



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

September 25, 2002

Special Master Brigitte Bilyeu
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

Re: SRBA Subcase Nos. 31-10740

Dear Special Master Bilyeu:

Enclosed is a *Second Corrected Amended Director's Report* for Subcase No. 31-10740. The Department was notified by the claimant that the 13 acres in the NWNE quarter-quarter of T13N R40E Section 29 Lot 2 appeared twice and the 21 acres in the SWNE quarter-quarter of Section 29 also appeared twice in the Department's *Corrected Amended Director's Report* filed on May 9, 2002. These duplicate places of use were an error and thus, the Department is submitting the enclosed *Second Corrected Amended Director's Report* for this subcase.

If you have any questions concerning this matter, please call me at (208) 327-5404

Sincerely,

A handwritten signature in cursive script, reading "Candice M. McHugh".

Candice M. McHugh
Deputy Attorney General, IDWR

cc: John Marshall
Patti Rowland
David Negri
Kent Foster
Steve Schuster

SECOND CORRECTED AMENDED DIRECTOR'S REPORT

Subcase No. 31-10740

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

September 25, 2002

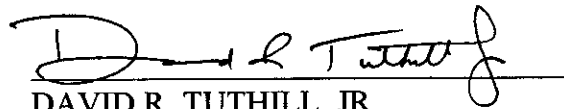
DESCRIPTIVE SUMMARY

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

DISCUSSION

On March 26, 2002, Special Master Bilyeu issued an Order *Granting Motion to Amend Claim on Record* and an *Order Setting Subcase Deadlines and Hearing on Record*. Pursuant to these orders, the Director submitted for filing with the Court, an Amended Director's Report on April 23, 2002. Subsequently, the Department discovered that the priority date had been erroneously changed in the Amended Director's Report and filed a Corrected Amended Director's Report on May 9, 2002. Recently, it came to the Department's attention that the Corrected Amended Director's Report contained a duplicative place of use. Therefore, the Director submits for filing with the Court, this Second Corrected Amended Director's Report for the aforementioned subcase.

Respectfully submitted this 25th day of September, 2002.


DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

09/25/2002

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

RIGHT NUMBER: 31-10740

NAME AND ADDRESS: DAVID J HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

MARGARET HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

JAMES F HAGENBARTH
PO BOX 1128
DILLON MT 59725-1128

SOURCE: DRY CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 8.680 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 21.79 CFS. COMBINED RIGHT NOS.: 31-02274,
31-02275, 31-10245, 31-10740.

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

PRIORITY DATE: 11/02/1930

POINT OF
DIVERSION: T13N R40E S9 NWNWSW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05/01 10/31	0.230 CFS
IRRIGATION	05/01 10/31	8.680 CFS

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

PLACE OF USE:	<u>IRRIGATION Within CLARK County</u>					
	T13N R40E S10	SESW	25.0	T13N R40E S10	NESE	27.0
	T13N R40E S10	NWSE	12.0	T13N R40E S10	SWSE	37.0
	T13N R40E S10	SESE	40.0	T13N R40E S11	NWSW	3.5
	T13N R40E S11	SWSW	37.0	T13N R40E S11	SESW	28.0
	T13N R40E S11	NESE	9.4	T13N R40E S11	SWSE	31.0
	T13N R40E S11	SESE	34.0	T13N R40E S12	NESW	5.0
	T13N R40E S12	NWSW	35.0	T13N R40E S12	SWSW	6.2
	T13N R40E S14	NENE	2.7	T13N R40E S14	NWNE	11.0
	T13N R40E S14	NENW	14.0	T13N R40E S14	NWNW	5.0
	T13N R40E S15	NENE	40.0	T13N R40E S15	NWNE	40.0
	T13N R40E S21 Lot 4	NWNW	25.0	T13N R40E S21 Lot 5	SWNW	6.6
	T13N R40E S21	SESW	5.0	T13N R40E S21	SWSE	11.0
	T13N R40E S23	SWSW	40.0	T13N R40E S23	SESW	19.0
	T13N R40E S26	NENW	32.0	T13N R40E S26	NWNW	40.0
	T13N R40E S26	SWNW	29.0	T13N R40E S27	NENE	40.0
	T13N R40E S27	NWNE	38.0	T13N R40E S27	SENE	40.0
	T13N R40E S27	NENW	18.0	T13N R40E S27	NWNW	10.0
	T13N R40E S27	SWNW	18.0	T13N R40E S27	SENW	14.0
	T13N R40E S28	NENE	27.0	T13N R40E S28	NWNE	38.0
	T13N R40E S28	SWNE	40.0	T13N R40E S28	SENE	40.0
	T13N R40E S28	NENW	32.0	T13N R40E S28	NWNW	4.1
	T13N R40E S28	SWNW	8.1	T13N R40E S28	SENW	27.0
	T13N R40E S29 Lot 2	NWNE	13.0	T13N R40E S29	SWNE	21.0
	T13N R40E S29	SENE	11.0			

STOCKWATER same as IRRIGATION

1089.6 ACRES TOTAL

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

PLACE OF USE IN T13N R40E S11 NWSW DOES NOT INCLUDE ANY STATE PUBLIC SCHOOL ENDOWMENT LAND.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1089.6 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-02274, 31-02275, 31-10245, 31-10740.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 434 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 21 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTORS REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 21 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 21 RIGHTS.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 1100 RANGE CATTLE.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 31-02274, 31-02275, 31-10240, 31-10740 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

CERTIFICATE OF MAILING

I certify that on Sept 26, 2002, I mailed and/or delivered the original and copies of this form, including all attachments, to the following interested parties, by placing them in sealed envelopes, 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, ID 83303-2707

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

2. Copies to:

Chief, Natural Resource Division
Office of the Attorney General
Box 83720
Boise, ID 83720-0010

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

David Negri
United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street MSC 033
Boise, ID 83724

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

John M. Marshall
Attorney for Margaret, David J.,
and James F. Hagenbarth
P.O. Box 2720
Boise, ID 83701-2720

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

Steven J. Schuster
Idaho Department of Lands
P.O. Box 83720
Boise, ID 83720-0050

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

Kent Foster
Attorney for Mud Lake Water Users
P.O. Box 50130
~~Dubois, ID 83423~~
Idaho Falls, ID 83405

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

Clark County Clerk
320 W. Main
P.O. Box 205
Dubois, ID 83423

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



Signature of person delivering form