

RECEIVED

NOV 12 1998

Department of Water Resources
Eastern Region

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: A35-12344
Date Received: 8/ 4/1989
Receipt No: E009742
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CARL L PHILLIPS 208-397-4690
Address: 2884 W 1400 S
ABERDEEN ID 83210
OR
Name: NOLA RAE PHILLIPS 208-397-4690
Address: 2884 W 1400 S
ABERDEEN ID 83210

2. Date of Priority: JUL 4, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	31E	7	SW	SE	SE		BINGHAM
		18	SW	NE	NE		BINGHAM

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.460		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	31E	7	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	39.0
						Section Acres	158.0
		18	NE	NE		IRR	39.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
						Section Acres	158.0
						Total Acres	316.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
35-02078, 35-02104B, AND 35-02726

14. Remarks:
THIS NOTICE IS BASED ON AN ENLARGEMENT OF LICENSES 35-02078,
35-02726 AND 35-02104.

15. Basis of Claim: BENEFICIAL USE

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): Carl Phillips Date: 11-9-98
_____ Date: _____

State of Idaho)
County of Binghi) SS.

Subscribed and sworn (or affirmed) before me this 9 day
of November 19 98 Kandra L. Summer
Notary Public

Seal

Residing at Albion
My Commission Expires 8-21-2000



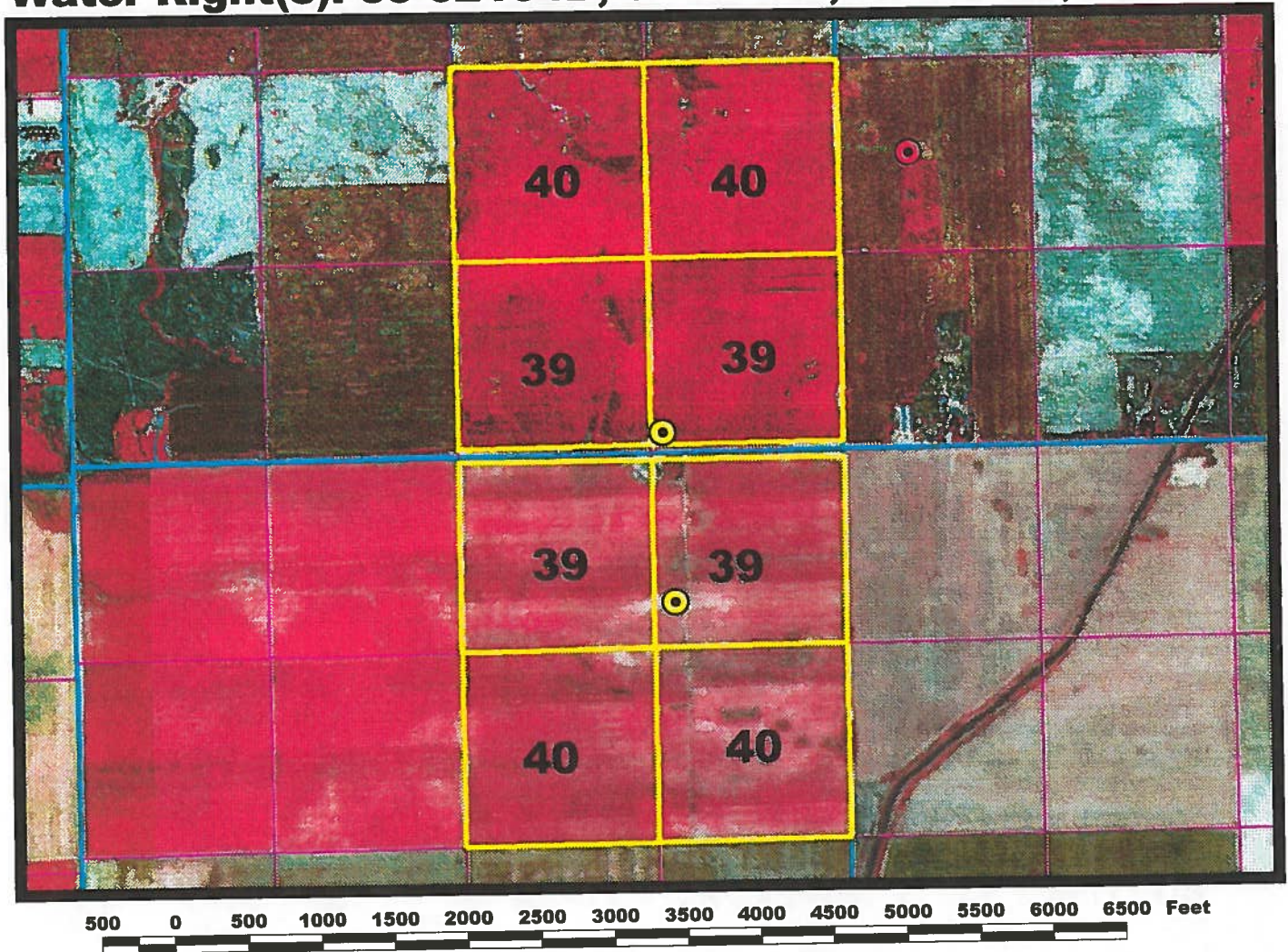
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Carl L. & Nola R. Phillips

Water Right(s): 35-02104B, 35-02078, 35-02726, 35-12344



LEGEND



Point of Diversion



SESE

Place of Use



Section Line



Quarter-section line

**Legal Description: T.5S., R.31E.
Sec. 7 SE, Sec. 18 NE**

**Point(s) of Diversion: T.5S., R.31E.,
Sec. 7 SWSESE, Sec. 18 SWNE**



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: October 1998

NO LATE FEE IF RECEIVED ^{123⁰⁰}
BY Aug 7 1989 EHC

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: A35-12344
Date Received: 7/31/1989
Receipt No: 5009742/90
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARL L. PHILLIPS 208-397-4690
Address: 2884 W. 1400 S.
ABERDEEN, ID 83210

OR

Name: NOLA RAE PHILLIPS 208-397-4690
Address: 2884 W. 1400 S.
ABERDEEN, ID 83210

2. Date of Priority: JUL 04, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	31E	18	NE	NE	NE		BINGHAM

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.460		

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

8. Total consumptive use is 219.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A35-12344

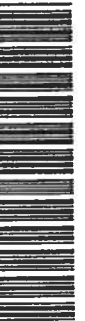
Page 1

Date: 07/31/89

MICROFILMED

DEC 11 1992

A3512344



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	31E	7	NE	SE		IRR	18.0
			SW	SE		IRR	2.0
					Section Acres		20.0
		18	NE	NE		IRR	14.0
			NW	NE		IRR	9.0
			SW	NE		IRR	5.0
			SE	NE		IRR	25.0
					Section Acres		53.0
					Total Acres		73.0

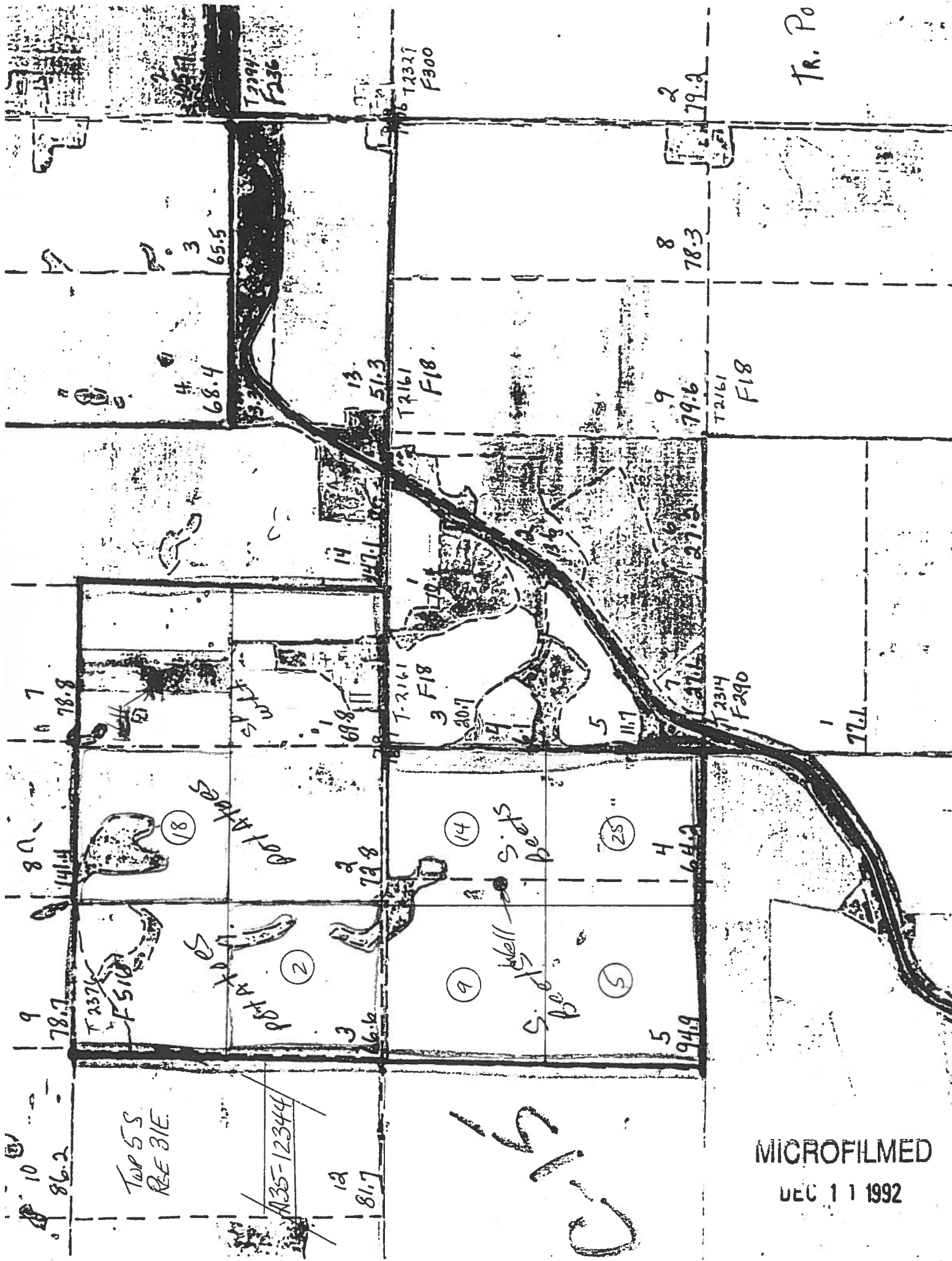
11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS NOTICE IS BASED ON AN EXPANSION OF LICENSES 35-02078,
35-02726 AND 35-02104.

15. Basis of Claim: BENEFICIAL USE



Tr. Po

MICROFILMED
DEC 11 1992

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): Carl L Phillips Date: 8-2-89
Nola Rae Phillips Date: 8-2-89

State of Idaho)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of August 19 89

Laron L Barnes
Notary Public

Seal

Residing at Aberdeen

My Commission Expires 7-7-92

Date Received 5-31-89

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Carl & Nola Phillips

Name of Claimant

2824 W. 1400 So. Akearden.

Post Office Address

Akearden 83210.

City, State, Zip Code

Bingham.

County(s) where Place of Use is located

June 1 1989

Date Claim Originally Due

RECEIVED
JUN 05 1989

Department of Water Resources

RECEIVED

JUN 8 1989

Department of Water Resources
Eastern District Office

A35-07298, A35-07460, A35-12226, A35-02104, A35-12344, A35-02726, A35-02072.
Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

My husband was involved in an automobile/motorcycle accident Sept 1, 1988, in which a life was taken. This plus all other stress has caused him to come near the breaking point. He is under a doctors care at this time.
Claimant requests an extension to August 1, 1989.

We request time for him to get to feeling more able to cope.

Nola Phillips
Signature

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

X granted denied,
and the filing deadline extended to 8/1, 1989.

Signed this 5 day of June, 1989.

MICROFILMED

Director or His Designated Agent
DAVID B. SHAW JUN 11 1992

LAST: PHILLIPS
ADDRESS: 2894 W. 1400 S.
CITY: ABERDEEN
PHONE NUMBER: 208-397-4690

FIRST: CARL L.
STATE: ID ZIP: 83210

OWNER CODE: C

LAST: PHILLIPS
ADDRESS: 2884 W. 1400 S.
CITY: ABERDEEN
PHONE NUMBER: 208-397-4690

FIRST: MDLA RAE
STATE: ID ZIP: 83210

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE FIELD
Y EXAMINER

CLAIM REMARKS: THIS NOTICE IS BASED ON AN EXPANSION OF LICENSES 35-02078,
35-02726 AND 35-02104.

FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A35-12344

CONTACT PERSON: _____

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 1/26/92

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Desk top Review of CO 286, 288, AA 36 ADD AA 35, VAPP AA 36 VCC ADD Asc's Photo.

A. AJ CLAIM: # A35-12344

PRIORITY DATE: 07-04-1963

STAGE: J

B. HR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE Y FIELD EXAMINER YARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y (X) N ()

REMARKS: THIS CLAIM IS BASED ON 2ND PRESUMPTION EXPIRATION OF LICENSES 35-02079, 02726 AND 35-021048. CLAIMANT SUBMITTED A STATEMENT FROM A NEIGHBOR TO THE FARM WHO ATTENDED WITH THE EXISTENCE OF THE WATER AND THAT "ONE" OF THE LAND WAS APPLICATED AS EARLY AS 1944. OUR LICENSES 35-02078 AND 35-021048 AND 35-02726 SHOW THAT 225 ACRES WITH THE SE 1/4 SEC 7 AND NE 1/4 SEC 18 T5S R31E WERE IRRIGATED BY 1968. THIS CONFIRMS THE CLAIMED PRIORITY DATE. I CALLED THE CLAIMANT, LARRY BURNS AND DISCUSSED THE DEVELOPMENT OF HIS CURRENT SYSTEM. MR. BURNS SAID THAT THE PURCHASED THE PROPERTY IN 1967 AND @ THAT TIME, MOST OF THE 320 WERE SPRINKLER IRRIGATED. IT WAS NOT UNTIL 1971 THAT THE CURRENT SYSTEM WAS FIRST USED.

RECOMMENDED PRIORITY DATE:

5-1-1971

REVIEWED BY

BSJ

DATE

1/26/93

IT APPEARED TO ME THAT THIS MAY BE THE DATE THAT THE FOUR 298 ACRES WERE IRRIGATED. MR. BURNS AGREED THAT THIS DATE WOULD BE ACCEPTABLE FOR THE EXPANSION CLAIM.
(SEE ANSWER MEMO 1/26/93).

* 1/21/97, TRANS. 4413 CHANGES PRIORITY DATE TO 05/01/91.

CITY

BINGHAN

HR RECORDS IN SAME 40 ACRE TRACT

100

35-02078

TRIB:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

TRIB: NO TRIBUTARY FOR RECORD

**FIELD
EXAMINER**

ACS PHOTO AUDIO'S SWAGG BOO IS IN THE SEQUENCE. SALLS BOO AS FOR
A35-02078, 02726 AND 02104B. FOS.

100

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:			COUNTY			
TWP.	R&E.	SEC.	1/4	1/4	LOT	
SS	31E	18	SW	NE	NE	BIDS
---	---	02	---	SE	---	Blindman
SOURCE: GU			TRIB: DATE: 7/26/93			
REVIEWED BY: SBY						

Trans. 4413 was Filed to add a Point of Diversion in S&S& Sec. 7 T.55, R. 31E.
Approved 13 May 96.

A. ROOT WATER RIGHT NUMBERS: A35-12344

B. POU LISTING

TRP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	HR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECON. ACRES
055	31E	7	NE	SE		PHILLIPS, CARL L.	A35-12344 /18.0	-	/		40.0
			NE	SE		PHILLIPS, CARL L.	A35-02104 /16.0	35-02104	/10.0		
055	31E	7	SW	SE		PHILLIPS, CARL L.	A35-12344 / 2.0	-	/		38.0
			SW	SE		PHILLIPS, CARL L.	A35-02726 /30.0	35-02726	/30.0		
055	31E	18	NE	NE		PHILLIPS, CARL L.	A35-12344 /14.0	-	/		42.0
			NE	NE		PHILLIPS, CARL L.	A35-02079 /30.0	35-02078	/30.0		
055	31E	18	NW	NE		PHILLIPS, CARL L.	A35-12344 / 9.0	-	/		41.0
			NW	NE		PHILLIPS, CARL L.	A35-02078 /25.0	35-02078	/25.0		
055	31E	18	SW	NE		PHILLIPS, CARL L.	A35-12344 / 5.0	-	/		41.0
			SW	NE		PHILLIPS, CARL L.	A35-02078 /35.0	35-02078	/35.0		
			SW	NE		LING, ROGER D.	A01-0206460/38.0	-	/		
			SW	NE		LING, ROGER D.	A01-0029720/38.0	-	/		
			SW	NE		LING, ROGER D.	A01-0002320/38.0	-	/		
			SW	NE		LING, ROGER D.	A35-0254320/38.0	-	/		
			SW	NE		ABERDEEN SPRINGFIELD CANAL CO.	A35-0424620/38.0	-	/		
			SW	NE		LING, ROGER D.	A01-0206860/38.0	-	/		
			SW	NE		LING, ROGER D.	A01-0206860/38.0	-	/		
055	31E	18	SE	NE		PHILLIPS, CARL L.	A35-12344 /25.0	-	/		40.0
			SE	NE		PHILLIPS, CARL L.	A35-02078 /15.0	35-02078	/15.0		
TOTAL ACRES						A35-12344	73.00				242.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y(Y) N()

IF YES SEE ATTACHED SHEET:

RECOMMENDING 298 ACRES (POU). SEE ATTACHED SHEET

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
YFIELD
EXAMINER
1

1/21/99, Tracts 4413 contains a Remissible Well. As recommended,

PRESUMPTION FLAG: E

REMARKS:

THIS RIGHT IS AN EXPANSION OF ~~EL~~ Lucases 35-02078, 35-02726 AND 35-02104B. ORIGINAL LICENSES TOTALED 22.5 ACRES OF FLOOD IRRIGATION. A SPARKLER SYSTEM WAS ADDED IN 1971 ALLOWING IRRIGATION OF ADDITIONAL 73 ACRES. RECOMMEND THIS RIGHT w/ A 298 ACRE POOL w/ REWARD KØ6: 73 ACRES. f KØ2: 35-02078, 2726, 2104B ACRES VERIFIED w/ ASCS PHOTO.

RECOMMENDATIONS:

TOTAL ACRES: 298 / KØ6: 73 AC

REVIEWED BY: SS

DATE: 1/26/93

A. AS CLAIMED USES:

PURPOSES
A35-12344 IRRIGATIONMONTH/DAY
FROM 04-01 TO 11-01DIVERSION QUANTITY
1.460 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.460 CFS

B. MR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

PRESUMPTION FLAG: E

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)DATABASE EXAMINER
Y N
Y Y
Y Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(X)

RECOMMEND TO MR STANDARDS OR OTHER?

Y(X) N() EXPLAIN IN REMARKS, BELOW.

REMARKS:

Q: Licensee DIVERSION RATE AUGUST 4.50 cfs. Recommended A35-12344 For
(4.50/298) 73ac = 1.102 cfs. Not TO EXCEED 4.50 which used by 35-02078, 2104B
AND 27226.
• Period of use is 4/1 to 10/31

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(X)AD TOTAL CLAIMED DIVERSION RATE:
NR ROOT RIGHT TOTAL DIVERSION RATE:1.460 CFS
CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***

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

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

DATABASE EXAMINER
Y 1

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

Note

SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(X) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: none 35-02078, 02726, 02104B.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A35-12344	GROUNDWATER	PHILLIPS, CARL L.	1.460	0.020		
A35-02104	GROUNDWATER	PHILLIPS, CARL L.	2.500	0.020		
A35-02078	GROUNDWATER	PHILLIPS, CARL L.	2.100	0.020		
A01-0206460	SNAKE RIVER	LING, ROGER D.	230.000	0.006	57133.00	1.61
A01-0029720	SNAKE RIVER	LING, ROGER D.				
A01-0002320	SNAKE RIVER	LING, ROGER D.	1250.000	0.035		
A35-0254320	GROUNDWATER	LING, ROGER D.	6.000			
A35-0424620	GROUNDWATER	ABERDEEN SPRINGFIELD CANAL CO.	2.440			
A01-0206860	SNAKE RIVER	LING, ROGER D.			129940.00	3.66
A01-0206840	SNAKE RIVER	LING, ROGER D.			22860.00	0.64

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

ACRES 298 X 0.02 CFS/ACRE = 5.96 CFS
(TAKEN FROM P/U REVIEW)

1B. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(X)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 219.0 AF/A

ACRES 298 X CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 894 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 298 X DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 1192 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(X)

REMARKS: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

~~CAUTIONS:~~ ~~REMARKS:~~ FDs: 35-02078, 35-02726, 35-02104B

EP2

KP6: 73AC

EP4: 4.50, 1192AF, 894CAF, 298AC, #15

KP2: 35-02078, 02726, 02104B.

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS.
USE

IRIGATION

4/1 - 12/31

1.02

/

/

TOTAL FOR THIS RIGHT

1.02

/

/

REVIEWED BY:

BSI

DATE:

1/26/93

TRANS. 4413 MODIFIES DIV. RATES TO 1.02 CFS (AS RECOMMENDED)

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: 35-12344

DATABASE

TOTAL DIVERSION RATE OF WR SPLITS

EXAMINER

110 (see T. 4413)

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A35-12344	1.460	-	-	-	-

TOTAL CFS 1.460

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 SHEET ATTACHED? (Y/N)

DATABASE

FIELD
EXAMINER

REMARKS:

BEVERLY USE RIGHTPer T. 4413 DIV. RATE IS 1.10 cfs

AUTHENTICATION:

SIGNATURE:

Eric S. [Signature]DATE: 1/26/93

NAME OF FIELD EXAMINER:

Eric S. [Signature]TITLE: SOCA

HR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y			Y	6	8/1/93	8/1/93	8/1/93
POINT OF DIV	Y			N	1256			
SOURCE	Y			N	6			
PLACE OF USE	Y			Y	1256			
DIV. AMOUNT CFS/VOLUME	Y			Y	6			
CONSUMPTIVE USE	-							
PURPOSES	Y			N	6			
PERIOD OF USE	Y			Y	6			
BASIS OF CLAIM	Y			N	6			
REMARKS	Y							

"VERIFIED BY" CODES

- TOPO MAP/ORTHO-PQ = 1
- ASCS MAP = 2
- WATERMASTER RECORDS = 3
- MAP PHOTOS = 4
- FIELD EXAM = 5
- OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

E-ADS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4413

WATER RIGHT NO(S). 35-02078/35-02104B/35-02726 & CLAIM NO. A35-12344

RECEIVED

MAY 17 1996

This is to certify that: **CARL PHILLIPS**
NOLA PHILLIPS
2884 W 1400 S
ABERDEEN ID 83210

Department of Water Resources
Eastern District Office

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02078 :			
IRRIGATION	04/01 to 10/31	2.10 CFS	420.0 AF
Priority: 08/26/1947			
Right No. 35-02104B :			
IRRIGATION	04/01 to 10/31	1.10 CFS	220.0 AF
Priority: 08/03/1948			
Right No. 35-02726 :			
IRRIGATION	04/01 to 10/31	1.30 CFS	260.0 AF
Priority: 07/03/1963			
Claim No. A35-12344 :			
IRRIGATION	04/01 to 10/31	1.10 CFS	292.0 AF
Priority: 05/01/1971			
TOTAL:		* 4.50 CFS	1,192.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 7, Township 05S, Range 31E
NENE , Sec. 18, Township 05S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	31E	7	NESE 34	NWSE 35	SWSE 32	
			SESE 39			140
	18		NENE 39	NWNE 39	SWNE 40	
			SENE 40			158
Total number of acres irrigated:						** 298

TRANSFER NO. 4413

WATER RIGHT NO(S). 35-02078/35-02104B/35-02726 & CLAIM NO. A35-12344

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
6. Approval of this transfer in no way confirms the right(s) claimed.
7. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
8. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
9. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
10. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 11. The total instantaneous diversion of water from all points of diversion under Transfer No. 4413 shall not exceed 4.50 cfs, nor total combined annual volume of 1,192 af.
- ** 12. Right No. 35-02078 is limited to the irrigation of 105 acres in the place of use described above in a single irrigation season.
- ** 13. Right No. 35-02104B is limited to the irrigation of 55 acres in the place of use described above in a single irrigation season.
- ** 14. Right No. 35-02726 is limited to the irrigation of 65 acres in the place of use described above in a single irrigation season.
- ** 15. Claim No. A35-12344 is limited to the irrigation of 73 acres in the place of use described above in a single irrigation season.

PAGE 3

TRANSFER NO. 4413

WATER RIGHT NO(S). 35-02078/35-02104B/35-02726 & CLAIM NO. A35-12344

CONDITIONS OF APPROVAL AND REMARKS

- * 16. Right Nos. 35-02078, 35-02104B, 35-02726 and Claim No. A35-12344 when combined shall not exceed a total combined diversion rate of 4.50 cfs.

Dated this 13th day of May, 1996

J. Glen Saylor
Chief, Water Alloc. Bureau

MEMORANDUM

TO: FILE NOS. 35-02078, 35-02104, 35-02726
& CLAIM NO. A35-12344

FROM: PAM SKAGGS²/STATE OFFICE

SUBJECT: TRANSFER NO. 4413

DATE: May 13, 1996

=====

Transfer No. 4413 was filed to add a point of diversion under Right Nos. 25-02078/02104/02726 and Claim No. A35-12344, and create a permissible place of use to more accurately describe the system. Through this application, the applicant also modifies the originally claimed priority date and rate of diversion under SRBA Claim No. A35-12344, and limits the total combined rate of diversion under all the rights to reflect the recommendations of the adjudication review.

Season of use and diversion volume were adjusted to current standards. These rights are combined with Aberdeen Springfield water according to SRBA and place of use overlap review.

Recommended conditions include drilling permit requirements, irrigation overlap, measuring devices, future annual reporting, supplemental groundwater, nonconfirmation of claim, permissible place of use, combined limits and standard transfer conditions.

NOTICE OF ENLARGEMENT OF WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Bingham County are shown to the nearest section -- more specific locations are available upon request.

Water Right: 35-04244

NAME & ADDRESS: LARRY D CALDWELL
472 S 1400 W
PINGREE ID 83262

SOURCE: GROUNDWATER

PRIORITY DATE: 04/01/1979

POINT OF DIVERSION: T03S 33E 27 NWNESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T03S R33E 27 NESW SESW NESE NWSE
SWSE SESE

This right is for an enlargement of 8.4 acres within the total 158.4 acres recommended.

Water Right: 35-04261

NAME & ADDRESS: DELWYN V & BARBARA ELLIS
904 W 200 N
BLACKFOOT ID 83221

SOURCE: GROUNDWATER

PRIORITY DATE: 05/15/1972

POINT OF DIVERSION: T02S R34E 21 NWNWSE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T02S R34E 21 SWNE NESE NWSE SWSE SESE

This right is for an enlargement of 94 acres within the total 179 acres recommended.

ABERDEEN ID 83210

SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1987
POINT OF DIVERSION: T04S R31E 26 SESE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T04S R31E 26 SWSW SESW SWSE SESE

This right is for an enlargement of 32 acres within the
total 150 acres recommended.

Water Right: 35-12344

NAME & ADDRESS: CARL L & NOLA RAE PHILLIPS
2884 W 1400 S
ABERDEEN ID 83210

SOURCE: GROUNDWATER
PRIORITY DATE: 05/01/1971
POINT OF DIVERSION: T05S R31E 07 SWSESE
18 SWNESE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T05S R31E 07 NESE NWSE SWSE SESE
18 NENE NWNE SWNE SENE

This right is for an enlargement of 91 acres within the
total 316 acres recommended.

Water Right: 35-12656A

NAME & ADDRESS: NORTH HIGHLANDER FARMS INC
C/O R W BERRETT
1845 TIFFANY DR
IDAHO FALLS ID 83404

SOURCE: GROUNDWATER
PRIORITY DATE: 06/01/1975
POINT OF DIVERSION: T03S R33E 06 NWSESW

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402-3653 on or before May 7, 1999.

Stage: BENEFICIAL USE

BINGHAM County

Other Rights: 35-02078, 35-021048, 35-02726

E02 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM

C11 - THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
- PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
- AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
- BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
- 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
- RIGHT.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.50 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1264 AF. NOS.: 35-021048, 35-02726, AND 35-02078.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 316 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-021048, 35-02078, 35-02726.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NOS. 35-02078,
35-02104B, 35-02726 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF

Remarks:

DIVERSION DESCRIBED ABOVE: 35-02078, 35-02726, AND 35-021048.
THIS RIGHT IS FOR AN ENLARGEMENT OF 91 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

Dates:

Exam Made Date: 01/26/1993

Verified Date:

Objection filed Date:

Misc:

Water District Number:

Field Inspection Flag:
Presumption Flag: E

Comments:

Date: 01/26/1993 User-ID: VERNER Subject: COPIED FROM REMARKS
THIS NOTICE IS BASED ON AN EXPANSION OF LICENSES 35-02078,
35-02726 AND 35-02104.

Date: 01/21/1997 User-ID: ARUBERRY Subject: COPIED FROM REMARKS
RIGHT NOS. 35-021048, 35-02726 AND 35-02078 ARE ALSO
DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 73 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.50 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 1192 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 894 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 298 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.: 35-021048, 35-02726 AND 35-02078.
THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 35-02078, 35-021048
AND 35-02726 PURSUANT TO IDAHO CODE 42-1416(2).

Date: 01/21/1997 User-ID: ARUBERRY Subject: TRANSFER # 4413
TRANS. 4413 ADDED THE POD IN SEC. 7, CREATED A PERMISSIBLE PLACE
OF USE, MODIFYS THE PRIORITY DATE AS SHOWN, RATE OF DIV. TO 1.10
CFS WITH LIMITS. REFLECTS THE ADJUDICATION RECOMMENDATIONS.

Date: 11/13/1998 User-ID: ARUBERRY Subject: AMENDED CLAIM
THIS CLAIM WAS AMENDED TO ADD ACRES AS PERMISSIBLE PLACE OF USE
WITH LICENSES 35-02078, 02726, AND 02104.

Audit:

11/13/98 ARUBERRY



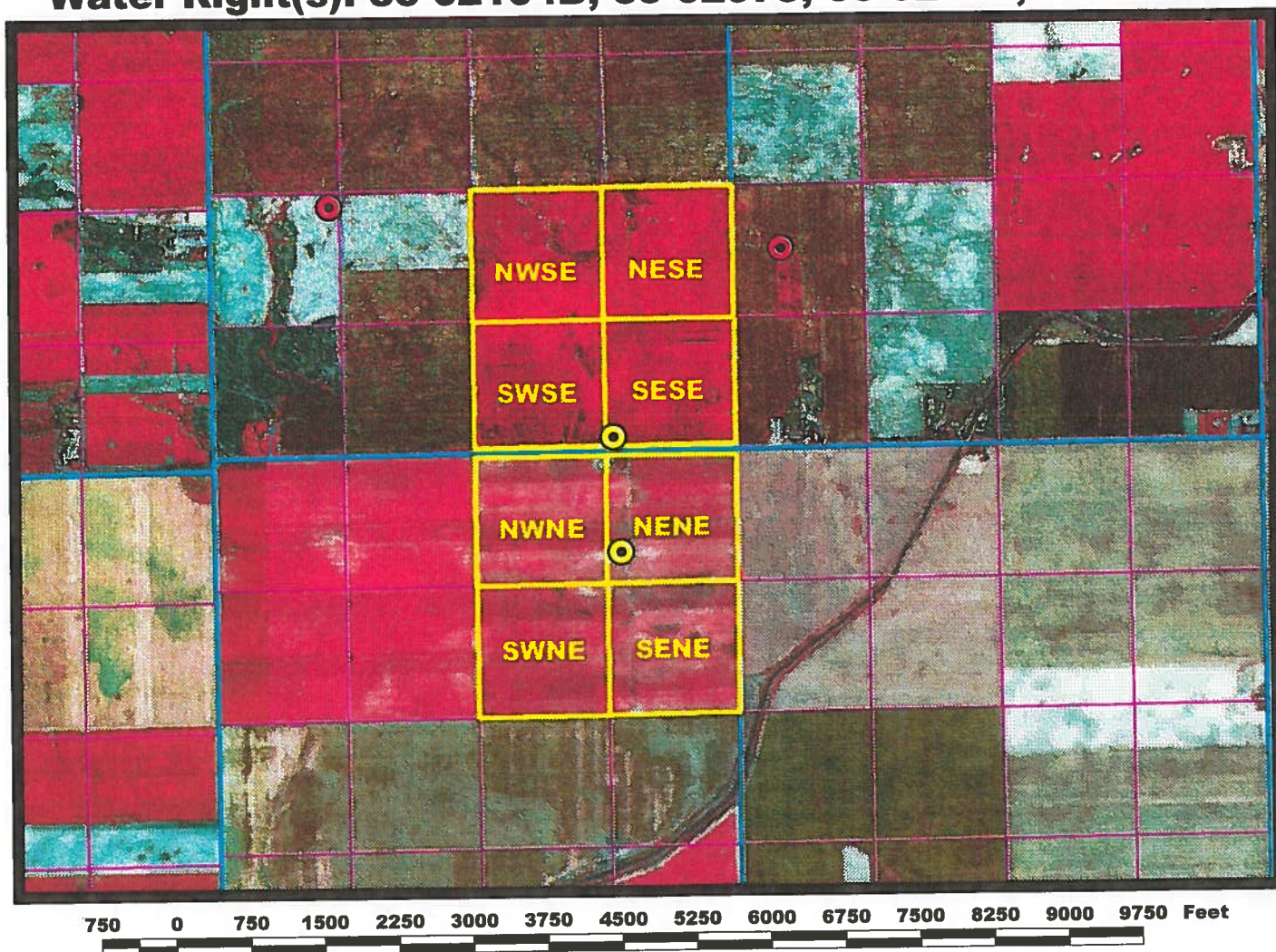
STATE OF IDAHO

Department of Water Resources

Eastern Region

Claimant: Carl & Nola Phillips

Water Right(s): 35-02104B, 35-02078, 35-02726, 35-12344



LEGEND



Point of Diversion

**Legal Description: T.5S., R.31E.
Sec. 7 SE, Sec. 18 NE**



SESE

Place of Use



Section Line



Quarter-section line

**Point(s) of Diversion: T.5S., R.31E.,
Sec. 7 SWSESE, Sec. 18 SWNE**



**GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: November 1998**

RECEIVED

JUL 25 1991

July 24, 1991
Abbeville, Idaho 83210

Department of Water Resources

Eastern District Office NEVILLE

I, ^{Laka} Shelby Neville, previous owner of 160 acres located in T5S R31E Sec 18, NE 4, verify that a well was drilled on above ground in 1944 and that water from this well was used for agricultural irrigation purposes on this property.

I also verify as adjoining neighbor that the water from ground well located in T5S R31E Sec 8 W2 SW and T5S R31E Sec 7 SE4 was used for agricultural irrigation purposes in 1945.

Above ground consisting of 240 acres was known as the Richard Parish farm.

A. J. Neville
STATE OF IDAHO
COUNTY OF BINGHAM

SUBSCRIBED AND SWORN TO BEFORE ME THIS 24TH DAY OF JULY 1991.

Layton Warner
NOTARY PUBLIC
MY COMMISSION EXPIRES: 7-7-92

MICROFILMED
DEC 11 1992

#35-12344

Department of Water Resources
150 Shang Ave. Suite 15
Idaho Falls, Idaho 83402

Dear Sir,

In regards to priority date of
permit # A35-12344 I request that it
be changed from July 1, 1963 to May 1,
1945 when water was first used.

Thank You
Carl L. Phillips
2884 W. 1400 S
Aberdeen, Idaho 83210

MICROFILMED
DEC 11 1992

JUNE 25, 1991

CARL L PHILLIPS
2884 W 1400 S
ABERDEEN ID 83210

RE: EVIDENCE OF PRIORITY

Dear Mr. Phillips:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SBRA). The Notice indicates the water usage is based on expansion (irrigation of additional acres) of an existing licensed or unadjudicated right. Water rights of this type are established by the historical use of water, dating back to when the expansion occurred. The expansion date for your claim has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the date of expansion (Item #2).

For your reference I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May be Evidence of the Priority Date"**.

It is our goal to recommend this historical water right within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of priority date is submitted.**

Please submit the required evidence supporting the priority date by **July 25, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

MICROFILMED

DEC 11 1992

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of letter.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:sc

Enclosure: Brochure on "Evidence of Priority
Proof Report

A35-12344
CARL L. PHILLIPS
NOLA RAE PHILLIPS
2884 W. 1400 S.
ABERDEEN ID 83210

MICROFILMED

DEC 11 1992

CONVERSATION MEMORANDUM

DATE: JANUARY 26, 1992 (1300 HRS)

FILE: A35-12344, A35-02078, R35-02104B & A35-02726

NAME OF PARTY: CARL PHILLIPS

EMPLOYEE: ERIC VERNER *EV*

RE: WELL CAPACITY AND PRIORITY DATE OF A35-12344

=====

Claim A35-12344 was filed as a 2nd presumption expansion of licenses 35-02104, 35-02078 and 35-02726 with the date of expansion shown as July 1963. The department requested evidence in support of the claimed priority date and the claimant submitted a statement from a long time neighbor who attested to the existence of the well in 1944 and that it was used to irrigate a portion of the place of use covered by claim. The statement did not specifically state how many acres were irrigated in 1944. Records of the Department's (license exams for the afore mentioned licenses) show that as of 1965 only 225 acres were being irrigated by this well. This information contradicts the claimed priority date.

In addition to questions regarding the priority date of this expansion, the claims filed for licenses 35-02104 and 35-02726 show that an accomplished transfer of point of diversion occurred sometime after the licenses were issued. I called the claimant, Carl Phillips to try and get better information regarding the date the expansion likely took place, the date that the changes in points of diversion occurred and what the capacity of the well now ~~was~~ *is*.

Mr. Phillips said that he purchased this farm (SE1/4 Sec 7, NE1/4 Sec 18 and the W1/2 SW1/4 Sec 8 T5S R31E) in 1967. He said that in that year, much of the property was under sprinkler irrigation. It was not until about 1971, according to Mr. Phillips, that he converted the entire system to sprinklers as it is now operated. I discussed that it appeared that the expansion or inclusion of the additional 73 acres (above the 225 already licensed) occurred over several years. I mentioned to Mr. Phillips that he could file additional claims that "staged" the expanded acres pursuant to the dates each occurred, or I could recommend a priority date of 1971 since this was the date the expansion was complete. He agreed that this would be acceptable and correct. Also according to Mr. Phillips, the accomplished change in point of diversion for 35-02726 and 35-02104 occurred at this same time.

Conversation Memo-Carl Phillips Page 2

Regarding the diversion capacity of the well in Sec 18: Mr. Phillips said that the motor on this well is 200HP, the lift is 40' and the system normally operates at 80 to 90 PSI. He said that the system runs 16 one-quarter mile hand lines simultaneously. Using this information, the theoretical capacity of the system is 5.593cfs using the formula:

$$Q_{cfs} = (HP * 8.8413 * E) / (H * (2.308 * PSI))$$

If 16 one quarter mile handlines are run, this amount of diversion would supply each handline with 154gpm. This appears to be within normal limits of common use. Based upon this, it appears that the combination of licenses 35-02078, 35-02726 and R35-02104B are not limited by system capacity.