

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Vernal F. Bailey (name of claimant)
of Ceder Lake Rd, Pocatello, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Marsh Creek - tributary to Portneuf River;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Arkansas Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|-------------------|-----|----------------------------|---------------------|---------------|----|------------------------|
| Amount | <u>1.0</u> | Use | <u>Irrigation</u> | Period of Use: From | <u>Apr. 1</u> | To | <u>Nov. 1</u> |
| Amount | | Use | | Period of Use: From | | To | |
| Amount | | Use | | Period of Use: From | | To | |
| | (cfs, gpm or a/f) | | (dom., irri., stock, etc.) | | | | (both dates inclusive) |

(3) Total quantity of water claimed: 1.0 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1889 (see copy of Court Record)

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

(5) A) Point of diversion: (give location of point where water is diverted from its source)
SE ¼ NE ¼, Sec. 19 Twp. 10S Rge. 37E B. M. County of Bannock
Additional points of diversion: NE ¼ NE ¼, Sec. 19, T. 10S, R. 37E

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Concrete & steel diversion structures on Arkansas Creek. Divert into an open ditch.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

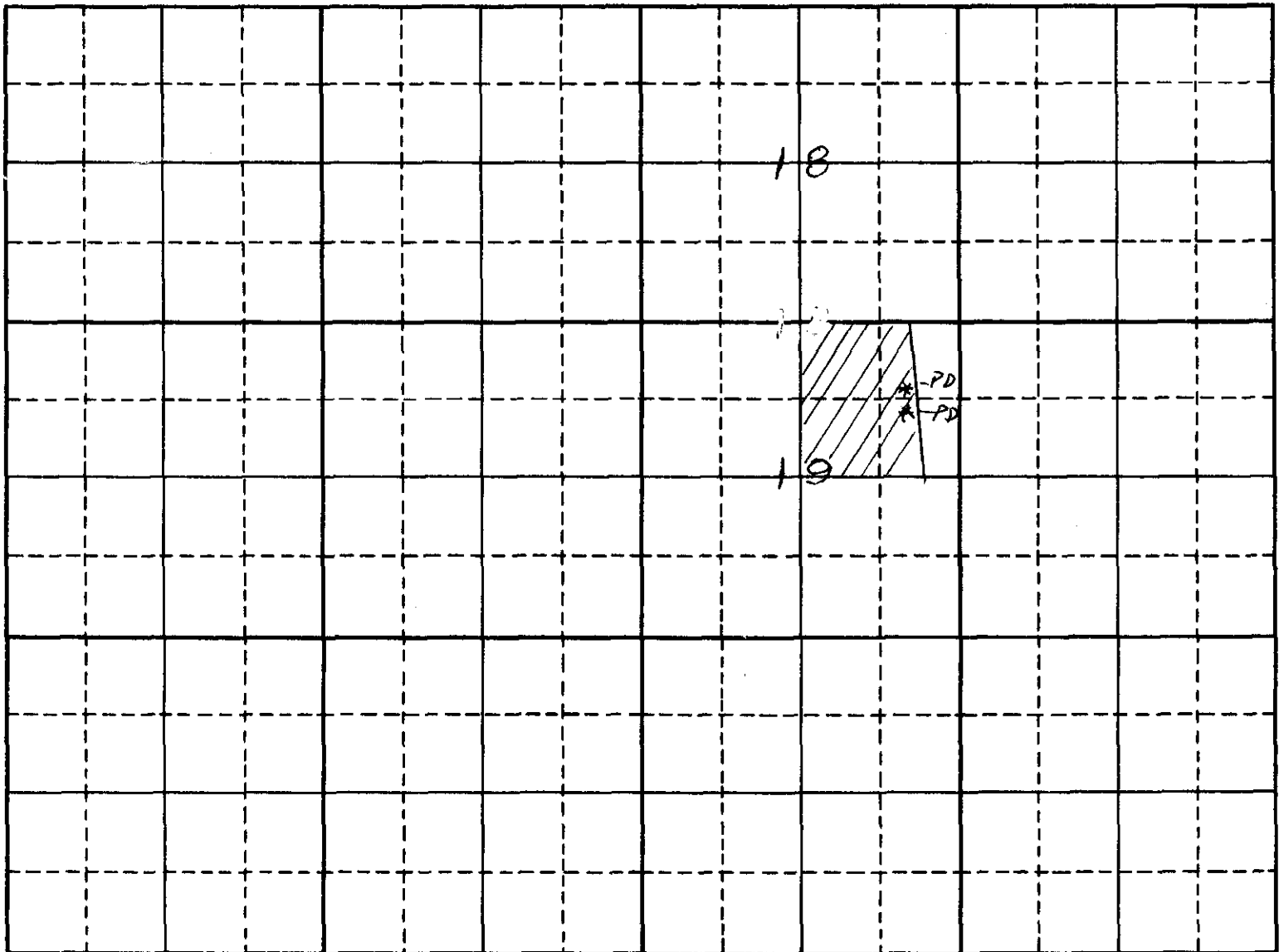
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	37E	19	10	30	35	15													90

Total No. of acres 90

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

ss.

County of BONNEVILLE

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 11th day of JULY

Vernon F. Bailey
 (Claimant)

Ronald D. Carter
 1974

Notary Public

Residing at FIRTH, IDAHO

My commission expires 2/14/78

For Department Use Only

Received by <u>MB</u>	Date <u>7-11-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>RDC</u>	Date <u>7/11/74</u>		claimant by:	
\$10.00 fee received by <u>MB</u>	Date <u>7-11-74</u>			
Approved for publication by <u>R.B. 7/30/74 #12959</u>				
Published in <u>Idaho State Journal</u>				
Dates <u>July 18 & 25, 1974</u>				

Water Location Record

State of Idaho, } ss.
Bannock County

Exhibit B

To All Concerned:--

Notice is hereby given that John M. Evans of Nevada of the County of Bannock of the State of Idaho, claims, and, since about the year 1889, has claimed the use of the waters of that certain stream known as "Arkansas Creek" here flowing to the extent, or amount, of one (1) cubic foot per second of time (being all the water flowing in said stream), which said waters, are now and shall be hereafter diverted, at two points on said stream, point of diversion number one being upon the S-W 1/4 Sec. 27, Tp. 10 S. R. 37 E. B. M., and point of diversion number two upon the S-W 1/4 of Sec. 21, Tp. 10 S. R. 37 E. B. M., at each of which said points copies of this notice is posted.

It is intended to use said waters for agricultural and domestic purposes on the following described lands, to-wit:--

The N-E 1/4, N. 1/2 S-E 1/4, and S-W 1/4 S-E 1/4 Sec. 19; N 1/2 N-W 1/4 and S-W 1/4 S-W 1/4 Sec. 20, and the N 1/2 N-E 1/4 Sec. 20, Tp. 10 S. R. 37 E. B. M., containing 480 acres.

The general course of each of the ditches used for conveying said water from the points of diversion is as follows:--

Description: BEGINNING AT A POINT NORTH $89^{\circ}12'$ WEST 440 FEET FROM THE NORTHEAST CORNER OF SECTION 19, TOWNSHIP 10 SOUTH, RANGE 37 EAST OF THE BOISE MERIDIAN; THENCE RUNNING SOUTH 241 FEET; THENCE NORTH $89^{\circ}12'$ WEST 2211 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE NORTH 2415 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 19; THENCE SOUTH $89^{\circ}12'$ EAST 2211 FEET TO THE PLACE OF BEGINNING. EXCEPTING THEREFROM A STRIP OF LAND 150 FEET WIDE, BEING 100 FEET ON THE NORTHEASTERLY SIDE AND 50 FEET ON THE SOUTHWESTERLY SIDE OF THE FOLLOWING DESCRIBED CENTER LINE OF HIGHWAY AS SURVEYED AND SHOWN ON THE OFFICIAL PLAT OF THE YELLOWSTONE PARK FI-113 4 HIGHWAY SURVEY ON FILE IN THE OFFICE OF THE DEPARTMENT OF PUBLIC WORKS OF THE STATE OF IDAHO AND LYING OVER AND ACROSS THE $NE\frac{1}{4}$ AND IN A PORTION OF THE $SE\frac{1}{4}$ OF SECTION 19, TOWNSHIP 10 SOUTH, RANGE 37 E. B. M...

BEGINNING AT STATION 1615+74.4 OF THE SAID HIGHWAY SURVEY, WHICH STATION IS A POINT ON TANGENT APPROXIMATELY 1537.7 FEET EAST FROM

THE SOUTH QUARTER CORNER OF SECTION 18, TOWNSHIP 10 SOUTH, RANGE 37 E. B. M.; THENCE RUNNING SOUTH $11^{\circ}02'$ EAST 1872.3 FEET TO STATION 1634+46.7 OF SAID SURVEY, WHICH STATION IS A POINT OF CURVATURE; THENCE 658.3 FEET WITH A $0^{\circ}40'$ CURVE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF $9^{\circ}02'$ TO STATION 1641+05, WHICH STATION IS A POINT ON CURVE APPROXIMATELY 670 FEET WEST AND 190 FEET NORTH FROM THE EAST QUARTER CORNER OF SECTION 19, TOWNSHIP 10 SOUTH, RANGE 37 E. B. M..

EXCEPTING ALSO, AND ADDITIONAL STRIP OF LAND 30 FEET WIDE ADJACENT AND CONTIGUOUS TO AND PARALLEL WITH THE ABOVE DESCRIBED RIGHT OF WAY ON THE SOUTHWESTERLY SIDE BETWEEN STATIONS 1630+50 AND 1641+05.

ALSO EXCEPT: A PARCEL OF LAND BEING ON BOTH SIDES OF THE CENTER LINE OF INTERSTATE 15 PROJECT NO. I-15-1(16)37 HIGHWAY SURVEY AS SHOWN ON THE PLANS THEREOF NOW ON FILE IN THE OFFICE OF THE DEPARTMENT OF HIGHWAYS OF THE STATE OF IDAHO, AND BEING A PORTION OF THE $E\frac{1}{2}$ $NE\frac{1}{4}$ AND THE $NW\frac{1}{4}$ $NE\frac{1}{4}$ OF SECTION 19, TOWNSHIP 10 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF THE $NW\frac{1}{4}$ $NE\frac{1}{4}$ OF SECTION 19, TOWNSHIP 10 SOUTH, RANGE 37 EAST, BOISE MERIDIAN, $\frac{1}{4}$; THENCE NORTH $89^{\circ}09'03''$ WEST, SHOWN OF RECORD TO BE NORTH $89^{\circ}12'$ WEST, ALONG THE NORTH LINE OF SAID $NW\frac{1}{4}$ $NE\frac{1}{4}$ A DISTANCE OF 12.0 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL WITH AND 35.0 FEET WESTERLY FROM THE CENTERLINE OF FRONTAGE ROAD NO. F-1 SURVEY AS SHOWN ON THE PLANS OF SAID INTERSTATE 15, PROJECT NO. I-15-1 (16)37 HIGHWAY SURVEY; THENCE SOUTH $10^{\circ}52'03''$ EAST ALONG SAID PARALLEL LINE 2,178.0 FEET, MORE OR LESS, TO A POINT OPPOSITE STATION 1145+50 OF SAID FRONTAGE ROAD NO. F-1 SURVEY; THENCE SOUTH $17^{\circ}48'53''$ EAST 82.68 FEET TO A POINT IN A LINE PARALLEL WITH AND 25.0 FEET WESTERLY FROM THE CENTERLINE AND OPPOSITE STATION 1144+67.93 OF SAID FRONTAGE ROAD NO. F-1 SURVEY; THENCE SOUTHWESTERLY ALONG SAID LAST PARALLEL LINE BEING A 175.0 FOOT RADIUS CURVE RIGHT 260.0 FEET, MORE OR LESS, TO A POINT IN THE SOUTH LINE OF THE TRACT OF LAND AS DESCRIBED IN THAT CERTAIN WARRANTY DEED DATED JULY 18, 1939, RECORDED DECEMBER 15, 1939, IN BOOK 78 OF DEEDS AT PAGE 613 RECORDS OF BANNOCK COUNTY, IDAHO; THENCE EASTERLY, SHOWN OF RECORD TO BE SOUTH $89^{\circ}12'$ EAST, ALONG SAID SOUTH LINE 460.0 FEET, MORE OR LESS, TO A POINT IN THE EASTERLY RIGHT OF WAY LINE OF EXISTING U. S. HIGHWAY NO. 91-191; THENCE NORTHERLY ALONG SAID EXISTING EASTERLY RIGHT OF WAY LINE 2,460.0 FEET, MORE OR LESS, TO A POINT IN THE NORTH LINE OF SAID SECTION 19; THENCE NORTH $89^{\circ}09'03''$ WEST, SHOWN OF RECORD TO BE NORTH $89^{\circ}12'$ WEST, ALONG SAID NORTH LINE 315.0 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

ALSO EXCEPT: ALL THAT PORTION OF THE $E\frac{1}{2}$ $NE\frac{1}{4}$ OF THE ABOVE DESCRIBED PROPERTY LYING EASTERLY OF INTERSTATE I-15-1 AND ADJACENT COUNTY ROAD..

Also excepting the springs located on said described property lying East of Interstate I-15-1 and adjacent county road.

XXXXXXXXXXXXXXXXXXXXX RESOURCES

August 5, 1974

Re: Claim to a Water Right No. 29-4036

Mr. Vernal F. Bailey
Cedar Lake Road
Pocatello, ID 83201

Dear Mr. Bailey:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

Enclosure

29 4036

PROOF OF PUBLICATION

RECEIVED
JUL 30 1974
Department of Water Resources
Eastern District Office

STATE OF IDAHO } ss.
County of Bannock

Duplicate

Katherine Wanner

**NOTICE OF CLAIM
IN A WATER RIGHT**
No. 436
I, Katherine Wanner, do hereby claim that
the water in the above named water right
is being used for the purpose of irrigation
and for the benefit of the public and
the second of water from the
Creek tributary to the main
point of diversion is the
S.W. 1/4, NE 1/4, Sec. 17,
T15S, R. 37E, S11, Bannock
County.
The water is claimed to be used
from Apr. 1 to Nov. 1 for the
purpose of irrigation and for the
benefit of the public and the
S.W. 1/4, NE 1/4, Sec. 17,
T15S, R. 37E, S11, Bannock
County.
Any interested party may file with the
Idaho Department of Water
Resources, 1000 Lincoln Road,
Twin Falls, Idaho 83401,
R. KEITH HUGHESON
Director
July 18, 25, 1974
No. 436

being first duly sworn on oath deposes and says: That She

was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

July 18	1974	19
July 25	1974	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Katherine Wanner

Subscribed and sworn to before me this 25th
day of July, 19 74

Debra L. Lufford

Notary Public, State of Idaho
Residence: Pocatello, Idaho

Commission Expires
March 5, 1977

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

Duplicate

Notary Public

NOTICE OF CLAIM TO A WATER RIGHT NO. 29-4036

Notice is hereby given that Vernal F. Bailey, Cedar Lake Road, Pocatello, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 1.0 cubic feet per second of water from Arkansas Creek tributary to Marsh Creek tributary to Portneuf River with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 10S, R. 37E, B.M., Bannock County.

The water is claimed to be used from Apr. 1 to Nov. 1 for the irrigation of 90 acres with a priority of 1889; the place of use is within the NE $\frac{1}{4}$, Sec. 19, T. 10S, R. 37E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.
R. KEITH HIGGINSON
Director
July 18, 25, 1974
No. 458

being first duly sworn on oath deposes and says: That.....

was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

....., 19....., 19.....
....., 19....., 19.....
....., 19....., 19.....
....., 19....., 19.....
....., 19....., 19.....

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Katherine W. Wadsworth

Subscribed and sworn to before me this day of, 19.....

Don L. Safford

Notary Public, State of Idaho

Residence: Pocatello, Idaho

Commission Expires
March 5, 1977

STATE OF IDAHO
County of Bannock

ss.

JUL 30 1974

Katherine Wanner

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO WATER RIGHT
I, **THE IDAHO STATE JOURNAL**, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein, do hereby certify that the following notice or advertisement was published in said newspaper on the following dates, to-wit:

The water is claimed to be used for irrigation purposes on the following land, to-wit:

Any person claiming a right of water right may be filed with the Idaho Department of Water Resources, 1000 Lincoln Road, Idaho Falls, Idaho 83401.

R. KEITH MCGINSON
Director
July 18, 25, 1974
No. 458

being first duly sworn on oath deposes and says: That She was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

July 18	, 19 74	, 19
July 25	, 19 74	, 19
	, 19	, 19
	, 19	, 19
	, 19	, 19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Katherine Wanner

Subscribed and sworn to before me this 25th day of July, 19 74

Della L. Leppard

Notary Public, State of Idaho

Residence: Pocatello, Idaho

Commission Expires
March 5, 1977

NOTICE OF CLAIM TO A WATER RIGHT

NO. 29-4036

Notice is hereby given that Vernal F. Bailey

Cedar Lake Road, Pocatello, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 1.0 cubic feet per second ~~30 cubic feet per second~~

of water from Arkansas Creek tributary to Marsh Creek tributary to Portneuf River
with point of diversion in the ~~(2-1/2 Sec.)~~ SE 1/4, NE 1/4, Sec. 19, T. 10S, R.
37E, B.M., Bannock County,

The water is claimed to be used from Apr. 1 to Nov. 1 for the irriga-
tion of 90 acres

with a priority of 1889;
the place of use is within the NE 1/4, Sec. 19, T. 10S, R. 37E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho

on July 18 and July 25, 1974

*CB-R.
Called 7-15-74 MB
CB-A.*

29 4036

July 12, 1974

Re: Claim to a Water Right No. 29-4036 Bailey
Application for Permit No. 29-7209 Spraker
Application for Transfer No. 29-2319 Bennett

Idaho State Journal
Box 431
Pocatello, ID 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 7-30-74 by MB

NCY:MB

Enc: Legal Notices (3)

29 4036

WARRANTY DEED

520395

For Value Received

LeLand Evans JR. & Laura E. Evans, Husband and Wife

the grantor , do hereby grant, bargain, sell and convey unto

Vernal F. Bailey & Blanche E. Bailey, Husband and Wife

whose current address is
Arbon, Idaho

the grantee s, the following described premises, in.....Bannock.....County Idaho, to wit:

See attached---Exhibit A

All water and water rights, ditches and ditch rights appurtenant. See attached---
exhibit B.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s, that ~~they~~ the owner s in fee simple of said premises; that they are free
from all incumbrances except for matters of public record.

and that the y will warrant and defend the same from all lawful claims whatsoever.

Dated: March 12, 1974

LeLand Evans Jr.

LeLand Evans JR.

Laura E. Evans

Laura E. Evans

STATE OF IDAHO, COUNTY OF

On this 18th day of March, 1974.
before me, a notary public in and for said State, personally
appeared

LeLand Evans Jr. and
Laura E. Evans

NOTARY SEAL

known to me to be the personS whose names
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Notary Public
Residing at Pocatello, Idaho
Comm. Expires August 1975

520395

NO. 267
RECORDED AT REQUEST OF

Amer. Land Title Co.

MAR 26 11 06 AM '74

RECORDED BY K.N.J. 267
BANNOCK COUNTY, IDAHO
AMERICAN LAND TITLE CO.
5.00 DEPUTY ms