

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72275

This is to certify that: CARL L PHILLIPS Or
 NOLA RAE PHILLIPS
 2884 W 1400 S
 ABERDEEN ID 83210
 (208)397-4690

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
29-30	WR/Decreed	10/18/1889	3.84 cfs	N/A	192.0	382.2	PORTNEUF RIVER
29-31	WR/Decreed	05/01/1887	3.43 cfs	N/A	172.0	382.2	PORTNEUF RIVER
29-13321	WR/Decreed	08/07/1932	3.43 cfs	N/A	172.0	382.2	PORTNEUF RIVER
29-13320	WR/Decreed	08/07/1932	3.84 cfs	N/A	192.0	382.2	PORTNEUF RIVER
29-2379	WR/Decreed	10/22/1956	2.56 cfs	1337.7 af	N/A	382.2	GROUND WATER

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>
29-30	NO	NO	YES	YES	NO	NO
29-31	NO	NO	YES	YES	NO	NO
29-13321	NO	NO	YES	YES	NO	NO
29-13320	NO	NO	YES	YES	NO	NO
29-2379	NO	NO	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 29-30

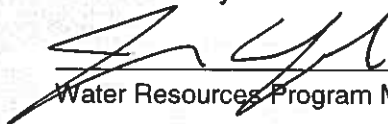
**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72275**

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
29-30	29-30	3.84 cfs	N/A	192.0	382.2		N/A	N/A	N/A	N/A
29-31	29-31	3.43 cfs	N/A	172.0	382.2		N/A	N/A	N/A	N/A
29-13321	29-13321	3.43 cfs	N/A	172.0	382.2		N/A	N/A	N/A	N/A
29-13320	29-13320	3.84 cfs	N/A	192.0	382.2		N/A	N/A	N/A	N/A
29-2379	29-2379	2.56 cfs	1086.6 af	N/A	382.2		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		7.65 cfs	N/A	382.2	382.2		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of January, 2011



Water Resources Program Manager

WATER RIGHT NO. 29-30
As Modified by Transfer No. 72275

In accordance with the approval of Transfer No. 72275, 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: October 18, 1889

Source: PORTNEUF RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15	to 09/15	3.84 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 Rge 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									28.0	35.0							63.0
07S 39E 18													1.0				1.0
07S 39E 19	8.0		28.0	40.0				5.0	18.0			3.0	39.0	40.0	20.0	4.8	205.8
								L 2	L 3			L 4					
07S 39E 20						34.0	36.0		38.0								108.0

Total Acres: 382.2

WATER RIGHT NO. 29-30
As Modified by Transfer No. 72275

CONDITIONS OF APPROVAL

1. Rights 29-30 and 29-13320 when combined shall not exceed a total diversion rate of 3.84 cfs, and the irrigation of 192 acres.
2. 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.
3. 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.
4. 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).
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 lands above.
6. 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.
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.

This water right 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.

Dated this 13th day of January, 2011


Water Resources Program Manager

WATER RIGHT NO. 29-31
As Modified by Transfer No. 72275

In accordance with the approval of Transfer No. 72275, Water Right No. 29-31 is now described as follows.

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

Priority Date: May 01, 1887

Source: PORTNEUF RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/15 to	09/15	3.43 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	Rge	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									28.0	35.0							63.0
07S	39E	18													1.0				1.0
07S	39E	19	8.0		28.0	40.0			5.0	18.0			3.0	39.0	40.0	20.0	4.8		205.8
									L 2	L 3			L 4						
07S	39E	20					34.0	36.0			38.0								108.0

Total Acres: 382.2

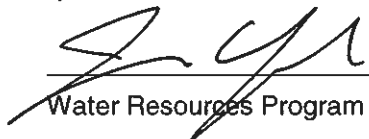
WATER RIGHT NO. 29-31
As Modified by Transfer No. 72275

CONDITIONS OF APPROVAL

1. Rights 29-31 and 29-13321 when combined shall not exceed a total diversion rate of 3.43 cfs, and the irrigation of 172 acres.
2. 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.
3. 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.
4. 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).
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 lands above.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right 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.

Dated this 13th day of January, 20 11



Water Resources Program Manager

WATER RIGHT NO. 29-13320
As Modified by Transfer No. 72275

In accordance with the approval of Transfer No. 72275, 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: August 07, 1932

Source: PORTNEUF RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	3.84 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	Rge	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									28.0	35.0							63.0
07S	39E	18													1.0				1.0
07S	39E	19	8.0		28.0	40.0			5.0	18.0			3.0	39.0	40.0	20.0	4.8		205.8
									L 2	L 3			L 4						
07S	39E	20						34.0	36.0		38.0								108.0

Total Acres: 382.2

WATER RIGHT NO. 29-13320
As Modified by Transfer No. 72275

CONDITIONS OF APPROVAL

1. Rights 29-30 and 29-13320 when combined shall not exceed a total diversion rate of 3.84 cfs, and the irrigation of 192 acres.
2. 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.
3. 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.
4. 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).
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 lands above.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right 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.

Dated this 13th day of January, 2011


Water Resources Program Manager

WATER RIGHT NO. 29-13321
As Modified by Transfer No. 72275

In accordance with the approval of Transfer No. 72275, Water Right No. 29-13321 is now described as follows.

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

Priority Date: August 07, 1932

Source: PORTNEUF RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	3.43 CFS
STOCKWATER	04/01	to 10/31	0.09 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	Rge	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									28.0	35.0							63.0
07S	39E	18													1.0				1.0
07S	39E	19	8.0		28.0	40.0				5.0	18.0			3.0	39.0	40.0	20.0	4.8	205.8
										L 2	L 3			L 4					
07S	39E	20					34.0	36.0			38.0								108.0

Total Acres: 382.2

PLACE OF USE: STOCKWATER

Twp	Rge	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								

WATER RIGHT NO. 29-13321

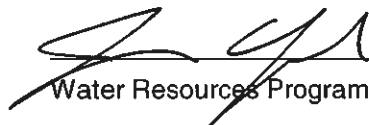
As Modified by Transfer No. 72275

CONDITIONS OF APPROVAL

1. Rights 29-31 and 29-13321 when combined shall not exceed a total diversion rate of 3.43 cfs, and the irrigation of 172 acres.
2. 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.
3. 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.
4. 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).
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 lands above.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right 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.

Dated this 13th day of January, 2011


Water Resources Program Manager

WATER RIGHT NO. 29-2379
As Modified by Transfer No. 72275

In accordance with the approval of Transfer No. 72275, Water Right No. 29-2379 is now described as follows.

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

Priority Date: October 22, 1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.56 CFS	1,086.6 AF
STOCKWATER	01/01	to 12/31	0.09 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSW Sec. 17 Twp 07S Rge 39E CARIBOU County

PLACE OF USE: IRRIGATION

Twp	Rge	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									28.0	35.0							63.0
07S	39E	18													1.0				1.0
07S	39E	19	8.0		28.0	40.0				5.0	18.0			3.0	39.0	40.0	20.0	4.8	205.8
										L 2	L 3			L 4					
07S	39E	20						34.0	36.0		38.0								108.0

Total Acres: 382.2

PLACE OF USE: STOCKWATER

Twp	Rge	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								

WATER RIGHT NO. 29-2379
As Modified by Transfer No. 72275

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. 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.
3. 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.
4. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
5. 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 (See Map "A" attached hereto), 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.
6. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

This water right 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.

Dated this 13th day of January, 2011


Water Resources Program Manager