

09/30/2005

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

RIGHT NUMBER: 1-211B

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1,200.000 CFS

The diversions under this right and Right No. 1-211A shall not exceed 1726 cfs. If the demands of Burley Irrigation District and the United States Department of the Interior, Bureau of Reclamation, for and on behalf of the North Side Division of the Minidoka Project (Minidoka Irrigation District) for diversions under this right and Right No. 1-211A exceed 1726 cfs or the flows then available under these rights, the right to divert water under this right by Burley Irrigation District will be reduced to meet the demands of Minidoka Irrigation District for water under this right, but the right under such condition shall not be reduced to less than 38% of the flows then available under this right and Right No. 1-211A.

The rights listed below are limited to a total combined diversion rate of 1460 cfs from the point of diversion located at T09S R25E S1 SWSESW. Combined Right Nos.: 1-211B, 1-214B, and 1-7 (Burley Irrigation District); and Right Nos. 1-211A, 1-214A, and 1-8 (Minidoka Irrigation District).

PRIORITY DATE: 03/26/1903

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	1,200.000 CFS

PLACE OF USE:

47,643 ACRES TOTAL

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.

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

This right is limited to the irrigation of 34,563 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: BASIS OF CLAIM - Decreed

Water is delivered through Minidoka South Side Canal.

09/02/2005

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

RIGHT NUMBER: 1-211B

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 655.880 CFS

PRIORITY DATE: 03/26/1903

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	08/15 11/15	655.880 CFS

PLACE OF USE:

47,643 ACRES TOTAL

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.

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

This right is limited to the irrigation of 34,563 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: BASIS OF CLAIM - Decreed

Water is delivered through Minidoka South Side Canal.

07/20/2005

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

RIGHT NUMBER: 1-211B

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 655.880 CFS

PRIORITY DATE: 03/26/1903

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	655.880 CFS

PLACE OF USE:

47,447 ACRES TOTAL

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.

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

This right is limited to the irrigation of 34,563 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: BASIS OF CLAIM - Decreed

Water is delivered through Minidoka South Side Canal.

04/15/2005

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

RIGHT NUMBER: 1-211B

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 655.880 CFS

PRIORITY DATE: 03/26/1903

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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

655.880 CFS

PLACE OF USE:

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.

This right is limited to the irrigation of 34,563 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: BASIS OF CLAIM - Decreed

Water is delivered through Minidoka South Side Canal.

SCANNED
JUN 28 2005

Adjudication Claim Report 1-211B

WATER RIGHT NUMBER: 1-211B

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

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	655.880 CFS	
	Total Diversion:	655.880 CFS	

Location of Point(s) of Diversion

SNAKE RIVER CASSIA County	NW1/4SW1/4	Sec. 23,	Twp 10S,	Rge 22E, B.M.
SNAKE RIVER CASSIA County	SW1/4SW1/4	Sec. 19,	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.
SNAKE RIVER CASSIA County	L1 (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	SE1/4NE1/4	Sec. 22,	Twp 10S,	Rge 22E, B.M.

Place of Use

IRRIGATION

[illegible]

SE 1 Totals

SCANNED

JUN 28 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-211B

WATER RIGHT NUMBER: 1-211B

<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: 03/26/1903

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	655.880 CFS	
<u>Total Diversion:</u>		655.880 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	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		
SNAKE RIVER	SW1/4SE1/4SW1/4	Sec. 1, Twp 09S, Rge 25E, 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:

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.

SCANNED

JUN 28 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-211B

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	25E 25												1.0					1.0

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 CLAIM 01-00211 WHEN BID ASKED FOR A CHANGE FOR POINT OF DIVERSION TO AN INDIVIDUAL WATER USER PUMP. THE CLAIM 01-00211B IS NOT FILED UNDER ADJUDICATION AND THE ORIGINAL AMOUNT GRANTED UNDER THE FOSTER DECREE IS FILED FOR UNDER 01-00211A.

Comments: Change of ownership data entry done 4/11/05.

QQ listed in POU field is a filler. Does not represent actual irrigated acres.

SCANNED

JUN 28 2005

Burley Irrigation District

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: M. Holliday
Date: February 2006

Service Area Boundary

Water Right No.: 01-7

01-211B

01-214B

Boundary

Township/Range

Sections

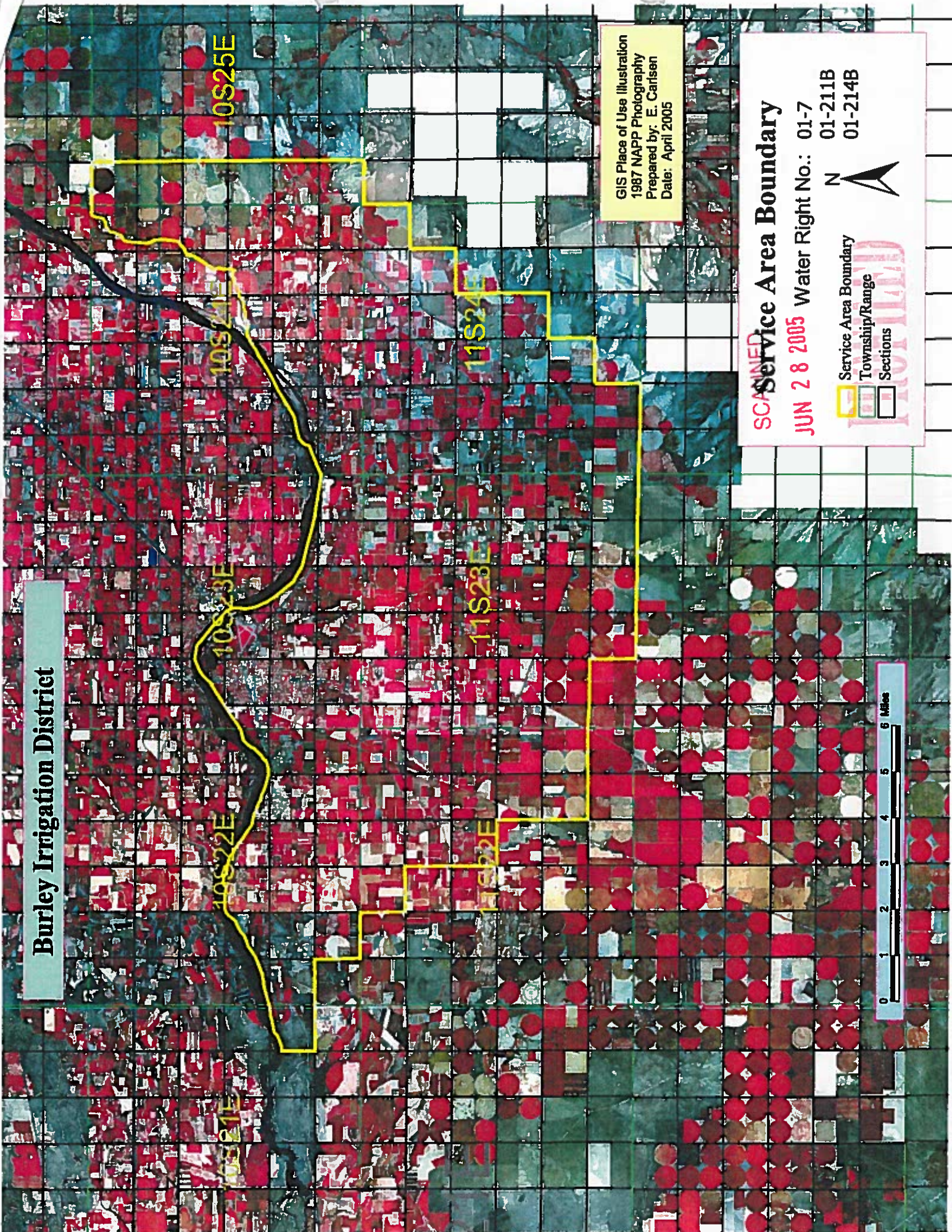
2007 JAN 30

SCANNED



0 1 2 3 4 5 6 Miles

Burley Irrigation District



GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: E. Carlsen
Date: April 2005

SCANNED

Service Area Boundary

JUN 28 2005 Water Right No.: 01-7
01-211B
01-214B

 Service Area Boundary
 Township/Range
 Sections

N 



BRENT T. ROBINSON
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RECEIVED
JUN 03 2005
DEPARTMENT OF
WATER RESOURCES
AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

June 2, 2005

Susan Hamblin Nygard
Deputy Attorney General
Department of Water Resources
The Idaho Water Center
322 E. Front St.
P. O. Box 83720
Boise, ID 83720-0098

PROFILE

SCANNED

NOV 23 2005

RE: **Burley Irrigation District SRBA Claims to
Water Right Nos. 01-0211B, 01-0214B, and 01-0007**

Dear Susan:

As we discussed over the telephone, most of the issues involved in the above claims have been resolved. For instance, it has been agreed by Burley Irrigation District to accept 47,818 acres within its place of use, even though many of its records show the project with 48,000 to 49,000 irrigable acres. Issues unresolved include the quantity of the natural flow rights under 01-0211B and 02-0214B. These rights originated from natural flow rights obtained by the Bureau of Reclamation for the Minidoka Project, consisting of Minidoka Irrigation District and Burley Irrigation District. A portion of these rights was conveyed to Burley Irrigation District when we completed a title transfer of the project and the distribution of works of the project. Another issue is the limitation of acres in the Preliminary Recommendation for Water Right No. 01-0211B to 34,563 acres. We believe that the place of use under this right should be the entire acres irrigated. I have enclosed an explanation of our position for your consideration. A summary of my concerns are as follows:

Water Right No. 01-0211B

The quantity of this right should be 1,200 cfs from an original right of 1,726 cfs divided between Burley Irrigation District and Minidoka Irrigation District. I have proposed a remark to show that when the two districts demands are greater than 1,726 cfs, combined, Burley Irrigation District's right will be reduced by an amount equal to Minidoka Irrigation District's demands above their portion of the right, but not a reduction greater than 38% of the 1,726 cfs.

Susan Hamblin Nygard
Deputy Attorney General
Department of Water Resources
June 2, 2005
Page 2

Place of Use: I have enclosed a short review of certain documents that I think justify showing the place of use as 47,818 acres. This has historically been used for that many acres, and it would disrupt things considerably if it were necessary to make a beneficial use claim for the additional acres. This does not constitute an enlargement or expansion claim in my view.

Water Right No. 01-0214B

I have enclosed a draft of remarks to be attached to this right, which should have a quantity of 544 cfs. I believe corrections have been made as to the points of diversion to include areas where water is pumped directly from the Snake River to serve lands of Burley Irrigation District, which border the Snake River, and the total acres shown as the place of use.

Water Right No. 01-0007

I believe all of the issues have been resolved on this claim, which is a right awarded under the Eagle Decree.

Please contact me if you have any questions.

Very truly yours,


Roger D. Ling

RDL:jb

encs

Water Right No. 01-0211B

Quantity:

This right should be for 1,200 cfs from the Snake River with a priority of March 26, 1903, for use on the lands of Burley Irrigation District. (1200 cfs of 1726 cfs per Deed from U.S.) The right is subject to a remark or other provision, which should provide:

The diversions under this right and Water Right No. 01-0211A shall not exceed 1,726 cfs. If the demands of Burley Irrigation District and the United States Department of the Interior, Bureau of Reclamation, for and on behalf of the North Side Division of the Minidoka Project (Minidoka Irrigation District) for diversions under this right and Water Right No. 01-0211A exceed 1,726 cfs or the flows then available under these rights, the right to divert water under this right by Burley Irrigation District will be reduced to meet the demands of Minidoka Irrigation District for water under this right, but the right under such condition shall not be reduced to less than 38% of the flows then available under this right and Water right No. 01-0211A.

Place of Use:

This right should be limited to the irrigation of 47,818 acres within the place of use described in a single irrigation season, not the 34,563 acres shown in the Preliminary Recommendation. The place of use is justified under the following:

1. The right to use natural flow right of 1726 cfs for the irrigation of all irrigable lands within the Burley Irrigation District and Minidoka Irrigation District. was established by Water License No. 66 granted to the Secretary of Interior by the State Engineer of the State of Idaho on December 20, 1912. The license states in part: "... I hereby grant this license to the United States Reclamation Service in trust for the use and benefit of all parties who have established or who may hereafter establish a right to participate in such use and benefit, confirming a perpetual water right dating from March 26, 1903, to the use of 1726 cubic feet per second of time, or so much thereof as may be necessary for irrigation and domestic purposes, . . ." (Emphasis added.)
2. This right to use this natural flow right upon the lands within Minidoka Irrigation District and Burley Irrigation District was confirmed by the Foster Decree of June 20, 1913, Right No. 3, in which the court decreed: "... the Secretary of the Interior is hereby awarded the use of the water of the natural flow of the Snake River diverted at Minidoka Dam for use upon the lands lying in the Minidoka Project under the canals of the Minidoka Project in Minidoka and Cassia Counties, Idaho, in the following amount from the following date: 1726 second feet from March 26, 1903, hereby designated as the right No. 3." (Emphasis added.)

The Foster Decree further provides in part: "It is further ORDERED, ADJUDGED AND DECREED that the rights and priorities hereinbefore determined and awarded be and the same are each of them quieted and confirmed as against each and every party hereto; and furthermore that each and all claims to the waters of the Snake River by each or all aforesaid parties adverse to the rights herein awarded and determined, be and they are hereby held for nought and such parties forever barred from asserting same." **SCANNED**

Water Right No. 01-0214B

Quantity:

This right should be for 544 cfs from the Snake River with a priority of August 6, 1908, for use on the lands of Burley Irrigation District. The right is subject to a remark or other provision, which should provide:

The diversions under this right and Water Right No. 01-0214A shall not exceed 1,000 cfs. (If the demands of Burley Irrigation District and the United States Department of the Interior, Bureau of Reclamation, for and on behalf of the North Side Division of the Minidoka Project (Minidoka Irrigation District) for diversions under this right and Water Right No. 01-0214A exceed 1,000 cfs or the flows then available under these rights, the right to divert water under this right by Burley Irrigation District will be reduced to meet the demands of Minidoka Irrigation District for water under this right, but the right under such condition shall not be reduced to less than 38% of the flows available under this right and Water Right No. 01-0214A.

62%
shall not exceed 62%

B.O.R.
←

County: Lincoln & Cassia
Stream: Snake River
Amount: 1726 sec.ft.
Use : Irrigation
Priority: 3/26/03

1277

1-2000

1-211

STATE OF IDAHO

Water License No. 66.

Decreed

WHEREAS, On the 26th day of March, 1903, D. W. Ross of Boise, Idaho, for and in behalf of the Honorable, the Secretary of the Interior, duly made application to the State Engineer of the State of Idaho, for a permit to appropriate Two Thousand Six Hundred (2600) cubic feet per second of time of the waters of Snake River for irrigation and domestic purposes, and,

WHEREAS, On the 23rd day of June, 1903, Permit No. 66 was issued to said applicant for the diversion of said water and providing for the completion of works of diversion therein described on or before June 23, 1908, and for the application to beneficial use of said water on or before June 23, 1912, and,

WHEREAS, J. G. Camp, acting in behalf of the United States Reclamation Service, duly made proof of completion of adequate works for the diversion of One Thousand Seven Hundred Twenty-six (1726) cubic feet per second of time of said waters as evidenced by Certificate of Completion No. 66, dated the 6th day of January, 1909, issued by the State Engineer of the State of Idaho, confirming the completion of works of sufficient capacity for diverting and conveying said waters to the place of intended use with date of priority of March 26, 1903, and,

WHEREAS, On the 18th day of June, 1912, P. M. Fogg, project engineer of the United States Reclamation Service, acting as agent of and on behalf of the United States of America., filed with the State Engineer of Idaho an application for amendment to said Permit #66, which said application was duly approved by the State Engineer, said application amending the list of lands to be irrigated under said permit No. 66, said lands being described as follows, to-wit:

T. 8 S., R. 24 E.

SE $\frac{1}{4}$ Sec. 25;
S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 34;

S $\frac{1}{2}$ S $\frac{1}{2}$ Sec. 32;
E $\frac{1}{2}$ E $\frac{1}{2}$ Sec. 35;

S $\frac{1}{2}$ Sec. 33;
Sec. 36

T. 8 S., R. 25 E.

SE $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 28
Secs. 31 to 34 Inc.

SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 29
SW $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 35

T. 9 S., R. 22 E.

SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12;
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14;
Secs. 24 to 27 Inc.
E $\frac{1}{2}$, NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34;
Sec. 36

Sec. 13;
E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23;
S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 28;
Sec. 35

T. 9 S., R. 23 E.

Lot 1 & 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$
S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$, Sec. 1;
S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4;
Secs. 6 to 36 Inc.

S $\frac{1}{2}$ Sec. 2;
E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Lots 2, 3
and 4, Sec. 7;

T. 9 S., R. 24 E.

Secs. 1 to 36 Inc.

SCANNED

JUN 28 2005

01-2000

T. 9 S., R. 25 E.

Secs. 2, 3, 4;
 Lots 1, 2, 3 & 4,
 E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec. 6;

NW $\frac{1}{4}$ Sec. 15
 N $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 20;
 W $\frac{1}{2}$ Sec. 29;

E $\frac{1}{2}$ and SW $\frac{1}{4}$ Sec. 5;
 Secs. 7 to 11 inc.
 Secs. 16 to 19 inc.
 NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 21;
 Sec. 30;
 Lots 1, 2, 3 & 4, E $\frac{1}{2}$ NW $\frac{1}{4}$,
 E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 31.

T. 10 S., R. 22 E.

Secs. 1 and 2;
 SE $\frac{1}{4}$ Sec. 10;
 E $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lots 2 & 3
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15;
 Secs. 21 to 28 inc.
 Secs. 34 to 36.

E $\frac{1}{2}$ Sec. 3;
 Secs. 11 to 14 inc.
 Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 20
 E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 29
 NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 33;

T. 10 S., R. 23 E.

Secs. 1 to 36 inc.

T. 10 S., R. 24 E.

Lots 1, 2, 3 and 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1
 Secs. 2 to 11.
 W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 12;
 N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 13;
 Secs. 14 to 36 inc.

T. 10 S., R. 25 E.

S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 4, Sec. 19;
 Lots 1, 2, 3 & 4, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 30;
 Lots 1, 2, 3 & 4, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 31.

T. 11 S., R. 22 E.

Secs. 1 and 2;
 NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 10;
 E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 15;

Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Sec. 3
 Secs. 11, 12, 13 and 14;
 E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24;

T. 11 S., R. 23 E.

Secs. 1 to 18 inc.
 N $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20
 NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 28

E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Lots 1, 2 & 3
 Sec. 19;
 Secs. 21 to 26 inc.
 N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 27;

T. 11 S., R. 24 E.

Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1;
 W $\frac{1}{2}$, NE $\frac{1}{4}$ Sec. 10;
 NW $\frac{1}{4}$ Sec. 15;
 N $\frac{1}{2}$, SW $\frac{1}{4}$ Sec. 21;
 Sec. 30

Secs. 2 to 9;
 N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 11;
 Secs. 16 to 20;
 N $\frac{1}{2}$, SW $\frac{1}{4}$ Sec. 29;

WHEREAS, On the 20th day of June, 1912, satisfactory proof of application to beneficial use of water to the lands hereinafter described as required under the terms of said permit was duly submitted to the State Engineer as by law provided.

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant this license to the United States Reclamation Service in trust for the use and benefit of all parties who have established or who may hereafter establish a right to participate in such use and benefit, confirming a perpetual water right dating from March 26, 1903, to the use of 1726 cubic feet per second of time, or so much thereof as may be necessary for irrigation and domestic purposes, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the water of the state, and subject, also, to the local or community customs, rules and regulations, which have been or may be adopted

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JUN 28 2005

from time to time by a majority of its users from a common source of supply, canal or lateral, from which such water may be taken, when such rules and regulations have for their object the economical use of such water, said license and perpetual water right being hereby granted and confirmed, for the purposes above set forth, to said United States Reclamation Service, whose postoffice address and chief place of business is Washington, D. C., said water having been shown upon said proof of application to beneficial use to have been used beneficially by the following named entrymen upon the following specified acreages situate respectively within the following described subdivisions of land, to-wit:

<u>Entryman.</u>	<u>Description of Land</u>	<u>Acreage.</u>
Allen, Victor V.	N $\frac{1}{2}$ NW $\frac{1}{4}$ - Sec. 24 T. 9 S. R. 22 E.	80
Aseon, Joseph	E $\frac{1}{2}$ SW $\frac{1}{4}$ - 12 9 23	74.4
Ames, Wm. O.	S $\frac{1}{2}$ NE $\frac{1}{4}$ - 13 9 23	77
Acuff, Jessie M.	W $\frac{1}{2}$ SW $\frac{1}{4}$ - 15 9 23	73
Acuff, Joseph H.	NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 21 9 23	40
Acuff, Elmer B.	NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 21 9 23	39
Andrews, Edgar J.	W $\frac{1}{2}$ NW $\frac{1}{4}$ - 21 9 23	70
Andrews, Estelle S.	NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 26 9 23	36
Adams, Charles E.	NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 27 9 23	40
Adam, Josef W.	NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 30 9 23	57
Anderson, James P.	SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 12 9 24	40
Andrews, Denner L.	SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 19 9 24	37
Andrews, Curtis L.	SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 20 9 24	40
Aylor, Harry	NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 21 9 24	39
Adams, Grace	NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 22 9 24	20
Adams, Louis R.	S $\frac{1}{2}$ NE $\frac{1}{4}$ - 27 9 24	80
Allison, David B.	NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 27 9 24	40
Adams, Roy W.	NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 28 9 24	39
Ames, Alonzo F.	S $\frac{1}{2}$ NW $\frac{1}{4}$ - 1 10 22	80
Amos, B. E.	W $\frac{1}{2}$ SE $\frac{1}{4}$ - 1 10 22	62
Anderson, Thos. B.	W $\frac{1}{2}$ NE $\frac{1}{4}$ - 13 10 22	52
Adam, Joe	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Lot 4-Sec.30, T. 9 S. R. 23 E. 81	
Alexander, James	W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 32 T. 9 S. R. 23 E.	80
Acuff, Wesley H.	NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 32 9 24	40
Ash, Arles D.	NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 33 9 24	40
Adams, Marie H.	S $\frac{1}{2}$ NW $\frac{1}{4}$ - 34 9 24	80
Adams, Henry O.	S $\frac{1}{2}$ NE $\frac{1}{4}$ - 1 10 22	30
Anderson, Hols. P.	NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 10 10 23	20
Alexander, Minnie Y.	SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 10 10 23	40
Aller, Wilbur W.	S $\frac{1}{2}$ SW $\frac{1}{4}$ - 12 10 23	80
Allen, Clay	NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 22 10 23	53
Avery, Frank	E $\frac{1}{2}$ NE $\frac{1}{4}$, Lot 8-Sec.26, T. 10 S. R. 23 E.	76

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JUN 28 2005

Not stated	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23 T. 11 S.R. 23	40
" "	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 3 11 24	38
" "	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 5 11 24	42
" "	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5 11 24	42
" "	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 9 11 24	16
" "	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 9 11 24	19
" "	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 16 11 24	40
Rupert Townsite	S $\frac{1}{2}$ SE $\frac{1}{4}$ 20 9 24	72
	E $\frac{1}{2}$ NW $\frac{1}{4}$ 29 9 24	72
	NE $\frac{1}{4}$ 29 9 24	145
Heyburn Townsite	N $\frac{1}{2}$ 15 10 23	114
	W $\frac{1}{2}$ SE $\frac{1}{4}$ 15 10 23	39
	E $\frac{1}{2}$ SW $\frac{1}{4}$ 15 10 23	23
Burley Townsite	N $\frac{1}{2}$ 2 10 23	298
	SE $\frac{1}{4}$ 20 10 23	160
	N $\frac{1}{2}$ SW $\frac{1}{4}$ 20 10 23	64
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 10 23	40
	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 29 10 23	40
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 29 10 23	40

Grand Total,

90,954.63 Acres.

x 38% =

34,563 ac

WITNESS, My hand and the seal of my office at Boise, Idaho, this
20th day of December, A. D. nineteen hundred and twelve.

A. E. Robinson ,

(SEAL)

State Engineer.

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JUN 28 2005

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
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 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 <u>48,000</u>	Number and type of stock <u>incidental</u>
Diversion rate in CFS <u>1200*</u>	Number of homes you acquired _____ Other uses _____
7. Signature of New Owner(s) or Claimant(s) Cecil F. Blauer, President
Linda M. Slack, 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.

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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.

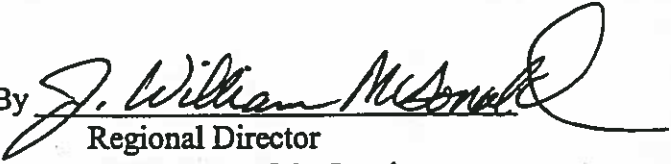
10390, to Burley. However, Burley shall then be responsible for its ultimate confirmation as a water right in the SRBA proceedings.

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

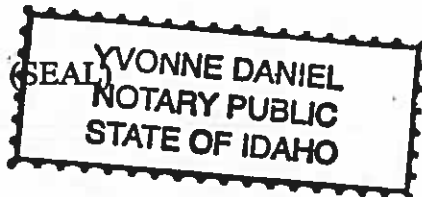
By 
Regional Director
Department of the Interior
Bureau of Reclamation
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

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.

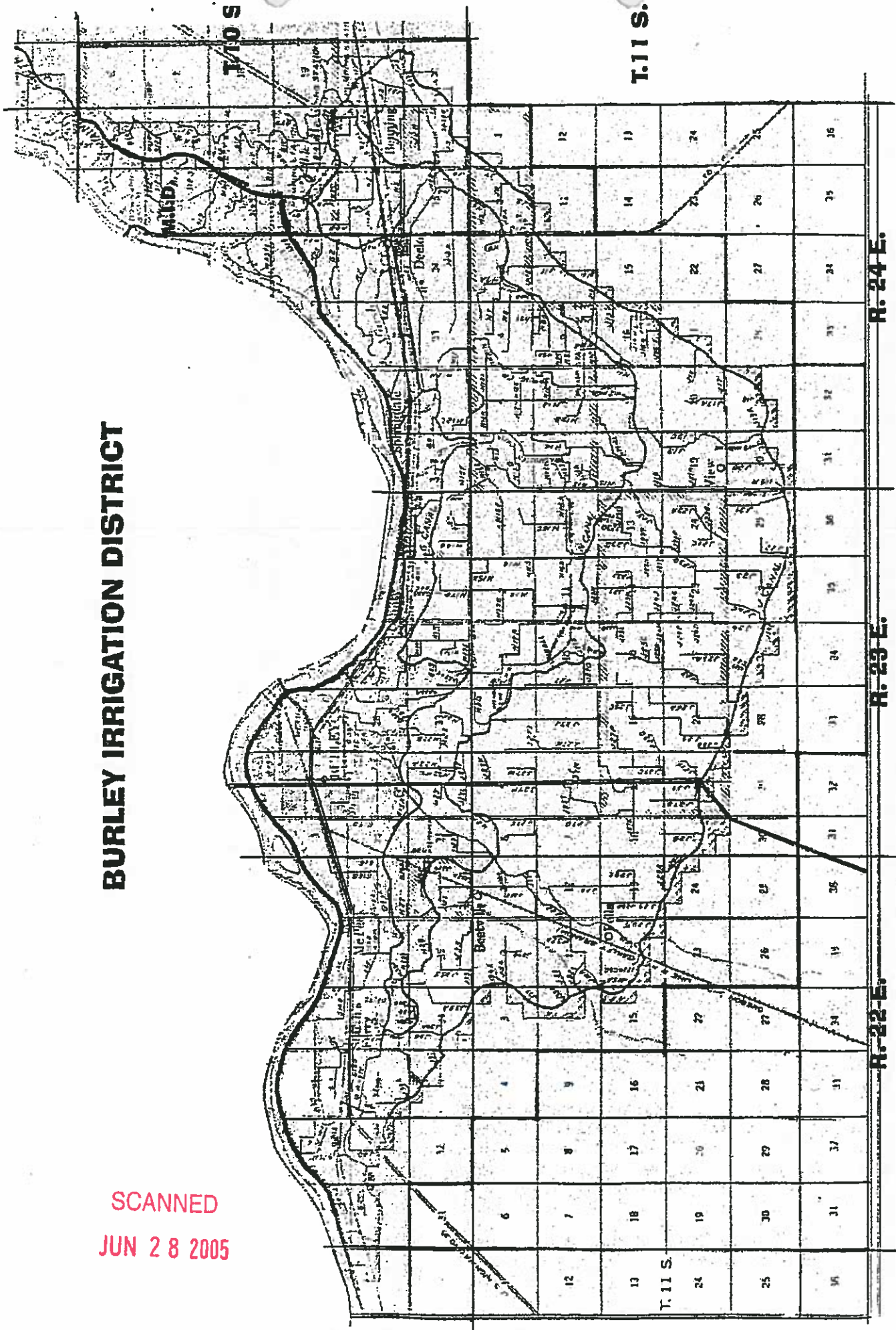


Yvonne Daniel
Notary Public in and for the
State of Idaho
Residing at Burley, ID.
My commission expires: 9-21-2004

267642
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE \$400 DEPUTY DM
'00 FEB 28 PM 3 39
RECORDED AT THE REQUEST OF
B. J. S.

BURLEY IRRIGATION DISTRICT

SCANNED
JUN 28 2005



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

**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

LING, NIELSEN & ROBINSON

ROGER D. LING
ROBERT M. NIELSEN
BRENT T. ROBINSON
~~BRENT S. TINGEX~~

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

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MAY 30 2000

Department of Water Resources
Southern Region

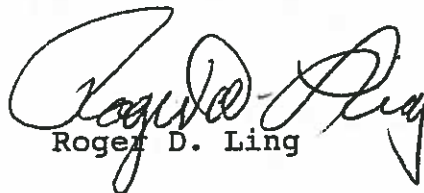
Allen D. Merritt, P.E.
Southern Region Manager
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

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

SCANNED

JUN 28 2005

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 APPEARANCEDESCRIPTIVE SUMMARY

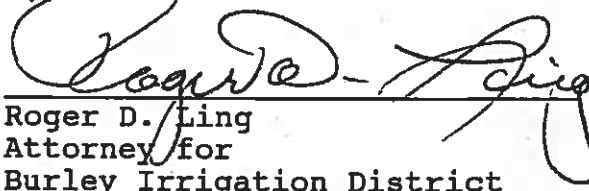
This document is a Notice of Appearance by Roger D. Ling of the firm of Ling, Nielsen & Robinson on behalf of Burley Irrigation District.

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 APPEARANCESCANNED
JUN 28 2005

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 1-211B
Date Received: 10/26/1988
Receipt No: 502770Z
Received By: *DF*

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: 03/26/1903

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 (SIMPLLOT)
10S	22E	21	NW NE 02	CASSIA	ANDERSON (SIMPLLOT)
10S	23E	19	NW NE 02	CASSIA	PEVEY

5. Description of diverting works:

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6. Water is used for the following purposes:

JUN 28 2005

Purpose
IRRIGATION

From To C.F.S.
04/01 10/31 655.88

(or) A.F.A

7. Total Quantity Appropriated is:
655.88 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: CASSIA

12. Do you own the property listed above as place of use? No

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 CLAIM 01-00211 WHEN BID ASKED FOR A CHANGE FOR POINT OF DIVERSION TO AN INDIVIDUAL WATER USER PUMP.

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.

SCANNED

JUN 28 2005

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Manager of
Title Burley Irrigation District, that I have signed the foregoing
Organization

document in the space below as Manager of
Title Burley Irrigation District and that the statements contained in the
Organization
foregoing document are true and correct.

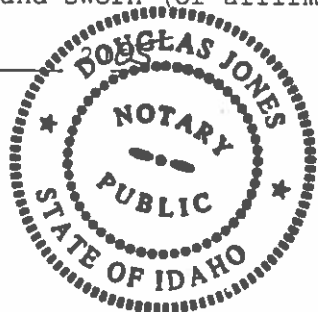
Daniel C. Bergha
Signature of Authorized Agent

Manager Burley Irrigation District
Title and Organization

May 25, 2005
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 25
of May



Douglas Jones
Notary Public

Residing at Buhl ID

My commission Expires 8/8/2007