

12/08/2006

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

RIGHT NUMBER: 22-4084

NAME AND ADDRESS: GARY R HILL
9298 S 600 E
REXBURG ID 83440

DONNA HILL
9298 S 600 E
REXBURG ID 83440

SOURCE: FISH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.900 CFS

The quantity of water under this right for stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 08/17/1945

POINT OF DIVERSION:

T04N R45E S16 SWNWSE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.900 CFS
STOCKWATER	04/01 12/01	0.020 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S16	NESW	27.00	T04N R45E S16	NWSW	14.00
T04N R45E S16	NESE	27.00	T04N R45E S16	NWSE	27.00

STOCKWATER same as IRRIGATION

95 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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 - Beneficial Use



Idaho Department of Water Resources

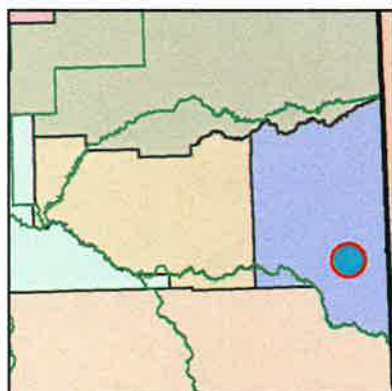
SRBA Recommendation:

22-4084

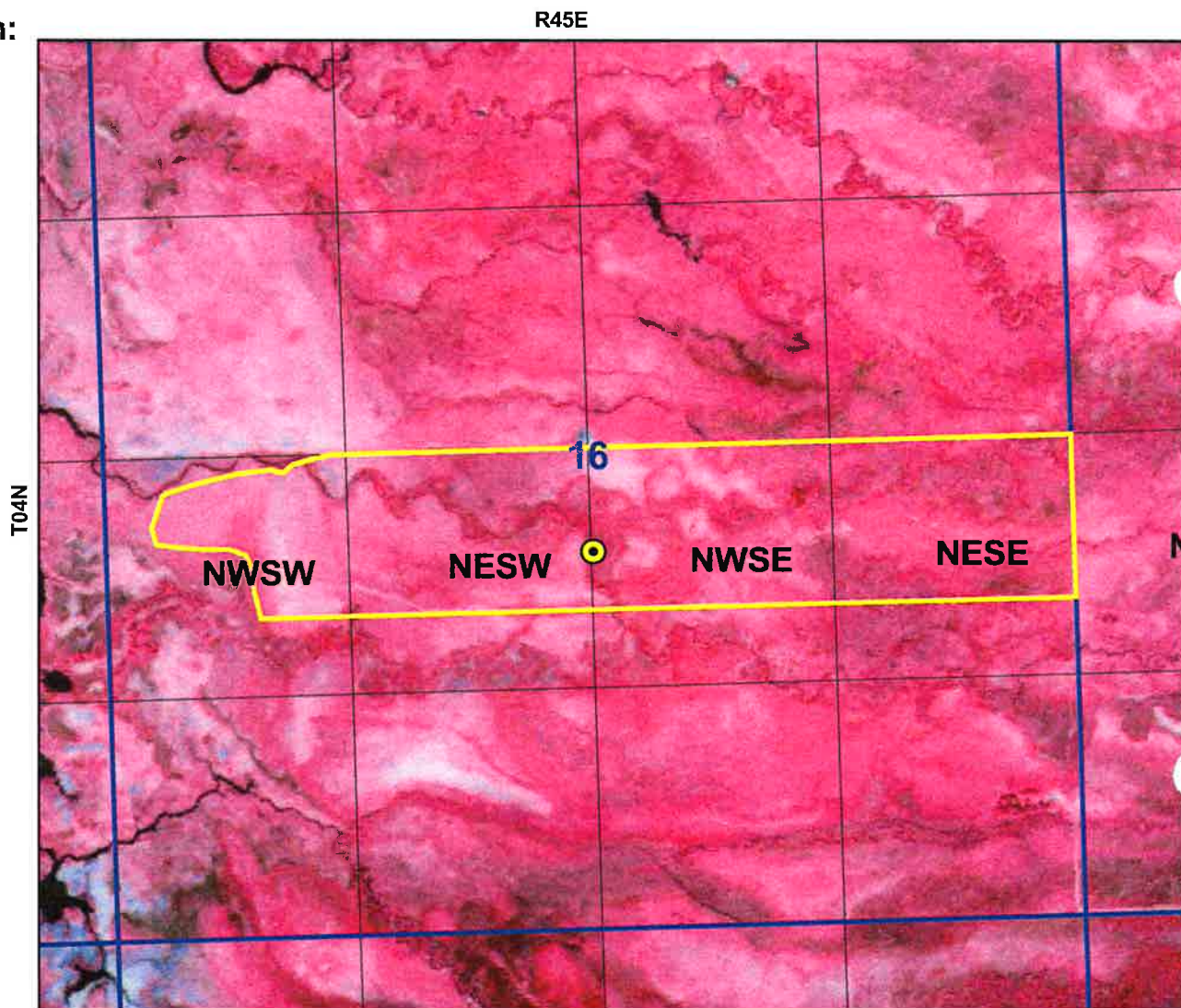
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



0 0.4 0.8 Miles



Prepared by K. Moore
On Friday, December 8, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

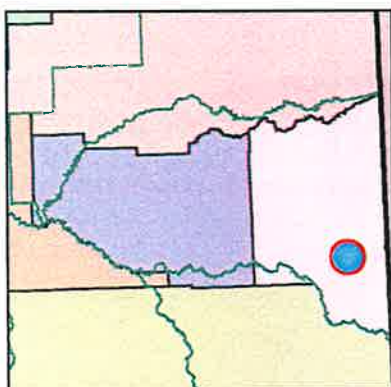
SRBA Recommendation:

22-4084

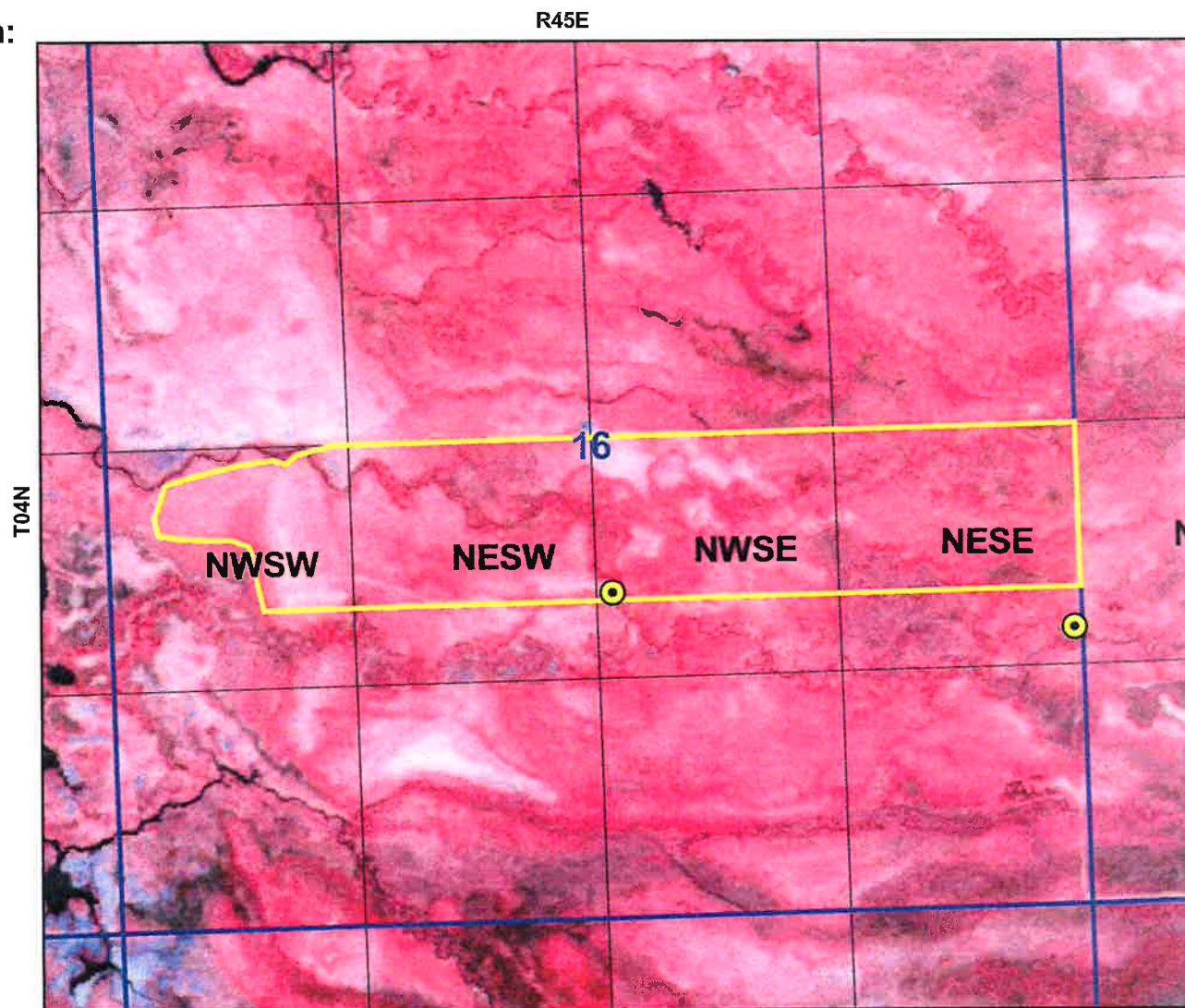
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



0 0.4 0.8 Miles

Prepared by K. Moore
On Tuesday, November 21, 2006
1987/88 Aerial Photography



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 17, 2008

RECEIVED

JAN 02 2009

DEPARTMENT OF
WATER RESOURCES

GARY R AND DONNA HILL
9762 S 400 W
REXBURG ID 83440-4554

Records updated 1-5-09

RE: Snake River Basin Adjudication (SRBA)
Decreed Water Rights #22-4084, 22-4086, 22-10445, 22-10446

Dear Water Right Holders:

copy to W.A.

Mail sent to you by the SRBA District Court was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by January 9, 2009. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

RECEIVED

JAN 01 2009

Department of Water Resources
Eastern Region

Sincerely,

Sally Sherman
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Gary R Hill
Water Right Holder's Signature

1-208-354-5138
Telephone No.

SCANNED

JAN 05 2009

Claim no. _____

Claimant Contact Log

Date

Remarks

Agent initials

11-21-06

Good evidence of priority.

Talked with Gary about POD, but his information was unclear over the phone. PODs are best guess based on claim and conversation.

KM

12-8-06

Gary Hill came down and showed me the PODs for his claims and Darnell Weekes. He said he agreed w/ everything else.

KM

4N 45E

Mark Christensen
320 ac

NWNW

NENW

SWNW

SENW

SWNE

SENE

16

22-4084
Gary Hill

108 ac

Fish

Creek

NWSW

NESW

NWSE

NESE

22-4085
Darnell Weekes

107 ac

22-486
SWSW
Gary Hill

105 ac

SESW

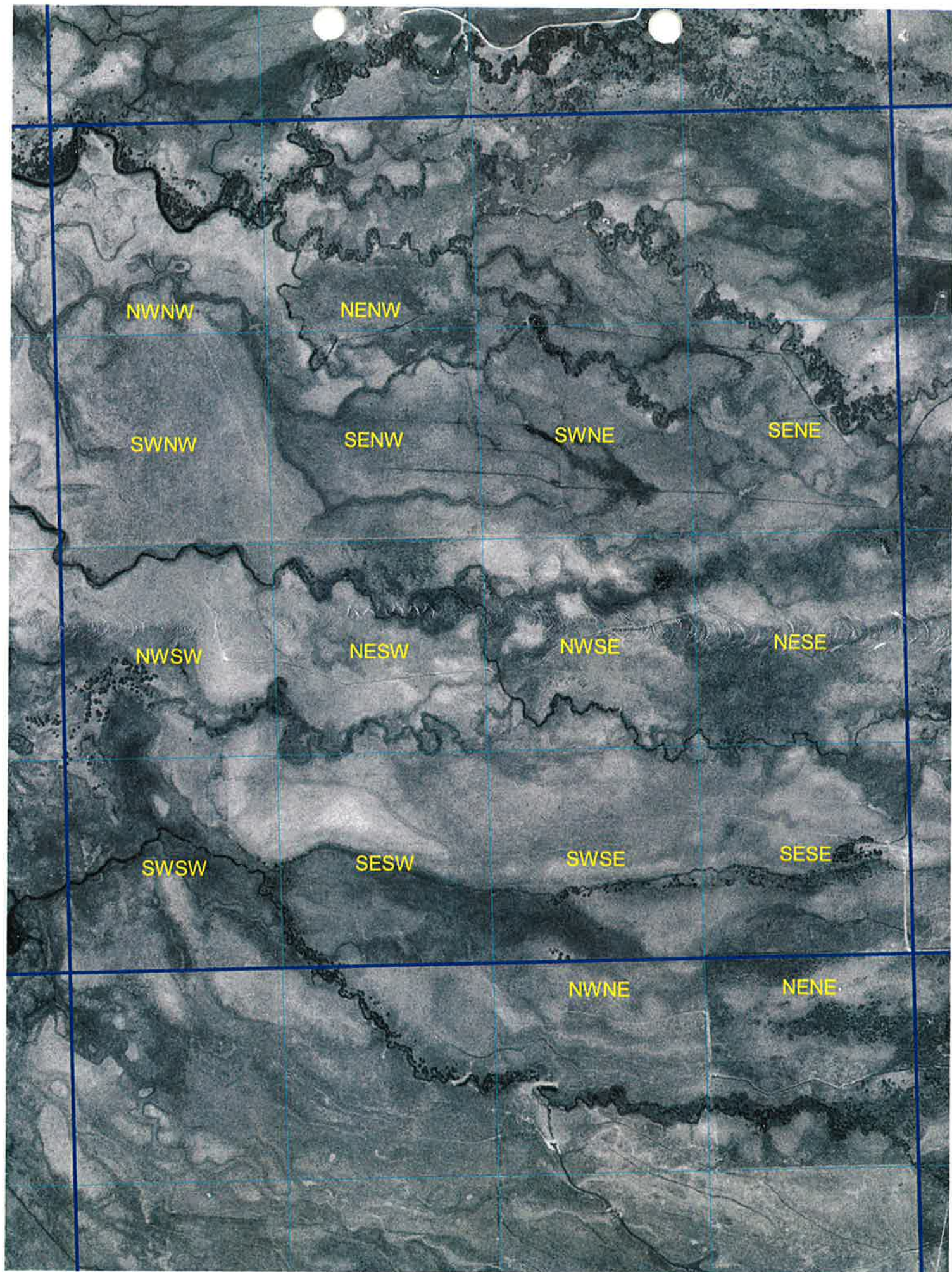
SWSE

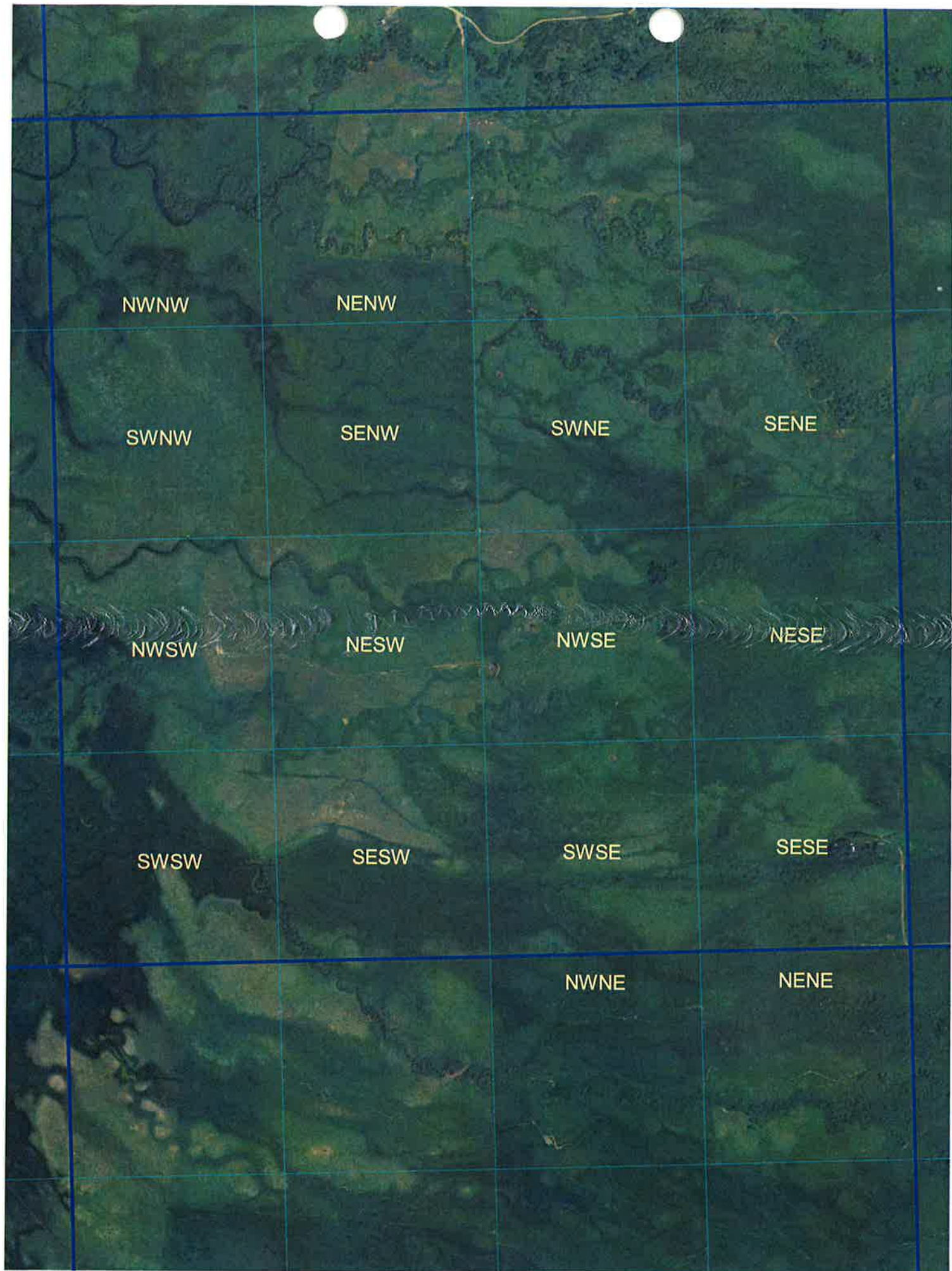
SESE

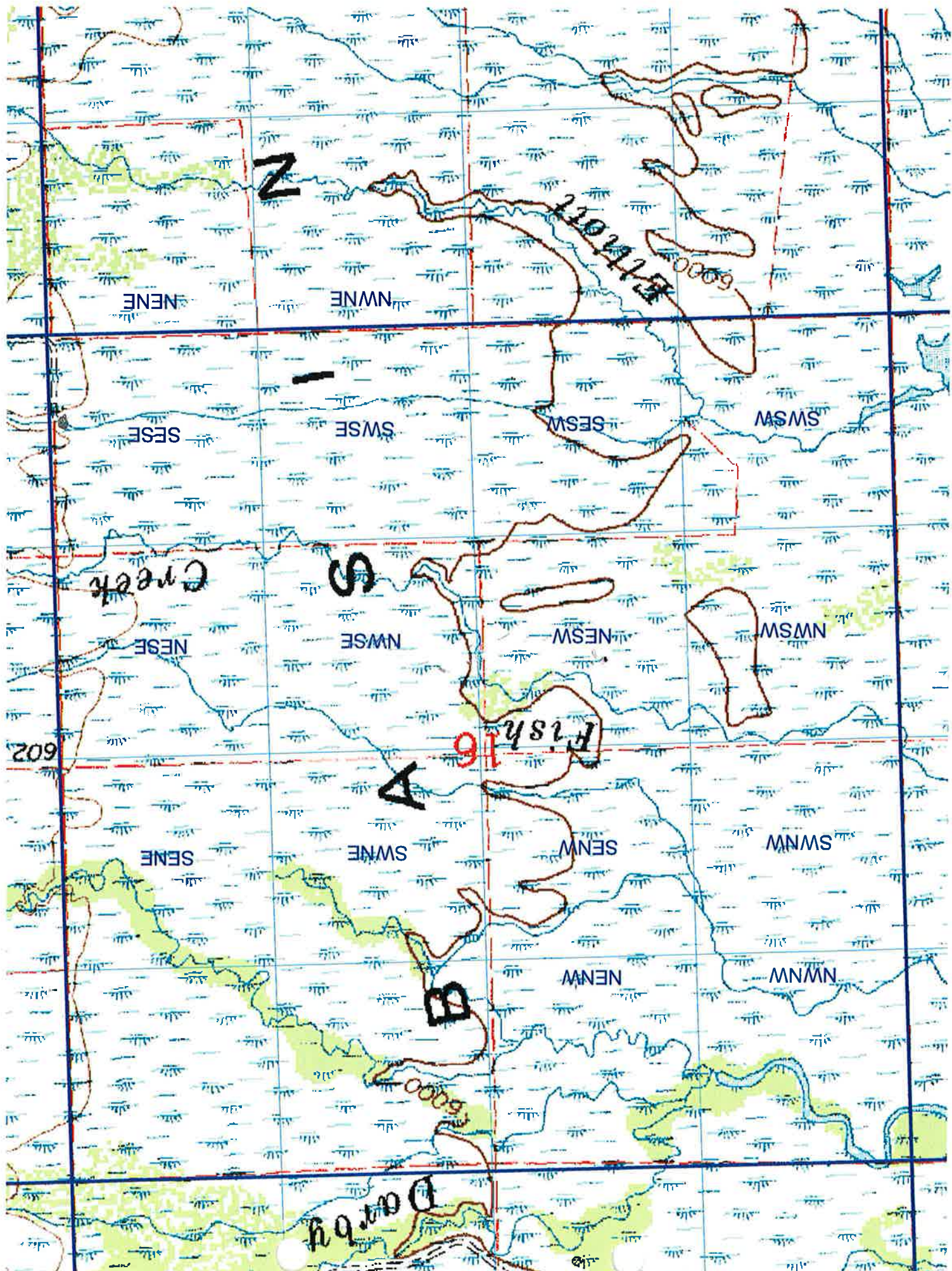
NWNE

NENE

Elliot Crk







To Whom It May Concern:

From: Mark E. Christensen
6118 N. 25th E.
Idaho Falls, ID 83401

Date: 23 June 2004

22-4084
RECEIVED
JUN 28 2004
Department of Water Resources
Eastern District Office

4N45E

As a youth growing up in Teton Valley, my father, Charles Elmer Christensen, told me about land he and his father, Charles Christensen, put under cultivation from its natural state. My father related to me that in 1936 he diverted water from the North and South Forks of Darby Creek to provide water for lands currently owned by my brother Alvie Christensen and me.

My father also related that in 1937 he and his father diverted water from a small creek, known then as Elliot Creek, or its tributaries to provide irrigation water for the adjoining 320 acres of land to the south of the 320 acres I currently own. The purpose of the diversion was to provide irrigation for that land where they were developing hay meadows. The adjoining land described here is currently owned by Gary Hill.

I personally remember going with my father during the winter of 1947-48 to feed beef cows that were being fed hay on the property presently owned by Gary Hill. The hay fed to the cows that winter had been raised on meadows put into cultivation during the latter 1930s which were well established "hay fields" and producing good meadow hay by 1947.

Mark E. Christensen



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

May 13, 2004

GARY R OR DONNA HILL
9298 S 600 E
REXBURG ID 83440

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Parnell
as well
Weeks

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4084

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

Your claim, as referenced above, claims a Priority Date AUG 17 1945 from FISH CREEK

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

May 13, 2004

**GARY R OR DONNA HILL
9298 S 600 E
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4084

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date AUG 17 1945 from FISH CREEK

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

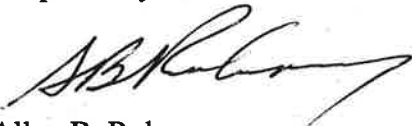
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

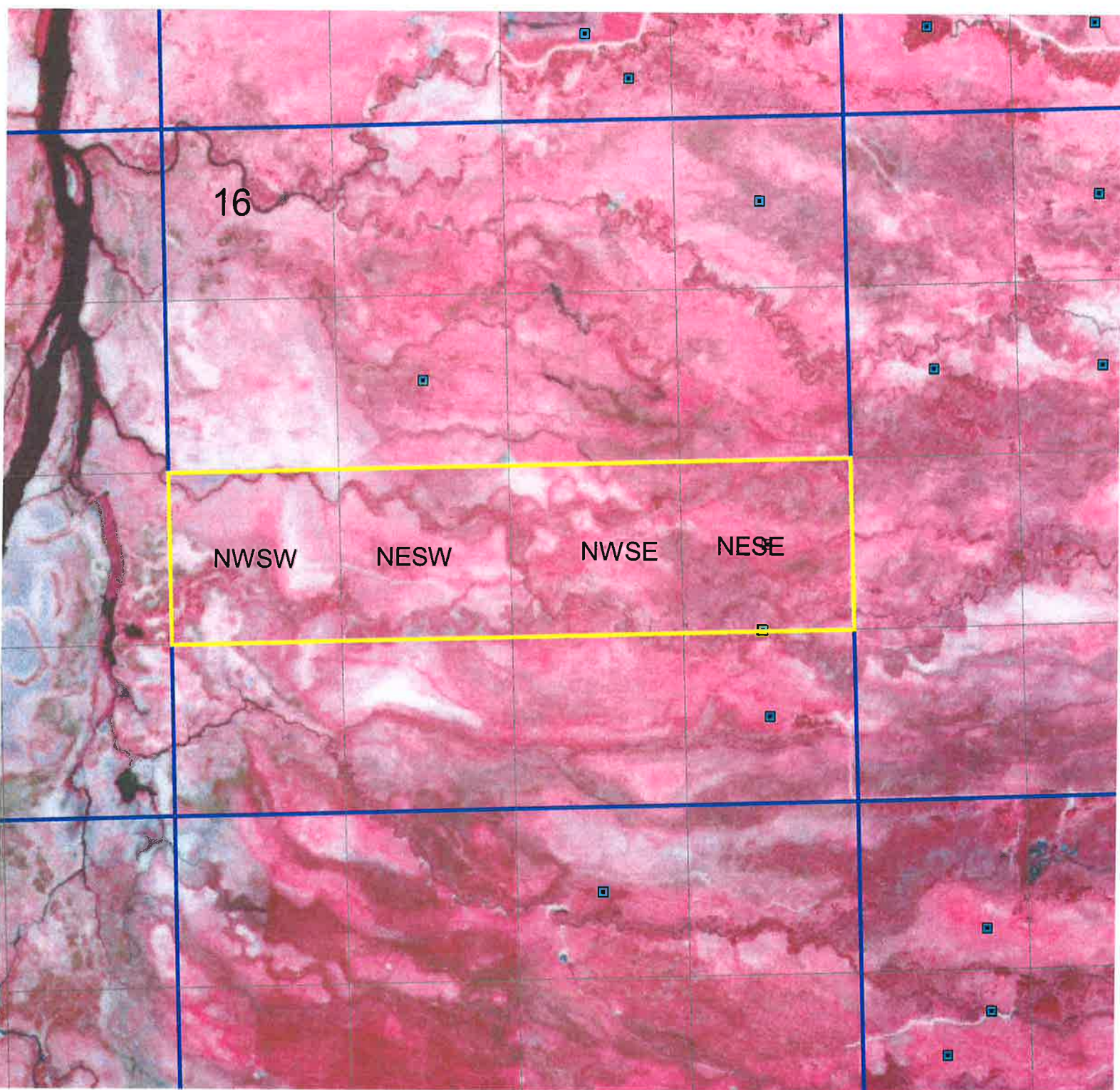
Respectfully submitted,


Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

22-4084



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: A22-04084
Date Received: 8/30/1988
Receipt No: E001926
Received By: DM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY R. HILL 208-356-5138
Address: 9298 SOUTH 600 EAST
REXBURG, ID 83440
OR
Name: DONNA HILL 208-356-5138
Address: 9298 SOUTH 600 EAST
REXBURG, ID 83440



2. Date of Priority: AUG 17, 1945

3. Source: FISH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	45E	16	NE	SE			TETON

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.900		
STOCKWATER	04/01	12/01	0.030		

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

A.F.A.

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

9. Non-irrigation uses:
S/100 RANGE.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	45E	16	NE		SW		IRR	27.0
			NW		SW		IRR	14.0
			NE		SE		IRR	27.0
			NW		SE		IRR	27.0
							Section Acres	95.0
							Total Acres	95.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): *George Dice* Date: 8-30-88

Date: _____

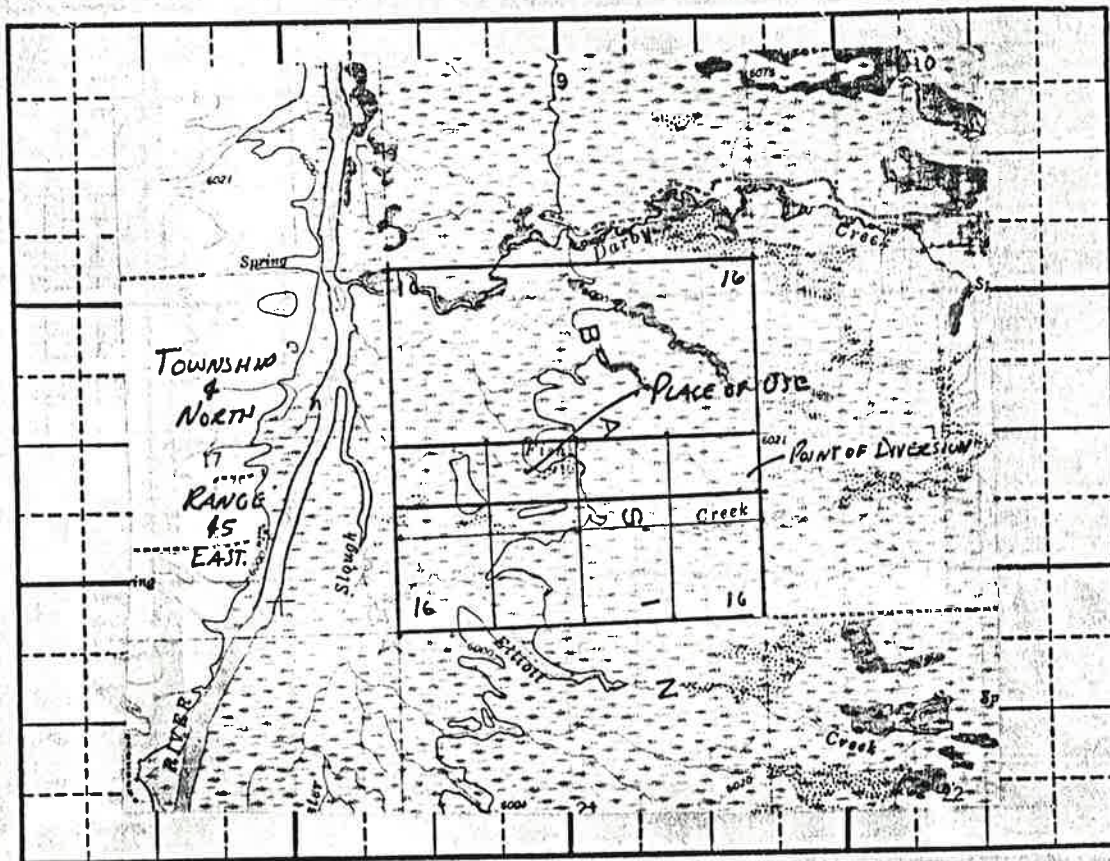
State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 30th day
of Aug 19 88 *Charles Gray*
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Bonneville

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 1st day of February

Gary Diehl
(Claimant)

19 83

Notary Public
Residing at Idaho Falls, ID

My commission expires 6/15/85

FOR DEPARTMENT USE ONLY

Received by SM Date 2-1-83 Exception filed by: _____ Date _____
Prelim. check by B Date 2-2-83
\$30.00 fee received by AW Date 2-1-83
Published in Teton Valley News #23363
Dates 2/10 & 2/17/83

MICROFILMED

OCT 29 1992