

RECEIVED

MAY 17 2000

Department of Water Resources
Eastern Region

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: A29-07265
Date Received: 4/10/1990
Receipt No: E025830
Received By: JC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PHILLIPS LIVING TRUST
Address: 25847 S MARSH VALLEY RD
DOWNEY ID

83234-1733

2. Date of Priority: APR 30, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	36E	12		NW	NE		BANNOCK

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		280.00

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) 280.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	36E	12	NE	SE		IRR	40.0
			SE	SE		IRR	40.0

A2907265



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
					Total Acres	80.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
LIC. 29-7161.

14. Remarks:

THE MAXIMUM RATE OF DIVERSION UNDER THIS LIC. WHEN COMBINED WITH
LIC. NO. 29-7161 SHALL NOT EXCEED 1.76 CFS.

15. Basis of Claim: LICENSE

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.

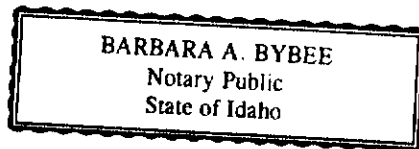
Signature of Claimant(s): William Phillips Date: 5-16-00
Tracy Phillips Date: 5-16-00

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 16 day
of May 20 00

Barbara A. Bybee
Notary Public

Seal



Residing at 166 S. 3rd E. Downey
Id

My Commission Expires MY COMMISSION EXPIRES
December 22, 2005
BONDED THRU NOTARY PUBLIC UNDERWRITER

RIGHT NUMBER: 29-7265
NAME AND ADDRESS: PHILLIPS LIVING TRUST
25847 S MARSH VALLEY RD
DOWNEY ID 832341733

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.60 CFS
280.0 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.76 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 751 AF. COMBINED RIGHT NOS.: 29-07161, 29-07265

PRIORITY DATE: 04/30/1975

POINT OF DIVERSION:

T12S R36E S12 NWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.600 CFS 280.00 AFY

PLACE OF USE:

IRRIGATION Within BANNOCK County

T12S R36E S12	NENE	30.0	T12S R36E S12	NWNE	9.0
T12S R36E S12	SWNE	25.0	T12S R36E S12	SENE	31.0
T12S R36E S12	NESW	2.0	T12S R36E S12	SESW	15.0
T12S R36E S12	NESE	40.0	T12S R36E S12	NWSE	38.0
T12S R36E S12	SWSE	40.0	T12S R36E S12	SESE	40.0

270 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 270 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-07161, 29-07265

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: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-07265	12S 36E	12		NW	NE			BANNOCK		
OTHER AJ CLAIMS WITH SAME AJ POD			WR RECORDS IN SAME 40 ACRE TRACT							
A PREFIX			R PREFIX							
A29-07161			NONE			29-07161				

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-07265	12S 36E	12		NW	NE			BANNOCK		
OTHER WR RECORDS WITH SAME WR POD			AJ CLAIMS IN SAME 40 ACRE TRACT							
						A PREFIX R PREFIX				
29-07161						A29-07161 NONE				

SOURCE: GROUNDWATER

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP. 12S	RGE. 36E	SEC. 12	1/4	1/4 NW	1/4 NE	LOT	POD FLAG	COUNTY BANNOCK	DIVERSION NAME	DIVERSION NBR
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: GROUNDWATER

TRIB: _____

REVIEWED BY: _____ DATE: _____

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SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

A. ROOT WATER RIGHT NUMBERS: A29-07265

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	36E	12	NE	SE		PHILLIPS LIVING TRUST	A29-07265 / 40.0	29-07265 / 40.0	14.0		
			NE	SE		WINWARD, FRANK D	A29-00329 / 3.0	- /			
12S	36E	12	SE	SE		PHILLIPS LIVING TRUST	A29-07265 / 40.0	29-07265 / 40.0	10.0		

ADDITIONAL POU FOUND

TOTAL ACRES A29-07265 80.00 80.00 24.00

POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-07265	GROUNDWATER	PHILLIPS LIVING TRUST	1.600	0.020	280.00	3.50
A29-00329	BIRCH CREEK	WINWARD, FRANK D	1.200	0.014		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: LIC. 29-7161.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 29-7265 Priority April 30, 1975 Amount 1.60 cfs

THIS IS TO CERTIFY, that WILLIAM H. GREEN
of Ogden, Utah, has complied with the terms and conditions of Permit
No. 29-7265 issued pursuant to Application for Permit dated April 30, 1975
and has submitted proof to the Department of Water Resources on June 20, 1975
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.76 cfs of water from a ground water source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>1.60</u> cfs and	<u>280 acre feet</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.60 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
280 acre feet per year, said waters to be diverted within the NW 1/4, Sec. 12, Twp. 12S,
Rge. 36 E., B.M., in the County of Bannock

Description and location of place of use

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>12S</u>	<u>36E</u>	<u>12</u>													<u>40</u>			<u>40</u>	<u>80</u>

Total number of acres irrigated 80

CONDITIONS:

The maximum rate of diversion under this license when combined with
License No. 29-7161 shall not exceed 1.76 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of

May 1979

Stephen Clark
Director



DATE OF EXAM 6/9/77

ACREAGE
Found 80 ac.
Recommended 80 ac.

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 1.60 c.f.s. V = 280 AF/Ann. from April 1 to Nov 1
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = c.f.s. V = AF/Ann. from to

Is water co-mingled? yes no X

Name source: n/a
Twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with: n/a
Twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of injection: n/a
Twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Point of exchange: n/a
Twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4 County

Total Q measured 1.76 cfs Method of measurement Tr. Line Meter

Total Q recommended 1.60 cfs Meter No. 11256 Type Rockwell Condition good

Total V recommended 280 AF/Ann Flow Control

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:

Measured .01 AF in 247 sec, .01 AF = 435.6 cu ft, therefore 435.6 ÷ 247 = 1.76 cfs

$V = 3.5 \times 80 = 280 \text{ AF/Ann} < 215 \times 1.9835160 = 426.35 \text{ AF/Ann}$

ARK 6/9/77

SYSTEM DESCRIPTION:

Water is diverted from a 320' deep well having 16" diam casing by a U.S. Electrical Motors "High Thrust" pump motor, 135 HP, 3 phase, F/N = 408TFA, Type RP, ID# D-700427 and by a Berkeley Vertical turbine pump, SN-1735534, Serial no-12038, 1/2" stem, 1/2" discharge, irrigated by 1 of 16 1/2" long handline sprinkler laterals.

REMARKS:

No. 12038 - 1/2" long handline

Entire Acreage planted to grain

Examiner's Signature Anthony R. Kigherlain Date 6/9/77

Checked by Rodney A. Parker Date 10/24/78

Approved by _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Friday, April 07, 2000

PHILLIPS LIVING TRUST
25847 S MARSH VALLEY RD
DOWNEY ID 83234-1733

RE: FILING IN THE SNAKE RIVER BASIN ADJUDICATION

Dear Mr. Phillips:

Enclosed is a profile report of water right License 29-07265 which, according to the Bannock County assessor, is appurtenant to property currently owned by you. It was previously owned by William H. Green.

Idaho Code 42-1421 specifies that all persons in possession of a water right license are required to file in the Snake River Basin Adjudication. Filing fees are as follows:

Claim filing fee	\$50.00
\$1.00 per acre fee (80 acres)	\$80.00
TOTAL	\$130.00

If you purchased this property before May 1990, there will also be a \$50.00 late fee.

To file on this license, please sign the enclosed form in the presence of a notary public, attach a copy of your warranty deed and the correct fees, and return to our office.

If you have questions about this matter, please do not hesitate to call me.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

HOST TEMPORARY FILE

DATE: 2/1/95

NO. A29-07265 CLAIMANT: William H. Green

[] ATTACH COPY OF PROOF REPORT FROM TEMP HOST

HARD COPY IN TIMES 2 FILE? YES _____ NO ✓

RECORD IN MASTER HOST? YES _____ NO ✓

CHECK AJQ7 OR AJQ5 FOR SPLITS YES ✓ NO _____ (29-07161)

CHECK AJQ21 FOR TEMPORARY HOST NAME YES ✓ NO _____ OTHER CLAIM #'S _____

CHECK FOR A RECEIPT USING CLAIMANTS NAME IN AR YES ✓ NO _____

DID CLAIMANT FILE OTHER NOTICES YES _____ NO _____

COMPARE DATA ENTRY FOR AJ & WR

IS IT DIFFERENT? YES _____ NO _____

IF THERE IS NO DIFFERENCE AND DATA IS NOT TO STANDARD, NUMBER CAN BE DELETED (IF NOT 10,000 NUMBER) OR COPIED AS P16 IN "R" RECORD.

IF DATE ENTRY FOR AJ REFLECTS CHANGES, CONTACT CLAIMANT ABOUT INTERNET TO FILE NOTICE.

REMARKS: I think this is combined - but not
sure - what you think? - Call Barnock Cty. Assessor
to get name of property owner. Send owner letter with
claim form.

ACTIONS TAKEN: Sent letter to claimant asking
him to file: Phillips Farm Trust
25847 S. Marsh Valley Rd. Downey, CA 92621-
1733. 4/8/00 qc One back 5/31/00
- Mr. Phillips said he already pd fees / I called 5/10/00
- ~~did~~ send map + claim for fees again on 5/10/00

[] RECORD DELETED FROM DATABASE. DATE _____ INITIALS: _____

NOTE: DO NOT DELETE 10,000 NUMBERS; MODIFY DATA AND MOVE RECORD TO MASTER HOST.