

01/12/2005

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

RIGHT NUMBER: 22-13286

NAME AND ADDRESS: BURTON CEMETERY DISTRICT
3825 S 7000 W
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.101 CFS
11.830 AFY

PRIORITY DATE: 03/31/1932

POINT OF DIVERSION:

T05N R39E S2 NWSESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.101 CFS

11.83 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R39E S02

SWSE 0.8

T05N R39E S02

SESE

2.6

3.4 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: Beneficial Use

01/12/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-13286

BURTON CEMETERY DISTRICT

3825 S 7000 W

REXBURG ID 83440

Telephone Number: (208) 356-7702

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

RECEIVED
MAR 11 2005

Department of Water Resources
Eastern Region

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 8 Feb 05

SIGNATURE:

H. Brent Hall (Chairman of Board)

Please print your name:

H. Brent Hall

IDWR Regional Office,

SCANNED

MAR 11 2005

PROFILED



SCANNED

PROFILED

State of Idaho

Department of Water Resources

Eastern Region



250 0 250 500 750 1000 1250 1500 1750 2000 2250 2500 2750 Feet

Water Right(s):
22-13286

Point(s) of Diversion:
T5N, R39E
Sec. 2 NWSESE

Place of Use: (part of)
T5N, R39E
Sec. 2 SESE

LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: January 2005

5N39E

22-13286

28 July 2004

To Whom it may concern:

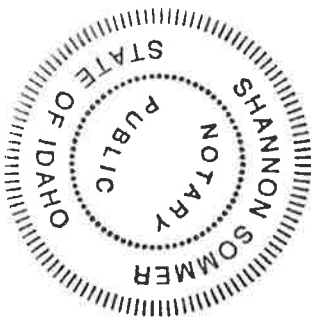
In 1934 my brother and I moved in to live with our Aunt Frieda and her husband Orson Johnson.

Orson was a director of the Burton cemetery. I had been to the cemetery prior to moving in with aunt Frieda and uncle Orson . I can't remember anything but weeds ,sage brush, and a few headstones. The year we moved in with Orson and Frieda , Orson took us to the cemetery on several occasions. Grass and trees were growing.

I must have made some comment to uncle Orson about the Grass and trees that were growing because he said " these were planted in 1932 " . Based on the fact that the planting was done in 1932 during the depression. People couldn't afford plant something without being able to water and care for it as it grew. I feel confident that the well was put into service in 1932.

Signed

Joan B. Hauer .



Shannon Sommer
Rexburg, ID

Commission Expires 4-28-09

SCANNED

AUG 30 2004

PROFILE

Cash Disbursements 1932

May 21	1932	H. R. Jackson digging well	\$4 80
"	"	Earl Spaulding digging well	\$6 00
"	"	Markham Boys	\$3 20
"	"	Patton Brothers & Furniture and Lumber	\$1 70
Apr 28	W. L. Jensen digging well	\$4 80	
May 28	C. P. Jensen digging well	\$4 80	
May 9	E. W. & M. Co. payment and pipe and water machine	\$150 00	
May 22	W. L. Jensen digging well	\$6 00	
May 28	W. L. Jensen for digging of Kelly Barnes	\$8 10	
June 4	French and laying water pipe P. H. Richo two days	\$10 40	
July	Patton Book Store Record Book	\$8 00	
June 14	W. L. Jensen for adult grass	\$12 00	
Sept 7	Earl Jensen mowing weeds	\$7 20	
Sept 21	H. R. Jackson laying water pipe and for nail & wire	\$7 75	
Sept 21	E. W. & M. Co. payment on water pipe	\$100 00	
Oct 18	Earl Jensen	\$1 60	

PROFITED
AUG 3 0 2004

Claim No 2213286

Document Checklist

☐ Copy License/Decree _____

☐ Copy Transfer _____

☐ Copy Licensing Field Exam _____

☐ Check if Ownership/Address Change is Required _____

☒ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

6/30/04 Evidence of Priority claim side of the BAC

7/1/04 Not in WMS

8/10/04 356-7702 7:50 (209 5030)
709-5030

Recd. letter re: priority. OK to inspect.

8/12/04 Field inspection. No one accompanied me
BAC 8/12/04

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 3/01/1932 Claimed Basis: BURecommended Priority Date: 3/31/1932 Recommended Basis: BU

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

See copy from cemetery records behind right-hand side
of file. March 1932, payments to well digger. BAC F/12/04

EXACT DATE IS NOT SHOWN ON EVIDENCE - IDWR STD
IS TO RECOMMEND END OF MONTH

Reviewer: _____

Date: _____

Water Right No(s). A22-13286



Looking N
at POD.

GPS DATA:

Tag # A0012202 Location: North end of well house
nailed to siding Bac 8/12/04

Diversion Data:



POU from
NE
corner

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
5N	39E	2		N35E33E	MADISON	GW	
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

GPS location Waypoint 35 2673569E 1397597N FDTM83

Bac 8/12/04

See my sketch on layout, looks like this is an adjustment section. I'm not sure which QQ this becomes. Bac 8/12/04

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use			QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec						

Total acres _____

Recommended Place of Use			QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec						

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Field inspection, see sketch on layout.

POU FROM MADISON CO. ASSESSOR THOMAS SAWYER IS IN
SENSU - So Recommended

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Runing	4/1	10/31	0.101	11.83

Overall Diversion Rate 0.10Overall Diversion Volume 11.83Document how the Period of Use and/or Diversion Rate were verified:

Power meter is Utah Power, Landis 1 Gyr 38 368 742.
Demand on meter was 6.49 KW.

Horsepower = KW x 1.34 = 6.49 x 1.34 = 8.7 hp.

GPM = $\frac{\text{Water HP} \times 3960}{\text{T.D.H.}}$ = $\frac{8.7 \times 706 \text{ eff} \times 3960}{(50 \text{ ft lift} + 15 \text{ ft friction} + 50 \text{ psi} \times 2.31)}$ 133 gpm.

Sprinkler nozzles are 1/64" = 6.2 GPM. 133/6.2 = 21 at a time.
Cemetery has 8 rows of solid-set sprinkles x 14 birds. 133 gpm is adequate to operate 2 line at a time.

Reviewer: _____

Date: _____

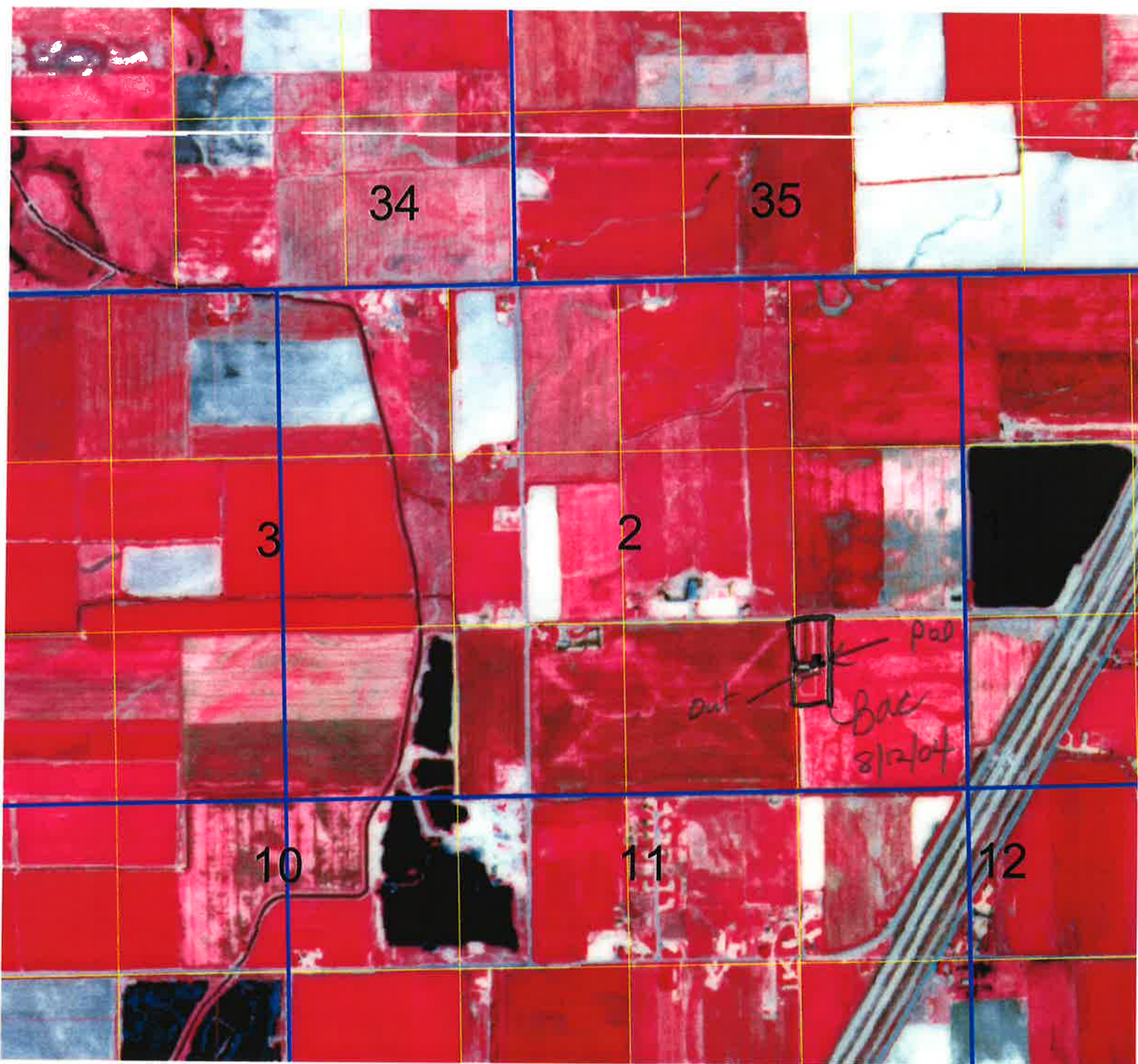
$$\frac{133}{449} \approx 0.30 \text{ gfs}$$

$$4.2 \text{ acres} \times 0.03 \approx 0.13 \text{ gfs}$$

$$GFS \text{ shows } 3^{38} \text{ Acres} @ 0.03 = 0.101 \text{ gfs}$$

Bae 8/12/04

22-13286
5N 39E



June 8, 2004

**BURTON CEMETERY DISTRICT
3825 S 7000 W
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-13286

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". 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, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of MAR 1 1932, from GROUNDWATER.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, 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 READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

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 22-13286
Date Received: 4/1/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BURTON CEMETERY DISTRICT Phone: (208) 356-7702
3825 S 7000 W
REXBURG ID USA 83440

2. Date of Priority: 03/01/1932

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	39E	2	SE SE	MADISON	

5. Description of diverting works:

IRRIGATION PUMP AND WELL TO WATER CEMETERY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1	

7. Total Quantity Appropriated is:
1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	39E	2	SE SE	IRRIGATION	4.2
Section Acres					4.2

Total Acres 4.2

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

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

\$54.00

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

22-13286

Date Received

4-1-2004

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 01 2004

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Burton Cemetery Dist. Phone (208) 356-7702Mailing Address 3825 S. 7000 W Rexburg ID Zip 834402. Date of Priority (Only one (1) per claim) 19323. Source of water supply (a) Ground
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 5 North Range 39 East Section 2,
SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of MADISON

Additional points of diversion if any: _____

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

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

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

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

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

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Oct 31 amount 1 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>5 N</u>	<u>39 E</u>	<u>2</u>																<u>4.2</u>	<u>4.2</u>

Total number of acres irrigated 4.2

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

12. Do you own the property listed above as place of use? Yes ☒ No ☐

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks:

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FEB 15 2005

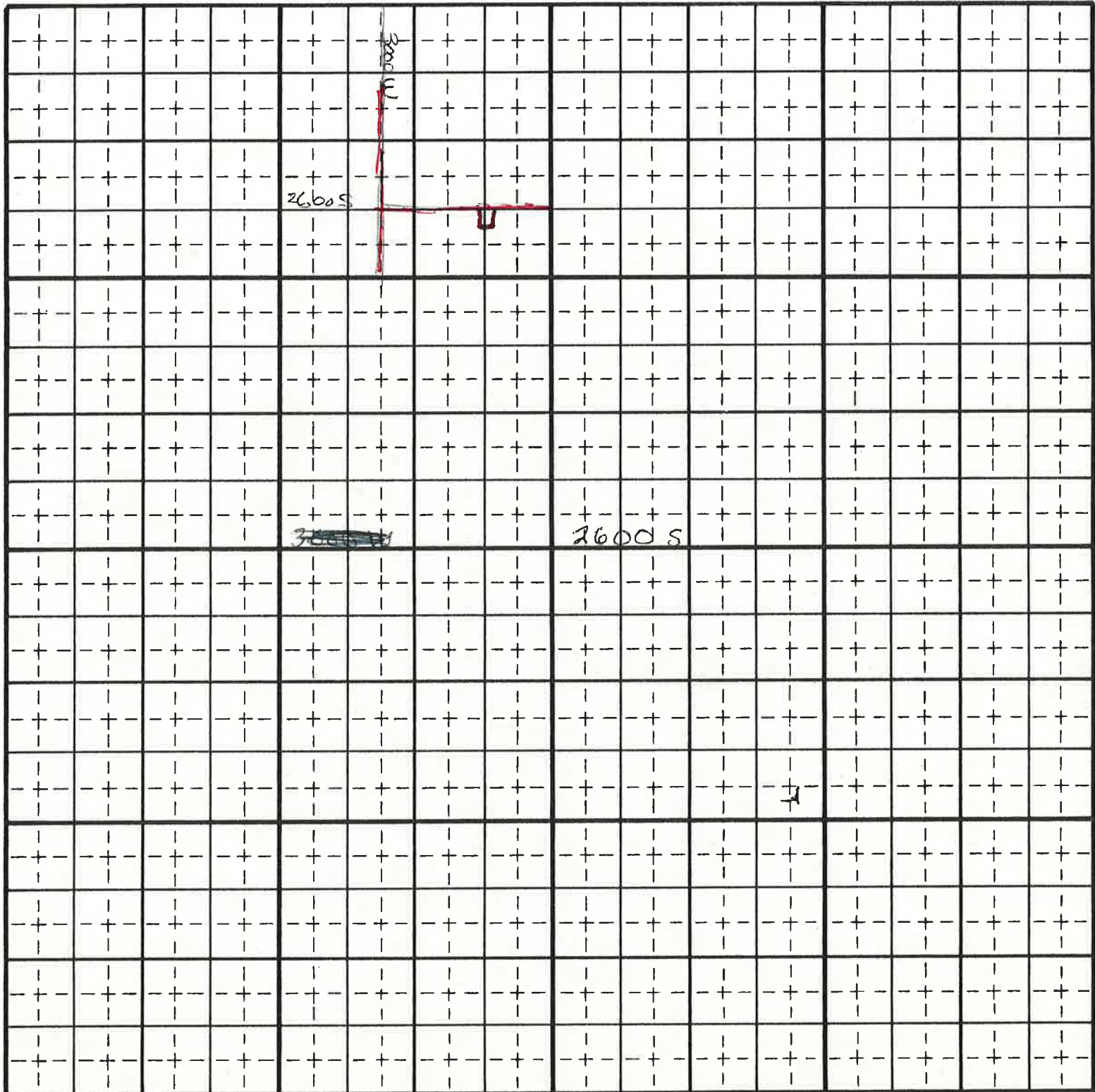
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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



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FEB 15 2005

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Copies: White-State, Yellow-Claimant

Last Name Burton Cemetery Dist Ident No.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Board Chairman _____

Title

of Burton Cemetery Dist _____, that I have signed the foregoing

Organization

document in the space below as Chairman _____ of Burton Cemetery Dist.

Title

Organization

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

Signature of Authorized Agent H. Brent Hall _____

Title and Organization Chairman Burton Cemetery Dist _____ Date Apr 1 2004

State of Idaho/or _____)

County of Bonneville)

SS.

Subscribed and sworn (or affirmed) before me this 1 day of April 19 04



Notary Public Ernest Carlson _____

Residing at Idaho Falls _____

My Commission Expires 8-21-2009 _____

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

SCANNED

FEB 15 2005

PROFILED

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Cash Disbursements 1932

Mar	1932		
"	H. R. Machen digging well	\$4 80	
"	Earl Spaulding digging well	\$6 00	
"	Graham Boyle	\$3 20	
"	Porters Bookstore. Journal and Ledger.	\$1 70	
	C. W. & M. Co.		
Apr 28	W. L. Jensen digging well	\$4 80	
28	C. P. Johnson digging well.	4 80	
May 9	C. W. & M. Co. payment	\$150 00	
	and pipe and water system.		
May 26	W. L. Jensen digging grave of Harry Barnes.	\$6 00	
May 28	W. L. Jensen for digging trenches and laying water pipe.	\$8 10	
June 4	P. H. Ricks two days plumbing putting in water system.	\$10 40	
July	Porters Book Store Record Book	8 00	
June 14	W. L. Jensen two adult graves	12 00	
Sept 7	Earl Jensen mowing weeds	7 20	
Sept 21	H. R. Machen laying water pipes and for nails & wire	7 75	
Sept 21	C. W. & M. Co. payment on water pipe.	100 00	
		1 60	
Oct 18	Carl Jensen		