

OCT 05 1992

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: **A67-11737**
Date Received: 9/27/1990
Receipt No: W012747
Received By: _____

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

1. Name: LARRY O BAILEY
Address: 24464 EUCALYPTUS
MORENO VALLEY CA 92553
AND
Name: IMA JEAN BAILEY
Address: 24464 EUCALYPTUS
MORENO VALLEY CA 92553
2. Date of Priority: JUN 5, 1902
3. Source: GROSSEN CREEK Trib. to: WEISER RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	02W	12	SE	NW	NW		ADAMS
5. Description of diverting works:
DIV. VIA GRAVITY FLOW THRU DITCHES FOR 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	0.420		
7. Total Quantity Appropriated is:
0.420 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 63.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE.

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	11	SW	SE		IRR	10.0
			SE	SE		IRR	11.0
Section Acres							21.0
Total Acres							21.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

SORENSEN-RINEHART DITCH RTS. FROM UNDER CLAIM NO. A67-11487.

14. Remarks:

THIS CLAIM IS FOR FLOOD WATER USED PRIMARILY BEFORE THE SORENSON-RINEHART DITCH CO. BEGINS DIVERTING WATER FROM THE N. FORK COTTONWOOD CK. INTO GROSSEN CK. IN THE SPRING. HOWEVER, IF FLOOD WATER IS STILL AVAILABLE AFTER THE DITCH CO. BEGINS DIVERTING, THEN GROSSEN CREEK FLOOD WATER IS USED IN ADDITION TO THE DITCH CO. WATER.

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: _____
_____ Date: _____

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State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

AUG 03 1993

Department of Water Resources

DATE OF CLOSING: 7/20/93

LEGAL DESCRIPTION OF PROPERTY: Township 16N Range 1W
 Section 11, 1/4 of 1/4 of 1/4, Govt. Lot , BM.
 Lot , Block , Subdivision/Townsite .
 If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A67-11737 & A67-11487

☐ Name and Address of Former Owner/Claimant(s)(Seller): James L. Kitzhaber & Rae B. Kitzhaber

60 Stearns Circle Box 4701
Pagosa Springs, CO 81157-4701

☐ New Owner/Claimant (Purchaser): Larry O. Bailey & Ima Jean Bailey

☐ New Mailing Address: 24464 Eucalyptus
Moreno, Valley, CA 92553

☐ New Telephone Number: () -

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: copy of recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Larry O. Bailey Date 7-16-93
Ima Jean Bailey Date 7-16-93

☐ Signature of Former Owner/Claimant(s): _____ Date _____
 _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-1-93 By: JD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 10-1-93 By: JD

Claim Numbers of Split, if any:

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Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.

WARRANTY DEED

INSTRUMENT NO. 84379

For Value Received JAMES L. KITZHABER and RAE B. KITZHABER, husband and wife

the grantors , do hereby grant, bargain, sell and convey unto LARRY O. BAILEY, an unmarried man, and IMA JEAN BAILEY, an unmarried woman

the grantees, whose current address is, 24464 Eucalyptus, Moreno Valley, CA 92553

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said 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 they are free from all incumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

and that he will warranty and defend the same from all lawful claims whatsoever.

Date: July 12, 1993

James L. Kitzhaber
James L. Kitzhaber
Rae B. Kitzhaber
Rae B. Kitzhaber

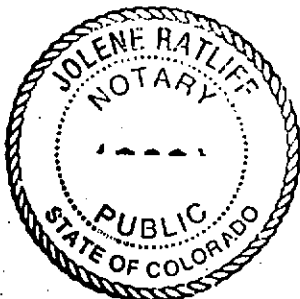
STATE OF COLORADO)
) ss
COUNTY OF Archuleta)

On this 16 day of July, in the year of 1993, before me Jolene Ratliff at 19 minutes past 3 o'clock P. M.
a Notary Public, personally appeared JAMES L. KITZHABER this 19 day of July, 19 93, in my
& RAE B. KITZHABER office, and duly recorded in Book ----
known or identified to me to be the persons whose names are of Deeds at page ----
subscribed to the within instrument, and acknowledged to me
that they executed the same

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record
at the request of Timberline Title & Escrow
Ratliff
at 19 minutes past 3 o'clock P. M.
this 19 day of July, 19 93, in my
office, and duly recorded in Book ----
of Deeds at page ----

Jolene Ratliff
Notary Public
Residing at PO Box 1027
Commission expires: Pagosa Springs, CO
12-5-94

Michael Fisk
Ex-Officio Recorder
By: Sarah J. Wilson
Deputy
Fees \$ 6.00
Mail to:



Indexed

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EXHIBIT "A"

Township 16 North, Range 1 West, Boise Meridian, Adams County, Idaho
Section 11: A tract of land located in the S1/2SE1/4, more particularly described as follows:

Commencing at the Section corner common to Sections 11, 12, 13 and 14 of said Township and Range, thence North 0 degrees 27'14" West (formerly N. 0 degrees 26'16" West) on and along the Easterly boundary of the said Section 11, a distance of 330.00 feet to the TRUE POINT OF BEGINNING;
thence continuing North 0 degrees 27'14" West along the Easterly boundary of said Section 11, a distance of 733.34 (formerly N. 0 degrees 26'16" West, 733.40);
thence North 89 degrees 45'33" West a distance of 2,627.70 feet, (formerly N. 89 degrees 44'35");
thence South 0 degrees 21'07" East a distance of 403.65 feet, (formerly S. 0 degrees 23'38" East);
thence South 83 degrees 44'44" East a distance of 1,582.02 feet;
thence South 0 degrees 21'07" East a distance of 164.36 feet;
thence South 89 degrees 46'58" East (formerly S. 89 degrees 46'00" East) a distance of 1,057.40 feet, more or less to the TRUE POINT OF BEGINNING.
EXCEPTING the right of way of the County road as now established.

INCLUDING 21 shares of Sorenson-Rinehart Ditch water.

SUBJECT TO THE FOLLOWING:

THE RESERVATIONS AND EXCEPTIONS as set forth in a document recorded June 19, 1979 as Instrument No. 59162, records of Adams County, Idaho

THE MATTERS DISCLOSED in a Record of Survey Entitled "Jim Kitzhaber", recorded April 9, 1985 as Instrument No. 70143, records of Adams County, Idaho.

LIENS FOR ANY TAXES DEFERRED by virtue of the designation of the insured property, or any portion thereof, as Forest Lands as provided in Section 63-1701, et. seq., Idaho Code.

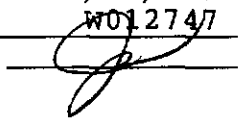
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AUG 22 1994

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: A67-11737
Date Received: 9/27/1990
Receipt No: W012747
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES L. KITZHABER 303-731-2278
Address: 60 STEVEN'S CIRCLE
BOX 4701
PAGOSA SPRINGS, CO 81157

OR

Name: RAE B. KITZHABER 303-731-2278
Address: 60 STEVEN'S CIRCLE
BOX 4701
PAGOSA SPRINGS, CO 81157

2. Date of Priority: JUN 05, 1902

3. Source: GROSSEN CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16N	02W	12	SE	NW	NW		ADAMS

5. Description of diverting works:
DIV. VIA GRAVITY FLOW THRU DITCHES FOR 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	0.420		

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

8. Total consumptive use is 63.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	11	SW	SE		IRR	10.0
			SE	SE		IRR	11.0
Section Acres							21.0
Total Acres							21.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

SORENSEN-RINEHART DITCH RTS. FROM UNDER CLAIM NO. A67-11487.

14. Remarks:

THIS CLAIM IS FOR FLOOD WATER USED PRIMARILY BEFORE THE SORENSON-RINEHART DITCH CO. BEGINS DIVERTING WATER FROM THE N. FORK COTTONWOOD CK. INTO GROSSEN CK. IN THE SPRING. HOWEVER, IF FLOOD WATER IS STILL AVAILABLE AFTER THE DITCH CO. BEGINS DIVERTING, THEN GROSSEN CREEK FLOOD WATER IS USED IN ADDITION TO THE DITCH CO. WATER.

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A67-11737
Date Received: 9/12/1990
Receipt No: 0012747
Received By: _____

RECEIVED
SEP 27 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES KITZHABER
Address: 1907 W. FLAMINGO

~~208-465-0990~~
303-731-2278

OR
Name: JAMES L & RAE B KITZHABER .1
Address: 60 STEVEN'S CIRCLE, BOX 4701
PAGOSA SPRINGS, CO 81157
~~SILVERCREST MOBILE HOME ESTATE~~
~~SPACE 70~~
NAMPA, ID 83651

~~208-465-0990~~
303-731-2278

2. Date of Priority: JUN 05, 1902

3. Source: GROSSEN CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	02W	12	SE	NW	NW		ADAMS

5. Description of diverting works:
DIV. VIA GRAVITY FLOW THRU DITCHES FOR 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	0.420		

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

8. Total consumptive use is 63.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A67-11737

Page 1

Date: 09/12/90

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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16N	01W	11	SW	SE	IRR	10.0
			SE	SE	IRR	11.0
					Section Acres	21.0
					Total Acres	21.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

SORENSEN-RINEHART DITCH RTS. FROM UNDER CLAIM NO. A67-11487.

14. Remarks:

THIS CLAIM IS FOR FLOOD WATER USED PRIMARILY BEFORE THE SORENSON-RINEHART DITCH CO. BEGINS DIVERTING WATER FROM THE N. FORK COTTONWOOD CK. INTO GROSSEN CK. IN THE SPRING. HOWEVER, IF FLOOD WATER IS STILL AVAILABLE AFTER THE DITCH CO. BEGINS DIVERTING, THEN GROSSEN CREEK FLOOD WATER IS USED IN ADDITION TO THE DITCH CO. WATER.

15. Basis of Claim: BENEFICIAL USE

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): Jamieson Kitzhaber Date: 9/25/90
Rae B. Kitzhaber Date: 9/25/90

State of ~~Idaho~~ COLORADO)
County of Archuleta) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of September 19 90

Patricia Ann McClure
Notary Public

Seal

Residing at 4430 W Hwy 160
My Commission Expires 12-15-90

COUNCIL NW ORTHOPHOTOQU.
IDAHO

R. I. W. R. I. E.

OFFICE

330,000 FEET

546 25'

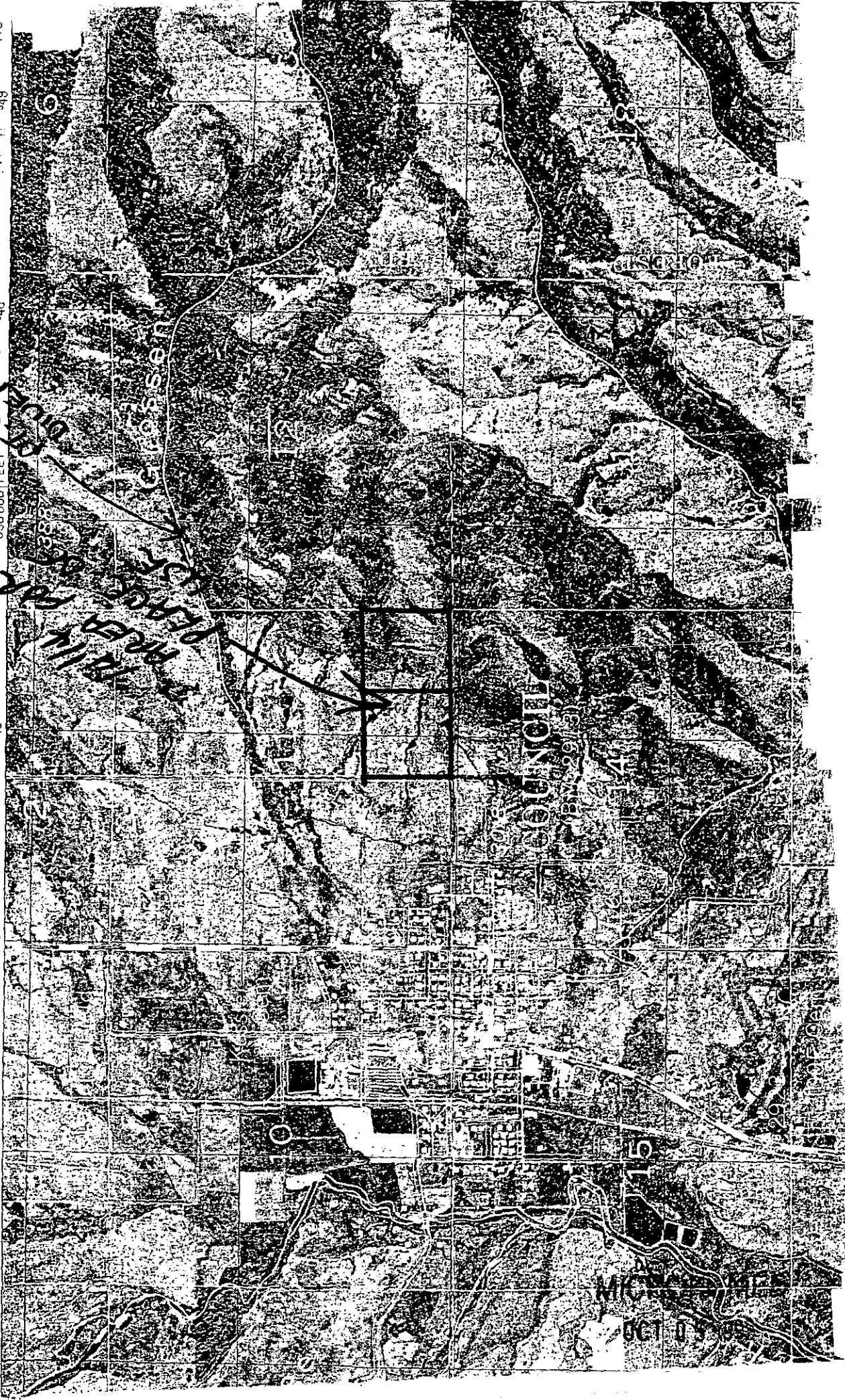
545

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549

116°





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 12, 1993

Re: Notice of Claim to a Water Right No. A67-11737

Larry O. Bailey
Ima Jean Bailey
24464 Eucalyptus
Moreno Valley, CA 92553

Mr. & Mrs. Bailey:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Also you had listed Water Right No. A67-11487 for ownership change. This claim is in the name of Sorenson-Rinehart Ditch Co. and we cannot change this information. You need to contact the ditch company directly and have them change their records for this property to your name.

If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LH:l
Enclosure

cc: James & Rae Kitzhaber

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AUG 22 1994

September 12, 1990

James Kitzhaber
1907 W. Flamingo
Space 70
Nampa, ID 83651

Dear Mr. Kitzhaber:

Enclosed are two copies of the Notice of Claim to a Water Right No. A67-11737 which covers your flood water right filing for Grossen Creek per our discussions.

Please review this claim and if you agree, sign on page 2 of the claim form, and have your signature notarized on page 3. Keep the copy stamped in red for your records and return the other copy with the required \$50 flat fee. The \$1 per acre charge is not be assessed since those same acres were paid for previously when the ditch company made their filing.

If you have any questions concerning this filing, please feel free to contact me. Note: The memo attached to the claim about no late fee charge helps to explain the filing.

Sincerely,

JAN SHURTE
Adjudications Supervisor
Western Region

JS:j
Enclosures

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OCT 05 1992

DATE: 5-8-90 & 9-11-90(A67-11737)

TO: CLAIM FILES FOR NO. A67-11488, A67-11489, A67-11491,
A67-11493, A67-11495, & A67-11737

FROM: JAN SHURTE

SUBJECT: REASON FOR NO LATE FEE

THE ABOVE CLAIMS WERE FILED AFTER THE DEADLINE FOR ADAMS CO. FOR FLOOD WATER RIGHTS ON COOL CREEK AND GROSSEN CREEK. I DID NOT CHARGE A LATE FEE BECAUSE ALL OF THE CLAIMANTS ALSO HAVE SORENSON-RINEHART DITCH CO. RIGHTS WHICH WERE FILED TIMELY AND UNTIL I SPOKE WITH THEM ABOUT THOSE DITCH RIGHTS WAS IT DISCOVERED THEY SHOULD HAVE FILED ON THEIR FLOOD RIGHTS ALSO.

NORMALLY, THE SORENSON RINEHART DITCH CO. DIVERTS WATER FROM THE NO. FORK COTTONWOOD CREEK AND DUMPS IT INTO BOTH COOL CK. AND GROSSEN CK. AS A MEANS OF CONVEYANCE. CLAIMANTS THOUGHT WHAT THEY WERE DIVERTING, EVEN DURING THE FLOOD SEASON, WOULD THEN BE SORENSON RINEHART DITCH CO. RIGHTS. HOWEVER, THROUGH CONVERSATION WITH THE DITCH CO. OFFICIALS, I FOUND THAT THEY DO NOT DIVERT DURING THE EARLY SPRING FROM N. FORK COTTONWOOD BECAUSE THERE IS STILL ICE IN THE DITCH, SINCE THE NO. FORK IS FURTHER UP LAND FROM GROSSEN OR COOL CK. BUT, DURING THE EARLY SPRING SOME OF THE WATERUSERS BEGIN DIVERTING FROM GROSSEN OR COOL CK. BEFORE THE DITCH CO. DIVERTS FROM COTTONWOOD CK. THEREFORE, THEY ARE DIVERTING FLOOD WATERS WHICH ORIGINATE IN GROSSEN & COOL CK. AND NEEDED A FILING FOR THAT TIME PERIOD. THEY CONTINUE TO DIVERT ALL THROUGH THE SUMMER, AND SINCE IT WOULD BE IMPOSSIBLE TO TELL WHEN GROSSEN OR COOL CK. WATER IS GONE AND ONLY THE DITCH WATER FROM NO. FORK COTTONWOOD CK. IS RUNNING IN THESE TWO CREEKS, I HAVE PUT THE SEASON OF USE FOR THE ENTIRE IRRIG. SEASON.

BECAUSE THIS IS SUCH A COMPLICATED FLOOD WATER SITUATION, I FELT THESE CLAIMANTS SHOULD NOT BE CHARGED A LATE FEE FOR THESE FLOOD WATER CLAIMS SINCE THEY HAD BELIEVED ALL THEY NEEDED TO FILE WAS THEIR DITCH CO. RIGHTS AND THOSE WERE FILED TIMELY.

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