

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

SOURCE: BADGER CREEK TRIBUTARY: TETON RIVER

QUANTITY: 7.680 CFS

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:
T06N R45E S9 SWSWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

487.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 362.5 acres in a single irrigation season. Combined Right Nos.: 22-174A, 22-254B and 22-56

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.

Water is delivered through the Phillips Ditch.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

January 18, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

SPRING HOLLOW LLC
PO BOX 3666
JACKSON WY 83001

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 22-56, 22-174A, 22-254B, 22-452, 22-501B, 22-7049, 22-7133, 22-11985, 22-11987

Dear Sir or Madam:

It has come to our attention that you may have recently purchased a tract of land in Teton County, Idaho. The property to which I am referring was most recently owned by Burton & Kathy Phillips. The legal description is as follows:

T06N, R45E, S8, S16, S17, S21, 487.3 acres

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 525-7161.

Respectfully submitted,

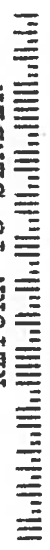
Jennifer Crabtree
Technical Records Specialist

N. SKYLINE DR.
ALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED

★ ★ U.S. POSTAGE
1571 PB3523907
8942 \$01.110 JAN 05 2007
8505 MAILED FROM ZIP CODE 83402

PHIL910* 834522001 1B05 11 01/09/07
FORWARD TIME EXP RTN TO SEND
PHILLIPS
1329 W BLOOMINGTON DR S
SAINT GEORGE UT 84790-7758
RETURN TO SENDER



BURTON PHILLIPS
KATHY PHILLIPS
910 N 300 W
TETONIA ID 83452

RECEIVED
JAN 12 2007
Department of Water Resources
Eastern Region

22-452
11985
11987
174A
254B
501B
56
7049
7133

RECEIVED

DEC 26 2006

Department of Water Resources
Eastern Region

This property has been sold including
water rights to Spring Hollow LLC, P.O. Box
3666, Jackson, WY, 83001

Richard Reilly Tele: 307-733-2247

Dan Newton Cell: 406-261-6522

They are in order, but will need the
approval of the new owner.

Thank you

Richard Reilly

December 8, 2006

BURTON PHILLIPS
KATHY PHILLIPS
1329 W BLOOMINGTON DR S
SAINT GEORGE UT 84790

RE: CHANGE OF ADDRESS FOR 22-11985, 22-11987, 22-174A,
22-254B, 22-452, 22-501B, 22-56, 22-7049, 22-7133

Dear Claimant:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

BURTON PHILLIPS
KATHY PHILLIPS
910 N 300 W
TETONIA ID 83452

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

RTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED



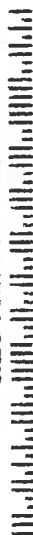
U.S. POSTAGE

1411 PB3523907
8942\$01.590 DEC 01 2006
6568 MAILED FROM ZIP CODE 83402

BURTON & KATHY PHILLIPS
910 N 300 W
TETONIA ID 83452

PHIL910* 334522026 1B05 16 12/05/06
FORWARD TIME EXP RTN TO SEND
PHILLIPS
1329 W BLOOMINGTON DR S
SAINT GEORGE UT 84790-7758

RETURN TO SENDER



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Eastern Regional Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

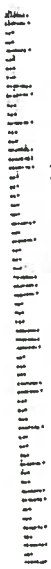
RETURN SERVICE REQUESTED

22-11985
11987
174A
254B
452
50113
56
7049
7133

83402X1700
1755675554 R001

BURTON PHILLIPS
KATHY PHILLIPS
910 N 300 W
TETONIA ID 83452

PHIL 910* 83452002 1B05 08 12/02/06
FORWARD TIME EXP RTN TO SEND
PHILLIPS BLOOMINGTON DR 5
1325 W GEORGE UT 84790-7756
SAINT
RETURN TO SENDER



1081
8922 \$00.390 N0V 29 2006
6363 MAILED FROM ZIP CODE 83402
U.S. POSTAGE PB3523907

RECEIVED

DEC 29 2006

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

11/29/2006

RECEIVED

DEC 26 2006

DEPARTMENT OF
WATER RESOURCES

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:

Water right number: 22-174A

BURTON PHILLIPS

910 N 300 W

TETONIA ID 83452

Telephone Number: (208)456-2697

KATHY PHILLIPS

910 N 300 W

TETONIA ID 83452

Telephone Number: (208)456-2697



Richard & Gail Reilly
PO Box 3666
Jackson, WY 83001

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: 12/19/06

SIGNATURE:

Richard J. Reilly

Please print your name:

Richard J. Reilly

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

OC

06/10/2005

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:

Water right number: 22-174A

PHILLIPS FARMS INC
C/O BURTON K PHILLIPS
910 N 300 W
TETONIA ID 83452
Telephone Number: (208) 456-2697

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: 6-15-05

SIGNATURE:

Burton K Phillips for Phillips Farms Inc.

Please print your name:

Burton K Phillips

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

JUN 24 2005

Department of Water Resources
Eastern Region

SCANNED

JUN 28 2005

PROFILED

KMT
6/27

E-Vault



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 12, 2005

BURTON & KATHY PHILLIPS
910 N 300 W
TETONIA ID 83452

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-56, 22-174A, 22-
254B, 22-452, 22-501B, 22-7049, 22-7133, 22-11985, 22-11987

Dear Mr. & Mrs. Phillips:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

2- Clerk

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-56			22-7049	
	22-174A			22-7133	
	22-254B			22-11985	
	22-452			22-11987	
	22-501B				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *O*
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Phillips Farm Inc.

4. New Owner/Claimant(s)

Barton K. and Kathy Phillips
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

910 N 300 W

City, State and ZIP Code

Teton, Id 83452

New Telephone Number

456-2697

5. Date you acquired the property

12-30-93

PROFILE

SCANNED
JUL 13 2005

RECEIVED
JUN 22 2005
Department of Water Resources
Eastern Region

changed per Allen JC 7/12/05

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Bryson 12 Phillips
Karey Phillips

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

PROFILE

SCANNED
JUL 13 2005



Idaho Department of Water Resources

SRBA Recommendation:

22-56

22-174A

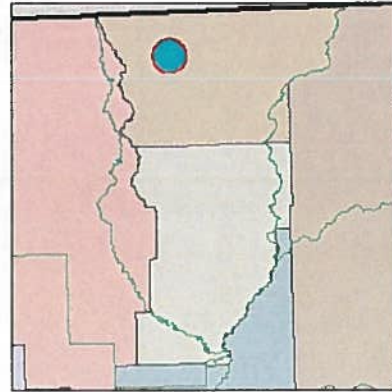
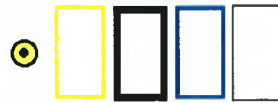
22-254B

22-501B

(Irrigation)

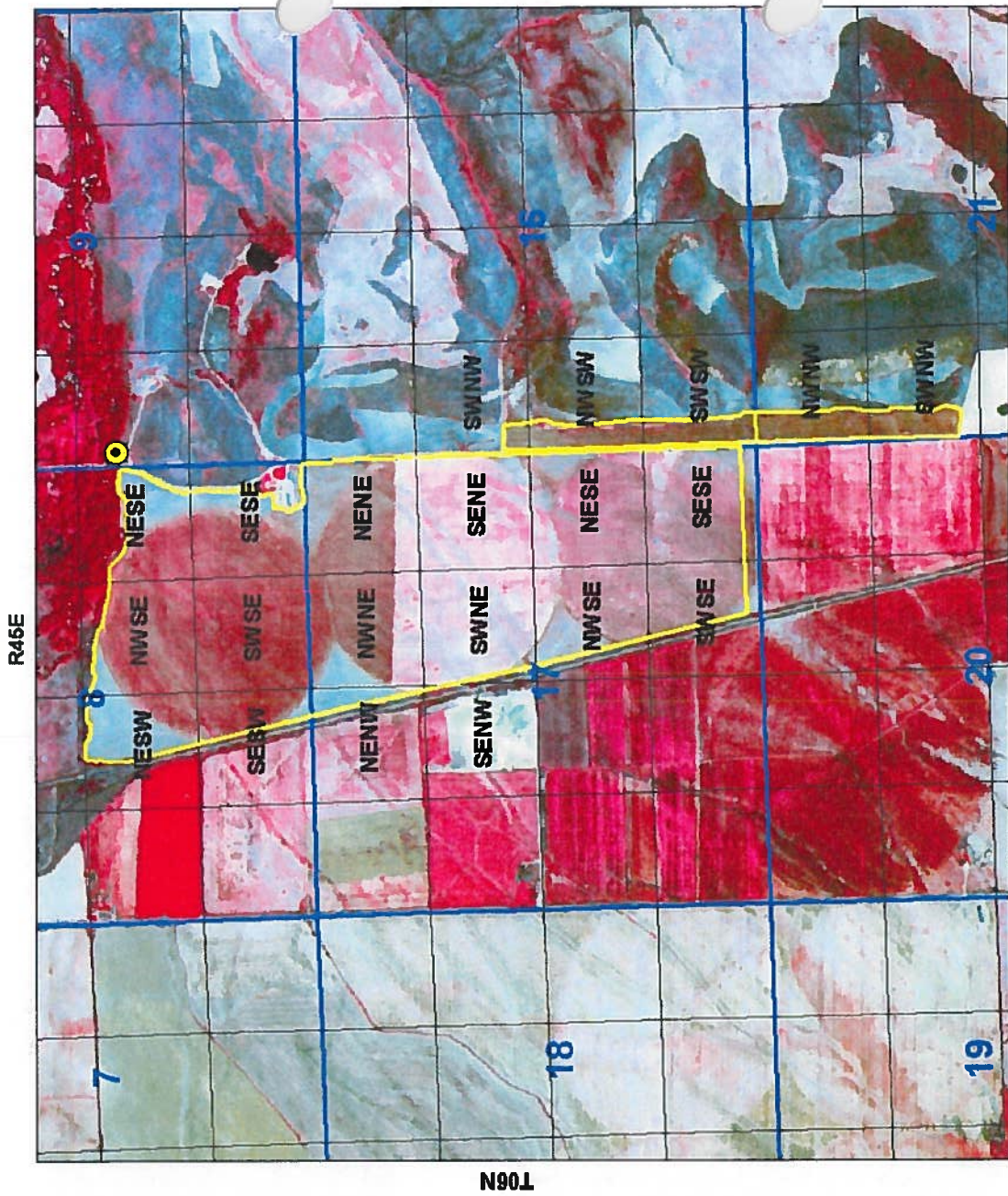
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22

Prepared by C. Moore
On Wednesday, November 29, 2006
1987/88 Aerial Photography



0 0.8 1.6 Miles

State of Idaho

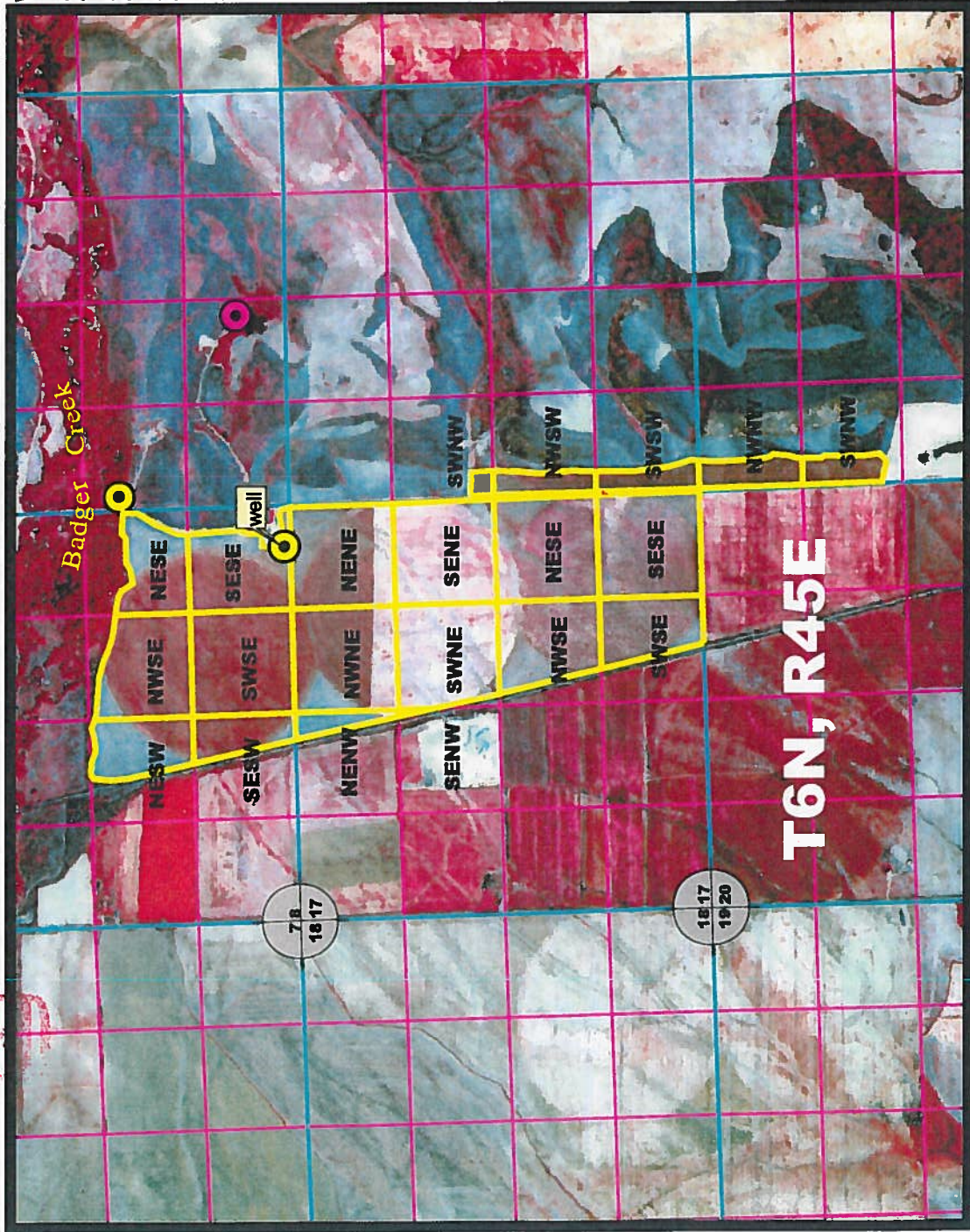
Department of Water Resources

Eastern Region



PROFESSIONAL

SCANNED
JUN 15 2005



Water Right(s):
 22-56, 22-174A,
 22-254B, 22-452,
 22-501B, 22-7049,
 22-7133

Point(s) of Diversion:
 T6N, R45E
 Sec. 8 SESESE (well)
 Sec. 9 NWNWSW (surface)

Place of Use: (parts of)
 T6N, R45E
 Sec. 8 SE, E2SW,
 Sec. 16 SWNW, W2SW,
 Sec. 17 NE, SE, E2NW,
 Sec. 21 W2NW

LEGEND

- Point of Diversion
- SESE
- Place of Use
- Section
- Quarter-Quarter



GIS Place of Use Illustration
 1987/1988 NAPP Photography
 Prepared by: A. Ruberry
 Date: June 2005

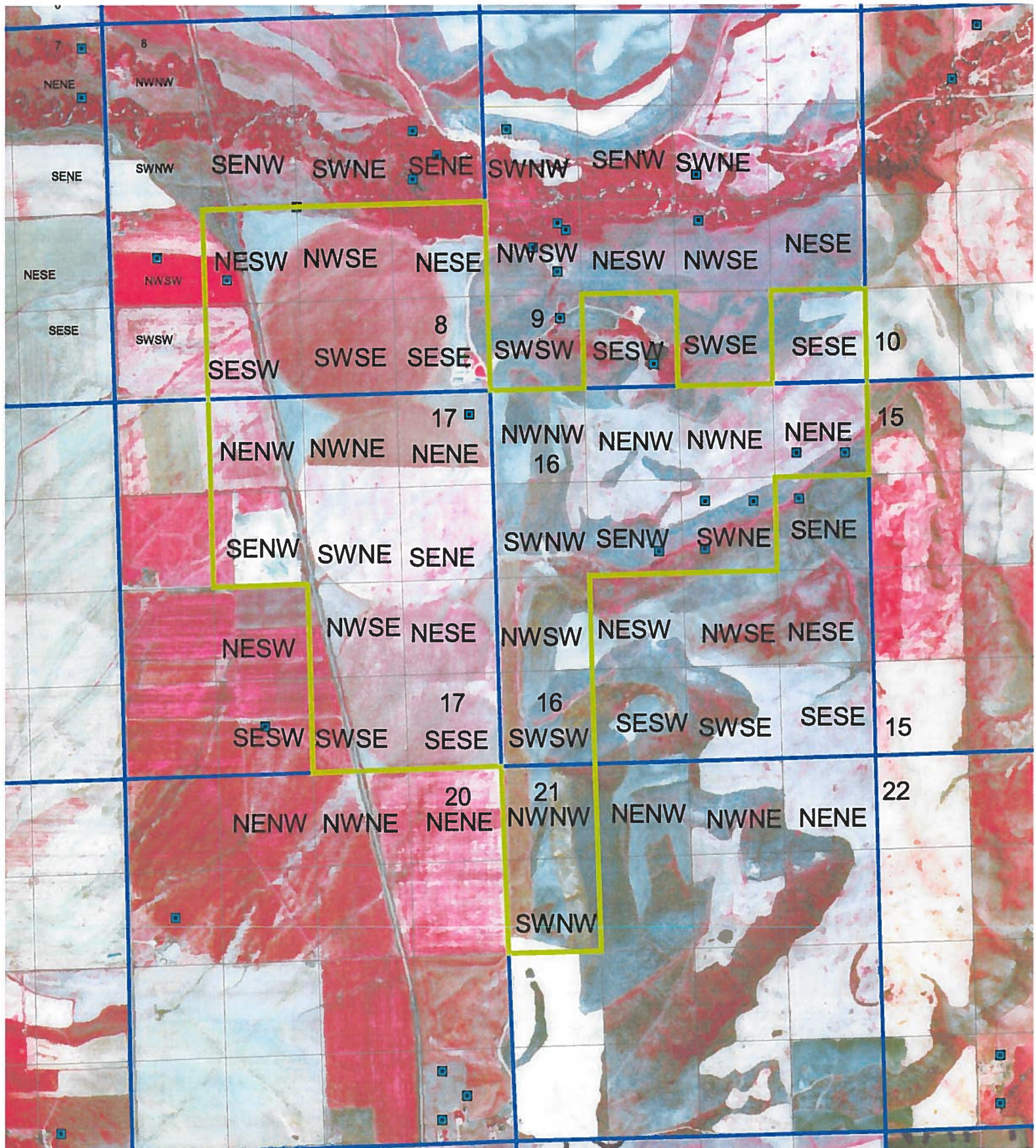


PROFILED

22-56

Same As
174A

RECORDED
JUN 7 2005



Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: Phillips Farms Inc. Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

TRANSFER #1919 WAS APPROVED 22 DEC 1975, AND SPLIT THE
 22-174 RIGHT INTO PARTS A & B
 22-174A, Buntow, Buntow, Blamires, 105¹ cfs on 600ac (WE DATA BASE shows 103⁴ cfs)
 22-174B, Brower, 226 cfs on 640ac
 APPARENTLY THE TX ATTEMPTED TO CAUSE AN EXCHANGE OF OF Part B
 WITH BADGER CR → Teton River FOR DIV. FROM BITCH CR.
 HOWEVER, ACCORDING TO SRBA claim records THIS TX NEVER PROVED
 PRACTICAL AND NEVER WAS OPERATED IN THE TX MANNER DESCRIBED,
 RATHER IT REVERTED BACK TO THE ORIGINAL SQUARE PULL, etc
 SRBA claims 22-174A, Phillips Farms, 766 cfs (60% of Orig. Rt.)
 22-174B, Brower, et al, 513 cfs (40% of Orig. Rt.) SPLIT X3
 1200

13374
 13375
 13376

Reviewer: _____ Date: _____

PROFILED

SCANNED

JUN 15 2005

hour, E. B.; June 1, 1886; Spring Creek	8,000
Nave, Martin L.; June 1, 1886; Moody Creek	300
To be reduced to 25 inches after June 20th of each year	25
Nave, Martin L.; June 1, 1886; Teton River	25
Breckenridge, David; June 1, 1887; North Leigh Creek; also Swamp Creek for a late right	260
Borrowman, John; June 1, 1887; Wood Creek and Springs	60
Jeppson, Hans J.; June 1, 1887; Bigler Slough	80
Hegsted, Victor; Sept. 1, 1887; Horse Shoe Creek	30
Hegsted, Victor; June 1, 1888; Horse Shoe Creek	290
North Salem Agricultural & Milling Canal Co.; Teton River	1,325
As a high water right until July 1st of each year	
Walters, William; June 1, 1888; Teton River. (Sewer art & Walters Ditch.) Joint appropriation with Mons H. Anderson)	168
W., William S.; June 1, 1888; Twin Creeks	200
W., nansee, Charles H.; Mar. 15, 1889; Moody Creek to be reduced to 80 inches after June 20th of each year	160
Curtis, Owen; Apr. 1, 1889; Trail Creek	80
LHTE, Zina W.; Apr. 1, 1889; South Leigh Creek	160
Hill, William; Apr. 5, 1889; Pack Saddle Creek	280
Mortensen, Christian; May 1, 1889; Teton River. (Through the Nelson-Jacobs Ditch)	112
Bates, Thomas; May 3, 1889; Mahogany Creek	140
Beezley, Ebenezer, and J.; June 1, 1889; Fox Creek	80
Drake, Fred J.; June 1, 1889; John Creek	150
Blanchard, John; June 1, 1889; Warm Creek	40
Bowles, H. C.; June 1, 1889; Spring Creek	140
Drake, William; June 1, 1889; Mahogany Creek	10
Lund, William P.; June 1, 1889; Mahogany Creek	160
Hubbard, Frank, and wife; June 1, 1889; North Leigh Creek	150
Swanner, Samuel; June 1, 1889; South Leigh Creek	40
Walton, D. O.; June 1, 1889; Darby Creek	20
Jones, Benjamin; June 1, 1889; Trail Creek	20
McPherson, Abner; June 10, 1889; North Leigh Creek	160
Parsons, F. W.; June 15, 1889; Trail Creek	160
T., George M.; July 5, 1889; Trail Creek	95
T., George M.; July 15, 1889; Fox Creek	55
Kinsley, Mary E.; Sept. 1, 1889; Warm Creek, Spring Creek and Deep Creek	80
Woodmansee-Johnson Ditch; Oct. 1, 1889; Teton River	620
Rexburg Milling Co.; Oct. 1, 1889; Teton River. (Woodmansee-Johnson Ditch.) For power purposes only, and subject to rights of users for agricultural purposes of water through same ditch	3,000
Teton Irrigation & Manufacturing Co.; Oct. 2, 1889; Teton River. (To be diverted at the Bird head-gate near the Teton Mill)	500
Kinsley, Mary E.; Apr. 1, 1890; Warm Creek; Spring Creek and Deep Creek	80
Sinclair, D. R., Adminr. Estate of Fred Sinclair (deceased); April 1, 1890; Trail Creek	115
Wolf Ditch Co.; Apr. 1, 1890; Teton River	2,335
Robertson, A. I.; Apr. 1, 1890; Trail Creek	87

82 Rice, Ed.; Apr. 1, 1890; Trail Creek	160
82 Curtis, Nahum; Apr. 1, 1890; Trail Creek	160
82 Blanchard, John; Apr. 1, 1890; Trail Creek	120
82 Eynon, John; Apr. 1, 1890; Trail Creek	80
85 Paul, John; June 1, 1890; Springs on land	15
85 Paul, William H.; June 1, 1890; Little Springs and Deep Creek	60
85 Jenkins, William; June 1, 1890; Fox Creek	80
85 Kimball, R. C., and A. L.; June 1, 1890; Fox Creek	110
85 Lawson, B. G.; June 1, 1890; Spring Creek	240
85 Murphy, G. M.; June 1, 1890; Darby Creek	150
85 Smith, C. M.; Jan. 1, 1890; Darby Creek	160
85 Walton, D. O.; June 1, 1890; Darby Creek	140
85 Shaw, O. W.; June 1, 1890; North Leigh Creek or Spring Creek	135
85 Yearsley, H. C.; June 1, 1890; Spring Creek	240
85 Drake, Richard; June 1, 1890; Patterson Creek	160
85 Chelsey, John P.; June 1, 1890; Paul Spring Creek, Grove Creek, Deep Creek and Little Spring Creek	200
85 Buxton, Mary A.; June 1, 1890; Sloughs from Twin Creeks	85
85 Beezley, Ebenezer, and J.; June 1, 1890; Fox Creek	100
85 Andrews, L. W.; June 1, 1890; Grove Creek	80
85 Dunne, P. S.; June 1, 1900; Trail Creek	120
85 Foote, Arthur L.; June 1, 1890; Mahogany Creek	15
85 Ferguson, John; June 1, 1890; Grove Creek and Willow Spring Creek	145
85 Eames, William; June 1, 1890; Spring Creek	100
85 Edlefson, E. B.; June 1, 1890; Leigh Creek	240
85 Drake, Lavina; June 1, 1890; Boquat Creek and Drake Creek	155
88 Drake, William; July 1, 1890; Mahogany Creek	160
90 Tonks, William H.; July 15, 1890; Trail Creek	150
92 Curtis, Clarissa A.; Sept. 1, 1890; Trail Creek	135
96 Rice, A. L.; Jan. 1, 1891; Patterson Creek	160
98 O'Brien, James A.; June 1, 1891; North Leigh Creek	160
98 Siddoway-Briggs Co.; June 1, 1891; Teton River. (For power purposes)	100
98 Sinclair, D. R.; Adminr. Estate of Fred Sinclair (deceased); June 1, 1891; Eynon Ditch	2,600
98 Smith, Ellington; June 1, 1891; Spring Creek, Darby Creek and Crandall Springs	20
98 Shaw, L. C.; June 1, 1891; Badger Creek and water from springs on T. A. Phillips' land	100
98 Swanner, Samuel; June 1, 1891; South Leigh Creek	200
98 Hubbard, Susan; June 1, 1891; North Leigh Creek and Middle Leigh Creek	120
98 Harrop, Samuel; June 1, 1891; Leigh Creek	150
98 Hill, Mary Ann; June 1, 1891; Pack Saddle Creek	200
98 Clark & Houghton; June 1, 1891; Teton River	120
98 Dewey, George A.; June 1, 1891; Fox Creek	160
98 Barney, Walter; June 1, 1891; South Leigh Creek	160
98 Bowles, Sarah; June 1, 1891; Spring Creek	100
98 Blamires, Robert, and C. J. Burton, W. S. Burton and Thomas H. Phillips; June 1, 1891; Badger Creek and springs on land of T. A. Phillips	100
98 Edlefson, Noah C.; June 1, 1891; Leigh Creek	640
100 Siddoway Irrigation & Manufacturing Co.; July 1, 1891; Teton River	40
	300

Identification No. 22-0174

Transfer No. 1919

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

DEC 31 1975

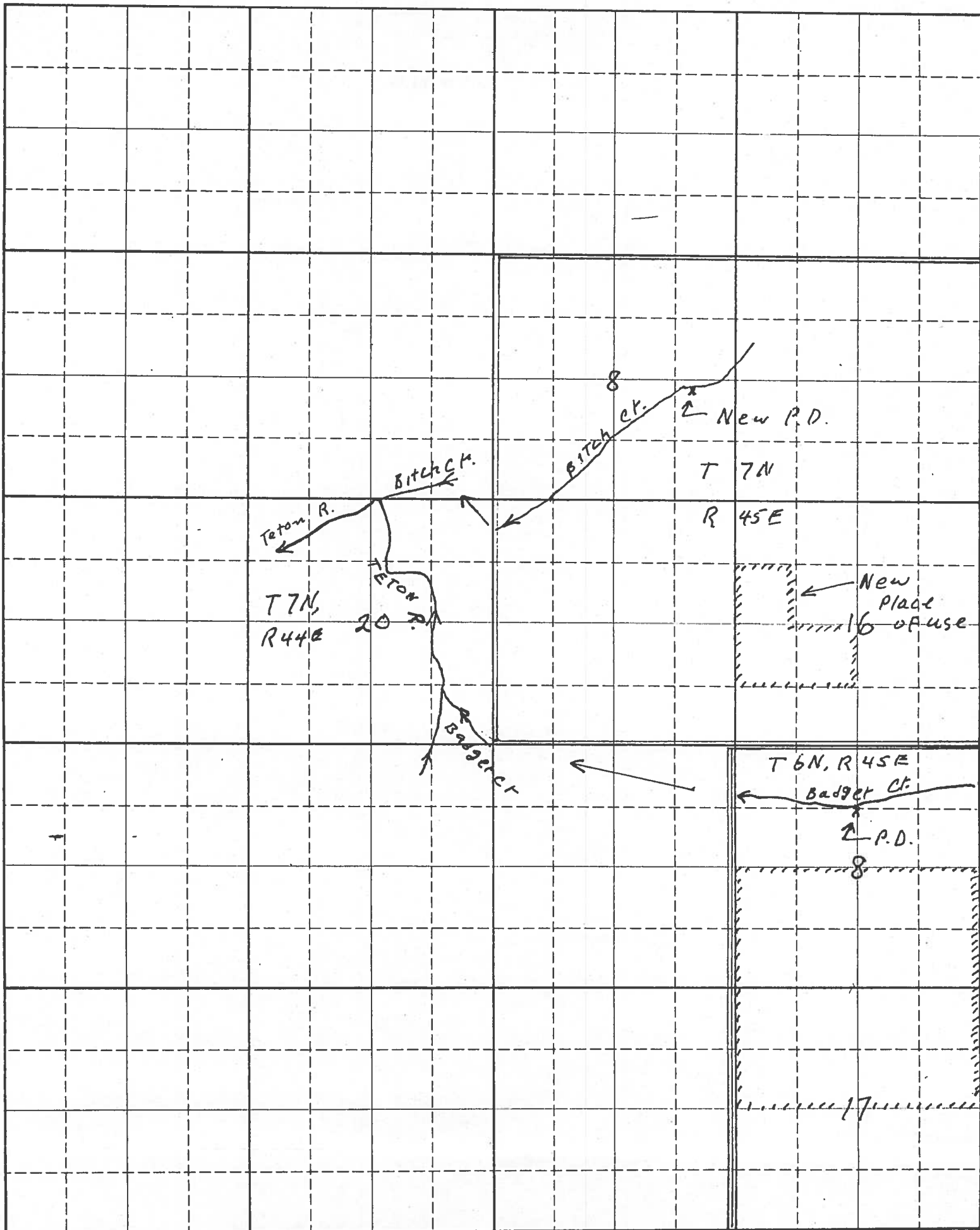
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Ted Brower
Post office address Felt, Idaho 83424
2. Right obtained by:
Robert Blamires, C. J. Burton,
a. Decree to W. S. Burton, Thomas H. Phillips in Case of Rexburg Irrigation Co. et al
(Name)
vs. Teton Irrigation, Dated Dec. 16, 1910 in Sixth District Court
Canal Co, et al (Name of Court)
Court. County of Fremont
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Badger Creek tributary to Teton River
(Name of stream or source)
4. Date of Priority June 1, 1891
5. Amount of water a. 12.8 c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for irrigation from Apr. 1 to Oct. 15
(Month, Day) (Month, Day)
7. Original location of point of diversion is SE Corner NE 1/4 NW 1/4 1/4 of Section 8,
Township 6N, Range 45E, B.M., in Teton County;
Additional points of diversion, if any _____
8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	45E	8									40	40	40	40	40	40	40	40	320
		17	40	40	40	40	40	40	40	40									320

Total number of acres presently irrigated 640

IDAHO DEPARTMENT OF WATER ADMINISTRATION
EASTERN DISTRICT OFFICE
240 S. HODGES
IDAHO FALLS, IDAHO 83401



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired: _____

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 2.26 c.f.s. and/or _____ acre feet

b. New point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, Township 7N
_____, Range 45E, B.M.

c. Description of method of diversion and conveyance from new points of diversion: _____
Water to be pumped from Bitch Creek through a pipeline to place of use.

d. Is water to be conveyed to the lands previously irrigated? Yes X No _____

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

Badger Creek water is no longer needed on the original land from which it is being
transferred. By making this transfer, water from Badger Creek will be discharged
into the Teton River and an equal amount diverted from Bitch Creek for
the irrigation of new lands. The remaining lands not affected by the transfer
are not owned by the applicant and will continue to be irrigated from Badger Ck.

f. Do you intend to make the transfer permanent? Yes

g. Do you intend to abandon completely the old point of diversion? No

The remaining 10.54 c.f.s. of the right will continue to be diverted to the
remaining original lands using the original point of diversion. (NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8

h. Indicate on the above plat the new point of diversion and lands to be irrigated. T. 6N, R. 45E, B.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	45E	16							40		33	40							113
6N	45E	8											27	20	40	40	40	40	207
		17	40	40	40	40	40	40	40	40									320

Total number of acres to be irrigated 640

- b. Do you intend to make the transfer permanent? Yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
The land from which Badger Creek water is transferred will continue to be irrigated with well water.
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None Known
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Ted Browner
(signature of applicant)

Subscribed and sworn to before me this 14 day of December, 1975

Le Roy Hemen
(notary public)

My commission expires 11/11/1977

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 1919/22-0174,
and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this 22 day of December, 19 75.

R. Karl Higley
State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by DA Date 3-14-75

Prelim. check by RDC Date 3/17/75

Fee received by DA Date 5-14-75 Fee \$ 50.00

Approved for publication by DA 4-29-75

Published in Inter Valley News Dates 3/27 & 4/3/75

Hearing held _____

Watermaster Recommendation sent Ad #01, J. L. Hemen

Protest filed by: _____ Date _____
Inter Valley News 4-14-75

FROM Rita

TO Eastern District

SUBJECT Transfer No. 22-0174 (1919)

DATE December 22, 1975

Please attach this page with the above referenced transfer as it has the conditions of approval listed on it.

RECEIVED

DEC 31 1975

Department of Water Resources
Eastern District Office

RB

SIGNATURE

Le Roy Hume
(notary public)

My commission expires 11/11/1977

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 1919/22-0174,
and said application is hereby APPROVED.

Approval of said application is subject to the following limitations and conditions:

- (1) Measuring devices must be permanently installed and maintained at the point of diversion on Bitch Creek and below the last existing diversion on Badger Creek.
- (2) Water will only be available for this right when sufficient water to fill the decreed right is passing the lowest diversion on Badger Creek and reaching the Teton River.
- (3) All existing rights on Bitch Creek must be filled before any water will be available for this right.

Witness my hand this 22 day of December, 19 75.

[Signature]
DIRECTOR State Reclamation Engineer
Idaho Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by RLD Date 3-10-75

Protest filed by: _____ Date _____

Prelim. check by RDC Date 3/17/75

James M. Hume 4-14-75

Fee received by RLD Date 3-14-75 Fee \$ 32.00

Approved for publication by RLD Date 4-22-75

Published in Idaho Engineer Dates 3/27 & 4/3/75

Hearing held _____

Watermaster Recommendation sent Sh. A. #01, 1-1-76

114911

DEC 30 1993

WARRANTY DEED

TETON Co. Id.
Clerk Recorder

For Value Received Phillips Farms, Inc.
910 N. 300 W.
Tetonia, Idaho 83452

the grantor , does hereby grant, bargain, sell and convey unto
Burton K. and Kathy Phillips

whose current address is 910 N. 300 W.
Tetonia, Idaho 83452

the grantee , the following described premises, in Teton County Idaho, to wit:

The $W\frac{1}{2}$, $NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$ of Sec. 16; the $NW\frac{1}{4}$ of Sec. 21; the $S\frac{1}{2}S\frac{1}{2}$ of Sec. 9; the $SE\frac{1}{4}$ of Sec. 8; also beginning at the NE corner of Sec. 17 and running thence West 2970', thence South $11^{\circ}16'$ East 2800'; thence East 2509'; thence North 2640' to the point of beginning, 163 acres, more or less; also beginning at the SE corner of the $SW\frac{1}{4}$ of Sec. 8, thence running North 160 rods; thence West 50.86 rods; thence South $11^{\circ}31'$ East 163 rods; thence East 20 rods to point of beginning, containing 36.06 acres, more or less, all in Twp. 6 N., Rge. 45 E.B.M.

and also including the following property:

Beginning at the $E\frac{1}{4}$ Corner of Sec. 17, Twp. 6 N., Rge. 45 E.B.M., thence West 2509 feet, more or less, to Railroad right of way; thence Southeasterly to a point that is 2440 feet due South of the centerline of said Section; thence East 2014 feet, more or less, to a point 2440 feet South of the point of beginning; thence North 2440 feet to the point of beginning.

Subject to easements of record or in existence for roads, streets, ditches, canals, pipelines and utilities.

Subject to that certain oil and gas lease recorded as Instrument No. 70629 on records of Teton County, ASSIGNED to Cities Service Oil Company by Instrument No. 72241, records of said county, two-thirds interest therein to be assigned to Buyer.

Together with any and all water and water rights, ditch and ditch rights appurtenant thereto, and together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s) that is the owner in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 12-30-93

Burton K. Phillips
Kathleen B. Phillips

Pres Phillips Farms
Sec. - Treas.

STATE OF IDAHO, COUNTY OF Teton
On this 30 day of December, 19 93,
before me, a notary public in and for said State, personally
appeared

Burton K Phillips
Kathleen B. Phillips

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that executed the same.

H. Paul Graham
Notary Public

Residing at St Anthony
Comm. Expires 12-21-1999

114911

FILED

AT THE REQUEST OF

Burton Phillips

AT 45 MINUTES PAST 4 P M

DATE Dec 30, 1993

Asa J. Drake
CLERK OF RECORDER

BY Ara Rigby
DEPUTY

114911

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: **A22-00174A**

Date Received: 9/28/1988

Receipt No: E002697

Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: PHILLIPS FARMS INC 208-456-2697
Address: 910 NORTH 300 WEST
TETONIA ID 83452

2. Date of Priority: JUN 1, 1891

3. Source: BADGER CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	45E	9	SW	SW	NE		TETON

5. Description of diverting works:
HEADGATE TO DITCH FOR IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	7.680		

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

8. Total consumptive use is 1418.0 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
06N	45E	8	NE	SW		IRR	20.0
			SE	SW		IRR	14.0
			NE	SE		IRR	36.0
			NW	SE		IRR	40.0

SCANNED

JUN 15 2005

A22-00174A

Page

1
PROF

Date: 05/06/96

MICROFILMED

NOV 06 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	45E	8	SW	SE		IRR	40.0
			SE	SE		IRR	28.0
			Section Acres				178.0
		9	SE	SW		IRR	5.0
			SE	SE		IRR	25.0
			Section Acres				30.0
		16	NE	NE		IRR	24.0
			NW	NE		IRR	30.0
			SW	NE		IRR	4.0
			NE	NW		IRR	37.0
			NW	NW		IRR	19.0
			SW	NW		IRR	15.0
			SE	NW		IRR	11.0
			NW	SW		IRR	12.0
			SW	SW		IRR	18.0
			Section Acres				170.0
		17	NE	NE		IRR	39.0
			NW	NE		IRR	40.0
			SW	NE		IRR	37.0
			SE	NE		IRR	39.0
			NE	NW		IRR	7.0
			SE	NW		IRR	1.0
			NE	SE		IRR	39.0
			NW	SE		IRR	32.0
			SW	SE		IRR	24.0
			SE	SE		IRR	33.0
			Section Acres				291.0
		21	NW	NW		IRR	20.0
			SW	NW		IRR	20.0
			Section Acres				40.0
			Total Acres				709.0

11. Place of use in counties: TETON

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

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NOV 06 1996

A22-00174A

SCANNED
Page
JUN 15 2005

2

Date: 05/06/96

PROVIDE

13. Other Water Rights Used:

22-00056/11860/00452/11972/07049/07133/11985/11987

14. Remarks:

THIS RIGHT REPRESENTS 3/5 OR 60% OF THE ORIGINAL RIGHT 22-00174
IT APPEARS THAT T#1919 TOOK WATER OFF OF LAND THAT THE APPLICANT
FOR TRANSFER DID NOT OWN.

15. Basis of Claim: DECREED

Water Right Number: 220174

Case Number:

Court : SIXTH

Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

TETON IRRIGATION CANAL CO. ET
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): _____ Date: _____

_____ Date: _____

MICROFILMED
NOV 06 1996

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

Renumbered A 22 - 00174A

Ident. Number: A22-11858

Date Received: 9/28/1988

Receipt No: E002697

Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PHILLIPS FARMS INC. 208-456-2697
Address: 910 NORTH 300 WEST
TETONIA, ID 83452

2. Date of Priority: JUN 01, 1891

3. Source: BADGER CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	45E	9	SW	SW	NE		TETON

5. Description of diverting works:
HEADGATE TO DITCH FOR IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	7.680		

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

8. Total consumptive use is 1418.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	8	NE	SW		IRR	20.0
			SE	SW		IRR	14.0
			NE	SE		IRR	36.0

A22-11858

Page 1

Date: 09/28/88

PROFILE PROFILE
SCANNED
JUN 15 2005

MICROFILMED

NOV 06 1996

~~MICROFILMED~~

~~NOV 06 1992~~

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	8	NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	28.0
					Section Acres	178.0	
		9	SE	SW		IRR	5.0
			SE	SE		IRR	25.0
					Section Acres	30.0	
		16	NE	NE		IRR	24.0
			NW	NE		IRR	30.0
			SW	NE		IRR	4.0
NE	NW			IRR	37.0		
NW	NW			IRR	19.0		
SW	NW			IRR	15.0		
SE	NW			IRR	11.0		
NW	SW			IRR	12.0		
SW	SW			IRR	18.0		
			Section Acres	170.0			
17	NE	NE		IRR	39.0		
	NW	NE		IRR	40.0		
	SW	NE		IRR	37.0		
	SE	NE		IRR	39.0		
	NE	NW		IRR	7.0		
	SE	NW		IRR	1.0		
	NE	SE		IRR	39.0		
	NW	SE		IRR	32.0		
	SW	SE		IRR	24.0		
			Section Acres	291.0			
21	NW	NW		IRR	20.0		
	SW	NW		IRR	20.0		
			Section Acres	40.0			
			Total Acres	709.0			

MICROFILMED
NOV 06 1990

11. Place of use in counties: TETON

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

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Page

2

Date: 09/28/88

PROFILED

SCANNED
JUN 15 2005

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NOV 06 1990

13. Other Water Rights Used:

22-00056/11860/00452/11972/07049/07133/11985/11987

14. Remarks:

THIS RIGHT REPRESENTS 3/5 OR 60% OF THE ORIGINAL RIGHT 22-00174
IT APPEARS THAT T#1919 TOOK WATER OFF OF LAND THAT THE APPLICANT
FOR TRANSFER DID NOT OWN.

15. Basis of Claim: DECREED

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Decree date: 12/16/1910

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
Decree Defendant

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NOV 06 1988

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3

Date: 09/28/88

PROFILED

SCANNED
JUN 15 2005

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~~NOV 06 1988~~

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 Organizations:

I do solemnly swear or affirm that I am Pres _____ of _____ Title

Phillips Farm Inc , that I have signed the foregoing Organization document in the space below as Pres _____ of Title

Phillips Farm Inc and that the statements contained in the Organization foregoing document are true and correct.

Burt H. Phillips
Signature of Authorized Agent

Pres Phillips Farm Inc
Title and Organization

9-28-88

Date

State of Idaho)
County of Bonneville) SS.

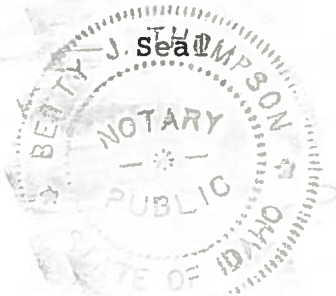
Subscribed and sworn (or affirmed) before me this 28th day

of September 19 88

Betty J. Thompson
Notary Public

Residing at Idaho Falls

My Commission Expires 6-94



MICROFILMED
NOV 06 1996

A22-11858

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Date: 09/28/88

SCANNED
JUN 15 2005

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MICROFILMED
NOV 06 1996

Point of DIVERSION

3

9

Level

EM 6058

PLACE OF USE

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MICROFILMED

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MICROFILMED

NOV 8 1992

PROFILE

SCAN JUN 15 2005

A22-11858