

02/13/2003

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

RIGHT NUMBER: 29-4200

NAME AND ADDRESS: HENDERSON RANCHES INC
1414 DELPHIC WAY
POCATELLO ID 83201-2293

SOURCE: POND

TRIBUTARY: MARSH CREEK

QUANTITY: 1.030 CFS
5.000 AFY

FACILITY VOLUME 5 AF.

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

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

PRIORITY DATE: 04/01/1924

POINT OF DIVERSION:

T10S R37E S18 NESW Within BANNOCK County Source: POND

T10S R37E S18 NESW Within BANNOCK County Source: POND

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	04/01 10/31	1.000 CFS
IRRIGATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	5.00 AFY

PLACE OF USE:

IRRIGATION Within BANNOCK County

T10S R37E S18	SWNE	0.6	T10S R37E S18	NENW	19.0
T10S R37E S18 Lot 1	NWNW	11.0	T10S R37E S18 Lot 4	SWNW	5.3
T10S R37E S18	SENE	31.0	T10S R37E S18	NESW	3.6
T10S R37E S18	NWSE	1.2			

IRRIGATION STORAGE Within BANNOCK County

T10S R37E S18	NESW	T10S R37E S18	NWSE
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STOCKWATER same as IRRIGATION

IRRIGATION FROM STORAGE same as IRRIGATION

71.7 ACRES TOTAL

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:

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

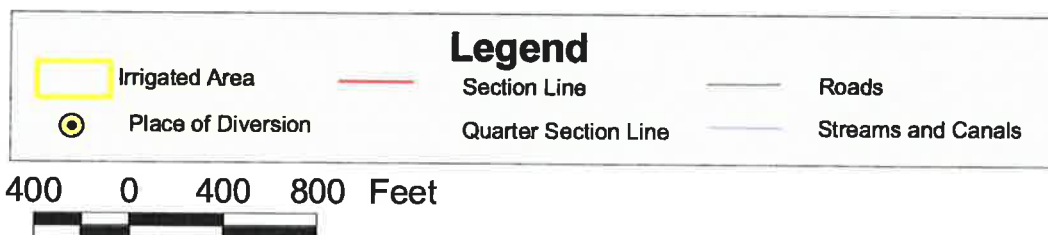
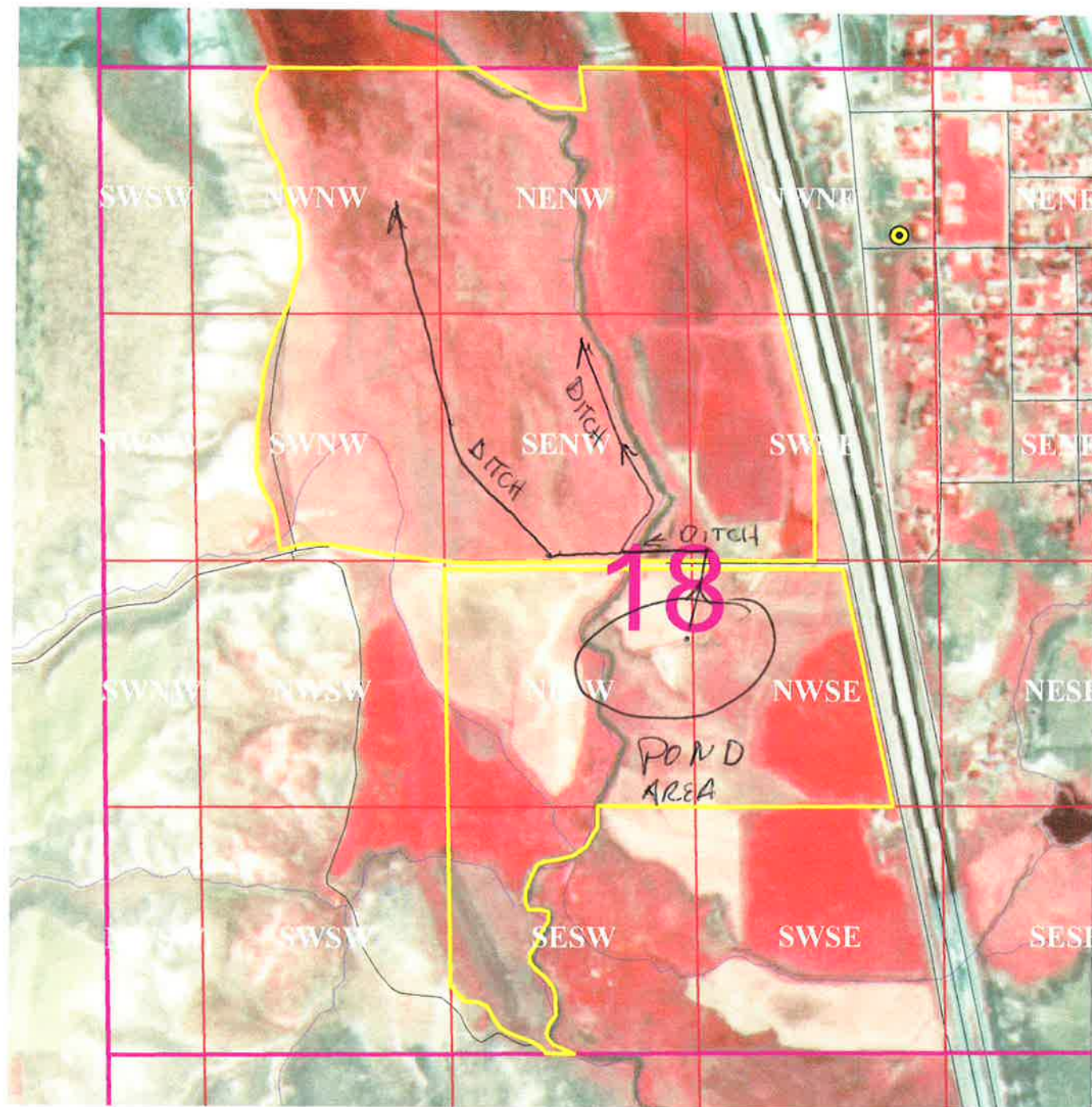
EXPLANATORY MATERIAL: Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM MCCAMMON DITCH CO.

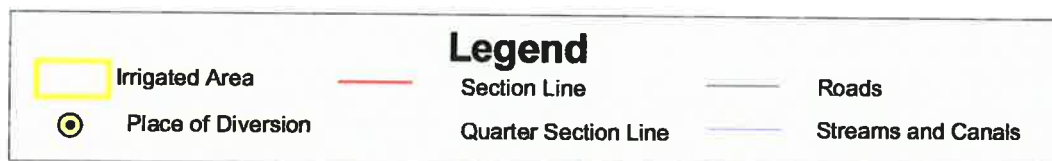
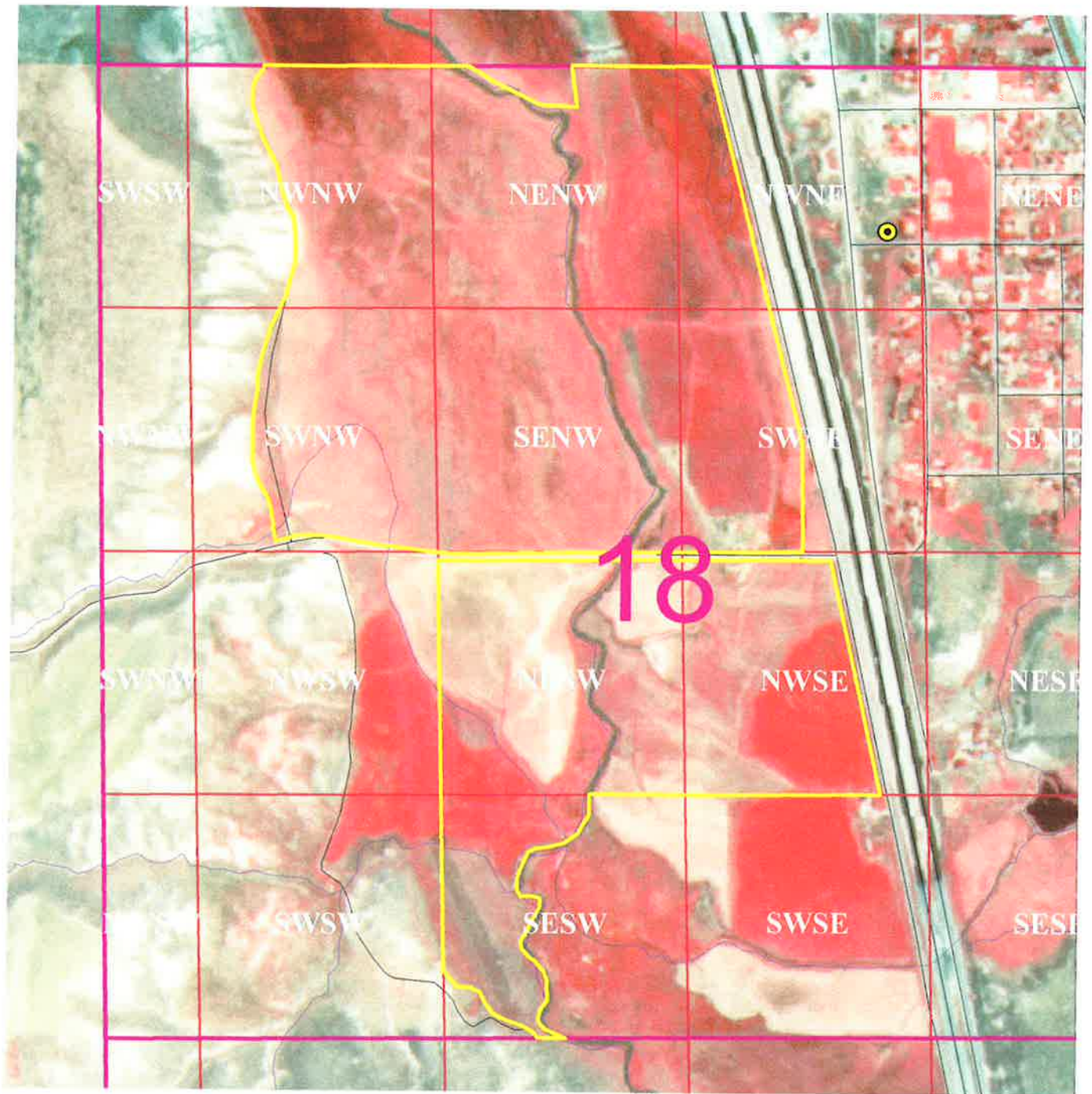
USE OF THIS RIGHT IS COMBINED WITH WATER FROM PORTNEUF IRRIGATING CO.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

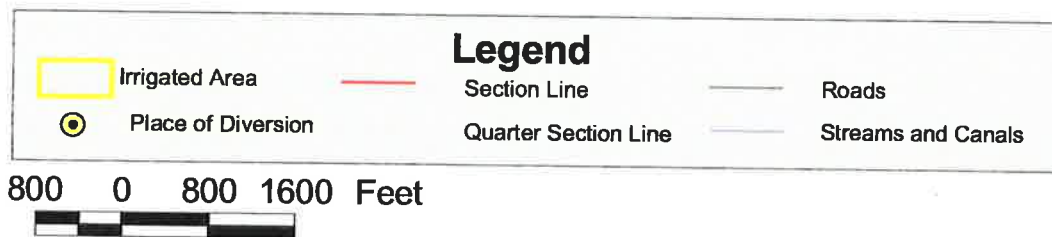
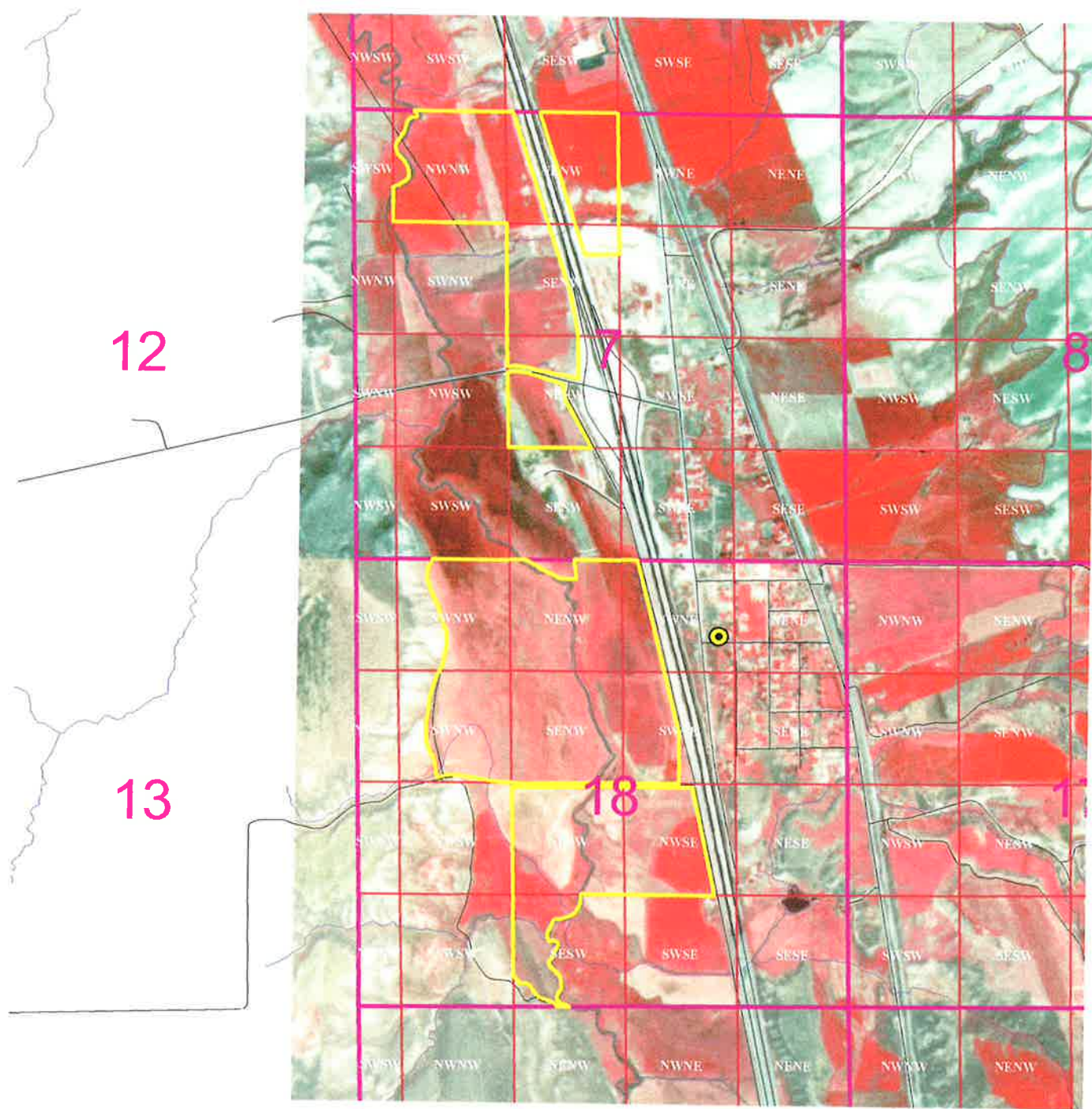
Township , 10S37E



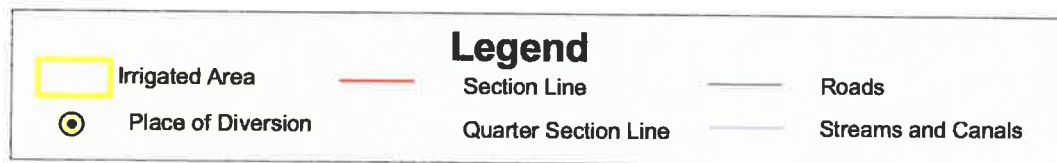
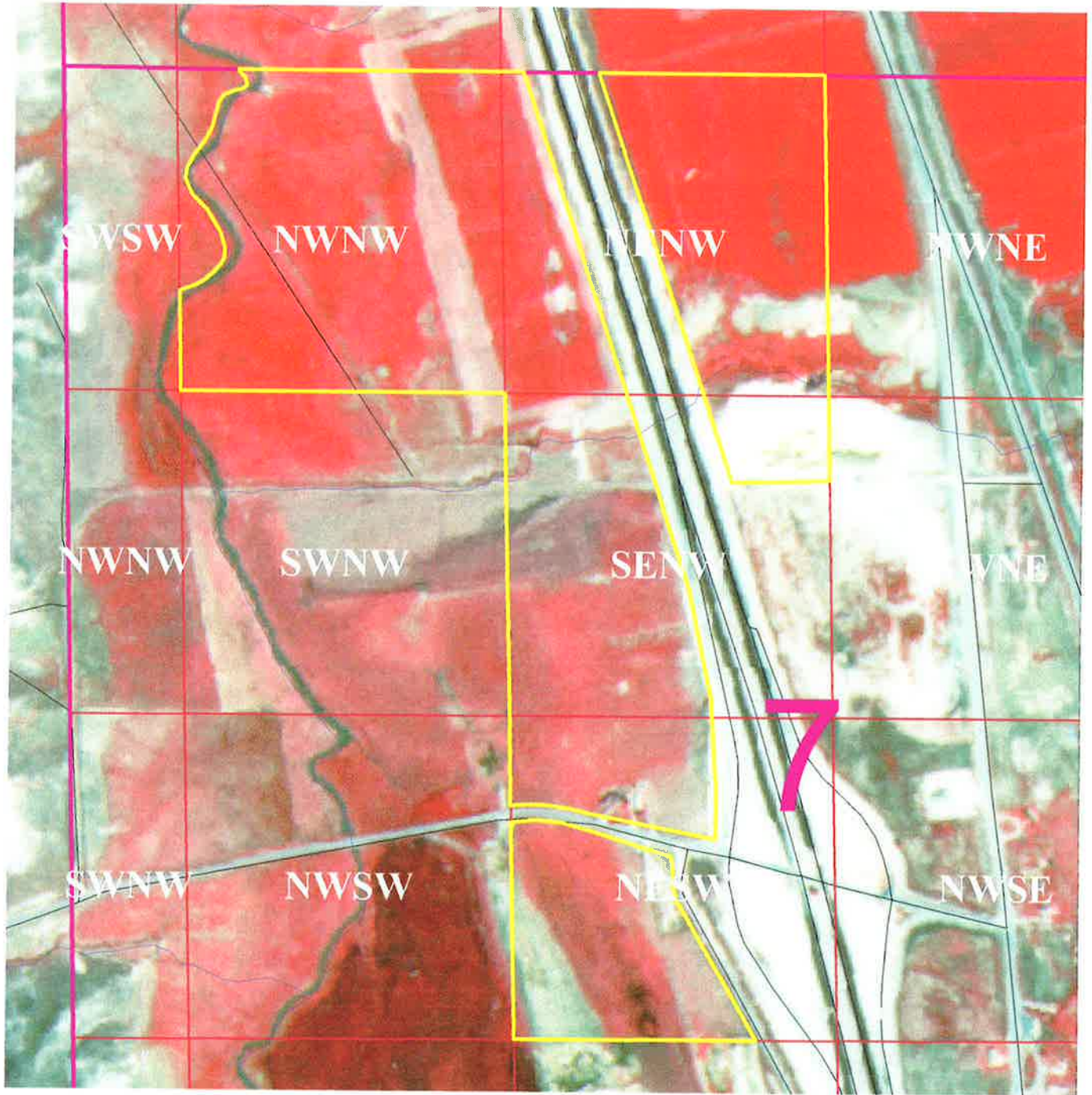
Township , 10S37E



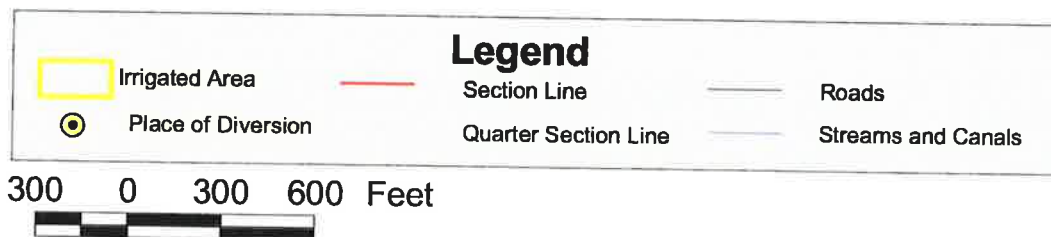
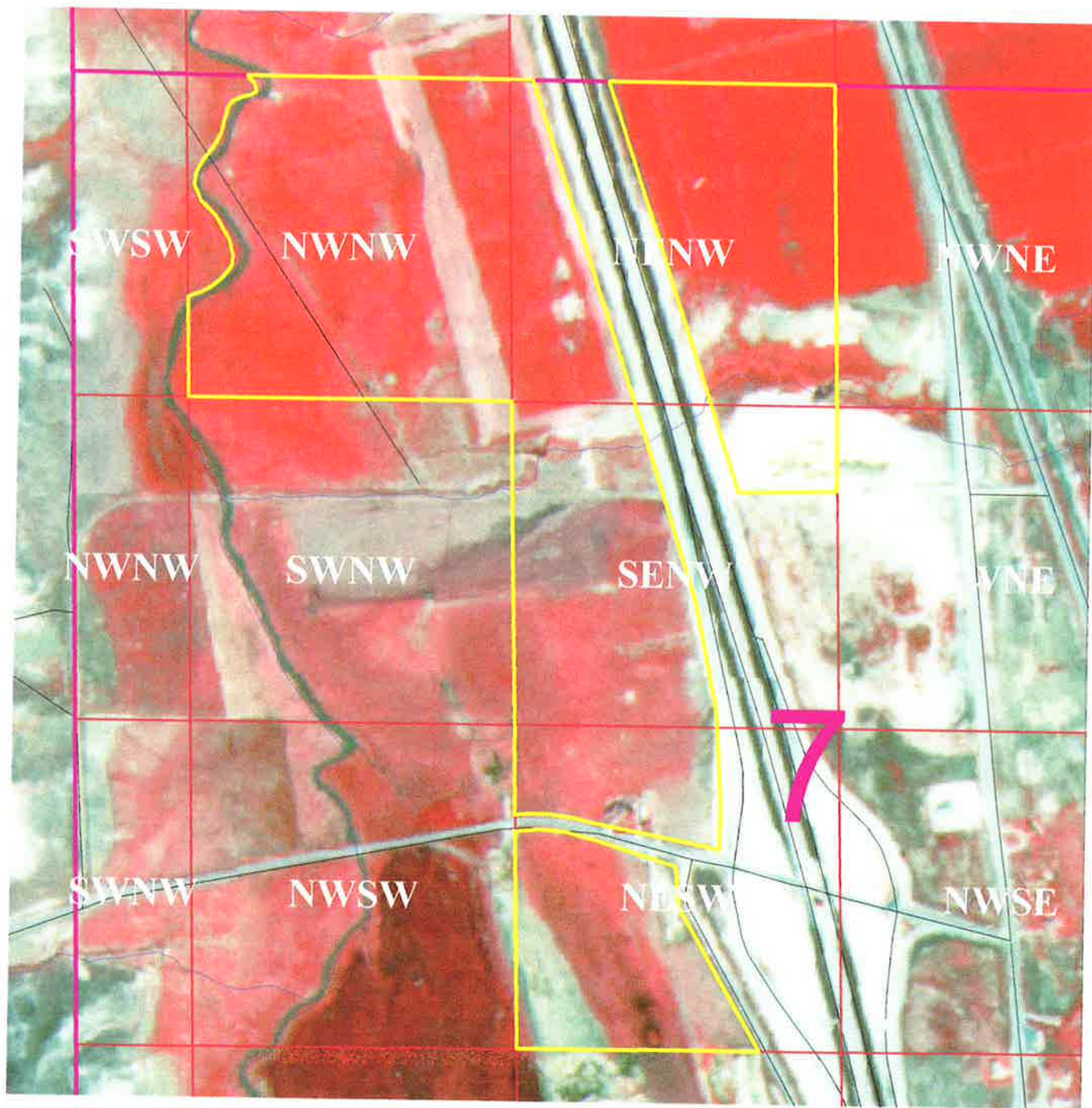
Township , 10S37E



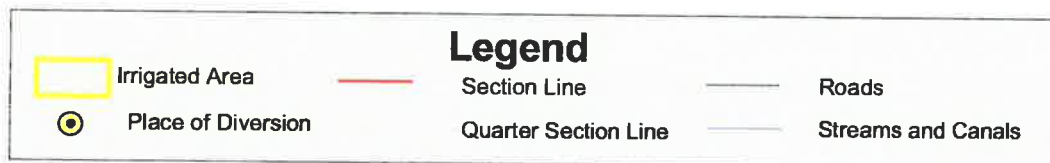
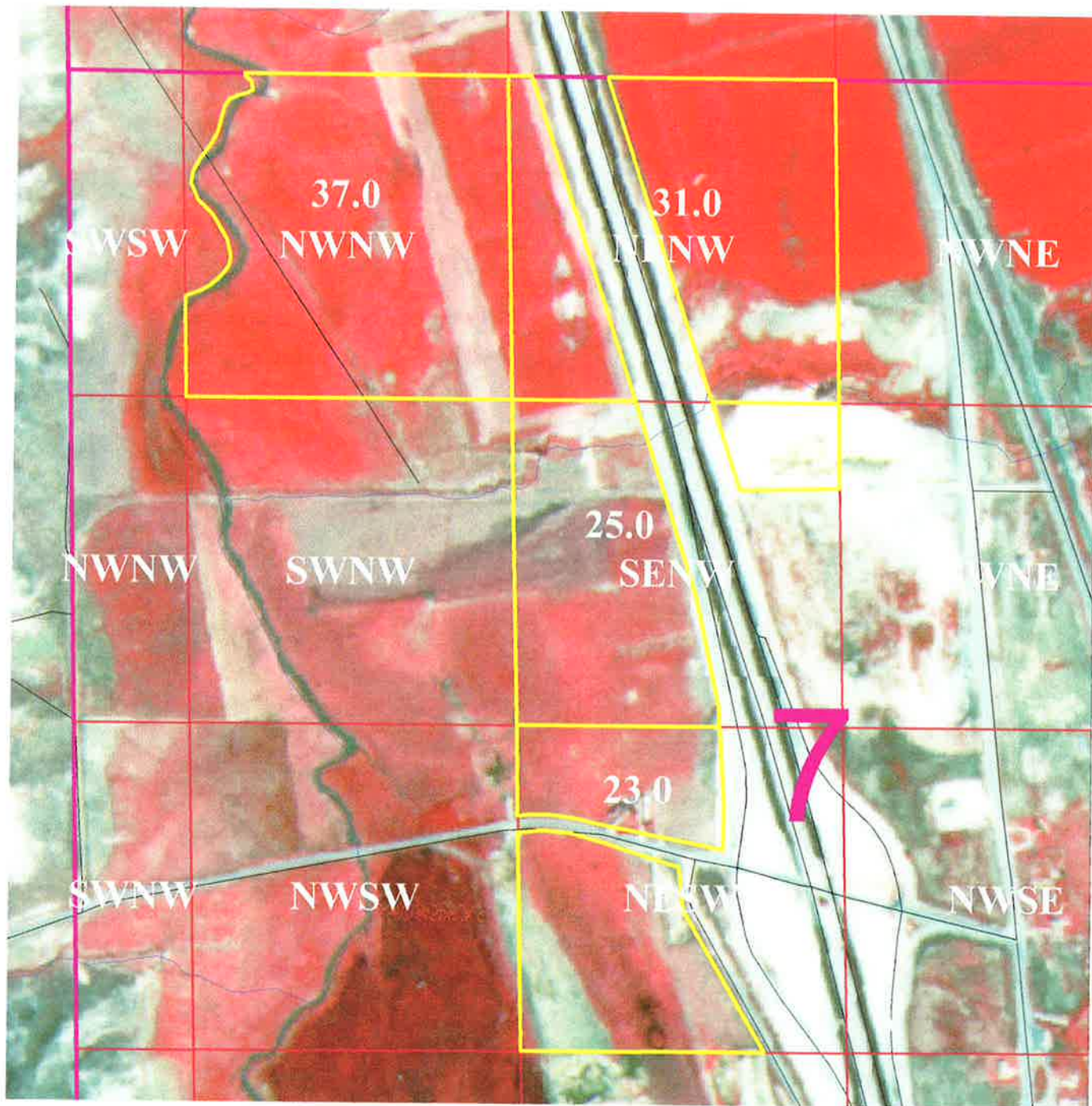
Township , 10S37E



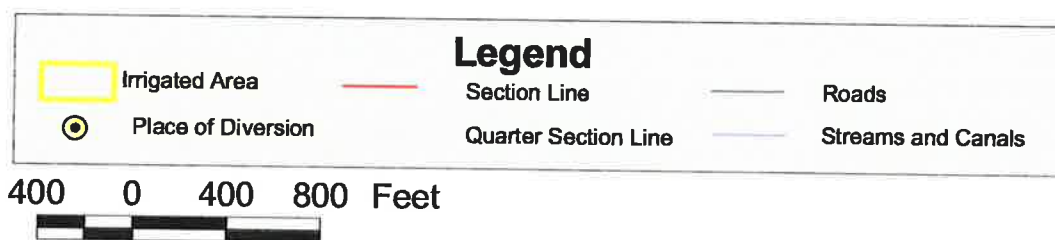
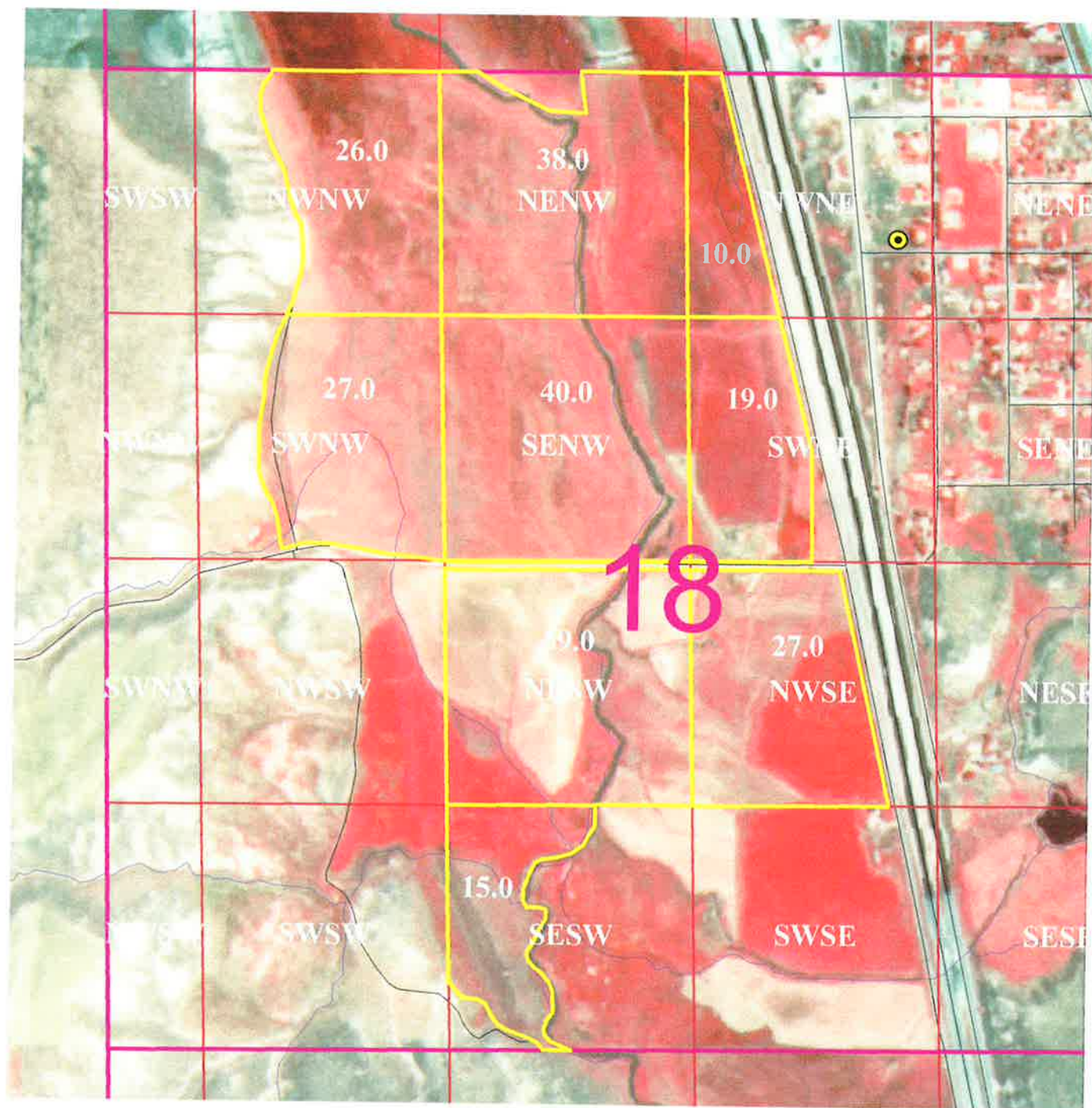
Township , 10S37E



Township , 10S37E



Township , 10S37E



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

RIGHT NUMBER: 29-4200
NAME AND ADDRESS: HENDERSON RANCHES INC
1414 DELPHIC WAY
POCATELLO ID 83201-2293

SOURCE: POND
TRIBUTARY: MARSH CREEK

QUANTITY: 1.030 CFS
5.00 AFY
Facility volume 5 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

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

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

PRIORITY DATE: 04/01/1924

POINT OF DIVERSION: T10S R37E S18 NE&W Within BANNOCK County
T10S R37E S18 NESW Within BANNOCK County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	04/01 10/31	1.000 CFS
IRRIGATION STORAGE	01/01 12/31	5.00 AFY
IRRIGATION FROM STORAGE	04/01 10/31	5.00 AFY

PLACE OF USE:

<u>IRRIGATION Within BANNOCK County</u>			
T10S R37E S18	SWNE	0.6	T10S R37E S18 NE&W 19.0
T10S R37E S18 Lot 1	NWNW	11.0	T10S R37E S18 Lot 4 SWNW 5.3
T10S R37E S18	SENW	31.0	T10S R37E S18 NESW 3.6
T10S R37E S18	NWSE	1.2	
<u>IRRIGATION STORAGE Within BANNOCK County</u>			
T10S R37E S18	NESW		T10S R37E S18 NWSE
<u>STOCKWATER same as IRRIGATION</u>			
<u>IRRIGATION FROM STORAGE same as IRRIGATION</u>			

71.7 ACRES TOTAL

SF5

Water Right No.: 29-4200
Uncontested Overlap of 29-4202, 29-4203 & 29-11089

Page 1

RCB
EMC

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

Use of 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, 29-11089, 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, 29-11089, 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

Use of this right is combined with water from McCammon Ditch Co.

Use of this right is combined with water from Portneuf Irrigating Co.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RUB
EMC

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PROFIT

Robert H. - 78 yrs. old when starting claims were
filed. - Remembered back to when he was 12 yrs old.
His father purchased entire ranch in 1913. But had
worked on the ranch since 1884 (maybe 1894).

Dave

02/18/2003

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: April 21, 2003

Water right number: 29-4200

HENDERSON RANCHES INC
1414 DELPHIC WAY
POCATELLO ID 83201-2293

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:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: March 19, 2003 SIGNATURE: Alice H. Dunn
Please print your name: Alice H. Dunn, secretary, Henderson Ranches, Inc.

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

Alice H. Dunn
238-7547

Brought these in
but wanted to check
maps to be sure. She's
been at home but her
computer doesn't seem to
have the right software.
Please review &
give her a call.

Thank
AW

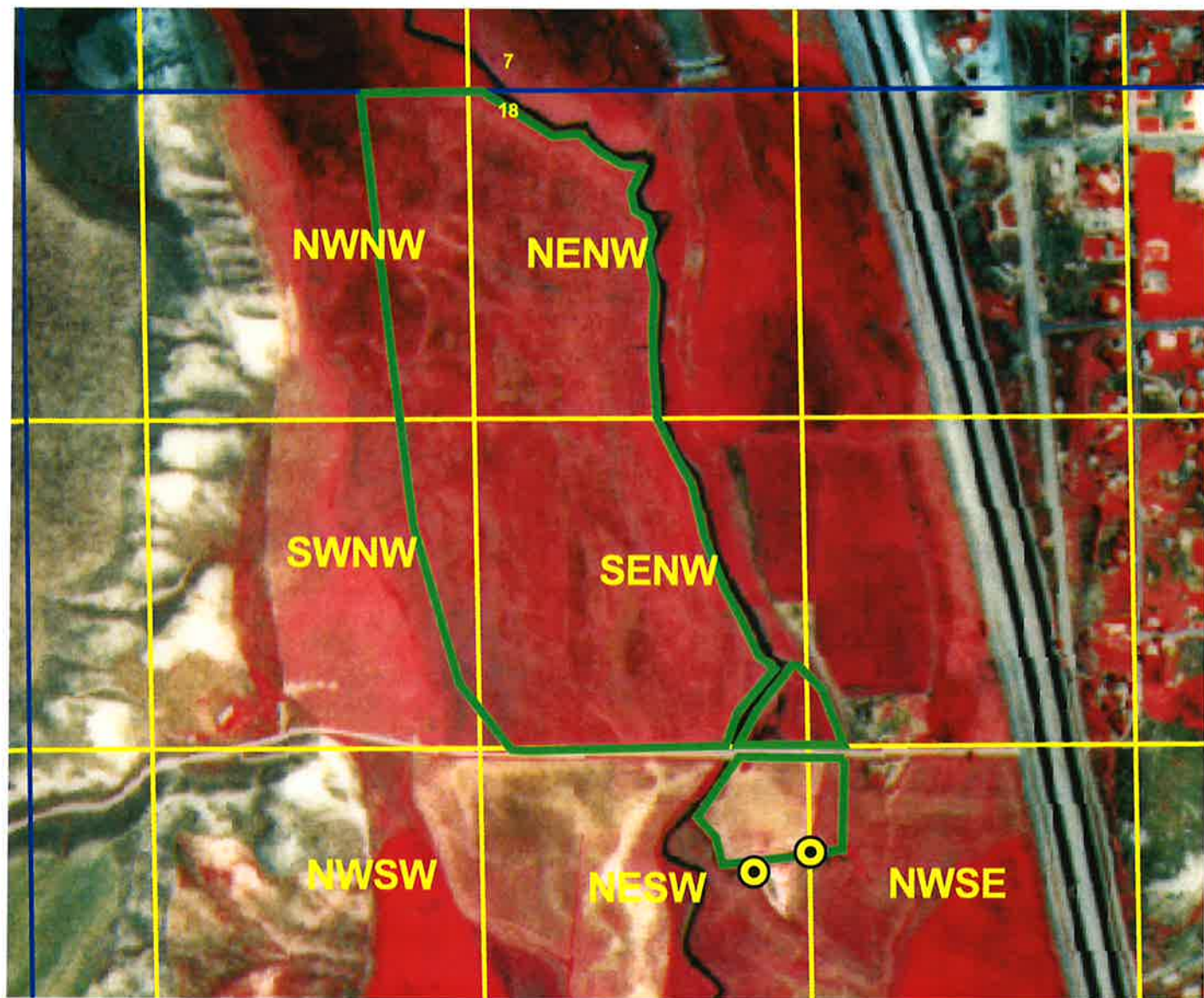
(No agents were available)

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IDAHO DEPARTMENT OF WATER RESOURCES

29-04200

T10S, R37E SEC. 18



ACRES IRRIGATED- 71.7
PROFILES



POINT OF DIVERSION

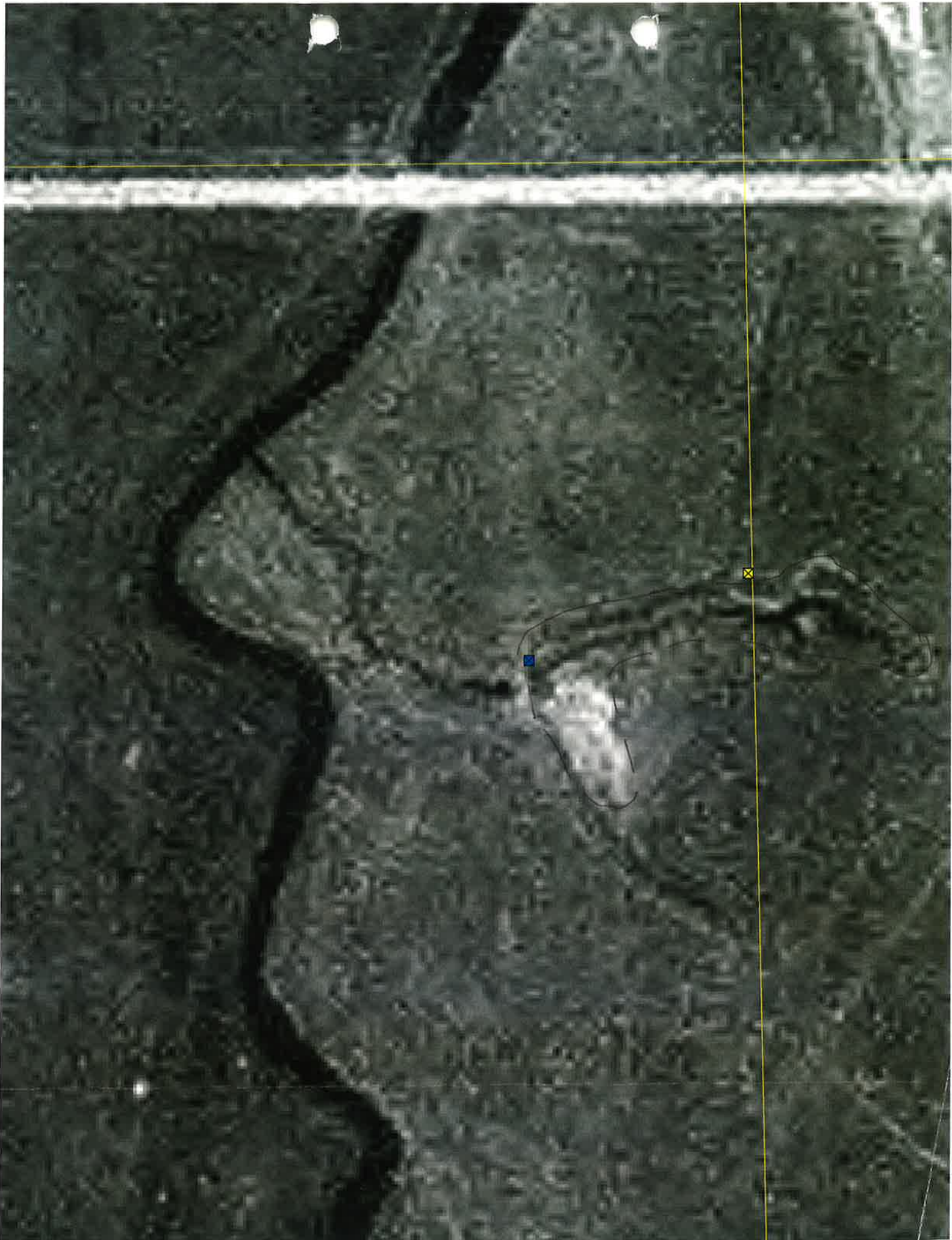


PLACE OF USE

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**GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON**



Minutes of the annual meeting of Henderson Ranches, Inc. held April 25, 1999 at the home of Helen Henderson (Howard) with Helen, Robert H. and Marguerite, Thomas H. and Merle Henderson, Wendell and Alice Dunn, and Willis Howard attending. Stanley Henderson was excused due to the illness of his wife Ruth.

Meeting was called to order by President Helen Henderson. Minutes of the 1998 annual meeting were read and approved, and minutes of the settlement meeting with Don Marley were read for information purposes.

Willis reported that he had assisted Don Marley in installation of pipe in the pasture west of the ranch house. The ranch paid for materials and back hoe work. Backfilling around the pipe was not completed as it should have been before winter, and it washed out badly this spring. Don will take full responsibility for completing the project, including back hoe work. The project should prevent further erosion of the creek at the difficult curve before emptying into Marsh Creek.

It cost us about \$400.00 to have Bannock County spray for the dyers wode growing on the hill in the vicinity of the old dump last year. Willis will supervise this year, and it should cost us less. He will also use Round-up around the ranch where needed as well as at the trailer park. Weeds around the out-buildings at the ranch house are under much better control due to his 1998 efforts.

Robert said the trailer park looked trashy. After a discussion of various alternatives, Marguerite moved that we notify the tenants of a raise in the rent to \$50.00 per month and intent to make improvements to upgrade the appearance. Wendell said we would have to comply with terms of the lease agreements. Tom seconded the motion, and it carried. Wendell was instructed to talk to Dale Evans about the junk in the spaces he rents for his employees, especially the old cars and trash in the irrigation ditch.

Tom moved that we retain present officers Helen Henderson (Howard), president; Stanley Henderson, vice-president; and Alice H. Dunn, secretary. Marguerite seconded, motion, carried.

Wendell reported that the ranch is finally out of debt but will have to borrow operating funds from when the next expenses come due until the end of the year. He presented a proposed 1999 budget (copy attached.) There should be a carry-over of \$4656.00 at the end of 1999 to begin paying year 2000 expenses. This budget also provides for some money for improvements. We can look forward to the ranch being completely self-sustaining within a few years. Robert suggested that we put any profit into improvements to cut taxes. Helen reminded us that we could use some of those profits to reimburse her for expenses for the new roof and paint, needed improvements to her home during 1998 as planned in the 1998 annual meeting.

Larry Christensen signed a copy of the original lease dated 1990 which gave him three years, not the new lease which Alice wrote up for him in January. No one seemed to know where the two copies of it went in the interim. The new lease separated the Rocks from the rest of the ranch. Originally, Christensen's was set up as a sublease, but he has always dealt directly with us.

Larry reported to Helen that he had beaten off some sagebrush preliminary to planting new grass. He grazes 100 cattle there until he can put them on the range. He also indicated that the perimeter fences are in adequate shape and that he is using the irrigation water.

Helen asked about selling Winafred's shares. Based on county assessments, the value appears to be about \$1394.00/share. Terms of the articles of incorporation limit buyers to members of the family. Tom would like to buy the ranch, but none of us has the money to buy any shares.

Willis reported that he had found sale of the machinery not feasible.

Meeting adjourned at 4 p.m.

SCANNED

PROFILED MAR 09 2005

Respectfully submitted,

Alice H. Dunn, secretary

A29-04200

A29-04201

A29-04202

A29-04203

A29-11089

A29-11090 Partially Decreed

A29-11091 Partially Decreed

A29-11092 Partially Decreed

A29-11093 Partially Decreed

A29-11095 Partially Decreed

A29-11096 Partially Decreed

A29-11097 Partially Decreed

A29-11098 Partially Decreed

A29-11099 Partially Decreed

A29-11100 Partially Decreed

A29-11101 Partially Decreed

A29-11102 Partially Decreed

A29-11103 Partially Decreed

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MAR 09 2005

1414 Delphic Way
Pocatello, ID 83201-2293
May 18, 2001

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MAY 21 2001

Department of Water Resources
Eastern Region

Dave Carlson, Senior Water Rights Agent
State of Idaho Department of Water Resources
900 No. Skyline Dr.
Idaho Falls, ID 83402-1719

Pursuant to your request, enclosed please find a copy of Henderson Ranches 1999 minutes naming the officers of the corporation. The 2000 minutes did not name us, merely noted that we were re-elected.

With this information at hand, please change the mailing address for communications from your office to us to

Henderson Ranches, Inc.
1414 Delphic Way
Pocatello, ID 83201-2293
ph. (208)238-7547

Thank you.

Very truly yours,



Alice H. Dunn, secretary

This would be an
address addition for all
Henderson Ranch Inc. basin 29
Add this new address with
the PO BOX 25 Arimo

PROFIT

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MAR 09 2005

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
ERIC L. OLSEN
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH

RECEIVED

NOV 14 2001

Department of Water Resources
~~BOISE OFFICE~~
Eastern Region
CONRAD J. AIKEN

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

November 7, 2001

Dave Carlson
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402

RE: Request for supporting documents for Henderson Ranches Inc.
SRBA Water Right Claims 4200, 4201, 4202, 4203.

Dear Mr. Carlson:

I'm writing in response to your request to Alice Dunn for supporting documentation for Henderson Ranches Inc. claims to the water rights described in SRBA No. 4200, 4201, 4202, and 4203. The notations on the original filings of these claims (in 1981) stated that the claims are "supported by abstracts which will be provided if desired and necessary."

After making a through review of the abstracts we have on file, I have located several documents supporting these claims, particularly the priority dates, place of use, and actual use as described in the claims at issue. I've attached a copy of the documents for your review, and trust this is sufficient additional proof to enable the Department to recommend these claims.

The documents attached, all from Abstract No. 10906, consist of a 1929 Decree, where a portion of the place of use in the decree is some of the land in the Henderson's claim (see Exhibit "1"). The second document is a 1932 court decree relating to the same place of use as the prior decree (see Exhibit "2"). However, the place of diversion in the two court documents is directly from the Portneuf River, while Henderson's Claims are for diverted water from tributaries of the Portneuf River, while, the place of use is the same. The other two documents I have located are mortgages. Both documents describe a piece

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SCANNED

MAR 09 2005

Dave Carlson
November 7, 2001
Page 2

of property which makes up some of the place of use in the Henderson's SRBA claims. (See Exhibits "3" and "4".) The mortgages, contain a description of water rights "including but not limited to the use of the waters of two private springs and Marsh Creek."

I have also included a computer generated plat map, illustrating roughly where the water rights claimed by the Henderson are located (see Exhibits "5" and "6"), and approximately where the places of use described in the supporting documentation are located. (see Exhibits "7" and "8").

If you have any further question on this matter please advise.

Sincerely,



RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Alice Dunn (w/enclosures)

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MAR 09 2005

Abstract No. 10906

IN DISTRICT COURT OF UNITED STATES IN AND FOR DISTRICT OF IDAHO,
EASTERN DIVISION.

United States of America, upon
the relation of H. E. Ray,
United States Attorney for the
District of Idaho, Plaintiff,

In Equity No. 478

DECREEE

Dated: April 8, 1929

filed: April 8, 1929

v.

Julia Hibner, Kepler Sessions,
Merchants Trust Company, corporation,
successor in interest to A. J. Knollin,
Continental National Bank of Salt Lake
City, a corporation, successor in
interest to Thomas J. Wipper, John W.
Symons, George A. Whitworth, George
John, Cordelia Warner, Dempsey
Irrigating Company, a corporation, Topaz
Irrigation Company, corporation, Thomas
Hilliman, F. A. Reed, James H. Byington,
Noah Reese, Lava Irrigation Company, a
corporation, Mrs. A. A. Fairchild,
Portneuf Irrigating Company, a corporation,
Portneuf Marsh valley Canal Company, a
corporation, A. T. Shumway, J. T. Gitton
J. J. Lewis, McCammon Ditch Company, a
corporation, Ameziah Benson, Brigham R.
Green, Orson V. Robbins, Royal T. Hale,
Samuel Orgill, G. H. Romriell, William J.
Lewis, Ed. Murphy, Thomas Orgill, George
Goodenough, Oregon Short Line Railroad
Company, A. J. Butterfield, Parley P.
Jensen, Ben D. Jensen, George Brangham,
Westside Canal Company, corporation, Toponce
Canal Company, a corporation, First National
Bank of Pocatello, a corporation, successors
in interest of Joseph and William F. Purvis,
J. A. Eldridge, Union Grain & Elevator
Company, a corporation, Michael Whitworth,
National Loan Company, a corporation, O. R.
Brangham, and Village of McCammon, a municipal
corporation, Defendants.

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MAR 09 2005

This cause came on to be further heard at this term, additional
proofs being submitted and the cause being further argued by counsel and

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BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

FLB 136

thereupon upon consideration thereof;

It is ordered, adjudged and decreed as follows, viz:

I.

1. The plaintiff herein, the United States of America, is, pursuant to law, the trustee for the rights of certain Indians hereinafter named, who are wards of the government, and the adjudication of the rights hereinafter particularly recited are for the use and benefit of the respective Indian wards.

2. That the decree of the water for Indian wards hereinafter adjudicated is fixed at one miners inch per second of time per acre measured at the point of diversion and the right to the use of such water upon Indian lands is continuous and the failure of any of the Indians to use the water hereinafter adjudicated will not cause either an abandonment or a forfeiture of their rights thereto, provided however, the next appropriator in point of time shall have the right to the use of the water hereinafter adjudicated to the Indians when said water is not diverted and used for irrigation or domestic purposes by said Indians, but the relief from forfeiture or abandonment shall not extend to the ownership of said lands in persons other than Indians.

II.

"C.F.S." is used herein to designate a flow of one cubic foot of water per second of time.

Allotment numbers used herein are the numbers of the allotments made by the United States Government to Indians on the Fort Hall Indian Reservation.

INDIAN'S RIGHTS

The names of the Indian wards of the government, the date of priority, the point of diversion and the lands upon which the water is to be used are as hereinafter set forth under specified headings as follows, to-wit:

(Certain property not now under search)

III.

(Indian Rights Owned by Others Than Indians)

(Certain property not now under search)

IV.

SCANNED

MAR 09 2005

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BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

137

FLB 137

Rights of Others Than Indians, Under State Court Decree, to-wit:
The Case of Union Grain & Elevator, Plaintiff, v. McCammon Ditch Company,
et al, Defendants, Filed December 4, 1922, In District Court of Fifth
Judicial District of State of Idaho in and for Bannock County:

(Certain property not now under search) and

No. 40. Name of Claimant and date of Priority: Portneuf Irrigating
Company, March 27, 1889.

Amount in second feet: .55 c.f.s.

Point of diversion and place of use: Said water to be diverted
through the Portneuf Irrigating Company's Canal which diverts water from
the Portneuf River in Southeast quarter of Northwest quarter, Sec. 22,
Twp. 9 South, Range 37 East, from the Southwest corner of Sec. 22, the
point of diversion bears North 44°43' East 3550 feet.

The water is carried from the point of diversion through a short
stretch of canal, to the Portneuf-Marsh Valley Irrigation Company's canal,
through which it is delivered to points of diversion of the Company's
laterals and main canals, diverting directly from the Portneuf Marsh Valley
Irrigation Company's main canal. The point of diversion of the main
lateral, called the Portneuf Irrigating Company's ditch, is located in the
Northwest quarter of the Northeast quarter, Sec. 30, Twp. 9 South, Range
37 East, from the North quarter corner of Sec. 30, the point of diversion
bears South 9°30' East 1170 feet.

The water entering the headgates of the Portneuf-Marsh Valley
Irrigation Company's canal shall be delivered free from transit losses to
the several laterals and the main canal above described, for the irrigation
of 3236.7 acres located as follows:

75.7 acres in West half of Southeast quarter, 41.5 acres in
East half of Southwest quarter Section 18, Twp. 10 South,
Range 37 East.

No. 46. Name of Claimant and Date of Priority: McCammon Ditch
Company, June 11, 1889, June 28, 1901.

Amount in second feet: .50 c.f.s., 18.95 c.f.s.,

Point of diversion and Place of use:

Said water to be diverted through the McCammon Ditch Company's ditch
which diverts water from the Portneuf River in the Southwest quarter of the
Northeast quarter Section 21, Twp. 9 South, Range 37 East, from the
south quarter corner of Sec. 21, the point of diversion bears North 22°45'

SCANNED

FILED

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

MAR 09 2005

Abstract No. 10906

East 3020 feet for the irrigation of 2447.57 acres of land in the legal subdivisions described as follows:

Northeast quarter, Northwest quarter, Southwest quarter, Northwest quarter of Southeast quarter Sec. 26, Twp. 9 South, Range 26 East.

C. C. Cavanah, District Judge.

SCANNED

MAR 09 2005

PROFILED

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

139

FLB 139

Abstract No. 10906

IN DISTRICT COURT OF FIFTH JUDICIAL DISTRICT OF STATE OF IDAHO,
IN AND FOR THE COUNTY OF BANNOCK.

Union Grain & Elevator Company,
corporation, Plaintiff,

vs.

McCammon Ditch Co., corporation,
et al, Defendants.

JUDGMENT

Dated: August 6, 1932

Filed: August 6, 1932

at 3:45 P. M.

Recorded: Book 11 Judgment

Book Page 202

This cause came on regularly for trial on 26th day of September, 1932 before Honorable John C. Rice, Judge of Seventh Judicial District of State of Idaho, presiding as Judge of above entitled court, sitting without a jury, a jury having been expressly waived by respective parties;

And the court having previously fixed the time and place for the hearing of the cause, and having caused the Clerk of the court to give notice in writing to the attorneys of record for all the parties to said action prior to the date set for the hearing of the same, * * *

It is further ordered, adjudged and decreed, that the following named persons and corporations, defendants and cross-complainants in this action have the right to the use of the waters of the said Portneuf River, and the tributaries thereof, and springs, the sources of said tributaries, such amount and amounts of water continuously, during and throughout the irrigating season of each and every year and from the date of appropriation and priority, with the point of diversion and means of diversion as set forth in the following schedule, to-wit:

(Certain property not now under search) and

40. Portneuf Irrigating Company

Date of Priority: 1889, Mar. 27

Amount in second feet: 55 c.f.s.

Point of diversion and place of use: Said water to be diverted through the Portneuf Irrigating Company's canal, which diverts water from the Portneuf River in the Southeast quarter of Northwest quarter, Section 22, Township 9 South, Range 37 East; from the Southwest corner of Section 22, the point of diversion bears North 44°45' East 3550 feet. The water carried from the point of diversion through a short stretch of canal to the Portneuf-Marsh valley Irrigation Company's canal, through which it is delivered to points of diversion of the company's laterals and main canal diverting directly from the Portneuf-Marsh valley Irrigation Company's main canal, the point of diversion of the main lateral ~~SCANNED~~ the Portneuf

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

MAR 09 2005 FILE 140

PROFILED

Abstract No. 10906

Irrigating Company's ditch, is located in Northwest quarter of Northeast quarter, Section 30, Township 9 South, Range 37 East, from the North quarter corner of Section 30, the point of diversion bears south 9°30' East 1170 feet. The water entering the headgates of the Portneuf-Marsh valley Irrigation Company's canal, shall be delivered free from transit losses to the several laterals and the main canal above described, for the irrigation of 3236.7 acres located as follows:

(Certain property not now under search) and

75.7 acres in West half of Southeast quarter, 41.5 acres in East half of Southwest quarter Section 18, Township 10 South, Range 37 East.

46. McCammon Ditch Company.

Date of priority: 1889, June 11
1901, June 28

Amount in second feet: 50 c.f.s.
18.95 c.f.s.

Said water to be diverted through the McCammon Ditch Company's ditch which diverts water from the Portneuf River in Southwest quarter of Northeast quarter Section 21, Township 9 South, Range 37 East, from the south quarter corner of section 21, the point of diversion bears north 22° and 45' East 3020 feet for irrigation of 2447.57 acres of land in the legal subdivisions described as follows:

(Certain property not now under search) and

Northeast quarter, Northwest quarter, Southwest quarter, Northwest quarter of Southeast quarter Section 26 in Township 9 South, Range 36 East.

John C. Rice, District Judge.

SCANNED

MAR 09 2005

PROFILED

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

111

FLB 141

Abstract No. 10006

Benjamin W. Henderson and Dicy
W. Henderson, husband and wife,
and Robert W. Henderson and
Winifred G. Henderson, husband
and wife,

to

Land Bank Commissioner, acting
pursuant to Part 3 of Act of
Congress known as Emergency Farm
Mortgage Act of 1933.

MORTGAGE

Dated: November 1, 1933
Filed: March 9, 1934
at 5:35 P. M.
Instrument No.: 169970
Recorded: Book Mortgage
Record Page

That in consideration of a loan to the mortgagors, evidenced as
hereinafter described, mortgagors do hereby grant, bargain, sell and convey
to mortgagee following described real property situated in Bannock County,
Idaho:

Southwest quarter of Northeast quarter, Northwest quarter of
Southeast quarter and Northeast quarter or Southwest quarter
of Section twenty-six, Township nine South, Range thirty-six
and East half of Southwest quarter and West half of Southeast
quarter of Section eighteen, Township ten South, Range thirty-
seven East of Boise Meridian, according to official plat thereof,
subject to rights of way for roads;

Subject to pole line easement;

Together with all water rights, and rights in ditches, canals
and laterals, and rights of way therefor, appurtenant to said
premises or used in connection therewith now and/or at any time
during existence of this mortgage, including (but not limited
to) the following: The right to the use of the waters of two
private springs and Marsh Creek.

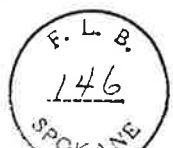
This conveyance is intended as mortgage and is given as security for
performance of covenants hereinafter contained and for payment to mort-
gagee at his, (the Commissioners) office in City of Spokane, State of
Washington, of the debt evidenced by one promissory note executed by
mortgagors to order of mortgagee of even date herewith, for principal
sum of \$4000.00, together with interest thereon at rate of five per cent
per annum from date hereof until paid, payable semi-annually on whole of
said principal sum from time to time remaining unpaid, the principal sum
being due in semi-annual installments of \$200.00 each, beginning on May
1st, 1937, the last of such installments being due on November 1, 1946;
the mortgagors having privilege of paying at any time one or more install-
ments of principal or the entire unpaid balance of said principal sum;
said note providing for payment of a reasonable attorney's fee in addition
to other costs of suit thereon, and further providing that principal pay-

PROFILED

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

SCANNED

MAR 09 2005



Abstract No. 10908

ments in addition to those therein contracted to be made shall operate to discharge the debt evidenced thereby at an earlier date and shall not reduce the amount or defer the due date of any installment of principal therein provided.

This mortgage is junior to a mortgage to The Federal Land Bank of Spokane, a corporation, in sum of \$6000.00, dated November 1, 1933, now of record in the proper office of the County where said land is situated.

Benjamin W. Henderson
Dicy W. Henderson
Robert W. Henderson
Winifred S. Henderson

Acknowledged: Bannock County, Idaho, March 8, 1934; by Benjamin W. Henderson and Dicy W. Henderson, husband and wife, and Robert W. Henderson and Winifred S. Henderson, husband and wife; before Henry J. Nelson, Notary Public for State of Idaho. Residing Arimo, Idaho. (Notarial Seal) My commission expires Aug. 12, 1936.

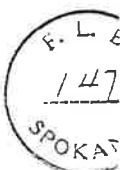
SCANNED

MAR 09 2005

PROFILED

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

147



Benjamin W. Henderson and
Dicy W. Henderson, husband
and wife, and Robert W.
Henderson and Winifred S.
Henderson, husband and wife,

to

The Federal Land Bank of Spokane,
corporation organized and
existing under Federal Farm
Loan Act as amended.

MORTGAGE

Dated: November 1, 1933
Filed: March 9, 1934
at 3:34 P. M.
Instrument No.: 169969
Recorded: Book 61 Mortgage
Record Page 98

Grant, bargain, sell and convey following described real estate in
Bannock County, Idaho:

Southwest quarter of Northeast quarter, Northwest quarter of
Southeast quarter and Northeast quarter of Southwest quarter
of Section twenty-six, Township nine South, Range thirty-six
and
East half of Southwest quarter and West half of Southeast
quarter of Section eighteen, Township ten South, Range thirty-
seven East of Boise Meridian, according to official plat
thereof, subject to rights of way for roads; subject to pole
line easement;
Together with all water rights, and rights in ditches, canals,
and laterals, and rights of way therefor, appurtenant to said
premises or used in connection therewith now and/or at any time
during existence of this mortgage including (but not limited to)
the following: The right to the use of the waters of two
private springs and Marsh Creek.

This conveyance is intended as a mortgage to secure performance of
covenants and agreements hereinafter contained, and the payment of the
debt represented by one promissory note made by mortgagors to order of
mortgagee, of even date herewith, for principal sum of \$6000.00, with
interest thereon from date until maturity at rate of 5½ per cent per ann
payable semi-annually, on whole of said principal sum from time to time
remaining unpaid, both principal and interest being payable to said mort
gagee at its office in City of Spokane, State of Washington, on an
amortization plan in 38 semi-annual installments of \$255.00 each and a
final installment of \$100.09, which is due in 19½ years from date hereof
unless matured sooner by extra payments on account of principal; and
providing also for reasonable attorney's fees in addition to other costs
in case of suit thereon. Installments not paid when due shall bear
interest thereafter until paid at rate of 8 per cent per annum.

SCANNED

Loan secured by this instrument having been made by second party in reliance upon fact that portion of land herein described is irrigable and for irrigation of which first parties have made proper provision, both as to water supply and drainage, it is expressly stipulated and agreed that if at any time after five years from date hereof directors of said bank shall deem such provision for water supply or drainage no longer adequate and shall so declare by appropriate action entered on their minute book, bank shall be entitled to call upon first parties to, at their option either reduce balance due on loan to fifty per cent of then value of security as determined by federal appraiser, or to give such additional security as shall upon valuation of federal appraiser provide security in double amount of balance due on loan; and in event first parties shall, within sixty days after receiving such written notice, fail or refuse to meet such requirements, bank may at its option, and after four months notice in writing to first parties, declare note hereby secured due and payable and be entitled to foreclose this mortgage.

Mortgagors hereby covenant and agree that whenever there are 10 or more borrowers (including the mortgagors) who have obtained from the mortgagee direct loans under the provisions of Section 7 of the Federal Farm Loan Act as amended, whose loans aggregate not less than \$20,000, and who reside in a locality which may, in the opinion of the Land Bank Commissioner, be conveniently covered by the charter of and served by a national farm loan association, the mortgagors will unite with such other borrowers to form a national farm loan association; and that they, together with such other borrowers or any of them, will organize such association subject to the requirements and conditions specified in Section 7 of the Federal Farm Loan Act as amended, so far as the same may be applicable, and in accordance with the rules and regulations of the Land Bank Commissioner.

This rider is attached to and made a part of mortgage executed this 1st day of November, 1935.

Benjamin W. Henderson
Dicy W. Henderson
Robert W. Henderson
Winifred S. Henderson

Acknowledged: Bannock County, Idaho, March 8, 1936; by Benjamin W. Henderson and Dicy W. Henderson, husband and wife, and Robert W. Henderson and Winifred S. Henderson, husband and wife; before Henry J. Nelson, Notary Public for State of Idaho. Residing at Arimo, Idaho. (Notarial Seal) My commission expires Aug. 12, 1936.

PROFILED

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

145

SCANNED

MAR 09 2005

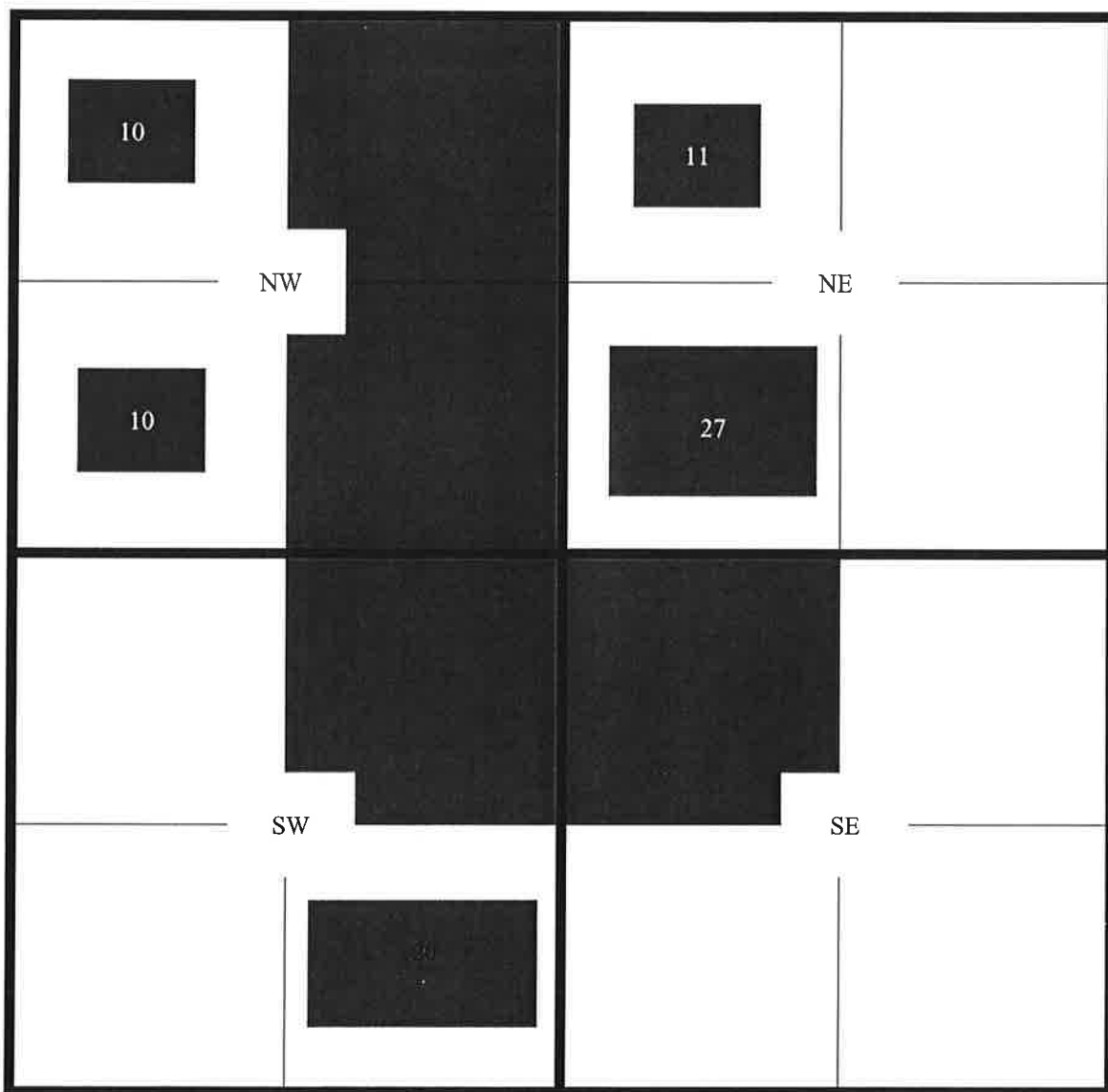


Township 10 S.B.M.

Range 37 E.B.M.

Section 18

Water rights (place of usage) claimed in Section 18
(SRBA No. 4200, 4201, 4202, 4203)



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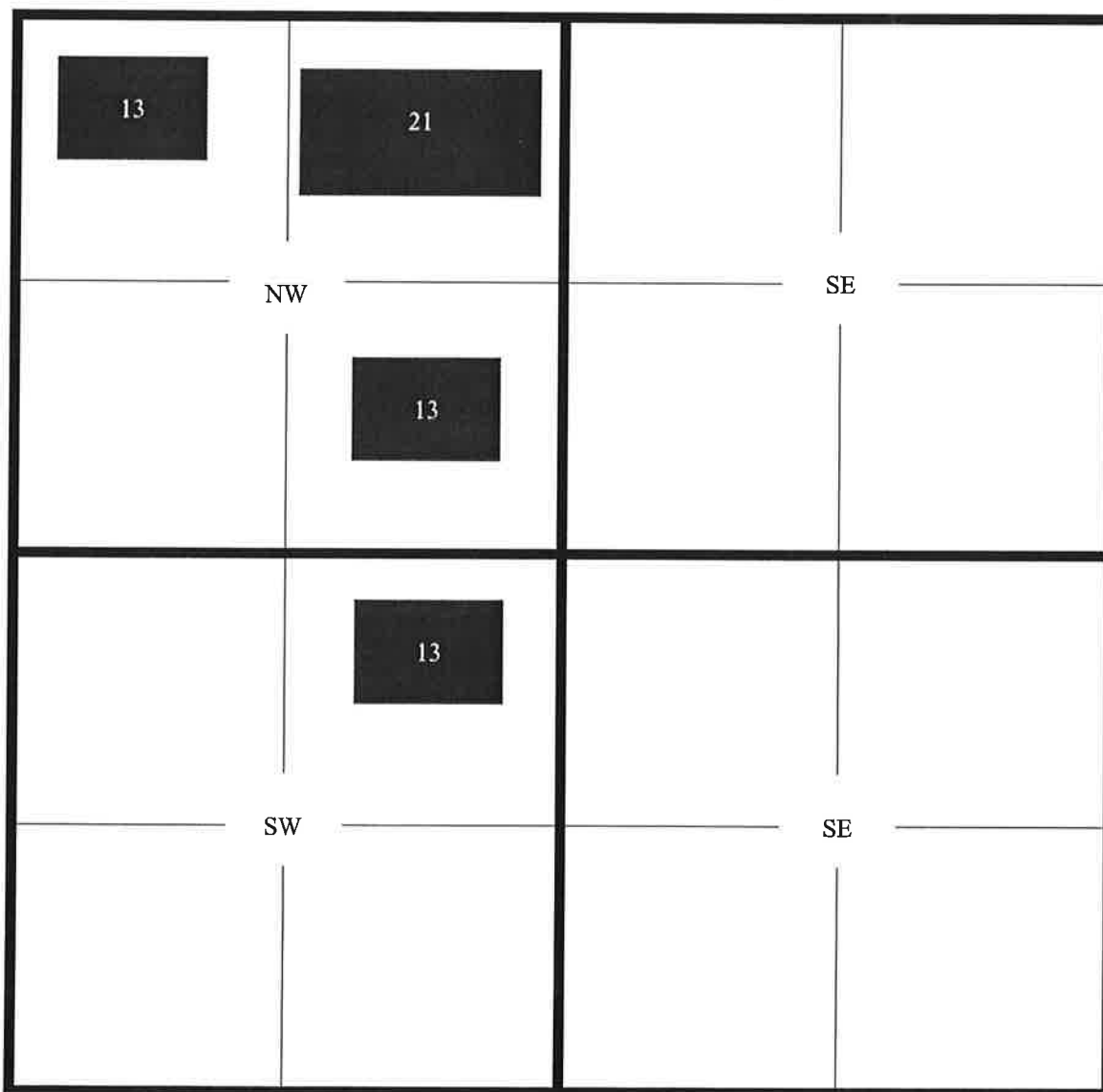
SCANNED
MAR 09 2005

Township 10 S.B.M.

Range 37 E.B.M.

Section 7

Water rights (usage) claimed in Section 7
(SRBA No. 4200, 4201, 4202, 4203)



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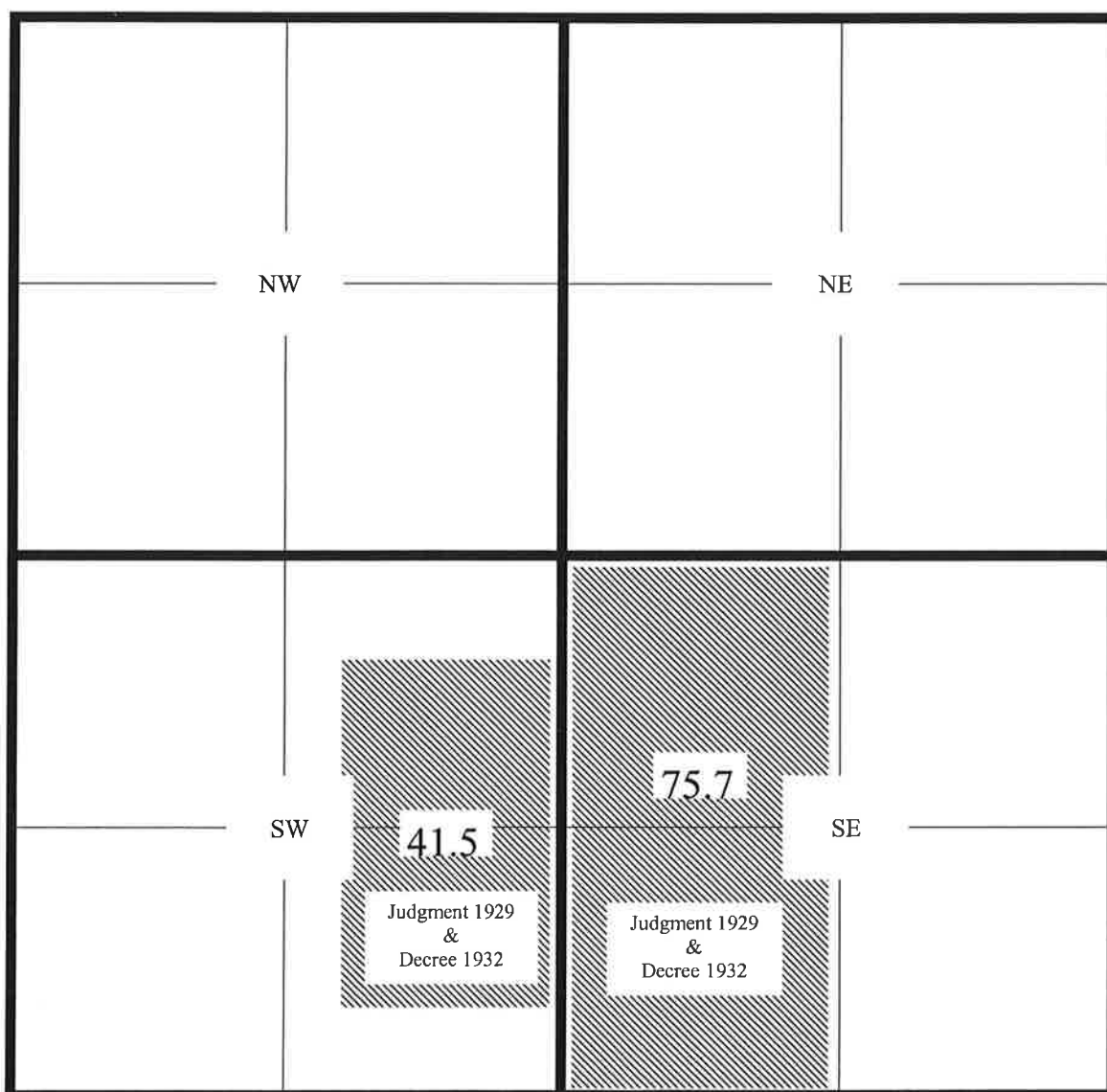
SCANNED
MAR 09 2005

Township 10 S.B.M.

Range 37 E.B.M.

Section 18

Water Rights From Abstract Documents claimed in Section 18



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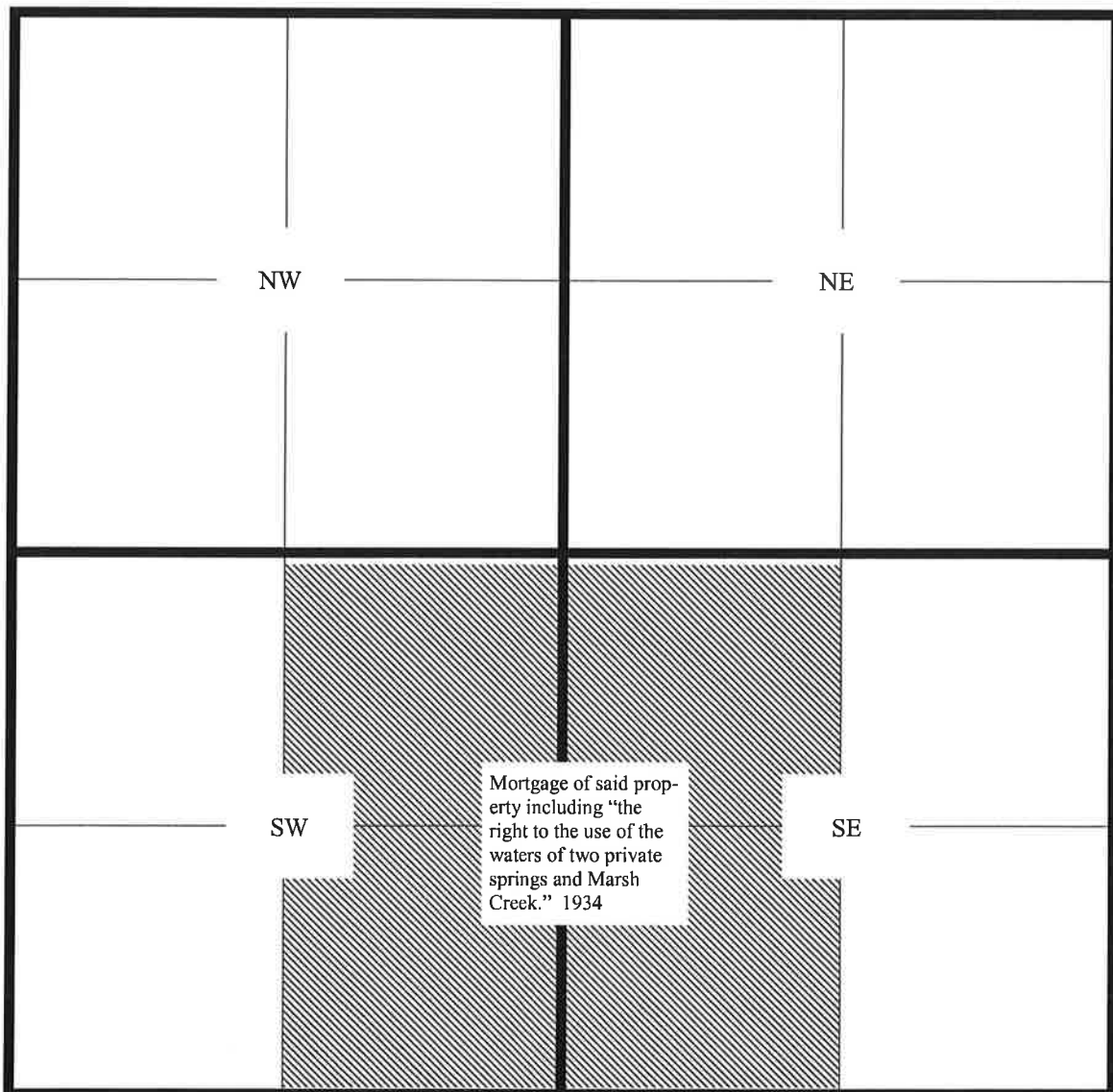
SCANNED
MAR 09 2005

Township 10 S.B.M.

Range 37 E.B.M.

Section 18

Documents supporting Water Right Claims From Abstract Documents for
Section 18



PROFILE

SCANNED
MAR 09 2005

MAY 31 2001

Log for claim A29-04200

Spatial Dynamics LTD

6/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s37e	7	NENW	21	31	Indiscernible
10s37e	7	NWNW	13	37	Indiscernible
10s37e	7	SEnw	13	25	Indiscernible
10s37e	7	NESW	13	23	Indiscernible
10s37e	7	SWSW	0	0	
10s37e	7	SESW	0	0	
10s37e	7	SWSE	0	0	
10s37e	18	NWNE	11	10	
10s37e	18	SWNE	27	19	Indiscernible
10s37e	18	NENW	40	38	
10s37e	18	NWNW	10	26	Indiscernible
10s37e	18	SWNW	10	27	Indiscernible
10s37e	18	SEnw	40	40	
10s37e	18	NESW	40	39	
10s37e	18	SESW	20	15	Indiscernible
10s37e	18	NWSE	40	27	
Totals:			298	357	

pond area south of
gravel road.

ditch to the north across

the road and then to the west across
Marsh Crk pipeline to west side of
Marsh Crk

AJ5809NP
No. A29-04200

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 129

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HENDERSON RANCHES INC PO BOX 25 ARIMO ID 83214 (208) 254-3557	04/01/1884	IRRIGATION STOCKWATER	03-15 10-15 01-01 12-31	1.000 CFS 0.030 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					1.030 CFS	870.00 AFA

Water Source: SPRINGS

Tributary to: MARSH CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T10S R37E S18

NWNE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
10S	37E	7	:							21	13			13						:	60.0
10S	37E	18	:			11	27			40	10	10	40			20		40		:	238.0
TOTAL ACRES																				:	298.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: S/700 RANGE.

Other Rights: 29-04201, 04202

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-04202

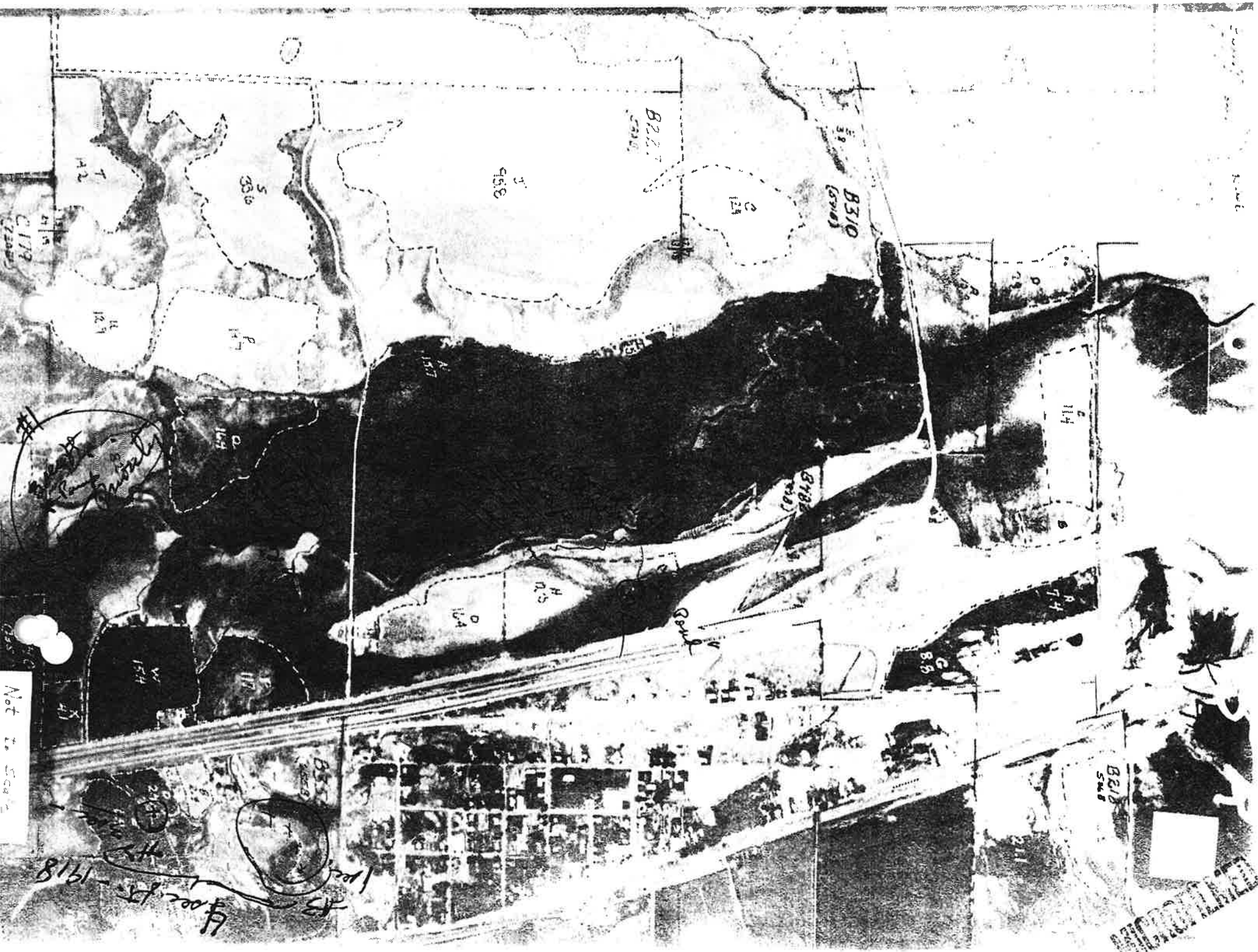
Other Water Rights Listing Overlapping Place(s) of Use:
A29-00051 A29-02416 A29-04201 A29-04202 A29-04203 A29-11089 A29-11277 A29-12055

Remarks: GEN CONFORMED ATTORNEY ADDRESS DMS

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/05/90 DCARLSON 12/03/92 COX 05/26/94 DCARLSON 07/20/94 THOMPSON
03/29/95 DSMITH 03/29/95 POST-STD



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B310
(5m 8)

B227
(5m 8)

958

B182
(m 8)

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AFFIDAVIT

To: Idaho Department of Water Resources

From: Robert W. Henderson, P.O. Box 15, Arimo, Idaho 83214, January 11, 1995

Regarding: Ajudication claim AJ5809NP, #A 29-04200

The home place of Henderson Ranches contains in excess of 1100 acres of land in T 10S, R37E, S7 and S18 and adjoining sections in R36E. Most of it is irrigated but some is dry farm land. Another irrigated part of the ranch lies in sections 25 and 26 in T9S, R36E. The irrigated parcels were acquired with water rights in separate parcels over a long period of time beginning in 1913 when my father and uncle purchased the first 360 acres and our family took up residence in the house in which I still live. I was nine years old at that time. The various water sources have been developed into an "extensive and complex system" mentioned in A29-04201. This system also includes water from shares owned in Arimo Ditch Company, an extension of Portneuf Irrigating Company.

Both irrigation and stock watering are indeed carried out on the same described locations which constitute parts of the irrigated portions of the ranch.

The springs described in the document under consideration lie in parcels purchased from Bill and Zina Hatch in 1945, from Jesse and Bertha Kelley in 1954, and the northern tip of the pond area purchased from Kenneth Capell in the late 1960s. The water from the pond and springs mixes and has been transported through a hill to the west by means of a ditch since before 1924. Zeb Gunter, owner at that time, and my father-in-law Thomas Charles Smith, whom he employed, built the ditch. Before that time for many years, the water was transported by a ditch which had been constructed around the north side of the hill. The water irrigates land west of that hill on both the east and west sides of Marsh Creek where it is carried by three pipes that cross the creek, 298 acres as stated in the original filing.

IN WITNESS WHEREOF, the party of the second part has hereunto set his hand.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF)
)
)


Robert W. Henderson

STATE OF IDAHO

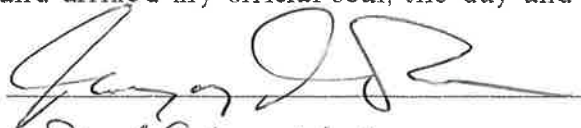
County of Binham

On this 11th day of January, in the year 1995, before me
a Notary Public in and for said County and State, personally appeared
Robert W. Henderson

known to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that he executed the same.

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

(seal)


Blackfoot, Idaho

Commission expires 5/28/96

MICROFILM

NOV 13 1995

EXPENDITURE VOUCHER
STATE OF IDAHO
Office of State Auditor

AUDITOR USE

AGENCY USE

Date	6935
Code	10/25/91
	193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

PAY

TO

HENDERSON RANCHES, INC.
PO BOX 25
ARIMO, ID 83214

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	04 10 162	9337	8831		REFUNDS PER D. SHAFF WR#A29-04200/04201 04202/04203 RECEIPT #E012838 10/23/91 211.00	211.00	
TOTAL						211.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor



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

October 24, 1991

Henderson Ranches
P.O. Box 25
Arimo, ID 83214

RE: Snake River Basin Adjudication (SRBA)
Bannock County - #A29-04200, A29-04201, A29-04202 &
A29-04203 - Receipt #E012838 - \$211.00

Dear Claimant:

An overpayment of your filing fees has been brought to our attention on your above claims in the amount of \$211.00. The refund process has been initiated with the State Auditor's Office, and you should receive your check in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff', written over a horizontal line.

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:ref

MICROFILMED
NOV 13 1992

29
REFUND REQUEST

Hold Until — To Fiscal 10-24-91 of

TO: Debbie Allen

THRU: Don Shaff

Initials/Date
Approved DL 10-23-91

FROM: John Carlson

Approved —

RE: Payor

Address

Henderson Ranches, Inc.
PO Box 25
Arimo, ID 83214

Claimant if NOT Payor —

Receipt # E012838 Attached ☒

Logged 03-14-91 of

Amount \$ 211.⁰⁰

Claim Location region

W/R #(s) 429-04200, -04201,
-04202, 04203

Extension Filed? Y/N ☒ NA

Refund Generated By EWC

Copy Attached? Y/N ☒ NA

Not Refunded as of 03-15-91 of

Late Fees Paid? Y/N ☒ NA

Reason for Refund overpmt.

On Receipt # —

Date of Last Correspondence none. Claimant came to region & talked to EWC

Data Base Modified? Y/N ☒ NA By — Date —

REMARKS: Bannock Co. Claims rec'd 4-4-90 w/ fees. EWC's
calculations show that Portneuf Irr. pld for 210.7ac of
Henderson Lands. Pls see map from EWC.

MICROFILMED

NOV 13 1992

09/20/90

May 16, 1991

RANDALL C BUDGE
PO BOX 1391
POCATELLO ID 83204-0391

RE: SRBA CLAIMS - HENDERSON RANCHES INC. - REFUND

Dear Mr. Budge:

A request to refund \$211.00 paid by Henderson Ranches, Inc. was initiated as of February 25, 1991. Henderson Ranches, Inc. should receive a check in the near future.

Please feel free to contact this office if you have any more questions regarding this matter.

Respectfully submitted,

Ernest Carlsen
Water Resources Supervisor, Adjudication

EC:sc

MICROFILMED
NOV 13 1992

RECEIVED

MAY - 6 1991

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
CARY B. COLAIANNI
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-0391

Department of Water Resources
Eastern District Office
APR CODE 208
232-6101

TELEX
208-232-6109

May 3, 1991

*ALSO MEMBER ILLINOIS BAR

Idaho Department of Water Resources
Eastern Region
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Re: SRBA Claims - Henderson Ranches, Inc.

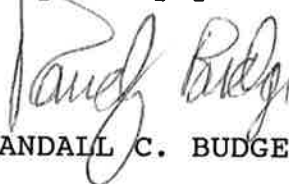
Dear Sir:

Enclosed please find copies of my previous letter dated April 3, 1990, and Receipt No. EO12838, regarding the \$923 in filing fees paid by Henderson Ranches, Inc., relative to their SRBA claims.

Of the total fees paid, \$348 represented the \$1 per acre charge. As noted in the April 3 letter, we anticipated that Portneuf Irrigating Company and/or McCammon Ditch Company would be filing SRBA claims for their decreed water rights in the Portneuf River, including payment of the \$1 per acre fee. Our client has advised that these water companies did pay the \$1 per acre charge on the same land. Accordingly, Henderson Ranches, Inc., would request a partial refund of the \$1 per acre charge that has been double paid.

Thank you for your consideration.

Very truly yours,


RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Henderson Ranches, Inc.

MICROFILMED

NOV 13 1992

A29-04203
A29-04201
A29-04202
A29-04200
EO12838

m: DWR03::FRAZEE 14-MAR-1991 15:52:42.62
: DWR70::THOMPSON
C: FRAZEE
Subj: A29-04200 THRU 04203/REFUND

HI. ERNIE SENT ME A REFUND FOR THE HENDERSON RANCH IN ARIMO. AS USUAL, THE PACKAGE IS QUITE COMPLETE (I PERSONALLY THINK HE'S A DEAR FOR BEING SO THOROUGH AND MAKING MY JOB EASIER!).

BUT....

I NEED TO KNOW WHETHER THERE WAS ANY CORRES. BETWEEN ERNIE AND THE HENDERSON RANCH, PLS...AND IF SO, I'LL NEED A COPY FOR THE REFUND PACKAGE, PLEEZE.

HOPE THE TRAINING OF SHARLA IS GOING WELL, JO. LET ME KNOW HER LAST NAME, PLEASE, FOR MAIL MESSAGE PURPOSES. THANK AGAIN.....SAL

*3-15-91 Jo called, told me claimant came into
ofc & spoke w/Ernie, so no corres.*

MICROFILMED

NOV 13 1992

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 02/20/91
Time: 10:16:48

Rec/No - E012838 AR/No -
From: - HENDERSON RANCHES INC.

Receipt Type - CK Doc/No - 5242
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 04/04/1990

Type Of Payment	Program	Acct	Class	Fee
ADJUDICATION FEE (CK NO 5243 FOR \$125)	410162	9337	6490	923.00

Total Due - 923.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A2904200	398.00	A2904201	50.00	A2904202	50.00
A2904203	50.00	A2911089	50.00	A2911090	25.00
A2911091	25.00	A2911092	25.00	A2911093	25.00
A2911095	25.00	A2911096	25.00	A2911097	25.00
A2911098	25.00	A2911099	25.00	A2911100	25.00

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=CANCEL)

INTER-DEPARTMENT MEMO — 1

FROM Brenda

DATE 11-7-90

TO File's A29-04200, A29-04201, A29-04202, A29-04203

SUBJECT See Attached Letter.

ERNIE - MY CALCULATIONS SHOW THAT PORTNEUF IRR. PD.

FOR 210.7 ACRES OF HENDERSONS LANDS.

• PORTNEUF'S IRR. RECEIPT NO. IS E013087

• HENDERSON'S RECEIPT NO. IS E012838

RECOMMEND REFUNDING HENDERSON

\$211.00

MICROFILMED

NOV 13 1992 SIGNATURE

E012838

INTER-DEPARTMENT MEMORANDUM

TO: Debbie Allen, Manager Fiscal Department
through Don Shaff, Manager Technical Support

FROM: Ernest Carlsen, Adjudications Supervisor

DATE: February 25, 1991

REFUND TYPE: Overpayment

Claimant's Name: Henderson Ranches, Inc.

Address: PO Box 25
Arimo, ID 83214

Receipt Number: E012838

Water Right Number: A29-04200, A29-04201, A29-04202,
A29-04203.

Uses Claimed: Irrigation

Fees Submitted: \$923.00

REFUND AMOUNT: \$211.00

My calculations show that Portneuf Irrigation paid for 210.7
acres of Henderson Lands.

Portneuf Irrigation's Receipt No. is E013087.
Henderson's Receipt No. is E012838.

Recommend refunding Henderson \$211.00.

Ernest Carlsen/Brenda Bloom

MICROFILMED

NOV 13 1992

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
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*ALSO MEMBER ILLINOIS BAR

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POCATELLO, IDAHO 83204-0391

TELEPHONE
AREA CODE 208
232-6101

TELEX
208-232-6109

April 9, 1990

RECEIVED

APR 10 1990

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
Eastern Region
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Re: SRBA Claims - Henderson Ranches, Inc.

Dear Sir:

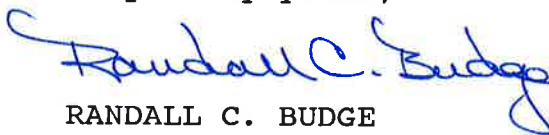
With my letter of April 3, 1990, we submitted 13 domestic and 5 irrigation claims on behalf of Henderson Ranches, Inc. It has been brought to our attention that two minor mistakes were made.

On Claim No. A29-04203 under Paragraph 5, we indicated that the diversion pump was 2.5 horse power which should have read 25 horsepower due to a typographical error.

Additionally, on the following irrigation claims under Paragraph 13 we reflected that the land was also irrigated by 6.2 shares of Portneuf Irrigation Company stock. The correct number of shares should be changed from 6.2 to 5.58 on Claim Nos: A29-04202, A29-04200, and A-20-04201.

As attorneys for the Claimant, Henderson Ranches, Inc., we would respectfully instruct and authorize you to make these corrections on the claims submitted.

Very truly yours,



RANDALL C. BUDGE

RCB:qr

cc: Henderson Ranches, Inc.

MICROFILMED

NOV 13 1992

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E012838

Date: 04/04/90
Time: 16:17:41

Received
From: HENDERSON RANCHES INC.

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE (CK NO 5243 FOR \$125)	0410162 9337 6490	\$923.00
Total		\$923.00

CHECK 5242

WR/NO: A29-04200	A29-04201	A29-04202	A29-04203	A29-11089
A29-11090	A29-11091	A29-11092	A29-11093	A29-11095
A29-11096	A29-11097	A29-11098	A29-11099	A29-11100
A29-11101	A29-11102	A29-11103		

Idaho Department of Water Resources

Region: EASTERN

Signature: 

MICROFILMED

NOV 13 1992

RECEIVED

MAY - 6 1991

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
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POCATELLO, IDAHO 83204-0391

Department of Water Resources
Eastern District Office
PO BOX 208
232-6101

TELEX
208-232-6109

*ALSO MEMBER ILLINOIS BAR

April 3, 1990

RECEIVED

APR 7 1990

Idaho Department of Water Resources
Eastern Region
150 Shoup, Suite 15
Idaho Falls, Idaho 83402

Department of Water Resources
Eastern District Office

Re: SRBA Claims - Henderson Ranches, Inc.

Dear Sir:

On behalf of Henderson Ranches, Inc., we are enclosing herewith for filing the original plus extra copy of seven domestic and four irrigation SRBA water right claims, together with Claimant's checks in the total sum of \$923.00 for filing fees calculated as follows:

\$325.00 - 13 domestic claims @ \$25.00 each
250.00 - 5 irrigation claims @ \$50.00 each
348.00 - 348 acres @ \$1.00 per acre

\$923.00 - Total

There is a total overlap of the irrigated acres reflected on each irrigation claim as three sources of water, from Marsh Creek and from three springs, is diverted into an extensive and complex system of ditches which combine to irrigate the described property.

Claimant also uses 6.2 shares of Portneuf Irrigating Company and 24 shares of McCammon Ditch Com. water stock to irrigate the same property. Thos water companies have or are in the process of filing on their decreed water rights in the Portneuf River. To the extent one or both companies also pay the \$1.00 per acre fee, Henderson Ranches, Inc. would request consideration of a partial refund.

ICROFILME

IV 1 3 190

Idaho Department of Water Resources
Page Two
April 3, 1990

Please file stamp, conform and return the extra copies together with your receipt for filing fees. If you have any questions, please contact me.

Very truly yours,



RANDALL C. BUDGE

RCB:gr

Enclosures

cc: Henderson Ranches, Inc.

MICROFILMED
NOV 13 1992

MAY 31 2001

398

50
348

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: A29-04200
Date Received: 4/ 4/1990
Receipt No: _____
Received By: _____

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

1. Name: HENDERSON RANCHES INC. 208-254-3557
Address: PO BOX 25
ARIMO ID 83214

2. Date of Priority: APR 1, 1884

3. Source: SPRINGS Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	37E	18		NW	NE		BANNOCK

5. Description of diverting works:
POND TO DITCHES FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/15	1.000		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is 870.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/700 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	37E	7	NE	NW		IRR	21.0
			NW	NW		IRR	13.0
			SE	NW		IRR	13.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	37E	7	NE	SW		IRR	13.0
Section Acres							60.0
		18	NW	NE		IRR	11.0
			SW	NE		IRR	27.0
			NE	NW		IRR	40.0
			NW	NW		IRR	10.0
			SW	NW		IRR	10.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			SE	SW		IRR	20.0
			NW	SE		IRR	40.0
Section Acres							238.0
Total Acres							298.0

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:
29-04201, 04202

14. Remarks:

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ 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 _____

TWP

RANGE

COUNTY

SCALE: 1" = 1 MILE

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	19.6 22.2 25.4 28.2 13 13 13 13 22.2 25.4 28.2 31.0 13 13 13 13	7	8	9	10	11	12
13	13 13 13 13 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10 10	18	17	16	15	14	13
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

210.7 acres Paid by Portneuf ^{E013037} That

Henderson paid for.

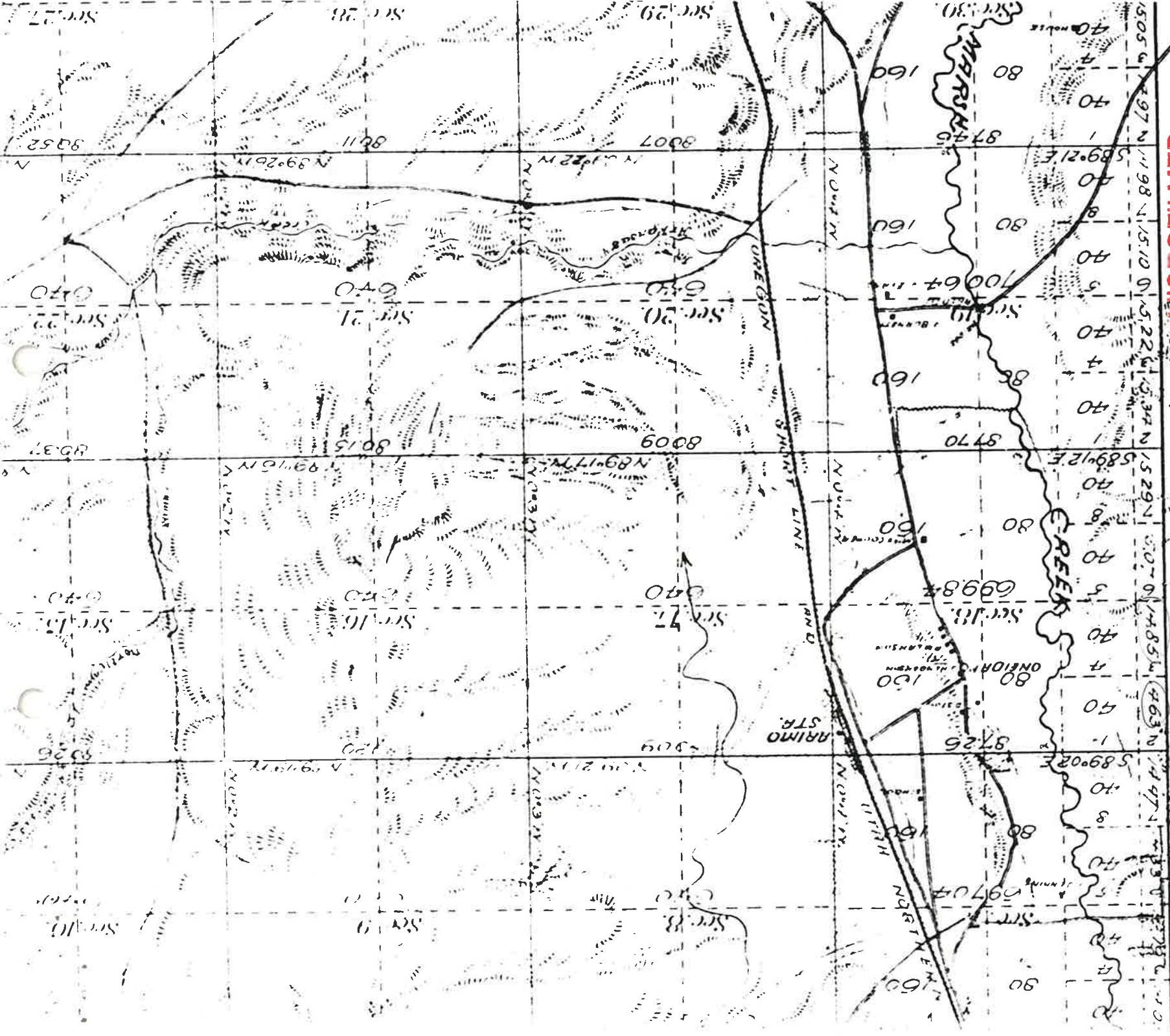
MICROFILMED

NOV 12 1997

NOV 13 1992

MICROFILMED

WATER



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 A29-04200Date Received 4-04-1990Receipt Number E012838

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR - 4 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Henderson Ranches, Inc. Phone (208) 254-3557
Mailing Address P. O. Box 25, Arimo, Idaho Zip 83214

2. Date of Priority (Only one (1) per claim) June 1, 1884

3. Source of water supply (a) Springs
which is tributary to (b) Marsh Creek

4. a. Location of existing point of diversion is: Township 10 S. Range 37 E. Section 18,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, E. B.M., County of Bannock

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. Springs flow directly into pond which
flow into irrigation ditch system which can then be directed throughout
property or into Marsh Creek.

A2904200



MICROFILMED
NOV 13 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 10/15 amount 1.0 or _____

For stockwater purposes from 1/1 to 12/31 amount .03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.03 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 870* acre feet per annum. (2.5 A.F./Acre/Season)

*(includes this claim, plus 3 other springs & Marsh Creek used on same land.)

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) up to 700 beef cattle from springs, ponds, ditches, and Marsh Creek.

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	
10S	37E	18		11	27		40	10	10	40	40			20		40			288
10S	37E	7					21	13		13	13								60

Total number of acres irrigated 348

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 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.

Claims simultaneously filed on 3 additional springs and Marsh Creek or None ()
Also 6.2 shares Portneuf Irrigating Co., 24 shares McCammon Ditch Co.

14. Remarks:

Marsh Creek water plus water from (4) springs are diverted into extensive and complex system of ditches permitting flood irrigation of described property, stockwatering of up to 700 beef cattle and/or diversion back into Marsh Creek when no used. This claim is for 1 spring but reflects all irrigated land and stockwatering.

MICROFILMED

NOV 13 1992

Last Name Henderson Ranches Ident No. _____

Copies: White -State, Yellow-Claimant

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

Decree _____

If applicable provide IDWR Water Right Number 29-4200

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 Vice President

Title

of Henderson Ranches, Inc.

Organization

document in the space below as Vice President of Henderson Ranches, Inc.

Title

Organization

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

Signature of Authorized Agent

Robert S. Henderson

Title and Organization

Robert S. Henderson, V.P.
Henderson Ranches, Inc.

Date 3-16-90

State of Idaho/or _____)

County of Bannock)

SS.

Subscribed and sworn (or affirmed) before me this 16th day of March 19 90

SEAL

Notary Public Randall C. Budge

Residing at Pocatello, Idaho

My Commission Expires 10/15/90

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Randall C. Budge 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

Randall C. Budge

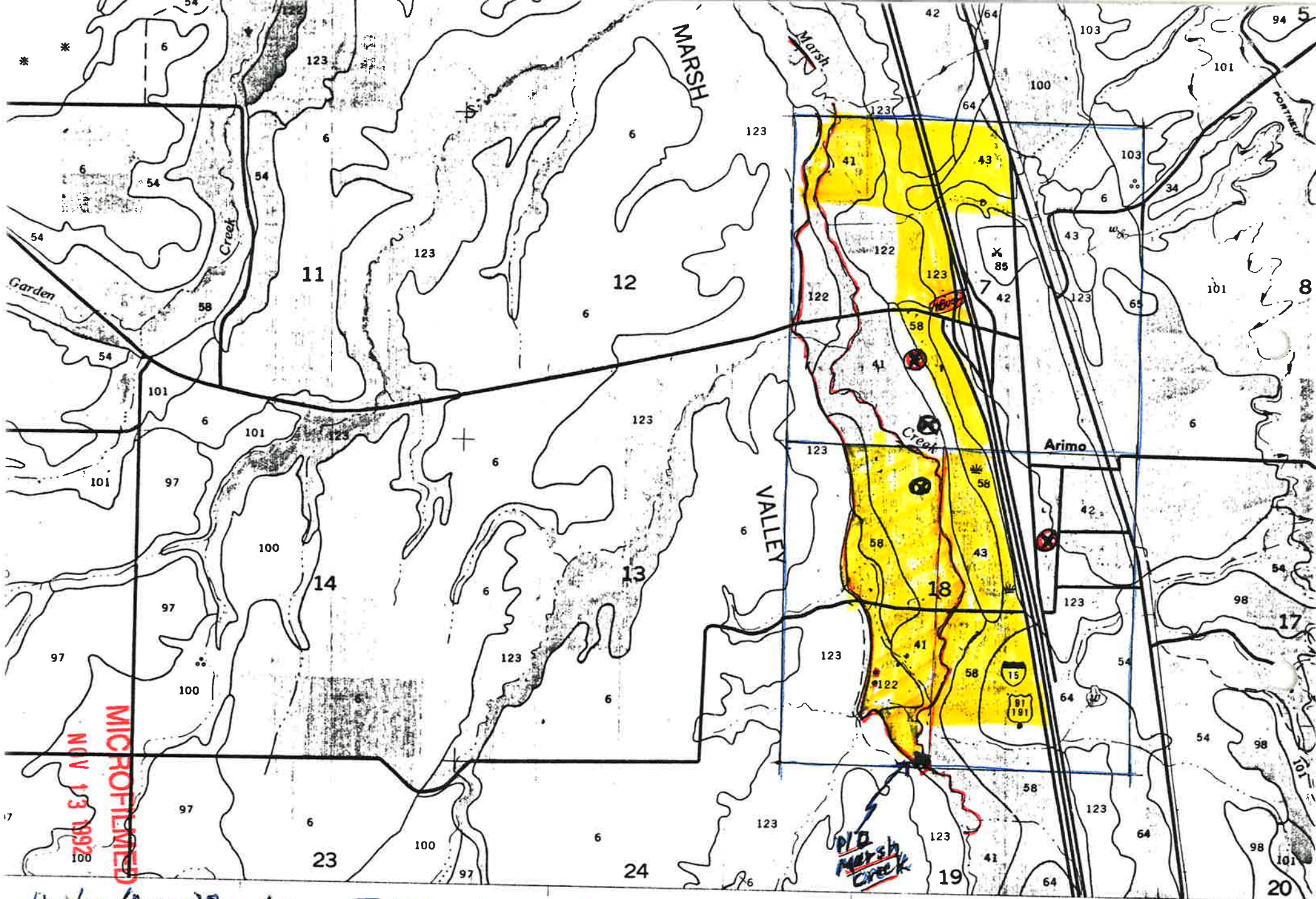
Address P. O. Box 1391, Pocatello, Idaho 83204

Date March, 1990

Last Name Henderson Ranches Ident. Number _____

Copies White-State, Yellow-Claimant

MICROFILMED
NOV 13 1992



Henderson (Armo) Ranch

T.10 S. R.37 E.
Sections 7, 18, BANNOCK CO.

45 springs - stockwater + irrigation.
▶ Marsh Creek P/D

