

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-22769

Priority: May 03, 2012

Maximum Diversion Rate: 1.00 CFS
Maximum Diversion Volume: 2.3 AF

This is to certify, that ROBBINS TRUST & O CONNOR TRUST
PO BOX 48
BELLEVUE ID 83313

has applied for a permit to appropriate water from:

Source: SPRING**Tributary:** EAST FORK WOOD RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
AESTHETIC STORAGE	01/01 to 12/31		2.3 AF
WILDLIFE STORAGE	01/01 to 12/31		2.3 AF
IRRIGATION	04/15 to 10/15	0.12 CFS	
AESTHETIC	01/01 to 12/31	1.00 CFS	
RECREATION	01/01 to 12/31	1.00 CFS	
WILDLIFE	01/01 to 12/31	1.00 CFS	
RECREATION STORAGE	01/01 to 12/31		2.3 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: AESTHETIC STORAGE, WILDLIFE STORAGE, RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 19E 29											X						

PLACE OF USE: AESTHETIC, RECREATION, WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 19E 29											X						

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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											2.9						2.9
04N 19E 30													1.0				1.0

Total Acres: 3.9

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2017**.
2. Subject to all prior water rights.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 1.8 acre-feet or a total surface area of 0.4 acre.
4. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Acres
37-21386		0.02 cfs	4.2
37-21793		0.25 cfs	4.2

The land that will no longer be irrigated under this right is located within the NENW, Section 32, Township 4N, Range 19E.

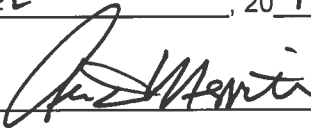
If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
6. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works for this right and all mitigation rights.
7. During the year of the initial filling of the pond, 1.1 acres in addition to the 4.2 acres identified for mitigation shall be dried up within the NENW Section 16, Township 04N, Range 19E. If the pond is depleted for maintenance or other reason the right holder shall seek a separate authorization, such as a Water Supply Bank rental, to re-fill the pond.
8. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

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9. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
10. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of October, 2012.



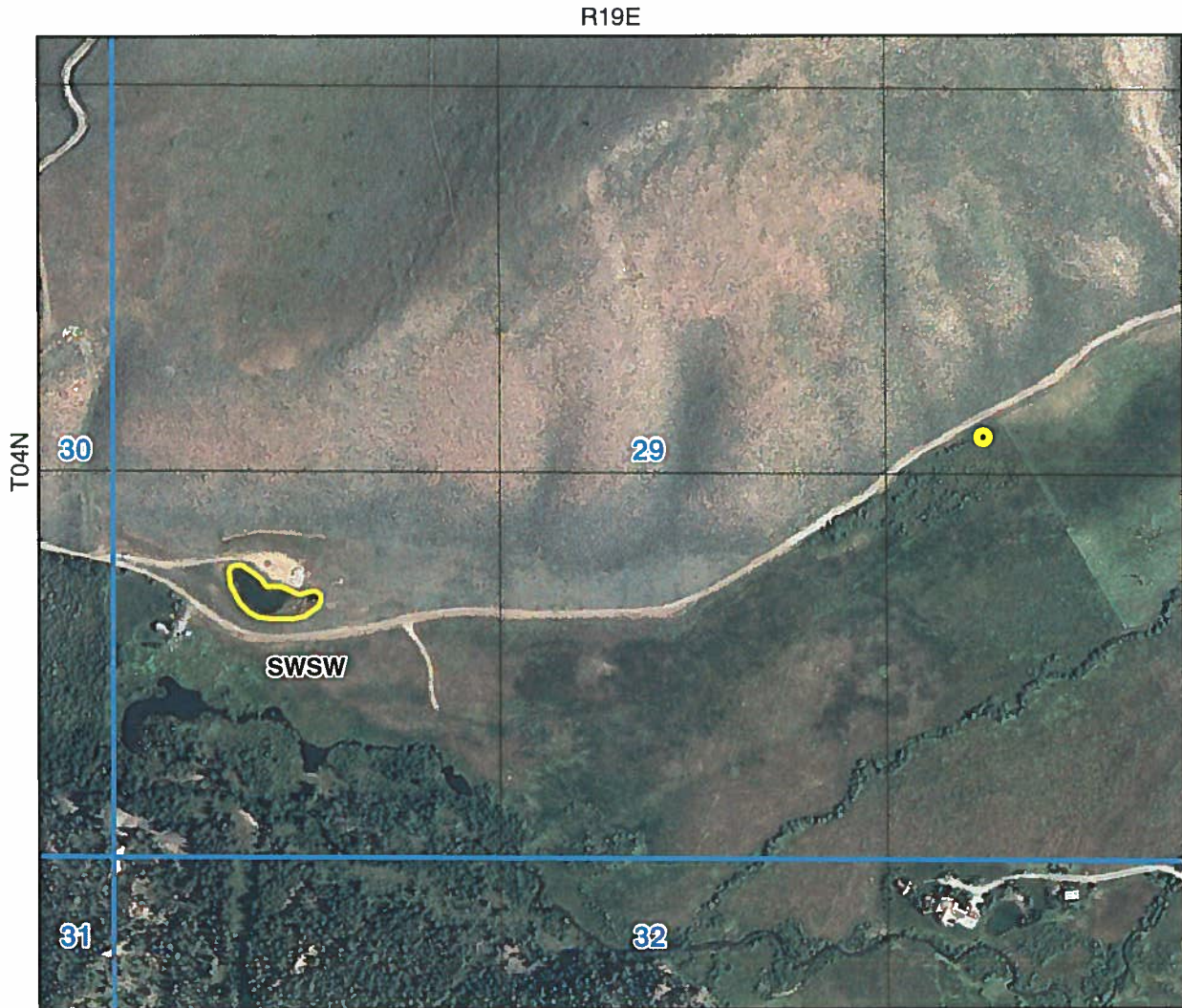
FOR GARY SPACKMAN, Director

State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

37-22769

This map depicts the AESTHETIC & AESTHETIC STORAGE, RECREATION & RECREATION STORAGE, WILDLIFE & WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.075 0.15 0.3 Miles

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



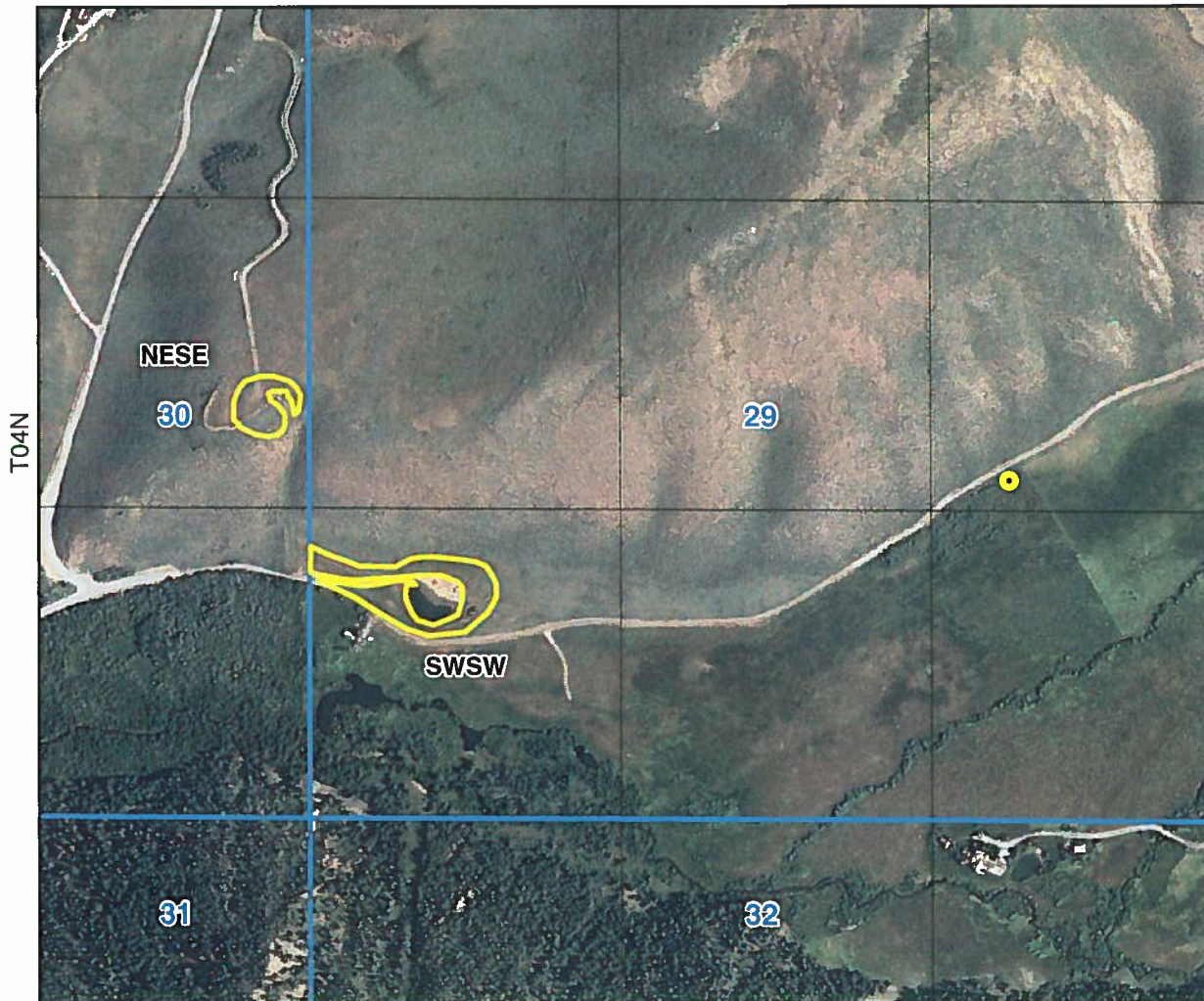
State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

37-22769

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R19E



0 0.075 0.15 0.3 Miles

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 19, 2012

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

RE: Permit No. 37-22769

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit. Pursuant to the permit approval rights 37-21386 and 37-21793 have been modified. Printouts of rights 37-21386 and 37-21793 as modified are also enclosed for your review.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is fluid and cursive, with the first name "Allen" written in a larger, more prominent script than the last name "Merritt".

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: BROCKWAY ENGINEERING PLLC

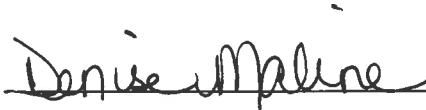
CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-22769

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

**BROCKWAY ENGINEERING PLLC
C/O CHARLES E BROCKWAY
2016 WASHINGTON ST N, STE 4
TWIN FALLS ID 83301**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-21793

WATER RIGHT NUMBER: 37-21793

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELEANOR SCHODDE 3 RIVER RUN ESTATES BURLEY, ID 83318 (208)678-5605
Current Owner	ROBBINS TRUST & O CONNOR TRUST PO BOX 48 BELLEVUE, ID 83313 (208)788-4000
Previous Owner	GERARD O CONNOR PO BOX 48 BELLEVUE, ID 83313 (208)788-4000
Previous Owner	ROBBINS TRUST C/O GERARD O CONNOR PO BOX 48 BELLEVUE, ID 83313 (208)788-4000
Original Owner	WALTER F SCHODDE 3 RIVER RUN ESTATES BURLEY, ID 83318 (208)678-5605

Priority Date: 06/01/1884

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/31	3.910 CFS	
MITIGATION	05/01 to 10/31	0.250 CFS	
	<u>Total Diversion:</u>	4.160 CFS	

Location of Point(s) of Diversion

EAST FORK WOOD RIVER BLAINE County	SE1/4NE1/4SE1/4	Sec. 29, Twp 04N, Rge 19E, B.M.
EAST FORK WOOD RIVER BLAINE County	NE1/4SW1/4SE1/4	Sec. 29, Twp 04N, Rge 19E, B.M.
EAST FORK WOOD RIVER BLAINE County	SE1/4SE1/4SW1/4	Sec. 29, Twp 04N, Rge 19E, B.M.
EAST FORK WOOD RIVER BLAINE County	NW1/4NW1/4SW1/4	Sec. 28, Twp 04N, Rge 19E, B.M.

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-21793

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											12.0	29.0		1.2	27.0		69.2
04N	19E	32					3.1												3.1

Total Acres: 72.3

MITIGATION

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	32					X												

Conditions of Approval:

1. This right is a split from former right 37-21472.
2. 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.
3. E55 Right Nos. 37-21793 and 37-21386 are limited to the irrigation of a combined total of 72.3 acres in a single irrigation season.
4. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-22769.
5. K06 This right is limited to the irrigation of 65.0 acres within the place of use described above in a single irrigation season.
6. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
7. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. E51 Right Nos. 37-21793, 37-21794 and 37-21386 are limited to a total combined diversion rate of 4.68 cfs.

Remarks:

Comments:

1. jreeder 10/17/2012 Mitigation use
Comment: This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-22769. This day a 4.2 acre (0.25 cfs) portion of this right was changed to mitigation use per the 37-22769 approval conditions. See associated approval order & correspondence in 37-22769. file.
2. jreeder 10/18/2012 12:32:27 PM POU
Comment: Updated Shape
3. jreeder 10/18/2012 12:33:30 PM POU
Comment: Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-21793

Dates and Other Information:

Licensed Date:
Decreed Date: 12/5/2011
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		72.3

Combined Water Rights: 37-21793 , 37-21386

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-21386

WATER RIGHT NUMBER: 37-21386

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	ROBERTSON & SLETTE, PLLC PO BOX 1906 TWIN FALLS, ID 83303 (208)933-0700
Current Owner	ROBBINS TRUST & O CONNOR TRUST PO BOX 48 BELLEVUE, ID 83313 (208)788-4000
Previous Owner	ROBBINS TRUST C/O GERARD O CONNOR PO BOX 48 BELLEVUE, ID 83313 (208)788-4000

Priority Date: 05/01/1913

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/31	0.380 CFS	
MITIGATION	05/01 to 10/31	0.020 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

EAST FORK WOOD RIVER BLAINE County	NW1/4NW1/4SW1/4	Sec. 28, Twp 04N, Rge 19E, B.M.
EAST FORK WOOD RIVER BLAINE County	SW1/4NE1/4SE1/4	Sec. 29, Twp 04N, Rge 19E, B.M.
EAST FORK WOOD RIVER BLAINE County	SE1/4SE1/4SW1/4	Sec. 29, Twp 04N, Rge 19E, B.M.
EAST FORK WOOD RIVER BLAINE County	NE1/4SW1/4SE1/4	Sec. 29, Twp 04N, Rge 19E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
04N	19E	29											12.0	29.0		1.2	27.0	69.2	

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-21386

04N 19E 32		3.1			3.1
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Total Acres: 72.3

MITIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	19E	32					X												

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 72.3 acres in a single irrigation season. Combined Right Nos.: 37-21793, 37-21386.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. 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.
4. E52 The rights listed below are limited to a total combined diversion rate of 4.16 cfs. Combined Right Nos.: 37-21793, 37-21386.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-22769.

Remarks:Comments:

1. djones 5/18/2011 New version

Comment: Created new version of recommendation to reflect amended claim.

2. jreeder 10/17/2012 Mitigation use

Comment: This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-22769. This day a 4.2 acre (0.02 cfs) portion of this right was changed to mitigation use per the 37-22769 approval conditions. See associated approval order & correspondence in 37-22769.

3. jreeder 10/17/2012 4:19:00 PM POU

Comment: Updated Shape

4. jreeder 10/17/2012 4:33:41 PM POU

Comment: Updated Shape

5. jreeder 10/17/2012 4:36:45 PM POU

Comment: Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-21386

Dates and Other Information:

Licensed Date:
Decreed Date: 12/5/2011
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

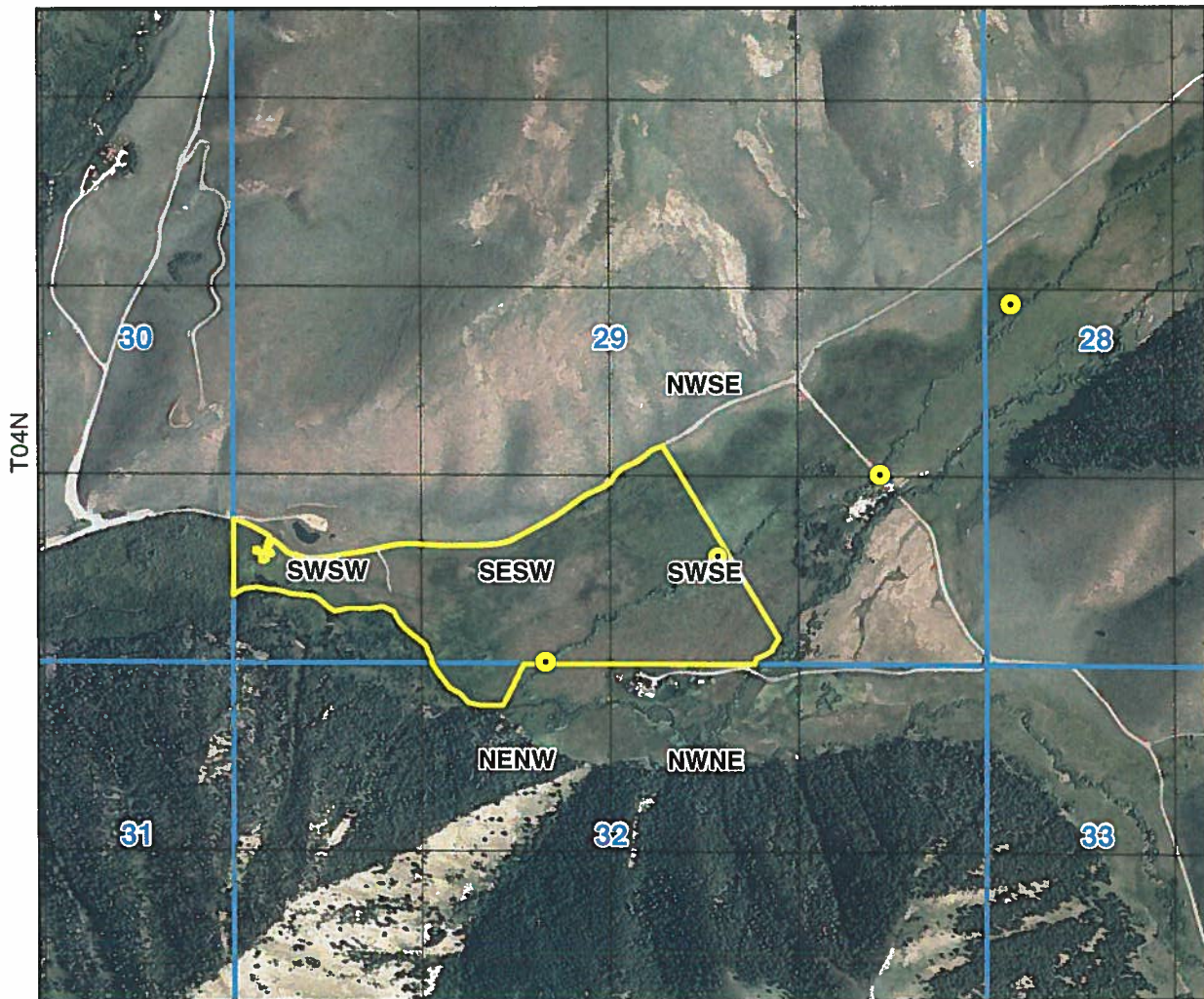
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		72.3
Combined Water Rights: 37-21793 , 37-21386		

Water Supply Bank:

State of Idaho
Department of Water Resources
Attachment To Water Right
37-21386 and 37-21793

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R19E



0 0.15 0.3 0.6 Miles

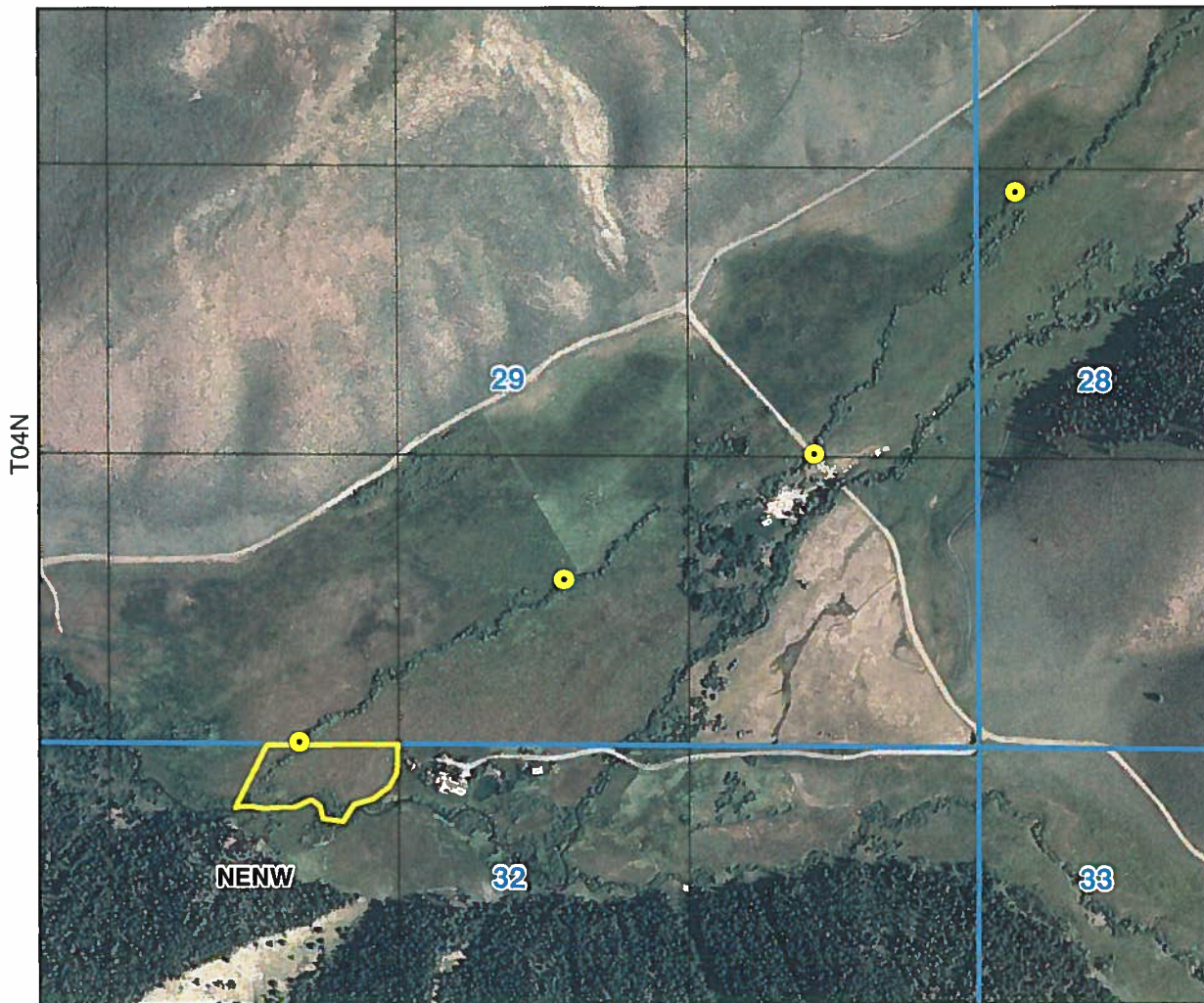
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



State of Idaho
Department of Water Resources
Attachment To Water Right
37-21386 and 37-21793

This map depicts the MITIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R19E



0 0.1 0.2 0.4 Miles

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 19, 2012

KEVIN LAKEY WATERMASTER
WATER DISTRICT # 37
107 W 1ST ST
SHOSHONE, ID 83352

Re: **APPROVED Permit No. 37-22769 (Robbins Trust & O'Connor Trust)**

Dear Mr. Lakey:

For your information and records, we have enclosed a copy of an APPROVED Application for Permit within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure

736-3037

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

RECEIVED

SEP 18 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Application No.: 37-22769

Applicant's Name: ROBBINS TRUST & O'CONNOR TRUST
PO BOX 48
BELLEVUE, ID 83313

fax

Watermaster's Recommendation:

a) _____ I do not oppose approval of this application.

b) X I do not oppose approval of this application if it is conditioned as follows:

Measuring device + control of 37-21793 + 37-21386 are currently inadequate. They need to be updated/improved. Measurement + control need installed @ new location.

c) _____ I oppose approval of this application for the following reasons:

d) _____ Additional comments:

Dated this 18 day of September, 2012

Water District No. 37

Kevin Lakey
Watermaster's Signature

Kevin Lakey
Printed Name

AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

Pam Morris

RECEIVED

SEP 13 2012

COPY OF NOTICE

pg. 1

DEPT. OF WATER RESOURCES
SOUTHERN REGION

sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 5 day of

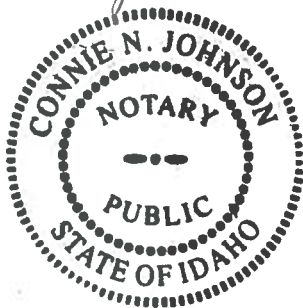
Sept., 20 12, and the date of the last publication was

on the 12 day of Sept., 20 12

Subscribed and sworn to before me this 12 day of

Sept., 20 12.

Connie N. Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 77

Number of Insertions 2

77 Lines tabular at 70.84 9.0 cents/pica

77 Lines straight at 61.99 8.0 cents/pica

77 Subsequent lines at 132.83 7.0 cents/pica

TOTAL COST 132.83

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-22769

ROBBINS TRUST & O'CONNOR TRUST

PO BOX 48

BELLEVUE, ID 83313

Point of Diversion SWNWSE S29
T04N R19E BLAINE County Source
SPRING Tributary EAST FORK BIG
WOOD RIVER

Use: AESTHETIC 01/01 to 12/31
1 CFS

Use: RECREATION 01/01 to 12/31
1 CFS

Use: WILDLIFE 01/01 to 12/31 1
CFS

Use: AESTHETIC STORAGE 01/01
to 12/31 2.3 AF

Use: RECREATION STORAGE
01/01 to 12/31 2.3 AF

Use: WILDLIFE STORAGE 01/01 to
12/31 2.3 AF

Use: DIVERSION TO STORAGE
01/01 to 12/31 1 CFS

Use: IRRIGATION 04/15 to 10/15
0.12 CFS

Total Diversion: 1 CFS 2.3 AF

Date Filed: 5/3/2012

Place Of Use: AESTHETIC, WILDLIFE,
RECREATION, AESTHETIC
STORAGE, WILDLIFE STORAGE,
RECREATION STORAGE

T04N R19E S29 SWSW

Place Of Use: IRRIGATION

T04N R19E S29 SWSW

T04N R19E S30 NESE

Total Acres: 3.9

SEE REVERSE FOR
REMAINDER OF AD

Application proposes diverting up to 1.0 cfs of spring water for aesthetic, recreation, and wildlife uses associated with an existing pond and 3.9 acres of new irrigation located up the East Fork of the Wood River approximately 7 miles north and 5 miles east of Hailey. The spring is located approximately 0.5 miles east of the pond and proposed irrigation. Application includes a mitigation plan that proposes drying up currently irrigated land to mitigate for new uses.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before September 24, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH:
IDAHO MOUNTAIN EXPRESS
Sept. 5 & 12, 2012

