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Cemetery Kibbe #2

Claim No. 45-4088

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 4 1980

Department of
Southern District Office

JAN 31 1980

Department of Water Resources
Southern District Office

CLAIM TO A WATER RIGHT

Department of Water Resources

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that CITY OF BURLEY
(Name of Claimant)

P.O. Box 1090 BURLEY, IDAHO 83318 Telephone No. 678-2256
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) BEFORE 1940

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

GROUND WATER tributary to

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>.04 cfs</u>	Use	<u>DOMESTIC</u>	Period of Use From	<u>1-1</u> To <u>12-31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) .04 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NW 1/4, Sec. 28 Twp. 10S Rge. 23E B.M., County of CASSIA
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 30' DEEP WELL WITH A 1/2 HP PUMP HAVING A CAPACITY OF 20gpm
DISTRIBUTED THROUGH 480' OF 1 1/2" BURIED PIPE.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	23E	28					X												

No. of acres

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

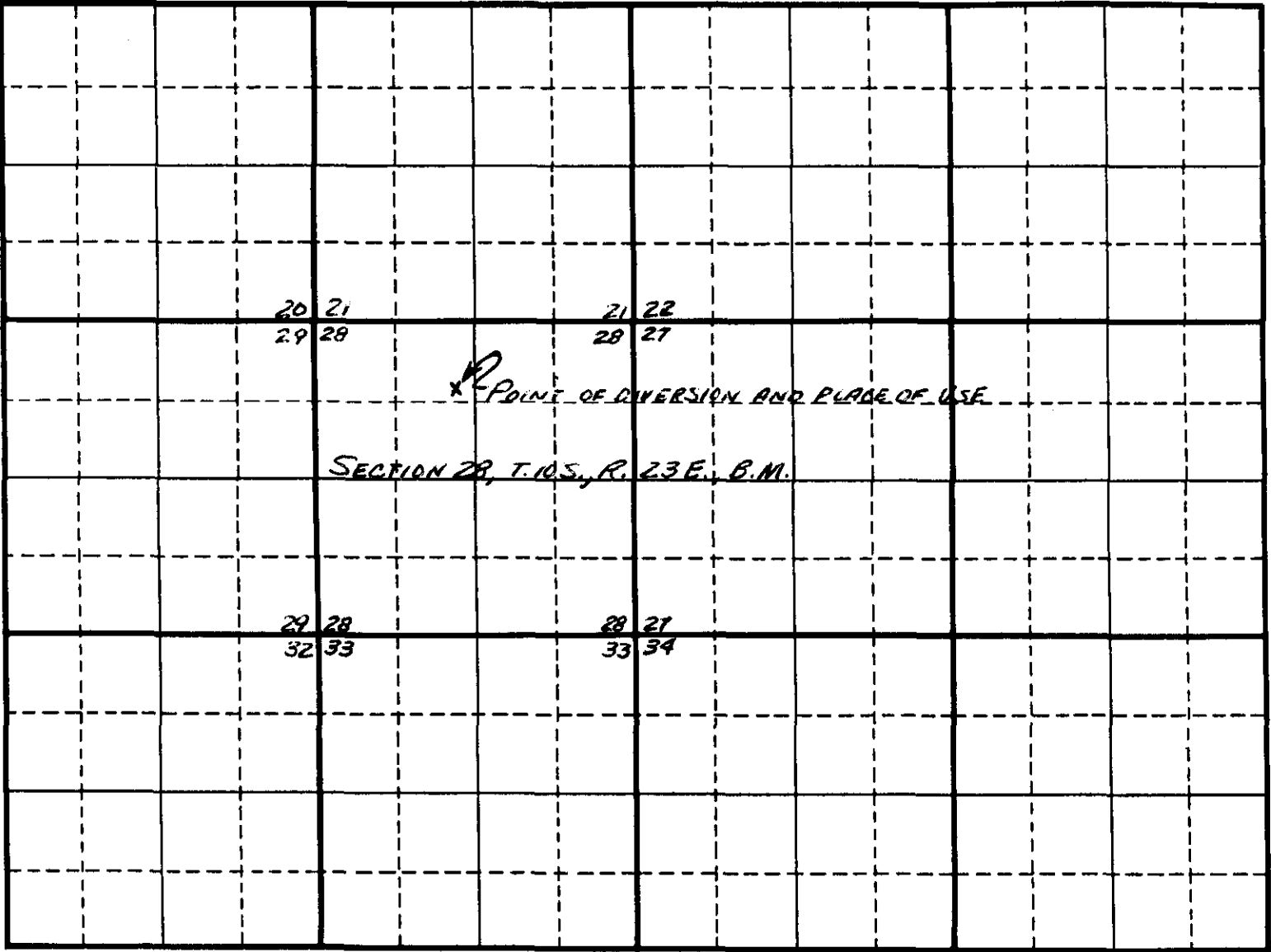
THIS WELL PROVIDES DOMESTIC WATER FOR USE WITHIN THE CEMETERY
SEXTON BUILDING.

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: CITY OF BURLEY

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(8) Remarks BECAUSE OF LACK OF INFORMATION, THE DATE OF PRIORITY HAS BEEN SET AT
"BEFORE 1980" BY THE RECOLLECTION OF THE CURRENT CEMETERY SEXTON WHO WAS
EMPLOYED AT THE TIME THE WELL WAS DRILLED.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Cassia) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 29 day of January, 1980.

Orville Sheddick
(Claimant) MAYOR

E.E. Dringar
Notary Public
Residing at Durley Idaho

My commission expires 4/30/82

FOR DEPARTMENT USE ONLY
Received by ADM Date 2/15/80 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ADM Date 2/15/80 claimant by: _____
\$20.00 fee received by *17103 Date 2/15/80
Published in South Ida. Press None
Dates 3/4 & 3/11/80

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.

STATE OF IDAHO)

Clonnie J. Hughes, being first
duly sworn, deposes and says that she is the

clerk of the South Idaho Press, a daily newspaper published at Burley Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for four
consecutive weeks, commencing with the issue
dated March 4 1980, and ending
with the issue dated March 11, 1980.

Clonnie J. Hughes

Subscribed and sworn to before me

this 12th day of March

1980.

Norma M. Peterson Notary Public

Cost of Publication 3.28

Notary Fee

Total Cost 3.28

NOTARY PUBLIC RESIDING AT
RUPERT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1981

OK
Clonnie
3/14/80

44-4550
CITY OF BURLEY, P.O. BOX 1000, BURLEY, ID
83318, Source: GROUNDWATER, Priority Date:
01/01/1940, Amount: 0.04 CFS, Diversion Point:
NENW Sec 28 T 10S R 23E, CASSIA Co., Use:
DOMESTIC (0.04 CFS) from 01/01 to 12/31, Place
of Use: NENW Sec 28 T 10S R 23E, Diversion
Means: WELL, PUMP & PIPELINE

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SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Clementa Fitch Hughes, being first
duly sworn, deposes and says that he is the

owner of the South Idaho
Press, a daily newspaper published at Bur-
ley Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for four
consecutive weeks, commencing with the issue
dated March 4 1980, and ending
with the issue dated March 11 1980.

Clementa Fitch Hughes
Subscribed and sworn to before me
this 12th day of March
1980.

Norma M. Peterson Notary Public
Cost of Publication 3.28
Notary Fee _____
Total Cost 3.28

NOTARY PUBLIC RESIDING AT
RUPERT, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1981

OK
Aired
3/14/80

45-4008

CITY OF BURLEY, P.O. BOX 1090, BURLEY, ID
83318, Source: GROUNDWATER, Priority Date:
01/01/1940, Amount: 0.04 CFS, Diversion Point:
NENW Sec 28 T 10S R 23E, CASSIA Co., Use:
DOMESTIC (0.04 CFS) from 01/01 to 12/31, Place
of Use: NENW Sec 28 T 10S R 23E, Diversion
Means: WELL, PUMP & PIPELINE

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May 16, 1984

William A. Parsons
Office of City Attorney
City of Burley
Burley, ID 83318

Dear Mr. Parsons:

Re: Water Right Nos. 01-7074, 36-4080, 45-4085 to 45-4099, 45-7092
45-7114, 45-7269, and 45-7436

The Department acknowledges receipt of your letter requesting the status of all the claims, permits and licenses for the City of Burley. Since it is easier and less costly to provide you with copies of everything as opposed to producing a computer report, I've enclosed copies. Please remit \$5.00 to cover copying charges.

In regards to the status of the water rights, no further action is required on the licensed rights or the claims. The statements of beneficial use have been submitted for all of the permits. The field exam has been conducted for Permit No. 45-7436 and is pending on Permit No. 01-7074. The Department will notify you of the extent of beneficial use found just prior to licensing these rights.

If I can be of further assistance, please feel free to contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

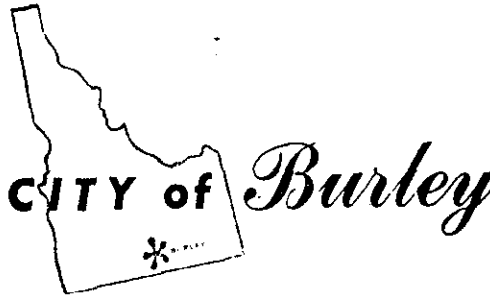
Enclosures

bcc: Roberta Garrett

COUNCILMEN

TRUMAN BRADLEY
DALE L. DOMAN
FRANCES McDONALD
KENNETH FRONK
LEONARD F. KING
GARTH PAYNE

"CHUCK" SHADDUCK, MAYOR
E.E. "BUD" BRINEGAR, CITY CLERK



OFFICE OF City Attorney

PHONES

CITY CLERK'S OFFICE 678-2224
MAYOR'S OFFICE 678-9311
AREA CODE 208

HUB OF IDAHO'S INDUSTRY
BURLEY, IDAHO 83318

May 11, 1984

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State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

RE: 45-7269 City of Burley

Gentlemen:

The City of Burley apparently had the above permit and for some reason the City's records do not appear that the permit was proved up on.

Could you tell me the status of the permit and send us the necessary papers to prove up on the permit.

We would also appreciate a report as to what your files also indicate as to any other permits or licenses that the City of Burley has or should have.

Very truly yours,

William A. Parsons

WAP:rt

cc: Mayor Chuck Shadduck

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

MARCH 25, 1980

CITY OF BURLEY
P.O. BOX 1090
BURLEY

ID 83318

RE: Claim No. 45-4088

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

LOREN O. HOLMES
Southern Region Supervisor

Enclosure

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DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

FEBRUARY 20, 1980

South Idaho Press
P.O. Box 190
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 21, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

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1 NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published 3/4 & 3/11/80.

ALLRED

CITY OF BURLEY

P.O. BOX 1090, BURLEY, ID 83318

Source: GROUNDWATER

Priority Date: 01/01/1940

Amount: 0.04 CFS

Diversion Point: NENW Sec 28 T 10S R 23E, CASSIA Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: NENW Sec 28 T 10S R 23E

Diversion Means: WELL, PUMP & PIPELINE

1/23/2011