

Department of Water Resources:

2002 SEP 13 PM 1:07

DISTRICT ATTORNEY-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 31-11701

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 31-11701

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
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Department of Water Resources

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

SOURCE: BEAR GULCH CREEK

TRIBUTARY: WEST CAMAS CREEK

QUANTITY: 1.60 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 NWENW Within Clark County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	05-01 TO 10-31	1.60 CFS
	Stockwater	05-01 TO 10-31	0.20 CFS

PLACE OF USE: Irrigation Within Clark County

T13N R38E S22	SENE 12.0	
S23	SENE 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

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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

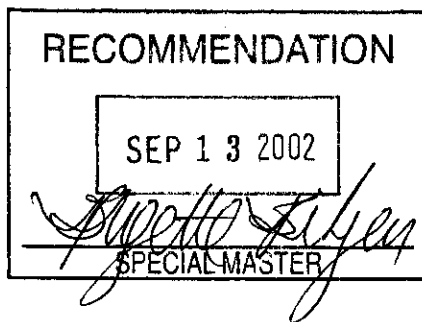
OTHER PROVISIONS (continued)

USE.

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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CLERK OF DISTRICT COURT - SRBA
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STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

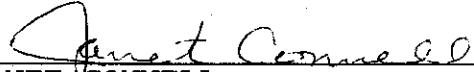
Water Right(s): 31-11701

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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Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 31-11701

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:
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DONEY, CROWLEY, BLOOMQUIST
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MARGARET HAGENBARTH

Represented by:
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CERTIFICATE OF MAILING

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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