

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 37-21261
Date Received: 2/9/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CYNTHIA CRAMER JESINGER Phone: (208)622-4349
PO BOX 111
SUN VALLEY ID 83353

2. Date of Priority: 11/12/1936

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
04N	18E	29	SW	NW	SW	BLAINE	

5. Description of diverting works:

DIVERSION DAM, COMSTOCK HEADGATE #10, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.08	

7. Total Quantity Appropriated is:
0.08 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
03N	18E	6	SW	NE	IRRIGATION	1.7
					Section Acres	1.7
					Total Acres	1.7

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:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-8330.

15. Basis of Claim: Decreed

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

RECEIVED
MAY 07 2001
 Department of Water Resources
 Snake River Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page
 Incomplete forms will be returned.

1. Water Right Number(s) _____
 Adjudication Claim Number(s) A37-00048C, A37-008330, A37-12077

2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE, POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Services Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Christie Anne Haugh
 Owner/Claimants 95 Townsend Gulch Road, Bellevue, ID 83313

4. New Owner/Claimant(s) Cynthia Cramer Jesinger
 Name connector (check one): [] AND, [] OR, [] AND/OR

 New Mailing Address PO Box 111

 City, State and ZIP Code Sun Valley, ID 83353

 New Telephone Number (208) 622-4349

5. Date you acquired the property October 29, 1999

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water rights(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

 Number of acres actually irrigated 1.68 acres Number and type of stock _____
A37-00048C - 0.08 cfs; A37-008330 - 0.08cfs; A37-12077 - 0.08 cfs
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim please contact the nearest IDWR office for assistance.

7. Signature of New Cynthia Cramer Jesinger Date 2/6/01
 Owner/Claimant(s) CYNTHIA CRAMER JESINGER

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

SVTC Order No. 99-15516

432944

Sled

SUN VALLEY TITLE

WARRANTY DEED

FOR VALUE RECEIVED

109 607 03 PM 1 1b

CHRISTIE ANNE HAUGH, an unmarried woman

CHECK

the grantor, does hereby grant, bargain, sell and convey unto

7-23-99

CYNTHIA CRAMER JESINGER, a married woman as her sole and separate property subject to the community interest of her spouse.

the grantee, whose current address is PO Box 111

Sun Valley, ID 83353-0111

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

Lot 1, GIMLET CORNER being a lot line shift between Lot 19, ASPEN HOLLOW SUBDIVISION and Tax Lot 7077, BLAINE COUNTY, IDAHO, as shown on the official plat thereof, recorded October 20, 1999, as Instrument No. 432603, records of Blaine County, Idaho.

Together with IDWR Permit No. 37-08830

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

This property is being conveyed subject to the following restrictions:

All trees to the west of Gimlet Corner Subdivision, Lot 1 to Highway 75 and on the west side of the stream are to remain standing. This restriction shall be binding to all heirs, successors and assigns forever unless otherwise released of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: October 28, 1999

Christie Anne Haugh by James W. Phillips
Christie Anne Haugh
By James W. Phillips, her Attorney in Fact

State of Idaho
County of Blaine

On this 29th day of October, 1999, before me a Notary Public in and for said State, personally appeared James W. Phillips known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Christie Anne Haugh, and acknowledged to me that he subscribed the name of Christie Anne Haugh, thereto as principal, and his own name as attorney in fact.

James W. Phillips
Notary Public
Residing at Hailey
Comm. Expires 3-22-2005



OCTOBER 1999

Scale: 1" = 60'

- Found 1/2" diam. rebar
- Set 1/2" x 24" rebar w/cap
- Found 5/8" diam. rebar
- Set 5/8" x 30" Rebar w/cap
- Brass Cap
- Aluminum Cap

LINE TABLE

No.	Direction	Length
1	S 44°10' E	75.21
2	S 44°55' E	182.94
3	S 27°36'30" E	93.12
4	S 27°54'00" W	40.71
5	S 17°21'30" W	113.35
6	S 25°14'00" W	6.52
7	S 35°31'30" W	1.55
8	S 25°13'30" E	3.95
9	N 10°10'00" E	54.00
10	W 18°15'00" E	51.14
11	S 50°51'30" W	25.00
12	S 65°17'40" W	21.08

13 An easement exists within Grand Road which provides a right-of-way for Wayne and its grantees and its heirs forever. Said easement has been recorded as Instrument No. 333900, recorded at Public County, Kansas.

14 Owners are responsible for the proper road control per applicable state regulations.

15 A 10-foot public utility easement is granted adjacent to Grand Road as shown herein.

16 The boundaries of 60 ac.± of Grand Road fields and woods shall be determined by the County Survey Office. The survey is to be made on the plat or in other approved manner.

17 A 20' wide easement is shown for the Grand Road easement in public easement upon the Grand Road Easement.

18 Lot 18A, upper Middle Sub., (including the flag area being conveyed by L. Carroll Co. to Carroll Co. and the 20' wide easement) is being conveyed to the County as a public easement. See Instrument No. 371874, recorded at Public County, Kansas.

19 The entry of the certificate of the authority issued from Grand Survey on Lot 18A, Upper Middle Subordinate plat, has not been made 125 (one hundred twenty-five) feet from the existing placement of the plat survey 73.

20 A 40' public easement exists to maintain right to building public houses on Lot 18A.

21 The eastern part of the building envelope shown Lot 18A shall follow the top of the embankment between said Lot 18A and 3rd St.

22 The present annual flooding of lots 75 and 60 and 61 is approximately level of roadway at the intersection of lots 75 and 60. The existing flood line the western boundary of Lot 18A may have to be increased, raised.

Sanitary restrictions are required by Idaho Code Title 50, Chapter 12, have been authorized. Sanitary restrictions may be imposed, in accordance with Idaho Code Title 50, Chapter 12, Section 50-1224, by the issuance of a certificate of designation.

Dated: 10-4-99

Robert L. Fisher

State Control Engineer, Health Dept., IDG

PREPARED BY: BENCHMARK ASSOCIATES, P.A., KETCHUM, IDAHO

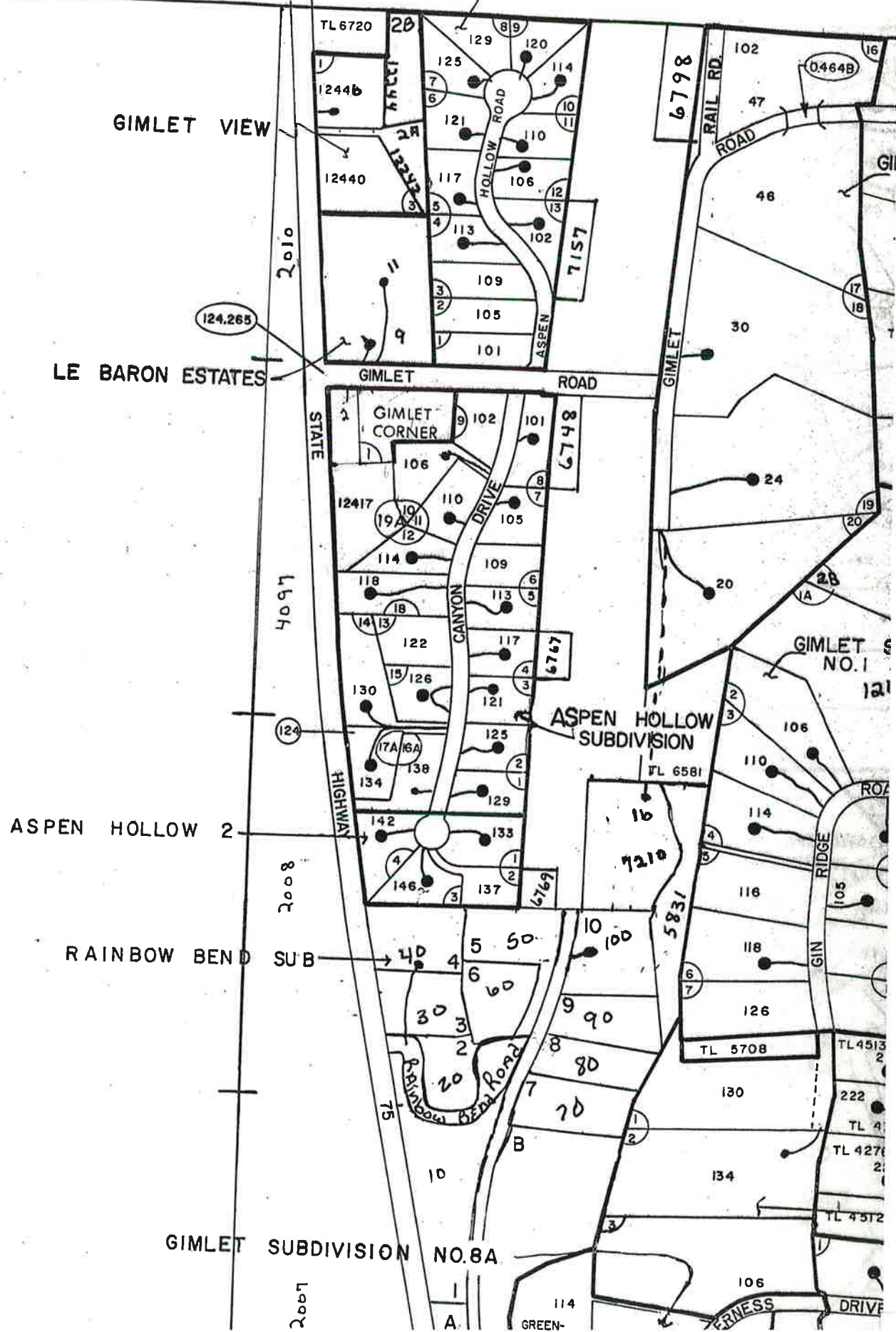
Printed No. 00310-



SUN VALLEY
TITLE
COMPANY

THIS MAP IS A PHOTOGRAPHIC REPRODUCTION OF
THAT ON FILE IN EITHER THE RECORDING OR
SURVEYING OFFICE. THE COMPANY ASSUMES NO
LIABILITY FOR DAMAGE IF ANY, BY ANY OTHER
OR RE-SURVEY.

ASPEN HOLLOW SUBDIVISION NO. 3



07/03/2012

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

RIGHT NUMBER: 37-21261

NAME AND ADDRESS: CYNTHIA CRAMER JESINGER
PO BOX 111
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.080 CFS

The rights listed below are limited to a total combined diversion rate of 0.08 cfs. Combined Right Nos.: 37-21259, 37-21261, and 37-21263.

This right when combined with all other rights listed herein shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.

PRIORITY DATE: 11/12/1936

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions included within the Rockwell vs. Coffin decree issued on 29 July, 1949.

POINT OF
DIVERSION:

T04N R18E S29 SWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.080 CFS

~~The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after September 30 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.~~

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S06 SWNE 1.70

1.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 1.7 acres in a single irrigation season. Combined Right Nos.: 37-21259, 37-21261, and 37-21263.

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

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

The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

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.

Property is also known as Lot 1, Gimlet Corner.

Jones, Doug

From: Jones, Doug
Sent: Tuesday, July 03, 2012 4:34 PM
To: 'Ted Booth'; 'Fritz Haemmerle'
Cc: Bromley, Chris; Kelly, Vicki
Subject: Haugh (37-21260) and Jessinger (37-21261)

Special Master Booth,

At long last I have looked these over and offer this analysis. It's no wonder I am going balder and greyer.

There are many parts of this water right (original decree 37-833 was silent w/r/t Season of Use) and numerous transfers have been filed and approved over the years. These two particular recommendations were affected by transfer # 1749, filed in 1972, that first moved the water upstream from the Rockwell Bypass area to the Comstock Ditch where they are presently located. This transfer asked for and was granted a season of use specifying 4/1 to 9/30. Another transfer, #2462 filed in 1980, identified a portion of this same part of original right transferred by T # 1749 and was also approved with a 4/1 to 9/30 season of use. IDWR standard season was never 9/30, but IDWR would authorize a reasonable season as requested by transfer applicants – who better would know when they irrigated? At the time of the second transfer IDWR had started to apply an administrative standard season and the was 4/1 to 11/1 (presently the season for that area is 4/15 to 10/31), but recognized the requested season. Other parts of the original 37-833 were transferred using the 4/1 to 11/1 season and were approved.

These two parts of the original right were claimed as 37-833O by Bloomfield. The claim described a 4/1 to 11/1 season. An ownership change split the claim into 21260 and 21261. Somehow the correct season of use was properly applied to 37-21260 (4/1 to 9/30), along with the appropriate shoulder language. However, 37-21261's season of use was incorrectly described as 4/1 to 11/1 and compounding that error the shoulder language was added. The shoulder language makes no sense in relation to the described season of use, as you correctly pointed out and appropriately sought clarification from IDWR.

That being the full explanation it is my recommendation that the most straight forward resolution would be for the Special Master to develop a Report and Recommendation to the judge that strikes the shoulder condition from the description of 37-21261. IDWR could pursue restricting the season for 21261 to 4/1 to 9/30, but would accede to the simpler solution. A word document with my recommended correction is attached.

Thank you.

Douglas Jones
Tech. Engineer
ID Dept of Water Resources



Jessinger_ADR.doc

x

email to Ted 5/21/12

Jones, Doug

From: Fritschle, Carter
Sent: Wednesday, January 04, 2012 8:44 AM
To: Ted Booth; Fritz Haemmerle
Cc: Jones, Doug; Bromley, Chris
Subject: RE: 37-21261 (Jesinger)

Ted,

37-21261 is a "child" of decreed and formerly licensed right 37-833. I looked at the history of the parent right, and found that the 04-01 to 09-30 period of use was introduced with Transfer No. 1606, which was filed in 1969, and split right 37-833 into 37-833A and 37-833B.

This period of use was carried over in Transfer No. 1655, which split 37-833A into 37-833C and 37-833D, and was filed in 1970. Transfer No. 1749 filed in 1972 also listed the period of use as 04-01 to 09-30. However, subsequent transfers on some of the other children rights of 37-833 introduced a 04-01 to 11-01 period of use. IDWR's current "standard" period of use for the area is 04-15 to 10-31.

I have copied this reply to Doug Jones in hopes that he might know more of the history for this Rockwell Bypass right.

Carter

From: Ted Booth [<mailto:tbooth@idcourts.net>]
Sent: Tuesday, January 03, 2012 3:18 PM
To: Fritz Haemmerle
Cc: Fritschle, Carter
Subject: RE: 37-21261 (Jesinger)

Fritz,

My assumption is based upon the period of use for 37-21260 (Haugh) which has a period that ends September 30. That being said, I know better than to rely upon my assumption and am therefore waiting to hear back from Carter.
Ted

From: Fritz Haemmerle [<mailto:fxh@haemlaw.com>]
Sent: Tuesday, January 03, 2012 2:24 PM
To: Ted Booth; 'Fritschle, Carter'
Subject: RE: 37-21261 (Jesinger)

All:

Why would the POU end on September 30th?

Fritz X. Haemmerle
HAEMMERLE & HAEMMERLE, P.L.L.C.
P.O. Box 1800
Hailey, ID 83333
Tel: (208) 578-0520
FAX: (208) 578-0564

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From: Ted Booth [<mailto:tbooth@idcourts.net>]

Sent: Tuesday, January 03, 2012 2:19 PM

To: Fritschle, Carter (Carter.Fritschle@idwr.idaho.gov); fxh@haemlaw.com

Subject: 37-21261 (Jesinger)

Carter,

37-21261 is an uncontested overlap to 37-21259. The period of use element was reported by the Department to end on November 30, with a shoulder remark extending the period to as late as October 31. Obviously this is in error. I assume that the period of use ends on September 30. Please advise.

Thanks,

Ted

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21261 V2

WATER RIGHT NUMBER: 37-21261 V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MARGARET E BLOOMFIELD PO BOX 746 KETCHUM, ID 83340-0746 (208)726-3317
Original Owner	ROBERT A BLOOMFIELD PO BOX 746 KETCHUM, ID 83340-0746 (208)726-3317 \
Original Owner	CHRISTIE A HAUGH 113 TOWNSEND GULCH RD BELLEVUE, ID 83313 (208)788-4703
Current Owner	CYNTHIA CRAMER JESINGER PO BOX 111 SUN VALLEY, ID 83353 (208)622-4349

Priority Date: 11/12/1936

Basis: Decreed

Status: Active

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

(1972)
5/6 9/30 to = 77749
921260

Beneficial Use

IRRIGATION

<u>From</u>	<u>To</u>
04/01	to 11/01

Diversion Rate

0.080 CFS

Annual VolumeTotal Diversion: 0.080 CFSLocation of Point(s) of Diversion

BIG WOOD RIVER

SW1/4SW1/4

Sec. 29, Twp 04N, Rge 18E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	18E	6				1.7													1.7

Total Acres: 1.7

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21261 V2

1. R05 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.
2. Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.
3. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
4. S37 The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after September 30 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. J01 Property is also known as Lot 1, Gimlet Corner.
6. 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.
7. This right when combined with all other rights listed herein shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use whenever sprinkler methods of irrigation are used.
8. E52 The rights listed below are limited to a total combined diversion rate of 0.08 cfs. Combined Right Nos.: 37-21259, 37-21261, and 37-21263.
9. E56 The rights listed below are limited to the irrigation of a combined total of 1.7 acres in a single irrigation season. Combined Right Nos.: 37-21259, 37-21261, and 37-21263.
10. Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions included within the Rockwell vs. Coffin decree issued on 29 July, 1949.
11. The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.

Remarks:Comments:Dates and Other Information:

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

Combined Use Limits:

01/05/2007

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

RIGHT NUMBER: 37-21261

NAME AND ADDRESS: CYNTHIA CRAMER JESINGER
PO BOX 111
SUN VALLEY ID 83353

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.080 CFS

PRIORITY DATE: 11/12/1936

POINT OF DIVERSION:

T04N R18E S29 SWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.080 CFS

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after September 30 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S06

SWNE 1.70

1.7 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.

Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions included within the Rockwell vs. Coffin decree issued on 29 July, 1949.

The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.

Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

T#2462
McHan

01/05/2007

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

Water must be diverted through the Rockwell By-Pass in association with delivery of valid priority water rights.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-833 E.

Property is also known as Lot 1, Gimlet Corner.

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.



Idaho Department of Water Resources

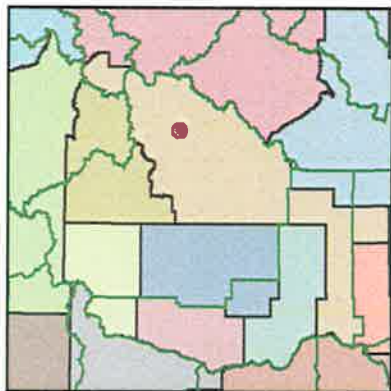
SRBA Recommendation:

37-21261

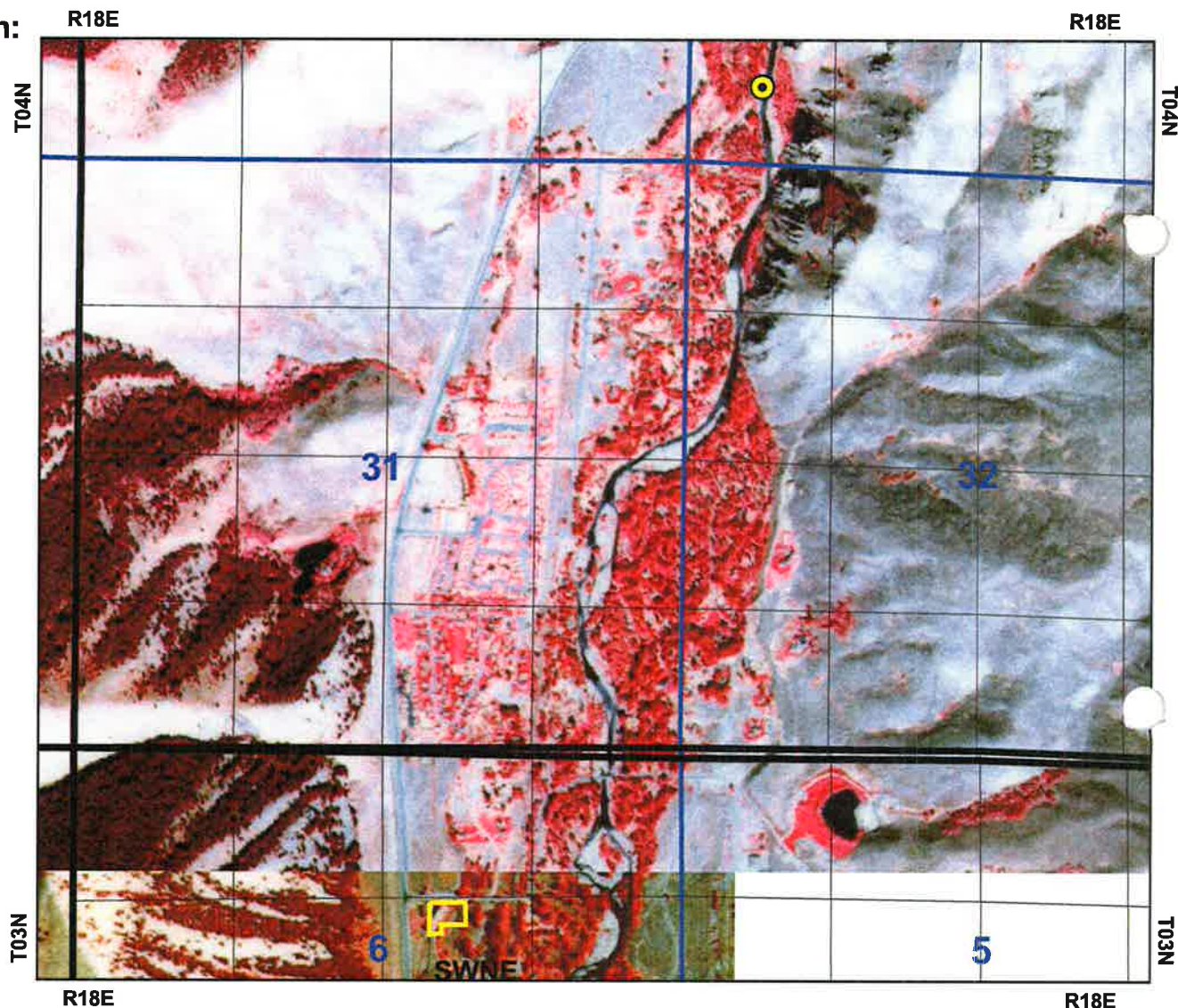
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.6 1.2 Miles

Prepared by V. Music
On Friday, January 5, 2007
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21261 V1

WATER RIGHT NUMBER: 37-21261 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MARGARET E BLOOMFIELD PO BOX 746 KETCHUM, ID 83340-0746 (208)726-3317
Original Owner	ROBERT A BLOOMFIELD PO BOX 746 KETCHUM, ID 83340-0746 (208)726-3317
Original Owner	CHRISTIE A HAUGH 95 TOWNSEND GULCH RD BELLEVUE, ID 83313 (208)788-4703
Current Owner	CYNTHIA CRAMER JESINGER PO BOX 111 SUN VALLEY, ID 83353 (208)622-4349

Priority Date: 11/12/1936

Basis: Decreed

Status: Active

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 11/01

Diversion Rate

0.080 CFS

Annual VolumeTotal Diversion:

0.080 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

SW1/4SW1/4

Sec. 29, Twp 04N, Rge 18E, B.M.

BLAINE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03N	18E	6	1.7				1.7

Total Acres: 1.7

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21261 V1

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Water must be diverted through the Rockwell By-Pass in association with delivery of valid priority water rights.
3. Pursuant to a call in times of scarcity, this right is senior to all other rights that did not result from saved water in the Rockwell By-Pass, as established by and subject to the provisions included within the Rockwell vs. Coffin decree issued on 29 July, 1949.
4. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.
6. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-833 E.
7. S37 The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after September 30 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
8. J01 Property is also known as Lot 1, Gimlet Corner.
9. R05 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.
10. The saved water shall be made available to the Rockwell By-Pass saved water right holders any time the Rockwell By-Pass is being used to deliver water to Broadford Slough right holders. The Rockwell saved water rights shall be curtailed when calls for senior water rights from the Broadford Slough cannot be delivered.

Remarks:Comments:Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21261 V1

Contacts	10/2/2006 4:26:26 PM	eretelle	Active
Priority Date	10/2/2006 4:27:15 PM	eretelle	Active
POD	10/3/2006 9:30:30 AM	eretelle	Active
Source	10/3/2006 9:32:44 AM	eretelle	Active
POU	10/3/2006 9:33:19 AM	eretelle	Active
Use	10/3/2006 9:35:21 AM	eretelle	Active
Season	10/3/2006 9:36:45 AM	eretelle	Active
Quantity	10/3/2006 9:37:20 AM	eretelle	Active
Summary	10/03/2006	eretelle	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/3/2006 9:30:30 AM	eretelle	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	10/3/2006 9:32:29 AM	eretelle	Updated shape
POU	10/3/2006 9:33:20 AM	eretelle	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	10/3/2006 9:34:45 AM	eretelle	Updated shape for Active POU
Source	10/3/2006 9:32:44 AM	eretelle	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	10/3/2006 9:35:21 AM	eretelle	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21261 V1

Season	10/3/2006 9:36:45 AM	eretelle	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (No) 5. Can the claimed Period of Use be verified using the water right file? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (Yes) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	10/3/2006 9:37:20 AM	eretelle	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	10/3/2006 9:51:20 AM	eretelle	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (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? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	10/2/2006 4:26:26 PM	eretelle	(No) 1. Do you want to schedule an appointment?

Comment for 1: Transfer 2462. ArcView taxlots. WM list.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21261 V1

General 10/2/2006 4:27:16 PM eretelle

(No) 1. Should this water use have been included in a later court decree of the water rights from this source?
 (Yes) 4. Is the basis of claim decree or license?
 (Yes) 5. Does the decree or license have a Priority Date?
 (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?
 (Yes) 15. Is the basis of claim coded correctly?
 (No) 16. Is a Priority Date remark and/or condition required?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-21261

WATER RIGHT NUMBER: 37-21261

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	MARGARET E BLOOMFIELD PO BOX 746 KETCHUM, ID 83340-0746 (208)726-3317
Original Owner	ROBERT A BLOOMFIELD PO BOX 746 KETCHUM, ID 83340-0746 (208)726-3317
Original Owner	CHRISTIE A HAUGH 95 TOWNSEND GULCH RD BELLEVUE, ID 83313 (208)788-4703
Current Owner	CYNTHIA CRAMER JESINGER PO BOX 111 SUN VALLEY, ID 83353 (208)622-4349

Priority Date: 11/12/1936

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SW1/4NW1/4SW1/4	Sec. 29, Twp 04N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S06 SWNE 1.7

Total Acres: 1.7

Conditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-8330.
2. J01 PROPERTY IS ALSO KNOWN AS LOT 1, GIMLET CORNER

Remarks: