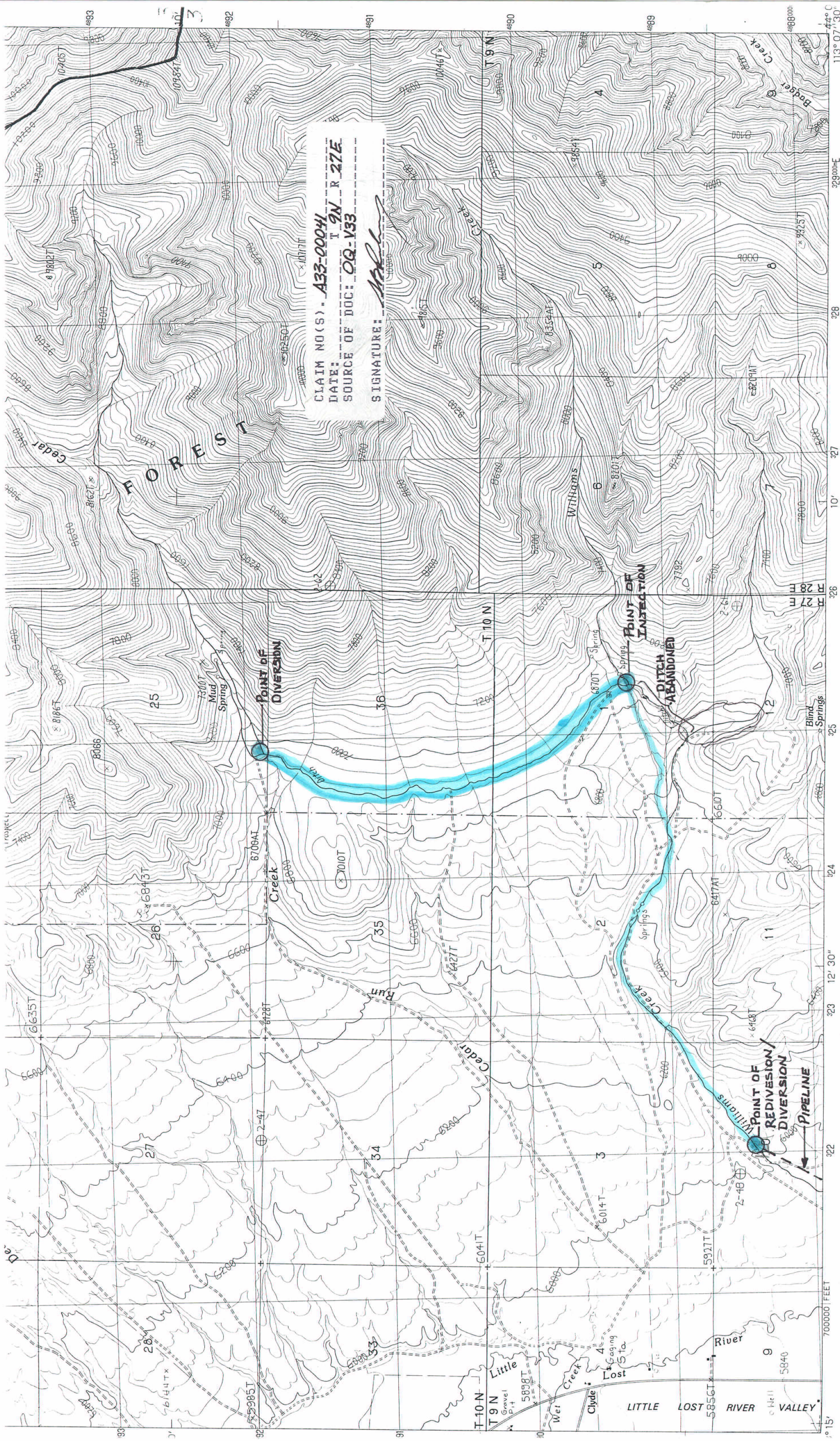
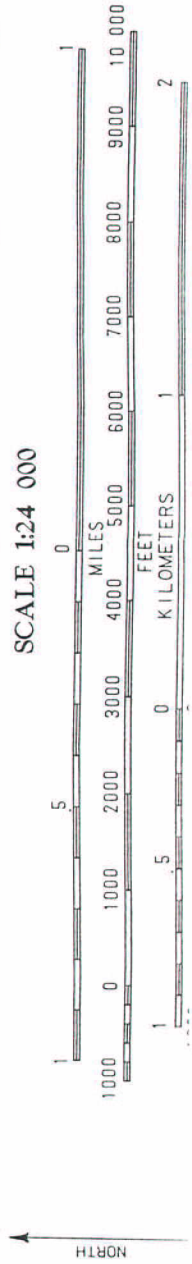




PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY USGS, NOS/NOAA
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1981
FIELD CHECKED 1983 MAP EDITED 1987
PROJECTION TRANSVERSE MERCATOR
GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE 12
10,000-FOOT STATE GRID Ticks IDAHO, CENTRAL ZONE
UTM GRID DECLINATION 1° 31' WEST
1987 MAGNETIC NORTH DECLINATION 16° EAST



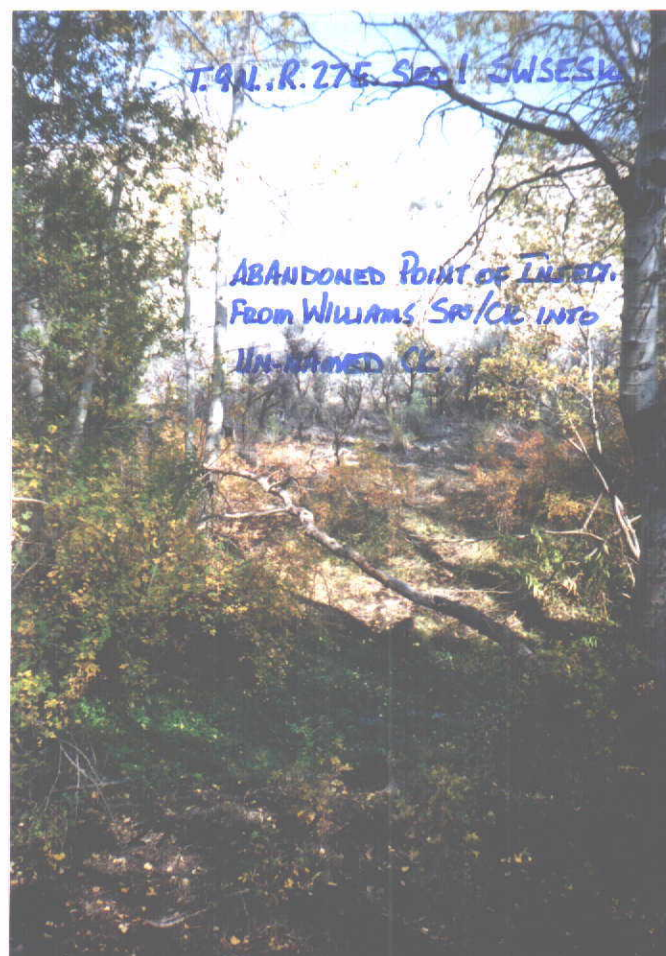
INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1987

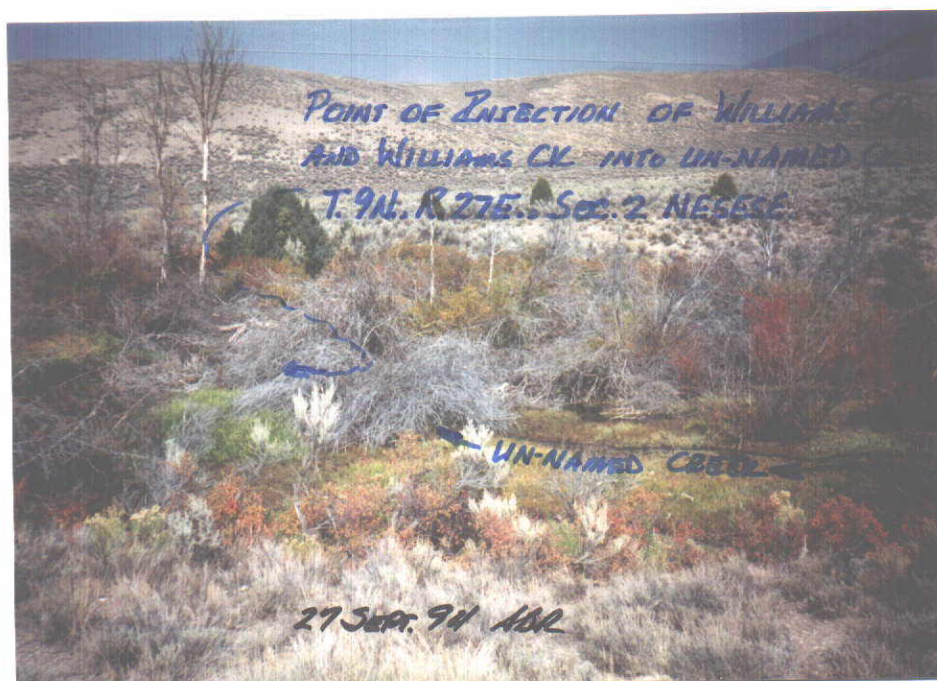
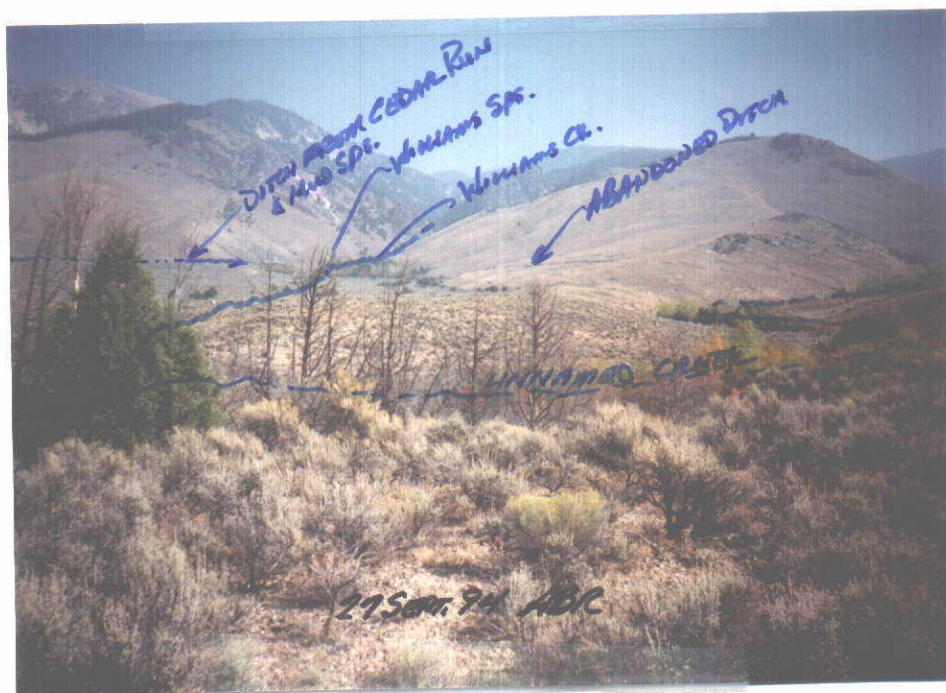


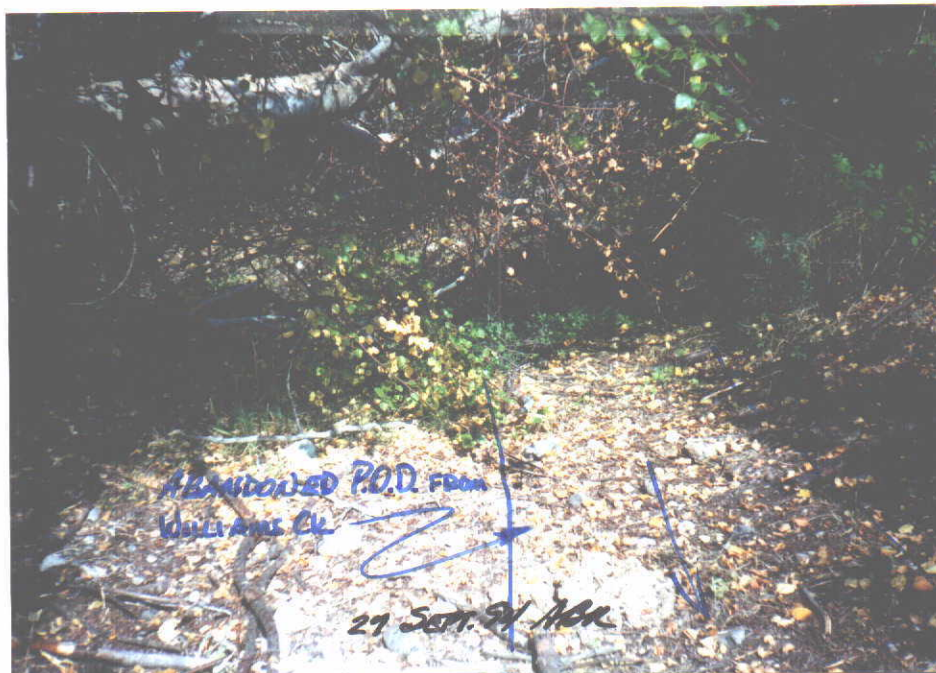
ROAD LEGEND

IDAHO

QUADRANGLE LOCATION













DIVERSION ON WILLIAMS CK
SWNW 1/4 SEC. 10, T. 9N, R. 27E.

DIVERTS AND REDIVERTS WATERS
OF: MUD SPRINGS), CEDAR RUN
CREEK, WILLIAMS CREEK (NO. FK.),
WILLIAMS SPRINGS (NOT NAMED ON
DR V-33) AND "UNNAMED" SO.
FORK OF WILLIAMS CK.



SHOWS APPROXIMATE LOCATION
OF PIPELINE FROM WILLIAMS CK
DIVERSION TO PLACES OF USE
AND REDIVERSION OF ALL
OTHER SOURCES TO SAME

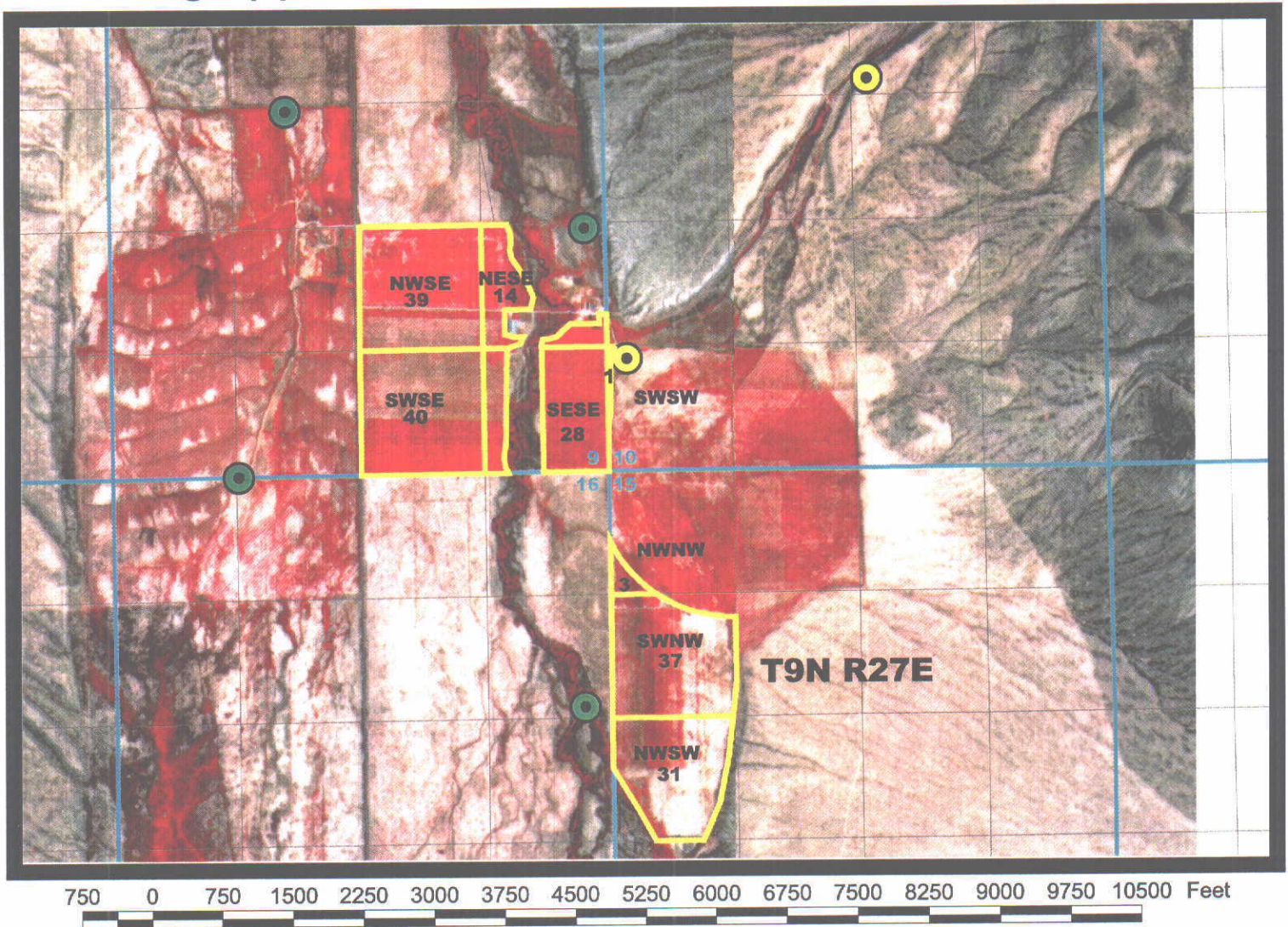
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Don Phillips

Water Right(s): 33-00041, 33-02110B, 33-02067, 33-10937



LEGEND



Point of Diversion



Place of Use



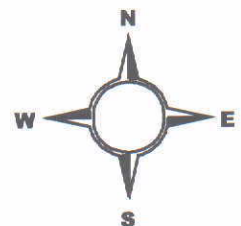
Section Line



Quarter-section line

Legal Description: T10N, R27E
(parts of) Sec. 9 SE,
Sec. 10 SWSW,
Sec. 15 W2NW, NWSW

Point(s) of Diversion: T9N, R27E
Sec. 10 SWNWNE (surface)
NWSWSW (well)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: October 2000

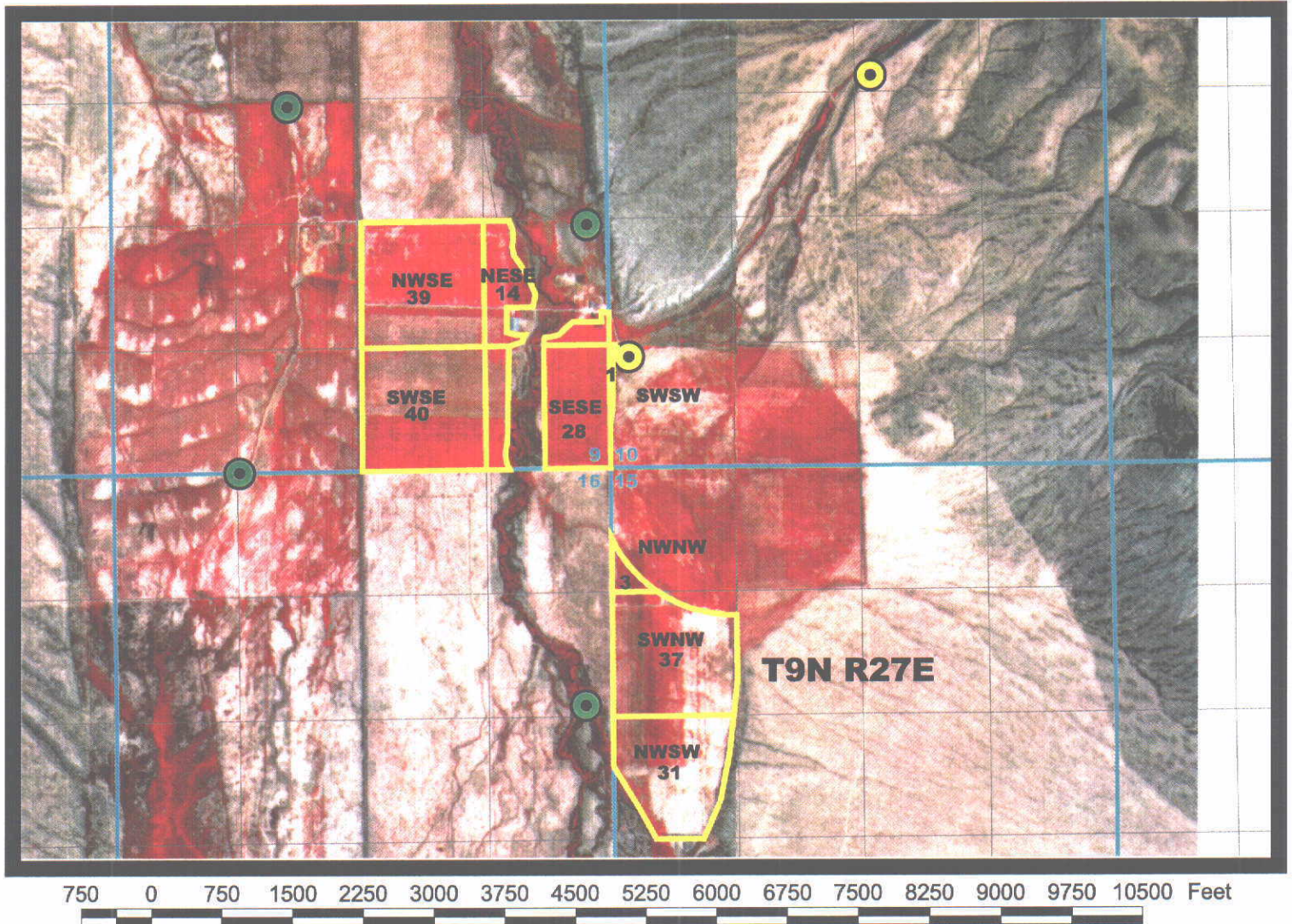
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Don Phillips

Water Right(s): 33-00041, 33-02110B, 33-02067, 33-10937



LEGEND



Point of Diversion



Place of Use



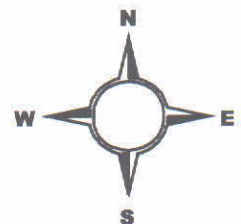
Section Line



Quarter-section line

Legal Description: T10N, R27E
(parts of) Sec. 9 SE,
Sec. 10 SWSW,
Sec. 15 W2NW, NWSW

Point(s) of Diversion: T9N, R27E
Sec. 10 SWNWNE (surface)
NWSWSW (well)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: October 2000

Don Phillips
33-00041
as amended

NWSE
39

NESE
14

SWSE
40

SESE
28

SWSW

NWNW

SWNW
37

NWSW
31

T9N R27E



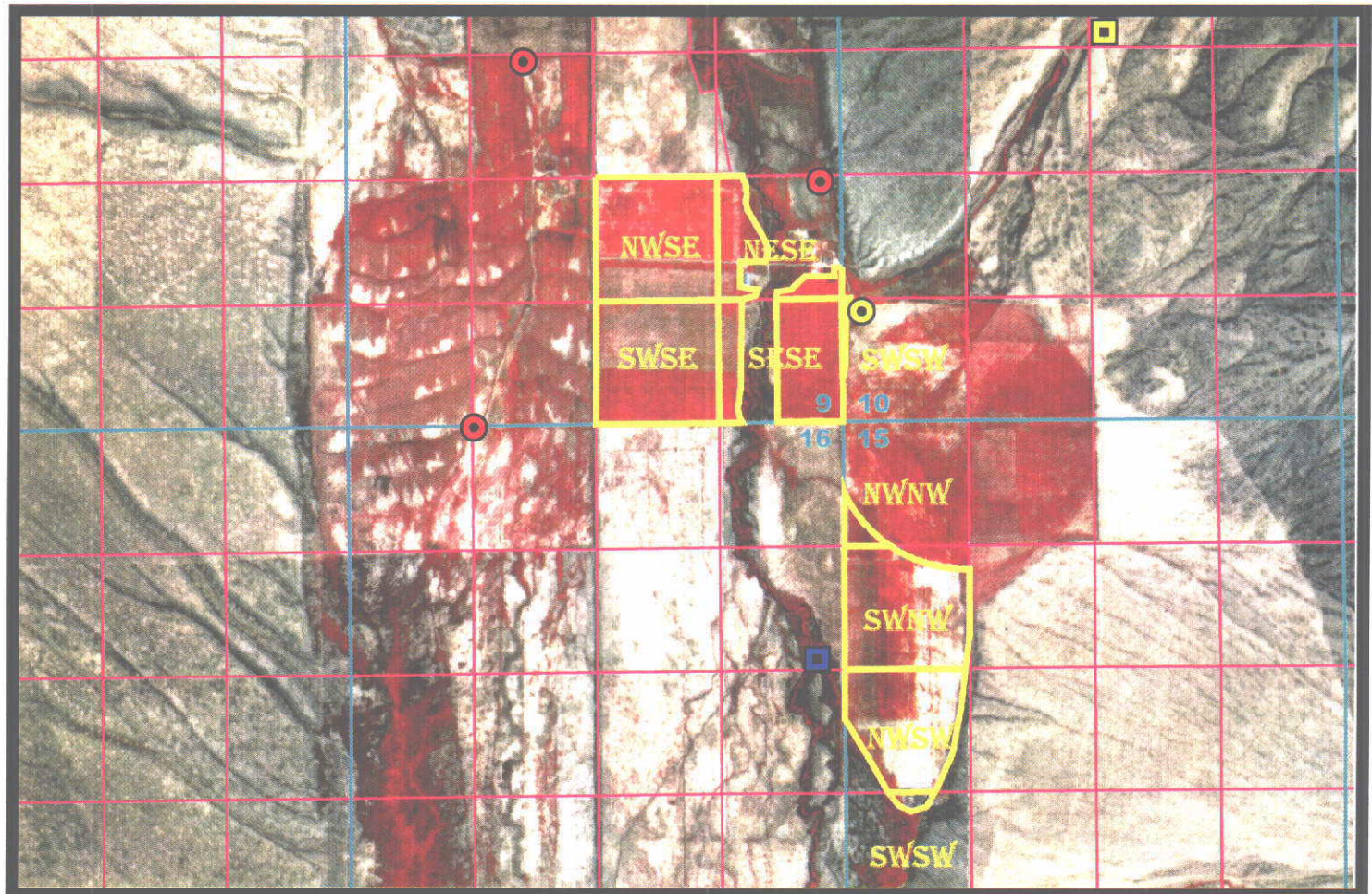
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Donald & Billie Phillips

Water Right(s): 33-00041, 33-02110B, 33-02067, 33-10937



750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 8250 9000 9750 10500 11250 Feet

LEGEND



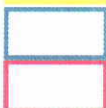
Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line



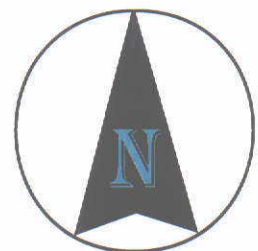
Quarter-section line

Place(s) of Use: T.9N., R.27E.

**Sec. 9 (parts of) SE,
Sec. 10 (part of) SWSW,
Sec. 15 (parts of) W2**

Point(s) of Diversion: T.9N., R.27E.

**Sec. 10 NWSWSW (well)
SNNWNE (surface)**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: September 1999



STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Donald & Billie Phillips

Water Right(s): 33-00041, 33-02110B, 33-02067, 33-10937



LEGEND



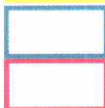
Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line



Quarter-section line

Place(s) of Use: T.9N., R.27E.

**Sec. 9 (parts of) SE,
Sec. 10 (part of) SWSW,
Sec. 15 (parts of) W2**

Point(s) of Diversion: T.9N., R.27E.

**Sec. 10 NWSWSW (well)
SWNWNE (surface)**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: September 1999

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

In Re SRBA

Subcase 33-00041

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read SRBA Administrative Order 1, Rules of Procedure (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:

because water agent failed to recognize a
water source and to correct the points
of diversion / sources.

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

see attached USGS map copy

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Bonneville

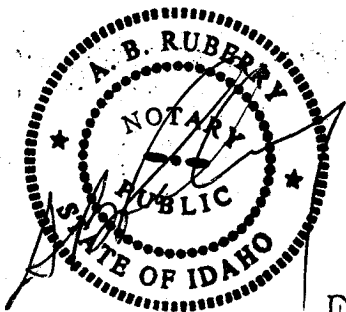
Don Phillips, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Don Phill
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 3 November 2000
(Insert Date)



Allen B. Ruberry
Notary Public for State of Idaho
Residing at: Idaho Falls, Idaho
My Commission expires: 09/23/03

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 2000, 199, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:
CLERK OF THE DISTRICT COURT
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

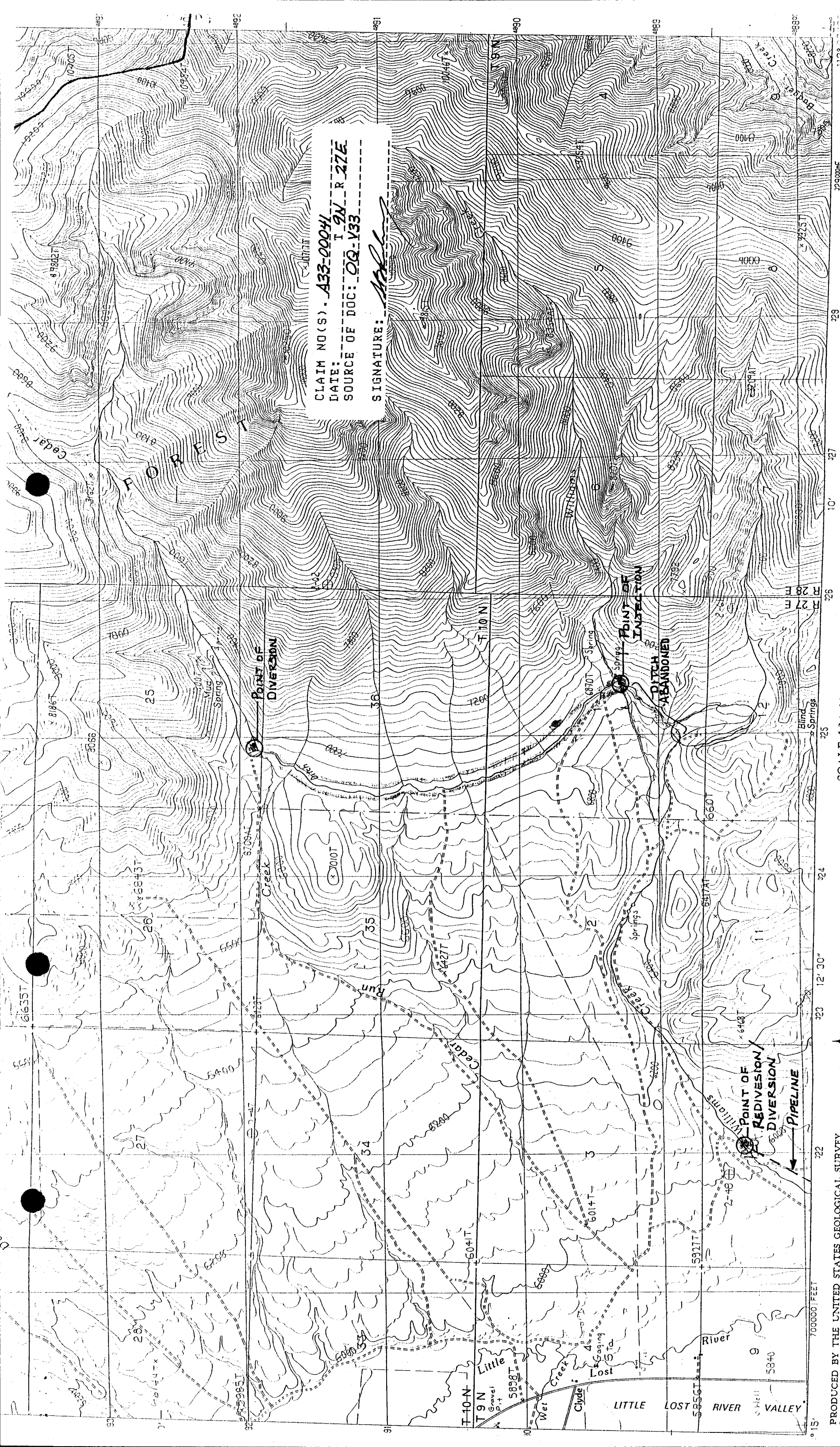
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

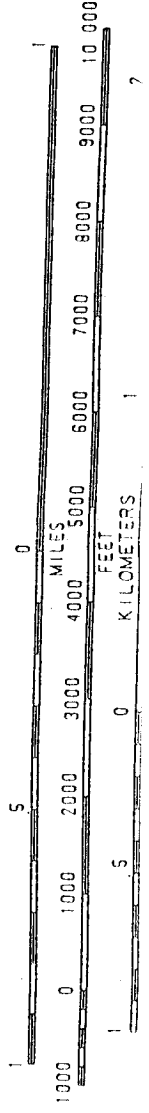
Don Phillips
Signature of person or attorney mailing the form



CLAIM NO(S) - A33-00041
DATE: 9/24/87
SOURCE OF DOC: QQ-V33
SIGNATURE: [Signature]

PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN
FIELD CHECKED
PROJECTION
GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR
UTM GRID DECLINATION
1987 MAGNETIC NORTH DECLINATION
USGS NOS/NOAA
MAP EDITED
TRANSVERSE MERCATOR
ZONE 12
IDAHO, CENTRAL ZONE
1° 31' WEST
16' FACTOR

SCALE 1:24 000



ROAD LEGEND

Improved Road

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1987
229000E
113° 07' 30" W

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

In Re SRBA

Case No. 39576

A. Subcase 33-00041

(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Donald R. & Billie Phillips

Address: P.O. Box 5 Howe, ID. 83244

Name:

Address:

Name:

Address:

Name:

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

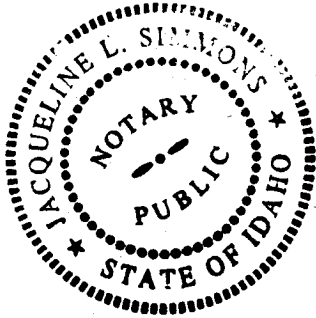
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 7, 2000



Jacqueline L. Simmons

Jacqueline L. Simmons

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 04-07-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 7, 2000, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Donald R. & Billie Phillips
Address: P.O. Box 5 Howe, ID. 83244

Name:
Address:

Name:
Address:

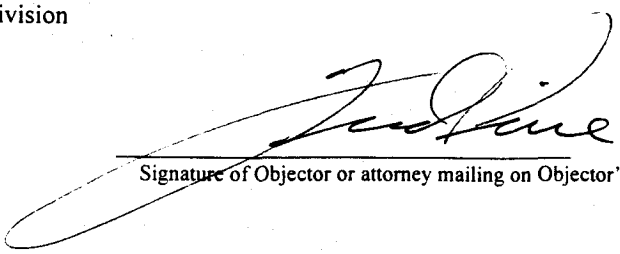
Name:
Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

RIGHTS FROM: SOURCE: CEDAR RUN CREEK TRIBUTARY: LITTLE LOST RIVER

RIGHT NUMBER: 33-00041

NAME & ADDRESS: DONALD R PHILLIPS
BILLIE PHILLIPS
PO BOX 5
HOWE ID 83244

SOURCE: WILLIAMS SPRINGS CEDAR RUN CREEK WILLIAMS CREEK
TRIBUTARY: WILLIAMS CREEK LITTLE LOST RIVER LITTLE LOST RIVER

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WILLIAMS CREEK.

QUANTITY: 3.1 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.9 CFS. COMBINED RIGHT NOS.: 33-02110B, 33-02067, 33-10937.

PRIORITY DATE: 11/15/1911

POINT OF DIVERSION: T09N R27E S10
T10N R27E S25
T09N R27E S01
S10

PURPOSE AND PERIOD OF USE: PURPOSE OF USE IRRIGATION
PERIOD OF USE 04-01 11-01
QUANTITY 3.1 CFS

PLACE OF USE: IRRIGATION Within BUTTE County
T09N R27E S09 NESE 14 NWSE 39 SWSE 40 SESE 28
S10 SWSW 1
S15 NWNW 3 SWNW 37 NWSW 31
195 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 195 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-02110B, 33-02067, AND 33-10937.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Cedar Run

10N 27E Sec. 25 SWSSEW D Issue:

Williams Cr

9N 27E Sec. 1 NWNWSE

POI NWNWSE

POR

9N 27E Sec. 2 SWNWSE

Williams Stream

9N 27E Sec. 2 NWSSEW

~~Point of diversion on BLM~~

Place of use on BLM

→ Farming on public land is not authorized

SESE 28
SWSW 2 BLM
↓
BLM Lands

Cedar Run POD

TION R 27E Sec. 25

SW S E SW

POB

T9N R 27E Sec. 1

N W N W S E

POB

T9N R 27E Sec. 10

S W N W N E

Williams CK POD

T9N R 27E Sec. 10

S W N W N E

RIGHTS FROM: SOURCE: CEDAR RUN CREEK TRIBUTARY: LITTLE LOST RIVER

RIGHT NUMBER: 33-00041 (CONT)

OTHER PROVISIONS: (CONT)

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

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

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

JANUARY 30, 1992

DONALD R PHILLIPS
PO BOX 5
HOWE ID 83244

RE: CHANGE IN OWNERSHIP FOR A33-02110, A33-00041B,
A33-02067, AND A33-10078

Dear Mr. Phillips:

The request for Change in Ownership concerning your Notices of Claim in the above reference has been processed and the Notices modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure

File: "P"

MICROFILMED

NOV 18 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A 33-02110, A33-00041^B-A33-02067
A33-10078
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): JAMES L. GRILL
HC 65 BOX 3166
Howe ID 83244
- ☐ New Owner/Claimant (Purchaser): DONALD R PHILLIPS AND/OR
- ☐ New Mailing Address: BILLIE PHILLIPS
PO BOX 5
Howe ID 83244
- ☐ New Telephone Number: () 767-3023
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
- _____
- _____
- _____

- ☐ Attach proof of ownership, describe proof attached: WARRANTY Deed EXHIBIT A
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): Billie Phillips Date 1-29-92
_____ Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

NOV 18 1992

WARRANTY DEED

THIS INDENTURE, made this 6th day of June, 1991, between BRADY GREEN and CHRIS GREEN, of Jackson, County of Teton, State of Wyoming, the Party of the First Part, and DONALD PHILLIPS and BILLIE PHILLIPS, of Box 5, Howe, County of Butte, State of Idaho, the Party of the Second Part,

WITNESSETH, that the said Party of the First Part, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to Party of the First Part in hand paid by the Party of the Second Part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents, does grant, bargain, sell and convey and confirm unto the said Party of the Second Part, and to Party of the Second Part's heirs and assigns, forever, all the following described real estate, grazing permits and privileges, pipeline easements, and water rights situated in the County of Butte, State of Idaho, to-wit:

SEE ATTACHED EXHIBIT A

Subject to a note(s) and mortgage(s) in favor of the FmHA (Farmers Home Administration) which Grantees have assumed and agreed to pay.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Party of the First Part,

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the Party of the Second Part, and to Party of the Second Part's heirs and assigns forever. And the said Party of the First Part, and said Party of the First Part's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Party of the Second Part, and Party of the Second Part's heirs and assigns, against the said Party of the First Part, and Party of the First Part's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN CONSTRUING this deed and where the context so requires, the singular includes the plural.

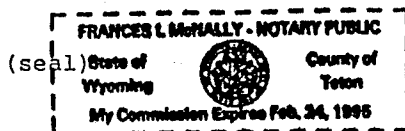
IN WITNESS WHEREOF, the said Party of the First Part hereunto has set his hand.

Brady Green
Chris Green

STATE OF Wyoming)
County of Teton) ss

On this 6th day of June, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared BRADY GREEN and CHRIS GREEN, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Frances S. McNally
Notary Public for: Wyoming
Residing at: Jackson
Commission Expires: 2-24-95

MICROFILMED

NOV 18 1992

I. Real Property (Land)

TRACT 1:

TOWNSHIP 9 NORTH, RANGE 27 EAST, BOISE MERIDIAN, BUTTE COUNTY, IDAHO

Section 9: SE $\frac{1}{4}$, EXCEPT a parcel of land 1700' x 1900' deeded to GREG SMITH by Warranty Deed Instrument No. 10451, records of Butte County, Idaho.

Section 10: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 15: N $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$

TRACT 2

A portion of the SE $\frac{1}{4}$ of Section 9, Township 9 North, Range 27, East, Boise Meridian, Butte County, Idaho, described as follows:

Beginning at the SW corner of the SE $\frac{1}{4}$ of said Section 9, and running thence North 1700 feet; Thence East 1900 feet; Thence South 1700 feet to the South line of said Section 9; Thence West 1900 feet to the Point of Beginning.

Containing a total of approximately 400 acres.

Together with all water and ditch rights appurtenant thereto.

II. GRAZING PERMITS/PRIVILEGES

1. U.S Department of Interior Bureau of Land Management.
155 Cattle, Williams Creek, 2014 allotment, 05/16 to 06/30.
2. U.S Department of Interior Bureau of Land Management.
120 Cattle, Williams Creek, 2014 allotment, 11/16 to 12/15.
3. U.S. Department of Agriculture, Forest Service, 95 head of cattle, Sawmill Allotment.

III. DITCH, PIPELINE EASEMENTS/ PERMITS

1. U.S. Forest Service Easement/Permit for Irrigation Ditch.
2. U.S. Forest Service Easement/Permit for Irrigation Water Pipeline.

IV. WATER RIGHTS

1. Ground Water License, Identification No. A-33-02110, for 3.640 CFS, from a well priority, 06/07/1962. Irrigation Right.

EXHIBIT

A

MICROFILMED

NOV 18 1992

2. Surface Water Decree, Identification No. A33-00041, for 3.100 CFS from Williams Spring and Cedar Run, priority 11/15/1911. Irrigation Right.
3. Ground Water License, Identification No. A33-02067, for 2.800 CFS from a Well, priority: 11/28/1952. Irrigation Right.
4. Ground Water, based upon beneficial use, Identification No. A33-10078, for 0.040 CFS for domestic use and 0.050 for stockwater use, Total 0.090 CFS, Priority: 06/01/1952.

MICROFILMED

NOV 18 1992

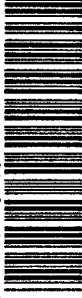
A33-00041

DONALD R PHILLIPS
BILLIE PHILLIPS
PO BOX 5
HOWE

WILLIAMS CK. PLACE

ID 82

RENUMBERED



A33000413

☒ Does this pipeline put in? Original R.O.D.

☒ Split of System to Sec. 9 & 15?

☒ Views - connect w/ Williams ck pipelines.

☒ WHAT IS TRANS. S87?

☒ Photos of CEDAR RUN OR MUD SPRINGS
POINT OF DIVERSION
POINT OF EJECTION

☐ IS THIS LOCATED RIGHT THE SAME TRAILS AS
LICENSES CROWN? Mostly Same R.O.D./R.O.H.,
DIFF. AS, Privately - TRANS. S87 moves to
Present R.O.D. Yes. or that Spencer.

November 24, 1999

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 10, 1999

Water right number: 33-00041

DONALD R PHILLIPS
BILLIE PHILLIPS
PO BOX 5
HOWE ID 83244

Daytime Telephone Number: 208-767-3528
Evening Telephone Number: Same

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-9-99 SIGNATURE: Billie Phillips Don Phillips
Please print your name: Billie Phillips Don Phillips

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 587

587
WD 38
RECEIVED

FEB 9 1973
Department of Water Administration
33-0041
Western District Office

THIS IS TO Certify that ROY PECK, of Howe, Idaho, is the owner of and using a certain water right, bearing date of priority of November 15, 1911, for 155 inches of the waters of WILLIAMS SPRINGS AND CEDAR RUN, in the County of Butte, State of Idaho, said water being decreed to Roy Hawley and Maude Hawley by decree of Judge Ralph W. Adair of the Sixth Judicial District of the State of Idaho, in and for the County of Butte, in the case of

BLAINE COUNTY INVESTMENT CO., vs. ROBERT G. MAYS, et al,

said decree bearing date of March 4, 1927, for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 9 in the County of Butte and State of Idaho, to-wit,

E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 4, Township 4 North, Range 29 East of Boise Meridian, S $\frac{1}{2}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34; NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 3; Lot 2 and SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 5 North, Range 29 East of Boise Meridian;

THAT THE SAID Decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 5 of Decrees, at Page 86

THAT THE SAID Applicant has become the owner of the said land and water right through deed dated April 2, 1929, Recorded in Butte County, June 6, 1929;

THAT NOW, UPON THE Application of ROY PECK, for a Certificate of Transfer of Water Right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 155 inches of the waters of WILLIAMS SPRINGS AND CEDAR RUN, upon the lands above described, is HEREBY ABANDONED, and the lands to be irrigated under such right and to which the water right hereby confirmed shall become appurtenant, by this Certificate, for irrigation and domestic purposes, are described as follows:

E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 9; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10; and W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 15; all in Township 9 North, Range 27 East of Boise Meridian,

situate, lying and being in the County of Butte, State of Idaho, and said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit;

155 inches of the waters of Williams Springs and Cedar Run, with date of priority of November 15, 1911.

E25S SEC. 9
SWSW SEC. 10
W2NW SEC. 15 } 9N 27E

200AC

THAT THE WATER RIGHT, Hereby transferred has been diverted from the said WILLIAMS SPRINGS and CEDAR RUN at a point in the

NW¹/₄ of Section 11, Township 9 North, Range 27 East of Boise Meridian,

and conducted to the first above described lands through a private ditch and Little Lost River, and will hereafter be diverted from the mouth of Williams Springs and mouth of Cedar Run and will be conducted to the new place of use through a private ditch.

THAT THE RIGHT To the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the Laws of the State of Idaho.

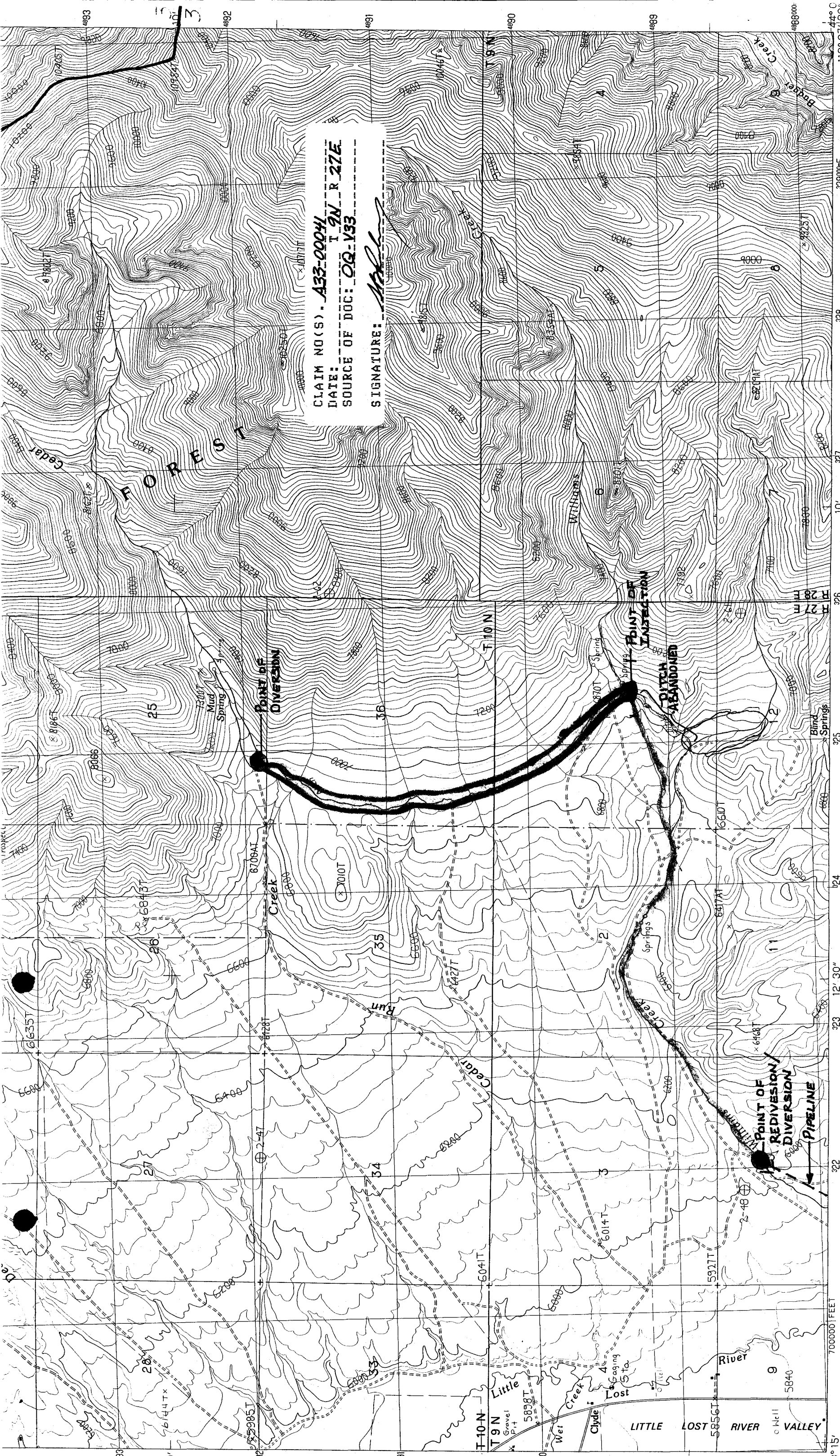
IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho, to be affixed at Boise, Idaho, this 11th day of March, 1938.

R. W. FARIS
Commissioner of Reclamation

By

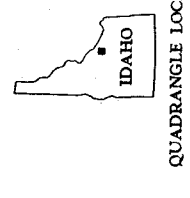
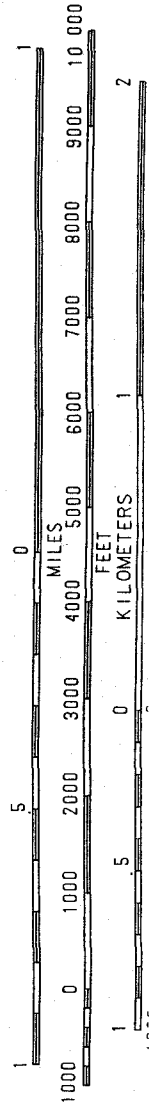
O. D. Becker

Supervisor of Water Distribution

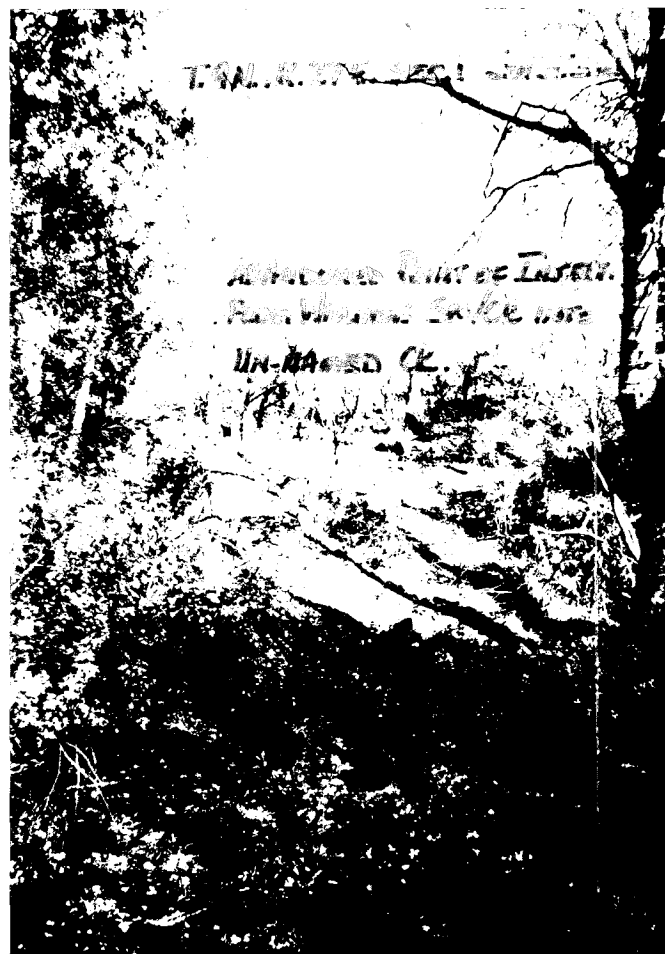
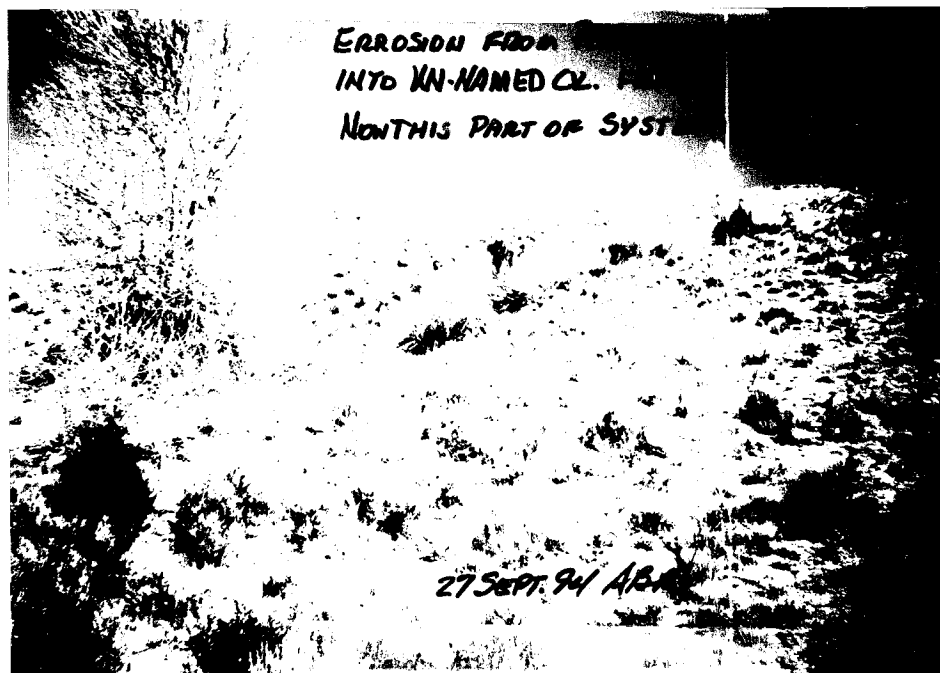


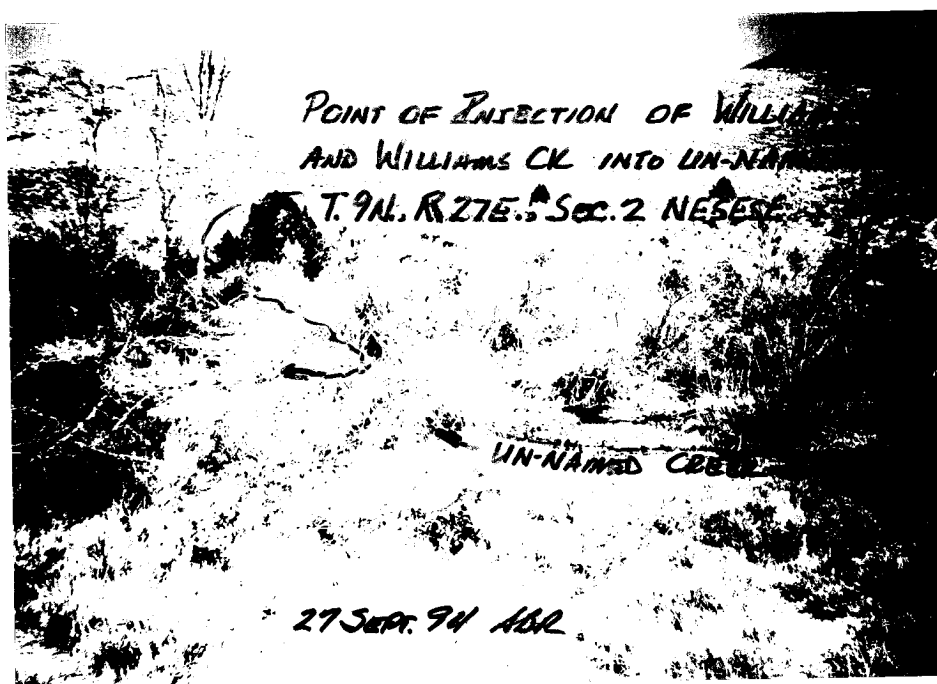
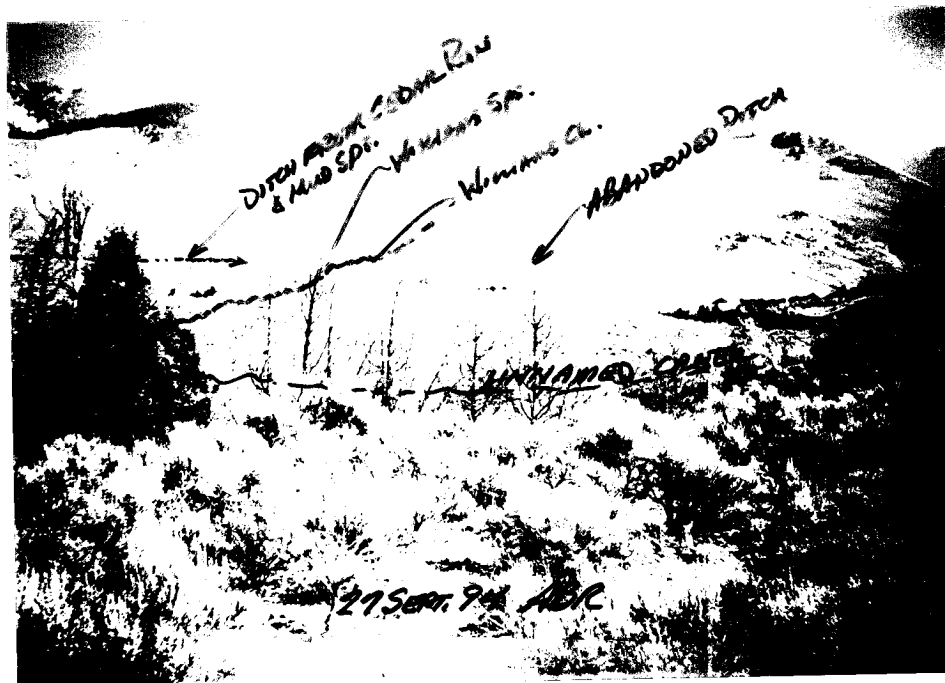
PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY USGS NOS/NOAA
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1981
FIELD CHECKED 1983 MAP EDITED 1987
PROJECTION TRANSVERSE MERCATOR
GRID: 1000-FOOT STATE GRID TICS ZONE 12
UTM GRID DECLINATION IDAHO, CENTRAL ZONE
1987 MAGNETIC NORTH DECLINATION 16° EAST

SCALE 1:24 000



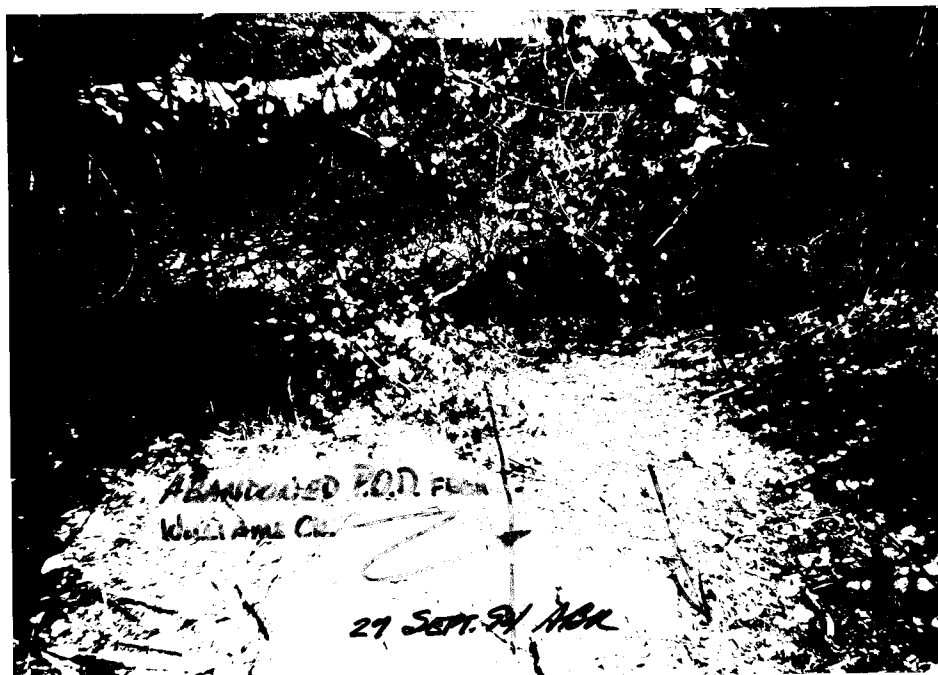
INTERIOR GEOLOGICAL SURVEY, RESTON, VIRGINIA-1987
ROAD LEGEND
Improved Road
Unimproved Road
T-11





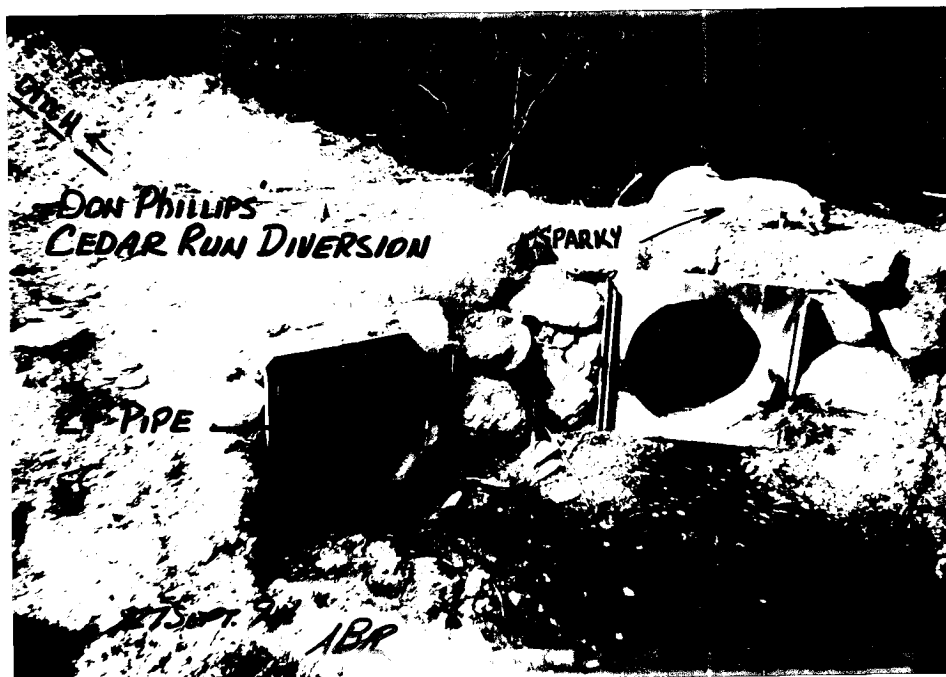


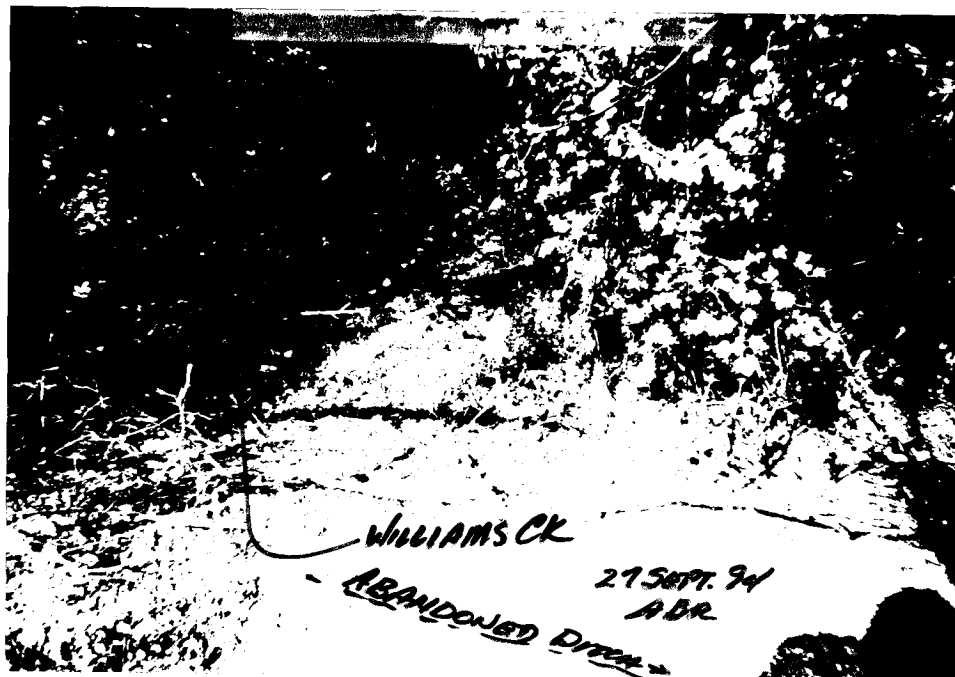
27 SEPT. 94 AGR



ABANDONED F.O.D. FROM
WILLIAMS Co.

27 SEPT. 94 AGR





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:09:28
09/21/94

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A33-00041B

LAST: HAWLEY
ADDRESS:
CITY: HOWE
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: ROY
STATE: ID ZIP: 83244

LAST: PHILLIPS
ADDRESS: PO BOX 5
CITY: HOWE
PHONE NUMBER: 208-767-3023
OWNER CODE: C

FIRST: DONALD R
STATE: ID ZIP: 83244

LAST: PHILLIPS
ADDRESS: PO BOX 5
CITY: HOWE
PHONE NUMBER: 208-767-3023
OWNER CODE: C

FIRST: BILLIE
STATE: ID ZIP: 83244

LAST: CRILL
ADDRESS: HC 65 BOX 3166
CITY: HOWE
PHONE NUMBER: 208-767-3015
OWNER CODE: 0

FIRST: JAMES L.
STATE: ID ZIP: 83244

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
FIELD EXAMINER
Y() N()

CLAIM REMARKS: 33-00041A PANCHERI CLAIMED 2.06 CFS.

WITHDRAWN → cc/Comments
2 FEB. 93, by K. Foster

33-00041
33-00041
TO 1996.
REMOVED 19 SEP 1996
PER D. SHARR

CONTACT PERSON: AL RUBEERY

PHONE NUMBER: (208) 767-5528

DATE OF FIELD EXAM: 9/15/94 APPOINTMENT MADE: Y(✓) N()

TIME: 11:00 A(X) P()

ACCOMPANIED BY: Don Phillips

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: Owner

DIRECTIONS TO PROPERTY / NOTES:

Met Mr. Phillips at appointed time. Reviewed AG's photo for places of use, points of diversion, and sources.

Called Mr. Phillips 9/26 for appt. to visit P.O.'s on 9/29/94.

In Nov. 95, Called Don Phillips - Re: Diversion on Williams Creek. He informed the culverts. Previous culverts used former dams to divert to the pipeline. No water reaches the river except during high spring runoff.

31 Oct. 95 Telecon w/ David Anderson, Watermaster Dist. 33. David states "He has never done anything with Williams Creek water. He has never known that water to get to the river. No call has been made for a lower diversion. It's never been tributary to the River."

21 June 99 - Telecon w/ David Anderson. David says the irrigation system was changed to its present configuration about 1983.

CP5

A. AJ CLAIM: # A33-00041B PRIORITY DATE: 11-15-1911 STAGE: D
 B. WR RECORD: # 33-00041 PRIORITY DATE: 11-15-1911 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y(✓) N()

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y() N(✓)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)

Y() N(✓)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

N/A(✓) Y() N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(✓) N()

NOTES: C) LICENSED RIGHT A33-00041 ALSO CLAIMS THIS WATER - HOWEVER, TENNESSEE #

S87 (COPY ENCLOSED) MOVES FROM THOSE LISTED ON 00041 (AND OTHERS) TO SOME
OF CURRENTLY CLAIMED LANDS. IT IS PROBABLE THAT THE DECREE SUPPLEMENTED
THE 33-00041 LICENSE WITH DECREE RIGHT-33-00041 (BY THIS CLAIM 00041B-
00041A WAS CLAIMED BY Phosphate, Inc. BUT WITHDRAWN 2 FEB. 1993, BY K. FOSTER)

RECOMMENDED PRIORITY DATE:

11-15-1911

REVIEWED BY

DATE 21 SEPT 94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A33-00041B	09N	27E	10	SW	SE	NW			BUTTE		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX
NONE
WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: WILLIAMS SPRINGS
CEDAR RUN

TRIB: WILLIAMS CREEK

B. WR POINT OF DIVERSION AND SOURCE:

3300041 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: WILLIAMS SPRINGS
CEDAR RUN

TRIB: WILLIAMS CREEK

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)

AJ FIELD EXAM (DATE OF FIELD EXAM 9/15/94 NAME OF EXAMINER A. RUSSELL)

OTHER (DESCRIBE IN NOTES BELOW)

upstream
P.O.D. WAS MOVED, PRIOR TO MR. PHILLIPS' BUYING THIS RANCH. THERE IS NO INJURY OR IMPACT TO OTHER APPROPRIATORS SINCE THIS IS THE ONLY WATER RIGHT ON CEDAR RUN AND WILLIAMS SPRING/CREEK.

NOTES: POINTS OF DIVERSION, INTERSECTION & REDIVERSION, ALL INCLUSIVE, AS LISTED BELOW ARE INTENDED TO INCLUDE ALL THE WATERS (UP TO 155 INCHES AS DECARED) OF MUD SPRINGS, WILLIAMS CK., WILLIAMS SPRINGS AND THE "UN-NAMED SO. FORK" OF WILLIAMS CK.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()										DIVERSION NBR
POD										
TWP.	RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME
09N	27E	10	SW	SE	SW	NW			BUTTE	NOTES ONLY
10N	27E	25	SW	SE	SW	NW	✓	D		Cedar Run (Mud Springs)
9N	27E	01	NE	NW	SE	SW		D		Williams CK & Springs
9N	27E	01	SW	SE	SW	NW		I		To Williams CK
9N	27E	10	SW	NW	NE	SW		R		From Williams CK (of Cedar Run)
9N	27E	10	SW	NW	NE	SW		D		of Williams CK (So. Fork Williams CK)

CP3

SOURCE: WILLIAMS SPRINGS

TRIB: WILLIAMS CREEK

REVIEWED BY:

DATE:

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

AS DECARED "Williams Springs and Cedar Run: 155 INCHES, NOVEMBER 15, 1911."

TRANS. 587. " ... SHALL BECOME APPURTENANT, ... E2SE 4 SEC. 9, SW 1/4 SEC. 10, W 1/2 NW 1/4 SEC. 15, T. 9N., R. 27E. " " ... HEREAFTER BE DIVERTED FROM THE MOUTH OF WILLIAMS SPRINGS AND MOUTH OF CEDAR RUN AND WILL BE CONDUCTED TO THE NEW [ABOUT LISTED] PLACE OF USE THROUGH PRIVATE DITCH. " 11 MARCH 1938.

Amended 11/3/2k
Recognizes So. Fr Williams ck

POD's: Coon Run ck
SWSBSW Sec 25 10/27
POB Coon Run to Williams ck
NWNW Sec. 1 9/27
POD: Williams ck
SWNWNE Sec. 10 9/27



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DIVERSION ON WILLIAMS CR.
SWNW 1/4 SEC. 10, T. 9N, R. 27E.

DIVERTS AND REDIVERTS WATER
OF: MUD SPRINGS), CEDAR RUN
CREEK, WILLIAMS CREEK (N.E.F.),
WILLIAMS SPRINGS (NOT NAMED ON
DR V-33) AND "UNNAMED" SO.
FORK OF WILLIAMS CR.



SHOWS APPROXIMATE LOCATION
OF PIPELINE FROM WILLIAMS CR.
DIVERSION TO PLACES OF USE
AND REDIVERSION OF ALL
OTHER SOURCES TO SAME

A. ROOT WATER RIGHT NUMBERS: A33-00041B

B. POU LISTING											
TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	27E	9	NW	SE		PHILLIPS, DONALD R	A33-00041B /40.0	- /	39.0		
						PHILLIPS, DONALD R	A33-02067 /40.0	- /			
						SMITH, LEONARD	33-02110 /25.0				
09N	27E	9	SW	SE		PHILLIPS, DONALD R	A33-00041B /40.0	- /	39.0		
						PHILLIPS, DONALD R	A33-02067 /40.0	- /			
09N	27E	15	SW	NW		PHILLIPS, DONALD R	A33-00041B /40.0	- /	39.0		
						PECK, ROY	33-00041 /				
						SMITH, LEONARD	33-02110 /39.0				
09N	27E	15	NW	SW		PHILLIPS, DONALD R	A33-00041B /40.0	- /	33.0		
						SMITH, LEONARD	33-02110 /34.0				
ADDITIONAL POU FOUND											

TOTAL ACRES	A33-00041B	160.00	150.00
POU COUNTY: BUTTE			

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

* IF YES, ARE THESE TRACTS LISTED ABOVE (No), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

Y(✓) N()

7x 587 2002-2003 BY LEAS

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
A33-00041B	WILLIAMS SPRINGS	PHILLIPS, DONALD R		3.100		0.019				
A33-02067	CEDAR RUN GROUNDWATER	PHILLIPS, DONALD R		2.800		0.020				

PLACE OR USE - ACTUAL

SEC. 9th ALL NESE EXCEPT LLR,
CORRALS, HS, AND FIELD
IN NESESE.

NWSE, SWSE

SESE EXCEPT LLR

SEC. 15 SWNW, NWSW, SWNNW

AMEND CLAIM* FOR POLL'S
AND POD'S

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: A33-02110 AND A33-02067

A33-02067 co-mingles with 000418 to serve places on H&S. A33-02110 does not serve same POU.

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(☒)

CHECK DOCUMENTS USED TO VERIFY POU: ☒ ORTHOPHOTOQUAD, IDWR NO. V-33/B3; () TOPOGRAPHIC QUAD, IDWR NO. _____;
☒ NAPP, IDWR NO. V-33SE/33SW/B3NW ☒ ASCS PHOTO; () OTHER _____

NOTES: _____

TX #587

RECOMMENDATIONS:

TOTAL ACRES: _____ N/A(____)

REVIEWED BY: _____ DATE: _____

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A33-00041B IRRIGATION	FROM 04-01 TO 11-01	3.100 CFS	195
TOTAL DIVERSION RATE/VOLUME		3.100 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
33-00041 IRRIGATION	FROM TO	3.100 CFS	
TOTAL DIVERSION RATE/VOLUME		3.100 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

303 10785

NOTES: G.) DECREASED AS ... BETWEEN APRIL 1ST AND NOVEMBER 1ST ... " (pg. 21, XLV)

AJ CLAIM TOTAL DIVERSION RATE: 3.100 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.100 CFS
ISS" DETERMINED

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 400.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA 3.5 =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

1b. CALCULATIONS

WR RECORD CONDITIONS/REMARKS:

TRANS. S87 LANDS OF PLACES OF USE DO NOT COMPLETELY DESCRIBE CURRENT PLACES(S) OR USE.



RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A		REC. CONS. USE
			DATABASE	EXAMINER	
IRRIGATION	04-01 11-01	3.100	DATABASE	EXAMINER	DATABASE EXAMINER 400.0
TOTAL FOR THIS RIGHT		3.100			400.0

NON-IRRIGATION USES CLAIMED: NONE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: _____

DATE: _____

FLAG: C

HOVED P.O.D. INCREASED ACCRUALS, Co-UNITED of water 33-02067

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 33-00041

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 3.100

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-------------------	-----------------------	----------------	------------------------	---------------	------------------	----------------

-	A33-00041A	3.100	-	-	33-00041	3.100
---	------------	-------	---	---	----------	-------

TOTAL CFS 3.100

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE Y
FIELD EXAMINER Y() N()

NOTES:

No SPLITS. Right is claimed as decreed, (IN-FULL).

A33-00041A FILED BY: Panchoon Inc., withdrawn 2 FEB 94, K. Foster
A33-00041B FILED BY: Don Phillips, et al ⇒ Because 33-00041A
was withdrawn 33-00041B was RE NUMBERED TO 33-00041.

AUTHENTICATION:

SIGNATURE: _____

DATE: 22 Sept 99

NAME OF FIELD EXAMINER: _____

TITLE: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:09:28
09/21/94

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A33-00041B

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	ELEMENT DOCUMENTED WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			APR 9/15/94	N				
POINT OF DIV	Y			Y				
SOURCE				N				
PLACE OF USE	Y			Y				
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE				N				
PURPOSES OF USE				N				
PERIOD OF USE	Y			Y				
BASIS OF CLAIM				N				
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
☒ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
☒ NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
☒ ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
☒ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
☒ IDWR APPROVED TRANSFER #587	DATE TRANSFER APPROVED _____	_____	_____
☒ SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☐ OTHER <u>DEEDS, 1927</u>	DATE _____	_____	_____
☐ OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:10:40
09/21/94
17

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A33-00041B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DONALD R PHILLIPS	11/15/1911	IRRIGATION	04-01 11-01	3.10 CFS	
C	BILLIE PHILLIPS					

PO BOX 5
HOWE ID 83244
(208) 767-3023

Water Source: ~~WILLIAMS CREEK~~
CEDAR RUNCK

Tributary to: WILLIAMS CRE

~~SWNWINE~~
SWSNW

Don Phillips - Williams Cr Ranch
1) Are Sources connected?

Point(s) of Diversion: T09N R27E S10

Place of use Legal Description for: IRRIGATION

		NE		NW		SW	
		NENE		NNNW		NNWSW	
		SENE		SNNW		SWSW	
T	R	S	Lt	Ac	Lt	Ac	Lt
09N	27E	9	:	Lt	Ac	Lt	Ac
09N	27E	15	:	Lt	Ac	Lt	Ac
						40	

Williams Cr & Lower Will

2) How do the systems work?

POU County: BUTTE

Non-Irrigation Uses: NONE

Other Rights: A33-02110 AND A33-02067

Remarks: 33-00041A PANCHERI CLAIMED 2.06 CFS - WITHDRAWN

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number: 33

Field Inspection Flag:
Presumption Flag:

*3) WHEN WAS THE WILLIAMS CR P.O.D.
MOVED UPSTREAM?*

*4) DIAGONAL FENCE SENE SEC. 15
OWNERSHIP? BLM?*

*5) DIAGONAL FIELD NW/2W SEC. 15
ALWAYS MAINT. - PREVIOUS BY FLOOD*

*6) FENCE LINES DO NOT APPEAR TO FOLLOW
QQ LINES.*

REPORT # 33011578

00041B-130 22 => 80 ac

Don Phillips - Williams Cr Ranch

1.) Are Sources Connected?

Williams Cr & Lower Well

2.) How do the Systems work?

3.) When was the Williams Cr P.O.D.
moved upstream?

4. Diagonal Range SENE Sec. 15
Ownership? BLM?

5.) Diagonal Field NWSW Sec. 15
Always irrig. - Previous by Flood

6.) Fence Lines do not appear to follow
QQ Lines.

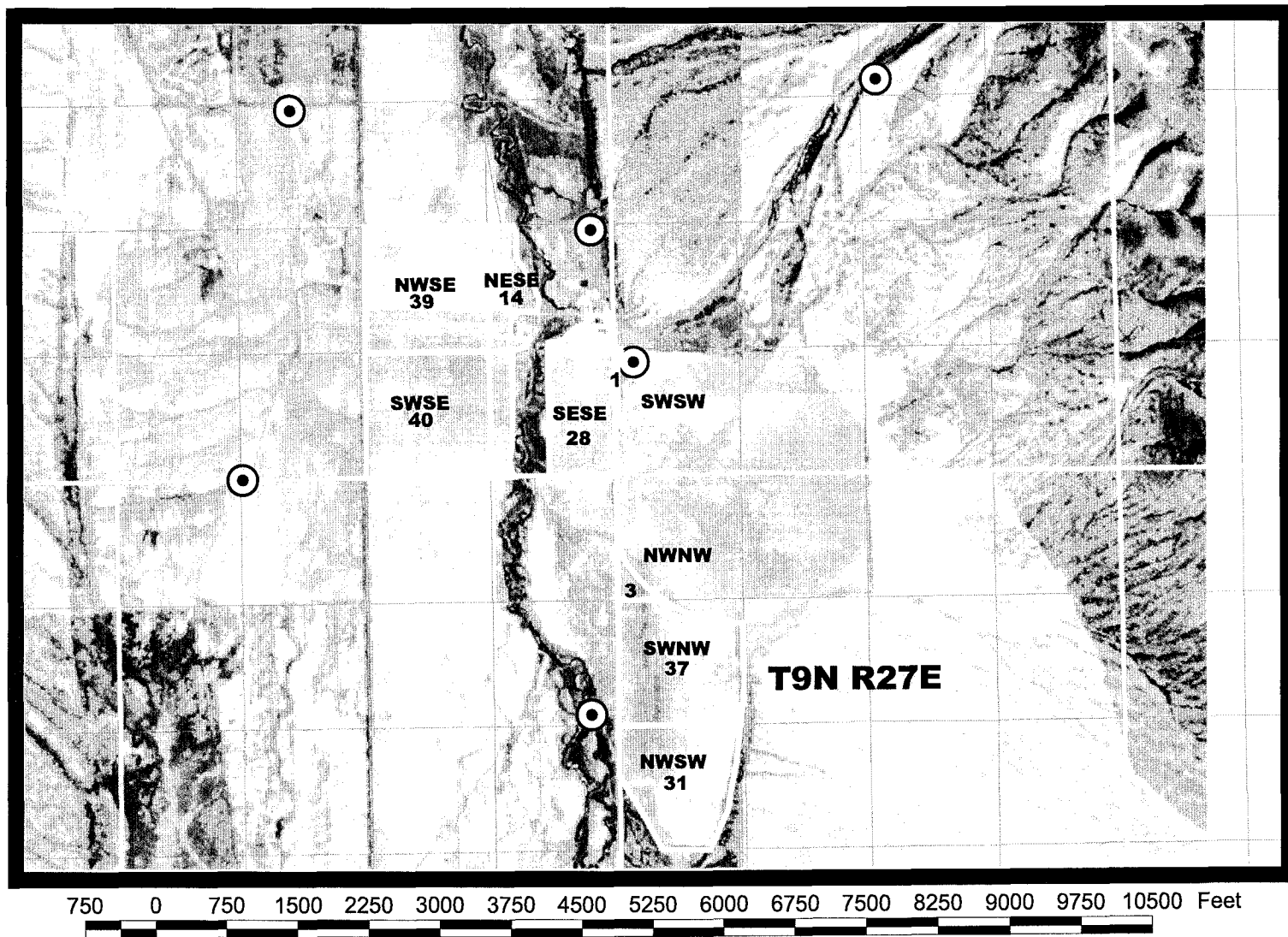
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Don Phillips

Water Right(s): 33-00041, 33-02110B, 33-02067, 33-10937



LEGEND



Point of Diversion

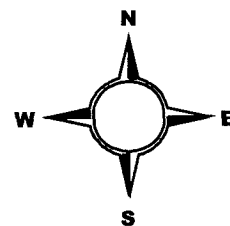
Place of Use

Section Line

Quarter-section line

Legal Description: T10N, R27E
(parts of) Sec. 9 SE,
Sec. 10 SWSW,
Sec. 15 W2NW, NWSW

Point(s) of Diversion: T9N, R27E
Sec. 10 SWNWNE (surface)
NWSWSW (well)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: October 2000

Ruberry, Allen

To: McHugh, Candice
Cc: Music, Vicky
Subject: Amend DR 33-00041

The attached should represent the NEW version of Mr. Phillips Amended DR for 33-00041.
please let me know if you see problems.
later.....al



33-41.doc



33-00041.jpg

41- 3.1
2110B - .52 > 3.64
2110A - 3.12
2067 - 2.8

12/19/2000

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

RIGHT NUMBER: 33-41

NAME AND ADDRESS: BILLIE PHILLIPS
DONALD R PHILLIPS
PO BOX 5
HOWE, ID 83244

SOURCE: CEDAR RUN CREEK TRIBUTARY: LITTLE LOST RIVER
WILLIAMS CREEK LITTLE LOST RIVER

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM
WILLIAMS CREEK

QUANTITY: 3.1 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.86 CFS. COMBINED RIGHT
NOS.: 33-02110B, 33-02067, 33-10937

PRIORITY DATE: 11/15/1911

POINT OF DIVERSION:	T09N R27E S1	NWNWSE	Injection	Within BUTTE County
	T09N R27E S10	SWNWNE		Within BUTTE County
	T09N R27E S10	SWNWNE	Rediversion	Within BUTTE County
	T10N R27E S25	SWSESW		Within BUTTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 11-01	3.10 CFS

PLACE OF USE:

<u>IRRIGATION Within BUTTE County</u>					
T09N R27E S10	SWSW	1	T09N R27E S15	NWNW	3
T09N R27E S15	SWNW	37	T09N R27E S15	NWSW	31
T09N R27E S9	NESE	14	T09N R27E S9	NWSE	39
T09N R27E S9	SWSE	40	T09N R27E S9	SESE	28

193 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 193 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-02110B, 33-02067,
AND 33-10937

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

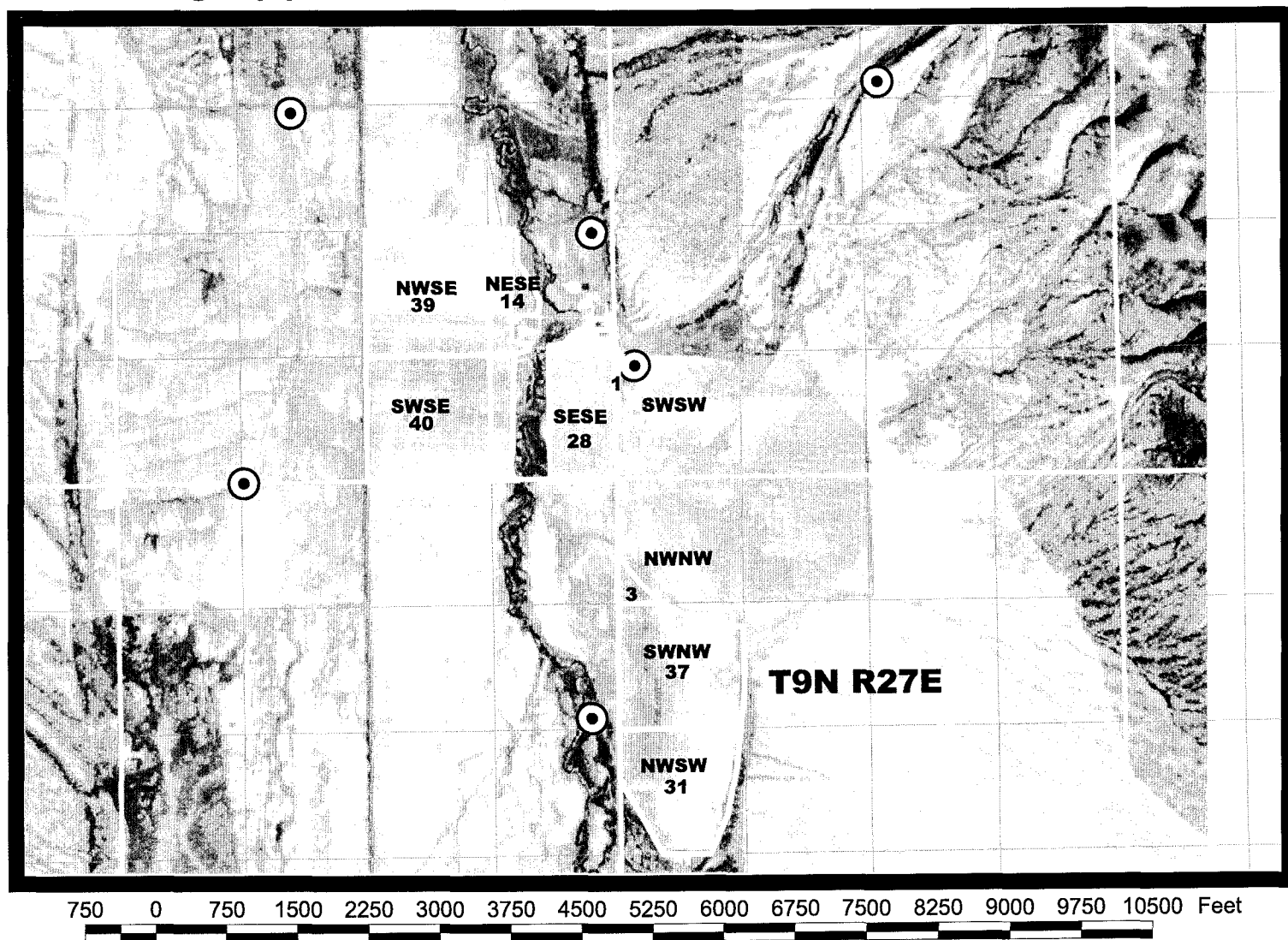
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Don Phillips

Water Right(s): 33-00041, 33-02110B, 33-02067, 33-10937



LEGEND



Point of Diversion

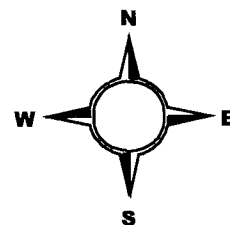
Place of Use

Section Line

Quarter-section line

Legal Description: T10N, R27E
(parts of) Sec. 9 SE,
Sec. 10 SWSW,
Sec. 15 W2NW, NWSW

Point(s) of Diversion: T9N, R27E
Sec. 10 SWNWNE (surface)
NWSWSW (well)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: October 2000

Original to Phillips'
TO MAIL TO COURT.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, *Abn*
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 33-41
Date Received: 1/10/90
Receipt No:
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BILLIE PHILLIPS Phone: (208)767-3528

PO BOX 5
HOWE ID USA 83244

DONALD R PHILLIPS Phone: (208)767-3528

PO BOX 5
HOWE ID USA 83244

2. Date of Priority: 11/15/1911

3. Source: CEDAR RUN CREEK , CEDAR RUN CREEK , WILLIAMS CREEK , WILLIAMS SPRING
Trib. to: , LITTLE LOST RIVER , LITTLE LOST RIVER , WILLIAMS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
09N	27E	1	NW NW SE	BUTTE (injection)
10N	27E	25	SW SE SW	BUTTE
09N	27E	10	SW NW NE	BUTTE (rediversion)
09N	27E	10	SW NW NE	BUTTE

5. Description of diverting works:

CEDAR RUN IS COLLECTED INTO A DITCH WHICH FOLLOWS CONTOUR TO SOUTH TO WILLIAMS CREEK WHERE IT IS INJECTED. WILLIAMS CREEK CONFLUENCES WITH SOUTH FORK OF WILLIAMS CREEK AND ALL FLOWS TO THE POD. PIPELINE FROM CREEK TO RELIFT PUMP TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
4/01 11/01 3.1

(or) A.F.A

7. Total Quantity Appropriated is:
3.1 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
09N	27E	9	NE	SE	IRRIGATION	14
			NW	SE	IRRIGATION	39
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	28
					Section Acres	121
09N	27E	10	SW	SW	IRRIGATION	1
					Section Acres	1
09N	27E	15	NW	NW	IRRIGATION	3
			SW	NW	IRRIGATION	37
			NW	SW	IRRIGATION	31
					Section Acres	71
					Total Acres	193

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WAS SPLIT AND CLAIMED AS FOLLOWS: 33-00041A PANCHERI CLAIMED 2.06 CFS, WITHDRAWN 2 FEB. 93, FOSTER. 33-00041B PHILLIPS 3.1 CFS, RENUMBERED TO 33-00041. PAID UNDER RECEIPT NO. E011578

CLAIM AMENDED TO CORRECT BLM OBJ AND CORRECT POD'S 11/07/00.

15. Basis of Claim: Decreed

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: 1

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): Don Phillips Date: 11/9/2000

Date:

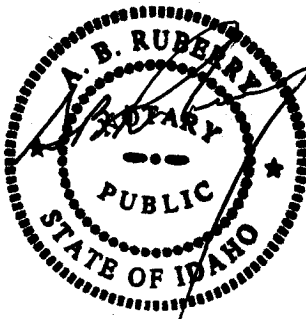
State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 9th
of Nov 2000

Arnon B. Rubery
Notary Public

Residing at FRANK FAUS RD

My commission Expires 09/23/03



Don Phillips
33-00041
as amended

NWSE
39

NESE
14

SWSE
40

SESE
28

1
SWSW

NWNW

3

SWNW
37

T9N R27E

NWSW
31



STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Donald & Billie Phillips

Water Right(s): 33-00041, 33-02110B, 33-02067, 33-10937



750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 8250 9000 9750 10500 11250 Feet

LEGEND



Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line

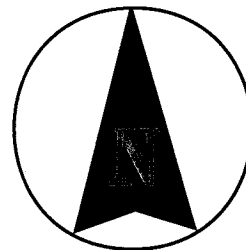
Quarter-section line

Place(s) of Use: T.9N., R.27E.

**Sec. 9 (parts of) SE,
Sec. 10 (part of) SWSW,
Sec. 15 (parts of) W2**

Point(s) of Diversion: T.9N., R.27E.

**Sec. 10 NWSWSW (well)
SWNWNE (surface)**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: September 1999



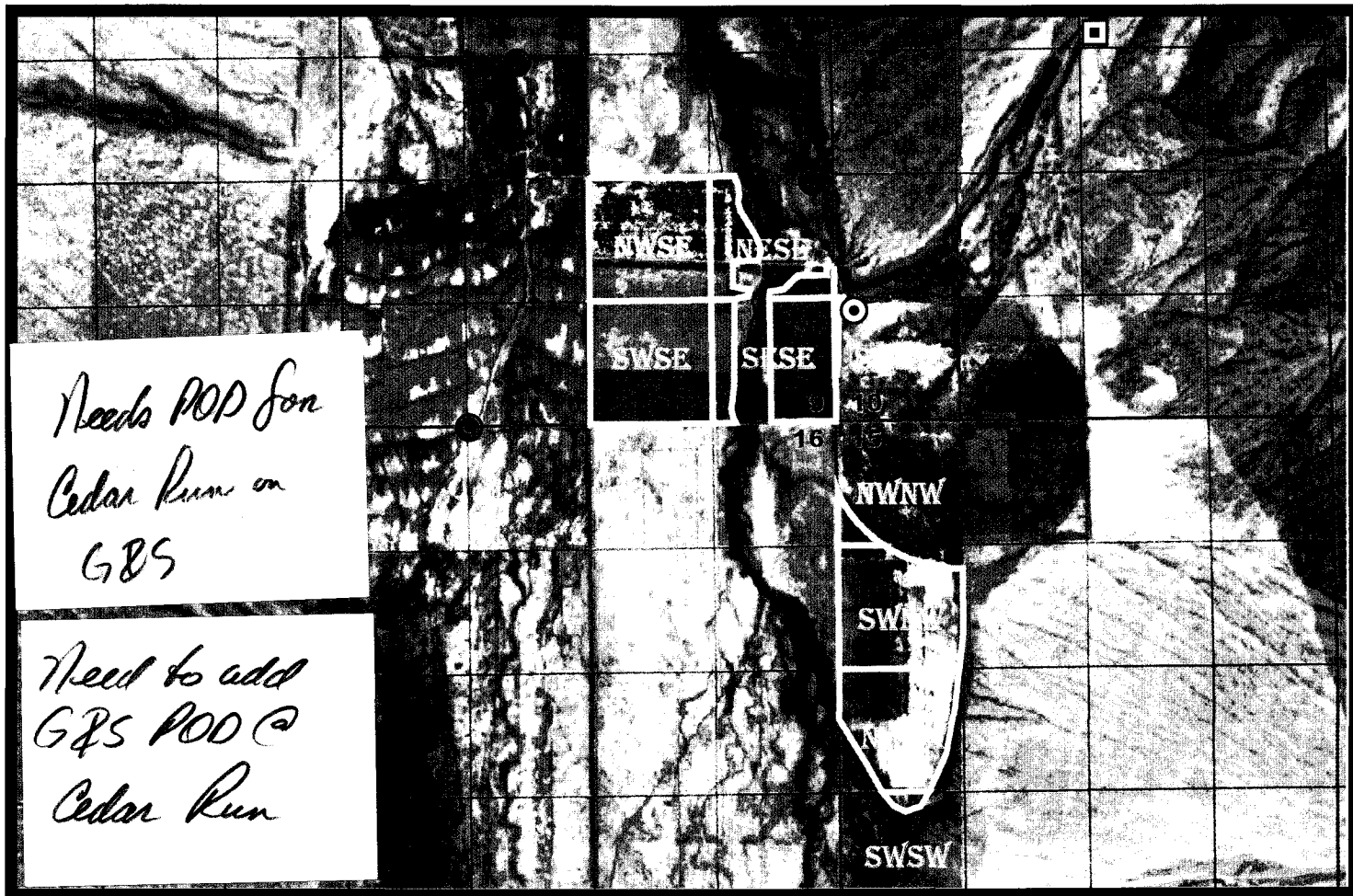
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Donald & Billie Phillips

Water Right(s): 33-00041, 33-02110B, 33-02067, 33-10937



750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 8250 9000 9750 10500 11250 Feet

LEGEND



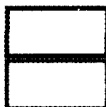
Point of Diversion- GW



Point of Diversion- SW

SESE

Place of Use



Section Line

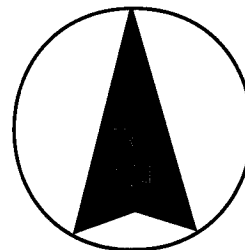
Quarter-section line

Place(s) of Use: T.9N., R.27E.

**Sec. 9 (parts of) SE,
Sec. 10 (part of) SWSW,
Sec. 15 (parts of) W2**

Point(s) of Diversion: T.9N., R.27E.

**Sec. 10 NWSWSW (well)
SWNWNE (surface)**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: September 1999

AJ0749NP
No. R33-00041

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/23/99
PAGE: 1

OWNER CODE NAME & ADDRESS
C DONALD R PHILLIPS
C BILLIE PHILLIPS
PO BOX 5
HOME ID 83244
(208) 767-3023

PRIORITY DATE
11/15/1911 IRRIGATION

WATER USE
IRRIGATION

USE PERIOD FROM TO
04-01 11-01

DIVERSION RATE
3.100 CFS

DIVERSION VOLUME
3.100 CFS

TOTAL DIVERSION:
3.100 CFS

Water Source: WILLIAMS SPRINGS
CEDAR RUN
WILLIAMS CREEK

Tributary to: WILLIAMS CREEK
LITTLE LOST RIVER

Stage: DECREED

Point(s) of Diversion:
T09N R27E S10
T10N R27E S25
T09N R27E S01
T09N R27E S10

Point(s) of Injection:
SWSENW
SWSESW
NNWSW
SWSENW

Point(s) of Re-diversion:
SWSENW

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE													
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac							
09N	27E	9	:	:	:	:	:	:	:	:	:	:							
09N	27E	10	:	:	:	:	:	:	:	:	:	:							
09N	27E	15	:	:	:	:	:	:	:	:	:	:							
										14	39	40	28	:	:	:	:	121.0	
														1.0	:	:	:	:	73.0
																		195.0	

TOTAL ACRES

BUTTE County
BUTTE County
BUTTE County
BUTTE County

POU County: BUTTE

Other Rights: 33-021108, 33-02067, 33-10937

Conditions of Approval:

- C02 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: SRC POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WILLIAMS CREEK.

QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.9 CFS. COMBINED RIGHT NOS.: 33-021108, 33-02067, 33-10937.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 195 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-021108, 33-02067, AND

POU Po # 21
POU Po # 32, 33

AJ0749NP
No. R33-00041

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/23/99
PAGE: 2

Remarks: 33-10937.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 33 Field Inspection Flag: C
Presumption Flag:

Comments: Date: 09/22/1999 User-ID: ARUBERRY Subject: COPIED FROM REMARKS
33-00041A PANCHERI INC. CLAIMED 2.06 CFS, WITHDRAWN FEB 18/93.
33-00041B CLAIMED BY PHILLIPS BUT RENUMBERED TO 33-00041.

Audit: 09/23/99 ARUBERRY

AJ0749NP
No. A33-00041

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/22/99
PAGE: 1

OWNER NAME & ADDRESS
C DONALD R PHILLIPS
C BILLIE PHILLIPS
PO BOX 5
HOME ID 83244
(208) 767-3528

PRIORITY DATE 11/15/1911
WATER USE IRRIGATION
USE PERIOD FROM 04-01 TO 11-01
DIVERSION RATE 3.100 CFS
DIVERSION VOLUME 3.100 CFS

TOTAL DIVERSION: 3.100 CFS

Water Source: WILLIAMS SPRINGS
CEDAR RUN
WILLIAMS CREEK

Tributary to: WILLIAMS CREEK
LITTLE LOST RIVER

Stage: DECREED

Point(s) of Diversion: T09N R27E S10 SWSEW BUTTE County
T10N R27E S25 SWSEW BUTTE County
Point(s) of Injection: T09N R27E S01 NWWSW BUTTE County
Point(s) of Re-diversion: T09N R27E S10 SWSEW BUTTE County

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE		SUM						
T	R S	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESE	NWSE	SWSE	SESE	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09N 27E 9	:	:	:	:	:	:	:	:	:	:	:	:	:	121.0
09N 27E 10	:	:	:	:	:	:	:	:	:	:	:	:	:	1.0
09N 27E 15	:	:	:	:	:	:	:	:	:	:	:	:	:	73.0
													TOTAL ACRES	195.0

POU County: BUTTE

Other Rights: 33-02067, 33-10937

- Conditions of Approval:
- C02 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.
 - C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
 - C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: GEN THIS RIGHT WAS SPLIT AND CLAIMED AS FOLLOWS:
33-00041A PANCHERI CLAIMED 2.06 CFS, WITHDRAWN 2 FEB. 93, FOSTER.
33-00041B PHILLIPS 3.1 CFS, RENUMBERED TO 33-00041. PAID UNDER RECEIPT NO. E011578.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 33 Field Inspection Flag: C
Presumption Flag:

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

Reamended to
~~A33-00041B~~ *A33-00041*

Ident. Number: ~~A33-00041B~~ *9/22/99*

Date Received: 1/10/1990

Receipt No: E011578 *Don*

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DONALD R PHILLIPS 208-767-3023
Address: PO BOX 5
HOWE ID 83244

AND/OR

Name: BILLIE PHILLIPS 208-767-3023
Address: PO BOX 5
HOWE ID 83244

2. Date of Priority: NOV 15, 1911

3. Source: WILLIAMS SPRINGS Trib. to: WILLIAMS CREEK
CEDAR RUN
WILLIAMS CREEK LITTLE LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	27E	1	NW	NW	SW	I	BUTTE
		10	SW	SE	NW		BUTTE
			SW	SE	NW	R	BUTTE
10N	27E	25	SW	SE	SW		BUTTE

CD3

5. Description of diverting works:
PIPELINE FROM CREEK TO RELIFT PUMP TO SPEINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.100		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:

Original
Sent to
Court.
4-20-00

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	27E	9	NE		SE		IRR	14.0 ✓
			NW		SE		IRR	39.0
			SW		SE		IRR	40.0
			SE		SE		IRR	28.0 ✓
Section Acres								121.0
		10	SW		SW		IRR	1.0 ✓
Section Acres								1.0
		15	NW		NW		IRR	3.0 ✓
			SW		NW		IRR	37.0 ✓
			NW		SW		IRR	31.0 ✓
			SW		SW		IRR	2.0
Section Acres								73.0
Total Acres								195.0

✓
114 ac of 200.
by Tx #587

CPS

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A33-02110 AND A33-02067

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/ 4/1927

BLAINE COUNTY INVESTMENT CO.
Decree Plaintiff

ROBERT G. MAYS, ET AL
vs 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:

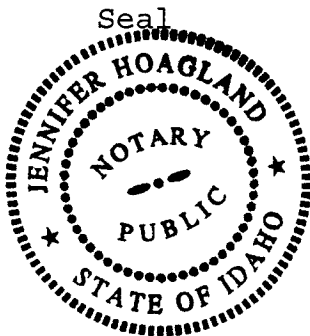
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Donald A. Phillips Date: 9-9-99
Bellie Phillips Date: 9-9-99

State of Idaho)
County of Bonnyville) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of Sept 19 99

Jennifer Hoagland
Notary Public



Residing at Idaho Falls Idaho
My Commission Expires 9-23-03

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: A33-00041
Date Received: 1/03/1990
Receipt No: E011578
Received By: _____

RECEIVED

JAN 10 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES L. CRILL 208-767-3015
Address: HC 65 BOX 3166
HOWE, ID 83244

2. Date of Priority: NOV 15, 1911

3. Source: WILLIAMS SPRINGS Trib. to: WILLIAMS CREEK
CEDAR RUN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	27E	10	SW	SE	NW		BUTTE

5. Description of diverting works:
PIPELINE FROM CREEK TO RELIFT PUMP TO SPEINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.100		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09N	27E	9	NW	SE		IRR	40.0
			SW	SE		IRR	40.0

Section Acres 80.0

A33-00041

Page 1

Date: 01/03/90

Original
Sent to
Court.
4-20-00

MICROFILMED

NOV 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	27E	15	SW	NW		IRR	40.0
			NW	SW		IRR	40.0
Section Acres							80.0
Total Acres							160.0

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A33-02110 AND A33-02067

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/04/1927

BLAINE COUNTY INVESTMENT CO.
Decree Plaintiff

vs

ROBERT G. MAYS, 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): ☒ James L. Bell Date: ☒ 1-3-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 3rd day

of Jan 19 90

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires APR 30 1994 COMMISSION EXPIRES: 6-30-94

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



Water Right Number - A33-00041 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - + - - - -

*** C - CURRENT OWNER ***
SPLIT RIGHT

*** O - ORIGINAL OWNER ***
HAWLEY

CRILL

ROY

JAMES L.

State- ID Zip- 0

State- ID Zip- 83244

State- ID Zip- 83244

+ - - - - Priority Date - - - - + + - - - - Region - - - - + + - - - - Stage - - - - + + - - - - Status - - - - +
11/15/1911 15 EASTERN

+ - - - - Source - - - - - + - - - - Tributary - - - - - + - - - -
WILLIAMS SPRINGS WILLIAMS CREEK

+ - - - - Point of Diversion - - - - - + - - - -

TwN Rng Sec Tract Lot Rflg County

09N 27E 10 SW SE NW (23) BUTTE

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 11/01 3.100

+ - - - - Total Div. Rate - + + - - - - Total Div. Volume - + + - - - - Total Consumptive Use - + + - - - - KW Usage - +
3.100 0.0

+ - - - - TwN Rng Sec Tract Lot Acres Code Description County

()

Total Acres:

+ - - - - Diversion Means - PIPELINE FROM CREEK TO RELIFT PUMP TO SPEINKLERS

+ - - - - Non-Irrigation Use - NONE

Water right number - A33-00041 Prefix Translation: ADJUDICATION CLAIM

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
THIS RIGHT WAS SPLIT AND CLAIMED AS FOLLOWS:

33-00041A PANCHERI CLAIMED 2.06 CFS
33-00041B PHILLIPS 3.1 CFS

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - Decree Date - - +
BLAINE COUNTY INVESTMENT CO. ROBERT G. MAYS, ET AL 03/04/1927

+ - - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - - +
01/30/92 DCARLSON

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 01/10/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 33
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

AMEND 2067 to GREEN pool & north
well CP3 C05

Enlargement claim for additional acres. 1043

Amend 2110 to blue pool & south
well. CP3 & CP5

Enlargement claim for additional acres. 1382

Overlap with -00041

See Amendment
Revised To 33-00041B

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.

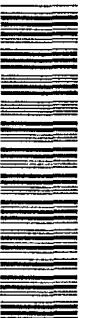
CIVIL CASE NUMBER: 39576

Ident. Number: A33-00041B
Date Received: 1/10/1990
Receipt No: E011578
Received By:

Original
Sent to
Claims.
4-20-00

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A3300041B



1. Name: DONALD R PHILLIPS 208-767-3023
Address: PO BOX 5
HOWE ID 83244
AND/OR
Name: BILLIE PHILLIPS 208-767-3023
Address: PO BOX 5
HOWE ID 83244

2. Date of Priority: NOV 15, 1911

3. Source: WILLIAMS SPRINGS Trib. to: WILLIAMS CREEK
CEDAR RUN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	27E	10	SW	SE	NW		BUTTE

5. Description of diverting works:
PIPELINE FROM CREEK TO RELIFT PUMP TO SPEINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.100		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED
NOV 18 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	27E	9	NW	SE		IRR	40.0
			SW	SE		IRR	40.0
					Section Acres		80.0
		15	SW	NW		IRR	40.0
			NW	SW		IRR	40.0
					Section Acres		80.0
					Total Acres		160.0

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A33-02110 AND A33-02067

14. Remarks:
33-00041A PANCHERI CLAIMED 2.06 CFS

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/ 4/1927

BLAINE COUNTY INVESTMENT CO.
Decree Plaintiff

ROBERT G. MAYS, ET AL
vs 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: _____