

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

Address Change

Ident. Number: A43-04140

Date Received: 5/26/1989

Receipt No: S007350

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VALLEY VU CEMETERY
Address: C/O D. JAY HARPER
HC 72 BOX 2156
MALTA ID

83342

2. Date of Priority: MAY 1, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	7	NE	NE	NE		CASSIA

5. Description of diverting works:
WELL, PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 33.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	27E	7	NE	NE		IRR	6.0

MICROFILM

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	6.0
		8	NW	NW	IRR	5.0
					Section Acres	5.0
					Total Acres	11.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: _____

MICROFILMED

MAR 04 1993

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) ss.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
MAR 04 1993

HARPER HEREFORD RANCHES RECEIVED

HC 72, BOX 2156
MALTA, IDAHO 83342

JAN 13 1992

Department of Water Resources
Southern Region Office

Department of Water Resources,

Enclosed is information requested
for claim no. #43-04140.

Elmo Elison is no longer chairman
of the board for Valley Vu Cemetery. Would
you please direct any correspondence to:

Valley Vu Cemetery
To D. Jay Harper
HC 72, Box 2156
Malta, Idaho 83342

Thank you
D. Jay Harper Chairman

MICROFILMED

MAR 04 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04140
VALLEY VU CEMETERY
C/O ELMO ELISON
HC 72 BOX 2180
MALTA

ID 83342

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your 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. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. 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".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED
MAR 4 1993



TURBINE PUMPS

743-0140

INVOICE



SPRINKLER SYSTEMS

IRRIGATION SUPPLY CO.

124 BLUE LAKES SOUTH — PHONE 2426

TWIN FALLS, IDAHO

SOLD TO **Malta Cemetery**
Malta, Idaho

SHIPPED TO **Same**

SHIPPED VIA

RECEIVED

JAN 13 1992

Department of Water Resources
Southern Region Office

DATE **July 1, 1958**

INVOICE No.

S. O. No. **2096**

OUR P. O. No.

CUST. ORDER No.

QUANTITY	SIZE OR SYMBOL	DESCRIPTION	UNIT PRICE	AMOUNT
10 jts	4"	ABC MHH 30' jts. aluminum	27.70	277.00
1	4"	NLR 90° elbow reducing		11.60
1	4"	X Bell Coupler		5.90
16	3"	MDGG 40' jts. aluminum	30.20	483.20
1	3"	W End plug		3.20
16	1 x 3/4	Risers		16.00
16	30Th	11/64 x 3/32 Rainbirds	5.30	<u>84.80</u>
				881.70
		10% Discount		<u>91.70</u>
				790.00

PLEASE REMIT TO:
BOX 708
BURLEY, IDAHO

PLEASE REMIT TO:
BOX 708
BURLEY, IDAHO

8% INTEREST WILL BE CHARGED ON ALL PAST DUE ACCOUNTS.

MICROFILMED
MAR 04 1993

IRRIGATION SUPPLY CO.

RECEIVED BURLEY
PHONE OR 8-7781



SPRINKLER SYSTEMS

NAME Malto Cemetery TERMS Book
ADDRESS Burley, Idaho Department of Water Resources
LOCATION _____ Southern Region Office

MICROFILMED
MAR 04 1993

ACCEPTED:

Signature

NO. _____

H 43-04170

RECEIVED

A F F I D A V I T

JAN 13 1992

Department of Water Resources
Southern Region Office

I, Lano Ellison, of Malta Ida H.C 72
Post Office Address Box 2176

do hereby affirm that I have personal knowledge of the well located
in the NE, NE, Section 7, Township 13 S,
Range 27 E, commonly known as the Cemetery well. Information
No 743-04140

I can attest to is as follows:

1. Date drilled MARCH 1958
2. Well driller Dean Rogers
3. Date of first use of water MAY 1958
4. Nature of use SPRINKLER IRRIG
5. Quantity of water diverted .8
6. Lands irrigated by this well NE, NE Sec 7 - 135, 27 E
NW, NW - Sec 8 - 135 - 27 E B.M.
This includes 6 A in Sec 7 and 5 A in Sec 8
7. Duration of use each year, from 4-1 to 11-1
8. Other information In 1958 I was Chairman of
board of Valley VV Cemetery

Lano Ellison
Signature

STATE OF Idaho

COUNTY OF Cassia

Subscribed and sworn to before me this 10th day of January, 1992

(NOTARY SEAL)

Burton Anderson
Notary Public

MAR 04 1993

19071

ACEMETERY PUMP
c/o Lane Ellison
Malta, Idaho

METER RECORD

Meter No. 30-322-854

Meter No.

Date In July 11, 1958

Date Out

Meter
Reading 7024Meter
Reading

Date In

Date Out

Meter
ReadingMeter
Reading

MINIMUM 1/2 HP (1,875)

X 10 ?

METER READING	USED	NET CHARGE	METER CARD	PENALTY ARREARS	AMOUNT PAID	DATE	BALANCE DUE
BROUGHT FORWARD							
JAN.							
FEB.							
MARCH							
APRIL							
MAY							
JUNE							
JULY							
AUG.	27 -	2.70					
SEPT.							
OCT.							
NOV.							
DEC.							

RECEIVED

JAN 13 1992

Department of Water Resources
Southern Region Office

Meter disconnected November 3, 1958 Reading 7051

270
2.70
30.10
32.80

MICROFILMED

MAR 04 1993

H 43-04140

19071

CRISTEY PUMP
c/o Lane Ellison
Malta, Idaho

METER RECORD

Meter No. 30-322-554

Meter No.

Date In May 13, 1959

Date Out

Meter Reading 7051

Meter Reading

Date In

Date Out

Meter Reading

Meter Reading

MINIMUM 1/2 HP (2,000)

Y 10

METER READING	USED	NET CHARGE	METER CARD	PENALTY ARREARS	AMOUNT PAID	DATE	BALANCE DUE
Brought Forward <i>See ledger</i>							
JAN.							
FEB.							
MARCH							
APRIL							
MAY							
JUNE							
JULY	094	43*	430	14		JA 31 59	4150
AUG.					415	Aug 17 59	000
SEPT.							
OCT.	7104	10*	100				
NOV.		530	5.30				
DEC.		1000					
		6530					

Meter disconnected November 9, 1959. Reading 7104

1.00

OCT 30 59

NOV 16 59

1.00

000

MICROFILMED

MAR 04 1993

H43-04140

19071

Rel
CEMETERY PUMP
c/o Lane Ellison
Malta, Idaho

METER RECORD

Meter No. 25-266-792

Meter No.

Date In April 22, 1960 Date Out

Meter Reading 3342

Meter Reading

Date In

Date Out

Meter Reading

Meter Reading

MINIMUM

7½ HP (1,875)

X 10

METER READING	USED	NET CHARGE	METER CARD	PENALTY ARREARS	AMOUNT PAID	DATE	BALANCE DUE
Brought Forward							
JAN							
FEB							
MARCH							
APRIL							
MAY							
JUNE							
JULY							
AUG							
SEPT							
OCT							
NOV							
DEC							

JAN

FEB

MARCH

APRIL

MAY

JUNE

JULY

AUG

SEPT

OCT

NOV

DEC

459

21*

210

MAR 31 60

211

210 Sept 30 60

00

Meter disconnected October 31, 1960 Reading 3466

3465

07*

70

OCT 30 60

71

70 NOV 15 60

01

MICROFILMED

MAR 14 1993

19071

CEMETERY PUMP
C/O Leno Ellison
Malta, Idaho

MINIMUM HP (1,875) X 10

METER RECORD

Meter No. 25-266-792

Meter No.

Date In April 12, 1961 Date Out

Meter Reading 3466

Meter Reading

Date In

Date Out

Meter Reading

Meter Reading

METER READING	USED	NET CHARGE	METER CARD	PENALTY ARREARS	AMOUNT PAID	DATE	BALANCE DUE
Brought Forward							
JAN.							
FEB.							
MARCH							
APRIL 488	22	220				APR 30 61	220
MAY						MAY 15 61	000
JUNE 543	30	300				JUN 30 61	300
JULY						JUL 17 61	000
AUG. 572	54	540				AUG 30 61	540
	1060	10.60		37		AUG 31 61	540
SEPT.						Aug. 29 6	00
OCT.							
NOV.							
DEC.							

Meter disconnected November 3, 1961 Reading 3579

MICROFILMED
MAR 11 1993

H43-04140

19071

CEMETERY PUMP
c/o Lano Elison
Malta, Idaho

MINIMUM 7½ HP

X 10 All

METER RECORD

Meter No. 25-266-800

Meter No.

Date In April 11, 1962 Date Out

Meter Reading 00000 5 digit Meter Reading

Date In

Date Out

Meter Reading

Meter Reading

METER READING	USED	NET CHARGE	PENALTY ARREARS	AMOUNT PAID	DATE	BALANCE DUE
Brought Forward						
JAN						
FEB.						
MARCH						
APRIL						
35	35 *	3.50				
MAY	8	18.00				
112	77 *	7.70		21.50	MAY 31 62	21.50
JUNE	8	18.00			JUN 27 62	.00
261	149 *	13.52	129		JUN 30 62	25.70
JULY	8	18.00		26.94	JUL 25 62	25.70
369	107 *	10.20			JUL 31 62	26.94
AUG.	82	18.45			AUG 31 62	.00
474	106 *	10.03		31.52	AUG 27 62	28.65
SEPT.	8	18.00			SEP 13 62	.00
469	15 *	1.50		28.65	SEP 30 62	28.65
OCT.					OCT 15 62	.00
NOV.						
DEC.						

Meter disconnected October 16, 1962 Reading 00489 Demand 0.8

MICROFILMED

MAR 14 1993

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: A43-04140
Date Received: 5/24/1989
Receipt No: 5007350
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VALLEY VU CEMETERY
Address: C/O ELMO ELISON
HC 72 BOX 2180
MALTA, ID 83342 208-645-2544

2. Date of Priority: MAY 01, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	27E	7	NE	NE			CASSIA

5. Description of diverting works:
WELL, PUMP, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.800		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 33.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	7	NE	NE		IRR	6.0
Section Acres							6.0

COPY

MICROFILMED
MAR 04 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	27E	8	NW	NW	IRR	5.0
Section Acres						5.0
Total Acres						11.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am President of the Board of Valley View Cemetery, that I have signed the foregoing Organization document in the space below as President of the Board of Valley View Cemetery and that the statements contained in the foregoing document are true and correct.

Edna Edison
Signature of Authorized Agent
Valley View Cemetery
President of the Board
Title and Organization

5-26-89
Date

State of Idaho)
County of Timber Falls) SS.

Subscribed and sworn (or affirmed) before me this 26th day.

of May 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.

My Commission Expires 6/30/94

RECEIVED

JAN 8 2003

Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 JAN 6 AM 9 14

**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

Case No. 39576

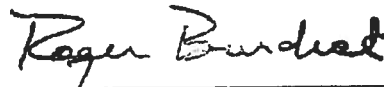
)
) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 43-04140**
)

On October 4, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 43-04140 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED January 6, 2003



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-04140

2003 JAN 6 AM 9 14

NAME AND ADDRESS: VALLEY VU CEMETERY
C/O D JAY HARPER
HC 72 BOX 2156
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.12 CFS
23.60 AFY

PRIORITY DATE: 05/01/1958

POINT OF DIVERSION: T13S R27E S07 NENENE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.12 CFS 23.60 AFY

PLACE OF USE: Irrigation Within Cassia County
T13S R27E S07 NENE 4.5
S08 NWNW 1.4
5.9 Acres Total

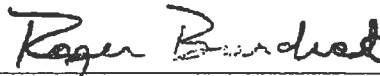
PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2003 JAN 06 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 43-04140

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 43-04140 was mailed
on January 06, 2003, with sufficient first-class postage prepaid
to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

VALLEY VU CEMETERY
Represented by:
WILLIAM A. PARSONS
PO BOX 910
137 WEST 13TH STREET
BURLEY, ID 83318
Phone: 208-678-8382

ROBBIN HALL
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/06/03

RECEIVED

OCT - 8 2002

Department of Water Resources

DISTRICT COURT-SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
OCT 10 4 2002	
By 	Clerk
	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 SRBA

Case No. 39576

) **Subcase 43-04140**
) **(Valley Vu Cemetery)**
)
) **SPECIAL MASTER REPORT**

Findings of Fact

Valley Vu Cemetery, c/o D. Jay Harper, HC 72, Box 2156, Malta, Idaho 83342, filed a *Notice of Claim to a Water Right* on May 24, 1989, claiming .8 cfs from groundwater to irrigate 11 acres in Cassia County from April 1 to November 1 with a priority date of May 1, 1958, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other. Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim for .12 cfs to irrigate 5.9 acres from March 15 to November 15.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to place of use. On October 3, 2002, the claimant, the United States and IDWR filed a *Standard Form 5* agreeing to amend the place of use.

Conclusions of Law

Valley Vu Cemetery is entitled to a partial decree adjudicating a water right under claim 43-04140 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-04140*.

DATED October 4, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 43-04140

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 04 2002

By *[Signature]* Clerk
Deputy Clerk

NAME AND ADDRESS: VALLEY VU CEMETERY
C/O D JAY HARPER
HC 72 BOX 2156
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.12 CFS
23.60 AFY

PRIORITY DATE: 05/01/1958

POINT OF DIVERSION: T13S R27E S07 NENENE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.12 CFS 23.60 AFY

PLACE OF USE: Irrigation Within Cassia County
T13S R27E S07 NENE 4.5
S08 NWNW 1.4
5.9 Acres Total

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

OCT 04 2002

[Signature]
SPECIAL MASTER

RECEIVED

OCT - 8 2002

Department of Water Resources

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
OCT 04 2002
By _____ Clerk
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 SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

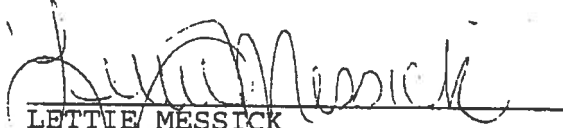
Water Right(s) : 43-04140

On October 04, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED October 04, 2002.


LETTIE MESSICK
Deputy Clerk

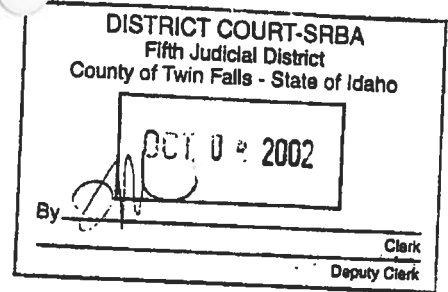
NOTICE OF ISSUANCE

PAGE 1
10/04/02

RECEIVED

OCT - 8 2002

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)

Case No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 43-04140

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on October 04, 2002, with sufficient first-class postage prepaid to the following:

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

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

VALLEY VU CEMETERY
Represented by:
WILLIAM A. PARSONS
PO BOX 910
137 WEST 13TH STREET
BURLEY, ID 83318
Phone: 208-678-8382

CERTIFICATE OF MAILING


LETITIE MESSICK
Deputy Clerk

PAGE 1
10/04/02

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OCT - 7 2002

Department of Water Resources

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BLM ISO M

SEP 11 2002

9:00 A.M.

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

Case No. 39576

Subcase No.: 43-4140

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Cedric Taylor
~~D. Jay Harper~~ CEDRIC TAYLOR Date
for Valley Vu Cemetery 9/3/02

OBJECTOR:

Larry A. Brown 10/2/02
Larry A. Brown, US DOJ Date
Attorney for BLM ce

IDWR CONCURRENCE:

Cynthia Smith 9-5-02
Sr. Water Resource Agent Date
Water Rights Supervisor

Cynthia Smith 9/6/02
Approved as to form Date
Attorney for IDWR

07/09/2002

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

RIGHT NUMBER: 43-4140

NAME AND ADDRESS: VALLEY VU CEMETERY
C/O D JAY HARPER
HC 72 BOX 2156
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.12 CFS
23.6 AFY

PRIORITY DATE: 05/01/1958

POINT OF DIVERSION:

T13S R27E S7 NENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.120 CFS
23.60 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R27E S07

NENE

4.5

T13S R27E S08

NWNW

1.4

5.9 ACRES TOTAL

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

CERTIFICATE OF SERVICE

I certify that on Oct. 2, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

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

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

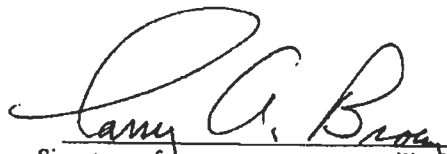
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Valley Vu Cemetery
~~G/O D. Jay Harper~~
~~HC 72 Box 2156~~ Box 637
Malta, ID 83342

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Dept. of Justice
Environment & Nat'l Resources Div.
550 W. Fort St. MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form

07/09/2002

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

RIGHT NUMBER: 43-4140

NAME AND ADDRESS: VALLEY VU CEMETERY
C/O D JAY HARPER
HC 72 BOX 2156
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.12 CFS
23.6 AFY

PRIORITY DATE: 05/01/1958

POINT OF DIVERSION:

T13S R27E S7 NENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.120 CFS
23.60 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R27E S07 NENE 4.5 T13S R27E S08 NWNW 1.4

5.9 ACRES TOTAL

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

Robertson, Jean

Subject: 43-4140 SF5
Due Date: Monday, July 15, 2002

Status: Not Started
Percent Complete: 0%

Total Work: 0 hours
Actual Work: 0 hours

Owner: Robertson, Jean
Requested By: McHugh, Candice

I'll try to do it by this afternoon and email it to you and Vicki...

Jean -- Below is an email I received today from Larry Brown with the BLM. Please prepare the SF5. Thank you.

Based upon a letter received from William A. Parsons of Parsons, Smith & Stone, LLP, P.O. Box 910, Burley, ID 83318 Ph: (208) 678-8382, please draft an SF-5 that adds the following remark: "THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON FEDERAL PUBLIC LAND." Ask Fred Price to mail the SF-5 to Mr. Parsons for his signature, following the usual routine for my final signature. I will file and serve from here.

U42

JR ✓

RECEIVED

FEB 11 2002

Department of Water Resources

RECEIVED

FEB 19 2002

Department of Water Resources
Southern Region

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

Case No. 39576

A. Subcase 43-04140

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Valley VU Cemetery, c/o D. Jay Harper

Address: HC 72 Box 2156; Malta, ID. 83342

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

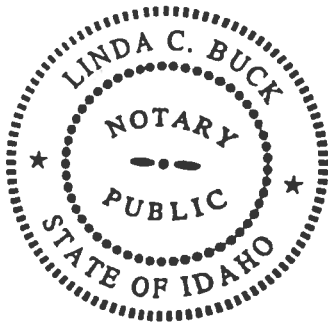
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 7, 2002

Linda C. Buck



Linda C. Buck
Notary Public for Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on Feb. 8, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: Valley VU Cemetery, c/o D. Jay Harper

Address: HC 72 Box 2156; Malta, ID. 83342

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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



Signature of Objector or attorney mailing on Objector's behalf

09/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-4140

NAME AND ADDRESS: VALLEY VU CEMETERY
C/O D JAY HARPER
HC 72 BOX 2156
MALTA ID 83342

MIXED OWNERSHIP

-THE PLACE OF USE IDENTIFIED BELOW
CONTAINS BOTH PRIVATE AND PUBLIC LANDS.
-CLARIFY THE POU SUCH THAT IT IS CLEAR
THAT ONLY PRIVATE LAND IS INTENDED.

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS
23.60 AFY

PRIORITY DATE: 05/01/1958

POINT OF
DIVERSION:

T13S R27E S7 NENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.120 CFS
23.60 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R27E S07 NENE 4.5 T13S R27E S08 NWNW

BLM/Pvt.
1.4

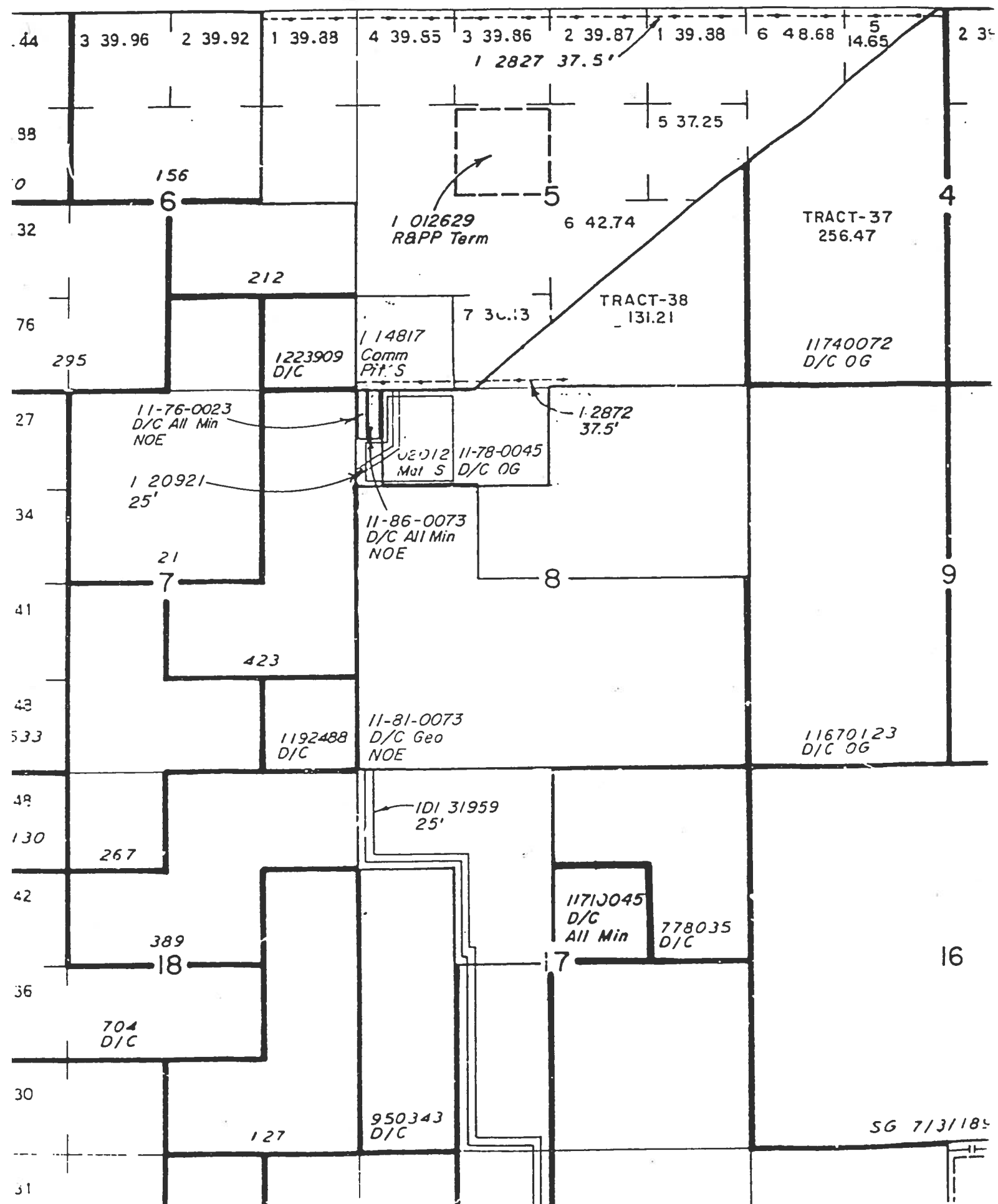
5.9 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY
FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF
THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A
POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION
42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

-THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON
FEDERAL PUBLIC LAND



CASSIA COUNTY
BUREAU DISTRICT SEC 1

MT PLAT[illegible]

ID# 238730 Neil Hays Trent
 Mater. of information only, does not describe
 public records
 ID# 0126628 RBWP Landfill Site Form 12/16/1997
 Sec 3-5-SENW

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL.

SCALE in Chinese
0 1 2 10 20 30

6

THE HISTORICAL INDEX FOR THE DATE OF THE BIRTHDAY WITH.

•

Idaho Department of Water Resources
 Estimated Pumping Rate Documentation Form
 Flow Analysis Performed by: **Scott King**

ed 1/3/2000

Date: **01/04/2000**

Record ID	261	Measured Flow:	
Water Right No.	A43-04140	Designed Flow:	
Name	Valley Vu Cemetery	HP/Eff Flow:	0.35 cfs
pod	13S27E7NENE	Sprinkler Flow:	
year:	1958	Pivot/System Flow:	
Flow Measurement:		gpm	=
Curve/Pump Design:		gpm	=
Horsepower / Efficiency Method			
Horsepower	7.5	hp	
PWL	30	ft	
Disch Psi	50	psi	
PUMP Eff Estimate	0.76	%	
TDH	146	ft	
OHP	5.7	hp	
Flow	155	gpm	= 0.35 cfs
System Method:			
No Lines		Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$	
Birds per line		C=	1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	0	r=	0.0000 ft Nozzle radius
Nozzle size		A=	0.00000 ft^2 Nozzle area
Nozzle pressure		h=	0 ft Head
Flow per nozzle	0.00	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	0	Q=	0.000 cfs Flow per nozzle
Percent Leaks	%	=	0.000 gpm Flow per nozzle
Total Flow	0		
Pivot / System rating		gpm	=

Comments / Data Supplied:

1/4/2000 snk

Returned data form shows 7.5 hp pump, water level and discharge pressure for 1958, 1982, 1991 and 1997. Horsepower/efficiency estimate from 1958 results in the highest flow estimate. Also describes sprinkler system as "4" mainline with 2 ten bird laterals with 5/32 nozzles" and describes pump design (likely current design per Mike's Pump Service attachment) as "... 100 gpm @ 50 psi 105 ft."

Idaho Department of Water Resources
 Estimated Pumping Rate Documentation Form
 Flow Analysis Performed by: **Scott King**

Date: **36529**

Record ID	261	Measured Flow:	
Water Right No.	A43-04140	Designed Flow:	
Name	Valley Vu Cemetery	HP/Eff Flow:	0.30 cfs
pod	13S27E7NENE	Sprinkler Flow:	
year:	1982	Pivot/System Flow:	
Flow Measurement:		gpm	=
Curve/Pump Design:		gpm	=
Horsepower / Efficiency Method			
Horsepower	7.5	hp	
PWL	50	ft	
Disch Psi	50	psi	
Eff Estimate	0.76	%	
TDH	166	ft	
OHP	5.7	hp	
Flow	136	gpm	= 0.30 cfs
System Method:			
No Lines		Nozzle Equation: $Q = C \cdot A \cdot \sqrt{2 \cdot g \cdot h} / \sqrt{1 - r^4}$	
Birds per line		C=	1.00 Nozzle coefficient, typical 0.97 to 1.00
Ttl no nozzles	0	r=	0.0000 ft Nozzle radius
Nozzle size		A=	0.00000 ft^2 Nozzle area
Nozzle pressure		h=	0 ft Head
Flow per nozzle	0.00	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	0	Q=	0.000 cfs Flow per nozzle
Percent Leaks		=	0.000 gpm Flow per nozzle
Total Flow	0		
Pivot / System rating		gpm	=

Comments / Data Supplied:

Idaho Department of Water Resources
 Estimated Pumping Rate Documentation Form
 Flow Analysis Performed by: **Scott King**

Date: **36529**

Record ID	261	Measured Flow:	
Water Right No.	A43-04140	Designed Flow:	0.22 cfs
Name	Valley Vu Cemetery	HP/Eff Flow:	0.26 cfs
pod	13S27E7NENE	Sprinkler Flow:	0.27 cfs <--Max
year:	1991	Pivot/System Flow:	
Flow Measurement:		gpm	=
Curve/Pump Design:	100	gpm	= 0.22 cfs "Pump design is 100 gpm @ 50 psi, 105 ft"
Horsepower / Efficiency Method			
Horsepower	7.5	hp	
PWL	75	ft	
Disch Psi	50	psi	
Eff Estimate	0.76	%	
TDH	191	ft	
OHP	5.7	hp	
Flow	118	gpm	= 0.26 cfs
System Method:			
No Lines	2	Nozzle Equation: $Q=C*A*\sqrt{2*g*h} / \sqrt{1-r^4}$	
Birds per line	10	C=	1.00 Nozzle coefficient; typical 0.97 to 1.00
Ttl no nozzles	20	r=	0.0065 ft Nozzle radius
Nozzle size	5/32 in	A=	0.00013 ft^2 Nozzle area
Nozzle pressure	50	h=	116 ft Head
Flow per nozzle	5.15	g=	32.2 ft/sec^2 Gravitational constant
Sprinkler Flow	103	Q=	0.011 cfs Flow per nozzle
Percent Leaks	15	=	5.154 gpm Flow per nozzle
Total Flow	121	gpm	= 0.27 cfs 15% leaks my estimate for leaks and worn nozzles (sk)
Pivot / System rating		gpm	=

Comments / Data Supplied:

Idaho Department of Water Resources
Adjudication Bureau

December 6, 1999

N A4304140
P VALLEY VU CEMETERY
C 13S27E7NENE

RECEIVED

DEC 20 1999

Department of Water Resources

Data Submission for Estimating Well Pumping Capacity

This form is for documenting historic flow rate from a well based on available information including: flow measurements, pump curves or specifications, system characteristics such as motor horsepower, depth to water, discharge pressure, and irrigation system characteristics. The department is attempting to quantify the maximum rate of flow diverted and put to beneficial use in the years prior to November 1987.

If you have any questions regarding this data request, please contact either Scott King (208) 327-7897 or Cindy Bird (208) 327-5450. You may also dial the adjudication hotline (1-800-451-4129) and ask for Scott or Cindy. If you prefer to discuss these questions with us instead of completing the form, your call is welcomed. We can also be contacted by e-mail at sking@idwr.state.id.us and cbird@idwr.state.id.us

1) Rate of Flow measurements: _____ (cfs or gpm)

Please give approximate date, person or entity performing measurement, description of measuring device and any other applicable data. Examples may include measurements made as part of an energy efficiency survey, which are often provided as a service through your electric utility.

2) Pump characteristic curves or specifications: Please include copy of pump curve, or state designed pumping capacity, rated flow and head, and approximate year of pump installation. Other helpful items may include the pump manufacturer, model number, and number of stages.

PROPOSAL
By

MIKE'S PUMP SERVICE
2690 FAIRMONT DRIVE
BURLEY, IDAHO
678-8997

Date: April 4/91

Proposal Submitted To: MALTA CEMETARY
Name: JAY HARPER MALTA
Mailing Address:
City: State: Zip:
Phone:

We hereby propose to furnish the materials and preform the labor necessary for the completion of:

	PRICE
Pump: <u>6 HUND FOS STAINLESS STEEL</u> Model No. <u>80 S 75-8</u>	
Installation of: <u>7 1/2</u> HP.	
Sat at: <u>105</u> Pumping <u>100</u> GPM. at <u>50 PSI</u>	<u>1925.00</u>
Volts: <u>240</u> Phase: <u>3</u>	
Pressure Tank: Model No. _____ Drawdown Capacity: _____	
Galvanized Drop Pipe: Size: <u>3"</u> Ft. <u>10.5'</u>	<u>446.25</u>
Well Seal or Cap: Size: <u>MANUFACTURED</u> <u>8"</u>	<u>25.00</u>
Pitless Adaptor: _____	
Submersible Wire: <u>104</u> <u>.47</u> <u>110'</u>	<u>73.70</u>
Underground UF Wire: _____	
Pressure: Switch: _____ Gauge: _____	<u>6.00</u>
Magnetic Starter: _____	<u>275.00</u>
Underground Pipe: Size: <u>WITH OVERLOADS</u> Ft. _____	
Valves: Gate: _____ Check: _____	
Estimate Pipe Fittings: _____	<u>50.00</u>
Estimate Electrical Fittings: _____	<u>2800.90</u>
Extras: <u>LABOR FOR PULLING OLD PUMP</u>	TAX <u>140.00</u>
<u>AND DISASSEMBLING</u>	<u>225.00</u>
Labor: <u>180</u> Hoist Fee: _____ Warranty: _____	<u>180.00</u>

TOTAL: 3346.00
This price does not include the trenching or any wiring that is not listed above.

Submitted By: Mike Smith

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Date: April 4/91

Signature: Mike Smith

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

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RECEIVED

AUG 18 1964

Department of Water Resources

Notice is hereby given that Valley Vu Cemetery

(Name of Claimant)

83342

Telephone No. 645-2544

(Mailing Address)

(Zip Code)

(1) Date of claim is _____

- (1) Date of priority: (When was the water first applied to a beneficial use) May 1958
A claim is not acceptable on a ground use

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
ground water

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(1967 dates inclusive)

(Mo., Day)

(Mo., Day)

Quantity 8 CES Use Irrigation (Domestic, Irrigation, Stock, Etc.) (Mo., Day) (Mo., Day)

Quantity _____ Use Irrigation Period of Use From Apr. 1 To Nov. 1

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity	Use	Period of Use From	To

Quantity	Use	Period of Use From	To
1	Use	1-1-1977	12-31-1977
1	Use	1-1-1978	12-31-1978
1	Use	1-1-1979	12-31-1979
1	Use	1-1-1980	12-31-1980
1	Use	1-1-1981	12-31-1981
1	Use	1-1-1982	12-31-1982
1	Use	1-1-1983	12-31-1983
1	Use	1-1-1984	12-31-1984
1	Use	1-1-1985	12-31-1985
1	Use	1-1-1986	12-31-1986
1	Use	1-1-1987	12-31-1987
1	Use	1-1-1988	12-31-1988
1	Use	1-1-1989	12-31-1989
1	Use	1-1-1990	12-31-1990
1	Use	1-1-1991	12-31-1991
1	Use	1-1-1992	12-31-1992
1	Use	1-1-1993	12-31-1993
1	Use	1-1-1994	12-31-1994
1	Use	1-1-1995	12-31-1995
1	Use	1-1-1996	12-31-1996
1	Use	1-1-1997	12-31-1997
1	Use	1-1-1998	12-31-1998
1	Use	1-1-1999	12-31-1999
1	Use	1-1-2000	12-31-2000
1	Use	1-1-2001	12-31-2001
1	Use	1-1-2002	12-31-2002
1	Use	1-1-2003	12-31-2003
1	Use	1-1-2004	12-31-2004
1	Use	1-1-2005	12-31-2005
1	Use	1-1-2006	12-31-2006
1	Use	1-1-2007	12-31-2007
1	Use	1-1-2008	12-31-2008
1	Use	1-1-2009	12-31-2009
1	Use	1-1-2010	12-31-2010
1	Use	1-1-2011	12-31-2011
1	Use	1-1-2012	12-31-2012
1	Use	1-1-2013	12-31-2013
1	Use	1-1-2014	12-31-2014
1	Use	1-1-2015	12-31-2015
1	Use	1-1-2016	12-31-2016
1	Use	1-1-2017	12-31-2017
1	Use	1-1-2018	12-31-2018
1	Use	1-1-2019	12-31-2019
1	Use	1-1-2020	12-31-2020
1	Use	1-1-2021	12-31-2021
1	Use	1-1-2022	12-31-2022
1	Use	1-1-2023	12-31-2023
1	Use	1-1-2024	12-31-2024
1	Use	1-1-2025	12-31-2025
1	Use	1-1-2026	12-31-2026
1	Use	1-1-2027	12-31-2027
1	Use	1-1-2028	12-31-2028
1	Use	1-1-2029	12-31-2029
1	Use	1-1-2030	12-31-2030
1	Use	1-1-2031	12-31-2031
1	Use	1-1-2032	12-31-2032
1	Use	1-1-2033	12-31-2033
1	Use	1-1-2034	12-31-2034
1	Use	1-1-2035	12-31-2035
1	Use	1-1-2036	12-31-2036
1	Use	1-1-2037	12-31-2037
1	Use	1-1-2038	12-31-2038
1	Use	1-1-2039	12-31-2039
1	Use	1-1-2040	12-31-2040
1	Use	1-1-2041	12-31-2041
1	Use	1-1-2042	12-31-2042
1	Use	1-1-2043	12-31-2043
1	Use	1-1-2044	12-31-2044
1	Use	1-1-2045	12-31-2045
1	Use	1-1-2046	12-31-2046
1	Use	1-1-2047	12-31-2047
1	Use	1-1-2048	12-31-2048
1	Use	1-1-2049	12-31-2049
1	Use	1-1-2050	12-31-2050
1	Use	1-1-2051	12-31-2051
1	Use	1-1-2052	12-31-2052
1	Use	1-1-2053	12-31-2053
1	Use	1-1-2054	12-31-2054
1	Use	1-1-2055	12-31-2055
1	Use</		

(4) **TOTAL QUANTITY USED.** _____

(cfs, gpd, AFA)

TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NE % NE %, Sec. 7 Twp. 13 S Rge. 27 E. B.M., County of Cassia
 Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well with pump and pipeline

- (8) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 10.57

8) If water is used for other than irrigation, fully describe that use, being as specific as possible

NOTE: Include here the type and number of stock watered.

(7) If you are claiming water as a member of an organization, list name of organization.

This well has been pumped continuously since 1958. To verify same the R.E.A. Electric Company has furnished power since then and also we have verification from Winthrop Pump company that that is when the pump was purchased and installed. E.E.

(8) Remarks

Well

Section 7

Section 8

Twp 13 S Range 27 E

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Cassia)

Be it known that the undersigned, being duly sworn, deposes and says that ne, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Valley Van Comstock
by Edna E. Gibson President
(Claimant)

Sworn to before me this 1st day of July, 19 82

Notary Public
Residing at Malta, Idaho 83342

My commission expires Life Term

FOR DEPARTMENT USE ONLY

Received by mya Date 8/1/82 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by dl Date 8-18-82 claimant by: _____
\$20.00 fee received by mya Date 8/1/82 #30921
Published in South Fla Press
Dates 8/6 & 8/18/82

VERIFIED BY *[Signature]* 12/18/2000
12/18/2000

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

RIGHT NUMBER: 43-4140

NAME AND ADDRESS: VALLEY VU CEMETERY
C/O D JAY HARPER
HC 72 BOX 2156
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.12 CFS
23.6 AFY

PRIORITY DATE: 05/01/1958

POINT OF DIVERSION: T13S R27E S7 NENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	0.12 CFS 23.60 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R27E S7	NENE	4.5	T13S R27E S8 NWNW 1.4

5.9 ACRES TOTAL

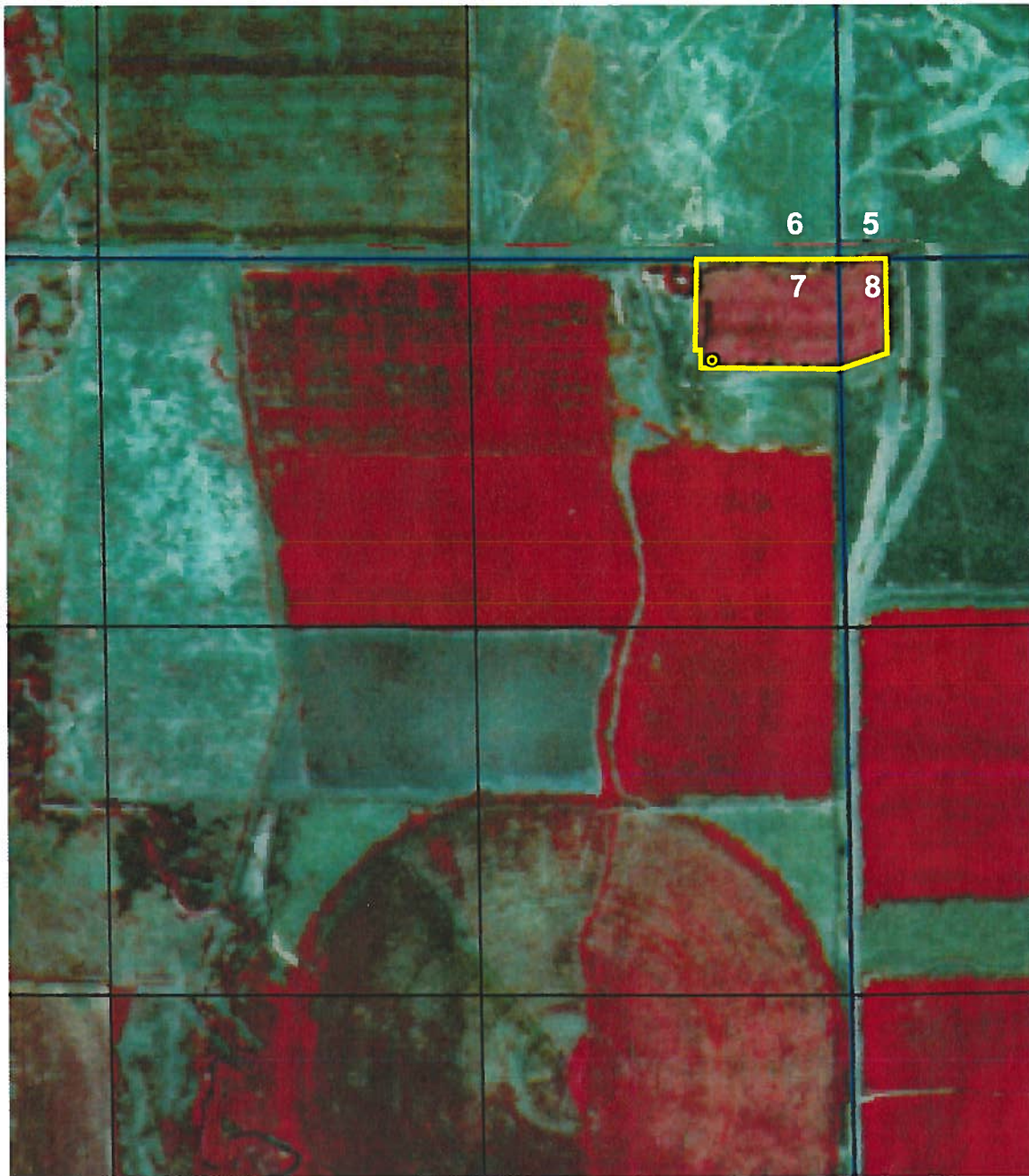
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water Right 43-4140

43-04140



0 1320 2640 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON DEC. 18, 2000
TWP 13S, RNG 27E, SEC. 7 & 8

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

A43-04140 5/1/1958 0.8 cfs 11 Ac.

- GIS showed total of 5.9 irrigated acres in 1987
- evidence submitted substantiates priority date
- meter records from power company show a 7.5 hp motor
- using that, theoretical calculations shows capability of 0.5 cfs (@ 40 psi) or 0.3 cfs (@ 60 psi)
- $5.9 \text{ Ac} \times .02 \text{ cfs/Ac} = 0.118 \text{ cfs}$ or 0.12 cfs
- $5.9 \times 4 = \underline{23.6 \text{ AFA}}$

R43-04140 5/1/1958 0.12 cfs / 23.6 AF 5.9 Ac.

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 43-04140
DATE: 12/18/00
BY: X

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (7.5 \text{ hp}) \times (0.70)}{[(\text{LIFT}) + (40 \text{ psi} \times 2.31)]} = \frac{46.2}{138.6} = 0.33 \text{ cfs}$$

Handwritten notes: 0.5 @ 40psi or 0.3 @ 60psi

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner ()	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	<u>7.5 hp - according to elec. co. records</u>
Booster (Y) (N)		
REMARKS <u>0.02 cfs X 5.9 Ac. = 0.118 or 0.12 cfs</u>		

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	CV-DV	
5/01-09/30	153	2-3	
4/15-10/15	184	2.5-3.5	POTENTIAL = $(2.6) \times (1.98) \times (5.9) = 24.3$
4/01-10/31	214	3-4	
3/01-11/30	275	VARIES	
3/15-11/15	246	VARIES	
			POTENTIAL = <u>41.3</u>

REQUIRED Acre Feet/Acre/Annum = 4 X 5.9 = 23.6 ★
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()
IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

Valley View
Cemetery





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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12/18/00
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PROFILE REPORT

CLAIM NUMBER: A43-04140

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VALLEY VU CEMETERY	05/01/1958	IRRIGATION	04-01 11-01 <i>3/15 - 11/15</i>	0.800 CFS ~~0.800 CFS~~	<i>23.6 AF</i> ~~(5.9 x 4)~~
				TOTAL DIVERSION:	<i>0.12</i>	~~33.00 AFA.~~
				~~CONSUMPTIVE USE:~~		

Water Source: GROUNDWATER

Tributary to:

Stage: *B.U.* STATUTORY CLAIM

Point(s) of Diversion: T13S R27E S07 *NE* ENENE

CASSIA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
13S	27E	7	:	06				:					:					:							:	6.0
13S	27E	8	:					:			05		:					:							:	5.0
																							TOTAL ACRES	11.0		

POU County: CASSIA

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Cond. Code C18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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12/18/00

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QUICKLOOK INFORMATION

2
CLAIM NUMBER: A43-04140

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	-N							
POINT OF DIV	-N							
SOURCE	-N							
PLACE OF USE	Y-							
DIV. AMOUNT CFS/VOLUME	Y-							
CONSUMPTIVE USE	/							
PURPOSES OF USE	-N							
PERIOD OF USE	Y-							
BASIS OF CLAIM	Y-							
REMARKS	Y-							

BARCODE UPDATED
WHOM/DATE