

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78987

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) VELIA DE GIULIO

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

78987

Name of Applicant VELIA DE GIULIO Phone (208)684-4677
Mailing Address 1643 W 500 S, PINGREE ID 83262 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative RACINE OLSON NYE BUDGE & BAILEY CHTD Phone (208)232-6101
THOMAS J BUDGE
201 E CENTER ST
Mailing Address PO BOX 1391, POCATELLO ID 83204-1391 Email _____

- ☒ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Thomas J Budge Attorney for Applicant 1.20.14
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	35-2109A	Yes	Yes	Yes	No	No	No
	35-2109B	No	No	Yes	No	No	No
	35-13565	Yes	Yes	Yes	No	No	No

Associated Right(s): 35-13566

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APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2

This transfer proposes splitting 51 acres from water rights 35-2109A & 35-13565 and combining those with 35-2109B to cover an area currently being irrigated without a valid water right. The new combined place of use will be limited to 78 acres.

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
35-2109B	0.430 cfs	108.0 af	27.0	78.0		N/A	N/A	N/A	N/A
35-14376	0.240 cfs	68.0 af	17.0	78.0	35-13565	1.260 cfs	360.0 af	90.0	135.0
35-14371	0.540 cfs	136.0 af	34.0	78.0	35-2109A	0.530 cfs	132.0 af	33.0	33.0

**COMBINED
TOTALS**

1.210 cfs	312.0 af	78.0	78.0	N/A	N/A	N/A	N/A
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2. Total amount of water proposed to be transferred or changed 1.21 cubic feet per second and/or 312 acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 35-2109B

Current Water Right Owner
VELIA DE GIULIO
1643 W 500 S
PINGREE, ID 83262

Priority Date: 9/25/1948

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	0.430 CFS	108.0 AFA	
Total Diversion			0.430 CFS	108.0 AFA	

Source and Point(s) of Diversion:
GROUND WATER

NWSW

Sec. 21 Twp 03S Rge 33E BINGHAM County

Describe the proposed diversion system

WELL AND PUMP

Place of Use: IRRIGATION

Twp	Rng	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													5.8			5.2	11.0
03S	33E	21										34.0	33.0						67.0

Right Acre Limit: 27.0

POU Total Acres: 78.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes

Original Water Right No. 35-2109A

Current Water Right Owner
VELIA DE GIULIO
1643 W 500 S
PINGREE, ID 83262

Priority Date: 9/25/1948

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	0.530 CFS	132.0 AFA	
Total Diversion			0.530 CFS	132.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESWSE Sec. 20 Twp 03S Rge 33E BINGHAM County

Describe the proposed diversion system

WELL AND PUMP

Place of Use: IRRIGATION

Twp	Rng	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																33.0	33.0

Right Acre Limit: 33.0

POU Total Acres: 33.0

**AHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes**

Proposed Water Right No. 35-14371

(Original Water Right No. 35-2109A)

Current Water Right Owner
VELIA DE GIULIO
1643 W 500 S
PINGREE, ID 83262

Priority Date: 9/25/1948

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	0.540 CFS	136.0 AFA	
Total Diversion			0.540 CFS	136.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER

NWSW

Sec. 21 Twp 03S Rge 33E BINGHAM County

Describe the proposed diversion system

WELL AND PUMP

Place of Use: IRRIGATION

Twp	Rng	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													5.8			5.2	11.0
03S	33E	21										34.0	33.0						67.0

Right Acre Limit: 34.0

POU Total Acres: 78.0

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future
Existing groundwater well.

- b. Who owns the property at the point(s) of diversion

Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No, ☒ If Yes, ☐

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

There are currently no other water rights appurtenant to the place of use being vacated by this transfer. However, the Applicant may transfer shares of stock in Aberdeen-Springfield Canal Company to allow continued irrigation of that land with surface water.

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

There are no other water rights appurtenant to either the place of use being vacated or the proposed place of use.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes

No

☐
☐
☐
☐

☒
☒
☒
☒

undergone a period of five or more consecutive years of non-use,
currently leased to the Water Supply Bank,
currently used in a mitigation plan limiting the use of water under the right, or
currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 35-2109B

Current Water Right Owner

BILLY DE GIULIO
1643 W 500 S
PINGREE, ID 83262

OR

VELIA DE GIULIO
1643 W 500 S
PINGREE, ID 83262

Priority Date: 9/25/1948

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	0.430 CFS	108.0 AFA	
Total Diversion			0.430 CFS	108.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER

NWSW

Sec. 21 Twp 03S Rge 33E BINGHAM County

Describe the proposed diversion system

WELL AND PUMP

Place of Use: IRRIGATION

Twp	Rng	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

POU Total Acres: 27.0

Conditions/Remarks:

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

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 35-2109A

Current Water Right Owner

VELIA DE GIULIO
1643 W 500 S
PINGREE, ID 83262

OR

BILLY DE GIULIO
1643 W 500 S
PINGREE, ID 83262

Priority Date: 9/25/1948

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	1.070 CFS	268.0 AFA	
Total Diversion			1.070 CFS	268.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SESWSE

Sec. 20 Twp 03S Rge 33E BINGHAM County

Describe the proposed diversion system

WELL AND PUMP

Place of Use: IRRIGATION

Twp	Rng	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																	
03S	33E	29	28.0															39.0	39.0
POU Total Acres:			67.0																

Conditions/Remarks:

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

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it Attachment #7a.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it Attachment #7b. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it Attachment #8a.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.
Label it Attachment #8b

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer Contains 15 pages and 0 attachments.

Received By _____ Date 12/26/2013 Prelim. Check By _____ Date _____

Fee Paid _____ Date _____ Received By _____ Receipt # E039337

Add'l Fee Paid	Date	Received By	Receipt #
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PART 2A

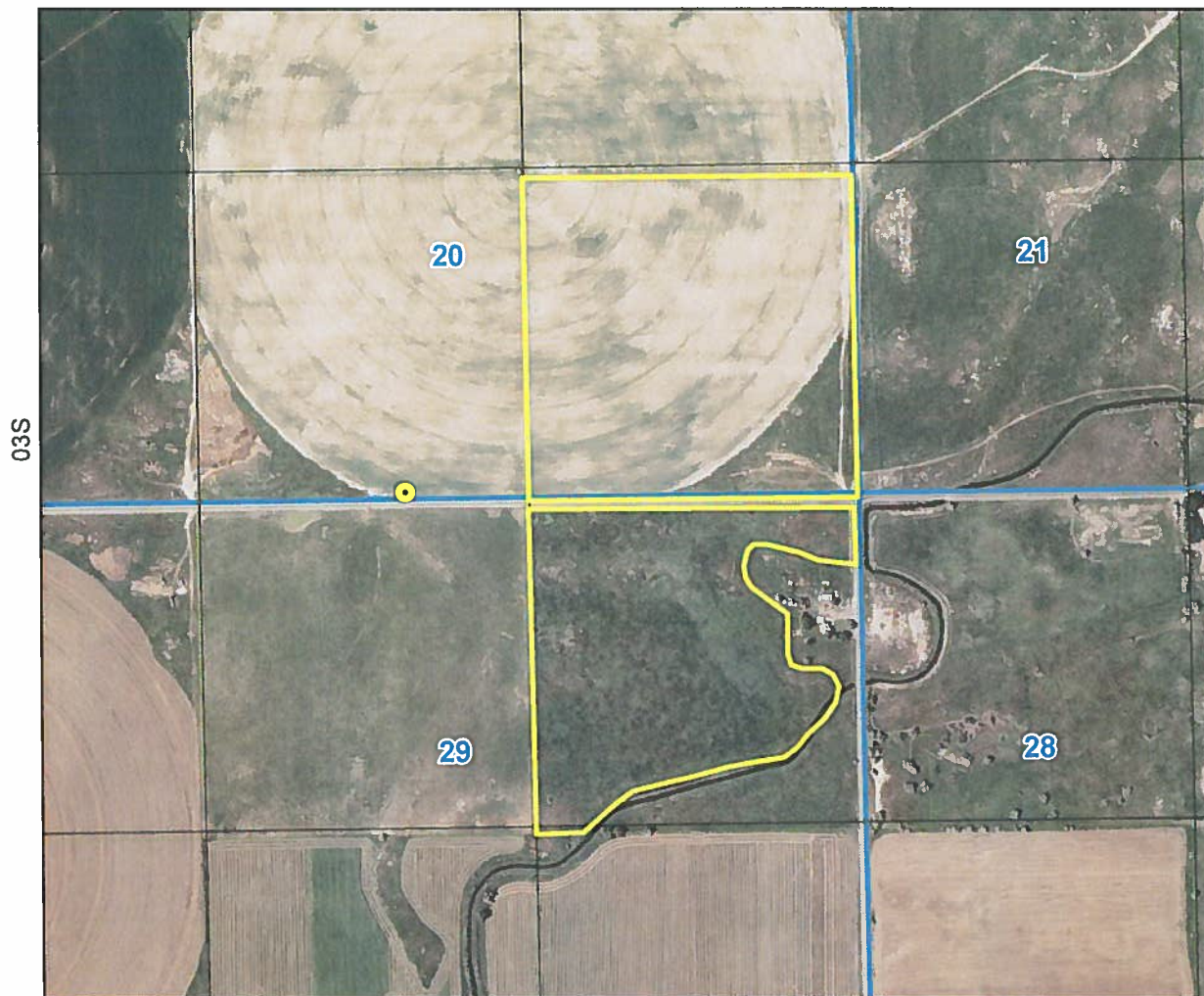
State of Idaho
Department of Water Resources

Water Right
35-2109A

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

33E



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.075 0.15 0.3 Miles



Map produced on October 01, 2013

78987

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/1/2013

WATER RIGHT NO. 35-2109A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BILLY DE GIULIO
Current Owner	VELIA 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>Volume</u>
IRRIGATION	4/01	11/01	1.07 CFS	268 AFA
Total Diversion			1.07 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESWSE|Sec. 20|Township 03S|Range 33E|BINGHAM County

78987

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03S	33E	20		SESE	39									
		29		NENE	28									

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

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

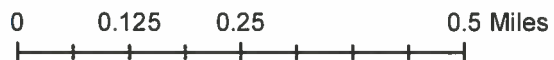
78987

35-13565

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

An aerial photograph of a section of the Colorado River. The river is a prominent dark, winding feature in the lower half of the image. A yellow outline highlights a specific area: a large rectangular section in the upper half and a smaller, irregularly shaped section in the lower half. A yellow dot is located on the horizontal boundary line between these two yellow-outlined areas. The map is overlaid with a grid of black lines. Blue numbers 20, 21, 29, and 28 are placed in the corners of the grid cells. A blue line runs vertically through the right side of the image. The text '03 S' is written vertically on the left side of the image.

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots



78987



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/1/2013

WATER RIGHT NO. 35-13565

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

Priority Date: 09/11/1950

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>Volume</u>
IRRIGATION	04/01	10/31	1.5 CFS	428 AFA
Total Diversion			1.5 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWSE|Sec. 20|Township 03S|Range 33E|BINGHAM County

IRRIGATION Use:

Acre Limit: 107

78987

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03S	33E	20		NESE	40		NWSE	40		SWSE	39		SESE	39
		29		NENE	28									

Total Acres: 186

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. E56 The rights listed below are limited to the irrigation of a combined total of 186 acres in a single irrigation season. Combined Right Nos.: 35-2109A, 35-13565, 35-13566.
3. E61 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.
4. K06 This right is limited to the irrigation of 107 acres within the place of use described above in a single irrigation season.
5. K01 Right No. 35-13566 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
6. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Dates:

Licensed Date:

Decreed Date: 09/28/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

78987

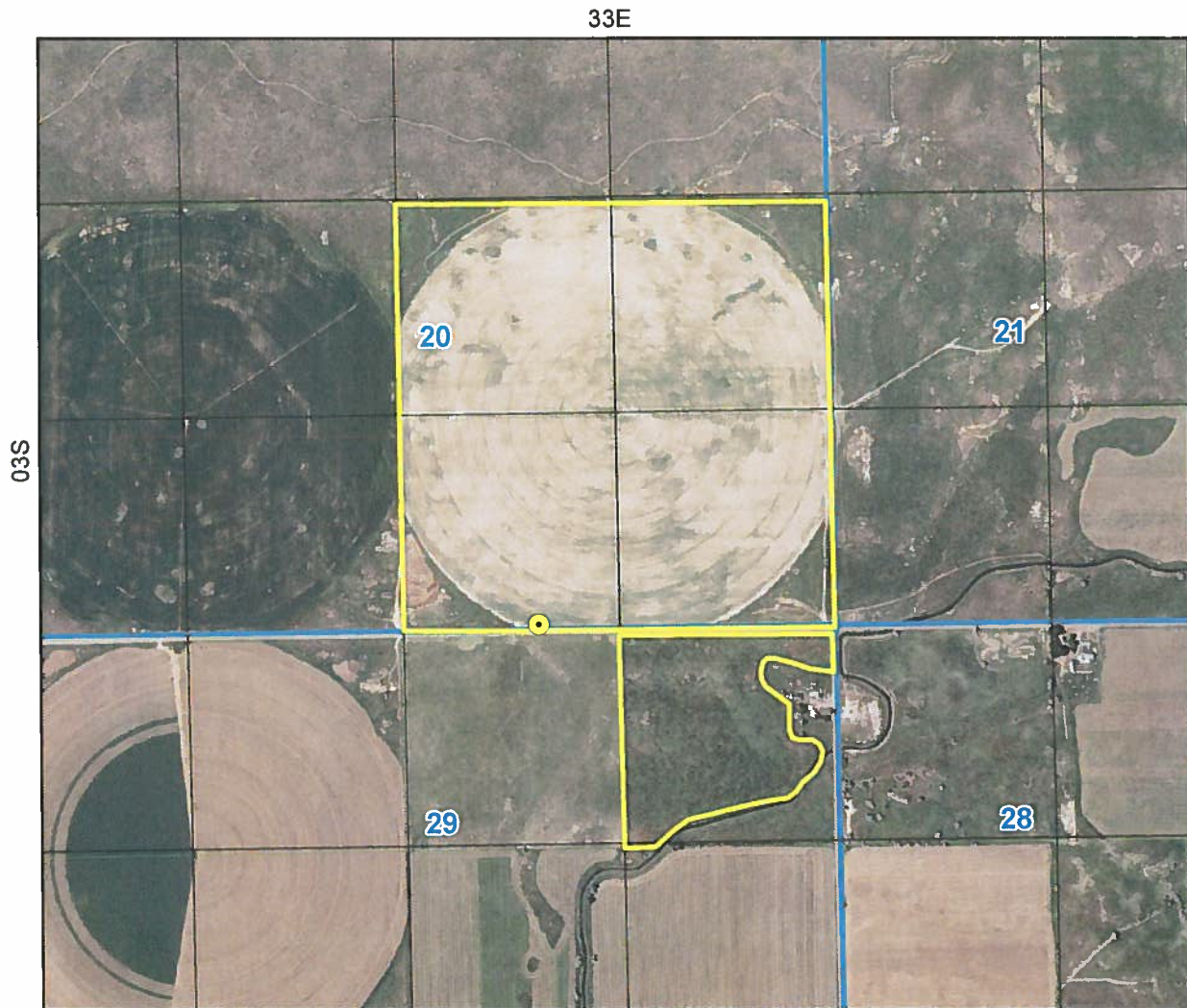
State of Idaho
Department of Water Resources

Water Right

35-13566

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.125 0.25 0.5 Miles

78987



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/30/2013

WATER RIGHT NO. 35-13566

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

Priority Date: 04/01/1985

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>Volume</u>
IRRIGATION	04/01	10/31	1 CFS	319 AFA
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWSE|Sec. 20|Township 03S|Range 33E|BINGHAM County

IRRIGATION Use:
Acre Limit: 79

78987

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03S	33E	20		NESE	40		NWSE	40		SWSE	39		SESE	39
		29		NENE	28									

Total Acres: 186

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. K09 This right is for an enlargement of 79 acres within the place of use described for this right.
3. K02 This right is based upon an enlargement of Right No. 35-2109A and 35-13565 pursuant to Section 42-1426, Idaho Code.
4. E56 The rights listed below are limited to the irrigation of a combined total of 186 acres in a single irrigation season. Combined Right Nos.: 35-2109A, 35-13565, 35-13566.
5. E61 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.
6. C11 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.

Dates:

Licensed Date:

Decreed Date: 04/18/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

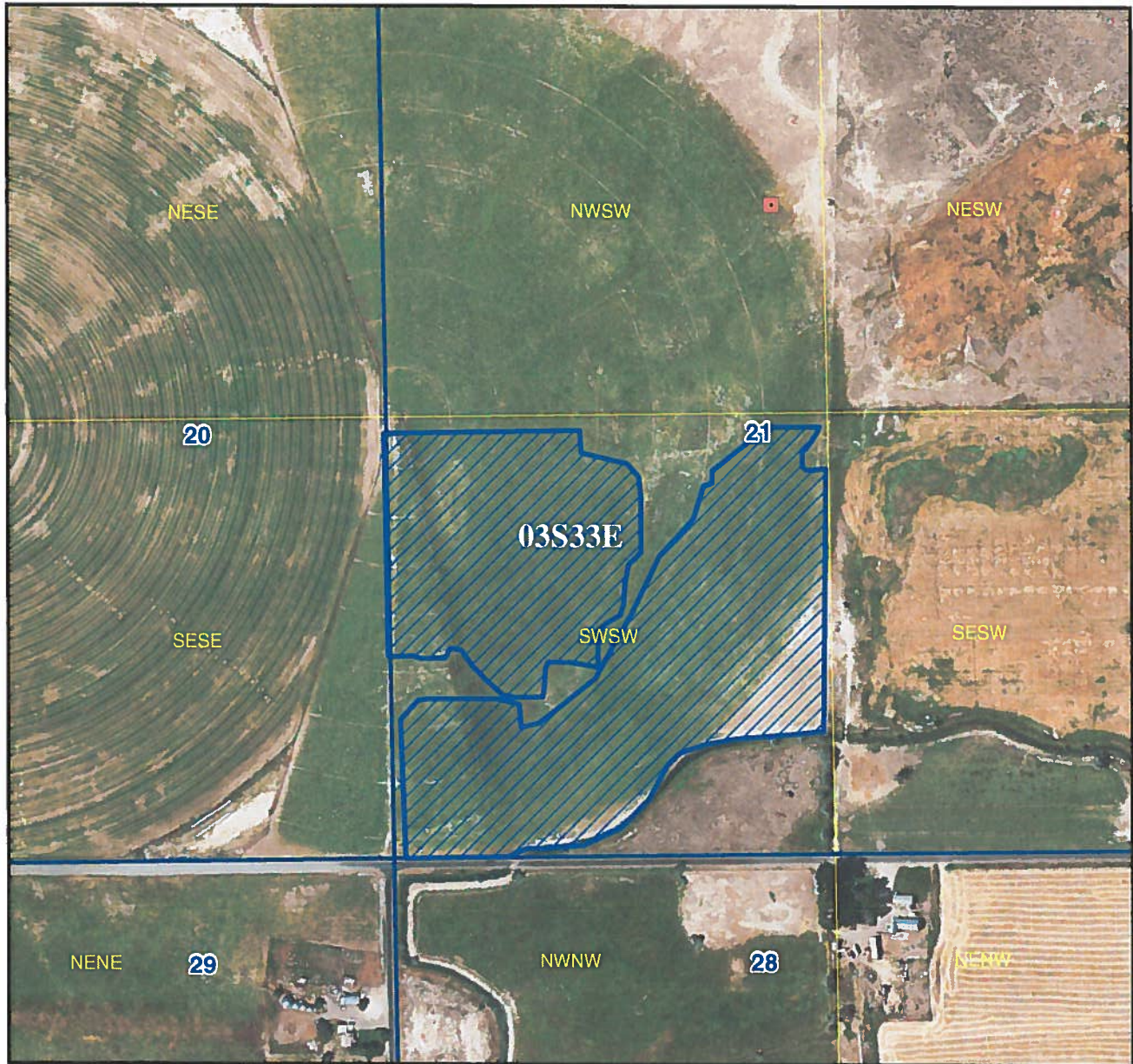
Application Received Date:

Protest Deadline Date:

Number of Protests: 0

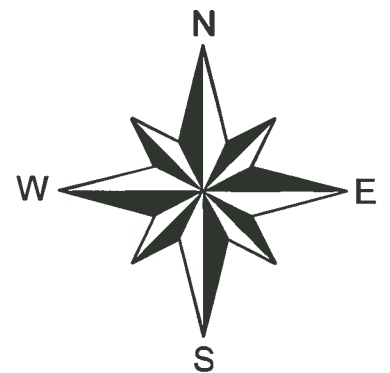
78987

35-2109B



Legend

-  Water Right 35-2109B POU
-  Water Right 35-2109B POD
-  Township/Range
-  Sections
-  QQ



Imagery: 2013 NAIP

Idaho Department of Water Resources

Map Prepared by Heather Bohac, January 21, 2014

0 0.05 0.1 0.2 0.3 Miles

78987

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/21/2014

WATER RIGHT NO. 35-2109B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BILLY DE GIULIO
Current Owner	VELIA 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>Volume</u>
IRRIGATION	4/01	11/01	0.43 CFS	108 AFA
Total Diversion			0.43 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSW	Sec. 21	Township 03S	Range 33E	BINGHAM County
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Place(s) of use:

78987

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	33E	21		SWSW	27									

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

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

78987

ATTACHMENT 4

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 16th day of October, 2013.

Velia DeGiulio
(Signature)

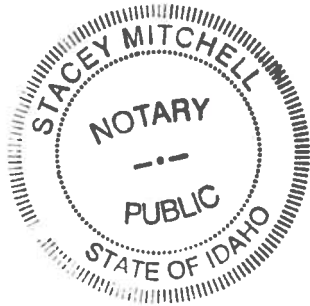
Velia DeGiulio
(Printed name)

(Address)

1643 W 500 S Pocatello ID 83202

STATE OF IDAHO)
County of Bingham) :ss

On this 16th day of October, 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Velia DeGiulio, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that she executed the same.



Stacey Mitchell
NOTARY PUBLIC FOR Key Bank
Commission expires: 12-19-15

ATTACHMENT 2A

Donald E. Baker, Esq.
Baker & Baker
211 West Second
P.O. Box 1011
Salt Lake City, Utah 84102
Telephone: (801) 524-0701

IN THE PROBATE COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM
SUCCESSION DIVISION

IN THE ESTATE OF THE ESTATE OF

Probate Case No. 2147

JOHN DEGIULIO,

DEED OF DISTRIBUTION BY
PERSONAL REPRESENTATIVES

Deceased.

323789

THIS DEED, Made by Damiano DeGiulio and Emilio DeGiulio, as personal representatives of the Estate of John DeGiulio, deceased, Grantors, to Emilio DeGiulio, individually, and Vella DeGiulio, Grantees, whose address is 1543 W. 300 S., Panguitch, Idaho 83262.

WHEREAS, Grantors are the qualified personal representatives of said estate, filed as Probate Number 2147, in Bingham County, Idaho; and

WHEREAS, Grantees are entitled to distribution of the hereinafter described real property:

THEREFORE, for valuable consideration received, Grantors convey and releases to Grantees the following described real property in Bingham County, Idaho:

DEED OF DISTRIBUTION BY

T. 3 South, R. 33, E. 3, N.
Section 21 : W. 1/4 of the NW 1/4
Section 29 : N.E. 1/4 of the N.E. 1/4
Section 32 : E. 1/4 of the N.E. 1/4

\$85,000.00

Together with all and singular
the tenements, hereditaments and
appurtenances thereto belonging
or in anywise appertaining.

Subject to all existing rights-of-way
for public highways, protective
covenants, utility lines, existing
roadways, irrigation ditches and all
building, zoning and other restrictions
of use and encumbrances of record.

Household furniture and
personal effects

1,300.00

Misc. farm equipment & Livestock

1,000.00

TOTAL \$87,300.00

with all appurtenances.

EXECUTED this 15 day of August, 1989.

Damiano DeGiulio
Damiano DeGiulio
Personal Representative of the
estate of John DeGiulio,
deceased.

Emilio DeGiulio
Emilio DeGiulio
Personal Representative of the
estate of John DeGiulio,
deceased.

STATE OF IDAHO)
) ss.
County of Franklin)

On the 15 day of August, 1989, before me,
John J. [illegible], a notary public, personally
appeared Damiano DeGiulio and Emilio DeGiulio, known to me to be
the persons whose names are subscribed to the within instrument,
as personal representatives of the estate of John DeGiulio, and
acknowledged to me that they executed the same as such personal
representatives.

WITNESSED AND DISTRIBUTION BY
PERSONAL REPRESENTATIVE

100.00

NOTED
JUL 11 1969

RECEIVED
JUL 11 1969
Commissioner of the
Probate Court

RECEIPT AND RELEASE

The undersigned, Emilio and Vella DeGiulio, as distributees of the estate of John DeGiulio, deceased:

1. Acknowledges receipt from Dominick DeGiulio and Emilio DeGiulio, the personal representatives of the decedent, of the property set forth in the schedule attached hereto.
2. Accepts such property in full payment and satisfaction of the undersigned's interest in the estate.
3. Accepts such property subject to possible liability in the nature of: _____
4. a. Acknowledges receipt of a full, written accounting of the personal representative's administration of the estate and approved the same.
b. Waives and accounting required under the Idaho Uniform Probate Code.
5. Releases the personal representatives and the estate from any and all liability in connection with the undersigned's interest in the estate.

DATED this 15 day of August, 1969.

Emilio and Vella DeGiulio
Emilio and Vella DeGiulio
1643 W. 500 S.
Pinegrove, Idaho 83262
(208) 684-4677

383789

7-11 PT

RE 56
Emilio and Vella DeGiulio

RECEIVED BY DISTRIBUTION BY

524936

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE *10-771*
DEF *C*

AFFIDAVIT OF VELIA DeGIULIO

STATE OF IDAHO)
: ss.
COUNTY OF BINGHAM)

2003 APR -4 PM 4:47

RECORDED AT THE REQUEST OF
Baker & Horn
PO Box 577
Blackfoot ID 83221

VELIA DeGIULIO, of Blackfoot, Bingham County, Idaho, being first duly sworn, deposes and says:

Affiant was formerly the spouse of Emilio DeGiulio, also known as Billy DeGiulio, of Bingham County, Idaho, who died in Bingham County, Idaho, on October 23, 1999, at the age of 80 years.

During Affiant's marriage to the said Emilio DeGiulio, he and Affiant purchased with their community funds and as community property certain real property consisting of:

Township 3 South, Range 33 E.B.M., Bingham County, Idaho
Section 20: S½
Section 21: W¼SW¼
Section 32: E¼NW¼; N¼NE¼
Section 33: N¼NW¼; Pingree Townsite, Block 4, Fractional Lots 12 and 13, and all of 14 and 15; part of vacated alley
Section 30: SE¼
Section 29: N¼NW¼; S¼NW; NE¼NE¼; NW¼NE¼
EXCEPTING that portion of the S½ of the NW¼ of Section 29, Township 3 South, Range 33 E.B.M., lying South of the Rockford Canal, being more particularly described as follows:
Beginning at the Southeast corner of the S½ of the NW¼ of said Section 29, and running thence North 124 feet to the Southerly bank of the Rockford Canal; thence Southwesterly following the bank of said canal 475 feet more or less to the South line of the NW¼ of said Section 29; thence East along said South line 222 feet more or less to the point of beginning.

which said lands were conveyed to Affiant and to the Decedent.

Upon the death of the said decedent, title to the aforesaid real property vested in Affiant as survivor of said marital community, and Affiant has continued to own, hold, claim and possess the same property as her own, free from all claims of others, and during all of said time Affiant has held the open, notorious and peaceable possession of said lands, and every part and parcel thereof.

Affiant further states that more than three years have passed since the death of the said decedent, there are no existing creditors or claims against Affiant, and that Affiant has paid all funeral expenses and all outstanding obligations of every kind and nature existing at the time of the death of said decedent.

Affiant further states that she was well and personally acquainted with the estate of said decedent as owned and held by decedent at the time of decedent's death, and the entire value of decedent's estate, including the real property

herein-mentioned, did not exceed the applicable estate tax exemption; that all of said property was the community property of said decedent and Affiant, and that there is no outstanding inheritance tax or federal estate tax due or unpaid by reason of the death of said decedent.

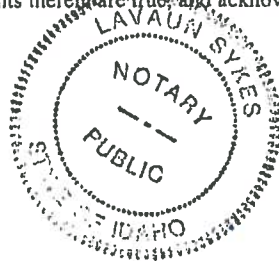
Affiant makes and records this Affidavit for the purpose of establishing her ownership of the real property herein-mentioned and the absence of any creditors' claims, inheritance taxes and federal estate taxes.

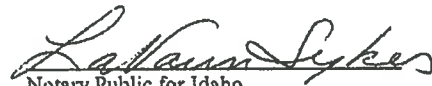
DATED this 3rd day of April, 2003.


Velia DeGiulio

STATE OF IDAHO)
 : ss.
COUNTY OF BINGHAM)

On, before me a Notary Public of said State, personally appeared Velia DeGiulio, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that she executed the same.




Notary Public for Idaho
Residing at Blackfoot
Commission Expires 5-17-08

524936

QUITCLAIM DEED

For Value Received **BERGEMAN, ILENE** $\frac{1}{2}$ Interest
TODARO, GENE $\frac{1}{2}$ Interest

420582

do hereby convey, release, remise and forever quit claim unto

DeGiulio, Billy and Velia
1643 West 500 South

the following described premises, to-wit:
Pinetree, ID 83262

T3S R33E SEC 29
NWNE

STATE OF WASHINGTON,

County of Grant

ss.

On this day personally appeared before me Gene Todaro



SAFECO

to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that he signed the same as his free and voluntary act and deed for the purposes therein mentioned.

Given under my hand and official seal this 9th day of November, 1993

Peterson Bittner

Notary Public in and for the State of Washington, residing at 1000 1st Ave
my Comm. expires 11/1/96
SAFECO Title Insurance Company - ACKNOWLEDGMENT - ORDINARY

TL-34 R1 8/74

Witness:

Gene J. Bergeman
November 17, 1993

Gene J. Todaro

STATE OF IDAHO, COUNTY OF Bingham
On this 17 day of November 1993
before me, a Notary Public in and for said State, personally appeared

Gloria J. Rowley
who is the person who signed the within instrument, and acknowledged that she executed the same.

Gloria J. Rowley
Notary Public
Residing at Blackfoot, Idaho
Comm. Expires 6/28/99

RECORDING DATA:

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

FEE 3.00 DEP. JP.

53 NOV 17 PM 4: 36

420582

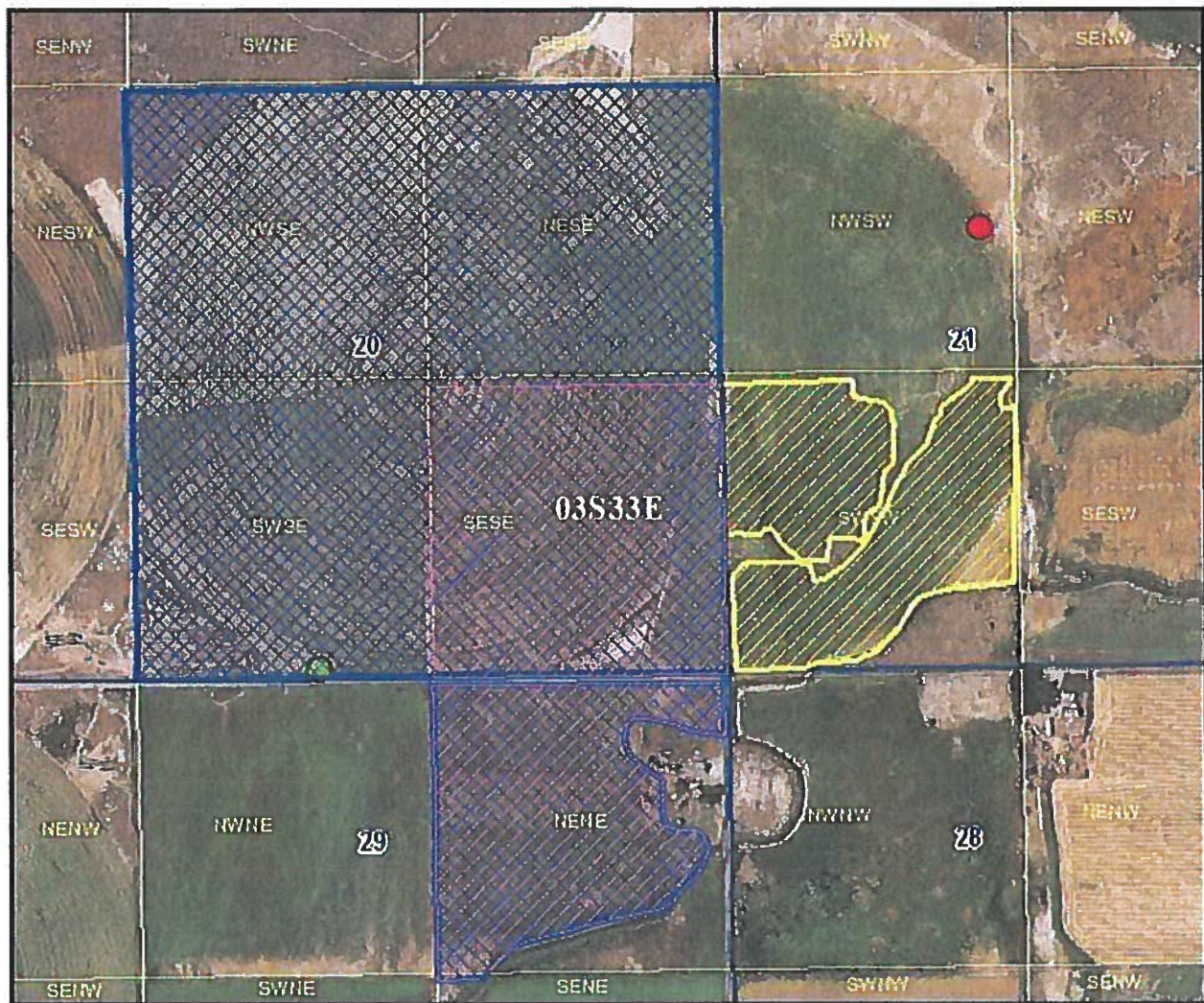
RECORDED AT THE REQUEST OF

Gene Bergeman
433 W. River
Blackfoot, ID

78987

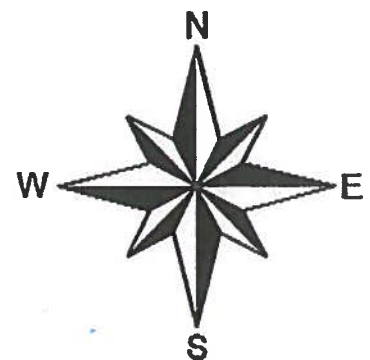
PART 3A

Current Places of Use & Points of Diversion



Legend

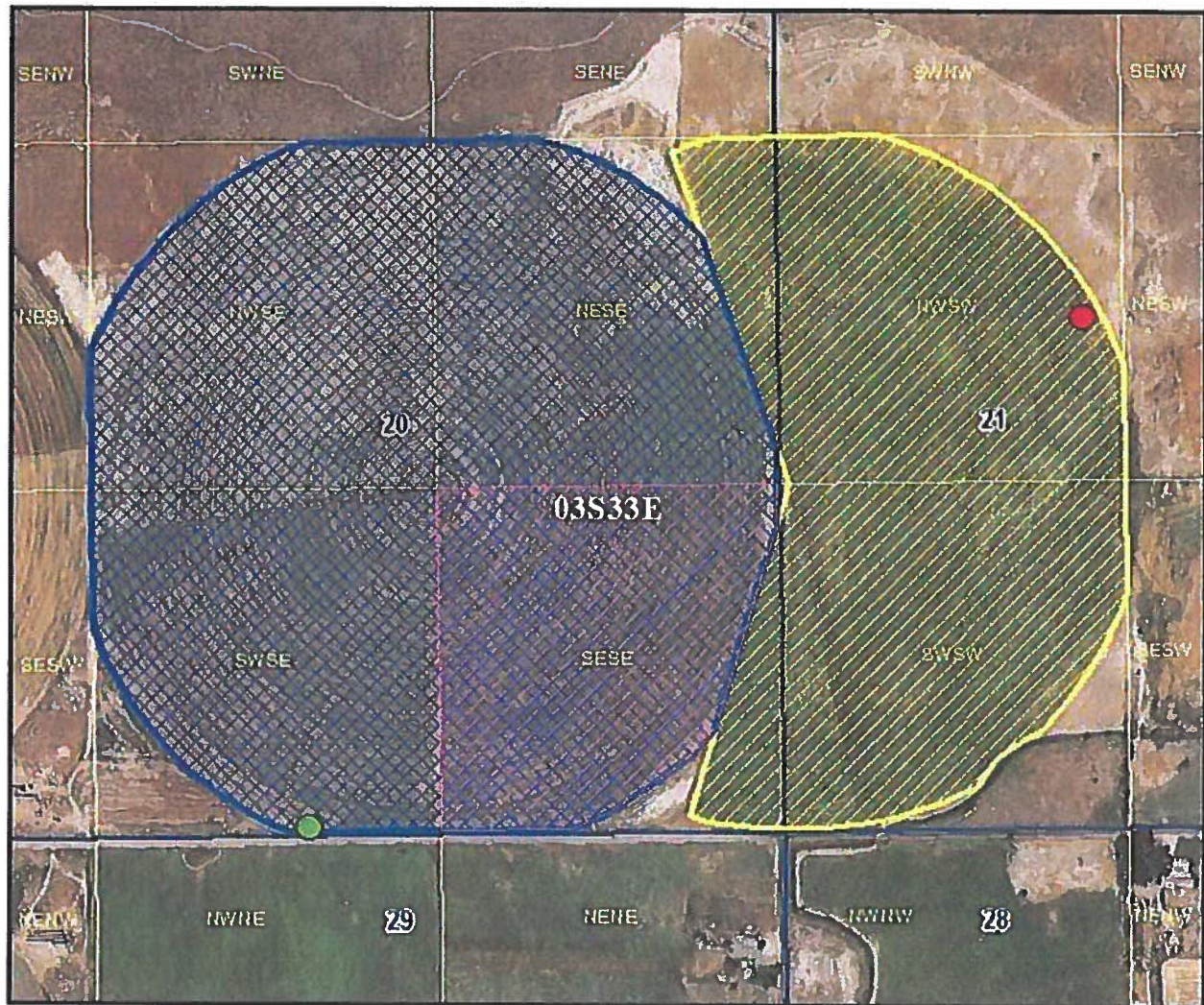
-  35-2109A Current Place of Use
-  35-13565 & 35-13566 Current Place of Use
-  35-2109B Current Place of Use
-  POD 35-2109B
-  POD 35-13565, 35-13566 & 35-2109A
-  Township/Range
-  Sections
- QQ



0 0.075 0.15 0.3 0.45 Miles

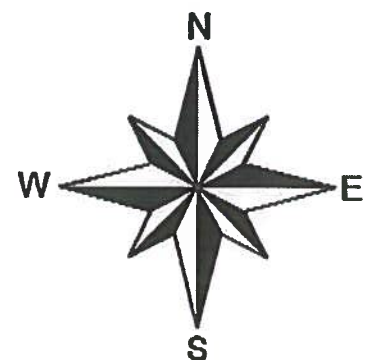
Imagery: 2013 NAIP
Idaho Department of Water Resources
Map Prepared by Heather Bohac, January 3, 2014

Proposed Places of Use & Points of Diversion



Legend

- Proposed POD for Split Rights
- POD 35-13565, 35-13566 & 35-2109A
- Proposed Water Use 35-2109A
- Proposed Water Use 35-13565 & 13566
- Proposed Water Use 35-2109B & Split Rights
- Township/Range
- Sections
- QQ



Imagery: 2013 NAIP

Idaho Department of Water Resources

Map Prepared by Heather Bohac, January 3, 2014

0 0.05 0.1 0.2 0.3 Miles