

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

SUBCASE NO. 29-4202

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A  
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

The claimant and IDWR agree and stipulate that the elements of this water right should be described per the attached. The claimant and IDWR have indicated their concurrence by their signatures below and by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:

Randall C. Budge 8-18-04  
Randall C. Budge Date  
Attorney for Henderson Ranches, Inc.

IDWR CONCURRENCE:

Ernie Carlsen 1-25-2005  
Ernie Carlsen Date  
Adjudication Supervisor, IDWR

Candice M. McHugh 1-25-05  
Candice M. McHugh Date  
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED  
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4202

NAME AND ADDRESS:

HENDERSON RANCHES INC  
1414 DELPHIC WAY  
POCATELLO ID 83201-2293

SOURCE:

Source:  
POND

Tributary:

MARSH CREEK

QUANTITY:

0.030 CFS

10.000 AFY

Facility volume 10 AF.

Use of the rights listed below is limited to a total combined diversion rate of 5.80 cfs  
Combined right nos.: 29-04200, 29-04201, 29-04202, 29-11089, 29-13480, 29-13481,  
29-13688 and 29-13689

The quantity of water under this right for stock water use shall not exceed 13,000  
gallons per day.

~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 5.80 CFS. COMBINED RIGHT NOS.: 29-04200,  
29-04201, 29-04202, 29-11089, 29-13480, 29-13481~~

PRIORITY DATE:

04/01/1924

POINT OF DIVERSION:

T10S R37E S7 SESE

Within BANNOCK County

~~T10S R37E S18 NWNE~~

~~Within BANNOCK County~~

PURPOSE AND  
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

|                         |             |           |
|-------------------------|-------------|-----------|
| IRRIGATION STORAGE      | 01/01 12/31 | 10.00 AFY |
| IRRIGATION FROM STORAGE | 04/01 10/31 | 10.00 AFY |
| STOCKWATER              | 01/01 12/31 | 0.030 CFS |
| STOCKWATER STORAGE      | 01/01 12/31 | 10.00 AFY |

PLACE OF USE:

IRRIGATION FROM within BANNOCK County  
STORAGE

T10S R37E S18 NENE 10.0

T10S R37E S18 SESE 3.0

STOCKWATER Same as IRRIGATION FROM  
STORAGE

13 ACRES TOTAL

~~IRRIGATION STORAGE within BANNOCK C~~

~~T10S R37E S07 SESE  
T10S R37E S18 NWNE  
T10S R37E S18 NENE~~

Water Right No.: 29-4202

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SFS

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED  
WATER RIGHTS ACQUIRED UNDER STATE LAW

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Use of the rights listed below is limited to the irrigation of a combined total of 290 #  
a single irrigation season. Combined right nos.: 29-04200, 29-04201, 29-04202,  
29-11089, 29-13480, 29-13481, 29-13688 and 29-13689

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 290 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS.: 29-04200, 29-04201, 29-04202, 29-04203,  
29-11089, 29-13480, 29-13481

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.

The quantity of water decreed for this water right for stockwater use is  
not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use  
Source is also known as Jenkins-Tink Pond.

Sm<sup>c</sup> EPC

## CERTIFICATE OF MAILING

I certify that on January 25, 2004 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

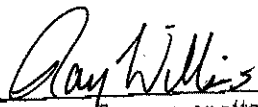
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 83720  
Boise, ID 83720-0098

IDWR Document Repository  
P.O. Box 83720  
Boise, ID 83720-0098

Randall C. Budge  
Attorney for Henderson Ranches, Inc.  
P.O. Box 1391  
Pocatello, ID 84204-1391

  
\_\_\_\_\_  
Signature of person or attorney mailing the form