

Aug 15 1:30

RECEIVED

MAY 30 2006

DEPARTMENT OF
WATER RESOURCES

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	)	Subcase <u>35-13565</u>
	)	(Insert water right number)
Case 39576	)	
	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☒ LATE NOTICE OF CLAIM
	)	☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Velia DE Giulio

My address is 1643 W 500 S
PIN GREE, ID 83262

My phone number is: Work _____ Home 684-4677

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Husband and Father-in-LAW passed away.
Velia doesn't understand Idaho Water
LAW well enough.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

Licensing field exam for 35-2109.
showed the well in section 20 SWSE WAS
producing 3.0 SCFS and irrigating 134 AC IN
1950.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 256.60.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on Aug 15, 2006 1:30 pm
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

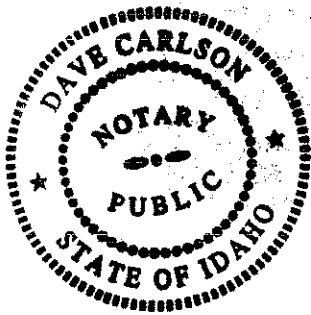
VERIFICATION (Must be completed)

State of Idaho

County of Bonneville

Velia De Giulio, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



Velia De Giulio
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on MAY 25, 2006
(Insert Date)

Dave Carlson
Notary Public for IDWR
Residing at: Rigby, Id
My Commission expires: 2/26/2008

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on May 25, ²⁰⁰⁶~~199~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Velia de Luis
Signature of person or attorney mailing the form

50 + 156 AC = 206
LATE FEES = 50
256

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 35-13565
Date Received: 5/23/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

VELIA DE GIULIO Phone: (208)684-4677

1643 W 500 S
PINGREE ID USA 83262

2. Date of Priority: 09/11/1950

3. Source: GROUND WATER , GROUND WATER Trib. to: ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	33E	20	SW SE	BINGHAM	
03S	33E	21	NW SW	BINGHAM	

5. Description of diverting works:

well pump to sprinklers

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	3.05	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
03S	33E	20	NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	39
			SE	SE		IRRIGATION	39
						Section Acres	158
03S	33E	21	SW	SW		IRRIGATION	29
			NW	SW		IRRIGATION	35
						Section Acres	64
03S	33E	29	NE	NE		IRRIGATION	28
						Total Acres	250

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

this right is based on what was found on licensing field exam for 35-2109.

this right is used with 35-2109A/B

15. Basis of Claim: Beneficial Use

16. Signature(s)

Number of attachments: _____

document are true and correct.

Signature of Claimant(s): Melina De Luis Date: 5-25-06

Date:

State of Idaho)
County of Bonneville) SS.

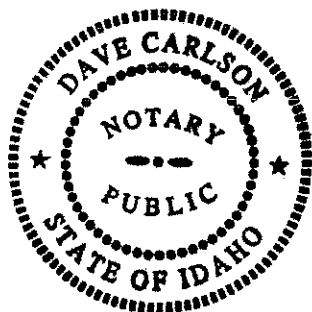
25 of May 2006


Notary Public

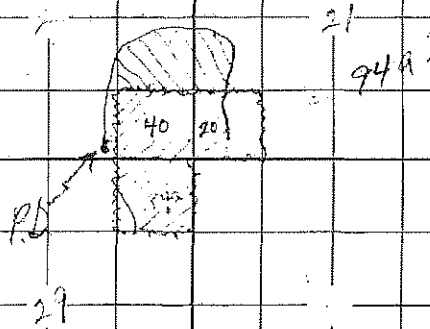
Notary Public

Residing at Ridgely, Td

My commission Expires 2/26/2008

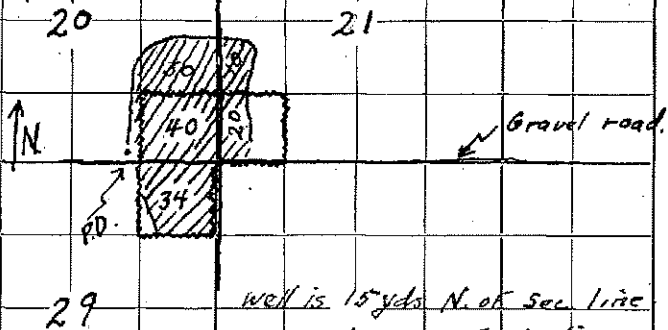


Top. R.
35. 33E.



filed on 75"
for 120 acres

using water on 94 acres, as filed on and 40 acres not filed on.
has other water rights.



Well is 15 yds N. of sec line
" " 1/4 Mi. W. of 40 line.

Has lots of water and is
irrigating more land than
requested in permit.
Pump sets shallow (Not pumping
Full copy) states owner.

35-2109

250
94
186

December 6, 1950

Re: Permit No. 20667

Mr. John DeGiulio
Pingree, Idaho

Dear Mr. DeGiulio:

The report of our Field Engineer shows that you have irrigated 94 acres of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, Township 3 South, Range 33 East, B.M., as described in your Permit No. 20667. Also, 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, which are not included in your Permit.

The License will be issued for 1.5 second feet of water from a well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, Township 3 South, Range 33 East, B.M., appurtenant to the 94 acres first above described. The statutory fee in connection with this is \$6.00, upon receipt of which, the License will be issued and sent you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

35-2109

20667

94
40
134 AC

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20667This proof is for Beneficial use

In Water District No. _____

1. Name of applicant John DeGiulio, Pingree, Idaho
2. Source of water supply: Subterranean (well)
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20.
T. 3 S. R. 33 E. County of Bingham
4. Describe works as they exist, giving dimensions and capacities of same: Well is 125' deep by 12" diameter. Is cased 5' down to the rock. Pump sets 85' down, water raised to 65'. Drawdown is unknown. The Motor is a Westinghouse horizontal induction motor, Type CS, 50 h.p., 220 V., 121.2 amps., 1755 rpm, Serial #4907. Pump is a Fairbanks Morse right angled geared drive, style M $\frac{1}{2}$, ratio 12:1. Serial #84922, 40 h.p., 2400 rpm. The pump house is shed type, 8' by 6' by 6'. There is a concrete base for both the motor and pump. The panels and controls are Westinghouse.
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21;

All in Township 3 South, Range 33 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Water is a G. E. 2 $\frac{1}{2}$ amps, 60 cycle, 3 wire, 3 phase, 480 volts, Kh - 2.4, Min. int. - 15. Model BC6EAK, #28722806. P024410X. Sweep reads 2.45 Kw. 17 rpm - dial reading. The gage reading - .59. Q - 3.05 c.f.s. or 150 inches. Temperature - 50°F. The pump, according to Mr. DeGiulio, will pump considerable more water if the adjustment of the pump is changed. He is irrigating considerable more ground than was asked for in the application.

This examination was made on the 11th day of August, 1920

(Signed) E. M. Humphrey Examiner

35-2109 20667