

11/21/2006

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-21793

ROBBINS TRUST & O CONNOR TRUST  
PO BOX 48

BELLEVUE ID 83313  
Telephone Number: (208) 788-4000

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

\* Combined Limits of 21793, 21386 \*  
\* PLACE OF USE  
\* Acre Limit

2. Describe the changes you wish to make in the proposed recommendation:

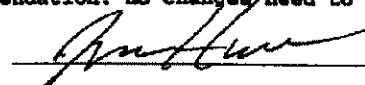
NO Combined diversion Limit ASSOCIATED WITH 37-21386  
Add approximately 3 acres to SESWSE OF SECTION 29

3. Give a brief explanation as to why you disagree with these portions:

RECOMMENDATION IS NOT ACCURATE, IGNORES A PORTION  
OF IRRIGATED AREA

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/11/06

SIGNATURE: 

Please print your name:

JASON C. HELMS (BROCKWAY ENGINEERING)  
ON BEHALF OF ROBBINS & O'CONNOR TRUST

IDWR Regional Office, 322 E Front St.  
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/21/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21793

NAME AND ADDRESS: ROBBINS TRUST & O CONNOR TRUST  
PO BOX 48

BELLEVUE ID 83313

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 4.160 CFS

Right Nos. 37-21793 and 37-21386 are limited to a total combined diversion rate of 4.16 cfs. WRONG

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T04N R19E S28 SENENW Within BLAINE County  
T04N R19E S28 NWNWSW Rediversion Within BLAINE County  
T04N R19E S29 SENENW Injection Within BLAINE County  
T04N R19E S29 SESESW Rediversion Within BLAINE County  
T04N R19E S29 NWSWSE Rediversion Within BLAINE County  
T04N R19E S29 SWSWSE Rediversion Within BLAINE County

PURPOSE AND PERIOD OF USE:

| PURPOSE OF USE                            | PERIOD OF USE            | QUANTITY  |
|-------------------------------------------|--------------------------|-----------|
| IRRIGATION                                | 05/01 10/31              | 4.160 CFS |
| PLACE OF USE: IRRIGATION in BLAINE County |                          |           |
| T04N R19E S29 SWSW 11.00                  | T04N R19E S29 SESW 28.00 |           |
| T04N R19E S29 NWSE 1.10                   | T04N R19E S29 SWSE 25.00 |           |
| T04N R19E S32 NENW 8.30                   |                          |           |
| 74.4 ACRES TOTAL                          |                          |           |

WRONG  
WRONG

This right along with right No. 37-21386 are limited to the irrigation of a combined total of 74.4 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.  
P/D FOR THIS CLAIM DETERMINED FROM AERIAL PHOTO ASCS MAP.  
| P/U AMENDED AS PER ATTACHED LETTER. --RVW.  
ADDRESS CHANGE RECD 04/18/1994 SS.

Water is delivered through East Fork Wood River.

This right is a split from former right 37-21472 .

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YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-21386

ROBBINS TRUST & O CONNOR TRUST  
PO BOX 48

BELLEVUE ID 83313  
Telephone Number: (208)788-4000

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Disallowed

2. Describe the changes you wish to make in the proposed recommendation:

Should be Allowed. Has Always been Utilized With Other  
IRRIGATION RIGHTS

3. Give a brief explanation as to why you disagree with these portions:

By VIRTUE OF LOCATION WITHIN IRRIGATED AREA, SPRING  
EFFLUENT NATURALLY PROVIDES IRRIGATION WATER TO  
A PORTION OF THE PROPERTY - SEENACHED AFFIDAVIT

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/11/06

SIGNATURE:

Please print your name:

JACOB C. HELMS, P.E. BROCKWAY ENGINEERING  
ON BEHALF OF ROBBINS & O'CONNOR TRUST

IDWR Regional Office, 322 E Front St  
PO Box 83720, Boise, ID 83720-0098, 2082874800

11/21/2006

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21386  
NAME AND ADDRESS: ROBBINS TRUST & O CONNOR TRUST  
PO BOX 48  
BELLEVUE ID 83313

## OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No lawful appropriation shown.

WRONG

## EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

WRONG

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

No lawful appropriation shown due to lack of evidence of priority date prior to May 20, 1971.

## BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF WATER RIGHTS AND WATER USE ) COMMENTS AND  
ON THE FARM NOW KNOWN AS THE O'CONNOR ) EVIDENCE  
TRUST & ROBBINS TRUST EAST FORK PROPERTY )

COMES NOW, Jeanne Dorn, and provides the following comments  
and evidence in this matter:

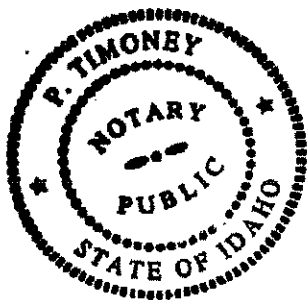
1. For the approximate period 1926 to 2006 I have  
been familiar with the irrigation of the current O'Connor Trust & Robbins Trust  
East Fork Property. The Property is located along the East Fork of the Big Wood  
River just east of Hyndman Creek Road in Township 4N, Range 19E Sections 29  
and 32.
2. For as long as I have been familiar with the property, the springs located on  
**EXHIBIT A** (attached aerial photo) have been in existence.

DATED this 1 day of December, 2006.

Jeanne Dorn

SUBSCRIBED and SWORN to before me this

1<sup>st</sup> day of December 2006



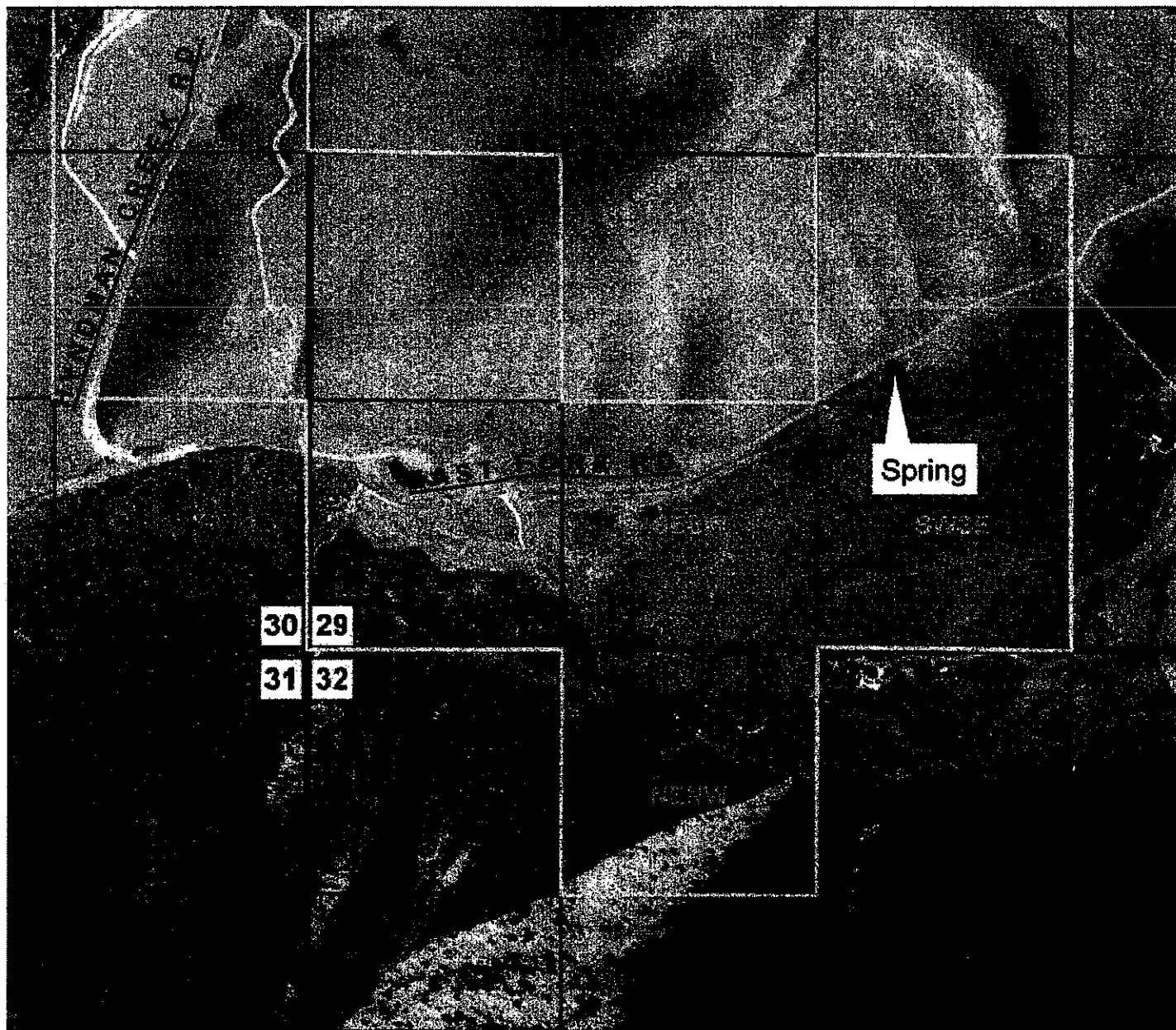
P. Timoney  
NOTARY PUBLIC

Residing at: Tim's Falls, ID

My Commission Expires: 3/16/10

**EXHIBIT A**

( Affidavit RE: O'Connor / Robbins Trust Claim 37-21386 )



2004 Aerial Photo

0 250 500 1,000 1,500  
Feet

Twp. 4N, Rng. 19E



|  |          |  |                   |
|--|----------|--|-------------------|
|  | Sections |  | Property Boundary |
|  | 40's     |  |                   |

Brockway Engineering, PLLC  
JCH - September, 2006