

7-10
RECEIVED

JUL - 8 1999

Department of Water Resources

North Snake Ground Water District

Josephine P. Beeman
Dana L. Hofstetter
BEEMAN & HOFSTETTER, P.C.
608 West Franklin Street
P. O. Box 1427
Boise, ID 83701-1427
(208) 388-8900
Idaho State Bar Nos. 1806 & 3867

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. 36-00061, 36-00062,
	)	and 36-00063
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

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 36-00061, 36-00062, and 36-00063. 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 No. 36-00061, the 1992 Director's Report to the SRBA Court originally recommended a quantity of 2.22 cubic feet per second (cfs) for the irrigation of 121 acres. This was the same cfs originally claimed in the August 26, 1988 Notice of Claim. The Notice of Claim, however, claimed 125 acres. On November 20, 1997, Jeff Peppersack, an IDWR engineer, performed a surface or "gravity" irrigation analysis. Mr. Peppersack's surface irrigation analysis supported a total surface or "gravity" irrigation diversion rate of 4.94 cfs for this water right, together with Water Right Nos. 36-00062 and 36-00063 which are associated with the same place of use. Based on Mr. Peppersack's surface or "gravity" irrigation analysis, IDWR signed a Standard Form 5 recommending 2.22 cfs, the maximum quantity claimed in the August 26, 1988 Amended Notice of Claim.

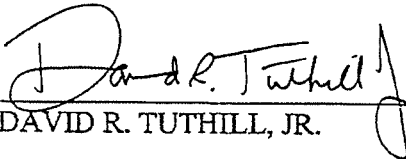
6. For Water Right No. 36-00062, the 1992 Director's Report to the SRBA Court originally recommended a quantity of 0.20 cfs for the irrigation of the same 121 acres as Water Right No. 36-00061. The August 26, 1988 Notice of Claim for Water Right No. 36-00062

claimed 0.28 cfs for irrigation of 125 acres. Based on Mr. Peppersack's November 20, 1997 surface or "gravity" irrigation analysis, IDWR signed a Standard Form 5 recommending 0.28 cfs, the maximum amount claimed, for Water Right No. 36-00062.

7. For Water Right No. 36-00063, the 1992 Director's Report to the SRBA Court originally recommended disallowal of this claim in full. The claimant's August 26, 1988 Notice of Claim for Water Right No. 36-00063 had sought 0.8 cfs for the irrigation of the same 125 acres as Water Right Nos. 36-00061 and 36-00062. Based on Mr. Peppersack's surface or "gravity" irrigation analysis, IDWR signed a Standard Form 5 recommending 0.8 cfs, the maximum amount claimed, for Water Right No. 36-00063.

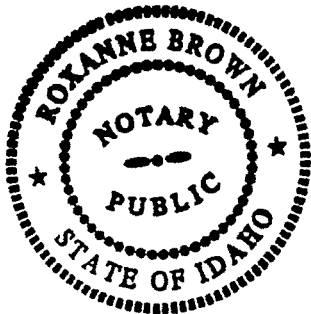
FURTHER YOUR AFFIANT SAYETH NAUGHT.

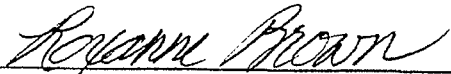
DATED this 28th day of April, 1998.



DAVID R. TUTHILL, JR.

SUBSCRIBED AND SWORN to before me this 28th day of April, 1998.





Notary Public in and for the State of Idaho
Residing at: Boise, ID
My Commission Expires: May 16, 2002

CERTIFICATE OF SERVICE

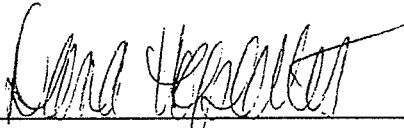
I hereby certify that on the 14th day of July, 1999, I caused to be served copies of the foregoing **Affidavit of David R. Tuthill** by depositing a copy thereof in the U.S. mail, postage prepaid, upon:

Howard L. and Rhonda K. Morris (36-00061, 36-00062, 36-00063)
1101 East 2900 South
Hagerman, ID 83332

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



Dana L. Hofstetter

D:\1780\2\24\2979