

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: A21-10015
Date Received: 10/8/1988
Receipt No: E003211
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORTH HENRY'S LAKE HOMEOWNERS ASSOC. 208-558-7244
Address: H.C. 66, BOX 49
ISLAND PARK, ID 83429

2. Date of Priority: SEP 15, 1904

3. Source: HOWE SPRINGS STREAM Trib. to: PITTSBURG CREEK
PITTSBURG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	43E	33	SE	SE			FREMONT
		34	SW	SW			FREMONT

5. Description of diverting works:
PIPELINE TO PUMP TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	1.500		
IRRIGATION	04/15	10/15	1.500		

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

8. Total consumptive use is 60.0 Acre Feet Per Annum. For
IRRIGATION PURPOSES.

9. Non-irrigation uses:
DOMESTIC USE FOR 211 HOMES.

A21-10015

RECEIVED

OCT 13 1988

Department of Water Resources
Eastern District Office

1

Date: 09/15/88

MICROFILMED

OCT 21 1992

A2110015



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	43E	4	NE	NE		IRR	2.0
			NE	NE		DOMEST	
			Section Acres				2.0
16N	43E	33	SW	SE		IRR	5.0
			SW	SE		DOMEST	
			SE	SE		IRR	30.0
			SE	SE		DOMEST	
			Section Acres				35.0
		34	SW	SW		IRR	3.0
			SW	SW		DOMEST	
			Section Acres				3.0
			Total Acres				40.0

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES -

13. Other Water Rights Used:
NONE.

14. Remarks:

THIS RIGHT COMBINES THE 2 WATER RIGHTS IN THE DECREE OF HENRY'S LAKE LODGE VS. ALL UNKNOWN CLAIMANTS.
WATER RIGHTS WERE DEEDED TO NORTH HENRY'S LAKE HOMEOWNERS ASSOC. BY HENRY'S LAKE LODGE WITH GRANT DEED #360658 FREMONT COUNTY, DATED JULY 30, 1979.
POINT OF DIVERSION - HOWE SPINGS, SEC 34, T.16 N. R.43 E.
" " " - STREAM, SEC 33, T.16 N, R.43 E.
THE INDIVIDUAL LOT OWNERS ARE MEMBERS OF THE NORTH HENRY'S LAKE HOMEOWNERS ASSOC.

15. Basis of Claim: DECREED

Case Number: 7303
Court : SEVEN
Decree date: 6/04/1979

HENRY'S LAKE LODGE
Decree Plaintiff

vs

ALL UNKNOWN CLAIMANTS
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 X 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 President of
NORTH Henry's lake Homeowners, Ass Title
Organization, that I have signed the foregoing
document in the space below as President of
NHLHA Title
Organization and that the statements contained in the
foregoing document are true and correct.

Richard E. Hale
Signature of Authorized Agent

Pres- NHLHA
Title and Organization

9/30/88
Date

State of Montana)
Idaho)
County of Gallatin) SS.

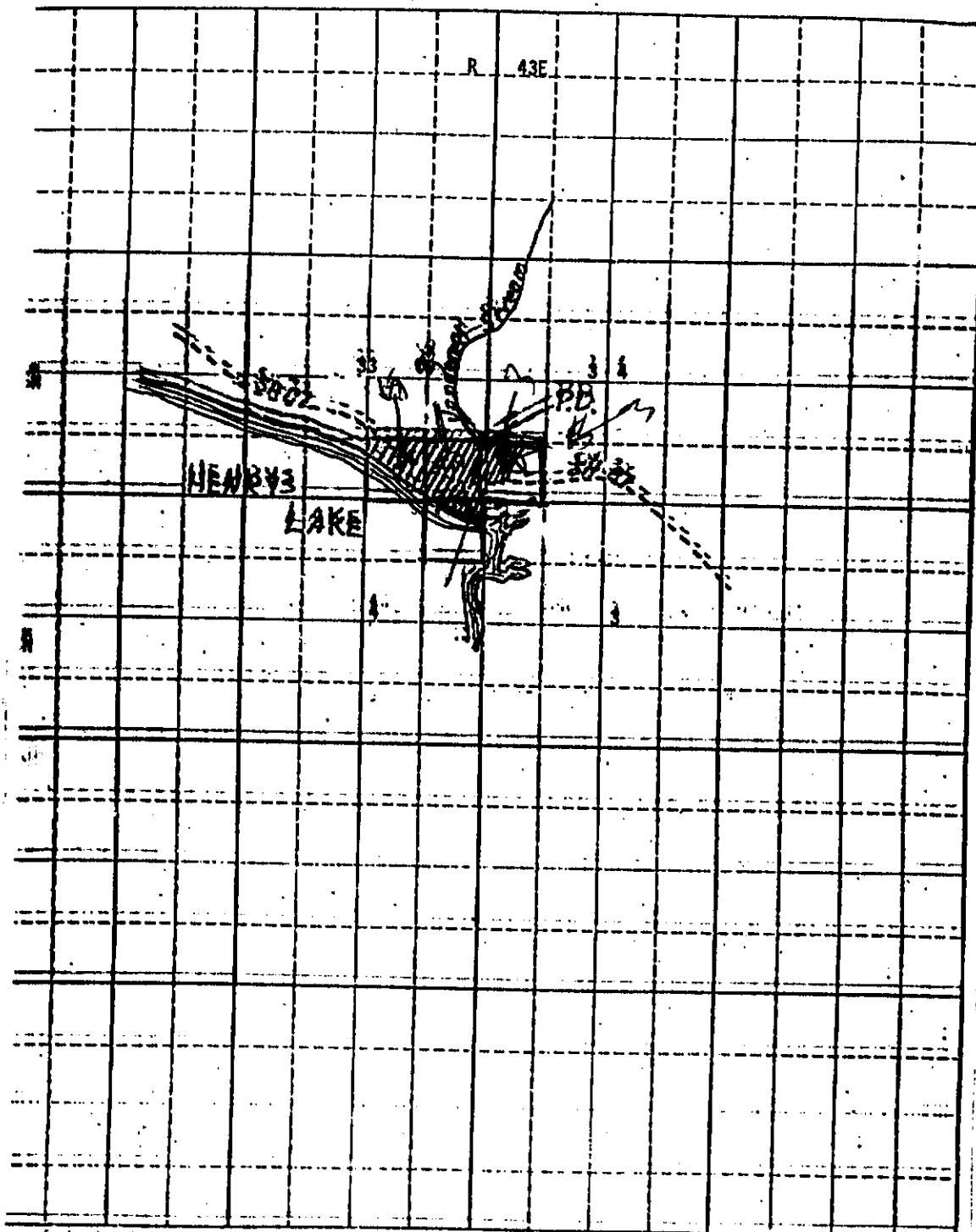
Subscribed and sworn (or affirmed) before me this 30th day
of September 19 88

Kathleen Clark
Notary Public

Seal

Residing at West Yellowstone
My Commission Expires 1-17-90

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James B. Lee
(Signature)

MICROFILMED

OCT 21 1992

Not Yet Received.
THE INFORMATION ATTACHED
TO THIS CLAIM MUST GO WITH
THE SIGNED & RECEIVED COPY

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

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Date Received: 6/14/1988
Receipt No: _____
Received By: _____

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			NE	NE		DOMEST	
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			SW	SE		DOMEST	
			SE	SE		IRR	30.0
			SE	SE		DOMEST	
			Section Acres				35.0
		34	SW	SW		IRR	3.0
			SW	SW		DOMEST	
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			Total Acres				40.0

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" " " - STREAM, SEC 33, T.16 N, R.43 E.
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15. Basis of Claim: DECREED
Case Number: 7303
Court : SEVEN
Decree date: 6/04/1979

HENRY'S LAKE LODGE
Decree Plaintiff

vs

ALL UNKNOWN CLAIMANTS
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 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

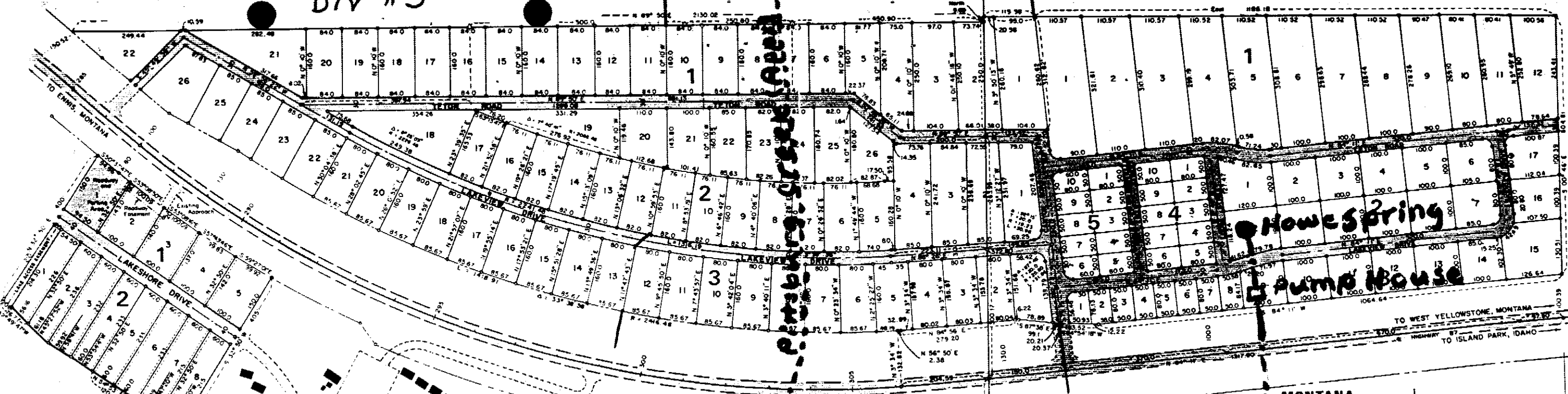
Residing at _____

My Commission Expires _____

Div #5

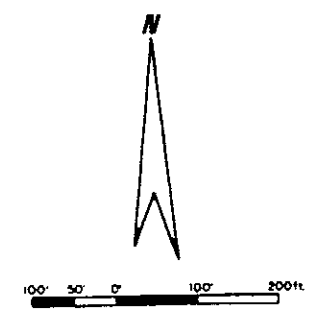
Div #4

Div #1



Div #2

Howe Creek (Appx)



HENRY'S LAKE

Div #3

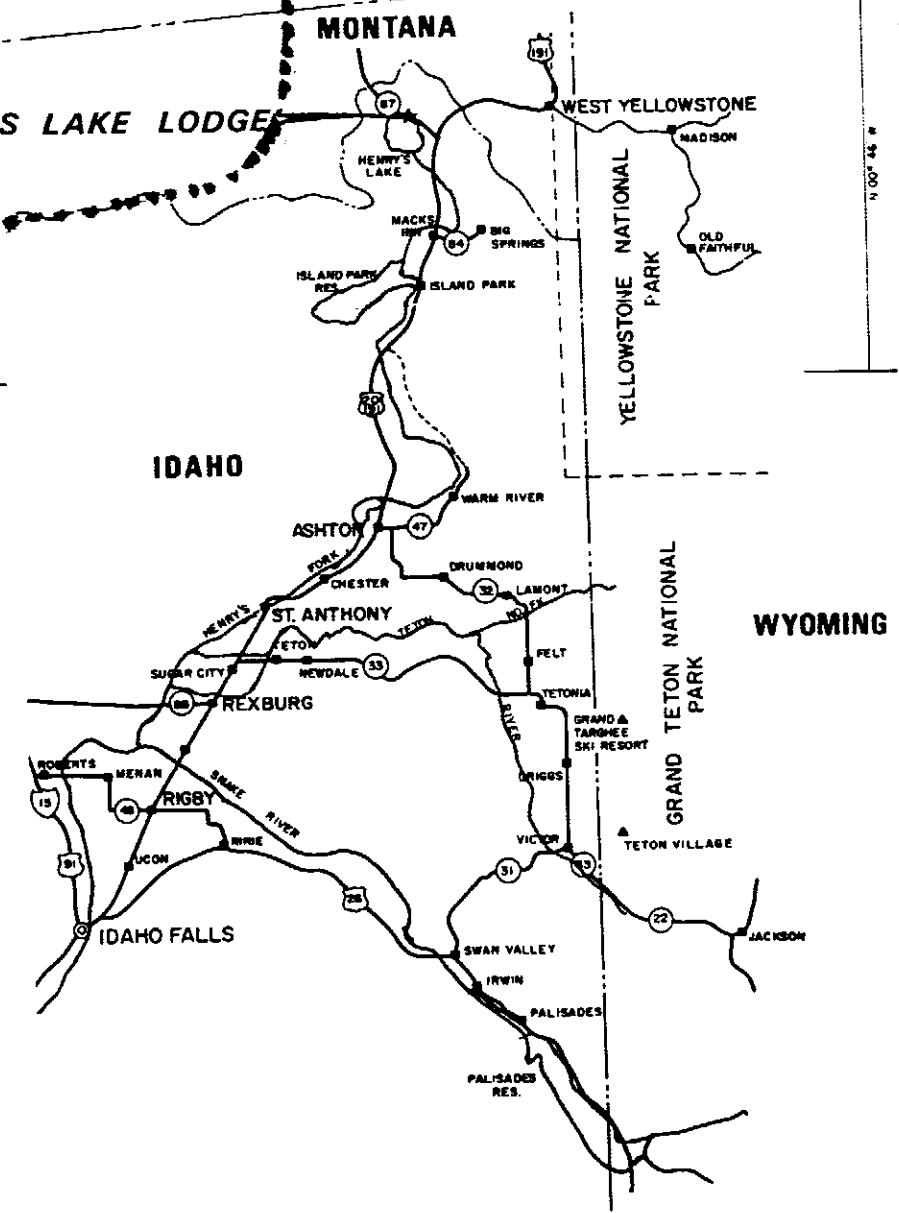
HENRY'S LAKE

HENRY'S LAKE LODGE SUBDIVISION

FREMONT COUNTY, IDAHO

FORSGREN, PERKINS and ASSOCIATES, P.A.
CONSULTING ENGINEERS
REXBURG POCATELLO

Obtain HUD property report from the developer and read it before signing anything.
HUD neither approves the merits of the offering nor the value, if any, of the property.



LOCATION MAP

NORTH HENRY'S LAKE HOMEOWNERS' ASSOCIATION, INC.

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
H. C. 66 Box 49
Island Park, ID 83429

Mr. Steve McCormick
Department of Water resources, Eastern Region
150 Shoup Avenue
Idaho Falls, ID 83402

Dear Mr. McCormick;

As we agreed in your office on June 14, I am enclosing a copy of a map of the Henry's Lake Lodge Subdivision, which depicts the area served by the water system now owned by this Association. I have marked the exact location of Howe Spring, but the indicated courses of Howe Creek below Highway 87 and of Pittsburg Creek are only approximate, since they are not shown on any map that is available to me.

I think that this map can be correlated with the one that you have, since they both show the Henry's Lake Lodge buildings.

I deeply appreciate your cooperation and assistance in filing our claim.

Cordially

William A. Walker
William A. Walker
President

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JUN 21 1988

Department of Water Resources
Eastern District Office

MICROFILMED

OCT 21 1982

Brief
.....
Fremont County
Howe Spring in SW 1/4 SW 1/4 Sec. 34,
T. 16 N., R. 43 E. B. M.
12/50 sec. ft.
Irrigation
Priority 9-15-04
.....

STATE OF IDAHO

- Water License No. 844 -

WHEREAS, On the fifteenth day of September, A. D., 1904, GEORGE GARNER, of Lake, County of Fremont, and State of Idaho, duly made application (No. 1191) to me for a permit to use four-fifths (4/5) cubic feet per second of the waters of Howe Spring in SW 1/4 of SW 1/4 Sec. 34, T. 16 N., R. 43 E. B. M., County of Fremont, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the nineteenth day of September, A. D. 1904, Permit No. 844 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the nineteenth day of September, A. D. 1905, and for the application to beneficial use of said water on or before the nineteenth day of September, A. D. 1905; and,

WHEREAS, On the nineteenth day of September, A. D. 1905, the holder of said permit duly made proof of the completion of adequate works for the diversion of one-half of one cubic foot per second of said waters, as evidenced by my Certificate No. 844, dated October 3, 1905, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one-half of one cubic foot per second of water, with date of priority of September 15, 1904, and,

WHEREAS, On the nineteenth day of September, A. D. 1905 proof was duly made of the application to beneficial use of twelve-fiftieth cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to GEORGE GARNER, of Lake, the holder and owner of said Permit No. 844 a perpetual right, dating from September 15, 1904, to the use of twelve-fiftieth cubic feet per second of the waters of Howe Spring in the County of Fremont, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at SW 1/4 of SW 1/4 Section 34, Township Sixteen North, Range Forty-three East of Boise Meridian, (unsurveyed) and conducted to and upon (Southwest Quarter of Southwest Quarter of Section Thirty-four, Township Sixteen North, Range Forty-three East of Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject also, to the local community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS My hand and the seal of my office, at Boise, Idaho, this third day of October, A. D. Nineteen Hundred and five.

Jas. Stephenson, Jr.

Seal.

State Engineer.

Recorded October 3, 1905.

21 2006

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Plaintiff and all successors in interest to the following described property located in Fremont County, Idaho, to-wit:

Beginning at a point 249 feet East of the Northwest corner of the South Half of the Southeast Quarter of Section 33, Township 16 North, Range 43 East, Boise Meridian, and running thence South 48 degrees 10' East 334 feet; thence South 32 degrees 50' West 404 feet; thence Southeasterly along the highwater line of Henry's Lake to a point that is South 89 degrees 50' East 1106 feet from the Southeast corner of Section 33, Township 16 North, Range 43 East, Boise Meridian; thence South 63 degrees 38' East 788 feet; thence North 89 degrees 50' East 397 feet; thence North 0 degrees 27' East 145 feet; thence North 89 degrees 50' East 1320 feet; thence North 1320 feet; thence West 3611 feet to the point of beginning, less the highway right of way.

own in fee simple, are entitled to ownership and possession of, and are hereby decreed the following water rights:

(a) One-half c.f.s. of the waters of Howe Springs located in the SW 1/4 SW 1/4 of Section 34, Township 16 North, Range 43 East, Boise Meridian, in Fremont County, Idaho, to use for domestic purposes and in the irrigation of the above described property with a priority date of September 15, 1904, at a point of diversion within said SW 1/4 SW 1/4 of Section 34, Township 16 North, Range 43 East, Boise Meridian, and this right includes within it State of Idaho water license no. 844, now renumbered on the records of the Idaho Department of Water Resources as license 21-2006.

(b) One c.f.s. of the waters of an unnamed creek flowing from Pittsburg Canyon in Fremont County, Idaho, to use for domestic purposes, including watering of livestock, fish ponds, in the irrigation of the above described property, with a priority date of September 15, 1904, with points of diversion at various places within the SE 1/4 SE 1/4 of said Section 33, Township 16 North, Range 43 East, Boise Meridian.

2. That the claims of defendants as identified in the caption hereto, and of all that claim title under or through said