

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

RECEIVED

MAY 20 1999

Department of Water Resources



(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

May 19, 1999

Dave Tuthill
Chief, Adjudication Bureau
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Orders Granting Motions to File Late Notice of Claim

Dear Dave,

Enclosed are the Orders Granting Motions to File Late Notices of Claim with accompanying Notices of Claim and filing fees for the following:

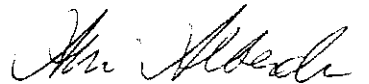
SUBCASE(S)	CLAIMANT(S):	CHECK #	AMOUNT(\$)
34-00176A, 34-00807B	Clark & Diane Parker	0942	204.00 * ✓
57-11557	John Romero	5263	100.00 ✓
57-11558	John Romero	5264	100.00 ✓
57-11559	Jerry Hoagland	5489	100.00 ✓
57-11560	Seven High Ranch	5488	109.00 ✓
57-11561	Seven High Ranch	5491	100.00 ✓
57-11562	Seven High Ranch	5490	100.00 ✓
57-11563	Elias Jaca	6081	100.00 ✓
57-11564	Tom Hook	4452	100.00 ✓
57-11565	Tom Hook	**	
72-02069N	James & Rene Mabe	3716 (Lynda Hoggan)	106.00 ✓
72-02069P	Robert Webster	0346	102.00 ✓

May 19, 1999
Letter to Dave Tuthill (late claims)

- * The SF4s for both 34-00176A and 34-00807B appear to require \$204.00 for **each** claim, however, only one check is attached. *No*
- ** The SF4s for both 57-11564 and 57-11565 appear to require \$100.00 for **each** claim, however, only one check is attached.

Please contact me with any questions you may have.

Sincerely,



Ami Alberdi
Deputy Clerk of the Court
Snake River Basin Adjudication

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

May 25, 1999

KARL J. DREHER
DIRECTOR

DIANNE HILL-PARKER
PO BOX 397
MACKAY ID 83251

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #A34-00807B & A34-00176A

Dear Claimant:

Your Notices of Claim to a Water Right for your property in Custer County were received from the SRBA Court recently. I have enclosed receipt #C045496 for your records.

You wrote you wished to subscribe to the Docket Sheet, which is the Court's form. I have enclosed a subscription form for your use. You may also read the Docket Sheet from the IWATRS Reports link on the Court's Internet web page at their URL address:

<http://www.srba.state.id.us/>

Your Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff', written over a circular stamp or seal.

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosures:

Receipt #C045496
Docket Sheet Subscription Form
Information Sheet #42-1400a

1999 MAY 18 PM 1:56

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

) Subcase No. 34-00807B
)
)

) **ORDER GRANTING MOTION**
) **TO FILE LATE NOTICE OF CLAIM**
)
_____)

On May 5, 1999, a Motion to File Late Notice of Claim was filed by Dianne Hill-Parker. All procedural requirements under *Administrative Order 1* were complied with in filing this *Late Notice of Claim*. No valid objections were made to this *Late Notice of Claim*. The Motion is GRANTED.

IT IS SO ORDERED.

DATED

May 18, 1999



BARRY WOOD

Administrative District Judge
Interim Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that true and correct copies of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** were mailed on May 18, 1999, with sufficient, first-class postage to the following:

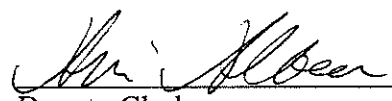
IDWR Document Depository
PO Box 83720
Boise, ID 83720

NOTICE OF CLAIM FORWARDED

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Dept of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Clark Parker (for Dianne Hill-Parker)
Received a copy at hearing


Deputy Clerk

RECEIVED

MAY - 6 1999

Department of Water Resources

RECEIVED

MAY 11 1999

Department of Water Resources
Eastern Region

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

Subcase A34-00807B

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

RECEIVED

MAY 10 1999

Department of Water Resources
For the Eastern Region

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 204.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on May 18, 1999 at 1:30 pm
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

VERIFICATION (Must be completed)

State of Idaho

County of Custer

V. Dianne Hill-Parker, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

V. Dianne Hill-Parker
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on

May 3, 1999
(Insert Date)

Charlotte J. Wall
Notary Public for Idaho
Residing at: Moscow
My Commission expires: 12-18-99

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

805 college

J. SAC

May 3, 1999

RE: Motion to File Late Claim to Water Rights (A34-00176A) & (A34-00807B)

To Whom It May Concern:

In 1994 my husband and I purchased an acreage in Mackay Id. owned by the late Maurice Hardman. At that time his son told us we were entitled to the water rights that accompanied the land.

We checked with the Mackay Irrigation District and Don Scarr, an Irrigation District employee, gave us a computer print out describing our water rights. Mr. Scarr discussed coming out to our land to help us work out a delivery system. In discussions with him and other water users in Mackay we understood that we had a water right and that it was one of the oldest in the valley.

When we bought the land we lived in Pocatello and were ignorant of water rights. We assumed that as long as we paid our irrigation district bill and had been assured by the previous land owner and the Irrigation District of our water right, that all well.

We then moved to Mackay, later purchasing an adjoining acreage and assuming we would be able to use our water rights on the entire plot. We were not aware that there was a problem until we received a letter, this spring, from the Mackay Irrigation District stating that we were being taken off the roles.

We regret that our filing of these claims is late and hope this letter helps explain our misunderstanding. We would be very grateful for any help in rectifying this situation.

Sincerely,

Dianne Hill-Parker

Dianne Hill-Parker

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: **A34-00807B**
Date Received: 4/29/1999
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DIANE HILL-PARKER 208-588-2440
Address: PO BOX 397
MACKAY ID 83251

2. Date of Priority: OCT 12, 1884

3. Source: BIG LOST RIVER Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	24E	20	NW	SE	SW		CUSTER

5. Description of diverting works:
HEADWORKS OF SWAUGER DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/15	0.050		

7. Total Quantity Appropriated is:
0.050 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	24E	29	NE	NE		IRR	4.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	4.0
					Total Acres	4.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A34-00176A

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/21/1925

UTAH CONSTRUCTION
Decree Plaintiff

JOHN ABBOTT, ET AL
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): V. Dianne Hill-Parker Date: May 3-1999

Date: _____

State of Idaho)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 3rd day

of May 19 99

Charlotte J. Wall
Notary Public

Seal

Residing at Mackay, Idaho

My Commission Expires 12-18-99

T-68

TO EVA LEHMAN
TO RALPH KENT

3-12

T-636
25/1

JENTRY
A HERBST
L ORGE WALL
P.C.O. 4-75

T-57
A58

JOHN PRITCHETT
27-20

M.D. T-34
L.R. HALVERSON

P.C.O. T-81
3-PC00

T-443
DOYLE C. WHITNEY
P.C.O. 4-1

T-687
MAURICE C. HARDMAN

DANHA

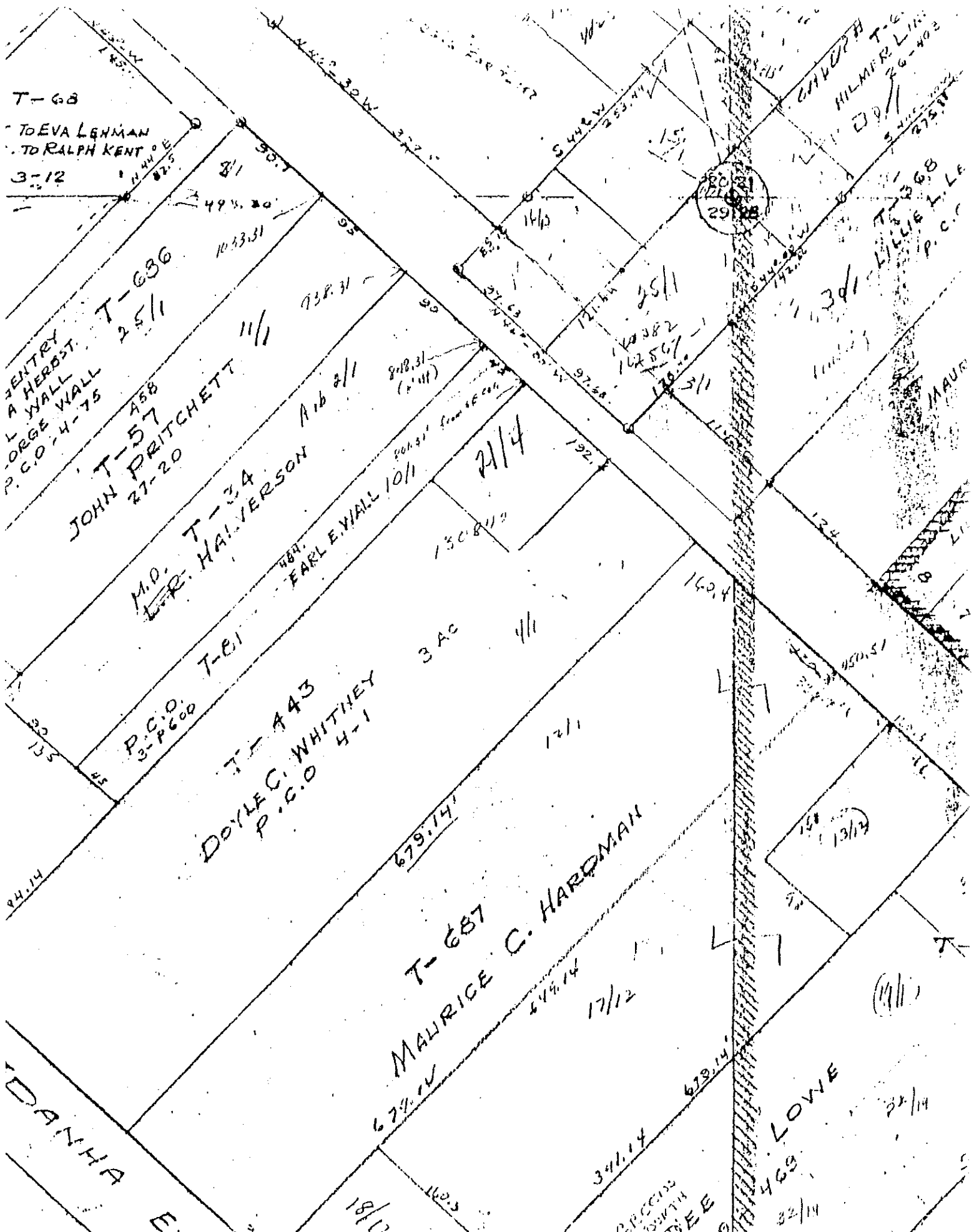
LOWE

469
32/14

HILMER L. LE
T-6
26-403

T-268
L. LE
P.C.C.

MAUR



GEN
DA HER
AL WALL
BOGE WALL
P.C.O. 4-75

T-57
JOHN PRITCHETT
27-20

M.D. T-34
L.R. HALVERSON
16 2/1

P.C.O. T-81
3-PCOO

T-443
DOYLE C. WHITNEY
P.C.O. 4-1

T-687
MAURICE C. HARDMAN

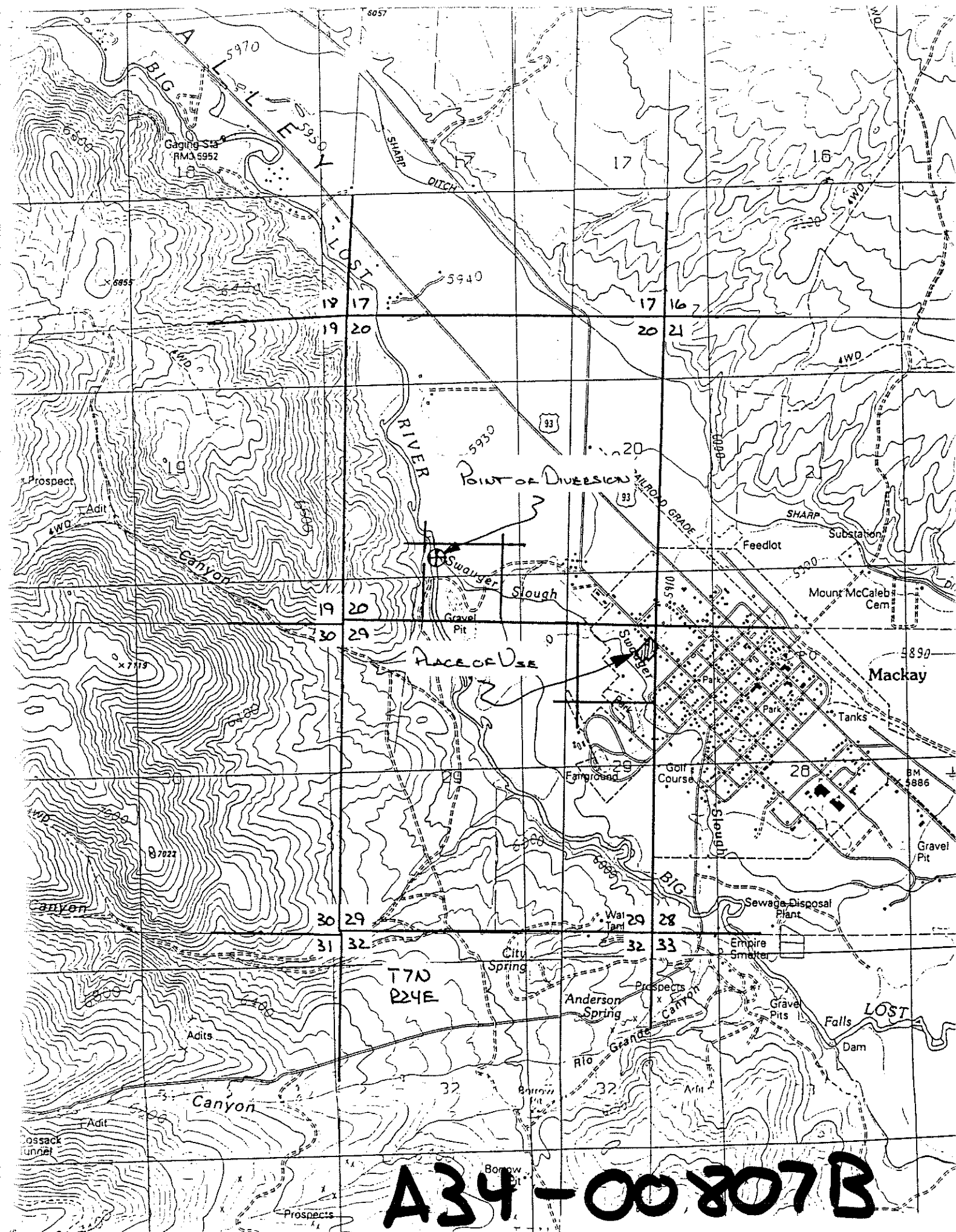
EDANHA

EXTENDED

GREENS
FOURTH
DEE
29

LOWE
469
32/14

A34-0080713



PAT POWERS
588-2379

A34-00807B

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Hill-Parker, D. me

CLAIM NO.

A34-008078

DATE RECEIVED

5-20-99

CK #

C0454910

AMOUNT \$

204.00

YES

NO

Required Info?

1. Is the name and address complete with zip code? misspelled fixed *
2. Is a priority date entered? Dianne is misspelled fixed *
- Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required. *
3. (a) Is a source entered? ✓ *
- (b) Is a tributary to entered? (if required) N/A ✓ *
4. Is the legal description of the p.d. sufficient? ✓ *
5. Is there a description of the diverting works? ✓ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ✓ *
- Is the period of use included? ✓ *
- Is a quantity claimed for each use? ✓ *
7. Is a total quantity claimed entered? ✓ *
8. If required is a consumptive use entered? N/A ✓ *
- Is the consumptive use correct? N/A ✓ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ✓ *
10. Is (are) the place(s) of use and purpose(s) indicated? ✓ *
11. Is (are) the county(ies) entered? ✓ *
12. Is the ownership of p.u. checked? ✓ *
13. Are other water rights listed or "none" indicated? ✓ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ✓ *
15. Is the basis of the claim indicated? ✓ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A done thru Court *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ✓ *
18. Has the claim been signed, sealed, and dated by a notary? ✓ *
19. Was this claim filed on time, or was an extension granted? ✓ *
20. Is the fee enclosed correct? Exempt ✓ *
21. If this claim is based on an existing water right, has the identification number been entered? N/A ✓ *
22. Should this claim be data entered? ✓ *

Claim checked by:

ShermanDate: 05-20-1999

Claim must be returned to claimant:

(Yes) ✓ (No)

Claimant must be notified of modifications:

(Yes) ✓ (No)

Receipt Prepared by:

D. ShaffDate: 5-20-99

Claim data entered by:

P. MillerDate: 4-19-99

Checked by:

psDate: 5-15-99

Sent to claimant by:

Comments:

Detains fee of \$59.00 can be paid in 3 more Sept docket sheetform and rec't.

A34-00807B