

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80165**

This is to certify that: **CARL L PHILLIPS**
2884 W 1400 S
ABERDEEN, ID 83210

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>
29-13320	WR/DECREED	8/7/1932	3.840 cfs	N/A	192.0	382.2	PORTNEUF RIVER
29-13321	WR/DECREED	8/7/1932	3.430 cfs	N/A	172.0	382.2	PORTNEUF RIVER
29-2379	WR/DECREED	10/22/1956	2.560 cfs	1086.6 af	N/A	382.2	GROUND WATER
29-30	WR/DECREED	10/18/1889	3.840 cfs	N/A	192.0	382.2	PORTNEUF RIVER
29-31	WR/DECREED	5/1/1887	3.430 cfs	N/A	172.0	382.2	PORTNEUF RIVER

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>
29-13320	NO	NO	YES	NO	NO	NO
29-13321	NO	NO	YES	NO	NO	NO
29-2379	NO	NO	YES	YES	NO	NO
29-30	NO	NO	YES	NO	NO	NO
29-31	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>
29-13320	29-13320	3.840 cfs	N/A	192.0	382.2	N/A	N/A	N/A	N/A	N/A
29-13321	29-13321	3.430 cfs	N/A	172.0	382.2	N/A	N/A	N/A	N/A	N/A
29-2379	29-2379	2.560 cfs	1086.6 af	N/A	382.2	N/A	N/A	N/A	N/A	N/A
29-30	29-30	3.840 cfs	N/A	192.0	382.2	N/A	N/A	N/A	N/A	N/A
29-31	29-31	3.430 cfs	N/A	172.0	382.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		7.650 cfs	N/A	382.2	382.2		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 80165

IN FILE # 29-30

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80165

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 October, 2015.


for _____
Chief, Water Allocation Bureau



WATER RIGHT NO. 29-30

As Modified by Transfer No. 80165

In accordance with the approval of Transfer No. 80165, Water Right No. 29-30 is now described as follows:

Right Holder: CARL L PHILLIPS OR
NOLA RAE PHILLIPS
2884 W 1400 S
ABERDEEN, ID 83210

Priority Date: 10/18/1889

Source: PORTNEUF RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 09/15

Diversion Rate
3.840 cfs
3.840 cfs

LOCATION OF POINT(S) OF DIVERSION

PORTNEUF RIVER NENESE Sec 18 Twp 07S Rge 39E CARIBOU County
PORTNEUF RIVER L2 (SENW) Sec 19 Twp 07S Rge 39E CARIBOU 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	
07S	38E	24	1.6			2.8													4.4
			L 1			L 2													
07S	39E	17									33.0	37.0							70.0
07S	39E	18												2.7				1.4	4.1
07S	39E	19	1.2		29.0	15.0				9.1	21.0			8.7	37.0	40.0	22.0	5.7	188.7
										L 2	L 3			L 4					
07S	39E	20						37.0	38.0			40.0							115.0

Right Acre Limit: 192.0

POU Total Acres: 382.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 192.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-30 and 29-13320 when combined shall not exceed a total diversion rate of 3.84 cfs, and the irrigation of 192.0 acres.
3. Rights 29-30, 29-31, 29-2379, 29-13320 and 29-13321 when combined shall not exceed a total diversion rate of 7.65 cfs and the irrigation of 382.2 acres.
4. Use of water under this right will 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. 29.

Transfer No. 80165

WATER RIGHT NO. 29-30
As Modified by Transfer No. 80165

CONDITIONS OF APPROVAL

5. 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).
6. 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 lands above.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 04/15 and after 09/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 08/30/2005.
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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 29-31**As Modified by Transfer No. 80165**

In accordance with the approval of Transfer No. 80165, Water Right No. 29-31 is now described as follows:

Right Holder: CARL L PHILLIPS AND/OR
NOLA RAE PHILLIPS
2884 W 1400 S
ABERDEEN, ID 83210

Priority Date: 5/1/1887

Source: PORTNEUF RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/15

To

to 09/15

Diversion Rate

3 430 cfs

3 430 cfs

LOCATION OF POINT(S) OF DIVERSION

PORTNEUF RIVER

NENESE

Sec 18 Twp 07S Rge 39E CARIBOU County

PORTNEUF RIVER

L2 (SENW)

Sec 19 Twp 07S Rge 39E CARIBOU 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	
07S	38E	24	1.6			2.8													4.4
			L 1			L 2													
07S	39E	17									33.0	37.0							70.0
07S	39E	18												2.7				1.4	4.1
07S	39E	19	1.2		29.0	15.0				9.1	21.0			8.7	37.0	40.0	22.0	5.7	188.7
										L 2	L 3			L 4					
07S	39E	20						37.0	38.0			40.0							115.0

Right Acre Limit: 172.0

POU Total Acres: 382.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 172.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-31 and 29-13321 when combined shall not exceed a total diversion rate of 3.43 cfs, and the irrigation of 172.0 acres.
3. Rights 29-30, 29-31, 29-2379, 29-13320 and 29-13321 when combined shall not exceed a total diversion rate of 7.65 cfs and the irrigation of 382.2 acres.
4. Use of water under this right will 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. 29.

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WATER RIGHT NO. 29-31
As Modified by Transfer No. 80165

CONDITIONS OF APPROVAL

5. 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).
6. 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 lands above.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 04/01 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 9/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/30/2005.
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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 29-13320 **As Modified by Transfer No. 80165**

In accordance with the approval of Transfer No. 80165, Water Right No. 29-13320 is now described as follows:

Right Holder: CARL L PHILLIPS AND/OR
 NOLA RAE PHILLIPS
 2884 W 1400 S
 ABERDEEN, ID 83210

Priority Date: 8/7/1932

Source: PORTNEUF RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From 04/01 **to** 10/31

Diversion Rate
 3.840 cfs
 3.840 cfs

LOCATION OF POINT(S) OF DIVERSION

PORTNEUF RIVER NENESE Sec 18 Twp 07S Rge 39E CARIBOU County
 PORTNEUF RIVER L2 (SENW) Sec 19 Twp 07S Rge 39E CARIBOU 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	
07S	38E	24	1.6			2.8													4.4
			L 1			L 2													
07S	39E	17									33.0	37.0							70.0
07S	39E	18												2.7				1.4	4.1
07S	39E	19	1.2		29.0	15.0				9.1	21.0			8.7	37.0	40.0	22.0	5.7	188.7
										L 2	L 3			L 4					
07S	39E	20						37.0	38.0			40.0							115.0

Right Acre Limit: 192.0

POU Total Acres: 382.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 192.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-30 and 29-13320 when combined shall not exceed a total diversion rate of 3.84 cfs, and the irrigation of 192.0 acres.
3. Rights 29-30, 29-31, 29-2379, 29-13320 and 29-13321 when combined shall not exceed a total diversion rate of 7.65 cfs and the irrigation of 382.2 acres.

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WATER RIGHT NO. 29-13320
As Modified by Transfer No. 80165

CONDITIONS OF APPROVAL

4. Use of water under this right will 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. 29.
5. 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).
6. 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 lands above.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 29-13321**As Modified by Transfer No. 80165**

In accordance with the approval of Transfer No. 80165, Water Right No. 29-13321 is now described as follows:

Right Holder: CARL L PHILLIPS AND/OR
NOLA RAE PHILLIPS
2884 W 1400 S
ABERDEEN, ID 83210

Priority Date: 8/7/1932

Source: PORTNEUF RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

04/01
04/01

To

to 10/31
to 10/31

Diversion Rate

3 430 cfs
0.090 cfs
3 430 cfs

LOCATION OF POINT(S) OF DIVERSION

PORTNEUF RIVER
PORTNEUF RIVER

NENESE
L2 (SENW)

Sec 18 Twp 07S Rge 39E CARIBOU County
Sec 19 Twp 07S Rge 39E CARIBOU 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	
07S	38E	24	1.6			2.8													4.4
			L 1			L 2													
07S	39E	17									33.0	37.0							70.0
07S	39E	18												2.7				1.4	4.1
07S	39E	19	1.2		29.0	15.0				9.1	21.0			8.7	37.0	40.0	22.0	5.7	188.7
										L 2	L 3			L 4					
07S	39E	20						37.0	38.0			40.0							115.0

Right Acre Limit: 172.0

POU Total Acres: 382.2

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	38E	24	X			X													
			L 1			L 2													
07S	39E	17									X	X							
07S	39E	18												X					
07S	39E	19	X		X	X				X	X			X	X	X	X	X	
										L 2	L 3			L 4					
07S	39E	20						X	X			X							

Transfer No. 80165

WATER RIGHT NO. 29-13321
As Modified by Transfer No. 80165

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 172.0 acres within the authorized place of use in a single irrigation season.
2. Rights 29-31 and 29-13321 when combined shall not exceed a total diversion rate of 3.43 cfs, and the irrigation of 172.0 acres.
3. Rights 29-30, 29-31, 29-2379, 29-13320 and 29-13321 when combined shall not exceed a total diversion rate of 7.65 cfs and the irrigation of 382.2 acres.
4. Use of water under this right will 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. 29.
5. 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).
6. 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 lands above.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 29-2379**As Modified by Transfer No. 80165**

In accordance with the approval of Transfer No. 80165, Water Right No. 29-2379 is now described as follows:

Right Holder: NOLA RAE PHILLIPS AND/OR
CARL L PHILLIPS
2884 W 1400 S
ABERDEEN, ID 83210

Priority Date: 10/22/1956

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

04/01
01/01

to 10/31
to 12/31

Diversion Rate

2.560 cfs
0.090 cfs
2.560 cfs

Diversion Volume

1086.6 af

1086.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NWSW
L2 (SENW)

Sec 17 Twp 07S Rge 39E CARIBOU County
Sec 19 Twp 07S Rge 39E CARIBOU 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	
07S	38E	24	1.6			2.8													4.4
			L 1			L 2													
07S	39E	17										33.0	37.0						70.0
07S	39E	18												2.7				1.4	4.1
07S	39E	19	1.2		29.0	15.0				9.1	21.0			8.7	37.0	40.0	22.0	5.7	188.7
										L 2	L 3			L 4					
07S	39E	20						37.0	38.0			40.0							115.0

POU Total Acres: 382.2

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	38E	24	X			X													
			L 1			L 2													
07S	39E	17									X	X							
07S	39E	18												X					
07S	39E	19	X		X	X				X	X			X	X	X	X	X	
										L 2	L 3			L 4					
07S	39E	20					X	X			X								

Transfer No. 80165

WATER RIGHT NO. 29-2379
As Modified by Transfer No. 80165

CONDITIONS OF APPROVAL

1. Rights 29-30, 29-31, 29-2379, 29-13320 and 29-13321 when combined shall not exceed a total diversion rate of 7.65 cfs and the irrigation of 382.2 acres.
2. The ground water well authorized by Transfer 80165, located in the SENW of Section 19, T07S, R39E, shall be constructed and maintained with unperforated casing between 0 and 25 feet below land surface.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
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 lands above.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. At the time of the recommendation and partial decree in the SRBA, the relationship between an existing fence line and the west quarter-quarter section line marking the east boundary of the place of use for this water right was unclear. The map overlay showed the existing fence line approximately 160-200 feet east of the west quarter-quarter section line, which means the place of use for this water right may include lands in the east half of the southwest quarter, section 17, T07S, R39E, B.M., and the east half of the northwest quarter and the east half of the northeast of the southwest quarter, section 20, T07S, R39E, B.M. However, other information indicates that the existing fence line may in fact approximate the west quarter-quarter section line. In either case, irrigation should be allowed up to the fence line, in accordance with historical practice. If a full land title survey settles all boundary disputes by court order or stipulation, and concludes that the east half of the southwest quarter, section 17, T07S, R39E, B.M., and the east half of the northwest quarter and the east half of the northeast quarter of the southwest quarter, section 20, T07S, R39E, B.M., should be part of this water right's place of use, then a correction to the place of use description for this water right may be needed. If the right holder requests the correction in writing, supported by sufficient documentation, and if allowed by law, a formal transfer pursuant to I.C. 42-222 shall not be required because no physical on-the-ground change would occur. However, no correction to the number of acres shall be allowed.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. The right holder shall accomplish the change authorized by this transfer within one year(s) 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.