

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 22-26



Idaho Department of Water Resources

SRBA Recommendation:

22-13230

22-13234

(Irrigation)

Legend

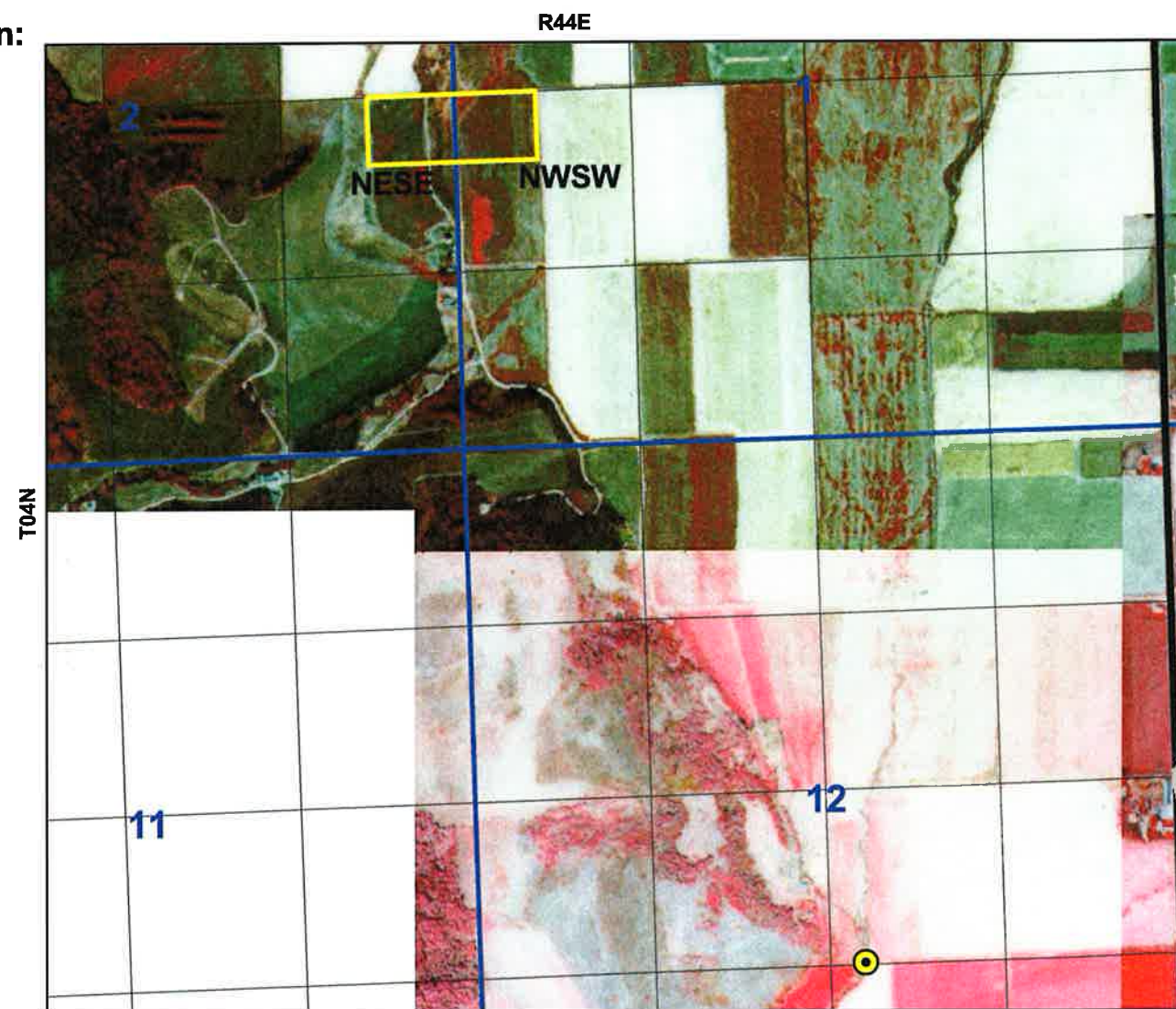
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Friday, October 13, 2006
1987/88 Aerial Photography



0 0.5 1 Miles

Water Right No(s).



GPS DATA:

Tag # AD 013802 Location: 0 92 4950 photo # 1
0 29 0734 Hill-T-3

Diversion Data:

Source: Mnhogany Creek Trib to: Teton River

MOTOR

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

PUMP

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

NOTES:

Water Transferred down Titch to Field
pump. into Sprinkler wheel line + some
hand lines

Field Exam Date: 6-4-04 Agent: Nick Owen

11-18-04

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

22 0022¹³. 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 0023¹⁴. 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 0024¹⁵. That the plaintiff, M. P. Poulson, 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 XXI of the Findings of Fact.

22 0025¹⁶. That the plaintiff, A. W. Clark, Administrator of the estates of Edward and Jane Ellis, deceased, is awarded the right to the use of 6.4 cubic feet per second or 320 miners inches of the waters of Mahogany Creek, with point of diversion and for the irrigation of the lands described in Paragraph XXII of the Findings of Fact.

22 0026¹⁷. That the plaintiff, Walter Wood, is awarded the right to the use of 1.6 cubic feet per second or 80 miners inches of Mahogany Creek, with a date of priority of January 22nd, 1916, with point of diversion and for use upon the lands described in Paragraph XXIII of the Findings of Fact.

22 0027¹⁸. That the plaintiff, Walter Wood, is awarded the right to .8 cubic feet per second or 40 miners inches of the waters of South Twin Creek, with priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XXIV of the Findings of Fact.

22 0028¹⁹. That the plaintiff, Walter Wood, is awarded the

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:

$W\frac{1}{2}SW\frac{1}{4}$ 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,

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

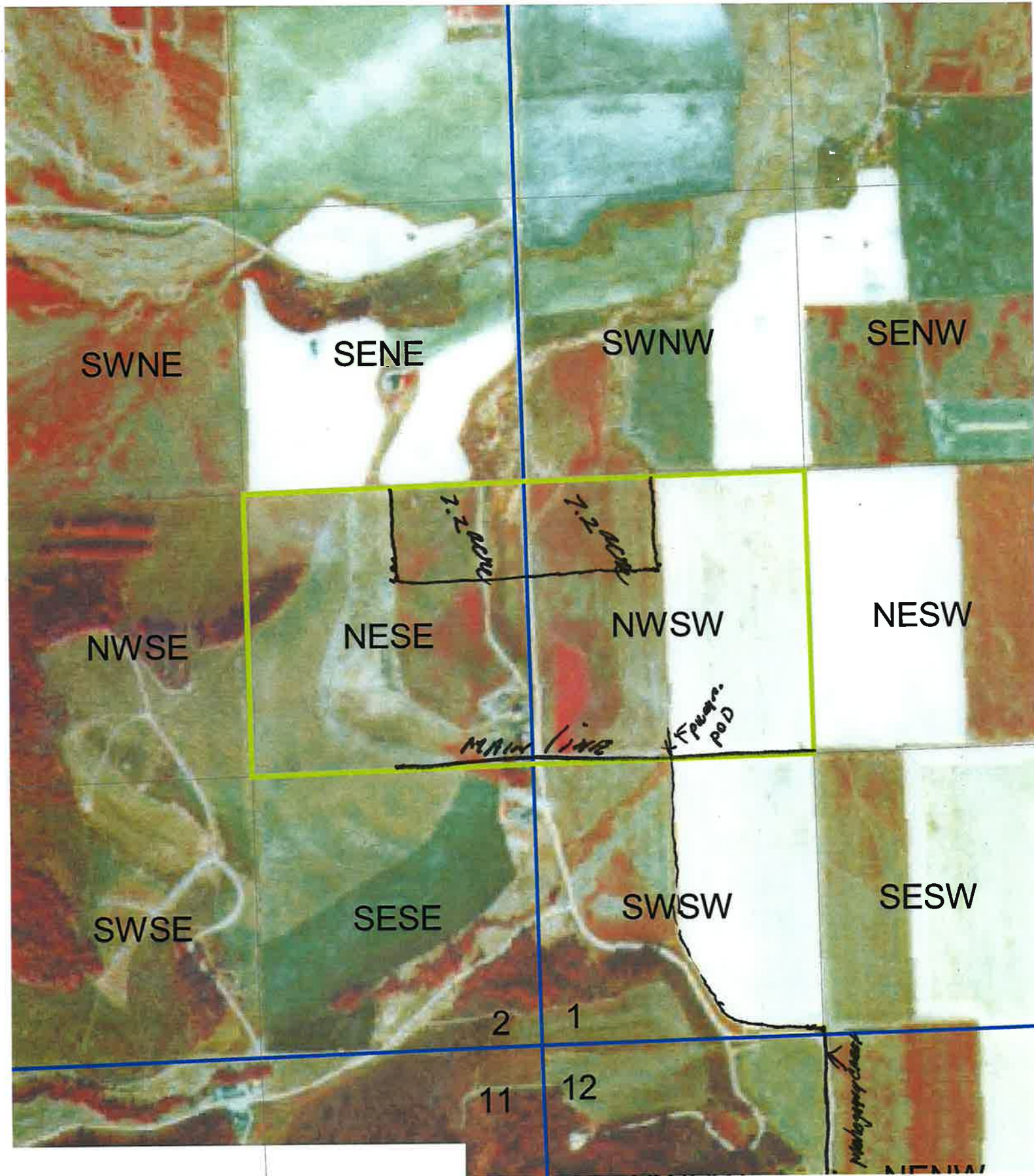
and is the owner of a ditch through which he conveys water from South Twin Creek, with the point of diversion located in the $SE\frac{1}{4}SW\frac{1}{4}$ of section 2, township 4 north, range 44 E.B.M., and the plaintiff, or his predecessor in interest, on or before and ever since the 22nd day of January, 1916, has so diverted .8 cubic foot per second or 40 miners inches of the waters of said creek, and has applied the same to beneficial use in the irrigation of the above described 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, -

Also: The $SW\frac{1}{4}SE\frac{1}{4}$ of section 35 in township 5 north, range 44 E.B.M.,

and is the owner of a ditch through which he conveys water from North Twin Creek, with the point of diversion located in the $SW\frac{1}{4}SE\frac{1}{4}$ of section 35, in township 5 north, range 44 E.B.M., and

22-00028

22-13230





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

April 19, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

THOMAS & LEXIE HILL
123 S 500 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
0A22-00026		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 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

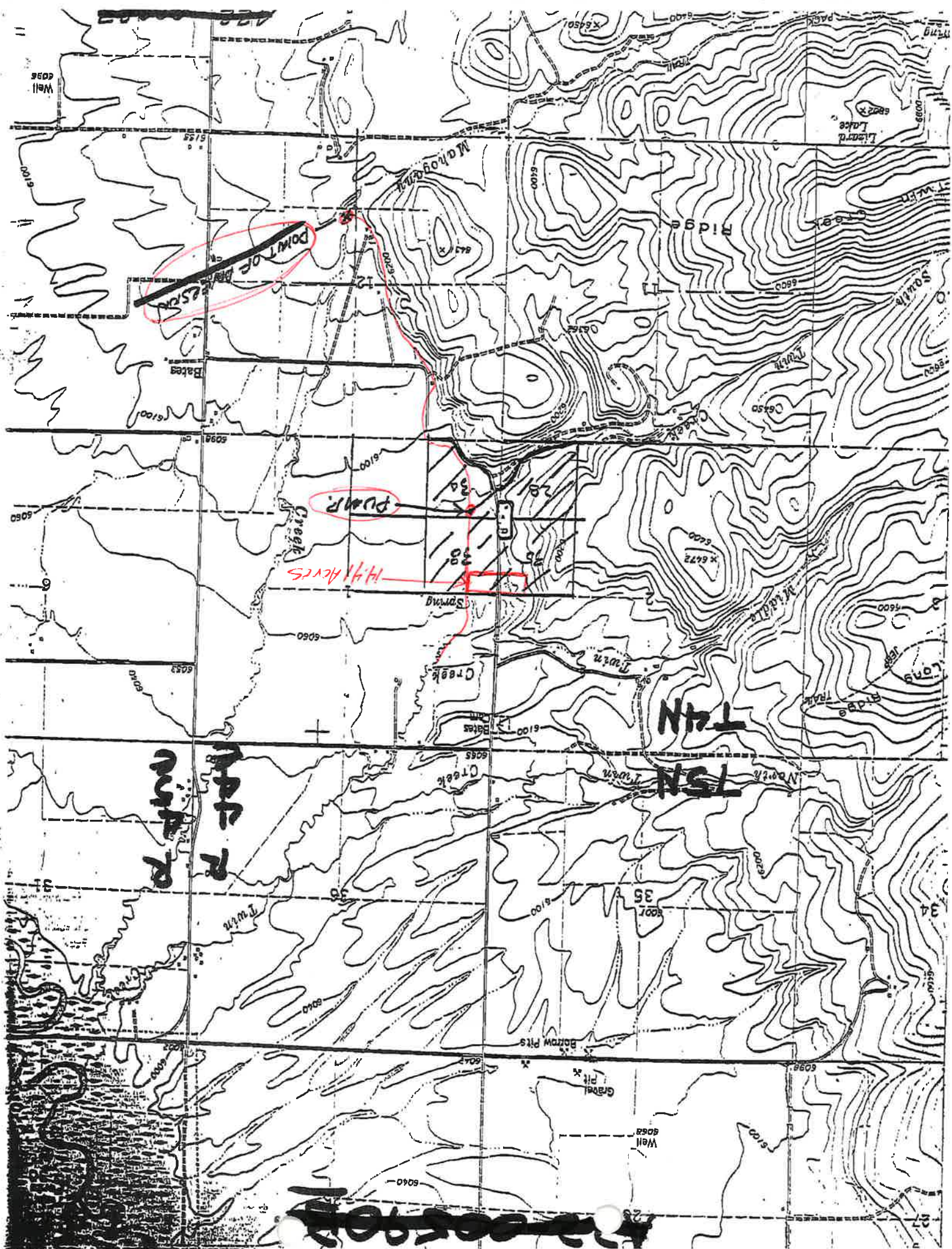
Driggs, ID 83422

New Telephone Number

(208) 354-2450

5. Date you acquired the property

Jan. 31, 2002



RECEIVED

JAN 31 2002

TETON CO. ID
CLERK RECORDER

146547

WARRANTY DEED

Instrument # 146547

DRIGGS, TETON, IDAHO

2002-01-31

02:13:13 No. of Pages: 3

Recorded for: TOM HILL

NOLAN G. BOYLE

Fee: 8.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

THIS INDENTURE is made this 31 day of January, 2002, by Clintonia Jean Hill, a single woman, the Grantor, and Thomas Edwin Hill and Lexie G. Hill, husband and wife, the Grantee, whose mailing address is 123 South 500 West, Driggs, Idaho, 83422.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, an undivided thirty percent (30%) interest in the following described property in the County of Teton, State of Idaho, to-wit:

A PART OF SECTIONS 1 AND 2, TWP. 4N., RNG. 44E., B.M., TETON COUNTY, IDAHO,

BEING FURTHER DESCRIBED AS:

COMMENCING AT THE W 1/4 CORNER OF SAID SECTION 1;

THENCE S 89°34'03"E, 590.02 FEET ALONG THE NORTH LINE OF THE SW 1/4 OF SAID SECTION 1 TO A POINT;

THENCE SOUTH, 497.35 FEET TO A POINT;

THENCE WEST, 1254.72 FEET TO A POINT;

THENCE NORTH, 500.27 FEET TO A POINT ON THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 2;

THENCE N 89°52'05"E, 664.72 FEET ALONG THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 2 TO THE POINT OF BEGINNING.

SUBJECT TO A COUNTY ROAD AND UTILITY EASEMENT BEING 30 FEET ON EACH SIDE OF THE EXISTING COUNTY ROAD CENTERLINE.

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the

Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

Restrictions.

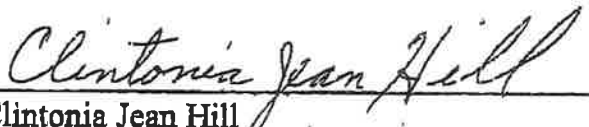
1. The above parcel cannot be further split under the provisions of the Teton County Subdivision Ordinance, Article VII, Section 1-7-16: One Time Only Split of One Parcel of Land, June 14, 1999,

2. Upon compliance with applicable laws, ordinances and regulations, this parcel may be divided into two parcels, with no additional subdivision allowed.

3. If this parcel is divided, only one single family dwelling may be constructed on each subdivided parcel. If the parcel is not subdivided, only one single family dwelling and a guest home may be constructed on such parcel.

Grantor retains a thirty (30) foot easement from the county road running east along the northern boundary. This easement is for the benefit of the grantor and the grantor's assigns, but not for any public access. Grantor and Grantor's assigns shall be responsible for all maintenance and upkeep costs with respect to said easement.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Clintonia Jean Hill

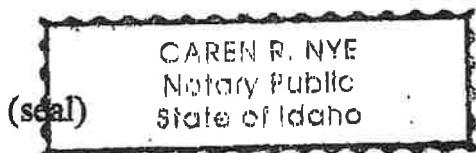
STATE OF IDAHO)

County of Teton)

)ss.

On this 31 day of January, 2002, before me the undersigned, a Notary Public, in and for said State, personally appeared Clintonia Jean Hill known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



Caren R. Nye
Notary Public for Idaho.
Residing at Driggs Idaho
My Commission Expires: 03/20/06

C:\My Documents\TOM\form00.wd.wpd 2002 deed.fm

RECEIVED

JAN 03 2001

140947

TETON CO., ID
CLERK RECORDER

WARRANTY DEED

THIS INDENTURE is made this 2nd day of January, 2001, by Clintonia Jean Hill, a single woman, the Grantor, and Thomas Edwin Hill and Lexie G. Hill, husband and wife, the Grantee, whose mailing address is 123 South 500 West, Driggs, Idaho, 83422.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, an undivided thirty-five percent (35%) interest in the following described property in the County of Teton, State of Idaho, to-wit:

A PART OF SECTIONS 1 AND 2, TWP. 4N., RNG. 44E., B.M., TETON COUNTY, IDAHO,

BEING FURTHER DESCRIBED AS:

COMMENCING AT THE W 1/4 CORNER OF SAID SECTION 1;

THENCE S 89°34'03"E, 590.02 FEET ALONG THE NORTH LINE OF THE SW 1/4 OF SAID SECTION 1 TO A POINT;

THENCE SOUTH, 497.35 FEET TO A POINT;

THENCE WEST, 1254.72 FEET TO A POINT;

THENCE NORTH, 500.27 FEET TO A POINT ON THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 2;

THENCE N 89°52'05"E, 664.72 FEET ALONG THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 2 TO THE POINT OF BEGINNING.

SUBJECT TO A COUNTY ROAD AND UTILITY EASEMENT BEING 30 FEET ON EACH SIDE OF THE EXISTING COUNTY ROAD CENTERLINE.

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the

Instrument # 140947

DRIGGS, TETON, IDAHO

2001-01-03 03:57:31 No. of Pages: 3

Recorded for: TOM HILL

NOLAN G. BOYLE

Ex-Officio Recorder Deputy

Fee: \$10.00

Indicates Priority Warranty

Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

Restrictions.

1. The above parcel cannot be further split under the provisions of the Teton County Subdivision Ordinance, Article VII, Section 1-7-16: One Time Only Split of One Parcel of Land, June 14, 1999.

2. Upon compliance with applicable laws, ordinances and regulations, this parcel may be divided into two parcels, with no additional subdivision allowed.

3. If this parcel is divided, only one single family dwelling may be constructed on each subdivided parcel. If the parcel is not subdivided, only one single family dwelling and a guest home may be constructed on such parcel.

Grantor retains a thirty (30) foot easement from the county road running east along the northern boundary. This easement is for the benefit of the grantor and the grantor's assigns, but not for any public access. Grantor and Grantor's assigns shall be responsible for all maintenance and upkeep costs with respect to said easement.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Clintonia Jean Hill

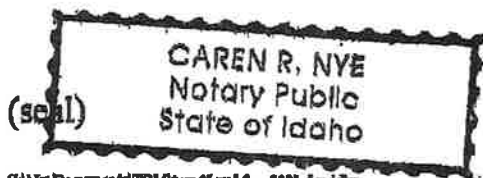
STATE OF IDAHO)

County of Teton)

)ss.
)

On this 2 day of January, 2001, before me the undersigned, a Notary Public, in and for said State, personally appeared Clintonia Jean Hill known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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 Shipp Idaho
My Commission Expires 03/20/06

140859

RECEIVED

DEC 27 2000

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

THIS INDENTURE is made this 26 day of December, 2000, by Clintonia Jean Hill, a single woman, the Grantor, and Thomas Edwin Hill and Lexie G. Hill, husband and wife, the Grantee, whose mailing address is 123 South 500 West, Driggs, Idaho, 83422.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, an undivided thirty-five percent (35%) interest in the following described property in the County of Teton, State of Idaho, to-wit:

A PART OF SECTIONS 1 AND 2, TWP. 4N., RNG. 44E., B.M., TETON COUNTY, IDAHO,

BEING FURTHER DESCRIBED AS:

COMMENCING AT THE W 1/4 CORNER OF SAID SECTION 1;

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THENCE NORTH, 500.27 FEET TO A POINT ON THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 2;

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SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the

140859

Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

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Grantor retains a thirty (30) foot easement from the county road running east along the northern boundary. This easement is for the benefit of the grantor and the grantor's assigns, but not for any public access. Grantor and Grantor's assigns shall be responsible for all maintenance and upkeep costs with respect to said easement.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

Clintonia Jean Hill
Clintonia Jean Hill

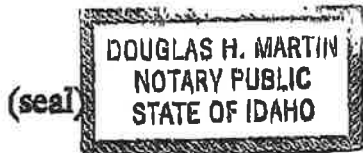
STATE OF IDAHO)

County of Teton)

)ss,

On this 27th day of December, 2000, before me the undersigned, a Notary Public, in and for said State, personally appeared Clintonia Jean Hill known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



C:\My Documents\TOM\from00\wd\wpd 2000 dapl.dgn


Notary Public for Idaho
Residing at 22199 S. Idaho 83422
My Commission Expires: 8-28-2004

140859

FILED
AT THE REQUEST OF
Tom Hill
AT 16 MINUTES PAST 10 M
DATE Dec 27 2000
Sharon B. Boyle
CLERK OF RECORD
BY Hayden Leusser DEPUTY

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 22-13230
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)

THOMAS E HILL Phone: (208)354-2450
123 S 500 W
DRIGGS ID USA 83422

LEXIE G HILL Phone: (208)354-2450
123 S 500 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	0.18	

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

8. Total consumptive use:

9. Non-irrigation uses:



10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	44E	1	NW	SW	IRRIGATION	6.44
						Section Acres 6.44
04N	44E	2	NE	SE	IRRIGATION	7.97
						Section Acres 7.97
						Total Acres 14.41

11. Place of use in counties: TETON

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

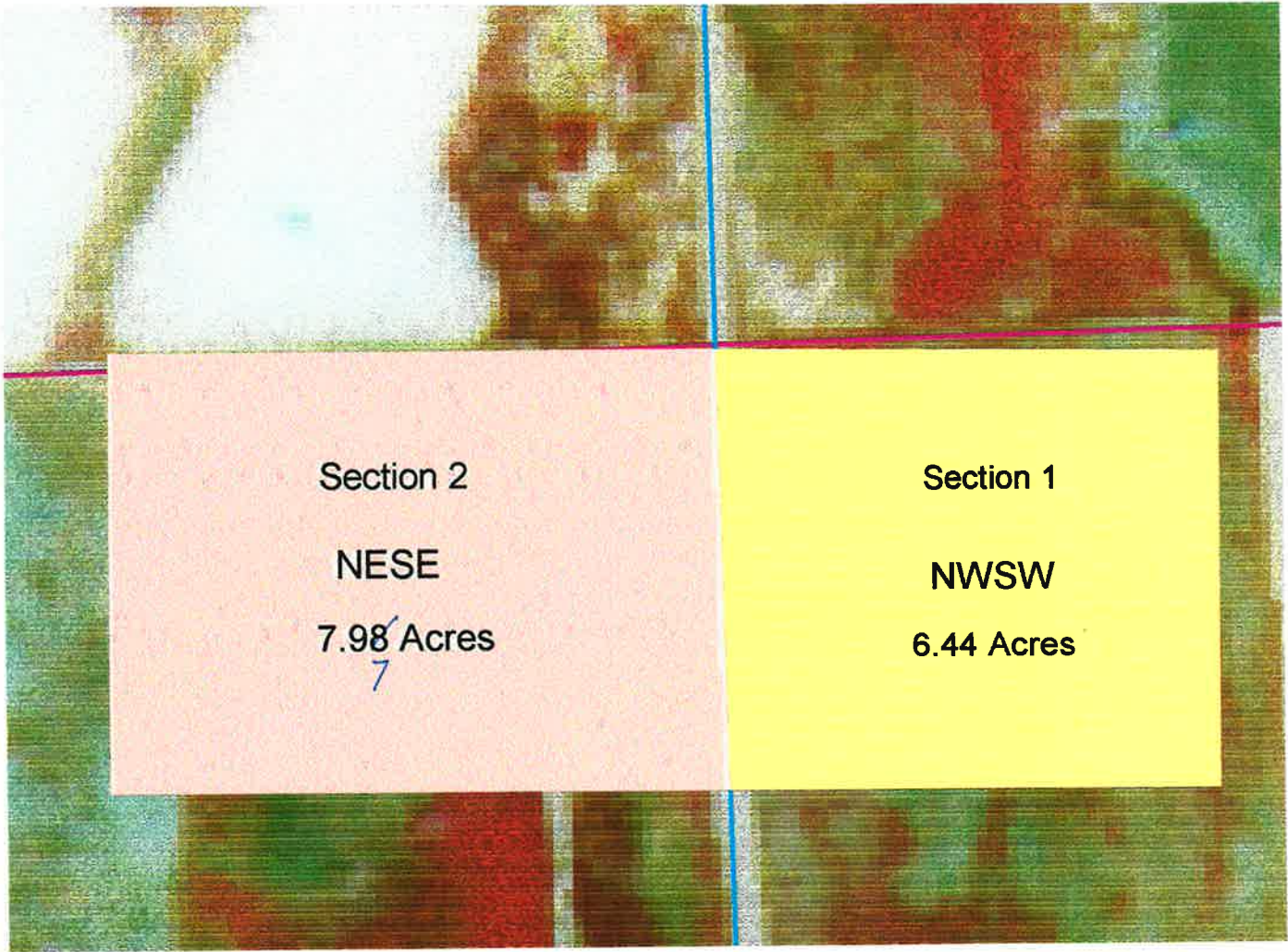
13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 22-26

15. Basis of Claim: Decreed

Thomas & Lexie Hill



-  **Thomas hill.shp**
-  **St04n44e.shp**
-  **T04n44e.shp**

