

CCPY

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: A45-04087
Date Received: 6/06/1989
Receipt No: S007579
Received By: CCC

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	28	SE	NE	NW		CASSIA

5. Description of diverting works:
WELL, PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.560		

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

8. Total consumptive use is 18.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	23E	28	NE	NW		IRR	6.0
Section Acres							6.0
Total Acres							6.0

A45-04087

Page 1

Date: 06/06/89

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MAR 10 1993

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A45-07114

14. Remarks:
CLAIM IS FOR IRRIG. OF PART OF THE BURLEY CEMETARY.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am City Attorney of

Title
City of Burley, that I have signed the foregoing
Organization
document in the space below as City Attorney of

Title
City of Burley and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

City Attorney - Burley
Title and Organization

6/6/89
Date

State of Idaho

County of Twin Falls)
) SS.

Subscribed and sworn (or affirmed) before me this 6th day

of June 19 89

Steve C. O. O.
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

04091

04098

11/33

A45-04085

04092

04099

04086

04093

07092

~~04087~~

04094

07114

04088

04095

07269

04089

04096

07436

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MAR 10 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

25-Jan-1993

R. KEITH HIGGINSON
Director

A45-04087
CITY OF BURLEY
P.O. BOX 1090
BURLEY

ID 83318

RE: Evidence of Priority

RESPONSE DEADLINE

APRIL 1, 1993

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will at a later date conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

Please find enclosed a computer printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by April 1, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 10 1993

05/27/2004

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

RIGHT NUMBER: 45-4087
NAME AND ADDRESS: CITY OF BURLEY
PO BOX 1090
2020 PARKE AVE
BURLEY ID 83318

VERIFIED BY KKC

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: ~~0.140 CFS~~
~~28.000 AFY~~
12
24

PRIORITY DATE: 06/01/1940

POINT OF DIVERSION:

T10S R23E S28 SWNWNE Within CASSIA County
T10S R23E S28 SENENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
~~0.140 CFS~~
~~28.00 AFY~~
12 CFS
24

PLACE OF USE: IRRIGATION Within CASSIA County

T10S R23E S28 NWNE 7.6 T10S R23E S28 NENW 7.4

15 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 6 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
45-4087 & 45-7114**



PLACE OF USE
TWP 10S, RNG 23E, SEC 28
Data entry on May 27, 2004

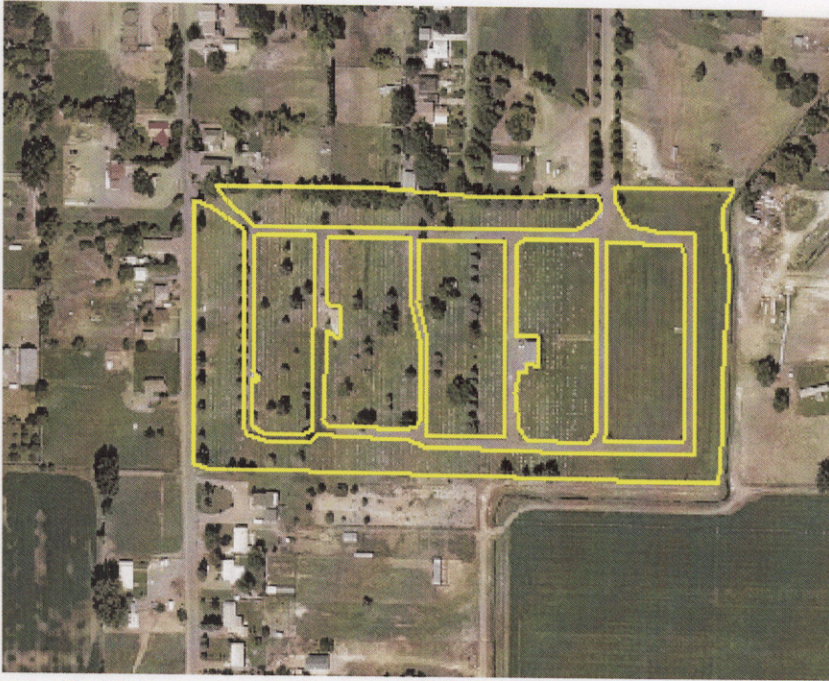
CASSIA CO

-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **TOWNSHIP LINES**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



45-4087 and 45-7114
Valley View Cemetery



Recommend Both P/Ds on each claim.
Recommend a PPU.
45--4087 - 6 ac (KOG)
- 7114 - 9 ac (KOG)

Log for claim A45-04087

Spatial Dynamics MWY

5/16/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s23e	28	NENW	6	40	POD placement? / Indiscernible
Totals:			6	40	

Found $\approx$ 15 ac when roads are removed.

$$\begin{array}{r} 4087 - 6 \text{ ac} \\ 7114 - 9 \text{ ac} \\ \hline 15 \text{ ac} \end{array}$$

Sound P/U
from one view

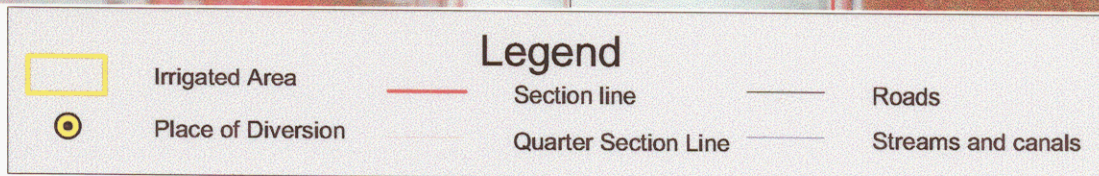
6. ac
* .02
0.12 CFS
Legal
limit

$$17 \times 4 = 28 \text{ AFD}$$



$$\begin{array}{r} 7.4 \\ 7.6 \\ \hline 15.0 \end{array}$$

Township , 10S23E



RECEIVED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 15 1964

JAN 23 1999

CLAIM TO A WATER RIGHT

Department of Southern Displacement

Department of Justice
Southern District Office

Departamento:

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that CITY OF BURLEY
(Name of Claimant)

P.O. Box 1090 BURLEY, IDAHO 83318 Telephone No. 678-2250
(Mailing Address) (Zip Code)

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

- (1) Date of priority: (When was the water first applied to a beneficial use) 1940
- A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>56 cfs</u>	Use	<u>IRRIGATION</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) .56 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)
- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NW 1/4, Sec. 28 Twp. 10S Rge. 23E B.M., County of CASSIA
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. WELL, PUMP, AND PIPELINE WITH 15 HP MOTOR ON PUMP AND A CAPACITY OF 250 gpm
MAIN LINES ARE 6" AND 8". LATERAL LINES ARE 2" WITH 1" RISERS. ALL LINES ARE
UNDERGROUND.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 6

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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

- (7) If you are claiming water as a member of an organization, list name of organization: CITY OF BURLEY

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CITY OF BURLEY P.O. BOX 1090 BURLEY ID 83318 (208) 678-2224		IRRIGATION	04-01 11-01	0.56 CFS	
TOTAL DIVERSION:					0.56 CFS	
CONSUMPTIVE USE:						18.0 AFA

Water Source: GROUNDWATER Tributary to: Stage: STATUTORY CLAIM

Points(s) of Diversion: T10S R23E S28 SENENW CASSIA County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	NE NW NW NW NW NW NW NW	SE NW NW NW NW NW NW NW NW	NE NW NW NW NW NW NW NW NW	SE NW NW NW NW NW NW NW NW	
10S 23E 28 :	06				6.0
TOTAL ACRES					6.0

POU County: CASSIA

Other Rights: A45-07114

Remarks: CLAIM IS FOR IRRIG. OF PART OF THE BURLEY CEMETARY.

Dates: Exam Made Date: Verified Date: 01/28/1986

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

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FEB 04 1993

Department of Water Resources
Southern Region Office

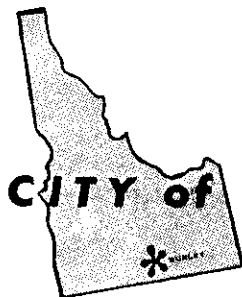
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OCT 27 1994

COL. NCILMEN

DAVID GIBBONS
CLAY HANDY
LAVEN JACKSON
LEONARD KING
WENDELL McMURRAY
DERLE TAYLOR

FRANK BAUMAN, MAYOR

E.E. "BUD" BRINEGAR, CITY CLERK



OFFICE OF

Jesse D. Mabry

PHONES

CITY CLERK'S OFFICE 678-2224

MAYOR'S OFFICE 678-1445

AREA CODE 208

HUB OF IDAHO'S INDUSTRY
BURLEY, IDAHO 83318

February 1, 1993

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

Dear Sir,

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

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

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

Sincerely,

Jesse D. Mabry

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

JDM:mm

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OCT 27 1994

6-10-11
well #1

Record of City Wells

Name and No. of Well	Cemetery Well
Well location	City Cemetery
Drilled by	H. A. Schoonover
Date drilled	1938
Use of well	Irrigation
Depth below ground	105'
Depth to water level	
Draw down	
Diameter of well	
Size of casing	12"
Capacity of well	

Motor:

Make of motor	
Date manufactured	
date installed	
Serial No.	213798
Voltage	220
Amperes	40-20
Current phase	3
R.P.M.	1800-1500
H.P.	15
Frame	887
Cycles	60
Style of type	
OC Rise	

Pump:

Make of pump	Peerless Pump
Serial No.	
Date manufactured	
Date installed	
Rated capacity	
Pumping head	
Make of bowles	
No. of bowles	
Size of bowles	
Depth of bowl setting	
Pump column	8"

Lubrication

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

A-45-04087

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