

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: A29-11241
Date Received: 4/10/1990
Receipt No: EO/3052
Received By: DMA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM PHILLIPS 213-928-6250
Address: 9721 NORLAIN
DOWNEY, CA 90240

OR

Name: FRANCES PHILLIPS 213-928-6250
Address: 9721 NORLAIN
DOWNEY, CA 90240

2. Date of Priority: JUN 09, 1904

3. Source: BIRCH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	36E	11	NE	SW			BANNOCK

5. Description of diverting works:
HEADGATE AND DITCH

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		

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

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-11241

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Date: 04/10/90

MICROFILMED

NOV 16 1992

A2911241



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	36E	11	SE	SE		IRR	40.0
						Section Acres	40.0
		14	NE	NE		IRR	40.0
						Section Acres	40.0
						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:

N/A

14. Remarks:

1) THIS CLAIM IS BASED ON A UNRECORDED TRANSFER OF A RIGHT FROM DECREE 29 G1. THE CLAIMANTS TITLE SHOWS THAT THEY HAVE 1/12 OF THE FLOW OF BIRCH CREEK VIA AN UNKNOWN RIGHT FROM HENERY WAKLEY ET. AL. VS GEORGE WAKLEY ET. AL.

2) THE AMOUNT OF WATER ENTERED INTO THE FLOW RIGHT WAS PUT THERE MERELY TO SATISFY THE COMPUTER; AND IS BASED ON AN INCH PER ACRE. THE WATER IS CURRENTLY BEING DELIVERED AS PER THE DECREE.

3) THE PRIORITY DATE IS BASED ON THE DATE OF THE DECREE.

15. Basis of Claim: DECREED

Case Number:

Court : 5

Decree date: 6/09/1904

HENERY WAKLEY ET. AL.

Decree Plaintiff

vs

GEORGE WAKLEY ET. AL.

Decree Defendant

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: 4-10-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of Apr 1990

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT 1111 E. 1000 N. IDAHO
My Commission Expires NOVEMBER 6-93 94

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
A29-11241	12S 36E	11		NE	SW			BANNOCK		
OTHER AJ CLAIMS WITH SAME AJ POD							WR RECORDS IN SAME 40 ACRE TRACT			
A PREFIX							R PREFIX			
NONE							NONE			
							29-07257			

SOURCE: BIRCH CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

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: _____

=====

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
12S	36E	11		NE	SW			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

REVIEWED BY: _____ DATE: _____

=====

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

A. ROOT WATER RIGHT NUMBERS: A29-00328A
A29-11241

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	36E	11	SE	SE		PHILLIPS, FRANCES	A29-11241 / 40.0	- /			30.0
			SE	SE		PHILLIPS, WILLIAM H	A29-11242 / 40.0	- /			
			SE	SE		HANSEN, P. WAYNE		29-07464 /			
12S	36E	14	NE	NE		PHILLIPS, FRANCES	A29-11241 / 40.0	- /			35.0
			NE	NE		PHILLIPS, WILLIAM H	A29-11242 / 40.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES A29-11241 80.00 65.00

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
A29-11241	BIRCH CREEK	PHILLIPS, FRANCES	1.600	0.020		
A29-11242	ROWLEY CREEK	PHILLIPS, WILLIAM H	1.600	0.020		

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: N/A

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?

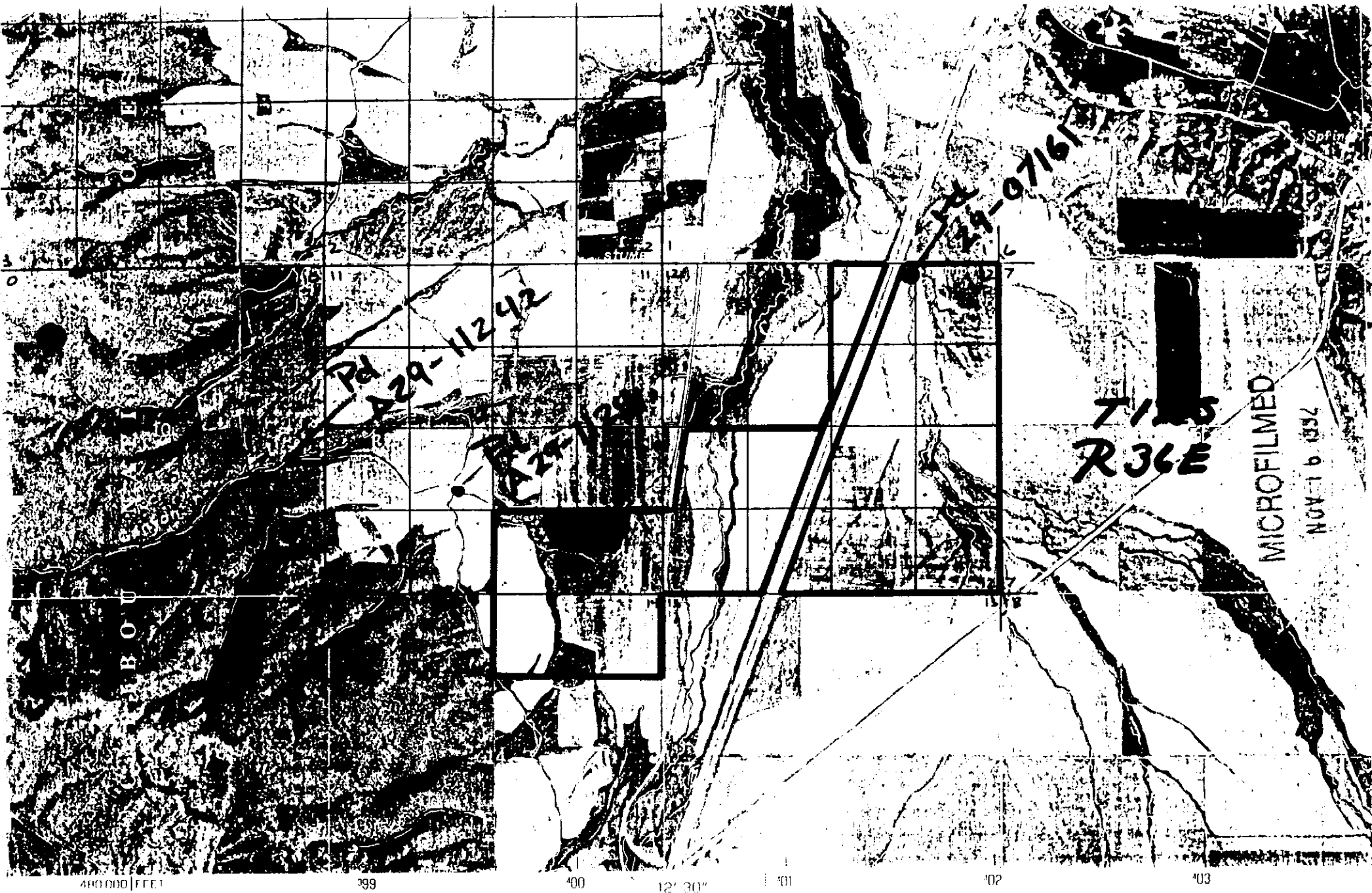
N/A() Y() N()

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()



Produced by the Geological Survey
in cooperation with the Forest Service

photograph prepared from 1:78 000 scale
photographs taken August 7, 1976

ation and 10,000 foot grid ticks. Idaho coordinate
n, east zone and transverse Mercator
0 meter Universal Transverse Mercator grid ticks.

Log for claim A29-11241

Spatial Dynamics TWB

6/2/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s36e	11	SESE	40	40	
12s36e	14	NENE	40	40	
Totals:			80	80	

DATE: 04/24/00
PAGE: 174

Audit: 04/11/90 DUNN 03/29/95 POST-STD 04/13/00 CVANDERM

Township 12 South, Range 36 East, Boise Meridian,

Section 11: S1/2 SE1/4

Section 12: E1/2, S1/2 SW1/4, and also the following: Beginning at a point on the latitudinal center line of Section 12, at its intersection with the center line of the county road, 297.5 feet East of the West quarter corner of said Section, thence East on the said Center line of Section 12, 2342.5 feet, more or less, to the center quarter corner of said section; thence South on the longitudinal center line of said Section 12, 1520 feet, more or less, to the South 1/16th section corner of said line; thence West on the South 1/16th section line of said section, 2517.5 feet, more or less, to the center of the county road; thence North 7° 33' East along the county road, 1331.6 feet, more or less, to the place of beginning, being the NE1/4 SW1/4 and a part of the NW1/4 SW1/4.

EXCEPT: A parcel of land being on both sides of the center line of Interstate 15 Project Nos. I-15-1(36)21 and I-15-1(37)29 Highway Surveys as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the E1/2 SW1/4, the NW1/4 SW1/4 and W1/2 NE1/4 of Section 12, same township and range, described as follows:

Commencing at the South quarter corner of Section 12, thence North 89° 51' 16" West along the South line of said Section 12, 752.09 feet to a point in a line parallel with and 150 feet Southeasterly from the centerline and opposite Station 566-40.68 of said Interstate 15, Project No. I-15-1(36)21 Highway Survey and being the real point of beginning; thence North 20° 13' 44" East along said parallel line, 3259.32 feet to a point opposite station 599-00.0 of said highway survey; thence North 23° 05' 29" East, 200.25 feet to a point in a line parallel with and 160 feet Southeasterly from the center line and opposite Station 601-00.0 of said highway survey; thence North 20° 13' 44" East along said last parallel line, 1400 feet to a point opposite Station 615-00.0 of said Interstate 15, Project No. I-15-1(36)21 highway survey equals Station 615-00.0 of said Interstate 15, Project No. I-15-1(37)29 Highway Survey; thence continuing North 20° 13' 44" East along a line parallel with and 160 feet Southeasterly from the centerline of said last highway survey, 795.84 feet to a point in the North line of said Section 12 and opposite Station 622-98.84 of said last highway survey; thence North 89° 23' 16" West along said North line, 339.72 feet to a point in a line parallel with and 160 feet Northwesterly from the centerline and opposite Station 621-81.78 of said last highway survey; thence South 20° 13' 44" West along said last parallel line, 681.78 feet to a point opposite Station 615-00.0 of said Interstate 15, Project No. I-15-1(37)29 highway survey equals Station 615-00.0 of said Interstate 15, Project No. I-15-1(36)21 highway survey; thence continuing South 20° 13' 44" West along a line parallel with and 160 feet Northwesterly from the centerline of said last highway survey, 1000 feet to a point opposite Station 605-00.0 of said last highway survey; thence South 17° 21' 59" West, 200.25 feet to a point in a line parallel with and 150 feet Northwesterly from the centerline and opposite Station 603-00.0 of said last highway survey; thence South 20° 13' 44" West along said last parallel line, 3769.00 feet to a point in the South line of said Section 12, and opposite Station 565-31.00 of said last highway survey; thence South 89° 51' 16" East along said South line, 319.42 feet to the real point of beginning.

Section 14: N1/2 NE1/4.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or pertinent thereto, including but not limited to Water under License No. 29-7161 and 29-7265; All irrigation equipment of every kind and character and additions thereto and replacements now or hereafter owned by the borrower(s) and used in the irrigation of the above premises; Ditch water rights consisting of one-twelfth Birch Creek Water, and one-half of Fowley Creek Water.

(Initials)

(22) Notices given hereunder shall be sent by certified mail, unless otherwise required by law, addressed, unless and until some other address is designated in a notice so given, in the case of the Government to Farmers Home Administration, United States Department of Agriculture, at Boise, Idaho 83702, and in the case of Borrower to him at the address shown in the Farmers Home Administration Finance Office records (which normally will be the same as the post office address shown above).

(23) WAIVER: THE BORROWER ACKNOWLEDGES AND AGREES THAT IF HE DEFAULTS A NONJUDICIAL FORECLOSURE SALE OF THE PROPERTY MAY BE CONDUCTED WITHOUT A HEARING OF ANY KIND AND WITHOUT NOTICE BEYOND THE PUBLICATION OF THE NOTICE OF SALE. THE BORROWER HEREBY WAIVES ANY RIGHTS HE MAY HAVE TO ANY SUCH HEARING AND NOTICE. NEVERTHELESS, THE REGULATIONS OF THE FARMERS HOME ADMINISTRATION IN EFFECT AT THE TIME SUCH FORECLOSURE IS STARTED MAY PROVIDE FOR NOTICE AND A MEETING AND THE GOVERNMENT WILL FOLLOW THESE REGULATIONS.

(24) At the option of the Government this mortgage may be foreclosed by action or advertisement as provided by statute, and Borrower hereby irrevocably vests in the Government the statutory power of sale and constitutes and appoints the Government his agent and attorney in fact to sell the property, after due notice, at public auction to the highest bidder, for cash or secured credit at the option of the Government, and to give the purchaser a warranty deed binding upon Borrower and all claiming under him.

(25) Borrower has assigned or waived or will immediately on request of the Government, assign or waive in favor of the Government all grazing privileges, permits, licenses, or leases appurtenant to or used in connection with said land, and Borrower further covenants and agrees to produce renewals thereof prior to their expiration and to pay all fees and charges and to perform all acts and do all things necessary to keep and preserve all said grazing rights and renewals thereof, and in the event of the failure of Borrower to do any of these things the Government may do so on behalf of Borrower, including advancing such sums as may be necessary for this purpose, and such funds advanced shall be secured by this instrument.

(26) If any provision of this instrument or application thereof to any person or circumstances is held invalid, such invalidity will not affect other provisions or applications of the instrument which can be given effect without the invalid provision or application, and to that end the provisions hereof are declared to be severable.

IN WITNESS WHEREOF, Borrower has hereunto set Borrower's hand(s) and seal(s) this 29th day of

February, 19 80.

Shirley Case
Shirley Case

Lewis A. Case
Lewis A. Case

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF BANNOCK

is:

On this 29th day of February, in the year of 80, before me, the undersigned,

a Notary Public in and for said State, personally appeared Shirley Case and Lewis A. Case

known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same as their free act and deed for the uses, purposes and consideration therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the said date.

(NOTARIAL SEAL) NOTARY SEAL

Gerry Gilman
Notary Public, residing at Pocatello, Idaho

My commission expires: Life

643061
NO. 643061
RECORDED AT REQUEST OF
First American Title Co.

FEB 29 10 50 AM '80

OFFICIAL RECORD BOOK NO. 350
BANNOCK COUNTY IDAHO
C. NEIL ANDERSON RECORDER
FEE 10.00 DEPUTY John