

RECEIVED
DEC - 1 2004
DEPARTMENT OF
WATER RESOURCES

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

In Re: SRBA

Case No. 39576

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)
)
)
)
)
)

A. Subcase 36-4080

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase. " You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996) , Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

X I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing City of Burley

My name is R.C. Stone

MY address is P.O. Box 910 Burley, ID 83318

MY phone number is (208)878-8382

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR)..
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

X I must amend my Notice of Claim to the use of water in the SRBA because:

The city employee filing the original notice of claim was confused as to the criteria for establishing the priority date. In October of 1990 The documents attached as exhibits were forwarded to IDWR to clear up the matter (Ex. G). IDWR did not advise Burley of the need to amend the original claim and based its recommendation of priority on that claim even though shown incorrect.

X I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

A. Narrative Summary

B. Well log 10/20/60

C. Well test 10/04/60

D. Burley City Council Minutes

E. Pump and Well Records 08/29/61

F. Water sample 02/21/62

G. Correspondence accompanying documentation to IDWR

I have attached:

X An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Cassia)

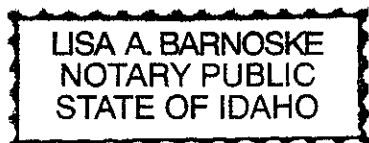
P.C. Stone, duly sworn, upon oath, deposes and says:
(Name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2), as defined by I.C. §§ 42-1401 A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

(Signature of person filing motion)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 30, 2004.



Lisa A. Barnoske
Notary Public for [Signature]
Residing at: Burley
My commission Expires: 09/28/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on November 30, 2004, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

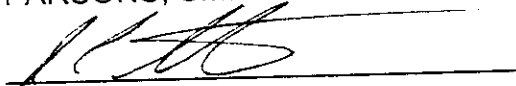
Josephine P. Beeman
409 W Jefferson St.
Boise, ID 83702

Chief, Natural Resources Division
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase. N/A (at this point)

PARSONS, SMITH & STONE, LLP



R.C. Stone
Attorneys for City of Burley
P.O. Box 910
Burley, Idaho 83318

Burley Well # 4
Right 36-4080

City of Burley well # 4 was originally developed by a private party as part of the development of the Green Acres Subdivision to the City of Burley.. The original well log shows drilling commenced on 8/29/1960. (Ex. B) A well test was performed 10/4/1960. (Ex. C) The well was completed 10/20/1960. (Ex. B)

The Burley Council made reference to the well and its production in its minutes of 11/22/1960 and again on 7/10/61. The Council accepted the well in its minutes of 8/7/1961.

The records continue to show use after Burley accepted it. Pump and well performance were documented on 8/29/1961. (Ex. E) A water sample was tested 2/21/62. (Ex. F).

Based on the forgoing, it is clear the priority date is the date of the well completion 10/20/1960.

6 en acres well

RECEIVED
NOV 2 8 1960
Department of Reclamation

WELL LOG AND REPORT OF THE
STATE RECLAMATION ENGINEER OF IDAHO

Permit No. _____ Well No. _____ County Burley Idaho
Owner McIntosh + Anderson Housing Project
Address Burley Idaho
Driller Lamar Davis
Address Burley Idaho
Well location NE 1/4 NW 1/4 Sec. 17, T. 10 N/S, R. 23 E/W
Size of drilled hole 16 5/8

Locate well in section

NW 1/4	NE 1/4
SW 1/4	SE 1/4

Total depth of well 279 ft.

Give depth to standing water from the ground 184 Water temp. 65 °Fahr.

On "Pumping Test" delivery was not test g.p.m. or _____ c.f.s. Drawdown was _____ feet.

Size of pump and motor used to make test _____

Length of time of test _____ hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure _____

If flowing well, described control works _____

(TYPE AND SIZE OF VALVE, ETC.)

Water will be used for domestic Weight of casing per lineal foot 5.5 lb. ft.

Thickness of casing 5/8 Casing material steel
(STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 16 5/8 from top of ground to 223 ft.
(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.
<u>16 5/8</u>	<u>0</u>	<u>223</u>	<u>223</u>	

Number and size of perforations _____ located _____ feet to _____ feet from ground

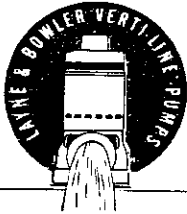
Date of commencement of well Aug 29 1960 Date of completion of well Oct 20 1960

W.D.L.

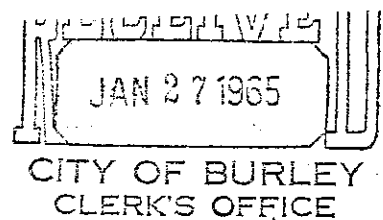
Well Owner M. L. Linder
Well Driller L. M. Davis
Well Location N. 238 S. 17 W. 51

[illegible]

EXHIBIT B 3063



Verli-Line Pumps
for every vertical pump need



LAYNE & BOWLER PUMP COMPANY

CITY OF INDUSTRY, CALIFORNIA (GREATER LOS ANGELES)
PUENTE AVENUE AT VALLEY BOULEVARD ZIP MAIL → BOX 1300, LA PUENTE, CALIFORNIA 91747
TELEPHONE (213) 330-3411

January 26, 1965

TO: City of Burley
P.O. Box 290
Burley, Idaho

ATTN: Neil Anderson

Dear Mr. Anderson:

Following is the test report covering the well test on the well known as Green Acres, situated N/W of Burley, as per a request from you on January 26, 1965.

October 4, 1960 - Started testing well at 4:00 P.M. Well pumped 30 inches of water (270 G.P.M.) with a large amount of sand. This was produced from 230 feet. Tested well untill 7:00 P.M.

October 5, 1960 - Started testing well again at 9:45 A.M. Pumping same as October 4. Started losing sand and water at 10:30 A.M. Surged well very hard, but was unable to keep sand coming. As sand decreased, water also decreased. We surged well hard every 30 Minutes until 1:00 P.M. Unable to get any sand, water still decreasing.

Well was producing 13½ inches of water (150 G.P.M.) at end of test, with no sand. This amount was pumped from 230 feet.

Shut down time was 2:00 P.M.

Water level 5 minutes after shut down was 180 feet and rising very slowly.

Total pumping time was 7 hours and 15 minutes.

Well depth - 242 feet. Well size - 16 inch. Pump depth - 230 feet plus bowls and suction. Static water level - 88 feet.

Yours truly,

T.M. Thompson
District Manager
Twin Falls, Idaho

TMT/tt

LAYNE AND BOWLER PUMP COMPANY
WELL TEST REPORT

NAME Anderson Bros. (Housing Project) DATE 10-4-60
10-5-60

LOCATION North of Berkey SEC. _____ RANGE _____ T. _____

WELL DEPTH 242' WELL SIZE 16" CASING _____

TEST PUMP DEPTH 230' plus back & forth ORIFICE SIZE _____

STATIC WATER LEVEL 88'

STARTING TIME 4:00 P.M. to 7:00 P.M.

10-5-60 9:45 AM to 2:00 P.M.

TIME	PUMPING LEVEL	ORIFICE READING	G.P.M.	MINERS INCHES
------	---------------	-----------------	--------	---------------

Well pumped a lot of sand and about 30 to 35 inches of water at start. The longer the well was tested the less water and sand was pump.

Surge well but was unable to keep sand down. Well was pumping about 150 gal of water and then sand shot back down.

Well was tested about 7 hours. Water level was 180' after pump had been down about 5 min.

B. S. Curry

REMARKS

man Roberts:

WHEREAS, Due to the additional traffic and the ambulances making emergency travel on 21st Street, and

WHEREAS, Due to the increased population center in the area near 21st Street,

NOW, THEREFORE, BE IT RESOLVED, That 21st Street from Overland Avenue to Park Avenue be designated a "Through Street" and stop signs be placed on streets entering thereon.

Motion seconded by Councilman Williams.

Roll call vote on the motion showed the following result:

Robertson	Aye	Williams	Aye
Roberts	Aye	Bowen	Aye
Chesley	Aye	Jackson	Aye

Motion carried.

Mayor Salmon advised the Council that the well on the McClintock property was ready for testing but that a 1000 gallon per minute for the number of homes which would be there would cause an additional burden on the City for electrical energy and that the developer had agreed to put on a 40 HP pump which would more than adequately serve the area and that when it developed further, that he would put on the increased size pump which would deliver 1000 gallon per minute.

Councilman Roberts introduced the sidewalk resolution which had been adopted for the construction of sidewalks on 21st Street. Whereupon motion was made by Councilman Roberts that the City Engineer be directed to measure and stake the property on which sidewalks had not been completed. Seconded by Councilman Jackson. Motion carried.

An Ordinance which is:

AN ORDINANCE OF THE CITY OF BURLEY, IDAHO,
AMENDING SECTION 1-619 OF THE ANNOTATED
BURLEY CODE, 1960, PROVIDING FOR AN INCREASE
IN WATER RATES: AND PROVIDING WHEN THIS
ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

was introduced and read in full and at length for its first reading. A motion was made by Councilman Williams that the rules requiring an Ordinance of a general and permanent nature be read at three separate and distinct meetings be suspended and that this Ordinance be numbered 673 and be read in full and at length for its first reading only and twice by title for its second and third readings respectively.

Roll call vote on the motion showed the following result:

Robertson	Aye	Williams	Aye
Roberts	Aye	Bowen	Aye
Chesley	Nay	Jackson	Aye

Motion carried.

The Clerk then read Ordinance No. 673 twice by title only for its second and third readings respectively.

A motion was made by Councilman Roberts and seconded by Councilman Williams that the Council adopt Ordinance No. 673.

Roll call vote on the motion showed the following result:

Robertson	Aye	Williams	Aye
Roberts	Aye	Bowen	Aye
Chesley	Nay	Jackson	Aye

Motion carried.

Whereupon the Mayor approved Ordinance No. 673.

The Mayor living on the east side of Hyland Road on 27th Street, wanted permission to hook up to the City water and sewer. No action was taken.

A discussion on Haight Motor Company's parking their wrecker on the street was introduced. ~~They were to comply~~ with the Ordinances of the City.

The increased use of the park at the swimming pool for picnics was introduced. There was no objection by the Council to the placing of two more covers over the fire places located on each side of the main fire place.

Mayor Salmon advised the Council that some positive action on the City's acceptance of the water system in Greenacres Subdivision was necessary. A lengthy discussion followed on the amount of land needed in the street dedication; whereupon a motion was made by Councilman Williams that Mr. McClintock and Ray Anderson, representing Anderson Brothers, deed to the City a 30 foot margin of property measured from the building footings, and a 30 foot dedicated street running to the well site from 4th Street, North. Also that a clear bill of sale for the pump, pipe, meters, tank, and building be given to the City. It was seconded by Councilman Chesley. Motion carried.

The following resolution was introduced and read:

WHEREAS, the merchants in the City of Burley have found it it to be in the best interests to close the 24th of July in commemoration of the pioneer days and the celebration to be held in Oakley, and

WHEREAS, this day not being a regularly scheduled holiday for the State, and

WHEREAS, it is deemed desirable to close the functions of the City except for emergency crews on the 24th of July in compliance with the rest of the city business;

NOW THEREFORE, Be it resolved that the 24th of July be termed a holiday and that all personnel of the City of Burley be paid for this date.

A motion was made by Councilman Williams and seconded by Councilman Chesley that the above resolution be approved and sustained by the Council.

Roll call vote on the motion showed the following result:

Robertson	Aye	Roberts	Aye
Williams	Aye	Chesley	Aye
Morgan	Aye	Craner	Aye

Motion carried.

Mayor Salmon reported on the meeting held with Jack Simplot, July 14, 1961, regarding the land available for sewage lagoons, and that the engineering firm had a work party in Burley on this project.

The following list of securities was introduced and read:

BURLEY, IDAHO
JULY 17, 1961

Securities on deposit with the Cassia County Auditor by the

EXHIBIT 0 2065

Mr. McClintock also asked for consideration by the Council to the acceptance of streets, water, and sewer system in Greenacres Sub-division. A lengthy discussion followed on the well and water system and the running of utilities to the property on the east side of Highway 27. The City Attorney, H. E. Bedke, advised the City Council that based on the economic feasibility that the City would be responsible to furnish utilities to the property on the east side of Highway 27. Whereupon a motion was made by Councilman Roberts that the City of Burley accept the well and water system and sewer lines as now constructed subject to the approval of the water committee. It was seconded by Councilman Chesley. Motion carried.

An Ordinance which is:

AN ORDINANCE MAKING THE ANNUAL APPROPRIATION OF THE CITY OF BURLEY, COUNTIES OF CASSIA AND MINIDOKA, STATE OF IDAHO, FOR THE FISCAL YEAR BEGINNING THE FIRST DAY OF MAY, 1961, AND ENDING THE THIRTY-FIRST DAY OF DECEMBER, 1961; SPECIFYING THE FUNDS TO BE APPROPRIATED AND THE OBJECTS AND PURPOSES FOR WHICH SUCH FUNDS ARE APPROPRIATED; AND KNOWN AS THE ANNUAL APPROPRIATION BILL OF THE CITY OF BURLEY, IDAHO.

was introduced and read in full and at length for its first reading. A motion was made by Councilman Robertson and seconded by Councilman Chesley that the rules requiring an ordinance of a general and permanent nature to be read at three separate and distinct meetings in full and at length be suspended and that this ordinance be numbered 682 and be read in full and at length for its first reading only and twice by title for its second and third readings respectively.

Roll call vote on the motion showed the following result:

Robertson	Aye	Roberts	Aye
Williams	Absent	Craner	Aye
Chesley	Aye	Morgan	Aye

Motion carried.

The City Clerk then read Ordinance No. 682 by title only for its second and third readings respectively.

A motion was made by Councilman Robertson and seconded by Councilman Chesley that the City adopt Ordinance No. 682.

Roll call vote on the motion showed the following result:

Robertson	Aye	Roberts	Aye
Williams	Absent	Craner	Aye
Chesley	Aye	Morgan	Aye

Motion carried.

Whereupon the Mayor approved Ordinance No. 682.

An Ordinance which is:

AN ORDINANCE OF THE CITY OF BURLEY, CASSIA AND MINIDOKA COUNTIES, STATE OF IDAHO, FIXING THE ANNUAL TAX LEVIES OF THE CITY OF BURLEY. FOR THE

EXHIBIT 03065

COUNCIL CHAMBERS OF THE CITY OF BURLEY, IDAHO
August 7, 1961

Council met in regular session at the hour of 8:00 P.M.

Roll call showed the following present: Mayor J. L. Salmon; Councilman Robertson, LaMar Graher, Fred Williams, William Morgan, and Roberts. Councilman Verl Chesley was absent.

The minutes of the Council Meeting held July 17, 1961, were read and approved as corrected.

Mrs. Ralph Mickelson and Mrs. Albert Martindale, being present in the Council Chambers, presented a petition for the abatement of the noise created by the refrigerator cars on the railroad tracks adjacent to their property. Mayor Salmon advised them that this would be considered later in the meeting.

Mr. Bell, Chairman of the Arabian Horse Show which would be held in Burley on August 19 and 20, asked if the City would sprinkle the arena on these dates as well as furnish the lights in the horse barn and in the arena on the night of Saturday, August 19. Whereupon a motion was made by Councilman Craner that the City furnish the lights and sprinkle the arena as requested. It was seconded by Councilman Roberts. Motion carried.

The City Clerk stated that the invitation for bids for the construction of improvements in Local Improvement District No. 11 Streets, City of Burley, Idaho, had been duly published in accordance with the provisions of Ordinance No. 684 of the City, and presented the publisher's Affidavit of publishing such notice. Thereupon the following proposals were opened and publicly read by the Mayor, to-wit:

Holmes Construction Co.

\$58,097.50

It was then moved by Councilman Roberts and seconded by Councilman Robertson and on vote unanimously carried, that the foregoing proposals be referred to R. J. Huckabee, City Engineer, and that an award of the contract for constructing such improvements in said District be made at a recessed meeting of the City Council to be held in the Council Chambers on the 8th day of August, 1961, at the hour of 1:30 P.M.

Holmes Construction stated that they had gravel of their own processed which they would like to use in return for the right to take a like amount from the City's pit at a later date. There was no objection voiced by the Council to this proposition.

A discussion on the dirt from Local Improvement District No. 11 was introduced. Whereupon a motion was made by Councilman Robertson all excess dirt from the excavation of Local Improvement District No. 11 either be stock piled at the golf course or set in place at the golf course for the development work to be done. It was seconded by Councilman Williams. Motion carried.

The site for the oxidation ponds was introduced upon drawing No. C-1387, dated August 7, 1961, by the City Engineer. A discussion followed, whereupon a motion was made by Councilman Morgan that the site so designated on plans No. C-1387, dated August 7, 1961, be the location for the oxidation ponds. It was seconded by Councilman Williams. Motion carried.

Mayor Salmon advised the Council that it was necessary to have the seven acres owned by Mr. Don Wixom appraised so that the City could purchase this land thereby giving them permanent access and right-of-way into the lagoon site area.

The well and water system on Greenacres Subdivision was introduced by Mayor Salmon along with deeds to the property on which the well was located. A discussion followed on the development of the water and sewer system in the area north of the Snake River located in

the City of Burley on each side of Highway 27. The development and growth particularly on the east side of Highway 27 was discussed. Whereupon a motion was made by Councilman Williams that the City accept the deeds to the land on which the well is located as well as accept the title to the well and water system now in place and that Mr. McClintock et al present the City with a bill of sale for the pump, tank, building, meters, fire hydrants, and pipe now in place. Also the City would accept the oxidation lagoon and sewer system now installed, and that Mr. McClintock et al would be responsible for any future sewer line extensions pursuant to the policy of the City. The City also would reserve rights on future development on the water lines pursuant to the agreement now in effect between the City of Burley and Mr. McClintock, et al, dated May 19, 1960. It was seconded by Councilman Robertson.

Roll call vote on the motion showed the following result:

	Robertson	Aye	Roberts	Aye
be held	Williams	Aye	Morgan	Aye
rinkle	Chesley	Absent	Craner	Aye

the City of Burley on each side of Highway 27. The development and growth particularly on the east side of Highway 27 was discussed. Whereupon a motion was made by Councilman Williams that the City accept the deeds to the land on which the well is located as well as accept the title to the well and water system now in place and that Mr. McClintock et al present the City with a bill of sale for the pump, tank, building, meters, fire hydrants, and pipe now in place. Also the City would accept the oxidation lagoon and sewer system now installed, and that Mr. McClintock et al would be responsible for any future sewer line extensions pursuant to the policy of the City. The City also would reserve rights on future development on the water lines pursuant to the agreement now in effect between the City of Burley and Mr. McClintock, et al, dated May 19, 1960. It was seconded by Councilman Robertson.

A discussion on the City of Burley's connecting their electric service to the pump was introduced. Whereupon a motion was made by Councilman Roberts that the City Attorney be instructed and directed to draft a letter to the Rural Electric Company notifying them to disconnect their electric service from the City well when a proper bill of sale on the same had been received. Said letter would be signed by the City Clerk in the name of the City. It was seconded by Councilman Williams. Motion carried.

A request of Mr. Grover Buttars inabling him to hook to the City sewer and water system outside of the City limits was introduced. A discussion followed, whereupon a motion was made by Councilman Roberts that Mr. Grover Buttars be allowed to connect to the water system pursuant to the ordinances of the City of Burley which require that the extension from the City mains and the City limits be the responsibility of the person so connecting outside of the City limits. It was seconded by Councilman Williams. Motion carried.

Councilman Craner gave a report on the recent meeting with Unity Light and Power regarding the movement of the poles located in the street right-of-way on Hyland Road. The City Attorney advised the Council that stipulations were being prepared governing the movement of the same.

Mayor Salmon advised the Council that Mr. Cline Preston had placed two poles in the right-of-way of Overland Avenue at his new Frontier Gas Station which he was constructing. Whereupon a motion was made by Councilman Craner that the City Clerk be instructed and directed to write a letter advising Mr. Preston to remove these poles from the right-of-way. It was seconded by Councilman Morgan. Motion carried.

Mayor Salmon discussed the weeds located in the property owned by Mary Viola Hunt. It was a unanimous decision of the Council that these weeds should be eliminated.

A discussion on the weeds in the unimproved section of the McBride Addition was introduced. It was a general consensus of the Council to contact Mr. McBride to see if they could not be removed.

Mayor Salmon advised the Council that the garbage truck which had been bid at a previous Council Meeting would be delivered at San Antonio from the installation of a body. The freight from San Antonio to Burley would be over one thousand dollars. Mr. Satterwhite, Superintendent of the Shop, was willing to go to San Antonio and pick up said truck. The cost of which would be less than \$400. Whereupon a motion was made by Councilman Craner that the City Clerk be instructed and directed to draw the necessary funds to send Mr. Satterwhite to San Antonio, Texas, to pick up said garbage truck. It was seconded by Councilman Morgan. Motion carried.

WELDING, FABRICATING
PUMPS, COMPLETE LINE
IRRIGATION, COMPLETE LINE
BEET HARVESTERS

915 Overland
Burley, Idaho

"THE PUMP HOUSE OF IDAHO"



Division of Parma Water Lifter Co.

E JKSMITHING & MACHINE WORK

OLSON ROTO BEATERS
CUSTOM MANUFACTURING
FARM BOXES

Phones OR-8-5110
OR-8-5390

Distributors: BELTING • V DRIVES • CHAIN • SPROCKETS • MOTORS

Burley, Idaho
Aug. 29th. 1961

City of Burley
Dep't. of Engineering
Burley, Idaho

Att'n: Mr. Joe Huchabee

Dear Sir:

We are enclosing certified factory performance curves on the Berkeley,
40 H.P. Submersible Turbine pump which we installed earlier this year
at Greenacres addition, recently annexed by the City.

TDA 340'
Elev + 100
Col loss
 $240 \div 2.31$

JK/k

Very truly yours

WES-PAR

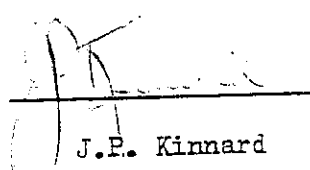

J.P. Kinnard

EXHIBIT E 1643

C-4760

BERKELEY F. P. COMPANY
DEEPWELL TURBINE
SUBMERSIBLE

MODEL **753L6-40**

3390 R.P.M.

Date **8-7-61**

Supersedes **NEW**
Date
Impeller: **C P B 11-1975**
Bowl: **C P B 11-1975**
Full Dia. **4 3/4" X 5 3/8"**
O.D. **G 1/2"**
Stage Performance, **6** Stage Pump

Supersedes **NEW**
Date

Date

Impeller: **C P B 11-2013**

Bowl: **C P B 11-1975**

O.D. **G 1/2"**

Full Dia. **4 3/4" X 5 3/8"**

620' @ 0 GPM

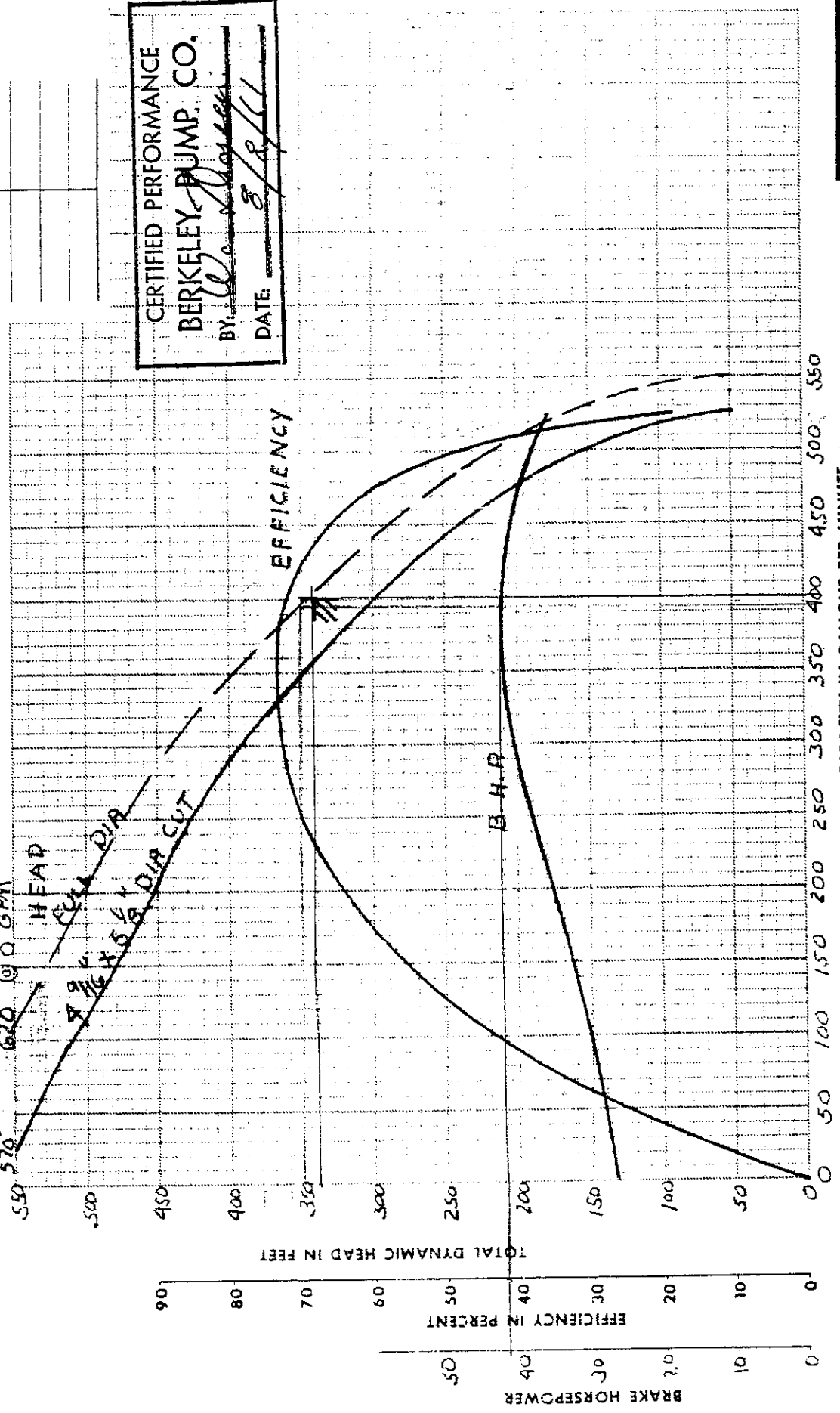
HEAD

4 9/16"

FULL DIA

4 9/16" X 5 3/8" DIP CUT

CERTIFIED PERFORMANCE
BERKELEY PUMP CO.
BY: *[Signature]*
DATE: *8/8/61*



CAPACITY IN GALLONS PER MINUTE

MODEL

753L6-40

Date **8-7-61**

BASED ON T-1471

C-4760

C-4760

BERKELEY P. P. COMPANY
DEEPWELL TURBINE
SUBMERSIBLE

MODEL
753L6-40

3390 R.P.M.

Date 8-7-61

Supersedes NEW
Date

Bowl: C P B 11-1975

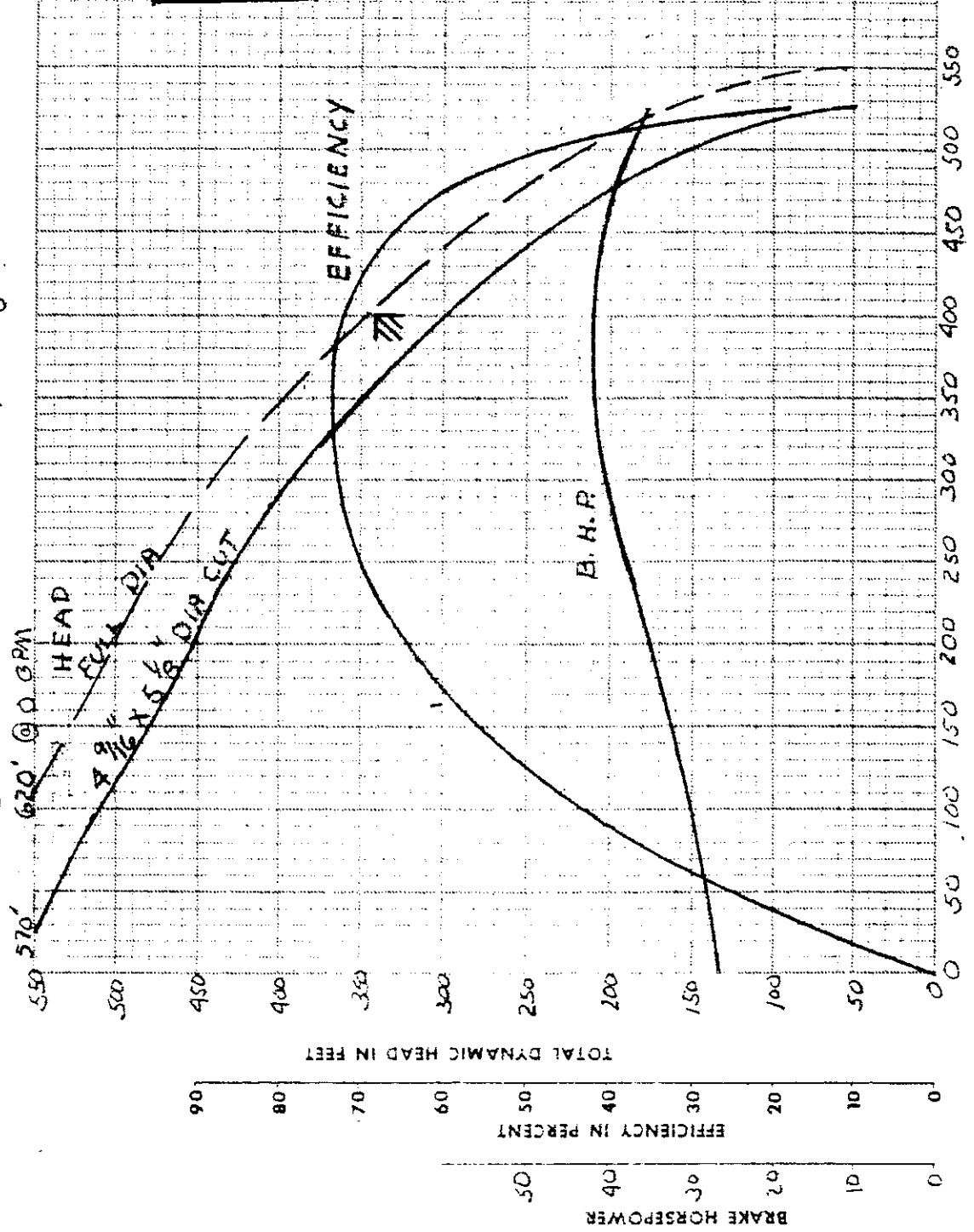
Impeller: C P B M-2013

O.D. 6 1/2"

Full Dia. 4 3/4" x 5 3/8"

6 Stage Performance, 6 Stage Pump

CERTIFIED PERFORMANCE
BERKELEY PUMP CO.
BY: *W. J. Morgan*
DATE: 8/9/61



CAPACITY IN GALLONS PER MINUTE

MODEL
753L6-40

Date 8-7-61

BASED ON T-1971

C-4760

Lab. No.

Source

BURLEY 4

WATER SAMPLE

STATE OF IDAHO
DEPARTMENT OF HEALTH
LABORATORIES - BOISE

CHEMICAL ANALYSIS OF WATER

	✓ pH <u>7.5</u>	
Date Sampled <u>2-21-62</u>	✓ Total Solids <u>310</u> PPM	
Report to <u>MR R.J. HICKABEE</u>	✓ Alkalinity Carbonate <u>12.00</u> PPM	
Address <u>CITY ENGINEER</u>	✓ (as CaCO ₃) Bicarbonate <u>136</u> PPM	
<u>BURLEY IDAHO</u>	✓ Hardness (as CaCO ₃) <u>146</u> PPM	
Submitted by <u>L.J. RADKOFF</u>	✓ Calcium <u>36.8</u> PPM Ca	✓ Fluoride <u>0.48</u> PPM
Received by <u>MA</u>	✓ Magnesium <u>13</u> PPM Mg	✓ Chloride <u>39.0</u> PPM
Date received <u>2-23-62</u>	✓ Iron <u>0.09</u> PPM Fe	✓ Sulfate <u>34.8</u> PPM
Date Reported <u>3-5-62</u>	✓ Manganese <u>0.00</u> PPM Mn	✓ Nitrate <u>0.4</u> PPM (as N)
	✓ Aluminum PPM Al	✓ Phosphate <u>0.02</u> PPM P
	✓ Ammonia PPM as N	✓ Silica PPM Si
Chemist <u>[Signature]</u>	✓ Sodium <u>37</u> PPM Na	✓ ARSENIC <u>0.0</u>

KOCH XP
PERFORMANCE ASPHALT PRODUCTS

WELL #4

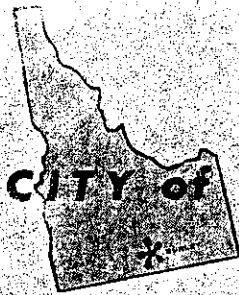
EXHIBIT F

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

PHONES

CITY CLERK'S OFFICE 878-2224
MAYOR'S OFFICE 878-1445
AREA CODE 208

HUB OF IDAHO'S INDUSTRY
BURLEY, IDAHO 83318

JESSE D. MABRY

OCTOBER 10, 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83301

DEAR MR. MERRITT

THIS PAPER WORK SHOULD SUPPORT THE PRIORITY DATE WE HAVE
CLAIMED FOR WELL #4 (GREEN ACRES WELL).

CLAIM #A36-04080

PLEASE LET ME KNOW IF THIS IS SUBSTANTIAL OR DO WE NEED
MORE PROOF?

SINCERELY,

Jesse D. Mabry
JESSE MABRY
WATER DEPARTMENT FOREMAN

JDM:mm

EXHIBIT 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that City of Burley

(Name of Claimant)

P.O. Box 1090 Burley, Idaho 83318

Telephone No: (208)878-2224

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) 10/20/60

A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Ground Water tributary to _____

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive)	
			(MM/DD)	(MM/DD)
Quantity	<u>4.01 cfs</u>	Use <u>Municipal</u>	Period of Use From <u>01/01</u>	to <u>12/31</u>
Quantity	<u>cfs</u>	Use _____	Period of Use From _____	to _____
Quantity	<u></u>	Use _____	Period of Use From _____	to _____
Quantity	<u></u>	Use _____	Period of Use From _____	to _____

4. 4.01 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 17 Township 10S Range 23E B.M., Minidoka County; additional points of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

Well pump and pipeline

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.

D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE1/2				NW 1/4				SW1/4				SE1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

TOTAL ACRES _____

Within the service area of the City of Burley municipal water supply system as provided for under Idaho law.

B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Municipal

NOTE: Include here the type and number of stock watered: _____

7. Remarks: _____

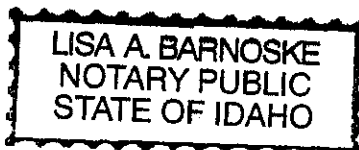
8. **Map** -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

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 forgoing 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.

Jim Anderson - Mayor
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 24th day of November 2004.



Lisa A. Barnoske
Notary Public
Residing at: Burley, ID
My commission expires: 9/28/10

FOR DEPARTMENT USE ONLY

Received by _____	Date _____	Published in _____
Prelim. check by _____	Date _____	Publication dates _____
Fee _____ Receipt # _____		Publication checked by _____ Date _____
Receipt prepared by _____	Date _____	Exceptions filed by _____