

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-13961 V1

WATER RIGHT NUMBER: 22-13961 V1

Owner Type Name and Address
 Current Owner CEDRON IRRIGATION CORP
 C/O TODD DUSTIN
 609 S 450 W

 VICTOR, ID 83455
 (208)354-2506

Priority Date: 10/03/1966

Basis: License

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	4.380 CFS	1,125.40 AF
	<u>Total Diversion:</u>	4.380 CFS	1,125.40 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4NW1/4 Sec. 19, Twp 04N, Rge 45E, B.M.
 TETON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	45E	18							40.0		40.0	40.0			40.0	40.0	40.0		240.0
									L 2				L 3						
04N	45E	19			40.0	40.0		40.0						33.0					153.0

Total Acres: 393

Conditions of Approval:

1. 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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 393 acres in a single irrigation season. Combined Right Nos.: 22-13961 and 22-13963.
3. X61 The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-13961 V1

4. E51 Right Nos. 22-13961 and 22-13963 are limited to a total combined diversion rate of 4.38 cfs.
5. X27 This right is limited to the irrigation of 321.5 acres within the place of use described above in a single irrigation season.
6. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. This right is a split from former right 22-13167 .

Remarks:Comments:

1. j barg 9/3/2009 Change of Ownership
Comment: Split from Water Right 22-13167

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:
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 3, 2009

Victor Cedron Cemetery District
PO Box 192
Victor ID 83455

RE: Notice of Change of Water Right Ownership (NCO) for
22-13167 (Split into 22-13961 and 22-13962) and 22-13169 (Split into 22-13963
and 22-13964) and Notice of Completed Administrative Proceeding (NCAP)

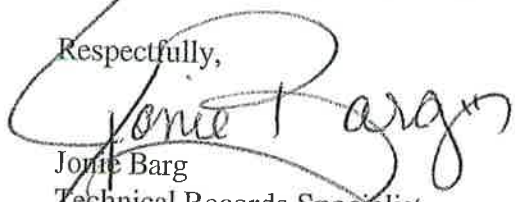
Dear SIR/MADAM:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Technical Records Specialist

Enclosure

cc: Cedron Irrigaion Corp
Harvey Walker

SCANNED

SEP 04 2009

22-13961
RECEIVED

JUL 10 2009

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP*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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
ADJ 22-13167	Cedron Irrigation Corp				
ADJ 22-13169	Cedron Irrigation Corp				

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **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)

Monroe Dustin
Sadd Dist President Vicki Cedron Cemetery

4. New Owner/Claimant(s)

Victor-Cedron Cemetery Dist.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO Box 192
Victor ID 83455

City, State and ZIP Code

New Telephone Number

() Email: **SCANNED**

SEP 14 2009

5. Date you acquired the property

8-9-2002

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Carl D. L. President Victor/Redion Cemetery
(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Receipted by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

SCANNED

SEP 14 2000

RECEIVED

AUG 09 2002

TETON CO., ID
CLERK RECORDER

149639

Instrument # 149639

DRIGGS, TETON, IDAHO

2002-08-09

04:06:18 No. of Pages: 2

Recorded for : MONROE DUSTIN JR

NOLAN G. BOYLE

Fee: 6.00

Ex-Officio Recorder Deputy *Hayle Shessler*

Index to: DEED, WARRANTY

WARRANTY DEED

Warranty deed made this 9th day of August, 2002, between **MONROE DUSTIN JR.** and **VERA JEAN DUSTIN** of 726 South 450 West, Victor, Idaho 83455 referred to as Grantors, and the **VICTOR-CEDRON CEMETERY DISTRICT** of P.O. Bx. 192, Victor, Idaho 83455 referred to as Grantee.

Grantors in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and does hereby grant, bargain, sell and convey, and confirm unto Grantee and its heirs and assigns forever, all the following described real estate situated in Teton County, Idaho:

A part of the Southeast quarter Northwest quarter of Section 19, Township 4 North, Range 45 E., B.M. Teton County, Idaho being further described as:
Commencing at the Southeast corner of the Northwest quarter of said Section 19 and running N 89°55'07" W, 992.31 feet along the South line of the Northwest quarter of said Section 19 to a point; Thence N 00°46'11" E, 27.34 feet to a point; Thence N 88°53'12" E, 192.03 feet to a point; Thence N 01°30'00" E, 164.26 feet to a point; Thence S 88°30'00" E, 796.61 feet to a point on the East line of the Northwest quarter of said Section 19; Thence S 00°13'16" W, 175.83 feet along the East line of the Northwest quarter of said Section 19 to the point of beginning.

Contains 3.53 acres more or less.

To have and to hold, all and singular the above-described premises together with the appurtenances unto Grantee and its heirs and assigns forever.

SCANNED

149639

SEP 14 2009

And Grantors and their heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, its heirs, and assigns against Grantors and their heirs and against all and every person and persons whomsoever, lawfully claiming the same.

Grantors have hereunto set their hands on the day and year first above written.

Monroe Dustin Jr. Vera Jean Dustin
Monroe Dustin Jr. Vera Jean Dustin

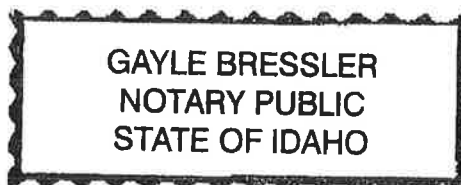
STATE OF Idaho)
County of Leton)
:SS

On this 9th day of August in the year of 2002, before me, a Notary Public in and for said State, personally appeared MONROE DUSTIN JR. and VERA JEAN DUSTIN, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Gayle Bressler
Notary Public for

Residing at: Victor

My commission expires: 3-1-07



SCANNED

149639

SEP 14 2009

No. W 41491	Due no later than 7/31/2009 Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed.		TODD DUSTIN 609 S 450 W VICTOR ID 83455	
	CEDRON IRRIGATION LLC TODD DUSTIN 609 S 450 W VICTOR ID 83455		3. New Registered Agent Signature:	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.				
Office Held	Name	Street or PO Address	City	State Zip
	Todd Dustin President	609 S. 450 W	Victor	ID 83455
5. Organized Under the Laws of: ID W 41491		6. Annual Report must be signed Signature: <u>Todd Dustin</u> Date: <u>6-5-09</u> Name(type or print): <u>Todd Dustin</u> Title: <u>president</u>		

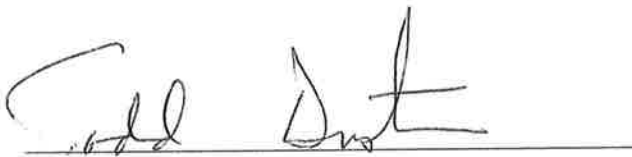
Issued 5/18/2009 by CLH

200907006578

SCANNED

SEP 14 2009

I Todd Dustin President of the Cedron Irrigation Well authorize the transfer of water to the Cedron Cemetery for the 3 acres that they bought from Monroe Dustin. The 3 acres were previously irrigated out of the Cedron Well.

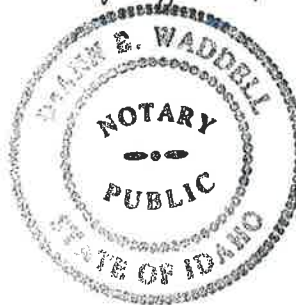


Signature

Todd Dustin Cedron Irrigation president
Name, Organization, Title (Please Print)

Subscribed and sworn to before me on 27th day of August 2009

DeAnn B. Waddell
Notary Public for State of Idaho
Residing at: Driggs, Idaho 83422
My Commission expires: Oct 15, 2011



RECEIVED

AUG 28 2009

Department of Water Resources
Eastern Region

SCANNED

SEP 14 2009

I Todd Dustin President of the Cedron Irrigation Well authorize the transfer of water to the Cedron Cemetary for the 3 acres that they bought from Monroe Dustin. The 3 acres were previously irrigated out of the Cedron Well.

Todd Dustin President 7-2409

SCANNED

SEP 14 2009

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 22-13167
(Split into 22-13961 and 22-13962)

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

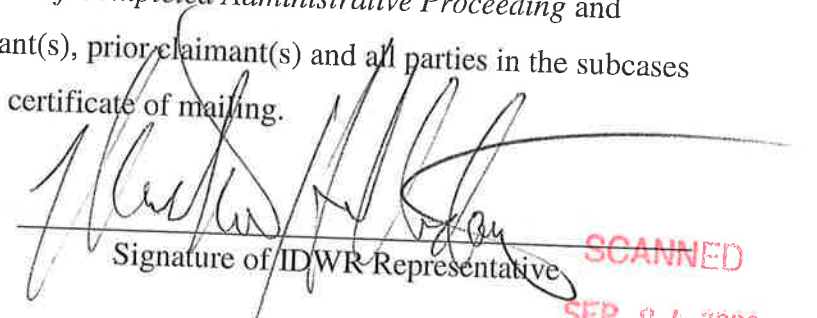
- ☐ Address change
- ☒ Substitution of Party CEDRON IRRIGATION CORP-VICTOR CEDRON CEMETERY
DISTIRICT
- ☐ I.C. § 42-222 transfer

- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 9/4/2009

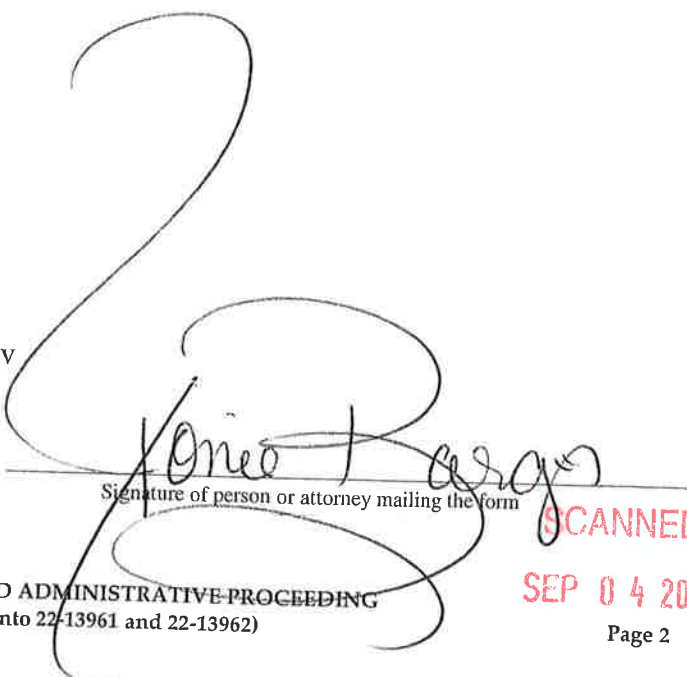

Signature of IDWR Representative

SCANNED
SEP 04 2009

CERTIFICATE OF MAILING

I certify that on Sept 4, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Cedron Irrigation Corp
C/O Todd Dustin
609 S 450 W
Victor ID 83455
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
Victor Cedron Cemetery District
PO Box 192
Victor ID 83455
4. One copy to:
Each party in the subcase, or attorney of record
Cedron Irrigation Corp Michael Reid
Represented by: 550 S 450 W
Budge, Thomas J Victor ID 83455
201 E Center St
PO Box 1391
Pocatello ID 83204-1391
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

SCANNED

SEP 04 2009

09/3/2009

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
22-13167	Disallowed	Split into 22-13961 and 22-13962

09/03/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13961

NAME AND ADDRESS: CEDRON IRRIGATION CORP
C/O TODD DUSTIN
609 S 450 W
VICTOR ID 83455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.380 CFS
1,125.40 AFY

Right Nos. 22-13961 and 22-13963 are limited to a total combined diversion rate of 4.38 cfs.

PRIORITY DATE: 10/03/1966

POINT OF
DIVERSION:

T04N R45E S19 SWSENW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

4.380 CFS
1,125.40 AFY

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S18 Lot 2 SWNW	40.00	T04N R45E S18	NESW	40.00	
T04N R45E S18 Lot 3 NWSW	40.00	T04N R45E S18	NESE	40.00	
T04N R45E S18	NWSE	40.00	T04N R45E S18	SWSE	40.00
T04N R45E S19	NWNE	40.00	T04N R45E S19	SWNE	40.00
T04N R45E S19	NENW	40.00	T04N R45E S19	SENE	33.00

393 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 393 acres in a single irrigation season. Combined Right Nos.: 22-13961 and 22-13963.

This right is limited to the irrigation of 321.5 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.

SEP 04 2009

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED
SEP 04 2009

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

This right is a split from former right 22-13167 .

SCANNED

SEP 04 2009

09/04/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13962

NAME AND ADDRESS: VICTOR CEDRON CEMETERY DISTRICT
PO BOX 192
VICTOR ID 83455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS
8.60 AFY

Right Nos. 22-13962 and 22-13964 are limited to a total combined diversion rate of 0.03 cfs.

PRIORITY DATE: 10/03/1966

POINT OF
DIVERSION:

T04N R45E S19 SWSNW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

0.030 CFS
8.60 AFY

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE:

IRRIGATION in TETON County

T04N R45E S19 SENW 3.00

3 ACRES TOTAL

This right is limited to the irrigation of 2.5 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 3 acres in a single irrigation season. Combined Right Nos.: 22-13962 and 22-13964.

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 - License

This right is a split from former right 22-13167 . .

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

SCANNED
SEP 04 2009