

05/16/2003

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

RIGHT NUMBER: 29-11242

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

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

SOURCE: ROWLEY CREEK

TRIBUTARY: BIRCH CREEK

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM BIRCH CREEK CANAL  
(DITCH).

QUANTITY: 1.500 CFS

THE AMOUNT OF WATER DIVERTED UNDER THIS WATER RIGHT MAY NOT  
EXCEED ONE-HALF OF THE STREAM FLOW OF ROWLEY CREEK AT THE  
POINT OF DIVERSION DESCRIBED BELOW AT ANY GIVEN TIME. THIS WATER  
RIGHT SHALL NOT PROVIDE MORE THAN 0.02 CUBIC FEET PER SECOND AT  
ANY TIME.

USE OF THIS RIGHT WITH RIGHT NO. 29-11241 IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 1.5 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 29-11241 SHALL PROVIDE NO  
MORE THAN 0.02 CFS PER ACRE.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:

T12S R36E S10 NENESE Within BANNOCK County Source: ROWLEY CREEK

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

USE OF THIS RIGHT WITH RIGHT NO. 29-11241 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

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

05/06/2003

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

RIGHT NUMBER: 29-11242

NAME AND ADDRESS: WILLIAM D PHILLIPS  
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SOURCE: ROWLEY CREEK TRIBUTARY: BIRCH CREEK  
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PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:

T12S R36E S10 NENESE Within BANNOCK County Source: ROWLEY CREEK

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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01/13/2003

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

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POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM BIRCH CREEK CANAL  
(DITCH).

QUANTITY: 1.500 CFS  
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DIVERSION RATE OF 1.5 CFS.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:

T12S R36E S10 NENESE Within BANNOCK County

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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IRRIGATION SEASON.

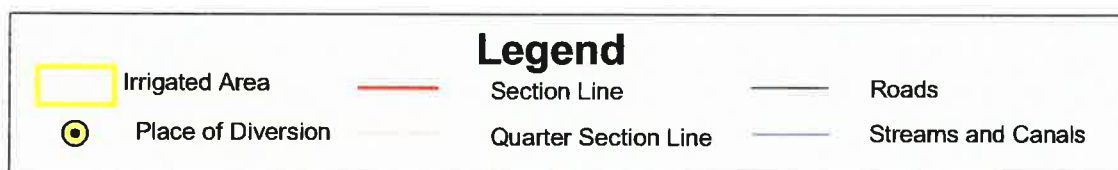
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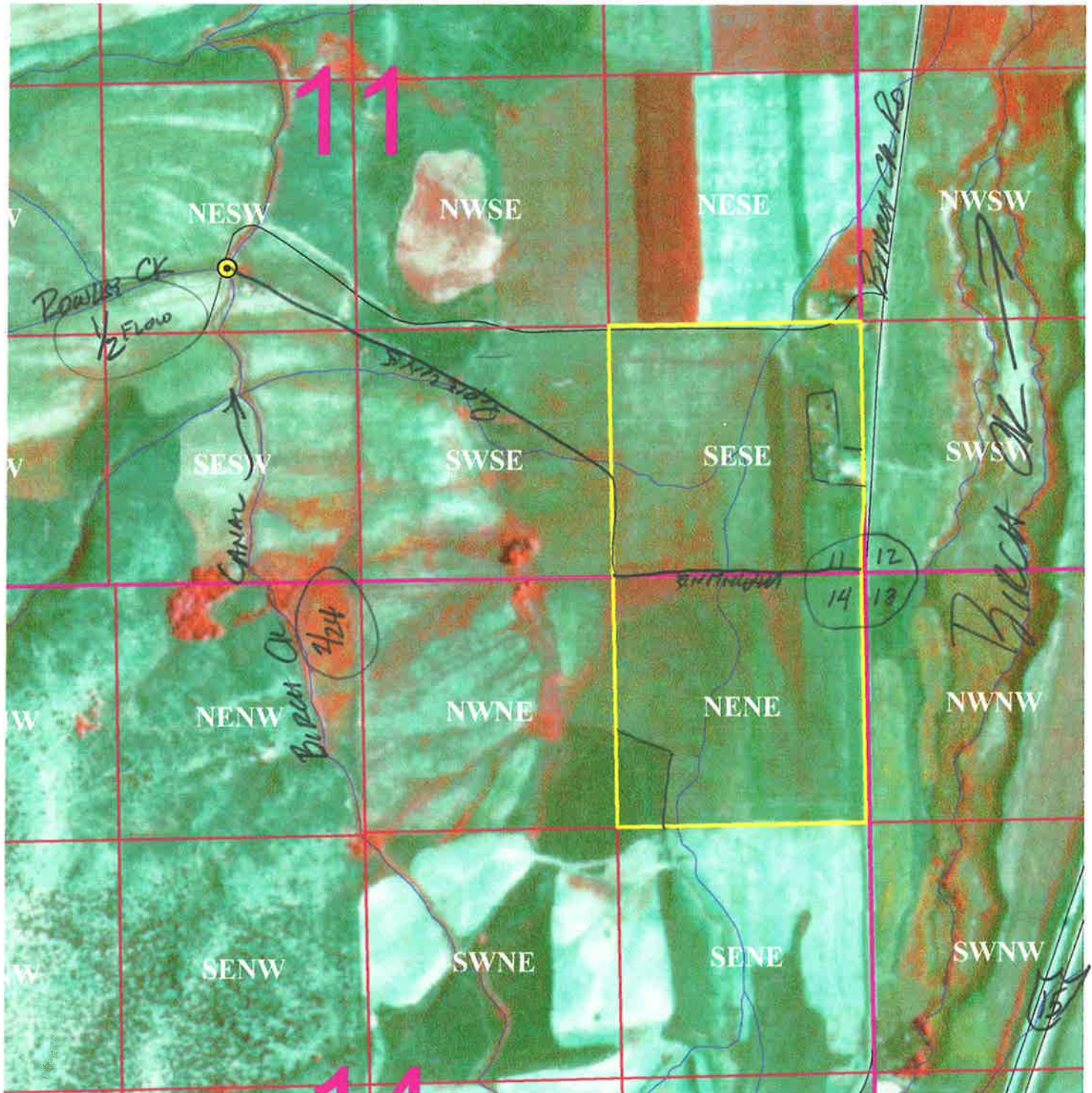
EXPLANATORY MATERIAL: Decreed

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Township , 12S36E



Township , 12S36E

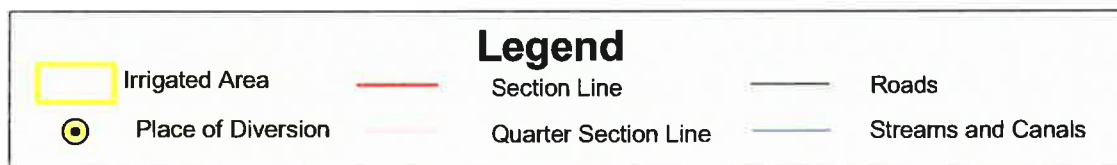
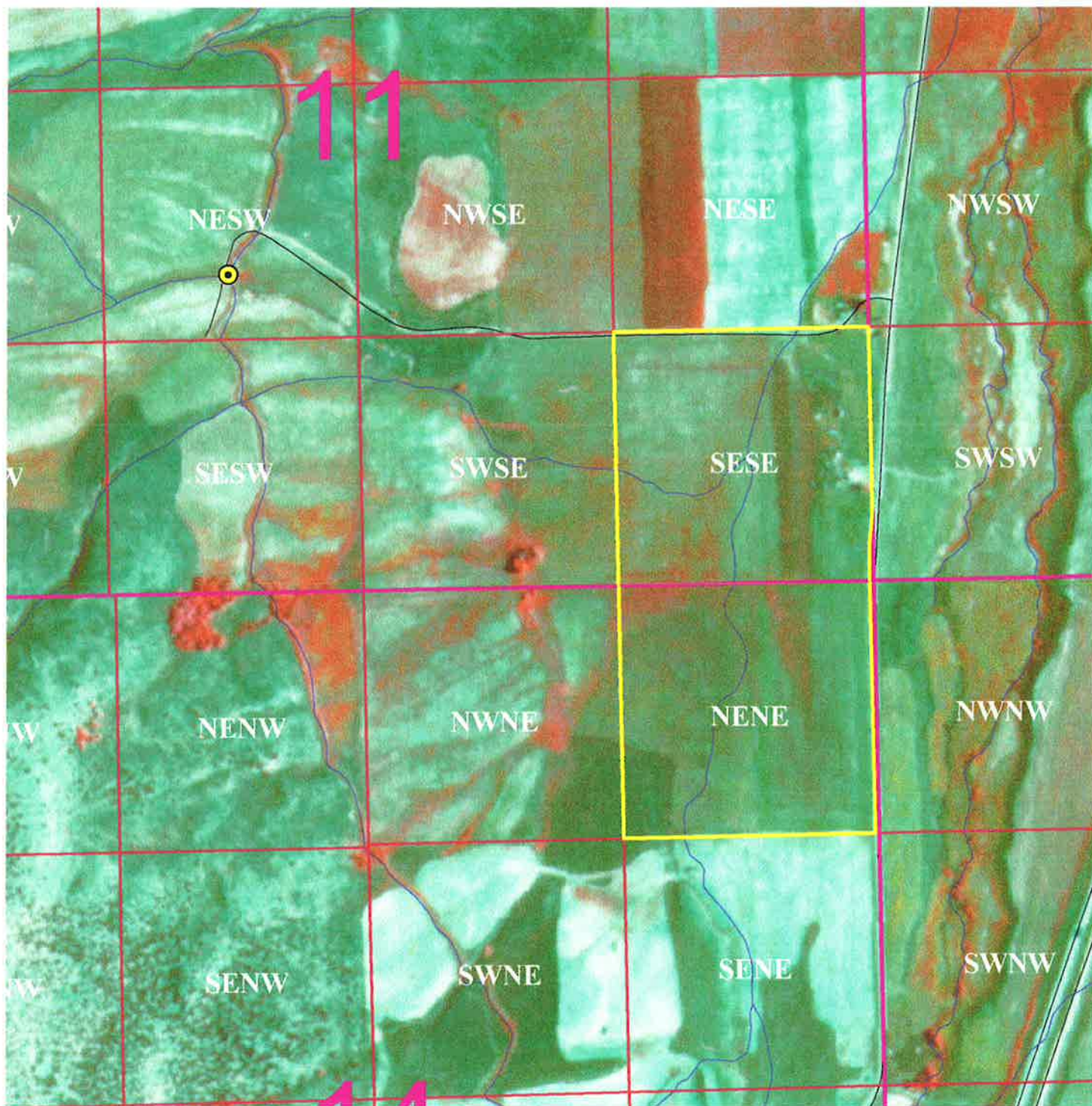


10/15/02  
ABR

| Legend |                    |  |                      |  |                    |
|--------|--------------------|--|----------------------|--|--------------------|
|        | Irrigated Area     |  | Section Line         |  | Roads              |
|        | Place of Diversion |  | Quarter Section Line |  | Streams and Canals |



Township , 12S36E



(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, 19 80.

Shirley Case  
Shirley Case  
Lewis A. Case  
Lewis A. Case

## ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF BANNOCK

On this 29th day of February, 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

Jersey Gutman  
Notary Public, sitting at Pocatello, Idaho

My commission expires: Life

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

FEB 29 10 50 AM '80  
350  
OFFICIAL RECORD BOOK  
BANNOCK COUNTY IDAHO  
C. NEIL ANDERSON RECORDER  
FEE 10.00 DEPUTY Jch

Beginning at a point on the east line of Section Eleven in Township Twelve south of range 36, East of the Boise Meridian, 1530 feet south of the northeast corner of said section; thence south on the east line of said section eleven, 323.2 feet; thence west on a line parallel with the north line of said section eleven 2540 feet more or less, to the longitudinal center line of said section eleven; thence north on said longitudinal center line 323.2 feet; thence east on a line parallel with the north line of said section eleven 2540 feet more or less to the place of beginning, the same being a part of the south half of the northeast quarter of section eleven, containing 19.62 acres, more or less.

Also beginning at a point on the latitudinal center line of section twelve in Township twelve south of range 36 East of the Boise Meridian, at its intersection with the center line of the County Road 297.8 feet east of the west quarter corner of said section twelve; thence east on the said center line of said section twelve 2542.5 feet to center quarter corner of said section twelve; thence south on the longitudinal center line of said section twelve 1220 feet; more or less, to the south 1/16 section corner of said line; thence west on the south 1/16 section line of said section twelve 2517.5 feet, more or less, to the center of the County Road; thence north 7 degrees 23 minutes east along the County Road 1331.5 feet, more or less, to the place of beginning, being the northeast quarter and a part of the northwest quarter of the southwest quarter of section twelve in township twelve south of range 36 East of the Boise Meridian, containing 78.64 acres, more or less.

Also the south half of the southwest quarter of section twelve, and the west half of the northeast quarter (N<sup>1</sup>/2 E<sup>1</sup>/2) and the north half of the southeast quarter (N<sup>1</sup>/2 S<sup>1</sup>/2 E<sup>1</sup>/2) of Section twelve in township twelve south of range 36 East of the Boise Meridian;

The defendant, George W. Ware, two cubic feet per second of time of the waters of Rowley Creek during the entire season that water may be necessary for irrigation or domestic purposes, said right to date from the 1st day of May, 1884, and to be used for the irrigation of those certain premises owned by the defendant, described as follows:

N<sup>1</sup>/2 Section 12, T.2. 12, S.2. 36, E.2. 36, in Idaho, and containing 125.86 acres.

Also beginning, at the N.E. Corner of the E.W. 1/4 N.E. 1/4 Sec. 11 T.2. 12, S.2. 36, E.2. 36, in Idaho, thence south on the 1/16 line 1330 feet thence N. 1331.5 feet thence North on the 1/16 line 1330 feet to the north 1/4 corner of sec. 11 thence east on Sec. line 1331.5 feet to the point of beginning containing 46.77 acres more or less in the west half of the N.E. 1/4 Sec. 11 T.2. 12, S.2. 36, E.2. 36, in Idaho.

It is further ORDERED, ADJUDGED and DECREED that the priority rights of the parties hereto to appropriate the waters of Rowley Creek, are of equal dignity and that the parties to this action are entitled to one-fourth (1/4) of the water of Rowley Creek during all seasons of the year without regard to the amount of water in said creek at low or high water mark.

It is further ORDERED, ADJUDGED and DECREED that each and every of the parties to this action, their agents, servants and employees, be and each of them are hereby enjoined forever and perpetually from in any manner using the waters of Rowley Creek in any other quantity or in any other manner than as herein set forth and decreed, and authorized by this decree.

Done this 20 day of August, 1884, in open Court.

Robert M. Terrell

District Judge.

FILED A. C. Barley  
CLERK, U.S. DISTRICT COURT  
SANDWICH 30.11.1, IDAHO  
By J. Spensbury, Deputy  
SEPT 2 1884 10 55 AM

This cause coming regularly on for hearing before the court sitting without a jury, on the 20 day of August 1924, upon the verified complaint of the plaintiff and the verified answer and cross-complaints of the defendants herein; plaintiff appearing in person and by her counsel, Messrs. Jones, Pomeroy & Jones, and the defendants and each of them, appearing in person and by their counsel, B. W. Davis, Esq., and after hearing the evidence offered by the parties hereto and the argument of counsel, findings of fact and conclusions of law having been expressly waived, and the Court being fully advised in the premises, makes the following Decree herein:

IT IS ORDERED, ADJUDGED, and DECREED that the parties to this action are entitled to divert from the flow of the waters of Rowley Creek for irrigation and domestic purposes, the amount of water hereinafter set out respectively and from the dates herein decreed, to-wit:

The plaintiff, Rebecca Phillips, two cubic feet per second of time of the waters of Rowley Creek during the entire season that water may be necessary for irrigation or domestic purposes, said right to date from the 1st day of May, 1884, and to be used for the irrigation of those certain premises owned by the plaintiff, described as follows:

South half of the Southeast quarter of Section 11; North half of the Northeast quarter of Section 14; all in Township 12, South Range 36, East of the Boise Meridian, in Idaho, containing 160 acres, together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

The defendant, Chester Edwards, two cubic feet per second of time of the waters of Rowley Creek during the entire season that water may be necessary for irrigation or domestic purposes, said right to date from the 1st day of May, 1884, and to be used for the irrigation of those certain premises owned by the defendant, described as follows:

Beginning at a point on the East line of Section (11) Township (12) South, Range (36) East of the Boise Meridian (1530) feet south of the northeast corner of said section; thence south on the east line of said section (11) 323.2 feet; thence west on a line parallel with the north line of said section (11) 2340 feet, more or less, to the longitudinal center line of said section (11); thence North on said longitudinal center line 525.2 feet; thence east on a line parallel with the North line of said section (11) 2340 feet, more or less, to the place of beginning. The same being a part of the South half of the Northeast quarter of Section (11).

Also beginning at a point on the east line of section (11) Township (12) South, Range 36 east of the Boise Meridian (1863.2) feet south of the Northeast corner of said section; thence south on the said east line of Section 11 (736.2) feet more or less, to the quarter section corner between sections (11) and twelve (12) thence east on the latitudinal center line of section (12), (297.6) feet to the center of the county road; thence south 7 degrees 33' west along the said county road (1331.6) feet more or less, to the intersection of its center line with the south one sixteenth (1/16) line of section (12) township (12) south, Range (36) east of the Boise Meridian; thence west on the south one sixteenth (1/16) section line of sections (11) and (12) (1442.6) feet more or less to the east one sixteenth (1/16) section corner on the south (1/16) section line of section (11) thence north on the east one sixteenth (1/16) section line of section (11) (2106.8) feet more or less to a point (1853.2) feet south of the north line of said section; thence east on a line parallel with the north line of said section (11) (1320) feet more or less to the place of beginning, the said tract being in the northeast quarter of the southeast quarter of section (11) and a part of the southeast quarter of the northeast quarter of section (11) and a part of the northwest quarter of the southwest quarter of section (12) township (12) south range (36) east of the Boise Meridian, and containing (70.21) acres more or less.

Also beginning at a point on the east (1/16) one sixteenth section line of section (11) township (12) south, range (36) east of the Boise Meridian (1863.2) feet south of the east one sixteenth (1/16) section corner on the north line of said section (11); thence south on the said east one sixteenth (1/16) section line (2106.8) feet more or less to the south one sixteenth (1/16) section corner on said line; thence west on the south one sixteenth (1/16) section line of said section (1320) feet, more or less, to the south one sixteenth (1/16) section corner on the longitudinal center line of said section (11) thence north on said center line (2106.8) feet more or less, to a point on said line (1863.2) feet south of the north quarter corner of said section (11) thence east on a line parallel with the north line of said section (11) (1320) feet, more or less, to the place of beginning, the same being the northwest quarter of the southeast quarter and a part of the southwest quarter of the northeast quarter of section (11) Township (12) south, Range (36) East of the Boise Meridian, in Bannock County, Idaho, containing (32.85) acres more or less.

The defendant Ervin Madsen, two cubic feet per second of time of the waters of Rowley Creek during the entire season that water may be necessary for irrigation or domestic purposes, said right to date from the 1st day of May, 1884, and to be used for the irrigation of those certain premises owned by the defendant, described as follows:

147

EXHIBIT "A"

643061

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)

SEPT 2 1914 10 04 AM

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6.  
6712

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

Rebecca Phillips,

Plaintiff,

vs.

Chester Edwards, Ervin Madsen,  
and George W. Ware,

Defendants.

)  
(  
(  
(  
(  
(  
(

DECREE



# 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



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                                                                    |                |         |          |       |                 |                                       |
| <u>Wakley vs Wakley, 1904..... Station Creek</u>                                   |                |         |          |       |                 |                                       |
| 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 |
| <u>Wakley vs Wakley, 1904..... Dry Hollow (Big Ck) and Maple Ck (Mines Canyon)</u> |                |         |          |       |                 |                                       |
| 29-00317A                                                                          | Vaughan, et al | 4/4 0/0 | 3.91     |       | Big Ck/Maple Ck | DISALLOWED-ownership not proven       |
| 29-00322                                                                           | 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: 29-11242

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

FRANCES 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

5/6/03

RECEIVED  
MAR 17 2003  
Department of Water Resources  
Eastern Region



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
ALAN G. LANCE

RECEIVED  
DEC 23 2002  
Department of Water Resources  
Eastern Region

December 19, 2002

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

Dear Mr. Phillips:

I am the Deputy Attorney General for the Idaho Department of Water Resources working on the SRBA in Basin 29. After reviewing your water right claim, it appears that the priority date you claimed for your water right might not be correct and that May 1, 1884, might be the appropriate priority date for your claim. In order to recommend this priority date, which is earlier than the priority date you originally claimed, your claim would need to be amended. If you would like to amend your claim to reflect the earlier priority date please contact Allen Ruberry, Senior Water Resource Agent with IDWR's Eastern Region Office at (208) 525-7161.

The Department intends to issue its preliminary Director's Report for your water right in January, 2003. If the Department does not hear from you prior to January 10, 2003, the Department will recommend your water right with a priority date no earlier than the priority date that you have currently claimed.

Very Truly Yours,

A handwritten signature in cursive script, reading "Candice M. McHugh".

Candice M. McHugh  
Deputy Attorney General, IDWR

Enclosures

cc: Allen Ruberry

## Contacts Data Entry Form

29-11242

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

|               |             |  |  |  |  |  |
|---------------|-------------|--|--|--|--|--|
| Current Owner | Wm Phillips |  |  |  |  |  |
|---------------|-------------|--|--|--|--|--|

Name connector: and \_\_\_\_\_, or ☒, and/or \_\_\_\_\_

|               |         |  |  |  |  |  |
|---------------|---------|--|--|--|--|--|
| Current Owner | Francis |  |  |  |  |  |
|---------------|---------|--|--|--|--|--|

|               |  |  |  |  |  |  |
|---------------|--|--|--|--|--|--|
| Current Owner |  |  |  |  |  |  |
|---------------|--|--|--|--|--|--|

ADDRESS

Representing Attorney: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Accompanied By: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Relationship to Claimant: \_\_\_\_\_

Date of Field Exam: \_\_\_\_\_ Time: \_\_\_\_\_

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

ERROR IN ENCLOSE: CLAIMED AS 90240, PER  
TOLSON BOOK: 83234.

Wm & Francis Phillips  
25847 S. MANHATTAN RD  
DOWNEY CA

83234

Ph: (208) 897-5256

10/16/02 ADDRESS CHANGED AS ABOVE PER TOLSON  
w/ Mrs. Phillips.

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

AJ5809NP  
No. A29-11242

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/11/00  
PAGE: 3

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



water Source: ROWLEY CREEK

Tributary to: BIRCH CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T12S R36E S10 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   | 40.0        |      |
|     |     |    |   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | TOTAL ACRES | 80.0 |

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-11241

Remarks: GEN 1) THIS CLAIM IS BASED ON THE CLAIMANTS TITLE.  
THE CLAIMANTS TITLE SHOWS THAT THEY HAVE 1/2 OF THE  
WATER OF ROWLEY CREEK. THIS CLAIM IS TIED TO A29-11241. SEE THE  
REMARKS IN THAT CLAIM.  
2) THE AMOUNT OF WATER IN ITEM 6 WAS PUT THERE TO SATISFY THE REQ  
UIRMENTS OF THE COMPUTER. THE CLAIMANTS RECEIVE 1/2 OF THE WATER  
OF ROWLEY CREEK.  
3)THE PRIORITY DATE IS BASED ON THE DATE OF A29-11241.

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

ASR  
12/04/02

## Priority Date Data Entry Form

Claim Number: 29-11242

Water Right Priority Date: \_\_\_\_\_ Water Right Basis: \_\_\_\_\_

Claimed Priority Date: 6/9/1904 Claimed Basis: BURecommended Priority Date: 5/1/1884 Recommended Basis: DECEASED \*

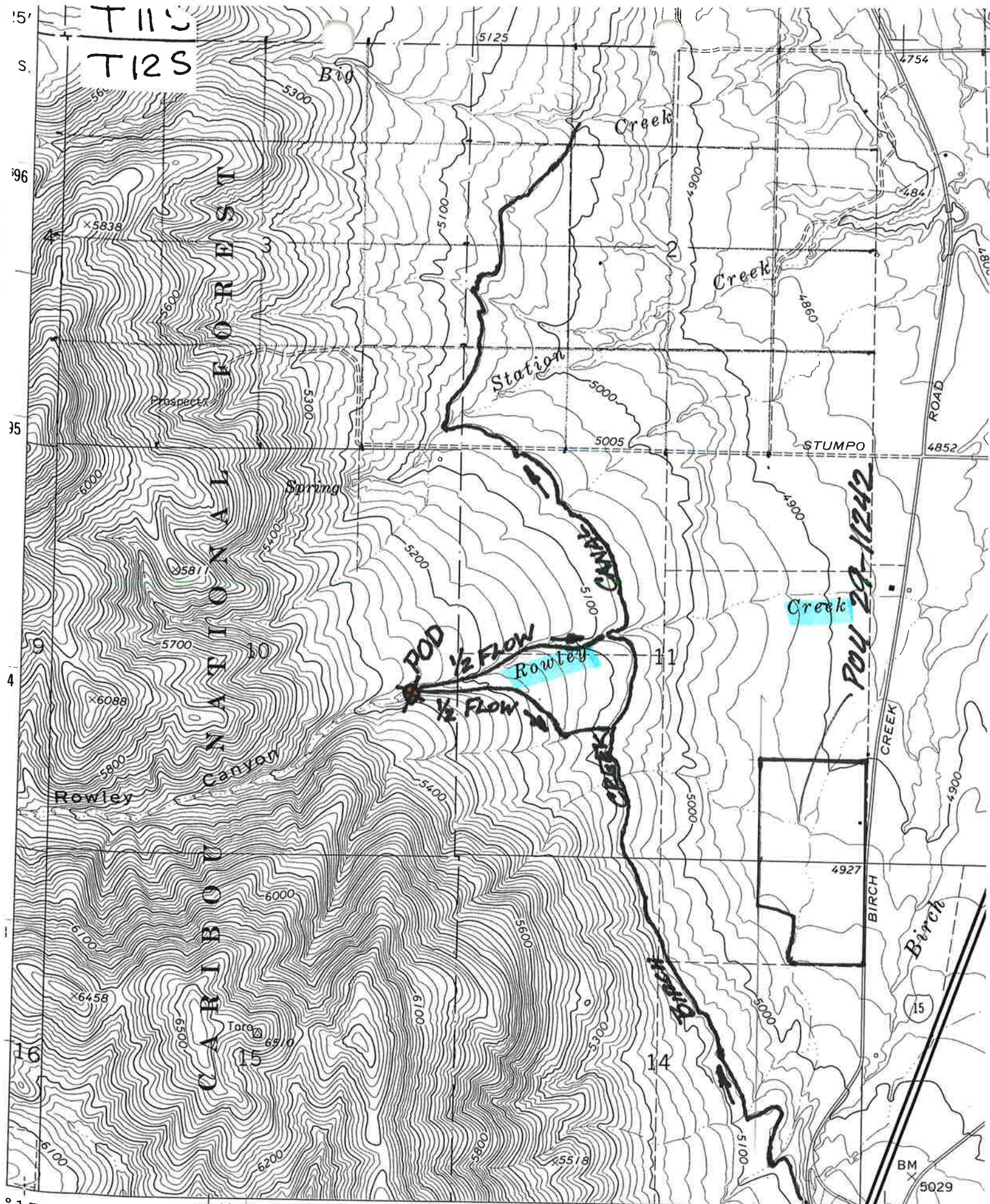
\_\_\_\_ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

PE-REQ'DENTRUSTED ENG NOTES, COULD NOT LOCATE DIVERSION  
OR CLAIMANT6/27/02 EVIDENCE OF PRIORITY REQUEST SENT. → OK  
(SEE 29-11241 FILE)SEE PHILLIPS vs EDWARDS  
30 August 1924

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 12S, R 36E, Sec. 10,\_\_\_\_, NB, SW. County: BannSource: Rowley CK Tributary: \_\_\_\_\_

Recommended Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec.\_\_\_\_,\_\_\_\_,\_\_\_\_,\_\_\_\_. County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary: \_\_\_\_\_

\_\_\_\_ Use Claimed POD and Source as Recommended POD and Source

| Twp                    | Rge   | Sec   | Gov Lot | QQQ of QQ of Q | County | Source |
|------------------------|-------|-------|---------|----------------|--------|--------|
| _____                  | _____ | _____ | _____   | _____          | _____  | _____  |
| 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:

RE - SOURCES AND POD ROWD ⇒ SOURCE IS ROWLEY CK  
SEE USGS QUAD CC 41.  
MEASUREMENT ROWD - SUB INTREPID ENG. SHORT  
CLAIMS POD AS 12S 36E Sec. 10 NBSW - NO!  
ACTUAL POD IS 12S 36E SEC. 10 NBNSE.

Transfers Changing POD \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

Birch Creek

Birch Creek Road

SESE  
38

NENE  
37

T12S, R36E

Birch Creek Canal

Ironhorse Creek

10 11

15 14



## 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  | SE | SE | BANK   |         | 40    |                |
|     |     | 14  | NE | NE | "      |         | 40    |                |
|     |     |     |    |    |        |         |       |                |
|     |     |     |    |    |        |         |       |                |
|     |     |     |    |    |        |         |       |                |
|     |     |     |    |    |        |         |       |                |

Total Acres 80

## Recommended Place of Use

| Twp | Rge | Sec | QQ | Q  | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|----|--------|---------|-------|----------------|
|     |     | 11  | SE | SE |        |         | 38    |                |
|     |     | 14  | NE | NE |        |         | 37    |                |
|     |     |     |    |    |        |         |       |                |
|     |     |     |    |    |        |         |       |                |
|     |     |     |    |    |        |         |       |                |

Total Acres 75

Document how the POU was verified:

RE-POU

Transfers Changing POU \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_



# IDAHO DEPARTMENT OF WATER RESOURCES

## SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID     
POD ID   
Quad   
Claim Type   
Easting   
Northing   
GPSID

### Diversion Description

HEADGATE AND CANAL. Could not locate diversion or make contact with owner. Neighboring claimant indicated that there is a stock pond high up in the drainage, but was not aware of a ditch.

*See Note below*

### Assumptions

POD does not exist.

Invoice #

Phase-0 (No Attention)  
Phase-I (Ready to Go to Field)  
Phase-II (Site Visit - Data Missin)  
**Phase-III (Complete w/issues)**  
Phase-IV (Total Complete)

Linked  
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0

### Open Channel Flow

☐ Complete one box from both Area and Calculation sections

#### Cross Sectional Area

##### ☐ Circular Channel

- ☐ Less than half full
- ☐ Half full
- ☐ More than half full
- ☐ Full

Diameter

Depth

##### ☐ Rectangular Channel

Width

Depth

### Flow Calculation

☐ Continuity

Velocity

##### ☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

##### ☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

|                     |                           |      |
|---------------------|---------------------------|------|
| Channel Description | Concrete lined            | .016 |
|                     | Smooth earth              | .025 |
|                     | Earth                     | .033 |
|                     | Rough bed, weeds on sides | .04  |
|                     | Smooth natural stream     | .033 |
|                     | Rough natural stream      | .1   |

### Pumped System

☐

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

### New Contact Information

☐

New Contact Comments

*OWNER STATES CK HAS BEEN DRY FOR PAST FEW YEARS. HE GETS 1/2 FLOW - OTHER 1/2 GOES ON DOWN NATURAL STREAM CHANNEL. CO-MINGLES WITH BIRCH CK CANAL WATERS.*

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Servc, Inc.



## 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 |
|-----------|-------|-------|------|--------|
| Pring     | 4/1   | 11/01 | 1.6  |        |
|           |       |       |      |        |
|           |       |       |      |        |

Overall Diversion Rate 1.6 Overall Diversion Volume \_\_\_\_\_

## Recommended Period of Use and Diversion Rate

| Water Use | Start | End      | Rate | Volume |
|-----------|-------|----------|------|--------|
| Pring     | 4/1   | 10/31    | 1.50 |        |
|           |       | DEPT STD |      |        |
|           |       |          |      |        |

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

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

EXHIBIT "A" shows 1/2 ROWLEY CROOK - what DOES THAT mean? For 80 ac @ 0.02 cfs/ac = 1.60 cfs (per 42-220 sec)

\* RECOMM CFS IS BASED ON 0.02 cfs/ac X 75 ac = 1.50 cfs

MEASUREMENT = NOTHING TO MEASURE - CROOK HAS BEEN

Dry for several years. A CANYON - IT WILL CARRY

what EVER comes down

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 1/12<sup>th</sup> 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



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



NOT DELIVERABLE AS ADDRESSED

Forwarding Order Expired ☒  
Attempted, Not Known \_\_\_\_\_  
No Such Number \_\_\_\_\_ Street \_\_\_\_\_  
Insufficient Address \_\_\_\_\_  
Refused \_\_\_\_\_  
No Receptacle \_\_\_\_\_  
Route No. \_\_\_\_\_ Initials LE

RECEIVED  
MAY 14 2001

Department of Water Resources  
Eastern Region



NOT DELIVERABLE AS  
ADDRESSED - UNABLE TO FORWARD

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

29-7161  
29-11241  
29-11242

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

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

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): 29-7161, 29-1641, 29-1642

[ ] 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 8323-1733

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:

SCANNED

MAY 24 2001

Log for claim A29-11242

Spatial Dynamics TWB

6/2/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 12s36e         | 11  | SESE | 40               | 40             |         |
| 12s36e         | 14  | NENE | 40               | 40             |         |
| <b>Totals:</b> |     |      | 80               | 80             |         |

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 29-11242  
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)

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

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

2. Date of Priority: 05/01/1884

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 12S      | 36E   | 10      | NE SW                 | BANNOCK |      |

5. Description of diverting works:  
HEADGATE AND CANAL

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 1884 PER PHILLIPS VS EDWARDS.

1) THIS CLAIM IS BASED ON THE CLAIMANTS TITLE.

THE CLAIMANTS TITLE SHOWS THAT THEY HAVE 1/2 OF THE WATER OF ROWLEY CREEK. THIS CLAIM IS TIED TO A29-11241. SEE THE REMARKS IN THAT CLAIM.

2) THE AMOUNT OF WATER IN ITEM 6 WAS PUT THERE TO SATISFY THE REQUIREMENTS OF THE COMPUTER. THE CLAIMANTS RECEIVE 1/2 OF THE WATER OF ROWLEY CREEK.

3) THE PRIORITY DATE IS BASED ON THE DATE OF A29-11241.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: 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

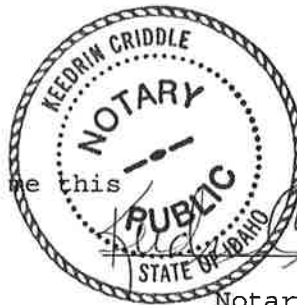
Tracy J. Phillips Date: 1-9-03

State of Idaho

County of Bannock County ) SS.

Subscribed and sworn (or affirmed) before me this

of 19 2003



Notary Public

Residing at Donner Swan Lake Highway Det.

My commission Expires 6/18/07

253

Rowley Creek

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

Rebecca Phillips,

Plaintiff,

vs.

Chester Edwards, Ervin Madsen,  
and George W. Ware,

defendants.

6712  
DECREE  
1924 10/23

This cause coming regularly on for hearing before the court sitting without a jury, on the 30 day of August 1924, upon the verified complaint of the plaintiff and the verified answer and cross-complaints of the defendants herein; plaintiff appearing in person and by her counsel, Messrs. Jones, Pomeroy & Jones, and the defendants and each of them, appearing in person and by their counsel, E. W. Davis, Esq., and after hearing the evidence offered by the parties hereto and the argument of counsel, Findings of Fact and Conclusions of Law having been expressly waived, and the Court being fully advised in the premises, makes the following Decree herein:

IT IS ORDERED, ADJUDGED, and DECREED that the parties to this action are entitled to divert from the flow of the waters of Rowley Creek for irrigation and domestic purposes, the amount of water hereinafter set out respectively and from the dates herein decreed, to-wit:

The plaintiff, Rebecca Phillips, two cubic feet per second of time of the waters of Rowley Creek during the entire season that water may be necessary for irrigation or domestic purposes, said right to date from the 1st day of May, 1904, and to be used for the irrigation of those certain premises owned by the plaintiff, described as follows:

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: A29-11242

Date Received: 4/10/1990

Receipt No: E013052Received By: 8MD

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

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

213-928-6250

OR

Name: FRANCES PHILLIPS  
Address: 9721 NORLAIN AVE  
DOWNEY, CA

90240

83234

213-928-6250

90240

A2911242



2. Date of Priority: JUN 09, 1904

3. Source: ROWLEY CREEK

Trib. to: BIRCH CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 12S      | 36E   | 10      | NE     | SW     |     |     | BANNOCK |

5. Description of diverting works:  
HEADGATE AND CANAL

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

A29-11242

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:  
A29-11241

14. Remarks:

1) THIS CLAIM IS BASED ON THE CLAIMANTS TITLE.

THE CLAIMANTS TITLE SHOWS THAT THEY HAVE 1/2 OF THE WATER OF ROWLEY CREEK. THIS CLAIM IS TIED TO A29-11241. SEE THE REMARKS IN THAT CLAIM.

2) THE AMOUNT OF WATER IN ITEM 6 WAS PUT THERE TO SATISFY THE REQUIREMENTS OF THE COMPUTER. THE CLAIMANTS RECEIVE 1/2 OF THE WATER OF ROWLEY CREEK.

3) THE PRIORITY DATE IS BASED ON THE DATE OF A29-11241.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For 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 10<sup>th</sup> day

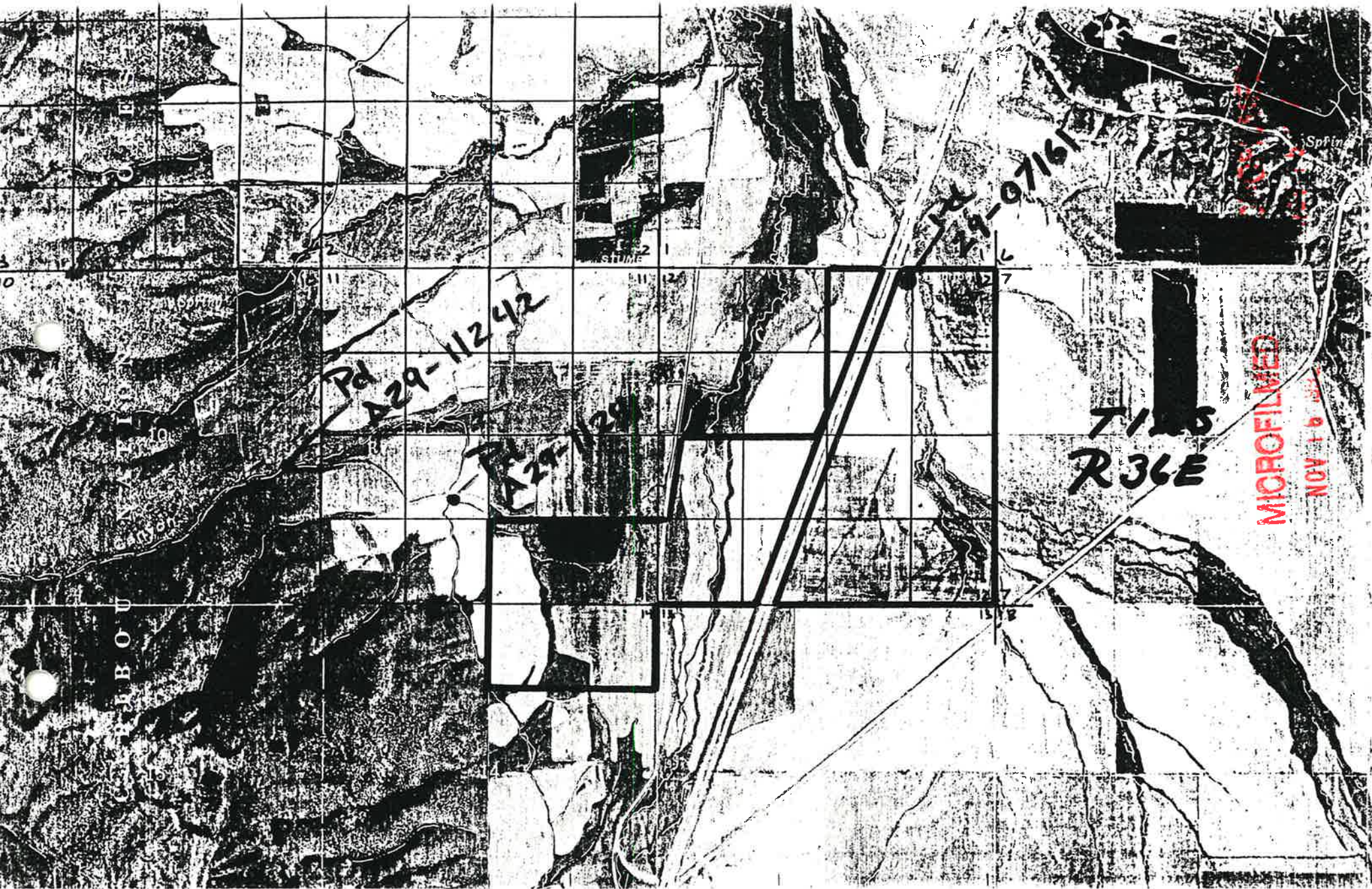
of Apr 19 90

Betty J. Thompson  
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires RESIDING AT IDAHO FALLS, IDAHO  
MY COMMISSION EXPIRES: 6-30-94



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  
and 10,000 foot grid ticks: Idaho coordinate  
system, east zone and transverse Mercator  
projection. Universal Transverse Mercator grid ticks.

A29-7161  
A29-7265

A29-11241

