

No Color
Documents
In File

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: **A65-12761**
Date Received: 4/18/1990
Receipt No: X999999
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name:	BRENDA BAILEY	530-432-0900
Address:	PO BOX 1575	
	NEVADA CITY CA	95959
Name:	KELLY MC INERNEY	530-432-0900
Address:	PO BOX 1575	
	NEVADA CITY CA	95959

2. Date of Priority: JAN 21, 1986

3. Source: GOLD FORK HOT SPRING Trib. to: GOLD FORK RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	04E	35	SW	SW			VALLEY

5. Description of diverting works:
GRAVITY FLOW, PUMPS, PIPELINES & GENERATOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
HEATING	01/01	12/31	0.080		29.00
DOMESTIC	01/01	12/31	0.020		0.60

7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) 29.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	04E	35	SW	SW		HEAT	
			SW	SW		DOMEST	

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

DOMESTIC USE IF FOR BATH HOUSE.
THIS CLAIM IS AMENDED AS PER LICENSE APPROVED 3/17/1993. THE
ORIGINAL CLAIM COULD NOT BE FOUND IN OUR FILES. SB 8/4/99.
OWNERSHIP CHANGE 09/13/99 SB

15. Basis of Claim: LICENSE

RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

SEP 10 1999

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGIONPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: # 65-12970, # 65-12761, # 65-12747
Adjudication Claim No(s).: _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant DARYL HART
P.O. Box 250, DONNELLY, ID 83615
4. New Owner/Claimant(s) BRENDA BAILEY and KELLY McTHERNEL
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address P.O. Box 1575
City, State and ZIP Code NEVADA CITY, CA 95959
New Telephone Number (530) 432-0900
5. Date you acquired the property 8-15-99
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
NK
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Brenda Bailey
Kelly McTherney
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

WARRANTY DEED

For Value Received DARYL EUGENE HART, INDIVIDUALLY AND AS ATTORNEY IN FACT FOR MARCHELLE DENISE HART, HANES ADAMS BOREN WHO TOOK TITLE AS HANS ADAMS BOREN AND LIDA DOWNARD BOREN, who took title individually and never formed a partnership except as individuals sharing title.

the Grantors, do hereby grant, bargain, sell and convey unto
BRENDA BAILEY, AN UNMARRIED WOMAN AND
KELLY MCINERNEY, A MARRIED WOMAN
P.O. BOX 1575 NEVADA CIYT, CA. 95959

whose address is: ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
the Grantees, the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

TOGETHER WITH ANY AND ALL WATER AND MINERAL RIGHTS APPERTAINING THERETO.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the 1999 taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 8/16/99
Daryl Eugene Hart
DARYL EUGENE HART

Marchelle Denise Hart
MARCHELLE DENISE HART

Hanes Adams Boren
HANES ADAMS BOREN

Lida Downard Boren
LIDA DOWNARD BOREN

Daryl Eugene Hart
BY: DARYL EUGENE HART, His
Attorney In Fact

Daryl Eugene Hart
BY: DARYL EUGENE HART, His
Attorney In Fact

Daryl Eugene Hart
BY: DARYL EUGENE HART, Her
Attorney In Fact

242465
Due
15000
9 9 23 PM 9 29
FILED
15000

EXHIBIT A

Parcel 1

A parcel of land located in Section 35, Township 16 North, Range 4 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

Commencing at the West Quarter corner of said Section 35, being a found monument, Instrument No. 88437, records of Valley County, Idaho; thence a bearing of South 25°39'19" East, a distance of 1311.81 feet to a found $\frac{1}{4}$ inch iron pin being corner 10, Warranty Deed 5-143995, Exhibit A, filed September 17, 1985, records of Valley County, Idaho, and the TRUE POINT OF BEGINNING.

Thence a bearing of North 40°31'36" East, a distance of 588.43 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of North 13°56'51" East, a distance of 450.76 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of North 20°45'15" West, a distance of 113.29 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of North 8°50'32" East, a distance of 130.69 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of North 73°06'13" East, a distance of 282.92 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of North 23°19'54" East, a distance of 131.22 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of North 76°17'49" East, a distance of 95.03 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of South 41°22'35" East, a distance of 532.74 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of South 9°21'35" West, a distance of 207.11 feet to a scribed "X" on a rock in place; thence a bearing of South 2°22'27" West, a distance of 209.09 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of South 43°54'58" East, a distance of 211.21 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of South 42°11'51" West, a distance of 263.92 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of South 35°47'41" West, a distance of 336.02 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of South 9°32'51" West, a distance of 195.24 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of North 88°14'28" East, a distance of 142.74 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of North 53°23'18" East, a distance of 123.88 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of South 30°08'27" East, a distance of 311.97 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of South 64°53'37" West, a distance of 147.75 feet to a set $\frac{5}{8}$ inch rebar; thence a bearing of South 74°04'22" West, a distance of 353.27 feet to a found $\frac{1}{4}$ inch iron pin being corner 15 of said Warranty Deed 5-143995; thence on the northeasterly boundary of said Warranty Deed 5-143995, the following courses, a bearing of North 55°31'22" West, a distance of 216.43 feet (record North 54°00', 215.8 feet) to a found $\frac{1}{4}$ inch iron pin being corner 14 of said Warranty Deed; thence a bearing of North 41°23'49" West, a distance of 200.91 feet (record North 40°00' West, 200.7 feet) to a found $\frac{1}{4}$ inch iron pin being corner 13 of said Warranty Deed; thence a bearing of North 53°25'53" West, a distance of 214.82 feet (record North 52°00' West, 214.4 feet) to a found $\frac{1}{4}$ inch iron pin being corner 12 of said Warranty Deed; thence a bearing of North 57°03'39" West, a distance of 201.57 feet (record North 55°30' West, 201.3 feet) to

Parcel 1 continued

a found $\frac{1}{2}$ inch iron pin being corner 11 of said Warranty Deed;
thence a bearing of North $59^{\circ}50'19''$ West, a distance of
240.97 feet (record North $58^{\circ}30'$ West, 241.1 feet) to the TRUE
POINT OF BEGINNING. AKA TAX #5

Parcel 2

That certain tract or parcel of land located in Section 35,
Township 16 North, Range 4 East, Boise Meridian, Valley County,
Idaho, described as follows:

Beginning at the West Quarter corner of said Section 35, thence South 22°18' East, 1,956.3 feet; thence South 45°00' East, 272.3 feet to a point, the point of beginning; thence North 45°00' West, 272.3 feet; thence South 66°02' West, 348.0 feet; thence North 39°30' West, 156.9 feet; thence North 19°00' East, 192.7 feet; thence N. 12°30' East, 197.7 feet; thence North 04°00' East, 261.6 feet; thence North 81°30' East, 184.1 feet; thence South 58°30' East, 241.1 feet; thence South 55°30' East, 201.3 feet; thence South 52°00' East, 214.4 feet; thence South 40°00' East, 200.7 feet; thence South 54°00' East, 215.8 feet; thence South 69°15' West, 313.6 feet; thence North 75°30' West, 89.1 feet; thence South 59°29' West, 185.7 feet more or less to the point of beginning and containing 12.1 acres, more or less. EXCEPTING from the above-described parcel that road easement granted to the United States of America, August 14, 1964, recorded September 18, 1964, in Book 37 of Deeds, Page 339, records of Valley County, Idaho, known as the Gold Fork Road, Project No. 10698,

0007

35

Boise

Cascade Connection

← See Bureau 324

see
Facing
Page

SEE SURVEY
3-24

4550

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: **A65-12761**
Date Received: 4/18/1990
Receipt No: X999999
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: DARYL HART
Address: PO BOX 250
DONNELLY ID

83615-0000

2. Date of Priority: JAN 21, 1986

3. Source: GOLD FORK HOT SPRING Trib. to: GOLD FORK RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	04E	35	SW	SW			VALLEY

5. Description of diverting works:
GRAVITY FLOW, PUMPS, PIPELINES & GENERATOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
HEATING	01/01	12/31	0.080		29.00
DOMESTIC	01/01	12/31	0.020		0.60

7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) 29.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	04E	35	SW	SW		HEAT	
			SW	SW		DOMEST	

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:

14. Remarks:

DOMESTIC USE ~~IS~~ FOR BATH HOUSE.

THIS CLAIM IS AMENDED AS PER LICENSE APPROVED 3/17/1993. THE
ORIGINAL CLAIM COULD NOT BE FOUND IN OUR FILES. SB 8/4/99.

15. Basis of Claim: LICENSE

September 29, 1999

NOTICE OF ERROR
REPLY

RECEIVED

OCT 14 1999

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 29, 1999

Water right number: 65-12761

KELLY MC INERNEY
PO BOX 1575
NEVADA CITY CA 95959

Daytime Telephone Number: 530-478-0900

Evening Telephone Number: 530-432-0900

- 1 Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

- 2 Describe the changes you wish to make in the proposed recommendation:

- 3 Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation; no changes need to be made.

DATE: 10/7/99 SIGNATURE: Kelly McInerney
Please print your name: Kelly McInerney

September 29, 1999

**NOTICE OF ERROR
REPLY**

RECEIVED
OCT 14 1999
WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 29, 1999

Water right number: 65-12761

BRENDA BAILEY
PO BOX 1575
NEVADA CITY CA 95959

Daytime Telephone Number: (530) 478-0900
Evening Telephone Number: (530) 432-0900

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 10/7/99 SIGNATURE: Brenda Bailey
Please print your name: BRENDA BAILEY

AJ0749NP
No. R65-12761

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/13/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BRENDA BAILEY	01/21/1986	HEATING	01-01 12-31	0.080 CFS	29.00 AFA
C	KELLY MC INERNEY		DOMESTIC	01-01 12-31	0.020 CFS	0.60 AFA
	PO BOX 1575					
	NEVADA CITY CA 95959			TOTAL DIVERSION:	0.100 CFS	29.60 AFA
	(530) 432-0900					

Water Source: GOLD FORK HOT SPRING

Tributary to: GOLD FORK RIVER

Stage: LICENSE

Point(s) of Diversion:

T16N R04E S35

SWSW

VALLEY County

Place of use Legal Description for: HEATING

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
16N	04E	35	:																	:
			:																	:

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
16N	04E	35	:																	:
			:																	:

POU County: VALLEY

Conditions of Approval:

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 65-12747 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.29 CFS.

USE DOMESTIC USE IS FOR BATH HOUSE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 08/04/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
THIS CLAIM IS AMENDED AS PER LICENSE APPROVED 3/17/1993. THE

AJ0749NP
No. R65-12761

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/13/99
PAGE: 2

=====

Comments: Date: 08/04/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
ORIGINAL CLAIM COULD NOT BE FOUND IN OUR FILES. SB 8/4/99.

Date: 09/13/1999 User-ID: SBOCK Subject: OWNERSHIP CHANGE
PER NOTIFICATION SB

Audit: 09/13/99 SBOCK

DATE: 09/01/99
PAGE: 1

Audit: 09/01/99 SBOCK

AJ0749NP
No. R65-12761

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/04/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DARYL HART PO BOX 250 DONNELLY ID 836150000	01/21/1986	HEATING DOMESTIC	01-01 12-31 01-01 12-31	0.080 CFS 0.020 CFS	29.00 AFA 0.60 AFA
TOTAL DIVERSION:					0.100 CFS	29.60 AFA

Water Source: GOLD FORK HOT SPRING

Tributary to: GOLD FORK RIVER

Stage: LICENSE

Point(s) of Diversion: T16N R04E S35 SWSW

VALLEY County

Place of use Legal Description for: HEATING

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
16N	04E	35	:													:

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
16N	04E	35	:													:

POU County: VALLEY

Conditions of Approval:

- N06 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500 GALLONS PER DAY.
- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

→ Take off per Teen

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 65-12747 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.29 CFS.

USE DOMESTIC USE IF FOR BATH HOUSE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 08/04/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS

AJ0749NP
No. R65-12761

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/04/99
PAGE: 2

=====
Comments: Date: 08/04/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS
THIS CLAIM IS AMENDED AS PER LICENSE APPROVED 3/17/1993. THE
ORIGINAL CLAIM COULD NOT BE FOUND IN OUR FILES. SB 8/4/99.

Audit: 08/04/99 SBOCK