

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69278

This is to certify that: JOHN M DUDUNAKE
5406 W OLD HWY 91
POCATELLO ID 83204
(208)775-3601

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
29-2409A	AJC/License	04/16/1959	0.13 cfs		2.0	2.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

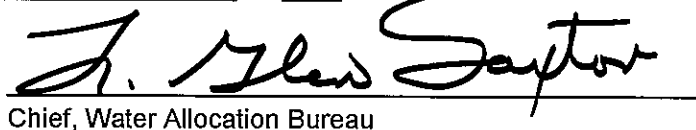
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
29-2409A	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
29-2409A	29-2409A	0.06 cfs	8.6 af	N/A	2.0		N/A	N/A	N/A	N/A
TOTALS		0.06 cfs	8.6 af	N/A	2.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of October, 2001


Chief, Water Allocation Bureau

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WATER RIGHT NO. 29-2409A
As Modified by Transfer No. 69278

In accordance with the approval of Transfer No. 69278, Water Right No. 29-2409A is now described as follows.

Right Holder: JOHN M DUDUNAKE
 5406 W OLD HWY 91
 POCA TELLO ID 83204

Priority Date: 04/16/1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	to 12/31	0.04 CFS	0.6 AF
IRRIGATION	04/01	to 10/31	0.06 CFS	8.0 AF
			0.06 CFS	8.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSE Sec. 23 Twp 07S Rge 35E BANNOCK County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
07S 35E 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

Total Acres:

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
07S 35E 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.0

Total Acres: 2

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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WATER RIGHT NO. 29-2409A
As Modified by Transfer No. 69278

CONDITIONS OF APPROVAL

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
6. Place of use is located within Black Rock Subdivision.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of October, 2001


Chief, Water Allocation Bureau

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Page 1 of 6
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 69278

SEP 17 2001

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources

Name of Applicant John M. Dudunake Phone 208-775-3601
Post Office address 5406 W. Old Hwy 91 Polatello, Ida 83204

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

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Department of Water Resources
Eastern Region

2. Describe the reason for the proposed changes Right split through C/O in 1992.
After split, ROD changed to Domestic well on Property
retained By John Dudunake

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>29-03409</u>	<u>7/16/1956</u>	<u>0.06 cfs</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>
<u>29-13207</u>				to
				to
				to

2. Total amount of water being transferred 0.06 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to none

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>23</u>	<u>75</u>	<u>35E</u>	<u>Bannock</u>	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>75</u>	<u>35E</u>	<u>23</u>														<u>2</u>			<u>2</u>

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Total Acres 2

(69278)

6. General Information:

- a. Description of diversion system 6" Well Main Line and Sprinklers
Well is also to be used for Domestic
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 Yes No No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A

d. Remarks:

Planted 2000 Trees on 2 acres

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____

For the Director

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page 3 of 6

T 69278

07/11/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 29-2409

SPLIT RIGHT

Owner Type Name and Address
Current Owner JOHN M DUDENAKE
 POCATELLO, ID

Priority Date: 04/16/1959
Basis: License
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	/	/	0.26 CFS		
DOMESTIC	/	/			
Total Diversion			0.26 CFS		

Location of Point(s) of Diversion:

GROUND WATER SWNE Sec. 23 Township 07S Range 35E BANNOCK County

IRRIGATION Use:
Acre Limit: 18

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	35E	23		SWNE	16									
				NWSE	2									

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 18

Remarks:

1. General AC. IRR.=18.3.

Dates:

Licensed Date: 08/21/1979
Decreed Date:
Permit Proof Due Date:
Permit Proof Made Date:
Permit Approved Date:
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date:

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.06 cfs for Irrigation purposes from 4-01 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	23	7S	3SE	Bannock	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	3SE	23														2			2

Total Acres 2

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.20 cfs for Irrigation purposes from 4-01 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	23	7S	3SE	Bannock	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	3SE	23			16														16

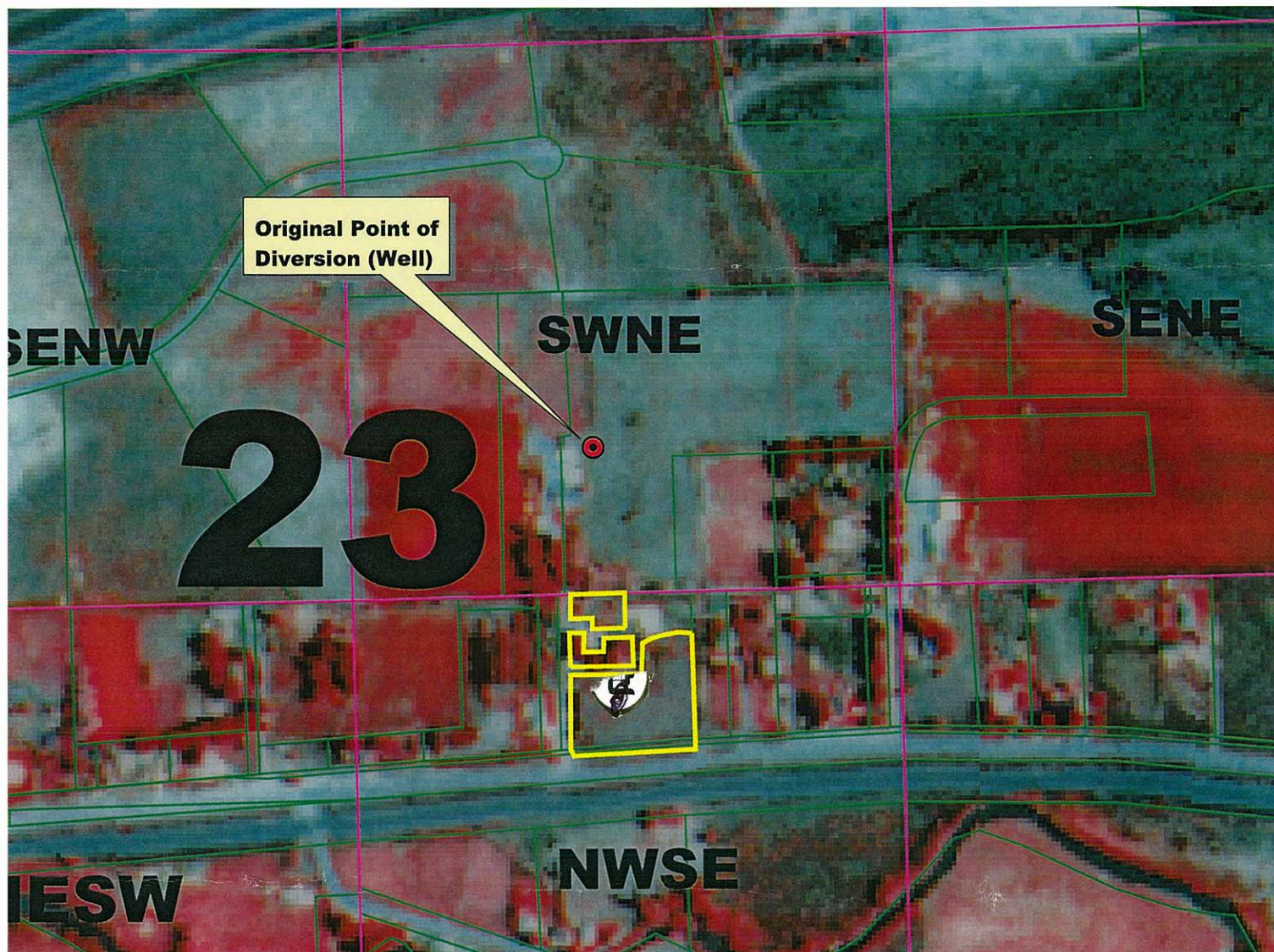
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Total Acres 16

John Dudunake - Transfer Application

Please indicate below the location of your well that you use to irrigate your pasture and return this map with your Transfer App.



Point of Diversion



Place of Use



Taxlot Boundaries



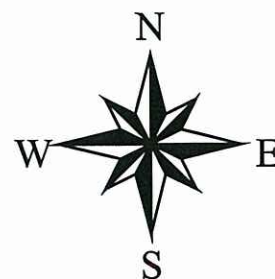
Section Lines



Quarter Quarter Lines

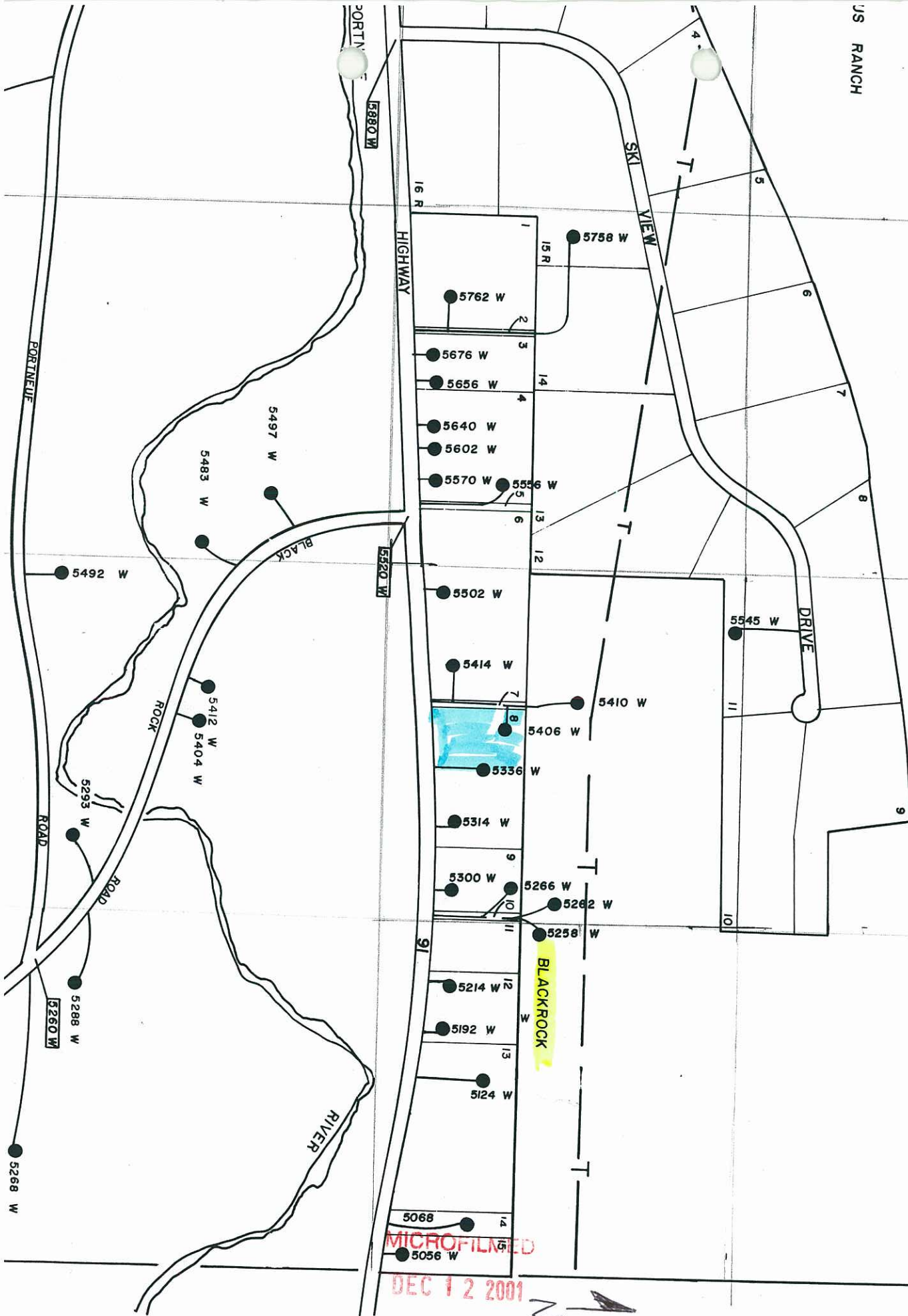
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Irrigated Acreage: 2.0



Prepared By: Craig Saxton
June 2001

US RANCH



PART 3

B. CHANGES IN NATURE OF USE

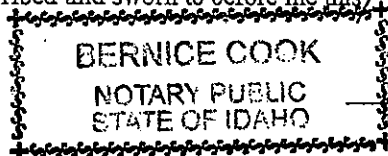
1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
N/A _____ to _____
_____ to _____
2. Quantity and quality of return flows and location of discharge:
N/A _____
3. Describe effects on other water uses resulting from the proposed change:
N/A _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

John S. J. [Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 29 day of June, 2001



Bernice Cook
(Notary Public)

My commission expires 8-14-04

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee \$100.00

Receipted by HWT #E 026883 Date _____

Published in Id State Journal Copies of protest forwarded by _____

Pub. Dates July 26 & Aug 2, 2001 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial

_____ received _____ by RDC

Copy of transfer sent to lien holder _____

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IPM101		PARCEL MASTER INQUIRY		[2001] [INQUIRY] [07/17/01]	
Parcel No	[RRBLR001400]	Status []	Legal Description		
Owner Name	[DUDENAKE, JOHN M	]	[S23-T7S-R35E]		
Address 1	[5406 W OLD HIGHWAY 91	]	[TR IN TRACT 8 TAX 38 2.52 AC]		
Address 2	[	]	[BLACK ROCK SUB]		
Address 3	[	]	[]		
Address 4	[	]	[]		
City	[POCATELLO	]	St [ID]	[	]
			Zip [832047316]		
Property	House	Dr	Street	[	]
Address	[005406]	[W]	[OLD HWY 91	]	[]
Property	Type	[RS]	Deed Number	[	]
Code Area		[003600]	Old Deed No	[	]
Bank Code		[]	Previous No	[	]
LL	[00]	SM	[00]		Homeowner's [37]
			Last Signed	[	]
CB Code		[]		Hardship Flag	[]
CB Amount		[]	.00]	Hardship Pct	[.00]
--- Urban Renewal -----					
Code []	Base []			Appr area [03]	Geo area []

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DEC 12 2001

ATTACHMENT T 1 OF 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 1, 2001

JOHN M DUDUNAKE
5406 W OLD HWY 91
POCATELLO ID 83204

RE: Transfer No.: 69278 - Water Right 29-2409A - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

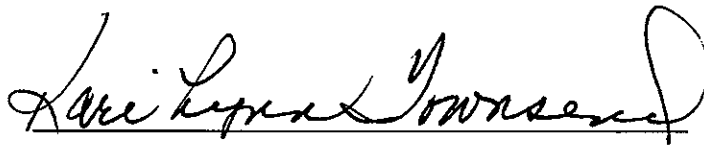
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DEC 12 2001

CERTIFICATE OF MAILING

I hereby certify that on November 1, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69278 - WATER RIGHT 29-2409A

**JOHN M DUDUNAKE
5406 W OLD HWY 91
POCATELLO ID 83204**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

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DEC 12 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 69278

DATE REVIEWED 10-27-01 CS

SPLIT POD ☒ ADD POD POU PERIOD or NATURE of USE

ALL OF RIGHT(S) W=Water Right (C)=SRBA Claim R=SRBA Recommendation

<u>C/29-2409A</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u> No Activity
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

PART OF RIGHTS(S)

(Unchanged)

(Changed)

<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
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<u>/</u>	to	<u>/</u>	<u>/</u>
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<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>

Standard Season 4-1 to 10-31

Standard Volume 4.0 / 3.0

① Priority ② Use ③ Season/W61 ④ Rate ⑤ Volume

(6) ☒ Source ⑦ P/D (8) ☒ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion
WM/Rcvd

- ① 1959 per License & claim
- ② Retain DOM use per license & App. (Part 2, B.6.a.)
- ③ Standard IRR season
- ④ Allow .03 cfs/acre (< 5 acres) = $2 \times .03 = .06$ cfs IRR + Total. Reduced Rate.
- ⑤ Standard Vol. $2 \times 4 = 8.0$ cfs IRR + .6 cfs DOM
- ⑦ Change P/D to NWSE, Sec 23

DOM DP 707771 Notice to Dissection

Conditions/Remarks 046, R64, T07, T08, T09
P/U Black Rock Subdivision

WRs for Update Comments 29-2409 ☒

Database Updated to Reflect Final Action 10-29-2001 CS

PROOF OF PUBLICATION

RECEIVED

AUG 06 2001

Department of Water Resources
Eastern Region

STATE OF IDAHO County of Bannock

NOTICE OF
PROPOSED
CHANGE OF WA-
TER RIGHT
TRANSFER NO.
69278

LN7539

KAREN MASON

JOHN M. DUDU-
NAKE, 5406 W. OLD
HWY 91, POCATEL-
LO, ID 83204, has
filed Application No.
69278 for changes to
the following water
rights within BAN-
NOCK County:
Right No. 29-2409

Priority: 4/16/59

Source: GROUND
WATER

Use: IRRIGATION (18
acres) 0.26 CFS
DOMESTIC 0.26 CFS

Total Amount:

Point(s) of Diversion
SWNE S23 T07S
R35E

Place of Use S23
T07S R35E

The purpose of the
transfer is to change
a portion of the
above rights as fol-
lows:

The applicant owns
the 2 acres in the
NWSE of Sec 23 and
want to acknowledge
the use of his own
well in that same 1/4
of 1/4 as the point of
diversion.

Protests may be sub-
mitted based on the
criteria of Sec 42-
222, Idaho Code.

Any protest against the
proposed change
must be filed with the
Department of Water
Resource, Eastern
Region, 900 N. Sky-
line Dr., Ste. A, Ida-
ho Falls, ID 83402
together with a pro-
test fee of \$25.00 for
each application on
or before August 13,
2001. The protestant
must also send a
copy of the protest to
the applicant.

Karl J. Dreher, Director
July 26, 2001
August 2, 2001
LN7539

being first duly sworn on oath deposes and says: That SHE
was at all times herein mentioned a citizen of the United States
of America, more than 21 years of age, and the Principal Clerk
of THE IDAHO STATE JOURNAL, a daily newspaper,
printed and published at Pocatello, Bannock County, Idaho, and
having a general circulation therein.

That the document or notice, a true copy of which is
attached, was published in the said IDAHO STATE JOURNAL,
on the following dates, to-wit:

<u>JULY 26</u>	, 2001	<u> </u>	, 2001
<u>AUGUST 2</u>	, 2001	<u> </u>	, 2001
<u> </u>	, 2001	<u> </u>	, 2001
<u> </u>	, 2001	<u> </u>	, 2001

That said paper has been continuously and uninterruptedly
published in said County for a period of seventy-eight weeks
prior to the publication of said notice of advertisement and is a
newspaper within the meaning of the laws of Idaho.

Karen Mason

STATE OF IDAHO
COUNTY OF BANNOCK

On this 2ND day of AUGUST in the year of 2001, before
me, a Notary Public, personally appeared KAREN
MASON, known or identified to me to be the
person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements
therein are true, and acknowledge to me that he executed the
same.

Loni A. Sekot

Notary Public for Idaho

Residing at POCATELLO

My commission expires: FEBRUARY 2003

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DEC 12 2001



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

July 19, 2001

JOHN M DUDUNAKE
5406 W OLD HWY 91
POCATELLO ID 83204

RE: Application for Transfer No 69278
Water Right No(s) 29-2409

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Idaho State Journal on July 26 and August 2, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED
DEC 12 2001



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
July 19, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Legal Notice Department
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO ID 83204

RE: Transfer No. 69278

Dear **LEGAL NOTICE DEPARTMENT**:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before August 13, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
7/19/01
SC*

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DEC 12 2001

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 69278

JOHN M DUDUNAKE, 5406 W OLD HWY 91 POCATELLO ID 83204, has filed Application No. 69278 for changes to the following water rights within BANNOCK County:

Right No. 29-2409

Priority 4/16/59

Source GROUND WATER

Use IRRIGATION (18 acres) 0.26 CFS
DOMESTIC

Total Amount 0.26 CFS

Point(s) of Diversion SWNE S23 T07S R35E

Place of Use S23 T07S R35E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant owns the 2 acres in the NWSE of Sec 23 and want to acknowledge the use of his own well in that same 1/4 of 1/4 as the point of diversion.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before August 13, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on July 26 and August 2, 2001

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DEC 12 2001

Memorandum

Date: July 13, 2001

From: Craig Saxton

Subject: Dudunake Transfer 29-02409A&B

29-02409 has been split into an A and B portion.

29-02409:	0.26 cfs	18.3 ac	0.014 cfs/acre
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Preliminary Recommendation 29-02409A:	0.06 cfs	2.0 ac	0.03 cfs/acre
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Preliminary Recommendation 29-02409B:	0.15 cfs	7.6 ac	0.02 cfs/acre
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Total	0.21 cfs	9.6 ac	
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Conclusion: CFS and ACREAGE less than originally licensed.

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DEC 12 2001

06/21/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 29-2409A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN M DUDUNAKE 5406 W OLD HWY 91 POCATELLO, ID 83204 (208)775-3601

Priority Date: 04/16/1959
Basis: License
Status: Active

<u>Source</u>	<u>Tributary to</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	0.13 CFS		
DOMESTIC	1/01	12/31	0.04 CFS		
Total Diversion			0.13 CFS		

Location of Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 23	Township 07S	Range 35E	BANNOCK County
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IRRIGATION Use:
Acre Limit: 2

Place(s) of use:

Place of Use Legal Description: IRRIGATION	BANNOCK County
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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	35E	23		NWSE	2									

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 2

Remarks:

1. General PAID # E013090

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): X777777

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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Preliminary Recommendation 29-02409A:	0.06 cfs	2.0 ac	0.03 cfs/acre
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Total	0.21 cfs	9.6 ac	

Conclusion: CFS and ACREAGE less than originally licensed.

June 21, 2001

JOHN M DUDUNAKE
5406 W OLD HWY 91
POCATELLO ID 83204

RE: Application for Transfer of a Water Right – 29-02409A

Dear Mr. Dudunake,

As we spoke about during our conversation on June 12, 2001, I have prepared a transfer application to move the point of diversion under your portion of 29-02409 from the original irrigation well, to the well you currently use to irrigate the property surrounding your home.

I have taken the liberty of filling out part of the application. I have highlighted the areas you need to complete. Please look over the application and initial any changes you wish to make to the areas I completed. Then sign the application in front of a notary and return it to this office with the filing fee of \$100.00.

In addition, could you please sketch in the location of your well that you are currently using to irrigate the land around your home.

I apologize for the inconvenience but am encouraged that we are working out the necessary details that will allow a favorable recommendation to the SRBA court thus securing your water rights for the future.

As always, please feel free to contact me with any questions.

Respectfully submitted,

Craig L. Saxton
Water Resource Agent
Adjudication Bureau