

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: A45-04096
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
Address: P.O. BOX 1090
BURLEY, ID 83318
208-678-2224

2. Date of Priority: APR 01, 1917

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	SW	SW	SE		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	1.340		

7. Total Quantity Appropriated is:
1.340 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	

A45-04096

Page 1

Date: 06/06/89

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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 Attorney of
City of Burley, that I have signed the foregoing
Organization document in the space below as City Attorney of
document in the space below as City Attorney Title
City of Burley and that the statements contained in the
Organization foregoing document are true and correct.

[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
[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

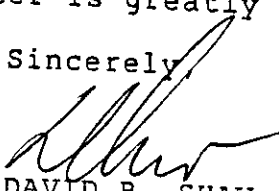
Gentlemen:

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

A45-04090

04097

11/30

A45-04085

04091

04098

11/33

04086

04092

04099

04087

04093

07092

04088

04094

07114

04089

04095

07269

07436

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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

A45-04096
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

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DIVERSION
VOLUME

Stage: STATUTORY CLAIM

CASSIA County

 $\frac{Z}{M}$ [illegible]

Other Rights: SEE REMARKS.

A45-04089 TO A45-04096

Verified Date:

Field Inspection Flag:
Presumption Flag:

FEB 4 1963

RECEIVED

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OCT 27 1994

Record of City Wells

LOW PRESSURE

Pumphouse #1

Name and No. of Well	~~Carpenter Miller Well #2~~
Well location	Burley Townsite block 170 lot 1
Drilled by	
~~Drilled by~~	
Use of well	Irrigation
Depth below ground	50'
Depth to water level	14'6"
Draw down	6'
Diameter of well	6'
Size of casing	15" depth 15'
Capacity of well	

Motor:

Make of motor	Fairbanks Morse Linestart Induction Motor, Fairbanks Morse Co. Chicago Ill.
Date manufactured	1932
Date installed	286623
Serial No	220-440
Voltage	35.8-17.9
Amperes	5
Current phase	1750
R.P.M.	15
H.P.	GH 326 V
Frame	60
Cycles	UQLS
Style or type	
OC Rise	

Pump:

Make of pump	Fairbanks Morse Price Turbine pump
Serial No.	Branch order 93735 Factory No. 24732
Date manufactured	1932
Date installed	20'
Rated capacity	Fairbanks Morse
Pumping head	4 stages
Make of bowles	37'
No. of bowles	6" OD, length of column 35'
Size of bowles	Sub. pipe 45'
Depth of bow setting	
Pump column	

Lubrication:

Type of oil and grade recommended	#10 Motor oil
Type of oil and grade in use	#10 Motor oil

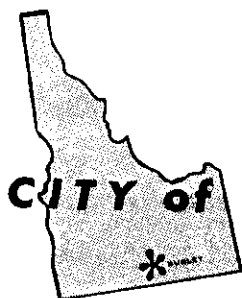
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OCT 27 1994

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 678-2224

MAYOR'S OFFICE 678-1445

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

06/21/2004

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

RIGHT NUMBER: 45-4096

NAME AND ADDRESS: CITY OF BURLEY
PO BOX 1090
2020 PARKE AVE
BURLEY ID 83318

VERIFIED BY KKC

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.420 CFS

PRIORITY DATE: 12/31/1932

POINT OF DIVERSION:

T10S R23E S20 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
03/15 11/15

QUANTITY
0.420 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 Pump House well # 1.

The rights listed below share a common delivery system south of the railroad tracks and are used as a lawn irrigation system. Combined rights 45-4093, 45-4094, 45-4095, 45-4096, 45-4097, 45-7436, and 45-11133.

45-4096

City of Burley
Pump House #1 Well (Irrigation) A0002618

Evidence of priority supports a 1917 drilling date.
Motor & pump installed in 1932
Historical system 15HP capacity 3100 capacity
Wm's meas current 15HP 170.4 GPM $\approx$ 0.38 CFS
City meter 188.5 GPM $\approx$ 0.42 CFS
Claimed 1.34 CFS

Recommend

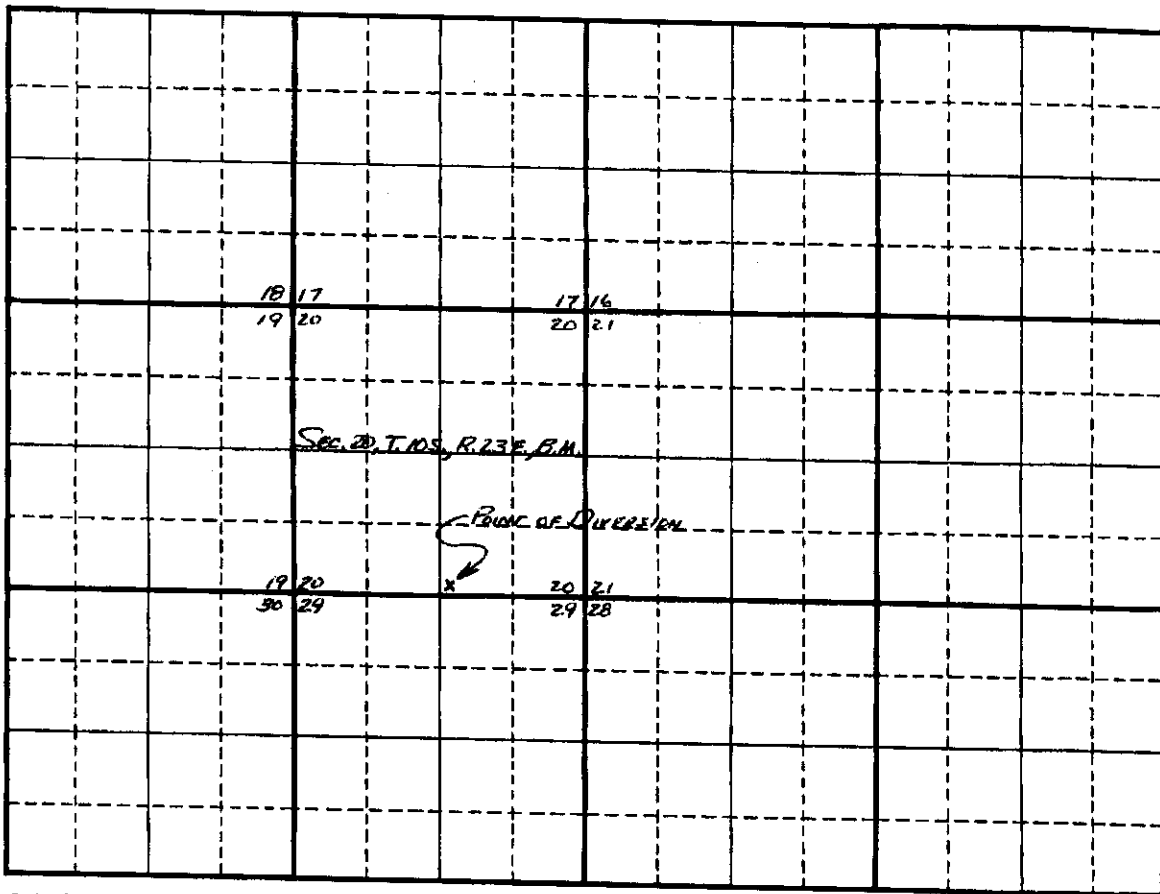
12-31-1932 priority date
0.42 CFS dis rate

Statutory claim ids a 15HP pump,
states the capacity @ 600 GPM = 1.34 CFS

This is another one of the claims where
the photo & GCDB negotiation place the
PID in Sec 29, however I am recognizing
a Sec 20 location.

T. Christensen

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Cassia) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 11 day of February, 1980.

Robert Shadlock Mayor
(Claimant)
E. E. Dwyer
Notary Public
Residing at Durley, Idaho

My commission expires 4/30/82

FOR DEPARTMENT USE ONLY

Received by <u>ADM</u>	Date <u>2/15/80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ADM</u>	Date <u>2/15/80</u>		claimant by:	
\$20.00 fee received by <u>17103-2</u>	Date <u>2/15/80</u>			
Published in <u>South Ida. Press</u>		<u>None</u>		
Dates <u>2/9 & 2/11/80</u>				

TO: Doug Jones

DATE: August 9, 1996

FROM: Jim Stanton

SUBJECT: Request for Claims Investigation, City of Burley

I recently completed the licensing exam on Permit 45-07686. This permit covers one well at the fairgrounds. However, this well is also tied into five other wells that provide irrigation water only for the central part of Burley. These other wells are covered by Claims A45-04093 thru 4096, 7436, and 11133. The latter claim is for a well located southwest of the high school. While this well is tied into the system, it is normally used only around the school. Other city wells are covered by separate claims for other uses or for different parts of town.

I talked to Shelley Keen after doing the exam, as I thought maybe the use should be changed to irrigation instead of municipal. He thought that municipal is the correct use, however. He also felt that the other wells in this system should be described in the license for 7686, at least in terms of system pumping capacity. Since all of these other wells but one is based on beneficial use, they all need to be measured. Also, evidence of priority needs to be examined to make sure these other wells are legal (pre-1963 development).

This system shuts down for the winter as soon as the frost hits in late September. With the hot weather occurring now, this is the ideal time to measure these wells. So please schedule these measurements as soon as possible if you can. If necessary, I can make the measurements. Thanks.

contact Jess Mabry 678-2103

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DEC 3 1996

MEMO TO FILE

DATE: SEPTEMBER 25, 1996

AGENT: JEANIE ROBERTSON

FILE NUMBERS: A45-04093, A45-04094, A45-04095,
~~A45-04096~~, A45-07436, A45-11133

In response to Jim Stanton's Memo dated August 9, 1996, I made arrangements to meet with Mr. Mabry on September 19, 1996 regarding the other wells tied into the same system as Permit #45-07686.

Mr. Mabry showed me the location of each of the wells. I gathered the pump and motor information, located them with the GPS system, photographed and tagged them. The only one running that day was the #1 Pumphouse Well, located in the shop at 1559 Albion. He said that normally all of the wells would be operating at this time of year and the system generally works this way. Because it had cooled off, only this one was on today. This well was not conducive to measurement with the polysonic flow meter. Some of the others may have been, but they were not running.

He explained the city has two separate irrigation well systems. This one is a low pressure system which encompasses the area south of the railroad tracks to about 23rd. street. It services customers for their lawns and gardens, not everyone participates, and he had no idea of how many acres would be included. There are no parks in this system, except for the area around the city pool and school ballfields at the "Salmon Park Well" site.

He had a copy of a report in his files which was entitled "Pumping Plant Efficiency Evaluation, Low Pressure Water Distribution System, City of Burley, Idaho". It was prepared by Gerry D. Galinato of IDWR in Boise, Idaho on September 30, 1983. I made a copy of the front cover of the report only. He read some results from it to me: Keller Well, 2 pumps running = 204 gpm
4 pumps running = 166 gpm

Carlson Well, 3 pumps running = 920 gpm
4 pumps running = 901 gpm

Hogan Well, 2 pumps running = 650 gpm

#1 Pumphouse, 2 pumps running = 535 gpm

Almo Well, 2 pumps running = 399 gpm

There was no information as to "which wells were running at the same time" when these tests were taken...

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DEC 3 1996

PUMPING PLANT EFFICIENCY EVALUATION
LOW PRESSURE WATER DISTRIBUTION SYSTEM
CITY OF BURLEY, IDAHO

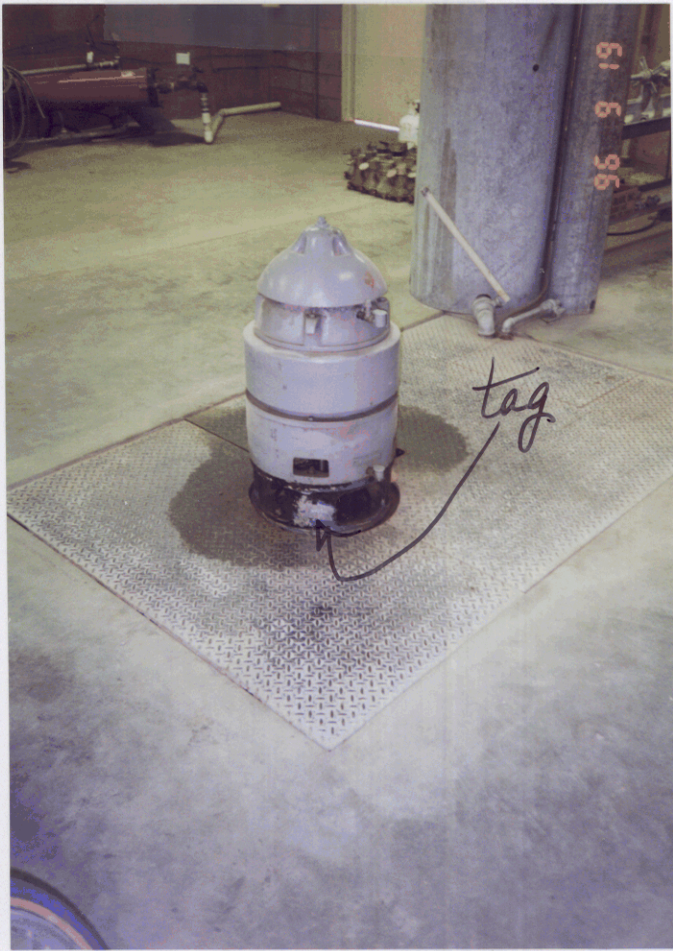
prepared by
Gerry D. Galinato

Idaho Department of Water Resources
Boise, Idaho

September 30, 1983

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DEC 3 1996



A45-04096

City of Burley

"#1 - Pump House Well"

Fairbanks Morse Motor 15hp.

gps tag # A0002618
on motor



96 9 19 PROFILMED
DEC 3 1996

(pump is located inside this building, underneath the city water tower, at 1559 Albion)

Pumpint plant #1 Pumphouse
(only one on town)
City of Burley

Fairbanks Morse Motor

#286623

15 h.p.

tag #2618
on motor

inside shop @ water dept.

#1 low pressure pump house well #4096

2 pumps
535 gpm

annubar

ser. # 9199704-1

mod. AWR-75

Size 2.1"

max. flow 2700 gpm

300 ft

399 gpm

in 183

3 wells per

annubar

manometer

no data available MICROFILMED

in cement vault u DEC 13 1996

in shop (pic. in shop)

1 mpe pic of tag #1 outside of
bldg. showing GPS site

