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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 2913481

(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: June 1, 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: _____

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): This claim was overlooked in the original filings because the relocation of US 91-191 in the 1950s had diverted it into Henderson Ranches' ditch from the Arimo Canal. IDWR discovered the omission. Upon investigation I was able to determine its multiple uses back into the 1920s. The existence of an outhouse over one of the branches of the spring

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)

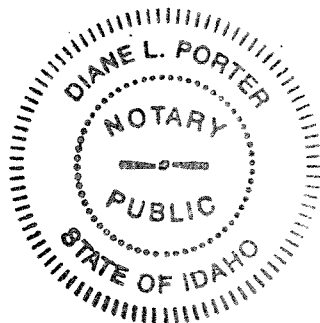
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

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: Proctorville, ID
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, 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: Henderson Ranches, Inc.
Address: 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

Alvin H. Dunn

Signature of Objector or attorney
mailing on Objector's behalf

**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 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

