

07/12/2006

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

RIGHT NUMBER: 22-2117

NAME AND ADDRESS: RICHARD H PHILLIPS
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE: UNNAMED STREAM

TRIBUTARY: SPRING CREEK

QUANTITY: 0.800 CFS

PRIORITY DATE: 12/10/1926

POINT OF DIVERSION:

T06N R45E S22 SWSE Within TETON County

T06N R45E S22 SWSE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.800 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S22 SESW 9.30 T06N R45E S22 SWSE 36.00

45.3 ACRES TOTAL

This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

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

Source is also known as Twin Creeks.



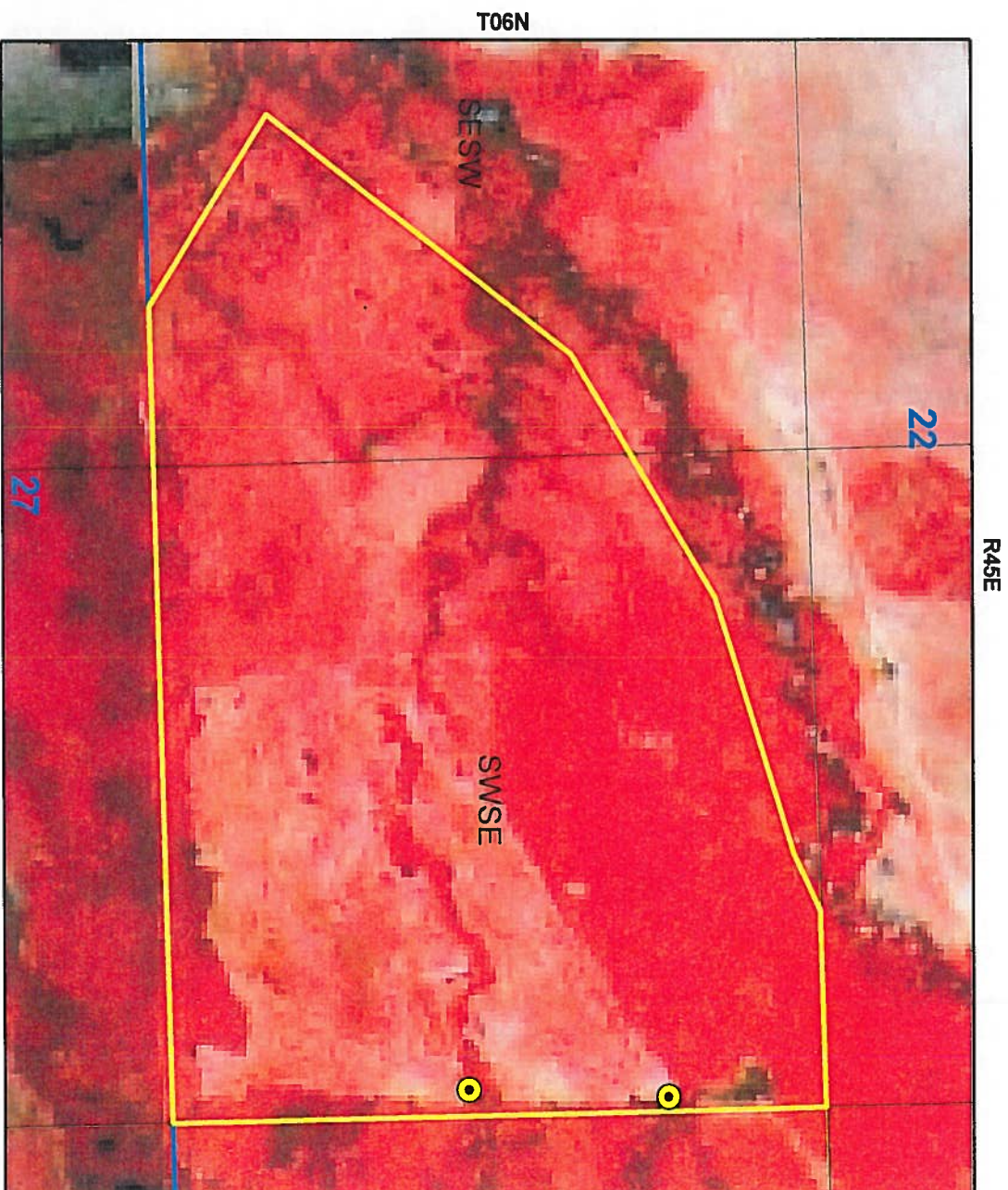
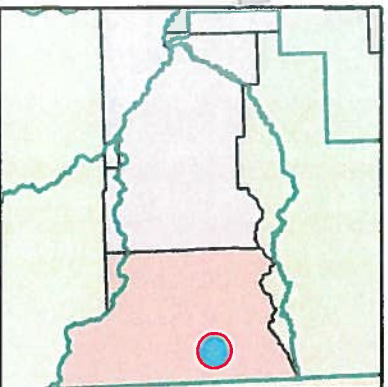
Idaho Department of Water Resources

Adjudication Claim:

22-2117

Legend

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



Prepared by D. Carlson
On Wednesday, July 12, 2006
1987/88 Aerial Photography

Water Right No(s). _____

GPS DATA: POD #1 A0814285 fence post by headgate #1
POD #2 A0814265 fence post just east of pond

Tag # _____ Location: _____

Diversion Data:

Source: Twin Creeks Trib to: Spring Creek

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: 8/1/05 Agent: ED



R. Phillips POD #1 NE SWSE 1



R. Phillips POD#1 - pond formed by
culvert dam. diversion ditch



R Phillips PDE#2 - plastic dam

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

00
8/1/05

There are 2 POD's for this claim, They are both on Twin Creeks.

POD #1 is on the north creek. The diversion is a dam and a culvert with a metal gate that diverts water into 2 ditches - one on the north and one on the south of the dam.

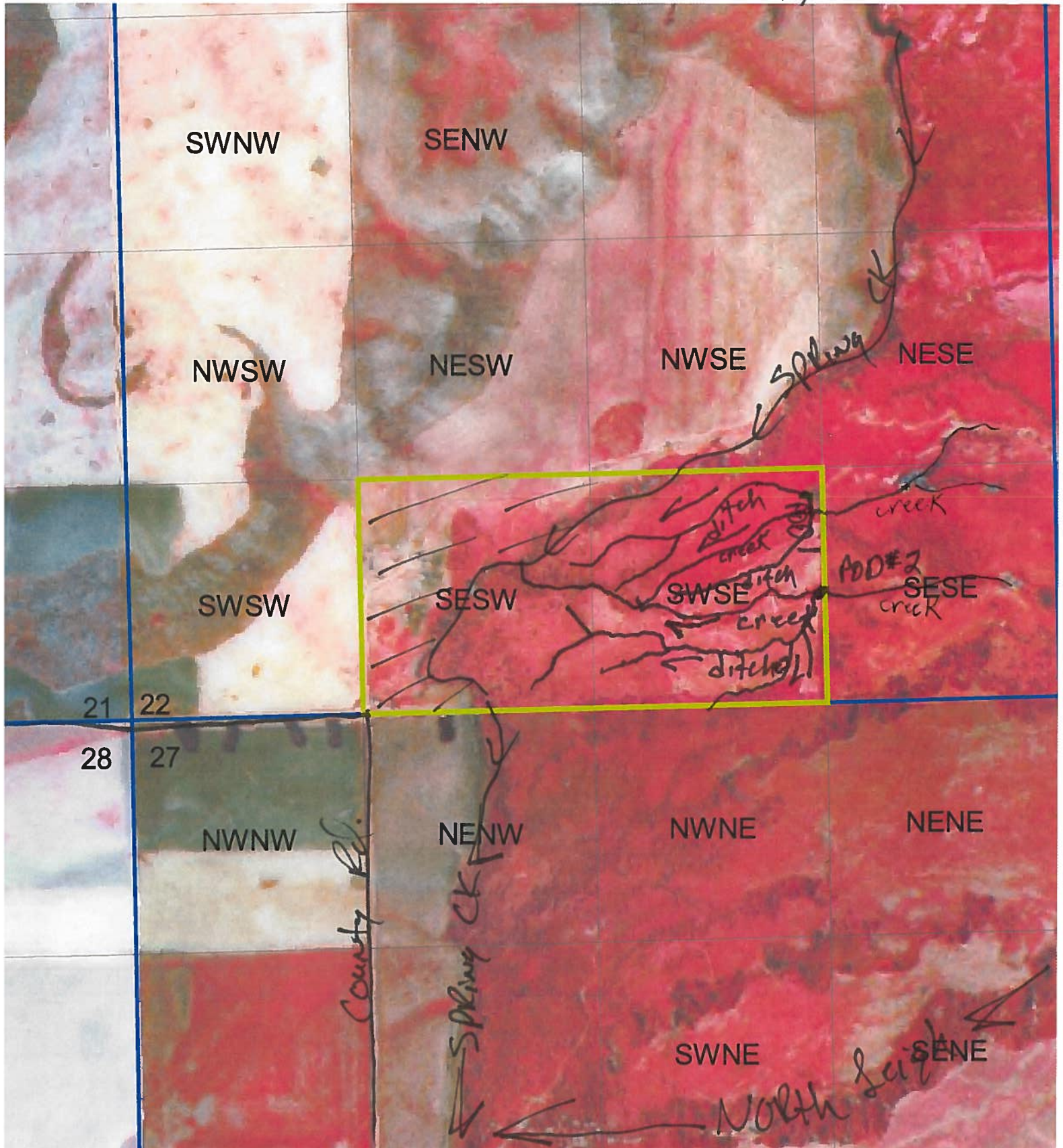
POD #2 is on the south creek. A plastic dam is used to dam off the creek and divert the water into a ditch that comes off to the south.

Reviewer: _____ Date: _____

22-2117

6N 45E

10-29-04
cb
8/1/05 DD



Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

DO
8/1/05 Field exam shows claim is irrigated with
ditches and dams. Acreage claimed is
pretty accurate.

Reviewer: _____ Date: _____

State of Idaho
License and Certificate of Water Right

Water License No. 16567

Amount 0.8 second foot

Water District No.

Priority Decemoer 10, 1926

THIS IS TO CERTIFY that LYDIA PHILLIPS
of Tetonis, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 23, 1926; that Permit No. 16567
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.75 second feet, was issued thereunder on March 27, 1931, showing that said works
were completed on the 23rd day of February 1931; and that on the 15th
day of June 1931,

LYDIA PHILLIPS

of Tetonis, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Twin Creeks
, a tributary of Spring Creek, for the purpose of Irrigation and culinary uses
, under Use Permit No. 16567 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4504, on the 24th day of January 1950;
and License issued to Jedediah Phillips, Assignee of Lydie Phillips;
The right hereby confirmed dates from December 10, 1926.

The Point of Diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
in the 44 Sec. 22, Twp. 6 N., R. 45 E., B. M. Teton County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	45 E.	22	SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	40 40	10 30 40

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
24th day of January, 1950.

MARK R. KULP

State Reclamation Engineer

(SEAL)

22 2117

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 16567This proof is for BEN. USE

In Water District No. _____

1. Name of applicant: Lydia Phillips
2. Source of water supply: Twin Creeks
3. Location of point of diversion: Is in the - (2 points) SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22
T. 6 N R. 45 EBM County of Teton

4. Describe works as they exist, giving dimensions and capacities of same: Diversion #1 is by earth dam 3' high $\frac{3}{4}$ 30' long. Diversion #2 is by a similar dam 3 ft high $\frac{3}{4}$ 50 ft long. Ditches are 2 ft wide $\frac{3}{4}$ 1 ft. deep.

5. Water is used for: Irrigation and domestic use
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 6 N., R. 45 EBM

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Teton River

Remarks: _____

This examination was made on the 19th day of Oct. 1931

(Signed)

David H. Dolman

Examiner.

16567

Lydia Phillips
Tetonia

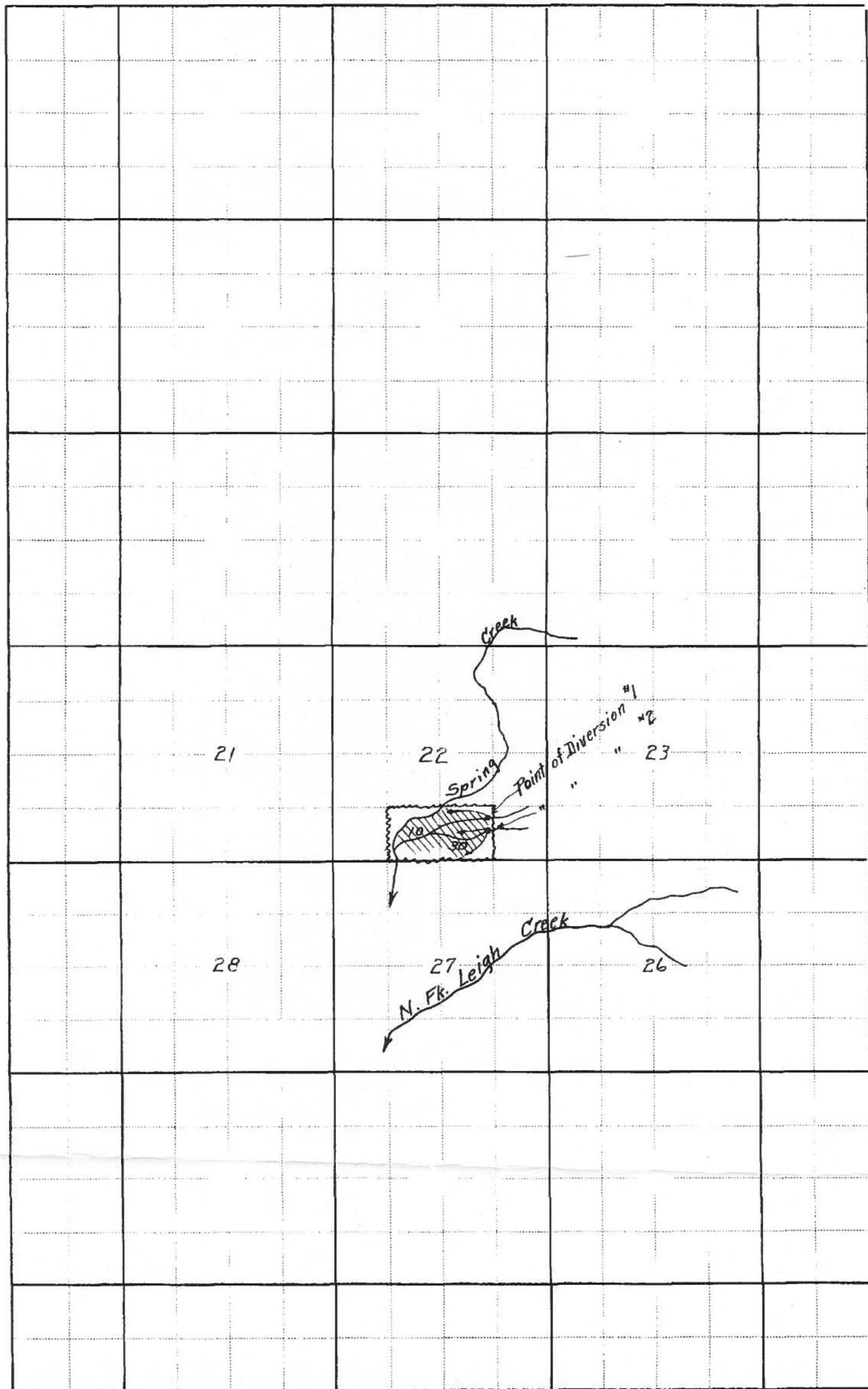
Permit No. 16567

Examination for BEN. USE

County TETON

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion, and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.
-



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

16567



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

August 20, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD H PHILLIPS
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP FOR A22-00450,
A22-00451, A22-02117, A22-11527 AND A22-11528

Dear Sir or Madam:

Enclosed for your records are copies of the amended claims A22-00450, A22-00451 and A22-02117 showing you as the current owner and the amended acreage.

I am also returning the Change in Water Right Ownership form for A22-11527 and A22-11528. These rights are Partially Decreed by the Snake River Basin Adjudication Court and require a Twenty-five dollar (\$25.00) filing fee **per right** for a total of Fifty (\$50.00) dollars.

Please make check payable to: IDWR and return with the above mention Change in Water Right Ownership form to:

Kari Lynn Townsend
Id Dept of Water Resources
1301 N Orchard St
Boise ID 83706

If you have any questions regarding this matter feel free to contact this office at 208-525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosures

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

U.S. BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

August 16, 2001

RECEIVED

AUG 17 2001

Department of Water Resources
Eastern Region

Eastern Region
Idaho Dept. Of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402

Re: *Water Rights No.'s 22-450, 22-451, and 22-2117, 22-11527, and 22-11528*

Dear Ladies and Gentlemen:

We are enclosing with this letter a Notice of Change of Water Right Ownership for the above numbered rights and two Amended Notices of Claim for Rights No.'s 22-450 and 22-451.

The former owners of these rights were Herb and Marian Phillips. Marion died December 14, 1992 and Herb died on February 18, 2000. There was no probate of Marion's estate because Herb was a surviving spouse and acquired all of her interest under the Intestate Succession Laws. Herb's estate is being probated and Richard H. Phillips, the son, has been appointed the personal representative of the estate. Copy of the Letters Testamentary are enclosed.

The property is being split between two children, Richard and Nancy, but first we need to show ownership in the personal representative and get the two claims amended. It did not appear to us that there was a fee required, but if we are mistaken please contact us and we will do what ever is necessary to get these matters properly filed.

Very truly yours,



Kent W. Foster

Enclosures

G:\WPDATA\KWF\6900\UDWR 03Phillips.ltr.wpd bfc

OK
JC
8-17-01

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
AUG 17 2001

Please print or type. Attach pages with additional information. Instructions are on the back of this Department of Water Resources Eastern Region
 Incomplete forms will be returned.

1. Water Right No(s): 22-450, 22-451, 22-2117, 22-11527, 22-11528
525 - 525 -
 Adjudication Claim No(s): same as above

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water rights or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with 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 Herb and Marian Phillips
PO Box 62 Teton, ID 83452

4. New Owner/Claimant(s) Richard H. Phillips, personal representative
 Name connector (check one): ☐ and ☐ or, ☐ and/or
 New Mailing Address % Holden, Kidwell, Hahn & Crapo PO Box 50130
 City, State and ZIP Code Idaho Falls, ID 83405
 New Telephone Number (208) 523-0620 .bfc

5. Date you acquired the property May 8, 2000 (see attached copy of Letters Testamentary)

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.**

Number of acres you irrigated with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) Richard H. Phillips
 Or Claimant(s)

Corporations or other organizations must submit list of directors and/or officers demonstrating authority to sign form.

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

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 22-2117
Date Received: 10/4/1988
Receipt No: E002899
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RICHARD H PHILLIPS Phone: (208) 523-0620

C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID USA 83405

2. Date of Priority: 12/10/1926

3. Source: TWIN CREEKS Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	45E	22	SW SE	TETON	

5. Description of diverting works:

2 HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.8	

7. Total Quantity Appropriated is:
0.8 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
06N	45E	22	SE SW	IRRIGATION	20
			SW SE	IRRIGATION	40

Section Acres	60
Total Acres	60

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

ORIGINAL LICENSE WAS FOR 40 TOTAL IRRIGATED ACRES. CLAIMANT INDICATES
APPROXIMATELY 60 TOTAL ACRES HAVE BEEN IRRIGATED SINCE DATE OF PRIORITY

15. Basis of Claim: License

4/10.00

X1

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.

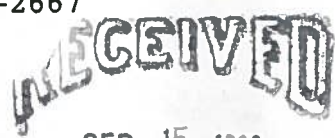
CIVIL CASE NUMBER: 39576

Ident. Number: A22-02117
Date Received: 9/09/1988
Receipt No: E002899
Received By: TO



NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HERB PHILLIPS 208-456-2667
Address: P.O. BOX 62
TETONIA, ID 83452
AND/OR
Name: MARIAN PHILLIPS 208-456-2667
Address: P.O. BOX 62
TETONIA, ID 83452



SEP 15 1988

Department of Water Resources
Eastern District Office

2. Date of Priority: DEC 10, 1926
3. Source: TWIN CREEKS Trib. to: SPRING CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	45E	22	SW	SE			TETON

5. Description of diverting works:
2 HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.800		

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

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED
OCT 29 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	45E	22	SE	SW		IRR	20.0
			SW	SE		IRR	40.0
						Section Acres	60.0
						Total Acres	60.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:
ORIGINAL LICENSE WAS FOR 40 TOTAL IRRIGATED ACRES. CLAIMANT
INDICATES APPROXIMATELY 60 TOTAL ACRES HAVE BEEN IRRIGATED SINCE
DATE OF PRIORITY.

15. Basis of Claim: LICENSE
Water Right Number: 16567

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): *Herb Phillips* Date: *Sept 14, 1988*
Marian Phillips Date: *Sept 14, 1988*

State of Idaho)
) SS.
County of *Teton*)

Subscribed and sworn (or affirmed) before me this *14th* day
of *September* 19 *88* *Jason R.*
Notary Public

Seal

Residing at *Teton, Ida*
My Commission Expires *9/30/92*



A 2202117

P/D'S

MICROFILMED

OCT 29 1952

T