

RECEIVED

SEP 11 2006

DEPARTMENT OF
WATER RESOURCES

08/18/2006

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: September 22, 2006

Water right number: 79-4107

ERNEST L ROBINSON
HC 01 BOX 88-A
WHITE BIRD ID 83554

Telephone Number: (208)839-2349 *or 347-2753*

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: 9-8-06 SIGNATURE: Ernest L. Robinson
Please print your name: Ernest L. Robinson

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

SCANNED

SEP 11 2006

12/05/2005

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

RIGHT NUMBER: 79-4107

NAME AND ADDRESS: ERNEST L ROBINSON
HC 01 BOX 88-A
WHITE BIRD ID 83554

SOURCE: UNNAMED STREAM

TRIBUTARY: LYON CREEK

QUANTITY: 0.100 CFS

PRIORITY DATE: 01/01/1961

POINT OF DIVERSION:

T27N R01E S21 NWNE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02/15 11/30	0.100 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T27N R01E S22 Lot 2 NENW	1.2	T27N R01E S22	NWNW	3.8
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5 ACRES TOTAL

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

79-4107

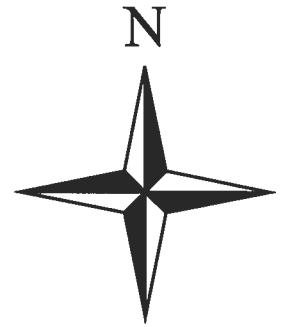
T27N R1E Sections 21 & 22



Place of Use



Point of Diversion



79-4107

Field Exam Notes

These coordinates are not on a stream. Use F.E. photo to recommend P.D.

Date of Exam: August 2, 2005

The GPS location of the Point of Diversion (POD) is N45° 40' 7.6" by W116° 20' 15.5". The diversion consists of a concrete box and a screened intake that is situated in an unnamed stream tributary to Lyon Creek (*Photo 1*). The claimant, Earnest Robinson, stated that there is a buried one and one-half inch (1½") iron pipe that connects the POD with the place of use (POU). Mr. Robinson further stated that he normally runs five (5) to nine (9) sprinklers. The system is pressurized by gravity.

On the day of the exam, there were five (5) sprinklers running. All five were measured using a five (5) gallon bucket and a stopwatch. Below are the measurements.

Sprinkler #	Seconds per 5 Gal.	gpm
1	82	3.6585
2	82	3.6585
3	72	4.1667
4	54	5.5556
5	43	6.9767
Total gpm		<u>24.0160</u>

$$\frac{24.0160 \text{ gpm}}{448.83 \text{ gpm} / \text{cfs}} \approx 0.054 \text{ cfs}$$

The claim lists the POU as NE NW, Sec. 22, Twp. 27N, Rnge. 01E, BM. The actual POU also includes the NW NW of Sec. 22.

A search of the Idaho Department of Water Resources (IDWR) public web site and a conversation with Mr. Robinson indicated that there are no other water rights with the same POD or POU as this claim.

Field Examiner:

Jim Zimmerman

Aug. is 4.8 gpm/sprinkler
w/ 9 sprinklers @ 4.8 gpm = 43.2 gpm
= 0.10 cfs

79-4107

Unnamed stream

Lyon Creek

4-580
C-17

16

15

21 22

Power

Burried
Pipe

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

RECEIVED
JUL 28 1988

Ident. Number: A79-04107
Date Received: 6/20/1988 07/18/88
Receipt No: 15694
Received By: _____

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

New Meadows Phone
347-2753

208-839-2349

RECEIVED
JUL 28 1988

Department of Water Resources
Northern District Office

County
IDAHO

1. Name: ERNEST ROBINSON
Address: HC 01 BOX 88-A
WHITE BIRD, ID

83554

2. Date of Priority: JAN 01, 1961

3. Source: UNNAMED STREAM

Trib. to: LYON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot
27N	01E	21	NW	NE		

5. Description of diverting works:
GRAVITY FLOW & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
27N	01E	22	NE	NW		IRR	20.0

Section Acres 20.0

Total Acres 20.0

A79-04107

Page 1

Date: 06/21/88

MICROFILMED
OCT 06 1992

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Ernest Robinson Date: 7/10/88
Date: _____

State of Idaho)
County of IDAHO) SS.

Subscribed and sworn (or affirmed) before me this 10 day
of July 19 88 Bryce J. Maurer
Notary Public

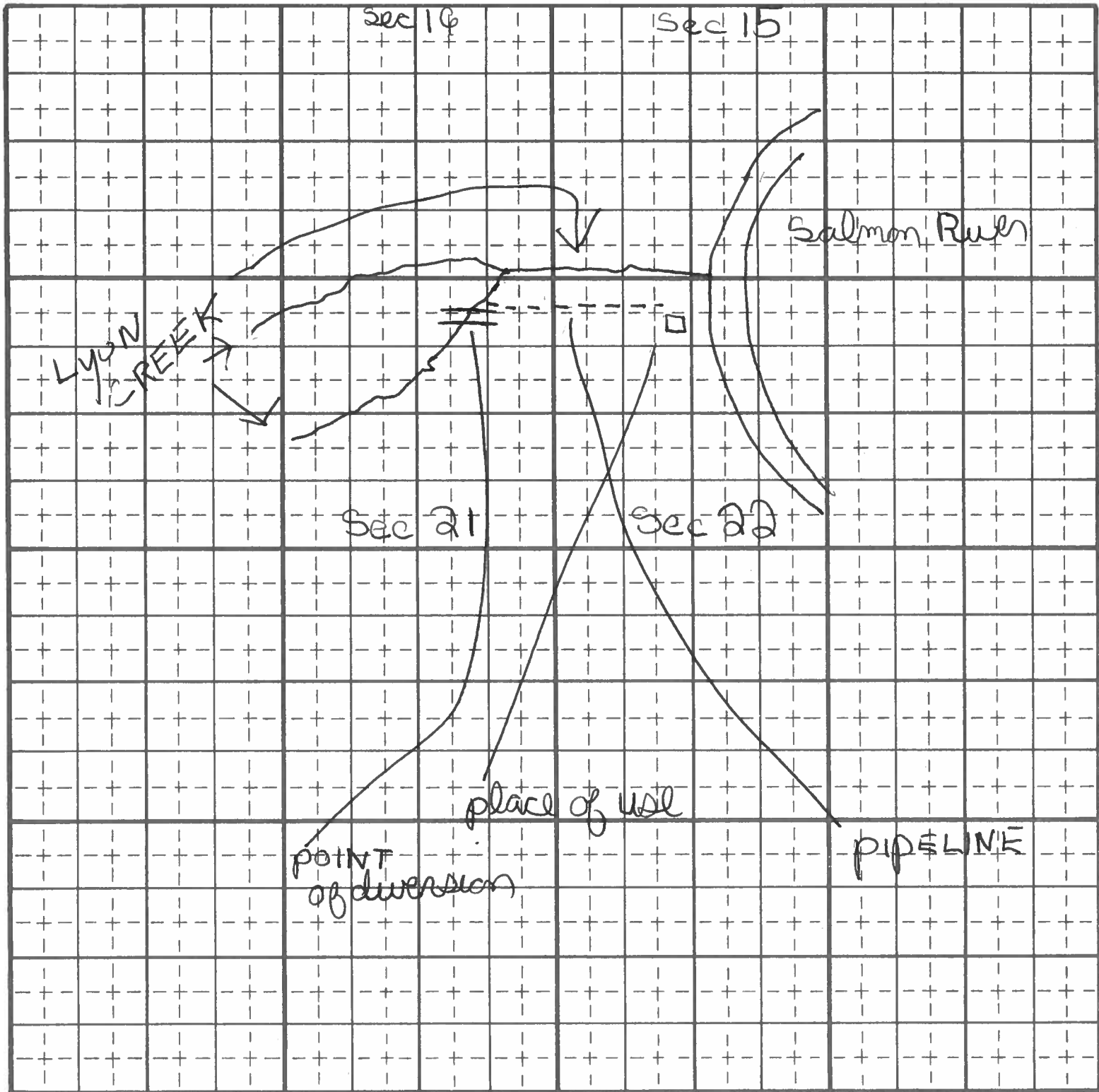
Seal

Residing at Brangerville ID
My Commission Expires 3-19-93

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T27N R1E, D.M



Last Name ROBINSON

Ident No. A79-04107

Copies: White-Snap Photo-Chlorophyll

MICROFILMED

OCT 06 1997

CLAIMANT'S NAME Robinson, Ernest CLAIM IDENT. NO. A79-09107
DATE RECEIVED 07/18/88 CK # 717 AMOUNT \$ 203

	YES	NO
Is the name and address complete with zip code?	☒	☐
Is priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd). A Permit is required for surface water developed after May 20, 1971 (except for instream stockwater).		
(a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☒	☐
Is the legal description of the p.d. complete?	☒	☐
Is there a description of the diverting works?	☒	☐
Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
Is a total quantity claimed entered?	☒	☐
Is the consumptive use correct?	☐	☒
If required is a consumptive use entered?	☐	☒
Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim.		
0. Is (are) the place(s) of use entered?	☒	☐
1. Is (are) the county(ies) entered?	☒	☐
2. Is the ownership of p.u. checked?	☒	☐
3. Are other water rights listed or "none" checked?	☐	☒
4. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐
15. Is the basis of the claim checked?	☒	☐
16. Is the claim signed by the claimant? Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Is the fee enclosed correct?	☒	☐
Should this claim be receipted and data entered?	☒	☐
If this claim is based on an existing water right, has the identification number been entered?	☒	☐
	N/A	

Claim checked by: LW

Comments: No consumptive use, other water rights.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1118 F. St, Lewiston, Idaho 83501

Phone: (208) 743-0301 FAX: (208) 743-0415 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 7, 2005

79-4107
ERNEST ROBINSON
HC 01 BOX 88A
WHITE BIRD ID 83554

RESPONSE DEADLINE
May 27, 2005

Re: Evidence of Priority Date

Dear Claimant(s):

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

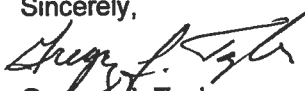
If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim **disallowed** if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office at 1-208-743-0301.

Sincerely,



Gregory J. Taylor
Sr. Water Agent

State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. 33594/79-2096 Priority May 8, 1967 Amount 0.72 cfs

THIS IS TO CERTIFY, that ERNEST L. ROBINSON
of White Bird, Idaho, has complied with the terms and conditions of Permit
No. 33594/79-2096 issued pursuant to Application for Permit dated May 8, 1967,
and has submitted proof to the Department of Water Administration on May 10, 1972,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.23 cfs of water from the Salmon River,
tributary to the Snake River, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>May 1</u> to <u>Oct. 15</u>	at <u>0.72</u> cfs and	<u>144 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>4.0 af per acre</u>
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.72 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
144 acre feet per year, said waters to be diverted within the SE 1/4 SW 1/4 of Sec. 15,
Twp. 27 N, Rge. 1 E, B. M. in the County of Idaho

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
27 N	1 E	15									8	24	4						36

Total number of acres irrigated 36

NOTE: Modifications to or variance from this license must be made within the limits of Section 42 222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7 day of
February, 19 74.

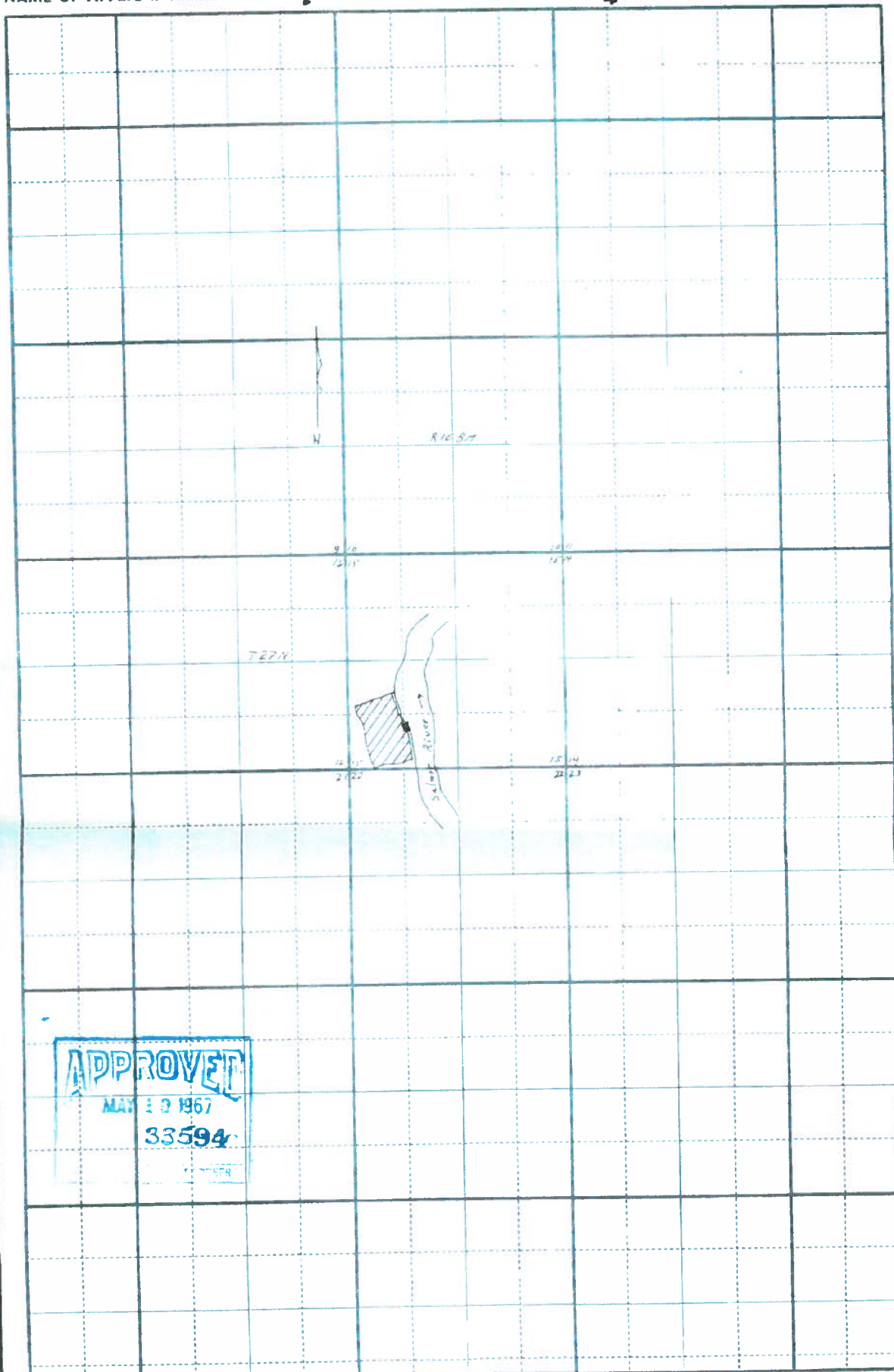
Director

79 209

NAME OF APPLICANT

Ernest Robinson

Form No. 0



APPROVED

MAY 10 1967

33594

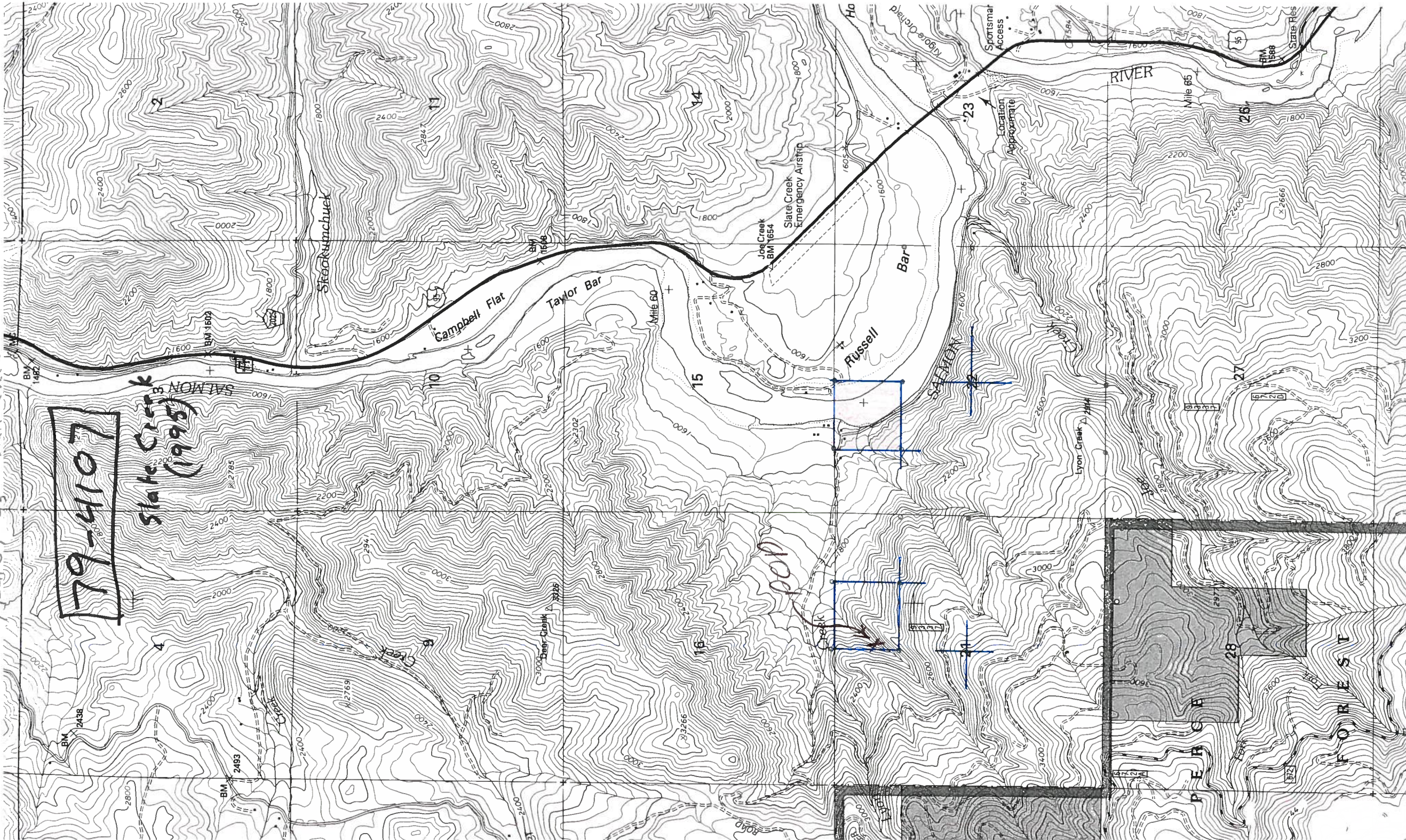
SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

33594

7-4107-93 STATE CREEK

79-4107

State Creek
(1995)



RIVER

PERCE
FOREST