

RECEIVED
DEC 07 2007
DEPARTMENT OF
WATER RESOURCES

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	)	Subcase <u>22-2283</u>
	)	(Insert water right number)
Case 39576	)	
	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☒ LATE NOTICE OF CLAIM
	)	☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Todd Dustin

My address is 609 South 450 West
Victor Id 83455

My phone number is: Work 208-313-4452 Home 208-354-2502

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

It was thought the claim had already
been filed.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 202.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of _____

County of _____

Todd Dustin, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

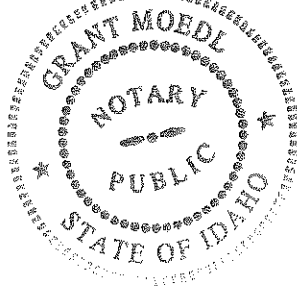
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Todd Dustin

Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on Dec 4, 2007
(Insert Date)



Grant Moedel
Notary Public for Todd Dustin
Residing at: Kenilworth
My Commission expires: 8-2-2010

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on Dec 5, 2001, ~~199~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

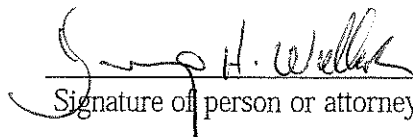
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

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 22-2283
Date Received: 7/29/1988
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

VICTOR CEDRON CEMETERY DISTRICT Phone:
PO BOX 192
VICTOR ID USA 83455

2. Date of Priority: 09/29/1966

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	45E	19	SE NW	TETON	

5. Description of diverting works:

WELL, 6" CASING, 100' DEEP, SUBMERSIBLE PUMP, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S. and/or 3 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
04N	45E	19	NE SW	IRRIGATION	1
				Section Acres	1
				Total Acres	1

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE IS VICTOR 2ND WARD FARM (CEDRON CEMETERY).

15. Basis of Claim: License

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: 1

For Organizations:

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

Title

VICTOR CEDRON CEMETERY DISTRICT, that I have signed the foregoing

Organization

document in the space below as Chairman of _____

Title

VICTOR CEDRON CEMETERY DISTRICT and that the statements contained in the

Organization

foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Chairman Victor Cedron Cemetery District

Title and Organization

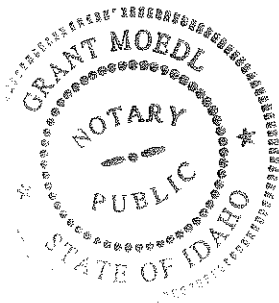
Dec. 4-2007

Date

State of Idaho)

County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 4th of Dec 2007



[Signature]

Notary Public

Residing at Presburg

My commission Expires 8-2-2010

WARRANTY DEED

THIS INDENTURE, Made the 16th day of June, in the year of our Lord, One Thousand Nine Hundred and Fifty-nine, between Fred K. Miller and Guelda Miller, his wife, of the County of Teton, and State of Idaho, the parties of the first part, and THE CEDRON CORPORATION, of the CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, of the County of Teton, and State of Idaho, the party of the second part.

WITNESSETH, That the said part of the first part, for and in consideration of the sum of ----- DOLLARS One dollar and other valuable considerations ----- in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto the said party of the second part and to their heirs and assigns forever all that certain lot, piece or parcel of land situate, lying and being in the County of Teton, and the State of Idaho, and bounded and described as follows, to-wit:

Beginning at a point 23 rods east of the Northwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, Twp. 4 N., Range 45 EEM and running thence East 16 rods, South 10 rods, West 16 rods, North 10 rods to the point of beginning, containing 1 acre.

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in any wise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises together with all appurtenances and privileges thereunto incident, unto the said party of the second part, to their heirs and assigns forever. And the said parties of the first part and their heirs, the said premises in the quiet and peaceful possession of the said party of the second part their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person or persons whosoever, lawfully claiming or to claim the same, shall and will warrant any, or by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

Wm. A. Strong

Fred K. Miller (SEAL)

Guelda Miller (SEAL)

(SEAL)

STATE OF IDAHO, } ss.

County of Teton,

On the 19 day of June

William A. Strong

a notary public

, in the year 1959, before me,

in and for said County and State, personally appeared Fred K. Miller and Guelda Miller, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(NOTAREAL SEAL)

Wm. A. Strong
Notary Public
Driggs, Idaho

My Commission Expires March 7, 1962

STATE OF IDAHO, } ss.

County of Teton,

I hereby certify that this instrument was filed for record at the request of Mrs. Fred K. Miller at 15 minutes past 4 o'clock P.M., this 19th day of June, 1959

Fees, \$ 1.50

Dwight C. Stone Ex-Officio Recorder.

By

Olive B. Sessions Deputy.

SPECIAL WARRANTY DEED

1 CEDRON CORPORATION OF THE CHURCH OF JESUS CHRIST OF
2 LATTER-DAY SAINTS, a corporation sole, of Teton County, State of Idaho,
3 Grantor, hereby CONVEYS and WARRANTS only against all acts of itself, its
4 successors and assigns to VICTOR CEDRON CEMETERY DISTRICT, Grantee,
5 of Teton County, State of Idaho, for good and valuable consideration, the fol-
6 lowing described tract of land in the County of Teton, State of Idaho, to-wit:

7 Beginning at a point 23 rods east of the Northwest corner
8 of the NE 1/4, SW 1/4 of Section 19, Twp. 4 N, Range
9 45 EBM and running thence East 16 rods; thence South 10
10 rods; thence West 16 rods; thence North 10 rods to the
point of beginning. Containing 1 acre.

11 Subject to all easements, rights, rights-of-way and re-
12 strictions of record.

13 IN WITNESS WHEREOF, the said Grantor has hereunto subscribed
14 its name and affixed its corporate seal by its corporation sole this ____ day of
15 September, A.D., 1968.

16 CEDRON CORPORATION OF THE
17 CHURCH OF JESUS CHRIST OF
18 LATTER-DAY SAINTS, a corporation
sole

19 By Burton W. Kunz
20 Corporation Sole

21 STATE OF IDAHO)
22 : ss
23 County of Teton)

24 On this 19th day of September, A.D., 1968, personally appeared
25 before me BURTON W. KUNZ, personally known to me to be the Bishop of the
26 Cedron Ward of the Teton Stake of The Church of Jesus Christ of Latter-day
27 Saints, who acknowledged to me that he signed the foregoing instrument as
28 Corporation Sole of the Cedron Corporation of The Church of Jesus Christ of
Latter-day Saints, a corporation sole, and that the seal impressed on the within
instrument is the seal of said corporation, and the said Burton W. Kunz ack-
nowledged to me that the said corporation executed the same.

29 My commission expires:

July 10, 1971
Notary Public for the State of Idaho

RECEIVED

AUG 09 2002

TETON CO., ID
CLERK RECORDER

149639

Instrument # 149639

DRIGGS, TETON, IDAHO

2002-08-09 04:06:18 No. of Pages: 2

Recorded for : MONROE DUSTIN JR

NOLAN G. BOYLE Fee: 6.00

Ex-Officio Recorder Deputy

Index to: DEED WARRANTY

Nolan G. Boyle

WARRANTY DEED

Warranty deed made this 9th day of August, 2002, between
MONROE DUSTIN JR. and VERA JEAN DUSTIN of 726 South 450 West, Victor, Idaho
83455 referred to as Grantors, and the **VICTOR-CEDRON CEMETERY DISTRICT** of
P.O. Bx. 192, Victor, Idaho 83455 referred to as Grantee.

Grantors in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable
consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and
does hereby grant, bargain, sell and convey, and confirm unto Grantee and its heirs and assigns
forever, all the following described real estate situated in Teton County, Idaho:

A part of the Southeast quarter Northwest quarter of Section 19, Township 4 North,
Range 45 E., B.M. Teton County, Idaho being further described as:
Commencing at the Southeast corner of the Northwest quarter of said Section 19 and
running N 89°55'07" W, 992.31 feet along the South line of the Northwest quarter of
said Section 19 to a point; Thence N 00°46'11" E, 27.34 feet to a point; Thence
N 88°53'12" E, 192.03 feet to a point; Thence N 01°30'00" E, 164.26 feet to a point;
Thence S 88°30'00" E, 796.61 feet to a point on the East line of the Northwest quarter
of said Section 19; Thence S 00°13'16" W, 175.83 feet along the East line of the
Northwest quarter of said Section 19 to the point of beginning.

Contains 3.53 acres more or less.

To have and to hold, all and singular the above-described premises together with
the appurtenances unto Grantee and its heirs and assigns forever.

149639

And Grantors and their heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, its heirs, and assigns against Grantors and their heirs and against all and every person and persons whomsoever, lawfully claiming the same.

Grantors have hereunto set their hands on the day and year first above written.

Monroe Dustin Jr. Vera Jean Dustin
Monroe Dustin Jr. Vera Jean Dustin

STATE OF Idaho)

:SS

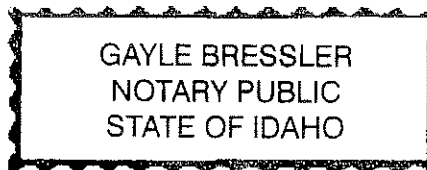
County of Idaho)

On this 9th day of August in the year of 2002, before me,
a Notary Public in and for said State, personally appeared MONROE DUSTIN JR. and VERA
JEAN DUSTIN, known or identified to me to be the persons whose names are subscribed to the
within instrument and acknowledged to me that they executed the same.

Gayle Bressler
Notary Public for

Residing at: Victor

My commission expires: 3-1-07



State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33282/22-2283 Priority Sept. 29, 1966 Amount 0.02 cfs

THIS IS TO CERTIFY, that Cedron Corporation of the Church of
Jesus Christ of Latter Day Saints

of Victor, Idaho, has complied with the terms and conditions of Permit
No. 33282/22-2283 issued pursuant to Application for Permit dated September 29, 1966,
and has submitted proof to the Department of Water Administration on September 28, 1967,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.12 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.02 cfs for Irrigation from April 15 to Oct. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 19, Twp. 4 N, Rge. 45 E, B.M.

in the county of Teton; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 3.0 acre feet per year or _____

3.0 acre feet per acre.

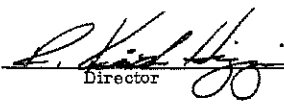
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 N	45 E	19									1								1

Total number of acres irrigated One

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of
June, 19 73.


Director

22 2283

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-2283

WATER RIGHT NUMBER: 22-2283

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS CEDRON CORP VICTOR, ID 83455

Priority Date: 09/29/1966

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.020 CFS	3.00 AF
	<u>Total Diversion:</u>	0.020 CFS	3.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4	Sec. 19, Twp 04N, Rge 45E, B.M.
TETON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	45E	19	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											1.0								1.0

Total Acres: 1

Conditions of Approval:Remarks:Comments:

R-45E

Cemetery
paced 150' X 300'
≈ 1 acre

well

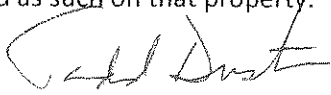
Ncy
6/29/72

Q measured 0.12 cfs
 Q recommended 0.02 cfs
 Volume 3 A-F/ANNUM
 Acreage -
 Found 1
 recommended 1
 Subdy 1
 Amendments
☒ None
☐ P.D.
☐ Place of Use
☐

Season - 4/15 to 10/15
 A-F/Acre - 3.0

To whom it may concern;

I Todd Dustin president of the Cedron Irrigation Corporation do acknowledge that water taken from the Cedron well, (Idaho department of water resources water right number 22-13169) is used to water approximately 3 acres that was sold to the Victor-Cedron Cemetery. This property along with the water right is in the original place of use of the Cedron Irrigation corporation and will continue to be used as such on that property.

A handwritten signature in cursive script, appearing to read "Todd Dustin".

Todd Dustin

Cedron Irrigation corporation