

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	)	A. Subcase <u>45-4097</u>
	)	
Case No. 39576	)	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:

At the time the initial claim was filed there apparently was confusion as to the proper criteria for the priority date resulting in error. Recently discovered documents brought the error to light and a subsequent detailed review of the City's early minutes has documented the correct dates.

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. Portion of 1922 Engineering Report

C. IDSOS Printout Re: Burley Townsite Company, Limited

D. Plat

E. IDSOS Printout Re: City of Burley

F. Selected minutes of the City of Burley

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)

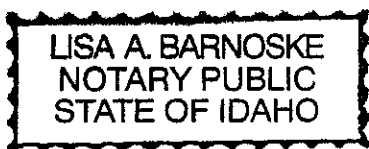
R.C. Stone, duly sworn, upon oath, deposes and says:
(Name of person filing form)

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 Idaho
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:

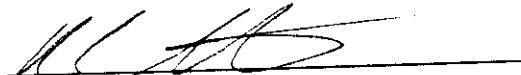
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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 Right 45-4097

In 1922, Burley commissioned a report on the municipal water supply by Lee R. Cook, Engineer. (Ex. B) At that time he reported Burley had three wells. The first, and oldest, was an 8' hand dug well. The second, and newest, was a 6' hand dug well. (This well is still operational and is the subject of 45-4096.) The two hand dug wells were located at the Burley Pump house at the corner of South Street (now 16th) and Albion. The third well was a bored twelve inch well located one block east. The report also refers to a water test on wells one and two taken May 7, 1917.

Wells one and three eventually failed and were replaced by a new well which is the subject of 45-4097. This is a new point of diversion for the previously established rights.

The Burley Townsite Company, Limited was organized 4/14/1905 (Ex. C). The first reference to the site of the Burley city well is on a plat dated 8/16/1906 where the location of the hand dug 8' well has been highlighted with red pencil (Ex. D). The City of Burley was incorporated 7/20/1909 (Ex. E). The first minutes available for review were of a meeting on 7/29/1909 which specifically refer to discussions with the "Townsite Office in regard to arranging to procure water at the town well." Ex. F) Subsequent references to the well and its use appear in the minutes of 8/4/09, 9/8/09, and 10/22/09.

The city began planning a new well as referenced the minutes of 3/29/1916 and 4/12/1916. In the minutes of 4/31/1916 reference is made to developing a "bored" 16" well. The minutes of 8/23/1916 report placing the pump on the new well. While the minutes refer to a 16" well, this is the 12" well identified in the 1922 engineering report.

The minutes of 8/23/1916 also refer to digging a new 6' well. Further references appear in the minutes of 8/30/1916, 9/22/1916, 10/11/1916, 9/4/1917 and 11/19/1917. The 6' hand dug well was completed by as evidenced by the last set of minutes.

Based on the forgoing the priority 45-4097 should be 4/14/1905 for 1.23 cfs, and 8/23/1916 for 1.22 cfs.

ST. CLER
BUREAU

A REPORT ON THE
MUNICIPAL WATER SUPPLY
OF THE
CITY OF BURLEY
CASSIA COUNTY, IDAHO

LEE R. COOKE
ENGINEER

EXHIBIT 8 2015

A REPORT UPON THE
MUNICIPAL WATER SUPPLY OF THE CITY OF BURLEY,
CASSIA COUNTY, IDAHO.

~~XXXXXXXXXX~~

The following report covers the results of investigations made during the months of October and November, 1922, at the request of the Mayor and Council of the City of Burley, Idaho, with a view to determining what sources of water supply, suitable for domestic consumption, were available, and the conditions surrounding each. At the later request of the Mayor and Council, the scope of the investigation has been enlarged to cover the distribution system in the City and the system of charges for domestic water as they now exist.

The present water supply of the City comes from three shallow wells. Water is pumped directly into the City mains, and a 100,000 gallon storage tank is installed as a reservoir and stand-pipe on the system. The distribution system consists of 13 1/2 miles of wood stave pipe, running from 12" down to 3", with appropriate valves and fittings, and serving practically the entire City.

The three wells, and the equipment of each, are as follows:-

WELL NO. 1. Located in the City Pump House, on the NE'ly corner of South St. and Albion Ave., is a dug well, 8' in diameter, 52' deep, concrete lined, and in which

Well No. 1, Continued.

the water ranges from 10 feet below the level of the ground (Elevation 4203.7) to a depth of 24 feet below the ground (Elevation 4189.7). This well is equipped with a Rumsey Triplex Plunger pump, 9" x 12", having a capacity of 400 gallons per minute, and driven by a 25 H. P. Wagner Type B-R Motor, running at 1140 R. P. M., thru gears connected with a Morse chain.

WELL NO. 2 Located in the same building, and about 30 feet East of Well No. 1, is also a dug well, 6' inside diameter, concrete lined, and with a short extension casing driven thru the concrete floor. Due to the breaking down of the earth between these two wells, this well and No. 1 are practically one well, and the level of the water in this well maintains the same elevations as in Well No. 1.

Well No. 2 is equipped with a Deane "Glendora" type triple action deep well or mine pump, Model Fig. 2137, No. 50, 18" stroke, and presumed to be of 500 gallons per minute capacity. This pump is belt driven from a 40 H. P. motor.

Both pumps discharge thru 8" lines into a 12" main, from which water is distributed to the City mains, the 100,000 tank acting as a reserve and relief on the system. Both pumps are equipped and operating under automatic control, set to maintain a working head of 143 feet in the tank, or a main pressure of practically 62 pounds at this point.

WELL NO. 3. Known as the "Miller Well", is a bored well, located one block East of the City Pump house, on the North side of East South St., between Hansen and Normal Streets, on Block No. 175. It is a 12" well, cased, 73' deep, and the water is pumped by a No. 2 Byron-Jackson 7-stage deep well type centrifugal pump, direct driven by a 50 H. P. vertical motor, having a capacity of 500 gallons per minute under a 200 foot head. Suction and discharge are both 8", and the discharge is directly into an 8" main, thru which it is connected to the 12" main and stand-pipe opposite the pump house.

Except for a small amount of lateral distribution, the entire output of the three pumps, or whatever ones may be in operation, is centralized into the 12" main mentioned.

It is evident, from copies of analyses in the office of the State Chemist, that the water in wells Nos. 1 and 2 was originally much softer than it is at present. For the purpose of comparison,

the results of two typical analyses of water, both taken from the city mains at the pump house, is given herewith:-

	Sample No. 4836 May 7, 1917	Sample No. 9318 Oct. 5, 1922.
Color.	None	None
Odor.	None	None
Turbidity.	None	None
Sediment.	None	Slight
Nitrogen as Free Ammonia.	.002	.01
Nitrogen as Albuminoid Ammonia	.005	.014
Nitrogen as Nitrites	.004	None
Nitrogen as Nitrates	3.000	.75
Chlorine.	3.57	156.
Total Solids.	388.	760.
Alkalinity as Bi-Carbonates.	181.6	250.
On Ignition: Odor	None	Chlorine odor.
Charring	None	None
Fumes	None	Slightly chlorine.

It is probable that at the time these wells were dug, the surface water was cut off by the thin layer of clay lying near the surface. At the present time, the City is using a purely surface water supply. On Nov. 7, 1922, the level of the water in Snake River opposite the City was 4196.2. After the pumps had been idle for an hour, the water stood at an elevation of 4203.7, or 7.5 ft. above the level of the river, and the lowest point to which it was possible to draw the water by pumping was an elevation of 4189.7, or 6.5 feet below the river level, which is about the amount of difference caused by the friction of the intervening ground.

In this connection, I beg to quote from a report prepared by Mr. W. G. Swenson, present Commissioner of Reclamation, in which he says with reference to this water supply:

"Typographic maps of underground water contours in the project office of the U. S. R. S. indicate that surface drainage from some nine miles of thickly settled agricultural land, measured at right angles to the general direction of surface



Idaho Secretary of State
Viewing Business Entity

[New Search] [Back to Summary]

BURLEY TOWNSITE COMPANY, LIMITED

Type of Business: CORPORATION, GENERAL BUSINESS

Status: FORFEITED 30 Nov 1926

State of Origin: IDAHO

Date of 14 Apr 1905

Origination/Authorization:

Registered Agent:

Organizational ID / Filing C597

Number:

Number of Authorized Stock

Shares:

Date of Last Annual Report:

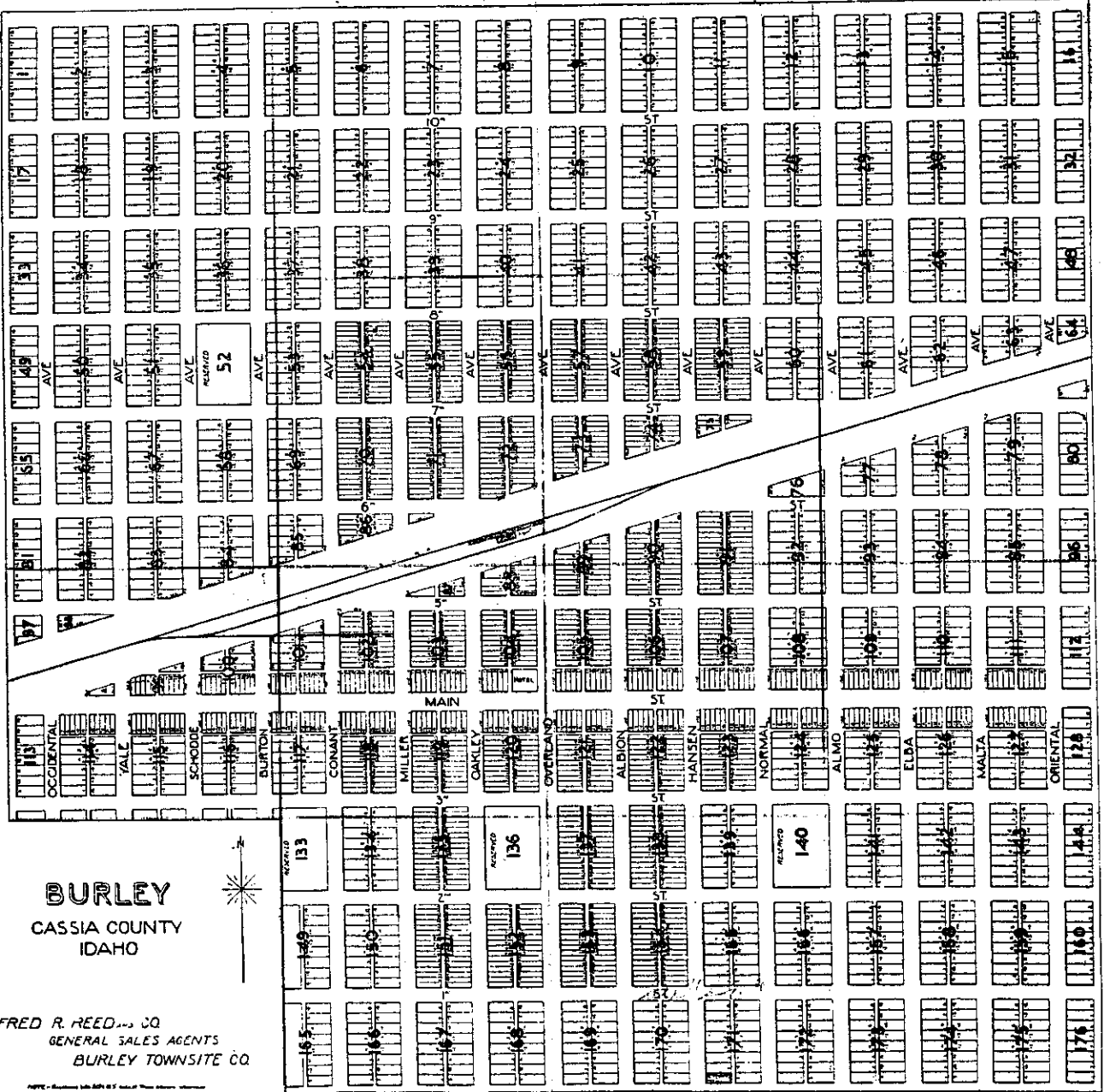
Amendments:

Amendment filed 14 Apr 1905 INCORPORATION

Idaho Secretary of State's Main Page

State of Idaho Home Page

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us



consideration of the filing of said plat by the County Recorder of Cassia County, Idaho, and the acceptance by the Public of the streets and alleys shown upon said plat it does hereby give and grant to the public forever in fee simple such portion of the premises platted as are on said plat set apart for streets, alleys and public places for public use forever.

That this plat is filed for the purpose of amending and correcting any irregularities and omissions in plats heretofore filed in the office of the County Clerk and Recorder of said Cassia County, Idaho.

IN WITNESS WHEREOF, the Burley Townsite Company, Limited, has hereunto caused its name and corporate seal to be affixed this 16th day of August, A. D. 1906.

In the presence of

BURLEY TOWNSITE COMPANY,
LIMITED.
(Corp. Seal)

S. T. Hamilton.

By E. C. Davis, Secretary.

Acknowledged in Cassia County, State of Idaho, Aug. 16, 1906, by Burley Townsite Company, Limited, by its Secretary E. C. Davis, by authority of a resolution of its Board of Directors, before S. T. Hamilton, Notary Public.

(Seal) Commission expires March 7th, 1909.



Idaho Secretary of State Viewing Business Entity

[New Search] [Back to Summary]
[Get a certificate of existence for CITY OF BURLEY]

CITY OF BURLEY

CITY HALL
BURLEY, ID 83318

Type of Business: CORPORATION, MUNICIPAL CORPORATION

Status: GOODSTANDING 20 Jul 1909

State of Origin: IDAHO

Date of 20 Jul 1909

Origination/Authorization:

Current Registered Agent: CITY COUNCIL
CITY HALL
BURLEY, ID 83318

Organizational ID / Filing C44757
Number:

Number of Authorized Stock
Shares:

Date of Last Annual Report:

Amendments:

Amendment filed 20 Jul 1909 INCORPORATION

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State of Idaho Home Page

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

Journal of the Trustees of the Village of Burley

Thursday July 29, 1909

Council Office, Burley, Idaho

The Board commenced at 8 o'clock P.M. pursuant to a special call. Chairman Dickey presiding. Roll call showed all members present excepting Mr. Sessions.

Report of Committees

Mr. Chairman: Your Committee on street sprinkling reports as follows: The Committee interviewed Mr. Spencer of the Townsite Office in regard to arranging to procure water at the town well. Mr. Spencer was unable to give any information before the meeting of their Board of Directors to be held Aug. 2, 1909.

Respectfully submitted.

Speaker, Chairman

Committee on jail were not prepared to report.

Mr. Sessions then entered the Council Office and requested to be marked present. The Board then heard the report of the City Attorney in regard to the title of the blocks on the townsite plat marked "Reserved." Several cases were read in which the courts have held similar blocks were held to belong to the town.

The attorney gave the Board his opinion and conclusion after a thorough investigation that the title to the said blocks were in the corporation by reason of the doctrine of Dedication at the time of the plat of the town was filed in the office of the County Recorder and he urged the Board to take immediate action, if they act at all to protect the rights of the Village.

Introduction and First Reading of Ordinance

Resolution No. 1 By Speaker, entitled: A Resolution declaring the intention of the Board of Trustees of the Village of Burley to form Improvement District No. 1.

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Journal of the Trustees of the Village of Burley

Wednesday August 4 1909.

Council Office, Burley, Id.

The Board commenced at 8 P.M.
pursuant to adjournment Chairman
Dickey presiding. Roll showed all members
present.

Approval of Journal

The journal of all previous meetings were
read and approved.

Reading of Communications

There being on file an application for
a telephone franchise from W. R. Foster of
Webster City, Iowa, the same was read
and on motion of Mr. Sessions duly recorded
and carried, was ordered passed for further
consideration.

Report of Committees

Mr. Chairman: Your committee on
sprinkling beg leave to report that the
village could procure water at the town
well provided that the village furnish
the gasoline use while pumping the
water for it furnish all lubricating oil
consumed while pumping for it and provide
a means for filling the sprinkler whereby
there will be no water allowed to escape,
around the tank. The Townsite Company
agreed to furnish the engine to operate
the pump without cost to the village.

They however reserved the right to
terminate this agreement at any time. The
cost of operating the pump in the way of
supplying gasoline and lubricating oil
is approximately as follows: It will
require three tanks of gasoline per month
fifty-four gallons in a tank at \$13.50
per tank, five gallons of lubricating oil
at \$1.00 per gallon.

Respectfully submitted,
Sessions, Chairman

On motion duly seconded the report of
the committee was accepted, and

Journal of the Trustees of the Village of Purley

Journ

September 8, 1909

Board commenced at 8 P.M. Chairman Dickey presided. Roll call shows the following members present: Sessions, Rutter, Spracher, Hanson, Mr. Chaouan. All present. The readings of the minutes of Sept 1st was read and approved.

Readings of Communications.

The reading of the Village Atty. report of the law on the behalf of the Village Treasurer.

The reading of a communication from C. Camp Project Engineer regarding the contract with the town of Purley to supply water for the town.

Motion made by Mr. Hanson to have the Chaouan and the clerk draw up a contract for water with the U.S.R.S. Carried.

Motion made by Mr. Spracher to allow the bill for gasoline from the Purley Mercantile Co. and the Continental Oil Co. And issue a warrant to pay the same. Carried.

Readings of Ordinances.

Motion made by Mr. Spracher that the third reading of the telephone ordinance be postponed. Seconded by Hanson. Carried.

Motion made adjourn. Carried.

J. W. Steadman
Clerk

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Journal of the Board of Trustees of the Village of Buxley

Journal of the

October 22, 1907
Council Office Buxley

The Board of Trustees commenced at 7:30 P.M. the Chairman in the Chair. Roll call showed all members present. Reading and approval of Journal was passed owing to the absence of the Clerk with the Journal of the previous meeting.

Reading of Communications. A circular from the United States Government being on file was read and the Chairman was instructed to have a canvass of the Village made to ascertain the loads that would be consumed and report the same to the Chief Electrician of the Reclamation Service.

New Business

Mr. Sessions moved that the Chairman extend an invitation to the Trustees of the Village of Buxley to meet with the Trustees of Buxley at 7 P.M. October 27, to discuss the question of procuring electricity for lighting and other purposes. Duly seconded and carried.

All bills presented were passed for the reason they were not sworn to as the law requires.

Mr. Sessions moved that the Chairman be authorized to submit to the Towns Co. that the Village would pay said Company the sum of twenty-five dollars per month to keep the tank full of water. Duly seconded and carried.

There being no further business the Board, on motion duly seconded adjourned.

Clerk
J. W. Steadman.

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C. Davis.
City Clerk.

Journal of the City Council
of the City of Burley, Idaho, Council Office
March 22nd 1916.

Council convened in regular session
at 8 o'clock P.M. J. E. Miller, Mayor, in
the chair. Roll call showed all members
present.

Reading and approving Journal.
The Journal of March 22nd 1916 was
read and approved.

Allowance of Bills.

Mr. Gorman moved that the following
bills as read be allowed and warrants drawn
therefor. Seconded by Mr. Edwards. Motion
carried.

Alex. Anderson	\$9.38.	Ed. Heating Fund.
Carl Roberson,	14.71.	" " "
F. E. Burchett,	3.13.	" " "
Mrs. Ed. Grant	4.00.	" " "
A. C. Rinearson	12.50.	Waterworks.
Burley Realty & Bldg Co.	2.50.	Gen'l.
O. C. Canine,	10.00.	" "
F. J. Stephenson,	1.20.	" "
L. S. Owens.	12.00.	" "
W. H. Brown.	2.00.	Meter Dep.
E. Bishop.	4.00.	Ed. H. Meter Refund.
I. Simons.	11.00.	" "
Idaho Cafe,	4.00.	" "
Frenchy Shull,	2.00.	" "
M. P. Keeler.	2.00.	" "

Communications.

Mr. Edwards moved that the matter
of securing a scavenger be referred
to the ~~street~~ Health Department Committee
for investigation and report to the council.
Seconded by Mr. Gorman. Motion carried.

The interests of diggers as well
of city waterworks was discussed over.
Mr. Cudge moved that the matter

he referred to the Waterwork Committee for investigation and report back to the council. Seconded by Mr. Edwards. Motion carried.

Mr. Higgins moved that we call for bids for 100 curb cocks and corporation cocks. Seconded by Mr. Budge. Motion carried.

The report of Street Committee on the width of the streets was read, and

Mr. Budge moved that the report of the Street Committee be accepted and placed on file. Seconded by Mr. Youmans. Motion carried.

Mr. Youmans moved that the clerk notify the O. S. & R. Co. to keep the passage open on Scholde Avenue. Seconded by Mr. Edwards. Motion carried.

Mr. Budge moved that Mr. Snowd's resignation as assistant Fire Chief be accepted. Seconded by Mr. Carline. Motion carried.

Mr. Edwards moved that the resignation of Mr. Willbraham as a member of the Board of Health be accepted. Seconded by Mr. Higgins. Motion carried.

Mr. Budge moved that the bid of C. E. Ross for caring for Parks be accepted. Seconded by Mr. Edwards. Motion carried.

The Mayor recommended the appointment of Thomas J. Stephenson as City Engineer of the City of Oakley, Idaho.

Mr. Edwards moved that we accept and confirm the recommendation of the Mayor for the appointment of Tom J. Stephenson as City Engineer. Seconded by Mr. Budge. Motion carried.

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Journal of the City Council
of the City of Burlington, Idaho. Council Office
April 12th 1916.

Council convened in regular session at Eight o'clock P.M. J. E. Miller ^{being absent} Mayor, W. M. Gorman, President of the Council, occupied the chair. Roll call showed members present, except O'Connor who was excused. ^{and offering Journal}

The Journal of April 5th 1916 was read and corrected by meeting hall attendant. No further corrections of previous proceedings were offered.

Approval of Bills

Mr. Edwards moved that the following bills as read be allowed and warrants drawn therefor. Seconded by Mr. Budge. Motion carried.

Burlington Transfer Co.	\$ 1.25	E. L. Shaking Fund
U. S. Rice Service	1326.77	"
Al. Rymanson	8.75	Waterworks

Mr. H. E. Fields request to place skating rink under tent cover on Southwest corner of Block 106, was on motion.

Mr. Edwards seconded by Mr. Huggins and carried. granted the privilege of erecting said skating rink, subject to the provisions of the fire ordinances.

Mr. Schlick's request for appropriation for band was discussed, and

Mr. Budge moved that we do what we can for the band and that the matter be referred to the City Attorney and that he advise the Council what can be legally done in the matter. Seconded by Mr. Edwards. Motion carried.

Mr. Carr's request to close streets in Block 17 & 18 Burlington Townsite was considered and Mr. Cooper moved that the matter be referred to the City Attorney to report back to the Council at the next meeting. Seconded by Mr. Huggins. Motion carried.

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City Council
Council office

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P.M. J. E. Miller
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except O. C. Canine
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conducted by meeting hall
opposed

the following
warrants
Mr. Bridge.

E. L. Leaking Fund

Waterworks

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Mr. C. C. Baker and Mr. Breckinridge
were present and made a statement
to the council in regard to O. S. L. R. R. Co.
sidetrack now being constructed and
asked that the location of same be
changed, after discussion of the matter.

Mr. Cooper moved that the City
Clerk write the O. S. L. R. R. Co. and find
out by what authority they are constructing
sidetrack through the streets of the City.
Secounded by Mr. Edwards. Motion Carried

Report of Committee

The water committee reported
that they had examined the well
and had come to the conclusion that
the well at the present time is furnishing
all the water the pump can handle,
and recommended that it would be
advisable to have an auxiliary pump
and well.

Mr. Bridge moved that the report of
the committee be accepted, and that
the Clerk be authorized to ask for bids
for the construction of and equipment
of a new well, as per specifications to be
prepared by City Engineer, and waterworks
committee. Secounded by Mr. Edwards.
Motion carried.

Mr. Edwards moved that the
meeting ^{adjourn} until Thursday, April 13th
at 2 o'clock to consider the sidetrack
location. Secounded by Higgins. Motion
carried.

Edward C. Davis
City Clerk

Journal of the City Council
of the City of Burley, Idaho, Council office
May 30th 1916

Council convened in regular session at 8 o'clock P.M. Roll call showed all members present except Cannon and Williamson, who were excused.

Reading and approving Journal.
The Journal of May 17th & 24th 1916 were read and approved.

Allowance of Bills

Mr. Edwards moved that the following bills as read be allowed and warrants drawn therefor. Seconded by Mr. Cooper.

J.M. Rydatch	\$25.00	Drainage	Funds
C.M. Roberson	100.00	Waterworks	"
Geo. A. Cooper	65.00	Genl	"
R.L. Jamison	25.00	St & B	"
A.C. Penneaux	15.00	Waterworks	"
Geo. E. Galbot	9.00	Drainage	"
E.H. Brover	12.50	"	"
C.E. Ross	72.75	Public Parks	"
J. Webb	1.00	Meter Report	"
H.S. Rayburn	5.00	"	"
Geo. A. Behrens	170.04	St & B	"
W.W. Yonians	10.00	Genl	"
W.A. Chidge	10.00	"	"
Geo. E. Edwards	10.00	"	"
L. J. Higgins	40.00	"	"
Geo. Cooper	10.00	"	"
J.E. Miller	20.00	"	"
T. Bailey Lee	25.00	"	"
E.C. Davis	100.00	"	"
R. J. Burke	100.00	"	"
J. J. Sumpter	90.00	"	"
John Reid	30.00	"	"
Cattsburgh Meter Co.	268.30	Waterworks	"
F. E. Hara	125.00	E. & H	"
A. H. Sprague	20.00	Genl	"

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rays, none, excused Mr. Yumans.
 Thereupon the chair declared the
 motion carried, and ordinance No 139
 was read first and second time by title
 and third time at length, section by
 section and placed on final passage.
 The question being shall the ordinance
 pass.

Roll call resulted: Ayes, Cooper,
 Wyland, Edwards, Huggins, Budge,
 Total five, Nays, none, excused Mr.
 Yumans.

Thereupon the chair declared the
 ordinance No 139, passed. No objection,
 title stood approved.

The proposition of purchasing
 pump for well was discussed at
 length, and

Mr. Budge moved that we proceed
 to sink a well 16' in diameter ^{by the old well} and
 call for bids on same. Seconded
 by Mr. Huggins. Motion carried.

Mr. Huggins moved that the
 clerk be authorized to order no 50
 "Blondora" Triple plunger ^{from} American well
 complete with couplings and plungers.
 Seconded by Mr. Budge. Motion carried.

Mr. Budge moved that the meeting
 adjourn. Seconded by Edwards. Motion
 carried.

Edward C. Davis,
 City Clerk.

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Journal of the City Council
of the City of Burley, Idaho, Council
Office, August 23rd 1916.

Council convened in reg-
ular session at 8 o'clock P.M.
J. H. Miller, Mayor, in the chair.
Roll call showed all members
present except Geo. B. Edwards
and W. A. Budge, who were excused.

Reading and approving Journal
The Journal of August 16th 1916
was read and approved.

Allowance of Bills

Mr. Huggins moved that the
bills as read be allowed and
warrants drawn therefor. Seconded
by Mr. Feagans. Motion carried.

Mr. Thellard Enigh	54.00	Inst. Fund
Ms. F. E. Smith	4.00	" "
AM Sprague	30.00	" "
JR Bachman	4.00	" "
H L Pettenger	4.00	" "
Wickella L Feagans	4.00	" "
Margaret Lourey	4.00	" "
Paul Crum	4.00	" "
Aunt R. Sney	4.00	" "
C. M. Beach	4.00	" "
O. E. Hilday	5.60	St. B.
R. C. Jamison	13.75	" "
John Kidd	17.25	" "
Geo. Cooper Hay	7.05	" " + 6.25

Communications

The report of City Engineer and
Mr. A. B. Brown on installation of new
pump and pump house was read
and considered and

Mr. Youmans moved that the
report be received and placed on
file. Seconded By Mr. Huggins.

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Keggins

Motion carried

Mr. Spaulman moved that the request
for franchise of A. S. L. R.R. Co. for right way for
sidetrack be referred to your City Attorney and
Street Committee. Seconded by Mr. Keggins.
Motion carried.

Mr. Keggins chairman of the water
committee recommended that we adopt
the second proposition stated in the report
of the City Engineer in regard to construction
of well and installation of pump.

Mr. Spaulman moved that the
recommendation of the chairman of
of the Water Committee to adopt the
second proposition of City Engineer
in regard to well, be accepted and that
the Clerk and the Mayor be and they hereby
are authorized to call for bids accord-
ing to the plans and specifications
on file in the office of City Clerk. Seconded
by Mr. Keggins. Motion carried.

Mr. Wyland moved that an ordi-
nance be drawn making it a mis-
demeanor to drive over fire hydrants
also to prohibit the burning of rubbish
in the fire limits of the City. Seconded
by Mr. Keggins. Motion carried.

Mr. Wyland moved that the meeting
adjourn. Seconded by Mr. Keggins.
Motion carried.

Edward O. Davis
City Clerk

Journal of the City Council
of the City of Berkeley, Idaho,
Council Office, August 30th
1916.

Council convened in reg-
ular session at 8 o'clock P.M.
J.E. Miller, Mayor, in the chair.
Roll call showed all members
present, except Jas E. Edwards,
who was excused.

Reading and Approving Journal.
The Journal of August 23rd 1916
was read and approved.

Allowance of Bills.
Mr. Budge moved that the
following bills as read be allowed
and warrants drawn therefor.
Seconded by Mr. Higgins. Motion
carried.

Albert Brink	\$ 1.25	E. L. H. Funds
Walter Jamison	1.25	"
W. Lowe	10.00	Fire Dept
Marion Dayley	15.00	"
J. M. Fairchild	5.00	"
U. S. Rec Service	495.67	E. L. H. "
L. D. Parker	51.40	Genl.
J. M. Rydahl	37.50	Irrigation
The Press Press	6.54	E. L. H. "
H. J. Burt	1.25	"
Ernest Anderson	10.00	"
John Mudd	12.50	Street
A. C. Rymanson	25.00	Waterwork
E. F. Schroeder	56.20	St. R. B.

Communications.

A letter from the Assistant
Post-Master General, in regard to
free delivery of mail, was read, and
ordered placed on file.

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Journal of the City Council of the City of Burley,
Idaho, Council office, September 22-1916.

Council convened pursuant to adjournment
8 o'clock P.M. Jas E. Miller, Mayor, in the chair.

Roll call should the following members present:
Younmans, Higgins, Wyland and Seagans.

Excused W. A. Budge and Jas E. Edwards.

Thereupon the council took up for consideration
the bids of Andrew Miller and Portland Son on
the construction of a well six feet in diameter
with eight inch cement casing. Which was
fully discussed, and

Mr. Higgins moved that the bids
be rejected and that the Clerk be authorized
to call for new bids for the construction of a
well six feet in diameter with eight inch
cement casing. Seconded by Mr. Youmans.
Motion carried.

Mr. Youmans moved that the garbage
question be referred to the City Attorney as
to whether we can enforce contract
made with Robt Graves for hauling away
garbage. Seconded by Mr. Wyland. Motion carried.

Mr. Wyland moved that the meeting
adjourn. Seconded by Mr. Youmans. Motion carried.

Edward C. Davis
City Clerk

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Motion carried

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Clerk

Journal of the City Council of the
City of Burley, Idaho. Council office, Oct 11/19
Council convened in regular ses-
at 8 o'clock P. M. J. E. Miller, Mayor, in
the chair. Roll call showed the following
members present: Gammans, Budge, Edna
Higgins, Wyland, Teagans.

Reading and approving Journal.

The Journal of September 9th, 13th, 20th,
27th and October 4th, 1916, were read, and
the minutes of September 27th, 1916, corrected
by inserting Wyland's name in the
place of Mr. Teagans as chairman of the
building committee and also as chairman
of the committee appointed to report on
what arrangements can be made in
regard to buying fire truck. There being
no further corrections the Journal was
approved.

Allowance of Bills.

Mr. Budge moved that the bill of
Per & Stephenson for \$150. be laid over
for further consideration, and that other
bills read, which are as follows, be allowed
and warrants drawn therefor.

Seconded by Mr. Gammans, Motion carried

J. M. Rydalen	\$5.00	St. L. & B.
Montana Elec. Co	.40	E. L. & H.
Sangams Elec. Co.	144.60	E. L. & H.
Minicassia Auto Co	1.00	Police Dep
City Treasurer (Tough B. Co)	18	E. L. & H.
City Treas. (")	33.36	Waterworks
Gen Transfer	4.90	St. L. & B.
Burley Bulletin	9.75	St. L. & H.
R. J. Gregg	2.00	E. L. & H.
McClunne	4.00	Exp. - H. B. Co

Communications.

Mr. Edwards moved that the Electric contract for lamps with the Westinghouse Lamp Co. for another year be renewed and that the Mayor and City Clerk be and they are hereby authorized to sign the same. Seconded by Mr. Budge. Motion carried.

Committees.

The Waterworks committee reported on plans and specifications for the construction of City well, and

Mr. Budge moved that the plans and specifications be accepted and that the Mayor and City Clerk be and they are hereby authorized to sign the contract with Jordan and Son for the construction of the well. Seconded by Mr. Edwards. Motion carried.

Mr. C. A. Sunderlin, attorney Andrew Miller, was present and raised objection to letting the contract at this time with Jordan and Son on account of the insufficiency of the notice calling for bids on the same, which was considered by the Council, and

Mr. Budge moved that we reconsider the motion made authorizing the City Clerk and Mayor to sign contract with Jordan and Son. Seconded by Mr. Edwards. Motion carried.

Thereupon the question before the Council being upon the motion of

Mr. Budge to accept the plans and specifications on the well and authorize the Mayor and City Clerk to sign contract with Jordan and Son, which was voted upon and by the chair declared lost.

Thereupon Mr. Budge moved that the City Clerk be authorized to ask for further bids on the construction

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of the well according to the plans and
specifications that have been presented
and that the legal proceedings be
followed as outlined by our City attorney
Seconded by Mr. Youmans. Motion
carried unanimously.

Mr. Youmans moved that Mr. Jordan's
check be returned to him as requested by
Mr. Jordan. Seconded by Mr. Edwards.
Motion carried.

Mr. Youmans moved that the architect
be instructed to furnish us plans for a
\$15,000 building. Seconded by Mr. Edwards.
Roll call resulted: Ayes, Youmans, Edwards,
Budge, total three. Nays, Higgins, Oylund
and Leagans, total three. There being a
tie vote, the Mayor cast his vote against
said motion, declaring it lost.

Mr. Budge moved that these plans
be so arranged that they will fit in
the lot already purchased by the City
and that the building, grounds and
furniture and equipments exclusive
of the fire truck will not cost to exceed
\$29,000. Seconded by Mr. Edwards.
Motion carried.

Ordinance No. 144 By L. W. Leagans.

An ordinance granting to the Oregon
Short Line Railroad Company, and to
its successors and assigns the right
to construct, operate, and maintain
a standard gauge warehouse track
and spur track in that certain street
lying southerly and adjacent to the
main line right of way of the
Oregon Short Line Railroad company
at Burley, Cassia County, Idaho

Mr. Leagans moved that the rules
requiring the reading of ordinances
three several days be suspended

Journal of the City Council of the City of
Burley, Idaho Council Office Sept 4th, 1917

Council convened in regular session at 8 o'clock
P.M. W.W. Youmans, mayor in the chair. Roll call
showed the following members present: Terhune,
Snow, Long, Gudmundson, Galloghy, absent W. Glaser

Reading and approving Journal

The Journal of Aug. 6th, 8th, 10th and 20th, were
read and approved.

Mr. Andrew Miller appeared before the council
in regard the progress on the new well and filed
statement showing he had paid out for labor & material
\$1205.00, and asked that he be allowed \$400.00 to apply
on work already done.

Mr. Terhune moved that Mr. Miller be allowed
\$400. and that the clerk issue a warrant to him
for \$400. to apply on his contract. Seconded by Mr. Snow
Motion Carried

allowance of Bills

Mr. Terhune moved that the following bills be
read be allowed and warrants drawn therefor.
Seconded by Mr. Snow Motion carried

Andrew Muller	State Bond	400.00✓
M. J. Byrnes	E. L. & H.	2.00✓
E. H. Coe	Pub Parks	1.50✓
Samuel White	City Hall Bond	1360.00✓
Mt. States T. & T. Co.	E. L. & H.	2.00✓
"	Police Dept.	2.00✓
"	Genl	1.45✓
C. L. Barclay	Waterworks	60.00✓
City Treas	E. L. & H.	15.55✓
H. C. Canine	St. & B.	12.25✓
"	Public Parks	2.25✓
C. F. Gilman	St. & B.	14.00✓
"	Local Sprinkling Sys. No 16	280.00✓
C. M. Roferson	Waterworks	125.00✓
H. Jonasson	"	7.00✓
So. Idaho Adv.	E. L. & H.	52.00✓
M. R. Bennett	Fire Dept	5.00✓
Wm. Salmon	Main Sewers	12.00✓
"	St. & B.	41.00✓
A. C. Rymerson	Waterworks	100.00✓
Jos. Faure	Irrigation	90.00✓

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and C. Davis
Clerk

Journal of the City Council of the City of
Burley, Idaho, Council Office, Nov. 19, 1917
Council convened in regular session
at 8 o'clock P.M. W.W. Youmans, Mayor in the
Chair. Roll Call showed the following
members present: Terhune, Snow, Doug
Ludmiller, Gallogly.

Reading and approving Journal.
The Journal of November 5th, 1917 was
read and approved.

Allowance of bills

Mr Snow moved that the following bills
as read be allowed and warrants drawn
therefor. Seconded by Mr Terhune. Motion
carried.

H.A. Polker	Local Imp. D#17	625.65
Andrew Miller	Waterworks Bond	394.00
"	"	206.00
J.M. Rydallch	Waterworks	33.25
Lloyd Solomon	Ed & St	162.50
"	Waterworks	162.50
Dr. G.H. Cooper	Health Dept	40.00
Rance Alphin	Ed & St	47.25
Carroll Lynes	"	28.70
J.J. Gilman	St. & B.	54.00
Lewis Hill	"	22.75
Gen. States L Co.	Irrigation	5.05
C.B. Flynn	Water Dept	10.00
Frank Tanchilds	Ed & H	3.95
Jerome Kidd	Fire Dept	10.00
Lloyd Solomon	Ed & St	10.30
A.C. Trouts	Waterworks	101.30
Inter Mt. Elec Co	Ed & St	105.64
City Treas	Waterworks	8.42
"	Ed & St	87.41
City Transfer Co	"	16.25
"	Waterworks	.50
"	City Hall Bond	1.00
"	Police	.75
"	Fire Dept	12.50
Gen. Elec Co	Ed & H	542.96

Idaho Vulcanizing Co	Waterworks	13.05
"	CL & H	23.50
Mt. States T & T Co	"	2.00
"	Police	2.40
"	Gen'l	1.05
City Treas	"	.50
V. Guardiola	Meter Dep	5.00

Mr. Gudmunsen moved that we advertise for man & team to work by the month for the City on the streets. Seconded by Mr. Terhune. Motion carried.

Mr. Terhune moved that we allow Mr. Andrew Miller the sum of \$394 balance on contract for sinking well and the sum of \$216 on account of extra work on well. Seconded by Mr. Gudmunsen. Motion carried.

Mr. Snow, chairman of the water committee, reported that the excess water used at the L.D.S. Church in the month of August 1911 was due to accident and suggested that the excess charge be cancelled. Seconded by Mr. Gallogly. Motion carried.

The Mayor recommended that Orville Higley be appointed as councilman from the second ward to fill the vacancy caused by the resignation of Mr. D.L. Wyland.

Mr. Terhune moved that the recommendation of the Mayor recommending that Orville Higley be appointed councilman from the second ward be confirmed.

Seconded by Mr. Gallogly. Motion carried.

Mr. Gudmunsen moved that the City Electrician be authorized to sell some of the small transformers. Seconded by Mr. Long.

Mr. Long moved meeting adjourn. Seconded by Terhune. Motion carried.

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R.D. Burt
J.J. Lump
C. Roger
Delta Co
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Mrs. Mar
C.L. Barcl
J.L. Davis
N.L. Minn
Wm. Sal
Joe Tan
J.M. Rya
C.M. Rya

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

P.O. Box 1090 Burley, Idaho 83318 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No: (208)878-2224

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) 04/14/1905 - 1.23 cfs 08/23/1916 - 1.22 cfs
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>2.45 cfs</u>	Use <u>Municipal</u>	Period of Use From <u>01/01</u> to <u>12/31</u>
Quantity _____ cfs	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____

4. 2.45 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 20 Township 10S Range 23E B.M., Cassia 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 _____

Place of use is 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: _____

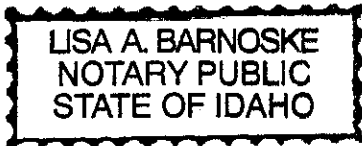
8. **Map** -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the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

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.

[Signature]
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 29 day of November 2004.



[Signature]
Notary Public
Residing at: Burley, Idaho
My commission expires: 7/08/10

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 _____