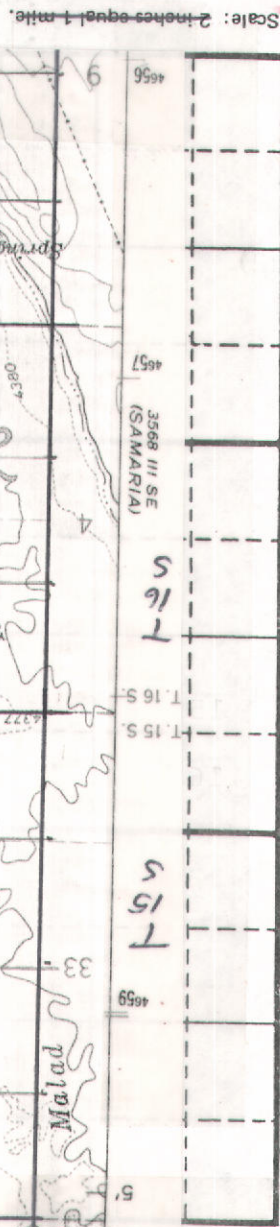


(8) Remarks Spring known as Henderson Creek Spring

RECORDED  
MICROFILMED



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho  
County of Boise  
ss. )  
)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 3rd day of June, 1983.

Notary Public  
Residing at Adrian, NM

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Assisted by Kau 6-3-83

Received by SM Date 6/8/83 Exception filed by: 6/8/83 #26379 Forwarded to claimant by: Date 6/8/83 Published in Idaho Engineering Dates 6/16 : 6/23/83

Date

# AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 24 1983

STATE OF IDAHO,

ss.

County of Oneida

Department of Water Resources  
Eastern District Office

*Jan L. Daniels*

being duly sworn,

deposes and says: That she is the Secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 15, 1983, and ending

with the issue of June 22, 1983

*Jan L. Daniels*

Fee \$ \$52.00

Subscribed and sworn to before me this 22nd day

of June, 1983.

*Ken Dunn*

Notary Public, Residing at Malad, Idaho

My Commission Expires Lifetime, 19    

## NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

15-4161

LDS CHURCH, ST. JOHN WARD  
REAL ESTATE DEPT., 50 E. TEM-  
PLE ST., SALT LAKE CITY, UT 84150  
Source: GROUNDWATER  
Priority Date: 06-10-1943  
Diversion Pt: SENE Sec 18 T 14S R 36E  
Use: IRRIGATION (0.04 CFS)  
DOMESTIC (0.04 CFS)  
In: SENE Sec 18 T 14S R 36E FOR 2  
ACRES

15-4160

LDS CHURCH, PLEASANT VIEW  
WARD  
REAL ESTATE DEPT., 50 E. TEM-  
PLE ST., SALT LAKE CITY, UT 84150  
Source: GROUNDWATER  
Priority Date: 04-01-1914  
Diversion Pt: NENW Sec 02 T 15S R 35E  
Use: IRRIGATION (0.06 CFS)  
DOMESTIC (0.04 CFS)  
In: NENW Sec 02 T 15S R 35E FOR 3  
ACRES

15-4159

MOON, DALE &-or ALTA  
RT. 1, BOX 76, MALAD, ID 83252  
Source: HENDERSON CREEK trib. to  
SINKS  
Priority Date: 05-17-1892  
Diversion Pt: NWSE Sec 02 T 16S R 36E  
Use: IRRIGATION (12.96 CFS)  
STOCKWATER (0.03 CFS)  
In: SWNE SENE NESE NWSE Sec 10 T  
16S R 36E SWNW SENW NESW NWSW  
Sec 11 T 16S R 36E FOR 231 ACRES

15-4158

HENDERSON CREEK SPRING  
WATER USERS  
RT. 1, BOX 74, MALAD CITY, ID 83252  
Source: SPRING trib. to SINKS  
Priority Date: 10-22-1885  
Diversion Pt: LOT 02 (SWNE) Sec 02 T  
16S R 36E  
Use: IRRIGATION (4.00 CFS)  
STOCKWATER (0.14 CFS)  
DOMESTIC (0.15 CFS)  
In: NESE NWSE SWSE SESE Sec 34 T  
15S R 36E NWNW SWNW NWSW SWSW  
Sec 35 T 15S R 36E LOT 04 (SWNW)  
LOT 03 (SENE) NWSW Sec 02 T 16S R  
36E LOT 02 (SWNE) LOT 01 (SENE)  
NESE NWSE SWSE SESE Sec 03 T 16S  
R 36E NENE Sec 10 T 16S R 36E FOR  
543 ACRES

15-4162

LDS CHURCH, CHERRY CREEK  
WARD  
REAL ESTATE DEPT., 50 E. TEM-  
PLE ST., SALT LAKE CITY, UT 84150  
Source: GROUNDWATER  
Priority Date: 04-01-1958  
Diversion Pt: NWNW Sec 26 T 15S R  
36E  
Use: IRRIGATION (0.05 CFS)  
DOMESTIC (0.04 CFS)  
In: NWNW Sec 26 T 15S R 36E FOR 2  
ACRES

Exceptions to a claim may be filed  
with the Director, Dept. of Water  
Resources, 150 Shoup Ave., Suite 15,  
Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 6-15 & 6-22-83.

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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

Notice is hereby given that Henderson Creek Spring Water Users c/o Glen Price  
(Name of Claimant)  
Rt.1, Box 74 Malad City ID 83252 Telephone No. 766-2788  
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) October 22, 1885

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
Spring tributary to Sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

|          | (cfs, af)      | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)        |                 |
|----------|----------------|-------------------------------------|-------------------------------|-----------------|
|          |                |                                     | (Mo., Day)                    | (Mo., Day)      |
| Quantity | <u>4.0cfs</u>  | Use <u>Irrigation</u>               | Period of Use From <u>4-1</u> | To <u>11-1</u>  |
| Quantity | <u>0.14cfs</u> | Use <u>Stockwater</u>               | Period of Use From <u>1-1</u> | To <u>12-31</u> |
| Quantity | <u>0.15cfs</u> | Use <u>Domestic</u>                 | Period of Use From <u>1-1</u> | To <u>12-31</u> |
| Quantity |                | Use                                 | Period of Use From            | To              |
| Quantity |                | Use                                 | Period of Use From            | To              |

(4) 4.0cfs TOTAL QUANTITY USED.  
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
(Lot2) SW ¼ NE ¼, Sec. 2 Twp. 16S Rge. 36E B.M., County of Oneida  
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion box to ditches for flood irrigation.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T   | R   | SEC. | NE¼ |     |      |      | NW¼ |     |      |      | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|-----|-----|------|-----|-----|------|------|-----|-----|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|     |     |      | NE¼ | NW¼ | SW¼  | SE¼  | NE¼ | NW¼ | SW¼  | SE¼  | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
| 15S | 36E | 34   |     |     |      |      |     |     |      |      |     |     |     |     | 40  | 20  | 25  | 40  | 125   |
|     |     | 35   |     |     |      |      | 10  | 25  |      |      | 30  | 35  |     |     |     |     |     |     | 100   |
| 16S | 36E | 2    |     |     |      |      |     |     | 40   | 30   | 30  |     |     |     |     |     |     |     | 100   |
|     |     | 3    |     |     | 25   | 40   |     |     | (14) | (13) |     |     |     |     | 40  | 30  | 5   | 38  | 178   |
|     |     | 10   | 40  |     | (12) | (11) |     |     |      |      |     |     |     |     |     |     |     |     | 40    |
|     |     |      |     |     |      |      |     |     |      |      |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |      |      |     |     |      |      |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |      |      |     |     |      |      |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |      |      |     |     |      |      |     |     |     |     |     |     |     |     |       |

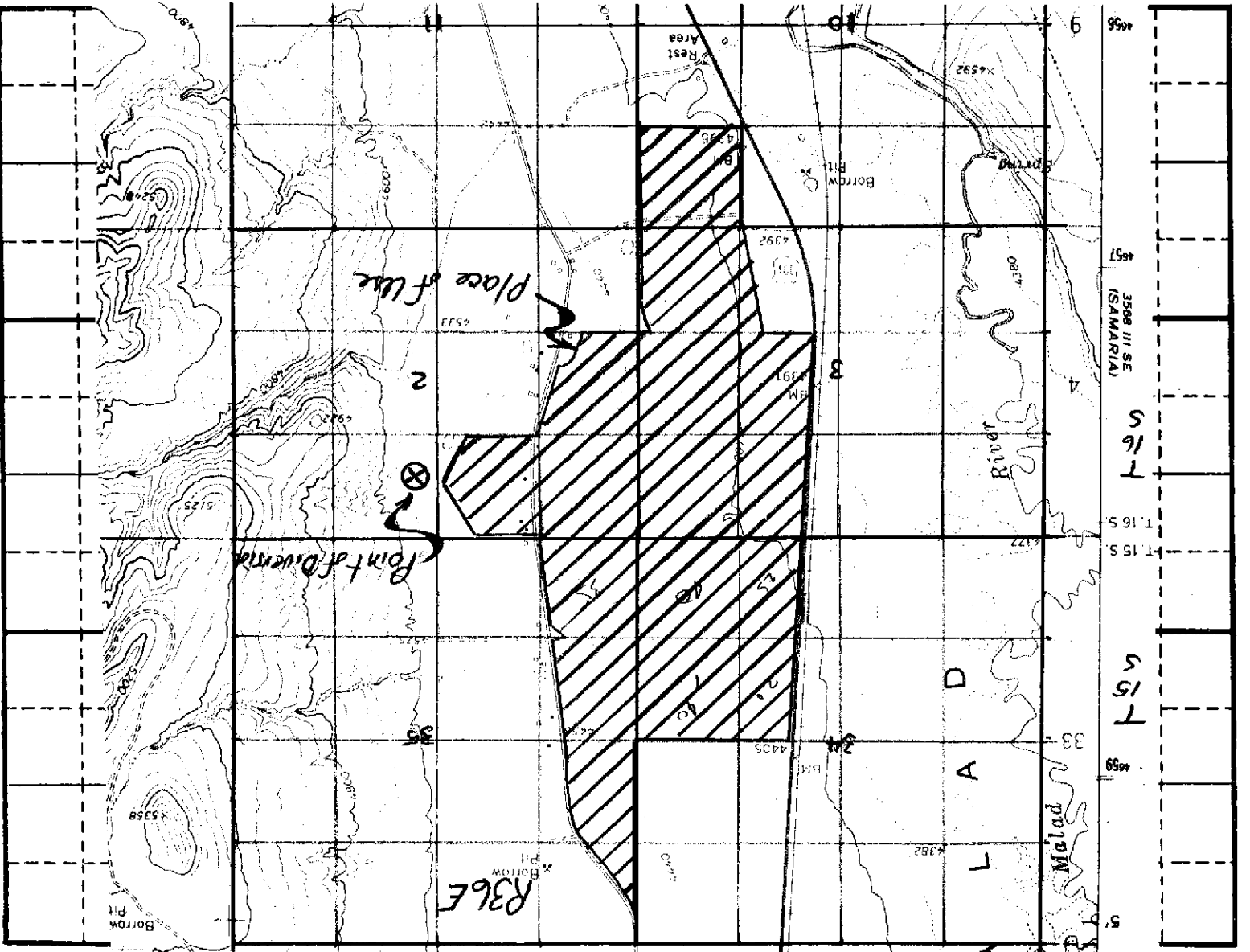
No. of acres 543

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use for 9 homes.

NOTE: Include here the type and number of stock watered: 550 head or range cattle.

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks Spring known as Henderson Creek Spring



State of Idaho  
County of Idaho  
ss. )  
)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 3rd day of June, 1983.  
Notary Public  
Residing at Idaho Falls  
My commission expires 6-15-85

Assisted by Kau 6-3-83  
FOR DEPARTMENT USE ONLY  
Received by SM Date 6/8/83  
Prelim. check by BP Date 6/8/83  
\$30.00 fee received by Idaho ENR 10152 Date 6/8/83 # 26379  
Published in 6/16 - 6/23/83  
Dates

Henderson Creek Irrigation Company  
 Glenn Price  $\frac{1}{4}$  or  $\frac{12}{48}$  or 96 hours  
 Dale Moon  $\frac{1}{8}$  "  $\frac{6}{48}$  " 48 "  
 Ervin Hoskins  $\frac{1}{8}$  "  $\frac{6}{48}$  " 48 "

Stream going South  $\frac{1}{2}$  "  $\frac{24}{48}$  " 192 " }  $\frac{1}{2}$

Clifford Jones  $\frac{1}{8}$  "  $\frac{6}{48}$  " 48 "  
 Jay McFarland  $\frac{1}{8}$  "  $\frac{6}{48}$  " 48 "  
 Ben Williams  $\frac{1}{24}$  "  $\frac{2}{48}$  " 16 "  
 Leo D. Williams  $\frac{3}{24}$  "  $\frac{4}{48}$  " 32 "  
 Albert Millward  $\frac{1}{16}$  "  $\frac{3}{48}$  " 24 "  
 Donald Vaughan  $\frac{1}{16}$  "  $\frac{3}{48}$  " 24 "

Stream going North  $\frac{1}{2}$  "  $\frac{24}{48}$  " 192 " }  $\frac{1}{2}$

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Oneida

ss.

JUN 24 1983

Department of Water Resources  
Eastern District Office

Janet S. Daniels being duly sworn,  
deposes and says: That she is the Secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 15, 1983, and ending

with the issue of June 22, 1983

Fee \$ 15.20

Subscribed and sworn to before me this 22nd day

of June, 1983

Mr. Newton  
Notary Public, Residing at Malad, Idaho

My Commission Expires Lifetime, 19    

## STATE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

15-4161

LDS CHURCH, ST. JOHN WARD  
REAL ESTATE DEPT., 50 E. TEM-  
PLE ST., SALT LAKE CITY, UT 84150  
Source: GROUNDWATER  
Priority Date: 06-10-1943  
Diversion Pt: SENE Sec 18 T 14S R 36E  
Use: IRRIGATION (0.04 CFS)  
DOMESTIC (0.04 CFS)  
In: SENE Sec 18 T 14S R 36E FOR 2  
ACRES

15-4160

LDS CHURCH, PLEASANT VIEW  
WARD  
REAL ESTATE DEPT., 50 E. TEM-  
PLE ST., SALT LAKE CITY, UT 84150  
Source: GROUNDWATER  
Priority Date: 04-01-1914  
Diversion Pt: NENW Sec 02 T 15S R 35E  
Use: IRRIGATION (0.06 CFS)  
DOMESTIC (0.04 CFS)  
In: NENW Sec 02 T 15S R 35E FOR 3  
ACRES

15-4159

MOON, DALE &-or ALTA  
RT. 1, BOX 76, MALAD, ID 83252  
Source: HENDERSON CREEK trib. to  
SINKS  
Priority Date: 05-17-1892  
Diversion Pt: NWSE Sec 02 T 16S R 36E  
Use: IRRIGATION (12.96 CFS)  
STOCKWATER (0.03 CFS)  
In: SWNE SENE NESE NWSE Sec 10 T  
16S R 36E SWNW SENW NESW NWSW  
Sec 11 T 16S R 36E FOR 231 ACRES

15-4158

HENDERSON CREEK SPRING  
WATER USERS  
RT. 1, BOX 74, MALAD CITY, ID 83252  
Source: SPRING trib. to SINKS  
Priority Date: 10-22-1885  
Diversion Pt: LOT 02 (SWNE) Sec 02 T  
16S R 36E  
Use: IRRIGATION (4.00 CFS)  
STOCKWATER (0.14 CFS)  
DOMESTIC (0.15 CFS)  
In: NESE NWSE SWSE SESE Sec 34 T  
15S R 36E NWNW SWNW NWSW SWSW  
Sec 35 T 15S R 36E LOT 04 (SWNW)  
LOT 03 (SENW) NWSW Sec 02 T 16S R  
36E LOT 02 (SWNE) LOT 01 (SENE)  
NESE NWSE SWSE SESE Sec 03 T 16S  
R 36E NENE Sec 10 T 16S R 36E FOR  
543 ACRES

15-4162

LDS CHURCH, CHERRY CREEK  
WARD  
REAL ESTATE DEPT., 50 E. TEM-  
PLE ST., SALT LAKE CITY, UT 84150  
Source: GROUNDWATER  
Priority Date: 04-01-1958  
Diversion Pt: NWNW Sec 26 T 15S R  
36E  
Use: IRRIGATION (0.05 CFS)  
DOMESTIC (0.04 CFS)  
In: NWNW Sec 26 T 15S R 36E FOR 2  
ACRES

Exceptions to a claim may be filed  
with the Director, Dept. of Water  
Resources, 150 Shoup Ave., Suite 15,  
Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 6-15 & 6-22-83.

15- 4158

**NATIONAL HEADQUARTERS**  
**RICHMOND, VIRGINIA**

U

## COMMITMENT FOR TITLE INSURANCE

- Case No. 2524/90

2. Policy or policies to be issued:

Amount \$ AMT. OF SALE

- Proposed insured: UNKNOWN

Amount \$ \_\_\_\_\_

- (b) ALTA Loan Policy - (10-21-87)  
Proposed insured: NONE

Amount \$ NONE

- (c) NONE  
Proposed insured: NONE

3. Title to the **FEE SIMPLE** estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:

LEO D. WILLIAMS

- 4. The land referred to in this Commitment is described as follows:**

Township 15 South, Range 36 East, Boise Meridian:

Section 26: T-107: Beginning at the Southwest Corner of said Section 26; thence running North 50 rods; thence East 20 rods; thence North 20 rods; thence East 60 rods; thence South 80 rods; thence West 80 rods to the place of beginning.

Countersigned at MALAD, IDAHO  
SCOTT S. LAND TITLE CO.

Commitment No. BF-767329

Schedule A—Page 1

Authorized Officer or Agent

Form No. 91-88 (SCH A.)  
035-1-088-0001/7

ORIGINAL

**This commitment is invalid unless the Insuring Provisions and Schedules A and B are attached.**

CAROLYN:

10/28

PLEASE FILE THIS IN

15 - 4158

THANK YOU

- GEO

# Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE A cont'd.

Section 34: SW $\frac{1}{4}$ ; SE $\frac{1}{4}$ ; EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY: Commencing at the Northeast Corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 34, thence running West 128 rods to the East line of the Oregon Short Line Railroad right-of-way; thence South along the line of said right-of-way 26.2 rods; thence East 128 rods to a point due South of the point of beginning; thence North 26.2 rods to the point of beginning. (Consisting of T-21, T-22, T-420, T-421 and T-423.

Section 35: E $\frac{1}{2}$ NE $\frac{1}{4}$ ; SW $\frac{1}{4}$ NE $\frac{1}{4}$ ; W $\frac{1}{2}$ NW $\frac{1}{4}$ ; NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; N $\frac{1}{2}$ SW $\frac{1}{4}$ ; ALSO, T-422: Commencing at the SW $\frac{1}{4}$  of said Section 35; thence running East 80 rods; thence North 53.8 rods; thence West 80 rods; thence South 53.8 rods to the point of beginning.

EXCEPTING THEREFROM THOSE CERTAIN PARCELS DEEDED FOR HIGHWAY PURPOSES AS DESCRIBED IN THE FOLLOWING DEEDS OF RECORD: 3.8 Acres deeded to the State of Idaho by Deed dated May 9, 1922, found of record in Book 16 of Deeds, Page 432; 11.25 acres as taken by the State of Idaho by Final Order and Judgment of Condemnation dated April 26, 1954, found of record in Book E of Judgments, Page 223; 20.04 Acres deeded to the State of Idaho by Warranty Deed dated April 25, 1973, found of record on film as Instrument No. 91539, records of Oneida County, Idaho.

ALSO EXCEPTING THEREFROM THOSE CERTAIN PARCELS DEEDED TO THE MALAD VALLEY RAILROAD COMPANY AS FOLLOWS: Deed dated February 17, 1905, found of record in Book V of Deeds, Page 162; Deed dated February 16, 1905, found of record in Book U of Deeds, Page 400; and Deed dated February 17, 1905, found of record in Book U of Deeds, Page 402, records of Oneida County, Idaho.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

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

JULY 5, 1983

RECEIVED

HENDERSON CREEK SPRING WATER USERS  
RT. 1, BOX 74  
MALAD CITY ID 83252

RE: Claim No. 15-4158

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON  
Eastern Region Supervisor

Enclosure

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Steve McLaughlin

Right Number 15 4158 Applicant Henderson Co.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☐ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By RPC Date 7/14/83

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 7/20/83

RECEIVED  
JUL 20 1983

Department of Water Resources

*dw*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

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

JUNE 9, 1983

The Idaho Enterprise  
P. O. Box 205  
Malad City, Idaho 83252

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 5, 1983.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

# NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 6/16 & 6/23/83.

15-4158

HENDERSON CREEK SPRING WATER USERS

RT. 1. BOX 74. MALAD CITY, ID 83252

Source: SPRING trib. to SINKS

Priority Date: 10/22/1885

Diversion Pt: LOT 02 (SWNE) Sec 02 T 16S R 36E

|                 |            |
|-----------------|------------|
| Use: IRRIGATION | (4.00 CFS) |
| STOCKWATER      | (0.14 CFS) |
| DOMESTIC        | (0.15 CFS) |

In: NESE NWSE SWSE SESE Sec 34 T 15S R 36E NNW NW NWSE SWSW  
Sec 35 T 15S R 36E LOT 04 (SWNW) LOT 03 (SENW) NWSE Sec 02 T 16S R 36E  
LOT 02 (SWNE) LOT 01 (SENE) NESE NWSE SWSE SESE Sec 03 T 16S R 36E NENE  
Sec 10 T 16S R 36E FOR 543 ACRES