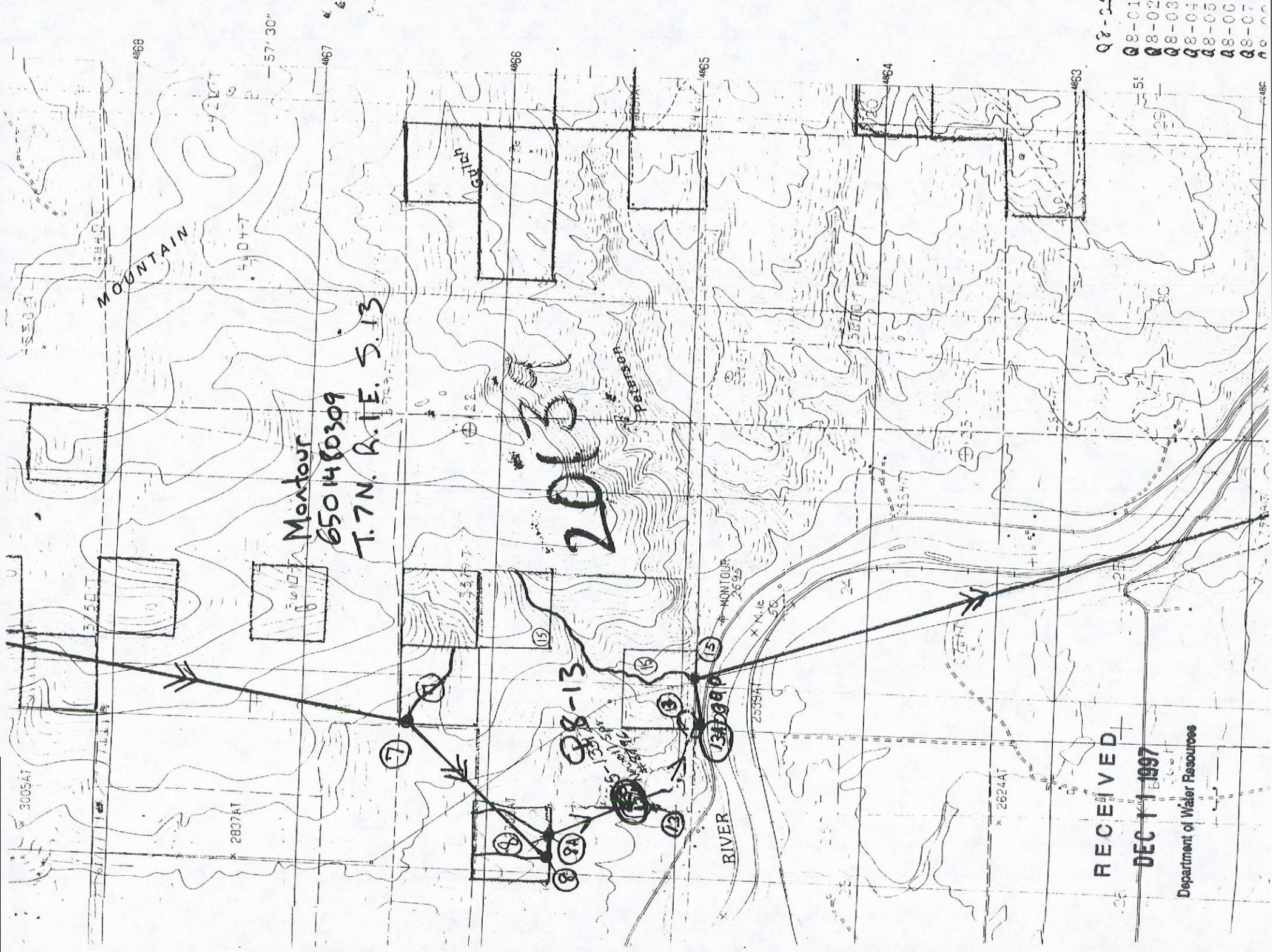


DEC 11 1997

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August 14, 2003

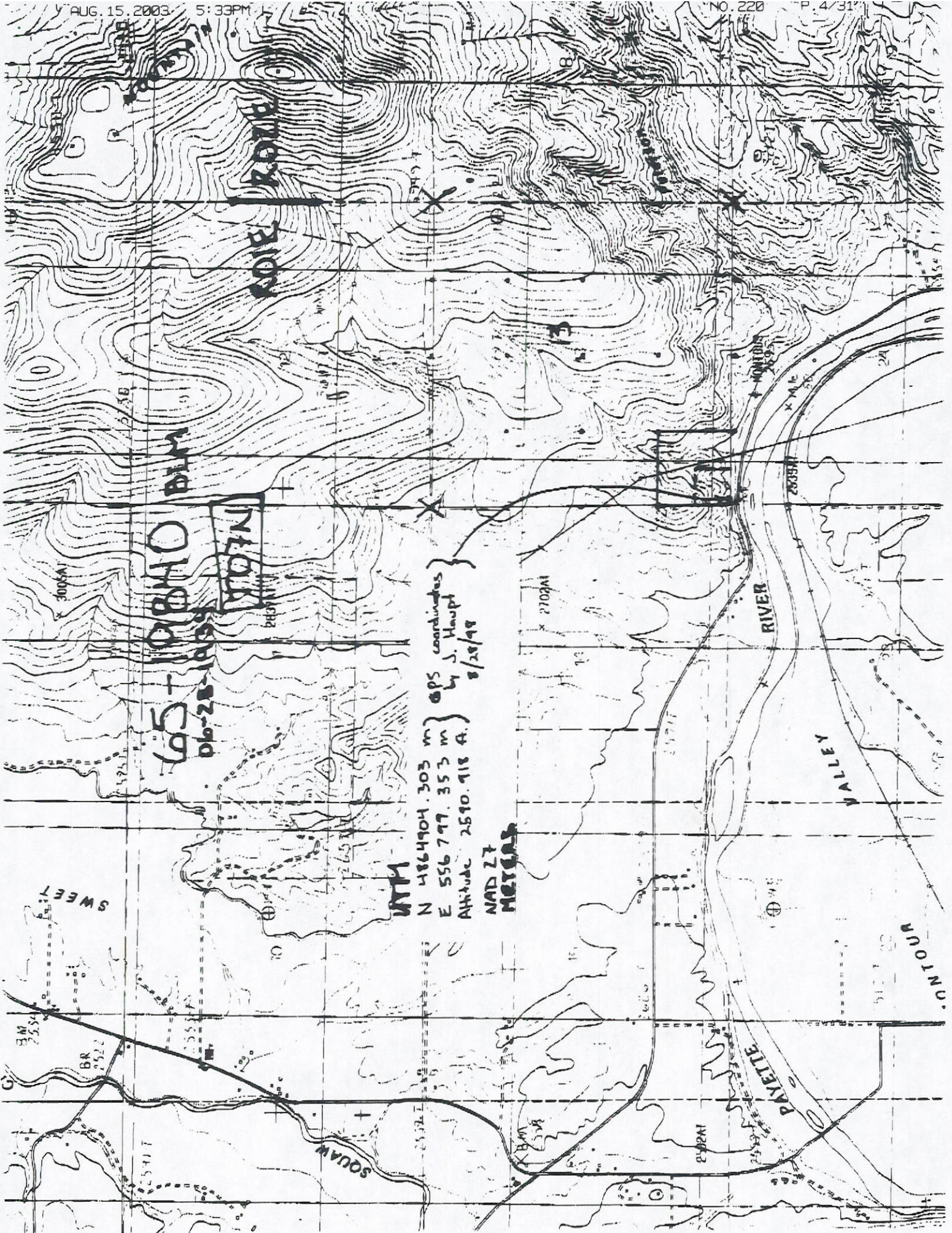
TO: R. Lee Leininger, DOJ-ENRD, Denver
Roxanne Brown, IDWR-SO

FROM: Fred Price, BLM-ISO

RE: 65-19840 BLM "dual" claim
Substitution of party by Hedge pursuant to patent

Attached is information I have for this claim:

1. Attachment from BLM's objection identifying errors in BLM's claim (POD and source).
2. GPS data & map of gps data in support of BLM's objection.
UTM, NAD 27, meters
N 4864904.303 m
E 556799.353 m
2590.918 ft.
3. Stipulated Agreement dated 07-01-1999 between U.S. and State of Idaho changing state-based priority dates to 06-28-1934.
4. Patent 11-2003-0055 from U.S. to Hedge
5. Letter from IDWR to Hedge completing Substitution of Party



65-10840 BLM
06-28-1998

INTON

GPS coordinates
by J. Haupt
8/28/98
N 4864904.303 m
E 556777.353 m
Altitude 2590.918 ft.

NAD 27
METERS

RIVER

VALLEY

PAYETTE

ONTON

TOWNSHIP 7 NORTH RANGE 1 EAST OF THE POISE MERIDIAN, IDAHO
GEN. COUNTY 045
SHEET NUMBER 112 J

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TILES
AND ACQUIRED LANDS

MT PLAT

BLOCK TO REDEVELOP TRACTS	
TRACT NO.	ORIGINAL OWNER
1	1871
2	1872
3	1873
4	1874
5	1875
6	1876
7	1877
8	1878
9	1879
10	1880
11	1881
12	1882
13	1883
14	1884
15	1885
16	1886
17	1887
18	1888
19	1889
20	1890
21	1891
22	1892
23	1893
24	1894
25	1895
26	1896
27	1897
28	1898
29	1899
30	1900

30 4/15/1900 Open to entry 30/10 to 30/15 20 174
Per 30/15 20 174 10/10/1907
See 30/15 20 174

31 11/1/1900 and Per 31 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

32 11/1/1900 and Per 32 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

33 11/1/1900 and Per 33 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

34 11/1/1900 and Per 34 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

35 11/1/1900 and Per 35 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

36 11/1/1900 and Per 36 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

37 11/1/1900 and Per 37 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

38 11/1/1900 and Per 38 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

39 11/1/1900 and Per 39 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

40 11/1/1900 and Per 40 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

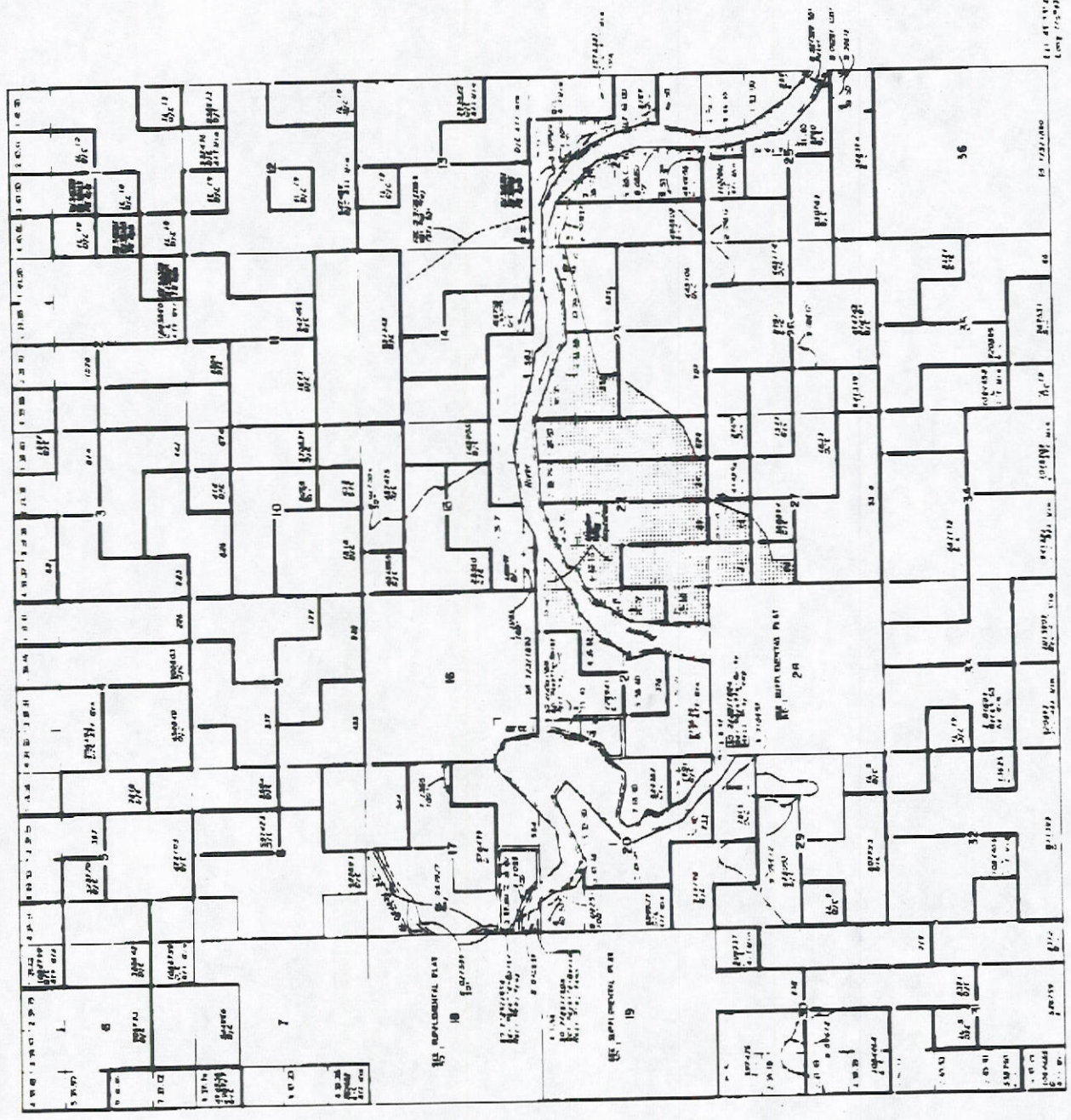
41 11/1/1900 and Per 41 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

42 11/1/1900 and Per 42 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

43 11/1/1900 and Per 43 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

44 11/1/1900 and Per 44 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174

45 11/1/1900 and Per 45 10/10/1907
to 30/15 20 174 10/10/1907
See 30/15 20 174



SCALE 1" = 100' 0"

1" = 100' 0"

1" = 100' 0"

1" = 100' 0"

1" = 100' 0"

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A65-19840**
Date Received: 3/25/1993
Receipt No: X111111
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: UNITED STATES OF AMERICA ACTING THROUGH 208-373-4000
Address: USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709

2. Date of Priority: JAN 1, 1874

3. Source: UNNAMED SPRING Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	01E	13	SW	SW	SW		GEM
			SW	SW	SW		GEM

5. Description of diverting works:
SPRING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, DOMESTIC

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	01E	13	SW	SW		DOMEST	

11. Place of use in counties: GEM

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

WATER FEDERALLY RESERVED, SEE REMARKS

14. Remarks:

BLM RECORD ID = 6501480309

RESERVED - EXECUTIVE ORDER DATED APR 17, 1926 PWR NO. 107

15. Basis of Claim: BENEFICIAL USE

RECEIVED

AUG 10 1998

WATER RESOURCES
WESTERN REGION

RECEIVED

AUG 07 1998

Department of Water Resources
Adjudication Bureau

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

Case No. 39576

A. Subcase 65-19840

(Insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: United States of America

Address: 1387 South Vinnell Way

Name: Bureau of Land Management

Address: Boise, Idaho 83709-1657

Name:

Address:

Name:

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: See attached
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: See attached
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The legal description reported in the Director's Report for the POD of this claim is inaccurate. See attached for revised POD legal description. The source description is also inaccurate.

F.

VERIFICATION (Must be Completed)

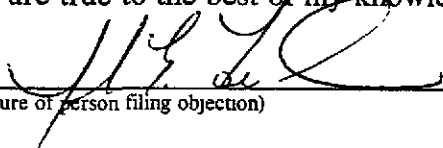
State of Idaho)

)ss.

County of Ada)

^{E.}
John Fend, BLM Area Manager, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 8-4-98

Jacqueline L. Ripley
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 8-4-7-1999

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on August 6, 1998, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: United States of America

Address: 1387 South Vinnell Way

Name: Bureau of Land Management

Address: Boise, Idaho 83709-1657

Name:

Address:

Name:

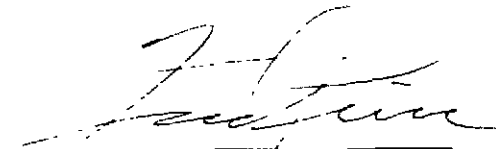
Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

AJ5856NP

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

DATE: APR-6-1998

PAGE: A-6455

RIGHTS FROM: SOURCE: ~~NEVEL~~ ^{Unnamed} SPRING TRIBUTARY: PAYETTE RIVER

RIGHT NUMBER: 65-19840

NAME & ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

SOURCE: ~~NEVEL~~ ^{Unnamed} 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

* 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. *
* *
* THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW *
* WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN *
* EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC *
* WATER RESERVE 107. *

POINT OF DIVERSION: T07N R01E S13 ~~NWSW~~ ^{SW} Within GEM County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 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:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
BLM RECORD ID = 6501480309

08/01/2003

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

RIGHT NUMBER: 65-19840

RECEIVED

AUG - 6 2003

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

Department of Water Resources

JANET L HEDGE
5801 PEACHTREE ST
BOISE ID 83703

SOURCE: NEWELL SPRING

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 01/01/1874

4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT.
THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW WITH AN
APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER
SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 107.

POINT OF DIVERSION:

T07N R01E S13 NWSWSW 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	0.020 CFS

PLACE OF USE: STOCKWATER Within GEM County

T07N R01E S13 SWSW

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

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

EXPLANATORY MATERIAL: Beneficial Use

BLM RECORD ID = 6501480309

RECEIVED

AUG - 6 2003

Department of Water Resources

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

Water Rights: 65-19840

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ IC § 42-222 transfer

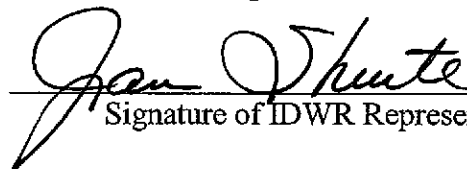
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: August 5, 2003


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 5, 2003, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
Statehouse Mail
Boise, ID 83720-0010

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

USDI BLM (Former Owners)
Idaho State Office
1387 S Vinnell Way
Boise ID 83709

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Bruce F Hedge (Current Owners)
Janet L Hedge
5801 Peachtree St
Boise ID 83703

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

USDI BLM (Attorney)
Represented By: US Department of Justice
Environment & Natural Resources
550 W Fort St, MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

RECEIVED
AUG 01 2003
WATER RESOURCES
WESTERN REGION

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
	65-19840				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

BLM

4. New Owner/Claimant(s)

BRUCE F. & JANET L. HEDGE

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

5801 PEACHTREE ST.

City, State and ZIP Code

BOISE, ID 83703

New Telephone Number

208 938-2334

5. Date you acquired the property

5-2-2003

- 6 If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

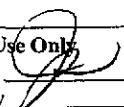
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Janet L Hedge

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims

For Office Use Only

Received by 	Date <u>8-1-03</u>	Fee <u>N/A</u>
Received by _____	Date _____	Receipt No _____
Processed by _____ AJ	Date _____	WR _____ Date _____

The United States of America
To all to whom these presents shall come, Greeting:

IDI-34003 FR

WHEREAS

Bruce F. Hedge and Janet L. Hedge

are entitled to a land patent pursuant to Section 206, Act of October 21, 1976, as amended (43 U.S.C. 1716) for the following described land:

Boise Meridian, Idaho

T. 7 N., R. 1 E.,
Section 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.

Containing 280 acres.

NOW KNOW YE, that there is, therefore, granted by the **UNITED STATES** unto Bruce F. Hedge and Janet L. Hedge, the land described above; **TO HAVE AND TO HOLD** the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, there unto belonging, unto Bruce F. Hedge and Janet L. Hedge, and to their heirs and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES:

- 1 A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).
2. The right to itself, its permittees or licensees, to enter upon, occupy and use any part or all of said land lying within 50 feet of the center line of the transmission line right-of-way of Idaho Power's Hells Canyon Power Project No. 1971, or right-of-way No. IDI 23372, for the purposes set forth in and subject to the conditions and limitations of Section 24 of the Federal Power Act of August 26, 1935, as amended (16 U.S.C. 818) as to the W $\frac{1}{2}$ SW $\frac{1}{4}$ of section 13, T. 7 N., R. 1 E., B.M.

SUBJECT TO those rights for access and service road purposes granted to Idaho Power Company, its successors or assigns, by right-of-way No. IDI 33880, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761), as to the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of section 13, T. 7 N., R. 1 E., B.M.



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho, the thirtieth day of April in the year of our Lord two thousand and three and of the Independence of the United States the two hundred and TWENTY-SEVENTH.

By William H. Lee
William H. Lee
Acting Branch Chief, Lands and Minerals
Resource Services Division

Patent No. 11-2003-0055

RECEIVED
AUG 01 2003
WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-19840 V1

WATER RIGHT NUMBER 65-19840 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WY BOISE, ID 83709-1657 (208)373-4000

Priority Date: 01/01/1874

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
NEWELL SPRING	PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

NEWELL SPRING	NW1/4SW1/4SW1/4	Sec 13, Twp 07N, Rge 01E, B.M.
GEM County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	13												X					

Conditions of Approval:

1. D01 ***** 4 /17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. ** ** THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW ** WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN ** EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC ** WATER RESERVE 107. *

2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY

Remarks

1. Explanatory BLM RECORD ID = 6501480309

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-19840 V1

Comments:

1. AJU5-JSH 1/12/1998 AJU5 STOCK ONLY UPDATE

Comment: USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK. CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD. ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector
Water District Number
Generic Max Rate Per Acre:
Generic Max Volume Per Acre
Swan Falls Trust or Nontrust.
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number
Mitigation Plan: False

SubCase:

SubCase Number: 65-19840
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date
Attorney Assigned: SUSAN E HAMLIN-NYGARD
Adjudication Agent.
Basis of Claim:
Date Filed: 8/5/1998 Objection Status: Active
Date Filed: 8/6/1998 Objection Status: Active



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 5, 2003

BRUCE F HEDGE
JANET L HEDGE
5801 PEACHTREE ST
BOISE ID 83703

RE: Water Right No. 65-19840

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right(s), which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield".

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

cc: USDI BLM
US Department of Justice, attorney for USDI BLM

AJ0749NP
No. R65-19840

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/26/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 837091657 (208) 373-4000	01/01/1874	STOCKWATER	01-01 12-31	0.02 CFS	
TOTAL DIVERSION:					0.02 CFS	

Water Source: NEWELL SPRING

Tributary to: PAYETTE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07N R01E S13

NWSWSW

GEM County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07N	01E	13	:											S						:

POU County: GEM

Conditions of Approval:

- D01 - *****
- * 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. *
- * *
- * THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW *
- * WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN *
- * EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC *
- * WATER RESERVE 107. *
- *****
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP BLM RECORD ID = 6501480309

Dates: Exam Made Date: Verified Date: 02/26/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R65-19840

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 02/26/98
PAGE: 2

=====
Comments: Date: 01/12/1998 User-ID: AJU5-JSH Subject: AJU5 STOCK ONLY UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 02/26/98 SBOCK

AJ5809NP
No. R65-19840

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/17/98
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 837091657 (208) 373-4000	01/01/1874	STOCKWATER	01-01 12-31	0.02 CFS	
				TOTAL DIVERSION:	0.02 CFS	
	Water Source: NEWELL SPRING		Tributary to: PAYETTE RIVER			Stage: BENEFICIAL USE
	Point(s) of Diversion:	T07N R01E S13	NWSWSW			GEM County

POU County:

Other Rights: ~~WATER FEDERALLY RESERVED~~, SEE REMARKS

Conditions of Approval:

- D01 - *****
- * 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. *
- * *
- * THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW *
- * WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN *
- * EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC *
- * WATER RESERVE 107. *
- *****
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

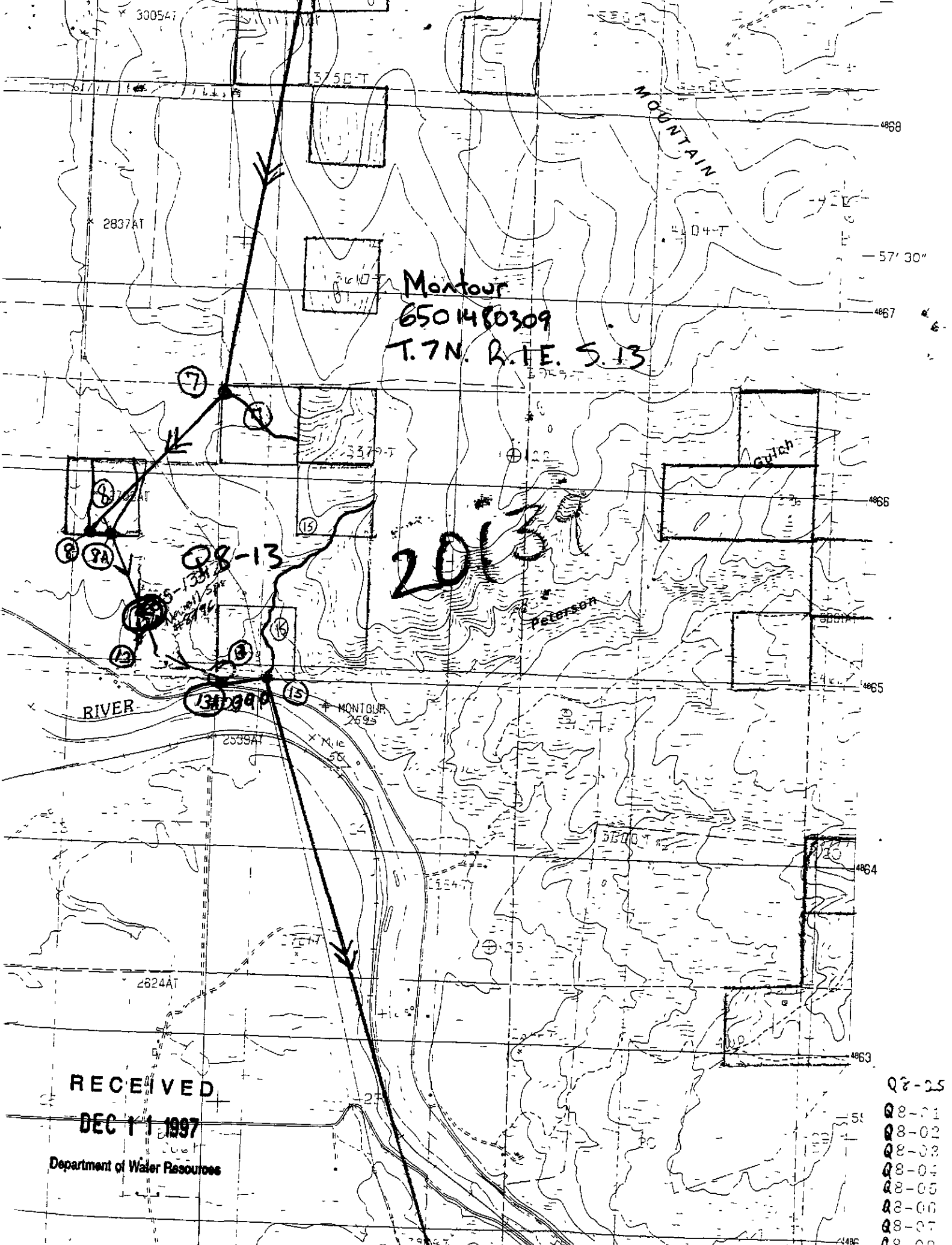
Remarks: EXP BLM RECORD ID = 6501480309
~~STOCKWATER, DOMESTIC~~

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 01/12/1998 User-ID: AJU5-JSH Subject: AJU5 STOCK ONLY UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK.
CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD.
ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Audit: 01/10/98 AJCTR 01/12/98 AJU5-JSH



RECEIVED

DEC 11 1997

Department of Water Resources

Q8-25

- Q8-01
- Q8-02
- Q8-03
- Q8-04
- Q8-05
- Q8-06
- Q8-07
- Q8-08

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

In Re SRBA

Case No. 3957

AMENDED NOTICE of CLAIM for
Water Right number

65-19840 (IDWR number)

NAME and
ADDRESS

United States of America acting through
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, ID 83709 - 1657

BLMIDENT

6501480309

Stg

J

StFed.

X

SOURCE

Source	Tributary
NEWELL SPRING	PAYETTE RIVER

QUANTITY

0.02 CFS or VOLUME: 0 Acre Feet

The quantity of water under this right for stockwater shall not exceed 13,000 gallons per day.

PRIORITY DATE

1/1/1874

Diversion Means. SPRING

REMARKS

Also reserved pursuant to EO 4/17/26, PWR 107

POINT of
DIVERSION

Twtnship	Range	Section	T1	T2	T3	LOT	B/E	within the	County of
07N	01E	13	NW	SW	SW			45	GEM

PURPOSE
and
PERIOD
OF USE:

Purpose of Use	Period of Use (from - to)	Rate in CFS	Volume in AcFt
04	0101	1231	0.02

CONSUMPTIVE
USE

de minimis stockwater use

DATE 06-Feb-98 7 10 AM

OTHER PROVISIONS NECESSARY FOR DEFINITION or ADMINISTRATION OF THIS WATER RIGHT

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

PLACE
of USE:

Water Use	Twtn	Rge	Sec	T1	T2	LOT	within the	County of
16	07N	01E	13	SW	SW		45	GEM
43	07N	01E	13	SW	SW		45	GEM

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE AND FEDERAL LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1874-01-01 *AL65-19840*
(RESERVED..... 1926-04-17)
AGENCY NUMBER: 6501480309
BLM NUMBER: 6501480309
BASIS OF CLAIM: BENEFICIAL USE
(SUBSEQUENT FEDERAL RESERVE)
BASIN NUMBER: 65

SOURCE	TRIBUTARY TO
-----	-----
UNNAMED SPRING	PAYETTE RIVER

DESCRIPTION OF DIVERSION WORKS

INSTREAM

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
-----	-----	-----	-----	-----
DOMESTIC	0.020	0.00	0101	1231
TOTAL:	0.020 CFS	0.00 AF		

NON-IRRIGATION USES

STOCKWATER, DOMESTIC

POINT OF DIVERSION							
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
07N	01E	13	SW	SW	SW	00	GEM
07N	01E	13		SW	SW	00	GEM

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
07N	01E	13	SW	SW	00	GEM	YES	0.0
07N	01E	13	SW	SW	00	GEM	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

MICROFILMED

AUG 04 1954

BLM NUMBER: 6501480309

PAGE: 2

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

WATER FEDERALLY RESERVED, SEE REMARKS

REMARKS

RESERVED - EXECUTIVE ORDER DATED APR 17, 1926 PWR NO. 107

Fax

August 14, 2003

TO: R. Lee Leininger, DOJ-ENRD, Denver
Roxanne Brown, IDWR-SO

FROM: Fred Price, BLM-ISO

RE: ~~00000000~~ BLM "dual" claim
Substitution of party by Hedge pursuant to patent

Attached is information I have for this claim:

1. Attachment from BLM's objection identifying errors in BLM's claim (POD and source).
2. GPS data & map of gps data in support of BLM's objection.
UTM, NAD 27, meters
N 4864904.303 m
E 556799.353 m
2590.918 ft.
3. Stipulated Agreement dated 07-01-1999 between U.S. and State of Idaho changing state-based priority dates to 06-28-1934.
4. Patent 11-2003-0055 from U.S. to Hedge
5. Letter from IDWR to Hedge completing Substitution of Party

SRBA

SUBCASE SUMMARY REPORT 65-19840

[Return to SRBA Home Page](#)

SRBA

SUBCASE SUMMARY REPORT

HTML12

08-14-2003

SUBCASE: 65-19840 FILE#: 00280
CLAIMANT: HEDGE, BRUCE & JANET
5801 PEACHTREE ST

BOISE ID 83703
STATUS: ADMIN PROCEED CMPLT SPECIAL MASTER: CUSHMAN, THOMAS R
WATER SOURCE: NEWELL SPRING TRIBUTARY: PAYETTE RIVER
ISSUES: 11
SOURCE OF WATER
POINT(S) OF DIVERSION DESCRIPTION

**** PARTIES INVOLVED ****

BRUCE & JANET HEDGE	C PRO SE
STATE OF IDAHO	O ATTY: NATURAL RESOURCES DIV CHIEF
USDI BLM	O ATTY: US DEPARTMENT OF JUSTICE

**** ROA ENTRIES ****

08-05-1998	OBJ 01 P/B STATE OF IDAHO	RB	10-06-1998	0001
08-06-1998	OBJ 02 P/B USDI BLM			0002
12-31-1998	ORDER CONSOLIDATING SUBCASES		12-31-1998	
12-31-1998	*CONSOLIDATED: SEE WATER RIGHT #65 19736 ROA		12-31-1998	
09-13-1999	AMENDED ORDER OF REFERENCE APPOINTING THOMAS R CUSHMAN SPECIAL MASTER ASSIGNED MASTER WAS: 702 HANSEN, FRITZ			
07-18-2003	ORDER SETTING TELEPHONE SCHEDULING CONF	HS	08-14-2003	0200
08-06-2003	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING		08-06-2003	
08-06-2003	AMENDED DIRECTOR'S REPORT SUBSTITUTION OF PARTY			

[Return to SRBA Home Page](#)

ALSBAMP

LAND DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: APR-6-1998
PAGE: A-6455RIGHTS FROM: Unrecorded SOURCE: GERMAN SPRING TRIBUTARY: PARPETTE RIVER

RIGHT NUMBER: 65-19060

NAME & ADDRESS:
UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
LAND STATE OFFICE
1207 S VINNELL WAY
BOISE ID 83709-1457SOURCE: Unrecorded TRIBUTARY: PARPETTE RIVER
GERMAN SPRING

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 01/01/1974

- 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT.
- THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW
- WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN
- EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC
- WATER RESERVE 1977.

POINT OF DIVERSION: TOWN NOTE STS

Approx
500 Within GER CountryPURPOSE AND
PERIOD OF USE:PURPOSE OF USE
STOCKWATERPERIOD OF USE
01-01 12-31.QUANTITY
0.02 CFS

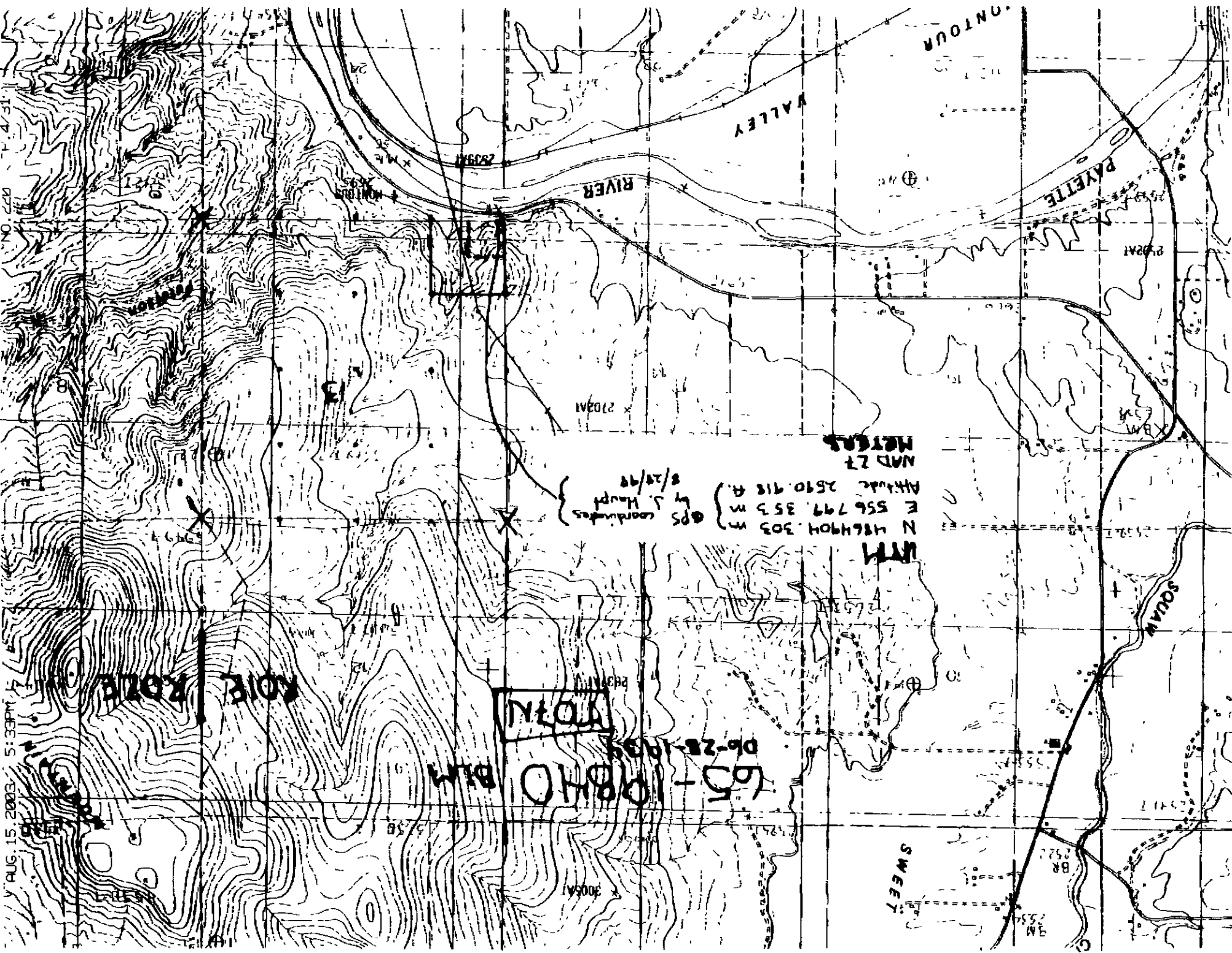
PLACE OF USE:

STOCKWATER Within GER Country
TOWN NOTE STS SUMU

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

THE QUANTITY OF WATER DECEDED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
BLM RECORD ID = 6501400009

BLM'S OBJECTION



E556796

E556797

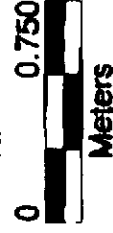
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E556799

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 E 556799.353 m
 Altitude 2540.9 m A.

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Scale 1:25



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copy of ~1. cor
 9/4/1998
 Pathfinder Office™
 Trimble

TOWNSHIP 7 NORTH 94WGE 1 EAST OF THE POISE MERIDIAN, IDAHO

GEN. COUNTY D.A.S.
STATE OF IDAHO

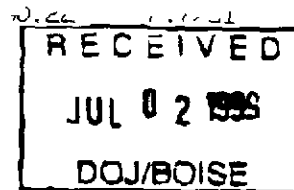
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL RIGHTS
AND ACQUIRED LANDS

MT PLAT

INDEX TO REGISTRAR'S PLATS

PLAT	DATE	RECORD
1		
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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

For Objector

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Deputy Attorney General,
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Telephone: (202) 305-0242

**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 Nos. See Attached Exhibit I
	)	
Case No. 39576	)	STIPULATION TO RESOLVE SUBCASES
	)	
_____	)	

Pursuant to the *Stipulation to Resolve Subcases*, Consolidated Subcase Nos. 23-10859, 24-10221, 25-13659, 27-11604 and 65-19685 (June 11, 1999), the State of Idaho and the United States, acting through the Bureau of Land Management, hereby stipulate that those subcases listed in Exhibit I be resolved as follows:

1 Each subcase listed in Exhibit I is a subcase where the State of Idaho is the only objector in the subcase. No response has been filed in any subcase. Each claim is made solely

pursuant to state law.

2. In order to resolve the State of Idaho's objection, the State of Idaho and the United States, acting through the Bureau of Land Management, agree that each listed subcase should be decreed as recommended by the Idaho Department of Water Resources, except that the priority date for each water right shall be June 28, 1934.

3. This Stipulation shall be in the nature of a Standard Form 5, pursuant to Administrative Order 1 (Amended October 16, 1997).

4. The parties do not request hearing.

WHEREFORE, the parties respectfully request the court to issue partial decrees for each of the subcases listed in Exhibit 1 as recommended, except that the priority date for each water right be June 28, 1934.

Objector:

State of Idaho

Dated: 7/1/99

ALAN G. LANCE
Attorney General

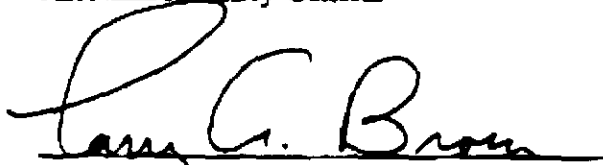

PETER J. LANCE
Deputy Attorney General
Natural Resources Division

Claimant:

United States of America, acting through the
Department of Interior, Bureau of Land
Management

Dated: 6/7/1/99

LOIS J. SCHIFFER
Assistant Attorney General



LARRY A. BROWN
Special Attorney
General Litigation Section
Environment & Natural Resources Division
U.S. Department of Justice

IDWR Concurrence



7/1/99
date

IDWR Concurrence

APPROVED AS TO FORM


DEPUTY ATTORNEY GENERAL
IDWR

7-1-99
date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1 day of July, 1999, I caused to be served a true and correct copy of the foregoing STIPULATION TO RESOLVE SUBCASES to the following addressees by the method indicated:

Larry Brown
General Litigation Section
Environment & Natural Resources Division
550 W. Fort St., MSC 033
Boise, ID 83724

☐ U.S. Mail, postage prepaid
☒ Hand Delivery
☐ Federal Express
☐ Facsimile:
☐ Statehouse Mail

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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Peter J. Ampe
Deputy Attorney General
P9182aaa.doc

01-10249	01-10292	01-10335	02-10066
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73-11610	74-14183	74-14254	74-14340
73-11611	74-14184	74-14257	74-14341
73-11612	74-14185	74-14259	74-14342
73-11613	74-14186	74-14260	74-14346
73-11614	74-14189	74-14261	74-14348
73-11615	74-14191	74-14262	74-14349
73-11616	74-14192	74-14266	74-14351
73-11630	74-14193	74-14269	74-14365
73-11631	74-14194	74-14271	74-14368
73-11632	74-14195	74-14273	74-14370
73-11633	74-14198	74-14275	74-14375
73-11634	74-14199	74-14280	74-14376
73-11882	74-14200	74-14281	74-14377
73-11833	74-14201	74-14282	74-14378
73-11919	74-14202	74-14283	74-14379
74-14146	74-14204	74-14284	74-14381
74-14147	74-14208	74-14290	74-14382
74-14148	74-14209	74-14296	74-14384
74-14151	74-14210	74-14298	74-14386
74-14152	74-14212	74-14299	74-14402
74-14153	74-14213	74-14303	74-14409
74-14154	74-14214	74-14306	74-14412
74-14155	74-14215	74-14307	74-14414
74-14158	74-14216	74-14308	74-14416
74-14159	74-14217	74-14310	74-14418
74-14160	74-14218	74-14311	74-14420

74-14422	75-13253
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74-14424	75-13259
74-14425	75-13261
74-14428	75-13262
74-14432	75-13264
74-14434	75-13268
74-14435	75-13273
74-14436	75-13279
74-14439	75-13280
74-14440	75-13281
74-14446	75-13294
74-14448	75-13726
74-14451	75-13728
74-14454	75-13729
74-14456	75-13730
74-14457	75-13785
74-14459	
74-14461	P9182nab.doc
74-14463	
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75-13210	
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75-13221	
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75-13225	
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75-13247	
75-13248	

The United States of America
To all to whom these presents shall come, Greeting:

IDI-34003 FR

WHEREAS

Bruce F. Hedge and Janet L. Hedge

are entitled to a land patent pursuant to Section 206, Act of October 21, 1976, as amended (43 U.S.C. 1716) for the following described land:

Boise Meridian, Idaho

T. 7 N., R. 1 E.,
 Section 13 NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$.

Containing 280 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto Bruce F. Hedge and Janet L. Hedge, the land described above; **TO HAVE AND TO HOLD** the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, there unto belonging, unto Bruce F. Hedge and Janet L. Hedge, and to their heirs and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).
2. The right to itself, its permittees or licensees, to enter upon, occupy and use any part or all of said land lying within 50 feet of the center line of the transmission line right-of-way of Idaho Power's Hells Canyon Power Project No. 1971, or right-of-way No. IDI 23372, for the purposes set forth in and subject to the conditions and limitations of Section 24 of the Federal Power Act of August 26, 1935, as amended (16 U.S.C. 818) as to the W $\frac{1}{2}$ SW $\frac{1}{4}$ of section 13, T. 7 N., R. 1 E., B.M.

SUBJECT TO those rights for access and service road purposes granted to Idaho Power Company, its successors or assigns, by right-of-way No. IDI 33880, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761), as to the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of section 13, T. 7 N., R. 1 E., B.M.



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho, the thirtieth day of April in the year of our Lord two thousand and three and of the Independence of the United States the two hundred and TWENTY-SEVENTH.

By William H. Lee
 William H. Lee
 Acting Branch Chief, Lands and Minerals
 Resource Services Division

Patent No. 11-2003-0055

**State of Idaho****DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

AUG 06 2003

9:00 A.M.

August 5, 2003

DERK KEMPTHORNE
GovernorKARL J. DREMER
DirectorBRUCE F HEDGE
JANET L HEDGE
5801 PEACHTREE ST
BOISE ID 83703

RE: Water Right No. 65-19840

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right(s), which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Denise Hatfield
Office Specialist I
Adjudication Section
Western Region

DH: dh

Enclosures

cc: USDI BLM
US Department of Justice, attorney for USDI BLM

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

Water Rights: 65-19840

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
☒ Substitution of Party
☐ IC § 42-222 transfer

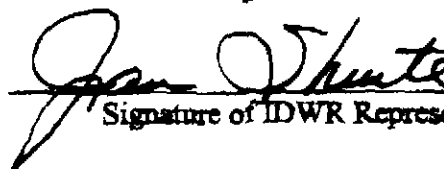
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: August 5, 2003


Signature of IDWR Representative

08/01/2003

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

RIGHT NUMBER: 65-19840

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

JANET L HEDGE
5801 PEACHTREE ST
BOISE ID 83703

SOURCE: NEWELL SPRING TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 01/01/1874

4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT.
THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW WITH AN
APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER
SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 107

POINT OF DIVERSION:

T07N R01E S13 NWSWSW 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	0.020 CFS

PLACE OF USE: STOCKWATER Within GEM County
T07N R01E S13 SWSW

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

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

EXPLANATORY MATERIAL: Beneficial Use

BLM RECORD ID = 6501480309

CERTIFICATE OF MAILING

I certify that on August 5, 2003, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
Statehouse Mail
Boise, ID 83720-0010

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

USDI BLM *(Former Owners)*
Idaho State Office
1387 S Vinnell Way
Boise ID 83709

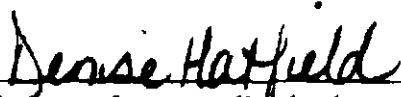
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Bruce F Hedge *(Current Owners)*
Janet L Hedge
5801 Peachtree St
Boise ID 83703

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

USDI BLM *(Attorney)*
Represented By: US Department of Justice
Environment & Natural Resources
550 W Fort St, MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

Public Water Reserve No. 107

ORDER OF WITHDRAWAL
PUBLIC WATER RESERVE NO 107

Under and pursuant to the provisions of the act of Congress approved June 25, 1910 (36 Stat., 847), entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases" as amended by act of Congress approved August 24 1912 (37 Stat. 497), it is hereby ordered that every smallest legal subdivision of the public land surveys which is vacant unappropriated unreserved public land and contains a spring or water hole, and all land within one quarter of a mile of every spring or water hole located on unsurveyed public land be, and the same is hereby, withdrawn from settlement location sale, or entry and reserved for public use in accordance with the provisions of Sec 10 of the act of December 29, 1916 (39 Stat., 862), and in aid of pending legislation

Calvin Coolidge, President

April 17, 1926

Two carbons to General Land Office

as interpreted by Fred Price on 07/06/95 from hard to read copy of original

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Apr 17, 1955

THE UNIVERSITY OF CHICAGO

1938
43 CFR

297.5 Withdrawal of lands containing springs or water holes; Public Water Reserve No. 107.* It is hereby ordered that every smallest legal subdivision of the public land surveys which is vacant unappropriated unsurveyed public land and contains a spring or water hole, and all land within one-quarter of a mile of every spring

* Modified by E.O. 3088, May 4, 1939 (§ 297.5).

or water hole located on unsurveyed public land be, and the same is hereby, withdrawn from settlement, location, sale, or entry, and reserved for public use in accordance with the provisions of section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), and in aid of pending legislation." [E.O. Apr. 17, 1936]

297.6 Modification of order withdrawing lands containing springs or water holes; Public Water Reserve No. 107. Executive order of April 17, 1936, creating public water reserve No. 107, is hereby modified so as to exclude the Territory of Alaska from the operation thereof." [E.O. 5106, May 4, 1939]

1938
43 CFR

PWR 107

LANDS CONTAINING SPRINGS OR WATER HOLES NEEDED OR USED BY THE
PUBLIC FOR WATERING PURPOSES

Section 202.1 Withdrawal of lands from settlement, location, sale, or entry; reservation for public use.¹ By Executive order of April 17, 1926, it was ordered that every smallest legal subdivision of the public-land surveys which is vacant, unappropriated, unreserved, public land and contains a spring or water hole, and all land within one-quarter of a mile of every spring or water hole located on unsurveyed public land be, and the same is hereby, withdrawn from settlement, location, sale, or entry, and reserved for public use in accordance with the provisions of section 10 of the Act of December

¹By E.O. 8286 of May 4, 1929 (§ 207.5), Alaska was excluded from the public water reserve created by E.O. of Apr. 17, 1926.

20, 1916 (38 Stat. 885; 48 U.S.C. 882), and in aid of pending legislation." [Circ. 1926, May 25, 1926, 51 L.D. 487]

²§§ 202.1 to 202.17, inclusive, issued under the authority contained in R.S. 2030; 48 U.S.C. 2, 1921.

202.2 Purpose of withdrawal. The Executive order of April 17, 1926, was designed to preserve for general public use and benefit unreserved public lands containing water holes or other bodies of water needed or used by the public for watering purposes. It is not therefore to be construed as applying to or reserving from homestead or other entry lands having small springs or water holes affording only enough water for the use of one family and its domestic animals. It withdraws those springs and water holes capable of providing enough water for general use for watering purposes." [Circ. 1926, May 25, 1926, 51 L.D. 487]

202.5 Lands not needed or used by the public for watering purposes. The object of the Executive order of April 17, 1926, was to preserve for general public use and benefit unreserved public lands containing water holes or other bodies of water needed or used by the public for watering purposes.

In the States of Alabama, Arkansas, Florida, Louisiana, Michigan, Minnesota, Missouri, Mississippi, and Wisconsin the springs or water holes, if any, on the public lands are not needed or used by the public for watering purposes. The conditions in those States are entirely different from those in the other public-land States where grazing is carried on to a considerable extent and not only springs and water holes but other available sources of water supply are sometimes quite scarce. There are no lands in the States mentioned that come within the purview of the Executive order of April 17, 1926. Therefore, a nonwater hole and nonspring affidavit is not required in connection with applications for lands in such States. Neither will such affidavit be required in connection with applications for lands in Federal reclamation projects." [Reg. Feb. 6, 1929, 52 L.D. 559; G.L.O. letter approved Aug. 26, 1930; Dept. order, Oct. 16, 1926]