

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 10 2024
IDWR / NORTH

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, [see #7](#) of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
91-7139	~~Yes~~ ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Hells Gulch Water Association
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): David R Bailey
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or
- 32788 S HELLS GULCH RD St. Maries ID 83861
Mailing address City State Zip
208 582-0233 davebaileytrucking@gmail.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: Sept. 7, 2021
6. Do you own the land identified as the water right place of use? Yes ☐ No ☒
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
o \$25 per *undivided* water right.
o \$100 per *split* water right.
o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: David Bailey Title, if applicable _____ Date 5-7-2024
Signature of new owner/claimant
Print name

Signature: _____ Title, if applicable _____ Date \$25.00
Signature of new owner/claimant
Print name

For IDWR Office Use Only:

Received by MB Date 5/10/24 Receipt No. N044636 Receipt Amt. \$100.00
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by _____ Processed by MS Date 12/16/24

History of Hells Gulch Water System, Land Ownership, and Water Rights

Prepared by Robert G. Haynes. P.E.

The Hells Gulch water system came about as a result of the subdivision of property in Section 36, TWP 47N, RGE 3W by a man named Bill Craner. On August 7, 1997 Mr. Craner signed a bill of sale conveying "certain wells and water sources" to Dana & Sheila Schmitz, Rebecca (Hayes) Hovey, Kenneth & Lisa Straw, Steve & June Addington, James P. Vedder and Larry & Joanna Dahlkey. Each received an undivided one-sixth interest. A water right, numbered 91-7139, in the name of Hells Gulch Water Association was filed on September 22, 1997. That application was signed by a Ken Wood as president of the association and listed water to be served to six homes for domestic and irrigation. The map for the application shows the owners of the property to be served as Schmitz, Hovey, Straw, Addington, Vedder and Dahlkey. On September 23 1997, a well was drilled for the Hells Gulch Water Association by Blue Water Drilling. Proof of Beneficial Use for the permit number 91-7139 was made on February 28 2003, claiming six homes on the system. A beneficial use exam was conducted by IDWR personnel on June 11 2007. The examiner found only four homes connected to the system. A license for those four homes was issued on July 31, 2007. That license covered the properties of Vedder, now owned by Mark & Merilee Keogh, Hovey, then owned by Charles F. & Barbara Baker and Charles A. & Sandra Baker and Steve & Joanna Dahlkey. The property of Charles F. & Barbara Baker has since been transferred to David Bailey. Robert Cole now owns the Charles A. & Sandra Baker property. On September 30, 2010 the association filed an adjudication claim in the North Idaho Adjudication based the license issued by IDWR. On October 22, 2015 Judge Wildman issued a partial decree recognizing four homes.

Apparently the Straws' and Addingtons' had withdrawn from the Association, because on August 25, 2003 a well was constructed on Straws' property and on August 29, 2003 a well was constructed on Addingtons' property. In records submitted to the Secretary of State's office, Steve Addington and Ken Straw were listed as officers in the association until 2004. It is unknown if Straws' and Addingtons' were ever hooked up to the association system.

Straws' property is now owned by Zachery Hayanga and Cassandra Emery. No adjudications claims have been filed on either property.

On October 23, 2014, Dahlkeys' filed an adjudication claim for a well that they had drilled on 2012 on their property to replace water from the Hells Gulch Association system. They attempted claim a water right based on the license issued to the Hells Gulch Water Association. Because their well was not in the same 40 acre tract as the Hells Gulch well, they could not claim part of the Hells Gulch water right. The priority of the right decreed to them is based on when their well was drilled.

On August 3, 2015, Mark & Merilee Keogh filed a claim for water from a well which they had drilled in 2013 to replace water from the Hells Gulch system. Keogh's' also attempted base their claim on the Hells Gulch water right. Their well was not in the same 40 acre either. The priority of the right decreed to them is based on when their well was drilled.

Only two homes are now connected to what was the Hells Gulch water system. As a result, IDWR requested that the court issue an amended partial decree to the Hells Gulch Water Association for two homes instead of four. The REQUEST FOR CORECTION OF ERROR memo found in the digital records of file 92-7239 contains a more detailed description. Judge Wildman did that on March 14, 2016.

Hells Gulch Water Association registered with Idaho Secretary of State on June 15, 2001 with Ken & Lisa Straw listed as incorporators of the association. The association continued to file annual reports with the Secretary of States' office until 2013. No formal articles of incorporation have been found. As of this date the association is listed as dissolved by the office of Secretary of State.

On October, 16 2023, David Shevy drilled a well on property that was at one time owned by Dana & Sheila Schmitz. This was the last piece of property that the Hells Gulch water system was supposed to serve.

Change in Water Right Ownership

91-7139 David Bailey
T47N RGE 3W Sec 36





DATE: October 11, 2021

Please direct correspondence to:

601 E. Front Avenue, Suite 204

Coeur d'Alene, ID 83814

Telephone: (208) 765-3333

Fax: (208) 567-1951

Email: KarenT@northidahotitle.com

Escrow No.: N-58708

Property:

32788 S. Hells Gulch Rd.

Saint Maries, ID 83861

David Ronald Bailey
32788 S. Hells Gulch Rd
Saint Maries, ID 83861

We enclose herewith the following:



Quitclaim Deed

If you should have any questions concerning the enclosed, please contact the undersigned.

Sincerely,

Mckenna Yetter
for Karen Tolzmann
Escrow Officer

When Recorded Mail To:
David Ronald Bailey
32788 S. Hells Gulch Rd.
Saint Maries, ID 83861

Order Number: N-58708 

QUITCLAIM DEED

FOR VALUE RECEIVED David R. Bailey and Sarah R. Bailey, husband and wife, hereinafter referred to as "Grantor", does hereby convey, release, remise and forever quitclaim unto, **David Ronald Bailey an unmarried man**, hereinafter referred to as "Grantees", whose address is: 32788 S. Hells Gulch Rd., Saint Maries, ID 83861 the following lands and property, together with all improvements located thereon, lying in the County of Kootenai, State of Idaho, to-wit:

The North half of the North half of the Southeast Quarter of the Northeast Quarter of Section 36, Township 47 North, Range 3 West, Boise Meridian, Kootenai County, Idaho.

EXCEPT that portion:

Commencing at the North 1/16 Section corner common to said Section 36 and Section 31, Township 47 North, Range 2 West, (the Northeast corner of said North half of the North half of the Southeast Quarter of the Northeast Quarter), monumented with a drill steel, from which the East Quarter section of said Section 36 monumented with a drill steel bears South 0°00'21" East, 1318.57 feet (of record as South) distant;

thence South 0°00'21" East, 329.64 feet (of record as South) along the East line of said North half of the North half of the Southeast Quarter of the Northeast Quarter to the Southeast corner thereof, monumented with an iron rod, 5/8 inch diameter with a plastic cap marked PLS 6766;

thence North 89°43'41" West, 97.23 feet along the South line of said North half of the North half of the Southeast Quarter of the Northeast Quarter and leaving said East line to an iron rod 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6766, the Point of Beginning;

thence North 35°36'25" West, 19.43 feet and leaving said South line to an iron rod, 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6766;

thence South 55°23'12" West, 15.80 feet to an iron rod 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6766;

thence South 35°36'25" East, 8.28 feet to a point on said South line, said point being witnessed by an iron rod 30 inches long, 5/8 inch diameter with an aluminum cap. 2 inches diameter marked Witness Corner PLS 6766 which bears North 89°43'41" West, 3.00 feet distant from said point;

thence South 89°43'41" East, 19.50 feet along said South line to the Point of Beginning.

TO HAVE AND TO HOLD same unto Grantees, and unto Grantees' assigns forever, with all appurtenances thereunto belonging and including after acquired title.

Date: September 7, 2021

David R. Bailey

David R. Bailey

Sarah R. Bailey

Sarah R. Bailey

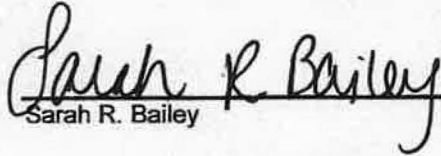
thence South 35°36'25" East, 8.28 feet to a point on said South line, said point being witnessed by an iron rod 30 inches long, 5/8 inch diameter with an aluminum cap. 2 inches diameter marked Witness Corner PLS 6766 which bears North 89°43'41" West, 3.00 feet distant from said point;

thence South 89°43'41" East, 19.50 feet along said South line to the Point of Beginning.

TO HAVE AND TO HOLD same unto Grantees, and unto Grantees' assigns forever, with all appurtenances thereunto belonging and including after acquired title.

Date: September 7, 2021

David R. Bailey



Sarah R. Bailey

STATE OF IDAHO

COUNTY OF

Kootenai

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)ss.
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On this 8th day of September, 2021, before me, a Notary Public in and for said State, personally appeared David R. Bailey, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Lisa Karina Vesciano

Notary in and for said County and State

Residing at: Coeur d'Alene, Id

Commission Exp.: 7-13-26

LISA KARINA VESCIANO
Notary Public - State of Idaho
Commission Number 20202505
My Commission Expires Jul 13, 2026

STATE OF IDAHO

COUNTY OF

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)

On this _____ day of September, 2021, before me, a Notary Public in and for said State, personally appeared David R. Bailey, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Notary in and for said County and State

Residing at:

Commission Exp.:

STATE OF IDAHO

COUNTY OF

Keetonau

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)ss.
)

On this *8th* day of September, 2021, before me, a Notary Public in and for said State, personally appeared *David R. Bailey*, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

*Same
for*

Lisa Karina Vesciano

Notary in and for said County and State

Residing at: *Coeur d'Alene, Id*

Commission Exp.: *7-13-26*

LISA KARINA VESCIANO
Notary Public - State of Idaho
Commission Number 20202505
My Commission Expires Jul 13, 2026

STATE OF IDAHO

COUNTY OF

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)ss.
)

On this _____ day of September, 2021, before me, a Notary Public in and for said State, personally appeared David R. Bailey, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Notary in and for said County and State

Residing at:

Commission Exp.:



PioneerTitleCo.
GOING BEYOND

100 Wallace Avenue
Coeur d'Alene, ID 83814

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

JIM BRANNON 2 P 2493415000
KOOTENAI COUNTY RECORDER
PRP 4/13/2015 11:30 AM
REQ OF PIONEER TITLE KOOTENAI
COUNTY
RECORDING FEE: \$13.00 DD
Electronically Recorded

File No. 568723 KD/TJ

WARRANTY DEED

For Value Received

Barbara A. Baker an unmarried woman

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

David R. Bailey an unmarried man

hereinafter referred to as Grantee, whose current address is 32788 South Hells Gulch Road Saint Maries,
ID 83861

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

SUBJECT TO that certain Deed of Trust dated March 27, 2012 and recorded March 29, 2012, as
Instrument No. 2351918000, records of Kootenai County, ID.

Buyer Initials D. R. B.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the
said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are
free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those
made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: March 31, 2015

Barbara A. Baker
Barbara A. Baker

State of California, County of Colusa

On this 10 day of April in the year of 2015, before me, the undersigned, a Notary Public in and for
said State, personally appeared Barbara A. Baker known or identified to me to be the person/persons
whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they
executed the same.

[Signature]
Residing at: 1408 Grand Drive Colusa City, CA 95991
Commission Expires: 3/31/17

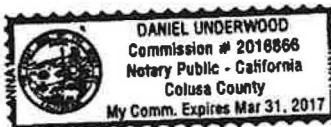


EXHIBIT A

The North Half of the North Half of the Southeast Quarter of the Northeast Quarter of Section 36, Township 47 North, Range 3 West, Boise Meridian, Kootenai County, Idaho.

EXCEPT that portion:

COMMENCING at the North 1/16 Section corner common to said Section 36 and Section 31, Township 47 North, Range 2 West, (the Northeast corner of said North Half of the North Half of the Southeast Quarter of the Northeast Quarter), monumented with a drill steel, from which the East Quarter section of said Section 36 monumented with a drill steel bears South 0°00'21" East, 1318.57 feet (of record as South) distant; thence

South 0°00'21" East, 329.64 feet (of records as South) along the East line of said North Half of the North Half of the Southeast Quarter of the Northeast Quarter to the Southeast corner thereof, monumented with an iron rod, 5/8 inch diameter with a plastic cap marked PLS 6766; thence

North 89°43'41" West, 97.23 feet along the South line of said North Half of the North Half of the Southeast Quarter of the Northeast Quarter and leaving said East line to an iron rod 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6766, the POINT OF BEGINNING; thence

North 35°36'25" West, 19.43 feet and leaving said South line to an Iron rod, 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6766; thence

South 55°23'12" West, 15.80 feet to an iron rod 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6766; thence

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South 89°43'41" East, 19.50 feet along said South line to the POINT OF BEGINNING.

FILED EFFECTIVE



STATEMENT OF CHANGE OF
REGISTERED AGENT,
REGISTERED OFFICE,
OR BOTH
(See reverse for instructions)

2013 JUL 29 AM 8:57

SECRETARY OF STATE
STATE OF IDAHO

File #: C139461

The undersigned entity submits the following statement for the purpose of changing its registered agent, its registered office, or both, in the State of Idaho.

1. The name of the entity is:

Hells Gulch Water Cooperative Inc.

2. The name and street address of its old registered agent and office is:

Larry J. Dahlway
33321 S. Hells Gulch Rd.
St. Maries, ID. 83861

3. The name and street address of its new registered agent and office in Idaho is:

BARBARA BAKER
32788 HELLS GULCH RD.
(not a PO box or PMB)
ST. MARIES, ID 83861

I consent to serve as registered agent for the above-named entity.

Barbara Baker
(Signature of new registered agent)
7/19/13
(Date)

Dated: 7/19/13

Signature: Barbara Baker

Printed: BARBARA BAKER

Capacity: PRESIDENT

FILE ONE COPY

NO FEE REQUIRED

change_ra_ro.pmd Rev. 07/2010



IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763

Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

December 06, 2024

DAVID R BAILEY
32788 S HELLS GULCH RD
ST MARIES ID 83861-4903

Re: Change in Ownership for Water Right No(s): 91-7139

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 762-2813.

Sincerely,

Natalie Steading
Tech Records Specialist 1

Enclosure(s)