

AFFIDAVIT OF PUBLICATION

State of Idaho, ss.
County of Teton

I, Clayton Hermes
being first duly sworn depose and say

that I am the Publisher
of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, Section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at Driggs, in Teton County, Idaho, having a general circulation in said county, and that said newspaper has been printed in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of

Notice Water Permit

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof,

for 2 consecutive issues thereof; first publication having been made on the 31 day of December 19 70

and last publication on the 7 day of January 19 71

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Clayton Hermes

Subscribed in my presence and sworn

to before me this 7th day of January, 19 71

(SEAL) Notary Public for the State of Idaho, residence and postoffice address, Driggs, Idaho.

My Commission expires H. S. Forbush

Dec. 21, 19 73

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Bates Cemetery Maintenance Dist., Driggs, Idaho, has received an approved Permit No. G-33564/22-2289, issued by the Idaho Department of Water Administration authorizing the diversion of 0.20 cubic feet per second of water from a ground water source. The priority to be established under this permit is April 11, 1967 and the permit was approved April 19, 1967.

Water is to be diverted by well, pump and sprinkler system from a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, T. 4N, R. 44E, B.M., Teton County, to be used for irrigation in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, T. 4N, R. 44E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before April 19, 1972. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. Keith Higginson, Director
Idaho Dept. of Water
Administration
STATEHOUSE, Boise, Idaho
Published in the Teton Valley News, Driggs, Idaho, on December 31, 1970, and January 7, 1971.

NAME OF APPLICANT..... Bates Cer. Maintenance District

Form No. 0

0
N.E. 1/4
N.E. 1/4

APPROVED
APR 19 1967
33564

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

33564

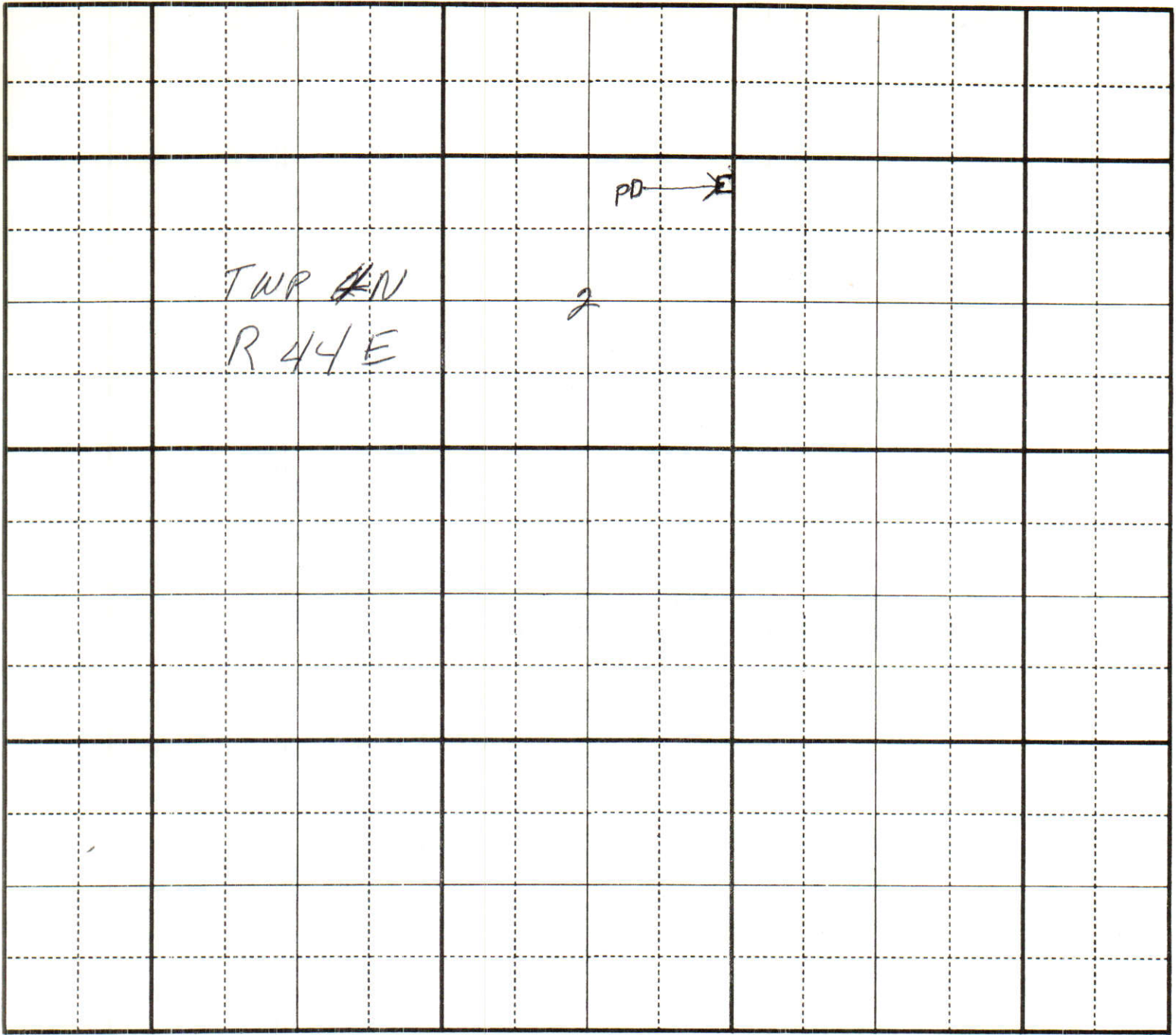


Diagram of System

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33564/22-2289 Priority April 11, 1967 Amount 0.06 cfs

THIS IS TO CERTIFY, that Bates Cemetery Maintenance District
of Driggs, Idaho, has complied with the terms and conditions of Permit
No. 33564/22-2289 issued pursuant to Application for Permit dated April 11, 1967,
and has submitted proof to the Department of Water Administration on March 6, 1972,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.06 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 0.06 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 0.06 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, Twp. 4 N, Rge. 44 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 6 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	44 E	2	2																2

Total number of acres irrigated 2

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 2289

AFFIDAVIT OF PUBLICATION

State of Idaho,)
County of Teton) ss.

I, Claron Hermes
being first duly sworn depose and say

that I am the Publisher
of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, Section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at Driggs, in Teton County, Idaho, having a general circulation in said county, and that said newspaper has been printed in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of

Notice Water
Permit

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof,

for 2 consecutive issues thereof;
first publication having been made on
the 31 day of December
19 70

and last publication on the 7
day of January 19 71

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seven-teen and three-fourths inches deep.

Claron Hermes
Subscribed in my presence and sworn

to before me this 7th day of
January, 19 71

(SEAL) Notary Public for the State of
Idaho, residence and postoffice
address, Driggs, Idaho.
My Commission expires

H. S. Forbush

Dec. 21, 19 73

Idaho Department of
Water Administration
Cemetery Maintenance Dist.
Driggs, Idaho, has received an approved Permit No. G-3084/20-1000 issued by the Idaho Department of Water Administration authorizing the diversion of 0.20 cubic feet per second of water from a ground water source. The priority to be established under this permit is April 11, 1967 and the permit was approved April 19, 1967.
Water is to be diverted by well, pump and sprinkler system from a point within the NE 1/4 NE 1/4 Sec. 2, T. 4N., R. 44E., B.M., Teton County, to be used for irrigation in the NE 1/4 NE 1/4 Sec. 2, T. 4N., R. 44E., B.M.
Proof of the application of the water to beneficial use is to be submitted to the Department on or before April 19, 1972. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.
R. Keith Higginson, Director
Idaho Dept. of Water
Administration
STATEHOUSE, Boise, Idaho
Published in the Teton Valley News, Driggs, Idaho, on December 31, 1970, and January 1, 1971.

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO.G-33564/22-2289)	
in the name of BATES CEMETERY)	ORDER MODIFYING REQUIREMENTS
MAINTENANCE DISTRICT)	FOR COMPLETION OF PERMIT TO
	APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

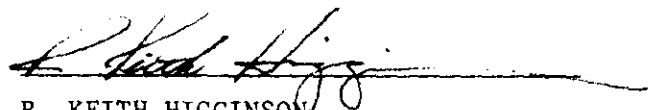
WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-33564 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 3 day of November, 1970.


R. KEITH HIGGINSON
Director

✓ 33564_{nr}
22-3361

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 41809
Permit No. G- 33564
District No.

H. S. Forbush
Driggs, Idaho 83422

1. Name of Applicant: Bates Cemetery Maintenance District, a Political Subdivision of Teton County, State of Idaho..
Postoffice address: Driggs County: Teton State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second .20 or Idaho
Miners' inches 10 or gallons per minute (rate only; not to exceed 5 AF/Acre.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2
Twp. 4 N , Rge. 44 E , B.M., County of Teton
5. Water is to be used for: irrigation purposes
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: well with electric pressure pump and sprinkling system.
8. Estimated cost of works: \$ 2,000.00
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is years.5
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation: Bates Cemetery Maintenance District, a political subdivision of the State of Idaho, Driggs, Idaho
 - (b) Amount of capital stock: \$ - - (c) Amount paid in: \$
 - (d) Names and addresses of directors: Darrell C. Buxton, Driggs, Idaho 83422; chairman
Morris Josephson, Driggs, Idaho Rt, #2; Carl Ripplinger, Driggs, Idaho, Route #2.
 - II. The financial resources of the applicant are (a) Cash on hand: \$
 - (b) Treasury stock: (c) Bonds to be issued:
 - (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

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	44 E	2	X																2-3 acres

LICENSE ISSUED FOR 0.04 SEC. 11,
 LICENSE PAGE NO. _____

33564

RECEIVED

APR 11 1967

8:50 - M.S.

Department of Reclamation

\$5.00 Check

APPLICATION FOR PERMIT NO. 12-41809-M.S.

APPLICATION FOR TRANSFER NO. _____

Receiving -- Appearance review Delle fee 5.00
Action - - - Permit Application
 Fee receiving \$5.00 M.S. - 4-14-67
 Application review _____
 Returned for correction _____
 Rejection _____ Returned to sender _____
 Approval _____

Processing -- Recording Permit Applications
 Assign Permit No. APP 1 12 1967
 Record page & folder APP 1 12 1967 X
 Index APP 1
 Plats _____

Proof - - - Certificate of Completion of Works
 Review _____
 Returned for correction _____
 Rejection _____ Returned to sender _____
 Approval _____
 Fee receiving _____

Proof (cont.) -- 60 day notice: Bu _____ Cw: Bu _____
 No reply _____ Pre can _____ Can _____
 Reply _____
 Advertise _____ Review _____
 Inst. to news _____
 Depositions & inst. to holder _____
 Check tear sheet _____
 Readvertise _____
 Do not readvertise _____
 Depositions & affidavit check _____
 Reject _____ Return to sender _____
 Approval _____ Exam report _____

Examination -- Notification letter _____
 Exam _____ Date _____ Exam review _____
 Fee letter _____ Fee receipt _____
 Amount \$ _____

Licensing -- License & Certificate
 State Engineers Signature _____
 Return to holder _____

Excess quantity of water at D.W. sec.

33564

Address all communications to:

H. S. Forbush

P. O. Driggs, Idaho, 83422

APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G 41809

Permit No. G 33564

Water District No. _____

RECEIVED
APR 11 1967
8:50 A.M.
Department of Reclamation

1. Name of applicant: Bates Cemetery Maintenance District, a Political Subdivision
of Teton County, State of Idaho
Post office address Driggs County Teton State Idaho
2. Quantity of water claimed: 10 inches -- 1/5 cu. foot .20 cfs
rate only; not to exceed 5 A.F./Acre
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NE 1/4 of the NE 1/4 of Section 2
Twp. 4, Rge. 44 E., B.M., County of Teton
5. Water is to be used for: irrigation purposes
6. If for domestic, municipal, industrial or recreational purposes give:
 - (a) Point of use of water is in the _____ 1/4 of the _____ 1/4 of Section _____
Twp. _____, Rge. _____, B.M. _____
 - (b) Waste water or sewage effluent is to be returned to _____
at a point in the _____ 1/4 of the _____ 1/4 of Section _____, Twp. _____, Rge. _____, B.M. _____
7. Kind of Works: well with electric pressure pump and sprinkling system
8. Estimated cost of works: \$2,000.00
9. (a) Is reservoir to be used? _____
(b) Capacity of reservoir: _____
10. The time required for the completion of such work and complete application of the water to the proposed use is
five years.
11. If applicant is a corporation, give: Bates Cemetery Maintenance District, a political
subdivision of the State of Idaho
I. (a) Date and place of incorporation: Driggs, Idaho
(b) Amount of capital stock \$ -- (c) Amount paid in: \$ --
(d) Names and addresses of directors: Darrell C. Buxton, Driggs, Idaho, 83422, Chairman
Morris Josephson, Driggs, Idaho, Rt. 2
Carl Ripplinger, Driggs, Idaho, Rt. 2

33564

Remarks: The area to be benefited is two to three acres of Cemetery property.

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.

Bates Cemetery Maintenance District

Applicant

By D. E. Buxton Agent
chairman of Board of Directors
of Bates Cem. Maintenance District

33564

Approval of State Reclamation Engineer

The number of this permit is G. 33564
Recorded in Book 117 Page 33564 Approved APR 1 1967

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed before _____

One-fifth of the work above specified to be completed on or before XXXXX October 19, 1969
The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before April 19, 1972

Witness my hand this 19th day of April, 19 67

R. Keith Higgins
State Reclamation Engineer

IN TESTIMONY WHEREOF, We DON SAMUELSON, Governor of the State of Idaho,

and EDSON H. DEAL, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be

hereunto affixed, this 19th day of April, 19 67

Countersigned

By *Edson H. Deal*
Secretary of State

STATE OF IDAHO

By *Don Samuelson*
Governor.

No. G. 33564

PERMIT

Date of first receipt at office of State Reclamation Engineer

April 11, 1967 8:50 A.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 5.00

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof25

33564

Bates Cer. Maintenance District

Form No. 0[illegible]

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

33564

June 21, 1973

Re: Permit No. 33564/22-2289

Bates Cemetery Maintenance District
Driggs,
Idaho 83422

Gentlemen:

Enclosed herewith is a copy of the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jc
Enclosure

June 6, 1973

Bates Cemetery Maintenance District
Driggs,
Idaho 83422

Attn: D.C. Buxton

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 33564/22-2289 and has found the following:

Quantity of water diverted: 0.06 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.06 cfs

The maximum quantity diverted shall not exceed 6 acre feet per year.

Beneficial use: Irrigation of 2 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2,
Twp. 4N, Rge. 44E, B.M.

Point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2, Twp. 4N, Rge. 44E, B.M.

Priority date established: April 11, 1967

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Bates Cemetery Maintenance District
Postoffice address Driggs, Idaho Phone _____
Person to contact P.C. [unclear] Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 0.20 c.f.s. for irrigation
_____ AF/Annum (nature of use)

Period of Use: from April 15 to October 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 33564/22-2289
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion _____ cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 4 N N/S, Range 44 E E/W, B.M., Section 2, Subdivision NE $\frac{1}{4}$ NE $\frac{1}{4}$, Teton
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions: _____

Description of diverting works: well w/electric pressure pump and sprinkling system
(3 hp with 45 lb. - 65 lb. pressure)

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or 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	44 E	2	X																2 to 3 acres

22 2289 TOTAL ACREAGE 2 to 3 acres

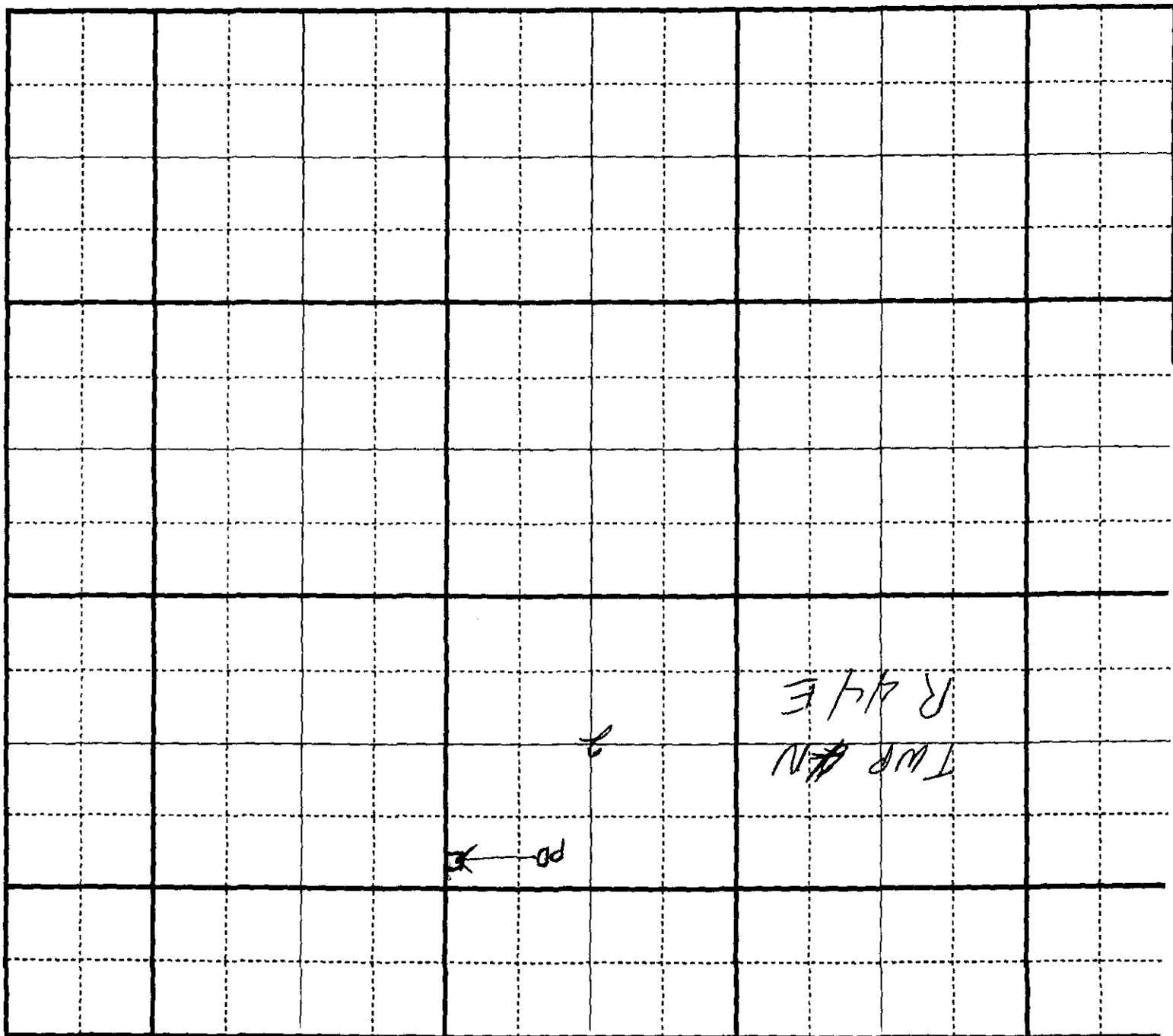


Diagram of System

DATE OF EXAM 20 June 1972

ACREAGE
Found 2 acres
Recommended 2 acres

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = .04 c.f.s. V = 6.0 AF/Ann. from April 15 to October 15
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = c.f.s. V = AF/Ann. from to

Is water co-mingled? yes no ✓

Name source:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4
County

Exchange? yes no ✓

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4
County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4
County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4
County

Total Q measured .063 cfs Method of measurement pressure gage

Total Q recommended .04 cfs Meter No. Type Condition

Total V recommended 6.0 acre ft/yr

Recommended Amendments:

P.D.
Place of Use
Other
None ✓

MEASUREMENT CALCULATION:
Pressures measured: $\bar{X} = 45$ psi, 6 heads, 4.72 gpm per head,
28.32 gpm = 448.8 cfs = .063 cfs

SYSTEM DESCRIPTION:
Well, 3hp electric pump, sprinklers -
Six sprinklers operate at one time -

REMARKS:
Mr. Buxton stated that area was 288' x 288'.
This is 82944 ft² / 43560 ft² per acre = 1.904 acres
≈ 2 acres

Examiner's Signature William B. Dwyer Date 21 June 1971
Checked by NCD Date
Approved by Date

March 8, 1972

Re: Permit No. G-33564/22-2289

Bates Cemetery Maintenance District
Driggs,
Idaho 83422

Attn: D. C. Buxton

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If someone other than you should be contacted by our examiner, please contact our District Office at 240 South Holmes, Idaho Falls, Idaho.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

bc: Eastern District Office
Enc: Field exam report

Identification No. _____
Permit No. G 33564

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

MAR 6 ✓

- Department of Water Administration
1. a) Name of Permit Holder Bates Cemetery Maintenance District, a Political
Subdivision of Teton County, State of Idaho
b) Post Office Address Driggs, Idaho, 83422
 2. Permit Number G 33564
 3. Date of Priority that you are prepared to establish April 19, 1967
 4. a) Source from which water was appropriated Subterranean Well
b) Location of the point of diversion: NE 1/4 NE 1/4, Section 2
Township 4 North, Range 44 E. Boise Meridian, Other points of diversion: _____
Teton County, Idaho
 5. a) The amount of water and use to which the water has been applied: 5 A.F. per acre for 5 acres
amount .20 cfs for irrigational purposes from 15th May to 15th Oct incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated .20 cfs. cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Rate of flow determined by size, number, and pressure of sprinkler nozzles. Measured by Glenn Carnahan, Soil Conservation Service. ✓
 6. ~~If the means of diversion and conveyance are owned by someone other than the Permit Holder:~~
a) ~~Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____~~
b) ~~Describe the agreement or understanding by which you take water from the works: _____~~
 7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) _____
Well with electric pressure pump and sprinkling system.
(3 Horse Motor with 45 lb. Pressure to 65 lb. pressure)
b) Describe the type and size of measuring device which you have installed at your point of diversion: _____
Pressure gauge and sprinkler nozzles. ✓
c) Give well drillers name and address and date the well was completed Glen L. Hopkins of
Hopkins Brothers, Box 4, Thornton, Idaho ; June 14, 1971

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				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	
4 N	44E	2	X																2-3 ares

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

2-22-72
 (Date)

D. C. Buxton
 (Signature) CHAIRMAN of Board of Directors
 Bates Cem. Maintenance District

State of Idaho)
 County of Teton) ss.

On this 22nd day of February, 1972, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

D. C. Buxton, chairman of Board of Directors of the Bates Cemetery Maintenance District

H. L. Farber
 Notary Public residing at Rexburg, Idaho

My commission expires Dec. 21, 1973.

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐

Show to whom, date and address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

23304

1

D. C. Bepler

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

3

SHOW WHERE DELIVERED (*only if requested*)

22 2289

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PS Form 3821 Apr. 1969 cbs-16-71548-11

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to register delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moistened gummed ends and attach this card to back of article.

RETURN
TO



22 2289

DEPARTMENT

January 28, 1972 CERTIFIED MAIL

23304

Re: Permit No. G-33564/22-2289

Bates Cemetery Maintenance District
Driggs,
Idaho 83422

Gentlemen:

One of the conditions of approval of your water Permit No. G-33564/22-2289 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before April 19, 1972. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit
cc: H. S. Forbush
Driggs, Idaho

22 2289

April 5, 1971

Re: Permit No. G-33564/22-2289

Mr. Darrell C. Buxton
Bates Cemetery Maintenance Dist.
Driggs, Idaho 83422

Dear Mr. Buxton:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Since proof of beneficial use of water is not required until April 19, 1972, the Department will notify you sixty days in advance of the due date as to further requirements.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

cc: H. S. Forbush
Attorney-At-Law
Driggs, Idaho

March 24, 1971

Re: Permit No. G-33564/22-2289

H. S. Forbush
Attorney at Law
Driggs, Idaho 83422

Dear Mr. Forbush:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until April 19, 1972. However, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Teton Valley News, Driggs, Id. and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM:CM

22 2289

February 11, 1971

Re: Permit No. G-33564/22-2289

H. S. Forbush
Attorney at Law
Driggs, Idaho 83422

Dear Mr. Forbush:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit. Proof of beneficial use is not required until April 19, 1972. However, many newspapers do not keep copies of these advertisements in their files. We, therefore, recommend that you obtain this affidavit from the Teton Valley News, Driggs, Idaho and submit it to the Department as soon as possible. This insures that when you are ready to submit proof of beneficial use there will be no unnecessary delay or added expense.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM:CM

December 24, 1970

Re: Application for Permit No. G-33564/22-2289

H. S. Forbush
Attorney at Law
Driggs, Idaho 83422

Dear Mr. Forbush:

The legal notice for the above-referenced permit is being published in the
Teton Valley News, Driggs, Idaho on December 31, 1970
and January 7, 1971.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM:CM

22 2289

December 24, 1970

Re: Application for Permit No. G-33564/22-2289

The Teton Valley News
Driggs,
Idaho 83422

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Darrell C. Buxton, Driggs,
Idaho (Bates Cemetery Maintenance District, Driggs), to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CM

Enc: Legal Notice

22 2289

RECEIVED

NOTICE OF EXISTING WATER PERMIT

DEC 7 1970

Notice is hereby given that Bates Cemetery Maintenance Dist., Driggs,
Idaho, has received an approved Permit No. G-33564/22-2289 issued by the Idaho Department of Water Administration authorizing the diversion ~~at~~ of 0.20 cubic feet per second ~~at~~ of water from a ground water source.

The priority to be established under this permit is April 11, 1967 and the permit was approved April 19, 1967.

Water is to be diverted by well, pump and sprinkler system from a point within the NE1/4 Sec. 2, T. 4N, R. 44E, B.M., Teton County, to be used for irrigation in the NE1/4 Sec. 2, T. 4N, R. 44E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before April 19, 1972. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration
STATEHOUSE, Boise, Idaho

Published in the Teton Valley News, Driggs, Idaho, on December 31, 1970, and January 7, 1971

Permit No. 22-2289

Director:
You are hereby authorized to have the above notice published at my expense in the Teton Valley News of Driggs, Idaho; published in the county in which the works are situated.

Harold E. Bampton (Signature) _____ (Address)

(Date) 22 2289

December 10, 1970

Re: Permit No. 22-2289 - Bates Cemetery District

H. S. Forbush
Attorney at Law
Driggs, Idaho 83422

Dear Mr. Forbush:

The notice of publication that is required at this time is about the fact that the permit was approved back in 1967 and is a general notice to the public. It does not pertain to the beneficial use or success of development under the permit. We do require that this notice be published at this time and not at the time beneficial use proof is required in April of 1972. The modification order that accompanied this notice of existing permit changed the requirements of publication formerly placed under the permit and relieved the permit holder of two of the four weeks of publication, as well as licensing fees that originally were required under the permit.

If you have any further questions on the matter, please contact us. If we do not hear from you within 10 days of the date of this letter, we will continue with the publication of the permit.

Very truly yours,

Donald W. McElDowney
Appropriation Supervisor

DWM:cm

CITY ATTORNEY
CITY OF DRIGGS, IDAHO

H. S. FORBUSH
ATTORNEY AT LAW
DRIGGS, IDAHO 83422

Dec. 3, 1970

RECEIVED
PROSECUTING ATTORNEY
TETON COUNTY
PHONE 354-2977
DEC 7 1970

Department of Reclamation
State House
Boise, Idaho, 83707

Department of Water Administration

Dear Sir: Re: Bates Cemetery Water:

Mr. D. C. Buxton, Chairman of the Bates Cemetery District has signed, authorizing public notice in the paper authorized.

However, it should be pointed out that the Cemetery District has not discovered an adequate supply of water, and it is very probable that the District Cemetery Committee will drill deeper in order to supply a better source of water which is expected to be done in 1971.

Hence it is supposed that the publication authorized will not be done until an adequate supply of water is assured. We note that approval is not required to be submitted before 1972. Kindly advise.

Very truly yours,

H. S. Forbush
H. S. Forbush

HSF/MM

22 2289

November 10, 1970

Re: Permit No. G-33564 (New No. 22-2289)
Bates Cemetery Mtce. Dist.

Mr. H. S. Forbush
Driggs,
Idaho 83422

Dear Mr. Forbush:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Order
Advertising package

22 2289

April 27, 1967

Re: Permit No. G-33564
Bates Cemetery Maintenance District

H. S. ~~Forbush~~
Driggs, Idaho 83422

Dear Mr. Forbush:

We enclose Permit No. G-33564 in which we direct
your attention to the limitations and conditions as given on the
fourth page under approval of the State Reclamation Engineer

We also enclose Departmental Receipt No. G-11526
which was issued covering payment in the amount of \$
for the filing fee of the above mentioned permit.

Very truly yours,

permit, receipt

MRBsejw

M. RUSSELL BOSCH
Office Manager

Enc:

33564

VILLAGE ATTORNEY
VILLAGE OF DRIGGS

HAROLD S. FORBUSH

ATTORNEY AT LAW
DRIGGS, IDAHO

April 10, 1967

PROSECUTING ATTORNEY
TETON COUNTY

RECEIVED
APR 11 1967

Department of Reclamation

State Reclamation Engineer
Department of Reclamation
State House
Boise, Idaho

33564

Dear Sirs:

Re: Application to appropriate underground water in
behalf of the Bates Cemetery Maintenance Dist. within
Teton County, Idaho

Please find inclosed the signed application to appropriate subterranean waters within Teton County, State of Idaho by the Bates Cemetery Maintenance District of Driggs, Idaho, which appropriation is in the amount of one-fifth of a cubic foot, or 10 miners inches together with the check of Mr. Buxton, Chairman of the Cemetery District. This check is to cover State costs of filing the application.

Kindly return the application to me, H. S. Forbush, Attorney at Law, Driggs, Idaho upon its approval and issuance.

Very truly yours,

H. S. Forbush

H. S. Forbush

HSF/MM

33564