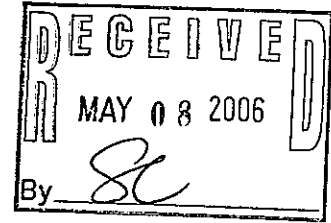


May 2, 2006

Cindy E. Bird
State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, Idaho 83276



REF: Robinson Family Ranch
Adjudication Claim 24-2000B

Subject: Resuming Irrigation
Response to Letter of April 20, 2006

Dear Cindy,

After reading your letter and then reviewing the information that I sent to Bryce Contour, I can understand why you thought there were some inconsistencies. For this reason, I have included the following additional information as well as making an appointment with you on Tuesday May 2, 2006. I hope you can appreciate the fact that I am trying to put together 102 years of history of the existence of our water right.

1. Water license # 551 was granted to John Robinson, my grandfather, on April 22, 1904, for seven and eight-tenths cubic feet per second from Tin Cup Creek, County of Bannock, State of Idaho, for irrigation and domestic purposes.
2. The method of obtaining water at that time was to divert it from Tin Cup Creek upstream from the ranch. Water ran down through a ditch which went through land later owned by Earl Wolfley and L.H. Haderlie. When water reached the ranch, it flowed into a series of sloughs furnishing water for sub-irrigation and for farm animals in the pasture. It was also used to flood irrigate when needed. The sloughs were filled to capacity and water subbed through the fields. Tin Cup water obtained under the 1904 water right was used in this manner and continued each year until around 1977. Because of the richness of the soil on the ranch and its conduciveness to sub-irrigation, this type of irrigation process yielded excellent crops. You questioned whether sub-irrigation was truly irrigation. As a matter of fact, it truly is irrigation and a very good method when it can be done. It is also true that all agricultural ground is not suited for sub-irrigation. Prior to the days of sprinkling, when electricity had not yet arrived in Star Valley, there were only two kinds of irrigation available, flooding and sub-irrigation. Farmers in many states used sub-irrigation when their ground was suited for it and when they had the supply of water needed to do so. Most of these farmers dug small ditches in their fields 60 to 100 feet apart, kept these ditches filled with water during irrigation time and let the water sub between the ditches. Sub-irrigation had a unique advantage. Water moistened the roots of the crops while the top portion of

the ground was dry. Equipment could run over the ground without sinking or getting muddy. In the case of our ranch, there was no need to dig ditches as there were plenty of natural depressions, we called sloughs, running through the ranch. These were filled with water as shown in the pictures. Only a portion of the western part of the ranch's "flat" land was devoted to pasture and animals in the pasture had access to water in the pasture's sloughs. We believe this is why our water right was written for "irrigation and domestic purposes." Obviously, nearly 100 percent of the water was for irrigation. Due to sprinkling, there is very little sub-irrigation today.

3. When my father, Reynold Frank Robinson, purchased the ranch from his father, John Robinson, in 1928, he continued this practice of sub and flood irrigation. As mentioned, this irrigation process was followed until around 1977. I have a slide taken in the fall of 1977, showing water that went under Tin Cup Junction Road and into our sloughs. Because my mother and father have both passed away, I cannot call on their memory for exact dates. I also have a slide taken in the fall of 1983 showing the sloughs with no water in them. It was about this time the new owners of the D'Orr Childs' ranch objected to water running through their place. This brought our gravity flow irrigation water to a halt. We didn't see an alternative way to bring gravity flow water to the ranch. This being the case, we started to fill in the sloughs to prepare for a different type of irrigation system. My father passed away in December 1983, before any permanent irrigation plans were formulated. Since the water right was granted in 1904, and since water was still coming onto the ranch in 1977, with a slide showing no water in the sloughs in 1983, this represents approximately 79 years that Tin Cup water was in continuous use on the ranch.
4. My mother owned the ranch after my father died until the time of her death in December 1988. It is an expensive process to put in a permanent irrigation system, especially for a widow. Since she died, my sisters and I have discussed many times whether to put in a pump and sprinkling system. Even though we looked into the cost of pumps and new and used surface pipe, we never felt an urgency to make an immediate decision. There was nothing in the water right information we could find that said we had to use water or lose the water right. In 1989, we heard Idaho was reviewing water rights and that there were some big power companies and others trying to get all the water rights in our area. We also heard we had to apply for a renewal. Upon my request, I was sent the papers to fill out, which I did, and sent them to the Department of Water Resources with the \$202.00 adjudication fee. I received a letter and a form from what I thought was the District Court in Twin Falls stating the application and the adjudication fee had been received. Since I never received notice of any kind indicating that our water right had not been adjudicated, I naturally felt it had been accomplished. From that point on I assumed it was adjudicated. It was not until a neighbor informed me last year that Mr. Bryce Contour was in the area for the purpose of gathering information about water rights that I found out something more had to be done. I contacted Bryce and he instructed me what I needed to do in gathering

past information about our water right. I followed his instructions and sent the information to him in Iona, Idaho.

5. Last week, I called the Department of Water Resources at 208-525-7161, spoke to an individual and inquired about the information I had sent to them in 1989. I received the following information from the telephone conversation.
 - They had not responded to my previous letter and application because they were understaffed and other areas were top priority over water in our area.
 - I was told that everyone else was in the same boat but she could do nothing about it.
 - I was told to talk to some of the old timers who could testify as to what went on 20 years ago. The thing she did not realize was that all the old timers are dead. I am now considered to be one of the old timers.
6. Over the years my brother-in-law and I have taken 35 mm colored slides of the ranch and more recently digital pictures for our personal history. If it were not for these pictures, we would have little or no evidence as to how water was used since 1904. This is the home ranch for all my father's brothers and sisters so there is a lot of interest by their posterity as to what the ranch looked like in grandfather's time and how things have changed over the years.
7. The pictures showing the ranch and sloughs in 1958 were blown up and color enhanced by a professional photographer. (I still have the 35 mm slides.) This explains why the color is so good when you compared them with pictures taken in 2005. We know the picture was taken in 1958 because my brother-in-law and sister's car and U- Haul trailer are in the picture. They had just stopped by the ranch in the later part of June 1958 on their way home to California from Iowa State University.
8. Now to answer your questions about the transfer of the water right from its original location by Wolfleys to where it is presently located.
 - My Dad came home one day years ago, we do not know the exact date, and found that Byron Haderlie had filled in the ditch that had brought water from Tin Cup through Earl Wolfley's place to our ranch.
 - Being the kind of man my father was and not wanting to cause problems with a neighbor, he asked another neighbor, D'Orr Childs, if he could bring water down through his place. This was acceptable to Mr. Childs. Over that next few years, Dad continued to get water through the ditch in D'Orr Childs' place. He also had a portable pump that he ran off the tractor which he used to pump water from Tin Cup at the new power line location for flood irrigation. My father kept no records of when this was done because he saw no need for it in those days. So until around 1983, this was how water was brought onto the ranch.

- In 1984, after Dad died and with the change of ownership of D'Orr Childs' place, I applied for and received the transfer of location to the south part of our ranch where Tin Cup comes onto our property.
- My father served many years as a Caribou County Commissioner as well as being on the Lower Valley Power and Light Board. Because he could see the writing on the wall for the future, he decided to be prepared. In 1967, he contracted with the power company to bring an electric line with sufficient capacity to run a large electric pump so he could pump directly out of Tin Cup where it comes onto our property. He never had the opportunity to see this materialize.
- I am presently having the ranch boundaries surveyed and Tin Cup does extend onto our property far enough so give us access to the water in the stream. We do not have to have an easement to run a water pipe over another person's property.
- The ranch pays Lower Valley Power each year to keep the power line in place and maintain it. We would not be doing this if we were not interested in pumping water for irrigation purposes.

9. It is true there was no irrigation on the ranch crops between 2003 and 2005. I was not aware that the FSA report stated the ranch was non-irrigated. However in my defense, I must say I never had any idea that there was any problem with our water right.
10. You asked if the irrigation system contained in the cost estimate had been installed. No, it hasn't. We are neophytes when it comes to ranch sprinkling systems. In the summer of 2005 we talked to people about the size of pump needed to irrigate our ranch and sought their views about the advantages and disadvantages of a surface pipe system verses a buried pipe system. We inquired about the cost of new and used pumps and of new and used pipes and their availability. We also sought their views on a new system verses a used system. We were also told it was unfortunate we were not in an Idaho county that participated in a program where the government would pay most of the cost of a pivotal system. Caribou County does not participate in this program. We did not attempt to verify this statement. We were evaluating this information and were leaning toward a new system with buried pipe when we heard water rights were being scrutinized. To obtain hard figures, we asked Rain for Rent in Idaho Falls for an estimate on a new, buried sprinkling system including a new pump and all the other necessary accessories to pump water out of Tin Cup. However, with the remote possibility that our water right might be disallowed, we felt it was wise to wait until this issue was resolved before proceeding further. It didn't make much sense to invest that kind of money and then be informed it could not be used. We included the cost estimates to demonstrate we are serious about installing a sprinkler system on the ranch. Also to further demonstrate our serious intent, we got a mobile pump and some surface pipe and sprinkled a small portion of the

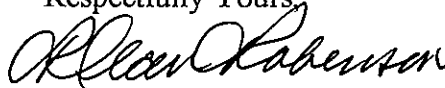
field after the crops were harvested. We pumped from the spot where our water right was transferred. You said Bryce reported we were in the process of resuming irrigation. We believe this is a correct statement pending resolution of the water right.

11. You commented about gopher holes in the pictures showing the mobile pump and water being sprinkled on the ranch. These pictures were included to show we had access to Tin Cup water from our ranch and that sprinkling from our water right location was possible. The pictures were taken in September 2005 after the crops had been harvested. The ground was dry and what might look like gopher holes or the work of gophers are just patches of bare ground. The reason the ground looked the way it did was because it was old alfalfa and was scheduled to be plowed and changed to barley in 2006.
12. We reiterate we have never received any information prior to 2005 that indicated or even suggested there was a problem with how we are using or not using our water right.
13. The water right is a very important asset to the ranch and it is our intention to do all we can to preserve it for future use.

I enjoyed visiting with you on the telephone and was sorry to hear of your serious allergic reaction to an antibiotic. I can appreciate the seriousness of such an experience. I do hope you are feeling better and I am looking forward to your call to schedule another appointment.

Since we were unable to meet today, I am sending the above information for your review prior to our new appoint.

Respectfully Yours,



R. Dean Robinson
Family Representative
