

02/02/2006

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

RIGHT NUMBER: 22-7450
NAME AND ADDRESS: HILLVIEW WATER USERS ASSN
C/O MERLIN WEBSTER
2964 S 2810 W
REXBURG ID 83440
SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.240 CFS
44.70 AFY
PRIORITY DATE: 06/27/1983
POINT OF DIVERSION:
T05N R39E S11 NWNWNE Within MADISON County
T05N R39E S11 SENWNE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	0.200 CFS 33.30 AFY
DOMESTIC	01/01 12/31	0.190 CFS 11.40 AFY

PLACE OF USE: IRRIGATION Within MADISON County
T05N R39E S11 NENE 13.00
DOMESTIC same as IRRIGATION
13 ACRES TOTAL

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

Property is also known as Lot 1-17, Hillview Subdivision.

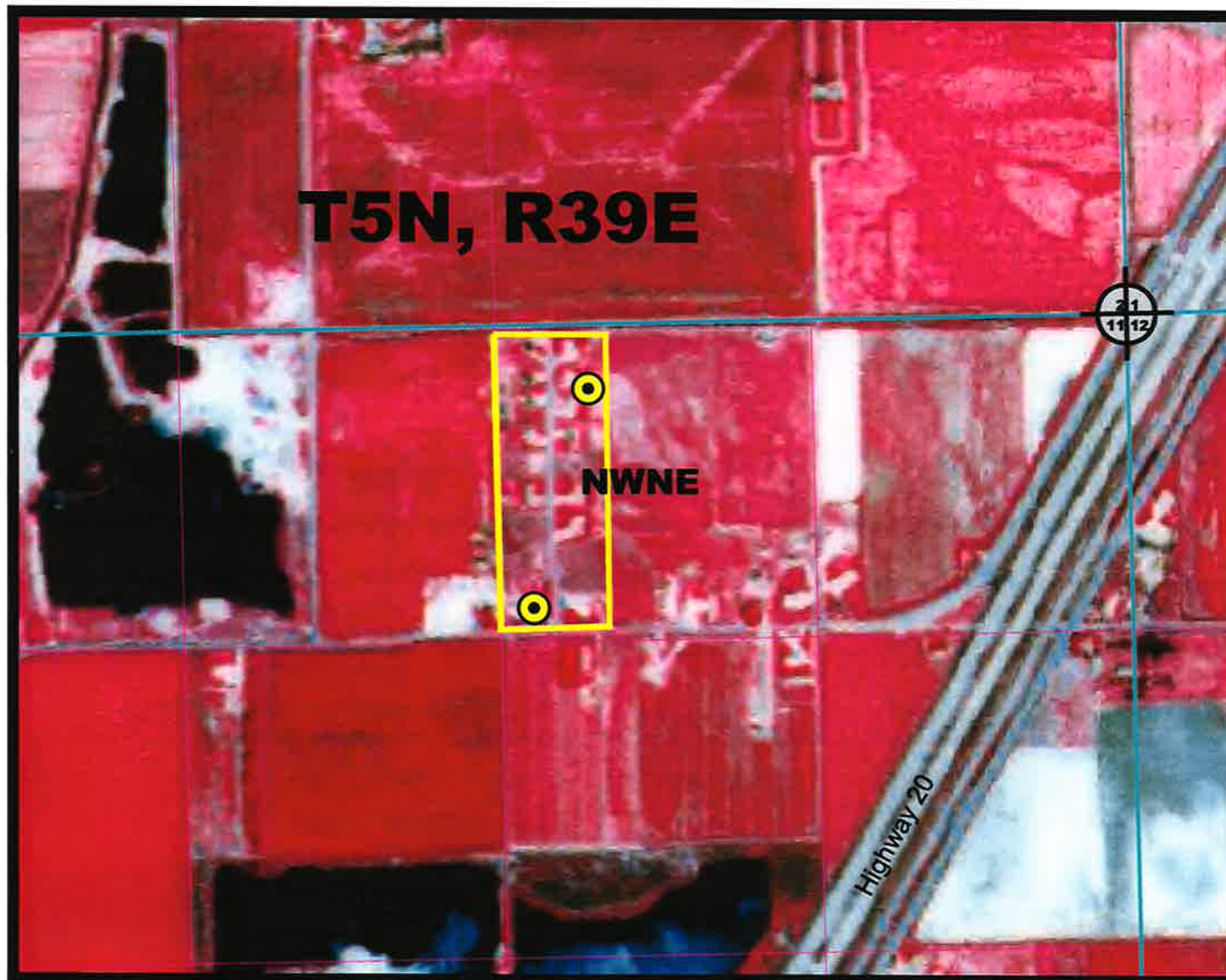
Use: Domestic for 19 homes.



State of Idaho

Department of Water Resources

Eastern Region



500 0 500 1000 1500 2000 2500 3000 3500 4000 Feet

Water Right(s):
22-7450

Point(s) of Diversion:
T5N, R39E
Sec. 11 NWNWNE, SWNWNE

Place of Use: (part of)
T5N, R39E
Sec. 11 W2NWNE

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: September 2005

09/27/2005

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: 22-7450

HILLVIEW WATER USERS ASSN

C/O JERRY PHILLIPS

2830 W 3200 S

REXBURG ID 83440

Telephone Number: (208) ~~356-2592~~ 356-9577

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: 1-6-06

SIGNATURE:

Please print your name:

Merlin Webster
Merlin Webster

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

address
updated
KMT 11/10/06

December 14, 2005

HILLVIEW WATER USERS ASSN
C/O JERRY PHILLIPS
4425 CEDAR BUTTE CIR
REXBURG ID 83440

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:

HILLVIEW WATER USERS ASSN
C/O JERRY PHILLIPS
3104 W 3200 S
REXBURG ID 83440

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)

PROFILED

SCANNED
DEC 16 2005

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form: 3547

fee due 700

U.S. POSTAL SERVICE
PS FORM 3547

2012

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form: 3547

fee due 70

U.S. POSTAL SERVICE
PS FORM 3547

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402
ADDRESS SERVICE
REQUESTED

PHIL104 834402011 1905 16 12/05/05
FORM 3547
PHILLIPS
4425 CEDAR BUTTE CIR
REXBURG ID 83440-4320

HILLVIEW WATER USERS ASSN
C/O JERRY PHILLIPS
2430 W 3200 S
REXBURG, ID 83440
3104

7527
8980500.600 DEC 02
54 IN MAIL BY FIRST CLASS MAIL

SCANNED
DEC 16 2005

Claim No. 22-7450

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☒ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

7/13/04 Madison Courthouse. Per map it looks like
should be NW NE. Parcels include OS 39e 11 0618

Jeff Flueger	2937	S 2810 W	0621
Grant Boehm	2955	" " "	0655
Lynn Scott	2977		0670
Dr. James F. Maguire	3015		0741
Robert E. Long	3037		0757
Malissa			0789
Callis Fattis Watson	3073		0785
Michael Allen	3798		0861
Earl F. Price	2938		0857
Merlin Webster	387	Airport Rd #43	0909
Dan Ballance	2984	S 2810 W	0905?
Tyler Williams	3010	S 2810 W	0957
Douglas Poulsen	3042		0
Glenda Montgomery?	3074		1035
Ferry Allen Phillips	3104		1025
Maxine Jensen	3128		1030
Aaron Smith	3126		1073
Deloy Hill	2790		1121

Bac

Claim no. A22-7450

Claimant Contact Log

Date	Remarks	Agent initials
8/17/04	per phone book, Dan Ballard #	356-0286

7:20 AM 356-0286 - NO longer lives there. Phillips
now cares for water system. No phone # in phone
book, postcard sent.

5/Jan 05 Never rec'd response to post card Bac

per phone book J & A Finkelger 356-3753, called

@ 13:26 Jerry Phillips - phone # is 356-3107.

13:26 356-3107, 709-0431 is cell phone #

13:27 709-0431 - 3 well houses. OK to look

S. Parking exit - left under driveway to frontage
rd - left - follow past RV park - then turn west.

1st on right after turn west. Well house

on left - well #3, not in use still part of
system. Halfway down street well house on

right towards first between 2 houses = well #2

well #1 is 2 houses N in back of house
go through gate 3rd from N end. Bac

Contacts Data Entry Form

Claim Number: A22-7450

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: _____ 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.

Current contact is Jerry Phillips 356-3107, 709-0431
3104 S 2810 W Rexburg 83440

Please see document checklist for names & addresses of owners
per courthouse 7/2004.

WR claim is based on post-1987 license. BAC 7 Jan 05

Reviewer: _____ Date: _____

Priority Date Data Entry FormClaim Number: A22-7450

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

June 27 1983 from copy of license Bac

Reviewer: _____

Date: _____

Water Right No(s). A22-7450



GPS DATA:

Tag # A0013625 well #1
A0013626 well #2
A0013627 well #3

Location: Next to power meter
on eaves of well house
on wall of well house

Diversion Data:

Source: GA Trib to: _____

MOTOR well #1 Franklin motor 2821138110 5hp Jacuzzi submersible

Make: _____ Model: _____ Hp: _____

SN: Well #2 Franklin motor 2821139310 5hp Jacuzzi submersible
Well #3 unknown (door screwed shut) power meter removed

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

Not Lie - NOT

Recommended!

NOTES:

Well # 1 (N) GPS 7 2674329E 1400558N IDTM83
Well # 2 (middle) GPS 6 2674296E 1400484N IDTM83
Well # 3 (South) GPS 5 2674345E 1400259N IDTM83
4 2674261E 1400283N

Field Exam Date: 7 Jan 04 Agent: BAC

According to Field Examiner's notes Brycos well #2 is NOT covered
under Permit 22-7450 However it is used and Brycos well #3 is
NOT used - Recommend per Lic. Lic for 19 Hemes - NOT 20



Bac 8 Jan 05

Point of Diversion and Source Data Entry Form

Claim Number: A22-7450Water 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:

SN 39E 11 NWNE per post-1987 license.
See previous page for GPS info.
3 wells total. Doc 7 Jan 05
→ Lic for two wells — Recommended 2 wells
WHICH TWO

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: A22-7450Claimed 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:

9.5 acres SN 39E 11 NW NE per post-87 license.
 GPS Waypoint 45 marks SE corner 2674261E 1400283N IDTM83
 2674345E 1400259N IDTM83
 GPS Waypoint 8 marks NW corner 2674196E 1400637N IDTM83
 BAC 7 Jan 05

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

per post-87 license Domestic 0.20 gfs 1/1-12/31
 Irrigation 0.19 gfs 4/15-10/15
 total 0.24 gfs
 No annual vol. on license. BAC 7 Jan 04

Reviewer: _____

Date: _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07450

Priority: June 27, 1983

Maximum Diversion Rate:

0.24 CFS

This is to certify, that HILLVIEW WATER USERS ASSN
C/O GRANT BOEHME
2810 W 3200 S
REXBURG ID 83440

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 27, 1983; and
has submitted Proof of Beneficial Use on November 17, 1989. An examination indicates
that the works have a diversion capacity of 0.240 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.19 CFS	
DOMESTIC	01/01 to 12/31	0.20 CFS	
	Totals	0.24 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 11, Township 05N, Range 39E
MADISON 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>
05N	39E	11	NWNE	9.5		9.5

Total number of acres irrigated: 9.5

PLACE OF USE:

DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
5. 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.
6. 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.

RECEIVED
APR 22 1990

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

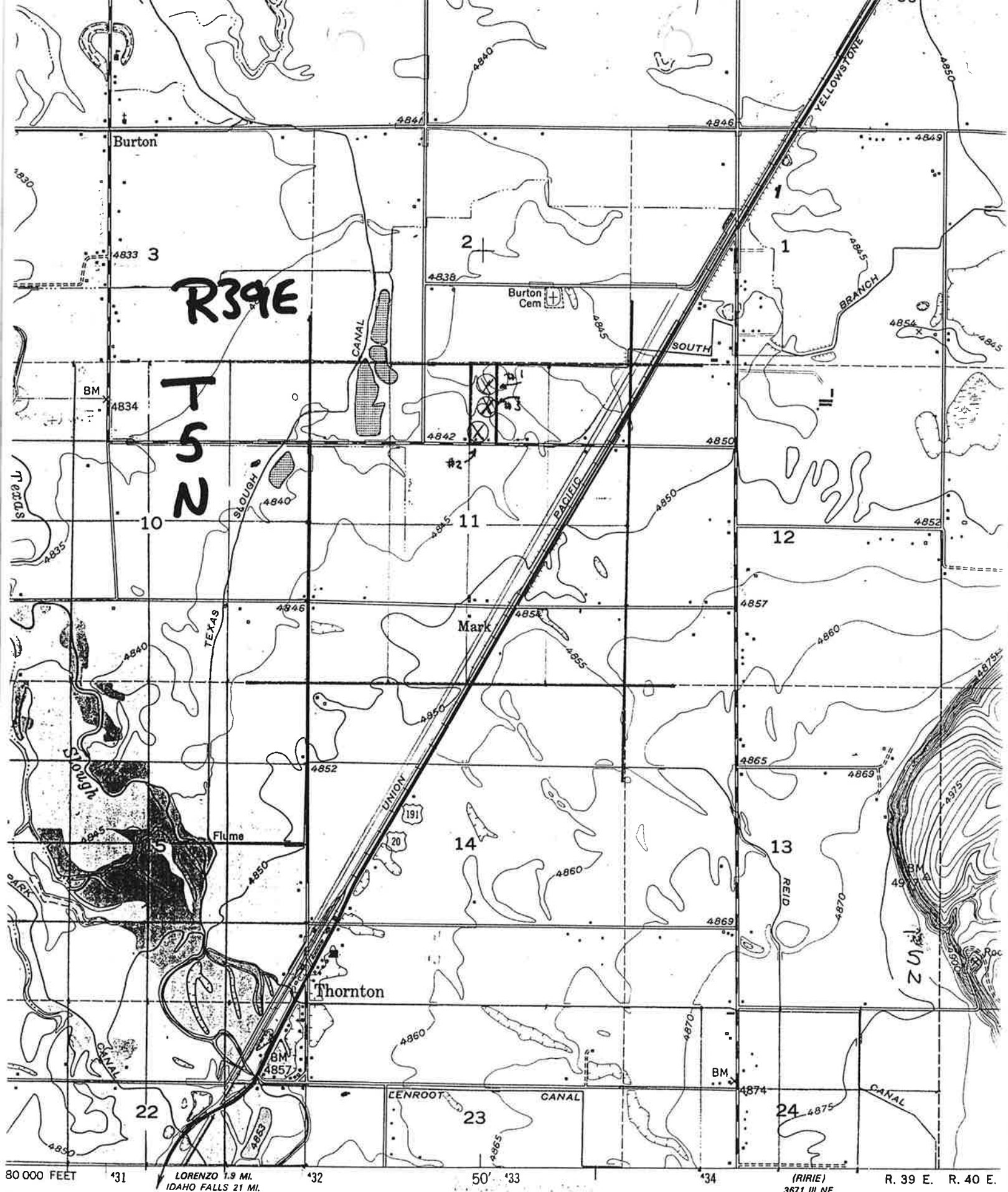
WATER RIGHT NO. 22-07450

CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights used for irrigation purposes shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 33.3 af for the lands above.
8. Domestic use is for 19 homes and is limited to a total annual diversion volume of 11.4 af.
9. Place of use is known as Lots 1-17, Hillview Subdivision.
10. Two points of diversion located in NWNE, S11, T5N, R39E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 14th
day of April, 1977.


KARL J. DREHER, Director



ished by the Geological Survey

AA

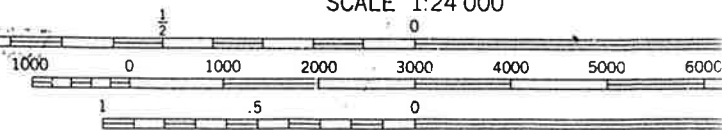
plex methods

1946

thods 1949

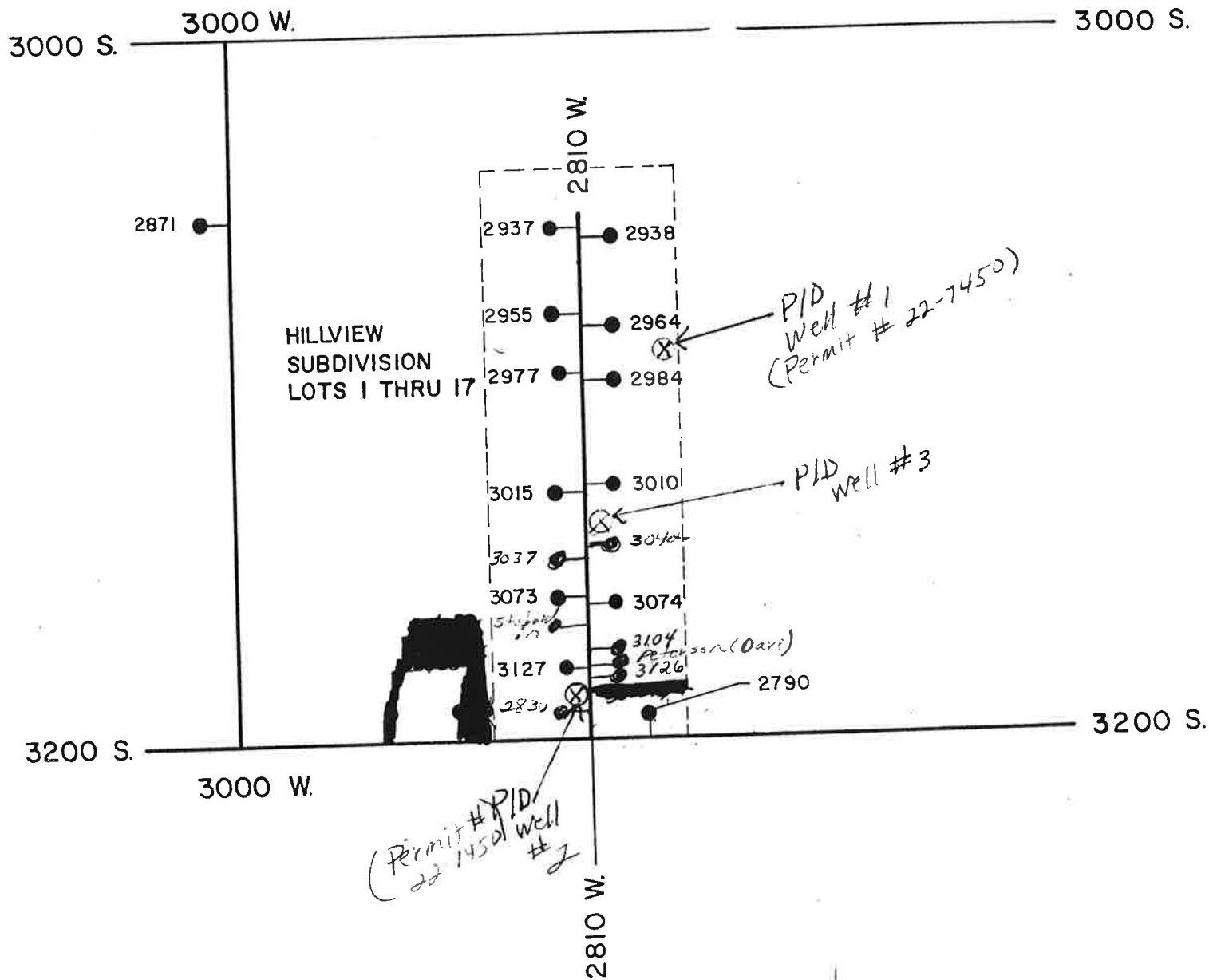


APR 1946

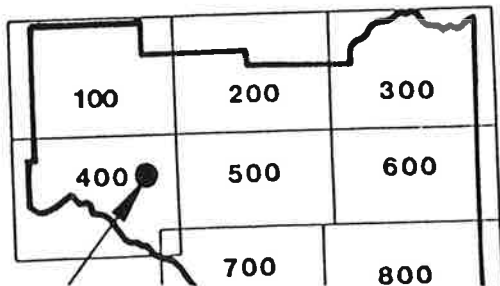


T R39E
5
N

SE 11



Detail 401-A



APR 22 1957

JUN/17/1996



RECEIVED

JUN 20 1988

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
Department of Water Resources AND FOR THE COUNTY OF TWIN FALLS
Eastern District Office

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: A22-07450

Date Received: 6/07/1988

Receipt No: E000469

Received By: EAV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HILLVIEW WATER USERS ASSOC. 208-356-3592
Address: C/O KENNETH DANIEL
2830 WEST 3200 SOUTH
REXBURG, ID 83440

2. Date of Priority: JUN 27, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	39E	11	SE	NE	NE		MADISON

5. Description of diverting works:

2 PUMPS @ EACH END OF SUBDIVISION CONNECTED TOGETHER BY 4"

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.250		
DOMESTIC	01/01	12/31	0.200		

7. Total Quantity Appropriated is:

0.450 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 31.2 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC USE FOR 20 HOMES W/I SUBDIVISION

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	39E	11	NE	NE		IRR	13.0

Section Acres 13.0

A22-07450

Page 1

Date: 06/07/88

A2207450



MICROFILMED

OCT 29 1992

10. Place of Use: Continued

Total Acres 13.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
 NONE

14. Remarks:
 ACTUAL USE IS SUBJECT TO BENEFICIAL USE FIELD EXAM DUE AFTER
 01/01/1990.

15. Basis of Claim: PERMIT
 Water Right Number:

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 Hillview Water Assn., that I have signed the foregoing document in the space below as Pres. of Hillview Water Assn. and that the statements contained in the foregoing document are true and correct.

Kenneth J. Brown
Signature of Authorized Agent

Pres. Hillview Water Assn.
Title and Organization

6-15-88
Date

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 15th day of June 19 88

Andrew Rumsey
Notary Public

Seal

Residing at Redding
My Commission Expires life

MICROFILMED
OCT 29 1992