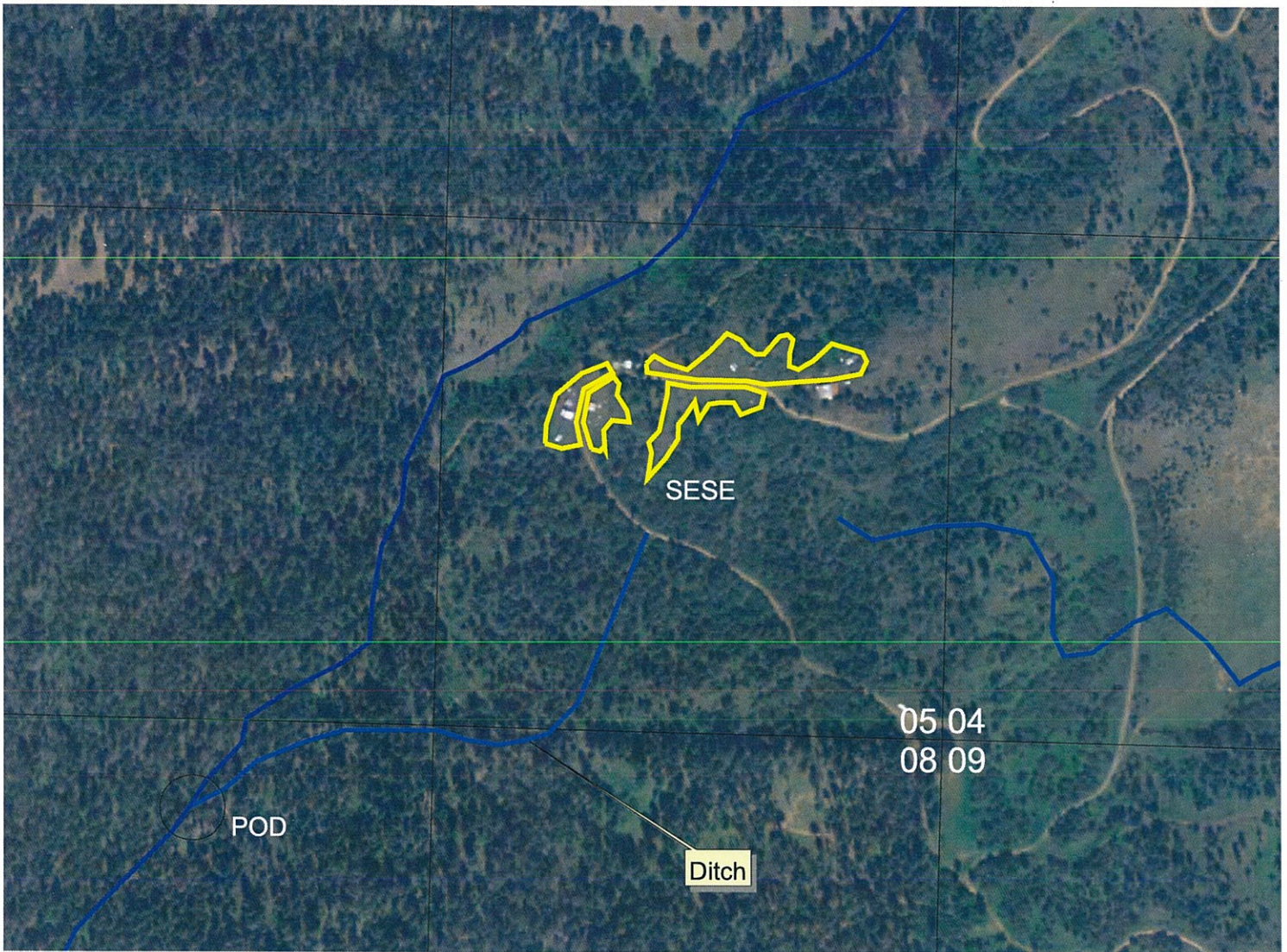


79-13962

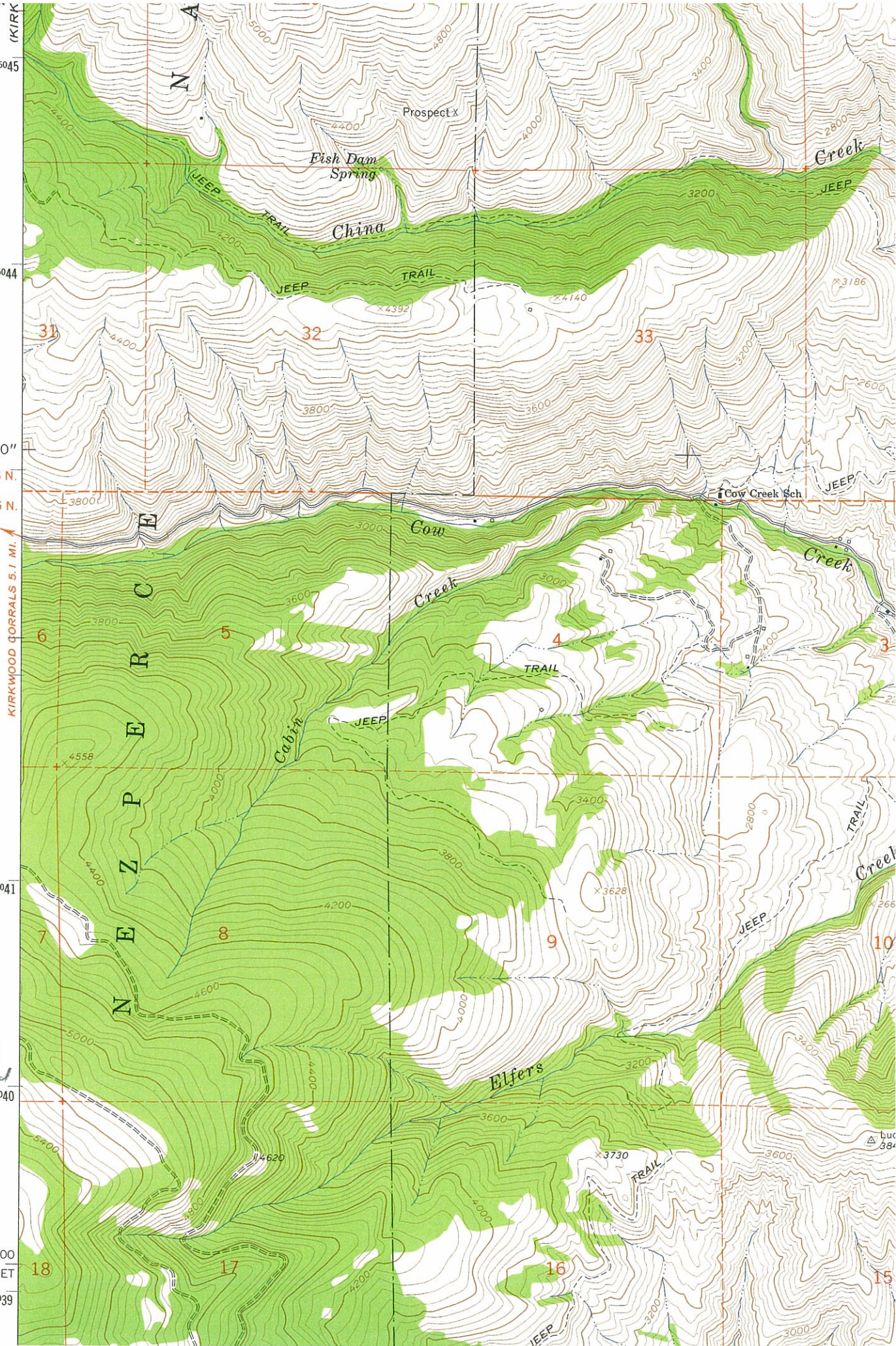


500 0 500 1000 1500 Feet

T25N R01E S05



79-13962



KIRKWOOD CORRALS 5.1 MI.
T. 26 N.
T. 25 N.
5045
5044
32'30"
5041
5040
1 400 000
FEET
5039

T25N
R01E
Sec 5
SESE

P58
Lucile Topo

1961 Aerial
photography
Field checked
1963

RECEIVED

JUL 07 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL - 2 2008	
By _____	Clerk
_____	Deputy Clerk

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 79-13962
	)
Case No. 39576	) ORDER GRANTING MOTION TO FILE
	) AMENDED NOTICE OF CLAIM AND
	) REQUESTING AMENDED DIRECTORS
	) REPORT
	)
	) ORDER VACATING TRIAL

On June 4, 2008, the claimant of the above-captioned water right, James E. Bonato, filed a *Motion to File Amended Notice of Claim*. The *Motion* was heard on July 1, 2008. Based upon the comments of the participants at the hearing, and good cause appearing, the *Motion* is hereby granted. The Clerk of the Court is instructed to file the amended notice of claim that was lodged with the Court when the *Motion* was filed.

The Idaho Department of Water Resources is requested to prepare and file an amended director's report no later than **Friday, August 29, 2008**. Notice of the filing of the amended director's report will be published on the Court's Docket Sheet in September 2008. Objections to the amended director's report are due **September 29, 2008**. Responses to any objections are due **October 14, 2008**.

The objections and responses currently on file will not survive the filing of the amended director's report, and new objections or responses should be filed if necessary.

Dated

July 21, 2008


THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I hereby certify that true and correct copies of the **ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM AND REQUESTING AMENDED DIRECTOR'S REPORT and ORDER VACATING TRIAL** were mailed on July 2, 2008, by first-class mail to the following:

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

James E. Bonato
PO Box 350
Lucile, ID 83542

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Julie Murphy
Deputy Clerk

145

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 79-13962
Date Received: 5/21/1999
Receipt No: W025229
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES E BONATO Phone: (208) 628-3087
PO BOX 350
LUCILE ID 83542

2. Date of Priority: 12/31/1902

3. Source: CABIN CREEK Trib. to: COW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
25N	01E	8	NE NE	IDAHO	

5. Description of diverting works:

12" HEADGATE WITH 400' OF DITCH; DRAINAGE BACK TO CABIN CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.15	
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.04	
FIRE PROTECTION	03/15	11/15	0.50	

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

8. Total consumptive use:

9. Non-irrigation uses:

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN - 4 2008

By _____ Clerk
Deputy Clerk

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
25N	01E	5	SE	SE	DOMESTIC	
			SE	SE	STOCKWATER	
			SE	SE	IRRIGATION	5
			SE	SE	FIRE PROTECTION	
					Section Acres	5
					Total Acres	5

11. Place of use in counties: IDAHO

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.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): James Benard Date: May 31 08

Date: _____

I, Melvin C. Gill, was born in 1939 and have lived all my life in the Cow Creek and Cabin Creek Areas on property adjoining Benato's. In 1948, my parents bought the property that is now Benato's so I am familiar with the property.

Through these years, there was a cabin on this property that I was told was a homestead by Haydon Jenkins. I remember seeing the cabin in my youth. Through this time, I remember water coming out the ditch and running down the draw for stock water and irrigation. In my understanding, the ditch was built around 1902 by a man named Crannel to come down and irrigate his field. I remember seeing rhubarb plants east of the cabin and I was told that Haydon had a garden spot there which he obviously irrigated from the ditch. Through the years, my family used the water for stock water all the time and some of the time for irrigation. I can remember helping my dad put in a culvert headgate sometime in the early 1950's. And we did work on the ditch every spring by hand to repair the leaks. At this time, the water came down the draw to another little ditch then out to a hay field known as the Crannel Field.

Melvin C. Gill

MAY 14 - 2008

STATE OF IDAHO

DISTRICT COURT

SRBA

PO BOX 2707

TWIN FALLS ID. 83303-2707

RE:

JAMES BONATO

PO BOX 350

LUCILE ID. 83542

CASE NO 39576

SUBCASE NO. 79-13962

TO WHOM IT MAY,

Please see enclosed letter from a previous owner. I believe this is exactly what you asked for.

Ten years ago we found that picking up the water in a pipe as it enters our property creates a good pressure for garden hoses with sprinkler heads. This method is more water efficient than the ditching, and it reaches areas that were previously missed. Now the previous thistle patches are gone and turned into forageable grass.

We look forward to this beneficial usage. The orchard, garden, and horses are also doing well.

Thanks

James Bonato

RECEIVED

JAN 29 2008

Department of Water Resources
Adjudication Bureau



12-8-07

To whom it may concern,

During our ownership in the mid 90's of the 40+ acres on Cabin Creek, there were several conclusions w/regards the creek water I came to have based on my travels on this acreage.

- #1 The earlier "homesteaders" had water
- #2 Some "homesteaders" ditched cabin creek for use
- #3 Some "homesteaders" maintained necessary ditching
- #4 Some "homesteaders" and or recent owners use water for across the board; practical needs which would include the following:
 - A - farming/growing of vegetables,
 - B - growing fruit trees
 - C - all domestic needs

#5 - Was there ever created; a stipulation outlining or limiting any particular uses the water could have? Not that I'm aware of.

Handcrafted Log Homes



by Shannon

Handcrafted Log Homes

PMB 2127

1 Jackson Creek Rd.

Mt. City, MT 59634

Page - 2 -

Both Forest Service (Dept. of Agriculture) and state agencies have special permitting programs that lend itself to water uses of various kinds. Such programs involve or join agency w/private citizens. These programs often times fall under the heading 'stewardship' for which the agency was created.

Should Jim and Cricket Bonato not qualify for such a stewardship please let all of us know why they should be denied water via an established ditching, fully recognizable to all.

Yours truly,

Shannon Lindsey

COEUR D'ALENE DISTRICT
COTTONWOOD

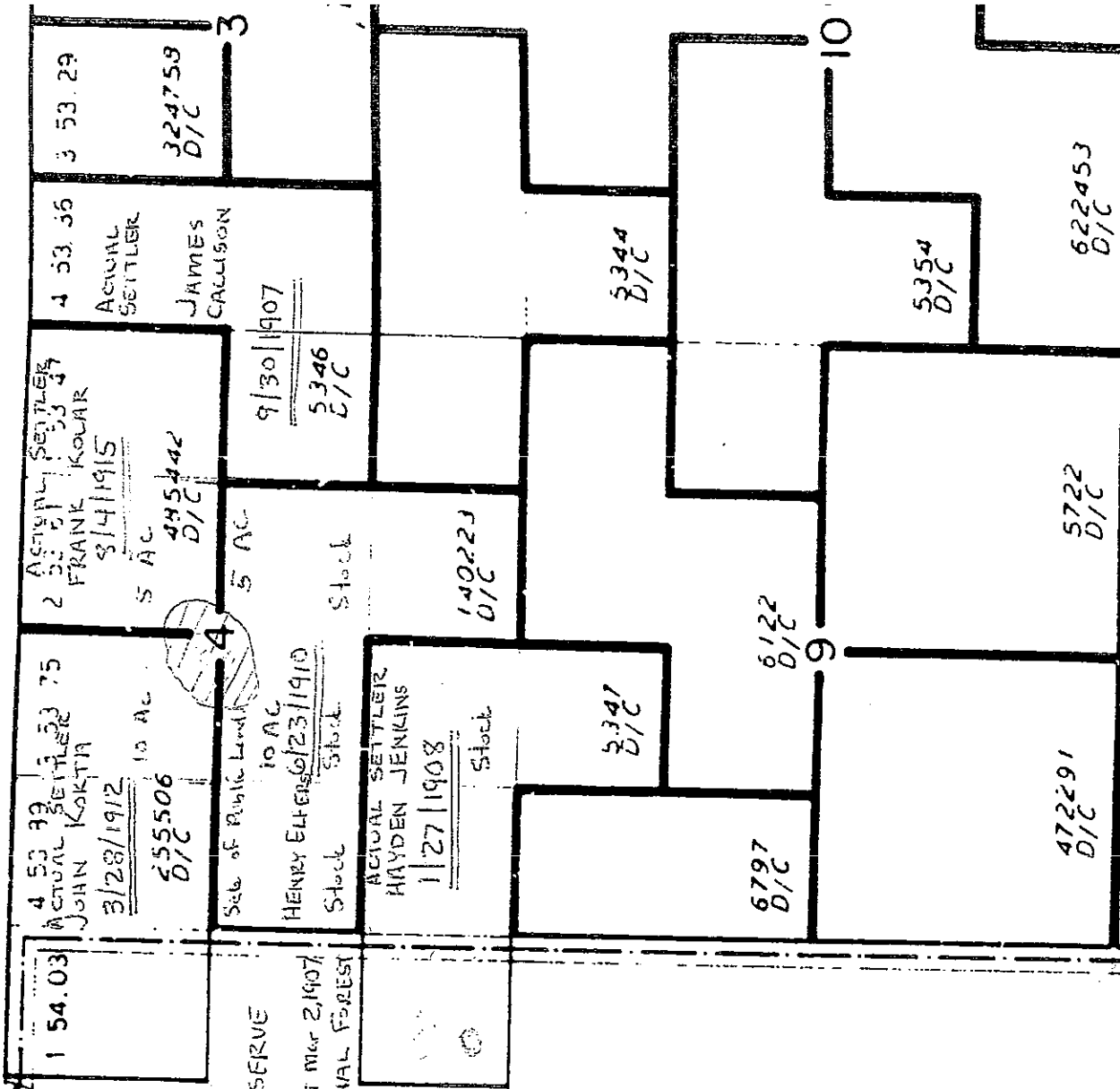
N-1 E



5

WEISER FOREST RESERVE
MAY 10, 1906
WEISER NATIONAL FOREST MAR 2, 1907
NEZ PERCE NATIONAL FOREST
JULY 1, 1908

2043
1 mi from USFS



RECEIVED

JUN 01 2006

WATER RESOURCES
WESTERN REGION

RECEIVED

JUN 07 2006

DEPARTMENT OF
WATER RESOURCES

James Bonato

P.O. Box 350

Lucile Id. 83542

Re: Water Rights

A79-13962 9

79-7263

To Whom it may Concern;

Please find enclosed map and notes as of the existance of the irrigation ditchway, from Section 8 to Section 5, as surveyed in 1902 by Albert Oliver, contract # 228 of December 26, 1901. Also note the prominence of the roadway that terminates at the homestead in Section 5 that is still in evidence today.

As discussed, this qualifies under the Act of July 26, 1866; The Ditch Act; The Historic Preservation Act; and the Quiet Title Act, etc.

Pursuant to the above,
we request that protests to
our Water Right applications
be waived.

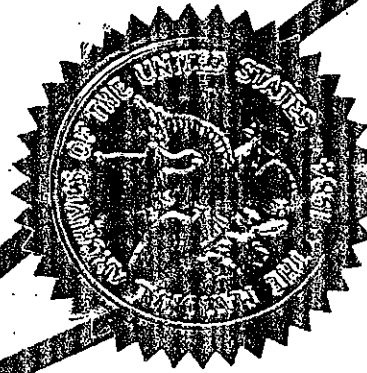
Sincerely,

James Bonato

Note: Enclosed map was obtained
Certified From The National
Archives and Records Administration

To all to whom these presents shall come. Greeting:

By virtue of the authority vested in me by the Archivist of the United States, I certify on his behalf, under the seal of the National Archives and Records Administration, that the attached reproduction(s) is a true and correct copy of documents in his custody.



SIGNATURE	<i>Steven M. Edwards</i>	
NAME	Steven M. Edwards	DATE 04/27/01
TITLE	Regional Administrator, Pacific Alaska Region	
NAME AND ADDRESS OF DEPOSITORY	National Archives & Records Admin. 6125 Sand Point Way NE Seattle, WA 98115-7999	

NA FORM 13040 (10-86)

DARYL K. MULLINIX
ENGINEERING & SURVEYING
521 PARK STREET
GRANGEVILLE, IDAHO 83530
208 983-2408

May 18, 2006

Mr. James Banato
P.O. Box 350
Lucil, ID 83542

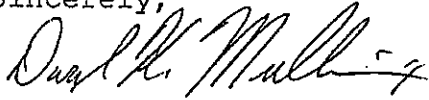
Mr. Banato:

Per your request, enclosed is a copy of the field notes from the 1902 survey making the call to the irrigation ditch. I highlighted the call.

If you have any questions or if I can be of any additional help please let me know. Cost is \$475 per our discussion.

Your consideration for this work is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Daryl K. Mullinix", with a stylized flourish at the end.

Daryl K. Mullinix

. Continued.

Subdivision of T. 25 N. R. 1 E . Continued.

Chains

m.t. I
t. arc;
nd de-
clar at
at 18

s. and
s. dense

3 ins. of
14 sec. cor.
s. 5 in.

ars 144° 4,
T.
ars 171° E.
T.
sec. cor.
15 ins.
6, 7
S. and
h
ars 121° E.
R. 1 E

A pine 34 ins. diam. bears 133° E.
22 lks. dist., marked T. 25 N., R. 1 E
S. 5 B. T.
A pine 18 ins. diam. bears 139 1/2° W.
52 lks. dist., marked T. 25 N., R. 1 E.
S. 7 B. T.
A pine 60 ins. diam. bears 1127° W.
114 lks. dist., marked T. 25 N., R. 1 E
S. 6 B. T.

Land mountains
Hill sandy, brown 7th-8th
Junker pine and fir
Undergrowth of willow alder
brush pine and fir
No pine & fir and heavily timbered
Land and land covered with dense
undergrowth 8000 ft.

Ex. 21 on random line bet. secs. 5 and 5
4600 Set temp. 1/2 sec. cor.
6.12 Intersect N. and S. line 14 lks. S.
of the cor. of secs. 4, 5, 8 and 9
Thence I run
144° 54' W on a true line bet. secs. 5 and 8
Ascend over mountainous land

Subdivision of T. 25 N. R. 1 E. Continued.

Chains

through heavy timber and dense
undergrowth.15.75 A m. irrigating ditch 3 1/2 m. wide,
flows N. E.October 11: At this point I set off
16° 52' 1/2 on the decl. arc and at
11h 47m. A.M., l.m.t., observe the
sun on the meridian; the resulting lat. is 45° 32' 1/2

20.00 A road bears N. E. and 1/4 S.

26.00 Top of a pine 150 ft above sec. cor.,
bears N. measured 25 ft to

31.50 A brook 3 1/2 m. wide flows N. E.

41.00 Set a granite stone 12 x 7 x 7 ins., 8 ins.
in the ground, for 1/4 sec. cor., marked 1/4
on N face; from whichA pin 12 ins. diam. bears N 1/4 W,
10 lks. dist., marked 1/4 S. 5, B. T.A pin 12 ins. diam. bears N 1/4 E,
50 lks. dist., marked 1/4 S. 5, B. T.

50.12 The cor. of sec. 5, 6, 7 and 8

600 ft. above brook

hard mountain limestone

Soil sandy loam with shale

Timber pine, fir and tamarack

Undergrowth of wild rose, maple

blackberry, pine and fir

Sub
Chains

40.00

75.23

84.00

9.10

104.00

33.20

B

Cider Bonito
PO Box 350
Ludle, ID 83542

**RETURN RECEIPT
REQUESTED**

CERTIFIED MAIL



7005 1820 0004 7825 6586



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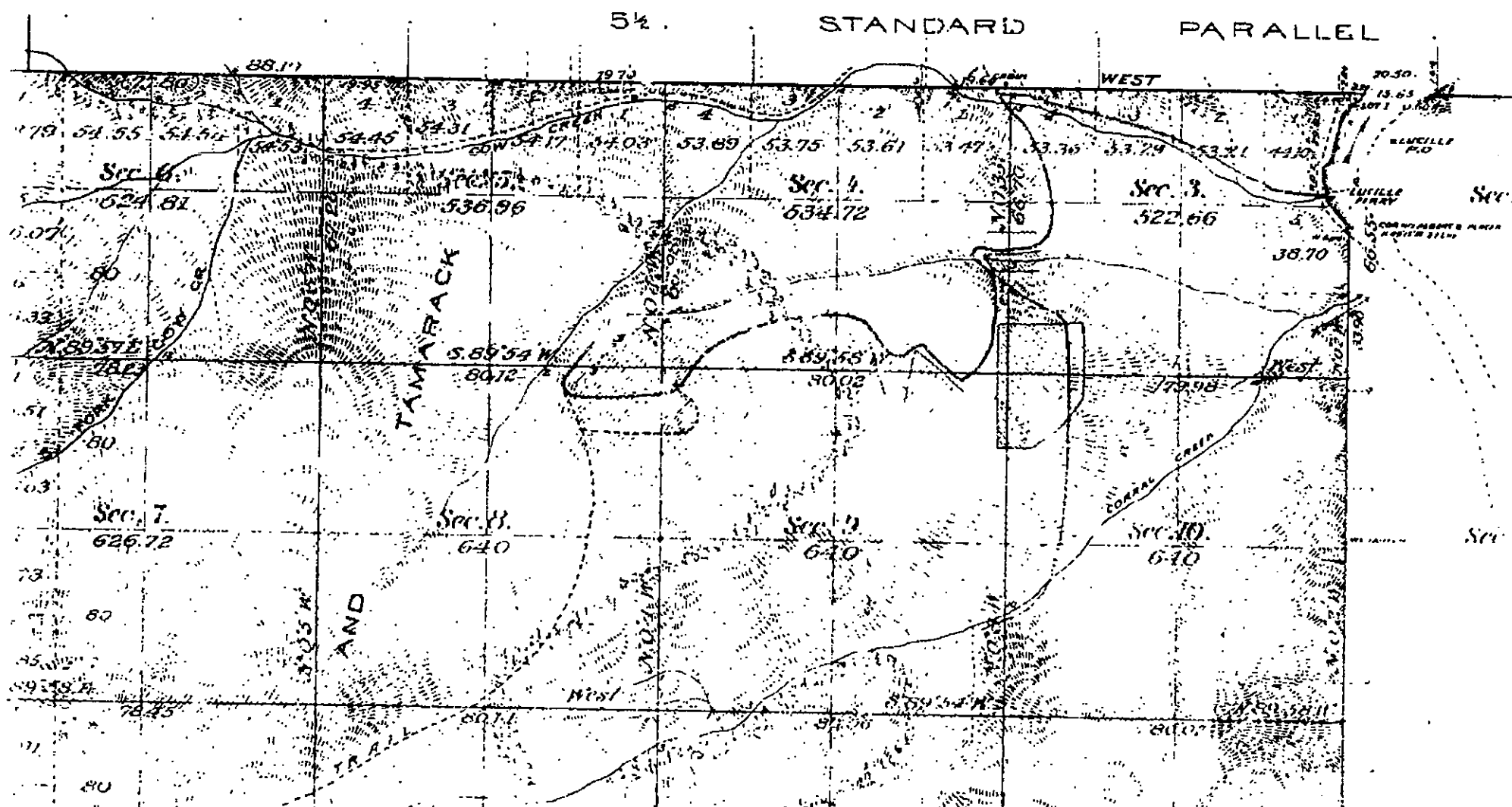
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\$5.12
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U.S. POSTAGE
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*Dept of WATER RESOURCES
WESTERN REGION
2735 AIRPORT WY
BOISE, IDAHO
83705-5082*

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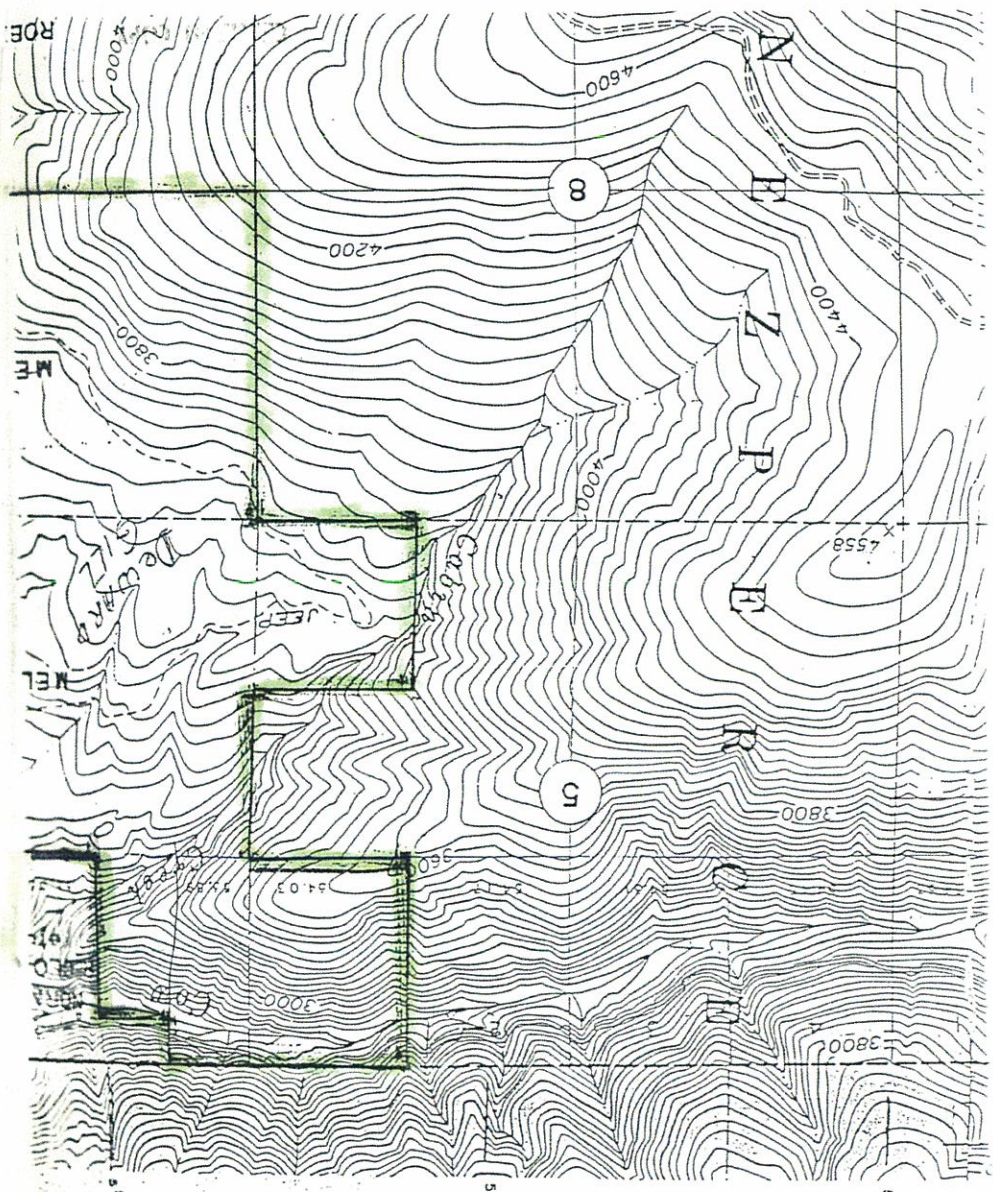
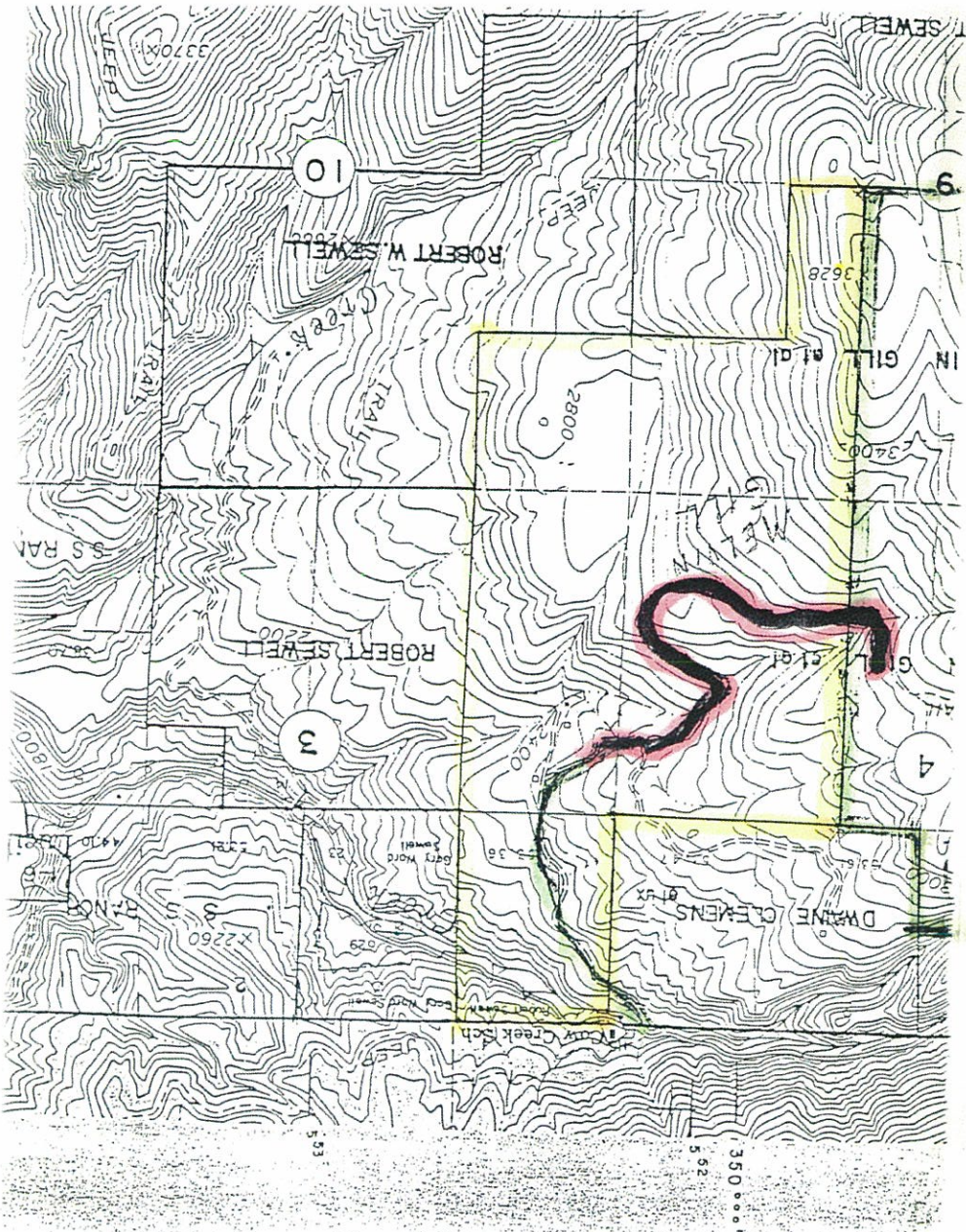
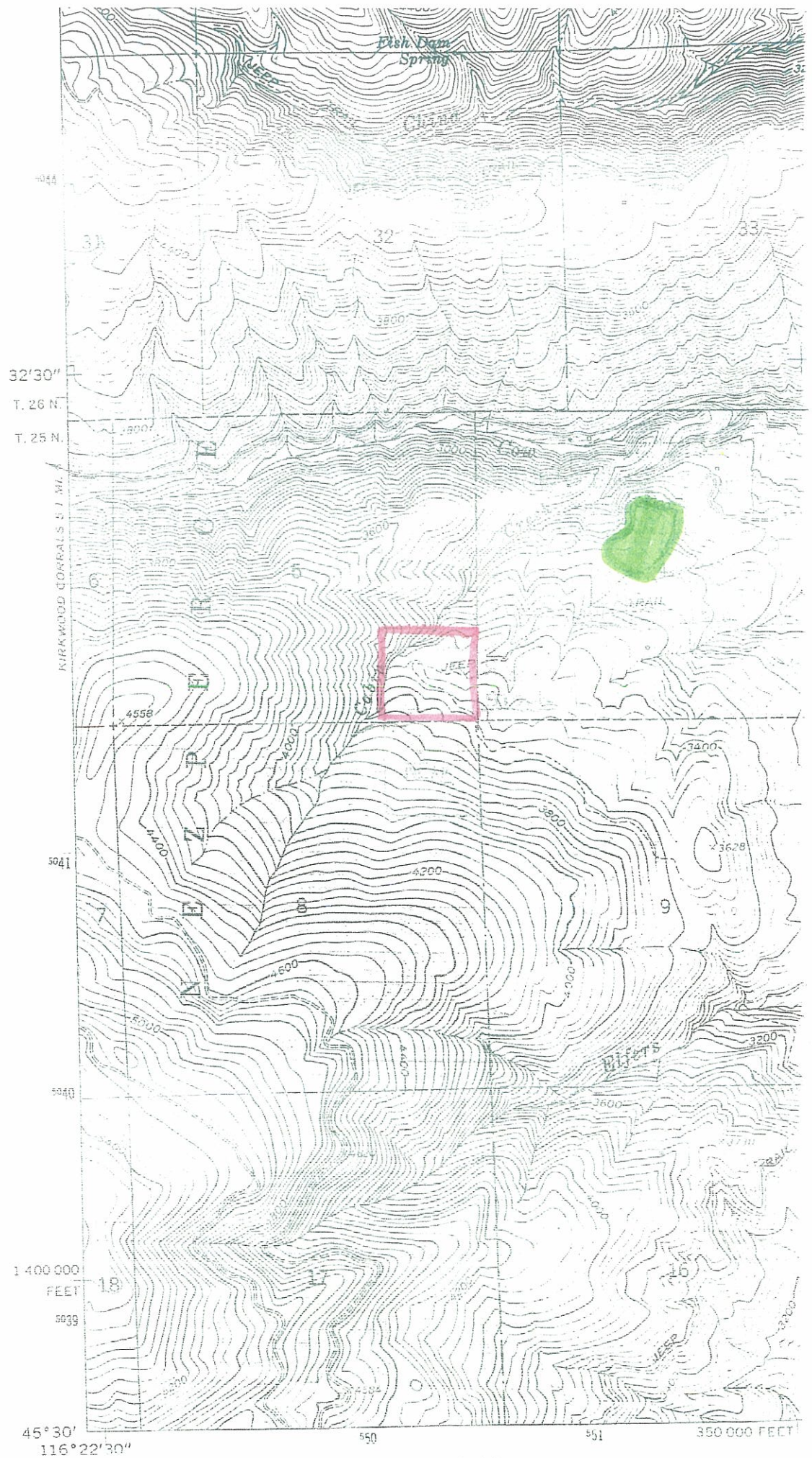


EXHIBIT A
PART 1

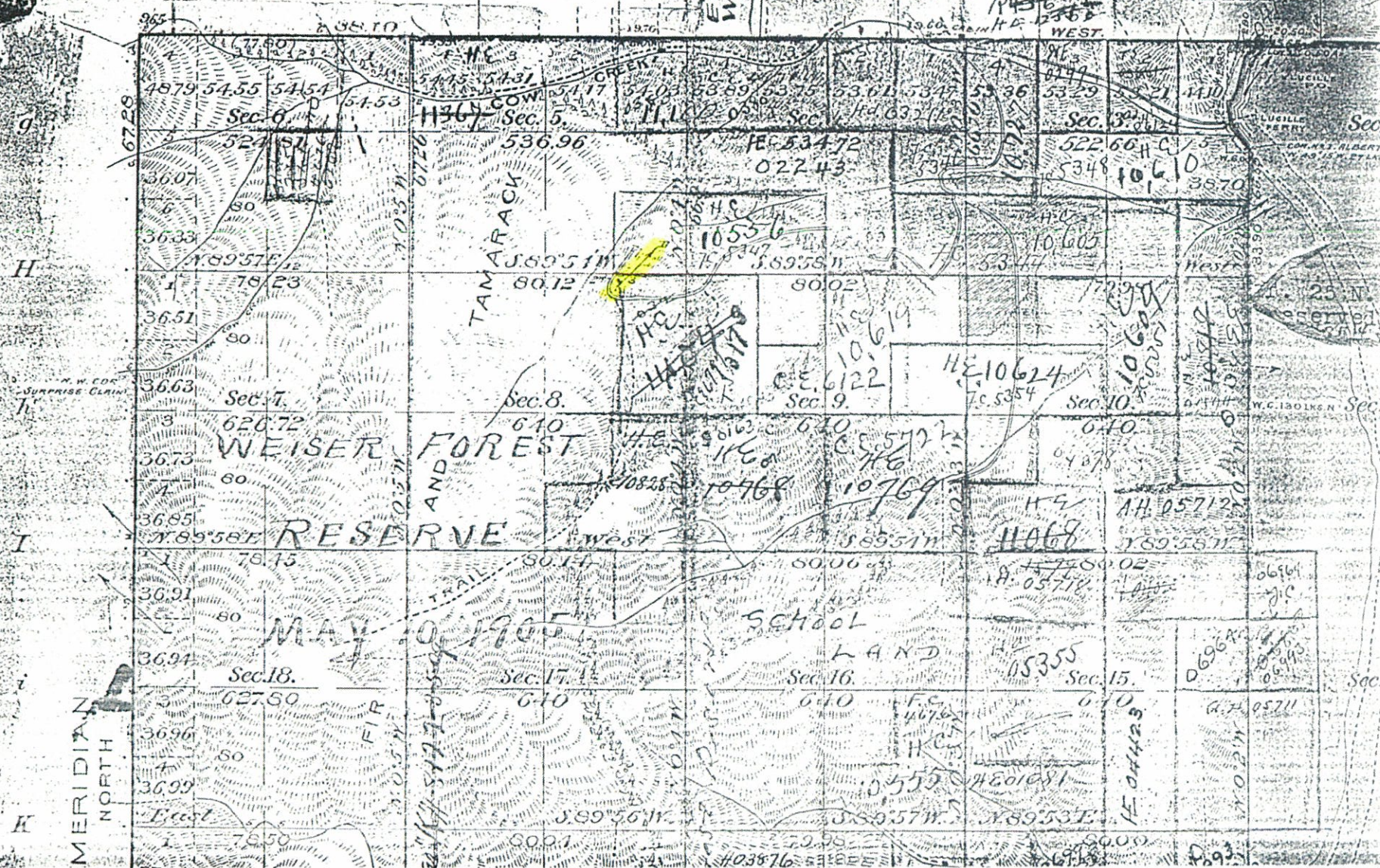
116° 22' 30" E
340° 00' 00" E



G f F e E d D c C

 $5\frac{1}{2}$

STANDARD 0.184 PARALLEL



The United States of America,

To all to whom these presents shall come, Greeting:

Homestead Certificate No. 5347.

Application 10556.

WHEREAS, There has been deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Lewiston, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

HAYDEN B. JENKINS

has been established and duly consummated, in conformity to law, for the south half of the southwest quarter of Section four, the southeast quarter of the southeast quarter of Section five, and the northeast quarter of the northwest quarter of Section nine in Township twenty-five north of Range one east of the Boise Meridian, Idaho, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said **Hayden B. Jenkins**

the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said **Hayden B. Jenkins**

and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Theodore Roosevelt**, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

(SEAL)

GIVEN under my hand, at the City of Washington, the twenty-seventh day of January, in the year of our Lord one thousand nine hundred and eight, and of the Independence of the United States the one hundred and thirty-second.

By the President:

By

Theodore Roosevelt
M. W. Young, Secretary.
H. W. Young
Recorder of the General Land Office.

Henry Elfers 3
and
C. B. Smith's 3 } Land Notice

3/4 The undesignated claim boundary section
of land in Elfers Valley, known as the "Mountain Ranch," com-
mencing at his notice or stake, and running up the valley one
half mile, thence across one half mile, thence down the valley
one half mile and thence to place of beginning, situated in
the County and Territory of Idaho, Aug 18th 1867.

Henry Elfers
C. B. Smith

Filed for Record August 19th 1867. Recorded Sept 1st 1867,

E. J. Hattergon Recorder
By A. H. Shelton Deputy

Anton El Falle's 3
Water Right Notice 3

3 Notice is hereby given that the undesi-
gned claim to water in this (Mountain Ranch) and the
right of constructing a ditch from the same, leading
to valley & bar for mining purposes, situated on the
west side of Salmon River opposite White Bird Creek,
and in the County and Territory of Idaho,
Sept 2nd 1867.

Anton El Falle

Filed for Record Sept 1st 1867. Recorded the same day,

E. J. Hattergon Recorder
By A. H. Shelton Deputy

Henry Elson & others
Grant Claims

Davis Ledge

3 We the undersigned claim two
Grant claims on the Davis Ledge, Commencing at
J. J. Mannus claim and running four hundred feet
in a North East direction, we also claim all
legal rights appertaining, July 28th 1867.

Henry Elson No 30
John Maudslayi " 31

Filed for Record July 28th 1867, Recorded August 7th 1867.
W. H. Patterson, Recorder
By A. H. Shelton Deputy

J. J. Rippon & others
Grant Claims

Davis Ledge

Notice is hereby given that the
undersigned claim five claims of five hundred feet
each on the Eastern Extension of the Davis Ledge
running Easterly one thousand We claim all deeps
springs and angles and mining privileges we hold our
claims according to our franchises, Florence July 29th 1867.

J. J. Rippon No 32
J. J. Rippon " 33
Raymond E. Smith " 34
Wm. George " 35
Charles Morton " 36

Filed for Record July 29th 1867, Recorded August 7th 1867.
W. H. Patterson, Recorder
By A. H. Shelton Deputy

J. J. Mannus
Grant Claims

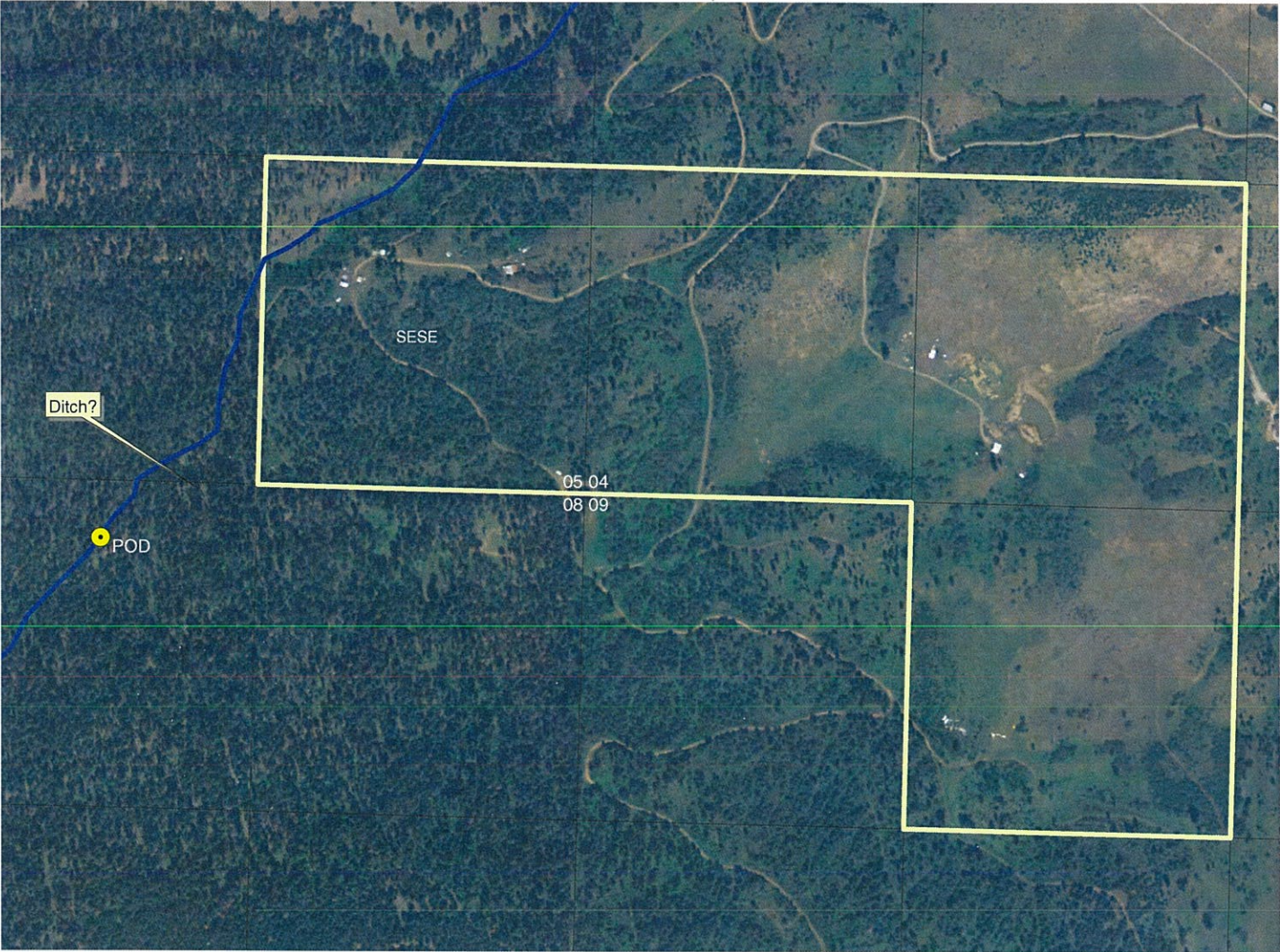
Davis Ledge

Notice is hereby given that the under-
signed claim one claim on this lead known as the
Davis Ledge Commencing at a tree on the Northeastern corner
of James Hanagan and others claims and running in a
Easterly direction including all deeps springs and
variations Florence District July 28th 1867.

J. J. Mannus No 28

Filed for Record July 28th 1867, Recorded Aug. 7th 1867.
W. H. Patterson, Recorder
By A. H. Shelton Deputy

79-13962



T25N R01E S05

Legend

Jenkins Homestead



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

JUN 16 1999

WATER RESOURCES
WESTERN REGIONIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A79-13962

Date Received

5-21-99

Receipt Number

W025229

RECEIVED

JUL 30 1999

WATER RESOURCES
WESTERN REGIONNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 21 1999

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) JAMES E BONATO Phone (208) 628-3087Mailing Address PO Box 350 Lucile IDAHO Zip 835422. Date of Priority (Only one (1) per claim) 12/19023. Source of water supply (a) CABIN Creekwhich is tributary to (b) COW Creek4. a. Location of existing point of diversion is: Township 25N Range 01E Section 8,
_____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of IDAHO

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, 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.Active PreExisting 12" Headgate with #400LF
OF DITCH; ALL DRAINAGE BACK TO CABIN Creek

SCANNED

JUN 13 2007

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

6/12/99 JB (acre feet)

For IRRIGATION purposes from 03-15 to 11-15 amount 0.1666 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.1666 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
25N	1E	5																✓	

Total number of acres irrigated ± 5

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

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

or None (✓)

14. Remarks:

SCANNED

JUN 13 2007

Last Name BONATO Ident No. _____

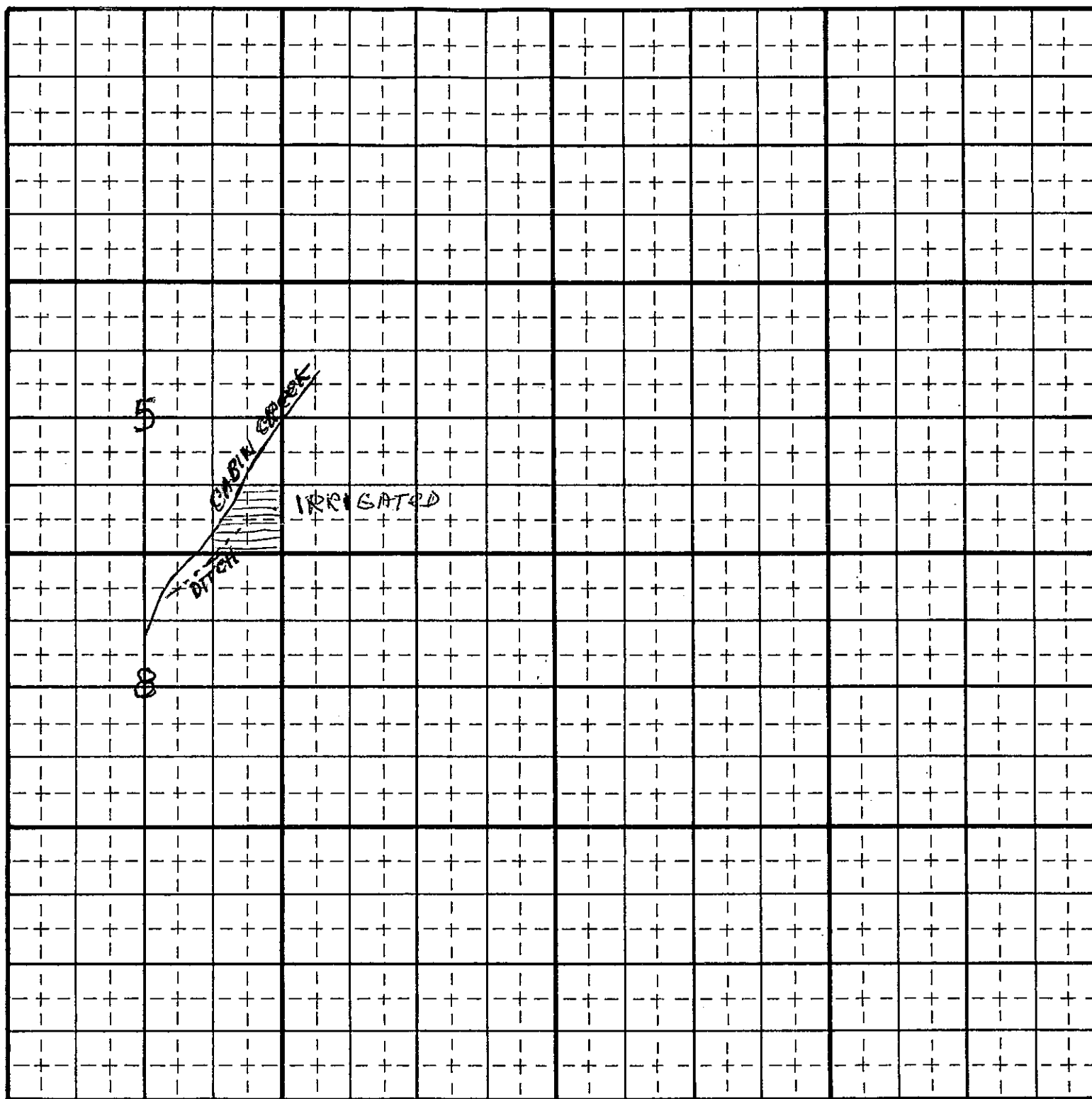
Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T 25 N

R 1 E



SCANNED

JUN 13 2007

Last Name BONATO Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 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 do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) James Bonato Date 6/14/99
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 _____)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 23 day of June 19 99

SEAL

Notary Public Charles D. Workman

Residing at Regina

My Commission Expires July 8, 1999

Please Print Name

17. Notice of Appearance:
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 _____

SCANNED

JUN 13 2007

Last Name BONATO Ident. Number _____

Copies White-State, Yellow-Claimant

RECEIVED

SEP 21 2006

08/18/2006

DEPARTMENT OF
WATER RESOURCES

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: September 22, 2006

Water right number: 79-13962

JAMES E BONATO
PO BOX 350
LUCILE ID 83542
Telephone Number: (208)628-3087

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

We disagree with the proposed recommendation

2. Describe the changes you wish to make in the proposed recommendation:

*THIS IS AND HAS BEEN A LAWFULL DIVERSION
FOR 104 YEARS OR MORE*

3. Give a brief explanation as to why you disagree with these portions:

AS WE DISCUSSED AT RIGGINS MEETING

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

SCANNED

SEP 21 2006

08/18/2006

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

RIGHT NUMBER: 79-13962
NAME AND ADDRESS: JAMES E BONATO
PO BOX 350
LUCILE ID 83542
SOURCE: CABIN CREEK TRIBUTARY: COW CREEK
QUANTITY: 0.166 CFS
PRIORITY DATE: 12/31/1902
POINT OF DIVERSION:
T25N R01E S8 NENE Within IDAHO County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.166 CFS

PLACE OF USE: IRRIGATION Within IDAHO County
T25N R01E S05 SESE 5.00

5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

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JUN 01 2006

WATER RESOURCES
WESTERN REGION

RECEIVED

JUN 07 2006

DEPARTMENT OF
WATER RESOURCES

James Bonato
P.O. Box 350
Lucile Id. 83542

Re: Water Rights
A79-13962 &
79-7263

RECEIVED
JUN 15 2006
IDWR/North

To Whom it may Concern;
Please find enclosed map and notes as of the existance of the irrigation ditchway, from Section 8 to Section 5, as surveyed in 1902 by Albert Oliver, Contract # 228 of December 26, 1901. Also note the prominence of the roadway that terminates at the homestead in Section 5 that is still in evidence today.

As discussed, this qualifies under the Act of July 26, 1866; The Ditch Act; The Historic Preservation Act; and the Quiet Title Act, etc.

SCANNED

JUN 08 2006

Pursuant to the above,
we request that protests to
our Water Right applications
be waived.

Sincerely,
James Borate

Note: Enclosed map was obtained
Certified From The National
Archives and Records Administration

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

To all to whom these presents shall come. Greeting:

By virtue of the authority vested in me by the Archivist of the United States, I certify on his behalf, under the seal of the National Archives and Records Administration, that the attached reproduction(s) is a true and correct copy of documents in his custody.



SIGNATURE <i>Steven M. Edwards</i>	
NAME Steven M. Edwards	DATE 4/27/01
TITLE Regional Administrator, Pacific Alaska Region	
NAME AND ADDRESS OF DEPOSITORY National Archives & Records Admin. 6125 Sand Point Way NE Seattle, WA 98115-7999	

NA FORM 13040 (10-86)

SCANNED

JUN 08 2006

Township No 25 North Range No 1 East of the Boise



JUN 18 2006

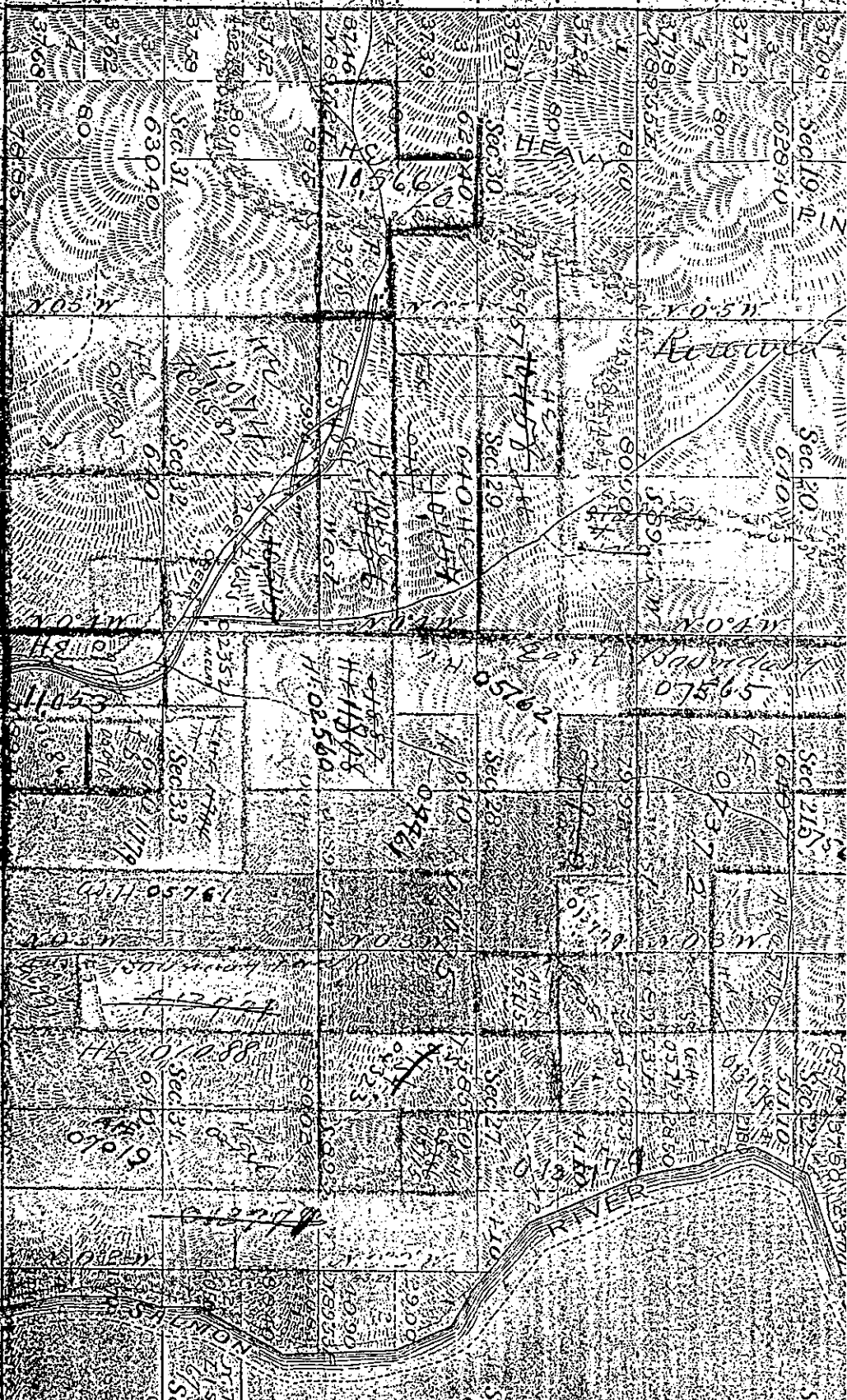
SEARCHED

BOISE
RESUR

Survey Designated	By Whom Surveyed	Date of Contd.	Amount of Survey Ac. C. & P.	C. When Surveyed	Mean Elevation
Survey Subdivisions	Albert Oliver	228 Dec 26 1901	5 78 66	June 22-26 1902	
Meridian (Res.)			12 08 75	June 22-26 1902	20.21 F
Meander			5 37 28	Sept 21-23 1902	
Meander			3 50 62	Sept 23-29 1902	
Connections			72 11	Nov 16 Jan 20 1902	
		218 Jan 30 1901			
		228 Dec 26 1901			

S. Doan & H. J. Doan
Resur

Total number of Acres 17,335.67



DARYL K. MULLINIX
ENGINEERING & SURVEYING
521 PARK STREET
GRANGEVILLE, IDAHO 83530
208 983-2408

May 18, 2006

Mr. James Banato
P.O. Box 350
Lucil, ID 83542

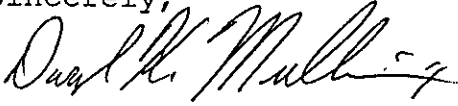
Mr. Banato:

Per your request, enclosed is a copy of the field notes from the 1902 survey making the call to the irrigation ditch. I highlighted the call.

If you have any questions or if I can be of any additional help please let me know. Cost is \$67.00 per our discussion.

Your consideration for this work is greatly appreciated.

Sincerely,



Daryl K. Mullinix

SCANNED

JUN 08 2006

. Continued.

Subdivision of T. 25 N. R. 1 E . Continued.

Chains

m.t. I
t. arc;

nd de-
olar at

at 18

and
dense

3 and 29
1/4 sec. cor.
S. 3 in

ars 144° 4.
T.

171° E.
T.

sec. cor.
15 ins.

6, 7

S. and
h

ars 121° E.

R. 1 E

A pine 14 ins. diam. bears 133° E.

22 lks. dist., marked T. 25 N., R. 1 E

S. 3 B. T.

A pine 18 ins. diam. bears 139 1/2° W.

5 1/2 lks. dist., marked T. 25 N., R. 1 E

S. 7 B. T.

A pine 60 ins. diam. bears 117° W.

1 1/4 lks. dist., marked T. 25 N., R. 1 E

S. 6 B. T.

Land mountaineers
Hill sandy, brown yellow
Juniper pine and fir
Mudstone of willow alder
black trash pine and fir
No. 4 and 5 and heavily timbered
Land and land covered with dense
mudstone 8000 ft.

East on random line bet. secs. 5 and 5

4600 Set temp. 1/2 sec. cor.

10.12 Intersect N. and S. line 14 lks. S.
of the cor. of secs. 4, 5, 8 and 9

Thence I run

149° 54' W on a true line bet. secs. 5 and 8

Record over mountainous land

Subdivision of T. 25 N. R. 1 E. Continued.

Chains

Sul
Chains

through heavy timber and dense
undergrowth
15.75 A m irrigating ditch 3600 m. d.
flows N. E.

October 11: At this point I set off
1. $6^{\circ}52\frac{1}{2}'$ on the decl. arc and at
11h 47 m. a.m., l.m.t., observe the
sun on the meridian; the resulting lat. is $45^{\circ}33'$

20.00 A road bears N. E. and 1/4 S.

26.00 Top of a pine 150 ft above sec. cor.,
bears N. Distance 20 ft to

26.50 A brook 3600 m. d. flows N. E.

41.00 Set a granite stone $12 \times 7 \times 7$ ins., 8 ins.
in the ground, for $\frac{1}{4}$ sec. cor., marked $\frac{1}{4}$
on N face; from which

A pin 12 ins. diam. bears $N 1\frac{1}{2}^{\circ} W$,
1100 m. dist., marked S. 5, B. T.

A pin 12 ins. diam. bears $N 1\frac{1}{2}^{\circ} E$,
500 m. dist., marked S. 5, B. T.

50.12 The cor. of sec. 5, 6, 7 and 8

600 ft. above brook

hard mountain

soil sandy loam & shale

Timber pine fir and tamarack

undergrowth of willow & maple

brush, birch, pine and fir

SCANNED

JUN 08 2008

B
Oidick Bernaldo
PO Box 350
Luedie, ID 83542

**RETURN RECEIPT
REQUESTED**

CERTIFIED MAIL™



7005 1820 0004 7825 6586



0000



83705

\$5.12
00062726-03

U.S. POSTAGE
PAID
RIGGINS, ID
83549
MAY 30 2006
AMOUNT

*Dept of Wildlife Resources
Western Region
2735 Airport Way
Bosie, IDAHO
83705-5082*

SCANNED
JUN 08 2006

Dept of WATER Resources
ATTN: MR. GREGORY TAYLOR
SR WATER RIGHT AGENT

James Bon
PO Box 350
835.
LUCILE, IDAHO
628-3087

DEAR SIR

FIRST, OUR CLAIM NUMBER IS DIFFERENT FROM YOURS; OUR NUMBER IS #79-07263, ^{APP} YOUR LETTER REFERENCES: #79-13962.

Second, please look at the enclosed map of the Hills claim; microfilmed OCT, 06, 1992. Our newly purchased property is the SE 1/4, SE 1/4 of Sect 5, known as Parcel 5, AS SHOWN. THE diversion point is (since 1902) in section 8 as shown. The water was/is contained in a banked ditch until it reaches our property, then turned into a natural drainage basin, where the water was allowed to spread out wetting (irrigating) the basin. The water then converges as it leaves the property where the homesteaders distributed portions of the water to fields. A site inspection, as promised,

would be appropriate because the original homestead and cabin was on our property and is in evidence (also see your archives)

The diversion ditch was built first in 1902, providing water in iron pipe to the cabin and "wetted" land for their stock.

The lower fields were developed next as they picked up water in ditchwork 1905. They obviously didn't want their stock in their fields, so they maintained this wetted (irrigated) land for grazing as today.

As we proceeded to acquire this property, we contacted IDWR (MARIA MINICUCCI, and DANIEL A. NELSON) and were told to file for a portion of the existing water rights as it passed through our property. Please see permit #79-07263 for domestic, stockwater, with some irrigation. We were also told to make sure we used it.

We laid a 2" pipeline with a screen in the ditch as it entered the property. The pressurized system provides water to our home, fills a stock tank for our horses and waters a small garden; the irrigation is provided as it always has, running through the basin.

Please note that although Cabin Creek does run through a portion of the property it is inaccessible as it crosses in a deep gulch unfeasible for pumping as we have no domestic power and use alternative energy.

As we are located "first" in line, we have assumed some responsibility for maintaining the diversion cited in section 8, according to state law on water rights.

If we have applied in error or by an improper method, please advise; as this property as well

as the properties below us
are just fire hazards without
water.

Finally, are you going to allow the forest
service to rip out the 1902, section 8 diversion,
as they have threatened to do? And, who has
the responsibility for maintaining this
diversion? I have been cited twice for patchin'
leaks "maintaining an unauthorized structure"
even though special use permits were issued
the Lills which included this water's use.

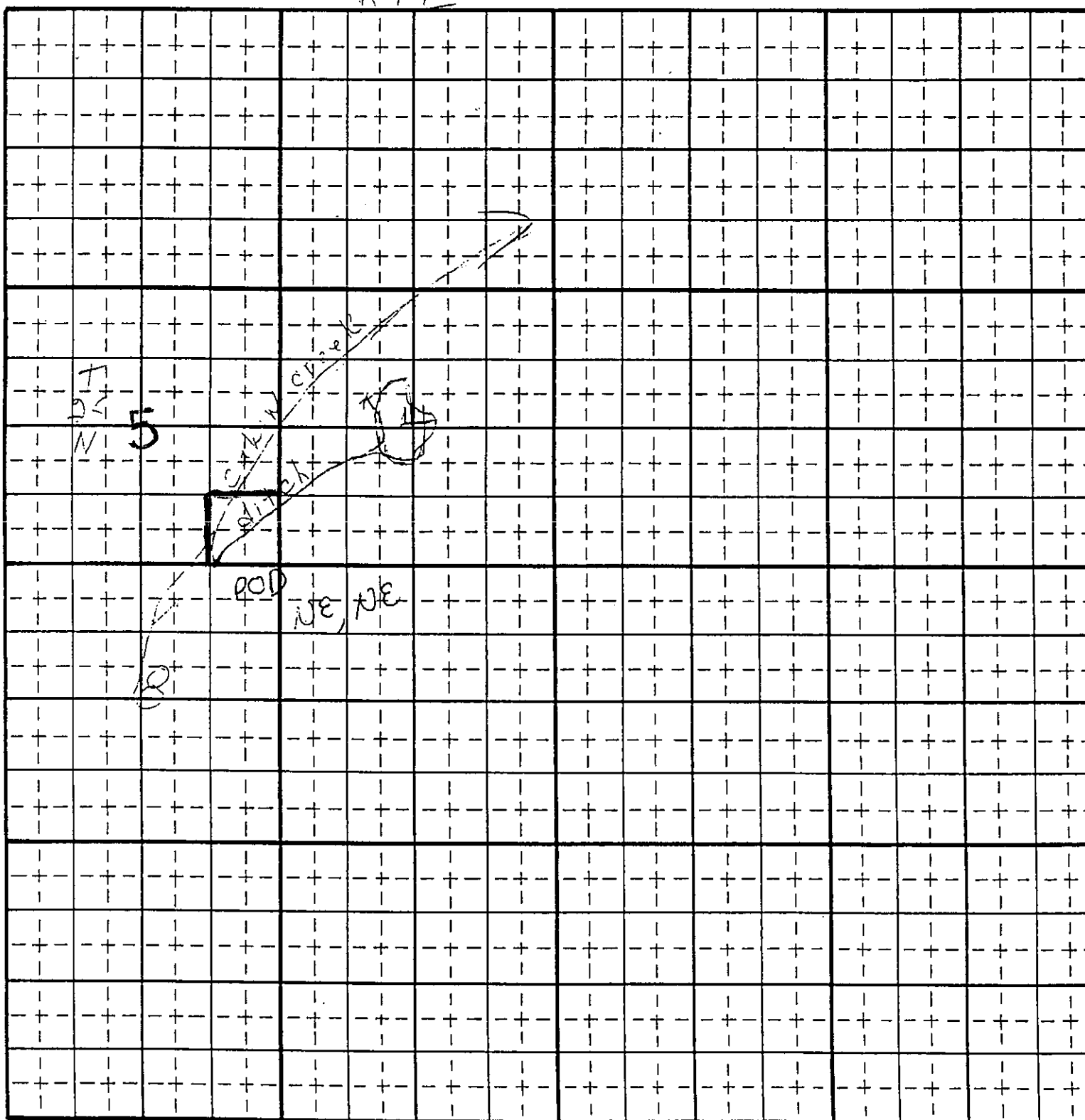
Even though I have received verbal reassurance
from your predecessors, I look forward to hearing
an update from you very soon.

Sincerely,

James E. Bonatz

Scale: 2 inches equals 1 mile

RIFE



COPY

Ident No.

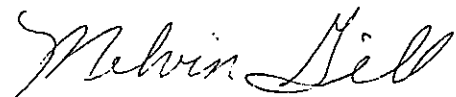
MICROFILMED
Copies: White-Star, Yellow-Claimant

OCT 06 1992

November 17, 1998

James Bonato
Lucile Id 83542

Mr. Bonato, as I told you in our phone conversation, my parents bought this property (including the parcel you now own) in 1948 and the ditch you refer to was there then. You might also want to refer to water right #A79-04030 filed with the Dept of Water Resources which references this ditch.

A handwritten signature in cursive script that reads "Melvin Gill". The signature is written in dark ink and is positioned above the printed name.

Melvin Gill

Dennis L. Albers

ATTORNEY AT LAW

P.O. BOX 314

GRANGEVILLE, IDAHO 83530

KAMIAH OFFICE
PHONE (208) 935-2161

GRANGEVILLE OFFICE
401 W. NORTH
PHONE (208) 983-2310

February 4, 1992

FEB 06 1992

Cindy Hodges
Water Resource Agent
Western Regional Office
2735 Airport Way
Boise, ID 83705

Department of Water Resources
Western Regional Office

Dear Ms. Hodges:

Enclosed herewith please find a New Property Owner Form in relation to certain water rights claimed by Deward Gill on the attached form. You can see that this is a complicated order of the court dividing the water rights between Deward Gill and Melvin Gill. By way of explanation, Deward Gill gets a joint right in what is referred to as the Main Spring and the other right that was associated with Cabin Creek. He also has the right to stock water from Cow Creek as it passes the property that he receives.

Please contact Mr. Deward Gill directly in the event the form that he filed is insufficient for your purposes. Call me if I can answer any questions, as well.

Sincerely,



DENNIS L. ALBERS

DLA:law

Enclosures

cc: Deward Gill
Gayle Hagler
Donna Medley

COPY



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

July 15, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Deward Gill
1405 Echo Ave.
Parma ID 83660

RE: SRBA filings A79-04030 and A79-10482

Dear Mr. Gill:

Per our phone conversation, I have prepared and enclosed the following items pertaining to the above claims:

1. Change of Ownership forms on both claims, which will remove your daughters' names from the claims. Please sign as both the old owner and the new owner, and return both forms. This may seem like a trivial technicality, but it is necessary to document the file in case there are questions later. If you wish any other name to appear on the claims, you may add it next to your name on the "new owner" line. I have included copies of the claims for your reference.

★ 2. A map of the area showing your property lines, the Cabin Creek diversion, and the location of the Main Spring. Please outline the approximate acres you irrigate from Cabin Creek. If there are any placement errors, please correct them. Return the map to me for acreage verification on claim A79-04030.

After I receive the map and Change of Ownership forms, I will do all the data entry on both claims and return copies for you to sign. If you will be in Boise in the near future and can stop by, we can finish this in one step. Otherwise, correspondence by mail will be fine.

If you are going to visit our office, please call ahead and schedule an appointment with me. I will be out of the office July 20-28.

Thank you for your cooperation. Please call me if you have any questions.

Sincerely,

Cindy Hodges

Cindy Hodges
Sr. Water Resource Agent

Enclosures

COPY

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OCT 06 1992

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: 39356

Ident. Number 79-4030

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUL 22 1988

Department of Water Resources
Western Regional Office

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Melvin C. and/or Margaret L. Gill Phone (208) 623-3444

Mailing Address P.O. Box Lucile, Idaho Zip 83512

2. Date of Priority (Only one (1) per claim) Jan. 23, 1902

3. Source of water supply (a) Cabin Creek
which is tributary to (b) Cow Creek

4. a. Location of existing point of diversion is: Township 25N Range 1E Section 8,
1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Idaho

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 25N Range 1E Section 5, SW 1/4 of SE 1/4 of SE 1/4,

Govt. Lot _____ B.M., County of Idaho

ending point is: Township 25N Range 1E Section 4, SW 1/4 of SE 1/4 of

SW 1/4, Govt. Lot _____ B.M., County of Idaho

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. Ditches

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Copies: White State, Yellow Applicant

COPY

OCT 08 1982

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar. 1 to Dec. 1 amount .60 or _____
 For Stockwater purposes from Jan. 1 to Dec. 31 amount .05 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .65 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1.60 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 200 head range cattle, 10 head horses

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 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
~~25N~~	~~1E~~	~~1~~																	
~~25N~~	~~1E~~	~~1~~																	
25N	1E	1								10	10								30
25N	1E	1																	

Total number of acres irrigated 30

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

12. Do you own the property listed above as place of use? Yes 1/2 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. _____ or None (X)

14. Remarks: Own one-half property described, permanently lease other half

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Last Name Gill Ident No. _____

Copies: White State, Yellow Stagnant

OCT 06 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 79-4030

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 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 0

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

Signature of Claimant (s) Melvin C. Gill Date 7-19-88

Margaret Gill Date 7-19-88

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 Idaho)

County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 19 day of July 19 88

SEAL

Notary Public Oliver James

Residing at Riggins

My Commission Expires 10-10-88

Please Print Name

17. Notice of Appearance:

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 _____

COPY

Last Name Gill Ident. Number _____

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Copyright © Snake River Valley Adjudication

OCT 06 1992

	YES	NO
1. Is the name and address complete with zip code?	☒	☐
2. Is priority date entered?	☒	☐
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). Use care if claim is returned. Refer to Adjudication Memos # 1 (Adj. Claims/Applications) and # 9 (Rejection of Claims). Explain in Comments.		
3. (a) Is a source entered?	☒	☐
(b) Is a tributary to entered? (if required)	☒	☐
4. Is the legal description of the p.d. complete?	☒	☐
5. Is there a description of the diverting works?	☒	☐
6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.	☒	☐
Is the period of use included?	☒	☐
Is a quantity claimed for each use?	☒	☐
7. Is a total quantity claimed entered?	☒	☐
8. Is the consumptive use correct?	☒	☐
If required is a consumptive use entered?	☒	☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim.	☒	☐
10. Is (are) the place(s) of use entered?	☒	☐
11. Is (are) the county(ies) entered?	☒	☐
12. Is the ownership of p.u. checked?	☒	☐
13. Are other water rights listed or "none" checked?	☒	☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)	☒	☐
15. Is the basis of the claim checked?	☒	☐
16. Is the claim signed by the claimant? Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)	☒	☐
Has the claim been signed, sealed, and dated by a notary?	☒	☐
Is the fee enclosed correct?	☒	☐
If this claim is based on an existing water right, has the identification number been entered?	☒	N/A
Should this claim be receipted and data entered?	☒	☐

Claim checked by: lw

CONVERSATION MEMORANDUM

DATE 8/26/88

FILE _____

NAME OF PARTY Hill, MelvinEMPLOYEE S. WarnerRE: 79-4123 OK See letter attached to claim 79-04123

Old 204 cfs New 20 cfs take off stockwater
priority date: 1-1-1905

79-4030 dog name
 Old George & Opal New Calvin or
1.24 cfs .65 cfs
Source Cow or stream flow - dele
POD POU - claim for
POU POD-25N, 1E, S 8, NE, 1

79-4031 Old George & Opal New Calvin or
0.51 0.44
Source - Stream stream
POD POD stream stc
delete S/D? - other right should leave as is

1 No need to file on undeveloped spring

2 OK	4123	90.00
3 OK	4030	80.00
4 undeveloped spring	4031	60.00
5 OK	2	25 -
6 OK	3	25 -

include note
in who remembers

COPY

MICROFILMED
 OCT 06 1992

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: **A79-13962**
Date Received: 5/21/1999
Receipt No: W025229
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: JAMES E BONATO 208-628-3087
Address: PO BOX 350
LUCILE ID 83542

2. Date of Priority: DEC 31, 1902

3. Source: CABIN CREEK Trib. to: COW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
25N	01E	8		NE	NE		IDAHO

5. Description of diverting works:
12" HEADGATE WITH 400' OF DITCH; DRAINAGE BACK TO CABIN CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.166		

7. Total Quantity Appropriated is:
0.166 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
25N	01E	5	SE	SE		IRR	5.0
Section Acres							5.0

10. Place of Use: Continued

Total Acres 5.0

11. Place of use in counties: IDAHO

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

1118 F. St, Lewiston, Idaho 83501

Phone: (208) 743-0301 FAX: (208) 743-0415 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 24, 2005

79-13962
JAMES E BONATO
PO BOX 350
LUCILLE ID 83542

RESPONSE DEADLINE
MARCH 25, 2005

Re: Evidence of Priority Date

Dear Claimants:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

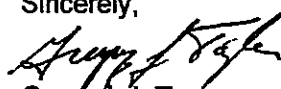
If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office at 1-208-743-0301.

Sincerely,


Gregory J. Taylor
Sr. Water Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 16, 1999

JAMES E BONATO
PO BOX 350
LUCILE ID 83542

Dear Mr. Bonato:

We are again returning your claim, since it appears that you have overlooked the notary section. Your signature **must be notarized** by a notary public before we can process your claim. Please have notarized and return to our office as soon as possible.

If you have any questions, please feel free to contact our office.

Sincerely,

Adjudication Section
Western Region

LH:l
Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 28, 1999

JAMES E BONATO
PO BOX 350
LUCILE ID 83542

Dear Mr. Bonato:

This office is currently reviewing your Notice of Claim to a Water Right, but we are unable to continue processing due to the following incomplete items:

DATE OF PRIORITY - The date the water was first put to beneficial use, regardless of ownership. If the month or day is unknown, we will recommend 12/31 of the year designated.

TOTAL QUANTITY CLAIMED - The total quantity claimed cannot exceed the quantity claimed for the water use. You have claimed .10 cfs for irrigation with a total quantity of .1666 cfs.

PLACE OF USE - The place of use must be listed by quarter-quarter, section, township, and range. Please indicate which quarter-quarter you are irrigating by marking the area on the map.

SIGNATURE - Your signature must be notarized by a notary public. Please have your claim notarized.

Please complete the above items on your claim form, initial and date any changes, and return to our office for processing. We have also enclosed your receipt for the fees paid.

If you have any questions regarding this letter, feel free to contact our office.

Sincerely,

Adjudication Section
Western Region

LH:1
Enclosures

**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 _____

Date Received 5-21-99Receipt Number W025229

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED**MAY 21 1999**WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) JAMES E BONATO Phone (208) 628-3087Mailing Address PO Box 350 Lucile IDAHO Zip 83542

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) CABIN CREEK
which is tributary to (b) COW CREEK4. a. Location of existing point of diversion is: Township 25N Range 01E Section 8,
_____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of IDAHO

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, 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.

Active PREEXISTING 12" HEADGATE WITH #400 LE
OF DITCH; ALL DRAINAGE BACK TO CABIN CREEK

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 03-15 to 11-15 amount 0.10 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.1666 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
25N	1E	5																	

Total number of acres irrigated ± 5

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

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

or None (☒)

14. Remarks:

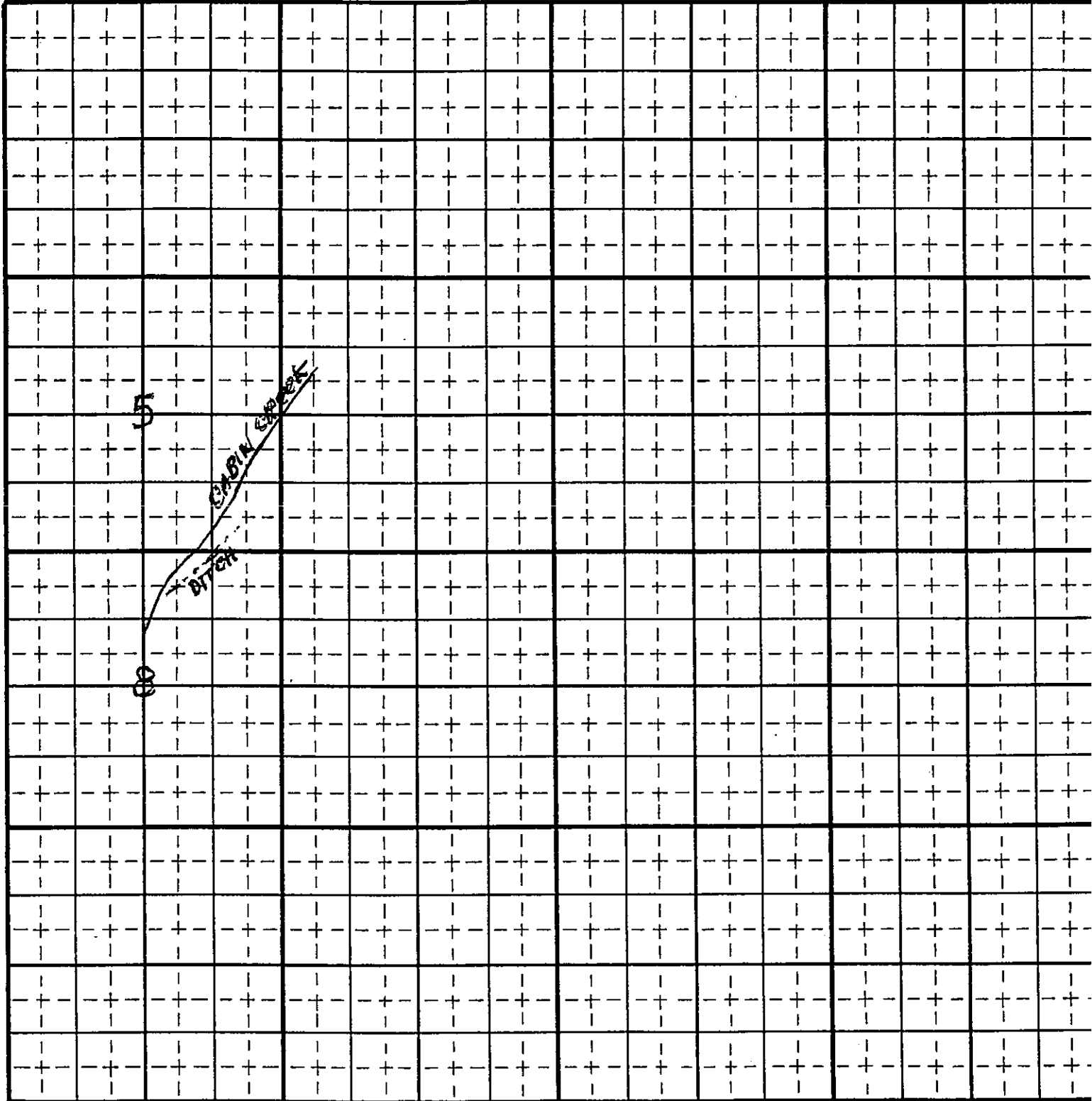
Last Name BONA TO Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T 25 N R 1 E



Last Name BONATO Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

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

Signature of Claimant (s) James Bonato Date _____

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 _____)

) SS.

County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

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 BONATO Ident. Number _____

Copies White-State, Yellow-Claimant

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report

03/22/2005

WATER RIGHT NO. 79-7263

Owner Type	Name and Address
Current Owner	JAMES E BONATO PO BOX 350 LUCILE, ID 83542 (208)628-3087

Priority Date: 04/30/1998
Status: Active

Source	Tributary
CABIN CREEK	COW CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	0.1 CFS	
STOCKWATER	1/01	12/31	0.06 CFS	
DOMESTIC	1/01	12/31	0.06 CFS	
Total Diversion			0.166 CFS	

Location of Point(s) of Diversion:

CABIN CREEK	Sec. 05	Township 25N	Range 01E	IDAHO County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION IDAHO County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
25N	01E	5												

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Dates:

Date Application Received: 04/30/1998

Date Application Denied:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Application Type: New Appropriation

Applicant Remarks:

Other Water Rights:

Time to Complete Works:

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close