

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 37-21263
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: 04/01/1971

3. Source: CLEAR CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	18E	31	SE SW NE	BLAINE	

5. Description of diverting works:

NONE THE WATER RUNS NATURALLY INTO THE COMSTOCK 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 37-12077.

15. Basis of Claim: Beneficial Use

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

RECEIVED
MAY 07 2001
Department of Water Resources
Southern 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

4 3 2 3 4 4

And

SUN VALLEY TITLE

WARRANTY DEED

FOR VALUE RECEIVED

'00 007 23 PR 1 1b

CHRISTIE ANNE HAUGH, an unmarried woman

100-6789

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

1-2-3 3

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 Tract 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, 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 and 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, therto as principal, and his own name as attorney in fact.

James A. Cawston
Notary Public
Residing at Harbor
Comm. Expires 3-22-2005



GIMLET CORNER: LOT 1 & ASPEN HOLLOW SUB.: LOT 19A

Within: SEC. 6, T3N, R18E, B.M.
BLAINE COUNTY IDAHO

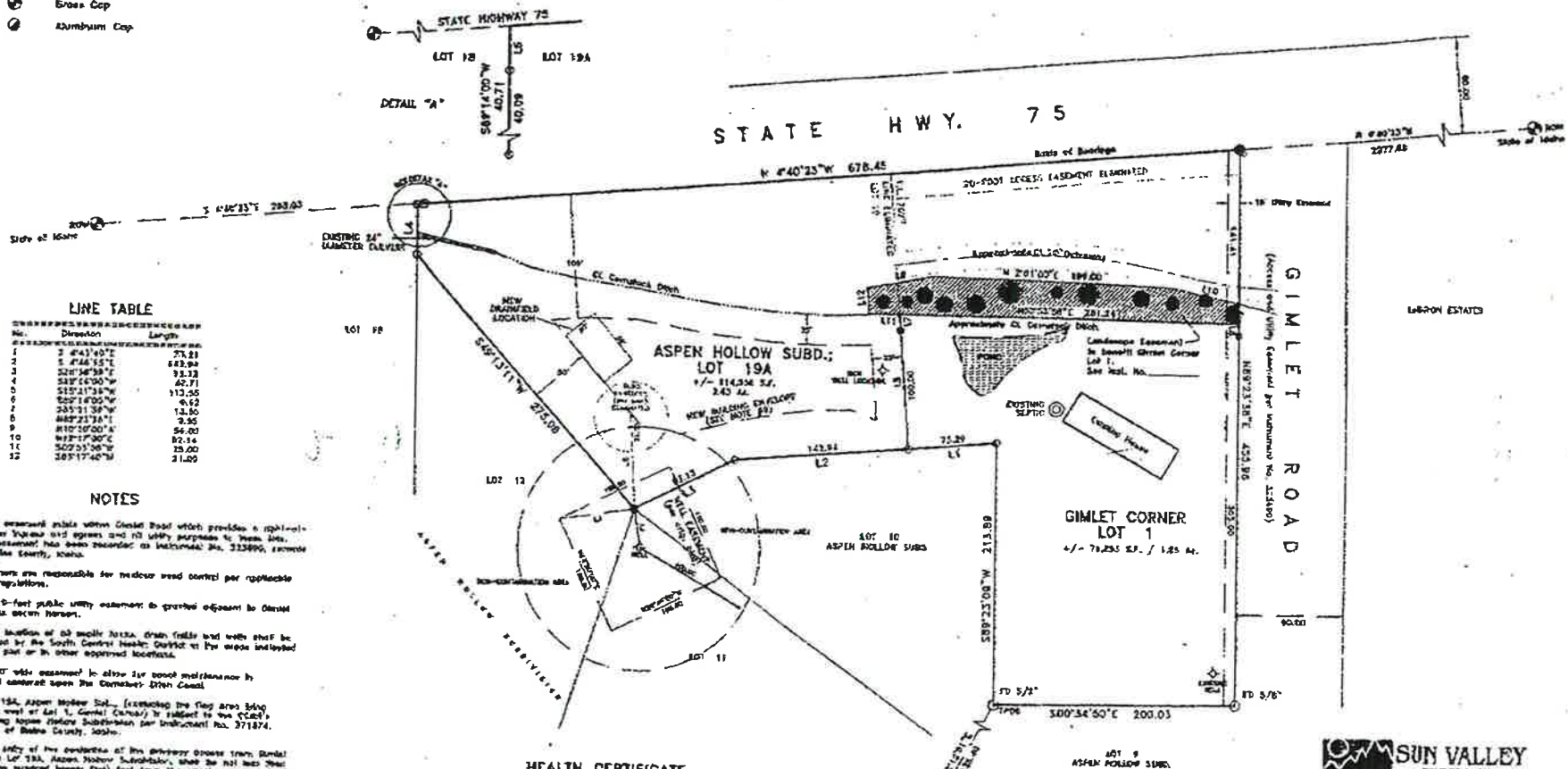
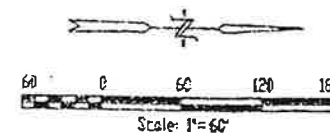
OCTOBER 1999

SHEET 1 OF 2

LEGEND

- 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

A lot line shift between Lot 18, Aspen Hollow Subd., and
Tax Lot 7077, resulting in Aspen Hollow Subd.; Lot 19A and Gimlet Corner, Lot 1



LINE TABLE

No.	Direction	Length
1	S 44°15'00"E	27.21
2	S 4°46'53"E	143.89
3	S 87°16'00"W	40.71
4	S 15°21'38"W	113.55
5	S 25°14'00"W	6.62
6	S 35°31'38"W	13.50
7	S 48°21'31"E	2.35
8	S 10°10'00"E	54.00
9	S 89°17'00"E	82.14
10	S 20°31'38"W	13.00
11	S 35°17'42"W	21.00

NOTES

- 1) An easement exists within Gimlet Road which provides a right-of-way for water and sewer and is subject to the terms of the deed. Said easement has been recorded as Instrument No. 323899, records of Blaine County, Idaho.
- 2) Owners are responsible for various road control per applicable state regulations.
- 3) A 10-foot public utility easement is granted adjacent to Gimlet Road as shown herein.
- 4) The location of all public water, drain fields and wells shall be determined by the South Central Water District at the time involved on the plot or in other approved methods.
- 5) A 30' wide easement is shown for road maintenance by private contract upon the Cornerstone Open Canal.
- 6) Lot 19A, Aspen Hollow Subd., (including the flag area being directly west of Lot 1, Gimlet Corner) is subject to the flag's easement Aspen Hollow Subdivision per Instrument No. 371874, records of Blaine County, Idaho.
- 7) The entry of the certificate of the driveway across town, dated 1999, to Lot 19A, Aspen Hollow Subdivision, shall be not less than 125 (one hundred twenty five) feet from the existing easement of State Highway 75.
- 8) A site specific evaluation analysis is required prior to building permit issuance in Lot 19A.
- 9) The survey shown on the building envelope within Lot 19A shall follow the top of the embankment between Lot 18A and Lot 10.
- 10) To prevent encroachment of Hwy. 75 and ensure an adequate line of visibility at the intersection of Hwy. 75 and Gimlet Rd., any landscaping near the western boundary of Lot 19A may need to be trimmed, removed or replaced.

HEALTH CERTIFICATE

Sanitary regulations as required by Idaho Code Title 30, Chapter 12, have been satisfied. Sanitary regulations may be referenced in correspondence with Idaho Code Title 30, Chapter 12, Section 30-1224, by the issuance of a certificate of compliance.

Dated: 10-4-99

[Signature]

South Central Water District, Inc.



THIS MAP IS A PHOTOGRAPHIC REPRODUCTION OF THAT ON FILE IN THE PUBLIC RECORDS OF THE SOUTHWESTERN OFFICE. THE COMPANY ASSUMES NO LIABILITY FOR INACCURACY IF ANY, NOT APPROVED OR RECORDED.

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

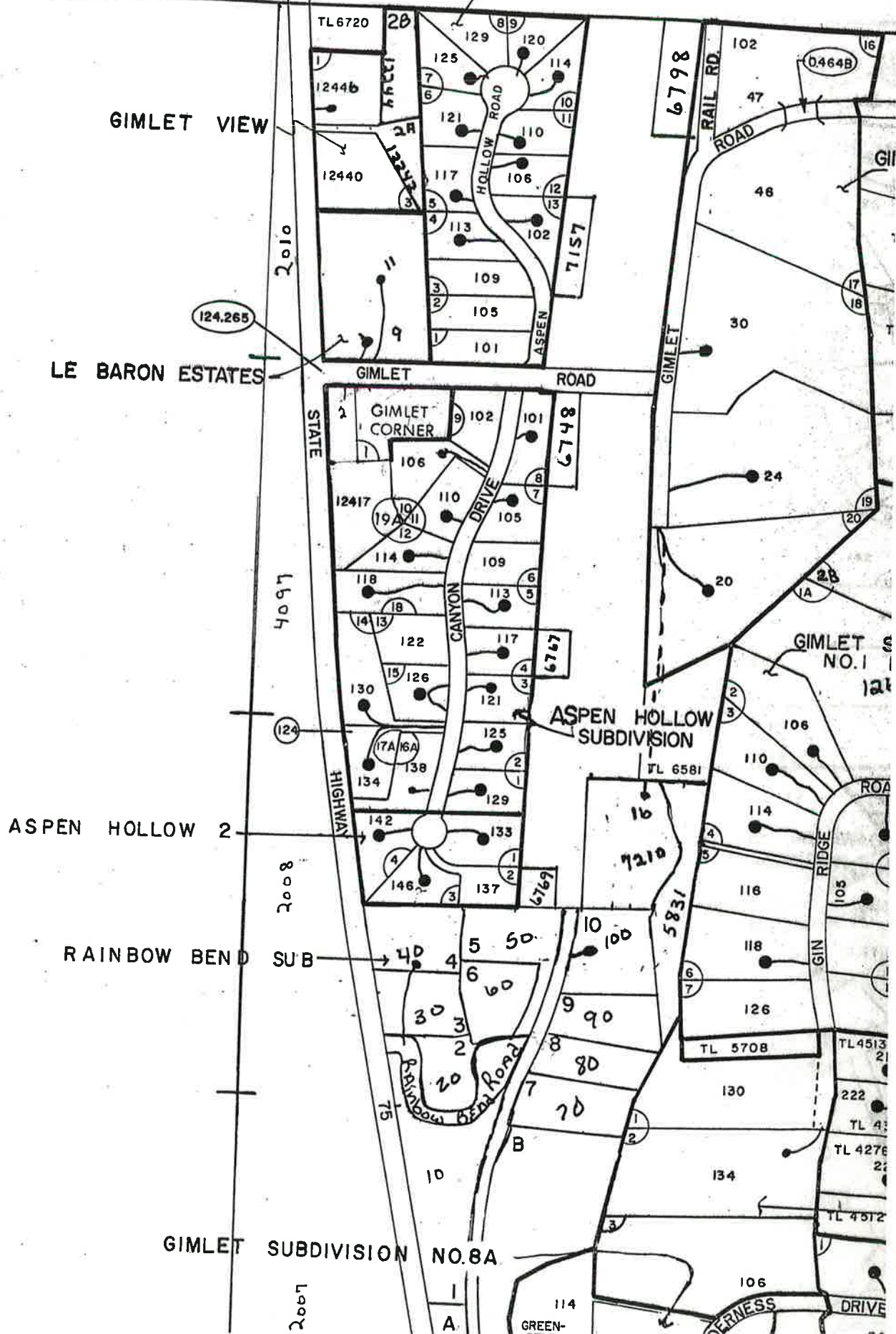
Project No. 98310c

P. 02/03

FAX NO. 208-978-7495

DEC-14-99 TUE 11:54 AM SVT DEBRA

ASPEN HOLLOW SUBDIVISION NO. 3



01/10/2007

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

RIGHT NUMBER: 37-21263

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

SOURCE: CLEAR CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.050 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.

PRIORITY DATE: 04/15/1971

POINT OF DIVERSION: T04N R18E S31 NWSE 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	0.050 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S06 SWNE 0.80

0.8 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



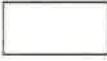
Idaho Department of Water Resources

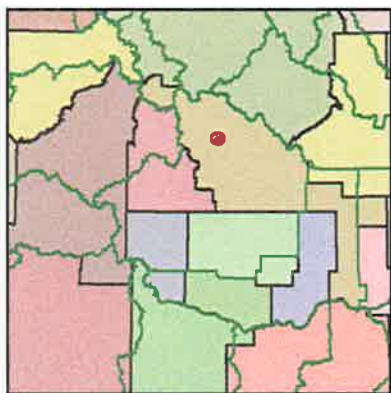
SRBA Recommendation:

37-21263

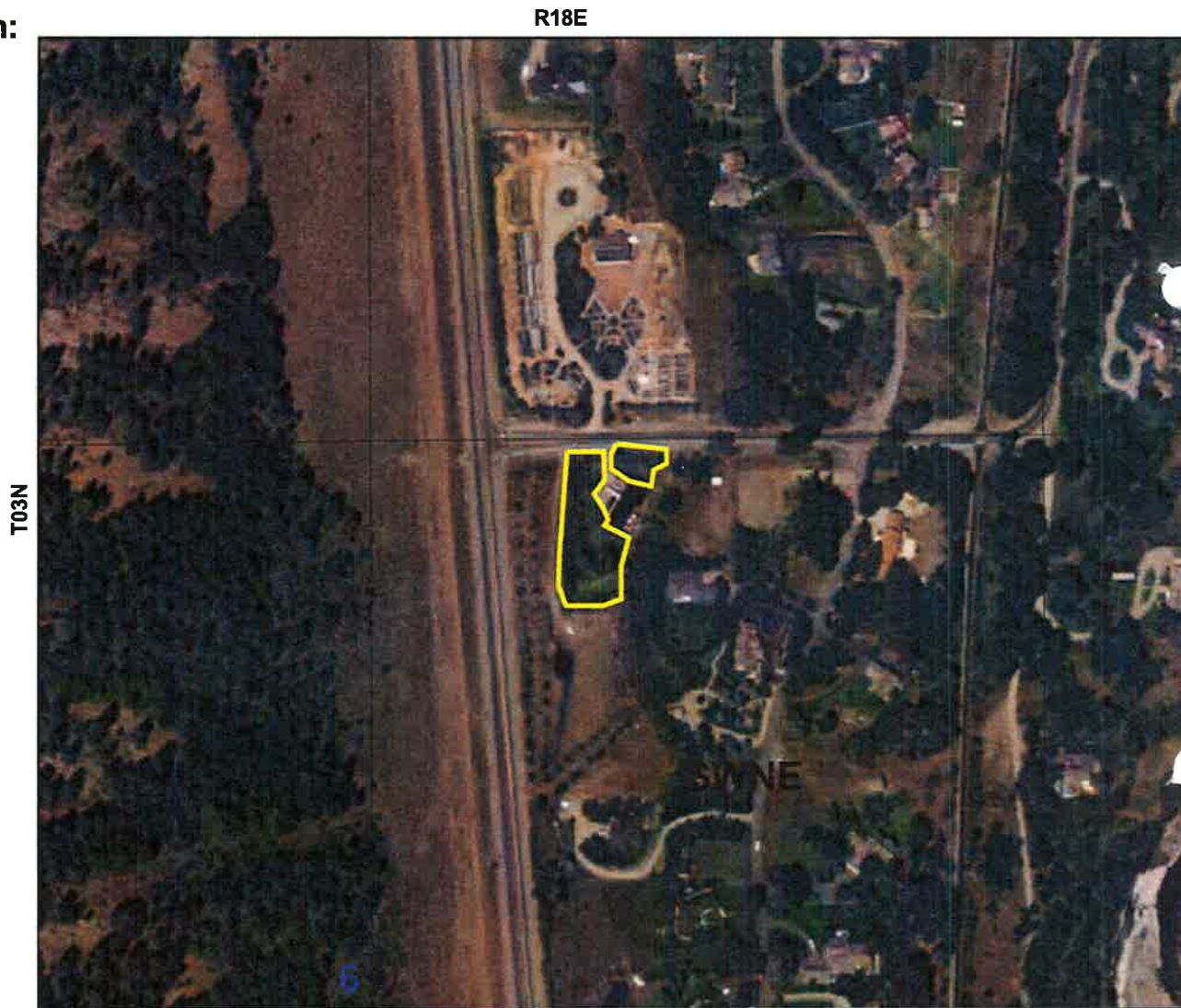
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

A horizontal scale bar with markings for 0, 0.1, and 0.2 miles.

Prepared by S. Keen
On Wednesday, January 10, 2007
2004 Aerial Photography



Idaho Department of Water Resources

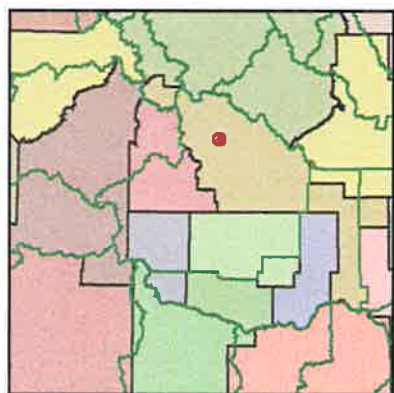
SRBA Recommendation:

37-21263

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by S. Keen
On Wednesday, January 10, 2007
2004 Aerial Photography

S. Keen 1/22/2007

Here are some notes for my review of claims 37-21262 and 37-21263, which I completed on 1/10/2007.

Priority - Jesingers, the claimants for 37-21263, submitted written statements from Robert A. Bloomfield and Ivan Swaner regarding the 1971 priority. The Jesinger information applies to the Haugh portion, 37-21262, also.

POD - I picked the point on the aerial photography where the Comstock Ditch appears to intercept the Clear Creek channel.

Cindy and Rick Jesinger

PO Box 111
Sun Valley, Idaho 83353

(208) 725-5255
(208) 726-4588

jesingers@msn.com

FAX TRANSMITTAL FORM

To: DEPT. OF WATER RESOURCES

Name: DOUGLAS JONES

CC:

Phone:

Fax: (208) 736-3037

From: RICHARD T. JESINGER

Date Sent: 6/20/05

Number of Pages: 5 (INCLUDING COVER
PAGE)

Message:

NOTICE OF CLAIM # 37-21263

was 37-12077 Haugh

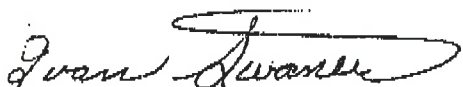
Haugh 21262
Jesinger 21263

To Whom It May Concern:

My name is Ivan Swaner. I was born in 1933 and have been a rancher in the Wood River Valley for the past 62 years, starting at age 10. I have been asked by the Jesingers to comment about the irrigation history of their property at #4 Gimlet in Blaine County. To explain my qualifications to report my observations, I must incorporate some personal history. Not only am I a rancher, but a student of Wood River Valley history, having served on the boards of Wagon Days, Trailing of the Sheep, Blaine County Historical Museum and the Ketchum/Sun Valley Historical Society/Ski and Heritage Museum.

Jim McCoy homesteaded the land on which the Jesinger property sits in 1882. The Greenhorn Ranch was homesteaded five years later in 1887. In the 1920's and 1930's, my mother and father worked on the Greenhorn Ranch, ranching, producing hay and oats, cooking for the crews and delivering mail to the miners. My brothers, Fred, Chuck and Joseph Swaner managed the Greenhorn Ranch in 1947 and 1948. During that time, I worked with them on the ranch. I became very familiar with the Greenhorn ranch as well as the McCoy Homestead.

From my earliest recollection, the McCoy Homestead was irrigated. Over the years, others owned the property, always continuing to irrigate. Some of the other owners included Glen Rice, Ernie Odermatt and Bob Bloomfield. Irrigation was used to water cattle, sheep and horses and to raise alfalfa and oats.



Ivan Swaner

June 18, 2005

To: Cynthia and Richard Jesinger
From: Robert A. Bloomfield

Subject: Brief history of irrigation - Property located @ #4
Gimlet Road, Blaine Cnty, ID.

When I received subject property from the original owner in 1978, it included certain irrigation equipment which he had installed and had been using since the house had been completed in 1971. He also conveyed to me 2 Wood River decrees; 20" 1884 & 20" 1887 both delivered via the Comstock Ditch. During early summer 1978 the '84 and '87 decrees were shut off @ the head gate on Robert Sherwood's property but the flow of water continued in the Comstock. I continued to irrigate for the balance of the season and repeated the process thru the 1997 irrigation season.

During that season of 1978 I discovered the source of the continuous flow in the Comstock to be Clear Creek. Subsequent to that discovery, I filed for and was granted the Clear Creek Decree. Should you have need of additional information don't hesitate to inquire.

Robert A. Bloomfield
17 June 2005

of Cynthia + Richard Jennings 715-5155
From: Robert A. Bloomfield
Subject: Brief history of irrigation - property
located @ #4 Gravel Road, Blaine City, Id.

When I acquired subject property from
the original owner, in 1978, it included
certain irrigation equipment which he
had installed and had been using since
the house had been completed in 1971.
He also conveyed to me 2 wood river
decrees; 20" 1884 + 20" 1887 both
delivered via the Crocker-Ritch.

During early summer 1978 the '84 +
'87 decrees were shut off @ the head
gate on Robert Sherwoods property but
the flow of water continued in the

2

Comstock. I continued to irrigate for the balance of the season & repeated the process thru the 1977 irrigation season.

During that season of 1975 I discovered the source of the continuous flow in the Comstock to be Clear Creek. Subsequent to that discovery I filed for & was granted the Clear Creek Decree.

Should you have need of additional information don't hesitate to inquire.

Robert H. Bonfield
17 June 2005

NOTE: Original OWNER
E.V. McHAN



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

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

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