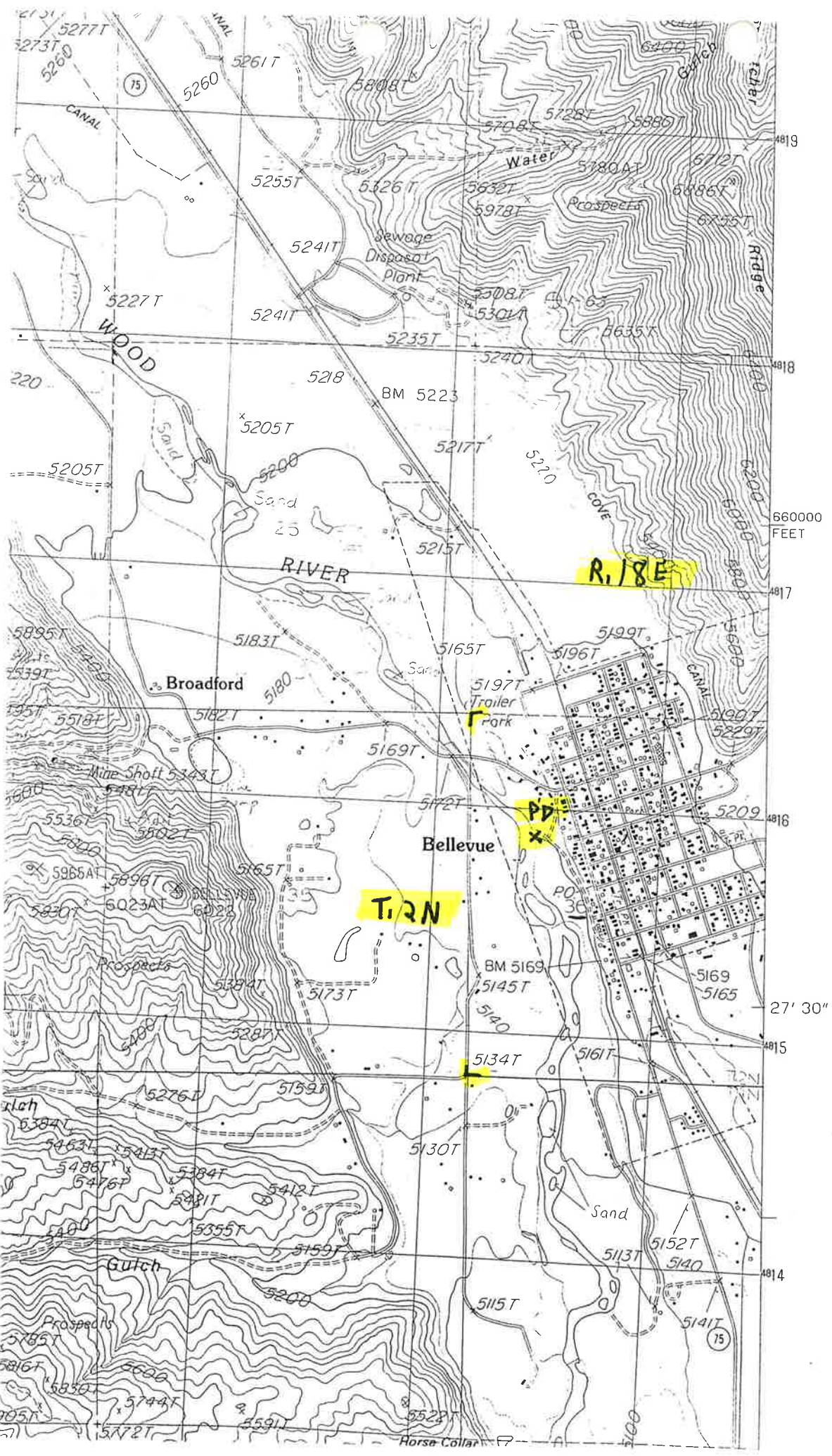
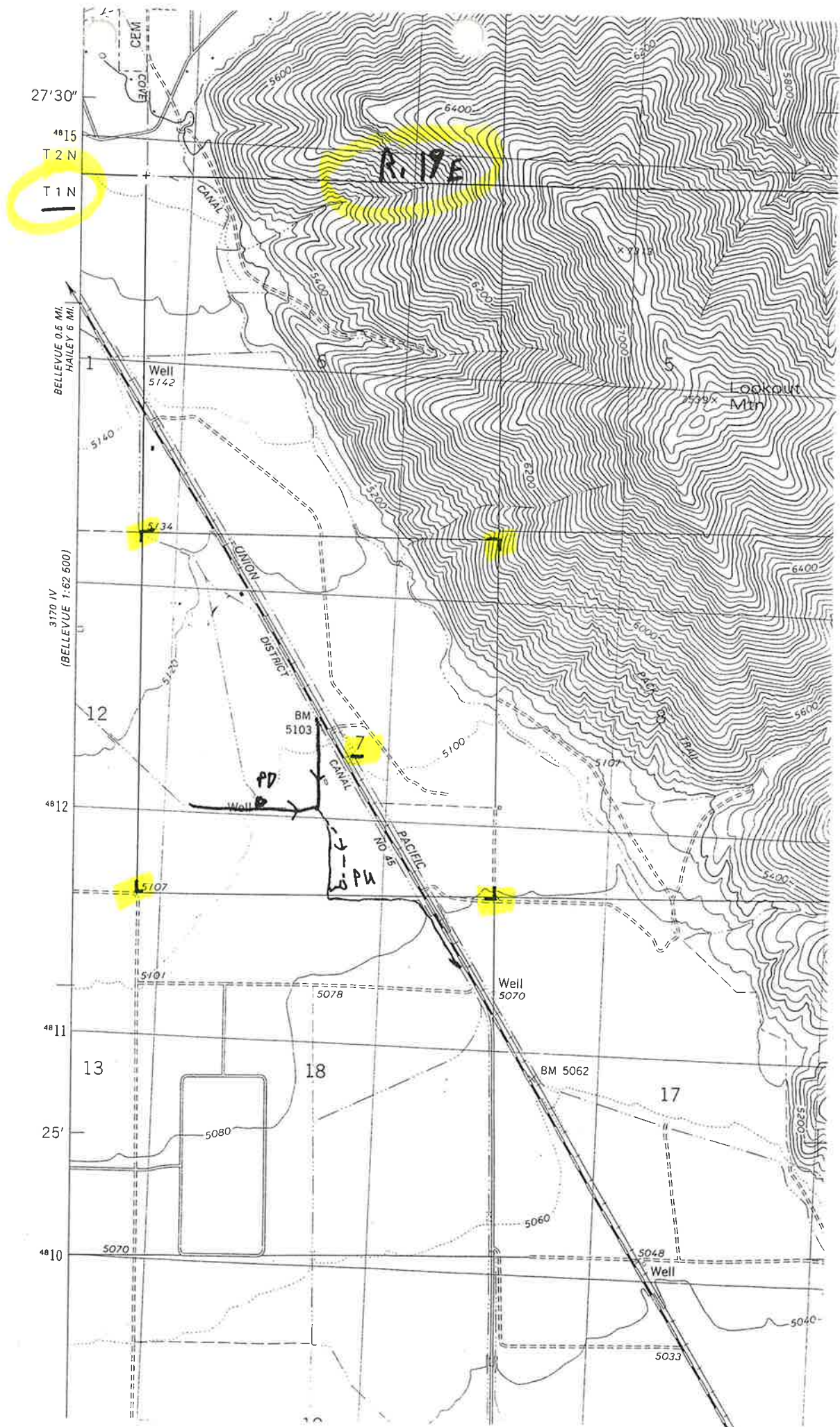


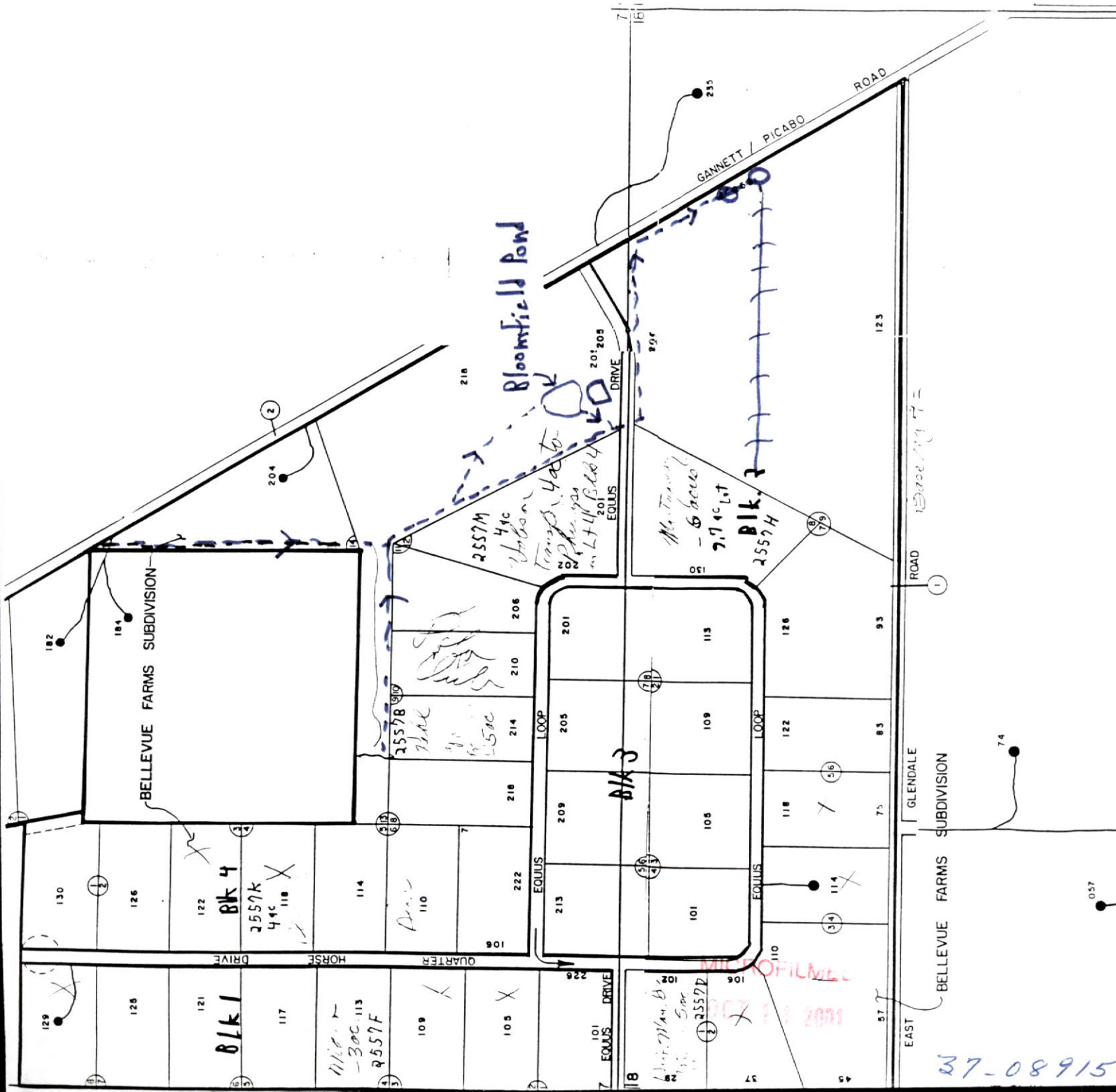


Bloomfield
37-8915

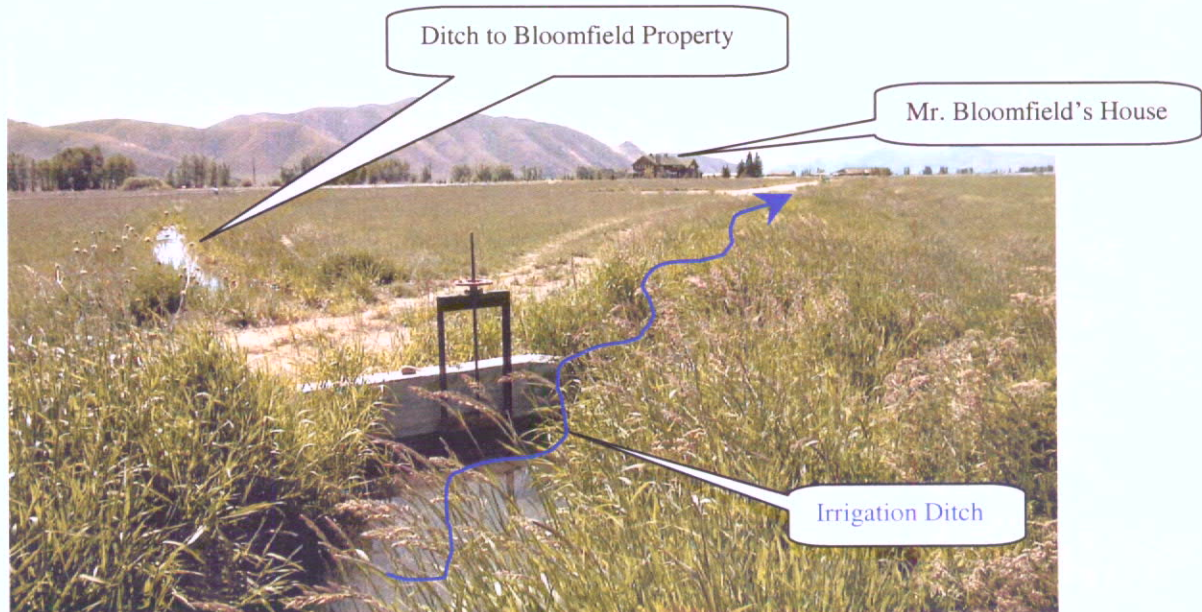


Bloomfield
37-8915

660-scale
plat

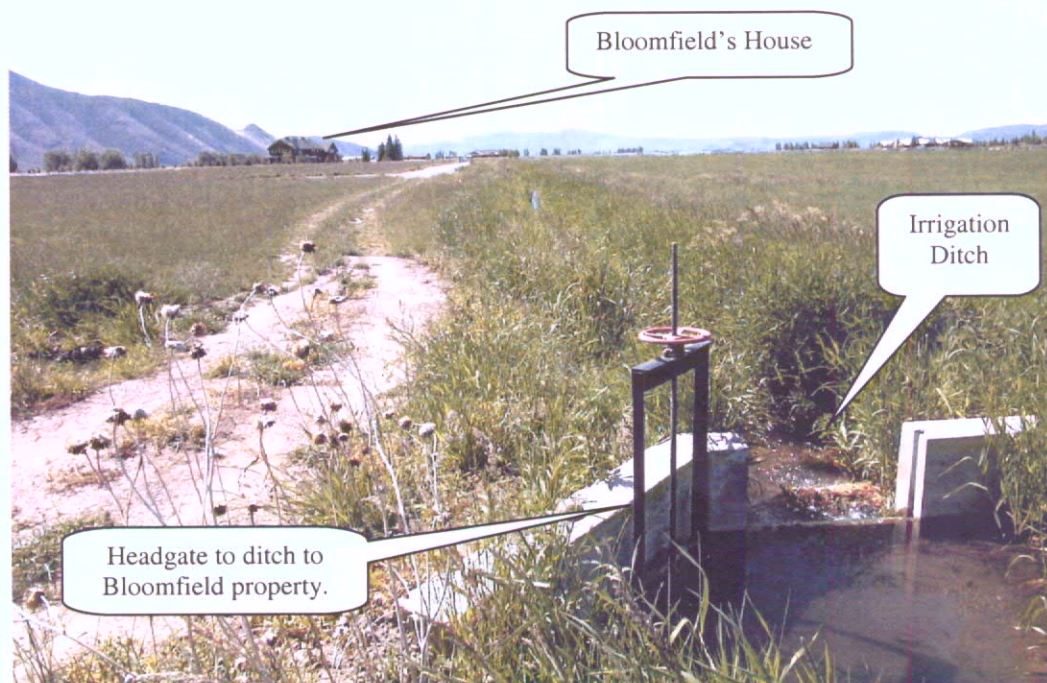


27-08915



ABOVE: View of diversion from irrigation ditch to the north of Mr. Bloomfield's house.

BELOW: Same as above, only from different angle. Note that the headgate that serves as the diversion for the ditch to the Bloomfield property has no locking mechanism.



PROFILMED
T 11 2001

Page 3
Complaint Memo
June 15, 2001



View of Mr. Bloomfield's property showing water in his aesthetic pond on the north side of his house. Water was observed to be flowing through the ditch from the irrigation ditch, into the pond, and back to the irrigation ditch.

MICROFILMED

OCT 11 2001



Pump Diversion N of Bloomfield Place (Looking South)



Headgate In Ditch To Bloomfield Pond (Looking N)

Bloomfield App.
7-19-00
JE Stanton



Ditch From Headgate Toward Pond (looking SE)



Ditch Running SE To Pond; Inlet Into Pond

Bloomfield App.
7-19-00
JE Stanton



Pond Looking SW from Inlet To Outlet



Pond Looking N Toward Inlet

Bloomfield App
7-17-00
JE Stanton



Pond Outlet Ditch Looking N



Point Where Pond Outflow Re-Enters Irrigation Ditch

Bloomfield App.
7-19-00
JE Stanton



Irrigation Pump SE of Bloomfield Pond (Looking NW)



Irrigation Pond, P/U

Bloomfield App,
7-19-00
JE Stanton



Mainline w/Risers From Pond To Wheel Lines (Looking W)

Bloomfield App.
7-19-00
J E Stanton

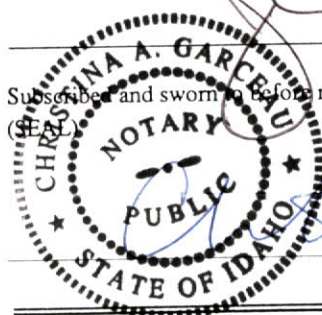


AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

RECEIVED
OCT - 6 2000
Department of Water Resources
Southern Region

On this 5 day of October, in the year 2000, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 4 day of October 2000, and the date of the last publication was on the 11 day of October 2000



Subscribed and sworn to before me this

day of

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 34
Number of Insertions 2
34 Lines tabular at _____ 7¢ / Pica
Lines straight at 1.32 6¢ / Pica
Subsequent lines at _____ 5¢ / Pica
TOTAL COST 49.88

COPY OF NOTICE (Paste Here)

Application for water right
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

2501

PLAINTIFF

Id. Dept. of Water
BILL TO resources

Application for water right

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08915

BLOOMFIELD, GREGORY R
PO BOX 896

BELLEVUE, ID 83313

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

Source: GROUND WATER

Tributary:

Diversion Pt: NWSEW Sec 7 T 01N R 19E in BLAINE County; NESWNW Sec

36 T 02N R 18E in BLAINE County,

Use: AESTHETIC (0.200 CFS)

Total Diversion: (0.200 CFS)

Date Filed: 8/28/2000

In: BLAINE County

T01N R19E S07

SWSE

The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before OCTOBER 23, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Publish: Wood River Journal—October 4 & 11, 2000.

Publication Rates

As of 1997

(Idaho code,

Rev. Statues 1984)

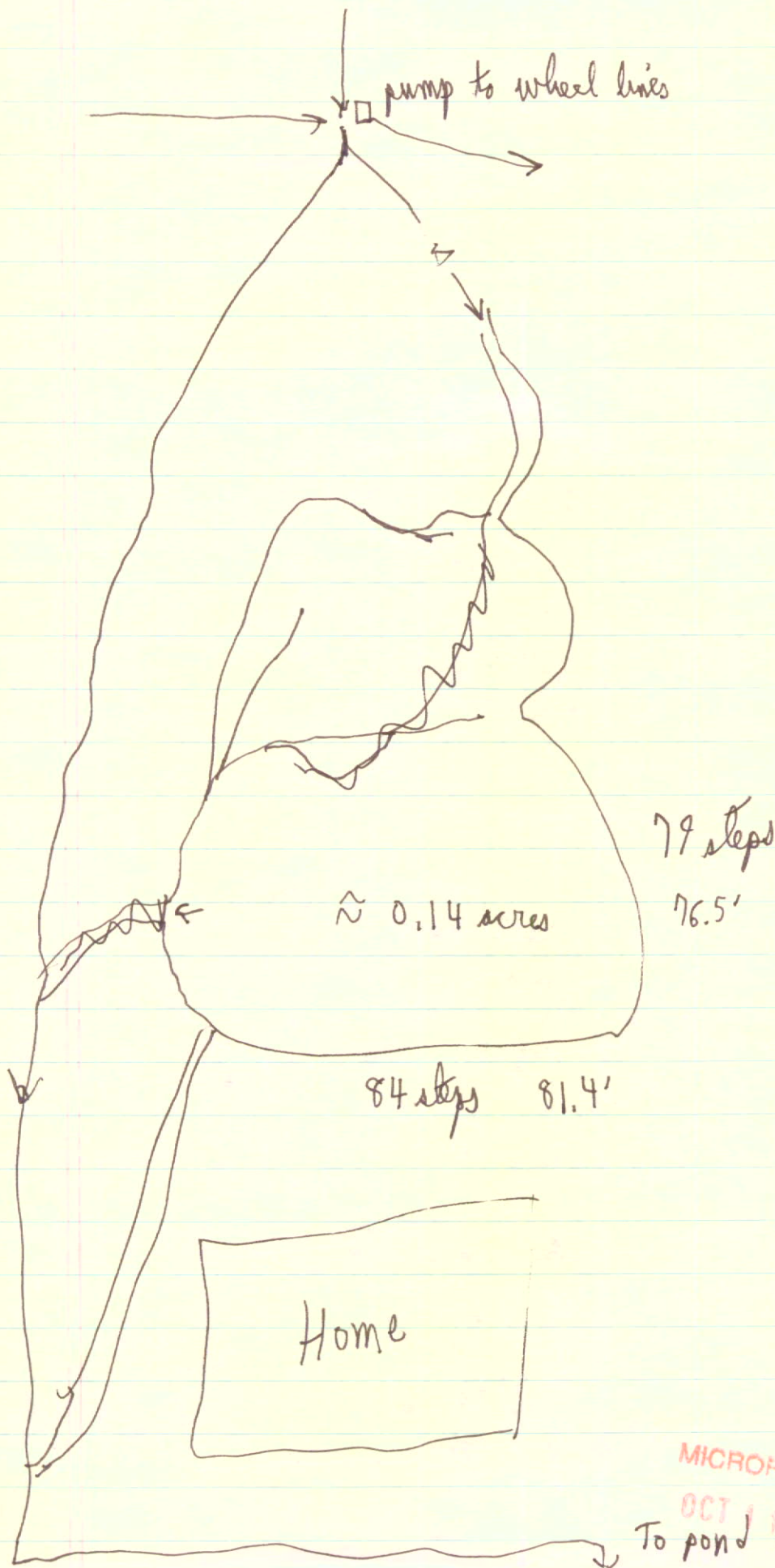
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insertion: .05 / pica

12184



District
Bob Struthers runs can
720-4920 cell #

205 Cypress Drive
PO 896
Bellevue
mailing address

MICROFILMED

OCT 1 1984
To pond w/ sprinkler pump

37-08915



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 10, 2002

GREGORY R BLOOMFIELD
PO BOX 896
BELLEVUE ID 83313

RECEIVED

JUL 11 2002

Department of Water Resources
Southern Region

Re: Permit No. 37-08915

Dear Mr. Bloomfield:

The department acknowledges receipt of the proof of beneficial use (proof) form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

While reviewing the proof you filed with the department, I found that the permit authorizes aesthetic use, not fire protection as shown on the proof form. However, for your information, Section 42-201(3), Idaho Code, states in part as follows:

...water may be used at any time, with or without a water right, to extinguish an existing fire on private or public lands, structures, or equipment, or to prevent an existing fire from spreading to private or public lands, structures, or equipment endangered by an existing fire.

This clause will allow you to apply water to an existing fire, but it will not allow you to irrigate areas around your property that may be threatened if a fire were to encroach. Additionally, the fire protection will not be a listed use on the water right license that the department may issue upon approval.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

37-08915

Gregory R. Bloomfield
July 10, 2002
Page 2

If you have questions, please contact the **Southern** Regional Office of the department in Twin Falls at (208) 736-3033 or me at (208) 327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 27 2002

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 37-8915 Telephone No. 208 788-1100 (DAYS)
2. Name of Permit Holder(s): GREGORY R. BLOOMFIELD
3. Mailing Address: Box 896
City BEAVERHUE State ID Zip 83313
4. Source of Water: BITWOOD RIVER & GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. _____ / yr. 52?
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: AESTHETIC, FIRE PROTECTION
6. Total rate of diversion and/or volume for which proof is submitted: .20 cfs OR .4 acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X
8. Fee Enclosed: \$ \$50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: GREG BLOOMFIELD Telephone Number: 208 788 1100 (DAY)
Address: Box 896 BEAVERHUE ID 83313
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature]
(Include your title, if on behalf of company or organization)

Date: 4/29/02

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JUL 10 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-08915

Priority: 08/28/2000

Maximum Diversion Rate: 0.20 CFS

This is to certify, that GREGORY R BLOOMFIELD
PO BOX 896
BELLEVUE ID 83313

has applied for a permit to appropriate water from:

Source: BIG WOOD RIVER
GROUND WATER

Tributary: MALAD RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
AESTHETIC	4/15 to 10/31	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼SE¼SW¼ Sec. 7, Twp 01N, Rge 19E, B.M. BLAINE County
BIG WOOD RIVER NE¼SW¼NW¼ Sec. 36, Twp 02N, 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	
01N 19E 7															X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before September 01, 2002.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Place of use is located within Lot 1, Lookout Circle Subdivision.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
6. Use of water under this right may be affected by an agreement between the protestant and the right holder.
7. Any pond created in connection with water diverted under this right shall not exceed a total volume of 0.4 acre feet.

MICROFILMED

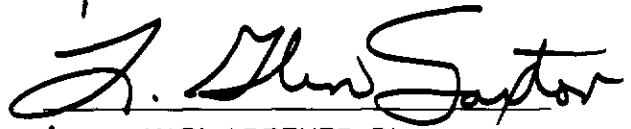
OCT 11 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-08915

8. This right is for an additional use of water diverted under other rights and distributed via District Canal No. 45. Water shall not be used under this right when water diverted under other water rights is not available in District Canal No. 45.
9. The right holder shall maintain ownership of the right to use enough surface water to provide 1.75 gallons per minute or the rate determined by the watermaster, whichever is larger, to District Canal No. 45 as mitigation to other water rights distributed in the canal for water evaporated from the right holders pond or lost through seepage.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21st day of September, 2001.


for KARL J DREHER, Director

MICROFILMED
OCT 11 2001



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

July 18, 2001

DOUG WERTH
ATTORNEY AT LAW
PO BOX 2360
KETCHUM ID 83340

BOARD OF COMMISSIONERS
BLAINE COUNTY
206 FIRST AVE SOUTH-STE# 300
HAILEY ID 83333

Re: Application for Permit No. 37-8915 (Bloomfield)

Ladies and Gentlemen:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

Since you were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes review by our State Office.

We anticipate that the file will be forwarded to Boise today for final action. The Department will continue review of the application without further contact with you unless information is requested.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Allen D. Merritt, P.E.

Southern Region Manager

AM:mb

Cc:
GREGORY BLOOMFIELD
PO BOX 896
BELLEVUE ID 83313

MEMO

FROM: Allen Merritt 

DATE: July 17, 2001

TO: Permit No: 37-08915

In the Name of **Gregory Bloomfield**

SUBJECT: Review and Recommendation

This application is for water for a small existing pond constructed within the irrigation system of the Lookout Circle Subdivision which is a portion of the original Bellevue Farms Subdivision. The system has water rights for irrigation based on decreed rights from the Big Wood River delivered through the District 45 Canal and also water from a well belonging to the Subdivision.

Initially there were complaints about the construction of the pond that prompted the application. The application was protested by Blaine County. More recently a Cease and Desist Order was issued to prevent use until this application was processed. Blaine County and the applicant have resolved the protest with an agreement that is included in the file.

The pond is approximately 1/7th of an acre in size and it is fed by a 1300 foot slow moving ditch. Although the agreement mitigates with the use with 1.75 gpm of the existing water rights initial calculations indicate this may not be enough.

It is recommended that a pond analysis be conducted to determine required mitigation.

Recommendation

I recommend that the application be approved subject to the following conditions:

- Based on pond analysis:
 - Additional mitigation be required, or
 - Ditch to pond be piped, or
 - Entire flow of irrigation water be routed thru pond to eliminate ditch loss of other ditch.
- Measuring device be installed at diversion from irrigation ditch and point where water returned to old ditch. (Director retains jurisdiction to require additional mitigation)
- Subject to agreement between applicant and protestant dated July 2nd, 2001.
- Subject to requirement that irrigation delivery not be interfered with in subdivision and subject to existing or future resolutions of subdivision as may be appropriate.
- When mitigation water not available then pond must not be refilled.
- Approval of permit does not authorize any additional diversion from Big Wood River or from ground water not already covered by existing rights for irrigation. Approval only allows additional use of water already diverted for irrigation purposes.
- Under control of Watermaster of District 37.

RECEIVED

JUL 02 2001

BLAINE COUNTY
BOARD OF COMMISSIONERS

DOUGLAS A. WERTH
Attorney at Law
P.O. Box 2360
160 Second Street East, Suite 107
Ketchum, ID 83340

Tel. 208.726.0847
Fax 208.727.6853
Email: dwerth@micron.net
ISB #3660

Attorney for Protestant Blaine County

RECEIVED

JUL 16 2001

Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of Application
for Permit No. 37-08915
(BLOOMFIELD).

STIPULATION FOR WITHDRAWAL OF
PROTEST AND CONDITIONS OF
APPROVAL

COME NOW, Protestant Blaine County and Applicant Greg Bloomfield and hereby stipulate that the protest of Blaine County be withdrawn, provided the Idaho Department of Water Resources (IDWR) agrees to impose the following conditions to any approval of this application: (1) that, within six (6) months of IDWR approval, a fire hydrant and associated equipment shall be installed to enable any fire department or district to take water from the pond that is the subject of this application in the event of an emergency; and (2) that as mitigation the IDWR includes in any approval a provision that 1.75 gallons/minute of the surface water rights described in the warranty deed attached as Exhibit "A" shall not be used for

STIPULATION FOR WITHDRAWAL OF PROTEST
AND CONDITIONS OF APPROVAL - Page 1

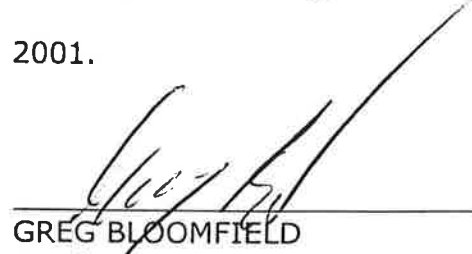
any purpose and shall not be transferred from applicant's real property in the future.

DATED this 2nd day of July, 2001.



MARY ANN MIX
Chairman, Blaine County Board of Comm'rs
Protestant

DATED this 2nd day of July, 2001.



GREG BLOOMFIELD
Applicant

STATE OF IDAHO)
) ss
County of Blaine)

On this 2nd day of July, 2001, before me, the undersigned, a notary public for the state of Idaho, personally appeared MARY ANN MIX, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she is the Chairman of the Board of County Commissioners of Blaine County, a political subdivision which executed the foregoing instrument, and that she executed the same on behalf of said political subdivision.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Joanna Ehrmantraut
Notary Public for Idaho
Residing at: Hailey, ID
My Commission Expires: 4-8-05

STATE OF IDAHO)
) ss
County of Blaine)

On this 2 day of July, 2001, before me, the undersigned, a notary public for the state of Idaho, personally appeared GREG BLOOMFIELD, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Hailee Blomquist
Notary Public for Idaho
Residing at: Hailey, ID
My Commission Expires: 9/13/06

MEMO

TO: ALLEN MERRITT

DATE: 7-4-01

FROM: JIM STANTON

RE: Aesthetic Pond of Greg Bloomfield Near Bellevue

Today I visited this pond to determine if water was being diverted and stored in violation of the cease-and-desist order that you recently issued. The headgate out of the irrigation ditch was closed, but a little water was trickling thru into the ditch feeding the pond. This flow nearly disappeared before the ditch reached the pond. The ditch runs thru a hay field, and the land on the east side of the field was being sprinkled when I was there. The ditch appeared to be picking up a little water from the irrigation, but I could not see any water flowing from the ditch into the pond. A handline was operating on the east side of the pond, and a couple of nozzles were putting water directly into the pond. I would consider this to be just incidental watering rather than a violation of the order. There was water in the pond to within about 2" of the top, but no water was running out of the pond.

While I was not able to talk to Greg during my visit, I did speak to his father Robert Bloomfield. He said that the pond had been filled and emptied half a dozen times since it was built, and that it seemed to hold more water each time. He said that the pond was not lined, so apparently it is developing its own natural seal. We got the complaint of continued diversion last Friday, and I spoke to Greg on Monday (he called me). He acknowledged getting the order. He also said that he was having a party today and wanted to have water in the pond. I told him that this would not be allowed until the permit was approved, and that I would be coming up to check for a violation. So he must have stopped diverting water either late Monday or Tuesday (or early this morning).

I took photos of this system, although I ran out of film just as I was going to photograph the pond; prints will be ready at Target this weekend. There appeared to be no illegal diversion during my visit.

Stanton, Jim

From: Stanton, Jim
Sent: Friday, June 29, 2001 4:01 PM
To: Merritt, Allen
Cc: Stanton, Jim
Subject: Illegal Pond of Gregory Bloomfield, Basin 37

Today I got a call from Scott Smith, who has complained several times about this pond. I told him that we had sent out a cease-and-desist order 10 days ago, and he told me that water is still being diverted into and stored in the pond. You had left for the day, so I could not discuss the matter with you. I will put a copy of this message in the permit file (37-8915).

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE DIVERSION OF)	
WATER WITHOUT A VALID RIGHT OR NOT)	
IN CONFORMANCE WITH A VALID WATER)	
RIGHT ON LANDS OWNED OR CONTROLLED)	NOTICE OF VIOLATION
BY GREGORY BLOOMFIELD)	AND
_____)	CEASE AND DESIST ORDER

The Director of the Department of Water Resources (department), being charged with the duties of protecting water rights, enforcing specific statutes of the state of Idaho and rules promulgated by the department, and being authorized to order the cessation of violations or attempted violations of the provisions of the law relating to all aspects of the appropriation and distribution of water, has caused an investigation of certain diversions of water being made by or under the control of Gregory Bloomfield.

Based upon the department's investigation and understanding of the law, the Director makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On July 14, 2000, the department receive a complaint about construction of a pond on the Bloomfield property.
2. On July 19, 2000, a department representative conducted a field examination and determined that Gregory Bloomfield was diverting water through and storing water in a pond without an approved water right. The water is diverted from a ditch delivering water from the Big Wood River diverted within the SWNW S36 T2N, R18E (District 45 Canal Diversion) and from a Well within SESW S07, T1N, R19E. The pond is located within the SWSE S07, T1N, R19E on lot 1 of the Lookout Circle Subdivision which is a replat of Lot 13, Blk 4 of Bellevue Farms Subdivision.
3. On July 24, 2000, the department sent a letter to Mr. Bloomfield informing him of the need for a water right permit.
4. On August 28, 2000, Gregory Bloomfield filed Application for Permit 37-08915 for use in the pond. The application was protested by Blaine County. To date the department has not received a withdrawal of protest; however in a phone conversation on June 16, 2001, with the Blaine County's attorney it is understood a stipulated agreement resolving the protest is being circulated.
5. On April 20, 2001, the department sent a letter to Gregory Bloomfield

inquiring of the possibility of scheduling a pre-hearing conference for the protest and reminding him not to divert water to the pond until such time that Permit 37-08915 is approved.

6. On June 12, 2001, the department receive a complaint about use of the pond without a water right.

7. On June 15, 2001, a department representative conducted a field examination and determined that Gregory Bloomfield was diverting water through and storing water in the pond.

CONCLUSIONS OF LAW

1. Section 42-351(1), Idaho Code, provides as follows:

If the director of the department of water resources finds, on the basis of available information, that a person is diverting water or has diverted water from a natural watercourse or from a ground water source without having obtained a valid right to do so or is applying water or has applied water not in conformance with a valid water right, then the director of the department of water resources shall have the discretion to issue a written notice of violation to the person in accordance with the provisions of section 42-1701B, Idaho Code, for the illegal diversion or use of water. Notwithstanding the issuance of a notice of violation, the director may also file an action seeking injunctive relief directing the person to cease and desist the activity or activities alleged to be in violation of applicable law or any existing water right.

2. Section 42-201, Idaho Code, provides in pertinent part as follows:

All rights to divert and use the waters of this state for beneficial purposes shall hereafter be acquired and confirmed under the provisions of this chapter and not otherwise.

3. Section 42-1701B, Idaho Code, provides in pertinent part as follows:

Any person determined in a judicial civil enforcement action to have substantially violated any provision of title 42, Idaho Code, or any rule promulgated pursuant to that title, shall be liable for a civil penalty not to exceed ten thousand (\$10,000) per violation or one hundred fifty dollars (\$150) per day for a continuing violation, whichever is greater; except that persons determined to be in violation of section 42-351, Idaho Code, shall be liable for a civil penalty not to exceed:

(l) For non-irrigation uses, fifty dollars (\$50.00) per one-tenth

(0.1) cubic feet per second or part thereof, per calendar day, up to a maximum penalty of fifty thousand dollars (\$50,000) per year for water illegally used or diverted;
(ii) For irrigation uses, three hundred dollars (\$300) annually for each acre irrigated, in whole or in part, by the illegal use or diversion.

4. The pond described in the findings of fact above is being filled in violation of the statutes of the state of Idaho and IDAPA Rule 37.03.08035 (Water Appropriation Rule 35).

5. The illegal diversion of the public waters of the state of Idaho must be stopped (*or mitigated*) to prevent injury to other water rights, to protect the water resources of the state and to assure that the allocation and use of available water supplies takes place in an orderly manner.

6. The department should issue a Notice of Violation to Gregory Bloomfield directing Gregory Bloomfield to immediately cease and desist the diversion to the pond.

7. Failure to comply with the Notice of Violation/Order should result in payment of a civil penalty for each day of unauthorized use of water that occurs after receipt of the Notice of Violation/Order.

ORDER

IT IS HEREBY ORDERED as follows:

1. Gregory Bloomfield shall immediately cease diversion to the pond until such time that application for permit 37-08915 is approved.

IT IS FURTHER HEREBY ORDERED as follows:

1. Gregory Bloomfield is entitled to a **compliance conference** with department staff, if Gregory Bloomfield files a written request with the department within fourteen (14) days of receipt of this Notice of Violation.

2. At the conference, Gregory Bloomfield shall have the opportunity to explain the circumstance of the alleged violation and, where appropriate, to present a proposal for remedying the damage caused by the violation and enter into a **consent agreement** with the department to resolve the violation and to assure future compliance with the laws of the state of Idaho.

DATED this 19th day of June, 2001.


ALLEN D. MERRITT
Southern Region Manager

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of June, 2001 a true and correct copy of the above and foregoing document was forwarded with all required charges prepared, by the method(s) indicated below, to the parties listed:

Mary A. Baldwin

Mary A. Baldwin, Administrative Assistant

GREGORY BLOOMFIELD
PO BOX 896
BELLEVUE ID 83313

Hand delivered _____
U.S. Mail-Regular _____
U.S. Mail-Certified x _____
Fax _____

BOARD OF COMMISSIONERS
BLAINE COUNTY
206 FIRST AVE SOUTH-STE# 300
HAILEY ID 83333

Hand delivered _____
U.S. Mail-Regular x _____
U.S. Mail-Certified _____
Fax _____

DOUG WERTH
ATTORNEY AT LAW
PO BOX 2360
KETCHUM ID 83340

Hand delivered _____
U.S. Mail-Regular x _____
U.S. Mail-Certified _____
Fax _____

U.S. Postal Service
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7000 0520 0200 6199 6113

Postage	\$ 34	 Postmark Here
Certified Fee	1.90	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 37.40	

Recipient
 GREGORY BLOOMFIELD
 Street, Apt. PO BOX 896
 City, State, BELLEVUE ID 83313

PS Form 3800, October 1993 (Reverse for Instructions)

RECEIVED

AUG 28 2000

Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 37-08915

RECEIVED

JUL 23 2001

Department of Water Resources

1. Name of Applicant GREGORY R BLOOMFIELD Phone 788-1100
Post Office address PO Box 876, Bellevue, ID 83313
2. Source of water supply RIB WOOD RIVER & Groundwater which is a tributary of MAAD RIVER
3. Location of point of diversion is NE 1/4 of SW 1/4 of NW 1/4, Govt. Lot _____
Sec. 36 Township 2NE Range 18E B.M. BLANK County; additional points of
diversion if any: NW/SE/SW Sec. 7 T. 1N R. 19E (well location).
4. Water will be used for the following purposes: AESTHETICS
Amount 0.2 cfs for AESTHETICS purposes from 4/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.2 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works: Existing → Well pumps into subdivision ditch.
a. Description of ditches, flumes, pumps, headgates, etc. Headgate & District Canal to Bellevue Farms
Subdivision. Re-diversion From subdivision ditch, private ditch to pond & back into sub. ditch.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. ~~Proposed~~ well diameter is ? inches; ~~proposed~~ depth of well is ? feet.
d. Is ground water with a temperature of greater than 85°F being sought? No
e. If well is already drilled, when? ~1954; Drilling firm _____
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity if KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

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9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	19E	7															X		

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Unknown

b. Who owns the land to be irrigated or place of use? APPLICANT

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

12. Remarks: P/U is Lot 1 of Lookout Circle Subdivision, a replat of Lot 13 Block 4 of Bellevue Farms Sub.

This water is presently used for irrigation within the subdivision. The pond is just a small additional use. No new water will be diverted under this application.

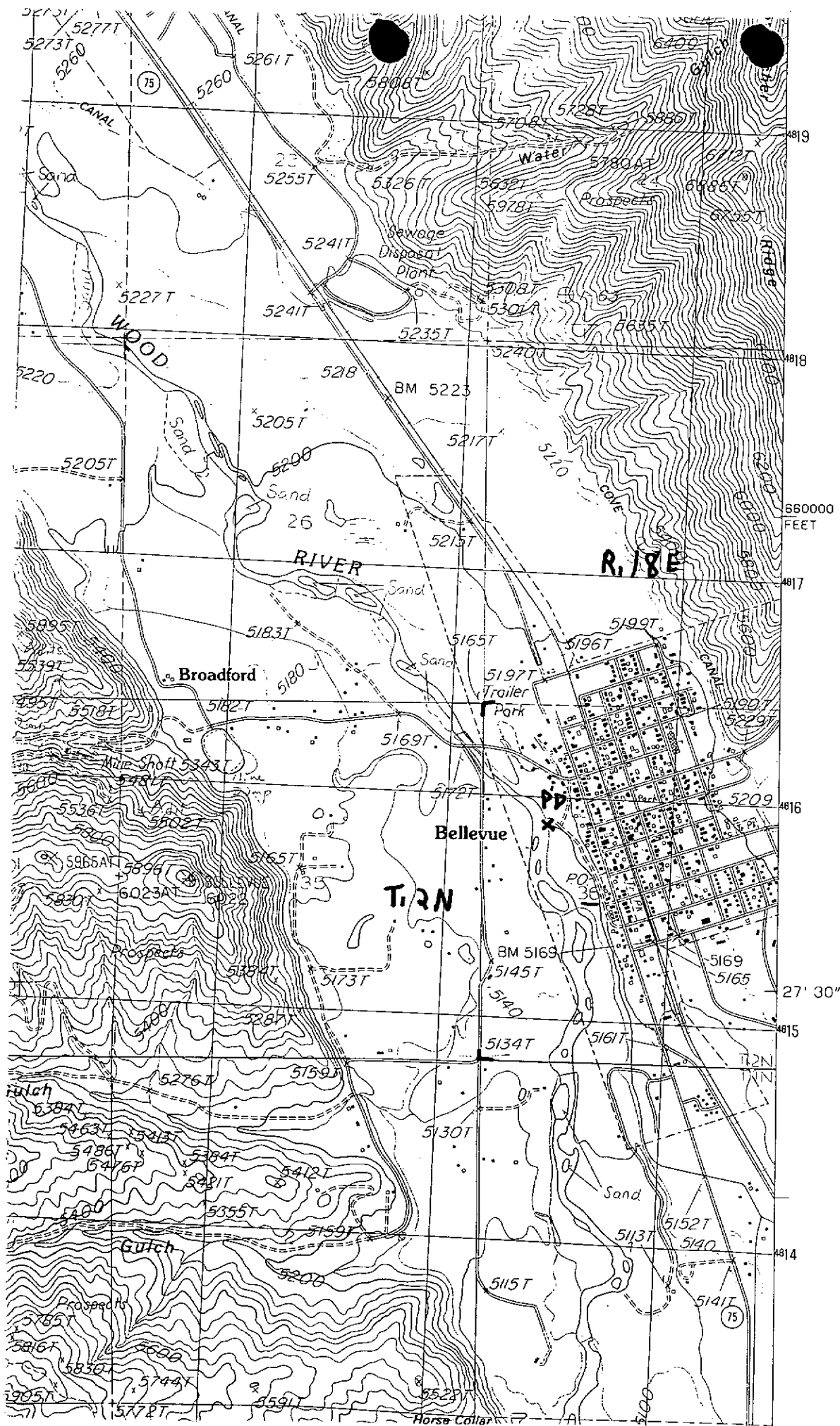
13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]
(Applicant)

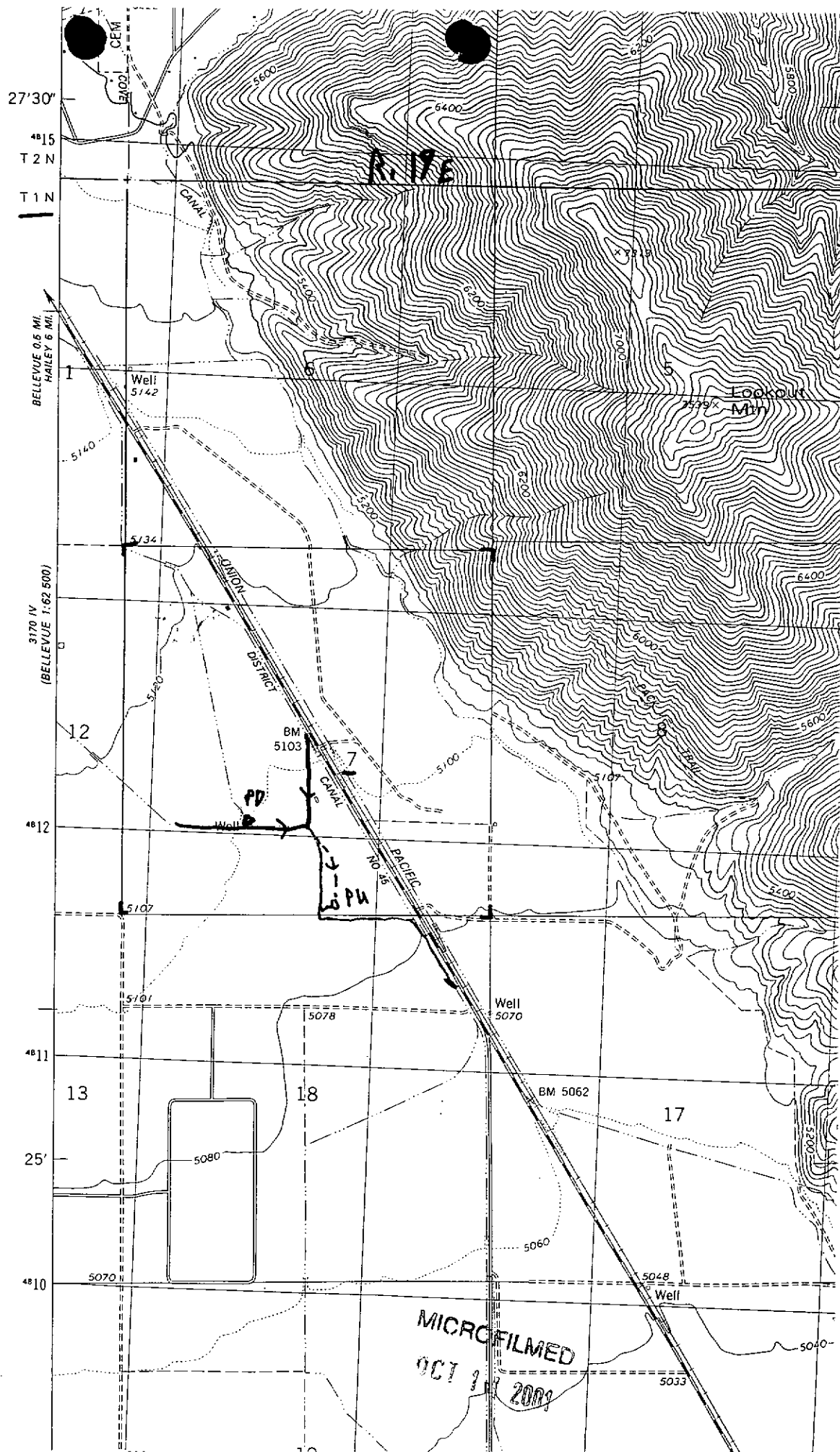
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OCT 11 2009

Received by J. Estabrook Date 8-28-00 Time 1:24 PM Preliminary check by [Signature]
Fee \$ 100. Received by [Signature] # 5023348 Date 8-28-00
Publication prepared by MB Date 9/19/00 Published in Wood River Journal
Publication approved _____ Date _____



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OCT 11 2001

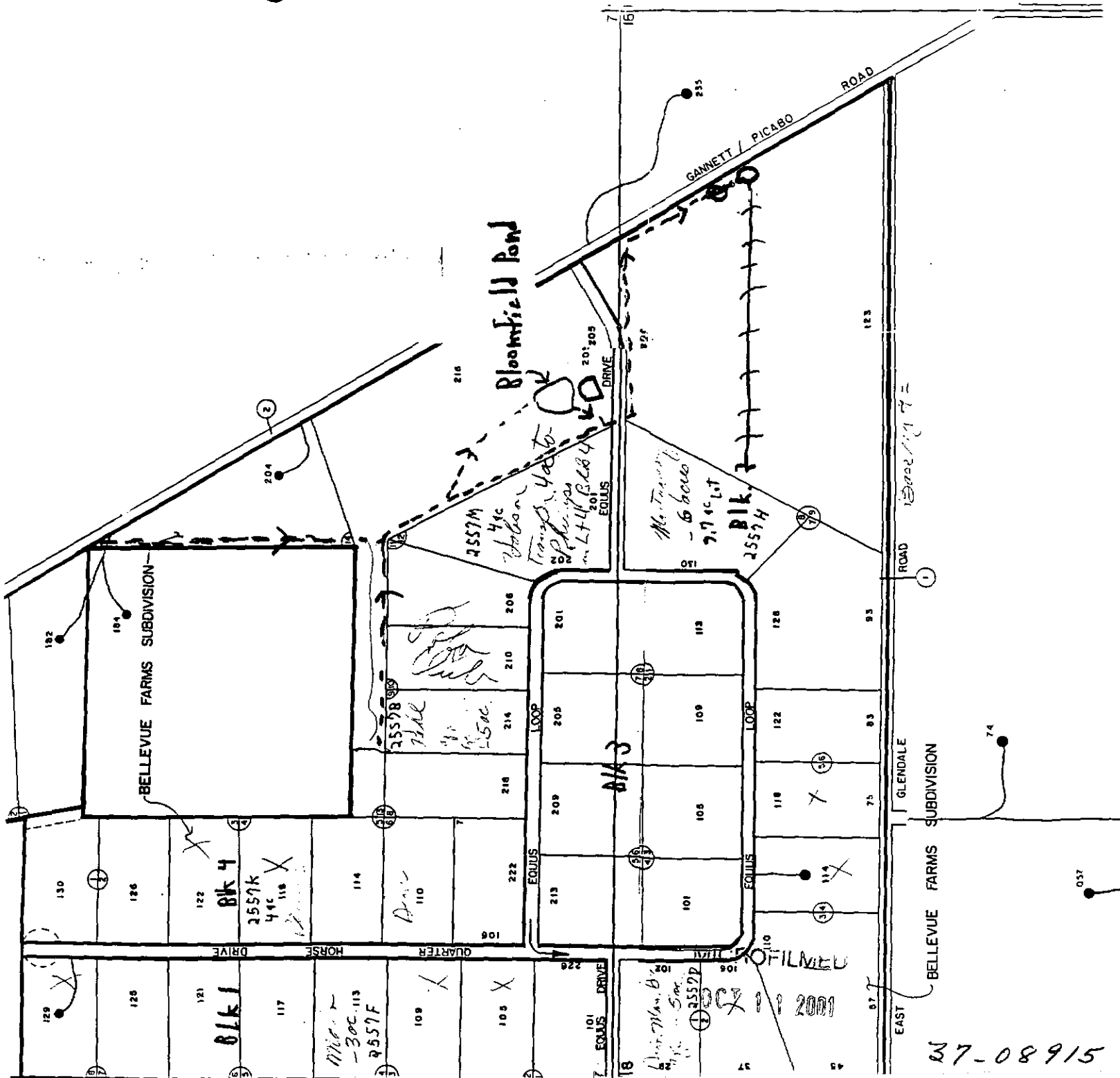
37-08915



ditch distance
approx
1300'

37-08915

660-scale
plat



ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 37-8915

Reviewed By: dgibson

Date: July 9, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		S023348, C062988	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	06/27/2002
Date proof due	- 09/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 08/28/2000
New priority date	= 08/28/2000

Deficiencies of Actions Items

Does the customer need to do anything to amend the permit to include fire protection? If not, acknowledge proof. *Make note in letter to customer, per Charla.*

June 30, 2002

GREGORY R BLOOMFIELD
PO BOX 896
BELLEVUE, ID 83313

PROOF DUE NOTICE

RE: PERMIT NO. 37-8915

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

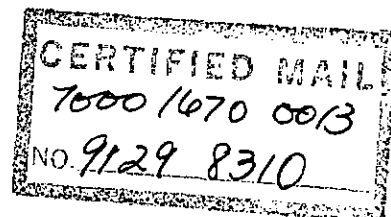
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures



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JUL 10 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 21, 2001

GREGORY R BLOOMFIELD
PO BOX 896
BELLEVUE ID 83313

RE: Permit No. 37-8915

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

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

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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

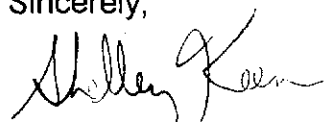
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OCT 11 2001

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

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

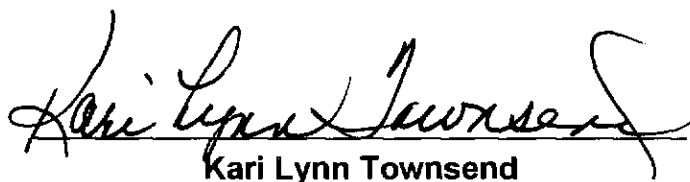
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OCT 11 2001

CERTIFICATE OF MAILING

I hereby certify that on September 21, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-8915

**GREGORY R BLOOMFIELD
PO BOX 896
BELLEVUE ID 83313**


Kari Lynn Townsend
Secretary

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OCT 11 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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OCT 11 2001

Reviewed by Sharla Curtis on 8/14/01

AREA OF CONCERN: No/Yes _____ Moratorium _____ GWMA _____ TRUST/NON-TRUST _____

SURFACE WATER: (✓Flow Chart)

F&G contacted

In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD# 37)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/~~SINK~~, INACTIVE WD or ~~WD~~

~~≤ 0.24 cfs/5 acres~~	- No MD
~~> 0.24 cfs/5 acres~~	- 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

Trust - 051 (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

MUNICIPAL	
Restricted area	- 022,075
Irr., GW supp to SW	- 102
Future needs	- 007,109
FISH PROP	- 029 (70's only)-007-042-106
DOMESTIC	
Surface water	- WB5 (Big Wood/Boise above Star Bridge)
	- 27A (Payette R)
>1/in restricted area	- 070-071-075(no parks/common areas)
1/r separate or none allowed	- WB5
GW w/irrigation from SW evident	- 065-104
Moratorium approvable	- W03 (2500 gpd ~ meets domestic def i.e. D/convenience store)

BENEFICIAL USE DUE: 8 / 01 / 2002

Multiple pd's per 1/4 1/4

Subd lot desc (pd) - W59
Subd lot desc (pu) - W60 Lot 1, Lookout Circle
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map) IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS Special Cond. per protest stipulation

COMMENTS

Gregory R. Bloomfield

APPLICATION NO. 37-08915

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY J.E. Stanton DATE 8-29-00

RECEIVED
JUL 23 2001
DEPARTMENT OF WATER RESOURCES

REQUIRED INFORMATION (Ck if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of proposed use (include description of use)
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ___ No* In form to receipt?

++++PROPOSED PRIORITY DATE 8-28 19, 2000

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
- ☒ Overlapping point of diversion.
- ☒ Yes ___ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required
Field check/memo by J.E. Stanton
- ☒ Yes ___ No Field report attached?
- ☒ Yes ☒ No Critical Ground water area?
- ☒ Yes ___ No Groundwater management area?
- ☒ Yes ☒ No Measurement District or Groundwater District?
What District? _____
- ☒ Yes ☒ No Send Dam safety information?
- ☒ Yes ☒ No Send power requirement letter?
- ☒ Yes ☒ No Send fish farm requirement letter?
- ☒ Yes ☒ No Power residency affidavit attached?
- ☒ Yes ☒ No Power efficiency form?
- ☒ Yes ___ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- ☒ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
- ☒ Yes ☒ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☒ Idaho Dept of Fish & Game	<u>9/19/00</u>	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☒ Water Dist. No. <u>37</u>	<u>9/19/00</u>	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?
☐ Yes ☒ No Statewide Advertising?
☒ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☐ Yes ☐ No Affidavit of publication received?
☒ Yes ☐ No Application published correctly? If not, record action taken.

☐ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☒ Yes ☐ No Protests received?

☒ Yes ☐ No Protested?

Describe Resolution: Agreement dated 7/2/01

☒ Yes ☐ No Measuring device required?

☐ Yes ☒ No Access port required?

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what dist? 27

☒ Yes ☐ No Special conditions codes:

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo 7/17/01

Date of priority recommended: 8/28/2000

COMMENTS:

RECOMMEND

☒ Approval

☐ Denial

By

AO

Date

7/17/01

RECEIVED

JUL - 2 2001

Department of Water Resource
Southern Region**WRI** Wood
River
Insurance
INCORPORATED
Independent Insurance Agency
(Formerly Wiley Insurance)

FAX COMMUNICATION

DATE:

7/2/01

TO:

JIM STANTON

COMPANY:

LDWR

FAX NUMBER:

208 736-3037

FROM:

BRET BLOOMFIELD

RE:

PROTEST OF PERMIT #37-08915

COMMENTS:

PLEASE SEE EXECUTED STIPULATION
WHEREIN BLAINE COUNTY HAS DROPPED
THEIR PROTEST. PLEASE ISSUE
WATER RIGHT ASAP.

Main Office & Mailing
410 North Main St Hailey ID 83333
Tel: 208.788-1100 Fax: 208.788-4988
Branch Office:
780 North Main St Ketchum ID 83340
Tel: 208.726-0726 Fax: 208.726-2657
Website: wri.to Email: mail@wri.to

NUMBER OF PAGES INCLUDING COVER SHEET: 5

IF ALL PAGES ARE NOT RECEIVED OR IF RECEIVED IN ERROR,
PLEASE CALL US AT (208)788-1100

The Valley's Oldest and Largest Insurance Agency - Since 1928

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OCT 11 2001

727-6853

WARRANTY DEED

Deed

BLAINE CO. REQUEST

FIRST ⁰⁵ AMERICAN TITLE

For Value Received,

Lita West, a single woman

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Gregory R. Bloomfield, a single man

whose address is: P.O. Box 97, Ketchum, ID 83340

99 APR 19 PM 3 57

MARSHA RIEMANN, CLERK

FEES \$ 3⁰⁰

Hereinafter called the Grantee, the following described premises situated in BLAINE County, Idaho, to-wit:

Lot 1 of LOOKOUT CIRCLE SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 424029, records of Blaine County, Idaho.

Together with Four Percent (4%) Water Rights:

1. District 45 canal:

<u>Inches</u>	<u>Priority</u>	<u>4%</u>
37-11924 A+B-252.80	3/24/83	10.08
37-11925 A+B-15.00	7/10/84	0.60
37-11926 A+B-150.00	9/18/85	6.00
37-11927 A+B-15.00	6/12/86	0.60
37-11928 A+B-350.00	6/15/91	14.00
30.00	6/18/91	1.20
		32.48

2. Well located on Bellevue Farm Subdivision and approved for domestic and irrigation use by the Department of Water Resources.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 15, 1999

Lita West
Lita West

State of IdahoCounty of Blaine

On April 19 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Lita West personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

WITNESS my hand and official seal.

MICROFILMED EXHIBIT A
OCT 11 2001

MEMO

TO: ALLEN MERRITT

DATE: 7-4-01

FROM: JIM STANTON

RE: Aesthetic Pond of Greg Bloomfield Near Bellevue

Today I visited this pond to determine if water was being diverted and stored in violation of the cease-and-desist order that you recently issued. The headgate out of the irrigation ditch was closed, but a little water was trickling thru into the ditch feeding the pond. This flow nearly disappeared before the ditch reached the pond. The ditch runs thru a hay field, and the land on the east side of the field was being sprinkled when I was there. The ditch appeared to be picking up a little water from the irrigation, but I could not see any water flowing from the ditch into the pond. A handline was operating on the east side of the pond, and a couple of nozzles were putting water directly into the pond. I would consider this to be just incidental watering rather than a violation of the order. There was water in the pond to within about 2" of the top, but no water was running out of the pond.

While I was not able to talk to Greg during my visit, I did speak to his father Robert Bloomfield. He said that the pond had been filled and emptied half a dozen times since it was built, and that it seemed to hold more water each time. He said that the pond was not lined, so apparently it is developing its own natural seal. We got the complaint of continued diversion last Friday, and I spoke to Greg on Monday (he called me). He acknowledged getting the order. He also said that he was having a party today and wanted to have water in the pond. I told him that this would not be allowed until the permit was approved, and that I would be coming up to check for a violation. So he must have stopped diverting water either late Monday or Tuesday (or early this morning).

I took photos of this system, although I ran out of film just as I was going to photograph the pond; prints will be ready at Target this weekend. There appeared to be no illegal diversion during my visit.

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OCT 11 2001

Stanton, Jim

From: Stanton, Jim
Sent: Friday, June 29, 2001 4:01 PM
To: ~~Merritt, Allen~~ *File*
Cc: Stanton, Jim
Subject: Illegal Pond of Gregory Bloomfield, Basin 37

Today I got a call from Scott Smith, who has complained several times about this pond. I told him that we had sent out a cease-and-desist order 10 days ago, and he told me that water is still being diverted into and stored in the pond. You had left for the day, so I could not discuss the matter with you. I will put a copy of this message in the permit file (37-8915).

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OCT 11 2001
1

MEMORANDUM

TO: Allen Merritt

FROM: Corey Skinner

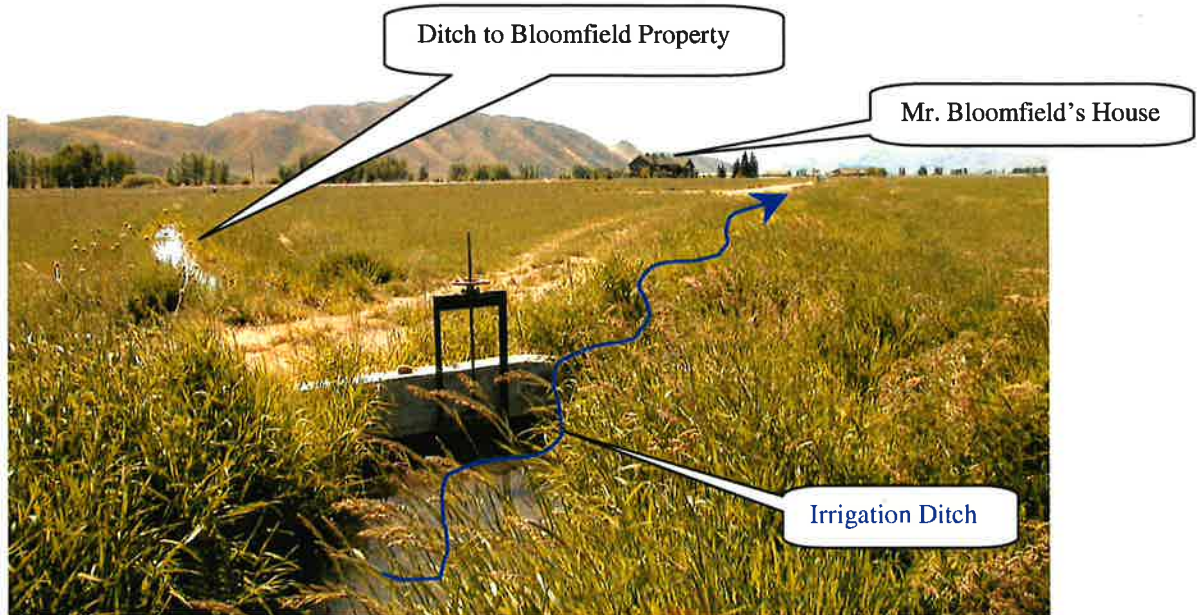
DATE: June 15, 2001

SUBJECT: Water Use Complaint Investigation

Late Tuesday afternoon (June 15th) I received a call from an individual who wanted to remain anonymous. This individual was expressing concern about water use in a pond on property located on Greg Bloomfield's property near the east edge of the Bellevue Farms Subdivision. The individual indicated that Mr. Bloomfield had a water right filing for the pond, but his application had been protested, so he technically had no water right for his pond. He indicated that Mr. Bloomfield was running water into the pond. Due to limited staff, and a couple of previous commitments I told the individual it would probably be a couple of days before we could make it out to investigate.

Examination of Department records indicates that Application for Permit 37-08915 has been filed in the name of Gregory Bloomfield. The application was filed in August of last year for an existing aesthetic facility as a result of a complaint to this office, and a follow up investigation by Jim Stanton. The application was advertised last fall, and a timely protest was filed by Blaine County Board of Commissioners, but a conference or hearing has not yet been held for the application. Further examination of the file revealed that Jim Stanton sent a letter to Mr. Bloomfield on April 20th of this year reminding Mr. Bloomfield that he is not authorized to divert water into his aesthetic pond.

This morning, I visited the property surrounding Mr. Bloomfield's property and verified that water was being diverted through a ditch, and into Mr. Bloomfield's pond. The water was being diverted from an irrigation ditch that runs through the Bellevue Farms Subdivision as seen in the photos attached to this memo. Water from this diversion is conveyed through a ditch to Mr. Bloomfield's property, into his pond, and then back to the irrigation ditch. I estimated (via orange peel method) the flow through the ditch leading to Mr. Bloomfield's property at approximately 1.3 cfs. It should be noted that Mr. Bloomfield's application is for a diversion rate of 0.20 cfs.



ABOVE: View of diversion from irrigation ditch to the north of Mr. Bloomfield's house.

BELOW: Same as above, only from different angle. Note that the headgate that serves as the diversion for the ditch tot he Bloomfield property has no locking mechanism.





View of Mr. Bloomfield's property showing water in his aesthetic pond on the north side of his house. Water was observed to be flowing through the ditch from the irrigation ditch, into the pond, and back to the irrigation ditch.

MEMO

TO: FILE DATE: 4-23-01

FROM: JIM STANTON

RE: App for Permit 37-8915, Greg Bloomfield

Today I got a call from Scott Smith, PO Box 595, Sun Valley, ID, 83353. He turns water into the Bellevue Farms Subdivision from the District Canal, so has a direct interest in the proposed pond. He brought this matter to our attention originally, resulting in Mr. Bloomfield filing the application. Smith, although not a protestant (he said that he did not see the advertising), wants to be notified of any hearings or conferences relating to this application. I did tell him that we would comply, only that I would put his request in the file. I told him that these proceedings are not open to the general public.

BLOOMFIELD
6/15/2001 FIELD NOTES



15' in 13 seconds

water entering the pond

$$\hat{=} \text{cross sectional area } \frac{1}{2} (4.5)(.5) = 1.125 \text{ ft}^2$$

$$\hat{=} \text{flow velocity} = \frac{15 \text{ ft}}{13 \text{ seconds}} = 1.15 \text{ ft/second}$$

$$\text{flow} = (1.125 \text{ ft}^2)(1.15 \text{ ft/second}) = \underline{\underline{1.3 \text{ ft}^3/\text{second}}}$$



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 20, 2001

Gregory R Bloomfield
PO Box 896
Bellevue, ID
83313

RE: App for Permit 37-8915

Dear Mr. Bloomfield;

This letter is to remind you that you are not authorized to divert any water into your existing aesthetic pond until such time as the above-referenced application is approved. It is likely that Big Wood River water will be available in your area soon to fulfill existing irrigation and stockwater rights, but this water is not to be used for other purposes without a legal right to do so. IDWR is especially concerned about illegal diversions in this year of extreme drought, and will be actively working to stop such diversions when they are found. Since your application has been protested, we cannot make a final decision on it until the protest is dealt with. A conference needs to be scheduled to discuss this matter, and a formal hearing may be needed if the conference does not resolve the issues. If you would like us to schedule a conference, please contact Allen Merritt at this office.

Regards,

James E. Stanton
Sr. Water Resource Agent

TEL 208.726.0847
FAX 208.727.6853

LAW OFFICE
DOUGLAS A. WERTH PLLC
160 SECOND STREET EAST, SUITE 107
POST OFFICE BOX 2360
KETCHUM, IDAHO 83340

COPY

DWERTH@MICRON.NET
WWW.WERTHLAW.COM

January 5, 2001

Mr. Karl J. Dreher
Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
JAN 08 2001
Department of Water Resources
Southern Region

Re: In the Matter of the Application for Permit No. 37-08915
(BLOOMFIELD)

Dear Director Dreher:

Enclosed for filing in the above-referenced matter is the original of the following document: NOTICE OF REPRESENTATION. Thank you for your assistance.

Very truly yours,



DOUGLAS A. WERTH
Attorney at Law

Enclosure
cc/encl: Mr. Allen Merritt
Blaine County Board of Commissioners

COPY

DOUGLAS A. WERTH
Attorney at Law
P.O. Box 2360
160 Second Street East, Suite 107
Ketchum, ID 83340

Tel. 208.726.0847
Fax 208.727.6853
Email: dwerth@micron.net
ISB #3660

Attorney for Protestant Blaine County

RECEIVED
JAN 08 2001
Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of Application
for Permit No. 37-08915
(BLOOMFIELD).

NOTICE OF REPRESENTATION

The Idaho Department of Water Resources (IDWR) is hereby notified pursuant to IDWR Rules of Procedure 200-205 (IDAPA 37.01.01.200 through IDAPA 37.01.01.205), that Protestant Blaine County will be represented in the above-captioned matter by Douglas A. Werth, of the law office of Douglas A. Werth PLLC.

All documents should be served upon both Douglas A. Werth and the Blaine County Board of Commissioners at the following addresses:

Douglas A. Werth
Attorney at Law
P.O. Box 2360
Ketchum, ID 83340

Blaine County Board of Commissioners
206 1st Avenue South, Suite 300
Hailey, ID 83333

DATED this 5th day of January, 2001.



DOUGLAS A. WERTH
Attorney for Protestant Blaine County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of January, 2001, I caused to be served a true and correct copy of the within and foregoing document by the method(s) indicated below, and addressed to each of the following:

Greg Bloomfield
P.O. Box 896
Bellevue, ID 83313

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile

Mr. Allen Merritt
Idaho Dept of Water Resources
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
FAX: 208-736-3037

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy

And the original thereof to:

Mr. Karl J. Dreher
Idaho Dept of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
FAX: 208-327-7866

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy



DOUGLAS A. WERTH



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

October 25, 2000

GREGORY BLOOMFIELD
PO BOX 896
BELLEVUE ID 83313

RE: APPLICATION FOR PERMIT NO. 37-08915

Dear Mr. Bloomfield:

Enclosed is a copy of a protest filed against the above referenced application.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

Please note that your application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office or if you have any questions please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)



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**

October 25, 2000

DOUG WERTH
ATTORNEY AT LAW
201 SECOND AVE SOUTH-STE#100
HAILEY ID 83333

RE: APPLICATION FOR PERMIT No. 37-08915 (Bloomfield)

Dear Mr. Werth:

The protest against the approval of the above referenced application filed on behalf of the Blaine County Board of Commissioners has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)
cc:
BOARD OF COMMISSIONERS
BLAINE COUNTY
206 FIRST AVE SOUTH-STE# 300
HAILEY ID 83333

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED
OCT 20 2000
Department of Water Resources
Southern Region

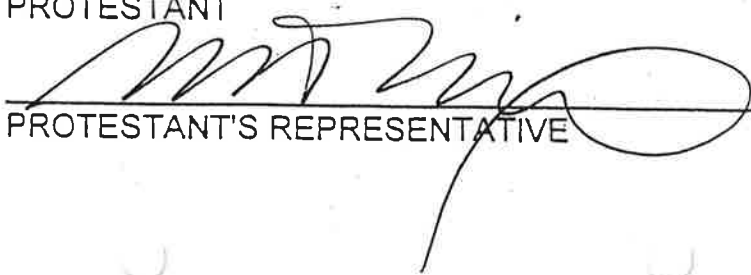
This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested APPLICATION FOR PERMIT 37-08915 mb
 2. Name of ^{applicant}protestant GREGORY R. BLOOMFIELD
 3. Protestant's representative for service (If different than protestant)
DOUG WERTH on behalf of Blaine County Board of Commissioners mb
 4. Service mailing address 201 2nd AVENUE SOUTH STE. 100
HAILEY, ID 83333
 5. Service telephone no. 208 788 5545
 6. Basis of protest (including statement of facts and law upon which the protest is based)
SEE ATTACHED LETTER
- (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? CERTIFICATION OF MITIGATION, METERING, AND THAT POND VOLUME DOES NOT EXCEED 24 HOUR HOLDING POND VOLUME.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 18 day of OCTOBER, 2000.

BLAINE COUNTY, IDAHO
PROTESTANT


PROTESTANT'S REPRESENTATIVE

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by P. SKINNER Date 10/20/2000 Time AM
\$25.00 fee Receipted by P. SKINNER # 5023448 Date 10/20/2000

THE BLAINE COUNTY BOARD OF COMMISSIONERS

206 FIRST AVENUE SOUTH, SUITE 300

HAILEY, IDAHO 83333

(208) 788-5500 • FAX (208) 788-5576

Mary Ann Mix, Chairman • Leonard Harlig, Commissioner • Dennis Wright, Commissioner

October 18, 2000

RECEIVED
OCT 20 2000
Department of Water Resources
Southern Region

Mr. Allen Merritt
Department of Water Resources, Southern Region
1341 Fillmore St. Suite 200
Twin Falls, ID 83301

RE: BLAINE COUNTY PROTEST OF APPLICATION #37-08915

Dear Allen,

We are submitting our formal protest on the above referenced application by Mr. Greg Bloomfield.

The request to divert irrigation surface water for an aesthetic pond is contrary to Blaine County's "Local Public Interest Water Policy". It also appears contrary to IDWR rules and regulations. As the applicant noted, "The pond is just a small additional use." Nevertheless, it is an additional use.

Our understanding of the State's regulations on conservation of water is that there will be no enlargement of use without adequate mitigation. We are unable to find any mitigation proposal on this application to account for evaporation or other loss that impacts water rights holders below the diversion point for this pond.

We also understand that this pond is already in existence, that IDWR has noted in its letter of July 24, 2000 that the present pond had not been permitted, and that the applicant was encouraged to submit an application to legalize the pond.

The applicant could probably submit a new application for use of the pond for irrigation purposes or community fire protection, with adequate mitigation and metering devices to ensure the amount of water impounded matches the entitlement. Such mitigation and measuring concepts were not included in the application.

Given the estimated size of the pond (about 1/7th of an acre), and the depth of 6 feet stated by the applicant, the total amount of the water impounded above ground may be within the limits of IDWR's "irrigation holding pond" (the amount of water allowed to be impounded in a 24 hour period) or a "regulating pond". However, there is no evidence in the application to support this concept.

Finally, there is no demonstration that this application "is in the public, as opposed to private, interest" as required under §42-1503 (b).

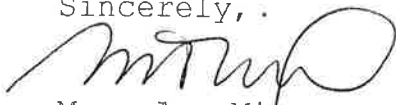
If the Department will verify that the pond will contain no more water than what is allowed under the "holding pond" or "regulating pond" limitation, Blaine County may consider withdrawal of its protest during or prior to the pre-hearing conference. The Department can require that both the present inlet and outlet be metered to ensure that no more water is used than is allowed under the "holding pond" concept and that the evaporative loss is mitigated.

Further, we ask again that all future applications for aesthetic ponds in our County be evaluated under a re-defined terminology that recognizes that such ponds aren't really "non-consumptive" and certainly aren't "de minimis", but are actually "consumptive", **and that the cumulative impacts of multiple ponds must be considered before approving such applications for enlargements of water use.**

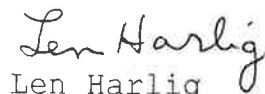
It seems to us that it would be more productive for both IDWR and Blaine County to get together as soon as possible to work out "pond" issues so that the County doesn't have to protest them all and IDWR doesn't have to use its time in the protest and hearing process. We are available at your convenience.

Thank you.

Sincerely, .



Mary Ann Mix



Len Harlig



Dennis Wright

enc: (2) Check for \$25 and Notice of Protest form

cc: Linda Haavik
Greg Bloomfield
Doug Werth



IDAHO FISH & GAME

MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

Dirk Kempthorne / Governor
Rod Sando / Director

October 10, 2000

RECEIVED

OCT 11 2000

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301-3380

Re: Application for Permit No. 37-08915 – Bloomfield, 0.02 cfs from the Big Wood River

Dear Allen,

We have reviewed the above referenced application to convert 0.02 cfs from irrigation to aesthetics in the Lookout Circle Subdivision. Because this application will not result in any new diversion of water from the Big Wood River, impacts to fish and wildlife should be minimal.

Thank you for the opportunity to review and respond to this application.

Sincerely,

David Parrish
Acting Magic Valley Regional Supervisor

Cc: IDFG-NRB (Robertson)

RECEIVED

OCT - 2 2000

Department of Water Resources
Southern Region

STREAM CHANNEL PROTECTION SPECIALIST

APPLICATION FOR PERMIT TO APPROPRIATE WATER NO.37-08915 Gregory R.
Bloomfield.

I, TERRY G. BLAU, Stream Channel Protection Specialist for the State of Idaho, Idaho Department of Water Resources, 1341 Fillmore St., Twin Falls, Idaho have read the attached copy of the Application For Permit To Appropriate Water, in the name of Gregory R. Bloomfield.

I recommend the following conditions: A determination be made as to the extent of evaporation / percolation loss due to the construction of the pond and ditches. The alluvial soils in this area could result in significant percolation losses. Losses to be mitigated.

Dated at Twin Falls, Idaho, September 21, 2000


(signature)

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83801-3380

SEPTEMBER 19, 2000

Legal Notices Department
WOOD RIVER JOURNAL
PO BOX 988
HAILEY, ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before OCTOBER 23, 2000.

Yours truly,

Mary Baldwin
Administrative Assistant

Enclosure

NOTICE OF APPLICATION FOR WATER RIGHT

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

37-08915

BLOOMFIELD, GREGORY R
PO BOX 896
BELLEVUE, ID 83313

Source: BIG WOOD RIVER
Source: GROUND WATER

Tributary: MALAD RIVER
Tributary:

Diversion Pt: NWSESW Sec 7 T 01N R 19E in BLAINE County.
 NESWNW Sec 36 T 02N R 18E in BLAINE County.

Use: AESTHETIC (0.200 CFS)
 Total Diversion: (0.200 CFS)

Date Filed: 8/28/2000

In: BLAINE County
 T01N R19E S07 SWSE

The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before OCTOBER 23, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: 10/ 4/2000 & 10/11/2000

nk
10-



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

September 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Re: Application for Permit No. 37-08915 - Bloomfield

Dear Mr. Peterson:

Enclosed is a copy of an Application for Permit within your District.

We also have enclosed a Watermaster's Recommendation Form for your comment and/or recommendation.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

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

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)



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

September 19, 2000

ATTN DAVE PARRISH
ID DEPT FISH & GAME
PO BOX 428
JEROME ID 83338

Re: Application for Permit No. 37-08915 (Bloomfield)

Dear Mr. Parrish:

The Department is seeking a written Comment &/or Recommendation from your agency regarding the above referenced application for surface water; a copy of the application is enclosed for your information and reference.

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

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

Very truly yours,

Mary A. Baldwin
Administrative Assistant

Enclosure(s)

ACTION REQUIRED

37-08915

9/19/00

FROM: MB

TO: Terry Blau

SCA comment please

Baldwin, Mary

From: Baldwin, Mary
Sent: Monday, September 18, 2000 10:40 AM
To: Curtis, Sharla
Cc: Baldwin, Mary
Subject: RE: App 37-08915

Good Morning:

FYI, on app 37-08915 (Bloomfield): the point of diversion in S07 is an existing well, the point of diversion within S36 is diverted from the Big Wood River via District Canal in the Bellevue Farms Subdivision. The diverting works description also states that the existing well pumps into the subdivision ditch, is re-diverted from the subdivision ditch, channeled to a private ditch to the pond and empties back into the subdivision ditch. Jim Stanton staffed this app but is out of the office until the 25th; if you want me to fax the app to you, please let me know. Have a good week!

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

From: Curtis, Sharla
Sent: Monday, September 18, 2000 9:05 AM
To: Merritt, Allen; Baldwin, Mary
Subject: App 37-08915

I've set the temporary flag to "T" on this one to keep it off of this week's new listing report. It lists two separate sources of water -- the Big Wood River AND Ground Water. Two separate applications should have been filed. Is there some unique reason why this one was accepted?

I'll change the temp flag and make sure it hits the new water right listing after I hear from you. Thanks in advance for your help.



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

August 29, 2000

Greg Bloomfield
PO Box 896
Bellevue, ID
83313

RE: App. for Permit Filed 8-28-00

Dear Mr. Bloomfield;

Per our conversation of earlier today, I have made certain additions to your application. A copy of the changed application is enclosed for your records. Please contact me if you have questions or comments. I have forwarded your application to our senior secretary for advertising.

Regards,

James E. Stanton
Sr. Water Resource Agent

37 00015

MEMO

TO; FILE

DATE; 7-27-00

FROM; JIM STANTON

SUBJECT; ILLEGAL POND OF GREG BLOOMFIELD

On Tuesday I got a call from Mr. Bloomfield. He told me that he talked to Vicki and Terry last fall before building the pond, and that they said it was ok to do so without a permit. I told him that he did not need an SCA permit but that he did need a water permit, and he said he thought that they were the same thing. So it appears that there was an honest misunderstanding on his part about what was required. Anyway, he plans to apply for a permit in late August, and has made an appointment with me for the 28th. He is getting married shortly, so obviously has other priorities right now. He was courteous and cooperative when we spoke on the phone, so it does not appear that there will be a problem getting this issue resolved. Although a quicker filing date would be preferable, giving the extra time seems reasonable in this situation. It would be pretty difficult to accurately measure conveyance and evaporation losses thru the ditch/pond/return ditch, so proving harm to downstream users would be tough. This water is controlled by the subdivision, so they should have stopped him if they were that concerned about this development.



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

July 24, 2000

Gregory Bloomfield
PO Box 896
Bellevue, ID
83313

CERTIFIED MAIL # 1954

RE: Pond Constructed On Lot 1 of Lookout Circle Sub.

Dear Mr. Bloomfield;

A couple of weeks ago we received an anonymous call from someone stating that you had constructed a pond on your property, and that it was being filled with water. Last Wednesday I visited your property to find out whether or not this was true. With the permission of your house guest, I observed the pond and the diversion works. My rough measurement indicated that the pond covers about 1/7 acre, so is considered a de minimus use. A water right is still required for this pond, however. Even though the pond uses a portion of the irrigation rights owned by the Bellevue Farms Subdivision, it is not covered by these rights. The easiest way to legalize this use is to apply for a water permit; a form and instructions are included for your use.

While the use of water in this pond is technically illegal, we do not plan to issue a notice of violation at this time. We prefer to work with you to resolve this matter, but have the authority to seek civil penalties if necessary. Please respond by August 3. Feel free to contact me if you have questions or need assistance.

Regards,

James E. Stanton
Sr. Water Resource Agent

37-08915

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Name of Addressee, Street, and Post-Office Address

Postage

Fee

Handling Charge

Act. Value (if Regis.)

Insured Value

Atfjx-10 certificate addition POSTM⁴

Due Send If C.O.D.

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (if Regis.)	Insured Value	Atfjx-10 certificate addition POSTM ⁴	Due Send If C.O.D.
1	1953	Joe Tugane JS/7-24-00	33	25	40	98			
2	1954	Gregory Blainfield JS/7-24-00	33	25	40	98			
3									
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14									
15									
Total Number of Places Listed by Sender		Total Number of Places Received at Post Office		POSTMASTER, PER (Name of receiving employee)					

The full declaration of value is required on all domestic reconstruction insurance for nonnegotiable occurrence. The maximum indemnity payable on each \$500. The maximum indemnity payable on each \$400 for Insured Mail. Special handling charges apply parcels. Special delivery service also includes special handling.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

MEMO

TO; ALLEN

DATE; 7-19-00

SUBJECT; REPORTED UNPERMITTED POND IN BELLEVUE FARMS SUB.

Today I visited this property to investigate this reported pond. The owner was not home, but his visitor (his future brother-in-law) gave me permission to inspect the property. I found a pond fed from the District Canal. Water comes from 2 directions out of the Canal, and the 2 laterals meet in the NW corner of Lookout Circle Sub. A pump there feeds wheel lines water the subdivision (except for the Bloomfield home & lawn). Water not used in the sprinklers continues south, then east, then south again to a pond/pump that waters land on the south part of Bellevue Farms Sub. A little ways south of the first pump is a headgate feeding a smaller ditch that runs SE to the Bloomfield aesthetic pond. The small ditch exists the pond, rejoining the main ditch west of the Bloomfield home. There was no way to measure the water entering and leaving the pond, but I was able to determine that the pond covers about $1/7^{\text{th}}$ of an acre. By our definition, the pond can be considered non-consumptive due to its surface area of under $1/2$ acre. The next irrigation pump is about $1/2$ mile downstream from this pond, and there are 2 small ponds in the ditch where it has 90-degree bends. While the main ditch has heavy plant growth on both sides, the Bloomfield ditch is open (it runs thru a hay field & thru his yard). This area is very flat, and the Bloomfield ditch is only a foot wide or so, so trying to make accurate measurements of inflow and outflow from the pond would be difficult.

Although a water right is obviously needed for this pond, it appears that we can issue a water permit for it without any need for mitigation. Water is delivered by the watermaster under existing decreed rights, so is subject to priority cuts whether the pond is there or not. Bob Struthers is now in charge of the District Canal, and water is delivered to the subdivision as a whole rather than to individual owners. We need to notify Struthers that water rights are needed for all ponds not related to irrigation diversions (which the Bloomfield pond is not), and I plan to do this.

MEMO

TO; ALLEN

DATE; 7-14-00

SUBJECT; POSSIBLE ILLEGAL POND NEAR BELLEVUE

Today I got a call from a "downstream user" on the District Canal about a pond on Lot 13 of Bellevue Farms Subdivision. He was adamant about not having his name mentioned, stating that pond owner Greg Bloomfield was belligerent and would cause him trouble; the name of the complainant is therefore not mentioned here. Anyway, he said that the pond was built last fall on Lot 1 of Lookout Circle Sub (the south 1/3 of Lot 13), and that it has been receiving water for the last 2-3 weeks. This was causing a hardship on his irrigation use. I checked the database for a filing for Bloomfield, but did not find one. I also checked by legal description, but found nothing. I plan to call Lee Peterson next week, and expect to make a site visit to confirm the use.

6/19/01

TRANSMITTAL COVER SHEET

TO: ATTN Norm Young
Re: 37-8915- Bloomfield

TOTAL PAGES SENT: 8
(including cover sheet)

DOCUMENT DESCRIPTION: Cover + 7 pg. Notice of Violation, etc.

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: 0 Please remit to the above address.

SENDER: Mary Baldwin

COMMENTS: Paper copy in mail today.

MICROFILMED

OCT 11 2001

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of June, 2001 a true and correct copy of the above and foregoing document was forwarded with all required charges prepared, by the method(s) indicated below, to the parties listed:

Mary A. Baldwin

Mary A. Baldwin, Administrative Assistant

GREGORY BLOOMFIELD
PO BOX 896
BELLEVUE ID 83313

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U.S. Mail-Regular _____
U.S. Mail-Certified x _____
Fax _____

BOARD OF COMMISSIONERS
BLAINE COUNTY
206 FIRST AVE SOUTH-STE# 300
HAILEY ID 83333

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DOUG WERTH
ATTORNEY AT LAW
PO BOX 2360
KETCHUM ID 83340

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MICROFILMED
OCT 11 2001

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Return Receipt Fee (Endorsement Required)	1.50		
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Total Postage & Fees	\$ 374		

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GREGORY BLOOMFIELD

Street, Apt

PO BOX 896

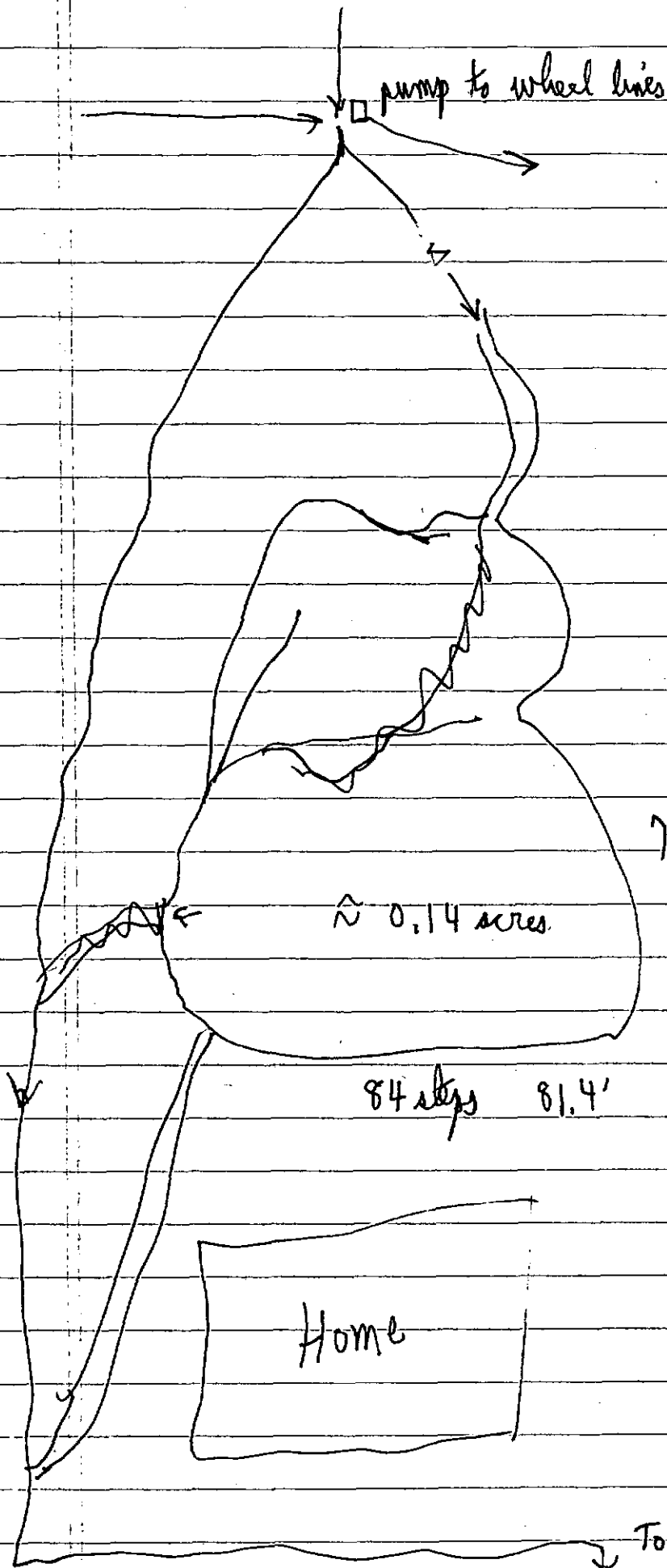
City, State,

BELLEVUE ID 83313

PS Form 1

verse for Instructions

MICROFILME
OCT 11 2001



District
Bob Struthers runs can
720-4920 cell #

79 steps
76.5'

approx 0.14 acres

84 steps 81.4'

Home

205 Campus Drive
PO 896
Bellevue
mailing address

MICROFILMED

OCT 1 1981
To pond w/ sprinkler pump

37-08915