

06/04/2003

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

RIGHT NUMBER: 29-11241

NAME AND ADDRESS: FRANCES PHILLIPS
25847 S MARSH VALLEY RD
DOWNEY ID 83234-1733

WILLIAM D PHILLIPS
25847 S MARSH VALLEY RD
DOWNEY ID 83234-1733

SOURCE: BIRCH CREEK

TRIBUTARY: MARSH CREEK

POINTS OF INJECTION INTO AND POINT OF REDIVERSION FROM BIECH CREEK.

QUANTITY: 1.500 CFS

The amount of water diverted under this water right may not exceed 2/24 of the stream flow of Birch Creek at the point of diversion described below at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

USE OF THIS RIGHT WITH RIGHT NO. 29-11242 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.5 CFS.

PRIORITY DATE: 10/10/1878

POINT OF DIVERSION:

T12S R36E S23 SESENE Rediversion Within BANNOCK County

T12S R36E S27 SWNWSW Within BANNOCK County

T12S R36E S27 SWNWSW Within BANNOCK County

T12S R36E S27 SWNWSW Injection Within BANNOCK County

T12S R36E S27 SWNWSW Injection Within BANNOCK County

TWO POINTS OF DIVERSION, TWO POINTS OF INJECTION, LOCATED IN T12S R36E, S27, NWSW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.500 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R36E S11	SESE	38.0	T12S R36E S14	NENE	37.0
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75 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-11242 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 75.0 ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

06/04/2003

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

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

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

WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

01/13/2003

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

RIGHT NUMBER: 29-11241
NAME AND ADDRESS: FRANCES PHILLIPS
25847 S MARSH VALLEY RD
DOWNEY ID 83234-1733
WILLIAM D PHILLIPS
25847 S MARSH VALLEY RD
DOWNEY ID 83234-1733
SOURCE: BIRCH CREEK TRIBUTARY: MARSH CREEK
POINTS OF INJECTION INTO AND POINT OF REDIVERSION FROM BIECH CREEK.
QUANTITY: 1.500 CFS
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DIVERSION RATE OF 1.5 CFS.
PRIORITY DATE: 10/10/1878
POINT OF DIVERSION:

T12S R36E S23 SESENE Rediversion Within BANNOCK County
T12S R36E S27 SWNWSW Within BANNOCK County
T12S R36E S27 SWNWSW Within BANNOCK County
T12S R36E S27 SWNWSW Injection Within BANNOCK County
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TWO POINTS OF DIVERSION, TWO POINTS OF INJECTION, LOCATED IN T12S R36E,
S27, NWSW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.500 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County
T12S R36E S11 SESE 38.0 T12S R36E S14 NENE 37.0

75 ACRES TOTAL

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EXPLANATORY MATERIAL: - Decreed

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

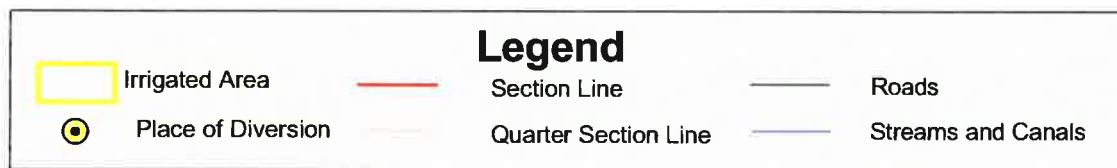
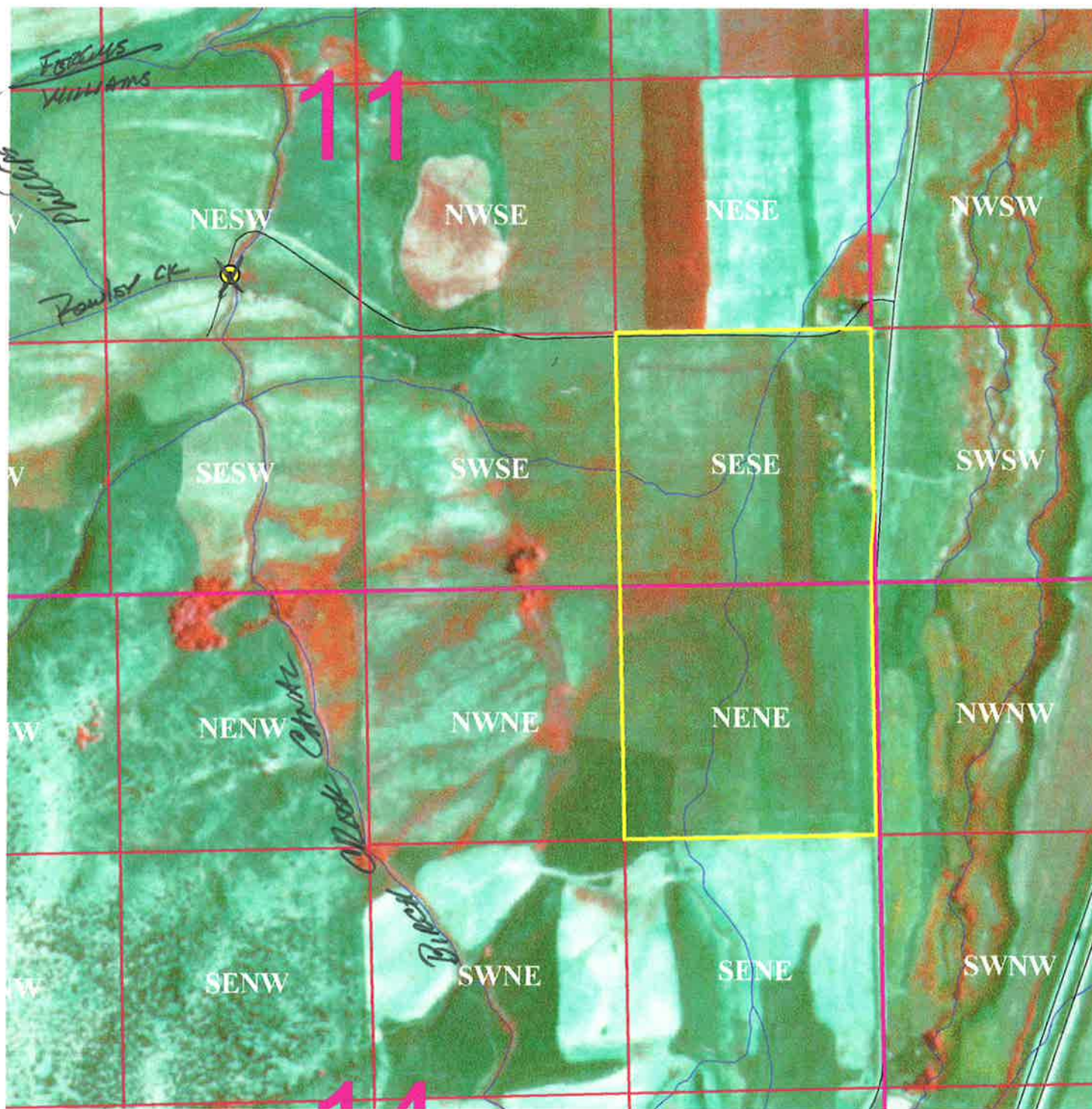
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

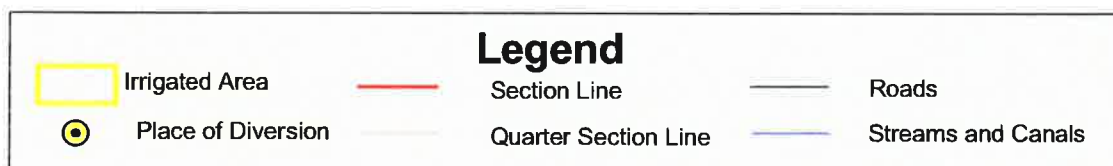
WATER IS DELIVERED THROUGH BIRCH CREEK CANAL (DITCH).

MAY 24 2001

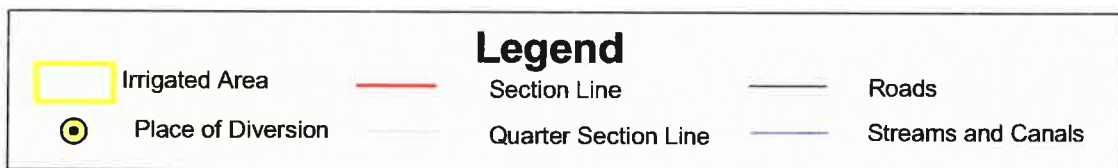
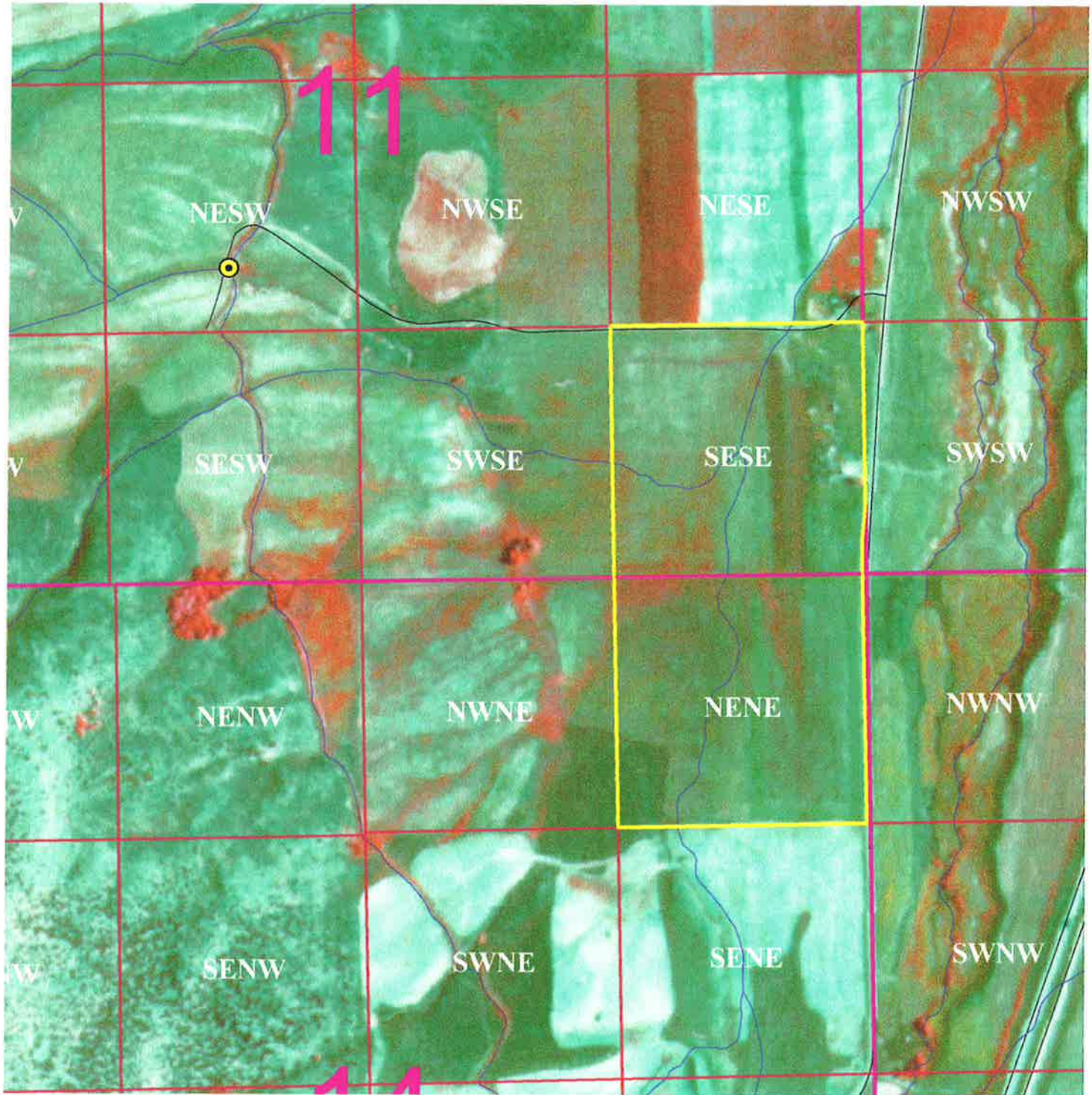
Township , 12S36E

POD
③





Township , 12S36E

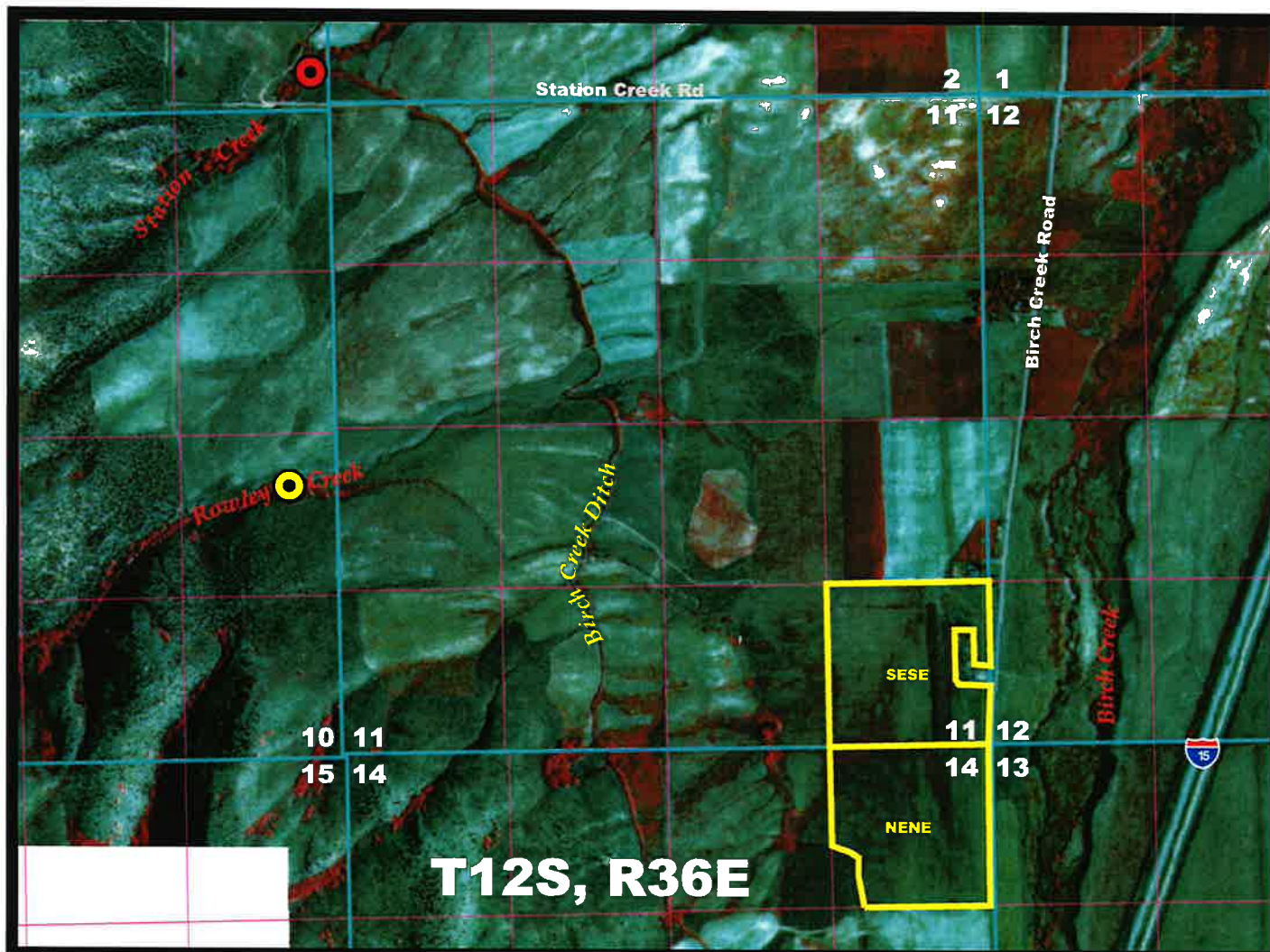




State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-11241,
29-11242

Place of Use: (parts of) T12S, R36E;
Sec. 11 SESE, Sec. 14 NENE

Point(s) of Diversion: T12S, R36E
2 POD's @ Sec. 27 NWSW (Birch Ck),
Sec. 10 NENESE (Rowley Ck)

Note: Birch Ck and Rowley
Ck are comingled as use.



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 7500 8000 8500 Feet

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: December 2002



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN
June 4, 2003

TO: Basin 29 Surface Water User

I am writing this letter to you as a courtesy to inform you that after review of the Department of Water Resource's preliminary recommendation for your water right(s), a quantity remark has been added. The quantity remark will reflect how your water right(s) was historically decreed in a prior decree. The prior decree recognized the quantity for your water right(s) as a fractional amount of the stream flow listed from the source on your water right. You can expect the Department's Director's Report, which is to be filed with the SRBA Court sometime in July, to include a quantity remark as follows:

The amount of water diverted under this water right may not exceed (*decreed percent or fraction*) of the stream flow of (*decreed source*) at the point of diversion described above at any given time. This water right shall not provide more than .02 cubic feet per second per acre at any time.

The information in parentheses and italics will reflect whatever fraction and source is correct for your water right(s).

If you disagree with the inclusion of this quantity remark in your water right, you will be able to file an objection with the SRBA Court. A Notice of Filing Director's Report will be mailed to you along with the Director's Report for your water right(s) sometime in July. This Notice will outline the deadlines and process for filing an objection to your water right(s).

If you have any further questions regarding this matter, you can contact me at 208-327-7900.

Very truly yours,

A handwritten signature in cursive script, reading "Candice M. McHugh", is written over the typed name.

Candice M. McHugh
Deputy Attorney General, IDWR

cc: Allen Ruberry
CMM/pm

Claim No.	Claimant	Fract.	Q by Rec	Acres	Stream	Remarks
<u>Phillips vs Edwards Decree, 1924..... Rowley Creek</u>						
29-11242	Wm Phillips	1/2	1.50	75.0	Rowley Ck	
29-12020	P Fergus	1/4	2.02	100.8	Rowley Ck	
29-13469	K Williams	1/4	2.52	126.0	Rowley Ck	

Claimed in-full

Wakley vs Wakley, 1904..... Station Creek

29-00321	Vaughan, et al	1/5	3.91		Station Ck	
29-00326	F Winward	1/5	1.92	96.0	Station Ck	
29-10461	Lazy VZ Trust	2/5	3.08		Station Ck	
29-11699	P Adams	1/5	5.64	282.2	Station Ck	

Decreed right(s) claimed in-full

29-13476 TJL Properties 0.065 Station Ck Recommended as BU, Priority 6/10/1904

Wakley vs Wakley, 1904.....Dry Hollow (Big Ck) and Maple Ck (Mines Canyon)

29-00317A	Vaughan, et al	4/4 0/0	3.91		Big Ck/Maple Ck	DISALLOWED-ownership not proven
29-00320	Vaughan, et al	1/4	3.91		Big Ck/Maple Ck	
29-10462	Lazy VZ Trust	4/4 1/2	1.23		Big Ck/Maple Ck	Recommended as 1/2 flow **
29-11698	P Adams	1/4	5.64	282.2	Big Ck/Maple Ck	

Claimed in-full

29-11700 P Adams XX 0.36 282.2 Unnamed Strm Beneficial Use
 29-10407 TJL Properties XX 0.07 Big Ck/Maple Ck Recommended as BU, Priority 6/10/1904

Daniels vs Woodland, 1878..... Birch Creek

29-13103 Malad Valley Irr 3/4 6.20 Lg POU Birch Ck
 Marsh Creek side (B29) users got 1/4 of the flow of Birch Creek as shown below.

Wakley vs Wakley, 1904..... Birch Creek

29-00322	Vaughan, et al	4/24	3.91	195.3	Birch Ck	
29-00327	Marler/Gardner	2/24	2.54	128.0	Birch Ck	
29-00328A	K Williams	1/24	2.52	126.0	Birch Ck	
29-00328B	P Fergus	5/24	2.02	100.8	Birch Ck	
29-00328C	F Winward	2/24	1.92	96.0	Birch Ck	
29-00329	F Winward	2/24	0.80	40.0	Birch Ck	
29-11241	Wm Phillips	2/24	1.50	75.0	Birch Ck	
29-11650	TJL Properties	2/24	1.76	88.0	Birch Ck	
29-11697	P Adams	4/24	5.64	282.2	Birch Ck	

Claimed in-full

Notes:

** Re; 29-10462 see Transfer #3032 Claim combines 29-317 and 29-330C (which recombines A & B)
 The Decree of Davis vs Treasure only involves Birch Creek water.

02/13/2003

Allen

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: 29-11241

FRANCES PHILLIPS
25847 S MARSH VALLEY RD
DOWNEY ID 83234-1733
Telephone Number: (208)897-5256

WILLIAM D PHILLIPS
25847 S MARSH VALLEY RD
DOWNEY ID 83234-1733
Telephone Number: (208)897-5256

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: 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

RECEIVED
MAR 17 2003
Department of Water Resources
Eastern Region

Contacts Data Entry Form

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner Wm Phillips

Name connector: and _____, or ☒, and/or _____

Current Owner FRANCIS

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: DENNIS Phillips Phone Number: _____

Relationship to Claimant: BROTHER WD 296 Watermanston

Date of Field Exam: 10/15/02 Time: _____

Directions to Property (if different from above) and/or update owner information:

CLAIM BASED ON DECREE 2961(?) WHALEY & WHALEY

10/16/02 ADDRESS CHANGED AS BELOW FOR TELECOM w/ Mrs. Phillips.

Wm & Francis Phillips
25847 S. MARSH VALLEY RD
DOWNBORO PA 83234
Ph: (208) 897-5256

10/15/02 FG: POA/POA's(2), CONVEYANCE AND system
Visited same w/ DENNIS Phillips (WD 296) Watermanston

Reviewer: _____

Date: _____

We have a change of address it is now

William Phillips
25847 So. Marsh Valley Rd
Downey, Idaho 83234

The ranch is now back in the family which was own by John Ware who was my great-grandfather, who was the father of Rebecca Ware Phillips which was my grandmother. The fight over the water rights which started in 1878 has stayed with the ranch since then. It has been used for irrigation rights. We feel this should settle any questions you have.

Thank You.

William Phillips.

RECEIVED

JUL 25 2002

Department of Water Resources
Eastern Region

AJ5809NP
No. **A29-11241**

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/11/00
PAGE: 2

OWNER CODE: C NAME & ADDRESS: WILLIAM PHILLIPS
C FRANCES BULLITT
PRIORITY DATE: 06/09/1904 WATER USE: IRRIGATION
USE PERIOD FROM TO: 04-01 11-01
DIVERSION RATE: 1.600 CFS
DIVERSION VOLUME: 200.00 AFA
TOTAL DIVERSION: 1.600 CFS
CONSUMPTIVE USE: 200.00 AFA



208-897-5256

Water Source: **BIRCH CREEK**

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T12S R36E S11 NESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
12S	36E	11	:																	
12S	36E	14	:	40																40.0
																				40.0
																				80.0
																				TOTAL ACRES

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: N/A

Remarks: GEN 1) THIS CLAIM IS BASED ON A UNRECORDED TRANSFER OF A RIGHT FROM DECREE 29 G1. THE CLAIMANTS TITLE SHOWS THAT THEY HAVE 1/12 OF THE FLOW OF BIRCH CREEK VIA AN UNKNOWN RIGHT FROM HENRY WAKLEY ET. AL. VS GEORGE WAKLEY ET. AL.
2) THE AMOUNT OF WATER ENTERED INTO THE FLOW RIGHT WAS PUT THERE MERELY TO SATISFY THE COMPUTER; AND IS BASED ON AN INCH PER ACRE. THE WATER IS CURRENTLY BEING DELIVERED AS PER THE DECREE.
3) THE PRIORITY DATE IS BASED ON THE DATE OF THE DECREE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag: Y
Presumption Flag:

I GUESS THIS A NOTICE OF CHANGE OF ADDRESS

2/3/02
12/4/02

PARCEL DESCRIPTION:

S2SE4 80 AC
S11-T12S-R36E

For any questions, please notify the Assessor's Office immediately

Assessor's Telephone Number: 208-236-7268

Parcel Address: 25847 S MARSH VALLEY

184 *****AUTOCR**R001

PHILLIPS, THE LIVING TRUST
25847 S MARSH VALLEY RD
DOWNEY ID 83234-1733Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 24, 2002

Tax Code Area: 001800

Parcel Number: R4473002300

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
INV IRR AG	43.000	13,373	16,770
INV NON-IRR AG	12.000	1,563	1,290
INV DRY GRAZ	24.000	2,176	2,272
RURAL RES SITE	1.000	6,000	6,000
IMP ON CAT 1-9		34,193	34,193
SUBTOTAL:	80.000	57,305	60,525
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		57,305	60,525

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
NTY	308.89	326.24	208-236-7210	AUG 23, 2002
COOL NO. 21	311.26	328.75	208-254-3306	JUNE 11, 2002
FREE LIB	21.51	22.72	208-897-5270	AUG 21, 2002
N-SWAN HWY	40.39	42.66	208-897-5288	AUG 12, 2002
SH VAL CEM	20.09	21.22	208-897-5658	AUG 19, 2002
ULANCE	15.16	16.01	208-236-7210	AUG 23, 2002
SUBTOTAL:	717.30	757.60		
FEES:				
TOTAL PROPERTY TAXES & FEES:	717.30	757.60		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

0000283

IN THE DISTRICT COURT THIRD JUDICIAL DISTRICT OF IDAHO TERRITORY
HELD IN AND FOR THE COUNTY OF ONEIDA.

29-6

Thomas Daniels, WM, H. Jones, David Leigh, :
Daniel Thomas Sen., E. J. Davis, Henry H. :
Evans, Richards Jones, Henry Peck, Daniel :
Daniels, James E. Jones and Morgan Morgan, :
Plaintiffs, :

agst. :
William Woodland, Henry Wakely, George :
Wakely, John Wakely, Henry Woodland and :
Sam Bamford, :
Defendants. :

IN
EQUITY.

.....
The Summons and complaint in this action having been duly served and the answer of the Defendants having been filed thereto and the following agreement and stipulation of the respective parties having been filed in open court on the 10th day of October 1878, to-wit:

It is hereby agreed understood and stipulated by and between the plaintiffs and defendants in this action and each and all of them and by the respective attorneys thereto that the rights privileges and equities of the respective parties to this action shall be as follows, to-wit:

That these plaintiffs are entitled to the use, occupation and control of three quarters of all the waters of a stream situated in Oneida County, Idaho and known as Birch Creek which is the same stream set forth and described in the plaintiffs' Complaint and it is hereby admitted, agreed, understood, and stipulated that the said Plaintiffs' are the first appropriators of the said three quarters of all the waters of the said Birch Creek and are entitled to the exclusive use possession and enjoyment of the same said water to be taken out at a point where plaintiffs ditch now intersects the said Birch Creek. It is further admitted that the said amount of water is not more than sufficient to irrigate the lands of plaintiffs and that the same is necessary for the successful irrigation of their farms and that a decree of this Court be entered in accordance with the prayer of the complaint in this action to the extent of said amount of water and in accordance with the terms of this stipulation.

It is agreed, understood, and stipulated on the part of the plaintiffs that the defendants are the first appropriators of one fourth of the waters of the said Birch Creek and are entitled to the exclusive use possession and enjoyment of the same and that a decree of this court be made and entered in their behalf for one fourth of the amount of the waters of the said Birch Creek and it is further admitted that said amount is necessary for the successful irrigation of the lands of these defendants.

It is further agreed that the costs of this action be divided and paid equally between the parties thereto.

And it is further agreed and understood that this stipulation is made to carry into effect the former stipulation on file.

Dated Oct. 10th, 1878.

S. P. Highbee,
Willard Crawford, and
B. F. White,
Attys. for plfs.

Norman Buck,
Atty. for dfts.

Priority Date Data Entry Form

Claim Number: 29-11241

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/9/1904 Claimed Basis: DOCRSRecommended Priority Date: 10/1/1878 Recommended Basis: _____☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

✓ REQUEST FOR PRIORITY EVIDENCE SENT 6/27/02
ATTACHING RECORDS.

REFERENCE TO: WARLEY VS WARLEY DOCRS 6/9/1904.
STATES: "CLAIM BASED ON 'UNRECORDED TRANSFER'
OF A RIGHT FROM DOCRS 29 G.I. CLAIMANT TITLE
SHOWS 1/12 OF THE FLOW OF BIRCH CK VIA AN UNKNOWN
RIGHT FROM WARLEY VS WARLEY.

FIND #
✓ RE INDICATED: PDD, SOURCE, PDD.

1/9/03 ANNOUNCED TO 1878 PRIORITY DATE.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 125, R 365, Sec. 11,____,____,____. County: BarnSource: BIRCH CK Tributary: MALAD CK

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

THIS DIVERSION
OFF BIRCH CK
CANAL - NOT
USOD. SEE

Use Claimed POD and Source as Recommended POD and Source

GPS TAG#3 A0012406 LOWER

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
125	36	27		SWNNWN	ONEIDA	BIRCH CK A0012407 UPPER
GPS Coordinates: <u>0646569</u> <u>0148140</u>						
		27		SENNWN	ONEIDA	BIRCH CK
GPS Coordinates: <u>0644454</u> <u>0140222</u>						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

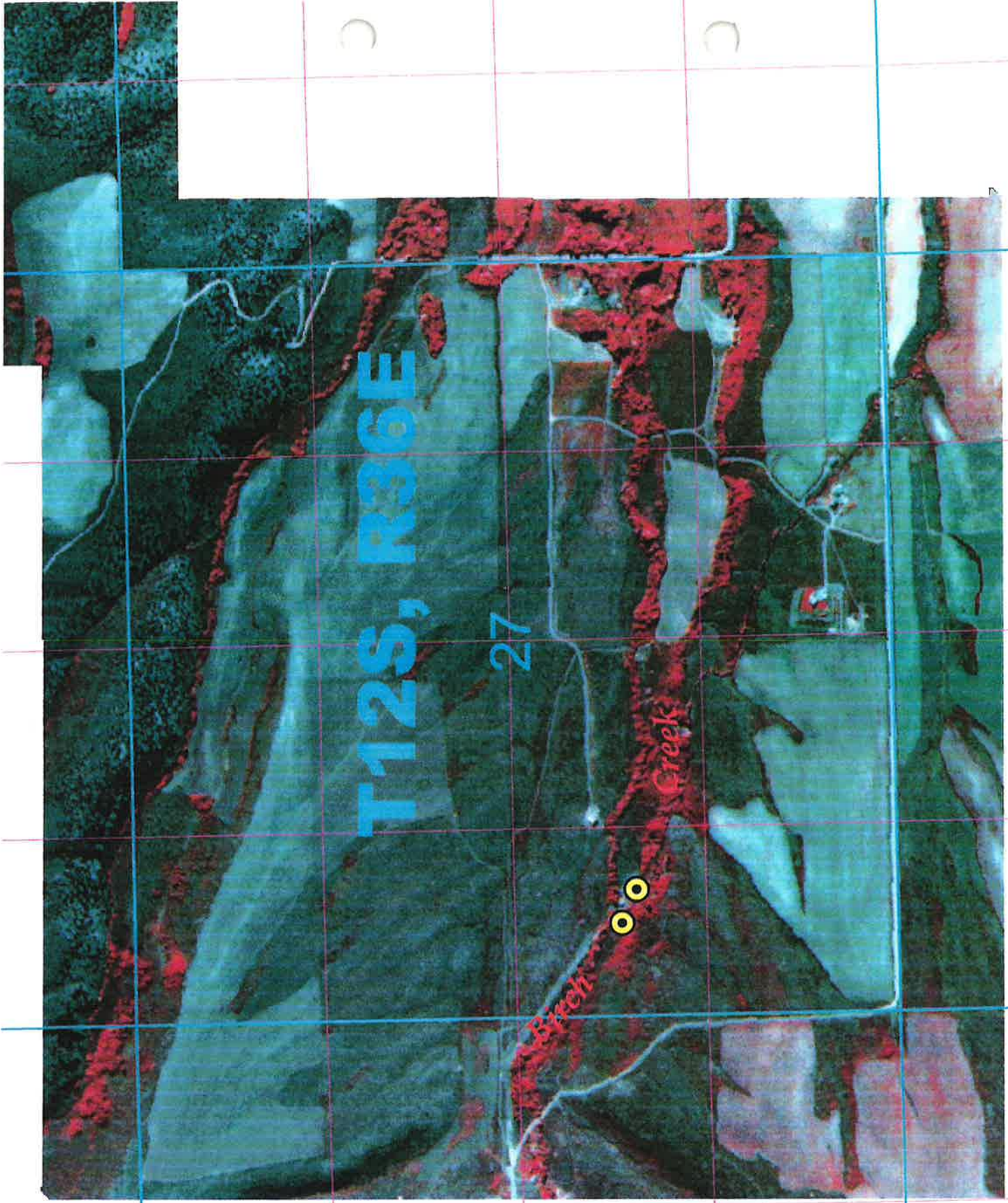
APPARENTLY NO ENTROPY MEASUREMENTS - NON FOUND DEERBOD?

10/15/02 CLAIMS POD OF BIRCH CK CANAL → CHANGE TO
POD'S (2) OVER BIRCH CROOK up on ^{MALAD} Summit. BOTH
POD'S (SEE PHOTOS) SPLIT BIRCH CK WATER w/ MALAD
VALLEY TRAIL. 29-13103. A 1/4 X 3/4 SPLIT. MVI = 3/4 FLOW (?)
BCC = 1/4 FLOW

Transfers Changing POD _____

Reviewer: _____

Date: _____



T12S, R36E

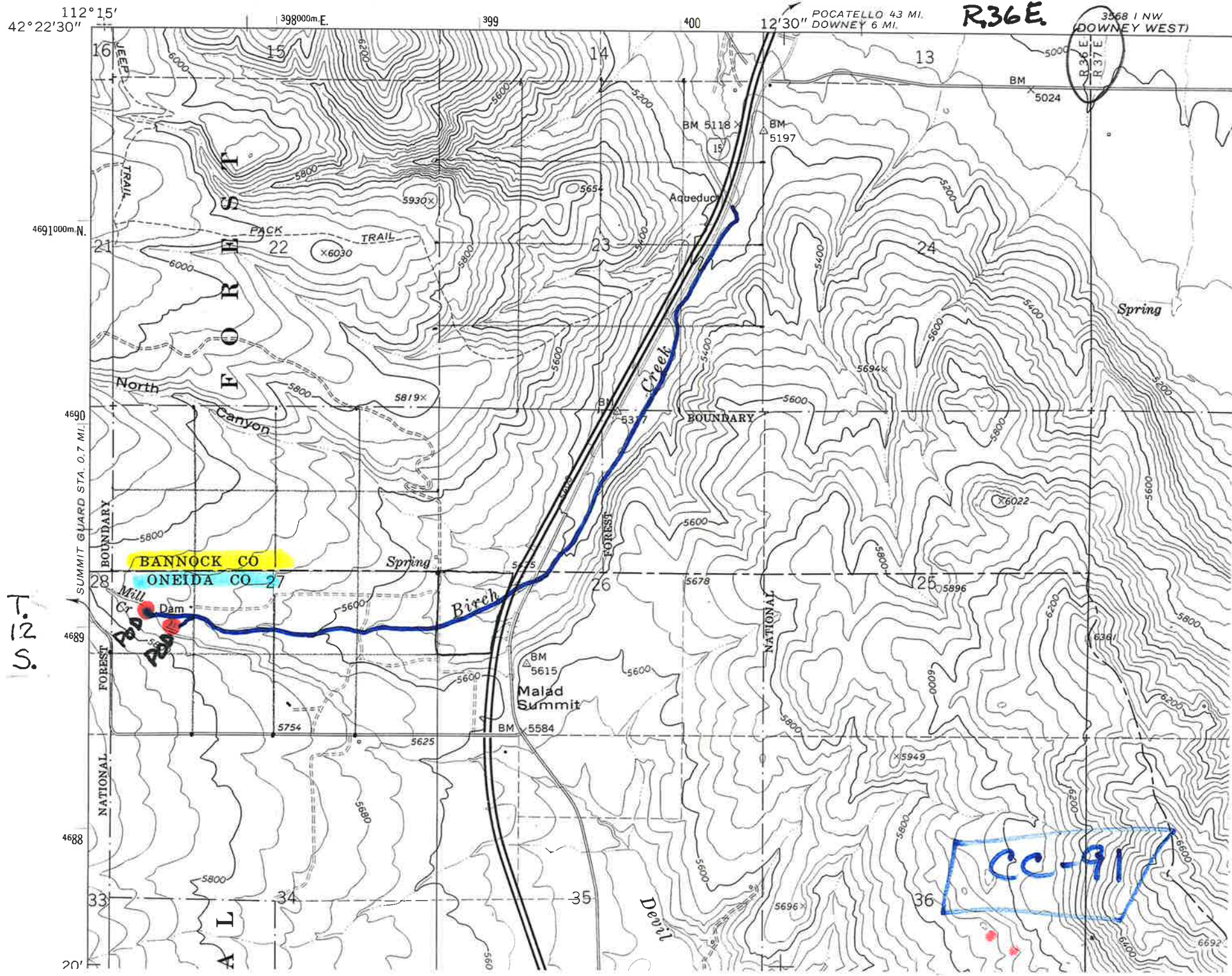
27

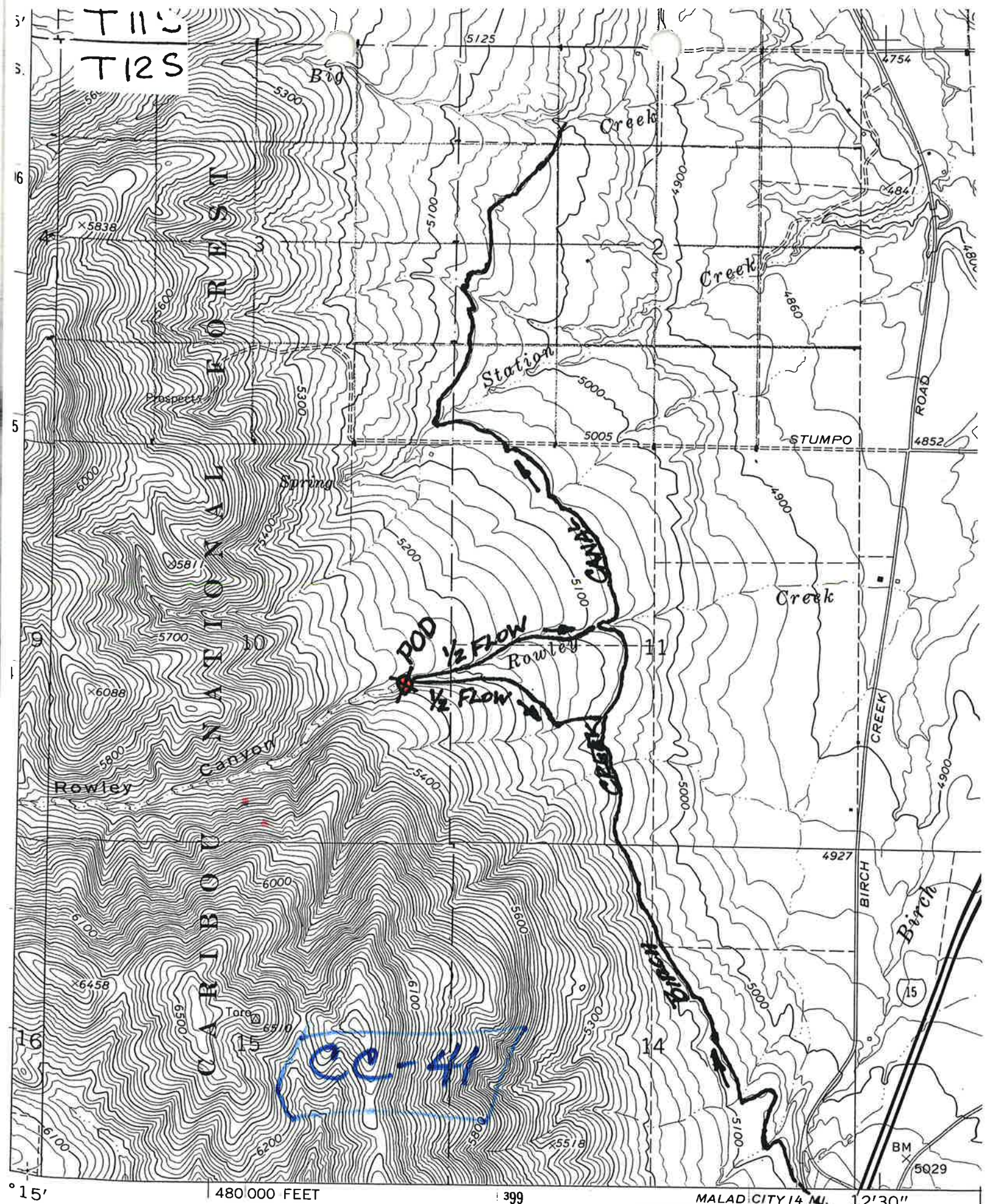
Bryant Creek



KEY PEAK

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





643061

(22) Notices given hereunder shall be sent by certified mail, unless otherwise required by law, addressed, unless and until some other address is designated in a notice so given, in the case of the Government to Farmers Home Administration, United States Department of Agriculture, at Boise, Idaho 83702, and in the case of Borrower to him at the address shown in the Farmers Home Administration Finance Office records (which normally will be the same as the post office address shown above).

(23) WAIVER: THE BORROWER ACKNOWLEDGES AND AGREES THAT IF HE DEFAULTS A NONJUDICIAL FORECLOSURE SALE OF THE PROPERTY MAY BE CONDUCTED WITHOUT A HEARING OF ANY KIND AND WITHOUT NOTICE BEYOND THE PUBLICATION OF THE NOTICE OF SALE. THE BORROWER HEREBY WAIVES ANY RIGHTS HE MAY HAVE TO ANY SUCH HEARING AND NOTICE. NEVERTHELESS, THE REGULATIONS OF THE FARMERS HOME ADMINISTRATION IN EFFECT AT THE TIME SUCH FORECLOSURE IS STARTED MAY PROVIDE FOR NOTICE AND A MEETING AND THE GOVERNMENT WILL FOLLOW THESE REGULATIONS.

(24) At the option of the Government this mortgage may be foreclosed by action or advertisement as provided by statute, and Borrower hereby irrevocably vests in the Government the statutory power of sale and constitutes and appoints the Government his agent and attorney in fact to sell the property, after due notice, at public auction to the highest bidder, for cash or secured credit at the option of the Government, and to give the purchaser a warranty deed binding upon Borrower and all claiming under him.

(25) Borrower has assigned or waived or will immediately on request of the Government, assign or waive in favor of the Government all grazing privileges, permits, licenses, or leases appurtenant to or used in connection with said land, and Borrower further covenants and agrees to produce renewals thereof prior to their expiration and to pay all fees and charges and to perform all acts and do all things necessary to keep and preserve all said grazing rights and renewals thereof, and in the event of the failure of Borrower to do any of these things the Government may do so on behalf of Borrower, including advancing such sums as may be necessary for this purpose, and such funds advanced shall be secured by this instrument.

(26) If any provision of this instrument or application thereof to any person or circumstances is held invalid, such invalidity will not affect other provisions or applications of the instrument which can be given effect without the invalid provision or application, and to that end the provisions hereof are declared to be severable.

IN WITNESS WHEREOF, Borrower has hereunto set Borrower's hand(s) and seal(s) this 29th day of

February, 1980.

Shirley Case
Shirley Case

Lewis A. Case
Lewis A. Case

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF BANNOCK

On this 29th day of February, 1980, in the year of 80, before me, the undersigned,

a Notary Public in and for said State, personally appeared Shirley Case and Lewis A. Case

known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same as their free act and deed for the uses, purposes and consideration therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the said date.

(NOTARIAL SEAL) NOTARY SEAL

Notary Public, residing at Pocatello, Idaho

My commission expires: Life

NO. 643061
RECORDED AT REQUEST OF
First American Title Co.

FEB 29 10 50 AM '80

OFFICIAL RECORD BK NO 350
BANNOCK COUNTY IDAHO
G. NEIL ANDERSON RECORDER
FEE 10.00 DEPUTY J.R.

Henry Wakley, William W. Woodland,
and Daniel Woodland and David
Stalker, as administrators of the
Estate of Ellen Woodland, deceased,
Plaintiffs.

VS.

George Wakley, John Ware, J. J. Wakley
and J. H. Wakley,
Defendants.

Judgment.

This cause came regularly on for trial on the _____ day of _____, 1903, W. F. Reeves,
Esq., and Henry L. Warner, Esq., appearing as counsel for the plaintiffs, and Messrs. Standred
and H. B. Dietrich appearing as counsel for the defendants, a trial by jury being expressly
waived, the cause was tried before the Court without a jury. Thereupon the trial proceed-
ing witnesses upon the part of both plaintiffs and defendants were introduced, duly sworn
and examined, as well as documentary evidence, and the evidence being closed, the cause was
submitted to the Court for consideration and decision, and, after due deliberation thereon,
the Court, being fully advised in the premises, files its Findings of Fact and Conclusions
of Law herein in writing, and orders that judgment be entered in accordance therewith.

Wherefore, by reason of the premises and the law and findings aforesaid, it is ordered,
adjudged and decreed that plaintiff Henry Wakley have the use and benefit of the continu-
ous and uninterrupted flow of one-fourth of the waters of Dry Hollow and Maple Creeks, and
of Station Creek, and the use and benefit of the continuous and uninterrupted flow of one-
sixth of the waters of Birch Creek, flowing towards Marsh Valley. That said water is and
be used upon and appurtenant to S. 1/2 of S. E. 1/4 and N. E. 1/4 of S. E. 1/4 of Section 35,
and S. E. 1/4 of S. E. 1/4 of Section 36, Township 11 South, Range 36 E. Boise Meridian, contain-
ing 160 acres as shown by deeds from administrators of Estate of Ellen Woodland;
also 2 3/4 acres as shown by deed from W. W. Woodland, recorded Deed Book 13 page 425,
records Bannock County, less the certain S. 1/2-160 acres conveyed by said Wakley to John
J. Wakley by deed of record in Book 8 page 523, records said county, being the farm lands
now owned intended hereby and contiguous to and irrigated from said streams, all in Bannock
County, Idaho.

That plaintiff William W. Woodland, be adjudged and decreed to have the use and benefit
of the continuous and uninterrupted flow of one-fourth of all the waters of Dry Hollow
and Maple Creeks, and the use and benefit of the continuous and uninterrupted flow of one-fifth
of all the waters of Station Creek, and the use and benefit of the continuous and uninter-
rupted flow of one-sixth of all the waters of Birch Creek, flowing towards Marsh Valley.
That said water be used upon and be appurtenant to Lot No. 3 of Section 30, Township 11
South, Range 37 E. Boise Meridian, and S. 1/2 of S. E. 1/4 and N. E. 1/4 of S. E. 1/4 of Section
25, Township 11 South, Range 36 E. Boise Meridian, Bannock County, Idaho, containing 172.32/100
acres, less 14.75 acres decided by said plaintiff to Estate of Ellen Woodland; also to
67.36 acres adjoining last tract decided to plaintiff by estate of Ellen Woodland heretofore;
also to 27.35 acres by deed from Henry Wakley, book 13 of deeds page 424, records of
said Bannock County, it being intended hereby to cover all farming lands now owned by said
plaintiff as irrigated from said streams.

That the Estate of Ellen Woodland be adjudged and decreed to have the use and benefit
of the continuous and uninterrupted flow of one-fourth of all the waters of Dry Hollow
and Maple Creeks, and the use and benefit of the continuous and uninterrupted flow of one-
fifth of all the waters of Station Creek, and the use and benefit of the continuous and un-
interrupted flow of one-sixth of all the waters of Birch Creek, flowing towards Marsh
Valley. That said water be used upon and appurtenant to Lot No. 3 of Section 30, Township
11 South, Range 37 E. Boise Meridian, and S. 1/2 of S. E. 1/4, and S. E. 1/4 of S. E. 1/4 of Section
25, Township 11 South, Range 36 East S. E. 1/4, containing 172.33 acres, less 127 acres conveyed
to W. W. Woodland, Henry Wakley, and J. J. Wakley under decree of the Probate Court, Bannock
County, Idaho; also to 45 acres decided to said estate by W. W. Woodland, John J. Wakley and
Henry Wakley; also to the tract of land known as the Ellen Woodland Desert Entry situated
on said Birch Creek, containing 160 acres, all of said lands being in said Bannock County,
it being intended hereby to cover all lands now owned by said estate as irrigated from
said streams.

That defendant George Wakley be adjudged and decreed to have the use and benefit of
the continuous and uninterrupted flow of one-fifth of all the waters of Station Creek,
and the use and benefit of the continuous and uninterrupted flow of one-sixth of all the
waters of Birch Creek, flowing towards Marsh Valley. That said waters be used upon and
appurtenant to S. E. 1/4 of S. E. 1/4, and S. 1/2 of S. E. 1/4, S. 1/2 of N. E. 1/4, S. E. 1/4 of S. E.
1/4, N. E. 1/2 of S. E. 1/4 and Lot 3 of Section One, Township 12 S., Range 36 E. Boise Meridian,
Bannock County, containing 160 acres. It being intended hereby to cover all lands of
said defendants now owned as irrigated from said streams.

That defendant John Ware be adjudged and decreed to have the use and benefit of the
continuous and uninterrupted flow of one-sixth of all the waters of Birch Creek, flowing
towards Marsh Valley.

That said waters be used upon and appurtenant to N. E. 1/4 Section 12, Township 11
South, Range 36 E. Boise Meridian, said Bannock County, Idaho. It being intended hereby to
cover lands now owned by said defendant as irrigated from said stream.

That defendant J. J. Wakley be adjudged and decreed to have the use and benefit of the
continuous and uninterrupted flow of one-twelfth of the waters of Birch Creek, flowing
towards Marsh Valley. That said waters be used upon and appurtenant to N. E. 1/4 Section
12, Township 12 South, Range 36 E. Boise Meridian, except 36 acres thereof heretofore convey-
ed by deed by said defendant to J. H. Wakley. It being intended hereby to cover all lands
of defendant as irrigated from said stream.

That defendant J.W. Bailey be adjudged and decreed to have the use and benefit of one-fourth of all the waters of Dry Hollow and Maple Creeks, the use and benefit of the continuous and uninterrupted flow of one-fifth of all the waters of Dry Creek, and one-tenth of the continuous and uninterrupted flow of all the waters of Birch Creek flowing towards Faded Valley. That said waters are used and appurtenant to S.W. 1/4 of N.E. 1/4, S. 1/2 of N.E. 1/4, N.W. 1/4 of N.E. 1/4 of S. 36, Township 11 S. Range 26 E. Boise Meridian, containing 160 acres, also 30 acres the east side of N.W. 4 Sec. 12 T. 12 S. R. 26 E. S. 1/2 in said Bannock County. It is intended hereby to cover all lands now owned by said defendant as lying in said streams.

It is further adjudged and decreed that the parties herein and each of them in the respective streams in which they or any of them are decreed right, the such streams, respectively, the respective parties, as set out as having right, and have the same as of equal right in their said stream.

And it is further adjudged that each and every of the parties to this and their attorneys, agents, employees, servants or assigns in whatever way, be, do, or they are hereby perpetually enjoined and restrained from, in any manner interfering or obstructing the free flow of the flow of the waters of said Dry Hollow Maple Creeks, Station Creek and Birch Creek, and each of them, except as herein adjudged to the parties herein, respectively, and it is further ordered that the parties hereto bear and pay the costs incurred in this action in equal parts.

Done in Open District Court this the 9th day of June, 1904.

Alfred Rudge,

District Judge.

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

John Swank,
Plaintiff,
vs.
Lars Hansen, A.D. Hansen,
G.E. McPherson and L.E.
Pond, Chas. Burton, and
G.H. Hansen,
Defendants.

JUDGMENT.

This cause having come on regularly for trial on this the 9th day of June 1904, upon the complaint of the plaintiff and upon the answers and cross answers of the respective defendants, G.E. McPherson appearing as attorney for the plaintiff, O.A. Lloyd appearing as attorney for Elizabeth E. Hansen, administratrix of the estate of G.E. Hansen, deceased, and Clarence A. Farrell appearing as attorney for Hansen, G.E. McPherson, L.E. Pond and Chas. Burton, and the plaintiff having failed to offer any testimony on behalf of his complaint and no testimony being offered on behalf of said plaintiff, counsel for said plaintiff stating that he had no witnesses present to testify on behalf of said plaintiff, the plaintiff having being absent, and no cause being shown to the court why the cause could not go to trial, counsel for the respective defendants moved the court for a judgment of dismissal of the plaintiff's complaint, which motion was thereupon granted and the plaintiff's said cause of action dismissed, the court proceeded to the hearing of the testimony upon the cross answers of the respective defendants who have appeared in said cause and the testimony of the respective defendants on behalf of said defendants and cross-examination, and the documentary evidence having been submitted, and counsel for the respective plaintiffs and defendants having waived findings of fact and conclusions of law in open court, and the court is duly considered all the testimony and being duly advised of the law in the premises, now renders its decree, and adjudges as follows, to-wit:

That the plaintiff taking nothing by his cause of action herein, and his said cause of action being dismissed absolutely;

That the defendant and plaintiff Lars Hansen is entitled to the continuous flow of four cubic feet per second of time of the waters of Dry Creek, for domestic and agricultural purposes, his right to the use of to date from July 1st, 1890, and to be used upon the following described lands, to-wit: Lots numbered one and two section 26, and lots one and two and the north-east quarter of the south-east quarter section 27, township five south, range 26 east of Boise Meridian, containing 160 acres more or less, situate in Bannock County, State of Idaho;

That said defendant Lars Hansen is also entitled to the continuous flow of three and one-fifth cubic feet per second of time of the waters of Dry Creek and Birch Creek, outside of Dry Creek, for domestic and agricultural purposes, his right to the use thereof to date from the 15th day of May, 1890, and to be used upon the following described lands, to-wit: South-east quarter of the north-east quarter, the North half of the south-east quarter, and the north-east quarter of the south-west quarter, section four, township five south, range 26 east of Boise Meridian, containing 160 acres, in Bannock County, State of Idaho.

That said defendant Lars Hansen is also entitled to the continuous flow of four cubic feet per second of time of the waters of Dry Creek, for domestic and agricultural purposes, his right to the use thereof to date from the 1st day of May, 1890, and to be used upon the following described lands, to-wit: The North-east quarter of the south-west quarter and the north-half of the south-east quarter of the south-east quarter, section four, township five south, range 26 east of Boise Meridian, containing 160 acres, in Bannock County, State of Idaho.

Township 12 South, Range 36 East, Boise Meridian,
Section 11: S1/2 SE1/4

Section 12: E1/2, S1/2 SW1/4, and also the following: Beginning at a point on the latitudinal center line of Section 12, at its intersection with the center line of the county road, 297.5 feet East of the West quarter corner of said Section, thence East on the said Center line of Section 12, 2342.5 feet, more or less, to the center quarter corner of said section; thence South on the longitudinal center line of said Section 12, 1520 feet, more or less, to the South 1/16th section corner of said line; thence West on the South 1/16th section line of said section, 2517.5 feet, more or less, to the center of the county road; thence North 7° 33' East along the county road, 1331.6 feet, more or less, to the place of beginning, being the NE1/4 SW1/4 and a part of the NW1/4 SW1/4.

EXCEPT: A parcel of land being on both sides of the center line of Interstate 15 Project Nos. I-15-1(36)21 and I-15-1(37)29 Highway Surveys as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the E1/2 SW1/4, the NW1/4 SW1/4 and W1/2 NE1/4 of Section 12, same township and range, described as follows:
Commencing at the South quarter corner of Section 12, thence North 89° 51' 16" West along the South line of said Section 12, 752.09 feet to a point in a line parallel with and 150 feet Southeasterly from the centerline and opposite Station 566-40.68 of said Interstate 15, Project No. I-15-1(36)21 Highway Survey and being the real point of beginning; thence North 20° 13' 44" East along said parallel line, 3259.32 feet to a point opposite station 599-00.0 of said highway survey; thence North 23° 05' 29" East, 200.25 feet to a point in a line parallel with and 160 feet Southeasterly from the center line and opposite Station 601-00.0 of said highway survey; thence North 20° 13' 44" East along said last parallel line, 1400 feet to a point opposite Station 615-00.0 of said Interstate 15, Project No. I-15-1(36)21 highway survey equals Station 615-00.0 of said Interstate 15, Project No. I-15-1(37)29 Highway Survey; thence continuing North 20° 13' 44" East along a line parallel with and 160 feet Southeasterly from the centerline of said last highway survey, 795.84 feet to a point in the North line of said Section 12 and opposite Station 622-98.84 of said last highway survey; thence North 89° 23' 16" West along said North line, 339.72 feet to a point in a line parallel with and 160 feet Northwesterly from the centerline and opposite Station 621-81.78 of said last highway survey; thence South 20° 13' 44" West along said last parallel line; 681.78 feet to a point opposite Station 615-00.0 of said Interstate 15, Project No. I-15-1(37)29 highway survey equals Station 615-00.0 of said Interstate 15, Project No. I-15-1(36)21 highway survey; thence continuing South 20° 13' 44" West along a line parallel with and 160 feet Northwesterly from the centerline of said last highway survey, 1000 feet to a point opposite Station 605-00.0 of said last highway survey; thence South 17° 21' 59" West, 200.25 feet to a point in a line parallel with and 150 feet Northwesterly from the centerline and opposite Station 603-00.0 of said last highway survey; thence South 20° 13' 44" West along said last parallel line, 3769.00 feet to a point in the South line of said Section 12, and opposite Station 565-31.00 of said last highway survey; thence South 89° 51' 16" East along said South line, 319.42 feet to the real point of beginning.
Section 14: N1/2 NE1/4.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or pertinent thereto, including but not limited to Water under License No. 29-7161 and 29-7265; All irrigation equipment of every kind and character and additions thereto and replacements now or hereafter owned by the borrower(s) and used in the irrigation of the above premises; Ditch water rights consisting of one-twelfth Birch Creek Water, and one-half of Fowley Creek Water.

(Initials)

T12S, R36E

Birch Creek Road

Birch Creek

SESE
38

NENE
37

Birch Creek Canal

Brookley Creek

10 11

15 14

15



Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
12S	36E	11	SESE		BANN		40	
		14	NENE				40	

Total Acres 80

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
		11	SESE		BANN		38	
		14	NENE		BANN		37	

Total Acres 75

Document how the POU was verified:

FB INDICATED -

Transfers Changing POU _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number: _____

_____ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
<i>Drain</i>	_____	_____	<i>80</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
<i>Drain</i>	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Document how the Purpose of Use was verified:

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**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
<i>Parig</i>	<i>4/1</i>	<i>11/01</i>	<i>1.6</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Parig</i>	<i>4/1</i>	<i>10/31</i>	<i>1.6</i>	_____
_____	_____	<i>DUPD STD.</i>	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

Reviewer: _____

Date: _____

June 27, 2002

WILLIAM PHILLIPS
9721 NORLAIN
DOWNEY ID 83234

RE: EVIDENCE OF PRIORITY FOR 29-11241 and 29-11242

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 29. 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.**

Evidence of the priority date submitted, EXHIBIT "A", with these claims discusses 1/12th of Birch Creek and 1/2 of Rowley Creek. The EXHIBIT "A" document does not however reference a date; you have claimed June 9, 1904. Please provide supporting documentation supporting the 1904 Priority Date claimed.

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.

.....
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,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim 29-11241 and 29-11242

JUNE 26, 2001

DEAR MR. & MRS. PHILLIPS:

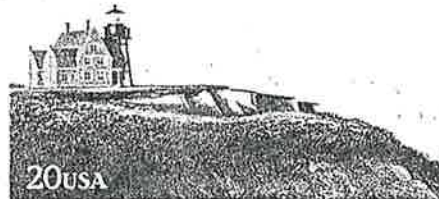
WATER RIGHT NUMBERS A29-07161 A29-11241 AND A29-11242 HAVE
BEEN CHANGED TO REFLECT THE ADDRESS ON THE FRONT OF THIS CARD.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CONTACT THIS OFFICE
AT 208-525-7161.

RESPECTFULLY SUBMITTED,

Cheri Vandermeulen

CHERI VANDERMEULEN
RECORDS CLERK



WILLIAM D & FRANCES PHILLIPS
25847 S MARSH VALLEY RD
DOWNEY ID 83234-1733

JUN 26 2001

CHANGE IN ADDRESS

Department of Water Resources
Eastern Region

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

[] Water Right Number(s): 29-7161, 29-11241, 29-11242

[] Old Mailing Address: William D. Phillips

9721 Norlain Ave

Downey Ca. 90240

[] New Mailing Address: William D & Frances Phillips

25847 S Marsh Valley Rd

Downey TD 90240-1733

47798
50182

[] Telephone Number: 208-897-5256

[] Signature of Claimant: William D Phillips

[] Date: 6-25-01

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:



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

June 19, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM H FRANCES PHILLIPS
25847 S MARSH VALLEY RD
DOWNEY ID 83234-1733

RE: CHANGE OF ADDRESS FOR A29-07161, A29-11241 AND A29-11242

Dear Mr. & Mrs. PHILLIPS:

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:

William H & Frances Phillips
9721 Norlain Ave
Downey CA 90240

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,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

RECEIVED
MAY 14 2001

Department of Water Resources
Eastern Region

NOT DELIVERABLE AS ADDRESSED
Forwarding Order Expired ☒
Attempted, Not Known ☐
No Such Number _____ Street _____
Insufficient Address _____
Refused _____
No Receptacle _____
Route No. _____ Initials LS

NOT DELIVERABLE AS
ADDRESSED - UNABLE TO FORWARD

PHILLIPS, WILLIAM H
PHILLIPS, FRANCES
9721 NORLAIN AVE
DOWNEY CA 90240

(Downey 83234 1733) Phillip Living Trust
25847 5 MARSH VALLEY RD
90240+3124

29-7161
29-11241
29-11242

AJ5809NP
No. A29-11241

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 174

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANCES PHILLIPS	06/09/1904	IRRIGATION	04-01 11-01	1.600 CFS	
C	WILLIAM H PHILLIPS					
	9721 NORLAIN AVE			TOTAL DIVERSION:	1.600 CFS	
	DOWNEY CA 90240			CONSUMPTIVE USE:		200.00 AFA
	(213) 928-6250					

Water Source: BIRCH CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion:

T12S R36E S11

NESW

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	Lt	Ac	SUM
12S	36E 11	:		:		:		:		:		:		:		:		
12S	36E 14	:	40	:		:		:		:		:		:		:	40	40.0
																	40.0	
																	80.0	
																	TOTAL ACRES	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: N/A

Other Water Rights Listing Overlapping Place(s) of Use:
A29-11242

Remarks: GEN 1) THIS CLAIM IS BASED ON A UNRECORDED TRANSFER OF A RIGHT FROM
DECREE 29 G1. THE CLAIMANTS TITLE SHOWS THAT THEY HAVE 1/12 OF
THE FLOW OF BIRCH CREEK VIA AN UNKNOWN RIGHT FROM HENERY WAKLEY
ET. AL. VS GEORGE WAKLEY ET. AL.
2) THE AMOUNT OF WATER ENTERED INTO THE FLOW RIGHT WAS PUT THERE
MERELY TO SATISFY THE COMPUTER; AND IS BASED ON AN INCH PER ACRE.
THE WATER IS CURRENTLY BEING DELIVERED AS PER THE DECREE.
3) THE PRIORTY DATE IS BASED ON THE DATE OF THE DECREE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 04/11/90 DUNN 03/29/95 POST-STD 04/13/00 CVANDERM

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 29-11241
Date Received: 4/10/1990
Receipt No: E013052
Received By:
AMENDED

AMENDED

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

1. Name of Claimant(s)

FRANCES PHILLIPS Phone: (208)897-5256
25847 S MARSH VALLEY RD
DOWNEY ID USA 83234-1733

WILLIAM D PHILLIPS Phone: (208)897-5256
25847 S MARSH VALLEY RD
DOWNEY ID USA 83234-1733

2. Date of Priority: 10/10/1878

3. Source: BIRCH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
12S	36E	11	NE SW	BANNOCK	

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.6	

7. Total Quantity Appropriated is:
1.6 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
12S	36E	11	SE SE	IRRIGATION	40
				Section Acres	40
12S	36E	14	NE NE	IRRIGATION	40
				Section Acres	40
				Total Acres	80

11. Place of use in counties: BANNOCK

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

RECEIVED

JAN 10 2003

Department of Water Resources
Eastern Region

13. Other Water Rights Used:

14. Remarks:

AMENDED TO CORRECT PRIORITY DATE TO 1878 PER DANIELS VS WOODLAND.

1) THIS CLAIM IS BASED ON A UNRECORDED TRANSFER OF A RIGHT FROM DECREE 29 G1. THE CLAIMANTS TITLE SHOWS THAT THEY HAVE 1/12 OF THE FLOW OF BIRCH CREEK VIA AN UNKNOWN RIGHT FROM HENERY WAKLEY ET. AL. VS GEORGE WAKLEY ET. AL.

2) THE AMOUNT OF WATER ENTERED INTO THE FLOW RIGHT WAS PUT THERE MERELY TO SATISFY THE COMPUTER; AND IS BASED ON AN INCH PER ACRE. THE WATER IS CURRENTLY BEING DELIVERED AS PER THE DECREE.

3) THE PRIORITY DATE IS BASED ON THE DATE OF THE DECREE.

15. Basis of Claim: Decreed

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: 1

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 D. Phillips Date: 1-9-03

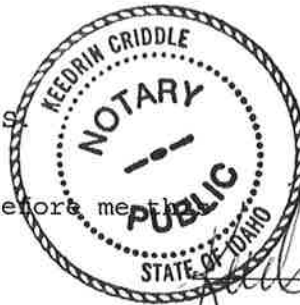
Tracy J. Phillips Date: 1-9-03

State of Idaho)

County of Bannock)

Subscribed and sworn (or affirmed) before me this

of 1/9 2003



Kenneth Criddle
Notary Public

Residing at Downey Sun Lake Highway District

My commission Expires 6/18/07

218
D E C R E E .

IN THE DISTRICT COURT THIRD JUDICIAL DISTRICT OF IDAHO TERRITORY
HELD IN AND FOR THE COUNTY OF ONEIDA.

Thomas Daniels, WM, H. Jones, David Leigh, :
Daniel Thomas Sen., E. J. Davis, Henry R. :
Evans, Richards Jones, Henry Peck, Daniel :
Daniels, James E. Jones and morgan Morgan, :
Plaintiffs, :

agst.

William Woodland, Henry Wakely, George :
Wakely, John Wakely, Henry Woodland and :
Sam Bamford, :

Defendants.

IN
EQUITY.

.....
The Summons and complaint in this action having been duly served and the answer of the Defendants having been filed thereto and the following agreement and stipulation of the respective parties having been filed in open court on the 10th day of October 1878, to-wit:

It is hereby agreed understood and stipulated by and between the plaintiffs and defendants in this action and each and all of them and by the respective attorneys thereto that the rights privileges and equities of the respective parties to this action shall be as follows, towit:

That these plaintiffs are entitled to the use, occupation and control of three quarters of all the waters of a stream situated in Oneida County, Idaho and known as Birch Creek which is the same stream set forth and described in the plaintiffs' Complaint and it is hereby admitted, agreed, understood, and stipulated that the said Plaintiffs' are the first appropriators of the said three quarters of all the waters of the said Birch Creek and are entitled to the exclusive use possession and enjoyment of the same said water to be taken out at a point where plaintiffs ditch now intersects the said Birch Creek. It is further admitted that the said amount of water is not more than sufficient to irrigate the lands of plaintiffs and that the same is necessary for the successful irrigation of their farms and that a decree of this Court be entered in accordance with the prayer of the complaint in this action to the extent of said amount of water and in accordance with the terms of this stipulation.

3/4 MVI

It is agreed, understood, and stipulated on the part of the plaintiffs that the defendants are the first appropriators of one fourth of the waters of the said Birch Creek and are entitled to the exclusive use possession and enjoyment of the same and that a decree of this court be made and entered in their behalf for one fourth of the amount of the waters of the said Birch Creek and it is further admitted that said amount is necessary for the successful irrigation of the lands of these defendants.

1/4 BCC

It is further agreed that the costs of this action be divided and paid equally between the parties thereto.

And it is further agreed and understood that this stipulation is made to carry into effect the former stipulation on file.

Dated Oct. 10th, 1878.

S. P. Highbee,
Willard Crawford, and
B. F. White,
Attys. for plfs.

Norman Buck,
Attys. for dfts.

Daniel
Woodland

MAY 24 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: A29-11241
Date Received: 4/10/1990
Receipt No: E013052
Received By: DMA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM PHILLIPS
Address: 9721 NORLAIN
DOWNEY, CA
OR
Name: FRANCES PHILLIPS
Address: 9721 NORLAIN
DOWNEY, CA

90240

213-928-6250

90240

213-928-6250

A2911241

2. Date of Priority: JUN 09, 1904

3. Source: BIRCH CREEK

Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	36E	11	NE	SW			BANNOCK

5. Description of diverting works:
HEADGATE AND DITCH

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		

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

A.F.A.

8. Total consumptive use is 200.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-11241

Page 1

Date: 04/10/90

MICROFILMED
NOV 16 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	36E	11	SE SE		IRR	40.0
					Section Acres	40.0
		14	NE NE		IRR	40.0
					Section Acres	40.0
					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:
N/A

14. Remarks:

- 1) THIS CLAIM IS BASED ON A UNRECORDED TRANSFER OF A RIGHT FROM DECREE 29 G1. THE CLAIMANTS TITLE SHOWS THAT THEY HAVE 1/12 OF THE FLOW OF BIRCH CREEK VIA AN UNKNOWN RIGHT FROM HENERY WAKLEY ET. AL. VS GEORGE WAKLEY ET. AL.
- 2) THE AMOUNT OF WATER ENTERED INTO THE FLOW RIGHT WAS PUT THERE MERELY TO SATISFY THE COMPUTER; AND IS BASED ON AN INCH PER ACRE. THE WATER IS CURRENTLY BEING DELIVERED AS PER THE DECREE.
- 3) THE PRIORTY DATE IS BASED ON THE DATE OF THE DECREE.

15. Basis of Claim: DECREED

Case Number:

Court : 5

Decree date: 6/09/1904

HENERY WAKLEY ET. AL.
Decree Plaintiff

vs

GEORGE WAKLEY ET. AL.
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): William Phillips Date: 4-10-90

Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 10th day

of Apr 1990

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires COMMISSION EXPIRES: 6-30-94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-11241	12S 36E	11		NE	SW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
29-07257

SOURCE: BIRCH CREEK

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

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.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
12S	36E	11		NE	SW			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

REVIEWED BY: _____ DATE: _____

=====

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

A. ROOT WATER RIGHT NUMBERS: A29-00328A
A29-11241

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	36E	11	SE	SE		PHILLIPS, FRANCES	A29-11241 / 40.0	- /			30.0
			SE	SE		PHILLIPS, WILLIAM H	A29-11242 / 40.0	- /			
			SE	SE		HANSEN, P. WAYNE		29-07464 /			
12S	36E	14	NE	NE		PHILLIPS, FRANCES	A29-11241 / 40.0	- /			35.0
			NE	NE		PHILLIPS, WILLIAM H	A29-11242 / 40.0	- /			

ADDITIONAL POU FOUND

TOTAL ACRES A29-11241 80.00 65.00

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
A29-11241	BIRCH CREEK	PHILLIPS, FRANCES	1.600	0.020		
A29-11242	ROWLEY CREEK	PHILLIPS, WILLIAM H	1.600	0.020		

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: N/A

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?

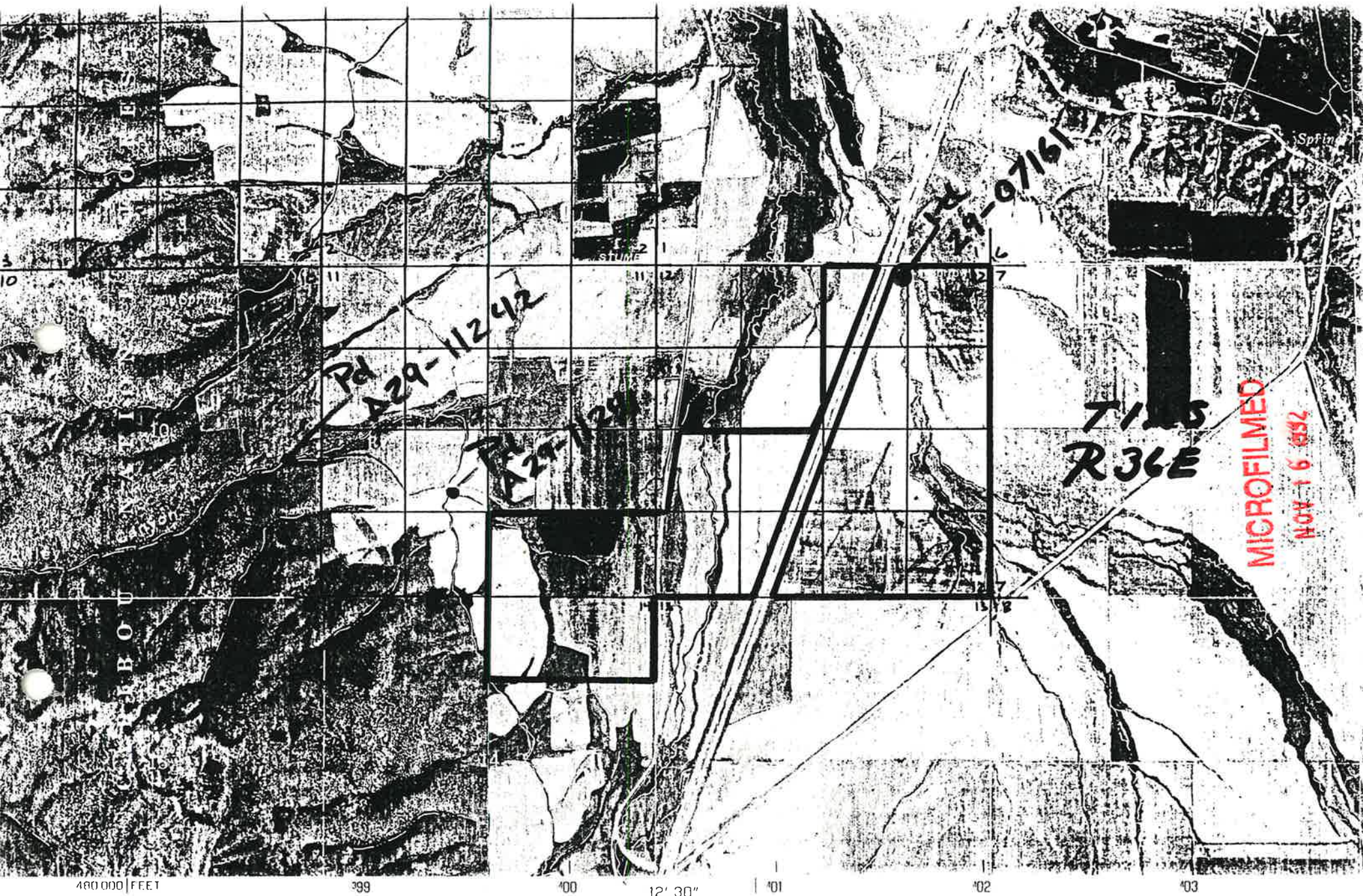
N/A() Y() N()

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()



Produced by the Geological Survey
 in cooperation with the Forest Service
 Aerial photograph prepared from 1:78 000-scale
 Aerial photographs taken August 7, 1976
 Section and 10,000 foot grid ticks: Idaho coordinate
 system, east zone and transverse Mercator
 10-meter Universal Transverse Mercator grid ticks.

A29-7161
 A29-7265

A29-11241

SCALE 1:24,000



Log for claim A29-11241

Spatial Dynamics TWB

6/2/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s36e	11	SESE	40	40	
12s36e	14	NENE	40	40	
Totals:			80	80	