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MAY 02 2008

DEPARTMENT OF
WATER RESOURCES

April 30, 2008

Don Shaff
Idaho Dept. of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720

Re: Proposed Objection Resolution
Subcase Nos. 73-7041, 73-12085, 73-12086, 73-12087, 73-12088
Related Water Right 73-10055

Dear Don,

You may recall our conversation concerning these subcases. The original claimant, Mr. Hamilton, submitted claims on decreed water rights 73-182 and 73-192 with a permissible place of use of 486.0 acres. Water right 73-7041 was claimed as previously licensed. Claim 73-10055 was made for additional flows, or "flood water".

The objector, Mr. Robins, purchased the property from Hamilton but did not notice the permissible place of use until he sold a 40-acre portion of the land to Jim Posada and the decreed water rights were "split" into 73-12085, 73-12086, 73-12087 and 73-12088. Mr. Robins has now sold a total of 157.5 acres to Mr. Posada and they agree the acres sold to Posada include water right 73-182 (the only water right Mr. Robins believes was ever associated with the Posada lands).

Mr. Robins filed objections to the following recommendations in the SRBA: 73-12085, 73-12086, 73-12087 and 73-12088. (These numbers represent the "splits" of parent rights 73-182 and 73-192.) We recommend the four recommendations revert to the use of water right nos. 73-182 and 73-192 to simplify administration. A proposed *Amended Director's Report* page is enclosed for each recommendation. Our proposal is summarized in Table 1.

Claim No.	Recommended as WR No.	Owner	Diversion Rate (cfs)	Irrigation (acres)	Note
73-12085	73-182	Posada	3.2	157.5	
73-12086	73-192	Posada			Disallow
73-12087	73-182	Robins			Disallow
73-12088	73-192	Robins	6.4	360	

Table 1 - Proposed Settlement

Mr. Posada will own water right 73-182 in its entirety. Claim 73-12087 will be disallowed in favor of 73-12085 (now 73-182). Mr. Robins will own water right 73-192 in its entirety. Claim 73-12086 will be disallowed in favor of 73-12088 (now 73-192). Combined use limitations are

amended on the amended recommendation enclosed for 73-10055 to comport with this proposed settlement.

Additionally, the State of Idaho has objected to the recommendation of 73-7041. A proposed *Amended Director's Report* is also included for this recommendation. First, the combined use limitations are amended to comport with this proposed settlement. Secondly, the land list is adjusted to remove 4.0 acres in the NENW, S27, T14N, R22E. This land belongs to the State of Idaho and Mr. Robins does not irrigate it. A slight adjustment was made to the land list to indicate irrigation in other areas and preserve Mr. Robins right to the irrigation of 160 acres under water right 73-7041.

Please review our proposal and let me know if you have additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roxanne".

Roxanne Brown

Cc: Jim Posada
Doug Robins

Enclosures
maps
proposed Amended Director's Report pages

SPF Job No.: 655.0010

04/30/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-12085 182

NAME AND ADDRESS: JAMES POSADA
PO BOX 879
CHALLIS ID 83226

KAREN POSADA
PO BOX 879
CHALLIS ID 83226

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: ~~0.140~~ 3.2 CFS

PRIORITY DATE: 01/02/1905

POINT OF
DIVERSION: T14N R22E S35 NESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	~~0.140~~ 3.2 CFS

PLACE OF USE: IRRIGATION in CUSTER County

<u>T14N R22E S21</u>	<u>SWSE 40.00</u>	<u>T14N R22E S21</u>	<u>SESE 37.50</u>
<u>T14N R22E S28</u>	<u>NWNE 40.00</u>	<u>T14N R22E S28</u>	<u>NENE 40.00</u>

40 157.50 ACRES TOTAL

~~Right Nos. 73-12085 and 73-12087 are limited to the irrigation of a combined total of 40 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

~~This right is a split from former right 73-182.~~

Right No. ~~73-12085, 73-12086, 73-12087, and 73-12088~~ 73-192 and 73-10055 are also diverted through point of diversion described above.

04/30/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-12087

NAME AND ADDRESS: JAMES POSADA
PO BOX 879
CHALLIS ID 83226

KAREN POSADA
PO BOX 879
CHALLIS ID 83226

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.280 CFS

PRIORITY DATE: 08/25/1884

POINT OF
DIVERSION: T14N R22E S35 NESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01-10/31	0.280 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T14N R22E S28 NWNE 40.00

40 ACRES TOTAL

~~Right Nos. 73-12085 and 73-12087 are limited to the irrigation of a combined total of 40 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

~~Right No. 73-12085, 73-12086, 73-12087, and 73-12088 are also diverted through point of diversion described above.~~

~~This right is a split from former right 73-192.~~

Recommended as water right no. 73-192.

04/30/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-10055

NAME AND ADDRESS: PAMELA A ROBINS
HC 62 BOX 2215
MAY ID 83253

DOUGLAS ROBINS
HC 62 BOX 2215
MAY ID 83253

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 02/18/1926

POINT OF
DIVERSION: T13N R22E S2 NWSE Within CUSTER County
T14N R22E S35 NESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.200 CFS

PLACE OF USE: IRRIGATION in CUSTER County and LEMHI County

T14N R22E S21 SWSE	40.00	T14N R22E S21 SESE	38.00
T14N R22E S27 NWNW	40.00	T14N R22E S27 SWNW	40.00
T14N R22E S27 SENW	40.00	T14N R22E S27 NESW	40.00
T14N R22E S27 SESW	5.80	T14N R22E S27 NESE	0.80
T14N R22E S27 NWSE	26.00	T14N R22E S27 SWSE	33.00
T14N R22E S27 SESE	27.00	T14N R22E S28 NENE	40.00
T14N R22E S34 NENE	37.00	T14N R22E S34 NWNE	6.10

413.7 ACRES TOTAL

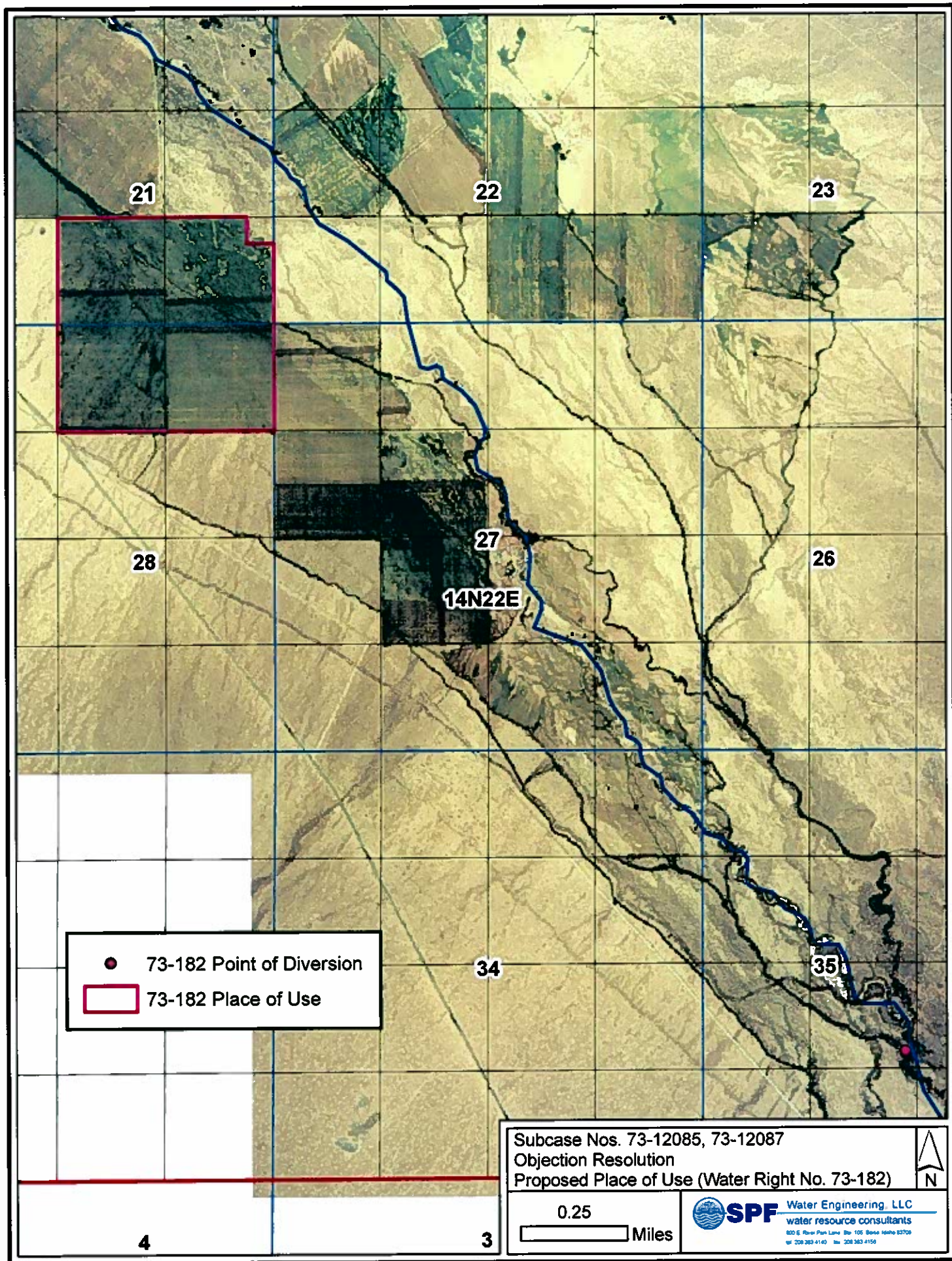
This right is limited to the irrigation of 166 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 413.7 acres in a single irrigation season. Combined Right Nos.: 73-192, 73-7041, ~~73-12086~~, ~~73-12088~~, 73-10055.

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 - Beneficial Use



04/30/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-12088 192

NAME AND ADDRESS: PAMELA A ROBINS
HC 62 BOX 2215
MAY ID 83253

DOUGLAS ROBINS
HC 62 BOX 2215
MAY ID 83253

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: ~~6.120~~ 6.40 CFS

PRIORITY DATE: 08/25/1884

POINT OF
DIVERSION: T14N R22E S35 NESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	~~6.120~~ <u>6.40</u> CFS

PLACE OF USE: IRRIGATION in CUSTER County and LEMHI County

T14N R22E S21 SWSE	40.00	T14N R22E S21 SESE	38.00
T14N R22E S27 NWNW	40.00	T14N R22E S27 SWNW	40.00
T14N R22E S27 SENW	40.00	T14N R22E S27 NESW	40.00
T14N R22E S27 SESW	5.80	T14N R22E S27 NESE	0.80
T14N R22E S27 NWSE	26.00	T14N R22E S27 SWSE	33.00
T14N R22E S27 SESE	27.00	T14N R22E S28 NENE	40.00
T14N R22E S34 NENE	37.00	T14N R22E S34 NWNE	6.10

413.7 ACRES TOTAL

~~Right Nos. 73-12086 and 73-12088 are limited to the irrigation of a combined total of 413.7 acres in a single irrigation season.~~

This right is limited to the irrigation of 360 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 413.7 acres in a single irrigation season. Combined Right Nos.: ~~73-12086, 73-12088, 73-192, 73-7041, 73-10055.~~

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

Right No. 73-10055 and 73-182 ~~73-12085, 73-12086, 73-12087, and 73-12088~~
are also diverted through point of diversion described above.

~~This right is a split from former right 73-192.~~

04/30/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-7041

NAME AND ADDRESS: PAMELA A ROBINS
HC 62 BOX 2215
MAY ID 83253

DOUGLAS ROBINS
HC 62 BOX 2215
MAY ID 83253

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.640 CFS
480.00 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 04/17/1979

POINT OF
DIVERSION: T14N R22E S27 SENW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.640 CFS 480.00 AFY

PLACE OF USE: IRRIGATION in CUSTER County

T14N R22E S27 NENW	4.00	T14N R22E S27 NWNW	39.00 40.00
T14N R22E S27 SWNW	40.00	T14N R22E S27 SENW	35.00 36.00
T14N R22E S27 NESW	36.00 39.00	T14N R22E S27 NWSE	6.00 5.00

160 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of ~~453.7~~ 413.7 acres in a single irrigation season. Combined Right Nos.: 73-182, 73-192, 73-7041, 73-10055.

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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

04/30/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-10055

NAME AND ADDRESS: PAMELA A ROBINS
HC 62 BOX 2215
MAY ID 83253

DOUGLAS ROBINS
HC 62 BOX 2215
MAY ID 83253

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 02/18/1926

POINT OF
DIVERSION: T13N R22E S2 NWSE Within CUSTER County

T14N R22E S35 NESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.200 CFS

PLACE OF USE: IRRIGATION in CUSTER County and LEMHI County

T14N R22E S21 SWSE	40.00	T14N R22E S21 SESE	38.00
T14N R22E S27 NWNW	40.00	T14N R22E S27 SWNW	40.00
T14N R22E S27 SENW	40.00	T14N R22E S27 NESW	40.00
T14N R22E S27 SESW	5.80	T14N R22E S27 NESE	0.80
T14N R22E S27 NWSE	26.00	T14N R22E S27 SWSE	33.00
T14N R22E S27 SESE	27.00	T14N R22E S28 NENE	40.00
T14N R22E S34 NENE	37.00	T14N R22E S34 NWNE	6.10

413.7 ACRES TOTAL

This right is limited to the irrigation of 166 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 413.7 acres in a single irrigation season. Combined Right Nos.: 73-192, 73-7041, ~~73-12086~~, ~~73-12088~~, 73-10055.

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 - Beneficial Use

04/30/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-12086

NAME AND ADDRESS: DOUGLAS ROBINS
HC 62 BOX 2215
MAY ID 83253

PAMELA A ROBINS
HC 62 BOX 2215
MAY ID 83253

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 3.060 CFS

PRIORITY DATE: 01/02/1905

POINT OF
DIVERSION: T14N R22E S35 NESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	3.060 CFS

PLACE OF USE: IRRIGATION in CUSTER County and LEMHI County

T14N R22E S21 SWSE	40.00	T14N R22E S21 SESE	38.00
T14N R22E S27 NWNW	40.00	T14N R22E S27 SWNW	40.00
T14N R22E S27 SENW	40.00	T14N R22E S27 NESW	40.00
T14N R22E S27 SESW	5.80	T14N R22E S27 NESE	0.80
T14N R22E S27 NWSE	26.00	T14N R22E S27 SWSE	33.00
T14N R22E S27 SESE	27.00	T14N R22E S28 NENE	40.00
T14N R22E S34 NENE	37.00	T14N R22E S34 NWNE	6.10

413.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 413.7 acres in a single irrigation season. Combined Right Nos.: 73-12086, 73-12088, 73-7041, 73-10055.

Right Nos. 73-12086 and 73-12088 are limited to the irrigation of a combined total of 413.7 acres in a single irrigation season.

This right is limited to the irrigation of 120 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

~~This right is a split from former right 73-182.~~

~~Right No. 73-10055, 73-12085, 73-12086, 73-12087, and 73-12088 are also
diverted through point of diversion described above.~~

Recommended as water right no. 73-182.

