

08/30/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-10504

NAME AND ADDRESS: BLANCHE E BAILEY
VERNAL F BAILEY
1280 CEDAR LAKE RD
POCATELLO, ID 83204

SOURCE: KNOX CANYON CREEK TRIBUTARY: BANNOCK CREEK

QUANTITY: 0.16 CFS

USE OF THIS RIGHT IS LIMITED TO A TOTAL DIVERSION VOLUME OF
1.2 AF IN ANY 14 DAY PERIOD.

PRIORITY DATE: 07/24/1897

POINT OF DIVERSION: T10S R32E S36 NWSESE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.16 CFS
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within POWER County
T10S R33E S31 NESW 1.4
STOCKWATER Use same as IRRIGATION
1.4 ACRES TOTAL

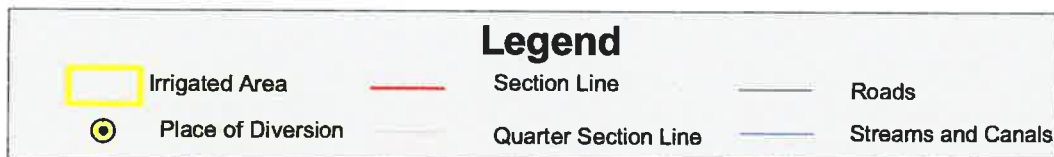
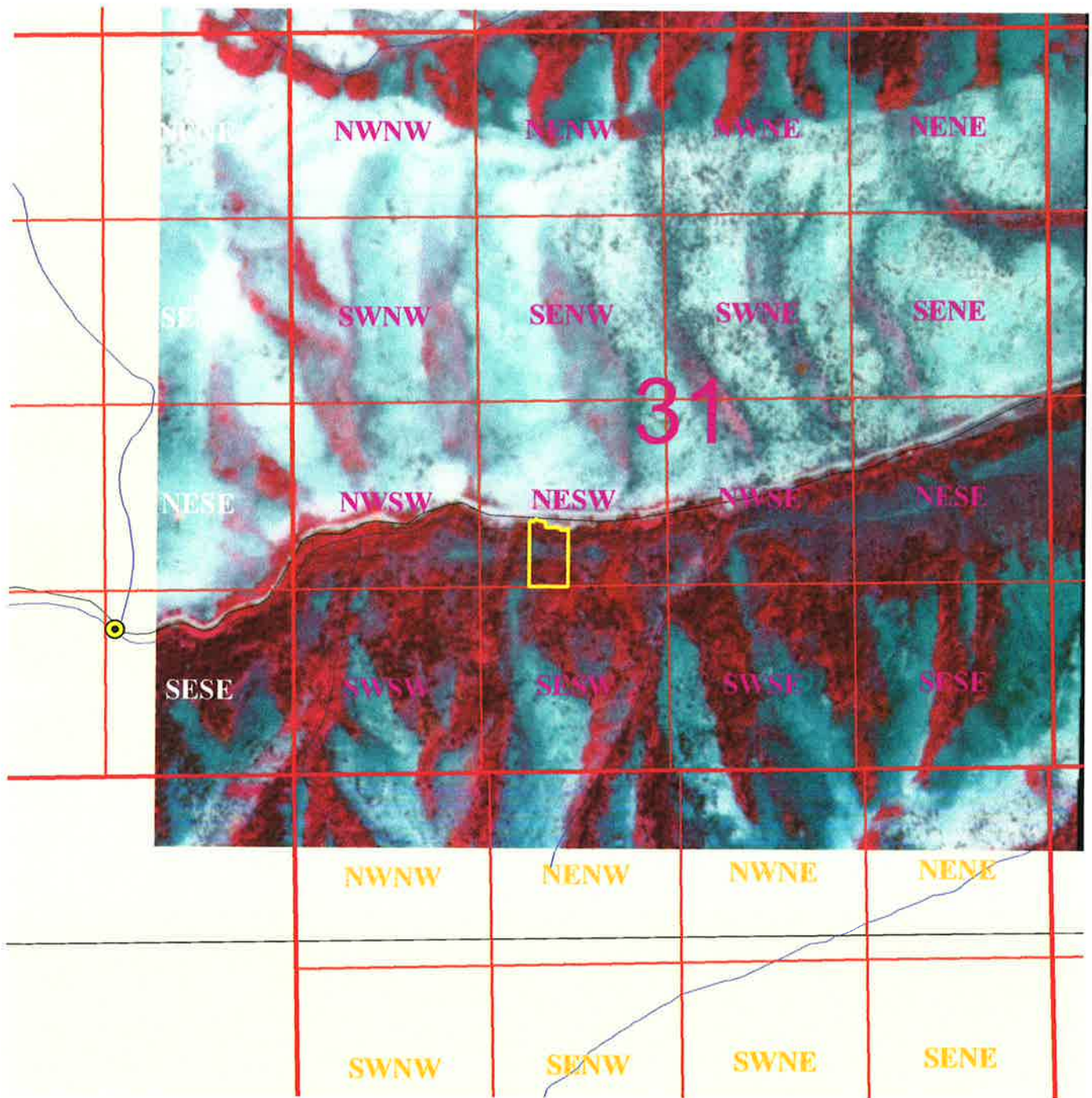
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

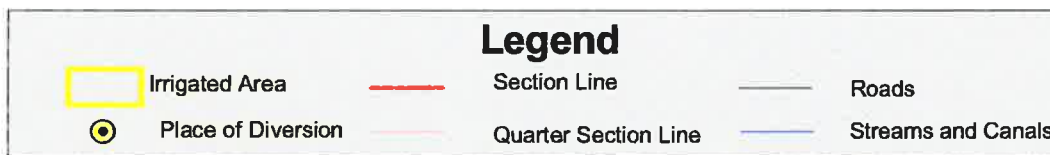
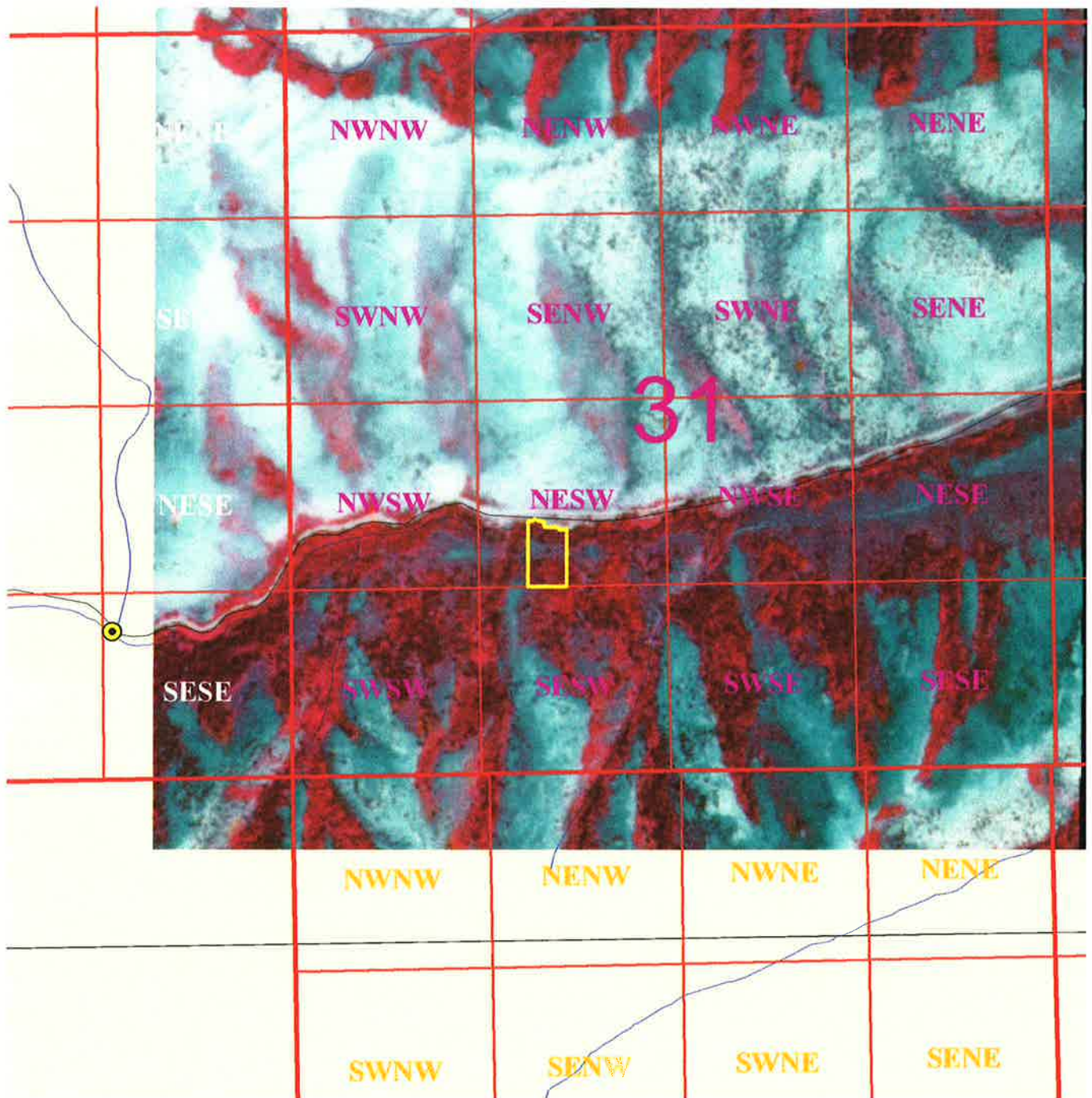
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

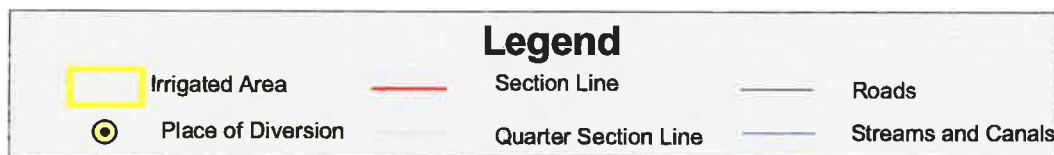
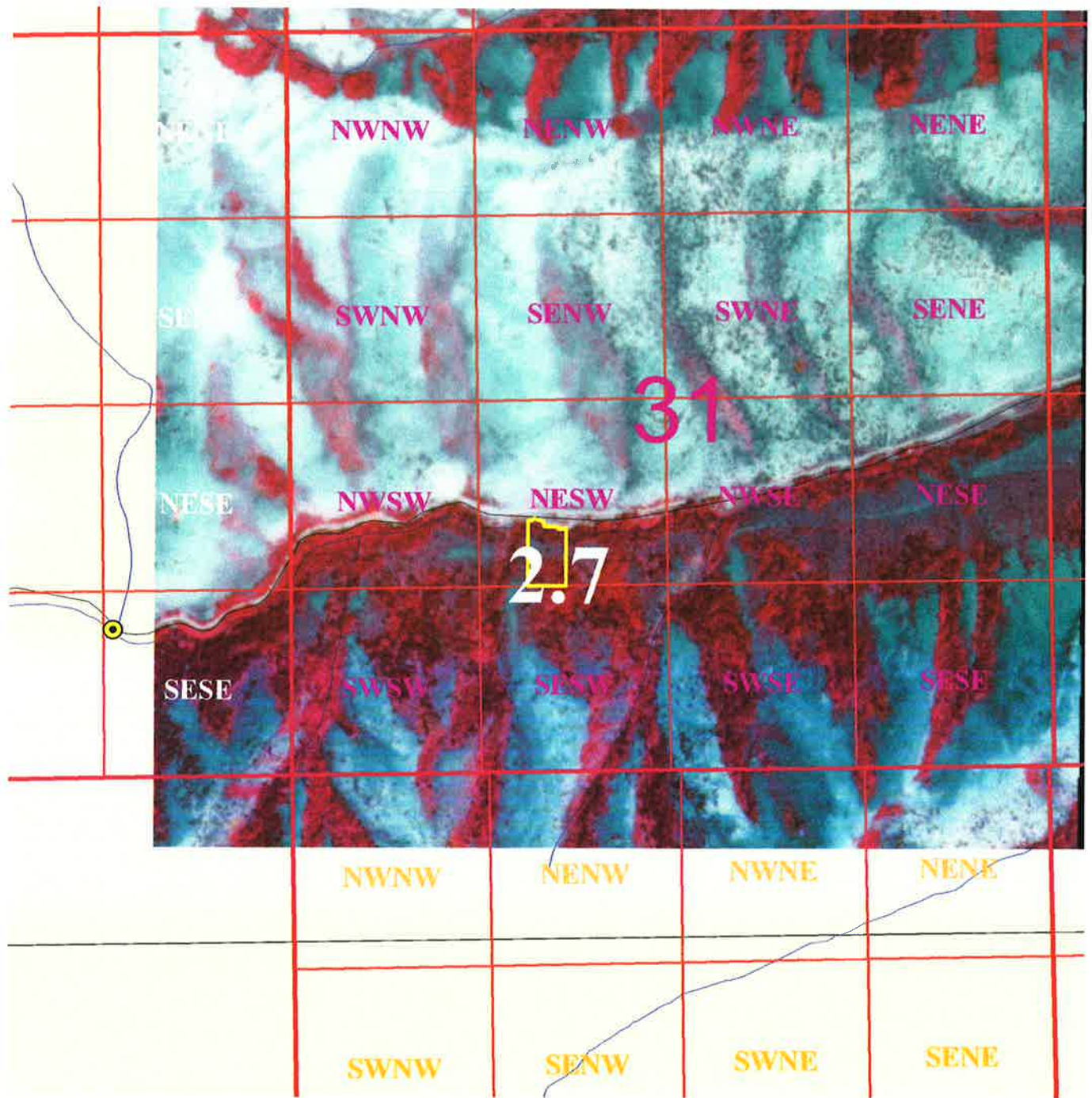
Township , 10S33E



Township , 10S33E



Township , 10S33E

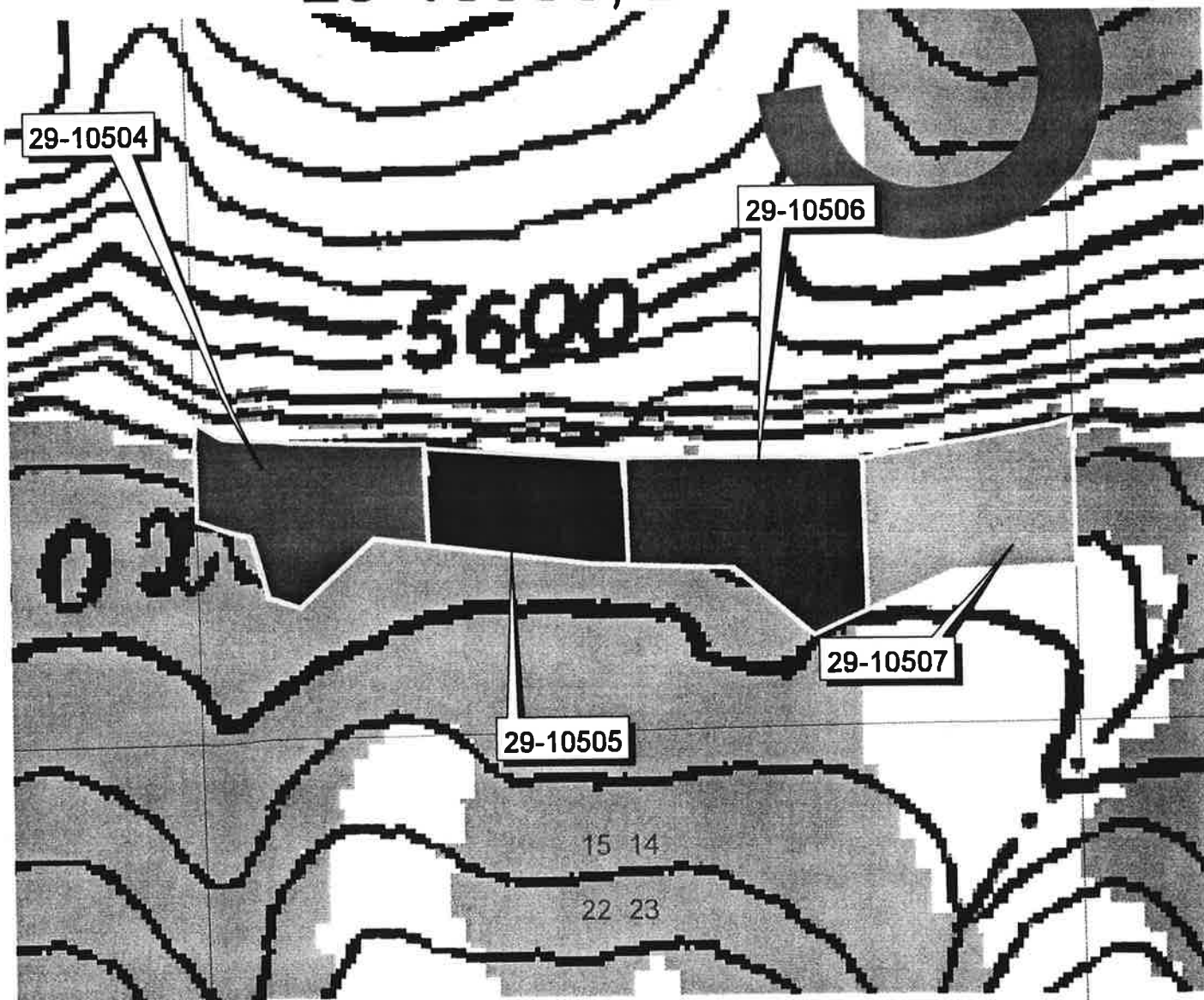


900 0 900 1800 Feet



Idaho Department of Water Resources

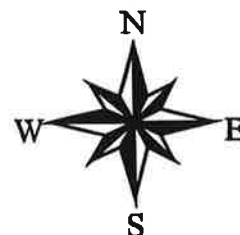
Water Right 29-10504, 29-10505, 29-10506, 29-10507



500 0 500 Feet

- ⊙ Point of Diversion - This Right
- Point of Diversion - Other Rights
- Place of Use - This Right
- Place of Use - Other Rights
- Township
- Section
- Quarter-quarter Section

(Color copy in file 29-10504)



Township 10S Range 33E
Section 31, NESW

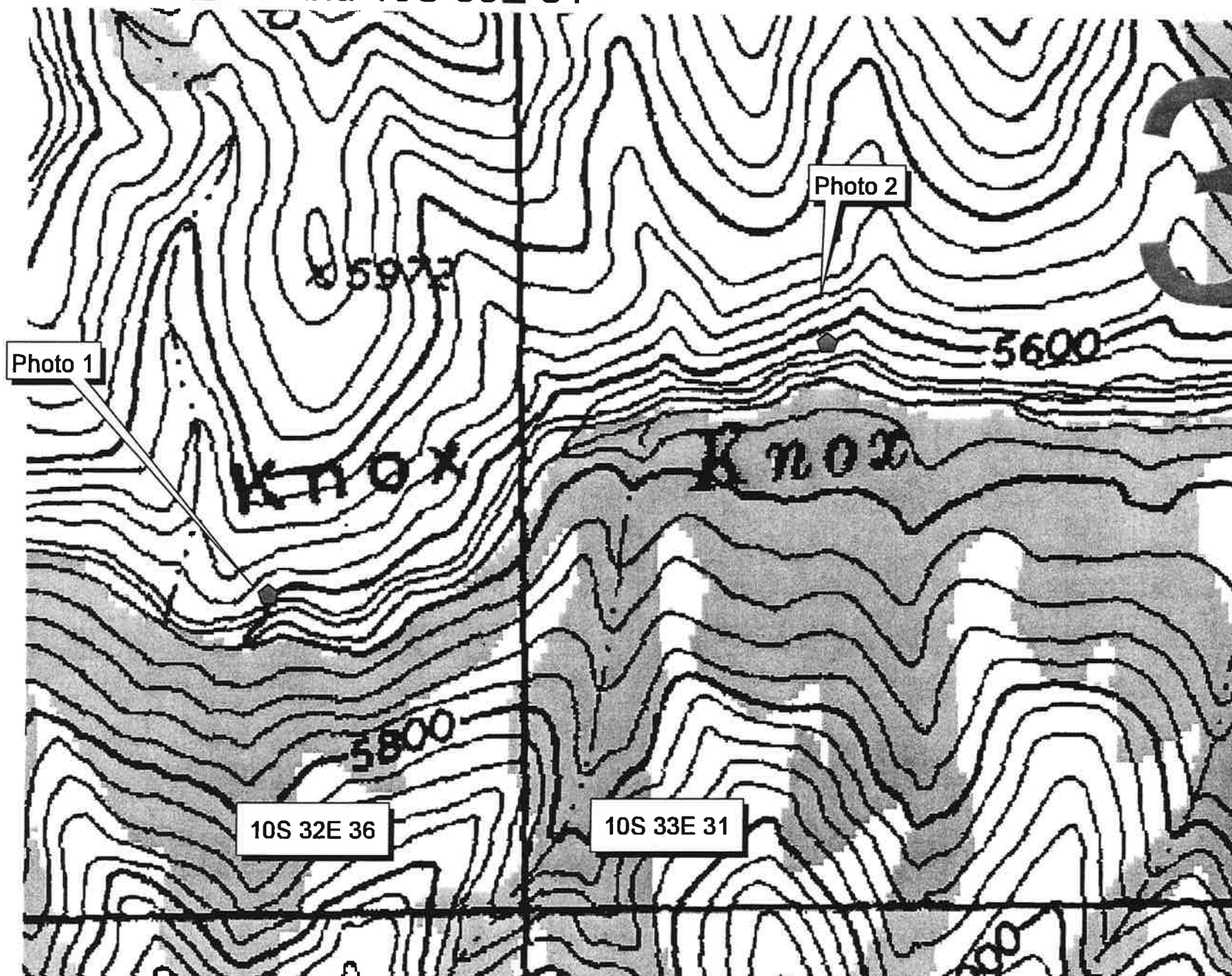
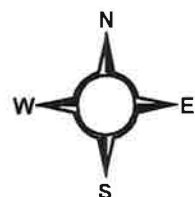
Prepared from 1987/1988 NAPP photography by B. Contor, 8/2001.

GPS and Photo Locations

Claims 29-10280, 29-10504 through 29-10507

Field work 8/25/2001

10S 32E 36 and 10S 33E 31



Photos of Knox Canyon Creek field inspection

Claims 29-10280, 29-10504, 29-10505, 29-10506, 29-10507.

Photos by B. Contor 8/25/2001, accompanied by John Newport

Write-up 8/31/2001 by B. Contor. Only page 1 included with 29-10504 through 29-10507.

Photo 1, GPS site 603. Inlet of pipe in canyon. This is the point listed as POD for claims 29-10504 through 29-10507. Looking downstream (east).



Photo 2, GPS site 603. Outlet of pipe in canyon. This point was the high elevation selected to define POU for 29-10504 through 29-10507 based on quad-map contours



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10504 V1

WATER RIGHT NUMBER: 29-10504 V1

Comments:

1. bcontor 8/30/2001 Recommendation

Comment: See paper file 29-10280 for field exam notes and interview notes with John Newport. Newport asserts continued use though field inspection indicates use is minimal at best. Newport is neighboring water user from same source.

2. bcontor 8/30/2001 Decree

Comment: Decree did not enjoin all users nor did it quantify rights nor places of use. However documentation reviewed at interview with John Newport establishes priority date and field exam establishes other elements.

3. bcontor 8/30/2001 Quantity

Comment: Ordinary diversion rates would be wholly inadequate for wild flooding historical practice. Therefore full claimed diversion rate recommended with two-week diversion volume limitation to prevent injury.

4. bcontor 8/30/2001 Limitation

Comment: Less than 10 acres = 0.03 cfs/acre. $0.03 \times 1.4 = 0.42$ cfs. 0.42 cfs $\times 1.9835 \times 14 = 1.2$ acre feet.

5. bcontor 8/30/2001 Non-use

Comment: Question answered "yes" because field inspection indicates possibility of non use. Right recommended however on strength of John Newport affirmations during field inspection and interview.

6. bcontor 8/30/2001 Split right

Comment: This right, 29-10505, 29-10506, and 29-10507 are split from the right decreed to Vernal Bailey in Newport et al v. McNabb, copy in paper file 29-10280.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: C

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	8/30/2001 2:16:31 PM	bcontor			Active
Priority Date	8/30/2001 2:22:44 PM	bcontor			Active
POD	8/30/2001 2:26:38 PM	bcontor			Active
Source	8/30/2001 2:27:46 PM	bcontor			Active

POU	8/30/2001 2:29:55 PM	bcontor	Active
Use	8/30/2001 2:30:37 PM	bcontor	Active
Season	8/30/2001 2:32:54 PM	bcontor	Active
Quantity	8/30/2001 2:57:08 PM	bcontor	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10504 V1

Summary	8/30/2001 3:01:21 PM	bcontor	8/30/2001 3:01:21 PM	bcontor	Active
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Season	8/30/2001 2:32:52 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a period of use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Contacts	8/30/2001 2:16:29 PM	bcontor	1. Appointment has not been scheduled. Comment for 1: Field inspection already completed
Priority Date	8/30/2001 2:22:40 PM	bcontor	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (NO) The claim is not coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	8/30/2001 2:24:12 PM	bcontor	Edited point location
POD	8/30/2001 2:25:03 PM	bcontor	Edited PLS
POD	8/30/2001 2:26:36 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (NO) Parent right does not have a Point of Diversion. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: New POD taken as inlet to pipeline. Original POD unknown. Located by GPS during field inspection with John Newport. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: See number 5. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10504 V1

Source	8/30/2001 2:27:44 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. Comment for 7: Field inspection and interview with John Newport 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
POU	8/30/2001 2:28:29 PM	bcontor	Edited shape boundary
POU	8/30/2001 2:28:55 PM	bcontor	Edited PLS
POU	8/30/2001 2:29:53 PM	bcontor	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (NO) The Parent Right does not have a POU. 5. (NO) There is no evidence that there has been a change in the POU. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: GIS analysis of contour elevations following field inspection 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
Use	8/30/2001 2:30:35 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a purpose of use. 4. (NO) There is not evidence that there has been a change to the purpose of use. 9. (YES) The file contains all the necessary information to verify the purpose of use. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.
Quantity	8/30/2001 2:57:05 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (NO) The parent right does not have a diversion rate and/or diversion volume. 5. (NO) A flow measurement was not required. Comment for 5: See paper file and eCVR comments. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10504 V1

Summary

8/30/2001 3:01:19 PM

bcontor

1. (NO) The basis of the claim is not beneficial use.
3. (YES) There is indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.
4. (YES) A portion of the claim is being recommended.
5. (NO) General remark was not required.
6. (NO) Explanatory remark was not required.
7. (YES) Additional condition was required.
8. (YES) Wanted to view the recommended right.
9. (YES) This is a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

MEMORANDUM

To: Knox Creek Canyon Rights
Fr: Bryce Contor
Date: 8/30/01

Re: POU and Diversion Rate

1) POU - Bailey.

GPS site @ end of pipe was point Mr. Newport identified as location where Baileys began irrigation. This corresponds nicely to upper end of claimed 40. From this point I made a shape enclosing all lands of equal or lower elevation, then divided the shape into $\frac{1}{4}$ hrs per claims.

2) POU - Newport.

See separate memo.

3) Diversion Rate.

SCS analysis in 29-10280 -

Preliminary Design Report 8/23/83
says "Normal July flow in Knox Creek (5 cfs)"

Springtime flow after beginning of irr season could be higher. However 5-16-79 design sheet points to planned design Capacity of 4.16 cfs. (for proposed system not yet built).

Culvert is 18" culvert w/ fall of approx 40' (crosses one contour interval) and length of about 2,300 ft (GIS measure tool). With air vents in place, assume pipe runs 16" deep. From 1959 Bethlehem Steel chart @ 16" depth, $Q_f = 68.92$.

$$S = \frac{40}{2300} = 0.017$$

$$Q = S^{1/2} \times Q_f = (0.017^{1/2})(68.92) \\ = (.13)(68.92) = 9.1 \text{ cfs}$$

Because the design papers reflected July flows and/or not all the farm, I take ^{existing} pipeline capacity as Q to be apportioned.

Decree apportion as follows: Newport 64%

Poll Division Rate 8/30/01 p3

Bailey 20% Fredrickson 17%. Documents in file indicate Newport has purchased Fredrickson interest. This combines to Newport 81%, Bailey 20%. As this sums to more than 100% I take Newport @ 80% & Bailey @ 20%.

$$\begin{aligned} 80\% \times 9.1 \text{ ft}^3/\text{s} &= 7.3 \text{ ft}^3/\text{s} \\ 9.1 \text{ ft}^3/\text{s} - 7.3 \text{ ft}^3/\text{s} &= 1.8 \text{ ft}^3/\text{s} \end{aligned}$$

Since this is an area where dry farming is possible, even an application of 0.01 cts/acre would be beneficial. $\frac{7.3}{.01} \approx 730$ acres possible under Newport.

Bailey claims Σ is less than 1.8 so this is also adequate to meet their claims.

Byce A. Conton 8/30/01

Contor, Bryce

From: Contor, Bryce
Sent: Saturday, August 25, 2001 7:20
To: McHugh, Candice
Cc: Music, Vicky
Subject: Newport/Bailey/McNabb

An update for you. This was the goofy decree which did not quantify the rights and for which I decided to ask for evidence of priority since it did not enjoin all claimants.

1. Lots of evidence to support the decreed priority date, including posted notices (which don't include legal descriptions 'cause they pre-date the survey, but which reference landmarks adequately to establish location) and canal company organization documents and various transactions over the years indicating continued existence.
2. 1980's SCS study on a proposed pipeline establishes a quantity which Newport agreed could be used as a basis for calculating the splits of the diversion rate. The only other remaining parties are the Bailey heirs, all absentee owners. One of the Bailey heirs told me on the phone that "Newport could show me everything" so I expect them to buy this approach.
3. Evidence of continued use of Newport's portion is shaky. If push came to shove I don't really have enough evidence to verify use, but neither do I have enough to assert forfeiture. Claimed irrigation continued up through 1978, when the old ditch was damaged by BLM moving a road. The new ditch had significantly more losses than historic and acreage was reduced. Use continues, but not to the original and claimed extent. Lots of documentation of a large expenditure on a pipeline in 1984 in an effort to continue and reclaim original use, claims were signed in 1990 (six years, not five. Bummer). I'd like to recommend apparent early 1980's acreage based on some kind of a "due diligence" theory in the years immediately preceding claim signing, since I don't have enough evidence to recommend forfeiture. I made sure Newport understood the concept of forfeiture and the box I was in.

8/25/2001

4. Bailey's use appears to be minimal, but Newport showed me the POU and asserted strongly that Bailey heirs still do use the water on their turn and spread it out to beneficial use. The place of use is just a grass-and-sagebrush canyon floor but could be reasonably construed irrigable.
-

900 N SKYLINE STE A
IDAHO FALLS ID 83402



VERNAL OR BLANCHE BAILEY
1280 CEDAR LAKE RD

20458 83402 PG6ATELLO ID 83204
1002 21 AUG 17 2001
P83523907 1010 0101

LOW VALUE

8/17/2001

Dear Water Users:

Tentatively I plan to come to Arbon on Wednesday, August 29, to look at place of use on a number of irrigation water right claims.

If you would like to meet me while I look at your Knox Canyon Creek place, please e-mail me at bcontor@idwr.stat.id.us or call at 525-7161.

Thank you,

Bryce A. Contor
Bryce A. Contor

Senior Water Resource Agent
Idaho Department of Water Resources



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

August 16, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

VERNAL or BLANCHE BAILEY
1280 CEDAR LAKE RD
POCATELLO ID USA 83204

Re: Adjudication Claim A29-10504

Dear Water Users:

In 1990 you filed an adjudication claim for use of the waters of Knox Canyon Creek, based upon a 1981 court case between yourselves and other water users, and Mr. and Mrs. McNabb. This case was what we call a "private" decree. It defined the relationship between yourselves and the other plaintiffs and McNabbs, but it did not define the relationship of your water rights to other rights on Knox Canyon Creek or rights on streams to which Knox Canyon is tributary.

Because of this, I need documentation from you to help me make an accurate recommendation to the Snake River Basin Adjudication Court. As I wrote to you last spring, I need you to provide documentation that indicates when your beneficial use of water from Knox Canyon Creek began, and the extent of the original beneficial use. The enclosed pamphlet describes possible sources of documentation.

Please call me, write, or e-mail to bcontor@idwr.state.id.us if you have questions.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

SCANNED

MAY 16 2001

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	

DATE: 05/23/00
PAGE: 89

Remarks: GEN 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.

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 FILM

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,

Case No. 6428

JUDGMENT

Plaintiff,s

vs

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

Defendants.

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 J. Oliver
DISTRICT JUDGE

JUDGMENT page 2

STATE OF IDAHO
COUNTY OF POWDER } ss.
I, *Helen Hall* Clerk of the District Court
of Powder 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 197*8*

Helen Hall
Clerk
By *Ellen Sparks*
Deputy

SCANNED

MAY 16 2001

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: made 215

Received By: B

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	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

A29-10504

Page 1

Date: 03/13/90

MICROFILMED

NOV 16 1992

10. Place of Use:

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

Section Acres 5.0

Total Acres	5.0
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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

MICROFILMED
NOV 16 1992

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): Gerard 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

Anna Baumhoff
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires 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.

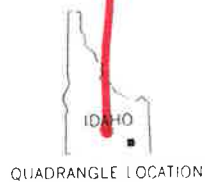
Bryce A. Contor
Senior Water Resource Agent



Vernal

TIOS
TIIS

32 33 E

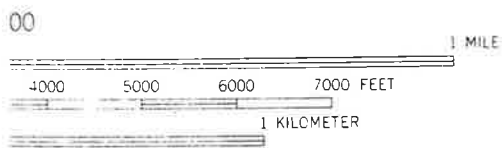


QUADRANGLE LOCATION

BANNOCK PEAK, IDAHO

N4230 W11237.5 7.5

1985



s Can Be Obtained
Print, Boise Idaho

MAP ACCURACY STANDARDS
BY, MENLO PARK, CALIF. 94025

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NOV 16 1992

A29-10504