

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. 29-11089

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 1/24/05
Randall C. Budge Date
Attorney for Henderson Ranches, Inc.

IDWR CONCURRENCE:

IDWR CONCURRENCE:
Ernie Carlson 1-25-2005
 Ernie Carlson 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: 29-11089

NAME AND ADDRESS:

HENDERSON RANCHES INC
1414 DELPHIC WAY
POCATELLO ID 83201-2293

SOURCE:

SOURCE:
POND

Tributary:

MARSH CREEK

QUANTITY:

0.280 CFS

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, 29-04203, 29-11089, 29-13480, 29-13481~~

PRIORITY DATE:

06/01/1938
04/01/1924

POINT OF DIVERSION:

T10S R37E S7 SESEW

Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.250 CFS

STOCKWATER

01/01 12/31

0.030 CFS

PLACE OF USE:

IRRIGATION

within BANNOCK County

T10S R37E S18 NESEW 10.0

T10S R37E S18 SESEW 3.0

STOCKWATER Same as IRRIGATION

13 ACRES TOTAL

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~~

Water Right No.: 29-11089

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

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 stock water use is not a determination of historical beneficial use.

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

plb

EMC

SMC

CERTIFICATE OF MAILING

I certify that on January 25, 2005, 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, 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, Idaho 83720-0098

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

Randall C. Budge
Attorneys for Henderson Ranches, Inc.
P.O. Box 1391
Pocatello, ID 83204-1391

Ray Willis
Signature of person or attorney mailing the form