

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21454
Date Received: 4/13/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

CAREY CEMETERY MAINTENANCE DISTRICT Phone: (208)823-4685

PO BOX 181
CAREY ID USA 83320

2. Date of Priority: 05/10/1949

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
01S	21E	22	SE	NE	NE	BLAINE	

5. Description of diverting works:

WELL, PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.09	

7. Total Quantity Appropriated is:
0.09 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
01S	21E	22	NE	NE	IRRIGATION	3
					Section Acres	3
					Total Acres	3

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21454
Date Received 4/13/2005
Receipt Number 502 7563

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Carey Cemetery Maintenance ^{List.} Phone (208) 823-4685
Mailing Address P.O. Box 181 Carey, Idaho Zip 83320
2. Date of Priority (Only one (1) per claim) 5-10-1949
3. Source of water supply (a) ground water
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 15 Range 21E Section 22,
SE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of BLAINE.

Additional points of diversion if any: _____

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

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

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

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

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

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

sprinklers

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4-15 to 10-31 amount 0.09 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.09 (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>1</u>																			
<u>15</u>	<u>21E</u>	<u>22</u>	<u>3A</u>																<u>3</u>

Total number of acres irrigated 3

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

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

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X 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 Secretary / Treasurer Title _____
of Carey Cemetery Maintenance District Organization _____ that I have signed the foregoing
document in the space below as Secretary / Treasurer Title _____ of CCMD Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Mary Green
Title and Organization Sec/Treas CCMD Date 4-13-05

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

Subscribed and sworn (or affirmed) before me this 13th day of April 2005 19 _____



Notary Public Douglas Jones

Residing at Boise ID

My Commission Expires 8/8/2007

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.

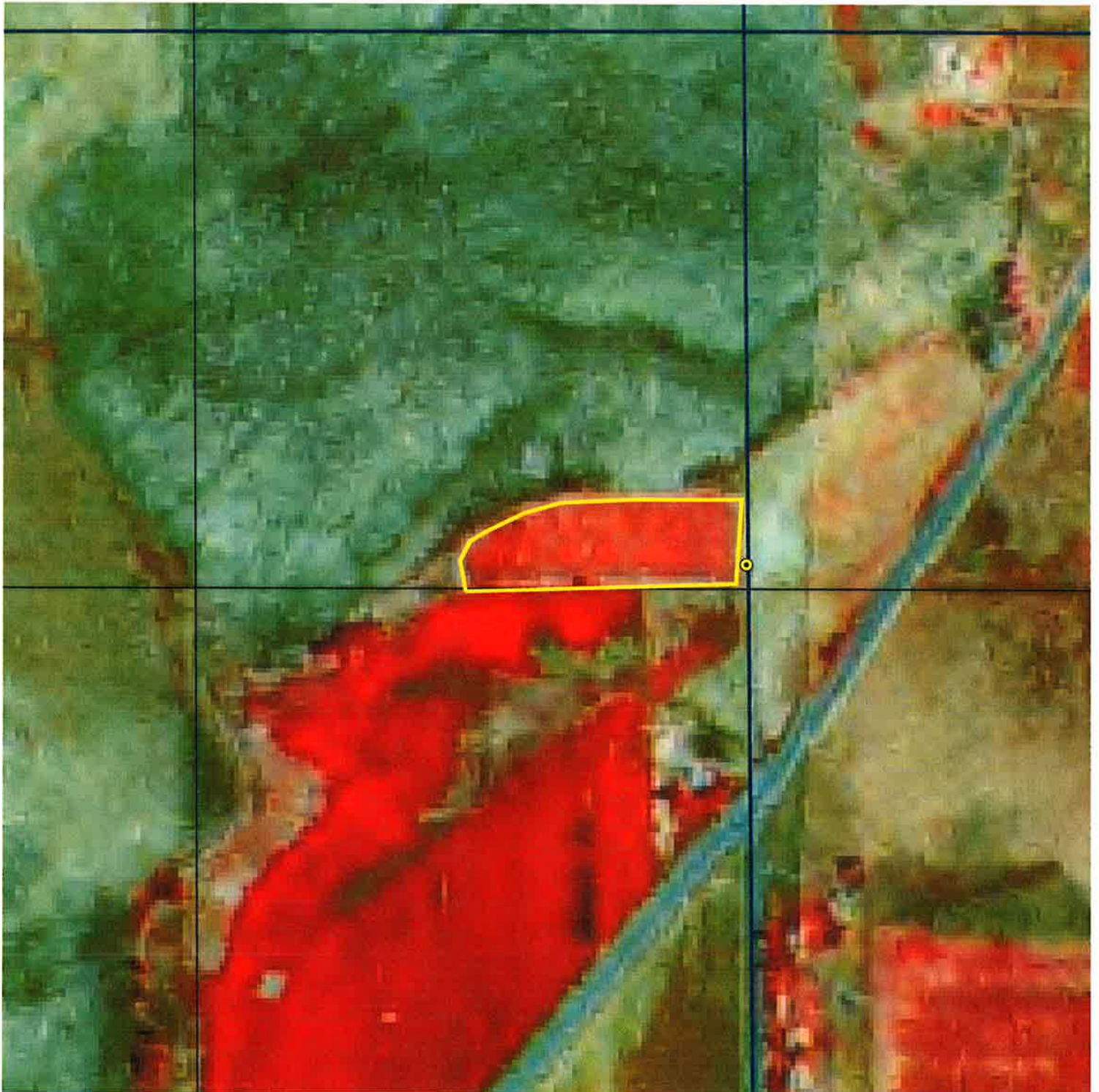
Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

37-21454



200 0 200 400 Feet

Carey Cemetary Maintenance District



4-13-2005
D. Jones

12/22/2006

NOTICE OF ERROR
REPLY

JAN 10 2007

DEPARTMENT OF
WATER RESOURCES

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: 01/05/2007

Water right number: 37-21454

CAREY CEMETERY MAINTENANCE DISTRICT
PO BOX 181
CAREY ID 83320

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:

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

DATE: 1-5-07

SIGNATURE: Carey Cemetery Maintenance District

Please print your name:

MARY GREEN Sec/Treas

Mary Green

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

RECEIVED

JAN 18 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

JAN 18 2007

12/18/2006

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

RIGHT NUMBER: 37-21454

NAME AND ADDRESS: CAREY CEMETERY MAINTENANCE DISTRICT
PO BOX 181
CAREY ID 83320

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.090 CFS
10.500 AFY

PRIORITY DATE: 07/19/1949

POINT OF DIVERSION:

T01S R21E S22 SENENE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.090 CFS
10.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

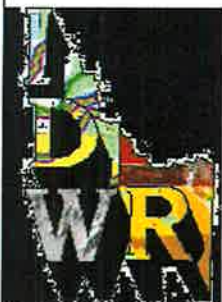
T01S R21E S22 NENE 3.00

3 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



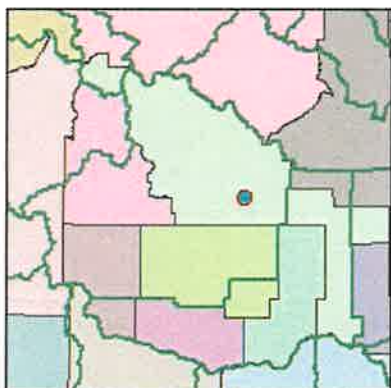
Idaho Department of Water Resources

SRBA Recommendation:

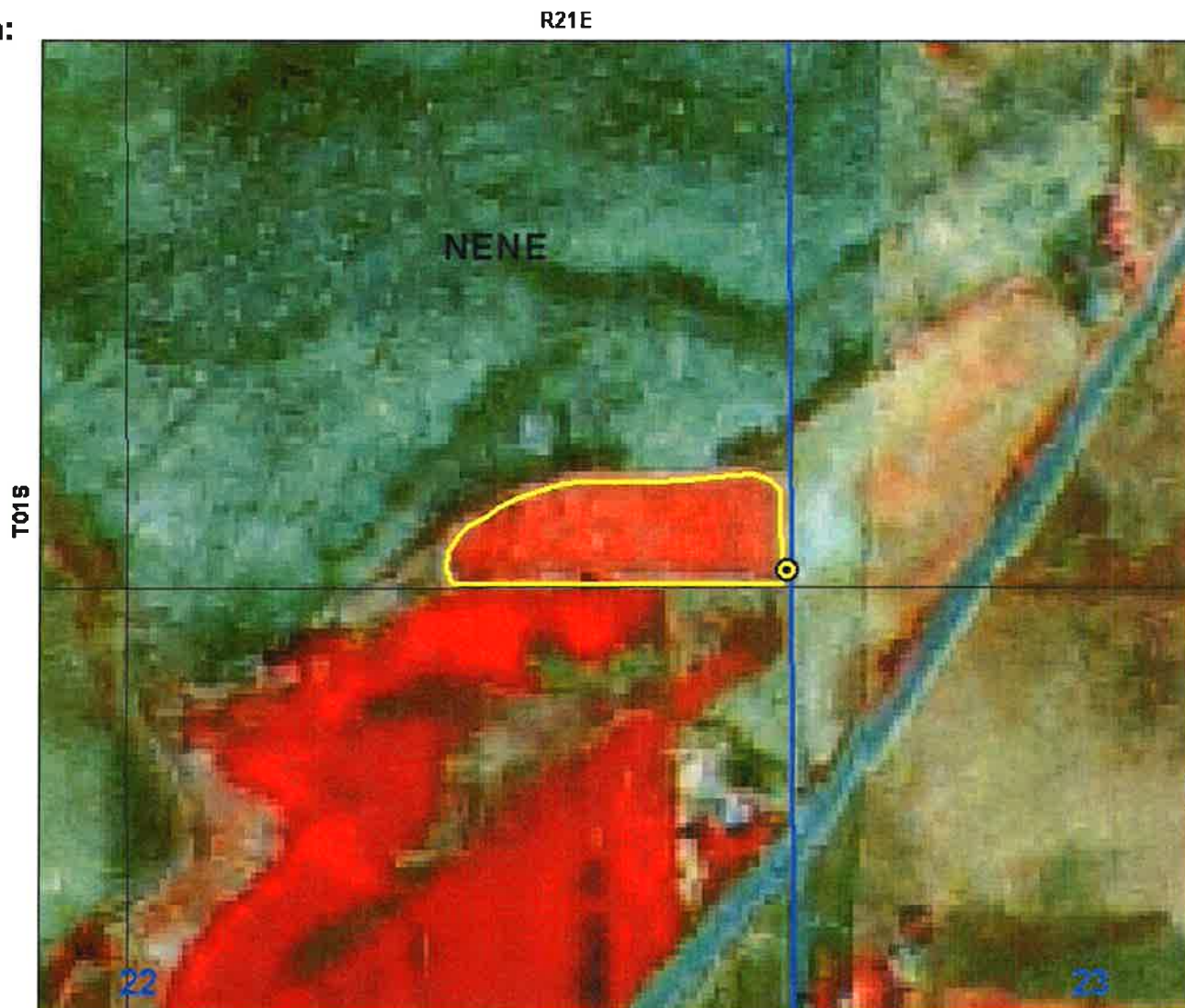
37-21454

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by N. Erickson
On Monday, December 18, 2006
1987/88 Aerial Photography

April 20, 2005

DEPT. OF WATER RESOURCES
1341 FILLMORE ST
SUITE 200
TWIN FALLS, ID. 83301

RECEIVED
APR 22 2005
Department of Water Resources
Southern Region

I, Mary Green Secretary/Treasurer of the Carey Cemetery Maintenance District, have in my possession the official records of the District.
The enclosed list shows entries on the ledgers pertaining to the well/pump sprinkler equipment and power deposits.
Enclosed is the affidavit of Alma Rush, the only surviving person with actual knowledge of the drilling /pumping and sprinkling of the cemetery at the beginning.

Mary Green
Mary Green
Secretary/Treasurer

State of Idaho
County of Blaine

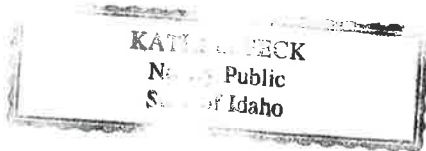
On the 20th of April, 2005 before
me, Kathie L. Peck, a Notary Public, in and for the said State,
personally appeared Mary Green

Known to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that she executed the same.

In testimony whereof, I have hereunto set my hand and official seal on the day and year
in this certificate above written.

Kathie L. Peck
Notary Public, residing at Carey, ID.

8/31/07



Amount	DATE	IN FAVOR OF	IN PAYMENT OF	Posted on Page	Check No.	Discount	Amount of Check	Paid	Date of Deposit	Amount of Deposit	BALANCE
8264		AMOUNTS FORWARD							5-6-47	61064	
8000		Fruit Security Bank Bank Bq			01		150				
800		Mr. J. Allen - Mr. J. Allen Bq. J. Allen			02		50 00		2-9-47	17179	
3000		Carey Mear co Post lumber sloper			03		4039				
1000		Joe Davis Labor (Don Blackwell)					450		2-16	36492	
1664		Cary Mear Har (Don Blackwell)					310				
	2-16	Cary Mear acct at store			06		1035				
	3-8-48	Cary Mear C. O. D. Detention for Pipe			07	(Don)	236.47				
15	4-5-48	James Phillips Jr. Work Cemetery			08	(Don)	2200				
500	4-8-48	Don Blackwell Work Cemetery			09		1000				
500	4-10-48	T. M. Ruedafer Fencing old			10	(Don)	3500				
750	4-16-48	Russell Bros Payment on Well			11		700				34
3250	4-20-48	Joe Davis Crow Bar			12	(Don)	500				
3929	5-15-48	W. D. Buggy Labor Cemetery				(Don)	1200				12
7179		Cary Mear co. acct for Post Cement, Building					11537		6-1	11977	
		Adams Motor & Imp. Entrance Bar - Construction					1480		6-24	600	
6492		B. L. Judy Cement Block			16		12450				
		Don Oldman Labor Building House					102				
		Ray Russell Bal Pump			18		22340		7-29	100	
800	9-28	Cary Mear co. Light Bill			19		786		11-24	17126	414
8276	11-23	Don Blackwell Work Pump House			20		600		11-1	11330	527
1901		Fruit Security Bank Note in full			21		61602		11-8	21459	742
200		Nate Cester Labor Pump House			22	(Don)	1000		11-29	280	139
200					23						
500					24				1-7-49	3435	
100					25						173
11917		AMOUNTS FORWARD									

EKONOMIK CHECK AND DEPOSIT REGISTER—Form D-D
REGISTER CHECK BEFORE DRAWING

				CREDIT			
IN FAVOR OF	IN PAYMENT OF	Posted on Page	Check No.	Discount	Amount of Check	Full	Date of Deposit
AMOUNTS FORWARD							
New Eldredge	Trip Hagman		26		6.00	✓	2-21-49
Ideho Power Co	Advance for Pumping				50.00	✓	5-2-49
Don Blackwell	Labor Cemetery		23		26.00	✓	July 8
Ida Davis	Labor Cemetery		29		5.00	✓	
7-19 Carey Muelentite	acct		30		104.57	✓	
1-19 Adanson Motor & Equip. Supplies	Sprinkler Rep				498.58	✓	
Don Blackwell	Labor Paint				12.00	✓	Aug 22
12-8 Carey Muc. Co.	acct to date		33		37.79	✓	11-29
12-14 Don Blackwell	Labor Cemetery Material				34.00	✓	3-11-50
12-14 Joe Rush			35		26.00	✓	
1-7 Carey Muc	acct to date		36		17.59	✓	
4-14 Adanson Motor	motor - acct		37		443.40	✓	
4-19 Ideho Power Co	Advance on Pumping		38		50.00	✓	5-10
5-11 B. L. Judy	Cinder Block		39		7.35	✓	
Charlie Green	Wagon		40		12.00	✓	
Walt Don Blackwell			41		25.00	✓	
Nate Coats			42		5.50	✓	
Carey Muc co	acct to date		43		79.15	✓	
Adanson Motor & Equip	Spray System		44		91.45	✓	
Joe Rush	Labor		45		8.00	✓	
Adanson Motor			46		154.80	✓	
Carey Muc co	acct to date		47		17.53	✓	9-9
Don Blackwell	Labor		48		25.00	✓	11-6
Carey Telephone Co	Telephone Exp Self Help				65.00	✓	11-27
Adanson Motor	acct		50		9.30	✓	11-28
AMOUNTS FORWARD							

Miscellaneous	DATE	IN FAVOR OF	IN PAYMENT OF	Posted on Page	Check No.	Discount	Amount of Check	Paid	Date of Deposit	Amount of Deposit	BALANCE
		AMOUNTS FORWARD									
	8/28	N.Y. Worthington	Label		76		400 ✓				
	9/5	Alma Rush	Label		77		4200 ✓				
	9/5	Nora Duteille	Label		78		4200 ✓				
	9/8	Don Blackwell	Label		79		4500 ✓				
	10-11	Nora Duteille	Label		80		3300 ✓				
	10-11	Alma Blackwell	---		81		3300 ✓		12-28-51	2080	
	12-5	Carey Murr Co	acct to date		82		17.86 ✓				
	12-24	I. L. Leno & Sons Co	Bal. for Pumping Water				7.05 ✓		3-28-52	549.28 ✓	
	1-24	Adams Motor	acct		84		935 ✓				
	3-3-52	I. L. Leno & Sons	Report for 1952 Pump		85		5000 ✓				
	5-10-52	Wally DeBord	Label		86		300 ✓				
	5-10-52	Jarvis Hamard	✓		87		150 ✓				
	5-10-52	Jay Albrecht	✓		88		300 ✓		7-5	800 ✓	
	5-10	Don Rush	✓		89		300 ✓				
		David Rush	✓		90		150 ✓				
	6-19	Bill Briggs	✓		91		44.50 ✓				55
	7-10	Bill Briggs	✓		92		35 ✓				
	8-3	Bill Briggs	✓		93		2800 ✓				
	8-6	N.Y. Worthington	✓		94		400 ✓		8-27	2684.90 ✓	
	8-18	Carey Murr Co	✓		95		865 ✓		8-28	500 ✓	
	8-18	Don Blackwell	✓		96		7200 ✓		9-10	560 ✓	
	8-18	Joe Eldridge	✓		97		1710 ✓				
	8-26	Joe Davis	Label 91 S.D.		98		60.09 ✓				
	9-15	Joe Davis	2.16 SS.		99		1424 ✓				
	10-10	Joe Davis	1.71 SS.		00		11239 ✓				
		AMOUNTS FORWARD									

REGISTER CHECK BEFORE DRAWING
PATENT NO. 1,376,088

miscellaneous	DATE	IN FAVOR OF	IN PAYMENT OF	Posted on Page	Check No.	Discount	Amount of Check	Date of Cash	Amount of Deposit	BALANCE
		AMOUNTS FORWARD								
	april 10-1951	Joe Dietzle	Labor O.K. Don		51		2400	Feb. 1951	2-9-51	265
	april 10	Leo Carter	Labor O.K. Don		52		700	3-23-51	560.12	518.
	april 10	Ray Kirkland	Labor O.K. Don		53		300			
	april 17	I daho Sauer co	Power Pumping advance				50-			
	4-18	Ray Kirkland	Labor O.K. Don		55		400			
		Harold Sitchy	Labor O.K. Don		56		1600			
	4-23	Bill Brigg	Labor O.K. Don		57		100-			
	4-24	Joe Dietzle	Labor O.K. Don		58		1800			874
	4-24	Eddie Brown	Labor O.K. Don		59		1500			
	4-24	Nora Dietzle	Labor O.K. Don		60		7200			
	4-24	Alma Rush	Labor O.K. Don		61		7700			
	5-12	Carey Mue co	acct. to May 10, 1951				13345			
	5-12	Adamsen Motor	acct to May 10, 1951				327	5-12-51	1000	
	5-18	Don Blackwell	Labor O.K. Don		64		60-			
	5-23	Nora Dietzle	Labor O.K. Don		65		4150			
	5-23	Alma Rush	Labor O.K. Don		66		4150			
	6-2	Nora Dietzle	Labor O.K. Don		67		2000			
	6-2	Joe Dietzle	Labor O.K. Don		68		2000	7-23-51	171.93	
	6-2	Eddie Brown	Labor O.K. Don		69		1700			
	6-2	Don Blackwell	32 ⁰⁰ less Hire 15.00		70		2100			
	7-9	Nora Dietzle	Labor O.K. Don		71		6500			
	7-14	Alma Rush	Labor O.K. Don		72		3700			
	7-31	Joe Davis	Labor Repairs O.K. Don				600			
	8-15	Alma Rush	Labor		74		3500			
	8-21	Nora Dietzle	Labor		75		4500			
		AMOUNTS FORWARD								

CAREY, IDAHO

APRIL 19, 2005

I Alma Rush Carey, Idaho have knowledge of the Carey Cemetery Maintenance District. The drilling of the irrigation well in 1948, my Father Don Blackwell helping build the pump house and working for the Cemetery District.

I worked at the Cemetery moving sprinkler pipes for several years. April 1951 to 1959.

ALMA RUSH
P.O. Box 303
CAREY, IDAHO
823-41441

Alma Rush



ACKNOWLEDGEMENT

STATE OF IDAHO, }
County of Blaine, } ss.

On this 19th day of April, 2005,
before me, Merline Farnworth, a Notary Public,
in and for said State, personally appeared Alma Rush

known to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that She executed the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal on the day and
year in this certificate above written.

Merline Farnworth

Notary Public, Residing at Carey, ID 83320

7-26-09

3-8-48 Carey Merc ^{236.47} Co.D. - pipe
4-16-48 Roessler Bros. Well payment
6-24-48 Carey Merc - Cement Lumber
7-14-48 Roessler Bros. Well payment
5-10-49 Idaho Power - Pump advance
7-19-49 Adamson Motor - Sprinkler system
4-14-50 Adamson Motor - Mower ~~adv~~
4-19-50 Idaho Power Co - advance on Pumping