

11/22/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-406

NAME AND ADDRESS: HAROLD K DUNN
662 N SADDLE HILL RD
SALT LAKE CITY UT 84103

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.400 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1895

POINT OF DIVERSION:
T06N R45E S33 SWSE 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	0.400 CFS
STOCKWATER	04/15 10/31	0.030 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S07	SWNE	40.00	T05N R45E S07	SENW	38.00
T05N R45E S07	NESW	37.00	T05N R45E S07	NWSE	40.00

STOCKWATER same as IRRIGATION

155 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 155 acres in a single irrigation season. Combined Right Nos.:22-406, 22-407, 22-13383.

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Gale Moffat ditch.

11/22/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-406

HAROLD K DUNN
662 N SADDLE HILL RD
SALT LAKE CITY UT 84103
Telephone Number: (801)533-9730

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/10/06 SIGNATURE: 

Please print your name: Ken Dunn

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

122



Idaho Department of Water Resources

SRBA Recommendation:

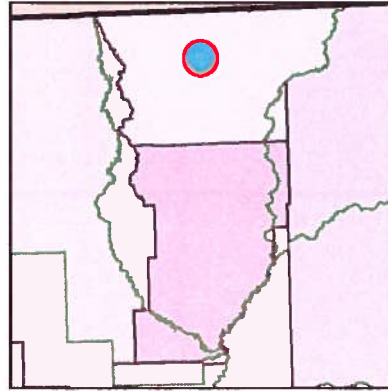
22-406

22-407

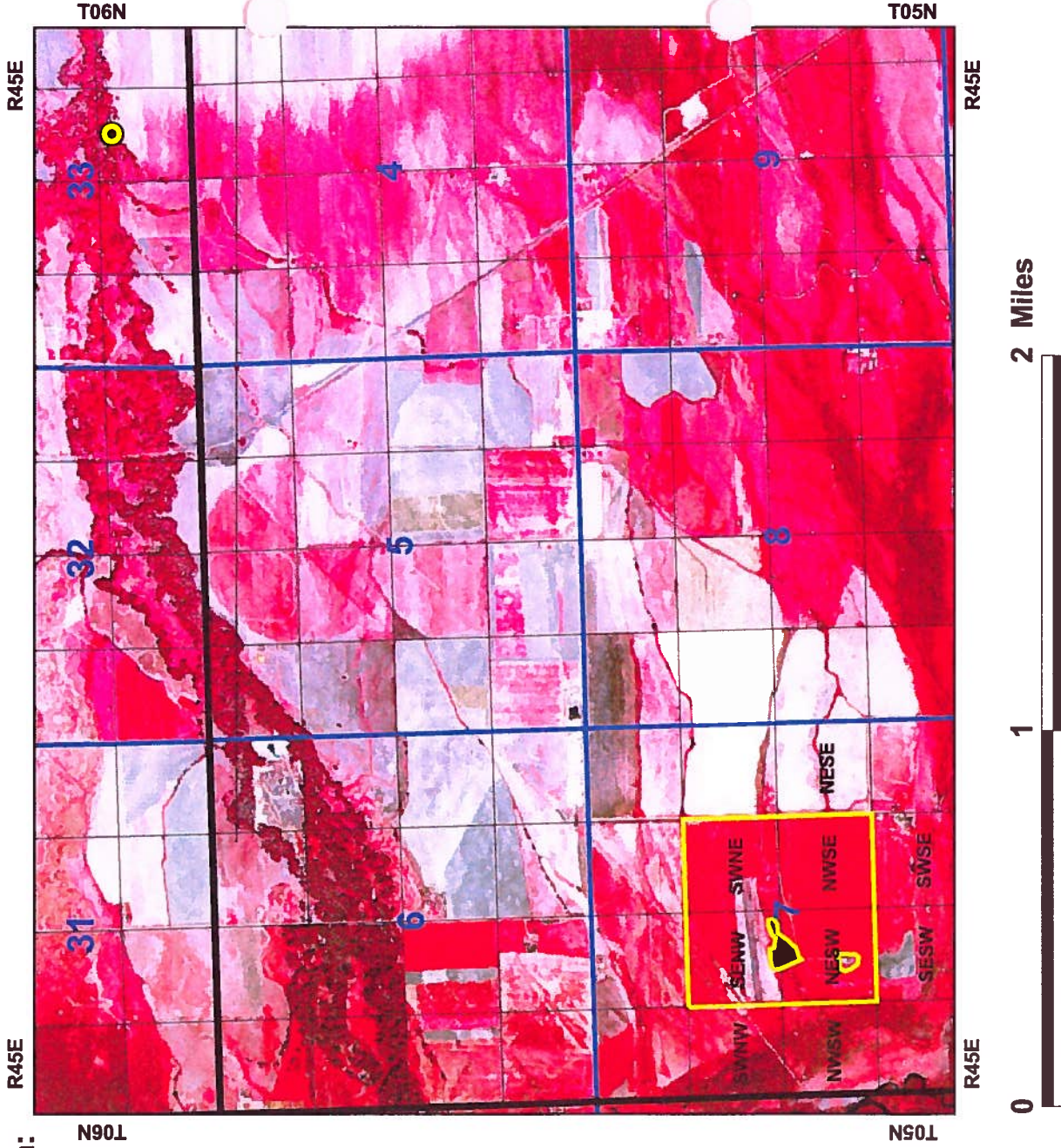
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Wednesday, November 22, 2006
1987/88 Aerial Photography

Dunn Claims ^{1281.5} ^{21.79 cts}

- 22-641E - claimant ~~owns~~ ^{claims} 123.5 of decreed
POV which he owns. Decree states .017 cts/acre
which is ~~20~~ 2.1 cts
- 22-1145 - claimant claims 200 acres of decreed POV
which he owns. Decree states .017 cts/acre which
is 3.4 cts
- 22-12783 - claimant claims 240 acres of decreed
POV which he owns. Decree states .017 cts/acre
which is 4.08 cts
- 22-13383 - claimant claims 159 acres of decreed
POV which he owns. Decree states .017 cts/acre
which is 2.7 cts
- 22-641D - claimant ~~owns~~ claims 267 acres of decreed
POV which he owns. Decree states .017 cts/acre
which is 4.54
- 22-609A - claimant ~~owns~~ ^{claims} 80 acres of original POV
which he owns. Decree states .02 cts/acre
which is 1.6 cts The rest of 609 is
not claimed.
- 22-406 - claimant own all of decreed POV and
claims it. Receives .4 cts
- 22-407 - claimant claims and owns all of decreed
POV he receives all 2.8 cts
- 22-276A - claimant owns all of decreed POV but
claims land outside of original POV which
he owns. Assuming an accomplish change in
POV EOS condition. Receives 1.6 cts

Dunn Claims Cont.

22-276B - claimant owns all of decreed POV and claims 80 acres of it. Receives 1.6 cfs

22-156 - SW SW of sec 12 could not have been flood irrigated should be SWSE of Sec 12. Also there is a lot of swampy land. There are no competing claims for this right. I am giving ~~about~~ the full 2 cfs for his 70 acres.

22-262 - swampy land would make it so all of decreed land was not irrigated. Claimant is claiming .8 cfs for 123.5 acres which ~~seems~~ seems ok to me. He owns full POV.

22-263 - Same as 262. I am allowing full 1.6 cfs. no competing claims.

22-264 - Same as 262. I am allowing full .8 cfs. no competing claims.

22-408B - ~~only owns 120 acres of decreed POV which is 1.6 cfs based on decreed cfs/acre. Selling of land resulted in an unproportional split of water. 408B retains .7 cfs.~~

22-409B - selling of land resulted in unproportional split of water. 409B retains .875 cfs.

22-410B - claim reflects amount of water sold to Dunn. 410B retains 1.275 cfs.

2-27-06 TG

~~1-0515~~ 22-0400 ✓ McPherson, Abner	160 inches.	June 10, 1889.	North Leigh Creek.
~~1-0516~~ 23-0047 ✓ Meeds, W. A.	155 inches.	May 15, 1896.	Rainey Creek.
Menan Milling Company.			(See Long Island Irrigation Company.)
~~1-0517~~ 22-0401 ✓ Merrill, Joseph	40 inches.	May 1, 1904.	Springs on land.
~~1-0518~~ 22-0402 ✓ Merrill, Sam J.	160 inches.	June 1, 1898.	Leigh Creek.
~~1-0519~~ 22-0403 ✓ Mickelson, Peter	140 inches.	June 1, 1901.	South Leigh Creek.
~~1-0520~~ 22-0404 ✓ Mickelson, Peter	20 inches.	June 1, 1903.	Swamps.
Miller, Eph. L.			The Farmers' Friend Canal Company.
~~1-0521~~ 22-0405 ✓ Miller, J. J.	100 inches.	June 1, 1904.	Paradise Springs.
Miller, Margaret			The Farmers' Friend Canal Company.
Miller, Mary			The Farmers' Friend Canal Company.
Miller, Robert			The Farmers' Friend Canal Company.
Miskins, J. R.			Enterprise Canal Company.
~~1-0522~~ 21-0145 ✓ Mitchell, Edward L.	150 inches.	June 1, 1894.	Fall River.
~~1-0523~~ 22-0406 ✓ Moffat, Andrew	20 inches.	June 1, 1895.	South Leigh Creek, and swamp.
~~1-0524~~ 22-0407 ✓ Moffat, Andrew	140 inches.	June 1, 1897.	South Leigh Creek and swamp.
~~1-0525~~ 22-0408 ✓ Moffat, John P.	40 inches.	June 1, 1894.	Swamps.
~~1-0526~~ 22-0409 ✓ Moffat, John P.	50 inches.	June 1, 1896.	Swamps.
~~1-0527~~ 22-0410 ✓ Moffat, John P.	70 inches.	June 1, 1904.	Swamps.
~~1-0528~~ 22-0411 ✓ Moffat, Mary	80 inches.	June 1, 1895.	Leigh Creek.
~~1-0529~~ 22-0412 ✓ Moffat, Mary	80 inches.	June 15, 1897.	Leigh Creek.
Molden, Charles F.			(Conveyed to Eliza- beth Kratzer.)
~~1-0530~~ 21-0146 ✓ Moon, Carliso B.	250 inches	May 10, 1896.	Fall River.
Moore, Willard			Enterprise Canal Company.
Morgan, Edward			Enterprise Canal Company.
Morgan, James			Enterprise Canal Company.

Moedl, Xavier

$S\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec. 33, T. 4 N., R., 38 E. B. M., containing 80 acres.

Moffat, Andrew

$NW\frac{1}{4}$ of $SE\frac{1}{4}$, $NE\frac{1}{4}$ of $SW\frac{1}{4}$, $SW\frac{1}{4}$ of $NE\frac{1}{4}$, and $SE\frac{1}{4}$ of $NW\frac{1}{4}$ of Sec. 7, T. 5 N., R. 45 E., B. M., containing 160 acres.

Moffat, John P.

$NW\frac{1}{4}$ of $SW\frac{1}{4}$ of Sec. 17, $N\frac{1}{2}$ of $SE\frac{1}{4}$, and $SW\frac{1}{4}$ of $SE\frac{1}{4}$ of Sec. 18, T. 5 N. R., 45 E., B. M., containing 160 acres.

Moffat Mary

160 acres not described.

Molden, Charles F.

$SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Sec. 2, $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Sec. 11, $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Sec. 12, and $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of Sec. 1, T. 3 S., R. 34 E., B. M., containing 160 acres.

Moore, Charles H.

$S\frac{1}{2}$ of $SE\frac{1}{4}$, $NW\frac{1}{4}$ of $SE\frac{1}{4}$, and Lot 6 of Sec. 18, T. 8 N., R., 42 E., B. M., and $NE\frac{1}{4}$ of $SW\frac{1}{4}$ and Lot 3 of Sec. 18, T. 8 N., R., 42 E. B. M., and $NE\frac{1}{4}$ of $NE\frac{1}{4}$ and Lot 6, 8 and 9 of Sec. 19, T. 8 N. R., 48 E., B. M.,

Morgan, Joshua B.

100 acres on North side of $NE\frac{1}{4}$ of Sec. 4 T. 5 N. R., 39 E., B. M.

Morgan, Joseph

(Descriptions not given in pleadings.)

Morris, Samuel

Lots 3 and 4, and $S\frac{1}{2}$ of $NW\frac{1}{4}$ of Sec. 3 T. 3 N., R. 45 E., B. M.

Morris, William L.

$E\frac{1}{2}$ of $SW\frac{1}{4}$, $W\frac{1}{2}$ of $SE\frac{1}{4}$, and $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Sec. 18, T. 3 N. R., 46 E., B. M., containing 200 acres.

Mortensen, Christian

$NE\frac{1}{4}$ of Sec. 10 T. 6 N. R., 40 E. B. M., containing 160 acres.

Mortensen, James

$N\frac{1}{2}$ of $SW\frac{1}{4}$ of Sec. 31, T. 7 N., R., 40 E., B. M., containing 80 acres.

Claim No. 22-400

Document Checklist

☒ Copy License/Decree

Dexburg v Teton

☐ Copy Transfer

☐ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

Cache Canal and Gale Moffat coming
Q: WHAT ARE THE CACHE CANAL RIGHTS? CLAIMS MISSING?

Reviewer: _____ Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

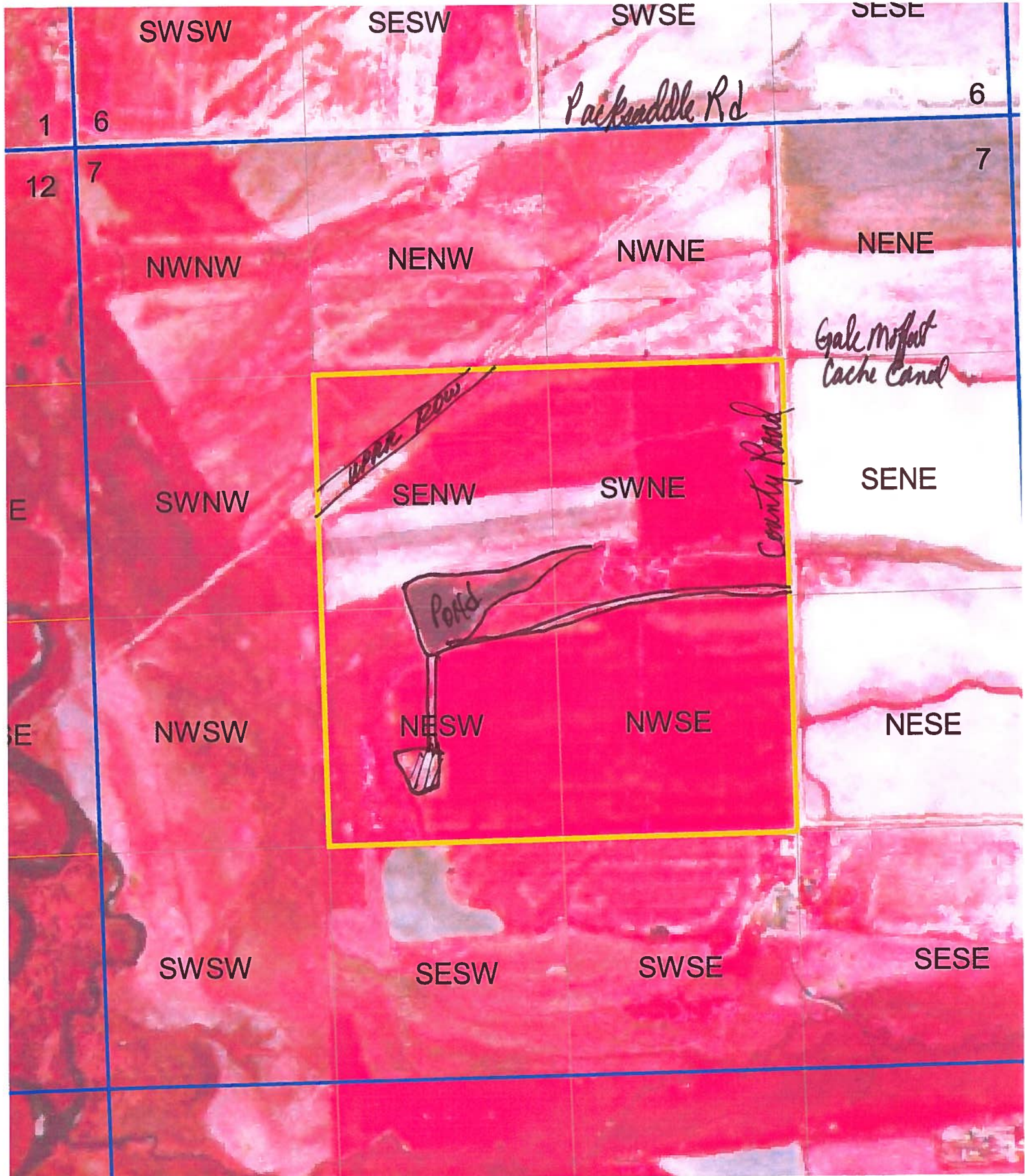
POD is Gale Moffat headgate,

Reviewer: _____ Date: _____

Mrs. L. E.; Sept. 1, 1891; Teton Creek.	200
ston Canal Co.; May 1, 1892; Teton Creek. (Dis-	0,360
id in Wyoming	120
Noah C.; June 1, 1892; Leigh Creek	100
George; June 1, 1892; Paradise Creek	160
Carl; June 1, 1892; Darby Creek	120
Albert; June 1, 1892; Horse Shoe Creek.	160
ssiah; June 1, 1892; North Leigh Creek	384
y Irrigation & Manufacturing Co.; June 1, 1892;	160
n River	160
m July 1st of each year for the balance of the	320
gation season	160
ohn; June 1, 1892; Darby Creek	200
enry M.; June 1, 1892; Darby Creek	155
n, L. S.; July 26, 1892; Darby Creek	80
alice, and Joseph; May 1, 1893; Trail Creek	320
Jesse E.; May 1, 1893; Moody Creek	160
be reduced to 160 inches after June 20th in	100
h year	160
benjamin; June 1, 1893; Trail Creek	140
Henry E.; June 1, 1893; no stream proved.	60
Samuel L.; June 1, 1893; Mahogany Creek	160
Eva H., widow of Eugene H. Young (deceased);	100
ie 1, 1893; Warm Creek	40
oseph; June 1, 1893; South Leigh and Swamp	160
reek	160
l, S. A.; June 1, 1893; South Leigh Creek	160
ton, George; June 1, 1893; Teton Creek	130
ns, N. H.; May 1, 1894; Trail Creek	160
r, D. R.; June 1, 1894; Trail Creek	15
r, D. R., Adminr. Estate of Fred Sinclair (de-	100
ised); June 1, 1894; Warm Creek	51
Alfred; June 1, 1894; Moody Creek	10
, be reduced to 100 inches after June 20th of	160
ch year	40
John; June 1, 1894; Trail Creek	80
Alfred; June 1, 1894; Teton River	160
Hyrum; June 1, 1894; Trail Creek	160
John P.; June 1, 1894; Swamps	40
Joseph; June 1, 1894; South Leigh and Swamp	160
reek	160
ensen, Niels C.; June 1, 1894; Fox Creek	160
ier, Rudolph; June 1, 1894; Darby Creek	160
A. J.; June 1, 1894; Darby Creek	40
n, L. L.; June 15, 1894; Spring Creek, a tributary	160
f Pine Creek	40
ey, Richard; June 30, 1894; Trail Creek	160
John; July 1, 1894; Trail Creek	20
ey, P. S.; May 15, 1895; Little Warm Creek	60
is, E. G.; June 1, 1895; no stream proved.	150
ead, Charles; June 1, 1895; Teton Creek	100
Sarah M.; June 1, 1895; Teton Creek	150
well, Moroni; June 1, 1895; Pack Saddle Creek	160
mann, C. M.; June 1, 1895; Teton Creek	80
at, Mary A.; June 1, 1895; Leigh Creek	80
at, Andrew; June 1, 1895; South Leigh Creek and	20
swamps	160
am, Thomas H.; June 1, 1895; Darby Creek	80
itzen, John; June 1, 1895; Spring Creek	160
ball, Archie R.; June 1, 1895; Trail Creek	160

129 Kay, James; June 1, 1895; Trail Creek	140
129 Parker, B. F.; June 1, 1895; Fox	15
129 Nordval, C.; June 1, 1895; Darby Creek	50
131 Spencer, Charles; June 15, 1895; Trail Creek	160
131 Costello, C. A.; June 15, 1895; Pine Creek	40
131 Costello, C. A.; June 15, 1895; Spring Creek	120
132 Tonks, George M.; July 15, 1895; Trail Creek	160
138 Beard, James T.; Apr. 1, 1896; Teton River	200
138 Huskinson, William J.; Apr. 1, 1896; Teton River	20
138 Smith, Albert; Apr. 1, 1896; Trail Creek	120
138 Smith, Albert; Apr. 1, 1896; Little Warm	40
140 Blair, J. J.; May 1, 1896; Spring Creek	120
142 Stahn, Emil A.; May 15, 1896; Spring Creek	130
142 Moulton, Charles; May 15, 1896; Fox Creek	100
143 Edwards, Andrew; June 1, 1896; Trail Creek	100
143 Blair, Ed. F.; June 1, 1896; Trail Creek	40
143 Avery, Talitha C.; June 1, 1896; Trail Creek	160
143 Allen, Charles A.; June 1, 1896; Trail Creek	160
143 Barnes, Charles W.; June 1, 1896; Trail Creek	160
143 Bush, George W.; June 1, 1896; Fox Creek	100
143 Bush, George W.; June 1, 1896; Fox Creek	40
143 Buxton, John; June 1, 1896; Mahogany Creek	160
143 Buxton, Lucy, Adminx. Estate of Joseph Buxton (de-	160
ceased); June 1, 1896; Spring Creek	100
143 Crandall, Ira.; June 1, 1896; Darby Creek	100
143 Hamblin, Kate; June 1, 1896; Trail Creek	115
143 Hamblin, Joseph R.; June 1, 1896; Trail Creek	80
143 Griggith, Henry; June 1, 1896; Trail Creek	160
143 Hendrickson, Alvira E.; June 1, 1896; South Leigh Creek	80
143 Hansen, Andrew C.; June 1, 1896; Teton Creek	10
143 Hanks, Harriet A.; June 1, 1896; Springs on place.	50
143 Robertson, A. I.; June 1, 1896; Swamps	80
143 Moffat, John P.; June 1, 1896; Pine Creek	160
143 Lauritzen, John; June 1, 1896; Trail Creek	160
143 Ricks, Effie E.; June 1, 1896; Trail Creek	160
143 Rice, A. L.; June 1, 1896; Patterson Creek	160
143 Rice, A. L.; June 1, 1896; Patterson Creek	160
143 Peterson, A. L.; June 1, 1896; Darby Creek	160
143 Peterson, Chris; June 1, 1896; Trail Creek	150
143 Humbull, Olive A.; June 1, 1896; Trail Creek	160
143 Stone, Henry J.; June 1, 1896; Fox Creek	160
143 Sherman, William D.; June 1, 1896; Trail Creek	120
143 Walton, Dania; June 1, 1896; Darby Creek	320
143 Victor Town Site; June 1, 1896; Trail Creek	160
143 Vail, J. R.; June 1, 1896; Fox Creek	90
143 Taylor, Jackson C.; June 1, 1896; South Leigh Creek	155
143 Lethqun, John; June 1, 1896; North Leigh Creek	160
143 Murphy, Thomas E.; June 1, 1896; Darby Creek	160
143 Larson, Peter; June 1, 1896; Darby Creek	40
143 Larsen, K. M.; June 1, 1896; Darby Creek	20
143 Larsen, A. C.; June 1, 1896; Darby Creek	80
143 Kimball, R. C. and A. L.; June 1, 1896; Fox Creek	96
143 Johnson, W. R.; June 1, 1896; Trail Creek	20
143 Penfold, Farlev; June 1, 1896; Fox Creek	160
143 Pascoe, F.; June 1, 1896; Darby Creek	160
143 Pascoe, W. R.; June 15, 1896; Lauritzen Spring	40
145 Larson, Andrew; July 1, 1896; Trail Creek	140
145 Frye, John; July 1, 1896; Trail Creek	25
147 Eames, John S.; July 15, 1896; Teton River	

22-406



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: A22-00406
Date Received: 8/19/1988
Receipt No: 600473
Received By: ESR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAROLD K. DUNN 208-456-2563
Address: 350 N. 425 W.
TETONIA, ID 83452

2. Date of Priority: JUN 01, 1895

3. Source: SOUTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	45E	33	NW	SW	SE		TETON

5. Description of diverting works:
HEADGATE IN SOUTH LEIGH CREEK TO DITCHES TO PUMPS/SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.400		
STOCKWATER	04/15	10/15	0.030		

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

8. Total consumptive use is 318.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER FOR 100 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	45E	7	SW	NE		IRR	39.0
			SE	NW		IRR	40.0

A22-00406

Page 1

Date: 08/19/88

A2200406



MICROFILMED
NOV 04 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	7	NE	SW		IRR	40.0
			NW	SE		IRR	40.0
						Section Acres	159.0
						Total Acres	159.0

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:
22-0407.

14. Remarks:
P/U AC IRR=160.
P/D GALE MOFFAT CANAL, WD01 RECORDS.

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

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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: 8-19-88

Date: _____

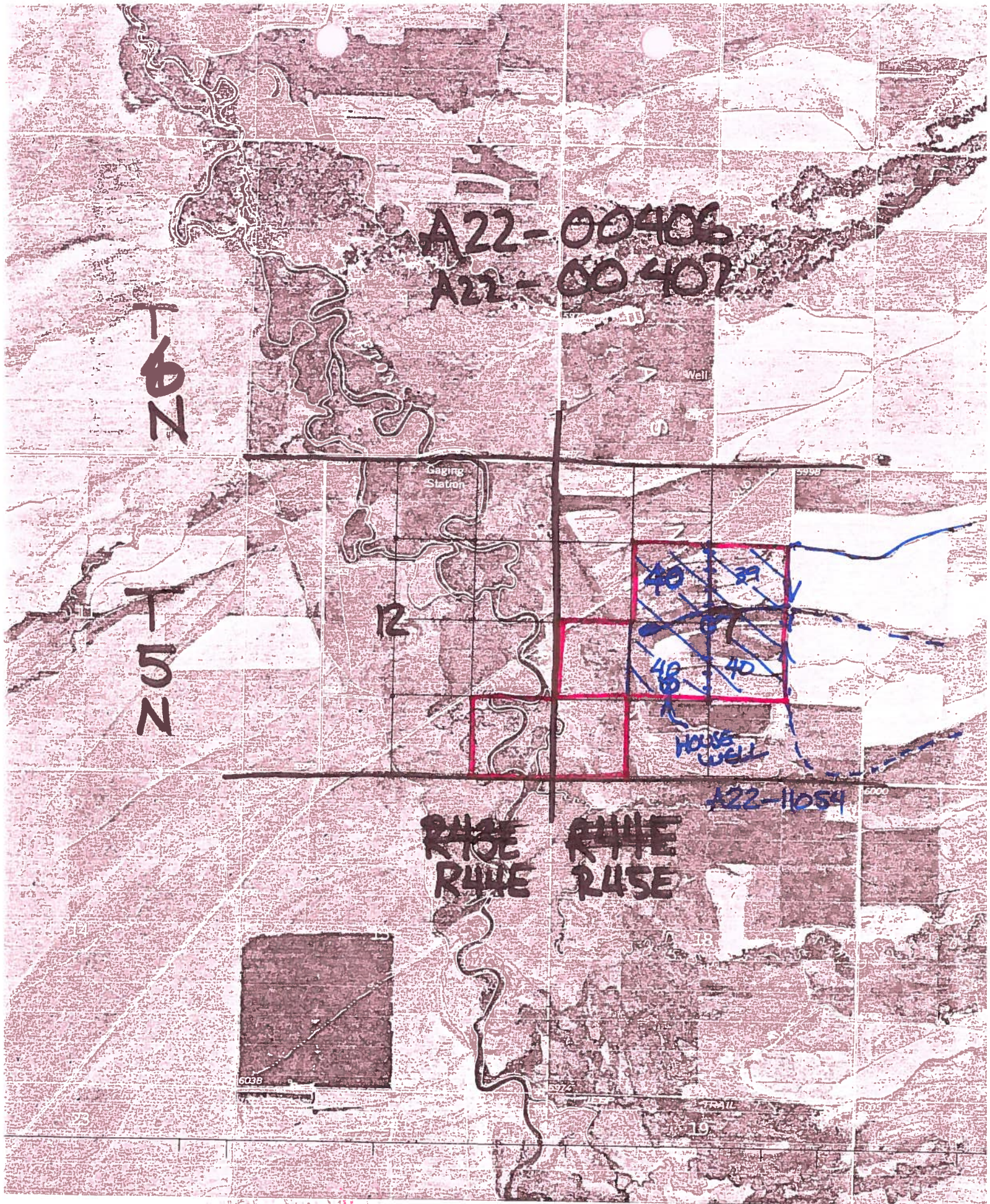
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of August 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94



Geological Survey
Forest Service

1:80,000-scale

750,000 FEET
NOV 04 1992

