

05/16/2006

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

RIGHT NUMBER: 22-13242

NAME AND ADDRESS: THOMAS E HILL
123 S 500 W
DRIGGS ID 83422

LEXIE G HILL
123 S 500 W
DRIGGS ID 83422

SOURCE: MAHOGANY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:
T04N R44E S1 NESWSE 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	0.800 CFS
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		
	T04N R45E S06 Lot 4 NWNW	38.00	
	38 ACRES TOTAL		

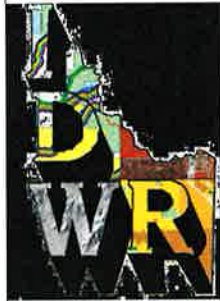
Right Nos. 22-13227 and 22-13242 are limited to the irrigation of a combined total of 38 acres in a single irrigation season.

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 22-32



Idaho Department of Water Resources

SRBA Recommendation:

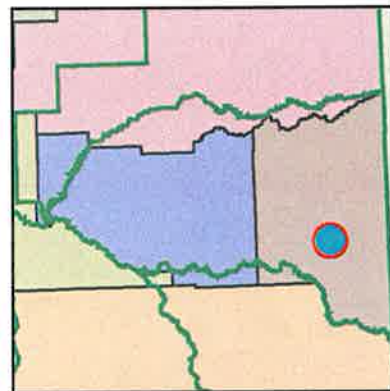
22-13227

22-13242

(Irrigation)

Legend

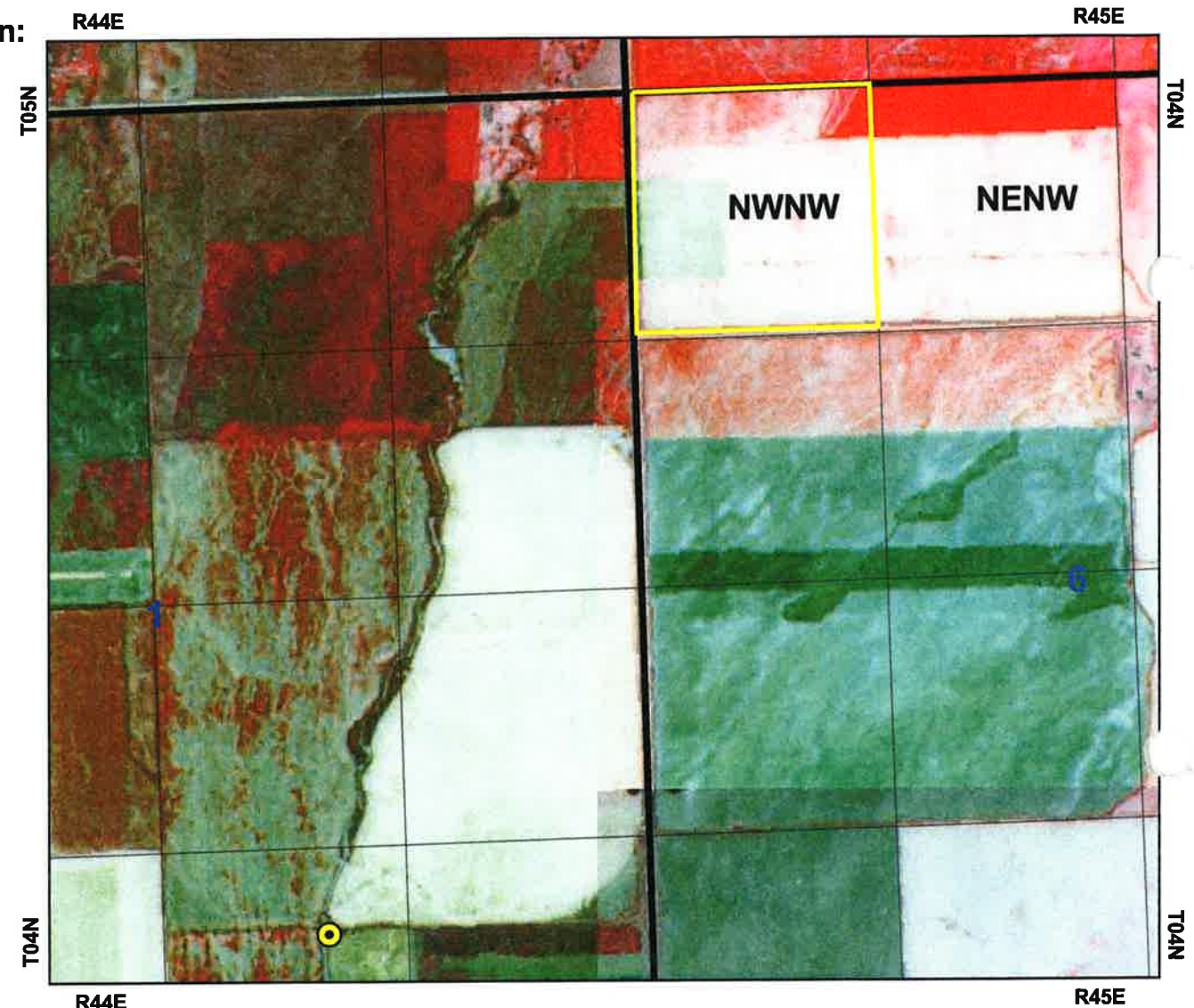
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



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



Water Right No(s). _____



GPS DATA:

0725097

Tag # A0013804 Location: 0292205

H11-T

Diversion Data:

Source: Maho Garry Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

photo # 12 TAKEN IN EAST DIRECTION
WATER FLOWS IN TO DITCH TO POW.

Field Exam Date: 6-3-04 Agent: Wick

right to the use of .8 cubic feet per second or 40 miners inches of the waters of North Twin Creek, with a priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XXIII of the Findings of Fact.

22 0029²⁰. That the plaintiff, Narva Dustin, is awarded the right to the use of 1.6 cubic feet per second or 80 miners inches, of the waters of Mahogany Creek, with priority date of January 22nd, 1916, with point of diversion and for the irrigation of the lands described in Paragraph XXIV of the Findings of Fact.

22 0030²¹. That the plaintiff, Golden R. Wood, is awarded the right to the use of 3.2 cubic feet per second or 160 miners inches of the waters of Mahogany Creek, with a priority date of January 22nd, 1916, with point of diversion and for the irrigation of the lands described in Paragraph XXV of the Findings of Fact.

22 0031²². That the plaintiff, A. C. Buxton, is awarded the right to the use of 1.6 cubic feet per second or 80 miners inches of the waters of Mahogany Creek, with point of diversion and for the irrigation of the lands described in XXVI of the Findings of Fact.

22 0032²³. That the plaintiff, Louie Buxton, is awarded the right to the use of 3.2 cubic feet per second or 160 miners inches of the waters of Mahogany Creek, with priority date of January 22nd, 1916, with point of diversion and for the irrigation of the lands described in Paragraph XXVII of the Findings of Fact.

22 0033²⁴. That the plaintiff, Louie Buxton, is awarded the right to the use of 3.2 cubic feet per second or 160 miners in Horseshoe Creek, with a priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XXVII of the Findings of Fact.

22 0034²⁵. That the plaintiff, William Furnace, 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 priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XXVIII of the Findings of Fact.

been in addition to any other rights fixed, decreed, or granted to the said plaintiff, or his predecessors in interest.

XXVI.

That the plaintiff, A. C. Buxton, is the owner of or has an estate in the following described lands, to-wit:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 1; NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 12, 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 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.

XXVII.

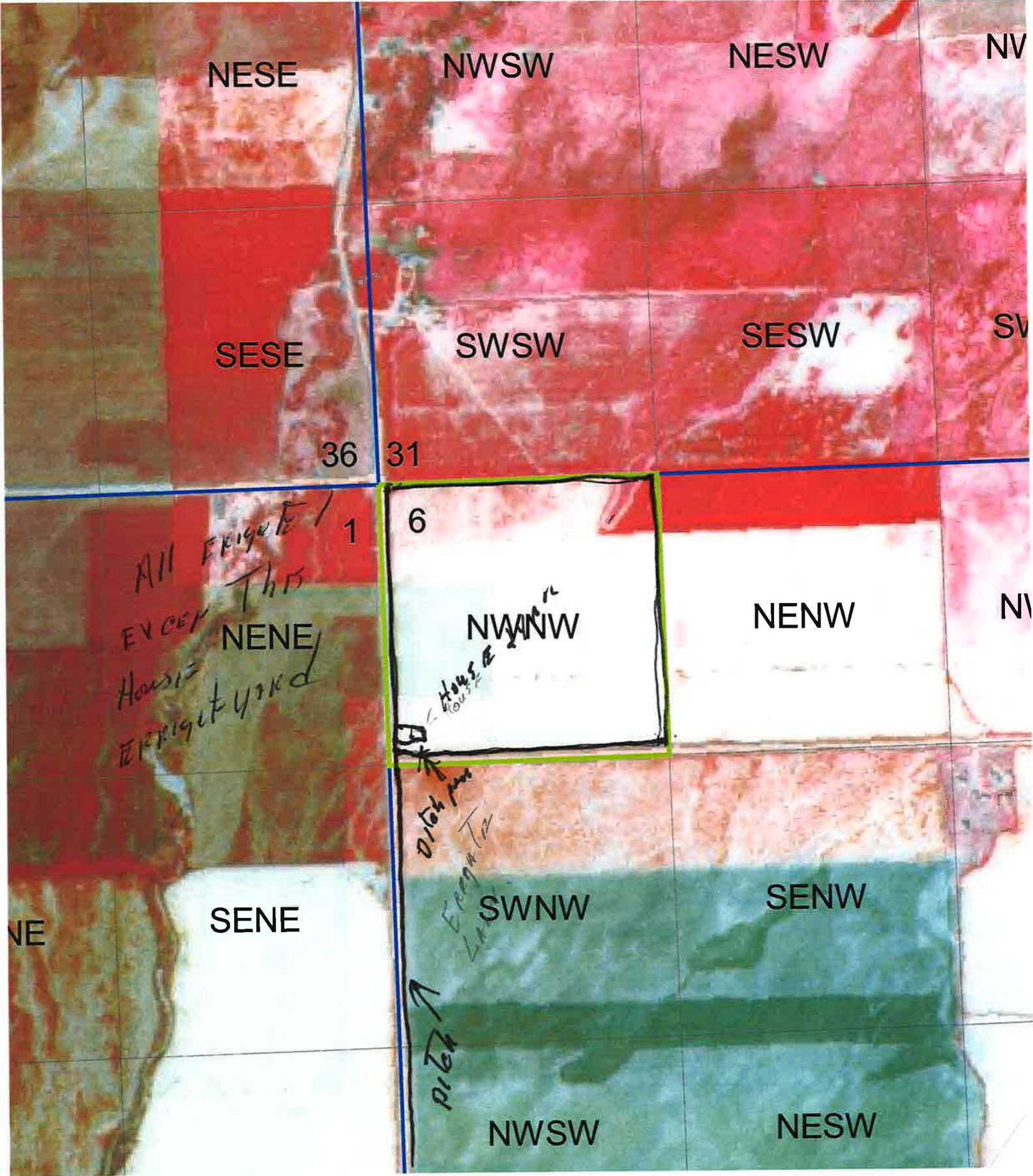
That the plaintiff, Louie Buxton, is the owner of or has an estate in the following described lands, to-wit:

Lots 3 & 4 of section 6, in township 4 north, range 45 E.B.M.; S $\frac{1}{2}$ SW $\frac{1}{4}$ of section 31, township 5 north, range 45 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 $\frac{1}{4}$ NW $\frac{1}{4}$ of section 12, in township 4 north, range 44 E.B.M., and the plaintiff, or his predecessors in interest, on or before and ever since the 22nd day of January, 1916, has so diverted 3.2 cubic feet per second or 160 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 above named plaintiff is the owner of or has an estate in the following described lands, to-wit:

22-13242





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

June 6, 2002

THOMAS & LEXI HILL
123 S 500 W
DRIGGS ID 83422

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 22-32 & 22-190

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:

22-32:

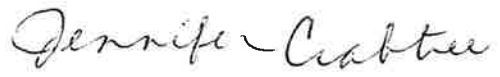
22-13241: 1.6 cfs, 80 acres, Edwin & Toni Hill
22-13242: 0.8 cfs, 40 acres, Thomas & Lexi Hill
22-13243: 0.8 cfs, 40 acres, Thomas E. Hill Family Ltd Partnership

22-190:

22-13226: 1.6 cfs, 80 acres, Edwin & Toni Hill
22-13227: 0.8 cfs, 40 acres, Thomas & Lexi Hill
22-13228: 0.8 cfs, 40 acres, Thomas E. Hill Family Ltd Partnership

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,

A handwritten signature in cursive script that reads "Jennifer Crabtree". The ink is dark and the signature is fluid.

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>A22-00032</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) Toni Jean Hill or Edwin C. 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 April 30, 1997

RECEIVED

MAY 02 1997

TETON CO., ID
CLERK RECORDER

127096

Warranty Deed

35-0000-2
ALLIANCE TITLE & ESCROW
P.O. BOX 644
DRIGGS, ID 83422

COPY

For Value Received Clintonia Jean Withers Hill

the grantor, does hereby grant, bargain, sell and convey unto

Thomas Edwin Hill and Lexie Hill, Husband and Wife

whose current address is

123 South 500 West
Driggs, Idaho 83422

the grantee s, the following described premises, in Teton County Idaho, to wit:

A 1/6th undivided interest in Lot 4 of Section 6, Township 4 North, Range 45 East,
Boise Meridian, Teton County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said
Grantee s, that s/he is the owner in fee simple of said premises; that they are free from all incumbrances
Except: Subject to all existing patent reservations, easements, rights of way,
protective covenants, zoning ordinances, and applicable building codes, laws and
regulations,
and that s/he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 30, 1997

Clintonia Jean Withers Hill
Clintonia Jean Withers Hill

∞

SPECIAL SEAL

whose current address is

123 South 500 West
Driggs Idaho 83422

the grantee s, the following described premises, in Teton

County Idaho, to wit:

A 1/6th undivided interest in Lot 4 of Section 6, Township 4 North, Range 45 East,
Boise Meridian, Teton County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said
Grantee s, that he is the owner in fee simple of said premises; that they are free from all incumbrances
Except: Subject to all existing patent reservations, easements, rights of way,
protective covenants, zoning ordinances, and applicable building codes, laws and
regulations,
and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: April 30, 1997

Clintonia Jean Withers Hill
Clintonia Jean Withers Hill



STATE OF IDAHO, COUNTY OF Teton
On this 2nd day of May, 1997,
before me, a notary public in and for said State, personally appeared

Clintonia Jean Withers Hill

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me that
she executed the same.

Stacy A. Stewart
Notary Public
Residing at Teton, Idaho
Comm. Expires 6-28-2003

OFFICIAL SEAL
STACY A. STEWART
NOTARY PUBLIC - IDAHO
TETON COUNTY
MY COMMISSION EXPIRES 6/28/2003

127096

FILED
AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

AT 12 MINUTES PAST 12 PM

DATE May 2, 1997

Asa J. Drake

BY Nora R. Rhy

LLH 6-2861

127096

Furnished by the

ALLIANCE

RECEIVED

122607.

JAN 4 1996

GIFT DEED

TETON Co. Id.

THIS INDENTURE, Made and entered into this 3rd day of January, 1996, by and between CLINTONIA JEAN WITHERS HILL, of 178 South 600 West, Driggs, Idaho 83422, the party of the first part, and THOMAS EDWIN HILL and LEXIE HILL, husband and wife, of 123 South 500 West, Driggs, Idaho 83422, the parties of the second part,

WITNESSETH:

That said party of the first part, for and in consideration of the love and affection she holds for the parties of the second part, by these presents, does give, convey and confirm unto the said parties of the second part, an undivided one-third interest to the following described real property located in Teton County, State of Idaho, to-wit:

Lot 4 of Section 6, Township 4 North, Range 45 East,
Boise Meridian, Teton County, Idaho.

Together with the rents, issues and profits thereof, and the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the said parties of the second part, and to their heirs and assigns forever, including all water and ditch rights appurtenant thereto.

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

Clintonia Jean Withers Hill
Clintonia Jean Withers Hill

STATE OF IDAHO,)
) ss.
County of Madison.)

On this 3rd day of January, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared CLINTONIA JEAN WITHERS HILL, known 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



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

122607
FILED
AT THE REQUEST OF
Tom Hill
4³² MINUTES PAST 1 M
DATE Jan. 4, 1996
Chas. J. Drake
CLERK OF RECORDER
Aora Lighty
BY OFFICIAL

~~Filmed~~
~~Indexed~~
~~Filed~~

122607

RECEIVED

118699

JAN 03 1995

GIFT DEED

TETON Co. Id.
Clerk Recorder

THIS INDENTURE, Made and entered into this 3rd day of January, 1995, by and between CLINTONIA JEAN WITHERS HILL, of 178 South 600 West, Driggs, Idaho 83422, the party of the first part, and THOMAS EDWIN HILL and LEXIE HILL, husband and wife, of 123 South 500 West, Driggs, Idaho 83422, the parties of the second part,

WITNESSETH:

That said party of the first part, for and in consideration of the love and affection she holds for the parties of the second part, by these presents, does give, convey and confirm unto the said parties of the second part, an undivided one-third interest to the following described real property located in Teton County, State of Idaho, to-wit:

Lot 4 of Section 6, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Together with the rents, issues and profits thereof, and the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the said parties of the second part, and to their heirs and assigns forever, including all water and ditch rights appurtenant thereto.

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

118699

FILED

AT THE REQUEST OF

Tom Hill
AT 12 MINUTES PAST 2 P. M.
DATE Jan. 3, 1995
Ada J. Drake
CLERK OF RECORDER
BY Nora Rigby
DEPUTY

Clintonia Jean Withers Hill
Clintonia Jean Withers Hill

Filed _____
Indexed _____
Platted _____

STATE OF IDAHO,)
 ss.
County of Madison.)

118899

On this 3rd day of January, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared CLINTONIA JEAN WITHERS HILL, known 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 Rexburg, Idaho
My Commission Expires 6-8-99

RECEIVED

118678

DEC 30 1994

TETON Co. Id.
Clerk Recorder

GIFT DEED

THIS INDENTURE, Made and entered into this 30th day of December, 1994, by and between CLINTONIA JEAN WITHERS HILL, of 178 South 600 West, Driggs, Idaho 83422, the party of the first part, and THOMAS EDWIN HILL and LEXIE HILL, husband and wife, of 123 South 500 West, Driggs, Idaho 83422, the parties of the second part,

WITNESSETH:

That said party of the first part, for and in consideration of the love and affection she holds for the parties of the second part, by these presents, does give, convey and confirm unto the said parties of the second part, an undivided one-sixth interest to the following described real property located in Teton County, State of Idaho, to-wit:

Lot 4 of Section 6, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Together with the rents, issues and profits thereof, and the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining unto the said parties of the second part, and to their heirs and assigns forever, including all water and ditch rights appurtenant thereto.

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

118678

FILED

AT THE REQUEST OF

Tom Hill

AT 2 MINUTES PAST

DATE *December 30, 1994*

Clara J. Drake

CLERK OF RECORDER

BY *Larry Driscoll* DEPUTY

Clintonia Jean Withers Hill
Clintonia Jean Withers Hill

Filed _____
Indexed _____
Plotted _____

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 30th day of December, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared CLINTONIA JEAN WITHERS HILL, known 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




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



36

752
TEAM

40
43

Part of Division

4000000
4000000
4000000

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 22-13242
Date Received: 6/6/2002
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	45E	6	NW NW NW 4	TETON	
04N	44E	1	NE SW SE	TETON	

5. Description of diverting works:

HEADGATE IN STREAM TO DITCHES TO PUMP/SPRINKLERS OR FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.8	

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

8. Total consumptive use:

9. Non-irrigation uses:

A2213242



10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	45E	6	NW	NW	4	IRRIGATION	40
Section Acres							40
Total Acres							40

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 22-32

15. Basis of Claim: Decreed