

08/31/2001

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

RIGHT NUMBER: 29-10506

NAME AND ADDRESS: V STANLEY BAILEY
18 EASTBROOK CT
CLAYTON, CA 94517

SOURCE: KNOX CANYON CREEK TRIBUTARY: BANNOCK CREEK

QUANTITY: 0.08 CFS

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

PRIORITY DATE: 07/24/1897

POINT OF DIVERSION: T10S R32E S36 NWESE 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	0.08 CFS
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within POWER County
T10S R33E S31 NESW 1.7
STOCKWATER Use same as IRRIGATION
1.7 ACRES TOTAL

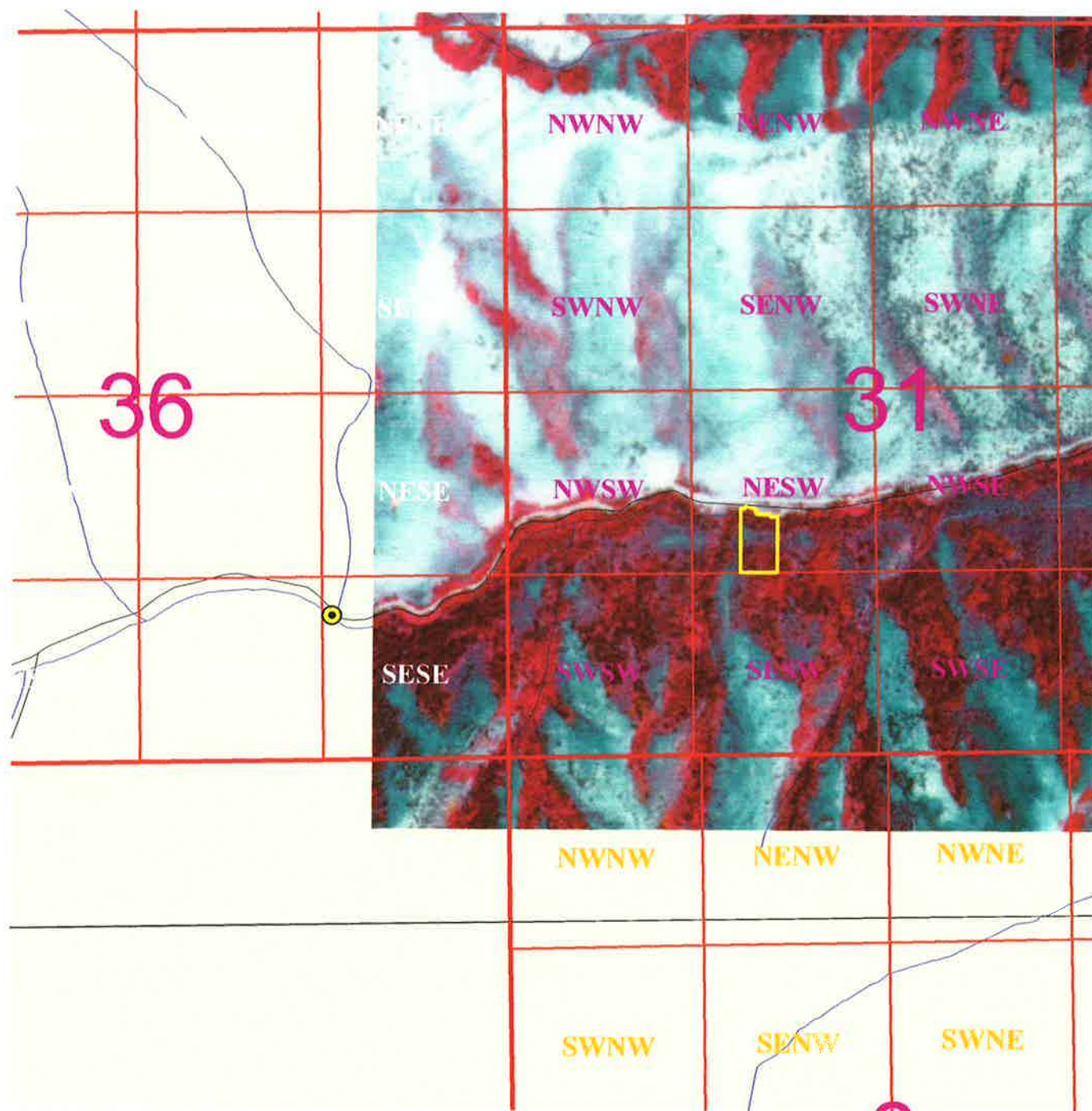
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

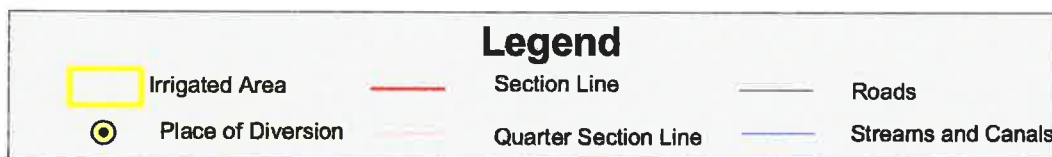
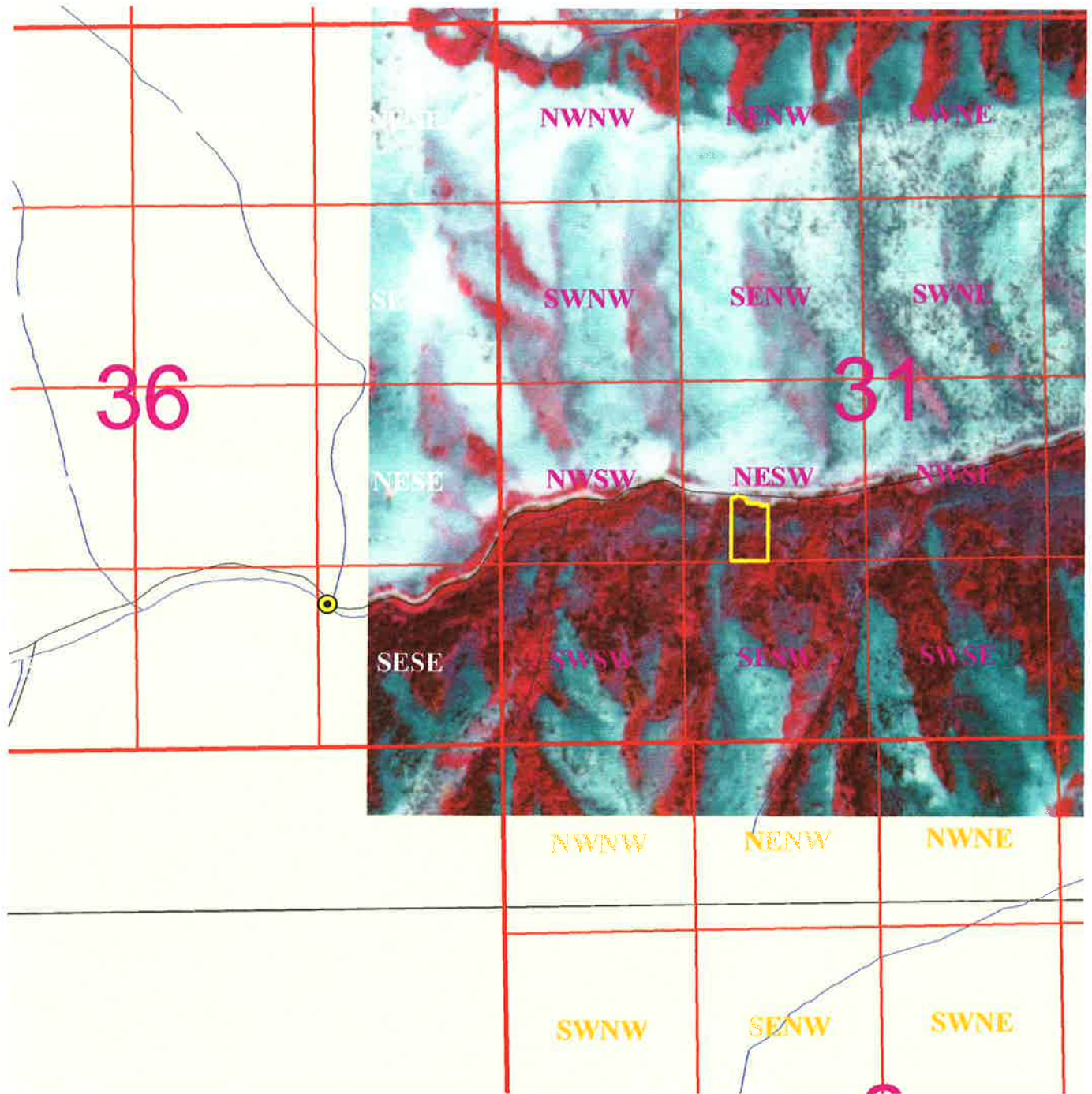
Township , 10S33E



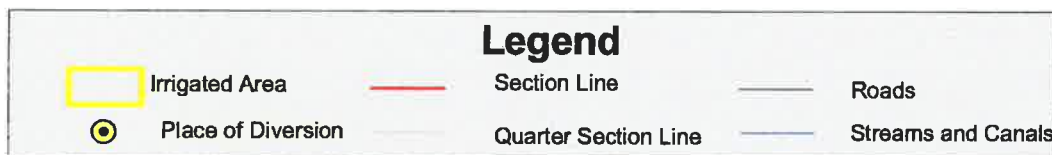
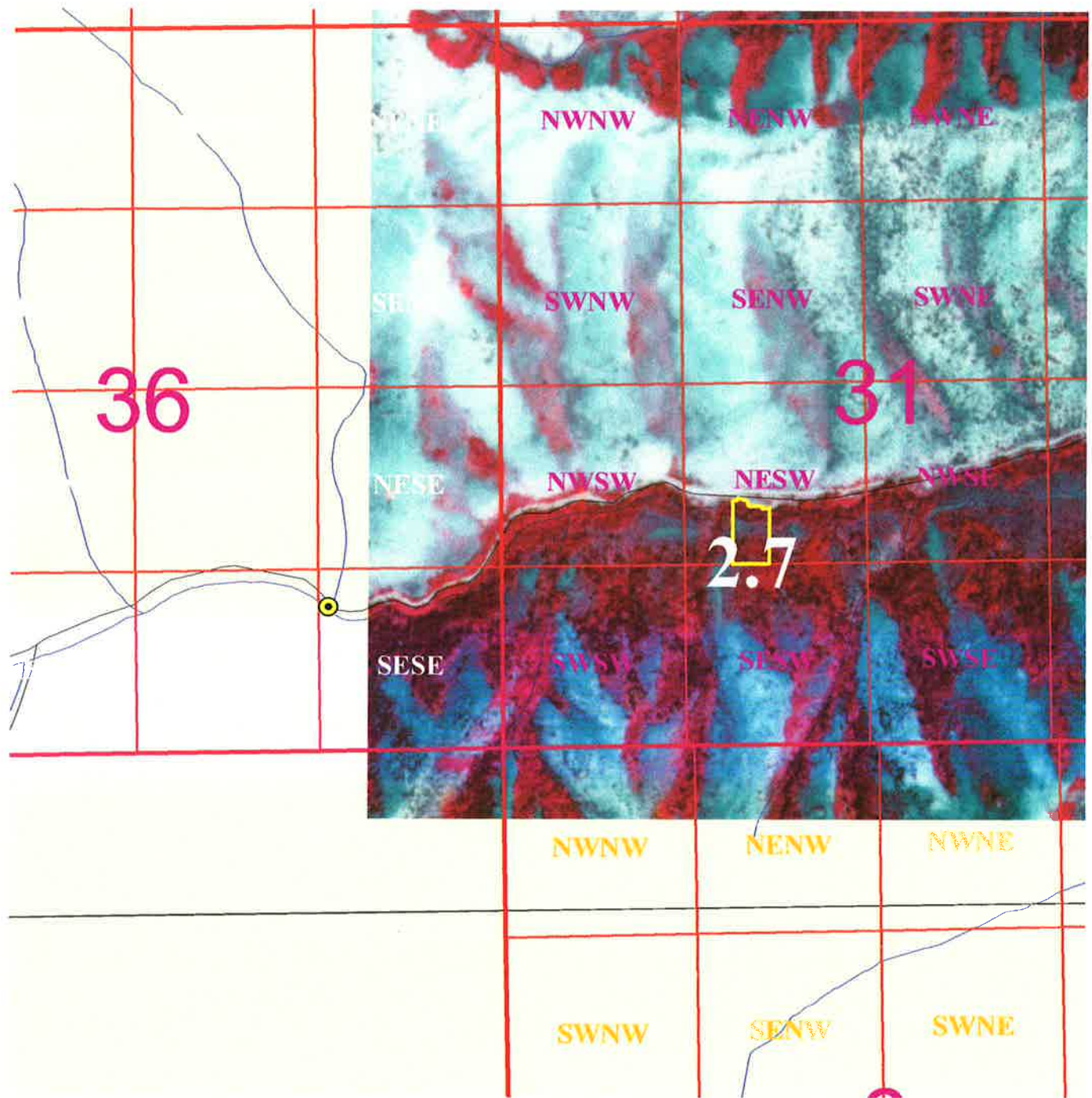
900 0 900 1800 Feet



Township , 10S33E

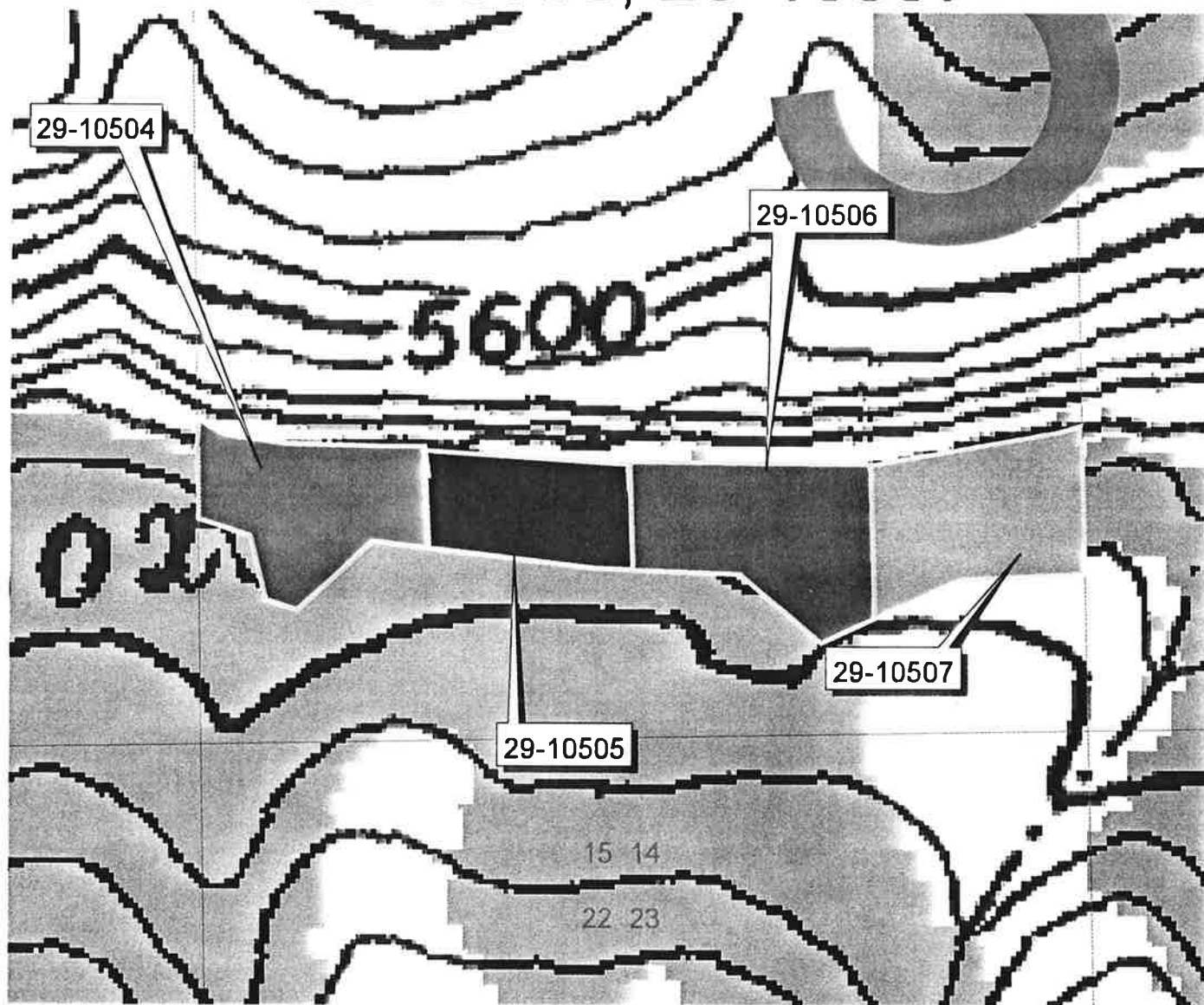


Township , 10S33E



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.

SEPTEMBER 5, 2001

DEAR MR. BAILEY:

WATER RIGHT NUMBER 29-10506 HAS BEEN CHANGED TO REFLECT THE ADDRESS ON THE FRONT OF THIS CARD.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CONTACT THIS OFFICE AT 208-525-7161.

RESPECTFULLY SUBMITTED,

Cheri Vandermeulen

CHERI VANDERMEULEN
RECORDS CLERK



V STANLEY BAILEY
2513 STANFORD WAY
ANTIOCH CA 94531

V. Stanley Bailey

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): 29-10506

[] Old Mailing Address: 18 Eastbrook CT

CLAYTON, CA 94517

[] New Mailing Address: V. STANLEY Bailey

2513 Stanford Way

Antioch, CA 94531

[] Telephone Number: 925- 757- 6456

[] Signature of Claimant: V. Stanley Bailey

[] Date: 8-25-01

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

August 25, 2001

Bryce A. Contor
Senior Water Resource Agent
State of Idaho
Water Resources Board
900 No. Skyline Dr. Suite A
Idaho Falls, ID 83042-1718

RECEIVED
SEP 04 2001
Department of Water Resources
Eastern Region

Dear Mr. Contor:

This letter is in response to your letter dated August 16, 2001, which was sent to my brother, Rickard D. Bailey of Tucson, AZ. A similar letter dated May 16, 2001 was sent to my sister, Sharla Dene Bailey of New York, New York. My father, Vernal F. Bailey has suffered a stroke and is in a nursing facility in Pocatello, Idaho and is unable to follow up on your request for additional information relating to Adjudication Claim A29-10505. My brother and sister have requested that I provide the requested information to you as I am the eldest of the three children and have had the most experience with Knox Canyon Creek Water as it related to the use by my father Vernal F. Bailey. My date of birth is 10-19-42.

You requested information detailing when our beneficial use of water from Knox Canyon Creek began and the extent of beneficial use.

Historically, the original benefit of the Knox Canyon Creek water began before I was born. There is still evidence of an upper water diversion ditch that diverted the water from just below the forks of North and South Knox Canyon and carried the water along the North slope of Knox Canyon for several miles to water users in Arbon Valley. My father was one of the original water users who helped construct this waterway some time in the late 1930's or early 1940's. I know this to be true because each spring I would accompany my dad along with other water users to Knox Canyon where we would perform the required maintenance on the diversion ditch to make it ready to carry the flow of water to the users in Arbon Valley. My first recollection of these activities is when I was 6-7 years of age. Other water users in Arbon Valley that I recall being on these maintenance sessions include Deo Bailey, LaMonde (Buck) Bailey, Lee Newport, Martin Newport and John Newport. During the 1940's and early 1950's dad irrigated 2 separate fields of alfalfa hay, a large hedge of trees planted for windbreak and a horse pasture all totaling approximately 25-30 acres with Knox Canyon Creek being the only source of water. I could not guess the acreage irrigated by the other water users.

In addition to the properties being irrigated in Arbon Valley my grandfather, L.H. Bailey, owned the property in Knox Canyon where he grazed his cattle and of course the water for the cattle came from Knox Canyon Creek. My dad, Vernal F. Bailey purchased the Knox Canyon property from his father L.H. Bailey in the 1950's.

During the 1950's there was a general drought due to drastic reductions in snow and rain fall in the Southeast Idaho area. The amount of water in Knox Canyon Creek suffered greatly and this ended the period of irrigation by users in Arbon Valley. The creek has never recovered the volume of water it provided in the 40's and early 50's.

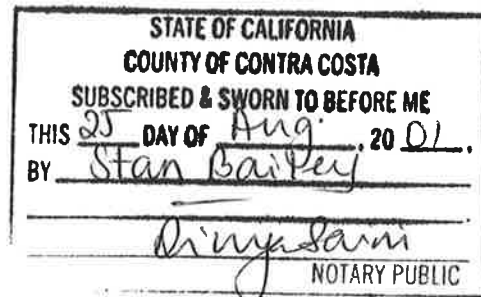
After dad purchased the property in Knox Canyon for cattle grazing, (during the 1950's), it became very apparent that every measure needed to be taken to provide water for the cattle and to flood irrigate as much of the canyon bottom as possible to sustain the grasses for grazing. Initially dad diverted the water from the normal streambed by using wooden dams to flood the canyon where possible to increase grass productivity. Sometime later a cement head gate was installed to better facilitate this purpose. I do not recall when this cement structure was constructed. (The exact date may be in the cement, dad usually did this). In any event, dad had used the head gate to pool water for drinking and irrigation purposes in Knox Canyon for several years prior to the 1981 court case. I would estimate the number of acres benefiting from irrigation at around 50 acres in addition to the stable supply of drinking water for 50-65 cows and calves.

Sincerely,

V. Stanley Bailey

V. Stanley Bailey
2513 Stanford Way
Antioch, CA 94531

Stan Bailey

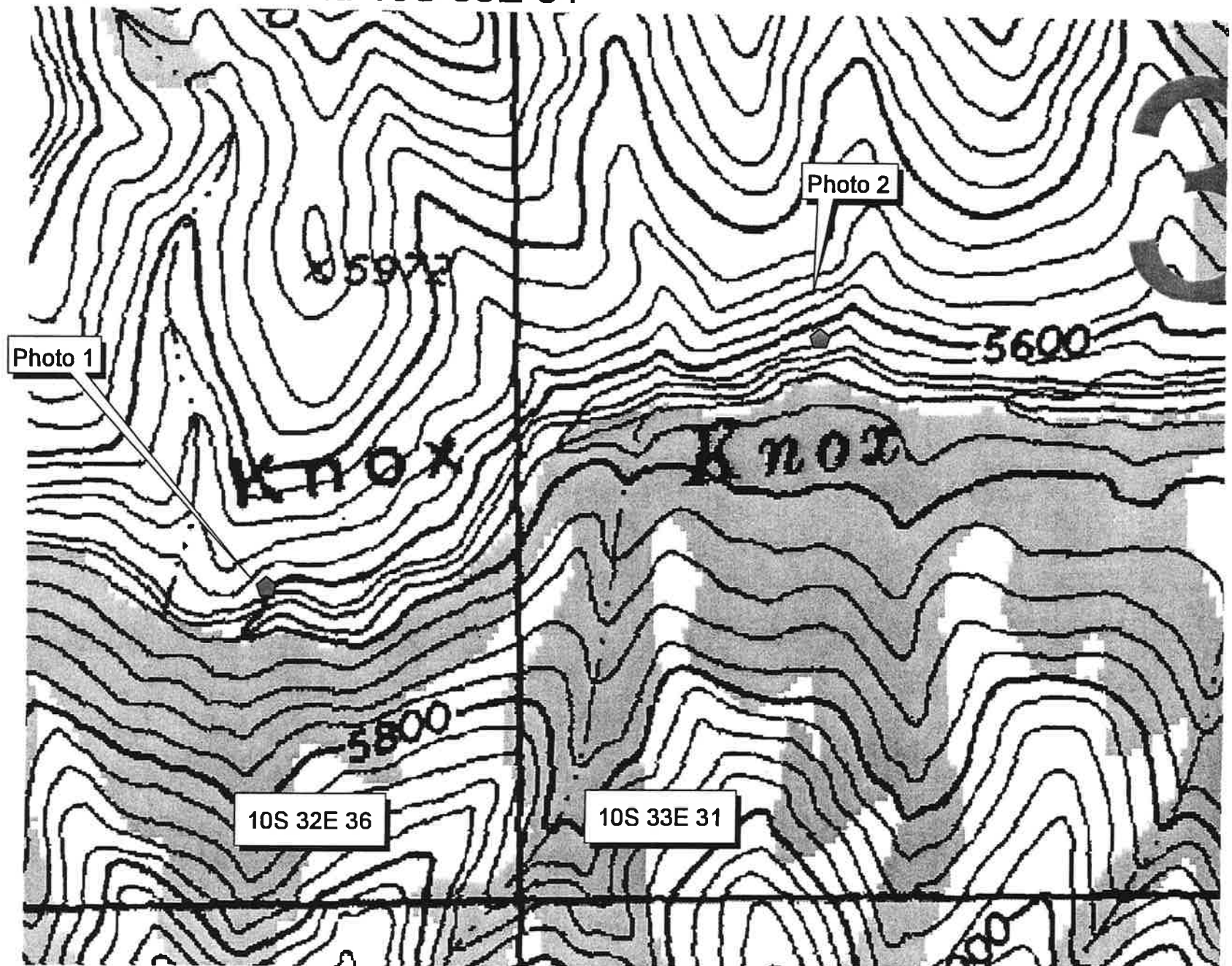
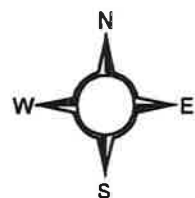


GPS and Photo Locations

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 29-10506 V1

WATER RIGHT NUMBER: 29-10506 V1

Owner Type Name and Address
 Current Owner V STANLEY BAILEY

Priority Date: 07/24/1897

Basis: Decreed

Status: Active

Source Tributary
 KNOX CANYON CREEK BANNOCK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
IRRIGATION	04/01 to 10/31	0.080 CFS	
<u>Total Diversion:</u>		0.080 CFS	

Location of Point(s) of Diversion

KNOX CANYON CREEK NW1/4SE1/4SE1/4 Sec. 36, Twp 10S, Rge 32E, B.M.
 POWER 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	
10S	33E	31									1.7								1.7

Total Acres: 1.7

STOCKWATER same as IRRIGATIONConditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT IS LIMITED TO A TOTAL DIVERSION VOLUME OF 1.4 AF IN ANY 14 DAY PERIOD.

Comments:

1. bcontor 8/30/2001 Recommendation
 Comment: See paper file 29-10280 and eCVR 29-10506

At 0 see eCVR
 29-10506

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-10506 V1

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 4:19:29 PM	bcontor			Active
Priority Date	8/30/2001 4:24:36 PM	bcontor			Active
POD	8/30/2001 4:27:54 PM	bcontor			Active
Source	8/30/2001 4:28:22 PM	bcontor			Active
POU	8/30/2001 4:29:54 PM	bcontor			Active
Use	8/30/2001 4:30:32 PM	bcontor			Active
Season	8/30/2001 4:31:41 PM	bcontor			Active
Quantity	8/30/2001 4:37:17 PM	bcontor			Active
Summary	8/31/2001 11:35:01 AM	bcontor	8/31/2001 11:35:01 AM	bcontor	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	8/31/2001 11:34:59 AM	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.
Contacts	8/30/2001 4:19:26 PM	bcontor	1. Appointment has not been scheduled. Comment for 1: Field work already completed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10506 V1

Priority Date	8/30/2001 4:24:33 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 4:26:31 PM	bcontor	Edited point location
POD	8/30/2001 4:26:43 PM	bcontor	Edited PLS
POD	8/30/2001 4:27:51 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: See eCVR 29-10504 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: See #5 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
Source	8/30/2001 4:28:20 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: See eCVR 29-10504 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 4:28:52 PM	bcontor	Edited shape boundary
POU	8/30/2001 4:29:14 PM	bcontor	Edited PLS
POU	8/30/2001 4:29:52 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: see paper file and see eCVR 29-10504 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10506 V1

Use	8/30/2001 4:30:30 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.
Season	8/30/2001 4:31:39 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.
Quantity	8/30/2001 4:37:11 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (NO) The claimed diversion rate and/or volume can not be verified using the water right file. 5. (NO) A flow measurement was not required. Comment for 5: see paper file. Volume $1.7 \times .03 = 0.51$ cfs. $0.51 \times 1.9835 \times 14 = 1.4$ acre feet. 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.

MEMORANDUM

To: Knox Creek Canyon Rights
From: Bryce Cantor
Date: 8/30/01

Re: Pou and Division 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 analysis, cut lands of equal or lower elevation, then divided the shape into 1/4 hrs per claims.

2) Pou - Newport.

See separate memo.

3) Division Rate.

SCS analysis in 29-10280 -

For Division (Rev 8/23/83)

P 2

Preliminary Design Report 8/23/83
says "Normal fully flow in Knox Creek (5 g/s)"

Springtime flow after beginning of in season
could be higher. However 5-16-79 design
sheet points to planned design capacity of
4.16 g/s. (for proposed system not yet built).

Culvert is 18" culvert w/ full of

approx 40' (crosses the contour interval)

and length of about 2,300 ft (615

measured foot). With air vents in place,

assume pipe runs 16" deep. From 1959

Bethlehem Steel chart @ 16" depth, $Q_T = 68.92$.

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

$$Q = S^{11/2} \times Q_T = (0.017^{1/2})(68.92) = 9.1 \text{ g/s}$$

Because the design paper reflected July flows
and/or not all the team, I take a positive
capacity as Q to be appropriate.

These approximations as follows: Newport 64?

Pou / Diversion 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. $\frac{7.3}{.01} = 730$ 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

29-10506

Stan Bailey

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.

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.

Stan Bailey

8/20/01

Vernal Bailey's son - has copy of letter -

2513 Stanford Way
Antioch California 94509

925-754-3359

sb519@aol.com

Stan will make affidavit & letter -
Copies of correspondence sent, w/ pamphlet
& CD Address.

900 N SKYLINE STE A
IDAHO FALLS ID 83402



V STANLEY BAILEY
18 EASTBROOK CT
CLAYTON CA 94517
0557 MAILED FROM ZIP CODE
20438 83402
1002 21 NOV 01
1001 17 AUG 01
P83553907 1560

LOW VALUE

8/17/2001

Dear Mr. Bailey:

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

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

Thank you,

Bryce A. Contor
Senior Water Resource Agent



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

V STANLEY BAILEY Phone:
18 EASTBROOK CT
CLAYTON CA USA 94517

Re: Adjudication Claim A29-10506

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 your predecessors 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

MAY 16 2001



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

V. Stanley Bailey
18 Eastbrook Ct.
Clayton, California 94517

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Adjudication Claim 29-10506

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.

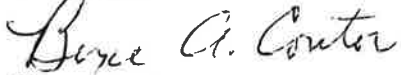
To make an accurate recommendation on your water right, I need additional documentation to describe the priority date and the extent of the original beneficial use. The enclosed pamphlet describes some sources that may be used to document your right. If an affidavit is used, it needs to clearly state 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

Log for claim A29-10506

Spatial Dynamics AMH

7/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s33e	31	NESW	3	2.7	
Totals:			3	2.7	

AJ5809NP
No. A29-10506

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 93

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	V STANLEY BAILEY 18 EASTBROOK CT CLAYTON CA 94517	07/24/1987	IRRIGATION STOCKWATER	03-15 11-15 05-01 10-15	0.080 CFS 0.020 CFS	
TOTAL DIVERSION:					0.080 CFS	
CONSUMPTIVE USE:						9.00 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		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
10S	33E	31	:					:					:					:					:	3.0
																							TOTAL ACRES	3.0

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				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 A29-10504 A29-10505 A29-10507

Other Water Rights Listing Overlapping Place(s) of Use:
A29-10504 A29-10505 A29-10507

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. A29-10506

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 94

Remarks: THIS CLAIM IS FOR 4 INCHES OF THE PORTION DECREED TO VERNAL
BAILEY.
|
FOR INFORMATION REGARDING THIS PROPERTY PLEASE CONTACT VERNAL
F. BAILEY AT 1280 CEDAR LAKE RD., POCA TELLO 83204, 233-3586.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

AUGUST 29, 1991

Address Change

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

SEP 9 1991

V STANLEY BAILEY
~~18 EASTBROOK CT~~
CLAYTON CA 94517

32 Atchinson Stage CT.

RE: NOTICE OF CLAIM A29-10506

Department of Water Resources
Eastern District Office

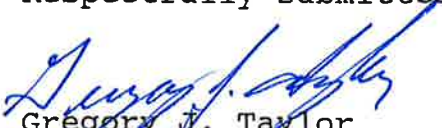
Dear Mr. Bailey:

While auditing Basin 29, I came across your Notice of Claim and discovered it has not been signed and notarized.

Enclosed is a typed copy of your Notice. Please sign it in the presence of a Notary and return to this Department within 10 working days (September 16, 1991). If the signed and notarized Notice is not returned within 10 days, the Notice will not be processed and a refund of your filing fee will be initiated.

If you have any questions concerning this action, please feel free to call (208) 525-7161 and ask for Jo Thompson.

Respectfully submitted,


Gregory J. Taylor
Water Right Agent, Adjudications

GT:jt

Enclosure

File: TIC

MICROFILMED

NOV 10 1992

Law Office
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

Plaintiffs,

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.

Arthur F. Oliver
DISTRICT JUDGE

DO NOT FILE

JUDGMENT page 2

STATE OF IDAHO
COUNTY OF POWDER
I, *Helen Hall* 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 197*8*
Helen Hall
Clerk
By *Ellen Sparks*
Deputy

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: A29-10506
Date Received: 3/23/1990
Receipt No: E012517
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 9 1991

Department of Water Resources
Eastern District Office

1. Name: V. STANLEY BAILEY
Address: 18 EASTBROOK CT.
CLAYTON CA

94517

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

A2910506



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	0.080		
STOCKWATER	05/01	10/15	0.020		

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

A.F.A.

8. Total consumptive use is 9.0 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 of	Lot	Use	Acres
10S	33E	31	NE	SW		IRR	3.0
			NE	SW		STOCK	

MICROFILMED

NOV 16 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

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.

THIS CLAIM IS FOR 4 INCHES OF THE PORTION DECREED TO VERNAL BAILEY.

FOR INFORMATION REGARDING THIS PROPERTY PLEASE CONTACT VERNAL F. BAILEY AT 1280 CEDAR LAKE RD., POCATELLO 83204, 233-3586.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEWPORT, BAILEY ET AL
Decree Plaintiff

JOHN MC NABB
vs Decree Defendant

MICROFILMED

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:

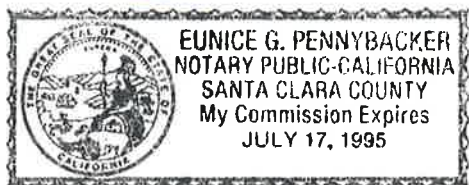
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *V. Stangley* Date: 9-6-91
_____ Date: _____

State of ~~Idaho~~ CALIFORNIA)
County of SANTA CLARA) SS.

Subscribed and ~~sworn~~ (or affirmed) before me this 6TH day
of September 19 91
Eunice G. Pennybacker
Notary Public

Seal



Residing at 142 W. Alhambra Blvd
My Commission Expires July 17, 1995

MICROFILMED
NOV 16 1992



Stanley

TIOS
TIIS

32E | 33E



BANNOCK PEAK, IDAHO

N4230 W11237 5.7.5

1985

00
1 MILE
4000 5000 6000 7000 FEET
1 KILOMETER

s Can Be Obtained
Print, Boise Idaho

MAP ACCURACY STANDARDS
BY, MENLO PARK, CALIF. 94025

MICROFILMED
NOV 16 1992

A2910506