10/19/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-10110

NAME AND ADDRESS: HORACE E HILL
4263 W 6800 S
REXBURG ID 83440

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T05N R39E S35 SESENW Within MADISON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.120 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T05N R39E S27	SWSW	28.00	T05N R39E S27	SESW	16.00
T05N R39E S28	SESW	1.60	T05N R39E S34	1.00	
T05N R39E S34	SWNE	1.40	T05N R39E S34 Lot 7	NENW	15.00
T05N R39E S34 Lot 8	NWNW	7.10	T05N R39E S34 Lot 6	SENW	1.20

71.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 71.3 acres in a single irrigation season. Combined Right Nos.: 1-34B, 1-10110, 1-10111, 1-10115, 1-10116, and 1-10113.

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 1-81B.

Water is delivered through Bannock Jim Canal to Hill Petinger Ditch.

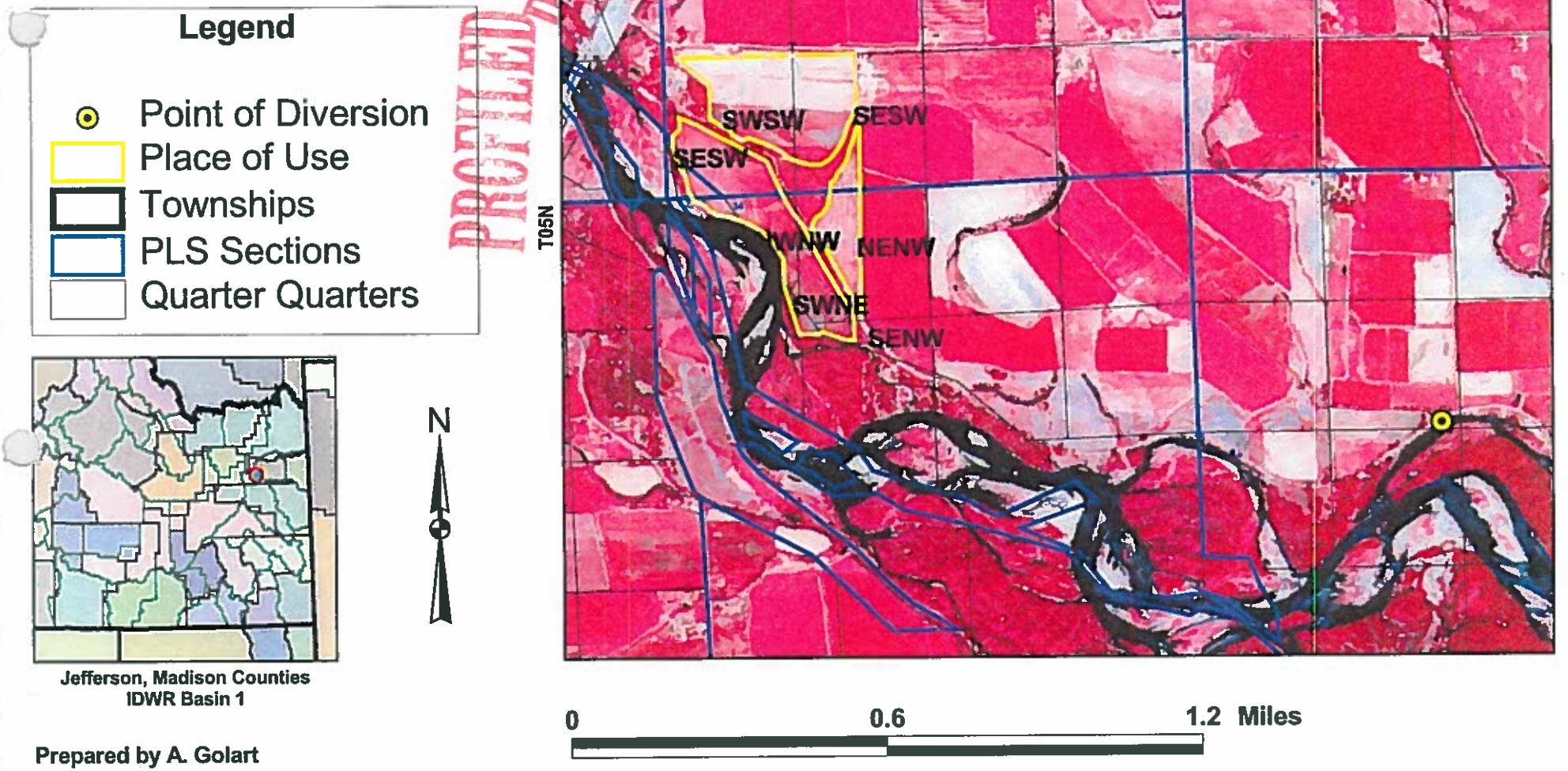
Idaho Department of Water Resources

SRBA Recommendation:

1-34B, 1-10110, 1-10111, 1-10113, 1-10115, and 1-10116

SCANNED MAY 07 2007

PROFILED



Jefferson, Madison Counties
IDWR Basin 1

Prepared by A. Golart
On Thursday, October 19, 2006
1987/88 Aerial Photography

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 420.

This is to certify that Ed. Hill of Lorenzo, County of Jefferson, and State of Idaho, has rights to the use of the waters of the South Fork of Snake River, for irrigation and domestic purposes, and that said rights have been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of "Rexburg Irrigation Company, et al, plaintiffs, versus Teton Irrigation Company, et al, defendants", J. M. Stevens, District Judge, wherein 12 inches, bearing date of priority of 1886; 24 inches bearing date of priority of 1887; 24 inches bearing date of priority of 1888; 16 inches bearing date of priority of 1889; 72 inches bearing date of priority of 1891, of the waters of South Fork of Snake River, in Water District No. 36, were decreed to the Long Island Irrigation Company for the irrigation of lands lying under the Long Island Irrigation Company's canal, said waters having later, by authority of the Certificate of Transfer of Water Right #299, been transferred to the following described lands:

All of Sections 22, 23, 24, 25, and 26, Twp. 5 N., R. 38 E., B.M.; all of Section 30, and Lots 1, 2, 3, 4, 5, and 6, Section 19; Lots 1, 2, 3, 4, 5, and 6, W½SW¼, SW¼NW¼, Section 29, Twp. 5 N., R. 39 E., B.M.;

SCANNED
MAY 07 2007

That said decree and Certificate of Transferr have been entered in the records of the Department of Reclamation at Boise;

That Ed. Hill is the holder and owner of 1200 shares of the capital stock of the Island Irrigation Company, which entitles him to 148 inches of said water; and that upon application of the said Ed. Hill for a transfer of water right made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 148 inches, or 2.96 second feet, of the waters of the South Fork of Snake River upon the lands described, is hereby abandoned, and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is shown in the following list of lands, limited at any given time to an amount actually needed and beneficially used for such purpose, and shall not exceed the following amounts, to-wit:

PROOFED

.24 12 inches, dated 1886,
.48 24 inches, dated 1887,
.48 24 inches, dated 1888,
.32 16 inches, dated 1889,
1.44 72 inches, dated 1891; 01-0083 B
14 8

Lot 1, and the SE¼SW¼, Section 27; Lots 7 and 8 of Section 34, Twp. 5 N., R. 39 E., B.M.;

That the water to be transferred has heretofore been diverted in Lot 3 of Section 34, Twp. 5 N., R. 39 E., B. M., and conducted through the Island Irrigation Company's canal, but will hereafter, by virtue of this certificate, be diverted in Section 2, Twp. 4 N., R. 39 E., B.M., and conducted through the Hill and Pettinger Ditch, via Bannock Jim Slough;

That the right to the use of the waters aforesaid and hereby confirmed, is restricted to the lands or place of use herein described as provided by the laws of the State of Idaho.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed this 12th day of April, 1928.

Geo N. Carter

Commissioner of Reclamation.

SCANNED
MAY 07 2007
PROFILED

S T A T E OF I D A H O

DEPARTMENT OF RECLAMATION

In the Matter of the Application of William Howard Hill and Horace E. Hill To Correct Error in Land Description Stated in Certificate of Transfer of Water Right No. 420, issued by the Department of Reclamation.	ORDER CORRECTING AND CHANGING LAND DESCRIPTION.

WHEREAS, On the 12th day of April, 1928, the Department of Reclamation of the State of Idaho, issued Certificate of Transfer of Water Right No. 420, transferring and changing the place of use of 148 inches of the waters of the South Fork of the Snake River, being transferred and made appurtenant, by said Transfer No. 420, to the following described lands:

Lot 1, SE¼ SW¼ of Section 27; Lots 7 and 8 of Section 34, Township 5 North, Range 39 East, B.M.

WHEREAS, On the 24th day of March, 1953, an affidavit was filed with the Department of Reclamation stating that Certificate of Transfer No. 420 was in error, in that the land description to which the water was transferred included Lot 8 of Section 34, Township 5 North, Range 39 East, B.M., instead of the correct description which should have included the SW¼ SE¼ Section 27, Township 5 North, Range 39 East, B.M.

WHEREAS, Affidavit states that Lot 8, Section 34, is, so far as known, unpatented public land, is in sage brush and never has been irrigated, and was never owned by William and Horace Hill, or owned by their father who was the original applicant at the time the certificate was issued, and that ever since the water was transferred in 1928, said water has been used on Lot 1, SW¼ SE¼, and SE¼ SW¼ Section 27, and Lot 7, Section 34, Township 5 North, Range 39 East, B.M.

WHEREAS, No other water user or water right will be injured by said change which is made by request and at the owners own risk.

NOW, THEREFORE, It is hereby ordered that the land description in Certificate No. 420 as being the land to which the water right is made appurtenant, be changed to read as follows: SW¼ SE¼, SE¼ SW¼, and Lot 1, Section 27, and Lot 7 Section 34, Township 5 North, Range 39 East, B.M.

SCANNED
MAY 2007

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Reclamation of the State of Idaho, at Boise, Idaho, this 28th day of March, 1953.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

SCANNED
AUG 27

50 X

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: A01-10110
Date Received: 8/04/1989
Receipt No: E009804
Received By: SR

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: HORACE E. HILL 208-356-6485
   Address: 4263 W. 6800 S.
   REXBURG, ID 83440

2. Date of Priority: JUN 01, 1886

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	Lot	County
05N	39E	35	SE SE NW		MADISON

5. Description of diverting works:
   HEADWORKS OF HILL-PETINGER DITHC. CONCRETE DIVERSION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.120		

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

8. Total consumptive use is 190.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   INCIDENTAL STOCKWATERING

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	39E	27	SW SW		IRR	30.0
			SE SW		IRR	15.0
				Section Acres		45.0

COPY

MICROFILMED
OCT 20 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	39E	34	NE NW		IRR	15.0
			NW NW		IRR	12.0
			SE NW		IRR	4.0
				Section Acres		31.0
				Total Acres		76.0

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:
PORTION 01-0082, 0083, 0117, 0118, 0034, AND PALISADES

14. Remarks:
TRANSFER 420.
RIGHT SPLIT FROM PARENT RIGHT 01-00081B.

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

REXBURG IRRIGATION CANAL
Decree Plaintiff

vs

TETON IRRIGATION CANAL.
Decree Defendant

MICROFILMED
OCT 2 0 1992

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Horace E. Hill Date: 8-10-89

_____ Date: _____

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 10 day of August 19 89

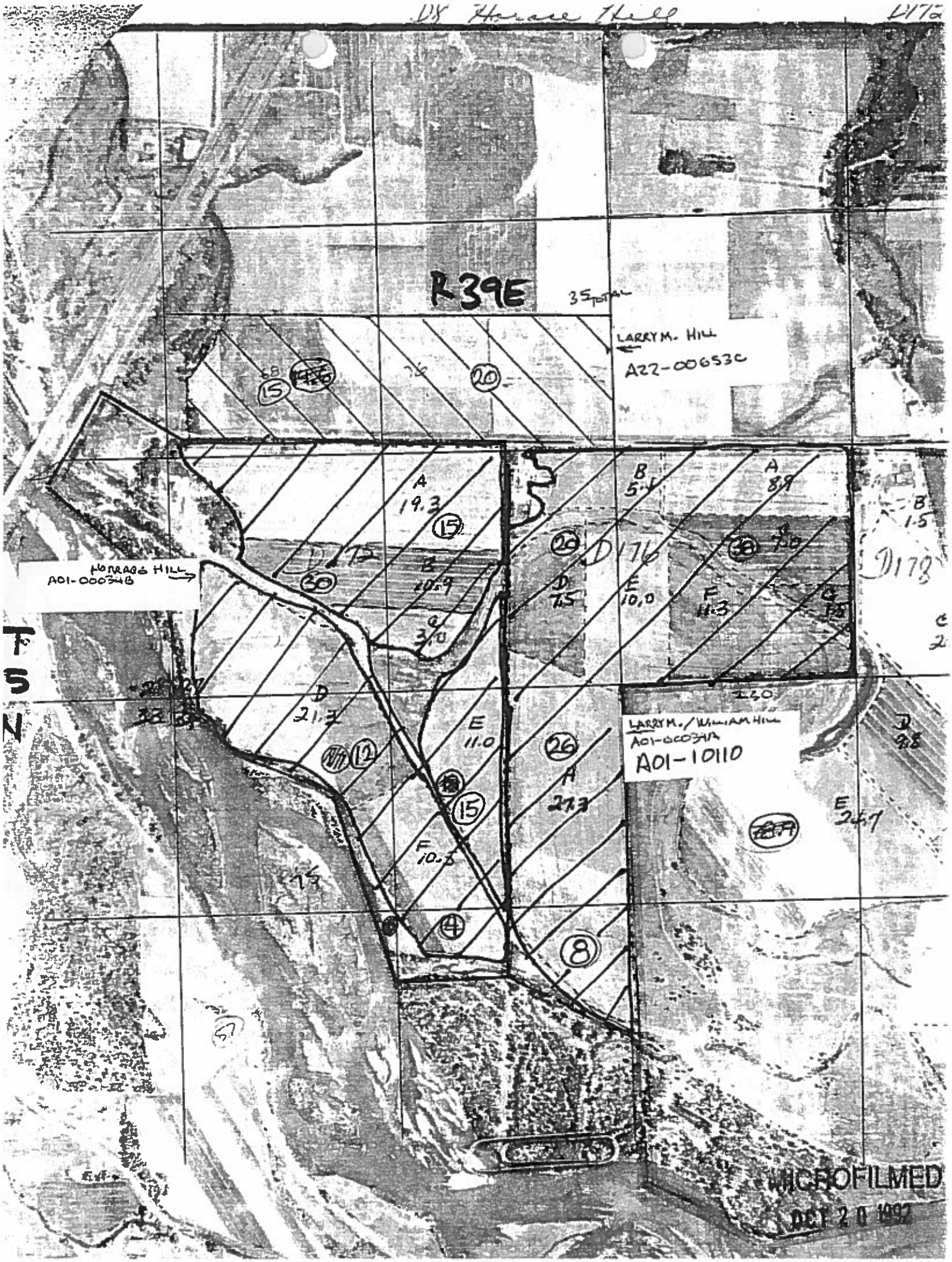
Seal

Notary Public

Residing at Idaho Falls Id.

My Commission Expires 22 Aug 1994

MICROFILMED
OCT 20 1992


R39E
LARRY M. HILL
A22-00653C
HOWARD HILL
A01-00034B
LARRY M./WILLIAM HILL
A01-00034A
A01-10110
MICROFILMED
OCT 20 1992