

11/14/2006

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

RIGHT NUMBER: 1-161
NAME AND ADDRESS: LARRY M HILL
3987 W 6800 S
REXBURG ID 83440

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.000 CFS

PRIORITY DATE: 06/01/1902

POINT OF DIVERSION:

T05N R39E S35 SESENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.000 CFS

PLACE OF USE: IRRIGATION in MADISON County

T05N R39E S35	NWNW	29.00	T05N R39E S35	SWNW	29.00
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58 ACRES TOTAL

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: BASIS OF CLAIM - Decreed

Water is delivered from Bannock Jim Canal through Hill Pump.



Idaho Department of Water Resources

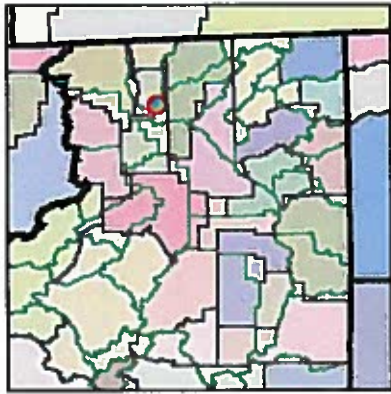
SRBA Recommendation:

1-161

(Irrigation)

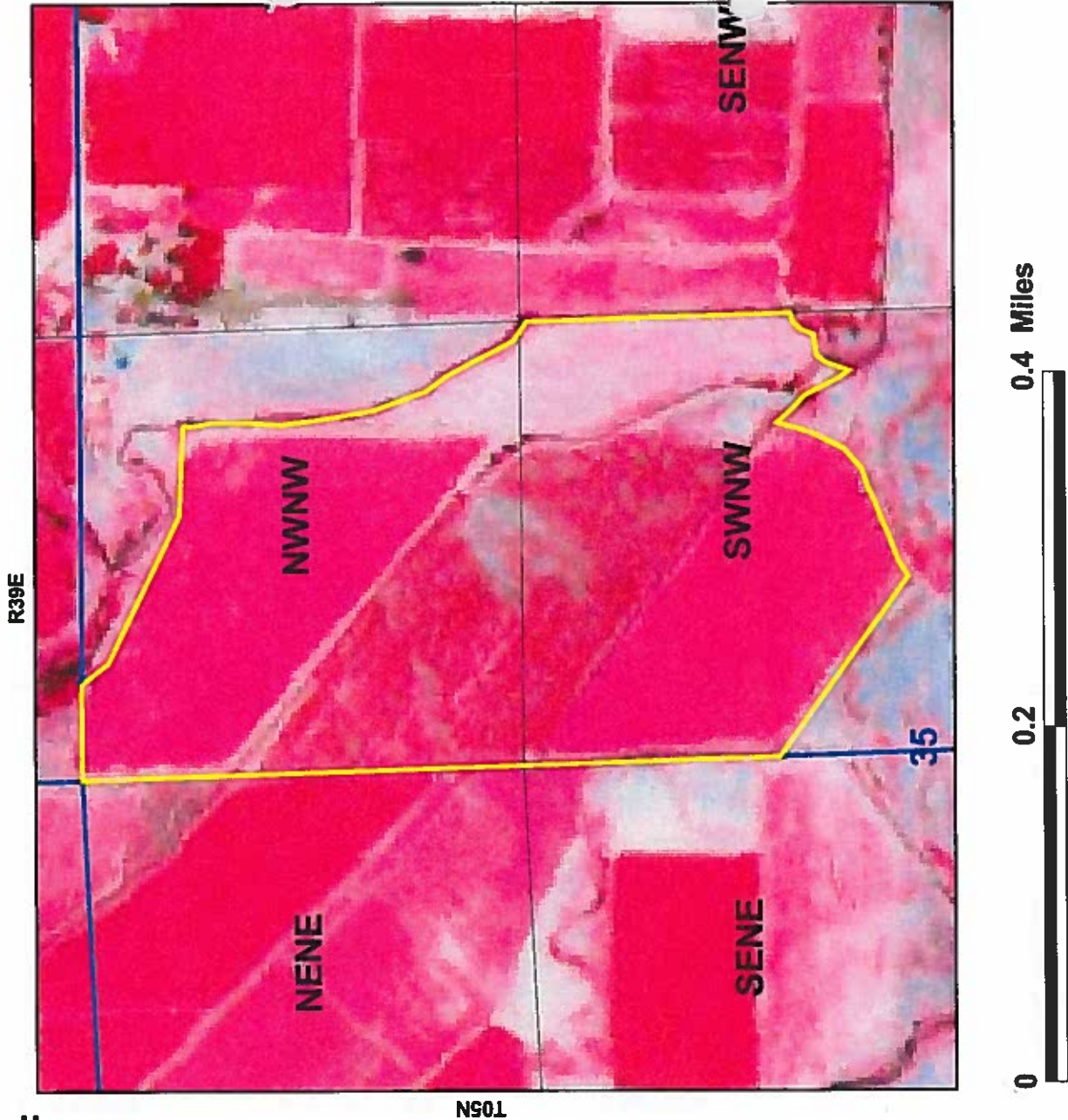
Legend

	Place of Use
	Townships
	PLS Sections
	Quarter Quarters



Madison County
IDWR Basin 1

Prepared by A. Golart
On Friday, October 13, 2006
1987/88 Aerial Photography



Claim no. A01-00161

Claimant Contact Log

Date	Remarks	Agent initials
8-27-2004		Hef

The exam was done on 8-26-2004 with Claimant, Larry Hill. The place of use for this right is outlined in white on the Aerial map. The point of diversion is also noted which is the headworks of the Bannock-Jim Ditch.

The Hill-Pettinger ditch re-diverts off the Bannock-Jim ditch about 1/4 mile from the Snake River.

GPS data for the Bannock-Jim Ditch is; 2674385
1393219 45R

GPS TAG - A0000229

GPS Ric # - 01161

All GPS data is kept on Ryan Miksell's computer in a file for me.

Photo # 1 shows the headgate + GPS Tag location

Photo # 2 shows the GPS Tag

Photo # 3 shows the Bannock-Jim Ditch after the headgate

Photo # 4 shows the headgate (rediversion) of the Hill-Pettinger ditch.

Also the address for Mr. Hill on the claim is incorrect. It should be 6800 South not 3800 South.

Exam was done by Harold W. Jones of Water Rights Contracting Services.

SCANNED

NOV 22 2004

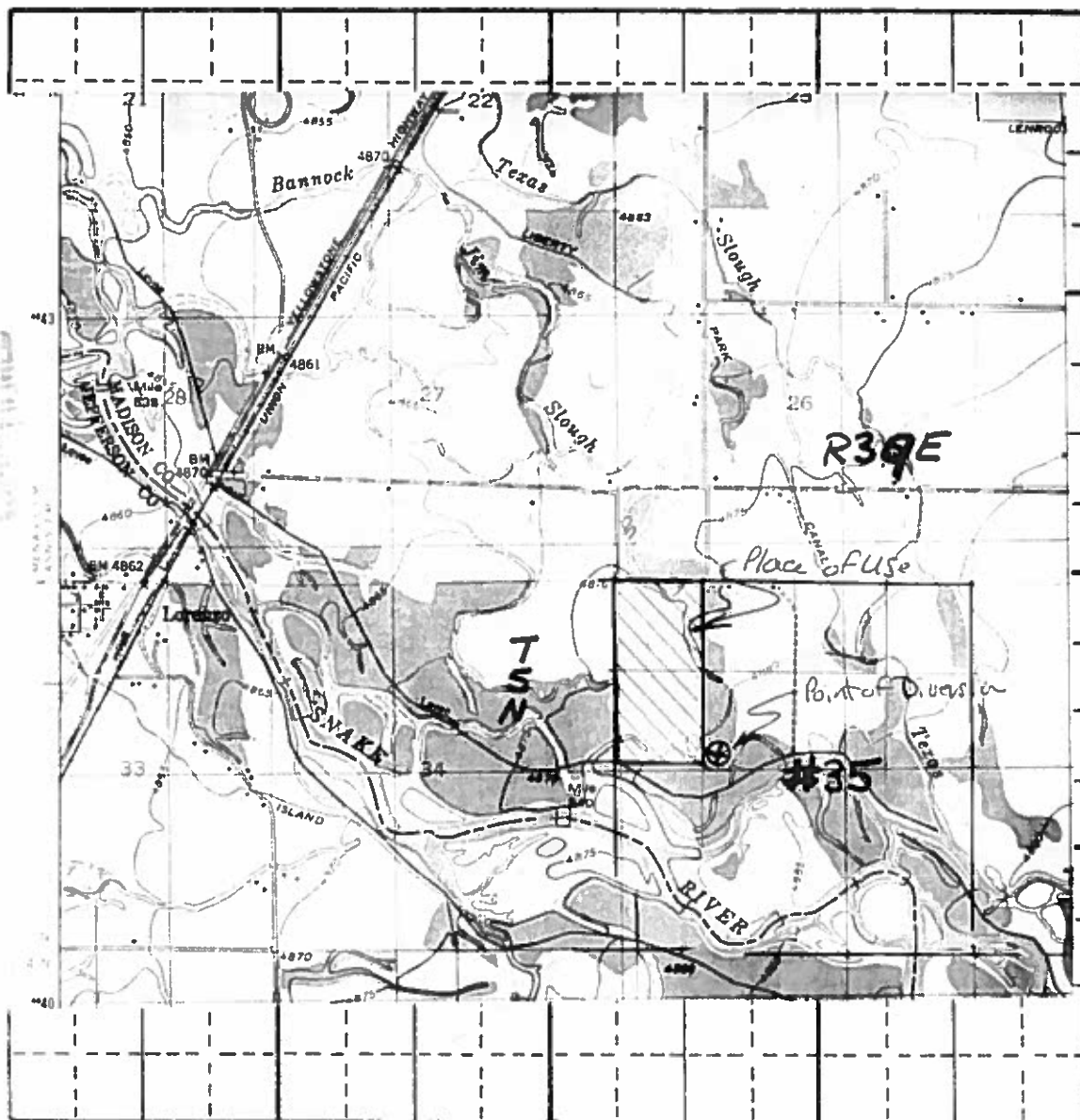
PROFILED

c. Describe the lands or place of use to which the right will be transferred

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	39E	35					40	40											80

Total number of acres to be irrigated _____

- Describe any other water rights used for the same purpose as described above. _____
Palisades water owned by Tom Roth has been used on this property.
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE 2 inches equal 1 mile. Draw plan in ink

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 3.00 c.f.s. &/or _____ acre feet
- b. Description of diverting works _____
Headworks of the Hill-Pettinger Ditch
- c. Describe the reasons for the proposed changes this water right for years has been listed with the Hill-Pettinger Ditch. However, water under this right has been pumped above the Hill-Pettinger measuring section and delivered to applicant at his pump

MICROFILMED

2. Change in point of diversion

Point of diversion SE 1/4 NW 1/4, Section 35 Township 5N
Range 39E, B.M., Jefferson County
Additional points _____

3. Change in place of use

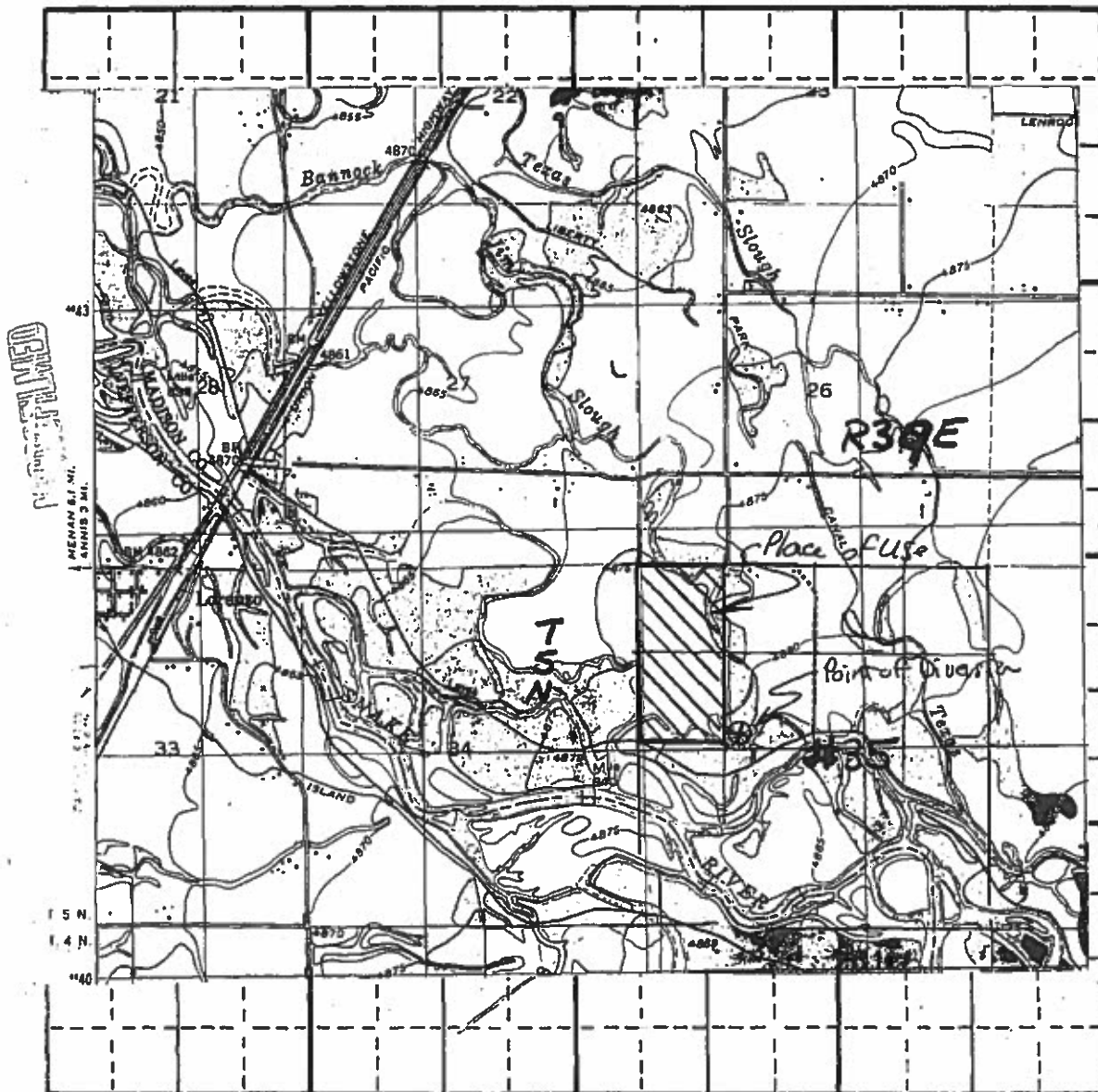
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
The decreed place of use has never been irrigated with this water right.
It appears to have been an error in the decree.

c. Describe lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				N½				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	39E	35					40	40											80

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. _____
Palisades water owned by Tom Roth has been used on this property.
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

The land in the NW¹/₄SW¹/₄ is owned by Tom Roth. The SW¹/₄SW¹/₄ is the bed of the Snake River. The pump that has been used will be moved below the measuring section of the Hill-Pettinger.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.



Richard Roth
(Signature of Applicant)

Subscribed and sworn to before me this 8th day of March, 19 83

Randall D. Coker
(Notary Public)

My commission expires 2/14/84

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 01-0161

and said application is hereby Approved, subject to the following limitations and conditions:

A measuring device and lockable controlling works of a type acceptable to the
Department shall be permanently installed and maintained as part of the diverting works.
Use of water under this right is subject to control by the watermaster of State Water
District No. 01, Snake River.

Water diverted under this right when combined with all other rights for the same
land shall not exceed 3.5 acre feet per acre per annum.

Witness my hand this 24th day of June, 19 83

L. Glen Saxton

L. GLEN SAXTON, Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by ADC Date 3/8/83 Protest filed by _____
Prelim. check by Kew Fee 50.00
Received by BP Date 3/8/83 # 25470
Published in Rigby Star Copies of protest forwarded by _____
Pub. dates 3/24 - 3/31/83 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial
WD #1 rec'd. 2-18-83 by Jim

1 158 1 158	Riverside Ditch Company	500 inches.	June 1, 1885.	Snake River.
1 158 1 158	Riverside Ditch Company.	4,500 inches.	June 1, 1887.	Snake River.
	Robinson, Amos			The Farmers' Friend Canal Company.
	Robinson, Lee S.			The Farmers' Friend Canal Company.
	Robinson, S. T.			The Farmers' Friend Canal Company.
1 158 22 0184	Robertson, A. I.	87 inches.	Apr. 1, 1890.	Trail Creek.
1 158 22 0185	Robertson, A. I.	10 inches.	June 1, 1896.	Springs on place.
1 158 21 0089	Rogers, Caroline M. and Walter A.	220 inches.	July 15, 1902.	Moose Creek.
1 158 22 0186	Rogers, Orson T.	200 inches.	Jan. 18, 1905.	Badger Creek.
	Romrell, Alfred			Good Luck Canal Company.
	Romrell, Joseph			Good Luck Canal Company.
	Roose, Albert			The Farmers' Friend Canal Company.
1 158 1 159	Rostan, C. E.	100 inches.	June 1, 1886.	South Fork of the Snake River.
1 158 1 160	Rostan, C. E.	100 inches.	June 1, 1888.	South Fork of the Snake River.
1 158 1 161	Roth, Frederick	150 inches.	June 1, 1902.	Bennock Jim Plough
1 158 22 0187	Rousche, Jacob	90 inches.	June 1, 1897.	North Leigh Creek.
1 158 22 0188	Rousche, Jacob	35 inches.	June 1, 1899.	North Leigh Creek.
1 158 22 0189	Rousche, Jacob	160 inches.	June 1, 1899.	North Leigh Creek.
	Roundy, J. C.			(Sold to Samuel He rop.)
1 158 21 0090	Rov, Eliza S.	160 inches.	Sept. 26, 1902.	Sheridan Creek. 576.

Porter, John R.

SE 1/4 of Lots 1, 2 and 3 of Sec. 14, part of Lot 5 of Sec. 13, E 1/2 of SW 1/4 of Sec. 29, T. 2 S., R. 35 E., B. M.

Yancoy, Adam

NW 1/4 of SW 1/4 of Sec. 28, T. 2 S., R., 34 E., B. M., containing 40 acres. Also, E 1/2 of NW 1/4 SW 1/4 of NW 1/4, E 1/2 of SW 1/4, and Lots 2 and 3 of Sec. 28, T. 2 S., R., 35 E., B. M., containing 280 acres.

Robertson, A. I.

W 1/2 of SW 1/4 of Sec. 14, and 6.7 acres in the NW corner of NW 1/4 of Sec. 23, T. 3 N. R. 45 E., B. M.

Rogers, Caroline M.

Lots 3, 4, 8, 9 and 12, SE 1/4 of SW 1/4, and SW 1/4 of SE 1/4 of Sec. 31, and Lots 12 and 13 of Sec. 32, T. 14, N., R., 44 E., B. M. W 1/2 of NE 1/4, E 1/2 of NW 1/4, and W 1/2 of SE 1/4 of Sec. 23, NW 1/4 of NE 1/4 of Sec. 26, T. 6 N., R. 44 E., B. M., containing 280 acres.

Rogers, Orson T.

NE 1/4 of SE 1/4 of Sec. 25, T. 2 N., R., 37 E., B. M., containing 40 acres.

Rogers, W. D.

Lots 1, 2 and 3 of Sec. 34, T. 5 N., R., 39 B. M.

Rostan, C. E.

Roth, Frederick

W 1/2 of SW 1/4 of Sec. 35, T. 5 N. R. 39 E., B. M. containing 80 acres.

Roueché, Jacob

E 1/4 of NW 1/4 and W 1/2 of SW 1/4 of Sec. 26, T. 6 N., R., 45 E., B. M., containing 160 acres; also 80 acres which when surveyed will be NE 1/4 of NE 1/4 of Sec. 19, T. 4 N., R. 46 E., B. M., Also, SE 1/4 of Sec. 30, T. 5 N. R. 46 E., B. M., containing 160 acres.



GPS
Tag

A01-161 - Bannock Jim Headgate - Snake River

SCANNED

NOV 22 2004

PROFILED



Claim A01-161 GPS tag

PROFILED

SCANNED

NOV 22 2004



Claim A01-161 Bannock Jim Ditch

PROFILE

SCANNED
NOV 22 2004



Claim A01-161 Hill-Pettinger ditch Headgate

SCANNED
NOV 22 2004

PROFILED



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: A01-00161
Date Received: 8/04/1989-10-89
Receipt No: E009816
Received By: EA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY M. HILL 6800 S. 208-356-6312
Address: 3987 W. 3800 S.
REXBURG, ID 83440

2. Date of Priority: JUN 01, 1902

3. Source: SNAKE RIVER, SOUTH FORK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	39E	35	SE	SE	NW		MADISON

5. Description of diverting works:
HILL-PETTINGER DITCH & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.000		

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

8. Total consumptive use is 152.5 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	39E	35	NW	NW		IRR	35.0
			SW	NW		IRR	27.0
Section Acres							62.0

A01-00161

Page 1

Date: 08/04/89

MICROFILMED
OCT 19 1992

10. Place of Use: Continued

Total Acres 62.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
PALISADES STORAGE WATER

14. Remarks:
TRANS. 2810.
P/D HILL-PETTINGER DITCH & PUMP.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIGATION CO.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
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 _____ 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): Larry M Hill Date: 8-10-89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of August 19 89 Calvin Wray
Notary Public

Seal

Residing at Idaho Falls, Id.
My Commission Expires 5/29/99

5000-4-5

(1080) John Scott

(1090) P. Neal Anderson

(1100) Barbara Turner

(1110) G. Gary Sutton

(1120) Jerry Jeffs

E-72 (1079)

B 12.0

A 10.8

75

B 78

Larry M. Hill 11.8

E-74 (1217)

Horace Hill 20.1

E-75 (1110)

Howard Hill

A 5.8

E-76 (1215)

Thomas Roth 21.2

Nelson

Coy

Bauer

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Larry Atkinson

E-59 (1177)

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