

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 BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Claim ID: 13-871

Date Received: 11/6/2024

Receipt No: 1001542

Claim Fee: \$178.00 By: CG

RECEIVED

NOV 05 2024

IDWR/Preston

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) Monte Henderson Phone (208) 317-1679
Mailing address Box 32 Swan Lake ID Zip 83281
Street or Box City State
Email address (optional) hendersonmonte@yahoo.com
2. Date of priority: (Only one per claim) June 1 1888 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (X) (a) Divide Creek
which is tributary to (b) Cottonwood Creek
4. a. Location of point of diversion is: Township 12S, Range 39E, Section 7,
NW 1/4 of NW 1/4, Govt. Lot 1, BM, County of Bannock
Parcel no. No parcel # Creek Begins on state Land, Letter to Verify.
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, 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.
At the Head of Divide Creek there is a head GATE that diverts the water
into the Irrigation Ditch. Prior to 1960's it was made of Dirt at some point
in the 1960's A concrete head gate was installed to prevent Erosion.
The ditch continues for approx a mile, where it also collects
Spring WATER Run off, which we also use for Irrigation.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD)

(cfs)

plus ^{Spring High Water} Run off (acre-feet)

For Irrigation purposes from April 15 to Oct 30 amount 1.3 or _____

For Livestock purposes from April 15 to Dec. 1 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.3 plus Spring Run off (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) 100 Head Cattle

9. 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	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	39E	5							6				22						28
12S	39E	6											7.5				30		37.5
12S	39E	7	4.9																4.9
12S	39E	8		8	4			14		16	8					8			58

Parcel no(s) RPR 4467000600, 701, 802, 902, 1100 Total number of acres irrigated 128

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

11. 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.

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

High Water Spring Run off or None (X)

13. Remarks (Include an explanation of the priority date selected):

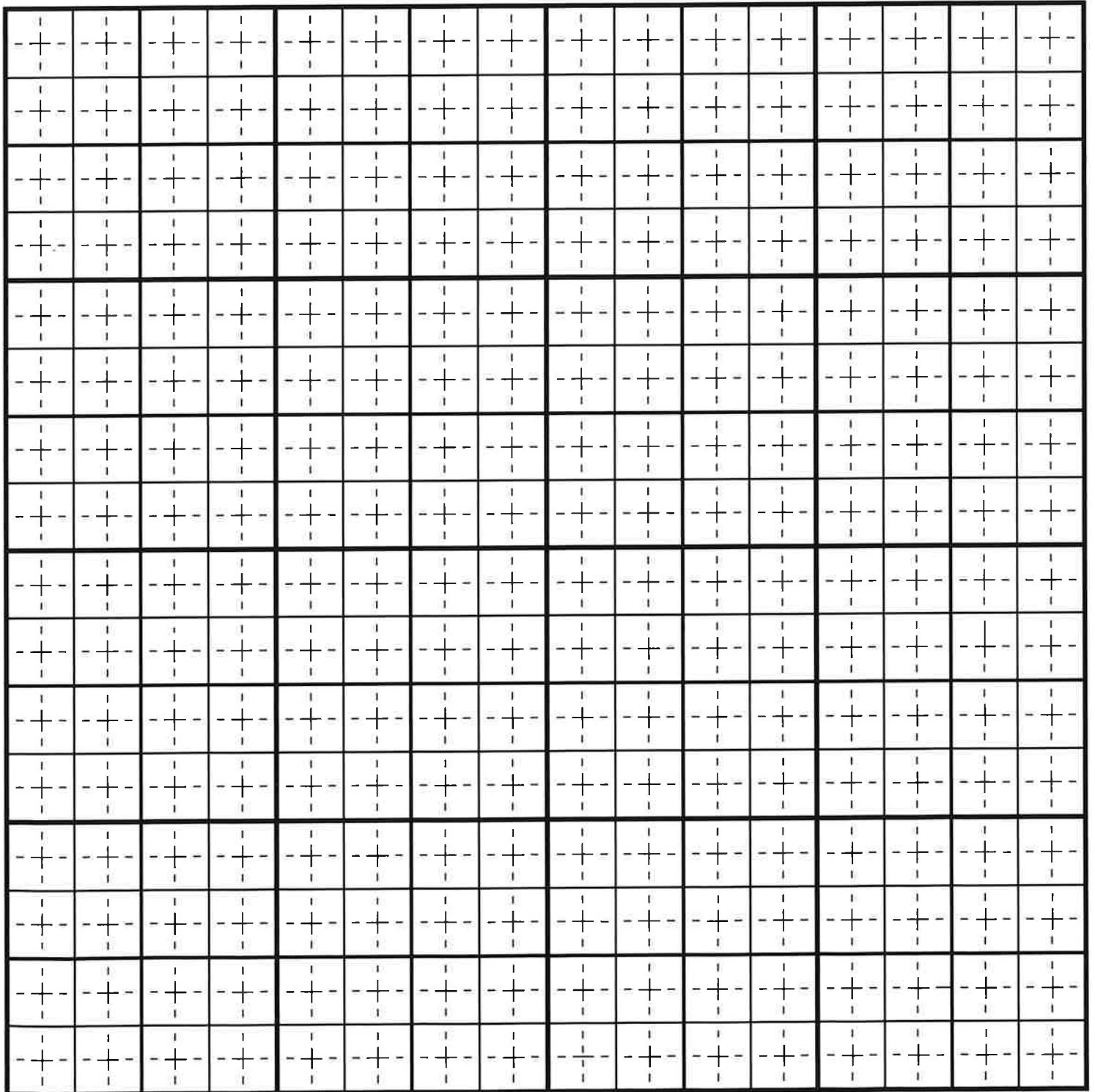
This Priority Date was filed on June 1 1888 by Thomas Weddups.
My Grand Father purchased this Land + Water Right in 1946.
My Father purchased it and now I own it.
Its high Elevation so we water for 1 Crop and pasture for Cattle.
We cover the Land w/ water in Springtime to cover all
our Acreage.

Name of claimant(s) Monk Henderson

Claim ID _____

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



Name of claimant(s) _____ Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License () Permit () Decree (X)

I believe it was

Court 1920 Decree Date June 1 1988 Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 13 - 00871

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b.) I/We do () do not (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Monte Henderson Date: Oct 24th 2024

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, 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 _____ Date _____

Address _____

Name of claimant(s) Monte Henderson Claim ID _____

HOW YOU WILL RECEIVE NOTICES IN THE BEAR RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Bear River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Bear River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Bear River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Bear River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/BRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Bear River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

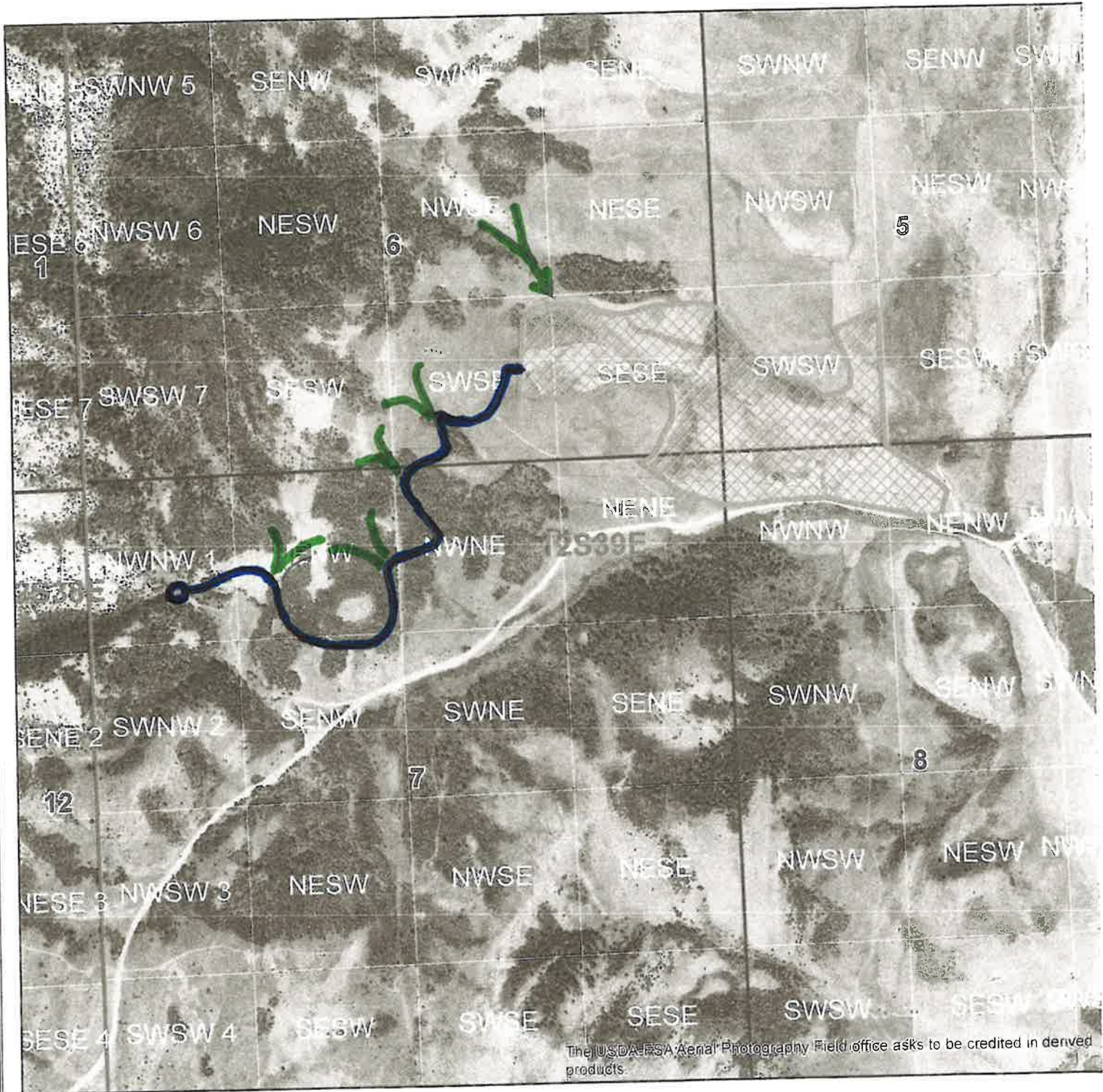
If you are acquiring property with water rights within the boundaries of the Bear River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

Monte Henderson
128 Ac. that we
prop from FSA office



Transfer for Right No. 13-871



The USDA-ERSA Aerial Photography Field office asks to be credited in derived products

Legend

- Proposed POD
- Proposed POU
- Township/Range
- Sections
- QQ

0 1,350 2,700 5,400 Feet

Blue Ditch
Spring Run off

Elev. 6300 ft. + higher for Run off WATER.



DATE OF
PRIORITYAMOUNT IN
SECOND FEETPOINT OF DIVERSION AND
PLACE OF USE

11 0809

449. Thomas Waddoups:
1888—June 1

1.3 c.f.s.

IDWR Remembered right to

13-00871

11 0810

450. Albert Capson, successor in in-
terest to Leo Mecham:
1893—June 1

1.46 c.f.s.

11 0811

451. A. H. Rencher:
1916—July 10

1.6 c.f.s.

Permit # 12327 (13-2074)

Amt. - 1.0 cfs

Priority - 6/3/1916

Source - Louis Creek

Trib. Cottonwood Ch.

P/D NWSW Sec 17, T 12S, R 39E

P/D SWNE Sec 19,

P/D Sec 17 NWSW - 40

Sec 19 SWNE - 40

Idaho, and the same is subject to the provisions of the laws of the State of Idaho governing the issuance by the Commissioner of Reclamation of the State of Idaho.

For the irrigation of 320 acres in the East half of the Southwest quarter Section 5, Southeast quarter of Southeast quarter of Section 6, North half of the Northeast quarter and the Southeast quarter of the Northeast quarter and the Northeast quarter of the Southwest quarter of Section 8, Township 12 South, Range 39 East, B.M. Said water to be diverted from Divide Creek, a tributary of Cottonwood Creek, from points thereon where the said stream crosses the said lands.

To be diverted from Cow Hollow Creek, a tributary to the said Cottonwood Creek, through the Walker ditch diverting therefrom in Section 5, Township 12 South, Range 39 East, for the irrigation of 320 acres in the Southeast quarter of the Southeast quarter of Section 5, the North half of the Northeast quarter of Section 8, and the Northwest quarter of the Northwest quarter of Section 9, the South half of the Southeast quarter and the South half of the Southwest quarter of Section 4, said Township and Range.

To be diverted from said Cottonwood Creek through a ditch diverting therefrom in Section 17, Township 13 South, Range 39 East, for the irrigation of 80 acres in the Southeast quarter of the Northeast quarter and the Southeast quarter of the Northwest quarter of Section 17, said Township and Range. Provided however, that the priority and the amount of this appropriation is conditioned upon a compliance with the terms of the permit upon which said appropriations are based, to-wit: Permit No. 12327 issued by the State Engineer of the State of Idaho, and the same is subject to the provisions of the laws of the State of Idaho governing the issuance of water licenses by the Commissioner of Reclamation of the said State of Idaho.

EASTERN SUPERVISORY AREA
Idaho Falls Office
3563 E. Ririe Highway
Idaho Falls, ID 83401
Phone (208) 525-7167
Fax (208) 525-7011
pbrown@idl.idaho.gov



STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Lawrence E. Denney, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D Woolf, State Controller
Sherri Ybarra, Sup't of Public Instruction

April 19, 2022

Monte Henderson
P. O. Box 32
Swan Lake, ID 83281

Dear Monte,

This letter is to document our discussion today regarding your point of diversion and ditch on endowment land in Section 7, Township 12 South, Range 39 East.

The 320 acres of endowment land in Section 7 were granted to the Public School endowment as a lieu land selection (Clear List #32) which was recorded in Bannock County on August 4, 1922. Lieu land selections were granted to the endowments "... subject to any valid interfering rights existing at the date of selection . . .". What this means is that, if the point of diversion and ditch were in place prior to 8/4/1922, that use is grandfathered in. Given that the priority date for the water right in question is in 1888 on the IDWR website, it certainly appears that your point of diversion and ditch are grandfathered in and there is no basis for IDL to contest that.

Thank you for your inquiry. Please don't hesitate to contact me with any further questions.

Sincerely,

Patrick A. Brown
Eastern Area Manager