

06/28/2002

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

RIGHT NUMBER: 29-13367

NAME AND ADDRESS: HENDERSON RANCHES INC
PO BOX 25
ARIMO ID 83214

HENDERSON RANCHES INC
1414 DELPHIC WY
POCATELLO ID 83201-2293

SOURCE: MARSH CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.26 CFS

PRIORITY DATE: 06/01/1942

POINT OF DIVERSION:

T10S R37E S7 SWSW Lot 8 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/15	0.260 CFS

PLACE OF USE:

STOCKWATER Within BANNOCK County

T10S R37E S07 Lot 3

T10S R37E S07 Lot 4 SWNW

IRRIGATION Within BANNOCK County

T10S R37E S07 Lot 3 8.0

T10S R37E S07 Lot 4 SWNW 6.0

14 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.

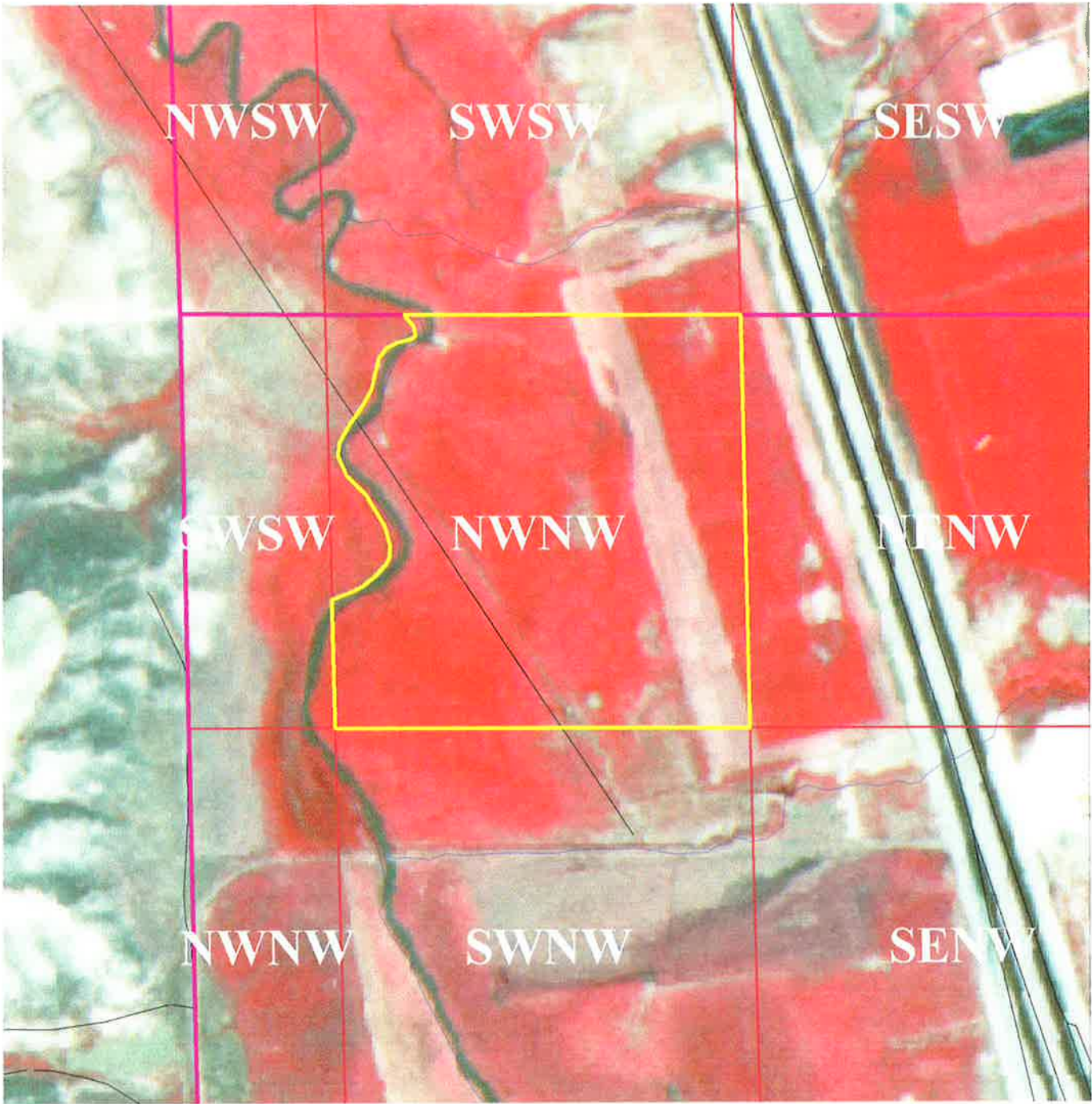
EXPLANATORY MATERIAL: Beneficial Use

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

This represents a part of 29-4203.

This land was ~~developed~~ developed after the
land to the south. 1942 after a pump was
installed

Township , 10S37E



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals

Legend



02/18/2003

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-13367

HENDERSON RANCHES INC
1414 DELPHIC WAY
POCATELLO ID 83201-2293

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

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 20, 2003 SIGNATURE: Alice H. Dunn
Please print your name: Alice H. Dunn, secretary, Henderson Ranches, Inc.

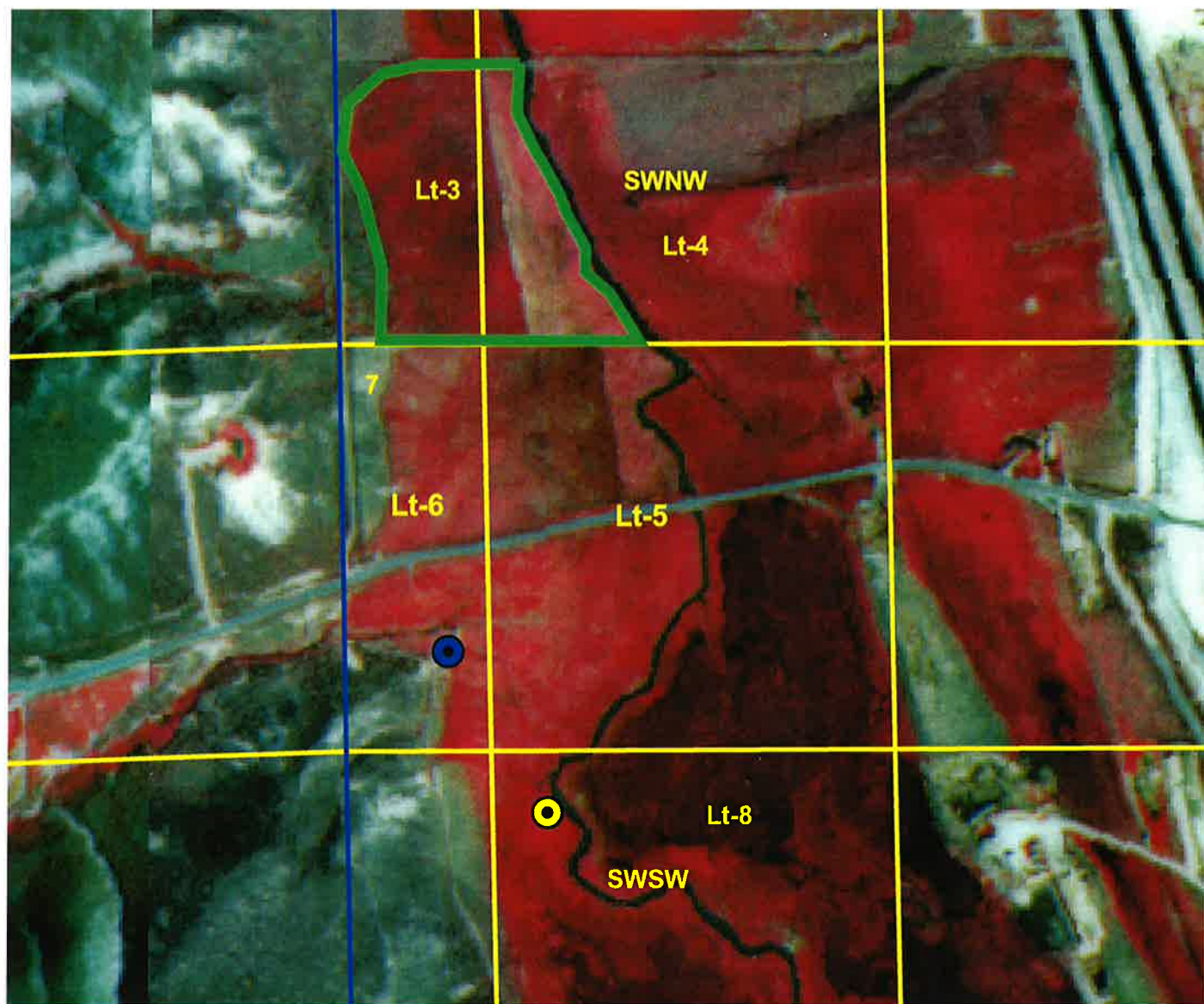
IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

IDAHO DEPARTMENT OF WATER RESOURCES

29-13367

T10S, R37E SEC. 7



ACRES IRRIGATED- 14



POINT OF DIVERSION



PLACE OF USE

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

CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

NOTE: Include here the type and number of stock watered: 400 cattle
If you are claiming water as a member of an organization, list name of organization: Claim is for a family corporation which is successor to rights of individuals.

Prepared

FOR DEPARTMENT USE ONLY

Received by

JK

Date

27 MARCH 81

Exception filed by:

Forwarded to

Date

Prelim. check by

HWS

Date

claimant by:

Go on for review by

EVIDENCE OF PRIORITY WATER RIGHT

In 1942, I put an irrigation pump on Marsh Creek to irrigate pasture and cropland north and downstream several miles. This includes the land currently owned by Craig Smith and T. J. Smith and Sons Inc. The ditch ran through their property so they could irrigate their pasture and hay as defined by claim # A29-04189. It also allowed me to irrigate a field I have north of their current boundary. Due to water loss and frequent wash outs, another pump was put in at current diversion point by Craig's father, T.J. Smith. It is being used to irrigate his land as well as mine north of his boundary.

You can still see the date 1942 imprinted in the cement at the discharge end of the pipe coming from my pump. This pump is still in use. The original ditch is still plainly visible and most of it is still in use. I have personal knowledge of Craig Smith's beneficial use and priority date as described in claim #A29-04189.

Signed

Robert W. Henderson

State of Idaho,

County of Bannock

On this 23 day of March in the year 1995, before me, Robert Henderson, a Notary Public in and for said State, personally appeared, Robert W. Henderson.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Belva Olsen Hansen

Notary Public for IdResiding at MCCA m m n'

MICROFILMED

NOV 13 1996

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 29-04203

The home place of Henderson Ranches contains in excess of 1100 acres of land in T10S, 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.

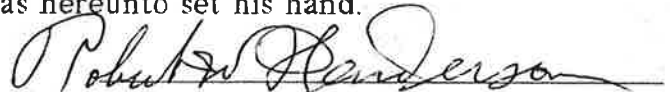
Both irrigation and stock watering are indeed carried out on the same described locations which constitute parts of the irrigated portions of the ranch.

The date, June 1, 1885, which the water right involved in the document being considered is based on, is what I was told by previous residents of the area. Before I was born previous owners built a rock dam and took water from Marsh Creek. My father and my uncle purchased this land with the water rights in 1913 when I was nine years old, and my family moved into the house in which I still reside. Some time before I was married in 1924, my father and I built a canal to transport this water northward along the west side of Marsh Creek. This canal started about 1/4 mile south of where the road to Marsh Center crosses the creek. However, the land was so gravelly that the water drained away about 90% before reaching the land to be irrigated. In 1942, with prisoner of war labor, we built the system by which the water has since been pumped out of the creek.

In studying the claim to which the document under consideration refers, I notice that page one item five contains a substantial error. The pump is a 25hp pump, not 2.5 hp which would scarcely be big enough to pump the water out of the creek let alone up the hill far enough to allow the water to flow for irrigation purposes.

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

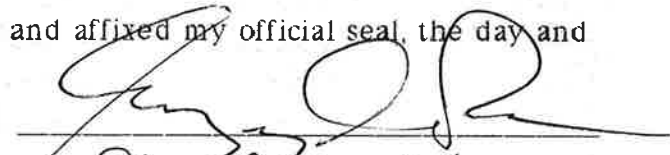
On this 11th day of January, in the year 1995, before me
a Notary Public in and for said County and State, personally appeared

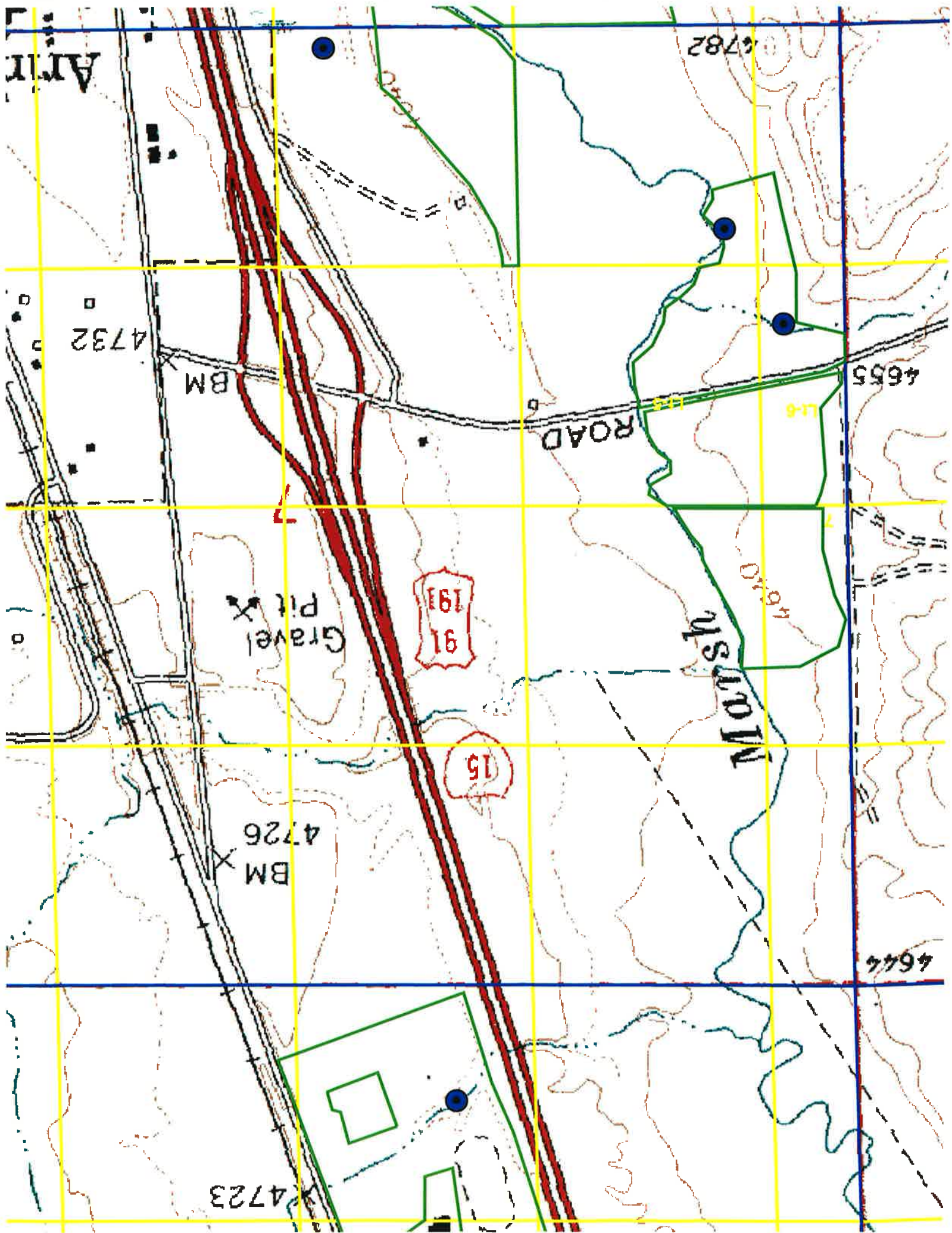
Robert W. Henderson

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)


Blackfoot, Idaho
MICROFILMED
Commission NOV 13 1995 5/28/9



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 29-13367
Date Received: 6/27/2002
Receipt No:
Received By:

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

1. Name of Claimant(s)

HENDERSON RANCHES INC Phone: (208)254-3557

PO BOX 25
ARIMO ID USA 83214

HENDERSON RANCHES INC Phone:

1414 DELPHIC WY
POCATELLO ID USA 83201-2293

2. Date of Priority: 06/01/1885

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	7	SW SW 8	BANNOCK	

5. Description of diverting works:

pump to ditch to flood irrigation

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	10/15	0.26	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.26 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	NW NW	NW NW	IRRIGATION STOCKWATER	13
					Section Acres	13
					Total Acres	13

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:

FILED AS 29-04203 MARSH CREEK 1885
THIS LAND APPEARS TO HAVE BEEN DEVELOPED IN 1942
CREATED THIS CLAIM LATE^R PRIORITY DATE WATER RIGHT

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 _____

MAY 31 2001

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04203
Date Received: 9/15/1992
Receipt No: E012838
Received By: _____

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

A2913367

1. Name: HENDERSON RANCHES INC. 208-254-3557
Address: PO BOX 25
ARIMO ID 83214

2. Date of Priority: JUN 1, 1885

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
10S	37E	18		SE	SW		BANNOCK

5. Description of diverting works:

2.5 HP PUMP IN MARSH CK/1942 REPLACING DAM AS DIVERSION/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/15	3.000		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:

3.030 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	37E	7	NW	NW		IRR	13.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
Section Acres						13.0
		18	SW	NE	IRR	10.0
			NE	NW	IRR	40.0
			NW	NW	IRR	10.0
			SW	NW	IRR	10.0
			SE	NW	IRR	40.0
			NE	SW	IRR	40.0
			SE	SW	IRR	20.0
			NW	SE	IRR	10.0
Section Acres						180.0
Total Acres						193.0

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
29-04200, 04201, 04202

14. Remarks:
SEE 29-04200 FOR ATTACHMENTS. INFORMATION ON PREPRINTED NOTICE
DIFFERENT FROM DATABASE. SEE REMARKS IN 29-04201 FOR OTHER
ADDED INFO 9-15-92/JT

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

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NOV 13 1992

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

MICROFILMED

NOV 13 1992

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 A29-04203

Date Received 4-04-90

Receipt Number E012838

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 4 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Henderson Ranches, Inc. Phone (208) 254-3557

Mailing Address P. O. Box 25, Arimo, Idaho Zip 83214

2. Date of Priority (Only one (1) per claim) June 1, 1885

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,
1/4 of SE 1/4 of SW 1/4, Govt. Lot, E. B.M., County of Bannock

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 2.5 h.p. pump located in Marsh Creek
in 1942 replacing dam as diversion into ditch system.

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NOV 13 1992

A2904203



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 10/15 amount 3.0 or _____
For stockwater purposes from 1/1 to 12/31 amount .03 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.03 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 870* acre feet per annum (2.5 A.F./Acre/Season)

* (includes this claim, plus 4 other springs used on same land)

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	37E	18			10		40	10	10	40	40			20		10			180
10S	37E	7						13											13

Total number of acres irrigated 193

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Claims simultaneously filed on 4 additional springs & Marsh Creek or None ()
Also 6.2 shares Portneuf Irrigating Co., 24 shares McCammon Ditch Co.

14. Remarks:

Marsh Creek water plus water from (4) springs are diverted into
extensive and complex system of ditches permitting flood irrigation
of described property, stockwatering of up to 700 beef cattle, and/or
diversion back into Marsh Creek when not used. This claim is for Marsh
Creek water only but reflects all stockwatering and total consumptive
use for all irrigation land.

Last Name Henderson Ranches Ident No. _____

Copies: White -State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number 29-4203
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Vice President
of Henderson Ranches, Inc. Title _____, that I have signed the foregoing
document in the space below as Vice President of Henderson Ranches, Inc.
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Robert S. Henderson
Robert S. Henderson, Vice President
Title and Organization Henderson Ranches, Inc. Date 3-16-90

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 16th day of March 19 90

SEAL

Notary Public Randall C. Budge

Residing at Pocatello, Idaho

My Commission Expires 10/15/90

Please Print Name

17. Notice of Appearance:

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

Signature Randall C. Budge

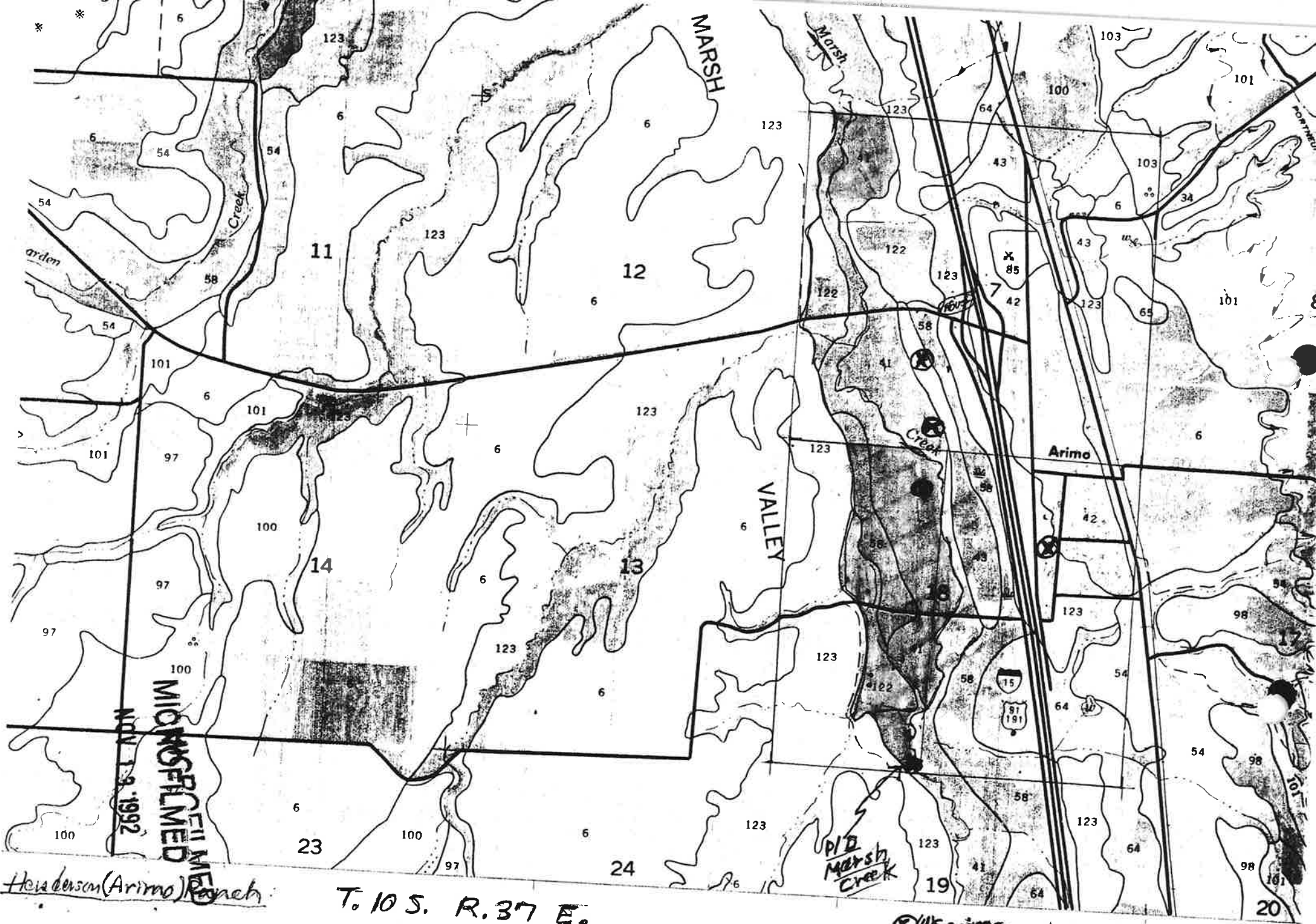
Address P.O. Box 1391 Pocatello, ID 83204

Date March, 1990

MICROFILMED
NOV 13 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



Henderson (Arimo) Ranch

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

④ 45 springs - stockwater + irrigation.
 ► Marsh Creek P/D