

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: A29-10504
Date Received: 3/13/1990
Receipt No: mod 215
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VERNAL F. BAILEY 208-233-3586
Address: 1280 CEDAR LAKE RD.
POCATELLO, ID 83204
OR
Name: BLANCHE E. BAILEY 208-233-3586
Address: 1280 CEDAR LAKE RD.
POCATELLO, ID 83204

A2910504



2. Date of Priority: JUL 24, 1987

3. Source: KNOX CREEK Trib. to: BANNOCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	32E	36	NW	SE	SE		POWER

5. Description of diverting works:
CEMENT HEADGATE IN CREEK; FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.160		
STOCKWATER	05/01	10/15	0.020		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ UP TO 25 HEAD CATTLE IN STREAM/DITCH WATERING

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	33E	31	NE NE	SW SW	IRR STOCK	5.0
Section Acres						5.0
Total Acres						5.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:

SEE ATTACHED COPY OF DECREE DATED 3/2/81; CASE NUMBER 6428 OF THE SIXTH JUDICIAL DISTRICT COURT.

|
THIS DECREE GAVE VERNAL BAILEY 20% OF THE ENTIRE FLOW WHICH WAS 16 IN. FROM KNOX CK. HE HAS SINCE DIVIDED HIS 40 ACRES INTO 4 10 ACRE PARCELS, ASSIGNING 4 INCHES OF WATER TO EACH OF THE 3 PARCELS EAST OF HIS 10 ACRES. HE RETAINED 8 INCHES.

|
THE DEPARTMENT OF WATER RESOURCES DOES NOT HAVE A RECORD OF THESE RIGHTS PRIOR TO THIS FILING.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/09/1981

NEWPORT, BAILEY ET AL

Decree Plaintiff

vs

JOHN MC NABB

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: 2

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): Vernon F. Bailey Date: 3-13-90
Date:

State of Idaho)
County of Power) ss.

Subscribed and sworn (or affirmed) before me this 13th day
of March 19 90
Seal Anna Baumhoff
Notary Public

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

Vernal and Blanche Bailey
1280 Clear Lake Road
Pocatello, Idaho 83204

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Adjudication Claim 29-10504

Dear Water User:

In 1990 you filed an adjudication claim for a water right on Knox Creek in Power county. A copy is attached for your convenience. My job now is to review this claim and others in the area, and make recommendations to the Snake River Basin Adjudication Court.

Your claim was based on a 1981 court decree issued by Justice Arthur P. Oliver. The decree adopted a stipulated agreement that had been reached between the parties. It is valuable evidence that helps define your water right in relationship to the water rights of the other parties.

The decree, however, was not a "general" decree. It did not include all the water users on Knox Creek, nor all the users on Bannock Creek to which Knox Creek is tributary. Because of this, it cannot define the relationship of your water right to the water rights of these other users.

To make an accurate recommendation on your water right, I need additional documentation to describe the priority date and the extent of the original beneficial use. The enclosed pamphlet describes some sources that may be used to document your right. If an affidavit is used, it needs to clearly state that the person making the affidavit *personally* saw the beneficial use, and the earliest date they saw it. The more details the person can give, the better. Helpful details include anything the person remembers about the amount of water used, the number of acres, the general location, and circumstances that verify the date and details. As I review the documentation, my standard will be:

The documentation should tend to indicate that diversion works were in place and had adequate capacity to deliver the claimed amount of water. It should also tend to indicate that the claimed quantity of water was actually applied to the claimed place of use for the claimed beneficial use.

5/11/2001

Please review this information and provide me with additional documentation. Later this summer I will contact you to do a field inspection of your system and place of use. Please call me if you have questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Bryce A. Contor". The signature is written in dark ink and is positioned above the printed name.

Bryce A. Contor
Senior Water Resource Agent



4000
ARBON 9 MI

TIOS
TIIS

32 33E

s Can Be Obtained
Print, Boise Idaho

HATNOCK, BLAKE, IDAHO

Y. MENLO PARK, CALIF. 94025

1985

A29-10504

MICROFILMED
NOV 16 1992



Log for claim A29-10504

Spatial Dynamics AMH

7/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s33e	31	NESW	5	2.7	Permissable Place of Use/Indiscernable
Totals:			5	2.7	

AJ5809NP
No. A29-10504

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 89

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VERNAL F BAILEY	07/24/1987	IRRIGATION	03-15 11-15	0.160 CFS	
C	BLANCHE E BAILEY 1280 CEDAR LAKE RD POCATELLO ID 83204 (208) 233-3586		STOCKWATER	05-01 10-15	0.020 CFS	
TOTAL DIVERSION:					0.160 CFS	
CONSUMPTIVE USE:						15.00 AFA

Water Source: KNOX CREEK

Tributary to: BANNOCK CREEK

Stage: DECREED

Point(s) of Diversion:

T10S R32E S36

NWSESE

POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:	---
10S	33E	31	:											05						:	5.0
																				TOTAL ACRES	5.0

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:	
10S	33E	31	:											S						:	

POU County: POWER

Non-Irrigation Uses: S/ UP TO 25 HEAD CATTLE IN STREAM/DITCH WATERING

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-10280 A29-10505 A29-10506 A29-10507

Other Water Rights Listing Overlapping Place(s) of Use:
A29-10505 A29-10506 A29-10507

Remarks: GEN SEE ATTACHED COPY OF DECREE DATED 3/2/81; CASE NUMBER 6428 OF THE SIXTH JUDICIAL DISTRICT COURT.
|
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AJ5809NP
No. A29-10504

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 90

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Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:
Audit:	03/13/90 BAUMHOFF	08/03/94 THOMPSON	03/29/95 POST-STD

DO NOT FILE

Law Offices

Lyle D. Eliassen

P.O. Box 168 or 202 Idaho Street
American Falls, Idaho 83211
(208) 226-5138 or (208) 226-5538

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

JOHN NEWPORT and JUDY NEWPORT,
HUSBAND AND WIFE, VERNAL BAILEY
and BLANCHE BAILEY, husband and wife,
KENTON FREDRICKSON and BETTY FREDRICKSON,
husband and wife, LEE NEWPORT and GINA
NEWPORT, husband and wife,

Plaintiff,s

vs

JOHN MC NABB and JOY MC NABB,
husband and wife,

Defendants.

Case No. 6428

JUDGMENT

THE ABOVE ENTITLED matter came on for hearing in April 30, 1980,
before the Honorable Arthur P. Oliver, District Judge, sitting without a jury;
plaintiffs were present and were represented by Lyle D. Eliassen, attorney at
law and defendants were present and were represented by Lamont Jones, attorney
at law; following plaintiff's evidence, the parties represented to the court
that a settlement had been reached; and based upon written stipulation filed with
the court, and good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. That defendants John B. McNabb and Joy McNabb, their heirs,
successors and assigns, are the owners of and are entitled to, a water right con-
sisting of the continuous flow of 4.3 miner's inches of water from the mouth of
the main spring leaving Knox Canyon Creek located in the North Fork of Knox Canyon,
Power County, Idaho, the point of diversion being the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, Township
10 South, Range 32 E.B.M.

2. The said water right shall include the right to use said water
for domestic, stock water and irrigation purposes upon lands in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of
said Section 35 in the same manner as said water has been used in the past.

3. That such water shall, at all times, be diverted from the mouth
of said spring through a pipe not larger than 6 inches in diameter, which shall

then be reduced to a 1 3/4 inch diameter pipe, which shall allow no greater continuous flow than said 4.3 miner's inches, and said water right of defendant shall be of equal priority with the water rights of plaintiffs.

4. All the rest, residue and remainder of the water arising and flowing from the North Fork of Knox Canyon Creek is vested and quieted and decreed to belong to the plaintiffs herein in the following manner with a priority of July 24, 1897.

- a. John Newport and Judy Newport 64%
- b. Vernal Bailey and Blanche Bailey 20%
- c. Kenton Fredrickson and Betty Fredrickson 17%
- d. Lee Newport and Gina Newport 0%

5. Plaintiff shall have all rights to the early spring runoff water from the South Fork of Knox Canyon Creek and any water which shall enter the North Fork of Knox Canyon Creek during the irrigation season.

6. Defendant shall have the right to any spring water arising in the South Fork of Knox Canyon Creek for stock watering purposes.

7. Plaintiffs herein, their heirs, successors and assigns, shall at all times have access, easement and right of way upon the existing unimproved road across the land of defendants through and within the canyon containing the North Fork of Knox Canyon Creek in order to keep, maintain and protect water rights of plaintiffs herein. Defendants herein shall not interfere with plaintiff's access therefor.

8. Each party shall bear their own costs.

THIS DECREE shall be binding upon the parties, their heirs, successors and assigns.

DATED this 9 day of March, 1981.

DO NOT FILM

Arthur T. Oliver
DISTRICT JUDGE

JUDGMENT page 2

STATE OF IDAHO
COUNTY OF POWER, ss.
I, *Helen Sparks* Clerk of the District Court
of Power County, Idaho do hereby certify that the
above and foregoing is a full, true and correct copy
of the original *Judgment*

as the same appears of record in this office.
In Witness Whereof, I have hereunto set my hand
and affixed my official seal this 9th day of
March, 1981

Helen Sparks
Clerk
By *Ellen Sparks*
Deputy