

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 22-32



Idaho Department of Water Resources

SRBA Recommendation:

22-13228

22-13243

Legend

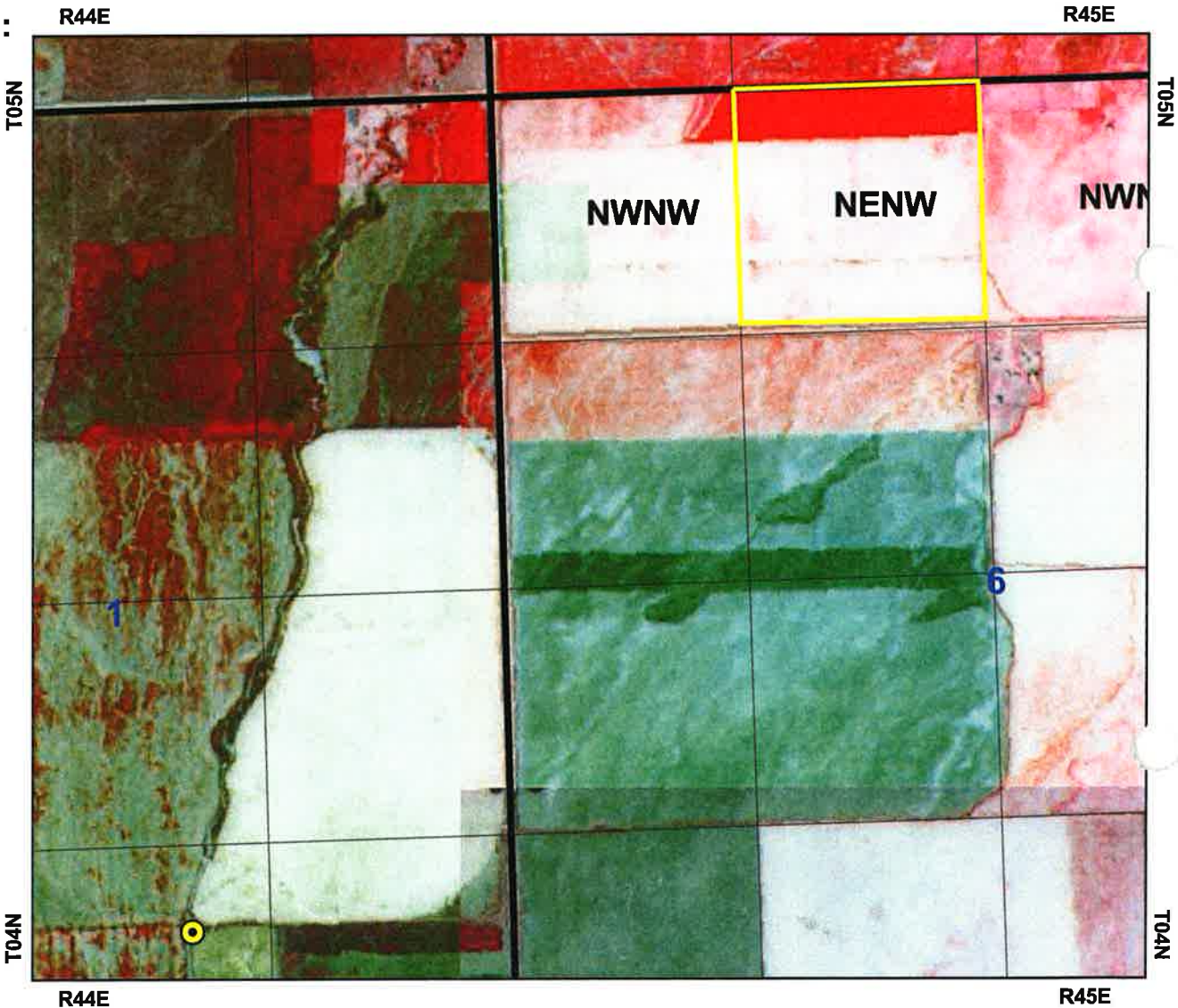
- ⦿ Point of Diversion
- Place of Use
- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters



Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Tuesday, May 16, 2006
1987/88 Aerial Photography



Water Right No(s). _____



GPS DATA:

Tag # AO 013804 Location: 0725097
0292205 HITT-T

Photo # 12

Diversion Data:

Source: Mahogany Creek Trib to: Teton River

MOTOR

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

PUMP

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

NOTES:

Water Diverted into Ditch To POW some
Flood Irrigation + some Sprinkler.

Field Exam Date: 6-3-04 Agent: Wade Olson

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, Nanna 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 $\frac{1}{4}$ SW $\frac{1}{4}$ 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.

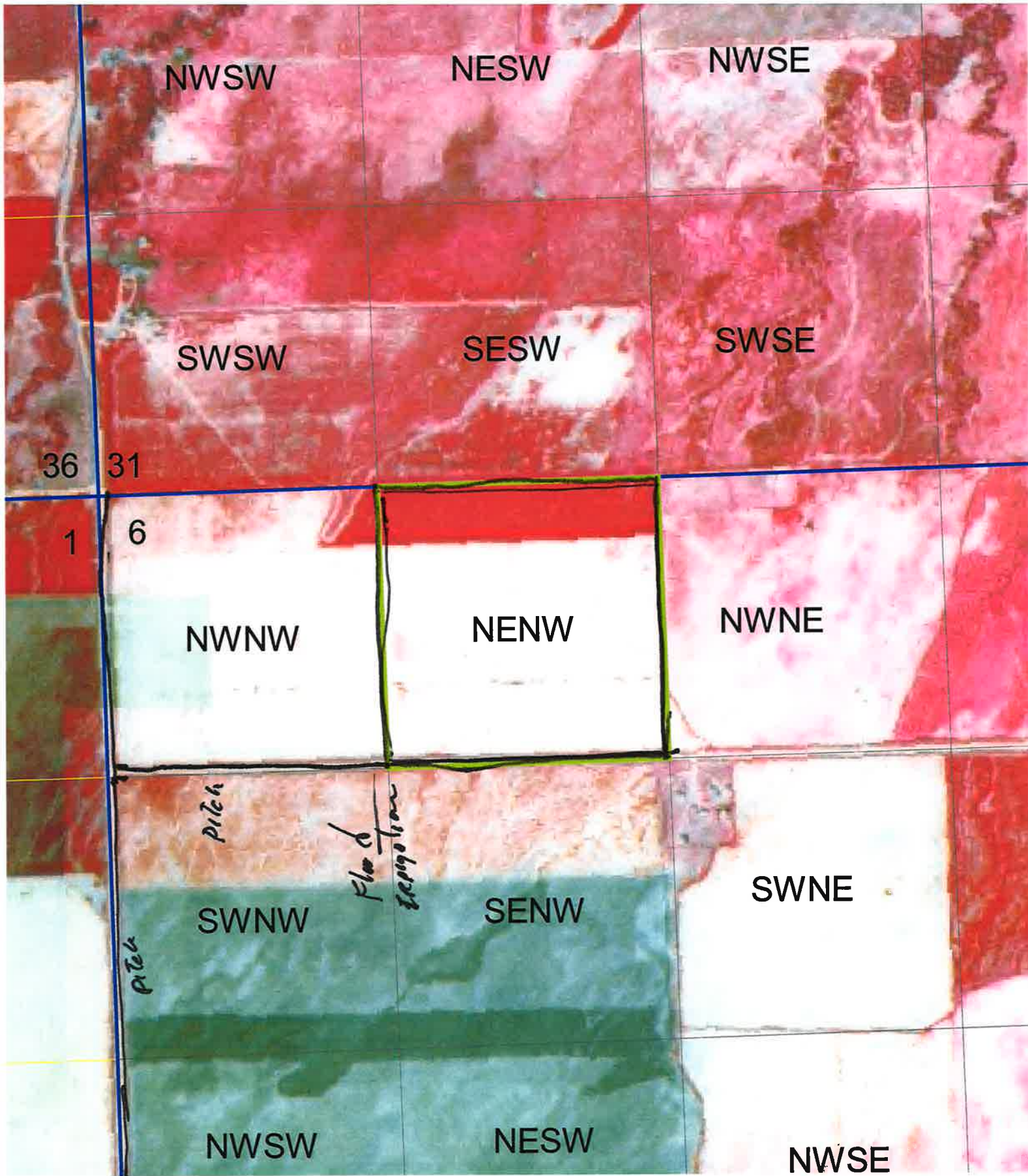
That the plaintiff, Louie Buxton, is the owner of or has an estate in the following described lands, to-wit:

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:

22-13243





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:

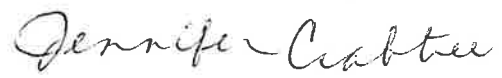
22-13241: 1.6 cfs, 80 acres, Edwin & Toni Hill
22-13242: 0.8 cfs, 40 acres, Thomas & Lexi Hill
22-13243: 0.8 cfs, 40 acres, Thomas E. Hill Family Ltd Partnership

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".

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
A22-00032		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) Toni Jean Hill or Edwin C. Hill
178 So. 600 W. Driggs ID 83422
4. New Owner/Claimant(s) Thomas E. Hill Family Limited Partnership
 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 Dec. 30, 1998

132626
WARRANTY DEED

RECEIVED
DEC 30 1998
TETON CO., ID
CLERK RECORDER

THIS INDENTURE is made this 30 day of December, 1998, by Clintonia Jean Hill, a single woman, and Thomas Edwin Hill, a married man dealing with his sole and separate property, the Grantor, and The Thomas Edwin Hill Family Limited Partnership, 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, all of the following described property in the County of Teton, State of Idaho, to-wit:

Lot 3, Section 6, Township 4 North, Range 45 East, Boise Meridian.

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.

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

Clintonia Jean Hill
Clintonia Jean Hill

Thomas Edwin Hill
Thomas Edwin Hill

STATE OF IDAHO)
)ss.
County of Teton)

On this 30 day of December, 1998, 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.



Leora Wood
Notary Public for Idaho
Residing at Driggs Idaho
My Commission Expires: 12/16/99

STATE OF IDAHO)
)ss.
 County of Teton)

On this 30 day of December, 1998, before me the undersigned, a Notary Public, in and for said State, personally appeared Thomas Edwin Hill, a married man dealing with his sole and separate property, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.



G:\WPDATA\GLM\HILL\TOM\1216.WD:08

Leora Wood
 Notary Public for Idaho
 Residing at Driggs Idaho
 My Commission Expires: 12/16/99

132626

FILED

AT THE REQUEST OF

Tom Hill

AT 01 MINUTES PAST 4 PM

DATE Dec 30, 1998

Ann J. Drake

BY Flora Light CLERK OF RECORD

DEPUTY

Part of
Bureau

CCNY

11-11-11

4-10-11

10-1-11

11-11-11
11-11-11
11-11-11



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 22-13243
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 FAMILY LTD PARTNERSHIP 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:

10. Place of use:

A2213243



Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	6	NE NW	3	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