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SEP 15 2003

Department of Water Resources

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

A: Subcase 29-4080

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: Maurice A Toler & Helen Toler

Address: 231 E Glover Rd.

Armo ID 83214

Daytime Phone: (208) 254-3361

Winter: (435) ~~396-8960~~
986-3960

Name & Address of Attorney, if any:

C: CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Same as Above.

Address: _____

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ Name and Address
Should be: _____
2. ☒ Source
Should be: _____
3. ☒ Quantity
Should be: _____
4. ☒ Priority Date
Should be: _____
5. ☒ Point(s) of Diversion
Should be: _____
6. ☒ Instream Flow Description
Should be: _____
7. ☒ Purpose(s) of Use
Should be: _____
8. ☒ Period of Year
Should be: _____
9. ☒ Place of Use
Should be: _____

11. I object because:

☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above. *See attachment A for elements.*

E. REASONS SUPPORTING OBJECTION(S): *- This water was filed on by William Marley under a Posted Notice dated July 1899. See Attachment B.*

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Bannock)ss.

MAURICE A. TOLER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

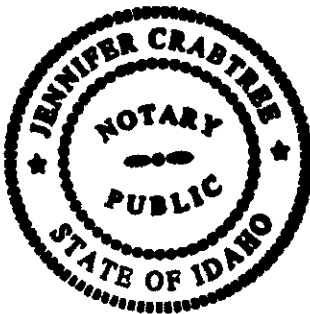
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Maurice A. Toler
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: August 25, 2003

Jennifer Crabtree
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 9/23/09



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on _____, 199__, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: _____
Address: _____

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of Objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 29-4080

WATER RIGHT NUMBER: 29-4080

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAURICE A TOLER 231 E GLOVER RD ARIMO, ID 83214 (208)254-3361
Current Owner	HELEN TOLER 231 E GLOVER RD ARIMO, ID 83214 (208)254-3361

Priority Date: 07/08/1895
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>		
GARDEN CREEK	MARSH CREEK		
<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.500 CFS	
	<u>Total Diversion:</u>	1.500 CFS	

<u>Location of Point(s) of Diversion</u>		
GARDEN CREEK	NW1/4NW1/4	Sec. 11, Twp 10S, Rge 36E, B.M.
BANNOCK County		

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	2									2.6			5.7				8.3	16.6

Total Acres: 16.6

Conditions of Approval:

Remarks:

Comments:

Dates and Other Information:

Sheet No. 3.

Instrument No. 3.

GRANTOR: United States of America.
GRANTEE: William Marley.

Kind of Instrument, - - - - - Patent.
Date of Instrument, - - - - - June 25, 1900.
Consideration, - - - - - Full payment.
Recorded, - - - - - April 5, 1905

at 10:51 A. M., in Book "4" of Patents at page
338, Records of Bannock County,
Idaho.

DESCRIPTION AND REMARKS.

The southwest quarter of the northwest quarter and the west half of the southwest quarter of Section two in township ten south of Range thirty-six east of Boise Meridian in Idaho, containing one hundred and twenty acres.

And there is reserved from the lands hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the United States.

Instrument bears the seal of the General Land Office.

5 5
FEB 5 1905
C-113

Sheet No. 5.

Continuation of Instrument No. 4.

from the date of this notice, the same being now in course of construction, and having been used for about four years last passed.

In Witness Whereof, the said claimant has hereunto set his hand and seal this 8th day of July, A. D. 1899.

William Marley
Claimant.

State of Idaho,)
 { ss.
County of Bannock,)

William Marley, being first duly sworn according to law, deposes and says that he is the claimant of the water right mentioned in the foregoing notice of appropriation, and whose name is subscribed thereto; that the statements in said notice contained are true and that the original notice of which the foregoing is a true copy was posted in a conspicuous place at the point of diversion therein described at 45 minutes past 10 o'clock A. M., on the 8th day of July, A. D., 1899.

William Marley

Subscribed in my presence by the said William Marley and by him sworn to before me this 8th day of July, A. D., 1899.

(Seal).

James Henderson
Notary Public.

Recorded, - - - - - July 18, 1899
at 10:00 A. M., in Book "2" of Water Locations, page
15, Records of Bannock County, Idaho.

CWC