

12/16/2006

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

RIGHT NUMBER: 22-641E

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

SOURCE: SWAMP

TRIBUTARY: TETON RIVER

QUANTITY: 2.600 CFS

PRIORITY DATE: 10/30/1901

POINT OF DIVERSION:

T05N R45E S22 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	2.600 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S07	NWNE	40.00	T05N R45E S07	NENW	31.00
T05N R45E S07 Lot 1	NWNW	13.50	T05N R45E S07 Lot 2	SWNW	39.00

123.5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 123.5 acres in a single irrigation season. Combined Right Nos.: 22-262, 22-263, 22-264, 22-641E.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Gale Moffat Ditch\Cache Canal.

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: 22-641E

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):

Quantity

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

Change CFS

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

- SEE ATTACHED LETTER

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

DATE: 12/16/06 SIGNATURE: 

Please print your name: Harold K. Dunn

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

Ernie said to give him hrs 20.94 cfs. And apply same rate per acre for all of splits from 22-641.
Dunn owns 985.5. $\frac{20.94}{985.5} = .0212$

TB

12-16-06

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JUN 8 2007

H K Dunn

12/08/2006 FRI 16:34 FAX 801 533 8119

KR

11-21-06

- Claimant owns 240 acres but claims to be irrigating 123.5.
- I am giving the full 2.27 cts claimed because he is entitled to 4. cts based on decreed land he owns.
- Indeterminant Decree.

16

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 ~~2.1~~ 2.1 cts

22-11450 - 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

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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 ~~2000~~ 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.

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2-27-06 TG

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:

Coninglus with Gale Moffat water and Cache Canal Water

Reviewer: _____ Date: _____

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JUN 08 2007

DEC 4 1951

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

CACHE CANAL COMPANY, a corporation,

Plaintiff,

vs.

Lynn Crandall, Watermaster,
District 36 Idaho,

Defendant.

DECREE

This cause came on regularly to be heard by the Court this 28th day of May, 1948, S. H. Atchley, of Driggs, Idaho, appearing as counsel for the plaintiff, and it appearing to the satisfaction of the Court that the defendant was served with a copy of the summons and a copy of the complaint in this action, and that he failed to appear and plead to said complaint, and that the default of the defendant has been entered; and,

It further appearing that an order was made on the 11th day of April, 1948, directing the publication of a Notice, once a week for not less than 3 weeks successigely, in the Teton Valley News, a newspaper published weekly at Driggs, Teton county, Idaho, and in the Peak Chronicle, a newspaper published weekly at St. Anthony, Fremont county, Idaho, containing the title of the Court and cause, the name of the stream in the waters of which plaintiff claims an interest, the date of priority claimed by it, as is required, and the date and short title of the decree of this Court heretofore entered, fixing the permanent rights in and to the waters of Snake River and its tributaries; that the said notice was published in accordance with said order and the proof of publication has been filed herein; that no person or persons have appeared to defend against said action;

The plaintiff introduced documentary and oral proof in support of its complaint and the Court, after hearing the evidence and examining the proof submitted, finds as follows:

That the plaintiff is a corporation organized and existing under the laws of the State of Idaho, with its principal place of

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JUN 08 2007

business in Teton county, Idaho; that the sole object of its organization is for the benefit of its several stockholders in the diversion and conveyance of agricultural and domestic waters for the irrigation of their lands and domestic purposes, and that the stockholders of the said corporation are entitled to the use of the quantity of water diverted by the said corporation in proportion to the amount of capital stock or acreage of land owned by them.

That the stockholders of the plaintiff are the owners of, and the lands irrigated under the ditch or canal system of the plaintiff, are situate in Teton county, Idaho, described:

Sections Seven and Eight (7 and 8); Southwest Quarter (SW $\frac{1}{4}$), Section Nine (9); Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section Twenty-one (21); Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section Seventeen (17), and South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$), Section Seventeen (17) all in Township Five (5) North, Range Forty-five (45) E. B. M

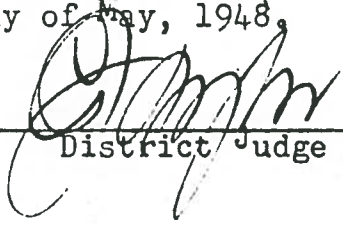
That said lands are arid in character and require artificial application of water by irrigation to produce agricultural crops; that the plaintiff, through its stockholders and predecessors in interest, ever since the 30th day of October, 1901, have diverted 1368 miner's inches of the unappropriated waters of the Swamp in said Teton county that the diversion works of the plaintiff are located approximately three miles south of the village of Tetonia and about three miles east of Teton River in said Teton county; that ever since the said 30th day of October, 1901, said stockholders have applied said quantity of water during the irrigation seasons, to beneficial use in the irrigation of crops grown upon the aforementioned lands, and which quantity or stream flow has been in addition to any other rights fixed, decreed or in any manner granted to the plaintiff through its stockholders and/or predecessors in interest.

From the above findings the Court concludes that the plaintiff is entitled to, and,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, That the plaintiff for the use of its stockholders, and for the irrigation of the herein before described lands, is awarded the use of ^{27.36 cfs} 1368 miner's inches of water, with a priority date of October 30, 1901, of the waters of the Swamp hereinbefore described.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the rights awarded and decreed in that certain decree commonly known as the "Rexburg or Snake River Decree," made and entered in this Court December 16, 1910, both as to dates of priority and the amounts of the rights awarded, are binding upon the plaintiff in this action.

Done in open Court this 28th day of May, 1948.


District Judge

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JUN 08 2007

DECEMBER 17, 1992

KENT W FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 51030
IDAHO FALLS ID 83405

RE: CHANGE IN OWNERSHIP FOR A22-11488 (RENUMBERED TO
A22-00641E), 00262, 00263, 00264, AND 389A/HAROLD DUNN,
MD

Dear Mr. Foster:

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.

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

If there are no questions or corrections, please keep
these Notices for your client's records.

Respectfully submitted,

Dave Carlson
Water Right Agent, Adjudications

DC:jt

Enclosure: Copies Dunn's Notices

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MICROFILMED
APR 08 1994

State of Idaho

Department of Water Resources

ASSIGNMENT OF NOTICE OF CLAIM(S)

We, J. Darwin Baxter and Marjorie J. Baxter, hereby
assign to Harold K. Dunn Trust,
of 1231 Chandler Circle, Salt Lake City, Utah 84103.
Address

All my right, title, and interest in and to Notice of
Claim No(s). A22-11488.064/E

to a Water Right Acquired Under State Law.

The following described portion of my right, title, and
interest in and to Notice of Claim No(s). _____

to a Water Right Acquired Under State Law.

(If assigning a portion, describe that portion of the
claim being assigned by listing the acreage within each
40-acre tract, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or
acre feet for storage)

Made this 23rd day of November, 1992.

Signature of Claimant(s)

J. Darwin Baxter
J. DARWIN BAXTER

Marjorie J. Baxter
MARJORIE J. BAXTER

STATE OF IDAHO)

County of Bannock)

ss.

On this 23rd day of November, 1992, personally appeared
before me the signers of the above instrument, who duly
acknowledged to me that they executed the same.

Notary Public Forrest D. Dwyer

Residing at Pocatello, ID.

My Commission Expires 4/25/93

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JUN 08 2007

MICROFILMED

APR 08 1994

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

DATE OF CLOSING: August 3, 1989.

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: A22-11488 00641E

[X] Name and Address of Former Owner/Claimant(s):
J. Darwin and Marjorie J. Baxter
4910 Trent
Chubbuck, Idaho 83202

[X] New Owner/Claimant(s): 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? yes x no

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

[X] Signature of New Owner/Claimant(s): Harold K. Dunn
Harold K. Dunn, Trustee-

Date: 11-5-92

[X] Signature of Former Owner/Claimant(s):
J. Darwin Baxter

Marjorie J. Baxter

Date: _____

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JUN 08 2007

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[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

34231/srs

22-641E

6/13/04 RD
AR



Idaho Department of Water Resources



SRBA Recommendation:
22-641E
 (Irrigation)

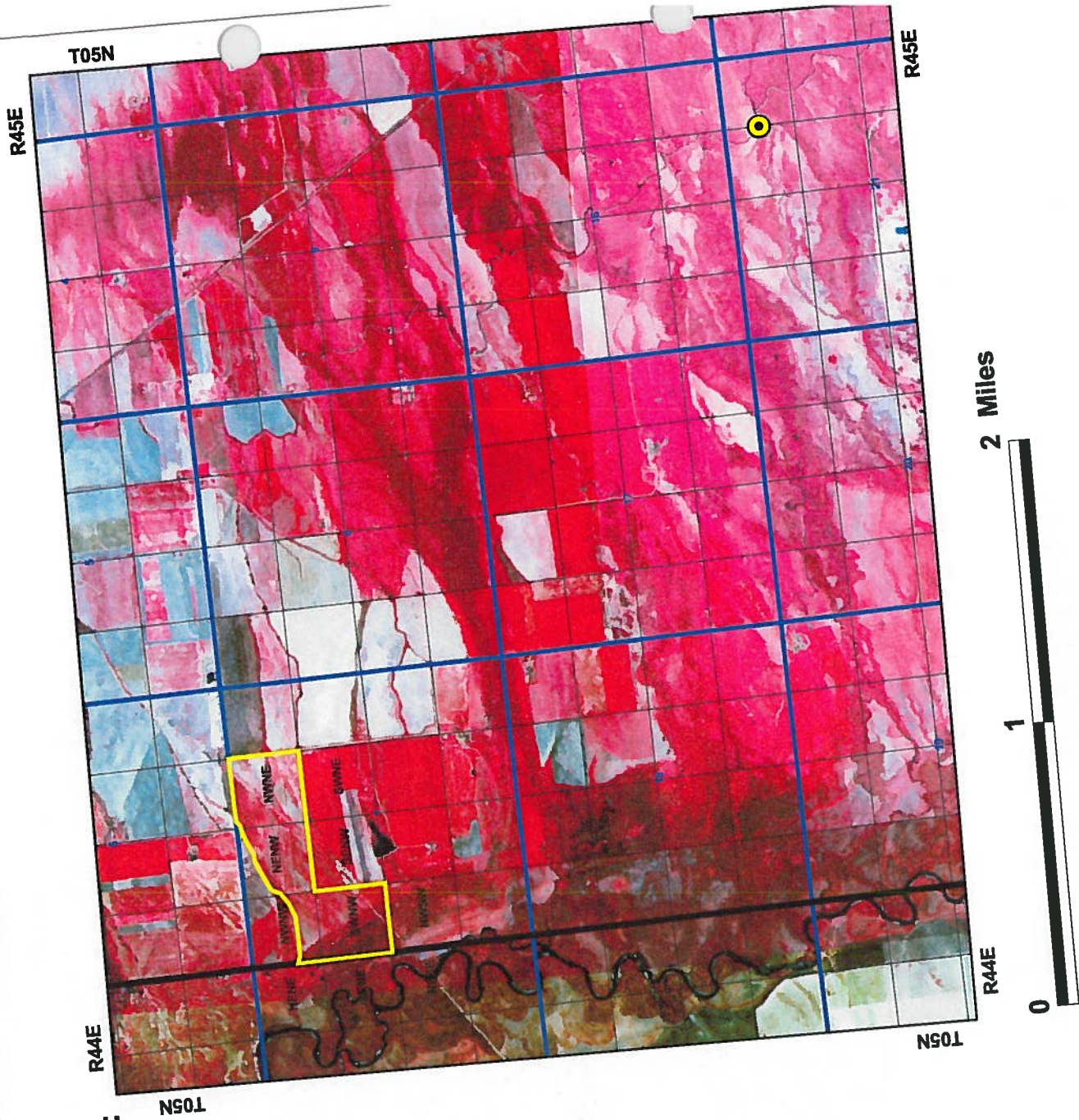
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 JUN 03 2007

Legend

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



Teton County
 IDWR Basin 22

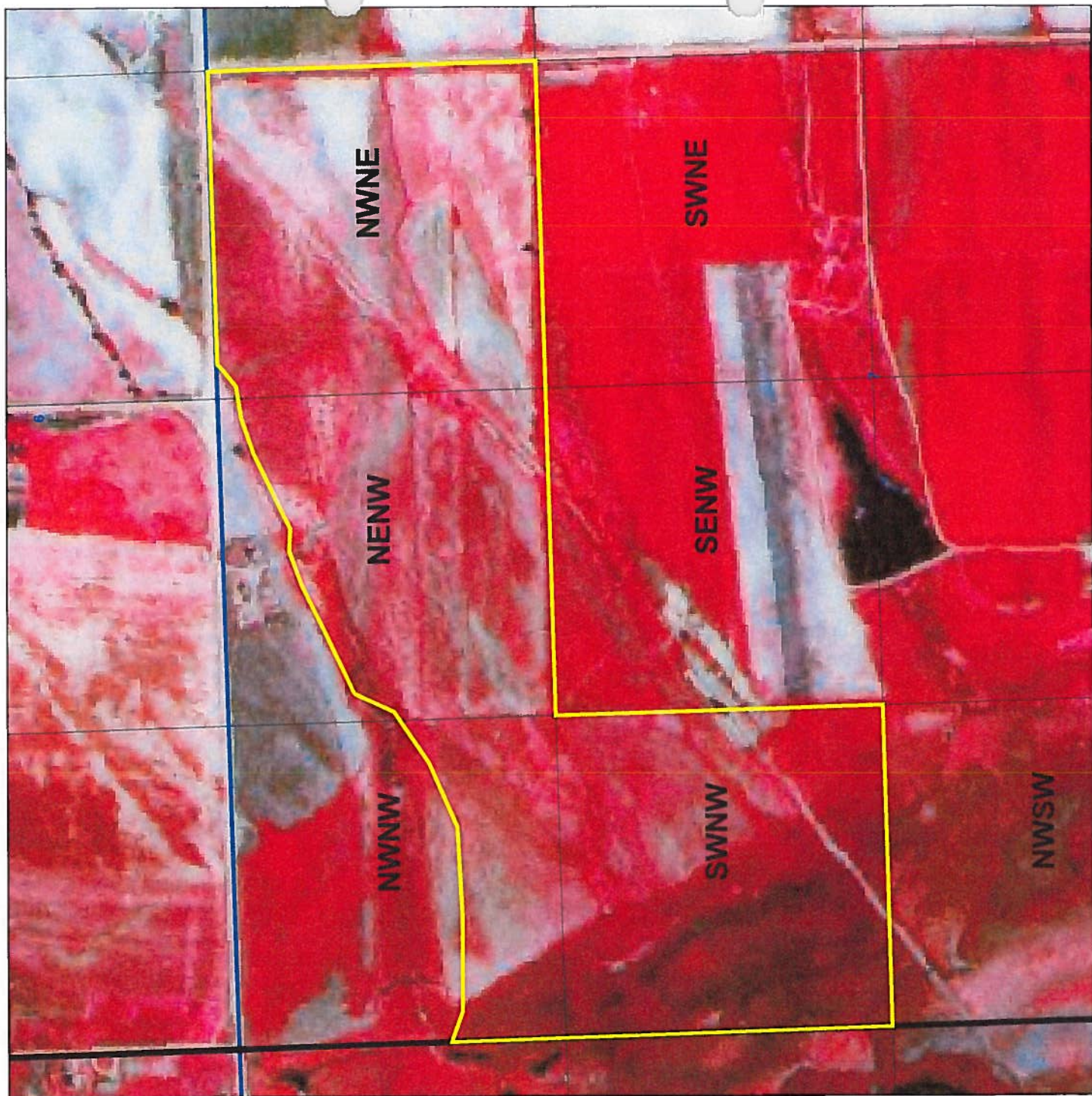


Prepared by T. Galbraith
 On Wednesday, November 22, 2006
 1987/88 Aerial Photography

22-641E



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JUN 08 2007



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: **A22-00641E**
Date Received: 9/ 6/1988
Receipt No: E002061
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: HAROLD K DUNN MD 801-533-9730
Address: 1231 CHANDLER CIRCLE
SALT LAKE CITY UT 84103

2. Date of Priority: OCT 30, 1901

3. Source: UNNAMED SPRINGS Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	45E	22	SW	SE			TETON

5. Description of diverting works:
NUMEROUS SPRINGS COLLECTED INTO CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.270		

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

8. Total consumptive use is 247.0 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	7	NW	NE		IRR	38.0
			NE	NW		IRR	27.0
			NW	NW	1	IRR	20.0
			SW	NW	2	IRR	38.5

10. Place of Use: Continued

Section Acres 123.5

Total Acres 123.5

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:

22-00262, 22-00263, 22-00264

14. Remarks:

I OWN 25.2 SHARES IN CACHE CANAL CO. THEY HAVE ISSUED 304 SHARES
I AM CLAIMING MY PROPORTIONATE SHARE OF 27.36 CFS BASED ON
THE SHARES. ORIGINAL RIGHT WAS NUMBERED 22-00461

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL

Decree Plaintiff

TETON IRR. CANAL CO.

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: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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
12-17-92 / DC
Renumbered to 22-0064E
Ident. Number: A22-11488
Date Received: 9/02/1988
Receipt No: E002061
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. DARWIN BAXTER 208-237-8067
Address: 4910 TRENT
CHUBBUCK, ID 83202
AND
Name: MARJORIE J. BAXTER
Address: 4910 TRENT
CHUBBUCK, ID 83202

A220064E



2. Date of Priority: OCT 30, 1901
3. Source: UNNAMED SPRINGS Trib. to: TETON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	45E	22	SW	SE			TETON

5. Description of diverting works:
NUMEROUS SPRINGS COLLECTED INTO CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.270		

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

8. Total consumptive use is 247.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A22-11488

Page 1

Date: 09/02/88

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NOV 06 1992
APR 08 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	7	NW	NE		IRR	38.0
			NE	NW		IRR	27.0
			NW	NW	1	IRR	20.0
			SW	NW	2	IRR	38.5
						Section Acres	123.5
						Total Acres	123.5

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:
22-00262, 22-00263, 22-00264

14. Remarks:
I OWN 25.2 SHARES IN CACHE CANAL CO. THEY HAVE ISSUED 304 SHARES
I AM CLAIMING MY PROPORTIONATE SHARE OF 27.36 CFS BASED ON
THE SHARES. ORIGINAL RIGHT WAS NUMBERED 22-00461

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

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO.
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: _____

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): *Darwin Baxter* Date: 9-2-88
Marjorie J. Baxter Date: 9-2-88

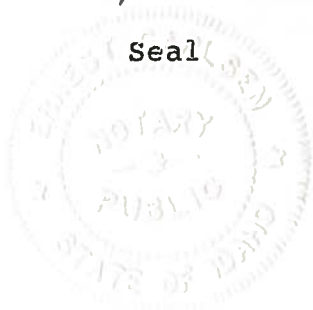
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 2 day
of Sept. 19 88

Ernest Carlson
Notary Public

Residing at *Idaho Falls*

My Commission Expires *14 June 1994*



REPRODUCTION
NOV 8 9 52

T
R44E
T5N
R45E

COPIED ORIGINAL

A22-00262
A22-00263
A22-00264
A22-11488

Chase Canal Co

Cole M. Plot

South Leigh Creek

Headgate