

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13481

NAME AND ADDRESS:

HENDERSON RANCHES INC
1414 DELPHIC WAY
POCATELLO ID 83201-2283

SOURCE:

SOURCE:
UNNAMED STREAM

Tributary:
MARSH CREEK

QUANTITY:

1.070 CFS

0.000 AFY

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

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

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

PRIORITY DATE:

06/01/1881

04/01/1923

REP
EMC

POINT OF DIVERSION:

T10S R37E S18 NESE

Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

1.070 CFS

STOCKWATER

01/01 12/31

0.030 CFS

PLACE OF USE:

IRRIGATION

within BANNOCK County

T10S R37E S18 NESE 12.0

T10S R37E S18 SESE 22.0

T10S R37E S18 NWSE 28.0

T10S R37E S18 SWSE 35.0

STOCKWATER Same As IRRIGATION

97 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, 29-11089, 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 floodwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Use of this right in combined with water from McCammon Ditch Co.

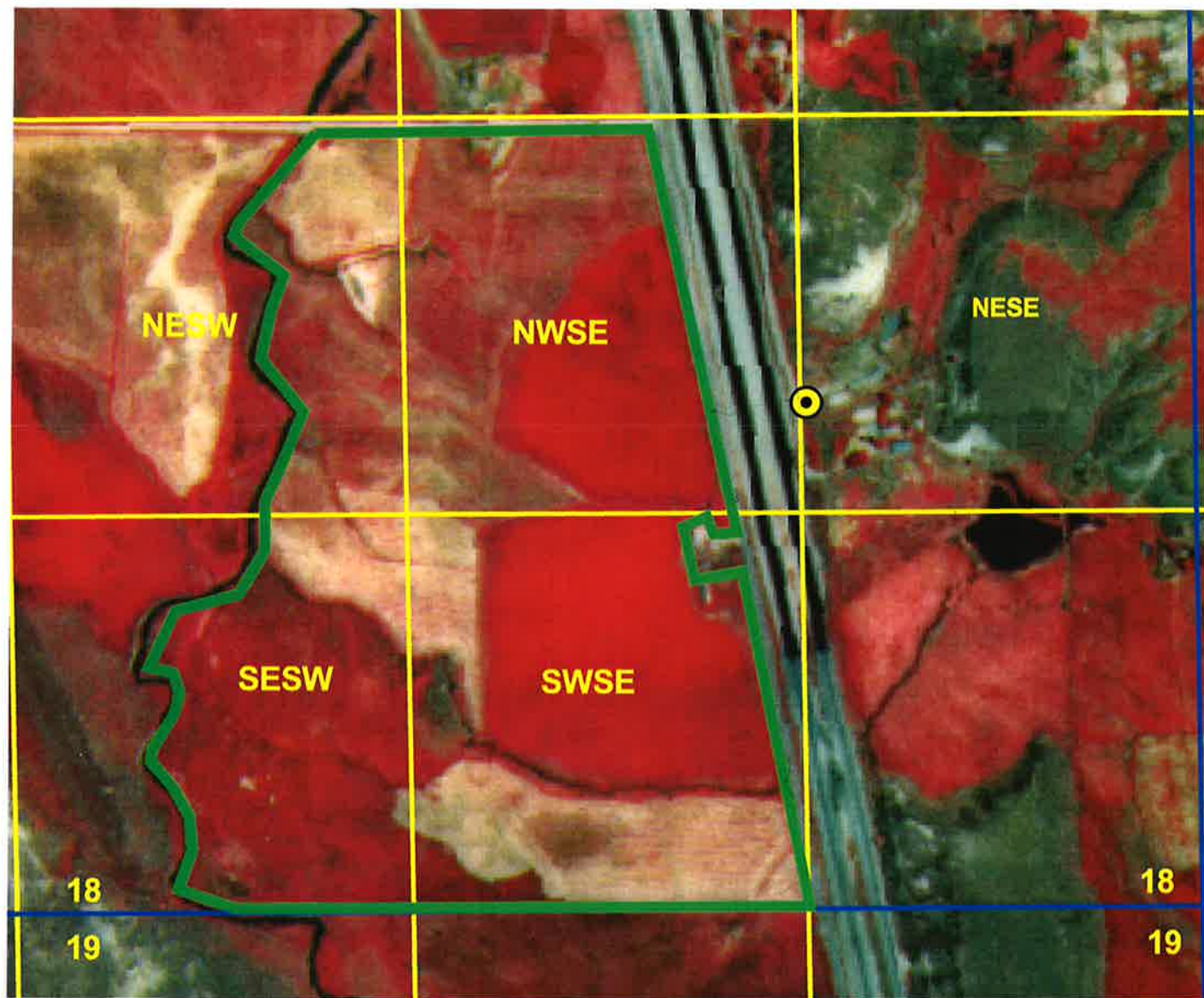
Use of this right in combined with water from Portneuf Irrigating Co.

AMB
PUB

IDAHO DEPARTMENT OF WATER RESOURCES

29-13481

T10S, R37E SEC. 18



ACRES IRRIGATED- 97



POINT OF DIVERSION



PLACE OF USE

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

NOTICE OF ERROR
REPLY

ms
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: 29-13481

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):

Priority Date

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

June 1, 1881

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

This stream was no doubt used by early owners of the land (Carpenter + Watson) prior to 1881, but building of the still existing ranch house that year is documented providing this definite date. See attached affidavit for details.

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

DATE:

April 21, 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

**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, Stanley S. Henderson, presently residing at 2300 E. 1700 So., Salt Lake City, Utah 84108, was born in 1926 in the house on the original 360 acres of my family's ranch southwest of Arimo, Idaho. Except while away at school, it was my home until my marriage in 1950. My father lived there until his death at nearly 93 years of age in 1996. My grandfather, Benjamin Williams Henderson, and my great-uncle, William West Woodland, purchased this property sometime previous to March, 1913, when they moved the family into the house on that farm. However, Grandfather's management of the property dates from 1894, and his knowledge of it extended back even further. Grandfather and Uncle Will lived in that house until their deaths in 1948 and 1945, respectively. They died there in the house where my father and I were also living.

That house was built in 1881 by John S. Watson (*The Register*, October 10, 1881, Blackfoot, Idaho.) Until several years after indoor plumbing replaced it in 1935, the privy straddled a branch of the unnamed stream. Existence of the privy is evidence that the unnamed stream for which Henderson Ranches, Incorporated, claims priority was in use on the property when the house was built in 1881, for in my youth, it was so old that light filtered not only through cracks between the boards but also through narrow slits in the softer grain caused by years of weather and scrubbing.

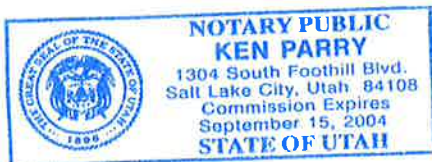
My grandfather began managing this 360 acre property when his aunt and her husband both died of diphtheria (October, 1894) leaving two small daughters. Vincent Cooper had married Grandfather's aunt, Celia Jane Woodland, in 1890. Cooper had purchased the farm from Mr. Watson prior to the marriage, and he and Celia set up housekeeping in the above mentioned house. Grandfather and Celia's brother, William Nathan Woodland, bought the farm for the express purpose of providing Vincent and Celia's daughters with funds for advanced education. Because of Grandfather's close association, he not only had extensive experience with the water on the farm beginning in October, 1894, but he also knew its history back to when the house was built in 1881. Grandfather passed the information on to the family in genealogical records.

The water in this unnamed stream comes from springs about a mile to the east of the original farm. It still follows a historical course westward under the railroad tracks and old US 91-191, around a hill, and through what is now property owned by the James and Kathryn Capell heirs. It used to flow under the old road to Marsh Center and into a ditch along the edge of the property adjacent to that road. Branches from that ditch ran through the farm to Marsh Creek, one behind the house and another north of the barns. Besides providing a primitive sewer, it watered the yard, gardens, fields, and pastures around the house and barns; watered 10 horses, 100 milk cows and their calves, and up to 700 corralled beef cattle. When US 91-191 was realigned and, later, I-15 was built, the irrigation system had to be altered drastically. This stream now flows into the same irrigation system as the canal water and water from other springs. The water from the combined sources is used for irrigation and stock water in all the ranch land west of Marsh Valley Road, south of Sublette Road, north of Henderson Ranches' southern boundary, and east of Marsh Creek.

Signed Stanley Henderson date April 7 2003
Stanley S. Henderson
Subscribed and sworn before me this 7th day of April, 2003

Notary Public Ken Parry
Residing at SLC

My commission expires 9/15/04



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

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

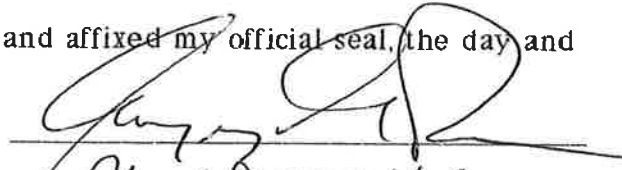
County of Bingham

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)


Black ~~SECRET~~ FILE
Commissioner NOV 19 1990 5/28/91

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 29-13481
Date Received: 1/28/2003
Receipt No: E028459
Received By: DK

**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: 06/01/1881

3. Source: UNNAMED STREAM Trib. to: MARSH CREEK

4. Point of Diversion:

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

5. Description of diverting works:

system of private ditches to pou to flood irrigation. begining in 1993 some
sprinkler irrigation using handlines and electric pump from ditch located in the SESE
sec 18 T10s, R37E

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	1.07	
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
1.07 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	NE	NW	IRRIGATION	22
			NW	NW	IRRIGATION	13
			SE	NW	IRRIGATION	13
			NE	SW	IRRIGATION	13
					Section Acres	61
10S	37E	18	NW	NE	IRRIGATION	11
			SW	NE	IRRIGATION	27
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	10
			SW	NW	IRRIGATION	10
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			SE	SW	IRRIGATION	20
			NW	SE	IRRIGATION	40
					Section Acres	238
					Total Acres	299

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:

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. 29-13481

Date Received 1/28/2003

Receipt Number _____

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, 1881
3. Source of water supply: (a) unnamed stream which contributes to claimant's private ditch at the end Arimo Canal, which is tributary to (b) Marsh Creek.
4. a. Location of existing point of diversion is: Township 10 S, Range 37 E, Section 18, NE1/4 SE1/4, 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. System of private ditches within place of use described below used to flood irrigate. Beginning in 1993 some sprinkler irrigation using handlines and electric pump from ditch located in the SE1/4 SE1/4, Sec. 18, T.10S., R.37E.
6. Water is claimed for the following purposes:
For irrigation purposes from 4/15 to 10/31 amount 1.07 cfs
For stockwater purposes from 1/1 to 12/31 amount 0.03 cfs
7. Total quantity claimed (a) 1.07 (cfs)

8. Total consumptive use claimed is 870 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: 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 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			238
10S	37E	7					22	13		13	13								60

Total number of acres irrigated: 298.

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.

14. Remarks:

Irrigation as described began at the time the ranch house was built in 1881.

Prior to the construction of Interstate 15 and Marsh Valley Road, these springs formed a stream which was tributary to Marsh Creek. As it flowed through Henderson Ranches, Inc., land, it was diverted into ditches used to irrigate the place of use as described and to provide stockwater for beef and dairy cattle.

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:

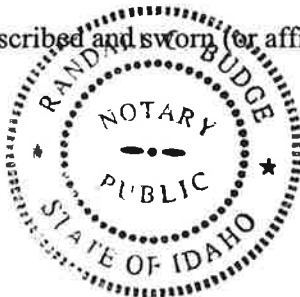
Last Name: Henderson Ranches Ident. No. _____

For organizations: 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.

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

02/18/2003

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

RIGHT NUMBER: 29-13481

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

SOURCE: UNNAMED STREAM

TRIBUTARY: MARSH CREEK

QUANTITY: 1.070 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

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

PRIORITY DATE: 04/01/1923

POINT OF DIVERSION:

T10S R37E S18 NESE Within BANNOCK County Source: UNNAMED STREAM

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.070 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T10S R37E S18 NESW 12.0 T10S R37E S18 SESW 22.0

T10S R37E S18 NWSE 28.0 T10S R37E S18 SWSE 35.0

STOCKWATER same as IRRIGATION

97 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

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

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