

Dave

02/18/2003

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: April 21, 2003

Water right number: 29-7265

PHILLIPS LIVING TRUST  
25847 S MARSH VALLEY RD  
DOWNEY ID 83234-1733

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:

RECEIVED  
MAR 17 2003  
Department of Water Resources  
Eastern Region

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3-10-03

SIGNATURE:

William D Phillips

Please print your name:

William D. Phillips

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

PROFILED

SCANNED  
APR 21 2006

MAY 24 2001

# IDAHO DEPARTMENT OF WATER RESOURCES

29-07161, 29-07265

T12S, R36E SEC 12



**ACRES IRRIGATED- 270**



**POINT OF DIVERSION**



**PLACE OF USE**

**GIS: PLACE OF USE  
POINT OF DIVERSION  
1987/1988 NAPP PHOTOS  
DAVE CARLSON**

Director



DATE OF EXAM 6/9/77

ACREAGE  
Found 80 ac.  
Recommended 80 ac.

Irrigation Requirement 3.5 Ac Ft/Ac

USE Irrigation Q = 160 c.f.s. V = 280 AF/Ann. from April 1 to Nov 1  
Domestic Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_  
Livestock Q = \_\_\_\_\_ c.f.s. V = \_\_\_\_\_ AF/Ann. from \_\_\_\_\_ to \_\_\_\_\_

Is water co-mingled? yes\_\_\_\_\_ no X

Name source: n/a  
 twp. \_\_\_\_\_ N/S, Rge \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ Count \_\_\_\_\_

Exchange? yes \_\_\_\_\_ no X

Name source exchanged with: NA  
 twp. \_\_\_\_\_ N/S, Rge. \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
 County \_\_\_\_\_

Point of injection: n/a  
 twp. \_\_\_\_\_ N/S, Rge. \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_ Count \_\_\_\_\_

Point of exchange: n/a  
 twp. \_\_\_\_\_ N/S, Rge. \_\_\_\_\_ E/W, B.M., Sec. \_\_\_\_\_, Sub. \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
 \_\_\_\_\_ County \_\_\_\_\_

Total Q measured 1.76 dg Method of measurement In Line Meter

Total Q recommended 1.60 cfs Meter No. 11256 Type Rockwell Condition good  
1-11  
Flow Control

Total V recommended 280 Ht/Ann

**Recommended Amendments:**

P.D. \_\_\_\_\_  
Place of Use \_\_\_\_\_  
Other \_\_\_\_\_  
**None** \_\_\_\_\_

MEASUREMENT, CALCULATION:  
 Measured .01 AF in 247 sec, .01 AF = 435.6 cu ft. therefore 435.6 ÷ 247 = 176 cfs  

$$V = 3.5 \times 80 = 280 \text{ AF/Ann} < 215 \times 1.9935 \times 60 = 681.2 \text{ AF/Ann}$$

ARK 6/9/77

SYSTEM DESCRIPTION:  
Water is diverted from a 320' deep well having 16" diam casing by a U.S. Electrical Motors "High Thrust" pump motor, 125 H.P., 3 phase, F.N. - 405TPA, Type RP, ID# D-7006427 and by a Berkeley Vertical turbine pump, SN - 7425534, Bowl no - 12039, 16 stage, Archage 13 irrigated by 1 of 4 full 1/4 mi long handline sprinkler wheels.

REMARKS: No. 720 ex. 5112

Examiner's Signature Anthony R. Kizilewski Date 6/9/77  
Checked by Rodney A. Parker Date 10/24/78  
Approved by \_\_\_\_\_ Date \_\_\_\_\_



# 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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Friday, April 07, 2000

PHILLIPS LIVING TRUST  
25847 S MARSH VALLEY RD  
DOWNEY ID 83234-1733

RE: FILING IN THE SNAKE RIVER BASIN ADJUDICATION

Dear Mr. Phillips:

Enclosed is a profile report of water right License 29-07265 which, according to the Bannock County assessor, is appurtenant to property currently owned by you. It was previously owned by William H. Green.

Idaho Code 42-1421 specifies that all persons in possession of a water right license are required to file in the Snake River Basin Adjudication. Filing fees are as follows:

|                                        |          |
|----------------------------------------|----------|
| Claim filing fee . . . . .             | \$50.00  |
| \$1.00 per acre fee (80 acres) . . . . | \$80.00  |
| TOTAL . . . . .                        | \$130.00 |

If you purchased this property before May 1990, there will also be a \$50.00 late fee.

To file on this license, please sign the enclosed form in the presence of a notary public, attach a copy of your warranty deed and the correct fees, and return to our office.

If you have questions about this matter, please do not hesitate to call me.

Sincerely,

Jennifer Crabtree  
Technical Records Specialist

# HOST TEMPORARY FILE

DATE: 2/1/95

NO. A29-07265 CLAIMANT: William H. Green

[ ] ATTACH COPY OF PROOF REPORT FROM TEMP HOST

HARD COPY IN TIMES 2 FILE? YES \_\_\_\_\_ NO ☒

RECORD IN MASTER HOST? YES \_\_\_\_\_ NO ☒

CHECK AJQ7 OR AJQ5 FOR SPLITS YES ☒ NO \_\_\_\_\_ (29-07161)

CHECK AJQ21 FOR TEMPORARY HOST NAME YES ☒ NO \_\_\_\_\_ OTHER CLAIM #'S \_\_\_\_\_

CHECK FOR A RECEIPT USING CLAIMANTS NAME IN AR YES ☒ NO \_\_\_\_\_

DID CLAIMANT FILE OTHER NOTICES YES \_\_\_\_\_ NO \_\_\_\_\_

COMPARE DATA ENTRY FOR AJ & WR

IS IT DIFFERENT? YES \_\_\_\_\_ NO \_\_\_\_\_

IF THERE IS NO DIFFERENCE AND DATA IS NOT TO STANDARD, NUMBER CAN BE DELETED (IF NOT 10,000 NUMBER) OR COPIED AS P16 IN "R" RECORD.

IF DATE ENTRY FOR AJ REFLECTS CHANGES, CONTACT CLAIMANT ABOUT INTERNET TO FILE NOTICE.

REMARKS: I think this is combined - but not  
sure - what you think? - Call Bannock Cty. Assessor  
to get name of property owner. Send owner letter with  
claim form.

ACTIONS TAKEN: Sent letter to claimant asking  
him to file: Phillips Living Trust  
25847 S. Marsh Valley Rd, Downey ID 83231-  
1733. 4/8/00 JC Due back 5/31/00  
- Mr. Phillips said he already pd fees (I called 5/10/00  
- ~~did~~ send map + claim for fees again on 5/10/00

[ ] RECORD DELETED FROM DATABASE. DATE \_\_\_\_\_ INITIALS: \_\_\_\_\_

NOTE: DO NOT DELETE 10,000 NUMBERS; MODIFY DATA AND MOVE RECORD TO MASTER HOST.

RECEIVED

MAY 17 2000

Department of Water Resources  
Eastern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-07265

Date Received: 4/10/1990

Receipt No: E025830

Received By: JC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: PHILLIPS LIVING TRUST  
Address: 25847 S MARSH VALLEY RD  
DOWNEY ID

83234-1733

2. Date of Priority: APR 30, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

|          |       |         |        |        |     |     |         |
|----------|-------|---------|--------|--------|-----|-----|---------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
| 12S      | 36E   | 12      | NW     | NE     |     |     | BANNOCK |

5. Description of diverting works:

6. Water is used for the following purposes:

|            |       |       |       |      |        |
|------------|-------|-------|-------|------|--------|
| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
| IRRIGATION | 04/01 | 11/01 | 1.600 |      | 280.00 |

7. Total Quantity Appropriated is:  
1.600 C.F.S. (and/or) 280.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

|          |       |         |        |     |     |     |       |
|----------|-------|---------|--------|-----|-----|-----|-------|
| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
| 12S      | 36E   | 12      | NE     | SE  |     | IRR | 40.0  |
|          |       |         | SE     | SE  |     | IRR | 40.0  |

A2907265



10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 80.0  |
|          |       |         |            |     | Total Acres   | 80.0  |

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:  
LIC. 29-7161.

14. Remarks:

THE MAXIMUM RATE OF DIVERSION UNDER THIS LIC. WHEN COMBINED WITH  
LIC. NO. 29-7161 SHALL NOT EXCEED 1.76 CFS.

15. Basis of Claim: LICENSE

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.

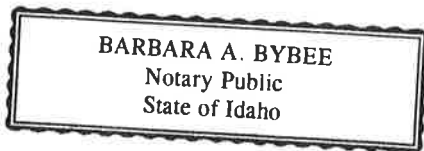
Signature of Claimant(s): William Phillips Date: 5-16-00  
Tracy Phillips Date: 5-16-00

State of Idaho )  
County of Bannock ) SS.

Subscribed and sworn (or affirmed) before me this 16 day  
of May 20 00

Barbara A. Bybee  
Notary Public

Seal



Residing at 166 S. 3rd E. Downey  
Id

My Commission Expires

**MY COMMISSION EXPIRES**  
**December 22, 2005**  
**BONDED THRU NOTARY PUBLIC UNDERWRITER**

RIGHT NUMBER: 29-7265  
NAME AND ADDRESS: PHILLIPS LIVING TRUST  
25847 S MARSH VALLEY RD  
DOWNEY ID 832341733

SOURCE: GROUND WATER  
QUANTITY: 1.60 CFS  
280.0 AFY

TRIBUTARY:

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 1.76 CFS AND TO A TOTAL COMBINED ANNUAL  
DIVERSION VOLUME OF 751 AF. COMBINED RIGHT NOS.: 29-07161, 29-07265

PRIORITY DATE: 04/30/1975

POINT OF DIVERSION:

T12S R36E S12 NWNE Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/01 11/01          | 1.600 CFS<br>280.00 AFY |

PLACE OF USE:

IRRIGATION Within BANNOCK County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T12S R36E S12 | NENE | 30.0 | T12S R36E S12 | NWNE | 9.0  |
| T12S R36E S12 | SWNE | 25.0 | T12S R36E S12 | SENE | 31.0 |
| T12S R36E S12 | NESW | 2.0  | T12S R36E S12 | SESW | 15.0 |
| T12S R36E S12 | NESE | 40.0 | T12S R36E S12 | NWSE | 38.0 |
| T12S R36E S12 | SWSE | 40.0 | T12S R36E S12 | SESE | 40.0 |

270 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF  
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 270 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS.: 29-07161, 29-07265

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: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT                            | TWP. RGE. | SEC. | 1/4                              | 1/4 | 1/4 | LOT      | POD<br>FLAG | COUNTY  | DIVERSION NAME | DIVERSION NUMBER |
|----------------------------------|-----------|------|----------------------------------|-----|-----|----------|-------------|---------|----------------|------------------|
| A29-07265                        | 12S 36E   | 12   |                                  | NW  | NE  |          |             | BANNOCK |                |                  |
| OTHER AJ CLAIMS WITH SAME AJ POD |           |      | WR RECORDS IN SAME 40 ACRE TRACT |     |     |          |             |         |                |                  |
| A PREFIX<br>A29-07161            |           |      | R PREFIX<br>NONE                 |     |     | 29-07161 |             |         |                |                  |

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT                             | TWP. RGE. | SEC. | 1/4                             | 1/4 | 1/4 | LOT                        | POD<br>FLAG | COUNTY  | DIVERSION NAME | DIVERSION NUMBER |
|-----------------------------------|-----------|------|---------------------------------|-----|-----|----------------------------|-------------|---------|----------------|------------------|
| 29-07265                          | 12S 36E   | 12   |                                 | NW  | NE  |                            |             | BANNOCK |                |                  |
| OTHER WR RECORDS WITH SAME WR POD |           |      | AJ CLAIMS IN SAME 40 ACRE TRACT |     |     |                            |             |         |                |                  |
| 29-07161                          |           |      | A PREFIX                        |     |     | R PREFIX<br>A29-07161 NONE |             |         |                |                  |

SOURCE: GROUNDWATER

TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A( ) Y( ) N( )

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y( ) N( )

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y( ) N( )

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y( ) N( )

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM \_\_\_\_\_) Y( ) N( )

AJ FIELD EXAM (DATE OF FIELD EXAM \_\_\_\_\_ NAME OF EXAMINER \_\_\_\_\_) Y( ) N( )

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (\_\_\_)

| TWP.<br>12S | RGE.<br>36E | SEC.<br>12 | 1/4   | 1/4<br>NW | 1/4<br>NE | LOT   | POD<br>FLAG | COUNTY<br>BANNOCK | DIVERSION NAME | DIVERSION NBR |
|-------------|-------------|------------|-------|-----------|-----------|-------|-------------|-------------------|----------------|---------------|
| _____       | _____       | _____      | _____ | _____     | _____     | _____ | _____       | _____             | _____          | _____         |
| _____       | _____       | _____      | _____ | _____     | _____     | _____ | _____       | _____             | _____          | _____         |
| _____       | _____       | _____      | _____ | _____     | _____     | _____ | _____       | _____             | _____          | _____         |
| _____       | _____       | _____      | _____ | _____     | _____     | _____ | _____       | _____             | _____          | _____         |
| _____       | _____       | _____      | _____ | _____     | _____     | _____ | _____       | _____             | _____          | _____         |
| _____       | _____       | _____      | _____ | _____     | _____     | _____ | _____       | _____             | _____          | _____         |

SOURCE: GROUNDWATER

TRIB: \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (\_\_\_), SEE LICENSE FILE (\_\_\_), OR SEE ATTACHMENT (\_\_\_)

A. ROOT WATER RIGHT NUMBERS: A29-07265

B. POU LISTING

| TWP                  | RNG | SEC | 1/4 | 1/4 | LOT | NAME                  | AJ<br>#/ACRES    | WR<br>#/ACRES   | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|----------------------|-----|-----|-----|-----|-----|-----------------------|------------------|-----------------|-----------------|----------------|------------------|
| 12S                  | 36E | 12  | NE  | SE  |     | PHILLIPS LIVING TRUST | A29-07265 / 40.0 | 29-07265 / 40.0 | 14.0            |                |                  |
|                      |     |     | NE  | SE  |     | WINWARD, FRANK D      | A29-00329 / 3.0  | - /             |                 |                |                  |
| 12S                  | 36E | 12  | SE  | SE  |     | PHILLIPS LIVING TRUST | A29-07265 / 40.0 | 29-07265 / 40.0 | 10.0            |                |                  |
| ADDITIONAL POU FOUND |     |     |     |     |     |                       |                  |                 |                 |                |                  |

TOTAL ACRES A29-07265 80.00 80.00 24.00

POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y( ) N( )

\* IF YES, ARE THESE TRACTS LISTED ABOVE ( ), OR ARE THEY LISTED ON AN ATTACHED SHEET ( )

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

| CLAIM NO. | SOURCE      | NAME                  | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|-------------|-----------------------|-----------|----------------|-----------|----------------|
| A29-07265 | GROUNDWATER | PHILLIPS LIVING TRUST | 1.600     | 0.020          | 280.00    | 3.50           |
| A29-00329 | BIRCH CREEK | WINWARD, FRANK D      | 1.200     | 0.014          |           |                |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y( ) N( )

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: LIC. 29-7161.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A( ) Y( ) N( )

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y( ) N( )

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y( ) N( )