

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 22-450
Date Received: 10/4/1988
Receipt No: E002899
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

RICHARD H PHILLIPS Phone: (208) 523-0620

C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID USA 83405

2. Date of Priority: 09/01/1901

3. Source: NORTH LEIGH CREEK Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	46E	29	NE NE	TETON	

5. Description of diverting works:

HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.4	

7. Total Quantity Appropriated is:
0.4 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
06N	45E	22	NE SW	IRRIGATION	20
			NW SE	IRRIGATION	35

			SW	NE	IRRIGATION	22
			SE	SW	IRRIGATION	6
					Section Acres	83
06N	45E	27	NW	NW	IRRIGATION	20
					Section Acres	20
06N	45E	28	NE	NE	IRRIGATION	30
					Section Acres	30
					Total Acres	133

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:

P/D NORTH LEIGH CANAL
 WATER IS CONVEYED TO SPRING CREEK WHERE IT IS DIVERTED FROM SPRING CREEK BY
 REMOVABLE DIVERSION DAMS AND PUMPS ALONG THE PLACE OF USE
 20 IRRIGATED ACRES IN SECTION 27 ADDED IN APPROXIMATELY 1961

CHANGED OWNERSHIP AND AMENDED CLAIM PER REQUEST CV/8/20/01

15. Basis of Claim: Decreed

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 22-450

Date Received _____

Receipt Number _____

AMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 17 2001

Department of Water Resources
Eastern Region

1. Name of Claimant(s) Richard H. Phillips, Personal Representative Phone (208) 523-0620
Mailing Address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, ID Zip 83405
2. Date of Priority (Only (1) per claim) 9/1/1901
3. Source of water supply (a) North Leigh Creek
which is tributary to (b) Spring Creek
- 4.a. Location of existing
point of diversion is: Township 6N Range 46E Section 29, 1/4 of NE 1/4 of
NE 1/4, Govt. Lot , E B.M., County of Teton
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. _____
Headgate & Ditch
6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)
For Irrigation purposes from 4-15 to 10-15 amount .04 or _____
For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	45E	22			22						20			6		35			83
		27						20											20
		28	30																30

Total number of acres irrigated 133

11. In which county(ies) are lands listed above as place of use located? Teton
12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
22-451, 22-2117 or None ()

14. Remarks:

15. Basis of Claim (Check one) Beneficial Use ☐ Posted Notice ☐ Permit ☐ Decree ☒ License ☐
If applicable provide IDWR Water Right Number 22-450

Court Sixth District Case Number _____ Decree Date 12/16/1910

Plaintiff vs Defendant Rexburg Decree

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

Last Name PHILLIPS Ident. Number 22-451

For Organizations: I do solemnly swear or affirm that I am Personal Representative of

(Title)

Estate of Herbert Jedediah Phillips, that I have signed the foregoing document in the space below as
(Organization)

Personal Representative of Estate of Herbert Jedediah Phillips and that the statements contained in the
(Title) (Organization)
foregoing document are true and correct.

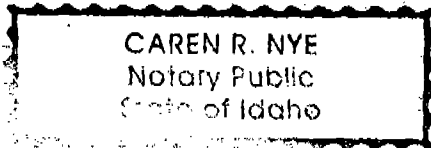
Signature of Authorized Agent

Herbert J. Phillips

Title and Organization Personal Representative, Estate of Herbert Jedediah Phillips Date 8-13-01

State of Idaho)
) SS.
County of LETON)

Subscribed and sworn (or affirmed) before me this 13 day of August, 2001.



Notary Public
Residing at Chicago, Idaho
My Commission Expires 03/20/06

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

G:\WPDATA\KWF\6900\Phillips 072701\CLAIM22-450.NTC.wpd:kmc:bfc

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: A22-00450
Date Received: 9/12/1988
Receipt No: E002899
Received By: TD

SEP 12 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HERB PHILLIPS 208-456-2667
Address: P.O. BOX 62
TETONIA, ID 83452
AND/OR
Name: MARIAN PHILLIPS 208-456-2667
Address: P.O. BOX 62
TETONIA, ID 83452

2. Date of Priority: SEP 01, 1901

3. Source: NORTH LEIGH CREEK Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	46E	29	NE	NE			TETON

5. Description of diverting works:
HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.400		

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

8. Total consumptive use is 222.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2200450



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	45E	22	SW		NE		IRR	22.0
			SE		NE		IRR	5.0
			NE		SW		IRR	20.0
			SE		SW		IRR	6.0
			NE		SE		IRR	3.0
			NW		SE		IRR	35.0
						Section Acres		91.0
		27	NW		NW		IRR	20.0
						Section Acres		20.0
						Total Acres		111.0

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:
22-0451.

14. Remarks:
P/D NORTH LEIGH CANAL.
WATER IS CONVEYED TO SPRING CREEK WHERE IT IS DIVERTED FROM
SPRING CREEK BY REMOVABLE DIVERSION DAMS AND PUMPS ALONG THE
PLACE OF USE.
20 IRRIGATED ACRES IN SECTION 27 ADDED IN APPROXIMATELY 1961.

15. Basis of Claim: DECREED
Water Right Number: 2117
Case Number:
Court :
Decree date:

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET A
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): Kurt Phillips Date: Sept. 14, 1988
Marian Phillips Date: Sept 14, 1988

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of Sept. 19 88
Seaton
Notary Public

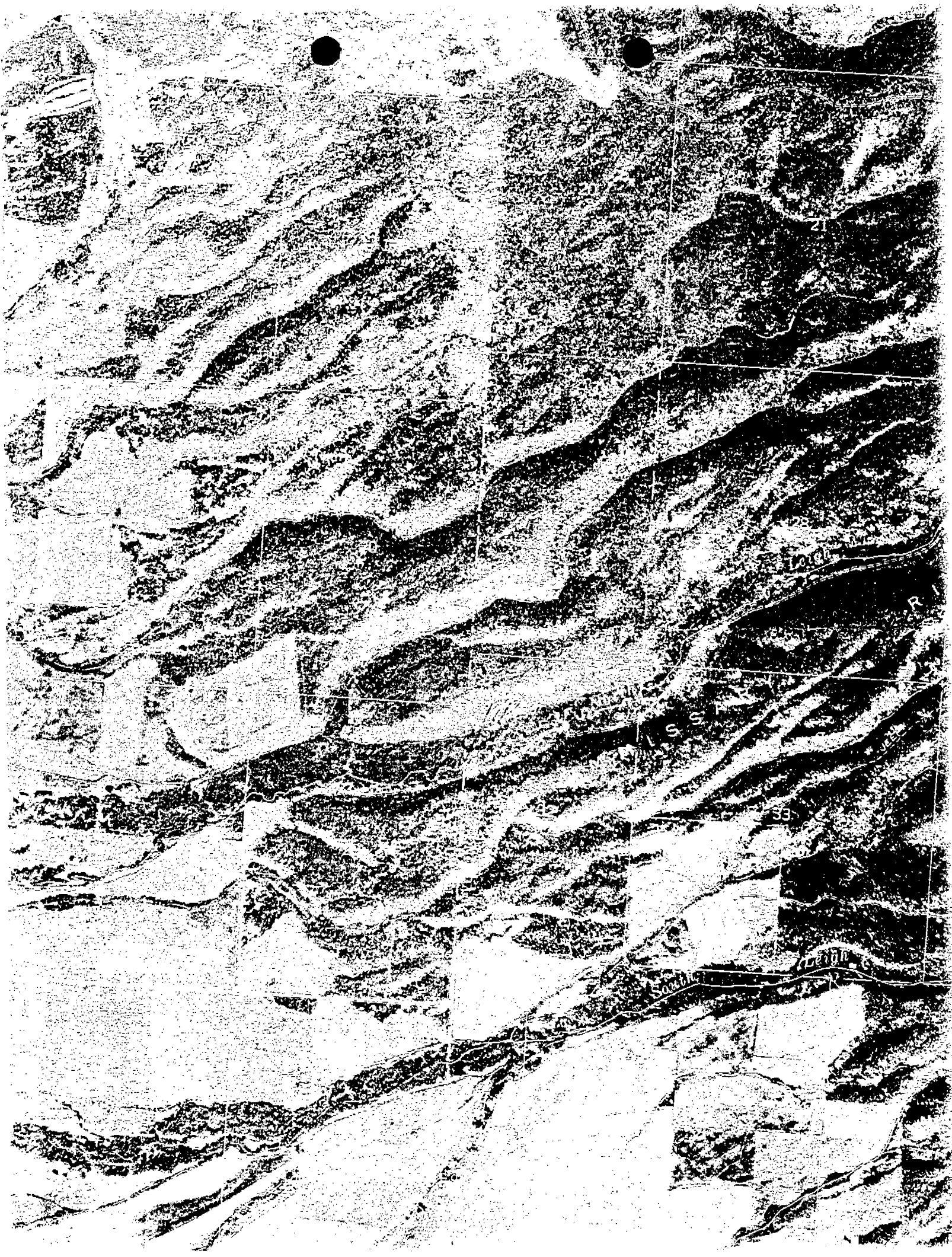
Seal

Residing at Teton, Ida
My Commission Expires 9/30/90

AAA-0045



T



HEL

HEL

455

298

1019
T1143

WT

HEL

1018
T1136

426

HEL

49

T1133

57

T1146

369

WT

SEE H-6

22 23

29 24

1019
T1142

HEL
CN 90-B
GRP
98-07

21 22
28 27

1018
T1136

HEL

CN-90A
CRP
98-07

2A 400

700
T453



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

August 20, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD H PHILLIPS
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP FOR A22-00450,
A22-00451, A22-02117, A22-11527 AND A22-11528

Dear Sir or Madam:

Enclosed for your records are copies of the amended claims A22-00450, A22-00451 and A22-02117 showing you as the current owner and the amended acreage.

I am also returning the Change in Water Right Ownership form for A22-11527 and A22-11528. These rights are Partially Decreed by the Snake River Basin Adjudication Court and require a Twenty-five dollar (\$25.00) filing fee **per right** for a total of Fifty (\$50.00) dollars.

Please make check payable to: IDWR and return with the above mention Change in Water Right Ownership form to:

Kari Lynn Townsend
Id Dept of Water Resources
1301 N Orchard St
Boise ID 83706

If you have any questions regarding this matter feel free to contact this office at 208-525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosures

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

U.S. BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

August 16, 2001

RECEIVED

AUG 17 2001

Eastern Region
Idaho Dept. Of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402

Department of Water Resources
Eastern Region

Re: *Water Rights No. 's 22-450, 22-451, and 22-2117, 22-11527, and 22-11528*

Dear Ladies and Gentlemen:

We are enclosing with this letter a Notice of Change of Water Right Ownership for the above numbered rights and two Amended Notices of Claim for Rights No. 's 22-450 and 22-451.

The former owners of these rights were Herb and Marian Phillips. Marion died December 14, 1992 and Herb died on February 18, 2000. There was no probate of Marion's estate because Herb was a surviving spouse and acquired all of her interest under the Intestate Succession Laws. Herb's estate is being probated and Richard H. Phillips, the son, has been appointed the personal representative of the estate. Copy of the Letters Testamentary are enclosed.

The property is being split between two children, Richard and Nancy, but first we need to show ownership in the personal representative and get the two claims amended. It did not appear to us that there was a fee required, but if we are mistaken please contact us and we will do what ever is necessary to get these matters properly filed.

Very truly yours,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\6900\IDWR.03Phillips.ltr.wpd.bfc

OK
JC
8-17-01

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
AUG 17 2001

Please print or type. Attach pages with additional information. Instructions are on the back of this Department of Water Resources Eastern Region
 Incomplete forms will be returned.

1. Water Right No(s): 22-450, 22-451, 22-2117, 22-11527, 22-11528
505 - 505 -
 Adjudication Claim No(s): same as above

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water rights or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with 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 Herb and Marian Phillips
PO Box 62 Teton, ID 83452

4. New Owner/Claimant(s) Richard H. Phillips, personal representative
 Name connector (check one): ☐ and ☐ or, ☐ and/or
 New Mailing Address % Holden, Kidwell, Hahn & Crapo PO Box 50130
 City, State and ZIP Code Idaho Falls, ID 83405
 New Telephone Number (208) 523-0620 bfc

5. Date you acquired the property May 8, 2000 (see attached copy of Letters Testamentary)

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigated with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) Or Claimant(s) Richard H. Phillips

Corporations or other organizations must submit list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

Gary L. Meikle, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
330 Shoup Avenue, 3rd Floor
P. O. Box 50130
Idaho Falls, Idaho 83405-0130
Telephone: (208) 523-0620
Telefax: (208) 523-9518
Idaho State Bar Number 2111

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE)
)
 OF)
)
 HERBERT JEDEDIAH PHILLIPS)
 a/k/a HERB PHILLIPS,)
)
 Deceased.)
_____)

Case No. SP 00-028

LETTERS TESTAMENTARY

1. Richard H. Phillips was duly appointed and qualified as personal representative of the estate of the above named decedent on the 8 day of May, 2000, by the Magistrate acting as Registrar with all authority pertaining thereto.
2. Administration of the estate is unsupervised.
3. These letters are issued to evidence the appointment, qualification, and authority of said personal representative.

WITNESS, my signature and the seal of this court, this 8 day of May, 2000.

STATE OF IDAHO }
County of Teton } ss.
I HEREBY CERTIFY that the above and
hereunto is a full, true and correct copy of
the original thereof, my file in my office.

Dated: May 2000

CWD
Magistrate

Angela Hansen
County Clerk

Chris Luke
Magistrate