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Department of Water Resources

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

In Re SRBA

A: Subcase 29-4202

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name:

Alice H. Dunn

Address:

1414 Delphic Way

Pocatello, ID 83201

Daytime Phone: (208) 238-7547

Name & Address of Attorney, if any:

Randy Budge

P.O. Box 1391

Pocatello, ID 83204

C: CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Henderson Ranches, Inc.

Address:

1414 Delphic Way

Pocatello, ID 83201

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address

Should be: _____

2. ☐ Source

Should be: _____

3. ☐ Quantity

Should be: _____

4. ☒ Priority Date

Should be: No later than 1884, probably 1881

5. ☐ Point(s) of Diversion

Should be: _____

6. ☐ Instream Flow Description

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____

8. ☐ Period of Year

Should be: _____

9. ☒ Place of Use

Should be: Should include in T10S R37E S18 NWNW + NENW, 30 acres; and in T10S R37E S7, 1 acre.

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): My father, Robert W. Henderson,

b.1903, d.1996 with a clear mind and memory, gave 1884 as a conservative claim in the original filing. He had lived on the ranch from the age of 9 years, his father managed the ranch from the time the previous owners, my father's aunt and her husband, died in 18

F:

VERIFICATION (Must be Completed)

State of Idaho)
)ss.

County of Bannock)

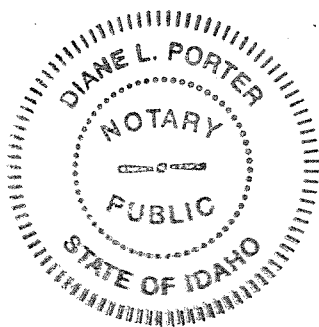
Alice H. Dunn, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Alice H. Dunn
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 3, 2003



Diane L. Porter
Notary Public for Key Bank NA
Residing at: Palatka, ID
My Commission Expires: 9-5-06

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on November 7, 2003, 1993, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name:

Address:

Henderson Ranches, Inc.
1414 Delphic Way
Pocatello, ID 83201

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

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 29-04202

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 Portneut Irrigating Co.*

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 springs and pond area described in the document under consideration lie in parcels purchased from Bill and Zina Hatch in 1945, from Jesse and Bertha Kelley in 1954, and the northern tip of the pond area purchased from Kenneth Capell in the late 1960s. The water from the pond and springs mixes 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 as stated in the original filing.

We filed on only half of this water because a small parcel of land owned at time of filing for adjudication by the Olson family includes part of the pond area. There has never been practical use of the water on that land. A small meadow along the creek is usable only marginally as pasture because it is too wet when we are not using the water.

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 Benham

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)

*Did said on 1-12-95
that this is not the water on
which we filed for only
half. That is the
water in
claim #
A 2911089*

AFFIDAVIT

To: Idaho Department of Water Resources

From: Henderson Ranches, P.O. Box 15, Arimo, Idaho 83214, January 12, 1995

Regarding: Ajudication claim AJ5809NP, #A 29-11089- *right to transport water*
29-4202- " " stone fence "

The spring described in the document under consideration lies in a parcel to which we acquired the deed from Bill and Zina Hatch March 28, 1945. The water from several springs mixes with water from the pond. My father Robert W. Henderson told me that the water has been transported through a hill to the west by means of a ditch since before he was married, which was in 1924. Zeb Gunter, who owned the land at that time, and my grandfather Thomas Charles Smith, whom Mr. Gunter employed, built the ditch. An earlier ditch transported the water around the north side of the hill. The water from all sources involved irrigates and waters cattle on 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.

IN WITNESS WHEREOF, the party of the second part has hereunto set his hand.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF)

Alice H. Dunn

) Alice H. Dunn

) Secretary, Henderson Ranches, Inc.

STATE OF IDAHO

County of Bannock

On this 12th day of January, in the year 1995, before me
a Notary Public in and for said County and State, personally appeared

Alice H. Dunn

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)

Gracie Brown *Notary Public*
12-4-95

NOV 14 1995

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 S. 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

