

02/13/2003

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

RIGHT NUMBER: 29-4202

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

SOURCE: POND

TRIBUTARY: MARSH CREEK

QUANTITY: 0.030 CFS  
10.000 AFY

FACILITY VOLUME 10 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 S7 SESW Within BANNOCK County Source: POND

T10S R37E S18 NWNE 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 STORAGE      | 01/01 12/31          | 10.00 AFY       |
| IRRIGATION FROM STORAGE | 04/01 10/31          | 10.00 AFY       |
| STOCKWATER STORAGE      | 01/01 12/31          | 10.00 AFY       |

PLACE OF USE:

IRRIGATION STORAGE Within BANNOCK County

|               |      |               |      |
|---------------|------|---------------|------|
| T10S R37E S07 | SESW | T10S R37E S18 | NWNE |
| T10S R37E S18 | NENW |               |      |

IRRIGATION FROM STORAGE Within BANNOCK County

|               |      |      |               |      |     |
|---------------|------|------|---------------|------|-----|
| T10S R37E S18 | NENW | 10.0 | T10S R37E S18 | SESW | 3.0 |
|---------------|------|------|---------------|------|-----|

STOCKWATER same as IRRIGATION STORAGE

13 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:

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

Water Right 29-4202

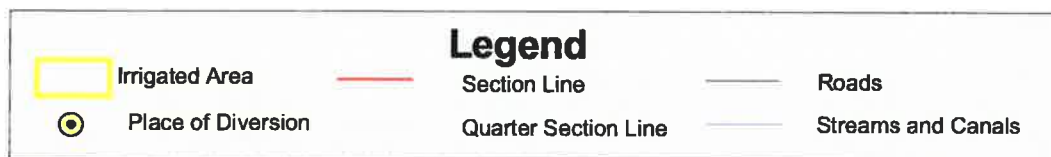
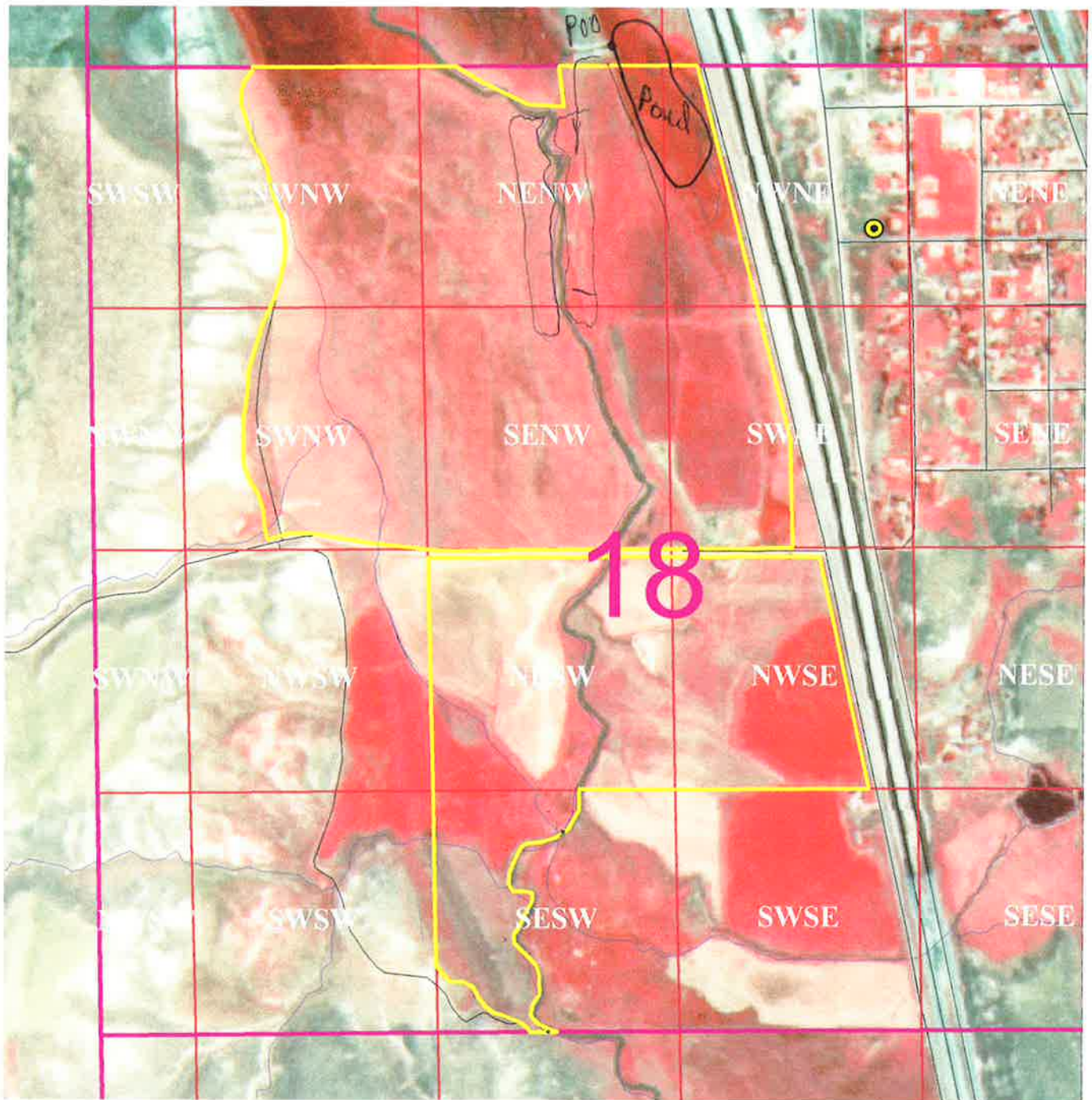
02/13/2003

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

---

SOURCE IS ALSO KNOWN AS JENKINS-FINK POND

Township , 10S37E



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 SESW

Within BANNOCK County

~~T10S R37E S18 NWNW~~

~~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 NWNW 10.0

T10S R37E S18 SEWN 3.0

STOCKWATER Same as IRRIGATION FROM  
STORAGE

13 ACRES TOTAL

~~IRRIGATION STORAGE within BANNOCK C~~

~~T10S R37E S07 SESEW~~

~~T10S R37E S18 NWNW~~

~~T10S R37E S18 NWNW~~

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

rub

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-Wink Pond.

EPC



# IDAHO DEPARTMENT OF WATER RESOURCES

## SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID     
POD ID   
Quad   
Claim Type   
Easting   
Northing   
GPSID

### Diversion Description

SPGS FLOW INTO POND INTO IRR. DITCH SYS

### Assumptions

Invoice #

Phase-0 (No Attention)  
Phase-I (Ready to Go to Field)  
Phase-II ( Site Visit - Data Missin  
Phase-III (Complete w/issues)  
Phase-IV (Total Complete)

Linked

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

### Open Channel Flow

☐ Complete one box from both Area and Calculation sections

#### Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full  
☐ Half full  
☐ More than half full  
☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

#### Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning

(If used, include photo of representative channel section)

Channel Slope

Channel Description

|                           |      |
|---------------------------|------|
| Concrete lined            | .016 |
| Smooth earth              | .025 |
| Earth                     | .033 |
| Rough bed, weeds on sides | .04  |
| Smooth natural stream     | .033 |
| Rough natural stream      | .1   |

### Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

### New Contact Information

New Contact Comments

*This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Service, Inc.*

RECEIVED

MAY 06 2004

LAW OFFICES OF

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

Department of Water Resources

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 L. OLSEN  
DAVID E. ALEXANDER  
LISA M. CHRISTON  
RICHARD A. HEARN, M.D.  
LANE V. ERICKSON  
PATRICK N. GEORGE  
SCOTT J. SMITH  
LISA A. WOOD, CPA  
STEPHEN J. MUHONEN  
BRENT L. WHITING

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

**BOISE OFFICE**

CONRAD J. AIKEN  
THEODORE C. PETERS  
DEBORAH L. LEHOSIT  
LISA R. TANNER (CA ONLY)

101 SOUTH CAPITOL  
BOULEVARD, SUITE 208  
BOISE, IDAHO 83702  
TELEPHONE: (208) 398-0011  
FACSIMILE: (208) 433-0167

**IDAHO FALLS OFFICE**

477 SHOUP AVENUE  
SUITE 203A  
IDAHO FALLS, ID 83402  
TELEPHONE: (208) 828-6101  
FACSIMILE: (208) 528-6109

May 4, 2004

Candice McHugh  
Deputy Attorney General  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098

Ernest Carlson  
Water Right Analyst  
Idaho Department of Water Resources  
900 N. Skyline Drive  
Idaho Falls, Idaho 83402

Re: *Henderson Ranches, Inc.*  
*Water Right Nos. 29-4202, 29-4203, 29-11089, 29-13479, 29-13481*

Dear Candice and Ernie:

This will follow up on the April 19, 2004 initial hearing before Special Master Brigitte Bilyeu regarding the captioned water rights. You will recall that the claimant Henderson Ranches, Inc., filed Objections to the recommended priority date asserting that it should be the June 1, 1881 date claimed. Following our discussions, it was my understanding that the claimed priority date would be accepted if Henderson Ranches, Inc., could come up with additional documentation in support of the priority date. Accordingly, I am submitting the Supplemental Supporting Affidavit of Alice H. Dunn. Attached to that is her original Supporting Affidavit dated January 27, 2003, which may not have come to your attention. This Affidavit was based upon extensive research and genealogy performed by Mrs. Dunn concerning the property ownership and water right use history. The Supplemental Affidavit provides additional documentation, which consists of a newspaper article published in 1881 concerning the construction of the home on the property where Mrs. Dunn and her parents lived and still is in existence, Exhibits "A" and "B". Additionally, Exhibit "C" attached is the original Homestead Claim in 1865.

PROFILED

SCANNED

MAR 09 2005

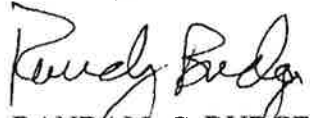
Candice McHugh  
Ernest Carlson  
May 4, 2004  
Page 2

---

The claimed 1881 priority date appears conservative, given the homestead in 1865 and that the property most certainly was productively used for irrigated agricultural purposes well before such a substantial home would have been constructed in 1881. I further note that the *Union Elevator v. McCammon Ditch Decree* shows many rights in 1881 time frame, with priority dates on the main Portneuf River, Marsh Creek and other tributaries. These rights were earlier than the canal company rights of Portneuf-Marsh Valley Canal Company, McCammon Ditch Company and others. This is because the early settlers began diverting and using water in smaller quantities where it was more easily available on the tributaries. It is my understanding that the SRBA has recognized many other claims in the area for domestic, livestock and irrigation with priority dates in the 1880s and 1890s. Additionally, other rights of Henderson Ranches, Inc., for domestic and stock water purposes have already been decreed with an 1884 priority.

Based on the foregoing, we would respectfully request that an SF-5 Settlement Agreement be entered into providing for an 1881 priority date with respect to these rights. To my knowledge there are no other elements of these rights or other issues in dispute, as there are no other objectors. If you have any questions or would like to discuss this further, please do not hesitate to contact me.

Sincerely,

  
RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Alice Dunn, Secretary/Henderson Ranches, Inc. (w/encls.)  
Thomas Henderson (w/encls.)

FILED

SCANNED  
MAR 09 2005

STATE OF IDAHO )  
 : ss  
COUNTY OF BANNOCK )

1. I am a resident of the State of Idaho and have resided at 1414 Delphic Way, Pocatello, Idaho 83201, since August 20, 1993. I am the secretary of claimant Henderson Ranches, Inc. I previously filed with IDWR my supporting Affidavit dated January 27, 2003, in support of the water right claims of Henderson Ranches, Inc., copy of which is attached and incorporated by reference. Following the initial hearing conducted before Special Master Brigitte Bilyeu on April 20, 2004, request was made by IDWR Water Right Representative Ernie Carlson and Deputy Attorney General Candice McHugh that additional information be submitted in support of the June 1, 1881 priority date claimed by Henderson Ranches, Inc., on Water Right Nos. 29-04202, 29-04203, 29-11089, 29-13479, and 29-13481. This Supplemental Affidavit is submitted for that purpose.

2. Paragraph 4 of my Supporting Affidavit discusses the history of the property ownership and water use. As stated there, Mr. John Watson constructed a substantial home on the property in 1881. My knowledge concerning the construction of this home on the property by Mr. Watson in 1881 is based upon a newspaper article published on October 30, 1881 in *The Register*, Blackfoot, Idaho. It is the main ranch house on the property and is still occupied as of this date. Attached as Exhibit "A" is a microfilm copy of that article I obtained from the ISU Library. As the microfilm copy is not clearly legible, I prepared a true and correct transcription of the relevant portion of that article from an enlarged view, which is attached as Exhibit "B"

3. I also indicated in paragraph 4 of my Supporting Affidavit that the first owner of the property was Mr. Carpenter, who owned the ranch as early as 1865 and operated a way station there for the stage line to Montana. I made this statement based upon information obtained from the Oneida County Records indicating that C. D. Carpenter originally

SCANNED  
MAR 09 2005

homesteaded 160 acres in 1865. In support of this, I am attaching a true and correct copy of the "Preemption Claim of C.D. Carpenter" in Oneida County Records, Malad, Idaho, which was copied and provided to Robert W. Henderson by the County Recorder and states in pertinent part:

Pre-emption           )  
                  Of                )  
C.D. Carpenter        )

*Know all men by these pr[esents] that I, C. D. Carpenter, do hereby give notice that o[n] the 27th day of June 1865 I located and Settled on and claimed one Hundred and Sixty acres of la[nd] for Agricultural and Grazing purposes being a part of the unsurveyed public lands of the United St[ates] in the County of Oneida and Territory of Idaho: th[e] same being located on Marsh River in Marsh Va[lley] about seven miles south of the Portneuf Canon a[nd] bounded and described as follows, towit:*

*Commencing at a Stake about ten feet East of [C] D Carpenters house and running north Three Hundred[-] Twenty rods Thence West Eighty Rods Thence South [?] Hundred and twenty rods Thence East Eight[y rods] to the place of beginning and containing one Hund[red] and Sixty Acres of land*

*And further that I claim the foregoing deser[t]) One Hundred and Sixty Acres of land as a homeste[ad] under the laws of the United States and of the Territ[ory] of Idaho, and further, that I do hereby claim sai. . .*

4. Based on the foregoing and my previous supporting Affidavit, it appears clear that water was diverted and applied to beneficial use at the latest by June 1, 1885, if not sooner, since the property had been homesteaded in 1865.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 4th day of May, 2004.

  
\_\_\_\_\_  
ALICE H. DUNN

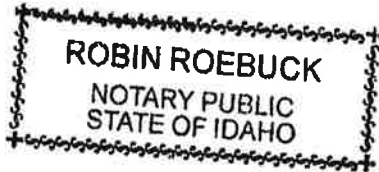
SUBSCRIBED AND SWORN TO before me this 4th day of May, 2004.

*Robin Roebuck*

NOTARY PUBLIC FOR IDAHO,

Residing at Pocatello.

My Commission Expires ~~10/11/2004~~ 8/18/2006



SUPPLEMENTAL SUPPORTING AFFIDAVIT OF ALICE H. DUNN - 3

FILED

SCANNED  
MAR 09 2005

**SUPPORTING AFFIDAVIT OF  
ALICE H. DUNN**

STATE OF IDAHO                     )  
                                              : ss  
County of Bannock                 )

Alice H. Dunn, being first duly sworn under oath, deposes and states that the following is true and correct to the best of her knowledge, information and belief:

1. I am a resident of the State of Idaho and have resided at 1414 Delphic Way, Pocatello, Idaho 83201, since August 20, 1993. I was born in the ranch house of Henderson Ranches, Inc. on August 14, 1931 and lived there continuously until August 1, 1953, except from September 7, 1949 until January 7, 1951. I have been familiar with and closely involved in the operation of Henderson Ranches throughout my life. I have served as the secretary of Henderson Ranches, Inc., an Idaho corporation, from 1976 to 1984 and from 1993 to present. Henderson Ranches, Inc., is a closely-held corporation whose shares are owned by me and other family members. Henderson Ranches owns and operates a ranch near Arimo, Idaho, together with all appurtenant water rights.

2. This Affidavit is submitted for the purpose of further supporting the Notice of Claim to a Water Right No. A29-04203 filed by Henderson Ranches, Inc., on April 4, 1990, in the Matter of the General Adjudication of the Rights to the Use of the Water from the Snake River Basin Water System, Twin Falls District Court Civil Case No. 39576. The statements made in the Claim were sworn to be true and correct by Robert S. Henderson, who is now deceased, and was then acting as Vice President of Henderson Ranches, Inc. Following an on-site inspection in October 2002 of the extensive and complex irrigation system utilized by Henderson Ranches, Inc., Idaho Department of Water Resources agent Dave Carlson requested that additional evidence be submitted to support the June 1, 1885 date of priority under Right No. A29-04203; and, further, recommended that five additional Notices of Claim to a Water Right be filed to supplement our previous claims. These additional claims are being filed simultaneously with this Affidavit.

3. I have extensively researched and am familiar with the genealogy of the owners of Henderson Ranches, Inc., as well as the predecessors in interest to the property now owned by

**FILED**

SCANNED  
MAR 09 2005

Henderson Ranches, Inc. Additionally, I have extensively researched and am familiar with the real property owned and appurtenant water rights claimed by Henderson Ranches, Inc., together with the ownership and use of the same by its predecessors in interest. Based thereon, it is my sworn testimony and belief that the priority dates and all other statements concerning the diversion and use of water under Claim No. A29-04203, together with the five additional water right claims being filed herewith, are true and correct.

4. The following additional information is submitted in support of the June 1, 1885 priority date claimed under Right No. A29-04203 based upon my knowledge gained in researching the genealogy and property ownership and water right use history. The property which is the subject matter of this claim included 360 acres located in Section 18 of Township 10 South, Range 37 East, B.M., Bannock County, Idaho, which was acquired by my grandfather, Benjamin Williams Henderson and uncle, William M. Woodland, in 1913, and has been continuously owned and operated by Henderson family members until Henderson Ranches, Inc., was incorporated January 11, 1963. Benjamin Williams Henderson, was familiar with the diversion and use of water as set forth in this claim from the time Vincent Cooper purchased it from Mr. Watson who had purchased it previous to 1881, the year Watson built the presently existing ranch house. The first owner of the land was Mr. Carpenter who owned the ranch at least as early as 1865 and operated a way station there for the stage line to Montana. Benjamin W. Henderson's familiarity is based on the fact that he was a nephew living nearby and acquainted with the farm and its operation by the owners, Vincent Cooper and Celia Jane Woodland Cooper, husband and wife, who were married in January 1890 and set up housekeeping in the aforementioned house, Vincent Cooper having purchased the land previous to that date. Vincent Cooper and Benjamin Williams Henderson operated and managed this property for the benefit of the minor children, Laura and Veda Woodland, until he acquired the property from them in March of 1913. The above dates and building of the house have been verified by me from newsclippings and also H. Leigh Gittins' well-documented book on Carpenter Ranch.

5. Based on my research, it appears clear that the water rights identified by Water Right No. A29-04203 had been diverted and applied to beneficial use at the latest by June 1, 1885, at the beginning of the irrigation season that year. The use of these water rights was necessary to make the

SCANNED

MAR 09 2005

PROFILED

land productive and make a living farming. Flood irrigation would have taken place at that time by diverting water of Marsh Creek into ditches, which would permit flood irrigation of adjacent lands. The same system of ditches has continuously existed and remained in place until 1942, when the flood irrigation system began to be replaced by sprinkler irrigation.

6. My father, Robert W. Henderson, who died June 11, 1996 at the age of 92, lived on the ranch from March 1913, and spent most of his life operating Henderson Ranches. His Affidavit dated July 11, 1995, was made at the request of an agent of the Idaho Department of Water Resources (who may have been named Ernie Carlson) during a meeting at the Department's Idaho Falls Office by my father and myself on that date, and further supports the June 1, 1885 priority date. According to his Affidavit, residents in the area personally told him about diversion from Marsh Creek using a rock dam to irrigate the property no later than June 1, 1885. This dam was used during the ownership of Vincent Cooper and could have been there much earlier.

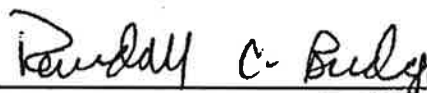
FURTHER YOUR AFFIANT SAITH NAUGHT.

DATED this 27 day of January, 2003.



ALICE H. DUNN

SUBSCRIBED AND SWORN TO before me this 27<sup>th</sup> day of January, 2003.



NOTARY PUBLIC FOR IDAHO

Residing at Pocatello

My Commission Expires: 10/11/2006

# THE REGISTER.

W. J. HILLER PUBLISHER.

BLAINE, IDAHO.

WEDNESDAY, OCTOBER 20, 1901.

## LOCAL BRIEVITIES.

There is a good moral to the story on our first page to-day.

The coach came in late yesterday morning bringing thirteen passengers.

A full line of lamps and lamp fixtures, chandeliers, etc., just received at Danilow & Son's.

We have just received an invoice of new typewriters and are now prepared to do our job perfectly in the most satisfactory manner and at short notice.

Heavy and cloudy weather has been in vogue for the past week.

Mr. Leck & Co.'s gloves never slip, and are acknowledged to be the best made. For sale by Danilow & Son's.

Those whose business requires the wearing of gloves should secure a pair of the new Leck & Co.'s gloves at Danilow & Son's. They are acknowledged to be the best.

Everybody is asked to call at the Danilow & Son's when in want of a pair of gloves or the best quality of gloves.

Mr. P. A. Stevens left on Monday morning for American Falls to open a new store at 117 Franklin, with a view of doing a big business.

Frederick, hotel articles and furniture, etc., are now being received at Danilow & Son's.

Danilow and Son's will send Mr. Leck & Co.'s gloves, at Danilow & Son's, the best quality of gloves to be found in the city.

Just coming at the Blackfoot Exchange.

The new time-table will go into effect on Monday next, November 1, at 6 a. m. The passenger train going North will leave at 7:30 a. m. and the train going South at 7:30 p. m.

Attention is called to the fact that the new time-table will go into effect on Monday next, November 1, at 6 a. m. The passenger train going North will leave at 7:30 a. m. and the train going South at 7:30 p. m.

Mr. Leck & Co. have moved out this morning with their goods. They are now at the new store at 117 Franklin. They are now at the new store at 117 Franklin.

A splendid lot of children's suits and coats, the latest in style, are now being received at Danilow & Son's.

Attention is called to the fact that the new time-table will go into effect on Monday next, November 1, at 6 a. m. The passenger train going North will leave at 7:30 a. m. and the train going South at 7:30 p. m.

We received the last order for the new time-table. It is now in the hands of the printer. It will be ready in a few days.

Attention is called to the fact that the new time-table will go into effect on Monday next, November 1, at 6 a. m. The passenger train going North will leave at 7:30 a. m. and the train going South at 7:30 p. m.

The Agent of the U. S. & M. Railroad Co. is now in the city.

News was received in Blackfoot yesterday morning that the agent of the U. S. & M. Railroad Co. had been murdered. As far as we have been able to learn the following are the particulars. We will first give the location. The depot building is about 1500 feet, divided into four sections. At the north end is the freight room, 1514, next the passenger waiting room, 1014, next the office, 1416, the last room was occupied by Mr. Hinchley, the agent, and his wife as a residence. The doors from the waiting room to the residence are nearly opposite each other. The entrance to the waiting room from the outside being on the north. About 10 o'clock on Thursday evening Mr. Hinchley was standing in the office before the door of his room and the waiting room watching his hands from a basin on a table at one side. He was heard on the platform and his wife asked him to pull down the curtains. The parties whose steps had been heard seemed to stop a moment near the window. Suddenly two men rushed into the waiting room, and turning to the office door saw Mr. Hinchley there to meet them. Instantly pointing a pistol at his head one said: "Throw up your hands!" Before Mr. Hinchley had time to comply the pistol was discharged, the ball striking him in the ribs, passing through and breaking his neck. He fell to the floor and immediately expired. The murderers then fled. A young man named Walker was present, having just brought the mail down to the depot. He was badly frightened and Mrs. Hinchley was terrified. The men were both masked, each wearing a cloth cap that turned down over the face. Young Walker was so badly frightened that he was unable to give a very accurate description of the murderers. The train from the south arrived about two hours later and Mr. W. N. Phillips happened to be aboard. He was attached and at once sent a telegram to Dept. Thatcher, who was born on the spot. The expectation is that the murderers were two desperadoes and that robbery was their main aim, but being given hands were here and the pistol was accidentally discharged. Had murder been their business they would have fled from the scene. The report that there was a man named Hinchley and his wife present was not true. The persons were reported to be married on account of her age, as she was then only fifteen. They had been married about six months. Hinchley was a young man and had been on the road for some time, was well liked by all who had any dealings with him. He was a good natured, pleasant, cheerful young man.

The whole country turned out to see the murderers, and we have since then been covered with men, women and children, all of whom are now in the city, and the country for them, and their names are almost certain.

The following is a description of the men who are supposed to be the murderers. They have been hanging around Blackfoot for several days.

One is about 35 years old, has a full black beard, eyes brown, nose straight, thin lips, and a small mustache. He is wearing a dark suit and a dark hat. He is walking around the depot and the freight room.

The other is about 25 years old, has a full black beard, eyes brown, nose straight, thin lips, and a small mustache. He is wearing a dark suit and a dark hat. He is walking around the depot and the freight room.

They are both wearing dark suits and dark hats. They are walking around the depot and the freight room.

They are both wearing dark suits and dark hats. They are walking around the depot and the freight room.

We have heard nearly all of this week visiting the towns and settlements along the line of the railroad north of Blackfoot.

At Franklin we found our good friend W. J. Webster, with his first-class store room was crowded all day with farmers and their families bringing in their produce and exchanging it for dry goods and groceries. The old store, now owned by Mr. S. H. Phillips, is also doing a thriving business; himself and clerks being kept busy from morning till night.

The crops in this section have been very good and are bringing good prices, consequently everybody is happy and feeling well.

Arrangements are being made for engaging a first-class male teacher for the public school which will obviate the necessity of sending the scholars that are somewhat advanced away to school. There are about eighty scholars. Miss Anna Kiehn, a young lady from Iowa, under the charge of the Presbyterian Home mission, has been teaching a select school for the past year and will return next week and resume the same.

Until within the last three months has been simply a idle track, but when the shops at Eagle Rock were built it was found to be the proper place for the end of the first division. A new eight stall roundhouse has been built, an oil, a supply room, and a large boarding house, which is under the charge of some black and is well kept. It is, by the way, a first-class place to put up. A large tank is being put up which will be supplied from the river by an extensive windmill of the most approved pattern. The tank is under charge of S. H. Phillips, who is fully competent for the position and train are always made up with dispatch.

Several of the employees who have been here have been dismissed for drunkenness and many other reasons. It is said that the employees who were dismissed were two desperadoes and that robbery was their main aim, but being given hands were here and the pistol was accidentally discharged.

A short time ago a train of four passenger cars and a locomotive were passing through the town of Blackfoot. The train was passing through the town of Blackfoot.

A most driving has been started for the location of the road-house. Mr. A. H. Stevens.

Blackfoot is beautifully located in a basin just north of Bear River, at the lowest point, the grade being very heavy in getting out of the basin and in getting up to the town.

It is in very good luck that the road is being built, which will be a great help to the town.

It is in very good luck that the road is being built, which will be a great help to the town.

One of the great drawbacks to Blackfoot has been its hotel accommodations. There is no hotel here, but other parties come and making a great deal about keeping a hotel. Mr. Phillips is now giving up the business, which he was very glad to do, but which he soon found to be not so profitable as it seemed. He has been disappointed in keeping with his other things about a few times more back and forward. He is now giving up the business, which he was very glad to do, but which he soon found to be not so profitable as it seemed. He has been disappointed in keeping with his other things about a few times more back and forward.

One of the most delightful things we noticed about this place, though, was a recently commenced slaughter house or slaughtering establishment. The thing itself did not strike us as particularly, however, as its location, which is just at the rear of a fine stable and in close proximity to a excellent hotel. The efforts arising from it will attract the attention of anyone even passing through the place on the cars. It is a big improvement over with a slaughter house and will make a place of the town, the great is still there.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

Through the kindness of an old friend, John A. Watson, we have driven down to the south about two miles below town, where we are looking what might be called a treasure for the country. It is certainly one of the finest locations in this part of the country. It is a high, level, and well watered place, with a good road leading to it.

EXHIBIT "B"

Transcription of the portion of the article found in *The Register*, Blackfoot, Idaho, Saturday, October 30, 1881, "Local Brevities," pertinent to the house built by John Watson about two miles south of Oneida. Oneida was the town on the narrow gauge railroad that moved up the hill when the standard gauge railroad came through. The town, at the behest of the USPS, had to be renamed, and the residents chose to name it Arimo in honor of the Indian chief of that name. ("Edmo" is another rendition.)

Through the kindness of ex-sheriff John 2. Watson we were driven down to his ranch, about two miles below town, where he is building what might be called a mansion for this country. It is certainly one of the finest dwellings in this part of the country; is one and a half stories high and will cost when completed and furnished nearly ten thousand dollars. He has one of the best ranches in the county and has concluded to settle down on it instead of looking for a better location. Messers Lundberg & Garff of Logan are the builders. They contracted to build it from the foundation to the entire completion ready to move into. It was commenced on October 10th and by next Saturday, less than thirty days, will be ready for occupancy.

SCANNED

MAR 09 2005

PROFITED

Copied from Oneida County records on file at the land office in Malad, Idaho. Copies obtained by R. W. Henderson & H. Leigh Gittins in the late 1970's when Gittins was researching for his book "The Good Land".

EXHIBIT "C"

The Gittins' Volume  
C. D. Confortino

From all over by the  
what of the Confortino to the  
the 27th day of June 1861  
and of said one thousand and  
for the additional land  
part of the unincorporated  
in the County of Oneida and  
a more being made by the  
about three miles south of the  
bounded and described as follows  
Commencing at a stake about two feet  
A Confortino house and running north  
thence to the house of the  
thence to the house of the  
to the place of beginning and  
and fifty rods of land  
And further that of said  
Oneida and said  
Malad and further that of said

SCANNED

MAR 13 2005

PROFILED

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: 29-4202

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):

- A- Priority date
- B- Point of diversion
- C- Place of use
- D- Total acres irrigated

2. Describe the changes you wish to make in the proposed recommendation:

- A- 1881 or 1884 (Historical + Claim filings differ, one or the other probably a typo.)
- B- Please check the T10S R37E S7SESW for accuracy.
- C- Irrigation from storage should include in T10S R37E S18 NWNW + NENW, 30 acres, and in T10S R37E S7 SESEW, 100 acres. - 31.0 acres irrigated

3. Give a brief explanation as to why you disagree with these portions:

- A- My father who died in 1996, wrote an affidavit in 1995 that applies to this claim. In the affidavit he mentions 1924, the date recommended. He gave this as the date when the cut was made + says that previously the water was carried by a ditch that went around the berm. The family had historical knowledge back to the dates claimed. See attached affidavits. IDWR has the notarized ones.
- B- Recommendation appears too far west.
- C- See below

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

DATE: March 20, 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

3-C- The water from the pond drains westward through a cut in the old railroad bed into a ditch that waters land east of Marsh Creek that is low enough, and a pipe carries the water across Marsh Creek to also water land west of the creek including a triangular tip of land extending into Section 7.

3-D- The present tenant irrigates about 33 acres with this water. When operated by Henderson Ranches owners, a different system of irrigation watered much more. The water from this and several sources were mixed. They calculated 370 acres at the time of the historical use filing + 298 acres at adjudication filing.

PROFILED

SCANNED

MAR 09 2003

RECEIVED

APR 21 2003

Department of Water Resources  
Eastern Region

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.

PROFILED

Respectfully submitted

Alice H. Dunn, secretary

MAR 09 2005

Dan

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

PROFILED

SCANNED  
MAR 09 2005

# AFFIDAVIT

To: Idaho Department of Water Resources

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

Regarding: Adjudication claim AJ5809NP, #A 29-04202

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 Portneut Irrigating Co.*

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 and pond area 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.

We filed on only half of this water because a small parcel of land owned at time of filing for adjudication by the Olson family includes part of the pond area. There has never been practical use of the water on that land. A small meadow along the creek is usable only marginally as pasture because it is too wet when we are not using the water.

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 Bingham

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)

PROFILED

SCANNED

MAR 09 2005

*Dad said on 1-12-95  
that this is not the water on  
half which was filed for  
that is the water in  
claim #  
A 2911C.*

AFFIDAVIT

To: Idaho Department of Water Resources

From: Henderson Ranches, P.O. Box 15, Arimo, Idaho 83214, January 12, 1995

Regarding: Ajudication claim AJ5809NP, #A 29-11089

The spring described in the document under consideration lies in a parcel to which we acquired the deed from Bill and Zina Hatch March 28, 1945. The water from several springs mixes with water from the pond. My father Robert W. Henderson told me that the water has been transported through a hill to the west by means of a ditch since before he was married, which was in 1924. Zeb Gunter, who owned the land at that time, and my grandfather Thomas Charles Smith, whom Mr. Gunter employed, built the ditch. An earlier ditch transported the water around the north side of the hill. The water from all sources involved irrigates and waters cattle on 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.

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

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF )

Alice H. Dunn  
Alice H. Dunn

) Secretary, Henderson Ranches, Inc.

STATE OF IDAHO

County of Bannock

On this 12th day of January, in the year 1995, before me  
a Notary Public in and for said County and State, personally appeared

Alice H. Dunn

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)

Gracie Brown Notary  
12-4-95 Public

PROFILE

SCANNED

NOV 14 1995

MAR 09 2005

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 29-04201. *This was wrongly identified*

*Under the changes made by Dave Carlson to clarify the claim was which, it became clear that this 29-11087.*  
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 spring described in the document under consideration lies in parcels purchased from Bill and Zina Hatch in 1945 or from Jesse and Bertha Kelley in 1954. The water from spring mixes with water from the pond 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, a correction from the error in the original claim.

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 Bingham

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)

PROFILE

SCANNED  
MAR 09 2005

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

RECEIVED

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*

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

SCANNED

MAR 09 2005

PROFILE

LAW OFFICES OF

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

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

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](mailto:rcb@racinelaw.net)

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

PROFILED

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)

PROFILED

SCANNED  
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

DECREE

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. Syington,  
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.

SCANNED

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

PROFILED

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

PROFILED

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°45' 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'

PROFILED

BANNOCK TITLE-ABSTRACT COMPANY  
PAGE NUMBER

138

MAR 09 2005

FLB 138

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 8, 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 ~~canal~~ the Portneuf

BANNOCK TITLE-ABSTRACT COMPANY  
PAGE NUMBER

PROFILED

140

MAR 09 2005 FLB 140

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: 30 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. 10003

Benjamin W. Henderson and Dicy  
W. Henderson, husband and wife,  
and Robert W. Henderson and  
Winifred C. 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 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 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-

FILED

BANNOCK TITLE-ABSTRACT COMPANY  
PAGE NUMBER

SCANNED

MAR 09 2005



Abstract No. 10406

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, 1935, 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, 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 Arimo, Idaho. (Notarial Seal) My commission expires Aug. 12, 1936.

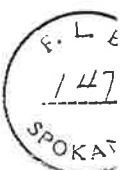
SCANNED

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, 1935  
Filed: March 9, 1936  
at 5:34 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 3½ 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, 1933.

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 at Arimo, Idaho. (Notarial Seal) My commission expires Aug. 12, 1936.

FILED

BANNOCK TITLE-ABSTRACT COMPANY  
PAGE NUMBER

145

SCANNED

MAR 09 2005

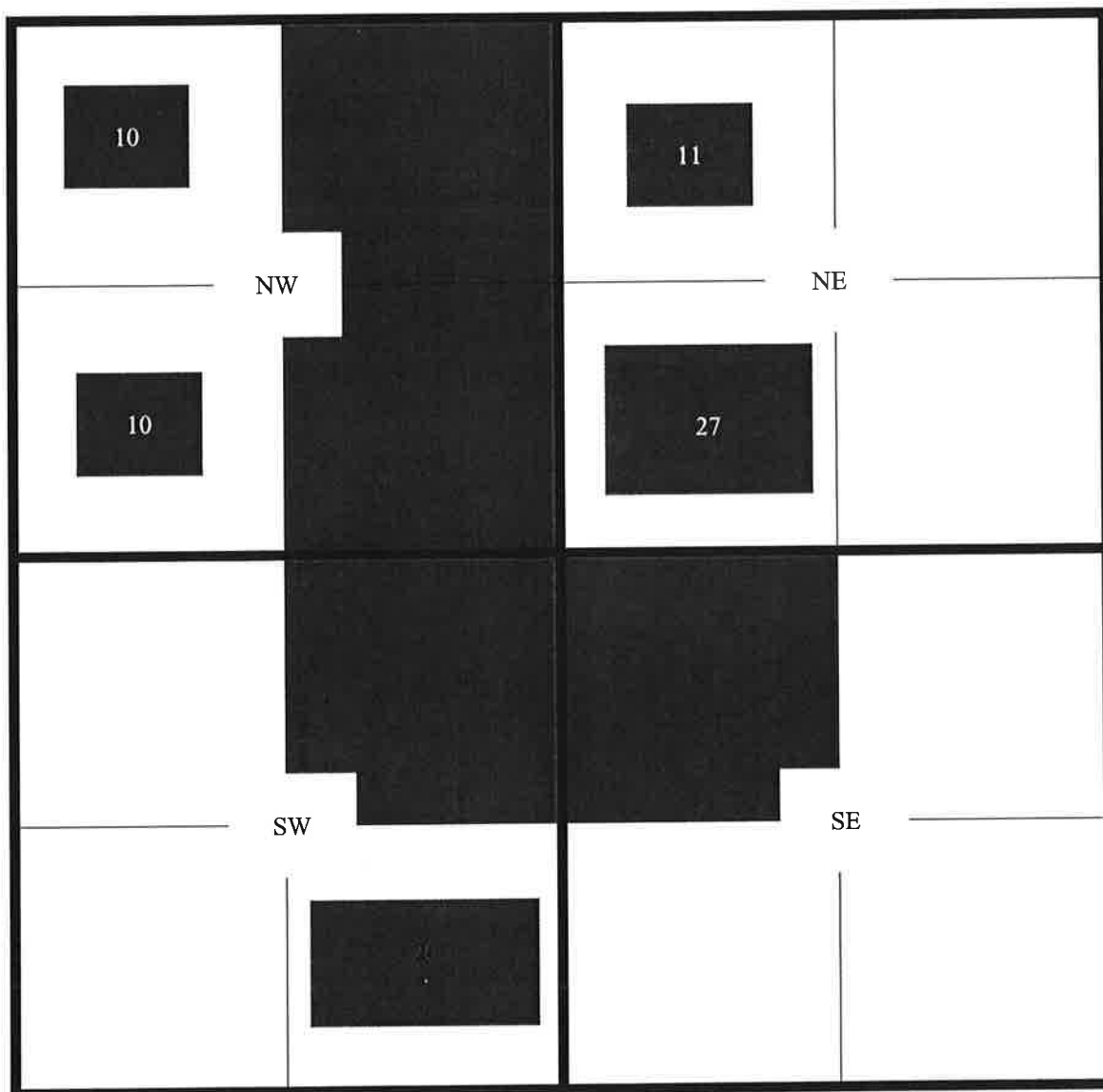


Township 10 S.B.M.

Range 37 E.B.M.

Section 18

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



PROFILED

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)

|    |    |    |  |
|----|----|----|--|
| 13 | 21 |    |  |
| NW | 13 | SE |  |
|    | 13 |    |  |
| SW |    | SE |  |

PROFILED

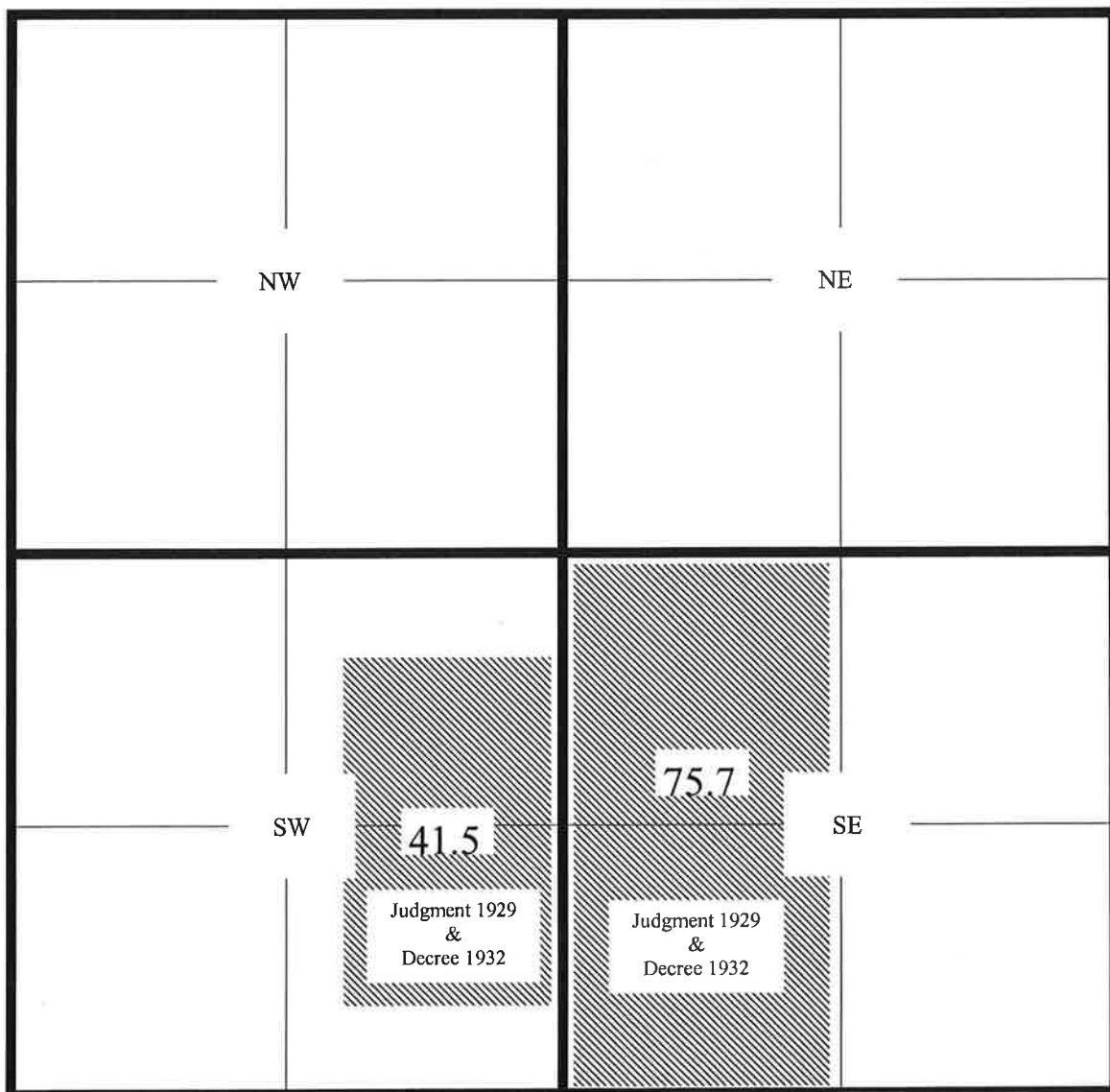
SCANNED  
MAR 09 2005

Township 10 S.B.M.

Range 37 E.B.M.

Section 18

Water Rights From Abstract Documents claimed in Section 18



PROFILED

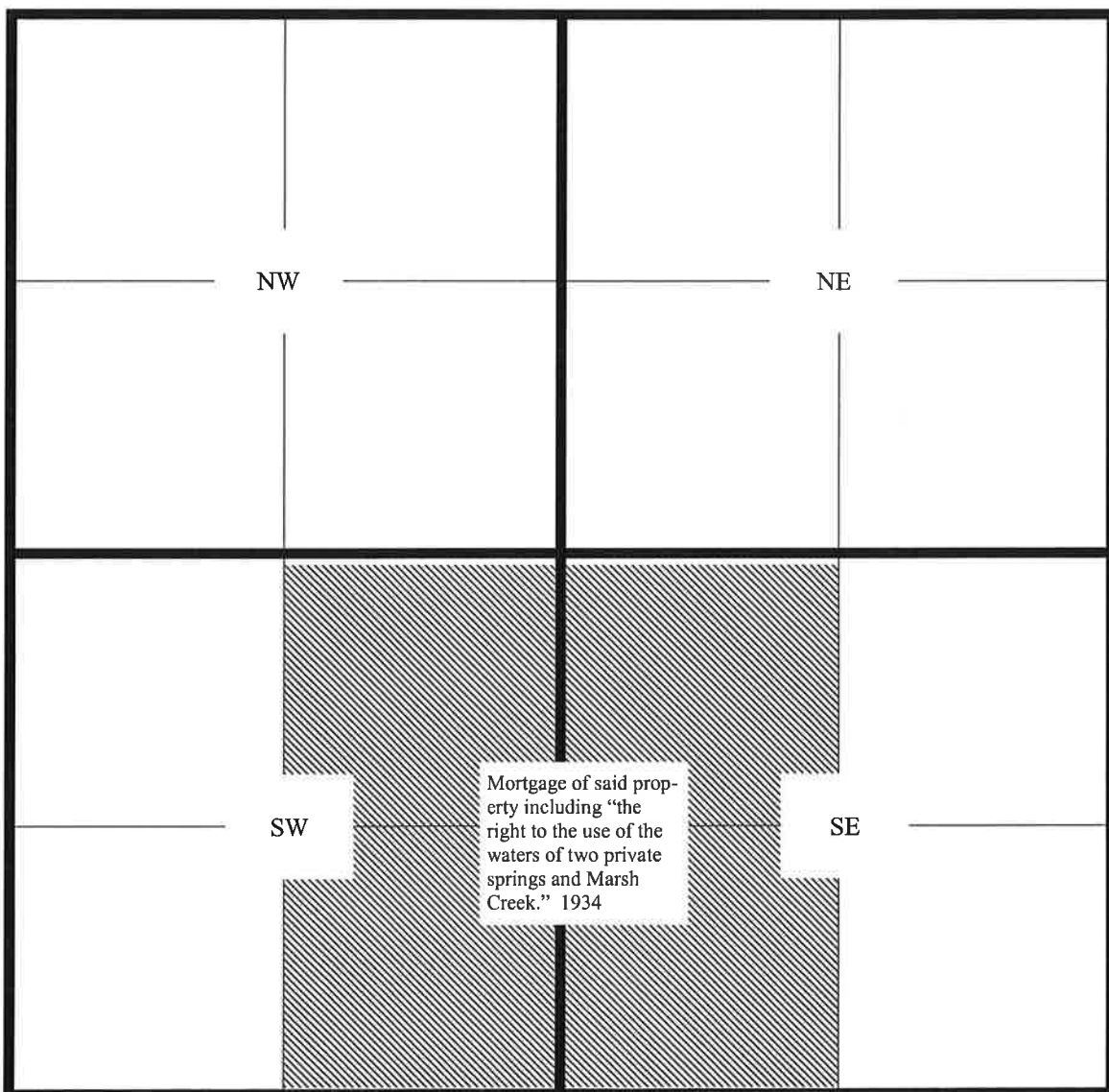
SCANNED  
MAR 09 2005

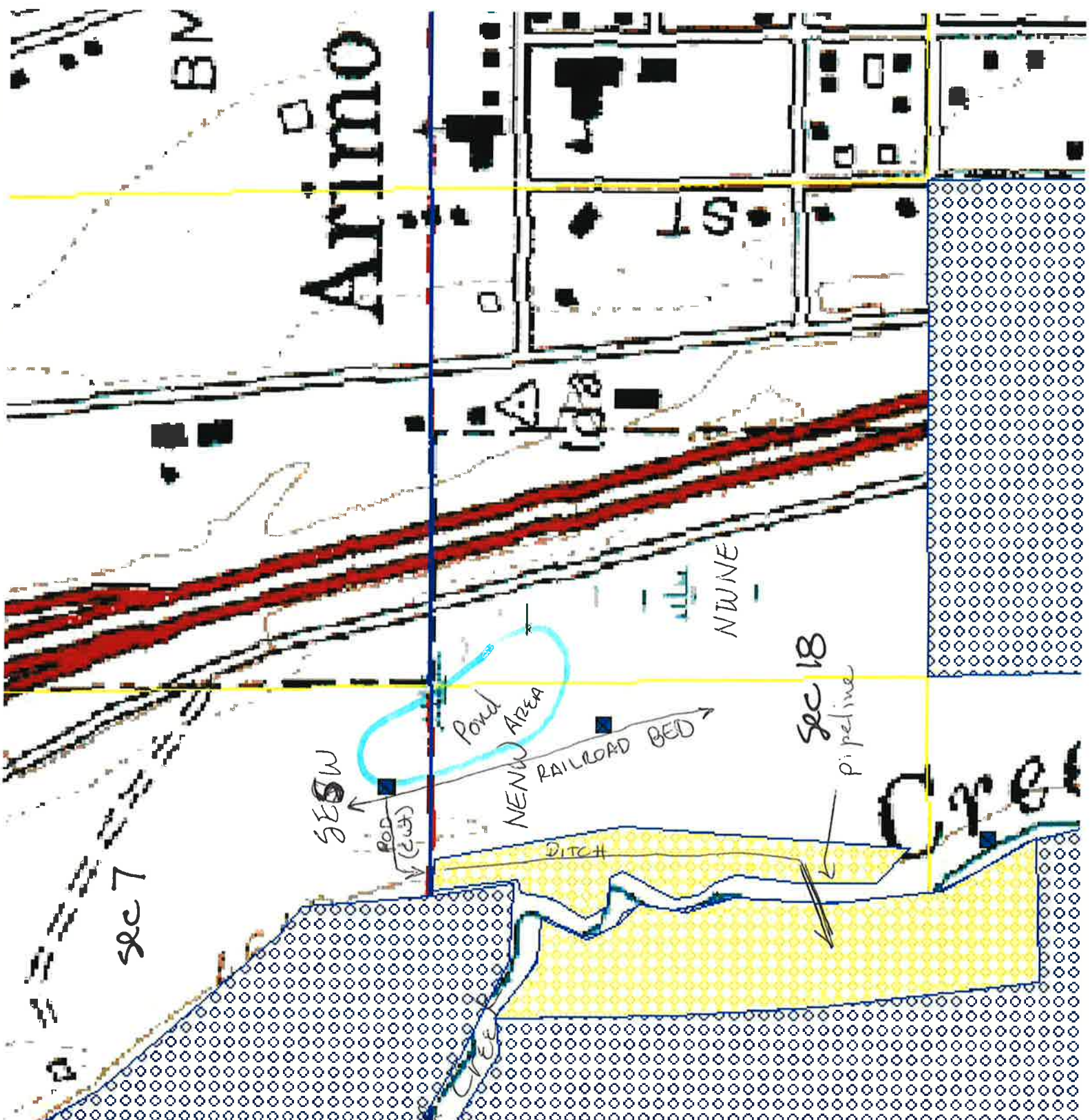
Township 10 S.B.M.

Range 37 E.B.M.

Section 18

Documents supporting Water Right Claims From Abstract Documents for  
Section 18





PROPERTY

29-4202 pond

SCANNED  
MAR 09 2005

MAY 31 2001

Log for claim A29-04202

Spatial Dynamics BTD

6/30/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>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             |               |
| <b>Totals:</b> |     |      | 298              | 357            |               |

No other irrigation  
besides the 13 acre POU  
pond <sup>water</sup> flows to the  
into Marsh Crk and  
sub-irrigates land  
in sec 7

railroad bed  
creates a pond that is  
used for irrigation 29-11089

Size of pond varies

$$5 \text{ (Approx) Acres} \times 2 \text{ feet Deep (Ave)} = 10 \text{ AF/A}$$

springs from various places  
flow into this AREA creating  
a pond.

springs above interstide

AJ5809NP

No. A29-04202

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00

PAGE: 131

| OWNER<br>CODE | NAME & ADDRESS                                                         | PRIORITY<br>DATE | WATER USE                | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE      | DIVERSION<br>VOLUME |
|---------------|------------------------------------------------------------------------|------------------|--------------------------|----------------------------|------------------------|---------------------|
| C             | HENDERSON RANCHES INC<br>PO BOX 25<br>ARIMO ID 83214<br>(208) 254-3557 | 06/01/1884       | IRRIGATION<br>STOCKWATER | 03-15 10-15<br>01-01 12-31 | 0.250 CFS<br>0.030 CFS |                     |
|               |                                                                        |                  |                          |                            | TOTAL DIVERSION:       | 0.280 CFS           |
|               |                                                                        |                  |                          |                            | CONSUMPTIVE USE:       | 870.00 AFA          |

Water Source: SPRINGS  
PONDTributary to: MARSH CREEK  
MARSH CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T10S R37E S18 NWNE BANNOCK County

Place of use Legal Description for: IRRIGATION

|     |     |    | NE            |               |               |               | NW            |               |               |               | SW            |               |               |               | SE            |               |               |               |       |
|-----|-----|----|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-------|
| T   | R   | S  | NENE<br>Lt Ac | NWNE<br>Lt Ac | SWNE<br>Lt Ac | SENE<br>Lt Ac | NENW<br>Lt Ac | NWNW<br>Lt Ac | SWNW<br>Lt Ac | SENW<br>Lt Ac | NESW<br>Lt Ac | NWSW<br>Lt Ac | SWSW<br>Lt Ac | SESW<br>Lt Ac | NESE<br>Lt Ac | NWSE<br>Lt Ac | SWSE<br>Lt Ac | SESE<br>Lt Ac | SUM   |
| 10S | 37E | 7  |               |               |               |               | 21            | 13            |               | 13            | 13            |               |               |               |               |               |               |               | 60.0  |
| 10S | 37E | 18 |               | 11            | 27            |               | 40            | 10            | 10            | 40            | 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/UP TO 700 BEEF CATTLE FROM SPGS,PONDS,DITCHES MARSH CK

Other Rights: A2904200, 04201, 04203

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A29-04200Other Water Rights Listing Overlapping Place(s) of Use:  
A29-00051 A29-02416 A29-04200 A29-04201 A29-04203 A29-11089 A29-11277 A29-12055Remarks: GEN ATTACHMENTS WITH A29-04200. SOME DATA ENTRY WAS DIFFERENT FROM  
WHAT HAD ALREADY BEEN IN THE WATER RIGHTS SIDE. SEE REMARKS IN  
A29-04201. 9-15-92/JT  
CONFORMED ATTORNEY ADDRESS DMS

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

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

Audit: 09/15/92 THOMPSON 05/26/94 DCARLSON 03/29/95 DSMITH 03/29/95 POST-STD

NOTE: Include here the typical number of stockholders.

If you are claiming water as a member of an organization, list name of organization: Claim is for a family corporation which is successor to rights of individuals.

17

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 29-04202

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.

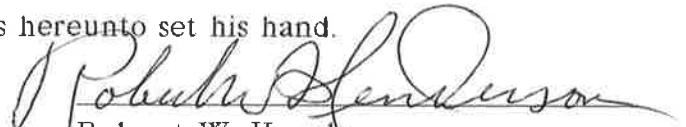
The springs and pond area described in the document under consideration lie in parcels purchased from Bill and Zina Hatch in 1945, from Jesse and Bertha Kelley in 1954, and the northern tip of the pond area purchased from Kenneth Capell in the late 1960s. The water from the pond and springs mixes and 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.

We filed on only half of this water because a small parcel of land owned at time of filing for adjudication by the Olson family includes part of the pond area. There has never been practical use of the water on that land. A small meadow along the creek is usable only marginally as pasture because it is too wet when we are not using the water.

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 Bingham

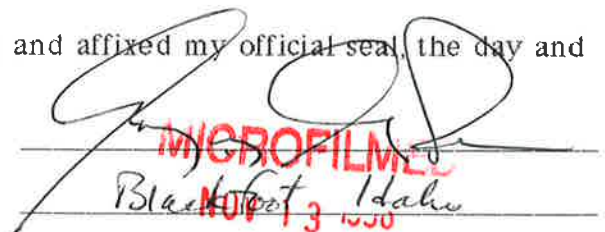
On this 11th day of January, in the year 1995, before me  
a Notary Public in and for said County and State, personally appeared

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)

  
MICROFILMED  
Blackfoot Idaho  
NOT 3 1996

Commission expires 5/28/96

MAY 31 2001

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: **A29-04202**  
Date Received: 9/15/1992  
Receipt No: E012838  
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: JUN 1, 1884

3. Source: SPRINGS Trib. to: MARSH CREEK  
POND 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:  
SPGS FLOW INTO POND INTO IRR. DITCH SYS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 10/15 | 0.250  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.030  |      |        |

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

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

9. Non-irrigation uses:  
S/UP TO 700 BEEF CATTLE FROM SPGS, PONDS, DITCHES MARSH CK

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  |

**MICROFILMED**  
**NOV 13 1992**

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4    | Lot | Use | Acres |
|----------|-------|---------|---------------|-----|-----|-------|
| 10S      | 37E   | 7       | SE            | NW  | IRR | 13.0  |
|          |       |         | 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:  
A2904200, 04201, 04203

14. Remarks:  
ATTACHMENTS WITH A29-04200. SOME DATA ENTRY WAS DIFFERENT FROM  
WHAT HAD ALREADY BEEN IN THE WATER RIGHTS SIDE. SEE REMARKS IN  
A29-04201. 9-15-92/JT

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: \_\_\_\_\_

**MICROFILMED**  
**NOV 13 1992**

**For Organizations:**

I do solemnly swear or affirm that I am \_\_\_\_\_ of  
\_\_\_\_\_, Title  
\_\_\_\_\_, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ of  
\_\_\_\_\_ Title  
\_\_\_\_\_ and that the statements contained in the  
Organization  
foregoing document are true and correct.

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

\_\_\_\_\_  
Date

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**17. Notice of Appearance:**

Notice is hereby given that I, \_\_\_\_\_ will be  
\_\_\_\_\_ Print Name  
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 \_\_\_\_\_

**MICROFILMED**  
**NOV 13 1992**

A. ROOT WATER RIGHT NUMBERS: A29-04202

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                   | AJ<br>#/ACRES    | WR<br>#/ACRES   | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|------------------------|------------------|-----------------|-----------------|----------------|------------------|
| 10S | 37E | 7   | NE  | NW  |     | HENDERSON RANCHES INC  | A29-04202 / 21.0 | 29-04202 / 40.0 | 25.0            |                |                  |
|     |     |     | NE  | NW  |     | PORTNEUF IRRIGATING CO | A29-00051 / 28.4 | 29-00051 /      |                 |                |                  |
|     |     |     | NE  | NW  |     | PORTNEUF IRRIGATION CO | A29-11277 / 28.4 | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | HENDERSON RANCHES INC  | A29-04201 / 21.0 | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | BUDGE, RANDALL C       | A29-04200 / 21.0 | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | HENDERSON RANCHES INC  | A29-11089 / 21.0 | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | ARIMO CORP.            |                  | 29-04408 / 15.0 |                 |                |                  |
| 10S | 37E | 7   | NW  | NW  |     | HENDERSON RANCHES INC  | A29-04202 / 13.0 | 29-04202 / 40.0 |                 |                |                  |
|     |     |     | NW  | NW  |     | ARIMO CORP             | A29-02416 / 5.0  | 29-02416 / 2.0  |                 |                |                  |
|     |     |     | NW  | NW  |     | ARIMO CORP             | A29-12055 / 8.0  | - /             |                 |                |                  |
|     |     |     | NW  | NW  |     | BUDGE, RANDALL C       | A29-04200 / 13.0 | - /             |                 |                |                  |
|     |     |     | NW  | NW  |     | HENDERSON RANCHES INC  | A29-04203 / 13.0 | - /             |                 |                |                  |
|     |     |     | NW  | NW  |     | HENDERSON RANCHES INC  | A29-11089 / 13.0 | - /             |                 |                |                  |
|     |     |     | NW  | NW  |     | HENDERSON RANCHES INC  | A29-04201 / 13.0 | - /             |                 |                |                  |
|     |     |     | NW  | NW  | 1   | ARIMO CORP             | A29-04408 / 2.0  | 29-04408 / 12.0 |                 |                |                  |
|     |     |     | NW  | NW  | 1   | ARIMO CORP             | A29-04423 / 19.0 | - /             |                 |                |                  |
|     |     |     | NW  | NW  | 2   | PORTNEUF IRRIGATION CO | A29-11277 / 29.6 | - /             |                 |                |                  |
|     |     |     | NW  | NW  | 2   | PORTNEUF IRRIGATING CO | A29-00051 / 29.6 | 29-00051 /      |                 |                |                  |
|     |     |     | NW  | NW  | 5   | SMITH, T CRAIG         | A29-04189 / 25.0 | 29-04189 / 25.0 |                 |                |                  |
| 10S | 37E | 7   | SE  | NW  |     | HENDERSON RANCHES INC  | A29-04202 / 13.0 | 29-04202 / 40.0 | 18.0            |                |                  |
|     |     |     | SE  | NW  |     | PORTNEUF IRRIGATING CO | A29-00051 / 19.6 | 29-00051 /      |                 |                |                  |
|     |     |     | SE  | NW  |     | PORTNEUF IRRIGATION CO | A29-11277 / 19.6 | - /             |                 |                |                  |
|     |     |     | SE  | NW  |     | HENDERSON RANCHES INC  | A29-04201 / 13.0 | - /             |                 |                |                  |
|     |     |     | SE  | NW  |     | BUDGE, RANDALL C       | A29-04200 / 13.0 | - /             |                 |                |                  |
|     |     |     | SE  | NW  |     | HENDERSON RANCHES INC  | A29-11089 / 13.0 | - /             |                 |                |                  |
|     |     |     | SE  | NW  | 6   | SMITH, T CRAIG         | A29-04189 / 15.0 | 29-04189 / 15.0 |                 |                |                  |
|     |     |     | SE  | NW  |     | ARIMO CORP.            |                  | 29-04423 / 20.0 |                 |                |                  |
| 10S | 37E | 7   | NE  | SW  |     | HENDERSON RANCHES INC  | A29-04202 / 13.0 | 29-04202 / 40.0 | 22.0            |                |                  |
|     |     |     | NE  | SW  |     | PORTNEUF IRRIGATING CO | A29-00051 / 19.4 | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | PORTNEUF IRRIGATION CO | A29-11277 / 19.4 | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | HENDERSON RANCHES INC  | A29-11095 /      | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | HENDERSON RANCHES INC  | A29-11096 /      | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | BUDGE, RANDALL C       | A29-04200 / 13.0 | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | HENDERSON RANCHES INC  | A29-11089 / 13.0 | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | HENDERSON RANCHES INC  | 29-11096 /       | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | HENDERSON RANCHES INC  | 29-11095 /       | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | HENDERSON RANCHES INC  | A29-04201 / 13.0 | - /             |                 |                |                  |
| 10S | 37E | 18  | NW  | NE  |     | HENDERSON RANCHES INC  | A29-04202 / 11.0 | - /             | 20.0            |                |                  |
|     |     |     | NW  | NE  |     | PORTNEUF IRRIGATING CO | A29-00051 / 16.8 | - /             |                 |                |                  |
|     |     |     | NW  | NE  |     | PORTNEUF IRRIGATION CO | A29-11277 / 16.8 | - /             |                 |                |                  |

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                   | AJ<br>#/ACRES    | WR<br>#/ACRES   | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|------------------------|------------------|-----------------|-----------------|----------------|------------------|
|     |     |     | NW  | NE  |     | CITY OF ARIMO          | A29-07334 /      | - /             |                 |                |                  |
|     |     |     | NW  | NE  |     | CITY OF ARIMO          | A29-04148 /      | 29-04148 /      |                 |                |                  |
|     |     |     | NW  | NE  |     | BUDGE, RANDALL C       | A29-04200 / 11.0 | - /             |                 |                |                  |
|     |     |     | NW  | NE  |     | HENDERSON RANCHES INC  | A29-11089 / 11.0 | - /             |                 |                |                  |
|     |     |     | NW  | NE  |     | HENDERSON RANCHES INC  | A29-04201 / 11.0 | - /             |                 |                |                  |
|     |     |     | NW  | NE  |     | HENDERSON RANCHES INC. |                  | 29-04203 / 25.0 |                 |                |                  |
|     |     |     | NW  | NE  |     | OLSON, SPENCER         |                  | 29-04351 / 3.0  |                 |                |                  |
| 10S | 37E | 18  | SW  | NE  |     | HENDERSON RANCHES INC  | A29-04202 / 27.0 | - /             | 32.0            |                |                  |
|     |     |     | SW  | NE  |     | CITY OF ARIMO          | A29-04148 /      | - /             |                 |                |                  |
|     |     |     | SW  | NE  |     | PORTNEUF IRRIGATION CO | A29-11277 / 6.3  | - /             |                 |                |                  |
|     |     |     | SW  | NE  |     | CITY OF ARIMO          | A29-07334 /      | - /             |                 |                |                  |
|     |     |     | SW  | NE  |     | HENDERSON RANCHES INC  | R29-11097 /      | - /             |                 |                |                  |
|     |     |     | SW  | NE  |     | PORTNEUF IRRIGATING CO | A29-00051 / 6.3  | - /             |                 |                |                  |
|     |     |     | SW  | NE  |     | BUDGE, RANDALL C       | A29-04200 / 27.0 | - /             |                 |                |                  |
|     |     |     | SW  | NE  |     | HENDERSON RANCHES INC  | A29-04203 / 10.0 | - /             |                 |                |                  |
|     |     |     | SW  | NE  |     | HENDERSON RANCHES INC  | A29-11089 / 27.0 | - /             |                 |                |                  |
|     |     |     | SW  | NE  |     | HENDERSON RANCHES INC  | A29-04201 / 27.0 | - /             |                 |                |                  |
| 10S | 37E | 18  | NE  | NW  |     | HENDERSON RANCHES INC  | A29-04202 / 40.0 | - /             | 37.0            |                |                  |
|     |     |     | NE  | NW  |     | PORTNEUF IRRIGATION CO | A29-11277 / 11.6 | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | HENDERSON RANCHES INC  | A29-04201 / 40.0 | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | PORTNEUF IRRIGATING CO | A29-00051 / 11.6 | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | BUDGE, RANDALL C       | A29-04200 / 40.0 | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | HENDERSON RANCHES INC  | A29-04203 / 40.0 | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | HENDERSON RANCHES INC  | A29-11089 / 40.0 | - /             |                 |                |                  |
| 10S | 37E | 18  | NW  | NW  |     | HENDERSON RANCHES INC  | A29-04202 / 10.0 | - /             |                 |                |                  |
|     |     |     | NW  | NW  |     | PORTNEUF IRRIGATION CO | A29-11277 / 13.0 | - /             |                 |                |                  |
|     |     |     | NW  | NW  |     | PORTNEUF IRRIGATING CO | A29-00051 / 13.0 | - /             |                 |                |                  |
|     |     |     | NW  | NW  |     | BUDGE, RANDALL C       | A29-04200 / 10.0 | - /             |                 |                |                  |
|     |     |     | NW  | NW  |     | HENDERSON RANCHES INC  | A29-04203 / 10.0 | - /             |                 |                |                  |
|     |     |     | NW  | NW  |     | HENDERSON RANCHES INC  | A29-11089 / 10.0 | - /             |                 |                |                  |
|     |     |     | NW  | NW  |     | HENDERSON RANCHES INC  | A29-04201 / 10.0 | - /             |                 |                |                  |
| 10S | 37E | 18  | SW  | NW  |     | HENDERSON RANCHES INC  | A29-04202 / 10.0 | - /             |                 |                |                  |
|     |     |     | SW  | NW  |     | PORTNEUF IRRIGATING CO | A29-00051 / 10.8 | - /             |                 |                |                  |
|     |     |     | SW  | NW  |     | PORTNEUF IRRIGATION CO | A29-11277 / 10.8 | - /             |                 |                |                  |
|     |     |     | SW  | NW  |     | HENDERSON RANCHES INC  | A29-04201 / 10.0 | - /             |                 |                |                  |
|     |     |     | SW  | NW  |     | BUDGE, RANDALL C       | A29-04200 / 10.0 | - /             |                 |                |                  |
|     |     |     | SW  | NW  |     | HENDERSON RANCHES INC  | A29-04203 / 10.0 | - /             |                 |                |                  |
|     |     |     | SW  | NW  |     | HENDERSON RANCHES INC  | A29-11089 / 10.0 | - /             |                 |                |                  |
| 10S | 37E | 18  | SE  | NW  |     | HENDERSON RANCHES INC  | A29-04202 / 40.0 | - /             | 37.0            |                |                  |
|     |     |     | SE  | NW  |     | PORTNEUF IRRIGATING CO | A29-00051 / 13.8 | - /             |                 |                |                  |
|     |     |     | SE  | NW  |     | PORTNEUF IRRIGATION CO | A29-11277 / 13.8 | - /             |                 |                |                  |
|     |     |     | SE  | NW  |     | HENDERSON RANCHES INC  | A29-04201 / 40.0 | - /             |                 |                |                  |
|     |     |     | SE  | NW  |     | BUDGE, RANDALL C       | A29-04200 / 40.0 | - /             |                 |                |                  |

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                   | AJ<br>#/ACRES    | WR<br>#/ACRES   | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|------------------------|------------------|-----------------|-----------------|----------------|------------------|
|     |     |     | SE  | NW  |     | HENDERSON RANCHES INC  | A29-04203 / 40.0 | - /             |                 |                |                  |
|     |     |     | SE  | NW  |     | HENDERSON RANCHES INC  | A29-11089 / 40.0 | - /             |                 |                |                  |
| 10S | 37E | 18  | NE  | SW  |     | HENDERSON RANCHES INC  | A29-04202 / 40.0 | - /             | 39.0            |                |                  |
|     |     |     | NE  | SW  |     | HENDERSON RANCHES INC  | 29-11097 /       | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | PORTNEUF IRRIGATING CO | A29-00051 / 38.0 | 29-00051 /      |                 |                |                  |
|     |     |     | NE  | SW  |     | PORTNEUF IRRIGATION CO | A29-11277 / 38.0 | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | HENDERSON RANCHES INC  | A29-04201 / 40.0 | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | HENDERSON RANCHES INC  | A29-11097 /      | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | BUDGE, RANDALL C       | A29-04200 / 40.0 | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | HENDERSON RANCHES INC  | A29-04203 / 40.0 | - /             |                 |                |                  |
|     |     |     | NE  | SW  |     | HENDERSON RANCHES INC  | A29-11089 / 40.0 | - /             |                 |                |                  |
| 10S | 37E | 18  | SE  | SW  |     | HENDERSON RANCHES INC  | A29-04202 / 20.0 | - /             | 38.0            |                |                  |
|     |     |     | SE  | SW  |     | HENDERSON RANCHES INC  | 29-11091 /       | - /             |                 |                |                  |
|     |     |     | SE  | SW  |     | HENDERSON RANCHES INC  | 29-11092 /       | - /             |                 |                |                  |
|     |     |     | SE  | SW  |     | PORTNEUF IRRIGATING CO | A29-00051 / 33.2 | 29-00051 /      |                 |                |                  |
|     |     |     | SE  | SW  |     | PORTNEUF IRRIGATION CO | A29-11277 / 33.2 | - /             |                 |                |                  |
|     |     |     | SE  | SW  |     | HENDERSON RANCHES INC  | A29-04201 / 20.0 | - /             |                 |                |                  |
|     |     |     | SE  | SW  |     | HENDERSON RANCHES INC  | A29-11090 /      | - /             |                 |                |                  |
|     |     |     | SE  | SW  |     | HENDERSON RANCHES INC  | A29-11091 /      | - /             |                 |                |                  |
|     |     |     | SE  | SW  |     | HENDERSON RANCHES INC  | A29-11092 /      | - /             |                 |                |                  |
|     |     |     | SE  | SW  |     | BUDGE, RANDALL C       | A29-04200 / 20.0 | - /             |                 |                |                  |
|     |     |     | SE  | SW  |     | HENDERSON RANCHES INC  | A29-04203 / 20.0 | - /             |                 |                |                  |
|     |     |     | SE  | SW  |     | HENDERSON RANCHES INC  | A29-11089 / 20.0 | - /             |                 |                |                  |
|     |     |     | SE  | SW  |     | HENDERSON RANCHES INC  | 29-11090 /       | - /             |                 |                |                  |
| 10S | 37E | 18  | NW  | SE  |     | HENDERSON RANCHES INC  | A29-04202 / 40.0 | - /             | 28.0            |                |                  |
|     |     |     | NW  | SE  |     | PORTNEUF IRRIGATION CO | A29-11277 / 30.0 | - /             |                 |                |                  |
|     |     |     | NW  | SE  |     | HENDERSON RANCHES INC  | A29-04201 / 40.0 | - /             |                 |                |                  |
|     |     |     | NW  | SE  |     | PORTNEUF IRRIGATING CO | A29-00051 / 30.0 | 29-00051 /      |                 |                |                  |
|     |     |     | NW  | SE  |     | BUDGE, RANDALL C       | A29-04200 / 40.0 | 29-04200 / 30.0 |                 |                |                  |
|     |     |     | NW  | SE  |     | HENDERSON RANCHES INC  | A29-04203 / 10.0 | - /             |                 |                |                  |
|     |     |     | NW  | SE  |     | HENDERSON RANCHES INC  | A29-11089 / 40.0 | - /             |                 |                |                  |

ADDITIONAL POU FOUND

|             |           |        |        |        |
|-------------|-----------|--------|--------|--------|
| TOTAL ACRES | A29-04202 | 298.00 | 160.00 | 296.00 |
|-------------|-----------|--------|--------|--------|

POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y( ) N( )

\* IF YES, ARE THESE TRACTS LISTED ABOVE ( ), OR ARE THEY LISTED ON AN ATTACHED SHEET ( )

LIST OF ALL RIGHTS WITH A SAME POJ AND IRRIGATION USAGE

| CLAIM NO. | SOURCE                 | NAME                   | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|------------------------|------------------------|-----------|----------------|-----------|----------------|
| A29-04202 | SPRINGS                | HENDERSON RANCHES INC  | 0.280     |                |           |                |
|           | POND                   |                        |           |                |           |                |
| A29-00051 | PORTNEUF RIVER         | PORTNEUF IRRIGATING CO | 55.000    | 0.016          |           |                |
| A29-02416 | MARSH CREEK            | ARIMO CORP             | 6.130     | 0.020          |           |                |
| A29-04189 | MARSH CREEK            | SMITH, T CRAIG         | 2.000     | 0.026          |           |                |
| A29-04200 | SPRINGS                | BUDGE, RANDALL C       | 1.030     | 0.003          |           |                |
| A29-04201 | SPRING                 | HENDERSON RANCHES INC  | 3.030     | 0.010          |           |                |
| A29-04203 | MARSH CREEK            | HENDERSON RANCHES INC  | 3.030     | 0.015          |           |                |
| A29-04408 | SCHOOL SPRING          | ARIMO CORP             | 0.620     | 0.028          |           |                |
| A29-04423 | SQUATTER CREEK SPRINGS | ARIMO CORP             | 0.650     | 0.021          |           |                |
| A29-11089 | SPRING                 | HENDERSON RANCHES INC  | 0.280     |                |           |                |
| A29-11277 | PORTNEUF RIVER         | PORTNEUF IRRIGATION CO | 55.000    | 0.016          |           |                |
| A29-12055 | OLD STACK SPRING       | ARIMO CORP             | 0.200     | 0.025          |           |                |

LIST ALL RIGHTS WITH SAME POJ BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES   | NAME                  | MONTH/DAY           | RATE      | VOLUME |
|-----------|------------|-----------------------|---------------------|-----------|--------|
| A29-04202 | STOCKWATER | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.030 CFS |        |
| A29-11095 | STOCKWATER | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| A29-11096 | DOMESTIC   | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| 29-11096  | DOMESTIC   | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| 29-11095  | STOCKWATER | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| A29-07334 | MUNICIPAL  | CITY OF ARIMO         | FROM 01-01 TO 12-31 | 0.740 CFS |        |
| A29-04148 | MUNICIPAL  | CITY OF ARIMO         | FROM 01-01 TO 12-31 | 0.330 CFS |        |
| R29-11097 | STOCKWATER | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| 29-11097  | STOCKWATER | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| A29-11097 | STOCKWATER | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| 29-11091  | STOCKWATER | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| 29-11092  | STOCKWATER | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| A29-11090 | STOCKWATER | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| A29-11091 | STOCKWATER | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| A29-11092 | STOCKWATER | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| 29-11090  | STOCKWATER | HENDERSON RANCHES INC | FROM 01-01 TO 12-31 | 0.040 CFS |        |

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y( ) N( )

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A2904200, 04201, 04203

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

A29-04202

Date Received

4-4-90.

Receipt Number

E 012838

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) 254-3557Mailing Address P. O. Box 25, Arimo, Idaho Zip 832142. Date of Priority (Only one (1) per claim) June 1, 18843. Source of water supply (a) Springs and pondwhich is tributary to (b) Marsh Creek4. a. Location of existing point of diversion is: Township 10S Range 37E. 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 into pond which flow  
into irrigation ditch system which can then be directed throughout  
property of into Marsh Creek.

MICROFILMED  
NOV 13 1992

A2904202



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 .25 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) .28 (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 & 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 not 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 29-4202

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

Title

of Henderson Ranches, Inc.

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, Vice President  
Henderson Ranches, Inc.

Date 3-16-90

State of Idaho/or \_\_\_\_\_ )  
County of Bannock ) SS.

Subscribed and sworn (or affirmed) before me this 16<sup>th</sup> 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

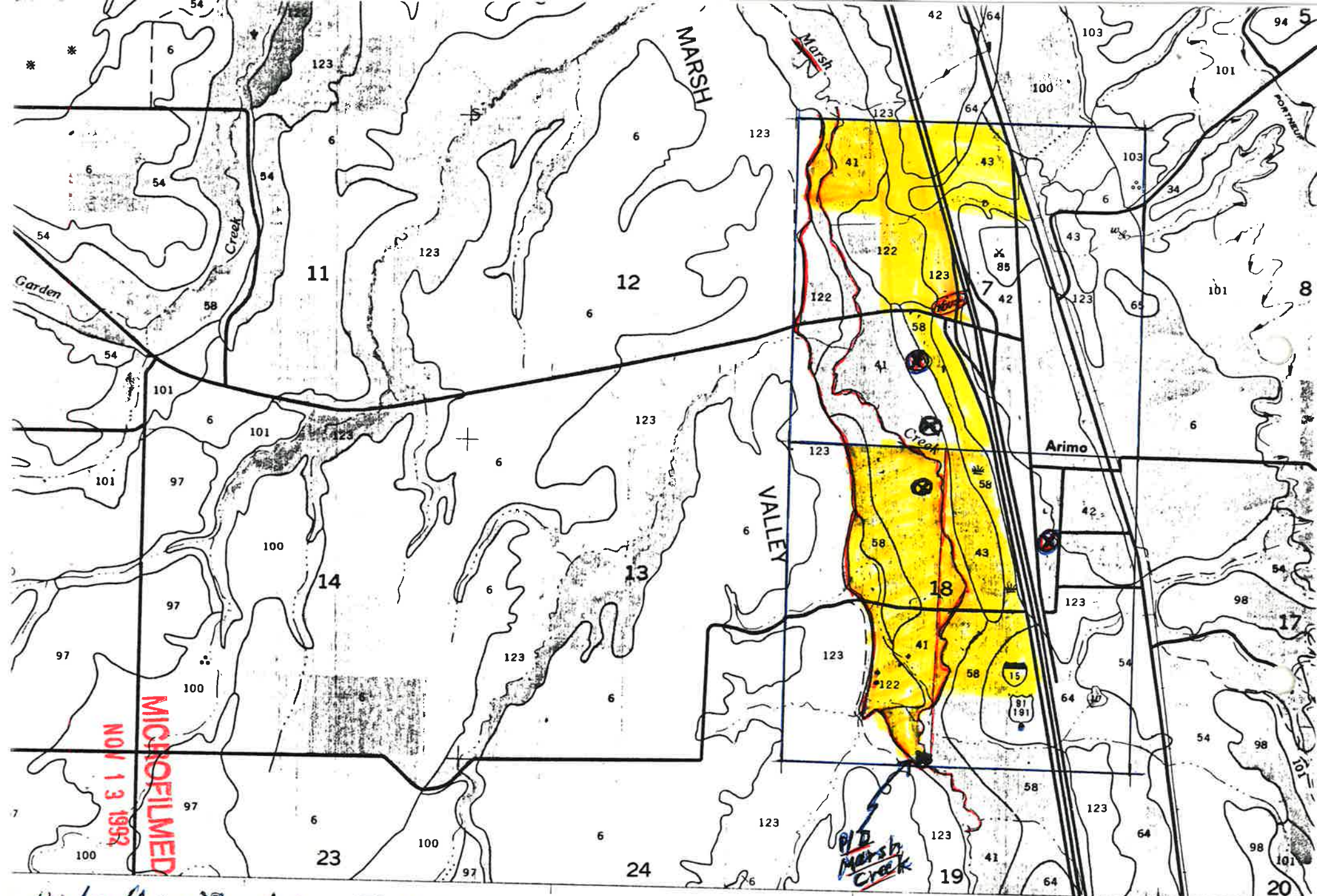
Date March, 1990

**MICROFILMED**

**NOV 13 1992**

Last Name Henderson Ranches, Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant



Henderson (Armo) Ranch:

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

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

