

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: A36-15155

Date Received: 7/25/1988

Receipt No: S001067

Received By: *O/C TAB*

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: PAUL ROBERTSON  
Address: 37 N 500 W  
PAUL ID

208-438-5959

83347

2. Date of Priority: FEB 3, 1966

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06S      | 21E   | 34      |        | NE     | SW  |     | LINCOLN |

5. Description of diverting works:

20"X 580' WELL, 300 HP PUMP, 100 HP BOOSTER, WHEEL LINES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 3.280 |      |        |

7. Total Quantity Appropriated is:

3.280 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

492.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06S      | 21E   | 34      | SW     | NE  |     | IRR | 10.0  |
|          |       |         | SE     | NE  |     | IRR | 9.0   |
|          |       |         | SE     | NW  |     | IRR | 3.0   |
|          |       |         | NE     | SW  |     | IRR | 1.0   |
|          |       |         | NE     | SE  |     | IRR | 19.0  |

MICROFILMED  
DEC 5 1996

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 06S      | 21E   | 34      | NW     | SE  |     | IRR           | 15.0  |
|          |       |         | SW     | SE  |     | IRR           | 18.0  |
|          |       |         | SE     | SE  |     | IRR           | 30.0  |
|          |       |         |        |     |     | Section Acres | 105.0 |
|          |       | 35      | SW     | NW  |     | IRR           | 18.0  |
|          |       |         | NW     | SW  |     | IRR           | 18.0  |
|          |       |         | SW     | SW  |     | IRR           | 23.0  |
|          |       |         |        |     |     | Section Acres | 59.0  |
|          |       |         |        |     |     | Total Acres   | 164.0 |

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:  
A36-07674, A36-10259, 36-02641

14. Remarks:  
THIS CLAIM COMBINES #36-02641 WITH #36-02640 AS THEY HAVE THE  
SAME PRIORITY DATE.  
\*\*\*\*\*  
OWNERSHIP CHANGE MADE 4/24/96 BY TLB.

15. Basis of Claim: LICENSE

Water Right Number: 32716

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT  
(REGIONAL)

Water Right Number - 36-15155

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
ROBERTSON

PAUL

1 - 37 N 500 W

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-438-5959

\*\*\* D - DIR RPT OWNER \*\*\*  
PHILLIPS

VERNON C

1 - RT 1 BOX 1222

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-438-5906

PHILLIPS

MARILYN L

1 - RT 1 BOX 1222

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-438-5906

+ - - Priority Date - - +  
02/03/1966+ - - Region - - +  
17 SOUTHERN+ - - Stage - - +  
L - LICENSE

+ - - Status - - - +

+ - - - - Source - - - - +  
GROUNDWATER

+ - - - - Tributary - - - - +

| + - - - - Point of Diversion - - - - - + |     |     |          |     |      |         |
|------------------------------------------|-----|-----|----------|-----|------|---------|
| Twn                                      | Rng | Sec | Tract    | Lot | RFlg | County  |
| 06S                                      | 21E | 34  | NE NE SW |     | (63) | LINCOLN |

| + - - - - Water Use - - - - - + |             |             |           |                |                  |  |
|---------------------------------|-------------|-------------|-----------|----------------|------------------|--|
| Code                            | Description | Period From | Period To | Diversion Rate | Diversion Volume |  |
| 01 - IRRIGATION                 |             | 04/01       | 10/31     | 3.280          |                  |  |

|                         |                           |                               |                  |
|-------------------------|---------------------------|-------------------------------|------------------|
| + - Total Div. Rate - + | + - Total Div. Volume - + | + - Total Consumptive Use - + | + - KW Usage - + |
| 3.280                   |                           | 0.0                           |                  |

| + - - - - Place of Use - - - - - + |     |     |       |     |       |      |             |              |
|------------------------------------|-----|-----|-------|-----|-------|------|-------------|--------------|
| Twn                                | Rng | Sec | Tract | Lot | Acres | Code | Description | County       |
| 06S                                | 21E | 34  | SW NE |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S                                | 21E | 34  | SE NE |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S                                | 21E | 34  | SE NW |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S                                | 21E | 34  | NE SE |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S                                | 21E | 34  | NW SE |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S                                | 21E | 34  | SW SE |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S                                | 21E | 34  | SE SE |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S                                | 21E | 35  | SW NW |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S                                | 21E | 35  | NW SW |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S                                | 21E | 35  | SW SW |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |

Total Acres: 400.0

MICROFILMED  
DEC 5 1996

Water right number - 36-15155 Prefix Translation: WATER RIGHT

+ - - Diversion Means - 20"X 580' WELL, 300 HP PUMP, 100 HP BOOSTER, WHEEL LINES.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-07674

+ - - - - - Remarks - - - - - +

GEN THIS RIGHT IS LIMITED TO THE IRRIGATION OF 164 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-02640 AND  
36-02641.  
RIGHT NO. 36-07674 IS ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE.  
USE OF THIS RIGHT WITH RIGHT NO. 36-07674 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 4.80 CFS, A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 1600 AF, A TOTAL COMBINED ANNUAL  
CONSUMPTIVE USE VOLUME OF 1200 AF, AND TO THE IRRIGATION OF A  
COMBINED TOTAL OF 400 ACRES IN A SINGLE IRRIGATION SEASON.

+ - - - - - Old Water Right Numbers - - - - - +

3602641  
3602640

+ - - - - - Conditions of Approval - - - - - +

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
- PURSUANT TO IDAHO CODE 42-1425.  
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
- IDAHO CODE 42-1425.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - - Decree Date - +  
00/00/0000

+ - - - - - Comments - - - - - +

Date: 06/18/1992 User Id: BAUMHOFF Subject: COPIED FROM REMARKS  
THIS CLAIM COMBINES #36-02641 WITH #36-02640 AS THEY HAVE THE SAME PRIORITY DATE.  
Date: 04/24/1996 User Id: TBACKLUN Subject: NAME CHANGE  
OWNERSHIP CHANGE MADE WITH 42-1409(7). SF3 SENT TO NEW OWNERS.

+ - - Audit Fields - - +  
00/00/00

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 11/02/1992 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date  | - 07/25/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S001067    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - OR         | Presumption Flag        | - C     |
|                      |              |                       |              | Notice of Error Flag    | -       |

MICROFILMED  
DEC 5 1996



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: Feb 2<sup>nd</sup> 1996

RECEIVED

APR 05 1996

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 6 South Range 21 East Boise Meridian  
 Section 34, SE 1/4 of S 1/4 of NE 1/4, Govt. Lot NW 1/4, BM.  
 Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_.

If you have additional legal descriptions, please attach separate sheet.

Section 35 NW 1/4 SW 1/4 SW 1/4 NW 1/4

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis) APR 15 1996

Department of Water Resources

Southern Region

☐ Water Right Number(s)  
Assigned by IDWR:

G-32716-36-2640 & G-32717-36-2641

☐ Name and Address of Former  
Owner/Claimant(s)(Seller):

Vernon Callan Phillips282 N 750 WPaul Id 83347

☐ New Owner/Claimant  
(Purchaser):

Paul Robertson

☐ New Mailing Address:

37 N 500 WPaul Id 83347

☐ New Telephone Number:

(208) 438 - 5959

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no  
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of  
ownership, describe  
proof attached:

Contract of Sale

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New  
Owner/Claimant(s)

Paul RobertsonDate 3-18-96

Date

☐ Signature of Former  
Owner/Claimant(s):

Date

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## 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: 4/24/96 By: HB

Claim Numbers, if Split, if any:

MICROFILMED  
APR 5 1996

Original to be mailed to Idaho Department of Water Resources  
 Copies to Former Owner and New Owner

1  
2  
3 CONTRACT OF SALE

4  
5 THIS AGREEMENT made this 2nd day of February, 1996, by  
6 and between VERNON CALLAN PHILLIPS and MARILYN L. PHILLIPS, husband  
7 and wife, of 282 N. 750 W., Paul, Idaho, hereinafter collectively  
8 referred to as the "SELLER" and PAUL BARRY ROBERTSON and BECKY LYN  
9 ROBERTSON, husband and wife, of 37 North 500 West, Paul, Idaho,  
10 hereinafter collectively referred to as the "PURCHASER",

11  
12 W I T N E S S E T H:

13 That in consideration of the stipulations herein  
14 contained and the payments to be made as hereinafter specified, the  
15 Seller hereby agrees to sell to the Purchaser and the Purchaser  
16 hereby agrees to purchase from the Seller, the following described  
17 real property, situated in the County of Lincoln, State of Idaho,  
18 to-wit:

19 Township 6 South, Range 21 East of the Boise Meridian.  
20 Section 34: SE $\frac{1}{4}$ , S $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$   
21 Section 35: W $\frac{1}{2}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$

22 together with:

- 23 (a) All appurtenant water rights as evidenced by Water  
24 License Nos. G-32716-36-2640 and G-32717-36-2641;  
25  
26 (b) Right-of-Way Grants from the Bureau of Land Manage-  
27 ment identified as Serial No. I-6444 and recorded  
28 as Instrument No. 128161 in Lincoln County Records;  
29  
30 (c) All other appurtenances and fixtures thereunto  
31 belonging, including the equipment described as 2  
32 Valley 1180 feet 7-tower center pivots (Serial  
33 Numbers 48148 and 48149) and 2 Valley 825 feet 5-  
34 tower center pivots (Serial Numbers 48198 and  
35 48199), a Winthroth turbine pump, one 100 HP G.E.  
36 motor with a Paco centrifugal pump, a 400 H.P. U.S.  
37 motor (Serial Number 1242397), pump panels, approx-  
38 imately 7260 feet of 5 inch through 10 inch buried  
39 PVC mainline, 1320 feet of 8 inch and 10 inch  
40 buried steel pipe mainline, together with any re-  
41 placements thereof;

42 for the sum of Three Hundred Twenty-Five Thousand Dollars  
43 (\$325,000.00), hereinafter called the "Purchase Price", Eighty  
44 Thousand Dollars (\$80,000.00) of which has been paid, receipt

whereof is hereby acknowledged, and the balance of Two Hundred Forty-Five Thousand Dollars (\$245,000.00) is to be paid in the following described installments, with the unpaid principal to bear interest at the rate of nine and one-half percent (9.5%) per annum from the date of sale.

**INSTALLMENTS:**

The Purchaser shall make fifteen (15) annual installment payments in the sum of Sixteen Thousand Three Hundred Thirty-Three and 33/100 Dollars (\$16,333.33) plus any interest accrued as of the date payment is made, the first annual installment due on the 1st day of March, 1997, and like payments on the 1st day of March of each and every year thereafter until the principal sum, plus accrued interest, is fully paid. A schedule of such payments is as listed on Exhibit "A" attached hereto.

**TRUTH IN LENDING DISCLOSURE:**

That in compliance with the Truth in Lending Laws of the United States of America and the State of Idaho, the Purchaser is advised that the total amount financed hereunder pursuant to this Contract of Sale is the sum of Two Hundred Forty-Five Thousand Dollars (\$245,000.00). That said sum bears interest at nine and one-half percent (9.5%) per annum from the date of this agreement until paid and the total interest to be paid hereunder is the sum of One Hundred Eighty-Six Thousand Two Hundred and 03/100 Dollars (\$186,200.03). That the ANNUAL PERCENTAGE RATE is: nine and one-half percent (9.5%) per annum.

**ENCUMBRANCE:**

The property is subject to an outstanding mortgage on the land held by Farm Credit Bank of Spokane filed May 7, 1990 as Instrument No. 153962, Lincoln County Records, in the original principal amount of One Hundred Fifty Thousand Dollars (\$150,000.00) of which approximately One Hundred Thirty Thousand Dollars (\$130,000.00) remains unpaid and which bears interest at the Farm Credit Bank of Spokane variable rate. Purchaser does not and shall not assume or agree to pay the obligation of such mortgage, which shall continue to be paid by Seller, subject to the right of Purchaser to make any delinquent payment thereon in order to protect his interest and title in the property. Purchaser shall not receive any credit on purchase price for the outstanding balance of said Farm Credit Bank mortgage unless paid by Purchaser as a result of default of Seller.

**VALUE ASSIGNED:**

The parties mutually agree that the real property described above has a fair market value of One Hundred Fifty Thousand Dollars (\$150,000.00) and that the sprinkler and irrigation equipment described above have a fair market value of One Hundred Seventy-Five Thousand Dollars (\$175,000.00).

**CONVEYANCE:**

It is further understood and agreed that if the Purchaser shall first make the payments and perform the covenants mentioned in this agreement on the Purchaser's part to be made and performed, the Seller hereby covenants and agrees to convey and assure to the Purchaser the above-described real estate, in fee simple, clear of all encumbrances whatever, except as hereinafter provided, by good and sufficient Warranty Deed, accompanied by a purchaser's title insurance policy to the date hereof, said Warranty Deed and title insurance policy to be placed in escrow as hereinafter provided.

It is further understood and agreed that if the Purchaser shall first make the payments and perform the covenants mentioned in this Agreement on the Purchaser's part to be made and performed, the Seller hereby covenants and agrees to convey to the Purchaser the above-described irrigation equipment to be evidenced by a Bill of Sale.

1. It is further expressly understood and agreed between the parties hereto that the conveyance to be made by the Seller to the Purchaser shall be expressly subject to the following:

(a) All taxes, special assessments, and special taxes levied after the year 1995 A.D., it being understood that the Seller shall pay all of the 1995 taxes levied for that year, and Purchaser shall pay all of the 1996 taxes levied for the year 1996.

(b) The rights of all persons claiming by, through and under the Purchaser.

(c) The rights, if any, of the public in a portion of the premises aforesaid which may fall within any public street, way, or highway adjacent or contiguous to said premises.

2. The Purchaser shall not and will not suffer or permit any mechanic's lien or other lien to attach to or be against or upon the property aforesaid, which shall or may be superior to the rights of the Seller.

3. That each and every contract for repairs and improvements on the premises aforesaid, or any part thereof, shall contain an express, full and complete waiver and release of any and all lien or claim or right of lien against the property herein agreed to be conveyed, and no contract or agreement, oral or written, shall or will be executed by the Purchaser for the repairs or improvements upon the property aforesaid, except the same contains such express waiver or release of lien upon the part of the party contracting, and a copy of each and every such contract and of the plans and specifications for such repairs and improvements shall and will be promptly delivered to and may be retained by the Seller.

4. The Purchaser shall be entitled to wheat and barley allotments for the year 1996 pursuant to the following schedule:

|        |             |
|--------|-------------|
| Wheat  | 95.1 acres  |
| Barley | 104.8 acres |

5. The Purchaser shall not commit, or suffer any other person to commit, any waste or damages to the premises or the appurtenances thereto and shall keep the premises and all improvements thereon in as good condition as they are now. The Purchaser shall further be required to maintain the sprinkler and irrigation equipment in proper working condition.

6. The Purchaser shall obtain and keep in force a casualty and fire insurance policy, insuring the buildings, equipment, and fixtures now on said premises and any buildings, equipment or fixtures hereafter erected or attached on the same against loss or damage by fire or other casualty, in an amount not less than the replacement value thereof in a company or companies satisfactory to the Seller, such policy to have attached thereto a Contract of Sale clause making the proceeds thereof payable to the Seller and the Purchaser as their interests appear at the date of loss.

7. The Purchaser shall be entitled to the possession of said premises on the date of this Contract of Sale and may retain said possession so long as the Purchaser is not in default in the performance of the obligations under the terms of this agreement.

However, the Purchaser shall not and will not suffer or permit any of the irrigation or sprinkler equipment above described to be removed from the real property above described or exchanged for other equipment without the express written consent of the Seller.

8. Time is of the essence of this agreement, and in the case of the failure of the Purchaser to make the payments herein provided or to perform any of the covenants on the Purchaser's part hereby made and entered into, or to keep and observe all of the conditions, covenants and restrictions herein set forth, this agreement shall, at the option of the Seller be forfeited and terminated, and the Purchaser shall forfeit all payments made on this agreement and such payments shall be retained by the Seller in full satisfaction and liquidation of all damages sustained except as herein otherwise provided, OR, at the Seller's option, the Seller may declare all installments of purchase price, which installments include interest, due hereunder to be immediately due and payable and Seller may seek specific performance of the provisions of this Contract; provided however, before such forfeiture shall be effective the Seller must give the Purchaser written notice of default and if such default is corrected within thirty (30) days from the date the Purchaser is served with said notice of default, this agreement shall be in full force and effect as if never breached, and if default is not corrected within thirty (30) days, the Seller shall be entitled to immediate possession of the premises above-described. Service of the notice of default may be accomplished by those means allowed by law for the service of process or by sending said notice of default by registered mail to the Purchaser at the Purchaser's address at the time of sending said notice.

9. Either party shall and will pay to the prevailing party, all costs and expenses, including attorney fees, incurred by either party in any action or proceeding to which they may be made a party by reason of being a party to this agreement, and that the prevailing party shall be entitled to all costs and expenses, including attorney fees incurred by the prevailing party in enforcing any of the covenants and provisions of this agreement and incurred in any action brought by the prevailing party against the other party on account of the provisions hereof, and all costs, expenses and attorney fees may be included in and form a part of any judgment entered in the proceeding brought by the prevailing party against the other party on or under this agreement.

10. The Purchaser declares that they are buying the property on their own examination and judgment and not through the representation made by the Seller, or agents for the Seller, as to its location, value, future value, income therefrom or as to its production and that the Seller has made no representations or warranty other than set forth herein.

11. This Contract of Sale shall not be recorded without the express written approval of the Seller previously obtained.

12. It is agreed that the Purchaser may at any time pay the principal balance and accrued interest in full, thereby satisfying and discharging the obligations of this Contract and the indebtedness thereof, only by giving to the Seller not less than thirty (30) days prior written notice by certified or registered mail of Purchaser's intention to do so, and receiving written consent from the Seller.

13. The Purchaser further agrees that failure by the Seller at any time to require performance by the Purchaser of any provisions hereof shall in no way affect the Seller's rights hereunder to enforce the same, nor shall any waiver by the Seller of any breach of any provision be held to be a waiver by said Seller of any succeeding breach of any such provision or as a waiver of the provision itself. The Seller may accept part of any such payment without waiving the Seller's right to forfeiture set forth above.

#### ESCROW INSTRUCTIONS AND CONTENTS:

It is expressly understood and agreed by the parties hereto that upon the execution of these presents the parties hereto shall promptly deposit in escrow with Burley Land Title and Escrow, Burley, Idaho, certain instruments and papers hereinafter named to be held by the said Burley Land Title and Escrow as escrow holder, subject to the terms and conditions of this agreement. The papers and instruments to be placed with said escrow holder are as follows:

- (a) an executed and acknowledged copy of this contract;
- (b) an executed copy of the Escrow Agreement controlling this deposit;
- (c) a good and sufficient Warranty Deed from the Seller to the Purchaser conveying the premises to the Purchaser in fee simple, absolute;
- (d) a Bill of Sale from the Seller to the Purchaser conveying the irrigation equipment described above to the Purchaser;
- (e) a title insurance policy in a sum equal to or greater than the purchase price;
- (f) a copy of the insurance policy to be provided by the Purchaser as herein set forth.

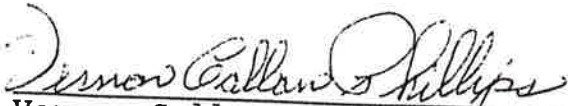
The parties hereto further stipulate, covenant and agree that the annual installment payments to be made by the Purchaser to the Seller under the terms and provisions of this agreement, as hereinbefore specified, and any payments made hereunder, are to be made to the escrow holder as agent for the Seller, said payments to be disbursed by the escrow holder as the Seller may direct. The escrow holder is hereby instructed, upon the Purchaser's paying the entire contract balance, both principal and interest, to deliver all of the said papers held in escrow by it to the Purchaser; provided, however, that none of these said papers or documents shall be delivered to the said Purchaser until the entire sum due hereunder is paid in full and all the terms and conditions of the contract completely executed. The escrow holder is further instructed that in the event the payments are not made by the Purchaser on the date due, as hereinbefore specified, and in the event of cancellation or termination of this contract as provided herein, and upon the escrow holder receiving due and proper notice thereof, it shall immediately return to the Seller all instruments held in escrow by it.

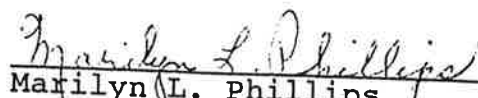
It is expressly understood and agreed by the parties hereto that the initial escrow fee or charge so charged by the said escrow holder shall be paid one-half by the Seller and one-half by the Purchaser. It is further expressly understood and agreed by the parties hereto that all closing escrow fees charged by said escrow holder shall also be paid one-half by the Seller and one-half by the Purchaser.

14. The terms, conditions, and covenants of this agreement shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, and assigns of the respective parties hereto, but no assignment or transfer by the Purchaser of the contract, or of the Purchaser's interest in the property described herein, shall be valid, unless the same be made with the written consent of the Seller.

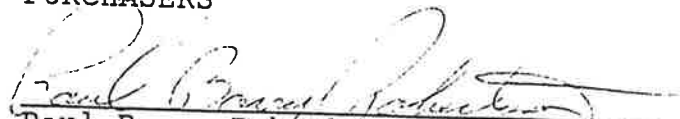
IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals the day and year in this agreement first above written.

SELLERS

  
Vernon Callan Phillips

  
Marilyn L. Phillips

PURCHASERS

  
Paul Barry Robertson

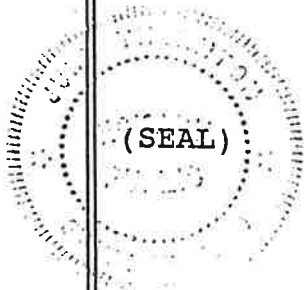
  
Becky Lyn Robertson

CONTRACT OF SALE

STATE OF IDAHO )  
 ) ss.  
County of Minidoka )

On this 2nd day of February, 1996, before me the undersigned a Notary Public in and for said State, personally appeared VERNON CALLAN PHILLIPS and MARILYN L. PHILLIPS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year in this certificate first above written.

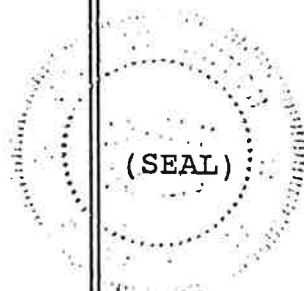


Judy Thornton  
Notary Public for Idaho  
Residing at Rupert, Idaho  
My Commission Expires 2-3-99

STATE OF IDAHO )  
 ) ss.  
County of Minidoka )

On this 2nd day of February, 1996, before me the undersigned a Notary Public in and for said State, personally appeared PAUL BARRY ROBERTSON and BECKY LYN ROBERTSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year in this certificate first above written.



Judy Thornton  
Notary Public for Idaho  
Residing at Rupert, Idaho  
My Commission Expires 2-3-99

CONTRACT OF SALE

- 8 -

MICROFILMED  
DEC 5 1996

EXHIBIT "A"  
TO  
CONTRACT OF SALE

**INSTALLMENTS**

| <u>DATE</u>   | <u>PRINCIPAL<br/>BALANCE OWING</u> | <u>PRINCIPAL<br/>AMOUNT DUE</u> | <u>INTEREST DUE</u> | <u>TOTAL PAYMENT</u> |
|---------------|------------------------------------|---------------------------------|---------------------|----------------------|
| March 1, 1997 | 245,000.00                         | 16,333.33                       | *23,275.00          | *39,608.33           |
| March 1, 1998 | 228,666.67                         | 16,333.33                       | 21,723.33           | 38,056.66            |
| March 1, 1999 | 212,333.34                         | 16,333.33                       | 20,171.67           | 36,505.00            |
| March 1, 2000 | 196,000.01                         | 16,333.33                       | 18,620.00           | 34,953.33            |
| March 1, 2001 | 179,666.68                         | 16,333.33                       | 17,068.33           | 33,401.66            |
| March 1, 2002 | 163,333.35                         | 16,333.33                       | 15,516.67           | 31,850.00            |
| March 1, 2003 | 147,000.02                         | 16,333.33                       | 13,965.00           | 30,298.33            |
| March 1, 2004 | 130,666.69                         | 16,333.33                       | 12,413.34           | 28,746.67            |
| March 1, 2005 | 114,333.36                         | 16,333.33                       | 10,861.67           | 27,195.00            |
| March 1, 2006 | 98,000.03                          | 16,333.33                       | 9,310.00            | 25,643.33            |
| March 1, 2007 | 81,666.70                          | 16,333.33                       | 7,758.34            | 24,091.67            |
| March 1, 2008 | 65,333.37                          | 16,333.33                       | 6,206.67            | 22,540.00            |
| March 1, 2009 | 49,000.04                          | 16,333.33                       | 4,655.00            | 20,988.33            |
| March 1, 2010 | 32,666.71                          | 16,333.33                       | 3,103.34            | 19,436.67            |
| March 1, 2011 | 16,333.38                          | <u>16,333.33</u>                | <u>1,551.67</u>     | <u>17,885.05</u>     |
|               |                                    | 245,000.00                      | *186,200.03         | *431,200.03          |

\* Said amounts may vary depending on the date this Agreement is entered into when interest will begin to accrue. An additional per diem rate of \$63.77 will accrue for each day between the date this Agreement is entered and March 1, 1996.

**MICROFILMED**  
**DEC 5 1996**



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

APRIL 25, 1996

PAUL ROBERTSON  
37 N 500 W  
PAUL ID 83347

RE: SRBA CLAIM(S) A36-15155 (36-02640 & 36-02641)  
PHILLIPS

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S). WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND  
SNAKE RIVER BASIN ADJUDICATION  
RECORDS CLERK

/tlb  
ENCLOSURES

MICROFILMED  
DEC 5 1996

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: A36-15155  
Date Received: 7/25/1988  
Receipt No: S001067  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: VERNON C. PHILLIPS 208-438-5906  
Address: RT. 1 BOX 1222  
PAUL, ID 83347

OR  
Name: MARILYN L. PHILLIPS 208-438-5906  
Address: RT. 1 BOX 1222  
PAUL, ID 83347

2. Date of Priority: FEB 03, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06S      | 21E   | 34      |        | NE     | SW  |     | LINCOLN |

5. Description of diverting works:  
20"X 580' WELL, 300 HP PUMP, 100 HP BOOSTER, WHEEL LINES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 3.280 |      |        |

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

8. Total consumptive use is 492.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06S      | 21E   | 34      | SW     | NE  |     | IRR | 10.0  |

A36-15155

Page 1

Date: 11/30/90

MICROFILMED  
FEB 09 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 06S      | 21E   | 34      | SE     | NE  |     | IRR           | 9.0   |
|          |       |         | SE     | NW  |     | IRR           | 3.0   |
|          |       |         | NE     | SW  |     | IRR           | 1.0   |
|          |       |         | NE     | SE  |     | IRR           | 19.0  |
|          |       |         | NW     | SE  |     | IRR           | 15.0  |
|          |       |         | SW     | SE  |     | IRR           | 18.0  |
|          |       |         | SE     | SE  |     | IRR           | 30.0  |
|          |       |         |        |     |     | Section Acres | 105.0 |
|          |       | 35      | SW     | NW  |     | IRR           | 18.0  |
|          | NW    |         | SW     |     | IRR | 18.0          |       |
|          | SW    |         | SW     |     | IRR | 23.0          |       |
|          |       |         |        |     |     | Section Acres | 59.0  |
|          |       |         |        |     |     | Total Acres   | 164.0 |

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

A36-07674, A36-10259, 36-02641

14. Remarks:

THIS CLAIM COMBINES #36-02641 WITH #36-02640 AS THEY HAVE THE SAME PRIORITY DATE.

15. Basis of Claim: LICENSE

Water Right Number: 32716

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

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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: 39356

Ident. Number A36-02640Date Received A36-15155Receipt Number 5001067

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

JUL 14 1968

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Vernon C. Phillips  
and Marilyn L. Phillips Phone (208) 438-5906

Mailing Address Rt. 1, Box 1222, Paul, Idaho Zip 83347

2. Date of Priority (Only one (1) per claim) February 3, 1966

3. Source of water supply (a) Groundwater  
which is tributary to (b) \_\_\_\_\_

4. a. Location of existing point of diversion is: Township 6S Range 21EBM Section 34,  
\_\_\_\_\_ 1/4 of NE 1/4 of SW 1/4, Govt. Lot, E. B.M., County of Lincoln

Additional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is:

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
Including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. 20" well, 580' deep, with 300 h.p.  
U.S. Motor and Winthroath pump with 100 h.p. Lincoln motor and Paco  
booster pump - 2 miles of mainline, 15 wheellines and 6 hand lines.

MICROFILMED

FEB 09 1993

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov. 1 amount 3.28 or \_\_\_\_\_  
 For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
 For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
 For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 3.28 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 492 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.  
 b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 6S  | 21E | 34  |        |       | 10    | 9     |        |       |       | 3     | 1      |       |       |       | 19     | 15    | 18    | 30    | 105    |
|     |     | 35  |        |       |       |       |        |       | 18    |       |        | 18    | 23    |       |        |       |       |       | 59     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 164

11. In which county (ies) are lands listed above as place of use located? Lincoln

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
Expansion of use accrued in 1968 to each 40 acre parcel-400 acres. None ( )

14. Remarks:  
#13 (cont.) License 36-7674 with priority of January 28, 1977 obtained  
for balance of acres - see second claim.  
Third claim being filed for expansion of use under this  
claim and second claim.

MICROFILMED

FEB 09 1993

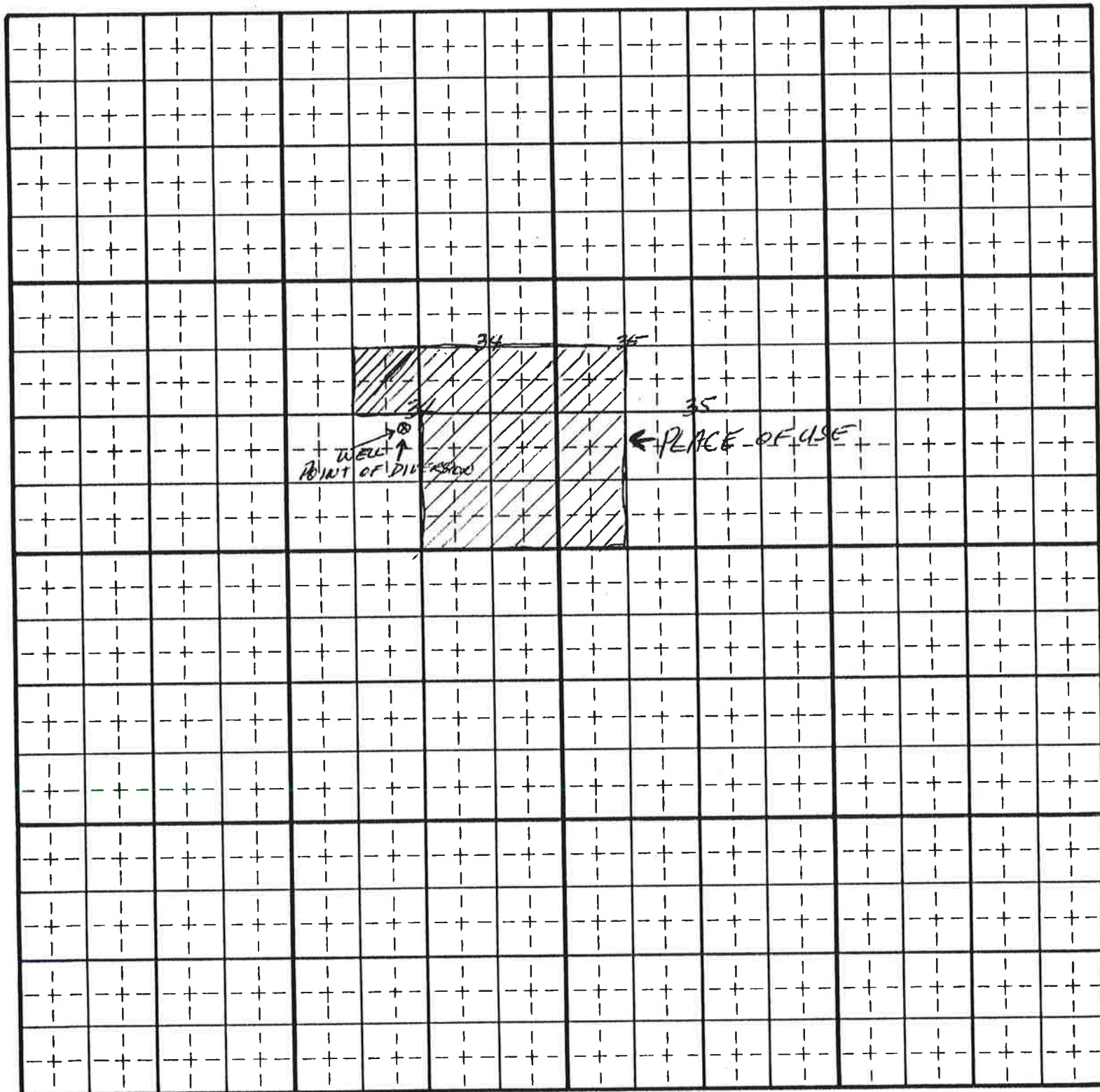
Last Name Phillips

Ident No. A36-02640

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



**MICROFILMED**

**FEB 09 1993**

Last Name Phillips

Ident No. A36-02640

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License X Permit \_\_\_\_\_

Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

Vernon C. Phillips

Date July 12, 1988

Marilyn L. Phillips

Date July 12, 1988

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

Title

of \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_

Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

) SS.

County of Minidoka )

Subscribed and sworn (or affirmed) before me this 12th day of July 19 88

SEAL

Notary Public

Rupert, Idaho

Residing at

My Commission Expires 10/30/88

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Roger D. Ling

Address P.O. Box 396, Rupert, Idaho 83350

Date July 12, 1988

Last Name Phillips Ident. Number 436-02640

**MICROFILMED**

**FEB 09 1993**

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 3, 1990

Vernon and Marilyn Phillips  
Rt. 1 Box 1222  
Paul, ID 83347

RECEIVED

DEC - 5 1990

RE: Snake River Basin Adjudication (SRBA)  
Lincoln County - #A36-15155  
Identification Number Change

Department of Water Resources  
Southern Region Office

Dear Mr. and Mrs. Phillips:

The Identification Number of your Notice of Claim to a Water Right has been changed from A36-02640 to A36-15155. The change in numbers has been done to better reflect the fact that your Notice of Claim combined licensed rights 36-02640 with 36-02641. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this record number in any future inquiries or correspondence.

Please do not hesitate to contact this office, if you have any questions.

Sincerely,

John D. Carlson  
Adjudication Supervisor

JDC:ALB:sf:state:south

Enclosure:

Copy of Claim A36-15155

MICROFILMED

FEB 09 1993

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: A36-02640  
Date Received: 7/25/1988  
Receipt No: 5001067  
Received By: SCL

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: VERNON C. PHILLIPS 208-438-5906  
Address: RT. 1 BOX 1222  
PAUL, ID 83347

OR

Name: MARILYN L. PHILLIPS 208-438-5906  
Address: RT. 1 BOX 1222  
PAUL, ID 83347

2. Date of Priority: FEB 03, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 06S      | 21E   | 34      | NE     | SW     |        |     | LINCOLN |

5. Description of diverting works:  
20"X 580' WELL, 300 HP PUMP, 100 HP BOOSTER, WHEEL LINES.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 3.280  |      |        |

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

8. Total consumptive use is 492.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot           | Use   | Acres |
|----------|-------|---------|-----|----|-----|---------------|-------|-------|
| 06S      | 21E   | 34      | SW  |    | NE  |               | IRR   | 10.0  |
|          |       |         | SE  |    | NE  |               | IRR   | 9.0   |
|          |       |         | SE  |    | NW  |               | IRR   | 3.0   |
|          |       |         | NE  |    | SW  |               | IRR   | 1.0   |
|          |       |         | NE  |    | SE  |               | IRR   | 19.0  |
|          |       |         | NW  |    | SE  |               | IRR   | 15.0  |
|          |       |         | SW  |    | SE  |               | IRR   | 18.0  |
|          |       |         | SE  |    | SE  |               | IRR   | 30.0  |
|          |       |         |     |    |     | Section Acres | 105.0 |       |
|          |       | 35      | SW  |    | NW  |               | IRR   | 18.0  |
|          | NW    |         |     | SW |     | IRR           | 18.0  |       |
|          | SW    |         |     | SW |     | IRR           | 23.0  |       |
|          |       |         |     |    |     | Section Acres | 59.0  |       |
|          |       |         |     |    |     | Total Acres   | 164.0 |       |

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

A36-07674, A36-10259, 36-02641

14. Remarks:

THIS CLAIM INCLUDES WR #36-02641 SINCE THEY HAVE THE SAME PRIORITY DATE.

15. Basis of Claim: LICENSE

Water Right Number: 32716

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

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

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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: 39356

Ident. Number A36-02640

Date Received \_\_\_\_\_

Receipt Number 5001067

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

JUL 14 1968

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Vernon C. Phillips  
and Marilyn L. Phillips Phone (208) 438-5906
- Mailing Address Rt. 1, Box 1222, Paul, Idaho Zip 83347
2. Date of Priority (Only one (1) per claim) February 3, 1966
3. Source of water supply (a) Groundwater  
which is tributary to (b) \_\_\_\_\_
4. a. Location of existing point of diversion is: Township 6S Range 21EBM Section 34,  
1/4 of NE 1/4 of SW 1/4, Govt. Lot, E. B.M., County of Lincoln
- Additional points of diversion if any: None
- b. If instream flow, beginning point of claimed instream flow is:
- Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_
- ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. 20" well, 580' deep, with 300 h.p.  
U.S. Motor and Winthroath pump with 100 h.p. Lincoln motor and Paco  
booster pump - 2 miles of mainline, 15 wheellines and 6 hand lines.

MICROFILMED

Copies: White-State, Yellow-Claimant  
FEB 09 1993

6. Water is claimed for the following uses:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov. 1 amount 3.28 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 3.28 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 492 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) \_\_\_\_\_

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 6S  | 21E | 34  |        |       | 10    | 9     |        |       |       | 3     | 1      |       |       |       | 19     | 15    | 18    | 30    | 105    |
|     |     | 35  |        |       |       |       |        |       | 18    |       |        | 18    | 23    |       |        |       |       |       | 59     |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 164

11. In which county (ies) are lands listed above as place of use located? Lincoln

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Expansion of use accrued in 1968 to each 40 acre parcel-400 acres. None ( )

14. Remarks:

#13 (cont.) License 36-7674 with priority of January 28, 1977 obtained  
for balance of acres - see second claim.

Third claim being filed for expansion of use under this  
claim and second claim.

Last Name Phillips

Ident No.

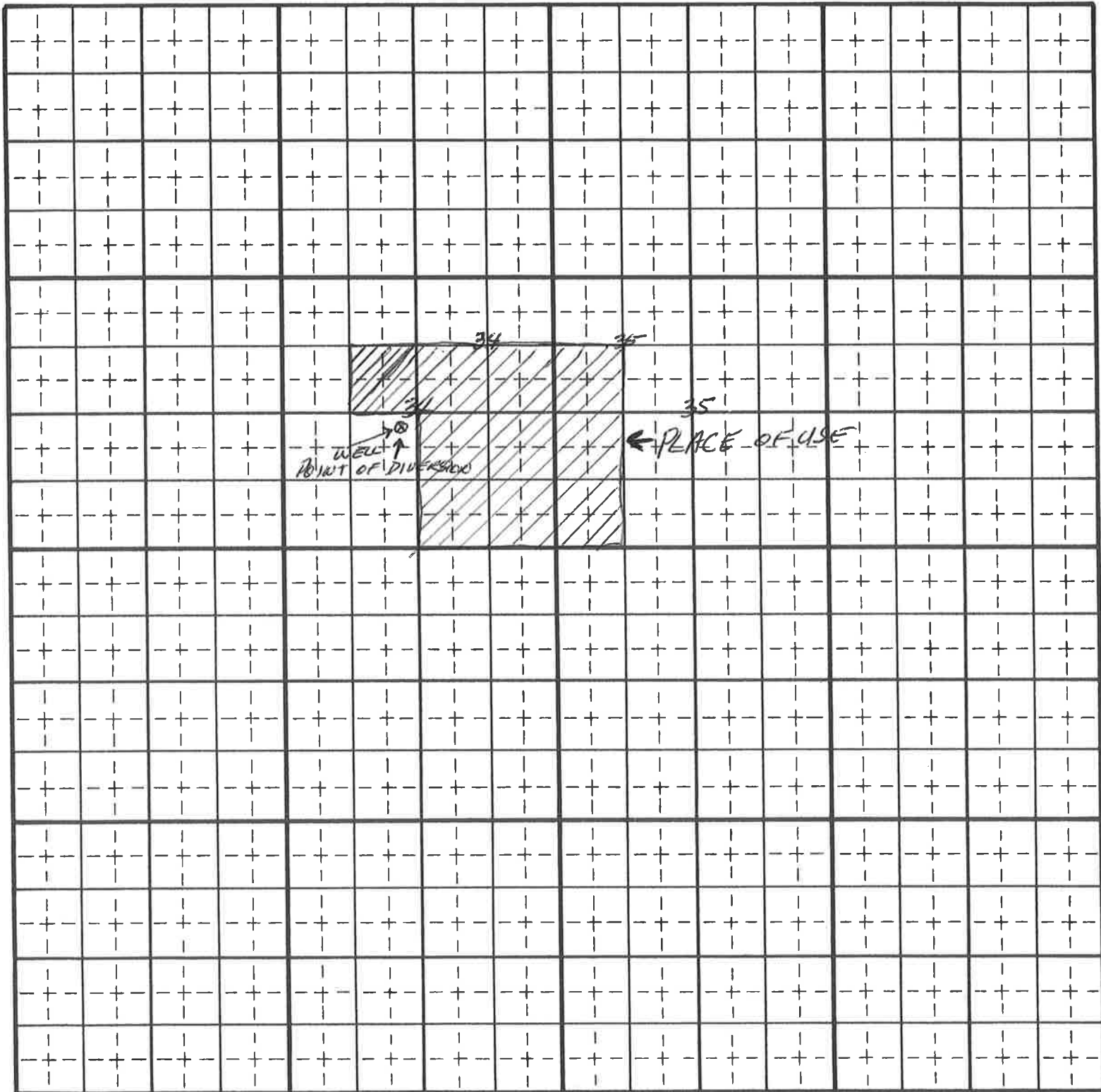
A36-02640

Copies: White State, Yellow Claimant

**MICROFILMED**  
**FEB 09 1993**

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Phillips Ident No. A36-02640

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License ☒ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true  
and correct.

Signature of Claimant (s) Vernon C. Phillips Date July 12, 1988

Marilyn L. Phillips Date July 12, 1988

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_ Title \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing  
Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of Minidoka ) SS.

Subscribed and sworn (or affirmed) before me this 12th day of July 19 88

SEAL

Notary Public Roger D. Ling

Residing at Rupert, Idaho

My Commission Expires 10/30/88

Please Print Name

17. Notice of Appearance:  
Notice is hereby given that I, Roger D. Ling will be acting as attorney at law on behalf  
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above  
should be mailed to me at the address listed below.

Signature Roger D. Ling

Address P.O. Box 396, Rupert, Idaho 83350

Date July 12, 1988

Last Name Phillips Ident. Number 436-02640

**MICROFILMED**

**FEB 09 1993**  
Copies White-State, Yellow-Claimant

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 36-15155

WATER RIGHT NUMBER: 36-15155

| <u>Owner Type</u>      | <u>Name and Address</u>                                         |
|------------------------|-----------------------------------------------------------------|
| Current Owner          | PAUL ROBERTSON<br>37 N 500 W<br>PAUL, ID 83347<br>(208)438-5959 |
| Directors Report Owner | MARILYN L PHILLIPS<br>282 N 750 W<br>PAUL, ID 83347             |
| Directors Report Owner | VERNON C PHILLIPS<br>282 N 750 W<br>PAUL, ID 83347              |

Priority Date: 02/03/1966

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
|---------------|------------------|

GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31          | 3.280 CFS             |                      |
|                       | <u>Total Diversion:</u> | 3.280 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| GROUND WATER   | NE1/4NE1/4SW1/4 | Sec. 34, Twp 06S, Rge 21E, B.M. |
| LINCOLN County |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |      |      | NW |    |      |      | SW |      |      |    | SE |    |      |      | Totals |       |       |
|-----|-----|-----|----|----|------|------|----|----|------|------|----|------|------|----|----|----|------|------|--------|-------|-------|
|     |     |     | NE | NW | SW   | SE   | NE | NW | SW   | SE   | NE | NW   | SW   | SE | NE | NW | SW   | SE   |        |       |       |
| 06S | 21E | 34  |    |    | 40.0 | 40.0 |    |    |      | 40.0 |    |      |      |    |    |    | 40.0 | 40.0 | 40.0   | 40.0  | 280.0 |
| 06S | 21E | 35  |    |    |      |      |    |    | 40.0 |      |    | 40.0 | 40.0 |    |    |    |      |      |        | 120.0 |       |

Total Acres: 400

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 36-15155

3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Quantity RIGHT NOS. 36-07674 AND 36-15155 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.80 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1600 AF.
2. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-02640 AND 36-02641. RIGHT NO. 36-07674 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 164 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE, AND COMBINED WITH 36-07674 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 400 ACRES IN A SINGLE IRRIGATION SEASON.
4. Purpose of Use **THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.**

Comments:

1. BAUMHOFF 6/18/1992 COPIED FROM REMARKS

Comment: THIS CLAIM COMBINES #36-02641 WITH #36-02640 AS THEY HAVE THE SAME PRIORITY DATE.

2. TBACKLUN 4/24/1996 NAME CHANGE

Comment: OWNERSHIP CHANGE MADE WITH 42-1409(7). SF3 SENT TO NEW OWNERS.

3. djones 9/24/2002 Modified P.D.

**Comment: Motion to set aside and correct clerical error on original P.D. granted. Season of use ordered to be modified to 4/1 to 10/31 as originally recommended in 1992 and inadvertently changed to licensed season (6/10 to 9/21)at some point. Season of use remark also edited.**

Dates and Other Information:

Licensed Date:

Decreed Date: 1/2/2002

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

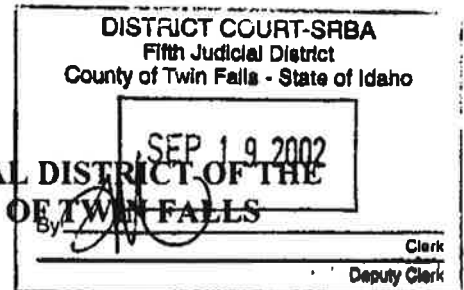
Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

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



In Re SRBA ) Subcase 36-15155  
 ) (Robertson)  
Case No. 39576 )  
 ) SPECIAL MASTER REPORT  
 ) AND RECOMMENDATION

**Findings of Fact**

A *Partial Decree* was entered on January 2, 2002, adjudicating to Paul Robertson, 37 North, 500 West, Paul, Idaho 83347, a water right for 3.28 cfs from groundwater to irrigate 164 acres within a 400 acre place of use in Lincoln County from June 10 to September 21 with a priority date of February 3, 1966. Mr. Robertson filed a *Motion to Correct Clerical Mistake in Judgment Pursuant to I.R.C.P., Rule 60(a)* on August 27, 2002, alleging there was a clerical mistake in the decreed season of use – it should be April 1 to October 31.

On August 27, 2002, the Presiding Judge entered an *Order of Reference Appointing Terrence A. Dolan Special Master for Subcase 36-15155*. A hearing on the *Motion* was held by telephone on September 19, 2002. Dana L. Hofstetter appeared for Mr. Robertson and Nicholas B. Spencer appeared for IDWR. IDWR agreed there was a clerical mistake in the season of use and that it should be as requested.

**Conclusions of Law**

Paul Robertson has shown good cause to have the *Partial Decree* set aside and modified to correct the clerical error.

**Recommendation**

THEREFORE, IT IS RECOMMENDED that the *Partial Decree* be set aside and an amended partial decree be entered with a season of use of April 1 to October 31.

DATED September 19, 2002.

  
TERRENCE A. DOLAN  
Special Master  
Snake River Basin Adjudication

**CERTIFICATE OF MAILING**

I certify that a true and correct copy of the SPECIAL MASTER REPORT AND RECOMMENDATION was mailed on September 19, 2002, with sufficient first-class postage to the following:

PAUL ROBERTSON

Represented by:

DANA L. HOFSTETTER

608 WEST FRANKLIN STREET

BOISE, ID 83702

Phone: 208-424-7800

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

A handwritten signature in dark ink, appearing to read "Dana L. Hofstetter", is written over the "Deputy Clerk" text.

**R PROOF**



**CVR**



**MAPS**



**PHOTOS**



**MISC**



**MICROFILMED**

**FEB 1993**

Water Right Number - R36-15155

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
PHILLIPS

VERNON C

1 - RT 1 BOX 1222

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-438-5906

PHILLIPS

MARILYN L

1 - RT 1 BOX 1222

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-438-5906

+ - - Priority Date - - +  
02/03/1966+ - - Region - - - +  
17 SOUTHERN+ - - Stage - - - +  
L - LICENSE

+ - - Status - - - - +

+ - - - - Source - - - - - +  
GROUNDWATER

+ - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

06S 21E 34 NE NE SW (63) LINCOLN

+ - - - - Water Use - - - - - +

| Code            | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|----------------|------------------|
| 01 - IRRIGATION |             | 04/01       | 10/31     | 3.280          |                  |

| + - Total Div. Rate - + | + - Total Div. Volume - + | + - Total Consumptive Use - + | + - KW Usage - + |
|-------------------------|---------------------------|-------------------------------|------------------|
| 3.280                   |                           | 0.0                           |                  |

+ - - - - Place of Use - - - - - +

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County       |
|-----|-----|-----|-------|-----|-------|------|-------------|--------------|
| 06S | 21E | 34  | SW NE |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S | 21E | 34  | SE NE |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S | 21E | 34  | SE NW |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S | 21E | 34  | NE SE |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S | 21E | 34  | NW SE |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S | 21E | 34  | SW SE |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S | 21E | 34  | SE SE |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S | 21E | 35  | SW NW |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S | 21E | 35  | NW SW |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |
| 06S | 21E | 35  | SW SW |     | 40.0  | 01   | IRRIGATION  | (63) LINCOLN |

Total Acres: 400.0

+ - - Diversion Means - 20"X 580' WELL, 300 HP PUMP, 100 HP BOOSTER, WHEEL LINES.

MICROFILMED

FEB 09 1993

Water right number - R36-15155

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-07674

+ - - - - - Remarks - - - - - +

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 164 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-02640 AND  
36-02641.

RIGHT NO. 36-07674 IS ALSO DIVERTED THROUGH POINT OF DIVERSION  
DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 36-07674 IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 4.80 CFS, A TOTAL COMBINED  
ANNUAL DIVERSION VOLUME OF 1600 AF, A TOTAL COMBINED ANNUAL  
CONSUMPTIVE USE VOLUME OF 1200 AF, AND TO THE IRRIGATION OF A  
COMBINED TOTAL OF 400 ACRES IN A SINGLE IRRIGATION SEASON.

+ - - - - - Old Water Right Numbers - - - - - +

3602641  
3602640

+ - - - - - Conditions of Approval - - - - - +

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
- PURSUANT TO IDAHO CODE 42-1416A.

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
- IDAHO CODE 42-1416A.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +  
00/00/0000

+ - - - - - Comments - - - - - +

Date: 06/18/1992 User Id: BAUMHOFF Subject: COPIED FROM REMARKS

THIS CLAIM COMBINES #36-02641 WITH #36-02640 AS THEY HAVE THE SAME PRIORITY DATE.

+ - - Audit Fields - - +

07/15/92 MERRITT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 07/15/1992 | Old Judicial District   | -       |
| Claim Received Date  | - 07/25/1988 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S001067    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - OR         | Presumption Flag        | - C     |
|                      |              |                       |              | Notice of Error Flag    | -       |

MICROFILMED  
FEB 09 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

09:55:46  
05/07/92

PAGE: 12  
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-15155

| WR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             | Y                 |                                                 |                            | N                      | 6                   | AB<br>6/18/92                    | B<br>6/18/92                         |                               |
| POINT OF DIV              | Y                 |                                                 | 5-8-92                     | yes                    | 5                   |                                  |                                      |                               |
| SOURCE                    | Y                 |                                                 |                            | N                      | 6                   |                                  |                                      |                               |
| PLACE OF USE              | Y                 |                                                 | 5/11/92                    | yes                    | 1,2,4,6             |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | Y                 |                                                 |                            | N                      | 6                   |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PURPOSES                  |                   |                                                 |                            |                        |                     |                                  |                                      |                               |
| PERIOD OF USE             |                   |                                                 | 5/28/92                    | yes                    | 6                   |                                  |                                      |                               |
| BASIS OF CLAIM            | Y                 |                                                 |                            | N                      | 6                   |                                  |                                      |                               |
| REMARKS                   | Y                 |                                                 |                            | -                      |                     |                                  |                                      |                               |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1  
ASCS MAP = 2  
WATERMASTER RECORDS = 3  
NAPP PHOTOS = 4  
FIELD EXAM = 5  
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION  
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED  
FEB 09 1993

P.5 36-02640, 36-02641

- F05 -

K06 - 164AC

E01 36-07674, 4.8cfs, 1600AF, 1200AF, 400AC

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

09:55:46  
05/07/92

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A36-15155

LAST: PHILLIPS  
ADDRESS: RT/ 1 BOX 1222  
CITY: PAUL  
PHONE NUMBER: 208-438-5906

FIRST: VERNON C/  
STATE: ID ZIP: 83347

OWNER CODE: C

LAST: PHILLIPS  
ADDRESS: RT/ 1 BOX 1222  
CITY: PAUL  
PHONE NUMBER: 208-438-5906

FIRST: MARILYN L/  
STATE: ID ZIP: 83347

OWNER CODE: C

FIELD EXAM REQUIRED?

FIELD  
EXAMINER  
DATABASE  
Y

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: THIS CLAIM COMBINES #36-02641 WITH #36-02640 AS THEY HAVE THE  
SAME PRIORITY DATE.

Copy To Comments

P15 36-02640 and 36-02641

MICROFILMED

FEB 09 1993

CONTACT PERSON: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_-\_\_\_\_

DATE OF FIELD EXAM: 5/8/92

APPOINTMENT MADE: Y(\_\_\_\_) N(\_\_\_\_)

TIME: \_\_\_\_:\_\_\_\_ A(\_\_\_\_) P(\_\_\_\_)

ACCOMPANIED BY: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_-\_\_\_\_

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / REMARKS:

DESK TOP REVIEW COMPLETED 5/11/92

P/D confirmation field exam completed BY STEVE CLELLAND 5/8/92

MICROFILMED

FEB 09 1993

A. AJ CLAIM: # A36-15155 PRIORITY DATE: 02-03-1966 STAGE: L

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE

YN

FIELD  
EXAMINER

\_\_\_\_\_

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y( ) N(☒)  
IF YES EXPLAIN.

REMARKS:

claimed same date of priority as was  
licensed under the two Rights for Binned

Recommend as claimed!

=====

RECOMMENDED PRIORITY DATE:

REVIEWED BY



DATE

5/11/92

MICROFILMED

FEB 09 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY    |
|-----------|------|------|------|-----|-----|-----|-----|---------|
| A36-15155 | 06S  | 21E  | 34   |     | NE  | SW  |     | LINCOLN |

OTHER AJ CLAIMS WITH SAME AJ POD  
A PREFIX R PREFIX  
A36-07674 NONE

WR RECORDS IN SAME 40 ACRE TRACT  
36-07674

SOURCE: GROUNDWATER

TRIB:

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. FIELD EXAM REQUIRED?

|  | DUE TO POD DISCREPANCY? (Y/N) | DUE TO SOURCE DISCREPANCY? (Y/N) | DATABASE | FIELD EXAMINER |
|--|-------------------------------|----------------------------------|----------|----------------|
|  | Y                             | Y                                |          |                |

REMARKS:

*See attached memo → recommending 10 Ac Legal doc.*

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP.       | RGE.       | SEC.      | 1/4       | 1/4       | 1/4       | LOT      | COUNTY         |
|------------|------------|-----------|-----------|-----------|-----------|----------|----------------|
| <u>06S</u> | <u>21E</u> | <u>34</u> | <u>NE</u> | <u>NE</u> | <u>SW</u> | <u>—</u> | <u>LINCOLN</u> |

SOURCE: G.W.  
REVIEWED BY: AB

TRIB: —  
DATE: 5/28/92

MICROFILMED  
FEB 09 1993

A. ROOT WATER RIGHT NUMBERS: A36-02640  
A36-15155

R36-02640

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                  | AJ<br>#/ACRES   | WR<br>#/ACRES  | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|-----------------------|-----------------|----------------|-----------------|----------------|------------------|
| 06S | 21E | 34  | SW  | NE  |     | PHILLIPS , VERNON C.  | A36-15155 /10.0 | - /            | 40.0            |                |                  |
|     |     |     | SW  | NE  |     | PHILLIPS , MARILYN L. | A36-10259 /40.0 | - /            |                 |                |                  |
|     |     |     | SW  | NE  |     | PHILLIPS , VERNON C.  | A36-07674 /30.0 | 36-07674 /30.0 |                 |                |                  |
|     |     |     | SW  | NE  |     | ENGSTROM , FRED       |                 | 36-02640 /10.0 |                 |                |                  |
| 06S | 21E | 34  | SE  | NE  |     | PHILLIPS , VERNON C.  | A36-15155 / 9.0 | - /            | 37.0            |                |                  |
|     |     |     | SE  | NE  |     | PHILLIPS , MARILYN L. | A36-10259 /40.0 | - /            |                 |                |                  |
|     |     |     | SE  | NE  |     | PHILLIPS , VERNON C.  | A36-07674 /31.0 | 36-07674 /31.0 |                 |                |                  |
|     |     |     | SE  | NE  |     | ENGSTROM , PATRICIA   |                 | 36-02641 / 9.0 |                 |                |                  |
| 06S | 21E | 34  | SE  | NW  |     | PHILLIPS , VERNON C.  | A36-15155 / 3.0 | - /            | 37.0            |                |                  |
|     |     |     | SE  | NW  |     | PHILLIPS , MARILYN L. | A36-10259 /40.0 | - /            |                 |                |                  |
|     |     |     | SE  | NW  |     | PHILLIPS , VERNON C.  | A36-07674 /37.0 | 36-07674 /37.0 |                 |                |                  |
|     |     |     | SE  | NW  |     | ENGSTROM , FRED       |                 | 36-02640 / 3.0 |                 |                |                  |
| 06S | 21E | 34  | NE  | SW  |     | PHILLIPS , VERNON C.  | A36-15155 / 1.0 | - /            | 14.0            |                |                  |
|     |     |     | NE  | SW  |     | ENGSTROM , FRED       |                 | 36-02640 / 1.0 |                 |                |                  |
| 06S | 21E | 34  | NE  | SE  |     | PHILLIPS , VERNON C.  | A36-15155 /19.0 | - /            | 39.0            |                |                  |
|     |     |     | NE  | SE  |     | PHILLIPS , MARILYN L. | A36-10259 /40.0 | - /            |                 |                |                  |
|     |     |     | NE  | SE  |     | PHILLIPS , VERNON C.  | A36-07674 /21.0 | 36-07674 /21.0 |                 |                |                  |
|     |     |     | NE  | SE  |     | ENGSTROM , PATRICIA   |                 | 36-02641 /19.0 |                 |                |                  |
| 06S | 21E | 34  | NW  | SE  |     | PHILLIPS , VERNON C.  | A36-15155 /15.0 | - /            | 37.0            |                |                  |
|     |     |     | NW  | SE  |     | PHILLIPS , MARILYN L. | A36-10259 /40.0 | - /            |                 |                |                  |
|     |     |     | NW  | SE  |     | PHILLIPS , VERNON C.  | A36-07674 /25.0 | 36-07674 /25.0 |                 |                |                  |
|     |     |     | NW  | SE  |     | ENGSTROM , FRED       |                 | 36-02640 /15.0 |                 |                |                  |
| 06S | 21E | 34  | SW  | SE  |     | PHILLIPS , VERNON C.  | A36-15155 /18.0 | - /            | 37.0            |                |                  |
|     |     |     | SW  | SE  |     | PHILLIPS , MARILYN L. | A36-10259 /40.0 | - /            |                 |                |                  |
|     |     |     | SW  | SE  |     | PHILLIPS , VERNON C.  | A36-07674 /22.0 | 36-07674 /22.0 |                 |                |                  |
|     |     |     | SW  | SE  |     | ENGSTROM , FRED       |                 | 36-02640 /18.0 |                 |                |                  |
| 06S | 21E | 34  | SE  | SE  |     | PHILLIPS , VERNON C.  | A36-15155 /30.0 | - /            | 39.0            |                |                  |
|     |     |     | SE  | SE  |     | PHILLIPS , MARILYN L. | A36-10259 /40.0 | - /            |                 |                |                  |
|     |     |     | SE  | SE  |     | PHILLIPS , VERNON C.  | A36-07674 /10.0 | 36-07674 /10.0 |                 |                |                  |
|     |     |     | SE  | SE  |     | ENGSTROM , FRED       |                 | 36-02640 /30.0 |                 |                |                  |
| 06S | 21E | 35  | SW  | NW  |     | PHILLIPS , VERNON C.  | A36-15155 /18.0 | - /            | 39.0            |                |                  |
|     |     |     | SW  | NW  |     | PHILLIPS , MARILYN L. | A36-10259 /40.0 | - /            |                 |                |                  |

MICROFILMED

FEB 09 1993

None

B

See remarks

| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME                 | AJ<br>#/ACRES | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-------------|-----|-----|-----|-----|-----|----------------------|---------------|---------------|-----------------|----------------|------------------|
|             |     |     | SW  | NW  |     | PHILLIPS, VERNON C.  | A36-07674     | /22.0         | 36-07674        | /22.0          |                  |
|             |     |     | SW  | NW  |     | ENGSTROM, PATRICIA   |               |               | 36-02641        | /18.0          |                  |
| 06S         | 21E | 35  | NW  | SW  |     | PHILLIPS, VERNON C.  | A36-15155     | /18.0         | -               | /              | 39.0             |
|             |     |     | NW  | SW  |     | PHILLIPS, MARILYN L. | A36-10259     | /40.0         | -               | /              |                  |
|             |     |     | NW  | SW  |     | PHILLIPS, VERNON C.  | A36-07674     | /22.0         | 36-07674        | /22.0          |                  |
|             |     |     | NW  | SW  |     | ENGSTROM, PATRICIA   |               |               | 36-02641        | /18.0          |                  |
| 06S         | 21E | 35  | SW  | SW  |     | PHILLIPS, VERNON C.  | A36-15155     | /23.0         | -               | /              | 40.0             |
|             |     |     | SW  | SW  |     | PHILLIPS, MARILYN L. | A36-10259     | /40.0         | -               | /              |                  |
|             |     |     | SW  | SW  |     | PHILLIPS, VERNON C.  | A36-07674     | /17.0         | 36-07674        | /17.0          |                  |
|             |     |     | SW  | SW  |     | ENGSTROM, PATRICIA   |               |               | 36-02641        | /23.0          |                  |
| TOTAL ACRES |     |     |     |     |     |                      | A36-15155     | 164.00        |                 | 398.00         |                  |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y( ) N( )  
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE  
Y

FIELD  
EXAMINER

POU COUNTY: LINCOLN

PRESUMPTION FLAG:

REMARKS:

Because claim # A36-10259 was filed with  
a permissible place of use the rights  
will be recommended under the same.  
see attached maps.

this claim will be denoted to use on 164AC on 4000 POU

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

max 06  
164 Acres in 400 acre Permissible Place of use  
5/1/92

Transfer of 1 AC from NE 1/4  
in 1 AC in the 400AC P.O.U. (limit  
36-07674  
TO 236AC)

MICROFILMED

FEB 09 1993

A. AJ CLAIMED USES:

| PURPOSES                            | MONTH/DAY           | DIVERSION QUANTITY |
|-------------------------------------|---------------------|--------------------|
| A36-15155 IRRIGATION                | FROM 04-01 TO 11-01 | 3.280 CFS          |
| TOTAL DIVERSION RATE/VOLUME CLAIMED |                     | 3.280 CFS          |

B. WR RECORDED USES:

| PURPOSES | MONTH/DAY | DIVERSION QUANTITY |
|----------|-----------|--------------------|
|----------|-----------|--------------------|

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

|                                          | DATABASE | FIELD EXAMINER |
|------------------------------------------|----------|----------------|
| DUE TO WATER-USE DISCREPANCY? (Y/N)      | N        |                |
| DUE TO DIVERSION RATE DISCREPANCY? (Y/N) | Y        | B              |
| DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) | N        |                |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y( ) N( )

RECOMMEND TO WR STANDARDS OR OTHER? Y( ) N( ) Explain in remarks, below.

REMARKS:

Change Period of use to new 1992 standard  
4/1 to 10/31

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y( 4 ) N(    )

AJ TOTAL CLAIMED DIVERSION RATE: 3.280 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

*Combined Right*

\*\*\* IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. \*\*\*

\*\* If an amount smaller than the original diversion rate is \*\*

\*\* claimed and an exam is NOT required, explain in remarks. \*\*

FLOW MEASUREMENT REQUIRED?

FIELD  
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

N AB

B.

FLOW MEASUREMENT

MEASUREMENT METHOD \_\_\_\_\_, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y( Y ) N(    ) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A36-07674, A36-10259, 36-02641

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM NO. | SOURCE      | NAME                  | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|-------------|-----------------------|-----------|----------------|-----------|----------------|
| A36-15155 | GROUNDWATER | PHILLIPS , VERNON C.  | 3.280     | 0.020          |           |                |
| A36-07674 | GROUNDWATER | PHILLIPS , VERNON C.  | 4.740     | 0.020          |           |                |
| A36-10259 | GROUNDWATER | PHILLIPS , MARILYN L. | 8.000     | 0.020          |           |                |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

MICROFILMED  
FEB 09 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES \_\_\_\_\_ x 0.02 CFS/ACRE = \_\_\_\_\_ CFS  
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y( ) N( )

\*\*\* IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ) N( ) \*\*\*

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 492.0 AF/A

ACRES 400 x CONSUMPTIVE VOL. AF/A FOR AREA 3.00 =

TOTAL CONSUMPTIVE USE 1200 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = \_\_\_\_\_ AF/A

ACRES 400 x DIVERSION VOL. AF/A FOR AREA 4.00 =

TOTAL DIVERSION VOLUME 1600 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y( ) N( )

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

when used w/ 36-07674 limited to Capacity of 4.8 cfs (measured)  
400 AC => 1200 CU. Vol and 1600 DIV. Vol.

1b. CALCULATIONS

$2640 + 2640$   
 $1.74 + 1.54 = 3.28$

164 AC x .02 = 3.28

on 400 AC D.P.U. = 8.0 cfs.

measured  
well at 4.76 cfs.  
w/sonic meter

subject to change

Rec. based  
on capacity  
at time of  
LIC 36-07674

MICROFILMED  
FEB 9 1993

Analysis  
for feasibility  
place of use

RECOMMENDATIONS:

| REC.<br>PURPOSES              | REC. PERIOD<br>FROM TO                     | REC. DIV<br>RATE CFS             | REC. DIV<br>VOL. AF/A                                   | REC. CONS.<br>USE                                                                 |
|-------------------------------|--------------------------------------------|----------------------------------|---------------------------------------------------------|-----------------------------------------------------------------------------------|
| IRRIGATION                    | 04-01 <sup>11-01</sup><br><sub>10-31</sub> | DATABASE EXAMINER<br>3.280 _____ | DATABASE EXAMINER<br><i>see</i> _____<br><i>Remarks</i> | DATABASE EXAMINER<br>492.0 <sup>0</sup><br><sub>492.0</sub><br><i>see Remarks</i> |
| TOTAL FOR THIS RIGHT          |                                            | 3.280                            |                                                         |                                                                                   |
| REVIEWED BY: <u><i>AB</i></u> |                                            | DATE: <u>5/11/92</u>             |                                                         |                                                                                   |

MICROFILMED  
FEB 09 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

|                              | ACCEPTED<br>AS CLAIMED | NEEDS<br>REVIEW |
|------------------------------|------------------------|-----------------|
| OWNERSHIP _____              | ( )                    | ( )             |
| FORFEIT/ABANDON _____        | ( )                    | ( )             |
| ADDITIONAL DIV. AMOUNT _____ | ( )                    | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-15155

TOTAL DIVERSION RATE OF WR SPLITS      DATABASE 3.280      EXAMINER \_\_\_\_\_      CFS

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE         | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|---------------------------|---------------------------|------------------|---------------------|-------------------|
| A36-02641            | A36-15155                | 3.280                     | -                         |                  | 36-02641            | 1.740             |
| A36-02640            | A36-15155                | 3.280                     | -                         |                  | 36-02640            | 1.540             |
| TOTAL CFS            |                          | 3.280<br><del>6.560</del> |                           |                  |                     | 3.280             |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
IF NO, is the written review sheet attached? (Y/N)

DATABASE ☒

FIELD  
EXAMINER ☒

REMARKS:

*Recommend Basis of Claim License*  
*limit acres to 164 in P.P. of Use*  
*Limit Combined: Div. Rate - 4.8 cfs* → *check analysis*  
*C.U. Vol - 1200 AF*  
*Div Vol - 1600 AF*  
*Combined acres = 400 ac*

AUTHENTICATION:

SIGNATURE: *Anna Baumhoff*

DATE: *5/11/92* *6/18/92*

NAME OF FIELD EXAMINER: *Anna Baumhoff*

TITLE: *WR Agent JR*

MICROFILMED

FEB 09 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

09:59:56  
05/07/92

PAGE: 13  
PROFILE REPORT

CLAIM NUMBER: A36-15155

| OWNER<br>CODE    | NAME & ADDRESS                                                           | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | VERNON C. PHILLIPS                                                       | 02/03/1966       | IRRIGATION | 04-01 11-01           | 3.28 CFS          |                     |
| C                | MARILYN L. PHILLIPS<br>RT. 1 BOX 1222<br>PAUL ID 83347<br>(208) 438-5906 |                  |            |                       |                   |                     |
| TOTAL DIVERSION: |                                                                          |                  |            |                       | 3.28 CFS          |                     |
| CONSUMPTIVE USE: |                                                                          |                  |            |                       |                   | 492.0 AFA           |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T06S R21E S34

NESW

LINCOLN 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  |       |
| 06S | 21E | 34 | : |    |    |    | 10 |    | 09 | :  |    |    |    |    | 03 | :  | 01 |    |             |       | :    | 105.0 |
| 06S | 21E | 35 | : |    |    |    |    |    |    | :  |    | 18 |    |    |    | :  |    | 18 | 23          | :     | 59.0 |       |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES | 164.0 |      |       |

POU County: LINCOLN

Other Rights: A36-07674, A36-10259, 36-02641

Remarks: THIS CLAIM COMBINES #36-02641 WITH #36-02640 AS THEY HAVE THE SAME PRIORITY DATE.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

MICROFILMED  
FEB 09 1993

ABANDONED

CLAIM REVIEW : A36-07674, A36-15155, A36-10259

REVIEWED BY: ANNA BAUMHOFF, WR AGENT

DESK TOP REVIEW PHILLIPS, VERNON C.

**A36-15155** (Combines 36-02640 & 36-02641)  
(development is desert land entry)

priority 2-3-66

acres 164

diversion 3.28 cfs (issued at 1"/ac)

P/D NE $\frac{1}{4}$ , SW $\frac{1}{4}$  S-34, 6S, 21E (well located on BLM lands)

Exam date 6-3-69

1970 letter from BALM stating P/D not located in NE $\frac{1}{4}$ , SW $\frac{1}{4}$  S-34, rather located in NW $\frac{1}{4}$ , SE $\frac{1}{4}$  S-34, Licenses re-issued with new legal description of the P/D (copy in file A36-15155).

1973 BALM file No. I6444 described the easement permit for the well under these water rights, and a survey of the well is included with this permit and it locates the well in the NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , S-34, 6S, 21E. It would appear that BLM retracted their information about the location of the well as stated in 1970.

Field exam completed by Steve Clelland on 5-8-92 confirmed that the well is located in the NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , S-34, 6S, 21E.

**A36-07674**

priority 1-28-77

acres 237 (brought tracts to full 40's)

diversion 4.74 cfs (measured capacity at 4.8 cfs)

P/D NE $\frac{1}{4}$ , SW $\frac{1}{4}$  S-34, 6S, 21E

exam date 6-27-80

NOTE RE: total acres irrigated- recommendation will be for a total of 400

(1 acre was licensed (see A36-15155) in the NE $\frac{1}{4}$ , SW $\frac{1}{4}$  S-34, (it has been claimed making the total claimed acres 401), however, this 1 acre in the NE $\frac{1}{4}$ , SW $\frac{1}{4}$  S-34 is no longer being irrigated. It was not irrigated in 1980 when field exam was completed for 36-07674, therefore it will be assumed that the 1 acre has been abandoned/transferred and only 400 total acres will be recommended)

**A36-10259** B.U. claim

priority 4-1-68

acres 400

diversion 8.0 cfs

P/D NE $\frac{1}{4}$ , SW $\frac{1}{4}$  S-34, 6S, 21E

**MICROFILMED**  
**FEB 09 1993**

EVIDENCE OF PRIORITY:

Submitted a well log dated 8-25-66 and affidavit from a neighbor supporting the year 1968).....

CONFLICTING INFORMATION FROM IDWR'S FILES:

Field exam for Lic. 36-02640 & 36-2641 was completed in 1969 and only 164 irrigated acres were found. Application for Permit #36-07674 was filed in 1977 and the orthophoto quad map AA77 dated 1978 shows 400 (163 + 237) acres irrigated. Field Exam for this License in 1980 also confirmed the 400 irrigated acres.

The basis for this claim is the 2nd presumption, however licensed right 36-07674 indicates that the "EXPANSION" to 400 total acres required the diversion of additional water. Therefore this expansion claim will not be recommended because the use of additional water was required.

FIELD EXAM FOR DIVERSION RATE MEASUREMENT: JUNE 4, 1992

SONIC METER READING - GAVE 4.76 CFS. IT APPEARED THAT ALL PIVOTS WERE OPERATING AT THE TIME OF MEASUREMENT.

RECOMMENDATIONS:

A36-15155 & A36-07674

COMBINED

common p.d. - common delivery system - common place of use  
(claim A36-10259 claimed permissible place of use).

TOTAL ACRES                      400    AC  
    36-15156 = 164\* ac; 36-07674 = 237 ac  
    \* 1 acre overlaps with 36-07674

MAX. DIVERSION                      4.8    CFS  
COMMON P/D                          NE¼, NE¼, SW¼, S-34, 6S, 21E  
TOTAL VOLUME                        1600   AF  
TOTAL CONSUMPTIVE                   1200   AF

A36-10259

DISALLOW - Recommended as 36-07674

IDWR's records conflicted with proof submitted, and readily available maps confirmed a later date, which coincides with the later licensed right 36-07674 (which was issued for both additional acres and additional water) indication that an expansion developed after the field exam in 1969 required additional water and does not meet the requirements of the second presumption statute.

MICROFILMED  
FEB 09 1993

Claimant: V Phillips  
 Agent: Anna Baerhoff

Date: 5-11-92

Overlapping Irrigation Rights

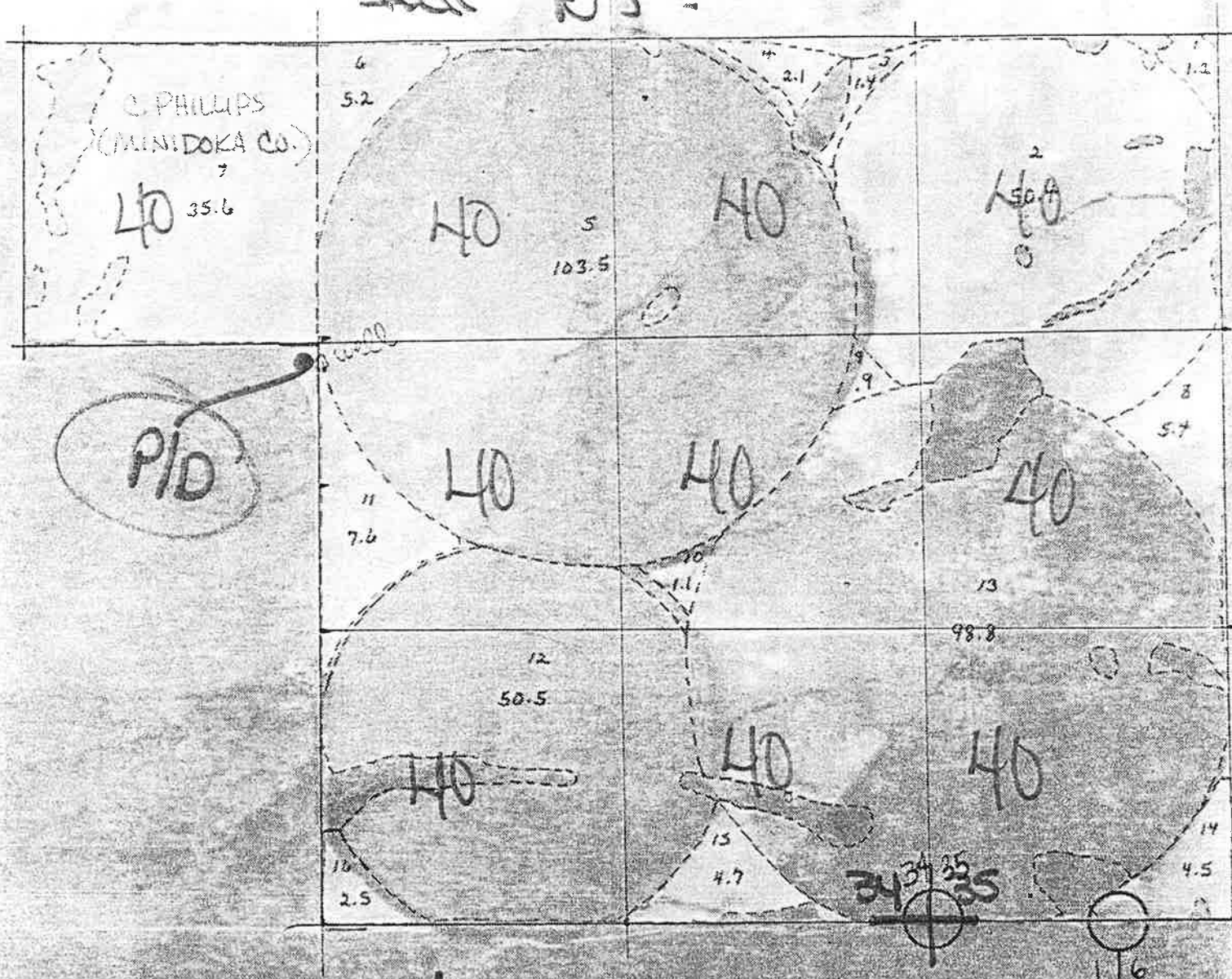
| Claim Numbers              | (1) A36-15155                 | (2) A36-07674    | (3) A36-10259                                                                 | (4) |
|----------------------------|-------------------------------|------------------|-------------------------------------------------------------------------------|-----|
| Basis of Claim             | L.C.                          | L.C.             | B.U. 2nd Presumpt.                                                            |     |
| Priority Date              | 2-3-66                        | 1-28-77          | 4-1-68                                                                        |     |
| Source                     | G.W.                          | G.W.             | G.W.                                                                          |     |
| Points of Diversion        | Same as #2, #3                | Same as #1, #3   | Same as #1, #2                                                                |     |
| Claimed Diversion Rate     | 3.28                          | 4.74             | 8.0                                                                           |     |
| System Diversion Capacity  | 4.80                          | 4.80             | 4.8                                                                           |     |
| Recommended Diversion Rate | 3.28                          | 4.74             | Ø                                                                             |     |
| Claimed No. Acres          | 164                           | 237              | 400 (P.P.U.)                                                                  |     |
| Recommended No. Acres      | 163 / P.P.U. 400              | 237 / P.P.U. 400 | Ø                                                                             |     |
| Diversion Volume           | 1600 P.P.U.                   | 1600 P.P.U.      | Ø                                                                             |     |
| Consumptive Use Volume     | 1200 P.P.U.                   | 1200 P.P.U.      | Ø                                                                             |     |
| Season of Use              | 4-1 to 10-31                  | 4-1 to 10-31     | Ø                                                                             |     |
| Overlapping Rights         | A36-07674(2)                  | (1)              | Ø                                                                             |     |
| Condition Codes            |                               |                  |                                                                               |     |
| Remarks                    | Combined 36-02640<br>36-02641 |                  | DISALLOWED<br>Recommended as<br>36-07674                                      |     |
| Notes                      |                               |                  | field exam 5-15-53<br>photomicrophoto F18<br>contradict<br>evidence of growth |     |

MICROFILMED

FEB 09 1993

RECOMMENDED ACRES 400

Full 40's -



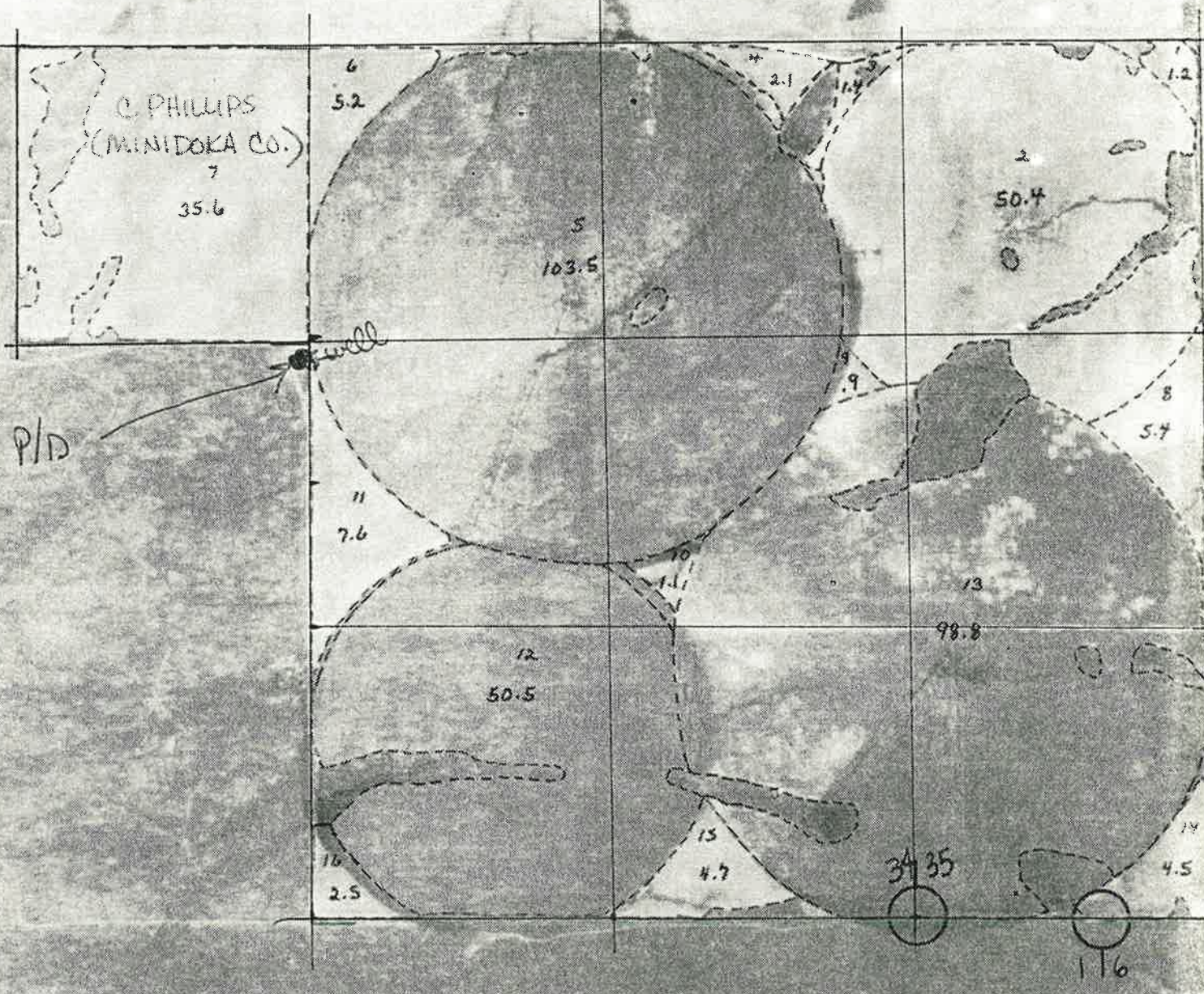
R36-15755  
R36-07674

NOT TO SCALE

U 13

ACRES = 375.4

MAP 18063-37



36-07674  
36-15155

Not To scale

U 13

MICROFILMED

FEB 09 1995

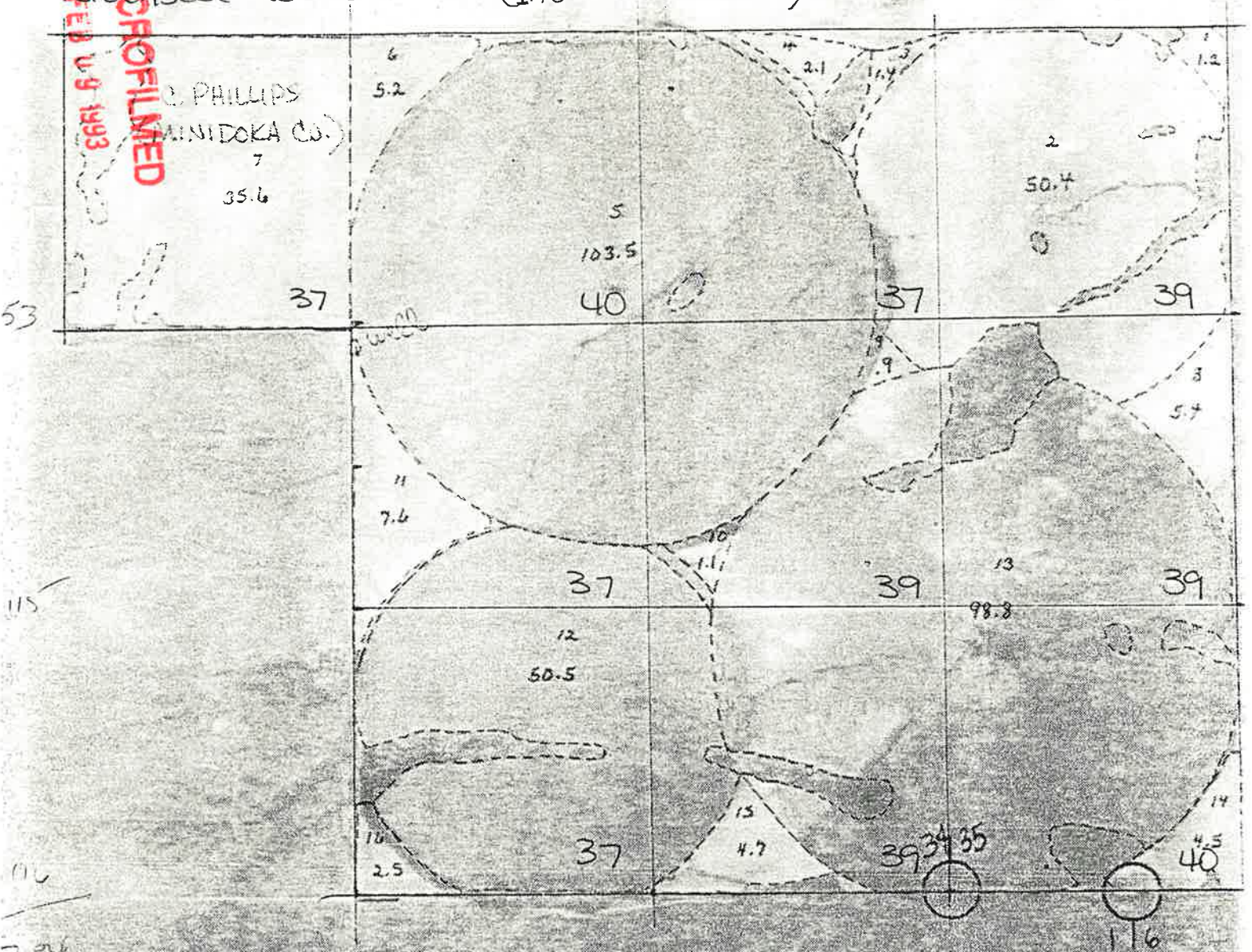
ASCS = 375.4

MP ACRES = 384

Claimed Total of 400Ac

ASCS ACRES = 375.4

Licensed acres = 401 (1Ac in NE<sup>1</sup>SW<sup>4</sup>34)



NOT TO scale

U 13

ASCS = 375.4

FEB 09 1993

MICROFILMED

A36-15165

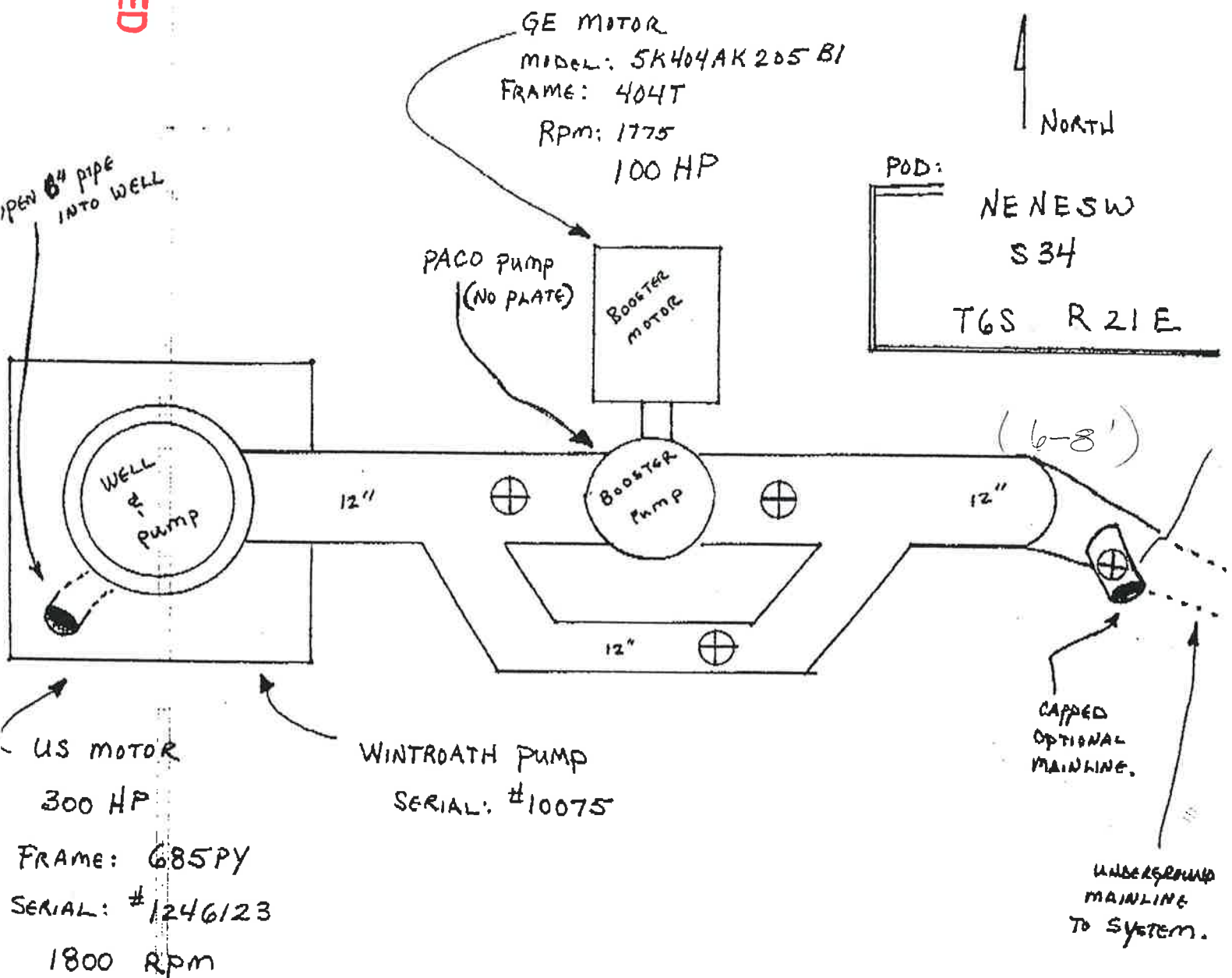
A36-7674

VERNON C. PHILLIPS

FIELD EXAM:

5-8-92

By SCC



R 36-071-74  
R36-15155

ZERO MODE  
CLEAR  
ZERO MODE  
AUT ZERO  
MODE SELECT  
INPUT

6/4/92

B

OUTER DIAMETER  
10.0902 IN

PIPE MATERIAL  
? CS,SS

WALL THICKNESS  
0.0980 IN

INNER LINING  
? NO LING.

KIND OF FLUID  
? WATER

SENSOR MOUNTING  
? U

TYPE OF SENSOR  
? SMALL

DATA CHANGE  
? NO

SPACING  
7.581 IN U

ZERO MODE  
CLEAR

ZERO MODE  
AUT ZERO

ZERO MODE  
CLEAR

ZERO MODE  
AUT ZERO

ZERO MODE  
ZERO OPR

00-00 00:4200 \*R  
+001.60 % AI2

MODE SELECT  
T0 CHECK

0371.3 MMSEC  
100.43 % T0

00-00 00:4300 \*R  
+ 2.137E 3GPM

4.76 gpm

MICROFILMED

FEB 09 1993

January 6, 1970

Re: Water License No. G-32716/36-2640

Fred Engstrom  
212 Jantoni  
Boise, Idaho

Dear Mr. Engstrom:

We have been advised by the Idaho Land Office of the Bureau of Land Management that the above referenced Water License has been issued in error. The point of diversion on your Water License is listed as the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 34, T. 6 S, R. 21 E, B. M. The Bureau advises us that the result of Actual measurement shows the well is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 34, T. 6 S, R. 21 E, B. M.

Be advised that the license is invalid and is being voided this date. The amendment which you have submitted to correct this situation has been approved and we are reissuing the Water License at once. We wish to thank you for your patience and cooperation in this matter.

Very truly yours,

Donald W. McEldowney  
Appropriation Examiner

DWM/jmb

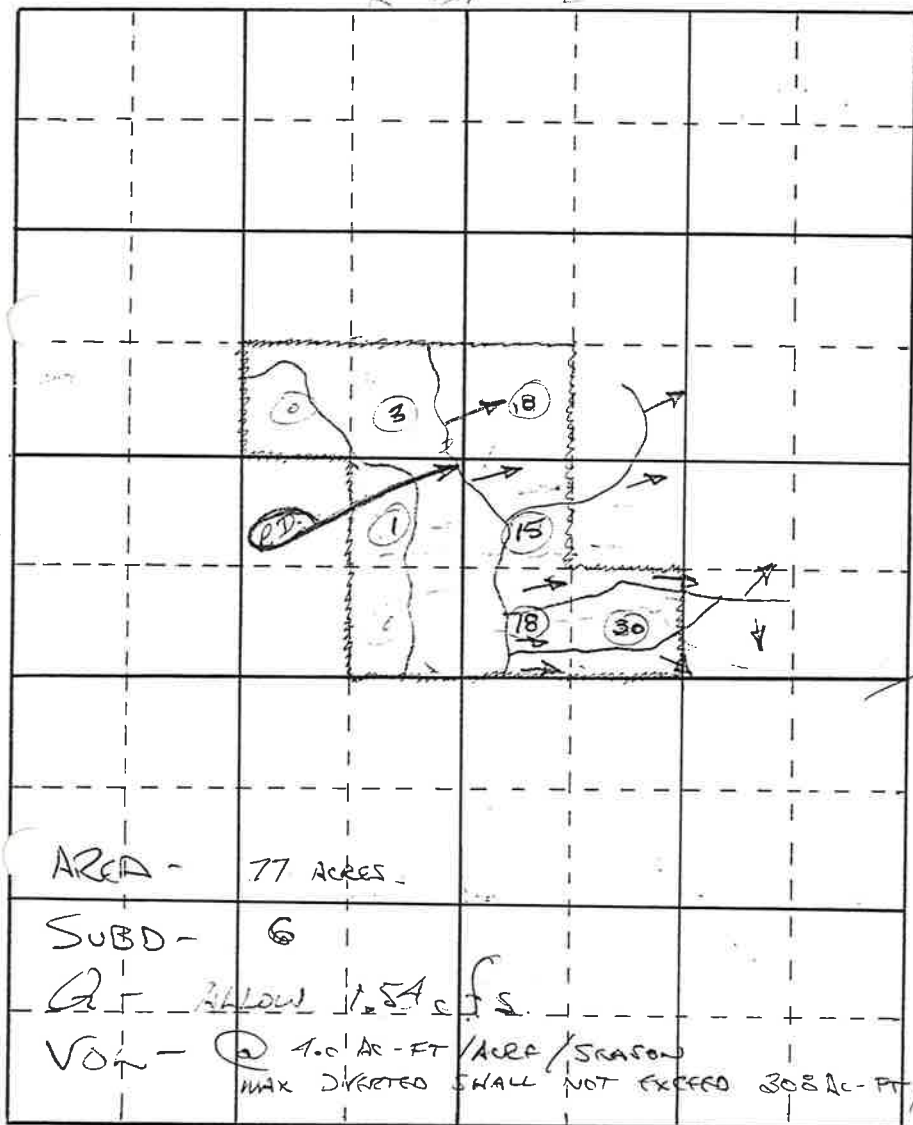
Enc. Copy of APPROVED Amendment  
NEW License - #32716/36-2640

cc. BLM - D. E. I-016294  
enc. Copy of amendment  
Copy of license

MICROFILMED

FEB 09 1993

36-2640  
32716



Permit No. G-32716 PH 532 4.74 FIELD PHONE CAL PH 532 4.74 7384 120

Name of Applicant Fred Engstrom, 212 Jantoni, Boise, Idaho

Source of Water Subterranean

a tributary of \_\_\_\_\_

Location of P.D. NE 1/4 SW 1/4, Sec. 34, T. 6S, R. 21E, B.M., Lincoln Co.

Water is used for Irrigation and domestic

Quantity of water claimed: Permit 6.4 cfs Depositions 6.3 cfs

Type of measuring device installed or method of measurement and general description of diversion works 15M 185-5 stage bowl, 12" column, 300 hp U.S. motor, 20" well casing, depth 580', static waterlevel 462'

Land to be irrigated or place of use:

| TWP. | RGE. | SEC. | Description                                                            |
|------|------|------|------------------------------------------------------------------------|
| 6S   | 21E  | 34   | SW 1/4 NE 1/4, S 1/2 NW 1/4, E 1/2 SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 |
|      |      |      |                                                                        |
|      |      |      |                                                                        |
|      |      |      |                                                                        |
|      |      |      |                                                                        |

Filed - February 3, 1966

Due - February 4, 1971 ✓

Made - December 3, 1968

Priority - February 3, 1966

Total acreage 320

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

32716

36-02640

FEB 09 1993

MICROFILMED

Source of supply SUPPERSON

a tributary of                     

Location of P.D.(s) NESW SEC 34 G. 21 E

Water is used for IRRIGATION

Quantity of water found IN FACE OF 4.0 cfs.

How was the measurement made? ESTIMATED DISCHARGE

Measurement calculations                     

DESIGNED FOR 2850 gpm OR G. 35  
OWNER ESTIMATES @ IN FACE OF 6.0 cfs

Diversion works description and diagram

300 HP U.S. ELEC MOTOR # 1246123  
15W 185-5 STAGE BOWL ASSEMBLY  
W/ PUMP HEAD - 480' OF 12" STD  
SERIAL # 10075 DESIGNED BY  
WORTHINGTON CORP TO PRODUCE  
2850 gpm  
10" DISCHARGE PIPE WITH GATE VALVE INTO EARTH  
POUND & THROUGH EARTH DITCHES.

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated 77 ACRES.

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

IRRIGATION ONLY

Who represented the permit holder at the examination?

MR. FRED ENGSTROM

Recommended allowance for licensing 1" / Acre OR 1.54 cfs.

Description of required amendments. Comments.                     

NOTE COMPANION PERMIT # 632717

1.00 WITH G. 32717 202

Report checked?                     

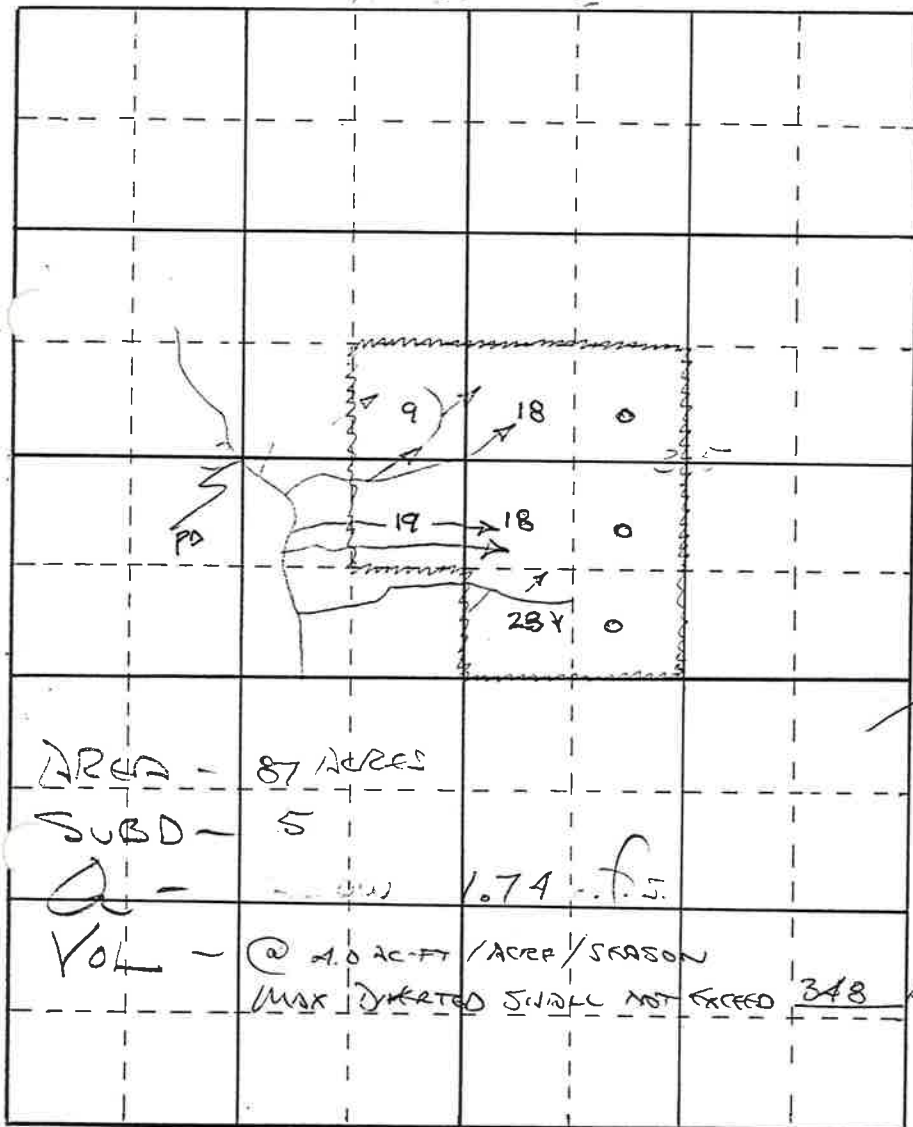
Examination date JUNE 3, 1969

Signature DR P.M. [Signature]

32716

RAT -  
DR

FEB 09 1968  
MICROFILMED (B4)



AREA - 87 acres

SUBD - 5

Q - 1.74 cfs

VOL - @ 1.0 ac-ft / acre / season

MAX IRRIGATED SHALL NOT EXCEED 348 ac-ft / season

Permit No. G-32717  
 Name of Applicant Mrs. Patricia Engstrom, 212 Jantoni, Boise, Idaho  
 Source of Water Subterranean  
 a tributary of \_\_\_\_\_  
 Location of P.D. NE 1/4 SW 1/4, Sec. 34, T. 6S, R. 21E, B.M., Lincoln Co.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Water is used for Irrigation and domestic  
 Quantity of water claimed: Permit 6.4 cfs Depositions 6.3 cfs  
 Type of measuring device installed or method of measurement and general description  
 of diversion works 15m, 185-5 stage bowl, 12" column, 300 hp  
U.S. motor, 20" well casing, depth 530', static water level 462'

Land to be irrigated or place of use:

| TWP. | RGE. | SEC. | Description                  |
|------|------|------|------------------------------|
| 6S   | 21E  | 34   | SE 1/4 NE 1/4, NE 1/4 SE 1/4 |
|      |      | 35   | SE 1/4 NW 1/4, SW 1/4        |
|      |      |      |                              |
|      |      |      |                              |
|      |      |      |                              |
|      |      |      |                              |

Filed - February 3, 1966

Total acreage 320

Due - February 4, 1971

Made - December 3, 1968

Priority - February 3, 1966

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.)

FB6-02641

32717

Source of supply SUBTERREAN

a tributary of —

Location of P.D.(s) NESW SEC 34 6S 21E

Water is used for IRRIGATION

Quantity of water found IN EXCESS OF 4.0 cfs

How was the measurement made? ESTIMATED DISCHARGE

Measurement calculations —

DESIGNED FOR 2850 gpm OR 6.35 cfs  
OWNER ESTIMATES Q IN EXCESS OF 6.0 cfs

Diversion works description and diagram

300 HP U.S. ELEC MOTOR #1246123  
15 HP 185-5 STAGE BOWEN ASSEMBLY  
15" PUMP HEAD - 480' - 12" -  
SEC # 10075, DESIGNED TO  
PRODUCE 2850 gpm  
10" DISCHARGE PIPE WITH GATE VALVE  
INTO EARTH TOWN DITCH THROUGH EARTH DITCH

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated 87 ACRES

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

IRRIGATION ONLY

Who represented the permit holder at the examination?

BO "TRIO" ENGSTROM PRESENT

Recommended allowance for licensing 1.7 cfs

Description of required amendments. Comments. —

NOTE COMPANION PERMIT 82716

Report checked? —

Examination date JUNE 3, 1969

Signature Dean Reynolds

32717

**MICROFILMED**

**FEB 09 1993**

PLATE