

10/19/2006

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

RIGHT NUMBER: 1-10111
NAME AND ADDRESS: HORACE E HILL
4263 W 6800 S
REXBURG ID 83440

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.240 CFS

PRIORITY DATE: 06/01/1887

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	0.240 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 point of diversion pursuant to Section 42-1425, Idaho Code.

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

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

This right is a split from former right 1-82B.

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

PROFILED

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



STATE OF IDAHO
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, W $\frac{1}{2}$ SW $\frac{1}{2}$, SW $\frac{1}{2}$ NW $\frac{1}{2}$, Section 29, Twp. 5 N., R. 39 E., B.M.;

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:

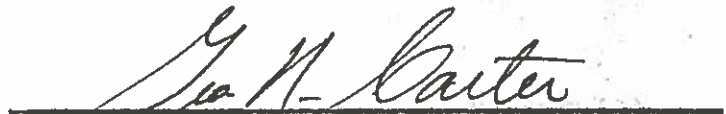
24 12 inches, dated 1886,
48 24 inches, dated 1887,
48 24 inches, dated 1888,
32 16 inches, dated 1889,
144 72 inches, dated 1891; 01-0033 B

Lot 1, and the SE $\frac{1}{2}$ SW $\frac{1}{2}$, 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.


Commissioner of Reclamation.

SCANNED
MAY 07 2007

PROCTLED

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

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, SE $\frac{1}{4}$ SW $\frac{1}{4}$ 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 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, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ 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 this 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: SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and Lot 1, Section 27, and Lot 7, Section 34, Township 5 North, Range 39 East, B.M.

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

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: A01-10111
Date Received: 8/04/1989
Receipt No: 6009804
Received By: SEN

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, 1887

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 DITCH. 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	0.240		

7. Total Quantity Appropriated is:
0.240 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	27.0
			SE	SW		IRR	15.0
Section Acres							42.0

A01-10111

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Date: 08/04/89

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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	73.0

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:

PORTIOINS: 01-0081, 0083, 0117, 0118, 0034 & PALISADES

14. Remarks:

P/U FOR TRANS. 420 WAS CORRECTED BY ORDER DATED 03/28/53.

P/D IS HEADWORKS FOR HILL PETTINGER DITCH BASED ON WD01 RECORDS.

RIGHT SPLIT FROM PARENT RIGHT 01-00082B.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIGATION CANAL

Decree Plaintiff

vs

TETON IRRIGATION CANAL.

Decree Defendant

(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.

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35-174

LARRY M. HILL
A22-00653C

FOREAGS HILL
A01-000340

LARRY M. / WILLIAM HILL
ACT-00031A
ACT-10111

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 OCT 20 1992