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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 29-13479

(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

Box # 1391 - P.O.

Pocatello, ID 83204

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

Name: Henderson Ranches

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: 1884

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: same place as described but for both

11. I object because: stockwater and irrigation. Has also been used for culinary purposes in the past + still provides drinking water for farm workers.

☐ 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): This claim was filed late on advice of IDWR. My affidavit to my deceased father's historical knowledge of this well and another from Irma Rowberry who lived there and used the well before the recommended date are attached.

F:

VERIFICATION (Must be Completed)

State of Idaho)
County of Bannock)ss.

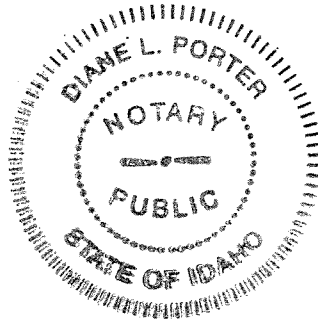
Alice H. Dunn, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: Paetella, Idaho
My Commission Expires: 9-5-2006

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 Rancher, Inc.
1414 Delphi 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

Alice L. Allen
Signature of Objector or attorney
mailing on Objector's behalf

Affidavit to Accompany Notice of Claim
to Water Right Number 13479
In the State of Idaho

Re: establishing priority date.

Location of existing point of diversion: T10S, R37E, S18, within Bannock County.

I, **I**rma Welch Rowberry, presently reside at 34 No. 5 W., Rexburg, Idaho 83440. Beginning about 1929 when I was nine years old, I lived with my mother and siblings in a house on a little farm on the east bank of Marsh Creek west of Arimo, Idaho. I can't say the exact date, but we moved from Georgia to Idaho in 1928 and stayed temporarily in a house within the Village of Arimo until the house on the farm became available. The house was located on property presently owned by Henderson Ranches, Incorporated. We continued to live there until some time after I graduated from the eighth grade but moved before I graduated from high school. The house is no longer there.

We carried water for use in the house from an artesian well located about 200 yards north of Sublette Road and east of the house. Nice, cold water flowed generously out of the well at all times. It appeared to be an old, well-established well. It produced much more water than would be needed for culinary purposes. Although I don't recall any other source of water than that well which could have irrigated that farm, the vegetation in the area was green during the summers. The land around the house was higher than either Marsh Creek to its west or the pond to its east, and I have no recollection of the farmer pumping water from either of them onto the farm on which the house we lived in was located. A flume did carry canal water across the pond area to another small farm just north of Sublette Road and south of the farm we lived on, but that farm is also lower than where we lived. I don't recall any other source of water in the vicinity.

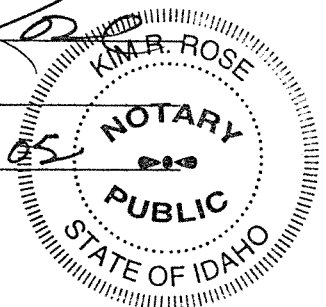
Signed Irma Welch Rowberry date 10-8-2003
Irma Welch Rowberry

Subscribed and sworn before me this 8th day of Oct, 2003

Notary Public [Signature]

Residing at Rexburg

My commission expires 12-13-05



Affidavit to Accompany Notice of Claim
to Water Right Number 13479
In the State of Idaho

Re: establishing (1) priority date and (2) use for irrigation

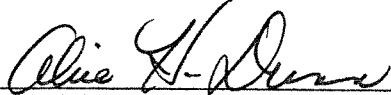
Location of existing point of diversion: T10S, R37E, S18, within Bannock County

I, Alice H. Dunn, presently reside at 1414 Delphic Way, Pocatello, Idaho 83201. I am the daughter of Robert W. Henderson who added the above described property to Henderson Ranches. Although I have not lived there since 1956, I have been in continual contact with the ranch during my entire life, have visited there regularly, and have been a stockholder and officer of Henderson Ranches, Incorporated, for many years. For a number of years including the present, I have served as secretary of the corporation. As the only officer living nearby, to some extent since my brother's death in 1993 and completely since my father's death in 1996, I attend to the business affairs of the ranch. My father's advanced age and my brother's ill health had dictated operation of the ranch by lessees several years earlier and continuing to the present. Those age and health problems adversely affected the accuracy and completeness of early filings for adjudication some of which I was able to straighten out with my father's help, but this well had been overlooked until Don Marley, lessee of the major portion of the ranch, and Senior Water Resources Agent Dave Carlson noticed its omission.

1. In support of an 1884 priority date: My father informed me on several occasions that all of the several old wells on the ranch were drilled for the original homesteads by Martin Fink, a German immigrant and engineer who homesteaded on the west bank of Marsh Creek. As a lad, my father knew Mr. Fink and marveled at his engineering innovations such as trapping the methane gas from his well to illuminate his home. I knew Mr. Fink's sons and grandchildren, but to the best of my knowledge persons who could attest to exactly when Mr. Fink dug any of these wells are dead. I have located one person who can testify that this well was long established and in use in 1929. I defend a priority date of 1884 on the basis that several other wells that Mr. Fink drilled on what is now Henderson Ranches have already been adjudicated with that priority date (c.f. water right numbers 11090, 11091, and 11092.)

2. In support of a claim for irrigation use: Most of the old wells on the ranch have deteriorated and are used only for stock water—as though they were springs. This particular well, however, is excellent, has been maintained, and is currently piped under the cultivated field from the well to the fence line. It irrigates the meadows near Marsh Creek along the crest and at the bottom of the hill. When not watering those meadows, it is diverted through pipes into Marsh Creek from which it, with Marsh Creek water, is pumped to irrigate on both sides of the creek including the farm land pertinent to this claim. Before 1929, a Japanese family lived on the little farm and raised sugar beets. At that time, this well must have been the only source of irrigation water for those beets.

Signed



Alice H. Dunn

date 10-8-03

Subscribed and sworn before me this

8th

day of

October

, 2003

Notary Public

Residing at

Rexburg

My commission expires

12-13-05

