



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

September 28, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

DAVID F ROBIDOUX
1827 DEER CK RD
WEISER ID 83672

RE: Amendment of Snake River Basin Adjudication (SRBA) 67-14790

Dear Mr. Robidoux,

I have been conducting an initial review of the objection you filed to the recommendation for 67-14790. The objection is to the recommended priority date stating it should be changed to June 1, 1898.

Claim 67-14790 currently claims a priority date of 1/27/1904. In order for IDWR recommend an earlier priority date than 1/27/1904, you will need to amend 67-14790 to claim an earlier priority date.

For your convenience I am enclosing an amended claim for 67-14790. The only change I have made on the claim is the priority date. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and return it to me.

Please note that amending 67-14790 does not change the recommendation. It simply gives IDWR the ability to recommend a priority date that does date back to June 1, 1898 when the time comes to resolve the objection.

Please feel free to contact me with any questions.

Respectfully submitted,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure: Amended Notice of Claim to a Water Right for 67-14790

R

David Robidoux
1827 Deer Creek Rd
Weiser, ID 83672-5559

BOISE ID 837

16 OCT 2007 PM 2 T



To Dept. of Water Resources

Attidication Bureau

P.O. Box 83720

Boise ID 83720-0098

Att.

Craig L. Saxton

83720+0098

83720+0098

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 67-14790
Date Received: 9/11/1989
Receipt No:
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID F ROBIDOUX Phone: (208) 549-0619
1827 DEER CREEK RD
WEISER ID USA 83672

a
RECEIVED
OCT 17 2007
DEPARTMENT OF
WATER RESOURCES

2. Date of Priority: 06/01/1898

3. Source: SPRINGS , SPRINGS , DEER CREEK Trib. to: DEER CREEK , DEER CREEK , MANN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	05W	36	SE NW SE	WASHINGTON	
13N	05W	36	SW NW SE	WASHINGTON	
13N	05W	36	NW SE	WASHINGTON	

5. Description of diverting works:

SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	0.2	
STOCKWATER	01/01	12/31	0.01	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.25 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

COPY

SCANNED
OCT 1 2007

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	05W	36	NW	SE	DOMESTIC	
			SW	SE	IRRIGATION	10
			NW	SE	STOCKWATER	
Section Acres						10
Total Acres						10

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

DESC. OF DIVERTING WORKS - THREE SPRINGS LOCATED TO THE 10-ACRE TRACT AND ONE DIVERSION POINT FROM DEER CREEK SHOWN BY 40-ACRE TRACT. CEMENT SPRING BOXES WITH PIPELINES TO PLACES OF USE.

GRAVITY FLOW FROM CREEK THRU DITCHES FOR FLOOD IRRIGATION. NOTE: THE SOURCE WAS CHANGED TO SHOW DEER CREEK RATHER THAN THORN CREEK TO CORRESPOND WITH THE TOPOGRAPHIC MAPS FOR THIS AREA. THE CREEK HAS BEEN CALLED THORN CREEK LOCALLY - NO CHANGE HAS OCCURRED IN THE DIVERSION POINT OR SOURCE. THE NAME WAS CHANGED TO CORRECT THE SOURCE TO AVOID ANY PROBLEMS IN THE FUTURE.

This right is a split from former right 67-4076.

15. Basis of Claim: Statutory Claim

16. Signature(s)



COPY

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

Signature of Claimant(s):

[Signature]

Date: 10-15-07

Date: _____

State of Idaho)

County of Washington)

SS.

Subscribed and sworn (or affirmed) before me this

15th

of Oct. 2007

[Signature]

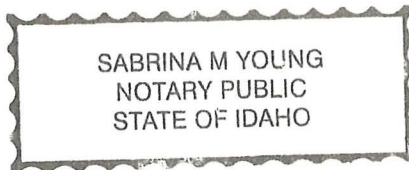
Notary Public

Residing at

Weiser, Idaho

My commission Expires

Dec. 6, 2012



COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

September 28, 2007

C. L. "BUTCH" OTTER
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DAVID R. TUTHILL, JR.
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DAVID F ROBIDOUX
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Please feel free to contact me with any questions.

Respectfully submitted,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure: Amended Notice of Claim to a Water Right for 67-14790

RECEIVED

AUG 07 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase 67-14790
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: David F. Robidoux
Address: 1827 Deer Creek Rd.
Weiser, ID 83672
Daytime Phone: (208) 544-0619

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: David F. Robidoux
Address: 1827 Deer Creek Rd.
Weiser, ID 83672

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Washington

David F Robidoux, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

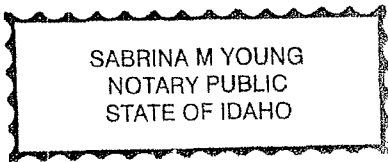
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

David F Robidoux
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Aug. 6, 2007



Sabrina M Young
Notary Public for Idaho
Residing at: Weiser, Idaho
My Commission Expires: Dec. 6, 2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Aug 6th, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

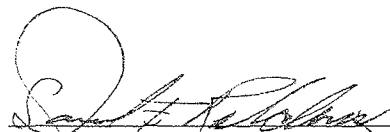
Name: David F. Robidoux
Address: 1827 Deer Creek Rd
Weiser ID 83672 #

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

Homestead deed from U.S.
Govt to Henry Evans

POOR QUALITY ORIGINAL

RECEIVED
AUG 27 2017
DEPARTMENT OF
WATER RESOURCES

18

LANDSCAPE NO. 1118

THE UNITED STATES OF AMERICA,
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas, the following is the text of the Act of Congress approved May 1, 1908, "To secure homesteads in certain sections of the Public Domain," and the acts supplemental thereto, the State of

Henry S. Evans has been established and has commenced in conformity to law, for the

West half of the South East quarter, the North East quarter of the South East quarter

and the South East quarter of the North East quarter of Section thirty six in Township

Seven North of Range Five East of Tenth Meridian in Idaho, containing one hundred and thirty

acres

according to the Official Plat of the Survey of the said Land, returned to the General

Land Office by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the United States unto the said

Henry S. Evans the tract of Land above described:

TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereto, unto the

said Henry S. Evans and to his heirs and assigns forever; subject to any vested and unvested

water rights for mining, agricultural, manufacturing, or other purposes, and rights to

minerals and reservoirs used in connection with such water rights, as may be recognized and

acknowledged by the local customs, laws, and decisions of courts, and also subject to the

right of the proprietor of a vein or lode to extract and remove his ore therefrom, should

the same be found to penetrate or intersect the premises hereby granted, as provided by law;

and there is reserved from the Land hereby granted, a right of way thereon for ditches or

canals authorized by the authority of the United States.

IN WITNESS WHEREOF, I, Theodore Roosevelt President of the United States of America,

have caused these Letters to be hereunto set, and the Seal of the General Land Office to be

hereunto affixed.

Witness my hand at the City of Washington, the fifth day of August, in the year

of our Lord one thousand nine hundred and five, and of the Independence of the United States

the four hundred and thirtieth.

By the President: T. Roosevelt
By F. K. McLean, Secretary
C. E. Brush, Recorder of the General Land Office.

Witness my hand at the City of Washington at 1:30 o'clock P. M. October 1, 1908

Frank H. Smith
Ex-Officio Recorder
By Herbert Smith, Deputy

W 2 SE 1/4, 8 E N 6
NE 1/4, 36 - 13 - 5

T13N. R5W, Sec 36
W 1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NE 1/4

POOR QUALITY ORIGINAL

4-196.

Final Certificate No. 2050

Application No. 6907

HOMESTEAD.

Department of the Interior,

UNITED STATES LAND OFFICE,

Boise, Idaho
January 27, 1904

It is hereby certified That, pursuant to the provisions of Section No. 2291,
Revised Statutes of the United States, Henry D. Gins
has made payment in full for West Half of South East
Quarter, North East Quarter of South East
Quarter and South East Quarter of North
East Quarter Patent to contain reservation according
of Section No. Thirty Six (36) in Township No. Thirteen (13) North of
Range No. Five (5) West of the Boise Principal
Meridian Idaho containing 160 acres.

Now, therefore, be it known. That on presentation of this certificate to the
COMMISSIONER OF THE GENERAL LAND OFFICE, the said Henry D. Gins
shall be entitled to a patent for the tract of land
above described.

Wm. L. Ginn
Register.

POOR QUALITY ORIGINAL

[4-348.]

No. 1.—HOMESTEAD.

Land Office at _____

I, Henry D. Egan, of Bonneville, Idaho,
who made Homestead Application No. 6407 for the
1/2 Sec 36, T4N, R5E, E1/4

do hereby give notice of my intention to make final proof to establish my
claim to the land above described, and that I expect to prove my residence
and cultivation before Hugh E. Smith, Clerk of the District Court
at Weiser, Idaho, on January 25, 1904.

by two of the following witnesses:

Joseph J. Gardley, of Bonneville, Idaho,
David M. Michael, of Bonneville, Idaho,
Joseph J. Moore, of Bonneville, Idaho,
Alonzo A. Walker, of Bonneville, Idaho,
Henry D. Egan
(Signature of Claimant.)

Land Office at Bonneville, Idaho
Dec 10, 1903

Notice of the above application will be published in the
World, printed at Weiser
which I hereby designate as the newspaper published nearest the land described
in said application.

Harry J. Lyons
Register.

NOTICE TO CLAIMANT.—Give time and place of proving up, and name and title of the officer before whom proof is to be made; also give names and post-office address of four neighbors, two of whom must appear as your witnesses.

Opp's Land-Owner Print, Washington, D. C.

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT.

Henry D. Erins, being called as a witness in his own behalf in support of homestead entry, No. 6907, for N³E⁴, N²E⁴, N²E⁴, N²E⁴, Sec 36, Tp 13 N, R 57 W, M. testifies as follows:

Ques. 1.—What is your name, age, and post-office address?

Ans. Henry Erins, Age 36 years, Address Bourne, Idaho.

Ques. 2.—Are you a native born citizen of the United States, and if so, in what State or Territory were you born?*

Ans. Yes, - Born in Kansas

Ques. 3.—Are you the identical person who made homestead entry, No. 6907, at the Bourne, Idaho, land office on the 2nd day of

November, 1903, and what is the true description of the land now claimed by you?

Ans. Yes, - N³E⁴, N²E⁴, N²E⁴, N²E⁴, Sec 36, Tp 13 N, R 57 W, M.

Ques. 4.—When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Ans. House built & established actual residence in October 1897. House is 12 x 26, on stone 2 rooms, barn, stock house & other out buildings, about 45 acres in cultivation, Orchard of 70000 three year old fruit trees, 3 horse barns, 44 acres, also fence around another field of about 25 acres, a well, - total value of improvements at least \$1000.00

Ques. 5.—Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Ans. Wife and three children. Self and family have resided continuously upon the land since first establishing residence thereon.

Ques. 6.—For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence?

Ans. None.

Ques. 7.—How much of the land have you cultivated each season and for how many seasons have you raised crops thereon? (If so.)

Ans. 1st season 1898, 2nd season 1899, 3rd season 1900, 4th season 1901, 5th season 1902, 6th season 1903) about 45 acres. Have raised crops six seasons.

Ques. 8.—Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade and business?

Ans. No.

Ques. 9.—What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality and for what purpose it is most valuable.

Ans. Farming & grazing land. It is partially grassy rough & rocky, part fairly level. It is most valuable for farming.

Ques. 10.—Are there any indications of coal, salines, or minerals, of any kind, on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. Not that I know of.

Ques. 11.—Have you ever made any other homestead entry? (If so, describe the same.)

Ans. No.

Ques. 12.—Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?

Ans. No.

Ques. 13.—Have you any personal property of any kind elsewhere than on this claim? (If so, describe the same, and state where the same is kept.)

Ans. No.

Ques. 14.—Describe by legal subdivisions, or by number, kind of entry, and office where made, any other entry or filing (not mineral) made by you since August 30, 1890.

Ans. None.

(Sign plainly with full christian name.)

Henry D. Erins

* (In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or of his naturalization, or a copy thereof, certified by the officer taking this proof, must be filed with the case. Evidence of naturalization is only required in final (five-year) homestead cases.)

Edward M. Michael, being called as witness in support of the Homestead entry of Marie A. Coine for 725-2766, 2766, 2766-26, 2766-26, 2766-26, 2766-26, testifies as follows:

Answer. David M. Michael, Agv Olympe, Adama, Horne, Bob.

Ans. .. 462

Ans. 100.

Ans. Ordinary farming land - Part of it too rough & rocky for cultivation.

Ans. In the month of October 1897, I moved upon and established a truck residence at the same time.

Ans. $\frac{1}{4}$

Ans. 100%

Ans. About 10 acres the first season (1898) have added, also 27 acres second and now has about 45 acres under cultivation. Raised crop 6 years.

Ques. 9. — What improvements are on the land and what is their value?

Ans. Wineapple stable, outbuildings well, orchard of 10 to 15 trees; also
two 3/4 acre fence around 4 acres vanner fence around about 25 acres; also 1/4
under cultivation. Soil value about 100 cents, of land 100.
 Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so,

Ans. Not to my knowledge.

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. Not that I know of - I think not.

Ans. No, to the first, Yes to the second

(Sign plainly with full christian name.) David M. Michael

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed, and was sworn to before me this 25th day of January, 1904, at my office at Newer, in Washington County, Idaho.

[SEE NOTE ON FOURTH PAGE.]

(The testimony of witnesses must be taken at the same time and place, and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Joseph T. Moore, being called as witness in support of the Homestead entry of Henry A. Coins for 136⁴/₁₀ 16⁴/₁₀ 16⁴/₁₀ Sec 36 37 137⁴/₁₀ R. 57⁴/₁₀ E. 71⁴/₁₀, testifies as follows:

Question 1.—What is your name, age, and post-office address?

Answer Joseph T. Moore, Age 56 years, Address Bourne, Idaho

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. Yes

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. No

Ques. 4.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans. Ordinary farming land; part of it too rough & rocky for cultivation

Ques. 5.—When did claimant settle upon the homestead and at what date did he establish actual residence thereon?

Ans. In the month of October 1897—Settled upon and established actual residence thereon at the same time

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. Yes

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. None

Ques. 8.—How much of the homestead has the settler cultivated and for how many seasons did he raise crops thereon?

Ans. He cultivated about ten acres in 1898, and has added a few acres nearly every year until the last two years he has had about 45 acres cultivated. Raised crops like

Ques. 9.—What improvements are on the land and what is their value?

Ans. House, stable, outbuildings, well, an orchard of 70 or 80 trees, grape vines, fruit trees, about 45 acres under cultivation. There were fences around two fields, one of about 45 acres and one of about 25 acres. Total value of improvements fully \$1000.

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. Not to my knowledge

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. Not that I know of. - I don't think he has.

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. No, to the first; - Yes to the last.

(Sign plainly with full christian name.)

Joseph T. Moore

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed, and was sworn to before me this 25th day of January, 1904, at my office at Neiser, in Washington County, Idaho.

[SEE NOTE ON FOURTH PAGE.]

Frank E. Smith
Clerk District Court

(The testimony of witnesses must be taken at the same time and place, and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

STATE OF IDAHO, |
County of Washington. | ss.

Henry D. Evins, being first duly sworn,
on his oath, deposes and says;

That he is, and was, at all the times hereinafter mentioned a citizen
of the United States of America, and over the age of twenty-one years,
and a resident of near Beurne, in the County of Washington and State of
Idaho;

That on or about the 15th. day of October, in the year 1897, he
settled upon the then unsurveyed public domain of the United States in
said County and State;

That ^{or} since his said settlement, and in about the year 1900, as this
affiant is informed by the Register of the United States Land Office,
at Boise City, Idaho, the said land so settled upon by affiant was sur-
veyed by the Government of the United States and said land is now des-
cribed in the said survey as follows,

The West half of the South East quarter, the North East quarter of
the South East quarter and the South East quarter of the North East
quarter of Section thirty-six in Township thirteen North, of Range five
West of the Boise Meridian in Idaho.;

That since affiant's said settlement in October, 1897, he has con-
tinuously resided upon and cultivated the said described land to this
date, and is now residing thereon and in the quiet, open and peaceable
possession thereof;

That since said date of settlement by affiant upon said land, and
prior to the survey thereof he has expended a large sum of money and labor
in the improvement, reclamation, and cultivation of said land, to wit;
about the sum of One Thousand Dollars, and had thereon, and now has im-
provements thereon to the value of One Thousand Dollars, to wit; a dwell-
ing house, out houses, corrals, fifty acres under fence, irrigating
ditches, forty acres in cultivation, consisting of alfalfa, grass and
plow land for grain, and one half acre in orchard of four years growth;

That affiant settled upon said land with the intention of filing upon and claiming the same under the Homestead Laws of the United States as soon as the same should be surveyed and subject to such entry;

That affiant is and was entitled to the benefit of the Homestead laws of the United States, and has not exercised said right, except an attempt to file on said lands as hereinafter set forth;

That on or about the 10th. day of August, 1903, affiant for the first time received information that said described land had been surveyed and was subject to entry, and thereupon affiant immediately offered his homestead filing for the same in the United States Land Office at Boise City, Idaho, and that said filing has been rejected by the Register of the said Land Office on the ground that affiant's preference right has lapsed, and that the State of Idaho is now the owner thereof by operation of law;

That affiant's failure to file upon said lands in the time prescribed by law was not due to any failure on the part of affiant to comply with any of the provisions of the homestead laws as to settlement, residence and cultivation, or intention on his part to abandon the same, but was due to misinformation and ignorance as to the fact that said land had been surveyed and subject to entry;

That this affiant is a married man with a family consisting of wife and three children, and he is without other means than that which he has expended on the improvement of said land, and is unable to purchase said land from the State of Idaho at the price fixed by law;

Wherefore, in the furtherance of justice and equity this affiant asks that the State of Idaho take proper and necessary action to release said lands to the Government of the United States, to the end that this affiant may be allowed to file his homestead right thereon.

Henry D. Cline
Subscribed and sworn to before me this 28th. day of September, 1903.

A. H. Smith
Notary Public.

STATE OF IDAHO, }
County of Washington. } ss.

Leroy J. Barton and Harvey C. Jones, being each duly sworn, each for himself, deposes and says; that he is a citizen of the United States and over the age of twenty-one years, a resident of Washington County, State of Idaho; That he is well acquainted with Henry D. Evins and the tract of land described in his affidavit hereto attached, that he has ~~xxxxxxx~~ been acquainted with the said tract of land for more than ten years last past; that he has read the affidavit of the said Henry D. Evins hereto annexed and knows the contents thereof, and that the same is true of his own knowledge, and further that he has no interest present or prospective in the said lands.

Leroy J. Barton
Harvey C. Jones

Subscribed and sworn to before me this 8th day of September, 1903.

J. H. Smith
Notary Public.

12/20/2006

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

RIGHT NUMBER: 67-14790

NAME AND ADDRESS: DAVID F ROBIDOUX
1827 DEER CREEK RD
WEISER ID 83672

SOURCE: DEER CREEK
SPRINGS

TRIBUTARY: MANN CREEK
TRIBUTARY: DEER CREEK

QUANTITY: 0.250 CFS

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

PRIORITY DATE: 11/15/1930

POINT OF DIVERSION:

T13N R05W S36 NWSE Within WASHINGTON County
T13N R05W S36 S36NWSE Within WASHINGTON County
T13N R05W S36 SENWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/01 11/15	0.200 CFS
STOCKWATER	01/01 12/31	0.010 CFS

PLACE OF USE:

IRRIGATION in WASHINGTON County
T13N R05W S36 NWSE 1.50 T13N R05W S36 SWSE 8.50
STOCKWATER in WASHINGTON County
T13N R05W S36 NWSE
DOMESTIC in WASHINGTON County
T13N R05W S36 NWSE

10 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.

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

EXPLANATORY MATERIAL:

This

Alan Sands is a relation of David Robidoux. He is helping get the water right in order and is usually a better contact for information related to the claim. He can be reached at the following numbers:
208-345-7140 (home) 208-866-3826 (cell)
208-350-2206 (work) 710 12/11/06



Idaho Department of Water Resources

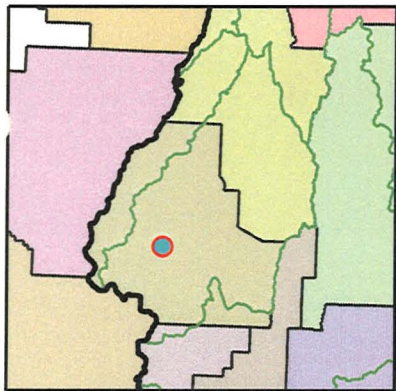
SRBA Recommendation:

67-14790

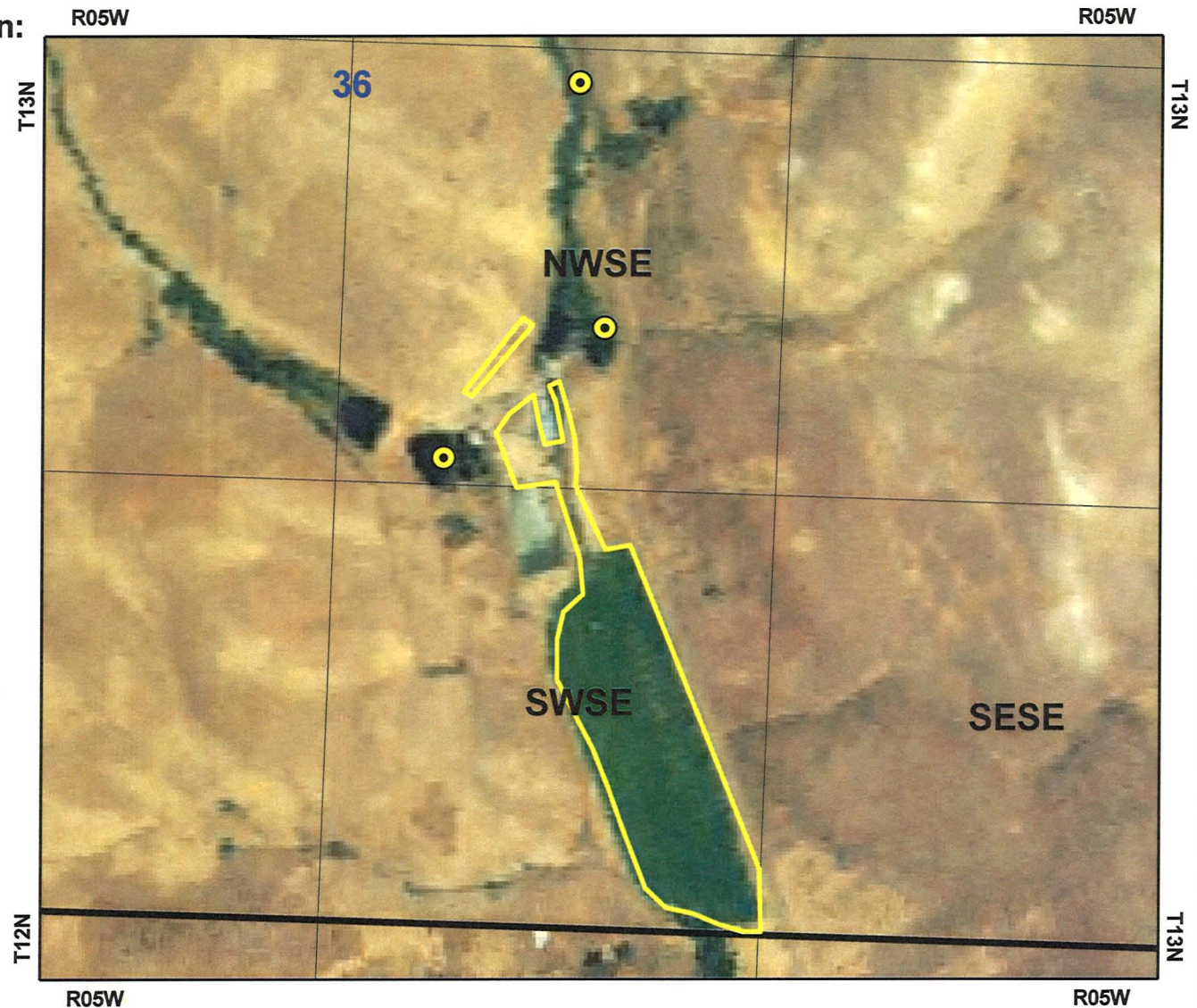
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67



0 0.2 0.4 Miles

Prepared by J. Dean
On Wednesday, December 20, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14790 V1

WATER RIGHT NUMBER: 67-14790 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LESTER M BAGLEY 1349 HOOVER RD WEISER, ID 83672 (208)549-2739
Original Owner	CHRISTINE BAGLEY RT 2 BOX 128 WEISER, ID 83672
Current Owner	DAVID F ROBIDOUX 1827 DEER CREEK RD WEISER, ID 83672 (208) 549-0619
Previous Owner	NORMA J EBRIGHT 1827 DEER CREEK RD WEISER, ID 83672 (208)549-3998
Previous Owner	KENNETH E EBRIGHT 1827 DEER CREEK RD WEISER, ID 83672 (208)549-3998

Priority Date: 11/15/1930

Basis: Beneficial Use

Status: Active

SourceDEER CREEK
SPRINGSTributaryMANN CREEK
DEER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
IRRIGATION	03/01 to 11/15	0.200 CFS	
STOCKWATER	01/01 to 12/31	0.010 CFS	
	<u>Total Diversion:</u>	0.250 CFS	

Location of Point(s) of Diversion

SPRINGS	SE1/4NW1/4SE1/4	Sec. 36, Twp 13N, Rge 05W, B.M.
WASHINGTON County		
SPRINGS	SW1/4NW1/4SE1/4	Sec. 36, Twp 13N, Rge 05W, B.M.
WASHINGTON County		
DEER CREEK	NW1/4SE1/4	Sec. 36, Twp 13N, Rge 05W, B.M.
WASHINGTON County		

Place of Use

DOMESTIC

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14790 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
13N	05W	36	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																X			

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
13N	05W	36	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																1.5	8.5		10.0

Total Acres: 10

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
13N	05W	36	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																X			

Conditions of Approval:

1. C18 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.
2. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
3. This right is a split from former right 67-4076.
4. N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14790 V1

Comments:

1. jdean 11/10/2006 Statement from claim

Comment: Description of diverting works: Three springs located to the 10-acre tract and one diversion point from Deer Creek shown by 40-acre tract. Cement spring boxes with pipelines to the places of use. Gravity flow from creek through ditches for flood irrigation. NOTE: The source was changed to show Deer Creek rather than Thorn Creek to correspond with the topographic maps for this area. The creek has been called Thorn Creek locally. No change has occurred in the diversion point or source. The name was changed to correct the source to avoid any problems in the future.

2. jdean 11/10/2006 More information

Comment: There are some complexities to this claim and field exam. For more information please refer to the claim file.

3. jdean 12/20/2006 NOE

Comment: The acres were increased from 8 to 10 during the NOE period. Claimant provided map that marked off orchards and gardens that were missed in the original shape. The claimant also asserted that the priority date should be earlier, but did not provide sufficient evidence to support the claimed priority date. He will file an objection to correct the priority date.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/10/2006 4:04:22 PM	jdean			Active
Priority Date	11/10/2006 4:07:36 PM	jdean			Active
POD	11/10/2006 4:14:47 PM	jdean			Active
Source	11/10/2006 4:16:14 PM	jdean			Active
POU	11/10/2006 4:22:11 PM	jdean			Active
Use	11/10/2006 4:24:00 PM	jdean			Active
Season	11/10/2006 4:25:06 PM	jdean			Active
Quantity	11/10/2006 4:25:51 PM	jdean			Active
Summary			11/10/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14790 V1

POU	12/20/2006 10:40:25 AM	jdean	Updated shape for Active POU
POU	11/10/2006 4:17:25 PM	jdean	Updated PLS for Active POU
POU	11/10/2006 4:20:50 PM	jdean	Updated shape for Active POU
General	11/10/2006 4:07:36 PM	jdean	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavits of several neighbors describe irrigation since 1930.
POD	11/10/2006 4:11:50 PM	jdean	Updated shape
POD	11/10/2006 4:12:39 PM	jdean	Updated PLS
POD	11/10/2006 4:13:42 PM	jdean	Updated PLS
POD	11/10/2006 4:13:57 PM	jdean	Updated shape
POD	11/10/2006 4:14:47 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	11/10/2006 4:16:15 PM	jdean	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Source and POD verified as per field exam.
POU	11/10/2006 4:20:59 PM	jdean	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14790 V1

POU	12/20/2006 10:40:25 AM	jdean	Updated shape for Active POU
POU	11/10/2006 4:17:25 PM	jdean	Updated PLS for Active POU
POU	11/10/2006 4:20:50 PM	jdean	Updated shape for Active POU
General	11/10/2006 4:07:36 PM	jdean	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavits of several neighbors describe irrigation since 1930.
POD	11/10/2006 4:11:50 PM	jdean	Updated shape
POD	11/10/2006 4:12:39 PM	jdean	Updated PLS
POD	11/10/2006 4:13:42 PM	jdean	Updated PLS
POD	11/10/2006 4:13:57 PM	jdean	Updated shape
POD	11/10/2006 4:14:47 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	11/10/2006 4:16:15 PM	jdean	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Source and POD verified as per field exam.
POU	11/10/2006 4:20:59 PM	jdean	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14790 V1

POU	11/10/2006 4:22:11 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - POU was verified as per field exam and aerial photography.
POU	11/10/2006 4:17:18 PM	jdean	Updated shape for Active POU
POU	11/10/2006 4:21:27 PM	jdean	Updated PLS for Active POU
Use	11/10/2006 4:24:01 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Purpose of use was verified as per field exam and claimant contact.
Quantity	11/10/2006 4:25:52 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Diversion for non-deminimus use is less than 0.2 cfs.
Contacts	11/10/2006 4:04:23 PM	jdean	(Yes) 1. Do you want to schedule an appointment? (No) 2. Do you want to update the field exam contact information? Contact Person: DAVID F ROBIDOUX - Contact Phone Number: (208)549-0619 Date of Field Exam: 10/4/06 2:00 PM Directions to Property: A previous exam was completed 5/24/06, but additional information was needed.
POD	11/10/2006 4:13:06 PM	jdean	Updated shape
POD	11/10/2006 4:14:23 PM	jdean	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14790 V1

POU	11/10/2006 4:21:20 PM	jdean	Updated shape for Active POU
Summary	11/10/2006 4:39:34 PM	jdean	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Season	11/10/2006 4:25:06 PM	jdean	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	12/20/2006 10:40:41 AM	jdean	Updated PLS for Active POU

Water Supply Bank:

11/14/06

NOTICE OF ERROR
REPLY

Water Right number: 67-14790

DAVID F. ROBIDOUX
1827 DEER CREEK RD.
WEISER, ID 83672
Telephone Number: (208) 549-0619

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

- a. Priority Date
- b. Irrigation Beneficial Use
- c. Irrigation Place of Use
- d. Total Acres

2. Describe the changes you wish to make in the proposed recommendation:

- a. Priority Date: **From** 11/15/30 **to** 1/27/04
- b. Irrigation Beneficial Use: **From** 0.16 cfs **to** 0.2 cfs
- c. Irrigation Place of Use: **From** T13N, R5W, Sec. 36, SWSE **to** T13N, R5W, Sec. 36, SWSE, and NWSE
- d. Total Acres: **From** 8 acres **to** 10 acres

3. Give a brief explanation as to why you disagree with these portions:

a. Priority Date: My property originally transferred from the United States of America under patent to Henry Evins, on October 1, 1906. According to Jonathan Edwards at Amerititle in Weiser (414-1792), a person with extensive local knowledge and experienced in both title work and irrigation water rights, the property was apparently developed by Evins prior to transfer of ownership under the Homestead Act, an act requiring improvements and use of the land prior to transfer. A home and irrigated agricultural use was the typical development situation to 'prove-up' on a property. A priority date of January 27, 1904 was provided in the original water claim filed by Lester M. and Christine Bagley's on July 22, 1974, the 2nd private owners of the property, who bought the property from Henry Evins in 1913. These dates – the transfer of the property from federal ownership to private ownership and Bagley's priority date claim - are quite consistent. For the current adjudication process, Ken Ebright, the former owner prior to my recent purchase of the property, was only able to provide documentation of water use since the 1930s from elderly local people who were raised on or near the property. It is inappropriate to conclude that this alone should be basis for determination of the first beneficial use of the water and therefore become the priority date. Unfortunately, we could not locate the Bagley's (even if they are alive) to determine the information they had to claim the 1/27/04 date. Nevertheless, nothing in the records of the IDWR web site indicates that IDWR or the public, during public notification period in 1974 when the claim was first made, had any problem with the priority date of 1/27/04. I offer this information to substantiate the earlier priority date.

b. Irrigation Beneficial Use: Areas where the irrigation water is used totals 9.56 acres (see attached map). If you are only allocating based on whole acres, this should be rounded up to 10.0 acres. This should be equivalent to a 0.2 cfs for beneficial use.

c. Irrigation Place of Use: While most of the irrigation use is in the SWSE there is a small amount or irrigated land (about 1 acre) being used in the NWSE.

d. Total acres: The amount of acres being irrigated from the Deer Creek diversion is 9.56 acres (see attached map). If allocating on even acres that should be characterized as 10 acres. (Note: the areas were mapped and measured using GIS equipment).

DATE: 12-7-06

SIGNATURE: _____

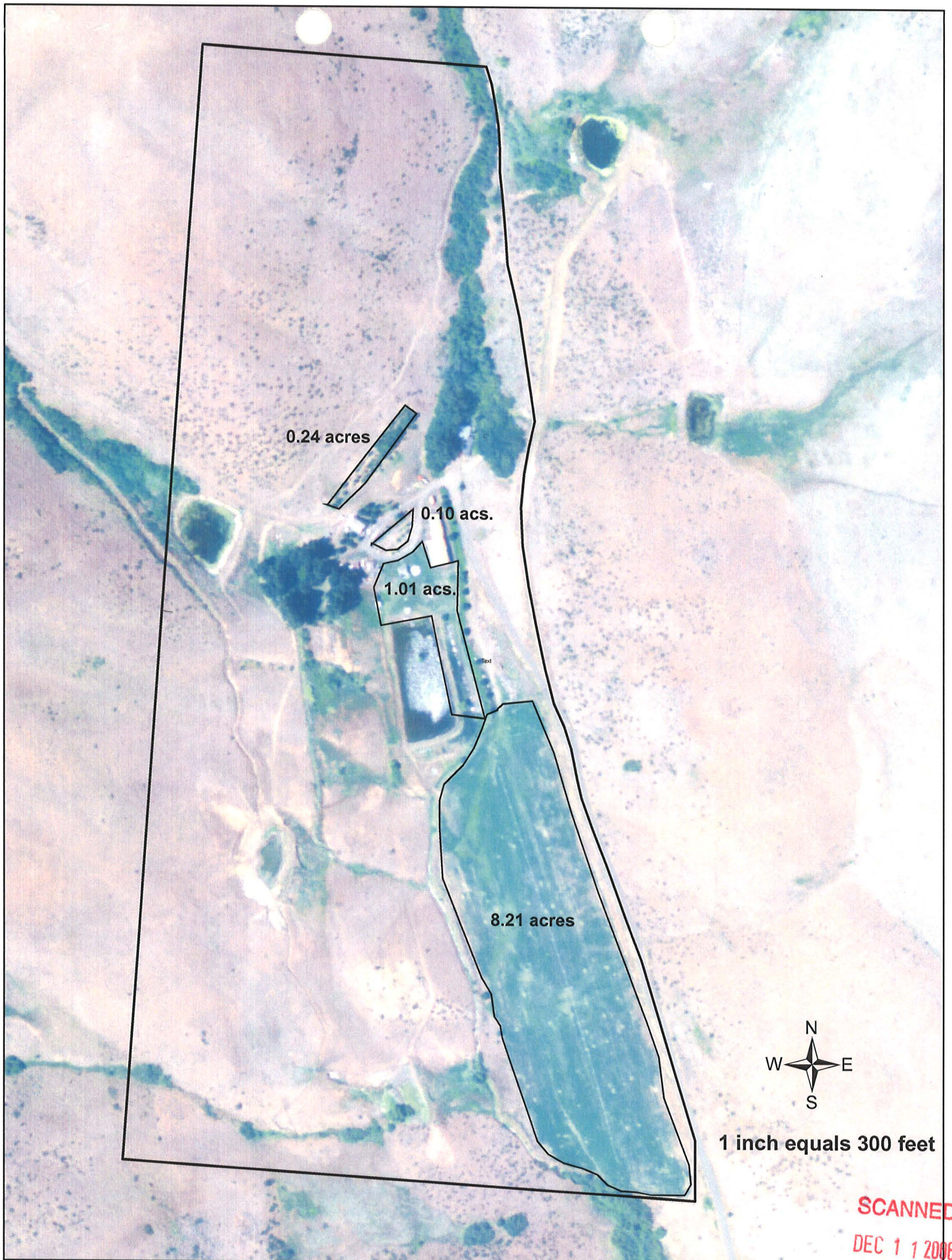
Please print your name: _____

David F. Robidoux
DAVID F. ROBIDOUX

I reviewed the NOE and changed the acres and quantity for this claim accordingly. Without original documents I could not change the priority date.
-y0 12/20/06

SCANNED

DEC 11 2006



Robidoux Property - Irrigation - Place of Use (9.56 acres total)

T13N, R5W, Sec 36, ptn w1/2SE1/4

Source: 2004 NAIP Image

11/10/2006

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

RIGHT NUMBER: 67-14790

NAME AND ADDRESS: DAVID F ROBIDOUX
1827 DEER CREEK RD
WEISER ID 83672

SOURCE: DEER CREEK
SPRINGS

TRIBUTARY: MANN CREEK
TRIBUTARY: DEER CREEK

QUANTITY: 0.210 CFS

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

PRIORITY DATE: 11/15/1930

POINT OF DIVERSION:

T13N R05W S36 NWSE Within WASHINGTON County
T13N R05W S36 SWNWSE Within WASHINGTON County
T13N R05W S36 SENWSE Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/01 11/15	0.160 CFS
STOCKWATER	01/01 12/31	0.010 CFS

PLACE OF USE: IRRIGATION in WASHINGTON County
T13N R05W S36 SWSE 8.00
STOCKWATER in WASHINGTON County
T13N R05W S36 NWSE
DOMESTIC in WASHINGTON County
T13N R05W S36 NWSE

8 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is a split from former right 67-4076.



Idaho Department of Water Resources

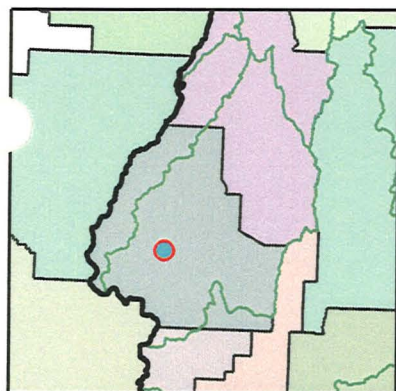
SRBA Recommendation:

67-14790

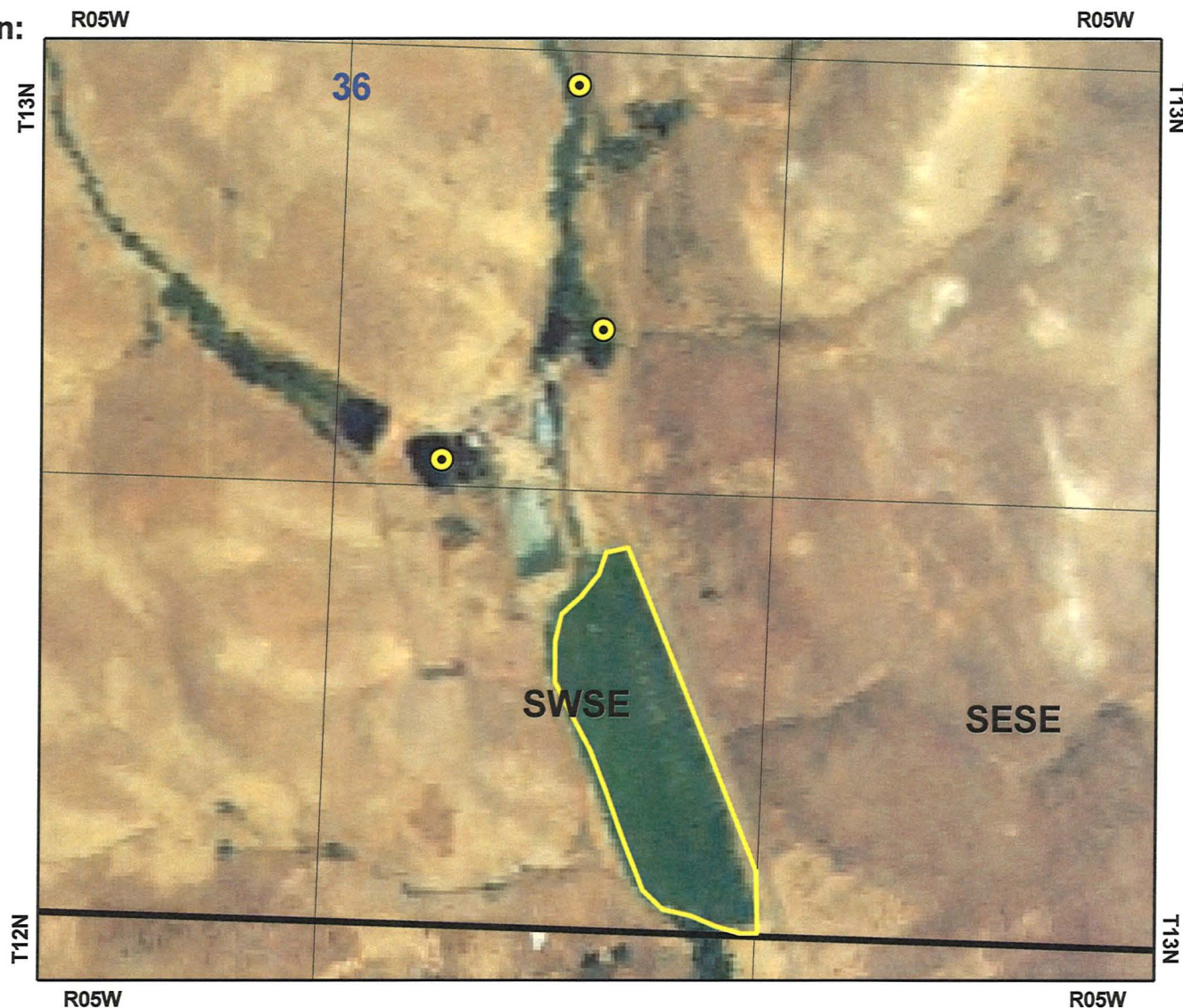
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Washington County
IDWR Basin 67

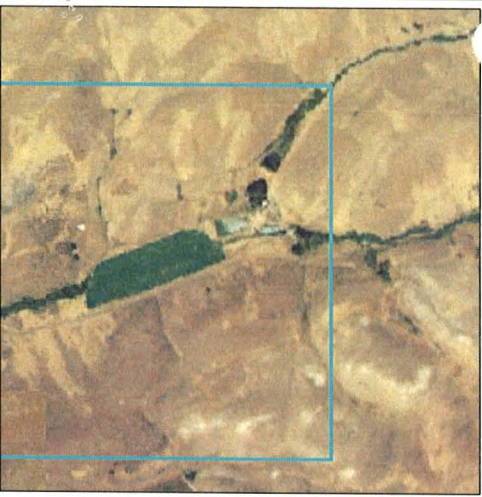


0 0.2 0.4 Miles



Prepared by J. Dean
On Friday, November 10, 2006
1987/88 Aerial Photography

67-14790



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14790 V1

WATER RIGHT NUMBER: 67-14790 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LESTER M BAGLEY 1349 HOOVER RD WEISER, ID 83672 (208)549-2739
Original Owner	CHRISTINE BAGLEY RT 2 BOX 128 WEISER, ID 83672
Current Owner	DAVID F ROBIDOUX 1827 DEER CREEK RD WEISER, ID 83672 (208) 549-0619
Previous Owner	NORMA J EBRIGHT 1827 DEER CREEK RD WEISER, ID 83672 (208)549-3998
Previous Owner	KENNETH E EBRIGHT 1827 DEER CREEK RD WEISER, ID 83672 (208)549-3998

Priority Date: 11/15/1930

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
DEER CREEK SPRINGS	MANN CREEK DEER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
IRRIGATION	03/01 to 11/15	0.160 CFS	
STOCKWATER	01/01 to 12/31	0.010 CFS	
	<u>Total Diversion:</u>	0.210 CFS	

Location of Point(s) of Diversion

SPRINGS	SE1/4NW1/4SE1/4	Sec. 36, Twp 13N, Rge 05W, B.M.
WASHINGTON County		
SPRINGS	SW1/4NW1/4SE1/4	Sec. 36, Twp 13N, Rge 05W, B.M.
WASHINGTON County		
DEER CREEK	NW1/4SE1/4	Sec. 36, Twp 13N, Rge 05W, B.M.
WASHINGTON County		

Place of Use

DOMESTIC

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14790 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	05W	36														X			

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	05W	36															8.0		8.0

Total Acres: 8

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	05W	36														X			

Conditions of Approval:

1. C18 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.
2. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
3. This right is a split from former right 67-4076.
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Remarks:Comments:

1. jdean 11/10/2006 Statement from claim

Comment: Description of diverting works: Three springs located to the 10-acre tract and one diversion point from Deer Creek shown by 40-acre tract. Cement spring boxes with pipelines to the places of use. Gravity flow from creek through ditches for flood irrigation. NOTE: The source was changed to show Deer Creek rather than Thorn Creek to correspond with the topographic maps for this area. The creek has been called Thorn Creek locally. No change has occurred in the diversion point or source. The name was changed to correct the source to avoid any problems in the future.

2. jdean 11/10/2006 More information

Comment: There are some complexities to this claim and field exam. For more information please refer to the claim file.

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-14790 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/10/2006 4:04:22 PM	jdean			Active
Priority Date	11/10/2006 4:07:36 PM	jdean			Active
POD	11/10/2006 4:14:47 PM	jdean			Active
Source	11/10/2006 4:16:14 PM	jdean			Active
POU	11/10/2006 4:22:11 PM	jdean			Active
Use	11/10/2006 4:24:00 PM	jdean			Active
Season	11/10/2006 4:25:06 PM	jdean			Active
Quantity	11/10/2006 4:25:51 PM	jdean			Active
Summary			11/10/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	11/10/2006 4:17:25 PM	jdean	Updated PLS for Active POU
POU	11/10/2006 4:20:50 PM	jdean	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

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General	11/10/2006 4:07:36 PM	jdean	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Affidavits of several neighbors describe irrigation since 1930.
POD	11/10/2006 4:11:50 PM	jdean	Updated shape
POD	11/10/2006 4:12:39 PM	jdean	Updated PLS
POD	11/10/2006 4:13:42 PM	jdean	Updated PLS
POD	11/10/2006 4:13:57 PM	jdean	Updated shape
POD	11/10/2006 4:14:47 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	11/10/2006 4:16:15 PM	jdean	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Source and POD verified as per field exam.
POU	11/10/2006 4:20:59 PM	jdean	Updated PLS for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

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POU	11/10/2006 4:22:11 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - POU was verified as per field exam and aerial photography.
POU	11/10/2006 4:17:18 PM	jdean	Updated shape for Active POU
POU	11/10/2006 4:21:27 PM	jdean	Updated PLS for Active POU
Use	11/10/2006 4:24:01 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Purpose of use was verified as per field exam and claimant contact.
Quantity	11/10/2006 4:25:52 PM	jdean	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Diversion for non-deminimus use is less than 0.2 cfs.
Contacts	11/10/2006 4:04:23 PM	jdean	(Yes) 1. Do you want to schedule an appointment? (No) 2. Do you want to update the field exam contact information? Contact Person: DAVID F ROBIDOUX - Contact Phone Number: (208)549-0619 Date of Field Exam: 10/4/06 2:00 PM Directions to Property: A previous exam was completed 5/24/06, but additional information was needed.
POD	11/10/2006 4:13:06 PM	jdean	Updated shape
POD	11/10/2006 4:14:23 PM	jdean	Updated PLS

IDAHO DEPARTMENT OF WATER RESOURCES

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POU	11/10/2006 4:21:20 PM	jdean	Updated shape for Active POU
Summary	11/10/2006 4:39:34 PM	jdean	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Season	11/10/2006 4:25:06 PM	jdean	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

Water Supply Bank:

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 67-14790
Date Received: 9/11/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID F ROBIDOUX Phone: (208) 549-0619

1827 DEER CREEK RD
WEISER ID USA 83672

2. Date of Priority: 01/27/1904

3. Source: SPRINGS , SPRINGS , DEER CREEK Trib. to: DEER CREEK , DEER CREEK , MANN
CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13N	05W	36	SE NW SE	WASHINGTON	
13N	05W	36	SW NW SE	WASHINGTON	
13N	05W	36	NW SE	WASHINGTON	

5. Description of diverting works:

SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/01	10/31	0.2	
STOCKWATER	01/01	12/31	0.01	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:

0.25 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	05W	36	NW	SE	DOMESTIC	
			SW	SE	IRRIGATION	10
			NW	SE	STOCKWATER	
					Section Acres	10
					Total Acres	10

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

DESC. OF DIVERTING WORKS - THREE SPRINGS LOCATED TO THE 10-ACRE TRACT AND ONE DIVERSION POINT FROM DEER CREEK SHOWN BY 40-ACRE TRACT. CEMENT SPRING BOXES WITH PIPELINES TO PLACES OF USE.

GRAVITY FLOW FROM CREEK THRU DITCHES FOR FLOOD IRRIGATION. NOTE: THE SOURCE WAS CHANGED TO SHOW DEER CREEK RATHER THAN THORN CREEK TO CORRESPOND WITH THE TOPOGRAPHIC MAPS FOR THIS AREA. THE CREEK HAS BEEN CALLED THORN CREEK LOCALLY - NO CHANGE HAS OCCURRED IN THE DIVERSION POINT OR SOURCE. THE NAME WAS CHANGED TO CORRECT THE SOURCE TO AVOID ANY PROBLEMS IN THE FUTURE.

This right is a split from former right 67-4076 .

15. Basis of Claim: Statutory Claim

16. Signature(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 17, 2006

DAVID F ROBIDOUX
1827 DEER CREEK RD
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #67-14790

Dear Claimant:

As a result of obtaining a portion of the property and water rights from Kenneth and Norma Ebright, the identification number to your water right has been changed as follows:

From
67-4076

To
67-14790

Please use the new number in future inquiries or correspondence you may have with our Department.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Thank you for your patience and cooperation. We have had several water right changes to process. Please call me at 1/800-451-4129 if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads 'Sally'.

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:

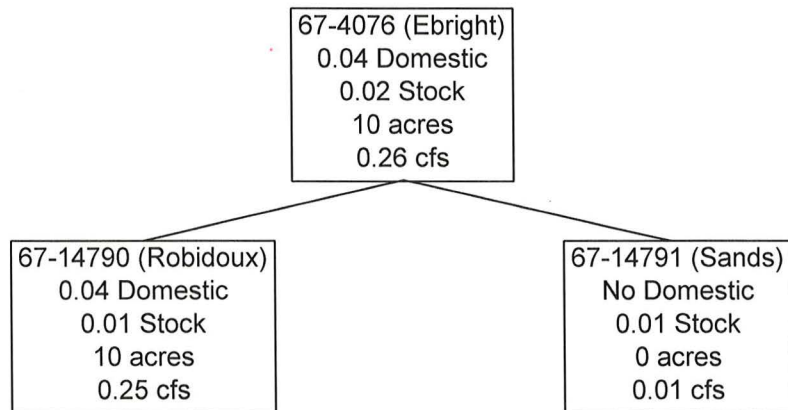
Notice of Claim to a Water Right

SCANNED

NOV 17 2006

Split Analysis - Water Right No.: 67-4076

Twp	Rng	Sec	Q-Q	Lot	Parent	Children	
					67-4076 (Ebright)	67-14790 (Robidoux)	67-14791 (Sands)
13N	5W	36	NWSE		Domestic	Domestic	
13N	5W	36	NWSE		Stock	Stock	Stock
13N	5W	36	SWSE		10	10	
Total					10	10	0



Right No:	Rate of Diversion	Irrigated Acres	CFS/ Acre
67-4076 (Ebright)	0.26	10	0.020
67-14790 (Robidoux)	0.25	10	0.020
67-14791 (Sands)	0.01	0	0.000

SCANNED

NOV 17 2006