

01/18/2003

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

RIGHT NUMBER: 29-13475

NAME AND ADDRESS: ROY C HENDERSON  
6593 E BRUSH CREEK RD  
DOWNEY ID 83234

SOURCE: BRUSH CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.320 CFS

The amount of time water is diverted under this water right is limited to a total of 8 hours out of a 204 hour rotation as provided for in the decree of C. B. Hancock v. Heber Bloxham (Fifth Judicial Dist. Ct., Bannock County, May 11, 1909).

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

PRIORITY DATE: 05/01/1872

POINT OF DIVERSION:

T11S R37E S14 NWSESW Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 0.320 CFS       |
| STOCKWATER            | 01/01 12/31          | 0.020 CFS       |

PLACE OF USE: IRRIGATION Within BANNOCK County

T11S R37E S14 SESW 16.0

STOCKWATER same as IRRIGATION

16 ACRES TOTAL

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: Decreed

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

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

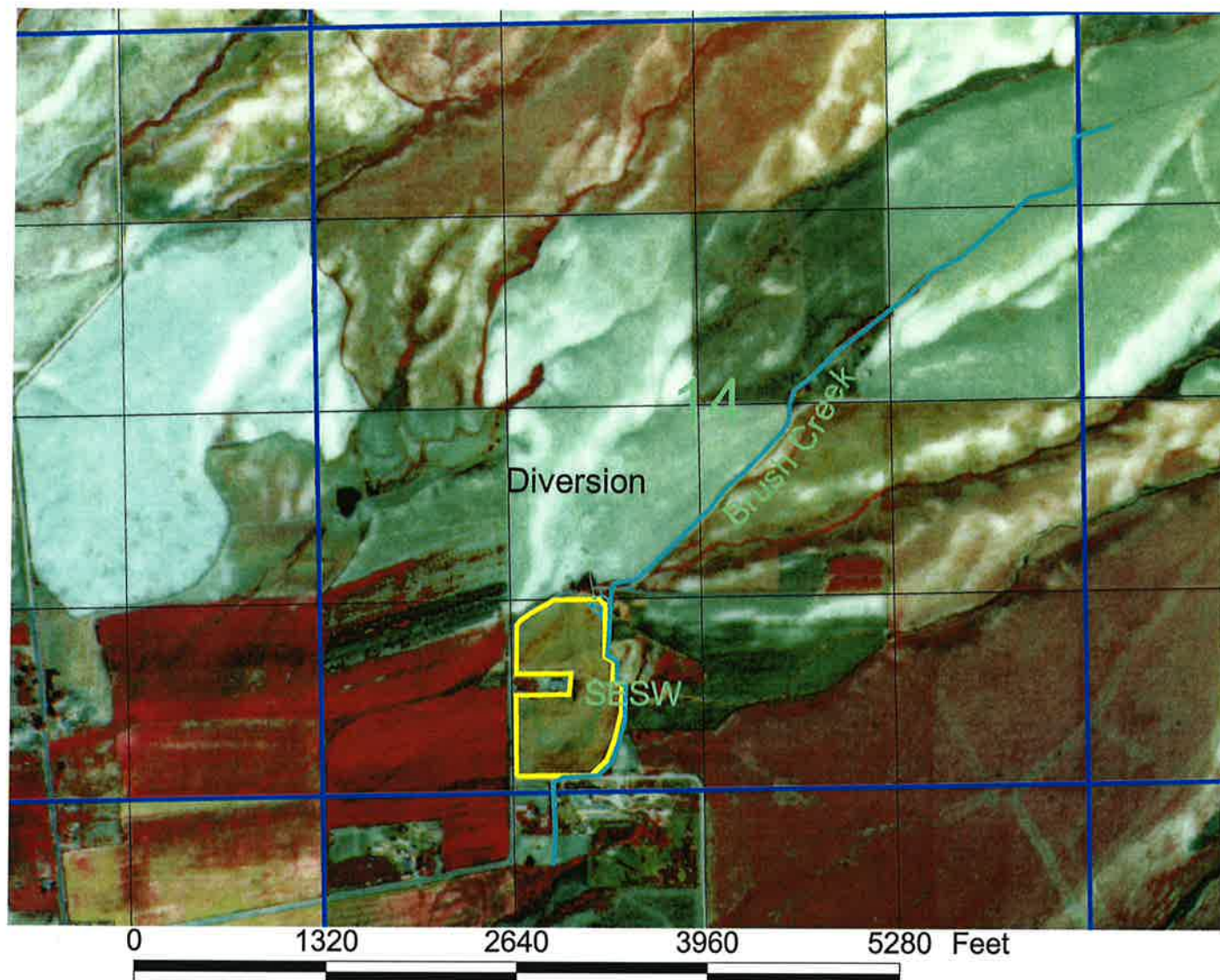
Stockwater use is for 20 range cattle.



# Department of Water Resources

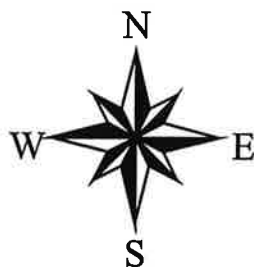
Claim No.: 29-13475

Twps 11S, Rge 37E



Irrigated Acres = 16

- Brush creek.shp
- Place of use.shp
- Diversion.shp
- Sections
- QQ



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepare by: E. Carlsen  
Date: January 2003

Fred Hadley - owned property in the 1960's - and irrigated from Brush Creek.

Hadley sold to <sup>Floyd</sup> Wilding. - Robert Wilding. - Roy Henderson. (1982).

Roy irrigated by use of pump & sprinkler system starting 1983.  
thru 1998. - On rotation - took water after Steve Cottle.  
for 24 hours. - 8 1/2 day rotation.

Requested copy of:  
- Rotation.

Met with

x Roy indicated agreement was for Lamar Barnes to get spring flows. But he was not sure how spring flow was separated from Brush creek.

x possible that Lamar Barnes could get spring flow ~~29-34~~ & below Roy Henderson's diversion for the 24 hours while Roy ~~is~~ irrigates.

x

2-1  
**WARRANTY DEED**

750791

FOR VALUE RECEIVED

WILLIAM GARY RINEHART  
A single person

The Grantor do es hereby grant, bargain, sell and convey unto

✓ ROY C. HENDERSON and BETTY JO HENDERSON  
Husband and wife ✓

The Grantee s, whose address is Box 273  
Downey, Idaho 83234

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

*split from 29.339C*

TOGETHER WITH ALL WATER RIGHTS APPERTINENT THERETO; ~~8 HOURS PER TURN OF BRUSH CREEK~~  
~~WATER~~; ALSO TOGETHER WITH SPRING AND SPRING HOUSE FOR CULINARY PURPOSES LOCATED  
APPROXIMATELY 300 FEET EAST OF THE NORTHERN END OF THE ABOVE DESCRIBED PARCEL  
AND TOGETHER WITH AN EASEMENT SUFFICIENT FOR A 2-INCH WATER LINE TO CONVEY WATER FROM  
SAID SPRING TO ABOVE DESCRIBED PARCEL AND RIGHTS FOR INGRESS AND EGRESS FROM ABOVE  
DESCRIBED PARCEL. ABOVE DESCRIBED PARCEL BEING THE LEGAL DESCRIPTION FROM  
WARRANTY DEED INSTRUMENT NO. 715726.

SUBJECT TO EASEMENT AS STATED ON WARRANTY DEED INSTRUMENT NO. 750790  
WILDING TO RINEHART.

WATER RIGHTS NUMBER 29-0340

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee  
their heirs and assigns forever. And the said Grantor do es hereby covenant to  
and with the said Grantees, that he is the owner in fee simple of said premises; that said  
premises are free from all encumbrances except covenants, conditions, restrictions and  
easements of record and any assessments for the year 1985 which are not yet due  
and payable

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: June 3, 1985

*[Signature]*  
William Gary Rinehart

STATE OF IDAHO, COUNTY OF BANNOCK

On this 4th day of June, 1985,  
before me, a notary public in and for said State, personally appeared

William Gary Rinehart

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

**NOTARY SEAL**

*[Signature]*  
Notary Public

Residing at Pocatello, Idaho  
Comm. Expires life

NO. 750791  
REQUEST OF  
**PIONEER TITLE CO.**  
85 JUN -5 A10:50  
OFFICE, BANNOCK CO. IDAHO  
BANNOCK COUNTY, IDAHO  
LARRY W. CHAN RECORDER  
FEE 4.00 DEPUTY [Signature]  
Mail to:

PIONEER TITLE COMPANY  
OF BANNOCK COUNTY  
Pocatello, Idaho - 208-233-9595

# WARRANTY DEED

750790

FOR VALUE RECEIVED

ROBERT L. WILDING and LOUISE WILDING  
Husband and wife

The Grantors, do hereby grant, bargain, sell and convey unto  
WILLIAM GARY RINEHART  
A single person

The Grantee, whose address is Downey, Idaho

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH ALL WATER RIGHTS APPURTINENT THERETO; 8 HOURS PER TURN OF BRUSH CREEK  
WATER; ALSO TOGETHER WITH SPRING AND SPRING HOUSE FOR CULINARY PURPOSES LOCATED  
APPROXIMATELY 300 FEET EAST OF THE NORTHERN END OF THE ABOVE DESCRIBED PARCEL  
AND TOGETHER WITH AN EASEMENT SUFFICIENT FOR A 2-INCH WATER LINE TO CONVEY WATER FROM  
SAID SPRING TO ABOVE DESCRIBED PARCEL AND RIGHTS FOR INGRESS AND EGRESS FROM  
ABOVE DESCRIBED PARCEL. ABOVE DESCRIBED PARCEL BEING THE LEGAL DESCRIPTION FROM  
WARRANTY DEED INSTRUMENT NO. 715726.

GRANTORS RESERVE A 15 FOOT EASEMENT TO SERVICE THE BIG IRRIGATION PUMP AND WELL  
LOCATED IN THE NORTH CORNER OF THE PROPERTY DESCRIBED ON EXHIBIT A FROM BRUSH  
CREEK ROAD.

WATER RIGHTS NUMBER 29-0340

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee  
his heirs and assigns forever. And the said Grantors do hereby covenant to  
and with the said Grantee, that they are the owners in fee simple of said premises; that said  
premises are free from all encumbrances except covenants, conditions, restrictions and  
easements of record and any assessments for the year 1985 which are not yet due  
and payable

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 3, 1985

Robert L. Wilding

Louise Wilding

STATE OF IDAHO, COUNTY OF BANNOCK

On this 31 day of June, 1985,  
before me, a notary public in and for said State, personally appeared  
Robert L. Wilding and Louise Wilding

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the

NO. 750790  
RECEIVED FOR RECORD

PIONEER TITLE CO.  
85 JUN -5 AIO:50

OFFICIAL  
BANNOCK COUNTY, IDAHO  
LARRY W. GILMAN RECORDER  
FEE \$4.00 DEPUTY

NOTARY SEAL  
I, \_\_\_\_\_, whose name is  
subscribed to the within instrument, and acknowledged to me  
that they executed the same.

Residing at Pocatello, Idaho  
Comm. Expires 1991

PIONEER TITLE COMPANY  
OF BANNOCK COUNTY  
Pocatello, Idaho - 208-233-9595

2 - 2

A tract of land in Section 14, Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho described as follows:

Commencing at the Southwest corner of the East Half of the Southwest quarter of said Section 14; thence along the West line thereof North 0°00'56" West 115.50 feet; thence parallel with the South line of said Section 14, South 89°39'00" East 30.00 feet to a half inch iron pin on the East line of Brush Creek Road, the True Point of Beginning;

Thence along the East line of Brush Creek Road, parallel with the West line of the East half of the Southwest Quarter of said Section 14 North 0°00'56" West 857.36 feet; Thence North 11°27'45" East 174.17 feet; thence along a curve to the right through a central angle of 48°56'26" with a radius of 40.00 feet, an arc distance of 34.167 feet; thence North 60°24'11" East 320.46 feet; thence along curve to the right through a central angle of 28°33'40" with a radius of 220.00 feet an arc distance of 109.667 feet; thence North 88°57'51" East 113.36 feet; thence South 87°01'15" East 164.42 feet; thence leaving the South line of Brush Creek Road South 0°17'18" West 117.61 feet; thence South 26°31'37" West 105.39 feet; thence South 12°15'07" West 31.44 feet; thence South 1°02'10" East 93.16 feet; thence South 84°32'35" East 19.26 feet; thence North 82°02'56" East 199.91 feet; thence North 87°49'25" East 21.43 feet; thence South 77°38'57" East 14.41 feet; Thence South 65°35'34" East 289.24 feet; thence South 63°31'29" East 123.89 feet; thence South 59°34'58" East 25.94 feet, thence South 48°02'20" East 29.30 feet; thence South 11°12'07" East 46.15 feet; thence South 19°27'11" West 22.99 feet; thence South 32°26'26" West 22.39 feet, thence South 71°00'19" West 23.47 feet; thence South 83°27'16" West 20.43 feet; thence South 87°38'51" West 177.14 feet; thence South 61°40'22" West 92.50 feet; thence South 27°46'07" West 34.06 feet; thence South 55°30'35" West 27.95 feet; thence South 87°29'55" West 72.71 feet; thence North 87°41'09" West 135.48 feet; thence South 15°03'56" West 267.98 feet; thence South 17°31'40" West 283.35 feet to the North line of England Road, being 115.50 feet North of the South line of said Section 14; thence parallel with the South line of said Section 14, along the North line of England Road, North 89°39'00" West 619.45 feet to the True Point of Beginning

The termini of the courses herein described is marked with a 1/2 inch iron pin tagged L.S. 4473 and is shown on the map of a survey of the described parcel, Recorded May 24, 1985, Instrument Number 750008.

MICROFILMED

NOV 13 1985

2-2

A tract of land in Section 14, Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho described as follows:

Commencing at the Southwest corner of the East Half of the Southwest quarter of said Section 14; thence along the West line thereof North 0°00'56" West 115.50 feet; thence parallel with the South line of said Section 14, South 89°39'00" East 30.00 feet to a half inch iron pin on the East line of Brush Creek Road, the True Point of Beginning;

Thence along the East line of Brush Creek Road, parallel with the West line of the East half of the Southwest Quarter of said Section 14 North 0°00'56" West 857.36 feet; Thence North 11°27'45" East 174.17 feet; thence along a curve to the right through a central angle of 48°56'26" with a radius of 40.00 feet, an arc distance of 34.167 feet; thence North 60°24'11" East 320.46 feet; thence along curve to the right through a central angle of 28°33'40" with a radius of 220.00 feet an arc distance of 109.667 feet; thence North 88°57'51" East 113.36 feet; thence South 87°01'15" East 164.42 feet; thence leaving the South line of Brush Creek Road South 0°17'18" West 117.61 feet; thence South 26°31'37" West 105.39 feet; thence South 12°15'07" West 31.44 feet; thence South 1°02'10" East 93.16 feet; thence South 84°32'35" East 19.26 feet; thence North 82°02'56" East 199.91 feet; thence North 87°49'25" East 21.43 feet; thence South 77°38'57" East 14.41 feet; Thence South 65°35'34" East 289.24 feet; thence South 63°31'29" East 123.89 feet; thence South 59°34'58" East 25.94 feet; thence South 48°02'20" East 29.30 feet; thence South 11°12'07" East 46.15 feet; thence South 19°27'11" West 22.99 feet; thence South 32°26'26" West 22.39 feet; thence South 71°00'19" West 23.47 feet; thence South 83°27'16" West 20.43 feet; thence South 87°38'51" West 177.14 feet; thence South 61°40'22" West 92.50 feet; thence South 27°46'07" West 34.06 feet; thence South 55°30'35" West 27.95 feet; thence South 87°29'55" West 72.71 feet; thence North 87°41'09" West 135.48 feet; thence South 15°03'56" West 267.98 feet; thence South 17°31'40" West 283.35 feet to the North line of England Road, being 115.50 feet North of the South line of said Section 14; thence parallel with the South line of said Section 14, along the North line of England Road, North 89°39'00" West 619.45 feet to the True Point of Beginning

The termini of the courses herein described is marked with a 1/2 inch iron pin tagged L.S. 4473 and is shown on the map of a survey of the described parcel, Recorded May 24, 1985, Instrument Number 750008.

EXCEPT

Beginning at a point 7 rods North of Southwest Corner of the Southeast Quarter of Southwest Quarter of Section 14, Township 11 South, Range 37 East, Boise Meridian; thence running East 198 feet, more or less, thence North 660 feet, more or less, thence West 190 feet, more or less, to the East side of Brush Creek Road, more or less, thence South 660 feet, more or less, to the True Point of Beginning.

NOV 13 1985

RESOLUTION

RESOLVED, that Robert L. Wilding, the President of Wilding Ranches, Inc., an Idaho Corporation, is hereby authorized to execute, on behalf of the Corporation, all documents necessary to sell for \$\_\_\_\_\_, cash and convey by Warranty Deed to Dennis Owen Thompson and Patricia Jane Thompson all the corporation's right, fee simple title in the following described property to wit:

REAL PROPERTY:

PARCEL 1:

Township 11 South, Range 37 East, Boise Meridian,  
BANNOCK COUNTY, IDAHO,

Section 22: Beginning at a point 162 feet South of the Southwest corner of the Northeast 1/4 Northeast 1/4 of Section 22; thence North 521 feet; thence North 80°16' East, 2277.6 feet; thence North 80°48' East, 402.1 feet, more or less to the West 1/16 line of Section 23; thence Southerly along said West 1/16 line 697 feet; thence South 84°00' West, 2660.5 feet to the POINT OF BEGINNING.

Together with all water, water rights and ditches appurtenant to the above described real property including but not limited to:

a). An undivided third (1/3) of all water flowing into Brush Creek from a free flowing well which right was reserved to Grantor, or its predecessors, in that certain Warranty Deed recorded as Instrument No 750790 in Book 425 of the official records of Bannock County, Idaho and which is evidenced by Licence 29-02448 of the Idaho Department of Water Resources; and

b). all water of Brush Creek appurtenant to said real property except eight (8) hours per irrigation turn which was conveyed to adjacent real property by Warranty Deed No. 750791 in Book 425 of the official records of Bannock County, Idaho and which is evidenced by Licence Numbers A29-00339C and A29-04370A.

*Eight hours of  
deceded right  
29-339C transferred  
to Henderson.*

PARCEL 2:

A 5.60 Acre tract in the NW1/4NW1/4 of Section 23, T11S, R37E, B.M., Bannock County, Idaho, to-wit:

Beginning at the intersection of the Northerly Right of Way fence of the Brush Creek Road and the West line of Section 23, T11S, R37E, B.M., said point being S 0°01'50"E 679.16 ft from the Northwest Corner of said Section 23; thence N 80°16'E 676.16 ft along said fence; thence North 164.77 ft; thence S 87°57'55" W 47.15 ft; thence N 0°07'36" W 158.69 ft; thence S 89°38'02" W. 619.20 ft to the West line of said Section 23; thence S 0°01'50" E 432.14 ft to the Point of Beginning.

29-10393 - Together with all water, water rights, ditches and buried pipelines appurtenant to the real property above described in Parcel 2 including the right to the continuous flow of .030 C.F.S. of water flowing to said real property through a pipeline from an unnamed spring which arises in the SE1/4 of the NE1/4 of the NW1/4 of Section 23, Township 11 South, Range 37 E.B.M.;

Together with a 30' by 60' machine storage Quonset on cement foundation, mangers on cement pad, a cinderblock building and two wood graineries.

Together with all appurtenances, improvements and the rents, issues and profits thereof including all oil, petroleum, gas, coal, hydrocarbon substances, phosphate and all other minerals of every kind and character in or under the real property above described in Parcels 1 and 2.

Subject to:

all taxes and assessments, levied or assessed in 1990 and all subsequent years; and

all rights of way, easements, covenants, reservations and restrictions of record against both parcels the real property above described.

PERSONAL PROPERTY:

The sprinkling system situate upon the above described real property which includes:

Two (2) quarter (1/4) mile lines of used four (4) inch sprinkler pipe.

One (1) used Gorman-Rupp 30 horsepower irrigation pump.

One-half (1/2) mile of portable used six (6) and eight (8) inch mainline.

CERTIFICATE

I, the undersigned Secretary of Wilding Ranches, Inc., an Idaho Corporation, do hereby certify that the above Resolution is full, true, and correct copy of a Resolution duly adopted by the Board of Directors of the Corporation at a meeting of said board, duly called and held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, and at which a quorum of said board was present on the date stated therein, and that said Resolution is duly entered upon the minute book of the corporation, and that it is in full force and effect at this date.

DATED This \_\_\_\_ day of \_\_\_\_\_, 1990.

\_\_\_\_\_  
Secretary

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME HENDERSON CLAIM NO. A29-00341

DATE RECEIVED 7/17/89 CK # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_

- |                                                                                                                                                                                                                          | YES      | NO    | Required Info? |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------|----------------|
| 1. Is the name and address complete with zip code?                                                                                                                                                                       | <u>X</u> | _____ | *              |
| 2. Is a priority date entered?                                                                                                                                                                                           | <u>X</u> | _____ | *              |
| Is the priority date acceptable in view of mandatory filing dates?                                                                                                                                                       | <u>X</u> | _____ | *              |
| See Adjudication Memos #1 and #4 to determine if a Permit is required.                                                                                                                                                   | <u>X</u> | _____ | *              |
| 3. (a) Is a source entered?                                                                                                                                                                                              | <u>X</u> | _____ | *              |
| x (b) Is a tributary to entered? (if required) N/A _____                                                                                                                                                                 | _____    | _____ | _____          |
| 4. Is the legal description of the p.d. sufficient?                                                                                                                                                                      | <u>X</u> | _____ | *              |
| 5. Is there a description of the diverting works?                                                                                                                                                                        | <u>X</u> | _____ | _____          |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.              | <u>X</u> | _____ | *              |
| Is the period of use included?                                                                                                                                                                                           | <u>X</u> | _____ | _____          |
| Is a quantity claimed for each use?                                                                                                                                                                                      | <u>X</u> | _____ | *              |
| 7. Is a total quantity claimed entered?                                                                                                                                                                                  | <u>X</u> | _____ | _____          |
| x 8. If required is a consumptive use entered? N/A _____                                                                                                                                                                 | _____    | _____ | _____          |
| x Is the consumptive use correct? N/A _____                                                                                                                                                                              | _____    | _____ | _____          |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | <u>X</u> | _____ | *              |
| 10. Is (are) the place(s) of use and purpose(s) indicated?                                                                                                                                                               | <u>X</u> | _____ | *              |
| 11. Is (are) the county(ies) entered?                                                                                                                                                                                    | <u>X</u> | _____ | _____          |
| 12. Is the ownership of p.u. checked?                                                                                                                                                                                    | <u>X</u> | _____ | _____          |
| x 13. Are other water rights listed or "none" indicated?                                                                                                                                                                 | _____    | _____ | _____          |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)                                                                  | <u>X</u> | _____ | _____          |
| 15. Is the basis of the claim indicated?                                                                                                                                                                                 | <u>X</u> | _____ | _____          |
| x 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A _____                                                                            | _____    | _____ | _____          |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.                                                                                           | <u>X</u> | _____ | *              |
| 18. Has the claim been signed, sealed, and dated by a notary?                                                                                                                                                            | <u>X</u> | _____ | *              |
| 19. Was this claim filed on time, or was an extension granted?                                                                                                                                                           | <u>X</u> | _____ | *              |
| 20. Is the fee enclosed correct? Exempt _____                                                                                                                                                                            | <u>X</u> | _____ | *              |
| x 21. If this claim is based on an existing water right, has the identification number been entered? N/A _____                                                                                                           | _____    | _____ | _____          |
| 22. Should this claim be data entered?                                                                                                                                                                                   | <u>X</u> | _____ | _____          |

Claim checked by: \_\_\_\_\_ Date: \_\_\_\_\_

Claim must be returned to claimant: \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Claimant must be notified of modifications: \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

Receipt Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_  
Claim data entered by: \_\_\_\_\_ Date: \_\_\_\_\_  
Sent to claimant by: \_\_\_\_\_ Date: \_\_\_\_\_  
Checked by: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: (3) SOURCE IS SPRINGS. (5) FUTURE USE. (6) DOMESTIC USE? AMOUNTS?

DECREE DOES NOT LIST AMOUNTS. COMPARE THIS CLAIM TO OTHER CLAIMS FOR DECREE.

MICROFILMED  
NOV 13 1992

Roy C Henderson  
6593E Brush Creek Rd.  
Downey, Idaho 83234

Mr. Tony Olenichak,

I was in to see you last spring and you gave me forms to file on my water rights. I filled them out to the best of my ability, which at times is limited. I hope they are O.K. If there are questions or problems please call me. Work phone is 766-4828 or at home evenings is 897-5613.

Thank you very much for your help.

Sincerely,

Roy Henderson

Tony, I filled out forms more completely and am enclosing a check for \$81.50. Thanks for your help.

Roy Henderson

RECEIVED  
MICROFILMED  
JUL 17 1989 NOV 13 1992

Department of Water Resources  
Eastern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

Date: June 30, 1989

Roy C. Henderson  
6593 E. Brush Creek Rd.  
Downey, ID 83234

RE: Water Right Claim Returned

Dear Mr. Henderson:

The Idaho Department of Water Resources (IDWR) is returning your check #193 (\$73.00) and Notice of Claim to a Water Right because of insufficient information and/or fees. All items on the claim forms must be correctly completed and fees submitted before the IDWR can process the claim.

Please correct the items identified below and return the forms to the IDWR before the Bannock County filing deadline, 4/19/1990. Failure to return the corrected claims before the deadline may result in an assessment of an additional \$50.00 late-fee.

- Please indicate the locations of your diversions (springs, reservoir, ditches, etc.) on the submitted aerial photo.
- Item #5: Specifically describe the dimensions of the reservoir (length, width, depth), and describe the development of the springs (e.g. pipeline to house).
- Item #8: Please complete. The consumptive use may be calculated by multiplying the total number of irrigated acres by 2.5. The consumptive use for 23.5 acres is 58.75 acre feet per annum.
- Item #10: The aerial photo and deed indicate your property is located in the SE 1/4 of SW 1/4, Section 14. Please correct.
- Filing Fee: The fee for an irrigation claim is \$50.00 plus \$1.00 per irrigated acre. If you round to the nearest acre, the filing fee for the 23.5-acre claim is \$74.00. If you wish to receive monthly copies of the docket sheet (Item #16), you must submit an additional \$7.50, bringing the total fee to \$81.50.

**MICROFILMED**

**NOV 13 1992**

If you have any questions, please call Tony Olenichak, Water Rights Agent, at (208)-525-7161.

Sincerely,

*Tony Olenichak*  
*for Ernest Carlsen*

Ernest Carlsen  
Adjudication Supervisor

Enclosure

**MICROFILMED**

**NOV 13 1992**

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 29-13475  
Date Received: 1/18/2003  
Receipt No:  
Received By:

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

A2913475



1. Name of Claimant(s)

ROY C HENDERSON Phone: (208)897-5613

6593 E BRUSH CREEK RD  
DOWNEY ID USA 83234

2. Date of Priority: 05/01/1872

3. Source: BRUSH CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 11S      | 37E   | 14      | SE SW                 | BANNOCK |      |

5. Description of diverting works:

Pump and sprinkler system

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 0.46   |            |
| STOCKWATER | 01/01 | 12/31 | 0.02   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|----------|-------|---------|----------------|------------|-------|
| 11S      | 37E   | 14      | SE SW          | IRRIGATION | 23.5  |

Section Acres 23.5  
Total Acres 23.5

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:

14. Remarks:

This claim is based on land and title abstracts that show water delivery of 24 hours out of an 8.5 day rotation.

15. Basis of Claim:

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

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

Subscribed and sworn (or affirmed) before me this  
of \_\_\_\_\_ 20\_\_

Notary Public

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

My commission Expires \_\_\_\_\_

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

*Renumbered: 29-13475*  
Ident. Number: ~~A29-00341~~  
Date Received: 7/25/1989  
Receipt No: E009498  
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ROY C. HENDERSON 208-897-5613  
Address: 6593 E. BRUSH CREEK RD.  
DOWNEY, ID 83234

2. Date of Priority: JUN 09, 1915

3. Source: SPRINGS Trib. to: BRUSH CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 11N      | 37E   | 14      | SE     | SW     |     |     | BANNOCK |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|---------|------|----|-------|------|--------|
|---------|------|----|-------|------|--------|

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/1 HOUSEHOLD S/150 HOGS & 20 CATTLE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use    | Acres |
|----------|-------|---------|--------|-----|-----|--------|-------|
| 11S      | 37E   | 14      | SE     | SW  |     | IRR    | 23.5  |
|          |       |         | SE     | SW  |     | DOMEST |       |

Section Acres 23.5

10. Place of Use: Continued

Total Acres 23.5

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:  
NONE

14. Remarks:

CLAIM IS FOR USE OF SPRINGS 24 HOURS EVERY 8.5 DAYS.  
NEITHER FLOW RATE NOR VOLUME LISTED FOR CLAIMED PURPOSES (SEE  
DECREE).  
IRRIGATION STORAGE CLAIMED FOR FUTURE USE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

WM. J. BYBEE, ET. AL.  
Decree Plaintiff

vs

GEORGE HANCOCK, ET. AL.  
Decree Defendant

EXHIBIT "A"

A tract of land in Section 14, Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho described as follows:

Commencing at the Southwest corner of the East Half of the Southwest quarter of said Section 14; thence along the West line thereof North 0°00'56" West 115.50 feet; thence parallel with the South line of said Section 14, South 89°39'00" East 30.00 feet to a half inch iron pin on the East line of Brush Creek Road, the True Point of Beginning;

Thence along the East line of Brush Creek Road, parallel with the West line of the East half of the Southwest Quarter of said Section 14 North 0°00'56" West 857.36 feet; Thence North 11°27'45" East 174.17 feet; thence along a curve to the right through a central angle of 48°56'26" with a radius of 40.00 feet, an arc distance of 34.167 feet; thence North 60°24'11" East 320.46 feet; thence along curve to the right through a central angle of 28°33'40" with a radius of 220.00 feet an arc distance of 109.667 feet; thence North 88°57'51" East 113.36 feet; thence South 87°01'15" East 164.42 feet; thence leaving the South line of Brush Creek Road South 0°17'18" West 117.61 feet; thence South 26°31'37" West 105.39 feet; thence South 12°15'07" West 31.44 feet; thence South 1°02'10" East 93.16 feet; thence South 84°32'35" East 19.26 feet; thence North 82°02'56" East 199.91 feet; thence North 87°49'25" East 21.43 feet; thence South 77°38'57" East 14.41 feet; Thence South 65°35'34" East 289.24 feet; thence South 63°31'29" East 123.89 feet; thence South 59°34'58" East 25.94 feet, thence South 48°02'20" East 29.30 feet; thence South 11°12'07" East 46.15 feet; thence South 19°27'11" West 22.99 feet; thence South 32°26'26" West 22.39 feet, thence South 71°00'19" West 23.47 feet; thence South 83°27'16" West 20.43 feet; thence South 87°38'51" West 177.14 feet; thence South 61°40'22" West 92.50 feet; thence South 27°46'07" West 34.06 feet; thence South 55°30'35" West 27.95 feet; thence South 87°29'55" West 72.71 feet; thence North 87°41'09" West 135.48 feet; thence South 15°03'56" West 267.98 feet; thence South 17°31'40" West 283.35 feet to the North line of England Road, being 115.50 feet North of the South line of said Section 14; thence parallel with the South line of said Section 14, along the North line of England Road, North 89°39'00" West 619.45 feet to the True Point of Beginning

The termini of the courses herein described is marked with a 1/2 inch iron pin tagged L.S. 4473 and is shown on the map of a survey of the described parcel, Recorded May 24, 1985, Instrument Number 750008.

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NOV 13 1992

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 A29-00341  
Date Received 7/17/89  
Receipt Number E009498

RECEIVED

JUL 17 1989

Department of Water Resources  
Eastern District Office

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

JUN 29 1989

Department of Water Resources  
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) ROY C HENDERSON Phone (208) 897-5613  
Mailing Address 6593 East BRUSH CREEK ROAD Zip 83234

2. Date of Priority (Only one (1) per claim) MAY 31, 1915

3. Source of water supply (a) BRUSH CREEK  
which is tributary to (b) MARSH CREEK

4. a. Location of existing point of diversion is: Township 11 Range 37 Section 14,  
SW 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of BANNOCK

Additional points of diversion if any: \_\_\_\_\_

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

Township 11 Range 37 Section 14, SW 1/4 of E 1/4 of SW

Govt. Lot \_\_\_\_\_ B.M., County of BANNOCK

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.

TOWNSHIP 11 RANGE 37 SECTION 14 SW corner of the E 1/2 of  
the SW 1/4 of Sec 14 BANNOCK COUNTY

DAMS - RESERVOIR - Pumps - Abandoned well  
Reservoir not completed at this time - to be approximately 200' wide  
350' long 10' deep - Springs are not developed at this time

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3-15 to 11-15 amount \_\_\_\_\_ or \_\_\_\_\_

For IRRIGATION <sup>STORAGE</sup> purposes from 11-16 to 3-14 amount \_\_\_\_\_ or \_\_\_\_\_

For STOCKWATER purposes from 1-1 to 12-31 amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 58.75 (cfs) and/or (b) 24 HOURS EVERY 8 1/2 DAYS (acre feet)

8. Total consumptive use claimed is 58.75 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) ONE HOUSEHOLD - STOCKWATER HOGS 150 HEAD CATTLE 20 HEAD

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. <sup>1/4 OF SW 1/4</sup>

| 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 |               |
| <u>11</u> | <u>37</u> | <u>14</u> |        |       |       |       |        |       |       |       |        |       | <u>23 1/2</u> | <u>D</u> |        |       |       |       | <u>23 1/2</u> |
|           |           |           |        |       |       |       |        |       |       |       |        |       |               |          |        |       |       |       |               |
|           |           |           |        |       |       |       |        |       |       |       |        |       |               |          |        |       |       |       |               |
|           |           |           |        |       |       |       |        |       |       |       |        |       |               |          |        |       |       |       |               |
|           |           |           |        |       |       |       |        |       |       |       |        |       |               |          |        |       |       |       |               |
|           |           |           |        |       |       |       |        |       |       |       |        |       |               |          |        |       |       |       |               |
|           |           |           |        |       |       |       |        |       |       |       |        |       |               |          |        |       |       |       |               |

Total number of acres irrigated 23 1/2 MORE OR LESS

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.

or None (✓)

14. Remarks: Water rights described in attached abstracts - unnamed Springs also included; also abandoned well located on property.

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NOV 13 1992

Last Name HENDERSON Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

See attached K-19A

[illegible]

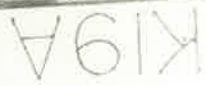
NOV 13 1992

Last Name HENDERSON

Ident No. \_\_\_\_\_

*Copies: White-State, Yellow-Claimant*

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456

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree ☒

If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court DISTRICT COURT 5TH Case Number BOOK 3 PAGE 166 Decree Date 5 AUG, 1920  
Plaintiff vs Defendant BYBEE VS HANCOCK

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) Roy C Henderson Date 5-15-89  
\_\_\_\_\_  
Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

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

Signature of Authorized Agent \_\_\_\_\_  
Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

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

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

SEAL Notary Public Lou Ann Thomas  
Residing at Malad, Idaho  
My Commission Expires 7/92  
Please Print Name Lou Ann Thomas

17. Notice of Appearance:  
Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_  
Address \_\_\_\_\_  
Date \_\_\_\_\_

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

**MICROFILMED**  
**NOV 13 1992**  
Copies White-State, Yellow-Claimant