

02/13/2003

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

RIGHT NUMBER: 29-13479

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

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.040 CFS  
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1932

POINT OF DIVERSION:  
T10S R37E S18 SENW Within BANNOCK County Source: GROUND WATER

PURPOSE AND PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| STOCKWATER            | 01/01 12/31          | 0.040 CFS       |

PLACE OF USE: STOCKWATER Within BANNOCK County  
T10s R37e S07 SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

EXPLANATORY MATERIAL: Beneficial Use  
stockwater, 700 range cattle

NO EVIDENCE  
NO real irrigation  
stockwater only  
DC 2/2003

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13479

NAME AND ADDRESS:

HENDERSON RANCHES INC  
1414 DELPHIC WAY  
POCATELLO ID 83201-2293

SOURCE:

Source:  
GROUND WATER

Tributary:

QUANTITY:

0.070 CFS  
5.600 AFY

~~0.040 CFS~~  
~~0.000 AFY~~

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

PRIORITY DATE: 06/01/1932

POINT OF DIVERSION:

T10S R37E S18 SENW

Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

0.050 CFS 5.60 AFY

STOCKWATER

01/01 12/31

0.020 CFS  
~~0.040 CFS~~

PLACE OF USE:

IRRIGATION

within BANNOCK County

T10S R37E S18 SENW 1.6

~~STOCKWATER~~

~~within BANNOCK Co~~

~~T10S R37E S07 SEWNE~~

STOCKWATER Same as IRRIGATION

1.6 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.

~~The quantity of water decreed for this water right is not a determination of historical beneficial use.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~stockwater, 700-acre-sattle~~

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

RIGHT NUMBER: 29-13480  
NAME AND ADDRESS: HENDERSON RANCHES INC  
1414 DELPHIC WAY  
POCATELLO ID 83201-2293

SOURCE: MARGH CREEK

TRIBUTARY: FORTNEUF RIVER

QUANTITY: 0.700 CFS

Use of the rights listed below is limited to a total combined diversion rate of 5.80 cfs. Combined right nos.: 29-04200, 29-04201, 29-04202, 29-11089, 29-13480, 29-13481, 29-13688 and 29-13689

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.80 CFS. COMBINED RIGHT NOS.: 29-04200, 29-04201, 29-04202, 29-04203, 29-11089, 29-13480, 29-13481

PRIORITY DATE: 06/01/1951

POINT OF DIVERSION: T10S R37E S18 SENW Within BANNOCK County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
04/01 10/31

QUANTITY  
0.700 CFS

PLACE OF USE:

IRRIGATION within BANNOCK County

T10S R37E S18

NWNE 3.0

T10S R37E S18

SWNE 12.0

T10S R37E S18

SENEW 13.0

T10S R37E S18

SENEW 7.0

35 ACRES TOTAL

Use of the rights listed below is limited to the irrigation of a combined total of 290 acres in a single irrigation season. Combined right nos.: 29-04200, 29-04201, 29-04202, 29-11089, 29-13480, 29-13481, 29-13688 and 29-13689

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 290 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-04200, 29-04201, 29-04202, 29-04203, 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

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

SF5

Water Right No.: 29-13480  
Uncontested Overlap of 29-4202 & 29-11089

Page 1

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO

FILED \_\_\_\_\_

2005 FEB 10 PM 2 16

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 29-13479

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

SOURCE: GROUND WATER

QUANTITY: 0.05 CFS  
5.60 AFY

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

PRIORITY DATE: 06/01/1932

POINT OF DIVERSION: T10S R37E S18 SENW Within Bannock County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Stockwater     | 01-01 TO 12-31 | 0.02 CFS |
|                               | Irrigation     | 04-01 TO 10-31 | 0.05 CFS |
|                               |                |                | 5.60 AFY |

PLACE OF USE: Irrigation Within Bannock County  
T10S R37E S18 SENW 1.6  
1.6 Acres Total  
Stockwater Within Bannock County  
Same as Irrigation

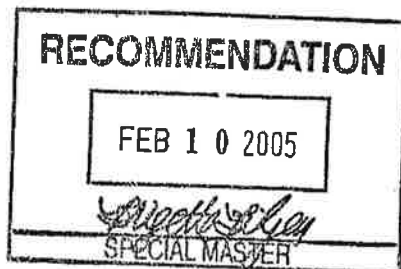
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

02/15/2005

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

RIGHT NUMBER: 29-13479

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS  
5.600 AFY

*change to match court*

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

PRIORITY DATE: 06/01/1932

POINT OF DIVERSION:

T10S R37E S18 SENW 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          | 0.050 CFS<br>5.60 AFY |
| STOCKWATER            | 01/01 12/31          | 0.020 CFS             |

PLACE OF USE: IRRIGATION Within BANNOCK County

T10S R37E S18 SENW 1.6

STOCKWATER same as IRRIGATION

1.6 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: Beneficial Use

NOTICE OF ERROR  
REPLY

*Dave*

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: 29-13479

HENDERSON RANCHES INC  
1414 DELPHIC WAY  
POCATELLO ID 83201-2293

RECEIVED  
APR 21 2003  
Department of Water Resources  
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (priority date, period of use, source):

*A-Priority date*  
*B-Purpose of use*

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

*A-1884*  
*B-Irrigation as well as stock water*

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

*A. I have found one living person who knows it was a well established well in 1929. This was an old homestead, & the well was no doubt drilled by the same man who drilled all the wells in the area. C.A. water right #s 29-11090, -11091, -11092, -11093*

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

*(Continued below)*

DATE: *April 21, 2003*

SIGNATURE: *Alice H. Dann*

Please print your name: *Alice H. Dann, secretary, Henderson Ranches, Inc.*

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

*(Continued from #3 above.)*

*d-11097. I can get an affidavit attesting to the 1929 date if that would help.*

*B. Traditionally, this well was used to irrigate the small tract of land around the house (long gone), it also served for culinary use. Now it is piped underground to the edge of the field where it either dumps into a little ditch that carries it over the embankment to water a small pasture below along Marsh Creek or it is diverted via PVC pipe across Marsh Creek into an irrigation system with pumped water. Because of my mother's recent death, I haven't been able to get pictures of this, but I can supply them if necessary.*

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 29-13479  
Date Received: 1/28/2003  
Receipt No: 5028459  
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

A2913419



1. Name of Claimant(s)

HENDERSON RANCHES INC Phone:  
1414 DELPHIC WAY  
POCATELLO ID USA 83201-2293

2. Date of Priority: 06/01/1932

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 10S      | 37E   | 18      | SE NW                 | BANNOCK |      |

5. Description of diverting works:

pipeline from freeflowing artesian well

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 10/31 | 0.04   |            |
| STOCKWATER | 01/01 | 12/31 | 0.04   |            |

7. Total Quantity Appropriated is:  
0.08 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 |
|----------|-------|---------|----------------|------------|-------|
| 10S      | 37E   | 7       | SE SW          | IRRIGATION | 1     |

10S            37E    18

|    |    |
|----|----|
| SW | NE |
| NE | NE |
| NE | NW |
| SE | NW |

|               |    |
|---------------|----|
| Section Acres | 1  |
| IRRIGATION    | 15 |
| IRRIGATION    | 5  |
| IRRIGATION    | 10 |
| IRRIGATION    | 7  |

Section Acres        37

Total Acres        38

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:

6.2 shares of potneuf irrigating co., 29-04203, plus other new claims  
filed this date

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

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

For Organizations:

I do solemnly swear or affirm that I am \_\_\_\_\_ 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

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

Ident. No. 29-13479

Date Received 1/28/2003

Receipt Number EO28459

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

2913419



1. Name of Claimant: Henderson Ranches, Inc. Phone: 208-238-7547  
c/o Alice H. Dunn, Secretary  
Mailing Address: 1414 Delphic Way, Pocatello, Idaho 83201
2. Date of Priority: June 1, 1932
3. Source of water supply: (a) Groundwater (artesian well), which is tributary to (b) Marsh Creek.
4. a. Location of existing point of diversion is: Township 10 S, Range 37 E, Section 18, SE1/4 of NW1/4, E., B.M., County of Bannock.  
Additional points of diversion if any:  
b. If instream flow, beginning point of claimed instream flow is:
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. Pipeline from free-flowing artesian well.
6. Water is claimed for the following purposes:  
For irrigation purposes from 4/1 to 10/31 amount 0.04 cfs  
For stockwater purposes from 1/1 to 12/31 amount 0.04 cfs
7. Total quantity claimed (a) 0.08 cfs

8. Total consumptive use claimed is 3.45\* (incl. In this claim) acre feet per annum. (2.5 AF/Acre/Season).

\*(This claim plus other springs and Marsh Creek used on same land.)

9. Non-irrigation uses: describe fully: Stockwater - up to 700 beef cattle.

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 in the corresponding place of use below.

| TWP                                                                                         | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW/4  |       |       |       | SE 1/4 |       |       |       | Totals |
|---------------------------------------------------------------------------------------------|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|-------|-------|-------|-------|--------|-------|-------|-------|--------|
|                                                                                             |     |     | NE1/4  | NW1/4 | SE1/4 | SW1/4 | NE1/4  | NW1/4 | SE1/4 | SW1/4 | NE1/4 | NW1/4 | SE1/4 | SW1/4 | NE1/4  | NW1/4 | SE1/4 | SW1/4 |        |
| 10S                                                                                         | 37E | 18  | 5      |       |       | 15    | 10     |       | 7     |       |       |       |       |       |        |       |       |       | 27     |
| 10S                                                                                         | 37E | 7   |        |       |       |       |        |       |       |       |       |       | 1     |       |        |       |       |       | 1      |
| <u>(plus the 90 acres on the west side of marsh creek included in case number 29-04203)</u> |     |     |        |       |       |       |        |       |       |       |       |       |       |       |        |       |       |       | 90     |

Total number of acres irrigated from this pump: 118

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 \_\_\_\_\_
13. Describe any other water rights used at the same place and for the same purposes as described above:  
6.2 shares Portneuf Irrigating Co., Water Right No. 29-04203, plus other new claims filed this date.

14. Remarks:

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

If applicable provide IDWR Water Right Number \_\_\_\_\_

Court \_\_\_\_\_ Case No. \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff v. 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:

I do solemnly swear or affirm that I am the secretary of Henderson Ranches, Inc., that I have signed the foregoing document in the space below as Secretary of Henderson Ranches, Inc., and that the statements contained in the foregoing document are true and correct.

Last Name: Henderson Ranches Ident. No. \_\_\_\_\_

Signature of Authorized Agent:

Alice H. Dunn

ALICE H. DUNN, Secretary  
Henderson Ranches, Inc.

STATE OF IDAHO )

: ss

County of Bannock )

Subscribed and sworn (or affirmed) before me this 27 day of January, 2003.



Randall C. Budge

NOTARY PUBLIC FOR IDAHO,  
Residing at: Pocatello, Idaho  
My Commission Expires: 10/11/2006

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

P.O. Box 1391; 201 E. Center Street  
Pocatello, Idaho 83204-1391  
(208) 232-6101  
rcb@racinelaw.net

Last Name: Henderson Ranches

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