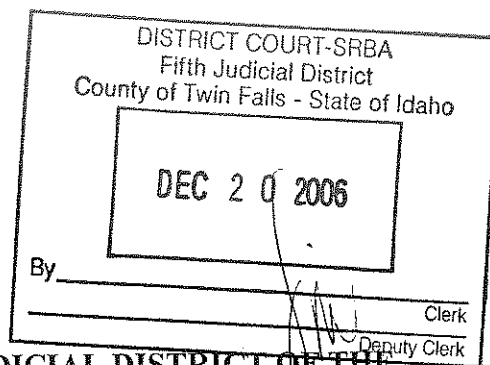


RECEIVED

DEC 22 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

Case No. 39576

For water right: 35-13566, 35-13565

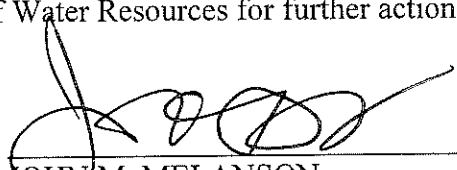
ORDER GRANTING MOTION TO FILE
LATE NOTICES OF CLAIMS

On May 26, 2006, Claimant Velia DeGiulio, filed a *Motion to File Late Notices of Claims to Water Rights* for the two above-indicated water rights. The *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to the *Late Notices of Claims*. The matter was referred to Special Master Terrence Dolan for further proceedings on August 17, 2006 by the Presiding Judge of the SRBA. A hearing on the *Motion* was held by telephone on October 5, 2006. Special Master Terrence Dolan issued a **Recommendation Regarding Prejudice on Motion to File Late Claim**, recommending that the *Motion* be granted. Pursuant to I.R.C.P. 53(e)(2) and **SRBA Administrative Order 1**, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the **Special Master's Recommendation** and wholly adopts them as its own. No Challenges were filed and the time for filing Challenges has expired.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notices of Claims* for water rights 35-13565 and 35-13566 be **granted**.

The original *Notices of Claims*, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

Dated December 14, 2006


JOHN M. MELANSON

Presiding Judge
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE
LATE NOTICES OF CLAIMS

G:\MEREDITH\order granting motion to file late notices of claims.DeGiulio.doc

Page 1

Last printed 12/14/2006 4:47:00 PM

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICES OF CLAIMS was mailed on December
20, 2006, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

VELIA DEGIULIO
1643 W 500 S
PINEGREE, ID 83262
Phone: 208-684-4677

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

50 + 156AC = 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

RECEIVED

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

DEC 22 2006

NOTICE OF CLAIM TO A WATER RIGHT
 ACQUIRED UNDER STATE LAW

Department of Water Resources

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

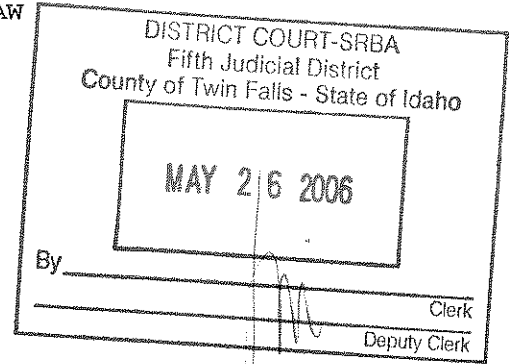
6. Water is used for the following purposes:

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
			Section Acres			
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)

(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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this

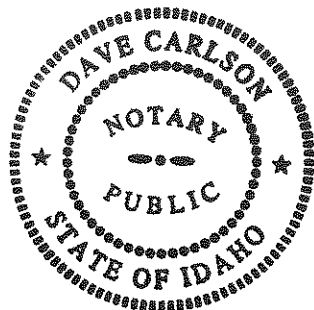
25 of May 2006

Dave Carlson

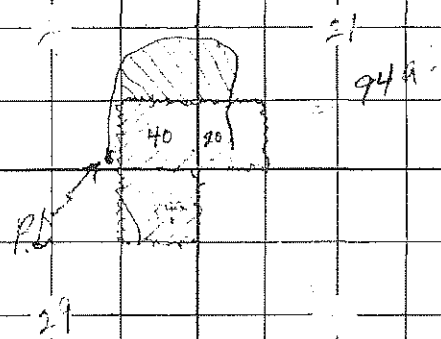
Notary Public

Residing at Regby, Id

My commission Expires 2/26/2008

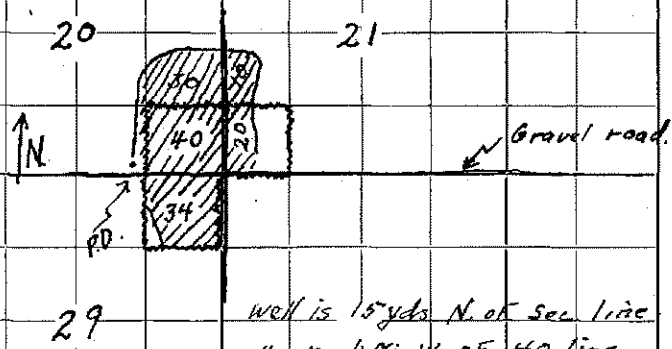


Top. R.
35. 33E.



filed on 75th
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 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
196

December 6, 1950

Re: Permit No. 20667

Mr. John DeGiulio
Pingree, Idaho

94

40

134 AC

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

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20667

This 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 #64929, 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: Meter 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

Idaho Department of Water Resources Receipt

Receipt ID C082891

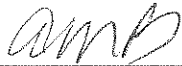
Payment Amount \$256.00 Date Received 12/22/2006 12:26:22 PM Region State Status
Payment Type Check Check Number 1749

Payer DEGIULIO VELIA AND LEE ANN

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$256.00	ADJUDICATION FILING FEE	0337	41503	1155	



Signature Line (Dept. Representative)

claim 500
Late Fee 50
~~100~~

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

RECEIVED

DEC 22 2006

Ident. Number 35-13566
Date Received: 5/23/2006
Receipt No: 0092892
Received By: amg

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name of Claimant(s)

VELIA DE GIULIO Phone: (208)684-4677

1643 W 500 S
PINGREE ID USA 83262

2. Date of Priority: 04/01/1975

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:

wells/pumps to sprinklers

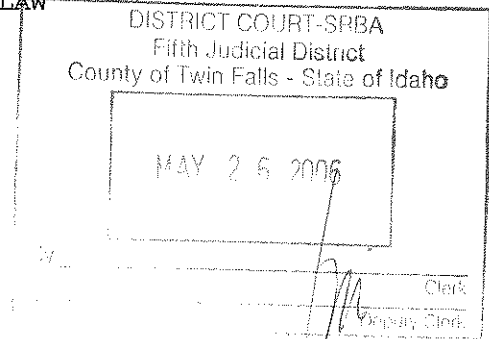
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1	

7. Total Quantity Appropriated is:
1 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	NW	SW	IRRIGATION	35
			SW	SW	IRRIGATION	29
Section Acres						64
03S	33E	29	NE	NE	IRRIGATION	28
			Section Acres			
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 for an enlargement of 113 acres within the place of use described for this right.

This right is based upon an enlargement of Right No. 35-2109, 35-13565 pursuant to Section 42-1426, Idaho Code.

15. Basis of Claim: Beneficial Use

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Julia de Julio Date: 5-25-06

Date:

State of Idaho)
County of Booneville) SS.

Subscribed and sworn (or affirmed) before me this

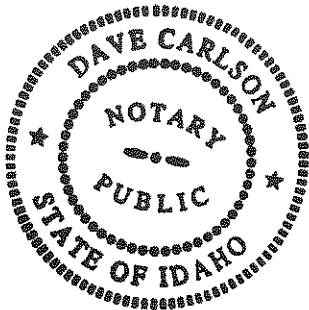
25 of May 2006

Dave Carlson

Notary Public

Residing at Bigby, Id

My commission Expires 2/26/2009

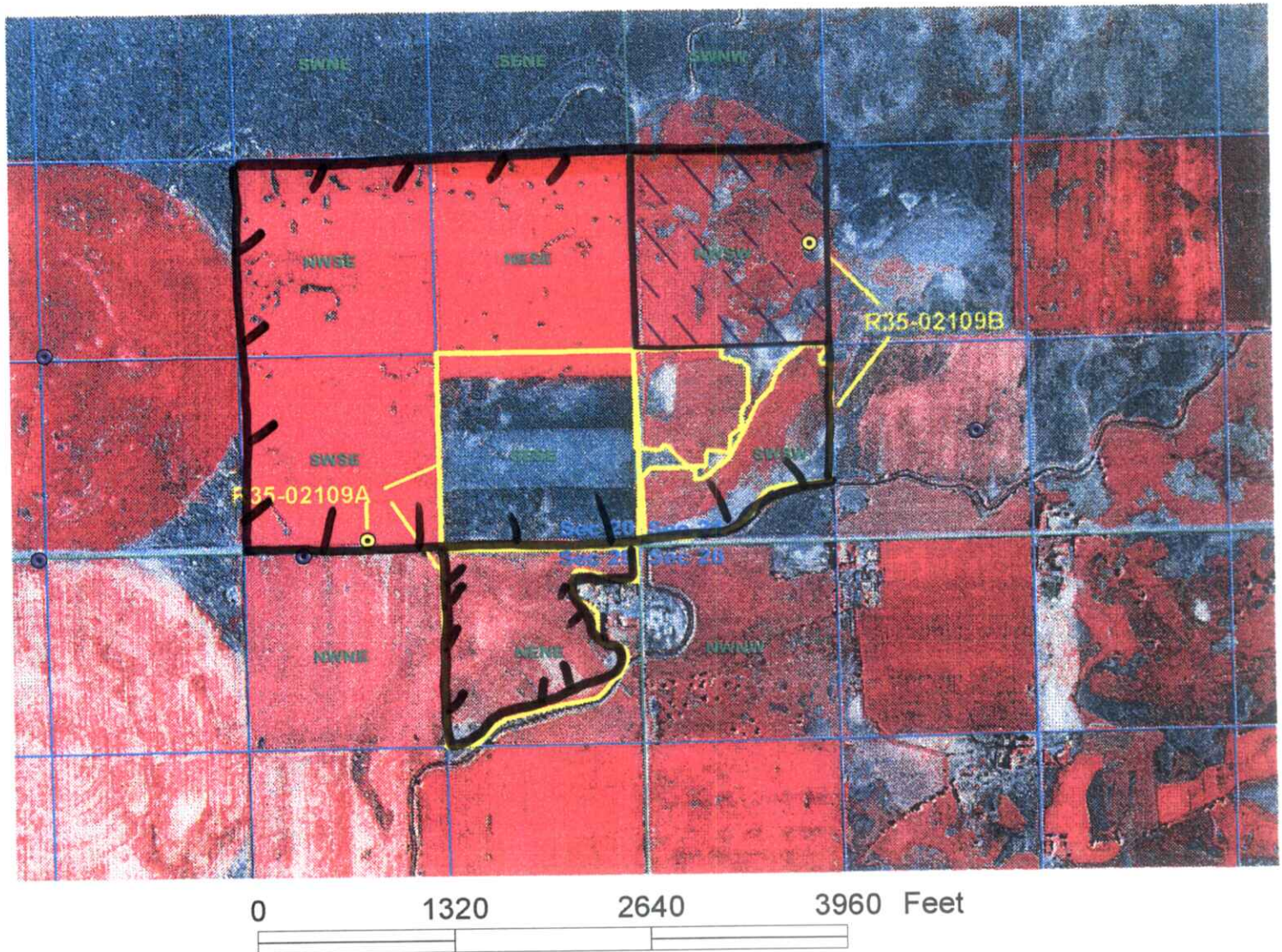


IDAHO DEPARTMENT OF WATER RESOURCES

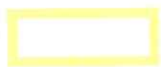
DE GIULIO

Water Right No(s).

35-0



Point of Diversion
Location



Place of Use
Boundary



Section Lines



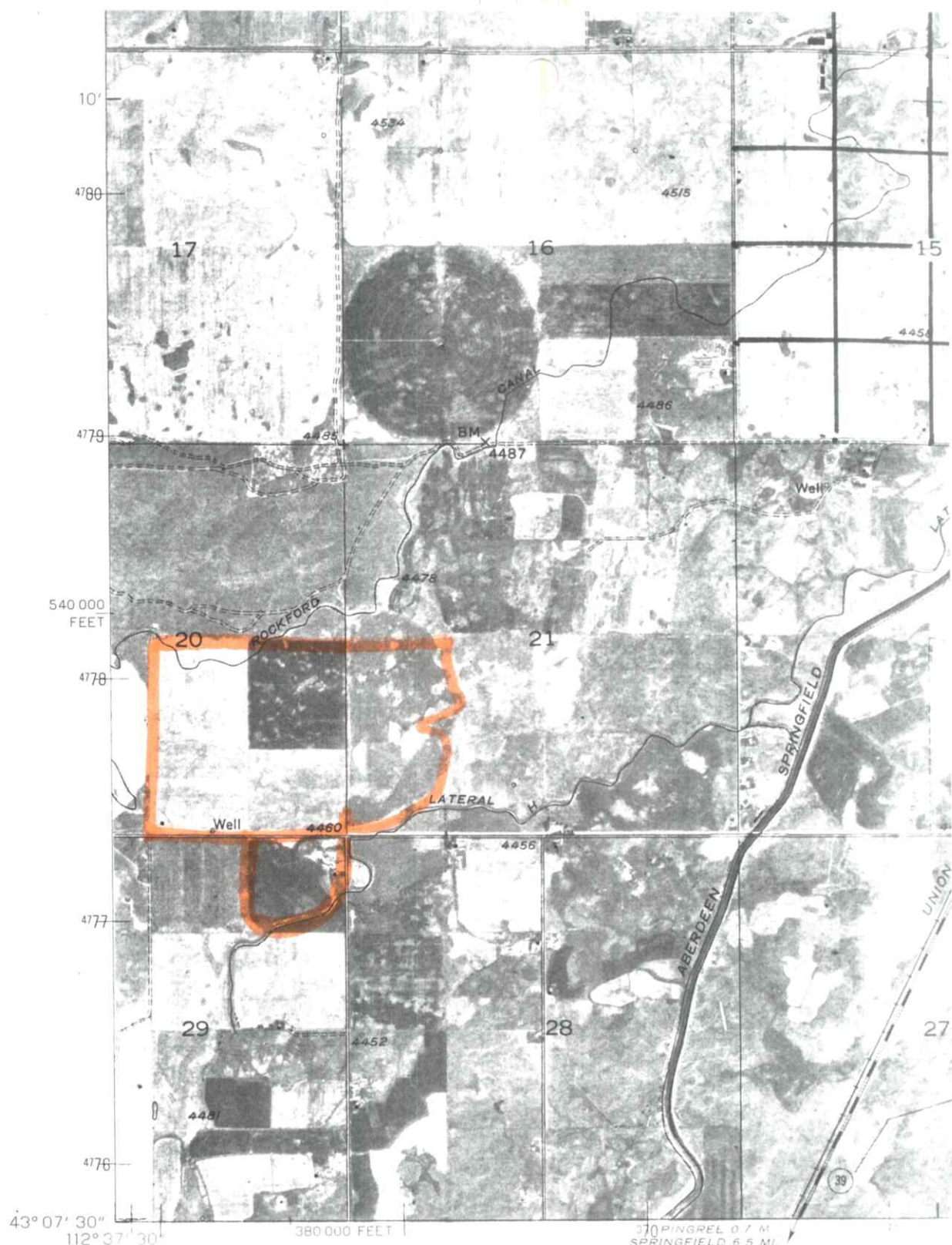
Quarter/Quarter Lines

Township(s) 03S, Range(s) 33E
Section(s) 20 & 21



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: Greg Taylor
Date: Jan. 15, 1999

POU



Produced by the Geological Survey
in cooperation with the Bureau of Indian Affairs

Orthophotograph prepared from 1:40,000-scale aerial
photographs taken September 25, 1985

Projection and 10,000-foot grid ticks

Idaho coordinate system, east zone

(Transverse Mercator)

1,000-meter Universal Transverse Mercator grid ticks,
zone 12, 1927 North American Datum

Photoimagery rectified by optical scanning

Where double or mismatched image occur use the

mean of image position for map point

Revisions shown in purple and woodland compiled from

aerial photographs taken 1974 and other source data 1983

This information not field checked Map dated 1979

as shown by dashed corner ticks



This map has been prepared for the
Idaho Code §42-14101-14104 and the
Fever Basin Adjudication. No warranty of
responsibility is assumed by BWS.

Idaho Department of Water Resources Receipt

Receipt ID C082892

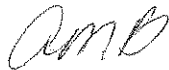
Payment Amount \$100.00 Date Received 12/22/2006 12:29:53 PM Region State Status
Payment Type Check Check Number 1750

Payer DEGIULIO VELIA AND LEE ANN HALE

Comment 35-13566

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	ADJUDICATION FILING FEE	0337	41503	1155	



Signature Line (Dept. Representative)