

AJ0749NP

No. 36-10748

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/26/98

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DRUE M PHILLIPS 6995 S INGLENOOK COVE #1512 MIDVALE UT 84047 (801) 561-1041	06/01/1935	DOMESTIC	01-01 12-31	0.04 CFS	
				TOTAL DIVERSION:	0.04 CFS	
D	CATHRYN A BURKE WENDELL ID 83355 (208) 536-2206					
D	JOHN P BURKE RT 1 BOX 129 WENDELL ID 83355 (208) 536-2206					

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R15E S32

NWNENE

GOODING County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	15E	32	:	D													

POU County: GOODING

Non-Irrigation Uses: 1 HOME

Other Rights: NSCC

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP07S15E310187

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

January 27, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DRUE M PHILLIPS
6995 S INGLENOOK COVE #1512
MIDVALE UT 84047

RE: Decreed Water Right 36-10748

Dear Mr. Phillips:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in ownership.

While verifying the legal description of your property as listed on your warranty deed against the legal description of the property as it was decreed, it was found the two did not match. Further research confirmed the legal description of the property was originally claimed in the wrong section.

If you concur with our assessment and would like for your decreed water right to reflect accurate place of use information, please contact me no later than 60 days from the decree date (December 29, 1997) and I will assist you with this process.

Should you have any questions or further concerns, please do not hesitate to contact me at (208) 736-3033.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Douglas R. Jones'.

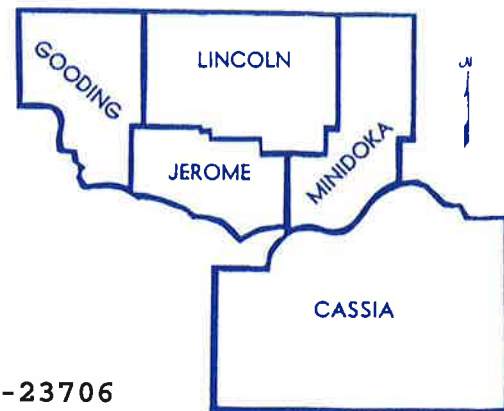
Douglas R. Jones
Water Rights Supervisor
Adjudication Bureau

enc.

decreed - 12-29-97

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO:

OFFICE:

G-23706

Gooding

May 12, 1997

State of Idaho
Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301-6105

RECEIVED

MAY 14 1997

Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
BURKE/PHILLIPS
CertMail #P248 124 308

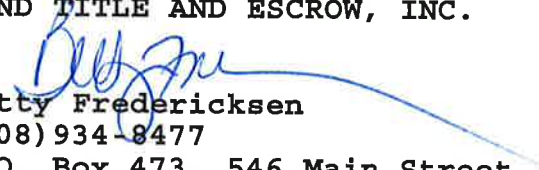
Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership on
on the above
for Water Right Number 36-10748
- Copy of Deed #167417

Thank you,

LAND TITLE AND ESCROW, INC.


Betty Fredericksen
(208) 934-8477
P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

cc: Phillips

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0806 - FAX 436-1199

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

MAY 14 1997

DATE OF CLOSING: OCTOBER 28, 1996

Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township 7 SOUTH Range 15 EAST BM.
Section 31, NE 1/4 of NE 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .

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

SEE COMPLETE LEGAL ON WARRANTY DEED ATTACHED.

☐ 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)

☒ Water Right Number(s)
Assigned by IDWR: (AJ5809MP) No. 36-10748

☒ Name and Address of Former
Owner/Claimant(s)(Seller): JOHN P. BURKE AND CATHRYN A. BURKE
1773 EAST 2900 SOUTH
WENDELL, IDAHO 83355

☐ New Owner/Claimant
(Purchaser): Drue M. Phillips

☐ New Mailing Address: 6995 South Inglenook Cove #1512, Midvale, Utah 84047
1773 EAST 2900 SOUTH, WENDELL, IDAHO 83355

☐ New Telephone Number: (801) 561-1041

☐ 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: WD # 167417

(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) Drue M. Phillips Date 12/1/90
DRUE M. PHILLIPS Date _____

☐ Signature of Former
Owner/Claimant(s) John P. Burke Date 10/30/90
JOHN P. BURKE CATHRYN A. BURKE 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: _____ By: _____

Claim Numbers of Split, if any:

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

AJ5809NP
No. 36-10748

IDaho DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/29/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CATHRYN A BURKE WENDELL ID 83355 (208) 536-2206	06/01/1935	DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

C JOHN P BURKE
RT 1 BOX 129
WENDELL ID 83355
(208) 536-2206

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R15E S32 N1/4

GOODING County

Place of Use Legal Description for: DOMESTIC

NE				NW				SW				SE							
T	R	S		NENE	NWNE	SUNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	15E	32	:	D															

POU County: GOODING

Non-Irrigation Uses: 1 HOME

Other Rights: NSCC

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP07S15E310187

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

02/29/96
Per Irish
@Jwin
136-3033
May need
amendment
Re: Agent
Send ownership
change -
Attn Irish
She will do
amendment
w/te w/state
forms for all to do
re: amendment

OCT-29-'96 TUE 12:11 ID:

TEL NO:

#036 P01

AJ0749NP
No. 36-10748

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/12/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CATHRYN A BURKE WENDELL ID 83355 (208) 536-2206	06/01/1935	DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

C JOHN P BURKE
RT 1 BOX 129
WENDELL ID 83355
(208) 536-2206

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T07S R15E S32 NW/4E

GOODING County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
T	R	S	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
NENE N/4E S/4E SENE				NENW N/4W S/4W SENW				NESW N/4SW S/4SW SESW				NESE N/4SE S/4SE			
: Lt Ac Lt Ac Lt Ac Lt Ac				: Lt Ac Lt Ac Lt Ac Lt Ac				: Lt Ac Lt Ac Lt Ac Lt Ac				: Lt Ac Lt Ac Lt Ac Lt Ac			
07S 15E 32 : D															

POU County: GOODING

Non-Irrigation Uses: 1 HOME

Other Rights: NSCC

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A36-10748 R36-10748

Other Water Rights Listing Overlapping Place(s) of Use:
A01-0021220

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP07S15E310187

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Post-it* Fax Note	7671	Date 12 MAY	# of pages
To BETTY	From GEORGIA	Co. IDWR	Phone # 736-3033
Co/Dept. LAND TITLE		Phone #	Fax #
Phone # 4 ESCROW			
Fax # 934-5890			

WARRANTY DEED

For Value Received

JOHN P. BURKE and CATHRYN A. BURKE, Husband and Wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DRUE M. PHILLIPS, a married man contracting with his sole and separate property
 WHOSE ADDRESS IS: 6995 SOUTH INGLENOOK COVE, #1512 MIDVALE, UTAH 84047

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho,
 to-wit:

See Exhibit "A" Attached

167417

STATE OF IDAHO COUNTY OF GOODING
 Filed for record at the request of Land Title & Escrow Inc.
30 min. past 4 o'clock P m. this 30th
 of October, 1996 9:00
 By Penny Watson Deputy

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: October 28, 1996

John P. Burke
 JOHN P. BURKE

Cathryn A. Burke
 CATHRYN A. BURKE

STATE OF IDAHO, COUNTY OF GOODING
 On this 29th day of October, 1996
 before me, a notary public in and for said State, personally appeared

John P. Burke and Cathryn A. Burke

known to me to be the persons whose names are
 subscribed to the within instrument, and acknowledged
 me that they executed the same.

Betty Fredericksen

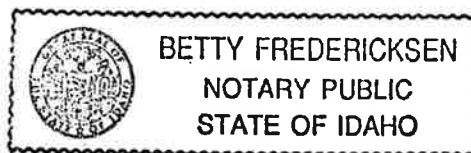
Notary Public

Residing at Gooding, Idaho, Idaho.
 Commission expires: 3-29-2000

STATE OF IDAHO, COUNTY OF GOODING

On this 30th day of October, 1996, before me a Notary Public in and for said State, personally appeared JOHN P. BURKE, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Betty Fredericksen
 RESIDING: GOODING, IDAHO



Gooding County, Idaho
 Commission Expires 3-29-2000

BETTY FREDERICKSEN

NOTARY PUBLIC

STATE OF IDAHO

Gooding County, Idaho
 Commission Expires 3-29-2000

SCHEDULE A

Order Number: G-23706

TOWNSHIP 7 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 31: Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section, described as follows:

Beginning at a point 7 rods North of the Southwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 31;
Thence East to the centerline of the North Side Canal Company, Limited,
Lateral "W-26";
Thence following the centerline of said lateral in a Northeasterly direction to its point of intersection with the East boundary line of said Section;
Thence North along said Section line to the Northeast corner of said Section;
Thence West along the North line of said Section the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section;
Thence South to THE PLACE OF BEGINNING.

EXCEPTING THEREFROM a parcel of land being on both sides of the centerline of Interstate 80N, Project No. I-80N-3(21) 150 Highway Survey as shown on the plans thereof now on file in the Office of the Department of Highways of the State of Idaho and being a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, described as follows to-wit:

Beginning at the Northeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, which bears North 43°30'24" East 98.59 feet from Station 1526+33.25 of said Interstate 80N, Project No. I-80N-3(21) 150 Highway Survey;
Thence South 0°35'24" West along the East line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 400.89 feet to a point in a line parallel with and 195.00 feet Southwesterly from the centerline and opposite Station 1529+06.66 of said Highway Survey;
Thence North 46°29'36" West along said parallel line 233.86 feet to a point opposite Station 1526+72.80 of said Highway Survey;
Thence North 57°09'36" West 290.05 feet to a point that bears South 22°10'24" West 35.00 feet from Station 1523+59.09 of Frontage Road No. 4 Survey as shown on the plans of said Interstate 80 N Highway Survey;
Thence North 76°44'47" West 296.30 feet to a point that bears South 0°50'24" West 25.00 feet from Station 1520+54.33 said Frontage Road No. 4 Survey;
Thence North 0°50'24" East 25.00 feet to a point in the North line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence South 89°09'36" East along said North line 705.56 feet to THE PLACE OF BEGINNING.
Highway Station Reference 1525+26.72 to 1527+25.35.

TOGETHER WITH all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto including but not limited to 33.0 shares of Capital Stock of The North Side Canal Company, Limited.

(continued)

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1996 and subsequent years, which are a lien, but not yet due and payable.

Assessments levied or to be levied by the Gooding County Solid Waste Department.

Assessments of the The North Side Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of North Side Canal Company, Ltd.

Power Line Easement given by Ben E. Kurtz and Blanche I. Kurtz, his wife to Idaho Power Company, a corporation, dated May 21, 1949, recorded June 12, 1950 as Instrument Number 112188, Gooding County records, affecting NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 7 South, Range 15, E.B.M.

Power Line Easement given by Richard H. Hagerman and Dorothy W. Hagerman, his wife to Idaho Power Company, a corporation, dated July 20, 1960, recorded September 13, 1960 as Instrument Number 141725, Gooding County records, affecting With-in the NE $\frac{1}{4}$ of Section 31, Township 7 South, Range 15, E.B.M.

Power Line Easement given by Ben Kurtz and Blanche I. Kurtz, his wife, to Idaho Power Company, a corporation, dated July 20, 1960, recorded September 13, 1960 as Instrument Number 141726, Gooding County records, affecting With-in the NE $\frac{1}{4}$ of Section 31, Township 7 South, Range 15, E.B.M.

Terms and Conditions set forth in an agreement between Dean W. Sisson and Meredith J. Sisson, husband and wife, and Wm. Higgenbotham and Oretha Higgenbotham, husband and wife, dated December 1, 1967, recorded February 12, 1970, as Instrument Number 31041, Gooding County records.



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: A36-10748
Date Received: 8/30/1988
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN P. BURKE 208-536-2206
Address: RT. 1 BOX 129
WENDELL, ID 83355

OR
Name: CATHRYN A. BURKE 208-536-2206
Address: WENDELL, ID 83355

2. Date of Priority: JUN 01, 1935

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	15E	32	NW	NE	NE		GOODING

5. Description of diverting works:
WELL WITH SUBM. PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOM/1

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	15E	32	NE NE		DOMEST	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NSCC

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X 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): *Cathryn A. Buhl* Date: 8/30/88

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of August 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl Id
My Commission Expires 6-30-94

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

May 12, 1997 12:08pm

CUSTOMER

BETTY @ LAND TITLE & ESCROW

SUBJECT: 36-10748

phone call (X) walk-in (.)

THE BURKES' ARE SELLING AND THEY NEED TO CHANGE THE OWNERSHIP OF THEIR WATER RIGHT. BETTY SAYS SHE HAS THE CORRECT DOCUMENTATION TO ACCOMPLISH THIS GOAL...PRINTED AND FAXED THE ABOVE RIGHT TO BETTY FAX NUMBER 934-5890.

WATER RIGHT NUMBER - A36-10748

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA

+ - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - AUDIT FIELDS - 08/30/88 BLAU 10/03/89 REFUNCML

+ - - - - 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 - 00/00/0000	OLD JUDICIAL DISTRICT -
CLAIM RECEIVED DATE - 08/30/1988	LAST AMENDED DATE - 00/00/0000	TEMPORARY RIGHT - P
CLAIMS TAPE ERROR FLG -	RECEIPT NUMBER - S001900	WATER DISTRICT -
FEE EXEMPT FLAG -	PGU OWNERSHIP FLAG - Y	FEDERAL/STATE INDICATOR - S
	NAME CONNECTOR - DR	PRESUMPTION FLAG -

RP 07515E310187

DATA ENTRY

ENTERED

CHECKED

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

CERTIFIED
DEC 27 1990
WATER EXAMINER

VERIFIED
NOV 25 1990