

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 37-21123  
Date Received: 7/2/2003  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EVELYN PHILLIPS Phone: (208)788-2427  
PO BOX 864  
HAILEY ID 83333

JAMES W PHILLIPS Phone: (208)788-3496  
PO BOX 864  
HAILEY ID 83333

2. Date of Priority: 03/24/1883

3. Source: BIG WOOD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 03N      | 18E   | 20      | SE SE NW              | BLAINE |      |

5. Description of diverting works:

HIAWATHA CANAL HEADGATE (SEE REMARKS)

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 0.3    |            |
| STOCKWATER | 04/01 | 11/01 | 0.02   |            |
| RECREATION | 04/01 | 11/01 | 0.3    |            |
| AESTHETIC  | 04/01 | 11/01 | 0.3    |            |

7. Total Quantity Appropriated is:  
0.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|--------|-----|---------------|-------|
| 02N      | 18E   | 10      | NE  | NW     |     | STOCKWATER    |       |
|          |       |         | SE  | NW     |     | STOCKWATER    |       |
|          |       |         | NE  | NW     |     | RECREATION    |       |
|          |       |         | SE  | NW     |     | RECREATION    |       |
|          |       |         | NE  | NW     |     | IRRIGATION    | 1.7   |
|          |       |         | SE  | NW     |     | IRRIGATION    | 6.5   |
|          |       |         | NE  | NW     |     | AESTHETIC     |       |
|          |       |         | SE  | NW     |     | AESTHETIC     |       |
|          |       |         |     |        |     | Section Acres | 8.2   |
|          |       |         |     |        |     | Total Acres   | 8.2   |

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

PROPERTY IS ALSO KNOWN AS LOT 3, BLK 1, MARVIN GARDENS SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-577CD.

15. Basis of Claim: Decreed

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: **A37-00577CD**

Date Received: 11/ 6/1989

Receipt No: C012672

Received By: Amund SCC

**AMENDED**

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

**AMENDED**

1. Name: EVELYN PHILLIPS 208-788-3496  
Address: PO BOX 864  
HAILEY ID 83333

AND

Name: JAMES PHILLIPS 208-788-3496  
Address: PO BOX 864  
HAILEY ID 83333

2. Date of Priority: MAR 24, 1883

3. Source: BIG WOOD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 03N      | 18E   | 20      | SE     | SE     | NW     |     | BLAINE |

5. Description of diverting works:  
HIAWATHA CANAL HEADGATE (SEE REMARKS)

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.546 |      |        |
| STOCKWATER | 04/01 | 11/01 | 0.020 |      |        |
| RECREATION | 04/01 | 11/01 | 0.546 |      |        |
| AESTHETIC  | 04/01 | 11/01 | 0.546 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCKWATER, 4 HORSES

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|---------------|-------|---------|--------|-----|-----|-------|-------|
| 02N           | 18E   | 10      | NE     | NW  |     | IRR   | 10.0  |
|               |       |         | NE     | NW  |     | STOCK |       |
|               |       |         | NE     | NW  |     | REC   |       |
|               |       |         | NE     | NW  |     | AES   |       |
|               |       |         | SE     | NW  |     | IRR   | 3.0   |
|               |       |         | SE     | NW  |     | STOCK |       |
|               |       |         | SE     | NW  |     | AES   |       |
|               |       |         | SE     | NW  |     | REC   |       |
| Section Acres |       |         |        |     |     |       | 13.0  |
| Total Acres   |       |         |        |     |     |       | 13.0  |

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:  
NONE

14. Remarks:

HIAWATHA CANAL HEADGATE ON THE BIG WOOD RIVER DIVERTS INTO THE HIAWATHA CANAL WHICH RUNS SOUTHEAST FIVE AND ONE-HALF MILES TO PLACE OF USE. A HEADGATE TAKES WATER FROM MAIN CANAL AND THROUGH HIGH DITCH TO SUBJECT PROPERTY APPROXIMATELY THREE MILES TO PLACE OF USE. PROPERTY IS IRRIGATED THROUGH SYSTEM OF DITCHES WITH STORAGE POND. ALSO, WATER IS USED IN RECREATIONAL POND AND MAN-MADE STREAM AND WATER FEATURES.

AMENDMENT REMARKS: CLAIMANTS OWN WATER RIGHTS ON LOTS 5 & 6 OF MARVIN GARDENS SUBDIVISION. LOT 5 IS OWNED BY VANCE AND GEORGINE CARTER, PO BOX 66, HAILEY, ID 83333. LOT 6 IS OWNED BY HOWARD AND CAROL KNIGHT, PO BOX 798, KETCHUM, ID 83340. THESE LOTS ARE PART OF INITIAL NOTICE OF CLAIM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

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

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ 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 \_\_\_\_\_



**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

August 6, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

JAMES & EVELYN PHILLIPS  
PO BOX 864  
HAILEY ID 83333

RE: AMENDMENT OF SRBA CLAIM NO. A37-00577CD

Dear Mr. & Mrs. Phillips,

Enclosed please find a copy of your SRBA claim as it now reads on our database. All the changes you requested were made except for the additional acre of irrigation. There is a \$1.00 per acre fee for SRBA claims. If you still wish to make this modification please remit the \$1.00 fee due for this change.

I also noted you do not own the land this right is appurtenant to. If you wish to show the current owners of the lands as owners of the water rights please use the enclosed form to facilitate this change with IDWR. As I am sure you are aware, water rights are usually conveyed along with the land in a sale unless specifically reserved in the warranty deed. Would you please advise the Department on the correct ownership of this right in accordance with Idaho Code.

Please feel free to contact me if you have further questions.

Sincerely,

STEVE CLELLAND  
Sr. Water Resource Agent

ENC:

RECEIVED

AUG 04 1997

Department of Water  
Southern Region

July 21, 1997

Idaho Department of Water Resources  
Attn: Snake River Basin Adjudication  
222 Shoshone East  
Twin Falls, Idaho 83301

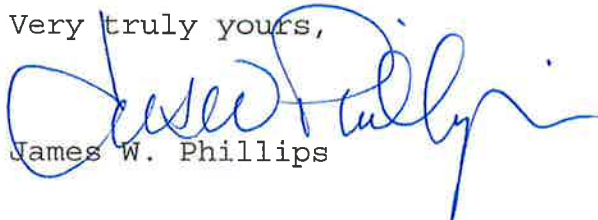
Re: Amendment to SRBA Notice of Claim  
James and Evelyn Phillips, claimants  
ID# A37-00577CE

Dear Clerk:

Please find enclosed an amended Snake River Basin Adjudication Notice of Claim with regard to the above referenced claim number. This application is filed to correctly identify township, water usage and property ownership.

Please file this amended claim and if there is any further information needed, please contact me.

Very truly yours,



James W. Phillips

JWPjc

jwp.ltr\water.amd

A37-00577 CD

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 A37-00577 CD  
Date Received 11-6-89  
Receipt Number CO12672

Department of Water  
Southern Region  
30356

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

**Please type or print clearly**

1. Name of Claimant (s) JAMES & EVELYN PHILLIPS Phone (208) 788-3496

Mailing Address P.O. Box 864 Hailey, Idaho Zip 83333

2. Date of Priority (Only one (1) per claim) March 24, 1883

3. Source of water supply (a) Big Wood River  
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 2N Range 18E Section 20,  
SE 1/4 of SE 1/4 of NW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Blaine

Additional points of diversion if any:

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.

Hiawatha Canal Headgate on Big Wood River into Hiawatha Canal into High Ditch for 5 1/2 miles to place of use. Claimant has three headgates. Property is flood irrigated and also irrigated through 5 hp pump from pond.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 11/1 amount .546 or \_\_\_\_\_

For stockwater purposes from 4/1 to 11/1 amount .02 or \_\_\_\_\_

For recreation purposes from 4/1 to 11/1 amount .546 or \_\_\_\_\_

For aesthetic purposes from 4/1 to 11/1 amount .546 or \_\_\_\_\_

7. Total quantity claimed (a) .546 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is not required acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater - 4 horses

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 |        |
| 3N  | 18E | 10  |        |       |       |       | 4      |       |       | 10    |        |       |       |       |        |       |       |       | 14     |
|     |     |     |        |       |       |       | S      |       |       | S     |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       | J      |       |       | J     |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       | R      |       |       | R     |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 14

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

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.  
\_\_\_\_\_ or None (X )

14. Remarks:

Claimants own water rights on Lots 5 & 6 of Marvin Gardens Subdivision.  
Lot 5 is owned by Vance and Georgine Carter, P.O. Box 66, Hailey,  
Idaho 83333. Lot 6 is owned by Howard and Carol Knight, P.O. Box 798  
Ketchum, Idaho 83340. These lots are part of initial Notice of Claim.

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number 37-0577  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant Foster vs. Alturas Water Co.

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

Signature of Claimant (s)

[Signature]  
[Signature]

Date 7-23-97

Date 7-23-97

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.

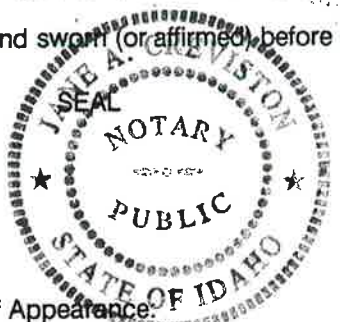
Signature of Authorized Agent \_\_\_\_\_

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

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

County of Blaine ) SS.

Subscribed and sworn (or affirmed) before me this 23<sup>rd</sup> day of July 19 97



Notary Public Jane A. Creviston

Residing at Blaine

My Commission Expires 3-22-99

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, \_\_\_\_\_ 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 \_\_\_\_\_

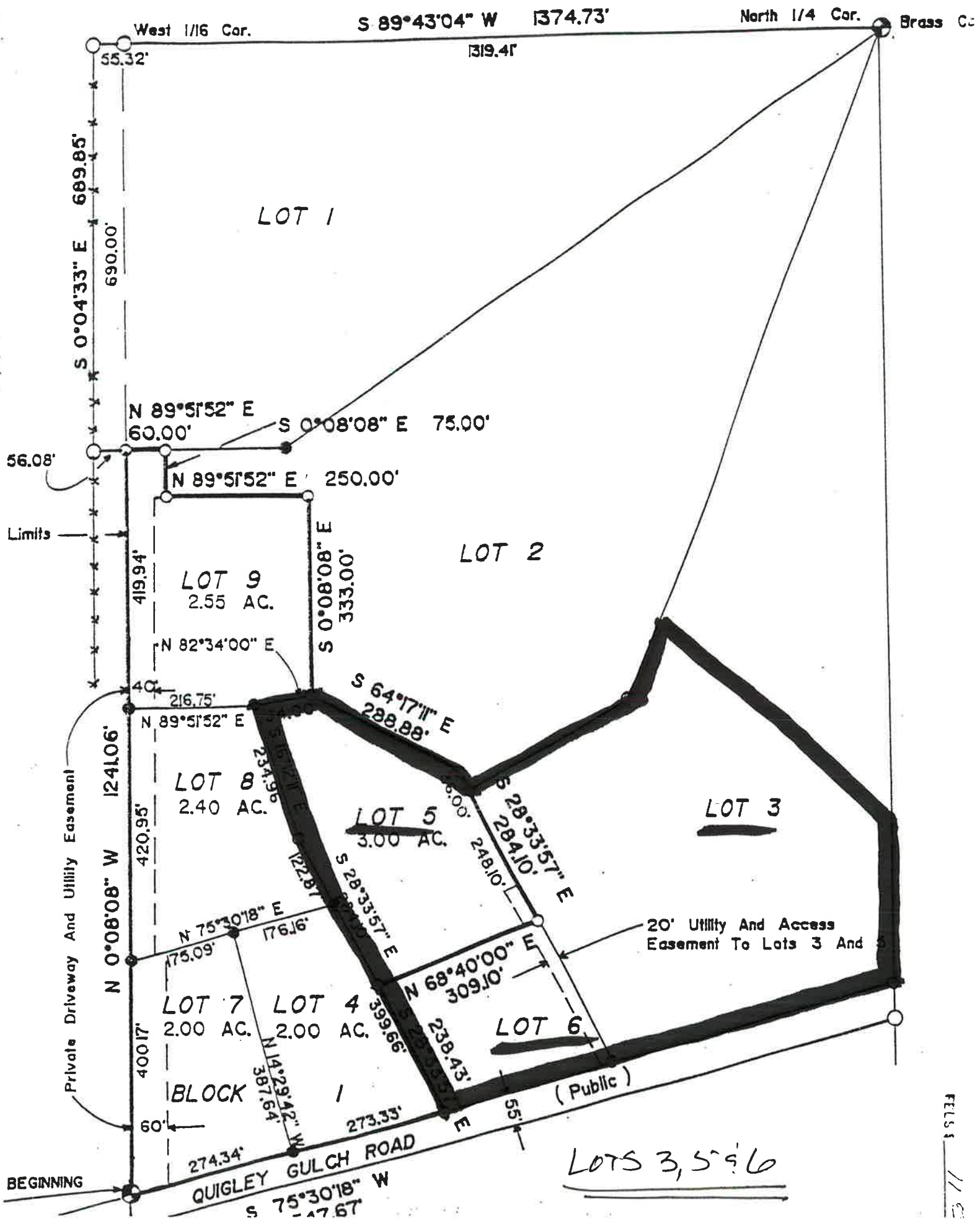
Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

# MARVIN GARDEN SUBDIVISION



Ident. No. \_\_\_\_\_

FACT SHEET

for

Excessive Irrigation Flows

This information is to be submitted with any application for permit or adjudication claim to water right for which the irrigation rate of flow requested/claimed is more than .02 cfs per acre. One exception is that .03 cfs per acre is allowed for up to five (5) acres.

Soil type and soil profile: loam, gravel, sand and river rock

Soil water holding capacity: poor

Soil intake family (if known): \_\_\_\_\_

Field slope: \_\_\_\_\_

Anticipated crops: hay (grass/alphalpa), ornamental trees and shrubs

Method of irrigation: flood

ADJUDICATION CLAIM ONLY:

Is this method of irrigation the common local practice? yes

Have you changed the irrigated method from the one first developed? no

If yes, describe. \_\_\_\_\_

Remarks The irrigation water is conveyed from its point of diversion  
five and one-half miles and is subject to substantial ditch loss  
due to rock/gravel soils, that slope and length of ditch.



**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**

September 9, 1997

**PHILIP E. BATT  
GOVERNOR**

**KARL J. DREHER  
DIRECTOR**

JAMES & EVELYN PHILLIPS  
PO BOX 864  
HAILEY ID 83333

RE: AMENDMENT OF SRBA CLAIM NO. A37-00577CD

Dear Mr. & Mrs. Phillips,

Enclosed please find your check #877 for \$13.00. I am returning this check since it overpays the amount necessary to amend your SRBA claim. I understand the confusion I may have stated in my previous letter and hopefully this will clarify the issue.

Your original claim was filed for 13 acres and you have already paid the fees due for that filing. Your amendment recently submitted listed 14 acres of irrigation; a difference of 1 acre. I guess the first question is which is the correct acre figure 13 or 14 acres? If 13 acres no further action or fees are necessary; If there are 14 acres as amended then you will need to submit a check for \$1.00 for the 1 acre increase.

Please feel free to contact me if you have further questions.

Sincerely,

A handwritten signature in cursive script that reads 'Steve Clelland'.

STEVE CLELLAND  
Sr. Water Resource Agent

ENC:



# THE ROARK LAW FIRM

ATTORNEYS AND COUNSELORS AT LAW

409 NORTH MAIN STREET  
P.O. BOX 2740, HAILEY, IDAHO 83333  
TEL: 208-788-2427 • FAX: 208-788-3918

R. Keith Roark  
K. Ellen Baxter  
Jennifer L. K. Hammerle  
Douglas Nelson  
James W. Phillips

August 19, 1997

RECEIVED

AUG 22 1997

Department of Water Resources  
Southern Region

Mr. Steve Clelland  
Department of Water Resources  
1341 Filmore Street, Ste. 200  
Twin Falls, Idaho 83303-3380

Re: SRBA Claim #A37-00577CD

Dear Mr. Clelland:

Enclosed is a check in the sum of \$13.00 for the filing of the amendment pursuant to the letter which I recently received from you. Also please be advised that the ownership of the water rights are as set forth in the application.

Thank you very much for your assistance in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,  
THE ROARK LAW FIRM

James W. Phillips

JWP:jc  
Enclosure

ROARK, DONOVAN, PRAGGASTIS, RIVERS & PHILLIPS  
ATTORNEYS AND COUNSELORS AT LAW

HAILEY OFFICE  
R. KEITH ROARK  
JAMES W. PHILLIPS  
KATHLEEN E. RIVERS

KETCHUM OFFICE  
MICHAEL F. DONOVAN  
THOMAS C. PRAGGASTIS  
JENNIFER L. KROOS

409 NORTH MAIN STREET  
POST OFFICE BOX 2740  
HAILEY, IDAHO 83333-2740

TELEPHONE  
(208) 788-2427  
FAX: (208) 788-3918

KETCHUM OFFICE  
KETCHUM MEDICAL CLINIC BUILDING  
251 MAIN STREET SOUTH  
POST OFFICE BOX 3240  
KETCHUM, IDAHO 83340-3240

TELEPHONE  
(208) 726-5961  
FAX: (208) 726-5998

February 2, 1993

Idaho Department Water Resources  
Attn: Snake River Basin Adjudication  
222 Shoshone East  
Twin Falls, Idaho 88301

Re: Amendment Notice of Claim  
James and Evelyn Phillips claimants  
ID # A37-00577CD

RECEIVED

FEB 04 1993

Department of Water Resources  
Southern Region Office

Dear Sirs:

In reviewing my files in the above-referenced Snake River Basin Adjudication Notice of Claim I noticed an error in the printout under No. 4 and No. 10. The error simply is that the township is not 03N, but the correct township is 02N, under paragraph 4 and 10. I have enclosed a copy of the printout I received with regard to the claim, noting the mistake in township.

I would like to request amendment of the Notice of Claim information so that the correct township is reflected on this claim. Should you need any additional information, please do not hesitate to give me a call.

Very truly yours,

  
James W. Phillips

JWP;jc

jim\snakeriv.ltr  
Enclosure

Handwritten  
C-1  
P/O 10/21

SESNW Sec 20  
T3N R18E

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: A37-00577CD  
Date Received: 11/06/1989  
Receipt No: C012672  
Received By: \_\_\_\_\_

**COPY**  
**FOR YOUR FILES**

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JAMES PHILLIPS 208-788-3496  
Address: P.O. BOX 864  
HAILEY, ID 83333  
AND  
Name: EVELYN PHILLIPS 208-788-3496  
Address: P.O. BOX 864  
HAILEY, ID 83333

2. Date of Priority: MAR 24, 1883

3. Source: BIG WOOD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

2N - Township Range Section 1/4 of 1/4 of 1/4 Lot County  
03N 18E 19 SE SE NE BLAINE

5. Description of diverting works:  
HIAWATHA CANAL HEADGATE (SEE REMARKS)

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.546  |      |        |
| STOCKWATER | 04/01 | 11/01 | 0.040  |      |        |
| RECREATION | 04/01 | 11/01 | 0.546  |      |        |
| AESTHETIC  | 04/01 | 11/01 | 0.546  |      |        |

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

A.F.A.

8. Total consumptive use is 0.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCKWATER, 30 HORSES OR COWS

10. Place of Use:

2N - Township 03N Range 18E Section 10 1/4 of 1/4 Lot Use Acres

|               |    |       |      |
|---------------|----|-------|------|
| NE            | NW | IRR   | 10.0 |
| NE            | NW | STOCK |      |
| NE            | NW | REC   |      |
| NE            | NW | AES   |      |
| SE            | NW | IRR   | 3.0  |
| SE            | NW | STOCK |      |
| SE            | NW | REC   |      |
| SE            | NW | AES   |      |
| Section Acres |    |       | 13.0 |
| Total Acres   |    |       | 13.0 |

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:  
NONE

14. Remarks:

HIAWATHA CANAL HEADGATE ON THE BIG WOOD RIVER DIVERTS INTO THE HIAWATHA CANAL WHICH RUNS SOUTHEAST FIVE AND ONE-HALF MILES TO PLACE OF USE. A HEADGATE TAKES WATER FROM MAIN CANAL AND THROUGH HIGH DITCH TO SUBJECT PROPERTY APPROXIMATELY THREE MILES TO PLACE OF USE. PROPERTY IS IRRIGATED THROUGH SYSTEM OF DITCHES WITH STORAGE POND. ALSO, WATER IS USED IN RECREATIONAL POND AND MAN-MADE STREAM AND WATER FEATURES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments:

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: A37-00577CD  
Date Received: 11/06/1989  
Receipt No: C012672  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JAMES PHILLIPS 208-788-3496  
Address: P.O. BOX 864  
HAILEY, ID 83333

AND

Name: EVELYN PHILLIPS 208-788-3496  
Address: P.O. BOX 864  
HAILEY, ID 83333

2. Date of Priority: MAR 24, 1883

3. Source: BIG WOOD RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 03N      | 18E   | 19      | SE     | SE     | NE  |     | BLAINE |

5. Description of diverting works:  
HIAWATHA CANAL HEADGATE (SEE REMARKS)

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.546  |      |        |
| STOCKWATER | 04/01 | 11/01 | 0.040  |      |        |
| RECREATION | 04/01 | 11/01 | 0.546  |      |        |
| AESTHETIC  | 04/01 | 11/01 | 0.546  |      |        |

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

8. Total consumptive use is 0.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
STOCKWATER, 30 HORSES OR COWS

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 03N      | 18E   | 10      | NE     | NW  |     | IRR   | 10.0  |
|          |       |         | NE     | NW  |     | STOCK |       |
|          |       |         | NE     | NW  |     | REC   |       |
|          |       |         | NE     | NW  |     | AES   |       |
|          |       |         | SE     | NW  |     | IRR   | 3.0   |
|          |       |         | SE     | NW  |     | STOCK |       |
|          |       |         | SE     | NW  |     | REC   |       |
|          |       |         | SE     | NW  |     | AES   |       |

Section Acres 13.0

|             |      |
|-------------|------|
| Total Acres | 13.0 |
|-------------|------|

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:  
NONE

## 14. Remarks:

HIAWATHA CANAL HEADGATE ON THE BIG WOOD RIVER DIVERTS INTO THE HIAWATHA CANAL WHICH RUNS SOUTHEAST FIVE AND ONE-HALF MILES TO PLACE OF USE. A HEADGATE TAKES WATER FROM MAIN CANAL AND THROUGH HIGH DITCH TO SUBJECT PROPERTY APPROXIMATELY THREE MILES TO PLACE OF USE. PROPERTY IS IRRIGATED THROUGH SYSTEM OF DITCHES WITH STORAGE POND. ALSO, WATER IS USED IN RECREATIONAL POND AND MAN-MADE STREAM AND WATER FEATURES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

**VS**

Decree Defendant

16. Signature(s)

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

Number of attachments: 1

5/25/90  
MICROFILMED  
FEB 23 1993

**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 \_\_\_\_\_

MICROFILMED  
FEB 23 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 A37-00577CD  
Date Received 11-6-89  
Receipt Number C0126729C017050

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED  
NOV 6 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) James and Evelyn Phillips Phone (208) 788-3496  
Mailing Address Post Office Box 864, Hailey, Idaho Zip 83333

2. Date of Priority (Only one (1) per claim) March 24 1883

3. Source of water supply (a) Big Wood River  
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 3N Range 18E Section 19,  
SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Blaine

Additional points of diversion if any: \_\_\_\_\_

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,  
\_\_\_\_\_ 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. Hiawatha Canal Headgate on the Big Wood River diverts water into the Hiawatha Canal which runs Southeast five and one-half miles to place of use. A headgate takes water from main canal and through high ditch to subject property approximately three miles to place of use. Property is irrigated through system of ditches with storage pond. Also, water is used in recreational pond and man-made stream and water features.

MICROFILMED  
FEB 23 1990

COPY

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 .546 or \_\_\_\_\_  
For stock water purposes from April 1 to Nov 1 amount .04 or \_\_\_\_\_  
For \_\_\_\_\_ purposes from April 1 to Nov 1 amount .546 or \_\_\_\_\_  
For \_\_\_\_\_ purposes from April 1 to Nov 1 amount .546 or \_\_\_\_\_

7. Total quantity claimed (a) .546 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is .546 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater up to thirty horses or cows

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 |        |
| 3N  | 18E | 10  |        |       |       |       | 10     |       |       | 3     |        |       |       |       |        |       |       |       | 13     |
|     |     |     |        |       |       |       | S      |       |       | S     |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       | J      |       |       | J     |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       | R      |       |       | R     |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 13

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

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. \_\_\_\_\_ or None ( X )

14. Remarks: See attached fact sheet

MICROFILMED  
FEB 23 1993  
COPY

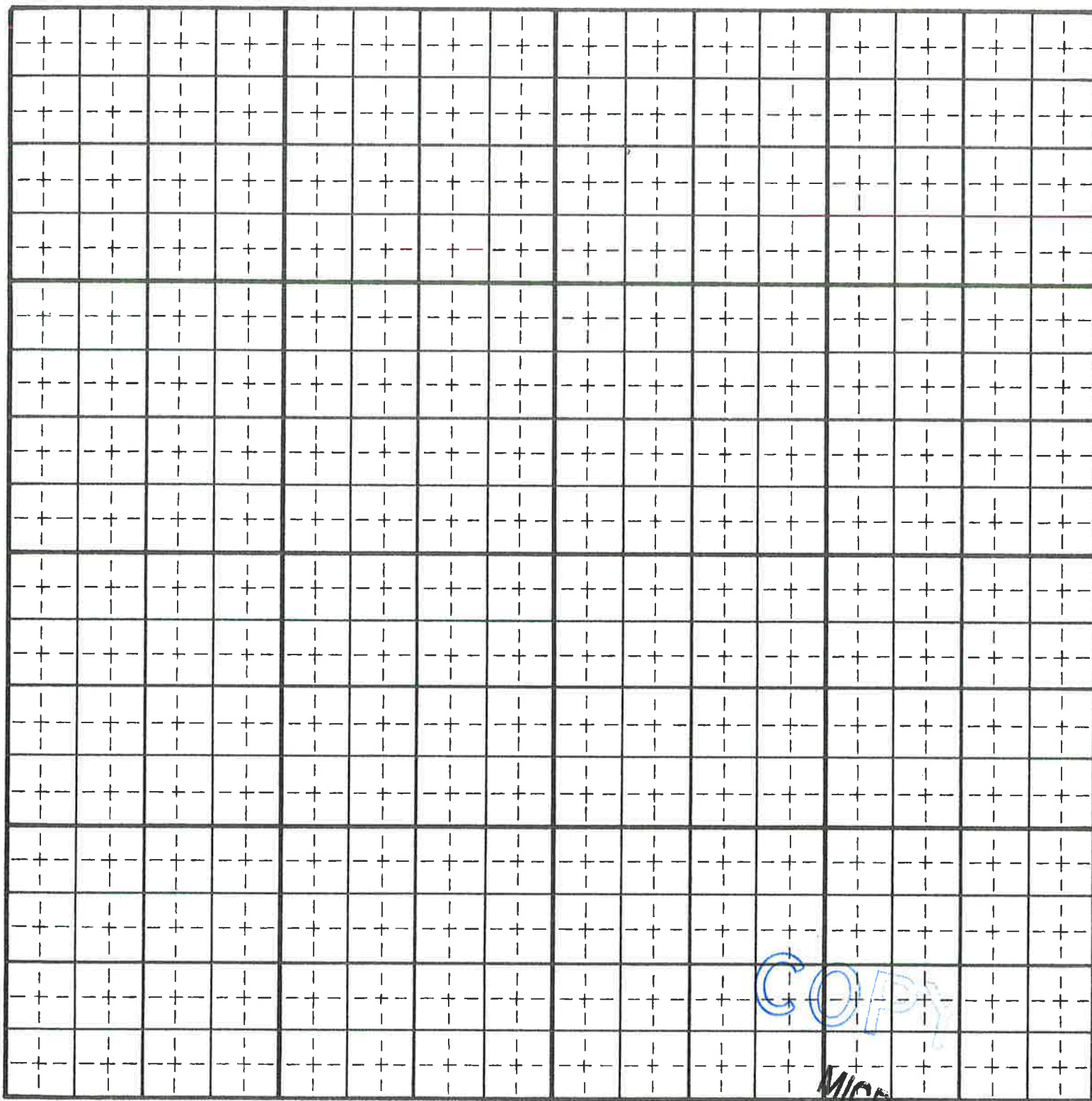
Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

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

SEE ATTACHED MAPS (3)



MICROFILMED  
FEB 23 1993

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree X  
If applicable provide IDWR Water Right Number 37-0577  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date Mar 24, 1883  
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 X do not \_\_\_\_\_  
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 4

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true  
and correct.

Signature of Claimant (s) *Summer Phillips* Date 10-31-89  
*Evelyn Phillips* Date 10-31-89

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 Blaine ) SS.

Subscribed and sworn (or affirmed) before me this 31st day of Oct. 1989

SEAL

Notary Public *Sharon M. Adams*

Residing at *Hailey*

My Commission Expires 1991

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ 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 \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

COPY

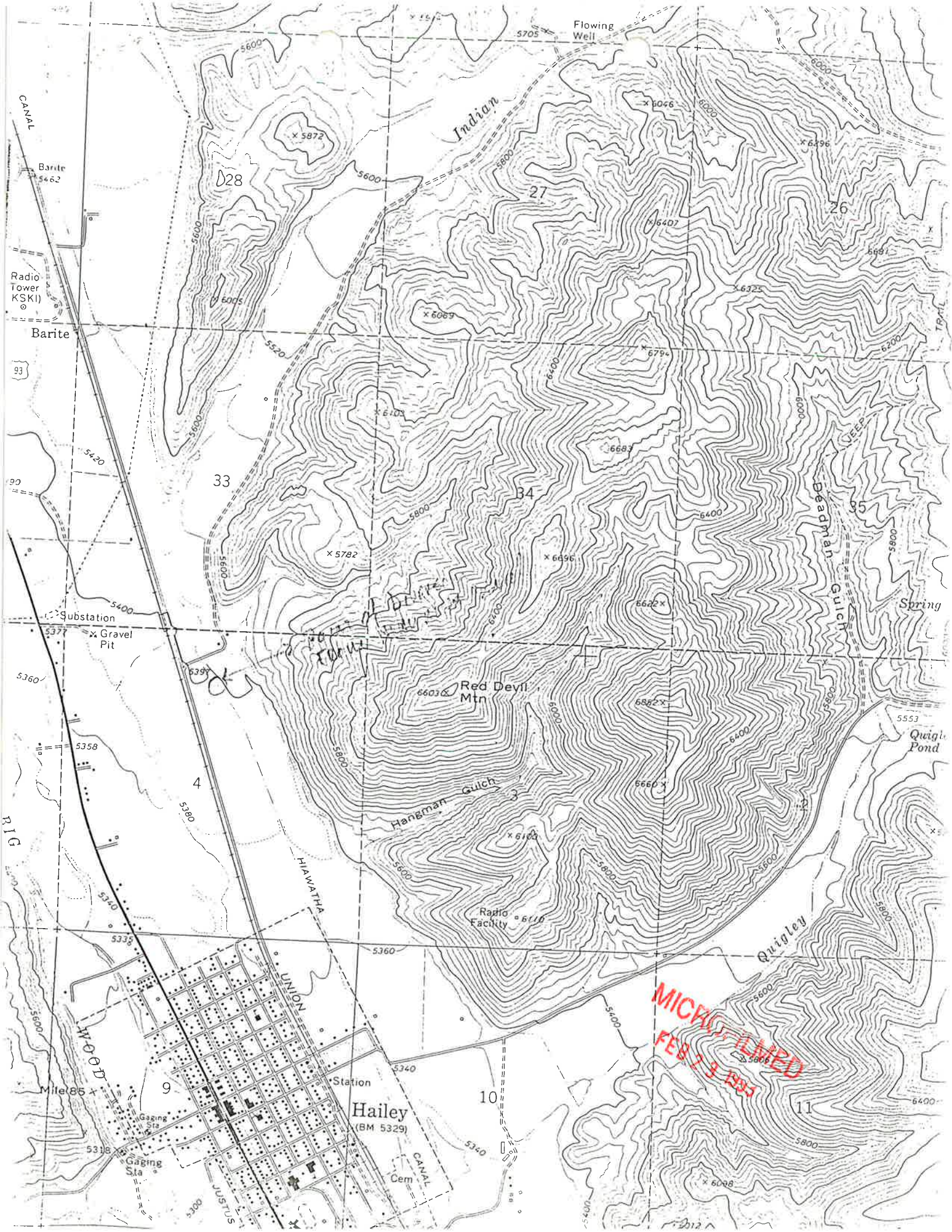
MICROFILMED  
FEB 23 1993

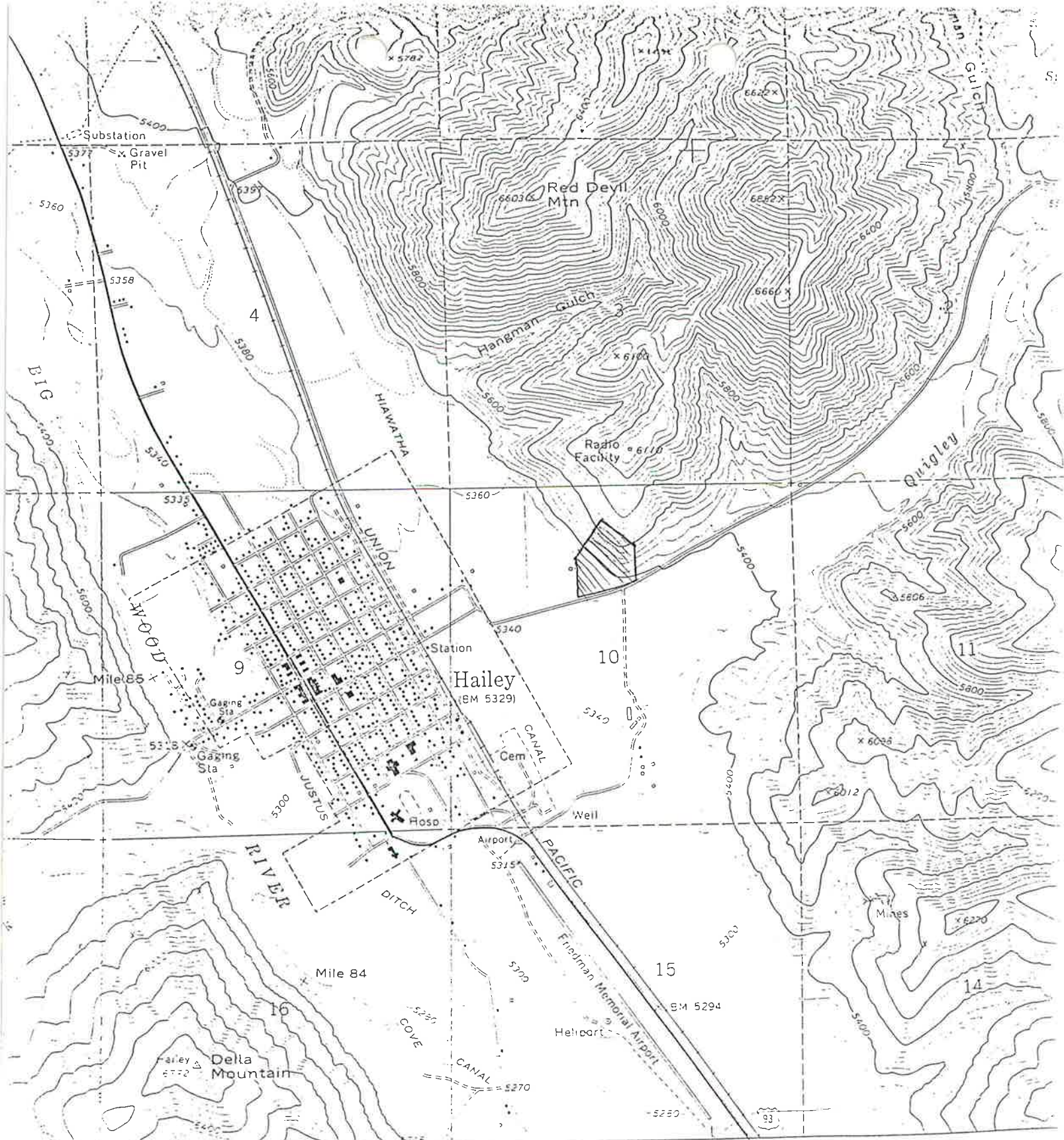
Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant



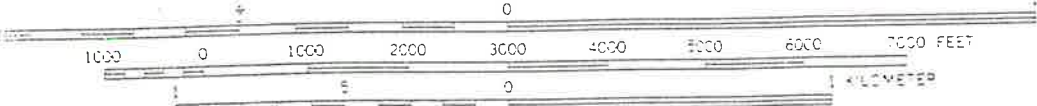
MAP #2  
POINT OF DIVERSION





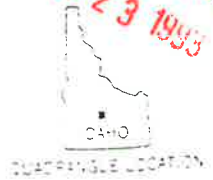
(BELLEVUE 1:62 500)  
3170 IV

SCALE 1:24 000



CONTOUR INTERVAL 40 FEET  
DOTTED LINES REPRESENT 20-FOOT CONTOURS  
DATUM IS MEAN SEA LEVEL

**MICROFILMED**  
**FEB 23 1953**



Ident. No. \_\_\_\_\_

FACT SHEET

for

Excessive Irrigation Flows

This information is to be submitted with any application for permit or adjudication claim to water right for which the irrigation rate of flow requested/claimed is more than .02 cfs per acre. One exception is that .03 cfs per acre is allowed for up to five (5) acres.

Soil type and soil profile: loam, gravel, sand and river rock

Soil water holding capacity: poor

Soil intake family (if known): \_\_\_\_\_

Field slope: \_\_\_\_\_

Anticipated crops: hay (grass/alphalpa), ornamental trees and shrubs

Method of irrigation: flood

ADJUDICATION CLAIM ONLY:

Is this method of irrigation the common local practice? Yes

Have you changed the irrigated method from the one first developed? no

If yes, describe. \_\_\_\_\_

Remarks The irrigation water is conveyed from its point of diversion  
five and one-half miles and is subject to substantial ditch loss  
due to rock/gravel soils, that slope and length of ditch.

MICROFILMED  
FEB 23 1993

#117571  
175/258  
9.26.62

258

# WARRANTY DEED RECORD

No. 117571

R. S. YOUNG ET UX TO ROBERT C. YOUNG ET UX

## WARRANTY DEED

THIS INDENTURE, Made this 9th day of December in the year of our Lord one thousand nine hundred and sixty, between R. S. Young and Clara S. Young, Husband and Wife of Halley County of Blaine State of Idaho the parties of the first part, and Robert C. Young and Fern Young, Husband and Wife of White Center County of King State of Washington the part of the second part.

WITNESSETH, That the said part of the first part, for and in consideration of the sum of Five Thousand and no/100 lawful money of the United States of America,

DOLLARS,

parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns, forever, all of the following described real estate, situated in the State of Idaho, to-wit:

The 5th of the NE 1/4 of Section 10 in Township 2 North of Range 18 East Boise Meridian, together with that certain water right deeded by Emma K. Donovan and J. J. Donovan to Gus Johnson December 5, 1927 and recorded in Book 128 of Deeds, at page 53, Records of Blaine County, Idaho, together with all water and water rights, ditches and ditch rights to the same belonging or in anywise appertaining.

Also deeding four (4) inches of the waters of Big Wood River dating from March 24th, 1993, as decreed in the suit of S. C. Frost et al vs. Alturas Water Company, et al.

(\$5.50 I.R.S.)

(Affixed and)

(Cancelled)

TOGETHER, With all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of

R. S. Young (SEAL)  
Clara S. Young (SEAL)

STATE OF IDAHO,

County of Blaine

On this 12th day of December

in and for said State, personally appeared R. S. Young and Clara S. Young, husband and wife, the undersigned, in the year 19 50, before me, a Notary Public

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 affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Thomas P. Wolfe  
Notary Public for the State of Idaho,

Residing at Halley Idaho.

STATE OF IDAHO, )  
County of Blaine, ) ss.

I hereby certify that this instrument was filed for record at the request of R. S. Young at 30 minutes past 2:00 o'clock P. M., this 26 day of September, A.D. 19 52, in my office, and duly recorded in Book 175 of Deeds at page 258.

George F. McCoy  
Ex-Officio Recorder.

By Hazel Barber Deputy.

# 344051  
8-25-92CORRECTION  
WARRANTY DEED

THIS INDENTURE made this 18 day of July, 1992, between Robert Young and Fern Young, husband and wife, of Renton Washington hereinafter called the Grantor(s), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, sells, conveys and warrants unto James W. Phillips and Evelyn B. Phillips, husband and wife, as joint tenants with rights of survivorship, whose current address is P.O. Box 864, Hailey, Idaho 83333, hereinafter jointly called the Grantees, the following described premises situated in Blaine County, Idaho, to wit:

Lot 3, Block 1 of Marvin Gardens No. 1 Subdivision, Lot 1 amended, 1984, Blaine County, Idaho, according to the official plat thereof, recorded October 25, 1984, as Instrument No. 257550, records of Blaine County, Idaho, Together with 24 inches of March 24, 1883 water rights under original decree to W.T. Riley.

TOGETHER WITH all and singular improvements, water rights, ditch rights, easements, tenements, hereditaments and appurtenances thereto, SUBJECT TO restrictions, easements, liens, and encumbrances of record; overlaps and encroachments of adjoining premises; and assessments and taxes not yet payable.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, for himself and his heirs and assigns, does hereby covenant to and with the said Grantee, his heirs and assigns, that the Grantor is the owner in fee simple of said premises; that said premises is free of liens and encumbrances, except as above described; and, that Grantor will warrant and defend the quiet and peaceable possession of same by the Grantee, his heirs and assigns forever, against every person lawfully claiming the same and shall warrant and by these presents forever defend.

WARRANTY DEED - 1

JUL 20 1992

IN WITNESS WHEREOF, the Grantor(s) have set their hand  
and seal the day and year first written above.

GRANTORS:

Robert C. Young  
ROBERT YOUNG

Terri E. Young  
TERRI YOUNG

ACKNOWLEDGEMENT

STATE OF WASHINGTON, }  
County of King. }

On this 18 day of July, 1992, before me,  
a Notary Public in and for said State, personally appeared Robert  
Young known to me to be the person whose name is subscribed to the  
foregoing document, and acknowledged that he executed the same.

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



Anna L. Linn  
NOTARY PUBLIC FOR WASHINGTON  
Residing at: Blaine, WA  
Commission expires: 9-11-95

RECORD REQUEST

Rock Deegan

1992 AUG 25 10:13

CLERK

344051  
COPY  
Deed

WARRANTY DEED - 2

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 10 1999  
Department of Water Resources  
Boise, Idaho

DATE OF CLOSING: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: Township 3 N Range 18 E  
Section 10, 1/4 of 1/4 of NW 1/4, Govt. Lot \_\_\_\_\_, BM.  
Lot 6, Block 1, Subdivision/Townsite MARVIN GARDEN'S SUBDIVISION  
If you have additional legal descriptions, please attach separate sheet.

- ☐ 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: A 37-00577 CD
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):  
James and Evelyn Phillips  
P.O. Box 864  
Hailey, IDAHO 83333
- ☐ New Owner/Claimant (Purchaser):  
Howard and Carol Knight
- ☐ New Mailing Address:  
P.O. Box 774  
Hailey, IDAHO 83333
- ☐ New Telephone Number: (208) 788-3745
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:  
3.4 miners inches of the 24" claimed by James and Evelyn Phillips

- ☐ Attach proof of ownership, describe proof attached: deed  
(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): Howard and Carol Knight Date 5-2-99  
Carol Knight Date 5/2/99
- ☐ Signature of Former Owner/Claimant(s): James Phillips Date 5-5-99  
Evelyn Phillips Date 5-5-99

(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

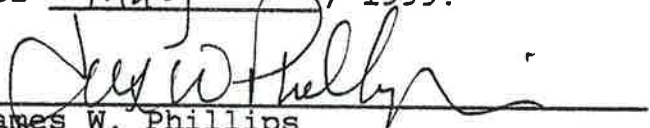
**QUIT CLAIM DEED**  
(Water Rights)

FOR VALUE RECEIVED, James Phillips and Evelyn Phillips, husband and wife, of Hailey, Idaho do hereby convey, release, remise and forever quit claim unto Howard Knight and Carol Knight, husband and wife, ("Grantees") of P.O. Box 774, Hailey, Idaho 83333, all right, title and interest in and to the water rights, including, without limitation, 3.4 miners inches of the March 24, 1883, the water rights decreed to W.T. Riley in Frost V. Alturas Water Co. deeded by Emma K. Donovan and J.J. Donovan to Gus Johnson December 5, 1927, at Book 128, page 63, records of Blaine County, Idaho, and ditch rights appurtenant to or used on or with regard to certain real property situate in Blaine County, Idaho, more particularly described as follows:

Lot 6, Block 1, A Replat of Lots 4 and 5 Marvin Gardens Subdivision No. 1, Blaine County, Idaho, according to the plat thereof on file as Instrument No 283527, records of Blaine County, Idaho.

These water rights are a portion of those filed on by James W. Phillips and Evelyn Phillips as SRBA Claim # A37-05577CD.

DATED this 5<sup>th</sup> day of May, 1999.

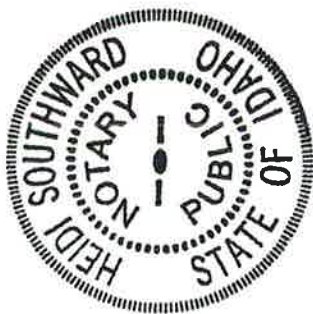
  
James W. Phillips

  
Evelyn B. Phillips

STATE OF IDAHO,                    )  
                                          ) ss.  
County of Blaine                 )

On this 5<sup>th</sup> day of may, 1999, before me,  
a Notary Public in and for said State, personally appeared James  
W. Phillips and Evelyn B. Phillips, husband and wife, known to me  
to be the persons who name are subscribed to the within  
instrument, and acknowledged to me that they executed the same.

Heidi Southward  
NOTARY PUBLIC for IDAHO  
Residing at Hailey  
Commission expires 12-8-2004



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 10 1999  
Department of Water Resources  
Boise, Idaho

DATE OF CLOSING: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: Township 3N Range 18E  
Section 10, 1/4 of 1/4 of NW 1/4, Govt. Lot \_\_\_\_\_, BM.  
Lot 5, Block, 1, Subdivision/Townsite MARVIN GARDENS Sub.  
If you have additional legal descriptions, please attach separate sheet.

- ☐ 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: A 37-00577 CD
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):  
James and Evelyn Phillips  
P.O. Box 864  
Hailey, ID 83333
- ☐ New Owner/Claimant (Purchaser):  
John V. and Georgine Carter
- ☐ New Mailing Address:  
P.O. Box 66  
Hailey, ID 83333
- ☐ New Telephone Number: (208) 788-3678
- ☐ 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:  
5.6 miners inches of the March 24, 1883 water  
right claimed by James & Evelyn Phillips.
- ☐ Attach proof of ownership, describe proof attached: deed  
(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): John V. Carter Date 4/28/99  
Georgine Carter Date 4-28-99
- ☐ Signature of Former Owner/Claimant(s): James Phillips Date 5-5-99  
Evelyn Phillips Date 5-5-99

(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

**QUIT CLAIM DEED**  
(Water Rights)

FOR VALUE RECEIVED, James Phillips and Evelyn Phillips, husband and wife, of Hailey, Idaho, do hereby convey, release, remise and forever quit claim unto John V. Carter and Georgine Carter, husband and wife, ("Grantees") of P.O. Box 66, Hailey, Idaho 83340, any and all right, title and interest in and to the water rights, including, without limitation, 5.6 miners inches of the March 24, 1883, the water rights decreed to W.T. Riley in Frost V. Alturas Water Co. deeded by Emma K. Donovan and J.J. Donovan to Gus Johnson December 5, 1927, at Book 128, page 63, records of Blaine County, Idaho, and ditch rights appurtenant to or used on or with regard to certain real property situate in Blaine County, Idaho, more particularly described as follows:

Lot 5, Block 1, A Replat of Lots 4 and 5 Marvin Gardens Subdivision No. 1, Blaine County, Idaho, according to the plat thereof on file as Instrument No 283527, records of Blaine County, Idaho.

These water rights are a portion of those filed on by James W. Phillips and Evelyn Phillips as SRBA Claim # A37-05577CD.

DATED this 5<sup>th</sup> day of May, 1999.

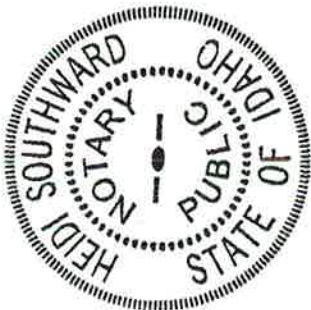
  
James W. Phillips

  
Evelyn B. Phillips

STATE OF IDAHO,                    )  
                                          ) ss.  
County of Blaine                    )

On this 5<sup>th</sup> day of May, 1999, before me,  
a Notary Public in and for said State, personally appeared James  
W. Phillips and Evelyn B. Phillips, husband and wife, known to me  
to be the persons who name are subscribed to the within  
instrument, and acknowledged to me that they executed the same.

Heidi Southward  
NOTARY PUBLIC for IDAHO  
Residing at Hailey  
Commission expires 12-8-2004



RECEIVED

MAY 10 1999

Department of Water Resources  
Southern Region



AFFIDAVIT

STATE OF IDAHO                     )  
                                          ) ss.  
County of Blaine                    )

I, REID J. NEWBY, P.O.Box N, Shoshone, Idaho, 83353,  
being duly sworn, under oath, depose and state as follows:

1. I am a resident of Lincoln County, Idaho, and I  
previously held the position of Water Master of Water District 37  
and 37M. In my capacity as Water Master and on a private basis I  
have measured water flows regularly over the past twenty-five (25)  
years using a variety of methods, including a Pygmy Current Meter.

2. On June 25, 1992, I was retained to make water  
measurements of water diverted from the Hiawatha Canal into the  
"High Ditch" through three properties: (1) Lot 1, Block 1, Marvin  
Gardens Subdivision, owned by Charles and Connie Johnson; (2) Lot  
2, Block 1, Marvin Gardens Subdivision, owned by Thomas and Louise  
Hickey; and (3) Lot 3, Block 1, Marvin Gardens Subdivision, owned  
by James and Evelyn Phillips. The purpose of the measurements was  
to determine ditch loss from the point of diversion from the  
Hiawatha Canal to each of the properties.

3. I used pygmy current meter for all measurements with  
a spin test of two (2) minutes thirty-five (35) seconds, the meter  
came to a very gradual stop indicating it was performing correctly  
on all occasions of measurement.

4. I found a good measuring section about 35 to 40 feet

AFFIDAVIT OF REID J. NEWBY - 1

below the diversion point from the Hiawatha Canal. The Hiawatha appeared to remain steady during these measurements. With the stem of the diversion gate up 5 3/8 inches above the wheel nut. I found there was 79.4 inches of water at the measuring section. A second measurement was taken with the diversion gate opened to where the nut stem showed 5 3/8 inches above the wheel nut, another measurement was made at the same section and there was 87.95 inches of water. Each of these measurements was rated as good or better.

5. I then went to the High Ditch about ten (10) feet below the Johnson diversion, and established a section. I closed off the Johnson diversion and a measurement was made, the results gave a flow of 55.5 inches of water at this point. This point was about one and one-half miles (1/2) below the diversion point from the Hiawatha Canal. I then open the John diversion and diverted as much water as I could at this stage, and another measurement was taken, the result of the measurement was 39.4 inches in the High Ditch and 16.1 inches being diverted into the Johnson diversion.

6. Then I went approximately .3 mile down the High Ditch to the Phillips and Hickey diversion. A measuring section was established about 10 feet above this diversion and a measurement was made, the results were found to be 30.2 inches of water at this point.

7. Each time a change was made for the diversions either from the Hiawatha or the High Ditch, time was allowed for the water to settle before each measurement was made.

8. Based on the above measurements, the average

measuring at Section No. 1 was 83.7 inches; measuring at Section No. 5 was 55.5 inches providing for a ditch loss of 28.2 inches or 33.65% in 1.5 miles of canal. With the measurement No. 5 at the Johnson diversion and measurement No. 6 at the Phillips/Hickey diversion provided for a ditch loss of 44.68% in 1.8 miles of the canal.

DATED this 14 day of April, 1993.

Reid J. Newby  
REID J. NEWBY

SUBSCRIBED AND SWORN to before me this 14 day of April, 1993.

Cathy A. Quinn  
NOTARY PUBLIC FOR IDAHO  
Residing at: Shoshone, Idaho  
Commission Expires 9-1-94

JIM\NEWBY.AFD

**AFFIDAVIT**

STATE OF IDAHO,            )  
                              ) ss.  
County of GEM.            )

I, Martin Young, being duly sworn under oath, depose and state as follows:

1. That I was a resident of Blaine County, Idaho, from 1932 until 1987. During that entire period of time, I farmed property lying immediately east of the City of Hailey, including the portion more particularly described in Exhibit "A", attached hereto and incorporated herein by reference. That ground included a certain parcel of property that my brother, Robert Young, eventually sold and is now owned by James and Evelyn Phillips (Lot 3, Block 1, Marvin Garden Subdivision), Thomas and Louise Hickey (Lot 2, Block 1, Marvin Garden Subdivision), and Charles and Connie Johnson (Lot 1, Block 1, Marvin Garden Subdivision).

2. At the time my brother, Robert Young, acquired the property, he also acquired 72 inches of March 24, 1883, water which I used to irrigate a portion of said property. Due to the length of the Hiawatha Ditch and the high ditch of the Hiawatha leading to the property as well as the nature of the property itself, I was required to use all 72 inches to adequately irrigate the property to raise crops, and I had to use some and additional March 24, 1883, water appurtenant to the adjacent land which I owned.

3. When my family first purchased the property, there

AFFIDAVIT OF MARTIN YOUNG - 1

were several excavations which we regularly used for the ponding and storage water. The property was used to grow grass and alfalfa and to graze cows and/or horses. The ponds were used for the storage of water and to provide aesthetic enjoyment for the owners.

FURTHER, YOUR AFFIANT SAYETH NOT.

Martin Young  
MARTIN YOUNG

STATE OF IDAHO,                    )  
                                          ) ss.  
County of Gem.                    )

On this 24th day of May, 1993, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MARTIN YOUNG, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

[Signature]  
NOTARY PUBLIC FOR IDAHO  
Residing at: Emmett  
Commission expires: 4-15-94

JWP\YOUNG.AFD

EXHIBIT A

LOT 1, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

LOT 2, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 3, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 4, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 5, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 6, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - JAMES W. PHILLIPS AND EVELYN PHILLIPS

LOT 7, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

LOT 8, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - THOMAS HICKEY AND LOUISE HICKEY

LOT 9, BLOCK 1 A REPLAT OF LOTS 4 AND 5 OF MARVIN GARDENS SUBDIVISION NO. 1, BLAINE COUNTY, IDAHO, ACCORDING TO THE PLAT THEREOF ON FILE IN THE RECORDS OF BLAINE COUNTY, IDAHO - CHARLES M. JOHNSON AND CONNIE JOHNSON

2009 SEP 24 AM 10 16

**OBJECTORS:**

Big Wood Canal Company

Craig D. Hobdey 9-16-09  
Craig D. Hobdey, Attorney Date

**RESPONDENT:**

Barker Living Trust, et al

J. P. Speck 9-11-09  
James Speck, Attorney Date

**RESPONDENT:**

Newfoundland Partners

Scott Campbell 9/02/09  
Scott Campbell, Attorney Date

**RESPONDENT:**

Sinclair Oil Corporation

Scott Campbell 9/02/09  
Scott Campbell, Attorney Date

**IDWR Concurrence:**

Kelly Christensen 9-18-09  
IDWR Agent Date

C. B. 9/17/09  
Deputy Attorney General, IDWR Date

# **CERTIFICATE OF MAILING**

I certify that on 9/23, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

BILL MOLYNEUX  
GERALD BASHAW  
GRACE EAKIN  
JOHN F STEVENSON  
PEPIN CORSO-HARRIS  
PETE VAN DER MEULEN  
ROCKY SHERBINE  
TOM O GARA

Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139

SINCLAIR OIL CORPORATION  
Represented by:  
ANDREW J WALDERA  
101 S CAPITOL BLVD 10TH FLOOR  
PO BOX 829  
BOISE, ID 83701-0829

BIG WOOD CANAL CO  
BIG WOOD CANAL COMPANY  
Represented by:  
CRAIG D. HOBDEY  
125 5TH AVE  
PO BOX 176  
GOODING, ID 83330

EVELYN PHILLIPS  
JAMES & EVELYN PHILLIPS  
JAMES W PHILLIPS

Represented by:  
HAEMMERLE, FRITZ X.  
PO BOX 1800  
HAILEY, ID 83333

BARKER LIVING TRUST  
CHANAY CREEK RANCH LLC  
CHARLES L MATTHIESEN  
CHARLES T FOLEY  
EAGLE CREEK IRRIGATION CO  
ECD INC  
ELISE G LUFKIN  
GIMLET PROPERTY OWNERS ASSN  
GREGORY RANCH LLC  
LAKE CREEK MEADOWS HOMEOWNERS  
MICHAEL E WILLARD  
MICHAEL ENGL  
MYER BERLOW  
RALPH W & KANDI L GIRTON  
RIVER ROCK RANCH LP  
RIVERS EDGE ASSOCIATES LLC  
ROY R WOODS  
STEVEN D HOLZMAN TRUST  
THE GULCH TRUST  
THE R DANIEL OLMSTEAD  
WILLIAM B GORDON

Represented by:  
JAMES P. SPECK  
SPECK & AANESTAD  
120 EAST AVENUE  
PO BOX 987  
KETCHUM, ID 83340

NEWFOUNDLAND PARTNERS  
SINCLAIR OIL CORPORATION  
Represented by:  
SCOTT L CAMPBELL  
101 S CAPITOL BLVD 10TH FLOOR  
PO BOX 829  
BOISE, ID 83701-0829

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

A handwritten signature in black ink, appearing to read "K. R. Lewis", is written over a horizontal line.

Signature of person or attorney mailing the form

07/23/2009

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21123

NAME AND ADDRESS: EVELYN PHILLIPS  
PO BOX 864  
HAILEY ID 83333

JAMES W PHILLIPS  
PO BOX 864  
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/24/1883

POINT OF  
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u>   | <u>QUANTITY</u>      |
|-----------------------|------------------------|----------------------|
| STOCKWATER            | 04/15 10/31            | 0.020 CFS            |
| <del>RECREATION</del> | <del>04/15 10/31</del> | <del>0.300 CFS</del> |
| IRRIGATION            | 04/15 10/31            | 0.300 CFS            |
| <del>AESTHETIC</del>  | <del>04/15 10/31</del> | <del>0.300 CFS</del> |

PLACE OF USE:

IRRIGATION in BLAINE County

T02N R18E S10 NENW 1.70 T02N R18E S10 SENW 4.60

STOCKWATER in BLAINE County

T02N R18E S10 NENW T02N R18E S10 SENW

RECREATION in BLAINE County

~~T02N R18E S10 NENW T02N R18E S10 SENW~~

AESTHETIC in BLAINE County

~~T02N R18E S10 NENW T02N R18E S10 SENW~~

6.3 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PROPERTY IS ALSO KNOWN AS LOT 3, BLK 1, MARVIN GARDENS  
SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-577CD.

JPB  
SLC  
CPS  
C#  
CB

KKC

## **Christensen, Kelly**

---

**Subject:** 37-21123 Phillips  
**Start Date:** Tuesday, June 30, 2009  
**Due Date:** Thursday, July 30, 2009

**Status:** In Progress  
**Percent Complete:** 75%

**Total Work:** 0 hours  
**Actual Work:** 0 hours

**Owner:** Christensen, Kelly

Chris attorney

Split from 37-577CD

Claimant to surrender rec and asethetic  
Tickler in court file for 1 month Should be done within a week.

Generated a SF-5 and sent it to Renea 7-23-2009.

Hobdey is supposed to check with his client's before routing the SF-5.

07/23/2009

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21123

NAME AND ADDRESS: EVELYN PHILLIPS  
PO BOX 864  
HAILEY ID 83333

JAMES W PHILLIPS  
PO BOX 864  
HAILEY ID 83333

VERIFIED BY KKC  
7-23-09

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/24/1883

POINT OF  
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u>   | <u>QUANTITY</u>      |
|-----------------------|------------------------|----------------------|
| STOCKWATER            | 04/15 10/31            | 0.020 CFS            |
| <del>RECREATION</del> | <del>04/15 10/31</del> | <del>0.300 CFS</del> |
| IRRIGATION            | 04/15 10/31            | 0.300 CFS            |
| <del>AESTHETIC</del>  | <del>04/15 10/31</del> | <del>0.300 CFS</del> |

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S10 NENW 1.70 T02N R18E S10 SENW 4.60

STOCKWATER in BLAINE County

T02N R18E S10 NENW T02N R18E S10 SENW

RECREATION in BLAINE County

~~T02N R18E S10 NENW T02N R18E S10 SENW~~

AESTHETIC in BLAINE County

~~T02N R18E S10 NENW T02N R18E S10 SENW~~

6.3 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PROPERTY IS ALSO KNOWN AS LOT 3, BLK 1, MARVIN GARDENS  
SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-577CD.



# Idaho Department of Water Resources

SRBA Recommendation:

**37-21123**

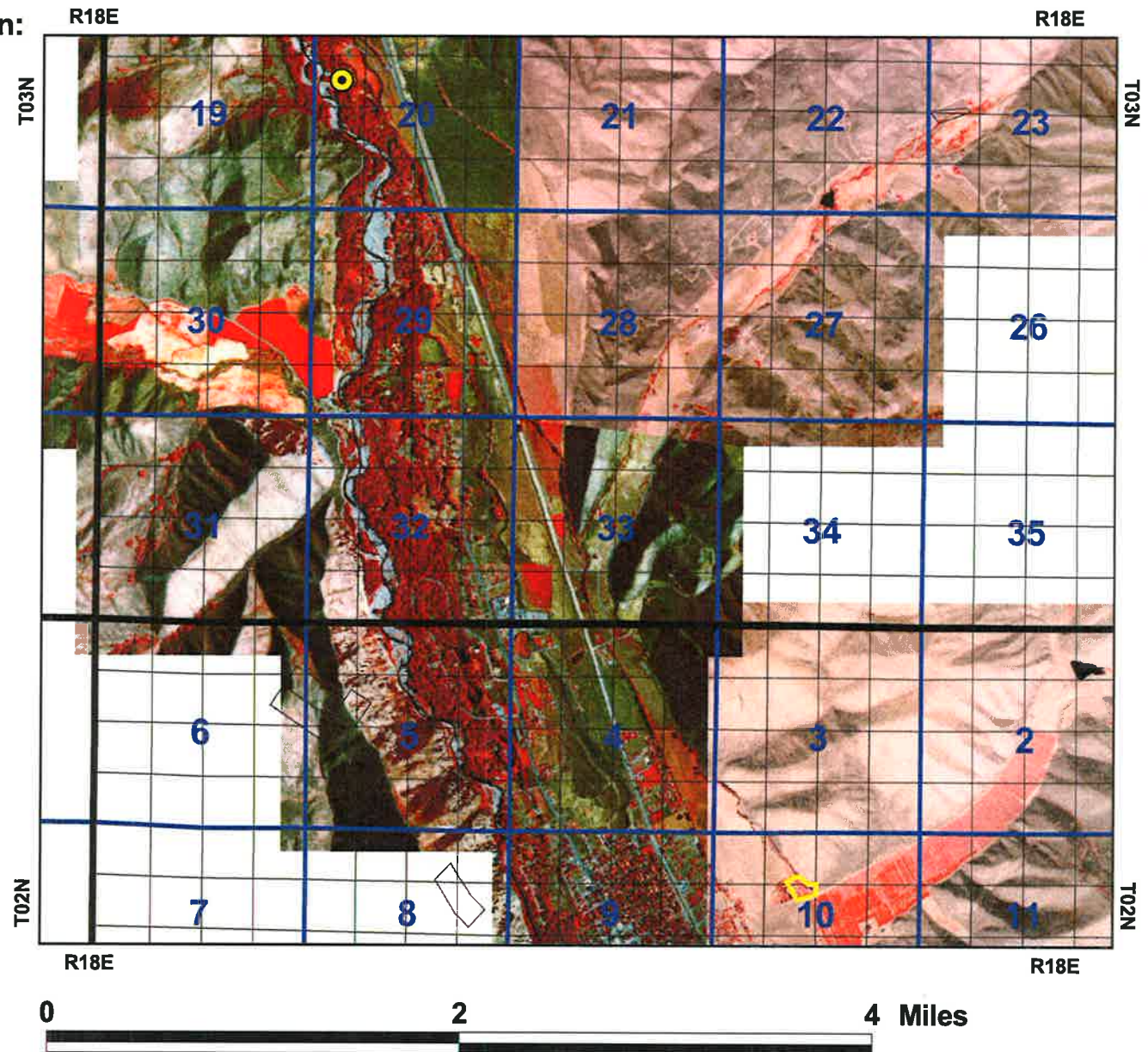
(Irrigation)

## Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

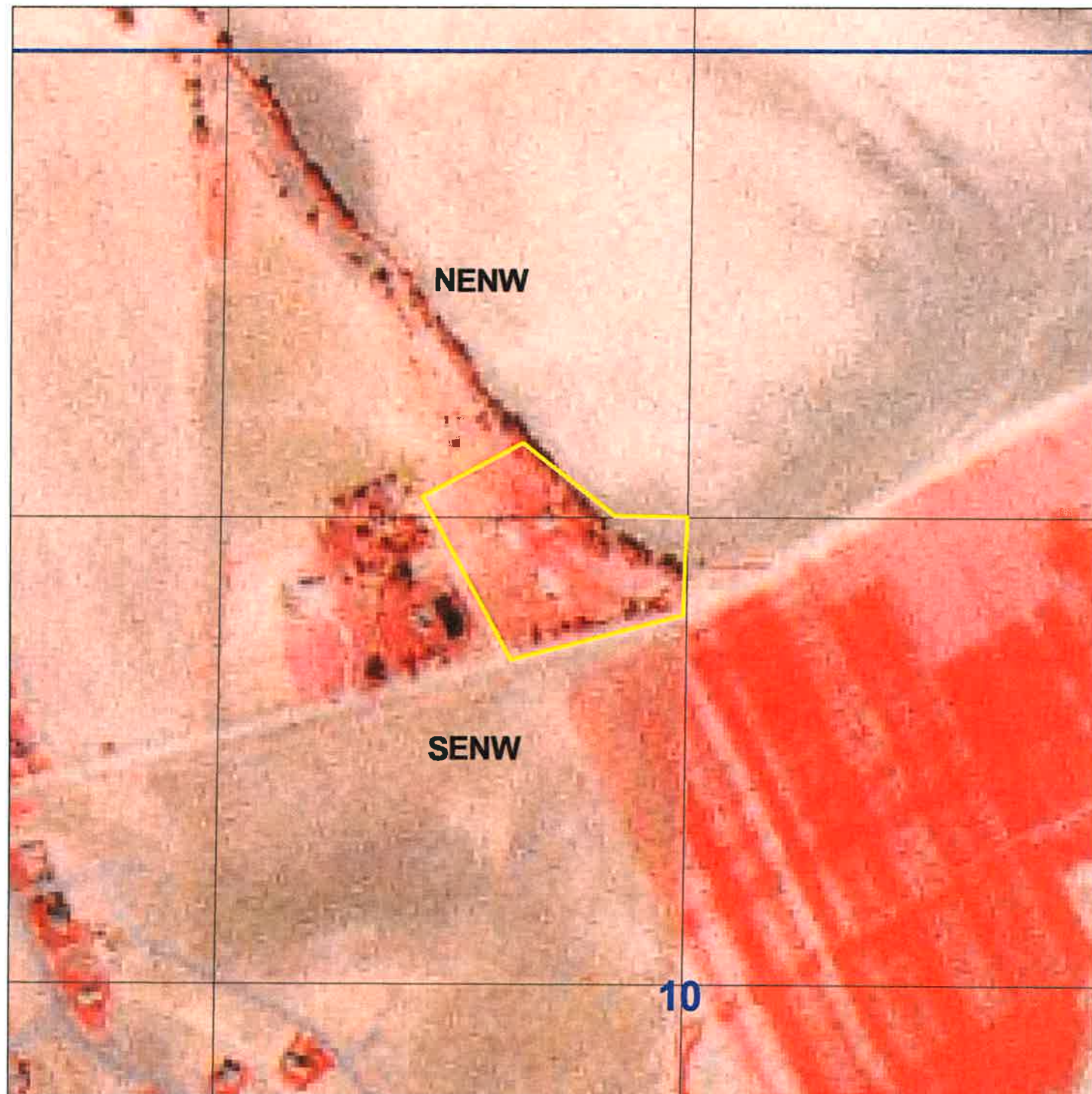
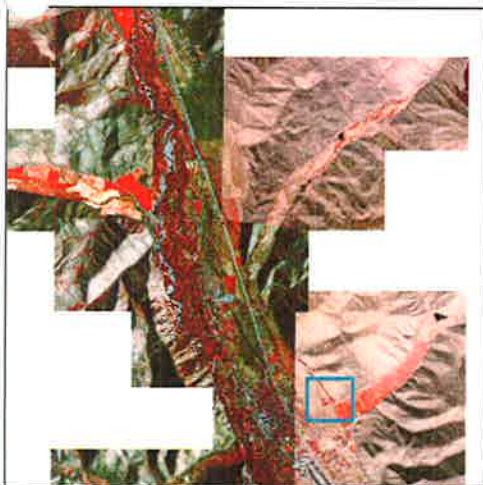


Blaine County  
IDWR Basin 37



Prepared by E. NORQUES  
On Thursday, November 2, 2006  
1987/88 Aerial Photography

**37-21123**





# Idaho Department of Water Resources

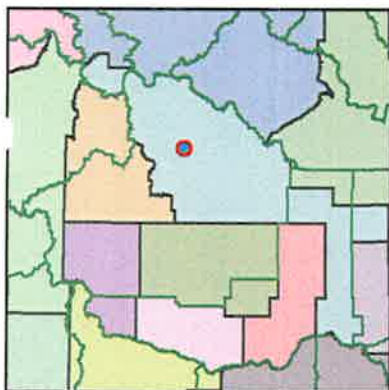
SRBA Recommendation:

**37-21123**

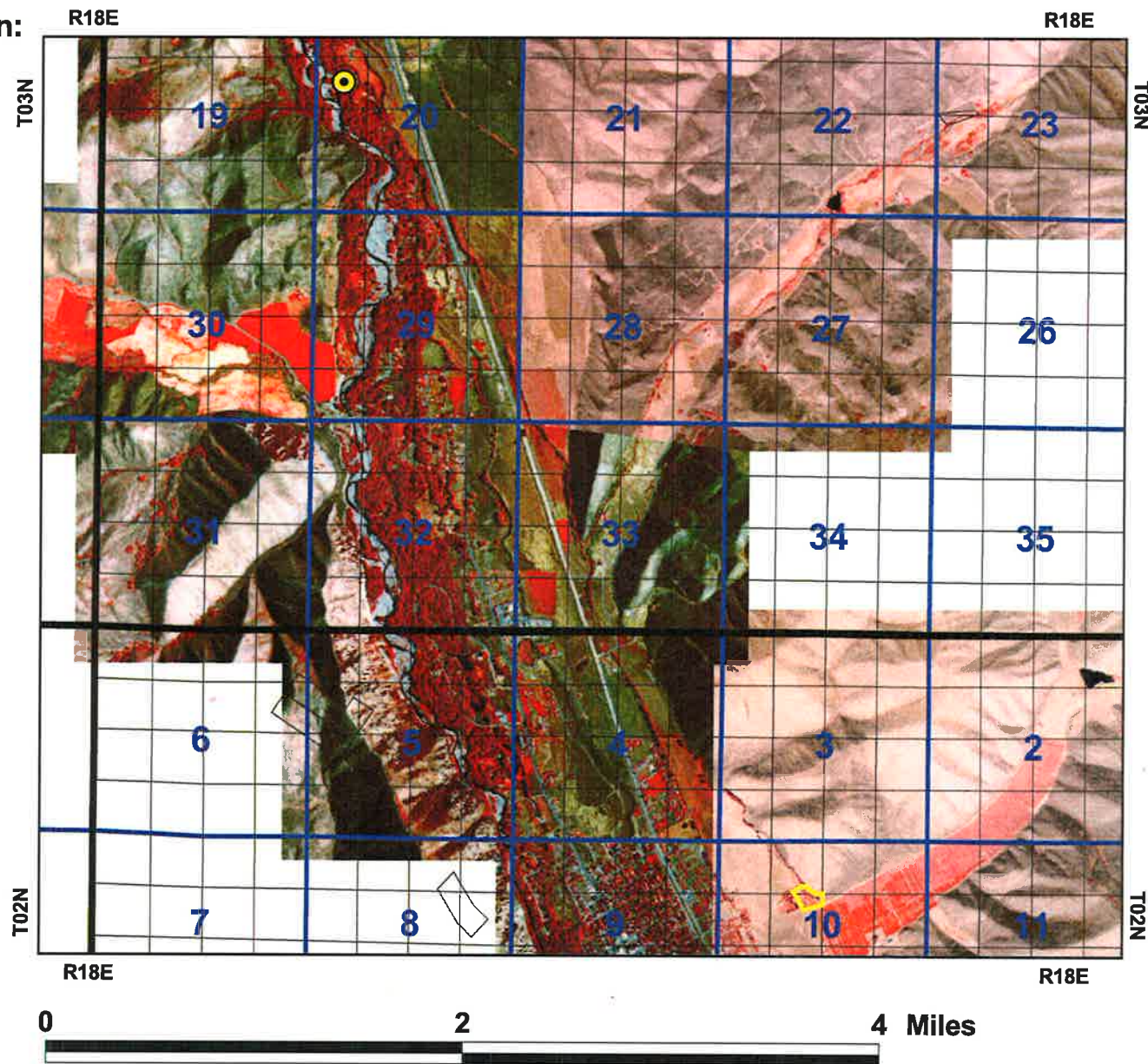
(Irrigation)

## Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters

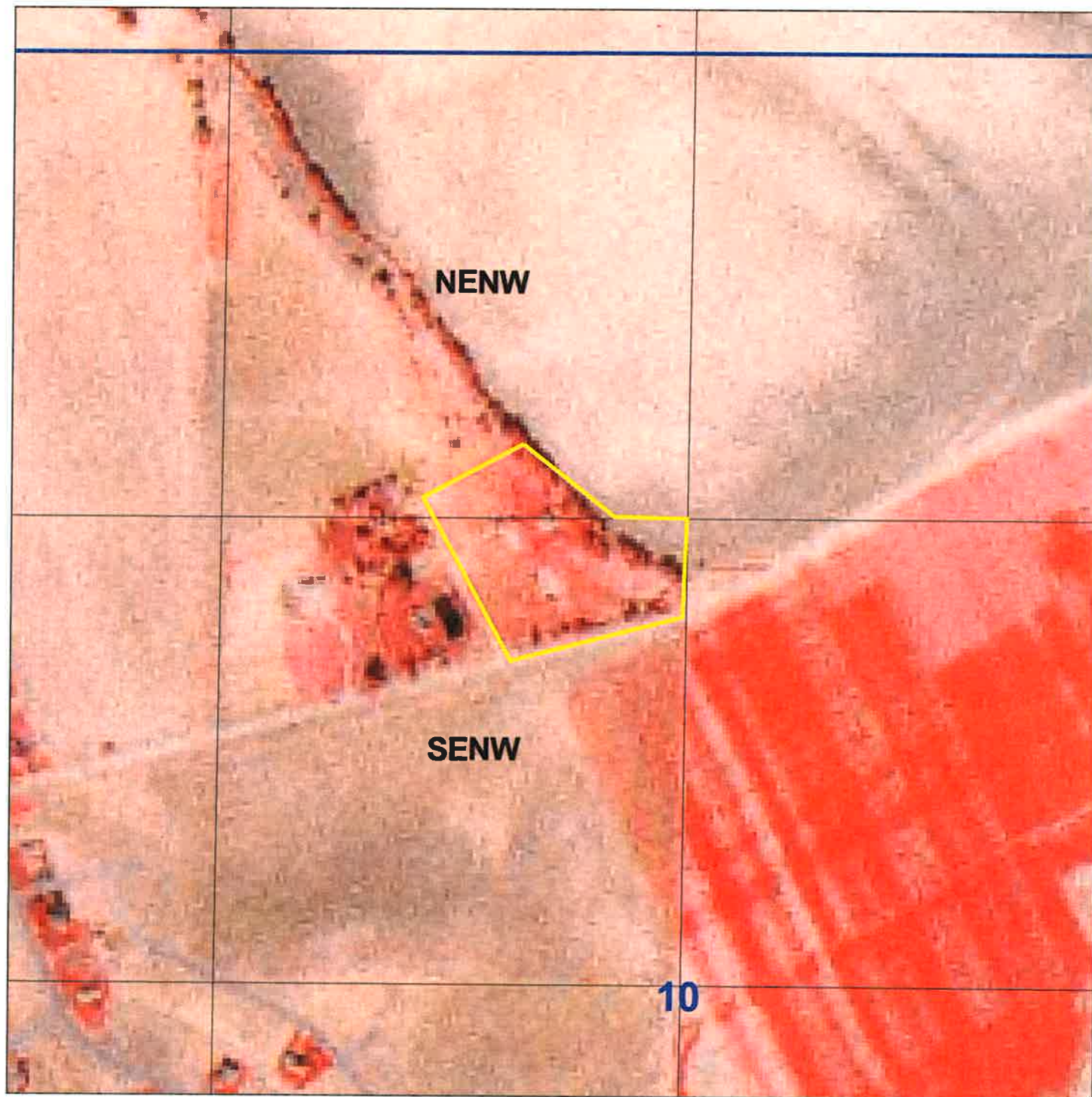
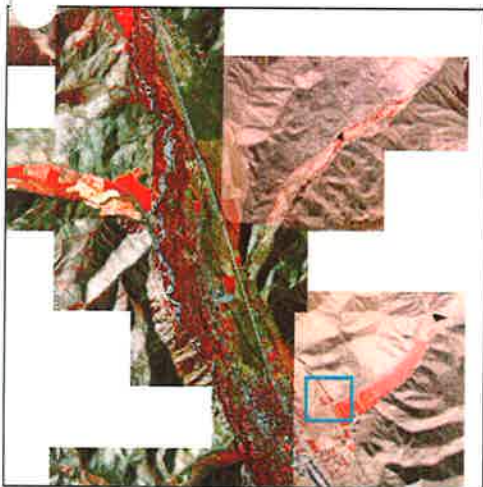


Blaine County  
IDWR Basin 37



Prepared by E. NORQUES  
On Thursday, November 2, 2006  
1987/88 Aerial Photography

**37-21123**



10/30/2006

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

RIGHT NUMBER: 37-21123

NAME AND ADDRESS: EVELYN PHILLIPS  
PO BOX 864  
HAILEY ID 83333

JAMES W PHILLIPS  
PO BOX 864  
HAILEY ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.300 CFS

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 04/15 10/31          | 0.020 CFS       |
| RECREATION            | 04/15 10/31          | 0.300 CFS       |
| IRRIGATION            | 04/15 10/31          | 0.300 CFS       |
| AESTHETIC             | 04/15 10/31          | 0.300 CFS       |

PLACE OF USE: IRRIGATION Within BLAINE County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T02N R18E S10 | NENW | 1.70 | T02N R18E S10 | SENW | 6.50 |
|---------------|------|------|---------------|------|------|

STOCKWATER Within BLAINE County

|               |      |               |      |
|---------------|------|---------------|------|
| T02N R18E S10 | NENW | T02N R18E S10 | SENW |
|---------------|------|---------------|------|

RECREATION Within BLAINE County

|               |      |               |      |
|---------------|------|---------------|------|
| T02N R18E S10 | NENW | T02N R18E S10 | SENW |
|---------------|------|---------------|------|

AESTHETIC Within BLAINE County

|               |      |               |      |
|---------------|------|---------------|------|
| T02N R18E S10 | NENW | T02N R18E S10 | SENW |
|---------------|------|---------------|------|

8.2 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PROPERTY IS ALSO KNOWN AS LOT 3, BLK 1, MARVIN GARDENS  
SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-577CD.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**WATER DISTRICT NO. 37 & 37 M**

P.O. Box T  
Shoshone, Idaho 83352  
(208) 886-2451



LEE R. PETERSON  
Watermaster

RECEIVED  
APR 18 2000  
Department of Water Resources  
Cathlamet, Oregon

FACSIMILE TRANSMISSION

37-577CD

|                                         |                         |
|-----------------------------------------|-------------------------|
| TO:                                     | IDWR Twin               |
| FAX NUMBER:                             | 736-3037                |
| FOR THE ATTENTION OF                    | Jim Stanton             |
| FROM                                    | Water District 37 & 37M |
| FAX NO.                                 | same as phone 886-2451  |
| NUMBER OF PAGES<br>(INCLUDING THIS ONE) | 2                       |
| DATE                                    | 4/18/2000               |
| MESSAGE                                 |                         |

=====

If you do not receive the above number of pages, or if there is any other problem, please call (208) 886-2451 at Shoshone, Idaho.

=====

The information contained in this fax is confidential and subject to attorney-client privilege. If the reader is not the intended recipient or the agent thereof, you are hereby notified that any dissemination, distribution or copying of the fax is prohibited. If you have received this fax in error, please notify us immediately and return the original by mail at our expense. Thank you.

CORRECTION  
WARRANTY DEED

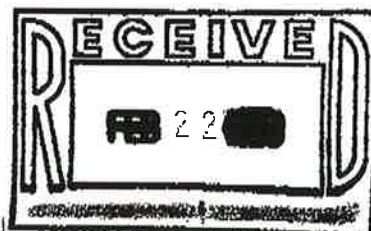
THIS INDENTURE made this 18 day of July, 1992, between Robert Young and Fern Young, husband and wife, of Renton Washington hereinafter called the Grantor(s), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, sells, conveys and warrants unto James W. Phillips and Evelyn B. Phillips, husband and wife, as joint tenants with rights of survivorship, whose current address is P.O. Box 864, Hailey, Idaho 83333, hereinafter jointly called the Grantee, the following described premises situated in Blaine County, Idaho, to wit:

Lot 3, Block 1 of Marvin Gardens No. 1 Subdivision, Lot 1 amended, 1984, Blaine County, Idaho, according to the official plat thereof, recorded October 25, 1984, as Instrument No. 257550, records of Blaine County, Idaho. Together with 24 inches of March 24, 1883 water rights under original decree to W.T. Riley.

TOGETHER WITH all and singular improvements, water rights, ditch rights, easements, tenements, hereditaments and appurtenances thereto, SUBJECT TO restrictions, easements, liens, and encumbrances of record; overlaps and encroachments of adjoining premises; and assessments and taxes not yet payable.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, for himself and his heirs and assigns, does hereby covenant to and with the said Grantee, his heirs and assigns, that the Grantor is the owner in fee simple of said premises; that said premises is free of liens and encumbrances, except as above described; and, that Grantor will warrant and defend the quiet and peaceable possession of same by the Grantee, his heirs and assigns forever, against every person lawfully claiming the same and shall warrant and by these presents forever defend.

WARRANTY DEED - 1



May 7, 1999

RECEIVED

MAY 10 1999

Department of Water Resources  
Snake River Basin

Mr. Steve Cleveland  
Idaho Dept. of Water Resources  
Attn: Snake River Basin Adjudication  
1341 Fillmore Street, Suite 200  
Twin Falls, Idaho 83303-3380

RE: SRBA Claim ID #A37-00577CD  
James and Evelyn Phillips, claimants

Dear Mr. Cleveland;

Please excuse my tardiness in responding to your letter of August 1997, but during recent spring cleaning I found your letter among some of my papers at home. I hope this letter will clarify the above referenced water right claim.

The above referenced SRBA claim was amended to identify the water rights appurtenant to real property now owned by other parties. I have deeded the water rights held on Lot 5 to the owners of that lot, John and Georgine Carter. Also, I have deeded the water rights held on Lot 6 to the owners of that lot, Howard and Carol Knight. So, I have filed Notices of Transfer of Ownership with regard to both those lots, and copies are enclosed for your records.

In addition, I thought it might be helpful to provide a history of the property transactions and water usage. The above referenced claim is for a portion of property and water rights in the Marvin Gardens Subdivision. This subdivision was developed by myself and two other parties: (1) Thomas Hickey and Louise Hickey SRBA Claim #A37-00557CD and, (2) Charles M. and Connie Johnson SRBA Claim #A37-00557CD (successors to James Rosenfeld).

These three parties purchased from Robert and Fern Young the property and 72 inches of March 24, 1883 water rights March 24, 1883 water deeded by Emma K. Donovan to Gus Johnson December 5, 1927 and recorded in Book 128 of Deeds, at page 63, Records of Blaine County, Idaho. A copy of the deed by which the Youngs acquired the water rights is enclosed for your records.

Over the years, the property has been developed into the Marvin Gardens Subdivision. The Youngs conveyed portions of the property and water rights to us as we subdivided and resubdivided the property with each of us retaining one lot and selling other lots to third parties. Now, Marvin Gardens Subdivision is comprised of nine lots ranging in size to two to thirteen acres.

I acquired my portion of the property and 24" of the water rights by a deed in October of 1980 (Blaine County Instrument # 210381). A correction deed was recorded later to reflect that only 24 inches of water were conveyed and not the 27.33 originally stated. A copy of the correction deed is enclosed for your records.

As with myself, the other two parties (Hickey and Johnson) also each received 24" of the water rights from the Youngs, appurtenant to three lots within the subdivision. In my case those lots are Lot 3 (which I still own), Lot 5 (now owned by Knight) and

Lot 6 (now owned by Carter). Those three lots have a total of 13 irrigated acres.

The water set out in my original SRBA claim is used to irrigate those lots. Originally, flood irrigations was used mostly, but now it is mostly done by handlines with water drawn by pumps from a small pond on Lot 3 and on Lot 6.

Part of the reason for the amount of water historically used and claimed is the ditch loss which occurs as the water is delivered via the main Hiawatha Canal and its high ditch for a distance of approximately five miles. We had Reed Newby measure the water flows and his affidavit, as well as that of Martin Young, who farmed the ground for most of his adult life, are enclosed for your records. The affidavits show the historical use of water and ponds on the property.

Should you have any questions or desire any further information with regard to the above referenced claim, please advise. Thank you for your patience and assistance in this matter.

Very truly yours,

---

James W. Phillips



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

10-Feb-1993 09:04

James W Phillips  
PO Box 864  
Hailey, ID 83333

RE: Amendment of SRBA Claim A37-00577CD

Dear Mr. Phillips:

Pursuant to your letter dated February 2, 1993 and our phone conversation yesterday, please find enclosed the draft amendment of your claim for your review. If it is acceptable to you please sign it before a notary and return it to our office. Please feel free to change anything on the form by lining thru and making a correction and initialing the change.

If you have questions please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Allen D. Merritt'.

Allen D. Merritt, P.E.  
Water Rights Supervisor

Encl:

ROARK, DONOVAN, PRAGGASTIS, RIVERS & PHILLIPS  
ATTORNEYS AND COUNSELORS AT LAW

HAILEY OFFICE  
R. KEITH ROARK  
JAMES W. PHILLIPS

KETCHUM OFFICE  
MICHAEL F. DONOVAN  
THOMAS C. PRAGGASTIS  
KATHLEEN E. RIVERS

OF COUNSEL  
BRIAN J. BARSOTTI

KETCHUM MEDICAL CLINIC BUILDING

251 MAIN STREET SOUTH  
POST OFFICE DRAWER 3240  
KETCHUM, IDAHO 83340

TELEPHONE  
(208) 726-5961

HAILEY OFFICE  
MOUNTAIN STATE BUILDING  
215 NORTH MAIN  
POST OFFICE BOX 2740  
HAILEY, IDAHO 83333  
TELEPHONE  
(208) 788-2427

May 30, 1990

Ms. Helen Harrington  
Adjudication  
1301 North Orchard  
Boise, Idaho 83706

Re: SRBA Water Right Filing  
James and Evelyn Phillips  
IDWR Water Right No. 37-0577

RECEIVED  
MAY 31 1990

Department of Water Resources

Dear Helen:

This letter is to correct the clear and unintentional omission contained in paragraph 6 of the above referenced filing. Please insert in the bottom two blanks of Paragraph 6, the words "recreational" and "aesthetic". Also, enclosed herewith is the additional filing fee in the sum of One Hundred Ten Dollars (\$110.00).

Thank you for bringing this omission to my attention, so that I could now correct same. Should you need any further information please advise.

Very truly yours,

  
James W. Phillips

nm/harring.let

MICROFILMED  
FEB 23 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 344-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 12, 1990

James Phillips  
P.O. Box 864  
Hailey, ID 83333

RE: Notice of Claim to a Water Right A37-00577CD  
Blaine County

Dear Jim:

Thank you for your prompt action regarding the above-referenced claim. Your claim is completely processed and has been filed. I have enclosed a copy for you to retain, as well as Receipt No. C017059 in the amount of \$110.

I am holding the claim for Robert and Fern Young, awaiting the variable fees due on their claim. If I do not receive them within 30 days, I will let you know.

Again, thank you for your efficiency in this matter.

Sincerely,

Helen Harrington-Thornton  
Senior Water Rights Agent

HHT:sf:state:tf

Enclosures:

Notice of Claim Referenced Above

Jim -

I received the \$2200<sup>00</sup> Receipts C017144 & C017143 attached. Also copy of claim enclosed for your files.

Thanks —  
  
6/14

MICROFILMED  
FEB 23 1993

Post Office Box 864  
Hailey, Idaho 83333  
208/788-2427

October 31, 1989

RECEIVED

NOV 6 1989

Idaho Department of Water Resources  
1301 N. Orchard St.  
Boise, Idaho 83706

Department of Water Resources

ATTENTION: SRBA Filing

CERTIFIED MAIL - RETURN RECEIPT REQUESTED - #P 574 144 653

Dear Sir/Madam:

Enclosed herewith is one (1) Notice of Claim filed by James and Evelyn Phillips together with the required filing fee calculated as follows: \$50.00 late fee plus \$50.00 base filing fee plus \$13.00 for thirteen (13) acres for a total of \$113.00.

Should you have any questions, please give me a call.

Very truly yours,

  
James W. Phillips

da

Enclosures

jwp\idept.let

MICROFILMED  
FEB 23 1993

Blair

**RECEIPT  
For Monies Paid  
to the  
IDAHO DEPARTMENT OF WATER RESOURCES**

**Receipt No:** C012672

**Date:** 11/06/89  
**Time:** 15:31:31

*copy*

**Received  
From:** PHILLIPS, JAMES W.

| Type of Payment              | Program Acct Class | Amount  |
|------------------------------|--------------------|---------|
| ADJUDICATION FEE             | 0410162 9337 6490  | \$63.00 |
| ADJUDICATION FEE-LATE CHARGE | 0410162 9337 6490  | \$50.00 |

**Total**                      \$113.00

CHECK 2131

Idaho Department of Water Resources

**Region:** STATE

**Signature:** J. Keathley

**MICROFILMED  
FEB 23 1993**

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Phillips

CLAL IDENT. NO. \_\_\_\_\_

DATE RECEIVED 11-6-89

CK # 2131

AMOUNT \$ 113.00

- |                                                                                                                                                                                                                          | YES                                 | NO                                  | Required Info?   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|------------------|
| 1. Is the name and address complete with zip code?                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *                |
| 2. Is a priority date entered?                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *                |
| Is the priority date acceptable in view of mandatory filing dates?<br>See Adjudication Memos #1 and #4 to determine if a Permit is required.                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *                |
| 3. (a) Is a source entered?                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *                |
| (b) Is a tributary to entered? (if required)                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *                |
| 4. Is the legal description of the p.d. sufficient?                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *                |
| 5. Is there a description of the diverting works?                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                  |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *                |
| Is the period of use included?                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                  |
| Is a quantity claimed for each use?                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | *                |
| 7. Is a total quantity claimed entered?                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                  |
| 8. If required is a consumptive use entered?                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                  |
| Is the consumptive use correct?                                                                                                                                                                                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                  |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | *                |
| 10. Is (are) the place(s) of use and purpose(s) indicated?                                                                                                                                                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | *                |
| 11. Is (are) the county(ies) entered?                                                                                                                                                                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                  |
| 12. Is the ownership of p.u. checked?                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                  |
| 13. Are other water rights listed or "none" indicated?                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                  |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                  |
| 15. Is the basis of the claim indicated?                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                  |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)                                                                                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                  |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                  |
| 18. Has the claim been signed, sealed, and dated by a notary?                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | * notary seal is |
| 19. Was this claim filed on time, or was an extension granted?                                                                                                                                                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | *                |
| 20. Is the fee enclosed correct?                                                                                                                                                                                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | *                |
| 21. If this claim is based on an existing water right, has the identification number been entered?                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                  |
| 22. Should this claim be data entered?                                                                                                                                                                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                  |

Claim checked by: CA

Date: 12-12-89

Claim must be returned to claimant:

(Yes) ☐ (No) ☒

Claimant must be notified of modifications:

(Yes) ☐ (No) ☒

Receipt Prepared by:

Claim data entered by: RAJ

Sent to claimant by: RAJ

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

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

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

Checked by: RAJ

Date: 12-12-89

Comments:

Needs notary seal

Claim Recreation & Aesthetic purposes?

Variable fee pd Co 17059

Good address in MLC

\$50.00

Do they intend to  
bel  
yes  
consumptive use = 2.5 AFAC  
late fee paid  
525-SPOK W. M.  
Phoebe - valuable