

12/16/2006

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

RIGHT NUMBER: 22-11487

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

SOURCE: SPRING

TRIBUTARY: TETON RIVER

QUANTITY: 0.400 CFS

The rights listed below are limited to a total combined diversion rate of 5.8 cfs. Combined Right Nos.:22-262, 22-263, 22-264, 22-641E.

PRIORITY DATE: 08/20/1962

POINT OF DIVERSION:

T05N R45E S7 NWSW Lot 3 Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/15 10/15

0.400 CFS

PLACE OF USE:

IRRIGATION in TETON County

T05N R45E S07 Lot 2 SWNW 20.00

20 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 - Beneficial Use



Idaho Department of Water Resources

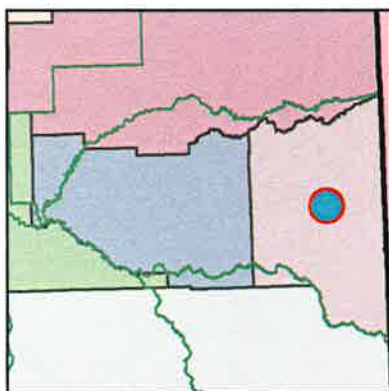
SRBA Recommendation:

22-11487

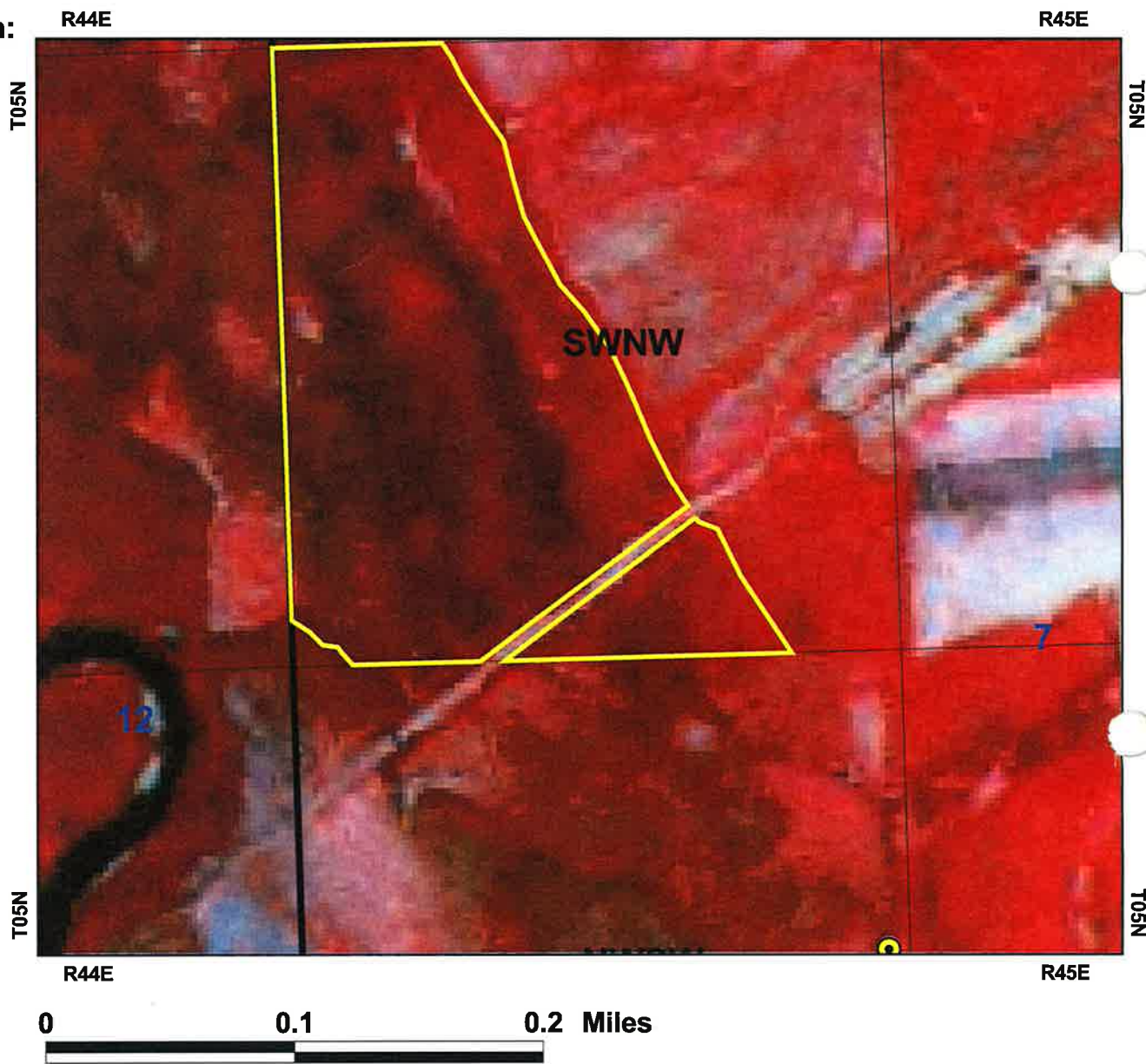
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Saturday, December 16, 2006
1987/88 Aerial Photography



Sunday, December 10, 2006

Ernest Carlson
Department of Water Resources
900 North Skyline
Idaho Falls, ID 83402

**SUBJECT: Right numbers- 22-13383, 22-11450, 22-12783, 22-641E, 22-641D
NOTICE of ERROR**

Dear Mr. Carlson,

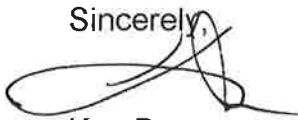
In reviewing the subject water rights, I believe the quantity of water is incorrect.

The total amount of water for these rights should equal 20.94 CFS.

The 1948 decree establishing the water rights in the Cache Canal was for a total of 1,368 miners inches. We own 264 of the 345 shares in the canal, or 76.52%. We therefore have claim to 20.94 CFS of water.

Please adjust the subject right numbers to equal 20.94 CFS.

Sincerely,



Ken Dunn

*Included in file for
contact info,*

TF 12-16-06

326 North 300 West
Tetonia, Idaho 83452

PHONE: (208) 456-2215

FAX: (208) 456-2764

MOBILE: (208) 221-3866

TOLL FREE: (866) 456-2215

11/27/2006

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: 22-11487

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):

Right should be allowed.

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:

STATEMENT FROM NEIGHBOR WAS SENT TO IDWR
VERIFYING THE USE OF CLAIM.

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

DATE: 12/8/06

SIGNATURE:

Please print your name: KEN DUNN

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

Affidavit ok for priority but how does
water get from stream to our old
railroad levy. 12-16-06 TH

There is a culvert that goes under the levy
the ditch then cuts NW. ~~to the river~~
This is according to Ken 12-16-06 TH

Kenn
12/14

Called Ken Dunn at 221-3866
He said he will look into it.
Need Evidence for 11487
3-1-76

11-22-86
No EOP
disallowing. ✓



Tuesday, June 06, 2006

Trent Galbraith
Department of Water Resources
900 North Skyline
Idaho Falls, ID 83402

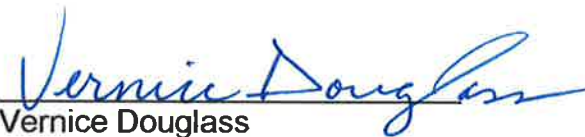
SUBJECT: 22-11487

Dear Trent,

Per your request, I have asked my neighbor Vernice Douglass to state he has personal knowledge that the spring referenced in the subject water right has been used for irrigation and stock water since 1962.

The spring resides on property we purchased from Darwin Baxtor, and the right should be changed to my dad's name; Harold K Dunn.

I Vernice Douglass have knowledge that the spring water referenced in the subject right has been beneficially used for irrigation and stock water since 8/20/1962.


Vernice Douglass

If you have any further questions regarding this issue, please call.

Sincerely,



Ken Dunn

RECEIVED
JUN 19 2006
Department of Water Resources
Eastern Region

326 North 300 West
Tetonia, Idaho 83452

PHONE: (208) 456-2215

FAX: (208) 456-2764

MOBILE: (208) 221-3866

TOLL FREE: (866) 456-2215

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

06/09/2005

WATER RIGHT NO. 22-11487

Owner Type	Name and Address
Current Owner	J DARWIN BAXTER
Current Owner	MARJORIE J BAXTER
	4910 TRENT
	CHUBBUCK, ID 83202
	(208)237-8067

Priority Date: 08/20/1962

Basis: Beneficial Use

Status: Active

Source	Tributary
SPRING	TETON RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/15	10/15	0.4 CFS	
Total Diversion			0.4 CFS	

Location of Point(s) of Diversion:

SPRING	NWSW Lt 3	Sec. 07	Township 05N	Range 45E	TETON County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	45E	7	2	SWNW	20									

RECEIVED
JUN 19 2006
Department of Water Resources
Eastern Region

Total Acres: 20

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

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:

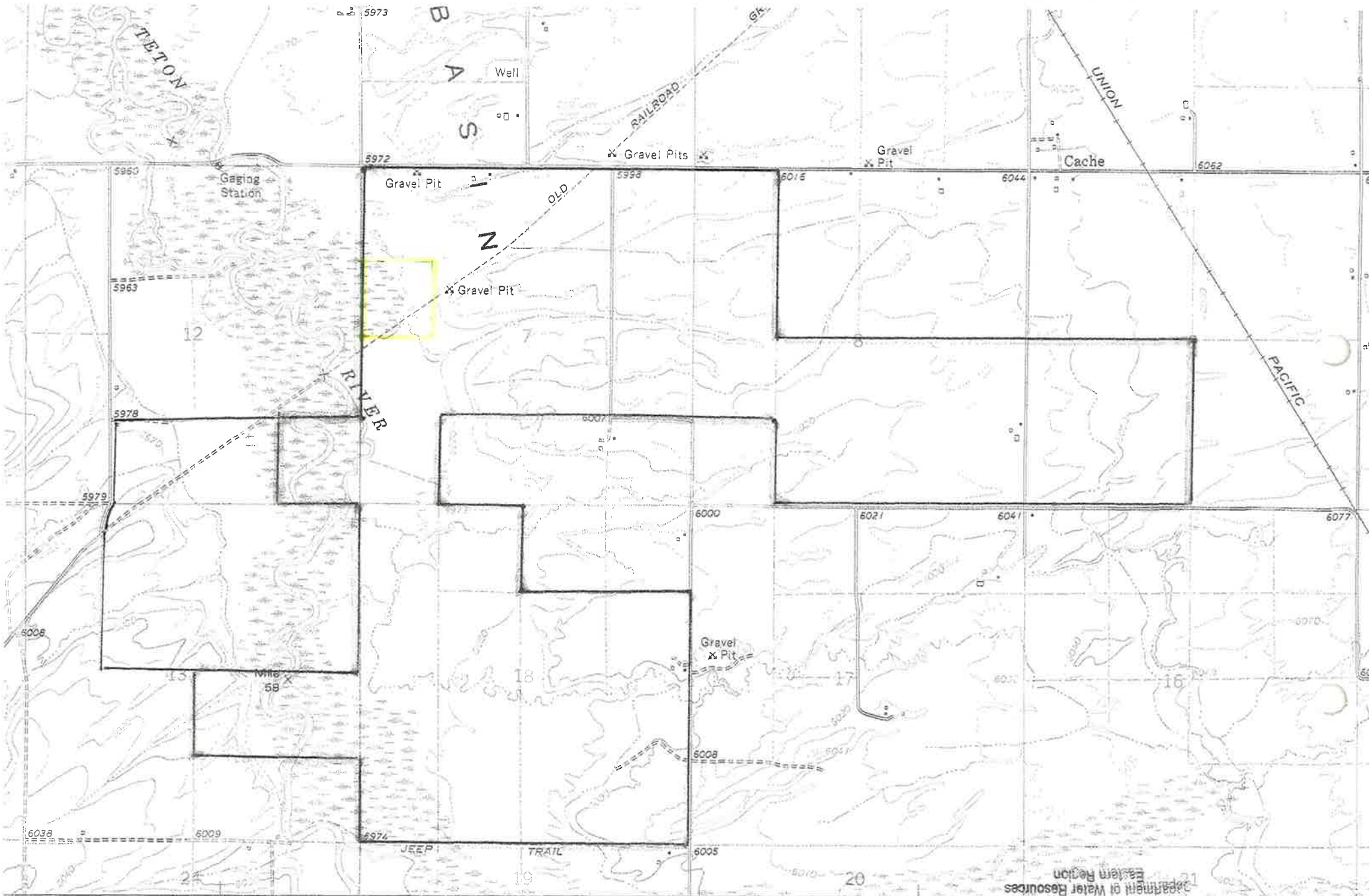
Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close



750 000 FEET 483 12'30" R. 44 E. R. 45 E. (BATES) 3771 II NW DRIGGS 5 MI. 486 10' 487 488

SCALE 1:24 000

1 1/2 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 5 0 1 KILOMETER

CONTOUR INTERVAL 10 FEET

GN MN 0°08' 17 1/2° 311 MILES 2 MILES

RECEIVED JUN 19 2006

Department of Water Resources Eastern Region

Interior-Geologic

ROA Medium-duty Unimpi



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 14, 2005

HAROLD K DUNN
662 N SADDLE HILL RD
SALT LAKE CITY UT 84103

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-11487

Dear Mr. Dunn:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Att: SBR

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-11487				

RECEIVED
JUL 19 2004

Department of Water Resources
Eastern Region

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

J. DARWIN BAXTER

4. New Owner/Claimant(s)

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

Harold K Dunn

City, State and ZIP Code

6662 North Saddle Hill Rd

New Telephone Number

SLC, UTAH 84103

501-532-5730

5. Date you acquired the property

8/3/99

Changed
OC
9/14/05

WARRANTY DEED

For Value Received J. Darwin Baxter and Marjorie B. Baxter, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto Harold Dunn, M.D.

whose current address is 1231 Chandler, Salt Lake City, Utah 84103

the grantee, the following described premises, in.....Teton.....County Idaho, to wit:

Lot 1, Lot 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ all of Section 7, Township 5 North, Range 45 East of the Boise Meridian.

Less that property described in indenture dated July 18, 1918, recorded as Instrument No. 4937, Book 37, page 603, records of Teton County, Idaho.

Together with all water, water rights, oil, gas and minerals and oil, gas and mineral rights of grantors.

Subject to:

- a. Easements and rights of way of record
- b. Zoning and use restrictions of lawful government authority.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances except as set out above.

and that he will warrant and defend the same from all lawful claims whatsoever.
THIS DEED RECORDED TO CORRECT WARRANTY DEED DATED AUGUST 3, 1989, AND RECORDED AUGUST 7, 1989 AS INSTRUMENT NO. 104587, BOOK _____, RECORDS OF TETON COUNTY, IDAHO.

November
October 2, 1989

J. Darwin Baxter
J. Darwin Baxter
Marjorie B. Baxter
Marjorie B. Baxter

STATE OF IDAHO, COUNTY OF *Bannock*
On this 2nd day of *November*, 1989,
before me, a notary public in and for said State, personally
appeared J. Darwin Baxter and Marjorie B.
Baxter, husband and wife,

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that executed the same.

D. James Manning
Notary Public
Residing at Pocatello, Idaho
Comm. Expires *Sept. 30, 1991*

105104

FILMED ☒
INDEXED ☒
PLATTED ☒

FILED

AT THE REQUEST OF

First American
AT 30 MINUTES PAST 9 A.M.
DATE *November 15, 1989*
E. Wayne Schuss
CLERK OF RECORDER
BY *Donna Seese*
DEPUTY

NOTARY PUBLIC
STATE OF IDAHO
D. JAMES MANNING

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX
1-208-456-2525

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: HAROLD DUNN FROM: AL RUBEKRY

DOCUMENT DESCRIPTION: REQUEST FOR EVIDENCE OF PRIORITY
FOR 22-11487 AND EVIDENCE OF OWNERSHIP -

TOTAL NUMBER OF PAGES (Including this page): _____

*
* BILLING ADDRESS: _____
*
*
*
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____
*

MR. DUNN - WE HAVE SOME INDICATION THAT YOU MAY HAVE
ACQUIRED PROPERTY PREVIOUSLY OWNED BY J. DARWIN BALTER.
IF THIS IS CORRECT PLEASE CONTACT ME ASAP.

FAXED 5/24/04

AL RUBEKRY

N/BD to
for this

marked
19 March 04

March 19, 2004

**J DARWIN BAXTER
4910 TRENT
CHUBBUCK ID 83202**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11487

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of AUGUST 20, 1962, from UNNAMED SPRING.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

Claim no. 2211487

Claimant Contact Log

Date **Remarks** **Agent initials**

19 March 04 Mailed Request For Priority Evidence

Contacts Data Entry Form

Claim Number: 2211487

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner:	J OREN BAYTER				Phone No.: 208-237-8067
----------------	---------------	--	--	--	-------------------------

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.

R.U

Other Water Rights. used 2200262, 263, 264.

FE pod/pou Conveyance/System

Reviewer: _____ Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: 2211487Water 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
5N	45E	7		NW SW	Teton	Unnamed Spring	Teton River

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:This is ~~the~~ Cache Canal Water.

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry FormClaim Number: 2811487**Water Right Period of Use and Diversion Rate**

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/15		

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

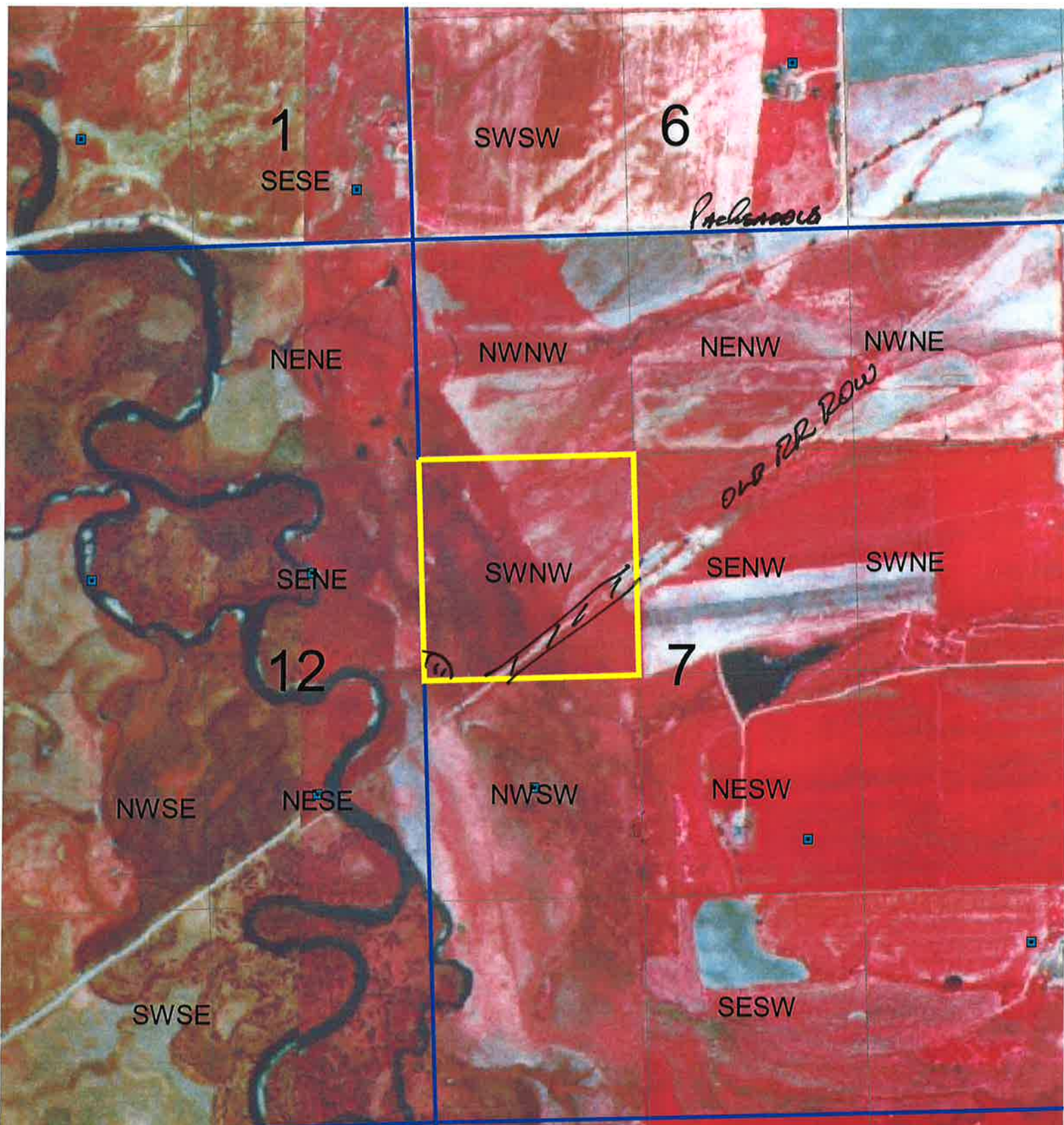
Document how the Period of Use and/or Diversion Rate were verified:

IDWR JTEI SOU 4/15 - 10/31

Reviewer: _____

Date: _____

22-11487



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: A22-11487
Date Received: 9/02/1988
Receipt No: 8002061
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

A2211487



2. Date of Priority: AUG 20, 1962

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	45E	7	NW	SW		3	TETON

5. Description of diverting works:
OPEN DITCH.

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		

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

8. Total consumptive use is 40.0 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	SW	NW	2	IRR	20.0
Section Acres							20.0
Total Acres							20.0

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

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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

Margaret J. Baxter Date: 9-2-88

State of Idaho)
County of Bonneville) SS.

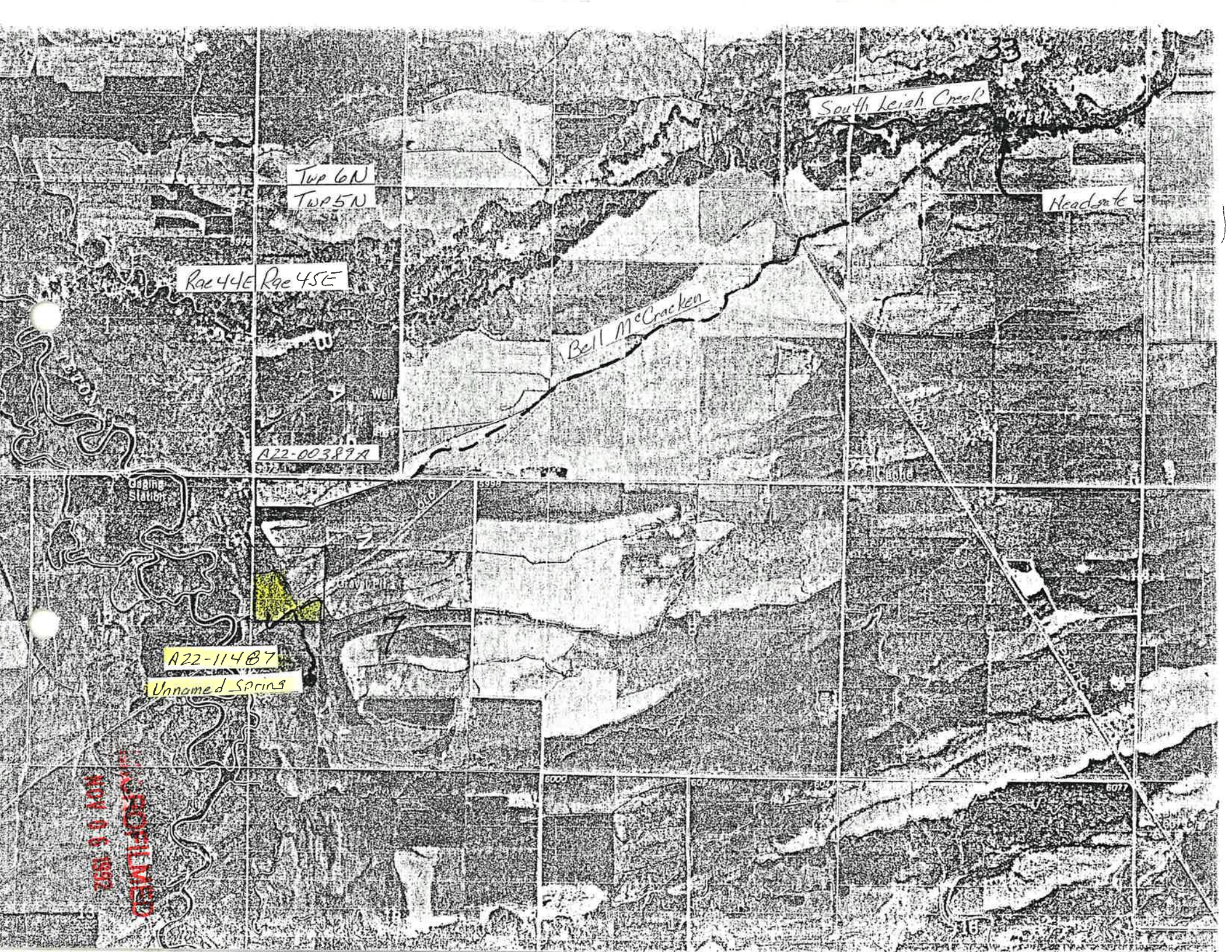
Subscribed and sworn (or affirmed) before me this 2 day
of Sept. 19 88

Ernest Carls
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 14 June 1994



Twp 6N
Twp 5N

Rae 44E Rae 45E

South Leigh Creek

Headgate

Bell McCracken

A22-00389A

Gaging Station

A22-11487

Unnamed Springs

NOT RECORDED
NOV 16 1992