

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 37-22019
Date Received: 12/14/2006
Receipt No: 5029116
Received By: TDB

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

1. Name of Claimant(s)

HAILEY CEMETERY MAINTENANCE DISTRICT Phone:

PO BOX 207

TWIN FALLS ID USA 83303-0207

2. Date of Priority: 06/01/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	10	SE SW	BLAINE	

5. Description of diverting works:

The well and pump are in a well house adjacent to the Hiawatha Canal. Water is piped underground from there to the cemetery.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	05/15	10/31	0.42	
MUNICIPAL	01/01	12/31	0.2	

7. Total Quantity Appropriated is:
0.42 C.F.S. and/or 90 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
----------	-------	---------	----------------	-----	-------

02N	18E	10	SW	SW	IRRIGATION	11.4
			SE	SW	IRRIGATION	5
			NW	SW	IRRIGATION	3.4
					Section Acres	19.8
					Total Acres	19.8

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

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.

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 _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
DEC 14 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please type or print clearly

1. Name of Claimant (s) Hailey Cemetery Maintenance District Phone (208) 733-9300

Mailing Address c/o Patrick Brown, P.O. Box 207, Twin Falls, Idaho Zip 83303-0207

2. Date of Priority (Only one (1) per claim) June 1, 1960

3. Source of water supply (a) groundwater

which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 2N Range 18E Section 10,
SE SW
1/4 of 1/4 of 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of 1/4 of 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

The well and pump are in a well house adjacent to the Hiawatha Canal.

water is piped underground from there to the cemetery.

COPY

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For municipal purposes from 1/1 to 12/31 amount 0.2 or _____

For irrigation purposes from 5/15 to 10/31 amount 0.42 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .42 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 90 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) cemetery maintenance

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	
2N	18E	10										XX							3.4
													XX						11.4
														XX					5.0

Total number of acres irrigated 20.0

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes XX No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
this water right may be part of the City of Hailey municipal water rights. or None ()

14. Remarks:

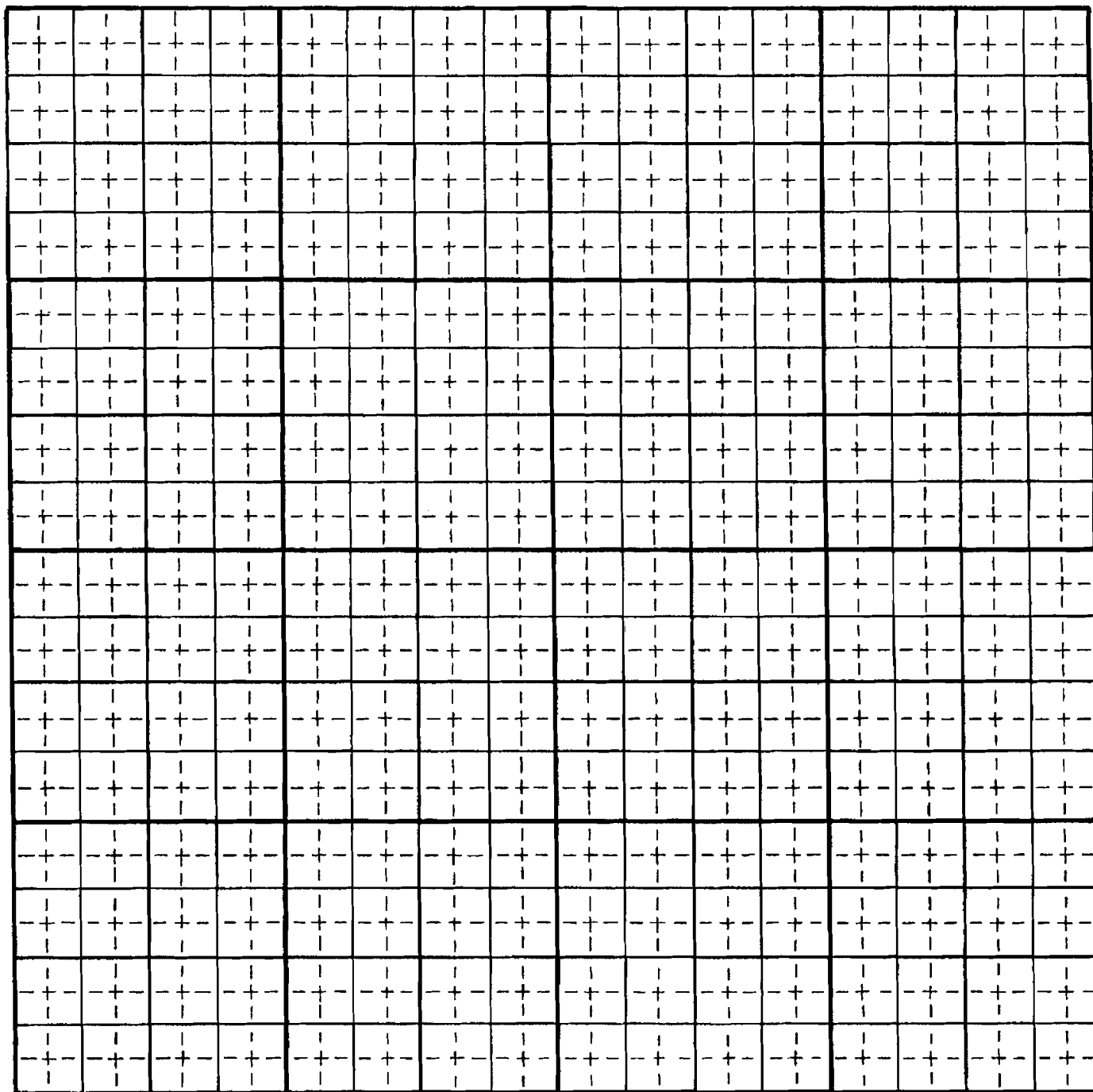
Last Name Hailey Cemetery Ident No. _____

COPY

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

see attached map.



Last Name Hailey Cemetery Ident No. _____

COPY

15. Basis of Claim (check one) Beneficial Use ^{XX} _____ Posted Notice _____ License ^{XX} _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 ^{XX} _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ authorized to sign under a power of attorney

of _____ Title _____
for Hailey Cemetery Maintenance District, that I have signed the foregoing
document in the space below as _____ Organization _____
attorney in fact of Hailey Cemetery Maintenance District
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Hailey Cemetery Maintenance District Date 12/14/06

State of Idaho/or _____)
County of Twin Falls _____) SS.

Subscribed and sworn (or affirmed) before me this 14 _____ day of December 19 2006

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Patrick Brown _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address Hutchinson & Brown LLP, P.O. Box 207, Twin Falls, Idaho 83303-0207

Date 12/14/06 _____

Last Name Hailey Cemetery Ident. Number _____

COPY

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of a monthly docket sheet may be obtained from any of the offices of the department; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the SRBA court's web site at www.srba.state.id.us/docket.htm. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department or the SRBA court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. You may also obtain copies of the notices of claims filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claims have been reviewed, the director will prepare and file a Director's report with the SRBA court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. Director reports will be prepared in each administrative basin within the Snake River Basin. When the report for your basin is filed with the court, you will be mailed a notice informing you that the report for your basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department or the court.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. You may contact IDWR regional offices or the IDWR web site www.idwr.idaho.gov for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department or the court.



Keith E. Hutchinson, Esq.
Patrick D. Brown, Esq.

HUTCHINSON
&
BROWN, LLP

ATTORNEYS AT LAW

PHONE: (208) 733-9300
WATS: (800) 753-2529
FAX: (208) 733-9343

December 14, 2006

-- via Hand Delivery --

IDAHO DEPARTMENT OF WATER RESOURCES
1341 Fillmore St., Ste. 200
Twin Falls ID 83301-3380

RECEIVED
DEC 14 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

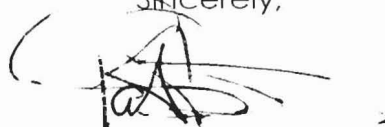
Re: **Hailey Cemetery** Maint. Dist. - Water Rights

Dear Sirs:

Enclosed herewith for filing please find NOTICE OF CLAIM TO A WATER RIGHT, together with our check in the amount of \$142 representing payment of the filing fee and SPECIAL POWER OF ATTORNEY (original will be mailed to you when we receive it).

Thank you.

Sincerely,



Patrick D. Brown

RECEIVED
DEC 14 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

/cb
Enc.
cc: Hailey Cemetery Maint. Dist.

12/19/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-22019

NAME AND ADDRESS: HAILEY CEMETERY MAINTENANCE DISTRICT
PO BOX 207
TWIN FALLS ID 83303-0207

DISALLOWED

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.420 CFS
90.000 AFY

PRIORITY DATE: 06/01/1960

POINT OF DIVERSION:

T02N R18E S10 SESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	0.200 CFS
IRRIGATION	05/15 10/31	0.420 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S10 NWSW 3.40 T02N R18E S10 SWSW 11.40

T02N R18E S10 SESW 5.00

MUNICIPAL same as IRRIGATION

19.8 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.