

01/04/2001

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

RIGHT NUMBER: 31-11602

NAME AND ADDRESS: UNITED STATES OF AMERICA, USDA ARS
USDA ARS
HC 62 BOX 2010
USSES
DUBOIS, ID 83423

SOURCE: MOOSE CREEK TRIBUTARY: SPRING CREEK

QUANTITY: 0.11 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 09/09/1922

POINT OF DIVERSION:	T13N R40E S19	NWNENW	Beginning of Stream Flow	Within CLARK County
	T13N R40E S19	SWSWSW	End of Stream Flow	Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	05-01 10-31	0.11 CFS

PLACE OF USE:

<u>STOCKWATER Within CLARK County</u>			
T13N R40E S19	NENW	T13N R40E S19	SENE
T13N R40E S19	NESW	T13N R40E S19	LOT 3 NWSW
T13N R40E S19	LOT 4 SWSW		

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 IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER 3000 SHEEP

A3111601



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 31-11601
Date Received: 12/27/00
Receipt No:
Received By: *Bae* #1111

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

1. Name of Claimant(s)

UNITED STATES OF AMERICA, USDA ARS Phone: (208)374-5409

USDA ARS
HC 62 BOX 2010
USSES
DUBOIS ID USA 83423

2. Date of Priority: 09/09/1922

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13N	40E	30	NE SW	CLARK

5. Description of diverting works:

TWO DOMESTIC/STOCKWATER WELLS; ONE WITH HAND PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	05/01	10/31	0.11	
DOMESTIC	05/01	10/31	0.04	

7. Total Quantity Appropriated is:
0.11 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 3000
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	40E	30	NE	SW	STOCKWATER	
			NE	SW	DOMESTIC	

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:

14. Remarks:

HOMESTEAD WELLS OF THE OLD HENNINGER RANCH.
STOCKWATER, 3000 SHEEP. RECEIPT NO. X111111
PRIORITY DATE BASED ON 31-00080.

15. Basis of Claim: Beneficial Use

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 Research Leader of
Title
USDA, that I have signed the foregoing
Organization
document in the space below as Research Leader of
Title
USDA and that the statements contained in the
Organization
foregoing document are true and correct.

Gregory J. Lewis
Signature of Authorized Agent
Research Leader, USDA
Title and Organization

1-3-01
Date

State of Idaho)
County of Bonneville) SS.

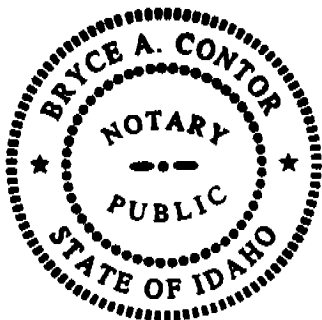
Subscribed and sworn (or affirmed) before me this
of _____ 2001

3rd, Jan
Bryce A. Contor

Notary Public

Residing at Mud Lake ID

My commission Expires 10/14/2005



01/25/2001

**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: March 9, 2001

Water right number: 31-11601

UNITED STATES OF AMERICA ACTING THROUGH
USDA ARS
US SHEEP EXPERIMENT STATION
HC 62 BOX 2010

DUBOIS ID 83423

Telephone Number: (208)374-5409

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:

X I AGREE with this proposed recommendation; no changes need to be made.

DATE: 02-12-01

SIGNATURE:

Gregory S. Lewis

Please print your name: Gregory S. Lewis

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, 2085257161

Over
2/21/01

Form No. 42-1409 (2) a 1/88

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 11601

Date Received

Receipt Number X111111

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

New #
NO Fee

Please type or print clearly

1. Name of Claimant (s) United States of America, USDA, ARS Phone (208) 374-5409Mailing Address HC 62, Box 2010, U. S. Sheep Expt. Sta., Dubois, ID Zip 834232. Date of Priority (Only one (1) per claim) September 9, 19223. Source of water supply (a) Ground Waterwhich is tributary to (b) N/A4. a. Location of existing point of diversion is: Township 13N Range 40E Section 30NE 1/4 of SW 1/4 of 1/4, Govt. Lot, B.M., County of Clark

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

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. Well is 175' deep and is operated by
a hand pump. ~~Unable to determine any other conditions that exist.~~

Two Domestic / Stockwater

(enclosure 3)

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) 04 (acre feet)

For Domestic purposes from 5/1 to 10/31 amount .8 or X

For Stockwater purposes from 5/1 to 10/31 amount 0.11 or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) .11 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is .11 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Water used by ranchhands for washing and drinking. 3000 sheep

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	
13N	40E	30									D/S								

Total number of acres irrigated

11. In which county (ies) are lands listed above as place of use located? Clark

12. Do you own the property listed above as place of use? Yes X 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.
Water is used by ranchhands for washing and drinking. or None ()

14. Remarks:

Last Name Ident No.

Copies: White -State, Yellow-Claimant

Enclosure 3

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 _____ Research Leader

Title

of _____ USDA, ARS, U. S. Sheep Expt. Station _____, that I have signed the foregoing
 Organization

document in the space below as _____ Research Leader _____ of _____ USDA, ARS
 Title Organization

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

Signature of Authorized Agent

Hudson A. Glimp

Title and Organization _____ Research Leader for USDA, ARS _____ Date 12-15-89

State of Idaho)
 County of _____) SS.

Subscribed and sworn (or affirmed) before me this 15th day of December 19 89

Notary Public

J. Ann D. Lannan

Residing at

Rushville, ID

My Commission Expires

9-30-91

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 _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

C. O. Sowder
Notary Public
Residing at Coeur
My Commission Expi

Filed for record at the request of Leroy H.
Shulberg at 55 minutes past 1 o'clock P. M.,
this 24 day of December, 1942 and recorded in
Book 12 of Deeds, Page 141. Records of Clark
County, State of Idaho.
Fees: \$1.40

B. H. Thomas, Recorder

By *L. H. Thomas*

14764

WARRANTY DEED

THIS INDENTURE, Made the 14th day of October, in the year of our Lord one
forty-two, between CLARENCE A. HENNINGER and LUCILLE HENNINGER, his wife, of
the first part, and the UNITED STATES OF AMERICA, the party of the second part

WITNESSETH: That the said parties of the first part, for and in consideration
of the sum of Thousand Eight Hundred Forty and no/100 (\$3,840.00) Dollars, lawful money of
the United States of America, to them in hand paid by the said party of the second part, the receipt whereof
is hereby acknowledged, by these presents Grant, Bargain, Sell and Convey and Confirm unto the said party
and its assigns, forever, all that certain lot, piece or parcel of land situate, lying and being
in the County of Clark, State of Idaho, and bounded and described as follows, to-wit:

Section twenty-five in Township thirteen north of Range thirty-north
Boise Meridian, Idaho, containing six hundred forty acres of land.

Subject to all rights of way for roads, ditches, canals, telephone lines,
heretofore constructed and now on said land.

(\$5.50 Internal Revenue affixed and cancelled by X)

Together with all and singular the tenements, hereditaments and appurtenances

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances thereunto incident, unto the party of the second part, or its assigns forever. And the first part and their heirs, the said premises in the quiet and peaceable possession of the second part, or its assigns, against the said parties of the first part and their heirs, every person or persons whosoever, lawfully claiming or to claim the same, shall and will these presents forever defend.

Signed, Sealed and Delivered in
the Presence of:

Lucille Henninger

On this 18th day of October in the year 1942, before me Sus W. Edlund, a Notary Public
County and State, personally appeared CLARENCE A. HENNINGER and LUCILLE HENNINGER, his wife,
be the persons whose names are subscribed to the within instrument, and acknowledged to me
the same.

Seal

Sue M. Edlund
Notary Public in and for
State of Idaho, residing
Coeur D'Alene, Idaho

B. H. Thomas, Recorder

By James L. ...

for record on the 21 day of December, 1942
at 2:25 o'clock P.M., and recorded in Vol. 12 of
Deeds, Records of Clark County, State of Idaho,
on page 138.

Fees: \$1.00

My commission expires March

B. H. Thomas, Recorder

By Louise E. H.

14755

WARRANTY DEED

THIS INDENTURE, Made the 18th day of July in the year of our Lord one thousand nine hundred and two, between ELVIN W. HENNINGER and DOLLY M. HENNINGER, his wife, of Dubois, Idaho, the part
part, and the UNITED STATES OF AMERICA, the party of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum
and One Hundred Twenty-six and 08/100 (\$126.08) Dollars, lawful money of the United States
then in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged,
these presents Grant, Bargain, Sell and Convey and Confirm unto the said party of the second
part, assigns, forever, all that certain lot, piece or parcel of land situate, lying and being in
Clark, State of Idaho, and bounded and described as follows, to-wit:

Lots two (2), three (3), and four (4), and the East half of the West half (E $\frac{1}{2}$ W $\frac{1}{2}$) of
19, and Lot two (2) of Section 30, Township 13 North, Range 10 East of the Boise Meridian,
containing 320.84 acres of land, more or less.

Lots three (3), five (5), six (6), the Southeast quarter of the Northwest quarter
the Northeast quarter of the Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), the South half of the Northeast
quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$), and the Northwest quarter of the Southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section
Township 13 North, Range 10 East of the Boise Meridian, Idaho, containing 319.92 acres of
land, more or less.

(6.05 Internal Revenue Stamps affixed and cancelled 7/18/42 by E.W.H.)
Subject to all rights of way for roads, ditches, canals, telephone lines etc., heretofore
constructed and now on said land.

Together with all and singular the tenements, hereditaments and appurtenances hereunto in anywise appertaining, including all water and water rights, ditches and canals, and the rents and profits thereof.

The Grantors herein expressly release and convey all rights under affecting any of the above land.

TO HAVE AND TO HOLD, All and singular, the said premises, together therewith incident, unto the party of the second part, or its assigns first part and their heirs, the said premises in the quiet and peaceable second part, or its assigns, against the said parties of the first part every person or persons whosoever, lawfully claiming or to claim the same these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto and year first above written.

Signed, Sealed and Delivered in the Presence of:

Walter H. Phillips

Gladys L. Mansley

Elvin W. Henn

Dolly W. Henn

STATE OF IDAHO)
County of Clark) ss.

On this 16th day of July in the year 1942, before me John W. Hays, County and State, personally appeared ELVIN W. HENNINGER and DOLLY W. HENNINGER the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal and certificate first above written.

Seal

John W. Hays
Notary Public in and
State of Idaho, residing
Dubois, Idaho
My commission expires

Filed for record at the request of John A. Carver, U. S. Attorney at 13 minutes past 10 o'clock A.M., this 21 day of December, 1942 and recorded in Book 12 of Deeds, Page 139. Records of Clark County, State of Idaho. Fees: \$1.20

B. H. Thomas, Recorder

By Lewis

FAX Cover Sheet

TO	Name Al Ruberry	Fax #	(208) 525-7177
	Company Dept. of Water Resources	Phone #	(208) 515-7161
FROM	Name Sharon Weller	Fax #	(208) 374-5582
	Company USDA, ARS, Dubois, ID	Phone #	(208) 374-5409
DESCRIPTION			
Per our telephone call of this morning. Enclosure 1: New claim to be submitted for storage pond at our Humphrey Ranch, Dave Carlson would be handling this Area. We are attempting to get verification of the storage pond from a individual that worked at our facility in the late 1960's. Enclosure 2: New claim for Henninger Ranch resulting from the "walk about" done by Al Ruberry and Quinn Jacobson in summer 2000. Enclosure 3: Original claim submitted in December 1989 for a domestic well at our Henninger Ranch. During the walk about in the summer, two wells were noted and you and Quinn discussed that these wells were stock water as well as domestic. Since this claim was not actually assigned a claim number, would we do a new claim with both livestock and domestic uses on the same claim? Assume you will be able to put these on the computerized form and include a color map. Will you mail them to us for signature or we can stop by and pick them up if that would work better. We would like Quinn to review them when he returned early next week. We will then get these signed, notarized and submitted. Will talk with you later today. Thanks for your cooperation and assistance. <i>Sharon Weller</i>			
No. of pages (including cover) 15			
Date: December 26, 2000		Time: ~~8:44am~~ 9:05 Am	
If there are any problems receiving this transmission call:		Name: Sharon Weller	
		Phone: (208) 374-5409	