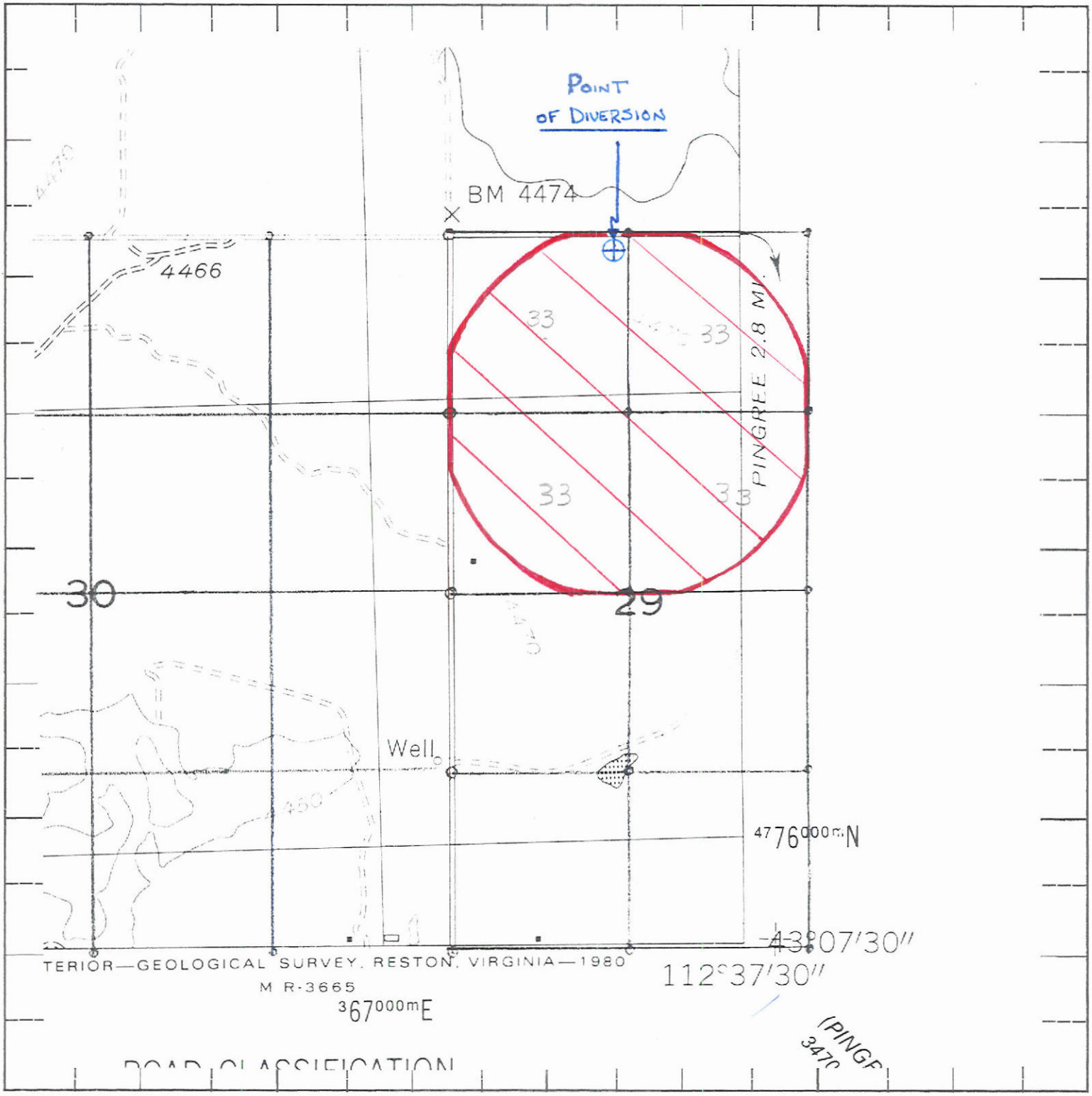
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

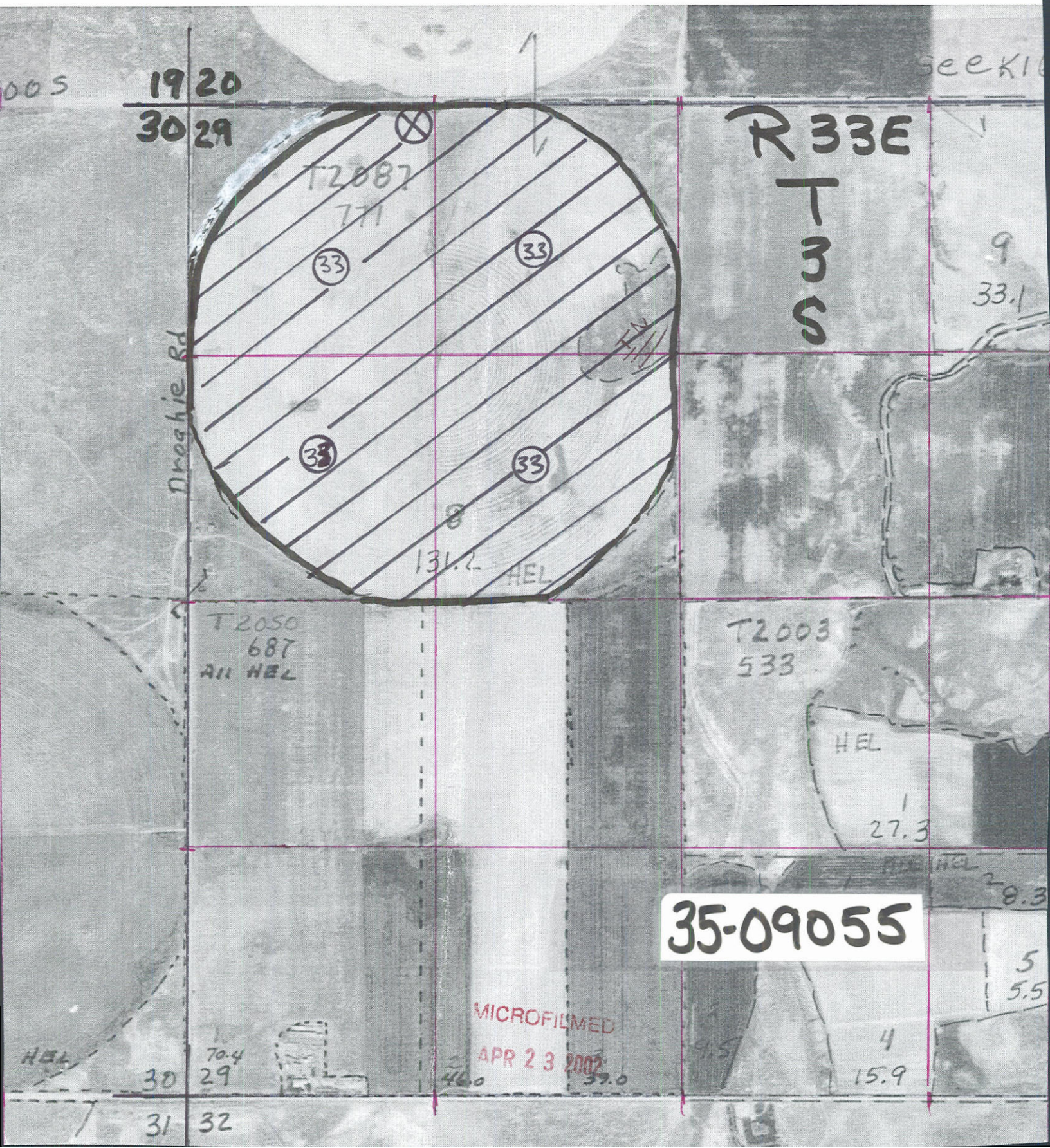
BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

* Billy De Giulio
(Applicant)

MICROFILMED
NOV 29 1996

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	35 2001	BILLY DE GIULIO, VELIA DE GIULIO,	GROUND WATER	03S33E29					33	33	14										80
Permit	35 9055	BILLY DEGIULIO, VELIA DEGIULIO,	GROUND WATER	03S33E29					33	33	33	33									132
Right	35 9055	BILLY DEGIULIO, VELIA DEGIULIO,	GROUND WATER	03S33E29					33	33	33	33									132
Right	35 2001	VERNIAL HAWKES,	GROUND WATER	03S33E29					40	40											80
Rec	35 2109A	VELIA DEGIULO, BILLY DEGIULO,	GROUND WATER	03S33E29	28																28
Rec	35 2201	DAN DE GIULIO,	GROUND WATER	03S33E29			37	37													74
Rec	35 2308A	CHARLES A ROSSI, VIVIAN ROSSI,	GROUND WATER	03S33E29															32	32	64
Rec	35 2824	FRANK & SHIRLEY DROGHEI LIVING TRUST,	GROUND WATER	03S33E29													33	18			51
Rec	35 7042	TOMMASO ROSSI,	GROUND WATER	03S33E29									40	40	37	39					156
Rec	35 7121A	DAN DEGIULIO,	GROUND WATER	03S33E29			37	37													74
Rec	35 7415	VELIA DE GIULIO, BILLY DE GIULIO,	GROUND WATER	03S33E29		39															39
Right	35 2109	JOHN DE GIULIO,	GROUND WATER	03S33E29	34																34
Right	35 2308	CHARLES A ROSSI,	GROUND WATER	03S33E29															37	30	67
Right	35 2824	CHARLIE DROGHEI,	GROUND WATER	03S33E29													40	18			58
Right	35 7042	TOMMASO ROSSI,	GROUND WATER	03S33E29									40	40	39	40					159
Right	35 7415	GENE TODARO,	GROUND WATER	03S33E29		39															39
Right	1 297	ABERDEEN SPRINGFIELD CANAL CO,	SNAKE RIVER	03S33E29																	0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Dreaghie Rd
35-09055
MICROFILMED
APR 23 2002
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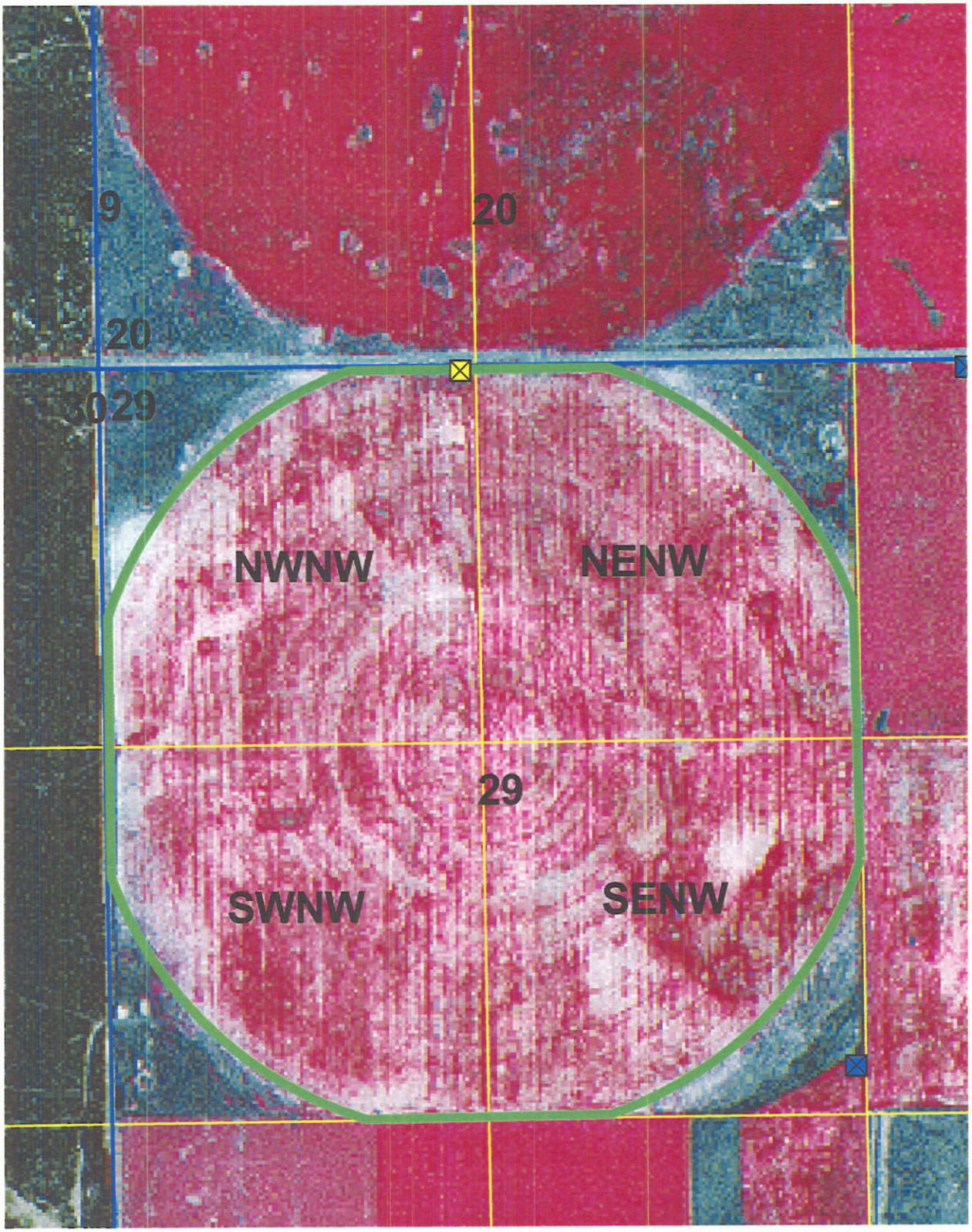
32

35-09053

03S, 33E, sec 29



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APR 2 3 2002

Point of Diversion

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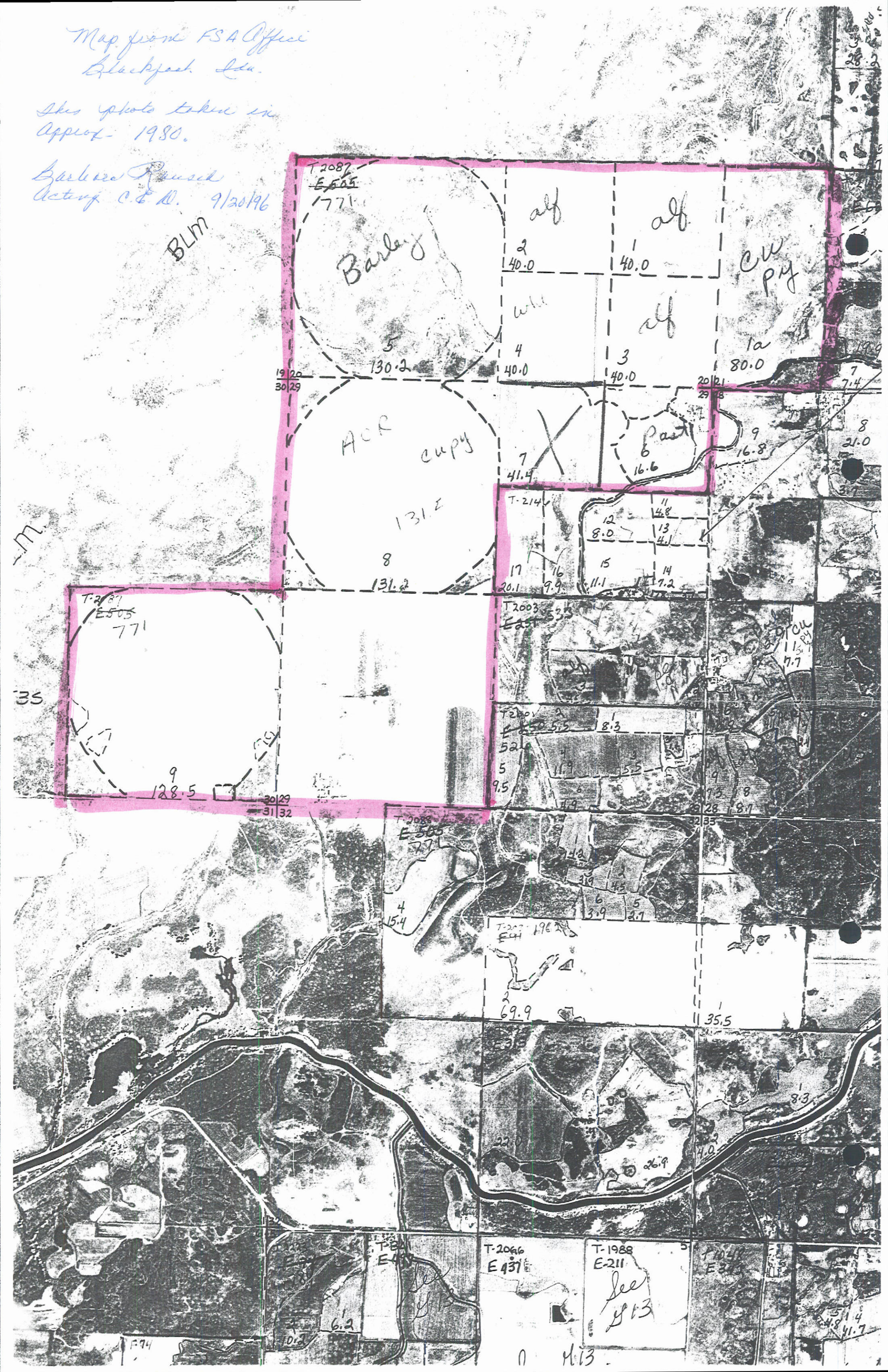
APR 2 3 2002

35-9055


Map from FSA Office
Blackpool Lou.
This photo taken in
Approx- 1980.
Barbara Rausch
Acting C.E.D. 9/20/96
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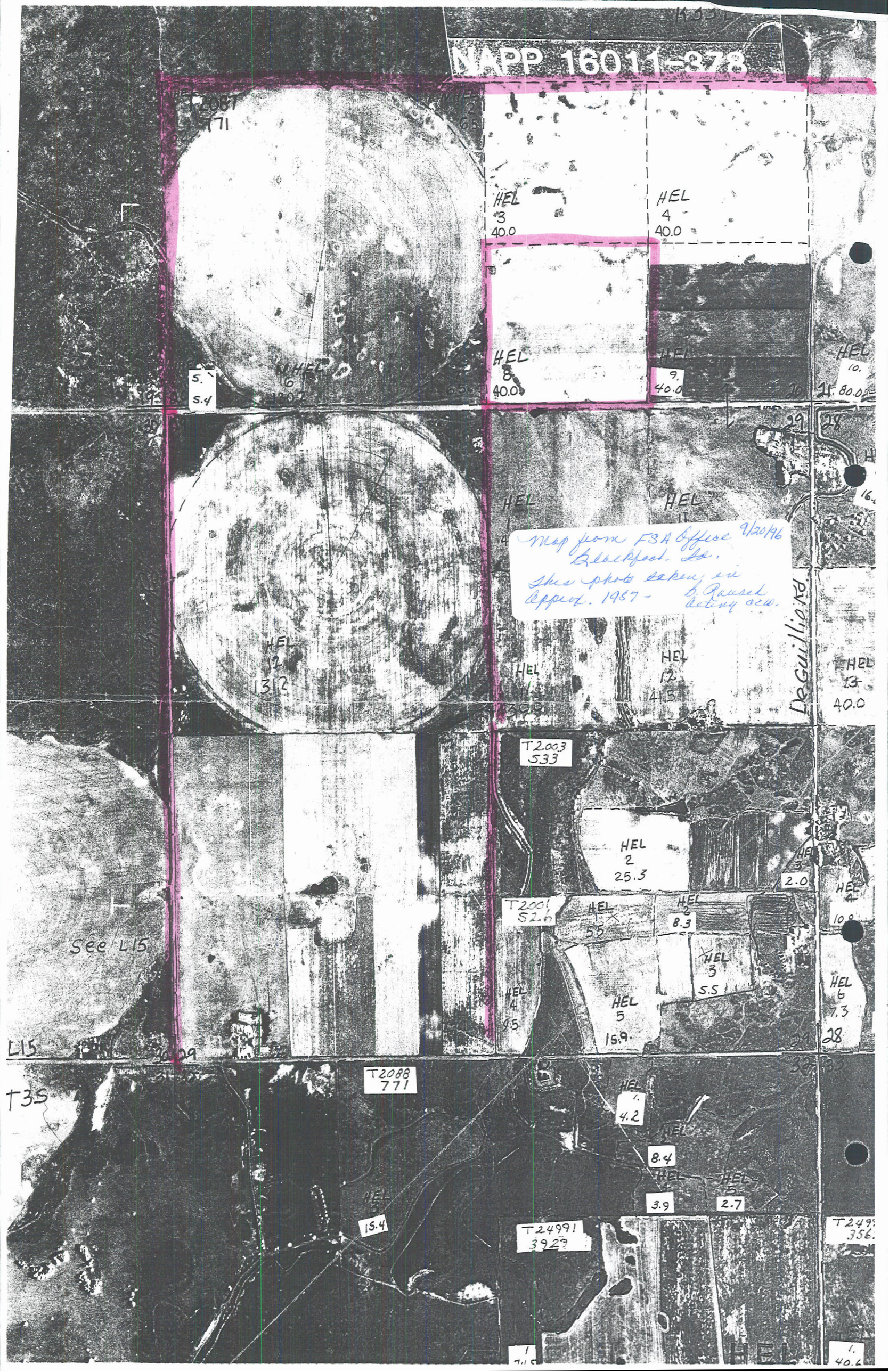
NAPP 16011-378
HEL 3 40.0
HEL 4 40.0
HEL 8 40.0
HEL 9. 40.0
HEL 10.
11. 80.0
Map from FSA Office 9/20/96
Blackfoot, Id.
Skies photo taken in
Approx. 1987 - Raised
Acting acres.
HEL 1 308
HEL 12 41.5
HEL 13 40.0
T2003 533
HEL 2 25.3
HEL 3 2.0
HEL 4 10.0
T2001 S2.0
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HEL 3 5.5
HEL 4 9.5
HEL 5 15.9
HEL 6 7.3
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T2088 771
T3S
HEL 1. 4.2
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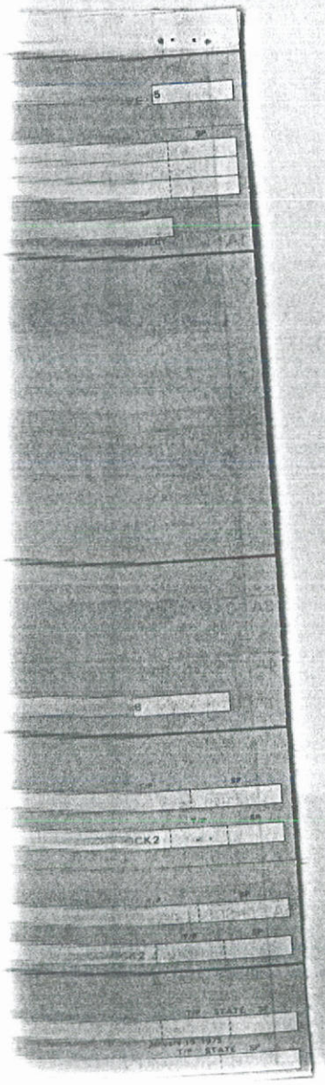
HEL 3.9
HEL 5 2.7
15.4
T24991 3929
T24 356.
1. 40.6

Map from FSA
Office - Beckford St.
This photo taken in
approx. 1974.
Barbara Rausch
Acting C.E.D. 9/30/96

U.S.

See J-12



CLIENT NO: 2816 NAME: BILLIE & V DE GUILIO

DESCRIPTION	SUF	DATE ACQUIRED	INVEST CREDIT	COST	FIRST YEAR DEPR.	SALVAGE	ADJUSTED BASIS	METH	LIFE	BEGINNING BALANCE	DEPR. TAKEN	ENDING BALANCE
				40,545.00	1,200.00	4,027.00	35,318.00			30,268.47	2,440.82	32,709.29
				53,205.00	1,200.00	5,607.00	46,398.00			36,047.97	4,595.82	40,643.79
SPRINKLER	A	7 74	793.00	11,730.35	2266.00		9464.35	DB2	10		906.14	906.14
USED TRACTOR	A	9 74	21.00	300.00			300.00	DB1	7		32.13	32.13
PICKUP	3	5 74	393.00	5610.00	1122.00		4488.00	DB2	7		1252.28	1252.28
				70,445.35							6816.67	42,864.44
LESS TRADE				< 3675.00 >							< 1337.60 >	< 668.60 >
				66,770.35							5479.07	41,196.04

Legals

AFFIDAVIT OF PUBLICATION

County of Bingham)
ss
State of Idaho)

I, Jacqueline Graham do solemnly Legal swear that I am the Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive weeks the first publication having been made on the 16th day of May, 19 96; and the last publication having been made on the 23rd day of May 19 96; that said notice was published in the regular and entire isue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Jacqueline Graham

On this 3rd day of June in the year 19 96, before me a Notary Public of said State, personally appeared Jacqueline Graham, 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 he executed the same.

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
November 10, 2000

Affidavit Processing Fee..... $5.00

DEPT. OF WATER RESOURCES 8
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

35-09055

BILLY DEGIULIO
DEGIULIO, VELIA
1643 W., 500 S.
Pingree, Idaho 83262
Source: GROUNDWATER
Diversion Pt: NENWNW, Sec. 29, T. 03S, R. 33E, in Bingham County.
Use: IRRIGATION (1.760 CFS)
Total Diversion: (1.760 CFS)
Date Filed: 4/12/1996
In: BINGHAM COUNTY, T03S, R33E, S29, NENW, NWNW, SWNW, SENW.
132.0 ACRES TOTAL.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a $25.00 filing fee, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho, 83402, on or before June 3, 1996.

KARL J. DREHER
Director

(2870)
Pub.: 5/16, 23

RECEIVED
JUN 19 1996
Department of Water Resources
Eastern Region

MICROFILMED
NOV 29 1996

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 35-09055

Priority: April 12,1996

Maximum Diversion Rate: 1.54 CFS
Maximum Diversion Volume: 208.0 AF

It is hereby certified that BILLY DEGIULIO Or VELIA DEGIULIO
1643 W 500 S
PINGREE ID 83262 have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 12, 1996; and have submitted Proof of Beneficial Use on December 09, 1996. An examination indicates that the works have a diversion capacity of 2.42 cfs of water from:

SOURCE
GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
IRRIGATION	04/01 to 10/31	1.54 CFS	208.0 AF

LOCATION OF POINT OF DIVERSION:
GROUND WATER NE¼NW¼NW¼ Sec. 29, Twp 03S, Rge 33E, B.M., BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03S 33E 29					33.0	33.0	33.0	33.0									132.0

Total Acres: 132

CONDITIONS OF APPROVAL

1. Right 35-02001 is also diverted through the point of diversion described above.
2. Rights 35-02001 and 35-09055 when combined shall not exceed the irrigation of 132 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

MICROFILMED
APR 2 3 2002

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 35-09055

5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 5th day of April, 2002.

Acting for KARL J. DREHER
Director

MICROFILMED
APR 2 3 2002

7/94

RECEIVED
DEC 16 1996
Department of Water Resources

FOR OFFICE USE ONLY
Amt. of Fee $: 125.00
Receipt No. E022804
Receipt By: HWJ
Date Receipted: 12-9-96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 09 1996
Department of Water Resources
Western Region

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-09055 Telephone No. _____

2. Name(s) of Permit Holder(s): Billy and Velia De Giulio

3. Mailing Address: 1643 W, 500 S, Pingree Idaho 83262

4. Source of Water: Well & pump If GROUNDWATER (well), Date Drilled: mo. _____ / yr. 1960

a. Well Driller: Unknown Drilling Permit Number: ____ - ____ - ____ - ____

b. *OPTIONAL:*
Pump Horsepower: 75 Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 132 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 1.76 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes ____ or	No ____
	Has the measuring device been installed?	Yes ____ or	No ____
Flow Measurement Port:	Is a flow measurement port required?	Yes ____ or	No ____
	Has the measurement port been installed?	Yes ____ or	No ____

Fee Enclosed: $ 125.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

Person to contact to accompany the Department representative during field examination of the water system.

Name: Billy or Velia De Giulio Telephone Number: (208)684-4677

Address: 1643 W, 500 S, Pingree, Idaho 83262

I. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

gnature of permit holder: Billy DeGiulio Velia DeGiulio Date: 4 Dec 96
(include your title, if on behalf of company or organization)

MICROFILMED
JAN 08 1997

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-09055

Proposed Priority: April 12, 1996 Maximum Diversion Rate: 1.76 CFS

This is to certify, that **BILLY DEGIULIO**
VELIA DEGIULIO
1643 W 500 S
PINGREE ID 83262
has applied for a permit to appropriate water from: **GROUNDWATER**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/01 to 10/31	1.76 CFS

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 29, Township 03S, Range 33E
BINGHAM County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03S	33E	29	NENW	33.0	NWNW	33.0	SWNW	33.0	
			SENW	33.0					132.0

Total number of acres irrigated: 132.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1997.**
2. Subject to all prior water rights.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This permit does not authorize the development and irrigation of land not previously irrigated by groundwater.

MICROFILMED
NOV 2 9 1996

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-09055

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this

15th day of November, 1996

for Karl J. Dreher, Director

MICROFILMED
NOV 2 9 1996

Form 202
10/92

RECEIVED
NOV 01 1996
Department of Water Resources

Ident. No. 35-9055

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Velia or Billy DeGiulio Phone 684-4677

   Post office address 1643 W 500 S PINGREE ID 83262

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NE ¼ of NW ¼ of NW ¼, Govt. Lot _____

   Sec. 29 Township 03S Range 33E B.M. Bingham County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 1.76 cfs for Irrigation purposes from 4-1 to 10-31 (both dates inclusive)
   (cfs or ~~acre-feet per annum~~)

   Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
   (cfs or acre-feet per annum)

   Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
   (cfs or acre-feet per annum)

   Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
   (cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.76 (cubic feet per second) and/or (b) _____ (acre feet per annum)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Well and 75 HP pump and motor to one, 1/4 mile center pivot.

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

   d. Is ground water with a temperature of greater than 85°F being sought? _____

   e. If well is already drilled, when? 1960 ; Drilling firm _____;
   Well was drilled for *(well owner)* Vernial Hawkes

MICROFILMED
NOV 29 1996

7. Time required for the completion of the works and application of the water to be proposed beneficial use is 1 years *(minimum 1 year)*.

8. Description of proposed uses (*if irrigation only, go to item 9*):

   a. Hydropower; show total feet of head and proposed capacity in KW. _____

   b. Stockwatering; list number and kind of livestock. _____

   c. Municipal; show name of municipality. _____

   d. Domestic; show number of households. _____

   e. Other; describe fully. _____

9. Description of place of use:

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

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
035	33E	29					33	33	33	33									132

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 35-02001
    0.88 cfs ; 80 Acres

11. a. Who owns the property at the point of diversion? Applicant

    b. Who owns the land to be irrigated or place of use? Applicant

    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Well was drilled in 1960. In early 1970's when Rockford Canal was abandonned, handlines were added to 5½ NW¼ Sec. 29. In 1978 center pivot was installed and used continuously since 1978.

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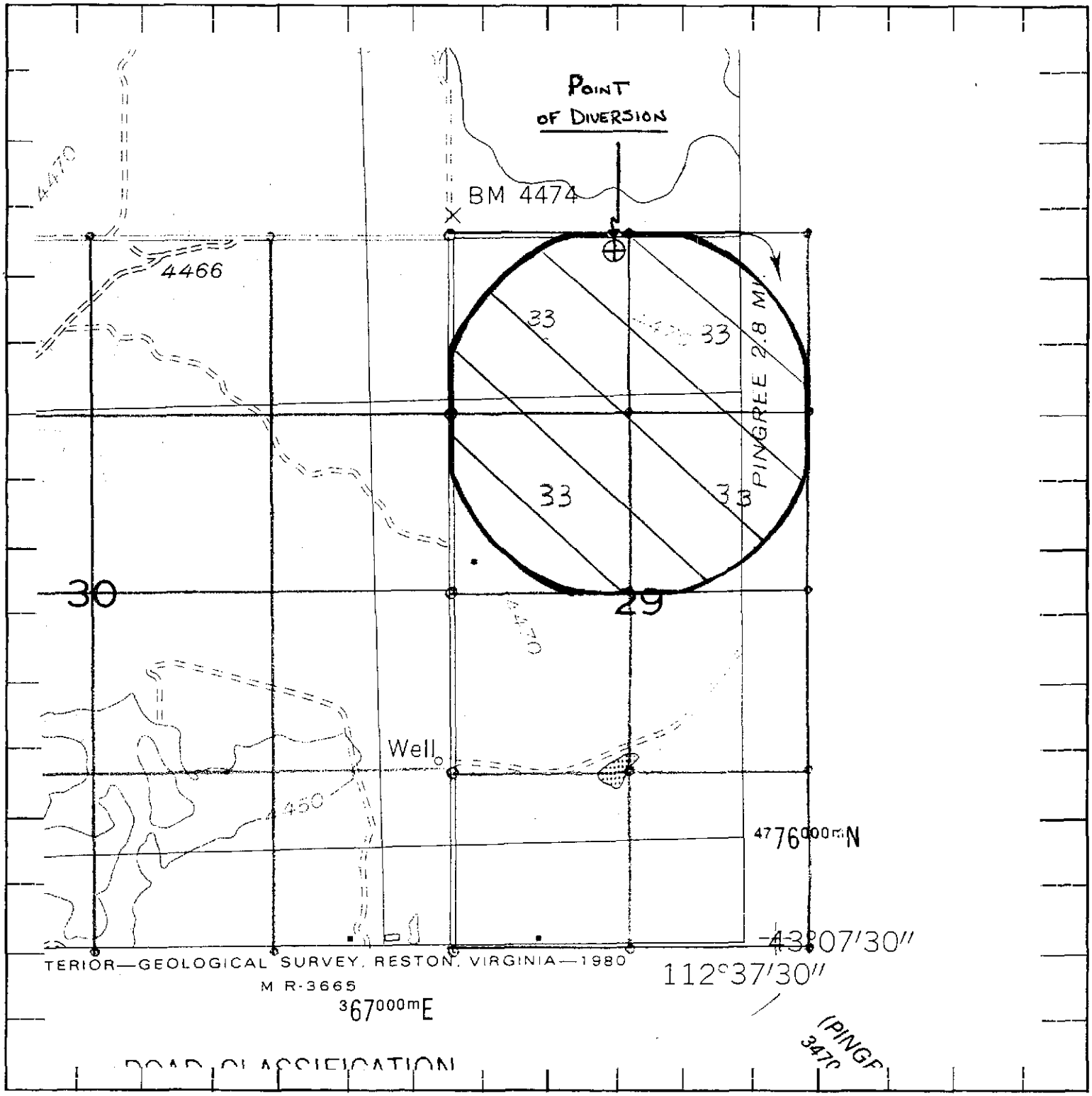
NOV 29 1996

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



Scale: 2 inches equal 1 mile.

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

* Billy De Giulio
(Applicant)

MICROFILMED
NOV 29 1996

Received by KT Date 4-12-96 Time 1:22 PM Preliminary check by _____

Fee $ 120.00 Receipted by KT # E022052 Date 4-12-96

Publication prepared by RB Date 5-16 & 23-96 Published in Morning Tews

Publication approved RB Date 7-3-96

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other:

MICROFILMED
NOV 29 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 9, 2002

BILLY DEGIULIO
VELIA DEGIULIO
1643 W 500 S
PINGREE ID 83262

RE: License No. 35-9055 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.
Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
APR 2 3 2002

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 35-9055

BILLY DEGIULIO
VELIA DEGIULIO
1643 W 500 S
PINGREE ID 83262

Kari Lynn Townsend
Secretary

MICROFILMED
APR 2 3 2002

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a **"Preliminary Order"** issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
APR 2 3 2002

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
APR 2 3 2002

LICENSE REVIEW CHECKLIST

Permit No. 35-9055 Date: 4-2-2002 Reviewer: Kay Walker

	Change/OK
Name/Address	ok
Source	ok
Point of Diversion:	ok

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use ok

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 35-2001 ✓
File reviewed____ ~~Profile reports printed.~~ Partial Decree
P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 1.76 cfs
Fee Limit 2.0 cfs
Measured 2.42 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 1.54

Water Uses ok Change (P46)

Season of Use per new Standards 4-1 10-31

Irrigation	1.54 cfs	208. af
Stockwater	____cfs	____ af
Domestic	____cfs	____ af
_____	____cfs	____ af
_____	____cfs	____ af
Total	1.54 cfs	208. af

Irrigation - overlap(R58-R61, **R62-R65, R66-R69)**
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette – (W22/047/27A)
Stockwater for US (R37)

cap = 2.42
decra = 0.88
1.54 left

Volume Determination

____ cfs x 1.9835 x ____ days = _____ af (vs) 132 acres x 4.0 (FHR) = 528. af
3.0 (con) - 320.
208. to lic (decreed)

Remarks: _____

Additional Conditions
____ Watermaster Control
____ GW Measurement/Measuring Device
____ Other
Trust R55 – remove 051)
Non-trust (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? ____yes ✓no If yes, explain why below.

SRBA Claim? NO

Adjust memo NO

Amend Letters _____ **P87, S06** **Second Amendment Notice** _____ **S06**

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
[redacted]																					80
[redacted]																					132
Right	35 7035	DIUSY DEGIULIO; VELIA DEGIULIO	GROUND WATER	03S33E13					34	38	32	28									132
Right	35 2001	BERNARD TAVARES	GROUND WATER	03S33E29					20	20	20	20									80
[redacted]					28																28
[redacted]							37	37													74
[redacted]																					64
[redacted]																					51
[redacted]													40	40	37	39					156
[redacted]							37	37													74
[redacted]						39															39
Right	35 2109	BOHN DEGIULIO	GROUND WATER	03S33E29	34																34
Right	35 2308	CHARLES A ROSSI	GROUND WATER	03S33E29															37	30	67
Right	35 2824	CHARLIE DROCHE	GROUND WATER	03S33E29													40	18			58
Right	35 7042	TOMMASO ROSSI	GROUND WATER	03S33E29									40	40	39	40					159
Right	35 7415	GENE TODARO	GROUND WATER	03S33E29		39															39
Right	1 297	ABERDEEN SPRINGFIELD CANAL CO.	SNAKE RIVER	03S33E29																	0

2002 JAN 31 PM 3:05

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	
	)	**ORDER OF PARTIAL DECREE**
Case No. 39576	)	
	)	**For Water Right 35-02001**

On November 16, 2001, a ***Special Master's Report and Recommendation*** was filed for the above water right. No Challenges were filed to the ***Special Master's Report and Recommendation*** and the time for filing Challenges has now expired.

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 Report*** and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-02001 is hereby **decreed** as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED January 31, 2002.

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
APR 23 2002

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	)	PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR
	)	
Case No. 39576	)	Water Right 35-02001
	)	

2002 JAN 31 PM 3:41
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BILLY DEGIULIO
VELIA DEGIULIO
1643 W 500 S
PINGREE, ID 83262

SOURCE: GROUNDWATER

QUANTITY: 0.88 CFS
320.00 AFY

PRIORITY DATE: 05/04/1961

POINT OF DIVERSION: T03S R33E S29 NENWNW Within Bingham County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.88 CFS 320.00 AFY

PLACE OF USE: Irrigation — Within Bingham County
T03S R33E S29 NENW 33.0 NWNW 33.0
SWNW 14.0
80.0 Acres Total

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED
APR 23 2002

2002 JAN 31 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)	CERTIFICATE OF MAILING
)	
Case No. 39576)	
)	Water Right(s): 35-02001

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-02001 was mailed on January 31, 2002, with sufficient first-class postage prepaid to the following:

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

BILLY DEGIULIO
VELIA DEGIULIO
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIANA DELANEY
Chief Deputy Clerk

MICROFILMED
APR 2 3 2002

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
MAR 2 3 2002
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-09055

1. Owner: Billy Degiulio Phone No. 684-4677

Current Address: 1643 W 500S Pingree, Id 83262

2. Accompanied by: EXAM DATE: 8/3/1998

Address: Phone No.

Relationship to Permit Holder:

3. Source: GW tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 35-2001

2. Other water rights with the same point of diversion: 35-2001

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

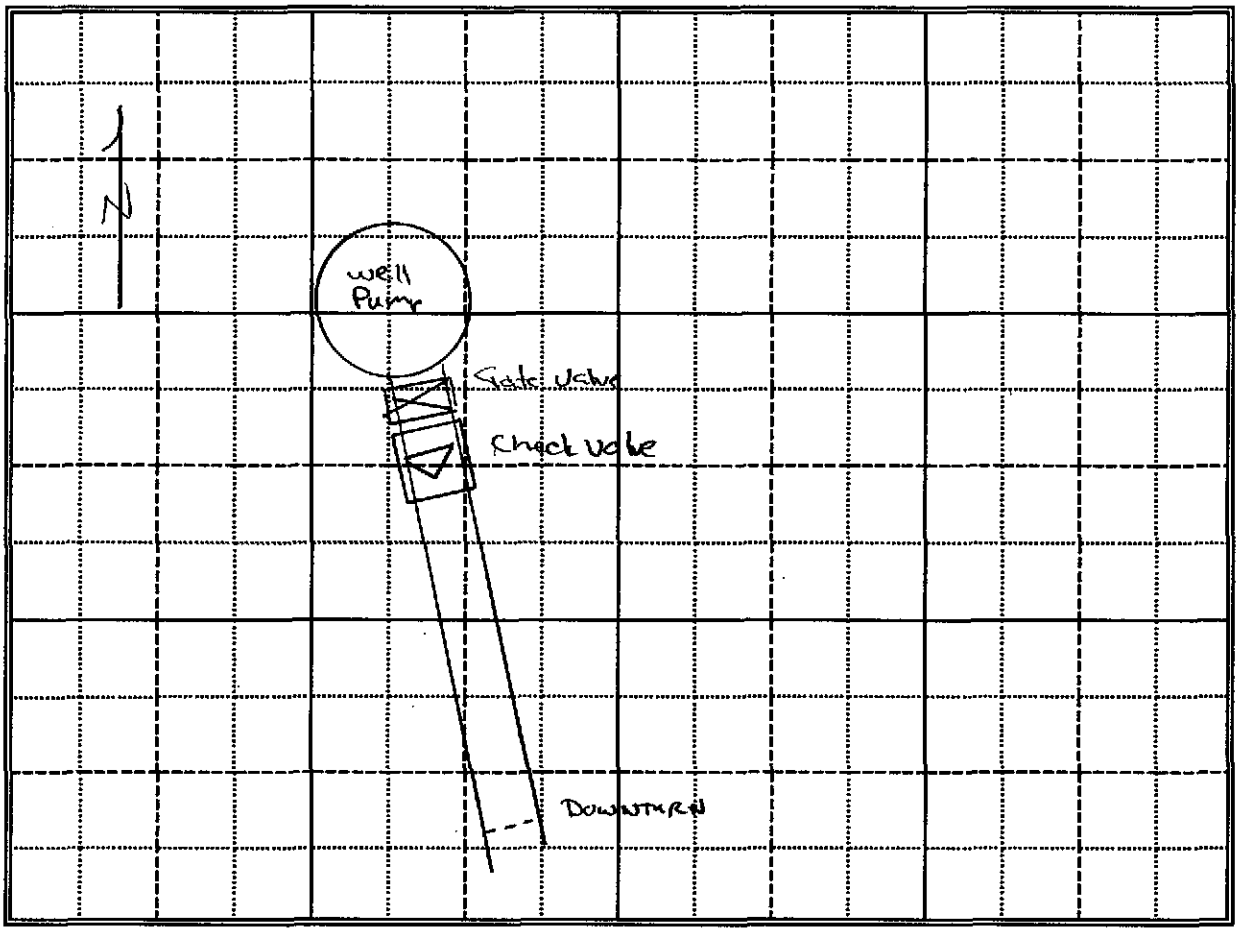
Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	NW	29	3S	33E	BINGHAM	ON Site/FSA Aerial/Co Map

2. **Place(s) of Use:** Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3S	33E	29					33	33	33	33									132

MICROFILMED
APR 23 2002

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____.

_____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	U.S. Electric	75	M-067776520	Vertline	VT1-71913

Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** Sonic meter from Idaho Power (Groundwater Measurement District)
1087 gpm 6/3/1998 R WINN

MICROFILMED

APR 2 ...

E. NARRATIVE/REMARKS/COMMENTS

well/pump to pivot and endguns

(35-2001) - 0.88 CFS 80 Ac

This right 1.54 CFS 132 528 AF

total 2.42 CFS 132 Ac 528 AF

Have conditions of permit approval been met? X yes ___ no

MICROFILMED

APR 2 3 2002

F. FLOW CALCULATIONS ____ Additional Computation Sheets Attached

Measured Method: Sonic meter

$\frac{1087 \text{ gpm}}{448.83} = 2.42 \text{ CFS}$

$132 \times 0.02 = 2.64$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = $132 \times 4 = 528$ AF

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

35-2001 .88 this right 1.54 CFS + .88 = 2.42 CFS

MAX CFS = 2.42 CFS 132 AC 528 AF/A

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRR	4/01	10/31	1.54 CFS	528 AF/A
		Totals:	1.54 CFS	528 A/F

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above X None

___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

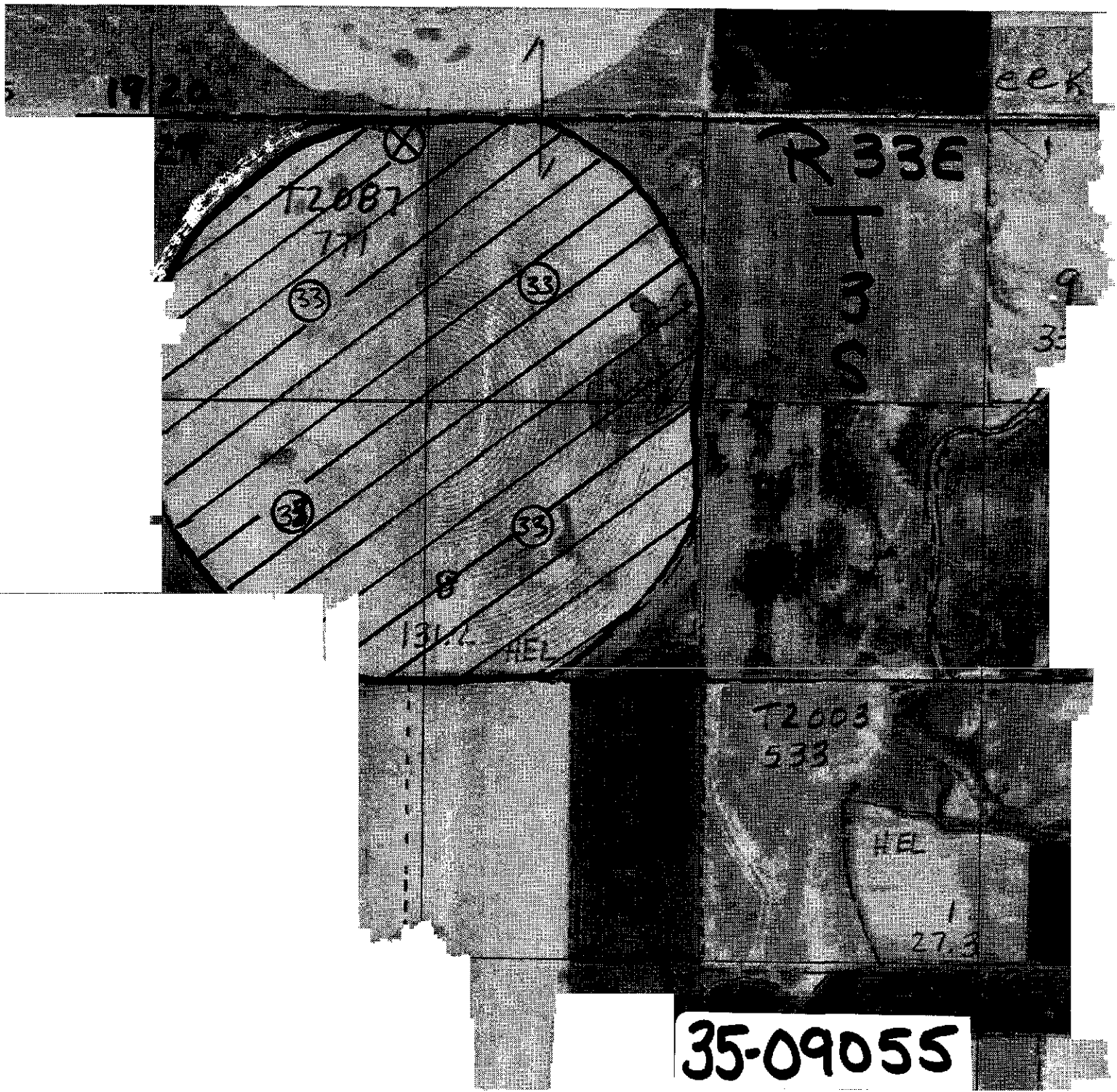
I. AUTHENTICATION

Field Examiner's Name Dave Carlson Date _____

Reviewer Dave Carlson Date 3/22/2002 SEAL

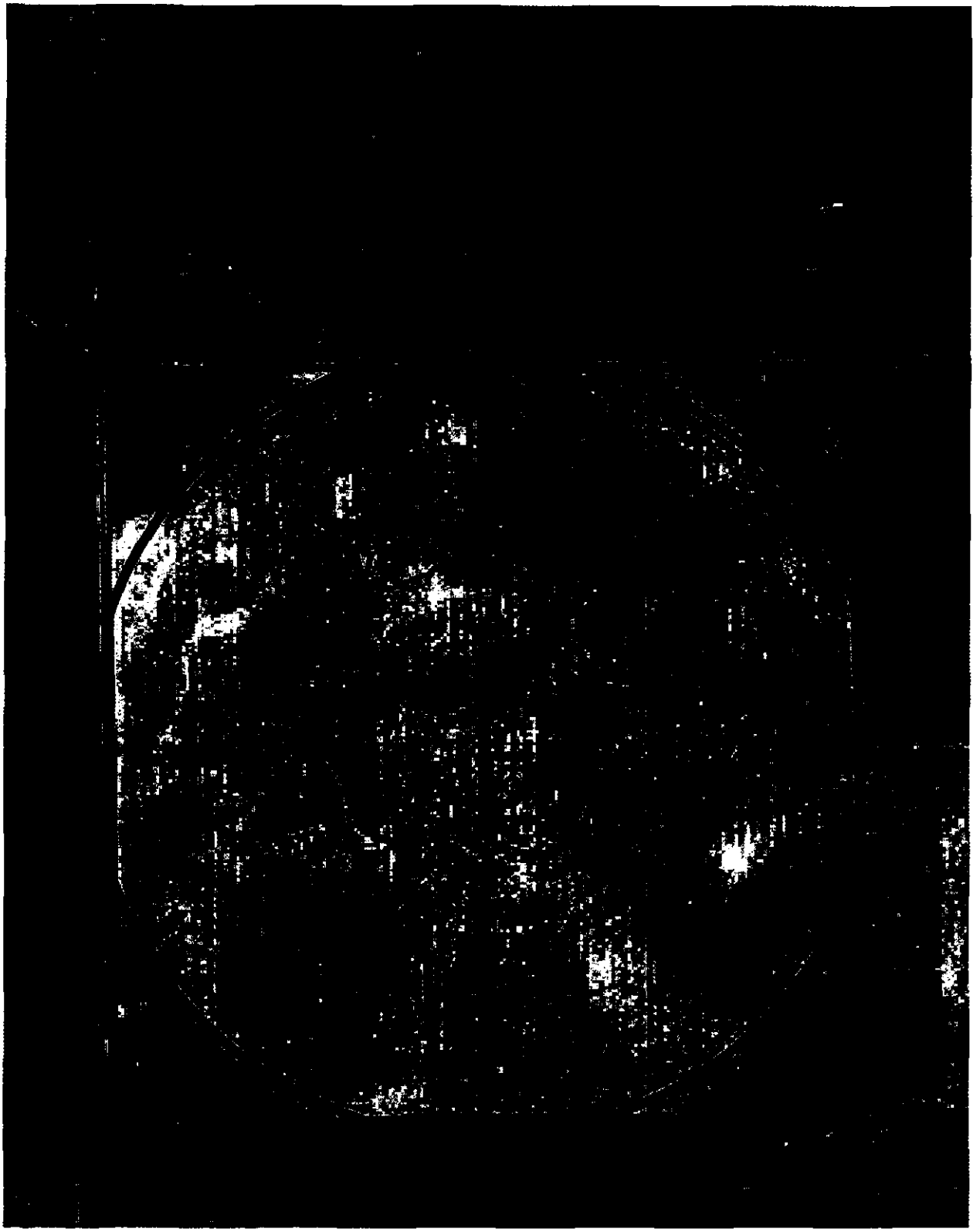
MICROFILMED

MAR 13 2002


R33E
T20S
T2087
T2003
HEL
35-09055

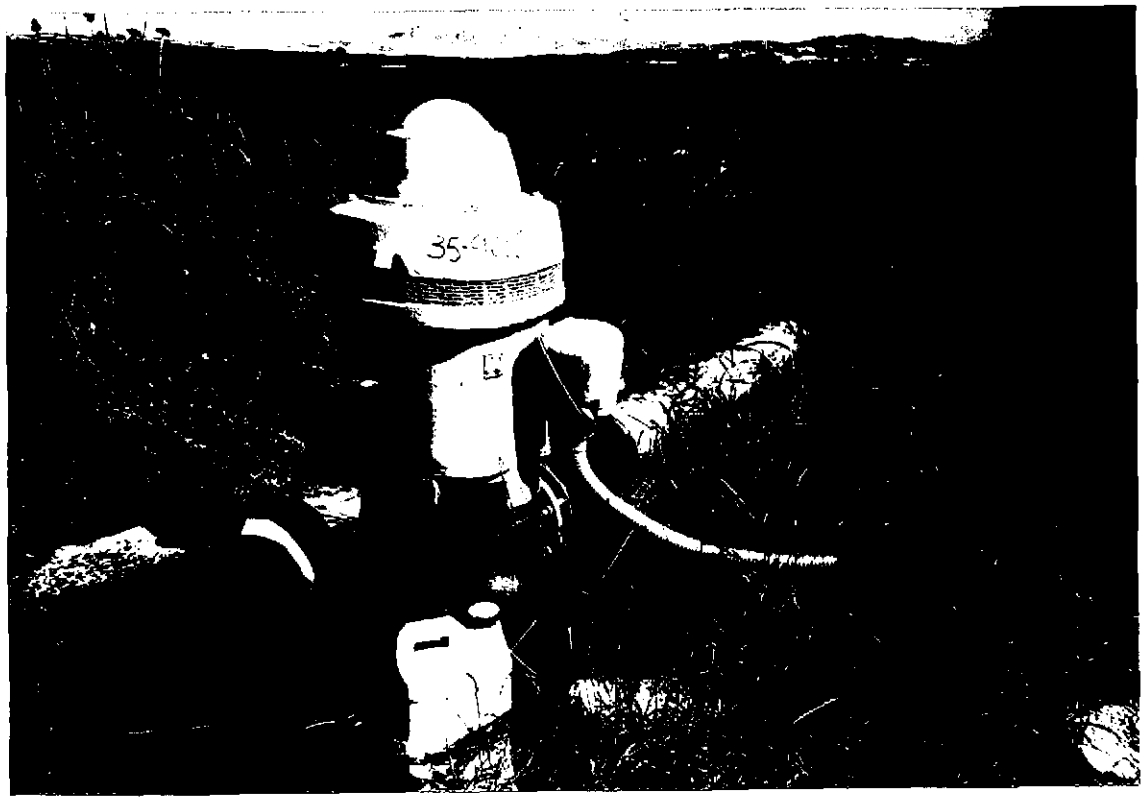
35-09053

03S, 33E, sec 29



MICROFILMED

APR 2 3 2002



POINT OF DIVERSION

MICROFILMED
APR 2 3 2002

35-9055

January 7, 1997

BILLY DEGIULIO
VELIA DEGIULIO
1643 W 500 S
PINGREE ID 83262

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-09055

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MICROFILMED
JAN 0 8 1997

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 35·09055 Reviewed by [illegible] Date 1·2-96

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

TYPES OF USE

Irr.

SOURCE OF WATER

_____ Surface water source

✓ Ground water source
no Drilling permit required?
_____ Copy in the file? Drilling Permit No._____
_____ Amount paid for permit _____Correct?
no Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
125⁻ Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
_____ Installed?
_____ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	- _____
No. of days late	_____	= _____
Priority Date	_____	+ _____
New Priority Date	_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY
New Address _____ Proof Made 12·9·96
_____

LAW OFFICE
of
ANTHONY P. De GIULIO

550 Jensen Grove Drive
Blackfoot, ID 83221
(208) 782-1332
FAX: (208) 782-1332

5 December 1996

RECEIVED
DEC 09 1996
Department of Water Resources
Eastern Region

Mr. Allen Ruberry
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83401-1718

RE: Billy and Velia De Giulio Water Rights,
Proof of Beneficial Use

Dear Mr. Ruberry:

Enclosed is the completed "Proof of Beneficial Use" form for Billy and Velia De Giulio's water rights, permit No. 35-09055, and a check payable to Idaho Department of Water Resources in the amount of $125.00 for the license examination fee. The well has been used to water that particular acreage since 1974.

If we've sent this to you in error, please be so kind as to ensure it reaches the proper individual. We thank you for your assistance throughout this whole process, and wish you a very happy Holiday Season.

Sincerely,

Anthony P. De Giulio

Enclosures

cc: Billy and Velia De Giulio, 1643 W, 500 S, Pingree, ID 83262

MICROFILMED
JAN 08 1997

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

November 15, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BILLY DEGIULIO
VELIA DEGIULIO
1643 W 500 S
PINGREE ID 83262

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-09055

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a $100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

MICROFILMED
NOV 29 1996

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 35-09035 **Name:** De Giulio **Date:** 11/12/96 **Ad OK?** ✓ **✓ Gvmt Lts:** ✓

AREA OF CONCERN? - No/Yes ESRP Mor _____GWMA ~~Trust~~/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)
SYSTEM COMPLETED:
Yes/proof filed - NA
1 year/no proof - (P16)
+1 year - 26A-**P17**
GROUNDWATER: <✓ *FLO-CH*>
+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD No SW available
=/+ 5 a. - 01M, ~~065(if GW use SW 1st)~~
DRILLING PERMIT:
Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. ___-___-__-_____-____, **P99**
No WD permit? - 046-46B-**P23** (post 7/1/87)
irr. in WD - **P05** (new well)
SURFACE WATER <✓*FLO-CH*>(Surface water that *doesn't sink* is regulated):
Water District*(dom)* - 005 *(req)* WD #_____ <SEE MAP & LISTING>
+ 0.2 cfs - 01J(meas dev)-**P08**
=/- 0.2 cfs - 01H(lock dev)-**P01** or No MD
~~In WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M
RIVER BASINS (**Surface water*):
Snake R (01) - 11A-**P04**, NA
(02/03-irr) - 007-**P07** (w/remark WB9– Weiser), NA
Boise River (63) - 05A (if ~~WD~~), 11E (not 42-111 use), NA
Payette River (65) - 064(regulated uses), 047-**P04**(Payette Lake), NA
USE:
Domestic *(surface)* - *WB5(Boise R - Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(req)-010/06A/09E(WQ)-P10;044(N 1000 Spr)
Irr <*POU*> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-**P10**
Power - 08A-17K-025-027-028-01F(**P19**)-09E(**P10**);
+25 cfs-**P18**; 17G(FERC) or 17M(~~FERC~~); 18B-**P09**
Storage*(✓3 compo.)* - 18A(multi MD in WD), 18B-**P09** (+10' dam), W07
LOCATION:
42-248 area - In 20/30/40/50/60/70/80 (~~87~~) basin? (P84)
Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - **P52** (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - __1__ <SEE CODE CHART>
Trust - 051-052-053-**P74** (Consumptive Uses), NA
Non-Trust <1> - **048-049** (Consumptive Uses), NA
OWNERSHIP: Non-owner - 004 (PD/PU) _____
OTHER CONDITIONS: - _____
STANDARD REMARKS: - (1) W06
BENEFICIAL USE DUE: - 11-1-1997
COMMENTS: - _____

Advertise & put in Remarks about early use

Dist. for staffing 4-15-96
Submitted for advertising 4-16-96

Form No. 202
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY HWJ DATE 4-16-96 APPLICATION NO 35-9055
Velva or Betty DeGiulio

REQUIRED INFORMATION

- ✓ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ✓ Address
- ✓ Source (See USGS Quad for names of water sources)
- ✓ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ✓ County
- ✓ Quantity (flow and/or volume)
- ✓ Period of Use
- ✓ Nature of proposed use (Include description of use.)
- ✓ Description of diverting works
- ✓ Time required for beneficial use of water
- ✓ Place of use or acres irrigated
- ✓ Map
- ✓ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
- ✓ Fee
- ✓ Yes ____ No* In form to receipt

ADDITIONAL INFORMATION

- X Overlapping place of use (Describe source & relationship to present application on the back.)
- X Overlapping point of diversion
- ____ Yes X No Field check required
  Field check by _____
- ____ Yes ____ No Field report attached
- ____ Yes ____ No Critical groundwater area
- ____ Yes ____ No Groundwater management area
- ____ Yes ____ No Send dam safety information
- ____ Yes ____ No Send power requirement letter
- ____ Yes ____ No Send fish farm requirement letter
- ____ Yes ____ No Power residency affidavit
- ____ Yes ____ No Power efficiency form
- ✓ Yes ____ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ____ Yes X No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ____ See reverse side for additional information

RECEIVED
NOV 01 1996
Department of Water Resources

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT Evidence of early use

_____ Date Requested _____

PROCESSING

___Yes ___No In form for advertising
___Yes ___No Statewide advertising
___Yes ___No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

___Idaho Dept. of Health & Welfare
___Idaho Dept. of Fish & Game
___Idaho Dept. of Lands
___Adjudication Bureau Unit
___U.S. BLM
___U.S. Forest Service
___Water District
___Other_____

FINAL REGIONAL PROCESSING REVIEW

___Yes ___No Affidavit of publication received
___Yes ___No Application published correctly. If not, record action taken _____

___Yes ___No Publication dates & paper, recorded on application
___Yes ___No Protests received
Final date for protest 6-3-96
___Yes ___No Protests, dates, resolution of protest, recorded on application
___Yes ___No Recommendations attached
___Yes ___No Measuring device required
___Yes ___No Access port required
___Yes ___No Will water be delivered by watermaster? If yes, what Dist. ____
___Yes ___No Special conditions of approval or cover letter below.

Date of priority recommended 4-12-96
By: ___ Date: 10-28-96

STATE OFFICE REVIEW

By_____ Date:_____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

_____City	_____Idaho Fish & Game	_____Irrigation Dist.
_____County	_____Idaho Health & Welfare	_____Canal Company
_____Reservations	_____Div. of Environment	_____Other_____

Project impacts/implications report

COMMENTS

550 Jensen Grove Drive
Blackfoot, ID 83221
(208) 782-1332
FAX: (208) 782-1332

LAW OFFICE
of
ANTHONY P. De GIULIO

RECEIVED
OCT 24 1996
Department of Water Resources
Eastern Region

RECEIVED
NOV 01 1996
Department of Water Resources

22 October 1996

Harold W. Jones
Water Resource Supervisor
State of Idaho
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

RE: Civil Case No. 39576
Application for Permit #35-09055
Billy and Velia De Giulio

Dear Mr. Jones:

Attached please find a Notice of Appearance in this case. Also attached, in support of the application, are:

1. Affidavits,

2. Power company records and note,

3. Aerial photos for 1974, 1980, 1981, and 1987, and

4. An excerpt of 1974 federal income tax return showing depreciation of the new equipment.

The land in question has been under irrigation since 1920 when Martin Rossi first farmed it. It was later sold to Hurdis Cornelison and then to Billy and Velia De Giulio. It is requested that the permit be granted and that, under the amnesty statutes, priority date be established in the spring of 1974 or earlier.

If any further information is required, please don't hesitate to call me.

Sincerely,

Anthony P. De Giulio

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NOV 29 1996

Civil Case No. 39576
Application for Permit #35-09055
Billy and Velia De Giulio

NOTICE OF APPEARANCE

NOTICE IS HEREBY GIVEN that I, Anthony P. De Giulio, will be acting as attorney-at-law on behalf of Billy and Velia De Giulio and request that all notices and correspondence be mailed to me at the following address:

Anthony P. De Giulio
550 Jensen Grove Drive
Blackfoot, Idaho 83221
Tel: (208) 782-1332
Fax: (208) 782-1332 (during normal business hours)

Anthony P. De Giulio

MICROFILMED
NOV 29 1996

RE: Civil Case No. 39576
Application for Permit #35-09055
Billy and Velia De Giulio

EXHIBITS:

1. Note from Idaho Power Co. representative, and power company records for 1980 for pump on North half of NW quarter, Section 29, Township 3S, Range 33 E.B.M, Bingham County.

2. Aerial photos for 1974, 1980, 1981, and 1987, showing irrigation of North half of NW quarter, Section 29, Township 3S, Range 33 E.B.M., Bingham County **and** of South half of NW quarter, Section 29, Township 3S, Range 33 E.B.M, Bingham County.

3. 1974 Federal Tax Return (excerpted), showing depreciation of equipment used to irrigate above described land.

4. Affidavits from: Billy De Giulio
Velia De Giulio
Dan De Giulio
Tommasso Rossi

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NOV 29 1996

IDAHO POWER

To Whom it may concern,

Idaho Power no longer has records as far back as 1974. I was able to find record of a meter being changed out on pump M 29 2 as of January 29, 1980. This does not mean that the pump did not exsist before that time. Idaho Power changes all meters out on regular intervals. The 1-29-80 install date was to update the meter. I do not have records showing when the electricity was actually intalled to this installation.

Sincerley,

Wendy Hammond

Idaho Power Co.

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NOV 2 9 1996

EXHIBIT 1

CYCLE 21 DIST 72 EASTERN TOWN BLACKFOOT BILLING DATE 01/29/83

TRANSACTION

CD	ID	OR NO	MO DA YR	AMT / DSC

C	READ A	MO DA	DA	DM KW	ENERGY - KWH	AMOUNT
	6	1023		0	0	
	0	102330	21		660	1498
	0	092430	21		11480	22468
	0	082530	20		14260	25936
	0	072730	21		14440	26552
	0	062530	21		1210	7796
	0	052721	21		3180	6558
	0	0506	0		0	

EL HEAT · IR USE · APT/MOB · MULT FM · UDG · HI VOLT · EST CNT · EMP · GUAR · LND LRD · LG PWR · # BILL · OWN/RNT · PB/CODE · TB/CODE

METER # [redacted] | M | S | D | P | FSCL | CONST | T | INS DT | LO | IN
000964 5 0530960 | | | | | | 1 | 20 1 29 80 | 00 | 0

CON/DIS | RT | SEQ | TY | COMBO | SIC | ARA | BL | TAX
1 1 138 | 82 | 290 | 80 | 0054 | 3000 | 080

DATE | RDNGS | A/C | APT
1 02 36 48 30

0 1 02 36 48 30 NO EST 0

RA | R | RA DAT
24 50 90 81

GRID COORDINATE

CONNECT LD · MONTH MIN · FAC CHG · GUAR - AG · SPOUSE · EMPLYR · PHONE [redacted] 000

RA	R	A	UNT	ACT	KWH	CHARGE	FC CHG	UD CHG

DEP #	DATE	DEP AMT	T	INT PD	DATE	RATE

ADV #	DATE	ADV AMT	TRNS ACT #

F	W	S	ACRES	LIFT	KVA	HP	# MOT
		HS	40	0	450	250	1

RK · OA

ACT STATS I · ACCOUNT # 21720090593
NAME HATT*STANFORD H
C/O - DBA
SERVICE * M 29 2
LOCATION
SERV - CSZ BLACKFOOT | 083221
MAIL LN 1 RT 1 BOX 56A
MAIL LN 2
MAIL - CSZ PINGREE | 083221
BILLING - ELEC - CUR
BILLING - NON-ELEC - CUR
ARREARS - ELECTRIC
ARREARS - NON-ELECTRIC
ACCOUNT BALANCE

RATE 24

MICROFILMED NOV 29 1996

CYCLE 21 DIST 72 EASTERN TOWN BLACKFOOT BILLING DATE 01/29/83

TRANSACTION

CD	ID	OR NO	MO DA YR	AMT / DSC

C	READ A	MO DA	DA	DM KW	ENERGY - KWH	AMOUNT
	0	062235	21		15894	40463
	0	0514	0		0	
	0	0514	0		0	

EL HEAT · IR USE · APT/MOB · MULT FM · UDG · HI VOLT · EST CNT · EMP · GUAR · LND LRD · LG PWR · # BILL · OWN/RNT · PB/CODE · TB/CODE

METER # 000964 5 0530960 | M | S | D | P | FSCL | CONST | T | INS DT | LO | IN
| | | | | | | 1 | 20 1 29 80 | 00 | 0

CON/DIS | RT | SEQ | TY | COMBO | SIC | ARA | BL | TAX
0 9 228 282 | 290 | 80 | 0018 | 5000 | 080

DATE | RDNGS | A/C | APT
6 2 28 07 24

0 5 1 46 48 30 NO EST 0

RA | R | RA DAT
24 50 51 482

GRID COORDINATE

CONNECT LD · MONTH MIN · FAC CHG · GUAR - AG · SPOUSE 5195848685 · EMPLYR · PHONE [redacted] 000

RA	R	A	UNT	ACT	KWH	CHARGE	FC CHG	UD CHG
2								

DEP #	DATE	DEP AMT	T	INT PD	DATE	RATE

ADV #	DATE	ADV AMT	TRNS ACT #

F	W	S	ACRES	LIFT	KVA	HP	# MOT
		HS	40	0	450	250	1

RK · OA

ACT STATS I · ACCOUNT # 21720090594
NAME TAYLOR*KEITH O
C/O - DBA &IDAHO 1ST NATL-IF
SERVICE * M 29 2
LOCATION
SERV - CSZ BLACKFOOT | 083221
MAIL LN 1 RT 3 BOX 471
MAIL LN 2
MAIL - CSZ BLACKFOOT | 083221
BILLING - ELEC - CUR
BILLING - NON-ELEC - CUR
ARREARS - ELECTRIC
ARREARS - NON-ELECTRIC
ACCOUNT BALANCE

RATE 24

CYCLE 21 DIST 72 EASTERN TOWN BLACKFOOT BILLING DATE 01/29/83

TRANSACTION

CD	ID	OR NO	MO DA YR	AMT / DSC

C	READ A	MO DA	DA	DM KW	ENERGY - KWH	AMOUNT
	0	092430	21		7353	21006
	0	082530	21		14460	35976
3	0	072735	21		4986	16061
	3	00622	0		0	
	3	00622	0		0	

EL HEAT · IR USE · APT/MOB · MULT FM · UDG · HI VOLT · EST CNT · EMP · GUAR · LND LRD · LG PWR · # BILL · OWN/RNT · PB/CODE · TB/CODE

METER # 004508 5 0532400 | M | S | D | P | FSCL | CONST | T | INS DT | LO | IN
| | | | | | | 1 | 20 8 31 82 | 00 | 0

CON/DIS | RT | SEQ | TY | COMBO | SIC | ARA | BL | TAX
0 9 248 282 | 290 | | 0054 | 3000 | 080

DATE | RDNGS | A/C | APT
9 24 43 05

0 8 25 01 70 NO EST 0

RA | R | RA DAT
24 09 22 82

GRID COORDINATE

CONNECT LD · MONTH MIN · FAC CHG · GUAR - AG · SPOUSE · EMPLYR · PHONE 684 3121 000

RA	R	A	UNT	ACT	KWH	CHARGE	FC CHG	UD CHG

DEP #	DATE	DEP AMT	T	INT PD	DATE	RATE

ADV #	DATE	ADV AMT	TRNS ACT #

F	W	S	ACRES	LIFT	KVA	HP	# MOT
		HS	40	0	450	250	1

RK · OA

ACT STATS I · ACCOUNT # 21720090595
NAME HATT*STANFORD H
C/O - DBA
SERVICE * M 29 2
LOCATION
SERV - CSZ BLACKFOOT | 083221
MAIL LN 1 RT 1 BOX 56A
MAIL LN 2
MAIL - CSZ PINGREE | 083262
BILLING - ELEC - CUR
BILLING - NON-ELEC - CUR
ARREARS - ELECTRIC
ARREARS - NON-ELECTRIC 282
ACCOUNT BALANCE 282

RATE 24

CYCLE 21 DIST 72 EASTERN TOWN BLACKFOOT

ACCT NO-- 1072-015621-[redacted] NAME-- DE GIULIO*BILLY D [redacted] RATE 24S
ACCT ST-- ACTIVE COAPP- ID PAE1
CON/DIS-- 06/17/94 LOCT-- M 29 2 *
ACTIVITY- NONE PENDING CITY-- BLACKFOOT ID 83221 *

* * * * * * * * * TRANSACTION ITEMIZATION INFORMATION * * * * * * * * * * * * *

TRN	ID	BATCH/ ORDER	PROCESS DATE	TRANS AMOUNT	DESCRIPTIVE INFORMATION		ACCOUNT BALANCE
850	00		10/12/95	94.54	READ DATE 10/10		94.54
500	00	92191	10/04/95	181.33-			0.00
850	00		09/12/95	181.33	READ DATE 09/08		181.33
500	00	92334	09/06/95	176.94-			0.00
780	03		07/12/95		UNBILLED =	.04	4.00
780	04		11/09/94		UNBILLED =	4.54-	1,380.05-
780	04		10/11/94		UNBILLED =	8.73-	1,373.82-
780	04		09/12/94		UNBILLED =	9.67-	1,379.15-
780	04		08/11/94		UNBILLED =	9.63-	1,515.66-
780	04		07/13/94		UNBILLED =	7.66-	1,520.00-
110	02	MQ866	06/21/94				1,520.00-
100	00	MQ865	06/17/94				0.00

* * SUBPAGE 3 * * PF11-PREV PAGE
TRAN CODE ____ OR NAME/PHONE/ACCOUNT/SSN

Jolene
2314

10100959

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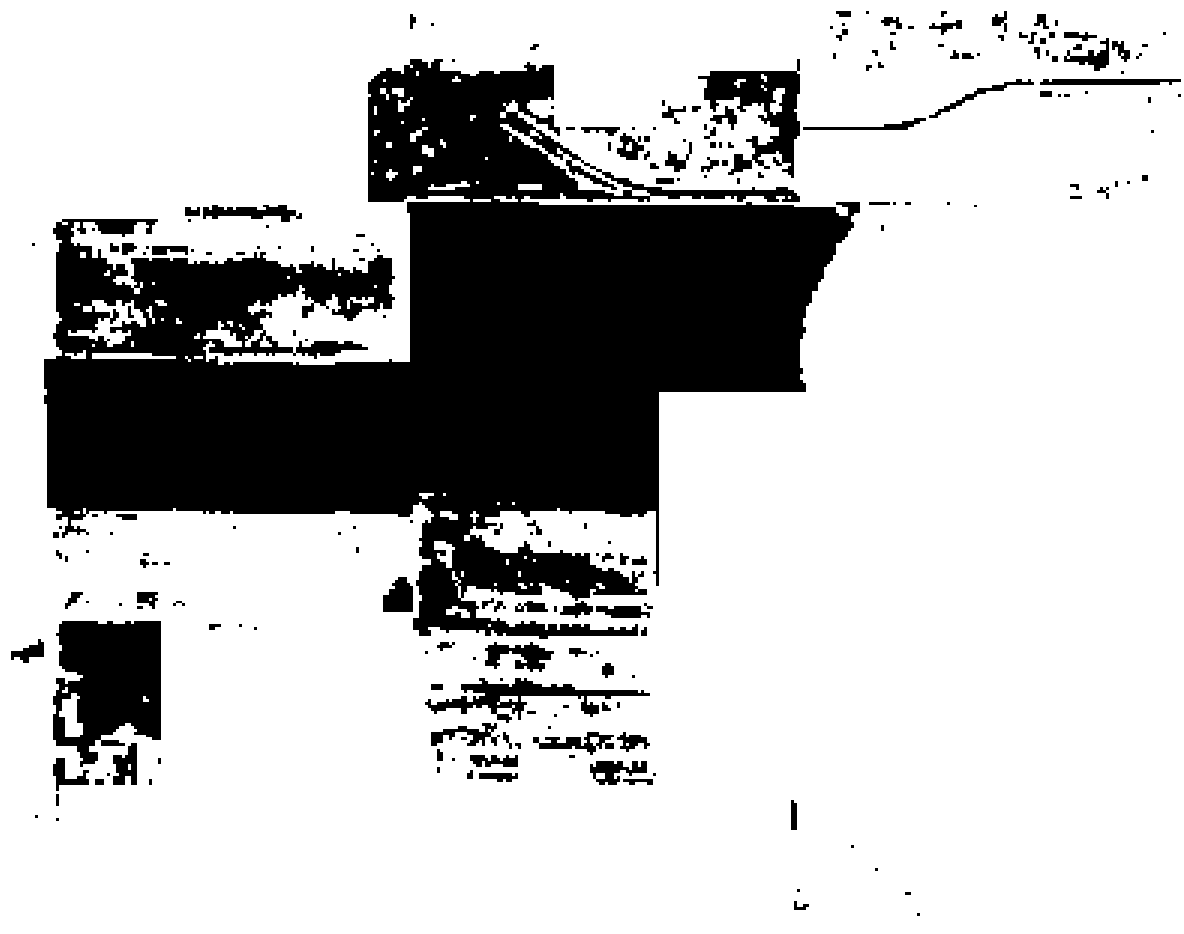
NOV 29 1996



This is from FSA's 1981 slide #21, from K-12 map.

K-12 map contains

Township 3S, R 3E, Sect 29, land belonging to Billy & Velma Deguilio containing N ½ S halves of NW quarter.

Thera J. Taylor P.A.
FSA Officer

10/8/96

FILMED

1930

1981 photo
from ASCS

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NOV 29 1996

Map from FSA Office
Blackfoot Idaho

Aker photo taken in
Approx- 1980.

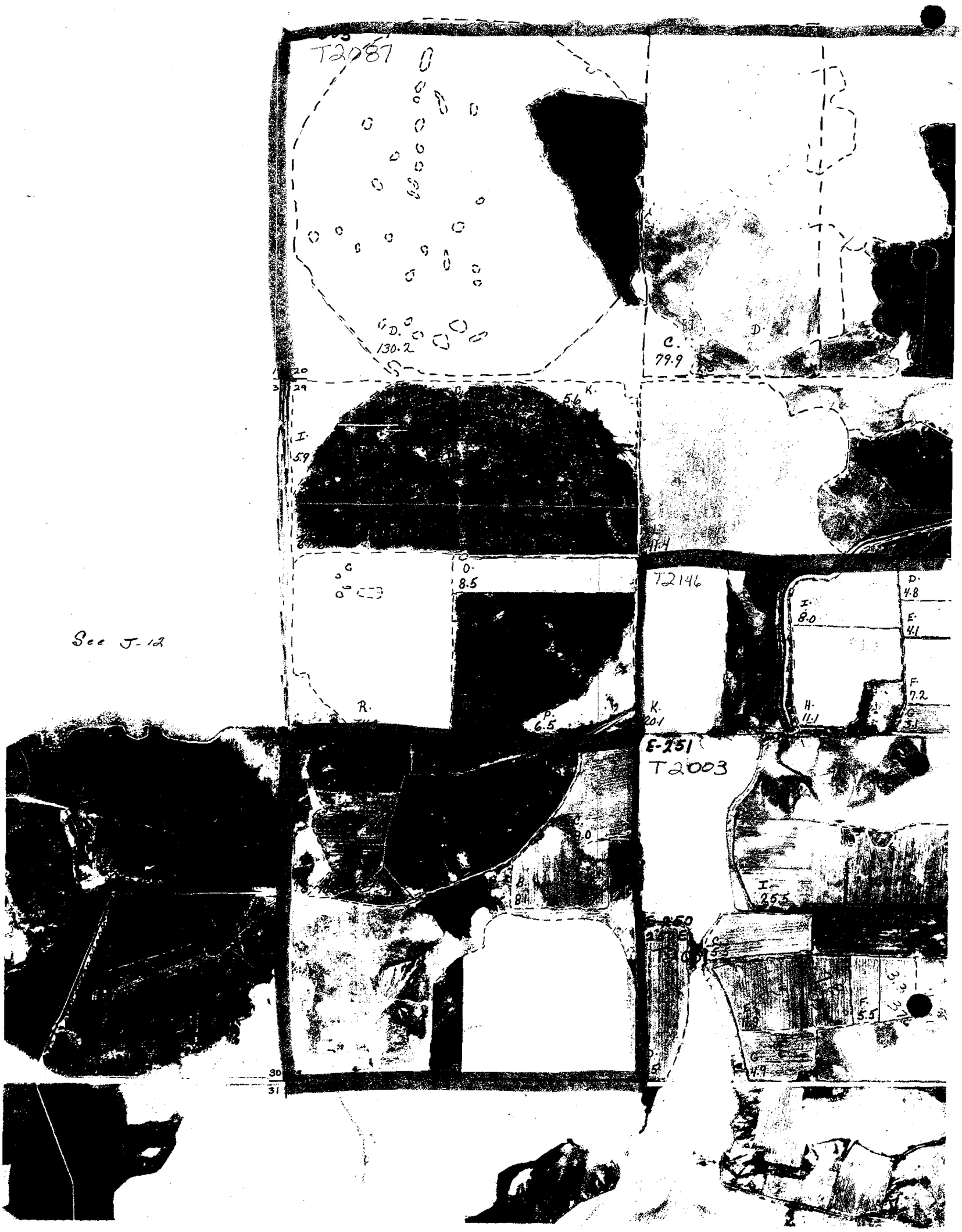
Barbara Russell
Acting C.E.D. 9/20/96

BLM

NAPP 16011-378
HEL 3 40.0
HEL 4 40.0
HEL 8 40.0
9. 40.0
10. 80.0
Map from FSA Office 9/20/96
Blackpool. Lic.
Shea photo taken in
Approx. 1987 - Raised
Detail occ.
HEL 13 40.0
T2003 533
HEL 2 25.3
2.0
T2001 52.6
8.3
HEL 3 5.5
HEL 5 15.9
T2088 771
4.2
8.4
3.9
2.7
15.4
T24991 392?

Map from FSA
office - Bleckfast Rd.
This photo taken in
approx. 1974.
Barbara Rascati
Acting C&D. 9/30/96

U.S.



Form **1040** — Department of the Treasury—Internal Revenue Service

U.S. Individual Income Tax Return

1974

For the year January 1–December 31, 1974, or other taxable year beginning _____, 1974, ending _____, 19____

BILLIE & VELIA DEGUILIO

PINGREE ID 83262

COUNTY OF RESIDENCE: BINGHAM

Your social security number: 518 34 7898

Spouse's social security no.: 519 60 2669

Occupation — Yours ▶ FAR.I

Spouse's ▶

Filing Status —check only one:

1 [ ] Single

2 [X] Married filing joint return (even if only one had income)

3 [ ] Married filing separately. If spouse is also filing give spouse's social security number in designated space above and enter full name here ▶

4 [ ] Unmarried Head of Household (See instructions on page 5) ▶

5 [ ] Widow(er) with dependent child (Year spouse died ▶ 19)

Exemptions — Regular / 65 or over / Blind

6a Yourself . . . [X] [ ] [ ]

b Spouse . . . [X] [ ] [ ]

Enter number of boxes checked ▶ 2

c First names of your dependent children who lived with you: LEE ANN, MICHAEL ▶ 2

d Number of other dependents (from line 27) . . . ▶

7 Total exemptions claimed . . . . . ▶ 4

8 **Presidential Election Campaign Fund** . . ▶ Do you wish to designate $1 of your taxes for this fund? [ ] Yes [X] No

If joint return, does your spouse wish to designate $1? [ ] Yes [X] No

Note: If you check the "Yes" box(es) it will not increase your tax or reduce your refund.

Please attach Copy B of Forms W-2 here

Income

9	Wages, salaries, tips, and other employee compensation (Attach Form W-2. If unavailable, see instructions on page 3.)	9	384
10a	Dividends (See instructions on pages 6, 13)$ 177, 10b Less exclusion $ 129, Balance ▶	10c	48
11	Interest income.	11	1,645
12	Income other than wages, dividends, and interest (from line 38)	12	18,093
13	Total (add lines 9, 10c, 11, and 12)	13	20,170
14	Adjustments to income (such as "sick pay," moving expenses, etc. from line 43)	14	500
15	Subtract line 14 from line 13 (adjusted gross income)	15	19,670

● CAUTION. If you have unearned income and can be claimed as a dependent on your parent's return, check here ▶ [ ] and see instructions on page 7.

Tax, Payments and Credits

16 Tax, check if from: [ ] Tax Tables 1–12 [ ] Tax Rate Schedule X, Y, or Z [ ] Schedule D [X] Schedule G OR [ ] Form 4726 — 16: 2,397

17 Total credits (from line 54) — 17: 1,411

18 Income tax (subtract line 17 from line 16) — 18: 986

19 Other taxes (from line 61) — 19: 1,043

20 Total (add lines 18 and 19) — 20: 2,029

21a	Total Federal income tax withheld (attach Forms W-2 or W-2P to front)	21a	37
b	1974 estimated tax payments (include amount allowed as credit from 1973 return)	b	
c	Amount paid with Form 4868, Application for Automatic Extension of Time to File U.S. Individual Income Tax Return	c	
d	Other payments (from line 65)	d	91
22	Total (add lines 21a, b, c, and d)	22	128

Pay amount on line 23 in full with this return. Write social security number on check or money order and make payable to Internal Revenue Service.

Please attach check or money order here.

Balance Due or Refund

23	If line 20 is larger than line 22, enter BALANCE DUE IRS (Check here ▶ [X] if Form 2210, Form 2210F, or statement is attached. See instructions on page 7.)	23	1,901
24	If line 22 is larger than line 20, enter amount OVERPAID	24	
25	Amount of line 24 to be REFUNDED TO YOU	25	
26	Amount of line 24 to be credited on 1975 estimated tax. ▶	26	

If all of overpayment (line 24) is to be refunded (line 25), make no entry on line 26.

COPY

Sign here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which he has any knowledge.

Your signature _____ Date _____

Spouse's signature (if filing jointly, BOTH must sign even if only one had income) _____

Preparer's signature (other than taxpayer) _____ Date 2-15-75

EXETER AND FINLEY
BLACKFOOT, IDAHO
82-0229691

MICROFILMED NOV 29 1996

Exhibit 3

SCHEDULE F (Form 1040)

Department of the Treasury
Internal Revenue Service

Farm Income and Expenses

(Compute social security self-employment tax on Schedule SE)

► Attach to Form 1040. ► See Instructions for Schedule F (Form 1040).
► If rental income, see Instruction C before using this schedule.

1974

Name(s) as shown on Form 1040: Billie De Guilio

Social security number: 518 34 7898

Business name and address

Location of farm(s) and number of acres in each farm

Employer identification number (See instructions)

Part I Farm Income—Cash Receipts and Disbursements Method

Do not include sales of livestock held for draft, breeding, sport, or dairy purposes; report such sales on Form 4797.

Sales of Purchased Livestock and Other Items Purchased for Resale

a. Description	b. Amount received	c. Cost or other basis
1 Livestock:	$	$
2 Other items:		
3 Totals	$	$
4 Profit or (loss), subtract line 3, column c from line 3, column b ►		$

Sales of Market Livestock and Produce Raised and Held Primarily for Sale and Other Farm Income

Kind	Quantity	Amount
5 Cattle 4 CROPS		$ 47203
6 Calves		
7 Sheep		
8 Swine		
9 Poultry		
10 Dairy products		
11 Eggs		
12 Wool		
13 Cotton		
14 Tobacco		
15 Vegetables		
16 Grain		
17 Fruits and nuts		
18 Other (specify):		

OTHER FARM INCOME

19 Machine work	
20 (a) Patronage dividends (See Sch. F instructions)	
(b) Per-unit retains (See Sch. F instructions)	
21 Nonpatronage distributions from exempt cooperatives	
22 Agricultural program payments:	
(1) Cash	
(2) Materials and services	
23 Commodity credit loans under election (or forfeited)	
24 Federal gasoline tax credit	36
25 State gasoline tax refund	236
26 Other (specify):	
27 Add lines 5 through 26	$ 47,475
28 Gross profit *(add lines 4 and 27) ►	$ 47,475

Part II Farm Deductions—For Cash and Accrual Method Taxpayers

F

Do not include personal or living expenses not attributable to production of farm income, such as taxes, insurance, repairs, etc., on your dwelling.

Items	Amount
29 Labor hired	$ 5366
30 Repairs, maintenance	2455
31 Interest	
32 Rent of farm, pasture	
33 Feed purchased	
34 Seed, plants purchased	1427
35 Fertilizers, lime	4916
36 Machine hire	2138
37 Supplies purchased	992
38 Breeding fees	
39 Veterinary, medicine	762
40 Gasoline, fuel, oil	2069
41 Storage, warehousing	
42 Taxes	1945
43 Insurance	
44 Utilities 1/2	415
45 Freight, trucking	
46 Conservation expenses	
47 Land clearing expenses	
48 Pension and profit-sharing plans (see Sch. F instructions)	
49 Employee benefit programs other than line 48 (see Sch. F instructions)	
50 Other (specify): Labor Union	1000
Dues	330
51 Add lines 29 through 50 ►	$ 24,815
52 Depreciation (from line 59, Part III) ►	8867
53 Total deductions. Add lines 51 and 52 ►	$ 33,682

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NOV 29 1996

54 Net farm profit or (loss) (subtract line 53 from 28). Enter here and on Form 1040, line 32. **ALSO** enter on Schedule SE, Part I, line 1(a) ► $ 13,793

* Use amount on line 28 for optional method of computing net earnings from self-employment. (See Schedule SE, Part I, line 3.)

Part III Depreciation (Do not include property you and your family occupy as a dwelling, its furnishings, and other items used for personal purposes.) If you need more space, you may use Form 4562.

Note: If depreciation is computed by using the Class Life (ADR) System for assets placed in service after December 31, 1970, or the Guideline Class Life System for assets placed in service before January 1, 1971, you must file Form 4832 (Class Life (ADR) System) or Form 5006 (Guideline Class Life System). Except as otherwise expressly provided in income tax regulations sections 1.167(a)–11(b)(5)(vi) and 1.167(a)–12, the provisions of Revenue Procedures 62–21 and 65–13 are not applicable for taxable years ending after December 31, 1970. (See Publication 534.)

If you elected the Class Life (ADR) System this taxable year, check this box . . . . . ☐

If you elected the Guideline Class Life System this taxable year, check this box . . . . . ☐

a. Group and guideline class or description of property	b. Date acquired	c. Cost or other basis	d. Depreciation allowed or allowable in prior years	e. Method of computing depreciation	f. Life or rate	g. Depreciation for this year
55 Total additional first-year depreciation (do not include in items below) →						3388
56 Depreciation from Form 4832 (See Note above)						
57 Depreciation from Form 5006 (See Note above)						
58 Other depreciation:						
Buildings						
Furniture and fixtures						
Transportation equipment						
Machinery and other equipment						
Other (specify):						
Land on file						3479
59 Totals			Enter here and in Part II, line 52 ▶			6867

Part IV Farm Income—Accrual Method (Do not include sales of livestock held for draft, breeding, sport, or dairy purposes; report such sales on Form 4797 and omit them from "On hand at beginning of year" column)

Description (Kind of livestock, crops, or other products)	On hand at beginning of year		Purchased during year		Raised during year	Consumed or lost during year	Sold during year		On hand at end of year	
	Quantity	Inventory value	Quantity	Amount paid	Quantity	Quantity	Quantity	Amount received	Quantity	Inventory value
		$		$				$		$
60 Totals (enter here and in Part V below)		$ (Enter on line 70)		$ (Enter on line 71)				$ (Enter on line 62)		$ (Enter on line 61)

Part V Summary of Income and Deductions—Accrual Method

61 Inventory of livestock, crops, and products at end of year			$
62 Sales of livestock, crops, and products during year		$	
63 Agricultural program payments: (1) Cash			
(2) Materials and services			
64 Commodity credit loans under election (or forfeited)			
65 Federal gasoline tax credit			
66 State gasoline tax refund			
67 Other farm income (specify):			
68 Add lines 62 through 67			
69 Total (add lines 61 and 68)			$
70 Inventory of livestock, crops, and products at beginning of year		$	
71 Cost of livestock and products purchased during year			
72 Gross profits *(subtract the sum of lines 70 and 71 from line 69)			$
73 Total deductions from Part II, line 53			$
74 Net farm profit or (loss) (subtract line 73 from line 72). Enter here and on Form 1040, line 32. ALSO enter on Schedule SE, Part I, line 1(a)			$

* Use amount on line 72 for optional method of computing net earnings from self-employment. (See Schedule SE, Part I, line 3.)

☆ U.S. GOVERNMENT PRINTING OFFICE : 1974—O-548-053

MICROFILMED NOV 29 1996

CLIENT NO: 2016 NAME: BILLIE & V DE GUILIO

DESCRIPTION	SUF	DATE ACQUIRED	INVEST CREDIT	COST	FIRST YEAR DEPR.	SALVAGE	ADJUSTED BASIS	METH	LIFE	BEGINNING BALANCE	DEPR. TAKEN	ENDING BALANCE
				40,545.00	1,200.00	3,007.00	35,318.00			30,268.47	2,440.82	32,709.29
				53,205.00	1,200.00	3,007.00	46,398.00			36,047.97	4,595.82	40,643.79
SPRINKLER	A	7 74	793.00	11,330.35	2266.00		9064.35	DB2	10		906.44	906.44
USED TRACTOR	A	9 74	21.00	300.00			300.00	DB1	7		32.13	32.13
PICKUP	3	5 74	593.00	3610.00	1122.00		4488.00	DB2	7		1252.28	1252.28
				70,445.35							6816.67	42,864.42
LOSS TRADE				(3675.00)							(1337.60)	(408.00)
				66,770.35							5479.07	41,124

STATE OF IDAHO,)
:ss
County of Bingham)

COMES NOW Billy De Giulio, and being first duly sworn upon oath, deposes and says:

1. That in 1969 my wife and I purchased property, as described: North half of the NW quarter of Section 29, Township 3 South, Range 33 E. Boise Meridian, Bingham County, consisting of 80 acres from Vernial and Doris Hawkes;

2. That at the time, the 80 acres had a well was used to irrigate the 80 acres with hand lines;

3. That this well had been drilled by Vernial Hawkes in 1960;

4. That in 1962 my wife and I purchased the 80 acres south of this property, described as South half of the NW quarter of Section 29, Township 3 South, Range 33 E. Boise Meridian, Bingham County, from Hurdis and Fern Cornelison;

5. That at that time that 80 acres was irrigated by water from the Hi-Line Canal (Rockford Canal Company);

6. That in 1973 the Hi-Line Canal was abandoned;

7. That in order to irrigate the south 80, we either had to drill a well or place a bigger motor on the existing well which had been drilled by Vernial Hawkes in 1960.

8. That we discovered it was cheaper to put a bigger motor (75 H.P.) and pump on the existing well on the North half of the NW quarter of Section 29, Township 3 South, Range 33 E. Boise

MICROFILMED
NOV 29 1996

EXHIBIT 4

Meridian, Bingham County. We had the new pump and motor installed by Ready Rain of Pocatello this in the spring of 1974 and watered both 80 acre parcels with hand lines and wheel lines.

9. That subsequent to the installation, Ready Rain went out of business and their records of this transaction are not available;

10. That our records of the installation of the larger pump and motor have been inadvertently and irretrievably lost except for Federal Tax records for 1974 showing depreciation of the equipment;

11. That in 1978, my wife and I installed a center pivot to irrigate both parcels. A pivot has been used continuously since 1978.

DATED this 12 day of Oct, 1996.

BY: Billy De Giulio

SUBSCRIBED AND SWORN to before me this 15th day of October, 1996.

Notary Public for State of Idaho
Residing at Pingree, Idaho
My commission expires: 4/26/2002

MICROFILMED
NOV 29 1996

STATE OF IDAHO,)
:ss
County of Bingham)

COMES NOW Velia De Giulio, and being first duly sworn upon oath, deposes and says:

1. That in 1969 my husband and I purchased property, as described: North half of the NW quarter of Section 29, Township 3 South, Range 33 E. Boise Meridian, Bingham County, consisting of 80 acres from Vernial and Doris Hawkes;

2. That at the time, the 80 acres had a well was used to irrigate the 80 acres with hand lines;

3. That this well had been drilled by Vernial Hawkes in 1960;

4. That in 1962 my husband and I purchased the 80 acres south of this property, described as South half of the NW quarter of Section 29, Township 3 South, Range 33 E. Boise Meridian, Bingham County, from Hurdis and Fern Cornelison;

5. That at that time that 80 acres was irrigated by water from the Hi-Line Canal (Rockford Canal Company);

6. That in 1973 the Hi-Line Canal was abandoned;

7. That in order to irrigate the south 80, we either had to drill a well or place a bigger motor on the existing well which had been drilled by Vernial Hawkes in 1960.

8. That we discovered it was cheaper to put a bigger motor (75 H.P.) and pump on the existing well on the North half of the NW quarter of Section 29, Township 3 South, Range 33 E. Boise

MICROFILMED
NOV 29 1996

Meridian, Bingham County. In the spring of 1974, we had the new pump and motor installed by Ready Rain of Pocatello and watered both 80 acre parcels with hand lines and wheel lines.

9. That subsequent to the installation, Ready Rain went out of business and their records of this transaction are not available;

10. That our records of the installation of the larger pump and motor have been inadvertently and irretrievably lost;

11. That in 1978, my husband and I installed a center pivot to irrigate both parcels. A pivot has been used continuously since 1978;

12. That power bills from Idaho Power Company for this pump only have been retained since 1980 and that bill is included in the attached exhibits;

13. That my husband and I depreciated the new sprinkler equipment on our taxes for 1974 Federal Income Tax Return, included in the attached exhibits.

DATED this 12 day of Oct., 1996.

BY: Velia De Giulio

SUBSCRIBED AND SWORN to before me this 15th day of October 1996.

Notary Public for State of Idaho
Residing at Pingree, Idaho
My commission expires: 4/26/2002

MICROFILMED
NOV 29 1996

STATE OF IDAHO,)
:ss
County of Bingham)

COMES NOW Dan De Giulio, and being first duly sworn upon oath, deposes and says:

1. That I also had water shares in the Hi-Line Canal prior to 1973;

2. That when the Hi-Line Canal was abandoned in 1973, I was required to use alternate methods of irrigation;

3. That because of that I know that Billy and Velia De Giulio expanded the capacity of the pump just north of the land in question in order to water that land.

DATED this 13 day of October, 1996.

BY: Dan De Giulio

SUBSCRIBED AND SWORN to before me this 13th day of October, 1996.

Nadine L De Giulio
Notary Public for State of Idaho
Residing at Pingree, Idaho
My commission expires: 4/26/2002

MICROFILMED
NOV 29 1996

STATE OF IDAHO,)
:ss
County of Bingham)

COMES NOW Tom Rossi, and being first duly sworn upon oath, deposes and says:

1. That I own acreage adjoining the land of Billy and Velia De Giulio (described as South half of the NW quarter of Section 29, Township 3S, Range 33 E. Boise Meridian, Bingham County) on which the water rights are in question;

2. That I also had water shares in the Hi-Line Canal prior to 1973;

3. That when the Hi-Line Canal was abandoned in 1973, I was required to use alternate methods of irrigation and drilled a well in 1974;

4. That because of that I know that Billy and Velia De Giulio expanded the capacity of the pump just north of the land in question in order to water the land in question.

DATED this 13th day of October, 1996.

BY: Tommaso Rossi

SUBSCRIBED AND SWORN to before me this 13th day of October, 1996.

Notary Public for State of Idaho
Residing at Pingree, Idaho
My commission expires: 4/26/2002

MICROFILMED
NOV 29 1996

SEPTEMBER 5, 1996

BILLY DEGIULIO
1643 W 500 S
PINGREE ID 83262

Mr. DeGiulio:

Since the protests were withdrawn on your application #35-09055. I am ready to continue processing this application. I will need evidence that this irrigation system was put in and used since the 1970's as stated on your application.

This could be dated air photos, power records, affidavits or crop records for the ground in the NW 1/4 of Section 29, T3S, R33E.

I cannot forward this application to Boise for final approval without this historic documentation.

If you have any questions, please give me a call.

Sincerely,

Harold W Jones
Water Resource Supervisor

HWJ:sc

MICROFILMED

NOV 2 9 1996

September 4, 1996

BILLY DEGIULIO
1643 W 500 S
PINGREE ID 83262

RE: Application for PERMIT NO. 35-09055

Dear Applicant:

This letter is to advise you that the protest filed by the Bureau of Reclamation against approval of the above referenced application has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones
Water Right Supervisor

HWJ/rb

MICROFILMED
NOV 2 9 1996

September 4, 1996

BUREAU OF RECLAMATION
1359 HANSEN AVE
BURLEY ID 83318-1821

RE: Application for Permit No. 35-09055-DEGIULIO

Dear Protestant:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones
Water Right Supervisor

HWJ/rb

MICROFILMED
NOV 2 9 1996

United States Department of the Interior

BUREAU OF RECLAMATION
Snake River Area Office-East Unit
1359 Hansen Avenue
Burley, Idaho 83318-1821

IN REPLY REFER TO:
SRA-6434
WTR-4.10

AUG 29 1996

RECEIVED
NOV 0 1 1996
Department of Water Resources

Harold W. Jones
Water Rights Supervisor
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls ID 83402-1718

Subject: Water Right Protest to Permit No. 35-09055 DeGiulio

Dear Mr. Jones:

Please be advised we are withdrawing our protest to the subject water right application. We have discussed the matter with Anthony P. DeGiulio, counsel for the applicant, and determined there is no need to pursue our protest.

Thank you for your assistance in this matter.

Sincerely,

Acting For Jerrold D. Gregg
Area Manager

cc: Anthony P. DeGiulio, 550 Jensen Grove Drive, Blackfoot, ID 83221

MICROFILMED
NOV 29 1996

August 27, 1996

BILLY DEGIULIO
1643 W 500 S
PINGREE ID 83262

RE: Application for PERMIT NO. 35-09055

Dear Applicant:

This letter is to advise you that the protest filed by TWIN FALLS NORTH SIDE CANAL against approval of the above referenced application has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones
Water Right Supervisor

HWJ/rb

MICROFILMED
NOV 29 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 27, 1996

NORMAN SEMANKO
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: Withdrawal of protest on Application for Permit No. 35-9055

Dear Protestants:

This Department has received your withdrawal of protest by Twin Falls-North Side canal against the application of Billy DeGiulio.

If you have any questions, please call our office.

Sincerely,

HAROLD JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED
NOV 29 1996

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

August 23, 1996

RECEIVED
AUG 2 6
Department of Water Resources
Eastern Region

Mr. Harold W. Jones
Water Rights Supervisor
Idaho Department of Water Resources
Eastern Region
900 North Skyline
Idaho Falls, ID 83402

RECEIVED
AUG 2 6 1996
Department of Water Resources
Eastern Region

RE: Application for Permit No. 35-09055

Dear Mr. Jones:

After further review of the above-referenced Application for Permit and communications with the applicant, please be advised that the Twin Falls Canal Company and North Side Canal Company hereby withdraw their protest in this matter.

Please continue to advise us regarding any other applications for permit of a similar nature.

Sincerely,

NORMAN M. SEMANKO

NMS:kn
cc: TFCC
NSCC
Anthony DeGiulio
08239603.NMS

MICROFILMED
NOV 2 9 1996

July 3, 1996

VELIA OR BILLY DEGIULIO
1643 W 500 S
PINGREE ID 83262

RE: Application for Permit No. 35-09055

Dear Mr. Degiulio:

Enclosed are copies of protests filed against the issuance of a permit. The Department suggests you contact the protestants directly in an effort to determine the nature of the protests and to attempt to resolve the protests.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,

Harold W. Jones rb

HAROLD W. JONES
Water Rights Supervisor
HWJ/rb
pc: IDWR - STATE OFFICE
enc

MICROFILMED
NOV 29 1996

July 3, 1996

GARY D SLETTE
ROSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: Application for Permit No. 35-09055 DEGIULIO

Dear Protestant:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Sincerely,

Harold W. Jones

HAROLD W. JONES
Water Rights Supervisor
HWJ/rb

MICROFILMED
NOV 29 1996

July 3, 1996

DALA S WALTON
US BUREAU OF RECLAMATION
1359 HANSEN AVE
BURLEY ID 83318

RE: Application for Permit No. 35-09055 DEGIULIO

Dear Protestant:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Sincerely,

Harold W. Jones

HAROLD W. JONES
Water Rights Supervisor
HWJ/rb

MICROFILMED
NOV 29 1996

DEPT. of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718
(208) 525-7161
Fax: (208) 525-7177

8

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

35-09055

BILLY DEGIULIO
DEGIULIO, VELIA
1643 W., 500 S.
Pingree, Idaho 83262
Source: GROUNDWATER
Diversion Pt: NENWNW, Sec. 29, T. 03S, R. 33E, in Bingham County.
Use: IRRIGATION (1.760 CFS)
Total Diversion: (1.760 CFS)
Date Filed: 4/12/1996
In: BINGHAM COUNTY, T03S, R33E, S29, NENW, NWNW, SWNW, SENW.
132.0 ACRES TOTAL.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a $25.00 filing fee, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho, 83402, on or before June 3, 1996.

KARL J. DREHER
Director

RECEIVED
JUN 19 1996
Department of Water Resources
Eastern Region

MICROFILMED
NOV 29 1996

Legals

AFFIDAVIT OF PUBLICATION

County of Bingham)
ss
State of Idaho)

I, Jacqueline Graham do solemnly Legal swear that I am the Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive the first publication having been made on the 16th day of May, 1996, and the last publication having been made on the 23rd day of May 1996; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published in the newspaper and not in a supplement.

Jacqueline Graham

On this 23rd day of June in the year 1996, before me a Notary Public of said State, personally appeared Jacqueline Graham, 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 he executed the same.

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
November 10, 2000

Affidavit Processing Fee..... $5.00

7/94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 03 1996
Department of Water Resources
Eastern District Office

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested Application for Permit 35-09055 (Billy Degiulio)

2. Name of protestant U.S. Bureau of Reclamation

3. Protestant's representative for service (if different than protestant)

   U.S. Bureau of Reclamation, Attn: Dala S. Walton

4. Service mailing address 1359 Hansen Avenue, Burley, ID 83318

5. Service telephone number (208) 678-0461 Ext. 23

6. Basis of protest (including statement of facts and law upon which the protest is based) The possibility that exercising this water right may have adverse effects on inflows into American Falls Reservoir injuring storage rights of the Bureau of Reclamation.
(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? Data, acceptable to the Bureau, that details how exercising this water right has no adverse effects on American Falls Reservoir storage.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 31st day of May, 19 96.

U.S. Bureau of Reclamation
PROTESTANT

Dala S. Walton
PROTESTANT'S REPRESENTATIVE

MICROFILMED
NOV 29 1996

NOTE:

a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is sign by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.

b) A protestant is required to timely file a protest with the department together with a $25.00 protest fee in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by _____ Date 6-3-96 Time 1:02 pm

$25.00 fee Receipted by HLT # E022228 Date 6-3-96

MICROFILMED
NOV 29 1996

[redacted]

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
PAUL W. SAMUELSON
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

DATE: 6-3-96

FAX TO: Harold Jones

FROM: Rosholt, Robertson / tc

RE: IPCo/NSCC - DeGiulio

NUMBER OF PAGES INCLUDING THIS ONE: 2

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL US BACK AS SOON AS POSSIBLE AT (208) 734-0700.

THE INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS ATTORNEY/CLIENT PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION OR THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY CALL AT (208) 734-0700, AND RETURN THIS FACSIMILE TO US BY MAIL AT THE ABOVE ADDRESS. WE APPRECIATE YOUR COOPERATION.

ADDITIONAL MESSAGE:

Mr. Jones - Crystal asked me to fax this copy of the protest fee - The original will be sent in today's mail. Jane

MICROFILMED
NOV 2 9 1996

24668

ROSHOLT, ROBERTSON
and TUCKER, CHARTERED
P.O BOX 1906 734-0700
TWIN FALLS, ID 83303-1906

First Interstate Bank

First Interstate Bank of Idaho, N.A.
Twin Falls Office
113 Main Ave. West P.O. Box 81
Boise, ID 83757-0002

92-9/1241
009553

PAY Twenty Five & No/100 Dollars*****

DATE 6/3/96

AMOUNT $25.00

TO THE ORDER OF IDWR - Eastern Region

ROSHOLT, ROBERTSON
AND TUCKER, CHARTERED
AUTHORIZED REPRESENTATIVE

Judith L. Stratton

⑈024668⑈ ⑆124100093⑆ 220316⑈

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW. IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

ROSHOLT, ROBERTSON AND TUCKER, CHARTERED

DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
6/3/96		514 re: TFCC/NSCC - protest fee/DeGuilio			25.00

SW - 0966

MICROFILMED
NOV 2 9 1996

Receipt # E022[redacted]35

Gary D. Slette
ROSHOLT, ROBERTSON & TUCKER
P. O. Box 1906
Twin Falls, Idaho 83303-1906
Telephone: (208) 734-0700

RECEIVED
MAY 31 1996
Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF)
PERMIT NO. 35-09055)
Applicant: Velia or Billy DeGuilio)
_____)

NOTICE OF PROTEST

* * * * * * * * * * *

Twin Falls Canal Company and North Side Canal Company (hereinafter the "Companies"), by and through their attorneys, Rosholt, Robertson & Tucker, file their Notice of Protest to the continuance or approval of the Application for Permit Number 35-09055 filed in the name of Velia or Billy DeGuilio. The basis for the Companies' protest is as follows:

1. The application filed by the applicants seeks to divert non-trust groundwaters that are tributary to the flow of the Snake River above Milner Dam;

2. The proposed diversion and use of the waters described in the aforesaid application violates all, or a portion of, the criteria set forth in Idaho Code Sections 42-203(A)(5); and

MICROFILMED
NOV 29 1996

3. For such other and further reasons as may be set forth at the hearing on this matter.

DATED this 30th day of May, 1996.

ROSHOLT, ROBERTSON & TUCKER

By: _____
Gary D. Slette

CERTIFICATE OF SERVICE

The undersigned certifies that on the 30th day of May, 1996, he caused a true and correct copy of the foregoing NOTICE OF PROTEST, to be served upon the following persons in the following manner:

Idaho Department of Water Resources	[ ]	Hand Deliver
Statehouse Mail	[✓]	U.S. Mail
1301 North Orchard	[ ]	Overnight Courier
Boise, ID 83720	[ ]	Facsimile Transmission
Idaho Department of Water Resources	[ ]	Hand Deliver
Eastern Region	[✓]	U.S. Mail
900 North Skyline	[ ]	Overnight Courier
Idaho Falls, ID 83402	[ ]	Facsimile Transmission
Velia or Billy DeGuilio	[ ]	Hand Deliver
1643 West 500 South	[✓]	U.S. Mail
Pingree, ID 83262	[ ]	Overnight Courier
	[ ]	Facsimile Transmission

_____
Gary D. Slette

MICROFILMED
NOV 29 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MAY 2, 1996

Legal Notices Department
THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 3, 1996.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED
NOV 29 1996

35-09055

DEGIULIO, BILLY
DEGIULIO, VELIA
1643 W 500 S
PINGREE, ID 83262

Source: GROUNDWATER

Diversion Pt: NENWNW Sec 29 T 03S R 33E in BINGHAM County.

Use: IRRIGATION (1.760 CFS)
Total Diversion: (1.760 CFS)

Date Filed: 4/12/1996

In: BINGHAM County
T03S R33E S29 NENW NWNW SWNW SENW

132.0 ACRES TOTAL

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The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a $25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before JUNE 3, 1996.

KARL J. DREHER, Director

Published: 5/16/1996 & 5/23/1996

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