

1-23

RECEIVED

JAN 23 2013

DEPARTMENT OF
WATER RESOURCES

Albert P. Barker, ISB #2867
BARKER ROSHOLT & SIMPSON LLP
1010 W. Jefferson St., Ste. 102
P.O. Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Facsimile: (208) 344-6034

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

In Re SRBA

Case No. 39576

Subcase No. 63-5271

AFFIDAVIT OF RICHARD BICANDI

STATE OF IDAHO)
) ss.
County of Ada)

Richard Bicandi, having been duly sworn upon oath, deposes and states as follows:

1. My name is Richard Bicandi, and my address is 1905 Mason Road, Caldwell, Idaho 83605.
2. On or about June 30, 1983, I filed a statutory claim to the above-referenced water right. A true and correct copy of said claim is attached hereto as Exhibit A. Said claim was for the diversion of 0.75 cfs from Mason Creek Slough, tributary to the Boise River, for the irrigation of 37.5 acres in the SWSW of Section 13, Township 4N, Range 3W, in Canyon County, Idaho.
3. The water use identified in the claim referenced in #2 above has been consistently put to beneficial use since May 1, 1966.

4. Based upon a letter I received from IDWR dated March 14, 1984, a copy of which is attached hereto as Exhibit B, I thought my water right 63-5271 was filed of record with IDWR and protected.

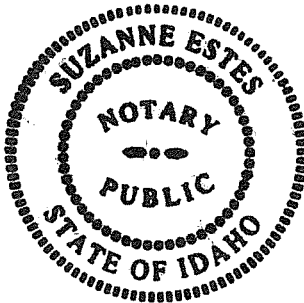
5. I only recently became aware that I could lose my claim if an additional claim is not filed in the SRBA.

Further your affiant sayeth naught.

Dated this 22nd day of January, 2013.

Richard Bicandi
Richard Bicandi

SUBSCRIBED AND SWORN to before me this 22nd day of January, 2013.



Suzanne Estes
NOTARY PUBLIC FOR IDAHO
Residing at Boise
My Commission Expires 6-1-2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
• Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MARCH 14, 1984

RICHARD L. BICANDI
DOROTHY BICANDI
RT. 3
CALDWELL

ID 83685

RE: Claim No. 63-5271

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

EXHIBIT B

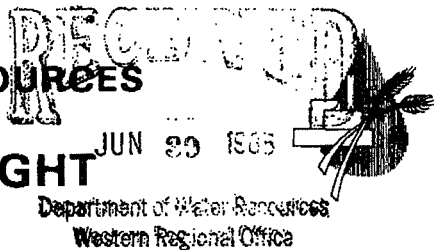
RECEIVED
MARCH 14 1984

Should questions arise during the processing of this application please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Richard L. and/or Dorothy Bicandi
(Name of Claimant)

Route 3 Caldwell Idaho 83605 Telephone No. 459-0428
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1966

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Mason Creek & Slough tributary to Boise River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>0.75 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>2-15</u>	To <u>11-15</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 0.75 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 NW 1/4, Sec. 24 Twp. 4N Rge. 36W B.M., County of Canyon
Additional points of diversion: SW 1/4 Sec. 13 T4N R36W Canyon County

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. Describe any changes in the system and give the date of the change. headgate & lateral ditch

(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.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			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	
4N	36W	13											37.5						37.5

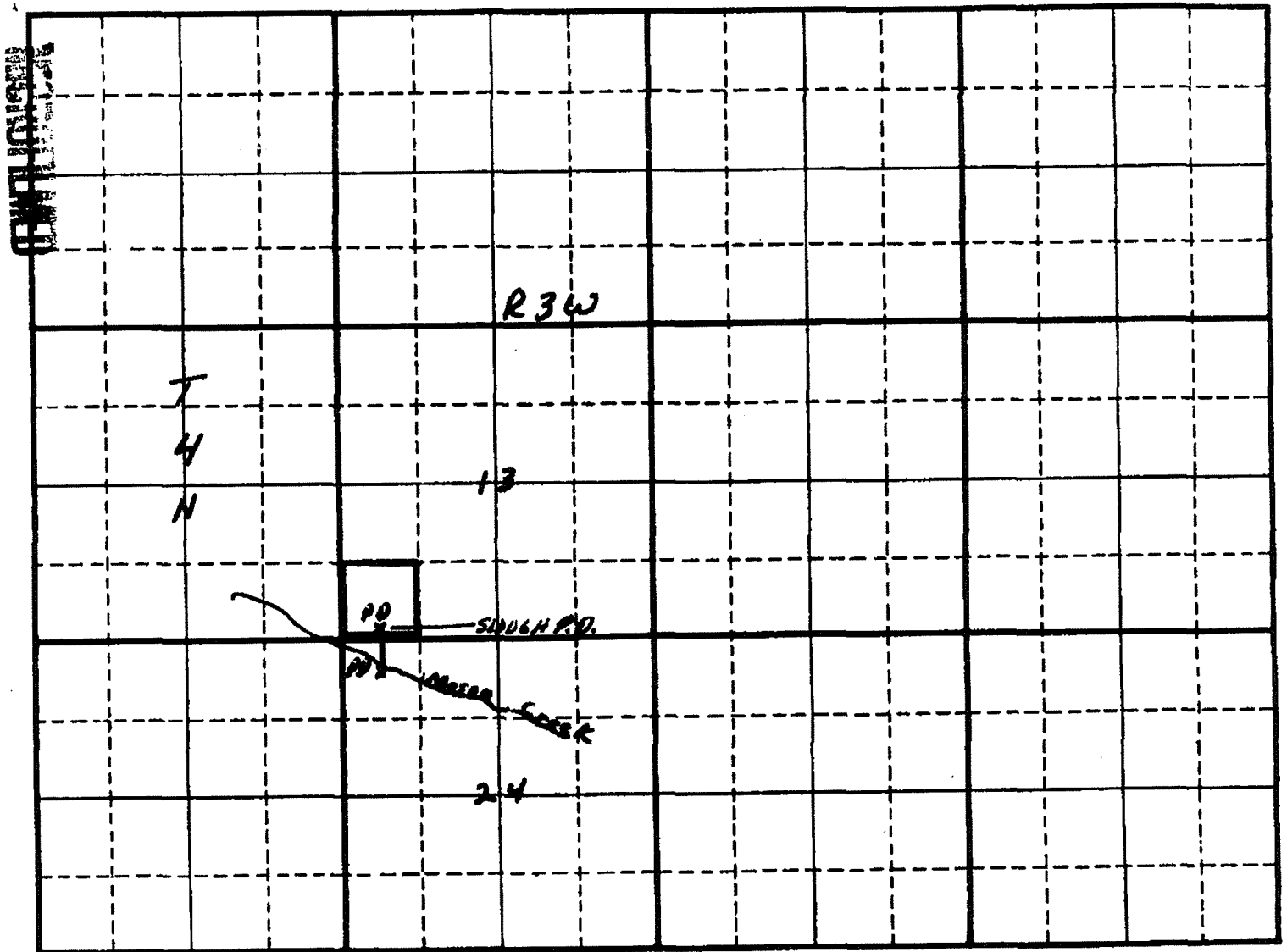
No. of acres 37.5

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

NOTE: Include here the type and number of stock watered: N/A

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

(8) Remarks This water Right is supplemental to other water rights which may exist under the Mason Creek Ditch Co.



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 affiant's knowledge.

Richard L. Bicandi
(Claimant)

Sworn to Before me this 30 day of June, 19 83.

Nancy M. Northway
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by <u>me</u>	Date <u>6-30-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>me</u>	Date <u>1-12-84</u>		claimant by:	
\$30.00 fee received by <u>me</u>	Date <u>6-7-83</u>	<u>32322</u>		
Published in <u>Press-tribune</u>				
Dates <u>2/23 & 3/1/84</u>				