

AUG 27 2002

Paul Robertson

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY**

Subcase No. 36-15155

**AFFIDAVIT OF DANA L. HOFSTETTER**

)

) ss.

)

AFFIDAVIT OF DANA L. HOFSTETTER – Page 1

(3) Attached hereto as Exhibit B is a true and correct copy of the SRBA Director's Report Recommendation dated November 2, 1992 for Water Right No. 36-15155 which I obtained from IDWR. That Director's Report Recommendation designates an irrigation season from April 1 to October 31.

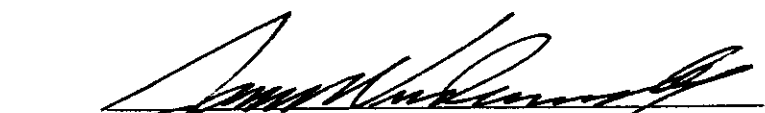
(4) Attached hereto as Exhibit C is a true and correct copy of the Season of Use Supplemental Director's Report Recommendation dated July 29, 1999 for Water Right No. 36-15155. The Supplemental Director's Report Recommendation designates an irrigation season from June 10 to September 21.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 26<sup>th</sup> day of August, 2002.

  
Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 26<sup>th</sup> day of August, 2002.

  
Notary Public in and for the State of Idaho  
Residing at: BOISE, ID  
My Commission Expires: Feb 13, 2003

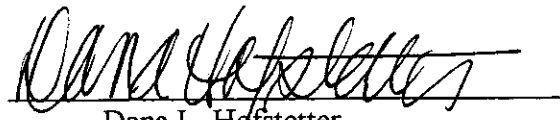
**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of August, 2002, I caused to be served copies of the foregoing **AFFIDAVIT OF DANA L. HOFSTETTER** by the methods indicated below:

U.S. Department of Justice  
Environmental & Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, ID 83724  
X U.S. Mail    ☐ Fed Ex    ☐ Hand    ☐ Fax

Idaho Department of Water Resources  
Document Depository  
P. O. Box 83720  
Boise, Idaho 83720-0098  
X U.S. Mail    ☐ Fed Ex    ☐ Hand    ☐ Fax

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449  
X U.S. Mail    ☐ Fed Ex    ☐ Hand    ☐ Fax

  
Dana L. Hofstetter

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IDWR SOUTHERN REGION

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Form No. 42-1408 (2) a 1/88

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number

Date Received

Receipt Number

~~A36-03640~~  
~~A36-15155~~  
5001067

## NOTICE OF CLAIM

TO A

## WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

JUL 14 1968

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Vernon C. Phillips  
and Marilyn L. Phillips Phone (208) 438-5906Mailing Address Rt. 1, Box 1222, Paul, Idaho Zip 833472. Date of Priority (Only one (1) per claim) February 3, 19663. Source of water supply (a) Groundwater  
which is tributary to (b) \_\_\_\_\_4. a. Location of existing point of diversion is: Township 6S Range 21EBM Section 34,  
\_\_\_\_\_ 1/4 of NE 1/4 of SW 1/4, Govt. Lot, E. B.M., County of LincolnAdditional points of diversion if any: None

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. 20" well, 580' deep, with 300 h.p.U.S. Motor and Winthroath pump with 100 h.p. Lincoln motor and Paco  
booster pump - 2 miles of mainline, 15 wheel lines and 6 hand lines.MICROFILMED  
EXHIBIT

Copies: White-State, Y

F  
tabbies

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IDWR SOUTHERN REGION

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## 6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov. 1 amount 3.28 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 3.28 (cfs) and/or (b) \_\_\_\_\_ (acre feet)8. Total consumptive use claimed is 492 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:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 6S  | 21E | 34  |        |       | 10    | 9     |        |       |       | 3     | 1      |       |       |       | 19     | 15    | 18    | 30    | 105    |
|     |     | 35  |        |       |       |       |        |       | 18    |       |        | 18    | 23    |       |        |       |       |       | 59     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 16411. In which county (ies) are lands listed above as place of use located? Lincoln12. Do you own the property listed above as place of use? Yes X 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.  
Expansion of use occurred in 1968 to each 40 acre parcel-400 acres. None ( )14. Remarks:  
#13 (cont.) License 36-7674 with priority of January 28, 1977 obtained  
for balance of acres - see second claim.  
Third claim being filed for expansion of use under this  
claim and second claim.

MICROFILMED

FEB 09 1993

Last Name Phillips

Ident No.

A36-02640

Copies: White -State, Yellow-Claimant

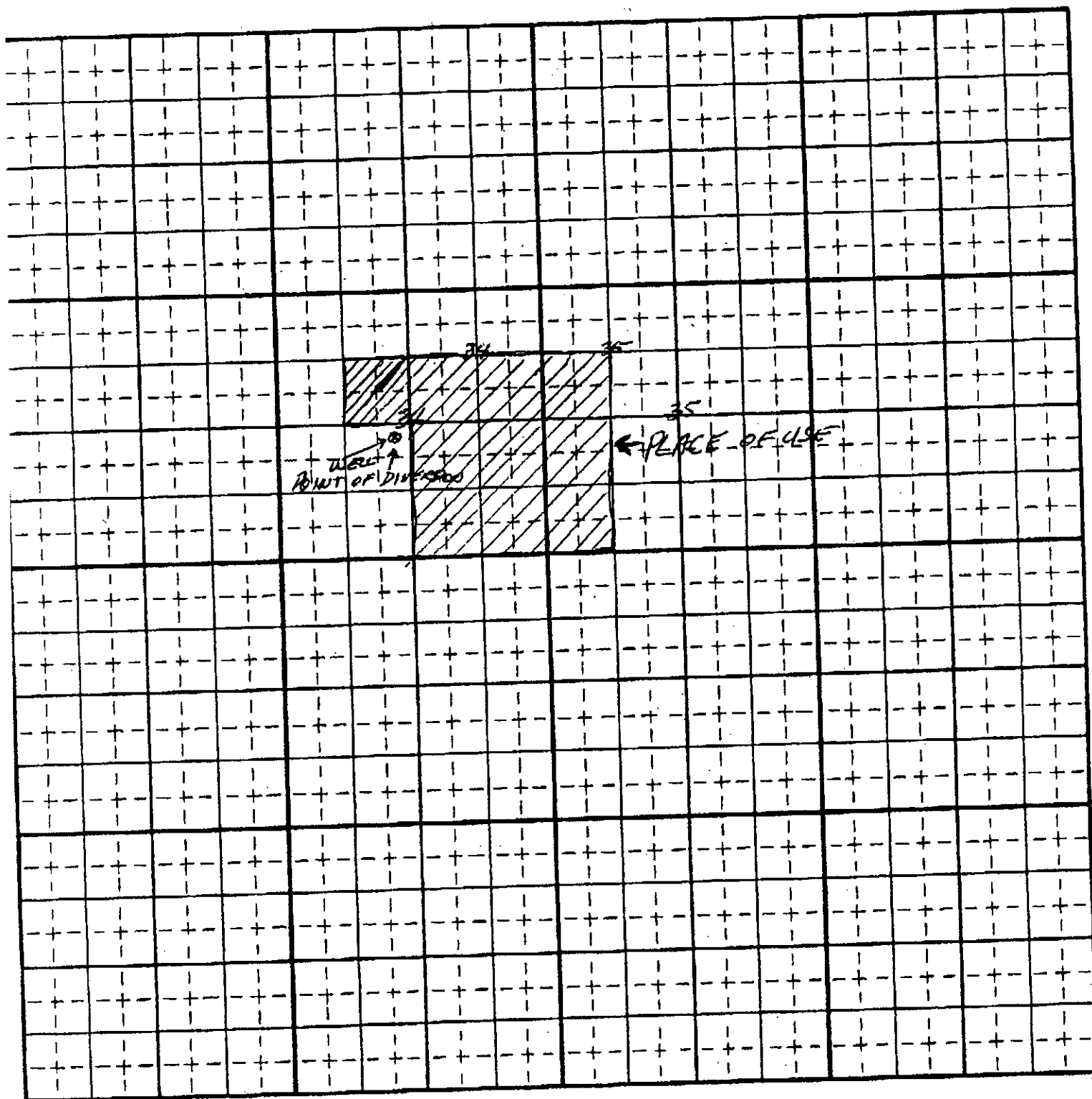
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IDWR SOUTHERN REGION

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 Inches equals 1 mile

**MICROFILMED****FEB 09 1993**Last Name PhillipsIdent No. A36-02640

Copies: White-State, Yellow-Claimant

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IDWR SOUTHERN REGION

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G-32716/36-2640

G-17/36-2641

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License ☒ Permit \_\_\_\_\_  
 Decree \_\_\_\_\_  
 If applicable provide IDWR Water Right Number \_\_\_\_\_  
 Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
 Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

Vernon C. PhillipsDate July 12, 1988Marilyn L. PhillipsDate July 12, 1988

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

Title \_\_\_\_\_

of \_\_\_\_\_ that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_

Title

of \_\_\_\_\_

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_

Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
 County of Minidoka ) SS.

Subscribed and sworn (or affirmed) before me this 12th day of July 19 88

SEAL

Notary Public

Rupert, Idaho

Residing at \_\_\_\_\_

My Commission Expires 10/30/88

Please Print Name

## 17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling 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

Roger D. Ling

Address

P.O. Box 396, Rupert, Idaho 83350

Date

July 12, 1988

MICROFILMED

FEB 09 1993

Last Name Phillips Ident. Number A36-02640

Copies White-State, Yellow-Claimant

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

AJ5856NP

| RIGHT<br>NUMBER | NAME & ADDRESS | PRIORITY<br>DATE | PURPOSE OF USE | PERIOD OF USE<br>FROM TO | MAXIMUM<br>QUANTITY | BASIS OF CLAIM |
|-----------------|----------------|------------------|----------------|--------------------------|---------------------|----------------|
|-----------------|----------------|------------------|----------------|--------------------------|---------------------|----------------|

SOURCE: GROUNDWATER

02/03/1966

IRRIGATION

04-01 10-31

CFS

LICENSE

VERNON C PHILLIPS  
MARILYN L PHILLIPS  
RT 1 BOX 1222  
PAUL ID 83347

36-15155

POINT OF DIVERSION:  
T06S R21E S34  
PLACE OF USE: IRRIGATION

NEMESV

TOTAL QUANTITY: 3.28 CFS

|           |           |           |
|-----------|-----------|-----------|
| SWME 40.0 | SEME 40.0 | SENN 40.0 |
| NWSE 40.0 | SWSE 40.0 | SESE 40.0 |
| SWNW 40.0 | NWSW 40.0 | SWSW 40.0 |

NESE 40.0

400.0 ACRES TOTAL

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION

PURSUANT TO IDAHO CODE 42-1416A.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO

IDAHO CODE 42-1416A.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 164 ACRES WITHIN

THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-02640 AND

36-02641.

RIGHT NO. 36-07674 IS ALSO DIVERTED THROUGH POINT OF DIVERSION

DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 36-07674 IS LIMITED TO A

TOTAL COMBINED DIVERSION RATE OF 4.80 CFS, A TOTAL COMBINED

ANNUAL DIVERSION VOLUME OF 1600 AF, A TOTAL COMBINED ANNUAL

CONSUMPTIVE USE VOLUME OF 1200 AF, AND TO THE IRRIGATION OF A

COMBINED TOTAL OF 400 ACRES IN A SINGLE IRRIGATION SEASON.

Sent By: WATER RESOURCES;

2083275400;

Aug-23-02 4:54PM;

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AJ5874NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JUL-29-1999

PAGE: A-1553

RIGHT NUMBER: 36-15155

NAME & ADDRESS: PAUL ROBERTSON  
37 N 500 W  
PAUL ID 83347PURPOSE AND  
PERIOD OF USE:PURPOSE OF USE  
IRRIGATIONPERIOD OF USE  
06-10 09-21

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE JUNE 10 AND AFTER SEPTEMBER 21 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

EXHIBIT

C