

03/10/2004

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

RIGHT NUMBER: 25-4246A
NAME AND ADDRESS: IDAHO FALLS MONUMENT CO
C/O EDYTHE GOSHERT
PO BOX 2061
IDAHO FALLS ID 83403-2061
SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.040 CFS
The quantity of water under this right shall not exceed 2,500 gallons per day.
PRIORITY DATE: 11/01/1960
POINT OF DIVERSION:
T02N R38E S3 SWSW Within BONNEVILLE County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	1/01 12/31	0.040 CFS

PLACE OF USE: COMMERCIAL Within BONNEVILLE County
T02N R38E S03 SWSW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

August 18, 2003

Idaho Falls Monument Co.
attn: Edyth Goshert
PO Box 2061
Idaho Falls, ID 83403

Re: Water Right Adjudication Claim(s) A25-4246A

Dear Water User:

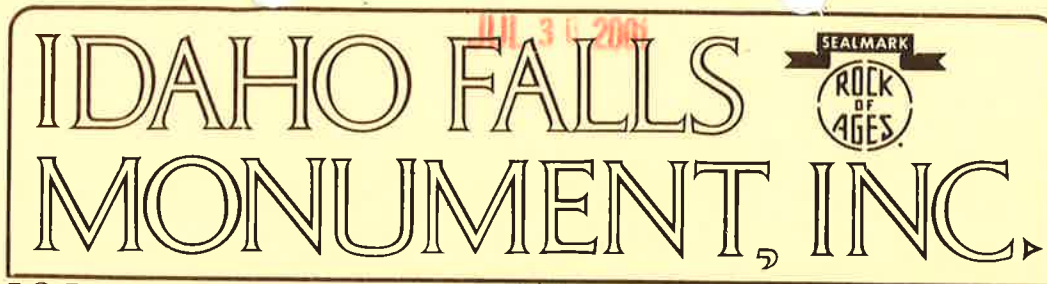
Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

SCANNED



P.O. Box 2061 / N. Yellowstone Highway / Idaho Falls, Idaho 83401 / Dial (208) 522-5938

June 6, 1991

TO: Idaho Department of Water Resources

RE: Establishing Water Right

C.H.S.

1956

The well for Idaho Falls Monument, Inc., was drilled in ~~March~~ *October* of ~~1957~~ *1956* by Hopkins Well Drilling Company of Lorenzo, Idaho. My husband, Leonard Harker, and I owned Idaho Falls Monument at that time.

The place of use is in Bonneville County, Township 02N, Range 38E, Section 3, Commercial.

Cleo Harker Tate
Cleo Harker Tate

Elaine L. Ware

Notary Public

Residing at Idaho Falls, Idaho
My Comm. expires: 10-28-92

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NOV 10 1992

Authorized Dealer for Rock of Ages® Memorials

25-04246 A

4246A

May 6, 1991

IDAHO FALLS MOMUMENT CO
C/O EDYTHE GOSHERT
PO BOX 2061
IDAHO FALLS ID 83403-2061

RE: **Evidence of Priority**

Dear Edythe Goshert:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the 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, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the 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**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the **Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

Please submit the required evidence supporting the priority date by **June 6, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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Edythe Goshert

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-04246A
IDAHO FALLS MONUMENT CO.
C/O EDYTHE GOSHERT
P.O. BOX 2061
IDAHO FALLS ID 83403-20

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NOV 10 1992

Water Resources Field Services

1571 N. 1100 E.
Terreton, ID 83450
208-663-4667

August 18, 2003

Idaho Falls Monument Co.
attn: Edyth Goshert
PO Box 2061
Idaho Falls, ID 83403

Re: Water Right Adjudication Claim(s) A25-4246A

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evening, or leave a message on the answering machine.

Sincerely,



Bryce A. Contor

Field Exam Summary A25-04246A

January 31, 2004

Bryce Contor

Water Resources Field Services

General Comments

This claim is for commercial usage on a well that is shared with a home or homes. The evidence of priority suggests an earlier priority date than the claim, so I have mailed the owner an amended claim. I also suggested that the amended claim serve as a change of ownership and asked the owner to attach a copy of the deed.

Ownership

The owner is in Pocatello and I only have his first name - Joe. He was unsure whether the deed is in his name or in the business name. His phone number is 232-3818 and his address is PO Box 4225, Pocatello ID 83205.

POD

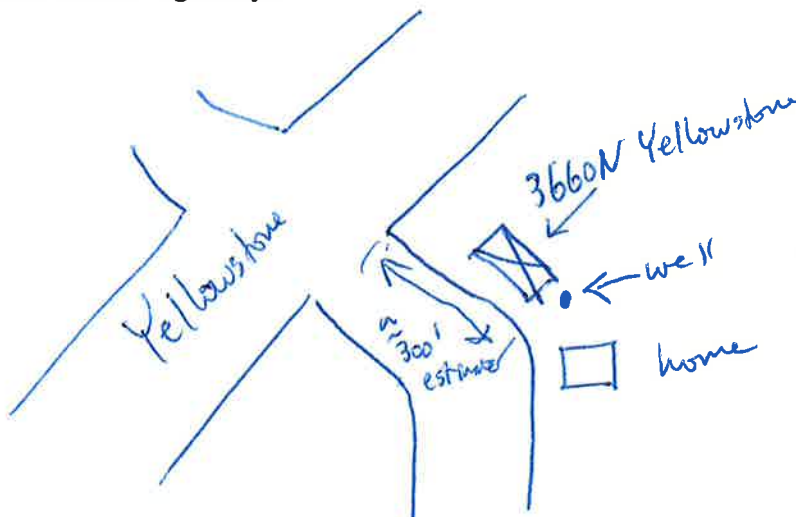
The claim appears to be correct. GPS waypoint 3, ~~660,018~~ E 271,718 N ITDM. Please see sketch.

660,018

↑
wrong point

POU

The place of use is in a cemetery monument company located at 3660 N Yellowstone Highway.



Overlap

One or two homes also use this well.

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AUG 18 2004

Conflict

None noted.

Priority

The evidence of priority supports 10/31/1956. The claimed date is 11/1/1960.

Quantity

The only water use is for a restroom within the business. The non-residential de minimus rate of 0.04 cfs and volume of 2,500 gallons/day = 2.8 acre feet/year should be more than adequate.

Water Use

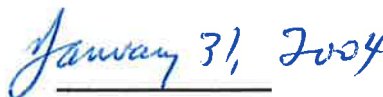
Commercial.

List of Photos

A25-4246A_1.jpg	Pressure tank and motor controller.
A25-4246A_2.jpg	Well
A25-4246A_3.jpg	Well and back of business, looking NW. The well is the dark spot a few yards in front of the power-pole support wire.



Bryce A. Contor



Date

Water Resources Field Services

1571 N. 1100 E.
Terreton, ID 83450
208-663-4667

January 22, 2004

Attn: Joe
PO Box 4225
Pocatello ID 83205

Re: Water Right Adjudication Claim A25-04246A

Dear Joe:

Enclosed is an Amended Claim for the water right for the well at the Idaho Falls Monument business that you have purchased. Please return it to IDWR at 900 N Skyline, Suite A, Idaho Falls ID 83402. The items highlighted in yellow need to be completed, including your notarized signature. There are four pages with carbon copies, so please separate them before writing. The yellow copies are for your records. You also need to attach a photocopy of the deed or sales contract for the property.

This amended claim will do two things. It will improve the priority date on your water right to match the documentation in the file. It will also record you as the current owner of the water right. Please call me at 681-9100 if you have questions. You may also call IDWR at 525-7161.

Sincerely,

Bryce A. Contor

A25-04246 A. Review/Contact log

1/16/04 Review

1) Evidence of priority 1956. Claim 1960, will want to amend claim.

2) letter came back - address no good.

1/16/04 522-5938 12:45

Please call Joe 232-3818

12:55 - Amend Attn: Joe

PO 4225 Pocahontas 83205

Δ ownership? answered claim would to Joe

(Wait till inspection in case pressure water
rate/vol. need to be added to claim)

Field area
1.3 gpm/fixture
15 gal/day/water
400 gal/day/customer - unknown

1/19/04 Field log. No water used in making of

stems. unknown only. Two employees

Wheel may be in neighbors' property?

employees 0115

customer
return

529-3117

Attn

1 photo of pump. tank, 2 of well
GPS waypoint 3 660018E
271748N IOTM

400
430 SPB.
30

RM

03/15/2004

**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: 25-4246A

IDAHO FALLS MONUMENT CO

C/O EDYTHE GOSHERT

PO BOX 2061

IDAHO FALLS ID 83403-2061

Telephone Number: (208) 522-5938

PO Box
50155

83405

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:

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

DATE:

9/7/04

SIGNATURE:

Joseph B. Charles

Please print your name:

Joseph B Charles

IDWR Regional Office,

PROFILED

SCANNED
SEP 10 2004

RECEIVED
SEP 09 2004
Department of Water Resources
Eastern Region

SCANNED

JUL 30 2007

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: A25-04246A
Date Received: 9/12/1989
Receipt No: E010304
Received By: RAJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDAHO FALLS MONUMENT CO.
Address: C/O EDYTHE GOSHERT
P.O. BOX 2061
IDAHO FALLS, ID

208-522-5938

83403-2061

A2504246A



2. Date of Priority: NOV 01, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	38E	3	SW	SW			BONNEVILLE

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/MONUMENT BUSINESS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	38E	3	SW	SW		COMMER	

11. Place of use in counties: BONNEVILLE

A25-04246A

Page 1

Date: 09/12/89

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

13. Other Water Rights Used:
NONE

14. Remarks:

ORIGINAL STATUTORY CLAIM INCLUDED 2 DOMESTIC USES; HOWEVER, THOSE USES ARE IN DIFFERENT OWNERSHIP.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not 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 Vice-President of

Title

Idaho Falls Monuments, that I have signed the foregoing

Organization

document in the space below as Vice-Pres. of

Title

Idaho Falls Monuments and that the statements contained in the

Organization

foregoing document are true and correct.

Edythe A. Lockert
Signature of Authorized Agent

Vice Pres. Id. Falls Monuments
Title and Organization

Sept. 12, 1989
Date

State of Idaho)
County of Bonnerille) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of September 19 89

Helen Harrington
Notary Public

Seal

Helen Harrington, Notary Public
Residing at Residing at Boise, Idaho
My Commission Expires December 1, 1994
My Commission Expires _____