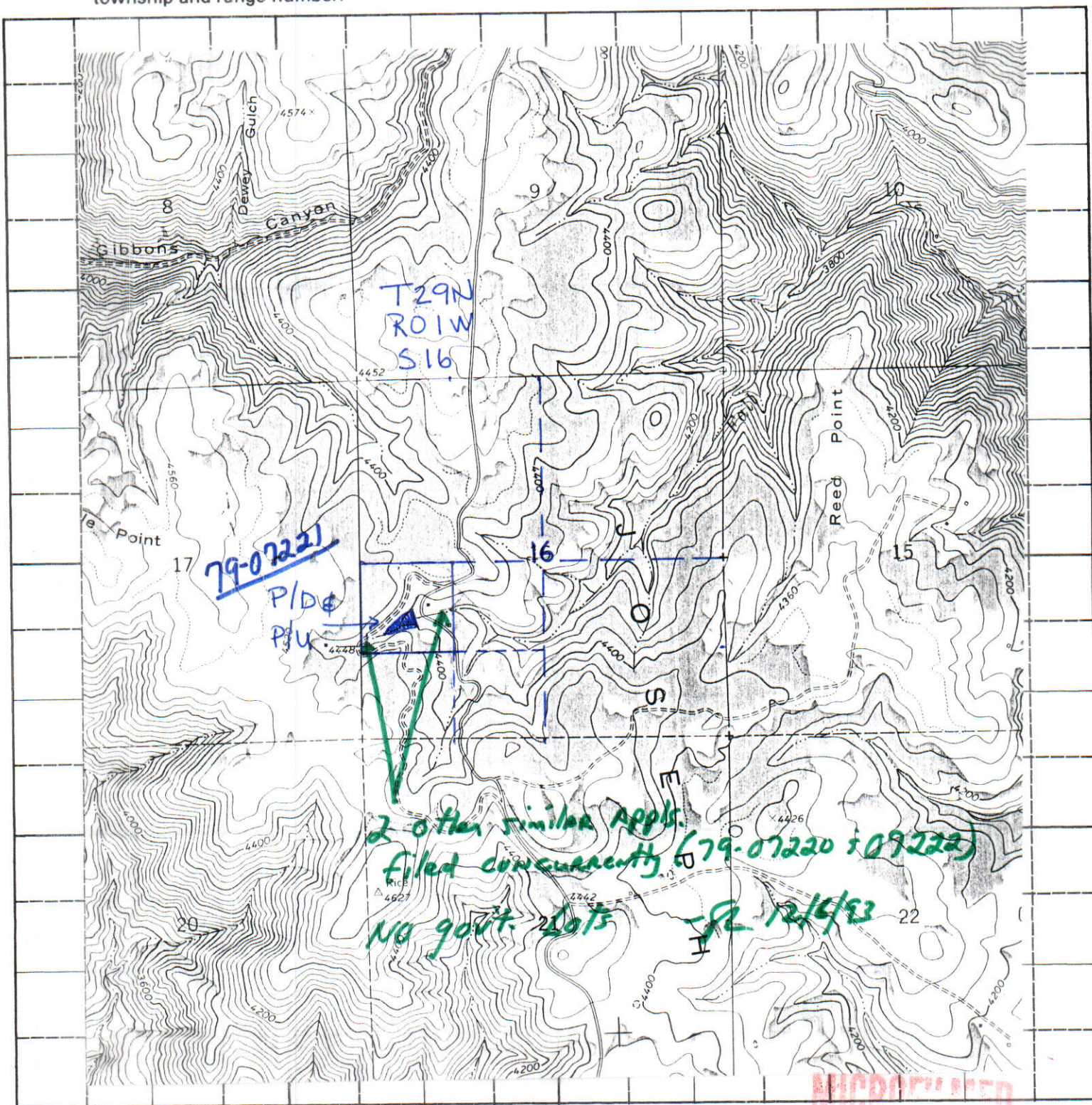


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



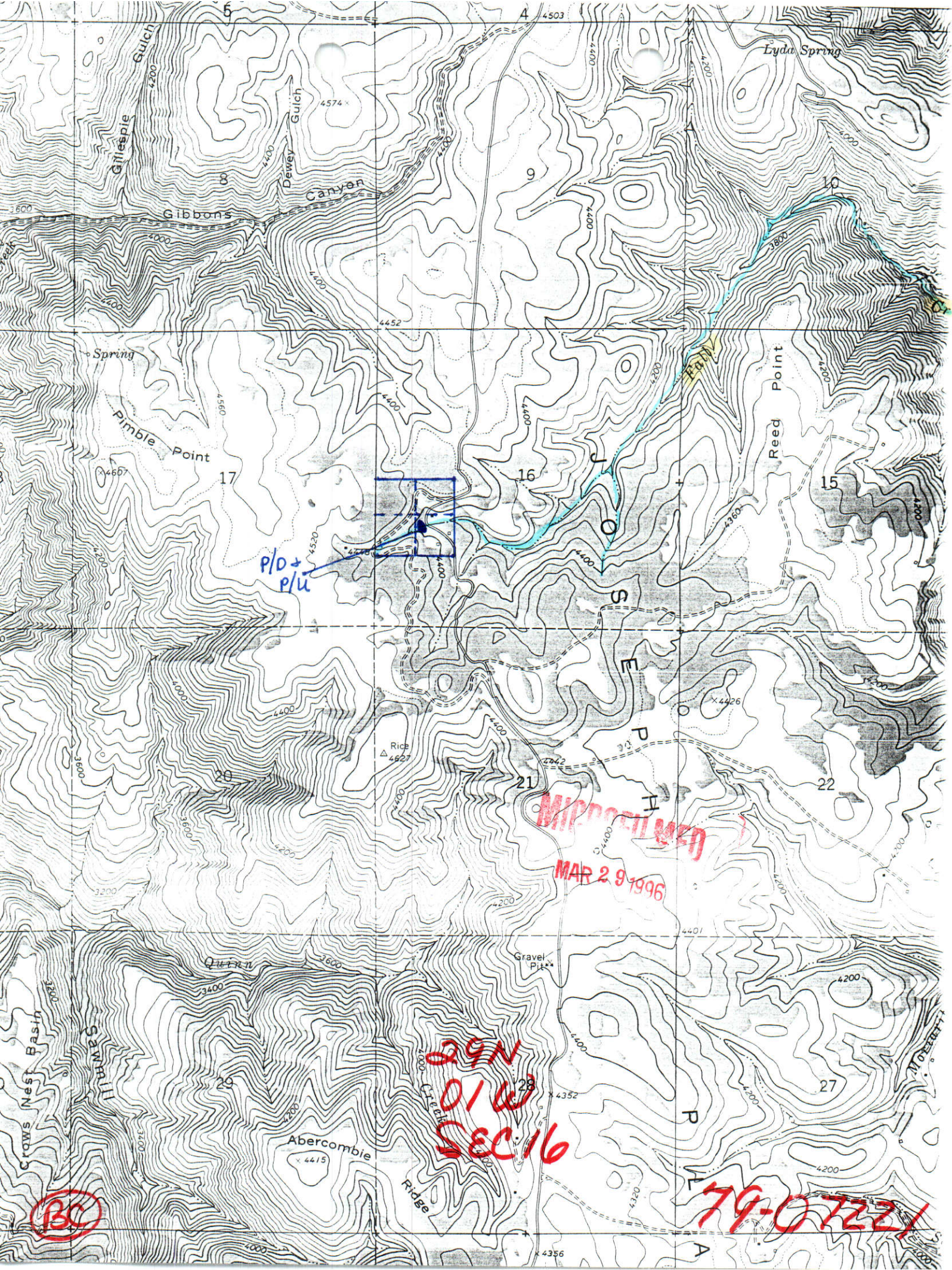
Scale: 2 inches equal 1 mile.

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.

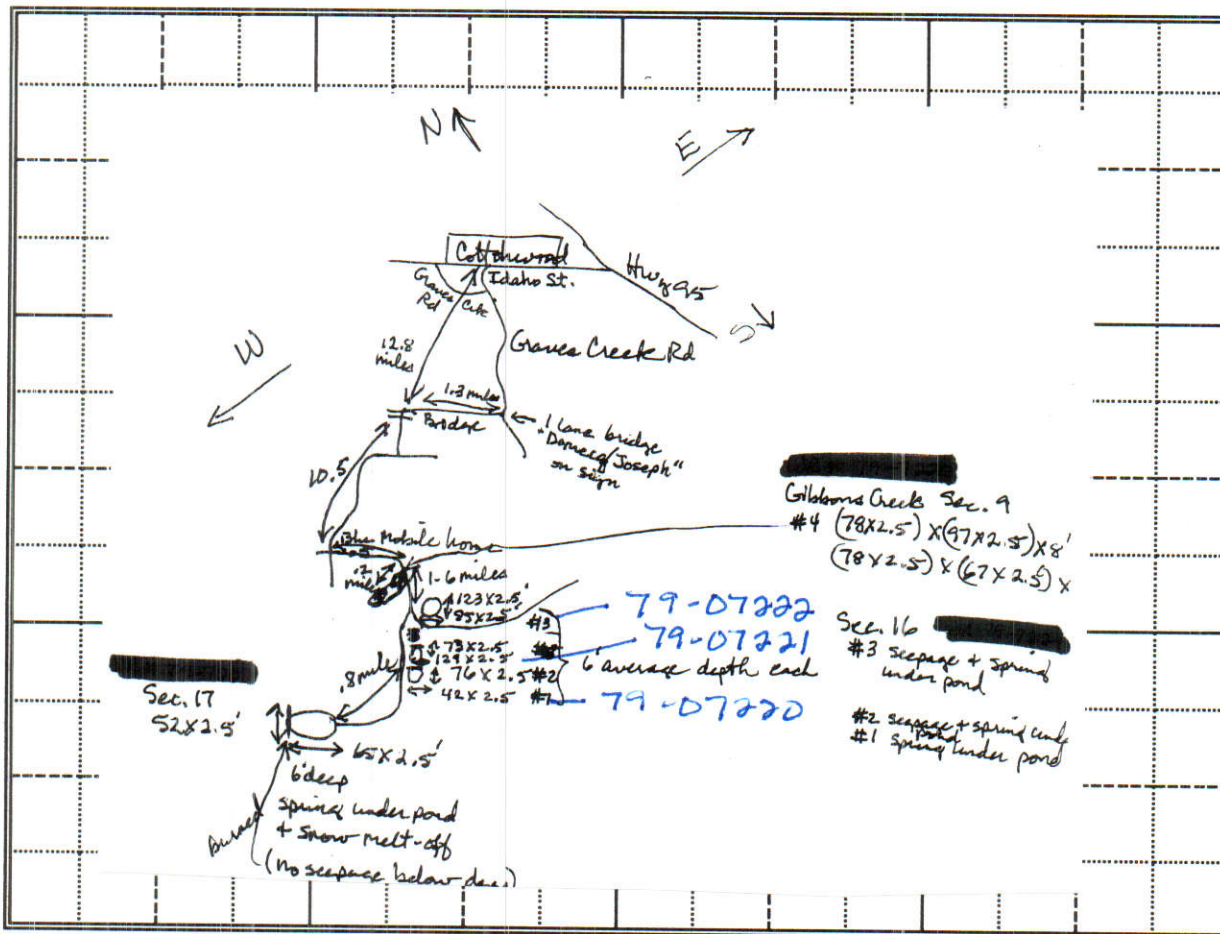
*Delon R. R. R.*

(Applicant)

FEB 24 1994



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).

N/A

☐ 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: \_\_\_\_\_

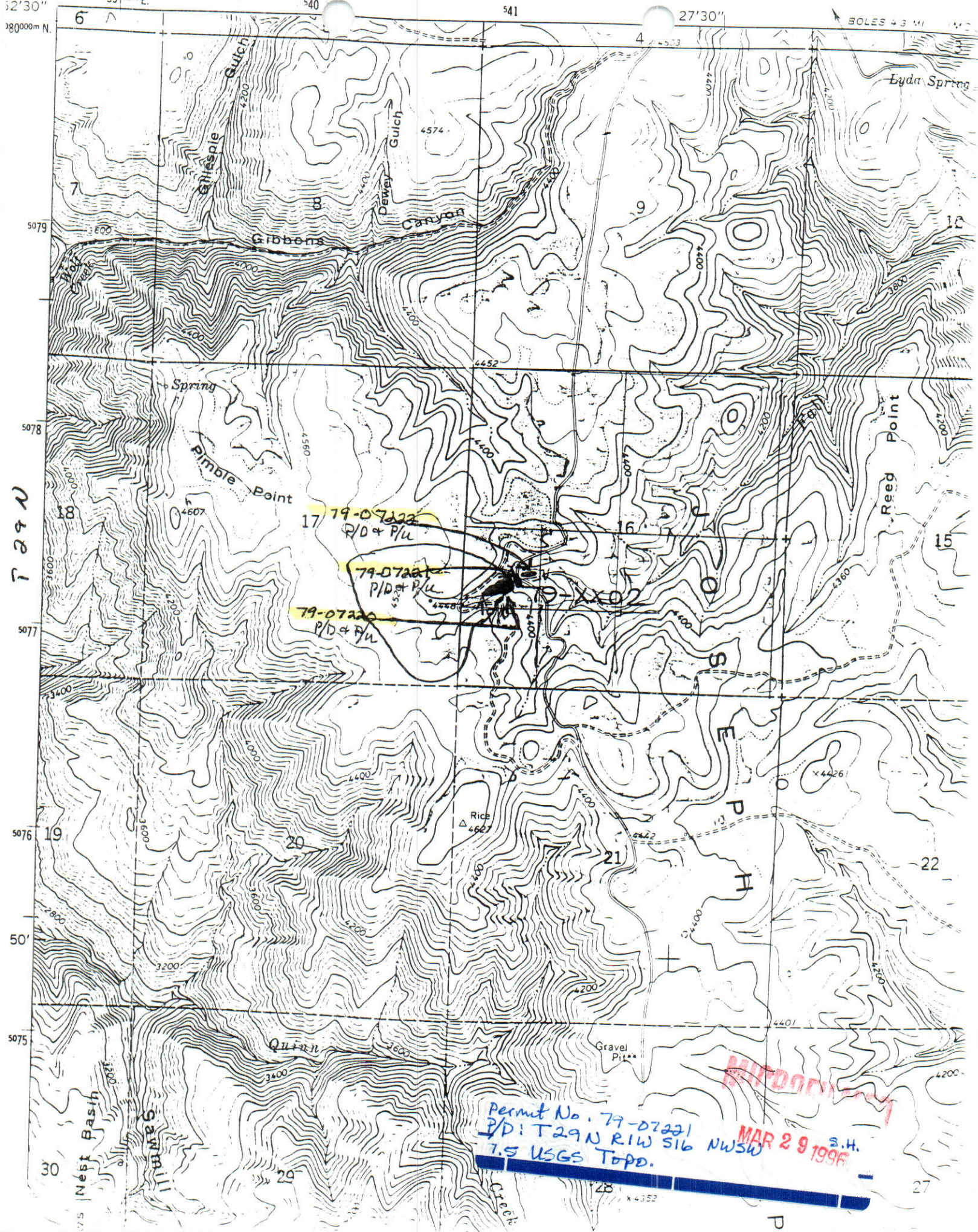
MAR 29 1996

540

541

27'30"

BOLES 43 44



79-07221  
9/23/95 S.H.



P/D spring  
under level  
of water in  
pond, +  
overflow,  
seepage  
from  
79-07220  
above

P/u:

- Stockwater  
200 cattle
- Stockwater  
storage

323' x 183' x 6'

MAR 29 1996

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 79-07221

Priority: November 19, 1993

Maximum Diversion Rate:

0.05 CFS

Maximum Diversion Volume:

22.1 AF

This is to certify, that DELOS ROBBINS  
4375 HY 93 S

MISSOULA MT 59801

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated November 19, 1993; and  
has submitted Proof of Beneficial Use on April 11, 1994. An examination indicates  
that the works have a diversion capacity of 0.050 cfs of water from:

SPRING

tributary to FALL CREEK

FALL CREEK

tributary to RICE 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       |                          | 19.4 AF              |
|                       | Totals               | 0.05 CFS                 | 22.1 AF              |

LOCATION OF POINT(S) OF DIVERSION:

SENWSW, Sec. 16, Township 29N, Range 01W  
IDAHO County

PLACE OF USE: STOCKWATER

TWN RGE SEC

29N 01W 16

NWSW

## 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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MAR 29 1996

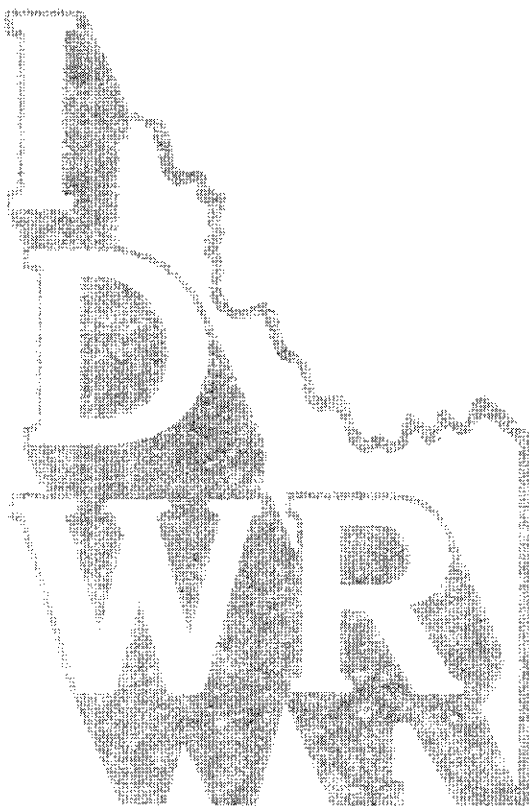
State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 79-07221

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 9<sup>TH</sup>  
day of FEBRUARY, 1996.

Acting for  KARL J. DREHER, Director



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MAR 29 1996

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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 APR 08 1994  
 Department

PROOF OF BENEFICIAL USE

MAR 14 1994

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

1. Permit No. 79-07221 Telephone No. 406-251-4167

2. Name(s) of Permit Holder(s): DeLos Robbins

3. Post Office Address: 4375 Hwy 93 S. MISSOULA MT 59803

4. Source of Water: TRIBUTARY of RICE CREEK (FALL CREEK)

a. If ground water, well driller's name: \_\_\_\_\_ Date drilled: \_\_\_\_\_

b. Pump horsepower: \_\_\_\_\_ Pressure (psi): \_\_\_\_\_ Dynamic pumping level (ft.): \_\_\_\_\_

5. Extent of Use:

Domestic \_\_\_\_\_ (No. of households) Irrigation \_\_\_\_\_ (No. of acres)

Stockwater 200 (No. and type of stock) Other \_\_\_\_\_

RANGE CATTLE

6. Total rate and/or volume for which proof is submitted 0.05 cfs \_\_\_\_\_ acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 50.00 Receipt # 0029034 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Name DELOS E. ROBBINS Telephone No. 406-251-4167  
4375 Hwy 93 South  
Missoula, Mont. 59801  
 Address

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

Date 3/10/94

DeLos E. Robbins  
 Signature (and title if on behalf of a company or organization)

NOT RECORDED

APR 20 1994

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**

NO. 79-07221

Proposed Priority: November 19, 1993      Maximum Diversion Rate: 0.05 CFS

This is to certify, that **DELOS ROBBINS**  
4375 HY 93 S  
MISSOULA MT 59801  
has applied for a permit to appropriate water from:

**FALL CREEK**      tributary of **RICE 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       |                          | 30.0 AF              |
|                       | Totals               | 0.05 CFS                 |                      |

LOCATION OF POINT(S) OF DIVERSION:      NWSW , Sec. 16, Township 29N, Range 01W  
IDAHO County

PLACE OF USE: STOCKWATER  
TWN RGE SEC  
29N 01W 16      NWSW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1995**.
2. Subject to all prior water rights.
3. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
4. Stockwater use 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

22<sup>nd</sup> day of February, 1994.

*[Signature]*  
for R. Keith Higginson, Director

**MICROFILMED**

**FEB 24 1994**

# RECEIVED

FEB 08 1994

Ident. No. 79-07221

Department of Water Resources

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: DELOS ROBBINS  
Address: 4375 HY 93 S  
MISSOULA MT 59801  
406-251-4167
2. Source: FALL CREEK  
Trib. to: RICE CREEK
3. Location of Point of Diversion: NWSW Sec. 16, 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 |       |      | 30.00 |
5. Total quantity to be appropriated is:  
0.050 CFS (and/or) AF
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc.  
On-stream reservoir.
  - b. Height of storage dam feet; active reservoir capacity  
acre-feet; total reservoir capacity acre-feet; period of  
year when water will be diverted to storage: to inclusive.
  - c. Proposed well diameter is 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 16

NWSW

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FEB 24 1994

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:  
Existing use prior to 1987.  
Stockwater use is for 200 range cattle.

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.

\_\_\_\_\_  
Applicant

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
Fee \$ \_\_\_\_\_ Receipted by \_\_\_\_\_ # \_\_\_\_\_ Date \_\_\_\_\_  
Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_

**MICROFILMED**

FEB 24 1994

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NOV 19 1993

Department of Water Resources

Ident. No. 79-07221

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Delos Robbins Phone 406/251-4167  
work 406/728-3052  
Post office address 4375 Hwy 93 S, Missoula MT 59801
2. Source of water supply Fall Creek which is a tributary of Rice Creek
3. Location of point of diversion is \_\_\_\_\_ 1/4 of NW 1/4 of SW 1/4, Govt. Lot \_\_\_\_\_  
Sec. 16 Township 29N Range 01W B.M. Idaho County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.05 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 30.0 for Stock Storage purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.05 and/or (b) 30.0  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. Existing on-stream reservoir.
  - b. Height of storage dam 29 feet; active reservoir capacity 30.0 acre-feet; total  
reservoir capacity 30.0 acre-feet; period of year when water will be diverted to storage:  
1/1 to 12/31 inclusive.
  - c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
  - d. Is ground water with a temperature of greater than 85°F being sought? MICROFILMED
  - e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_;  
Well was drilled for (well owner) \_\_\_\_\_ FEB 4 1994
7. Time required for the completion of the works and 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 feet of head and proposed capacity in KW. \_\_\_\_\_
- b. Stockwatering; list number and kind of livestock. 200 Range Cattle
- 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 | 01W   | 16   |     |     |     |     |     |     |     |     |     | 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? 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. \_\_\_\_\_

12. Remarks: Existing diversion prior to 1987 per Dam Safety file 79-XX02.  
Exempted from moratorium on this basis.

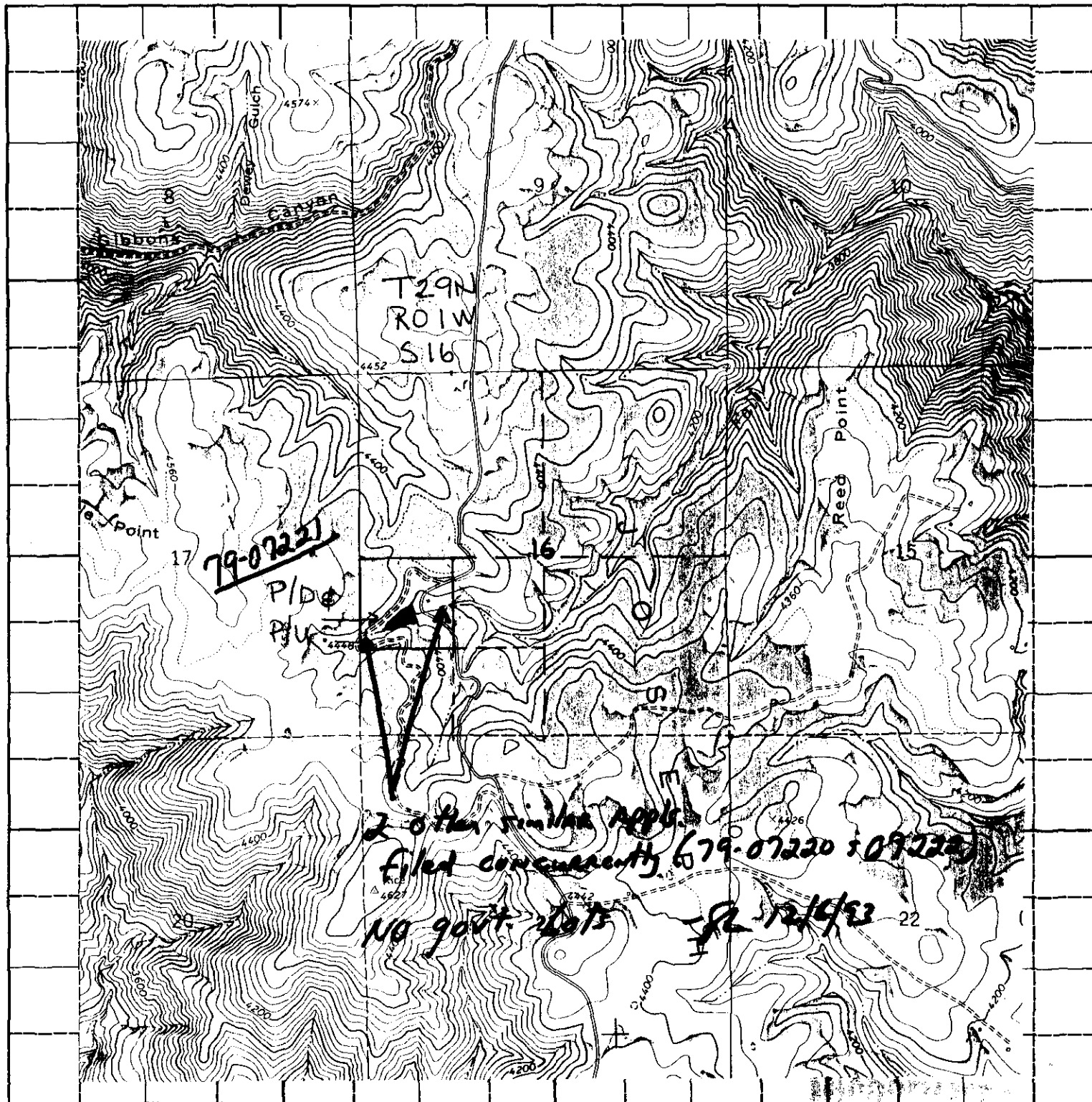
Place in  
Comments

**MINOR**

\* 52 12/18/93

FEB 24 1994

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



Scale: 2 inches equal 1 mile.

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.

*Delos R. Lewis*  
(Applicant)

Prepared by CZ <sup>at 5.0.</sup>  
Received by \_\_\_\_\_ Date 11-19-93 Time \_\_\_\_\_ Preliminary check by 82  
Fee \$ 45.00 Received by ju # C029034 Date 11-19-93  
Publication prepared by ST Date 12-8-93 Published in Gottswald Chronicle  
Publication approved ST Date 1-10-94 Id City free press

### 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:

RECORDED

FEB 24 1994



**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

February 9, 1996

DELOS ROBBINS  
4375 HY 93 S  
MISSOULA MT 59801

RE: WATER RIGHT NO. 79-07220/79-07221/79-07222

Dear Water Right Holder(s):

Enclosed are copies of the Water Right Licenses issued on the above referenced permits. If you have any questions, please contact me within 10 days of receipt of these licenses.

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED

FEB 9 1996

MEMORANDUM

TO: File 79-07221 / Delos Robbins  
FROM: Brenda Chapman  
DATE: February 2, 1996  
RE: Recommendation Adjustment(s)

=====

The final licensing recommendations for Right 79-07221 are based on the information below:

This right and Rights 79-07220 and 79-07222 are for a series of 3 stockwater storage reservoirs on Fall Creek within the NWSW $\frac{1}{4}$  of S16, 29N, R1W. All were permitted with a .05 cfs rate of flow for stockwater. The same .05 cfs flows through each reservoir; therefore, the rate will be recommended on this license and just the reservoir storage volumes on 79-07220 and 79-07222.

A. GENERAL INFORMATION

3. Source: The examiner referred to the only source of water for this permit as being a spring beneath the pond. According to Mike Stubblefield in Dam Safety, the source is also Fall Creek as permitted. (see the attached Dam Summary Sheet) Therefore, the recommendation to add the spring as one of the sources is being made.

G. VOLUME CALCULATIONS

According to the Dam Summary Sheet for this right, when the water level reaches the maximum allowable height of 7 ft below the dam's crest, the reservoir's maximum storage volume is 19.4 af.

The annual stock volume recommendation will not be rounded up, but will be kept at the actual amount of 2.7 af.

H. RECOMMENDATIONS

1. Recommended Amounts

| Beneficial Use | Period of Use | Rate of Div | Annual Vol |
|----------------|---------------|-------------|------------|
| Stockwater     | 1-01 to 12-31 | .05         | 2.7        |
| Stock Storage  | 1-01 to 12-31 |             | 19.4       |

Microfilm

MAR 29 1996

DAM SUMMARY SHEET  
Page No. 16  
01/10/94

BASIN -----> : 79  
DAM NUMBER -----> : 7221  
DAM NAME -----> : FALL CREEK  
COUNTY -----> : IDAHO  
STREAM -----> : FALL CREEK  
REGION -----> : W  
PURPOSE -----> : S  
RISK CATEGORY -----> : 3  
SIZE CATEGORY -----> : 2  
Q-Q SECTION -----> : NWSW  
SECTION -----> : 16  
TOWNSHIP -----> : 29N  
RANGE -----> : 01W  
LATITUDE DEC -----> : 45.8497  
LONGITUDE DEC -----> : 116.4695  
DAM TYPE -----> : EARTH  
STORAGE CAPACITY --> : 35 ACFT  
HEIGHT -----> : 29.0 FT  
DRAINAGE AREA -----> : 0.2 SQMI  
RESERVOIR AREA --> : 3 AC  
YEAR COMPLETED --> : 1968  
CREST ELEVATION --> : 4425 MSL  
CREST LENGTH -----> : 230 FT  
SPILLWAY TYPE -----> : PIPE  
SPILLWAY DEPTH --> : 1.5 FT  
SPILLWAY CAPACITY --> : CFS  
OUTLET TYPE -----> : NONE  
OUTLET SIZE -----> : 0 IN  
OUTLET CAPACITY --> : 0 CFS  
IDF -----> : Q100  
IDF MAGNITUDE -----> : 27 CFS  
RELEASE CAPACITY--> : 0 CFS

CONDITION -----> : FR  
MAINTENANCE -----> : ROUTINE  
INSPECTION DATE --> : 0893 MO/YR  
CERTIFICATE EXP --> : 1198 MO/YR  
LAST RISK EVAL --> : 0991 MO/YR  
SURVEY DATE -----> : 09/25/91  
CALL UP DATE -----> : / /  
CERT ISSUE DATE --> : 12/18/93  
INSPECT INTERVAL --> : 2YR  
PHASE 1 INSP DATE --> : / /  
OPERATION PLAN --> : N  
SEISMIC ANALYSIS--> : N  
RESTRICTED -----> :  
JOINT INSPECTION --> :  
QUAD NUMBER -----> : N57  
QUAD NAME -----> : JOSEPH

DAM OWNER -----> : DELOS ROBBINS  
ADDRESS-1 -----> :  
ADDRESS-2 -----> : 4375 HIGHWAY 93 SOUTH  
CITY -----> : MISSOULA  
STATE -----> : MT  
ZIP CODE -----> : 59801  
ZIP SUFFIX -----> :  
PHONE -----> :  
AREA CODE -----> :

GENERAL REMARKS : RESERVOIR HAS NEVER FILLED. MAXIMUM STORAGE VOLUME IS APPROX 19.4 ACFT. NORMAL STORAGE VOLUME IS APPROX 13.7 ACFT. AT NORMAL STORAGE ELEV, 100 YR - 10 DAY STORM EVENT = 21 ACFT CAN BE CONTAINED IN RESERVOIR. AT MAXIMUM STORAGE ELEVATION, 100 YR - 24 HR STORM EVENT = 14 ACFT CAN BE CONTAINED IN RESV. FILE NUMBER CHANGED FROM 079-XX02.

TECHNICAL REMARKS : SPILLWAY IS 15" CMP SPILLWAY & RELEASE CAPACITY ARE WITH 2.0' FREEBOARD. SPILLWAY WILL PASS 5.0 CFS WITH 0.0' FREEBOARD.

RESTRICTIONS : THE MAXIMUM RESERVOIR LEVEL SHALL NOT EXCEED AN ELEVATION OF 7 FEET BELOW THE DAM CREST AT ANY TIME.

ALTERNATE CONTACTS : LEWIS HOLLANDSWORTH, CARETAKER, PH = 839-2422, RANCH PH = 839-2401.

PER MIKE  
STUBBLEFIED

BC

79-07221

# LICENSE REVIEW CHECKLIST

PERMIT NO. 79-07221 DATE 1-30-96

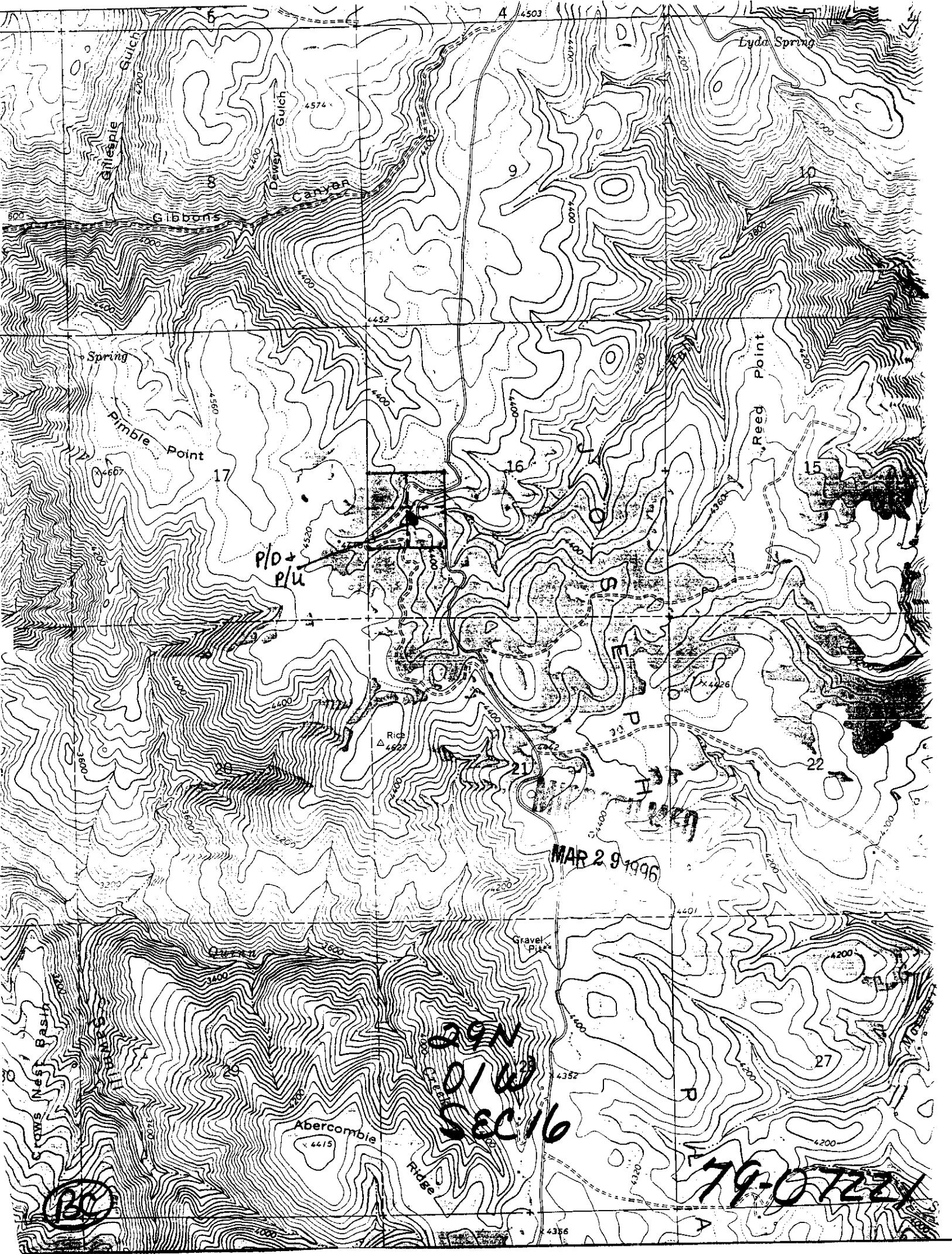


NAME Change OK ☒ Or Address Change? 2-1-96  
 PRIORITY DATE 3-5-96 ☒ Advance? NO Advanced to: NO  
 Order to reinstate needed? NO  
 Incorrect fee for rate recommended? NO  
 SOURCE ☒ 2/1... Add second source  
 Changes or just clarification of originally intended source? CHANGE TO SPRING TRIB TO FALL CREEK  
 Notice of Intent to Void necessary? NO  
 POINT OF DIV Amendment needed? ADD THE 10 ACRE tract SW to legal  
Overlaps? (BECAUSE OF A SPRING)  
 PLACE OF USE Amendment needed?  
Overlaps?  
 DIV RATE NAL ☒ Permit/fee limits: .05 CFS  
 Meas Q = for 200 cattle Theo Q = NO Recommend: .05  
 Combined rates exceed capacity NO  
 ANNUAL VOLUME STORAGE  
 Volume Limit: 30 g Season: 1-1 to 12-31  
 Calculations: 200 cattle = 2.797  
323 x 183 x 10 = 5.11  
 Flow limit: NO cfs x NO x 1.9835 = NO  
 Combined volumes exceed capacity/allowable NO  
 USES ☒ Change in Nature of Use or additional uses? DELETE STOCKWATER  
 Amendment necessary? NO  
 ADDITIONAL INFO Replaces Surface Water 050 Supplemental GW NO  
Irr/Dom Combination WB5 PPU Recommendation NO  
Boise River/Wood River Source Aes/Rec Uses W38  
 NEW REMARKS Multiple p/d(s) in 1/4 1/4?  
Other Edit stock condition  
 NEW CONDITIONS WM Control- District NO Meas/Lock Devices NO  
Irrigation Overlap  
Other  
Water Quality NO Heat/Cool/Fish verified NO

COMMENTS: 1) Reduce storage volume  
2) Delete Stockwater = NO ACTIVE DIVERSION  
3) SEE MEMO 2/2  
2) See memo 2/1

| RECOMMENDATION | CFS | VOLUME | SRBA Claim Filed | Adjustment Memo Needed | LICENSE |
|----------------|-----|--------|------------------|------------------------|---------|
| STOCK STORAGE  |     | 19.4   |                  |                        |         |
| STOCK WATER    | .05 | 2.7    |                  |                        |         |
| TOTAL          | .05 | 22.1   |                  |                        |         |

1ST AMEND LETTER NO  
 2ND AMEND LETTER YES



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED

JAN 11 1996

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 79-07221  
hm# (406) 728-3052  
Phone No. (406) 728-3052

1. Owner: Delos Robbins  
Current Address: 4375 Hwy 93S Missoula, MT 59801

2. Accompanied by: Delos Robbins EXAM DATE: 9/23/95  
Address: 4375 Hwy 93S Missoula, MT 59801 hm (406) 728-3052  
Phone No. (406) 728-3052

Relationship to Permit Holder: Delos - self

\* 3. Source: Spring tributary to Fall Creek

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: 79-07220, 79-07222  
2. Other water rights with the same point of diversion: 79-07220, 79-07222

**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 |
|-----------|-----------|-----|-----|-----|------|------|------|--------|---------------------------------|
|           |           |     | NW  | SW  | 16   | 29N  | 1W   | Idaho  | USGS Topo., + exam              |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |

2. Place(s) of Use:

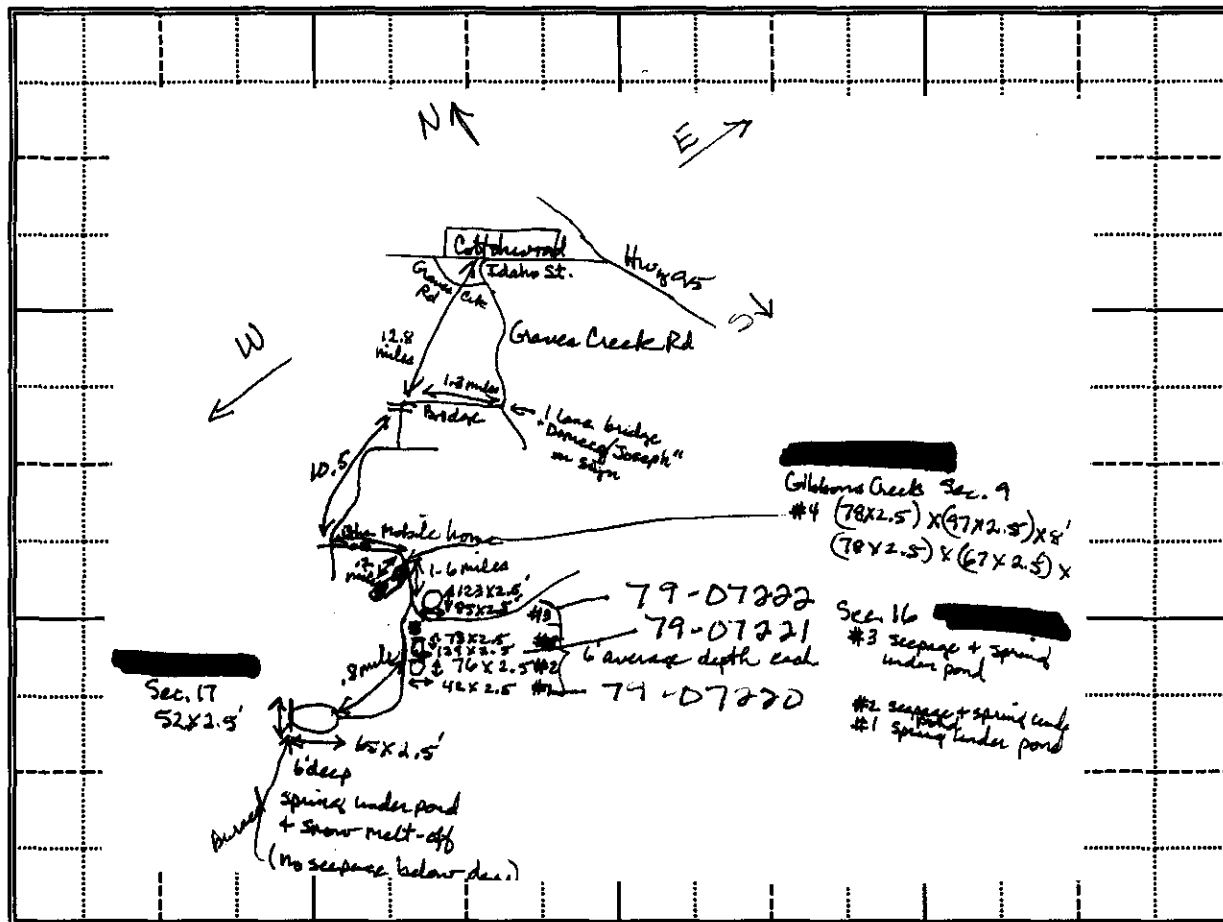
Indicate Method of Determination

USGS Topo., + exam

| 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  | 16  |    |    |    |    |    |    |    |    |    | S  |    |    |    |    |    |    |        |
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MAR 29 1996

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 Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

N/A

☐ 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:

MAR 29 1996

E. NARRATIVE/REMARKS/COMMENTS

- No govt. lots were found.
- Overlaps for P/D were other sources; overlaps for P/U is other land &/or other uses. Some overflow & seepage from 79-07220, & snow melt run-off aids as a source of water to fill the pond.
- Use is stockwater for 200 cattle, & stockwater storage from a 323'x183'x6' pond.
- No other water sources, besides springs that make up water source for WR ~~79-7220~~ 79-7220 & 79-7222.
- The system consists of a 323'x183'x6' pond, with a spring somewhere under the water level (no physical measurement was able to be taken); some overflow & seepage from WR 79-07220 also feeds this pond.

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

Coprs of "Dam & Reservoir certificates of approval" attached.

MAR 29 1996

## F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

Stockwater Table 1, Recommended Diversion Rates  
for stockwater Exh. 15A 101-200 cattle = 1.05 cfs

## 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:

Stockwater

$$V_{I.R.} = (200 \text{ head} \times 12 \text{ gpd} \times 365 \text{ days}) / 325,850 = 2.7 = 3.0$$

$$V_{D.R.} = 1.05 \text{ cfs} \times 365 \times 1.9835 = 36.2$$

$$V = 3.0$$

Pond (see attachment)

surface area = 1.4 acre

capacity = 8.14 Afa

## H. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use            | Period of Use |              | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|---------------------------|---------------|--------------|------------------------------|--------------------------|
|                           | From          | To           |                              |                          |
| <u>Stockwater</u>         | <u>1/1</u>    | <u>12/31</u> | <u>1.05</u>                  | <u>3.0</u>               |
| <u>Stockwater Storage</u> | <u>1/1</u>    | <u>12/31</u> |                              | <u>8.14</u>              |
|                           |               |              |                              |                          |
|                           |               |              |                              |                          |
|                           |               |              |                              |                          |
| Totals:                   |               |              | <u>1.05</u>                  | <u>11.14</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 Andy Hemenway Date 12/21/95

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

\* See adjustment memo. BC

RECEIVED

MAR 29 1996

① Permit, stockwater 1/1-12/31 .05 cfs 79-07221  
stockwater storage 1/1-12/31 30.0 Afa

② B/U fee: \$50<sup>00</sup> 4/11/94 pd. .05 cfs  
0-0.20 cfs  
0-20 Afa

③ Max. Allowable:

stockwater

— Table 1, Recommended Diversion Rates  
for Stockwater Exh 15A

200 cattle

101-200 = .05 cfs

④ Measurement:

Pond:

323' x 183' x 6'

surface area =  $\frac{323' \times 183'}{43,560} = 1.4 \text{ acre}$   
(S.A.)

Capacity = (S.A.) x max. depth =  $1.4 \times 6 = \boxed{8.14 \text{ Afa}}$

2/10/2006

8/12/2006

79-07241

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

DAM AND RESERVOIR

CERTIFICATE OF APPROVAL

This is to certify that

FALL CREEK

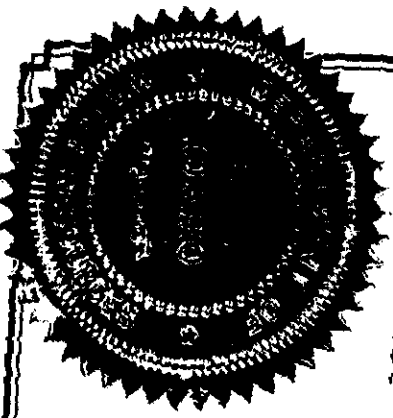
NW 1/4, SW 1/4, Section 16

, Township 29N, Range 1W

B.M., Idaho County, Dam and Reservoir, located in

State of Idaho has been inspected by the Department of Water Resources of the State of Idaho, as provided in Title 42 Chapter 17, Idaho Code, and approval is hereby given to impound water in accordance with and subject to the following terms and conditions: THE MAXIMUM RESERVOIR LEVEL SHALL NOT EXCEED AN ELEVATION OF 7 FEET BELOW THE DAM CREST AT ANY TIME.

This certificate shall remain valid until revoked or modified by the Department of Water Resources or until the 1st day of November 1998.

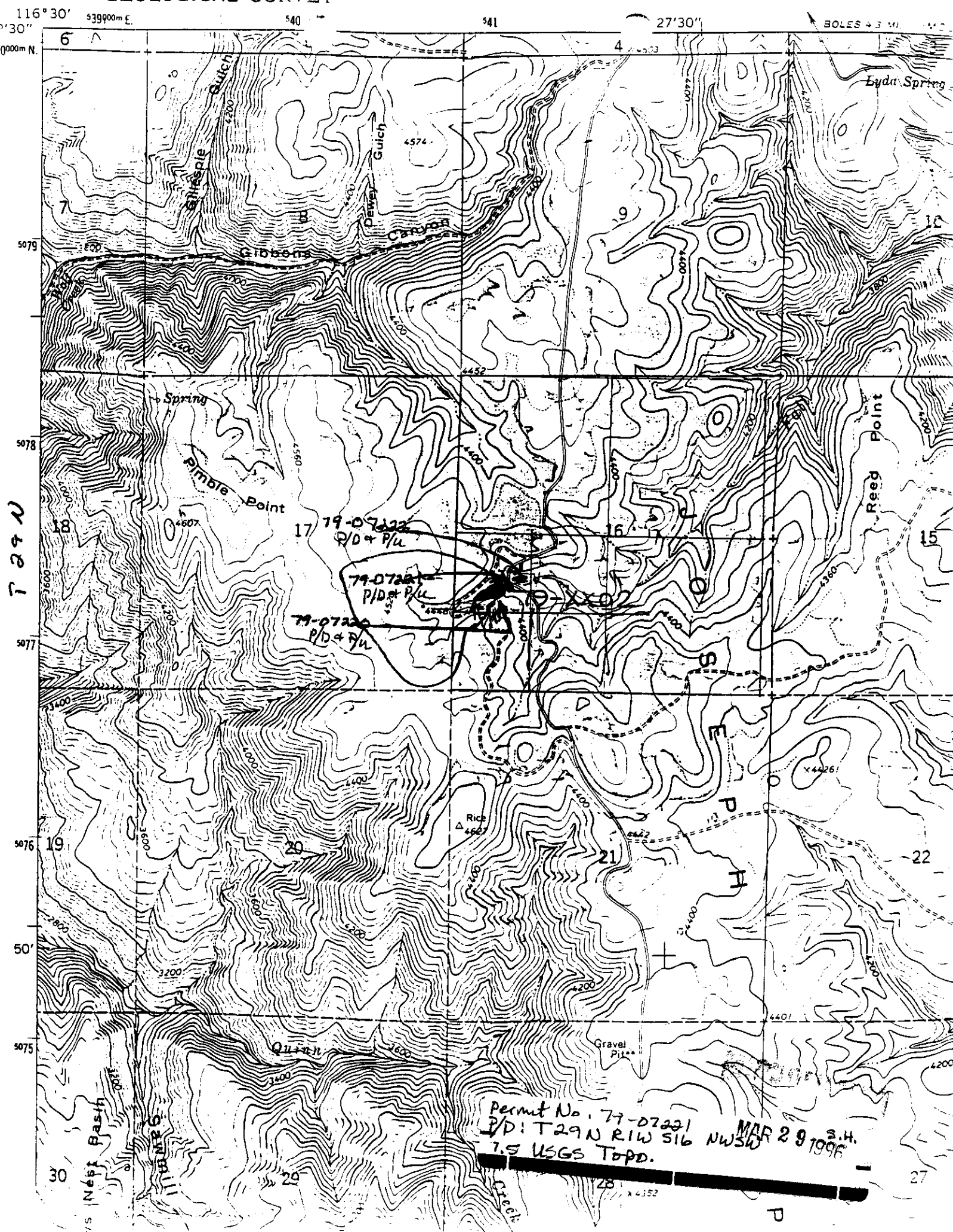


This certificate has been issued and the seal of the Director affixed at Boise, Idaho this 18th day of December 1993.  
Administrator-Water Management Div.

RECORDED  
MAR 29 1996

# THE INTERIOR GEOLOGICAL SURVEY

R 1 W



79-07221

9/23/95 S.H.



P/O spring  
under level  
of water in  
pond, &  
overflow,  
seepage  
from

79-07220

above

P/u:

- Stockwater  
200 cattle

- Stockwater  
Storage

323' x 183' x 6'

MP 2 9/13/96

April 18, 1994

DELOS ROBBINS  
4375 HWY 93 S  
MISSOULA MT 59801

**PROOF ACKNOWLEDGEMENT LETTER**

**RE: PERMIT NOS. 79-07222, 79-07220\_ & 79-07221**

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use forms submitted for the above referenced permits. 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

**MISSOULA MT**

APR 20 1994

March 22, 1994

Delos Robbins  
4374 Hwy 93 S  
Missoula, MT 59803

RE: Permit Nos. 79-07220, 79-07221 & 79-07222

Dear Permit Holder :

Returned are the Proof of Beneficial Use forms submitted to this office in connection with the above referenced permits. Unfortunately, they are unacceptable as filed.

The proofs indicate the total rate of diversion of water to be 0.05 cfs from a surface water source (fall creek). The license exam fee for a rate of 0.05 cfs is \$50.00 for each permit. On all three proof forms, you made reference to receipt # C029034. The \$105.00 fee paid on this receipt was for three (3) applications for permit. Those fees are to cover the costs of advertising your water right applications in local newspapers. The license exam fee associated with the proof of beneficial use, is for a water right examiner to visually inspect your diversion and make a recommendation for your water right license.

Please return the original proofs along with a \$50.00 exam fee for each proof, within thirty (30) days of receipt of this letter.

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

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

Enclosure

RECEIVED  
APR 20 1994



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

February 22, 1994

DELOS ROBBINS  
4375 HY 93 S  
MISSOULA MT 59801

### PERMIT APPROVAL NOTICE

RE: PERMIT NO. 79-07221

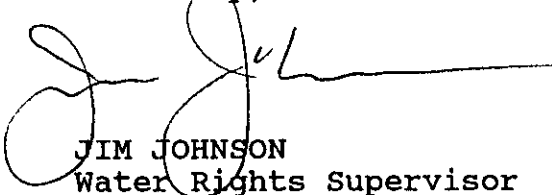
Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Sincerely,



JIM JOHNSON  
Water Rights Supervisor

JJ:dc

Enclosures

RECORDED

FEB 24 1994

DELOS ROBBINS  
PRESIDENT  
(406) 251-4167

VID ROBBINS  
PRESIDENT  
(406) 549-1466

RECEIVED

DEC 13 1993

WATER RESOURCES  
WESTERN REGION

**ROBBINS LIVESTOCK AUCTION COMPANY**

P.O. BOX 7788 • MISSOULA, MONTANA 59807 • 406/728-3052

Steve Lester  
2735 Airport Way  
Boise Idaho 83705

Steve,

This letter is to confirm our  
telephone conversation of 12/7/93,  
regarding the three reservoirs  
on the Flying U. ranch in  
Cottonwood, Idaho.

I purchased the property in 1976, and  
the reservoirs had been in existence  
for several years prior to that time.

12-08-93

Joce Starlin  
14125 Harpers Br. Rd  
Missoula Mt.

My Commission Expires  
6-30-94

Delos E. Robbins

PRODUCED

FEB 24 1994

HORSE SALE  
2ND TUES., EVERY MONTH

BONDED FOR YOUR PROTECTION

AUCTION  
EVERY THURS., 9:00 A.M.

## CONVERSATION MEMORANDUM.

DATE 12/6/93FILE 3 Appls. 79-07220NAME OF PARTY Delor Robbins 406-728-3052 (work #) 07221EMPLOYEE Stan Lester 07222RE: 3 Appls. For on-stream storage, stock use:

In place by at least 1976 when he bought the property.

Estimated surface area of Reservoirs:

upstream 2 Acres 79-07220

middle one 4-5 Acres 79-07221

downstream 3 Acres 79-07222

Asked him to provide some verification of use of these ~~to~~ prior to 11/1987 (Re: Exemption from amended Salmon River Moratorium). He will send info to me ASAP. Meanwhile, OK to advertise.

FEB 24 1994

79-07221

ROBBINS, DELOS  
4375 HY 93 S  
MISSOULA, MT 59801

Source: FALL CREEK

Tributary: RICE CREEK

Diversion Pt: NWSW Sec 16 T 29N R 01W in IDAHO County.

Use: STOCKWATER ( .050 CFS)  
STOCKWATER STORAGE ( 30.00 AF)  
Total Diversion: ( .050 CFS)

Date Filed: 11/19/1993

In: IDAHO County  
T29N R01W S16 NWSW

RECEIVED

FEB 14 1994

# Affidavit of Publication

STATE OF IDAHO, }  
County of Idaho, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper for 2 weeks being published 2

times, the first publication being on the 16 day of December, 1993, and the last publication on the 23 day of

December, 1993; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

*Robert E. Wherry*

STATE OF IDAHO, }  
County of Idaho, }

On this 6th day of January in the year of 1993, before me, a Notary Public, personally appeared Robert E. Wherry, 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 Cottonwood  
My commission expires: 12/94

**Microfilm**

FEB 24 1994

## Notice

### NOTICE OF APPLICATION FOR WATER RIGHT

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

79-07220

Robbins, Delos  
4375 HWY 93 S  
MISSOULA, MT. 59801  
Source: SPRING

Tributary: FALL CREEK  
Diversión Pt: SWNWSW Sec 16 T 29N R 01W in IDAHO County.

Use: STOCKWATER ( .050 CFS)

STOCKWATER STORAGE (10.10 AF)

Total Diversión: ( .050 CFS)

Date Filed: 11/19/1993

In: IDAHO County - T29N

R01W S16 - NWSW

Existing use prior to 1987.

79-07221

ROBBINS, DELOS  
4375 HY 93 S  
MISSOULA, MT. 59801  
Source: FALL CREEK

Tributary: RICE CREEK

Diversión Pt: NWSW Sec 16

T 29N R 01W in IDAHO County.

Use: STOCKWATER ( .050 CFS)

STOCKWATER STORAGE ( 30.00 AF)

Total Diversión: ( .050 CFS)

Dated Filed: 11/19/1993

In: IDAHO County - T29N

R01W S16 - NWSW

Existing use prior to 1987.

79-07222

ROBBINS, DELOS  
4375 HWY 93 S  
MISSOULA, MT. 59801  
Source: FALL CREEK

Tributary: RICE CREEK

Diversión PT: NWSW Sec 16

T 29N R 01W in IDAHO County.

Use: STOCKWATER ( .050 CFS)

STOCKWATER STORAGE (10.00AF)

Total Diversión: ( .050 CFS)

Date Filed: 11/19/1993

In: IDAHO County - T29N

R01W S16 - NWSW

Existing use prior to 1987.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before JANUARY 3, 1994.

R. KEITH HIGGINSON,  
Director  
Published in the Cottonwood Chronicle Dec 16 23 1993

# AFFIDAVIT OF PUBLICATION

## NOTICE OF APPLICATION FOR WATER RIGHT

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

79-07220

ROBBINS, DELOS  
4375 HWY 93 S.  
MISSOULA, MT 59801  
Source: SPRING Tributary: FALL CREEK  
Diversion Pt: SWNWSW Sec 16 T 29N R 01W in IDAHO County.  
Use: STOCKWATER (.50 CFS)  
STOCKWATER STORAGE (10.10 AF)  
Total Diversion: (.50 CFS)  
Date Filed: 11/19/1993  
In: IDAHO County  
T29N R01W S16 NWSW

79-07221

ROBBINS, DELOS  
4375 HY 93 S  
MISSOULA, MT 59801  
Source: FALL CREEK Tributary: RICE CREEK  
Diversion Pt: NWSW Sec 16 T 29N R 01W in IDAHO County.  
Use: STOCKWATER (.050 CFS)  
STOCKWATER STORAGE (30.00 AF)  
Total Diversion: (.050 CFS)  
Date Filed: 11/19/1993  
In: IDAHO County T29N R01W S16 NWSW

79-07222

ROBBINS, DELOS  
4375 HWY 93 S  
MISSOULA, MT 59801  
Source: FALL CREEK Tributary: RICE CREEK  
Diversion Pt: NWSW Sec 16 T 29N R 01W in IDAHO County.  
Use: STOCKWATER (.050 CFS)  
STOCKWATER STORAGE (10.00 AF)  
Total Diversion: (.050 CFS)  
Date Filed: 11/19/1993  
In: IDAHO County T29N R01W S16 NWSW

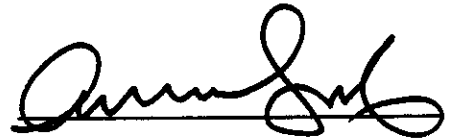
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before JANUARY 3, 1994.

R. KEITH HIGGINSON, Director  
Published: 12/16/1993 & 12/23/1993

D16-23

STATE OF IDAHO  
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he 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 two weeks, being published two times, the first publication being on the 16th day of December, 19 93, and the last publication on the 23rd day of December, 19 93; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said notice or advertisement.



STATE OF IDAHO }  
COUNTY OF }

On this 23rd day of December in the year of 1993.  
Before me, a Notary Public, personally appeared Andrew J. McNab, 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: 10/8/99

MICROFILMED

FEB 24 1994