

A35-13088
RIVERSIDE THOMAS CEMETARY
735 W 100 S
BLACKFOOT ID 83221

VR
(R)

ADL



A3513088

☐ EVIDENCE OF HEIRSHIP REQUESTED 6 DEC 94

RESPONSE DUE 20 DEC 94

☒ FINAL REQUEST FOR HEIRSHIP EVIDENCES SENT 21 FEB 95
RESPONSE DUE 21 MARCH 1995.

RECEIVEDS 9 MARCH 1995. FROM JACK KIRWAN —

JACK KIRWAN - CARETAKER
684-4590

3-6-95

State of Idaho
Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402

RECEIVED
MAR 9 1995

Department of Water Resources
Eastern District Office

RE: Evidence of Property, A35-13088

Dear Allen Ruberry,

I have lived in the area around the Riverside-Thomas Cemetery for all of my life. I have many of my family buried there, so I have occasion to visit the cemetery and observe the operations. I certify that I have the personal knowledge that beneficial water use was first established in August of 1950.

Thank you.


Jack Kirwan
808 W. 100 S.
Blackfoot, Idaho 83221

State of Idaho

County of Bingham

Subscribed and sworn before me this 7 day of March,

19 95

My Commission Expires 08-18-95

10 MARCH 95 CONTACTED MR. JACK KIRWAN. ASK THE FOLLOWING QUESTIONS:

1. WHEN WAS THE CEMETARY STARTED? PRE 1900.

2. HOW WAS IT IRRIGATED INITIALLY? IT WAS SPOOD WATER FROM A WELL.

3. WHEN WAS THE WELL PUT IN? MR. KIRWAN THINKS ABOUT 1900.

4. IS THERE A SOIL PROFILE BY SCS WHICH WOULD INDICATE MORE WATER IS REQUIRED THAN THE 0.02 cfs/lac STANDARD? NO, DON'T THINK SO. SOME GRAVELS BUT ONLY IRRIGATES ONCE PER WEEK - OIL GRAVELS START SINKING.

5. I EXPLAINED THE REGULATION FROM 1 SAC TO 10 SAC AND DN. RATE FROM 0.60 cfs BASED ON 0.02 cfs/lac (1" lac). PERMIT 35 DETERMINES PICKS UP THE ADDITIONAL 5 SAC @ 0.10 cfs (0.02 cfs/lac).

RE. Q3 & Q4. MR. KIRWAN WILL ATTEMPT TO LOCATE ANY RELATED DOCUMENTS AND FORWARD THEM TO EDWR.

6 April 95 - No further proof submitted. FILE AS IS. -

ABRUBERRY

*******FINAL REMINDER*******

FEBRUARY 21, 1995

RIVERSIDE THOMAS CEMETERY
735 W 100 S
BLACKFOOT ID 83221

RE: EVIDENCE OF PRIORITY, A35-13088

Dear Jack Kirwan:

The Notice of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice 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 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. **As the claimant, you are responsible for submitting the necessary proof to support the priority date. This letter is the final reminder that the above documentation needs to be provided.**

It is important that each element of the Notice be substantiated. 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 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 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 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.

Evidence of Priority
Page - 2 -

The Department can not recommend the Notice be decreed by the court
if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by
March 21, 1995, 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.

Respectfully submitted,

Allen Ruberry
Water Right Agent, Adjudications

AR:sc

File: To Claim

Enclosure: Brochure on "Evidence of Priority"
Proof Report

6 DECEMBER 1994

RIVERSIDE THOMAS CEMETERY
735 W 100 S
BLACKFOOT ID 83221

RE: EVIDENCE OF PRIORITY, A35-13088

Dear Claimant:

The Notice of Claim identified above has been filed in the Snake River Basin Adjudication (SRBA). The notice indicates a water usage of irrigation that is based on **BENEFICIAL USE**. Water rights of this type are established by the historic use of water, dating back to when the water was first used for the purpose claimed. This date is known as the **PRIORITY DATE**. Your claim has not been confirmed by License, Decree, or Permit, therefore, proof must be provided supporting the priority date claimed. **As the claimant, you are responsible for submitting the necessary proof to support the PRIORITY DATE of August 31, 1950; highlighted on the attached Proof Report.**

For your reference, I have enclosed a printout (Proof Report) of your Notice of Claim to a Water Right and a pamphlet **EVIDENCE OF PRIORITY**. The pamphlet suggests which document(s) will fulfill this requirement.

The Department can not recommend the Notice be Decreed by the court if evidence supporting the claimed priority date is not submitted.

Please submit the documentation supporting the priority date by December 20, 1994, referencing the information with the corresponding water right number. If you have any questions, please contact this office at (208) 525-7161.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications Bureau

ENCLOSURES

[illegible]

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

Assuming 100, 5/32" nozzles at 5 gpm/nozzle the diversion rate = 500 gpm or 1.11 cfs

Assuming 50 psi

$$Q = \frac{8.814 \cdot .7 \cdot 25}{26 + 231 \cdot 50} = 1.09 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 5 \text{ Acres} \times 4.0 \text{ A/A} = 20 \text{ A/A}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .10 \cdot 214 \cdot 1.9835 = 42.45 \text{ A/A}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 20 \text{ A/A}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	1 April	31 Oct	.10	20 A/A
Totals:			.10	20 A/A

2. Recommended Amendments

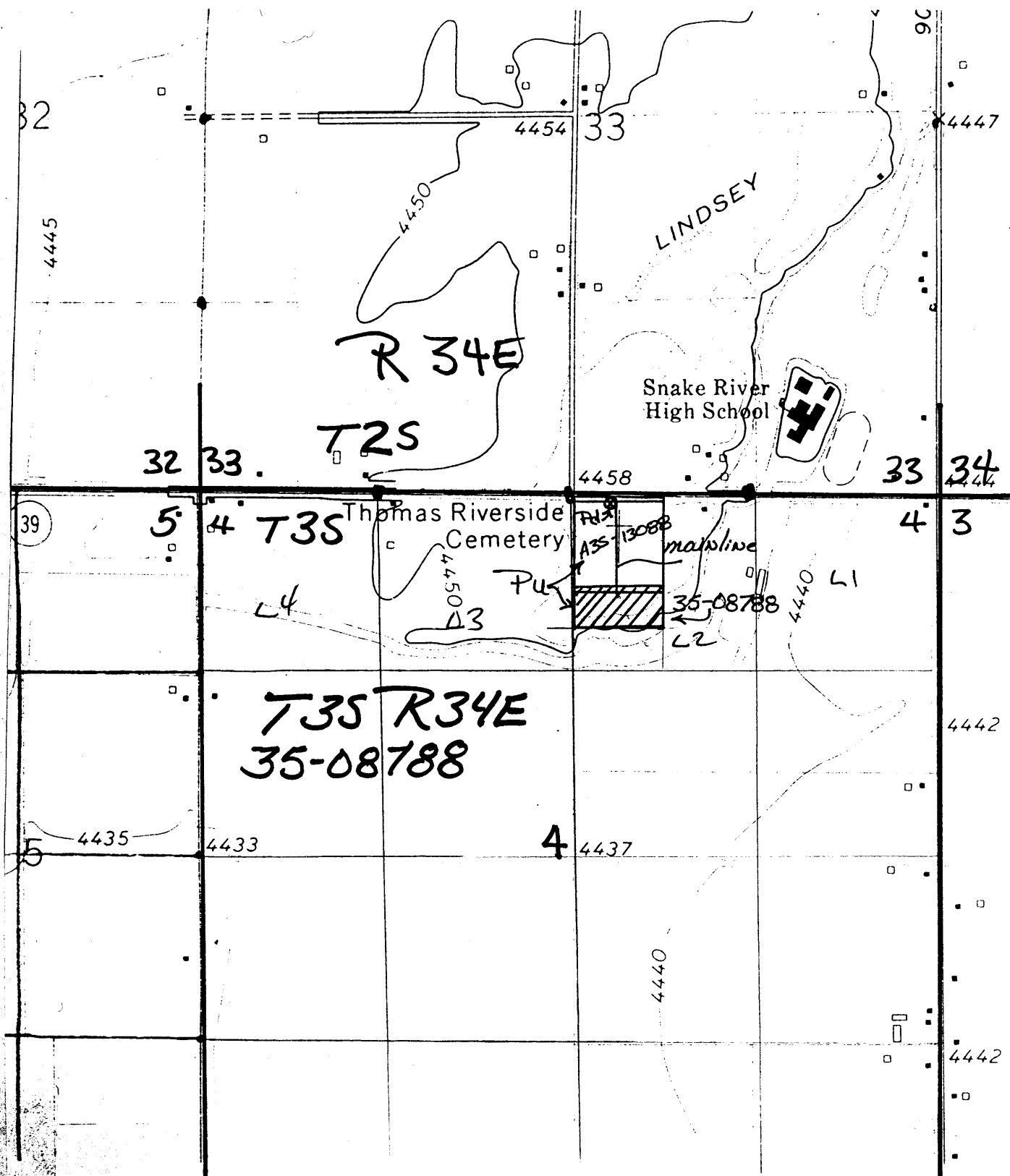
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name DENNIS M. DUNN Date 30 Nov 1994

Reviewer KETH C. WILSON Date 2 Dec 94

SEAL



35-8788

E. NARRATIVE/REMARKS/COMMENTS

1. A27-11197 needs to be renumbered to A35-13088

2. Accompanied by constater

A. Pump is 25 hp submersible

B. Depth to water is 26 feet (from well top, unable to measure)

C. New area has 5 lines; 7 nozzles per line at 5/32"

D. Older area has 5 lines; 13 nozzles per line at 5/32"

Have conditions of permit approval been met? ☒ yes ☐ no

NOVEMBER 30, 1994

RIVERSIDE THOMAS CEMETARY
735 W 100 S
BLACKFOOT ID 83221

RE: NOTICE OF CLAIM A35-13088

Dear Sir:

The Department has changed the identification number for Notice of Claim #A27-11197. The new number is #A35-13088. We have also modified receipt #C007216 to reflect the new number.

A copy of the receipt and the Notice of Claim are enclosed for your records.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor, Adjudications

EC:sc

Enclosure

ORIGINAL
NOV 15 1994

FIELD EXAM INFORMATION

CONDUCTED BY: DENNIS DUNN

DATE: 3 AUGUST 1994

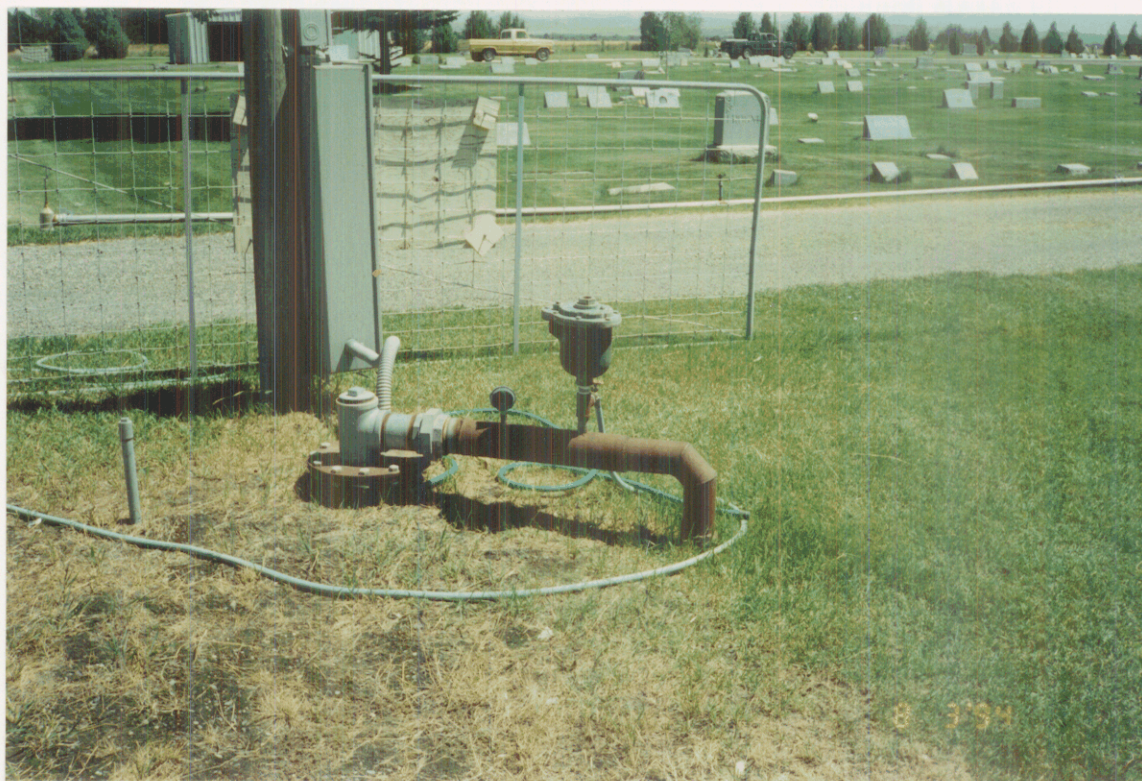
WELL INFORMATION: SEE PHOTO
DEPTH TO WATER- 26 FEET
HP - 25

DISTRIBUTION - 5-3" PORTABLE HANDLINES
13 NOZZLES PER LINE
5/32" NOZZLES

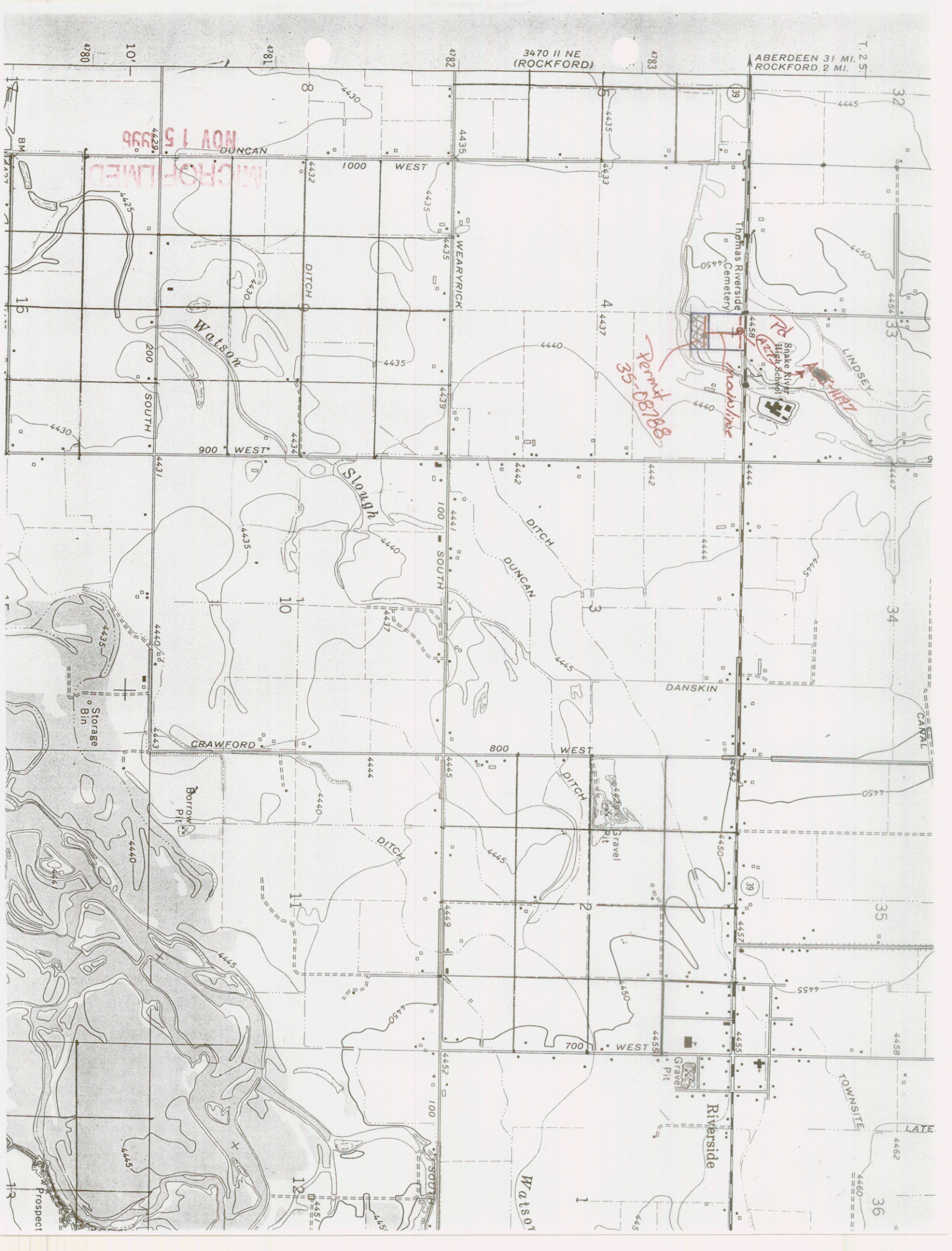
NOTE: THIS CLAIM WAS DISCOVERED TO HAVE BEEN FILED IN THE WRONG BASIN. THEREFORE, THIS CLAIM WAS RENUMBERED FROM A27-11197 TO A35-13088.

THERE IS NO EVIDENCE OF PRIORITY IN THE CLAIM FILE.

THIS WELL IS COMBINED WITH ANOTHER ^{CLAIM}~~WELL~~ (UNDER PERMIT 35-08788).
A.B. RUBERRY
30 NOVEMBER 1994



NOV 15 1994





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 19, 1989

Riverside Thomas Cemetary
735 West 100 South
Blackfoot, Idaho 83221

Re: Snake River Basin Adjudication SRBA
Claim #A27-11197 - Bingham County

Dear Claimant:

We are forwarding to you a data-entered copy of the claim you filed for your property in Bingham County. We are also enclosing Receipt #C007216 in the amount of \$65.00, for the filing fees.

We have interpreted the data from your claim in the process of data entry in a manner which we feel more accurately reflects the true status of your water right. Please review the enclosed claim to assure that these modifications are in agreement with your water right.

If you believe our data is incorrect and you make any changes to this Notice of Claim, please initial the changes, sign the form, having your signature notarized, and return it to this office. Do not hesitate to contact this office if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Peppersack".

Jeff Peppersack
Engineering Specialist

JP:mcc:state

Enclosures:

Claim #A27-11197 (2)
Receipt #C007216

MICROFILMED

NOV 15 1996

MICROFILMED

NOV 13 1992

C007216

6/ 5/1989

RIVERSIDE-THOMAS CEMETERY

ADJUDICATION FEE

410162

9337

6490

65.00

CHECK

1359

\$65.00

A35-13088

Water Right Numbers

Region: STATE

Signature:

Charles Coy

*Renumbered from
AZ7-11197*

*W. J. D. Thomas
NOT 15 1988*

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

C007216

CLAIMANT'S NAME RIVERSIDE THOMAS CEMETARY CLAIM. DENT. NO. A27-11197DATE RECEIVED 6/2/89 CK # 1359 AMOUNT \$ 65

- | | YES | NO | Required Info? |
|--|-------------------------------------|-------------------------------------|----------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | OR UNDERWATER |
| (b) Is a tributary to entered? (if required) | ☐ | ☒ | N/A |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 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. | ☒ | ☐ | IRRIGATION * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☐ | ☒ | USE 45 |
| Is the consumptive use correct? | ☐ | ☒ | N/A |
| 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. | ☒ | ☐ | N/A * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 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.) | ☒ | ☐ | N/A |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | N/A |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | POSTMARKED * 5/31/87 |
| 20. Is the fee enclosed correct? | ☒ | ☐ | Exempt * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | N/A |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: JP Date: 6/13/89Claim must be returned to claimant: (Yes) ☒ (No) ☐Claimant must be notified of modifications: (Yes) ☒ (No) ☐Receipt Prepared by: KIM YOUNGDate: 6/5/89Claim data entered by: JPDate: 6/13/89Sent to claimant by: JPDate: 6/13/89Checked by: JPComments: USE 8 "31" / 1950 AS PRIORITY DATE

NOV 3 1989

USE 3 "S" 34E SEC 4 NWNW NE LOT 2 AS PODPHONG
CONV
6/13/89 JP

(PLACE OF USE ENTRY MAY BE REVERSED)