

05/03/2007

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

RIGHT NUMBER: 35-13565
NAME AND ADDRESS: VELIA DE GIULIO
1643 W 500 S
PINGREE ID 83262

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.500 CFS
428.000 AFY

The rights listed below are limited to a total combined diversion rate of 2.57 cfs and to a total combined annual diversion volume of 744 AF. Combined Right Nos.: 35-2109A, 35-13565, 35-13566.

PRIORITY DATE: 09/11/1950

POINT OF DIVERSION:

T03S R33E S20 SWSE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.500 CFS 428.00 AFY

PLACE OF USE: IRRIGATION in BINGHAM County

T03S R33E S20	NESE	40.00	T03S R33E S20	NWSE	40.00
T03S R33E S20	SWSE	39.00	T03S R33E S20	SESE	39.00
T03S R33E S29	NENE	28.00			

186 ACRES TOTAL

This right is limited to the irrigation of 107 acres within the place of use described above in a single irrigation season.

186 The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 35-2109A, 35-13565, 35-13566.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 35-13566 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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

Idaho Department of Water Resources

SCANNED
AUG 01 2007

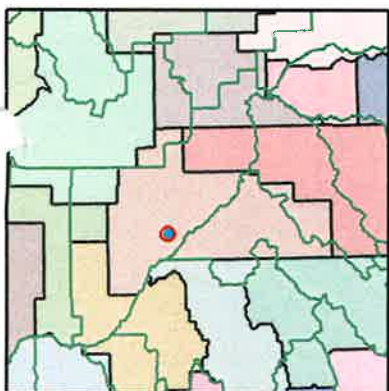
SRBA Recommendation:

35-13565

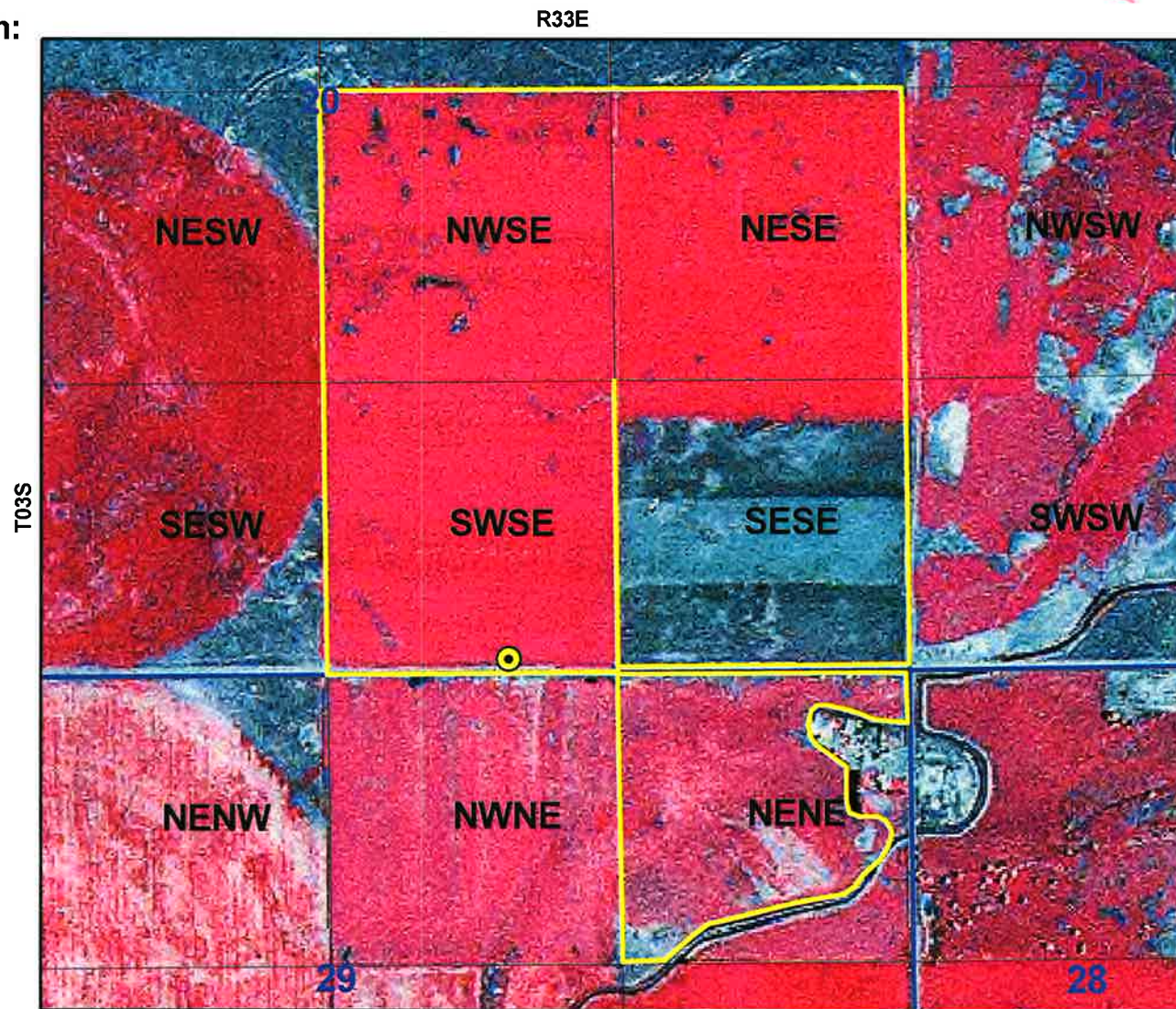
(Irrigation)

Legend

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



Bingham County
IDWR Basin 35



0 0.3 0.6 Miles



Prepared by D. Carlson
On Thursday, January 18, 2007
1987/88 Aerial Photography

2
Aug 15 1:30

RECEIVED

MAY 30 2006

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

) Subcase 35-13565
) (Insert water right number)
)

Case 39576

) STANDARD FORM 4
)
)

) MOTION TO FILE:
)

) ☒ LATE NOTICE OF CLAIM
)

) ☐ AMENDED NOTICE OF CLAIM
)

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Velia DE GILIO

My address is 1643 W 500 S
PINGREE, ID 83262

My phone number is: Work _____ Home 684-4677

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Husband and Father-in-LAW passed away.
Velia doesnt understand Idaho Water
LAW well enough.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

Licensing field exam for 35-2109.
shows the well in section 20 SWSE WAS
producing 3.09cfs and irrigating 134Ac in
1950.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 256.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on Aug 15, 2006 1:30 pm
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

VERIFICATION (Must be completed)

State of Idaho

County of Bonneville

Velia De Giulio, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



Velia De Giulio
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on May 25, 2006
(Insert Date)

Dave Carlson
Notary Public for IDWR
Residing at: Rigby, Id
My Commission expires: 2/26/2008

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on May 25, ²⁰⁰⁶~~199~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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. 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 and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Velia de Luis

Signature of person or attorney mailing the form

$\$50 + 156AC = 206$
LATE FEES = 50
256

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 35-13565
Date Received: 5/23/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

VELIA DE GIULIO Phone: (208) 684-4677

1643 W 500 S
PINGREE ID USA 83262

2. Date of Priority: 09/11/1950

3. Source: GROUND WATER , GROUND WATER Trib. to: ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	33E	20	SW SE	BINGHAM	
03S	33E	21	NW SW	BINGHAM	

5. Description of diverting works:

well pump to sprinklers

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	3.05	

7. Total Quantity Appropriated is:
3.05 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
03S	33E	20	NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	39
			SE	SE		IRRIGATION	39
						Section Acres	158
03S	33E	21	SW	SW		IRRIGATION	29
			NW	SW		IRRIGATION	35
						Section Acres	64
03S	33E	29	NE	NE		IRRIGATION	28
						Section Acres	28
						Total Acres	250

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

this right is based on what was found on licensing field exam for 35-2109.

this right is used with 35-2109A/B

15. Basis of Claim: Beneficial Use

16. Signature(s)

SCANNED

(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): Velia De Luis Date: 5-25-06

Date:

State of Idaho

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this

25 of May 2006

Dave Carlson

Notary Public

Residing at Rigby, Id

My commission Expires 2/26/2008

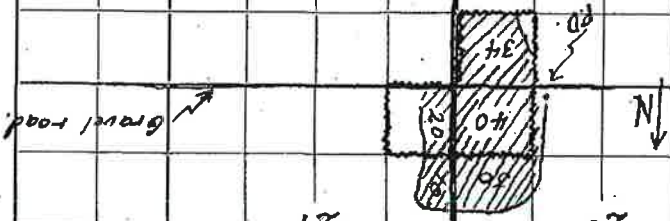


35-13565 MAY 3 1 2005 200667

SCANNED

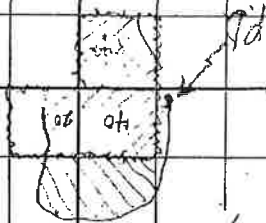
35-2109

Well is 15 yds. N. of sec. line
" " 1/4 mi. W. of 40 line.
Has lots of water and is
irrigating more land than
requested in permit.
Pump sets shallow (not pumping
full capacity) states owner



Many water in 94 acres, no bickens and 40 acres not labeled.
has other water rights.

Section 75"
for 120 acres



Top R.
35. 33E.

250
94
186

December 6, 1950

Re: Permit No. 20667

Mr. John DeGiulio
Pingree, Idaho

Dear Mr. DeGiulio:

The report of our Field Engineer shows that you have irrigated 94 acres of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, Township 3 South, Range 33 East, B.M., as described in your Permit No. 20667. Also, 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, which are not included in your Permit.

The License will be issued for 1.5 second feet of water from a well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, Township 3 South, Range 33 East, B.M., appurtenant to the 94 acres first above described. The statutory fee in connection with this is \$6.00, upon receipt of which, the License will be issued and sent you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn

35-2109

20667

SCANNED

MAY 9 1966

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20667

This proof is for Beneficial use In Water District No. _____

1. Name of applicant John DeGiulio, Pingree, Idaho
2. Source of water supply: Subterranean (well)
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20.
T. 3 S. R. 33 E. County of Bingham
4. Describe works as they exist, giving dimensions and capacities of same: Well is 125' deep by 12" diameter. Is cased 5' down to the rock. Pump sets 85' down, water raised to 65'. Drawdown is unknown. The Motor is a Westinghouse horizontal induction motor, Type CS, 50 h.p., 220 V., 121.2 amps., 1755 rpm, Serial #4907. Pump is a Fairbanks Morse right angled geared drive, style M $\frac{1}{2}$, ratio 12:1. Serial #64929, 40 h.p., 2400 rpm. The pump house is shed type, 8' by 6' by 6'. There is a concrete base for both the motor and pump. The panels and controls are Westinghouse.
5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions 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 other than irrigation):

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21;

All in Township 3 South, Range 33 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?
Remarks: Water is a G. E. 2 $\frac{1}{2}$ amps, 60 cycle, 3 wire, 3 phase, 480 volts, Kh - 2.4, Min. int. - 15. Model BC6EAK, #28722806. P024410X. Sweep reads 2.45 Kw. 17 rpm - dial reading. The gage reading - .59. Q - 3.05 c.f.s. or 150 inches. Temperature - 50°F. The pump, according to Mr. DeGiulio, will pump considerable more water if the adjustment of the pump is changed. He is irrigating considerable more ground than was asked for in the application.

This examination was made on the 11th day of August, 1920(Signed) E. M. Humphrey Examiner.

SCANNED

35-2107 MAY 11 1926 20667

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2109B

WATER RIGHT NUMBER: 35-2109B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN DE GIULIO
Current Owner	PINGREE, ID 83262 BILLY DE GIULIO 1643 W 500 S PINGREE, ID 83262 (208)684-4677
Current Owner	VELIA DE GIULIO 1643 W 500 S PINGREE, ID 83262 (208)684-4677

547/263

39/30

2002 Landsat
39/30

Priority Date: 09/25/1948

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.430 CFS	108.00 AF
	<u>Total Diversion:</u>	0.430 CFS	108.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 21, Twp 03S, Rge 33E, B.M.
BINGHAM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
03S	33E	21	NE	NW	SW	SE	27.0

Total Acres: 27

Conditions of Approval:

1. C18 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.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2109B

3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:Comments:

1. GTAYLOR 1/5/1999 RECOMMENDATION

Comment: THIS CLAIM WAS ORIGINALLY NUMBERED A35-07121. BILLY DOES NOT OWN ANY OF THE LAND COVERED BY 35-07121. HE DOES OWN THE LAND COVERED BY 02109. DAN DEGIULIO OWNS 07121 AND WAS RECOMMENDED AS 07121A. 02109 WAS SPLIT INTO A & B BECAUSE OF SEPERATE SYSTEMS AND BILLY WILL BEING FILING A PRE-87 APP. FOR PERMIT FOR THE OTHER LANDS UNDER THESE TWO WELLS.

Dates and Other Information:

Licensed Date:
Decreed Date: 1/31/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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SubCase:

SubCase Number: 35-2109B
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 11/13/2001
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 6/2/1999 Objection Status: Active
Date Filed: 6/2/1999 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2109A

WATER RIGHT NUMBER: 35-2109A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VELIA DE GIULIO 1643 W 500 S PINGREE, ID 83262 (208)684-4677
Current Owner	BILLY DE GIULIO 1643 W 500 S PINGREE, ID 83262 (208)684-4677
Original Owner	JOHN DE GIULIO PINGREE, ID 83262

Priority Date: 09/25/1948

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.070 CFS	268.00 AF
	<u>Total Diversion:</u>	1.070 CFS	268.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SE1/4	Sec. 20, Twp 03S, Rge 33E, B.M.
BINGHAM County		

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	
03S	33E	20																39.0	39.0
03S	33E	29	28.0																28.0

Total Acres: 67

Conditions of Approval:

1. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2109A

2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 1/31/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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SubCase:

SubCase Number: 35-2109A
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 11/13/2001
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 6/2/1999 Objection Status: Active
Date Filed: 6/2/1999 Objection Status: Active

Water Supply Bank:



State of Idaho

DEPARTMENT

322 East Front

Phone: (208) 287-4800

OF WATER RESOURCES
P.O. Box 83720, Boise, ID 83720-0090
(208) 287-6700 Web Site: www.idwr.id

December 28, 2006

VELIA DE GIULIO
1643 W 500 S
PINGREE ID 83262

RE: Snake River Basin Adjudication (SRBA)
Late Notices of Claim to a Water Right

Dear Claimant:

Your Notices of Claim to a Water Right referenced above were received from the SRBA Court recently. I have enclosed receipts #C082891 and C082892 for the fees you paid. Please retain the receipts for your records.

These Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4921 if you have any questions.

Sincerely,


Donald V. Shafer, MPA
Adjudication Bureau Chief

DVS:ss:region

Enclosures:

Receipts Referenced Above

SCAN

Claim No(s). 35-13565

Claim No(s). 35-13565

[illegible]

Carlsen, Ernie

From: Shaff, Don
Sent: Thursday, July 26, 2007 8:47 AM
To: Carlsen, Ernie
Subject: RE: Director's Reports with errors or omissions

Good morning,
Shucks. I will write the Court submitting ADRs with copies to the parties and regular service to US and State. The exception is 35-13553 where I'm afraid we're stuck. The claim was for 2.67 and recommended for 2.64. The good news the quantity of use on paper is greater the quantity withdrawn on the ground. The only risk is a transfer when we would get a chance to approve how much could get moved. I'll send you copies when the letter goes out the door.
Thanks,

Don Shaff
(208)287-4921
don.shaff@idwr.idaho.gov

-----Original Message-----

From: Carlsen, Ernie
Sent: Wednesday, July 25, 2007 5:42 PM
To: Baxter, Garrick; Shaff, Don
Cc: Carlson, Dave
Subject: Director's Reports with errors or omissions

I have the undesirable task of advising you we have identified three director's reports from the late claims report with errors or omissions. None of these DRs were contest though it would have facilitated correction if objections had been filed. Consequently I am seeking your guidance on how to proceed, hopefully with a course of action that will result in getting them corrected.

35-13565 There are two blank fields in the conditions. Not sure of the sequence on why this occurred but the present version of the recommendation has the appropriate numbers in these fields.

35-13553 Recommended claimed Q of 2.64 cfs for 100 acres. Recent well logs indicate depth to water in QQ where well is located is approximately 30 feet deeper than we figured when calculation the theoretical rate of diversion. New calculation indicates theoretical diversion rate is 2.0 cfs. which equal 0.02 cfs/ac

35-13554 Recommended 1.32 cfs but only claimed 1.22 cfs.

Your thoughts
Ernie

SCANNED

AUG 01 2007

SRBA

DIRECTORS REPORT 35-13565

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 35-13565

Name and Address: VELIA DE GIULIO
1643 W 500 S
PINGREE, ID 83262

Source: GROUND WATER

Quantity: 1.50 CFS
428.00 AFY

The rights listed below are limited to a total combined diversion rate of 2.57 cfs and to a total combined annual diversion volume of _____ AF. Combined Right Nos.: 35-2109A, 35-13565, 35-13566.

Priority Date: 09-11-1950

Diversion Point: T03S R33E S20 SWSE Within Bingham County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-01 TO 10-31	1.50 CFS 428.00 AFY

Place of Use:	Irrigation	Within Bingham County
	T03S R33E S20	NESE 40 NWSE 40 SWSE 39 SESE 39 S29 NENE 28
	186	Acres Total

The rights listed below are limited to the irrigation of a combined total of _____ acres in a single irrigation season. Combined Right Nos.: 35-2109A, 35-13565, 35-13566. This right is limited to the irrigation of 107 acres within the place of use described above in a single irrigation season.

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Beneficial Use

Right No. 35-13566 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

SCANNED

AUG 01 2007

2002

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: degiulio

BY: dc

DATE: 01/00/00

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	2000	5.0	1.00	0.13	1.60	2.68	0.0471	0.08	3.00
2	2000	5.0	1.00	0.13	0.80	1.08	0.1170	0.13	1.27
3	1000	5.0	1.00	0.06	0.28	0.28	0.2256	0.11	0.34
4				0.00		0.00	0.0000	0.00	0.00
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	5000			0.32	2.68			0.32	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;

REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;

IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE

PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

SCANNED
AUG 01 2007

Weatheringhouse
Pumps & Controls

G. E. Meter

Range 1.5 60 gph 3 1/2 hrs 3 pk

V = 480 K = 24 min 10

Model 866 RAX

29772806 Serial 243

PC 24410X

59 = gph

307 150" = Q

50' = T

17 spring dead

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. 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.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. 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.
6. Give general characteristics of soils, topography, and crops raised.

John DeGiulio
Pinegre, Idaho

Permit No. 20667

Examination for Beneficial use

County Power

20
33-39 E

Engineer @ Pinegre

9-27-49
DeGiulio J. referred to
show books. Old mine
away with some no find

RECEIVED
DEC 5 1950
Department of Reclamation

Well = 125' x 12"
led to rock 5'

Pump acts 85' down

h = 65'
draw down = unknown

2200 50 h P 121.2
1755 gph and 4907

Weatheringhouse horizontal
type 23 induction motor

Fairbanks Vane Pump
Right angle gear drive

Style M 1/2 Ratio 12:1

64929 = serial

40 hp 2400 rpm

Pump house built by
concrete base for both motor
& pump 8' x 6' x 6'

SCANNED
AUG 01 2007

\$ 50 + 156 AC = 206
LATE FEES = 50
256

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

RECEIVED

DEC 22 2006

Ident. Number 35-13565
Date Received: 5/23/2006
Receipt No: C082891
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

1. Name of Claimant(s)

VELIA DE GIULIO Phone: (208) 684-4677

1643 W 500 S
PINGREE ID USA 83262

2. Date of Priority: 09/11/1950

3. Source: GROUND WATER , GROUND WATER Trib. to: ,

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03S	33E	20	SW SE	BINGHAM	
03S	33E	21	NW SW	BINGHAM	

5. Description of diverting works:

well pump to sprinklers

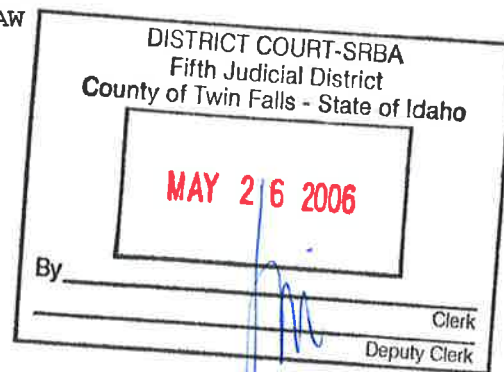
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	3.05	

7. Total Quantity Appropriated is:
3.05 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:



SCANNED
DEC 27 2006

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
03S	33E	20	NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	39
			SE	SE		IRRIGATION	39
						Section Acres	158
03S	33E	21	SW	SW		IRRIGATION	29
			NW	SW		IRRIGATION	35
						Section Acres	64
03S	33E	29	NE	NE		IRRIGATION	28
						Total Acres	250

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

this right is based on what was found on licensing field exam for 35-2109.

this right is used with 35-2109A/B

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Velia De Lailio Date: 5-25-06

Date:

State of Idaho

County of Bonneville } SS.

25 of May 2006
Subscribed and sworn (or affirmed) before me this

Dave Carlson
Notary Public

Residing at Rigby, Id
My commission Expires 2/26/2008

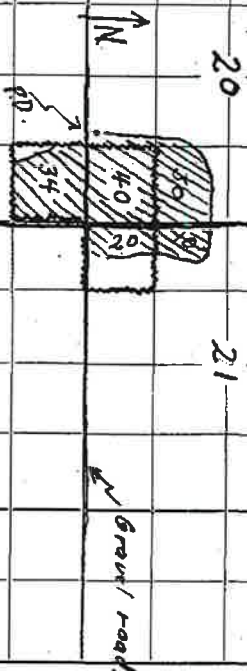


Top. R.
35. 33E.



field on 75"
for 120 acres

being water in 94 acres, as field on and 40 acres not filed on.
has other water rights.



29

well is 15 yds. N. of sec line
" " 1/2 mi. W. of 40 line.
Has lots of water and is
irrigating more land than
requested in permit.
Pump sets shallow (not pumping
full capacity) starts owner

35-21091

250
94
186

134
268

December 6, 1950

Re: Permit No. 20667

Mr. John DeGiulio
Pingree, Idaho

94

40

134 ac

Dear Mr. DeGiulio:

The report of our Field Engineer shows that you have irrigated 94 acres of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, Township 3 South, Range 33 East, B.M., as described in your Permit No. 20667. Also, 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, which are not included in your Permit.

The License will be issued for 1.5 second feet of water from a well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, Township 3 South, Range 33 East, B.M., appurtenant to the 94 acres first above described. The statutory fee in connection with this is \$6.00, upon receipt of which, the License will be issued and sent you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

35-2109

20667

SCANNED
DEC 27 2006

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20667

This proof is for Beneficial use

In Water District No. _____

1. Name of applicant John DeGiulio, Pingree, Idaho
2. Source of water supply: Subterranean (well)
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20.
T. 3 S. R. 33 E. County of Bingham
4. Describe works as they exist, giving dimensions and capacities of same: Well is 125' deep by 12" diameter. Is cased 5' down to the rock. Pump sets 85' down, water raised to 65'. Drawdown is unknown. The Motor is a Westinghouse horizontal induction motor, Type CS, 50 h.p., 220 V., 121.2 amps., 1755 rpm, Serial #4907. Pump is a Fairbanks Morse right angled geared drive, style M $\frac{1}{2}$, ratio 12:1. Serial #64929, 40 h.p., 2400 rpm. The pump house is shed type, 8' by 6' by 6'. There is a concrete base for both the motor and pump. The panels and controls are Westinghouse.
5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions 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 other than irrigation):

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21;

All in Township 3 South, Range 33 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____
- Remarks: Motor is a G. E. 2 $\frac{1}{2}$ amps, 60 cycle, 3 wire, 3 phase, 480 volts, Kh - 2.4, Min. int. - 15. Model EC6EAK, #28722806. PO24410X. Sweep reads 2.45 Kw. 17 rpm - dial reading. The gage reading - .59. Q - 3.05 c.f.s. or 150 inches. Temperature - 50°F. The pump, according to Mr. DeGiulio, will pump considerable more water if the adjustment of the pump is changed. He is irrigating considerable more ground than was asked for in the application.

This examination was made on the 11th day of August, 1920(Signed) E. M. Humphrey

Examiner.

SCANNED

35-2109

20667 DEC 27 2006

RECEIVED

DEC 22 2006

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

DEC 20 2006

By _____ Clerk
_____ Deputy Clerk

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

In Re SRBA

) For water right: 35-13566, 35-13565
)

Case No. 39576

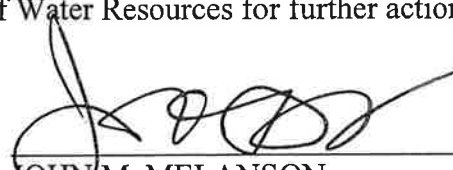
) ORDER GRANTING MOTION TO FILE
) LATE NOTICES OF CLAIMS
)

On May 26, 2006, Claimant Velia DeGiulio, filed a *Motion to File Late Notices of Claims to Water Rights* for the two above-indicated water rights. The *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to the *Late Notices of Claims*. The matter was referred to Special Master Terrence Dolan for further proceedings on August 17, 2006 by the Presiding Judge of the SRBA. A hearing on the *Motion* was held by telephone on October 5, 2006. Special Master Terrence Dolan issued a **Recommendation Regarding Prejudice on Motion to File Late Claim**, recommending that the *Motion* be granted. Pursuant to I.R.C.P. 53(e)(2) and **SRBA Administrative Order 1**, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the **Special Master's Recommendation** and wholly adopts them as its own. No Challenges were filed and the time for filing Challenges has expired.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notices of Claims* for water rights 35-13565 and 35-13566 be **granted**.

The original *Notices of Claims*, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

Dated December 14, 2006


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE
LATE NOTICES OF CLAIMS

G:\MEREDITH\order granting motion to file late notices of claims.DeGiulio.doc

Page 1

Last printed 12/14/2006 4:47:00 PM

SCANNED

DEC 27 2006

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICES OF CLAIMS was mailed on December
20, 2006, with sufficient first-class postage to the following:

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

VELIA DEGIULIO
1643 W 500 S
PINEGREE, ID 83262
Phone: 208-684-4677

ORDER

Page 1 12/20/06

FILE COPY FOR 02223

Deputy Clerk

DEC 27 2006

Julie Murphy