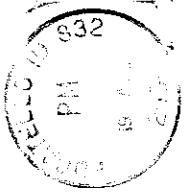


Burton Cemetery Dist
3825 S. 7000 W.
Payson, ID 83440



Idaho Dept. of Water Resources
900 N. Skyline Dr. Suite A
Idaho Falls, ID 83402-1718

83402+1718

RECEIVED

AUG 20 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern Region

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION
June 8, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

**BURTON CEMETERY DISTRICT
3825 S 7000 W
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-13286

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. 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 MAR 1 1932, from GROUNDWATER.

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.

28 July 2004

To Whom it may concern:

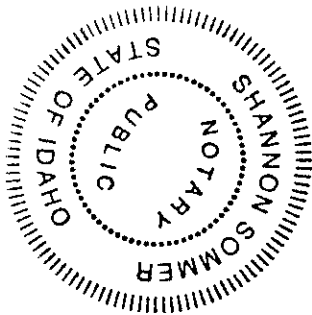
In 1934 my brother and I moved in to live with our Aunt Frieda and her husband Orson Johnson.

Orson was a director of the Burton cemetery. I had been to the cemetery prior to moving in with aunt Frieda and uncle Orson . I can't remember anything but weeds ,sage brush, and a few headstones. The year we moved in with Orson and Frieda , Orson took us to the cemetery on several occasions. Grass and trees were growing.

I must have made some comment to uncle Orson about the Grass and trees that were growing because he said " these were planted in 1932 " . Based on the fact that the planting was done in 1932 during the depression. People couldn't afford plant something without being able to water and care for it as it grew. I feel confident that the well was put into service in 1932.

Signed

Joan B. Hauer



Shannon Sommer
Rexburg, ID

Commission Expires 4-28-09

Cash Disbursements 1932

Mar	1932		
"	H. R. Machen digging well	\$4 80	
"	Earl Spaulding digging well	\$6 00	
"	Graham Boyle,	\$3 20	
	Porters Bookstore. Journal and Ledger.	\$1 70	
	C. W. & M. Co.		
Apr 28	W. L. Jensen digging well	\$4 80	
28	O. P. Johnson digging well.	4 80	
May 9	C. W. & M. Co. payment	\$150 00	
	and pipe and water system.		
May 26	W. L. Jensen digging grave of Harry Barnes.	\$6 00	
May 28	W. L. Jensen for digging trenches and laying water pipe.	\$8 10	
June 4	P. H. Ricks two days plumbing putting in water system.	\$10 40	
July	Porters Book Store Record Book	8 00	
June 14	W. L. Jensen two adult graves	12 00	
Sept 7	Earl Jensen mowing weeds	7 20	
Sept 21	H. R. Machen laying water pipes and for nails & wire	7 75	
Sept 21	C. W. & M. Co. payment on water pipe.	100 00	
		1 60	
Oct 18	Carl Jensen		