

12/15/2006

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

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RIGHT NUMBER: 22-13459

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

SOURCE: MAHOGANY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 04/01/1970

POINT OF DIVERSION:

T04N R44E S1 NESWSE Within TETON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.200 CFS

PLACE OF USE:

IRRIGATION in TETON County

T04N R45E S06

NESE

40.00

T04N R45E S06

SESE

20.00

60 ACRES TOTAL

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 - Beneficial Use

# Idaho Department of Water Resources

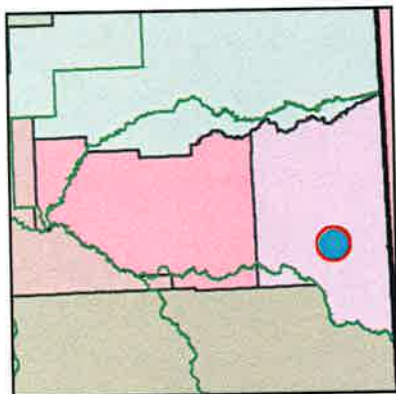
SRBA Recommendation:

**22-13459**

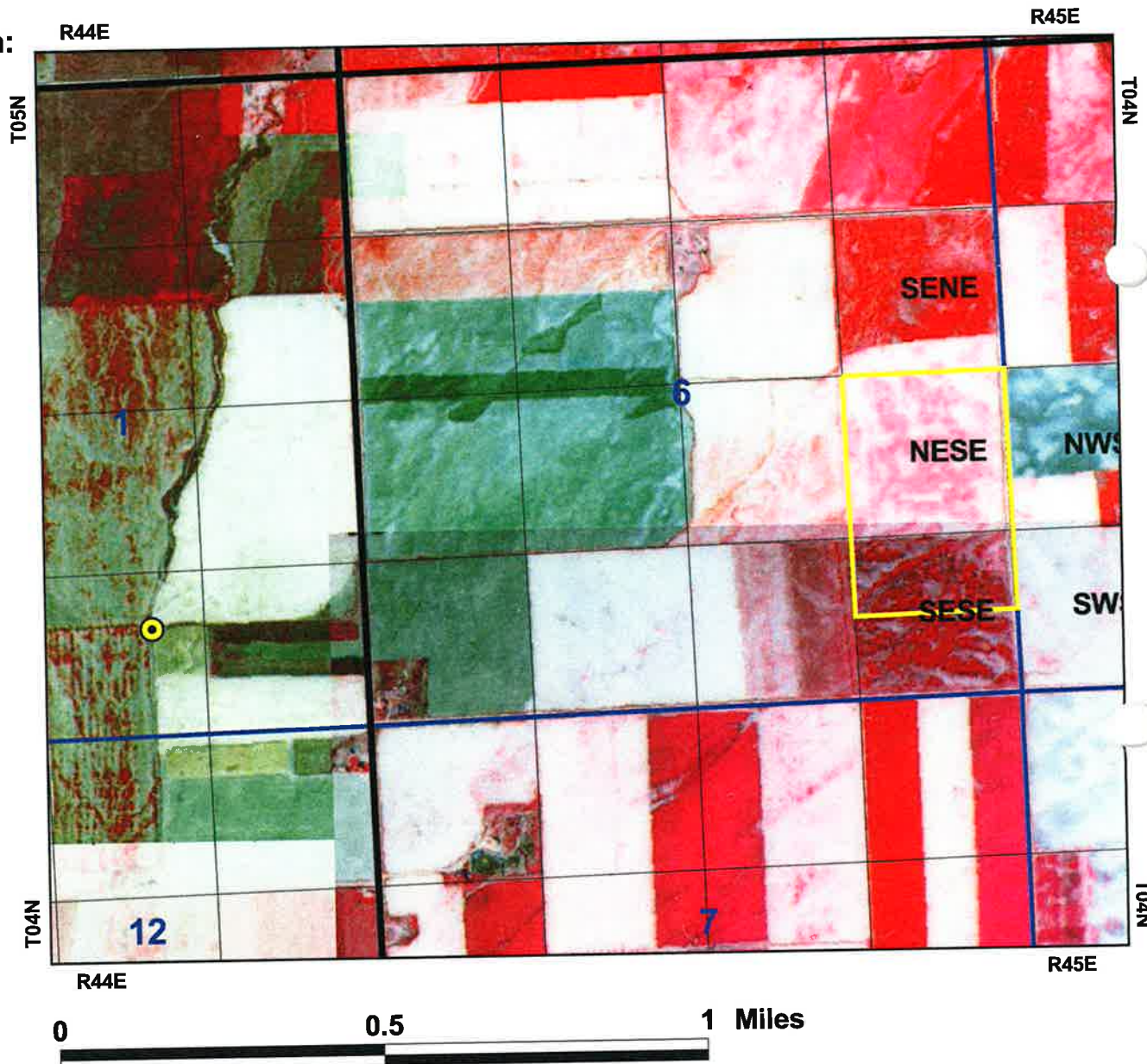
(Irrigation)

## Legend

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

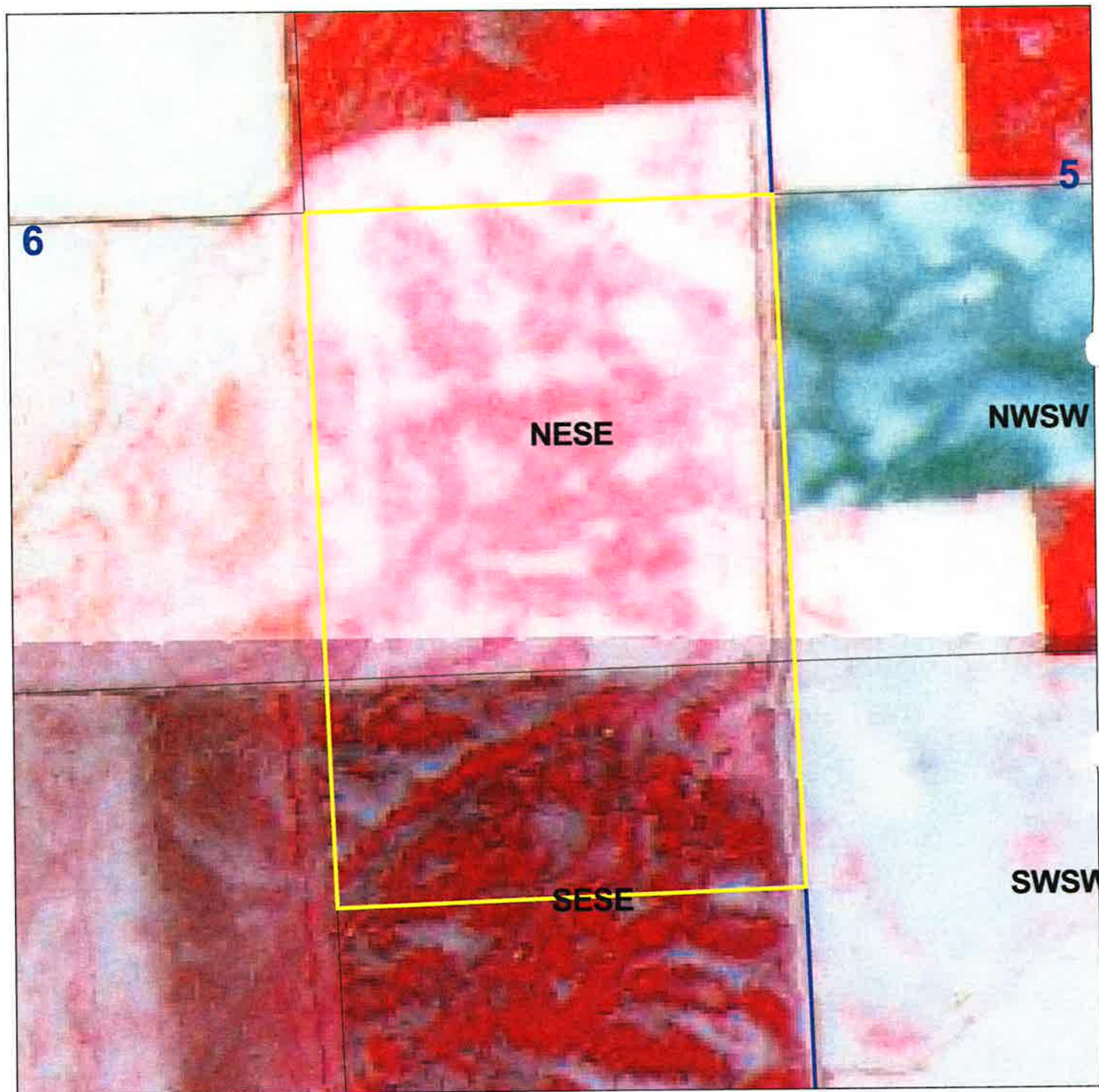
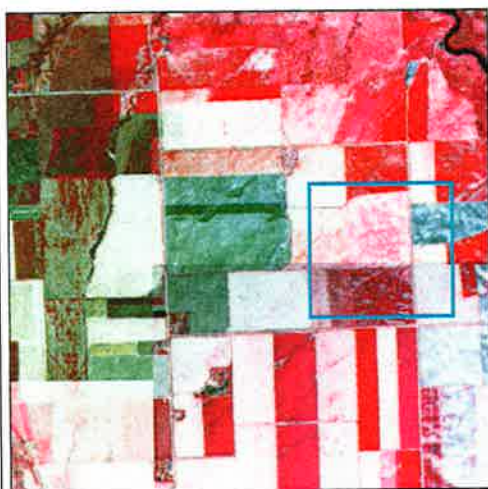


Teton County  
IDWR Basin 22



Prepared by T. Galbraith  
On Friday, December 15, 2006  
1987/88 Aerial Photography

**22-13459**



**To Whom It May Concern:**

**For many years I observed Blake Dustin irrigating the "Groseclose Place" with Mahogany Creek Water. This property is 120 acres, legal description SENE ¼, NESE ¼, SESE ¼, Section 6, Township 4 North, Range 45 East. Originally only the north portion was flood irrigated. Sometime prior to 1970 he began to irrigate the entire property using pump and sprinkler lines.**

*Darwin Josephson*

5-17-06

Ernst said to his recollection all of 27-181 is claimed and no portion ~~is~~ is left to do an accomplished change to Hill's land. The only way, according to Ernst, to move water over there now is to have one of the other claimants give Hill a portion of their water.

12

9-14-06

Because Thomas Hill does not own land claimed, the claim is being disallowed. 003 #13 12

10-12-06

- Not decreed is B.C.

- Power Co. said pump installed June 1975

- Will get affidavits

A.

112

|                                                                       |                           |                |                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------|---------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acuff, J. H.                                                          |                           |                | Watson Slough<br>Irrigation Company.                                                                                                                                                                                                                                                                                                                                                            |
| <del>1 022</del>                                                      |                           |                |                                                                                                                                                                                                                                                                                                                                                                                                 |
| <del>9011</del> Adams, E. G.                                          | 150 inches                | June 1, 1895   |                                                                                                                                                                                                                                                                                                                                                                                                 |
| Adams, Lot                                                            |                           |                | Feeryrick Ditch Company,<br>and Trego Ditch Company.                                                                                                                                                                                                                                                                                                                                            |
| <del>22 0149</del>                                                    |                           |                |                                                                                                                                                                                                                                                                                                                                                                                                 |
| Allen Amos                                                            | 50 inches.                | June 1, 1898.  | Fox Creek                                                                                                                                                                                                                                                                                                                                                                                       |
| <del>22 0150</del>                                                    |                           |                |                                                                                                                                                                                                                                                                                                                                                                                                 |
| Allen, Charles A.                                                     | 160 inches                | June 1, 1896.  | Trail Creek                                                                                                                                                                                                                                                                                                                                                                                     |
| <del>22 0151</del>                                                    |                           |                |                                                                                                                                                                                                                                                                                                                                                                                                 |
| Allen, George W.                                                      | 220 inches.               | May 26, 1900.  | Hahogany Creek.                                                                                                                                                                                                                                                                                                                                                                                 |
| <del>22 0152</del>                                                    |                           |                |                                                                                                                                                                                                                                                                                                                                                                                                 |
| Allen, Isaac T.                                                       | 50 inches                 | June 1, 1897.  | Cherry Creek. All of the<br>water of Cherry Creek<br>Springs.                                                                                                                                                                                                                                                                                                                                   |
| <del>0021 0019</del> TRANS 1941                                       |                           |                |                                                                                                                                                                                                                                                                                                                                                                                                 |
| Almy, C. J.                                                           | 150 inches.               | Sept. 24, 1900 | Fall River                                                                                                                                                                                                                                                                                                                                                                                      |
| Allred, I. H.                                                         |                           |                | Watson Slough Irrigation<br>Company                                                                                                                                                                                                                                                                                                                                                             |
| <del>0023</del>                                                       |                           |                |                                                                                                                                                                                                                                                                                                                                                                                                 |
| American Falls Power & Canal Company                                  | 1250 ft<br>62,500 inches. | Feb. -6, 1895. | Snake River                                                                                                                                                                                                                                                                                                                                                                                     |
| Anderson, A. F.                                                       |                           |                | Anderson Canal Company.                                                                                                                                                                                                                                                                                                                                                                         |
| <del>0023 35-0036 25-0259</del>                                       |                           |                |                                                                                                                                                                                                                                                                                                                                                                                                 |
| Anderson Canal Company                                                | 600 inches.               | Nov. 31, 1898  | Spring Creek, near Menard                                                                                                                                                                                                                                                                                                                                                                       |
| Anderson, Celie                                                       |                           |                | North Salem Agricultural<br>& Milling Canal Company                                                                                                                                                                                                                                                                                                                                             |
| <del>0025 22 0153</del>                                               |                           |                |                                                                                                                                                                                                                                                                                                                                                                                                 |
| Anderson, Charles                                                     | 40 inches                 | June 1, 1899.  | Teton Creek.                                                                                                                                                                                                                                                                                                                                                                                    |
| Anderson, Johanna<br>and Nephi                                        |                           |                | Foxanna Canal Company.                                                                                                                                                                                                                                                                                                                                                                          |
| <del>0024</del>                                                       |                           |                |                                                                                                                                                                                                                                                                                                                                                                                                 |
| Anderson, John A.                                                     | 120 inches                | Sept. 1, 1900  | Seepage waters from independent Canal in field of J. L. Rice, estimated at 120 inches; joint appropriation with Carl F. Lund and J. F. Smith to have all of the water for 50 after same reaches his ranch in sufficient quantity for irrigation and the same to be used thereafter by John A. Anderson, Carl F. Lund and J. F. Smith alternately, each having the use of the same every 3 days. |
| (21-0155?)                                                            |                           |                |                                                                                                                                                                                                                                                                                                                                                                                                 |
| Anderson, Lena, Admx.<br>of Estate of Oscar H.<br>Anderson, deceased. |                           |                | North Salem Agricultural &<br>Milling Canal Company.                                                                                                                                                                                                                                                                                                                                            |
| Anderson, Mons H.                                                     |                           |                | (See William Walters.)                                                                                                                                                                                                                                                                                                                                                                          |

It is further ordered, adjudged and decreed that the above mentioned and described awards of the right to the use of the waters of Snake River and its tributaries, respectively, are declared to be appurtenant to, and are awarded for the purpose of irrigating the following described lands of the respective claimants, and for the following manufacturing, power and other purposes, respectively, to-wit:

"A."

Acuff, J. H.

A tract of land lying adjacent to the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  and Lots 3 and 4, Sec. 15, NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 15, and SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 16, T. 3. S., R. 34 E., B. M. containing 160 acres.

Adams, E. G.

S $\frac{1}{2}$  of NE $\frac{1}{4}$  and N $\frac{1}{2}$  of SE $\frac{1}{4}$ . Sec. 12, T. 5 N., R. 44 E., B. M. Containing 160 <sup>acres</sup> inches.

Adams, Lot

S $\frac{1}{2}$  of NE $\frac{1}{4}$ , NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , and SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 2, T. 3 S., R 34 E., B. M. containing 160 acres.

Allen, Amos

NW $\frac{1}{4}$  Sec. 25. T. 4 N., 45 E., B. M.

Allen, Charles A.

NW $\frac{1}{4}$  Sec. 1, T. 3 N., R 45 E., B. M.

Allen, Darius H.

E $\frac{1}{2}$  of SE $\frac{1}{4}$  of Sec. 21, and NW $\frac{1}{4}$  of Sec. 27, T. 1 N., R. 37 E., B. M., containing 240 acres.

Allen, Eliza B.

E $\frac{1}{2}$  of NE $\frac{1}{4}$  Sec. 22 and W $\frac{1}{2}$  of NW $\frac{1}{4}$  Sec. 23, T. 1 N., R. 37 E., B. M., containing 160 acres.

Allen, George W.

NW $\frac{1}{4}$  of Sec. 5, and NE $\frac{1}{4}$  Sec. 6. T. 4 N., R 45 E., W $\frac{1}{2}$  of SW $\frac{1}{4}$  of Sec. 32, and E $\frac{1}{2}$  of SE $\frac{1}{4}$  of Sec. 31, T 5 N., R 45 E., B. M. containing 480 acres.

Allen, Isaac T.

N $\frac{1}{2}$  of NE $\frac{1}{4}$  of Sec. 12, T. 3 N., R. 45 E., B. M. containing 80 acres.

Allen, James V.

SE $\frac{1}{4}$  of Sec. 3, T. 6 N., R 45 E., B. M.

Allred, I. H.

SW $\frac{1}{4}$  of SE $\frac{1}{4}$  Sec. 9, N $\frac{1}{2}$  of NE $\frac{1}{4}$  Sec. 16, E.  $\frac{1}{2}$  SE $\frac{1}{4}$  Sec. 19, T. 3 S., R. 34 E., B. M. containing 200 acres.



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## Land Patent Details

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**Note:** This record has not been checked against the Legal Land Patent. We don't have an electronic image document.

### Names

**Patentee:** [GEORGE WALLEN](#)

### Survey

**State:** [IDAHO](#)**Acres:** [160.4](#)**Metes/Bounds:** [No](#)

### Title Transfer

**Issue Date:** [12/13/1905](#)**Land Office:** [Idaho](#)**Cancelled:** [No](#)**U.S. Reservations:** [Yes](#)**Mineral Reservations:** [No](#)**Authority:** [May 20, 1862: Homestead EntryOriginal](#)  
[\(12 Stat. 392\)](#)

### Document Numbers

**Document Nr.:** [4693](#)**Accession/Serial Nr.:** [IDIDAA 049481](#)**BLM Serial Nr.:** [IDIDAA 049481](#)[Home](#) | [Search Land Patents](#) | [Visitors Center](#) | [FAQ](#) | [View Cart](#) | [Contact Us](#) | [Privacy Statement](#) | [Help](#)



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**Note:** This record has not been checked against the Legal Land Patent. We don't have an electronic image document.

| Aliquot<br>Parts                      | Sec./<br>Block | Township | Range | Fract.<br>Section | Meridian | State | Counties |
|---------------------------------------|----------------|----------|-------|-------------------|----------|-------|----------|
| W½SW                                  | 32/            | 5-N      | 45-E  | No                | Boise    | ID    | Teton    |
| 3                                     | 5/             | 4-N      | 45-E  | No                | Boise    | ID    | Teton    |
| <b>Remarks:</b> LOT 3 OR NENW QUARTER |                |          |       |                   |          |       |          |
| 4                                     | 5/             | 4-N      | 45-E  | No                | Boise    | ID    | Teton    |
| <b>Remarks:</b> LOT 4 OR NWNW QUARTER |                |          |       |                   |          |       |          |

**Note:** Legal land descriptions can be used to help find the precise location of the land. For more information, please see description of the [Rectangular Survey System](#).

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## Water Right Split History Analysis

BLAKE DUSTIN  
22-00151

DECREAS UNDER:

REXBURG IRRIG. VS TATON IRRIG.  
1910, AS # 199 TO  
GEO. ALLEN 220" OF  
MAHOGANY CREEK,  
MAY 26, 1900

4.4 cfs MAHOGANY CK

CLAIMING ENTIRE DECREMENT OF 4.4 cfs.

ON 77° AC.

OVERCLAIMED

RECOMMEND (BEST CASE) 77° AC @ 0.009 cfs/ac = 0.69 cfs

IF 77° AC  
works

22-00151

4.4 cfs MAY 26, 1900  
MAHOGANY CREEK

WR RECORD SHOWS

480 AC (BEST CASE AC

AS 1200' @ 40 AC = 480° AC.

 $\frac{4.4 \text{ cfs}}{480^\circ \text{ AC}} = 0.0091666...$ 0.009 cfs/acO. FARNISS  
22-00151B

C/O EXPECTED

1.45 cfs MAHOGANY CK OK  
ON 160° AC = 0.00906 cfs/ac

CLAIMS TO BE 1/3 OF 22-151

22-13459 T. Hill  
22-XXX00 UNCLAIMEDREQUEST EVIDENCE OF OWNERSHIP  
AND WHEN ACCOMPLISHED COS OCCURRED

1.2 cfs ON 60° AC

RECOMMEND AS 60° AC @ 0.009 cfs/ac = 0.54 cfs

Σ 0 cfs - SRBA

22-151 (RE.) 0.69

22-151B 1.45

2.14

- 4.40

UNCLAIMED 2.26 cfs

UNCLAIMED

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

**T5N, R45E**

**T4N, R45E**

31 32  
6 5

*Lebanon River*

**T4N, R44E**

**T4N, R45E**

**Jenkins**

**Dustin**

**Dustin**

60 ac claimed by T. Hill  
22-13459 and 22-13460

**Harris**

1 6  
12 7

January 11, 2006

**THOMAS E HILL  
123 S 500 W  
DRIGGS ID 83422**

**Re: EVIDENCE WATER RIGHT OWNERSHIP , 22-13459  
EVIDENCE OF PRIORITY REQUEST, 22-13460**

Dear Mr. Hill:

The Idaho Department of Water Resources is now reviewing water right claims filed in the Snake River Basin Adjudication (SRBA) in the Teton River drainage of Basin 22. You have filed water right claim 22-13459 which is based a portion of historic water right 22-151 from Mahogany Creek. Also, you have claimed the portion of the water right was moved to a parcel of land different than the original decreed place of use. Please provide some evidence that you own the claimed portion of historic water right 22-151, what lands it came from, and the date of the accomplished change of the place of use.

In addition, you have claimed 22-13460 as a Beneficial Use water right, claiming July 1, 1945 as the priority date, from Teton River at the diversion rate of 1.2 cfs. Please submit evidence that supports the claimed date and some record of the diversion volume.

Further, review of the Teton County Assessors' ownership record indicates Mr. Blake Dustin is the registered owner of the 60 acres you claim and he has a water right claim, 22-4018 from a well, on this property. The immediate questions are these: 1. Have you recently acquired the property? 2. What has Mr. Dustin done with the referenced water right? If you have acquired the property please submit a copy of the warranty deed.

Your response to this request is required by February 13, 2006. I have enclosed a map and copies of the claims for your perusal.

Thank you for your timely attention and consideration in this matter. If you have questions please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry  
Sr. Water Resource Agent  
Adjudication Bureau

Cc; file  
Enclosure: Claim Copies w/map

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 22-13459  
Date Received: 1/4/2006  
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

2. Date of Priority: 05/26/1900

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   | 1       | SW NE                 | TETON   |      |
| 05N      | 45E   | 32      | SW SW                 | TETON I |      |
| 05N      | 45E   | 32      | SW SW                 | TETON R |      |

5. Description of diverting works:

DIVERSION TO DITCH FROM MAHOGANY CREEK AND DIVERTED INTO THE TETON RIVER WHERE  
THE WATER IS REDIVERTED INTO A PUMP TO A MAINLINE.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/15 | 10/31 | 1.2    |            |

7. Total Quantity Appropriated is:  
1.2 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 | 45E | 6 | NE | SE | IRRIGATION    | 40 |
|     |     |   | SE | SE | IRRIGATION    | 20 |
|     |     |   |    |    | Section Acres | 60 |
|     |     |   |    |    | Total Acres   | 60 |

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:

Point of injection into and point of rediversion from Teton River.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This claim is for a portion of 22-151 based on an accomplished change in the place of use.

15. Basis of Claim: Decreed

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 \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**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): Thomas E Hill Date: 1-4-06  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 4th day of January 2006



Jennifer Crabtree

Notary Public

Residing at Idaho Falls, Id

My commission Expires 9/23/09

