

05/03/2007

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

RIGHT NUMBER: 35-13566

NAME AND ADDRESS: VELIA DE GIULIO
1643 W 500 S
PINGREE ID 83262

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.000 CFS
316.000 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: 04/01/1985

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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	1.000 CFS 319.00 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

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.

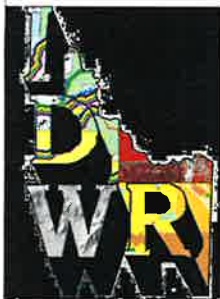
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

This right is based upon an enlargement of Right No. 35-2109A and 35-13565 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 79 acres within the place of use described for this right.



Idaho Department of Water Resources

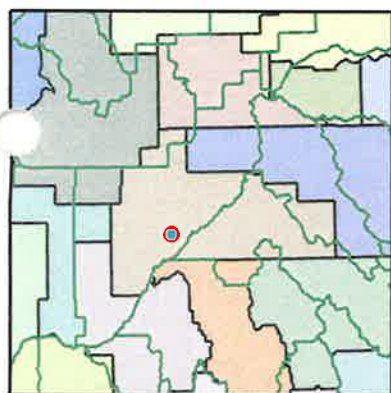
SRBA Recommendation:

35-13566

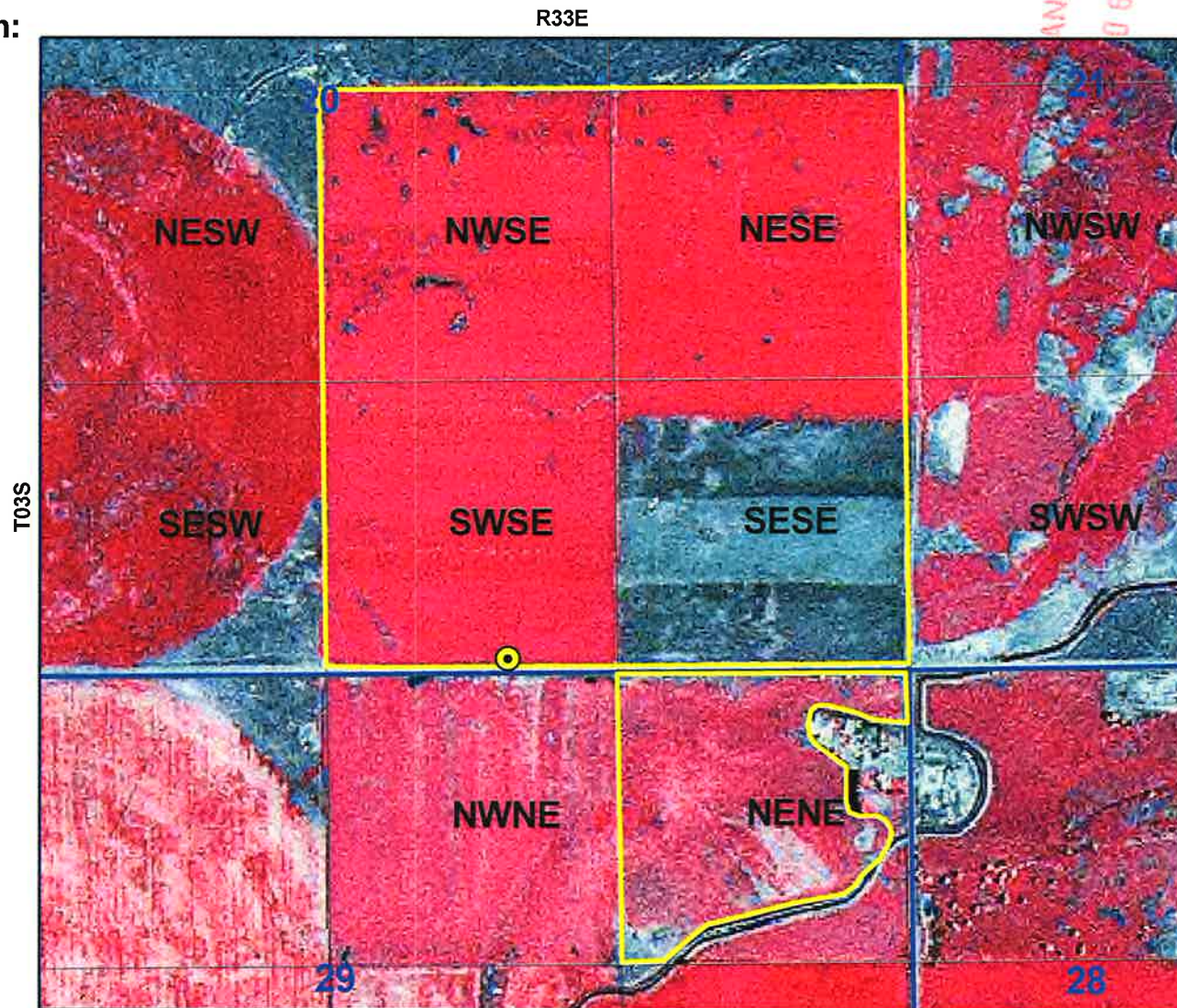
(Irrigation)

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, May 3, 2007
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

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 #35-13565 and 35-13566

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,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff', is written over a horizontal line.

Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:region

Enclosures:

Receipts Referenced Above

SCANNED

DEC 28 2006

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

35-13566

(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 Giulio

My address is 11043 W 500 S
PIN. GREE, 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 doesn't 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.)

Air photos from 1985 and 1987 show the
place of use as being irrigated.
ALL 250 ACRES.

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 \$ 100.

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 1:30pm
(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

Delia 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.

Delia De Giulio
Signature of person filing motion

Attorney signing in representative capacity



Subscribed and sworn to before me on

May 25, 2008

(Insert Date)

Dave Carlson
Notary Public for IDWR
Residing at: R16B4, 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, ~~199~~²⁰⁰⁶, 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)

Delia De Luis

Signature of person or attorney mailing the form

claim 50
Late Fee 50
~~100~~

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 35-13566
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: 04/01/1975

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:

wells/pumps 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	1	

7. Total Quantity Appropriated is:

1 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	NW	SW	IRRIGATION	35
			SW	SW	IRRIGATION	29
Section Acres						64
03S	33E	29	NE	NE	IRRIGATION	28
			Section Acres			
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 for an enlargement of 113 acres within the place of use described for this right.

This right is based upon an enlargement of Right No. 35-2109, 35-13565 pursuant to Section 42-1426, Idaho Code.

15. Basis of Claim: Beneficial Use

16. Signature(s)

SCANNED
MAY 31 2006

(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 Julio 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 Highway, Id

My commission Expires 2/26/2020



SCANNED

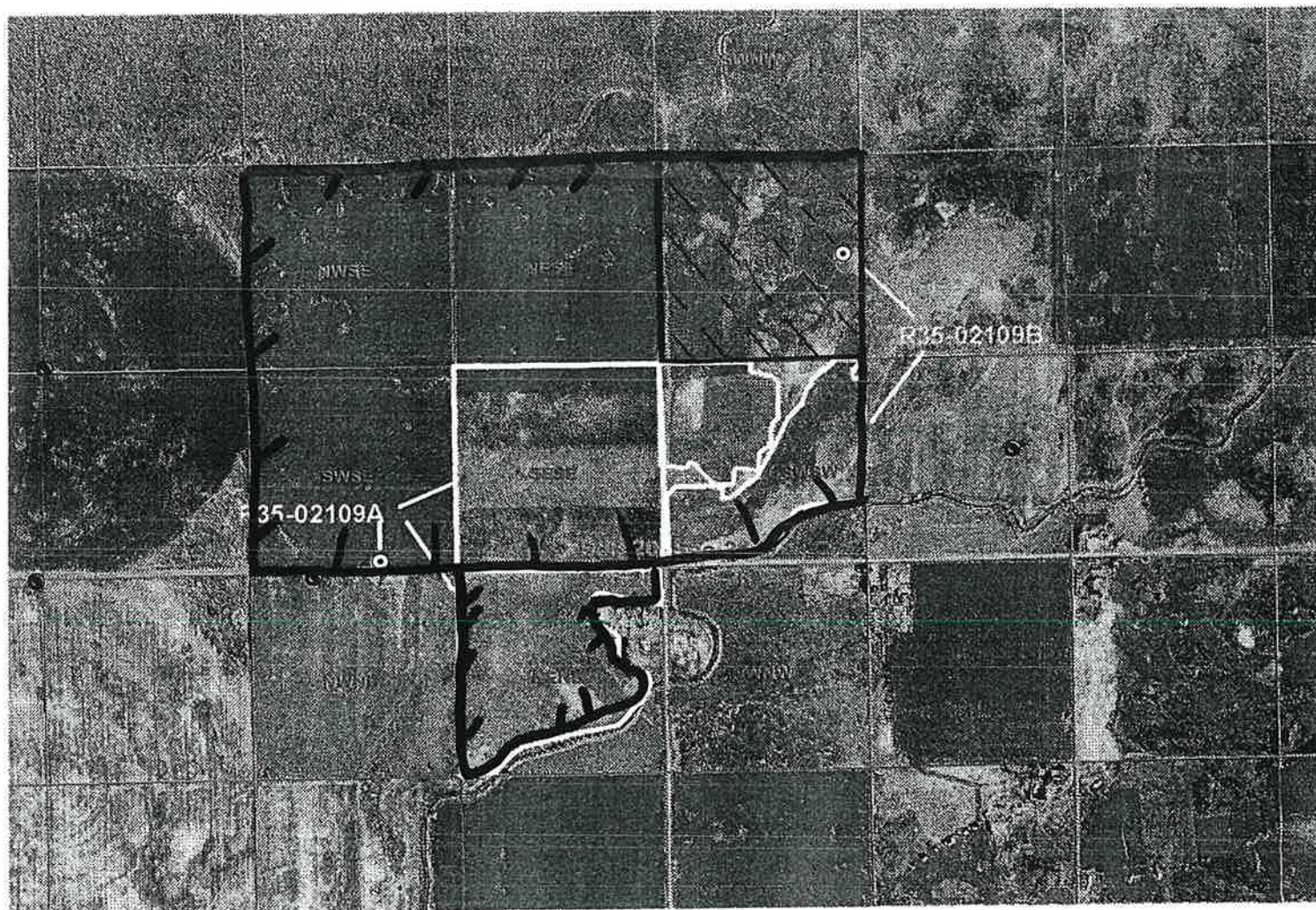
MAY 31 2006

IDAHO DEPARTMENT OF WATER RESOURCES

DE GIULIO

Water Right No(s).

35-0



0 1320 2640 3960 Feet



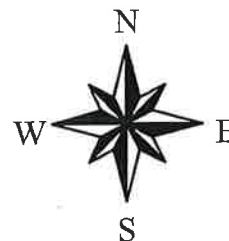
Point of Diversion
Location

Place of Use
Boundary

Section Lines

Quarter/Quarter Lines

Township(s) 03S, Range(s) 33E
Section(s) 20 & 21

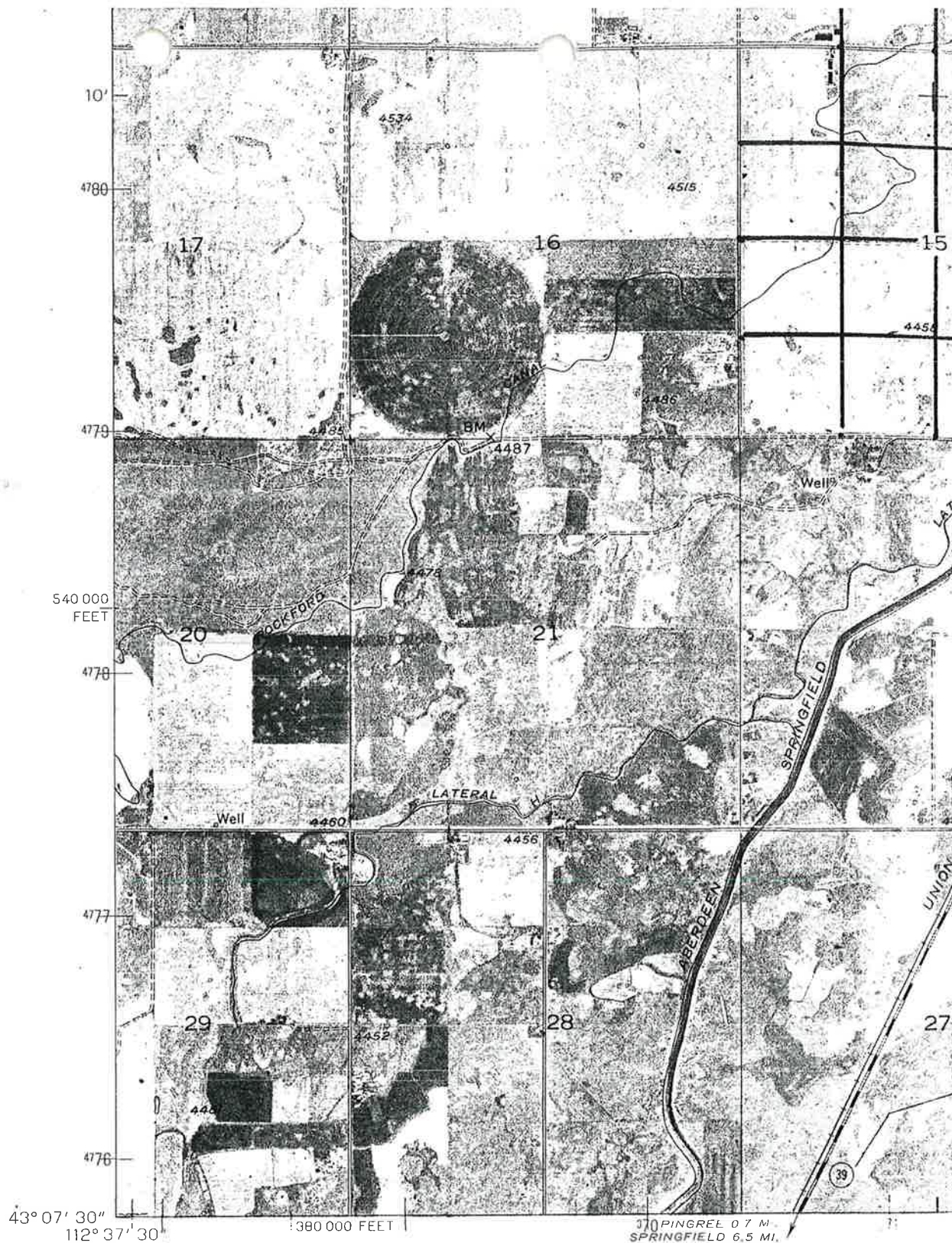


GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: Greg Taylor
Date: Jan. 15, 1999

SCANNED

MAY 31 2006

POU



Produced by the Geological Survey
in cooperation with the Bureau of Indian Affairs

Orthophotograph prepared from 1:40,000-scale aerial
photographs taken September 25, 1985

Projection and 10,000-foot grid ticks

Idaho coordinate system, east zone
(Transverse Mercator)

1,000-meter Universal Transverse Mercator grid ticks,
zone 12, 1927 North American Datum

Photom imagery rectified by optical scanning

Where double or mismatched image occur use the

mean of image position for map point

Revisions shown in purple and woodland compiled from

aerial photographs taken 1974 and other sources dated 1983

Information not field checked with map dated 1983

as shown by dashed corner ticks



This map has been prepared by the
Idaho Code §42-1410 to assist in the
River Basin Adjudication. No warranty
responsibility is assumed by the BIA.

STAFF TIME LOG

LATE CLAIMS

IMS
Claim No(s). 35-13566

[illegible]

claim 50
Late Fee 50
~~100~~

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 35-13566
Date Received: 5/23/2006
Receipt No: C082892
Received By: amg

**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: 04/01/1975

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

4. Point of Diversion:

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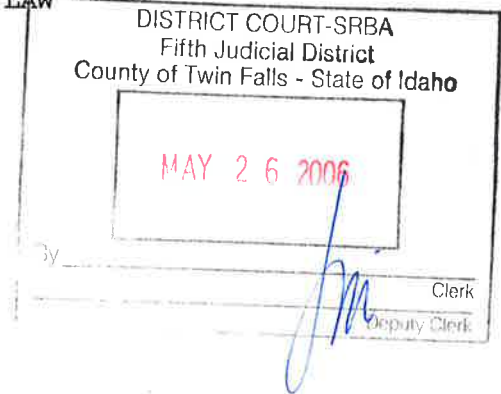
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IRRIGATION	04/01	10/31	1	

7. Total Quantity Appropriated is:
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			SW	SE		IRRIGATION	39
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						Total Acres	250

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

Date:

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County of Bonneville) SS.

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Dave Carlson

Notary Public

Residing at Bigby, Id

My commission Expires 2/26/2008

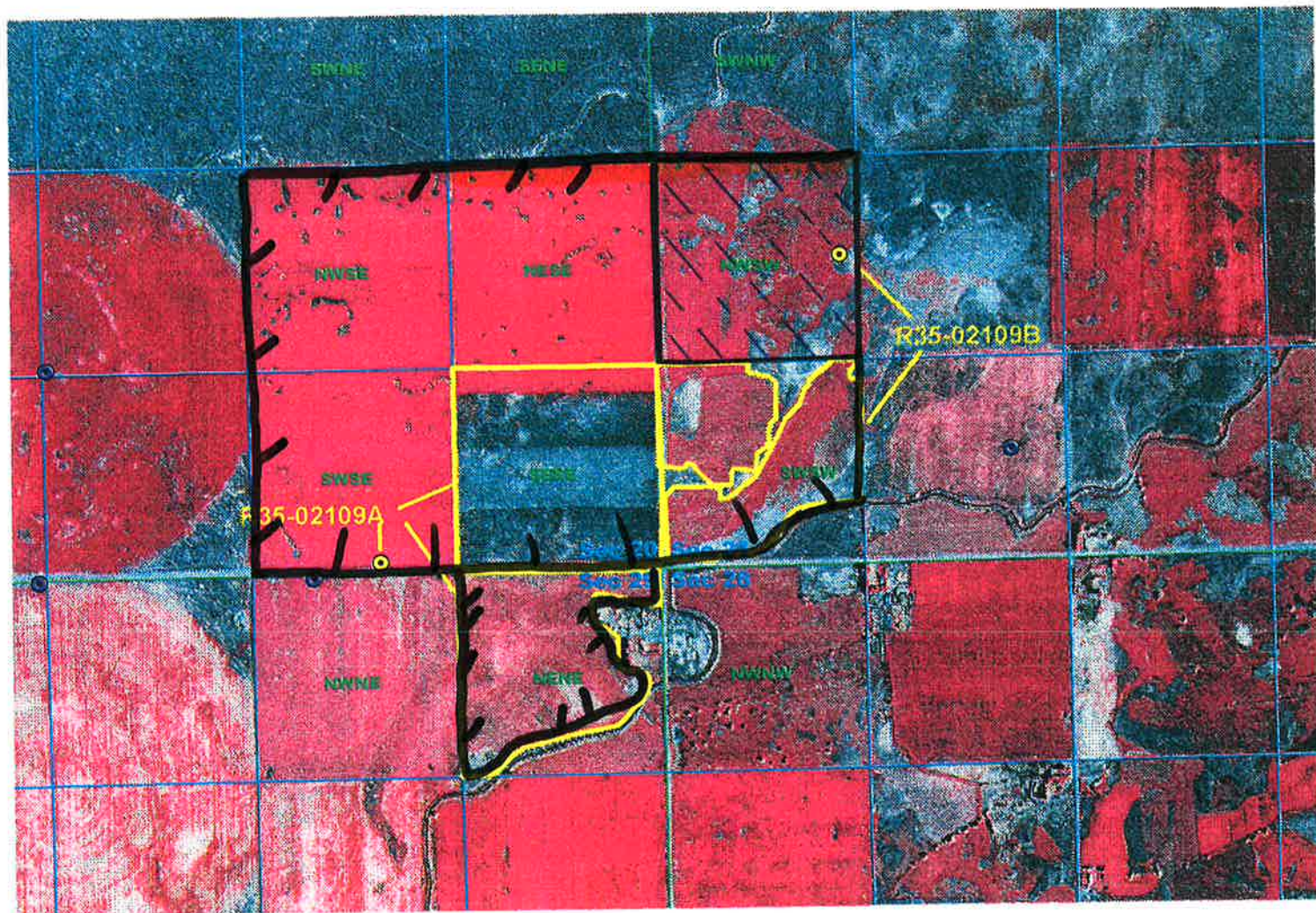


IDAHO DEPARTMENT OF WATER RESOURCES

DE GIULIO

Water Right No(s).

35-0



0 1320 2640 3960 Feet



Point of Diversion
Location



Place of Use
Boundary

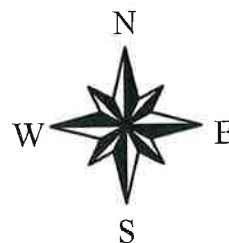


Section Lines



Quarter/Quarter Lines

Township(s) 03S, Range(s) 33E
Section(s) 20 & 21

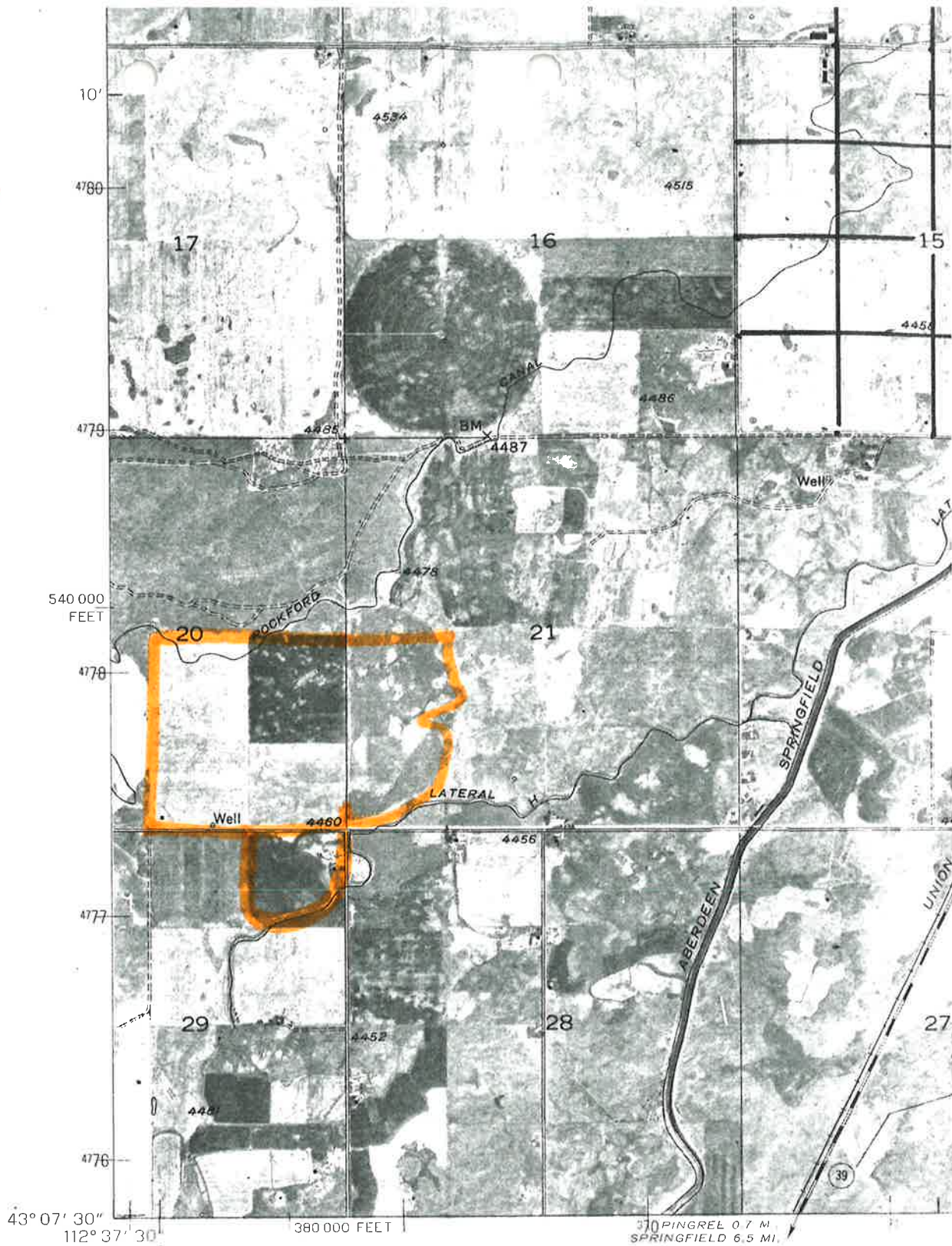


GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: Greg Taylor
Date: Jan. 15, 1999

SCANNED

DEC 27 2006

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Produced by the Geological Survey
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Orthophotograph prepared from 1:40,000-scale aerial
photographs taken September 25, 1985

Projection and 10,000-foot grid ticks

Idaho coordinate system, east zone

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1,000-meter Universal Transverse Mercator grid ticks,
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mean of image position for map point

Revisions shown in purple and woodland compiled from

aerial photographs taken 1974 and other sources

This information is for general reference only and should not be used as a legal document

as shown by dashed corner ticks

SCANNED

DEC 27 2006



This map has been prepared by the Idaho Department of Lands in accordance with Idaho Code §42-1410 to assist in the River Basin Adjudication. No warranty of responsibility is assumed by IDOL.

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

Case No. 39576

For water right: 35-13566, 35-13565

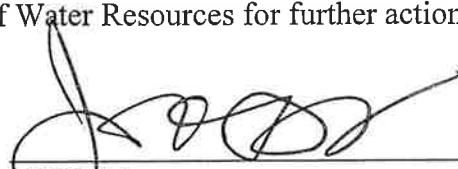
ORDER GRANTING MOTION TO FILE
LATE NOTICES OF CLAIMS

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