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AUG 21 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 20 2008

By _____ Clerk
Deputy Clerk

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

Subcase: 45-14083

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On March 3, 2008, the City of Burley, by and through counsel, R. C. Stone, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on August 19, 2008. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated August 20, 2008.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

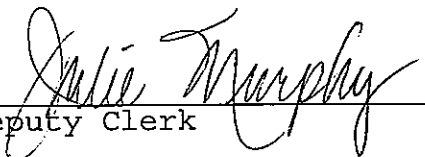
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTION TO FILE LATE NOTICE OF CLAIM was mailed on August 20,
2008, with sufficient first-class postage to the following:

THE CITY OF BURLEY

Represented by:
RANDOLPH CALVIN STONE
PO BOX 910
BURLEY, ID 83318
Phone: 208-878-8382

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the "Deputy Clerk" text.

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 45-14083
Date Received: DISTRICT COURT SRBA
Receipt No: Fifth Judicial District
Received By: County of Twin Falls - State of Idaho

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

MAR - 3 2008
By [Signature] Clerk
Deputy Clerk

Please type or print clearly

1. Name of Claimant (s) City of Burley Phone (208) 878-2103

Mailing Address P.O. Box 1090 Burley Idaho ZIP 83318
Street or Box City State

2. Date of Priority (Only one (1) per claim) 3/31/1939
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (X) or Other () (a) _____
which is tributary to (b) _____

4. a. Location of Point of Diversion is: Township _____, Range _____, Section _____,
_____, 1/4 of _____, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of _____

Additional points of diversion if any: see attached

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of

_____, 1/4 Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. wells, pumps, pipeline

Last Name Burley Ident. No. 45-14083

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For municipal purposes from 1/01 to 12/31 amount 1.34 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.34 cfs (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) municipal

9. Description of place of use: Within the service area of the City of Burley municipal water
a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below. supply system as provided
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) for under Idaho law. in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres irrigated _____

10. In which county (ies) are lands listed above as place of use located? Cassia and Minidoka

11. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

see attached or None ()

13. Remarks: Please note that the gradient of the Burley water system does not allow water from the Minidoka County well to move water to Cassia County.

Last Name Burley Ident No. 45-14083

14. Basis of Claim (Check One) Beneficial Use X Posted Notice _____ License _____ Permit _____ Decree _____

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Mayor of the City of Burley

Title

Organization

that I have signed the foregoing document in the space below as

Mayor

of

the City of Burley

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Date 9-20-07

Title and Organization Mayor, City of Burley

Please Print Name

16. Notice of Appearance:

Notice is hereby given that I, R.C. Stone, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address P.O. Box 910, Burley, Idaho 83318

Date 9/28/08

Last Name Burley Ident No. 45-14083

Attachment to (Amended) Notice of Claim

4. Additional Points of Diversion

City of Burley 2007 Newly Assigned Point of Diversion Number		IDWR Site Metal Tag Number	Previously Known as Well Number (If Any)	Reference Name	Address	Point of Diversion Location				
						Township	Range	Section	County	Section Breakdown
1		E0007518	IRR-12	Pumphouse #12 - 100 HP (Old Culinary Well #1)	16th and Albion/Normal (Water Dept)	10S	23E	20	Cassia	SW SW SE
2		E0007520	2	Culinary Well #2	14th and Albion	10S	23E	20	Cassia	NW SW SE
3		E0007519	3	Culinary Well #3	19th and Park (Service Center)	10S	23E	30	Cassia	NE SE NE
5		E0007521	5	Culinary Well #5	Around 33rd, West of Hiland	10S	23E	32	Cassia	SW SE NE
6		E0007527	6	Culinary Well #6	Around 31st and Hiland	10S	23E	33	Cassia	SW NW
7			7	Culinary Well #7	Around 11th and Hiland	10S	23E	21	Cassia	NW NW SW
8		A0002618	IRR-1	Pumphouse #1 (15 HP)	16th and Albion/Normal (Water Dept)	10S	23E	20	Cassia	SW SW SE
9		A0002617	IRR-2	Hogan (Old Culinary Well #2)	16th and Hansen/Normal	10S	23E	20	Cassia	SE SW SE
10		A0002613	IRR-3	Almo	19th and Almo	10S	23E	29	Cassia	NE SW NE
11		A0002614	IRR-4	Carlson	19th and Occidental	10S	23E	29	Cassia	SW NW NW
12		A0002616	IRR-5	Keller	16th/17th and Burton/Conant	10S	23E	29	Cassia	NW NE NW
13		A0007810	IRR-6	Drake	11th and Occidental/Park	10S	23E	20	Cassia	NW NW SW
14		A0007809	IRR-7	Larson	8th and Burton/Schodde	10S	23E	20	Cassia	SW NW
15		A0007808	IRR-8	North Park	9th/10th and Oakley/Miller	10S	23E	20	Cassia	SE SE NW
16		A0007806	IRR-15	Pleasant View Cemetery - West of Building	Irrigation #15 and Culinary #16	10S	23E	28	Cassia	SE NE NW
17		A0007807	IRR-9	Snow	9th and Normal	10S	23E	20	Cassia	SW NE
18		A0002619	IRR-10	Fairgrounds	10th and Eiba (NW corner of fairgrounds)	10S	23E	20	Cassia	SW SE NE
19		A0002615	IRR-11	Salmon Park	18th/19th and Park	10S	23E	30	Cassia	NW SE NE
20		A0007804	IRR-13	Golf Course (South of Road)	Golf Course (South of Road)	10S	23E	27	Cassia	NW NW NW
21		A0007803	IRR-14	Pleasant View Cemetery - East of Building	Pleasant View Cemetery - East of Building	10S	23E	28	Cassia	SW NW NE
27				Dutchmen Manufacturing	325 West and State Highway 30	10S	22E	22	Cassia	SE SE SE
28				Golf Course	Golf Course - At the end of the chainlink fence on hole #1	10S	23E	22	Cassia	SW SW
29				Airport	North side of the airport near the train bridge	10S	23E	21	Cassia	NE NE

Attachment to (Amended) Notice of Claim

12. Describe any other water rights used at the same place and for the same purposes.

Right Nos.

1-4058
1-7082
1-01010
1-7099
1-10243
36-4080
45-2179
45-2719
45-4085
45-4086
45-4087
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45-4098
45-4099
45-7002
45-7092
45-7114
45-7269
45-7436
45-7686
45-7735
45-11133
45-11847
45-13411
45-13895