

08/02/2006

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

RIGHT NUMBER: 1-35P

NAME AND ADDRESS: BURGESS CANAL & IRRIGATING CO
C/O CHRIS BOLTER SEC
PO BOX 536
RIGBY ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
Water is delivered from the Dry Bed at the main canal heading located at T4N R40E S20 SESESW.

QUANTITY: 1.167 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION:

T03N R37E S13 NWSESW Within BONNEVILLE County
T04N R37E S23 SWSESW Lot 2 Within JEFFERSON County
T04N R37E S23 SESESW Lot 4 Within JEFFERSON County
T04N R37E S36 NWNWNW Lot 1 Within JEFFERSON County
T04N R37E S36 NESWNW Lot 2 Within JEFFERSON County
T04N R37E S36 NWSESW Within JEFFERSON County
T04N R40E S20 SESESW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.167 CFS

PLACE OF USE:

20701 ACRES TOTAL

Place of use is within the area served by Burgess Canal & Irrigating Company.

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.

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

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Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Water is delivered through Burgess Canal, Carlson north pump, Carlson south pump, Offutt pump, Hansen pump, Butikofer pump, and Idaho Canal. Water diverted into the Idaho Canal is rediverted at the Cenell pump, the Yorgenson (Gray) pump, and the Mackay pump.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.