



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

May 13, 2002

SRBA Court Clerk
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: SF 5 for 65-22544

Dear Clerk of the Court:

Enclosed please find a Standard Form 5 for the above-referenced subcase. All parties have signed the SF 5 except for the respondent, US Forest Service. The attorney for the Forest Service, David Negri, has requested that the SF 5 be filed without his signature and prefers to withdraw the Forest Service's response after the SF 5 has been filed with the Court.

Thank you for your anticipated courtesy and cooperation in this matter. If you have any questions, please do not hesitate to call me at: 327-7881.

Very truly yours,

A handwritten signature in cursive script that reads "Becky Harvey".

Becky Harvey
Paralegal

Cc: Steven J. Schuster

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No. 65-22544
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):
Bruce & Janet Hedge

OBJECTOR(s):
State of Idaho - Department of Lands

Bruce F Hedge 4/12/02
Bruce Hedge Date

Steven J. Schuster 4/25/02
Steven J. Schuster Date
Deputy Attorney General
Idaho Department of Lands

Janet L Hedge 4/12/02
Janet Hedge Date

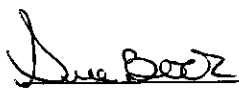
STANDARD FORM 5 – 65-22544

RESPONDENT:

United States of America, acting through
The USDA Forest Service

David L. Negri Date
U.S. Dept of Justice
Attorney for Respondent

IDWR Concurrence:

 4/1/02
Agent Date

 2/25/02
Garrick L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on May 14, 2002, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

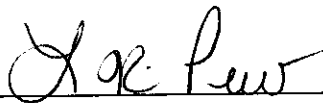
2. Copies to:

Office of the Attorney General
Natural Resource Division
Idaho Department of Lands
P.O. Box 83720
Boise, ID 83720-0050
Attn: Steven J. Schuster

Bruce F. Hedge
Janet L. Hedge
5801 Peachtree St.
Boise, ID 83703

David L. Negri
United States Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 W. Fort St., MSC 033
Boise, ID 83724

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person or attorney mailing the form

03/04/2002

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

RIGHT NUMBER: 65-22544

NAME AND ADDRESS: BRUCE F HEDGE
5801 PEACHTREE ST
BOISE ID 83703

JANET L HEDGE
5801 PEACHTREE ST
BOISE ID 83703

SOURCE: UNNAMED STREAM

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1870

POINT OF DIVERSION:

T07N R01E S13 SESE End of Stream Flow Within BOISE County
T07N R02E S18 NWNE Begin of Stream Flow Within BOISE County
T07N R02E S18 NWNE End of Stream Flow Within BOISE County
T07N R02E S18 NESW Begin of Stream Flow Within BOISE County
~~T07N R02E S18 SWNE~~ Within BOISE County
~~T07N R02E S18 NESW~~ Within BOISE County
~~T07N R02E S18 NWSW~~ Within BOISE County
~~T07N R02E S18 SWSW~~ Within BOISE County

But
11B *SI*

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within BOISE County

T07N R02E S18	NWNE	~~T07N R02E S18~~	SWNE
T07N R02E S18	NESW	T07N R02E S18	NWSW
T07N R02E S18	SWSW	<u>T07N R01E S13</u>	SESE

SSS

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

SF5 Water Right 65-22544