

A22-00156

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-156
Date Received: 12/6/88
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HAROLD K DUNN Phone: (801)533-9730

662 SADDLE HILL RD
SALT LAKE CITY UT USA 84103

KATHERINE T DUNN Phone: (801)533-9730

662 SADDLE HILL RD
SALT LAKE CITY UT USA 84103

2. Date of Priority: 06/01/1895

3. Source: TETON RIVER Trib. to: Snake River

4. Point of Diversion:

Township	Range	Section 1/4 of 1/4 of 1/4	Lot	County
05N	44E	13 SW SE SE		TETON

5. Description of diverting works:

HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION		4/15	10/15 2	

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section 1/4 of 1/4	Lot	Use	Acres
05N	44E	12 SW SE		IRRIGATION	23

05N 44E 13

NE NE
NW NE
SW NE

Section Acres 23

IRRIGATION 5
IRRIGATION 23
IRRIGATION 20

Section Acres 48

Total Acres 71

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

MODIFIED "SOURCE"; 2/8/96/JT
CHANGED OWNERSHIP PER REQUEST/JC/9-1-00

15. Basis of Claim: Decreed

RECEIVED

JUL 21 2000

Department of Water Resources

Eastern District Office

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-00156

Date Received: 12/ 6/1988

Receipt No: E004949

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: HAROLD K DUNN 801-533-9730
Address: 662 SADDLE HILL RD
SALT LAKE CITY UT 84103

AND

Name: KATHERINE T DUNN 801-533-9730
Address: 662 SADDLE HILL RD
SALT LAKE CITY UT 84103

2. Date of Priority: JUN 1, 1895

3. Source: TETON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	44E	13	SW	SE	SE		TETON

5. Description of diverting works:
HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		

7. Total Quantity Appropriated is:
2.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 142.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	44E	12	SW	SE		IRR	23.0
						Section Acres	23.0
		13	NE	NE		IRR	5.0
			NW	NE		IRR	23.0
			SW	NE		IRR	20.0
						Section Acres	48.0
						Total Acres	71.0

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
MODIFIED "SOURCE"; 2/8/96/JT
OWNERSHIP CHANGED PER REQUEST/JC/6-9-00
CORRECTED LEGAL IN PLACE OF USE/JC/6-9-00

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL.

Decree Plaintiff

TETON IRR CANAL CO.

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ 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 that the statements contained in the foregoing document are true and correct.

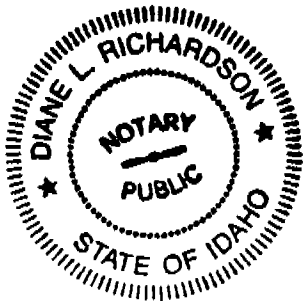
Signature of Claimant(s): *[Signature]* Date: 7.12.00
Kenneth J. Gunn Date: 7/12/00

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of July 20 00

Diane L. Richardson
Notary Public

Seal



Residing at Driggs, Idaho 83422
My Commission Expires Sept. 14, 2004

AJ0749NP
No. A22-00156

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/09/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HAROLD K DUNN	06/01/1895	IRRIGATION	04-15 10-15	2.000 CFS	
C	KATHERINE T DUNN					
	662 SADDLE HILL RD			TOTAL DIVERSION:	2.000 CFS	
	SALT LAKE CITY UT 84103			CONSUMPTIVE USE:		142.00 AFA
	(801) 533-9730					

Water Source: TETON RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T05N R44E S13

SWSESE

TETON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
05N	44E	12	:																	:	23.0
05N	44E	13	:	05		23		20												:	48.0
																				TOTAL ACRES	71.0

POU County: TETON

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN **MODIFIED "SOURCE"; 2/8/96/JT**
OWNERSHIP CHANGED PER REQUEST/JC/6-9-00

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 01

Field Inspection Flag:
Presumption Flag:

\$50⁰⁰ FILING FEE
 \$71⁰⁰ ACREAGE
 \$50⁰⁰ LATE FEE
 \$171⁰⁰

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-00156
 Date Received: 11/25/1988
 Receipt No: 2004949
 Received By: TO

RECEIVED

NOV 25 1988

NOTICE OF CLAIM TO A WATER RIGHT
 ACQUIRED UNDER STATE LAW

Department of Water Resources
 Eastern District Office

1. Name: HAROLD J. GAILEY
 Address: 139 W. 100 S.
 KAYSVILLE, UT

801-544-8736

84037

2. Date of Priority: JUN 01, 1895

3. Source: TETON CREEK ^{RIVER} 2-8-96 / JX Trib. to: ^{SNAKE} TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	44E	13	SW	SE	SE		TETON

5. Description of diverting works:
 HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.000		

7. Total Quantity Appropriated is:
 2.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 142.0 Acre Feet Per Annum.

9. Non-irrigation uses:
 NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	44E	12	SW	SW		IRR	23.0
Section Acres							23.0

A22-00156

Page 1

Date: 11/15/88

A2200156



NOV 04 1988

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	44E	13	NE		NE		IRR	5.0
			NW		NE		IRR	23.0
			SW		NE		IRR	20.0
							Section Acres	48.0
							Total Acres	71.0

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO. ET AL.
Decree Plaintiff

vs

TETON IRR. CANAL CO.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

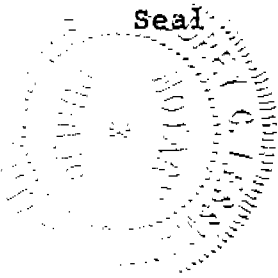
Signature of Claimant(s): *Harold J. Wiley* Date: 11-23-88
Date: _____

State of ~~Idaho~~ Utah)
County of Davis) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of November 19 88

Audrey C. Lammann
Notary Public

Residing at *Trinit Heights, Utah*
My Commission Expires *April 6, 1991*

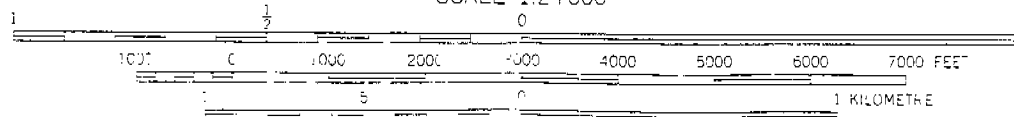


TEN

PLACE OF USE

750 000 FEET

SCALE 1:24 000



NORTH

22-00.50

Survey
ice
date
1
daho coordinate
grid ticks.
niques
ages:



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 9, 2000

HAROLD K & KATHERINE T DUNN
662 SADDLE HILL RD
SALT LAKE CITY UT 84103

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A22-00156

Dear Mr. & Mrs. Dunn:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

However, our research revealed an error on the original water right filing which needs to be corrected. The error incorrectly listed 23 acres in the **SWSW** of Section 12, Township 5 North, Range 44 East. The correct legal description is the **SWSE** of Section 12, Township 5 North, Range 44 East.

Please sign the amended (corrected) claim in the presence of a notary public and return to our office.

If you have questions about this matter, please do not hesitate to call.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Kent Foster; Holden, Kidwell, Hahn & Crapo

**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

DATE OF CLOSING: April 1, 2000

LEGAL DESCRIPTION OF PROPERTY: See attached Warranty Deed

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Rights Number(s)
Assigned by IDWR: A22-00156

☒ Name and Address of Former Owner/Claimant(s)(Seller):
The Louise B. Gailey Family Partnership, John B. Gailey and Susan P. Gailey
139 West 100 South
Kaysville, Utah 84037

☒ New Owner/Claimant (Purchaser): Harold K. Dunn and Katherine T. Dunn

☒ New Mailing Address: 662 Saddle Hill Road
Salt Lake City, Utah 84103

☒ New Telephone Number: 801-533-9730

☒ Does the change in ownership result in a splitting of the water right owned/claimed?
_____ yes _____ x no. If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of ownership, describe proof attached: Copy of Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[x] Signature of New
Owner/Claimant(s)

Harold K. Dunn Date 4/4/00
Harold K. Dunn

Katherine T. Dunn Date 4/3/00
Katherine T. Dunn

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Number of Split, if any:

Original to be mailed to Idaho Department of
Water Resources. Copies to Former Owner and
New Owner

G:\WPDATA\CAH\8970\GAIL0310.NOT:jhr

T-7718
RECEIVED

137381
WARRANTY DEED

APR 18 2000

TETON CO., ID
CLERK RECORDER

THIS INDENTURE is made this 27th day of March, 2000, by **JOHN B. GAILEY and SUSAN P. GAILEY**, husband and wife, and **THE LOUISE B. GAILEY FAMILY PARTNERSHIP**, a Utah limited partnership, whose general partners are **John B. Gailey, Christine Gailey Christensen and Linda Gailey Arnell**, collectively the "Grantor", and **HAROLD K. DUNN and KATHERINE T. DUNN**, husband and wife, whose mailing address is 662 Saddle Hill Road, Salt Lake City, Utah 84103, the "Grantee".

W I T N E S S E T H:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

Township 5 North, Range 44 East Boise Meridian, Teton County, Idaho

Section 12: SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 13: NE $\frac{1}{4}$ and the E $\frac{1}{2}$ NW $\frac{1}{4}$

LESS a strip of land 100 feet wide, being 50 feet on each side of the center line of main track of the Coal Fields Branch of the Oregon Short Line Railroad as same as is now located and staked over and across the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and the Southeast quarter of the Southwest quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 12, and the Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 13, all in Township 5 North, Range 44 East of the Boise Meridian, said center line of track being more particularly described as follows: Beginning at a point in the North line of said Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 12, and fifteen hundred twenty-two (1522) feet, more or less, West of the East line of said Section 12; thence Southwesterly along a straight line, for a distance of twenty-five hundred sixty-one and seven tenths (2561.7) feet, thence along a curve to the left, with a radius of fifty-seven hundred twenty-nine and six tenths (5729.6) feet, for a distance of four hundred eighteen (418) feet, more or less, to a point in the West line of said Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of

Section 13, and three hundred eighty (380) feet, more or less, South of the North line of said Section 13.

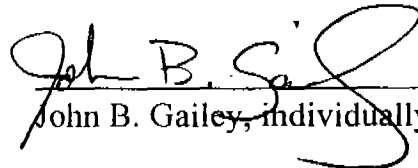
TOGETHER WITH all water and water rights appurtenant thereto and all other tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

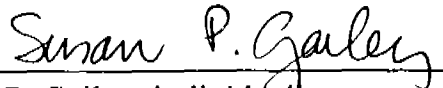
TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


John B. Gailey, individually


Susan P. Gailey, individually

137381

FILED

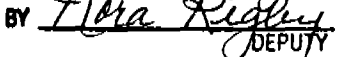
AT THE REQUEST OF



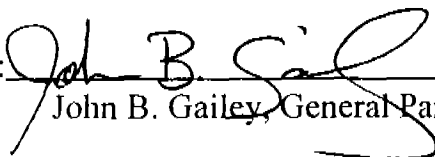
AT 02 MINUTES PAST 3 P M

DATE April 18, 2000


CLERK OF RECORD

BY 
DEPUTY

THE LOUISE B. GAILEY FAMILY
PARTNERSHIP

By: 
John B. Gailey, General Partner

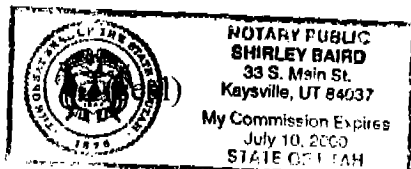
By: Christine Gailey Christensen
Christine Gailey Christensen,
General Partner

By: Linda Gailey Arnell
Linda Gailey Arnell, General Partner

STATE OF Utah)
)ss.
County of Davis)

On the 30th day of March, 2000, before me, the undersigned, a notary public in and for said State, personally appeared John B. Gailey, known or identified 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.



Shirley Baird
Notary Public for Utah
Residing at Kaysville, Utah
My Commission Expires: July 10, 2000

STATE OF WA)
County of Benton)ss.

On the 30 day of March, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Susan P. Gailey, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she 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.

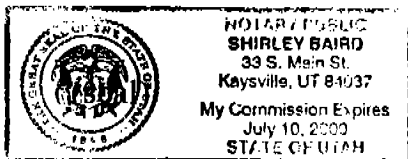


Catherine L. Bailey
Notary Public for Washington
Residing at Kennewick, WA
My Commission Expires: 2-15-04

STATE OF Utah)
County of Davis)ss.

On the 29th day of March, 2000, before me the undersigned, a notary public in and for said State, personally appeared John B. Gailey, known or identified to me to be one of the general partners in the partnership of The Louise B. Gailey Family Partnership and the general partner or one of the general partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

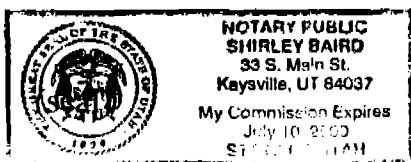
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Shirley Baird
Notary Public for Utah
Residing at Kaysville, Utah
My Commission Expires: July 10, 2000

STATE OF Utah)
)SS.
 County of Davis)

On the 29th day of March, 2000, before me the undersigned, a notary public in and for said State, personally appeared Christine Gailey Christensen, known or identified to me to be one of the general partners in the partnership of The Louise B. Gailey Family Partnership and the general partner or one of the general partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said partnership name.

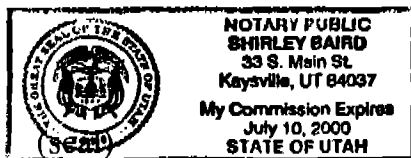


Shirley Baird
 Notary Public for Utah
 Residing at Keyville, Utah
 My Commission Expires: July 10, 2000

STATE OF Utah)
)SS.
 County of Davis)

On the 29th day of March, 2000, before me the undersigned, a notary public in and for said State, personally appeared Linda Gailey Arnell, known or identified to me to be one of the general partners in the partnership of The Louise B. Gailey Family Partnership and the general partner or one of the general partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Shirley Baird
 Notary Public for Utah
 Residing at Keyville, Utah
 My Commission Expires: July 10, 2000

G:\WPDATA\CA\18970\GAIL0310 WD.jht

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
THEL W. CASPER
SHAN B. PERRY
AMELIA A. CANEGALY

U.S. BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

RECEIVED

JUN 06 2000

Department of Water Resources
Eastern Region

June 5, 2000

Department of Water Resources
900 North Skyline Drive
Idaho Falls, Idaho 83402

Gentlemen:

We are enclosing for filing a New Property Owner Notice of Change of Water Right Ownership form for our clients, the Dunns.

Yours very truly,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\8970\DWR060500ltr.wpd;cs