

11/29/2006

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

RIGHT NUMBER: 22-11987

NAME AND ADDRESS: BURTON PHILLIPS
910 N 300 W
TETONIA ID 83452

KATHY PHILLIPS
910 N 300 W
TETONIA ID 83452

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 80.000 AFY

The capacity of the storage reservoir is 8.0 AF. The reservoir may be refilled multiple times up to the total diversion volume in a single year.

PRIORITY DATE: 06/01/1965

POINT OF DIVERSION:

T06N R45E S9 SESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	8.00 AFY
IRRIGATION FROM STORAGE	04/15 10/31	80.00 AFY

PLACE OF USE: IRRIGATION FROM STORAGE in TETON County

T06N R45E S09	SWSE	0.30	T06N R45E S09	SESE	20.00
T06N R45E S16	NENE	31.00	T06N R45E S16	NWNE	30.00
T06N R45E S16	SWNE	8.70	T06N R45E S16	NENW	8.00
T06N R45E S16	SENE	2.00			

100 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 - Beneficial Use



Idaho Department of Water Resources

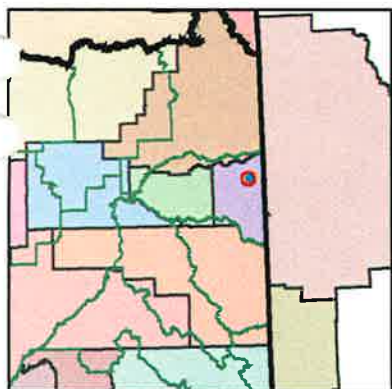
SRBA Recommendation:

22-11987

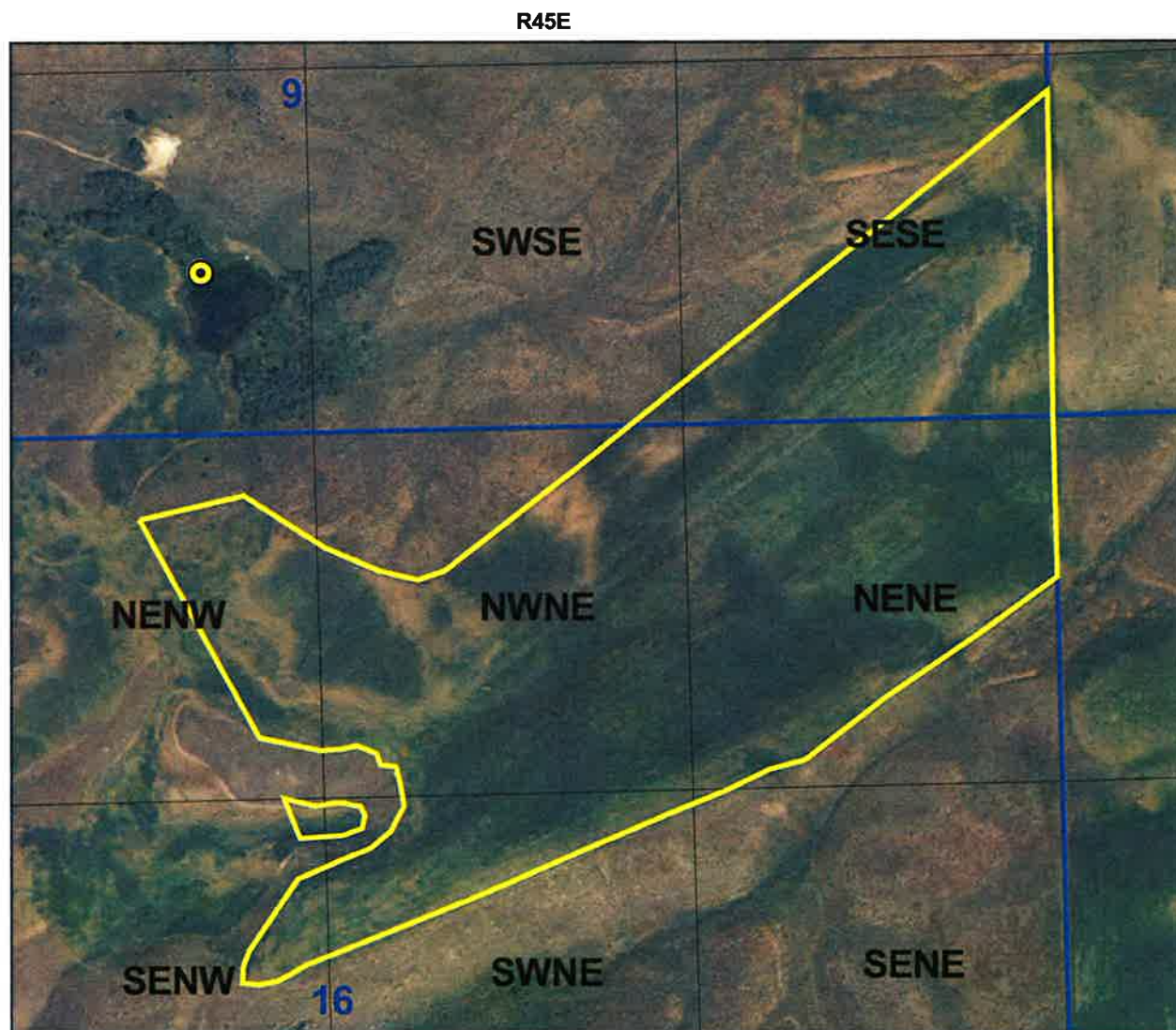
(Irrigation From Storage)

Legend

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



Teton County
IDWR Basin 22



0 0.3 0.6 Miles

Prepared by E. Carlsen
On Wednesday, November 29, 2006
2004 Aerial Photography

Owner: Burton Phillips

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

06/27/2005

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

RIGHT NUMBER: 22-11987

NAME AND ADDRESS: PHILLIPS FARMS INC
C/O BURTON K PHILLIPS
910 N 300 W
TETONIA ID 83452

SOURCE:

~~POND~~ Spring

TRIBUTARY: SINKS

QUANTITY:

The capacity of the storage reservoir is 8.0 AF. The reservoir may be refilled multiple times up to the total diversion volume in a single year.

PRIORITY DATE: 06/01/1965

POINT OF DIVERSION:

T06N R45e S9 SESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	8.00 AFY
IRRIGATION FROM STORAGE	04/15 10/31	8.00 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE Within TETON County

T06N R45E S09	SWSE	0.3	T06N R45E S09	SESE	20.0
T06N R45E S16	NENE	31.0	T06N R45E S16	NWNE	30.0
T06N R45E S16	SWNE	8.7	T06N R45E S16	NENW	8.0
T06N R45E S16	SENW	2.0			

100 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.

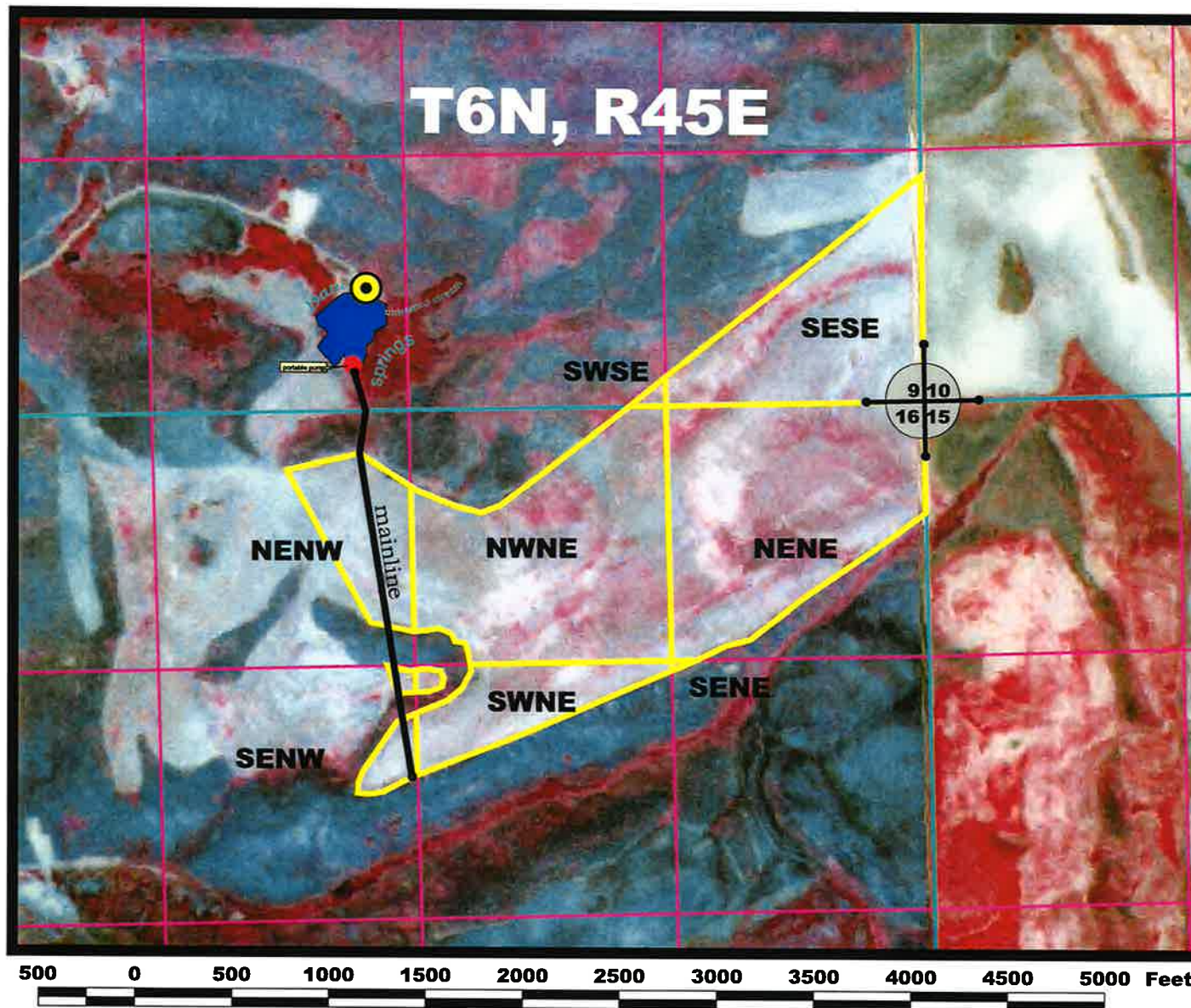
EXPLANATORY MATERIAL: Beneficial Use



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-11985,
22-11987

Point(s) of Diversion:
T6N, R45E
Sec. 9 SESESW

Place of Use: (parts of)
T6N, R45E
Sec. 9 S2SE,
Sec. 16 E2NW, NE

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



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



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

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

Brian K. Reilly

4 DISTRICT OFFICE
N. SKYLINE DR.
ALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED

★ ★  TM
U.S. POSTAGE
1571 PB3523907
8942 \$01.11 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 29 2006

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

11/29/2006

RECEIVED

DEC 29 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: December 11, 2006

Water right number: 22-11987

BURTON PHILLIPS
910 N 300 W
TETONIA ID 83452
Telephone Number: (208)456-2697



Richard & Gail Reilly
PO Box 3666
Jackson, WY 83001

KATHY 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: 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

jc

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)

DEPARTMENT 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* 834522026 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

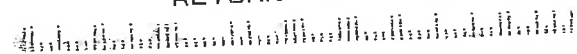


U.S. POSTAGE
1081 PB3523907
8922 \$00.390 NOV 29 2006
6363 MAILED FROM ZIP CODE 83402

BURTON PHILLIPS
KATHY PHILLIPS
910 N 300 W
TETONIA ID 83452

PHIL910* 834522002 1805 08 12/02/06
FORWARD TIME EXP RTN TO SEND
PHILLIPS
1329 W BLOOMINGTON DR S
SAINT GEORGE UT 84790-7758

RETURN TO SENDER



22-11985
11987
174A
254B
452
5013
56
7049
7133

83402X1700
17536X3634 R001

Contacts Data Entry Form

Claim Number: 2211987

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: Phillips Farms Inc Phone No.: 208-456-2697

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.B. M.This is a STORAGE CLAIM ON DECEASED WATER FROM A PORTION
OF 22-174 DECEASED TO BADGER CL AND SPRINGS - THIS IS THE
SPRINGS PART.→ EVIDENCE RESOL.OTHER WATER RIGHT USED 22-11985FE. pod/pau COMPANY/STATION

Reviewer: _____ Date: _____

PROFILED

SCANNED

APR 19 2005



STANLEY POND

Burton Phillips' Lower
Dam -

UNARMED STREAM

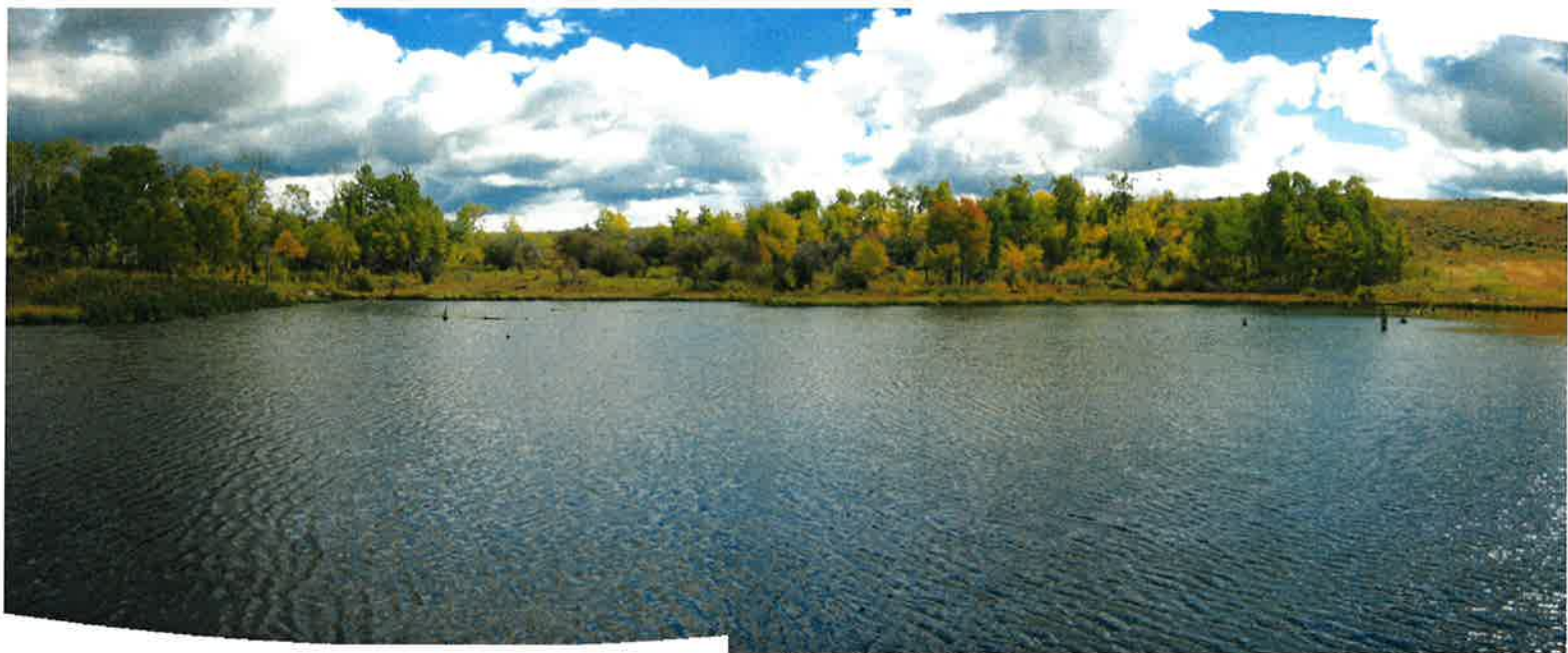
9/21/04 NBR

LOWER IMPOUNDMENT - APPARENTLY UNUSED
SINCE THE DAM WAS BUILT IN MID 60's

PROFILED

SCANNED

APR 19 2005





MAILED
10 MAR 2004

March 9, 2004

**PHILLIPS FARMS INC
910 NORTH 300 WEST
TETONIA ID 83452**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11987

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of JUNE 1, 1965, from a SPRING and UNNAMED STREAM.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim 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 the entire 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 historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

SCANNED

APR 19 2004

PROFILES

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

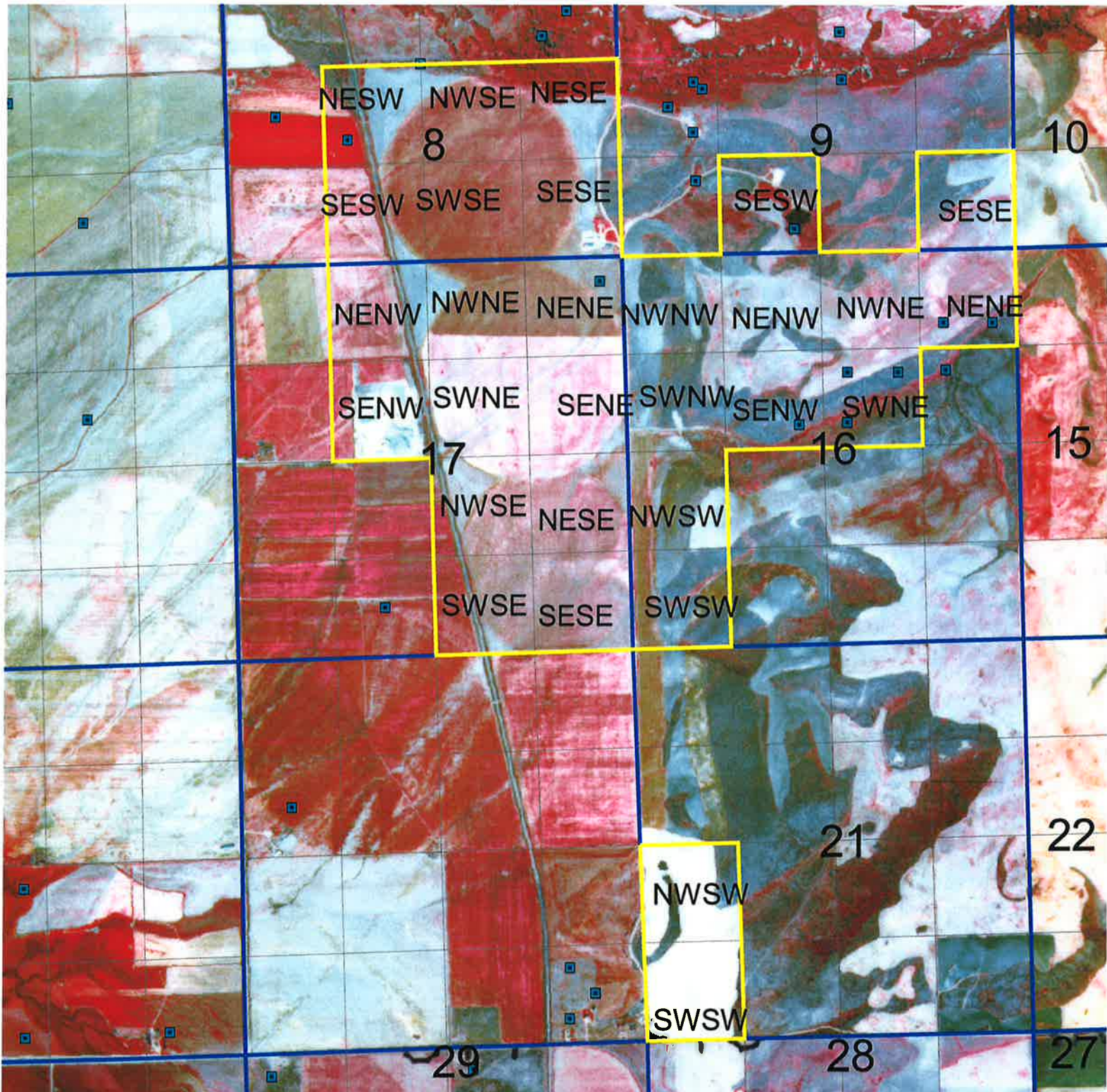
Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

PROFILE

SCANNED

APR 19 2005

22-11987



SCANNED

APR 19 2005

PROFILED

VI
Feed
Bulky

9	10
6	7

717

NI Feed Bu

approx mid point of Sec 9

Take
Feed
Bully

HEL

(1b) 50.4

16a
~~15.4~~
100.0

17 5.6

NIGRASS CUPID

Permanent
ACR

1991
ACR

18a 56.0

NI w
HR w
wht

186 21.8

NI
Feed
Bully

18
~~1419~~
66.6

T463
232

16	15
91	22

I-560

How to use your register . . .

Your register is your record of all transactions that affect your account. Column (1) is the payment number. (2) date, (3) issued to or description of the transaction, (4) amount of payment, debit or fee, (5) amount of deposit or credit (such as interest), (6) your balance. Subtract (-) all payments, debits and fees and add (+) all deposits and credits. The (+) column is used for checking off the items paid or credited when balancing your statement. A "T" may be entered in the (+) column to identify tax deductible items.

NUMBER	DATE	PAYMENTS ISSUED OR DESCRIPTION OF DEPOSIT	AMOUNT OF DEPOSIT (+)	BALANCE FORWARD
112	3/14	To Linda's Real Estate		811 75
	3/14	For Your Rent	300 -	300 -
113	3/5	To Home Depot		511 75
	3/5	For Groceries	56 30	56 30
	3/5	To Deposit		455 45
	3/15	For		275 25
114	3/16	To Click Hardware		730 70
	3/16	For Widgets	12 86	12 86
115	3/17	To Home Depot		717 84
	3/17	For Principals 20-5001	6 95	6 95
116	3/18	To Church Garden		710 89
	3/18	For		13 60

DEPOSIT RECORD

NAME

ACCOUNT
NUMBER

DATE	INITIALS	AMOUNT
4-7-86	Pd 4-29	22832 47
4-9-86		57000 00
4-29-86		23001 10
5-7-86	-	15000 00
5-7-86	CCC	44000 00
5-7-86		5798 00
5-17-86	Master	29000 00
		38000 00
5-9-86		67000 00
		7000 00
5-17-11000	CCC	74000 00
7-10-6000	CCC	33000
7-1-86		18000 00
7-10-86		7500 00
7-22-86		7500 00
8-5-86		32000 00
9-10-86		4000 00
10-15-86		16000 00
10-21-86		8000 00
11-4-86		1000 00 (91)
		12000 103

I don't have the old cancelled checks but I did find these registers.

Since the year does not appear on each page of the register this is the fly leaf of that register presented to show evidence of the year.

All in 1986

Used 8" x 6" pressure treated mainline 100' purchased from Ray Brown at about 50¢ a foot to be celled on the surface on the north side of field 16a.
A large Moss was paid to haul it to me on a flat bed semi truck trailer.

RECORD ALL TRANSACTIONS THAT AFFECT YOUR ACCOUNT									
NUMBER	DATE	DESCRIPTION OF PAYMENTS— DEBITS—FEES OR DEPOSITS—CREDITS	AMOUNT OF PAYMENT/DEBIT OR FEE (-)	T	AMOUNT OF DEPOSIT OR CREDIT (+)	BALANCE FORWARD			
694	5/16	To Hansen Furniture	936. ²⁵	✓		Pay't or Dep.			
		For				Bal.			
695	5/20	To Greenline John Deere	23. ⁴⁵	✓		Pay't or Dep.			
		For				Bal.			
696	5/27	To Trans Union Leasing	15,134. ⁰⁸	✓		Pay't or Dep.			
		For				Bal.			
	5/28	To CCC	0		3093. ⁵⁶	Pay't or Dep.			
		For				Bal.			
697	5/28	To Cash	100. ⁰⁰	✓		Pay't or Dep.			
		For				Bal.			
698	5/31	To Ode's Place	27. ⁶³	✓		Pay't or Dep.			
		For				Bal.			
699	5/31	To Monte's Lock & Key	60. ⁰⁰	✓		Pay't or Dep.			
		For				Bal.			
700	5/31	To Ernest	39. ⁴³	✓		Pay't or Dep.			
		For				Bal.			
	6/3	To Squires			17362. ⁸³	Pay't or Dep.			
		For				Bal.			
	6/5	To Hotta			618. ⁷⁵	Pay't or Dep.			
		For				Bal.	564	56	
701	6/5	To Ray Brown	2250. ⁰⁰	✓		Pay't or Dep.			
		For				Bal.			
702	6/5	To Ray Brown	315. ⁰⁰	✓		Pay't or Dep.			
		For				Bal.			
703	6/9	To John C. Berry	422. ⁵⁰	✓		Pay't or Dep.			
		For				Bal.			

REMINDER: RECORD AUTOMATIC PAYMENTS OR DEPOSITS ON DATE OF TRANSACTION

motor.
 chiron still now paid for on used Diesel pump
 T4T welding now paid to weld used mainline
 in place.

cell in 1986

929⁰⁰ Ind

RECORD ALL TRANSACTIONS THAT AFFECT YOUR ACCOUNT

NUMBER	DATE	DESCRIPTION OF PAYMENTS— DEBITS—FEES OR DEPOSITS—CREDITS	AMOUNT OF PAYMENT/DEBIT OR FEE (-)	T ✓	AMOUNT OF DEPOSIT OR CREDIT (+)	BALANCE FORWARD
704	4/8	To <u>Chiron P. Hill</u>				Pay't or Dep.
		For	600.00	✓		Bal.
705	6/9	To <u>Hillman</u>				Pay't or Dep.
		For	343.02	✓		Bal.
706	"	To <u>Basin Hunter</u>				Pay't or Dep.
		For	277.99	✓		Bal.
707	"	To <u>Micklerand</u>				Pay't or Dep.
		For	107.81	✓		Bal.
708	"	To <u>Sessions</u>				Pay't or Dep.
		For	118.05	✓		Bal.
709	"	To <u>Grand Teton Park</u>				Pay't or Dep.
		For	30.13	✓		Bal.
710	"	To <u>Barry A Roberts</u>				Pay't or Dep.
		For	645.05	✓		Bal.
711	"	To <u>AJ+J</u>				Pay't or Dep.
		For	7.27	✓		Bal.
712	"	To <u>Jill Finer</u>				Pay't or Dep.
		For	323.99	✓		Bal.
713	"	To <u>Kathleen T. Priddy</u>				Pay't or Dep.
		For	400.00	✓		Bal.
		To <u>Valley Bank</u>			7000.00	-5276.25
		For				Bal.
714	6/9	To <u>Howard Eck</u>				Pay't or Dep.
		For	25.00	✓		Bal.
715	6/16	To <u>T4T Welding</u>				Pay't or Dep.
		For	931.50	✓		Bal.

REMINER: RECORD AUTOMATIC PAYMENTS OR DEPOSITS ON DATE OF TRANSACTION

all in 1986

all highlighted items are related to the repair of the diesel pump motor.

RECORD ALL TRANSACTIONS THAT AFFECT YOUR ACCOUNT

NUMBER	DATE	DESCRIPTION OF PAYMENTS— DEBITS—FEES OR DEPOSITS—CREDITS	AMOUNT OF PAYMENT/DEBIT OR FEE (-)	T ✓	AMOUNT OF DEPOSIT OR CREDIT (+)	BALANCE FORWARD
762	7/1	To ~~Nampa Transit Authority~~	597.68	✓		Pay't or Dep.
	7/1	For				Bal.
763	7/1	To ~~Idaho - Train~~	22.25	✓		Pay't or Dep.
	7/1	For				Bal.
764	7/22	To CCC			12432.40	Pay't or Dep.
	7/22	For Storage				Bal.
764	7/22	To Valley Bank	6000.00	✓		Pay't or Dep.
	7/22	For				Bal.
765	7/22	To Cash	37.50	✓		Pay't or Dep.
	7/22	For 1 hour labor				Bal.
766	7/22	To David Phillips	256.57	✓		Pay't or Dep.
	7/22	For 2268 pipe 2461 SS				Bal.

767	7/23	To Brian Guntter	40.00	✓		Pay't or Dep.
	7/23	For Draw				Bal.
768	7/24	To ~~Teton Valley Repair~~	1968.43	✓		Pay't or Dep.
	7/24	For				Bal.
769	7/24	To Allison Phillips	8.00	✓		Pay't or Dep.
	7/24	For				Bal.
770	7/26	To Driggs Auto Parts	61.35	✓		Pay't or Dep.
	7/26	For				Bal.
771	7/31	To Danell Ard	35.00	✓		Pay't or Dep.
	7/31	For				Bal.
772	7/31	To Betty K. Phillips	2850.00	✓		Pay't or Dep.
	7/31	For interest on loan				Bal.
773	8/1	To ~~Transfer for Senate~~	50.00	✓	0101D	Pay't or Dep.
	8/1	For				Bal.

REMINER: RECORD AUTOMATIC PAYMENTS OR DEPOSITS ON DATE OF TRANSACTION

I am John Durtschi Phillips son of John Dale Phillips who father was Milton Edward Phillips. I lived on the Milton Edward Phillips farm with my Father's family from 1950 to 1968.

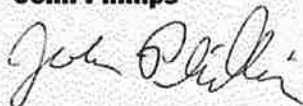
I remember set up a pumping station at the upper spring in section 9 to pump water for 30 to 40 acres of potatoes on the hill south of the spring. We used a John Dear 2010 to run a PTO drive centrifugal pump to provide 90 PSI into a 6 inch main line which ran up the hill across the potatoes from which we ran pipe generally east and west of the main line. Jack Berry brought 6 55-gallon drums and filled them with diesel fuel. We would fill the tractors fuel tank after 11 PM each night so we would not have to fill it again until 7 the next morning. If you let a 2010 run out of fuel the lines would have to be bled to get it to run again. I remember the 2010 ran ok the first summer but the second summer we were pumping the 2010 PTO gearbox malfunctioned killing the engine. We took that opportunity to trade up to a 3010. This must have been the summer of 1963

Before we had the 2010 Ted Brower as a share cropper set up a pumping station using a ford tractor below the spring in section 7 South West of the sand pit and pumped water to potatoes on the Phillips part of section 8 using 4 inch pipe for a few weeks in the summer of 1962.

I also remember trying gravity feed from the spring to potatoes on section 17 which did not work well until we used the 2010 east of the Machine shed to boost the presser.

From 1961 to 1967 spring water was used on several location on section 8 and 17 as well as the area south of the spring.

John Phillips



State of California County of Sacramento
Subscribed and sworn to before me

this 22 day of March 2004 by

John Phillips
Sandra Diane Mullenix
Signature of Notary Public



All references to land mentioned henceforth are in Township 6N Range45 EBM.

My name is Burton K Phillips. I live at 910N 300W and I am the owner of record of SE1/4Sec8,the NE1/4Sec17,the S1/2 of the S1/2of Sec9,W1/2,theNW1/4,N1/2of the SW1/4 of Sec16,the NW1/4of Sec21, and 125 acres of the SW1/4 of Sec17.I have been the owner since 1969 and have been a permanent resident here since 1967.The address is in Sec 8 of this land.

My grand father is Milton Edward Phillips who began to accumulate various parts of this land in 1908. His Father was Thomas H. Phillips who purchased land in secs8 and 17 in1900from the first owner George Felt.My grandfathers brother Thomas A. Phillips Homesteaded the S1/2 of theS1/2 of sec9 in1902 [inclosed copy of the deed which grants patent in 1907 after 5 years of proving up the patent]

While I was researching the water rights of the SE1/4 of sec 17 I found in the basement of the Fremont county courthouse maps showing diversions of water to cropped areas. I have enclosed a copy of this document to support the claim of diverting water from the springs of sec9 as the first water diverted from there and Badger creek in 1891. Note; Teton County was part of Madison county prior to July 1915, and prior to Jan. 1914 was part of Fremont county, which is why these records were found in Fremont county. I have included a copy of that information from an old abstract of title.

I have included a copy of the court judgement of 1910 that grants the water rights of 1891 from Badger creek and springs of T.A. Phillips [the same as Thomas A. Phillips] to the lands of secs 8 and 17. This should settle the issue of the early diversions from the springs to secs 8 and 17.

With regard to later diversions , I piped the spring down to water potatoes in sec8 and sec17 in 1967, my first year back on the farm from military service. We did not have a well until I drilled one in 1973 so in 1967 when the creek went dry in early August the only water we had for 80 acres of potatoes was from the spring. By reducing nozzle size to 7/64, pressure could maintained on nearly 50 pipe to water part of the 80 acres.

My cousin John D. Phillips has attested to diversions that took place between 1960, when they converted from flood irrigation to sprinkler irrigation, and my experience of 1967.

After drilling a well in 1973, I began to try to reservoir the springs. I was able to accumulate more water and in 1984 or 1985 I attached a pump to a tractor and with the trading around of mainline with neighbors , I ran alternately one ½ mile line and one ¼ mile line of pipe over about 100 acres. I can find no evidence to support this but I have enclosed evidence of the permanent system I installed in 1986.

Signed Burton K. Phillips



Bonnie Zohner
Teton County
Idaho
Expires 10/01/2004

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 22-11987
Date Received: 9/28/1988
Receipt No: E002697
Received By:

AMENDED

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

1. Name of Claimant(s)

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

2. Date of Priority: 06/01/1965

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:

DAM IMPOUNDS OUTFLOW FROM THREE SPRINGS. POND IS 2 AC X 4 FT DEPTH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE			01/01 12/31	
8				
IRRIGATION FROM STORAGE			04/15 10/31	
8				

7. Total Quantity Appropriated is:

8 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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06N	45E	9	SE	SE	IRRIGATION FROM STORAGE
20.1			SW	SE	IRRIGATION FROM STORAGE
0.3					

Section Acres 20.4

06N	45E	16	NE	NE	IRRIGATION FROM STORAGE
30.7			NW	NE	IRRIGATION FROM STORAGE
30			SW	NE	IRRIGATION FROM STORAGE
8.4			SE	NE	IRRIGATION FROM STORAGE
0.1			NE	NW	IRRIGATION FROM STORAGE
8.3			SE	NW	IRRIGATION FROM STORAGE
2.1					

Section Acres 79.6

Total Acres 100

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:

SOURCES CONSISTS OF SPRING RUN-OFF AND SPRING (22-11985) LOCATED IN SESESW SEC 9, T6N, R45E.

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 Organizations:

I do solemnly swear or affirm that I am President of
Title

Phillips Gamsch, that I have signed the foregoing
Organization

document in the space below as President of
Title

Phillips Gamsch and that the statements contained in the
Organization

foregoing document are true and correct. Burt Phillips
Signature of Authorized Agent

Pres. Phillips Gamsch
Title and Organization

6-15-05
Date

RECEIVED
JUN 24 2005

Department of Water Resources
Eastern Region

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this

of June 15 2005

[Signature]

Notary Public

Residing at Swan Valley, Idaho

My commission Expires 8-28-2010

DOUGLAS H. MARTIN
Notary Public
State of Idaho

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

1. Name of Claimant(s)

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

2. Date of Priority: 06/01/1965

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:

DAM IMPOUNDS OUTFLOW FROM THREE SPRINGS. POND IS 2 AC X 4 FT DEPTH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE	01/01	12/31		8
IRRIGATION FROM STORAGE	04/15	10/31		8

7. Total Quantity Appropriated is:
8 A.F.A.

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				

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: A22-11987
Date Received: 9/28/1988
Receipt No: E002697
Received By: KCW

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, 1965

3. Source: SPRING Trib. to: SINKS
UNNAMED STREAM SINKS

4. Point of Diversion:

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

5. Description of diverting works:
RESERVOIR TO PUMP MAINLINE TO LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			80.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 80.00 A.F.A.

8. Total consumptive use is 80.0 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

A22-11987

Page 1

Date: 09/28/88

SCANNED

APR 19 2005

PROFILED

MICROFILMED

NOV 06 1992



10. Place of Use: Continued

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

A22-11987

Page

2

Date: 09/28/88

SCANNED
APR 19 2005

PROFIT

MICROFILMED
NOV 06 1992

NOV 06 1952

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

T
6
N

R45E

PLACE OF USE

POINT OF DIVERSION

8

17

16

21

Gravel

3M 6058

SCANNED

APR 19 2005

A22-11987

PROFILED

NOV 08 1992