

RECEIVED

MAY 25 2005

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
Department of Water Resources
Southern Region
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 1-214B
Date Received: 11/29/1988
Receipt No: 5027702
Received By: DJ

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BURLEY IRRIGATION DIST Phone: (208)678-2511
246 E 100 S
BURLEY ID USA 83318

2. Date of Priority: 08/06/1908

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot				County	Type
10S	22E	19	NW	SE	SE	01	CASSIA	CAREY
09S	25E	1	SW	SE	SW		CASSIA	DAM
10S	22E	22		NE	NW	03	CASSIA	COORS
10S	22E	30	SW	SE	SE	01	CASSIA	HERBERT
10S	23E	21		NE	NE	02	CASSIA	BURLEY AIRPORT
10S	23E	22		NW	SW	02	CASSIA	BURLEY GOLF COURSE
10S	22E	21		NW	NW	04	CASSIA	ANDERSON (SIMPLOT)
10S	22E	21		NW	NE	02	CASSIA	ANDERSON (SIMPLOT)
10S	23E	19		NW	NE	02	CASSIA	PEVEY

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
04/01 10/31 380

(or) A.F.A

7. Total Quantity Appropriated is:
380 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

This claim is for 47,818 acres within the boundary of the Burley Irrigation District.

11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

See remarks for additional conditions of approval.

P/U WITHIN BURLEY IRRIG. DISTRICT. TRANS. 3246. A TOTALIZING METER OF A TYPE APPROVED BY THE DEPT. SHALL BE PERMANENTLY INSTALLED ON THE DIVERSION PTS. USING PUMPS TO DIVERT WATER. THE STATE OF IDAHO SEPARATED A FOSTER DECREE CLAIM WHEN THEY WERE ASKED TO ADD A POINT OF DIVERSION FOR INDIVIDUAL WATER USER.

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

5-25-2005, DJ: CLAIM AMENDED TO RECORD INCREASE IN ACRES AND POINTS OF DIVERSION.

15. Basis of Claim: Decreed

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: _____

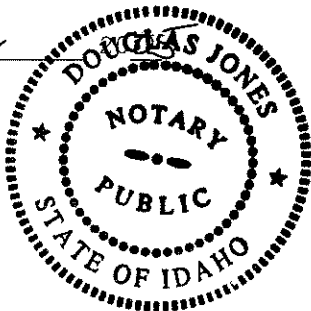
For Organizations:

I do solemnly swear or affirm that I am Manager of
Burly Brigation District Title
Organization that I have signed the foregoing
document in the space below as Manager of
Burly Brigation District Title
Organization and that the statements contained in the
foregoing document are true and correct. Daniel E. Bingham
Signature of Authorized Agent
Manager Burly Brigation District
Title and Organization
May 25, 2005
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this

of May



25
Douglas Jones
Notary Public

Residing at Buhl ID

My commission Expires 8/8/2007

04/15/2005

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

RIGHT NUMBER: 1-214B

NAME AND ADDRESS: BURLEY IRRIGATION DIST
246 E 100 S
BURLEY ID 83318

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 380.000 CFS

PRIORITY DATE: 08/06/1908

POINT OF DIVERSION:

T09S R25E S1 SWSESW Within CASSIA County
T10S R22E S19 NWSESE Lot 1 Within CASSIA County
T10S R22E S22 NESENW Within CASSIA County
T10S R24E S30 SWSESE Lot 1 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	380.000 CFS

PLACE OF USE:

47342.3 ACRES TOTAL

Place of use is within the boundary of Burley Irrigation District pursuant to Section 43-323, Idaho Code.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Use of the rights listed below is limited to the irrigation of a combined total of 47,342.3 acres in a single irrigation season. Combined Right Nos.: 1-7, 1-211B, and 1-214B.

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: BASIS OF CLAIM - Decreed

Water is delivered through Minidoka South Side Canal.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-214B

WATER RIGHT NUMBER: 1-214B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BURLEY IRRIGATION DIST 246 E 100 S BURLEY, ID 83318 (208)678-2511
Original Owner	US DEPT OF INTERIOR , ID

Priority Date: 08/06/1908

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	380.000 CFS	
	<u>Total Diversion:</u>		380.000 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	NW1/4SE1/4SE1/4	Sec. 19, Twp 10S, Rge 22E, B.M.
MINIDOKA County		
SNAKE RIVER	SW1/4SE1/4SW1/4	Sec. 1, Twp 09S, Rge 25E, B.M.
MINIDOKA County		
SNAKE RIVER	NE1/4SE1/4NW1/4	Sec. 22, Twp 10S, Rge 22E, B.M.
MINIDOKA County		
SNAKE RIVER	L1 (SW1/4SE1/4SE1/4)	Sec. 30, Twp 10S, Rge 24E, B.M.
MINIDOKA County		

Place of UseConditions of Approval:

1. 016 See remarks for additional conditions of approval.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-214B

1. General P/U WITHIN BURLEY IRRIG. DISTRICT.
TRANS. 3511.
A MEASURING DEVICE & LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE
TO THE DEPT. SHALL BE PERMANENTLY INSTALLED & MAINTAINED AS PART OF THE
DIVERTING WORKS. THE BURLEY IRRIGATION DISTRICT SHALL COLLECT & PROVIDE
AVERAGE DAILY DIVERSION RATES FOR THE HERBERT PUMP TO THE WATER
DISTRICT 01 WATERMASTER.

Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 6/13/1913
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 01
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Charles N Foster
Decree Plaintiff: Twin Falls Canal Co
Civil Case Number:
Judicial District: Fourth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-214B

WATER RIGHT NUMBER: 1-214B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BURLEY IRRIGATION DIST 246 E 100 S BURLEY, ID 83318 (208)678-2511

Priority Date: 08/06/1908

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	380.000 CFS	
	<u>Total Diversion:</u>	380.000 CFS	

Location of Point(s) of Diversion

SNAKE RIVER MINIDOKA County	SE1/4NW1/4	Sec. 22, Twp 10S, Rge 22E, B.M.
SNAKE RIVER CASSIA County	SE1/4SE1/4	Sec. 19, Twp 10S, Rge 22E, B.M.
SNAKE RIVER CASSIA County	SE1/4SW1/4	Sec. 1, Twp 09S, Rge 25E, B.M.
SNAKE RIVER CASSIA County	SW1/4SW1/4	Sec. 19, Twp 10S, Rge 22E, B.M.
SNAKE RIVER CASSIA County	SE1/4NE1/4	Sec. 22, Twp 10S, Rge 22E, B.M.
SNAKE RIVER CASSIA County	NW1/4SW1/4	Sec. 23, Twp 10S, Rge 22E, B.M.
SNAKE RIVER CASSIA County	NE1/4NE1/4	Sec. 19, Twp 10S, Rge 23E, B.M.
SNAKE RIVER CASSIA County	NE1/4NE1/4	Sec. 21, Twp 10S, Rge 23E, B.M.
SNAKE RIVER CASSIA County	SW1/4SW1/4	Sec. 22, Twp 10S, Rge 23E, B.M.
SNAKE RIVER CASSIA County	SE1/4SE1/4	Sec. 30, Twp 10S, Rge 24E, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 1-214B

Place of Use

Conditions of Approval:

1. 016 See remarks for additional conditions of approval.
2. 01E A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Remarks:

1. General P/U WITHIN BURLEY IRRIG. DISTRICT. TRANS. 3246. A TOTALIZING METER OF A TYPE APPROVED BY THE DEPT. SHALL BE PERMANENTLY INSTALLED ON THE DIVERSION PTS. USING PUMPS TO DIVERT WATER. THE STATE OF IDAHO SEPARATED A FOSTER DECREE CLAIM WHEN THEY WERE ASKED TO ADD A POINT OF DIVERSION FOR INDIVIDUAL WATER USER. THE ENTIRE AMOUNT WAS CLAIMED UNDER RIGHT 01-00214A AS ORIGINALLY DECREED BY THE FOSTER DECREE. THIS CLAIM (01-00214B) WAS NOT FILED.

Comments: Change of ownership data entry finished on 4/11/05 EMC

RECEIVED

MAY 30 2000

Department of Water Resources
Southern Region

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): A01-00211
Adjudication Claim No(s): 01-00211, 01-00214
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**. (SEE general description of area in Exhibit 2.)
3. Name and Address of Former Owner/Claimant United States of America, Bureau of Reclamation
Box 043 - 550 W. Fort Street
Boise, ID 83724
4. New Owner/Claimant(s) Burley Irrigation District
New Mailing Address Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
246 E. 100 S.
City, State and ZIP Code Burley, ID 83318
New Telephone Number (208) 678-2511
5. Date you acquired the property February 24, 2000
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right 48,000 Number and type of stock incidental
 Diversion rate in CFS 1200* Number of homes you acquired _____ Other uses _____
7. Signature of New Owner(s) or Claimant(s) Cecil F. Blauer, President
Linda M. Luch, Secretary
Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

* This diversion rate and the diversion rate retained by the United States shall not exceed 1,726 cfs. If demand exceeds 1,726 cfs, water under the rights will be prorated as provided in the Deed.

Please return a certified copy
of recorded document to:
U.S. Bureau of Reclamation
1359 Hansen Avenue
Burley, ID 83318

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Minidoka Project, Idaho

QUITCLAIM DEED

THE UNITED STATES OF AMERICA, hereinafter **GRANTOR**, acting by and through the Bureau of Reclamation, Department of the Interior, pursuant to the provisions of the Minidoka Project Act of November 3, 1998 (Public Law 105-351, 112 Stat. 3219), and for good and valuable consideration as detailed in said Act, does hereby **REMISE, RELEASE, AND FOREVER QUITCLAIM** to **BURLEY IRRIGATION DISTRICT**, an irrigation district duly organized under the laws of the State of Idaho, of 246 East, 100 South, Burley, Idaho 83318, hereinafter **GRANTEE**, all of its right, title and interest, without warranties, in and to those portions of the natural flow, waste, seepage, return flow, and groundwater rights held in the name of the **GRANTOR** for the benefit of the Minidoka Project or specifically for the **GRANTEE**, situated in the County of Cassia, State of Idaho, to wit:

1. Water Right No. A01-00211

This natural flow water right held by The United States has a priority date of March 26, 1903 for the diversion of 1,726 cubic feet per second (cfs) from the Snake River for the irrigation of lands within the Minidoka Project, under the canals of the Minidoka Project in Minidoka and Cassia Counties, Idaho.¹ The United States conveys a portion of this right (hereafter A01-00211B) to Burley Irrigation District (hereafter Burley) and retains a portion of the right (hereafter A01-00211A) for Minidoka Irrigation District (hereafter Minidoka) to be used as provided by contract with The United States.

- a. The water right conveyed to Burley, Right No. A01-00211B, is defined with the following elements:

Source is the Snake River.

Priority Date is March 26, 1903.

¹ This natural flow water right was established by decree of the Fourth Judicial District of Idaho on June 20, 1913 in the case of Twin Falls Canal Co. v. Charles N. Foster as Right No. 3 of The United States at p. 31.

Quantity is for the diversion of a maximum of 1,200 cfs from the Snake River. In the event Burley and the Secretary of the Interior on behalf of Minidoka do not agree on a distribution of water that the districts are collectively entitled to under rights A01-00211B and A01-00211A, for whatsoever reason, the water will be divided proportionately with Burley entitled to the delivery of water equivalent to thirty-eight percent (38%) and Minidoka entitled to the delivery of sixty-two percent (62%) of the total water available under said rights up to a maximum of 1,726 cfs.²

Season of Use is a period each year beginning April 1 and ending October 31 of that year.

Nature of Use is for irrigation.

Place of Use is 48,000 acres within the boundary of Burley.

Points of Diversion are

Township 9 South, Range 25 East of the Boise Meridian, Cassia County, Idaho

Section 1: SWSESW

Township 10 South, Range 22 East of the Boise Meridian, Cassia County, Idaho

Section 19: SWSW, SESE

Section 22: SENE

Section 23: NWSW

Township 10 South, Range 23 East of the Boise Meridian, Cassia County, Idaho

Section 19: NENE

Section 21: NENE

Section 22: SWSW

Township 10 South, Range 24 East of the Boise Meridian, Cassia County, Idaho

Section 30: SESE

- b. The right retained by The United States for the benefit of Minidoka, A01-00211A, pursuant to contract 14-06-100-1833 shall be defined with the following elements:

Source is the Snake River.

Priority Date is March 26, 1903.

Quantity is for the diversion of water under both this right held by The United States for Minidoka and Right No. A01-00211B held by Burley and shall not exceed 1,726 cfs. In the event Burley and the Secretary of the Interior on behalf of Minidoka do not agree on a distribution of water that the districts are collectively entitled to under rights A01-00211A and A01-00211B, for whatsoever reason, the water will be divided proportionately with Burley entitled to the delivery of water equivalent to thirty-eight

² This percentage division of water rights is in accordance with the Repayment Contract between The United States and Burley, No. 14-06-100-2455, dated June 6, 1962.

percent (38%) and Minidoka entitled to the delivery of sixty-two percent (62%) of the total water available under said rights up to a maximum of 1,726 cfs.³

Season of Use is a period each year beginning April 1 and ending October 31 of that year.

Nature of Use is for irrigation of acreage as provided by contract with The United States.

Place of Use is within the boundary of Minidoka for acres as provided by contract with The United States.

Points of Diversion are

Township 9 South, Range 25 East of the Boise Meridian, Minidoka County, Idaho

Section 1: SESENW Lot 7, SWSESW

Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho

Section 26: SENW, lots 5 and 6

2. Water Right No. A01-00214.

This natural flow water right held by The United States has a priority date of August 6, 1908, for the diversion of 1,000 cfs from the Snake River for the irrigation of lands within the Minidoka Project.⁴ The United States conveys a portion of this right to Burley (hereafter A01-00214B) and retains a portion of the right for Minidoka (hereafter A01-00214A).

- a. The water right to be conveyed to Burley, A01-00214B, shall be defined with the following elements:

Source is the Snake River.

Priority Date is August 6, 1908.

Quantity is for the diversion of a maximum of 544 cfs from the Snake River. In the event Burley and the Secretary of the Interior on behalf of Minidoka do not agree on a distribution of water that the districts are collectively entitled to under rights A01-00214B and A01-00214A, for whatsoever reason, the water will be divided proportionately with Burley entitled to the delivery of water equivalent to thirty-eight percent (38%) and Minidoka entitled to the delivery of sixty-two percent (62%) of the total water available under said rights up to a maximum of 1,000 cfs.⁵

³ This percentage division of water rights is in accordance with the Repayment Contract between The United States and Minidoka, No. 14-06-100-1833, dated February 2, 1960.

⁴ This natural flow water right was established by decree of the Fourth Judicial District of Idaho on June 20, 1913 in the case of Twin Falls Canal Co. v. Charles N. Foster as Right No. 6 of The United States at p. 32.

⁵ This percentage division of water rights is in accordance with the Repayment Contract between The United States and Burley, No. 14-06-100-2455, dated June 6, 1962.

Season of Use is only from a period each year beginning April 1 and ending October 31 of that year.

Nature of Use is for irrigation.

Place of Use is 48,000 acres within the boundary of Burley.

Points of Diversion are

Township 9 South, Range 25 East of the Boise Meridian, Cassia County, Idaho

Section 1: SWSESW

Township 10 South, Range 22 East of the Boise Meridian, Cassia County, Idaho

Section 19: SWSW, SESE

Section 22: SENE

Section 23: NWSW

Township 10 South, Range 23 East of the Boise Meridian, Cassia County, Idaho

Section 19: NENE

Section 21: NENE

Section 22: SWSW

Township 10 South, Range 24 East of the Boise Meridian, Cassia County, Idaho

Section 30: SESE

- b. The right retained by The United States for the benefit of Minidoka, A01-00214A, pursuant to contract 14-06-100-1833 shall be defined as follows:

Source is the Snake River.

Priority Date is August 6, 1908.

Quantity is for the diversion of water under both this right held by The United States for Minidoka and Right No. A01-00214B held by Burley shall not exceed 1,000 cfs. In the event Burley and the Secretary of the Interior on behalf of Minidoka do not agree on a distribution of water that the districts are collectively entitled to under rights A01-00214A and A01-00214B, for whatsoever reason, the water will be divided proportionately with Burley entitled to the delivery of water equivalent to thirty-eight percent (38%) and Minidoka entitled to the delivery of sixty-two percent (62%) of the total water available under said rights up to a maximum of 1,000 cfs.⁶

Season of Use is from a period each year beginning April 1 and ending October 31 of that year.

Nature of Use is for irrigation of acreage as provided by contract with The United States.

⁶ This percentage division of water rights is in accordance with the Repayment Contract between The United States and Minidoka, No. 14-06-100-1833, dated February 2, 1960.

Place of Use is within the boundary of Minidoka as provided by contract with The United States.

Points of Diversion are

Township 9 South, Range 25 East of the Boise Meridian, Minidoka County, Idaho

Section 1: SESENW Lot 7, SWSESW

Township 10 South, Range 23 East of the Boise Meridian, Minidoka County, Idaho

Section 26: SENW, lots 5 and 6

3. Water Right No. A45-00512

This is a natural flow water right held by The United States with a priority date of April 9, 1909, for the diversion of 150 cfs from Marsh Creek for the irrigation of land of the Minidoka Project within Burley.⁷

- a. Right No. A45-00512 is conveyed to Burley subject to the following elements:

Source is from Marsh Creek, a tributary of the Snake River.

Priority Date is March 26, 1903.

Amount is for the diversion of 150 cfs.

Season of Use is a period each year beginning April 1 and ending October 31 of that year.

Nature of Use is for irrigation.

Place of Use is 48,000 acres within the boundary of Burley.

Points of Diversion are

Township 10 South, Range 24 East of the Boise Meridian, Cassia County, Idaho

Section 27: SENE, SESE

Section 28: NWSE

Section 36: SENE, SWNW

Township 10 South, Range 25 East of the Boise Meridian, Cassia County, Idaho

Section 30: SESE, SWSE

4. Foster Decree Return Flows

⁷ This natural flow water right was established by decree of the Fourth Judicial District of Idaho on June 20, 1913 in the case of Twin Falls Canal Co. v. Charles N. Foster as Right No. 8 of The United States at p. 33.

a. Allocation of Foster Decreed Return Flows Credits

In reliance upon the Foster Decree (Twin Falls Canal Company v. Charles N. Foster, et al., in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, dated June 20, 1913), The United States claims a credit against the use of stored water for increased flows in the Snake River attributable to the operation of the Gravity Division and the Southside Pumping Division of the Minidoka Project as determined by the State Engineer of the State of Idaho (Director, Idaho Department of Water Resources), or his duly authorized agent.⁸

The United States conveys that portion of the right arising from the operation of the Southside Division (approximately thirty-eight percent [38%]) to Burley. The use and accounting of the return flow shall continue in a manner that will not injure the rights of the Minidoka Project or its water users. Current practice for the division of the right considers the proportionate diversions of Burley and Minidoka after ad hoc agreements on the monthly division of waste and losses from the Minidoka Southside Canal. If Burley and Minidoka fail to agree on the division of waste and loss or on the procedure to be used, thirty-eight percent (38%) of the credit will accrue to Burley, and sixty-two percent (62%) to Minidoka.

5. Domestic & Stock Groundwater Rights

a. Water Right No. A45-10389

This Snake River Basin Adjudication (SRBA) partial decreed water right has a priority date of June 19, 1909, for the diversion of 0.12 cfs of ground water for domestic purposes. The United States conveys the entire right to Burley.

b. Water Right No. A45-10391

This SRBA partial decreed water right has a priority date of June 19, 1909, for the diversion of 0.08 cfs of ground water for domestic purposes. The United States conveys the entire right to Burley.

6. Snake River Basin Adjudication Claims (SRBA)

a. Domestic Water Right Claim No. A45-10390

The United States filed for a statutory beneficial use claim in the SRBA. It has a priority date of June 19, 1909, for the diversion of 0.24 cfs of ground water for domestic purposes. The United States conveys its claim to water right, No. A45-

⁸ Decree of the Fourth Judicial District of Idaho on June 20, 1913 in the case of Twin Falls Canal Co. v. Charles N. Foster at p. 34.

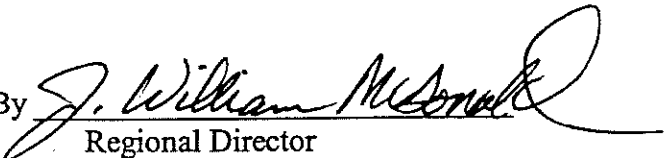
10390, to Burley. However, Burley shall then be responsible for its ultimate confirmation as a water right in the SRBA proceedings.

b. Groundwater Water Right Claim No. A01-04047

- (1) The United States has filed for a groundwater recharge storage claim in the SRBA. It has a priority date of June 19, 1909, and is for the diversion of groundwater and Snake River surface water for the purpose of recharging and storage of groundwater. Because this water right is still necessary to sustain pumping flows for the B Unit of the Northside Pumping Division of the Minidoka Project and any change in ownership could injure project operations, The United States shall retain this right if decreed in the SRBA for the benefit of Minidoka Project Operations, except as provided by the following section.
- (2) The United States conveys to Burley its interest in water withdrawn from wells or captured by drains within Burley's boundaries that are used for either the purpose of improving or preserving the utility of land by draining them or for the purpose of recovering groundwater resulting from irrigation by Burley for further irrigation use on or drainage of lands to which the water rights of Burley are appurtenant.

IN WITNESS WHEREOF, the GRANTOR, through its duly appointed officer, has executed this Deed the 24th day of February, 2000.

UNITED STATES OF AMERICA
Grantor

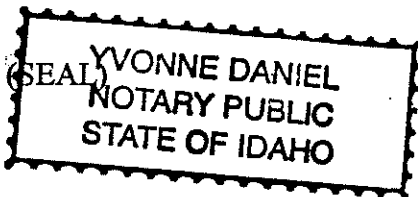
By 
Regional Director
Department of the Interior
Bureau of Reclamation
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

ACKNOWLEDGMENT OF THE UNITED STATES

STATE OF IDAHO)
)§
County of Ada)

On this 24th day of February, 2000, personally appeared before me J. William McDonald
known to me to be the official of the UNITED STATES OF AMERICA, that executed the
within and foregoing instrument and acknowledged said instrument to be the free and voluntary
act and deed of the United States, for the uses and purposes therein mentioned, and on oath stated
that he was authorized to execute said instrument.

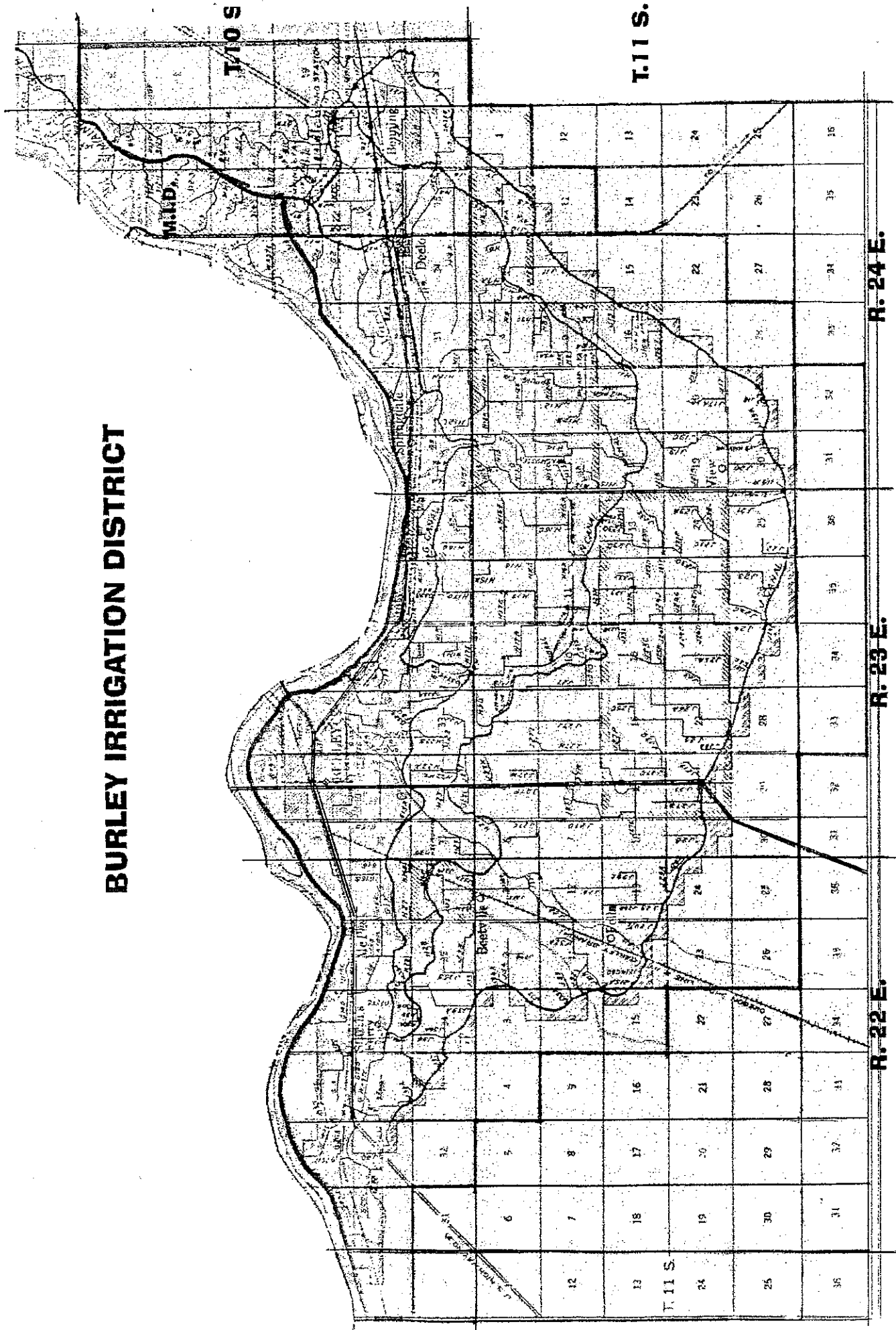
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day
and year first above written.



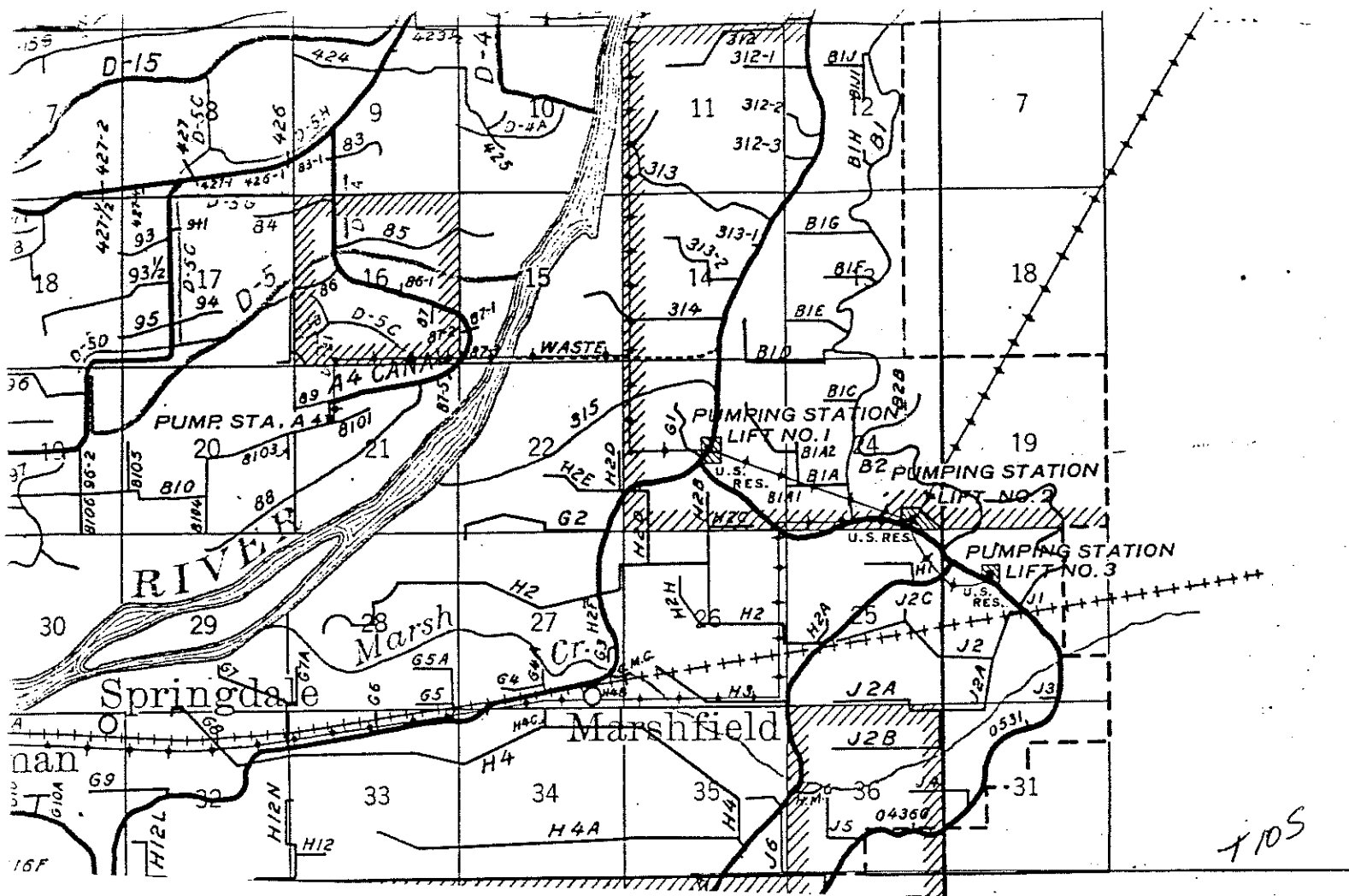
Yvonne Daniel
Notary Public in and for the
State of Idaho
Residing at Burley, Id.
My commission expires: 9-21-2004

267642
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEB 28 2000 DEPUTY DM
'00 FEB 28 PM 3 39
RECORDED AT THE REQUEST OF
B. J. D.

BURLEY IRRIGATION DISTRICT



GENERAL DESCRIPTION OF AREA UNDER BURLEY IRRIGATION DISTRICT DISTRIBUTION SYSTEM
 PURSUANT TO I.C. §42-219 AND I.C. §42-1411(2)(h)
EXHIBIT 2



R 24 E.B.M. R 25 E.B.M.

**BOARD OF DIRECTORS AND OFFICERS
OF
BURLEY IRRIGATION DISTRICT**

Cecil Blauer	President and Member of Board of Directors
Gayle Richins	Vice President and Member of Board of Directors
Harley Heward	Member of Board of Directors
Dan Darrington	Member of Board of Directors
Leonard Beck	Member of Board of Directors
Linda Leach	Secretary/Treasurer

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
~~BRENT G. TINGBY~~

LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

May 26, 2000

RECEIVED

MAY 30 2000

Department of Water Resources
Southern Region

Allen D. Merritt, P.E.
Southern Region Manager
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Notice of Change of Water Right Ownership

Dear Allen:

I have enclosed five (5) duly executed Notices of Change of Water Right Ownership. The Notice of Change of Water Right Ownership for Water Right Nos. 01-00211 and 01-00214 is a split of water rights held by the United States. Water Right No. 45-00512 is a water right that is completely transferred to Burley Irrigation District. The claim to Water Right No. 01-04047 is the entire claim being transferred to Burley Irrigation District, and the three domestic water rights are being transferred completely to Burley Irrigation District, as the land where these water rights are used has also been transferred to Burley Irrigation District, as shown by the Deed attached to the Notice of Change. If you have any questions in regard to these transfers, please feel free to contact this office.

Very truly yours,



Roger D. Ling

RDL:jb

encs

pc: Burley Irrigation District

RECEIVED

MAY 30 2000

Department of Water Resources
Southern Region

Owner's Name: Burley Irrigation District

Attorney: Roger D. Ling
LING, NIELSEN & ROBINSON
615 H. Street, P.O. Box 396
Rupert, Idaho 83350
ISB No. 1018IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase No. 01-00211

Case No. 39576

NOTICE OF APPEARANCE

DESCRIPTIVE SUMMARY

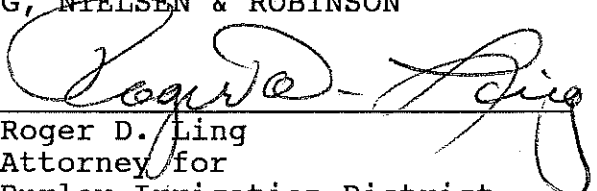
This document is a Notice of Appearance by Roger D. Ling of the firm of Ling, Nielsen & Robinson on behalf of Burley Irrigation District.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE, that Roger D. Ling of the firm of Ling, Nielsen & Robinson hereby enters an appearance of the firm as the attorneys of record in the subcase listed above for Burley Irrigation District.

DATED this 18th day of May, 2000.

LING, NIELSEN & ROBINSON

By: Roger D. Ling
Attorney for
Burley Irrigation DistrictNOTICE OF APPEARANCE