

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: A29-04377
Date Received: 11/14/1994
Receipt No: M006157
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NEELEY CEMETERY 208-226-5697
Address: 727 FALLS AVE
AMERICAN FALLS ID 83211

2. Date of Priority: MAY 1, 1941

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	30E	14	NE	SE			POWER

5. Description of diverting works:
WELL, PUMP & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/14	0.120		

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

8. Total consumptive use is 18.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	30E	14	NE	SE		IRR	6.0

Section Acres

Total Acres 6.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

CLAIMED ON 06-08-1983 IDWR FORM NO. 243 CLAIM NO. 29 4377

15. Basis of Claim: STATUTORY CLAIM

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

NOV 13 1990

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

Renumbered **A29-04377**

Ident. Number: ~~A29-10398~~

Date Received: 3/06/1990

Receipt No: M006157

Received By: _____

*11/4/94
D.C.*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NEELEY CEMETERY 208-226-5697
Address: 727 FALLS AVE.
AMERICAN FALLS, ID 83211

2. Date of Priority: MAY 01, 1941

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	30E	14	NE	SE			POWER

5. Description of diverting works:
WELL AND PUMP TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/14	0.120		

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

8. Total consumptive use is 18.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	30E	14	NE	SE		IRR	6.0

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A29-10398

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Date: 05/24/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	6.0
					Total Acres	6.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:

CLAIMED ON 06-08-1983 IDWR FORM NO. 243 CLAIM NO. 29 4377

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am _____ of _____ Title

_____, 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

Title and Organization

Date
MICROFILMED

NOV 15 1990

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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NOV 16 1992

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: A29-10398
Date Received: 3/06/1990
Receipt No: M006157
Received By: RW*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NEELEY CEMETERY
Address: 727 FALLS AVE.
AMERICAN FALLS, ID 83211

208-226-5697

2. Date of Priority: MAY 01, 1941

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	30E	14	NE	SE			POWER

5. Description of diverting works:
WELL AND PUMP TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/14	0.120		

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

8. Total consumptive use is 18.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08S	30E	14	NE	SE		IRR	6.0

Section Acres: 6.0
MICROFILMED

A29-10398

Page 1

Date: 03/06/90

NOV 13 1990
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NOV 16 1992

10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:

CLAIMED ON 06-08-1983 IDWR FORM NO. 243 CLAIM NO. 29 4377

15. Basis of Claim: BENEFICIAL USE

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A29-10398

Page 2

Date: 03/06/90

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NOV 16 1992

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Chairman John C New of Fallsview Cemetery Maintenance District Title Chairman of Fallsview Cemetery Maintenance District Organization Fallsview Cemetery Maintenance District that I have signed the foregoing document in the space below as John C New of Fallsview Cemetery Maintenance District Title Chairman and that the statements contained in the foregoing document are true and correct.

John C New
Signature of Authorized Agent

Chairman Fallsview Cemetery Maintenance District
Title and Organization

3-6-1990 District
Date

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 6 day
of Nov 19 90

John Val Carmon
Notary Public

Seal

Residing at Boise ID

My Commission Expires 6/12/94

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A41-10044

Page 3

Date: 03/06/90

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NOV 16 1992

Log for claim A29-04377

Spatial Dynamics AMH

6/9/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s30e	14	NESE	6	15	Permissible place of use?
Totals:			6	15	

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORTDATE: 05/23/00
PAGE: 40

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NEELEY CEMETERY 727 FALLS AVE AMERICAN FALLS ID 83211 (208) 226-5697	05/01/1941	IRRIGATION	03-15 11-14	0.120 CFS	
TOTAL DIVERSION:					0.120 CFS	
CONSUMPTIVE USE:						18.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T08S R30E S14

NESE

POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
08S	30E	14	:																	:	6.0
																				TOTAL ACRES	6.0

POU County: POWER

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00013 A01-02061A A01-02064E A01-02068E A29-02310 A29-02380A A29-02568 A29-04338 A29-10398 A29-11337

Remarks: GEN CLAIMED ON 06-08-1983 IDWR FORM NO. 243 CLAIM NO. 29 4377

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 11/14/94 DCARLSON 03/29/95 POST-STD

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 Neeley Cemetery c/o M.K. Thornhill
Box 366, American Falls, ID 83211 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. 226-2079

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) May 1, 1941
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)
groundwater 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	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.12 cfs</u>		Use <u>irrigation</u>		Period of Use From <u>3/15</u>	To <u>11/15</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 0.12 cfs TOTAL QUANTITY USED.
(cfs, af)
- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SE 1/4, Sec. 14 Twp. 8S Rge. 30E B.M., County of Power
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. well and pump to sprinkler system

- (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.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	30E	14													6				6

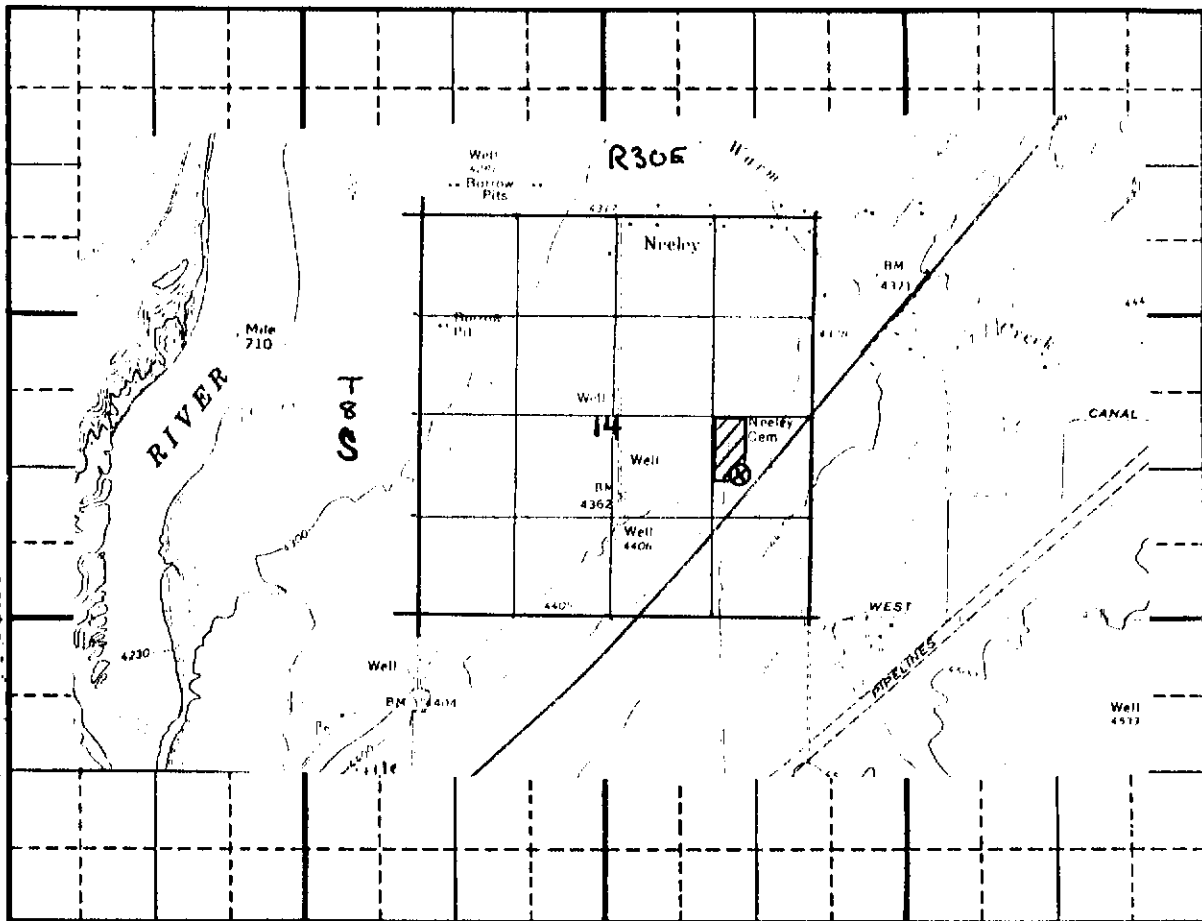
No. of acres 6

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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: _____

(B) Remarks _____



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 Bonanza) 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.

Sworn to before me this 8th day of June, 1983.

* W. R. Sherrill
(Claimant)

Orson Wiley
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by <u>KCW</u>	Date <u>6/8/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>HWS</u>	Date <u>6-9-83</u>		claimant by:	
\$30.00 fee received by <u>BP</u>	Date <u>6/8/83 #30817</u>			
Published in <u>Boise County Press</u>				
Dates <u>6/23 - 6/30/83</u>				

Lyle D. Eliassen

Attorney At Law

Fax (208) 226-7079

202 Idaho Street
American Falls, Idaho 83211-1236
(208) 226-5138

March 27, 1995

State of Idaho Department of Water Resources
Eastern District Office
900 N Skyline Drive
Idaho Falls, Idaho 83401-1718

CERTIFIED MAIL: Z 444 427 388

Dear Sirs:

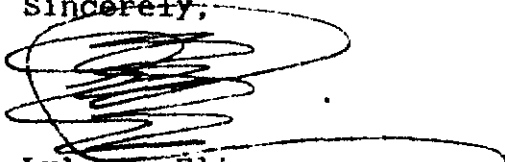
I represent the Falls View Cemetery Maintenance District, the governing agency of the Neeley Cemetery. They have received your request for documentation concerning water right no. A29-04377.

Although apparently the original claim for that water right used a priority date of May 1, 1941, I am submitting the Affidavit of Don N. Zaring that substantiates that there was a well upon the property and a hand pump used for watering flowers etc. at the cemetery since somewhere between 1921 and 1923. Mr. Zaring's Affidavit and that of Norma Weber show that there was an electric pump and motor placed upon the well in 1936. Ms. Weber's Affidavit also indicates that there was a gas powered pump for irrigation on the property since at least the year 1935.

Those are the only records I have been able to find to substantiate the date of the water right for the Neeley Cemetery at this time. That water right was acquired over 50 years ago and no one now recalls who drilled or dug the well nor have we been able to locate any records of either the Cemetery Maintenance District or Idaho Power going back that far.

I trust that documentation is satisfactory to establish the Cemetery District's priority date. If you have any questions or need additional information please feel free to contact me.

Sincerely,



Lyle D. Eliassen

LDE:bjs
9501-3fvcemety.ltr
encl:

MICROFILM

NOV 13 1995

AFFIDAVIT
OF NORMA WEBER

STATE OF IDAHO)
 SS
COUNTY OF POWER)

After being first duly sworn, the undersigned hereby deposes and states:

I am Norma Weber, Social Security no. 518-30-6679, residing at 248 Arthur, American Falls, Power County, Idaho, November 18, 1915.

I was previously married to John E. Russell and resided with him at a residence in Neeley, Idaho.

I am familiar with the Neeley Cemetery now owned and operated by the Falls View Cemetery District as all or a portion of that land was donated by my grandfather John H. Calvert for use as a cemetery.

My former husband, John E. Russell, and Don N. Zaring dug the holes for Idaho Power Company to run a power line from the Rockland Highway through the Dille property to Neeley in the year 1936. When the power line was run to Neeley in 1936, the gas powered pump that was used for irrigation at the cemetery was replaced with an electric pump and motor. I am not sure how long the gas powered pump was used to irrigate the cemetery in Neeley but it was probably at least one year meaning that there was water used to irrigate the Neeley Cemetery from the existing well since the year 1935.

I know that when my husband John E. Russell, was buried there in May of 1940 that the electric pump was installed and working at that time as I used it to obtain water to place in the flower box by husband's grave.

NOV 15 1940

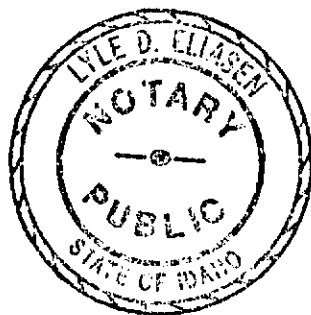
I have been familiar with the Neeley Cemetery for many years as

many members of my family are buried there including my grandfather, my parents and my brothers and sisters. My Father, John Christensen, took care of the cemetery for many years prior to his death.

Further deponent sayeth not.

Norma C. Weber
NORMA WEBER

Subscribed and sworn to before me this 27 day of March, 1995.



[Signature]
Notary Public
Residing at American Falls, ID
My Commission Expires 4-19-98

MICROFILMED
NOV 13 1995

AFFIDAVIT
OF DON N. ZARING

STATE OF IDAHO)
 SS
COUNTY OF POWER)

After being first duly sworn, the undersigned hereby deposes and states:

I am Don N. Zaring, Social Security no. 519-12-2977 and presently reside at 3114 W Neeley Loop, American Falls, Idaho. That residence is located in what was known as the Neeley area. My parents lived at Neeley, Idaho, since about the year 1910. My wife and I moved to Neeley in 1934 and I have lived continuously there since that time. I was born on the 11 day of September, 1911, and am presently 83 years old.

Within a year or so after I moved to Neeley in 1935 I helped Bud Russell dig the holes for the power poles to run an electric line from the Rockland Highway to the Neeley area. There was no electrical service to Neeley prior to that time. As I recall, that power line was put in place in 1936.

I am familiar with the Neeley Cemetery as it is only a short distance from my residence and is on land adjacent to my farm. In fact, I traded a portion of my farmland for Cemetery District land over the years to make the cemetery more usable.

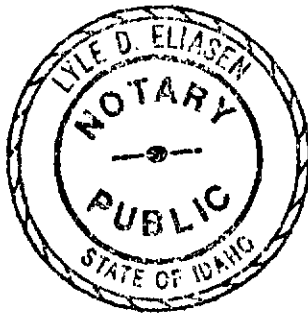
Shortly after the electric line was run to Neeley in about 1936, an electric motor and pump was installed to pump water for the Neeley Cemetery. That pump and motor was installed on the well that is presently in use to irrigate the cemetery property. Prior to the

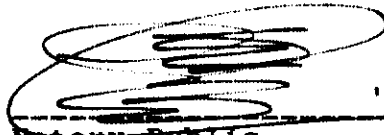
installation of the electric motor and pump, there was a hand pump on that same well which was used for watering flowers, etc. at the cemetery. I can recall that pump being there since I was 10 or 12 years old, which would be in 1921 to 1923. There was a white picket fence around the cemetery even at that time. The Neeley Cemetery was larger than the American Falls Cemetery when I was a youngster.

Further deponent sayeth not.


DON N. ZARING

Subscribed and sworn to before me this 27 day of March, 1995.



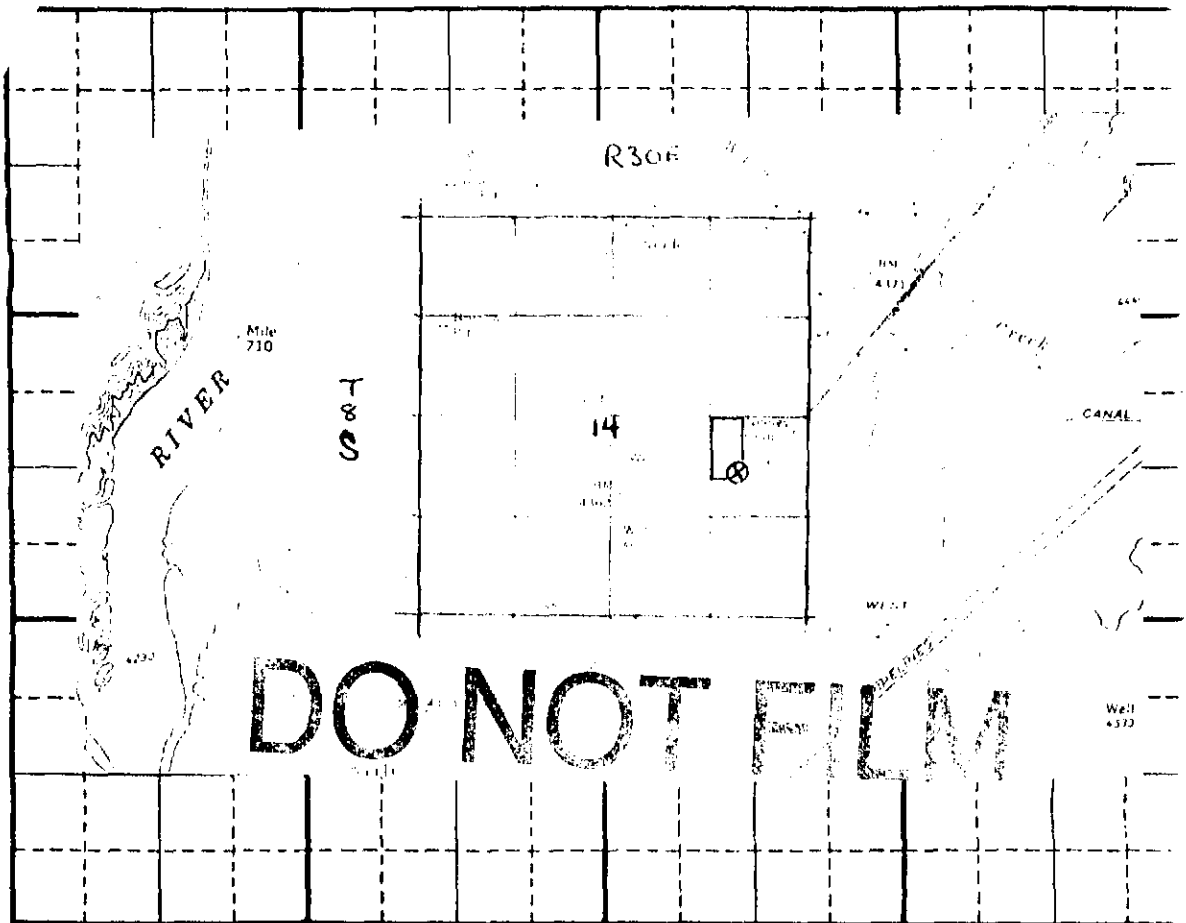

Notary Public
Residing at American Falls, ID
My Commission Expires 4-19-98

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NOV 13 1990

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

Remarks



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 Boonville) 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.

Sworn to before me this 8th day of June, 1983.

Notary Public

Residing at

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by NEW Date 6/8/83 Exception filed by: Forwarded to Date
Prelim. check by HWS Date 6-9-83 claimant by:
\$30.00 fee received by BP Date 6/8/83
Published in Boonville 11/55
Index 6/13/83 6/13/83

NOV 13 1983