

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: A29-04074
Date Received: 8/12/1993
Receipt No: EO14030
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DOWNATA RANCH & RECREATION INC 208-523-5171
Address: C/O D GARY PETERSON ESQ
HANSEN BEARD LAW FIRM
PO BOX 51718
IDAHO FALLS ID 83405-1718

2. Date of Priority: APR 1, 1946

3. Source: BIG SPRING Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	37E	11	NE	SE			BANNOCK

5. Description of diverting works:
IRRIGATION PUMP & MAINLINE AS SHOWN ON MAP PG 3.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.900		

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

8. Total consumptive use is 587.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12S	37E	10	NE	NE		IRR	20.0

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A2904074

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
		11	NW	NE	IRR	12.0
			SW	NE	IRR	40.0
			SE	NE	IRR	15.0
			NE	NW	IRR	12.0
			NW	NW	IRR	17.0
			SW	NW	IRR	18.0
			SE	NW	IRR	38.0
			NE	SW	IRR	6.0
			NE	SE	IRR	32.0
			NW	SE	IRR	25.0
					Section Acres	215.0
					Total Acres	235.0

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:

29-00491A 29-00491B 29-00492

14. Remarks:

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: _____

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): _____ Date: _____

_____ Date: _____

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APR 12 1994

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

A29-04074

Date Received

5-1-90.

Receipt Number

EO 14030/90

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAY 01 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Downata Ranch & Recreation, Inc. Phone (208) 523-5171
c/o D. Gary Peterson, Esq. - Hansen Beard Law Firm
Mailing Address P.O. Box 51718, Idaho Falls, Idaho Zip 83405-1718

2. Date of Priority (Only one (1) per claim) April 1, 1946

3. Source of water supply (a) Big Spring (aka Cold Spring)
which is tributary to (b) Marsh Creek

4. a. Location of existing point of diversion is: Township 12S Range 37E Section 11,
1/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of Bannock

Additional points of diversion if any: None

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

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

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. Irrigation pump and mainline as
shown on map, page 3.

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APR 12 1990

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 3.9 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.9 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is $(2.5 \times 235) = 587.50$ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
12S	37E	10	20																20
12S	37E	11		12	40	15	12	17	18	38	6				32	25			215

Total number of acres irrigated 235

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 X 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.
29-00491A 29-00491B 29-00492 or None ()

14. Remarks:

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APR 17 1984

Last Name Downata Ranch Ident No. _____
& Recreation, Inc.

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree _____ Statutory Claim X
If applicable provide IDWR Water Right Number 29-04074
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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments None

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 assistant secretary
Title
of Downata Ranch & Recreation, Inc. , that I have signed the foregoing
Organization
document in the space below as assistant secretary of Downata Ranch & Recreation, Inc
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent D. Gary Peterson
Title and Organization Assistant Secretary - Downata Date 4-26-90
Ranch & Recreation, Inc.

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26th day of April May 19 90

SEAL

Notary Public Ernest Carlson

Residing at Idaho Falls, Idaho

My Commission Expires 6-14-1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that D. Gary Peterson 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 D. Gary Peterson

Address Hansen, Beard, Martin & St. Clair, Chartered, P.O. Box 51718, Idaho Falls,
Idaho 83405-1718

Date 4/26/90

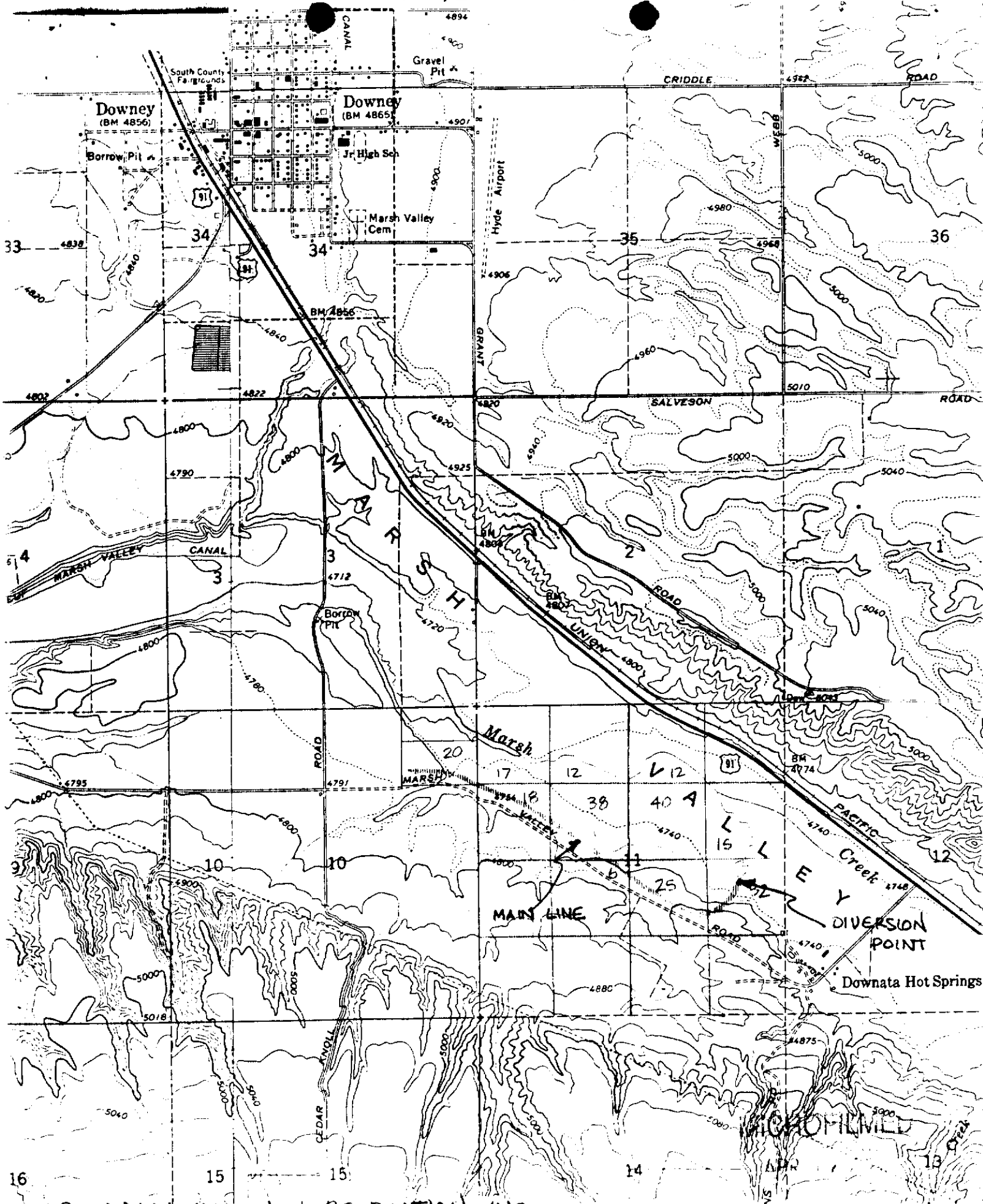
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APR 12 1994

Last Name Downata Ranch Ident. Number _____
& Recreation, Inc.

Copies White-State, Yellow-Claimant

T. 12 S. R. 37 E. B.M.



DOWNATA RANCH + RECREATION, INC.

IDENT. NO. _____

IN THE MATTER OF

ROBERT B. SENSEN

State of Idaho

County of BANNOCK

AFFIDAVIT

I DAB SENSEN

being first duly sworn,

deposes and says: On or about 1992

FATHER WILL SENSEN, ~~THE~~ PRESENT
THE RANCH KNOWN AS THE HOT SPRINGS
RANCH. AROUND 1990 RECONSTRUCTION
OF THE SO CALLED HOT SPRINGS WAS
UNdertaken. AN 1800 GPM GAS DRIVEN
PUMP WAS INSTALLED. IN 1997
THIS SYSTEM WAS UPDATED TO AN
INDUSTRIAL DESIGN. THE LAND WE
UTILIZED WAS THE SAME AS IS
PRESENTLY BEING UTILIZED. TO MY
KNOWLEDGE THIS SYSTEM HAS BEEN
IN CONTINUOUS OPERATION SINCE THE
ORIGINAL INSTALLATION.

[Signature]
(signature)

Subscribed and sworn to before me this 11th day of January, 1977.

[Signature]
(notary public)

Residing at Boise, Idaho
My commission expires May 4, 1978

IN THE MATTER OF
Rolland G. Bowen

AFFIDAVIT

State of Idaho
County of Bannock

John B. Bowen

being first duly sworn,

deposes and says: That on or about March 1966 myself, my brother, and my
father purchased a ranch at the time was known as the Hot Springs Ranch located
three miles south of Downey, Idaho. At the time we purchased the ranch, the
water from the big spring was being used for irrigation purposes; and we used
these waters for the same purpose. We sold the ranch in the spring of 1972
to another party.

John Bowen
(signature)
John Bowen

Subscribed and sworn to before me this 19 day of Nov, 19 76

[Signature]
Notary public

Residing at Downey, Idaho

My commission expires July 4, 1978

Log for claim A29-04074

Spatial Dynamics TWB

5/24/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	10	NENE	20	21	
12s37e	11	NWNE	12	11	
12s37e	11	SWNE	40	40	
12s37e	11	SENE	15	14	
12s37e	11	NENW	12	9.1	
12s37e	11	NWNW	17	17	
12s37e	11	SWNW	18	16	
12s37e	11	SENW	38	38	
12s37e	11	NESW	6	4.7	
12s37e	11	NESE	32	38	
12s37e	11	NWSE	25	25	
Totals:			235	233.8	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

CLAIM TO A WATER RIGHT AMENDED

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Roland G. Allen

(Name of Claimant)

Downey, Idaho 83234

(Mailing Address)

Telephone No. _____

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) Apr. 1, 1946

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 is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Big Spring tributary to Marsh Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>3.90</u>	Use <u>Irrigation</u>	Period of Use From <u>Apr. 1</u>	To <u>Nov. 1</u>
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____

- (4) 3.90 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE ¼ SE ¼, Sec. 11 Twp. 12S Rge. 37E B.M., County of Bannock

Additional points of diversion: _____

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. Describe any changes in the system and give the date of the change. 150' feeder channel from spring to pump pipe discharge into 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.	NEX				NWX				SWX				SEX				TOTAL
			NEX	NW%	SW%	SE%	NEX	NW%	SW%	SE%	NEX	NW%	SW%	SE%	NEX	NW%	SW%	SE%	
12S	37E	11		12	40	15	12	17	18	38	6				32	25			215
		10	20																20

No. of acres 235

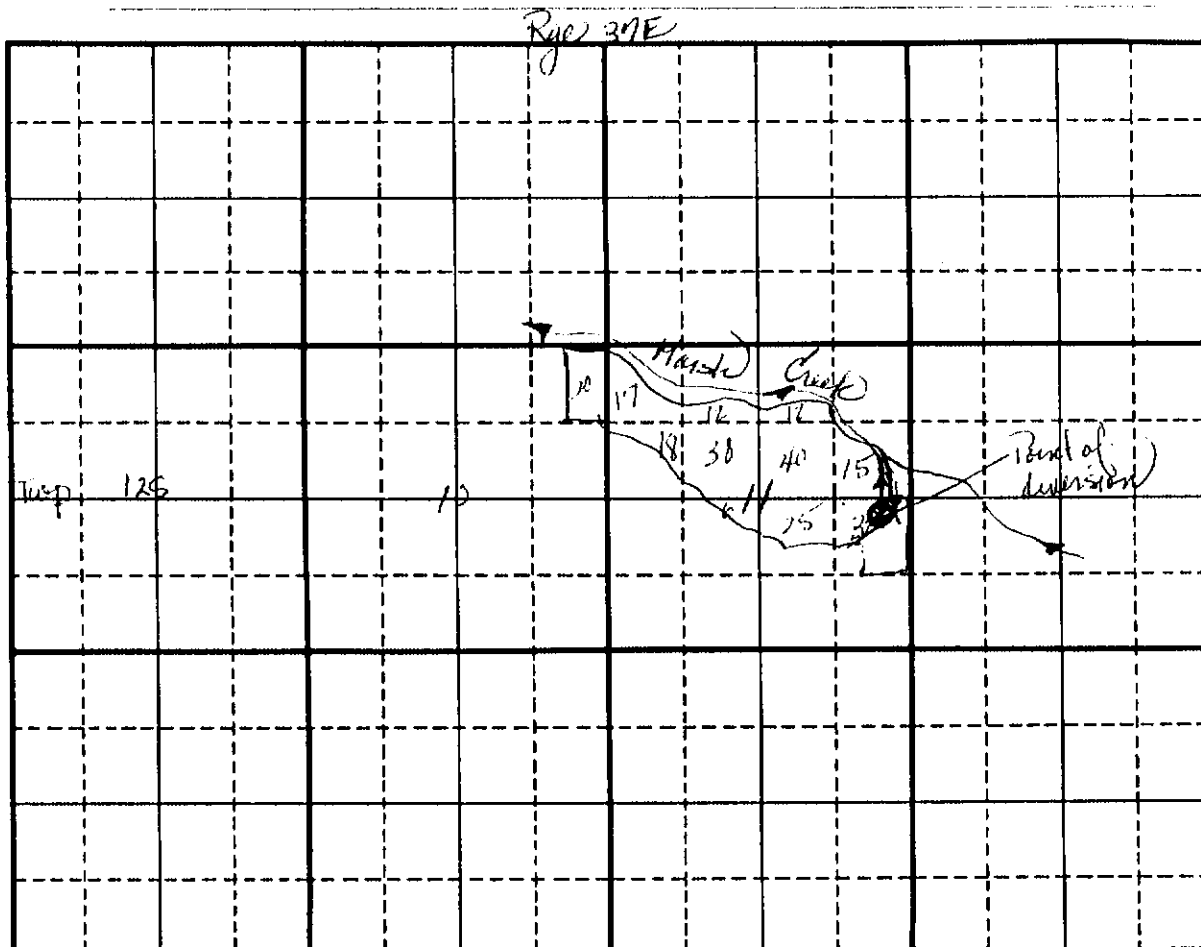
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

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

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(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)
County of Bannock) ss.

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 affiant's knowledge.

Sworn to before me this 19th day of March

19 79

Notary Public
Residing at Idaho Falls, Idaho

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by CW Date 3-19-79 Exception filed by: Forwarded to Date
Prelim. check by AKE Date 3/19/79 claimant by:
\$20.00 fee received by N.A. Date 3-19-79
Published in Idaho State Journal, Pocatello, ID
Dates April 12 & 19, 1979

AJ5809NP
No. A29-04074

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 98

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DOWNATA RANCH & RECREATION INC C/O D GARY PETERSON ESQ HANSEN BEARD LAW FIRM PO BOX 51718 IDAHO FALLS ID 834051718 (208) 523-5171	04/01/1946	IRRIGATION	04-01 11-01	3.900 CFS	
					TOTAL DIVERSION:	3.900 CFS
					CONSUMPTIVE USE:	587.50 AFA

Water Source: BIG SPRING

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T12S R37E S11 NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	: Lt	Ac	SUM
12S	37E 10	:	20			:				:				:		:		20.0
12S	37E 11	:		12	40	15	:	12	17	18	38	:	06	:	32	25	:	215.0
																	TOTAL ACRES	235.0

POU County: BANNOCK

Other Rights: 29-00491A 29-00491B 29-00492

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00491A A29-00491B A29-00492A A29-02396

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	
Audit:	08/19/93 COX	03/29/95 POST-STD	04/13/00 CVANDERM

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Downata R. [redacted] + Recreation, Inc CLAIMANT'S NO. A29-04074

DATE RECEIVED	CK #	AMOUNT \$	YES	NO	Required Info?
1. Is the name and address complete with zip code?			☐	☐	*
2. Is a priority date entered?			☐	☐	*
Is the priority date acceptable in view of mandatory filing dates?					
See Adjudication Memos #1 and #4 to determine if a Permit is required.					
3. (a) Is a source entered?			☐	☐	*
(b) Is a tributary to entered? (if required)		N/A	☐	☐	
4. Is the legal description of the p.d. sufficient?			☐	☐	*
5. Is there a description of the diverting works?			☐	☐	
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.			☐	☐	*
Is the period of use included?			☐	☐	
Is a quantity claimed for each use?			☐	☐	*
7. Is a total quantity claimed entered?			☐	☐	
8. If required is a consumptive use entered?		N/A	☐	☐	
Is the consumptive use correct?		N/A	☐	☐	
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.		N/A	☐	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?			☐	☐	*
11. Is (are) the county(ies) entered?			☐	☐	
12. Is the ownership of p.u. checked?			☐	☐	
13. Are other water rights listed or "none" indicated?			☐	☐	
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	☐	☐	
15. Is the basis of the claim indicated?			☐	☐	
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)		N/A	☐	☐	
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.			☐	☐	*
18. Has the claim been signed, sealed, and dated by a notary?			☐	☐	*
19. Was this claim filed on time, or was an extension granted?			☐	☐	*
20. Is the fee enclosed correct?		Exempt	☐	☐	*
21. If this claim is based on an existing water right, has the identification number been entered?		N/A	☐	☐	
22. Should this claim be data entered?			☐	☐	

Claim checked by: _____ Date: _____

Claim must be returned to claimant: _____ (Yes) _____ (No)

Claimant must be notified of modifications: _____ (Yes) _____ (No)

 Receipt Prepared by: _____ Date: _____
 Claim data entered by: _____ Date: _____
 Sent to claimant by: _____ Date: _____

 Checked by: _____ Date: _____
 MICROFILMED
 APR 12 1994

Comments: _____