

09/23/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-176A

NAME AND ADDRESS: DIANNE HILL-PARKER
PO BOX 397
MACKAY ID 83251

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

QUANTITY: 0.050 CFS

PRIORITY DATE: 04/22/1884

POINT OF DIVERSION:

T07N R24E S20 NWSESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

5/01 10/15

0.050 CFS

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE
EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A
BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE
DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER
RESOURCES.

PLACE OF USE: IRRIGATION Within CUSTER County

T07N R24E S29 NENE 4.0

4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-00807B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 4 ACRES 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. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH SWAUGER DITCH

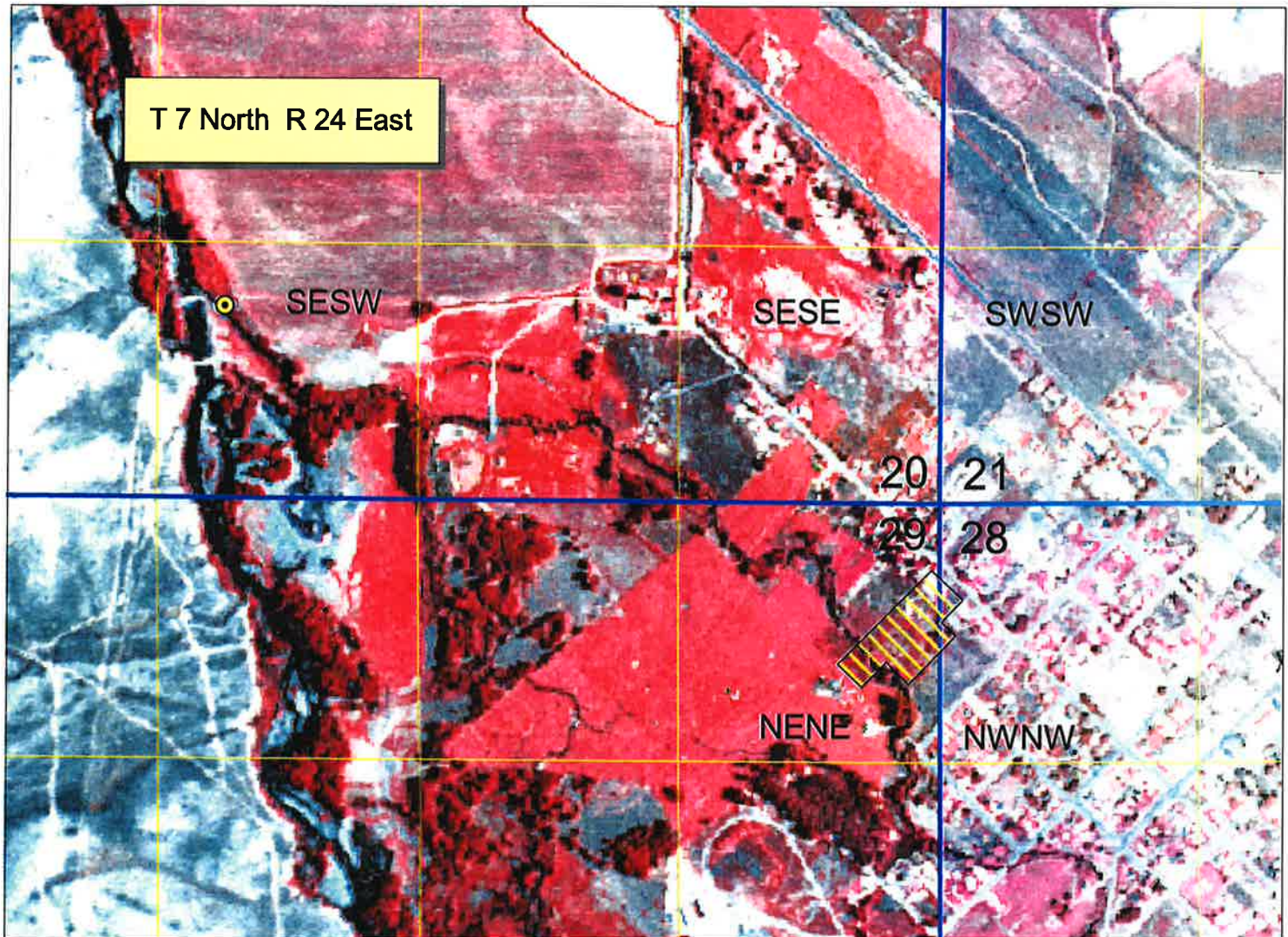


State of Idaho

Division of Water Resources

Eastern Region

Water Right(s): 34-00176A



1320 0 1320 2640 Feet

-  Place of Use
-  Point of Diversion
-  Section
-  Quarter Quarter

SCANNED
FEB 06 2000



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: January 2004

1	2	3	4	5	6	7
NO. 1093		RIDER DITCH	Sharp (M. Taylor 1986		TOLL DITCH RIDER WATER MASTER	

DECREE PRIORITY

4/22/1884													
INCHES	TO-DATE	INCHES	TO-DATE	INCHES	TO-DATE	INCHES	TO-DATE	INCHES	TO-DATE	INCHES	TO-DATE	INCHES	TO-DATE
5	5												
ACRE	STORAGE	ACRE	STORAGE	ACRE	STORAGE	ACRE	STORAGE	ACRE	STORAGE	ACRE	STORAGE	ACRE	STORAGE

OWNER

Maurice Hardman

ADDRESS

Mackay

TENANT

INCHES	TO-DATE	INCHES	TO-DATE	INCHES	TO-DATE
ACRE	STORAGE	ACRE	STORAGE	ACRE	STORAGE

DATE	REFERENCE ACCOUNT NUMBER	WATER DELIVERED DEBIT	DECREE WATER CREDIT	BASE STORAGE CREDIT	BALANCE AVAILABLE WATER
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BALANCE FORWARDED

MAY 2		1 0.00		1 0.00 *
MAY 9		3 5.00	1 0.00	4 5.00 *
MAY 16		3 5.00	4 5.00	8 0.00 *
JUN 3		3 5.00	8 0.00	1 1 5.00 *
JUN 13		3 5.00	1 1 5.00	1 5 0.00 *
JUN 20		3 5.00	1 5 0.00	1 8 5.00 *
JUN 27		3 5.00	1 8 5.00	2 2 0.00 *
JUL 4		3 5.00	2 2 0.00	2 5 5.00 *
JUL 11		3 5.00	2 5 5.00	2 9 0.00 *
JUL 18		3 5.00	2 9 0.00	3 2 5.00 *
JUL 25		3 5.00	3 2 5.00	3 6 0.00 *
AUG 1		3 5.00	3 6 0.00	3 9 5.00 *
AUG 18		3 5.00	3 9 5.00	4 3 0.00 *
AUG 22		3 5.00	4 3 0.00	4 6 5.00 *
AUG 29		3 5.00	5 0 0.00	5 3 5.00 *
SEP 5		3 5.00	5 3 5.00	5 7 0.00 *
SEP 12		3 5.00	5 7 0.00	6 0 5.00 *
SEP 19		3 5.00	6 0 5.00	6 4 0.00 *
SEP 26		3 5.00	6 4 0.00	6 7 5.00 *
OCT 3		3 5.00	6 7 5.00	7 1 0.00 *
OCT 10		3 5.00	7 1 0.00	7 4 5.00 *
OCT 15		2 5.00	7 4 5.00	7 7 0.00

Hardman, Maurice

Mackay

1093

Custer

Mackay Acreage, 7-24

Tax 9, Assessor's Tax List, Sec. 28

4/22/1884

5 in.

Sharp

5/6/47 Research
T# 687

Claim No(s).

A34-00176A
A34-00807B

[illegible]



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,

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosures:

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

SCANNED

FEB 06 2001

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



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

RECEIVED

MAY 20 1999

Department of Water Resources

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 ✓

RECEIVED
FEB 06 1999

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** *No* claim, however, only one check is attached.
- ** 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

RECEIVED
MAY 20 1999

MAY 20 1999

Department of Water Resources

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. 34-00176 A**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 A34-00176A

(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
Southern 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: Mackay
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.

RECEIVED

MAY - 6 1999

Department of Water Resources

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

RECEIVED
FEB 16 1999

RECEIVED

JUN 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A34-00176A

Date Received: 4/29/1999

Receipt No: 2045496

Received By: [Signature] 5/20/99

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: APR 22, 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

Section Acres 4.0

10. Place of Use: Continued

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:
A34-00807B

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: _____

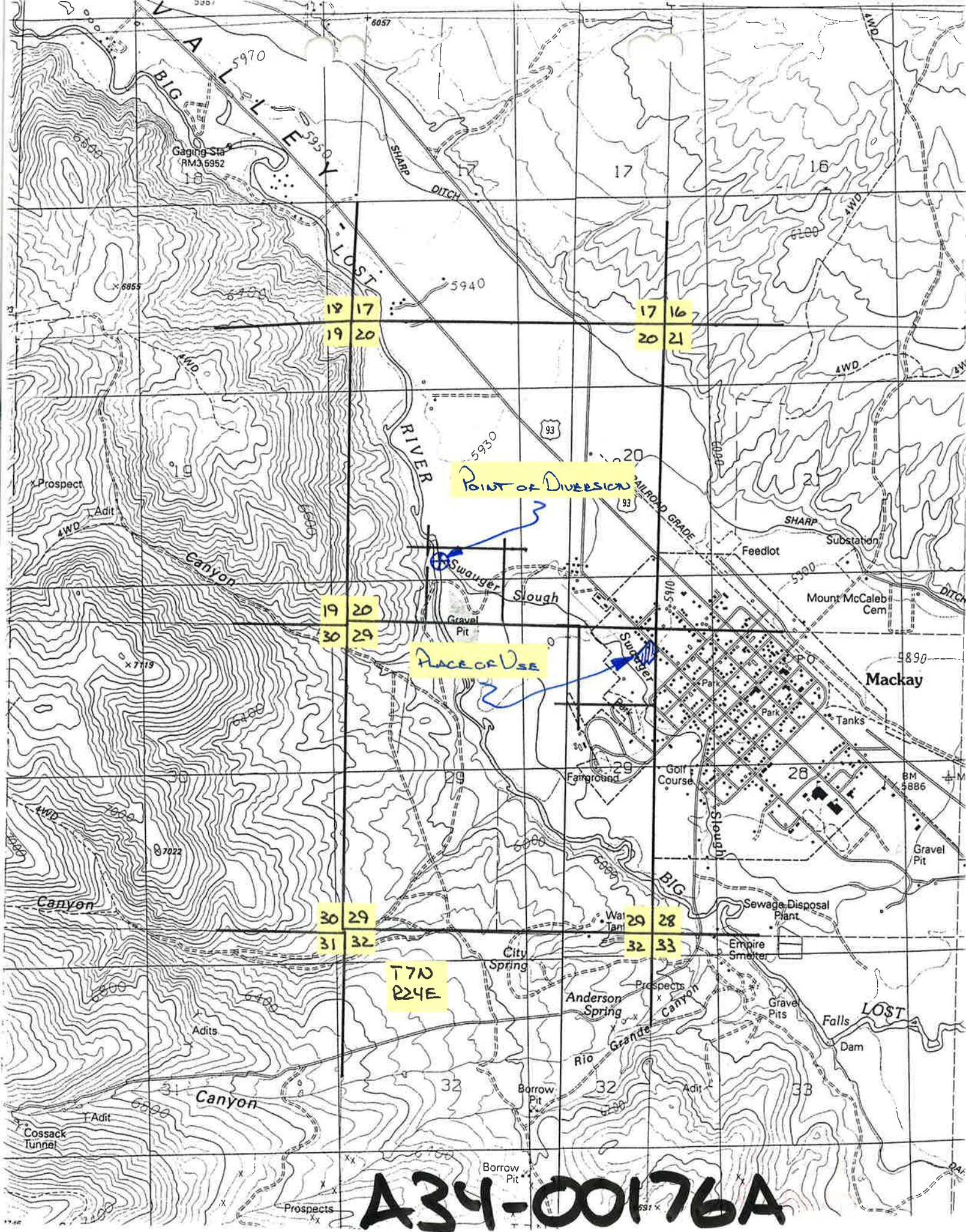
State of Idaho)
County of Custer) SS.

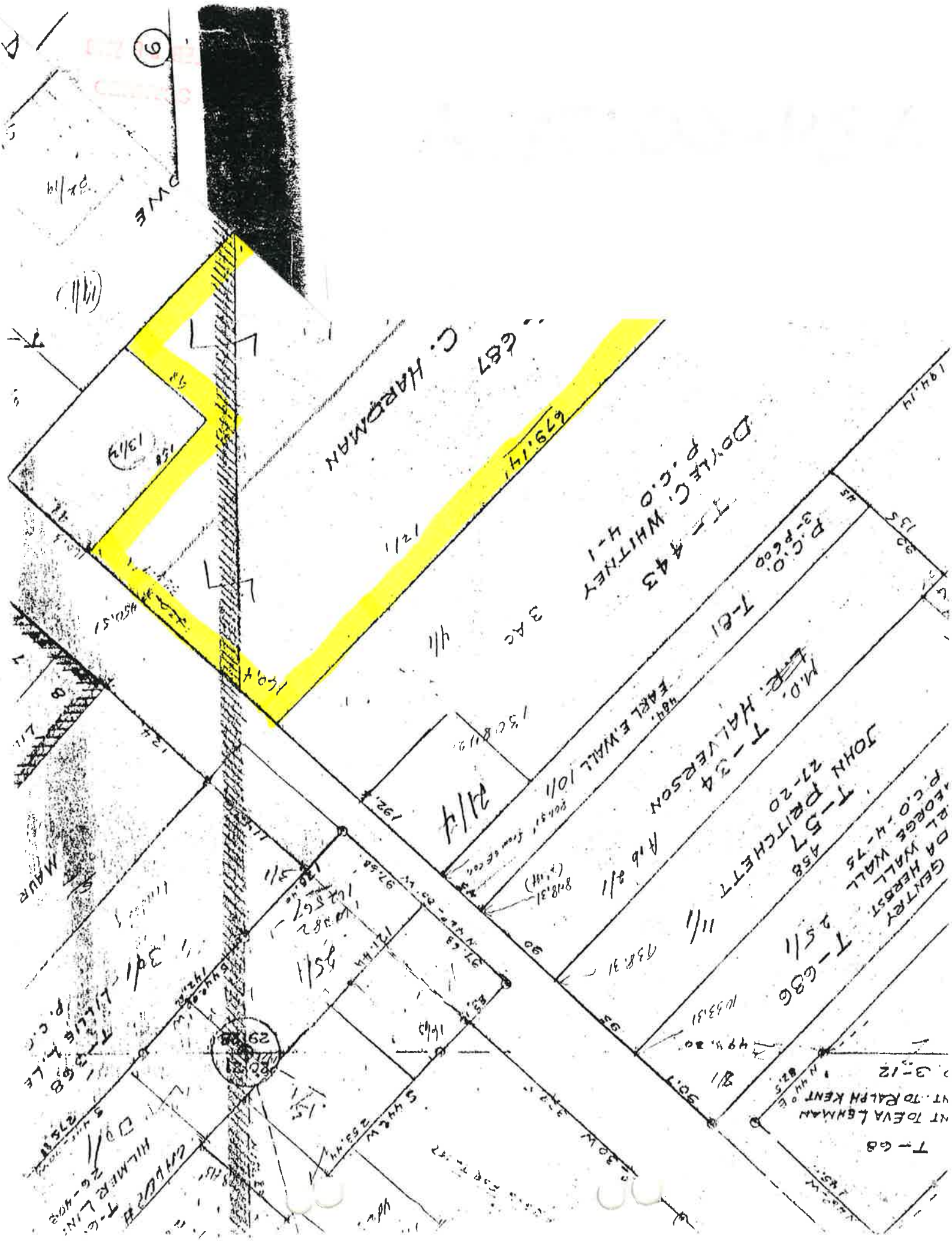
Subscribed and sworn (or affirmed) before me this 3rd day
of May 19 99

Charlotte J. Wall
Notary Public

Seal

Residing at Mackay Idaho
My Commission Expires 12-18-99





A34-00176A