

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: A29-04059
Date Received: 7/29/1992
Receipt No: C016743
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CITY OF DOWNEY 208-897-5342
Address: PO BOX 204
DOWNEY ID 83234

2. Date of Priority: AUG 2, 1907

3. Source: SPRINGS Trib. to: NINE MILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	37E	8		NW	SE		BANNOCK
				SE	SE		BANNOCK
		9		SE	SW		BANNOCK

5. Description of diverting works:
SPRINGBOXES, AND DISTRIBUTION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	6.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL USE WITHIN DOWNEY TOWNSITE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11S	37E	27	NE	SW		DOMEST	
			NW	SW		DOMEST	

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	37E	27	SW		SW		DOMEST	
			SE		SW		DOMEST	
			NW		SE		DOMEST	
			SW		SE		DOMEST	
		28	NE		SE		DOMEST	
			SE		SE		DOMEST	
		34	NW		NE		DOMEST	
			SW		NE		DOMEST	
			NE		NW		DOMEST	
			NW		NW		DOMEST	
			SW		NW		DOMEST	
			SE		NW		DOMEST	
			NE		SW		DOMEST	
			NW		SW		DOMEST	
			NW		SE		DOMEST	

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:
NONE

14. Remarks:
P/U WITHIN CITY LIMITS OF DOWNEY.

15. Basis of Claim: STATUTORY CLAIM

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: _____

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For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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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 27-04059Date Received 5-9-90Receipt Number 0616743

RECEIVED
MAY 09 1990

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

Department of Water Resources

RECEIVED

MAY - 5 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) City of Downey Phone (208) 897-5342Mailing Address P. O. Box 204 Downey, Idaho Zip 832342. Date of Priority (Only one (1) per claim) August 2, 19073. Source of water supply (a) unnamed springs
which is tributary to (b) Nine Mile Creek4. a. Location of existing point of diversion is: Township 11 S Range 37 E Section 8
NW 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of BannockAdditional points of diversion if any: SE 1/4, SE 1/4, Section 8; and SE 1/4, SW 1/4 Section 9

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

A2904059



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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Municipal
Domestic purposes from Jan 1 to Dec 31 amount 6.4 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic for 232 homes

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11S	37E	27									X	X	X	X		X	X		
		28													X			X	
		34		X	X		X	X	X	X	X	X				X			

Total number of acres irrigated Downey Townsite

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None ()

14. Remarks:

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Last Name City of Downey Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares, each containing a crosshair pattern. The grid is divided into four 8x8 quadrants by a thick central cross. Handwritten annotations include the number '8' in the 10th column, 7th row; the number '9' in the 14th column, 7th row; and two dots in the 12th and 13th columns, 8th row.

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Last Name City of Downey Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit ☒

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Mayor _____

Title _____

of _____ City of Downey _____, that I have signed the foregoing

Organization _____

document in the space below as _____ Mayor _____ of _____ City of Downey _____

Title _____

Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent R. Steve Simpson

Title and Organization _____ Downey City Mayor _____ Date _____

State of Idaho/or _____)

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 3 day of May 19 90

SEAL

Notary Public Louise Barnes

Residing at Downey, Idaho 83234

My Commission Expires 4/21/1992

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 13 1992

Last Name _____ City of Downey _____ Ident. Number _____

Copies White-State, Yellow-Claimant

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME City of Downey CLAIM IDENT. NO. 29-04059

DATE RECEIVED _____ CK # _____ AMOUNT \$ _____

- | | YES | NO | Required Info? |
|--|------------|------------|----------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | — | * |
| 2. Is a priority date entered? | <u>X</u> | — | * |
| Is the priority date acceptable in view of mandatory filing dates? | | | |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>X</u> | — | * |
| 3. (a) Is a source entered? | <u>(X)</u> | — | * |
| (b) Is a tributary to entered? (if required) N/A | <u>X</u> | — | — |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | — | * |
| 5. Is there a description of the diverting works? | — | <u>(X)</u> | — |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>(X)</u> | — | * |
| Is the period of use included? | <u>X</u> | — | — |
| Is a quantity claimed for each use? | <u>X</u> | — | * |
| 7. Is a total quantity claimed entered? | <u>X</u> | — | — |
| 8. If required is a consumptive use entered? N/A | <u>X</u> | — | — |
| Is the consumptive use correct? N/A | <u>X</u> | — | — |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | — | <u>(X)</u> | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | — | * |
| 11. Is (are) the county(ies) entered? | <u>X</u> | — | — |
| 12. Is the ownership of p.u. checked? | <u>X</u> | — | — |
| 13. Are other water rights listed or "none" indicated? | <u>X</u> | — | — |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A | <u>X</u> | — | — |
| 15. Is the basis of the claim indicated? | <u>(X)</u> | — | — |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A | <u>X</u> | — | — |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u>X</u> | — | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | — | * |
| 19. Was this claim filed on time, or was an extension granted? | <u>X</u> | — | * |
| 20. Is the fee enclosed correct? Exempt | <u>X</u> | — | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? N/A | <u>X</u> | — | — |
| 22. Should this claim be data entered? | <u>X</u> | — | — |

Claim checked by: EMC Date: July 27, 1992Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: (Yes) X (No)
 Receipt Prepared by: _____ Date: _____
 Claim data entered by: _____ Date: _____
 Sent to claimant by: _____ Date: _____
 Checked by: MICROFILMED Date: _____

 Comments: Item 3 enter "springs tributary to Nine Mile Creek". Item 5 enter "spring boxes, and distribution system". #6 enter "Municipal". #9 enter "Municipal use within Downey Townsite". Item 15 enter "S".
 NOV 19 1992

CITY OF DOWNEY

BANNOCK COUNTY
DOWNEY, IDAHO 83234

June 19, 1992

RECEIVED

JUN 22 1992

Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
150 Shupe
Idaho Falls, ID 83401

Dear Mr. Carlsen,

I met with Paul Meyer from your office on Wednesday, June 17, 1992, to fill out an application to rehabilitate a well the City of Downey had drilled in 1989. At that time Paul checked to see if the adjudications had been filed and recorded. The only thing that showed on the computer file is that the fees for filing had been receipted.

I checked my files and have made copies of those claims for your record. I also have enclosed an application for extension for filing because of the deadline being missed. Perhaps that is why it isn't entered into the computer. If there is some problem that we need to work out on this end, please contact me at the Downey City Office, at 897-5342, the office is open from 11:00 A. M. until 4:00 P. M.

Thank you for your help.

Sincerely,

Louise Barnes
City Clerk

Encl: 4

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NOV 13 1992

RECEIVED
MAY 09 1990

State of Idaho
Department of Water Resources
**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Name of Claimant City of Downey (208) 897-5342
P. O. Box 204 Downey Idaho 83234
Mailing Address City State Zip
Bannock May 1st 1990
County(s) where place of use is located Date claim originally due

NW¼ SE¼ Sec 8 T 11 S R 37 EBM, SW¼ SW¼ Sec 27 T 11S R 37 EBM: NE¼ SE¼ Sec 27 11S R 37 EBM
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

Water rights had not been filed on a new well dug in 1979-80 to replace one that had
lost its water table during that drought year. It was drilled 75 feet sout of the
original one. I was waiting to hear from our city engineers and talked with
Harold Jones on filing these. So we were two days later getting the reports filed
and I held all three to send together. I had inadvertantly remembered the deadline
to be May 31st rather than May 1st.

Claimant requests an extension to July 1, 19 90

Louise Barnes May 8, 19 90
Signature Date of request

City Clerk
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [] granted [] denied for the following reasons:

and if granted the filing deadline is extended to _____, 19 _____

Signed this _____ day of _____, 19 _____

Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

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NOV 13 1992

CITY OF DOWNEY

BANNOCK COUNTY
DOWNEY, IDAHO 83234

May 8, 1990

Department of Water Resources
1301 N. Orchard Street
Boise, Idaho 83706

To whom it may concern:

We received the attached letter informing us of the late filing of our judication water claims. We had an unusual circumstance that made the filing of these late. When I was filling out the forms and locating the legal dates and locations of the diversions for the three claims for the City of Downey, I found that the newest city well had not been applied for either the drilling permit or the water rights to it. It is the claim that is NE¼ of SE¼ Section 27, Township 11 S Range 37 EBM. This claim reflects a well that was drilled many years prior to 1979-80 when we drilled the one in question. That older well lost its water table during a drought year. The city hired a well driller that went 75' to the south of this older well and drilled a new well. This one was deeper and left the older one without water.

I had checked with our city engineers to see if they could help me on this situation and they were to come to the City Office and work through my files. They did not. So after 5 days, I called Harold Jones in Idaho Falls and asked him about this. He told me that if the 1989-90 well was replacing the other one and was only the 75' away, that the same legal description would apply to the well we have been using as a main city well. I then completed the forms and sent them in with the attached checks for the fees.

We feel that after paying over \$1,000 for the fees that the late filing fee should be waived. Please help us in this particular matter and grant that they are waived.

The City of Downey has a long history of water problems and we have exhausted our funds trying to drill another well last year that turned out to be worthless to us.

Thank you for your help in this matter.

Sincerely,

Louise Barnes

Louise Barnes
City Clerk

MICROFILMED
JUN 13 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 7, 1990

City of Downey
C/O Louise Barnes
15 South Main Street
Downey, ID 83234

RE: Notices of Claim

Dear Ms. Barnes:

The Idaho Department of Water Resources (IDWR) is returning your Notices of Claim to a Water Right because of insufficient information and/or fees. Your checks #9172 for \$690, #9171 for \$52.00, and #9170 for \$308.00 are also enclosed. All items on the forms must be completed and fees resubmitted before the IDWR can process the notice.

Our office has reviewed your claims for your irrigation rights in Downey. The last day we were allowed to accept claims from Bannock County, without collecting a late-filing fee, was May 1, 1990. Your claim was postmarked on May 3, 1990, making it subject to the late filing fee. Before we can accept your claim, you must either submit, and have approved, an extension of time to file, or submit an additional \$50.00 for each claim for the late fee or 15%, whichever is greater.

You may be granted an extension if there were extenuating circumstances which prevented you from filing on time. The enclosed "Extension Request" form can be submitted to the Boise Office (address is at bottom of form) for consideration by the Department. If you submit the request, hold the claim until your request is processed. Please return the claim with proper fee(s) to this office when you resolve this matter.

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NOV 13 1992

City of Downey
Page - 2 -

If you wish to make an appointment to discuss the corrections, please call the IDWR at (208) 525-7161.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ernest Carlsen".

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

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NOV 13 1992