

FILED
MAILED FROM ZIP CODE 83702

RECEIVED
NOV 20 2006
DEPARTMENT OF
WATER RESOURCES

NSOE
WR# 67-4491

UNRECORDED
AT
RECEIVED
ONLY A LITTLE

c/o done
Dunn - new owners
mub 6/12/2007

DON MITCHELL

PAT MITCHELL
RT 1 BOX 254

WEISER ID 83672

ADDRESS SERVICE
REQUESTED

SCANNED
FEB 27 2007

11/14/2006

NOTICE OF ERROR
REPLY

RECEIVED

DEC 07 2006

DEPARTMENT OF
WATER RESOURCES

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: December 8, 2006

Water right number: 67-4491

SUANN E DUNN
1041 COUNTY RD 70
WEISER ID 83672
Telephone Number: (208)549-1914

DAVID BRENT DUNN
1041 COUNTY RD 70
WEISER ID 83672
Telephone Number: (208)549-1914

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:

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

DATE: 12/5/06 SIGNATURE: David Brent Dunn
Please print your name: DAVID BRENT DUNN

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

DEC 08 2006

10/18/2006

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

RIGHT NUMBER: 67-4491

NAME AND ADDRESS: SUANN E DUNN
1041 COUNTY RD 70
WEISER ID 83672

DAVID BRENT DUNN
1041 COUNTY RD 70
WEISER ID 83672

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 01/01/1944

POINT OF DIVERSION:

T11N R06W S26 NESW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.020 CFS
Domestic use is for 1 home, barn, & shop.		

PLACE OF USE: DOMESTIC Within WASHINGTON County

T11N R06W S26 NESW

STOCKWATER same as DOMESTIC

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right 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 - Beneficial Use

Stockwater use is for less than 10 horses.

Parcel #: RP11N06W264820A



Idaho Department of Water Resources

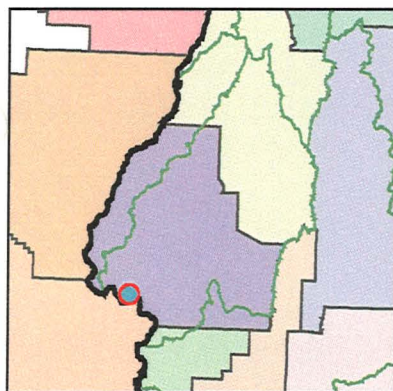
SRBA Recommendation:

67-4491

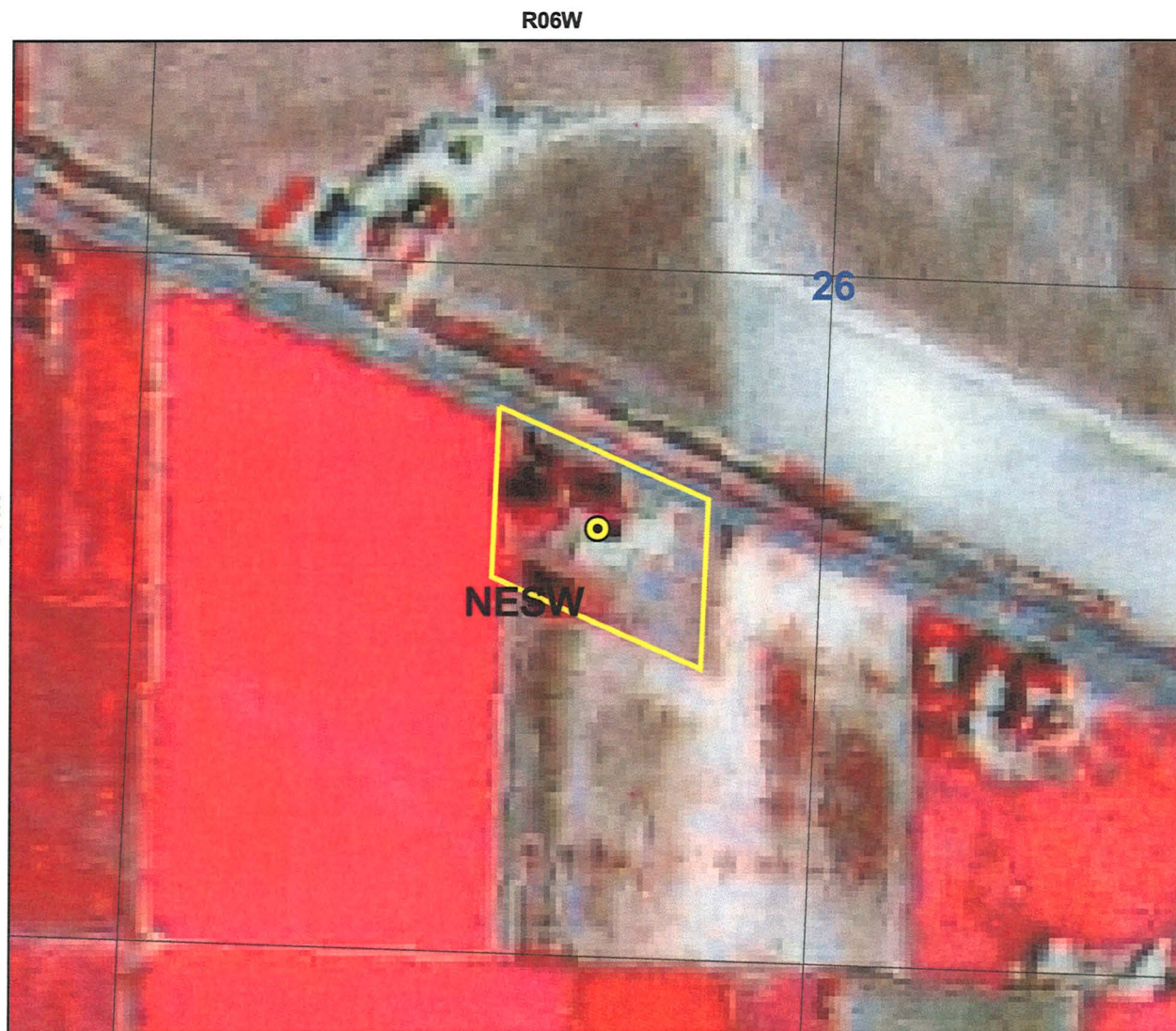
(Domestic)

Legend

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



Washington County
IDWR Basin 67



Prepared by C. Saxton
On Wednesday, October 18, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4491 V1

STOCKWATER same as DOMESTICConditions of Approval:

1. X02 Stockwater use is for less than 10 horses.
2. Parcel #: RP11N06W264820A
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. C18 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.
5. X01 Domestic use is for 1 home, barn, & shop.
6. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Remarks:Comments:

1. csaxton 10/18/2006 Priority

Comment: No EOP was submitted with the claim so the first thing I did was check the back file and did a well log search. I found a well log showing the well was drilled in 1985. The owner at that time was Stovner. Stover also filed the original statutory claim. I cannot recommend a 1985 priority date as it is in violation of the mandatory permit statute. I can recommend D&S as a de minimus use without additional information. Assuming the well was hand dug to provide D&S use in 1944 and the irrigation use did not occur till 1985.

2. csaxton 10/18/2006 Irrigation

Comment: In addition, I found about 0.3 acres of irrigation that looked solid, and we might be able to find 1/2 acre, but it does not look like there is 1 acre of irrigation as claimed anyway.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	10/18/2006 12:45:59 PM	csaxton			Active
Summary			10/18/2006	csaxton	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4491 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/18/2006 12:48:39 PM	csaxton	Updated shape
POU	10/18/2006 12:49:43 PM	csaxton	Updated PLS for Active POU
General	10/18/2006 12:46:28 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Deminimus use - no additional EOP required
POD	10/18/2006 12:48:48 PM	csaxton	Updated PLS
POU	10/18/2006 12:49:35 PM	csaxton	Updated shape for Active POU
Summary	10/18/2006 12:55:21 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

RECEIVED

AUG 27 1985

Department of Water Resources

55 Howard Ave, Apt. 1.

Heiser, Id. 83672

Aug. 24, 1985

Idaho Department of
Water Resources
450 W. State St.

Boise, Idaho 83720

Dear Sir or Madam,

In July Ivan H. Stover and I, Elma E. Stover, sold
3 acres with our residence & buildings, including all water
rights to Don & Pat Mitchell, R1, Box 254 Heiser, Id. 83672.

I would like to transfer the water claim No. 67-4491
to the Mitchells. I have power of attorney for my husband.
If there are papers to be filled out please mail them
to me at the below address.

I thank you for your cooperation,

Yours truly,

Elma E. Stover

55 Howard Ave. Apt. 1.

Heiser, Id. 83672

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Ivan H. Stover and Mr. Elmer E. Stover
(Name of Claimant)

Kessner, Idaho R. 1, Box 224 83672 Telephone No. 1-208-549-1341
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 1944

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

ground water tributary to
(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cls, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>8 to 10 gal per min</u>	<u>(0.02)</u>	Use <u>domestic</u>		Period of Use From <u>Jan 1</u>	To <u>Jan 1</u>
Quantity <u>0.02</u>		Use <u>area irrigated</u>		Period of Use From <u>April 1</u>	To <u>Oct 1</u>
Quantity <u>0.02</u>		Use <u>350 head stock</u>		Period of Use From <u>Nov 1</u>	To <u>April 1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

(4) 0.02 cfs TOTAL QUANTITY USED.
(cls, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SW 1/4, Sec. 26 Twp. 11 N Rge. 6 W B.M., County of Washington
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
35' well with 1/2 H.P. pump pressure pump

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>11 N</u>	<u>6 W</u>	<u>26</u>									X								<u>1</u>

No. of acres 1

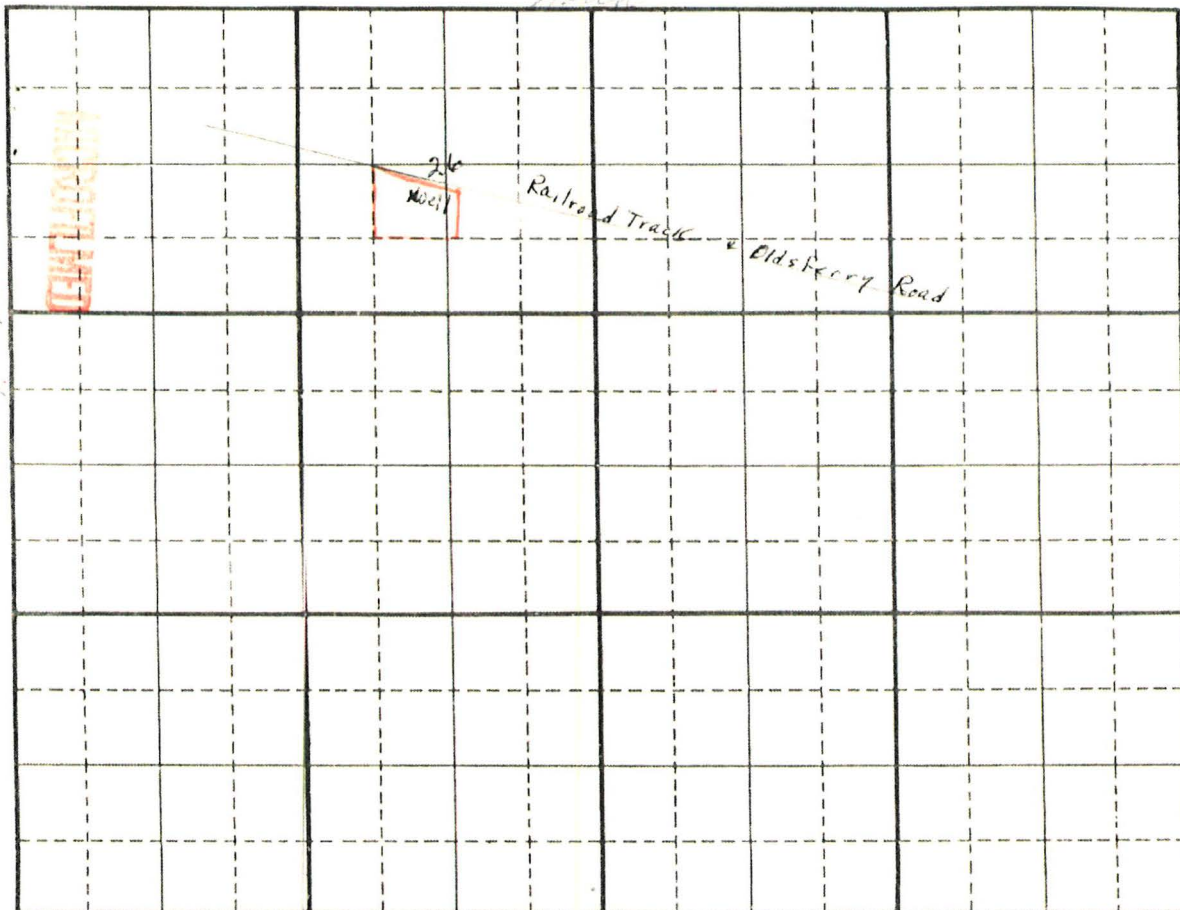
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic use, area irrigated, 350 head commercial cattle during winter months. There are 36 more acres in parcel irrigated by sprinkler under West Ridge Irrigation System & area.

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

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- (8) Remarks Well is located approximately 35 feet southerly of the North property line.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Washington)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 25th day of April, 1983.

Elma E. Stover
(Claimant)

James McDaniel
Notary Public
Residing at Weiser, Idaho

My commission expires 9/1/86

4-27-83 FOR DEPARTMENT USE ONLY
Received by see Date 4/27/83 Exception filed by: _____ Date _____
Prelim. check by see Date 5/3/83 Forwarded to claimant by: _____
\$30.00 fee received by see Date 4/21/83 27961
Published in the Signal
Dates 5-26 & 6-21-83

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 67-4491
Date Received: 10/10/2006
Receipt No: C081853
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SUANN E DUNN Phone: (208)549-1914

1041 COUNTY RD 70
WEISER ID USA 83672

DAVID BRENT DUNN Phone: (208)549-1914

1041 COUNTY RD 70
WEISER ID USA 83672

2. Date of Priority: 01/01/1944

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11N	06W	26	NE SW	WASHINGTON	

5. Description of diverting works:

WELL 35 FEET DEEP WITH 1/2 HP PRESSURE PUMP, 8 INCH CASING, PIPED TO HOUSE,
BARN AND SHOP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/01	0.02	
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.02 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
11N	06W	26	NE	SW	IRRIGATION	1
					Section Acres	1
					Total Acres	1

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

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 67-4491Date Received 8/4/06Receipt Number 081853D. C. 10-10-06

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) David Brent Dunn & Suann E. Dunn Phone (208) 549-1914Mailing Address 1041 County Rd 70 Zip 836722. Date of Priority (Only one (1) per claim) 19443. Source of water supply (a) groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 11N Range 06W Section 26,
_____ 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Washington

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.Well - 35' feet deep - w/1/2 H.P
pressure pump - 8 inch casing - piped to house - BARN -
and Shop -

SCANNED

AUG 07 2006

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1-1 to 12-31 amount .02 or _____

For Stock Water purposes from 1-1 to 12-31 amount .02 or _____

For Irrigation purposes from 4-1 to 10-1 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 HOME HORSES

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>11N</u>	<u>06W</u>	<u>26</u>									<u>1</u>								<u>1</u>

Total number of acres irrigated 1

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

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. _____ or None (X)

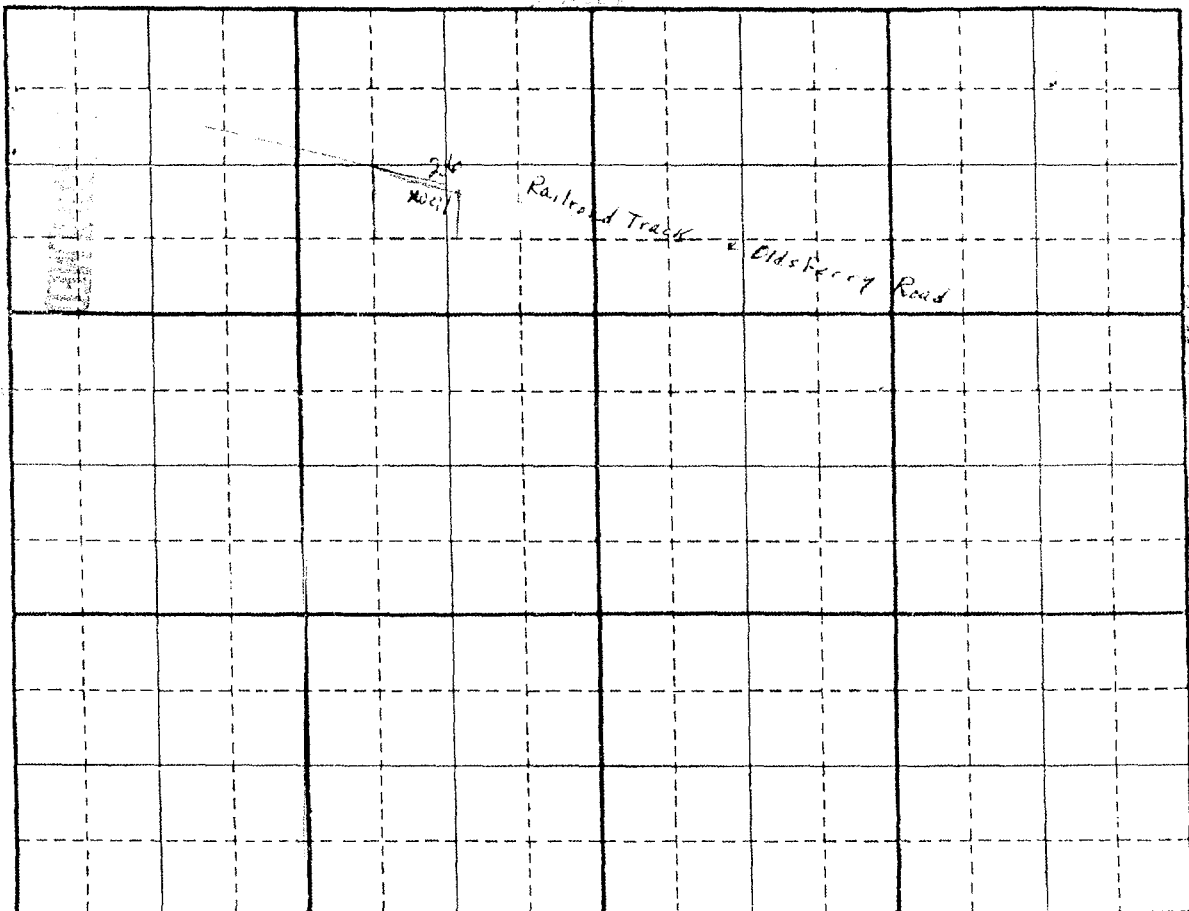
14. Remarks:

Last Name Dunn Ident No. 67-4491

SCANNED

Copies: White -State, Yellow-Claimant
AUG 07 2006

8) Remarks Well is located approximately 35 feet southerly of the North property line.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Washington) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Elma E. Stover
(Claimant)

Sworn to before me this 25th day of April, 1933

Harold McCarroll
Notary Public
Residing at Weiser, Idaho

My commission expires 9/1/86

Received by *see* Date *4/27/83* Exception filed by: Forwarded to: Date:
Prelim. check by *see* Date *4/27/83* claimant by:
\$30.00 fee received by *see* Date *4/27/83*
Published in *the Weiser*
Dates *3-26 & 4/1/83*

SCANNED

AUG 07 2006

Scale: 2 inches equals 1 mile

NORTH

A 16x16 grid of squares, each containing a crosshair pattern of dashed lines. The grid is composed of 16 columns and 16 rows of squares. Each square contains a crosshair pattern formed by two perpendicular dashed lines intersecting at the center. The lines are thin and light gray, contrasting with the white background of the squares. The grid is bounded by a thin black line on the left and bottom, and a thin black line on the top and right.

AUG 07 2006

DUNN

Ident No.

67-4491

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 67-4491
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Shann E. Dunn Date 8-3-06

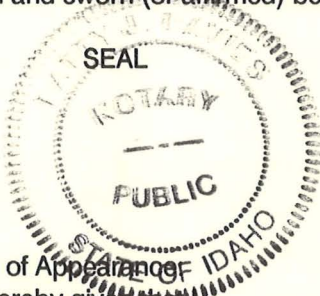
Date _____

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

Signature of Authorized Agent X _____
Title and Organization ✓ _____ Date _____

State of Idaho/or _____)
County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 3rd day of August 2006



Notary Public Patty J. Davis
Residing at Wiser, Idaho
My Commission Expires 10-15-11

Please Print Name

17. Notice of Appearance
Notice is hereby given that _____ 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 _____

Address _____

Date _____

Last Name DUNN Ident. Number 67-4491

SCANNED

AUG 07 2006

Copies White-State, Yellow-Claimant