

11/22/2006

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

RIGHT NUMBER: 22-407

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

SOURCE: SOUTH LEIGH CREEK TRIBUTARY: TETON RIVER

QUANTITY: 2.800 CFS

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

PRIORITY DATE: 06/01/1897

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	2.800 CFS
	STOCKWATER	04/15 10/31	0.030 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T05N R45E S07 SWNE 40.00	T05N R45E S07 SENW	38.00
	T05N R45E S07 NESW 37.00	T05N R45E S07 NWSE	40.00
	<u>STOCKWATER same as IRRIGATION</u>		
	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:

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

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.

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: 22-407

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: [Signature]

Please print your name: Harold K Dunn

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



Idaho Department of Water Resources

SRBA Recommendation:

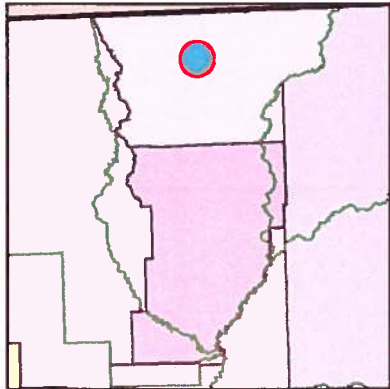
22-406

22-407

(Irrigation)

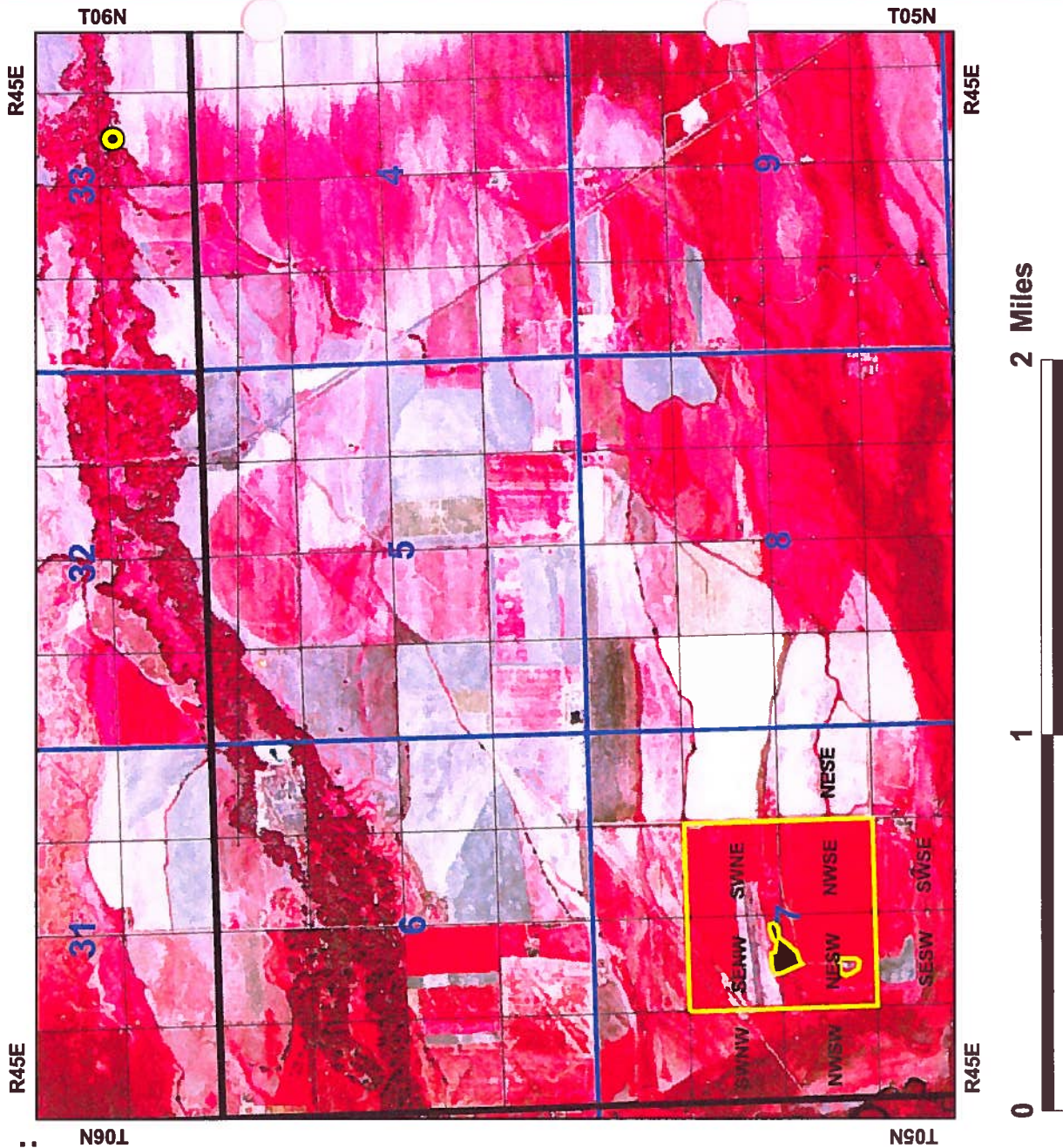
Legend

- 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 .017cts/acre
which is ~~2.1~~ 2.1 cts
- 22-1145 - claimant claims 200 acres of decreed pov
which he owns. Decree states .017cts/acre which
is 3.4 cts
- 22-12783 - claimant claims 240 acres of decreed
pov which he owns. Decree states .017cts/acre
which is 4.08 cts
- 22-13383 - claimant claims 159 acres of decreed
pov which he owns. Decree states .017cts/acre
which is 2.7 cts
- 22-641D - claimant ~~owns~~ claims 267 acres of decreed
pov which he owns. Decree states .017cts/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 alot of swampy land There are no competing claims for this right I am giving ~~away~~ 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 .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

#35

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. (See Long Island Irrigation Company.)
Menan Milling 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 Elizabeth Kratzer.)
1-0530 21-0146 ✓ Moon, Carliso H.	250 inches	May 10, 1895.	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.

Carl
Moon, 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.

$E\frac{1}{4}$ of $SW\frac{1}{4}$, $W\frac{1}{4}$ 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. 22-407

Document Checklist

- ☒ Copy License/Decree Rexburg, 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

Claim no. _____

Claimant Contact Log

<u>Date</u>	<u>Remarks</u>	<u>Agent initials</u>
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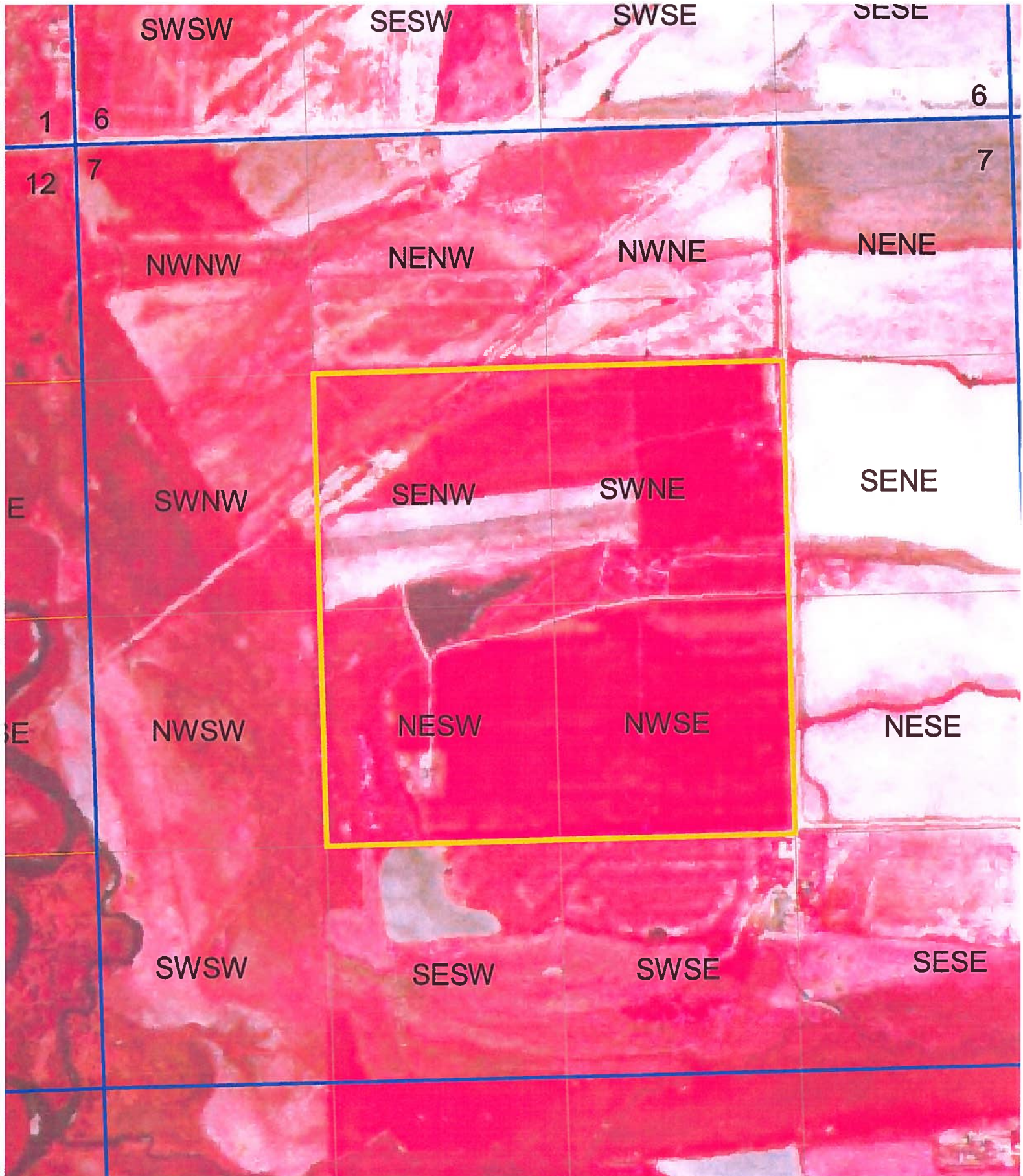
6/24/04	Talked to Stacy - Ken's hired man and got Ken's cell number.	
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Ken - 221-3866

147	Hatch, Mary E.; July 15, 1896; Trail Creek	40
148	Cherry, Thomas; July 30, 1896; Trail Creek	80
149	Sinclair, Jesse; Aug. 13, 1896; Trail Creek	160
151	Lindsay, William; Apr. 1, 1897; South Leigh Creek	160
153	Williams, Charles; May 15, 1897; South Leigh Creek	60
154	Parker, B. F.; June 1, 1897; Fox Creek	120
154	Pendleton, Abraham; June 1, 1897; North Leigh Creek	80
154	Penfold, Algeroy; June 1, 1897; Fox Creek	100
154	Penfold, Farley; June 1, 1897; Fox Creek	100
154	Larsen, A. C.; June 1, 1897; Darby Creek	20
154	Thompson & Egbert; June 1, 1897; North Leigh Creek	70
154	Smith, D. G. S.; June 1, 1897; South Leigh Creek	120
154	Vail, W. C.; June 1, 1897; Fox Creek	120
154	Vail, W. C.; June 1, 1897; Fox Creek	100
154	Waterman, L. C.; June 1, 1897; South Leigh Creek	120
154	Hopkins, D. H.; June 1, 1897; South Leigh Creek	60
154	Wyoming & Darby Bench Canal Co., Ltd.; June 1, 1897; Darby Creek	1,380
154	Zimmerman, Zuel; June 1, 1897; South Leigh Creek	30
154	Little, George A.; June 1, 1897; North Leigh Creek	120
154	Little, George E.; June 1, 1897; South Leigh Creek	80
154	Moffat, Andrew; June 1, 1897; South Leigh Creek and Swamps	140
154	Perry, Jeremiah C.; June 1, 1897; North Leigh	80
154	Rouche, Jacob; June 1, 1897; North Leigh Creek	90
154	Henrie, John; June 1, 1897; North Leigh Creek	150
154	Henrie, Joseph O.; June 1, 1897; South Leigh Creek	120
154	Hill, Albert; June 1, 1897; Darby Creek	75
154	Gale, Joseph; June 1, 1897; South Leigh and Swamps	40
154	Cluff, Charles; June 1, 1897; Fox Creek	10
154	Davidson, J. H.; June 1, 1897; South Leigh Creek	80
154	Crandall, H. L.; June 1, 1897; Darby Creek	20
154	Cannon, Harry L.; June 1, 1897; Darby Creek	100
154	Bush, Geo. W.; June 1, 1897; Darby Creek	20
154	Bowles, William; June 1, 1897; Trail Creek	160
154	Edwards, Andrew; June 1, 1897; Trail Creek	50
154	Allen, Isaac T.; June 1, 1897; Cherry Creek; all of the water of Cherry Creek Springs	50
155	Guymen, Edward; June 10, 1897; South Leigh Creek	120
156	Porter, John; June 15, 1897; Trail Creek	75
156	Moffat, Mary; June 15, 1897; Leigh Creek	80
156	McCracken, John; June 15, 1897; South Leigh Creek	160
156	McCracken, James; June 15, 1897; South Leigh Creek	156
156	Van Leuven, William; June 15, 1897; South Leigh Creek	160
157	Henrie, James D.; June 20, 1897; Leigh Creek	130
159	Homer, Willard G.; June 24, 1897; South Leigh Creek	160
162	Jones, Joshua; Oct. 28, 1897; Trail Creek	100
163	Clark & Houghton; Apr. 1, 1898; Teton River	200
163	Good Luck Canal Co.; Apr. 1, 1898; Teton River	1,300
163	Hill Ditch Co.; Apr. 1, 1898; Teton River	600
163	Rowe, Reuben H., and Morris McCormick; Apr. 1, 1898; Teton River. (Trough McCormick & Rowe Ditch)	430
163	Ricks, Wallace; Apr. 1, 1898; North Leigh Creek	40
163	Rexburg Irrigation Co.; Apr. 1, 1898; Teton River	8,500
163	Pioneer Ditch Co.; Apr. 1, 1898; Teton River	900
163	Pincock Byington Ditch Co.; Apr. 1, 1898; Teton River	700
163	Windmill, Richard, and Richard Withers and Oscar B. Young; Apr. 1, 1898; Teton River. (Eckersell Canal)	434
163	Wilford Irrigation & Manufacturing Co.; Apr. 1, 1898;	

163	Stewart, Samuel (deceased), Estate of, by Mary H. Birch, Adminx., and Mary H. Birch; Apr. 1, 1898; Teton River	6,608
163	Walters, William; Apr. 1, 1898; Teton River. (Stewart & Walters Ditch.) (Joint appropriation with Mons H. Anderson)	500
163	Siddoway Irrigation and Manufacturing Co.; Apr. 1, 1898; Teton River	332
163	Teton Island Canal Co.; Apr. 1, 1898; Teton River	766
163	Bird, Martin L., F. W. Garner and George A. Pincock; Apr. 1, 1898; Pincock-Garner Ditch	7,982
163	Eames, John S.; Apr. 1, 1898; Teton River	800
163	Nelson, David; Apr. 1, 1898; Teton River. (Through Nelson-Jacobs Ditch.)	50
163	Mortensen, Christian; Apr. 1, 1898; Teton River. (Through the Nelson-Jacobs Ditch.)	434
163	Woodmansee-Johnson Ditch; Apr. 1, 1898; Teton River	218
163	City of Rexburg; Apr. 1, 1898; Teton River. (For power and municipal purposes.)	1,380
163	Huskinson, William J.; Apr. 1, 1898; Teton River	1,650
164	Nelson, Fritz E.; Apr. 15, 1898; Spring Creek	50
165	Lamoreaux, Francis A., and Ann.; May 1, 1898; South Leigh Creek	120
166	Hendrickson, Frank; May 1, 1898; Badger Creek	25
167	Clark, H. J.; May 15, 1898; Teton River	160
168	Wait, F. A.; May 25, 1898; Leigh Creek	160
169	Edwards, Andrew; June 1, 1898; Trail Creek	160
169	Edwards, Andrew; June 1, 1898; Trail Creek	40
169	Felt, Clara V.; June 1, 1898; Badger Creek	40
169	Bruce, Daniel C.; June 1, 1898; Teton Creek	50
169	Black, Joseph A.; June 1, 1898; South Leigh Creek	160
169	Allen, Amos; June 1, 1898; Fox Creek	150
169	Cherry, Thomas; June 1, 1898; Trail Creek	50
169	Crandall, H. L.; June 1, 1898; Darby Creek	80
169	Crandall, Ira.; June 1, 1898; Darby Creek	60
169	Davidson, J. H.; June 1, 1898; South Leigh Creek	20
169	Cluff, Charles; June 1, 1898; Fox Creek	80
169	Hamilton, Robert; June 1, 1898; Badger Creek	150
169	Guymen, Edward; June 1, 1898; South Leigh Creek	160
169	Fullmer, H. D.; June 1, 1898; North Leigh Creek	40
169	Fullmer, Almond L.; June 1, 1898; North Leigh Creek	160
169	Hendrickson, Alvira E.; June 1, 1898; South Leigh Creek	120
169	Hendrickson, Alfred; June 1, 1898; Badger Creek	60
169	Hearst, H. T.; June 1, 1898; Leigh Creek	40
169	Hanson, Alfred; June 1, 1898; North Leigh Creek	160
169	Poulson, J. C.; June 1, 1898; North Leigh Creek	40
169	Rammell, George; June 1, 1898; Badger Creek	130
169	Merrill, Sam J.; June 1, 1898; Leigh Creek	20
169	Ramell, C. H.; June 1, 1898; Badger Creek	160
169	Little, George E.; June 1, 1898; North Leigh Creek	30
169	Hopkins, Ezekiel; June 1, 1898; North Leigh Creek	80
169	Zimmerman, Zuel; June 1, 1898; South Leigh Creek	80
169	Hopkins, D. H.; June 1, 1898; South Leigh Creek	130
169	Hoozier, John L.; June 1, 1898; Spring Creek	60
169	Homer, Benjamin P.; June 1, 1898; Mahogany Creek	120
169	Holden, E. H.; June 1, 1898; Darby Creek	15
169	Hochstrasser, R. H.; June 1, 1898; Spring Creek	160
169	Hochstrasser, N. W.; June 1, 1898; Spring Creek	40

22-407



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: A22-00407
Date Received: 8/19/1988
Receipt No: 6001473
Received By: SSV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAROLD K. DUNN 208-452-2563
Address: 350 N. 425 W.
TETONIA, ID 83452

2. Date of Priority: JUN 01, 1897

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

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE IN SOUTH LEIGH CREEK TO DITCHES TO PUMP/SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15			2.800
STOCKWATER	04/15	10/15			0.030

7. Total Quantity Appropriated is:
2.800 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 CATTLE

10. Place of Use:

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

A22-00407

Page 1

Date: 08/19/88

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:
22-0406.

14. Remarks:
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): *Harold [Signature]* Date: 8-19-88

Date: _____

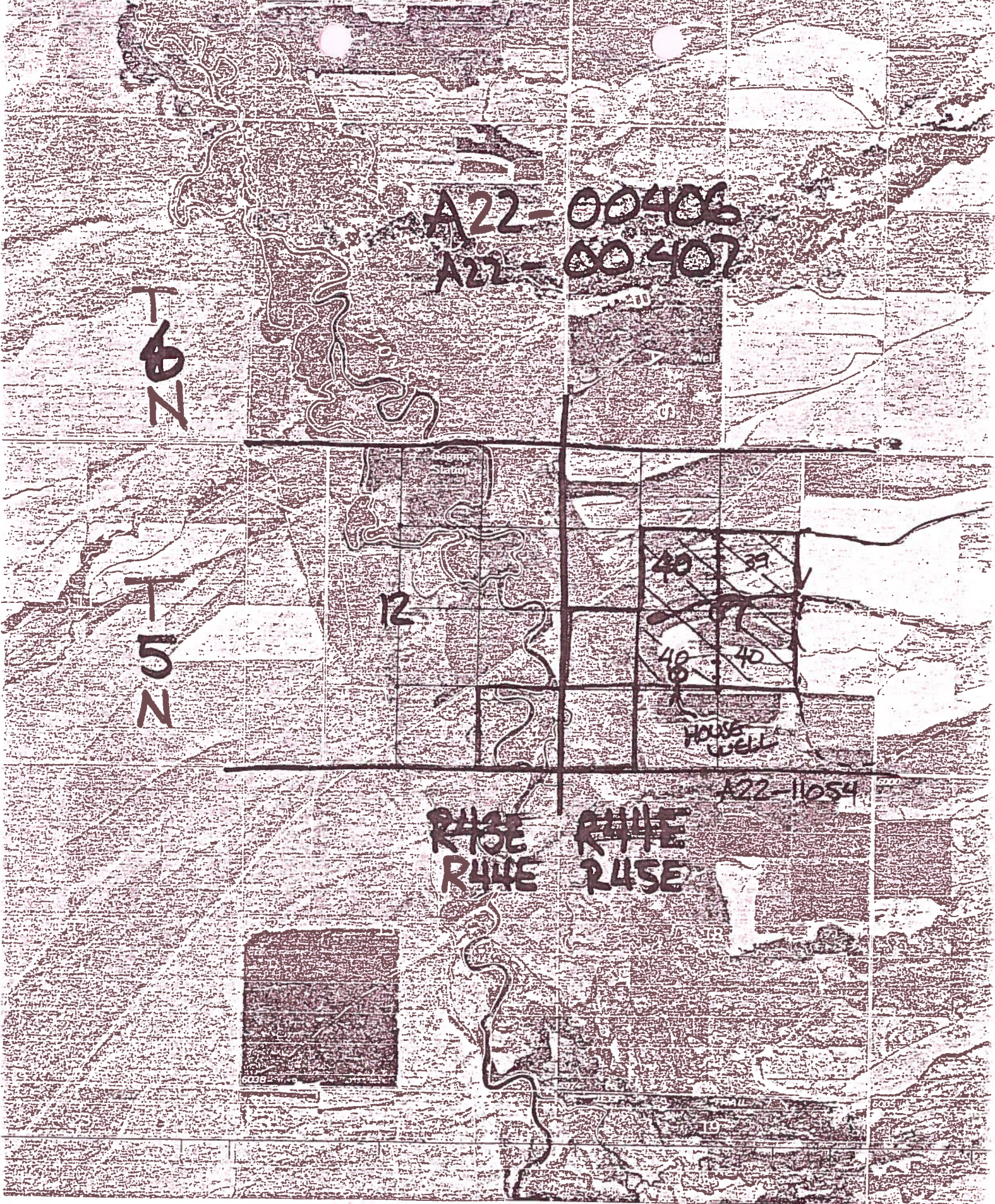
State of Idaho)
County of Bonneville) SS.

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



A22-00406
A22-00407

T6N

T5N

12

40 39
40 40
House well

A22-11054

R43E R44E
R44E R45E

750,000 FEET
MICROFILMED
NOV 04 1992

SCALE 1:24,000

