

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 21-10527

Date Received:
Receipt Nos:
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Name of Claimant DANIEL S HESS
MARY B HESS
275 S 2 E
REXBURG, ID 83440
(208)356-5674

Priority Date: 06/01/1892

Basis: Decreed/License

Status: Active

<u>Source</u>	<u>Tributary</u>
Ground Water	
Snake River	Columbia River

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.7 CFS	441 AFA
Total Diversion			1.7 CFS	

Location of Point(s) of Diversion:

GROUND
WATER NESWSW Sec. 35 Township 09N Range 42E FREMONT County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
09N	42E	35		NENW 1.8			NWNW 6.4			SWNW 39			SENW 39	
				NESW 40			NWSW 40			SWSW 31				

Total Acres: 197.2

Remarks: This water right includes the right to divert water which is recovered ground water resulting from recharge for irrigation and/or water resulting from irrigation under the North Fremont Canal Systems, Inc. irrigation works for use on lands within said irrigation entity's authorized place of use. Diversion of this right for the purpose of irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code. In the event recharge or recovered water is not available, the priority date shall revert to the previously licensed priority date.

- 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. Section 42-1412(6), Idaho Code.
- 1.C18
- 2.E55 Right Nos. 21-2129 and 21-10527 are limited to the irrigation of a combined total of 197.2 acres in a single irrigation season.
- 3.E60 Right Nos. 21-2129 and 21-10527 are limited to a total combined diversion rate of 1.7 cfs and to a total combined annual diversion volume of 696 AF.
- 4.K09 This right is for an enlargement of 126.5 acres within the place of use described for this right.
- 5.K02 This right is based upon an enlargement of Right No. 21-2129 pursuant to Section 42-1426, Idaho Code.
- 6.C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code,

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Signature(s)

Number of attachments: Previously submitted and on file with IDWR
For Individuals/Organizations:

DATED this 17th day of August, 2010.

~~Jerry R. Rigby, Attorney for Claimant~~

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

