



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

April 20, 2006

Eric Wildman
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 29-2379 (Phillips)

Dear Eric:

An Order of Amended Partial Decree was issued for this water right on January 19, 2005. Subsequently, the claimant contacted the Department apprising the Department of additional errors in the place of use for this water right. After investigating the matter, the Department has determined that there are clerical errors in the place of use description for this water right. This water right overlaps with other water rights on the same property. All of the water rights should be described for the same place of use. However, the above referenced water right was overlooked when corrections were made to the place of use for all the water rights used on this property.

A corrected recommendation changing the place of use to reflect the correct place of use is attached hereto. A recommendation illustrating the errors in the place of use in underline/strikeout format is also attached for your reference.

I have discussed this matter with the claimant and am sending a copy of this letter to the claimants for their information. If you have any questions, please contact me at (208) 287-4810.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Candice M. McHugh".

Candice M. McHugh
Deputy Attorney General, IDWR

Enclosure

cc: Carl Phillips
Cindy Bird

04/19/2006

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-2379

NAME AND ADDRESS: NOLA RAE PHILLIPS
2884 W 1400 S
ABERDEEN ID 83210

CARL L PHILLIPS
2884 W 1400 S
ABERDEEN ID 83210

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.560 CFS
1,337.7 AFY

The rights listed below are limited to a total combined diversion rate of 7.65 cfs, Combined Right Nos.: 29-30, 29-31, 29-13320, 29-13321 and 29-2379.

PRIORITY DATE: 10/22/1956

POINT OF DIVERSION:

T07S R39E S17 NWSW

Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.560 CFS 1,337.7 AFY
STOCKWATER	01/01 12/31	0.090 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R38E S24 L-1	NENE 1.6	T07S R38E S24 L-2	SENE 2.8
T07S R39E S17	NWSW 38.0	T07S R39E S17	SWSW 40.00
T07S R39E S18	NESE 5.6	T07S R39E S18	SESE 4.8
T07S R39E S19 L-3	NESW 13.0	T07S R39E S19 L-4	SESW 3.3
T07S R39E S19	NENE 16.0	T07S R39E S19	SWNE 28.00
T07S R39E S19	SENE 40.0	T07S R39E S19 L-2	SENW 4.5
T07S R39E S19	NESE 37.0	T07S R39E S19	NWSE 21.0
T07S R39E S19	SWSE 7.2	T07S R39E S19	SESE 1.4
T07S R39E S20	NWNW 40.00	T07S R39E S20	SWNW 40.00
T07S R39E S20	NWSW 38.0		

STOCKWATER same as IRRIGATION

382.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 382.2 acres in a single irrigation season. Combined Right Nos.: 29-30, 29-31, 29-13320, 29-13321 and 29-2379.

04/19/2006

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

04/19/2006

IDAHO DEPARTMENT OF WATER RESOURCES
AMENDED RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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CARL L PHILLIPS
2884 W 1400 S
ABERDEEN ID 83210

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~~1,372.0 AFY~~ 1,337.7 AFY

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PRIORITY DATE: 10/22/1956

POINT OF DIVERSION:

T07S R39E S17 NWSW

Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.560 CFS ~~1,372.00 AFY~~ <u>1,337.7 AFY</u>
STOCKWATER	01/01 12/31	0.090 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R38E S24 <u>L-1</u>	NENE ~~4.00~~ <u>1.6</u>	T07S R38E S24 <u>L-2</u>	SENE ~~3.00~~ <u>2.8</u>
T07S R39E S17	NWSW ~~32.00~~ <u>38.0</u>	T07S R39E S17	SWSW 40.00
T07S R39E S18	NESE ~~5.00~~ <u>5.6</u>	T07S R39E S18	SESE ~~5.00~~ <u>4.8</u>
T07S R39E S19 <u>L-3</u>	NESW ~~41.00~~ <u>13.0</u>	T07S R39E S19 <u>L-4</u>	SESW ~~15.00~~ <u>3.3</u>
T07S R39E S19	NENE ~~15.00~~ <u>16.0</u>	T07S R39E S19	SWNE 28.00
T07S R39E S19	SENE ~~39.00~~ <u>40.0</u>	T07S R39E S19 <u>L-2</u>	SWSW ~~SENW 5.00~~ <u>4.5</u>
T07S R39E S19	NESE ~~40.00~~ <u>37.0</u>	T07S R39E S19	NWSE ~~20.00~~ <u>21.0</u>
T07S R39E S19	SWSE ~~12.00~~ <u>7.2</u>	T07S R39E S19	SESE ~~4.00~~ <u>1.4</u>
T07S R39E S20	NWNW 40.00	T07S R39E S20	SWNW 40.00
T07S R39E S20	NWSW ~~37.00~~ <u>38.0</u>		

STOCKWATER same as IRRIGATION

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THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
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STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
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