

DEPARTMENT OF  
WATER RESOURCES

of the *Amended Director's Report* previously sent to the parties by IDWR.

## 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 23, 2011.

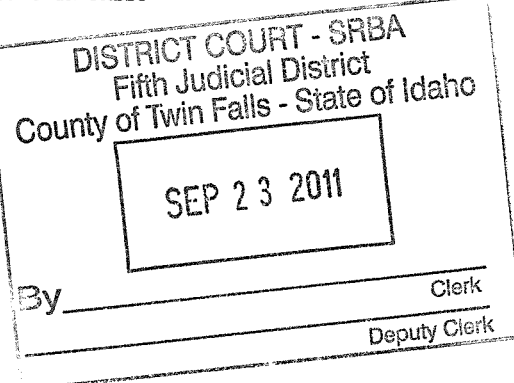
  
BRIGETTE BILYEU  
Special Master  
Snake River Basin Adjudication

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 21-02129



NAME AND ADDRESS: DANIEL S HESS  
MARY B HESS  
275 S 2 E  
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 1.70 CFS  
255.30 AFY

Right Nos. 21-2129 and 21-10527 are limited to a total combined  
diversion rate of 1.70 cfs and to a total combined annual  
diversion volume of 691.3 AF.

PRIORITY DATE: 07/31/1962

POINT OF DIVERSION: T09N R42E S35 SWS Within Fremont County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY               |
|-------------------------------|----------------|----------------|------------------------|
|                               | Irrigation     | 04-01 TO 10-31 | 1.70 CFS<br>255.30 AFY |

| PLACE OF USE: | Irrigation        | Within Fremont County |
|---------------|-------------------|-----------------------|
|               | T09N R42E S35     |                       |
|               | NENW 1.8          | NWNW 5.8              |
|               | SWNW 38.0         | SENW 39.0             |
|               | NESW 40.0         | NWSW 39.0             |
|               | SWSW 29.0         | NWSW 17.0             |
|               | 209.6 Acres Total |                       |

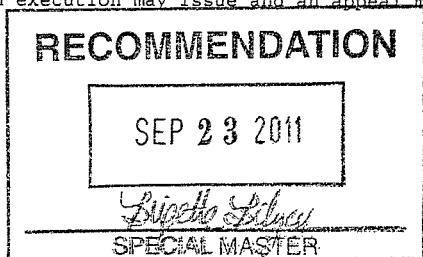
Right Nos. 21-2129 and 21-10527 are limited to the irrigation of  
a combined total of 209.6 acres in a single irrigation season.  
This right is limited to the irrigation of 85 acres within the  
place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

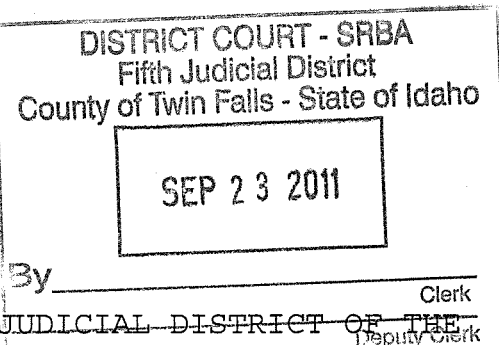
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.



Eric J. Wildman  
Presiding Judge of the  
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 )  
\_\_\_\_\_ )

NOTICE OF ISSUANCE OF  
SPECIAL MASTER'S  
RECOMMENDATION

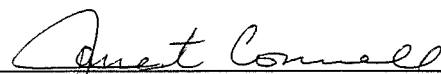
Water Right(s): 21-02129

On September 23, 2011, 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 23, 2011.

  
JANET CONNELL  
Deputy Clerk

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - SRBA                 |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| SEP 23 2011                           |              |
| By _____                              | Clerk        |
|                                       | Deputy Clerk |

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
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CERTIFICATE OF MAILING

Water Right(s): 21-02129

### 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 23, 2011, with sufficient first-class postage prepaid to the following:

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

AMERICAN FALLS RESERVOIR

Represented by:  
CRAIG D. HOBDEY  
125 5TH AVE  
PO BOX 176  
GOODING, ID 83330  
Phone: 208-934-4429

CERTIFICATE OF MAILING

PAGE 1  
09/23/11

DANIEL S HESS  
FREMONT MADISON IRRIGATION  
MARY B HESS

Represented by:  
JERRY R. RIGBY  
25 N 2ND E  
PO BOX 250  
REXBURG, ID 83440-0250  
Phone: 208-356-3633

MILNER IRRIGATION DISTRICT  
Represented by:  
JOHN K SIMPSON  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

STATE OF IDAHO  
Represented by:  
NATURAL RESOURCES DIV CHIEF  
STATE OF IDAHO  
ATTORNEY GENERAL'S OFFICE  
PO BOX 44449  
BOISE, ID 83711-4449

A & B IRRIGATION DISTRICT  
BURLEY IRRIGATION DISTRICT  
Represented by:  
ROGER D LING  
615 H ST  
PO BOX 396  
RUPERT, ID 83350-0396  
Phone: 208-436-4717

MILNER IRRIGATION DISTRICT  
NORTH SIDE CANAL CO LTD  
TWIN FALLS CANAL COMPANY  
Represented by:  
TRAVIS L THOMPSON  
113 MAIN AVE W, STE 303  
PO BOX 485  
TWIN FALLS, ID 83303-0485  
Phone: 208-733-0700

USDI BUREAU OF RECLAMATION

Represented by:  
US DEPARTMENT OF JUSTICE  
ENVIRONMENT & NATL' RESOURCES  
550 WEST FORT STREET, MSC 033  
BOISE, ID 83724

MINIDOKA IRRIGATION DISTRICT

Represented by:  
W KENT FLETCHER  
1200 OVERLAND AVE  
PO BOX 248  
BURLEY, ID 83318  
Phone: 208-678-3250

NORTH FREMONT CANAL SYSTEMS

C/O LON ATCHLEY  
PO BOX 241  
ASHTON, ID 83420  
Phone: 208-652-3332



JANET CONNELL  
Deputy Clerk