



State of Idaho
DEPARTMENT OF WATER RESOURCES
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JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 27, 2006

ROBINSON FAMILY RANCH
C/O R DEAN ROBINSON
1856 S 180 W
OREM UT 84058

REF: Snake River Basin Adjudication (SRBA)
CLAIM 24-2000B

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Subject: Preliminary Recommendation

Dear Mr. Robinson,

A water right is the right to divert the public waters of the state of Idaho and put them to a beneficial use, in accordance with one's priority date.

Water law in Idaho is based on the appropriation doctrine, because water rights in Idaho are based upon diversion and beneficial use of water. The appropriation doctrine has also been called "First in time is first in right", because the priority date determines who gets water when there is not enough to go around. The water right is said to have "appropriated" water.

As per our discussion in the office dated May 10th, 2006 the right hasn't been used since 1983 and you have no system in place to put the water to "beneficial use". Diversion and putting the water to "beneficial use" is key in maintaining a water right in the State of Idaho, which requires a system. Once you have a system in place and resume using the water then it's possible to recommend the right with an advance priority date to prevent injury to junior users that could be injured by you resuming the use of the water. See Idaho Code Section 42-222 (2).

The preliminary recommendation for Basin 24 will be issued in the near future. At this time your claim to water in the SRBA is being recommended as **DISALLOWED**. I know Cameron Williams with NRCS is in the process of designing a system to divert and "beneficially use" the water under the above referenced claim number. You may wish to consult with an attorney to discuss whether resumption of the use would be an appropriate defense to forfeiture in this case.

To resume the use of the water you have to actually divert the water from the stream and be irrigating the land with the purpose of growing something. If this is done and you put enough water on the ground to noticeably increase the growth of the crop on the land, then you have resumed the use of the water. If you just dumped water on the ground for the purpose of saying "you're irrigated" then that isn't good enough.

Respectfully,

Cindy E. Bird
Adjudication Bureau

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CC: Nicholas B. Spencer
Deputy Attorney General, IDWR