

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: A22-00408B
Date Received: 9/12/1988
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAROLD K DUNN TRUST
Address: 1231 CHANDLER CIRCLE
SALT LAKE CITY UT 84103

801-533-9730

A2200408B

2. Date of Priority: JUN 1, 1894

3. Source: SWAMPS
UNNAMED STREAM

Trib. to: TETON RIVER
TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	45E	18	NW	NE	SE		TETON
		21	NW	NE	NE		TETON

5. Description of diverting works:
CONCRETE HEADING DIVERTS WATER INTO AN OPEN DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.700		

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

8. Total consumptive use is 320.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	18	SW	NE		IRR	17.0
			SE	NE		IRR	33.0
			NE	SE		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	18	NW	SE		IRR	5.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							140.0
Total Acres							140.0

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:
22-0409/0410.

14. Remarks:

THE DIVERTING WORKS IN SECTION 18 IS A PUMP AND PIPELINE.
THE PUMP DIVERTS WATER FROM AN UNNAMED STREAM WHICH CAN BE
SUPPLEMENTED BY WATER FROM THE DITCH WHICH HEADS IN SECTION 21.
LAND IN THE S1/2NE1/4 WAS ORIGINALLY FLOOD IRRIGATED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO. ET AL
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: _____

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

DECEMBER 2, 1992

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

CHARLES A HOMER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 51030
IDAHO FALLS ID 83405

RE: CHANGE IN OWNERSHIP FOR HAROLD K DUNN TRUST
A22-00410, 00409, 00276, 00408, 11521, AND 11520

Dear Mr. Homer:

The request for Change in Ownership concerning your client's Notices of Claim in the above reference has been processed and the Notices modified to reflect your client as the new owner.

A22-00408 was split as follows: To Talmage Michelsen & Sons, 0.10 cfs on 20 acres; to Harold K Dunn, 0.70 cfs on 140 acres.

A22-00409 was split as follows: To Talmage Michelsen & Sons, 0.125 cfs on 20 acres; to Harold K Dunn, 0.875 cfs on 140 acres.

A22-00410 was split as follows: To Talmage Michelsen & Sons, 0.175 cfs on 20 acres; to Harold K Dunn 1.225 cfs on 140 acres.

As regards to A22-11521 and A22-11520, the entire water right for A22-11521 was transferred to Harold K Dunn, as was A22-11520, except that A22-11520 was renumbered to reflect the old Decreed water right number, A22-00641D.

As regards to A22-00276, this Notice was returned to your office on August 27, 1992, for clarification, changes, and signatures. It has since been returned and a copy of A22-00276A is included with the above Notices.

Review the enclosed forms and if there are other corrections or questions, feel free to contact this office.

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Charles A Homer
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If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

for Jo Thompson
Dave Carlson
Water Right Agent, Adjudications

DC:jt

Enclosure: Copies of Harold K Dunn Notices

cc: Talmage Mickelsen & Sons/Change Ownership
Letter/Copies of Notices of Claim

File: P

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LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
MICHAEL D. CRAPO
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
KUMEN L. TAYLOR
JAMES K. SLAVENS

WEST ONE BANK
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 610
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

WM. LYMAN BELNAP, P.A.
RANDALL B. REED
RONALD D. CHRISTIAN

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
TERRY L. CRAPO
(1939-1982)
WILLIAM S. HOLDEN
(1901-1982)

August 13, 1992

RECEIVED

AUG 13 1992

Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83402

Department of Water Resources
Eastern District Office

Gentlemen:

Our firm recently handled the sale of certain property located in Teton County, Idaho, from the Mickelsen family to Harold K. Dunn. In connection with the transfer of this property the Mickelsen family has transferred to Harold K. Dunn the water rights which were appurtenant to the property purchased by Dr. Dunn. Enclosed for your records are five separate Assignment of Notice of Claim forms and five separate "Notice Concerning Water Rights of Property". You will note that the enclosed documents pertain to the transfer of Claim Nos. A22-00410, A22-00409, A22-00276, A22-00408, A22-11521 and A22-11520. You should also note that only a portion of the water rights referred to under these Claims are being transferred except for the water rights under Claim Nos. A22-11521 and A22-11520.

Please advise if you need any additional documentation pertaining to this matter. After the water rights have been properly transferred on your records, please provide confirmation of such transfer to our office.

Thank you for your assistance.

Very truly yours,


Charles A. Homer

CAH/1003d/rfs
#8970
Enclosures

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NOTICE CONCERNING WATER RIGHTS FOR PROPERTY
(to be mailed to the Idaho Department of Water Resources)

DATE OF CLOSING: March 10, 1992.

LEGAL DESCRIPTION OF PROPERTY: See Description on attached Deed.

[] Served Only by a Public Service Water Supply (domestic 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)

[X] Water Right Number: A22-00408

[X] Name and Address of Former Owner/Claimants: Talmage Mickelsen and Sons and Thelma W. Mickelsen
1008 West 500 North
Blackfoot, Idaho 83221

[X] New Owner/Claimant: Harold K. Dunn, M.D., not individually but as Trustee of the Harold K. Dunn Trust

[X] New Mailing Address: 1231 Chandler Circle
Salt Lake City, Utah 84103

[X] New Telephone Number: (801) 533-9730

[X] Does the change in ownership result in a splitting of the water right claimed? X yes no

If yes, then describe the portion of the water right that is now claimed by the new owner:

This is a partial transfer and there is only being transferred the water rights which are appurtenant to the following described property:

SW¹/₄NE¹/₄; SE¹/₄NE¹/₄; NE¹/₄SE¹/₄;
NW¹/₄SE¹/₄; SW¹/₄SE¹/₄ and SE¹/₄SE¹/₄, Section 18,
Township 5 North, Range 45 E.B.M., in Teton County,
Idaho.

Pursuant to this transfer only .7 cfs of the total amount of .8 cfs shown on the above referred to claim is being transferred.

[X] Signature of New Owner/Claimant:

X 
Harold K. Dunn, Trustee

Date:

3.13.92

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[X] Signature of Former
Owner/Claimants:

TALMAGE MICKELSEN & SONS

By:

Ted Mickelsen
Ted Mickelsen

Thelma Mickelsen

Thelma Mickelsen, Individually and as
Trustee of the Testamentary Trust
established under the Last Will and
Testament of Talmage M. Mickelsen,
deceased.

Date:

3-12-92

[X] Attach proof of
ownership, describe
proof attached:

See Attached 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 claimant.

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Dated:

By:

Final Review and Data-Entry

Dated:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources

Copies for Former Owner and New Owner

CAH/7163j/rfs

RE 141

109735

MAR 13 1992

TETON Co. Id.
Clark Recorder

FILMED

INDEXED

SERIALIZED

WARRANTY DEED

FILED

AT THE REQUEST OF

First American

AT 30 MINUTES PAST 2 P.

DATE March 13, 1992

Asa J. Drake

THIS INDENTURE is made this 12th day of March, 1992, by THELMA W. MICKELSEN, acting individually, and THELMA W. MICKELSEN, acting not individually but as Trustee of the Testamentary Trust established under the Last Will and Testament of Talmage M. Mickelsen, deceased, the Grantor, and HAROLD K. DUNN, M.D., not individually but as Trustee of the Harold K. Dunn Trust, whose mailing address is 1231 Chandler Circle, Salt Lake City, Utah 84103, the Grantee.

WITNESSETH, 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 successors and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

TRACT I:

Township 5 North, Range 45 East Boise Meridian

Section 8:

E 1/2 SW 1/4

SE 1/4

Section 9:

SW 1/4

TRACT II:

Township 5 North, Range 45 East Boise Meridian

Section 18:

Lots 1, 2, 3, and 4

E 1/2 NW 1/4

E 1/2 SW 1/4

SE 1/4

S 1/2 NE 1/4

Township 5 North, Range 44 East Boise Meridian

Section 13:

N 1/2 SE 1/4

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SUBJECT TO Electric Line Right-of-Way Easement granted by Talmage Mickelsen and Thelma Mickelsen, husband and wife, to Fall River Rural Electric Cooperative, Inc., a corporation, recorded August 27, 1973, as Instrument No. 73194, Records of Teton County, Idaho.

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. ALSO TOGETHER with all ditch rights and water rights appurtenant to such property including, but not limited to, any such water rights which are evidenced by water stock certificates issued by the Cache Canal Company and the Leigh Creek Canal Company.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's successors and assigns forever. The Grantor and the Grantor's successors 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.

Thelma W. Mickelsen

Thelma W. Mickelsen, individually

Thelma W. Mickelsen

Thelma W. Mickelsen, not individually but as Trustee of the Testamentary Trust established under the Last Will and Testament of Talmage Mickelsen, deceased.

STATE OF IDAHO)

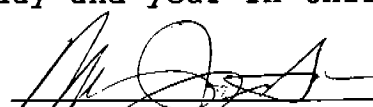
) ss.

County of Bingham)

On this 12th day of March, in the year 1992, before me, the undersigned Notary Public in and for said state, personally appeared THELMA W. MICKELSEN, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Testamentary Trust established under the Last Will and Testament of Talmage Mickelsen, deceased, and acknowledged to me she executed the same as such Trustee.

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)


Notary Public for Idaho
Residing at Blackfoot, Idaho
My commission expires 9-9-97

STATE OF IDAHO)

) ss.

County of Bingham)

On this 12th day of March, in the year 1992, before me, the undersigned Notary Public in and for said state, personally appeared THELMA W. MICKELSEN, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me 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.

(Seal)


Notary Public for Idaho
Residing at Blackfoot, Idaho
My commission expires 9-9-97

CAH/7161j/rfs

State of Idaho
Department of Water Resources
ASSIGNMENT OF NOTICE OF CLAIM

Talmage Mickelsen & Sons and Thelma W. Mickelsen, individually and as Trustee of the Testamentary Trust established under the Last Will and Testament of Talmage M. Mickelsen, deceased, hereby assign to Harold K. Dunn, not individually but as Trustee of the Harold K. Dunn Trust, of 1231 Chandler Circle, Salt Lake City, Utah 84103.

The following described portion of our right, title, and interest in and to Notice of Claim No. A22-00408 to a Water Right Acquired Under State Law.

This is a partial transfer and there is only being transferred the water rights which are appurtenant to the following described property:

SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$;
NW $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section
18, Township 5 North, Range 45 E.B.M., in Teton
County, Idaho.

Pursuant to this transfer only .7 cfs of the total amount of .8 cfs shown on the above referred to claim is being transferred.

Made this 12th day of March, 1992.

TALMAGE M. MICKELSEN & SONS

By:

Ted Mickelsen

Thelma W. Mickelsen

Thelma W. Mickelsen, individually and as Trustee of the Testamentary Trust established under the Last Will and Testament of Talmage M. Mickelsen, deceased.

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STATE OF IDAHO)
) ss.
County of Bingham)

On this 12th day of March, in the year 1992, before me the undersigned, a Notary Public in and for the State of Idaho, personally appeared Ted Mickelsen, known or identified to me to be one of the partners in the partnership of Talmage Mickelsen & Sons, and the partner or one of the partners who subscribed said partnership to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

(Seal)



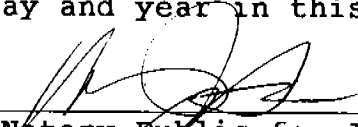
Notary Public for Idaho
Residing at Blackfoot, Idaho
My commission expires 8-9-97

STATE OF IDAHO)
) ss.
County of Bingham)

On this 12th day of March, in the year 1992, before me, the undersigned Notary Public in and for said state, personally appeared THELMA W. MICKELSEN, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Testamentary Trust established under the Last Will and Testament of Talmage Mickelsen, deceased, and acknowledged to me she executed the same as such Trustee.

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)



Notary Public for Idaho
Residing at Blackfoot, Idaho
My commission expires 8-9-97

STATE OF IDAHO)
)ss.
County of Bingham)

On this 12th day of March, in the year 1992, before me,
the undersigned Notary Public in and for said state, personally
appeared THELMA W. MICKELSEN, known or identified to me to be
the person whose name is subscribed to the within instrument
and acknowledged to me 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.



Notary Public for Idaho
Residing at Blackfoot, Idaho
My commission expires 8-9-97

(Seal)

CAH/7162j/rfs