

02/18/2003

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

RIGHT NUMBER: 29-13480

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

SOURCE: MARSH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.700 CFS

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 Source: MARSH CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	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	NENW	13.0	T10S R37E S18	SENE	7.0

35 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.

EXPLANATORY MATERIAL: Beneficial Use

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

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



29-4203 North pump in Marsh Crk DC
2002

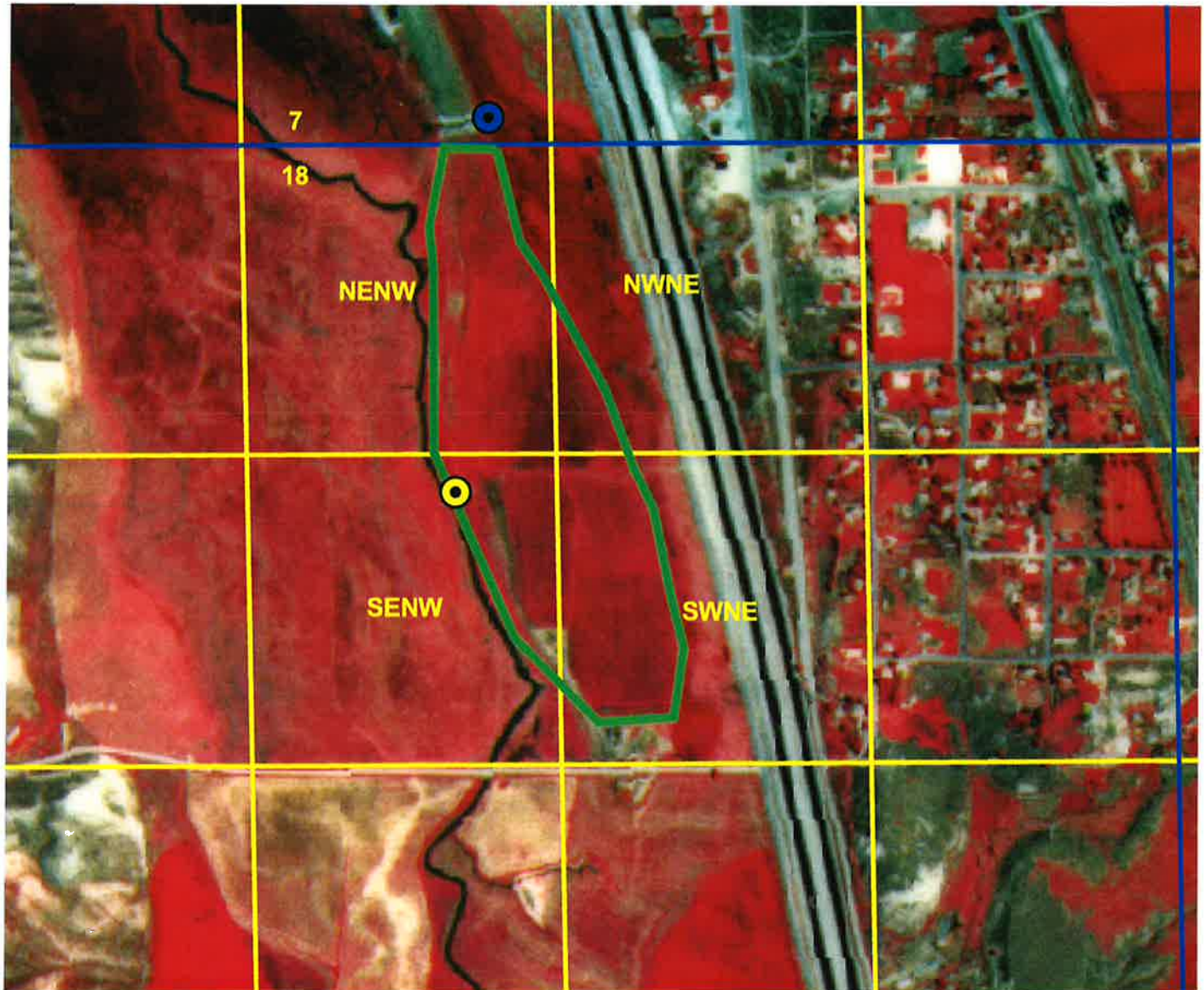
SENW

Case ~~engine~~ diesel Motor
Cornell pump

IDAHO DEPARTMENT OF WATER RESOURCES

29-13480

T10S, R37E SEC. 18



ACRES IRRIGATED- 35



POINT OF DIVERSION



PLACE OF USE

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

Dave

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: 29-13480

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):

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

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

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

DATE:

March 19, 2003

SIGNATURE:

Celine 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

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 29-13480
Date Received: 1/28/2003
Receipt No: E028459
Received By: DL

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

1. Name of Claimant(s)

HENDERSON RANCHES INC Phone:

1414 DELPHIC WAY
POCATELLO ID USA 83201-2293

2. Date of Priority: 06/01/1951

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

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:

125 hp pump powered by a diesel engine pumping from marsh creek to irrigate
crops on both sides
of marsh creek

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	3	
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
3.03 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
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10S	37E	7	SE	SW	IRRIGATION	1
					Section Acres	1
10S	37E	18	NE	NE	IRRIGATION	5
			SW	NE	IRRIGATION	15
			NE	NW	IRRIGATION	10
			SE	NW	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. 29-13480

Date Received 1/28/2003

Receipt Number E028459

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

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, 1951
3. Source of water supply: (a) Marsh Creek, which is tributary to (b) Portneuf River.
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. 125 HP pump powered by a diesel engine pumping from Marsh Creek to irrigate crops on both sides of Marsh Creek.
6. Water is claimed for the following purposes:
For irrigation purposes from 3/15 to 10/15 amount 3.0 cfs
For stockwater purposes from 1/1 to 12/31 amount 0.03 cfs
7. Total quantity claimed (a) 3.03 (cfs)

8. Total consumptive use claimed is 295* acre feet per annum. (2.5 AF/Acre/Season)
(Includes this claim plus several other springs and Marsh Creek claim used on same land.)
9. Non-irrigation uses: describe fully: Stockwater - up to 700 beef cattle.
10. Description of place of use: Ninety acres west of Marsh Creek and 28 acres east of Marsh Creek.
The 90 acres part of the land irrigated as described in Number 29-04203.
- 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. 29-4201, plus other new claims filed this date.
14. Remarks: See attached Affidavit of Terrell Bloxham in support of priority date.
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: 1

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:

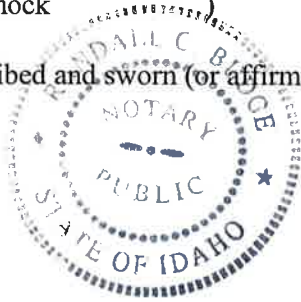
Alice H. Dunn
ALICE H. DUNN, Secretary
Henderson Ranches, Inc.

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. _____

**Affidavit to accompany Notice of Claim to a Water Right
in the State of Idaho**

Re: Establishing priority date.

Location of existing point of diversion: T10S, R37E, S18, within Bannock County.

I, Terrell Bloxham, presently residing at 2786 E. Willow Bend Drive, Sandy, Utah 84093, lived on the Henderson Ranch from my birth until 1941 when my family moved into the village of Arimo nearby. I continued throughout my childhood to spend time on the ranch, at times assisting with the crops and the milk cows on and often fishing in Marsh Creek where it runs through Henderson Ranch. In 1949 I became a steady ranch hand there during the summers. This continued until I moved to California in October, 1954.

I recall that it was during the time period when I was steadily employed there that pumping irrigation water from Marsh Creek at the above described location began. I tended and refueled the tractor that ran the pump on numerous occasions during several years before leaving Idaho. The Henderson's son Stanley, by then grown up and away at the university and later working in Salt Lake City, remembers the pump operating there but left for the army in January, 1952. He never again worked on the ranch. Since he did not return to Idaho while serving in Japan and Korea, I can say with some confidence that pumping at the above described location had to have commenced during or before the summer of 1951.

Signed

Terrell Bloxham
Terrell Bloxham

date 11-27-02

Subscribed and sworn before me this

27th

day of November, 2002

Notary Public

Linda M. Quezada

Residing at

Sandy, Ut

My commission expires

5-19-03

