

06/10/2002

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

RIGHT NUMBER: 29-2491

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.45 CFS
0.7 AFY

PRIORITY DATE: 05/04/1964

POINT OF DIVERSION:

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>
DOMESTIC	01/01 12/31	0.040 CFS 0.73 AFY
RECREATION	01/01 12/31	0.450 CFS 0.73 AFY
RECREATIONAL COOLING FOR HOT POOLS		

PLACE OF USE: RECREATION Within BANNOCK County

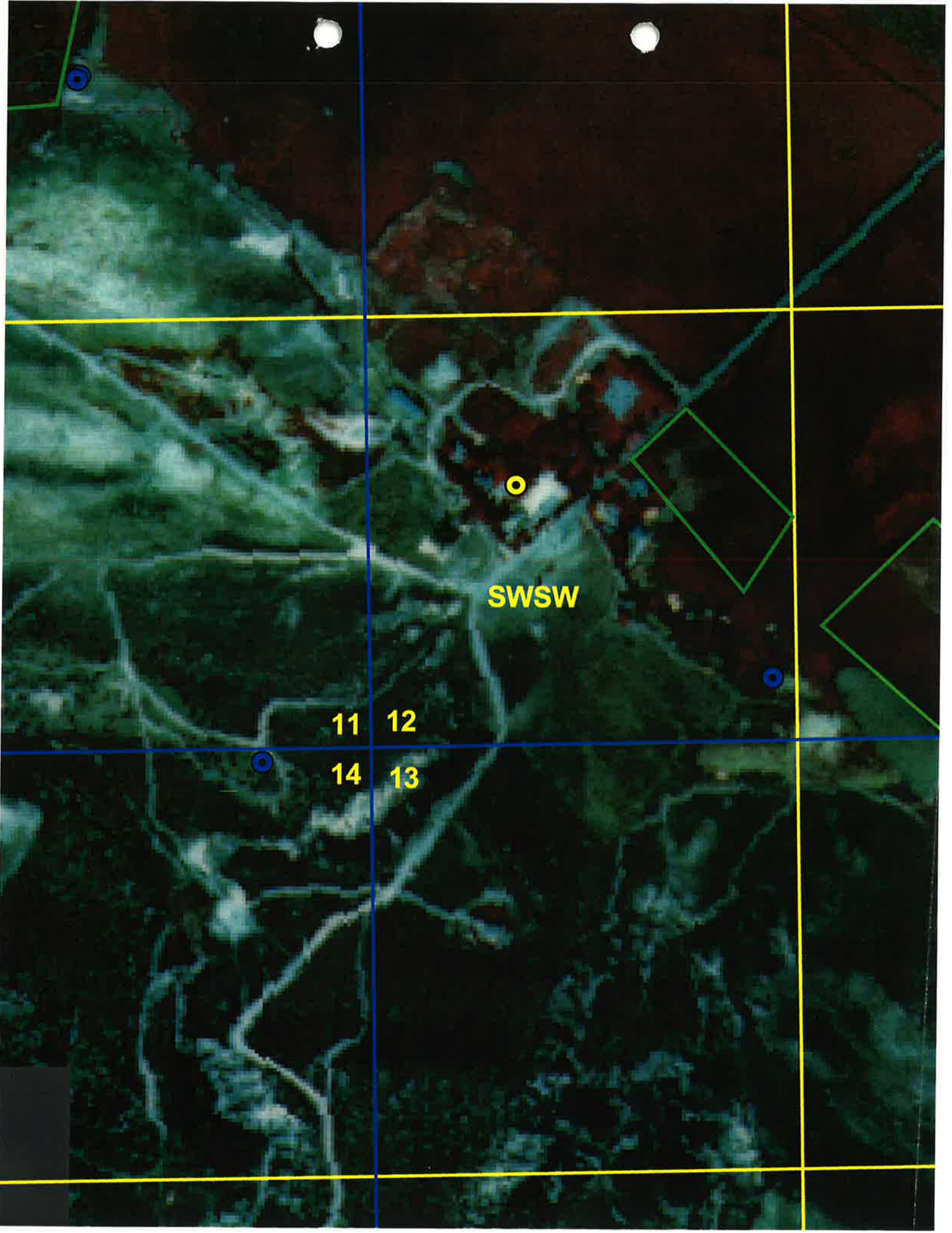
T12S R37E S12 SWSW

DOMESTIC same as RECREATION

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: License



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: 29-2491

DOWNATA RANCH & RECREATION INC
C/O DARLENE DOUNS
PO BOX 185
DOWNEY 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):

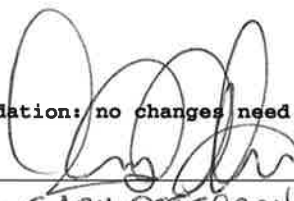
2. Describe the changes you wish to make in the proposed recommendation:

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

☒ 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

PROFILED

SCANNED

FEB 22 2006

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region



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

PROFILED

SCANNED

FEB 22 2006



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

SCANNED

FEB 22 2006

PROFILED

ROGER H. THOMPSON
EXECUTIVE VICE PRESIDENT
AND GENERAL COUNSEL

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-2491

WATER RIGHT NUMBER: 29-2491

<u>Owner Type</u>	<u>Name and Address</u>
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
Attorney	DOWNATA RANCH & RECREATION INC C/O D GARY PETERSON BEARD ST CLAIR GAFFNEY MCNAMARA CALDER 2105 CORONADO IDAHO FALLS, ID 83404

Priority Date: 05/04/1964

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	0.73 AF
RECREATION	01/01 to 12/31	0.450 CFS	0.73 AF
	<u>Total Diversion:</u>	0.450 CFS	0.73 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4	Sec. 12, Twp 12S, Rge 37E, B.M.
BANNOCK County		

Place of UseRECREATION Within BANNOCK County

T12S R37E S12 SWSW

DOMESTIC same as RECREATIONConditions of Approval:Remarks:

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-31858

This proof is for Comp. of Works & Beneficial Use

In Water District No.

1. Name of applicant: Downata Hot Springs, Inc.

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the SW 1/4 of Section 12

T. 12 S R. 37 E County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same:

5 HP GE MOD: 5H114P6 # 20999
TRANS-MORSE PUMP # 9X1207-1 5" DISCHARGE

1 HP GE
PUMP: UNIDENTIFIED

5. Water is used for: Cooling water for swimming pool and culinary

6. State whether or not water has been turned into works of diversion: YES

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

For cooling water for swimming pool and culinary use in SW 1/4, Sec. 12,
T. 12 S., R. 37 E., B.M.

5 HP pump for cooling
1 HP pump for culinary

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

Head $H = 1 \frac{3}{4}$ "
CREST LENGTH $L = 4.0'$

$Q = 3.33 \text{ CFS}$

$Q = 0.421 \text{ CFS}$

This examination was made on the 7th day of October, 1969

(Signed) Donna L. Simsbach
Examiner.

31858
29.249

WATER LICENSE

Water License No. G-31858/29-2497 Priority May 1, 1964 Amount 0.45 c.f.s.

THIS IS TO CERTIFY, that DOWNATA HOT SPRINGS, INC.

of Downey, Idaho made application for a permit to appropriate the public waters of the State of Idaho, dated May 3, 1964, that Permit G-31858/29-2497 was issued pursuant to said application; that the proposed works were completed on or about 1950 with a storage or carrying capacity of 0.45 c.f.s., said works consisting of well, pump, and motor and that on April 17, 1967

proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 0.73 acre feet per season, with a maximum rate of diversion of 0.45 cubic feet per second of the waters of ground-water, tributary of _____,

for the purpose of cooling water for swim-/ from January 1 to December 31; and for _____ from _____ to _____; and for _____ from _____ to _____; and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is located in SW 1/4 EW 1/4 Sec. 12 T. 12 S. R. 37 E., B.M., and other additional points _____, in the County of

Bannock, and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 0.73 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12 S	37 E	12											X						
SUBJECT TO STIPULATION DATED May 10, 1968																			

Total number of acres irrigated _____

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

6th day of November, 1969

Deputy State Reclamation Engineer

31858
29-2497
platted
ms

10-22-67 DE

73 AC FT / 5000

MAJ D. J. RAYMOND

ALLOW 0.45

50
45
995

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 29-2491
Date Received: 8/29/2001
Receipt No: E027710
Received By: DC

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

1. Name of Claimant(s)

DOWNATA RANCH & RECREATION INC Phone: (208) 897-5736

C/O DARLENE DOUNS
PO BOX 185
DOWNEY ID USA 83234

DOWNATA RANCH & RECREATION INC Phone:

C/O D GARY PETERSON
2105 CORONADO STR
IDAHO FALLS ID USA 83404

2. Date of Priority: 05/04/1964

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

well/pump to hot springs

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	0.73
RECREATION	01/01	12/31	0.45	0.73

7. Total Quantity Appropriated is:

0.45 C.F.S. and/or 0.73 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	37E	12	SW	SW	RECREATION	

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:

14. Remarks:

recreation use for cooling hot springs

15. Basis of Claim: License

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 SECRETARY & TREASURER of _____ Title

DOWNATA RANCH & RECREATION, that I have signed the foregoing Organization

document in the space below as SECRETARY & TREASURER of Title

DOWNATA RANCH & RECREATION and that the statements contained in the Organization

foregoing document are true and correct.

Signature of Authorized Agent [Signature]

SECRETARY & TREASURER OF DOWNATA RANCH & RECREATION
Title and Organization

APRIL 17, 2002

Date

State of Idaho Utah)
County of Salt Lake) SS.

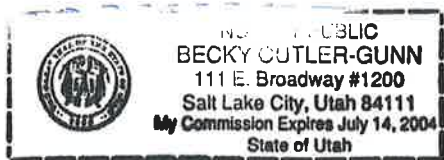
Subscribed and sworn (or affirmed) before me this 17th day
of April 2002

[Signature]

Notary Public

Residing at Salt Lake City, Utah

My commission Expires 7-14-2004



SCANNED

FEB 22 2006