

IDAHO DEPARTMENT OF WATER RESOURCES 11/09/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: ANN MARIE PHILLIPS
5250 W OLD HWY 91
POCATELLO ID 83204

DANIEL BRENT PHILLIPS
5258 W OLD HWY 91
POCATELLO ID 83204

SOURCE: BLACKROCK CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.30 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

USE OF THIS RIGHT WITH RIGHT NO. 29-07286 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.30 CFS.

PRIORITY DATE: 06/17/1902

POINT OF DIVERSION:

T07S R35E S23 SWSENE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS
IRRIGATION	04/01 10/31	0.300 CFS

PLACE OF USE: STOCKWATER Within BANNOCK County

T07S R35E S23 SENE

IRRIGATION Within BANNOCK County

T07S R35E S23 SENE 15.0

15 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-07286 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 15 ACRES IN A SINGLE IRRIGATION SEASON.

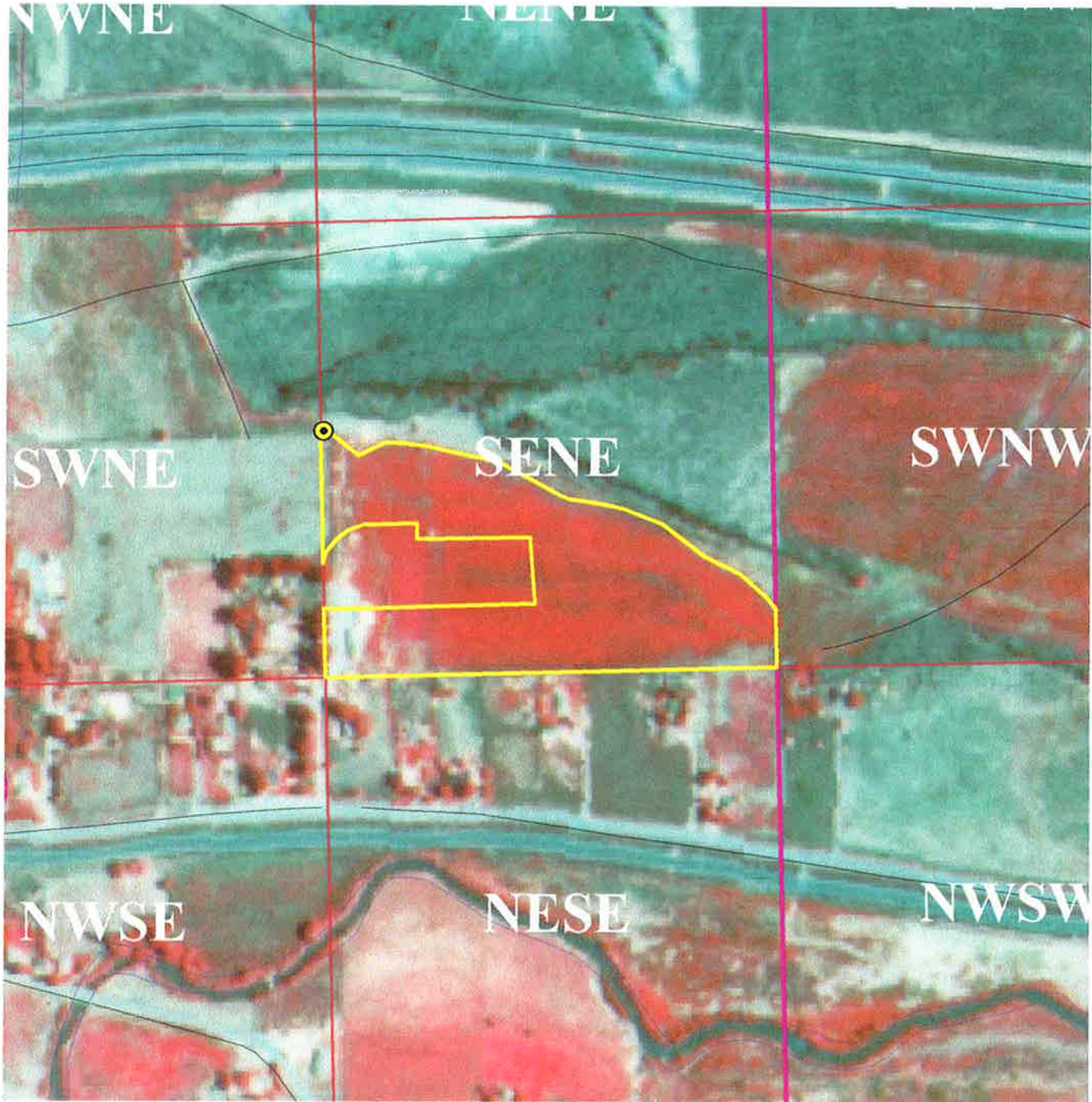
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 15 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Decreed

ND { RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

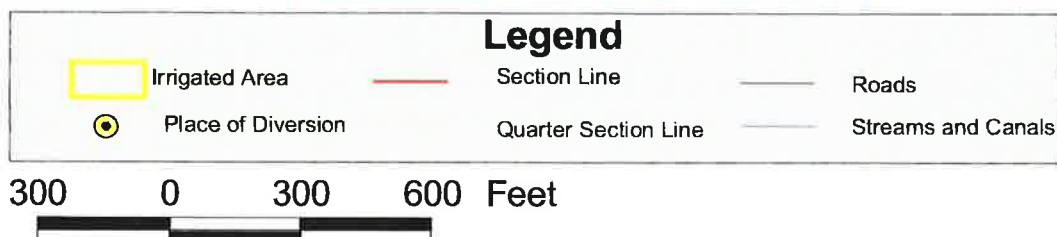
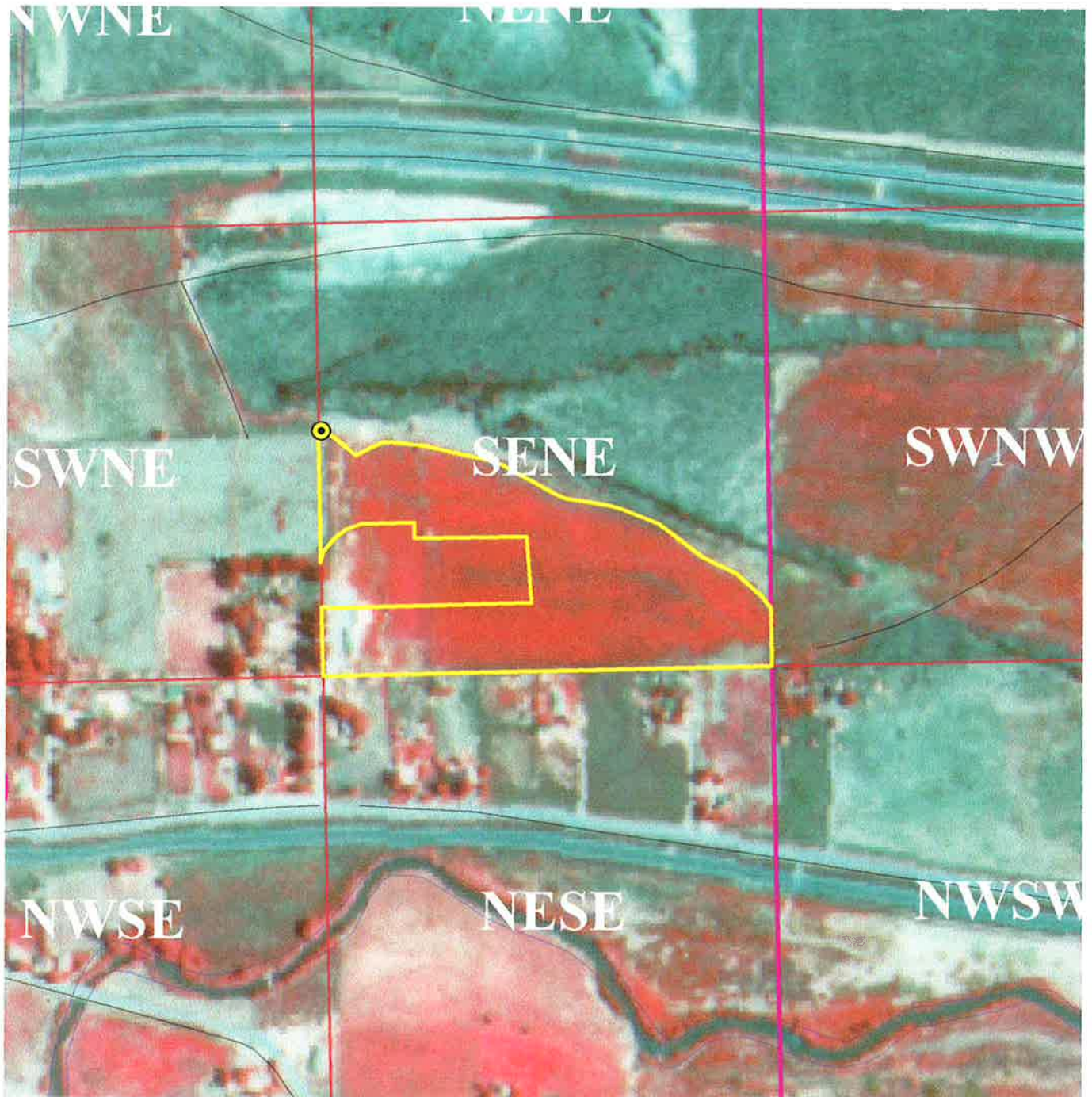
Streams and Canals

Legend



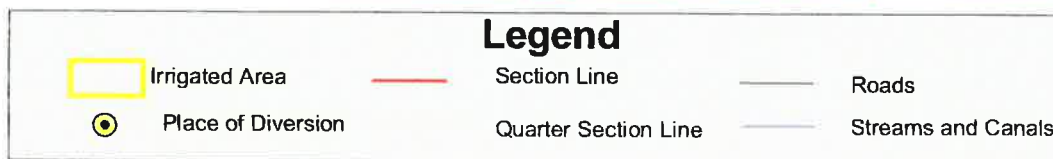
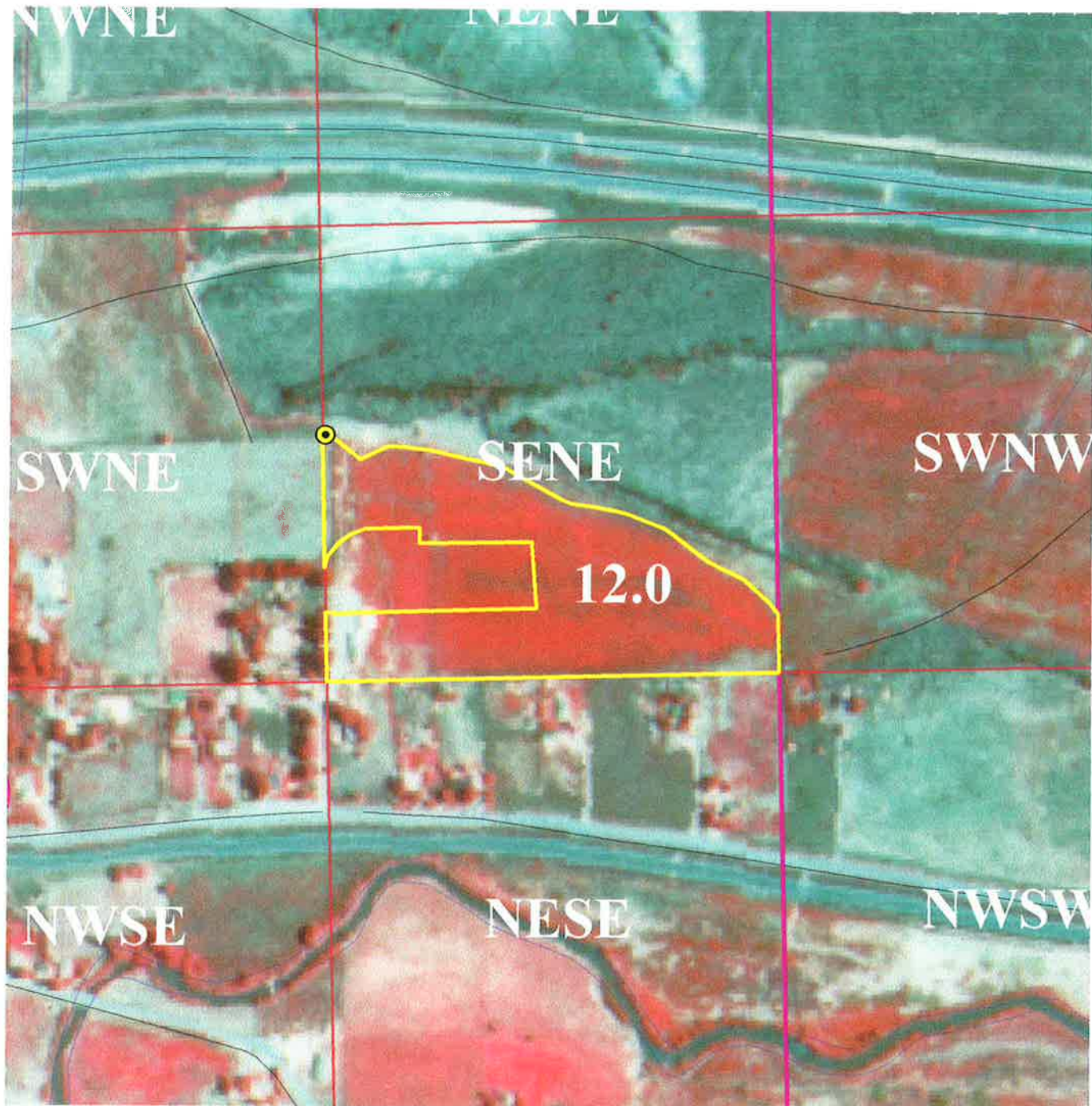
Water Right Claim Number A29-00494L
Township , 7S35E

08/28/2000



Water Right Claim Number A29-00494L
Township , 7S35E

08/28/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-494L V1

WATER RIGHT NUMBER: 29-494L V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANN MARIE PHILLIPS 5250 W OLD HWY 91 POCATELLO, ID 83204
Current Owner	DANIEL BRENT PHILLIPS 5258 W OLD HWY 91 POCATELLO, ID 83204 (208)775-3489

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BLACKROCK CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	04/01 to 10/31	0.020 CFS	
IRRIGATION	04/01 to 10/31	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

BLACKROCK CREEK	SW1/4SE1/4NE1/4	Sec. 23, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of UseSTOCKWATER Within BANNOCK County

T07S R35E S23 SENE

IRRIGATION Within BANNOCK County

T07S R35E S23 SENE 15.0

Total Acres: 15

Conditions of Approval:

1. ~~C03~~ RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-494L V1

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-07286 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 15 ACRES IN A SINGLE IRRIGATION SEASON.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 15 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-07286 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.30 CFS.
4. Explanatory SOURCE ALSO KNOWN AS TERRELL CREEK

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	11/9/2001 3:25:47 PM	csaxton			Active
POD	11/9/2001 3:26:24 PM	csaxton			Active
Source	11/9/2001 3:34:01 PM	csaxton			Active
POU	11/9/2001 3:42:52 PM	csaxton			Active
Use	11/9/2001 3:44:35 PM	csaxton			Active
Season	11/9/2001 3:45:14 PM	csaxton			Active
Quantity	11/9/2001 3:48:37 PM	csaxton			Active
Summary	11/9/2001 4:22:31 PM	csaxton	11/9/2001 4:22:31 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-494L V1

Priority Date	11/9/2001 3:25:48 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	11/9/2001 3:26:25 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the parent right have a POD? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 8. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required? Description for Question 6 - See Memo in file
Source	11/9/2001 3:34:03 PM	csaxton	(Yes) 1. Is the basis of claim decree or license? (Yes) 4. Does the parent right have a source? (No) 5. Can the claimed source be verified using the water right file? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam 8/7/01 and USGS Quad.
POU	11/9/2001 3:42:53 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the parent right have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
POU	11/9/2001 3:43:40 PM	csaxton	Edited shape boundary
POU	11/9/2001 3:44:01 PM	csaxton	Edited PLS
Use	11/9/2001 3:44:37 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the parent right have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-494L V1

Season	11/9/2001 3:45:16 PM	csaxton	(Yes) 1. Is the basis of claim decree or license? (No) 4. Does the parent right have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	11/9/2001 3:48:39 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the parent right have a diversion rate and/or volume? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - Decree speaks of 2/3rd all water. Recommend 1 inch per acre.
Summary	11/9/2001 4:22:33 PM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Contacts	11/9/2001 3:24:56 PM	csaxton	(No) 1. Do you want to schedule an appointment?

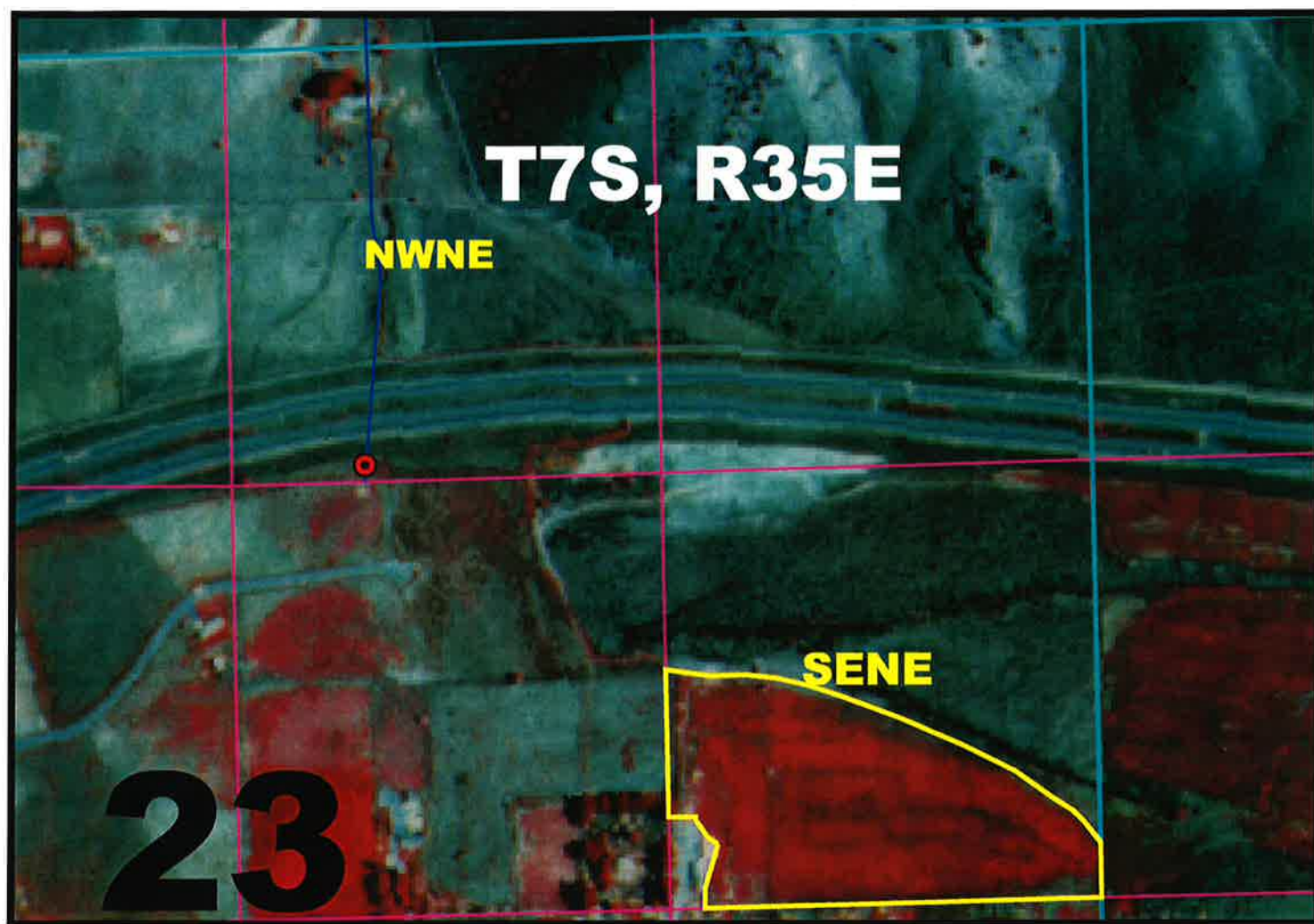
Comment for 1: Feild Exam 8/7/01



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-00494L



1320 0 1320 Feet

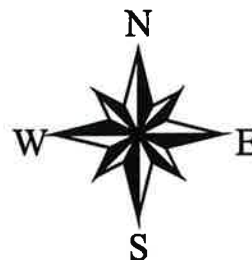
Total Irrigated Acres: 15.0

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



SCANNED

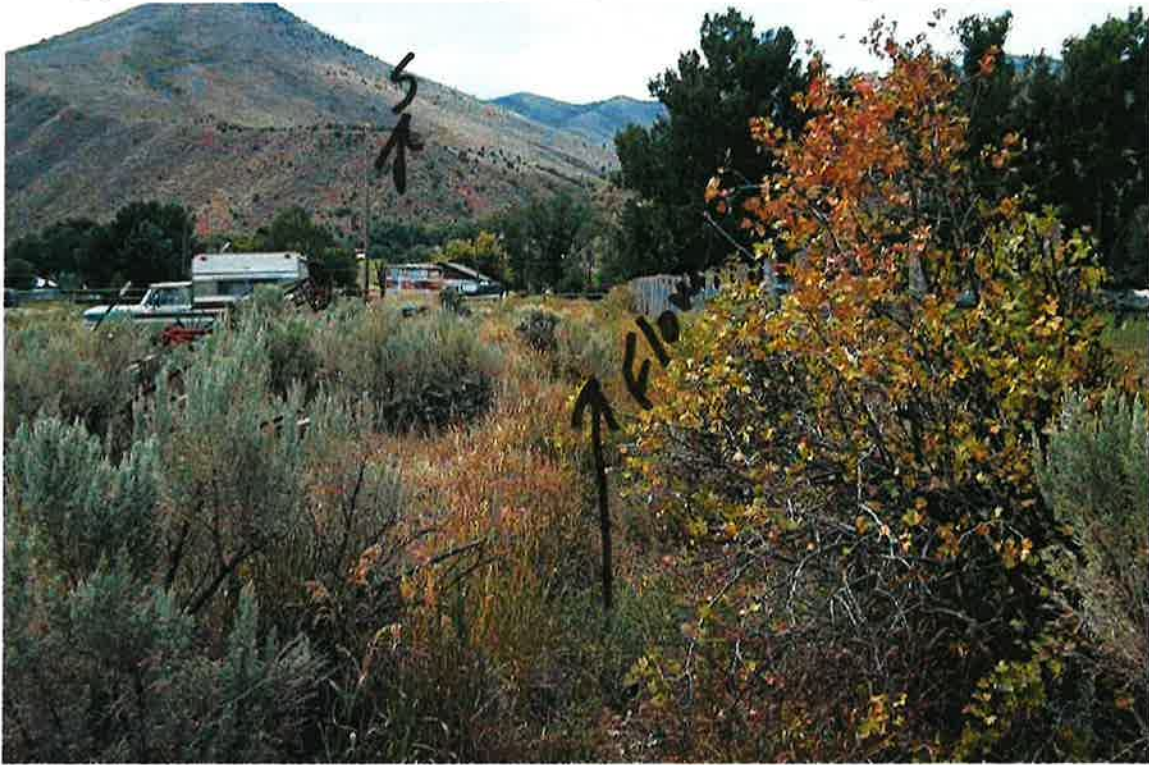
DEC 07 2005

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: November 2001

29-00494L

Ditches

Field Exam 8/7/01



Looking South. Terrell Creek flows South along the West side of the claimants property. I15 behind me in picture. Place of use to the Left of the Picture. (csaxton 8/8/01).

SCANNED

DEC 07 2005

29-00494L

Ditches

Field Exam 8/7/01



Looking East. Picture shows ditch that runs on the north side of the claimants property. POU in background. (csaxton 8/8/01).

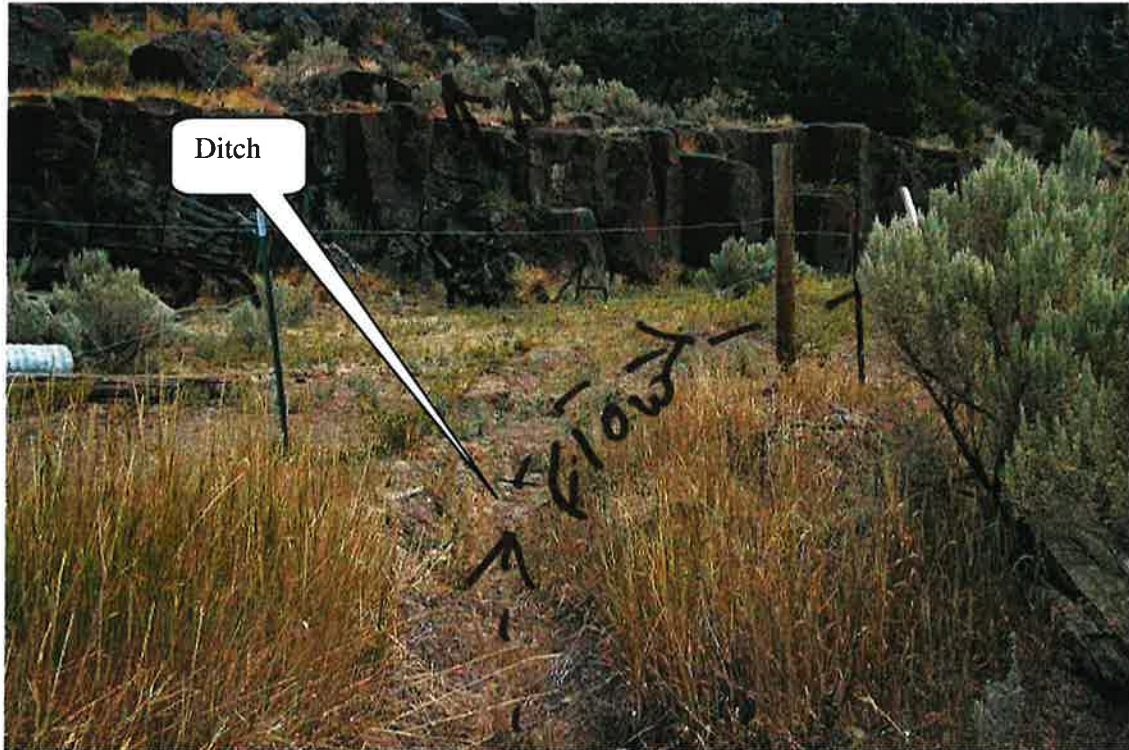
SCANNED

DEC 07 2005

29-00494L

Ditches

Field Exam 8/7/01



Looking NE. Picture shows ditch that connects claimant ditch on North side of property and historical ditch on West side of claimant property. (csaxton 8/8/01).

SCANNED

DEC 07 2005

29-00494L

Ditches

Field Exam 8/7/01



Picture shows where Terrell creek enters claimants property from the West and can be diverted either East or South (csaxton 8/8/01).

SCANNED

DEC 07 2005

JUL 03 2001

Department of Water Resources
Eastern Region

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): 27-07286

A29-00494LA29-13107

[] Old Mailing Address: 5258 W. Old Hwy 91

[X] New Mailing Address: Daniel Brent Phillips

5250 W. Old Hwy 91Pocatello ID 83204

[] Telephone Number: No Change

[X] Signature of Claimant: Daniel Brent Phillips

[X] Date: 6-19-01

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

SCANNED

DEC 07 2005

Please change name from "Brent" to "Daniel Brent"

and address from 5258 to 5250

Thanks!

Memorandum

Date: 11/26/01

From: Craig L. Saxton

Subject: POD for Blackrock Creek Rights

Natural stream channel for Blackrock creek in question.

Creek flows south from the hills and reaches a point just North of I-15. At this point the creek can continue under I-15 and then flow west along the top of Blackrock Creek Subdivision, or flow to the East along the highway for about ¼ mile and then flow under the I-15 and down the East side of Bailey's property.

The USGS quad does not indicate either direction as the natural stream flow and just stops as if indicating the stream sinks when it reaches Steve Ferro's property just south of I-15.

At the point the natural flow reaches Steve Ferro's property there are signs of old diversion works that could send the water to the East, West, or South. To the west the water used to enter a pipe that ran through Bailey's property and then entered ditches that could take it to the Phillips. However since Bailey's bought the place in 1994 the pipe was removed and water was diverted North of I-15 through the path described above.

Recommend the POD for all rights south of I-15 at the junction point just South of I-15 where the USGS quad shows the end of the stream and historically that was how the water made it to the properties to the South East side of the subdivision.

PROCESSED

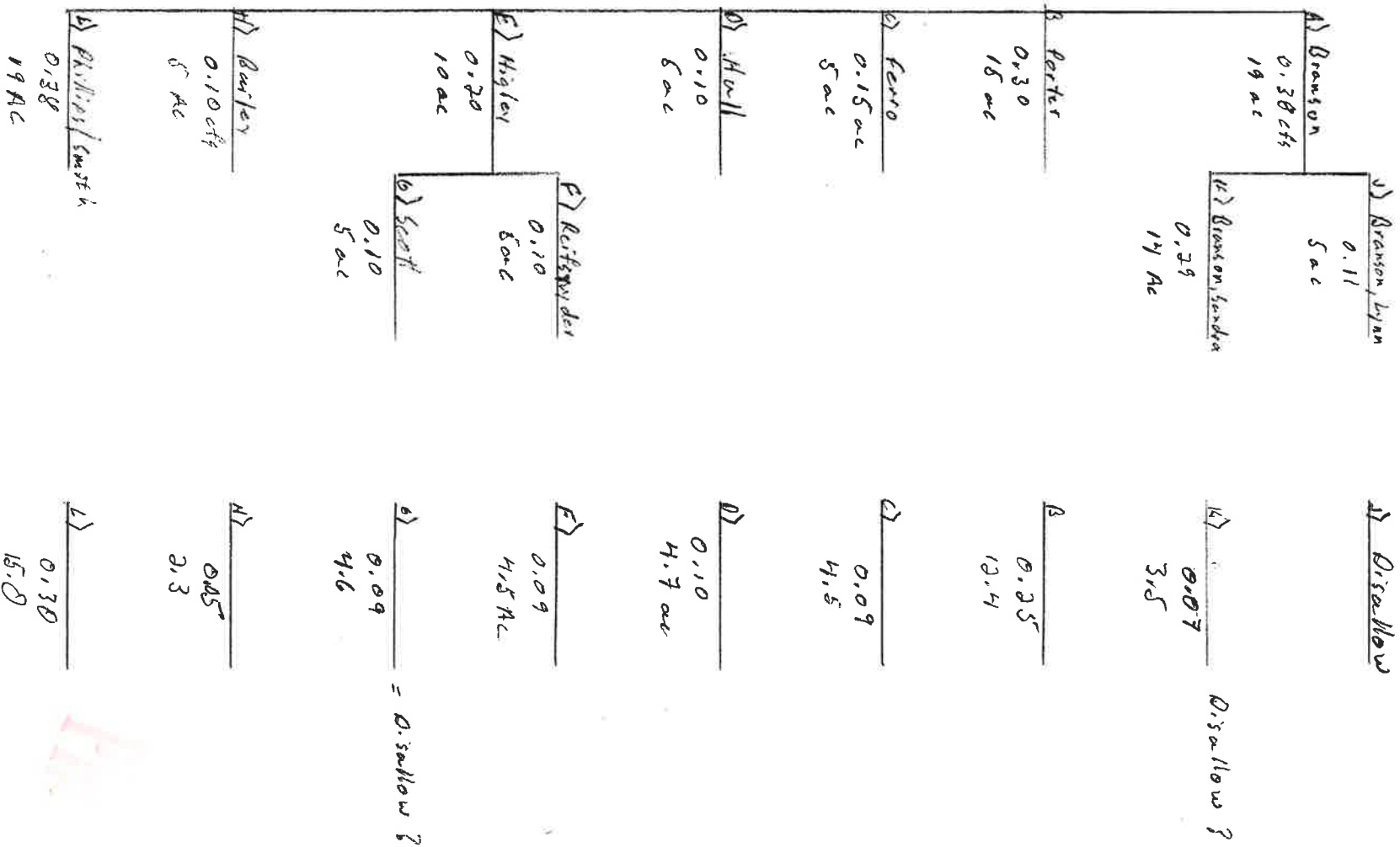
SCANNED
DEC 05 2005



22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS

Claim

Recommended



Split History of 89-00494
Craig Saxton

SCANNED
DEC 05 2005

Memorandum

Date: August 24, 2001

From: Craig L. Saxton

Subject: Blackrock Creek

POD - USGS name for the stream is Blackrock. Also known as Terrell Creek. Natural stream channel is in question. Placing point of diversion for all rights south of I15 SWNWNE section 23. This is within what the USGS defines as the historical natural channel.

Note: All users of Blackrock creek water have not been able to use the water in the past couple years due to low flows.

SOU – Not defined in Decree. Set to IDWR Standard

Diversion rate – Decree defines diversion rate as $1/3^{\text{rd}}$ and $2/3^{\text{rd}}$ s. All rights from Black Rock have same priority so diversion rate recommended for rights is based on what is claimed and the acreage irrigated.

POU – Based on field exam and property size.

Diversion Volume – N/A

Priority – Defined in decree.

SCANNED
DEC 05 2005

FIRST DIVISION,

EDWARD J. TURNER, *Commissioner.*

COVE, IDAHO.

1903.

DECREED WATER RIGHTS

Terrel or Black Rock Creek, Bannock County

DECREE.

In the District Court of the Fifth Judicial District of the
State of Idaho, in and for Bannock County.

Thos. F. Terrell, Plaintiff,

vs.

*Andrew Cibulka, James Stranger, W. O. Priest and J. T.
Holcomb*, Defendants.

This cause came regularly on for trial on this the 22nd day of June, 1903, before the Court without a jury, a jury being expressly waived, D. W. Standrod and Thos. F. Terrell, Esqs., appearing for the plaintiff and Messrs Reeves & Boyd appearing as attorneys for the defendant Andrew Cibulka; and it appearing to the Court that the defendants James Stranger and W. O. Priest were regularly and duly served with summons in the above entitled cause, and having failed to appear, answer or demur within the time allowed by law or at all, and the time allowed by law for such appearance having expired, the default of said defendants, James Stranger and W. O. Priest was duly entered according to law; and it further appearing to the Court that the plaintiff, Thos. F. Terrell, and the defendant Andrew Cibulka, on the 16th day of June, 1903, made and entered into an agreement in writing compromising their rights and thereby settling all matters of dispute, and consenting to a decree in this

SCANNED

DEC 05 2005

cause in conformity to such agreement, which said agreement is filed herein, and has been adopted by the Court as a part of its findings of fact, and ordered to be made a part of the judgment roll; and the evidence of the plaintiff and said defendant Andrew Cibulka having been offered, submitted and considered; and the Court having made, signed and filed its written findings of fact and conclusions of law herein; and being fully advised in the premises;

29-0494 Now, Therefore, in virtue of the law and the findings of fact and conclusions of law as aforesaid, it is ordered, adjudged and decreed, that the plaintiff, Thos. F. Terrell have the use and benefit and the continuous and uninterrupted flow of two-thirds of all the waters of Terrell Creek or Black Rock Creek, for agricultural, domestic and stock purposes; and two-thirds of any and all water that may be stored therefrom by reservoiring the same; and two-thirds of any increase in the flow of said stream by the improvement of its channel or source of supply.

29-0495 That the defendant Andrew Cibulka have the use and benefit and the continuous and uninterrupted flow of one-third of all the waters of said stream for agricultural, domestic and stock purposes; and one-third of any and all water that may be stored therefrom by reservoiring the same; and one-third of any increase in the flow of said stream by the improvement of its channel or source of supply.

That the labor and costs of reservoiring and improving said stream shall be borne by said plaintiff and said defendant in the proportion of their respective rights in said water; before any work in that respect is done by either party, it must be upon reasonable notice to the other, and if either party fails to contribute his share of the labor and expense of such reservoiring and improvement, the party so making such reservoirs and improvements shall have the individual and exclusive use of such increase until the other party shall have made a fair contribution of his part of such labor and expense so made and incurred.

That the rights of the plaintiff, Thos. F. Terrell, and the defendant, Andrew Cibulka, shall be of equal dignity,

PROFILED

SCANNED

DEC 05 2005

and neither shall have any preference or priority over the other.

That the plaintiff, Thos. F. Terrell, by virtue of said stipulation and agreement, is awarded and adjudged a right-of-way five feet in width upon each side of the center line of his ditch as now located and established, through the lands of said defendant, Andrew Cibulka, for the purpose of maintaining and repairing such ditch.

That the defendants James Stanger and W. O. Priest, and each of them and their agents and servants, be and they are each, perpetually enjoined and restrained from in any manner, whatsoever, molesting or interfering with the free flow of the waters of said stream, and from asserting any right or claim thereto; and the plaintiff, Thos. F. Terrell, and the defendant, Andrew Cibulka, and each of them, and their agents, servants and employees be and they are hereby each perpetually restrained and enjoined from in any manner whatsoever, molesting or interfering with the free and uninterrupted flow of the waters of said stream, except as herein decreed, fixed and adjudged to said respective parties by this decree.

That the plaintiff and the defendants, Andrew Cibulka pay and bear the costs of this suit in proportion to their respective rights in the waters of said stream.

Done in open District Court on this the 22nd day of June, 1903.

ALFRED BUDGE.

Judge of said District Court.

State of Idaho, County of Bannock, ss.

I, E. G. Gallet, Clerk of the District Court, Ex-Officio Auditor and Recorder of Bannock County, Idaho, do hereby certify that the within and foregoing is a full, true and correct copy of the original water decree as shown by the records of my office.

Witness my hand and official seal this 26th day of June, 1903.

(Seal.)

E. G. GALLET,

Clerk District Court, Ex-Officio Auditor and Recorder.

PROFILED

SCANNED

DEC 05 2005

Water Right Report 29-494

WATER RIGHT NUMBER: 29-494

Current Owner THOS F TERRELL

ZZ

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

Source

Tributary

TERRELL CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /		
STOCKWATER	/	to /		
DOMESTIC	/	to /		

Total Diversion:

Location of Point(s) of Diversion

TERRELL CREEK

Place of Use

IRRIGATION

[illegible]

Total Acres: 0

STOCKWATER same as IRRIGATION

DOMESTIC same as IRRIGATION

Conditions of Approval:

Remarks:

1. General SOURCE AKA BLACK ROCK CREEK.^^^ DIVERSION RATE "TWO-THIRDS OF ALL THE WATERS".^^^ P/D & P/U INCOMPLETE.^^^ PRIORITY DATE TAKEN FROM DECREE.^^^ ACRES IRR. - 160.^^^

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-494

Dates and Other Information:

Licensed Date:

Decreed Date: 6/22/1903

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

SCANNED

JUN 19 2001

Log for claim A29-00494L

Spatial Dynamics LTD

8/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	23	SENE	19	12	
Totals:			19	12	

- How do they Get the water

AJ5809NP
No. A29-00494L

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 79

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRENT PHILLIPS	06/17/1902	IRRIGATION	04-01 10-31	0.380 CFS	
C	ANN MARIE SMITH		STOCKWATER	04-01 10-31	0.020 CFS	
	5250 W OLD HWY 91					
	POCATELLO ID 83204					
	(208) 775-3489					
				TOTAL DIVERSION:	0.380 CFS	

Water Source: TERRELL CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R35E S23 NWSENE BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07S	35E	23	:			19	:											:	19.0
																		TOTAL ACRES	19.0

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
07S	35E	23	:			S	:											:	

POU County: BANNOCK

Other Rights: 29-07286

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10094 29-11505 29-12199 A29-10094 A29-11505 A29-12199 A29-13107

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00494 A29-00494A A29-00494K A29-07094 A29-07286

Remarks: EXP SOURCE IS ALSO KNOWN AS BLACK ROCK CREEK.
STOCKWATER, 4 TO 8 HORSES.

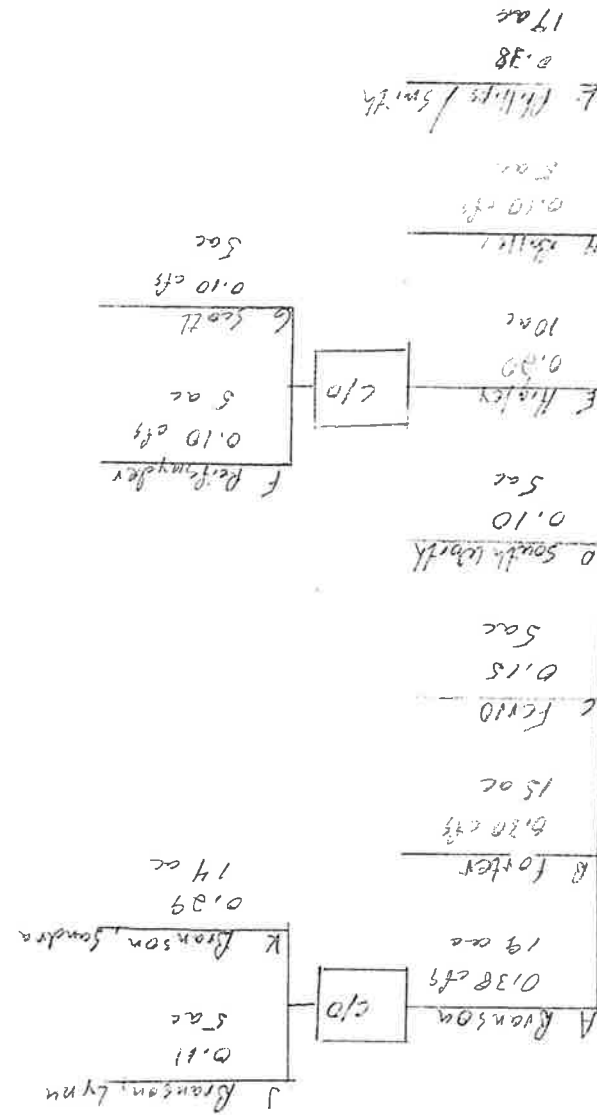
Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 01/28/00 ECARLSEN



22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



Totals = 78 ac
1.61 ac

89-00494

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 29-494L
Date Received: 1/20/00
Receipt No: E025564
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ANN MARIE PHILLIPS Phone: (208) 775-3489

5250 W OLD HWY 91
POCATELLO ID USA 83204

DANIEL BRENT PHILLIPS Phone: (208) 775-3489

5258 W OLD HWY 91
POCATELLO ID USA 83204

2. Date of Priority: 06/17/1902

3. Source: TERRELL CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	23	NW SE NE	BANNOCK	

5. Description of diverting works:

HEADGATE AND OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.38	
STOCKWATER	4/01	10/31	0.02	

7. Total Quantity Appropriated is:
0.38 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
07S	35E	23	SE	NE	STOCKWATER	
			SE	NE	IRRIGATION	19
					Section Acres	19
					Total Acres	19

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

SOURCE IS ALSO KNOWN AS BLACK ROCK CREEK
STOCKWATER, 4 TO 8 HORSES

15. Basis of Claim: Decreed

16. Signature(s)

SCANNED
DEC 07 2005

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

SCANNED

JUN 19 2001

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: A29-00494L

Date Received: 2/12/1990

Receipt No: E025564

Received By: EMC.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRENT PHILLIPS 208-775-3489
Address: 5250 W OLD HWY 91
POCATELLO ID 83204

OR

Name: ANN MARIE SMITH 208-775-3489
Address: 5250 W OLD HWY 91
POCATELLO ID 83204

2. Date of Priority: JUN 17, 1902

3. Source: TERRELL CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	35E	23	NW	SE	NE		BANNOCK

5. Description of diverting works:
HEADGATE AND OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.380		
STOCKWATER	04/01	10/31	0.020		

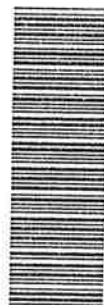
7. Total Quantity Appropriated is:
0.380 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A2900494L



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	23	SE SE	NE NE	IRR STOCK	19.0
Section Acres						19.0
Total Acres						19.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
29-07286

14. Remarks:

SOURCE IS ALSO KNOWN AS BLACK ROCK CREEK.
STOCKWATER, 4 TO 8 HORSES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

THOS. F. TERRELL

Decree Plaintiff

ANDREW CIBULKA, ET AL.

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ___ do not ___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Ann Marie Smith Date: 1-20-00

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 20 day

of JAN 20 00



Ernest Carlsson
Notary Public

Residing at Idaho Falls

My Commission Expires 6-14-2000

Thos. F. Terrell

V5

Andrew Cibulka, et al

Source Terrell Cr. or Black Rock Cr.

Page

Water Dist. 17D County Bannock

Judicial Dist. 5th

Judge Alfred Budge

Date of Decree 6-22-03

Recorded
—in Book No.

at Page No.

File No. 170-

[illegible]

A PARCEL OF LAND LOCATED IN THE

SURVEYOR'S CERTIFICATE

INST #735115

SCALE: 1" = 100'

NE 1/4 SEC 23 T 7 S. R 35 E. B.M.
SCALE: 1" = 1000'

© = T. BARNHART COUNTY B.C.M.

INST #293671

INST #409687

INST #781881

PARCEL A

P.PARCEL

PARCEL

PARCEL D

* BASIS OF BEARINGS

N 66°20' E along the bidirectional centerline of Section 23, between the found Barnwood County beam and monument marking the East 1/16 and East 1/4 corners on 260' centerline. This bearing is identical to that shown on the Official Plat of Block 1003 Subdivider, recorded as plat #1751513 in the Barnwood County Recorder's office.

BLACK - ROCK SUBDIVISION

INST #175137

LOT 13

LOT 14

51 107

SEC 24

NE SEC COR
FD 1986 ALM
RE-MONT

1. REFERENCE DOCUMENTS

- [illegible]

- ② Found Burnwood, County Firsts Old Monument (B&W)
- ③ Found 1/2-inch dia. meter with a yellow plastic cap stamped "Terry 10077 1012"
- ④ Found 1/2-inch dia. meter with no markings stamped "10077 1012" for the part of the County Record Station
- ⑤ Found empty tin can lid covered with "X" on top and "10077 1012" on bottom, stamped "10077 1012" on rim or shown on photo of Stock Road Station
- ⑥ Saw 1/2-inch tin, by 1/2-inch high meter with a yellow plastic cap stamped "TFLS 4440"
- ⑦ Saw 5/8-inch dia. by 3/8-inch high meter with a yellow plastic cap stamped "TFLS 4440"

(c) indicators calculated bearing/distance

COUNTY RECORDER

INSTRUMENT No. _____ TIME _____ DATE _____

COUNTY RECORDER

RECORD OF SURVEY PLAT FOR JAMES GABRIELSON
NEW YORK 175 5 35 PM

NEW, SEC 23, T 7 S, R 35 E, B.M.

IOS No. 02124	IOS No. 02124	DWG. No.
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Issued by (EC)	DATE 3/2/1991	9501 0 1 DECH
DECODED BY	DATE	000000 JUL 08/1991

36

PLT COUNT	101	PLT COUNT	5/6/55	W.B.
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Veronica

100

BITHELL ENGINEERING INC

DIJILEL ENVIRONMENTAL INC.

1

P.O. BOX 2226

POCATELLO IDAHO 83206

[illegible]

PHONE: (206) 255-2222

1000 JOURNAL OF CLIMATE
