

RECEIVED

FEB 02 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

42-222 POD - 09/14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Rick Philips Phone 208-879-2720
 2. MAILING ADDRESS A-C 63 Box 1631 - 25033 N Highway 93 City Challis
 State ID Zip 83226 Email philips ranch @ icloud.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application. **COPY**
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 2 cfs out of 2.4 cfs on WATER Right # A72-02134
ALL of water right (1.22 cfs) on water right # A72-00013B

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 3.22 cubic feet per second and/or _____ acre-feet per annum.
 (diversion rate) (storage volume)

5. POINT OF DIVERSION - Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			SE	NE	10	14N	1E	Custer	Spring	Philips Slough
no		SW	NW	SE	15	14W	1E	Custer	Challis Creek	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The new system will include a pump with a concrete Amco Box.
It will have a sliding lockable headgate with a submerged orifice as a ~~meas~~ measuring device

- b. Who owns the property at the point(s) of diversion? Rick Philips
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

NA

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☐ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Rick Philips
Signature of applicant or authorized agent

RICK PHILIPS
Print name and title if applicable

1-8-15
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 2 pages of attachments.

Received by DM

Date 2-2-2015

Fee paid \$740 - Date 2-2-2015

Received by DM

Receipt # 5034533

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☒

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 - confidential information is held by fiscal only)

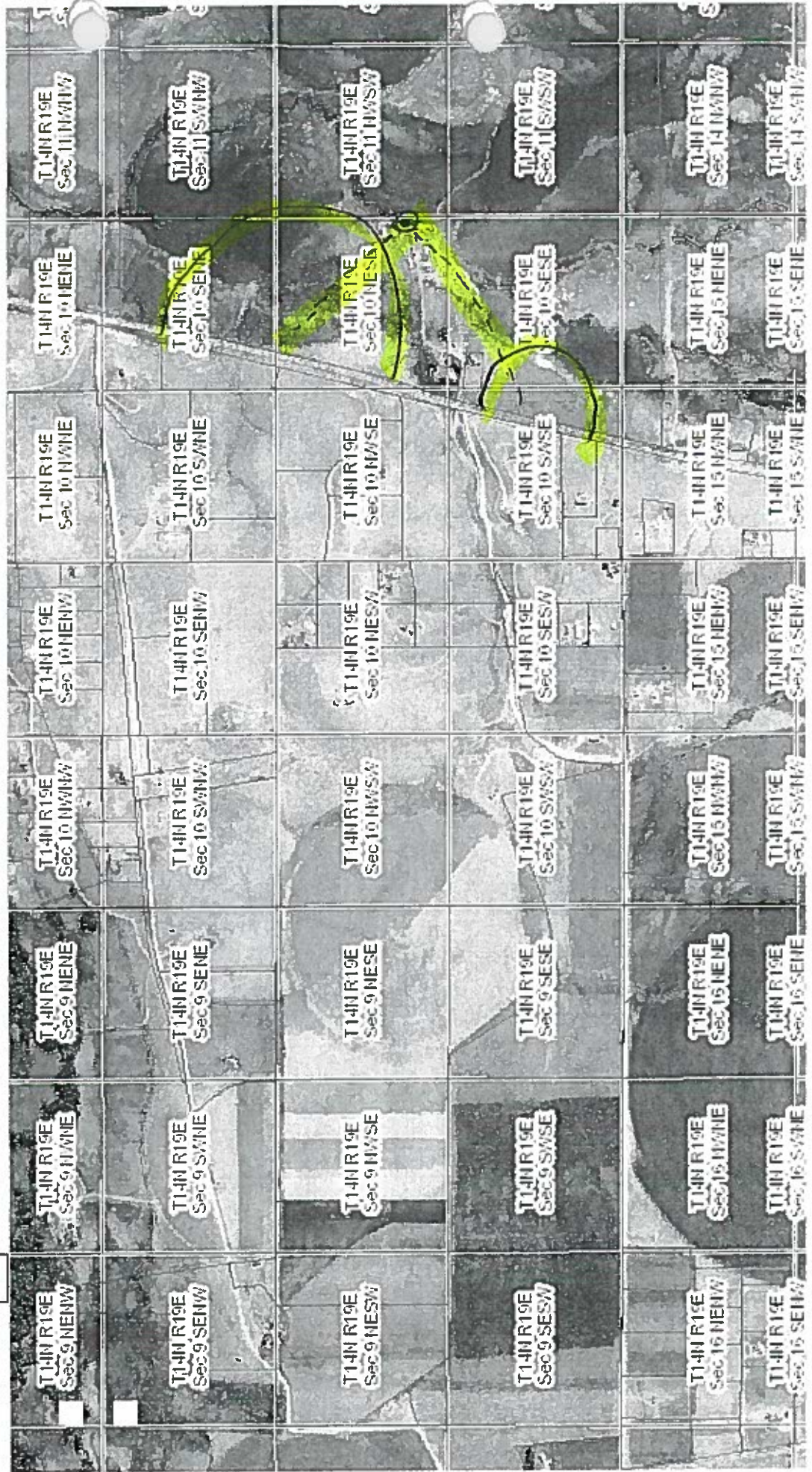
→ refund request - 1/11/2016

IDAHO

Department of
Water Resources

Transfer Application Internet Mapping

- ⊙ New Diversion Point
- New Pipeline
- New place of use
- Approximate new use acres
100 acres



TRANSFER 79853

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.

RECEIVED w/transfer

FEB 02 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

CIVIL CASE NUMBER: 39576

Ident. Number: A72-00013B
Date Received: 12/05/1989
Receipt No: M005302
Received By: SEC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHERYL PHILPS 208-879-2720
Address: HC 63 BOX 1630
CHALLIS, ID 83226

OR

Name: RICK PHILPS 208-879-2720
Address: HC 63 BOX 1630
CHALLIS, ID 83226

2. Date of Priority: MAY 01, 1879

3. Source: CHALLIS CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	3	SW	SE			CUSTER

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.220		

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

8. Total consumptive use is 112.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A72-00013B

Page 1

Date: 12/05/89

MICROFILMED

MAR 17 1993

Received February 2, 2015 with
Transfer 79853

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	10	SE	NE		IRR	30.0
			NE	SE		IRR	15.0
						Section Acres	45.0
						Total Acres	45.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A72-10189, A72-02134

14. Remarks:
THIS IS A PORTION OF THE WR 72-00013.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

<u>STEPHENS, ET. AL.</u>	vs	<u>SHAW, ET. AL.</u>
Decree Plaintiff		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): Rick Phillips Date: 12-5-89

Date: _____

State of Idaho)
County of Custer) SS.

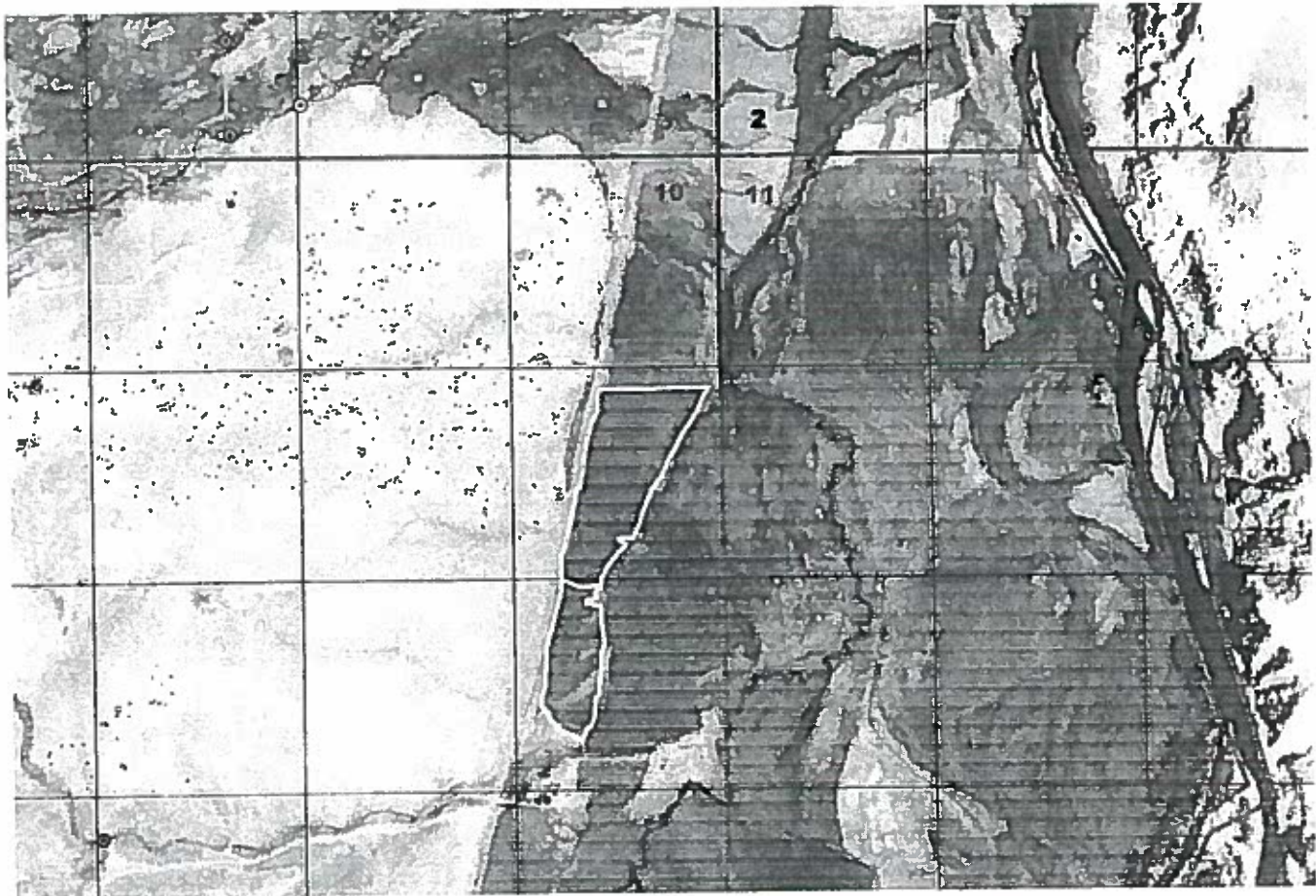
Subscribed and sworn (or affirmed) before me this 5th day
of December 19 89 Steve C.
Notary Public

Seal

Residing at Twin Falls, Idaho
My Commission Expires December 7, 1994

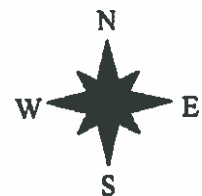
IDAHO DEPARTMENT OF WATER RESOURCES

72-00013B



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN.15, 1999
TWP 14N, R19E, SEC .10



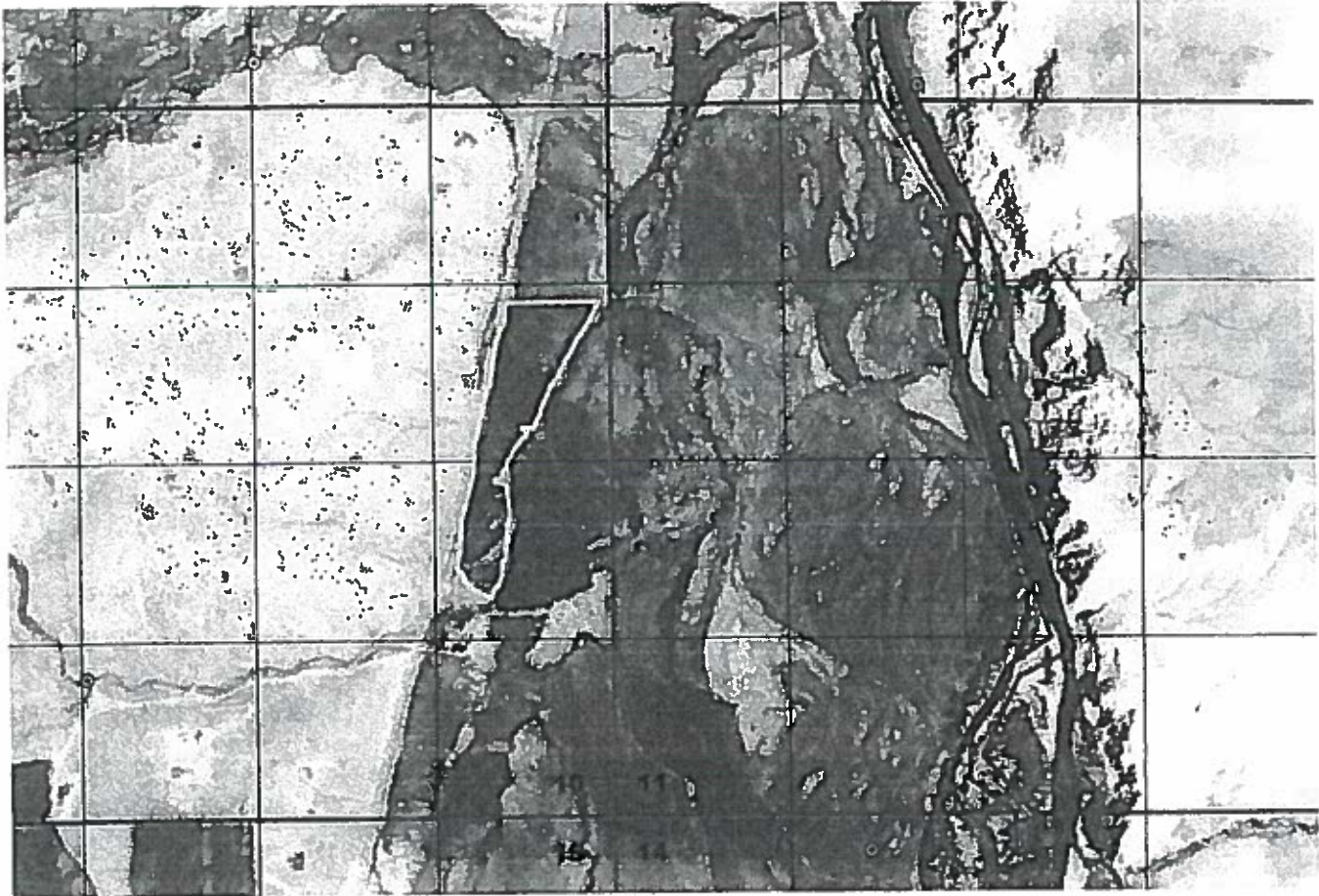
-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

TRANSFER 79853

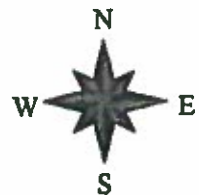
IDAHO DEPARTMENT OF WATER RESOURCES

72-00013B



0 660 1320 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 21, 1998
TWP 14N, 19E, SEC . 10



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

TRANSFER 79853

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: A72-02134
Date Received: 12/05/1989
Receipt No: M005302
Received By: SCC

RECEIVED w/transfer

FEB 02 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICK PHILPS 208-879-2720
Address: HC 63 BOX 1630
CHALLIS, ID 83226
OR
Name: CHERYL PHILPS 208-879-2720
Address: HC 63 BOX 1630
CHALLIS, ID 83226

2. Date of Priority: AUG 09, 1965

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	19E	15	SW	NW	SE		CUSTER

5. Description of diverting works:
OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.400		

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

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A72-02134

Page 1

Date: 12/05/89

MICROFILMED

MAR 18 1993

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Transfer 79853

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	10	SE	NE		IRR	30.0
			NE	SE		IRR	35.0
					Section Acres		65.0
		11	SW	NW		IRR	28.0
			NW	SW		IRR	27.0
					Section Acres		55.0
					Total Acres		120.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A72-10189, A72-00013B

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 32501

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): Rick Phelps Date: 12-5-89

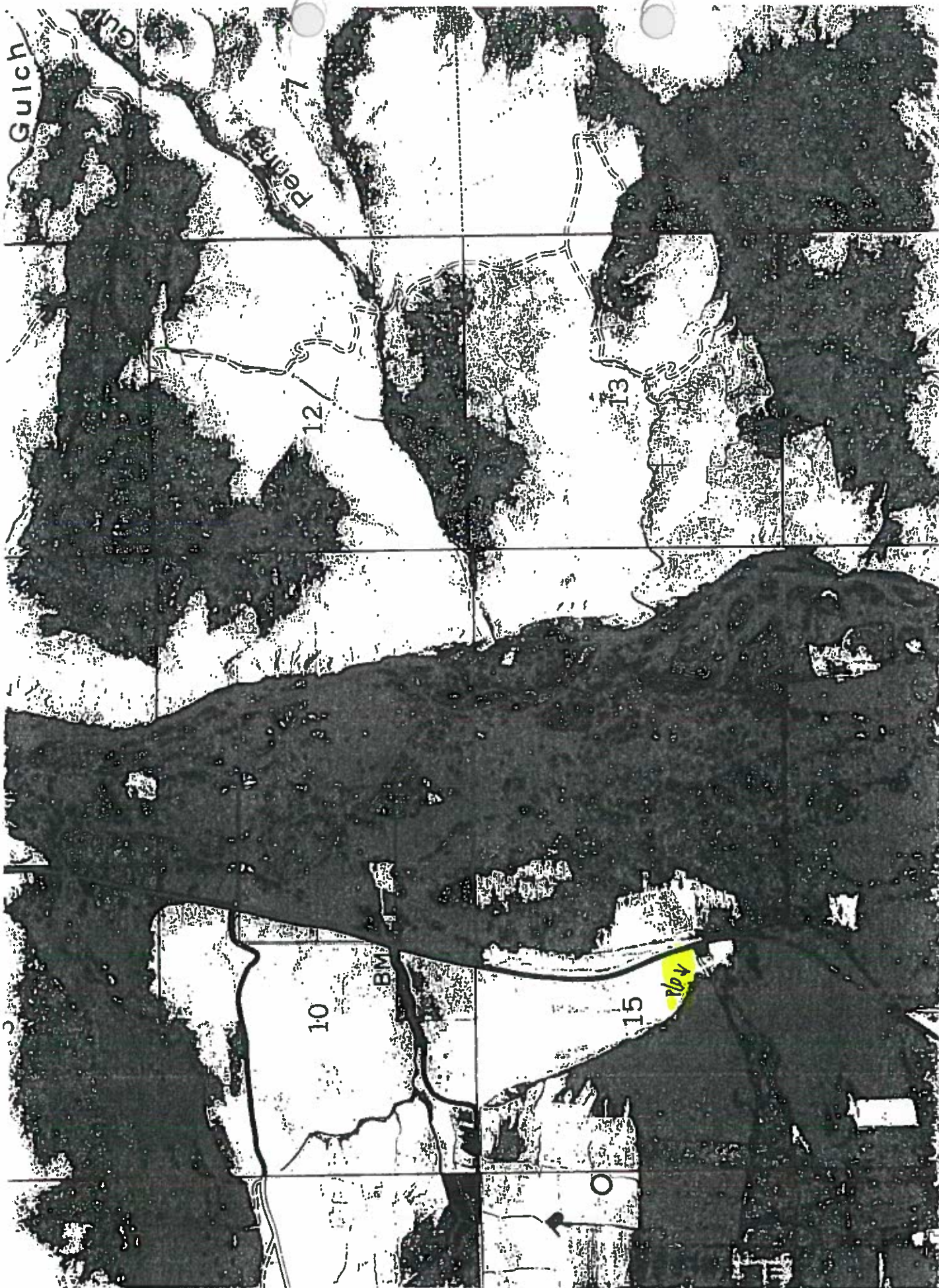
Date: _____

State of Idaho)
County of Custer) SS.

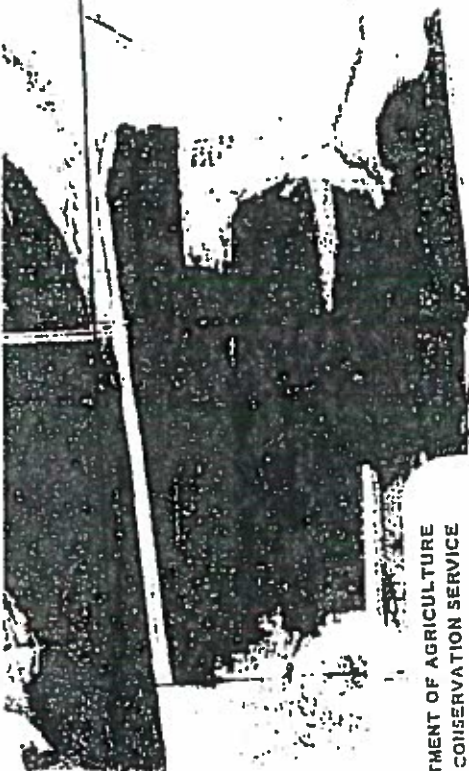
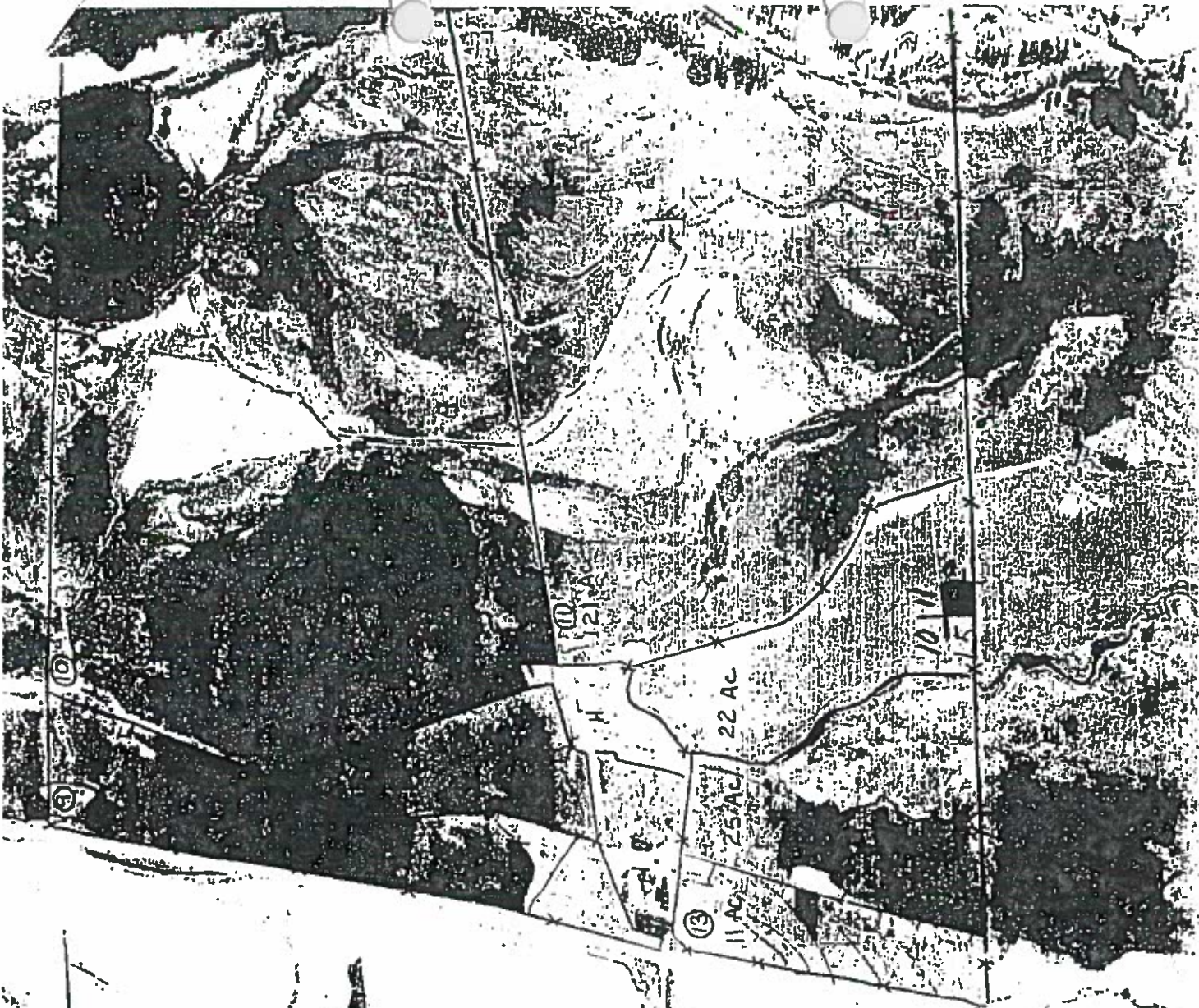
Subscribed and sworn (or affirmed) before me this 5th day
of December 19 89 Steve C. [Signature]
Notary Public

Seal

Residing at Twin Falls, Idaho
My Commission Expires December 7, 1994



TRANSFER 79853



DEPARTMENT OF AGRICULTURE
CONSERVATION SERVICE

Date May 1988

= 1 mile

Conservation District

Conservation Service

MICROFILM

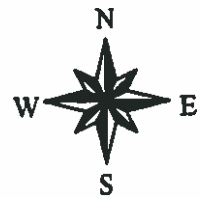
IDAHO DEPARTMENT OF WATER RESOURCES

72-02134



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON JAN.15, 1999
TWP 14N, R19E, SEC.10 & 11



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

TRANSFER 79853

AJ5853NP
1

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

DATE: January 15, 1999
PAGE: 1

RIGHT NUMBER: 72-02134

NAME AND ADDRESS: CHERYL PHILPS
RICK PHILPS
HC 63 BOX 1630
CHALLIS ID 83226

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 2.4 CFS

PRIORITY-DATE: 08/09/1965

POINT OF DIVERSION T14N R19E S10 NWSEW Within CUSTER County
S15 SEWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	2.4 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County			
	T14N R19E S10	NESE 25.5	NWSE 0.3	SWSE 7.2	SESE 26.7
	S15	NENE 7.5	NWNE 1.8		
	69 ACRES TOTAL				

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

Received February 2, 2015 with
Transfer 79853



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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 15, 1999

RICK PHILPS
CHERYL PHILPS
HC 63 BOX 1630
CHALLIS ID 83226

RE: 72-00013B, 72-02134, 72-10189

Dear Mr. and Mrs. Philps,

This letter is in response to the Notices of Error (NOEs) you recently filed with IDWR regarding the Director's proposed recommendations of the claims listed above. Your NOEs questioned the Place of Use, Priority Date and the Point of Diversion.

I have moved the point of diversion for Philps Springs to the NWSEW of Section 14 and made sure your's, Bitton's, and the Green's claims in the area all refer to the same Points of Diversion. Based on the evidence in the file, I allowed the priority date of April 1, 1910 for 72-10189. I have tried to show the acres irrigated by each right, as we discussed after the meeting in Challis.

I have enclosed new Preliminary Recommendations and corrected maps for these claims. You should be receiving the actual Director's Report by the end of the month which will reflect these corrections.

If these changes are still incorrect, you can file an Objection to the Director's Report with the SRBA Court. The process will be explained when you receive your copy of the Director's Report.

Sincerely,

Jeanie Robertson
Senior Water Resource Agent

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