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JAN 25 2005

DEPARTMENT OF  
WATER RESOURCES

2005 JAN 24 PM 12:15

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

Case No. 39576

)  
)  
) ORDER GRANTING MOTION TO FILE  
) LATE NOTICE OF CLAIM  
) For water right: 29-13697  
)  
)

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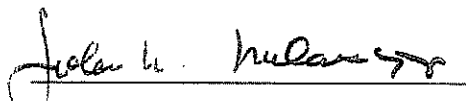
On September 7, 2004 Claimant Lava Cemetery District filed a *Motion to File Late Notice of Claim* for the above water right. On January 18, 2005, a hearing was held on the *Motion*. Neil Hill appeared to support the *Motion*.

Following questioning by the Court, the Court has concluded that the Claimant presented proper grounds for the *Motion to File Late Notice of Claim* to be granted.

Therefore, IT IS ORDERED, that the above water right is hereby **allowed** to proceed as a claim.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the I.D.W.R for further action.

Dated: January 24, 2005.



JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LANTE NOTICE OF CLAIM was mailed on January 24, 2005, with sufficient first-class postage to the following:

LAVA CEMETERY DISTRICT  
C/O NEIL HILL  
PO BOX 6  
LAVA HOT SPRINGS, ID 83246  
Phone: 208-776-5309

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

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 29-13697  
Date Received: 9/1/2004  
Receipt No: COTL0551  
Received By: M

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

1. Name of Claimant(s)

LAVA CEMETARY DIST Phone: (208) 776-5309  
C/O NEIL HILL  
PO BOX 6  
LAVA HOT SPRINGS ID USA 83246

2. Date of Priority: 07/01/1956

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  | Type |
|----------|-------|---------|-----------------------|---------|------|
| 09S      | 38E   | 33      | NE NW                 | BANNOCK |      |

5. Description of diverting works: Well, pump and sprinkler system.

6. Water is used for the following purposes:

| Purpose    | From To     | C.F.S. | (or) A.F.A |
|------------|-------------|--------|------------|
| IRRIGATION | 04/01 10/31 | 0.15   | 21         |

7. Total Quantity Appropriated is:  
0.15 C.F.S. and/or 21 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|---------------|-------|---------|----------------|------------|-------|
| 09S           | 38E   | 33      | NE NW          | IRRIGATION | 6     |
| Section Acres |       |         |                |            | 6     |
| Total Acres   |       |         |                |            | 6     |

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

During the irrigation season water from the well can be co-mingled with water from Dempsey Canal.

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 President of  
Title

Lava Cemetary District, that I have signed the foregoing  
Organization

document in the space below as President of  
Title

Lava Cemetary District and that the statements contained in the  
Organization

foregoing document are true and correct.

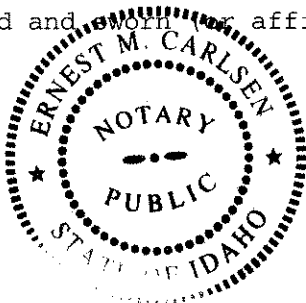
D. Neil Hill  
Signature of Authorized Agent

President Lava Cemetary District  
Title and Organization

Sept. 1, 2004  
Date

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 1<sup>st</sup> of September, 2004



Ernest M. Carlsen  
Notary Public

Residing at Idaho Falls, ID

My commission Expires September 21, 2009