

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81569

This is to certify that: FRANCES PHILLIPS OR
WILLIAM D PHILLIPS
25847 S MARSH VALLEY RD
DOWNEY, ID 83234-1733

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
29-11241	WR/DECREED	10/10/1878	1.500 cfs	N/A	N/A	75.0	BIRCH CREEK
29-11242	WR/DECREED	5/1/1884	1.500 cfs	N/A	N/A	75.0	ROWLEY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
29-11241	NO	NO	YES	NO	NO	NO
29-11242	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
29-11241	29-11241	1.500 cfs	N/A	N/A	75.0	N/A	N/A	N/A	N/A	N/A
29-11242	29-11242	1.500 cfs	N/A	N/A	75.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.500 cfs	N/A	75.0	75.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 21st day of April, 2017.


Water Resources Program Manager

SUPPORT DATA

Transfer No. 81569

IN FILE # 29-11241

WATER RIGHT NO. 29-11242

As Modified by Transfer No. 81569

In accordance with the approval of Transfer No. 81569, Water Right No. 29-11242 is now described as follows:

Right Holder: WILLIAM D PHILLIPS OR
FRANCES PHILLIPS
25847 S MARSH VALLEY RD
DOWNEY, ID 83234-1733

Priority Date: 5/1/1884

Source: ROWLEY CREEK

Tributary: BIRCH CREEK

BENEFICIAL USE
IRRIGATION

From
04/01

To
to 10/31

Diversion Rate
1.500 cfs
1.500 cfs

LOCATION OF POINT(S) OF DIVERSION

ROWLEY CREEK L3 (NESE) Sec 10 Twp 12S Rge 36E BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	36E	11															8.0	33.0	41.0
12S	36E	14	34.0																34.0

POU Total Acres: 75.0

CONDITIONS OF APPROVAL

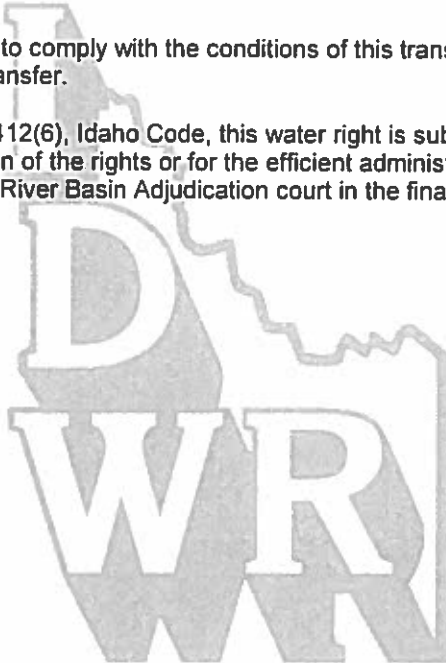
1. Rights 29-11241 and 29-11242 when combined shall not exceed a total diversion rate of 1.5 cfs and the irrigation of 75 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29G.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. The amount of water diverted under this water right may not exceed one-half of the stream flow of Rowley Creek at the point of diversion described below at any given time.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

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WATER RIGHT NO. 29-11242
As Modified by Transfer No. 81569

CONDITIONS OF APPROVAL

6. Conveyance system includes point of injection into and point of redirection from Birch Creek Canal (Ditch).
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 29-11241**As Modified by Transfer No. 81569**

In accordance with the approval of Transfer No. 81569, Water Right No. 29-11241 is now described as follows:

Right Holder: FRANCES PHILLIPS OR
WILLIAM D PHILLIPS
25847 S MARSH VALLEY RD
DOWNEY, ID 83234-1733

Priority Date: 10/10/1878

Source: BIRCH CREEK

Tributary: MARSH CREEK

BENEFICIAL USE

IRRIGATION

From
04/01

To
to 10/31

Diversion Rate

1.500 cfs

1.500 cfs

LOCATION OF POINT(S) OF DIVERSION

BIRCH CREEK	L2 (SESENE)	Sec 23 Twp 12S Rge 36E	BANNOCK County	(R)
BIRCH CREEK	NWSW	Sec 27 Twp 12S Rge 36E	BANNOCK County	
BIRCH CREEK	NWSW	Sec 27 Twp 12S Rge 36E	BANNOCK County	
BIRCH CREEK	NWSW	Sec 27 Twp 12S Rge 36E	BANNOCK County	(I)
BIRCH CREEK	NWSW	Sec 27 Twp 12S Rge 36E	BANNOCK County	(I)

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	36E	11															8.0	33.0	41.0
12S	36E	14	34.0																34.0

POU Total Acres: 75.0

CONDITIONS OF APPROVAL

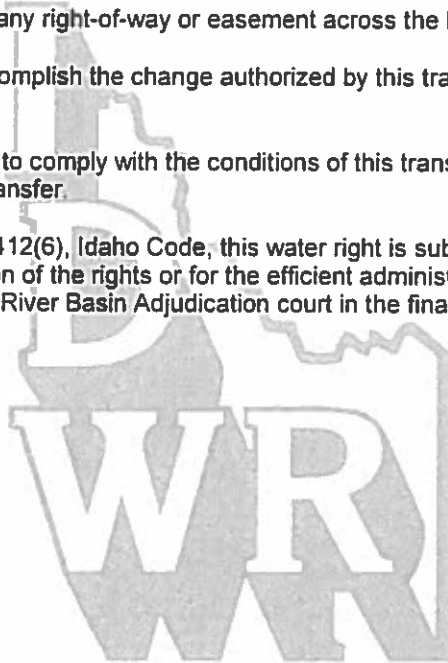
1. Rights 29-11241 and 29-11242 when combined shall not exceed a total diversion rate of 1.5 cfs and the irrigation of 75 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 29G.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

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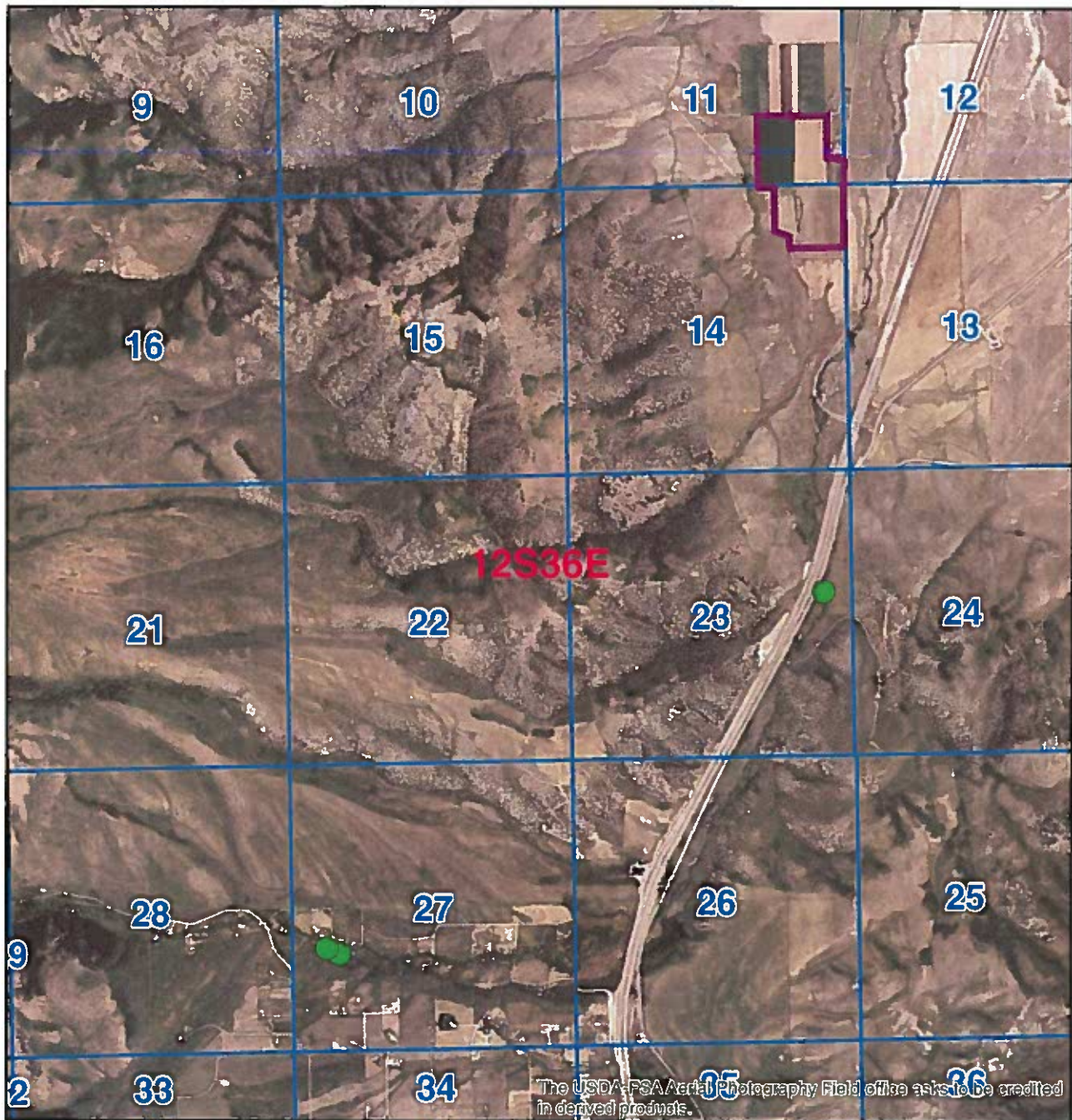
CONDITIONS OF APPROVAL

5. The amount of water diverted under this water right may not exceed 2/24 of the stream flow of Birch Creek at the point of diversion described under this right at any given time.
6. Water is delivered through Birch Creek Canal (Ditch).
7. Points of injection into and point of redirection from Birch Creek.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



Transfer Approval 81569

This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 1,300 2,600 5,200 Feet

1 inch = 2,978 feet

