

12/07/2006

**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: 22-230A

MONROE DUSTIN
726 S 450 W
VICTOR ID 83455
Telephone Number: (208)787-2778

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: Dec. 7-2006 SIGNATURE: Todd Dustin

Please print your name: Todd Dustin

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

SCANNED
JUN 29 2007

mg
12/11

12-7-06

- The Agreement in this file is an agreement between the users of Boguet Creek and Henderson Creek. The Dustins' surrendered all their water to (from) Eunice Williams and Eva Dustin. Eva is Monroe's mother. Later in life Monroe bought that water ~~to~~ and land from his mother and has since changed hands to Monroe's son ~~the~~ Blake.

VB

Called @ 9:10 1-25-06
Left message ^{w/ wife} to call
back. Awaiting
response

Still need evidence of priority.

78 ac. now belongs to several owners, including Monroe Dustin, and all ownerships say it is in c/o M. Dustin. Recommend to Monroe Aled to add all owners to claim as present owners. (No)

22-230A

property now owned by Todd Dustin and wife. Recommend to Monroe?

Sec. 30 not part of WR 22-230A limited to 80 ac. Need enlargement

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JUN 29 2007

443-7410

111
This is a true and correct copy of the original hereon, on file in my office.
Dated Nov 25 19 74

55K 8865
Craw

Wm. J. C. O'Brien
Ex-Officio Auditor & Recorder
Clerk of the District Court
Bonnie S. O'Brien
Deputy Clerk

AGREEMENT

WHEREAS, certain uncertainties and disputes have existed between and among the undersigned with respect to the rights in and to the various creeks and sources of water hereinafter mentioned and described,

AND WHEREAS, some of the undersigned were parties to an action lately pending in the District Court of the Twelfth Judicial District of the State of Iowa entitled VICTOR KUNZ, Plaintiff, vs. James Kunz, et al, Iowa County Case No. 1-58, and the claims of some of the undersigned having been dismissed during the course of the trial of said action and all parties entering into the following agreement hereby release the plaintiffs and defendants,

AND WHEREAS, all of the undersigned desire to, and it was agreed that they should enter into a formal written agreement.

NOW, THEREFORE, in consideration of the premises and of the covenants and agreements hereinafter set forth, the parties do hereby agree as follows:

TO HAVE AND TO HOLD, it is agreed by and between James Kunz and his wife, Elizabeth Kunz and Jessie Kunz, his wife, James Kunz and Vera Jean Kunz, his wife, all parties to the above entitled action, and Eva Kunz, widow, Jessie Kunz, a widow, claimants to the waters of Henderson Creek, hereinafter referred to, and Victor A. Kunz and Emma Kunz, his wife, parties to the above action, and Frank Kunz and Ruby Kunz, his wife, and J. Kunz, a widow, and Jean Kunz, a widow, all claimants to Henderson Creek, as follows:

One. That in consideration of the sum of one thousand dollars, lawful money of the United States, five hundred dollars to be paid to Eva Kunz and five hundred dollars to

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MICROFILMED
NOV 06 1992

Eunice Williams immediately upon the execution hereof, they and James Kunz, Monroe Dustin, Vera Jean Dustin, Eva Dustin, Eunice Williams do hereby forever disclaim, surrender and abandon any and all right, title, claim or interest that each or any of them may have had in and to the waters of Henderson Creek and all irrigation devices used in connection therewith, and in favor of Grant Kunz and Ruby Kunz, husband and wife, and Milford H. Kunz, and agree to execute any and all deeds or other written instruments which may be necessary to the transfer and relinquishment of said rights. Grant Kunz and Milford Kunz shall pay the sum of five hundred dollars, and James Kunz and Ellis Kunz and Monroe Dustin shall pay the other five hundred dollars.

Two. It is recognized, however, that Jean Kunz, a widow, and Milford H. Kunz, a widower, do have a right in and to the waters of Boquet Creek for domestic use for their present two houses, gardens and livestock, which said water is diverted by a two-inch pipe, reducing to a one-inch pipe, and serving the two dwelling houses. It is understood that said right shall not be interfered with by any of the other parties, and the said Jean Kunz and Milford Kunz do hereby agree that they will not in any way or manner interfere upon the right or use as it now exists, nor otherwise interfere with the other parties' use of the waters of Boquet Creek, or make or assert any other or additional right or claim thereto.

Jean Kunz a widow and Milford Kunz, a widower, do hereby forever disclaim, surrender and abandon any and all other right, title, claim or interest that they may have had in and to the waters of Boquet Creek, and James Kunz and Arliegh Kunz, husband and wife, Ellis Kunz and Jennie Kunz, husband and wife, Monroe Dustin and Vera Jean Dustin, husband and wife, Victor A. Kunz and Erma Kunz, husband and wife, Grant Kunz and Ruby Kunz, husband and wife,

*Boquet Creek
domestic use
HOMES
GARDENS
LIVESTOCK*

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NOV 06 1992

do hereby disclaim, surrender and abandon any and all right, title, claim or interest that any of them may have had in and to the waters of Hoquat Creek, in each and every case, in full favor of Eva Dustin, a widow and Eunice Williams, a widow, and said parties further agree to execute and acknowledge any and all deeds or instruments that may be necessary to effect such disclaimer, surrender and abandonment.

Three. That Victor A Kunz and Erna Kunz, husband and wife, in consideration of the premises do hereby forever disclaim and surrender and abandon any and all right, title, claim or interest that they may have had in and to the waters of Grove Creek and Willow Springs Creek, tributaries to each other, and in favor of James Kunz and wife, Ellis Kunz and wife, Monroe Dustin and wife, and agree to execute and acknowledge any and all deeds or instruments that may be necessary to effect such transfer, and in such amounts or quantities or rights to said waters as the said transferees may direct and agree upon.

Four. That the court in the above entitled cause shall forthwith dismiss with prejudice the action of the plaintiff, Victor Kunz, as against James Kunz and his wife, and shall forthwith dismiss with prejudice the complaint in intervention of Ellis Kunz and his wife, and Monroe Dustin and his wife, as against Victor Kunz and Erna Kunz, husband and wife.

Five. The dismissals as to the parties to the above entitled action shall be without the award of costs to either party.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 22nd day of November, 1905.

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James Kunz
James Kunz

Arleigh Kunz
Arleigh Kunz

HUSBAND AND WIFE

Ellis Kunz
Ellis Kunz

Jessie Kunz
Jessie Kunz

HUSBAND AND WIFE

Morris Dunstan
Morris Dunstan

Lera Dunstan
Lera Dunstan

HUSBAND AND WIFE

Eva Dunstan
Eva

A WIDOW

Eunice Williams
Eunice Williams

A WIDOW

Victor A. Kunz
Victor A. Kunz

Erma Kunz
Erma Kunz

HUSBAND AND WIFE

Grant Kunz
Grant Kunz

Ruby Kunz
Ruby Kunz

HUSBAND AND WIFE

Marjorie H. Kunz
Marjorie H. Kunz

A WIDOW

John C. Kunz
John C. Kunz

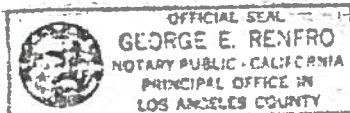
STATE OF CALIFORNIA

County of Los Angeles

On this 31 day of December, 1945, before me, the undersigned, a Notary Public for California, personally appeared VICTOR A. KUNZ and ERMA KUNZ, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)



My Commission Expires OCT. 2, 1947

George E. Renfro
Notary Public for California
Residing at:
My Commission Expires:

SCANNED

JUN 20 2007

MICROFILMED

NOV 16 1997

STATE OF IDAHO)

ss.

County of Teton)

On this 11 day of APRIL, 1966, before me, the undersigned, a Notary Public for Idaho, personally appeared GRANT KUNZ and RUBY KUNZ, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Carrington
Notary Public for Idaho
Residing at: 201 S. 1st St., Boise, Idaho
My Commission Expires: May 1, 1968

Maryland
STATE OF Md.
County of Prince Georges ss.

On this 28th day of April, 1966, before me, the undersigned, a Notary Public for Prince Georges County, State of Maryland, personally appeared ELIZABETH M. HONE, a widow, and JEAN KUNZ, a widow, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Larue B. Wells
Notary Public for Prince Georges County, State of Md.
Residing at: Lanham, Maryland
My Commission Expires: July 1, 1967

SCANNED
JUN 29 2007

MICROFILMED
NOV 06 1992

STATE OF IDAHO)
County of Teton) ss.

On this 7 day of June, 1966, before me, the undersigned, a Notary Public for Idaho, personally appeared JAMES KUNZ and ARLIEGH KUNZ, husband and wife, ELLIE KUNZ and JESSIE KUNZ, husband and wife, MONROE DUSTIN and VERA JEAN DUSTIN, husband and wife, EVA DUSTIN, a widow, and ~~WILLIAM WILLIAMS~~, a widow, known to me to be the persons whose names are subscribed to the within and foregoing Agreement, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Lynn S. Kearney
Notary Public for Idaho
Residing at: Victor Idaho

My Commission Expires: Feb 21, 1967

(SEAL)

STATE OF Idaho
County of Bannock

On this 11th day of May, 1966, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MILFORD N. KUNZ known to me to be the person whose name is subscribed to the within and foregoing Agreement, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

James E. Egan
Notary Public for Idaho
Residing at: Wainwright Idaho
My Commission expires: 2-5-68

(SEAL)

STATE OF IDAHO
STATE OF IDAHO,)
COUNTY OF TETON SS.
County of TETON)

On this 30th day of June, 1966, before me, the under-
signed, a Notary Public in and for said State, personally
appeared EUNICE WILLIAMS, known to me to be the person whose
name is subscribed to the within instrument, and acknowledged to
me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal
the day and year in this certificate first above written.

F. C. Gulitt
F. C. Gulitt

Notary Public for Idaho
Residing at ~~Grass Lake, Oregon~~
VICTOR, IDAHO

My Commission Expires:

July 1, 1968

SCANNED

JUN 29 2007

MICROFILMED

NOV 06 1992

FILMED
INDEXED
PLATED

63933

STATE of IDAHO }
COUNTY of TETON } ss
Filed for Record at the Request of
of W. H. Hatcher
at 3 Minutes past 9
P. M. this 2
day of December 1966
and Microfilm or Recorded in
Book _____
of _____
Records of Teton County
Raymond L. Stone
Recorder
By W. H. Hatcher Deputy
52.50

SCANNED
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MICROFILMED
NOV 06 1992

~~1015~~ 23-0027✓ DeRome, Peter	100 inches. May 23, 1900.	Indian Creek.
~~1015~~ Dewey C. 054✓ Company	1,860 inches. May 15, 1898.	North Fork of Snake River.
~~1015~~ 22 0228✓ Dewey, George A.	160 inches. June 1, 1891.	Fox Creek.
Diamond X Live Stock Company.		(Decreased to Pine Creek, Canal Company.)
Dille, A. C.		North Salem Agricultural & Milling Canal Company. Also, member Roxana Canal Company.
~~1015~~ 1 C55✓ Dilts & LaBelle Ditch Company	1,400 inches. June 1, 1894.	South Fork of Snake River.
~~1015~~ 23 0028✓ Dixon, Charles S.	20 inches. July 1, 1899.	Rainey Creek.
~~1015~~ 23 0029✓ Dixon, Charles S.	30 inches. June 1, 1900.	Rainey Creek.
Downs, John		Enterprise Canal Company.
Downs, Mary		Enterprise Canal Company.
~~1015~~ 22 0229✓ Drake, Fred J.	150 inches. June 1, 1889.	John Creek.
~~1015~~ 22 0230✓ Drake, Lavina	160 inches. June 1, 1890.	Bogus Creek and Drake Creek.
~~1015~~ 22 0231✓ Drake, Richard	160 inches. June 1, 1890.	Fatterson Creek.
~~1015~~ 22 0232✓ Drake, William	10 inches. June 1, 1889.	Mahogany Creek.
~~1015~~ 22 0233✓ Drake, William	150 inches. July 1, 1890.	Mahogany Creek.
~~1015~~ 21 0041✓ Drake, W. F.	400 inches. June 1, 1890.	Fall River. (Sold to J. R. Silkey.)
~~1015~~ 35 0005✓ Bristol, L. A.	210 inches. June 1, 1895.	McTobers Springs and Hull's Slough.
Duncan, Henry		Lego Ditch Company.
~~1015~~ 35 0037✓ 25-0253 Dunham, W. T.	250 inches. June 1, 1884.	Spring Creek.
Dunlap, William H.		(See M. R. Lorry.)
~~1015~~ 22 0234✓ Durney, P. S.	15 inches. June 1, 1890.	Trail Creek.
~~1015~~ 22 0030 22-0605 22-0611✓ Durney, P. S.	60 inches. May 15, 1895.	Little Farm Creek.
Dwyer, Mrs M. F.		The Farmers' Friend Canal Company.
~~1015~~ 22 0235 Trans. Eames, John S. #222	25 inches. July 15, 1896.	Teton River.

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Drake, Fred J.

$\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 7, W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 8, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7, T. 3 N., R. 45 E., B. M., containing 200 acres.

Drake, Lavina

N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 31, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 30, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 29, T., 4 N., R. 45 E., B. M., containing 160 acres.

Drake, Richard

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 32, S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 31, T. 4 N., R. 45 E. B. M., containing 160 acres.

Drake, William

SE $\frac{1}{4}$ of SE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, T. 4 N., R. 44 E., B. M. *containing 160 acres*

Drake, W. P.

N $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and Lot 4, Sec. 13, T. 8 N., R. 41 E., B. M., containing 153 acres.

Driscoll, M. A.

Lots 1 and 2 and SE $\frac{1}{4}$ of Sec. 4, T. 5 S., R. 32 E., B. M., and S $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 8, T. 5 S., R. 32 E., B. M.

Dudley, Brigham

NE $\frac{1}{4}$ of Sec. 35, T. 4 N., R. 45 E., B. M., containing 160 acres.

Dunham, W. W.

NE $\frac{1}{4}$ of Sec. 25, T. 5 N., R. 37 E., B. M., containing 160 acres.

Dunlap, William H.

NW $\frac{1}{4}$ of Sec. 17, NE $\frac{1}{4}$ of Sec. 18, E $\frac{1}{2}$ of NW $\frac{1}{4}$ and Lots 1, 2, 3 and 4, of Sec. 18, SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and Lot 4 of Sec. 7 T. 8 N., R. 45 E., B. M. Also S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 13, T. 8 N., R. 44 E., B. M.

Durney, P. S.

W $\frac{1}{2}$ of NW $\frac{1}{4}$ (excepting 6.7 acres) of Sec. 23, T. 3 N., R. 43 E., B. M.

E.

Eames, John S.

N $\frac{1}{2}$ of Sec. 22, T. 6 N., R. 40 E., B. M., containing 160 acres.

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- 1-25-06 called left message with wife awaiting response.
- 3-8-06 called no answer. Needs enlargement
- 4-10-06 No response. Will recommend without enlargement and limit right to the NW 1/4 of NE of sec 31.

11-28-06

- agreement states that Dustin disclaims water from Bogue creek.
- Ernie said to disallow and if he comes forward with evidence for 1965 when the agreement was signed or later we can change it.

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~~1-0157~~ 23-0027✓ DeRome, Peter	100 inches. May 23, 1900.	Indian Creek.
~~1-0157~~ Dewey Canal Company 1-054✓ Company	1,860 inches. May 15, 1898.	North Fork of Snake River.
~~1-0157~~ 22-0228✓ Dewey, George A.	160 inches. June 1, 1891.	Fox Creek.
Diamond X Live Stock Company.		(Deceased to Pine Creek, Canal Company.)
Dille, A. C.		North Salem Agricultural & Milling Canal Company. Also, member Roxana Canal Company.
~~1-0157~~ 1-055✓ Dilts & LaBelle Ditch Company	1,400 inches. June 1, 1894.	South Fork of Snake River.
~~1-0157~~ 23-0028✓ Dixon, Charles S.	20 inches. July 1, 1899.	Rainey Creek.
~~1-0157~~ 23-0029✓ Dixon, Charles S.	30 inches. June 1, 1900.	Rainey Creek.
Downs, John		Enterprise Canal Company.
Downs, Mary		Enterprise Canal Company.
~~1-0157~~ 22-0229✓ Drake, Fred J.	150 inches. June 1, 1889.	John Creek.
~~1-0157~~ 22-0230✓ Drake, Irving	160 inches. June 1, 1890.	Bogue Creek and Drake Creek.
~~1-0157~~ 22-0231✓ Drake, Richard	160 inches. June 1, 1890.	Fatterson Creek.
~~1-0157~~ 22-0232✓ Drake, William	10 inches. June 1, 1889.	Mahogany Creek.
~~1-0157~~ 22-0233✓ Drake, William	150 inches. July 1, 1890.	Mahogany Creek.
~~1-0157~~ 21-0041✓ Drake, W. R.	400 inches. June 1, 1890.	Fall River. (Sold to J. R. Silkey.)
~~1-0157~~ 35-0005✓ Driscoll, E. A.	210 inches. June 1, 1895.	McTeach's Springs and Hull's Slough.
Duncan, Henry		Deigo Ditch Company.
~~1-0157~~ 35-0037✓ 25-0233 Dunham, W. R.	250 inches. June 1, 1884.	Spring Creek.
Dunlap, William H.		(See H. R. Perry.)
~~1-0157~~ 22-0234✓ Durney, P. S.	15 inches. June 1, 1890.	Trail Creek.
~~1-0157~~ 22-0235✓ 22-0611 Durney, P. S.	60 inches. May 15, 1895.	Little Farm Creek.
Dwyer, Mrs M. F.		The Farmers' Friend Canal Company.
~~1-0222~~ 22-0235✓ Trans. #2722 Eames, John S.	25 inches. July 15, 1896.	Teton River.

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Drake, Fred J.

E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 7, W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 8, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7, T. 3 N., R. 45 E., B. M., containing 200 acres.

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Drake, Richard

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Drake, William

SE $\frac{1}{4}$ of SE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, T. 4 N., R. 44 E., B. M. *Containing 160 acres*

Drake, W. P.

N $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and Lot 4, Sec. 13, T. 8 N., R. 41 E., B. M., containing 153 acres.

Driscoll, M. A.

Lots 1 and 2 and SE $\frac{1}{4}$ of Sec. 4, T. 5 S., R. 32 E., B. M., and S $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 8, T. 5 S., R. 32 E., B. M.

Dudley, Brigham

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Dunham, W. W.

NE $\frac{1}{4}$ of Sec. 25, T. 5 N., R. 37 E., B. M., containing 160 acres.

Dunlap, William H.

NW $\frac{1}{4}$ of Sec. 17, NE $\frac{1}{4}$ of Sec. 18, E $\frac{1}{2}$ of NW $\frac{1}{4}$ and Lots 1, 2, 3 and 4, of Sec. 18, SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and Lot 4 of Sec. 7 T. 8 N., R. 45 E., B. M. Also S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 13, T. 8 N., R. 44 E., B. M.

Durney, P. S.

W $\frac{1}{2}$ of NW $\frac{1}{4}$ (excepting 6.7 acres) of Sec. 23, T. 3 N., R. 43 E., B. M.

E.

Eames, John S.

NE $\frac{1}{4}$ of Sec. 22, T. 6 N., R. 40 E., B. M., containing 160 acres.

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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? A 22-00230
 Transfers Pending or approved: YES. Chang of POU.

Document how the POD and Source were verified:

point of Diversion. IS Bogart Creek +
Drake Creek. There ARE 2 STREAMS THAT
come Together AT pod. But. G.S. MAP
Shows A Bogart Creek But no Drake Creek
So Drake Creek must Be A local. NAME.
For The Stream

Reviewer: _____ Date: _____

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Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

THEIR IS A TRANSFER CONNECTED WITH
CLAIM. + ADD. THE CLAIM IS FOR SW-SE
SEC. 30, NE-NE & NW-NE SEC. 31. FULL 8 AC.

THE TRANSFER HAS NE NE - NW NE SEC. 31 SE SE
SEC 30 SW SW SEC. 29 TRANSFER # 2689
37 ACRES IN SEC. 29 WILL BECOME DRY LAND PAST
USE.

Reviewer: NICK. Date: _____

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12	Nave, Martin L.; June 1, 1886; Spring Creek	8,000
12	Nave, Martin L.; June 1, 1886; Moody Creek	300
	To be reduced to 25 inches after June 20th of each year	50
12	Nave, Martin L.; June 1, 1886; Teton River	25
12	Breckenridge, David; June 1, 1887; North Leigh Creek; also Swamp Creek for a late right	25
12	Borrowman, John; June 1, 1887; Wood Creek and Springs	260
12	Jeppson, Hans J.; June 1, 1887; Bigler Slough	60
15	Hegsted, Victor; Sept. 1, 1887; Horse Shoe Creek	80
19	Hegsted, Victor; June 1, 1888; Horse Shoe Creek	30
19	North Salem Agricultural & Milling Canal Co.; Teton River	290
	As a high water right until July 1st of each year	1,325
18	Walters, William; June 1, 1888; Teton River. (Stewart & Walters Ditch.) Joint appropriation with Mons H. Anderson	168
49	William S.; June 1, 1888; Twin Creeks	200
56	Immansee, Charles H.; Mar. 15, 1889; Moody Creek To be reduced to 80 inches after June 20th of each year	160
57	Curtis, Owen; Apr. 1, 1889; Trail Creek	80
57	Lille, Zina W.; Apr. 1, 1889; South Leigh Creek	160
58	Hill, William; Apr. 5, 1889; Pack Saddle Creek	120
62	Mortensen, Christian; May 1, 1889; Teton River. (Through the Nelson-Jacobs Ditch)	280
63	Bates, Thomas; May 3, 1889; Mahogany Creek	112
67	Beezley, Ebenezer, and J.; June 1, 1889; Fox Creek	140
67	Drake, Fred J.; June 1, 1889; John Creek	80
67	Blanchard, John; June 1, 1889; Warm Creek	150
67	Bowles, H. C.; June 1, 1889; Spring Creek	40
67	Drake, William; June 1, 1889; Mahogany Creek	140
67	Lund, William P.; June 1, 1889; Mahogany Creek	10
67	Hubbard, Frank, and wife; June 1, 1889; North Leigh Creek	160
67	Swanner, Samuel; June 1, 1889; South Leigh Creek	150
67	Walton, D. O.; June 1, 1889; Darby Creek	40
67	Jones, Benjamin; June 1, 1889; Trail Creek	20
69	McPherson, Abner; June 10, 1889; North Leigh Creek	20
71	Parsons, F. W.; June 15, 1889; Trail Creek	160
74	Wicks, George M.; July 5, 1889; Trail Creek	95
74	Wicks, George M.; July 15, 1889; Fox Creek	55
76	Musley, Mary E.; Sept. 1, 1889; Warm Creek, Spring Creek and Deep Creek	80
78	Woodmansee-Johnson Ditch; Oct. 1, 1889; Teton River	620
78	Rexburg Milling Co.; Oct. 1, 1889; Teton River. (Woodmansee-Johnson Ditch.) For power purposes only, and subject to rights of users for agricultural purposes of water through same ditch	3,000
79	Teton Irrigation & Manufacturing Co.; Oct. 2, 1889; Teton River. (To be diverted at the Bird headgate near the Teton Mill)	500
82	Kirsley, Mary E.; Apr. 1, 1890; Warm Creek; Spring Creek and Deep Creek	80
82	Sinclair, D. R., Adminr. Estate of Fred Sinclair (deceased); April 1, 1890; Trail Creek	115
82	Wolf Ditch Co.; Apr. 1, 1890; Teton River	2,335
82	Robertson, A. I.; Apr. 1, 1890; Trail Creek	87

82	Rice, Ed; Apr. 1, 1890; Trail Creek	160
82	Curtis, Nahum; Apr. 1, 1890; Trail Creek	160
82	Blanchard, John; Apr. 1, 1890; Trail Creek	120
82	Eynon, John; Apr. 1, 1890; Trail Creek	80
85	Paul, John; June 1, 1890; Springs on land	15
85	Paul, William H.; June 1, 1890; Little Springs and Deep Creek	60
85	Jenkins, William; June 1, 1890; Fox Creek	80
85	Kimball, R. C., and A. L.; June 1, 1890; Fox Creek	110
85	Lawson, B. G.; June 1, 1890; Spring Creek	240
85	Murphy, G. M.; June 1, 1890; Darby Creek	240
85	Smith, C. M.; Jan. 1, 1890; Darby Creek	150
85	Walton, D. O.; June 1, 1890; Darby Creek	160
85	Shaw, O. W.; June 1, 1890; North Leigh Creek or Spring Creek	140
85	Yearsley, H. C.; June 1, 1890; Spring Creek	135
85	Drake, Richard; June 1, 1890; Patterson Creek	240
85	Chelsey, John P.; June 1, 1890; Paul Spring Creek, Grove Creek, Deep Creek and Little Spring Creek	160
85	Byrne, Michael; June 1, 1890; Fox Creek	85
85	Buxton, Mary A.; June 1, 1890; Sloughs from Twin Creeks	100
85	Beezley, Ebenezer, and J.; June 1, 1890; Fox Creek	80
85	Andrews, L. W.; June 1, 1890; Grove Creek	120
85	Durney, P. S.; June 1, 1900; Trail Creek	15
85	Foote, Arthur L.; June 1, 1890; Mahogany Creek	145
85	Ferguson, John; June 1, 1890; Grove Creek and Willow Spring Creek	100
85	Eames, William; June 1, 1890; Spring Creek	240
85	Edelston, E. B.; June 1, 1890; Leigh Creek	155
85	Drake, Lavina; June 1, 1890; Boquat Creek and Drake Creek	160
88	Drake, William; July 1, 1890; Mahogany Creek	160
90	Tonks, William H.; July 15, 1890; Trail Creek	135
92	Curtis, Clarissa A.; Sept. 1, 1890; Trail Creek	160
96	Rice, A. L.; Jan. 1, 1891; Patterson Creek	160
98	O'Brien, James A.; June 1, 1891; North Leigh Creek	100
98	Siddoway-Briggs Co.; June 1, 1891; Teton River. (For power purposes)	2,600
98	Sinclair, D. R.; Adminr. Estate of Fred Sinclair (deceased); June 1, 1891; Eynon Ditch	20
98	Smith, Ellington; June 1, 1891; Spring Creek, Darby Creek and Grandall Springs	100
98	Shaw, L. C.; June 1, 1891; Ragler Creek and water from springs on T. A. Phillips' land	200
98	Swanner, Samuel; June 1, 1891; South Leigh Creek	120
98	Hubbard, Susan; June 1, 1891; North Leigh Creek and Middle Leigh Creek	150
98	Harrop, Samuel; June 1, 1891; Leigh Creek	200
98	Hill, Mary Ann; June 1, 1891; Pack Saddle Creek	200
98	Clark & Houghton; June 1, 1891; Teton River	160
98	Dewey, George A.; June 1, 1891; Fox Creek	160
98	Barney, Walter; June 1, 1891; South Leigh Creek	160
98	Bowles, Sarah; June 1, 1891; Spring Creek	100
98	Blamires, Robert, and C. J. Burton, W. S. Burton and Thomas H. Phillips; June 1, 1891; Badger Creek and springs on land of T. A. Phillips	640
98	Edlefson, Noah C.; June 1, 1891; Leigh Creek	40
100	Siddoway Irrigation & Manufacturing Co.; July 1, 1891; Teton River	300

JUN 29 2007

Water Right No(s).

A 22-00230A



GPS DATA:

Tag # A0009569 Location: Electrical Box

Diversion Data:

Source: Bougher Creek Trib to: Teton River

MOTOR

Make: Century Model: NA Hp: 40
SN: 64160 B

PUMP

Make: _____ Model: _____ Disch: 6" intake line
SN: _____ 10" main line

NOTES:

pump is NOT BEING USED & HAS NOT
BEEN FOR SOME TIME.

Field Exam Date: 12-1-04 Agent: Nick Olson

BRANIFF

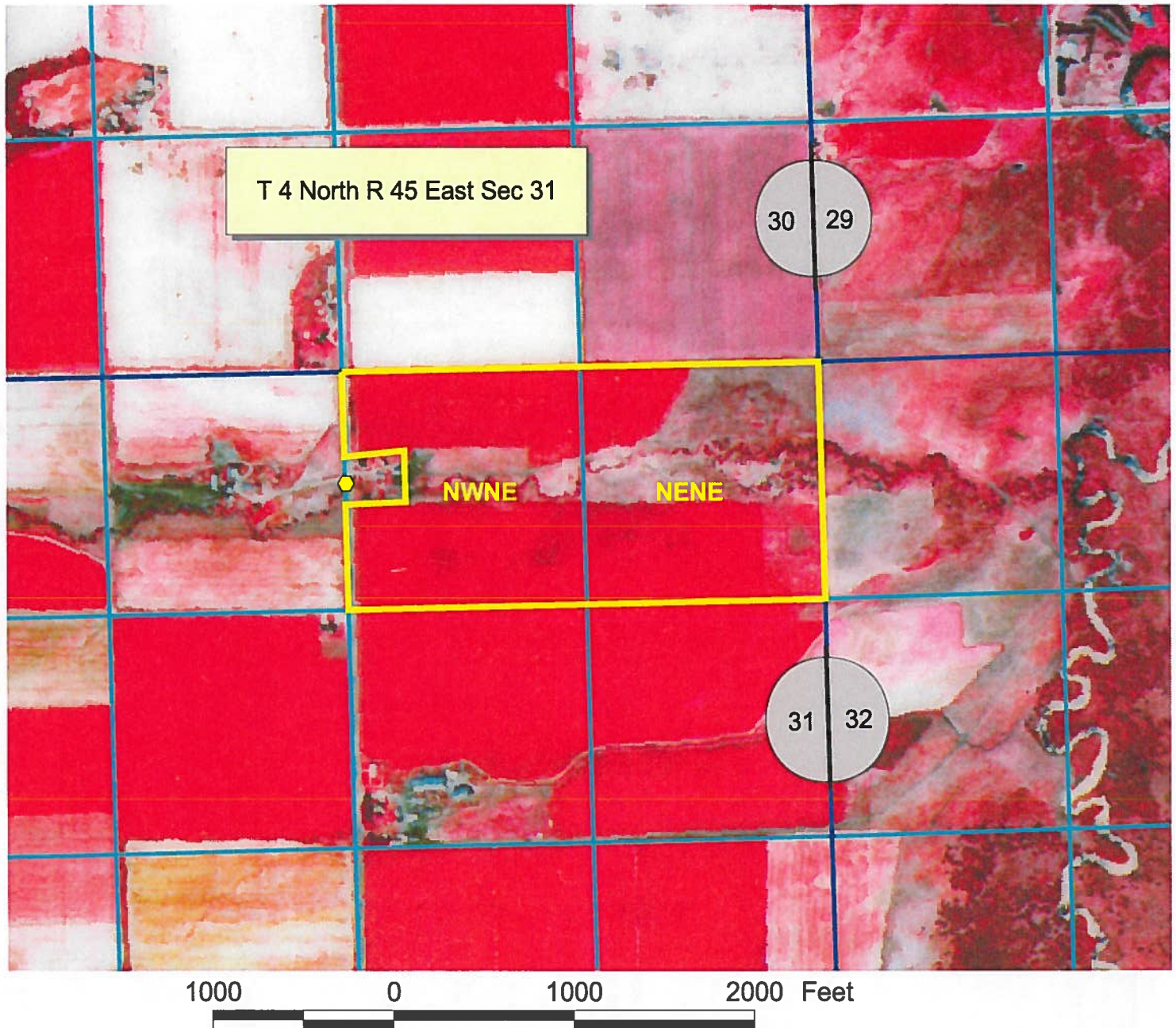
JUN 20 2007



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 22-230A



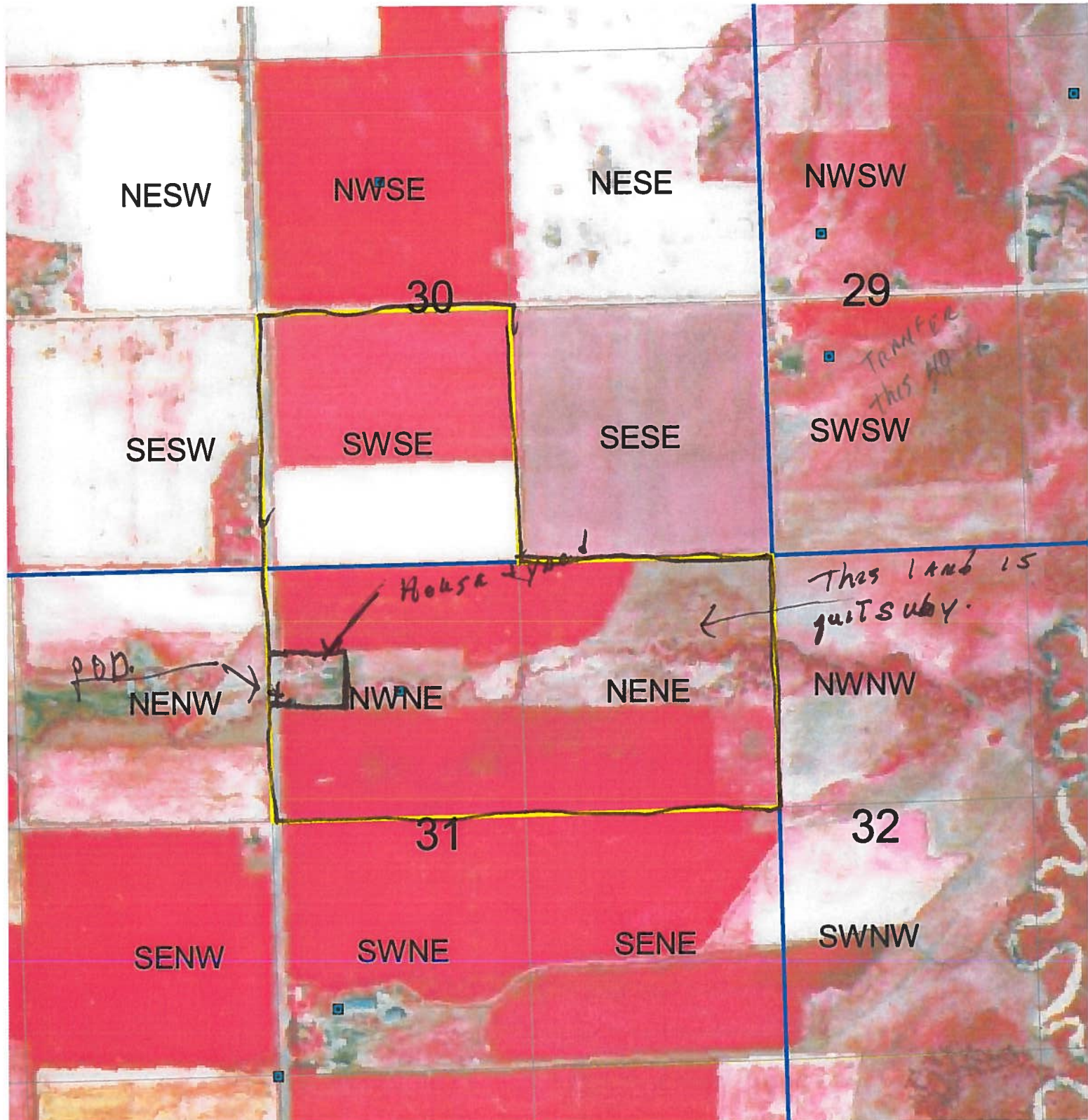
- Place of Use
- Points Of Diversion
- Sections
- Quarter Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: April 2006

SCANNED
JUN 29 2007



22-230A



SCANNED
JUN 29 2007



Idaho Department of Water Resources

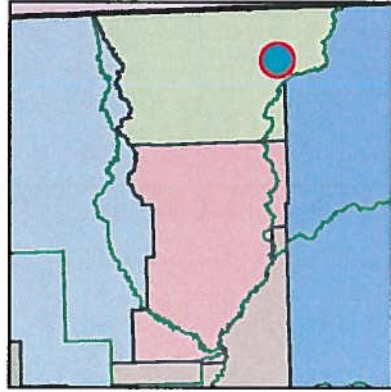
SRBA Recommendation:

22-230A

(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Thursday, December 7, 2006
1987/88 Aerial Photography

2168

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: A22-00230A
Date Received: 9/07/1988
Receipt No: 6003702
Received By: _____

RECEIVED

OCT 7 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MONROE DUSTIN
Address: 726 S. 450 W.
VICTOR, ID

208-787-2778

83455

2. Date of Priority: JUN 01, 1890

3. Source: BOQUET CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	45E	31	NW	NE			TETON

5. Description of diverting works:
ELECTRIC PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	12/01	1.600		

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

8. Total consumptive use is 236.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	30	SW	SE		IRR	39.0
Section Acres							39.0

A22-00230A

Page 1

Date: 09/07/88

SCANNED
JUN 29 2007
MICROFILMED
NOV 04 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	31	NE	NE		IRR	40.0
			NW	NE		IRR	39.0
Section Acres							79.0
Total Acres							118.0

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:
NONE

14. Remarks:
RT. 22-0230 LESS TRANS. #2689.

15. Basis of Claim: DECREED
Water Right Number: 220230
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 _____ 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): Norman Justin Jr Date: Sept. 27, 1988
Date: _____

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of September 19 88

Ardis A. Ricks
Notary Public

Seal

Residing at Driggs, Idaho
My Commission Expires 12-2-91

AZC-00230A

P.D.

NOT TO SCALE

SCANNED

JUN 29 2007

MICROFILMED

NOV 04 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-230A

WATER RIGHT NUMBER: 22-230A

Owner Type Name and Address

Current Owner LAVINA DRAKE

, ZZ

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

Source

BOQUET CREEK
DRAKE CREEK

Tributary

TETON RIVER
TETON RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

1.600 CFS

Annual Volume

Total Diversion:

1.600 CFS

Location of Point(s) of Diversion

BOQUET CREEK

DRAKE CREEK

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
04N	45E	31	X	X															

Conditions of Approval:

1. RT. 22-0230 LESS TRANS. #2689.

Remarks:

Comments:

04/10/2006

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

RIGHT NUMBER: 22-230A

NAME AND ADDRESS: MONROE DUSTIN
726 S 450 W
VICTOR ID 83455

SOURCE: BOQUET CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.560 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:
T04N R45E S31 NWNE Within TETON County

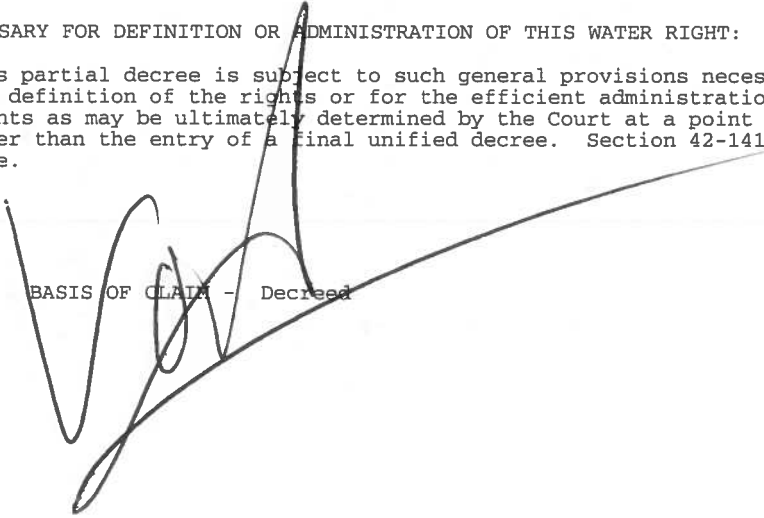
PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.560 CFS
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		
	T04N R45E S31 NENE 40.00	T04N R45E S31 NWNE	38.00
	78 ACRES TOTAL		

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



11/28/2006

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

RIGHT NUMBER: 22-230A
NAME AND ADDRESS: MONROE DUSTIN
726 S 450 W
VICTOR ID 83455

Disallowed

SOURCE: BOQUET CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.560 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:
T04N R45E S31 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	1.560 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R45E S31	NENE 40.00	T04N R45E S31 NWNE 38.00
	78 ACRES TOTAL		

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

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

12/07/2006

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

RIGHT NUMBER: 22-230A

NAME AND ADDRESS: MONROE DUSTIN
726 S 450 W
VICTOR ID 83455

SOURCE: BOQUET CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.560 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:
T04N R45E S31 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	1.560 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R45E S31 NENE 40.00	T04N R45E S31 NWNE 38.00	
	78 ACRES TOTAL		

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