

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: **A63-04256E**
Date Received: 5/16/1994
Receipt No: W017488
Received By: [Signature]

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

1. Name: RON GASTELECUTTO 208-459-1992
Address: 2223 ARLINGTON AVE
CALDWELL ID 83605

AND/OR

Name: PAM GASTELECUTTO 208-459-1992
Address: 2223 ARLINGTON AVE
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:
PUMP, PIPELINE AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is 17.5 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	5.0

SCANNED

APR 22 2008

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OCT 07 1996**

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

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:

14. Remarks:

THIS CLAIM IS A SPLIT OFF OF A63-04256B PER CHANGE OF OWNERSHIP -
7-20-94. JS

15. Basis of Claim: STATUTORY CLAIM

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: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A63-04256B
Date Received: 5/16/1994
Receipt No: W017488
Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: N C DONLEY 208-454-1622
Address: 18393 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 of	Lot	County
04N	04W	35		SE	SW		CANYON

5. Description of diverting works:
PUMP, PIPELINE AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		

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

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	04W	35	NE	SW		IRR	10.0

Section Acres 10.0

Total Acres 10.0

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:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): [Signature] Date: 5-16-94
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of May 19 94

Seal

Kathleen A. Walper
Notary Public

Residing at Eagle, Idaho
My Commission Expires 2-14-1999

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 6/10/94

RECEIVED

JUL 05 1994

WATER RESOURCES
WESTERN REGION

LEGAL DESCRIPTION OF PROPERTY: Township 4E N Range 04 W
Section 35 1/4 of SE 1/4 of SW 1/4 Govt. Lot BM
Lot Block Subdivision/Townsite
If you have additional legal descriptions, please attach separate sheet.

POOR ORIGINAL

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR:

A 63 - 04256 B

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

N.E. DANLEY

18393 PRIDE LN.

☐ New Owner/Claimant
(Purchaser):

CALDWELL ID 83605

RON & PAM GASTELCUTTO

☐ New Mailing Address:

2223 ARRLINGTON AVE

CALDWELL, ID 83605

☐ New Telephone Number:

(208) 459-1992

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

5 FIVE - TENTHS - 5 ACRE - 10 CFS
SAME PT. OF DIVERSION

☐ Attach proof of
ownership, describe
proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s)

Ron Gastelcutto

Date 6/30/94

☐ Signature of Former
Owner/Claimant(s):

N.E. Danley

Date 6/30/94

Date 5-17-94

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 6/10/94

LEGAL DESCRIPTION OF PROPERTY: Township 4 N Range 04 W
Section 35 1/4 of SE 1/4 of SW 1/4, Govt. Lot , BM.

Lot , Block, , Subdivision/Townsite

If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR:

A63-04256B

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

N.E. Danley

18393 PRIDE LN.

CALDWELL ID 83605

☒ New Owner/Claimant
(Purchaser):

CHARENCE D. COOK

Need address

☒ New Mailing Address:

(mailing) +

phone number)

☒ New Telephone Number:

() -

☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

.3 (THREE TENTHS) - 3 ACRES - .06 CFS

(SAME POINT OF DIVERSION AS CLAIMED)

NA
Attach proof of
ownership, describe
proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New
Owner/Claimant(s)

Date

☐ Signature of Former
Owner/Claimant(s):

Need new owner's signature
[Signature]

(Signature of former claimant(s) is
ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

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OCT 07 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

INSTRUMENT NO. 9417802
9418395

DEED OF EASEMENT

THIS DEED, is made and entered into by and between CLARENCE D. COOK, dealing with his sole and separate property, the party of the first part, hereinafter referred to as "Cook" and NOLAN C. DONLEY, also known as N. C. DONLEY, dealing with his sole and separate property, the party of the second part, hereinafter referred to as "Donley."

W I T N E S S E T H:

WHEREAS, Cook is the owner in fee simple of the following described real property located in Canyon County, Idaho, to-wit:

N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$, Section 35, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho.

AND WHEREAS, Cook has agreed, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, to grant unto Donley a non-exclusive easement for ingress, egress and utilities thereto; and

WHEREAS, Donley is the owner in fee simple of the following described real property located in Canyon County, Idaho, to-wit:

See Exhibit "A" attached hereto, and by this reference made a part hereof.

AND WHEREAS, Donley has agreed, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, to grant unto Cook a non-exclusive easement for ingress, egress and utilities thereto;

AND WHEREAS, the above-described real properties lie adjacent and contiguous one to the other, and each parcel of property adjoins the other.

NOW THEREFORE, Cook does hereby grant unto Donley the following described easement, to-wit:

An easement for ingress, egress and utilities along the southerly 18 feet of the N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 35, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho.

The above-described easement shall continue perpetually and shall run with the real property above described.

AND Donley does hereby grant unto Cook the following described easement, to-wit:

An easement for ingress, egress and utilities along the northerly 9.7 feet (approximately) of the following described parcel:

See Exhibit "A" attached hereto, and by this reference made a part hereof.

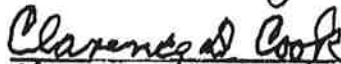
The above-described easement shall continue perpetually and shall run with the real property above described.

WITNESSETH that in consideration of the good and valuable consideration herein, Cook does grant unto Donley, his heirs and assigns, full and free right and authority to utilize the above-described easement for the purposes of ingress, egress and utilities thereto.

AND WITNESSETH that in consideration of the good and valuable consideration herein, Donley does grant unto Cook, his heirs and assigns, full and free right and authority to utilize the above-described easement for the purposes of ingress, egress and utilities thereto.

Donley, his heirs, successors and assigns, shall be responsible for all costs of development and maintenance of the easement herein granted to Donley, and of the easement herein granted to Cook, according to County standards, and shall pay all expenses associated with said easements. If Donley ceases to maintain said easements according to County standards, this Deed of Easement shall be of no further force and effect.

IN WITNESS WHEREOF, the parties hereto do set their hands and seals this 2nd day of June, 1994.


Clarence D. Cook


Nolan C. Donley

STATE OF ARIZONA)
County of Maricopa) :ss

On this 2nd day of June, in the year 1994, before me, _____, a Notary Public, personally appeared CLARENCE D. COOK, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Kathy A. Latinis
Notary Public for
Commission expires: 11-28-96

STATE OF IDAHO)
County of Canyon) :ss

On this 10 day of June, in the year 1994, before me, Donna R. Sixler, a Notary Public, personally appeared NOLAN E. DONLEY, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

(SEAL)



Donna R. Sixler
Notary Public for Idaho
Commission expires: 3/4/97
Residing in Caldwell

07/wcg



Skinner, Earl &
Associates, Inc.

403 Blaine • Caldwell, ID 83605
(208) 454-0933

Greg L. Skinner PLS
Gerald L. Earl PLS
Brent A. Claiborn PE

May 3, 1994

**Description for
Reed Taylor**

Parcel 1

This parcel is a portion of the S1/2N1/2NE1/4SW1/4 of Section 35, Township 4 North, Range 4 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the northeast corner of the NE1/4 SW1/4 of said Section 35;

thence South 0° 02' 14" East along the east boundary of said NE1/4SW1/4 a distance of 331.43 feet to the northeast corner of said S1/2N1/2NE1/4SW1/4, which point is the TRUE POINT OF BEGINNING;

thence continuing South 0° 02' 14" East along said east boundary a distance of 331.43 feet to the southeast corner of said S1/2N1/2NE1/4SW1/4;

thence North 89° 57' 25" West along the south boundary of said S1/2N1/2NE1/4SW1/4 a distance of 262.85 feet;

Thence North 0° 02' 14" West parallel with said east boundary a distance of 331.46 feet to a point on the north boundary of said S1/2N1/2NE1/4SW1/4;

Thence South 89° 57' 07" East along said north boundary a distance of 262.85 feet to the TRUE POINT OF BEGINNING.

This parcel contains 2.00 acres and is subject to a county road right-of-way along the easterly boundary and to a 28.00 feet ingress-egress easement along the northerly boundary.

net.

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OCT 07 1996



Skinner, Earl &
Associates, Inc.

403 Blaine • Caldwell, ID 83605
(208) 454-0933

Greg L. Skinner PLS
Gerald L. Earl PLS
Brent A. Claiborn PE

May 3, 1994

**Description for
Reed Taylor**

Parcel 2

This parcel is a portion of the S1/2N1/2NE1/4SW1/4 of Section 35, Township 4 North, Range 4 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the northeast corner of the NE1/4 SW1/4 of said Section 35;

thence South 0° 02' 14" East along the east boundary of said NE1/4SW1/4 a distance of 331.43 feet to the northeast corner of said S1/2N1/2NE1/4SW1/4;

thence North 89° 57' 07" West along the north boundary of said S1/2N1/2NE1/4SW1/4 a distance of 262.85 feet to the TRUE POINT OF BEGINNING;

thence South 0° 02' 14" East parallel with said east boundary a distance of 331.46 feet to a point on the south boundary of said S1/2N1/2NE1/4SW1/4;

thence ^{North}South 89° 57' 25" ^{West}East along said south boundary a distance of 394.24 feet;

thence North 0° 02' 14" West parallel with said east boundary a distance of 331.49 feet to a point on the said north boundary of said S1/2N1/2NE1/4SW1/4;

thence South 89° 57' 07" East along said north boundary a distance of 394.24 feet to the TRUE POINT OF BEGINNING.

This parcel contains 3.00 acres and is subject to and includes use of a 28.00 feet ingress-egress easement described as the north 28.00 feet of the east 657.09 feet of the said S1/2N1/2NE1/4SW1/4 of said Section 35, Township 4 North, Range 4 West of the Boise Meridian.

pep

MICROFILMED
OCT 07 1996



**Skinner, Earl &
Associates, Inc.**

403 Blaine • Caldwell, ID 83605
(208) 454-0933

Greg L. Skinner PLS
Gerald L. Earl PLS
Brent A. Claiborn PE

May 3, 1994

**Description for
Reed Taylor**

Parcel 3

This parcel is a portion of the S1/2N1/2NE1/4SW1/4 of Section 35, Township 4 North, Range 4 West of the Boise Meridian and is more particularly described as follows:

COMMENCING at the northeast corner of the NE1/4 SW1/4 of said Section 35;

thence South 0° 02' 14" East along the east boundary of said NE1/4SW1/4 a distance of 331.43 feet to the northeast corner of said S1/2N1/2NE1/4SW1/4;

thence North 89° 57' 07" West along the north boundary of said S1/2N1/2NE1/4SW1/4 a distance of 657.09 feet to the TRUE POINT OF BEGINNING;

thence South 0° 02' 14" East parallel with said east boundary a distance of 331.49 feet to a point on the south boundary of said S1/2N1/2NE1/4SW1/4;

thence ^{North} ~~South~~ 89° 57' 25" ^{West} ~~East~~ along said south boundary a distance of 662.01 feet to the southwest corner of said S1/2N1/2NE1/4SW1/4;

thence North 0° 02' 50" West along the west boundary of said S1/2N1/2NE1/4SW1/4 a distance of 331.55 feet to the northwest corner of said S1/2N1/2NE1/4SW1/4;

thence South 89° 57' 07" East along the said north boundary a distance of 662.07 feet to the TRUE POINT OF BEGINNING.

This parcel contains 5.04 acres more or less and is subject to and includes use of a 28.00 feet ingress-egress easement described as the north 28.00 feet of the east 657.09 feet of the said S1/2N1/2NE1/4SW1/4 of said Section 35, Township 4 North, Range 4 West of the Boise Meridian, said easement terminated on the west end by a 50.00 radius turn-around.

pep

9418395

RECORDED

94 JUN 15 PM 3 39

RECORDER
CANYON CHIEF RECORDER
[Signature]

STEWART - NAMPA

REQUEST TYPE Deed FEE 18.00

REQUEST TYPE Deed FEE 18.00
STEWART - NAMPA

RECORDER
CANYON CHIEF RECORDER
[Signature]

94 JUN 10 PM 4 16

RECORDED

MICROFILMED
OCT 07 1996

9417802

SD-56 XXXXX

Idaho Department of Water Resources
Adjudication Mailing Data Entry Screen

Date: 05/17/94

Time: 07:27:39

County No: 27 County Name: CANYON

Last: DONLEY First: N C
Address: RT 6 BOX 126

City: CALDWELL State: ID ZIP Code: 83605 Source CT

☒ Commencement	☐ Docket Sheet	☐ Monthly Status Report
☐ Water User Handbook	☐ Water Law Handbook	☐ Long Claim Form
☐ Short Claim Form	☐ Federal Claim Form	☐ Miscellaneous
☐ Application		

Expired Year: Form Mail Date: __/__/__

Round #1 Mail Date: 12/07/89 Round #2 Mail Date:
Round #1 Deadline: __/__/__ Round #2 Deadline: __/__/__
Certified Number:

(Enter=Continue) (GOLD2=Update) (GOLD3=Delete) (GOLD7=Name Search) (GOLD8=Exit)

MICROFILMED
OCT 07 1996

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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

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

The extent and nature of said claim is as follows:

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

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

- (3) Total quantity of water claimed: 2.2 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) April 1, 1949

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

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

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

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

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Pump from drain through pipeline to property. Pipeline located on quarter section line.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 110

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

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



State of Idaho

SS

Sworn to before me this 15 day of

(Claimant)

Notary Public

Residing at Barro Colorado

My commission expires June 15, 1977

For Department Use Only

Received by Date 2/15/77 Exception filed by: Forwarded to Date
Prelim. check by Date 15 Feb. 1977 claimant by:
\$10.00 fee received by Date 2/15/77
Approved for publication by
Published in
Dates 2-25-77 3-7-77

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

In Re SRBA

Case No. 39576

) Subcase No. 63-04256E
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS

Ron & Pam Gastelecutto

Ron Gastelecutto 9/22/09
Date

Pam Gastelecutto 9/22/09
Date

OBJECTOR

Wilder Irrigation District

Albert P. Barker 10/4/09
Albert P. Barker, Attorney Date

United States on behalf of
Bureau of Reclamation

IDWR Concurrency:




IDWR Agent
 Date 10-9-09
 Nicholas Spencer
 Date 10-8-09
 Deputy Attorney General

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

RIGHT NUMBER: 63-4256E

NAME AND ADDRESS: RON GASTELECUTTO
18401 PRIDE LN
CALDWELL ID 83607PAM GASTELECUTTO
18401 PRIDE LN
CALDWELL ID 83607

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 04/01/1949

POINT OF DIVERSION:

T04N R04W S35 NWSESW Within CANYON County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

0.100 CFS

PLACE OF USE:

IRRIGATION in CANYON County

T04N R04W S35 NESW 5.00

NBS

5 ACRES TOTAL

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

~~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.

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.

SF5 Right No. 63-4256E

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. R36604010A0

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

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

RIGHT NUMBER: 63-4256E

NAME AND ADDRESS: RON GASTELECUTTO
18401 PRIDE LN
CALDWELL ID 83607PAM GASTELECUTTO
18401 PRIDE LN
CALDWELL ID 83607

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.100 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	0.100 CFS

PLACE OF USE:

IRRIGATION in CANYON County

T04N R04W S35 NESW 5.00

5 ACRES TOTAL

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

~~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.

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.

SF5 Right No. 63-4256E

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. R36604010A0

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

SF5 Right No. 63-4256E

STATUS CONFERENCE NOTES:

RIGHT NO. 63-4256E

*
DATE: 3-31-09

PRESENT STATUS - Last word is that all parties agreed on WW language - he needed to work with BOR to prepare language. Will see at status conference.

* Castelcutto - representing himself.
Crossing agreement - BOR's version - all looking at Paul Amington's latest version. BOR's drawn - supposedly + likely. Paul will send around a comment remark to all.

RECEIVED

OCT 02 2008

DEPARTMENT OF
WATER RESOURCES

2008 SEP 30 AM 10:26
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: 63-04256E

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

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

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

2008 JUL 17 PM 02:35
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: 63-04256E

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

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

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

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

(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

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

RIGHT NUMBER: 63-4256E

NAME AND ADDRESS: RON GASTELECUTTO
18401 PRIDE LN
CALDWELL ID 83607

PAM GASTELECUTTO
18401 PRIDE LN
CALDWELL ID 83607

~~2223 ARLINGTON AVE~~
~~CALDWELL ID 83605~~

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.100 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	0.100 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S35 NESW 5.00

5 ACRES TOTAL

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. R36604010A0

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

**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: 63-4256E

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☒ Address change

☐ 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: August 31, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 31, 2007, 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
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

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

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

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

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

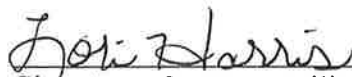
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Ron Gastelcutto
Pam Gastelcutto
18401 Pride Ln
Caldwell ID 83605

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

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



Signature of person mailing form



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

DAVID R. TUTHILL, JR.
Director

August 31, 2007

RON GASTELECUTTO
PAM GASTELECUTTO
18401 PRIDE LN
CALDWELL ID 83607

Re: Water Right No. 63-4256E

Dear Mr. & Mrs. Gastelecutto:

Enclosed is a copy of the above referenced water right which reflects your change of address. 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,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

18401 Pride Lane
Caldwell, Idaho
83607

11/4/06

To Whom It Concerns,

In regards to our water right A63-04256E:

Our previous address was listed as Ron and Pam Gastelecutto
2223 Arlington Ave
Caldwell, Id 83605

Our current address is 18401 Pride Lane
Caldwell, Id 83607

We would appreciate it if you could make these changes in our address so we will receive all mail from your office.

I have spoken with Sally at the office and she informs me a packet of Adjudication material was sent out, but was probably sent to our previous address. She instructed me to go online and check the Adjudication Recommended Water Right Report which I have done and it appears to be correct with the exception of our address. If we need to do anything further please let us know as we did not receive the packet sent to us.

Sally also informed me that Kay Walker is the person who is working with our claim so I have sent this letter with attention to her. If it needs to be forwarded to another individual, please do so.

Thank you,

Pam Gastelecutto
Ron Gastelecutto
Pam Gastelecutto
Ron Gastelecutto

For
208-334-2348
Attn Kay Walker

copy

Walker, Kay

From: Walker, Kay
Sent: Tuesday, August 28, 2007 12:26 PM
To: 'rpgast@clearwire.net'
Cc: Walker, Kay
Subject: Copy of "Response to Objection"

Pam: Attached is a "Response to Objection" that has been submitted in regard to Claim 63-4256E. This is the only other document in the file that has been submitted since we made our recommendation to the SRBA Court. Please let me know if you have any questions. Thanks. Kay Walker, Dept. of Water Resources, 334-2190



2007082811515313
4.pdf

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)

A. Subcase 63-4256E

(Insert water right number
from the Objection Form)

Case No. 39576)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: 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

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**
 - X 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)
County of Ada) ss.
)

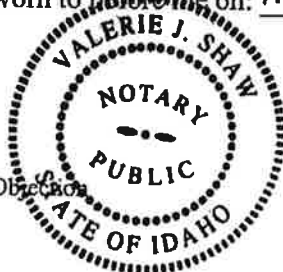
Brian W. Sauer, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: Ron and Pam Gastelecutto
Address: 2223 Arlington Ave.
Caldwell, ID 83605

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

E. Gail McGarry
Your signature or signature of attorney
mailing on your behalf

Walker, Kay

From: Walker, Kay
Sent: Monday, August 27, 2007 1:26 PM
To: 'rpgast@clearwire.net'
Cc: Walker, Kay
Subject: Claim 63-4256E

Attached is a scanned copy of the objection submitted in regard to your claim in the Snake River Basin Adjudication. You will be advised when the court schedules the initial hearing in this matter. If you have other questions, feel free to give me a call at 334-2190.

Kay Walker
Sr. Water Resource Agent



2007082713240580
0.pdf

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 63-4256E

(Insert water right number)

Case No. 39576)
_____)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

RECEIVED

JUN 19 2007

DEPARTMENT OF
WATER RESOURCES

B. NAME AND ADDRESS OF PERSON OBJECTING

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: Ron and Pam Gastelecutto

Address: 2223 Arlington Ave.

Caldwell, ID 83605

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: _____

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. Proposed wastewater remark does not sufficiently protect original appropriator.

F. VERIFICATION (must be completed)

State of Idaho)
County of Ada) ss.

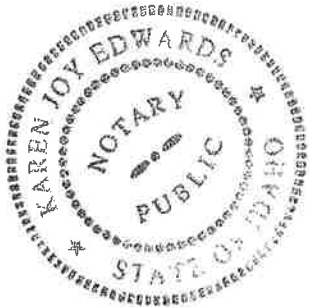
Albert P. Barker, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: Ron and Pam Gastelecutto
Address: 2223 Arlington Ave.
Caldwell, ID 83605

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$ 00.8
0004389393 FEB 02 2
MAILED FROM ZIP CODE 83705

ADDRESS
ADDRESSEE
UNKNOWN

RECEIVED

FEB 09 2007

WATER RESOURCES
WESTERN REGION

RON GASTELECUTTO

PAM GASTELECUTTO
2223 ARLINGTON AVE
CALDWELL ID 83605

63-4256E

No Longer at this
address.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES
02 1A
0004310839 OCT 0
MAILED FROM ZIP CODE

NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD

RECEIVED

OCT 16 2006

WATER RESOURCES
WESTERN REGION

PAM GASTELECUTTO
RON GASTELECUTTO
2223 ARLINGTON AVE
CALDWELL ID 83605

NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD

Do not live at this
address anymore.

63-4256E

12/10/2006

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

RIGHT NUMBER: 63-4256E
NAME AND ADDRESS: RON GASTELECUTTO
2223 ARLINGTON AVE
CALDWELL ID 83605

PAM GASTELECUTTO
2223 ARLINGTON AVE
CALDWELL ID 83605

RECEIVED
DEC 12 2006
DEPARTMENT OF
WATER RESOURCES

SOURCE: LOWER EMBANKMENT DRAIN TRIBUTARY: SNAKE RIVER

QUANTITY: 0.100 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	0.100 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S35 NESW 5.00

5 ACRES TOTAL

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Parcel No. R36604010A0

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

07/13/2006

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

RIGHT NUMBER: 63-4256E

NAME AND ADDRESS: RON GASTELECUTTO
2223 ARLINGTON AVE
CALDWELL ID 83605

PAM GASTELECUTTO
2223 ARLINGTON AVE
CALDWELL ID 83605

SOURCE: LOWER EMBANKMENT DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.100 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	0.100 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T04N R04W S35 NESW 5.00

5 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

Parcel No. R36604010A0

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



Idaho Department of Water Resources

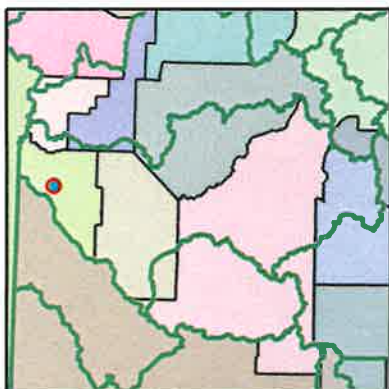
SRBA Recommendation:

63-4256E

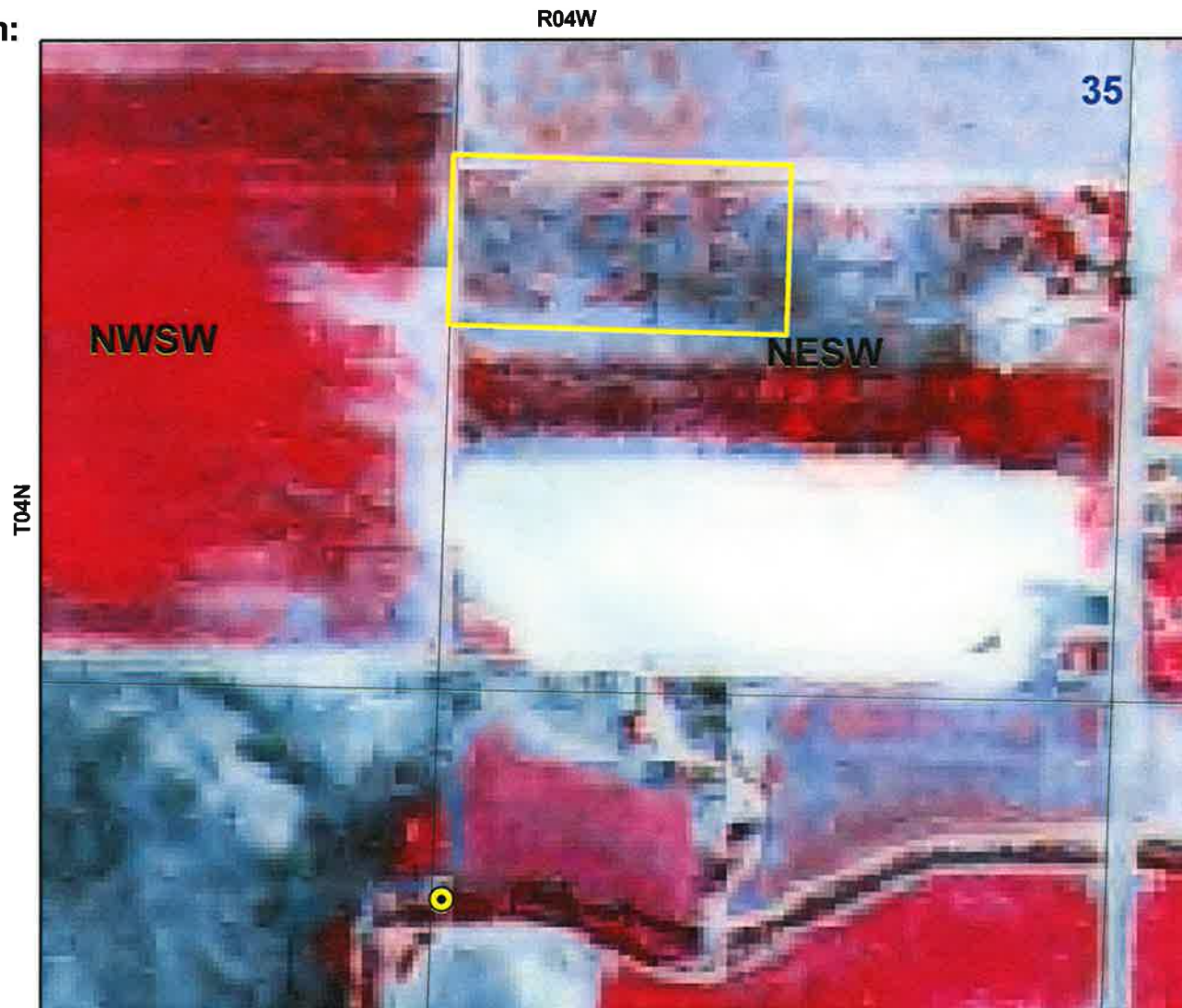
Acres = 5

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

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

WATER RIGHT NUMBER: 63-4256E

Owner Type Name and Address
 Current Owner PAM GASTELECUTTO
 2223 ARLINGTON AVE
 CALDWELL, ID 83605
 (208)459-1992
 Original Owner ~~N.C. DONLEY~~
~~18393 PRIDE LN~~
~~CALDWELL, ID 83605~~
~~(208)454-1622~~
 Original Owner ~~TOBIAS BENDER~~
~~RT 6~~
~~CALDWELL, ID 83605~~
 Current Owner RON GASTELECUTTO
 2223 ARLINGTON AVE
 CALDWELL, ID 83605
 (208)459-1992

Gastelecutto
18401 Pride Ln.
Caldwell 83605

Priority Date: 04/01/1949

Basis: ~~Statutory Claim~~ *B/U*

Status: Active

Source

LOWER EMBANKMENT DRAIN

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To
 3/15 to 11/15

Diversion Rate

0.100 CFS

Annual VolumeTotal Diversion: 0.100 CFSProperty Address:

18401 Pride Ln.
Caldwell 83605

Location of Point(s) of Diversion

LOWER EMBANKMENT DRAIN
 CANYON County

NW SE1/4SW1/4

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

Place of Use

IRRIGATION

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	35																	5.0
																			5.0

Total Acres: 5

Conditions of Approval:

1. THIS CLAIM IS A SPLIT OFF OF A63-04256B PER CHANGE OF OWNERSHIP - 7-20-94. JS FEES PAID UNDER RECEIPT NO. W017488.

Parcel No: R 36604010A0. (5.04 AC)

in office review in conjunction w/ 63-4256C- Kay Walker 7/13/04

when was house built?

use standard section

1987 quit.

only the 1994 NAPP shows any real vis. All full 63-4256B 3/21/06

Exam by Burke

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4256

WATER RIGHT NUMBER: 63-4256

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TOBIAS BENDER RT 6 CALDWELL, ID 83605

Priority Date: 04/01/1949
 Basis: Statutory Claim
 Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	2.200 CFS	
	<u>Total Diversion:</u>	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: 63-4256E

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
31443	Claim	04N	04W	35	NE	SW		IRRIGATION	10/50	DANIEL J SILVERIA
31633	Claim	04N	04W	35	NE	SW		IRRIGATION	3/3	RICHARD E KUSHLAN
31634	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 OL

Receipt Details for ID W017488

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/16/1994 3:59:31 PM	5/16/1994	Western	\$60.00	Check
Payer		DONLEY, N C		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
3867			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$60.00	ADJUDICATION CLAIM	41503	337	0	0	1155

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4256	B	\$60.00	Claim

[Print Report](#)

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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

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

The extent and nature of said claim is as follows:

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

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

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

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
#1 SE ¼ SW ¼, Sec. 35 Twp. 4 N Rgt. 4 W B.M. County of Canyon
Additional points of diversion: #2 - SW ¼, Sec. 35, T.4 N. R.4 W.

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Pump from drain through pipeline to
property. Pipeline located on quarter section line.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

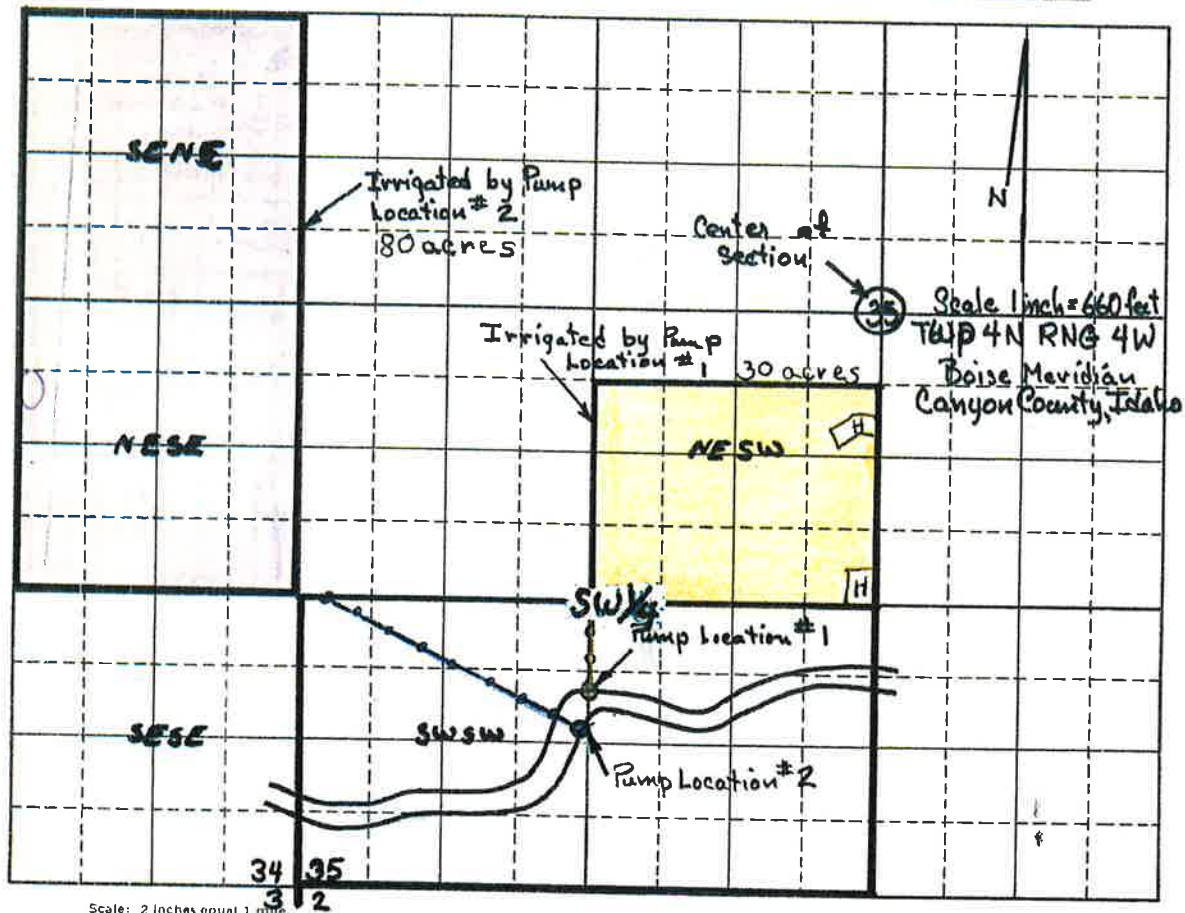
[illegible]

Total No. of acres 110

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

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

(8) Remarks



Scale: 2 inches equal 1 mile.

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

State of Idaho

ss.

County of Ada

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

Tobias Bender
(Claimant)

Notary Public

Residing at Boise, IdahoMy commission expires June 15, 1977

For Department Use Only

Received by <u>Y</u>	Date <u>2-15-74</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CEB</u>	Date <u>15 Feb. 1974</u>		claimant by:	
\$10.00 fee received by <u>Y</u>	Date <u>2-15-74</u>			
Approved for publication by <u>Y</u>				
Published in <u>Boise Tribune</u>				
Dates <u>2-25-74 3-7-74</u>				

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

It doesn't need FX

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. 535 for use on NE3W

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

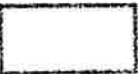
Edna M. Britton
 (Signature)

Mrs. Richard Britton

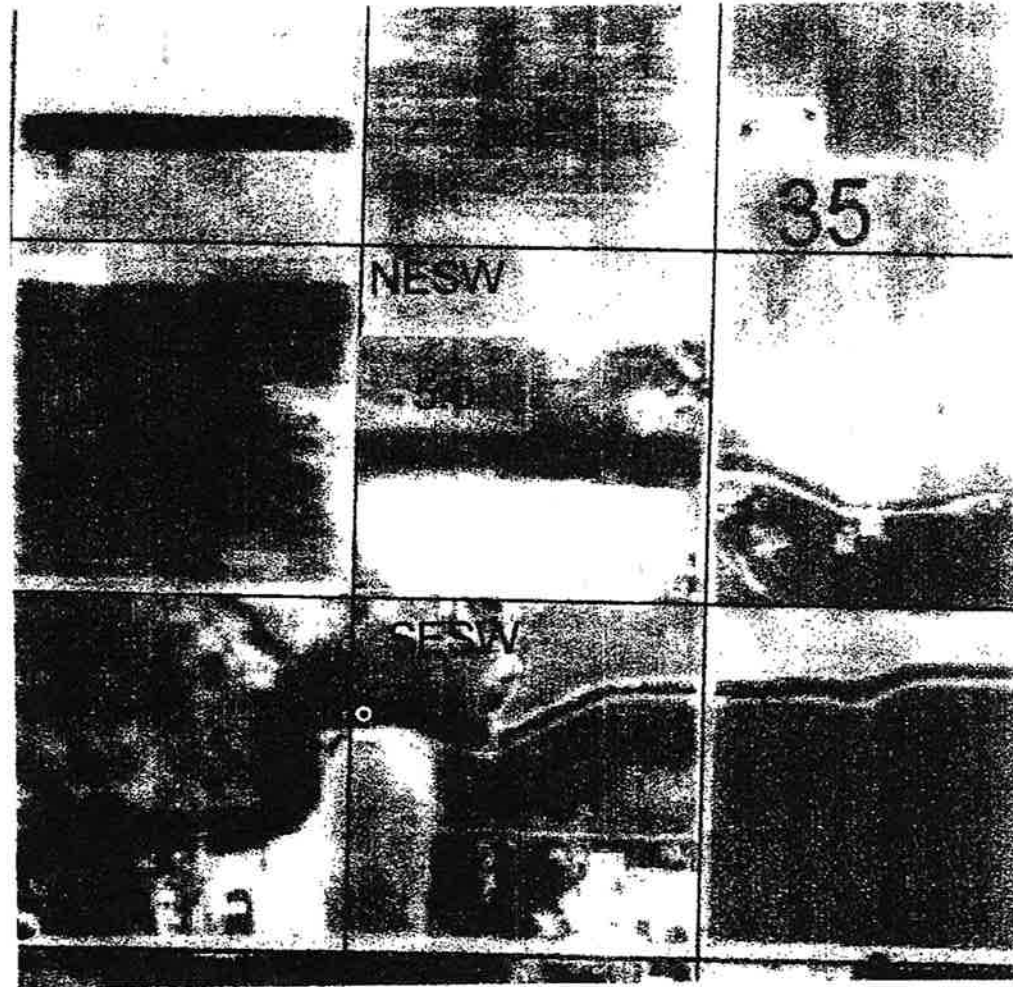
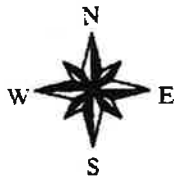
Idaho Department of Water Resources

Claim Number: 63-04256E
 Legal: T04N, R04W, S35
 Reviewed By:

1987 Napp Photo

- ⊙ Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

No corrections
Ron Gastilecutta



0 0.25 Miles

2/23/06

8:17am-

8:37

Pam Getzler -

confused

#63-4256 E

I called U.S.G.S. - they'll "get back to me"

→ no irrigation district water
(don't use irr. water)

she can get an affidavit for 60s, but
wants to get as close to '49 as possible

*may need a little longer

she may call Priscilla + speak
w/ her
Armenta
(C-portion)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 15, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PAM & RON GASTELECUTTO
18401 PRIDE LN
CALDWELL ID 83605

*+ sent
shape file*

RE: EVIDENCE OF PRIORITY
Snake River Basin Claim No(s): A63-4256E

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 8, 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 may be receiving a call from us in order to set-up an appointment for a field exam.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 7, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

PAM & RON GASTELECUTTO
2223 ARLINGTON AVE
CALDWELL, ID 83605

+ sent shapefile

RE: EVIDENCE OF PRIORITY

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

Dear Claimants,

In the past, N. C. Donley 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. Mr. Donley 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.

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

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

July 21, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RE: Original Notice of Claim to a Water Right No. A63-04256B

Renumbered to Notice of Claim to a Water Right No. A63-04256E

Ron &/or Pam Gastelecutto
2223 Arlington Ave
Caldwell, ID 83605

Dear Claimant(s):

We have received and processed the Change of Ownership form submitted on the Original Notice of Claim to a Water Right Number as referenced above. This change of ownership required a split of this original claim resulting in the renumbering of the original claim by adding alpha suffixes to represent each split. The new Notice of Claim to a Water Right Number for your portion is referenced above. The right holders of the remaining portion have also been notified of this split and renumbering of their original claim.

Enclosed is a copy of this new claim which now reflects your portion of the original water right. Please keep this copy for your files and refer to the new claim number when corresponding with our office. If you have any questions concerning this letter or the enclosed claim, please feel free to contact this office.

Sincerely,

ADJUDICATION STAFF
Department of Water Resources
Western Region Office
(208) 334-2190

Enclosure

MICROFILMED
OCT 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

July 19, 1994
N.C. Donley
18393 Pride Ln.
Caldwell ID 83605

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Dear Wateruser(s):

This office has reviewed the **Notice of Change of Water Right Ownership** form submitted to our office. However, due to the items checked below, we cannot continue to process this ownership change. We are returning the Notice of Change of Ownership to you to **COMPLETE OR RESEARCH ONLY THE FOLLOWING ITEM(S) SHOWING A CHECKMARK IN THE BLANK FOR THAT ITEM(S).**

_____ There is no existing water right in our records either under the former owner's name or for the legal description given. If, after contacting the former owner, you find more information concerning a water right, please contact us.

_____ Legal description of property. Please complete showing the legal description by 1/41/4 (40-acre tract), section, township and range for the property changing ownership. If you only have a subdivision lot & block legal description, please send us a copy of your subdivision plat map.

_____ It appears you receive your water from an irrigation district, ditch company, municipality or community water company. If this is the case, then the water right remains in the name of this entity and you should contact them concerning the ownership change.

_____ Name and address of former owner (seller). This will clarify the original owner of the water right.

X
_____ Name, address and phone number of new owner (purchaser).

X
_____ This change in ownership appears to result in a splitting of the water right. A split of the water right occurs when the ownership change affects only a portion of the original right. In order to accurately split this right we must know what portion of the right was sold. The amount of water in CFS, the place of use by 1/4 1/4 with the number of acres in each 1/41/4 (if applicable) and the point of diversion by 1/41/4, Section, Township and Range is needed. If this right is not being split, please submit proof of ownership for the remaining portion.
Enclosed is a computer copy of this right for your review.

_____ Proof of ownership is needed. This proof can be a copy of the warranty deed, sales contract or tax assessment in your name which includes a description of this property by 1/41/4, Section, Township and Range.

MICROFILMED
JUL 07 1996

signature of new owner (purchaser) is needed on this form.

X other: How many acres go to the new owner?

Please be more specific.

Please complete the above item(s), if required, on the Notice of Change of Water Right Ownership form and return it with the requested information to the Department of Water Resources, Western Region Office, 2735 Airport Way, Boise, ID 83705. If we do not hear from you within 30 days, the claim upon which this form was filed(if one exists), will remain in the original owner's name.

Feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Staff
Department of Water Resources
Western Region Office
(208) 334-2190

LW:1
Enclosures

MICROFILMED
OCT 07 1996