

11/06/2002

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

RIGHT NUMBER: 29-492

NAME AND ADDRESS: JACK M HADLEY
25860 S DOWNATA RD
DOWNEY ID 83234

JEAN M HADLEY
25860 S DOWNATA RD
DOWNEY ID 83234

SOURCE: HOT SPRINGS

TRIBUTARY:

QUANTITY: 0.060 CFS

PRIORITY DATE: 04/15/1917

POINT OF DIVERSION:

T12S R37E S12 SESWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.060 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T12S R37E S12	SWSW	3.0	T12S R37E S12	SESW	8.0
T12S R37E S13	NENW	2.0			

13 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 13 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-00492, 29-11054

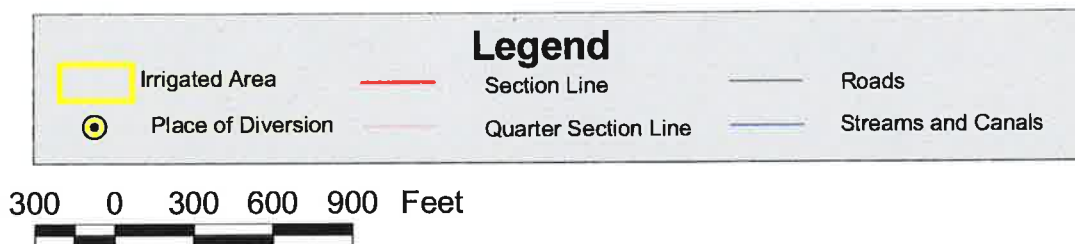
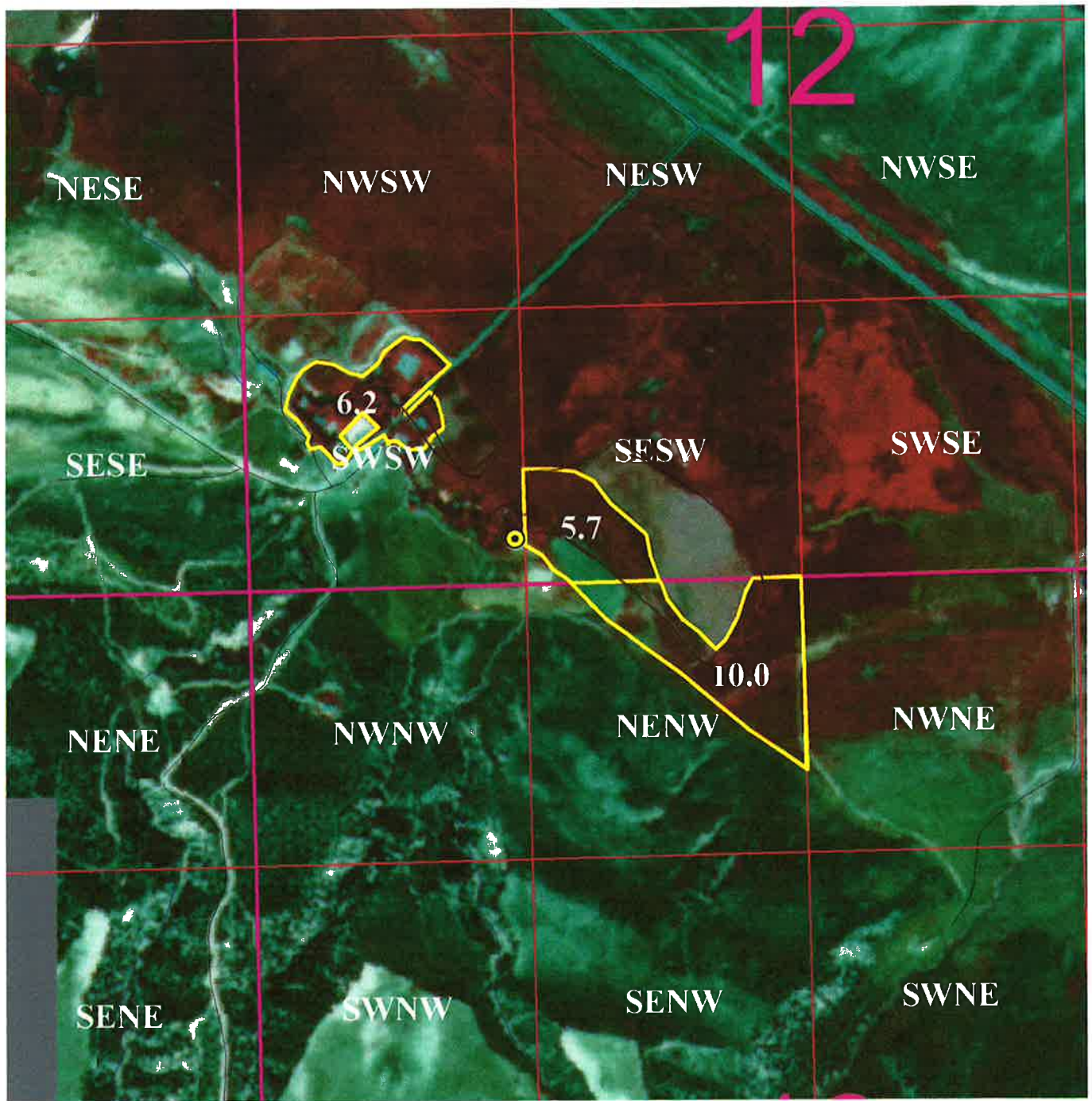
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

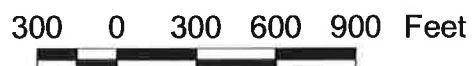
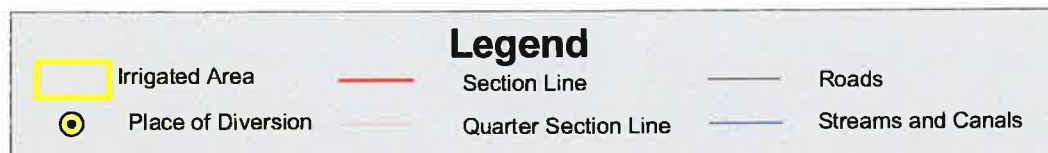
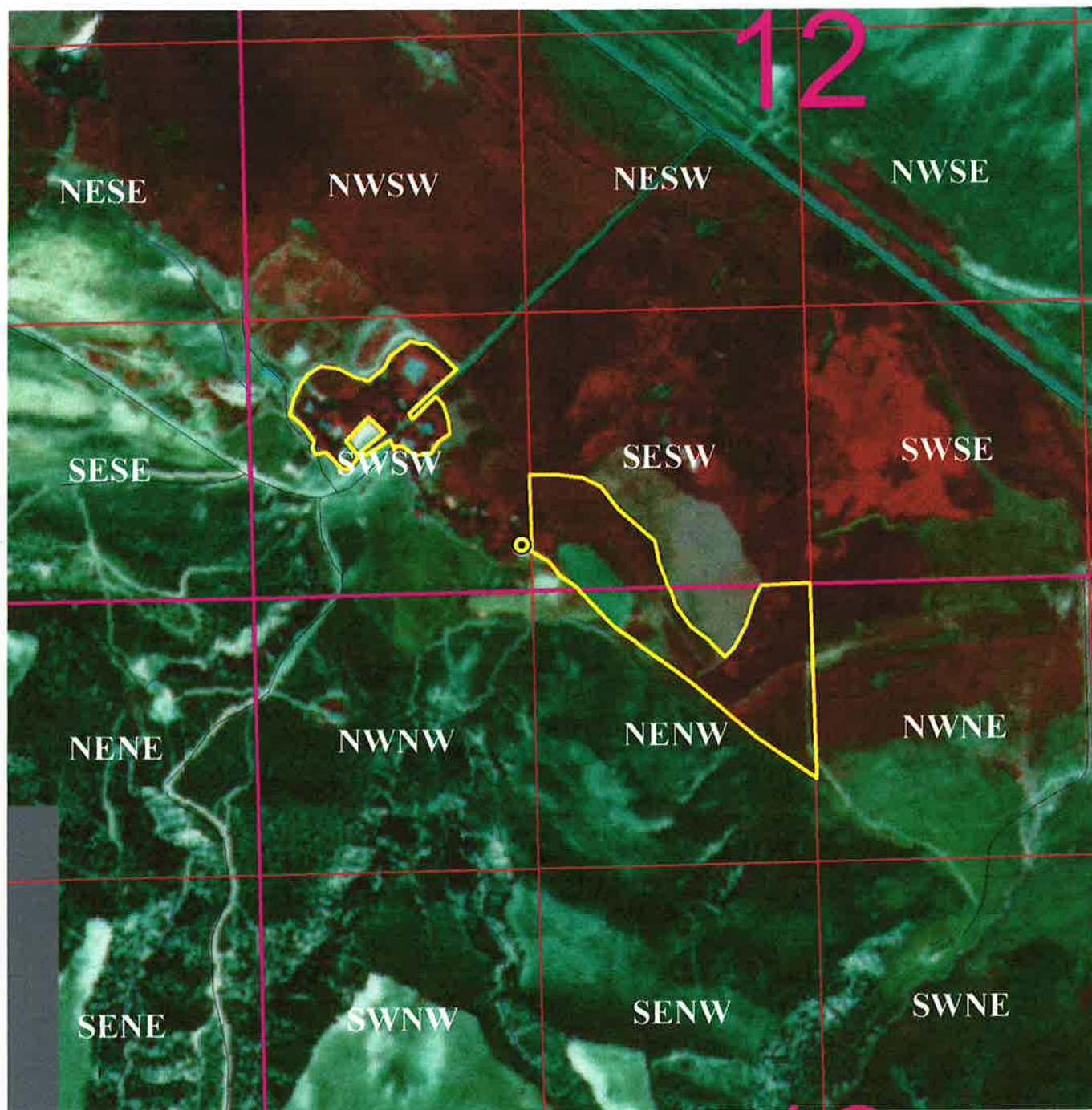
EXPLANATORY MATERIAL: Decreed

SOURCE IS ALSO KNOWN AS HOT SPRINGS.

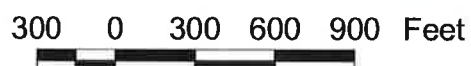
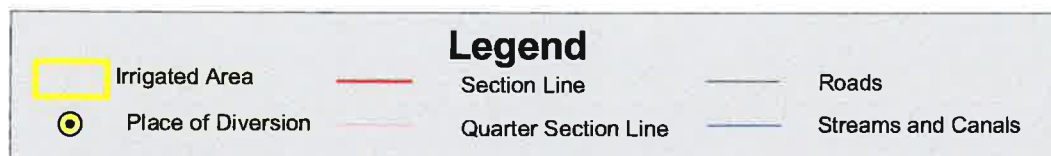
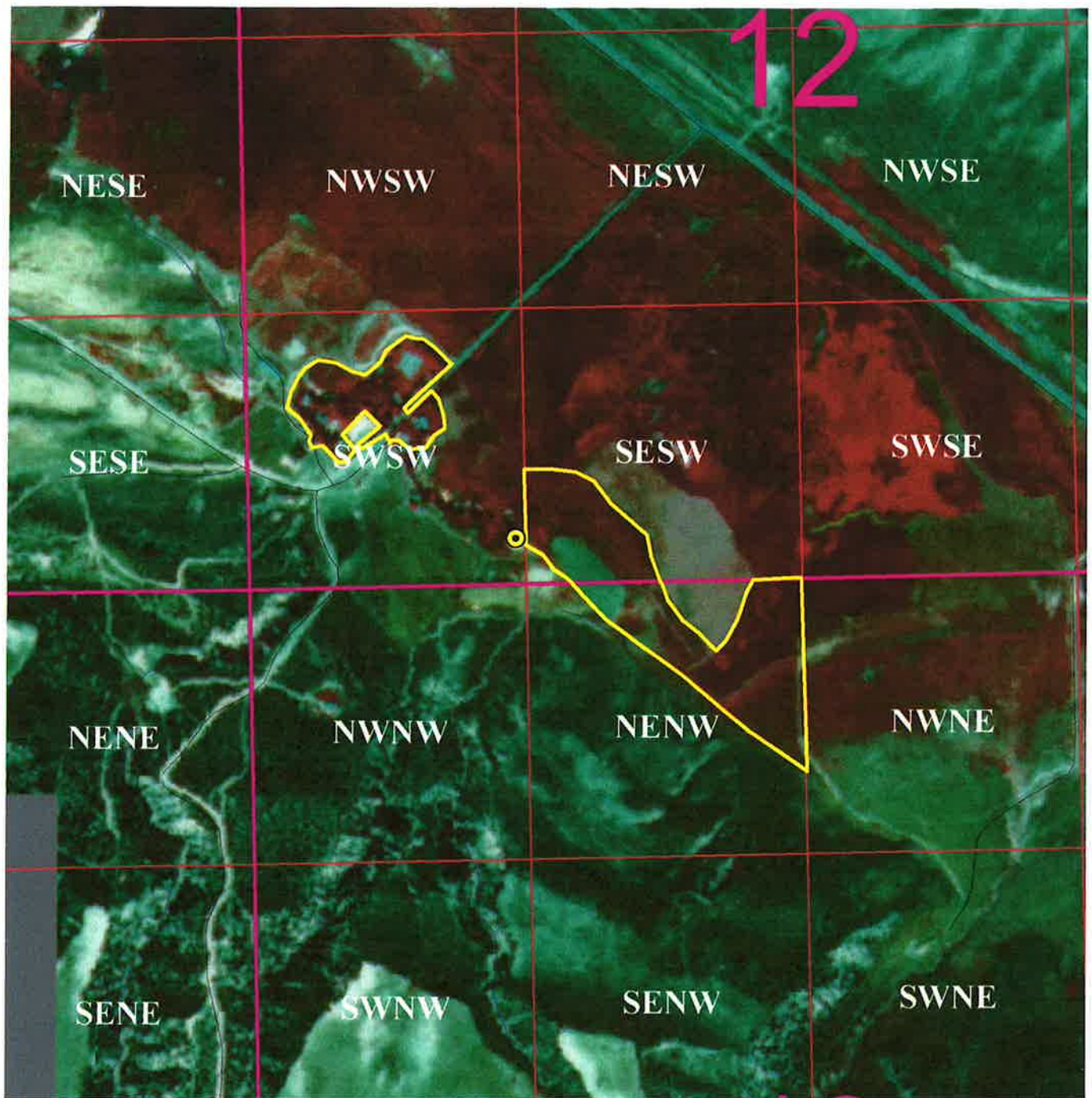
Township , 12S37E



Township , 12S37E



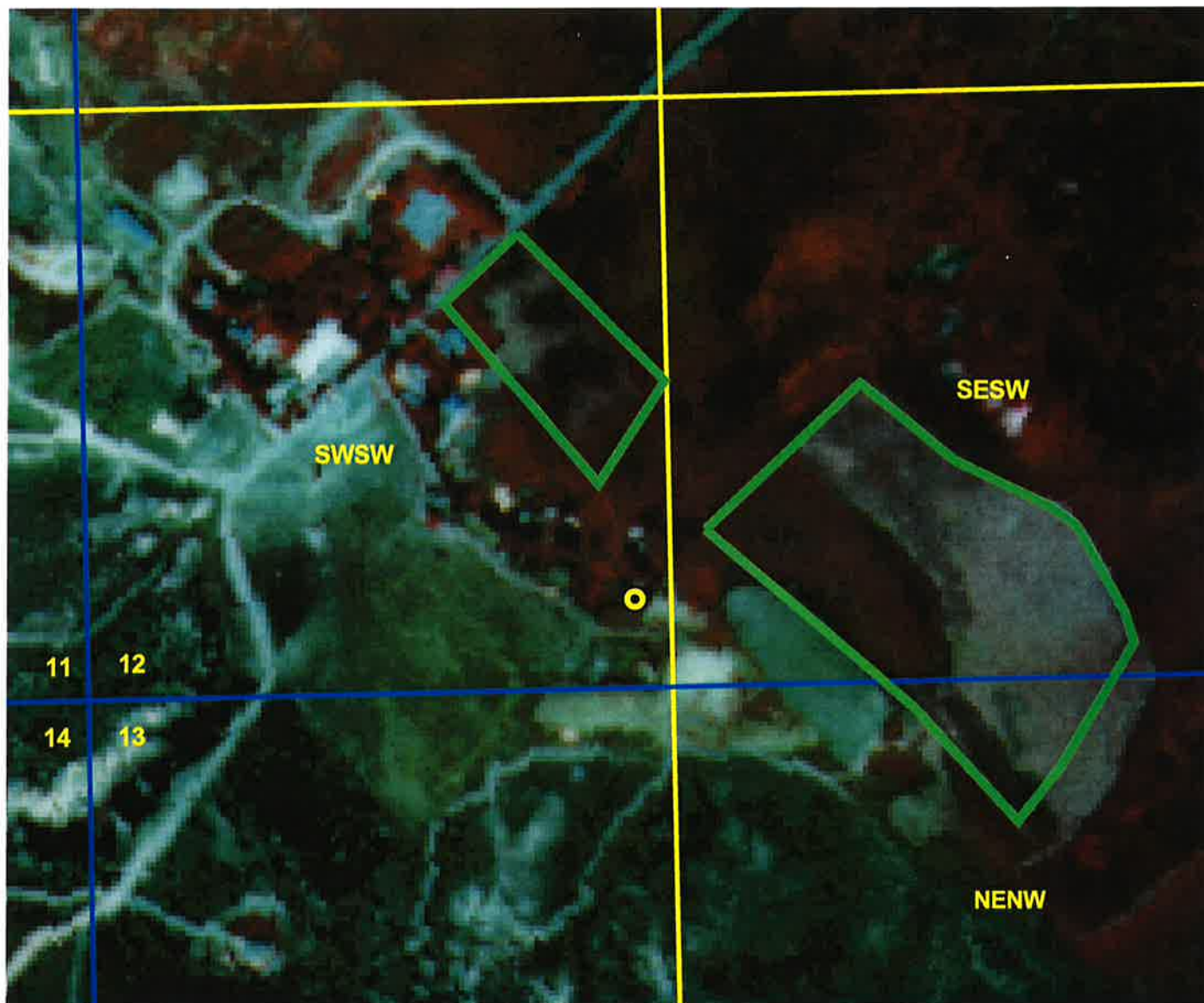
Township , 12S37E



IDAHO DEPARTMENT OF WATER RESOURCES

29-00492, 29-11054

T12S, R37E SEC. 12,13



POINT OF DIVERSION



PLACE OF USE

ACRES IRRIGATED- 13

SCANNED

NOV 30 2005

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

NOV 3 0 2005

SCANNED

PROFILING

concrete vault (springs)
pond is overflow or leakage.
two ditches from the pond area



WR5809NP
No. 29-00492

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/29/01
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALEXANDER MARSHALL	04/15/1917	IRRIGATION	00/00 00/00	0.060 CFS	
TOTAL DIVERSION:					0.060 CFS	

Water Source: SPRINGS

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion: T12S R37E S12 SWSW

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	:					:					:	I		I	I	:					:	
12S	37E	13	:					:	I				:					:					:	

Pou County: BANNOCK

Remarks: GEN P/U INCOMPELTE.
PRIORITY TAKEN FROM DECREE DATA.

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 07/19/89 CURTIS

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 28th day of March, 1917, upon the complaint 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 defendant and cross-complaint. 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:

29-0491

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 Springs, 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 retained 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, for 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 northwest quarter, the northeast quarter of the northwest

2.00
-.06
-.08

1.86

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 purposes aforesaid.

It is further ordered, adjudged and decreed that the defendant and cross-complainant has no right, title, or interest in and to the waters of said spring for commercial bathing 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 by such or any other use.

It is further ordered, adjudged, and decreed that the defendant 29-0492 and cross-complainant, Alexander Marshall, has the right of even date with the plaintiff, William C. Underwood, to three miner's inches of waters of said springs hereinbefore described for the irrigation of garden and orchard upon the southwest quarter of the southwest quarter, the east half of the southwest quarter of Section 12, the northeast quarter of the northwest quarter of section 13, 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 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 herein decreed to him.

It is further ordered, adjudged and decreed that the plaintiff do have and recover his costs herein incurred, taxed at 152.20.
Service of copy acknowledge this 19th day of April, J. J. Goheen, District Judge
1917, C.D. Smith, Atty. for defendant.

SCANNED

JUN 04 2001

Log for claim A29-00492

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. A29-00492

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 33

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JACK M HADLEY	04/15/1917	IRRIGATION	04-01 11-01	0.060 CFS	
C	JEAN M HADLEY					
	DOWNEY ID 83234					
	(208) 897-5730					
				TOTAL DIVERSION:	0.060 CFS	
				CONSUMPTIVE USE:		32.50 AFA

Water Source: SPRINGS

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T12S R37E S12 SESWSW

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

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-11054

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00491A A29-00492A A29-02549 A29-11054

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00491A A29-02549 A29-11054

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

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

Audit: 04/04/90 MOBILE2 09/16/93 THOMPSON 09/23/93 THOMPSON 06/01/94 COX
03/29/95 POST-STD

JUN 04 2001

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: A29-00492

Date Received: 4/04/1990

Receipt No: MOD 6476

Received By: CA

PO BOX 129
258605 DOWDATA RD

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

2. Date of Priority: APR 15, 1917

3. Source: SPRINGS Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	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	0.060		

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

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

9. Non-irrigation uses:

A29-00492

Page 1

Date: 04/04/90



MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	12	SW	SW		IRR	5.0
			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:
A29-11054

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

WILLIAM CO. UNDERWOOD
Decree Plaintiff

vs

ALEXANDER MARSHALL
Decree 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/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 March 21, 1994

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 29-00492

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	0.060		

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A29-00492	0.060	-		29-00492	0.060
-	A29-00492A	0.060	-			
TOTAL CFS		0.120				0.060

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
N	Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-00492	12S	37E	12	SE	SW	SW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-00491A NONE
A29-00492A
A29-02549
A29-11054

WR RECORDS IN SAME 40 ACRE TRACT

29-00491A
29-02491
29-02549

SOURCE: SPRINGS

TRIB: MARSH CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-00492	12S	37E	12		SW	SW			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

29-00491A
29-02491
29-02549

A29-00491A NONE
A29-00492A
A29-02549
A29-11054

SOURCE: SPRINGS

TRIB: SINKS

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

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

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE 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 SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y(____) N(____)

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y(____) N(____)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (____)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
12S	37E	12	SE	SW	SW			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: _____ TRIB: _____

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

A. ROOT WATER RIGHT NUMBERS: A29-00492
A29-00492A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	37E	12	SW	SW		HADLEY, JACK M	A29-00492 / 5.0	29-00492 /			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	INCA29-00491B /	- /			
			SW	SW		DOWNATA RANCH & RECREATION	INCA29-00492A /	- /			
			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 /			
12S	37E	12	SE	SW		HADLEY, JACK M	A29-00492 / 3.0	29-00492 /			39.0
			SE	SW		HADLEY, JACK M	A29-11054 / 3.0	- /			
			SE	SW		DOWNATA RANCH & RECREATION	INCA29-00492A /	- /			
			SE	SW		MARSHALL, ALEXANDER		11-00016 /			
			SE	SW		DOWNATA HOT SPRINGS		29-02549 / 2.0			
12S	37E	13	NE	NW		HADLEY, JACK M	A29-00492 / 5.0	29-00492 /			21.0
			NE	NW		HADLEY, JACK M	A29-11054 / 5.0	- /			
			NE	NW		DOWNATA RANCH & RECREATION	INCA29-00492A /	- /			
			NE	NW		MARSHALL, ALEXANDER		11-00016 /			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-00492	13.00	93.00
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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
A29-00492	SPRINGS	HADLEY, JACK M	0.060	0.004		
A29-00491A	HOT SPRINGS	DOWNATA RANCH & RECREATION INC	1.860	0.005		
A29-02549	GROUNDWATER	DOWNATA RANCH & RECREATION INC	0.020	0.010		
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
A29-11054	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	
A29-00491B	RECREATION	DOWNATA RANCH & RECREATION INC	FROM 01-01 TO 12-31	0.080 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: A29-11054

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()

A29-00492



T 12 S
R 37 E

MICROFILMED
NOV 13 1992

U.S. Geological Survey
Conservation Service
Map scale
Map coordinate
relation
grid ticks.