

05/20/2009

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

RIGHT NUMBER: 22-2283
NAME AND ADDRESS: VICTOR CEDRON CEMETERY DISTRICT
PO BOX 192
VICTOR ID 83455

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.020 CFS
3.000 AFY

PRIORITY DATE: 09/29/1966

POINT OF DIVERSION:

T04N R45E S19 NWNESE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.020 CFS 3.00 AFY

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S19 NESW 1.00

1 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 - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

MVB 4/25/2008

may need some limiting conditions

- overlaps w/ 22-2280 & 22-2169
- based on field exam for 22-2169 done in 1980, capacity for this well dropped from 5.16 cfs to 3.09 cfs (copy in file)

Recommended from this POD:

22-13167 - 4.41 cfs
split of 22-2280 } limited to 4.41 cfs
22-13169 - 1.47 cfs
split of 22-2169 }

LMM for Ernie yesterday 4/24 asking for meeting
re: new late claims
- wait to hear from Ernie

- per Todd Austin, no overlaps. cemetery is
own its own well, which is located
about 10 ft from the well that delivers
22-13167 & 22-13169.

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

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-33282/22-2283

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant. Cedron Corporation of the Church of Jesus Christ of Latter-day Saints

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the SE 1/4 of Section 19
T. 4N R. 45E County of Teton

4. Describe works as they exist, giving dimensions and capacities of same:

5. Water is used for: cemetery watering purposes

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE 1/4 SW 1/4, sec. 19, T. 4 N, R. 45 E, B.M.

Line 1 - 5 heads - $57 + 57 = 57$ psi ave
Line 2 - 5 heads - $62 + 60 = 61$ psi ave
ave pss = 59 psi on 5/32" 30WS nozzles
ave flow = 5.40 gpm
Total flow = $10(5.4) = 54$ gpm ≈ 0.12 cfs

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

Wesley Austin, Cedron, accompanied me on the exam

Pump is a submersible details on size and capacity were not obtainable.

Well is 6" dia by 100' deep.
3" portable laterals

This examination was made on the 28TH day of June, 1922

(Signed)

Norm C. Young
Examiner



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 22, 2008

VICTOR CEDRON CEMETERY DIST
C/O TODD DUSTIN
PO BOX 192
VICTOR ID 83455

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #22-2283

Dear Claimant:

The Notice of Claim to a Water Right you filed was received from the SRBA Court recently. I have enclosed receipt #C086653 for the filing fees you paid. Please retain the receipt for your records.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:state

Enclosure:

Receipt Referenced Above

SCANNED

APR 22 2008



Idaho Department of Water Resources

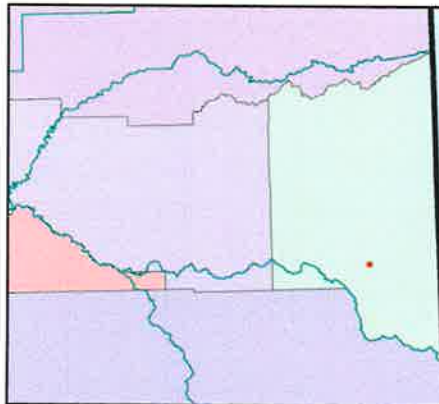
Adjudication Recommendation

22-2283

(IRRIGATION)

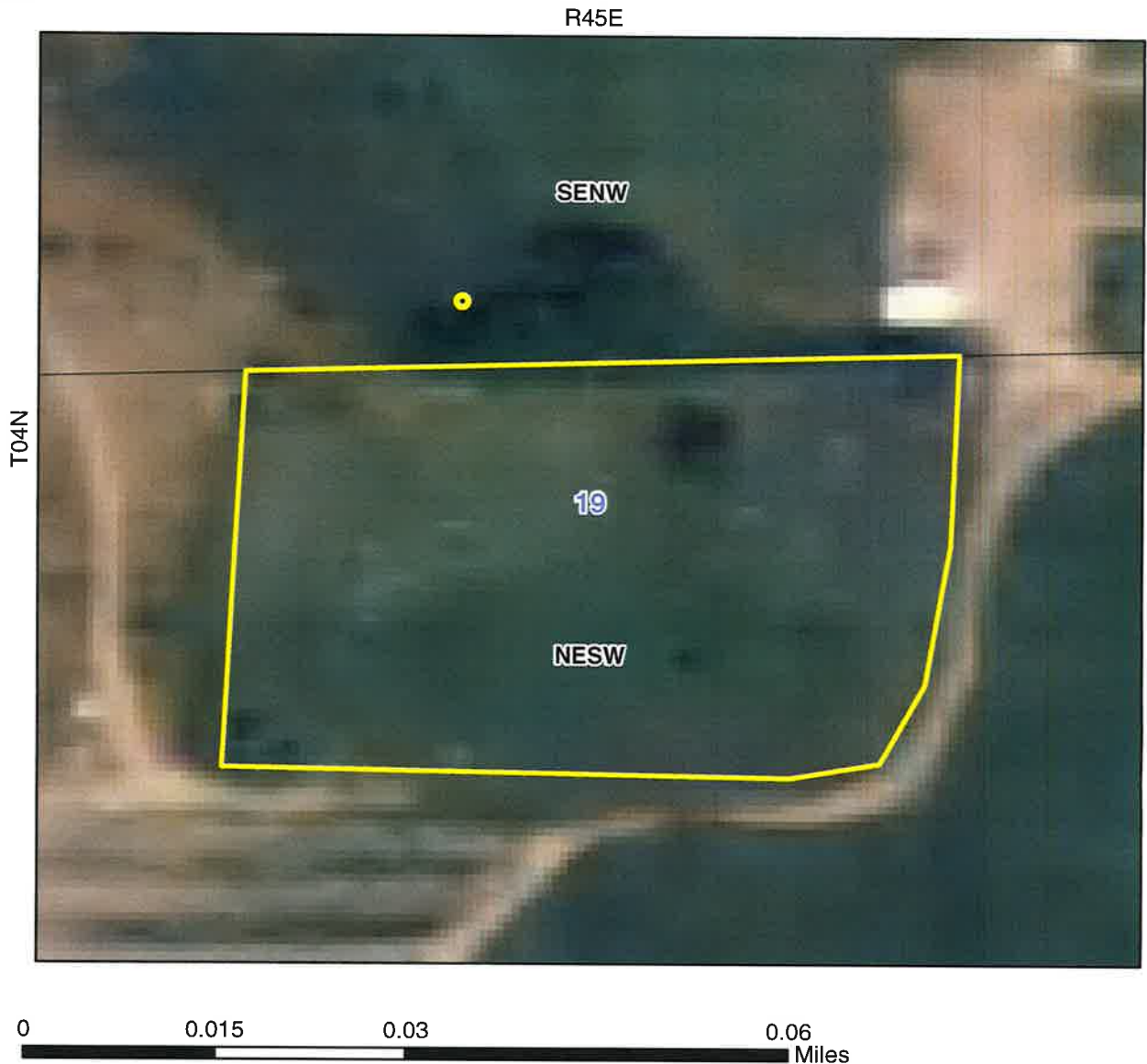
Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



**Teton County
IDWR Basin 22**

Prepared by Michael Holliday
On May 15, 2009
2004 Aerial Photography



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: C084053
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).

SCANNED

APR 21 2008

2007 DEC 6 PM 10 44
FILED
TWIN FALLS CO. IDAHO

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.

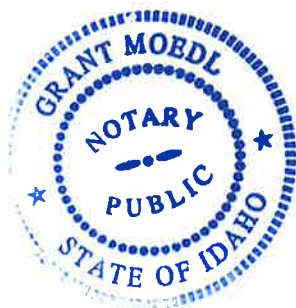
[Signature]
Signature of Authorized Agent

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 Rexburg

My commission Expires 8-2-2010

SCANNED

APR 21 2008

Instrument No. 57285 ✓

FARLEY PRATTES, CALDWELL, IDAHO 83401

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 - - - - - One dollar and other valuable considerations - - - - - DOLLARS lawful money of the United States of America to them 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, }
County of Teton, } ss.

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, }
County of Teton, } ss.

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.

SCANNED

APR 2 1 2008

SPECIAL WARRANTY DEED

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

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

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

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

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

By Burton W. Kunz
Corporation Sole

STATE OF IDAHO)
: ss
County of Teton)

On this 19th day of September, A.D., 1968, personally appeared
before me BURTON W. KUNZ, personally known to me to be the Bishop of the
Cedron Ward of the Teton Stake of The Church of Jesus Christ of Latter-day
Saints, who acknowledged to me that he signed the foregoing instrument as
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.

My commission expires:

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

Hayden Dussler

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

SCANNED

APR 21 2008

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 Latah

)

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

GAYLE BRESSLER
NOTARY PUBLIC
STATE OF IDAHO

149639

SCANNED

APR 21 2008

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. 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.	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

SCANNED

APR 21 2000

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:

SCANNED

APR 21 2008

Scale: 2 inches Equals 1 Mile. Draw Map in Ink.

SCANNED
22 2283
APR 21 2008

Season - 4/15 to 10/15	
A-F/Acre - 3.0	
☐ Place of use	
☐ P.D.	
☒ None	
Amendments	
Subdy.	
recommended	
Found	
Acreage	
Volume	
Q recommended 0.02 cfs	
Q measured 0.12 cfs	
3 AF/Acre	
Ncy	
6/29/72	
Cementery	
Paced 150' X 300'	
≈ 1 acre	
Well	
P. 45E	
T-4W	

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

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

Julie Murphy

APR 21 2008

Hearing 3-18-2008

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 22-2283

(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.

SCANNED
DEC 11 2007

☒ 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 208-354-2506

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:

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- ☐ 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:

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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)

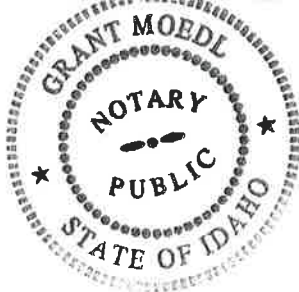
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that 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 Moedl
Notary Public for Todd Dustin
Residing at: Reynolds
My Commission expires: 8-2-2010

INSTRUCTIONS FOR MAILING

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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 Oct 5, ²⁰⁰⁷~~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

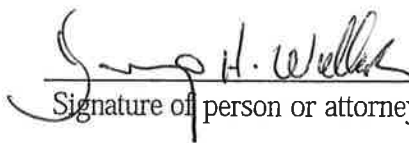
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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)

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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

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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

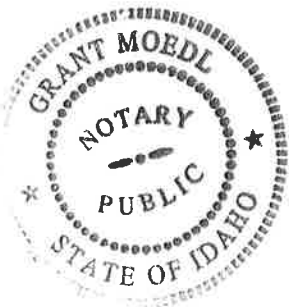
Dec. 4-2007

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 Perbney

My commission Expires 8-2-2011

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DEC 11 2007

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, the party of the second part, 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 P.M., this 19th day of June, 1959.

Fees, \$ 1.50

Dwight C. Stone Ex-Officio Recorder.

By

Olive B. Sessions Deputy.

SCANNED
DEC 11 2007

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
19 sole

20 By Burton W. Kunz
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. **SCANNED**

29 My commission expires:

Notary Public for the State of Idaho
DEC 10 2007

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.

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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

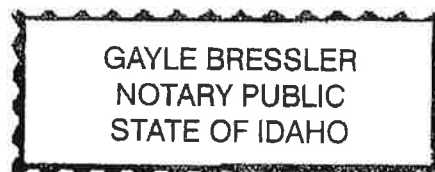
STATE OF Idaho)
)
) :SS
County of Latah)

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



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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 1/4 NW 1/4 Sec. 19, Twp. 4N, 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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 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

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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:

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R-45E

T-44N

Cemetery
paced 150' x 300'
≈ 1 acre



NCY
6/29/72

Q measured 0.12 cfs
Q recommended 0.02 cfs
Volume 3 A-F/ANM

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

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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 black ink, appearing to read "Todd Dustin". The signature is stylized with a large, sweeping initial "T" and a cursive "Dustin".

Todd Dustin

Cedron Irrigation corporation

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