

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: A45-04099
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: JUN 01, 1940

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 AND 150 HP PUMP, PIPELINES TO CITY SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	2.670		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/CITY WATER FOR BURLEY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	23E	17	NE	NE		MUNI	
			NW	NE		MUNI	
			NE	NW		MUNI	

A45-04099

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	17	NE		SW		MUNI	
			SE		SW		MUNI	
			NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		19	NE		SE		MUNI	
			NW		SE		MUNI	
			SW		SE		MUNI	
			SE		SE		MUNI	
		20	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			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	
			SE		SE		MUNI	
		21	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		NE		MUNI	
			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	
			SE		SE		MUNI	
		22	NW		SW		MUNI	
			SW		SW		MUNI	
		27	NE		NW		MUNI	

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	23E	27	NW		NW		MUNI	
		28	NW		NW		MUNI	
		29	NE		NE		MUNI	
			NW		NE		MUNI	
			SW		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	
			SE		SE		MUNI	
		30	NE		NE		MUNI	
			SE		NE		MUNI	
		32	NE		NE		MUNI	
			NW		NE		MUNI	
			NE		NW		MUNI	
			NW		NW		MUNI	

11. Place of use in counties: MINIDOKA, CASSIA

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

13. Other Water Rights Used:

A45-04097, A45-04098, A36-04080, A45-07269

14. Remarks:

P/U WITHIN CITY LIMITS OF BURLEY

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

Organization, that I have signed the foregoing
document in the space below as City Atty of

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

Wallace P. [Signature]
Signature of Authorized Agent

City of Twin Falls
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 Collins
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

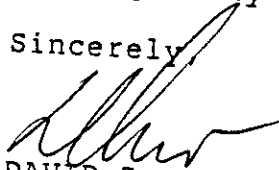
Gentlemen:

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

04096

07436

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

A45-04099
CITY OF BURLEY
P.O. BOX 1090
BURLEY

ID 83318

RE: Evidence of Priority

RESPONSE DEADLINE

APRIL 1, 1993

Dear Claimant:

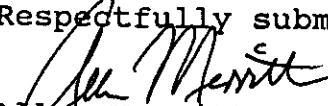
The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical 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

06/18/2004

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

RIGHT NUMBER: 45-4099
NAME AND ADDRESS: CITY OF BURLEY
PO BOX 1090
2020 PARKE AVE
BURLEY ID 83318

VERIFIED BY KKC

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.670 CFS

PRIORITY DATE: 12/31/1941

POINT OF DIVERSION:

T10S R23E S20 NWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31

2.670 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 Culinary Well # 2.

The rights listed below share a common delivery system, which is also known as the culinary system. Combined rights 45-4098, 45-4099, 45-7269, and 36-4080.

City of Burley.

E 6007520

45-4099 Culinary Well #2

Original well was south of the current location. Original well sanded in. Well log info indicates a 1944 development with a 150 HP motor. Rated capacity is 1200 GPM = 2.67 CFS. The well was replaced in 1986, well log attached. WMIS measurement $\approx$ 2.69 CFS.

City meter 1134 GPM $\approx$ 2.53 CFS

Recommend

12-31-1941 priority date

2.67 CFS div rate

Sec 20 NWSWSE P/D.

new
location
to

DIVERSION

267 REC

2.67 CFS

Stage: STATUTORY CLAIM

CASSIA County

7

POU County: MINIDOKA, CASSIA

Other Rights: A45-04097, A45-04098, A36-04080, A45-07269

01/28/1986

Field Inspection Flag:
Presumption Flag:

FEB 04 1993

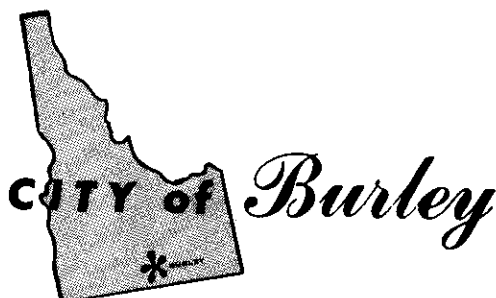
MICROFILMED
OCT 27 1994

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 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,

Well #2, claim #A45-04099 was drilled in 1940. This well was later abandoned and the water rights transferred to the new Well #2 drilled in 1986. Claim #A45-04099 should have a priority date of 1940.

Sincerely,

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

JDM:mm

MICROFILMED
OCT 27 1994

OLD Well #2

WELL DATA

~~AS-04099~~
A45-04099

Owner.....City of Burley..... Well Name.....No..2.....
 Address..Burley, Idaho..... Use.....Municipal.....
 State....Idaho..... County...Cassia..... Basin....Snake River..
 Map..... Scale..... Photos.....
 .SW..¼ SE..¼ Section..20.. Twp..10S.. Range..23E.. ...Boise...B&M
 Description...Land surface elevation 4161.6 ft.....

 Driller..Schoonover.. ~~XXXXXXXXXX~~..... Total Depth..485½ ft..
 Construction..16-inch casing at surface, reduced to 13" at 401'.....
 ..(from TV inspection)...13-inch casing to 485½ ft... No perforation.....
 ..visible above 424 ft.....
 Equipment.....

199.5 ft., 1947.....
 Water Levels: Static..220..1981 Pumping..210.5 (1949) yield..1200 gpm..
 Remarks...Well filled in to 424 ft (1981)... Well pumps sand.....

2.67 cfs

WELL LOG

<u>Description</u>	<u>Depths (Ft.)</u>
Soil.....	0... to ...8.....
Gravel & sand, dry, loose.....	8... ..10.....
Clay, light.....	10... ..32.....
Sand, coarse, loose, some gravel.....	32... ..62.....
Clay, hard.....	62... ..66.....
Sand & gravel, water.....	66... ..104.....
Clay.....	104... ..127.....

MICROFILMED
OCT 27 1994

Description[illegible]

MICROFILMED

OCT 27 1994

COUNCILMEN

TRUMAN BRADLEY
DALE L. DGMAN
FRANCES McDONALD
KENNETH FRONK
LEONARD F. KING
GARTH PAYNE

"CHUCK" SHADDUCK, MAYOR
E.E. "BUD" BRINEGAR, CITY CLERK



OFFICE OF

Burley

PHONES

CITY CLERK'S OFFICE 678-2224
MAYOR'S OFFICE 678-5311
AREA CODE 208

HUB OF IDAHO'S INDUSTRY
BURLEY, IDAHO 83318

Ron Neiwert

December 28, 1984

*Received
4-19-04
in Burley
KJC*

State of Idaho
Department of Water Resources
Mr. Loren O. Holmes
Southern Region Supervisor
1041 Blue Lakes Boulevard North
Twin Falls, ID 83301

Re: Claim to Water Right Number 45-4099 as per our telephone conversation on
December 28, 1984.

Dear Sir:

Due to the abandonment of the original Well Site No. 2, Claim No. 45-4099, by the City of Burley, Idaho as a source of Culinary water because of a sand and cave-in problem, the City wishes to relocate this well in a new location. The new location would be in the same Quarter Quarter-section as the original well which is the S/W $\frac{1}{4}$ S/E $\frac{1}{4}$ Section 20, Township 10 South, Range 23 E.B.M., County of Cassia, so the point of diversion and use will remain the same.

The City of Burley is concerned about losing the water right, now held on Well No. 2, due to the inability to use it as a water source. However, as you and I discussed, the City has been supplementing this well's production with other City Wells in the area. If I understood our conversation correctly, this should preserve the City's water rights for Well No. 2.

The City of Burley will construct a new well as soon as finances become available. Meanwhile, we wish to preserve our water right as it now stands.

It is my understanding that it is not necessary to file any other claims as long as the City does not modify or change the original Claim No. 45-4099. If you have found anything different, please advise me.

Thank you for your time and concern on this matter.

Sincerely,

Ron Neiwert
Field Engineer
City of Burley
P.O. Box 1090
Burley, ID 83318

rpm

A-45- 04099

Record of City Wells

HIGH
PRESSURE #2

Name and No. of well	The Hoggan Well No. 6
Well location	Burley Townsite Block 171 lot 1
Drilled by	H. A. Schoonover
Date drilled	~~1940~~
Use of well	Domestic
Depth below ground	485 $\frac{1}{2}$ '
Depth to water level	200'
Draw down	
Diameter of well	
Size of casing	16"
Capacity of well	

Motor:

Make of motor	U. S. Motor
Date manufactured	
Date installed	1941
Serial No.	282464
Voltage	2300
Amperes	33
Current phase	3
R.P.M.	1200
H.P.	150
Frame	995-1
Cycles	60
Style or type	CFU
OC Rise	

*install
date*

Pump:

Make of pump	The Layne Pump, made by Layne & Bowler
Serial No.	10541
Date manufactured	
Date installed	1941
Rated capacity	1200
Pumping head	393'
Make of bowles	Layne & Bowler
No. of bowles	16
Depth of bowl setting	230'
Pump column	10" water column

capacity

Lubrication:

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

MICROFILMED

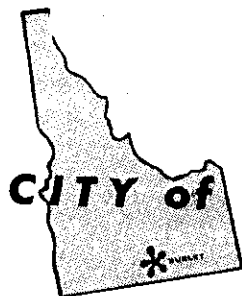
OCT 27 1994

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 878-2224

MAYOR'S OFFICE 878-1445

AREA CODE 208

HUB OF IDAHO'S INDUSTRY
BURLEY, IDAHO 83318

February 1, 1993

Glen 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

New #2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

BALLPOINT PEN

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

A045-04099

1. WELL OWNER

Name City of Burley
Address Burley Idaho
Owner's Permit No. _____

7. WATER LEVEL

Static water level 236 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ OF. Quality _____
Describe artesian or temperature zones below.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>1500</u>	<u>238 1/2 ft.</u>	<u>2 hrs.</u>
<u>1900</u>	<u>239 1/2 ft.</u>	<u>3 hrs.</u>

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☒ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
<u>24</u>	<u>0</u>	<u>3</u>	<u>surface soil</u>		☒
<u>24</u>	<u>3</u>	<u>20</u>	<u>sand-brown clay</u>		
<u>24</u>	<u>20</u>	<u>28</u>	<u>sand + gravel</u>	☒	
<u>20</u>	<u>28</u>	<u>40</u>	<u>gray clay</u>		
<u>20</u>	<u>40</u>	<u>48</u>	<u>brown clay</u>		
	<u>48</u>	<u>70</u>	<u>gravel + sand</u>		☒
	<u>70</u>	<u>90</u>	<u>brown clay + gravel</u>		
	<u>90</u>	<u>98</u>	<u>brown clay + sand</u>		
	<u>98</u>	<u>120</u>	<u>brown clay</u>		
	<u>120</u>	<u>145</u>	<u>light brown clay</u>		
	<u>145</u>	<u>162</u>	<u>brown clay sdy.</u>		
	<u>162</u>	<u>178</u>	<u>brown clay</u>		
	<u>178</u>	<u>194</u>	<u>gray lava (hard)</u>		
	<u>194</u>	<u>199</u>	<u>brown lava (soft)</u>		
	<u>199</u>	<u>203</u>	<u>gray lava (hard)</u>		
	<u>203</u>	<u>208</u>	<u>gray lava (loose formation)</u>	☒	
	<u>208</u>	<u>216</u>	<u>gray lava</u>		
	<u>216</u>	<u>241</u>	<u>brown lava</u>		

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>3.75</u> inches	<u>20" O.D.</u> inches	<u>2 1/2</u> feet	<u>18 1/2</u> feet
<u>3.75</u> inches	<u>16" O.D.</u> inches	<u>2 1/2</u> feet	<u>46.5</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
 Was a packer or seal used? ☐ Yes ☒ No
 Perforated? ☐ Yes ☒ No
 How perforated? ☐ Factory ☐ Knife ☐ Torch
 Size of perforation _____ inches by _____ inches

MICROFILMED

OCT 27 1984

POOR ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESUSE TYPEWRITER OR
BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

445-04099

1. WELL OWNER

Name _____

Address _____

Owner's Permit No. _____

7. WATER LEVEL

Static water level _____ feet below land surface.

Flowing? ☐ Yes ☐ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ °F. Quality _____

Describe artesian or temperature zones below.

2. NATURE OF WORK

- ☐ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

- ☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

- ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☐ NoWas a packer or seal used? ☐ Yes ☐ NoPerforated? ☐ Yes ☐ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.

Pumping Level

Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
16"	615	642	gray lava (hard)		
	642	651	gray-brown lava cinders	X	
	651	665	gray lava		
	665	690	gray lava + cinders		
	690	715	(could be carrying water)	X	
	715	734	gray lava + brown cinders		
			Coarse cinders + soft formation	X	
16"	734	750	brown + gray cinders + lava (Some clay could carry water)	X	

MICROFILMED

OCT 27 1994