

General Electric
Induction Motor
20 HP

KHJ1025447

Johnston Pump

~~Not photo of system~~



A3510542

A35-10542
ABERDEEN CEMENTERY CO. LTD. DIST.
P.O. BOX 387
ABERDEEN
IN 83210

35-10542

Werte Terry
397-44187
D. K. W. 1/2/79



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

December 10, 1998

KARL J. DREHER
DIRECTOR

ATTN CHARLOTTE BURTON
ABERDEEN CEMETERY MAIN DISTRICT
PO BOX 335
ABERDEEN ID 83210

Re: Notice of Error for 35-10542

Although we appreciate your reply on the Notice of Error form dated 12/9/98, the only evidence submitted to support the priority date shows that irrigation first took place at the cemetery in 1954. I have enclosed that evidence for your review.

Under section 3 of your Notice of Error reply you state "see attached IDWR listing from 6/91". This listing is simply a computer report of what the original "claim" had for a priority date. Part of the department's duties when making recommendations for claims based on beneficial use such as yours is to determine the actual priority date of these claims. Because the only evidence we have to support any priority date is the letter from Elmer Isaak, we recommended the first day of the irrigation season in 1954.

Please do not hesitate to contact this office if you have any questions regarding this matter.

Sincerely,


Gregory J. Taylor
Sr. Water Agent

November 20, 1998

**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: December 18, 1998

Water right number: 35-10542

ABERDEEN CEMETERY MAINTENANCE DISTRICT
PO BOX ~~337~~ 335
ABERDEEN ID 83210

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

priority date

2. Describe the changes you wish to make in the proposed recommendation:

change to 11/20/1953

3. Give a brief explanation as to why you disagree with these portions:

see attached IDWR listing from 6/91

___ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/9/98 SIGNATURE: *Charlotte S. Burton*
Please print your name: CHARLOTTE S. BURTON

The evidence submitted by Ab. Cem. Dist. states that well was first used in 1954.

IDWR Eastern Regional Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402-1718, (208) 525-7161

IDWR listing for 6/91 is their claim, not evidence.

AF. 12-10-98

*NOTE
ADDRESS
CHANGE!*

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
A35-10542	ABERDEEN CEMETERY MAINT. DISTRICT P.O. BOX 387 ABERDEEN ID 83210	11/20/1953	IRRIGATION	04-01 11-01	0.50 CFS	BENEFICIAL USE

TOTAL DIVERSION RATE: 0.50 CFS
TOTAL DIVERSION VOLUME: 0.00 AFA
CONSUMPTIVE USE: 60.0 AFA

SOURCE: GROUNDWATER
OTHER RIGHTS: ABERDEEN/SPRINGFIELD; 20.29 SHARES
CONDITIONS OF APPROVAL:

TRIBUTARY:

REMARKS: WATER IS USED TO IRRIGATE ONLY A CEMETERY. PRIOR TO 1954, THE CEMETERY WAS IRRIGATED BY ABERDEEN-SPRINGFIELD CANAL CO. WATER. THE WELL WAS DRILLED IN THE FALL OF 1953 AND BEGINNING WITH THE SEASON OF 1954 ONLY THE WATER FROM THE WELL HAS BEEN USED ON THE CEMETERY.

POINT OF DIVERSION:
T05S R31E S34 N4NESW

PLACE OF USE: IRRIGATION
T05S R31E S34 NESW 20.0
20.0 ACRES TOTAL

U.P.

R35-10542. Verified 8-19-73
NAAP, CO, 1987 ASCS Photo

W. J. J. J.

Highway 39

Aberdeen

Ins
R31E

HEL 138
7.8

HEL 2
59.5

HEL 3
11.8

HEL 6
49.0

PLACE OF
USE

NE 1/4 SW 1/4
S. 34

2247
1005

14384
2599

1750

HEL 2

HEL

HEL

PD

RECEIVED

JUL 26 1991

Department of Water Resources
Eastern District Office

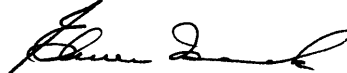
TO WHOM IT MAY CONCERN;

Re: Evidence of Priority A35-10542

The water from this well has been pumped since the season of 1954 with an electric motor and pump. The electricity was supplied by the Idaho Power Company and the Company's records reflect this information. The pump has been used each summer since the above date. The water is used only to irrigate grass on the cemetery land which is listed on the adjudication papers.

Dated at Aberdeen, Idaho July 24, 1991

ABERDEEN CEMETERY MAINT. DIST.


Elmer Isaak, Secretary
Box 387
Aberdeen, Idaho 83210

MICROFILMED

DEC 10 1992

28-Jun-1991

ABERDEEN CEMETERY MAINT
PO BOX 387
ABERDEEN, ID 83210

RE: **Evidence of Priority** A35-10542

Dear Claimant:

The Notice of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". 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 Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the 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"**.

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

Please submit the required evidence supporting the priority date by JULY 29, 1991, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

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Page 2

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Respectfully submitted,



Eric Verner
Senior Water Agent

EV:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A35-10542
ABERDEEN CEMETERY MAINT. DISTRICT
P.O. BOX 387

ABERDEEN ID 23210

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10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME ABERDEEN CFW BY DIST. CLAIM I IT. NO. A35-10542DATE RECEIVED 4/11/89 CK # 1532 AMOUNT \$ 20.00

1. Is the name and address complete with zip code? YES X NO
2. Is a priority date entered? YES X NO
- Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
 A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. YES NO
3. (a) Is a source entered? YES X NO
- (b) Is a tributary to entered? (if required) N/A X YES NO
4. Is the legal description of the p.d. sufficient? YES X NO
5. Is there a description of the diverting works? YES X NO
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. YES X NO
- Is the period of use included? YES X NO
- Is a quantity claimed for each use? YES X NO
7. Is a total quantity claimed entered? YES X NO
8. If required is a consumptive use entered? N/A YES X NO
- Is the consumptive use correct? N/A YES NO
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. YES NO
10. Is (are) the place(s) of use entered? YES NO
11. Is (are) the county(ies) entered? YES NO
12. Is the ownership of p.u. checked? YES NO
13. Are other water rights listed or "none" indicated? YES NO
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) YES NO
15. Is the basis of the claim checked? YES NO
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) YES NO
- Has the claim been signed, sealed, and dated by a notary? YES NO
- Was this claim filed on time, or was an extension granted? YES NO
- Is the fee enclosed correct? Exempt YES NO
- If this claim is based on an existing water right, has the identification number been entered? YES NO
- Should this claim be receipted and data entered? YES NO

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Claim checked by:

DEC 10 1992

Comments: 2) ASSUME ~~SEPT~~ Nov 20, 1953 FROM REMARKS - SEND LETTER8) ASSUME 60.00 CONSUMPTIVE USE.

E006861