

APR 16 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

By

Clerk

Clerk

In Re SRBA

Subcase: 22-02283

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

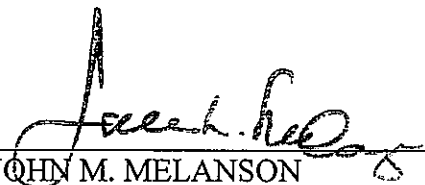
On December 6, 2007, the Victor Cedron Cemetery District filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on April 15, 2008. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated April 16, 2008.


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 LATE NOTICE OF CLAIM was mailed on April 16, 2008, with sufficient first-class postage to the following:

VICTOR CEDRON CEMETERY DIST
C/O TODD DUSTIN
PO BOX 192
VICTOR, ID 83455
Phone: 208-313-4452

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

ORDER

Page 1 4/16/08

FILE COPY FOR 00671

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

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: C084653
Received By: KAW

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).

DISTRICT COURT - 500A
TWIN FALLS CO., IDAHO
FILED
2007 DEC 6 PM 10 44

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.

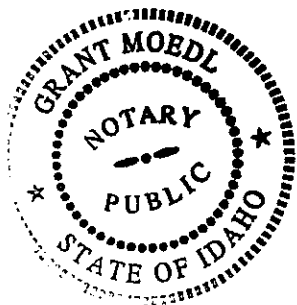
[Signature]
Signature of Authorized Agent

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 Frederick

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 EBM 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 whosever, 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

, in the year 1959, before me,

William A. Strong a notary public 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.

(NOTARIAL 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 PM, 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 said
4 successors and assigns to VICTOR CEDRON Cemetery District,
5 of Teton County, State of Idaho, for good and valuable consideration, the
6 following described tract or land in the County of Teton, State of Idaho:

7 Beginning at a point 26 rods east of the Northwest corner
8 of the NE 1/4 SW 1/4 of Section 39, Twp. 4 N. Range
9 45 E. 16 W. and running thence East 16 rods, thence South 10
10 rods, thence West 16 rods, thence North 10 rods to the
11 point of beginning. Containing 1 acre.

12 Subject to all easements, rights, rights-of-way and ser-
13 vitudes of record.

14 IN WITNESS WHEREOF, the said Grantor has hereunto subscribed
15 its name and affixed its corporate seal by its Corporation Sole this
16 day of
17 September, A.D., 1968.

18 CEDRON CORPORATION OF THE
19 CHURCH OF JESUS CHRIST OF
20 LATTER-DAY SAINTS, a corporation
21 sole.

22 By Burton W. Kunz
23 Corporation Sole

24 STATE OF IDAHO)

25 County of Teton)

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

34 My commission expires:

35 July 19, 1971
36 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 Justin Jr. Vera Jean Dustin
Monroe Dustin Jr. Vera Jean Dustin

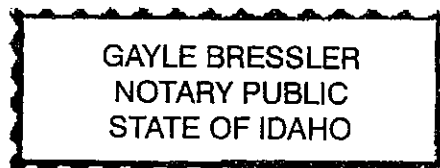
STATE OF Idaho)
County of Latah)
:SS

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 _____

SE1/4 NW1/4 Sec. 19, Twp. 4N, Rge. 45E, 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.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	45E	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	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
04N	45E	19									1.0									1.0

Total Acres: 1

Conditions of Approval:Remarks:Comments:

R-45E

T-4N

Cemetery
paced 150' x 300'
≈ 1 acre



NCY
6/29/72

Q measured 0.12 cfs
Q recommended 0.02 cfs
Volume 3 AF/ANNUUM
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