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JUL 10 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

COPY

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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

Water Rights: 63-3278 (Split)
63-33216, 63-33217

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- ☐ Other
- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 8, 2009



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 8, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

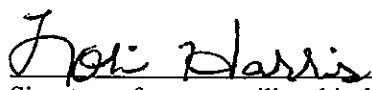
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Michael E Wagner	☐ overnight mail
Anne Wagner	☒ regular mail
25838 N Middleton Rd	☐ hand-delivered
Middleton ID 83644	☐ facsimile

Richard M & Staci Phillips Trust	☐ overnight mail
Richard M Phillips Trustee	☒ regular mail
210 Murray St	☐ hand-delivered
Boise ID 83714	☐ facsimile


Signature of person mailing this document

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

RIGHT NUMBER: 63-3278 DISALLOWED

SPLIT RIGHT: RECOMMENDED AS RIGHT NOS. 63-33216 & 63-33217

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DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-33216

NAME AND ADDRESS: ANNE WAGNER
25838 N MIDDLETON RD
MIDDLETON ID 83644MICHAEL E WAGNER
25838 N MIDDLETON RD
MIDDLETON ID 83644

SOURCE: UNNAMED STREAM

TRIBUTARY: WILLOW CREEK

QUANTITY: 0.010 CFS
1.800 AFY

The rights listed below are limited to a total combined diversion rate of 7.52 cfs and to a total combined annual diversion volume of 1692 AF. Combined Right Nos.: 63-33216, 63-33217, 63-33218, 63-33219, 63-33220, 63-33221, 63-33222, 63-33223.

PRIORITY DATE: 04/05/1962

POINT OF DIVERSION:

T05N R02W S35 NWNWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.010 CFS 1.80 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 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.

PLACE OF USE: IRRIGATION in CANYON County

T05N R02W S35 NENW 0.40

0.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 376 acres in a single irrigation season. Combined Right Nos.: 63-33216, 63-33217, 63-33218, 63-33219, 63-33220, 63-33221, 63-33222, 63-33223.

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 - License

This right is a split from former right 63-3278 .

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

RIGHT NUMBER: 63-33217

NAME AND ADDRESS: RICHARD M PHILLIPS & STACI PHILLIPS TRUST
RICHARD M PHILLIPS TRUSTEE
210 MURRAY ST
BOISE ID 83714

SOURCE: UNNAMED STREAM

TRIBUTARY: WILLOW CREEK

QUANTITY: 2.440 CFS
669.200 AFY

The rights listed below are limited to a total combined diversion rate of 7 cfs and to a total combined annual diversion volume of 1692 AF. Combined Right Nos.: 63-33216, 63-33217, 63-33218, 63-33219, 63-33220, 63-33221, 63-33222, 63-33223.

PRIORITY DATE: 04/05/1962

POINT OF DIVERSION:

T05N R02W S35 NWNWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.440 CFS 669.20 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 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.

PLACE OF USE: IRRIGATION in CANYON County

T05N R02W S34	NENE	38.00	T05N R02W S34	NWNE	38.00
T05N R02W S35	NENW	37.60	T05N R02W S35	NWNW	35.00

148.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 376 acres in a single irrigation season. Combined Right Nos.: 63-33216, 63-33217, 63-33218, 63-33219, 63-33220, 63-33221, 63-33222, 63-33223.

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 - License

This right is a split from former right 63-3278 .

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