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Department of Water Resources

2002 SEP 13 PM 1:05

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED       

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

) SPECIAL MASTER'S REPORT AND  
) RECOMMENDATION; FINDINGS OF  
) FACT AND CONCLUSIONS OF LAW  
)  
)  
)

) FOR WATER RIGHT 31-11700  
)  
)  
)

I. FINDINGS OF FACT

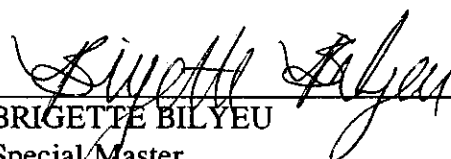
A notice of claim was filed for this water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation for the elements of this water right.

An *Objection* was filed by Margaret, David J. and James F. Hagenbarth on September 7, 2001. The *Objection* was resolved on September 12, 2002 with the filing of a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed with the elements set forth in the attached *Special Master's Recommendation for Partial Decree*.

DATED: September 13, 2002.

  
BRIGETTE BILYEU

Special Master

Snake River Basin Adjudication

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 )  
\_\_\_\_\_ )

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 31-11700

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DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

NAME AND ADDRESS:

NICK R HILLMAN  
2300 N 2800 E  
HAMER, ID 83425

RON R HILLMAN  
3120 E 2200 N  
HAMER, ID 83425

RANDY J HILLMAN  
5518 N 4000 W  
REXBURG, ID 83440

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Department of Water Resources

SOURCE:

BEAR GULCH CREEK

TRIBUTARY: WEST CAMAS CREEK

QUANTITY:

4.00 CFS

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

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 7.74 CFS. COMBINED RIGHT NOS.:  
31-82, 31-83, 31-84, 31-85, 31-86, 31-11700, 31-11701.

PRIORITY DATE:

09/01/1909

POINT OF DIVERSION:

T13N R38E S22

NWNENW

Within Clark County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

Irrigation

05-01 TO 10-31

4.00 CFS

Stockwater

05-01 TO 10-31

0.20 CFS

PLACE OF USE:

Irrigation

Within Clark County

T13n R38e S22

SENE 12.0

S23

SWNE 1.0

SWNW 29.0

SENE 13.0

NESW 32.0

NWSW 8.0

SESW 2.0

NESE 13.0

NWSE 34.0

SWSE 30.0

SESE 39.0

S25

NENW 39.0

NWNW 38.0

SWNW 34.0

SENE 40.0

S26

NENE 21.0

NWNE 1.0

SENE 1.0

387.0 Acres Total

Stockwater

Within Clark County

Same as Irrigation

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 200 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 387 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-82, 31-83, 31-84,  
31-85, 31-86, 31-11700, 31-11701.

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

OTHER PROVISIONS (continued)

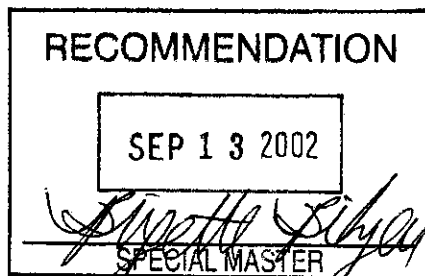
USE.

RIGHT NOT CLAIMED IN PRIOR ADJUDICATION.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



\_\_\_\_\_  
Roger Burdick  
Presiding Judge of the  
Snake River Basin Adjudication

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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
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Case No. 39576 )  
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NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

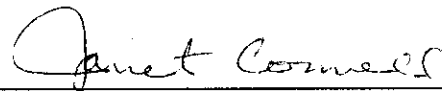
Water Right(s): 31-11700

On September 13, 2002, Special Master BRIGETTE BILYEU issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED September 13, 2002.

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk

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In Re SRBA )

CERTIFICATE OF MAILING

Case No. 39576 )  
\_\_\_\_\_ )

Water Right(s): 31-11700

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 13, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

MARGARET HAGENBARTH  
Represented by:  
BLOOMQUIST, JOHN E.  
DONEY, CROWLEY, BLOOMQUIST  
108 S WASHINGTON  
PO BOX 1418  
DILLON, MT 59725  
Phone: 406-683-8795

MARGARET HAGENBARTH  
Represented by:  
MICHAEL C. CREAMER  
PO BOX 2720  
BOISE, ID 83701-2720  
Phone: 208-388-1200

CERTIFICATE OF MAILING

PAGE 1  
09/13/02

NICK R HILLMAN  
RANDY J HILLMAN  
RON R HILLMAN

Represented by:  
RAY W. RIGBY  
PO BOX 250  
REXBURG, ID 83440-0250  
Phone: 208-356-3633

  
\_\_\_\_\_  
JANET CONNELL  
Deputy Clerk