

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-7082

NAME AND ADDRESS: CITY OF BURLEY
1400 OVERLAND AVE
BURLEY ID 83318

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.600 CFS
873.00 AFY

Consumptive use of water under this right shall not exceed 2.0 acre feet per day.

PRIORITY DATE: 02/24/1983

POINT OF
DIVERSION:

T10S R23E S16 SWSESE Lot 1 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WATER QUALITY IMPROVEMENT	01/01 12/31	1.600 CFS 873.00 AFY

PLACE OF USE: WATER QUALITY IMPROVEMENT in CASSIA County

T10S R23E S16 Lot 2 NESW	T10S R23E S16 Lot 3 NWSW
T10S R23E S16 SESW	T10S R23E S16 Lot 2 NWSE
T10S R23E S16 Lot 1 SWSE	T10S R23E S17 Lot 1 NESE
T10S R23E S21 NWNE	

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.

Water shall not be diverted under this right unless water is being spilled at Milner Dam by the Water District 1 watermaster.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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.

Use of water under this right is subject to control by the watermaster of State Water District No. 1.

12/29/2005

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

RIGHT NUMBER: 1-7082

NAME AND ADDRESS: CITY OF BURLEY
1400 OVERLAND AVE
BURLEY ID 83318

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.600 CFS

PRIORITY DATE: 02/24/1983

POINT OF DIVERSION:

T10S R23E S16 SESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

INDUSTRIAL

1/01 12/31

1.600 CFS

PLACE OF USE: INDUSTRIAL Within CASSIA County

T10S R23E S16 SESE

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

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

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 - Permit

Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

Use of water under this right is subject to control by the watermaster of State Water District No. 1.

Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 22, 2008

RANDOLF CALVIN STONE
CITY OF BURLEY
PO BOX 910
BURLEY, ID 83318

RE: Licensing of 1-07082 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Stone:

The Idaho Department of Water Resources (IDWR) licensed the above referenced water right. Base on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Denise Kidman
Water Resource Agent

PROFILED

SCANNED

JUL 10 2008

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

Water Rights: 1-07082

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership
- ☒ Other: Permit to a License

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 4, 2008

Ernest Carlson
Signature of IDWR Representative
PROFILED

SCANNED
JUN 06 2008

CERTIFICATE OF MAILING

I certify that on June 4, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

✓ Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. ✓ One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
RANDOLPH CALVIN STONE
CITY OF BURLEY
PO BOX 910
BURLEY, ID 83318

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

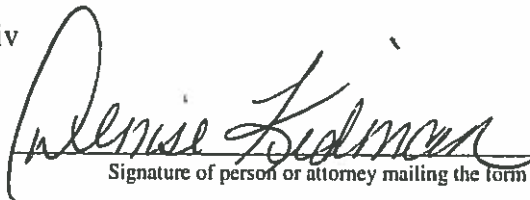
Each party in the subcase, or attorney of record

5. One copy each to:

✓ Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

✓ United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

PROFILED

SCANNED
JUN 06 2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-7082

NAME AND ADDRESS: CITY OF BURLEY
1400 OVERLAND AVE
BURLEY ID 83318

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.600 CFS
873.00 AFY

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PRIORITY DATE: 02/24/1983

POINT OF
DIVERSION:

T10S R23E S16 SWSESE Lot 1 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WATER QUALITY IMPROVEMENT	01/01 12/31	1.600 CFS 873.00 AFY

PLACE OF USE: WATER QUALITY IMPROVEMENT in CASSIA County

T10S R23E S16 Lot 2 NESW	T10S R23E S16 Lot 3 NWSW
T10S R23E S16 SESW	T10S R23E S16 Lot 2 NWSE
T10S R23E S16 Lot 1 SWSE	T10S R23E S17 Lot 1 NESE
T10S R23E S21 NWNE	

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.

Water shall not be diverted under this right unless water is being spilled at Milner Dam by the Water District 1 watermaster.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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.

Use of water under this right is subject to control by the watermaster of State Water District No. 1.

SCANNED
JUN 06 2008

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 1-07082

Priority: February 24, 1983

Maximum Diversion Rate: 1.60 CFS
Maximum Diversion Volume: 873.0 AF

It is hereby certified that CITY OF BURLEY
1400 OVERLAND AVE
BURLEY ID 83318 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated ; and has submitted Proof of
Beneficial Use on May 16, 1985. An examination indicates that the works have a diversion capacity of
1.77 cfs of water from:

SOURCE

SNAKE RIVER

Tributary: COLUMBIA RIVER

and a water right has been established as follows:

BENEFICIAL USE
WATER QUALITY
IMPROVEMENT

PERIOD OF USE
01/01 to 12/31

DIVERSION RATE
1.60 CFS

**ANNUAL
DIVERSION VOLUME**
873.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER L1 (SW¼SE¼SE¼) Sec. 16, Twp 10S, Rge 23E, B.M.

CASSIA County

PLACE OF USE: WATER QUALITY IMPROVEMENT

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 23E 16									X	X		X		X			
									L2	L3							
10S 23E 17													X				
													L1				
10S 23E 21		X															

CONDITIONS OF APPROVAL

1. 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.
2. Consumptive use of water under this right shall not exceed 2.0 acre feet per day.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 1.
4. Water shall not be diverted under this right unless water is being spilled at Milner Dam by the Water District 1 watermaster.

SCANNED

AUG 07 2008

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 1-07082

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 13th day of May, 2008.


201 DAVID R. TUTHILL, JR.
Director

SCANNED
AUG 07 2008

PARSONS, SMITH & STONE, LLP
ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
LANCE A. LOVELAND
DAVID F. SHIRLEY

TELEPHONE
(208) 878-8382
FAX NO.
(208) 878-0146
pss@pmt.org

December 28, 2005

IDWR – Eastern Region
Adjudication Bureau
Attn: Michael Holiday
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653

RECEIVED
DEC 29 2005
Department of Water Resources
Eastern Region

RE: Water Right Claim No. I-7082

Dear Mr. Holiday:

Per Kelly Christensen's letter, we are forwarding the enclosed Notice of Claim to a Water Right to you for review.

If there are any questions, please feel free to contact us. Thank you.

Sincerely,

PARSONS, SMITH & STONE, LLP


Lyndsay M. Helkey, Secretary

/lmh
Enclosure

SCANNED
AUG 07 2008



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 27, 2005

RECEIVED
DEC 27 2005

PARSONS, SMITH & STONE LLP
PO BOX 910
BURLEY ID 83318

Parsons, Smith & Stone, LLP

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM 1-7082

Dear Randy

I have returned the claim as the filing fee for this claim is

Filing fee	\$ 50.00
Variable fee	160.00
Total due	\$210.00

Also the eastern region is reviewing the basin 01 claims, therefore it would better to send the claim to them for processing and eventual claims review. I talked to Michael Holiday and he indicated that he will be doing the review so you could mail the claim to his attention.

Sincerely,

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kelly.christensen@idwr.idaho.gov

Enclosures

RECEIVED

DEC 29 2005

Department of Water Resources
Eastern Region

SCANNED

AUG 07 2008

COPY

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 1-7082

WATER RIGHT NUMBER: 1-7082

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	J R SIMPLOT CO C/O RON GRAVES 999 MAIN ST STE 1300 PO BOX 27 BOISE, ID 83707 (208)336-2110
Current Owner	CITY OF BURLEY 1400 OVERLAND AVE BURLEY, ID 83318 (208)878-2224

Priority Date: 02/24/1983

Basis:

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>
INDUSTRIAL	1/01 to 12/31	1.600 CFS	
<u>Total Diversion:</u>		1.600 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	SE1/4SE1/4	Sec. 16, Twp 10S, Rge 23E, B.M.
CASSIA County		

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	23E	16																	X

Conditions of Approval:

- EXP 1. 005 Use of water under this right is subject to control by the watermaster of State Water District No. & DISTRICT.
- EXP 2. 09B Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
3. ~~082~~ Consumptive use of water under this right shall not exceed 2.0 acre feet per day.
- EXP 4. ~~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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 1-7082

5. ~~031~~ Water shall not be diverted under this right unless the flow of the Snake River exceeds established downstream minimum stream flows.

Remarks:Comments:

1. MILLER 8/27/1991 RETURNED FIELD EXAM

Comment: THE DATE OF FILING OF PROOF OF BENEFICIAL USE UNDER THIS RIGHT REQUIRES THE FILING OF A SRBA CLAIM. A CLAIM HAS NOT BEEN FILED AS OF THIS DATE; THEREFORE, THE FIELD EXAM HAS BEEN RETURNED TO THE REGION TO 1) SEEK A CLAIM AND RESOLVE DISCREPANCIES OR 2) DISALLOW THE RIGHT.

Dates and Other Information:

Permit Proof Due Date: 2/1/1987
 Permit Proof Made Date: 5/16/1985
 Permit Approved Date: 2/5/1986
 Permit Moratorium Expiration Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Field Exam Date: 9/29/1987
 Date Sent to State Office:
 Date Received at State Office:
 State or Federal:
 Owner Name Connector:
 Water District Number: 01
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
RECEIVED
FEB 24 1983
Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant J. R. Simplot Co. Phone 336-2110
Simplex Industries, Inc.
Post office address P.O. Box 27, Boise, ID 83702 ATTN: R. N. Graves
2. Source of water supply SNAKE RIVER which is a tributary of Columbia River*
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 16 Township 10S
Range 23E B.M. Cassia County, additional points of diversion if any: _____
*kw 1/23/1986

4. Water will be used for the following purposes:

Amount 1.60 cfs for Industrial purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.60 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 75 hp pump, 8" pipe

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 16 Township 10S

Range 23E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: Industrial--pumps water from river
to silt pond, pollution control

microFILMED
on below:

[illegible]**Total number of acres to be irrigated**

c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion Simplot Industries, Inc.

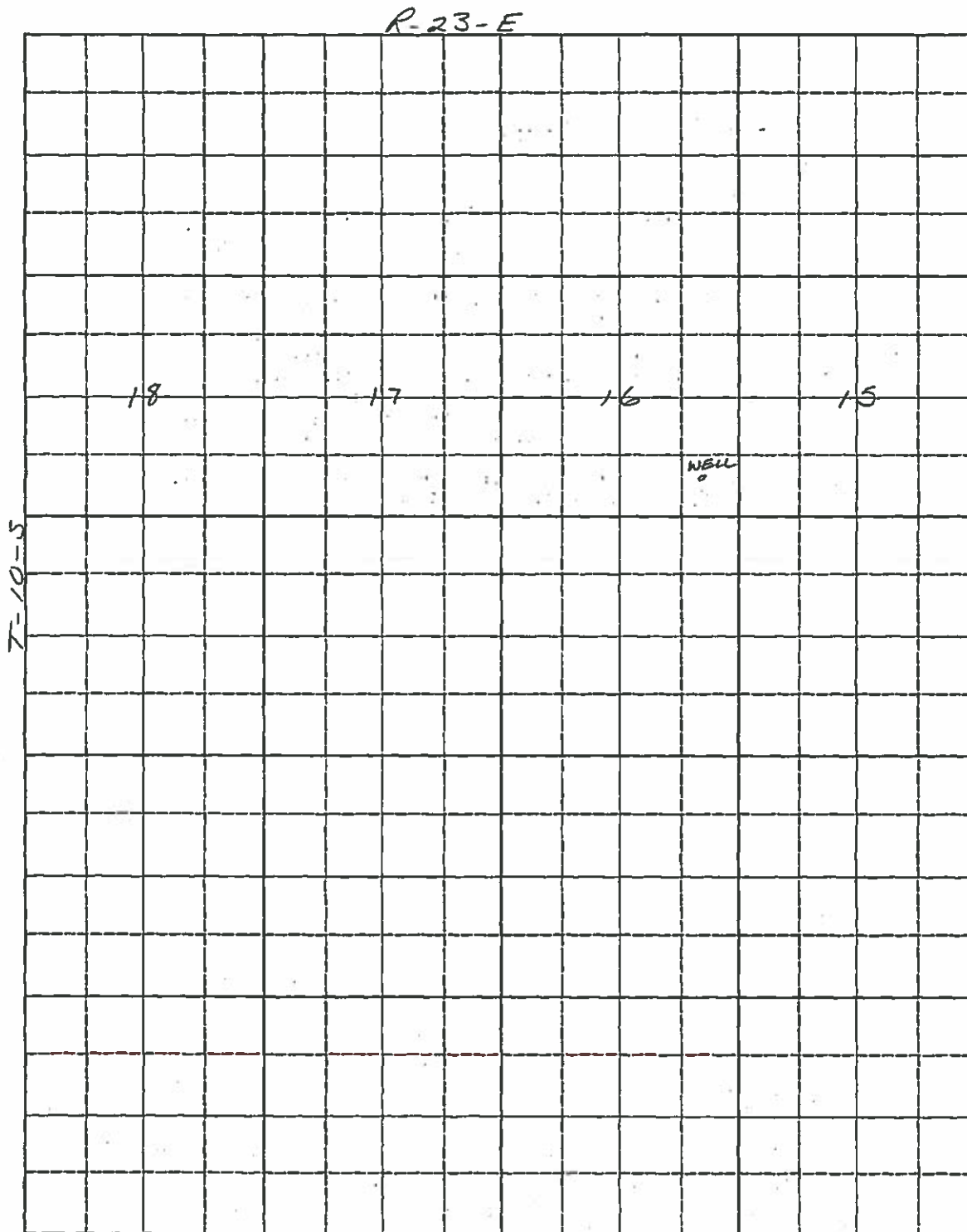
b. Who owns the land to be irrigated or place of use Simplot Industries, Inc.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

SCANNED
AUG 07 2008

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

SIMPLOT INDUSTRIES, INC.

by Russell G. Grouse
(Applicant) Secretary

MICROFILMED

SCANNED
AUG 07 2008

Proposed Priority 2/24/83 manya 3/3/83 11:30a **MICROFILMED**
Received by see Date 2/24/83 Time 9:00
Preliminary check by ADM Fee \$ 65.00
Receipted by tg Date 2-24-83 # 25943
Publication prepared by manya Date 12/10/85
Published in Snake Lake Press
Publication dates 12/9 & 12/26/85
Publication approved manya Date 12/18/85
Protests filed by: None

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by ADM kwo

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 01-7082, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 87.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: 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.
Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.
Water shall not be diverted under this permit unless the flow of the Snake River exceeds established downstream minimum stream flows.
Consumptive use of water under this permit shall not exceed 2.0 acre feet per day.
Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.
No water may be diverted under this permit until adequate supplemental water is obtained for the irrigation season when the natural flow is not available.

Witness my hand this 5th day of February, 1986.

J. Glen Saylor
Chief, Operations Bureau

SCANNED

AUG 07 2008

MEMORANDUM

TO: File 01-7082

FROM: Sharla

DATE: May 29, 1991

RE: Returned Field Exam

On this date, the field exam report for the above referenced file was returned to the region. According to the date proof of beneficial use was filed for this right, an adjudication claim is needed and has not yet been filed.

The region will solicit the claim and based upon response, either the field exam will be returned with the claim after being reviewed by the region for discrepancies, or the right will be disallowed in the Director's Report for failure of the holder to submit the claim.

SCANNED

AUG 07 2008

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 1-7082
Date Received: 2/8/1989
Receipt No: E031522
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CITY OF BURLEY Phone: (208)878-2224
1400 OVERLAND AVE
BURLEY ID USA 83318

2. Date of Priority: 02/24/1983

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	23E	16	SE SE	CASSIA	

5. Description of diverting works:

75 HP PUMP & 8 INCH PIPE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
INDUSTRIAL	1/01	12/31	1.6	

7. Total Quantity Appropriated is:
1.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Pumps water from river for silt pond and pollution control.

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
10S	23E	16	SE SE	INDUSTRIAL	

11. Place of use in counties: CASSIA

SCANNED
AUG 07 2008

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

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.

Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

CLAIM CHANGED FROM TEMPORARY TO ACTIVE STATUS UPON RECEIPT OF CLAIM FEE FROM CITY OF BURLEY ON 12/29/2005.

15. Basis of Claim: Permit

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 _____ of
Title

_____, that I have signed the foregoing

Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the

Organization
foregoing document are true and correct. _____

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

SCANNED

AUG 07 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWRECEIVED
DEC 22 2005
Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant(s) City of Burley Phone (208) 878-2224Mailing Address 1400 Overland Avenue Burley, ID Zip 833182. Date of Priority (Only one (1) per claim) February 24, 19833. Source of water supply (a) Snake Riverwhich is tributary to (b) Columbia River4. a. Location of existing point of diversion is: Township 10S Range 23E Section 16,SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: _____

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

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

Govt. Lot, _____ B.M., 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. 75 horsepower pump, 8" pipe

SCANNED

AUG 07 2008

RECEIVED

DEC 29 2005

Department of Water Resources
Eastern Region

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Industrial purposes from 1/01 to 12/31 amount 1.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (e.g. Domestic: Give number of households served; Stock water: Type and number of livestock Etc. Pumps water from river for silt pond and pollution control

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purpose, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twp	Rge	Sec	NE1/2				NW 1/4				SW1/4				SE1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	23E	16																I	

Total number of acres irrigated _____

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

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

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

_____ or None (X)

14. Remarks: _____

Last Name City of Burley Ident No. _____

SCANNED

AUG 07 2008

Scale: 2 inches equals 1 mile

T10S R23E S16

[illegible]

Last Name City of Burley Ident No. _____

SCANNED

AUG 07 2002

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit X

Decree _____

If applicable provide IDWR Water Right Number I-7082

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 X do not _____ wish to receive and pay a small annual fee for monthly copies of docket sheet.

Number of attachments 0

For Individuals: I do solemnly swear or affirm 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 that I am _____ **Mayor**

Title

of the City of Burley _____, that I have signed the foregoing document in the space

Organization

below as Mayor _____ of the City of Burley _____

Title

Organization

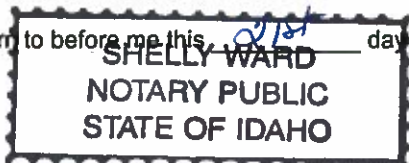
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] _____

Title and Organization Mayor of the City of Burley _____ Date 12-21-2005

State of Idaho)
County of Cassia) ss.

Sworn to before me this 21st day of December, 2005



[Signature]
Notary Public
Residing at: [Signature]
My commission expires: 05/30/08

17. 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, ID 83318

Date 12/21/05

SCANNED

AUG 07 2008

Last Name City of Burley Ident No. _____