

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21794
Date Received: 6/6/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

ROBBINS TRUST & O CONNOR TRUST Phone: (208)788-4000
PO BOX 48
BELLEVUE ID USA 83313

2. Date of Priority: 06/01/1884

3. Source: WOOD RIVER EAST FORK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	19E	28	SE SE NW	BLAINE	

5. Description of diverting works:

OPEN DITCH WITH PLASTIC DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.52	

7. Total Quantity Appropriated is:
0.52 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	19E	29	NW SE	IRRIGATION	1
			SW SE	IRRIGATION	9.3
Section Acres					10.3
Total Acres					10.3

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 37-120 .

11-26-04, DJ: CLAIM AMENDED TO REDISTRIBUTE ACRES AND LIST POINTS OF DIVERSION AND REDIVERSION.

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.

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

NT 06/12/06 Claim split to reflect owner retaining portion of water right 37-21472 on property that was sold to Pioneer Moon LLC.

15. Basis of Claim: Decreed

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

37-21386
37-21385
37-21743
37-21741

ROBINS TRUST & CONNOR TRUST
PO BOX 48
BELLEVUE ID 83720

FIRST CLASS



UNITED STATES POSTAL SERVICE
02 1A
0004389393
MAILED FROM ZIP CODE 83720
\$00.870

RECEIVED
MAR 12 2007
DEPARTMENT OF
WATER RESOURCES

06/16/2006

**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: see cover letter

Water right number: 37-21794

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):

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

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

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

06/16/2006

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

RIGHT NUMBER: 37-21794

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

BELLEVUE ID 83313

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.520 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T04N R19E S28 SENENW Injection Within BLAINE County

T04N R19E S28 SENENW Within BLAINE County

T04N R19E S28 NWNWSW Rediversion Within BLAINE County

T04N R19E S29 SWNESE Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

05/01 10/31

0.520 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T04N R19E S29

NWSE

9.30

T04N R19E S29

SWSE

11.00

20.3 ACRES TOTAL

This right is limited to the irrigation of 10.3 acres within the place of use described above 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.

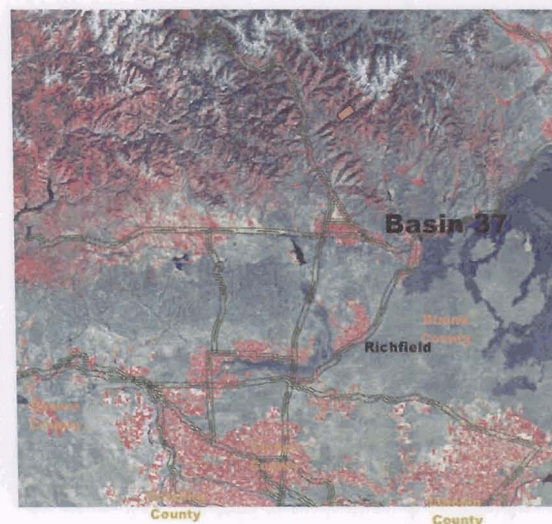
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through East Fork Wood River.

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

[illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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06/16/2006

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

RIGHT NUMBER: 37-21794

NAME AND ADDRESS: ROBBINS TRUST & O CONNOR TRUST
PO BOX 48
BELLEVUE ID 83313

SOURCE: EAST FORK WOOD RIVER TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.520 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T04N R19E S28 SENENW Injection Within BLAINE County
T04N R19E S28 SENENW Within BLAINE County
T04N R19E S28 NWNWSW Rediversion Within BLAINE County
T04N R19E S29 SWNESE Rediversion Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.520 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T04N R19E S29	NWSE	9.30	T04N R19E S29	SWSE	11.00
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20.3 ACRES TOTAL

This right is limited to the irrigation of 10.3 acres within the place of use described above 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

Water is delivered through East Fork Wood River.

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

37-21794



RECOMMENDED POINT OF DIVERSION

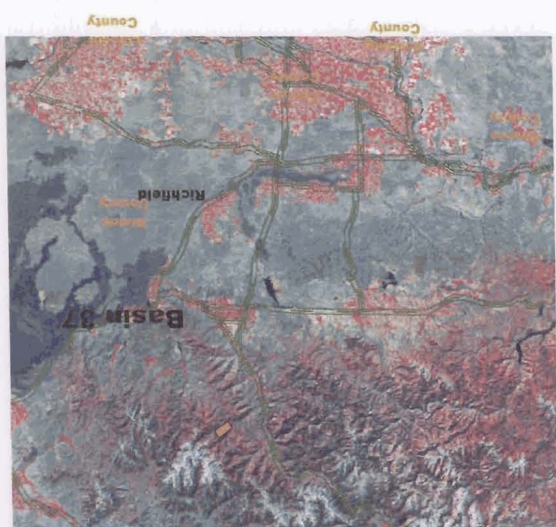
RECOMMENDED PLACE OF USE

TOWNSHIP LINES

SECTION LINES

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY NICK TREASURE

LOCATION IN BASIN



Memo

From: Nick Treasure

Date: June 17, 2005

Subject: Snake River Basin Adjudication (SRBA) review of claim(s):
37-21386, 37-21385, 37-21472, 37-21473

Due to questions that have arose to an application for permit as well as some question in regards to SRBA claims made by O'Connors and Robbins Trust, a field exam took place on June 17, 2005 by Allen Merritt, Aaron Retelle and myself. Mr. O'Connors (owner) and Jason Helm of Brockway Engineering were also present at the field exam.

The intent of the application for permit of the claimant is to dry up the POU from claim 37-21385 and southern portions of 37-21472 to mitigate water to ponds on the northern bench of the SWSW of section 29. In the course of researching the intent of this permit, the following issues arose that will affect the SRBA claim review and recommendations:

37-21385 – Found and examined the spring claimed as a source of irrigation of 4 acres. The claimed POU is not irrigated from the spring claimed. The actual output of water of the spring was very little. The contour of the POU to the spring would not allow for irrigation. The claim will be recommended for disallow. (See attached photos)

37-21386 – This claim is a Beneficial use right for 1.0 cfs of water from a spring located in the SWSE of section 29. The priority date claimed is 06/01/1884. According to Mr. O'Connors this right was claimed as supplement water for 37-21472 (1884 East Fork Decreed right). To recommend this right, evidence of priority would have to be submitted. The 06/01/1884 priority would more than likely be difficult to prove. Another issue presented with this water right is the use of the water. The claimant has applied for a permit to transfer water. However before this permit has been approved they have already gravity piped water from this spring approximately 2500 feet west to man-made ponds on a hillside. Mr. O'Connors indicated that this water will be pumped further up the hill to a house which is to be built. Allen is currently reviewing the application for permit. I will continue with the review looking at historical use. Evidence of priority will be needed.

37-21472 – This is a decreed right for 4.68 cfs from the East Fork Wood River for 90 acres. Though the ground is obviously difficult to flood irrigate, it appeared that the place of use claimed could be irrigated with the present series of laterals and ditches available. There appears to be no obvious issues in reviewing this claim at this time.

37-21473 – This land and water right was recently sold from O'Connors/Robbins Trust to Pioneer Moon LLC (10 acres w/ 0.52 cfs). The warranty deed indicates a sale of 1/10th of the parent right 37-120 (100 acres w/ 5.2 cfs). The actual acreage of the land sold according to the claimant and taxlots is 20 acres. O'Connors/Robbins is keeping a portion of the water right on the 20 acres sold to Pioneer Moon. (which is why the sale was not for 2/10th or 20 acres w/ 1.04 cfs)- O'Connors/Robbins is keeping have the water right on the sold property. I will recommend this claim as per warranty deed.

From: Nick Treasure

Date: June 14, 2006

37-21793 / 37-21794 – Water right 37-21472 is now split to 37-21793 (Pioneer Moon LLC) / 37-21794 (O'Conner's) to reflect the quit claim deed from O'Conner to Pioneer Moon LLC in which $1/10^{\text{th}}$ of water right 37-120 is conveyed to Pioneer Moon LLC while O'Conner retains the remaining portion of water right 37-120. Pioneer Moon LLC bought approx 20.3 acres of the 100-acre POU of 37-120. So instead of receiving $2/10^{\text{th}}$ (20.3 acres of 100 acres), Pioneer Moon LLC received $1/10^{\text{th}}$ of the water right. O'Conner wishes to keep 10 acres worth of the water right of the 20.3 acres. See split tree.

Prepared by:
Nick Treasure
June 2005

