

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Low Suddards
(Applicant)
President of Bern Cemetary Assoc.

No 3223
JAN. 22

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake } ss.

Therese Stamm
being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

January 1, 1987, and ending

with the issue of January 8, 1987.

Fees, \$23.64, Therese Stamm

Subscribed and sworn to before me this 9th day

of January, 1987.

Notary Public

Notary Public, Residing at Montpelier, Idaho

My Commission Expires June 7, 1992

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

11-7361

BERN CEMETERY

BERN, ID 83220

Source: GROUNDWATER

Diversion Pt.: SENWSE Sec 35 T

12S R 43E

Use: IRRIGATION (0.050 CFS)

Date Filed: 10/01/1986

In: NESE NWSE Sec. 35 T 12S R

43E for 2.5 ACRES

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JANUARY 19, 1987.

KEN DUNN, Dir.

Legal No: 3223-26L- Published
Jan. 1, and Jan. 8, 1987.

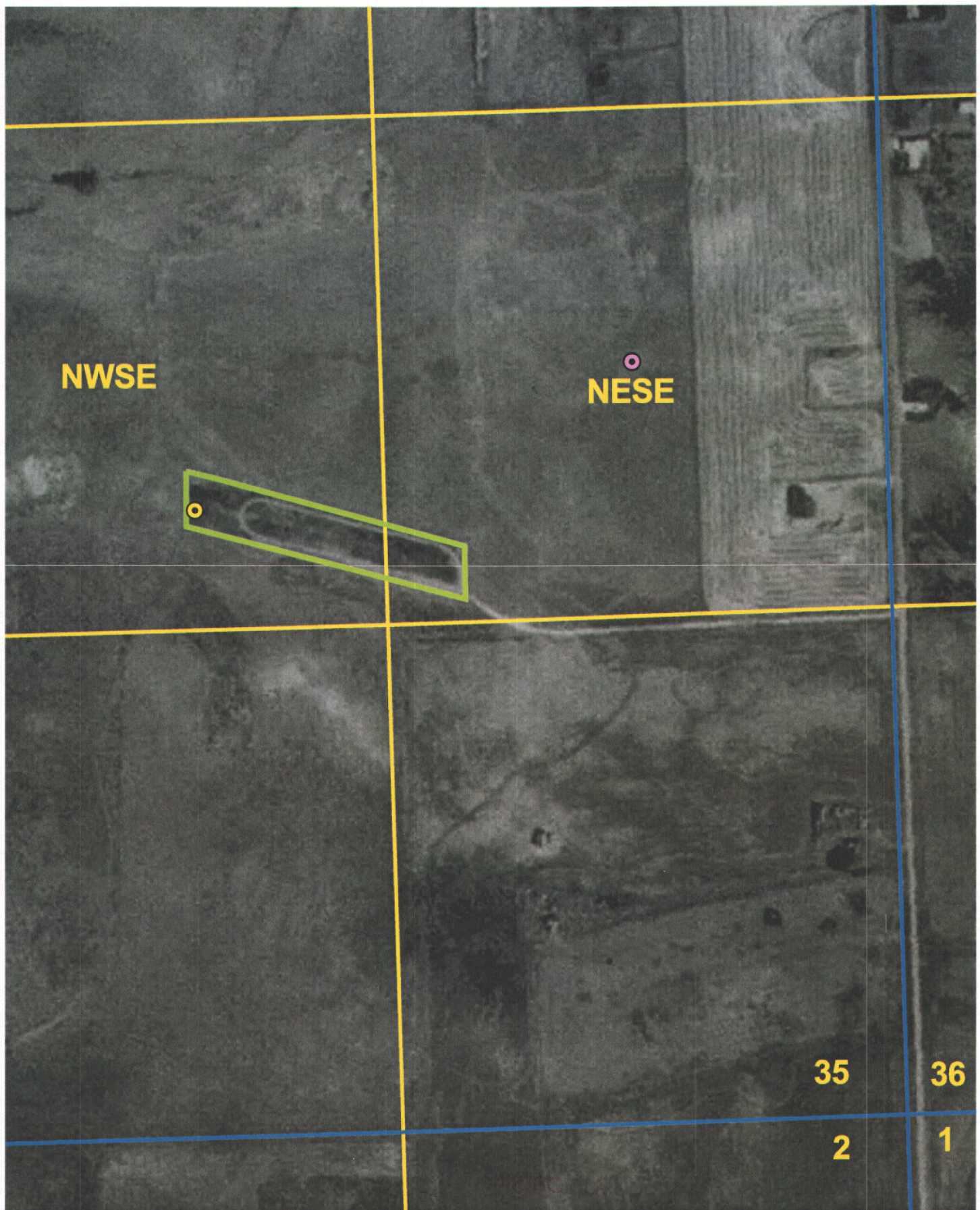
RECEIVED
FEB 4 1987

Department of Water Resources
Eastern District Office

NOTIFIED

MAK 05 1987

11-7361



NWSE

NESE

35

36

2

1

JUN 02 2003



MICROFILMED
JUN 02 2003

11-7361

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 11-07361

Priority: October 16, 1986

Maximum Diversion Rate: 0.05 CFS
Maximum Diversion Volume: 8.8 AF

It is hereby certified that BERN CEMETERY
BERN ID 83220 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated October 01, 1986; and has
submitted Proof of Beneficial Use on March 16, 1988. An examination indicates that the works have a
diversion capacity of 0.23 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.05 CFS	8.8 AF

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 35, Twp 12S, Rge 43E, B.M., BEAR LAKE 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	
12S 43E 35													.7	1.8			2.5

Total Acres: 2.5

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 28th day of January, 2004.


for **KARL J. DREHER**
Director

MICROFILMED

MAR 15 2004

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 11-7361 IN THE
NAME OF BERN CEMETERY

ORDER OF REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before March 1, 1988; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, on March 1, 1988 the permit lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on March 16, 1988;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 11-7361 be REINSTATED and the priority advanced to October 16, 1986.

Dated this 18th day of August, 1988.

MAILED
SEP 20 1988

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

RECEIVED
FEB 19 1988

RECEIVED
MAR 16 1988

For Office Use Only

Fee Received \$50.00

Date 3-17-88

Receipt # C000163

Receipt by [Signature]

Reviewed by [Signature]

Sent to region 8-18-88

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. and or 11-7361

Name(s) of Permit Holder: Bern Cemetery ✓

Post Office Address: Bern, Idaho 83220 ✓

% Leon Hardcastle Telephone No. 847-1258

Source of Water: Underground ✓

Extent of Use:

Domestic (number of households) Stockwater (number and type of stock)

Irrigation 2.5 (acres) Other/Remark

Total rate and/or volume for which proof is submitted 7.5 H.P. 0.05 cfs 238 gals. per minute = ~.53 cfs

Show the date water was first diverted and beneficially used under this permit: Aug. 1983 ✓

Measuring Device: Required? Yes ✓ No
Installed? Yes ✓ No

Fee enclosed \$
(See License Examination Fee Schedule)

Flow Measurement Port: Required? Yes ✓ No
Installed? Yes ✓ No

Person to contact to accompany the Department representative during the field examination:

Leon Hardcastle
(Name)

847-1258
(Telephone Number)

Bern, Idaho 83220

(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

2-16-88
Date

Leon Hardcastle ✓
Signature of Permit Holder (and title, if appropriate)

SEP 20 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Bern Cemetery Phone 847-1258
Post office address Bern, Idaho 83220
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SE of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of -35-- $\frac{1}{4}$, Govt. Lot -125-
Sec. 35 Township 12S Range 43E B.M. Bear Lake County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .05 for Irrigation purposes from 4/15 to 10/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .05 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well - Line - Sprinklers 7.5 h.p.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is 6" inches; proposed depth of well is 160' feet.
d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

RECEIVED

MAR 05 1987

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

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 the use (example: *D for Domestic*) in the corresponding column.

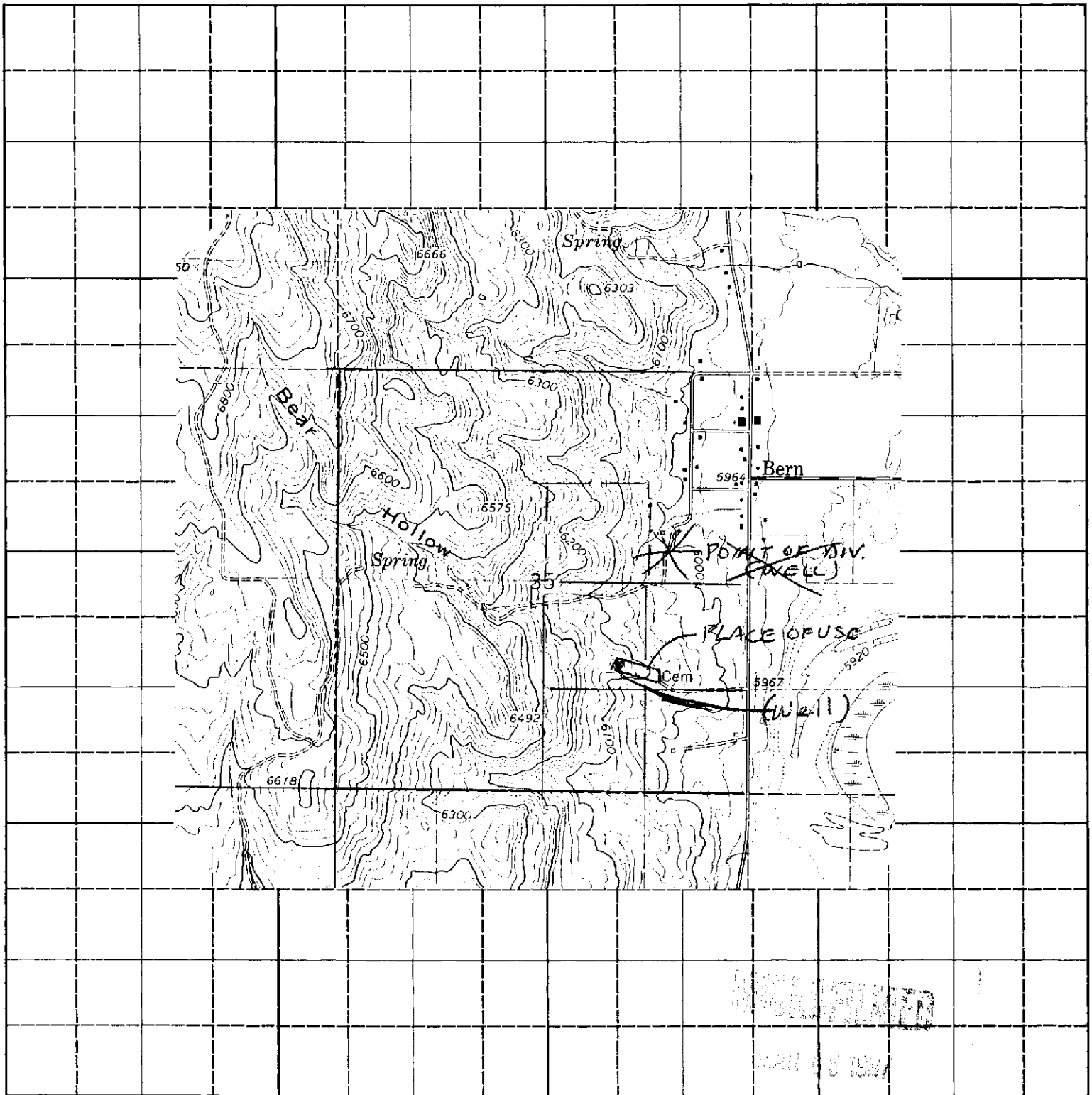
[illegible]

10. Describe any other water rights used for the same purposes as described above. None

b. Who owns the land to be irrigated or place of use?

applicant to make this filing.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Low Suddarth
(Applicant)
President of Bern Cemetary Assoc.

Received by	LS	Date	9/26/86	Time	11:30 am	Preliminary check by	10/1/86
	MD		10/1/86		12:20 p.m.	Proposed priority	
			11-26-86		1:30 p.m.		
Fee \$	\$30.00	Received by		#	39920	Date	10-21-86
Publication prepared by		Date	12-17-86	Published in	NEWS EXAMINER	San Jose, CA	
Publication approved		Date	1-9-87				

No 3223
JAN 22 1987

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

deposes and says:

being duly sworn,

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

January 1, 1987, and ending

with the issue of January 8, 1987

Fees, \$33.00 These stamps

Subscribed and sworn to before me this 9th day

of January, 1987

Notary Public, Residing at Montpelier, Idaho

My Commission Expires June 7, 1992

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

11-7361

BERN CEMETERY

BERN, ID 83220

Source: GROUNDWATER

Division Pt.: SENWSE Sec 35 T

12S R 43E

Use: IRRIGATION (0.050 CFS)

Date Filed: 10/01/1986

In: NESE NWSE Sec. 35 T 12S R

43E for 2.5 ACRES

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup, Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JANUARY 19, 1987.

KEN DUNN, Dir.

Legal No: 3223-261- Published
Jan. 1, and Jan. 8, 1987.

FEB 4 1987

Department of Water Resources
Eastern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 28, 2004

BERN CEMETERY
BERN ID 83220

RE: License No. 11-7361 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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MAR 10 2004

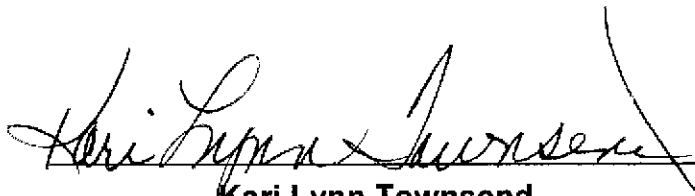
CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

11-7361

BERN CEMETERY
BERN ID 83220



Kari Lynn Townsend
Secretary

MICROFILMED
MAR 10 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
MAR 10 2006

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

LICENSE REVIEW CHECKLIST

Permit No. 11-7361 Date: 1-27-04 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): none

File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.05 cfs

Fee Limit 0.20 cfs

Measured _____ cfs

Theoretical 0.23 cfs

Recommended Total Diversion Rate 0.05

Water Uses OK

Change (P46)

Season of Use per new Standards

4-15 10-31

Irrigation 0.05 cfs 8.8 af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total 0.05 cfs 8.8 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)

~~supp. Gw (WB7/065/104)~~

~~overlap spec combined rts (W35)~~

~~<1 acre (W31)~~

~~Domestic (W01/wb5/070/071/075)~~

~~Power (W42 or W43/025/027/R22 or R23)~~

~~Fish (042)~~

~~Fire (077)~~

~~Water Quality (106/R07)~~

~~Payette - (W22/047/27A)~~

~~Stockwater for US (R37)~~

Volume Determination

0.05 cfs x 1.9835 x 200 days = 19.8 af (vs) 2.5 acres x 3.5 (FHR) = 8.75 af

~ 8.8

Remarks: _____

Additional Conditions

~~Watermaster Control~~

~~GW Measurement/Measuring Device~~

~~Other~~

~~Trust R55 - remove 051)~~

~~Non-trust (048)~~

~~GW Dist?~~

~~Water Mgmt. Dist?~~

~~Ent. GWMA?~~

~~GWMA?~~

~~Government Lots?~~

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? N/A

Adjust memo _____

Amend Letters

P87, S06

Second Amendment Notice

S06

RECEIVED

APR 18 2003

Permit No: 11-7361

Page 1

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 11-7361

Exam Date: 6/16/1993

1. Current Owner: BERN CEMETERY
BERN ID 83220

8/23/2000

2. Accompanied by: NONE

Phone No:

Address:

Relationship to Permit Holder:

3. SOURCE

TRIBUTARY

GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

SE1/4NW1/4SE1/4

Sec. 35, Twp 12S, Rge 43E, B.M.

BEAR LAKE County

Method of Determination: FE/GIS

2.

PLACE OF USE:

IRRIGATION

Tw	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	43E	35													.7	1.8			2.5

Total Acres: 2.5

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APR 22 2003

Method of Determination:

3. ☐ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☐ Photo of Diversion and System Attached

4.

<u>Well or Diversion ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge Size</u>
		7.5	sub.		

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

<u>Measurement Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>

2. Measurements:

E. FLOW CALCULATIONS

Measured Method:

☐ Additional Computation Sheets Attached

$$\text{theoretical CFS} = \frac{7.5 (6.16)}{60 + 60(231)} = .23 \text{ CFS}$$

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JUN 02 2003

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2.5 \times 3.5 = 9 \text{ AF/A}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.05 \text{ cfs} \times 1.9835 \times 184 = 18.2$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 9 \text{ AF/A}$$

2. Volume Calculations for Other Uses:

G. NARRATIVE/REMARKS/COMMENTS

well/pump to sprinklers 7.5 hp pump to cemetery, Bern, Idaho
2.5 acres

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.050 CFS	9.00 AF
<u>Totals:</u>		0.050 CFS	9.00 AF

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name DAVE CARLSON Date 4/3/2003

Reviewer [Signature] Date 4-3-2003

MICROFILMED
JUL 10 2 2003

11-7361

NWSE

NESE

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36

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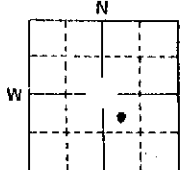
1

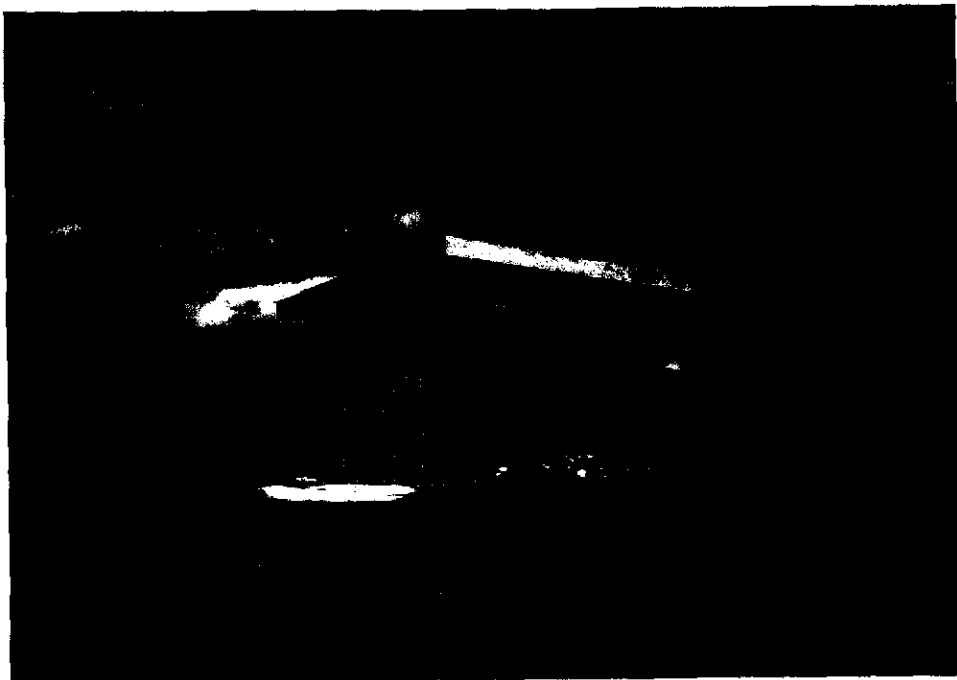
JUN 02 2003

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

AUG 30 1982

1. WELL OWNER Name <u>Bern Cemetery (in care of)</u> <u>Leon Hardcastle</u> Address <u>Bern Idaho 83220</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>60</u> feet below ground surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>—</u> °F. Quality <u>Good</u>																																																										
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Bailor ☒ Air ☐ Other _____																																																										
3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		<table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hour: Pumped</th></tr></thead><tbody><tr><td><u>100</u></td><td><u>90</u></td><td><u>1</u></td></tr></tbody></table>		Discharge G.P.M.	Pumping Level	Hour: Pumped	<u>100</u>	<u>90</u>	<u>1</u>																																																			
Discharge G.P.M.	Pumping Level	Hour: Pumped																																																										
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MICROFILMED
SERIALS
11-7361
JUN 2 1973



State of Idaho.

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

RECEIVED

SEP 30 1988

EASTERN REGION

Department of Water Resources
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 19, 1988

RE: Permit No. 11-7361

Bern Cemetery
c/o Leon Hardcastle
Bern, ID 83220

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit. Your permit has been reinstated and the priority advanced to October 16, 1986.

Before a license can be issued, a field examination must be made by a representative of this Department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161, or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,

ERIC VERNER
Sr. Resource Agent

EV:CW

MICROFILMED
JUN 8 7 2003

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 11-7361

Date: 8-18-1988

General Considerations:

Y Name same as permit
J Signature the same as permit holder
N Address change _____ If yes, prepare a data entry
Y Proof received timely
Y Reinstated

Source of Water:

Y Surface water
Y Groundwater
Y 1. well log in file
N/A 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
Y Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

N/A Is a measuring device or access port required?
N/A Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

Proof acceptable
Reinstated

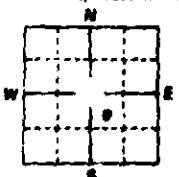
____ Priority Calculation:
Date proof received March 16, '88
Date proof due Mar 1 + _____
No. of days late = 15
Priority date Oct 1, '86 + 274
NEW PRIORITY DATE Oct 16, '86 = 289

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

USE TYPE A RIG
RIG NO. 114

1. WELL OWNER Name <u>Bern Cemetery (in care of)</u> <u>Leon Hardcastle</u> Address <u>Bern Idaho 83220</u> Owner's Permit No <u>11-7361</u>	7. WATER LEVEL Static water level <u>60</u> feet below ground surface Pumping? ☒ Yes ☐ No G.P.M. flow Artificially raised in pressure (P.S.I.) Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>—</u> °F Quality <u>Good</u>																																																																						
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning)	8. WELL TEST DATA ☐ Pump ☐ Bailor ☒ Air ☐ Other <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th>Flow Rate (G.P.M.)</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td style="text-align: center;">100</td> <td style="text-align: center;">90</td> <td style="text-align: center;">1</td> </tr> </table>	Flow Rate (G.P.M.)	Pumping Level	Hours Pumped	100	90	1																																																																
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USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

RECEIVED
SEP 20 1982

March 2, 1988

Bern Cemetery
c/o Leon Hardcastle
Bern, ID 83220

Gentlemen:

Re: Permit No. 11-7361

Returned is the Proof of Beneficial Use form along with your check No. 193 (92-42/1241) in the amount of \$100.

For your information, enclosed is a copy of the permit. Note that the maximum amount of diversion as proposed by the permit is 0.05 cfs which equals approximately 20-21 gpm. The exam fee is based on the rate of diversion, not to exceed the amount proposed on the permit, would be \$50. Please return the proof and proper fee by March 15 to keep from losing a day of priority for every day the proof and fee are late.

I note that you included another permit - Permit No. 11-7261 - on the proof form. This permit lapsed in 1986. It is of no force or effect in our records since, for some reason, the requirements of the permit were not met. If you would like more information on this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

c: Accounting Sec.

MAIL FILED

SEP 20 1988

*Per phone conversation -
Proof + fee
Sent 3-14-88
Rita*

138135
CERTIFIED MAIL
December 31, 1987

BERN CEMETERY
BERN, ID 83220

PROOF DUE NOTICE

RE: Permit No. 11-7361

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1988. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this Department on or before the above described proof due date, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures



SEP 20 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
FEBRUARY 18, 1987

BERN CEMETERY
BERN, ID 83220

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 11-7361

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

YOU SHOULD BE AWARE THAT THE GROUNDWATER YOU PROPOSE TO DIVERT IS LOCATED WITHIN A DRAINAGE BASIN WHERE SURFACE WATERS ARE REGULATED DURING THE MONTHS OF LOW FLOW. IT IS POSSIBLE THAT DIVERSION OF GROUNDWATER MAY HAVE AN ADVERSE IMPACT ON THESE SURFACE WATER FLOWS. INFORMATION AVAILABLE TO US AT THIS TIME DOES NOT WARRANT REFUSING TO ISSUE PERMITS IN YOUR AREA, BUT WE DO CAUTION THAT DIVERSIONS OF GROUNDWATER ARE NOT ALLOWED TO DEplete FLOWS AVAILABLE FOR SURFACE WATER USERS WITH EARLIER PRIORITY DATES. SITING YOUR WELL AS FAR FROM SURFACE SOURCES AS POSSIBLE AND CASING OUT UPPER WATER PRODUCING ZONES MAY REDUCE THE POTENTIAL OF INTERFERENCE.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT. ALSO ENCLOSED FOR YOUR CONVENIENCE IS THE STATEMENT OF BENEFICIAL USE FORM THAT MUST BE SUBMITTED WHEN YOUR PROJECT IS COMPLETED.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES

MICROFILMED

MAR 05 1987

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Steve McConville

APPLICATION NUMBER: _____

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☐ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

- ☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____

- ☒ Yes ☐ No* In form for advertising.
Final date for protests: JAN 19, 1987
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 2-04-87
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 11
1 Oct 86 Date of priority recommended.
Special conditions of approval or cover letter. _____

RECEIVED

BAR 05 1987

allow 1 yr. for B/U development-

By: Ernest Carlson

Date: 9 Feb 1987

STATE OFFICE REVIEW:

105, 216

RECEIVED

FEB 11 1987

- ☐ See attached sheet for more information.

By: KW

Date: 2/12/87

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX						

January 29, 1987

The News Examiner
P.O. Box 278
Montpelier, Idaho 83254

Re: Application No. 11-7361, Bern Cemetery

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on January 1, and January 8, 1987.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Michele Davis
Office Secretary

MICROFILMED

MAR 05 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7151

DECEMBER 23, 1986

The News-Examiner
P. O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a sales proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JANUARY 19, 1987.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

RECEIVED
DECEMBER 23, 1986

DEC 23 1986

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

11-7361

BERN CEMETERY

BERN, ID 83220

Source: GROUNDWATER

Diversion Pt.: SENWSE Sec 35 T

12S R 43E

Use: IRRIGATION (0.050 CFS)

Date Filed: 10/01/1986

In: NESE NWSE Sec. 35 T 12S R

43E for 2.5 ACRES

The permit(s) will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of
Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on
or before JANUARY 19, 1987.

KEN DUNN, Dir.

Legal No: 3223 — 26L — Published

Jan. 1, and Jan. 8, 1987.

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

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BERN CEMETERY

BERN, ID 83220

Source: GROUNDWATER

Diversion Pt: SENWSE Sec 35 T ~~12S~~ R 43E

Use: IRRIGATION (0.050 CFS)

Date Filed: 10/01/1986

In: NESE ~~NWSE~~ Sec 35 T 12S R 43E FOR 25 ACRES

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JANUARY 19, 1987.

KEN DUNN, Dir.

Published 1/1 & 1/8/87.

MICROFILMED

MAR 05 1987

November 13, 1986

Leon Hardcastle
Bern, Idaho 83270

Dear Mr. Hardcastle:

Thank you for your prompt response to our letter.

Everything is in order on the application except that you forgot to sign the application form below the map on the second page.

Please sign and return it as soon as possible.

Thank you.

Sincerely,

Steve McCormick, P.E.
Water Resource Engineer

SM/md

Enclosure

NOV 13 1986

11-7361

October 21, 1986

Leon Hardcastle
Bern, Idaho 83220

Re: Application for Permit

Dear Mr. Hardcastle:

Enclosed is a receipt in the amount of \$30.00 for the application for permit for Bern Cemetery.

Enclosed also is a typed form which includes a few suggested changes. The source, groundwater has been added. Part 4 extends the irrigation season to April 15. Part 5 specifies the place of use more exactly. Also, please note the location of the well in part 3. This was taken from your original application. This location places the well outside of the cemetery. Is this correct?

Please read the new application form carefully and if you feel it is correct resubmit it to this office as soon as possible, as processing of your application cannot continue until these points are clarified.

Thank you. If you have any questions please feel free to contact me.

Sincerely,

Steve McCormick, P.E.
Water Resource Engineer

SM/md

Enclosure

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