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JUN 22 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 63-28282
(Insert water right number)
Case No. 39576)
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise-Kuna Irrigation District
Address: 129 North School Avenue
Kuna, ID 83634
Daytime Phone: 208-922-5608

Name & Address of Attorney, if any:

Shelley M. Davis
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: David Vastine
Address: 105 Florada Ave.
Piedmont, CA 94610

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 Boise-Kuna 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: _____

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 Boise-Kuna 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 Boise-Kuna Irrigation District.

F. VERIFICATION (must be completed)

State of Washington)
)ss.
County of Clark)

Shelly M. Davis, 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: Bose, 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 June 18, 2007, 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: David Vastine
Address: 105 Florada Ave.
Piedmont, CA 94610

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

NOTICE OF ERROR
REPLY

10/09/2006
RECEIVED
NOV 03 2006
DEPARTMENT OF
WATER RESOURCES

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: 10/31/2006

Water right number: 63-28282

DAVID VASTINE
105 FLORADA AVE
PIEDMONT CA 94611
Telephone Number: (510) 847-8944

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: 10/26/06

SIGNATURE: David W. Vastine

Please print your name: DAVID W. VASTINE

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

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NOV 06 2006

MEMORANDUM

TO: ADJUDICATION FILES 63-28282

FROM: DANIEL A. NELSON

DATE: 8/31/06

SUBJECT: FIELD EXAMINATION

On 8/25/2006, I performed a field visit of the property associated with water right 63-28282. I discovered that the water for this claim is diverted from a spring that fills a large 32.2 acre-foot pond. The bulk of the spring flow is actually under water, but there is a small portion of the water flowing above the water surface. Boise Kuna Canal Company water and wastewater are also diverted into the pond to irrigate 34.6 acres. There are other lands associated with this farm, but the 34.6 acres are the only lands irrigated out of the pond. Another diversion pump and other water rights are used for the other acres.

Sometime between 1987 and 2004 a pivot was installed on the ground irrigated from the pond. The new pivot irrigates approximately 3.2 acres than were irrigated in 1987, but the owner could shut off the end gun to irrigate this ground when the spring water is the only water being used and come very close to the number of acres allowable under this claim. This only happens once or twice a year at the end of the season, when the canal and wastewater are no longer available, so shutting of the end gun shouldn't cause a severe problem. Either way, the owner should only be allowed to irrigate the 31.4 acres found in 1987 from the spring, and should file a transfer for the remainder of the acres.

The aerial photography shows approximately 2.1 acres of pond surface area, and the pond is 14 feet deep. Therefore, all storage components should be limited to 32.2 acre-feet. I had difficulty determining the flow rate of the spring, but I finally determined that the spring produces 0.34 cfs of water (please see attached sheet).

The owner runs approximately 120 cow/calf pairs and 1 horse on this property. Therefore, we are looking a stockwater maximum allowable diversion rate of 0.07 cfs for stockwater, which is well under the spring's capacity. The stockwater volume should be based on 12 gal per day for 241 animals for 365 days a year or 3.2 afa. The wildlife volume would be the volume of the pond or 32.2 afa. Any irrigation use should be limited to the spring capacity of 0.32 cfs, since the pump diverts more than the spring can produce. Irrigation from storage would also be the volume of the pond or 32.2 afa. The total number of acres irrigated should be 31.4 acres with the full volume of 4.5 afa per acre for a total of 141.3 afa.

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The claim was not filed using current department standards for these types of storage components. Therefore, I would suggest that the claim be amended or recommended by the adjudication as follows:

Stockwater = 0.07 cfs / 3.2 afa from 1/1 to 12/31
Stockwater Storage = 3.2 afa from 1/1 to 12/31
Wildlife Storage = 32.2 afa from 1/1 to 12/31
Irrigation = 0.32 cfs / 141.3 afa from 3/1 to 11/15
Irrigation from Storage = 32.2 afa from 3/1 to 11/14
Irrigation Storage = 32.2 afa from 1/1 to 12/31
Diversion to Storage = 0.32 cfs from 1/1 to 12/31

The Stockwater, Stockwater Storage, Wildlife Storage, Irrigation Storage, and diversion from storage are located in the NWNE T1S R2W S26.

The Irrigation and Irrigation From Storage are 4.4 acres in the SESW T1S R2W S23; 9 acres in the NWNE; and 18 acres in the NENW T1S R2W S26.

The Point of Diversion is located in the NWNWNE T1S R2W S26.

NWSW

NESW

T1S R2W S

SWSW

SESW
4.4 Acres

T1S R2W S23

SWSE

SESE

1987 AERIAL PHOTO

This shape files shows the current place of use. The claimant is currently irrigating 34.6 acres instead of the 31.4 acres irrigated in 1987. Even though the place of use has changed only changed a little bit (11% difference from former irrigation), a transfer may be needed to properly cover the ground now irrigated.

INFLOW DITCH
FROM CANAL AND
WASTEWATER

NWNE
9 acres

NENW
18 acres

NENE

Stockwater, Wildlife and Irrigation
Storage pond. 2.1 acres surface
area and 14 feet deep, for a total
of 32.2 acre feet.

SENW

T1S R2W S26

SENE

SWNE

T1S R2W S26

NESE

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NWSW

NESW

T1S R

T1S R2W S23

SWSW

SESW

SWSE

INFLOW DITCH
FROM CANAL AND
WASTEWATER

NWNE

NENW

T1S R2W S26

SENW

SWNE

2004 AERIAL PHOTO

This shape files shows the current place of use. The claimant is currently irrigating 34.6 acres instead of the 31.1 acres irrigated in 1987. Eventhough the place of use has changed only changed a little bit (11% difference from former irrigation), a transfer may be needed to properly cover the ground now irrigated.

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SPRING FLOW CALCULATIONS

During my field exam, I discovered that the pond was actually built on the spring source. The spring seems to have different levels from which it seeps out of the ground. During my field exam I measured the upper level of this spring at a diversion rate of 0.14 cfs. The owner informed me that he generally irrigates out of the spring one time after the canal water and wastewater are no longer available. He irrigates out of the pond using a 10 Hp pump that diverts approximately 0.55 cfs (see theoretical calculation sheet). He told me that when he does this, the pond only drops 1 foot in 5 days. Taking this information into account, I realized that the spring produced more than the 0.14 cfs measured, and the bulk of the water from the spring must be under pond's water surface. Therefore, I had to determine a way to figure the actual diversion rate of the spring. I used the following calculations to determine the actual flow of the spring into the pond:

$(0.55 \text{ cfs Irrigation Pump Capacity}) \times (5 \text{ days}) \times (1.9835) = 5.5 \text{ acre feet diverted within the 5 day irrigation period.}$

$(2.1 \text{ acres Pond Surface Area}) \times (1 \text{ foot drop in 5 days}) = 2.1 \text{ acre feet of water contributed to the irrigation from pond storage}$

$(5.5 \text{ af diverted}) - (2.1 \text{ diverted from storage}) = 3.4 \text{ acre feet of water supplied by spring during 5 days of irrigation.}$

$[(3.4 \text{ af of irrigation supplied by spring}) / (5 \text{ days})] / 1.9835 = 0.34 \text{ cfs diversion rate produced by the spring.}$

The above calculations show that the spring actually produces 0.34 cfs of water that is used for stockwater, wildlife, irrigation, and diversion to storage. This diversion rate should be used instead of the 0.14 cfs measured from the upper portion of the spring.

GROUNDWATER THEORETICAL ANNALYSIS

FILE: 63-28282

DATE: 8-25-06

BY: DAN Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$$Q = \frac{(8.8) \times (\underline{10}) \times (0.70) = 61.6}{[(\underline{2}) + (\underline{48} \times 2.31)] = 112.88} = \underline{0.55 \text{ cfs}}$$

245 gpm

LIFT FROM:

Measurement (☒)

Owner ()

Area estimate ()

Well Logs ()

PSI FROM:

Measurement ()

Owner ()

Estimate ()

Owner Gage (☒)

Booster (Y) (N)

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS: This seems to be a
reasonable estimate of 740
pump capacity.

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GAGE ID#, 0
 DATE, 8/25/06
 TRANSECT, 2
 USER ID#, 0
 STAFF HEIGHT, 0.00
 GAGE HEIGHT, 0.00
 METER ID#, 0
 AQUACALC ID#, 0
 METER TYPE, Pygmy ST2
 METER CONST. C1, 0.9604
 METER CONST. C2, 0.0312
 METER CONST. C3, 0.9604
 METER CONST. C4, 0.0312
 METER CONST. C5, 1.0000
 MEAS. SYSTEM, S.A.E. (English)
 TOTAL STATIONS, 3
 TOTAL WIDTH, 0.80
 TOTAL AREA, 0.12
 TOTAL DISCHARGE, 0.1392
 MEAN VELOCITY, 1.08

UPPER PORTION
 OF SPRING
 DIVERSION
 DON'T USE.

ST.	DIST	DEPTH	REVS	TIME	COS:VF	LOC	CLOCK	VEL	AREA	FLOW
1,	0.7,	0.00,	0,	0.0,	1.00,	.6,	0:00,	0.000,	0.000,	0.00
2,	1.1,	0.30,	47,	40.0,	1.00,	.6,	14:31,	1.160,	0.120,	0.13
3,	1.5,	0.00,	0,	0.0,	1.00,	.6,	0:00,	0.000,	0.000,	0.00

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PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 8/25/2006

FILE NUMBER 63-28282



The photo to the right shows the above ground spring. It is less than 1 foot wide. It doesn't supply enough water to maintain the pond level. This is the area that water comes into the pond, because it doesn't freeze during colder weather.

The photo below shows the pond and the pump house. The pump delivers the water to a pivot and some hand lines.



The photos above show the pond pump and the mainline going to the pivots and sprinklers.

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OCT 10 2006

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 8/25/2006

FILE NUMBER 63-28282



The above picture shows the pivot and the edge of the pond. The sprinklers are down the road to the right of the pivot.

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ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist. Mark "unknown" or N/A if information doesn't apply or information is unavailable.

IF CURRENT OWNER DOES NOT MATCH PROOF REPORT PLEASE GIVE NEW OWNER CHANGE OF OWNERSHIP FORM TO COMPLETE.

1.) Pump information:

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Relief Pump	CENTRAL	10HP	SC 154	UNKNOWN	2"
			4CZ-KCA		
			EMI S-305687-06		

meas
0.13 CFS
APPROX
42 SPR

2.) Lift (distance from pump to water) 2

3.) How was lift determined (well log, measurement, owner)? meas

4.) Pressure against pump (this is checked using the owner's psi gauge, your gauge, or an estimate by owner) 48 PSI - OWNER'S GAUGE

5.) Was a measurement made? YES If no can a measurement be made at a latter time? YES ON SPRING
NO ON RELIEF PUMP

6.) What type of measurement device was used? PIGMY
THEORETICAL

7.) Is there a pump curve available for pump? _____

8.) Please fill out the following:

Number of sprinklers _____

Sprinkler nozzle size _____

Number of Pivots (include gpm rating for each pivot) _____

20 FT

14 FT

Deep Pond

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OCT 10 2006

9.) Please outline all acres irrigated on attached aerial photo. _____ DONE

10.) Please clearly mark all points of diversion on map and GPS. _____ DONE

11.) Please clearly mark all mainlines, ditches, and other conveyances.
_____ DONE

12.) Pictures taken of place of use and point of diversion. _____ DONE

13.) Please show where and how water from other sources are diverted into the irrigation system.

FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)

SPRING ~~DOES~~ ISN'T THE
ONLY WATER FLOWING
OWNER TOLD ME THAT
HE CAN RUN THE PUMP
FOR 5 days. and the
pond only drops one foot
then fills back in.

THE SPRING MEASURED IS
ONLY THE UPPER SPRING.

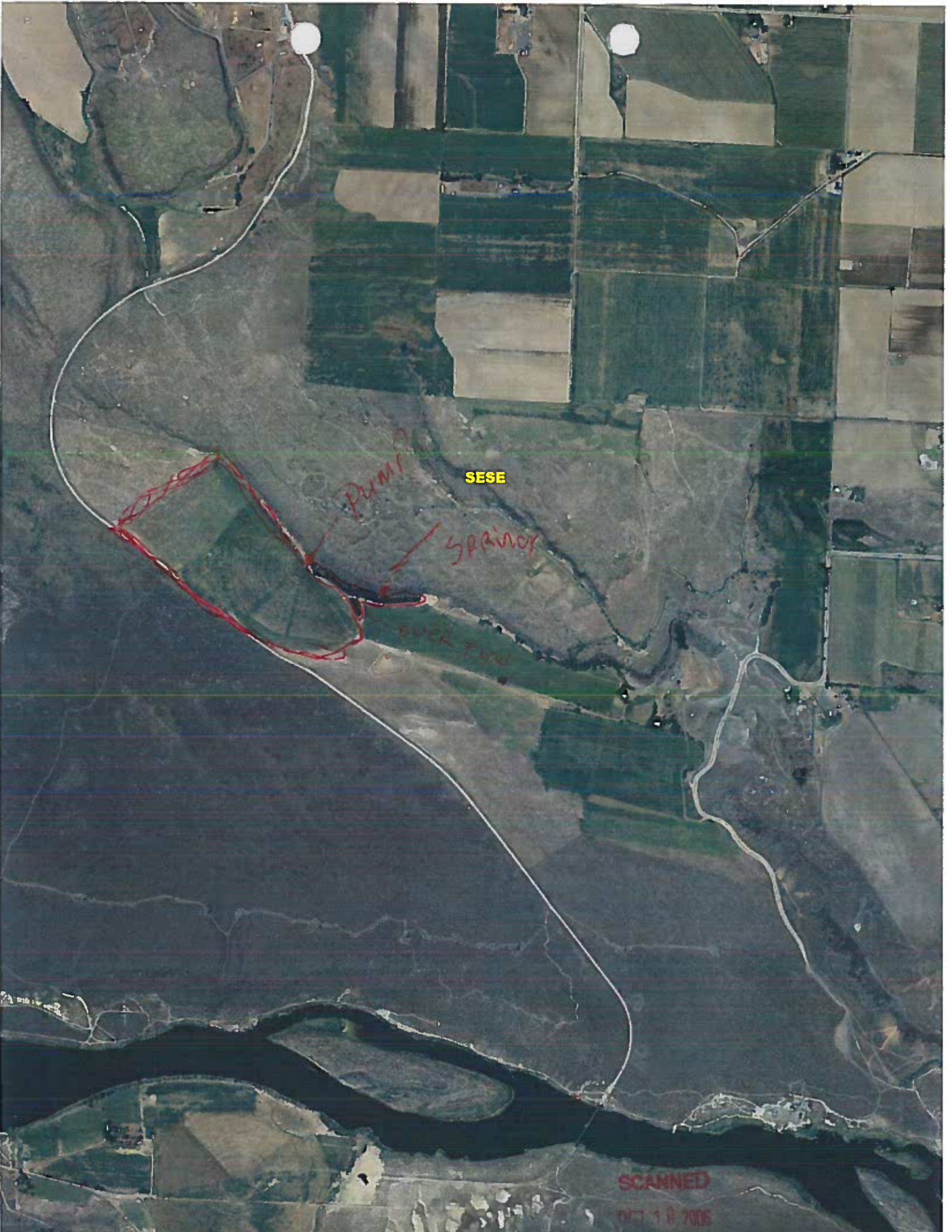
{ 120 pair COWS
1 horse -

DATE EXAM CONDUCTED _____

FIELD EXAMINER _____

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APR 10 2006



SESE

PUMP

SPRING

BUCK POND

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OCT 10 2006

SESE

SINKER
CREEK
ROAD

GUFFY
BRIDGE.

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07-10-2006

**Affidavit of Rex Evans regarding the property currently owned by David Vastine in
T1S, R2W sections 23, 24, 25, and 26.**

STATE OF IDAHO)
 :
COUNTY OF CANYON)

RECEIVED

AUG 07 2006

DEPARTMENT OF
WATER RESOURCES

I, Rex Evans, the undersigned, having been duly sworn on an oath deposes and says:

I currently live at 13797 Highway 78, Melba, Idaho. I was born on August 7, 1958.

I am familiar with the property currently owned by David Vastine because my father (Eb Evans) and my Grandfather (Rex Jensen) used to own the farm and had sold it to David Vastine in 1987. In discussions with my father and grandfather and through personal experience on the ranch I am familiar with the storage pond and late summer and fall spring flow in question.

Specifically, I can attest to the development of water emanating from a spring located at the base of the basalt cliffs in the NWNE of section 26. I was told that the pond in question was first constructed by my grandfather in the mid to late 1950's to collect and store waste water and water from the Boise Kuna Irrigation system and any water from the spring at the base of the basalt cliff draining into the pond. When my father took over the ranch in 1970 the main pond, overflow pond, pumps and piping were well established and actually in need of repair and maintance. It was my understanding that the ponds were constructed to collect spring water and to act as a regulating pond to other water sources, diversions/deliveries from the other sources. From its inception the pond has always been used to collect water from multiple sources for the beneficial use.

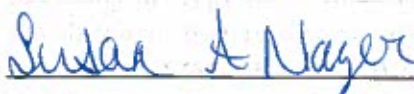
The spring water captured in the pond, as well as the other sources of water entering the pond, was used to irrigate crops in the fields south of the pond located in the SESW section 23 and the NENW and NWNE section 26. Also, livestock used the pond for watering as did plenty of birds and wildlife.

Dated this 4 day of August 2006



Rex Evans

Subscribed and sworn before me this 4th day of August 2006.



Notary Public
Residing at Hamper Canyon Idaho

My commission expires 04-01-2010

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AUG 09 2006

SUSAN A. NAZER
NOTARY PUBLIC
STATE OF IDAHO

2

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MAY 31 2006

DEPARTMENT OF
WATER RESOURCES

May 11, 2006

Mr. Michael Ciscell
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

RE: Evidence of Priority 63-28282

Dear Mr. Ciscell,

I received your letter dated April 14, 2006 to request evidence of priority date for water right claim 63-28282. I understand the response deadline is May 19, 2006. I have requested that Steve Hannula of ERO Resources assist me in obtaining the appropriate documentation for that evidence. I understand that he has already telephoned you in the search for aerial photograph evidence.

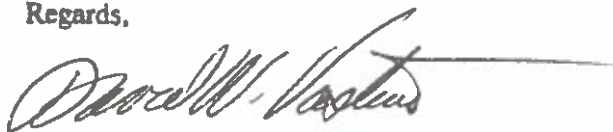
There are a number of documents that Mr. Hannula and I are currently pursuing to support the water claim. One document is an affidavit from Mr. Rex Evans. Rex Evans is the son of Eb Evans who was the previous owner. Eb Evans has passed away, but Rex recalls many aspects of the ranch from working on it. He recalls that the pond that is part of the irrigation system was excavated for Mr. Rex Jensen, the owner prior to Eb Evans. Layne of Idaho is thought to have put the system together in the 1950's. We are currently pursuing the available information from Layne to verify the construction date.

Also, we have placed orders for historic aerial photographs with the Aerial Photograph Field Office of the FSA. The photos take several weeks to arrive.

Please accept this letter as a request to allow me to submit evidence of priority after the deadline of May 19, 2006.

Thank you.

Regards,



David Vastine

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

SEP 14 2006

DEPARTMENT OF
WATER RESOURCES

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

63-28282

Date Received

9.14.06

Receipt Number

C082160

AMENDED

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

Please type or print clearly

1. Name of Claimant(s) David Vastine Phone (510) 655-6553
Mailing Address 105 Florada Ave, Piedmont, CA Zip 94610-1220
2. Date of Priority (Only one (1) per claim) August 1, 1954
3. Source of water supply (a) Spring
Which is tributary to (b) Snake River
4. a. Location of point of diversion is: Township 1S Range 2W Section 26, NW ¼ of NW ¼ of NE ¼, Govt. Lot _____, B.M., County of CANYON
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of _____ ¼, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Spring discharges into a 2.1 acre pond. 10 hp motor and pump lifts the pond water to the irrigation piping and pivot. See field exam conducted by Dan Nelson on August 25, 2006.

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SEP 18 2006

6. Water is claimed for the following purposes:

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

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

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

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

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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

Total number of acres irrigated 31.4

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-2256, 63-2711 or None ()

14. Remarks:

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

Last Name _____ Ident. Number _____

SCANNED

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

If applicable provide IDWR Water Right Number 63-28282

Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will received notice in the Snake River Basin Adjudication." I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments one (1) map

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

Signature of Claimant(s) [Signature] Date 9/9/06
_____ Date _____

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

of _____, that I have signed the foregoing
Organization _____

document in the space below as _____ of _____
Title _____ Organization _____

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

Signature of Authorized Agent _____

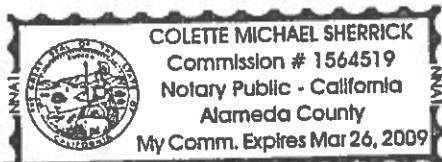
Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 9th day of September 2006.
I have proved to me on the basis of satisfactory evidence to be the person who appeared before me.

SEAL

Notary Public [Signature]



Residing at Oakland, CA

My Commission Expires March 26, 2009

17. Notice of Appearance.

Please Print Name

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

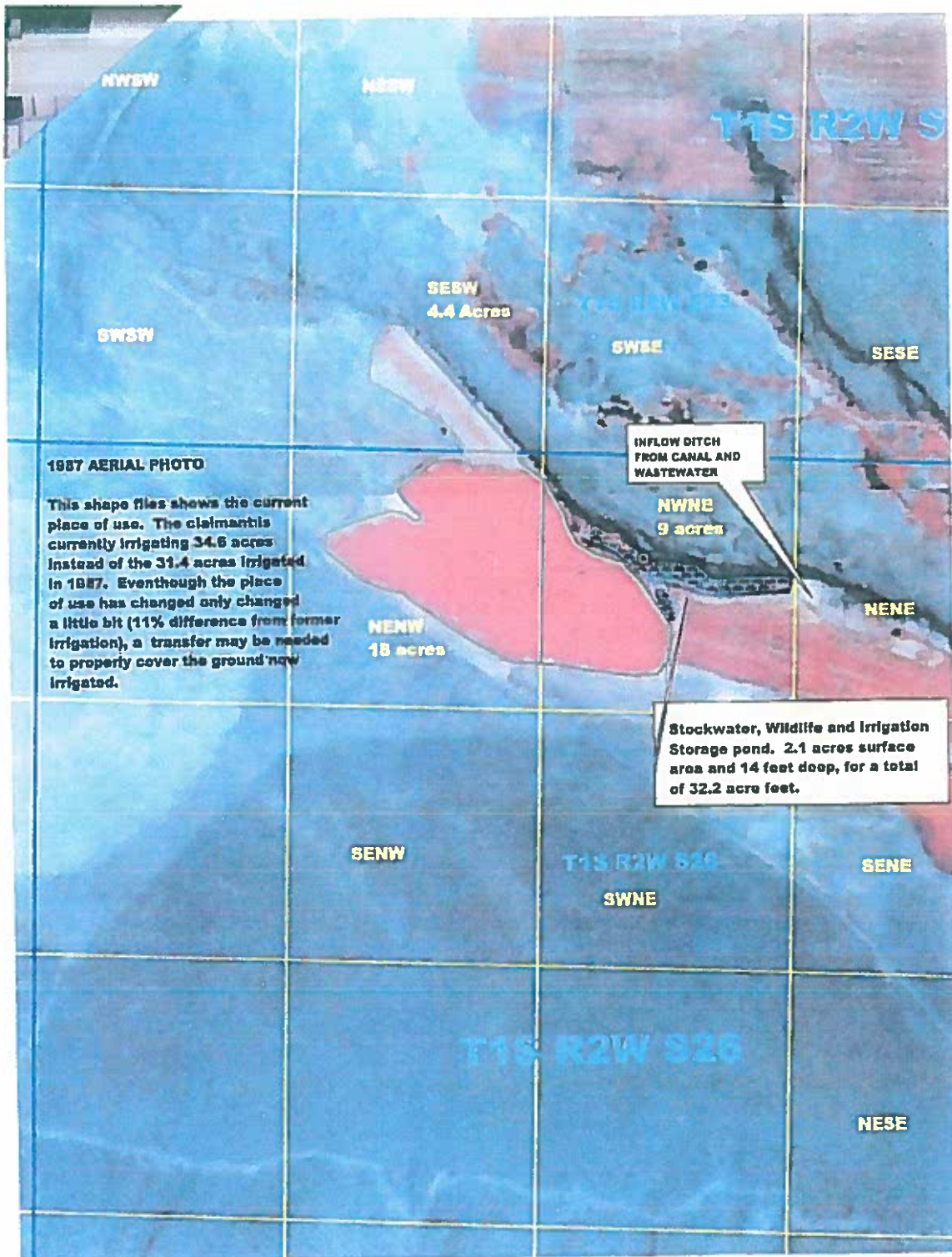
Address _____

Date _____

Last Name _____ Ident. Number _____

SCANNED

SEP 18 2006



SCANNED

SEP 18 2006

Idaho Department of Water Resources Receipt

Receipt ID C082160

Payment Amount \$146.80 Date Received 9/14/2006 11:30:04 AM Region State Status
Payment Type Check Check Number 6896

Payer DOUBLE D BAR RANCH

Comment 63-28282

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$146.80	ADJUDICATION FILING FEE	0337	41503	1155	


Signature Line (Dept. Representative)

RECEIVED

MAY 19 2006

DEPARTMENT OF
WATER RESOURCES

May 11, 2006

Mr. Michael Ciscell
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

RE: Evidence of Priority 63-28282

Dear Mr. Ciscell,

I received your letter dated April 14, 2006 to request evidence of priority date for water right claim 63-28282. I understand the response deadline is May 19, 2006. I have requested that Steve Hannula of ERO Resources assist me in obtaining the appropriate documentation for that evidence. I understand that he has already telephoned you in the search for aerial photograph evidence.

There are a number of documents that Mr. Hannula and I are currently pursuing to support the water claim. One document is an affidavit from Mr. Rex Evans. Rex Evans is the son of Eb Evans who was the previous owner. Eb Evans has passed away, but Rex recalls many aspects of the ranch from working on it. He recalls that the pond that is part of the irrigation system was excavated for Mr. Rex Jensen, the owner prior to Eb Evans. Layne of Idaho is thought to have put the system together in the 1950's. We are currently pursuing the available information from Layne to verify the construction date.

Also, we have placed orders for historic aerial photographs with the Aerial Photograph Field Office of the FSA. The photos take several weeks to arrive.

Please accept this letter as a request to allow me to submit evidence of priority after the deadline of May 19, 2006.

Thank you.

Regards,



David Vastine

SCANNED

MAY 22 2006

10/17/2006

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

RIGHT NUMBER: 63-28282

NAME AND ADDRESS: DAVID VASTINE
105 FLORADA AVE
PIEDMONT CA 94611

SOURCE: SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.320 CFS
32.20 AFY

Right Nos. 63-2256, 63-2711, 63-2938, 63-3056 and 63-28282 are limited to a total combined diversion rate of 5.08 cfs.

PRIORITY DATE: 11/15/1959

POINT OF DIVERSION:
T01S R02W S26 NWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	01/01 12/30	3.20 AFY
WILDLIFE STORAGE	01/01 12/31	32.20 AFY
IRRIGATION	03/01 11/15	0.320 CFS 141.30 AFY
STOCKWATER	01/01 12/31	0.070 CFS 3.20 AFY
WILDLIFE		
IRRIGATION FROM STORAGE	03/01 11/15	32.20 AFY
IRRIGATION STORAGE	01/01 11/15	32.20 AFY
DIVERSION TO STORAGE	01/01 12/31	0.320 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T01S R02W S23	SESW	4.40	T01S R02W S26	NWNE	9.00
T01S R02W S26	NENW	18.00			

IRRIGATION FROM STORAGE Within CANYON County

T01S R02W S23	SESW	4.40	T01S R02W S26	NWNE	9.00
T01S R02W S26	NENW	18.00			

STOCKWATER Within CANYON County

T01S R02W S23	SESW		T01S R02W S26	NWNE	
T01S R02W S26	NENW				

WILDLIFE Within CANYON County

T01S R02W S26	NWNE	
---------------	------	--

31.4 ACRES TOTAL

Right Nos. 63-2256, 63-2711, 63-2938, 63-3056 and 63-28282 are limited to the irrigation of a combined total of 254 acres in a single irrigation season.

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

Use of this right is combined with water from Boise-Kuna Irrigation District.

Stockwater use is for 241 stock.



Idaho Department of Water Resources

SRBA Recommendation:

63-28282

(Irrigation)

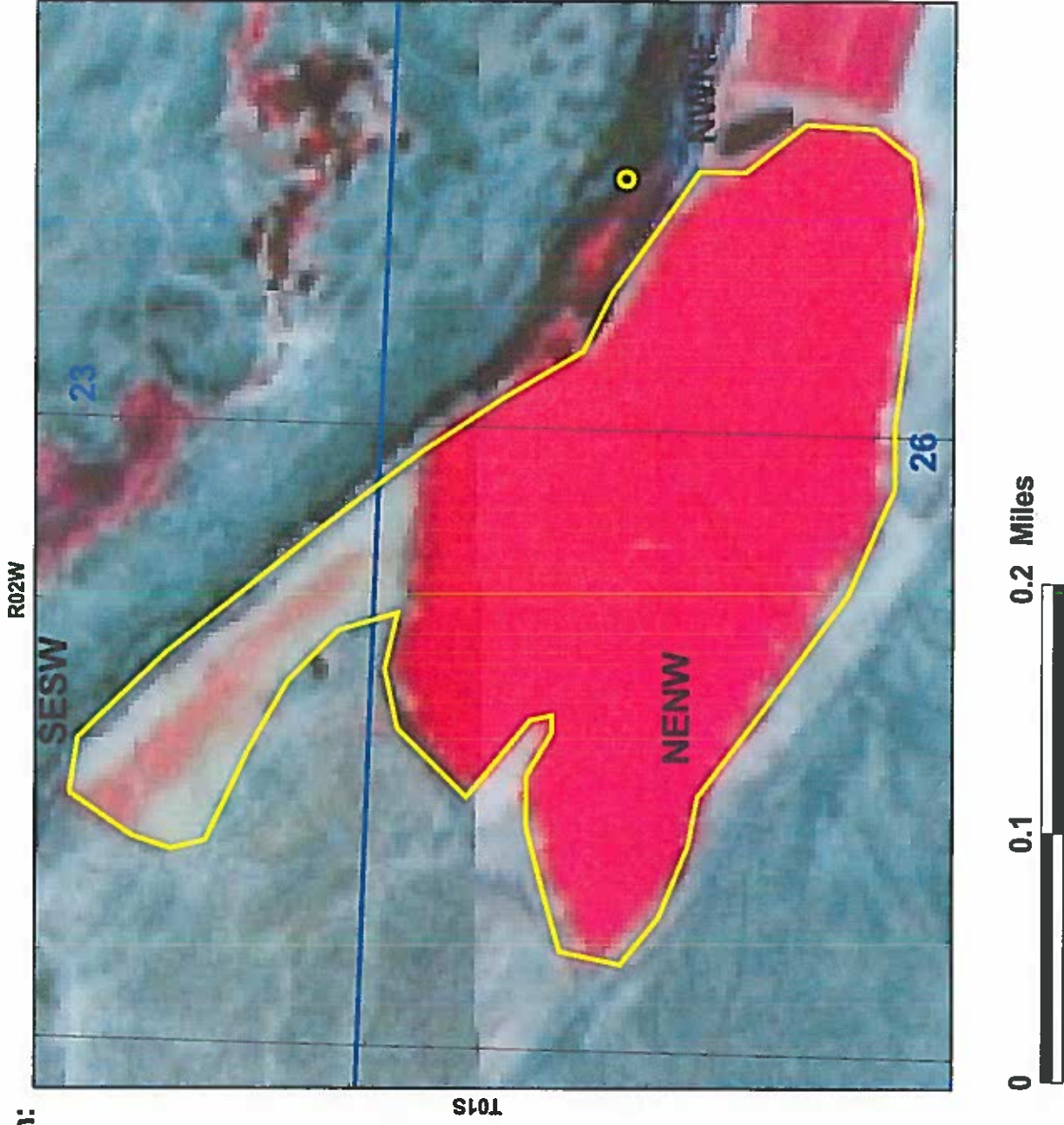
Legend

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



Canyon County
IDWR Basin 63

Prepared by M. Ciscell
On Tuesday, October 17, 2006
1987/88 Aerial Photography



[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-28282

IRRIGATION FROM STORAGE same as STOCKWATER

Conditions of Approval:

Remarks:

Comments:

Water Supply Bank:



Idaho Department of Water Resources

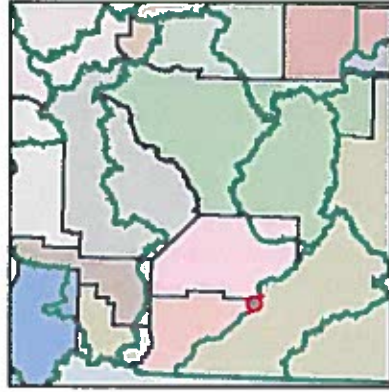
SRBA Claim:

63-28282

(Stockwater)

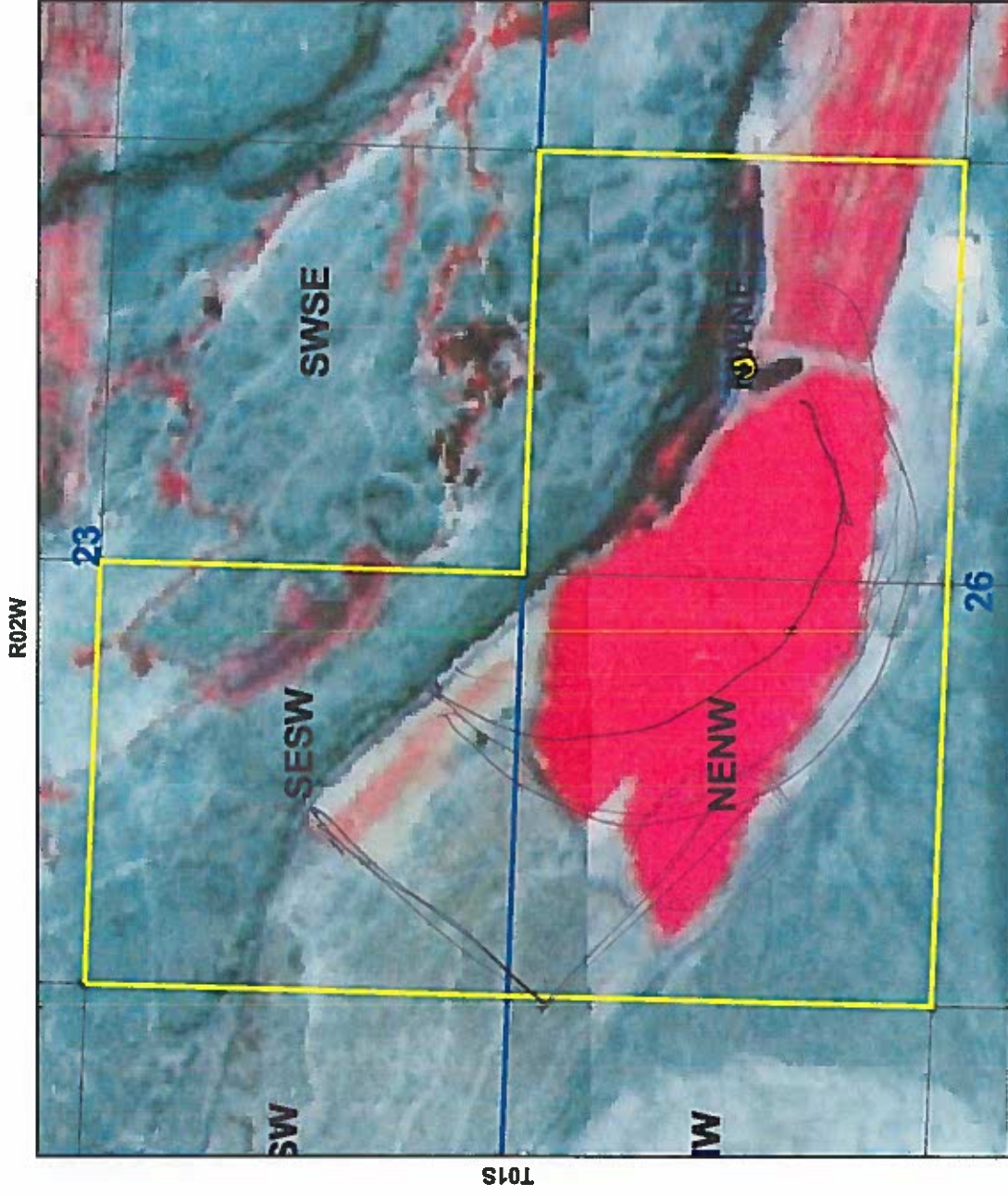
Legend

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



Canyon County
IDWR Basin 63

Prepared by M. Ciscell
On Thursday, June 8, 2006
1987/88 Aerial Photography



0 0.2 0.4 Miles



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: A63-28282
Date Received: 4/13/1990
Receipt No: W011963
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DAVID VASTINE
Address: 297 ST JAMES DR
PIEDMONT CA

94611

2. Date of Priority: AUG 1, 1954

3. Source: SPRING

Trib. to: SNAKE RIVER

4. Point of Diversion:

Department of Water Resources
Western Regional Office

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	02W	26		NW	NE		CANYON

5. Description of diverting works:
CONSTRUCTED POND SPRING INFLOW, TWO 10HP VERTICAL TURBINE PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DIVERSION TO STORAGE	01/01	12/31	0.300		
IRRIGATION STORAGE	03/15	11/15			5.00
IRRIGATION FROM STORAGE	03/15	11/15	0.640		
WILDLIFE	01/01	12/31			5.00
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.640 C.F.S. (and/or) 144.00 A.F.A.

8. Total consumptive use is 112.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 100 HEAD, WILDLIFE HABITAT FOR FISH AND WATER FOWL

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	02W	23	SE	SW		IRR STOCK	7.0
					Section	Acres	7.0
		26	NW	NE		IRR	7.0
			NW	NE		WILDLF	
			NW	NE		STOCK	
			NE	NW		IRR	18.0
			NE	NW		STOCK	
					Section	Acres	25.0
					Total	Acres	32.0

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:
A63-28279, A63-28280, A63-28281

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: 39576Ident. Number A63-5822

Date Received

Receipt Number W011963

Should questions arise during
the processing of this applica-
tion please contact:

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

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 13 1990

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) David Vastine Phone (415) 444-0603Mailing Address 297 St. James Drive, Piedmont, CA Zip 946112. Date of Priority (Only one (1) per claim) August 1, 19543. Source of water supply (a) Spring
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 1S Range 2W Section 26,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County ofAdditional points of diversion if any: Noneb. If instream flow, beginning point of claimed instream flow is: N/ATownship _____ 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 of1/4, Govt. Lot B.M., County of5. 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. Constructed pond spring inflow, 2-10 HP
vertical turbine pumps.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Diversion to storage purposes from 1/1 to 12/31 amount .30 or _____

For Storage for irrigation purposes from 3/15 to 11/15 amount _____ or 5
Irrigation from storage 3/15 11/15 .64

For Wildlife purposes from 1/1 to 12/31 amount _____ or 5

For Stock water purposes from 1/1 to 12/31 amount .02 or _____

7. Total quantity claimed (a) .64 (cfs) and/or (b) 144 (acre feet)

8. Total consumptive use claimed is 112 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stock water for 100 head of stock, wildlife habitat for fish and water fowl.

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	
1S	2W	23												7					7
1S	2W	26		7			18												25
1S	2W	23												S					
1S	2W	26		S/W			S												

Total number of acres irrigated 32

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
 _____ or None (X)

14. Remarks:

Last Name Vastine Ident No. _____

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 Copies: White -State, Yellow-Claimant
 AUG 02 1994

Scale: 2 inches equals 1 mile

[illegible]

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Copies: White-State, Yellow-Claimant
AUG 02 1994

15. Basis of Claim (check one) Beneficial Use X 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 X 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) *David W. Vastine* Date 4/12/90

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 Ada) SS.

Subscribed and sworn to (or affirmed) before me this 12 day of April 19 90

Notary Public *Sheri L. Chapman*

Residing at 2889 Cobble Way, Meridian, ID 83642

My Commission Expires 6/14/94

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 Vastine Ident. Number _____

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Copies White-State, Yellow-Claimant

AUG 02 1994

ADJUDICATION CLAIM REVIEW CHECKLIST

1-92

CLAIMANT'S NAME

Thetone

CLAIM IDENT. NO.

A63-28282DATE RECEIVED 4/13/92 RECEIPT # W01963 FEE PAID \$ 80.- FEE REQ'D \$ 80.-

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form?
The short form is limited to D/S uses. Other uses must be filed on
the long form. Note: If stockwater stor. or instream stockwater are
filed on the short form & all items complete, do not return claim. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A *
- Is the consumptive use correct? ☒ YES ☐ NO N/A *
9. Are the non-irrigation uses listed showing # of homes, hd. of stock?
If multiple domestic, is single ownership indicated? ☒ YES ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
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.) ☒ YES ☐ NO N/A *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the basis of claim is shown as license, permit, or decree is
the existing water right no. listed? ☒ YES ☐ NO N/A *
- If yes, compare claim w/existing right and attach proof
report noting any differences in comments. ☒ YES ☐ NO *
- If no, was water right no. found? ☐ YES ☒ NO *
17. If the basis of claim is shown as beneficial use, or not marked,
are there existing water rights shown in our records using the
legal description or name on the claim? ☐ YES ☒ NO N/A *
- (If yes, attach a proof report & complete number change)
NOTE: If the claim is for dom/stock this check is not as
necessary unless it is located within an area where dom/stock
rights were decreed. ☐ YES ☒ NO *
18. If the claimant requested a monthly docket sheet, was the
fee paid? ☐ YES ☒ NO N/A *
19. Is the claim signed by the claimant, and is the signature
appropriate? ☒ YES ☐ NO *
20. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
21. Was this claim filed on time?
(Check ML3 for date mailed-not all were mailed on the planned date). ☒ YES ☐ NO *
- If no, was an extension of time filed & approved? ☐ YES ☒ NO *
22. Is the fee enclosed correct? ☐ YES ☒ NO Exempt *

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	YES	NO
23. Is this claim being rejected and returned to claimant?	—	☒
24. Can this claim be data entered?	☒	—
25. Was claim modified?	—	☒
If yes, do modifications require notification to claimant?		
Note: Modifications made must be explained in comments stating where the information for any changes was found.		

Claim reviewed by: RME Date 2-3-93
Claim data entered by: ef Date 2-3-93

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: _____

Date Received

RECEIVED
APR 13 1990

State of Idaho
Department of Water Resources
**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

Department of Water Resources
Western Regional Office

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.

David Vestine
Name of Claimant

(415) 444 0603
Phone Number

297 SE James Drive
Mailing Address

Piedmont Ca 94611
City State Zip

Cameron
County(s) where place of use is located

March 1 1990
Date claim originally due

All lands owned by Mr Vestine in T15 R2W (Three Ranches)
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:

The property has recently been purchased by Mr Vestine. The previous owner, Mr Evans has most of the actual water right data and use information. Mr Evans is out of state and will not return until after March 9, 1990.

Claimant requests an extension to April 15, 19 90

Stanley Chapman
Signature Date of request 2/13/90, 19 90

Agent
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

and if granted the filing deadline is extended to April 16, 19 90

Signed this 11 day of March, 19 90

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

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AUG 02 1994

MAR 13 1990