

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: A63-02256
Date Received: 4/13/1990
Receipt No: W011963
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

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

94611

415-444-0603
RECEIVED
FEB 8 1993

2. Date of Priority: FEB 1, 1915

3. Source: ROCK CREEK

Trib. to: SNAKE RIVER
Department of Water Resources
Western Regional Office

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	02W	24		SE	SW		CANYON

5. Description of diverting works:
HEADGATE, IRRIGATION DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.500		630.00
DOMESTIC	01/01	12/31	0.030		0.60

7. Total Quantity Appropriated is:
2.500 C.F.S. (and/or) 630.60 A.F.A.

8. Total consumptive use is 490.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	02W	25	SE	NW		IRR	40.0
			NE	SW		DOMEST	

A63-02256

Page 1

Date: 02/02/93

MICROFILMED
JUL 25 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
		26	NE	NE	IRR	20.0
			NW	NE	IRR	40.0
			SE	NE	IRR	40.0
					Section Acres	100.0
					Total Acres	140.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
A63-02711, A63-02938

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 11042

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 A63-02256
Date Received _____
Receipt Number W011963

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

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

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 13 1990

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) David Vastine Phone (415) 444-0603
Mailing Address 297 St. James Drive, Piedmont, CA Zip 94611

2. Date of Priority (Only one (1) per claim) 2/1/15

3. Source of water supply (a) Rock Creek
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 1S Range 2W Section 24,
1/4 of SE 1/4 of SW 1/4, Govt. Lot, B.M., County of Canyon

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Headgate, irrigation ditches.

MICROFILMED

JUL 25 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 2.5 or 630

For Domestic purposes from 1/1 to 12/31 amount .03 or .6

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.5 (cfs) and/or (b) 630 (acre feet)

8. Total consumptive use claimed is 490 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1S	2W	25								40	D								40
1S	2W	26	20	40		40													100

Total number of acres irrigated 140

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-02711, 63-02938 or None ()

14. Remarks:

MICROFILMED

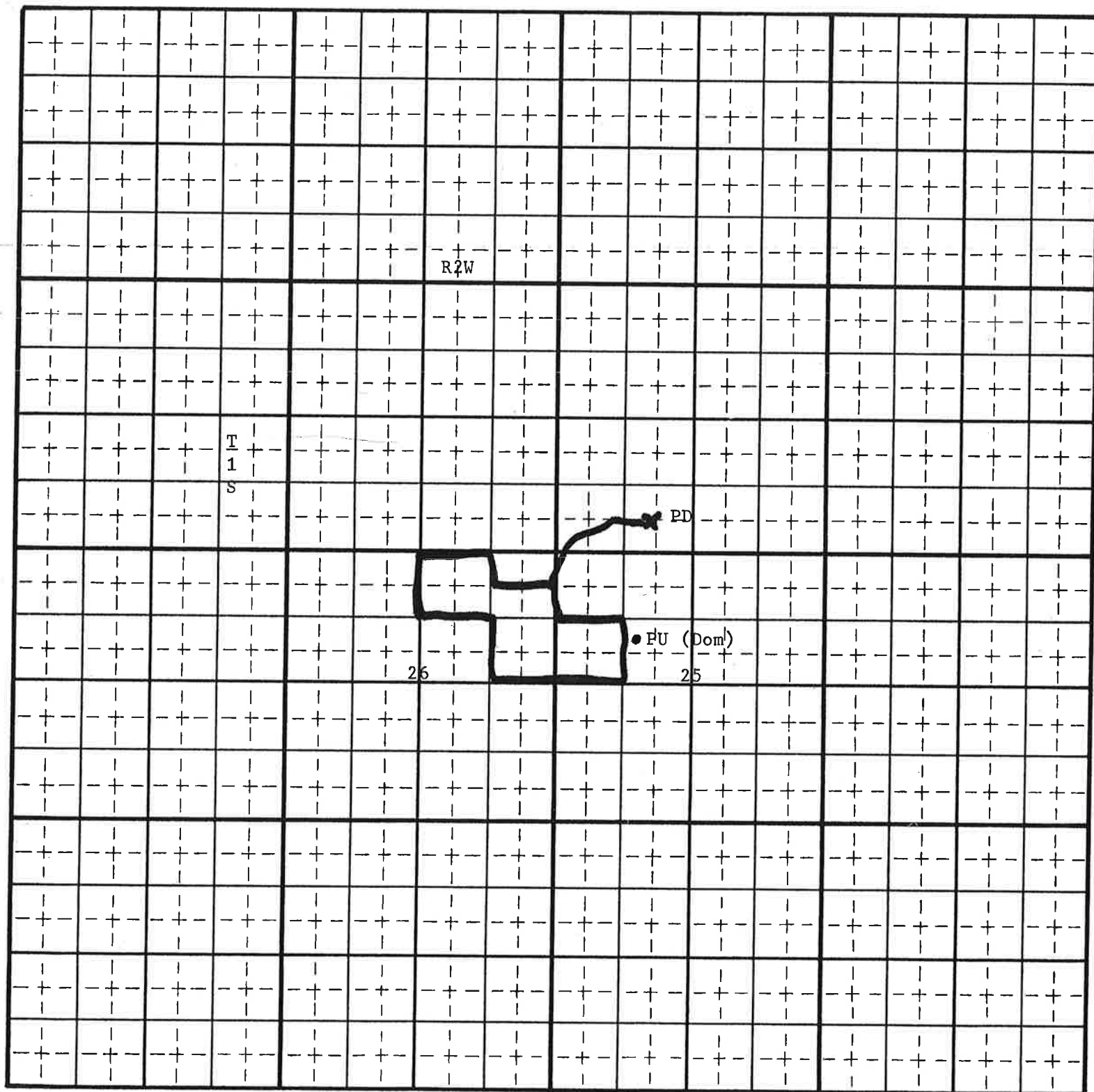
JUL 25 1994

Last Name Vastine Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



MICROFILMED

JUL 25 1994

Last Name Vastine Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree X
If applicable provide IDWR Water Right Number 63-02256
Court Third District Case Number 24876 Decree Date 8/10/78
Plaintiff vs Defendant Evans v Pancheri et. al.

16. Signature (s)

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

Number of attachments 0

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

Signature of Claimant (s) David W. Vastine Date 4/12/90

Date _____

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

_____ Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Ada) SS.

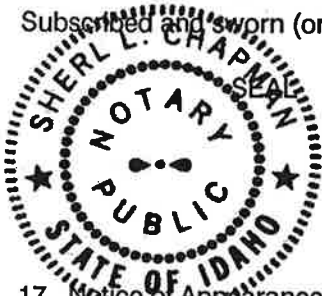
Subscribed and sworn (or affirmed) before me this 12 day of April 19 90

Notary Public Sheriff L. Chapman

Residing at 2889 Cobble Way, Meridian, ID 83642

My Commission Expires 6/14/94

Please Print Name



17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

MICROFILMED
JUL 25 1994

Last Name Vastine Ident. Number _____

Copies White-State, Yellow-Claimant

RECEIVED
APR 13 1990

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

Department of Water Resources
Western Regional Office

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

David Vastine (list 444 0603
Name of Claimant Phone Number

297 St James Drive Piedmont Ca 94611
Mailing Address City State Zip

Canyon March 1 1990
County(s) where place of use is located Date claim originally due

All lands owned by Mr Vastine in T15 R2W (Three Ranches)
Identify water right(s) for which extension is requested

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

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

Claimant requests an extension to April 15, 19 90

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

Agent
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Signed this 11 day of March, 19 90

Director or his designated agent

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

DAVID B. SHAW MICROFILMED

JUL 25 1994

MAR 13 1990

RECEIVED

JUL 15 2008

DEPARTMENT OF
WATER RESOURCES

2008 JUN 11 PM 01:19
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	)	NOTICE SETTING STATUS	
	)	CONFERENCE	
Case No. 39576	)		
		SUBCASE NOS:	63-02256 63-02711
		63-02938 63-03056	63-28282

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

TUESDAY, SEPTEMBER 09, 2008 at 03:30 PM (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.

Dated: JUNE 11, 2008

/S/ DIANA R DELANEY

Deputy Clerk

Snake River Basin Adjudication

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

Page 1 6/11/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on JUNE 11, 2008, with sufficient first-class postage to the following:

BOISE KUNA IRRIGATION DIST

Represented by:
SHELLEY M DAVIS
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

DAVID VASTINE

105 FLORADA AVE
PIEDMONT, CA 94611
Phone: 510-655-6553

RECEIVED

JUN 22 2007

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

DEPARTMENT OF
WATER RESOURCES

In Re SRBA) A. Subcase 63-2256
(insert water right number)
)
Case No. 39576)
) STANDARD FORM 1
) OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

Name & Address of Attorney, if any:

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

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

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

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

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

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

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

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10 ☐ **I object because:**

☒ This water right Should not exist.

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

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Boise-Kuna Irrigation District.

F. VERIFICATION (must be completed)

State of Michigan)
)ss.

County of Polk

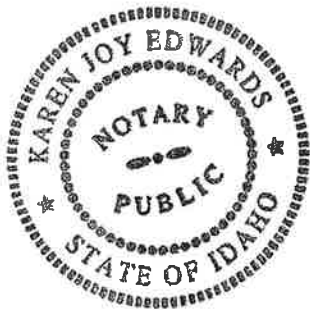
Shelley M. Davis, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



Notary Public for

Residing at:

My Commission Expires: _____

Karen J. Edwards

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on June 19, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

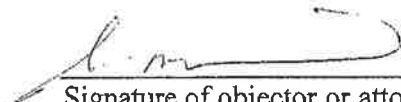
Name: David Vastine
Address: 105 Florada Ave
Piedmont, CA 94610

3. Copies to:

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

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

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



Signature of objector or attorney
mailing on Objector's behalf

10/09/2006

NOTICE OF ERROR
REPLY

RECEIVED

NOV 03 2006

DEPARTMENT OF
WATER RESOURCES

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 10/31/2006

Water right number: 63-2256

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

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

Re assessment of priority of Diversion / McIsell

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

*Suggested priority which would include
cell drains and show priority of diversion to approved acreage*

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

*Pumpout & functioning system as it currently
exists is under use.*

☒ I AGREE with this proposed recommendation: ~~no changes need to be made~~ *diversion only issue*

DATE:

10/26/06

SIGNATURE:

David W. Vastine

Please print your name:

DAVID W. VASTINE

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

SCANNED

NOV 06 2006



Idaho Department of Water Resources

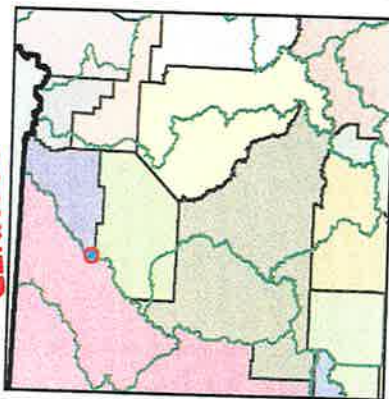
SRBA Recommendation:

63-2256

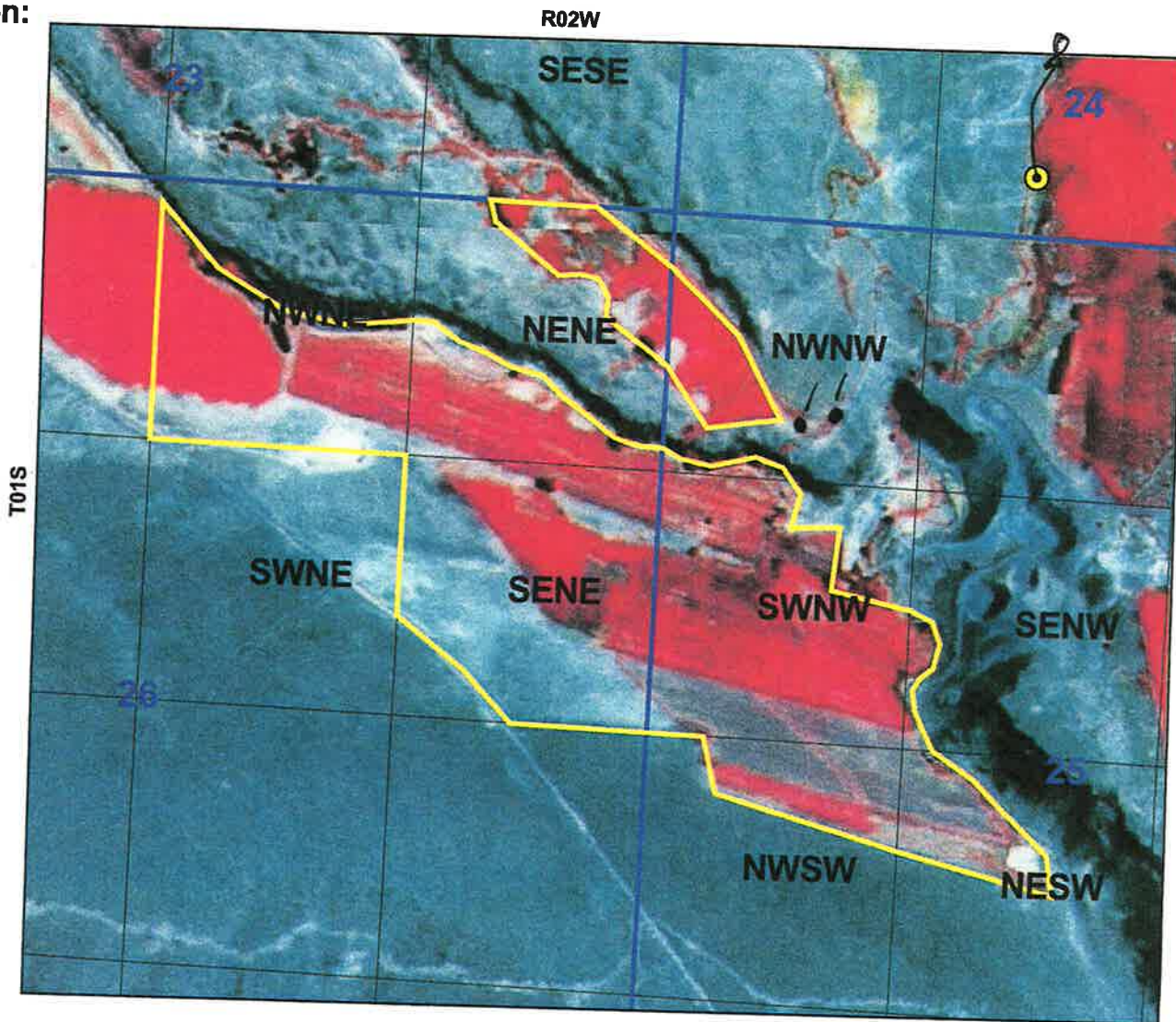
(Irrigation)

Legend

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



Canyon County
IDWR Basin 63



Prepared by M. Ciscell
On Monday, October 9, 2006
1987/88 Aerial Photography

SCANNED

NOV 06 2006

10/17/2006

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

RIGHT NUMBER: 63-2256

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

SOURCE: PANCHERI DRAIN

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.500 CFS
630.60 AFY

Right Nos. 63-2256, 63-271163-2938, 63-3056 and 63-28282 are limited to a total combined diversion rate of 5.08 cfs.

PRIORITY DATE: 02/01/1915

POINT OF DIVERSION:
T01S R02W S24 SESW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.030 CFS 0.60 AFY
IRRIGATION	03/15 11/15	2.500 CFS 630.00 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Domestic use is for 2 homes.

PLACE OF USE: IRRIGATION Within CANYON County

T01S R02W S25	NWNW	7.00	T01S R02W S25	SWNW	34.00
T01S R02W S25	SENW	2.00	T01S R02W S25	NESW	8.00
T01S R02W S25	NWSW	9.00	T01S R02W S26	NENE	20.00
T01S R02W S26	NWNE	24.00	T01S R02W S26	SENE	36.00

DOMESTIC Within CANYON County

T01S R02W S25 SWNW

140 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right decreed in Evans vs. Pancheri 08/10/1978, decree 63 U.



Idaho Department of Water Resources

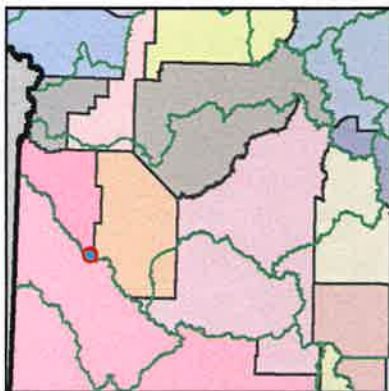
SRBA Recommendation:

63-2256

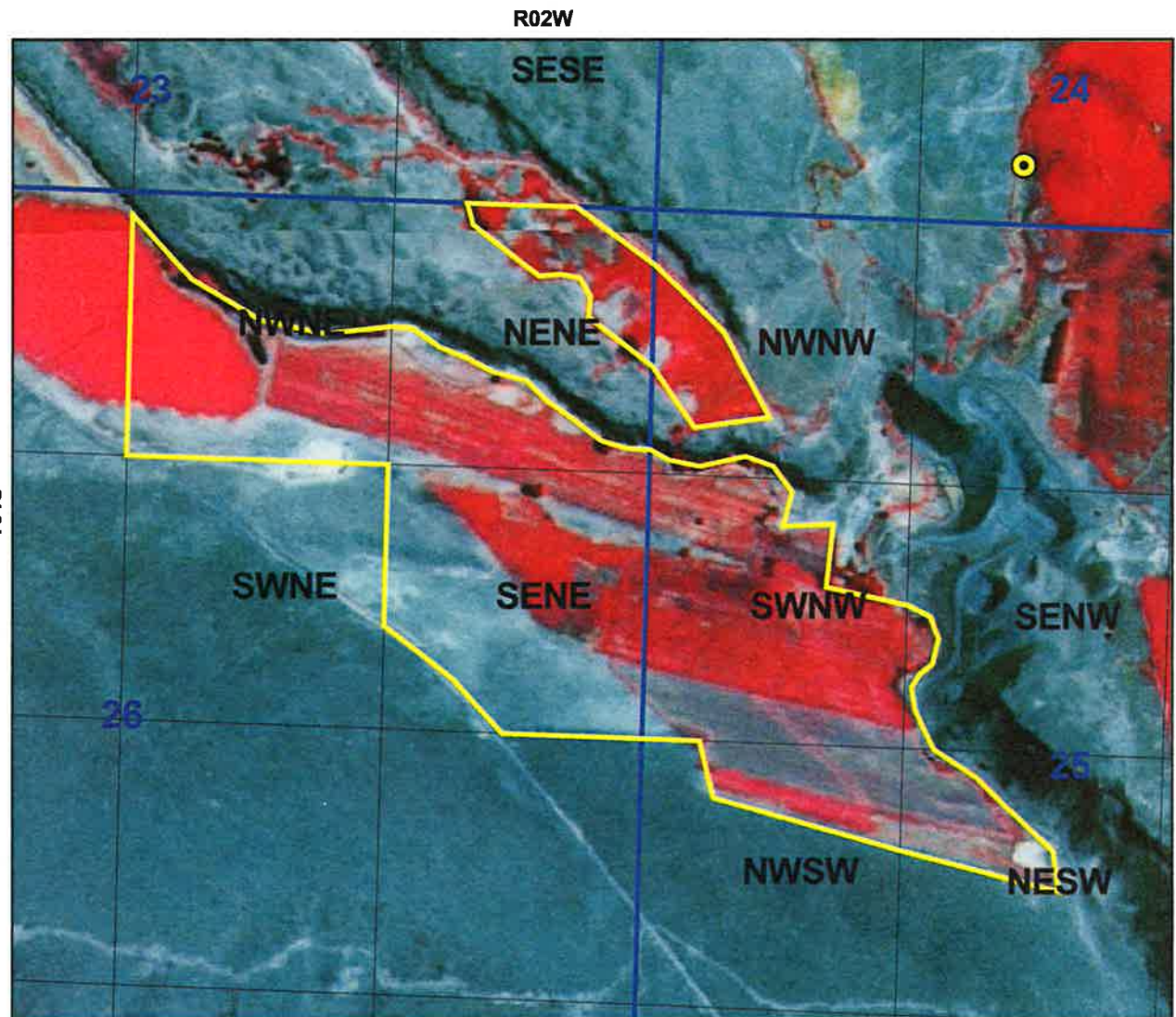
(Irrigation)

Legend

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



Canyon County
IDWR Basin 63



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

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A63-02256

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	<u>N</u>						
PT. OF DIV.	<u>N</u>						
SOURCE	<u>N</u>						DATA ENTRY COMPLETED BY _____ DATE _____
PL. OF USE	<u>Possible</u>						FINAL RECOMMENDATION BY _____ DATE _____
DIV. AMOUNT CFS/AF	<u>N</u>						
CONSUMPTIVE USE	<u> </u>						
NATURE OF USE							
PERIOD OF USE							
BASIS OF CLAIM							
REMARKS							

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES _____ NO _____.

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: CC regarding claimed 40 acres in S.25. Licensed in SWNW, claimants map shows this
as the location, but Item 10 lists 40 in SE NW. See also A63-02711, A63-02938
No domestic use on license source?

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

WR5809NP
No. 63-02256

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 06/20/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN W. PITTENGER MELBA ID 83641	✓ 02/01/1915	✓ IRRIGATION ✓ DOMESTIC	03-15 11-15 01-01 12-31	✓ 2.500 CFS ✓ 0.030 CFS	✓ 630.00 AFA ✓ 0.60 AFA
TOTAL DIVERSION:					✓ 2.500 CFS	✓ 630.60 AFA

Water Source: ROCK CREEK ✓

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion:

T01S R02W S24 ✓ SESW ✓

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
01S	02W	25	:					:					:					:					:	40.0 ✓
01S	02W	26	:	20 ✓		40 ✓	40 ✓	:					:					:					:	100.0 ✓
TOTAL ACRES																							140.0 ✓	

40
possible DE error

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
01S	02W	25	:					:					:					:					:	
																							D ✓	

Pou County: CANYON

Other Water Rights Listing Overlapping Place(s) of use:
63-02631B 63-02632B 63-02711 63-02938

Dates:	App. Received:	Priority Date:	02/01/1915
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	08/21/1979	

Misc: Water District Number: 63 Field Exam Fee:

Audit: 04/29/85 05/01/88 CONVERT

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 11042/63-2256 Priority Feb. 1, 1915 Amount 2.5 cfs

THIS IS TO CERTIFY, that JOHN W. PITTENGER
of Melba, Idaho, has complied with the terms and conditions of Permit
No. 11042/63-2256 issued pursuant to Application for Permit dated February 1, 1915,
and has submitted proof to the Department of Water Administration on November 7, 1919,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 2.5 cfs and that the water has in fact been applied to a
beneficial use; a right to the use of water from Rock Creek
tributary of _____, is hereby confirmed in the following amounts:

Amount 2.5 for irrigation from Mar. 15 to Nov. 15 (both dates inclusive)

Amount 0.03 for domestic from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 2.5 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE 1/4 Sec. 24, Twp. 1 S, Rge. 2 W, B.M.

in the county of Canyon; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 630 acre feet per year or _____

4.5 acre feet per acre, for irrigation use and 0.6 acre feet per year for

domestic use with the total amount not to exceed 630.6 acre feet
Description and location of place of use: _____ per year.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1 S	2 W	25							40										40
		26	20	40		40													100
Domestic Use:																			
1 S	2 W	25							X										

Total number of acre irrigated 140

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
October, 19 71.

R. K. H. H. H.
Director

11042/63-2256

REPORT OF ENGINEER

This proof is for *beneficial use*In Water District No. *22*

1. State name of applicant and number of permit: *L. P. Pittenger, Permit 11042*
 2. State source of water supply: *Rock Creek*
 3. Location of point of diversion: *2 1/2 mi. W. of Sec. 1, T. 16. N. & R. 7. W. B. M.*

4. Describe works as they exist, giving dimensions and capacities of same:

Earth dam 100 ft. long and 3 ft. high. Wood head-gate 2' X 2'
 Ditch 3 ft wide, 2 ft. deep. Capacity 3 sec. ft.

5. State whether or not water has been turned into works of diversion:
- Yes.**

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
- Sec. 1, T. 16. N. & R. 7. W. B. M., 1/2 NW 1/4, 1/2 NE 1/4, 1/2 SE 1/4, Sec. 26, T. 16. N. & R. 7. W. B. M.*

SW 1/4 NW 1/4 Sec. 25, 40 A. in cultivation.

SE 1/4 NE 1/4 Sec. 26, 40 A. "

NE 1/4 NE 1/4 Sec. 26 20 A. " (20 A. pasture.)

NW 1/4 NE 1/4 Sec. 26 40 A. Pasture.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system?
- One**

9. Give names and amount of each right:

10. What large stream would the water here appropriated finally reach?
- Snake River.**

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:
- Thru drains to Snake River.**

Remarks: **100 acres in cultivation. Remained pasture land, not cleared.**This examination was made on the **9** day of **Apr.**

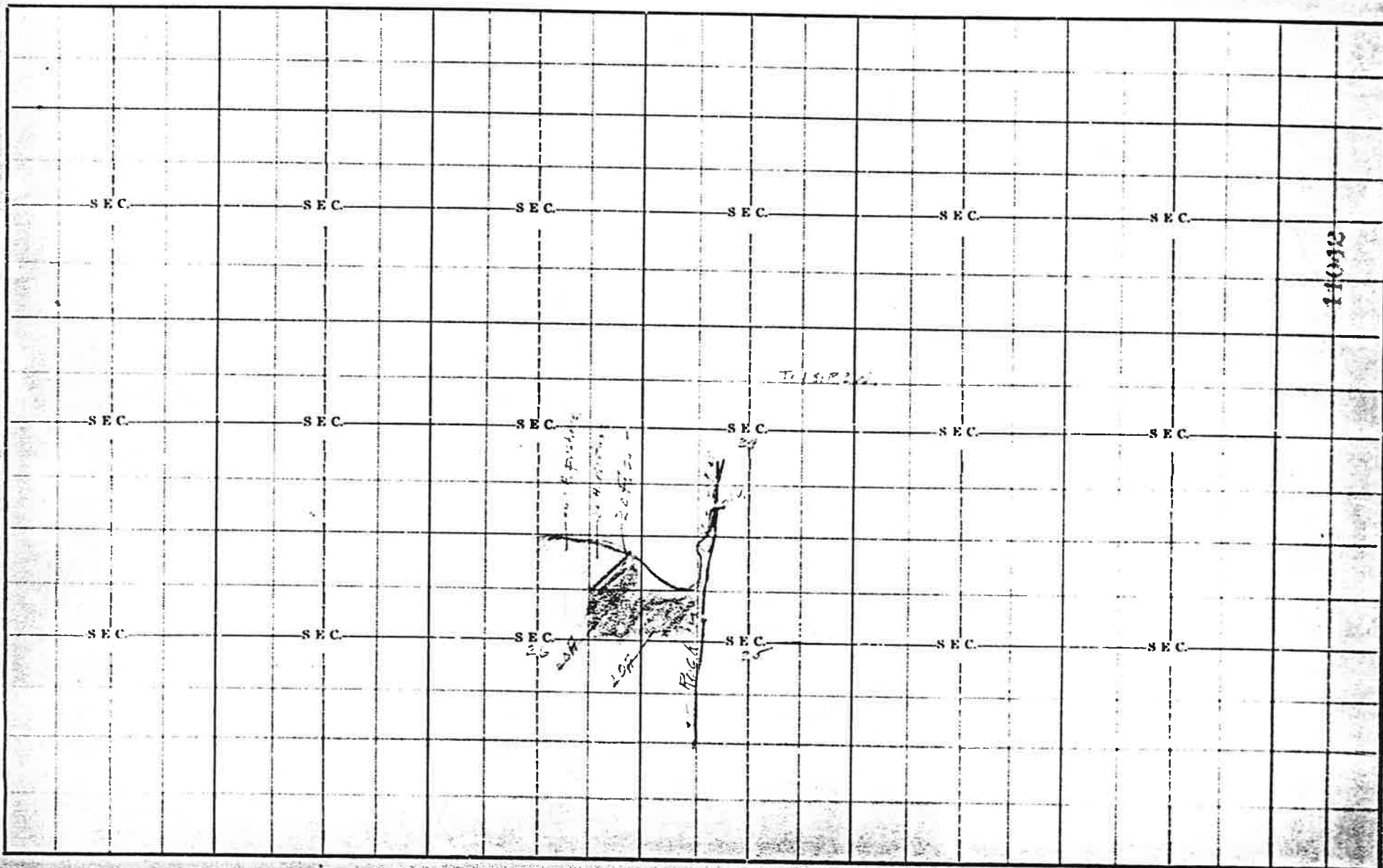
(Signed)

L. P. Annett.
L. P. Annett.19 **20**

Examiner.

11012

NAME OF APPLICANT



11012

SCALE: 3 INCHES=1 MILE. DRAW PLAN IN INK.

Water Right Number - 63-02256

Prefix Translation: WATER RIGHT

Old (D) Number - 11042

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
PITTENGER

JOHN W.

1 -
2 -
3 -
City- MELBA
Phone -

State- ID Zip- 83641

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
02/01/1915 14 WESTERN L - LICENSE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
ROCK CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
01S 02W 24 SE SW (27) CANYON+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 2.500 630.00
43 - DOMESTIC 01/01 12/31 0.030 0.60+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
2.500 630.60+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
01S 02W 25 SW NW 40.0 01 IRRIGATION (27) CANYON
01S 02W 26 NE NE 20.0 01 IRRIGATION (27) CANYON
01S 02W 26 NW NE 40.0 01 IRRIGATION (27) CANYON
01S 02W 26 SE NE 40.0 01 IRRIGATION (27) CANYON
01S 02W 25 SE NW 43 DOMESTIC (27) CANYON

Total Acres: 140.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

Water right number - 63-02256

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - 04/29/85 05/01/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 04/08/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 63
Licensed Date - 08/21/1979	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

AJ5809NP
No. A63-02256

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/29/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID VASTINE 297 ST JAMES DR PIEDMONT CA 94611 (415) 444-0603	02/01/1915	IRRIGATION DOMESTIC	03-15 11-15 01-01 12-31	2.500 CFS 0.030 CFS	630.00 AFA 0.60 AFA
TOTAL DIVERSION:					2.500 CFS	630.60 AFA
CONSUMPTIVE USE:						490.00 AFA

Water Source: ROCK CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T01S R02W S24 SESW

CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
01S	02W	25	:																	40.0	
01S	02W	26	:	20		40														100.0	
																				TOTAL ACRES	140.0

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
01S	02W	25	:																	

POU County: CANYON

Non-Irrigation Uses: DOMESTIC, 1 HOME

Other Rights: A63-02711, A63-02938

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-03056

Other Water Rights Listing Overlapping Place(s) of Use:
A63-02631B A63-02632B A63-02711 A63-02938 A63-28282

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 63 Field Inspection Flag:
Presumption Flag:

Audit: 02/02/93 MCCARTHY 03/30/95 POST-STD

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: John W. Pittenger

Postoffice address: Nampa

County: Canyon

State: Idaho.

- I. If applicant is a corporation, give
- (a) Date and place of incorporation:
 - (b) The amount of capital stock:
 - (c) The amount paid in:
 - (d) Names and addresses of directors:

- II. The financial resources of the applicant are: (a) Cash on hand:
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:

2. The quantity of water claimed is 3.2 cubic feet per second.

3. Source of water supply: Rock Creek.

4. Location of point of diversion: in SW4 SE4 Sec. 24 T. 1 S. R. 2 W. B. M.

County of Canyon

5. To be used for: Domestic and irrigation purposes

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: 160 acres.
(b) In the following legal subdivisions: NE4 NE4 Sec. 26, W2 NW4, SE4 NW4 Sec. 25 T. 1 S. R. 2 W. B. M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

(c) Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$200.00

7. Description of works for diversion:

I. Kind of works: Dam and ditch

II. Dimensions of works:

(a) Height of dam 1 feet, length of dam at top 20 feet,

length of dam at bottom 15 feet. Material used in construction: earth and stone.

(b) Capacity of reservoir acre feet. (c) Size of headgate, width 3 feet,

Height 2 feet. (d) Conduit ditches width at bottom 3 feet,

width at water line 5 feet, depth of water 1 feet; diameter of pipe

inches; average grade per mile is 10 feet. Length of conduit is 1 miles,
and it crosses the following quarter sections: SW4 SE4 Sec. 24 NW4 NE4, NE4 NW4 Sec. 25
Town 1 S. R. 2 W. B. M.

8. The time required for the completion of the construction of such work is 1 years.

9. Time required for the complete application of the water to the proposed use is 3 additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

John W. Pittenger,
Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9.00 a.m. February 1, 1915.

Returned to applicant for correction February 9, 1915

Corrected application received February 18, 1915.

APPROVAL OF STATE ENGINEER

The number of this permit is 11042

Recorded in Book 37 Page 11042 Approved March 6, 1915.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of to be filed on or before

Work to begin on or before May 5, 1915 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before September 6, 1915.

The whole of said work to be completed on or before March 6, 1916.

Beneficial use of water appropriated in accordance herewith, to be made on or before March 6, 1919.

Witness my hand this 6th day of March, 1915.

Herbert Wing,
Acting State Engineer.

Remarks:

STATE OF IDAHO)
COUNTY OF ADA.) ss.

John W. Pittenger being first duly sworn, upon his oath deposes and says: That he is the owner and holder of Permit to appropriate the Public waters of the State of Idaho No. 11042,

That he intends to change the point of diversion, as described in said decree or permit, to the following described point:

In the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, T. 1 S. R. 2 W. Boise Meridian.

That such change will be made for the following reasons, to-wit:

Owing to a mistake in identifying the corner from which surveys were made in locating the ditch.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

John W. Pittenger.

(SEAL) Subscribed and sworn to before me this 27th day of May. Charles L. Winstead.

Notary Public.

Residence, Boise, Idaho.

My commission expires March 11, 1917.

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9:00 A. M. May 28th, 1915.

J. H. Smith,

State Engineer;

APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO.

Comes now John W. Pittenger, and represents to the State Engineer of the State of Idaho,

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 11042, and requests that the list of lands to be irrigated, as described in said permit be changed to read as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 25, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 26, T. 1 S., R. 2 W., Boise Meridian.
Making a total of 160 acres.

That an additional amount of water is not asked for and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 27th day of May, 1915.

John W. Pittenger.

Date of receipt at Office of State Engineer May 28th, 1915.

APPROVAL OF STATE ENGINEER.

I, J. H. Smith, State Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho No. 11042. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Witness my hand this 1st day of June, 1915.

J. H. Smith

Proof of Com. of Works made Jan. 8, 1916.

Certificate of Completion of Works issued Jan 27th, 1916.

State Engineer.

Permit No. 11042

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that John W. Pittenger of Hampa, County of Canyon, and State of Idaho, the holder of Permit No. 11042, issued upon Application No. 16084, bearing date of priority of February 1, 1915, authorizing the diversion of 3.2 second feet of the waters of Rock Creek, County of Canyon, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.2 second feet of the water of Rock Creek; that the point of diversion of said waters is near the center of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 24, T. 1 S., R. 2 W. B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 25, E $\frac{1}{2}$ of NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 26, T. 1 S., R. 2 W. B. M. containing 160 acres.

J. H. Smith,

State Engineer of the State of Idaho

EXTENSION OF TIME.

Upon proper request of John W. Pittinger, holder of Permit No. 11042, I have, this 10th day of December, 1918, extended the time for beneficial use of water thereunder to March 6th, 1920.

FRED A. WILKIE,
State Engineer.

RECEIVED
DEC 11 1918
STATE ENGINEER
FRED A. WILKIE

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 11042/63-2256 priority Feb. 1, 1915 Amount 2.5 cfs

THIS IS TO CERTIFY, that JOHN W. PITTENGER
of Melba, Idaho, has complied with the terms and conditions of Permit
No. 11042/63-2256 issued pursuant to Application for Permit dated February 1, 1915
and has submitted proof to the Department of Water Administration on November 7, 1919
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 2.5 cfs and that the water has in fact been applied to a
beneficial use; a right to the use of water from Rock Creek
tributary of _____, is hereby confirmed in the following amounts:

Amount 2.5 for irrigation from Mar. 15 to Nov. 15 (both dates inclusive)

Amount 0.03 for domestic from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 2.5 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE1/4SW1/4 Sec. 24, Twp. 1 S, Rge. 2 W, B.M.
in the county of Canyon; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 630 acre feet per year or _____

4.5 acre feet per acre, for irrigation use and 0.6 acre feet per year for
domestic use with the total amount not to exceed 630.6 acre feet
Description and location of place of use: _____ per year.

TWP	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1 S	2 W	25							40										40
		26	20	40		40													100
Domestic Use:																			
1 S	2 W	25								X									

Total number of acres irrigated 140

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
October, 19 71.


Director

63 2256

REPORT OF ENGINEER

This proof is for beneficial useIn Water District No. 77

1. State name of applicant and number of permit: J. M. Pittenger, Permit: 11042
 2. State source of water supply: Rock Creek
 3. Location of point of diversion: SE 1/4 Sec 25, T. 1 N. R. 2 W. B. M.

4. Describe works as they exist, giving dimensions and capacities of same:
Earth dam 100 ft. long and 3 ft. high. Wood head-gate 2' X 2'
Ditch 3 ft wide, 2 ft. deep. Capacity 3 sec. ft.

5. State whether or not water has been turned into works of diversion: Yes.

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SW 1/4 NW 1/4 Sec 25; SE 1/4 NE 1/4, NW 1/4 NE 1/4, Sec 26, T. 1 N. R. 2 W. B. M.

SW 1/4 NW 1/4 Sec. 25, 40 A. in cultivation.
SE 1/4 NE 1/4 Sec. 26, 40 A. " "
NE 1/4 NE 1/4 Sec. 26 20 A. " (20 A. pasture.)
NW 1/4 NE 1/4 Sec. 26 40 A. Pasture.

7. Submit map on enclosed plat, showing location and details of above description.
 8. How many parties conduct water in this system? One
 9. Give names and amount of each right:
 10. What large stream would the water here appropriated finally reach? Snake River.
 11. Describe the various tributaries en-route, from point of diversion to the principal drainage stream: Thru drains to Snake River.

Remarks: 100 acres in cultivation. Remained pasture land, not cleared.

This examination was made on the 9 day of Apr. 19 20

(Signed)

L. P. Annett.
 L. P. Annett.

Examiner.

11042

(This report must be sworn to when not made by an attache of the office.)

STATE OF IDAHO,

County of _____ } ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____, 19____.

My commission expires _____ Notary Public.

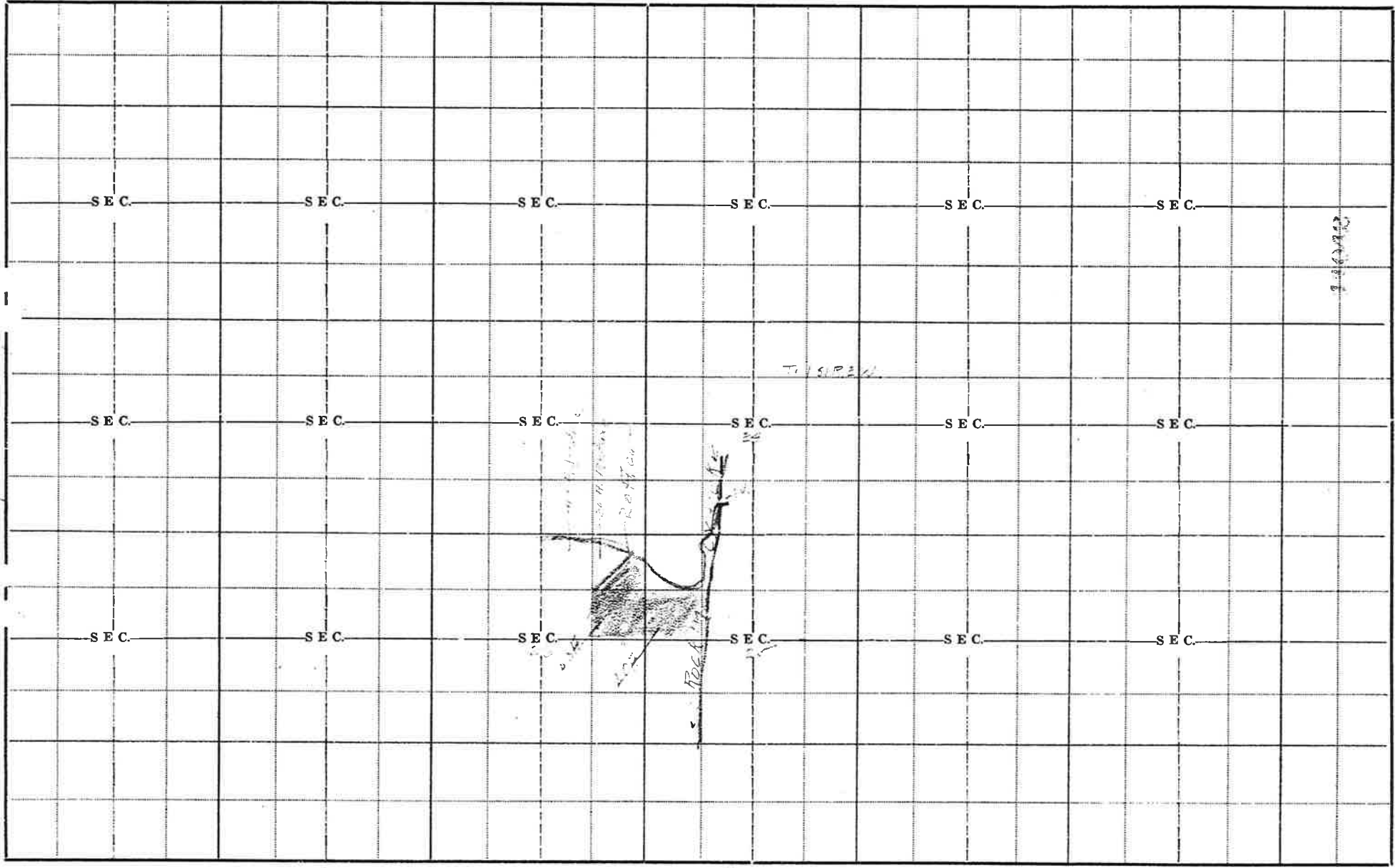
11042

Dist. 74
J. W. Pittinger,
Melba,
11042

Instructions to Examiners

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

NAME OF APPLICANT *J. W. ...*



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

DOUDLE D BAR RANCH
DAVID W. VASTINE
105 FLORADA AVENUE
PIEDMONT, CA. 94610-1220

DOUBLE D BAR RANCH

RECEIVED

NOV 13 2006

DEPARTMENT OF
WATER RESOURCES
RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

October 23, 2006

MICHEAL CISCELL
IDAHO DEPARTMENT OF WATER RESOURCES

BOISE, IDAHO

Dear Michael:

Thank you for working so patiently with me on the water rights for the ranch. I appreciate your willingness to reconsider the points of diversion for the water entering the property from the Pancheri drain. I am especially concerned about the source through the old Kendall property that has already been blocked by the pond on that property. This is of increased concern since a development company has purchased the property. Hopefully the rest of the rights will be ok as amended on the Pancheri drain. The rest of the rights seem to be ok as written. I will enclose a map of the rights we have discussed where I think is the best point of diversion and the reply forms sent to me by the adjudication authority. I hope this will not be too much of a hassle as I am sure you have enough on your plate as it is. If you have any questions I am available on my cell phone 510-847-8944 or my home phone at 510-655-6553 and my Fax # is 510-655-7488. We had a nice weekend in Melba and I hope the weather holds for a few more weeks with an occasional rain to keep the grass growing.

Sincerely,



DAVID W. VASTINE
PROPRIETOR

[Click here and type slogan]

SCANNED

NOV 06 2006