

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 37-21386
Date Received: 11/26/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

ROBBINS TRUST & O CONNOR TRUST Phone: (208)788-4000
PO BOX 48
BELLEVUE ID 83313

2. Date of Priority: 06/01/1884

3. Source: SPRING Trib. to: WOOD RIVER EAST FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	19E	29	SW NW SE	BLAINE	

5. Description of diverting works:

Existing ditches

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1	

7. Total Quantity Appropriated is:
1 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
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04N	19E	29	SE	SW	IRRIGATION	27
			SW	SW	IRRIGATION	13
			NW	SE	IRRIGATION	3
			SW	SE	IRRIGATION	18

Section Acres 61

04N	19E	32	NE	NW	IRRIGATION	4
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Section Acres 4

Total Acres 65

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

19 May 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ROBBINS TRUST & O CONNOR TRUST
PO BOX 48
BELLEVUE ID 83313

Re: SRBA Claim #37-120, #37-21385, #37-21386

Dear Claimant,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copies of the computer records of the claims noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carrie Hahn'.

Carrie Hahn
Office Specialist

Enc.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED**MAY 12 2005**Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No.(s)	Adjudication Claim No.(s)	Split	Water Right No.(s)	Adjudication Claim No. (s)	Split
<u>37-120</u>	<u>37-120</u>	☐	<u> </u>	<u> </u>	☐
<u>Claim:</u>	<u>37-21385</u>	☐	<u> </u>	<u> </u>	☐
<u>Claim:</u>	<u>37-21386</u>	☐	<u> </u>	<u> </u>	☐
<u>Ap for Permit</u>	<u>37-21397</u>	☐	<u> </u>	<u> </u>	☐
<u>37-10808</u>	<u>37-10808</u>	☐	<u> </u>	<u> </u>	☐

2. The following REQUIRED information must be submitted with this form:
- A. The appropriate FILING FEE. See instructions for fee amounts.
 - B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
 - C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Robbins Trust & O'Connor Trust
PO BOX 48 Bellevue, ID 83313
4. New Owner/Claimant(s): Robbins Trust & O'Connor Trust
New Mailing Address: PO Box 48
City, State, Zip Code: Bellevue, ID 83313
New Telephone Number: (208) 788-4000
5. Date you acquired the property: Deed Recorded 1/19/05

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (acres, number and type of stock, homes, etc.)
Irrigation	_____	264 Ac.
Stock	_____	_____
Domestic	_____	_____
Other: _____	_____	_____
TOTAL	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other: _____	_____	_____
TOTAL	_____	_____

7. Signature of New Owner(s) or Claimant(s):
(include title, if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

FOR OFFICE USE ONLY

Received by: H
Received by: H
Processed by: H AJ

Date: 5/12/05
Date: 5/12/05
Date: _____

Fee: 25.00
Receipt No: 5027664
WR: _____ Date: _____

Order No. Accommodation

WARRANTY DEED

Instrument # 516049

HAILEY, BLAINE, IDAHO

2005-02-04

02:48:00

No. of Pages: 8

Recorded for : AMERITITLE

MARSHA RIEMANN

Fee: 24.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

FOR VALUE RECEIVED

GERARD F. O'CONNOR, a married man, as his sole and separate property, who acquired title as a single man, as to an undivided 25% interest, GERARD F. O'CONNOR, a married man, subject to the community interest of his spouse, as to an undivided 25% interest and RICHARD K. ROBBINS and NANCY P. ROBBINS, TRUSTEES OF THE ROBBINS TRUST U/A/D APRIL 8, 1986, as Amended as to an undivided 50% interest.

GRANTOR(s), do hereby GRANT, BARGAIN, SELL and CONVEY unto

GERARD F. O'CONNOR AND LINDA O'CONNOR, Trustees of the O'CONNOR 2004 TRUST AGREEMENT dated September 8, 2004, as to an undivided 50% interest and THE AMENDED AND RESTATED ROBBINS TRUST 1986 AMENDED AND RESTATED NOVEMBER 16, 1999, RICHARD K. ROBBINS, TRUSTEE as to an undivided 50% interest.

GRANTEE(s) whose address is: P.O. Box 48, Bellevue, Idaho 83313

the following described real property in Blaine County, Idaho, to wit:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

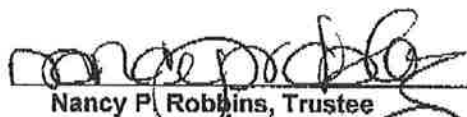
Dated: January 19, 2005
~~December 19~~, 2004

GERARD F. O'CONNOR

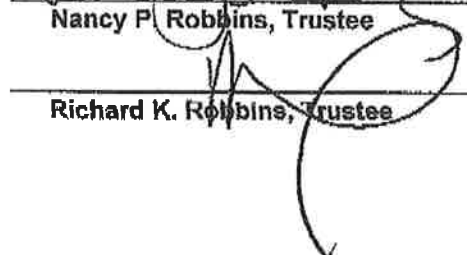
THE ROBBINS TRUST U/A/D APRIL 8, 1986, as AMENDED



By:


Nancy P. Robbins, Trustee

By:


Richard K. Robbins, Trustee

RECEIVED

FEB 16 2005

Department of Water Resources
Southern Region

State of Idaho

County of Blaine

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}ss.
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On this 4th day of February, in the year 2004, before me, the undersigned, personally appeared **GERARD F. O'CONNOR** known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Elizabeth E. Zellers

Notary Public

Commission Expires: 11-11-2008



State of California

County of Marin

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On this 19th day of January, in the year 2005, before me, the undersigned, personally appeared **RICHARD K. ROBBINS AND NANCY P. ROBBINS**, known or identified to me to be the persons whose name are subscribed to the within instrument as trustees of the **ROBBINS TRUST U/A/D APRIL 8, 1986, AS AMENDED**, and acknowledged to me that they executed the same as such trustees.

WITNESS my hand and official seal.

Cassandra E. Baerger

Notary Public

Commission Expires: 5/3/07



EXHIBIT 'A'

PARCEL I: TOWNSHIP 4NORTH, RANGE 19EAST BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 29: NW1/4 SW1/4.

PARCEL II: A PARCEL OF LAND LOCATED IN THE E1/2 OF THE NE1/4 OF SEC 30, T4N, R.19E, B.M., BLAINE COUNTY, ID, more particularly described as follows;
Beginning at a Brass Cap which marks the E1/4 corner of said Sec 30 and E1/4 corner being the REAL POINT OF BEGINNING;

Thence N.00°08'55" W. along the East boundary of said Sec 30 2,566.64 feet;

Thence S.15°02'10" W. 188.14 feet to a Point of Curvature;

Thence Southwesterly 142.81 feet along a curve to the left having a radius of 970.00 feet a delta of 8°26'08" and a chord which bears S.10°49'07" W. 142.68 feet;

Thence S.06°36'02" W. 322.14 feet to a Point of Curvature;

Thence Southerly 265.27 feet along a curve to the left having a radius of 1,184.15 feet a delta of 12°50'07" and a chord which bears S.00°10'58" W. 264.72 feet to a point of Reverse Curvature;

Thence Southwesterly 135.69 feet along a curve to the right having a radius of 330.00 feet a delta of 23°33'29" and a chord which bears S.05°32'39" W. 134.73 feet;

Thence S. 17°19'28" W. 192.14 feet to a Point of Curvature;

Thence Southwesterly 141.10 feet along a curve to the left having a radius of 970.00 feet a delta of 08°20'03" and a chord which bears S.13°09'26" W. 140.97 feet to a point of Reverse Curvature;

Thence Southwesterly 162.71 feet along a curve to the right having a radius of 914.21 feet a delta of 10°11'50" and a chord which bears S.14°05'18" W 162.49 feet;

Thence S. 19°11'13" W. 543.33 feet to a Point of Curvature;

Thence Southwesterly 103.08 feet along a curve to the left having a radius of 615.06 feet a delta of 09°36'08" and a chord which bears S.14°23'08" W. 102.95 feet;

Thence S.09°35'05" W. 161.61 feet to a Point of Curvature;

Thence Southwesterly 106.04 feet along a curve to the right having a radius of 330.00 feet a delta of 18°24'40" and a chord which bears S.18°47'25" W. 105.58 feet;

Thence S. 27°59'46" W. 197.00 feet to a point on the South boundary of the SE1/4 of the NE1/4 of Sec 30;

Thence S.89°51'28" E, along the South boundary of the SE1/4 of the NE1/4 of said Sec 30 619.53 feet to the REAL POINT OF BEGINNING.
(Parcel 4 on Survey #403236)

PARCEL III: A PARCEL OF LAND LOCATED IN THE NE1/4 OF THE SE1/4 OF SEC 30 T4N, R19E, B.M., BLAINE COUNTY, ID; more particularly described as follows;
Beginning at a Brass Cap which marks the E1/4 Corner of Sec 30 said E1/4 corner being the REAL P.O.B;
Thence N. 89°51'28" W. along the North boundary of the NE1/4 of the SE1/4 of said Sec 30 619.53 feet;
Thence S.27°59'46" W. 187.16 to a Point of Curvature;
Thence Southwesterly 173.38 feet along a curve to the left having a radius of 864.62 feet a delta 11°29'23" and a chord which bears S.22°15'04" W. 173.09 feet;
Thence S. 16°30'24" W. 1,034.29 feet to a point on the South boundary of the NE1/4 of the SE1/4 of Sec 30;
Thence S. 89°55'36" E. along the South boundary of the NE1/4 of the SE1/4 of said Sec 30 1,069.59 feet to the SE corner of the NE1/4 of the SE1/4 of said Sec 30;
Thence N.00°07'16" W. along the East boundary of said Sec 30 1,316.96 feet to the REAL POINT OF BEGINNING. (Parcel 5 of Survey #403236)

PARCEL IV: A PARCEL OF LAND LOCATED IN THE S1/2 OF SW1/4 OF SEC 29 T4N, R19E, B.M., BLAINE COUNTY ID, more particularly describes as follows;
Commencing at a Brass Cap which marks the W1/4 corner of said Sec29;
Thence S.00°07'17" E. along the West boundary of the SW1/4 said Sec29 1,316.96 feet to the REAL P.O.B.;
Thence continuing along said West boundary S.00°07'17" E. 239.14 feet;
Thence S.65°41'03" E. 276.71' to a Point of Curvature;
Thence Southeasterly 89.49 feet along a curve to the right having a radius of 562.00 feet a delta 09°07'23" and a chord which bears S.61°07'21" E. 89.39 feet;
Thence S.56°33'37" E. 121.53' to a Point of Curvature;
Thence Southeasterly 207.88 feet along a curve to the left having a radius of 295.43 feet a delta 40°18'59" a chord which bears S.76°43'08" E. 203.62 feet;
Thence N.83°07'26" E. 139.00 feet;
Thence N. 79°52'22" E. 292.90' to a Point of Curvature;
Thence Northeasterly 77.79 feet along a curve to the right having a radius of 531.96 feet a delta 08°22'41" a chord which bears N.84°03'43" E. 77.72 feet;
Thence N.88°15'03" E. 189.67 feet to a point on the East boundary of the SW1/4SW1/4 of said Sec 29;
Thence N.00°08'59" W. along East Boundary 428.33' feet to the NE Corner of the SW1/4SW1/4 of said Sec.29;
Thence S.89°59'12" W. along the North boundary of SW1/4 SW1/4 of Sec. 29 1,322.63 feet to the REAL POINT OF BEGINNING.
(Parcel 6 of Survey #403236)

PARCEL V: A PARCEL OF LAND LOCATED IN THE SW1/4SW1/4 OF SEC 29, T4N, R19E, B.M., BLAINE COUNTY, ID, more particularly described as follows;

Beginning at a Brass Cap which marks the SW corner of Sec 29 said SW corner being the REAL P.O.B.;

Thence N. 00°07'17" W. along the West boundary of the SW1/4 said Sec. 29 1,011.92 feet;

Thence S. 65°41'03" E. 249.44' to a Point of Curvature;

Thence Southeasterly 79.03 feet along a curve to the right having a radius of 502.00 feet a delta 09°07'23" a chord which bears S. 61°07'21" E. 79.85 feet;

Thence S. 56°33'37" E. 121.53' to a Point of Curvature;

Thence Southeasterly 250.10 feet along a curve to the left having a radius of 355.43 feet a delta 40°18'59" a chord which bears S. 76°43'08" E. 244.97 feet;

Thence N. 83°07'26" E. 140.70 feet;

Thence N. 79°52'22" E. 294.61' to a Point of Curvature;

Thence Northeasterly 69.01 feet along a curve to the right having a radius of 471.96 feet a delta 08°22'41" a chord which bears N. 84°03'43" E. 68.95 feet;

Thence N. 88°15'03" E. 188.00 feet to a point on the East boundary of the SW1/4SW1/4 of said Sec 29;

Thence S. 00°08'59" E. along the East boundary of the SW 1/4SW1/4 of said Sec. 29 830.84 feet to the SE corner of the SW1/4SW1/4 of Sec. 29;

Thence N. 89°55'01" W. 1,323.29 feet to the REAL P.O.B.

(Parcel 7 of Survey #403236)

PARCEL VI: A PARCEL OF LAND LOCATED IN THE SE1/4SW1/4 OF SEC 29, T4N, R19E, B.M., BLAINE COUNTY ID, more particularly described as follows;

Beginning at a Brass Cap which marks the S1/4 corner of said Sec 29 said S1/4 corner being the REAL P.O.B.;

Thence N. 89°55'01" W. along the South boundary of the SW1/4 said Sec 29 1,323.29 feet to the SW corner of the SE1/4SW1/4 of said Sec 29;

Thence N. 00°08'59" W. along the West boundary of SE1/2 SW1/4 of Sec. 29 830.84 feet;

Thence N. 88°15'03" E. 527.99' to a Point of Curvature;

Thence Northeasterly 151.28 feet along a curve to the left having a radius of 330.00 feet a delta 26°15'58" a chord which bears N. 75°07'03" E. 149.96 feet;

Thence N. 61°59'08" E. 189.96 feet;

Thence N. 58°19'12" E. 565.44 feet to a point on the East boundary of the SE1/4SW1/4 of said Sec. 29;

Thence S. 00°10'31" E. along the East boundary of the SE1/4SW1/4 of Sec. 29 1,273.57 feet to the REAL P.O.B. (Parcel 8 of Survey #403236)

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MAY 18 2005
Department of Water Resources
Southern Region

PARCEL VII: A PARCEL OF LAND LOCATED IN THE SW1/4SE1/4 OF SEC 29,
T4N, R19E, B.M., BLAINE COUNTY, ID, more particularly described as
follows;

Beginning at a Brass Cap which marks the S1/4 corner of said Sec 29 said
S1/4 corner being the REAL P.O.B.;

Thence N. 00°10'31" W. along the West boundary of the SW1/4SE1/4 of
said Sec. 29 1,273.57 feet;

Thence N. 58°19'12" E. 32.85 feet;

Thence N. 37°50'38" E. 39.02 feet to a point on the North boundary of the
SW1/4SE1/4 of said Sec. 29;

Thence N. 89°47'32" E. along the North boundary of the SW1/4SE1/4 of
said Sec. 29 1,273.03 feet to the NE corner of the SW1/4SE1/4 of said
Sec. 29;

Thence S. 00°06'21" E. along the East boundary of the SW1/4SE1/4 of
said Sec. 29 1,320.36 feet to the SE corner of the SW1/4SE1/4 of said Sec.
29;

Thence S. 89°44'41" W. along the South boundary of said Sec 29
1,323.47 feet to the REAL POINT OF BEGINNING.
(Parcel 9 of Survey #403236)

PARCEL VIII: A PARCEL OF LAND LOCATED IN THE NW1/4SE1/4 OF SEC 29,
T4N, R19E, B.M., BLAINE COUNTY, ID, more particularly described as
follows;

Commencing at the S1/4 corner of Said Sec. 29;

Thence N. 44°53'12" E. 1,871.90 feet to the SE corner of the NW1/4SE1/4
of said Sec 29 and SE corner being the REAL POINT OF BEGINNING;

Thence S. 89°47'32" W. along the South boundary of the NW1/4SE1/4 of
said Sec 29 1,273.03 feet;

Thence N. 37°50'38" E. 35.52 feet;

Thence N. 60°14'06" E. 593.68; to a Point of Curvature;

Thence Northeasterly 126.49 feet along a curve to the left having a radius
of 530.00 feet a delta 13°40'27" a chord which bears N. 53°23'55" E.
126.19 feet;

Thence N. 46°33'40" E. 33.67' to a Point of Curvature;

Thence Northeasterly 91.31 feet along a curve to the right having a radius
of 270.00 feet a delta 19°22'39" a chord which bears N. 56°15'02" E.
90.88 feet;

Thence N. 65°56'22" E. 134.90 feet;

Thence N. 70°23'24" E. 435.40 feet to a point on the East boundary of the
NW1/4SE1/4 of said Sec 29;

Thence S. 00°06'21" E. along the East boundary of the NW1/4SE1/4 of
said Sec. 29 668.17 feet to the REAL POINT OF BEGINNING.
(Parcel 10 of Survey #403236)

PARCEL IX: A PARCEL OF LAND LOCATED IN THE NW1/4SE1/4 SEC 29, T4N, R19E, B.M., BLAINE COUNTY, ID, more particularly described as follows;

Beginning at a 5/8" rebar with an Aluminum cap which marks the C1/4 corner of said Sec 29 said C1/4 being the REAL POINT OF BEGINNING;

Thence S.00°10'30" E. along the West boundary of the NW1/4SE1/4 of said Sec. 29 1,290.58 feet;

Thence N.37°50'38" E. 55.14 feet;

Thence N.60°14'06" E. 605.56' to a Point of Curvature;

Thence Northeasterly 112.17 feet along a curve to the left having a radius of 470.00 feet a delta 13°40'27" a chord which bears N.53°23'55" E. 111.90 feet;

Thence N.46°33'40" E. 33.67' to a Point of Curvature;

Thence Northeasterly 111.61 feet along a curve to the right having a radius of 330.00 feet a delta 19°22'39" a chord which bears N.56°15'02" E. 111.08 feet;

Thence N.65°56'22" E. 137.23 feet;

Thence N. 70°23'24" E. 458.98 feet to a point on the East boundary of the NW1/4SE1/4 of said Sec 29;

Thence N.00°06'21" W. along the East boundary of the NW1/4SE1/4 of said Sec 29;

Thence S. 89°49'39" W. along the North boundary of the NW1/4SE1/4 of said Sec 29 1,326.66 feet to the REAL POINT OF BEGINNING.

(Parcel 11 of Survey #403236)

PARCEL X: A PARCEL OF LAND LOCATED IN THE SE1/4SW1/4 OF SEC 29, T4N, R19E, B.M., BLAINE COUNTY, ID, more particularly described as follows;

Beginning at the NW Corner of the SE1/4SW1/4 of said Sec. 29 said point being the REAL POINT OF BEGINNING;

Thence S.00°08'59" E. along the West boundary of said SE1/4SW1/4 428.33 feet;

Thence N.88°15'03" E. 526.32' to a Point of Curvature;

Thence Northeasterly 123.78 feet along a curve to the left having a radius of 270.00 feet a delta 26°15'58" a chord which bears N.75°07'03" E. 122.70 feet;

Thence N. 61°59'08" E. 188.04 feet;

Thence N.58°19'12" E. 557.44 feet to a point in the North boundary of S1/2SW1/4 of said Sec. 29;

Thence S.89°59'12" W. along the North boundary of the S1/2SW1/4 of said Sec. 29 1,286.16 feet to the REAL POINT OF BEGINNING.

(Parcel 12 of Survey #403236)

PARCEL XI: TOWNSHIP 4NORTH, RANGE 19EAST, BOISE MERIDIAN, BLAINE
COUNTY, IDAHO.

SECT 32: NE1/4 NW1/4



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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Department of Water Resources
Southern Region

February 15, 2005

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Filmore, Suite 2000
Twin Falls, ID. 83301

Subject: O'Connor / Robbins East Fork Property Ownership

Dear Allen:

Please revise all pending claims, transfers, decrees, licenses permits, etc., with the Idaho Department of Water Resources to reflect current ownership in concordance with the attached signed & notarized Warranty Deed.

Please let me know if you have any questions or need anything else.

Sincerely,

Jason C. Helms, EIT

Enclosure: O'Connor Trust & Robbins Trust Warranty Deed

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

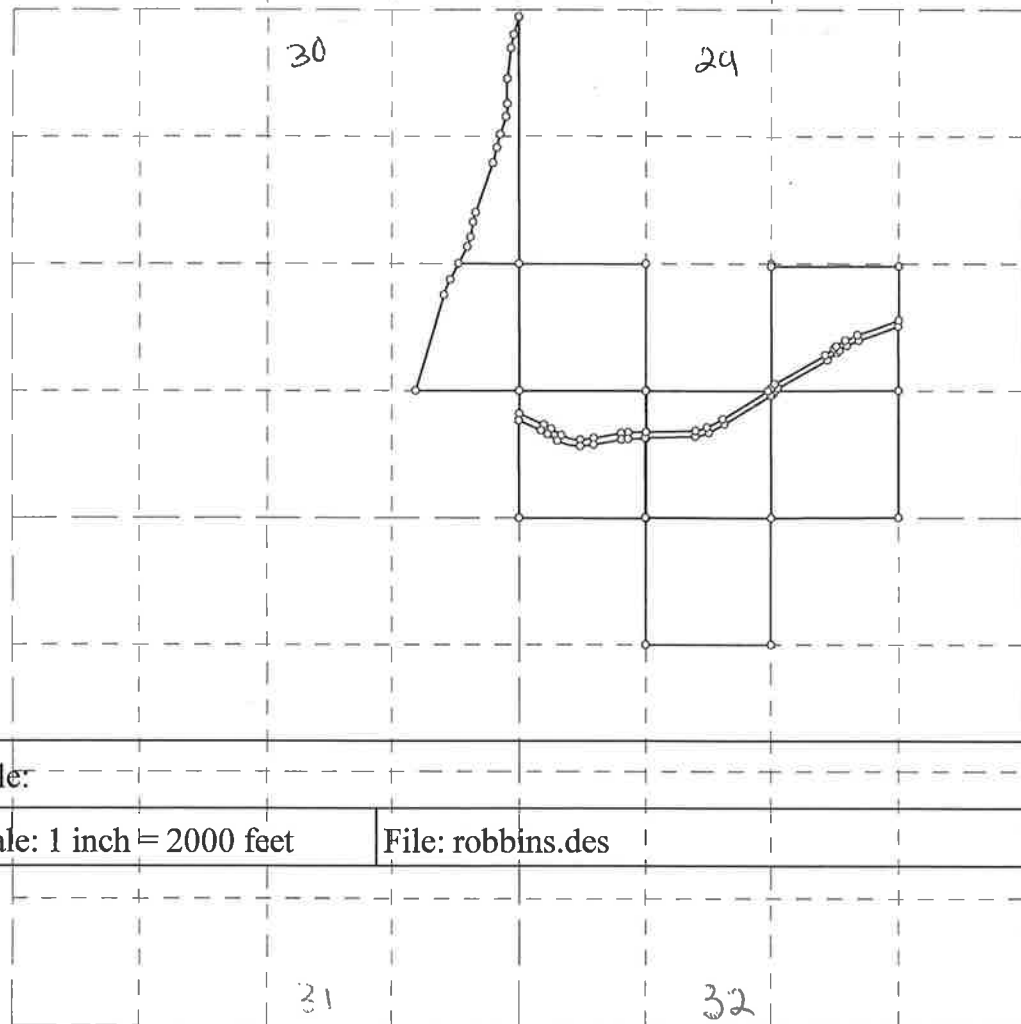
FAX: 736•8506

SRDA { 37-120
37-21385
37-21386

Applic → 37-21397

(house
well
deed)

~ 37-10808



Title:		Date: 05-19-2005
Scale: 1 inch = 2000 feet	File: robbins.des	

Data and Deed Call Listing of FUE: robbins.des

+Tract 1: 40.123 Acres: 1747761 Sq Feet: Closure = n13.3216w 0.01 Feet: Precision =1/616026: Perimeter = 5262 Feet
Tract 2: 10.923 Acres: 475818 Sq Feet: Closure = n71.4006w 0.00 Feet: Precision >1/999999: Perimeter = 3392 Feet
Tract 3: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet
Tract 4: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet
Tract 5: 14.636 Acres: 637540 Sq Feet: Closure = s02.2426e 0.01 Feet: Precision =1/648328: Perimeter = 5847 Feet
Tract 6: 26.240 Acres: 1143003 Sq Feet: Closure = n81.4324w 0.01 Feet: Precision =1/595362: Perimeter = 4401 Feet
Tract 7: 12.992 Acres: 565920 Sq Feet: Closure = n16.3021e 0.00 Feet: Precision =1/958491: Perimeter = 3385 Feet
Tract 8: 25.121 Acres: 1094250 Sq Feet: Closure = n07.2138w 0.12 Feet: Precision =1/37220: Perimeter = 4559 Feet
Tract 9: 29.079 Acres: 1266668 Sq Feet: Closure = s39.3712e 0.00 Feet: Precision >1/999999: Perimeter = 4862 Feet
Tract 10: 26.715 Acres: 1163695 Sq Feet: Closure = n00.0647w 28.83 Feet: Precision =1/163: Perimeter = 4692 Feet
Tract 11: 9.052 Acres: 394314 Sq Feet: Closure = s02.3124e 0.02 Feet: Precision =1/124818: Perimeter = 3110 Feet
Net Area= 40.123 Acres: 1747761 Sq Feet

001=/sw,se,29,04n,19e
002=n00.1031w 1273.57
003=n58.1912e 32.85
004=n37.5038e 39.02
005=n89.4732e 1273.03
006=s00.0621e 1320.36
007=s89.4441w 1323.47
008=@0+
009=/sw,se,29,04n,19e
010=/n44.5312e 1871.90
011=s89.4732w 1273.03
012=n37.5038e 35.52
013=n60.1406e 593.68
014: Lt, R=530, Arc=126.49, Delta=13.4027
Bng=n53.2355e, Chd=126.19
015=n46.3340e 33.67
016: Rt, R=270, Arc=91.31, Delta=19.2239
Bng=n56.1502e, Chd=90.88
017=n65.5622e 134.90
018=n70.2324e 435.40
019=s00.0621e 668.17
020=@0 Merge 1
021=/SE,SE,SE,32,04N,19E
022=/N00E 5280.00
023=/N90W 2640.00
024=S00W 1320.00
025=N90W 1320.00
026=N00E 1320.00
027=N90E 1320.00
028=@0 Merge 1
029=/SE,SE,SE,29,04N,19E
030=/N00E 2640.00
031=/N90W 3960.00
032=S00W 1320.00
033=N90W 1320.00
034=N00E 1320.00
035=N90E 1320.00
036=@0+
037=/se,ne,30,04n,19e
038=n00.0855w 2566.64
039=s15.0210w 188.14
040: Lt, R=970, Arc=142.81, Delta=8.2608
Bng=s10.4907w, Chd=142.68
041=s06.3602w 322.14
042: Lt, R=1184.15, Arc=265.27, Delta=12.5007
Bng=s00.1058w, Chd=264.72
043: Rt, R=330, Arc=135.69, Delta=23.3329
Bng=s05.3239w, Chd=134.73
044=s17.1927w 192.14
045: Lt, R=970, Arc=141.10, Delta=8.2003
Bng=s13.0926w, Chd=140.97
046: Rt, R=914.12, Arc=162.71, Delta=10.1150
Bng=s14.0518w, Chd=162.49

047=s19.1113w 543.33
048: Lt, R=615.06, Arc=103.08, Delta=09.3608
Bng=s14.2308w, Chd=102.95
049=s09.3505w 161.61
050: Rt, R=330, Arc=106.04, Delta=18.2440
Bng=s18.4725w, Chd=105.58
051=s27.5946w 197
052=s89.5128e 619.53
053=@0+
054=/se,ne,30,04n,19e
055=n89.5128w 619.53
056=s27.5946w 187.16
057: Lt, R=864.62, Arc=173.38, Delta=11.2923
Bng=s22.1504w, Chd=173.09
058=s16.3024w 1034.29
059=s89.5536e 1069.59
060=n00.0716w 1316.96
061=@0+
062=/nw,sw,29,04n,19e
063=/s00.0717e 1316.96
064=s00.0717e 239.14
065=s65.4103e 276.71
066: Rt, R=562, Arc=89.49, Delta=09.0723
Bng=s61.0721e, Chd=89.39
067=s56.3337e 121.53
068: Lt, R=295.43, Arc=207.88, Delta=40.1859
Bng=s76.4308e, Chd=203.62
069=n83.0726e 139.00
070=n79.5222e 292.90
071: Rt, R=531.96, Arc=77.79, Delta=08.2241
Bng=n84.0343e, Chd=77.72
072=n88.1503e 189.67
073=n00.0859w 428.33
074=s89.5912w 1322.63
075=@0+
076=/sw,sw,29,04n,19e
077=n00.0717w 1011.92
078=s65.4103e 249.44
079: Rt, R=502, Arc=79.03, Delta=09.0723
Bng=s61.0721e, Chd=79.85
080=s56.3337e 121.53
081: Lt, R=355.43, Arc=250.10, Delta=40.1859
Bng=s76.4308e, Chd=244.97
082=n83.0726e 140.7
083=n79.5222e 294.61
084: Rt, R=471.96, Arc=69.01, Delta=08.2241
Bng=n84.0943e, Chd=68.95
085=n88.1503e 188
086=s00.0859e 830.84
087=n89.5501w 1323.29
088=@0+
089=/se,sw,29,04n,19e
090=n89.5501w 1323.29
091=n00.0859w 830.84
092=n88.1503e 527.99

093: Lt, R=330, Arc=151.28, Delta=26.1558
Bng=n75.0703e, Chd=149.96
094=n61.5908e 189.96
095=n58.1912e 565.44
096=s00.1031e 1273.57
097=@0+
098=/nw,se,29,04n,19e
099=s00.1030e 1290.58
100=n37.5038e 55.14
101=n60.1406e 605.56
102: Lt, R=470, Arc=112.17, Delta=13.4027
Bng=n53.2355e, Chd=111.90
103=n46.3340e 33.67
104: Rt, R=330, Arc=111.61, Delta=19.2239
Bng=n56.1502e, Chd=111.08
105=n65.5622e 137.23
106=n70.2324e 458.98
107=n00.0621w 560
108=s89.4939w 1326.66
109=@0+
110=/nw,se,sw,29,04n,19e
111=s00.0859e 428.33
112=n88.1503e 526.32
113: Lt, R=270, Arc=123.78, Delta=26.1558
Bng=n75.0703e, Chd=122.70
114=n61.5908e 188.04
115=n58.1912e 557.44
116=s89.5912w 1286.16

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-21386

WATER RIGHT NUMBER: 37-21386

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBBINS TRUST C/O GERARD O CONNOR PO BOX 48 BELLEVUE, ID 83313 (208)788-4000

Priority Date: 06/01/1884

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	EAST FORK WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

SPRING	SW1/4NW1/4SE1/4	Sec. 29, Twp 04N, Rge 19E, B.M.
BLAINE County		

Place of Use

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	
04N	19E	29											13.0	27.0			3.0	18.0	61.0
04N	19E	32					4.0												4.0

Total Acres: 65

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-21386

Claim Received Date: 11/26/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

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>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

RECEIVED
Form No. 42-1409 (2) 1/88

NOV 26 2004

Department of Water Resources
Snake River Region

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

37-21386

Date Received

Receipt Number

5022190

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Robbins Trust, C/O Gerard O'Connor Phone (208) 788-4000

Mailing Address P.O. Box 48 Bellevue, ID Zip 83313

2. Date of Priority (Only one (1) per claim) 6/1/1884

3. Source of water supply (a) Spring

which is tributary to (b) East Fork, Big Wood River

4. a. Location of existing point of diversion is: Township 4N Range 19E Section 29,
SW 1/4 of NW 1/4 of SE 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: _____

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

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. Existing ditches

6. Water is claimed for the follow. purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 1.0 or --

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 1.0 (cfs) and / or (b) -- (acre feet)

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

9. Non-irrigation uses; described fully (e.g. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)

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 together 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
			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	
4N	19E	29											13	27		3	18		61
		32					4												4

Total number of acres irrigated 65

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

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.

Spring is historically additional to 37-120 Or None ☐

14. Remarks:

Last Name Ident. No.

15. Basis of Claim (check one) ☒ Beneficial Use ☐ 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) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Of _____ Title _____, that I have signed the foregoing

Organization _____

Document in the space below as _____ of _____

Title _____ Organization _____

And that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho / or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20TH day of August, 20 04



Notary Public _____

Residing at Twin Falls

My Commission Expires 11-18-2004

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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 37-21386
Date Received: 11/26/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

ROBBINS TRUST Phone: (208)788-4000

C/O GERARD O CONNOR
PO BOX 48
BELLEVUE ID USA 83313

2. Date of Priority: 06/01/1884

3. Source: SPRING Trib. to: WOOD RIVER EAST FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	19E	29	SW NW SE	BLAINE	

5. Description of diverting works:

Existing ditches

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1	

7. Total Quantity Appropriated is:
1 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
04N	19E	29	SE SW	IRRIGATION	27
			SW SW	IRRIGATION	13
			NW SE	IRRIGATION	3
			SW SE	IRRIGATION	18

04N	19E	32	NE	NW	Section Acres	61
					IRRIGATION	4
					Section Acres	4
					Total Acres	65

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

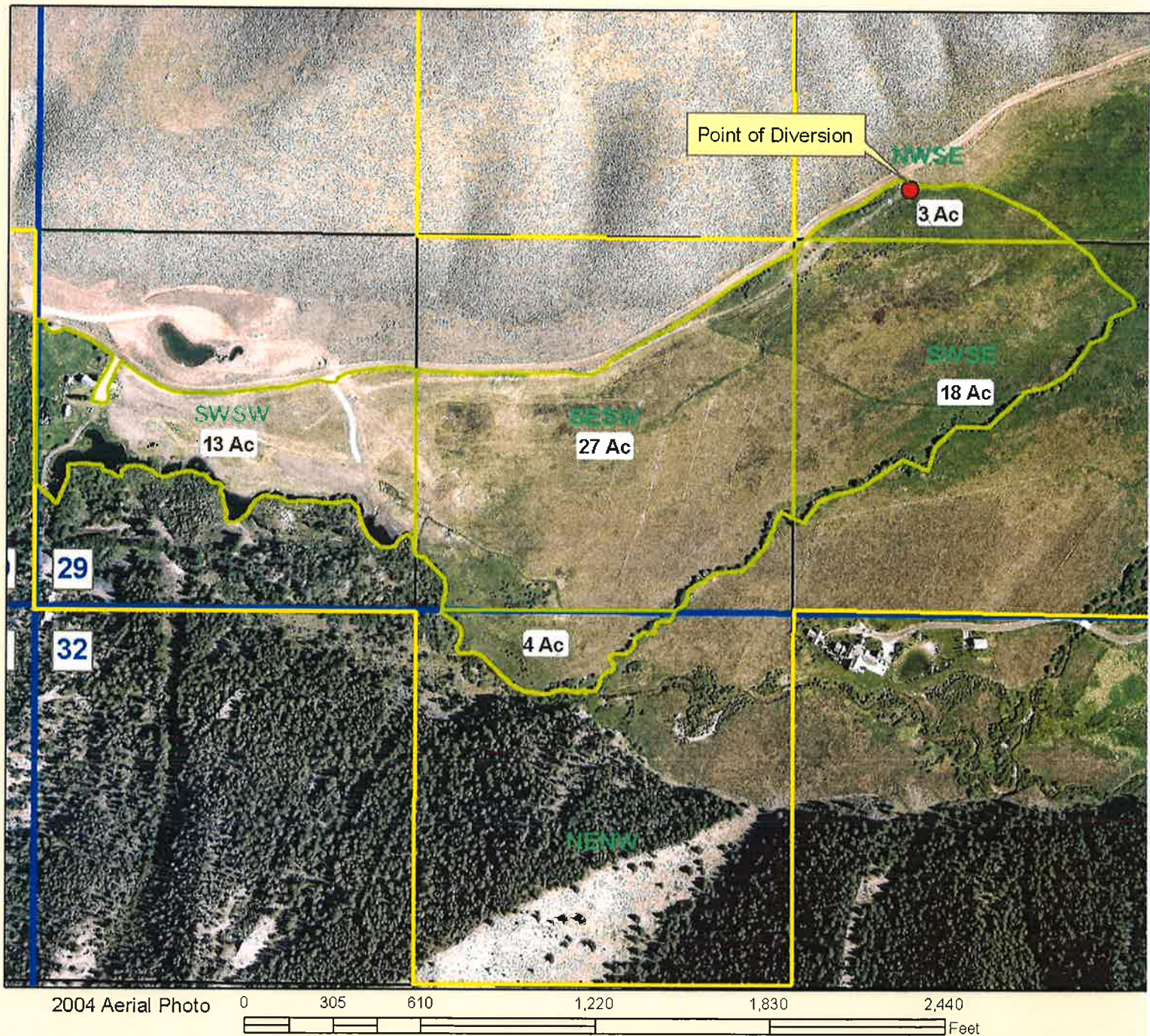
14. Remarks:

15. Basis of Claim: Beneficial Use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CLAIM TO A WATER RIGHT

Map

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



Twp. 4N, Rng. 19E

● POD

Sections

Property Boundary

40's

Irrigated Area



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

November 24, 2004

RECEIVED
NOV 26 2004
Department of Water Resources
Southern Region

Mr. Doug Jones
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

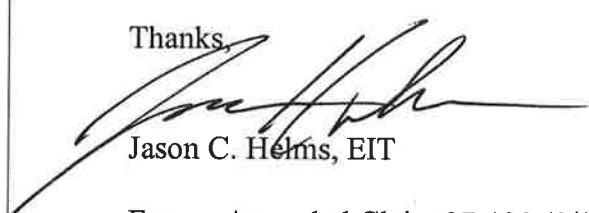
Subject: O'Connor Claims & Applications

Dear Doug:

Enclosed please find an amended claim for water right 37-120 based on my best irrigated area delineation as well as 2 new claims for unnamed springs historically utilized for irrigation purposes on his property on the East Fork of the Big Wood River.

These claims should create a suitable framework from which the enclosed Application for Permit with associated Transfer to provide mitigation for the consumptive components can be processed in order to straighten out the current water uses on the property. If you have any questions, please don't hesitate to call.

Thanks,


Jason C. Helms, EIT

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Enc. Amended Claim 37-120 (0\$)
New Claim – North Spring (\$50)
New Claim – South Spring (\$50)
Application for Permit (\$250)
Application for Transfer (\$250)
Brockway Check # 5297 for associated fees of \$600

Idaho Department of Water Resources Receipt

Receipt ID S027190

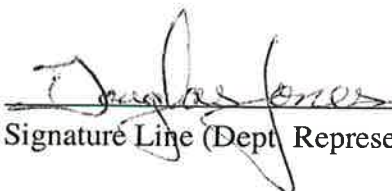
Payment Amount \$600.00 Date Received 11/26/2004 4:40:44 PM Region Southern Status
Payment Type Check Check Number 5297

Payer BROCKWAY ENGINEERING

Comment SRBA CLAIMS 37-21385, 37-21386; APP FOR PERMIT; APP FOR TRANSFER

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION FILING FEE	0337		44503	1155
\$50.00	ADJUDICATION FILING FEE	0337		44503	1155
\$250.00	TRANSFERS	0229	21	64106	1155
\$250.00	PERMITS	0229	21	64103	1155


Signature Line (Dept Representative)

COPY

02/07/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21793

NAME AND ADDRESS: ROBBINS TRUST & O CONNOR TRUST
PO BOX 48
BELLEVUE ID 83313

SOURCE: EAST FORK WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 4.160 CFS

PRIORITY DATE: 06/01/1884

POINT OF
DIVERSION:

T04N R19E S28 NWNWSW Within BLAINE County
T04N R19E S29 SESESW Within BLAINE County
T04N R19E S29 SENESE Within BLAINE County
T04N R19E S29 NESWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	4.160 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R19E S29	SWSW	12.00	T04N R19E S29	SESW	29.00
T04N R19E S29	NWSE	1.20	T04N R19E S29	SWSE	27.00
T04N R19E S32	NENW	7.30			

76.5 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 - Decreed

This right is a split from former right 37-21472.

Water is delivered through East Fork Wood River.

Blackfoot 039210.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Blackfoot, Idaho,**
has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant
Irma M. Knight
according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale
of desert lands in certain States and Territories," as amended by the Act of March 3, 1891, **for the north-**
east quarter of the northwest quarter of Section thirty-two in Township
four north of Range nineteen east of the Boise Meridian, Idaho, containing
forty 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 the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches 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 there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Calvin Coolidge,**

President of the United States of America, have caused these letters to be made
Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **TWENTY-THIRD**

(SEAL)

day of **SEPTEMBER** in the year of our Lord one thousand
nine hundred and **TWENTY-FIVE** and of the Independence of the
United States the one hundred and **FIFTIETH**:

By the President

By

Secretary,

Calvin Coolidge
D. M. Le Roy
M. P. Le Roy
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **966709**

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



UNITED STATES
EAGLE
FIRSTLY BOONES
02 1A
0004389393 MAR 08 2007
\$ 00.870
MAILED FROM ZIP CODE 83702

Permit
21397

 NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

RECEIVED
MAR 12 2007
DEPARTMENT OF
WATER RESOURCES

Part 3

37-21384
37-21385
37-21793
37-21794

269
11

68.3
75.6
86.7
91.4
21.1
96.7
89.4

~~ROBINS TRUST & CONNOR TRUST
PO BOX 48
BELLEVUE ID 98004~~

11/21/2006

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: 12/13/2006

Water right number: 37-21386

ROBBINS TRUST & O CONNOR TRUST
PO BOX 48

BELLEVUE ID 83313
Telephone Number: (208)788-4000

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

Disallowed

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

Should be Allowed, Has Always been Utilized With Other
IRRIGATION RIGHTS

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

By VIRTUE OF LOCATION WITHIN IRRIGATED AREA, SPRING
EFFLUENT NATURALLY PROVIDES IRRIGATION WATER TO
A PORTION OF THE PROPERTY - SEE ATTACHED AFFIDAVIT

I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/11/06

SIGNATURE:

Please print your name:

JACOB C. HELMS, P.E. BROCKWAY ENGINEERING
ON BEHALF OF ROBBINS & O'CONNOR TRUST

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

DEC 14 2006

11/21/2006

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

RIGHT NUMBER: 37-21386
NAME AND ADDRESS: ROBBINS TRUST & O CONNOR TRUST
PO BOX 48
BELLEVUE ID 83313

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No lawful appropriation shown.

WRONG

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

WRONG

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

No lawful appropriation shown due to lack of evidence of priority date prior to May 20, 1971.

SCANNED

DEC 14 2006

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF WATER RIGHTS AND WATER USE) COMMENTS AND
ON THE FARM NOW KNOWN AS THE O'CONNOR) EVIDENCE
TRUST & ROBBINS TRUST EAST FORK PROPERTY)

COMES NOW, Jeanne D. O'Connor, and provides the following comments and evidence in this matter:

1. For the approximate period 1926 to 2006 I have been familiar with the irrigation of the current O'Connor Trust & Robbins Trust East Fork Property. The Property is located along the East Fork of the Big Wood River just east of Hyndman Creek Road in Township 4N, Range 19E Sections 29 and 32.
2. For as long as I have been familiar with the property, the springs located on **EXHIBIT A** (attached aerial photo) have been in existence.

DATED this 1 day of December, 2006.

Jeanne D. O'Connor

SUBSCRIBED and SWORN to before me this 1st day of December 2, 2006



P. Timoney
NOTARY PUBLIC

Residing at: Tom's Falls, ID

My Commission Expires: 3/16/10

EXHIBIT A

(Affidavit RE: O'Connor / Robbins Trust Claim 37-21386)



2004 Aerial Photo

0 250 500 1,000 1,500
Feet



Twp. 4N, Rng. 19E

Sections
40's
Property Boundary

Brockway Engineering, PLLC
JCH - September, 2006

SCANNED

DEC 14 2006

11/12/2006

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

RIGHT NUMBER: 37-21386
NAME AND ADDRESS: ROBBINS TRUST & O CONNOR TRUST
PO BOX 48
BELLEVUE ID 83313

DISALLOWED: Recommended as Right No. 37-21386.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

No lawful appropriation shown due to lack of evidence of priority date prior to May 20, 1971.

11/13/2006

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-21386	ROBBINS TRUST & O CONNOR TRUST PO BOX 48 BELLEVUE ID 83313	Disallowed	No lawful appropriation shown.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21386 V1

3. E55 Right Nos. 37-21386 and 37-21473 are limited to the irrigation of a combined total of 74.4 acres in a single irrigation season.

Remarks:Comments:

1. ntreasure 6/22/2005 POU

Comment: As a result of a field exam of this POU, it was determined that the permissible place of use of this spring could water approx. 27.7 acres. This was determined by GIS due to location of spring in association to the contour of the POU.

2. ntreasure 6/22/2005 POD

Comment: As a result of a field exam of the POD, it was determined that the location of the spring is in the SWSE of section 29 instead of the claimed location of the NWSE.

3. ntreasure 6/22/2005 POD

Comment: Updated shape

4. ntreasure 6/22/2005 POD

Comment: Updated shape

5. ntreasure 6/22/2005 POU

Comment: Updated Shape

6. ntreasure 6/22/2005 POU

Comment: Updated PLS

7. ntreasure 6/22/2005 POU

Comment: Updated Shape

8. ntreasure 6/22/2005 POU

Comment: Updated PLS

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:

Owner Name Connector:

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>
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RECEIVED

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

AUG 29 2006

IN THE MATTER OF WATER RIGHTS AND WATER USE)
ON THE FARM NOW KNOWN AS THE O'CONNOR)
TRUST & ROBBINS TRUST EAST FORK PROPERTY)

COMMENTS AND EVIDENCE OF
SOUTHERN REGION
OTIS DISBENNETT

COMES NOW, Otis Disbennett, and provides the following comments and evidence in this matter:

1. I have lived in the Big Wood River Valley in Idaho for 78 years and have extensive experience with the irrigation and diversions as Deputy Watermaster for Water District 37 within the Big Wood River Valley.
2. For the approximate period 1979 to 2004 I have been familiar with the irrigation of the current O'Connor Trust & Robbins Trust East Fork Property. The Property is located along the East Fork of the Big Wood River just east of Hyndman Creek Road in Township 4N, Range 19E Sections 29 and 32.
3. For as long as I have been familiar with the property, the springs located on EXHIBIT 1 (attached aerial photo) have been in existence and have provided irrigation water for a portion of the property.

DATED this 26 day of August, 2003.

Otis Disbennett

Otis Disbennett

SUBSCRIBED and SWORN to before me this 28 day of August

Kimberly A Allen

NOTARY PUBLIC

Residing at: Richfield, Idaho

My Commission Expires: OCT 14, 2010



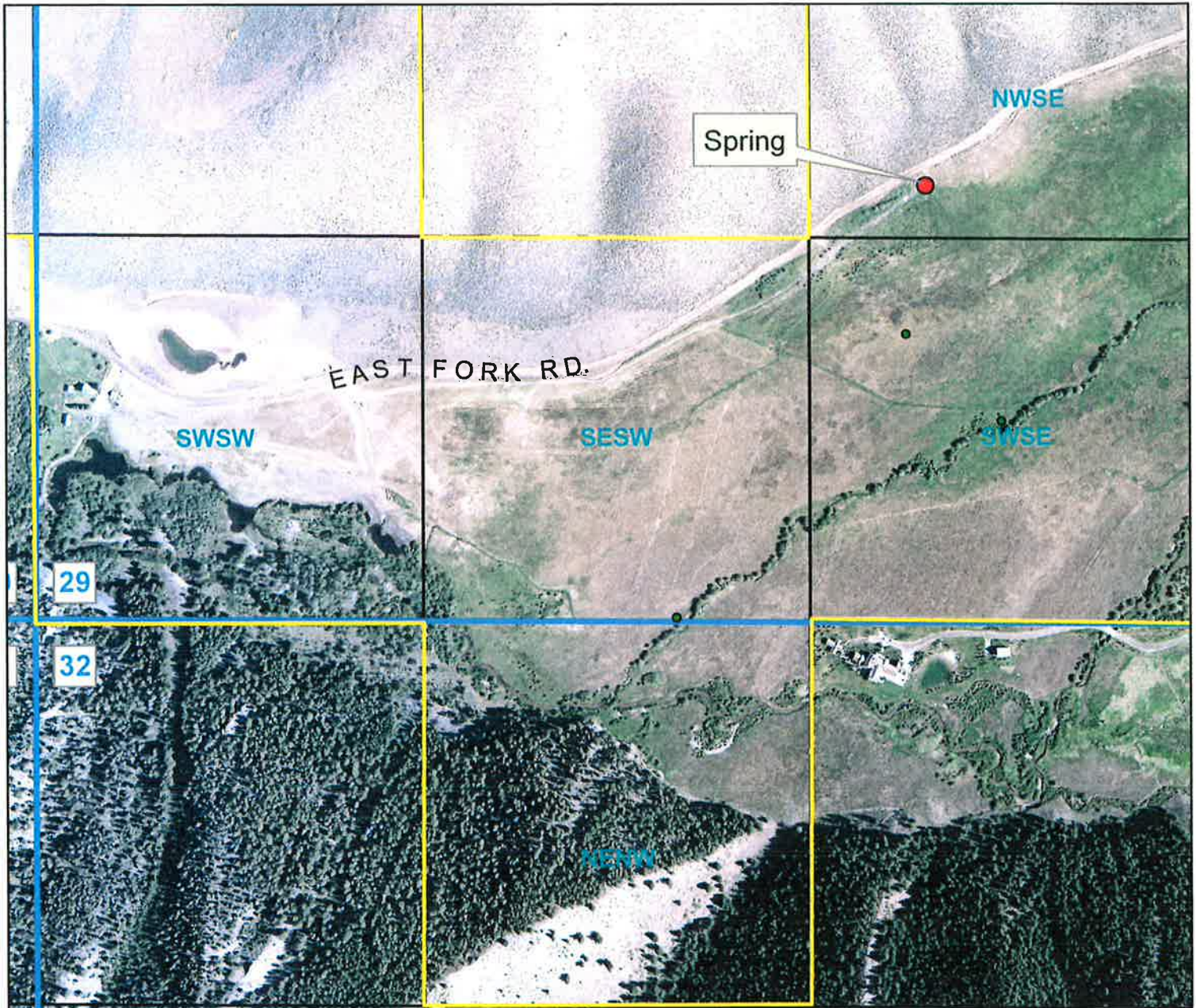
COMMENTS AND EVIDENCE BY OTIS DISBENNETT Page 1

RECEIVED

AUG 29 2006

EXHIBIT A

(Affidavit of Otis Disbennett, RE: O'Connor / Robbins Trust Claim 37-21386)



2004 Aerial Photo

0 125 250 500 750 1,000
Feet

Tw. 4N, Rng. 19E



Brockway Engineering, PLLC
JCH - August, 2005

 Sections  Property Boundary
 40's



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 22, 2005

Robbins Trust & O'Conner Trust
PO Box 48
Bellevue ID 83313

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM(S): 37-21386

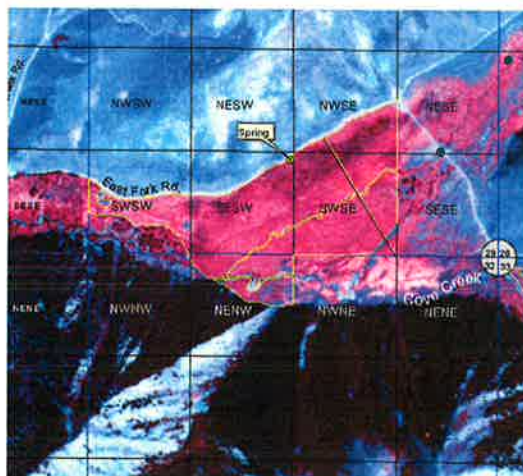
Dear Claimant

The Idaho Department of Water Resources (IDWR) is presently investigating water right claims in the Upper Big Wood Basin in preparation for submittal of Director's Report recommendations to the SRBA Court later this year.

As a follow up to IDWR's field exam on June 16, I am currently reviewing all claims that have been made by O'Connors/Robbins Trust on the East Fork Wood River. Particularly, I am reviewing claim 37-21386 which is the spring we examined in the SESW of Section 29 (See Map below).

In order to complete a valid recommendation on this beneficial use claim, I will need some form of evidence of priority. The claimed priority date is 06/01/1884. Keep in mind that this spring is not part of the 1884 decreed right you have from the East Fork Wood River.

I have enclosed a brochure to guide you to the proper submittal of proof of a valid priority date. Please pay special interest to the highlighted portion labeled "Examples of documents which may be evidence of the priority date." Please send this evidence as soon as possible. Feel free to call me with any additional questions at the phone number above.



Sincerely

Nick Treasure

Water Resource Agent

E-mail address: nick.treasure@idwr.idaho.gov

Enclosures

Memo

From: Nick Treasure

Date: June 17, 2005

Subject: Snake River Basin Adjudication (SRBA) review of claim(s):
37-21386, 37-21385, 37-21472, 37-21473

Due to questions that have arose to an application for permit as well as some question in regards to SRBA claims made by O'Connors and Robbins Trust, a field exam took place on June 17, 2005 by Allen Merritt, Aaron Retelle and myself. Mr. O'Connors (owner) and Jason Helm of Brockway Engineering were also present at the field exam.

The intent of the application for permit of the claimant is to dry up the POU from claim 37-21385 and southern portions of 37-21472 to mitigate water to ponds on the northern bench of the SWSW of section 29. In the course of researching the intent of this permit, the following issues arose that will affect the SRBA claim review and recommendations:

37-21385 – Found and examined the spring claimed as a source of irrigation of 4 acres. The claimed POU is not irrigated from the spring claimed. The actual output of water of the spring was very little. The contour of the POU to the spring would not allow for irrigation. The claim will be recommended for disallow. (See attached photos)

37-21386 – This claim is a Beneficial use right for 1.0 cfs of water from a spring located in the SWSE of section 29. The priority date claimed is 06/01/1884. According to Mr. O'Connors this right was claimed as supplement water for 37-21472 (1884 East Fork Decreed right). To recommend this right, evidence of priority would have to be submitted. The 06/01/1884 priority would more than likely be difficult to prove. Another issue presented with this water right is the use of the water. The claimant has applied for a permit to transfer water. However before this permit has been approved they have already gravity piped water from this spring approximately 2500 feet west to man-made ponds on a hillside. Mr. O'Connors indicated that this water will be pumped further up the hill to a house which is to be built. Allen is currently reviewing the application for permit. I will continue with the review looking at historical use. Evidence of priority will be needed.

37-21472 – This is a decreed right for 4.68 cfs from the East Fork Wood River for 90 acres. Though the ground is obviously difficult to flood irrigate, it appeared that the place of use claimed could be irrigated with the present series of laterals and ditches available. There appears to be no obvious issues in reviewing this claim at this time.

37-21473 – This land and water right was recently sold from O'Connors/Robbins Trust to Pioneer Moon LLC (10 acres w/ 0.52 cfs). The warranty deed indicates a sale of 1/10th of the parent right 37-120 (100 acres w/ 5.2 cfs). The actual acreage of the land sold according to the claimant and taxlots is 20 acres. O'Connors/Robbins is keeping a portion of the water right on the 20 acres sold to Pioneer Moon. (which is why the sale was not for 2/10th or 20 acres w/ 1.04 cfs)- O'Connors/Robbins is keeping have the water right on the sold property. I will recommend this claim as per warranty deed.

NWNE NENE NWNW NENW NWNE

SWNE SENE SWNW SENW SWNE
37-21473

NWSE NESE NWSW NESW NWSE

overlapping Rights

- 90 AC - 37-21472 (deceased)
- 65 AC - 37-21386 (B/L)

Hydman Creek Rd.

East Fork Rd.

SWSW SESW SWSE

Unroad stream

East Fork

Cove Creek

37-21385

3029
31 32

NWNE NENE NWNW NENW NWNE

SWNE SENE SWNW SENW

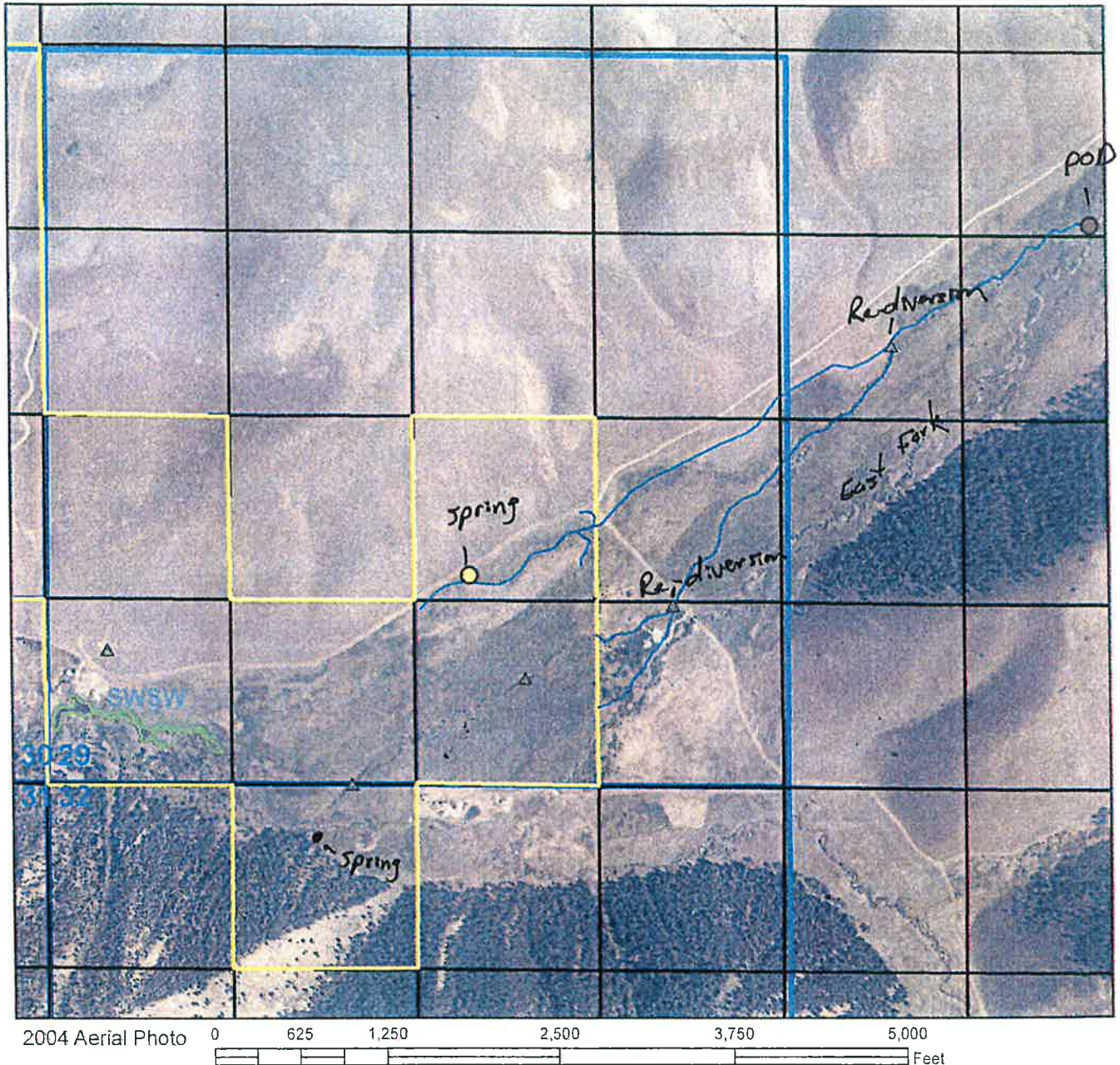
0

4000 Feet

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Part 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

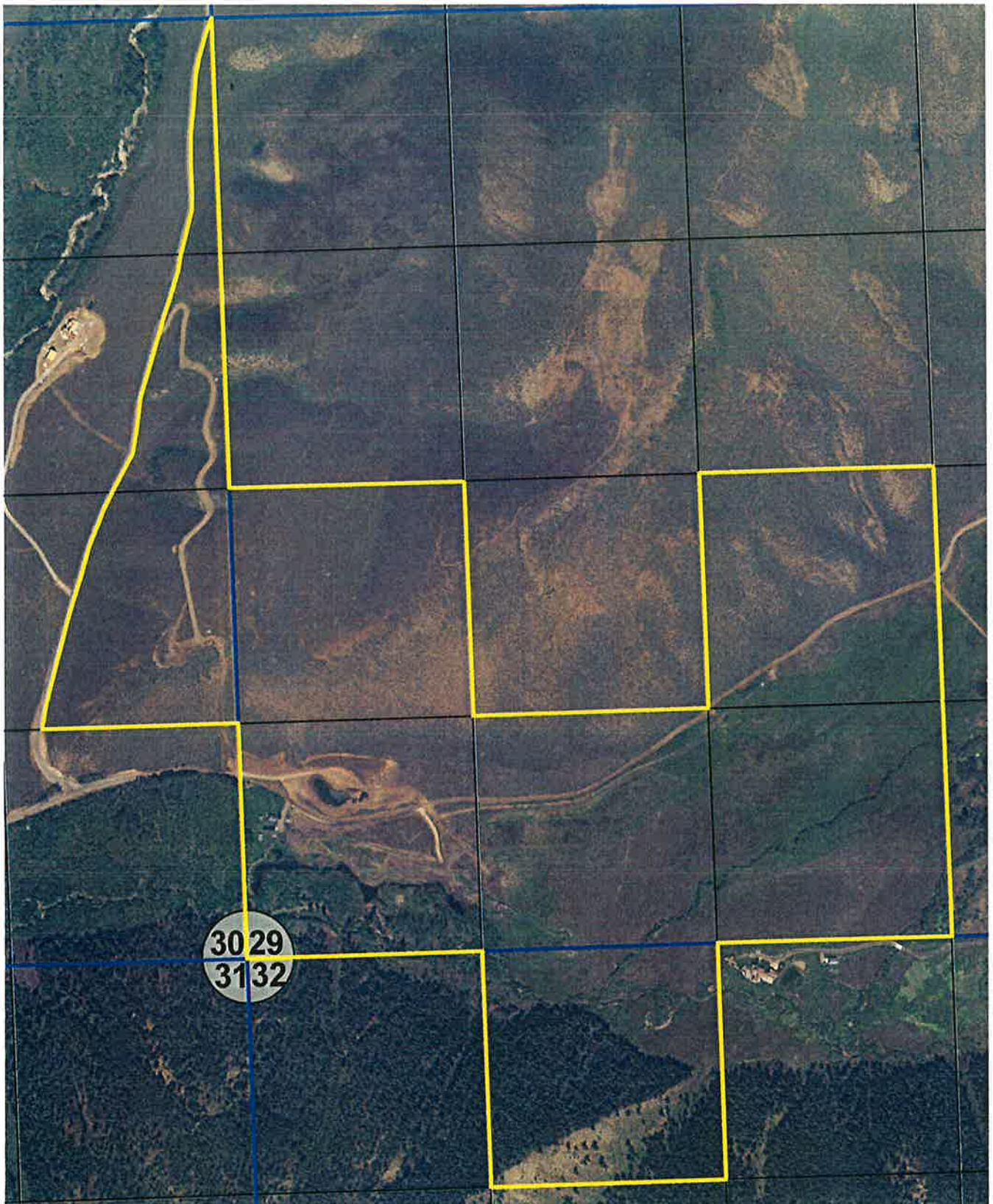


Twp. 4N, Rng. 19E

- North Spring POD
- 37-120 Primary POD
- ▲ Re-Diversions
- Sections
- Property Boundary
- Open Water (Previously Irrigated Area)
- 40's

Brockway Engineering, PLLC
JCH - November 30, 2004

O'Conner Trust/ Robbins Trust

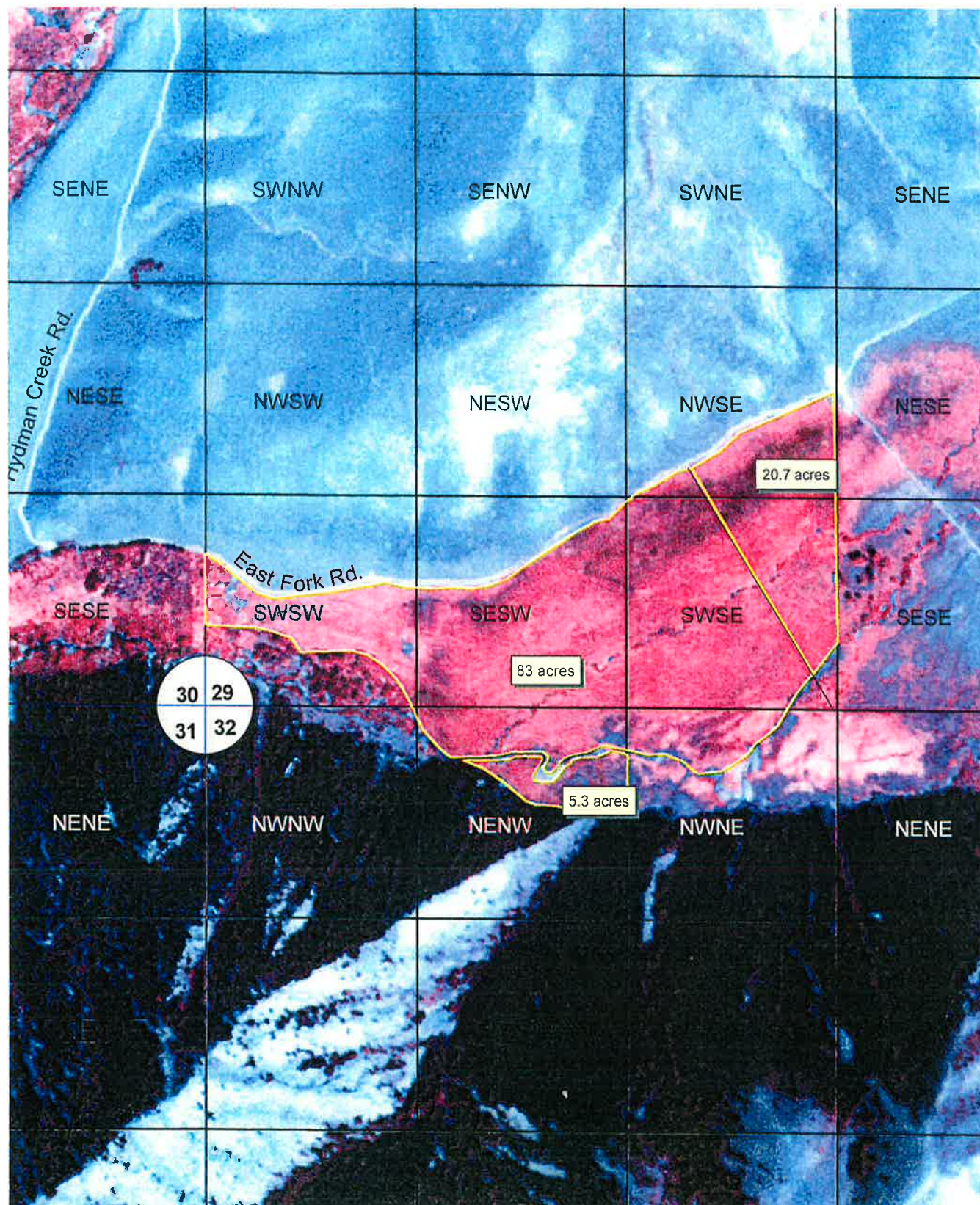


2000 0 2000 Feet

Twp 04N Rng 19E Secs 30, 29, 32



O'Conner Trust/ Robbins Trust



2000 0 2000 Feet

Twps 04N Rng 19E Secs 30, 29, 32



<u>Basin</u>	<u>Sequence</u>	<u>Suff</u>	<u>Basis</u>	<u>Status</u>	<u>Right ID</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volum</u>	<u>Source</u>	<u>Water Use Owner(s)</u>	<u>Version</u>	<u>Source Tag</u>
37	21398		Decreed	Withdrawn	582678	1884-06-01	4.84		WOOD RIVER IRRIGATION	O CONNOR, GERARD		wrAdjudica
37	21399		Decreed	Withdrawn	582679	1884-06-01	0.36	24.5	WOOD RIVER MITIGATION	O CONNOR, GERARD		wrAdjudica
37	120		Decreed	Parent	234430	1884-06-01	5.2		WOOD RIVER IRRIGATION	ROBBINS TRUST & C		wrAdjudica
37	21385		Beneficial Use	Active	582251	1884-06-01	0.3		SPRING IRRIGATION	ROBBINS TRUST & C		wrAdjudica
37	21386		Beneficial Use	Active	582252	1884-06-01	1		SPRING IRRIGATION	ROBBINS TRUST & C		wrAdjudica
37	21472		Decreed	Active	590276	1884-06-01	4.68		WOOD RIVER IRRIGATION	ROBBINS TRUST & C		wrAdjudica
37	21473		Decreed	Active	590277	1884-06-01	0.52		WOOD RIVER IRRIGATION	PIONEER MOON LLC		wrAdjudica
							5.2					
37	260		Decreed	Active	247027	1884-06-01	3.2		WOOD RIVER IRRIGATION	PIONEER MOON LLC		wrAdjudica
37	120			Withdrawn	234430	1884-06-01	5.2		WOOD RIVER IRRIGATION			xrFromAdj
37	21385			Withdrawn	582251	1884-06-01	0.3		SPRING IRRIGATION			xrFromAdj
37	21385			Withdrawn	582682	1884-06-01	0.3	14	SPRING MITIGATION			xrToAdjCla
37	21398			Withdrawn	582678	1884-06-01	4.84		WOOD RIVER IRRIGATION			xrToAdjCla
37	21399			Withdrawn	582679	1884-06-01	0.36	24.5	WOOD RIVER MITIGATION			xrToAdjCla
37	120		Decreed	Active	36758	1884-06-01	5.2		WOOD RIVER IRRIGATION	BUTCH, JAMES W (C		wrWaterRig
37	260		Decreed	Active	36963	1884-06-01	3.2		WOOD RIVER IRRIGATION	GOODING, FRANK R		wrWaterRig