

Hahn, Carrie

To: Jerome Hirschfeld
Subject: RE:
Attachments: JEROME.pdf

Dear Mr. Hirschfeld,

You have a correct interpretation of your current rights information. I have included scanned document of your partial decrees with the recommendation of the court. I have also included instruction for internet access so you can review your rights and the rights of Smokey Dome and the Van Horns. I believe the rights you are concern with are 37-35a, 37-454a, 37-463a, 37-463c, 37-728a, 37-730a, 37-2139a, 37-13261a , 37-13267a, 37-13268a,37-13269a, and 37-13271a. The *Related Document* tab will bring up all correspondence and court documents concerning these rights. I hope this information will answer all your questions, but please feel free to contact me or Doug Jones with any concerns. Good luck also with your jury duty. I always found it to be an interest and necessary process.

Sincerely,
Carrie Hahn

From: Jerome Hirschfeld [mailto:dr.jerryh@yahoo.com]
Sent: Sunday, January 22, 2012 2:00 PM
To: Jones, Doug; Hahn, Carrie
Subject: Fw:

----- Forwarded Message -----

From: Jerome Hirschfeld <dr.jerryh@yahoo.com>
To: "doug.jones@idwr.id.gov" <doug.jones@idwr.id.gov>; "carrie.hahn@idwr.id.gov" <carrie.hahn@idwr.id.gov>
Sent: Sunday, January 22, 2012 1:55 PM
Subject:

Good morning,

Earlier this week I met with Matt Weaver at the IDWR in Boise, where I currently live. I wished to review the current status of my water rights in Camas County, where my wife and I own and operate a 40 acre property. Matt was most helpful in reviewing information related to the current status of these rights, and suggested if I had further questions about adjudication now and in the future, I converse with Carrie Hahn. I also first discussed these issues in 2007 with Doug Jones, when I received intital information about the SRBA proceedings.

Most recently I received additional documentation Re SRBA and Case No. 39576 from Brigitte Bilyeu, dated December 29, 2011, that included a notice that a motion to alter or amend the Special Master's Recommendation must be made by January 29, 2012. As I can best determine, and with the help of Mr. Weaver, the current partial decree for this (my) Water Right 37-00727A, is entirely consistent with the original water right decree with priority date of 6/1/1886 except the irrigation of total acres has been reduced from 40 to 30, secondary to the reassessment in 2006 and reviewed with me by Doug Jones, that the approximate 10 acres that includes hillside, road and current home and yard is no longer included and/or is served by a domestic well (Water Right A37-13013 - which is unchanged since priority date of 1/1/1955. Can you please inform me if this is a correct interpretation of the current legal status and the basis for a final judgement/decreet/adjudication?

If that is not the case, I would appreciate some clarity about how to proceed to review and challenge any further abbreviation of the acreage or other changes to the special master's decision of 2006.

What has also given me some anxiety about these proceedings is the notice that "Objections were filed by Danny and Valerie Van Horn... which were resolved by the filing of Standard Forms 5" which subsequently led to a "Notice of Competed Administrative Proceeding was filed for each water right on June 29, 2011 changing ownership to Smokey Dome LLC...and after Amended Standard forms 5 were filed on November 14, 2011...there are no unresolved objections remaining in these subcases." Since I was not aware of nor a party to any of these objections, I have no awareness of the concerns or any impact on my Water Right based upon that outcome. I can only feel reassured that since the Case No. 39576 Partial Decree pursuant to Water Right 37-00727A includes the description of my Water Right consistent with the 2006 decree, that I have not been harmed and do not need to appeal. I would appreciate your thoughts on this.

The Van Horns were my previous neighbors, and they have subsequently sold that property, and I presume the accompanying Water Rights. I do not know whom Smokey Dome LLC is, but assume it is the new owner. and want to assure they have not infringed on my Water Right through these various actions. I also have not accessed/received the Standard Forms 5 that they and the IDWR are signatories too, so am not aware of the details of that action. Can you also tell me how I might access those documents?

I did obtain a copy of a 11/14/2011 letter from the AG's office stating that Amended Standard Forms 5 were enclosed for filing, and the listed Water Rights did not include my Water Right. They also corrected "errors in the PODs recommended for some of the original SF5s"...I am not sure of what a "POD" is, but if it is a point of diversion for irrigation access wanted to assure that this is downstream from my property and my point of diversion.

Lastly, since I have not received any information regarding my Water Right A37-13013(well and pump for domestic use), I presume that has not changed from its original adjudication, but would appreciate your assessment about this as well.

I am most appreciative of your attention to this, and hope you can provide me your thoughts by return e-mail. If necessary, I can visit with you in person or by phone as well. I am currently providing jury duty at the request of the court, and am uncertain when I will be able to communicate with you otherwise.

Thank you for your consideration.

Jerome Hirschfeld
3101 E. Nature Drive
Boise, Idaho 83706
208-336-2229

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-00727A

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
DEC 29 2011
By _____ Clerk Deputy Clerk

NAME AND ADDRESS:

CECILE K HIRSCHFELD
JEROME A HIRSCHFELD
3101 E NATURE DR
BOISE, ID 83706-6921

SOURCE:

EAST FORK CORRAL CREEK TRIBUTARY: CORRAL CREEK

QUANTITY:

0.16 CFS

PRIORITY DATE:

06/01/1886

POINT OF DIVERSION:

T01N R13E S21 SWNNW Within Camas County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
0.16 CFS

PLACE OF USE:

Irrigation
T01N R13E S21
30.0 Acres Total

SWNW 12.0

Within Camas County
NWSW 18.0

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

This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1.A or 1.B. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION
DEC 29 2011
<i>Eric J. Wildman</i> SPECIAL MASTER

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-13013
)

NAME AND ADDRESS: CECILE K HIRSCHFELD
JEROME A HIRSCHFELD
110 HEARTHSTONE
BOISE, ID 83702

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1955

POINT OF DIVERSION: T01N R13E S21 NWSW Within Camas County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOUSE	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Camas County
T01N R13E S21 NWSW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

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Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

our results will look similar to this:

Results for type: Claim

Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision
1	47	2399	Licence Actre 1965-02-03	14	GROUND WATER				

Results for type: Recommendation

Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision
2	47	2399	Licence Actre 1965-02-03	14	GROUND WATER				

Results for type: Statutory Claim, Diver and License

Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision	Document and Document and Provision
3	47	2399	Licence Actre 1965-02-03	14	GROUND WATER				

Number of records = 3

- **Details** will display a water right report.

- **Related Documents** allows you to view any documents the Department has scanned in connection with the water right or adjudication claim.

- **General Provisions** allows you to view any Basin specific provisions decreed by the Snake River Basin Adjudication Court.

*will show you all
all court proceedings/
changes to the right
selected.*

Direct your questions to the Regional IDWR Office that administers the water right.

For water rights beginning with 01, 11 thru 35, 73, 74 and 75 contact:

IDWR Eastern Regional Office
900 N Skyline Dr Ste A
Idaho Falls ID 83402-1718
(208) 525-7161

For water rights beginning with 02, 36, 37, 41, 43, 45, 47, 71 and 72 contact:

IDWR Southern Regional Office
1341 Fillmore St Ste 200
Twin Falls ID 83301-3380
(208) 736-3033

For water rights beginning with 03, 51, 55, 57, 61, 63, 65, 67, 69, 77, 78 and 79 contact:

IDWR Western Regional Office
2735 Airport Way
Boise ID 83705-5082
(208) 334-2190

For water rights beginning with 81, 82, 83, 84, 85, 86, 87, 91 thru 98 contact:

IDWR Northern Regional Office
7600 N Mineral Dr Ste 100
Coeur d'Alene ID 83815
(208) 762-2800

You may also contact:

IDWR State Office
322 E Front St
Boise ID 83702
1-800-451-4129

**Idaho
Department
of Water
Resources**



**A Guide to Idaho
Water Right Research
Using the Internet**

