

2. Mike Cissell
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Should questions arise during the processing of this application please contact:
Steven Hannula - ERO Resources Corp. (208) 373-7983

SEP 14 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-28282
Date Received 9.14.06
Receipt Number C082160

AMENDED

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

Please type or print clearly

1. Name of Claimant(s) David Vastine Phone (510) 655-6553
Mailing Address 105 Florada Ave, Piedmont, CA Zip 94610-1220
2. Date of Priority (Only one (1) per claim) August 1, 1954
3. Source of water supply (a) Spring
Which is tributary to (b) Snake River
4. a. Location of point of diversion is: Township 1S Range 2W Section 26, NW ¼ of NW ¼ of NE ¼, Govt. Lot _____, B.M., County of CANYON
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of _____ ¼, 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. Spring discharges into a 2.1 acre pond. 10 hp motor and pump lifts the pond water to the irrigation piping and pivot. See field exam conducted by Dan Nelson on August 25, 2006.

6. Water is claimed for the following purposes:

	(both dates are inclusive)	(cfs)	(acre feet)
For <u>Stockwater</u>	purposes from <u>1/1</u> to <u>12/31</u>	amount <u>0.07 cfs</u> or <u>3.2 AFA</u>	
For <u>Stockwater Storage</u>	purposes from <u>1/1</u> to <u>12/31</u>	amount _____ or <u>3.2 AFA</u>	
For <u>Wildlife Storage</u>	purposes from <u>1/1</u> to <u>12/31</u>	amount _____ or <u>32.2 AFA</u>	
For <u>Irrigation</u>	purposes from <u>3/1</u> to <u>11/15</u>	amount <u>0.32 cfs</u> or <u>141.3 AFA</u>	
For <u>Irrigation from Storage</u>	purposes from <u>3/1</u> to <u>11/15</u>	amount _____ or <u>32.2 AFA</u>	
For <u>Irrigation Storage</u>	purposes from <u>1/1</u> to <u>12/31</u>	amount _____ or <u>32.2 AFA</u>	
For <u>Diversion to Storage</u>	purposes from <u>1/1</u> to <u>12/31</u>	amount <u>0.32 cfs</u> or _____	

7. Total quantity claimed (a) 0.32 (cfs) and/or (b) 32.2 (acre feet)

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

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) 120 cow/calf pairs, irrigation of 31.4 ac

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 purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	
1S	2W	23												4.4					4.4
1S	2W	26		9/S			18												27

Total number of acres irrigated 31.4

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

63-2256, 63-2711 or None ()

14. Remarks:

Dan Nelson conducted a field visit on August 25, 2006 on this claim.

Last Name _____ Ident. Number _____

15. Basis of Claim (Check One) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 63-28282

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 received notice in the Snake River Basin Adjudication." I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments one (1) map

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) David Vestene Date 9/9/06

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

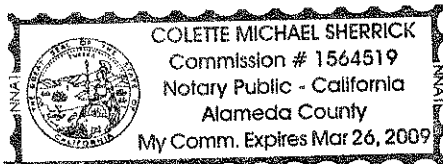
Title and Organization _____ Date _____

State of ~~Idaho~~ or California)
County of Alameda) SS.

Subscribed and sworn (or affirmed) before me this 9th day of September 20 06. David Vestene provided to me on the basis of satisfactory evidence to be the person who appeared before me.

SEAL

Notary Public Colette Michael Sherrick



Residing at Oakland, CA

My Commission Expires March 26, 2009

17. Notice of Appearance.

Please Print Name

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

