

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

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

CIVIL CASE NUMBER: 39576

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

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

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

2. Date of Priority: 04/01/1949

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

4. Point of Diversion:

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

5. Description of diverting works:

25 HP PUMP, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:

0.4 C.F.S.

8. Total consumptive use:

SCANNED

APR 22 2008

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	04W	35	NE	SW	IRRIGATION	20
					Section Acres	20
					Total Acres	20

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

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

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

CIVIL CASE NUMBER: 39576

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

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

1. Name: SANTIAGO ARMENTA 208-459-4090
Address: 18369 PRIDE LN
CALDWELL ID 83605
OR
Name: PRISCILLA ARMENTA 208-459-4090
Address: 18369 PRIDE LN
CALDWELL ID 83605
2. Date of Priority: APR 1, 1949
3. Source: LOWER EMBANKMENT DRAIN Trib. to: SNAKE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	35	SE	SW			CANYON
5. Description of diverting works:
25 HP PUMP, PIPELINE, SPRINKLERS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.400		
7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

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

10. Place of Use: Continued

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

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

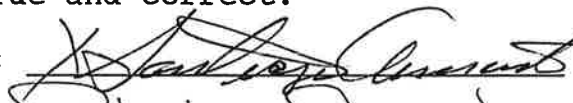
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

 Date: 5-20-94
 Date: 5/20/94

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of May 19 94

Seal

Linda Werner
Notary Public

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

a
RECEIVED

AUG 16 2006

**DEPARTMENT OF
WATER RESOURCES**

CHANGE IN ADDRESS

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

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

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

[] Old Mailing Address: Santiago / Frisilla
18369 Pride W
Calif. ID. 83607

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

Telephone Number: (208) 459 - 4090

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

Date: 8-15-06

SCANNED

AUG 17 2007

POOR ORIGINAL



MICROFILMED

JUL 25 1994

A63-04256BC

RECEIVED
JUN 17 2010
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 16 2010	
By _____	Clerk _____
_____	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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	Subcase No. 63-04256C
	)	(Mond Garden Designs LLC)
_____	)	

On April 8, 2010, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED

June 16, 2010

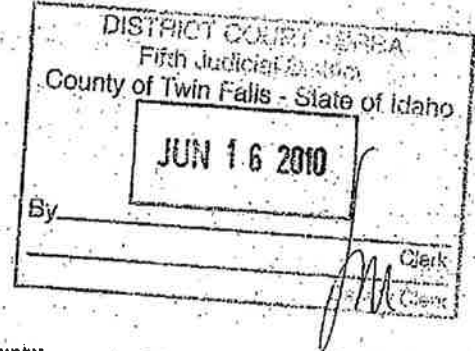

ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-04256C



NAME AND ADDRESS: MOND GARDEN DESIGNS LLC
19515 SANTIAGO PL
CALDWELL, ID. 83607

SOURCE: LOWER EMBANKMENT DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 0.36 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION: T04N R04W S35 NWSEW Within Canyon County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.36 CFS

PLACE OF USE: Irrigation Within Canyon County
T04N R04W S35 NESW 18.0
18.0 Acres Total

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

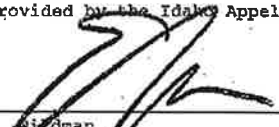
While the Lower Embankment Drain is a natural water way it is also a federal facility and has been utilized as part of the Boise Project since 1908 as invoked by the United States through its reservation authority provided by the Act of August 30, 1890 (43 U.S.C. 945). As a federal facility, the Lower Embankment Drain, to the extent allowed by law, may be rerouted, piped, or its flow of water interrupted if determined appropriate to better serve Boise Project purposes.

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

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

2010 JUN 16 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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)

CERTIFICATE OF MAILING

Water Right(s): 63-04256C

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 63-04256C was mailed
on June 16, 2010, with sufficient first-class postage prepaid
to the following:

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

WILDER IRRIGATION DISTRICT
Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

SANTIAGO ARMENTA
Represented by:
SUSAN WILDWOOD
PO BOX 6502
2533 N 26TH
BOISE, ID 83707-6502
Phone: 208-383-0390

CERTIFICATE OF MAILING

PAGE 1
06/16/10

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

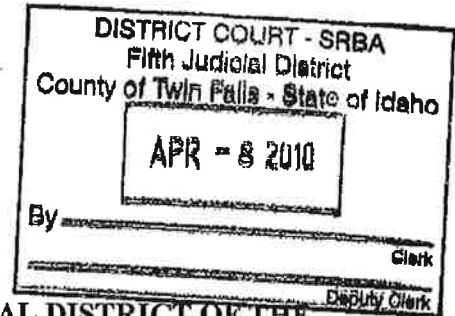
MOND GARDEN DESIGNS LLC
19515 SANTIAGO PL
CALDWELL, ID 83607

JULIE MURPHY
Chief Deputy Clerk

RECEIVED

APR 09 2010

DEPARTMENT OF
WATER RESOURCES



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

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-04256C

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 18, 2007, The Wilder Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source should be described as wastewater. On October 9, 2009, the parties filed a *Standard Form 5 - Stipulated Elements of a Water Right* which resolved the objection.¹ The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-04256C be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated April 8, 2010

A handwritten signature in black ink, appearing to read "Theo R. Booth".

Theodore R. Booth
Special Master
Snake River Basin Adjudication

¹ The United States of America, Department of Interior, Bureau of Reclamation, had filed a response to the objection. On January 28, 2010, the United States withdrew its response.

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

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-04256C

NAME AND ADDRESS: MOND GARDEN DESIGNS LLC
19515 SANTIAGO PD
CALDWELL, ID 83607

SOURCE: LOWER EMBANKMENT DRAIN TRIBUTARY SNAKE RIVER

QUANTITY: 0.36 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION: T04N R04W S35 NWSEW Within Canyon County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-01 TO 11-15 0.36 CFS

PLACE OF USE: Irrigation Within Canyon County
T04N R04W S35 NESW 18.0
18.0 Acres Total

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

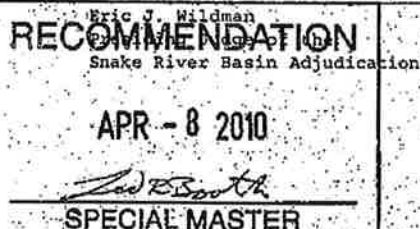
While the Lower Embankment Drain is a natural water way it is also a federal facility and has been utilized as part of the Boise Project since 1908 as invoked by the United States through its reservation authority provided by the Act of August 30, 1890 (43 U.S.C. 945). As a federal facility, the Lower Embankment Drain, to the extent allowed by law, may be rerouted, piped, or its flow of water interrupted if determined appropriate to better serve Boise Project purposes.

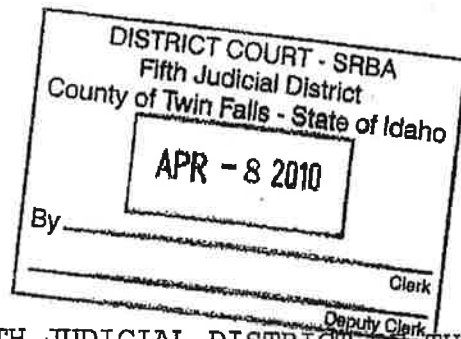
The source of this water right includes waste water. The right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or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

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.





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)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-04256C

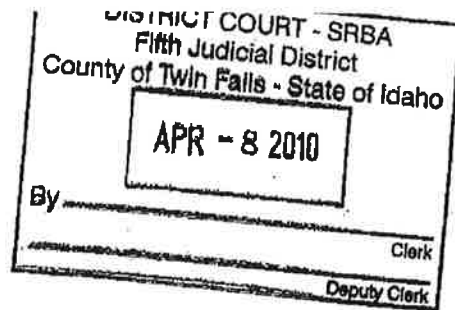
On April 08, 2010, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED April 08, 2010.


DIANA R DELANEY
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)

Case No. 39576)

CERTIFICATE OF MAILING

Water Right(s): 63-04256C

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 08, 2010, with sufficient first-class postage prepaid to the following:

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

WILDER IRRIGATION DISTRICT

Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

SANTIAGO ARMENTA

Represented by:
SUSAN WILDWOOD
PO BOX 6502
2533 N 26TH
BOISE, ID 83707-6502
Phone: 208-383-0390

CERTIFICATE OF MAILING

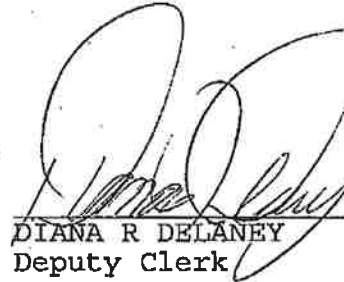
PAGE 1
04/08/10

USDI BUREAU OF RECLAMATION

Represented by:

US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

MOND GARDEN DESIGNS LLC
19515 SANTIAGO PL
CALDWELL, ID 83607



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 2
04/08/10

RECEIVED
FEB 01 2010
DEPARTMENT OF
WATER RESOURCES

IGNACIA S. MORENO
Assistant Attorney General
Environmental and Natural Resources Division

DAVID W. GEHLERT
Natural Resources Section
Environment and Natural Resources Division
U.S. Department of Justice
1961 Stout Street, 8th Floor
Denver, Colorado, 80294
Phone: (303) 844-1386
Fax: (303) 844-1350

Counsel for the United States of America

**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 No. 63-04248A, 63-04256A,
	)	63-04256C, 63-04256E, 63-09212,
Case No. 39576	)	and 63-31633
	)	
	)	UNITED STATES' MOTION TO
	)	WITHDRAW FROM SUBCASES

The United States, on behalf of the Department of Interior, Bureau of Reclamation ("Reclamation"), files this Motion to Withdraw from SRBA Subcase Nos. 63-04248A, 63-04256A, 63-04256C, 63-04256E, 63-09212, and 63-31633.

On August 16, 2007, Reclamation filed a SF-2 Responses in support of the Objections of the Wilder Irrigation District ("Wilder"). Wilder has since reached tentative agreement with the various claimants involving clarifying language, and SF-5s are being circulated to settle the Wilder Objections. The United States has opted not to agree to the

SCANNED
FEB 03 2010

clarifying language and has chosen instead to withdraw its SF-2 Responses. There are no objections by the other parties to the United State taking this approach.

Therefore, the United States petitions this Court for permission to withdraw the Responses to Objection that it filed and to cease participation in Subcase Nos. 63-04248A, 63-04256A, 63-04256C, 63-04256E, 63-09212, and 63-31633.

DATED this 26th day of January, 2010.

Respectfully submitted,

IGNACIA S. MORENO
Assistant Attorney General
Environmental and Natural Resources Division



DAVID W. GEHLERT
Natural Resources Section
Environment and Natural Resources Division
U.S. Department of Justice
1961 Stout Street, 8th Floor
Denver, Colorado, 80294

Attorneys for the United States of America

CERTIFICATE OF SERVICE

I certify that on January 19th, 2010, I served true and correct copies of the foregoing **UNITED STATES' MOTION TO WITHDRAW FROM SUBCASES** as follows:

via Facsimile and FedEx mail:

Clerk of the District Court (original via fax; 5 copies via FedEx)
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID 83303-2707
Phone: 208-736-3011
Fax: 208-736-2121

via First Class U.S. Mail, pre-paid:

Matthew A. Johnson
White Peterson Gigray Rossman
Nye & Nichols
5700 E. Franklin Rd., Suite No. 200
Napa, ID 83687-7901

Paul L. Arrington
Barker Rosholt & Simpson
P.O. Box 485
Twin Falls, ID 83303-0485

Susan Wildwood
P.O. Box 6502
Boise, ID 83707-6502

Pam & Ron Gastelecutto
18401 Pride Lane
Caldwell, ID 83605

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

Director of IDWR
Idaho Water Center
P.O. Box 83720
Boise, ID 83720-0098



David W. Gehlert

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

RIGHT NUMBER: 63-4256C

NAME AND ADDRESS: MOND GARDEN DESIGNS LLC
19515 SANTIAGO PL
CALDWELL ID 83607

~~SANTIAGO ARMENTA~~
~~PRISCILLA ARMENTA~~
~~19515 SANTIAGO PL~~
~~CALDWELL ID 83607~~

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION:

T04N R04W S35 NWSESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S35 NESW 18.00

18 ACRES TOTAL

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

While the Lower Embankment Drain is a natural water way, it is also a federal facility and has been utilized as part of the Boise Project since 1908 as invoked by the United States through its reservation authority provided by the Act of August 30, 1890 (43 U.S.C. 945). As a federal facility, the Lower Embankment Drain, to the extent allowed by law, may be rerouted, piped, or its flow of water interrupted if determined appropriate to better serve Boise Project purposes.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Parcel No. R3660400000

SCANNED

OCT 22 2009

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

Water Rights: 63-4256C

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: October 19, 2009


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 19, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

3. Copies to all parties to the subcase:

Mond Garden Designs LLC	☐ overnight mail
19515 Santiago Pl	☒ regular mail
Caldwell ID 83607	☐ hand-delivered
	☐ facsimile

☐	overnight mail
☐	regular mail
☐	hand-delivered
☐	facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 19, 2009

MOND GARDEN DESIGNS LLC
19515 SANTIAGO PL
CALDWELL ID 83607

Re: Water Right No. 63-4256C

Dear Mrs. Armenta:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

SCANNED

JAN 21 2011

RECEIVED

OCT 06 2009

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP*Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.*

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
63-4256 C					

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Roselle Armenta
Santiago Armenta (Deceased)

4. New Owner/Claimant(s)

Armenta Garden Designs LLC
 Name Connector (Check one): ☐ and ☐ or, ☐ and/or

New Mailing Address

City, State and ZIP Code

New Telephone Number

same { *19515 Santiago pl*
Gold ID. 83607
 ()

5. Date you acquired the property _____

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) _____

Priscilla Roberts Secretary Oct 2, 2009
 (title if applicable)
Mount Garden Designs LLC
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:Received by SBDate 10-16-09Receipt Amt. N/A

Received by _____

Date _____

Receipt No. _____

Processed by JNL AJDate 10-16-09

WR _____

Date _____

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

04/08/2008

WATER RIGHT NO. 63-4256C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PRISCILLA ARMENTA
Current Owner	SANTIAGO ARMENTA
	19515 SANTIAGO PL
	CALDWELL, ID 83607
	(208)459-4090
Original Owner	TOBIAS BENDER
	RT 6
	CALDWELL, ID 83605

Priority Date: 04/01/1949

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
LOWER EMBANKMENT DRAIN	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.36 CFS	
Total Diversion			0.36 CFS	

Location of Point(s) of Diversion:

SCANNED

JAN 21 2011

Idaho Department of Water Resources

CDSE NUMBER 39576

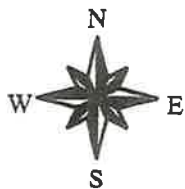
Number: 63-04256C
: T04N, R04W, S35
owed By:

Point of Diversion

Place of Use

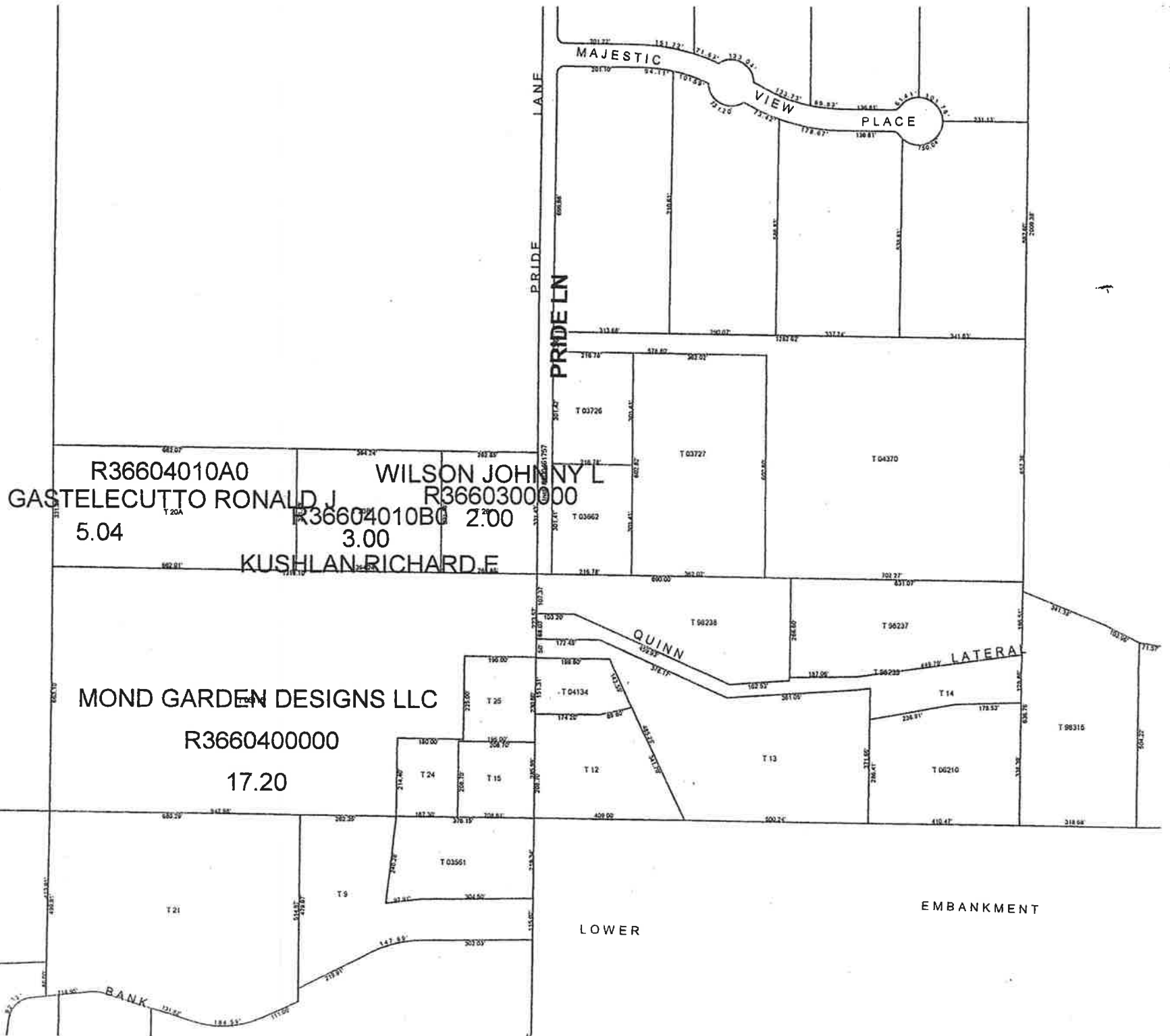
Section Lines

Quarter Quarter Lines



SCANNED

JAN 21 2011



JAN 21 2011

SCANNED

(Private)

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE

BUREAU OF HEALTH POLICY AND VITAL STATISTICS

DATE FILED BY STATE REGISTRAR:

State of Idaho

CERTIFICATE OF DEATH

STATE FILE NO.

Local Reg. No. 3-149

DECEASED TYPE OR PRINT IN PERMANENT BLACK INK DO NOT USE FULLY UPPERCASE FOR INSTRUCTIONS SEE HANDBOOKS	1. DECEASED'S LEGAL NAME (Include AKA's if any) (First, Middle, Last, Suffix) Santiago Armenta		2. SEX Male	3. SOCIAL SECURITY NUMBER [REDACTED]
	4a. AGE-Last Birthday Under 1 Year		5. DATE OF BIRTH (Month/Day/Year) [REDACTED]	
	6a. RESIDENCE - STATE OR FOREIGN COUNTRY Idaho		6b. CITY OR TOWN Caldwell	
	7a. STREET AND NUMBER 19515 Santiago Place		7b. APPT. NO. ZIP CODE 83607	
	8. MARITAL STATUS AT TIME OF DEATH ☒ Married ☐ Married, but separated ☐ Widowed ☐ Divorced ☐ Never married ☐ Unknown		9. SURVIVING SPOUSE'S NAME (If wife, give maiden name) [REDACTED]	
PARENTS	10. EVER IN U.S. ARMED FORCES? ☐ Yes ☒ No		11a. BIRTHPLACE (State, Territory, or Foreign Country) [REDACTED]	
	11b. FATHER'S NAME (First, Middle, Last, Suffix) [REDACTED]		11c. BIRTHPLACE (State, Territory, or Foreign Country) [REDACTED]	
INFORMANT	12a. INFORMANT'S NAME (Type or print) [REDACTED]		12b. RELATIONSHIP TO DECEASED [REDACTED]	
	12c. MAILING ADDRESS (Street and Number, City, State, Zip Code) 19515 Santiago Pl., Caldwell, ID 83607			
DISPOSITION	13. METHOD OF DISPOSITION ☐ Burial ☐ Cremation ☐ Donation ☐ Removal from Idaho ☐ Other (Specify)		14. PLACE OF DISPOSITION (Name and address of cemetery, crematory, other place) Caldwell, Idaho	
	15. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH [REDACTED]		16. LICENSE NUMBER (If known) N-587	
PLACE OF DEATH	17a. IF DEATH OCCURRED IN A HOSPITAL: 17b. IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: ☐ Hospital ☐ Home ☐ Nursing home ☐ Hospice ☐ Other (Specify)		18. CITY, TOWN, OR LOCATION OF DEATH, AND ZIP CODE Caldwell	
	19. DATE OF DEATH (Month/Day/Year) (Spell month) 0812		20. TIME OF DEATH 0812	
CAUSE OF DEATH	21. CAUSE OF DEATH Enter the chain of events—disease, injury, or complication—that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT abbreviate. Enter only one cause on a line. IMMEDIATE CAUSE (Final disease or condition resulting in death) [REDACTED]			
	22. UNDERLYING CAUSE (Last disease or injury that initiated the events resulting in death) [REDACTED]			
ITEMS TO BE COMPLETED FOR VEHICULAR CAUSES ONLY	23. DID TOBACCO USE CONTRIBUTE TO DEATH? ☐ Yes ☐ Probably ☒ No ☐ Unknown		24. IF FEMALE (Aged 10-50): ☐ Not pregnant within past year ☐ Not pregnant, but pregnant 43 days to 1 year before death ☐ Not pregnant, but pregnant within 42 days of death	
	25. DATE OF BURIAL (Month/Day/Year) (Spell month) [REDACTED]		26. PLACE OF BURIAL (Decedent's home, care, funeral, crematorium, etc., including home, restaurant, front, etc.) [REDACTED]	
CERTIFIER	27. LOCATION OF BURIAL: Street and Number or Location [REDACTED]		28. APARTMENT NUMBER [REDACTED]	
	29. DESCRIBE HOW BURIAL OCCURRED. IF TRANSPORTATION INVOLVED, STATE THE TYPE(S) OF VEHICLE(S) INVOLVED (Automobile, pickup, motorcycle, ATV, bicycle, etc.) SPECIFY WHICH VEHICLE DECEASED OCCUPIED, if applicable [REDACTED]			
REGISTRAR	30. CERTIFIER (Check only one, based on official capacity for this certificate) ☐ PHYSICIAN ☐ PHYSICIAN ASSISTANT ☐ ADVANCED PRACTICE PROFESSIONAL NURSE ☐ CORONER Signature and Title of Certifier: [REDACTED]		31. WHAT SAFETY DEVICES DID DECEASED USE/EMPLOY? ☐ Seat Belt ☐ Child safety seat ☐ Helmet ☐ Air bag ☐ Phone ☐ Unknown	
	32. NAME, ADDRESS, AND ZIP CODE OF CERTIFIER (Type or print) Patricia Swann 315 Elm St. Armenta, ID 83605		33. LICENSE NUMBER M-847	
34. CORONER'S SIGNATURE (If necessary: The coroner's signature in this item supersedes that of the physician, physician assistant, or advanced practice professional nurse, and the coroner becomes the official of record.) [REDACTED]		35. DATE SIGNED 02.19.2008		
36. REGISTRAR'S SIGNATURE Crystal D. Carlson Assistant Registrar		37. DATE SIGNED 02.19.2008		

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF HEALTH POLICY AND VITAL STATISTICS.

DATE ISSUED: **FEB 19 2008**

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

JANE S. SMITH
STATE REGISTRAR

SCANNED
JAN 21 2011

*Skinner Land
Survey Co. Inc.*

2112 South Georgia
Coburn, ID 83603
(208) 454-0933
Fax (208) 454-9492



Greg L. Skinner, PLS
Fritz Brownell, PLS
Rodney Kahle-Clark, PE

January 20, 2005

Legal Description
Job No. DE1902

Parcel 3

This parcel is a portion of the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the southwest corner of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

thence North 00° 02' 50" West along the west boundary of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 663.10 feet to the northwest corner of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

thence South 89° 57' 25" East along the north boundary of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 1319.10 feet to the northeast corner of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

thence South 00° 02' 14" East along the east boundary of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 223.57 feet to a point which lies 439.30 feet north of the southeast corner of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

thence North 89° 57' 07" West a distance of 196.00 feet;

thence South 00° 02' 14" East parallel with the east boundary of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 225.00 feet;

thence North 89° 57' 07" West a distance of 180.00 feet;

thence South 00° 02' 14" East parallel with the east boundary of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 214.40 feet to a point on the south boundary of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ which lies 376.11 feet west of the southeast corner of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

thence North 89° 58' 01" West along said south boundary a distance of 942.98 feet to the Point of Beginning.

This parcel contains 17.21 acres, more or less and is subject to a county road right-of-way along the most easterly boundary and to all other easements and rights-of-way of record or implied. Also subject to and includes the use of a 28.00-foot wide ingress-egress easement, more particularly described as follows:

COMMENCING at the southeast corner of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

thence North 00° 02' 14" West along the east boundary of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 208.70 feet to the **TRUE POINT OF BEGINNING**;

thence North 89° 58' 01" West parallel with the south boundary of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 1319.02 feet to a point on the west boundary of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

SCANNED

JAN 21 2011

Legal Description, Job No. DE1902
Parcel 3 page 2 of 2

thence North 00° 02' 50" West along said west boundary a distance of 28.00 feet;

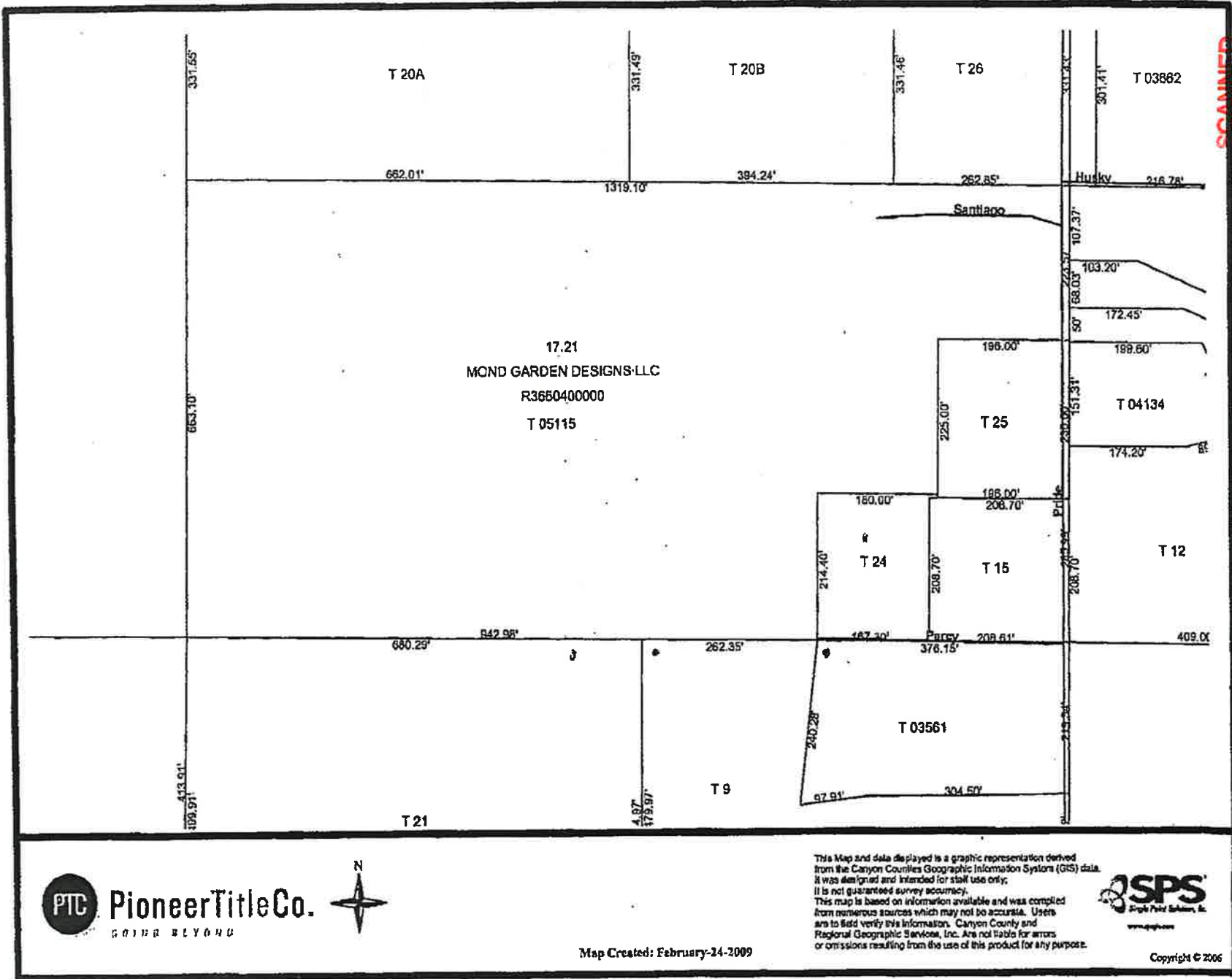
thence South 89° 58' 01" East parallel with the south boundary of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 1319.03 feet to a point on the east boundary of said S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

thence South 00° 02' 16" East along said east boundary a distance of 28.00 feet to the TRUE POINT OF BEGINNING.



SCANNED

JAN 21 2011



JAN 21 2011
02/24/2009 09:51

(FAX)

P.006/008

RECEIVED

SEP 25 2009

DEPARTMENT OF
WATER RESOURCES

2009 SEP 23 AM 11:44
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

) ORDER VACATING
) SCHEDULING CONFERENCE

) SUBCASE NOS: 63-04248A 63-04256A
63-04256C 63-04256E 63-31633

All parties to the above subcase(s) executed and filed a Stipulation/Standard Form 5 for the above water right(s). Since all parties to the above subcase(s) have reached an agreement as to all elements of the above water right(s) as set forth in the Stipulation/Standard Form 5, IT IS ORDERED that the SCHEDULING CONFERENCE set for Tuesday, October 06, 2009 at 02:00 PM (MT) is vacated.

IT IS SO ORDERED.

Dated: September 23, 2009

/S/ THEODORE R. BOOTH

Special Master

Snake River Basin Adjudication

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

SCANNED

SEP 29 2009

Page 1 9/23/09

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER VACATING SCHEDULING CONFERENCE was mailed on September 23, 2009, with sufficient first-class postage to the following:

CANDACE K SILVERIA
DANIEL J SILVERIA
LORRAINE S KUSHLAN
RICHARD E KUSHLAN
Represented by:
MATTHEW A JOHNSON
5700 E FRANKLIN RD, STE 200
NAMPA, ID 83687-7901
Phone: 208-466-9272

WILDER IRRIGATION DISTRICT
Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

PRISCILLA ARMENTA
SANTIAGO ARMENTA
WESTERN IDAHO DEVELOPMENT INC
Represented by:
SUSAN WILDWOOD
PO BOX 6502
2533 N 26TH
BOISE, ID 83707-6502
Phone: 208-383-0390

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

PAM GASTELECUTTO
RON GASTELECUTTO
18401 PRIDE LN
CALDWELL, ID 83605
Phone: 208-459-1992

RECEIVED

JUL 08 2009

DEPARTMENT OF
WATER RESOURCES

2009 JUL 07 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

) ORDER SETTING HEARING
)
)
)

SUBCASE NOS: 63-04248A 63-04256A
63-04256C 63-04256E 63-31633

Please be advised that Special Master THEODORE R. BOOTH
has set for hearing the CONTINUED SCHEDULING CONFERENCE.

TUESDAY, OCTOBER 06, 2009 at 02:00 PM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: JULY 07, 2009

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

SCANNED

JUL 08 2009

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

Page 1 7/07/09

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING HEARING was mailed on JULY 07, 2009, with sufficient first-class postage to the following:

CANDACE K SILVERIA
DANIEL J SILVERIA
LORRAINE S KUSHLAN
RICHARD E KUSHLAN

Represented by:
MATTHEW A JOHNSON
5700 E FRANKLIN RD, STE 200
NAMPA, ID 83687-7901
Phone: 208-466-9272

WILDER IRRIGATION DISTRICT

Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

PRISCILLA ARMENTA
SANTIAGO ARMENTA
WESTERN IDAHO DEVELOPMENT INC

Represented by:
SUSAN WILDWOOD
PO BOX 6502
2533 N 26TH
BOISE, ID 83707-6502
Phone: 208-383-0390

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

PAM GASTELECUTTO
RON GASTELECUTTO
18401 PRIDE LN
CALDWELL, ID 83605
Phone: 208-459-1992

RECEIVED

APR 02 2009

DEPARTMENT OF
WATER RESOURCES

2009 MAR 31 AM 09:15
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING SUBCASE
	)	FOR SCHEDULING CONFERENCE
Case No. 39576	)	
_____		SUBCASE NOS: 63-04248A 63-04256A
		63-04256C 63-04256E 63-31633

The Scheduling Conference for this subcase will be
held as follows:

TUESDAY, JULY 07, 2009 at 01:30 PM (MT)
SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

Parties and their attorneys, if any, shall attend the
Scheduling Conference and shall be prepared to discuss the
following matters:

1. Claimant representation and alignment of the parties;
2. Identification of the issues;
3. Admissions of facts and documents;
4. Amendment of pleadings, if required;
5. Discovery and discovery cut-off dates;
6. Expert witnesses, if planned;
7. Pre-trial conference dates;
8. Motions;
9. Settlement/alternative dispute resolution; and
10. Firm trial date.

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

SCANNED

APR 02 2009

(continued)

The date for the scheduling conference will not be changed unless a Stipulation to Reset is received by the court fourteen (14) days before the date of the scheduling conference. Parties who wish to change the date of the scheduling conference must do the following:

1. Contact the clerk of the SRBA Court and obtain alternative dates and times (208-736-3011).
2. Contact each party to the subcase(s) or their attorney, if any, and reach an agreement on the alternative date(s) and time(s) provided by the clerk.
3. Prepare a Stipulation to Reset the hearing. The hearing must be reset on one of the dates and times provided by the clerk. The stipulation must specify the date(s) and time(s) agreed to and must contain a statement that you have contacted each party or their attorney and that all have agreed on the alternative date(s) and time(s). The court will send a notice resetting the hearing.
4. If the parties cannot agree on one of the alternative dates and times provided by the clerk, the party wishing to change the date and time must file an Expedited Motion to Reset with the court at least 21 days prior to the scheduled hearing.

IT IS SO ORDERED.

Dated: MARCH 31, 2009

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE FOR SCHEDULING CONFERENCE was mailed on MARCH 31, 2009,
with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

SANTIAGO ARMENTA
19515 SANTIAGO PL
CALDWELL, ID 83607

CANDACE K SILVERIA
DANIEL J SILVERIA
LORRAINE S KUSHLAN
RICHARD E KUSHLAN

Represented by:
MATTHEW A JOHNSON
5700 E FRANKLIN RD, STE 200
NAMPA, ID 83687-7901
Phone: 208-466-9272

PRISCILLA ARMENTA
SANTIAGO ARMENTA
WESTERN IDAHO DEVELOPMENT INC

Represented by:
SUSAN WILDWOOD
PO BOX 6502
2533 N 26TH
BOISE, ID 83707-6502
Phone: 208-383-0390

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

PAM GASTELECUTTO
RON GASTELECUTTO
18401 PRIDE LN
CALDWELL, ID 83605
Phone: 208-459-1992

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

RIGHT NUMBER: 63-4256C

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

PRISCILLA ARMENTA
19515 SANTIAGO PL
CALDWELL ID 83607

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION:

T04N R04W S35 NWSESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S35 NESW 18.00

18 ACRES TOTAL

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

While the Lower Embankment Drain is a natural water way, it is also a federal facility and has been utilized as part of the Boise Project since 1908 as invoked by the United States through its reservation authority provided by the Act of August 30, 1890 (43 U.S.C. 945). As a federal facility, the Lower Embankment Drain, to the extent allowed by law, may be rerouted, piped, or its flow of water interrupted if determined appropriate to better serve Boise Project purposes.

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

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.

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

SF5 Right No. 63-4256C

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Parcel No. R3660400000

SF5 Right No. 63-4256C

SCANNED

JAN 21 2011

STATUS CONFERENCE NOTES:

RIGHT NO. 63-4256 C

DATE: 3-31-09*

PREV. STATUS - Awaiting discussion between Paul Arrington needs to discuss with Juan Wildwood on wastewater objection. If they need an earlier priority date, then the claim must be amended - Claimed & recommended priority date is 4-1-1949 same as Western Idaho Dev. Inc..

* Juan Wildwood - Attorney - Paul Arrington worked on language and sent it to BOR. BOR rejected sent it back, Paul made changes & will send all out to everyone now. Next status conf. is July 7th at 1:30.

SCANNED

JAN 21 2011

Walker, Kay

From: Walker, Kay
Sent: Thursday, February 12, 2009 9:43 AM
To: Spencer, Nick
Subject: FW: 63-4256C

Nick: I sent this reply to Renea but failed to notice that you had also been cc'd. I am forwarding to you FYI. Kay

From: Walker, Kay
Sent: Thursday, February 12, 2009 9:41 AM
To: Ridgeway, Renea
Cc: Walker, Kay; Shurte, Jan
Subject: RE: 63-4256C

The Armenta's (63-4256C) have never requested an earlier priority date to my knowledge. A "sister" claim for Western Idaho Development requested a change in priority date which has been completed (63-4256A). The attorney for Western Idaho Development and Armenta submitted a letter stating she represented both parties and we added her to the claims. She also mentioned that Western Idaho Development wanted an earlier priority which, like I said above, has been done. If the Armenta's want an earlier priority date they need to submit an amended claim since we have recommended the claimed priority date which is the same date recommended to all the users under portions of original right 63-4256. As far as I know the Recommendation for 63-4256C should not be changed except for any agreement regarding the use of waste water objected to by Wilder Irrigation District. We have never received any direction from legal or Arrington that requests changes be made to the original recommendation.

I hope this answers your concerns.

From: Ridgeway, Renea
Sent: Thursday, February 12, 2009 8:27 AM
To: Shurte, Jan; Walker, Kay
Cc: Spencer, Nick
Subject: 63-4256C

Hi,

It was my understanding from the status conference back in December that this case was settled and that Kay had the necessary evidence of priority to change the priority date. If you can send over the new recommendation, I will gladly get it circulating so we can attempt to vacate the next status conference that is scheduled for the end of March. Let me know if there is anything else that I need to do. Thanks!

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
 Paralegal
 Office of the Attorney General
 Natural Resources Division
 Idaho Department of Water Resources
 (208) 287-4814 office
 (208) 287-6700 fax

SCANNED

JAN 21 2011

2/12/2009

RECEIVED

DEC 10 2008

DEPARTMENT OF
WATER RESOURCES

2008 DEC 09 PM 02:49
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING SUBCASE
	)	FOR SCHEDULING CONFERENCE
Case No. 39576	)	
		SUBCASE NOS: 63-04248A 63-04256A
		63-04256C 63-04256E 63-31633

The Scheduling Conference for this subcase will be
held as follows:

TUESDAY, MARCH 31, 2009 at 09:00 AM (MT)
SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

Parties and their attorneys, if any, shall attend the
Scheduling Conference and shall be prepared to discuss the
following matters:

1. Claimant representation and alignment of the parties;
2. Identification of the issues;
3. Admissions of facts and documents;
4. Amendment of pleadings, if required;
5. Discovery and discovery cut-off dates;
6. Expert witnesses, if planned;
7. Pre-trial conference dates;
8. Motions;
9. Settlement/alternative dispute resolution; and
10. Firm trial date.

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

SCANNED

DEC 10 2008

(continued)

The date for the scheduling conference will not be changed unless a Stipulation to Reset is received by the court fourteen (14) days before the date of the scheduling conference. Parties who wish to change the date of the scheduling conference must do the following:

1. Contact the clerk of the SRBA Court and obtain alternative dates and times (208-736-3011).
2. Contact each party to the subcase(s) or their attorney, if any, and reach an agreement on the alternative date(s) and time(s) provided by the clerk.
3. Prepare a Stipulation to Reset the hearing. The hearing must be reset on one of the dates and times provided by the clerk. The stipulation must specify the date(s) and time(s) agreed to and must contain a statement that you have contacted each party or their attorney and that all have agreed on the alternative date(s) and time(s). The court will send a notice resetting the hearing.
4. If the parties cannot agree on one of the alternative dates and times provided by the clerk, the party wishing to change the date and time must file an Expedited Motion to Reset with the court at least 21 days prior to the scheduled hearing.

IT IS SO ORDERED.

Dated: DECEMBER 09, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE FOR SCHEDULING CONFERENCE was mailed on DECEMBER 09, 2009,
with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

SANTIAGO ARMENTA
19515 SANTIAGO PL
CALDWELL, ID 83607

CANDACE K SILVERIA
DANIEL J SILVERIA
LORRAINE S KUSHLAN
RICHARD E KUSHLAN

Represented by:
MATTHEW A JOHNSON
5700 E FRANKLIN RD, STE 200
NAMPA, ID 83687-7901
Phone: 208-466-9272

PRISCILLA ARMENTA
SANTIAGO ARMENTA
WESTERN IDAHO DEVELOPMENT INC

Represented by:
SUSAN WILDWOOD
PO BOX 6502
2533 N 26TH
BOISE, ID 83707-6502
Phone: 208-383-0390

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

PAM GASTELECUTTO
RON GASTELECUTTO
18401 PRIDE LN
CALDWELL, ID 83605
Phone: 208-459-1992

RECEIVED

OCT 02 2008
DEPARTMENT OF
WATER RESOURCES

2008 SEP 30 AM 10:30
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
	)	SUBCASE NO: 63-04256C

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, DECEMBER 09, 2008 at 02:30 PM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: SEPTEMBER 30, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

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

Page 1 9/30/08

SCANNED
OCT 02 2008

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on SEPTEMBER 30, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

PRISCILLA ARMENTA
SANTIAGO ARMENTA

Represented by:
SUSAN WILDWOOD
PO BOX 6502
2533 N 26TH
BOISE, ID 83707-6502
Phone: 208-383-0390

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

SANTIAGO ARMENTA
19515 SANTIAGO PL
CALDWELL, ID 83607

RECEIVED

AUG 06 2008

WATER RESOURCES
WESTERN REGION

Susan Wildwood, ISB 3327
SUSAN WILDWOOD, CHARTERED
P.O. Box 6502 – 2533 N. 26th
Boise, Idaho 83707
Telephone: (208) 383-0390 – Fax 433-8365
Attorney for Claimant Priscilla Armenta

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	)	
	)	NOTICE OF APPEARANCE
Case No. 39576	)	
_____	)	SUBCASE NO. 63-04256

Claimant Priscilla Armenta, by and through her attorney, Susan Wildwood, of the firm, Susan Wildwood, Chartered, hereby notifies the Court that Claimant has retained the services of Susan Wildwood in the above referenced action, specifically 63-4256C, and requests that the Court notify counsel of any proceedings or filings herein. Counsel will represent Claimant at the Status Conference currently scheduled for teleconference on September 30, 2008.

DATED after this day of August, 2008

JS
Susan Wildwood
Susan Wildwood, Chartered
Attorney for Priscilla Armenta

SCANNED

SEP 11 2008

DE by LH
8/11/08

***Susan Wildwood, Chartered
Attorney-At-Law***

*Post Office Box 6502
Boise, Idaho 83707
Office: (208) 383-0390
Fax: (208) 343-3756*

August 4, 2008

**Idaho Department of Water Resources
Western Region – Adjudication Section
2735 Airport Way
Boise, ID 83705-5082
Attention Liberty Gagnon, Office Specialist 1**

RECEIVED

AUG 06 2008

**WATER RESOURCES
WESTERN REGION**

**RE: Water Right 63-4256A, Western Idaho Development
Water Right 63-4256C, Priscilla Armenta**

Dear Office Specialist

I represent both Western Idaho Development and Priscilla Armenta, whose respective Water Rights are referenced above. I have enclosed herewith an affidavit of Edna M. Britton, a copy of which I am requesting be filed in both matters.

Western Idaho Development requests that you review the file in its matter and update the recommendation regarding the priority date to reflect the fact that Mrs. Britton and her husband were irrigating the parcel now owned by Western Idaho Development at least as of 1950. Western Idaho Development's predecessor in title, the Batts were not able to locate Tobias Bender who filed the original material in the adjudication for documentation supporting his original priority date of 1949. We were only informed as of June 25, 2008 by Mrs. Britton that Mr. Bender and his wife were killed in a car accident closely after they sold the property and never filed any supporting documentation. Mrs. Britton's affidavit supplies the missing information allowing for a correction of the priority date.

I have also included a copy of my Notice of Appearance on behalf of Mrs. Armenta for your records. Please telephone with any questions.

Very truly yours,

Susan Wildwood

Susan Wildwood

cc: File; clients

SCANNED

JAN 21 2011

RECEIVED

AUG 06 2008

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)

COUNTY OF CANYON)

AFFIDAVIT OF Eon M. Britton
REGARDING PROPERTY HISTORY

I, Eon M. Britton being first duly sworn, deposes and states

that:

In approximately 1942, my husband Richard and I purchased 80 acres ^{Merchment of} ~~Merchment of~~ ^{Elstik, and} ~~Elstik, and~~ ^{Arde Lane.} ~~Arde Lane.~~ We lived on the property. The West Canyon Elementary School is located on the property (Note).

There was a pump in the Lower Embankment Drain for irrigation when we bought it. We pumped from the Drain into an upper pond and gravity irrigated.

We bought a second adjacent 80, now owned by ^{Richard M. Britton} ~~Richard M. Britton~~. It is west of what would be Boot Road. We bought in 1950.

We added another pump from the Drain to get more water to the pond for the second 80.

We had to clean sagebrush from the second 80 and irrigated it from 1950 on.

We bought 30 acres in 1958. We irrigated it from the same system.

We sold all the property to Jorgasons in about 1965. He sold to Tobias Bender.

© Western Idaho Development

SCANNED

JAN 21 2011

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook or legal pad style.

Edna M. Britton

SUBSCRIBED AND SWORN to before me this 25th day of June 2008.

Dusan Hildner

NOTARY PUBLIC FOR THE STATE OF IDAHO

Residing at Boise, Idaho, Idaho

My Commission expires: 01-31-17



SCANNED

JAN 21 2011

2008 JUL 17 PM 02:34
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NO: 63-04256C

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, SEPTEMBER 30, 2008 at 10:00 AM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: JULY 17, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

SCANNED

JUL 21 2008

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on JULY 17, 2008, with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

PRISCILLA ARMENTA
SANTIAGO ARMENTA
19515 SANTIAGO PL
CALDWELL, ID 83607
Phone: 208-459-4090

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 12:36
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____		SUBCASE NOS: 63-04248A 63-04256A
		63-04256C 63-04256E 63-31633
		63-31634

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 19, 2008 at 11:30 AM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

SCANNED

MAY 27 2008

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,
with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CANDACE K SILVERIA
DANIEL J SILVERIA
19850 W USTICK
CALDWELL, ID 83607
Phone: 208-455-1128

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

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

JOHNNY L WILSON
18393 PRIDE LN
CALDWELL, ID 83607
Phone: 208-459-4494

LORRAINE S KUSHLAN
RICHARD E KUSHLAN
18397 PRIDE LN
CALDWELL, ID 83607
Phone: 208-459-6225

PAM GASTELECUTTO
RON GASTELECUTTO
18401 PRIDE LN
CALDWELL, ID 83605
Phone: 208-459-1992

PRISCILLA ARMENTA
SANTIAGO ARMENTA
19515 SANTIAGO PL
CALDWELL, ID 83607
Phone: 208-459-4090

WESTERN IDAHO DEVELOPMENT INC
19630 FRIENDS RD
GREENLEAF, ID 83626
Phone: 208-453-9132

RECEIVED
AUG 16 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

Case No. 39576

A. Subcase 63-4256C

(Insert water right number
from the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver CO 80294

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

Name: WILDER IRRIGATION DISTRICT
Address: 709 Cleveland Blvd.
Caldwell, ID 83605

SCANNED
AUG 20 2007

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

1. ☐ Name and Address
2. ☒ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use
10. Recommendation
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Brian W Sauer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

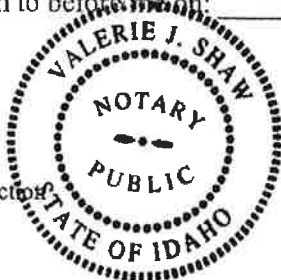
That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

Brian W Sauer
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

AUG 08 2007



Valerie J Shaw
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 6.2.2012

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

I certify that on August 15, 2007, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

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

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

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

Name: WILDER IRRIGATION DISTRICT
Address: 709 Cleveland Blvd.
Caldwell ID 83605

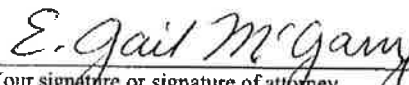
4. Copies to:

IDWR Document Depository
PO Box 83720
Boise ID 83720-0098

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

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

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102
Boise, ID 83702


Your signature or signature of attorney
mailing on your behalf

RECEIVED

JUL 18 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

A. Subcase

63-4256C

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name:

Santiago or Priscilla Arment

Address:

19515 Santiago Place
COld. ID. 83607

Daytime Phone: 208-457-4070

Name & Address of Attorney, if any:

Albert D. Parker

Barker, Roselt & Simpson LLP

1610 W. Jefferson St. 102 Boos ID. 83702

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

Name:

Wilder Irrigation District

Address:

707 Cleveland Blvd.

COld. ID. 83605

"Backfile"
SCANNED

APR 22 2008

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

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

☒ This water right should not exist.

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

E.

VERIFICATION (Must be Completed)

State of Id.)

)ss.

County of Canyon)

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

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

Santiago or Priscilla Armenta
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

Notary Public for _____

Residing at: _____

My Commission Expires: _____

INSTRUCTIONS FOR MAILING

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

F.

CERTIFICATE OF MAILING

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

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: _____
Address: _____

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

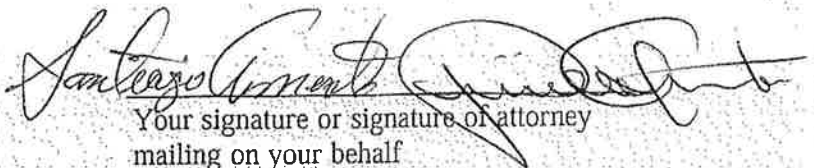
Name: _____
Address: _____

4. Copies to:

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

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

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


Your signature or signature of attorney
mailing on your behalf

ATTENTION

Feb. 18, 2006

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

KIMBERLY
AFFIDAVIT

State of Idaho)
County of Canyon)

Richard & Edna Britton and 1 child

deposes and says:

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

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

Edna M. Britton
(Signature)

Mrs. Richard Britton

field exam GPS point of
diversion -

7-13-2007

To Whom It May Concern
We farmed our land (thirty acres)
since 1977.

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

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

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

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

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

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

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

Respectfully,

Santiago Armenta
[Signature]



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

July 12, 2007

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

Re: Water Right 63-4256C

Dear Mr. and Mrs. Armenta:

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

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

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: Response to Objection form

63-4256C

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

IDWR Document Depository
P.O. Box 83720
Boise ID. 83720-0098

^{WD}
RECEIVED
JUL 11 2007
DEPARTMENT OF
WATER RESOURCES

To whom it may concern:

We are objecting to the objection
of Wilder Irrigation.

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

Respectfully

The Armenta Household

Santiago Armenta
Rosalia Armenta

RECEIVED
JUL 11 2007
WATER RESOURCES
WESTERN REGION

SCANNED

JUL 16 2007

Feb. 18, 2006

ATTENTION

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

KIMBERLY
AFFIDAVIT

State of Idaho)
County of Canyon)

Richard & Edna Britton and 1 child

deposes and says: _____

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

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

Edna M. Britton
(Signature)

Mrs. Richard Britton

field exam GPS point of
diversion -

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

In Re SRBA)

A. Subcase 63-4256C

(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

RECEIVED

B. NAME AND ADDRESS OF PERSON OBJECTING

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

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

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

Name: Santiago and Priscilla Armenta

Address: 19515 Santiago Pl.

Caldwell, ID 83607

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

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

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

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

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: Land Subject to Wilder Irrigation Water Right

10 ☐ **I object because:**

☒ This water right Should not exist.

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

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

F. VERIFICATION (must be completed)

State of Idaho)
County of Ada)ss.

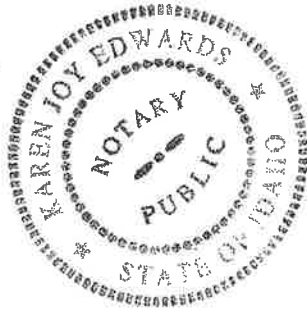
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

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



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

Karen Joy Edwards

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

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

3. Copies to:

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

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

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



Signature of objector or attorney
mailing on Objector's behalf

12/10/2006

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

RIGHT NUMBER: 63-4256C

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

PRISCILLA ARMENTA
19515 SANTIAGO PL
CALDWELL ID 83607

RECEIVED
DEC 12 2006
DEPARTMENT OF
WATER RESOURCES

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 04/01/1949

POINT OF

DIVERSION: T04N R04W S35 NWSESW Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.360 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S35 NESW 18.00

18 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Parcel No. R3660400000

09/29/2006

**NOTICE OF ERROR
REPLY**

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

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

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

Water right number: 63-4256C

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

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

RECEIVED

OCT 16 2006

**WATER RESOURCES
WESTERN REGION**

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

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

DATE: 10.11.06

SIGNATURE:

Please print your name:

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

VPW

08/17/2006

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

RIGHT NUMBER: 63-4256C

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

PRISCILLA ARMENTA
19515 SANTIAGO PL
CALDWELL ID 83607

*ok - kw
8/17*

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION:

T04N R04W S35 NWSESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.360 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S35 NESW 18.00

18 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Parcel No. R3660400000

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



Idaho Department of Water Resources

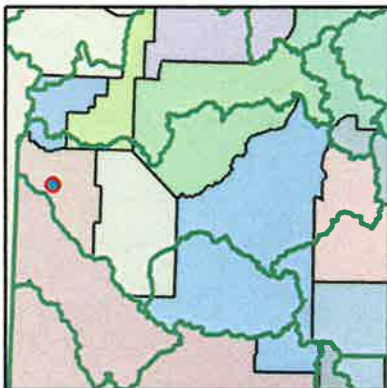
SRBA Recommendation:

63-4256C

Acres = 18

Legend

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



Canyon County
IDWR Basin 63



0 0.1 0.2 Miles



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

07/13/2006

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

RIGHT NUMBER: 63-4256C

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

PRISCILLA ARMENTA
18369 PRIDE LN
CALDWELL ID 83605

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION:

T04N R04W S35 NWSESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.360 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S35 NESW 18.00

18 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Parcel No. R3660400000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-4256C

WATER RIGHT NUMBER: 63-4256C

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

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

Source Tributary
LOWER EMBANKMENT DRAIN SNAKE RIVER

Beneficial Use From To Diversion Rate Annual Volume
IRRIGATION 4/01 to 10/31 0.400 CFS 0.36 N/A - surface water
3/1 - 11/15 Total Diversion: 0.400 CFS 0.36

Location of Point(s) of Diversion
LOWER EMBANKMENT DRAIN Sec. 35, Twp 04N, Rge 04W, B.M.
CANYON County

Place of Use
IRRIGATION

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

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

Total Acres: 20

Conditions of Approval:

Remarks:

Parcel # R36604000000

per exam in file - kw 7/13/06

use standard season

N/A - surface water

18 ← per GIS Shape.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4256

WATER RIGHT NUMBER: 63-4256

Owner Type

Current Owner

Name and Address

TOBIAS BENDER
RT 6
CALDWELL, ID 83605

Priority Date: 04/01/1949

Basis: Statutory Claim

Status: Active

Source

LOWER EMBANKMENT DRAIN

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 10/31

Diversion Rate

2.200 CFS

Annual VolumeTotal Diversion:

2.200 CFS

Location of Point(s) of Diversion

LOWER EMBANKMENT DRAIN

CANYON County

SE1/4SW1/4

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

LOWER EMBANKMENT DRAIN

CANYON County

SW1/4SW1/4

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

Place of Use

IRRIGATION

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

Total Acres: 110

Conditions of Approval:Remarks:Comments:

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

02/02/2006

1

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

no plus ok

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

RECEIVED

JUN 06 2006

WATER RESOURCES
WESTERN REGION**Prior to Field Exam**

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

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-4256COwner: ARMENTA, PRISCILLA SANTIAGO Phone No. 459-4090Current Address: 18369 PRIDE LANE CALDWELL ID 83605

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

Accompanied by: SANTIAGO**PRIORITY DATE**

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

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

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

Source: LOWER EMBANKMENT DRAIN Tributary to SNAKE RIVER

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

POINT OF DIVERSION

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

SITE TAG ON SERVICE POLE
NEAR PUMP
A0002408

GPS = 2275135
1385387

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

Description of diverting works

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

OVERLAP REVIEW

Other water rights with the same point of diversion: NONE

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

WATER USES

- ☐ No change
- ☐ Different Uses

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

TOTAL VOLUME – Groundwater only

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

NON-IRRIGATION USES:

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

PLACE OF USE:

- ☐ No Change
- ☒ Changes shown below:

SEE APP PHOTO

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

Overlap with other water rights: NONE

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

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

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

FLOW MEASUREMENTS:

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

$$Q = \frac{(20)(170)(3960)}{165} = 336$$

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

THIS PUMP PUMPS WATER TO 3 OTHER PARCELS
RON GASTELCUTTO 63-42566, KUZLOW, +?

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

SEE PHOTOS ATTACHED OF PUMP PLANT

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4256C

WATER RIGHT NUMBER: 63-4256C

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

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

Source
 LOWER EMBANKMENT DRAIN

Tributary
 SNAKE RIVER

Beneficial Use
 IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
4/01 to 10/31		0.400 CFS
<u>Total Diversion:</u>		0.400 CFS

Annual Volume

Location of Point(s) of Diversion

LOWER EMBANKMENT DRAIN
 CANYON County

SE1/4SW1/4

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

Place of Use
 IRRIGATION

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

Total Acres: (20)

Conditions of Approval:Remarks:

C- portion

only 17.20 acres are
 listed for this address -
 under Mond Garden Design 18

ADD 02408

GPS = 2275735
1385387

#100

Pump 20HP
 P3TPM BERKELEY
 4" Suction to 6"
 4" Discharge to 6"
 MOTOR NO NAME PLATE

IPCO

82 803 757
K_f = 28.8

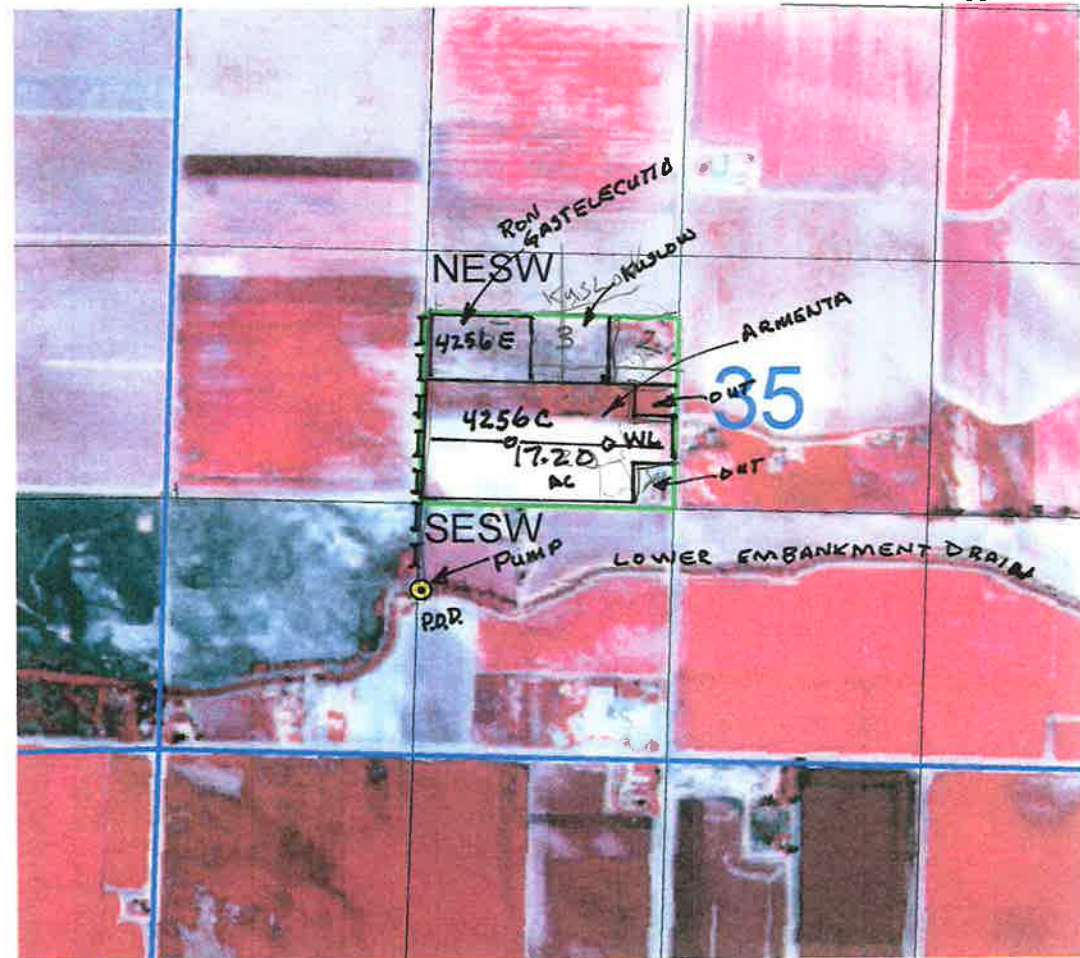
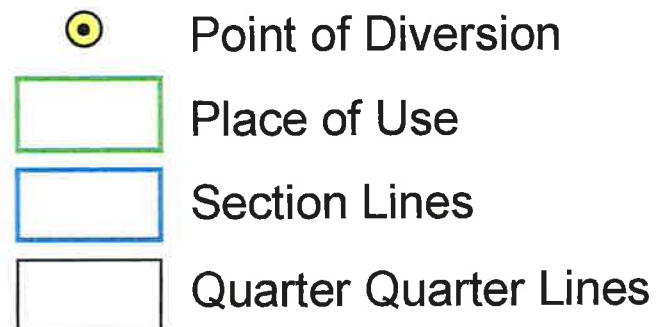
Parcel No: R36604000000.

Idaho Department of Water Resources

Legal: T04N, R04W, S35

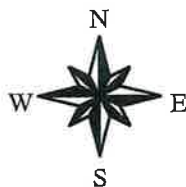
Reviewed By:

1987 Napp Photo



0 0.25 Miles

1.32" / 1/4 MILE





63-4256 C

Armenta Pump
20 HP Centrifugal



Armenta
Meter & Panel



Burlee

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

Contact:

02/27/2006

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

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

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

I have attached a copy of the original claim.

Property Address:

0 Beet Lane
Caldwell

18369 Pride Lane
Caldwell

Requests:

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

In addition, please verify:

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

Kimberly Brown
Sr. Water Resource Agent
IDWR - Western Region

ATTENTION

Feb. 18, 2006

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

KIMBERLY
AFFIDAVIT

RECEIVED

FEB 28 2006

WATER RESOURCES
WESTERN REGION

State of Idaho)
County of Canyon)

Richard & Edna Britton and 1 child

deposes and says:

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

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

Edna M. Britton
(Signature)

Mrs. Richard Britton

Fax

To:

Attn: Kimberly Brown
state of Idaho
Department of Water Resources
Fax (208) 334 - 2348

Total pages 4

From:

Ron & Pam Gastelecutto

Subject

Evidence of Priority
of Water Claim

February 25, 2006

18401 Pride Lane
Caldwell, Idaho
83607

Kimberly Brown
Water Resource Agent
Adjudication Bureau

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

Dear Kimberly Brown,

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

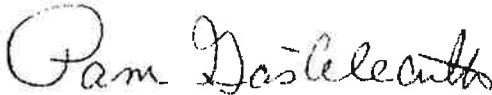
In conversing with Edna concerning an affidavit to support our 1949 priority date, she informed us that she had already written an affidavit for Priscilla Armenta Claim Number A63-4256C.

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

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

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

Respectfully,



Pam & Ron Gastelecutto
Enclosure (1)

ATTENTION

Feb. 18, 2006

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

KIMBERLY
AFFIDAVIT

State of Idaho)
 County of Canyon)

Richard + Edna Britton and 1 child

deposes and says:

In reference to the use of water
 at the lower embankment drain located
 at T 04N, R 04W, S 35 for use on NE 5W

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

Edna M. Britton
 (Signature)

Mrs. Richard Britton

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

#63-4256C -

Linda Werner
helped her

- bought in 1977
- she never spoke to Mr. Bender about when the use began
- I suggested she talk w/ some neighbors (for affidavit).
- I told her she needs to go, at least, back to prior to May 20, 1971.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 7, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PRISCILLA & SANTIAGO ARMENTA
18369 PRIDE LN
CALDWELL, ID 83605

(+) sent shapefile

RE: EVIDENCE OF PRIORITY

Snake River Basin Claim No(s): A63-4256C

Dear Claimants,

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

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

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

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

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

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

5/89

Date Received 5-20-94**RECEIVED****MAY 24 1994**WATER RESOURCES
WESTERN REGION

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

RECEIVED**MAY 24 1994**

Department of Water Resources

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

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

18369 Pride Lane Idaho 83605
 Mailing Address City State Zip

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

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

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

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

Claimant requests an extension to 5-20-94, 19__

Priscilla Armenta
 Signature

5-20, 19 94
 Date of request

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

Signed this 25th day of May, 19 94

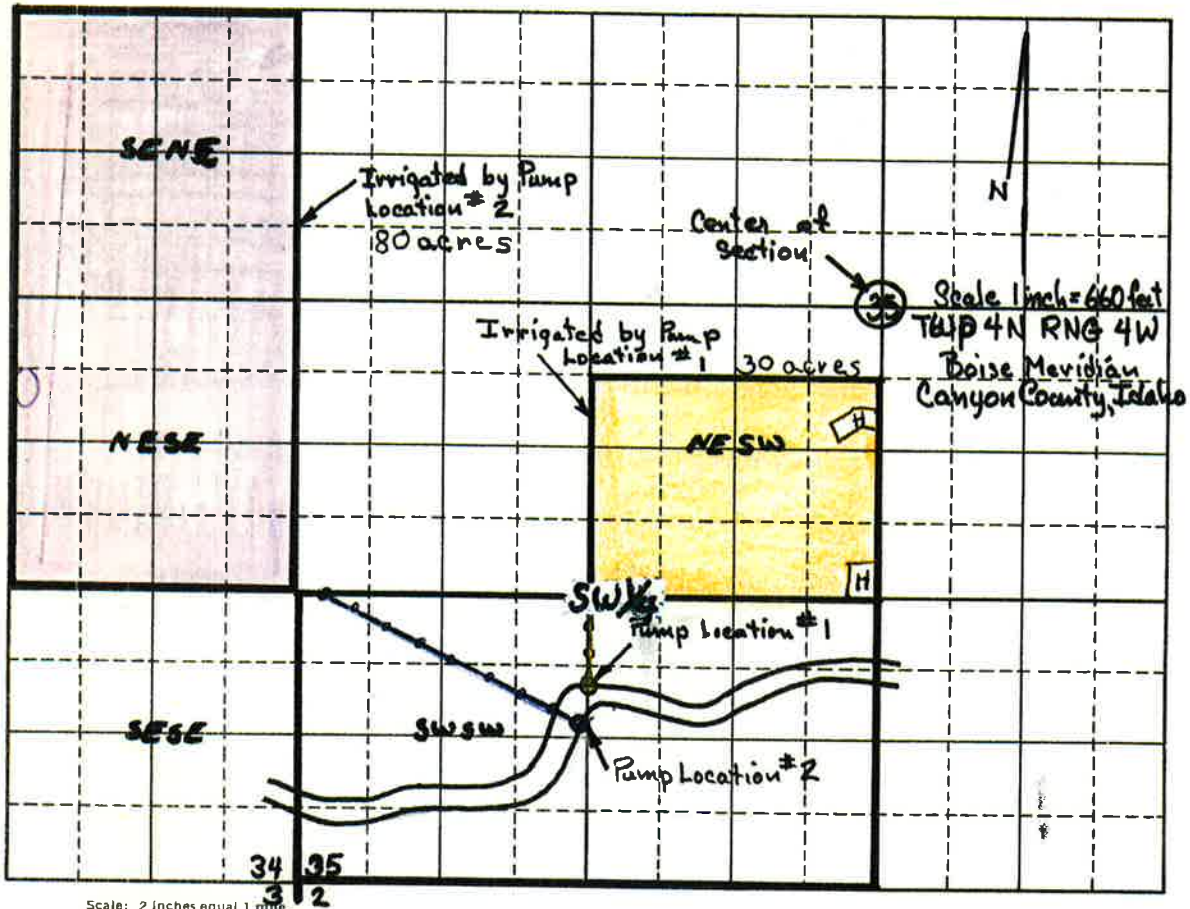
David B. Shaw
 Director or his designated agent

DAVID B. SHAW

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

MICROFILMED**JUL 25 1994**

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Ada

SS.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

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

Notary Public

Residing at Boise, IdahoMy commission expires June 15, 1977

For Department Use Only

Received by <u>4</u>	Date <u>2-15-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CFB</u>	Date <u>15 Feb. 1974</u>		claimant by:	
\$10.00 fee received by <u>4</u>	Date <u>2-15-74</u>			
Approved for publication by <u>[Signature]</u>				
Published in <u>[Signature]</u>				
Dates <u>2-28 + 3-7-74</u>				

Receipt Details for ID W017506

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

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

Account Information:

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

Comment ADJUDICATION FEE**Fee Detail:**

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

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

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

[Print Report](#)