

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 37-21740
Date Received: 3/27/1992
Receipt No:
Received By:

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

1. Name of Claimant(s)

JILL BAILEY Phone: (208)578-3513
PO BOX 4535
HAILEY ID 83333

THOMAS BAILEY Phone: (208)578-3513
PO BOX 4535
HAILEY ID 83333

2. Date of Priority: 03/24/1883

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	20	SE SW NW	BLAINE	

5. Description of diverting works:

HEADGATE 22, HIAWATHA CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.03	

7. Total Quantity Appropriated is:
0.03 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
02N	18E	4	NW	SE	IRRIGATION	1
					Section Acres	1
					Total Acres	1

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 37-14275.

Property is also known as Lot 1B, Savaria Subdivision.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 18, 2006

JILL BAILEY
THOMAS BAILEY
PO BOX 4535
HAILEY ID 83333

RE: SRBA Claim(s) 37-14275 (Part)

Dear Mr. and Mrs. Savaria:

Pursuant to the notification that you now own a portion of the property to which the above referenced adjudication claim is appurtenant, the department has split the original claim. Your portion has been numbered 37-21740.

Enclosed please find your copies of the computer-generated claim. Review this document and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
 JAN 26 2006
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
	37.14275	✓			

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) JAMES R SAVARIA - SHIRLEY J. SAVARIA
PO BOX 751 - HAILEY, ID 83333
4. New Owner/Claimant(s) TOM & JILL BAILEY
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO BOX 4535 - HAILEY, ID 83333
- City, State and ZIP Code _____
- New Telephone Number (208) 578-3513
5. Date you acquired the property 10-1-05

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>37-14275</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.03 cfs</u>	<u>irrigate 1/2 acre</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>.03 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimant(s) Jill Bailey
(include title if applicable) Tom Bailey

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Instrument # 531270

HAILEY, BLAINE, IDAHO

2006-01-20 01:17:00 No. of Pages: 2

Recorded for : THOMAS BAILEY

MARSHA RIEMANN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

AFTER RECORDATION MAIL TO ABOVE ADDRESSEE

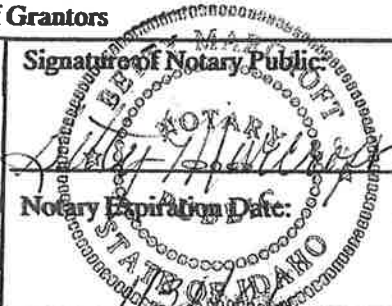
ABOVE SPACE RESERVED FOR RECORDATION INFORMATION

QUIT CLAIM DEED

Effective Date: 10-1-05		County and State where Real Property is Located: BLAINE ID		
GRANTOR (Name, Mailing Address and Zip Code): JAMES R & SHIRLEY J. SAUARIA PO BOX 751 HAILEY, ID 83333		GRANTEE (Name, Mailing Address and Zip Code): THOMAS F J. H. BAILEY PO BOX 4535 HAILEY, ID 83333		
Subject Real Property (Address or Location): BLAINE COUNTY IDAHO	Legal Description proofed by persons whose initials appear to the right	1.	2.	3.
Subject Real Property (Legal Description):		WATER RIGHT # 37-14275		
1.5 INCHES MARCH 24, 1883 WATERKEY WATER RIGHT				
BIGWOOD RIVER TRIP: MALMID RIVER BLAINE COUNTY				
POINT OF DIVERSION:				
TOWNSHIP	RANGE	SECTION	$\frac{1}{4}$ OF $\frac{1}{4}$ OF $\frac{1}{4}$	
03N	18E	20	SE SW NW	
HEADGATE 22, HIRWATHA CANAL				

1. **Conveyance.** For valuable consideration, Grantor quit claims to Grantee all right, title, and interest of Grantor in Subject Real Property together with all rights and privileges appurtenant or to become appurtenant to Subject Real Property on the effective date subject to all taxes, liens, encumbrances and other claims against the Subject Real Property, if any, as is where is.

2. **Other Provisions:**

1. <u>Tom Bailey</u> <u>James B. Savaris</u> 2. <u>Jill Bailey</u> <u>Shirley J. Savaris</u> Signatures of Witnesses Signatures of Grantors		
STATE OF: <u>Idaho</u> COUNTY OF: <u>Blaine</u> Date of this Acknowledgement.: <u>10/20/05</u>	Acknowledgement of Grantor. On this date, before me, a Notary Public, personally appeared: known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same. If this person's name is subscribed in a representative capacity, it is for the principal named and in the capacity indicated.	Signature of Notary Public:  Notary Expiration Date:
STATE OF: <u>Idaho</u> COUNTY OF: <u>Blaine</u> Date of this Acknowledgement.: <u>10/20/05</u>	Acknowledgement of Witnesses. On this date, before me, a Notary Public, personally appeared: known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same. If this person's name is subscribed in a representative capacity, it is for the principal named and in the capacity indicated.	Signature of Notary Public:  Notary Expiration Date:

SAVARIA SUBDIVISION : LOTS 1A and 1B

Within: W1/2 SE1/4, SEC. 4, T2N, R18E, BOISE MERIDIAN
BLAINE COUNTY IDAHO

FEBRUARY 2001

LEGEND

- Found 1/2" diam. rebar
- Set 1/2" x 24" rebar w/cap
- Found 5/8" diam. rebar
- ⊕ Brass Cap
- ⊙ Found Aluminum Cap
- Building Envelope/Minimum Setbacks

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 38°45'02" W	201.03
L2	N 71°19'28" E	140.67
L3	N 71°15'35" E	119.46
L4	N 38°45'02" W	130.75
L5	N 71°23'02" E	17.85
L6	S 76°33'34" E	12.92
L7	S 71°23'02" W	81.75
L8	S 43°47'13" E	61.22
L9	S 48°33'22" E	53.88
L10	S 49°50'11" E	72.05
L11	S 43°36'38" E	15.28
L12	N 74°04'49" E	19.88
L13	S 81°41'40" E	22.56

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

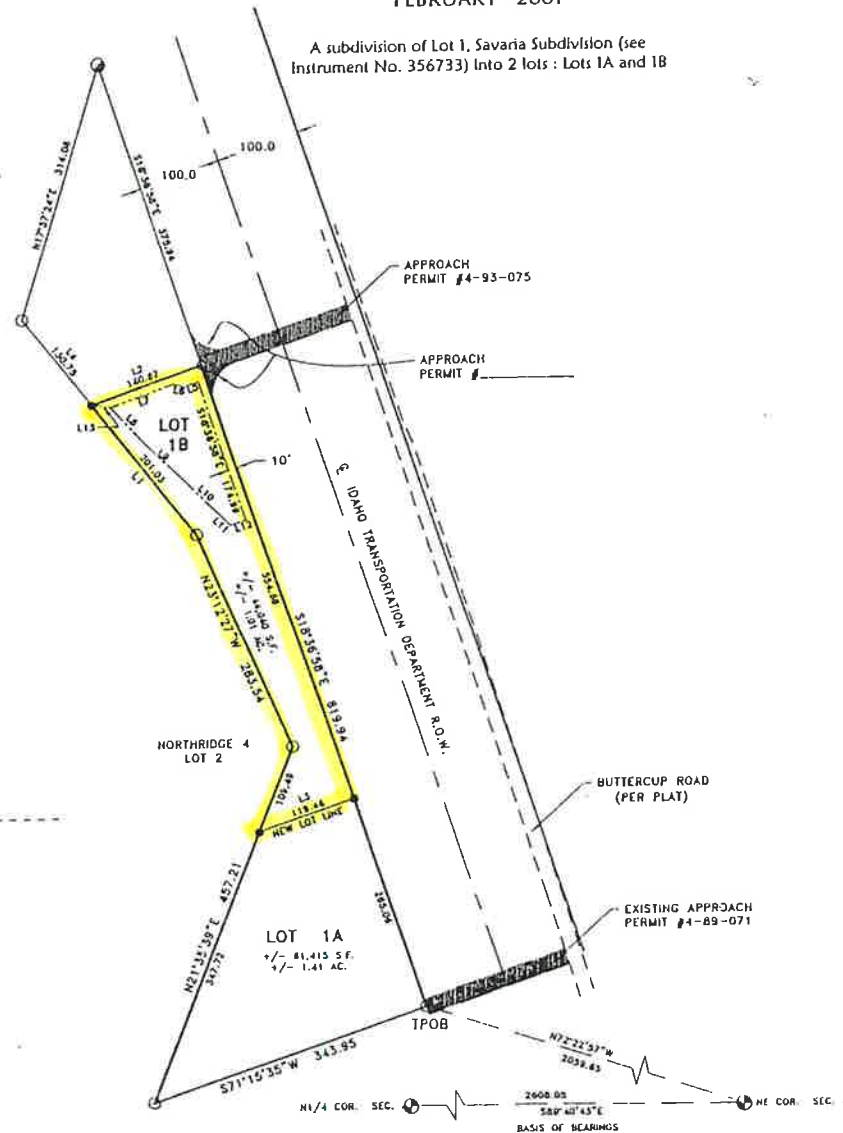
Dated: 2-28-2001

Robert W. Finner
South Central District Health Dept., EMS



PREPARED BY: BENCHMARK ASSOCIATES, P.A.
P.O. BOX 733, KETCHUM, ID 83340
(208) 726-9512 : 726-9514 (FAX)
E-MAIL: bma@micron.net

A subdivision of Lot 1, Savaria Subdivision (see Instrument No. 356733) into 2 lots: Lots 1A and 1B



Scale: 1"=100'

NOTES:

- 1) All new utilities shall be installed underground.
- 2) Fire protection requirements for this subdivision include those of the Wood River Fire Protection District, Uniform Fire Code and the Blaine County Fire Protection Ordinance 83-5 including, but not limited to, water supply, access roads and clear zones; and these should be completed with prior to the issuance of a building permit.
- 3) If Savaria Subdivision is annexed and any further subdivision occurs, no additional Wood River Trunk system crossing shall be allowed.
- 4) Owners are responsible for noxious weed control per State regulations.
- 5) A ten foot wide public utility easement centered along the boundary common to lots 1B and 2 is hereby established.
- 6) Any new domestic water supply or septic system must comply with all Health Department requirements.
- 7) All domestic wells in this subdivision shall be metered.
- 8) A truck maintenance & utility crossing agreement has been entered into with the Blaine County Boardman District and is recorded under Instrument No. 358586, records of Blaine County.
- 9) Native vegetation shall be maintained in its natural state to the greatest extent possible with yardage being limited to a maximum of 1/2 acre irrigated.
- 10) For more information regarding the establishment of property boundaries refer to Instrument No. 356733, records of Blaine County.

SAVARIA SUBDIVISION LOTS 1A and 1B LOCATED WITHIN W1/2 SEC. 4, T. 2 N., R. 18 E., BOISE MERIDIAN, BLAINE COUNTY, IDAHO		
PREPARED FOR: JIM SAVARIA		
A PLAT PROJECT NO. 00160	DRAWN BY: DCS DATE: 02/26/01	PLOT FILE: 00160PLT.DWG

11/08/2006

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

RIGHT NUMBER: 37-21740
NAME AND ADDRESS: THOMAS BAILEY
PO BOX 4535
HAILEY ID 83333

JILL BAILEY
PO BOX 4535
HAILEY ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.030 CFS
PRIORITY DATE: 03/24/1883
POINT OF DIVERSION:

T03N R18E S20 SESWNW Within BLAINE County
Water diverted from Headgate 22 delivered through Hiawatha Canal

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.030 CFS
The use of water for irrigation under this right may begin as early as April 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in BLAINE County
T02N R18E S04 NWSE 1.00

1 ACRES TOTAL

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

WATER IS DELIVERED THROUGH HIAWATHA CANAL.
_____ CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

Property is also known as Lot 1B, Savaria Subdivision.

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.

This right is a split from former right 37-14275 .

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

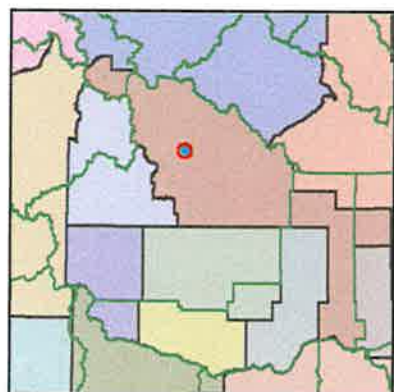
SRBA Recommendation:

37-21740

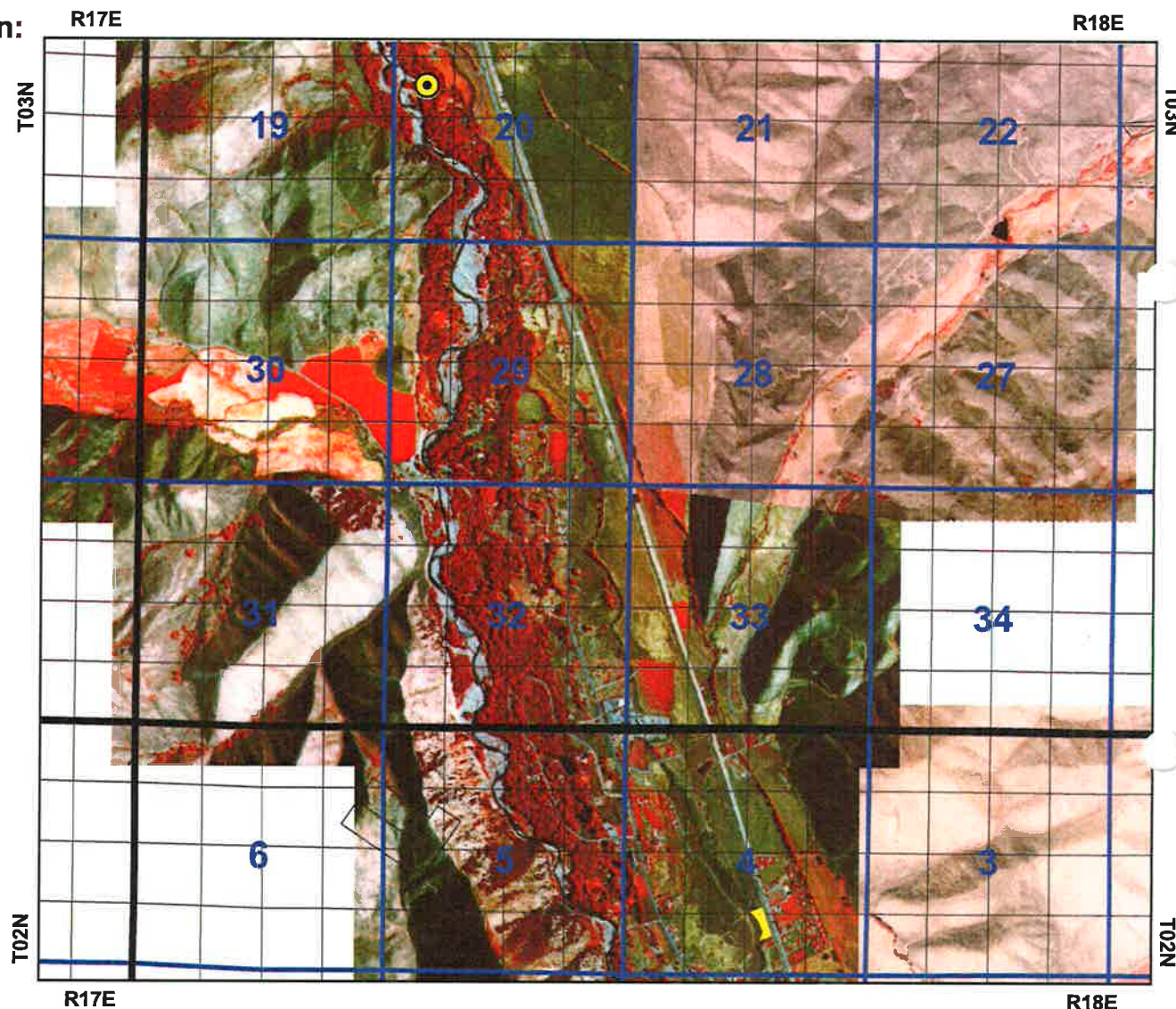
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



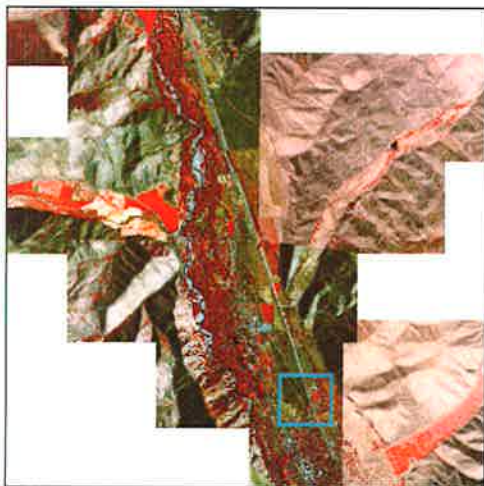
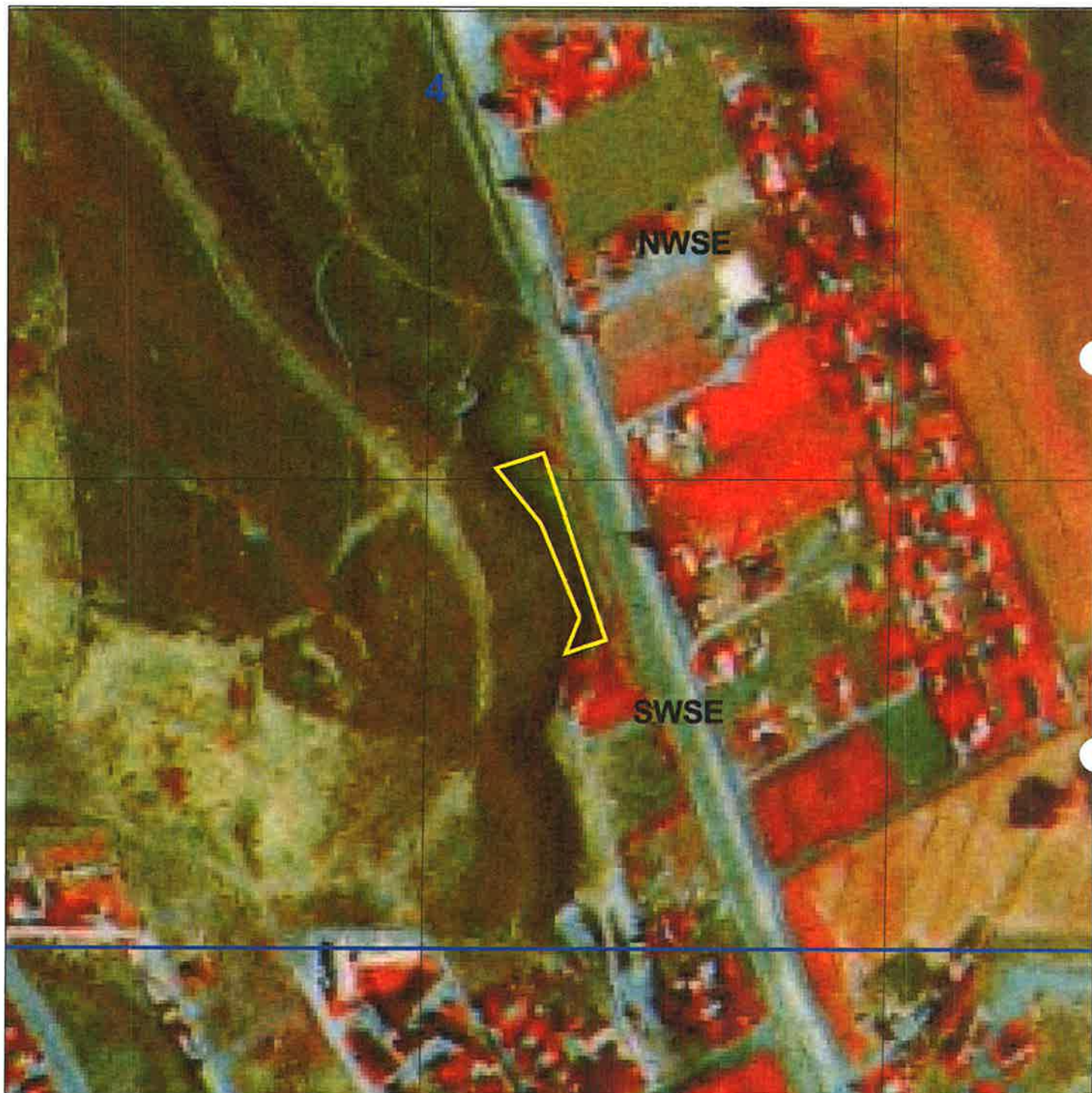
Blaine County
IDWR Basin 37



0 2 4 Miles

Prepared by E. Norques
On Wednesday, November 8, 2006
1987/88 Aerial Photography

37-21740





Idaho Department of Water Resources

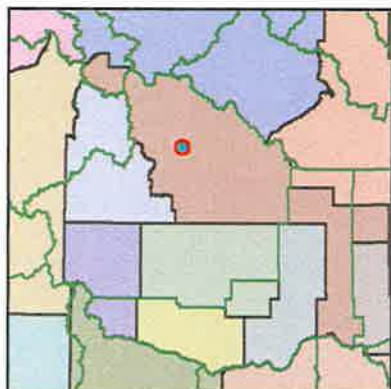
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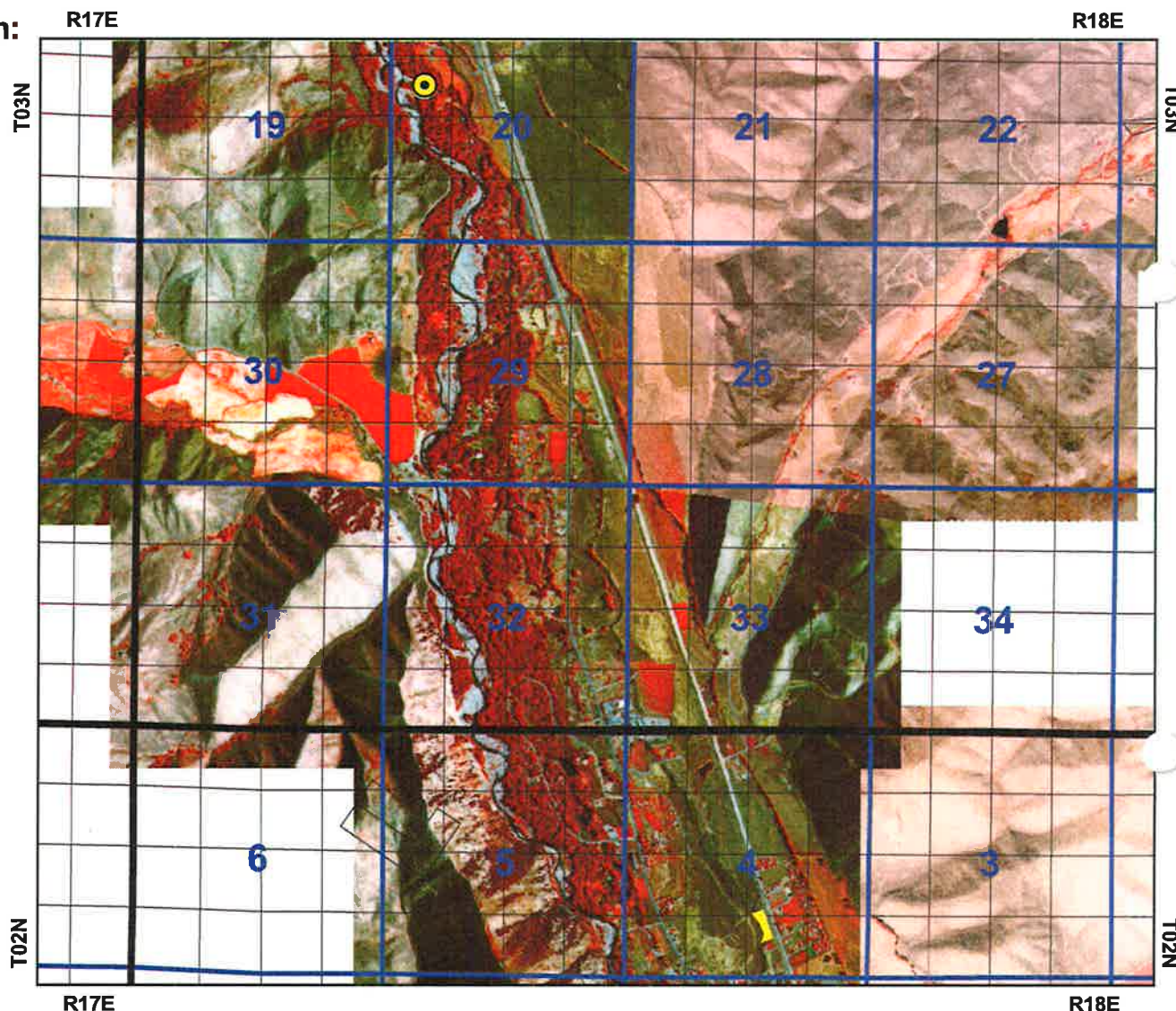
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Legend

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Blaine County
IDWR Basin 37



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