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Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG 28 2003
By _____ Clerk Deputy Clerk

AMENDED DIRECTOR'S REPORT

Subcase No. 65-19840

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill, Jr., Adjudication Bureau Chief

Aug. 26, 2003

AMENDED DIRECTOR'S REPORT - 65-19840

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

The Director submits for filing with the Court, an Amended Director's Report for the aforementioned water right recommendation (see attached print-out). Pursuant to the *Bench Order* issued by Special Master Cushman on August 14, 2003, IDWR offers the following explanation and attached print-out.

IDWR recognizes that this water right, when originally claimed by the United States, was claimed as a dual-based claim. However, the attached water right description in this Amended Director's Report is limited to the recommendation of the state-based portion of the claim. The reason for this is two-fold.

First, in accordance with state law, IDWR does not investigate or recommend Federal Reserved water rights. Therefore, it has no knowledge of the legitimacy or accuracy of the Federal Reserved portion of the claim.

Second, because the priority date of the water right as recommended by IDWR is senior to the priority date claimed under the Federal Reserved basis of claim, IDWR assumes that the private claimant and the United States agree that the state-based right is superior to the federal-based claim and the claim should therefore be decreed as a state-based water right. For this reason there appears to be no need for the parties or the Court to address issues regarding what happens to the Federal Reserved basis of a dual-based claim when that claim passes into private hands.

Respectfully submitted this 26th day of August, 2003.


DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

CERTIFICATE OF SERVICE

I certify that on August 26, 2003, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, 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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

U.S.D.I. BLM
U.S. Dept. of Justice
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resource Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Bruce & Janet Hedge
5801 Peachtree St
Boise, ID 83703

Gem County Courthouse
415 E. Main
Emmett, ID 83617

Payette County Courthouse
1130 3rd Ave N
Payette, ID 83661

Har. Kew
Signature of person delivering form

08/25/2003

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

RIGHT NUMBER: 65-19840

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

SOURCE: SPRING TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1874

POINT OF DIVERSION:

T07N R01E S13 SWSWSW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.02 CFS

PLACE OF USE: STOCKWATER Within GEM County

T07N R01E S13 SWSW

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: Basis of Claim - Beneficial Use