

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



RECEIVED

DEC 08 2009

DEPARTMENT OF
WATER RESOURCES



- ☒ NO SUCH NUMBER
☐ ATTEMPTED - NOT KNOWN
☐ INSUFFICIENT ADDRESS
☐ REFUSED
☐ NOT DELIVERABLE AS ADDRESSED
☐ UNABLE TO FORWARD

☐ Route #319

Initials

HAROLD K DUNN TRUST
326 N 300 W
SALT LAKE CITY UT 84103

22-13920

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13920

NAME AND ADDRESS: HAROLD K DUNN TRUST
326 N 300 W
SALT LAKE CITY UT 84103

SOURCE: SWAMP

TRIBUTARY: TETON RIVER

QUANTITY: 0.980 CFS

The rights listed below are limited to a total combined diversion rate of 2.8 cfs. Combined Right Nos.: 22-408B, 22-409B, 22-410B and 22-13920.

PRIORITY DATE: 04/15/1974

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF
DIVERSION:

T05N R45E S18 NENWSE Within TETON County
T05N R45E S21 NWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.980 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T05N R45E S18 SWNE 24.00	T05N R45E S18 SENE	31.00
	T05N R45E S18 NESW 0.80	T05N R45E S18 SESW	1.70
	T05N R45E S18 NESE 28.00	T05N R45E S18 NWSE	23.00
	T05N R45E S18 SWSE 40.00	T05N R45E S18 SESE	36.00
	T05N R45E S19 NENE 2.20	T05N R45E S19 NWNE	2.30

189 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 189 acres in a single irrigation season. Combined Right Nos.: 22-408B, 22-409B, 22-410B and 22-13920.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This right is based upon an enlargement of Right Nos. 22-408B, 22-409B and 22-410B pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 49 acres within the place of use described for this right.

Water is delivered through Cache Canal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 24, 2009

RE: Water Rights Report for Late & Miscellaneous Claims
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for Late and Miscellaneous Claims filed after the initial director's report in several reporting areas. This report includes recommendations for late claims and claims from some reporting areas where the filing of claims is not late, but the claims were not previously reported. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended water right claims in your area. Most water rights were recommended separately in earlier reports, and most of those recommendations have now been decreed by the SRBA Court.

You have 60 days in which to review the recommendations for your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses listed in the enclosed Notice of Director's Report and at all the Idaho Department of Water Resources offices (see addresses in the same enclosure). The Notice provides deadlines for objections or responses and the procedures for filing those documents.

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to the recommendation for your water right, your water right will likely be decreed within a year as recommended. You will receive your decree from the SRBA Court. Keeping IDWR informed of any owner or address change will ensure you receive the decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process. Questions to me can be directed to the adjudication staff at 1-800-451-4129 or 208-287-4922 or 208-287-4910.

Sincerely,

Gary Spackman
Interim Director

Enclosures

NOTICE OF DIRECTOR'S REPORT OF LATE CLAIMS AND MISCELLANEOUS CLAIMS FOR IRRIGATION AND OTHER WATER RIGHTS FALL 2009

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report of Late Claims and Miscellaneous Claims for domestic and stockwater, irrigation and other water rights in IDWR Basin 2, Basin 21, Basin 22, Basin 27, Basin 34, Basin 35, Basin 37, Basin 61, Basin 63, Basin 67, Basin 72, Basin 75, Basin 78, and Basin 83. Director's Reports for these above-listed basins have previously been filed with the SRBA Court. This filing is for those claims that were not included in the original Director's Report in the above-listed basins. The Director's Report of Late Claims and Miscellaneous Claims contains the Director's recommendation to the SRBA Court as to how each of your claimed water rights should be decreed in the SRBA.

Why am I getting this mailing?

You have received this mailing because you filed one or more late or miscellaneous claims in the SRBA. This mailing contains the Director's recommendations to the SRBA Court of your claims. However, your mailing **does not** contain the Director's recommendations of any claims other than your own. You may wish to review the Director's recommendations of other late and miscellaneous claims--if any--in your basin. To do this, you need to review the entire Late and Miscellaneous Claims Report.

A complete copy of the Director's Report of Late Claims and Miscellaneous Claims, listing all of these irrigation and other rights claimed under state law is available at the SRBA courthouse in Twin Falls and at the locations listed at the end of this notice. Copies of the report can be made, but you may be charged for copying and mailing. Maps of these reporting areas, as well as other information pertaining to the SRBA can be accessed on the internet at: <http://www.idwr.idaho.gov>.

You may need to review subsequent Director's Reports. Claims in which you have an interest may be reported in them. You will not receive notice of future Director's Reports as they are filed with the SRBA Court unless you have water right claims that are reported in them. Therefore, if you are interested in the status of other water rights belonging to other people that have not yet been recommended by IDWR, you should check in periodically with the Court's docket sheet or the internet web page about the schedule for filing future reports. The Court's internet web page can be found at: <http://www.srba.state.id.us>. Information about subscribing to the court's docket sheet is provided on page three of this notice.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right, which is enclosed, is only the Director's *recommendation* to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The Director's Report of Late Claims and Miscellaneous Claims contains recommendations to the SRBA Court on your water right and all other late and miscellaneous claims in the areas listed above. The Director's recommendations in the report are listed in two sections of the report:

- 1) **List of Recommended Water Rights**--Water right recommendations are listed numerically by water right number.
- 2) **List of Claims Recommended to Be Disallowed**--Water rights recommended to be disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and at the locations listed below. Copies of the complete report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form ("Standard Form 1") available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA web site at: <http://www.srba.state.id.us>.

Your objection must be **received** by the SRBA Court on or before **February 1, 2010**.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form ("Standard Form 2") available from any IDWR office or from the SRBA Court. You may also download a copy of the response form from the SRBA web site at: <http://www.srba.state.id.us>.

Your response must be **received** by the SRBA Court on or before **April 30, 2010**.

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections and responses, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **May 18, 2010** at the SRBA courthouse. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the SRBA Court's web site at: <http://www.srba.state.id.us>.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed, as well as when Director's Reports are filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA web site at: <http://www.srba.state.id.us>.

IMPORTANT INFORMATION REGARDING GENERAL PROVISIONS

General provisions are those parts of the SRBA Court's decree that apply to all the water rights in a basin, or to classes of similarly situated water rights within a basin. IDWR recommends to the SRBA Court the general provisions it believes should be decreed in a basin when it files with the court its Director's Report for the basin. At that time, any party may object to the recommended general provisions.

The Director in his previous Director's Reports for irrigation and other water rights in the basins included in this Director's Report of Late Claims and Miscellaneous Claims, has already recommended the general provisions for the above-listed basins. The objection period for the general provisions in the above-listed basins has expired. Therefore, it is too late for you to object to the general provisions governing your late claims. You may obtain a copy of the General Provisions for your basin from the SRBA District Court in Twin Falls or at the courthouse location nearest to your basin. You may be charged for copying and mailing. You may also view the General Provisions for every basin within the SRBA by going to IDWR's website at: <http://www.idwr.idaho.gov>. It is possible that in the future the SRBA Court will entertain recommendations for additional general provisions. Should that occur, an opportunity to object to those additional general provisions will be provided. It is your responsibility to monitor the SRBA case through the Docket Sheet discussed above.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Regional office nearest to the location of your water right. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

Snake River Basin Adjudication District Court

253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011
<http://www.srba.state.id.us>

Idaho Department of Water Resources

322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
(208) 287-4809
(800) 451-4129
<http://www.idwr.idaho.gov>

Idaho Department of Water Resources *Western Region*

2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Idaho Department of Water Resources *Northern Region*

7600 N. Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815
(208) 762-2800

Idaho Department of Water Resources *Southern Region*

1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

Idaho Department of Water Resources *Eastern Region*

900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Idaho Department of Water Resources

1301 E Main St Ste 7
Salmon, ID 83467

Latah County Courthouse

P.O. Box 8068
Moscow, ID 83843

Clearwater County Courthouse

P.O. Box 586
Orofino, ID 83544

Butte County Courthouse

P.O. Box 171
Arco, ID 83213

Idaho County Courthouse

320 W. Main
Grangeville, ID 83530

Shoshone County Courthouse

700 Bank St., Ste 120
Wallace, ID 83873

Lemhi County Courthouse

206 Courthouse Drive
Salmon, ID 83467

Adams County Courthouse

P.O. Box 48
Council, ID 83612

Washington County Courthouse

P.O. Box 670
Weiser, ID 83672

Clark County Courthouse

320 W. Main
P.O. Box 205
Dubois, ID 83423

Fremont County Courthouse
151 W. 1st N., Room 15
St. Anthony, ID 83445

Elmore County Courthouse
150 S. 4th E., Suite 5
Mountain Home, ID 83445

Jefferson County Courthouse
210 Courthouse Way, Ste 100
Rigby, ID 83442

Teton County Courthouse
89 N. Main, Suite 1
Driggs, ID 83422

Madison County Courthouse
P.O. Box 389
Rexburg, ID 83440-0389

Bingham County Courthouse
501 N. Maple, #310
Blackfoot, ID 83221-1700

Bonneville County Courthouse
605 N. Capital Avenue
Idaho Falls, ID 83402

Power County Courthouse
543 Bannock
American Falls, ID 83211

Caribou County Courthouse
P.O. Box 775
Soda Springs, ID 83276

Blaine County Courthouse
201 2nd Ave. South, Suite 110
Hailey, ID 83333

Owyhee County Courthouse
PO Box 128
Murphy ID 83650

Minidoka County Courthouse
PO Box 368
Rupert ID 83350

Twin Falls County Courthouse
PO Box 2707
Twin Falls ID 83303-2707

Gem County Courthouse
415 E. Main St., Room 300
Emmett, ID 83617

Payette County Courthouse
1130 3rd Ave N. Rm 106
Payette, Idaho 83661

Canyon County Courthouse
1115 Albany Street
Caldwell, ID 83605

Ada County Courthouse
200 W. Front Street
Boise, ID 83702-7300

Camas County Courthouse
P.O. Box 430
Fairfield, ID 83327

Lincoln County Courthouse
111 West B. St.
Drawer C
Shoshone, Idaho 83352

Gooding County Courthouse
624 Main Street
P.O. Box 27
Gooding, ID 83333

Bannock County Courthouse
624 E. Center
Pocatello, ID 83201

Boise County Courthouse
P.O. Box 126
Idaho City, Idaho 83631

Cassia County Courthouse
1459 Overland Ave
Burley ID 83318

Jerome County Courthouse
300 N Lincoln
Jerome ID 83338

Power County Courthouse
543 Bannock
American Falls ID 83211

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 29, 35, or 75.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in its records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," or "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys, or other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, or stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys, or other survey information.

PLACE OF USE FOR IRRIGATION PROJECTS: Pursuant to Idaho Code Sections 42-219(2) and 42-1411(2)(h). IDWR has included GIS mapping for describing the place of use (digital boundary) for water rights meeting certain criteria (i.e. irrigation projects). The **PLACE OF USE** for irrigation projects is reported in digital format and uses GIS technology to particularly identify and display a geographic area encompassing the place of use with the aid of a computer. The GIS data is stored in digital format and contained on a CD-ROM and is properly marked for identification with the water right number. The CD-ROM will be retained by the SRBA Court. IDWR also retains a duplicate of the original CD-ROM. The electronic data contained on the CD-ROM is available for public use and is also accessible through the IDWR internet website (<http://www.idwr.idaho.gov>). *Upon request, IDWR will provide a copy of the CD-ROM with the electronic data to claimants.*

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, or permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated by a remark under the priority date that reads:

4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT

THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC WATER RESERVE 107.

IDWR does not investigate or make recommendations regarding federal law based claims.