

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 35-2109A, 35-2109B)
35-7415)
_____)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-35-06

WHEREAS, a drought emergency has been declared for Bingham County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, *Idaho Code*; and

WHEREAS, on April 18, 2005, Velia De Giulio submitted the attached Temporary Change Application TC-35-06 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 35-7415 (part)
35-2109A (part) 35-2109B (part) is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-35-06

5. Right(s) 35-2109A, 35-2109B, & 35-7415 are limited to the irrigation of a total of 94 acres in a single irrigation season
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES"
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The Water master of Water District No. 120 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on OCTOBER 31, 2005 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this ⁵⁴ 21 day of April, 2005.


Ronald D. Carlson
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Velarde Givlio Phone 84-4677
Post Office Address 16143 W. 500 A. Pingree Id. 83262

A. PURPOSE OF TRANSFER

- 1.
- ☒
- Change point of diversion
- ☐
- Add diversion point(s)
- ☒
- Change place of use
-
- ☐
- Change purpose of use
- ☐
- Other

2. Describe the proposed change(s) and the reason(s) thereof COMBINE THREE WATER
RIGHTS INTO A PIVOT USING THE WELL
ON 35-2109A

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
35-2109A	1948	1.07	IRR	4/1 to 11/1
35-2109B	1948	.43		4/1 to 11/1
35-7415	1974	.72	IRR	4/1 to 11/1

2. Total amount of water being transferred 2.22 cubic feet per second and/or _____ acre-feet per annum.3. Source of water GW tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	SW	SE	20	35	33E	Bingham	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	33E	20													33	33	33	34	133

1359

125hp

3.02

Total Acres 133

6. General Information:

TC-35-06

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
irrigated by Aberdeen Springfield CANAL shares
- d. Has the water right sought to be transferred been used this year? No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? on the same ground as decreed
- f. Describe other water rights used for the same purpose.
NONE
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Delia de Julio
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by DC Date 4/18/2005 Fee 50

Received DC # E030795 Recommend: ☒ approve ☐ deny

Watermaster recommendation Approve

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-35-06

And said application is hereby Approved, subject to the following limitations and conditions:

Witness my hand this 21st day of April, 2005:

[Signature]
For the Director

35-



SCANNED
FEB 16 2004

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECOMMENDATION OF WATERMASTER

Application No: TC-35-06

Applicant's Name: Helia De Giulio

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows: _____

- c) I oppose approval of this application for the following reasons: _____

- d) Additional Comment: _____

Dated this 21st day of April, 2005.

Water District No: 120

Levin Rounds
Watermaster's Signature

Use reverse side of page if you need more space.

MAKE CHECK PAYABLE TO:
AUDREY PORTER, TAX COLLECTOR
501 N MAPLE #210
BLACKFOOT ID 83221-1700
208-782-3090

2002 TAX BILL/RECEIPT

PARCEL NUMBER
RP0145000 A
22,204
59,926

BILL# 5996 CODE AREA 9-00 L

1ST HALF DUE 2ND HALF DUE
TAX 453.27 TAX 453.27
LATE LATE
INT INT
COST COST
TOT TOT

FULL DUE 906.54
TAX LATE INT COST TOT
HM-
NET MV
TOT ACS
82,130
23,575
58,555
40.000

DEC 20 2002

DEGIULIO EMILIO & VELIA
% DEGIULIO JOHNNY S
1643 W 500 S
PINGREE ID 83262

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.005226626	306.04
SCHOOL 52	.007422815	434.64
R T CEM	.000181798	10.64
BLKFT/SR FIRE	.000996684	58.36
SNAKE RIVER LIB	.000537068	31.44
AMBULANCE DIST	.000400000	23.42
DISTRICT TOTAL	.014764991	864.54
SOLID WASTE		42.00
AMOUNT DUE		906.54

T3S R33E SEC 29
NENE

408 S 1600 W

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

*****PAYMENTS DUE BY DECEMBER 20TH*****
***PLEASE BRING STUBS OR SEND IF PAYING BY MAIL**

MAKE CHECK PAYABLE TO:
AUDREY PORTER, TAX COLLECTOR
501 N MAPLE #210
BLACKFOOT ID 83221-1700
208-782-3090

2002 TAX BILL/RECEIPT

PARCEL NUMBER
RP0139300 A
14,049

1ST HALF DUE		2ND HALF DUE	
TAX	103.70	TAX	103.70
LATE		LATE	
INT		INT	
COST		COST	
TOT		TOT	

FULL DUE		TOT MV
TAX	207.40	14,049
LATE		
INT		
COST		
TOT		

DEC 20 2002

TOT ACS
80.000

DEGIULIO EMILIO & VELIA
1643 W 500 S
PINGREE ID 83262

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.005226626	73.42
SCHOOL 52	.007422815	104.28
R T CEM	.000181798	2.54
BLKFT/SR FIRE	.000996684	14.00
SNAKE RIVER LIB	.000537068	7.54
AMBULANCE DIST	.000400000	5.62
AMOUNT DUE	.014764991	207.40

T3S R33E SEC 21
W2SW

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MAKE CHECK PAYABLE TO:
AUDREY PORTER, TAX COLLECTOR
501 N MAPLE #210
BLACKFOOT ID 83221-1700
208-782-3090

2002 TAX BILL/RECEIPT

PARCEL NUMBER
RP0139100 A
81,386

BILL# 5852 CODE AREA 9-00 L

TAX	1ST HALF DUE	TAX	2ND HALF DUE
LATE	600.81	LATE	600.81
INT		INT	
COST		COST	
TOT		TOT	

FULL DUE	TOT MV	81,386
1,201.62		
TAX		
LATE		
INT		
COST		
TOT		
DEC 20 2002		
TOT ACS	320.000	

DEGIULIO EMILIO (BILLIE)
1643 W 500 S
PINGREE ID 83262

TAXING-DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.005226626	425.36
SCHOOL 52	.007422815	604.10
R T CEM	.000181798	14.80
BLKFT/SR FIRE	.000996684	81.12
SNAKE RIVER LIB	.000537068	43.70
AMBULANCE DIST	.000400000	32.54
AMOUNT DUE	.014764991	1,201.62

T3S R33E SEC 20
S2

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SUBJECT TO BANK CLEARANCE.

*****PAYMENTS DUE BY DECEMBER 20TH*****
***PLEASE BRING STUBS OR SEND IF PAYING BY MAIL**

MAKE CHECK PAYABLE TO:
AUDREY PORTER, TAX COLLECTOR
501 N MAPLE #210
BLACKFOOT ID 83221-1700
208-782-3090

2002 TAX BILL/RECEIPT

PARCEL NUMBER
RP0145100 A
14,207

BILL# 5997 CODE AREA 9-00 L

1ST HALF DUE		2ND HALF DUE	
TAX	104.87	TAX	104.87
LATE		LATE	
INT		INT	
COST		COST	
TOT		TOT	

FULL DUE		TOT MV
TAX	209.74	14,207
LATE		
INT		
COST		
TOT		

DEC 20 2002

TOT ACS	AMOUNT
40.000	

DEGIULIO BILLY/VELIA
1643 W 500 S
PINGREE ID 83262

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.005226626	74.24
SCHOOL 52	.007422815	105.46
R T CEM	.000181798	2.58
BLKFT/SR FIRE	.000996684	14.16
SNAKE RIVER LIB	.000537068	7.62
AMBULANCE DIST	.000400000	5.68
AMOUNT DUE	.014764991	209.74

T3S R33E SEC 29
NWNE

*** IMPORTANT ***
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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2109B

WATER RIGHT NUMBER: 35-2109B

Owner Type

Current Owner

Name and Address

BILLY or VELIA DE GIULIO
1643 W 500 S
PINGREE, ID 83262
(208)684-4677

INFO ONLY

Priority Date: 09/25/1948

Basis: Decreed

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

4/01 to 11/01

Diversion Rate

0.430 CFS

Annual Volume

108.00 AF

Total Diversion:

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
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	33E	21											27.0						27.0

Total Acres: 27

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.

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:

Decreed Date: 1/31/2002

State or Federal: S

Owner Name Connector: OR

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits: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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2109A

WATER RIGHT NUMBER: 35-2109A

Owner Type Name and Address
 Current Owner BILLY or VELIA DE GIULIO
 1643 W 500 S
 PINGREE, ID 83262
 (208)684-4677

Priority Date: 09/25/1948

Basis: Decreed

Status: Active

SourceTributary

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

Remarks:Comments:Dates and Other Information:

Decreed Date: 1/31/2002
 State or Federal: S
 Owner Name Connector: OR
 Civil Case Number: 39576
 Judicial District: FIFTH

Combined Use Limits:

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-7415

WATER RIGHT NUMBER: 35-7415

Owner Type Name and Address
 Current Owner BILLY or VELIA DE GIULIO
 1643 W 500 S
 PINGREE, ID 83262
 (208)684-4677

Priority Date: 04/16/1974

Basis: Decreed

Status: Active

Source Tributary
 GROUND WATER 197
 256p

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	11/01	0.720 CFS	156.00 AF
<u>Total Diversion:</u>			0.720 CFS	156.00 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4NE1/4 Sec. 29,Twp 03S,Rge 33E, B.M. BINGHAM County

Place of Use IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03S	33E	29	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	39.0

Total Acres: 39

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. M01 A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks:Dates and Other Information:

Decreed Date: 1/31/2002
 State or Federal: S
 Owner Name Connector: OR
 Civil Case Number: 39576
 Judicial District: FIFTH

Combined Use Limits:SubCase:

SubCase Number: 35-7415
 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