

05/09/2011

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

RIGHT NUMBER: 29-13986

NAME AND ADDRESS: RODNEY L HILL
1554 S GRANT
POCATELLO ID 83204

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.130 CFS

The quantity of water diverted under rights 29-10864 and 29-13986 combined shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1969

POINT OF DIVERSION:

T06S R34E S35 SESE Lot 16 Within BANNOCK County

T06S R34E S35 SESE Lot 16 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	04/01 10/31	0.130 CFS
Domestic use is for the irrigation of 1/2 acre of lawn associated with 1 home.		

PLACE OF USE: DOMESTIC in BANNOCK County

T06S R34E S35 Lot 16 SESE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

April 11, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RODNEY L HILL
1554 S GRANT
POCATELLO ID 83204

Re: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right No. 29-13986

Dear Rodney:

The Notice of Claim you filed has been received from the SRBA Court . I have enclosed Receipt No. C092605 for the filing fees you paid. Please retain the receipt for your records.

The Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Harris", is written over the typed name.

Lori Harris
Technical Records Specialist 2
Adjudication Section

LH:l
Enclosure

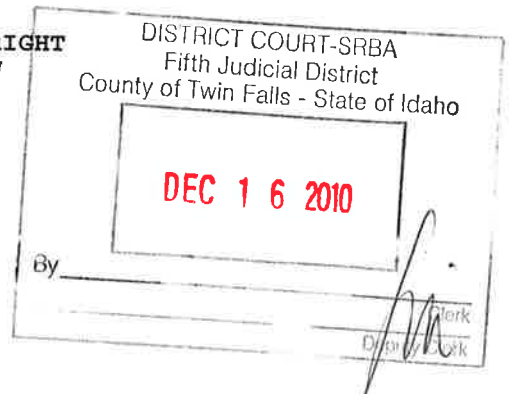
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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 29-13986
Date Received: 12/10/2010
Receipt No:
Received By: MWH

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



1. Name of Claimant(s)

RODNEY L HILL Phone: (208) 233-6124
1554 S GRANT
POCATELLO ID USA 83204

2. Date of Priority: 04/01/1963

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
06S	34E	35	SE	SE	16	BANNOCK	
06S	34E	35	SE	SE	16	BANNOCK	

5. Description of diverting works:

ONE 1 HP PUMP AND ONE 1.5 HP PUMP TO SPRINKLERS FOR IRRIGATION OF LAWN
ASSOCIATED WITH 1 HOME.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	04/01	10/31	0.13	

7. Total Quantity Appropriated is:
0.13 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use
06S	34E	35	SE	SE 16	DOMESTIC

SCANNED
MAR 17 2011

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

AWAITING ACCEPTANCE OF LATE CLAIM BY SRBA COURT.

Domestic use is for the irrigation of 1/2 acre of lawn associated with 1 home.

The combined quantity of water diverted under this right and right 29-10864 shall not exceed 13,000 gallons per day.

15. Basis of Claim: Beneficial Use

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 _____ 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): Rodney L. Hill Date: 12-15-10

Date:

State of Idaho)

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this

of Dec. 15th 2010



Rita Ely
Notary Public

Residing at Pocatello

My commission Expires 1-31-2013

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MAR 17 2011

RECEIVED
MAR 16 2011
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
MAR 15 2011	
By _____	Clerk Deputy Clerk

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 No. 29-13986
	)
Case No. 39576	) ORDER GRANTING MOTION TO FILE
	) LATE NOTICE OF CLAIM
	)
	)
	)
	)

On December 16, 2010, Claimant Rodney L. Hill filed a *Motion to File Late Notice of Claim* for the above-captioned claim. A hearing was held on the *Motion* on March 15, 2011. No party appeared in opposition to the *Motion*. At the hearing the Claimant represented to the Court that the claim was intended to be claimed as a *de minimis*, 13,000 gallons per day, deferrable domestic claim. The Court finds that the claim meets the criteria of a deferrable domestic and stockwater claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for water right 29-13986 is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

Dated March 15, 2011



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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MAR 17 2011

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on March 15, 2011, with sufficient first-class postage to the following:

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

RODNEY L HILL
1554 S GRANT
POCATELLO, ID 83204
Phone: 208-233-6124

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MAR 17 2011

Julie Murphy

RECEIVED
DEC 20 2010
DEPARTMENT OF
WATER RESOURCES

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 - Fees OK)
- Claim is Complete)
Case 39576 C. Smith)
1-3-11)
_____)

Subcase 29-13986
(Insert water right number)

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.

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DEC 20 2010

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Rodney L. Hill

My address is 1554 S. GRANT Ave
POCATELLO, IDAHO 83204

My phone number is: Work _____ Home 233-6124

I am an attorney representing _____

My name is _____

My address is _____

My phone number is 208-233-6124

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

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DEC 20 2010

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 \$ 25.
- ☐ 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 \$ _____.

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 March 15, 2011 1:30 p.m.
(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:

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DEC 20 2010

VERIFICATION (Must be completed)

State of Idaho

County of BANNOCK

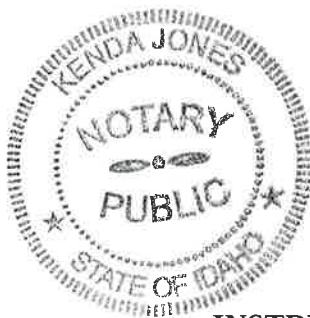
Rodney L Hill, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Rodney L Hill
Signature of person filing motion

n/a
Attorney signing in representative capacity

Subscribed and sworn to before me on December 10, 2010
(Insert Date)



Kenda Jones
Notary Public for State of Idaho
Residing at: Idaho Falls, ID
My Commission expires: 6-30-2016

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.

SCANNED

DEC 20 2010

CERTIFICATE OF MAILING

I certify that on Dec. 15, 2010, ~~10~~¹²PM, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

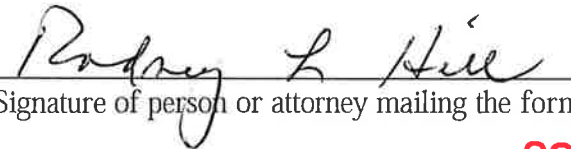
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)


Signature of person or attorney mailing the form

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DEC 20 2010

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

RECEIVED

DEC 20 2010

DEPARTMENT OF
WATER RESOURCES

Ident. Number 29-13986
Date Received: 12/10/2010
Receipt No:
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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RODNEY L HILL Phone: (208)233-6124
1554 S GRANT
POCATELLO ID USA 83204

2. Date of Priority: 04/01/1963

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

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06S	34E	35	SE SE 16	BANNOCK	
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ASSOCIATED WITH 1 HOME.

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7. Total Quantity Appropriated is:
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8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use
06S	34E	35	SE SE 16	DOMESTIC

Acres **SCANNED**

DEC 20 2010

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

AWAITING ACCEPTANCE OF LATE CLAIM BY SRBA COURT.

Domestic use is for the irrigation of 1/2 acre of lawn associated with 1 home.

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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 _____ 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): Rodney L. Hill Date: 12-15-10
_____ Date: _____

State of Idaho)

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this

of Dec 15th 2010



Rita Ely
Notary Public

Residing at Pocatello

My commission Expires 1-31-2013

SCANNED
DEC 20 2010

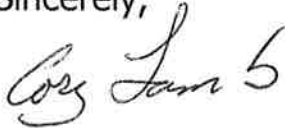
Cory Lamb
2026 South Grant
Pocatello, ID 83204

November 1, 2010

To whom it may concern,

I have lived on South Grant since 1953 and have observed water rights and water usage over the years. I have personal knowledge of water use from the Portneuf River for irrigation at the address of 1554 South Grant in the 1960's and 1970's.

Sincerely,

A handwritten signature in black ink that reads "Cory Lamb". The signature is written in a cursive, flowing style.

Cory Lamb

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DEC 20 2010