

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04079
Date Received: 4/18/1990
Receipt No: E013276
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAURICE A. TOLER 208-254-3361
Address: 231 EAST GLOVER ROAD
ARIMO, ID 83214

OR

Name: HELEN TOLER 208-254-3361
Address: 231 EAST GLOVER ROAD
ARIMO, ID 83214

2. Date of Priority: APR 01, 1921

3. Source: SPRINGS Trib. to: GARDEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	36E	11	NW	NW	NW		BANNOCK
			SE		NW		BANNOCK

5. Description of diverting works:
DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 153.3 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2904079



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
10S	36E	2	SW		NE		IRR	8.1
			NE		SW		IRR	11.1
			SW		SW		IRR	5.7
			SE		SW		IRR	24.5
			NW		SE		IRR	4.5
							Section Acres	53.9
		11	NE		NW		IRR	5.4
			SE		NW		IRR	2.0
							Section Acres	7.4
							Total Acres	61.3

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

A29-04080/00376/00377/00389/00390

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Maurice L. Pola Date: 4/18/90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 18 day
of April 19 90 Valleen May
Notary Public

Seal

Residing at Isab Falls
My Commission Expires 2/29/91

A. ROOT WATER RIGHT NUMBERS: A29-04079

B. POI LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10S	36E	2	SW	NE		TOLER, MAURICE A	A29-04079 / 8.1	29-04079 / 13.0	25.0		
			SW	NE		TOLER, MAURICE A	A29-00389 / 8.1	- /			
			SW	NE		GARDEN CREEK IRRIGATION CO	A29-00362 / 8.1	- /			
			SW	NE		TOLER, MAURICE A	A29-00376 / 8.1	29-00376 /			
			SW	NE		TOLER, MAURICE A	A29-00377 / 8.1	29-00377 /			
			SW	NE		TOLER, MAURICE A	A29-00390 / 8.1	- /			
10S	36E	2	NE	SW		TOLER, MAURICE A	A29-04079 / 11.1	29-04079 / 8.0	32.0		
			NE	SW		TOLER, MAURICE A	A29-04080 / 2.6	- /			
			NE	SW		TOLER, MAURICE A	A29-00389 / 11.1	- /			
			NE	SW		GARDEN CREEK IRRIGATION CO	A29-00362 / 11.1	- /			
			NE	SW		TOLER, MAURICE A	A29-00376 / 11.1	29-00376 /			
			NE	SW		TOLER, MAURICE A	A29-00377 / 11.1	29-00377 /			
			NE	SW		TOLER, MAURICE A	A29-00390 / 11.1	- /			
			NE	SW		TOLER, HELEN	A29-11424 / 0.1	- /			
10S	36E	2	SW	SW		TOLER, MAURICE A	A29-04079 / 5.7	- /	18.0		
			SW	SW		TOLER, MAURICE A	A29-04080 / 5.7	29-04080 / 6.0			
			SW	SW		TOLER, MAURICE A	29-11414 /	- /			
			SW	SW		TOLER, MAURICE A	A29-00389 / 5.7	- /			
			SW	SW		TOLER, MAURICE A	A29-11414 /	- /			
			SW	SW		GARDEN CREEK IRRIGATION CO	A29-00362 / 5.7	- /			
			SW	SW		TOLER, MAURICE A	A29-00376 / 5.7	29-00376 /			
			SW	SW		TOLER, MAURICE A	A29-00377 / 5.7	29-00377 /			
			SW	SW		TOLER, MAURICE A	A29-00390 / 5.7	- /			
10S	36E	2	SE	SW		TOLER, MAURICE A	A29-04079 / 24.5	29-04079 / 15.0	10.0		
			SE	SW		TOLER, MAURICE A	A29-04080 / 8.3	29-04080 / 6.0			
			SE	SW		TOLER, MAURICE A	A29-00389 / 24.5	- /			
			SE	SW		GARDEN CREEK IRRIGATION CO	A29-00362 / 24.5	- /			
			SE	SW		TOLER, MAURICE A	A29-00376 / 24.5	29-00376 /			
			SE	SW		TOLER, MAURICE A	A29-00377 / 24.5	29-00377 /			
			SE	SW		TOLER, MAURICE A	A29-00390 / 24.5	- /			
			SE	SW		TOLER, HELEN	A29-07193 / 8.0	29-07193 / 8.0			
10S	36E	2	NW	SE		TOLER, MAURICE A	A29-04079 / 4.5	29-04079 / 5.0	24.0		
			NW	SE		TOLER, MAURICE A	A29-00389 / 4.5	- /			
			NW	SE		GARDEN CREEK IRRIGATION CO	A29-00362 / 4.5	- /			
			NW	SE		TOLER, MAURICE A	A29-00376 / 4.5	29-00376 /			
			NW	SE		TOLER, MAURICE A	A29-00377 / 4.5	29-00377 /			
			NW	SE		TOLER, MAURICE A	A29-00390 / 4.5	- /			
			NW	SE		TOLER, HELEN	A29-07193 / 14.0	29-07193 / 14.0			
10S	36E	11	NE	NW		TOLER, MAURICE A	A29-04079 / 5.4	29-04079 / 4.0	6.0		

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NE	NW		TOLER, MAURICE A	A29-00389 / 7.4	29-00389 /			
			NE	NW		TOLER, MAURICE A	A29-00376 / 7.4	- /			
			NE	NW		TOLER, MAURICE A	A29-00377 / 7.4	- /			
			NE	NW		GARDEN CREEK IRRIGATION CO	A29-00362 / 7.4	- /			
			NE	NW		TOLER, MAURICE A	A29-00390 / 7.4	29-00390 /			
10S	36E	11	SE	NW		TOLER, MAURICE A	A29-04079 / 2.0	29-04079 / 5.0	11.0		
			SE	NW		TOLER, MAURICE A	A29-00389 / 3.0	29-00389 /			
			SE	NW		GARDEN CREEK IRRIGATION CO	A29-00362 / 3.0	- /			
			SE	NW		TOLER, MAURICE A	A29-00377 / 3.0	- /			
			SE	NW		TOLER, MAURICE A	A29-00376 / 3.0	- /			
			SE	NW		TOLER, MAURICE A	A29-00390 / 3.0	29-00390 /			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-04079	61.30	50.00	126.00
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POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-04079	SPRINGS	TOLER, MAURICE A	1.000	0.016		
A29-00362	GARDEN CREEK	GARDEN CREEK IRRIGATION CO	4.000	0.005		
A29-00376	GARDEN CREEK	TOLER, MAURICE A	0.750	0.006		
A29-00377	GARDEN CREEK	TOLER, MAURICE A	1.000	0.008		
A29-00389	GARDEN CREEK	TOLER, MAURICE A	0.750	0.006		
A29-00390	GARDEN CREEK	TOLER, MAURICE A	1.000	0.008		
A29-04080	GARDEN CREEK	TOLER, MAURICE A	1.500	0.090		
A29-07193	GROUNDWATER	TOLER, HELEN	1.780	0.013		
A29-11424	SPRING	TOLER, HELEN	0.020	0.200		

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-04079	10S 36E	11		NW	NW			BANNOCK		
A29-04079	10S 36E	11		SE	NW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-04080 NONE

WR RECORDS IN SAME 40 ACRE TRACT
29-04080

SOURCE: SPRINGS

TRIB: GARDEN CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-04079	10S 36E	11		SE	NW			BANNOCK		
29-04079	10S 36E	11		NW	SW			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: SPRINGS

TRIB: GARDEN CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

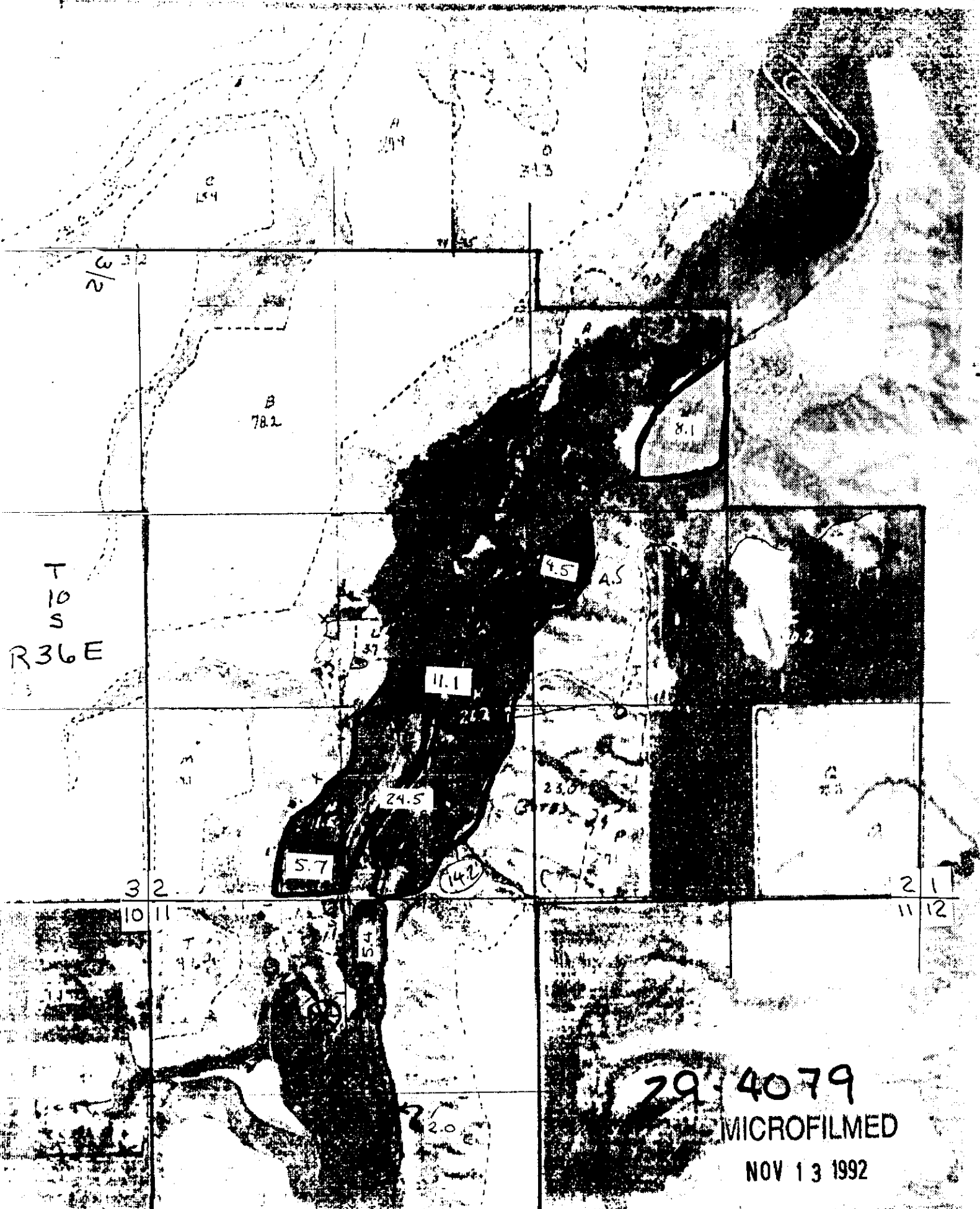
H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)



T
10
S
R36 E

3/2

B
78.2

A
15.4

4.5

11.1

24.5

5.7

14.2

8.1

23.0

24.2

3 2

10 11

2 1

11 12

29 4079

MICROFILMED

NOV 13 1992

Log for claim A29-04079

Spatial Dynamics LTD

6/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	2	SWNE	8	7.5	
10s36e	2	NESW	11	19	
10s36e	2	SWSW	5	5.2	
10s36e	2	SESW	24	24	
10s36e	2	NWSE	4	4.1	
10s36e	11	NENW	5	5.6	
10s36e	11	SENW	2	2.2	
Totals:			59	67.6	

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 109

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MAURICE A TOLER	04/01/1921	IRRIGATION	04-01 11-01	1.000 CFS	
C	HELEN TOLER					
	231 E GLOVER RD					
	ARIMO ID 83214					
	(208) 254-3361					
				TOTAL DIVERSION:	1.000 CFS	
				CONSUMPTIVE USE:		153.30 AFA

Water Source: SPRINGS

Tributary to: GARDEN CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T10S R36E S11 NWNW SENW BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
10S	36E	2	:					08								11		05	24	:	53.9
10S	36E	11	:									05		02						:	7.4
																			TOTAL ACRES	61.3	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-04080/00376/00377/00389/00390

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-04080

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00362 A29-00376 A29-00377 A29-00389 A29-00390 A29-04080 A29-07193 A29-11424

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/18/90 WILSON 07/19/94 THOMPSON 03/29/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Maurice A. Toler,
(name of claimant)
of Arimo, Idaho 83214, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed springs
tributary to Garden Creek, tributary to, Marsh Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	1.00	Use	Irrigation	Period of Use:	From	Apr. 1	To	Nov. 1
Amount		Use		Period of Use:	From		To	
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 1.00 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) April 1, 1921

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11 Twp. 10S Rge. 36E B. M. County of Bannock
Additional points of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, T. 10S, R. 36E

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. concrete headgate, 1½ miles of ditch

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

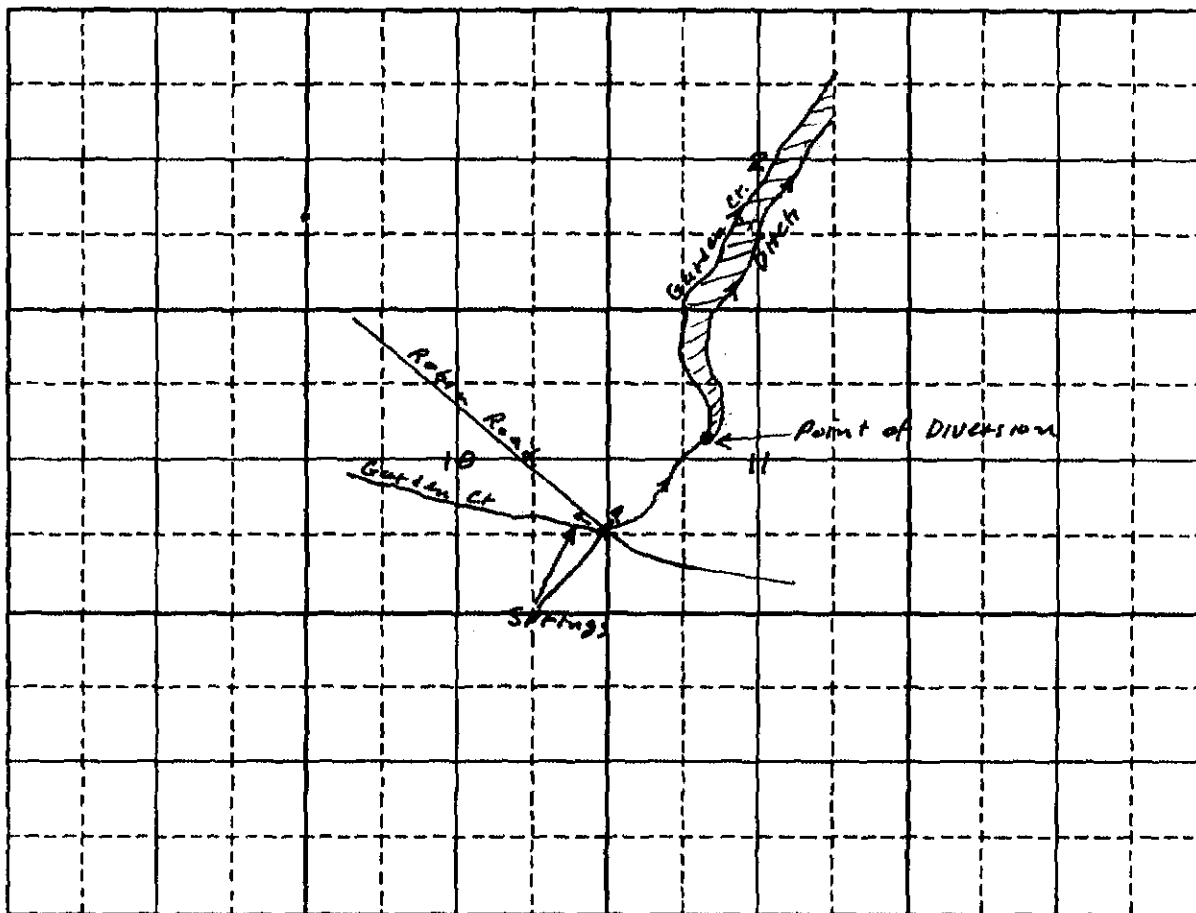
Total No. of acres 50

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) If you are claiming water as a member of an organization, list name of organization:

THE UNIVERSITY OF CHICAGO

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Mervin H. Spiller
(Claimant)

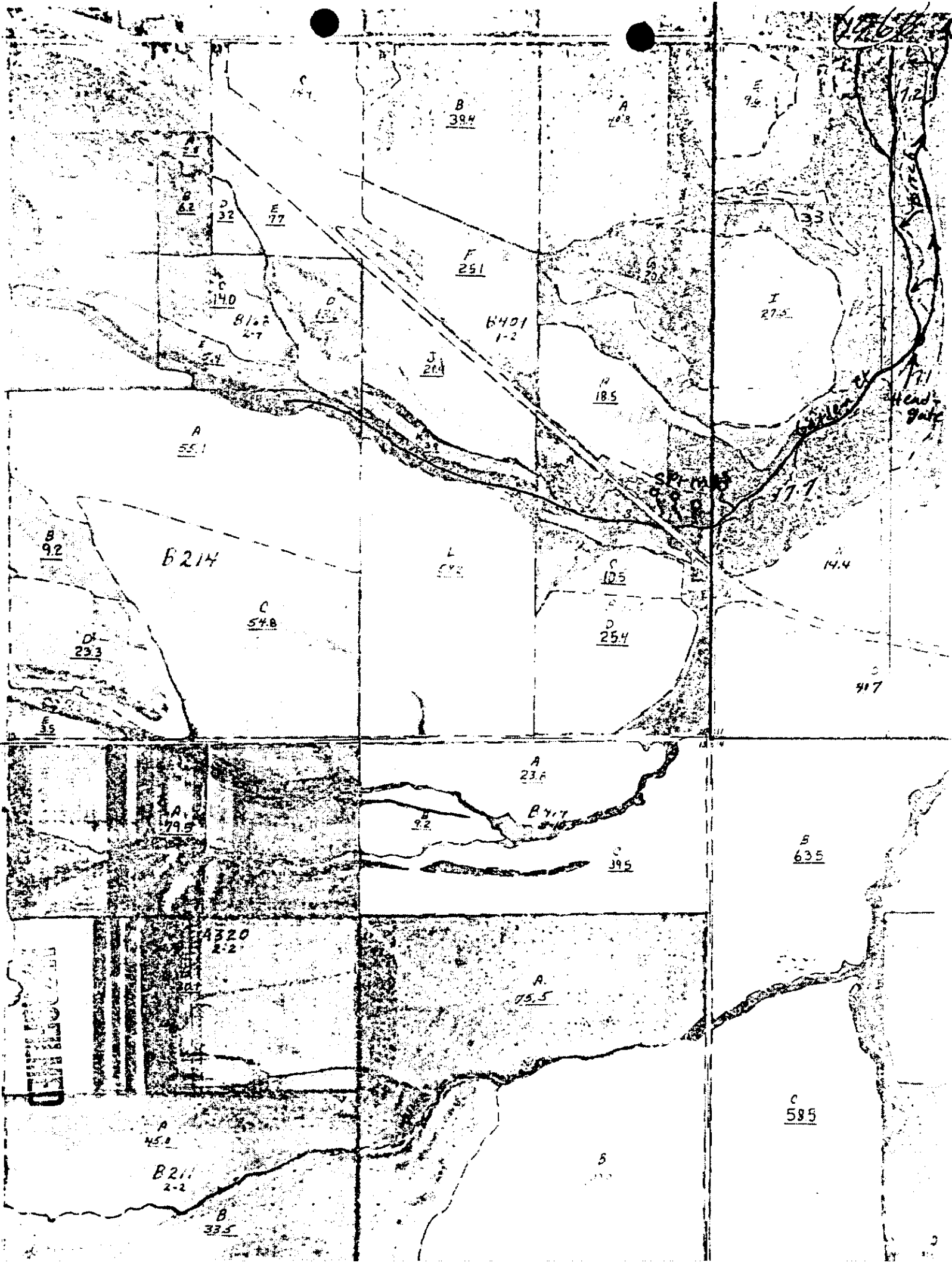
Sworn to before me this 13th day of March, 1977.

Loren O. Halmer
Notary Public
Residing at Idaho Falls, Id

My commission expires March 21, 1978

For Department Use Only

Received by <u>CW</u>	Date <u>3-18-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JH</u>	Date <u>3-18-77</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>3-18-77</u>			
Approved for publication by <u>mg</u>	Date <u>4-12-77</u>			
Published in <u>Idaho State Journal</u>	<u>#658</u>			
Dates <u>7th - 14th Apr</u>	<u>7-1977</u>			



B
39.4

A
20.8

E
9.6

I
12.1

B
6.2

D
3.2

E
7.7

F
25.1

G
20.4

I
3.3

C
14.0

81.2
4.7

D
1.3

B401
1-2

J
21.4

H
18.5

A
55.1

K
3.1

C
10.5

H
14.4

B
9.2

B214

L
54.8

D
25.4

C
41.7

D
23.3

E
3.5

A
23.6

B
9.2

B4.7

C
39.5

B
63.5

A
79.5

B220
2-2

A
75.5

C
58.5

A
45.0

B211
2-2

B
33.5

[illegible]

TO THE IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION BUREAU

AFFIDAVIT

Pertaining to Water Right
Ident. Number A29 04079

I, Merlin W. Blanchard, remember as two friends and I
were riding horses in this area, my horse fell in the ditch carrying
water. I was 11 years old, born in 1910. I know the water was being
used in 1921.

Merlin W. Blanchard
Merlin W. Blanchard

STATE OF IDAHO

COUNTY OF BANNOCK

On this 14th day March 1995 before me the undersigned,
A Notary Public in and for said State, personally appeared
Merlin W. Blanchard, known to me to be the person whose name is
subscribed to the foregoing AFFIDAVIT, and acknowledged to me that
he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first above
written.

(Seal)

Sydney Mae Lowery
NOTARY PUBLIC FOR IDAHO
NOV 13 1995