

12/08/2006

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

RIGHT NUMBER: 1-2064Q

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

Disallowed

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 9,496.000 AFY

PRIORITY DATE: 03/30/1921

POINT OF DIVERSION:

T07S R31E S30 SWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	04/01 10/31	9,496.00 AFY
IRRIGATION STORAGE	01/01 12/31	9,496.00 AFY

PLACE OF USE:

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Recommended as Right No. 1-2064.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Recommended as Right No. _____: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

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 1-2064Q
Date Received: 12/5/2006
Receipt No: E0324S1
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BURGESS CANAL & IRRIGATING CO Phone: (208)745-1486
C/O CHRIS BOLTER SEC
PO BOX 536
RIGBY ID USA 83442

2. Date of Priority: 03/30/1921

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
07S	31E	30	SW SE	POWER	

5. Description of diverting works:

AMERICAN FALLS DAM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE	01/01	12/31		9496
IRRIGATION FROM STORAGE	04/01	10/31		9496

7. Total Quantity Appropriated is:
9496 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Place of use for irrigation from storage is within the boundary of Burgess Canal and Irrigating Co.

11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

This claim does not conflict with the IDWR recommendation for claim no. 1-2064. The purpose of this claim is to extend 1-2064 and to define that for 9496 AF per year, the beneficial or equitable title for this water right is held in trust by Burgess Canal and Irrigating Company as documented in the reservoir space contract between the USBR and the Burgess Canal and Irrigating Company.

The purpose of this claim is to confirm for the court that the beneficial or equitable title for the waters defined in claim 1-2064 is held in trust by Burgess Canal and Irrigating Company as documented in the contract between the USBR and Burgess Canal and Irrigating Company and the Directors recommendation for 9496 AFY.

This claim adopts the IDWR Directors Report for claim 1-2064 with State of Idaho recommendations. However any language changes to that IDWR recommendation language shall be agreed to by the contract space holders including the Burgess Canal and Irrigating Company prior to implementation.

15. Basis of Claim: License

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 President of

Burns Canal Irrigation Co. Inc., that I have signed the foregoing
Organization

document in the space below as President of

Burns Canal Irrigation Co. Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

President Burns Canal Irrigation Co. Inc.
Title and Organization

12/06/06
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this
of December 2006

06 Day
Katy Jackson

Notary Public

Residing at Idaho Falls

My commission Expires 3/31/2011

