

03/18/2003

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

RIGHT NUMBER: 29-4059

NAME AND ADDRESS: CITY OF DOWNEY
PO BOX 204
DOWNEY ID 83234-0204

SOURCE: SPRINGS

TRIBUTARY: NINEMILE CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: 08/02/1907

POINT OF DIVERSION:

T11S R37E S9 SESW Within BANNOCK County Source: SPRINGS
T11S R38E S5 SESE Within BANNOCK County Source: SPRINGS
T11S R38E S8 NWNENE Within BANNOCK County Source: SPRINGS
T11S R38E S8 NESWNE Within BANNOCK County Source: SPRINGS
T11S R38E S8 SESWNE Within BANNOCK County Source: SPRINGS
T11S R38E S8 NENWSE Within BANNOCK County Source: SPRINGS
T11S R38E S8 SWNWSE Within BANNOCK County Source: SPRINGS
T11S R38E S8 SESESE Within BANNOCK County Source: SPRINGS
T11S R38E S9 SWSWSW Within BANNOCK County Source: SPRINGS
T11S R38E S9 SESWSW Within BANNOCK County Source: SPRINGS
T11S R38E S9 NWSESW Within BANNOCK County Source: SPRINGS
TWO POINTS OF DIVERSION LOCATED IN T11S, R38E, S9, NWSESW. THREE
POINTS OF DIVERSION LOCATED IN T11S, R38E, S8, NENWSE. FOUR POINTS OF
DIVERSION LOCATED IN T11S, R38E, S8, SWNWSE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31

2.000 CFS

PLACE OF USE:

MUNICIPAL Within BANNOCK County

T11S R37E S27	SWNE	T11S R37E S27	SWNW
T11S R37E S27	SENE	T11S R37E S27	NESW
T11S R37E S27	NWSW	T11S R37E S27	SWSW
T11S R37E S27	SESW	T11S R37E S27	NWSE
T11S R37E S27	SWSE	T11S R37E S28	NESE
T11S R37E S28	SESE	T11S R37E S34	NWNE
T11S R37E S34	SWNE	T11S R37E S34	SENE
T11S R37E S34	NENW	T11S R37E S34	NWNW
T11S R37E S34	SWNW	T11S R37E S34	SENE
T11S R37E S34	NESW	T11S R37E S34	NWSW
T11S R37E S34	NESE	T11S R37E S34	NWSE

Place of use is within the service area of the City of Downey municipal water supply system as provided for under Idaho Law.

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

03/18/2003

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

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: Beneficial Use

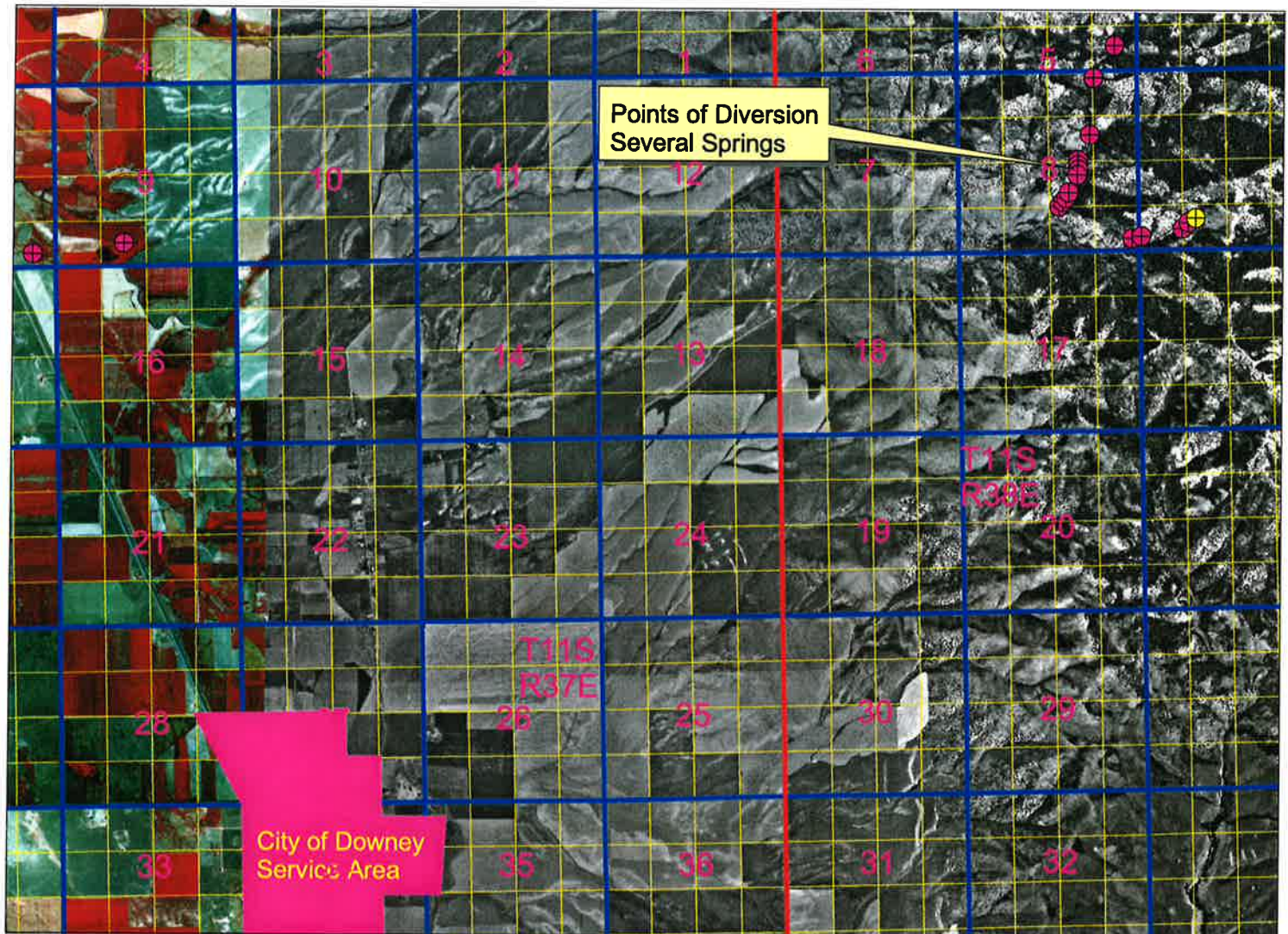


State of Idaho

Department of Water Resources

Eastern Region

Claim No.: 29-4059

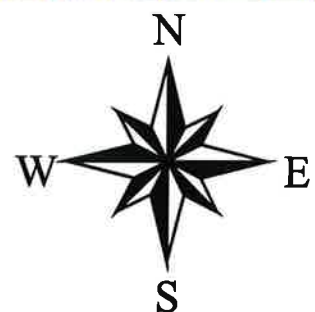


1 0 1 2 Miles

MUNICIPAL
PROFILED

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MAR 02 2003



- Diversion.shp
- Place of use.shp
- Townships
- Sections
- QQ

GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by R. Warner
Date: March, 2003

CITY OF DOWNEY

P. O. Box 204
15 South Main Street
DOWNEY, IDAHO 83234
208-897-5342

RECEIVED

JUL 25 2002

Department of Water Resources

29-4059

July 22, 2002

Ms. Anita Warntjes
Idaho Department of Water Resources
1301 North Orchard St.
Boise, ID 83706

Dear Ms. Warntjes:

Enclosed is the map outlining the proposed boundary for our city's water right with a change. The change is an addition to the boundary and is highlighted in yellow.

We also questioned if the Nine Mile Spring area needed to be included on the map.

Would you please give me a call in regards to the spring area. Thank you for your help.

Sincerely,



BRENDA KAY
City Clerk/Treasurer

Enclosure

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JAN 10 2014

City of Downey

Municipal Use Boundary



Township

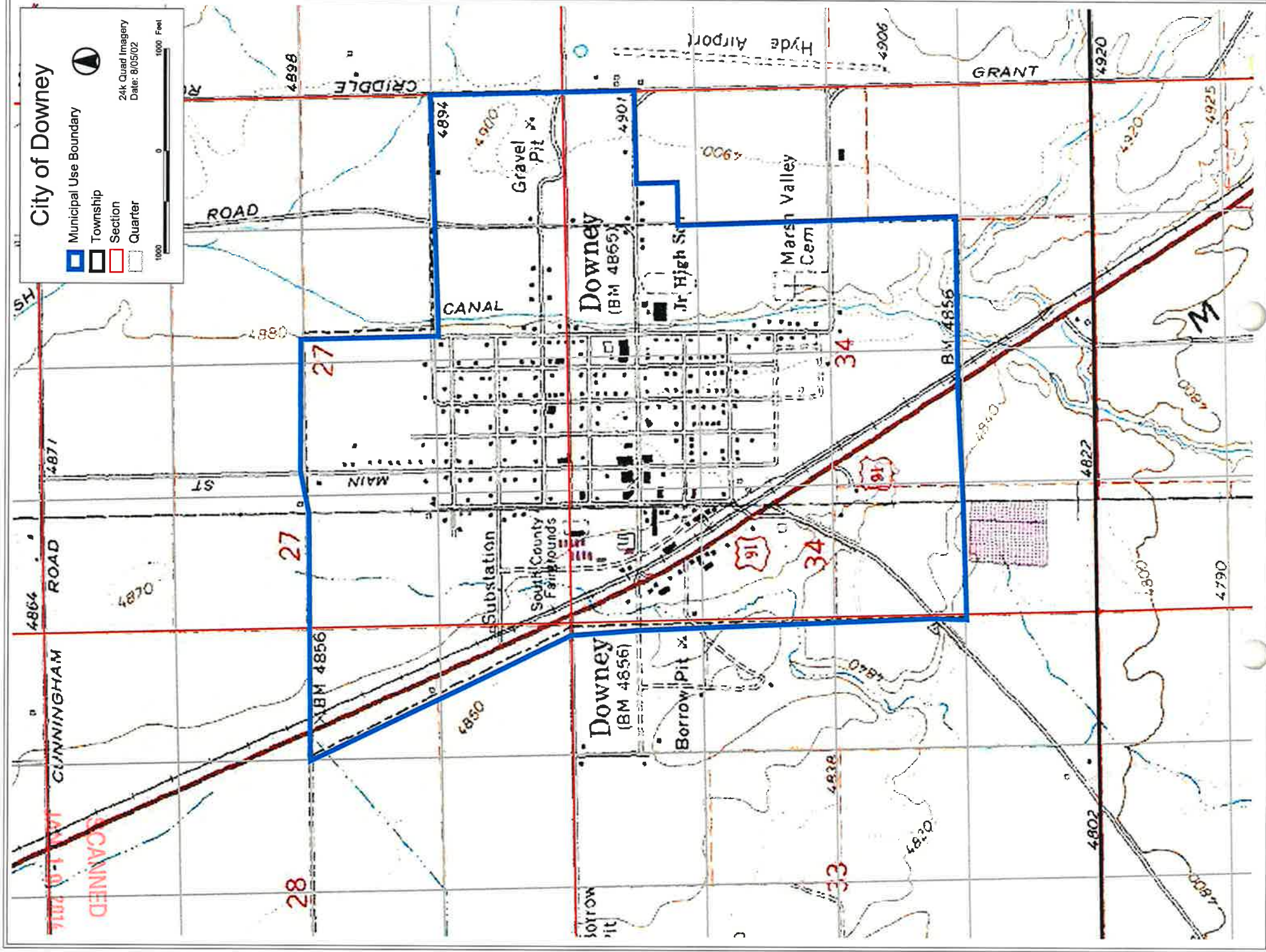
Section

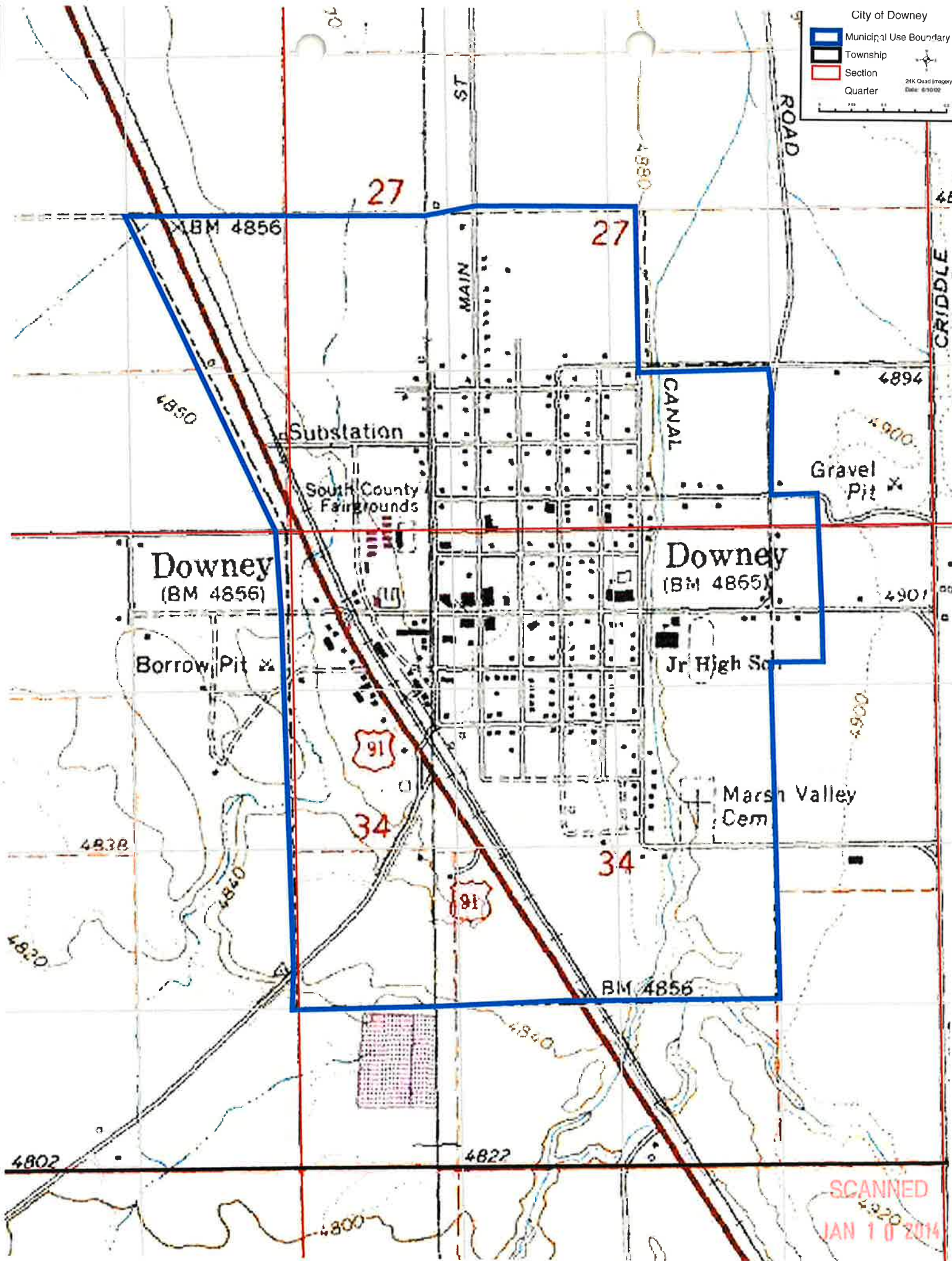
Quarter



24k Quad Imagery
Date: 8/05/02

1000 0 1000 Feet





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JAN 10 2014



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED
FEB 15 1990

Department of Water Resources

January 25, 1990

City of Downey
C/O Doyle E. Newbold
P. O. Box 204
Downey, ID 83234

Gentlemen:

Would it be possible for us to get a description of or a map of your customer service area for your municipal water system? In our review and investigation phase of the Snake River Basin Adjudication, it would be helpful for us to have this information in verifying individual claims to water rights for domestic purposes. We will be happy to discuss with you the most convenient way for you to provide this information to us. I can be reached at 327-7931 or you may contact my assistant, Anita Warntjes at 327-7986.

Your assistance in this matter is greatly appreciated.

Sincerely

DAVID B. SHAW

Adjudication Bureau Chief

DBS:alw

Send this map to Boise

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JAN 10 2014

CITY OF DOWNEY

P. O. Box 204
15 South Main Street
DOWNEY, IDAHO 83234
208-897-5342

FAX COVER SHEET

DATE: 12-19-02TO: Roger WarnerFROM: Brenda KayRE: Nine Mile Water RightFAX NO.: 208-897-5677NO. OF PAGES 14 w/cover

Tony asked me to fax this information
to you on the City of Downey's
water right at Nine Mile Creek.
Please call if you have questions

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THIS INDENTURE, made this 3rd day of August, 1915,
between the DOWNEY WATER COMPANY, a corporation duly organized under
the laws of the State of Idaho, and having its principal place of
business in Downey, Bannock County, Idaho, the party of the first part,
and THE VILLAGE OF DOWNEY, a municipality, in Bannock County, Idaho,
the party of the second part,

WITNESSETH: That the said party of the first part, for and
in consideration of the sum of twenty-two thousand-five hundred dollars
(\$22,500.00), to it in hand paid in Municipal Coupon Bonds of the said
party of the second part by the said party of the second part, the
receipt whereof is hereby acknowledged, have granted, bargained, sold
and conveyed, and by these presents do grant, bargain, sell and convey
unto the said party of the second part, and to its successors and assigns
forever all those certain tracts, pieces or parcels of land and other
property, situate, lying and being in the County of Bannock and State
of Idaho, bounded and more particularly described as follows, to-wit:

A certain tract of land beginning at a point south 72 26'
west 987 feet from the quarter corner between sections 23 and 24,
Township 11 south, Range 37 E. B. M., thence north 200 feet, thence
east 200 feet, thence south 200 feet, thence west 200 feet to the
point of beginning, containing 0.92 of an acre more or less.

Also a 12 foot strip of land as a right of way for a buried
pipe line for the conveyance of water across the following legal

Subdivisions.	Section	Township	Range	Merid.
NW $\frac{1}{4}$ NW $\frac{1}{4}$	17	11 south	38 east	Boise
N $\frac{1}{2}$ NE $\frac{1}{4}$	18	11 south	38 east	"
N $\frac{1}{2}$ NW $\frac{1}{4}$	18	11 south	38 east	"
SW $\frac{1}{4}$ NW $\frac{1}{4}$	18	11 south	38 east	"
SE $\frac{1}{4}$ NE $\frac{1}{4}$	13	11 south	37 east	"
N $\frac{1}{2}$ SE $\frac{1}{4}$	13	11 south	37 east	"
SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$	13	11 south	37 east	"

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MAR 02 2005

Subdivisions	Section	Township	Range	Merid.
N $\frac{1}{2}$ NW $\frac{1}{2}$ and SW $\frac{1}{2}$ NW $\frac{1}{2}$	24	11 south	37 east	Boise
N $\frac{1}{2}$ SE $\frac{1}{2}$, SW $\frac{1}{2}$ SE $\frac{1}{2}$ and SE $\frac{1}{2}$ SW $\frac{1}{2}$	23	11 south	37 east	"
NW $\frac{1}{2}$	26	11 south	37 east	"
E $\frac{1}{2}$ SE $\frac{1}{2}$ and SW $\frac{1}{2}$ SE $\frac{1}{2}$	27	11 south	37 east	"

Also a right of way for a buried pipe line across certain lots in Downey townsite as follows:

Lot 8, Block 68, as granted by WA A. Hyde Co., Ltd.

" 6, " 68, " " " Consolidated Wagon and Machine Co.

" 7 " 68, " " " Downey Improvement Company.

" 8 " 68, " " " " " " "

Lots 8, 9, 10 and 11, Block 76, as granted by Downey Improvement Co.

For the extension of the alley in block 59 as granted by Wm Laurensen.

Also all of the pipe lines, manholes, valves, gates, crossovers, tees, elbows, meters, hydrants and other fixtures now installed in place and constituting the fixed plant of the water works system owned by the party of the first part and used for the supply of the Village of Downey, Idaho.

Also all rights of way for pipe lines held by virtue of occupancy or permit from any and all authorities, national, state, county or municipal, in and along public lands, public roads and streets.

Also all rights now owned by the company to the use of the waters of Nine Mile Creek in Bannock County, Idaho; more particularly described as follows: 125 inches of water, measured under a four inch pressure, of the waters of Nine Mile Creek, in Bannock County, Idaho, from the first day of March in each year to the first day of July in each year and to the flow of 100 inches of the waters of said stream, measured under a four inch pressure, from the first day of July in each year to the first day of March of each following year, together with the right to convey said waters elsewhere than at the present place of use and to use the same for domestic and municipal purposes.

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MAR 02 2003

Four inches of the waters of Nine Mile Creek, in Bannock County, Idaho, under a four inch pressure, together with all and singular the means of use of the same.

All of the property herein enumerated subject, however to the following grants heretofore made by the party of the first part or its predecessors in interest:

To A. C. Anderson, all right to the waters of a certain spring rising at or near the line dividing the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T.11 S., R.38 E., B. M., providing there shall be any waters arising from such spring after the diversion by second party of the waters of Nine Mile Creek and its tributaries through the pipe line constructed by the party of the first part.

To A. C. Anderson, the free use of 12,000 gallons of water per month from the pipe line at two taps as measured by meters, also that any additional water used at said taps in excess of the 12,000 gallons shall be paid for monthly at the rate of 25cents per 1,000 gallons.

To C. W. Hancock, to install a tap and meter and to furnish water for the said C. W. Hancock at the rate of 25 cents per 1,000 gallons.

To Hiram and Ida Bowman, to install a tap and meter and furnish for domestic, culinary and stock water, 9,000 gallons per month free of charge from said pipe line. If amounts in excess of 9,000 gallons per month are used the said Bowman agrees to pay for the same at the rate of 15 cents per 1000 gallons.

To R. N. and D. J. Kendall, to install a tap and meter and to furnish 10,000 gallons of water per month free of charge. If amounts in excess of 10,000 gallons per month are used they are to be paid for at the rate of 25 cents per 1,000 gallons.

To W. J. and Eliza Bybee, to deliver from the pipe line, free of charge to the said Bybee the decreed water to which he is entitled.

To George T. Hyde, by reservation in his deed of September 5, 1908: "Provided, that should there remain any overflow from the springs

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MAR 02 2006

which are the source of the water right herein conveyed after said corporation has used or is using said water right, the said overflow may be used by the said George T. Hyde for irrigation or other purposes."

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest whatsoever, as well in law as in equity, of the said party of the first part, of, in and to the said premises.

To have and to hold, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be subscribed by its president ^{Assistant} and secretary, and its corporate name and seal to be hereunto affixed on the day and year first above written.

The Downey Water Company

By Charles S. Davis
President

and Clifford M. Brewer
^{Assistant} Secretary.

Corporate Seal

State Of California

ss

County of San Francisco

On this 3rd day of August, 1915, before me,

Nettie Hamilton a notary public in and for said county and state, personally appeared Charles S. Davis

known to me to be the president of the corporation that executed the within and foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.

Nettie Hamilton

NOTARY PUBLIC in and for the City and County of San Francisco, State of California

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MAR 02 2006

State of Idaho
County of Bannock ss

On this 5th day of August, 1915, before me,

Anna F. Johnson, a notary public in and for said
county and state, personally appeared Clifford McPewer
known to me to be the secretary of the corporation that executed the
within and foregoing instrument and acknowledged to me that such cor-
poration executed the same.

IN WITNESS WHEREOF I have hereunto affixed my official
seal on the day and year in this certificate first above written.

My commission expires
Jan. 28, 1919.

Anna F. Johnson
Notary Public

SCANNED

MAR 02 2006

32409

Handwritten: J. M. Kautsch

Handwritten: 3

Handwritten: 29

Handwritten: 29

Handwritten: 29

Handwritten: Co. M. Downey

Handwritten: 29

RECEIVED

PACED

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MAR 02 2005

In the District Court of the Fifth Judicial District, created for
Stanswick County, State of Idaho.
Sophronia Coffin and
William Bybee Plaintiffs.

John Bird the Sawdust,
Robert Pollack, Reuben Kiddall
and Royal Kiddall
Defendants.

Judgment

This cause coming on regularly to
be heard on February 10th 1900, before the Court without a jury, a jury
being waived by the respective parties, and the plaintiffs
appearing by their attorneys Hinters & Schuler, and the defendants John
Bird, and Sawdust appearing by their attorney, J. H. F. Everett,
and the defendants Robert Pollack, Reuben Kiddall and Royal Kiddall
having theretofore filed their appearance and disclaimer in the
premises, and after hearing the proofs offered and received by the
respective parties, and after argument by the respective counsel, the case
was submitted to the Court for consideration and decision, and, after due
deliberation thereon, the Court files its findings and decision in writing,
and orders that judgment be entered herein in favor of the plaintiffs
in accordance therewith.

Wherefore by reason of the law, and the findings aforesaid it is ordered
adjudged and decreed that the plaintiff Sophronia Coffin is entitled
to the flow of one hundred and twenty five inches of the waters of the
said Nine Mile Creek, through her said ditch under a four
inch pressure, from the first day of March in each and every
year, and to the flow of one hundred inches of the said waters
therafter, under a four inch pressure.

That the plaintiff, William Bybee, is entitled to the flow of the
waters of the said Nine Mile Creek through the ditch of plaintiff
to the amount of five inches, under a four inch pressure for the
whole of each and every year.

That the said water shall be measured by a box to be placed
at or near the head of the said ditch of plaintiff and to be
eight and 1/2 feet long and to have a fall of 1/2 inch to the rod
and the water to be measured at the head of the said box, and the
said box to be not less than 18 inches wide.

That the defendants nor either of them have any interest in or
to any of the waters of the said stream known as Nine Mile
Creek.

Indians: Robert M. and son

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MAR 02 2006

Book 10

By the District Court of the
District of Columbia, this 1st day of
January, 1888, the following
depositions were taken and
subscribed before me, William Byrd, District
Judge.

John Smith, Esq.
Robert Carter, Esq.
and Royal Academy
of Sciences.

[illegible]

That the defendants and each of them is hereby perpetually
restrained and enjoined from in any manner interfering
with the rights of the plaintiffs and each of them in the
undisturbed use and enjoyment of the said water as above
decreed. and that each party to this action pay his own costs.

Joseph C. Rich
Dist. Judge.

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MAY 02 2006

Contacts Data Entry Form

29-4059 stat. 243
BY

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner City of Downers Grove

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

REPRESENTATIVE - ?MEASURES REQUIRED:RE INDICATED

Reviewer: _____

Date: _____

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MAR 02 2006

Priority Date Data Entry Form

Claim Number: 29-4059

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: Aug 2, 1907 Claimed Basis: Stat. 243 BURecommended Priority Date: _____ Recommended Basis: BU☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Evidence of Priority record -

Measurements record.

Reviewer: _____

Date: _____

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Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: BannockSource: SPRINGS Tributary: NINE MILE CK

Recommended Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>115</u>	<u>37E</u>	<u>8</u>		<u>NWSE</u>	<u>Bann</u>	<u>SPRING</u>
GPS Coordinates: _____						
				<u>SESE</u>		<u>Spring</u>
GPS Coordinates: _____						
		<u>9</u>		<u>SESW</u>		<u>Spring</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD _____

Reviewer: _____

Date: _____

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MAR 02 2006

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
11S	37E	27	NE	SW	Barn			Domestic
		28						Domestic
		34						Domestic

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

See Power with City of Downers Grove - Municipal

Transfers Changing POU _____

Reviewer: _____

Date: _____

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Purpose of Use Data Entry Form

Claim Number: _____

_____ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
<i>Tragic</i>	_____	_____	_____	<i>Domestic</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
<i>Tragic</i>	_____	_____	_____	<i>Municipal</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Document how the Purpose of Use was verified:

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

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Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**Water Right Period of Use and Diversion Rate**

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Domestic MUNICIPAL</i>	<i>01/01</i>	<i>12/31</i>	<i>6.40</i>	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>MUNICIPAL</i>	<i>01/01</i>	<i>12/31</i>		

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Measured RSD's

Reviewer: _____

Date: _____

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AMENDED CLAIM TO A WATER RIGHT

Notice is hereby given that City of Downey, a Municipal Corporation
(Name of claimant)

The extent and nature of said claim is as follows:

- | | | | | | | |
|--------|------|-----|----------|---------------|-------------|------------|
| Amount | 6.40 | Use | Domestic | Period of Use | From Jan. 1 | To Dec. 31 |
| Amount | | Use | | Period of Use | From | To |
| Amount | | Use | | Period of Use | From | To |
| Amount | | Use | | Period of Use | From | To |
- (both dates inclusive)

(4) Priority claimed: (the date water was first applied to beneficial use) August 2, 1907

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

A) Point of diversion: (give location of point where water is diverted from its source)
NW 1/4 SE 1/4 Sec. 8 Twp. 11S R. 38E D. M. County of Bannock
Additional points of diversion: SE 1/4 Sec. 8, T. 11S, R. 38E, B.M.; SE 1/4 Sec. 1,
T. 11S, R. 38E, B.M.
Length of ditch and field

0) Describe means of diversion of water (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give above and capacities be as specific as possible. Collection boxes and pipeline from source to city distribution system

- (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.

[illegible]

b) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic purposes for the City of Gwyney.

- (7) If you are claiming water as a member of an organization, list name of organization:
City of Downey, County of Bannock, State of Idaho, said city
being a municipal corporation

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.

County of _____

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribe to 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 27th day of

Notary Public

Reading 51

My commission expires

For Department Use Only

Received by Car Date 12/17/76
 Prelim. check by EDC Date 12/18/76
 \$10.00 fee received by NA Date _____
 Approved for publication by MC 1-20-77
 Published in Chickadee Journal
 Date 1-2-77

Seizure filed by: _____ Forwarded to: _____ Date: _____
 Plaintiff by: _____

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 29-4059

Notice is hereby given that Claim No. 29-4059 in the name of City of Downey was filed for the diversion of 6.40 c.f.s. of water from Nine-Mile Creek with the point of diversion within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 11S, R. 38E, B.M., Bannock County; to be used for domestic purposes within the City of Downey.

The claimant is now amending Claim to a Water Right No. 29-4059, changing the source to unnamed springs tributary to Nine-Mile Creek and the points of diversion to the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 11S, R. 38E, B.M., Bannock County.

Any exception to the amending of this claim to a water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Idaho State Journal, Pocatello, Idaho, on January 6 and January 13, 1977.

Don
H. H.
1

STATE OF IDAHO

Section 42.225g, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right, but will serve for adjudication purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that The City of Downey, a Municipal Corporation
(name of claimant)
of Downey, Idaho, Bannock County, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water; Mine-Mile Creek
tributary to _____)
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	6.40	Use	Domestic	Period of Use:	From	Jan. 1	To	Dec. 31
Amount		Use		Period of Use:	From		To	
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/f)		(dom., int., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 6.40 cubic feet per second, or acre feet per annum, and/or gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) August 2, 1907
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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
 NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8 Twp. 11S Rgs. 38E D.M. County of Bannock
 Additional points of diversion: SE $\frac{1}{4}$ Sec. 9, T. 11S, R. 38E, D.M.

D) 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. Collection boxes and pipeline from
source to city distribution system.

- (b) 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.

[illegible]

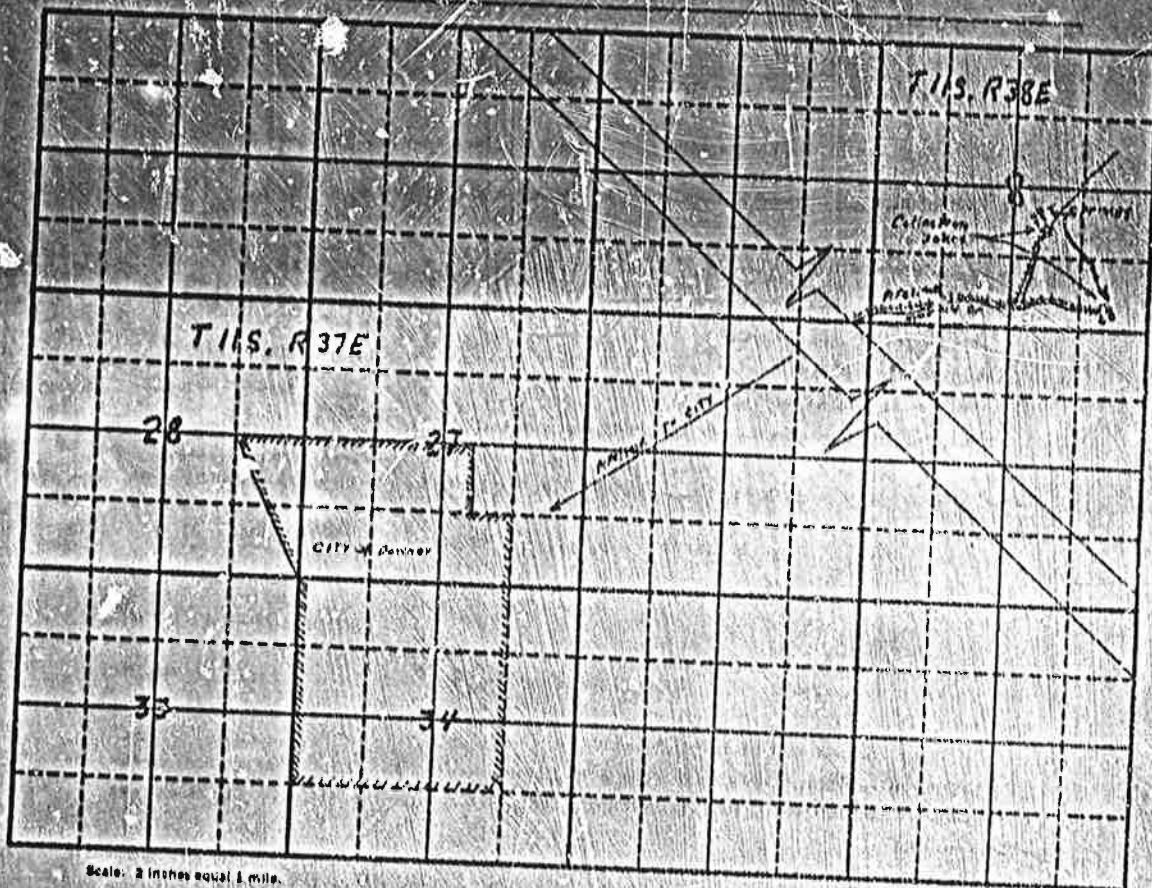
Total No. of Cases _____

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic purpose for the City of Downey

- (7) If you are claiming water as a member of an organization, list name of organization:
City of Downey, County of Bannock, State of Idaho, said city being a municipal corporation

(8) Remarks

SEE ATTACHED MAPS FOR DETAILS OF SYSTEM & PLACE OF USE.



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

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 16 day of October, 1975

Wm. H. B. Bannock
(Claimant)

Paul B. Bannock
Notary Public

Residing at Portland, Idaho

My commission expires _____

For Department Use Only

Received by Paul Date 12-17-75
Prelim. check by Paul Date 12-17-75
\$10.00 fee received by Paul Date 12-17-75
Approved for publication by Paul Date 1-14-76
Published in The Idaho State Journal
Date Jan 2, 1976

Exception filed by: _____ Forwarded to
claimant by: _____ Date _____

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

City of Downey MAY 24 2001

CLAIM IDENT. NO.

29-04059

DATE RECEIVED

CK #

AMOUNT \$

Required
Info?

- | | 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? | ☒ | ☐ | * |
| Is the consumptive use correct? | ☒ | ☐ | * |
| 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. | ☒ | ☐ | * |
| 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.) | ☒ | ☐ | * |
| 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.) | ☒ | ☐ | * |
| 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? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | * |
| 22. Should this claim be data entered? | ☒ | ☐ | * |

Claim checked by:

EMC

Date:

July 27, 1992

Claim must be returned to claimant:

☒ (Yes) ☒ (No)

Claimant must be notified of modifications:

☐ (Yes) ☒ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

MICROFILMED

Comments:

Item 3 enter "springs tributary to Nine Mile Creek". Item 5 enter "spring boxes, and distribution system". #6 enter "Municipal". #9 enter "Municipal use within Downey Townsite". Item 15 enter "S".

NOV 13 1992

CITY OF DOWNEY

BANNOCK COUNTY

DOWNEY, IDAHO 83234

June 19, 1992

RECEIVED

JUN 22 1992

Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
150 Shupe
Idaho Falls, ID 83401

Dear Mr. Carlsen,

I met with Paul Meyer from your office on Wednesday, June 17, 1992, to fill out an application to rehabilitate a well the City of Downey had drilled in 1989. At that time Paul checked to see if the adjudications had been filed and recorded. The only thing that showed on the computer file is that the fees for filing had been receipted.

I checked my files and have made copies of those claims for your record. I also have enclosed an application for extension for filing because of the deadline being missed. Perhaps that is why it isn't entered into the computer. If there is some problem that we need to work out on this end, please contact me at the Downey City Office, at 897-5342, the office is open from 11:00 A. M. until 4:00 P. M.

Thank you for your help.

Sincerely,

Louise Barnes
City Clerk

Encl: 4

MICROFILMED
NOV 13 1992

RECEIVED
MAY 09 1990

**State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Name of Claimant City of Downey (208) 897-5342
P. O. Box 204 Downey Idaho 83234
Mailing Address City State Zip
Bannock May 1st 1990
County(s) where place of use is located Date claim originally due

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 8 T 11 S R 37 EBM, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 27 T 11 S R 37 EBM: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 27 11 S R 37 EBM
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

Water rights had not been filed on a new well dug in 1979-80 to replace one that had
lost its water table during that drought year. It was drilled 75 feet south of the
original one. I was waiting to hear from our city engineers and talked with
Harold Jones on filing these. So we were two days later getting the reports filed
and I held all three to send together. I had inadvertently remembered the deadline
to be May 31st rather than May 1st.

Claimant requests an extension to July 1, 19 90

Louise Barnes May 8, 19 90
Signature Date of request

City Clerk
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☐ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to _____, 19 _____

Signed this _____ day of _____, 19 _____

Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

MICROFILMED
NOV 13 1992

CITY OF DOWNEY

BANNOCK COUNTY

DOWNEY, IDAHO 83234

May 8, 1990

Department of Water Resources
1301 N. Orchard Street
Boise, Idaho 83706

To whom it may concern:

We received the attached letter informing us of the late filing of our judication water claims. We had an unusual circumstance that made the filing of these late. When I was filling out the forms and locating the legal dates and locations of the diversions for the three claims for the City of Downey, I found that the newest city well had not been applied for either the drilling permit or the water rights to it. It is the claim that is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 27, Township 11 S Range 37 EBM. This claim reflects a well that was drilled many years prior to 1979-80 when we drilled the one in question. That older well lost its water table during a drought year. The city hired a well driller that went 75' to the south of this older well and drilled a new well. This one was deeper and left the older one without water.

I had checked with our city engineers to see if they could help me on this situation and they were to come to the City Office and work through my files. They did not. So after 5 days, I called Harold Jones in Idaho Falls and asked him about this. He told me that if the 1989-90 well was replacing the other one and was only the 75' away, that the same legal description would apply to the well we have been using as a main city well. I then completed the forms and sent them in with the attached checks for the fees.

We feel that after paying over \$1,000 for the fees that the late filing fee should be waived. Please help us in this particular matter and grant that they are waived.

The City of Downey has a long history of water problems and we have exhausted our funds trying to drill another well last year that turned out to be worthless to us.

Thank you for your help in this matter.

Sincerely,

Louise Barnes

Louise Barnes
City Clerk

MICROFILMED
JUN 13 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 7, 1990

City of Downey
C/O Louise Barnes
15 South Main Street
Downey, ID 83234

RE: Notices of Claim

Dear Ms. Barnes:

The Idaho Department of Water Resources (IDWR) is returning your Notices of Claim to a Water Right because of insufficient information and/or fees. Your checks #9172 for \$690, #9171 for \$52.00, and #9170 for \$308.00 are also enclosed. All items on the forms must be completed and fees resubmitted before the IDWR can process the notice.

Our office has reviewed your claims for your irrigation rights in Downey. The last day we were allowed to accept claims from Bannock County, without collecting a late-filing fee, was May 1, 1990. Your claim was postmarked on May 3, 1990, making it subject to the late filing fee. Before we can accept your claim, you must either submit, and have approved, an extension of time to file, or submit an additional \$50.00 for each claim for the late fee or 15%, whichever is greater.

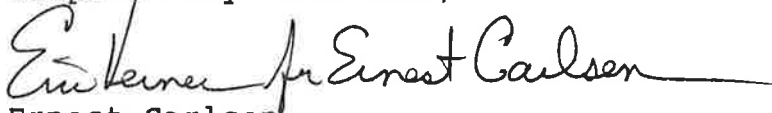
You may be granted an extension if there were extenuating circumstances which prevented you from filing on time. The enclosed "Extension Request" form can be submitted to the Boise Office (address is at bottom of form) for consideration by the Department. If you submit the request, hold the claim until your request is processed. Please return the claim with proper fee(s) to this office when you resolve this matter.

MICROFILMED
NOV 13 1992

City of Downey
Page - 2 -

If you wish to make an appointment to discuss the
corrections, please call the IDWR at (208) 525-7161.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ernest Carlsen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

MICROFILMED
NOV 13 1972

MAY 24 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: A29-04059
Date Received: 7/29/1992
Receipt No: C016743
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CITY OF DOWNEY
Address: PO BOX 204
DOWNEY ID 83234
208-897-5342

2. Date of Priority: AUG 2, 1907

3. Source: SPRINGS Trib. to: NINE MILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	37E	8		NW	SE		BANNOCK
				SE	SE		BANNOCK
		9		SE	SW		BANNOCK

5. Description of diverting works:
SPRINGBOXES, AND DISTRIBUTION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	6.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL USE WITHIN DOWNEY TOWNSITE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11S	37E	27	NE	SW		DOMEST	
			NW	SW		DOMEST	

MICROFILMED
NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	37E	27	SW		SW		DOMEST	
			SE		SW		DOMEST	
			NW		SE		DOMEST	
			SW		SE		DOMEST	
		28	NE		SE		DOMEST	
			SE		SE		DOMEST	
		34	NW		NE		DOMEST	
			SW		NE		DOMEST	
			NE		NW		DOMEST	
			NW		NW		DOMEST	
			SW		NW		DOMEST	
			SE		NW		DOMEST	
			NE		SW		DOMEST	
			NW		SW		DOMEST	
			NW		SE		DOMEST	

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:
NONE

14. Remarks:
P/U WITHIN CITY LIMITS OF DOWNEY.

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: _____

MICROFILMED
NOV 13 1992

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
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
NOV 13 1992

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 29-04059Date Received 5-9-90Receipt Number 0616743

RECEIVED
MAY 09 1990

Department of Water Resources

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY - 5 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) City of Downey Phone (208) 897-5342Mailing Address P. O. Box 204 Downey, Idaho Zip 832342. Date of Priority (Only one (1) per claim) August 2, 19073. Source of water supply (a) unnamed springs
which is tributary to (b) Nine Mile Creek4. a. Location of existing point of diversion is: Township 11 S Range 37 E Section 8,
NW 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of BannockAdditional points of diversion if any: SE 1/4, SE 1/4, Section 8; and SE 1/4, SW 1/4 Section 9

A2904059



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.

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NOV 13 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Municipal
Domestic purposes from Jan 1 to Dec 31 amount 6.4 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic for 232 homes

10. Description of place of use:

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	
11S	37E	27									X	X	X	X		X	X		
		28													X			X	
		34		X	X		X	X	X	X	X	X				X			

Total number of acres irrigated Downey Townsite

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 ☒ 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.
_____ or None ()

14. Remarks:

MICROFILMED
NOV 13 1992

Last Name City of Downey Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

Copies: White-State, Yellow-Claimant

MICROFILMED

NOV 13 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit ☒

Decree _____

If applicable provide IDWR Water Right Number _____

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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 _____ Mayor _____

Title _____

of _____ City of Downey _____, that I have signed the foregoing

Organization _____

document in the space below as _____ Mayor _____ of _____ City of Downey _____

Title _____

Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent R. Steve Simpson

Title and Organization _____ Downey City Mayor _____ Date _____

State of Idaho/or _____)

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 3 day of May 19 90

SEAL

Notary Public Louise Barnes

Residing at Downey, Idaho 83234

My Commission Expires 4/21/1992

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Date _____

MICROFILMED

NOV 13 1992

Last Name _____ City of Downey _____ Ident. Number _____

Copies White-State, Yellow-Claimant