

IDAHO DEPARTMENT OF WATER RESOURCES 11/09/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: JERRY E BAILEY
5497 S 5TH AVE
POCATELLO ID 83204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.07 CFS
9.2 AFY

USE OF THIS RIGHT WITH RIGHT NO. 29-00494H IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.07 CFS.

PRIORITY DATE: 07/13/1956

POINT OF DIVERSION:

T07S R35E S23 NESWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.070 CFS 9.20 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County

T07S R35E S23 NWNE 0.9 T07S R35E S23 SWNE 1.4

2.3 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-00494H IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 2.3 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.3 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: Beneficial Use

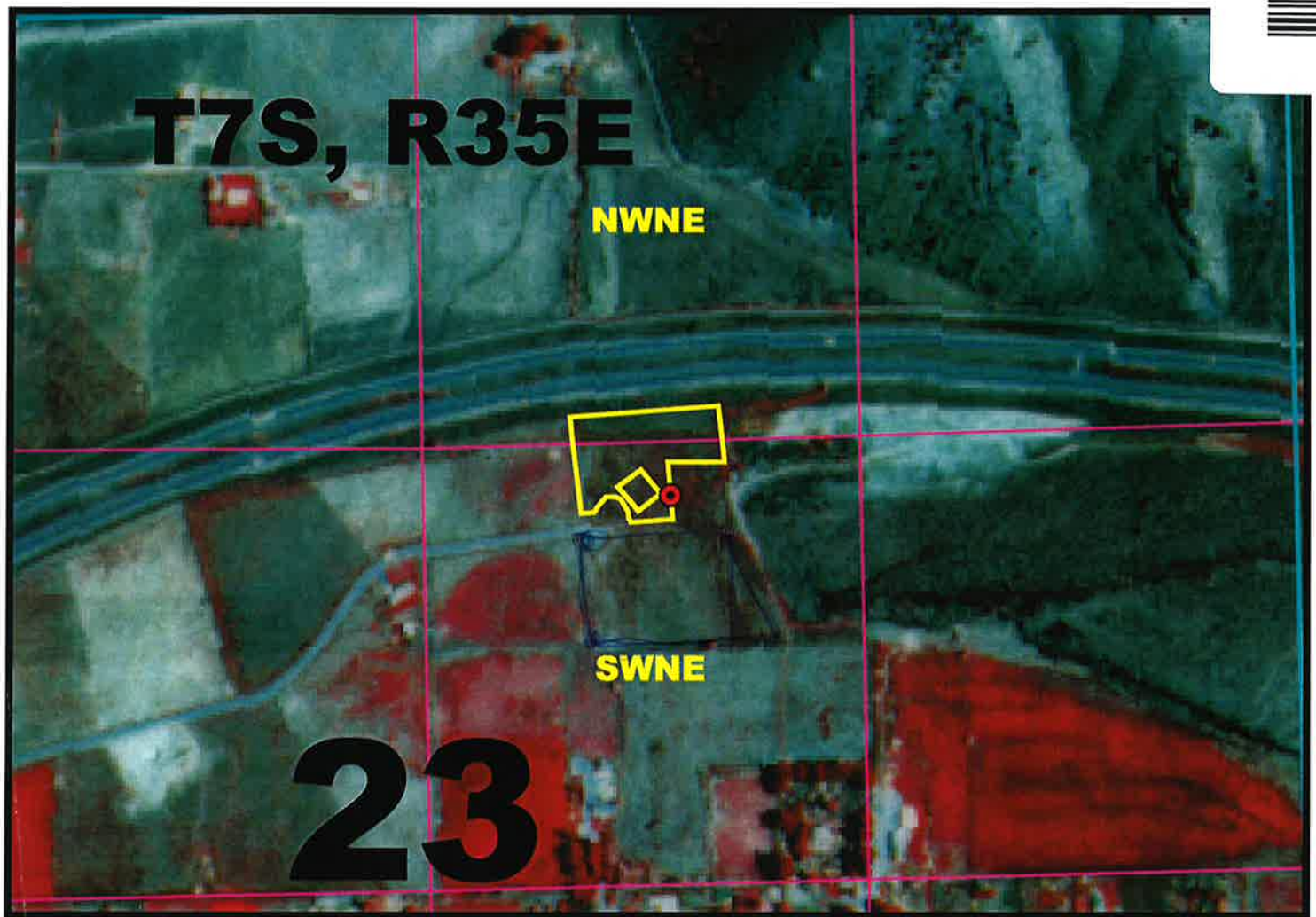


STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-13226

A2913226



0 1320 Feet

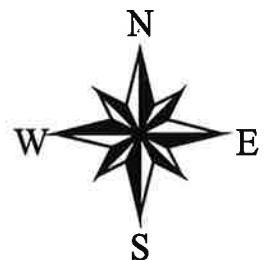
Total Irrigated Acres: 2.3

● Point(s) of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: November 2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13226 V1

WATER RIGHT NUMBER: 29-13226 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JERRY E BAILEY 5497 S 5TH AVE POCATELLO, ID 83204 (208)775-3079
Original Owner	DEBBIE L BAILEY 5497 S 5TH AVE POCATELLO, ID 83204 (208)775-3079

Priority Date: 07/13/1956

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.070 CFS	9.20 AF
	<u>Total Diversion:</u>	0.070 CFS	9.20 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4NE1/4	Sec. 23, Twp 07S, Rge 35E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T07S R35E S23	NWNE	0.9	T07S R35E S23	SWNE	1.4
---------------	------	-----	---------------	------	-----

Conditions of Approval:

1. 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. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-00494H IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2.3 ACRES IN A SINGLE IRRIGATION SEASON.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-00494H IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.07 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-13226 V1

Comments:

1. PSKAGGS 11/5/2001 8:19:08 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 69368
2. csaxton 11/9/2001 Recommendation
Comment: Recommend per approved transfer 69368.

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:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre: 0.03
 Generic Max Volume Per Acre: 4
 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>
Summary	11/9/2001 9:35:02 AM	csaxton	11/9/2001 9:35:02 AM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/9/2001 9:06:42 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Recommend per TR 69368
POD	11/9/2001 9:25:05 AM	csaxton	Edited point location
POU	11/9/2001 9:26:23 AM	csaxton	Edited shape boundary
Summary	11/9/2001 9:35:03 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

13-782 500 SHEETS FULLER 5 SQUARE
12-381 50 SHEETS EYE-EASE 5 SQUARE
42-382 100 SHEETS EYE-EASE 5 SQUARE
42-383 100 SHEETS EYE-EASE 5 SQUARE
42-389 200 SHEETS EYE-EASE 4 SQUARE
42-392 100 RECYCLED WHITE 5 SQUARE
42-399 200 RECYCLED WHITE 5 SQUARE

Recommend

A7 westings

0.03

D. fallow ?

B) Larsen

0.02

0.12
6.6

c) Hull

29-13229

0.10
4.7

0.02

0.10
4.7

TR-69369

0) Porter

0.25
12.4

0.02

0.25
12.4

TR - 69313

29-13205 (Ferro)

0.14
4.5

0.03

$$\begin{array}{r} 0.09 \\ 4.5 \end{array}$$

29-13226 (Bailey)

0.07
2.3

0.03

0.07
2.3

TR - 69368

licensed cfs = 0.88
AL = 52.3

Recommended Div Rate + Ac < Licensed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69368

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NOV 08 2001

Department of Water Resources
Eastern Region

This is to certify that: JERRY E BAILEY
5497 S 5TH AVE
POCATELLO ID 83204
(208)775-3079

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
29-13226	AJC/Beneficial Use	07/13/1956	0.07 cfs	9.2 af	2.3	2.3	GROUND WATER

Purpose of Transfer (Changes Proposed)

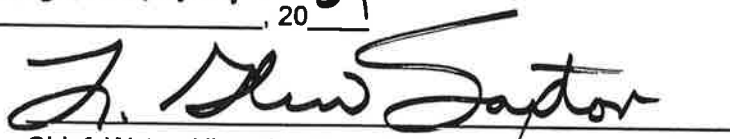
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
29-13226	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
29-13226	29-13226	0.07 cfs	9.2 af	N/A	2.3		N/A	N/A	N/A	N/A
TOTALS		0.07 cfs	9.2 af	N/A	2.3		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of November, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 29-13226
As Modified by Transfer No. 69368

In accordance with the approval of Transfer No. 69368, Water Right No. 29-13226 is now described as follows.

Right Holder: JERRY E BAILEY
 5497 S 5TH AVE
 POCATELLO ID 83204
 (208)775-3079

Priority Date: 07/13/1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.07 CFS	9.2 AF
		0.07 CFS	9.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESWNE Sec. 23 Twp 07S Rge 35E BANNOCK County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
07S	35E	23		.9	1.4														2.3

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 29-13226
As Modified by Transfer No. 69368

CONDITIONS OF APPROVAL

7. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
8. Place of use is located within Lot 9, Black Angus Ranch Subdivision.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 5th day of November, 2001


Chief, Water Allocation Bureau

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Jernie E. Bailey Phone 232-6918 W
775-3879 H
Post Office address 5497 S. 5th Ave PO, ID 83204

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

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Department of Water Resources
Eastern Region

2. Describe the reason for the proposed changes Change in POO to well on applicant's
property.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>29-13226</u>	<u>7-13-56</u>	<u>0.07 cfs</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>
	<u>7-13-1956</u>			to
				to
				to

2. Total amount of water being transferred 0.07 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground Water tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NE	SW	NE	<u>23</u>	<u>7S</u>	<u>35E</u>	<u>Bannock</u>	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>7S</u>	<u>35E</u>	<u>23</u>		<u>0.9</u>	<u>1.4</u>														<u>2.3</u>

Total Acres 2.3

6. General Information:

a. Description of diversion system

Transfer water from Larsen's well to Bailey's well & into a sprinkler system to irrigate pasture.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

☒ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. NA. HWT

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

The sprinkler system was installed about 5 years ago to help irrigate pasture & control weeds.

-- ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

page 3 of 6

76.268

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Department of Water Resources
Eastern Region

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 29-13226
Date Received: 7/24/97
Receipt No: E027005
Received By: 44

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DEBBIE L BAILEY Phone: (208)232-6918

5497 S 5TH AVE
POCATELLO ID 83204-7130

JERRY E BAILEY Phone: (208)232-6918

5497 S 5TH AVE
POCATELLO ID 83204-7130

2. Date of Priority: 07/13/1956

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	35E	23	SE SW NW	BANNOCK	

5. Description of diverting works:

WELL TO SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.07	9.2

page 4 of 6

769368

7. Total Quantity Appropriated is:
0.07 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	23	NW	NE	IRRIGATION	0.9
			SW	NE	IRRIGATION	1.4
					Section Acres	2.3
					Total Acres	2.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

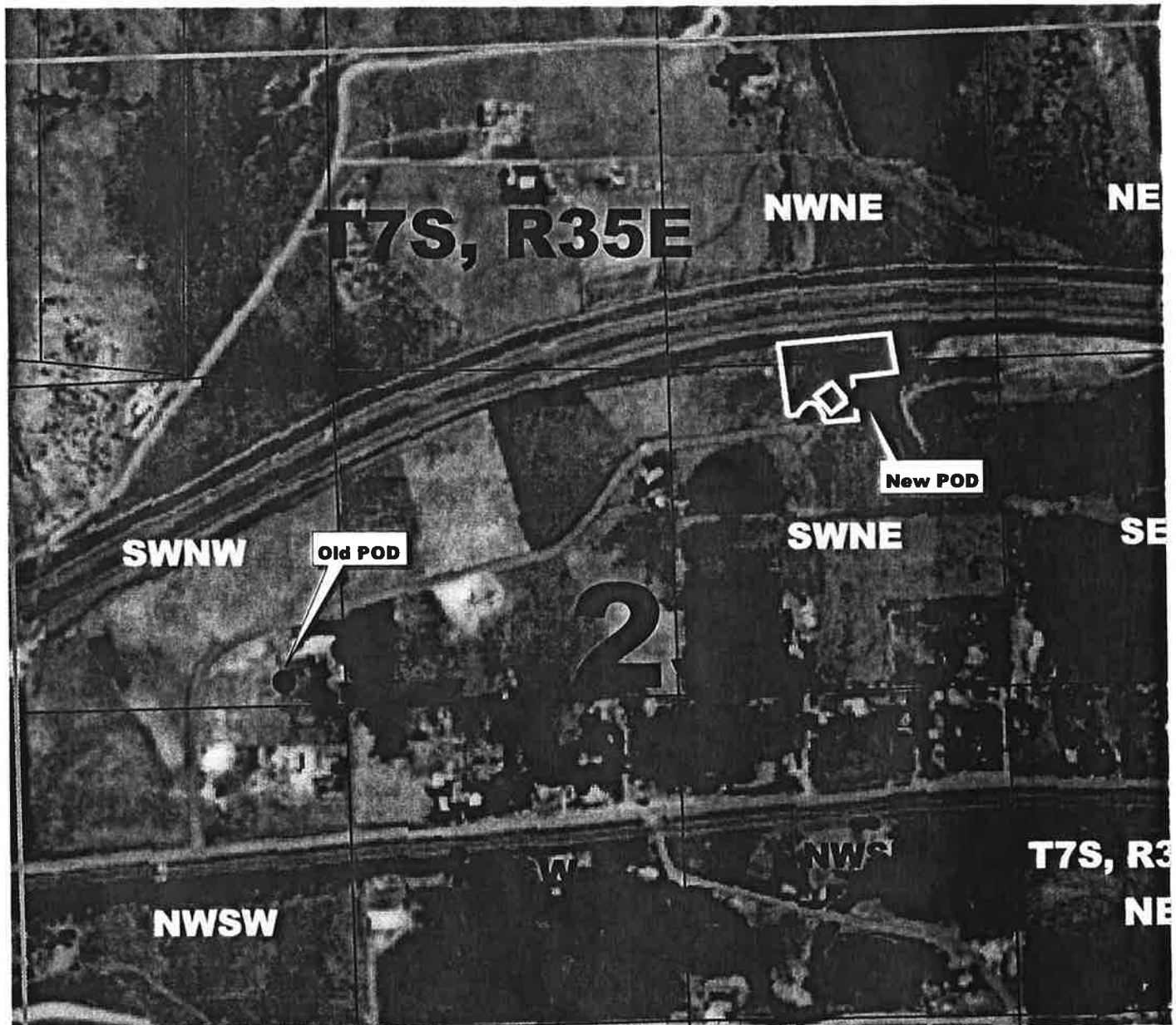
15. Basis of Claim: Decreed

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.

Jerry Bailey

Transfer - Change in Point of Diversion.



0 1320 2640 Feet

Total Irrigated Acres: 2.3



Acreage Distribution

Prepared By: Craig Saxton
August 2001

PART 3

B. CHANGES IN NATURE OF USE

1.

New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
N/A			to _____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Jay Bailey
 (Signature of Applicant)

Subscribed and sworn to before me this 13th day of August, 20 01.

Melinda Phelps
 (Notary Public)

My commission expires 5-10-2005

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee \$100.00

Receipted by CS Date 8/17/03 *E027025

Published in Id State Journal Copies of protest forwarded by _____

Pub. Dates Sept 6 & 13, 2001 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

02/08/2003

NOTICE OF ERROR
REPLY

*Craig
eastern*

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: April 21, 2003

Water right number: 29-13226

JERRY E BAILEY
5497 S 5TH AVE
POCATELLO ID 83204
Telephone Number: (208) 775-3079

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: 03-24-03

SIGNATURE:

Jerry Bailey

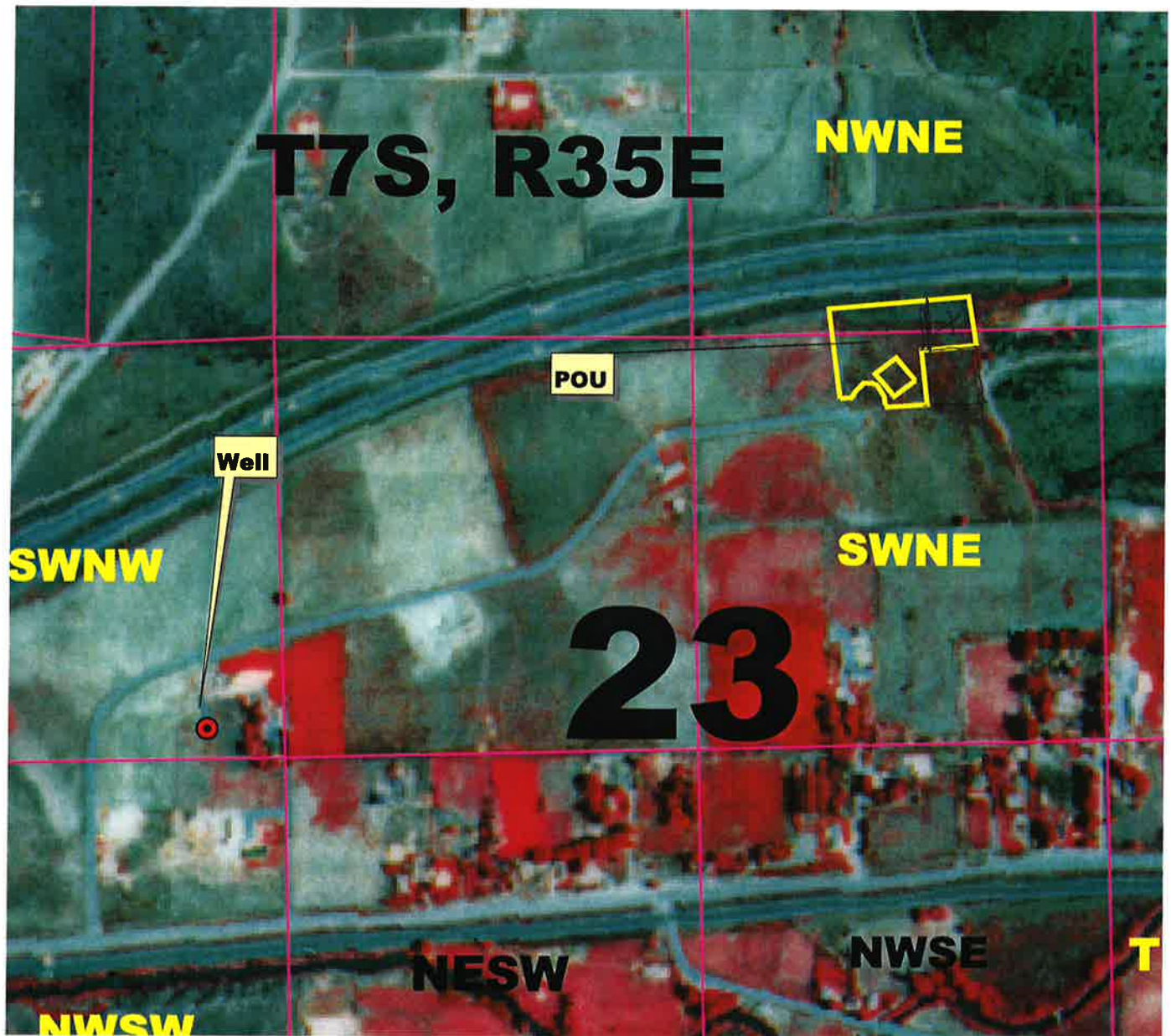
JERRY BAILEY

Please print your name:

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Jerry Bailey

Ground Water Irrigation Claim POU and POD



0 1320 2640 Feet

Total Irrigated Acres: 2.3



Acreage Distribution

Prepared By: Craig Saxton
August 2001

Bailey Well

7/31/01



POD for domestic and irrigation. Bailey's home in the background. Well located on the SE corner of the home. Facing NW.

Supervisor or Operator Kevin Collins Date _____

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 29-13226
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POCATELLO ID 83204-7130

2. Date of Priority: 07/13/1956

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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5. Description of diverting works:

WELL TO SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.07	9.2

08/06/2001

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Department of Water Resources
Eastern Region

7. Total Quantity Appropriated is:
0.07 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	35E	23	NW	NE	IRRIGATION	0.9
			SW	NE	IRRIGATION	1.4
					Section Acres	2.3
					Total Acres	2.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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 X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

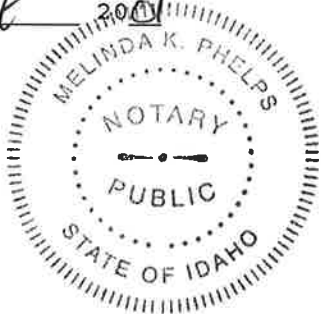
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Ruby Bailey* Date: *08-13-01*
Abba Bailey Date: *08-13-01*

State of Idaho)
County of *Bernard*) SS.

Subscribed and sworn (or affirmed) before me this *13th*

of *August* *2001*



Melinda K. Phelps

Notary Public

Residing at *Pocatello*

My commission Expires *5-10-2005*