

All references to land mentioned henceforth are in Township 6N Range 45 EBM.

My name is Burton K Phillips. I live at 910N 300W and I am the owner of record of SE1/4Sec8, the NE1/4Sec17, the S1/2 of the S1/2 of Sec9, W1/2, the NW1/4, N1/2 of the SW1/4 of Sec16, the NW1/4 of Sec21, and 125 acres of the SW1/4 of Sec17. I have been the owner since 1969 and have been a permanent resident here since 1967. The address is in Sec 8 of this land.

My grand father is Milton Edward Phillips who began to accumulate various parts of this land in 1908. His Father was Thomas H. Phillips who purchased land in secs 8 and 17 in 1900 from the first owner George Felt. My grandfathers brother Thomas A. Phillips Homesteaded the S1/2 of the S1/2 of sec 9 in 1902 [inclosed copy of the deed which grants patent in 1907 after 5 years of proving up the patent]

While I was researching the water rights of the SE1/4 of sec 17 I found in the basement of the Fremont county courthouse maps showing diversions of water to cropped areas. I have enclosed a copy of this document to support the claim of diverting water from the springs of sec 9 as the first water diverted from there and Badger creek in 1891. Note; Teton County was part of Madison county prior to July 1915, and prior to Jan. 1914 was part of Fremont county, which is why these records were found in Fremont county. I have included a copy of that information from an old abstract of title.

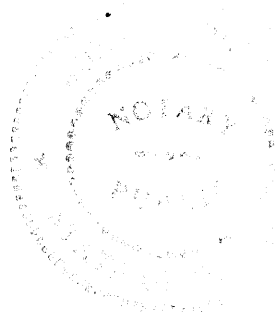
I have included a copy of the court judgement of 1910 that grants the water rights of 1891 from Badger creek and springs of T.A. Phillips [the same as Thomas A. Phillips] to the lands of secs 8 and 17. This should settle the issue of the early diversions from the springs to secs 8 and 17.

With regard to later diversions, I piped the spring down to water potatoes in sec 8 and sec 17 in 1967, my first year back on the farm from military service. We did not have a well until I drilled one in 1973 so in 1967 when the creek went dry in early August the only water we had for 80 acres of potatoes was from the spring. By reducing nozzle size to 7/64, pressure could be maintained on nearly 50 pipe to water part of the 80 acres.

My cousin John D. Phillips has attested to diversions that took place between 1960, when they converted from flood irrigation to sprinkler irrigation, and my experience of 1967.

After drilling a well in 1973, I began to try to reservoir the springs. I was able to accumulate more water and in 1984 or 1985 I attached a pump to a tractor and with the trading around of mainline with neighbors, I ran alternately one 1/2 mile line and one 1/4 mile line of pipe over about 100 acres. I can find no evidence to support this but I have enclosed evidence of the permanent system I installed in 1986.

Signed Burton K. Phillips



Bonnie Johnson
Teton County
Idaho
Expires 10/01/2004

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF FREMONT.

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Rexburg Irrigation Company, et al, Plaintiffs)

vs)

DE C R E E .

Teton Irrigation Canal Company, et al, Defendants)

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This cause coming on to be heard this 16th day of December 1910, the Court being fully informed and advised in the premises, and having ordered that Judgment be entered in accordance with the report and recommendations of the said Referee, wherefore, by reason of the law and the report and findings of fact and conclusions of law aforesaid,

It is ordered, adjudged and decreed, that the several parties, plaintiffs and defendants herein named, do have judgment respectively for a right to use, for irrigation and other purposes, the following number of inches of water, each fifty inches thereof to be the equivalent of a flow of one cubic foot per second, as prescribed by the law of Idaho, form the waters of the Snake River and its tributaries, situate, in the Counties of Fremont and Bingham, State of Idaho, their properties to date from the time hereinafter named, to-wit:

Blamires, Robert, and C. J. Burton, W. S. Burton and Thomas H. Phillips,
640 inches, June 1, 1891, Badger Creek and springs on land of T. A. Phillips.

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

Blamires, Robert, S $\frac{1}{2}$ of Sec. 8, N $\frac{1}{2}$ of Sec. 17, T. 6 N., R. 45 E. B. M.,
(Owned jointly with W. S. and C. Burton and Thomas H. Phillips)

Signed: J. M. Stevens, District Judge.

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Recorded in Book 11 of Judgments, page 1 of the records of
Teton County, State of Idaho.

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United States of America
By President Theodore Roosevelt
By F. M. McKean, Secretary
H. W. Sanford, Recorder of the General Land
Office. (SEAL)

to

Thomas A. Phillips

Granting Words

Description and Remarks:

Grantees

Kind of Instrument Patent

Date of Instrument Nov. 18, 1907

Date of Record Aug. 23, 1909; 8: am

Book 6 of Patents Page 94

No. of Instrument 27347 Fremont

Consideration, \$

PATENTS:

South Half of the South east Quarter and the south
half of the South west quarter of section nine in
Township Six North, Rf Range forty-five East of the
Boise Meridian, Idaho, containing one hundred sixty
acres.

Transcribed from Book D of Patents page 304, Fremont County
records.

Witnesses

Date of Acknowledgment

Before Whom Acknowledged?

ABTRACTER'S STATEMENT

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From the beginning of the title herein until the fifth day of January, Nineteen hundred fourteen, the property herein described was a part of Fremont County. On the date mentioned it became a part of Madison County and so remained until the fifth day of July, Nineteen hundred fifteen, when it became a part of Teton County; said changes being the result of county divisions.

TETON ABSTRACT COMPANY
TETON COUNTY
DRIGGS, IDAHO