

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: A37-04375
Date Received: 10/19/1988
Receipt No: S003063
Received By: JCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KATHRYN GARDNER 208-788-2568
Address: BOX 470
BELLEVUE, ID 83313

OR
Name: MARY ELLEN DRASHNER
Address: BOISE, ID 83702

2. Date of Priority: APR 01, 1912

3. Source: COLD SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
04N	18E	30	NW NE SE		BLAINE

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		
COMMERCIAL	01/01	12/31	0.150		

7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum

9. Non-irrigation uses:
C/ 10 UNIT TRAILER COURT

COPY

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	18E	30	SE		NE		IRR	5.0
			NE		SE		IRR	15.0
			SW		SE		IRR	8.0
			SW		SE		COMMER	
			SE		SE		IRR	32.0
							Section Acres	60.0
							Total Acres	60.0

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:
A37-011768

14. Remarks:
USE ON TRAILER CT. BEGAN BEFORE PERMITS WERE NEEDED.
SPRINGS LISTED INCLUDE SEVERAL DIFFERENT SOURCES IN THE AREA.

15. Basis of Claim: STATUTORY CLAIM

COPY

MICROFILMED
FEB 24 1993

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

Signature of Claimant(s): Kathryn Gardner Date: 10-27-88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 27th day

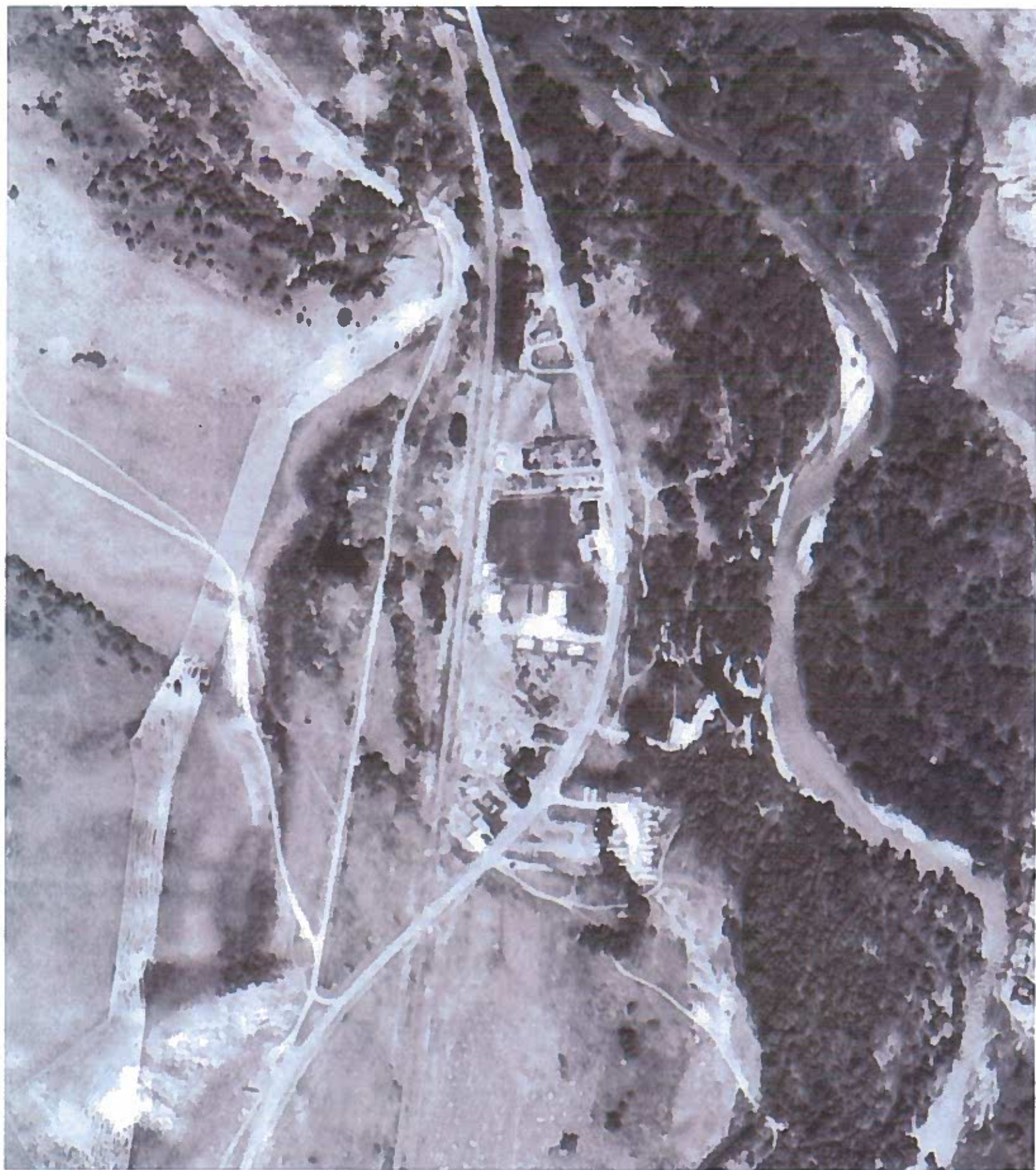
of October 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94





Basin 37 Hearings March 31, 2010

10:30 37-415 et al. (Sinclair Oil) TSC Chris / Steve

Sinclair withdrew objections to the 37-22105 & 22106 rights but they overlap to the remaining objected to rights, 37-415 & 37-416. Only objections to 37-415 & -416 are the claimants.

Discussion is continuing between IDWR & Sinclair. Steve sent Eric (Brockway Engineering) an updated shape file. Sinclair has prepared an updated shape of their own in response but Steve hasn't seen it yet. Sinclair has requested a face-to-face with Steve. Steve is proposing to meet in Twin on Thursday. Allan Merritt is also available to meet at that time. Waiting for confirmation from Eric. Steve has asked to see the Brockway shape prior to that meeting.

2:00 37-627 et al. (Rinker) TSC & 37-22398 / 37-22264 (Rock Creek LLC) Late Objections Chris / Kelly

We still need to file an ADR on 37-4192 which was due on 10/5/09. Kelly didn't feel comfortable filing it before taking a serious look at the late claims that were filed. Kelly is working on recommendations for related late claims on 37-22463, 37-22464 and 37-22465 (Rinker or Rock Creek LLC) now. The motions for these late claims were granted on 1/20/2010. The plan is to recommend them in the upcoming Spring LCDR and file the overdue ADR on 37-4192 around that same time.

Right 37-22264 (late objection) was recommended in the November 2008 LCDR. Claimant objected to quantity (shld be .53 cfs instead of the .110 cfs recommended). Objection notes IDWR has excess flow analysis in its files.

Right 37-22398 (late objection) was recommended last year in the June LCDR. Claimant objected to quantity (shld be 2.26 cfs instead of the .870 recommended) and POU (shld be 43.9 acres not the 43.7 recommended). Objection notes IDWR has excess flow analysis in its files and shape file agreed upon between claimant & IDWR.

There is already an additional TSC set for 10/13/2010 on this group of rights.

2:30 37-51 et al. (Y 3 Ranch) TSC Chris / Doug

On 3/26, Y 3 provided an affidavit of the Y 3 ranch manager (Mario Regalado) which Doug has reviewed. Doug has additional questions about pump location and installation time that have been submitted to Y 3 (on 3/29) along with maps to help them nail those locations down for us.

3:00 37-867 et al. (Big Wood Canal Company) TSC Chris / Doug

Involvement of Sinclair Oil and/or Newfoundland Partners dismissed thru the Joint Stip of (12/21/09) and Order Dismissing (issued 1/22/10). BLM addressed issues Hobdey had with the digital boundary and emailed out new shapefiles (on 3/30) adding to the POU of the BWCC to make it conform to the

American Falls Res. District #2 digital boundary. BLM land has been removed. Doug turned over analysis of the recommendations to BWCC as he didn't have the available time to devote to the project. IDWR loaded all info into the scanned documents for them. Doug informed them (Hobdey, Jerry Nance – BWCC Board, & Lynn Harmon – BWCC Manager, all verbally) about this in January—hasn't heard anything since then.

3:30 37-4375 (Gardner / Drashner) TSC & 37-22241 (Gardner / Drashner) Initial Hrg Nick / Doug

I think the last we heard was that Hobdey was ok with .2 cfs for 10 acres on 37-4375 but didn't rule out protesting should the right be transferred. The 37-22241 is the right for the original pond. Doug, if you could give us an update on what you think, that would be great.

4:00 37-548 et al. (Spring Canyon Ranch) TSC Chris / Kelly

Kevin Beaton called on 3/30 to let Chris know Spring Canyon Ranch is in foreclosure and he will be withdrawing as attorney. Indicated someone from the bank would probably be participating in the hrg. Kelly sent out an email (in file) to the parties on 3/26 discussing where he thinks we are with this group and indicating some items we needed info on to move these along. So far, he hasn't received any responses to that email. Negri received that email for BLM. I just forwarded that to Fred and Beazer today (3/30) for their review. Kelly believes BLM issues will be resolved by identifying the ground in 02N, 18E Sec 17 SENW also as Lot 4.

We have received the amendment to claim 37-12396—we need to report that when we've settled the rest of the group.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-22241 V1

WATER RIGHT NUMBER: 37-22241 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHRYN ALLRED GARDNER PO BOX 1200 HAILEY, ID 83333 (208)788-2568
Current Owner	MARY ELLEN DRASHNER PO BOX 1200 HAILEY, ID 83333 (208)788-2568

Priority Date: 04/01/1912

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
COLD SPRING GULCH	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
AESTHETIC	01/01 to 12/31		0.60 AF
<u>Total Diversion:</u>			0.60 AF

Location of Point(s) of Diversion

COLD SPRING GULCH	NW1/4NE1/4SE1/4	Sec. 30, Twp 04N, Rge 18E, B.M.
BLAINE County		

Place of Use

AESTHETIC

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	18E	30													X				

Conditions of Approval:

1. Aesthetic use for 0.2 acre surface area by 3 ft average depth pond.
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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-22241 V1

Comments:

1. mvanbussum 2/22/2008 Priority Date and 37-4375

Comment: 37-4375 was also filed on this property and was disallowed for no evidence of priority. Late claim 37-22241 was filed on this property with the same priority date, but for aesthetic. Requested eop for 37-4375 and 37-22241 12/12/2007 and again 02/20/2008. If no eop received by Spring 2008 late claims report, 37-22241 will be disallowed and no changes will be made to 37-4375.

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: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

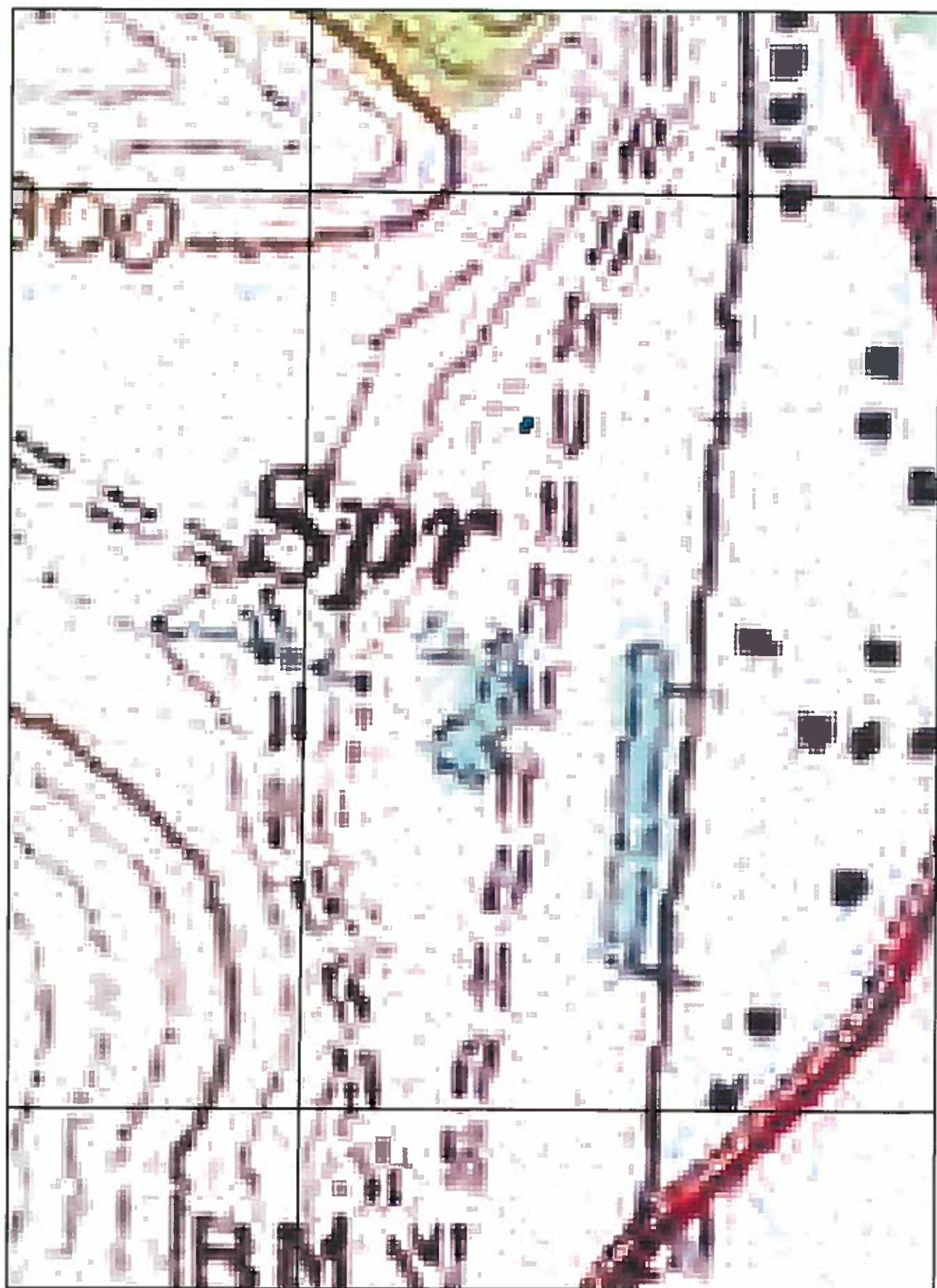
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			05/28/2009	djones	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	6/4/2009 7:38:39 AM	csaxton	Updated Shape
POD	5/27/2009 3:55:15 PM	djones	Updated Shape
Summary	5/28/2009 10:24:45 AM	djones	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-22241

WATER RIGHT NUMBER: 37-22241

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHRYN ALLRED GARDNER PO BOX 1200 HAILEY, ID 83333 (208)788-2568
Current Owner	MARY ELLEN DRASHNER PO BOX 1200 HAILEY, ID 83333 (208)788-2568

Priority Date: 04/01/1912

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
COLD SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
AESTHETIC	01/01	12/31		18.00 AF
	<u>Total Diversion:</u>			18.00 AF

Location of Point(s) of Diversion

COLD SPRINGS	NW1/4NE1/4SE1/4	Sec. 30, Twp 04N, Rge 18E, B.M.
BLAINE County		

Place of Use

AESTHETIC

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	18E	30													X				

Conditions of Approval:

- The original place of use for the pond was on property sold in 1998 to St. Luke's Wood River Medical Center for a new hospital and medical office building. All water rights appurtenant to that land were specifically reserved in the deed of conveyance (see attachment 1). The pond was removed during the course of construction of the new medical facilities and Claimants intend to file for a transfer to move the right to adjacent property which they own.

Remarks:



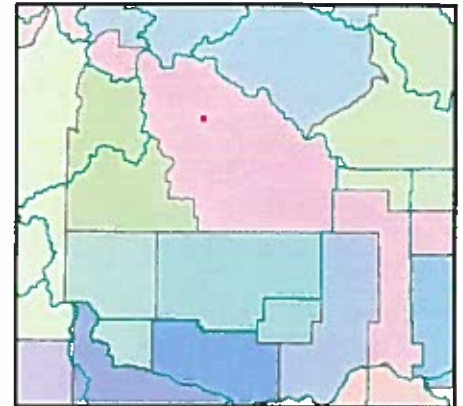


Idaho Department of Water Resources

Adjudication Recommendation 37-4375 (IRRIGATION)

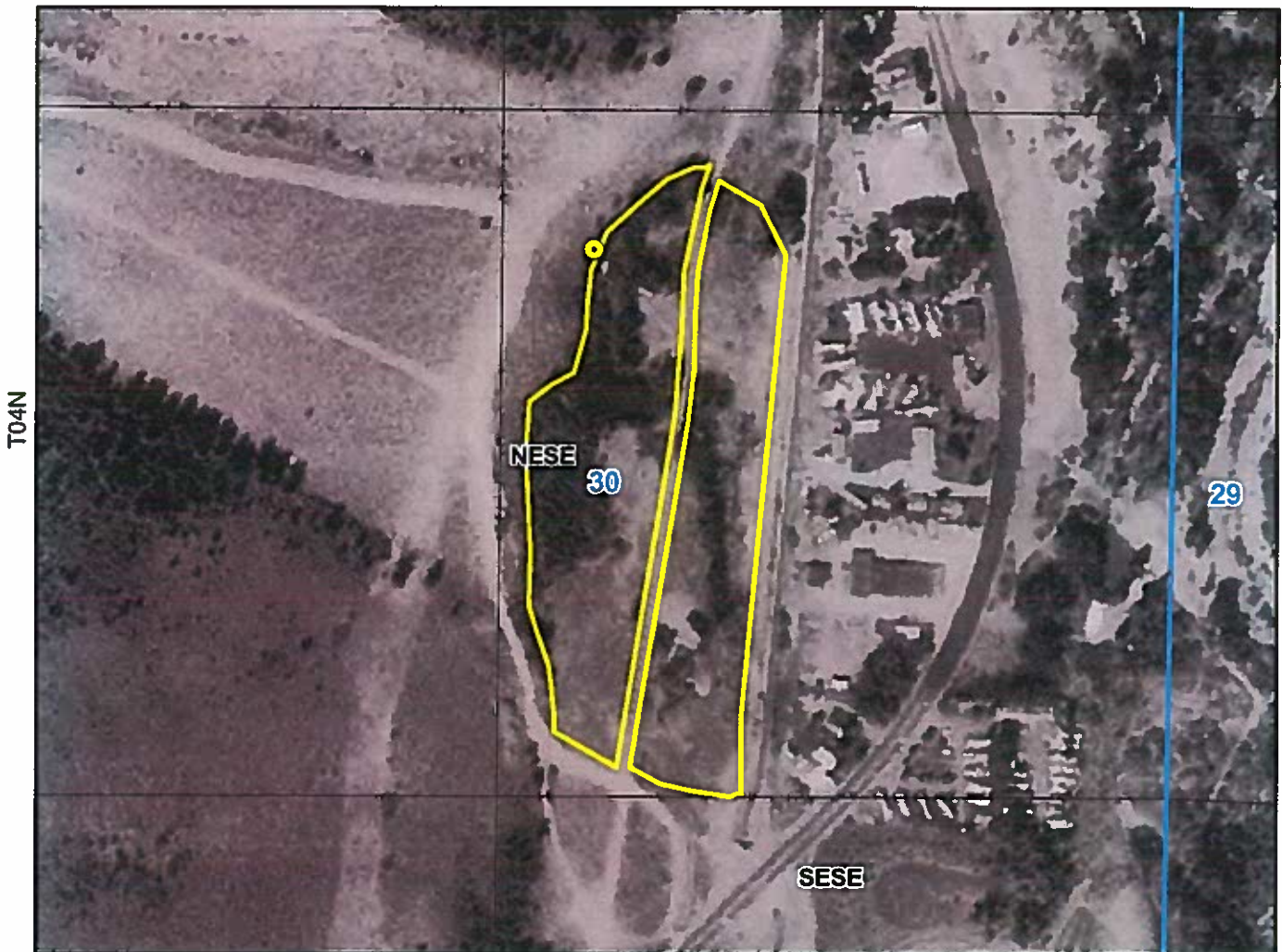
Legend

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



Blaine County
IDWR Basin 37

R18E



Prepared by Doug Jones
On March 30, 2010
1992 Aerial Photography

0 0.05 0.1 0.2 Miles

03/30/2010

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

RIGHT NUMBER: 37-4375

NAME AND ADDRESS: MARY ELLEN DRASHNER
PO BOX 1200
HAILEY ID 83333

KATHRYN ALLRED GARDNER
PO BOX 1200
HAILEY ID 83333

SOURCE: COLD SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.200 CFS

PRIORITY DATE: 04/15/1912

POINT OF DIVERSION:

T04N R18E S30 NWNESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.200 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R18E S30 NESE 10.00

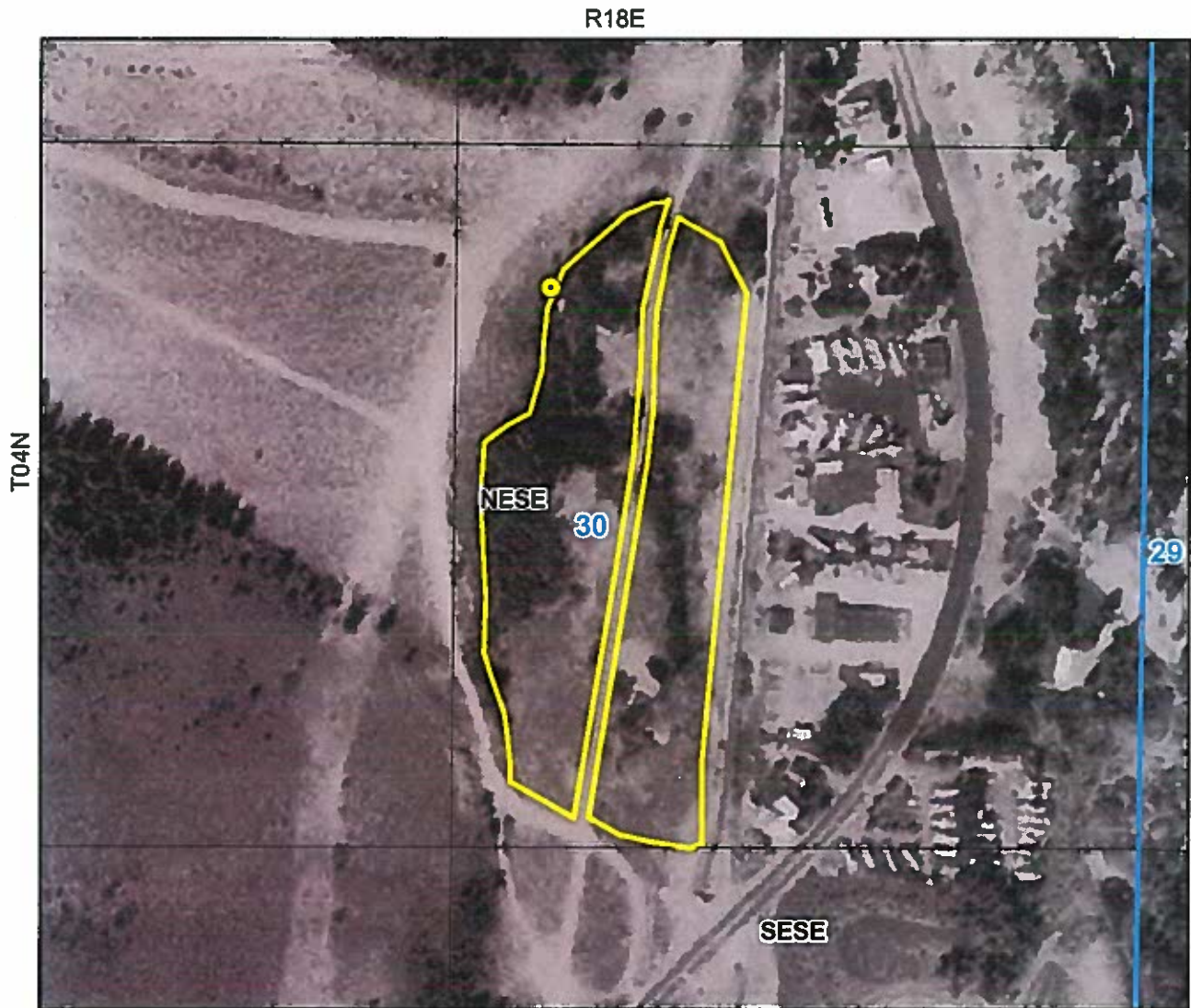
10 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

State of Idaho
Department of Water Resources
Adjudication Recommendation
37-4375
Water Service Area Boundary for Mary Ellen Drashner



Legend

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

0 0.045 0.09 0.18 Miles



SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

RECEIVED

JAN 24 2007

DEPARTMENT OF
WATER RESOURCES

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

January 23, 2007

RECEIVED

JAN 24 2007

DEPARTMENT OF
WATER RESOURCES

Ms. Cynthia Bridge Clark
Idaho Department of Water Resources
322 E. Front St.
Boise ID 83720-0098

**Re: Kathryn Gardner and Mary Ellen Drashner -
37-4375 and new Claim
Our File No.: 578/020103**

Dear Cynthia:

As we discussed, I am enclosing the original and one copy of the Notice of Error Reply for 37-4375. As soon as my clients' return from their trip, we will put together an affidavit to support the elements of this beneficial use water right. Please receipt date stamp the copy of the Notice of Error and return it to me.

I have also enclosed the original and copy of a Notice of Claim for the aesthetic use of water in a pond which was constructed on the property. Also enclosed are two checks, one to cover the \$100 filing fee and another to cover the \$100 late fee. I request that the latter be waived and, if you agree, please return one of the checks to me together with the receipt date stamped copy of that claim.

Please call me if you have any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____


James P. Speck

JPS:jal
Enclosures
cc: Client

01/12/2007

RECEIVED

JAN 24 2007

DEPARTMENT OF
WATER RESOURCES

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: January 23, 2007

Water right number: 37-4375

MARY ELLEN DRASHNER
PO BOX 1200
HAILEY ID 83333
Telephone Number: (208)788-2568

KATHRYN ALLRED GARDNER
PO BOX 1200
HAILEY ID 83333
Telephone Number: (208)788-2568

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

Disallowal

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

Water right should be recommended as claimed except the irrigated area should be less than 604.

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

Water was put to beneficial use for irrigation commencing in 1912

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

DATE: 1.21.07

SIGNATURE:

J. D. Spack, attorney
JAMES P. SPACK

Please print your name:

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

MEMORANDUM

To: Claim file 37-4375

From: Cynthia Bridge Clark

Date: January 17, 2007

Re: SRBA Claim Review

I spoke with attorney Jim Speck regarding the above referenced water right. The claim was disallowed based on lack of evidence of priority and the extent of beneficial use. Jim mentioned that the claimants are now out of the country, but they intend to provide both evidence of priority and evidence of irrigation of at least a portion of the acres claimed.

01/11/2007

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

RIGHT NUMBER: 37-4375

NAME AND ADDRESS: MARY ELLEN DRASHNER
PO BOX 1200
HAILEY ID 83333

KATHRYN ALLRED GARDNER
PO BOX 1200
HAILEY ID 83333

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

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

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.

MEMORANDUM

To: Claim file 37-4375 and 37-11768

From: Cynthia Bridge Clark

Date: December 18, 2006

Re: SRBA Claim Review

Evidence of priority and information about the commercial use was requested for both claims. The Gardiners visited the office to discuss the evidence required. We discussed the possibility of adding irrigation use to claim 37-11768 based on an accomplished change in use with a limited diversion rate. They were given maps to clarify the points of diversion and place of use, as well as information about the type of evidence required to establish the priority date and extent of historic development.

MEMORANDUM

To: Claim filed 37-4375 and 37-11768

From: Cynthia Bridge Clark

Date: December 12, 2006

Re: SRBA Claim Review notes

The Gardners plan to visit the department to discuss several water right claims. I called Kathryn Gardner to explain the type of information required to review the above referenced claims. Both are beneficial use claims. I requested evidence of priority and detailed information about the claimed commercial water use.

She said she would try to get as much information as possible before our meeting on Monday, December 18, 2006.



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-_____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

TIME CLAIMANT/ ATTORNEY	SUBCASE NO.	OBJECTOR/ ATTORNEY	RESPONDENT/ ATTORNEY	DAG/ AGENT	ISSUES	NOTES
					Address; Quantity; POU	
2:15 PM Robert Dreyer, Roger Crist	37-14279 (atk)	Dept. of Lands/ David Stanish	N/A		Ownership—POD; POU	Nick + Jeanie (O2N, 18E, Sec. 24) disallowed 5 A. irrip (AD) on lands - pipe? split right, part in Dept. Lands- trans off later at end of lease
3:00 PM Robert Dreyer/ James Speck	37-1153B 37-2614 37-14289	Robert Dreyer/ James Speck	CWU/ Albert Barker BWCC/ Craig Hobdey		Quantity in all 3 rights; Plus POU in 37-1153B	who has part A? (Haywards) * doing a chain of title search, may have only purchased a portion (may w/A Obj?)
3:00 PM Idaho Baptist Convention/ Pro Se	37-4379	1. USFS/ David Negri 2. BLM/ David Negri	N/A		1. Ownership—POD; POU 2. All elements— ownership of mineral estate (geothermal)	Chris + Kelly
3:45 PM Mary Ellen Drashner & Kathryn Allred Gardner/ James Speck	37-4375	Mary Ellen Drashner & Kathryn Allred Gardner/ James Speck	CWU/ Albert Barker BWCC/ Craig Hobdey		Disallowed – Should be recommended	- affidavits (EP) were filed today memory to 1946 for picture & sheep Nick + Jeanie (own neighboring acreages so would move by to fer w/o changing source) 25 A. instead of 60 A. (no commercial use)
3:45 PM Syringa Ranch Trust/ Charles Honsinger	37-4133	Thomas O'Gara/ Paul Arrington	N/A		Disallowed – Should be recommended	Chris + Kelly (concern that pond is still there/ will remain even if water moved)

Robertson, Jean

From: Saxton, Craig
Sent: Wednesday, November 12, 2008 11:24 AM
To: Jones, Doug; Robertson, Jean
Subject: RE: RE: SRBA claim 37-22241 (Gardner/Drashner): Objection to 37-4375

Hey Doug,

Thanks for getting back to me.

I have no problem holding it out. Yes, I do have the claim file for 37-22241 sitting on my desk so if there are no objections, I will probably route it to Southern.

I have no problem with contacting Jim Speck and telling him we are looking at including it in the next report as it needs reviewed in conjunction with 37-4375.

Thanks,
c

-----Original Message-----

From: Jones, Doug
Sent: Wednesday, November 12, 2008 11:14 AM
To: Saxton, Craig; Robertson, Jean
Subject: RE: RE: SRBA claim 37-22241 (Gardner/Drashner): Objection to 37-4375

Craig,

I know it will annoy Jim Speck, but we just haven't evaluated this claim in any respect. The original claim for 37-22241 was received in the SO and numbered 37-4375 and inserted in that file. We don't have the claim file so have only looked at it peripherally with 4375. Bar code says the SO has the file.

I would wish that we could hold off reporting 22241, but if consensus there is that it needs to go to report I would request it be disallowed and we can consider it along side of 4375.

Doug

-----Original Message-----

From: Saxton, Craig
Sent: Wednesday, November 12, 2008 9:56 AM
To: Robertson, Jean
Cc: Jones, Doug
Subject: FW: RE: SRBA claim 37-22241 (Gardner/Drashner): Objection to 37-4375

Hey Jeanie,

I was wondering if I could talk to you about 37-4375 and a late claim that came in 37-22241. The short story is that we received 37-22241 which is basically the same system as what is claimed under 37-4375, but it is for recreation use. When looking for evidence of priority (EOP), we found that 37-4375 was disallowed due to no EOP. So Monica and I started bugging Jim Speck about sending us some Evidence of Priority.

I just found out yesterday that he send the EOP but only identified 37-4375 as it being applicable so I didn't know it came in. So now I have 3 days to try to figure out if we even want to try to recommend 37-22241 and try to get it in the report.

I am really hesitant about making a recommendation on this right when I am not familiar with what you all are doing with 37-4375. Vicki said you had some field work to do possibly? Can you fill me in?

In short, what I am thinking is that we don't report 37-22241 in this upcoming late claim report, and I send it to whoever is reviewing 37-4375 because it seems to me like they

should be reviewed together.

If you have a sec, let me know what you think.

Thanks,

Craig

-----Original Message-----

From: Kelly, Vicki

Sent: Wednesday, November 12, 2008 9:22 AM

To: Saxton, Craig; Spencer, Nick

Subject: RE: RE: SRBA claim 37-22241 (Gardner/Drashner): Objection to 37-4375

Hi Craig

The agent who covered the initial hrg is Jeanie Robertson at Southern. The claimant did provide affidavits regarding the priority date and beneficial use--those are scanned to PowerDocs. There was the possibility of some field work to be done, so the next hearing was booked into May to allow IDWR time. Nick is back today (I think)--he may have more info to add. I think that's all I got! Thanks - Vicki

-----Original Message-----

From: Saxton, Craig

Sent: Wednesday, November 12, 2008 9:06 AM

To: Spencer, Nick; Kelly, Vicki

Subject: RE: RE: SRBA claim 37-22241 (Gardner/Drashner): Objection to 37-4375

Hey Nick,

Do you know where we are at with the objection to 37-4375 and who is working on it? To refresh, 37-22241 is a late claim for basically the same system as 37-4375, but they claimed recreation as a purpose of use.

We didn't get the EOP to allow us to review 37-22241 until yesterday because it was sent to whoever has 37-4375. I am reluctant to make a recommendation for 37-22241 and include it in the DR when I don't know what is going on with 37-4375.

Anyway, any guidance or info would be great.

Thanks,

C

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]

Sent: Tuesday, November 11, 2008 10:57 AM

To: Saxton, Craig

Cc: 'Robert Gardner'; 'Mary Ellen Drashner'

Subject: RE: RE: SRBA claim 37-22241 (Gardner/Drashner): Objection to 37-4375

Craig,

We filed the attached affidavits in SRBA Subcase 37-4375. I hope this is sufficient for you to recommend this claim! Let me know if you need anything else.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)

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From: Saxton, Craig
Sent: Tuesday, November 11, 2008 9:54 AM
To: Jim Speck

Hello Jim,

I think the last time we spoke about this the plan was to report 37-22241 in the fall supplemental report.

We are planning on submitting the fall supplemental report early next week. To my knowledge, I haven't received any evidence of priority for 37-22241. I can recommend the claim as disallowed and get it in this fall report, or if you wish, I will leave it out of this report for another round.

Please let me know your thoughts on this issue.

Thanks,

Craig

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Wednesday, February 27, 2008 11:42 AM
To: Saxton, Craig
Cc: ranchrobert@cox.net; rkgardner@scskylan.net; 'Julie Cord'
Subject: RE: SRBA claim 37-22241 (Gardner/Drashner): Objection to 37-4375

Craig,

The initial hearings for Basin 37 Part 3 subcases will not take place until mid-September at the earliest according to Special master Bilyeu. Therefore, it makes the most sense to leave 37-22241 for the fall supplemental report. We are gathering appropriate evidence and will get that to IDWR as soon as possible. Let me know if you have additional questions. Thank you.

Jim

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-----Original Message-----

From: Saxton, Craig

Sent: Tuesday, February 19, 2008 11:30 AM

To: jim@speckandaanestad.com

Dear Mr. Speck,

I see that you represent Kathryn Gardner and Mary Ellen Drashner
(37-4375
and 37-22241).

I have been reviewing claim 37-22241 and see that you have been contacted regarding the need for additional evidence of priority. I was going to send you a reminder letter but then saw that an objection has been filed on the recommendation for 37-4375 because it was disallowed due to insufficient evidence of priority.

Since it looks like 37-4375 and 37-22241 pretty much are from the same system, I thought maybe in your search for evidence of priority for commercial and irrigation (37-4375) use, you might come across evidence for the aesthetic (37-22241) use as well.

The Spring 2008 supplemental (Late Claim) Directors Report is tentatively scheduled to be submitted to the SRBA court on March 18, 2008. I spoke with Nick Spencer and asked if initial hearings were set for 37-4375 as I thought we might want to coordinate when we submit 37-22241 to the court so it coincides with the initial hearing for 37-4375. Nick said that the initial hearing hasn't been set for 37-4375 and that perhaps I could ask you what you would like me to do.

Would you like me to include 37-22241 in the March 18, 2008 supplemental directors report? Without evidence of priority within the next few weeks, I will have to recommend 37-22241 as disallowed to the SRBA court.

Or, I could hold 37-22241 out of the March 18th report and allow you more time to come up with priority evidence for both 37-4375 and 37-22241.

The next supplemental report would be submitted in the fall of 2008 (about 6 months down the road).

When you have a chance, let me know your thoughts on this if you don't mind.
Feel free to give me a call if you have questions.

Respectfully submitted,

Craig L. Saxton

Water Right Supervisor

Adjudication Bureau

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2/19/2008

10:55 AM

Robertson, Jean

From: Saxton, Craig
Sent: Wednesday, November 12, 2008 11:35 AM
To: Jim Speck
Cc: Jones, Doug; Robertson, Jean
Subject: RE: RE: SRBA claim 37-22241 (Gardner/Drashner): Objection to 37-4375

Jim,

Thanks for sending me the attachments. However, after speaking with Southern Region, I think this should be reviewed in conjunction with 37-4375. Because of the short time frame, I won't be able to include it in the upcoming supplemental directors report.

I apologize for the inconvenience.

Let me know if you have any questions.

Thanks,

Craig

-----Original Message-----

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Sent: Tuesday, November 11, 2008 10:57 AM
To: Saxton, Craig
Cc: 'Robert Gardner'; 'Mary Ellen Drashner'
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Water Right Supervisor

Adjudication Bureau

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