

12/08/2006

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

RIGHT NUMBER: 1-2068U

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: 23,400.000 AFY

PRIORITY DATE: 07/28/1939

POINT OF DIVERSION:

T01S R45E S17 NENE Within BONNEVILLE County

T01S R45E S17 NWNE Within BONNEVILLE County

T01S R45E S17 SWNE Within BONNEVILLE County

T01S R45E S17 SENE Within BONNEVILLE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-------------------------|----------------------|-----------------|
| IRRIGATION STORAGE      | 01/01 12/31          | 23,400.00 AFY   |
| IRRIGATION FROM STORAGE | 04/01 10/31          | 23,400.00 AFY   |

PLACE OF USE:

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

Recommended as Right No. 1-2068.

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 1-2068U  
Date Received: 12/4/2006  
Receipt No: E032450  
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: 07/28/1939

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 |
|----------|-------|---------|-----------------------|------------|------|
| 01S      | 45E   | 17      | NW NE                 | BONNEVILLE |      |
| 01S      | 45E   | 17      | NE NE                 | BONNEVILLE |      |
| 01S      | 45E   | 17      | SW NE                 | BONNEVILLE |      |
| 01S      | 45E   | 17      | SE NE                 | BONNEVILLE |      |

5. Description of diverting works:

PALISADES 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 |        | 23400      |
| IRRIGATION FROM STORAGE | 04/01 | 10/31 |        | 23400      |

7. Total Quantity Appropriated is:  
23400 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
|----------|-------|---------|------------|-----|-----|-------|

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. 1-2068. The purpose of this claim is to extend 1-2068 and to define that for 23400 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 1-2068 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 23400 AFY.

This claim adopts the IDWR Directors Report for claim 1-2068 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

Bungess Canal Irrigation Co. Title  
Organization

document in the space below as President of

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

Floyd Huh  
Signature of Authorized Agent

President Bungess Canal Irrigation Co.  
Title and Organization

12/6/06

Date

State of Idaho )

County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 06 Day

of December 2006

Kathy Jackson

Notary Public

Residing at Idaho Falls

My commission Expires 3/31/2011

