

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: A29-11054
Date Received: 4/04/1990
Receipt No: 1006476
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK M. HADLEY 208-897-5730
Address: DOWNEY, ID 83234
AND/OR
Name: JEAN M. HADLEY 208-897-5730
Address: DOWNEY, ID 83234

A2911054



2. Date of Priority: APR 12, 1917

3. Source: SPRINGS Trib. to: MARSH CREEK

4. Point of Diversion:

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

5. Description of diverting works:
HOT SPRING, PIPELINE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
STOCKWATER	01/01	12/31	0.030		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 32.5 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME; STOCKWATER, 100 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	12	SW	SW		IRR	5.0
			SW	SW		STOCK	
			SW	SW		DOMEST	
			SE	SW		IRR	3.0
					Section Acres		8.0
		13	NE	NW		IRR	5.0
					Section Acres		5.0
					Total Acres		13.0

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:
29-00492

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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):

Jack M. Hadley

Date:

4/4/90

Date:

State of Idaho

County of

Bannock

)
) SS.
)

Subscribed and sworn (or affirmed) before me this

4th

day

of

April 19 90

Carter Fritschle
Notary Public

Seal

Residing at

Carter Fritschle, Notary Public

Residing at Eagle, Idaho

My Commission Expires

My commission Expires March 21, 1994

A29-11054



atio
ca

T 12 S
R 37 E

MICROFILMED
NOV 16 1992

Log for claim A29-11054

Spatial Dynamics TWB

6/2/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	12	SWSW	5	6.2	
12s37e	12	SESW	3	5.7	
12s37e	13	NENW	5	10	
Totals:			13	21.9	

AJ5809NP
No. A29-11054

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 170

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JACK M HADLEY	04/12/1917	IRRIGATION	04-01 11-01	0.200 CFS	
C	JEAN M HADLEY		STOCKWATER	01-01 12-31	0.030 CFS	
	DOWNEY ID 83234		DOMESTIC	01-01 12-31	0.040 CFS	
	(208) 897-5730					
TOTAL DIVERSION:					0.270 CFS	
CONSUMPTIVE USE:						32.50 AFA

Water Source: SPRINGS

Tributary to: MARSH CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T12S R37E S12

SESWSW

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	SUM
12S	37E	12	:															8.0
12S	37E	13	:					05										5.0
TOTAL ACRES																	13.0	

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE						
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
12S	37E	12	:															

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE						
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
12S	37E	12	:															

POU County: BANNOCK

Non-irrigation Uses: DOMESTIC, 1 HOME; STOCKWATER, 100 HEAD CATTLE

Other Rights: 29-00492

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00491A A29-00492 A29-00492A A29-02549

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00491A A29-00492 A29-02549

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. A29-11054

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 171

Audit: 04/04/90 MOBILE2 08/04/94 THOMPSON 03/29/95 POST-STD

A29-11054
MARCH 20, 1985

TO WHOM IT MAY CONCERN:

THIS IS AN AFFIDAVIT STATING THAT THE WATER SHARES FOR
JACK M. HADLEY FROM THE DOWNATA HOT SPRING ARE BEING
USED FOR AGRICULTURAL PURPOSES.

Don Henderson

dated April 14 1917

RECEIVED

MAR 27 1995

Department of Water Resources
Eastern District Office

MICROFILMED

NOV 14 1990

A29-11054
MARCH 20, 1995

TO WHOM IT MAY CONCERN:

THIS IS AN AFFIDAVIT STATING THAT THE WATER SHARES FOR
JACK M. HADLEY FROM THE DOWNATA HOT SPRING ARE BEING
USED FOR AGRICULTURAL PURPOSES.

William A. Eason

RECEIVED

MAR 27 1995

Dept. of Water Resources
Eastern District Office

Recorded April 14 1917

REC'D - FILMED

NOV 14 1996

A29-11054

MARCH 20, 1995

RECEIVED

MAR 27 1995

Department of Water Resources
Eastern District

TO WHOM IT MAY CONCERN:

THIS IS AN AFFIDAVIT STATING THAT THE WATER SHARES FOR
JACK M. HADLEY FROM THE DOWNATA HOT SPRING ARE BEING
USED FOR AGRICULTURAL PURPOSES.

J. M. Evans

Decreed APR 14 1917

RECORDED

NOV 14 1990

SD-0607-2 Prefix: A Basin: 29 Starting Water Right 00491

STATE

Water Right No.	Name Last, First	O W N	Priority Date	Stg/ Sts	Source	Use Code Desc
A29-00491A	DOWNATA RANCH & RECREA	C	04/15/1917	D/	HOT SPRINGS	01 IRR 04 STOCK 43 DOMEST 46 REC
A29-00491B	DOWNATA RANCH & RECREA	C	04/15/1917	D/	HOT SPRINGS	01 IRR 46 REC
A29-00492	HADLEY, JACK M HADLEY, JEAN M	C C	04/15/1917	D/	SPRINGS	01 IRR
A29-00492A	DOWNATA RANCH & RECREA	C	04/15/1917	D/	HOT SPRINGS	01 IRR 46 REC
A29-00494	SPLIT RIGHT, TERRELL, THOS F	C C	06/17/1902	/Z	TERRELL CREEK	01 IRR 43 DOMEST 04 STOCK
A29-00494A	BRANSON, LYNN S	C	06/16/1903	D/	BLACK ROCK CREEK	01 IRR 04 STOCK
A29-00494B	CHRISTENSEN, THOMAS G	C	06/17/1902	D/	TERRELL CREEK	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu)

NOTED
NOV 14 1990

SD-0605-2 Township: 12S Range: 37E Section: 12 Tract: SW Lot: 8

S	L	R	STATE	O	S	Max #	Records	8		
E	O	D	Water	Name	W	T	Priority	Total		
L	Tract	T	V	Right No.	Last, First	N	G	Date	Source	Diversion
-	SW		11-00015	UNDERWOOD, WIL	C	D	04/12/1917	HOT SPRINGS	1.94	
-	SW		11-00016	MARSHALL, ALEX	C	D	04/12/1917	SPRINGS	0.06	
-	SWSW		29-00491A	UNDERWOOD, WIL	C	D	04/15/1917	HOT SPRINGS	1.86	
-	SWSW		29-00492	MARSHALL, ALEX	C	D	04/15/1917	SPRINGS	0.06	
-	SWSW		29-02491	DOWNATA HOT SP	C	L	05/04/1964	GROUNDWATER	0.45	
-	SWSW		29-02549	DOWNATA HOT SP	O	L	02/21/1967	GROUNDWATER	0.02	
-				DOWNATA HOT SP	C					
-	SESW		29-00491B	UNDERWOOD, WIL	O	D	04/15/1917	HOT SPRINGS	0.08	
-				HORSLEY, E. RA	C					

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

NOV 14 1990

EXHIBIT "5"

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

TRANSFER OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 1084

THIS IS TO CERTIFY, That E. Raymond Horsley of Downey, ,
is the owner of and using a certain water right of 0.08 cubic feet per
second of Unnamed Hot Springs, decreed April 14, 1917, to William C.
Underwood, by decree of Judge J. J. Guheen of the Fifth Judicial District
of the State of Idaho, in and for the County of Bannock, in the case of

WILLIAM C. UNDERWOOD,

Plaintiff

vs.

ALEXANDER MARSHALL,

Defendant

said action bearing date of March 28, 1917, and being appurtenant to
the following described lands, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 12
South, Range 37 E. B. M.,

That said decree has been entered in the records of the De-
partment of Reclamation of the State of Idaho, in Volume 6 of Decrees
at Page 1239;

That said E. Raymond Horsley has become the owner of said
water right by purchase;

And that now, upon the application of E. Raymond Horsley for
a Certificate of Transfer of Water Right, made before the State Recla-
mation Engineer of the State of Idaho, and the said application having
been granted, the right to the use of 0.08 cubic feet per second of the
waters of Unnamed Hot Springs upon the above described lands is hereby
abandoned, and the lands to be irrigated under such right and to which
the water right HEREBY CONFIRMED shall become appurtenant by this Cer-
tificate for irrigation and domestic purposes, is described as follows
to-wit:

2 acres located approximately
1400 feet east and 150 feet
north of the SW corner of
Section 12, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec-
tion 12, Township 12 South,
Range 37 E. B. M.,

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

4 miners^{inches} of 0.08 cubic feet
per second of the waters of
Unnamed Hot Springs, decreed
April 14, 1917

That the water right hereby transferred has heretofore been conducted to the first described lands through a ditch with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, Township 12 South, Range 37 E. B. M.,

That the water right hereby transferred will hereafter be conducted from a point in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 12 South, Range 37 E. B. M.,

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 8th day of May, 1967.

(SEAL)

s/

R. KEITH HIGGINSON

R. KEITH HIGGINSON
State Reclamation Engineer

EXHIBIT "6"

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR BANNOCK COUNTY.

William C. Underwood,)
Plaintiff)
vs.)
Alexander Marshall,)
Defendant.)

DECREE.

This cause came on regularly for trial the 20th day of March, 1917, upon the complain of the plaintiff and answer and cross-complaint of the defendant and the plaintiff's answer to said cross-complaint, Budge & Merrill appearing as attorneys for the plaintiff, and C. D. Smith, Esquire, and J. H. Peterson, Esquire, appearing as attorneys for the defendant and cross-complainant. The court having heard the evidence of the respective parties and the arguments of counsel, and being fully advised in the premises, and findings of fact and conclusions of law having been waived by stipulation of the parties:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff's right and title to all of the waters of that certain group of springs commonly known and called the Hot Spring situated within the southwest quarter of section twelve (12), township twelve (12), south, range thirty-seven (37) east, Boise Meridian, the approximate flow of which is two cubic feet per second, save and except three miner's inches hereinafter decreed to the cross-complainant, be, and the same hereby is quieted and established against the said defendant, Alexander Marshall, and all persons claiming or to claim by, through or under him, and the said Alexander Marshall is hereby permanently restrained and enjoined from diverting or using any of said waters of said springs for any purpose whatsoever, save and except three miner's inches hereinafter decreed to him, and from interfering in any way with the plaintiff's free use and enjoyment of the waters of said springs for culinary and domestic purposes, to the watering of livestock and for the irrigation of the following described lands of the plaintiff, to-wit:

The southwest quarter of the southwest quarter of section 12, the northeast quarter of the southeast quarter, the southeast quarter of the northeast quarter, the northwest quarter of the southeast quarter, the southwest quarter of the northeast quarter, the southwest quarter of the northwest quarter, the southwest quarter of the northeast quarter, the northeast quarter of the northwest quarter, and the northwest quarter of the northwest quarter of section 11, and the northeast quarter of the northeast quarter of section 10, all in township 12 south, range 37 east, Boise Meridian.

And the plaintiff, William C. Underwood, is further decreed the right to clean out said springs and each and all of them, and to repair the dams and ditch leading therefrom, in order to secure the free and full flow of the waters of said springs down to his said lands, and the defendant, Alexander Marshall, is hereby permanently restrained and enjoined from in any manner interfering with the said plaintiff in cleaning out said springs or the channels thereof, for the purpose aforesaid.

It is further ordered, adjudged and decreed that the defendant and cross-complainant has no right, title or interest in the waters of said spring, nor any right, title or interest in the waters of said spring, and he is hereby permanently restrained and enjoined from diverting said waters of any of them for such purposes or in any manner polluting the waters of said springs or such of any other use.

It is further ordered, adjudged and decreed that the defendant and cross-complainant, Alexander Marshall, has the right of over flow with the plaintiff, William C. Underwood, to three miner's inches of waters of said springs hereinafter described, to-wit: the southeast quarter of section 12, the northeast quarter of the southwest quarter of section 12, the southwest quarter of the northeast quarter of section 12, all in township 12 south, range 37 east, Boise Meridian, the said waters to be diverted from said springs or the channels thereof through a measuring device to be constructed and installed by and at the expense of the said Alexander Marshall, which shall at all times be subject to the inspection of the said William C. Underwood, and the right and title of the said Alexander Marshall to the said three miner's inches is hereby quieted and established against the plaintiff and all persons claiming or to claim by, through or under him, and the plaintiff is hereby permanently restrained and enjoined from in any manner interfering with the said defendant and cross-complainant in the free use and enjoyment of the said three miner's inches hereby decreed to him.

It is further ordered, adjudged and decreed that the plaintiff do have and recover his costs herein incurred, taxed at the rate of \$1.00 per day of April, 1917, to be paid by the defendant, Alexander Marshall, to the plaintiff, William C. Underwood, on the 1st day of April, 1917.

J. J. Gheen, District Judge