

JUL 25 1994

A63-04256B



Idaho Department of Water Resources

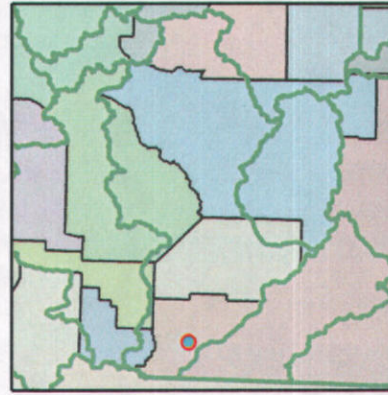
SRBA Recommendation:

63-4256C

Acres = 18

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63

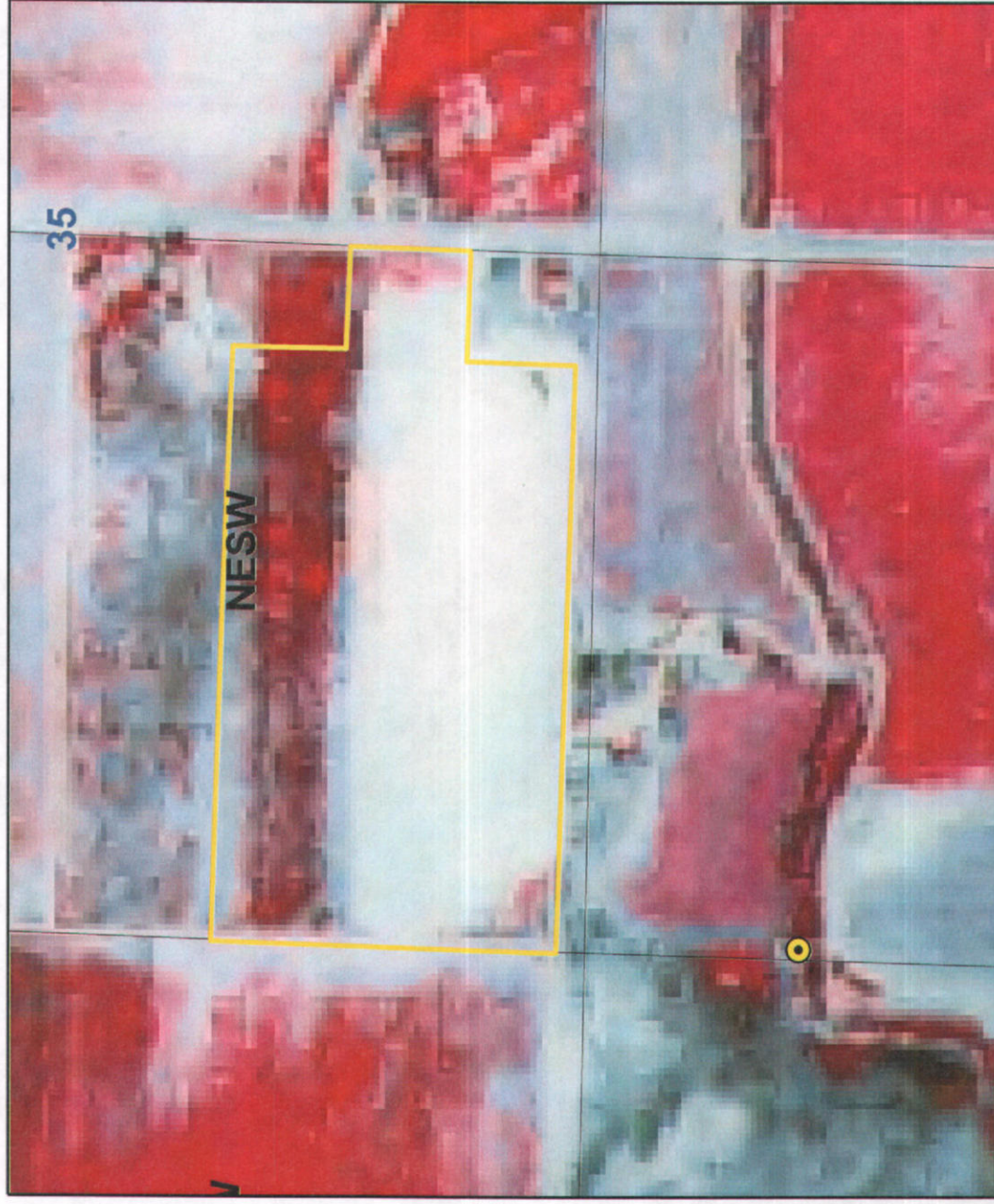
Prepared by K. Walker
On Thursday, July 13, 2006
1987/88 Aerial Photography

R04W

35

NESW

T04N



0 0.1 0.2 Miles

Idaho Department of Water Resources

Claim Number: 63-04256C

Legal: T04N, R04W, S35

Reviewed By:

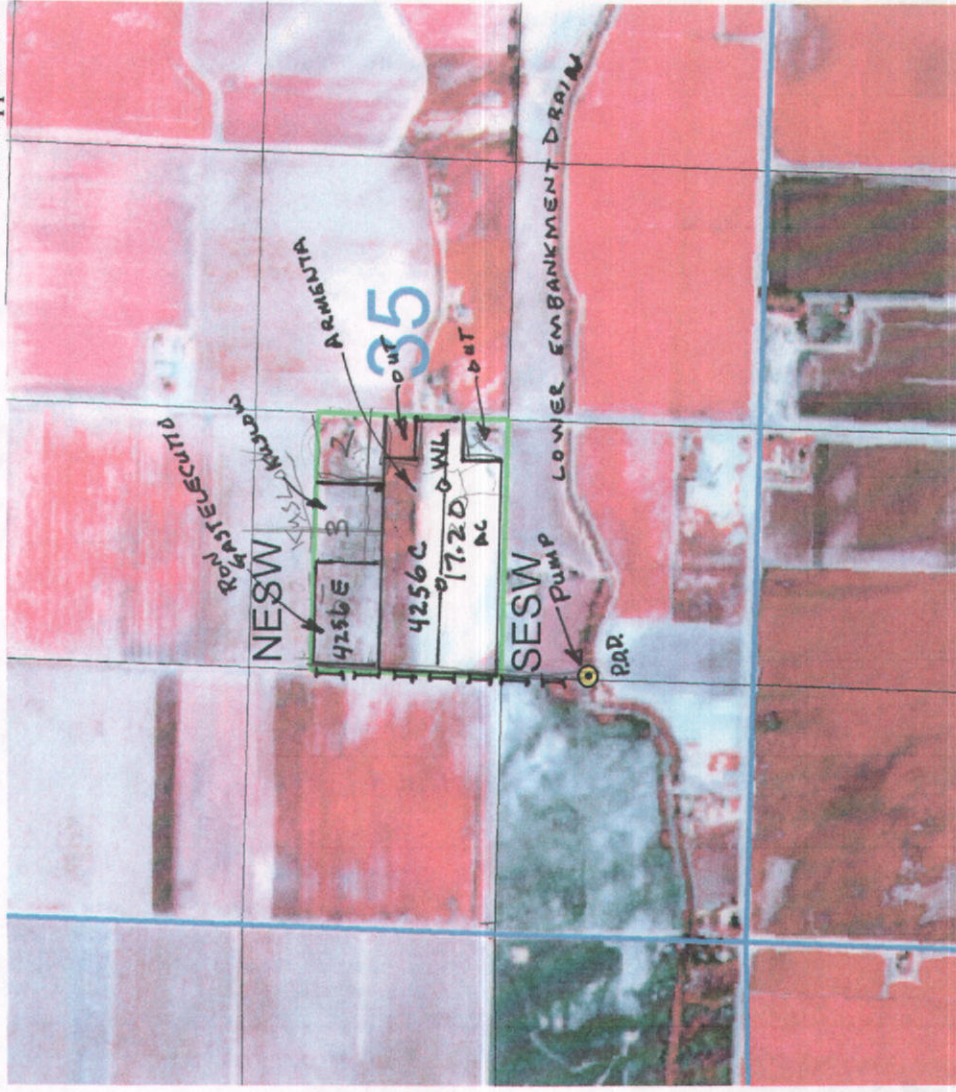
Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines

1987 Napp Photo



0 0.25 Miles

1,32" / 1 1/4 WILE





63-4256 C

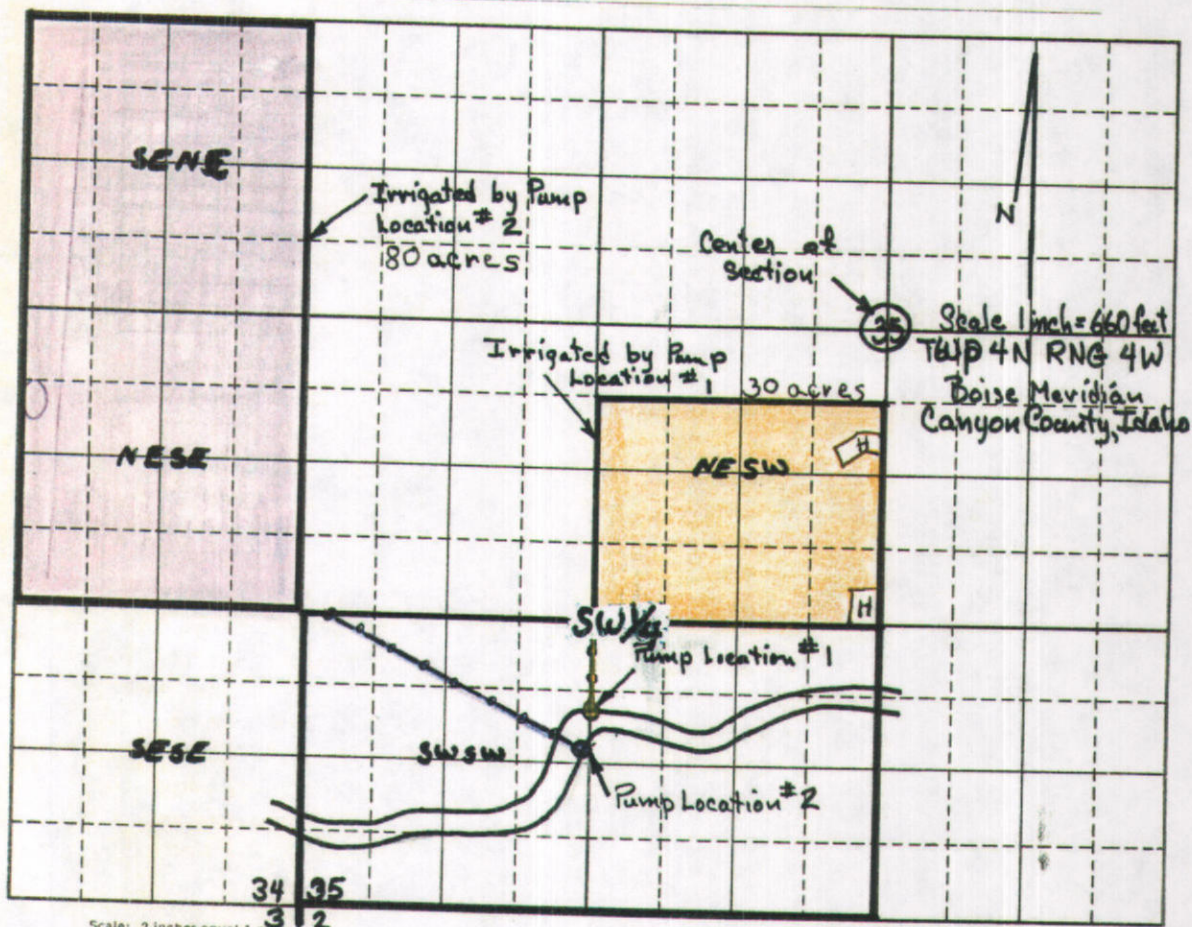
Armenta Pump
20 HP Centrifugal



Armenta
Meter & Panel



(8) Remarks _____



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 Ada

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 affiants knowledge.

Sworn to before me this 15 day of February, 19 74.

Tobias Bender
(Claimant)

Deanna Helt
Notary Public

Residing at Bowse, IdahoMy commission expires June 15, 1977

Rec'd # 13705

For Department Use Only

Received by <u>CEB</u>	Date <u>2-15-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CEB</u>	Date <u>15 Feb. 1974</u>		claimant by:	
\$10.00 fee received by <u>CEB</u>	Date <u>2-15-74</u>			
Approved for publication by <u>Steve Tubene</u>				
Published in <u>2-28 + 3-7-74</u>				

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 63-4256C
Date Received: 5/20/1994
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

PRISCILLA ARMENTA Phone: (208)459-4090
19515 SANTIAGO PL
CALDWELL ID USA 83607

SANTIAGO ARMENTA Phone: (208)459-4090
19515 SANTIAGO PL
CALDWELL ID USA 83607

2. Date of Priority: 04/01/1949

3. Source: LOWER EMBANKMENT DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	04W	35	SE SW	CANYON	

5. Description of diverting works:

25 HP PUMP, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.4	

7. Total Quantity Appropriated is:
0.4 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
04N	04W	35	NE	SW	IRRIGATION	20
Section Acres						20
Total Acres						20

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

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.

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: A63-04256C
Date Received: 5/20/1994
Receipt No: W/7506
Received By: SRW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SANTIAGO ARMENTA 208-459-4090
Address: 18369 PRIDE LN
CALDWELL ID 83605
OR
Name: PRISCILLA ARMENTA 208-459-4090
Address: 18369 PRIDE LN
CALDWELL ID 83605

2. Date of Priority: APR 1, 1949

3. Source: LOWER EMBANKMENT DRAIN Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	35	SE	SW			CANYON

5. Description of diverting works:
25 HP PUMP, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.400		

7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	35	NE	SW		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
					Total Acres	20.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

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):

[Signature] Date: 5-20-94
[Signature] Date: 5/20/94

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20 day

of May 19 94

Seal

Linda Werner
Notary Public

Residing at LINDA WERNER
RESIDING AT EAGLE, IDAHO
My Commission Expires MY COMMISSION EXPIRES DEC. 6, 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

AUG 16 2006

DEPARTMENT OF
WATER RESOURCES

[] Water Right Number(s): 63-4256C

[] Name(s): Piscilla Armenta
Santiago Armenta
Yvonne Armenta

[] Old Mailing Address: Santiago / Piscilla
18369 Pride Ln
Calif. ID. 83607

[] New Mailing Address: San Santiago / Piscilla Armenta
19515 Santiago Pl.
Calif. ID. 83607

Telephone Number: (208) 459-4090

[] Signature(s) of Owner(s) Santiago Armenta
Piscilla Armenta
(Include your title if on behalf of company or organization)

Date: 8-15-06

SCANNED

AUG 17 2007

POOR ORIGINAL



MICROFILMED

JUL 25 1994

A63-04256 BC

63-42560 C &
POSS overlap?

RECEIVED

JUL 18 2007

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)

A. Subcase

63-4256C

(Insert water right number
From the Objection Form)

Case No. 39576)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name:

Santiago or Yvonne Arment

Address:

19519 Santiago Place

COld. ID. 83607

Daytime Phone: 208-457-4090

Name & Address of Attorney, if any:

Albert D. Parker

Barker Probst & Simpson LLP

1610 W. Jefferson Ste 102 Boise ID. 83702

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name:

Wilder Irrigation District

Address:

709 Cleveland Blvd

COld. ID. 83605

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use

11. Recommendation

- ☒ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Id.)

)ss.

County of Canyon)

Santiago or Pucilla Arneak duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

Santiago or Pucilla Arneak
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

Notary Public for _____
Residing at: _____
My Commission Expires: _____

INSTRUCTIONS FOR MAILING

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

F.

CERTIFICATE OF MAILING

I certify that on July 16, 1997, I mailed the original and copies of this response, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: _____
Address: _____

3. One copy to the party who filed the objection at the following address:

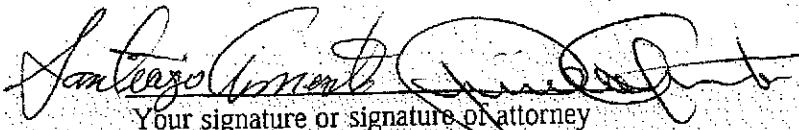
Name: _____
Address: _____

4. Copies to:

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

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

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


Your signature or signature of attorney
mailing on your behalf

ATTENTION

Feb. 18, 2006

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
A63-4256C)

KIMBERLY
AFFIDAVIT

State of Idaho)
County of Canyon)

Richard & Edna Britton and 1 child

deposes and says:

In reference to the use of water
at the lower embankment drain located
at T 04N, R 04W, S35 for use on NESW

We moved onto this property in 1942.
A pump was already in the drain ditch pumping water
north of the ditch. Richard installed another pump in 1949.
We raised alfalfa, corn, beets, potatoes and Dorset strawberries
to sell. We and our 5 children moved into the "Sister Harris"
house in 1957 and we also pumped water on that
property with this same pump. We moved away
in 1966. Priscilla Armenta moved onto this property
in 1977. Richard passed away in 1978

Edna M. Britton
(Signature)

Mrs. Richard Britton

field exam GPS point of
diversion -

7-13-2007

To Whom It May Concern

We farmed our land (thirty acres)
Since 1977.

We have a main line, wheel line,
and hand line.

We have raised, beets, grain and
beautiful crops of alfalfa for
our animals. The land has been good
to us. We have enjoyed the quality of
life here. We seeded our land this year
with grass seed. ^{It died} Our daughters have
horses and mules and they want to
raise grass hay.

This water has been used as far
as 1942 according to documentation
enclosed. (water)

We-I feel that it is beneficial + if
it must happen ~~we~~ we would be willing
to pay for the water. We do not use
it waste-fully. It is only right that
we respect our water and use it
wisely. Sometimes I see water runoff
and get frustrated that its taken
for granted.

We are planting our land
this fall again - we are very excited
to have it beautiful and green.

We are hoping that we will continue to
have the benefit of using the wonderful
water. We also would like to express
our grateful thanks for using the water -
and for all that you have done to make
this possible.

This letter is in reference to the
acres for Armenta's Subcase 63-4256C
(water right number)

Respectfully,

Amelieo Armenta
President



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

**C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director**

July 12, 2007

SANTIAGO &/OR PRISCILLA ARMENTA
19515 SANTIAGO PL
CALDWELL ID 83607

Re: Water Right 63-4256C

Dear Mr. and Mrs. Armenta:

We are in receipt of the letter you submitted in regard to the objection filed on the recommendation of the above referenced water right. Please be advised that you must submit your response to the irrigation district's objection on forms provided by the Snake River Basin Adjudication (SRBA) Court. I have enclosed one of these forms for your convenience. Please complete the form, following the instructions provided and then send it to all the parties as described.

Please contact our office at 208-334-2190 if you need more information.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: Response to Objection form

63-4256C

Santiago and Recilla Armenta
19515 Santiago DL
Cold. ID. 83607

IDWR Document Depository
P.O. BOX 83720
HOUSE ID. 83720-0098

WD
RECEIVED
JUL 11 2007
DEPARTMENT OF
WATER RESOURCES

To whom it may concern:

We are objecting to the objection
of Wilder Irrigation.

We submitted documentation that
this water has been for agricultural use
benefitting our land since 1942.
We hope to continue using it.

Respectfully

The Armenta Household.

Santiago Armenta
Recilla Armenta

RECEIVED
JUL 11 2007
WATER RESOURCES
WESTERN REGION

ATTENTION

Feb. 18, 2006

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
A63-4256C)

KIMBERLY

AFFIDAVIT

State of Idaho)
County of Canyon)

Richard & Edna Britton and 1 child

deposes and says:

In reference to the use of water
at the lower embankment drain located
at T 04N, R 04W, 535 for use on NE5W

We moved onto this property in 1942.
A pump was already in the drain ditch pumping water
north of the ditch. Richard installed another pump in 1949.
We raised alfalfa, corn, beets, potatoes and "Dorset" strawberries
to sell. We and our 5 children moved into the "Sister Harris"
house in 1957 and we also pumped water on that
property with this same pump. We moved away
in 1966. Priscilla Armenta moved onto this property
in 1977. Richard passed away in 1978

Edna M. Britton
(Signature)

Mrs. Richard Britton

Field exam GPS point of
Diversion -

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

)

A. Subcase 63-4256C

(insert water right number)

)

Case No. 39576

)

STANDARD FORM 1
OBJECTION

)

Please fill in the following information:

RECEIVED

B. NAME AND ADDRESS OF PERSON OBJECTING

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Santiago and Priscilla Armenta

Address: 19515 Santiago Pl.

Caldwell, ID 83607

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Wilder Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: Land Subject to Wilder Irrigation Water Right

10 ☐ **I object because:**

☒ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Wilder Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Wilder Irrigation District. The place of use is covered by an existing Wilder Irrigation District water right, which is the primary water right for the place of use. Proposed wastewater remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of Idaho
County of Ada)ss.

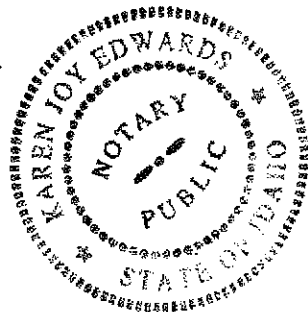
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 200 , I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

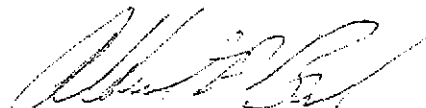
Name: Santiago and Priscilla Armenta
Address: 19515 Santiago Pl.
Caldwell, ID 83607

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

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

RIGHT NUMBER: 63-4256C
NAME AND ADDRESS: SANTIAGO ARMENTA
19515 SANTIAGO PL
CALDWELL ID 83607

PRISCILLA ARMENTA
19515 SANTIAGO PL
CALDWELL ID 83607

RECEIVED

DEC 12 2006

DEPARTMENT OF
WATER RESOURCES

SOURCE: LOWER EMBANKMENT DRAIN TRIBUTARY: SNAKE RIVER
QUANTITY: 0.360 CFS
PRIORITY DATE: 04/01/1949
POINT OF
DIVERSION: T04N R04W S35 NWSESW Within CANYON County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.360 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S35 NESW 18.00

18 ACRES TOTAL

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right Nos. 63-4256E, 63-31633 and 63-31634 are also diverted through point of diversion described above.

Parcel No. R3660400000

09/29/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-4256C

SANTIAGO ARMENTA
19515 SANTIAGO PL
CALDWELL ID 83607
Telephone Number: (208)459-4090

PRISCILLA ARMENTA
19515 SANTIAGO PL
CALDWELL ID 83607
Telephone Number: (208)459-4090

RECEIVED

OCT 16 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10.11.06

SIGNATURE:

Please print your name:

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

✓kw

08/17/2006

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

RIGHT NUMBER: 63-4256C

NAME AND ADDRESS: SANTIAGO ARMENTA
19515 SANTIAGO PL
CALDWELL ID 83607

PRISCILLA ARMENTA
19515 SANTIAGO PL
CALDWELL ID 83607

*rk - kw
8/17*

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION:

T04N R04W S35 NWSESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.360 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S35 NESW 18.00

18 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right Nos. 63-4256E, 63-31633 and 63-31634 are also diverted through point of diversion described above.

Parcel No. R3660400000

*10-11-06
Priscilla agrees w/ recommendation
will check parcel #
and return NOE
form. KW*

07/13/2006

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

RIGHT NUMBER: 63-4256C

NAME AND ADDRESS: SANTIAGO ARMENTA
18369 PRIDE LN
CALDWELL ID 83605

PRISCILLA ARMENTA
18369 PRIDE LN
CALDWELL ID 83605

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION:

T04N R04W S35 NWSESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.360 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S35 NESW 18.00

18 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right Nos. 63-4256E, 63-31633 and 63-31634 are also diverted through point of diversion described above.

Parcel No. R3660400000



Idaho Department of Water Resources

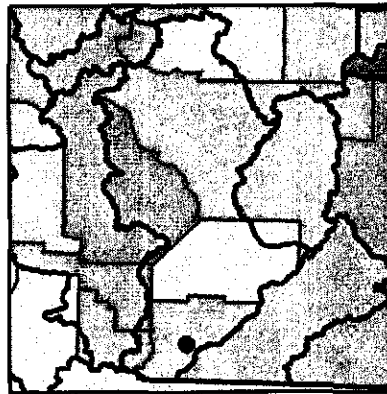
SRBA Recommendation:

63-4256C

Cells = 18

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



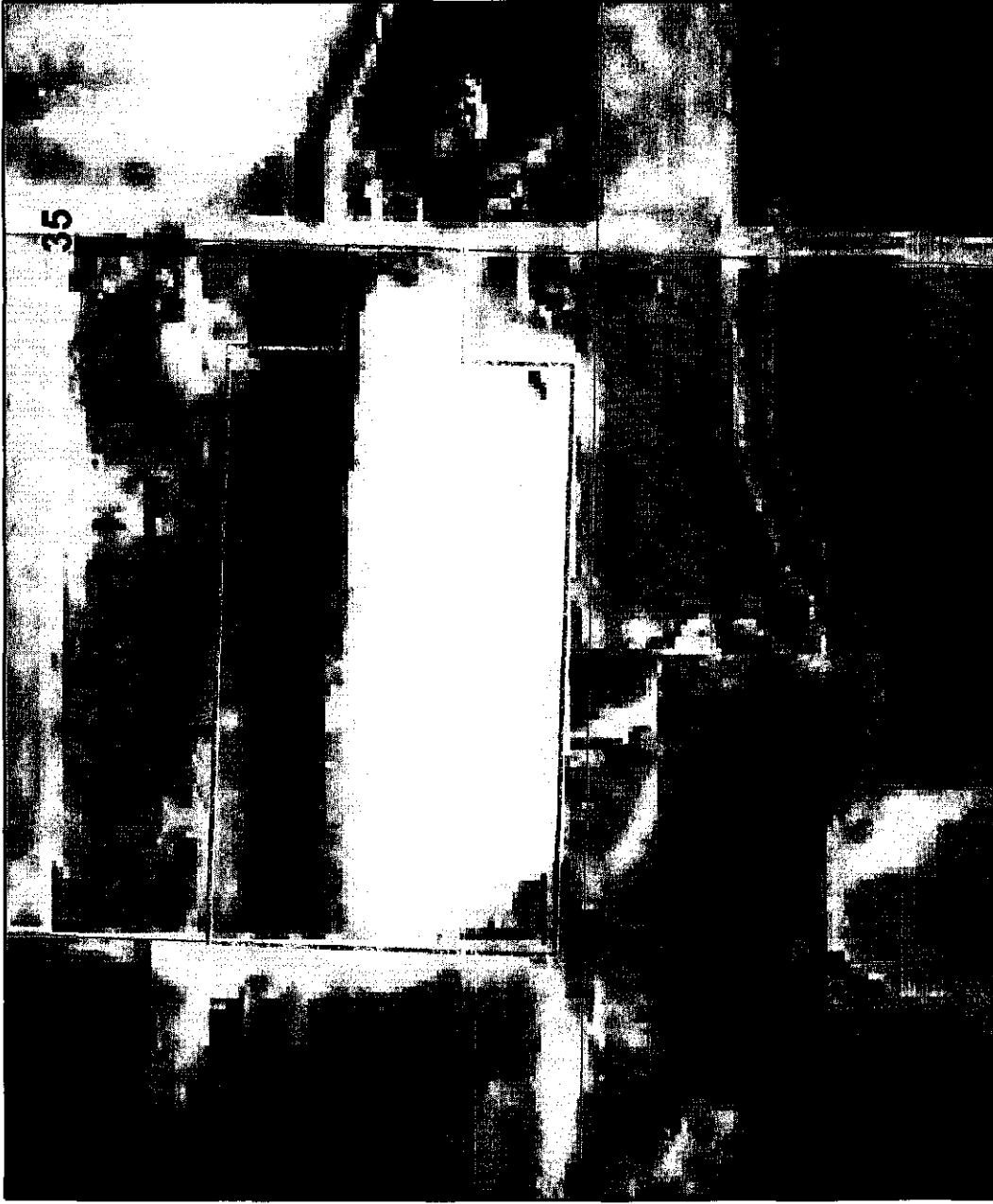
Canyon County
IDWR Basin 63



R04W

35

T04N



0 0.1 0.2 Miles

Prepared by K. Walker
On Thursday, July 13, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4256C

WATER RIGHT NUMBER: 63-4256C

Owner Type Name and Address

Current Owner PRISCILLA ARMENTA ✓
 18369 PRIDE LN ✓
 CALDWELL, ID 83605 ✓
 (208)459-4090 ✓

Original Owner ~~TOBIAS BENDER~~
~~RT 6~~
~~CALDWELL, ID 83605~~

Current Owner SANTIAGO ARMENTA ✓
 18369 PRIDE LN ✓
 CALDWELL, ID 83605 ✓
 (208)459-4090 ✓

Priority Date: 04/01/1949 ✓

Basis: Beneficial Use ✓

Status: Active

Source Tributary

LOWER EMBANKMENT DRAIN ✓ SNAKE RIVER ✓

Beneficial Use ✓

IRRIGATION ✓

From To

4/01 to 10/31

Diversion Rate 0.36

0.400 CFS

Annual Volume

N/A - surface water

3/1-11/15

Total Diversion:

0.400 CFS 0.36

Location of Point(s) of Diversion

LOWER EMBANKMENT DRAIN
 CANYON County ✓

NW SE1/4SW1/4 -

Sec. 35, Twp 04N, Rge 04W, B.M.

Place of Use

IRRIGATION

due to error in GCBD
 arc view wanted to
 locate in SWSW (recommend
 SWSW per exam + GCBD error)

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
04N	04W	35	✓																20.0
																			18

Total Acres: 20

18 ← per
 GIS
 shape.

Conditions of Approval:

Remarks:

Parcel # R3660400000

per exam in
 file - kw
 7/13/06

use standard season

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4256

WATER RIGHT NUMBER: 63-4256

Owner Type

Current Owner

Name and Address

TOBIAS BENDER
RT 6
CALDWELL, ID 83605

Priority Date: 04/01/1949

Basis: Statutory Claim

Status: Active

Source

LOWER EMBANKMENT DRAIN

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 10/31

Diversion Rate

2.200 CFS

Annual VolumeTotal Diversion: 2.200 CFSLocation of Point(s) of Diversion

LOWER EMBANKMENT DRAIN

SE1/4SW1/4

Sec. 35, Twp 04N, Rge 04W, B.M.

CANYON County

LOWER EMBANKMENT DRAIN

SW1/4SW1/4

Sec. 35, Twp 04N, Rge 04W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04W	34				40.0									40.0				80.0
04N	04W	35								30.0									30.0

Total Acres: 110

Conditions of Approval:Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-4256C

02/02/2006

1

Right #	Type	Tw	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
1256C	Claim	04N	04W	35	NE	SW		IRRIGATION	20/20	PRISCILLA ARMENTA
1256E	Claim	04N	04W	35	NE	SW		IRRIGATION	5/5	PAM GASTELECUTTO
11443	Claim	04N	04W	35	NE	SW		IRRIGATION	10/50	DANIEL J SILVERIA
11633	Claim	04N	04W	35	NE	SW		IRRIGATION	3/3	RICHARD E KUSHLAN
11634	Claim	04N	04W	35	NE	SW		IRRIGATION	2/2	JOHNNY L WILSON
2751	Water Right	04N	04W	35	NE	SW		IRRIGATION	10/90	CLARENCE D COOK
2876	Water Right	04N	04W	35	NE	SW		IRRIGATION	8/8	LESTER R HARRIS
~~4256~~	Water Right	04N	04W	35	NE	SW		IRRIGATION	30/110	TOBIAS BENDER
28602	Water Right	04N	04W	35	NE	SW		~~STOCKWATER~~		N C DONLEY
28181	Water Right	04N	04W	35	NE	SW		~~DOMESTIC~~		SANTIAGO ARMENTA
28602	Water Right	04N	04W	35	NE	SW		~~DOMESTIC~~		N C DONLEY
28735	Water Right	04N	04W	35	NE	SW		~~DOMESTIC~~		TERESA ARMENTA

no plus ok

Receipt Details for ID W017506

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/20/1994 11:59:46 AM	5/20/1994	Western	\$70.00	Check
Payer		ARMENTA, PRISCILLA		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
570			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$70.00	ADJUDICATION FEE	41503	337	00		1155

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4256	C	\$70.00	Claim

OK

Print Report

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

RECEIVED

JUN 06 2006

WATER RESOURCES
WESTERN REGION

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-4256C

Owner: ARMENTA, PRISCILLA & SANTIAGO Phone No. 459-4090

Current Address: 18369 PRIDE LANE CALDWELL ID 83605

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☒ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: SANTIAGO

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 4/1/1949

(If priority date, based on your exam, seems questionable, explain below.)

Source: LOWER EMBANKMENT DRAIN Tributary to SNAKE RIVER

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

SITE TAG ON SERVICE POLE
NEAR PUMP
A0002408

GPS = 2275135
B 1385387
100

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		NW	SE	SW	35	4N	4W	CANYON	NAPP PHOTO + GPS

Description of diverting works

20 HP CENTRIFUGAL LOCATED ON BANK OF LOWER EMBANKMENT DRAIN APPROX.
200-300 F. UPSTREAM FROM BATT PUMP (63-4256A) WITH AN UNDERGROUND SPRINKLER MAINLINE
PIPELINE RUNNING NORTH
APPROX 1500' - SEE NAPP PHOTO ATTACHED

OVERLAP REVIEW

Other water rights with the same point of diversion: NONE

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES

- ☐ No change
- ☐ Different Uses

Use IRRIGATION From 4/1 To 10/31 Amount 0.40 CFS 180 GPM AFA
Use _____ From _____ To _____ Amount _____ CFS AFA
Use _____ From _____ To _____ Amount _____ CFS AFA

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS AFA
- ☐ Changes found, the new total is, Amount _____ CFS AFA
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☐ No change
- ☐ Changes Exam found: Domestic # of homes _____ Stock # _____
Types _____ Additional comments: _____

PLACE OF USE:

- ☐ No Change
- ☒ Changes shown below:

SEE N APP PHOTO

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4W	35									17.2								17.2

Overlap with other water rights: NONE

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: 20HP CENTRIFUGAL PUMP TO PUMP WATER FROM LOWER EMBANKMENT DRAIN THRU A MAINLINE TO THE PROPERTY OWNED BY ARMENTAS

Well or Diversion Identification No GPS ID	Motor Make	Hp FROM PUMP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
#1 (AND ONLY)	NO NAME- PLATE	20	—	BERKELEY	MODEL P3TPM 4" SUCTION SIZED UP TO 6" DISCHARGE

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

$$HP = 20 \quad LIFT = 5' \text{ SUCTION} \\ EFF = 70\% \quad DISCHARGE HEAD = (ELEV. RISE = 50 + 115' (50 PSI) \text{ PRESSURE}) \\ 165' \text{ TDH} \\ Q = \frac{(20)(70)(3960)}{165} = 336$$

THIS PUMP PUMPS WATER TO 3 OTHER PARCELS
RON GASTRECHUTTO 63-4256E, KUZLOW, +?

THIS PUMP IS CAPABLE OF PUMPING APPROX. 336 GPM OR .75 CFS. THERE ARE 4 OR 5 PARCELS BEING IRRIGATED WITH THIS SYSTEM.

SEE PHOTOS ATTACHED OF PUMP PLANT

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 3/21/04 6/5/06

FIELD EXAMINER: Bruce H. Scholer

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4256C

WATER RIGHT NUMBER: ~~63-4256C~~

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PRISCILLA ARMENTA 18369 PRIDE LN CALDWELL, ID 83605 (208)459-4090
Original Owner	TOBIAS BENDER RT 6 CALDWELL, ID 83605
Current Owner	SANTIAGO ARMENTA 18369 PRIDE LN CALDWELL, ID 83605 (208)459-4090

Priority Date: 04/01/1949
 Basis: Beneficial Use
 Status: Active

Source
 LOWER EMBANKMENT DRAIN

Tributary
 SNAKE RIVER

Beneficial Use
 IRRIGATION

From To
 4/01 to 10/31

Diversion Rate
 0.400 CFS

Total Diversion: 0.400 CFS

Annual Volume

IPCO
 82 803 757
 $K_h = 28.8$

Location of Point(s) of Diversion
 LOWER EMBANKMENT DRAIN
 CANYON County

SE1/4SW1/4

Sec. (35) Twp 04N, Rge 04W, B.M.

Place of Use
 IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	04W	(35)	NE	NW	SW	SE	20.0

Total Acres: (20)

Conditions of Approval:

Remarks:

C- portion
 only 17.20 acres are
 listed for this address -
 under Mond Garden Designs
 18

ADD 02408

GPS = 2275735
 1385387

#100

PUMP 20HP
 P37PM BARKLEY
 4" Suction TO 6"
 4" DISCHARGE > 6"
 MOTOR NO NAME PLATE

Parcel No: R3660400000.

RICK KUSLAN
941-3285 AF
459 6225 MM

Idaho Department of Water Resources

Claim Number: 63-04256C

Legal: T04N, R04W, S35

Reviewed By:

⊙ Point of Diversion



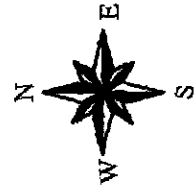
Place of Use



Section Lines



Quarter Quarter Lines



1987 Napp Photo



0 0.25 Miles

1.32" / 1/4 MILE



03 21 2006



03 21 2006

63-4256 C

Armenta Pump
20 HP Centrifugal



03 21 2006



Armenta
Meter & Panel

Bowlee

A63-4256A - Batt
A63-4256C -Armenta
Field Exam Request:

Contact:

02/27/2006

Claim #63-4256 has been split into 3 claims. Only two of the splits require a field exam. Please contact **all** of the owners and set up a time when you can do all these split claims at **one time**, if possible.

Contact one of the various **Batts @ #482-6448** and

Contact **Priscilla Armenta @ #459-4090** to set up one field exam for the A and C portions.

I have attached a copy of the original claim.

Property Address:

0 Beet Lane
Caldwell

18369 Pride Lane
Caldwell

Requests:

*Please verify **all the elements** of this right.

In addition, please verify:

- GPS the location of point of diversion on the **Lower Embankment Drain**.
- Is **Wilder Irrigation District** water used to supplement these two rights?
- **1987 Aerial Photo:** Please draw the **appropriate acres** that are irrigated on the enclosed **1987 aerial photographs**. Draw the **diversion works** on the 1987 aerial photos also; along with the location of the **point of diversion**.
- **Capacity of System:** Please calculate the **capacity of this system** used from the Lower Embankment Drain.
- **Concerning the -C split for the Armentas:** only 17.2 acres are listed in the tax lot data as belonging to 18369 Pride Lane. However, the Armentas claimed 20.0 acres. In addition, the owner is listed as "Mond Garden Designs" for the -C portion. If the Armentas accompany you on the exam, please discuss these two issues with them.

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

ATTENTION

Feb. 18, 2006

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
A63-4256C)

KIMBERLY
AFFIDAVIT

RECEIVED

FEB 28 2006

WATER RESOURCES
WESTERN REGION

State of Idaho)
County of Canyon)

Richard & Edna Britton and 1 child

deposes and says: _____

In reference to the use of water
at the lower embankment drain located
at T 04N, R 04W, S 35 for use on NESW

We moved onto this property in 1942.
A pump was already in the drain ditch pumping water
north of the ditch. Richard installed another pump in 1949.
We raised alfalfa, corn, beets, potatoes and "Dorset" strawberries
to sell. We and our 5 children moved into the "Sister Harris"
house in 1957 and we also pumped water on that
property with this same pump. We moved away
in 1966. Priscilla Armenta moved onto this property
in 1977. Richard passed away in 1978

Edna M. Britton
(Signature)

Mrs. Richard Britton

Fax

To:

Attn: Kimberly Brown

State of Idaho

Department of Water Resources

Fax (208) 334-2348

Total pages 4

From:

Ron & Pam Gastelecutto

Subject

Evidence of Priority
of Water Claim

February 25, 2006

18401 Pride Lane
Caldwell, Idaho
83607

Kimberly Brown
Water Resource Agent
Adjudication Bureau

RE: Snake River Basin Claim No: A63-4256E

Dear Kimberly Brown,

In response to your request for evidence of priority date for our referenced claim for water right we have contacted and visited with long time resident Edna M. Britton who now lives at 22306 Upper Pleasant Ridge, Caldwell, Idaho.

In conversing with Edna concerning an affidavit to support our 1949 priority date, she informed us that she had already written an affidavit for Priscilla Armenta Claim Number A63-4256C.

In recent conversation with you it was conveyed to me that if evidence of priority was obtained by any of the owners of subsequent parcels of this original claim (63-4246) that it would suffice for all parcels from the original acres included in this claim. Therefore, we did not ask Edna Britton to fill out an entirely new Affidavit for our claim No: A63-4256E, but she made us a copy of the affidavit dated Feb. 18, 2006 for claim No: A63-4256C. I have submitted this as an enclosure with this letter.

If my understanding of the process is correct, this should fulfill the request for required evidence supporting the priority date. I would really appreciate it if you could let me know as soon as possible if you require a specific affidavit for parcel E, more information, or if this meets the required documentation.

Thank you so much for your time and attention to this matter.

Respectfully,



Pam & Ron Gastelecutto
Enclosure (1)

ATTENTION

Feb. 18, 2006

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
A63-4256C)

KEMBERLY

AFFIDAVIT

State of Idaho)
County of Canyon)

Richard & Edna Britton and 1 child

deposes and says:

In reference to the use of water
at the lower embankment drain located
at T 04N, R 04W, S 35 for use on NE 3W

We moved onto this property in 1942.
a pump was already in the drain ditch pumping water
north of the ditch. Richard installed another pump in 1949.
We raised alfalfa, corn, beets, potatoes and "Dorset" strawberries
to sell. We and our 5 children moved into the "Sister Harris"
house in 1957 and we also pumped water on that
property with this same pump. We moved away
in 1966. Priscilla Armenta moved onto this property
in 1977. Richard passed away in 1978

Edna M. Britton

(Signature)

Mrs. Richard Britton

2/14/06
8:29 am -
8:42

63-4256C -

Linda Werner
helped her

- bought in 1977
- she never spoke to Mr. Bender about when the use began
- I suggested she talk w/ some neighbors (for affidavit).
- I told her she needs to go, at least, back to prior to May 80, 1971.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 7, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PRISCILLA & SANTIAGO ARMENTA
18369 PRIDE LN
CALDWELL, ID 83605

(+) sent shapefile

RE: EVIDENCE OF PRIORITY

SNAKE RIVER BASIN CLAIM NO(S): A63-4256C

Dear Claimants,

In the past, you submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. Enclosed is a computer generated print-out of the claim(s) for your reference only, it is not necessary to return this print-out. You indicated, when this claim was filed, that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by historical use of the water for a beneficial use purpose, dating back to the time the water was first used; this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary, along with examples of types of evidence that can be submitted to fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled, "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date.**"

It is important that each element of the Notice of Claim be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the SRBA court for decree. This could jeopardize your water use under this right(s) if water availability problems arise in the future.

The required evidence supporting the priority date(s) requested needs to be submitted by March 1, 2006. Please let me know if you may not be able to submit proof of priority or have any questions not covered by this letter and the enclosed pamphlet, by the date indicated above.

In addition, since it is our goal to decree the historical water right within the Snake River Basin as accurately as possible, field exams are now being conducted by Department water resource agents to verify claims in this area. In the near future, you will be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

Respectfully Submitted,

Kimberly Brown

Kimberly Brown
Water Resource Agent
Adjudication Bureau

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Enclosure: "Evidence of Priority" pamphlet
Notice of Claim A63-4256C

NOTE: If you no longer own the property upon which this claim was filed, please contact this office immediately. Idaho State law requires that the Department be notified of a change of owner or address on a water right.

5/89

Date Received

5-20-94

RECEIVED

MAY 24 1994

WATER RESOURCES
WESTERN REGIONState of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

RECEIVED

MAY 24 1994

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Santiago & Priscilla Armenta () 459-4090
Name of Claimant Phone Number

18369 Trade Lane Goldwell ID. 83605
Mailing Address City State Zip

Canyon Feb. 1989
County(s) where place of use is located Date claim originally due

AG3-0 4256 C
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

Not aware that a notice had been sent to us. Didn't receive a notice. The neighbor brought it to our attention yesterday 5/19/94. When we bought the property the seller told us there was no fee for waste water.

Claimant requests an extension to 5-20-94, 19 94
Priscilla Armenta 5-20, 19 94
Signature Date of request

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

Proper notice was not mailed to this address.
Accept claim without late fee.

and if granted the filing deadline is extended to May 20, 19 94

Signed this 25th day of May, 19 94

David B. Shaw
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

DAVID B. SHAW

MICROFILMED

JUL 25 1994

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Mr. Tobias Bender
(name of claimant)
of Route 6, Caldwell, Idaho 83605, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to Snake River ;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Unnamed drain
(Sometimes recently referred to as the Lower Imbankment Drain)
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

#1	Amount	.60	Use	<u>Irrigation</u>	Period of Use:	From	<u>April 1</u>	To	<u>Oct. 31</u>
#2	Amount	1.60	Use	<u>Irrigation</u>	Period of Use:	From	<u>April 1</u>	To	<u>Oct. 31</u>
	Amount		Use		Period of Use:	From		To	
		(dis. gpm or a/f)		(dom., irri. stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 2.2 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) April 1, 1949

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) **A) Point of diversion:** (give location of point where water is diverted from its source)

#1 SE ¼ SW ¼, Sec. 35 Twp. 4 N Rgt. 4 W B. M. County of Canyon

Additional points of diversion: #2 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T.4 N., R.4 W.

- 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. Pump from drain through pipeline to property. Pipeline located on quarter section line.

- (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.

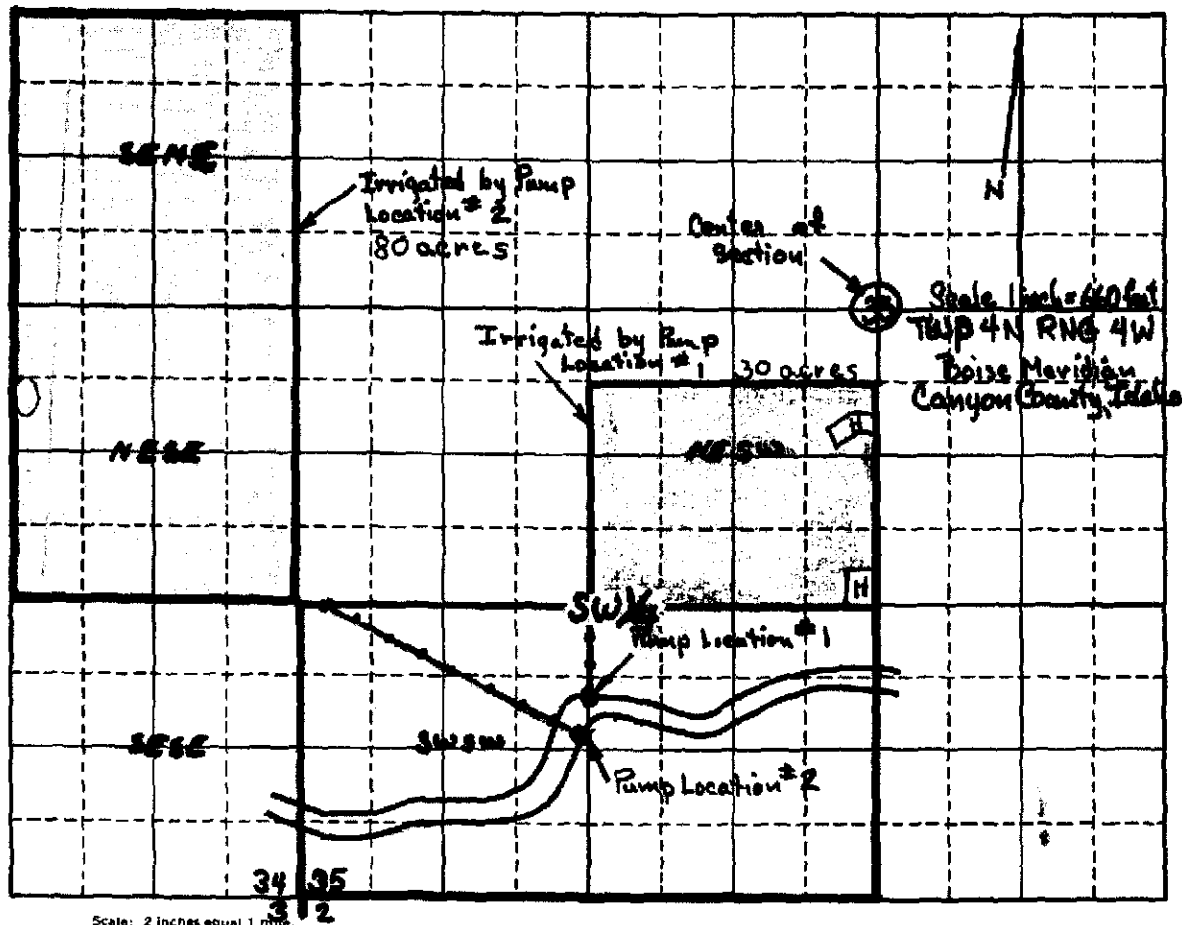
[illegible]

Total No. of ACRES 110

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

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

(8) Remarks _____



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 Ada 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 affiants knowledge.

Sworn to before me this 15 day of

Feburary 19 74
Helena Bender
 (Claimant)

Blonna Feldt
 Notary Public
 Residing at Bowen, Idaho

My commission expires June 15, 1977

Rec'd # 13705

For Department Use Only

Received by <u>CFB</u>	Date <u>2-15-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CFB</u>	Date <u>15 Feb 1974</u>		claimant by:	
\$10.00 fee received by <u>CFB</u>	Date <u>2-15-74</u>			
Approved for publication by <u>Mrs. Kibane</u>				
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