

11-28
RECEIVED
DEC 01 1997
Department of Water Resources

North Snake Ground Water District

Josephine P. Beeman
Dana L. Hofstetter
BEEMAN & HOFSTETTER, P.C.
608 West Franklin Street
Boise, ID 83702
(208) 388-8900
(208) 388-8400 (Facsimile)
beehof@micron.net

Attorneys for North Snake Ground Water District

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

In Re SRBA	)	Subcase Nos. 36-00029B, 36-00077D,
	)	and 36-00086C
Case No. 39576	)	
	)	AFFIDAVIT OF DAVID R. TUTHILL
_____	)	

David R. Tuthill, Jr., after first being duly sworn upon oath, deposes and says:

1. My name is David R. Tuthill, Jr. I am the Adjudication Bureau Chief for the Idaho Department of Water Resources (IDWR).
2. My work address is Idaho Department of Water Resources, 1301 N. Orchard, Boise, Idaho 83706.
3. I have been requested by the law firm of Beeman & Hofstetter, P.C., who represent claimants and the North Snake Ground Water District in the Snake River Basin

Adjudication, to present the basis of the Director's recommendation in relation to the quantity element for water right numbers 36-00029B, 36-00077D, and 36-00086C. This request was made pursuant to *Idaho Code* §§ 42-1401B(1) and 42-1412(4).

4. As the Adjudication Bureau Chief, the Director has delegated to me the authority to provide the basis of the Director's recommendation of water rights in the Snake River Basin Adjudication based on the personal knowledge of IDWR personnel who are answerable to the Director.

5. For water right number 36-00029B, the Director's October 26, 1992 Report to the SRBA Court originally recommended a quantity of 0.6 cubic feet per second (cfs) for the irrigation of 35 acres. This was the same quantity and acreage originally claimed in the July 18, 1988 Notice of Claim. On October 22, 1997, the claimants amended their Notice of Claim, increasing the diversion rate from 0.6 cfs to 1.0 cfs. On October 22, 1997, Jeff Peppersack, an IDWR engineer, performed a surface or "gravity" irrigation analysis of water right 36-00029B. Mr. Peppersack's surface irrigation analysis supported a surface or "gravity" irrigation diversion rate of 1.25 cfs for this water right. Based on Mr. Peppersack's surface or "gravity" irrigation analysis, IDWR signed a Standard Form 5 recommending 1.0 cfs, the maximum quantity claimed in the October 22, 1997 Amended Notice of Claim, for the 35 acres associated with right number 36-00029B.

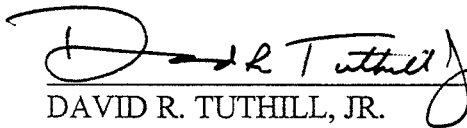
6. For water right number 36-00077C (the predecessor to 36-00077D), the Director's October 26, 1992 Report to the SRBA Court originally recommended a quantity of 1.15 cfs for the irrigation of 48 acres. This was less than the 4.0 cfs and 69 acres claimed in the July 29, 1988 Notice of Claim. On October 21, 1997, Jeff Peppersack performed a surface or "gravity" irrigation analysis of water right 36-00077D. Mr. Peppersack's surface or "gravity" irrigation

analysis supported a surface irrigation diversion rate of 2.15 cfs for the 61 acres of this water right. IDWR also determined that an additional .19 cfs was justified based on conveyance losses in the delivery of this right. Based on Mr. Peppersack's surface or "gravity" irrigation analysis and the conveyance loss determination, IDWR signed a Standard Form 5 recommending 2.34 cfs (2.15 cfs + .19 cfs) for the 61 acres associated with right number 36-00077D.

7. For water right number 36-00086C, the Director's October 26, 1992 Report to the SRBA Court originally recommended a quantity of .78 cfs for the irrigation of 39 acres. The claimant's July 13, 1988 Notice of Claim had sought 1.6 cfs for the irrigation of 39 acres. On October 21, 1997, Jeff Peppersack performed a surface or "gravity" irrigation analysis of water right 36-00086C. Mr. Peppersack's surface irrigation analysis supported a surface or "gravity" irrigation diversion rate of 1.44 cfs for the 39 acres associated with this water right. IDWR also determined that an additional .12 cfs was justified based on measurement variances in the delivery of this right. Based on Mr. Peppersack's surface or "gravity" irrigation analysis and the measurement variance determination, IDWR signed a Standard Form 5 recommending 1.56 cfs (1.44 cfs + .12 cfs) for the 39 acres associated with right number 36-00086C.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 28th day of November, 1997.



DAVID R. TUTHILL, JR.

SUBSCRIBED AND SWORN to before me this 28th day of November, 1997.



Notary Public in and for the State of Idaho
Residing at: Bouse ID
My Commission Expires: 12/5/2000

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of November, 1997, I caused to be served copies of the foregoing **Affidavit of David R. Tuthill** by depositing a copy thereof in the U.S. mail, postage prepaid, upon:

1. Original via fax:

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

2. Copy to claimants:

Danny and Brian Petersen (36-00029B)
Evelyn Petersen
745 North Hagerman Street
Wendell, Idaho 83355

Bradley Gisler (36-00077C)
794 East 2800 South, Route 1
Hagerman, Idaho 83332

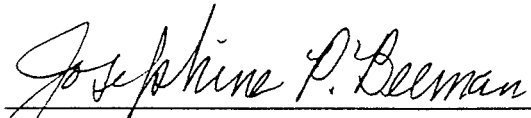
Keith L. and Jolene Fuell (36-00086C)
2831 South 1050 East
Hagerman, Idaho 83332

3. Copies to:

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

U.S. Dept. of Justice
Environment & Natural Resources
550 W. Fort St., MSC 033
Boise, ID 83724



Josephine P. Beeman

D:\1780\2\24\1828