

July 9, 2008

Nate Arave
Water Resource Agent
Idaho Department of Water Resources
900 N Skyline Ste. A
Idaho Falls, Id 83402

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

Dear Nick,

This letter corrects and summarizes information I originally sent to Don Shaff in April 2008. Mr. Robins and Mr. Posada are looking forward to settling this matter as soon as possible.

History of the SRBA Claims

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 should include water right 73-182 (the only water right Mr. Robins believes was ever associated with the Posada lands).

Proposed Objection Resolution (Robins)

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.

RECEIVED

JUL 11 2008

Idaho Department of Water Resources
Eastern Region

<i>Claim No.</i>	<i>Recommended as WR No.</i>	<i>Owner</i>	<i>Diversion Rate (cfs)</i>	<i>Irrigation (acres)</i>	<i>Note</i>
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	296.2	

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.

You will find quit-claim deeds enclosed that will clarify the parties understanding of the appropriate water rights for both Mr. Robins and Mr. Posada.

Proposed Objection Resolution (State of Idaho)

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,



Roxanne Brown

Cc: Jim Posada
Doug Robins

Enclosures

maps
proposed Amended Director's Report pages
Quit Claim Deed (Robins to Posada)
Quit Claim Deed (Posada to Robins)

SPF Job No.: 655.0010

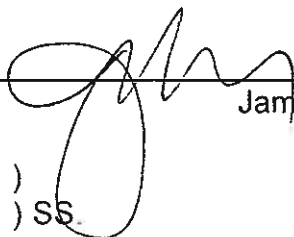
QUIT-CLAIM DEED

FOR VALUE RECEIVED, James Posada and Karen Posada (Grantors), do hereby release, convey, remise and forever quit claim unto Douglas Robins and Pamela Robins (Grantees) the following described water right:

Water Right No. 73-192, currently represented in the records of the Idaho Department of Water Resources as Water Right No. 73-12086 and Water Right No. 73-12088.

TO HAVE AND TO HOLD, all and singular, the above-mentioned and described Water Right, unto the Grantees and to the successors and assigns of Grantees forever.

IN WITNESS WHEREOF, the Grantors have executed this Deed.



James Posada

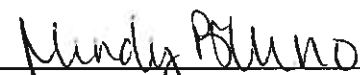
State of Idaho

County of Custer

)
) SS.

Subscribed and sworn (or affirmed) before me this 1st of July 2008.





Notary Public

Residing at Charliss, Idaho

My commission expires 2-9-13

Karen Posada
Karen Posada

State of Idaho)
County of CUSTER) SS.

Subscribed and sworn (or affirmed) before me this 1st of July 2008.



Mindy Bruno
Notary Public

Residing at Challis, Idaho

My commission expires 2913

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 NESE 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 NWSE	40.00	T14N R22E S27 SWSE	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.

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 6.40 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 33.5
T14N R22E S27 SESE	27.00	T14N R22E S28 NENE	40.00
T14N R22E S34 NENE	37.00	T14N R22E S34 NWNE	6.10
413.7 296.2 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 413.7 296.2 acres in a single irrigation season. Combined Right Nos.: 73-12086, 73-12088, 73-192, 73-7041, 73-10055.

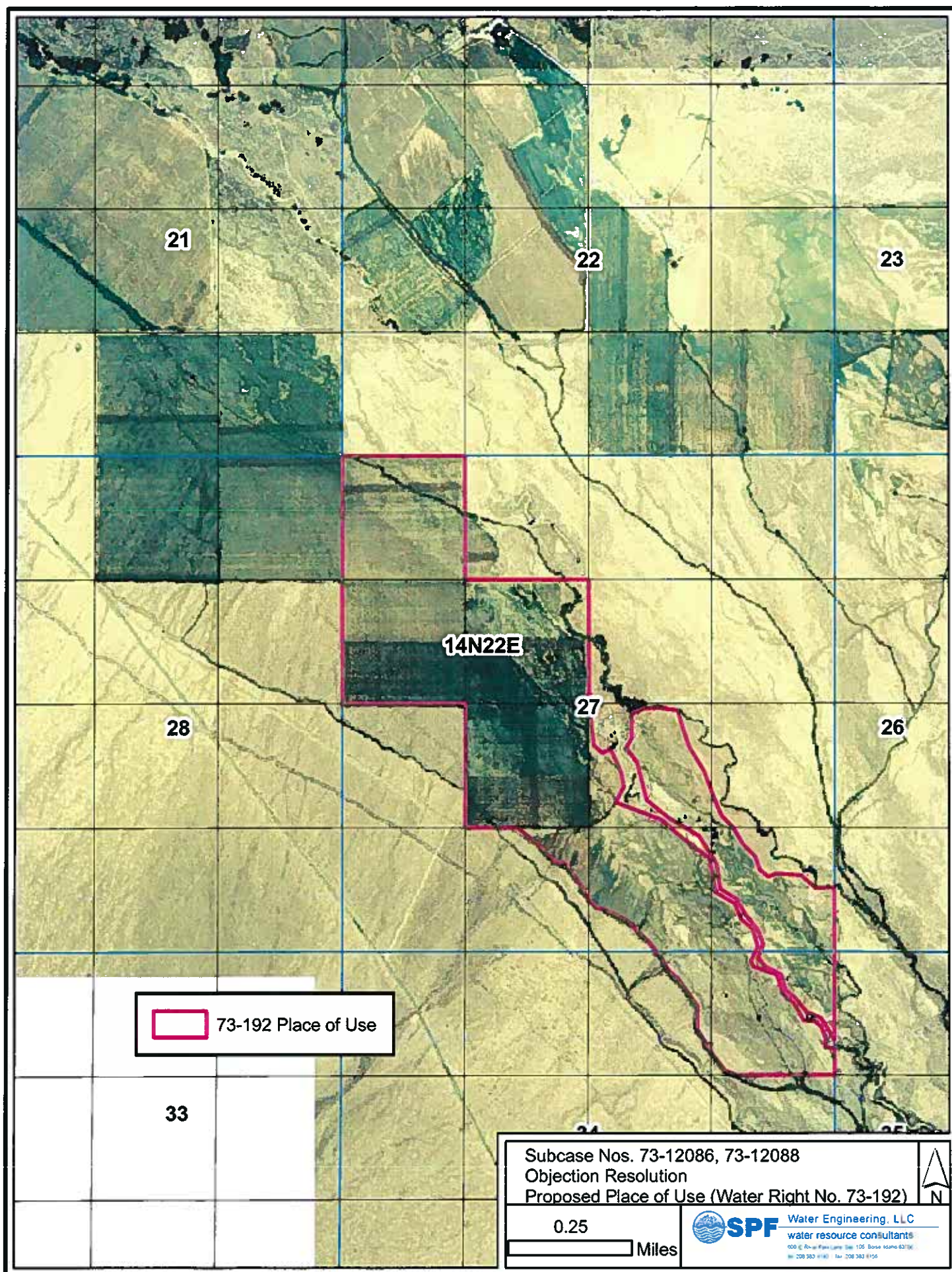
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.~~



21

22

23

14N22E

28

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73-192 Place of Use

Subcase Nos. 73-12086, 73-12088
Objection Resolution
Proposed Place of Use (Water Right No. 73-192)

0.25

Miles



SPF Water Engineering, LLC
water resource consultants
1000 E. River Front Canyon, Ste. 100, Boise, Idaho 83706
PH: 208.363.4160 FAX: 208.363.4156



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

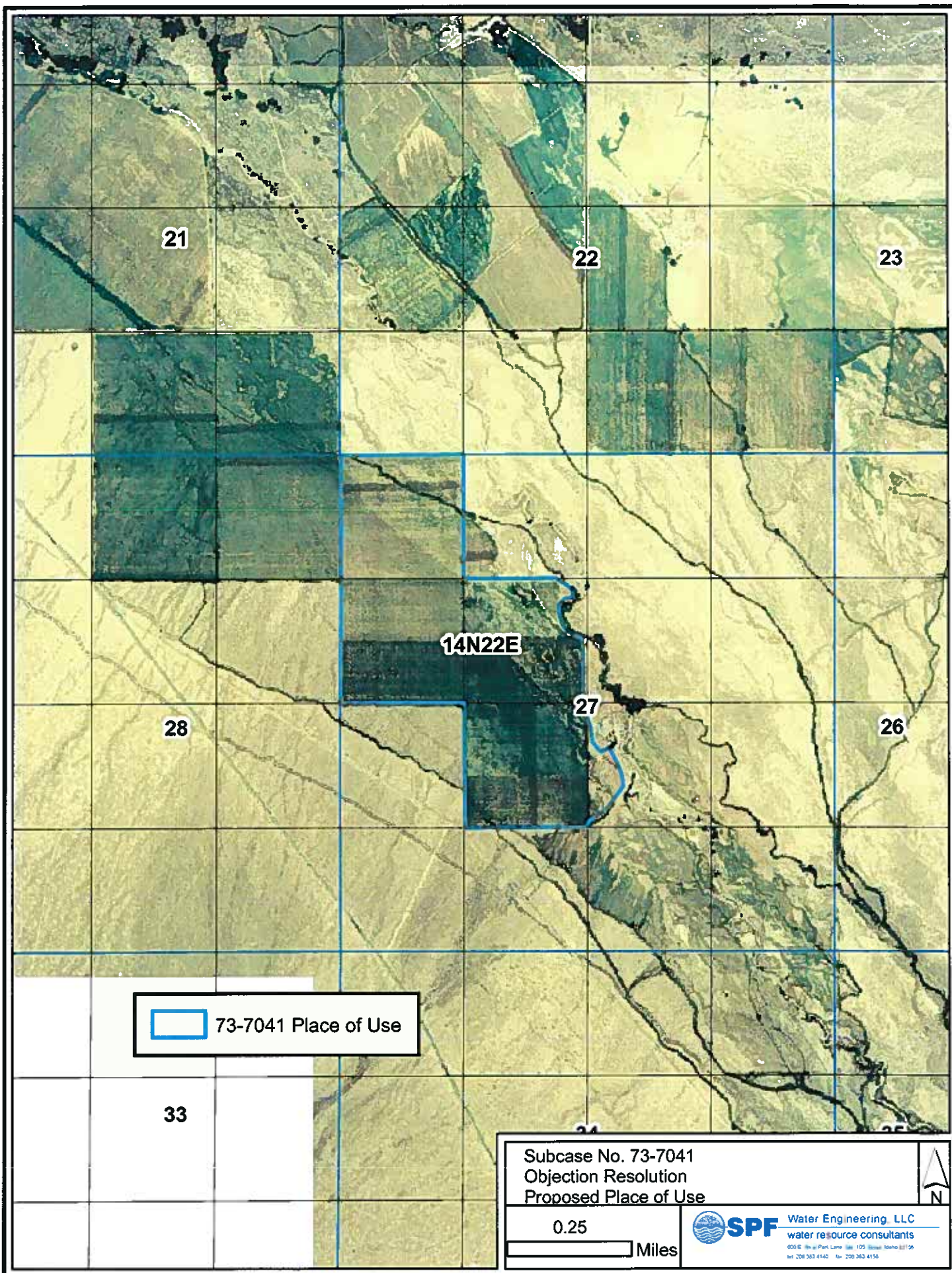
The rights listed below are limited to the irrigation of a combined total of ~~453.7~~ 296.2 acres in a single irrigation season. Combined Right Nos.: ~~73-192~~, 73-192, 73-7041, 73-10055.

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 33.5
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~~ 296.2 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~~ 296.2 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

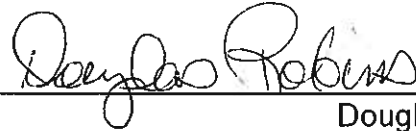
QUIT-CLAIM DEED

FOR VALUE RECEIVED, Douglas Robins and Pamela Robins (Grantors), do hereby release, convey, remise and forever quit claim unto James Posada and Karen Posada (Grantees) the following described water right:

Water Right No. 73-182, currently represented in the records of the Idaho Department of Water Resources as Water Right No. 73-12085 and Water Right No. 73-12087.

TO HAVE AND TO HOLD, all and singular, the above-mentioned and described Water Right, unto the Grantees and to the successors and assigns of Grantees forever.

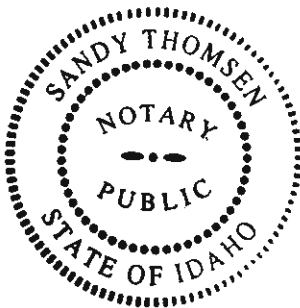
IN WITNESS WHEREOF, the Grantors have executed this Deed.



Douglas Robins

State of Idaho)
County of CUSTER) SS.

Subscribed and sworn (or affirmed) before me this 30th of JUNE 2008.




Notary Public

Residing at Challis, Idaho

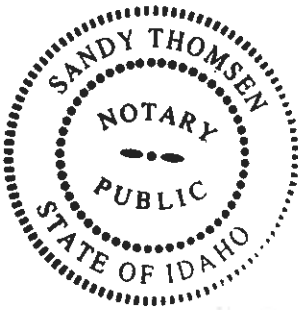
My commission expires Sept 29, 2011

Pamela Robins

Pamela Robins

State of Idaho)
County of CUSTER) SS.

Subscribed and sworn (or affirmed) before me this 30th of JUNE 2008.



Sandy Thomsen

Notary Public

Residing at Challis, Idaho

My commission expires Sept 19, 2011

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>
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<u>T14N R22E S28</u>	<u>NWNE 40.00</u>	<u>T14N R22E S28</u>	<u>NENE 40.00</u>
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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 NESE 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.

