
PLEASE NOTE

This water right is currently involved in an adjudication procedure. Insure that the regional office is notified of any changes or correspondence.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 45-7082 Priority May 19, 1971 Amount 0.08 cfs

THIS IS TO CERTIFY, that OAKLEY VALLEY CEMETERY DISTRICT
of Oakley, Idaho, has complied with the terms and conditions of Permit
No. 45-7082 issued pursuant to Application for Permit dated May 19, 1971,
and has submitted proof to the Department of Water Resources on January 16, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.08 cfs of water from an unnamed spring,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>May 1</u> to <u>Oct. 15</u>	at <u>0.08</u> cfs and	<u>15 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.0 af per acre</u>
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 0.08 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
15 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 8,
Twp. 14 S, Rge. 23 E, B. M. in the County of Cassia

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 $\frac{1}{4}$	
14 S	23 E	8			5														Five

Total number of acres irrigated Five

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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 8 day of
March, 19 76.

Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 45-7082)
in the name of OAKLEY VALLEY CEMETERY DISTRICT)

ORDER

WHEREAS, on May 19, 1971, Kenneth & Leroy Fairchild applied to the Department of Water Resources (formerly the Department of Water Administration) for a permit to appropriate .6 cubic feet per second of water from a spring within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, Twp. 14S, Rge. 23E, E.M., Cassia County, to be used for irrigation purposes; and,

WHEREAS, on January 18, 1972, the Department approved said application and issued Permit No. 45-7082 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before February 1, 1975, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

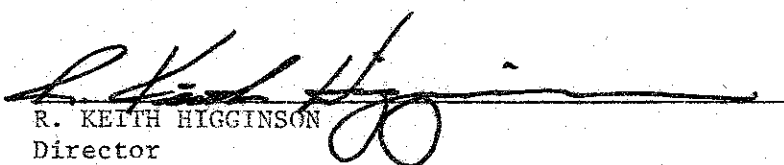
WHEREAS, on December 22, 1971, the Department received an assignment whereby Kenneth & Leroy Fairchild assigned all their right, title and interest, in and to Permit No. 45-7082 to the Oakley Valley Cemetery District; and,

WHEREAS, on January 16, 1975, the Department received the required proof of beneficial use along with a request that the measuring device requirement be removed from said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from Permit No. 45-7082.

Dated this 27 day of January, 1975.


R. KEITH HIGGINSON
Director

BDF:JG

MICROFILMED

RECEIVED
DEC 23 1971

ASSIGNMENT

Department of Water Administration

Comes now, KENNETH FAIRCHILD, a bachelor, of Cassia County, Idaho, and LEROY FAIRCHILD, a bachelor, of Cassia County, Idaho, and do hereby assign all of our right, title and interest in and to that Application No. 45-7082 to appropriate the public waters of the State of Idaho, to OAKLEY VALLEY CEMETERY DISTRICT of Oakley, Idaho.

Kenneth Fairchild

Application holder

LeRoy Fairchild

Application holder

STATE OF IDAHO)
) ss.
County of Cassia)

ok
BDF

On this 20th day of December, 1971, before me, a Notary Public for the State of Idaho, personally appeared Kenneth Fairchild and LeRoy Fairchild, known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Namath Nielson
Notary Public for Idaho

Residing at: Burley, Idaho

My Commission Expires:
May 12, 1974.

45 7082

Identification No.

Application No.

ASSIGNED TO:

Oakley Valley Cemetery Dist.
Oakley,
Idaho

LICENSE ISSUED FOR 0.08 SEC. FT.
LICENSE PAGE NO.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Kenneth Fairchild and Leroy Fairchild
post office address Oakley, Idaho
2. Source of water supply spring which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8 Township 14 S
Range 23 E. B.M. Cassia County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M.
4. Quantity to be appropriated:
a. .6 cubic feet per second and/or
b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes:
watering the Oakley
Valley Cemetery purpose from May 1 to Oct. 15 (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pipeline which will pipe the water from
the point of diversion to part of the Oakley Valley Cemetery.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet; materials used in storage dam: _____

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 3 years.
b. Estimated construction cost is \$ 600.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

45 7082

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

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 $\frac{1}{4}$	
14 S	23 E	8			X														5

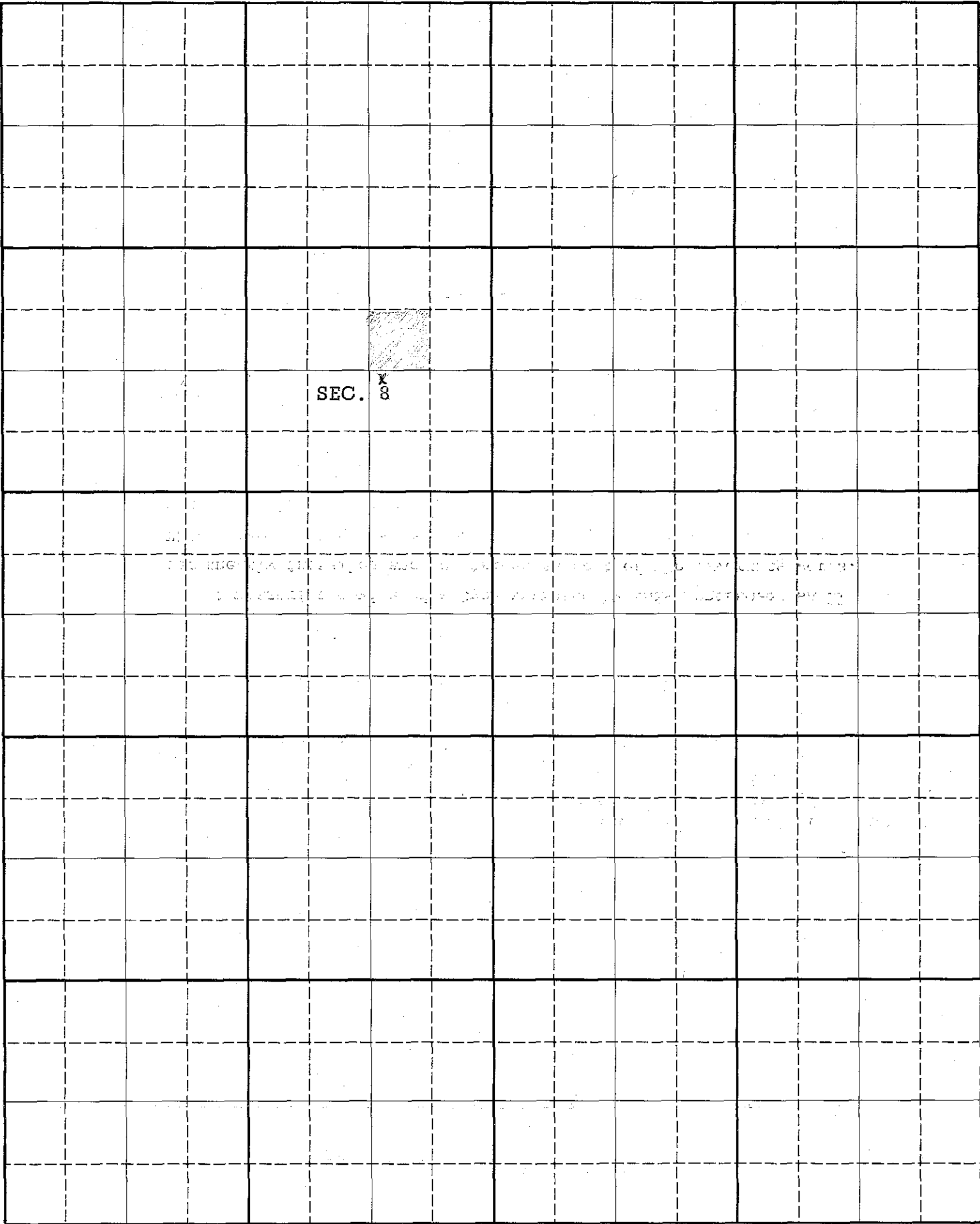
Total number of acres to be irrigated 5

c. Describe any other water rights used for the same purposes _____

9. a. Who owns the property at the point of diversion Kenneth Fairchild and Leroy Fairchild are purchasing said land from Orville Heiner estate
- b. Who owns the land to be irrigated or place of use Oakley Valley Cemetary District
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks The cemetary is owned by the Oakley Valley Cemetary District and is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 14 South, Range 23 East Boise Meridian.

11. Map of proposed project:



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.

Bennett Fairchild
(Applicant)

Received by Y Date 5/19/71 Time 10:30
Preliminary check by DF Fee \$ 25.00
Receipted by Y Date 5-20-71
Publication prepared by CR Date 5-27-71
Published in South Idaho Press
Publication dates 6-8 and 6-15-71
Publication approved Y Date 6-23-71
Priority reduced to _____ Reason _____

45 7082

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DF DF

CR

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 45-7082, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1975.

c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

This meter shall record the total annual amount of water used which shall not exceed 15 acre feet per annum.

2. Denial of said application is for the following reasons: _____

Witness my hand this 18 day of January, 1972.

Director

State Reclamation Engineer

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Kenneth Fairchild and Leroy Fairchild
post office address Oakley, Idaho
2. Source of water supply spring which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8 Township 14 S
Range 23 E. B.M. Cassia County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 6 cfs for watering the Oakley Valley Cemetary purpose from May 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for storage water for cattle purpose from Oct. 15 to Mar. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. _____ cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pipeline which will pipe the water from
the point of diversion to a part of the Oakley Valley Cemetary and from the cemetary
into a stock watering trough for cattle during the winter

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 3 years.
b. Estimated construction cost is \$ 600.00
8. Description of proposed uses:
a. If water is ~~not~~ for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 8 Township 14 S
of SE $\frac{1}{4}$
Range 23 E. B.M. & S $\frac{1}{2}$ of S $\frac{1}{2}$ of Sec. 5, Township 14 S, Range 23 E.B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered cattle

(4) Name of municipality to be served none, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

45 7082

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

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOT. LS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14 S	23	8			5 X														5
14 S	23	5															X	X	

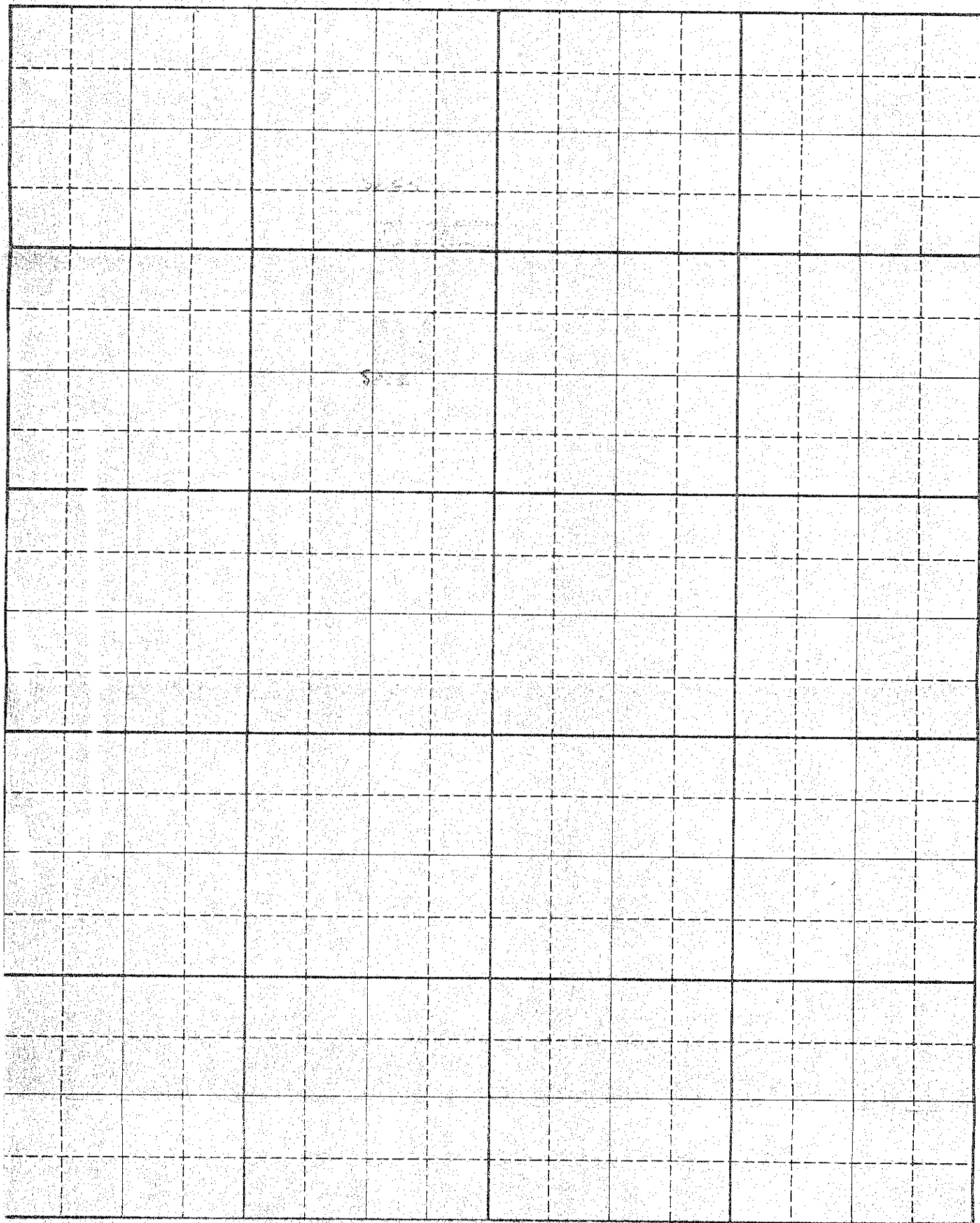
Total number of acres to be irrigated 5 (see remarks)

c. Describe any other water rights used for the same purposes NONE

9. a. Who owns the property at the point of diversion Kenneth Fairchild and Leroy Fairchild are purchasing said land from Orville Heiner estate.
 b. Who owns the land to be irrigated or place of use Oakley Valley Cemetary District & Kenneth Fairchild and Leroy Fairchild.
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing The cemetary is owned by the Oakley Valley Cemetary District and is located in SW 1/4 NE 1/4 of Sec. 8, Twn. 14 S., Range 23 E.B.M., the water is to be used for cattle watering on the S 1/2 S 1/2 of Sec. 5, Twn. 14 S., Range 23 E.B.M.

10. Remarks Five acres will be irrigated in Sec. 8, Twp. 14 S. R 23, E.B.M. as this is the Oakley Cemetary lot. There will be no land irrigated in Section 5 as this is only for the watering of cattle during the winter.

11. Map of proposed project:



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.

Herbert Fairchild
(Applicant)

45 7082

Received by Date 2-27-78 Time 5:00 PM

Preliminary check by Fee \$

Receipted by Date

Publication prepared by Date

Published in

Publication dates

Publication approved Date

Priority reduced to Reason

Protests filed by:

Copies of protests forwarded by

Hearing held by Date

Recommended for approval denial by

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. , and said application is hereby .

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before , 19 .

c. Other:

2. Denial of said application is for the following reasons:

Witness my hand this day of , 19 .

State Reclamation Engineer

45 7082

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Ruth Chambers, being first

duly sworn, deposes and says that he is the

Bookkeeper of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for 2 consecutive weeks, commencing with the issue

dated June 8 1971, and ending

with the issue dated June 15, 1971

Ruth Chambers

Subscribed and sworn to before me

this 15th day of June

1971

Edith Rausch Notary Public

Cost of Publication 11.52

Notary Fee

Total Cost

My commission expires October 23, 1971

71-164

**NOTICE OF
APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Kenneth and/or Leroy Fairchild, Oakley, Idaho, have on May 19, 1971, submitted Application No. 45-7082 for a permit to appropriate 0.6 cubic feet per second of water from an unnamed spring by means of pipeline within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T. 14S, R. 23E, B.M., Cassia County, to be used from May 1 to Oct. 15 for irrigation of the Oakley Valley Cemetery within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, T. 14S, R. 23E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before June 25, 1971.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, Idaho, on June 8 and June 15, 1971.

45 7082

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Ruth Chambers, being first

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consecutive weeks, commencing with the issue

dated June 8, 1971, and ending

with the issue dated June 15, 1971

Ruth Chambers

Subscribed and sworn to before me

this 15th day of June

1971

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Cost of Publication 11.52

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71-164

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If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before June 25, 1971.

R. KEITH HIGGINSON

Director

Published in the South Idaho Press, Burley, Idaho, on June 8 and June 15, 1971.

45 7082

March 10, 1976

Re: Permit No. 45-7082

Oakley Valley Cemetery District
Oakley,
Idaho 83346

Gentlemen:

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

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr

Enc: Copy of license

February 24, 1976

Oakley Valley Cemetery District
Oakley,
Idaho 83346

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. 45-7082 and has found the following:

Quantity of water diverted: 0.08 cfs Source: unnamed spring

Amount of water that can be recognized as beneficially used under
Idaho law: 0.08 cfs

The maximum quantity diverted shall not exceed 15 acre feet per
year.

Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, Twp. 14 S, Rge. 23 E, B.M.

Beneficial use: Irrigation of five acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 8,
Twp. 14 S, Rge. 23 E, B.M.

Priority established: May 19, 1971

If you do not concur with these findings please contact us within 10 days, otherwise a
water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:DR

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

1. Name of permit holder Oakley Valley Cemetery Maintenance Dist.

Post office address Oakley, Idaho

Person to contact _____

Phone _____

Department of Water Resources

Phone Southern District Office

2. Source of water supply: Groundwater ☐ Surface water ☒ spring

(name spring, stream, etc.)

Tributary to _____

3. Water will be used for the following purposes:

Amount .6 c.f.s. for irrigation
_____ AF/Annum (nature of use)

Period of Use: from May 1 to Oct. 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. 45-7082
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion .6 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 14S N/S, Range 23E E/W, B.M., Section 8, Subdivision NW $\frac{1}{4}$ SE $\frac{1}{4}$, Cassia 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: Pipeline which will pipe the water from the p.d. to part of the Oakley Valley Cemetery.

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 $\frac{1}{4}$	
14S	23E	8			5														5

TOTAL ACREAGE

5

Rge - 23E

T
14
S

8

✱

Diagram of System

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date _____, 19____ **DISCHARGE MEASUREMENT NOTES**

Date _____, 19____ DISCHARGE MEASUREMENT NOTES
Grave Yard River at Standard Pygmy Meter

Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
FW	0.0	.25									
	.25	.25	.1		3	40	.118	—		.025	.003
	.50	.25	.2		30	44	.698	—		.050	.035
	.75	.25	.2		25	48	.544			.050	.027
DW	1.00	.25	.1		15	42	.387			.025	.010
										Total	.075
~~2 gal / bucket~~											
~~used 1 bucket~~											
										= .006	
										.006	
										.025	
										Total =	.081 c

To _____ of _____ Sheets. Comp. by _____ Chk. by _____

	.10	.20	.30	.40	.50	.60	.70	.75
--	-----	-----	-----	-----	-----	-----	-----	-----

DATE OF EXAM 6-20-74

ACREAGE
Found 5
Recommended 5

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = .081 c.f.s. V = 17.5 AF/Ann. from May 1 to Oct. 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 .081 c.f.s. Method of measurement Pygmy Meter

Total Q recommended .081 c.f.s. Meter No. _____ Type _____ Condition good

Total V recommended 17.5 Ac Ft / ANN.

Recommended Amendments:

P.D. ☒
Place of Use ☒
Other ☒
None ☒

MEASUREMENT CALCULATION:

Q = .081 c.f.s. (see Discharge Measurement Notes)
V = 17.5 Ac Ft / ANN (Irr Reg 3.5) (5 Acres)

SYSTEM DESCRIPTION:

Spring, water is diverted through a plastic pipe to grove yard.

REMARKS:

measured the water through a channel which was naturally made before the water was diverted to the plastic pipe

Examiner's Signature Sam Funderburg Date 6-6-75

Checked by Bob Haynes Date 6-24-75

Approved by _____ Date _____

January 29, 1975

Re: Permit No. 45-7082

Oakley Valley Cemetery Maintenance Dist.
Oakley,
Idaho 83346

Gentlemen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order which removes the measuring device requirement from this permit.

Before a license can be issued, a field examination must be made by a representative of 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 exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our Southern District Office in Twin Falls.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JG
Enclosure

MICROFILMED

RECEIVED

JAN 16 1975

Department of Water Resources
Southern District Office

Identification No. _____

Permit No. 45-7082

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder OAKLEY VALLEY CEMETERY MAINTENANCE DISTRICT
b) Post Office Address OAKLEY, IDAHO 83346
2. Permit Number 45-7082
3. Date of Priority that you are prepared to establish _____
4. a) Source from which water was appropriated Spring
b) Location of the point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8
Township 14, Range 23 Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount ~~15 acre feet per annum~~ 2 inches per day for irrigation purposes from May 1 to Oct 15 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount ~~15 acre feet~~ for irrigation purposes from Apr. 1st to Sept. 30th 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 ~~15~~ 2 inches ~~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: _____
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:
Pipeline
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) _____
b) Describe the type and size of measuring device which you have installed at your point of diversion:
None Request measuring device be waived due to amount
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

MICROFILMED

Exam typed 4/28/75 by JG

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

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14	23	8			X														

Total number of acres irrigated 5

10. Remarks: _____

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

_____ (Date)

M. Roy Stul
Chairman of Oakley
Valley Cemetery Board (Signature)

State of Idaho)

County of Cassia) ss.

On this 16 day of January, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Robert D. Hays
 Notary Public residing at Twins Falls

My commission expires 10-20-78

PS Form 3811, Nov. 1973

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
- ☐ Show to whom, date, & address of delivery.. 35¢
- ☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢
- ☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Oakley Valley Cemetery Dist
Oakley, Id. 83346

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

26270

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

Retard Legt...

4.

DATE OF DELIVERY

12-3-74

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

md

PS Form 3811, Nov. 1973

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

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☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢
☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Oakley Valley Cemetery Dist
Oakley Id 87346

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	26270	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

Reta S. Layton

4. DATE OF DELIVERY

12-3-74

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

ML

December 2, 1974

CERTIFIED MAIL

#26270

Re: Permit No. 45-7082

Oakley Valley Cemetery District
Oakley,
Idaho 83346

Gentlemen:

One of the conditions of approval of your water Permit No. 45-7082 (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 February 1, 1975. 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

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

January 21, 1972

Re: Permit No. 45-7082 - Kenneth Fairchild &/or Leroy Fairchild

Kenneth Fairchild
Oakley,
Idaho 83346

Dear Mr. Fairchild:

Enclosed is a copy of your approved Application for Permit No. 45-7082. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cr

Enclosures

cc: Nielson, Nielson & Nielson, Attorney
P.O. Box 367
Burley, Idaho

45 7082

NIELSON, NIELSON & NIELSON

ATTORNEYS AND COUNSELORS AT LAW

P. O. BOX 367

BURLEY, IDAHO 83318

December 21, 1971

ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

RECEIVED
DEC 23 1971
AREA CODE 208
TELEPHONE 678-5574

Department of Water Administration
State of Idaho
Statehouse - Annex 2
Boise, Idaho 83701

Attn: Bobby D. Fleenor

Re: Application No. 45-7082

Gentlemen:

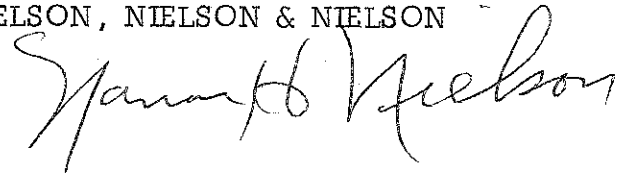
Enclosed you will find the Assignment under
Application No. 45-7082 which was assigned to the
Oakley Valley Cemetary District by the Fairchilds.

If there is any additional information you need in
this matter, please let us know.

Very truly yours,

NIELSON, NIELSON & NIELSON

By:



NHN:mm

Enc.

45 7082

NIELSON, NIELSON & NIELSON

ATTORNEYS AND COUNSELORS AT LAW

P. O. BOX 367

BURLEY, IDAHO 83318

September 22, 1971

ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

AREA CODE 208
TELEPHONE 678-5574

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83701

Attn: Bobby D. Fleenor

Re: Application No. 45-7082

Gentlemen:

In regard to the above permit, we have prepared agreements for all the parties to sign relative to rights-of-way for the water in the cemetery, but they have not all been signed as yet. As soon as they are signed we will forward this information to you concerning the assignment of the permit.

If there is any further information you need, please let us know.

Very truly yours,

NIELSON, NIELSON & NIELSON

By:

Norman H. Nielson

NHN:mm

45 7082

September 8, 1971

Re: Application for Permit No. 45-7082

C
Kenneth &/or Leroy Fairchild
Oakley,
Idaho 83346

O
Gentlemen:

Please refer to our letter of July 23, 1971, in which the Department requested that you assign application No. 45-7082 to the Oakley Valley Cemetary District. To this date we have not received a reply from you regarding this matter.

P
May we please ask that you advise this office of your intentions in this matter by return mail.

Very truly yours,

Y
BOBBY D. FLEENOR
Assistant Director

BDF:DR

45 7082

July 23, 1971

Re: Application for Permit No. 45-7082

C
Kenneth and/or Leroy Fairchild
Oakley,
Idaho 83346

Dear Sirs:

Your Application No. 45-7082, which provides for diversion of 0.6 cubic feet per second of water from a spring for irrigation of the Oakley Valley Cemetery, is now prepared for approval.

As you are probably aware, all water rights are appurtenant to the land on which the water is used; therefore, once this application is approved and the water applied to the cemetery, the water right would need to be in the name of the Oakley Valley Cemetery District. It is contrary to the policy of this office to approve applications in the name of an individual for use on lands not owned or controlled by him. Therefore, it is requested that you assign Application No. 45-7082 to the Oakley Valley Cemetery District. When we have received such a completed assignment, we will approve the application so that the project may proceed. A form for your convenience is enclosed.

V
If you have any questions concerning this matter, please let me know.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:kh

Enclosure

45 7082

RKH

MEMO

To: R. Keith Higginson
From: Robert W. Hamilton
Subject: Fairchild Application for Permit
Date: July 19, 1971.

On Tuesday, July 13, 1971, I contacted LeRoy Fairchild to get more information on the Application for Permit they had submitted for water from a spring. The spring rises on their land, crosses another parcel of land, then goes back onto their property. They plan to use the water for stockwater on their place and also that of their neighbors in exchange for a right of way. Any unused water would go on down to the Oakley Cemetery District for use within the cemetery. The spring is not tributary to any stream, even when not used. Mr. Fairchild asked about a water right decreed from this spring to George Jeffs. Three inches of water was decreed from Graveyard Spring to John Jeffs, with a May 1, 1882 priority date. The Fairchild's now own the property formerly belonging to the Jeffs.

45 7082

May 27, 1971

Re: Application No. 43-7030 - Woodrow W. Justice
" " 45-7081 - Boyd R. Poulton
" " 45-7082 - Kenneth &/or Leroy Fairchild

South Idaho Press
Box 190
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for 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 us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

45 7082

DWM:DR
Enc: Legal notices (3)

Bill submitted 6-23-71 By hs

71-164

**NOTICE OF
APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Kenneth and-or Leroy Fairchild, Oakley, Idaho, have on May 19, 1971, submitted Application No. 45-7082 for a permit to appropriate 0.6 cubic feet per second of water from an unnamed spring by means of pipeline within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T. 14S, R. 23E, B.M., Cassia County, to be used from May 1 to Oct. 15 for irrigation of the Oakley Valley Cemetery within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, T. 14S, R. 23E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before June 25, 1971.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, Idaho, on June 8 and June 15, 1971.

45 7082

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Kenneth and/or Leroy Fairchild, Oakley, Idaho,
have on May 19, 1971,

~~has been~~ submitted Application No. 45-7082
for a permit to appropriate 0.6 cubic feet per second ~~zero feet per second~~
of water from an unnamed spring
by means of pipeline
within the SW 1/4 Sec. 8, T. 14S, R. 23E, B.M., Cassia County,

to be used from May 1 to Oct. 15
for irrigation of the Oakley Valley Cemetary

within the SW 1/4 Sec. 8, T. 14S, R. 23E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of Water
Administration, Statehouse, Boise, Idaho, 83707, on or before June 25, 1971.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, Idaho,
on June 8 and June 15, 1971.

45 7082

May 20, 1971

Nielson, Nielson and Nielson
Attorneys at Law
P. O. Box 367
Burley, Idaho 83318

Gentlemen:

Returned herewith is your receipt No. 6470 in the amount of \$25.00
for Kenneth and Leroy Fairchild application for permit,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

45 7082

NIELSON, NIELSON & NIELSON

ATTORNEYS AND COUNSELORS AT LAW

P. O. BOX 367

BURLEY, IDAHO 83318

ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

AREA CODE 208
TELEPHONE 678-5574

May 18, 1971

Mr. Dorian Clay
Appropriation Examiner
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Fairchild Application for Permit

Dear Mr. Clay:

Enclosed you will find the Kenneth and Leroy Fairchild application to appropriate water rising in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 14 South, Range 23 E.B.M., which is on lands owned by the Fairchild brothers, or lands which they are purchasing from the Orville Heiner estate.

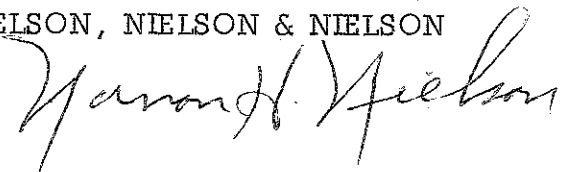
Would you please process this as soon as possible so that the Oakley Cemetary District can start using this water to beautify the cemetary.

Our check in the amount of \$25.00 is also enclosed.

Very truly yours,

NIELSON, NIELSON & NIELSON

By:



NHN:mm
Enc.

45 7082

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

October 22, 1970

NIELSON, NIELSON, & NIELSON
P.O. Box 367
Burley, Idaho 83318

ATTENTION: Norman H. Nielson

Dear Mr. Nielson:

We are once again returning the application for permit and filing fee that you have submitted in the behalf of Kenneth and Leroy Fairchild.

In its present state, this application is not acceptable as the maximum quantity of water that we could consider for appropriation for irrigation would be 1 inch or .02 c.f.s. per irrigated acre. In the case of this application, being for only five acres, the maximum quantity that we could approve would be .1 c.f.s. for irrigation. You have also neglected to indicate any amount for stockwatering purposes.

As soon as these issues have been clarified, we will begin the processing of this application. If the Fairchilds wish to come into our office to discuss these matters, we would be happy to talk with them at any time.

If we can be of any further assistance, please feel free to contact us.

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG

Enc: application for permit
check no. 3428 in the amount of \$20.00

45 7082

NIELSON, NIELSON & NIELSON

ATTORNEYS AND COUNSELORS AT LAW

P. O. BOX 367

BURLEY, IDAHO 83318

October 15, 1970

ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

RECEIVED

OCT 16 1970

AREA CODE 208

TELEPHONE 678-5574

Department of Water Administration

Mr. Dorian Clay
Appropriation Examiner
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Fairchild Application for Permit

Dear Mr. Clay:

In regard to the application which was submitted in the above matter, the water which the Fairchilds are requesting for the use of watering cattle arises on their land and would remain on their land if they had not agreed to pipe the water to the Oakley Valley Cemetery for use in the cemetery, but as the cemetery does not use the water during the winter months, the Fairchilds wanted to file on this water so that someone else would not file on the water after it left the Oakley Valley Cemetery District during the winter.

If the Department feels that this filing could not be completed it is possible that the Fairchilds will cut the water off entirely from the Oakley Valley Cemetery area and not use the water down in that area at all but merely use it on their own place where it arises. The only reason the water was taken off the property was for the Oakley Cemetery District to put water thereon.

If you have any further question in regard to this matter it may be that the Fairchilds will have to make an appointment with you and discuss this matter with your Department. If there is any further information you need, please let us know.

Very truly yours,

NIELSON, NIELSON & NIELSON

By:

Norman H. Nielson

NHN:mm

45 7082

September 11, 1970

C Nielson, Nielson, & Nielson
Post Office Box # 367
Burley, Idaho 83318

ATTENTION: Norman H. Nielson

Dear Mr. Nielson:

O In the final review of the application that you have submitted in the behalf of Kenneth and LeRoy Fairchild, we find that we once again will require additional information concerning the quantity of water that they are intending to appropriate. Under item 4, they have listed 0.6 cubic feet per second for the watering of the Oakland Valley Cemetery, and storage water for cattle. This amount appears to be somewhat excessive, as this department considers 0.02 cubic feet per second for each irrigated acre, and 0.02 cubic feet per second to be a sufficient quantity for up to 500 head of cattle for watering purposes. It appears that unless the Fairchild's have more than 500 head of cattle that they will supply water to, the maximum amount that we could approve on this application would be 0.06 cubic feet per second, instead of 0.6, as listed in the application. As soon as you clarify this issue, we shall continue with the processing of the application.

Y If we may be of any further assistance, please advise us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

45 7082

NIELSON, NIELSON & NIELSON

ATTORNEYS AND COUNSELORS AT LAW

P. O. BOX 367

BURLEY, IDAHO 83318

ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

AREA CODE 208
TELEPHONE 678-5574

August 4, 1970

Mr. Dorian Clay
Appropriation Examiner
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Fairchild Application for Permit

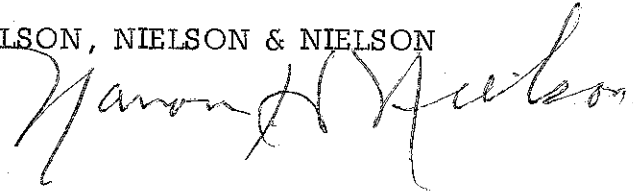
Dear Mr. Clay:

Enclosed you will find the Application for Permit,
which we are re-submitting, together with our check in the
amount of \$20.00.

If there is any further information you need, please
let us know.

Very truly yours,

NIELSON, NIELSON & NIELSON

By: 

NHN:mm
Enc.

45 7082

July 30, 1970

NIELSON, NIELSON, & NIELSON
Post Office Box #367
Burley, Idaho 83318

ATTENTION: Norman H. Nielson

Dear Mr. Nielson:

We are herewith returning your check in the amount of \$20.00, and the application that you have submitted in the behalf of Kenneth and LeRoy Fairchild, as we need some additional information before we can process it.

Please note that item #8b, should list the number of acres to be irrigated in each of the 40 acre subdivisions.

If we can be of any assistance in helping you complete this form, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/cm

Enclosure: \$20.00 check, &
application for permit

45 7082

NIELSON, NIELSON & NIELSON

ATTORNEYS AND COUNSELORS AT LAW

P. O. BOX 367

BURLEY, IDAHO 83318

ADONIS H. NIELSON
NORMAN H. NIELSON
GORDON S. NIELSON

July 24, 1970

AREA CODE 208
TELEPHONE 678-5574

Idaho Dept. of Water Administration
Statehouse Annex #2
Boise, Idaho 83707

Re: Application for Permit

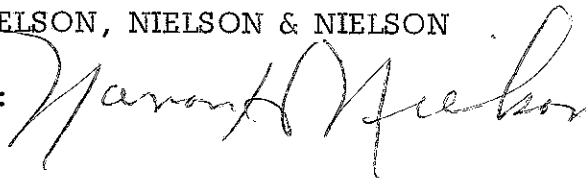
Gentlemen:

Enclosed you will find an Application for Permit of Kenneth and LeRoy Fairchild, together with our check in the amount of \$20.00 filing fee. Please process this application and advise us as to any additional information you may need.

Very truly yours,

NIELSON, NIELSON & NIELSON

By:



NHN:mm
Enc.

45 7082