR 29 1996