

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A47-04144
Date Received: 1/13/1989
Receipt No: S005919
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF FILER 208-326-5000
Address: BOX 166
FILER, ID 83328
2. Date of Priority: FEB 06, 1958
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 10S | 16E | 17 | SW | | NW | | TWIN FALLS |
5. Description of diverting works:
CITY WELL #1, 10 HP PUMP
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|-----------------|-------|-------|--------|------|--------|
| MUNICIPAL | 04/01 | 11/01 | 0.330 | | |
| FIRE PROTECTION | 01/01 | 12/31 | 0.330 | | |
7. Total Quantity Appropriated is:
0.330 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
MUNICIPAL WATER SYSTEM FOR CITY OF FILER
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	16E	7				MUNI	
		8				MUNI	

A47-04144

Page 1

Date: 01/13/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	16E	17			MUNI	
		18			MUNI	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
47-07840, 47-04145, 47-07717

14. Remarks:
P/U WITHIN CITY OF FILER AND COUNTY FAIR GROUNDS

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____
Date Received _____
Receipt Number _____

RECEIVED

JAN 10 1989

Department of Water Resources
Southern Region Office

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

Please type or print clearly

1. Name of Claimant (s) City of Filer Phone (208) 326-5000
Mailing Address Box 166 Filer, Idaho Zip 83328

2. Date of Priority (Only one (1) per claim) February 6, 1958

3. Source of water supply (a) ground water
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 10S Range 16E Section 17,
1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Twin Falls

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 575' deep well, 10 hp motor and constant
speed pump

MAR 11 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For municipal/fire protection purposes from Jan. 1 to Dec. 31 amount 0.33 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.33 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Municipal water system for City of Filer

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

Total number of acres irrigated

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

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
3 other wells within the City water system or None ()

14. Remarks:

Item 12 Municipality

Last Name City of Filer Ident No.

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Copies: White -State, Yellow-Claimant
MAR 11 1993

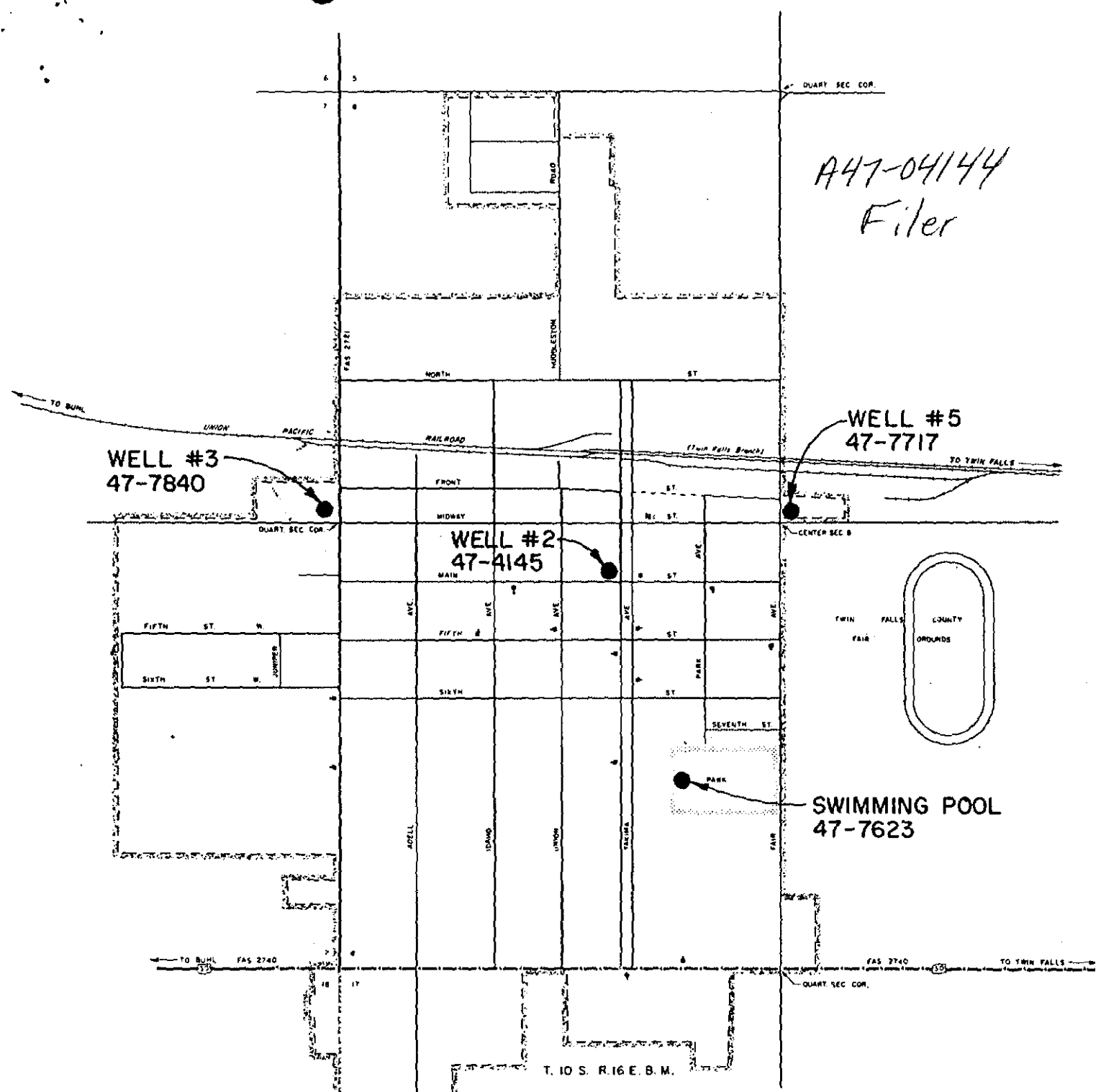
Scale: 2 inches equals 1 mile

[illegible]

MICROFILMED
Copies: White-Sail, Yellow-Claimant

MAR 11 1993

A47-04144
Filer



LEGEND

- STREETS FORMING URBAN EXTENSIONS OF
FEDERAL-AID, PRIMARY STATE AND U.S. ROUTES
- GRAVEL OR STONE
 - PAVED STREET
 - 4 LANE UNDIVIDED HIGHWAY
 - END OF FEDERAL-AID SYSTEM
 - FEDERAL-AID SECONDARY SYSTEM
 - U.S. NUMBERED ROUTES
- OTHER
- CITY STREETS
 - PAVED ON SURFACE TREATED
 - SURFACE-INH. GRASS
 - UNIMPROVED
 - DEDICATED (NOT OPEN)
 - CITY CENTER
 - RAILROAD
 - CORPORATE BOUNDARY LINE
- SCHOOL • CHURCH • POST OFFICE
• CITY HALL • HIGHWAY GARAGE (C-County)

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MAR 1 1993

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 47-4144

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Mayor

Title

of City of Filer

Organization

, that I have signed the foregoing

document in the space below as Mayor

Title

of City of Filer

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Robert Stett

Title and Organization City of Filer

Date 1-10-89

State of Idaho/or Idaho)
County of Quinn) SS.

Subscribed and sworn (or affirmed) before me this 10th day of January 19 89

SEAL

Notary Public Frances L. Miller

Residing at Idaho

My Commission Expires November 6, 1990

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Fred Decker will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Fred Decker

Address 249 3rd Avenue East, Twin Falls, Idaho 83301

P. O. Box 66

Date January 10, 1989

Last Name City of Filer Ident. Number _____

Copies White-State, Yellow-Claimant

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MAR 11 1993

BEFORE THE STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

CLAIM NO. A 47-04144
CITY OF FILER
POST OFFICE BOX 140
FILER, ID 83328

RECEIVED

AFFIDAVIT OF RUSSELL SHERIDAN, JR.

MAR 15 1995

Department of Water Resources
Southern Region

RE: EVIDENCE OF PRIORITY\NO. A 47-04144

STATE OF IDAHO)
 :
County of Twin Falls)

RUSSELL SHERIDAN, JR., Being first duly sworn, deposes and says the following as it relates proof of priority of beneficial use regarding the above referenced claim:

1. That affiant has lived in the City of Filer, Idaho, since 1940 and is presently Mayor of the City of Filer and makes this Affidavit upon personal knowledge.

2. That the groundwater well that is the subject of this claim was originally drilled in 1915 and, at the time, was the only municipal source of water for the citizens of the City of Filer, Idaho.

3. That in 1958 the well was enlarged in diameter and in depth and the pump reinstalled in the well.

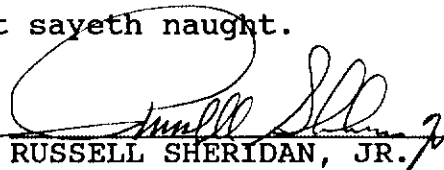
4. That affiant, as Mayor and the chief administrative officer of the City of Filer, is the custodian of records for the City of Filer, Idaho. Attached hereto are true and correct copies of the official Minutes of the City of Filer, Idaho, which also show that the well was enlarged and the pump reinstalled in February of 1958.

5. That this well is known in the City of Filer as the "No. 1 well" being the oldest well in the City, and has been used continuously since February of 1958, as well as prior thereto for municipal and fire protection uses within the City of Filer.

Further your affiant sayeth naught.

MICROFILMED

NOV 29 1996



RUSSELL SHERIDAN, JR.

SUBSCRIBED AND SWORN To before me this 15 day of
March, 1995.

HA Wain

Notary Public for State of Idaho
Residing at Twin Falls
Comm. Expires: 1997

(C-155\SHERIDAN.AFF)

MICROFILMED

NOV 29 1990

POOR ORIGINAL

Filer, Idaho. February 4th, 1958

The Council of the City of Filer, Idaho, met in regular session on the 4th, day of February, 1958, at the City Hall the regular meeting, at the hour of 7.30 P.M.

Mayor Shelby Dukes called the meeting to order, and directed the clerk to call the Roll. Roll called the following present.

Dukes	Mayor
Albin	Councilmen
Martin	"
Shook	"
Schenkel	"
Willison	Clerk
Rayborn	Attorney
Patterson	Supt. of Water

Mayor Dukes thereupon declared a quorum present and the council in session, for the transaction of such business as might regulate before it, and directed the clerk to read the minutes of the last regular session.

After reading of the minutes there being no alterations or corrections the mayor declared the minutes approved as read.

Under the head of old business Councilman Martin reported that an easement through the property of the Boise Payette Lbr. Co. the City would have to tile the ditch for 100 feet. Suggested see R.L. Jackman and the Lumber Co. and see if either one of them would stand part of the expense of tiling the ditch.

The count of the Notices sent out on the dog leash law were as follows, In favor of Leash Law on dogs, (yes) 43 (no) 2.
 In favor of confining dogs at night only (yes) 2 No (9) 1
 Keeping dogs day & night from May 1st, to October 31st, (yes) 33 (no) 1
 Keeping dogs run at large as at present (yes) 6 (no) 12.
 Mayor Rayborn instructed to draw up an Ordinance requiring the owners of dogs to confine them to their own premises from April 1st, to October 31st, of each year, and would come up at our next meeting.

Mayor reported that the well was down to 951 ft, and that samples from depth of 700 ft taken at about each 50ft. and six samples taken by Government Geologist and sent to Boise and on the samples that all samples were about the same 3.8 count in fluoride content. The department of health stated that they would grant the permission to use this water 150 hours each month.

The question being what the City should do about drilling any deeper, or leave as is and use as stand by well, decided not to drill deeper and install our pump back into the well and run for quite some time before we pumped any water out of this well into the mains. Councilman Schenkel that we install our pump in the well as stand by and release the well drillers of any farther drilling of the well, and be carried by Albin and duly carried.

Dukes reported that he had talked with the Gas Station owners for a reduction on gas, and that they all refused any lower rate.

The clerk presented the bills for January, after due consideration by Shook and seconded by Martin that bills be allowed as usual and Mayor and clerk be authorized to draw warrants to cover the same motion carried. Warrants No. 434 to 462 were drawn.

The alley East of Park street by Victory school reported in need of some repairs, Patterson instructed to have it taken care of.

Councilman Shook reported that H.L. Cedarholm was thinking of building on West side of US 30 and just West of Sixth Street and wanted to know if the City would extend sewer to his property. This would be to the property owner to make connections.

Max Dwyer Acting Postmaster asked the City for permission to install outside letter box between the curb and sidewalk in front of the Postoffice. Suggested that this be installed out in the parking lot West of Postoffice. He given permission to install, and suggested that the City build up concrete block and they could install their post in it and this would protect the post from being pushed over.

(over)

Filer, Idaho. March, 4th, 1958

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Council of the City of Filer, Idaho, met in regular session on
4th, day of March, 1958, at the City Hall the regular place of
meeting, at the Hour of 7.30 O'clock P.M.

Mayor Shelby Dukes called the meeting to order, and directed the
to call the Roll. Roll call showed the following present.

Shelby D. Dukes	Mayor
Albin	Councilman
Harold Martin	"
Edith Shook	"
Ernest Schenkel	"
Allison	Clerk
Rayborn	Attorney
Way Allan	Supt. of Streets

Mayor Dukes thereupon declared a quorum present and the Council
in session, for the transaction of such business as might regul-
come before it, and directed the clerk to read the minutes of the
regular session. After reading of the Minutes there being no
alterations or corrections the Mayor declared the minutes approved.

Under the head of old business Councilman Martin reported that
had talked to "anager of Boise Payette Lbr. Co. in regard to easment
ditch through their property and they would give easement if the
would tile about 100 feet. Harvey reported that he had talked to
L. Jackman in regard to this ditch through his property and he
ted 102 feet of tile laid. Decided to look into this and take
action at our next meeting.

Suggested that we stop pumping the well and Harvey instructed to
ake another sample to send into the State for another test for fluorid
contents, and turn off pump. Harvey instructed to get busily on trimming
and taking out dead trees on Yakima Ave. and also the two ~~XXXXXX~~
rees West of the City Office. The dump ground road taken up for
discussion in regard to the Fish Hatchery and slaughter house helping
maintain the road. The clerk instructed to notify each of the two
parties asking them be present at our next meeting in April.

New Business, Reading of the currant bills for February read by
the clerk. Later due consideration by Council, motion by Martin and
seconded by Shook that bills be allowed as read and Mayor and clerk be
authorized to issue Warrants to cover same, motion carried, Warrants
467 to 490 were drawn.

Treasurers report read and approved by Mayor.

The matter of keeping ~~xxx~~ live stock in the Munyon Sub Division
taken up and discussed. The Mayor and Shook to see Robert Giltner and
see if he would move his horses out of City as they were the ones that
the complaint was on.

The ditch for waste water in back of Mrs. Crookham,s place
taken up for discussion no action taken.

The dog Ordinance taken up for discussion. Councilman Albin
stated he thought that this should be but up for ballot as he did not
think that the advisory ballot taken from notice in Citizen-Record
was not true expression of opinion of Citizens.

Attorney E.M. Rayborn presented the following Ordinance on
the Licensing of dogs within the City.

Ordinance No. 220

AN ORDINANCE OF THE CITY OF FILER, IDAHO, FOR THE LICENSING
OF ALL DOGS WITHIN THE INCORPORATE LIMITS OF THE MUNICIPALITY
PROHIBITING DOGS FROM RUNNING AT LARGE DURING CERTAIN SEASONS WITHIN
THE INCORPORATE LIMITS OF THE MUNICIPALITY, AUTHORIZING THE IMPOUNDING
AND DESTRUCTION OF DOGS, REGULATING, UNDER WHICH DOGS MUST BE CONTROLLED
WITHIN THE INCORPORATE LIMITS, PROVIDING A PENALTY, AND REPEALING ALL
ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE COUNCIL OF CITY OF FILER, IDAHO:

Section 1. Definition of terms as used in this Ordinance,
unless the contents otherwise indicates.

Filer, Idaho, April 1st, 1958

Council of the City of Filer, Idaho, met in regular session on 1st, day of April, 1958, at the City Hall the regular place of meeting, at the hour of 7.30 O'clock P.M.

Mayor Shelby Dukes called the meeting to order, and directed the clerk to call the Roll. Roll call showed the following present.

Mayor	Shelby Dukes
Councilmen	Don Albin
"	Leonard Martin
"	Kenneth Shook
"	Walter Schenkel absent
Clerk	V.A. Allison
of Streets	Harvey Allan

Mayor Dukes thereupon declared a quorum present and the Council in session, for the transaction of such business as might regularly come before it, and directed the clerk to read the minutes of the last regular session. After reading of the minutes there being no corrections or corrections, the Mayor declared the minutes approved.

Albin & Martin, Councilmen on getting an easement for the ditch between Idaho Street and the Alley west of Idaho, that they suggested the easement from Boise Payette Lumber Co. Motion by Shook that the easement for Right of Way from Boise Payette Lumber Co. and purchase tile to tile the ditch, seconded by Martin, and duly carried.

Robert Graves asked the Councilmen about having a cleanup week. suggested if they wanted ~~that~~ it that have it from April 14th, to April 19th, The Council instructed the Mayor to declare Proclamation date April 14th to 19th, and this notice to be Published for one week.

The Zoning of the City taken up for discussion, Mayor appointed the following to act as Committee on zoning of City. Board Chairman Ray Caughey, C.B. Shaff, Homer Schnell, Henry Westendorf, and R.E. Sheridan on Committee. As fact finding, and they to make out their report on their findings and report back to the Council as to their recommendations.

Mr. Caughey ask as to ^{first} what the committee duties were. Mayor suggested the following. Regulate and restrict the use of land and the use and location of buildings and Structures: Regulate and restrict the size of buildings and determining the ~~area~~ area of streets, Courts and other places surrounding them: Dividing the Municipality into districts and zones for such purposes and providing for unrestricted zone.

Was decided to have some maps made of the City for use in zoning.

question was asked by Caughey as to what the City would do in regard to installing water and ~~sewerage~~ if the Cedarholm acreage was zoned for housing. He was instructed that the City would run the water mains but not the sewer lines.

Mayor reported that two gentlemen from the State Department Health had stopped in and made a report as to the samples of water taken in for fluoride tests, that they both tested 4.1 per 100 P.P.M. fluoride. They recommended that we use the new well 1 gal. to 7 of old well. Albin ~~sees~~ suggested that use the new well one day a week.

The question as to maintenance of the Dump ground road taken up. Lyle Seddon one of the users was present but the other user was absent due to sickness. This was decided to have Harvey haul a ~~few~~ loads of the pile of pavement taken up on Yakima and stored at City property at the Well. And the holes filled up in the road.

Motion by Shook that have the sign at the outer gate repainted with notice to effect that any one caught dumping without the proper authorization would be prosecuted, Rayborn to draw up wording.

Treasurers report ^{and} and approved by the Mayor.

The Clerk Presented the bills for the month of March, after consideration motion by Shook and seconded by Martin that the bills be allowed and Mayor and clerk be authorized to ~~draw~~ draw Warrants to cover same, motion carried, Warrants No. 491 to 529 inc. were drawn.



DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83401 (208) 736-3033

GOVERNOR PHILIP E. BATT
Governor

A. KEITH HIGGINSON
Director

January 10, 1995

A47-04144

CITY OF FILER

BOX 166

FILER

ID 83328

RE: Evidence of Priority

Dear Claimant:

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the department. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

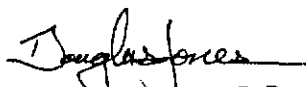
SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

January 10, 1995
page 2

notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Enc.

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