

11/30/2006

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

RIGHT NUMBER: 22-13185

NAME AND ADDRESS: WILLIAM A ROBINSON TRUST
C/O ROY C MOULTON ATTY
PO BOX 631
DRIGGS ID 83422

SOURCE: UNNAMED STREAM

TRIBUTARY: DRY CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1969

POINT OF DIVERSION:

T07N R45E S15 SENW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE: STOCKWATER in TETON County

T07N R45E S15 SENW

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 75-100 horses and cattle.

11/30/2006

**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: December 11, 2006

Water right number: 22-13185

WILLIAM A ROBINSON TRUST
C/O ROY C MOULTON ATTY
PO BOX 631
DRIGGS ID 83422
Telephone Number: (208)354-2345

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:

Dec. 8, 2006

SIGNATURE:

William A. Robinson

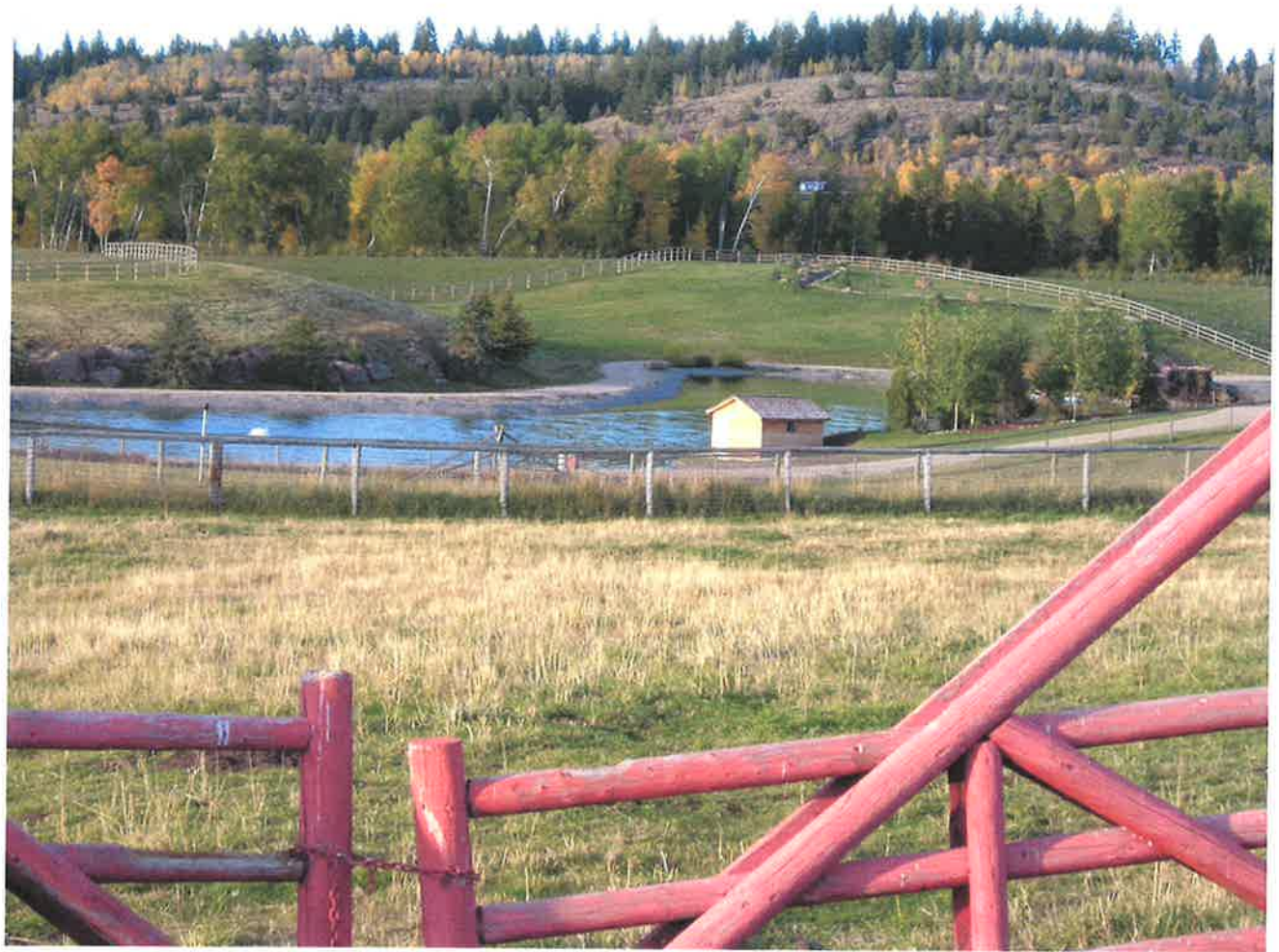
Please print your name:

William A. Robinson

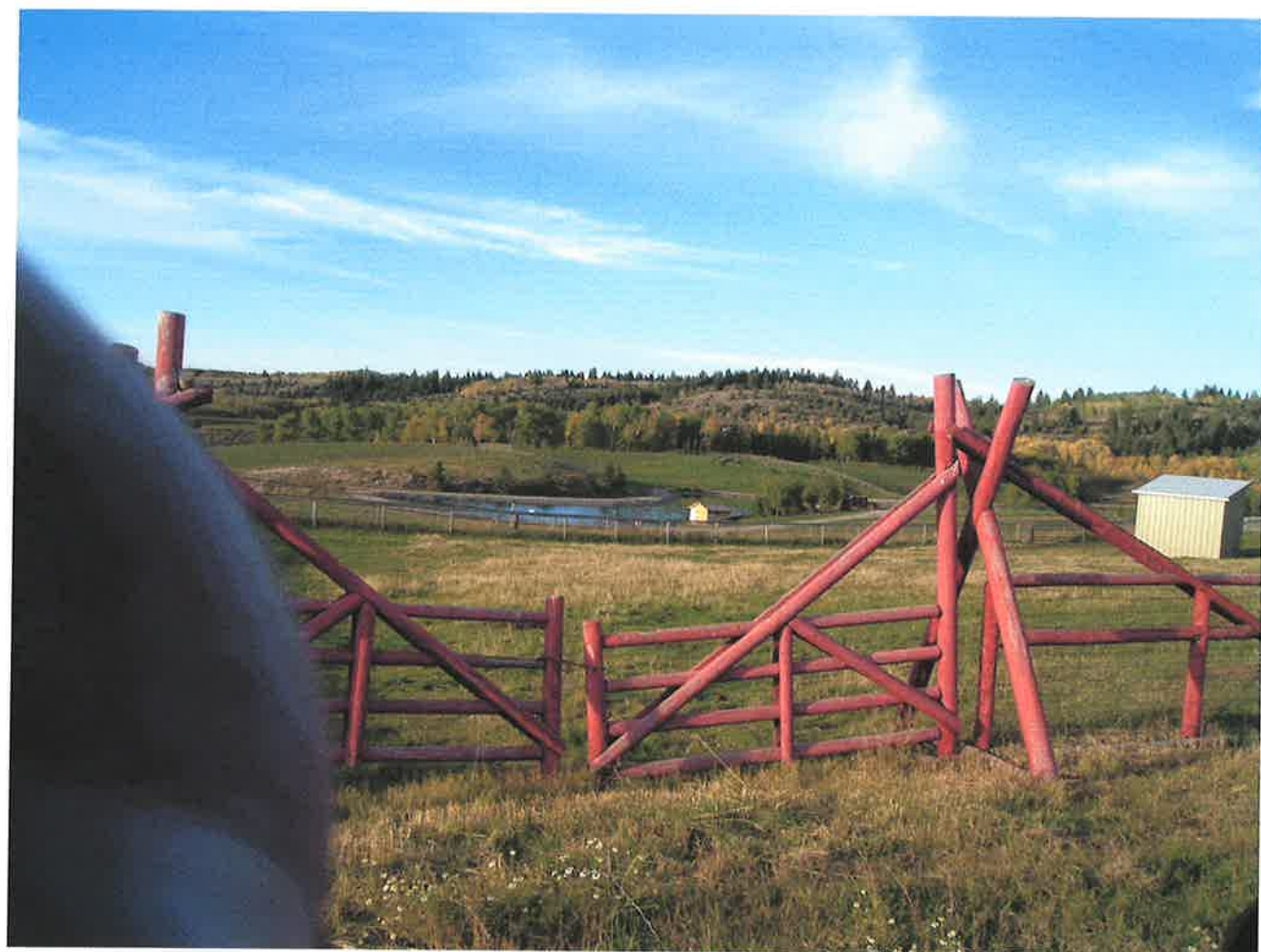
IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Eastern dam for pond claimed by Robinson
for claim A22-13185.





9/26/05 Pond for claim A-22-13155
Large earthen dam is used to form pond.



MOULTON LAW OFFICE

Roy C. Moulton

Attorney at Law

*60 East Wallace
P. O. Box 631
Driggs, ID 83422*

Sean R. Moulton

Attorney at Law

May 7, 2004

RECEIVED

MAY 13 2004

Department of Water Resources
Eastern Region

Mr. Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau
Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Evidence of Priority for SRBA Water Right Claim 22-13185

7N 45E

Dear Mr. Ruberry:

I received your letter dated May 4, 2004 regarding the above referenced claim. I went online and reviewed our application. The application provides explanatory remarks that I believe document, the best we can, the history of the pond and its use for the watering of livestock.

The pond was initially built in 1969 as a storage pond for irrigation but it was inadequate and unreliable as a source of irrigation water. Thereafter it has been used for livestock. It is currently being used to water livestock on the Robinson Ranch.

If this information is inadequate, please let me know. I have reviewed your brochure, "Evidence of Priority," but the oral explanation is all we can provide.

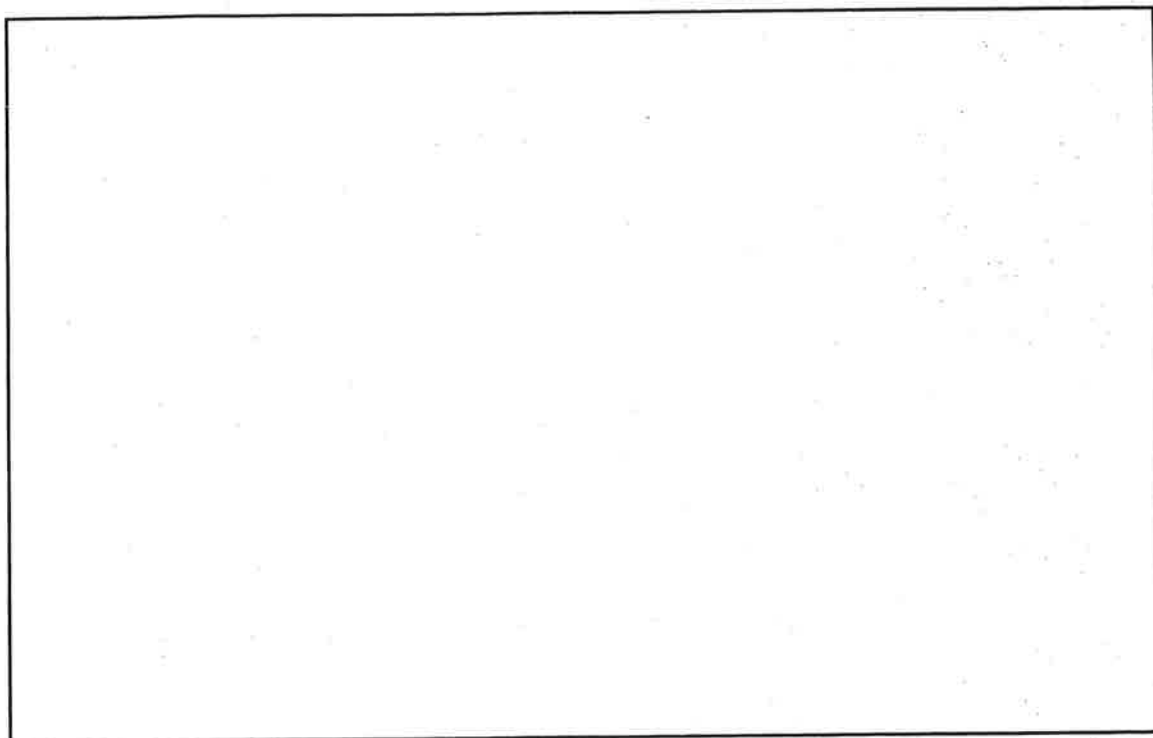
Sincerely,



Roy C. Moulton
Attorney for William A. Robinson Trust

RCM/dw

Water Right No(s). _____



GPS DATA:

Tag # A0514261 Location: on fence post north end of dam

Diversion Data:

Source: unnamed stream Trib to: Dry Creek

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: 7/29/05 Agent: DD

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

7/29/05
 DD
 POD is a huge earthen dam that is approx. 15' tall, 30' wide at the top (There is a road across the top) The dam spans about 30-35 yds. The pond formed is 8-10 ft deep and is approx 100 yds long.
 An unnamed stream is used to fill the pond in the spring. Water from a culinary well is used to maintain pond level according to Gary Beard, who works for Mr. Robinson.

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

7/29/05
80

Field exam showed a large pond with earthen dams at both ends and hills for sides. The pond is approx 30 yds wide and 100 yds long. There is a small stream that runs down a rock structure into the pond. The amt. is approx .1 cfs and the same amt. runs out of the pond. According to Gary Beard, this water comes from a culinary well, a small stream feeds the pond in the spring.

Reviewer: _____ Date: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

May 4, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

**WILLIAM A ROBINSON TRUST
C/O ROY C MOULTON
PO BOX 631
DRIGGS ID 83422**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-13185

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of JUNE 1, 1969, from DRY CREEK..

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

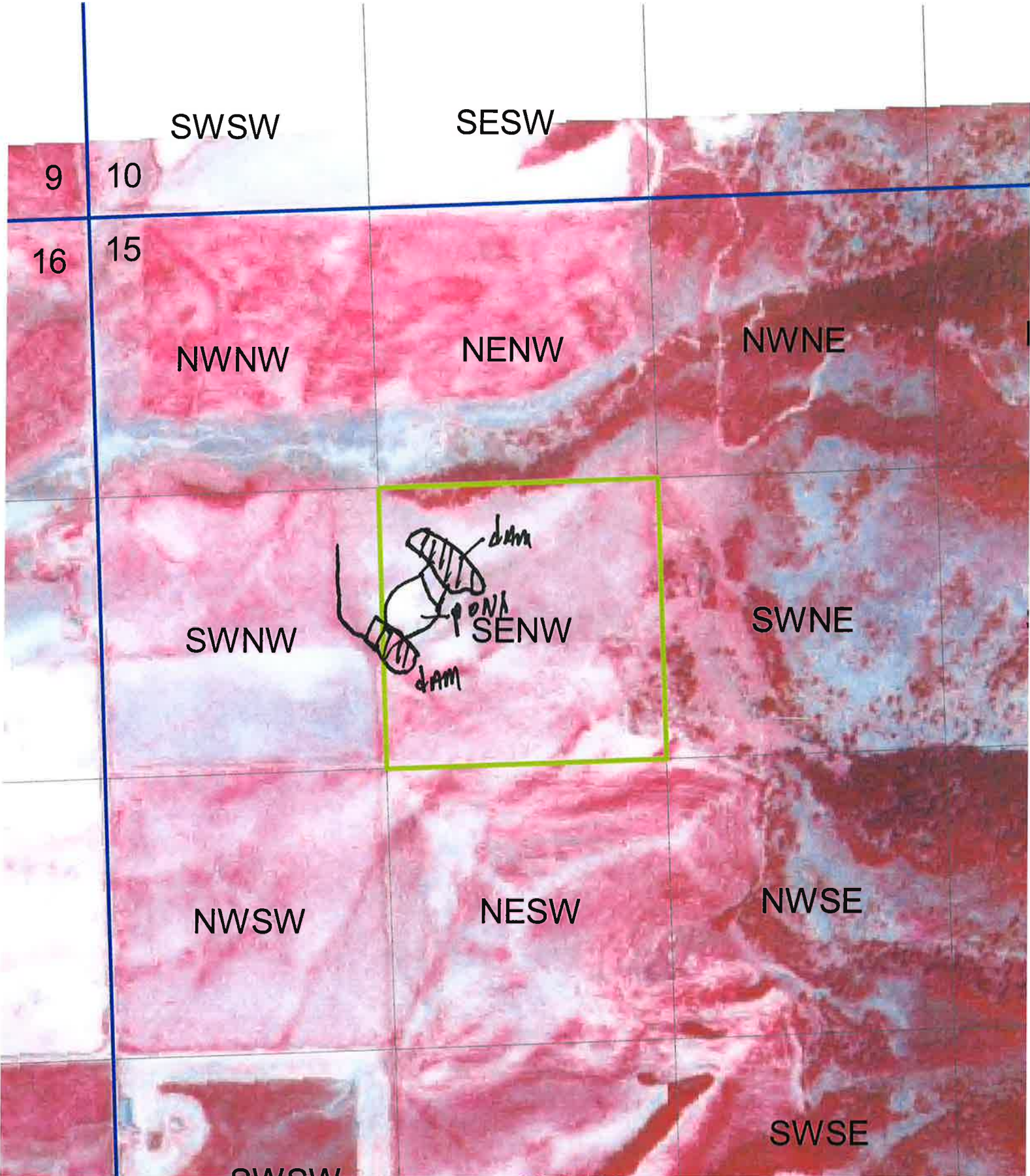


Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

22-13185



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

Ident. Number 22-13185
Date Received: 9/18/2001
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

WILLIAM A ROBINSON TRUST Phone: (208)354-2345
C/O ROY C MOULTON ATTY
PO BOX 631
DRIGGS ID USA 83422

2. Date of Priority: 06/01/1969

3. Source: UNNAMED STREAM Trib. to: DRY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	45E	15	NW SE NW	TETON	

5. Description of diverting works:

8 FEET HIGH DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	
RECREATION	01/01	12/31	1	6

7. Total Quantity Appropriated is:
1 C.F.S. and/or 6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07N	45E	15	SE NW SE NW	STOCKWATER RECREATION	

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

IN 1969 LYNN RUDD, MR. ROBINSONS PREDECESSOR IN TITLE, MADE A DAM IN THE ABOVE DESCRIBED TRIBUTARY OF DRY CREEK TO IMPOUND WATER FOR IRRIGATION PURPOSES. THE DAM IS APPROXIMATELY 8 FEET HIGH. MR. RUDD PUMPED OUT OF THE POND IN AN ATTEMPT TO IRRIGATE POTATOES AND ALFALFA. RUDD SUBSEQUENTLY DRILLED A WELL AND THEREAFTER USED THE POND FOR LIVESTOCK AND RECREATION.

Stockwater use is for 75-100 horses and cattle.
Historically used to water cattle and horses.

15. Basis of Claim: Beneficial Use

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

Ident. Number 22-13185
Date Received: 9/18/2001
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

WILLIAM A ROBINSON TRUST Phone: (208) 354-2345

PO BOX 631
DRIGGS ID USA 83422

2. Date of Priority: 06/01/1969

3. Source: UNNAMED STREAM Trib. to: DRY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	45E	15	NW SE NW	TETON	

5. Description of diverting works:

8 FEET HIGH DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	
RECREATION	01/01	12/31	1	6

7. Total Quantity Appropriated is:
1 C.F.S. and/or 6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07N	45E	15	SE NW SE NW	STOCKWATER RECREATION	

A2213185



11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

Stockwater use is for 75-100 horses and cattle.
Historically used to water cattle and horses.

IN 1969 LYNN RUDD, MR. ROBINSONS PREDECESSOR IN TITLE, MADE A DAM IN THE ABOVE DESCRIBED TRIBUTARY OF DRY CREEK TO IMPOUND WATER FOR IRRIGATION PURPOSES. THE DAM IS APPROXIMATELY 8 FEET HIGH. MR. RUDD PUMPED OUT OF THE POND IN AN ATTEMPT TO IRRIGATE POTATOES AND ALFALFA. RUDD SUBSEQUENTLY DRILLED A WELL AND THEREAFTER USED THE POND FOR LIVESTOCK AND RECREATION.

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

SEP 14 2001
Department of Water Resources
Eastern Region

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 02-13185
Date Received 9-17-01
Receipt Number E027112

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) William A. Robinson Trust Phone (208) 354-2345
Mailing Address William A. Robinson, Trustee
P. O. Box 631, Driggs, Idaho Zip 83422

2. Date of Priority (Only one (1) per claim) June 1, 1969

3. Source of water supply (a) Unnamed stream
which is tributary to (b) Dry Creek

4. a. Location of existing point of diversion is: Township 7N Range 45E Section 15,
NW 1/4 of SE 1/4 of NW 1/4, Govt. Lot, B.M., County of Teton

Additional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is: N/A

Township Range Section , 1/4 of 1/4 of 1/4,
Govt. Lot B.M., County of
ending point is: Township Range Section , 1/4 of 1/4 of
 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. In 1969 Lynn Rudd (Mr. Robinson's
predecessor in Title) made a dam in the above described tributary of Dry Creek to
impound water for irrigation purposes. The dam is approximately 8 feet high.
Mr. Rudd pumped out of the pond in an attempt to irrigate potatoes and alfalfa.
Rudd subsequently drilled a well and thereafter used the pond for livestock and
recreation.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Livestock, 75 head purposes from Jan 1 to Dec 31 amount .02 or _____

For Recreation purposes from Jan 1 to Dec 31 amount 1.0 or 6

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1 cfs (cfs) and/or (b) 6 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Historically used to water cattle and horses, 75-100 head

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7N	45E	15								S/R									

Total number of acres irrigated N/A

11. In which county (ies) are lands listed above as place of use located? Teton

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks: See 5 above.

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) [Signature] Date May 4, 2001

Date _____

For Organizations: I do solemnly swear or affirm that I am Trustee
of William A. Robinson Trust , that I have signed the foregoing
document in the space below as Trustee of William A. Robinson Trust
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent William A. Robinson [Signature]
Title and Organization Trustee, William A. Robinson Trust Date May 4, 2001

State of Idaho/or _____)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 4th day of May, 2001 19



Notary Public [Signature]
Residing at Driggs, Idaho, Teton County
My Commission Expires 8/10/2006

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, ROY C. MOULTON will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature [Signature]
Address P. O. Box 631, Driggs, Idaho 83422
Date May 4, 2001

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Roy C. Moulton
Attorney at Law
60 East Wallace Avenue
P.O. Box 631
Driggs, Idaho 83422

RECEIVED
SEP 14 2001
Department of Water Resources
Eastern Region

September 12, 2001

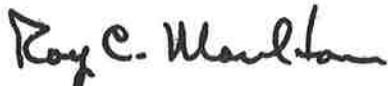
Department of Water Resources
ATTN: Harold Jones
900 North Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Dear Harold:

Enclosed please find the Notice of claim to a Water Right for Mr. William A. Robinson, together with a check in the amount of \$150.00 as per your instructions.

Thank you for processing the claim. Please call with questions.

Sincerely,



Roy C. Moulton
Attorney at Law

RCM:pb
Enc.