

12/16/2006

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

RIGHT NUMBER: 22-13383

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

SOURCE: SWAMP

TRIBUTARY: TETON RIVER

QUANTITY: 3.180 CFS

PRIORITY DATE: 10/30/1901

POINT OF DIVERSION:

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	3.180 CFS

PLACE OF USE: IRRIGATION in TETON County

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 22-13383.

Water is delivered through 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

KMT
12/14

K2

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: 22-13383

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: 12/10/06 SIGNATURE: 

Please print your name: Harold K. Dunn

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

See 22-641E for explanation.
could have 3.29 cfs but claims 3.18.

TG 12-16-06

Kate
12/14



Idaho Department of Water Resources

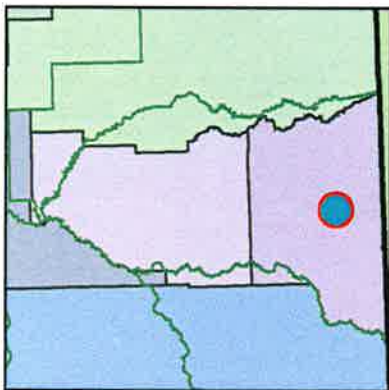
SRBA Recommendation:

22-13383

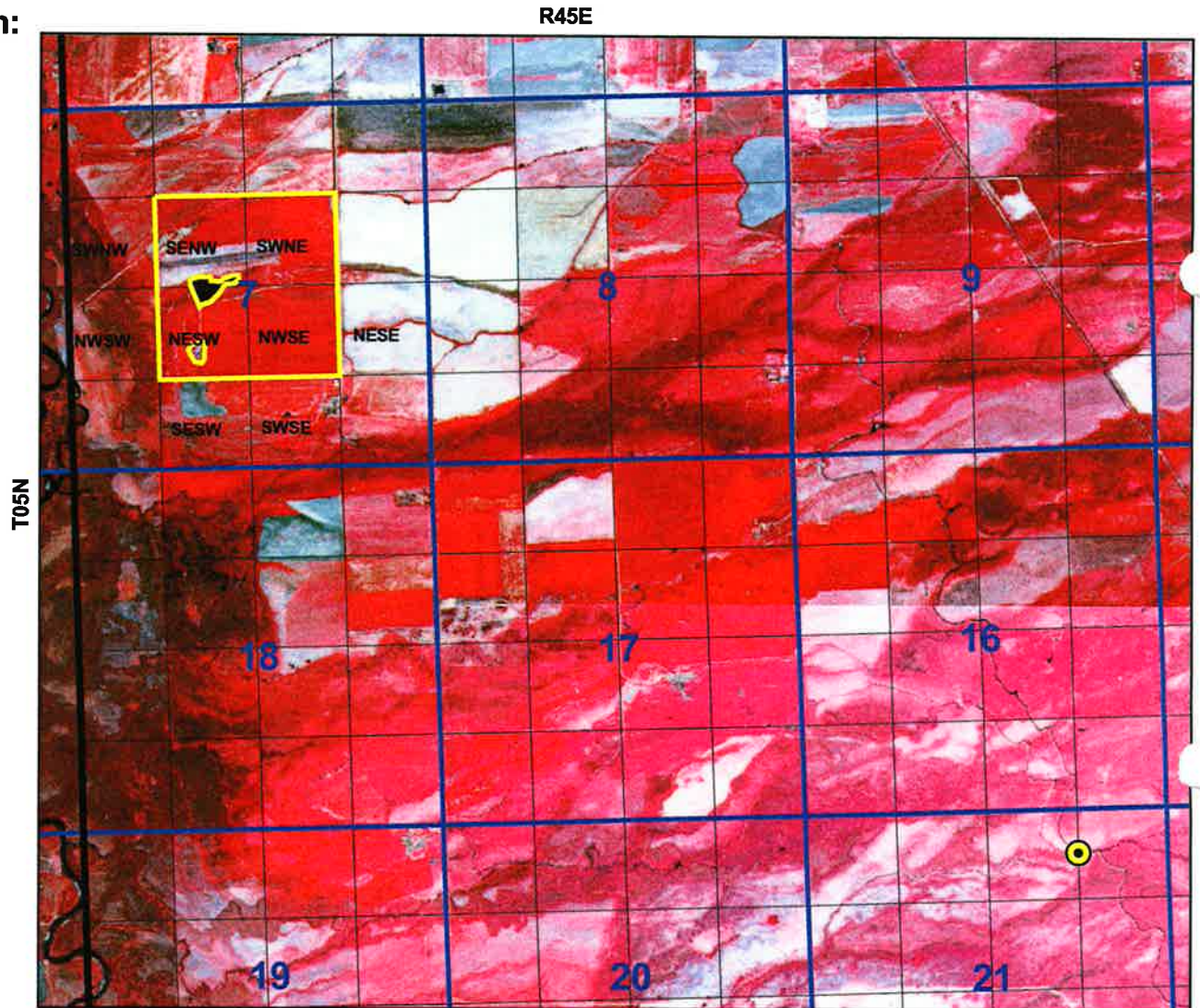
(Irrigation)

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

22-13383



Dunn Claims

1281.5

21.79 cfs

- 22-641E - claimant ~~owns~~ claims 123.5 of decreed
 pov which he owns. Decree states .017 cfs/acre
 which is ~~2.1~~ 2.1 cfs
- 22-11450 - claimant claims 200 acres of decreed pov
 which he owns. Decree states .017 cfs/acre which
 is 3.4 cfs
- 22-12783 - claimant claims 240 acres of decreed
 pov which he owns. Decree states .017 cfs/acre
 which is 4.08 cfs
- 22-13383 - claimant claims 159 acres of decreed
 pov which he owns. Decree states .017 cfs/acre
 which is 2.7 cfs
- 22-641D - claimant claims 267 acres of decreed
 pov which he owns. Decree states .017 cfs/acre
 which is 4.54 cfs
- 22-6094 - claimant ~~owns~~ claims 80 acres of original pov
 which he owns. Decree states .02 cfs/acre
 which is 1.6 cfs The rest of 609 is
 not claimed.
- 22-406 - claimant own all of decreed pov and
 claims it. Receives .4 cfs
- 22-407 - claimant claims and owns all of decreed
 pov he receives all 2.8 cfs
- 22-2764 - claimant owns all of decreed pov but
 claims land outside of original pov which
 he owns. Assuming an acreage change in
 pov condition. Receives 1.6 cfs

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 17 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

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 22-13383
Date Received: 5/11/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

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

2. Date of Priority: 10/30/1901

3. Source: SWAMP Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	45E	21	NE NE	TETON	

5. Description of diverting works:

CASH CANAL COLLECTS WATER WHICH RISES IN THE SWAMP AND CONVEYS IT TO THE PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	3.18	

7. Total Quantity Appropriated is:
3.18 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	45E	7	SW NE	IRRIGATION	39
			SE NW	IRRIGATION	40
			NE SW	IRRIGATION	40

NW	SE	IRRIGATION	40
		Section Acres	159
		Total Acres	159

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:

14. Remarks:

THIS LAND HAS RECEIVED WATER THROUGH THE CACHE CANAL SYSTEM FOR SEVERAL DECADES. AT ONE TIME, A RIGHT WAS DECREED IN THE NAME OF THE CACHE CANAL CO AND ASSIGNED A NUMBER 22-641. TO OUR KNOWLEDGE, THE FORMAL ORGANIZATION FOR CACHE CANAL CO HAS BEEN ALLOWED TO BECOME DEFUNCT AND WE WISH TO CLAIM THE PORTION OF THE WATER RIGHT APPURTENANT TO THE ABOVE DESCRIBED REAL PROPERTY OWNED BY THE CLAIMANT. THE CANAL STILL FUNCTIONS AND DELIVERS WATER TO THE LAND.

15. Basis of Claim: Decreed

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 22-13383
Date Received 5-11-05
Receipt Number E030870

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Harold K. Dunn Phone (801)533-9730

Mailing Address 662 N. Saddle Hill Rd., Salt Lake City, UT Zip 84130

2. Date of Priority (Only (1) per claim) October 30, 1901

3. Source of water supply (a) Swamp

which is tributary to (b) Teton River

4.a. Location of existing point of diversion is:
Township 5N Range 45E Section 21, ___ 1/4 of NE 1/4 of NE 1/4, Govt. Lot ____,
County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section ____, ___ 1/4 of ___ 1/4 of ___ 1/4, Govt. Lot ___ B.M., County of _____

ending point is: Township _____ Range _____ Section ____, ___ 1/4 of ___ 1/4 of ___ 1/4 Govt. Lot ___ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Canal known as Cash Canal collects water which rises in the swamp lands and conveys it to the place of use.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/115 amount 3.18 cfs or _____

7. Total quantity claimed (a) 3.18 (cfs) and/or (b) ___ (acre feet)

8. Total consumptive use claimed is ___ acre feet per annum.

RECEIVED
MAY 11 2005
Department of Water Resources
Eastern Region

9. Non-irrigation uses; describe full use. eg. Domestic: Give number of household served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	45E	7			39					40	40					40			159

Total number of acres irrigated 159

11. In which county(ies) are lands listed above as place of use located? Teton

12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
22-406 and 22-407 or None ()

14. Remarks:

This land has received water through the Cash Canal system for several decades. At one time, a right was decreed in the name of the Cash Canal Company and assigned number 22-641. To our knowledge, the formal organization for Cash Canal Company has been allowed to become defunct and we wish to claim the portion of the water right appurtenant to the above described real property owned by claimant. The canal still functions and still delivers water to the land.

15. Basis of Claim (Check one) Beneficial Use Posted Notice Permit Decree X License
If applicable provide IDWR Water Right Number 22-641
Court Ninth District - Fremont County Case Number Decree Date May 28, 1948
Plaintiff vs Defendant Cash Canal Company v. Lynn Crandall

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)  Date 5-4-05
Harold K. Dunn

Last Name Dunn, Harold K. Ident. Number

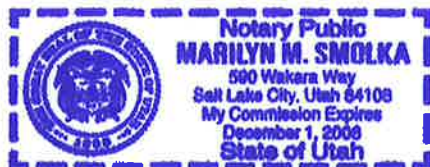
For Organizations: I do solemnly swear or affirm that I am _____ of _____ (Title) _____, that I have signed the foregoing document in the space below as _____ (Organization) _____ of _____ (Title) _____ (Organization) and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of ~~Idaho~~ Utah)
County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 4 day of May, 2005



Notary Public Marilyn M. Smolka
Residing at _____
My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Kent W. Foster
Address 1000 Riverwalk Dr., Ste. 200; PO Box 50130, Idaho Falls, ID 83405-0130
Date 5/10/05