

12/14/2006

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

RIGHT NUMBER: 22-13229

NAME AND ADDRESS: TONI JEAN HILL
178 S 600 W
DRIGGS ID 83422

EDWIN C HILL
178 S 600 W
DRIGGS ID 83422

CLINTONIA JEAN HILL
178 S 600 W
DRIGGS ID 83422

EDDIE D HILL
168 S 600 W
DRIGGS ID 83422

BIG HOLE MOUNTAIN LTD PARTNERSHIP
178 S 600 W
DRIGGS ID 83422

SOURCE: MAHOGANY CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.420 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T04N R44E S12 NWSE Within TETON County

T04N R44E S12 SESE Injection Within TETON County

T04N R44E S12 SESE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	1.420 CFS

PLACE OF USE:

IRRIGATION in TETON County

T04N R44E S01	NWSW	33.00	T04N R44E S01	SWSW	32.00
T04N R44E S02	NESE	30.00	T04N R44E S02	SESE	31.00

126 ACRES TOTAL

This right is limited to the irrigation of 116.59 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 126 acres in a single irrigation season. Combined Right Nos.:22-13229, 22-13231, 22-13233, 22-13643

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

This right is a split from former right 22-26



Idaho Department of Water Resources

SRBA Recommendation:

22-13229

22-13231

22-13233

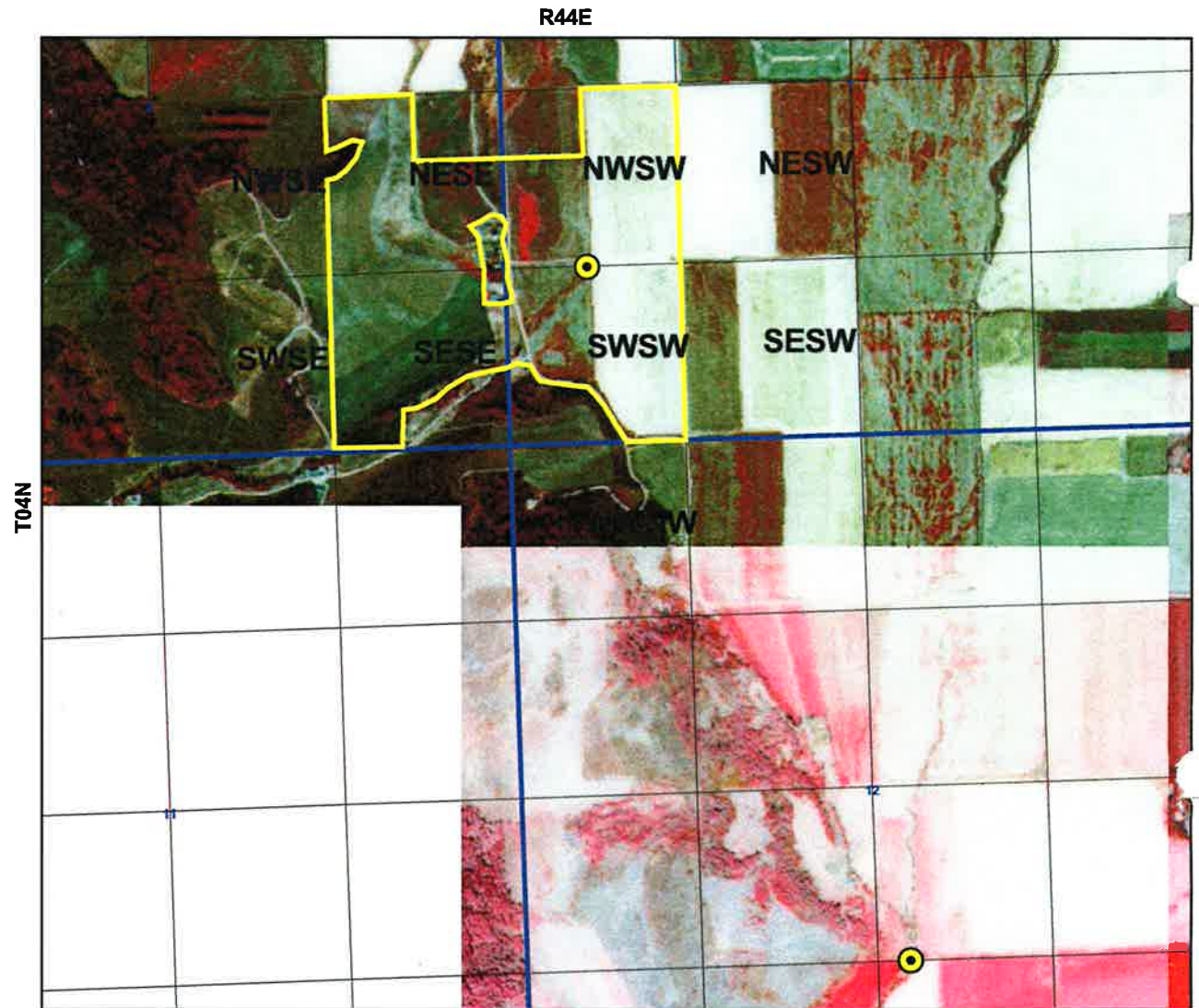
22-13643 (Irrigation)

Legend

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

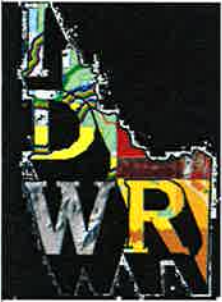


Teton County
IDWR Basin 22



0 0.5 1 Miles

Prepared by T. Galbraith
On Thursday, December 14, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

SRBA Recommendation:

22-13229

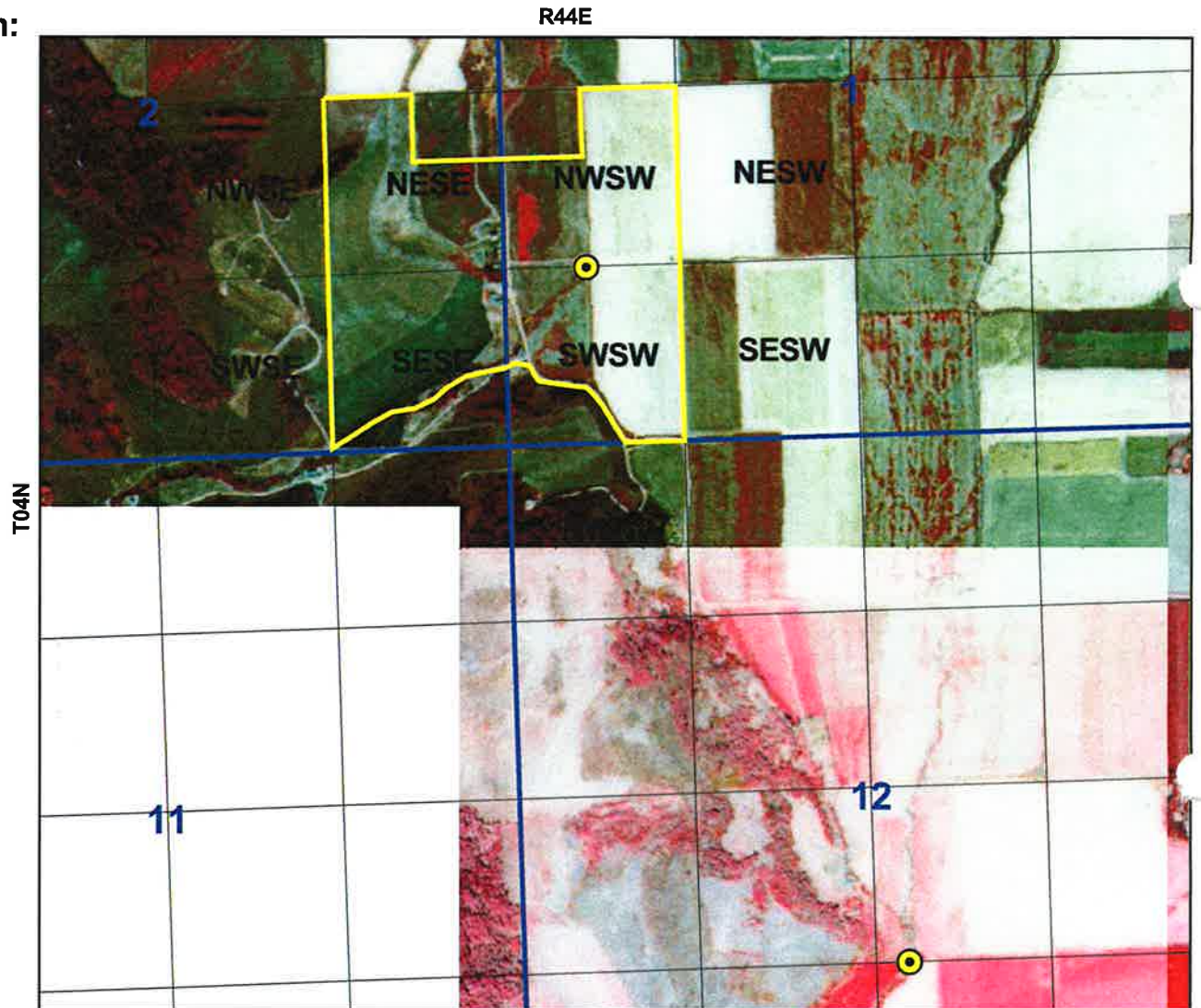
22-13233

Legend

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



Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Monday, May 15, 2006
1987/88 Aerial Photography

with point of diversion and for the irrigation of the lands described in Paragraph XVIII of the Findings of Fact.

22 0022 13. That the plaintiff, Henry Freeze is awarded the right to the use of .8 cubic foot per second or 40 miners inches of the waters of Trail Creek with a priority date of January 22nd, 1916, with point of diversion and for the irrigation of the lands described in Paragraph XIX of the Findings of Fact.

22 0023 14. That the plaintiff, Howard Tonks, is awarded the right to the use of 3.2 cubic feet per second or 160 miners inches of the waters of Trail Creek, with a priority date of January 22nd, 1916, with point of diversion and for the irrigation of the lands described in Paragraph XX of the Findings of Fact.

22 0024 15. That the plaintiff, M. P. Poulson, is awarded the right to the use of 3.2 cubic feet per second of 160 miners inches of the waters of Trail Creek, with a priority date of January 22nd, 1916, with point of diversion and for the irrigation of the lands described in Paragraph XXI of the Findings of Fact.

22 0025 16. That the plaintiff, A. W. Clark, Administrator of the

estate of the late J. W. Clark, deceased, is awarded the right

above described lands during each irrigating season, which has been in addition to any other rights fixed, decreed, or granted to the plaintiff, or his predecessors in interest.

XXIII.

That the plaintiff, Walter Wood, is the owner of or has an estate in the following described lands, to-wit:

27-26 $W\frac{1}{2}SW\frac{1}{4}$ of Section 1; $NE\frac{1}{4}SE\frac{1}{4}$ of section 2, in township 4 north, range 44 E.B.M.,

and is the owner of a ditch through which he conveys water from Mahogany Creek, with the point of diversion located in the $SE\frac{1}{4}SW\frac{1}{4}$ of section 12 in township 4 north, range 44 E.B.M., and the plaintiff, or his predecessor in interest, on or before and ever since the 22nd day of January, 1916, has so diverted 1.6 cubic feet per second or 80 miners inches of the waters of said creek, and has applied the same to beneficial use in the irrigation of said lands during each irrigating season, which has been in addition to any other rights fixed, decreed, or granted to the said plaintiff or his predecessors in interest, and,

27-27 Also, the $SE\frac{1}{4}SE\frac{1}{4}$ of section 2, township 4, north, range 44 E.B.M..



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 14, 2005

CLINTONIA HILL
BIG HOLE MTN LTD PARTNERSHIP
178 S 600 W
DRIGGS ID 83422

RE: SPLIT OWNERSHIP OF WATER RIGHT 22-13229, 22-13231, 22-13233

Dear Claimants:

Review of your "Notice of Change in Water Right Ownership" reveals a portion of the water right(s) listed above is appurtenant to your property. However, our office is unable to split water rights in Basin 22 until after we submit the Director's Report to the Snake River Basin Adjudication Court. Therefore, you have been added to the water right record(s) as a "present owner." This designation will allow you to receive copies of mailings that pertain to the water right(s) listed above.

Splitting rights will be completed following distribution of the Basin 22 Director's Report scheduled for mailing in 2006. At that time we will designate you "current owner" of your portion and notify the SRBA Court, so the water rights appurtenant to your property will be adjudicated in your name.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

Enclosure

cc: File: 22-13229

Eddie D. Hill

Edwin & Toni Hill

SCANNED

SEP 14 2005

PROFILED

P.O

Feb 24, 2004

IDWR
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402

RECEIVED

FEB 27 2004

Department of Water Resources
Eastern Region

Dear Sirs,

Enclosed you will find three separate change of ownership applications. All three pertain to the same water rights, so we thought it might be helpful if they were mailed together. You are welcome to call me if you have any questions.

Thank You,



Tom Hill
123 S. 500 W.
Driggs, ID 83422
(208) 354-2450

PROFILED

SCANNED

SEP 14 2005

M E M O R A N D U M

DATE: September 8, 2005

TO: File

FROM: Jennifer Crabtree, Technical Records Specialist

RE: Adding Present Owners

Per the procedure developed in August 2005 by the state office staff, legal, and the court, I added the new claimants as "present owners" and left the old claimants as "current owners". Once the director's report is issued and all the ownership changes are received, the recommendation will be split as per our normal procedure.

PROFILED

SCANNED
SEP 14 2005

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
FEB 27 2004
Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
22-13229	X				
22-13231	X				
22-13233	X				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Edwin & Toni Hill
4. New Owner/Claimant(s) Clinton & Jean Hill
- Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 178 S 600 W
- City, State and ZIP Code Driggs, ID 83422
- New Telephone Number (208) 354-2747
5. Date you acquired the property 11-2-94

Added at present owner 9/13/05 JGC

PROFILED

SCANNED
SEP 14 2005

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>22-13229</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.18 CFS</u>	<u>14.8 Acres</u>
Stock		<u>(11.2 SE 1/4 SE 1/4, Sec. 2, T4N, R44E)</u>
Domestic		<u>(3.6 NE 1/4 SE 1/4, Sec. 2, T4N, R44E)</u>
Other		
Total	<u>.18 CFS</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>22-13231</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.08 CFS</u>	<u>14.8 Acres</u>
Stock		<u>(Same as Above)</u>
Domestic		
Other		
Total	<u>.08 CFS</u>	

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Clintonia Jean Hall

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

PROFILED

SCANNED

SEP 14 2005

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 22-13233

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.08 CFS</u>	<u>14.8 Acres</u>
Stock		<u>(Same as Previous Page)</u>
Domestic		
Other		
Total	<u>.08 CFS</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Clintonia Jean Hill

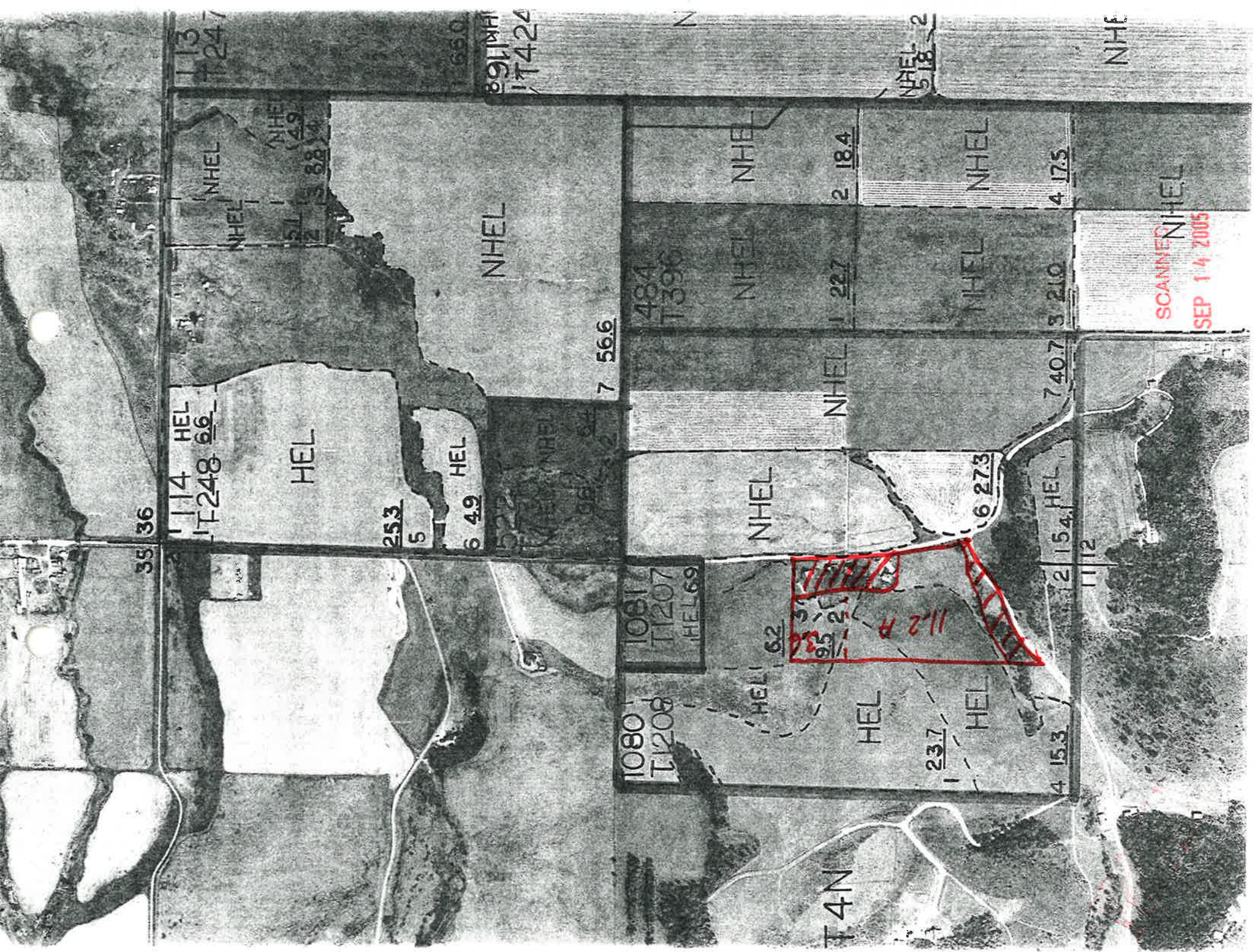
For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

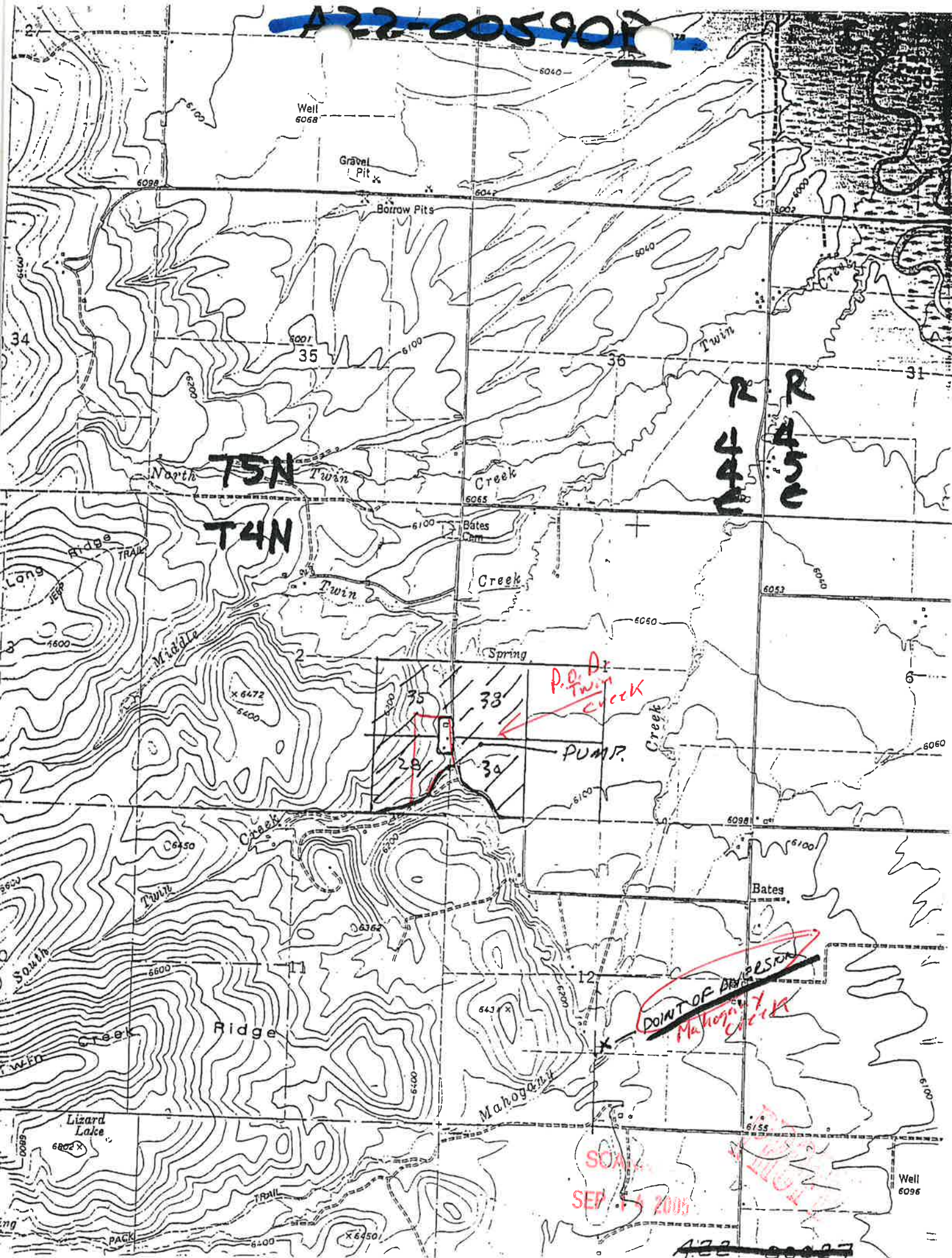
Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

PROF

SCANNED
SEP 14 2005



A22-005901



118302

NOV 30 1994

PERSONAL REPRESENTATIVE'S DEED

TETON Co. Id.
Clerk Recorder

THIS INDENTURE, Made this 2nd day of November, 1994,
between Clintonia "Toni" Jean Withers Hill, Personal
Representative of the Estate of Edwin Clive Hill, deceased, of
178 South 600 West, Driggs, Idaho 83422, the party of the first
part, and Clintonia "Toni" Jean Withers Hill, of 178 South 600
West, Driggs, Idaho 83422, the party of the second part,

WITNESSETH, That the said party of the first part, as
the duly appointed, qualified and acting Personal Representative
of said estate, does by these presents grant, convey and confirm,
unto the said party of the second part, and to her heirs and
assigns forever, in the below described property at the time of
said decedent's death, and also, all the right, title and
interest that the said estate, by operation of law or otherwise,
may have acquired since the decedent's death in and to the
following described real estate situated in Teton County, State
of Idaho, to-wit:

West One-Half of the Southwest Quarter of Section 1 and
the East One-Half of the Southeast Quarter of Section
2, all in Township 4 North, Range 44 East, Boise
Meridian, together with all water rights appertaining
thereto.

Together with all water and ditch rights and all other
improvements and appurtenances. Together with all and singular
the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, and the reversion and
reversions, remainder and remainders and rents, issues and
profits thereof;

SCAN

SEP 14 2005

PROFILED

118302

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to her heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part,
Personal Representative, has, as aforesaid, hereunto set her hand
the day and year first above written.

Clintonia "Toni" Jean Withers Hill
Clintonia "Toni" Jean Withers Hill

STATE OF IDAHO,
County of Madison.

On this 2nd day of November, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Clintonia "Toni" Jean Withers Hill, known to me to be the person whose name is subscribed to the within instrument as the Personal Representative of the Estate of Edwin Clive Hill and acknowledged to me that she executed the same as such Personal Representative of said estate.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.




Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires 6-8-99

118302
FILED

AT THE REQUEST OF

Lighty, Thatchers Andrus
AT 16 MINUTES PAST 10 a M
DATE Nov. 30, 1994
Asa J. Drake
CLERK OF RECORDER
BY Nora Lighty

PROFILES

SEP 14 2005

Films
Index©

Water Right No(s). _____



Tag # 10013802 Location: Concrete Structure

Diversion Data:

Source: Mahogany Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

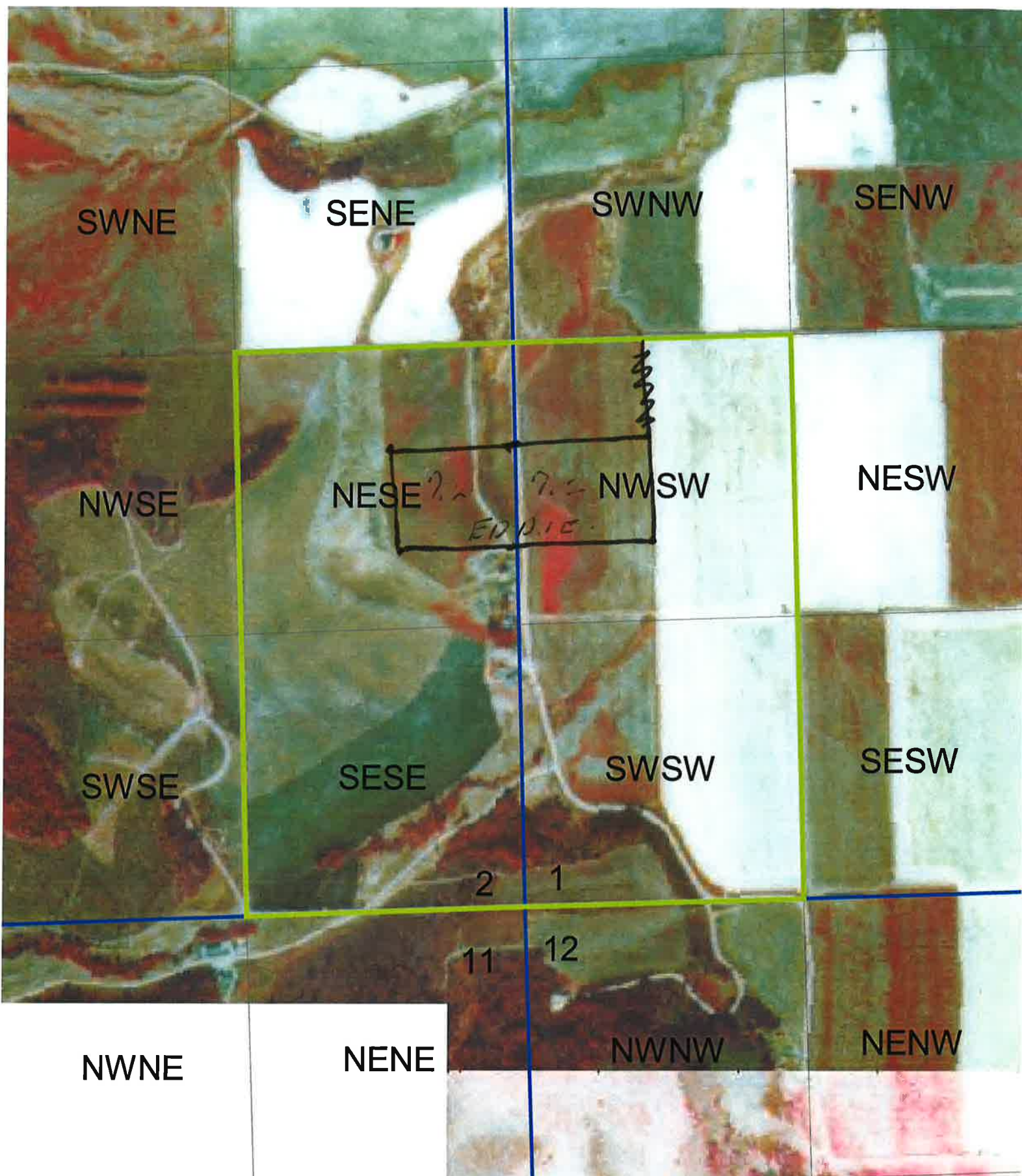
Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

WATER IS DIVERTED FROM Mahogany Creek
into Ditch To Ditch pump, pumped into
hand + wheel. lines other rights used.
ADD- 13231, 2213233

Field Exam Date: 11-19-04 Agent: Nick Olson

22-13229





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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 19, 2002

EDWIN & TONI HILL
178 S 600 W
DRIGGS ID 83422

RE: CHANGE IN OWNERSHIP FOR 22-26, 22-27, 22-590B

Dear Mr. & Mrs. Hill:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

22-26:

22-13229, 116.59 acres, 1.42 cfs, Edwin & Toni Hill
22-13230, 14.41 acres, 0.18 cfs, Thomas & Lexi Hill

22-27:

22-13231, 116.59 acres, 0.72 cfs, Edwin & Toni Hill
22-13232, 14.41 acres, .08 cfs, Thomas & Lexi Hill

22-590B:

22-13233, 116.59 acres, 0.72 cfs, Edwin & Toni Hill
22-13234, 14.41 acres, .08 cfs, Thomas & Lexi Hill

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

MAR 15 2002

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>BA 22-00026</u>		<u>X</u>			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Edwin C. Hill And/or Toni Jean Hill
178 So. 600 W Driggs, ID 83422
4. New Owner/Claimant(s) Lexie G. Hill and/or Thomas E. Hill
 Name Connector (Check one): [] and, [] or, ☒ and/or
- New Mailing Address 123 So. 500 W.
- City, State and ZIP Code Driggs, ID 83422
- New Telephone Number (208) 354-2450
5. Date you acquired the property Jan. 31, 2002

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 22-13229
Date Received: 4/18/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TONI JEAN HILL Phone: (208) 354-2747
178 S 600 W
DRIGGS ID USA 83422

EDWIN C HILL Phone: (208) 354-2747
178 S 600 W
DRIGGS ID USA 83422

2. Date of Priority: 01/22/1916

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	44E	12	NW SE	TETON	

5. Description of diverting works:

PUMP FROM STREAM TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.42	

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

8. Total consumptive use:

9. Non-irrigation uses:

A2213229



10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	44E	1	SW	SW	IRRIGATION	30
			NW	SW	IRRIGATION	31.56
					Section Acres	61.56
04N	44E	2	SE	SE	IRRIGATION	28
			NE	SE	IRRIGATION	27.03
					Section Acres	55.03
					Total Acres	116.59

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: Decreed