

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: A45-04090
Date Received: 6/06/1989
Receipt No: S007579
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF BURLEY 208-678-2224
Address: P.O. BOX 1090
BURLEY, ID 83318

2. Date of Priority: APR 01, 1943

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	23E	20	SE	SE	NW		CASSIA

5. Description of diverting works:
WELL, PUMP, & PIPELINE TO CITY IRRIGATION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	04/01	11/01	2.450		

7. Total Quantity Appropriated is:
2.450 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/IRRIGATION WITHIN CITY LIMITS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	23E	20	NE	NE		MUNI	
			NW	NE		MUNI	
			SW	NE		MUNI	

A45-04090

Page 1

Date: 06/06/89

MICROFILMED
MAR 10 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	23E	20	SE		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	
			NE		SW		MUNI	
			NW		SW		MUNI	
			SW		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
		29	SE		SE		MUNI	
			NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	
			SW		NW		MUNI	
			SE		NW		MUNI	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:
THESE CLAIMS CONSIST OF WR'S ON LOW PRESSURE WELLS USED IN ONE
IRRIGATION SYSTEM WITHIN PORTIONS OF THE CITY OF BURLEY.
OTHER WR'S USED****
A45-11133 A45-07436 A45-04089 TO A45-04096

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 Organizations:

I do solemnly swear or affirm that I am City atty of
City of Burley, that I have signed the foregoing
Organization document in the space below as City atty of
Burley and that the statements contained in the
Organization foregoing document are true and correct.

Walla P. [Signature]
Signature of Authorized Agent

City atty - Burley
Title and Organization

6/6/89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of June 19 89

Steve [Signature]
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

RECEIVED

MAR 1 1990

Department of Water Resources
Southern Region Office

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 22, 1990

Burley Water Dept.
C/O Jesse Mabry
P. O. Box 1090
Burley, ID 83318

Gentlemen:

Our records show you have filed your adjudication claim(s) in the Snake River Basin Adjudication. Our records do not, however, include a clear map of your service area. Would it be possible for us to get a map of your customer service area for your municipal water system, both to supplement the record of your claim(s) and for use as described below?

In our review and investigation phase of the Snake River Basin Adjudication, the map would be helpful for us to have this information in verifying individual claims to water rights for domestic purposes. We will be happy to discuss with you the most convenient way for you to provide this information to us. I can be reached at 327-7931 or you may contact my assistant, Anita Warntjes at 327-7986.

Your assistance in this matter is greatly appreciated.

Sincerely,

DAVID B. SHAW

Adjudication Bureau Chief

DBS:alw

A36-04080

A45-04085

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07436

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11/33

MICROFILMED

MAR 10 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

25-Jan-1993

R. KEITH HIGGINSON
Director

A45-04090
CITY OF BURLEY
P.O. BOX 1090
BURLEY

ID 83318

RE: Evidence of Priority

RESPONSE DEADLINE

APRIL 1, 1993

Dear Claimant:

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 supporting the priority date you have claimed.

Please find enclosed a computer printout of your Notice 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 notarized affidavit.

Please submit the required evidence supporting the priority date by April 1, 1993, 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.

Respectfully submitted,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 10 1993

06/21/2004

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

RIGHT NUMBER: 45-4090
NAME AND ADDRESS: CITY OF BURLEY
PO BOX 1090
2020 PARKE AVE
BURLEY ID 83318

VERIFIED BY KKC

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 2.450 CFS
PRIORITY DATE: 04/01/1944
POINT OF DIVERSION:

T10S R23E S20 SESENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	03/15 11/15	2.450 CFS

PLACE OF USE:

Place of use is within the service area of the City of Burley municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

The point of diversion is also known as Northside Park Well.

The rights listed below share a common delivery system north of the railroad tracks and are used as a lawn irrigation system. Combined rights 45-4089, 45-4090, 45-4091, and 45-4092.

----- Original Message -----

From: "Christensen, Kelly" <kchriste@idwr.state.id.us>

To: <jmabry@pmt.org>

Sent: Thursday, June 03, 2004 8:12 AM

Subject: message 2nd attempt

Pg 1/2
6-3-04

> I sure would like to know why some word documents open and others don't.
> Anyway, I copied the information into this e-mail without an attachment.
I like the word document because it can be formatted to read easier in most
> cases.
>
> Kelly
>
>
> 45-4085 Golf course 1. .89CFS Being transfered to 45-7092 2.45-4086
Culinary Senior Cit Center (disallowed)
> 45-7092 Golf course. 1. Being amended to increase the claimed
acreage.
>
>
> Using arcview I found ? 76 irrigated acres for the place of use claimed
under 45-4085. That claim was filed for 70 acres. An amendment is required
to increase the claimed acres. A one-dollar per acre variable fee is due for
the additional acres. The fee is \$6.00 for
the amendment.
> That claim also lists a point of diversion from a well in Sec 22 SWSW that
has been described as sanded-in some time after 1987. The claimed rate is
apparently diverted from the well licensed under 45-7092. Based upon WMIS
measurement data, the well has the capacity to cover both rights. A transfer
is required to change the point of diversion location. Transfer fees due
have not been calculated at this time.
>
> I noticed that there is a pond in the southern portion of the golf course.
1. Pond fills in less than 24 hours.
> What is the source of water for this pond? 1. The pond is filled by
45-7092 and the river pump. I could not find any right for a
> pond.
>
> 45-4087 Pleasant View Cemetery claimed acres = 6
> 45-7114 Pleasant View Cemetery claimed acres = 9
>
>
>
> I found that the irrigated place of use is ? 15 acres. Using arcview I am
> recognizing the acre distribution to be slightly different by
> quarter/quarters than licensed and/or claimed. Also I am recommending the
> two rights within a ppu but each right limited to its historical acreage.
!. Understand you are switching the acreage around to correspond with your
arcview.
>
> Irrigation system
> 45-4087 45-4088 45-4090
> 45-4091 45-4092 45-4093
> 45-4094 45-4095 45-4096
> 45-4097

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> pond.
>
> 45-4087 Pleasant View Cemetery claimed acres = 6
> 45-7114 Pleasant View Cemetery claimed acres = 9
>
>
>
> I found that the irrigated place of use is ? 15 acres. Using arcview I am
> recognizing the acre distribution to be slightly different by
> quarter/quarters than licensed and/or claimed. Also I am recommending the
> two rights within a ppu but each right limited to its historical acreage.
!. Understand you are switching the acreage around to correspond with your
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>
> Irrigation system
> 45-4087 45-4088 45-4090
> 45-4091 45-4092 45-4093
> 45-4094 45-4095 45-4096
> 45-4097

City of Burley
45-4090 North Side Park Well (irrigation) A0007803

Evidence of Priority - Well log (no date)

City Well Record Water level measured in Dec 1943

Historical system 20 HP

Rated capacity 900 GPM = 2.01 CFS

note states system upgrade in 1944 to 1100 GPM = 2.45 CFS.

Wmis

370.7 GPM = 0.83 CFS

city meter

395.27 GPM = 0.88 CFS

"Record of City Well" states well capacity was
900 GPM (2.01 CFS) ~~assumed to be 1100 GPM~~
in ~~1944~~ ~~1943~~ ~~1942~~ ~~1941~~ ~~1940~~ ~~1939~~ ~~1938~~ ~~1937~~ ~~1936~~ ~~1935~~ ~~1934~~ ~~1933~~ ~~1932~~ ~~1931~~ ~~1930~~ ~~1929~~ ~~1928~~ ~~1927~~ ~~1926~~ ~~1925~~ ~~1924~~ ~~1923~~ ~~1922~~ ~~1921~~ ~~1920~~ ~~1919~~ ~~1918~~ ~~1917~~ ~~1916~~ ~~1915~~ ~~1914~~ ~~1913~~ ~~1912~~ ~~1911~~ ~~1910~~ ~~1909~~ ~~1908~~ ~~1907~~ ~~1906~~ ~~1905~~ ~~1904~~ ~~1903~~ ~~1902~~ ~~1901~~ ~~1900~~ ~~1899~~ ~~1898~~ ~~1897~~ ~~1896~~ ~~1895~~ ~~1894~~ ~~1893~~ ~~1892~~ ~~1891~~ ~~1890~~ ~~1889~~ ~~1888~~ ~~1887~~ ~~1886~~ ~~1885~~ ~~1884~~ ~~1883~~ ~~1882~~ ~~1881~~ ~~1880~~ ~~1879~~ ~~1878~~ ~~1877~~ ~~1876~~ ~~1875~~ ~~1874~~ ~~1873~~ ~~1872~~ ~~1871~~ ~~1870~~ ~~1869~~ ~~1868~~ ~~1867~~ ~~1866~~ ~~1865~~ ~~1864~~ ~~1863~~ ~~1862~~ ~~1861~~ ~~1860~~ ~~1859~~ ~~1858~~ ~~1857~~ ~~1856~~ ~~1855~~ ~~1854~~ ~~1853~~ ~~1852~~ ~~1851~~ ~~1850~~ ~~1849~~ ~~1848~~ ~~1847~~ ~~1846~~ ~~1845~~ ~~1844~~ ~~1843~~ ~~1842~~ ~~1841~~ ~~1840~~ ~~1839~~ ~~1838~~ ~~1837~~ ~~1836~~ ~~1835~~ 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OWNER NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME
C CITY OF BURLEY P.O. BOX 1090 BURLEY ID 83318 (208) 678-2224 MUNICIPAL 04-01 11-01 2.45 CFS
TOTAL DIVERSION: 2.45 CFS

Water Source: GROUNDWATER Tributary to: Stage: STATUTORY CLAIM
Point(s) of Diversion: T10S R23E S20 SESENM CASSIA County

Place of use Legal Description for: MUNICIPAL

	NE	NW	SW	SE
T R S	lt Ac	lt Ac	lt Ac	lt Ac
10S 23E 20	M	M	M	M
10S 23E 29	M	M	M	M

POU County: CASSIA

Non-Irrigation Uses: W/IRRIGATION WITHIN CITY LIMITS

Other Rights: SEE REMARKS.

Remarks: THESE CLAIMS CONSIST OF WR'S ON LOW PRESSURE WELLS USED IN ONE IRRIGATION SYSTEM WITHIN PORTIONS OF THE CITY OF BURLEY.
OTHER WR'S USED****
A45-11133 A45-07436 A45-04089 TO A45-04096

Dates: Exam Made Date: Verified Date:
Misc: Water District Number: Field Inspection Flag: Presumption Flag:

RECEIVED

FEB 04 1993

Department of Water Resources
Southern Region Office

MICROFILMED
OCT 27 1994

OFFICERS

EMERY T. BARRUS, City Clerk
 FRED T. THOMPSON, Treasurer
 WALTER S. CHRYSLER,
 Supt. Electric and Water Dept.

← WAS Elected Mayor
 April 1927 so 1943 Showie BE

OFFICE OF

CITY CLERK

BURLEY, IDAHO

COUNCILMEN

First Ward:
 K. P. Slusser, Chas. C. Haight
 Second Ward:
 Harold P. Deardorff, Lester McKean
 Third Ward:
 Joe Pixton, Chas. I. Barr

OKAY

North Side Park Well

LOG OF WELL

Depth	Formation	Water	Remarks
12'	Soil & Clay	No	Soil and Clay from 1' to 12'. Hit surface water at 12'.
25'	Sand & Gravel	Yes	Sand & Gravel from 12' to 25'. Water in with gravel.
58'	Sand & Clay	Yes	Sand & Clay from 25' to 58'.
60'	Gravel	Yes	Coarse gravel from 58' to 60'. Water in with gravel.
68'	Sand	Yes	Sand from 60' to 68'.
95'	Gravel	Yes	Gravel from 68' to 95'. Water in with gravel.
104'	Clay -	Yes	Sticky Clay from 95' to 104'.

Believe well could stand to pump
 1000 gallons a minute with 50'
 bowl setting.

no side
 on
 park well

MICROFILMED
 OCT 27 1994

A45-04090

A45-14090

Record of City Well

Name and No. of well:	North Side Park Well
Well location	Located in North Side Park, Burley Townsite Block 71 H. A. Schoonover
Drilled by	
Date drilled	
Use of well	Irrigation
Depth below ground	~~11'~~
Depth to water level	
Draw down	
Diameter of well	
Size of casing	
Capacity of well	900 gal. per minute and was increased to 1100 gal. per minute in 1944
Motor:	
Make of motor	Westinhouse induction Motor
Date manufactured	
Date installed	
Serial No.	8109748
Voltage	220-440
Amperes	48-24
Current phase	3
R.P.M.	1740, at full load 1466
H.P.	20
Frame	WR364Y
Cycles	60
Style or type	972473
°C Rise	40
Pump:	
Make of pump	Pomona Turbine Pump, made by Pomona Pump Co. Pomona Cal. P2556
Serial No.	
Date manufactured	
Date installed	
Rated capacity	900 gal. per minute
Pumping head	40'
Make of bowles	Pomona
No. of bowles	2 stages
Size of bowles	11½ diameter
Depth of bowl settings	50'
Pump Column	8"-10' suction pipe, 60' airline
Lubrication:	
Type of oil and grade recommended	#10 Motor oil
Type of oil and grade in use	#10 Motor oil

MICROFILMED

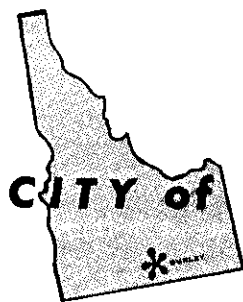
00127

COUNCILMEN

DAVID GIBBONS
CLAY HANDY
LAVERN JACKSON
LEONARD KING
WENDELL McMURRAY
DERLIN TAYLOR

FRANK R. BAUMAN, MAYOR

E.E. "BUD" BRINEGAR, CITY CLERK



OFFICE OF

Jesse D. Mabry

PHONES

CITY CLERK'S OFFICE 878-2224

MAYOR'S OFFICE 878-1445

AREA CODE 208

HUB OF IDAHO'S INDUSTRY
BURLEY, IDAHO 83318

February 1, 1993

Allen Merritt
Idaho Department of Water Resources
Twin Falls, Idaho 83301

Dear Sir,

This is a copy of the paper work the City has kept on some of the wells, especially the ones we have no well logs on. This information has been carried forward through the years and is the only record of when they were drilled.

I hope this will be sufficient evidence to establish our priority date. Danni from Water Resources in Boise seems to think it will be enough. She also said you would let us know which ones are not sufficient to establish our priority date.

Thanking you in advance for your help and co-operation.

Sincerely,

Jesse D. Mabry

Jesse D. Mabry
Water Department Foreman
678-2103 (phone)

JDM:mm

MICROFILMED

OCT 27 1994