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Attorney for IDWR

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	)	AFFIDAVIT OF SERVICE:
	)	NOTICE OF FILING
	)	DIRECTOR'S REPORT FOR WATER
_____	)	RIGHT NO. 31-10481

STATE OF IDAHO)
) ss.
County of Ada)

I, Carter Fritschle, being first duly sworn on oath, depose and state as follows:

1. I am the Manager, Adjudication Section, for the Idaho Department of Water Resources (IDWR). I am authorized by the Director to make this affidavit pursuant to Idaho Code § 42-1701(3). I make this affidavit pursuant to the requirements of Idaho Code § 42-1411(7). The following actions were taken under my direction by IDWR.

2. The original Director's Report for Water Right No. 31-10481 was filed by IDWR with the SRBA District Court on May 30, 2014.

3. A Notice of Filing Director's Report for Water Right 31-10431, a copy of which is attached as Exhibit 1, was prepared by IDWR pursuant to Idaho Code § 42-1411(6) and orders of this Court. In this affidavit I will refer to this document as the "Notice."

4. The Notice and IDWR's Director's Report, which contained the individual recommendation for the claimant's water rights, were served on the claimants, David F. Edwards, HC 69 Box 2570, Hamer, ID 83425, and K. Paul Gunderson, 1555 E 1500 N, Hamer, ID 83425, by deposit into the U.S. Mail before 5:00 p.m. on May 30, 2014.

5. The Notice and a complete copy of the Director's Report were mailed to the current owner of the property, Gerald A. Messerli, 1499 E 1500 N, Hamer, ID 83425, by deposit into the U.S. Mail before 5:00 p.m. on May 30, 2014.

6. The Notice and a complete copy of the Director's Report were mailed to the Office of the Attorney General for the State of Idaho, P.O. Box 44449, Boise, ID 83711-4449, by deposit into the U.S. mail before 5:00 p.m., on May 30, 2014.

7. The Notice and a complete copy of the Director's Report were mailed to the U.S. Department of Justice, Environment & Natural Resources Division, 550 West Fort Street, MSC Box 033, Boise, ID 83706, by deposit into the U.S. Mail before 5:00 p.m. on May 30, 2014.

8. The Notice and a complete copy of the Director's Report were mailed to the Jefferson County Courthouse, 210 Courthouse Way, Ste 100, Rigby, ID 83442, by deposit into the U.S. Mail before 5:00 p.m., on May 30, 2014.

9. The Notice and a complete copy of the Director's Report were e-mailed to IDWR's Eastern, Western, Northern and Southern Regional Offices on May 30, 2014.

10. A courtesy copy of the Notice and a complete copy of the Director's Report were mailed to attorney Jerry R. Rigby, who represents Mr. Gunderson in another SRBA matter, at P.O. Box 250, Rexburg, ID 83440.

11. To correct a typographical error discovered in the water right number listed in the Notice, a Corrected Notice of Filing Director's Report for Water Right 31-10481, a copy of which is attached as Exhibit 2, was prepared by IDWR pursuant to Idaho Code § 42-1411(6) and orders of this Court. In this affidavit I will refer to this document as the "Corrected Notice."

12. The Corrected Notice was served on the claimants, David F. Edwards, HC 69 Box 2570, Hamer, ID 83425, and K. Paul Gunderson, 1555 E 1500 N, Hamer, ID 83425, by deposit into the U.S. Mail before 5:00 p.m. on June 4, 2014.

13. The Corrected Notice was mailed to the current owner of the property, Gerald A. Messerli, 1499 E 1500 N, Hamer, ID 83425, by deposit into the U.S. Mail before 5:00 p.m. on June 4, 2014.

14. The Corrected Notice was mailed to the Office of the Attorney General for the State of Idaho, P.O. Box 44449, Boise, ID 83711-4449, by deposit into the U.S. mail before 5:00 p.m., on June 4, 2014.

15. The Corrected Notice was mailed to the U.S. Department of Justice, Environment & Natural Resources Division, 550 West Fort Street, MSC Box 033, Boise, ID 83706, by deposit into the U.S. Mail before 5:00 p.m. on June 4, 2014.

16. The Corrected Notice was mailed to the Jefferson County Courthouse, 210 Courthouse Way, Ste 100, Rigby, ID 83442, by deposit into the U.S. Mail before 5:00 p.m., on June 4, 2014.

17. The Corrected Notice was e-mailed to IDWR's Eastern, Western, Northern and Southern Regional Offices on June 4, 2014.

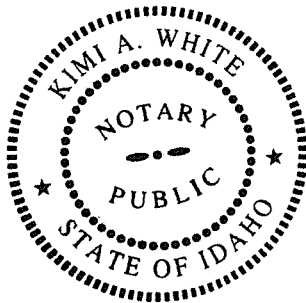
18. A courtesy copy of the Corrected Notice was mailed to Jerry R. Rigby, P.O. Box 250, Rexburg, ID 83440.

DATED this 6th day of June, 2014.

Carter Fritschle

Carter Fritschle.
Manager, Adjudication Section
Idaho Department of Water Resources

SUBSCRIBED AND SWORN before me this 6th day of June,
2014.



Kimi A. White

NOTARY PUBLIC FOR IDAHO

Residing at: Boise, Idaho

My commission expires: 04/01/16

CERTIFICATE OF SERVICE

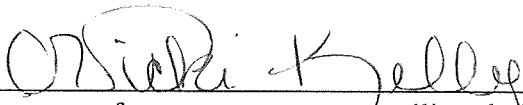
I HEREBY CERTIFY that on this 6TH day of June, 2014, I served a true and correct copy of this affidavit of service by the following method to:

U.S. Department of Justice
Environment and Nat'l Resources Division
550 West Fort Street Box 033
Boise, ID 83706

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

Chief, Nat'l Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

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



Signature of person or attorney mailing the form

NOTICE OF FILING DIRECTOR'S REPORT FOR WATER RIGHT 31-10431

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report of Water Right No. 31-10481, claimed by David F. Edwards or K. Paul Gunderson. This filing is for a claim that was not included in any previous Director's Report or any subsequent Director's Report of Late Claims and Miscellaneous Claims. This Director's Report contains the Director's recommendation to the SRBA Court as to how your claimed water right should be decreed in the SRBA.

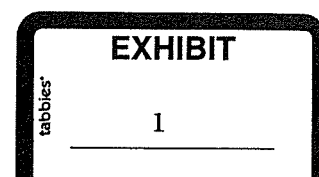
Why am I getting this mailing?

You have received this mailing because you filed a claim to a water right in the SRBA, which is now being reported to the SRBA Court. This mailing contains only the Director's recommendation to the SRBA Court of claim number 31-10431. Your mailing **does not** contain the Director's recommendations of any claims other than yours. A complete copy of this Director's Report is also available for inspection at the locations listed at the end of this notice. Additional copies of the report can be made, but you may be charged for copying and mailing. A Map of the Basin 31 reporting area, as well as other information pertaining to the SRBA can be accessed on the internet at:
<http://www.idwr.idaho.gov/WaterManagement/AdministrativeBasins/default.htm>

With the SRBA nearing completion, IDWR currently has no plans for filing future Director's Reports in Basin 31, and the majority of water rights recommended in the SRBA have now been partially decree. Should the SRBA Court grant future motions for leave to file late claims in Basin 31, Late Claims Director's Reports (LCDR) on those individual water right claims will be submitted to the SRBA Court on an expedited basis, prior to issuance of the SRBA final decree. You will not receive notice of these future individual LCDR as they are filed with the SRBA Court unless you have an ownership interest in the water right claim that is being reported. Therefore, if you are interested in the status of water rights belonging to other people that have not yet been recommended by IDWR, you should periodically review the Court's docket sheet or check the status of the water right on the Court's internet web page located at: <http://www.srba.idaho.gov>. Information about subscribing to the Court's docket sheet is provided on page three of this notice.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right, which is contained in the enclosed Director's Report, is only the Director's *recommendation* to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.



INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of any of the recommendation of the water right in this Director's Report and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form ("Standard Form 1") available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA web site at: <http://www.srba.idaho.gov>

Your objection must be **received** by the SRBA Court on or before **June 30, 2014**. A copy of the objection must be mailed to other claimants of the water right and the Director of IDWR.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, you may file a response to that objection. Responses to objections must be made on the standard response form ("Standard Form 2") available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA web site at: <http://www.srba.idaho.gov>.

Your response must be **received** by the SRBA Court on or before **July 15, 2014**. A copy of the response must be mailed to the objector to the water right, other claimants of the water right and the Director of IDWR.

What happens if there are no objections to my water right?

Should the deadlines for filing objections and responses to your water right pass—with no objections or responses filed—the SRBA Court will hear the uncontested recommendation on **July 15, 2014 at 1:30 p.m.** at the SRBA courthouse. A partial decree will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the SRBA Court's web site at: <http://www.srba.idaho.gov>.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed, as well as when Director's Reports are filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual

subscription fee is \$7.50. The Docket Sheet is also available on the SRBA web site at: <http://www.srba.idaho.gov>.

IMPORTANT INFORMATION REGARDING GENERAL PROVISIONS

General provisions are those parts of the SRBA Court's decree that apply to all the water rights in a basin, or to classes of similarly situated water rights within a basin. IDWR recommends to the SRBA Court the general provisions it believes should be decreed in a basin when it files with the court its Director's Report for the basin. At that time, any party may object to the recommended general provisions.

The Director in the Director's Report for Irrigation and Other Rights, Reporting Area 8, IDWR Basin 31, filed May 10, 2001, has already recommended the general provisions for this area. The objection period for the general provisions in Basin 31 has expired. Therefore, it is too late for you to object to the general provisions governing your claim. You may obtain a copy of the general provisions for your basin from the SRBA District Court in Twin Falls. You may be charged for copying and mailing. You may also view the general provisions for every basin within the SRBA by going to IDWR's website at: <http://www.idwr.idaho.gov>. It is possible that in the future the SRBA Court will entertain recommendations for additional general provisions. Should that occur, an opportunity to object to those additional general provisions will be provided. It is your responsibility to monitor the SRBA case through the Docket Sheet discussed above.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Regional office nearest to the location of your water right. You are also welcome to call IDWR at any of its offices or its adjudication hotline at 1-800-451-4129. You may contact the SRBA Court, or you may also want to consider contacting an attorney to assist you.

Snake River Basin Adjudication District Court

253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011
<http://www.srba.idaho.gov>

Idaho Department of Water Resources

322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
(208) 287-4800
(800) 451-4129
<http://www.idwr.idaho.gov>

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

Idaho Department of Water Resources
Southern Region
650 Addison Ave. W., Ste 500
Twin Falls, Idaho 83301-5858
(208) 736-3033

Jefferson County Courthouse
210 Courthouse Way Ste 100
Rigby, ID 83442

Idaho Department of Water Resources
Northern Region
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815
(208) 762-2800

Idaho Department of Water Resources
Eastern Region
900 North Skyline, Suite A
Idaho Falls, Idaho 83402-1718
(208) 525-7161

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 29, 43, or 72.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in its records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," or "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys, or other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, or stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys, or other survey information.

PLACE OF USE FOR IRRIGATION PROJECTS: Pursuant to Idaho Code Sections 42-219(2) and 42-1411(2)(h). IDWR has included GIS mapping for describing the place of use (digital boundary) for water rights meeting certain criteria (i.e. irrigation projects). The **PLACE OF USE** for irrigation projects is reported in digital format and uses GIS technology to particularly identify and display a geographic area encompassing the place of use with the aid of a computer. The GIS data is stored in digital format and contained on a CD-ROM and is properly marked for identification with the water right number. The CD-ROM will be retained by the SRBA Court. IDWR also retains a duplicate of the original CD-ROM. The electronic data contained on the CD-ROM is available for public use and is also accessible through the IDWR internet website (<http://www.idwr.idaho.gov>). *Upon request, IDWR will provide a copy of the CD-ROM with the electronic data to claimants.*

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, or permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated by a remark under the priority date that reads:

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.

IDWR does not investigate or make recommendations regarding federal law based claims.

CORRECTED NOTICE OF FILING DIRECTOR'S REPORT FOR WATER RIGHT 31-10481

On May 30, 2014, the Director of the Idaho Department of Water Resources (IDWR) filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report of Water Right No. 31-10481, claimed by David F. Edwards or K. Paul Gunderson. This filing was for a claim that was not included in any previous Director's Report or any subsequent Director's Report of Late Claims and Miscellaneous Claims. The Director's Report contained the Director's recommendation to the SRBA Court as to how your claimed water right should be decreed in the SRBA. As the Notice of Filing Director's Report included with the mailing of the Director's Report contained a typographical error in the water right number (the reported water right is incorrectly identified as 31-10431 instead of 31-10481), IDWR has filed this Corrected Notice of Filing Director's Report for Water Right 31-10481. The error did not occur in the original Director's Report, and the filing deadlines noted in the original notice remain in place.

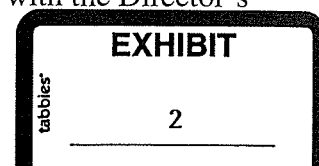
Why am I getting this mailing?

You have received this mailing because you filed a claim to a water right in the SRBA, which is now being reported to the SRBA Court. This mailing contains only the Director's recommendation to the SRBA Court of claim number 31-10481. Your mailing **does not** contain the Director's recommendations of any claims other than yours. A complete copy of this Director's Report is also available for inspection at the locations listed at the end of this notice. Additional copies of the report can be made, but you may be charged for copying and mailing. A Map of the Basin 31 reporting area, as well as other information pertaining to the SRBA can be accessed on the internet at:
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Snake River Basin Adjudication District Court

253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011
<http://www.srba.idaho.gov>

Idaho Department of Water Resources

322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
(208) 287-4800
(800) 451-4129
<http://www.idwr.idaho.gov>

Idaho Department of Water Resources
Western Region

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

Idaho Department of Water Resources
Southern Region

650 Addison Ave. W., Ste 500
Twin Falls, Idaho 83301-5858
(208) 736-3033

Jefferson County Courthouse

210 Courthouse Way Ste 100
Rigby, ID 83442

Idaho Department of Water Resources
Northern Region

7600 N. Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815
(208) 762-2800

Idaho Department of Water Resources
Eastern Region

900 North Skyline, Suite A
Idaho Falls, Idaho 83402-1718
(208) 525-7161

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 29, 43, or 72.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in its records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," or "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys, or other survey information.

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PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys, or other survey information.

PLACE OF USE FOR IRRIGATION PROJECTS: Pursuant to Idaho Code Sections 42-219(2) and 42-1411(2)(h). IDWR has included GIS mapping for describing the place of use (digital boundary) for water rights meeting certain criteria (i.e. irrigation projects). The **PLACE OF USE** for irrigation projects is reported in digital format and uses GIS technology to particularly identify and display a geographic area encompassing the place of use with the aid of a computer. The GIS data is stored in digital format and contained on a CD-ROM and is properly marked for identification with the water right number. The CD-ROM will be retained by the SRBA Court. IDWR also retains a duplicate of the original CD-ROM. The electronic data contained on the CD-ROM is available for public use and is also accessible through the IDWR internet website (<http://www.idwr.idaho.gov>). *Upon request, IDWR will provide a copy of the CD-ROM with the electronic data to claimants.*

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, or permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated by a remark under the priority date that reads:

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.

IDWR does not investigate or make recommendations regarding federal law based claims.