

12/07/2006

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

RIGHT NUMBER: 22-11506

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

SOURCE: GROVE CREEK TRIBUTARY: TETON RIVER

QUANTITY: 0.800 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T03N R45E S6 SESWSW Lot 7 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	0.800 CFS

PLACE OF USE: IRRIGATION in TETON County

T03N R45E S06	NENW	39.00	T03N R45E S06	SENW	39.00
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78 ACRES TOTAL

Right Nos. 22-11504 and 22-11506 are limited to the irrigation of a combined total of 78 acres in a single irrigation season.

This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.

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 the Grove Creek Pipeline.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

01/24/2006

**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: 22-11506
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. 7-06

SIGNATURE: Monroe Dustin

Please print your name: _____

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

December 19, 2005

Monroe Dustin
726 S 450 W
Victor ID 83455

FINAL NOTICE

PLEASE READ

No Response as of
Jan 24, 2006.
Disallow

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11506

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. 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 JUNE 01, 1890, from Grove Creek. Claimed as an enlargement of Decreed Water Right 22-00154.

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 which are acceptable 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**". **PLEASE READ THE ENCLOSED PAMPHLET.**

Claim no. _____

Claimant Contact Log

Date

Remarks

Agent initials

10/6/04 was shown around, by
DO Monroe Dustin - visited w/ him
about this claim.

12/19/05 This claims to be an ENLARGEMENT of 22-154
WHICH IS TOTALLY CLAIMED BY TETON RAINBOW RANCH
Q's: How can this be an ENLARGEMENT of a DEED?
Right M. DUSTIN APPARENTLY DOES NOT OWN?

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: _____ Phone No.: _____

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.

This claim is an expansion of Decreted Right # 22-00154 which has a June 1 1898 priority but they have claimed a June 1 1899 priority. However 22-00154 has been totally claimed by Teton Rainbow Ranches this claim has some problems.

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: JUNE 1 1898 Water Right Basis: DACEEDClaimed Priority Date: JUNE 1 1890 Claimed Basis: DACEED

Recommended Priority Date: _____ Recommended Basis: _____

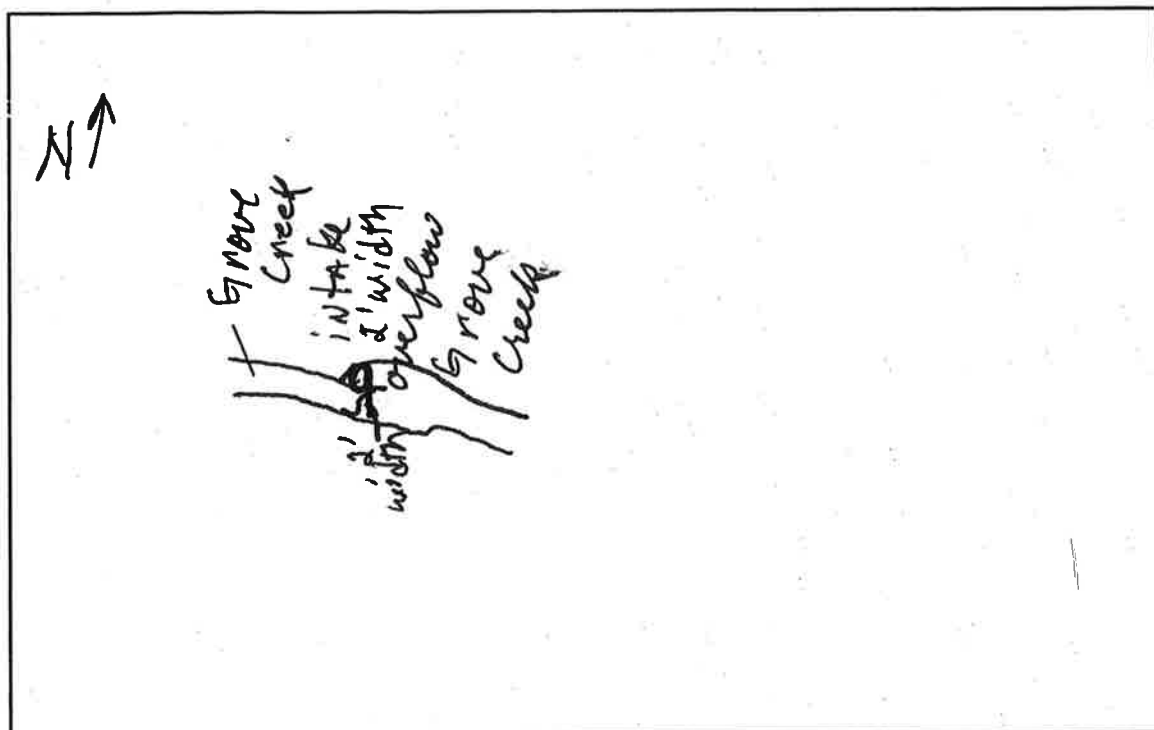
Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

P.D. Do not match, NEED MORE
Investigation why priority ARE DIFFERENT

Reviewer: _____

Date: _____

Water Right No(s). _____



GPS DATA:

Tag # ADP13894 Location: wing wall of headgate

Diversion Data:

Source: Grove Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Gravity flow pipeline system - small headgate
check dam and intake box

Field Exam Date: 10/6/04 Agent: DD

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:

10/6/04
SD
Field exam showed headgate - check dam and intake box on Grove Creek. This system is gravity flow. Mainline carries the water approx 1-mile to POD.

Reviewer: _____ Date: _____

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:10/6/04
DO

Field exam shows that POU is irrigated with wheel lines and hand lines,

roads, sheds, house and granaries to take out several acres.

This claim is supplemented by claim A 2211504.

Reviewer: _____ Date: _____

MAILED 4/28/04

April 27, 2004

MONROE DUSTIN
726 S 450 W
VICTOR ID 83455

**IMPORTANT NOTICE:
PLEASE READ**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11506

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. 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 JUNE 1, 1890, from TETON RIVER. Claimed as an enlargement of 22-00154.

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 which are acceptable 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**". **PLEASE READ THE ENCLOSED PAMPHLET.**

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. **Please review the contact name, mailing address and telephone number for correct data.**

10/6/04 DD



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 22-11506
Date Received: 11/1/1988
Receipt No: E003702
Received By:

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

1. Name of Claimant(s)

MONROE DUSTIN Phone: (208)787-2778

726 S 450 W
VICTOR ID USA 83455

2. Date of Priority: 06/01/1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	45E	6	SW SW	TETON	

5. Description of diverting works:

HEADBOX AND PIPELINE TO SPRINKLER LINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.8	

7. Total Quantity Appropriated is:
0.8 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
03N	45E	6	NE	NW	IRRIGATION	39
			SE	NW	IRRIGATION	39
					Section Acres	78
					Total Acres	78

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 CLAIM IS for 1/4 of A22-00154.

15. Basis of Claim: Decreed

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): Monroe Huston Jr Date:
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 7 of December 2006



Ernest M Carlson
Notary Public
Residing at Idaho Falls
My commission Expires 8-21-2009.

01/24/2006

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

RIGHT NUMBER: 22-11506
NAME AND ADDRESS: MONROE DUSTIN
726 S 450 W
VICTOR ID 83455

DISALLOWED

SOURCE: GROVE CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.420 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION: T03N R45E S6 SWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/15 10/15

0.420 CFS

PLACE OF USE: IRRIGATION Within TETON County

T03N R45E S06

NENW

39.00

T03N R45E S06

SENW

39.00

78 ACRES TOTAL

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

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: A22-11506
Date Received: 9/07/1988
Receipt No: 6003702
Received By: _____

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 208-787-2778
Address: 726 S. 450 W.
VICTOR, ID 83455

2. Date of Priority: JUN 01, 1890

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	45E	6	SW	SW			TETON

5. Description of diverting works:
HEADBOX AND PIPELINE TO SPRINKLER LINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.420		

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

8. Total consumptive use is 156.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	45E	6	NE	NW		IRR	39.0
			SE	NW		IRR	39.0

Section Acres 78.0

A2211506



10. Place of Use: Continued

Total Acres 78.0

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:
A22-11504

14. Remarks:

THIS CLAIM IS EXPANSION OF A22-00154 WHICH WAS CLAIMED IN ITS
ENTIRETY BY TETON RAINBOW RANCH.

15. Basis of Claim: DECREED
Water Right Number: 220154
Case Number:
Court : FIFTH
Decree date: 12/16/1910

REXBURG IRRIG. CO.
Decree Plaintiff

vs

TETON IRRIG. 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): *Norma Hastings* 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
Nelda A. Ruck
Notary Public

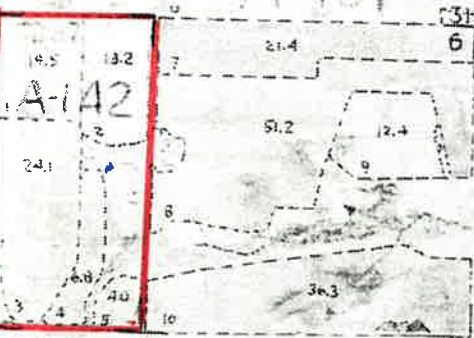
Seal

Residing at *Arco, Idaho*
My Commission Expires 12-2-91

A22-11506

R45E

T3N



NOT TO SCALE

MICROFILMED
NOV 6 1992