

06/06/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-491B

NAME AND ADDRESS: DOWNATA RANCH & RECREATION INC
C/O DARLENE DOUNS
PO BOX 185
DOWNEY ID 83234

SOURCE: HOT SPRINGS TRIBUTARY: SINKS
SPRINGS TRIBUTARY: MARSH CREEK

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM SPRINGS.

QUANTITY: 0.08 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.94 CFS. COMBINED RIGHT NOS.: 29-00491A,
29-00491B, 29-13338

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.68 CFS. COMBINED RIGHT NOS.: 29-00491A,
29-00491B, 29-04074

PRIORITY DATE: 04/15/1917

POINT OF DIVERSION:

T12S R37E S11 NESE Injection Within BANNOCK County
T12S R37E S11 NESE Rediversion Within BANNOCK County
T12S R37E S12 SWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.080 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T12S R37E S10	NENE	18.0	T12S R37E S11	NWNE	7.0
T12S R37E S11	SWNE	40.0	T12S R37E S11	SENE	11.0
T12S R37E S11	NENW	9.0	T12S R37E S11	NWNW	15.0
T12S R37E S11	SWNW	15.0	T12S R37E S11	SENW	38.0
T12S R37E S11	NESW	5.0	T12S R37E S11	NESE	7.0
T12S R37E S11	NWSE	19.0			

184 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 224 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-2396, 29-00491A, 29-00491B, 29-04074

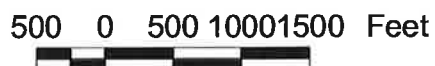
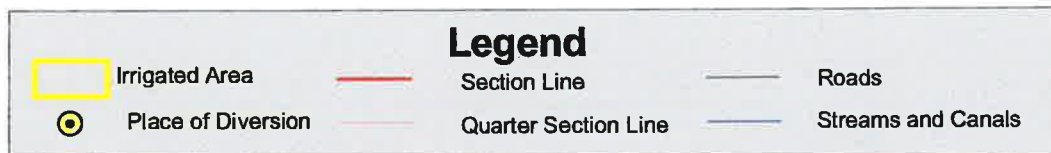
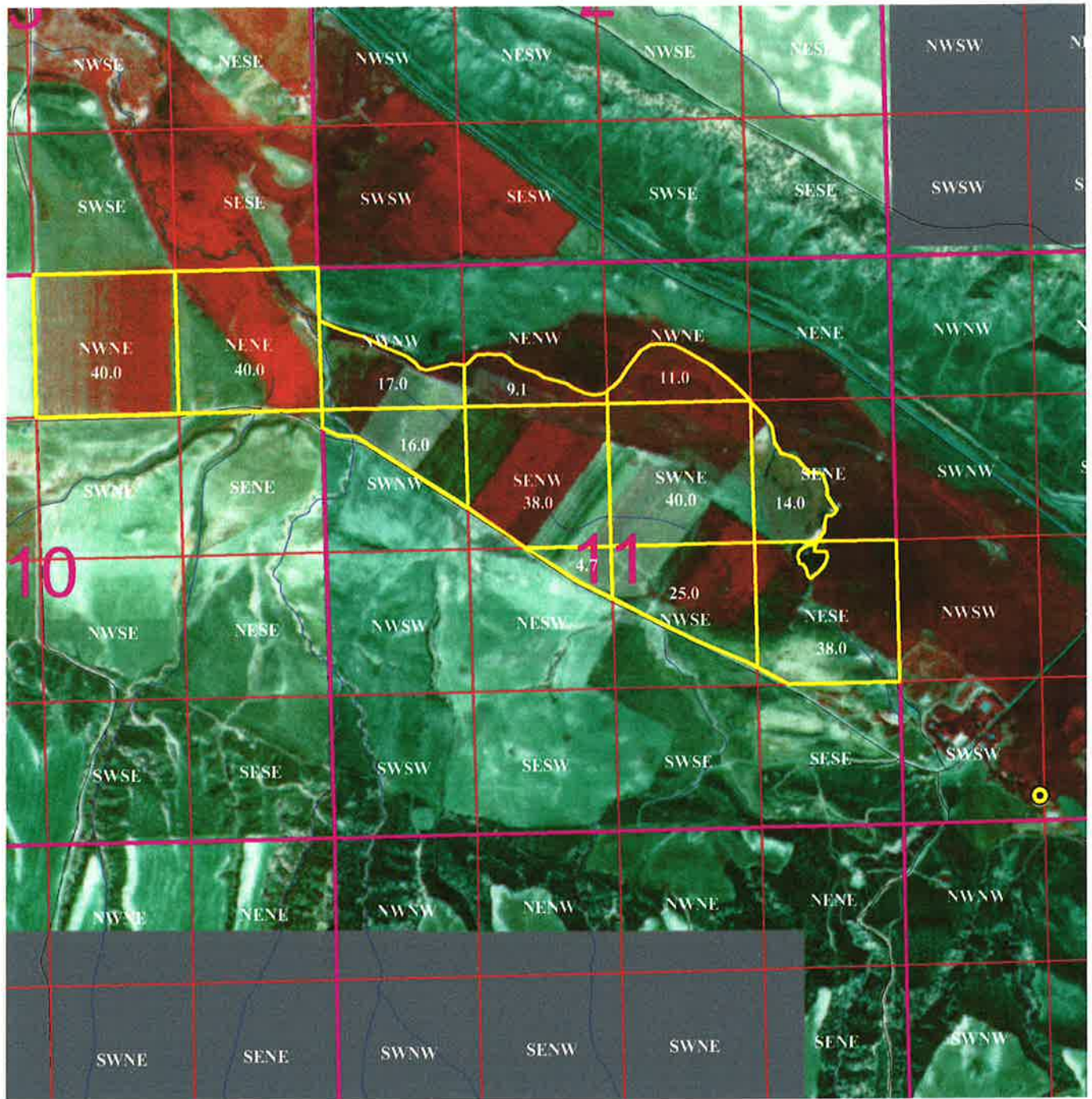
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

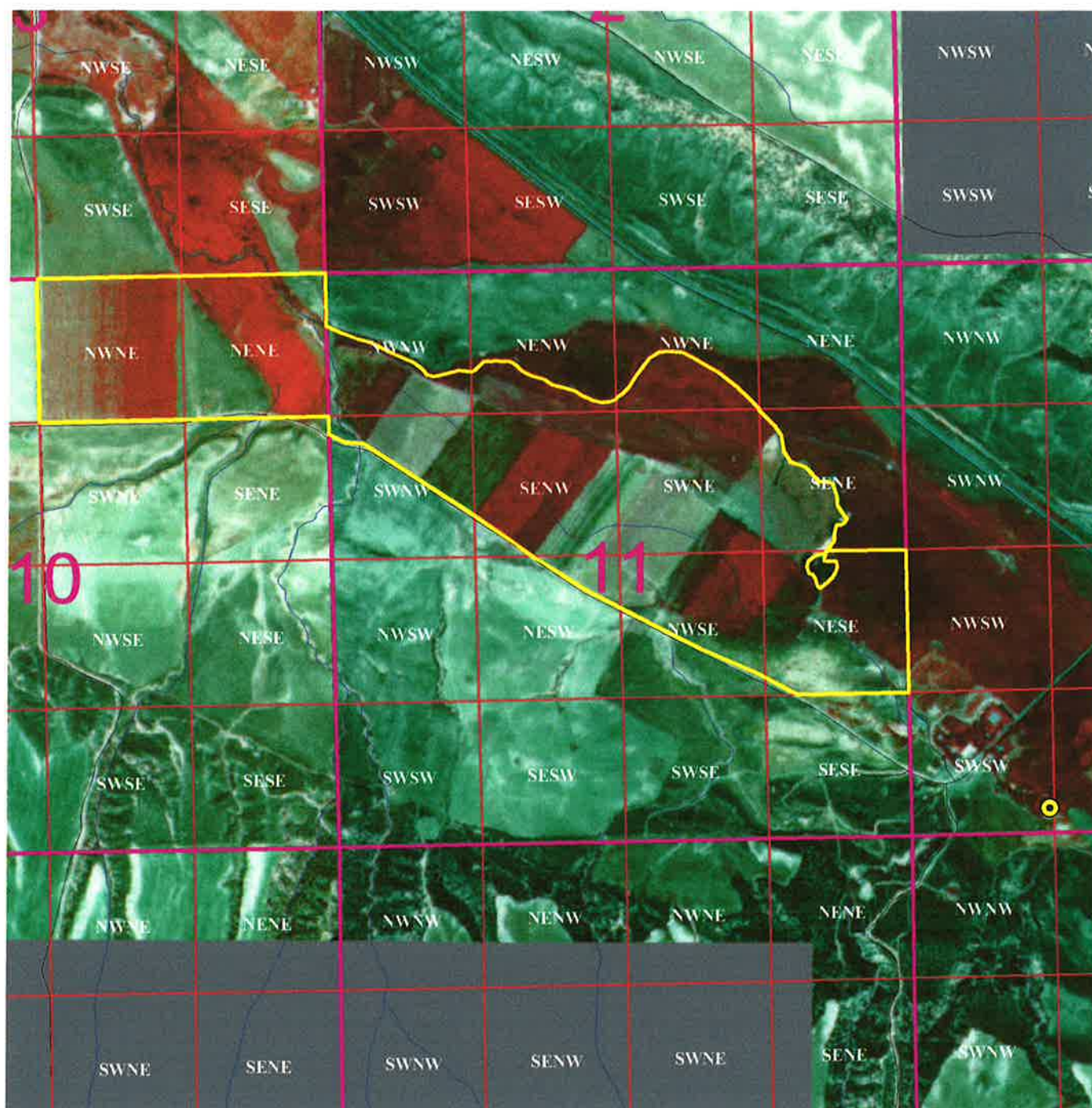
EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Township , 12S37E



Township , 12S37E

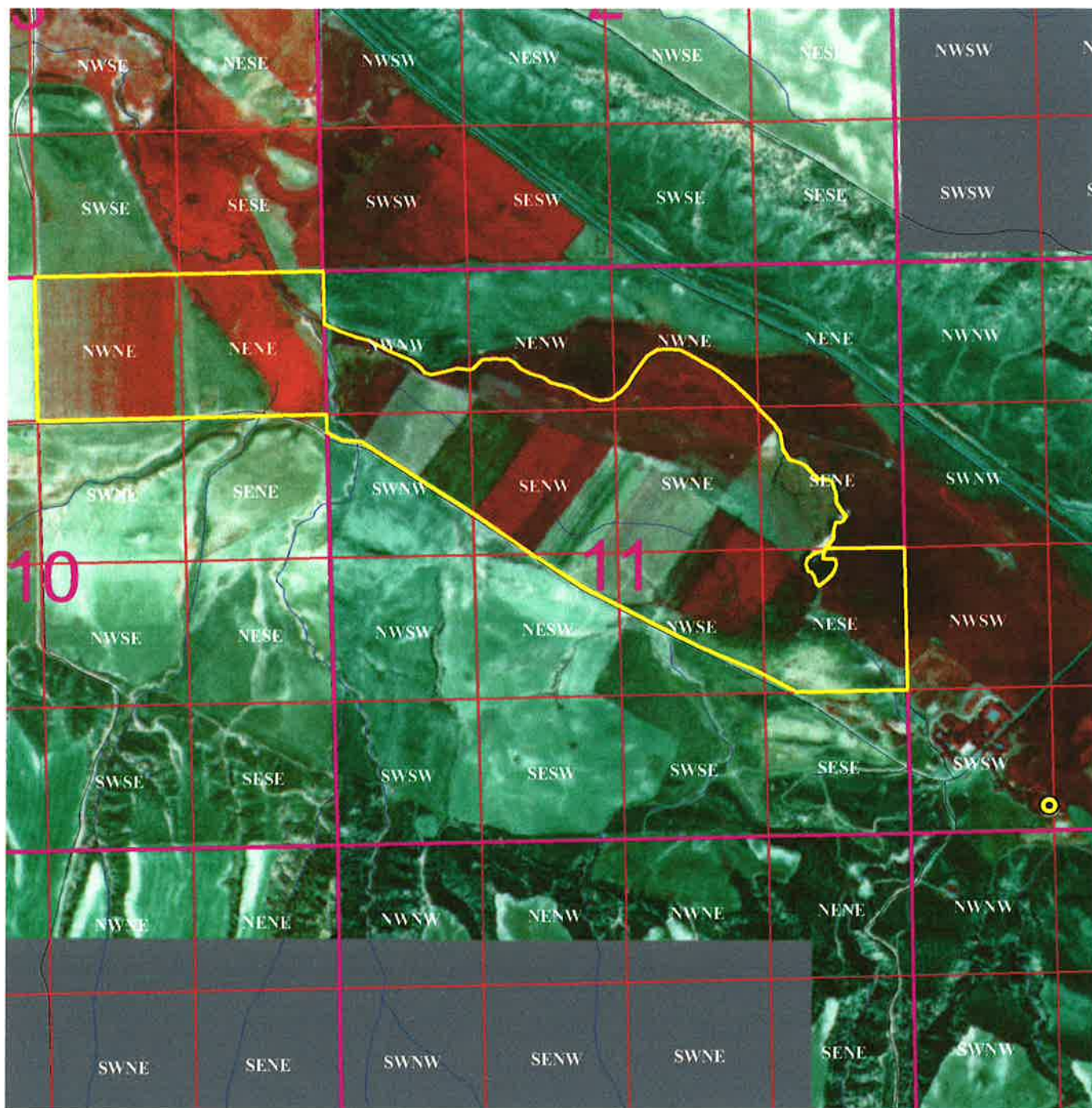


Legend			
	Irrigated Area		Section Line
	Place of Diversion		Quarter Section Line
			Roads
			Streams and Canals

500 0 500 1000 1500 Feet



Township , 12S37E



Legend					
	Irrigated Area		Section Line		Roads
	Place of Diversion		Quarter Section Line		Streams and Canals



AJ5809NP
No. A29-00491B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 32

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	04/15/1917	IRRIGATION RECREATION	04-01 11-01 01-01 12-31	0.080 CFS 0.080 CFS	
TOTAL DIVERSION:					0.080 CFS	

Water Source: HOT SPRINGS

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion:

T12S R37E S12

SESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
12S	37E	10	:	40		40		:					:					:					:	80.0	
12S	37E	11	:			12	40	:	12	17	18	38	:					:	32	25			:	215.0	
																							TOTAL ACRES		295.0

Place of use Legal Description for: RECREATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
12S	37E	12	:					:					:					:					:	

POU County: BANNOCK

Non-Irrigation Uses: RECREATION, RESORT SWIMMING POOL

Other Rights: 29-04074, 02396, 00492, 00491A

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00491A A29-00492 A29-00492A A29-02396 A29-02549 A29-04074 A29-11054

Remarks: GEN PRIORITY TAKEN FROM DECREE DATE.
ACRES LOCATED 1400 FT EAST & 150 F5 NORTH OF SW CORNER OF
SEC. 12.
SEE A29-00492 FOR ADDITIONAL REMARKSJT/9-16-93

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 09/16/93 THOMPSON 03/29/95 POST-STD

A. ROOT WATER RIGHT NUMBERS: A29-00491B
A29-00491A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	37E	10	NE	NE		DOWNATA RANCH & RECREATION INCA29-00491B / 40.0	-	/	34.0		
			NE	NE		HANSEN BEARD MARTIN & ST CLAIRA29-02396 / 20.0	-	/			
			NE	NE		DOWNATA RANCH & RECREATION INCA29-04074 / 20.0	29-04074	/ 20.0			
			NE	NE		DOWNATA RANCH & RECREATION INCA29-00491A / 40.0	29-00491A	/			
			NE	NE		DOWNATA RANCH & RECREATION INCA29-00492A / 40.0	-	/			
			NE	NE		UNDERWOOD, WILLIAM C.	11-00015	/			
12S	37E	10	NW	NE		DOWNATA RANCH & RECREATION INCA29-00491B / 40.0	-	/	38.0		
			NW	NE		HANSEN BEARD MARTIN & ST CLAIRA29-02396 / 40.0	29-02396	/ 40.0			
			NW	NE		DOWNATA RANCH & RECREATION INCA29-00492A / 40.0	-	/			
12S	37E	11	NW	NE		DOWNATA RANCH & RECREATION INCA29-00491B / 12.0	-	/	19.0		
			NW	NE		DOWNATA RANCH & RECREATION INCA29-04074 / 12.0	29-04074	/ 12.0			
			NW	NE		DOWNATA RANCH & RECREATION INCA29-00492A / 12.0	-	/			
12S	37E	11	SW	NE		DOWNATA RANCH & RECREATION INCA29-00491B / 40.0	-	/	39.0		
			SW	NE		DOWNATA RANCH & RECREATION INCA29-00491A /	29-00491A	/			
			SW	NE		DOWNATA RANCH & RECREATION INCA29-04074 / 40.0	29-04074	/ 40.0			
			SW	NE		DOWNATA RANCH & RECREATION INCA29-00492A / 40.0	-	/			
			SW	NE		UNDERWOOD, WILLIAM C.	11-00015	/			
12S	37E	11	SE	NE		DOWNATA RANCH & RECREATION INCA29-00491B / 15.0	-	/	38.0		
			SE	NE		DOWNATA RANCH & RECREATION INCA29-04074 / 15.0	29-04074	/ 15.0			
			SE	NE		DOWNATA RANCH & RECREATION INCA29-00491A / 40.0	29-00491A	/			
			SE	NE		DOWNATA RANCH & RECREATION INCA29-00492A / 15.0	-	/			
			SE	NE		UNDERWOOD, WILLIAM C.	11-00015	/			
12S	37E	11	NE	NW		DOWNATA RANCH & RECREATION INCA29-00491B / 12.0	-	/	20.0		
			NE	NW		DOWNATA RANCH & RECREATION INCA29-00491A / 40.0	29-00491A	/			
			NE	NW		DOWNATA RANCH & RECREATION INCA29-04074 / 12.0	29-04074	/ 12.0			
			NE	NW		DOWNATA RANCH & RECREATION INCA29-00492A / 12.0	-	/			
			NE	NW		UNDERWOOD, WILLIAM C.	11-00015	/			
12S	37E	11	NW	NW		DOWNATA RANCH & RECREATION INCA29-00491B / 17.0	-	/	18.0		
			NW	NW		DOWNATA RANCH & RECREATION INCA29-00491A / 40.0	29-00491A	/			
			NW	NW		DOWNATA RANCH & RECREATION INCA29-04074 / 17.0	29-04074	/ 17.0			
			NW	NW		DOWNATA RANCH & RECREATION INCA29-00492A / 17.0	-	/			
			NW	NW		UNDERWOOD, WILLIAM C.	11-00015	/			
12S	37E	11	SW	NW		DOWNATA RANCH & RECREATION INCA29-00491B / 18.0	-	/	28.0		
			SW	NW		DOWNATA RANCH & RECREATION INCA29-00491A / 18.0	29-00491A	/			
			SW	NW		DOWNATA RANCH & RECREATION INCA29-00492A / 18.0	-	/			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SW	NW		DOWNATA RANCH & RECREATION	INCA29-04074 / 18.0	29-04074 / 18.0			
			SW	NW		UNDERWOOD, WILLIAM C.		11-00015 /			
12S	37E	11	SE	NW		DOWNATA RANCH & RECREATION	INCA29-00491B / 38.0	- /	39.0		
			SE	NW		DOWNATA RANCH & RECREATION	INCA29-04074 / 38.0	29-04074 / 38.0			
			SE	NW		DOWNATA RANCH & RECREATION	INCA29-00492A / 38.0	- /			
12S	37E	11	NE	SW		DOWNATA RANCH & RECREATION	INCA29-00491B / 6.0	- /	12.0		
			NE	SW		DOWNATA RANCH & RECREATION	INCA29-04074 / 6.0	29-04074 / 6.0			
			NE	SW		DOWNATA RANCH & RECREATION	INCA29-00491A / 32.0	- /			
12S	37E	11	NE	SE		DOWNATA RANCH & RECREATION	INCA29-00491B / 32.0	- /	37.0		
			NE	SE		DOWNATA RANCH & RECREATION	INCA29-04074 / 32.0	29-04074 / 32.0			
			NE	SE		DOWNATA RANCH & RECREATION	INCA29-00492A / 32.0	- /			
			NE	SE		UNDERWOOD, WILLIAM C.		11-00015 /			
			NE	SE		UNDERWOOD, WILHAM C.		29-00491A /			
12S	37E	11	NW	SE		DOWNATA RANCH & RECREATION	INCA29-00491B / 25.0	- /	31.0		
			NW	SE		DOWNATA RANCH & RECREATION	INCA29-04074 / 25.0	29-04074 / 25.0			
			NW	SE		DOWNATA RANCH & RECREATION	INCA29-00492A / 25.0	- /			
			NW	SE		UNDERWOOD, WILLIAM C.		11-00015 /			
			NW	SE		UNDERWOOD, WILHAM C.		29-00491A /			
12S	37E	12	SW	SW		DOWNATA RANCH & RECREATION	INCA29-00491B /	- /	33.0		
			SW	SW		DOWNATA RANCH & RECREATION	INCA29-00491A / 40.0	29-00491A /			
			SW	SW		HADLEY, JACK M	A29-11054 / 5.0	- /			
			SW	SW		DOWNATA RANCH & RECREATION	INCA29-00492A /	- /			
			SW	SW		HADLEY, JACK M	A29-00492 / 5.0	29-00492 /			
			SW	SW		DOWNATA RANCH & RECREATION	INCA29-02549 / 2.0	- /			
			SW	SW		UNDERWOOD, WILLIAM C.		11-00015 /			
			SW	SW		MARSHALL, ALEXANDER		11-00016 /			
			SW	SW		DOWNATA HOT SPRINGS INC.		29-02491 /			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-00491B	295.00	386.00
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POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-00491B	HOT SPRINGS	DOWNATA RANCH & RECREATION INC	0.080			
A29-00491A	HOT SPRINGS	DOWNATA RANCH & RECREATION INC	1.860	0.005		
A29-00492	SPRINGS	HADLEY, JACK M	0.060	0.004		
A29-00492A	HOT SPRINGS	DOWNATA RANCH & RECREATION INC	0.060			
A29-02396	MARSH CREEK	HANSEN BEARD MARTIN & ST CLAIR	1.200	0.020		
A29-02549	GROUNDWATER	DOWNATA RANCH & RECREATION INC	0.020	0.010		
A29-04074	BIG SPRING	DOWNATA RANCH & RECREATION INC	3.900	0.016		
A29-11054	SPRINGS	HADLEY, JACK M	0.270	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A29-00491B	RECREATION	DOWNATA RANCH & RECREATION INC	FROM 01-01 TO 12-31	0.080 CFS	
A29-00491A	STOCKWATER	DOWNATA RANCH & RECREATION INC	FROM 01-01 TO 12-31	0.060 CFS	
A29-00491A	DOMESTIC	DOWNATA RANCH & RECREATION INC	FROM 01-01 TO 12-31	0.020 CFS	
A29-00491A	RECREATION	DOWNATA RANCH & RECREATION INC	FROM 01-01 TO 12-31	1.860 CFS	
A29-11054	STOCKWATER	HADLEY, JACK M	FROM 01-01 TO 12-31	0.030 CFS	
A29-11054	DOMESTIC	HADLEY, JACK M	FROM 01-01 TO 12-31	0.040 CFS	
A29-00492A	RECREATION	DOWNATA RANCH & RECREATION INC	FROM 01-01 TO 12-31	0.060 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 29-04074, 02396, 00492, 00491A

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

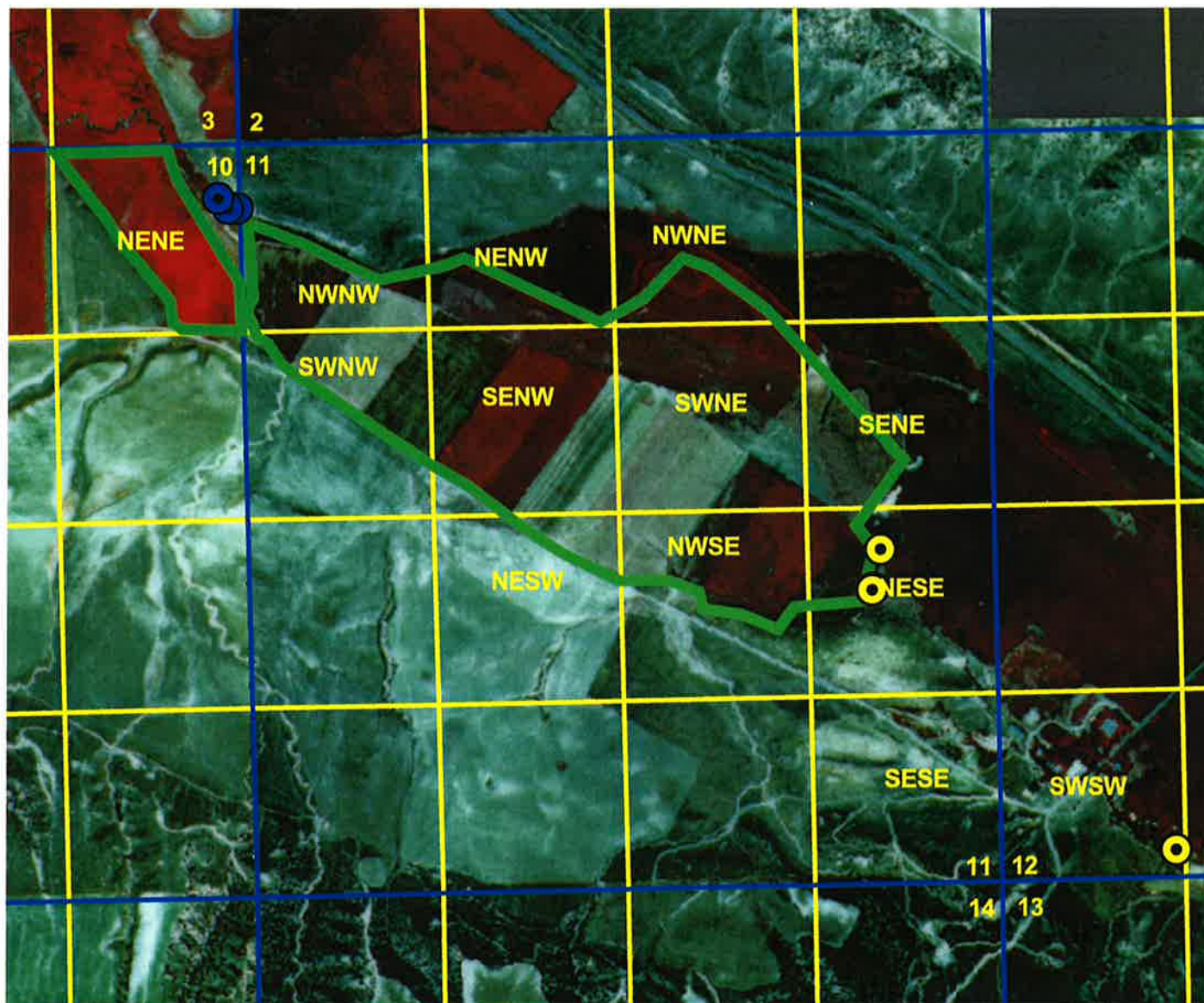
H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

IDAHO DEPARTMENT OF WATER RESOURCES

29-00491A, 29-00491B

T12S, R37E SEC. 10, 11



PROFILED

ACRES IRRIGATED- 184



POINT OF DIVERSION



PLACE OF USE

SCANNED
NOV 30 2005

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON

02/20/2003

Dave

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-491B

DOWNATA RANCH & RECREATION INC

C/O DARLENE DOUNS

PO BOX 185

DOWNNEY ID 83234

Telephone Number: (208) 897-5736

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

SEE ATTACHED SHEET IN CONJUNCTION WITH 29-491A

2. Describe the changes you wish to make in the proposed recommendation:

SEE ATTACHED SHEET IN CONJUNCTION WITH 29-491A

3. Give a brief explanation as to why you disagree with these portions:

SEE ATTACHED SHEET IN CONJUNCTION WITH 29-491A

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 21 APR 2003

SIGNATURE:

Please print your name: D. GARY PETERSON ATTY FOR DOWNATA RANCH & RECREATION, INC.

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

MAILED

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region
SCANNED
NOV 30 2003

Exceptions to water rights nos. 29-491A and 29-491B

IDWR allocates water right no. **29-491A** diversion of 1.86 cfs as follows:

Irrigation	1.86 cfs
Domestic	0.02 cfs
Stockwater	0.06 cfs

The stockwatering right is limited to 250 head of cattle. The irrigation use is the 184 acres listed under water right no. 29-4074.

IDWR allocates water right no. **29-491B** diversion of 0.08 for irrigation of the 184 acres listed under water right no. 29-4074.

Sources, priority dates, and points of diversion are the same for both water rights. Limitations on combined diversion rates with other rights are the same.

Recommendation

For clarification purposes we recommend that IDWR fully allocate 29-491A to irrigation (1.86 cfs) and allocate the 0.08 cfs under 29-491B between the 0.02 cfs domestic use and the 0.06 cfs stockwatering use as follows:

29-491A (1.86 cfs total):	Irrigation	1.86 cfs	(without any allocation to domestic and stockwater)
29-491B (0.08 cfs total)	Domestic	0.02 cfs	(without any allocation to irrigation)
	Stockwater	0.06 cfs	

Limitations on combined diversion rates with other rights remain the same.

Exception to stockwatering place of use

IDWR associates the stockwatering use with the SWSW quarter of Section 12 and the NESE and SESE quarters of Section 11. This is not correct. The cattle drink from Marsh Creek as far upstream as below the resort area and all along the north side of Marsh Creek on down along the acreages associated with water rights nos. 29-4074 and 29-2396. The cattle also drink from both sides of Marsh Creek on the Downata lands lying north of the acreages associated with water right no. 29-2293. The correct sections and quarter/quarters associated with stockwatering would be the following:

Section 3:	SESE, SWSE, NWSE, NESW, NWSW
Section 4:	SESE
Section 10:	NENE
Section 11:	SENE, NENE, NWNE, NENW, NWNW
Section 12:	NESW, NWSW, SWNW

SCANNED
NOV 30 2005

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region



Beard St. Clair Gaffney McNamara Calder PA

D. Gary Peterson
Attorney at Law
2105 Coronado Street
Idaho Falls, ID 83404-7495

(208) 523-5171 Fax (208) 529-9732
Email gary@idahoFallsLaw.com
Internet www.IdahoFallsLaw.com

April 21, 2003

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83707-9815

Attention: SRBA Eastern

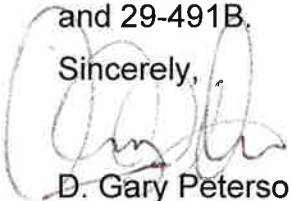
Re: Downata Ranch & Recreation, Inc. Response to IDWR Preliminary
Recommendation of Water Rights Acquired under State Law

Water Rights Nos. 29-2293, 29-7406, 29-2396, 29-4074, 29-491A, 29-491B, 29-13338,
29-2549, and 29-2491

Gentlemen:

Enclosed are responses to the above referenced water rights owned by Downata Ranch
and Recreation, Inc. Please note that exceptions are made to water rights nos. 29-491A
and 29-491B.

Sincerely,


D. Gary Peterson

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

SCANNED

NOV 30 2005

JUNE 1, 2001

DEAR MS. DOUNS;

WATER RIGHT NUMBERS A29-00491A, A29-00491B, A29-00492A,
A29-02293, A29-02549, A29-04074, A29-02396 AND A29-07406
HAVE BEEN CHANGED TO REFLECT THE ADDRESS ON THE FRONT OF
THIS CARD.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CONTACT THIS OFFICE
AT 208-525-7161.

RESPECTFULLY SUBMITTED,

Cheri Vandermeulen

CHERI VANDERMEULEN
RECORDS CLERK



DOWNATA RANCH & RECREATION INC
C/O DARLEN DOUNS
PO BOX 185
DOWNEY ID 83234

SCANNED
NOV 30 2005

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

- [] Water Right Number(s): A29-00491A A29-04074
A29-00491B A29-07406
A29-00492A A29-02896
A29-02293 A29-25419
- [] Old Mailing Address: ~~A29-02396~~ Downata Ranch & Res
PO c/o Gary Peterson ESP
PO Box 51718, I.T. 83405-
1718
- [] New Mailing Address: PO Box 185
Downey Idaho 83234
- [] Telephone Number: (208) 897 5736
- [] Signature of Claimant: Darlene Downey, Manager
- [] Date: 5/31/01

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 8, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DOWNATA RANCH & RECREATION INC
PO BOX 185
DOWNEY ID 83234

RE: CHANGE OF ADDRESS FOR A29-00491A, A29-00491B,
A29-00492A, A29-02293, A29-02396, A29-02549, A29-04074,
A29-07406

Dear Sir or Madam:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Downata Ranch & Recreation Inc
C/O D Gary Peterson ESQ
Hansen Beard Law Firm
Po Box 51718
Idaho Falls ID 83405-1718

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED

NOV 30 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

29-491A-dam.
29-491B
29-492A
29-2293
29-2390
29-2649
29-4074
29-7406



NOT DELIVERABLE
TO ADDRESSEE
UNABLE TO FORWARD

WAA
SD

DOWNATA RANCH & RECREATION INC
C/O D GARY PETERSON ESQ
HANSEN BEARD LAW FIRM
PO BOX 51718
IDAHO FALLS ID 834051718

83234

Downey

PO BOX 185

83405+1718





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 28, 2002

GARY PETERSON
BEARD ST CLAIR GAFFNEY MCNAMARA CALDER
2105 CORONADO
IDAHO FALLS ID 83404

RE: WATER RIGHTS 29-491A, 29-491B, 29-2293, 29-2396, 29-2491, 29-2549,
29-4074, 29-7406, 29-13338

Dear Mr. Peterson:

On May 8, 2002, our office received your letter requesting we add D. Gary Peterson, Roger H. Thompson and Marilyn Gunnell to the above referenced water rights. I have made the change and copies of the claims are enclosed for your files

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Roger H. Thompson
Marilyn Gunnell

SCANNED
NOV 30 2005



THOMPSON
MICHIE
ASSOCIATES,
INC.

May 6, 2002

Mr. Dave Carlson
Idaho Department of Water Resources
Eastern District Office
900 North Skyline Drive
Idaho Falls, ID 83402

RECEIVED
MAY 08 2002
Department of Water Resources
Eastern Region

Re: Downata Ranch & Recreation Company
Water Rights

Dear Mr. Carlson:

I was advised by Mr. Gary Peterson, Esquire, to increase the number of persons who should be receiving notices with respect to the water rights of Downata Ranch & Recreation Company.

Consequently, with respect to SRBA water rights nos. **29-13338**, **29-2491**, **29-02549**, **29-00491**, **29-07406**, **29-02396**, **29-04074**, **29-02293**, and any other water rights appearing in the name of Downata Ranch and Recreation Company, please add the following names (and addresses) of people to receive notices, to the extent they do not already appear:

D. Gary Peterson, Esquire
Beard St. Clair Gaffney McNamara Calder
2105 Coronado
Idaho Falls, Idaho 83404-7495

Roger H. Thompson, Esquire
Thompson Michie Associates Inc.
111 East Broadway, Suite 1200
Salt Lake City, UT 84111

Marilyn Gunnell
1740 Melwood Drive
Glendale, CA 91207

Sincerely,


Roger H. Thompson

cc. Gary Peterson, Esquire

111 EAST
BROADWAY
SUITE 1200
SALT LAKE CITY
UTAH 84111
801 532-6143
FAX 801 532-6159
TRUSTEES
OF
AMERICA'S
REAL
ESTATE
MANAGEMENT
CONSULTING
MARKETING

ROGER H. THOMPSON
EXECUTIVE VICE PRESIDENT
AND GENERAL COUNSEL

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-491B

WATER RIGHT NUMBER: 29-491B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM C UNDERWOOD , ID
Attorney	DOWNATA RANCH & RECREATION INC C/O D GARY PETERSON BEARD ST CLAIR GAFFNEY MCNAMARA CALDER 2105 CORONADO IDAHO FALLS, ID 83404
Attorney	DOWNATA RANCH & RECREATION INC C/O ROGER H THOMPSON THOMPSON MICHIE ASSOCIATES INC 111 E BROADWAY STE 1200 SALT LAKE CITY, UT 84111
Representative	DOWNATA RANCH & RECREATION INC C/O MARILYN GUNNELL 1740 MELWOOD DR GLENDALE, CA 91207
Current Owner	DOWNATA RANCH & RECREATION INC C/O DARLENE DOUNS PO BOX 185 DOWNEY, ID 83234 (208) 897-5736
Original Owner	E RAYMOND HORSLEY , ID

Priority Date: 04/15/1917

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HOT SPRINGS	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.080 CFS	
RECREATION	1/01 to 12/31	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

HOT SPRINGS	SE1/4SW1/4	Sec. 12, Twp 12S, Rge 37E, B.M.
BANNOCK County		

Place of UseIRRIGATION Within BANNOCK County

T12S R37E S10	NENE	40.0	T12S R37E S10	NWNE	40.0
T12S R37E S11	NWNE	12.0	T12S R37E S11	SWNE	40.0
T12S R37E S11	SENE	15.0	T12S R37E S11	NENW	12.0
T12S R37E S11	NWNW	17.0	T12S R37E S11	SWNW	18.0

T12S R37E S11 SENW 38.0
T12S R37E S11 NESE 32.0

T12S R37E S11 NESW 6.0
T12S R37E S11 NWSE 25.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-491B

Total Acres: 295

RECREATION Within BANNOCK County

T12S R37E S12 SWSW

Conditions of Approval:

Remarks:

1. General PRIORITY TAKEN FROM DECREE DATE.
 ACRES LOCATED 1400 FT EAST & 150 F5 NORTH OF SW CORNER OF SEC. 12.
 SEE A29-00492 FOR ADDITIONAL REMARKSJT/9-16-93

Dates and Other Information:

Claim Received Date: B
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: 0
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust: False
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan:

WR5809NP
No. 29-00491B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/06/02
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	E. RAYMOND HORSLEY	04/15/1917	IRRIGATION	00/00 00/00	0.080 CFS	
TOTAL DIVERSION:					0.080 CFS	

Water Source: HOT SPRINGS

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T12S R37E S12 SESW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
12S	37E	12	:					:					:					:					:	

Pou County: BANNOCK

Remarks: GEN PRIORITY TAKEN FROM DECREE DATE.
ACRES LOCATED 1400 FT EAST & 150 F5 NORTH OF SW CORNER OF
SEC. 12.

Dates: App. Received: Priority Date: 04/15/1917
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 05/06/86 05/22/88 CONVERT

SCANNED

JUN 04 2001

Log for claim A29-00419B

Spatial Dynamics TWB

5/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	10	NENE	40	40	
12s37e	10	NWNE	40	40	
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	Wrong tract in database?
12s37e	11	NESE	32	38	
12s37e	11	NWSE	25	25	
Totals:			295	292.8	

JUN 04 2001

58

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: A29-00491B

Date Received: 9/16/1993

Receipt No: E014030

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 15, 1917

3. Source: HOT SPRINGS Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
SPRING BOX AND PIPE TO HOT SPRINGS RESORT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.080		
RECREATION	01/01	12/31	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
RECREATION, RESORT SWIMMING POOL

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	10	NE	NE		IRR	40.0

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APR 12 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	10	NW	NE		IRR	40.0
						Section Acres	80.0
		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
		12	SW	SW		REC	
						Total Acres	295.0

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:
29-04074, 02396, 00492, 00491A

14. Remarks:
PRIORITY TAKEN FROM DECREE DATE.
ACRES LOCATED 1400 FT EAST & 150 F5 NORTH OF SW CORNER OF
SEC. 12.
SEE A29-00492 FOR ADDITIONAL REMARKSJT/9-16-93

15. Basis of Claim: DECREEED

Case Number:

Court :

Decree date: / /

WILLIAM C. UNDERWOOD
Decree Plaintiff

ALEXANDER MARSHALL
vs Decree Defendant

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APR 12 1994

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
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 _____

MICROFILMED

APR 12 1994

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name
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 _____

MICROFILMED

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 A29-00491BDate Received 5-1-90Receipt Number E014030/gp

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 15, 1917

3. Source of water supply (a) Hot Springs
which is tributary to (b) Sinks

4. a. Location of existing point of diversion is: Township 12S Range 37E Section 12,
1/4 of SE 1/4 of SW 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 _____

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. Spring box and collection pipe for
distribution to Downata Hot Springs resort swimming pool.

A2900491B



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APR 12 1994

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 0.08 or _____
For Recreation purposes from 1-1 to 12-31 amount 0.08 or (nonconsumptive) _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.08 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is (see Item 14 below) _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Source of hot water used in resort swimming pool. Swimming pool

water then flows into Big Spring where it is used for irrigation & stock-

10. Description of place of use: watering under water rights No. 29-04074, 29-00491A and

29-00492.

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	
12S	37E	12											R						
12S	37E	10	40	40															80
12S	37E	11		12	40	15	12	17	18	38	6				32	25			215
																			295

Total

Total number of acres irrigated (see remarks, Item 14)

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.

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APR 12 1994

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

or None ()

14. Remarks:

This decree right originally provided for irrigation of parcel located
1400 feet East and 150 feet North of SW corner of section 12. Presently
this hot spring is tied to the hot spring diversion point in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of
section 12 from which it is piped to resort's swimming pool facility. After
this initial recreational use, the water drains into Big Spring and
ultimately Marsh Creek where it is available for irrigation and stockwatering
under rights 29-04074 and 29-02396, 29-00492 and 29-00491A. See map, page 3.

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 X

If applicable provide IDWR Water Right Number 29-00491B

Court Bannock County Case Number _____ Decree Date 4-15-1917

Plaintiff vs Defendant William G. Underwood v. Alexander Marshall

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 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.

Organization

, that I have signed the foregoing

document in the space below as assistant secretary

Title

of Downata Ranch & Recreation, Inc

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 Ranch Date 4-26-90
& Recreation, Inc.

State of Idaho/or _____)

) SS.

County of Bonneville)

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

SEAL

Notary Public

Residing at Idaho Falls, Idaho

My Commission Expires 6-14-1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, 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

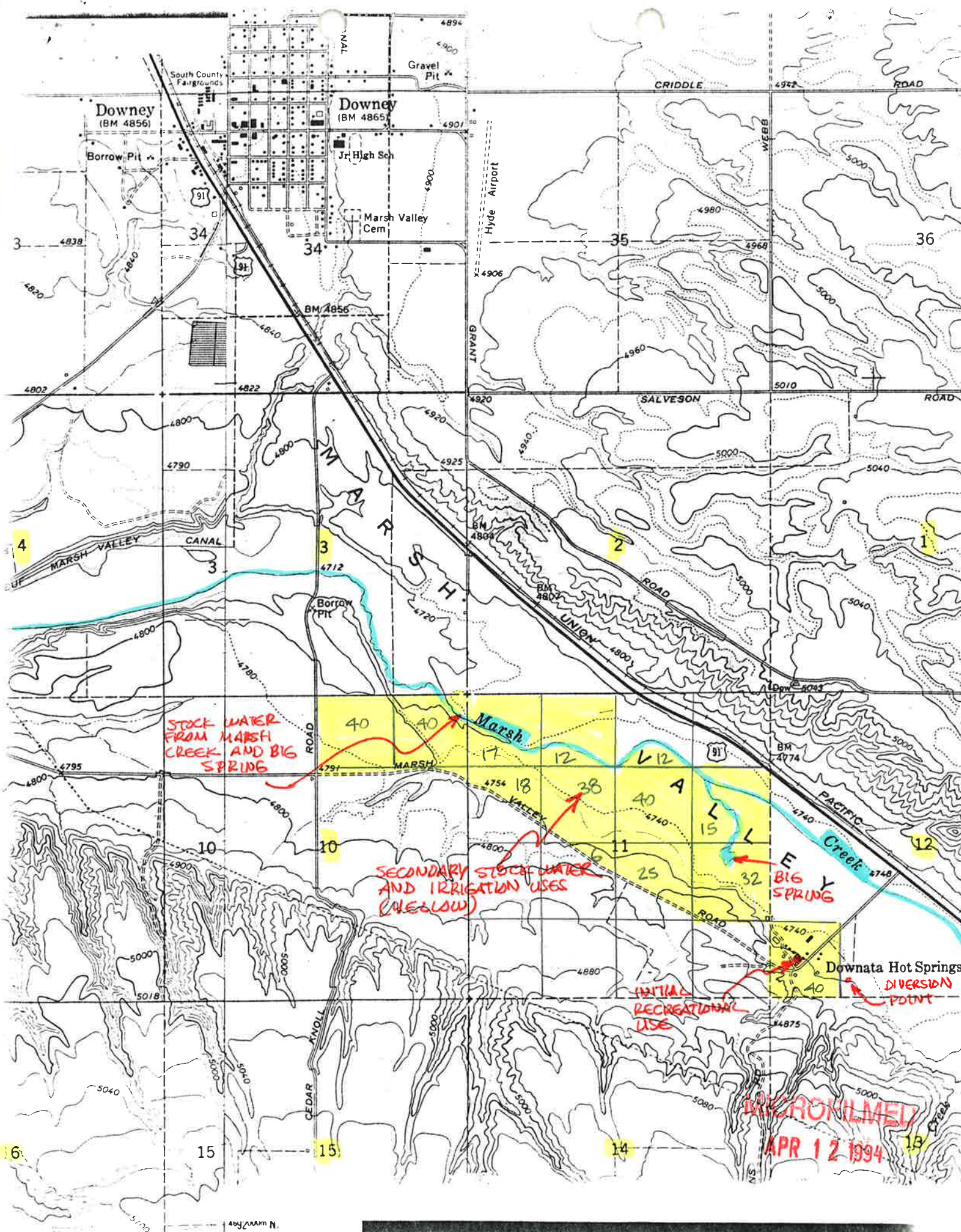
Address Hansen, Beard, Martin & St. Clair, Chartered, P.O. Box 51718, Idaho Falls,
Idaho 83405-1718

Date 4/26/90

MICROFILMED
APR 12 1994

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

Copies White-State, Yellow-Claimant



Downey
(BM 4856)

Downey
(BM 4865)

Borrow Pit

Jr High Sch

Marsh Valley
Cem

BM 4856

Gravel Pit

Hyde Airport

MARSH VALLEY CANAL

Borrow Pit

STOCK WATER
FROM MARSH
CREEK AND BIG
SPRING

SECONDARY STOCK WATER
AND IRRIGATION USES
(YELLOW)

BIG SPRING

INITIAL
RECREATIONAL
USE

Downata Hot Springs
DIVERSION
POINT

APR 12 1994

N