

D. J. Toney or Yvonne Toney
13001 S. Robin Rd.
Arimo, ID 83214
(208) 254-9008

92-7363-3241

5642

Date 10-5-03

Pay to the
order of

Idaho Dept. of Water Resources \$109.00
one hundred nine & no/100 Dollars

Security Features
Included.
Details on Back.

IDAHO STATE UNIVERSITY FED. C.U.

Campus Box 8029

Pocatello, Idaho 83209-0009

For _____

Yvonne Toney MP

⑆324173639⑆7305 00351690⑆ 5642

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For _____

Yvonne Toney **MP**

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

2004 JAN 21 PM 4 27

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

) Subcase 29-13658
)

Case No. 39576
_____)

) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM

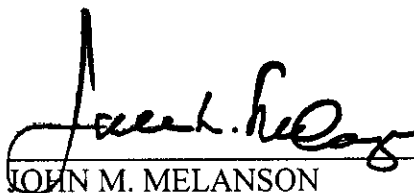
On October 28, 2003, Claimants Dennis and Yvonne Toney filed a *Motion to File Late Notice of Claim*. Hearing was held on the *Motion* January 20, 2004. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for water right 29-13658 is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated January 21, 2004.



JOHN M. MELANSON

Presiding Judge

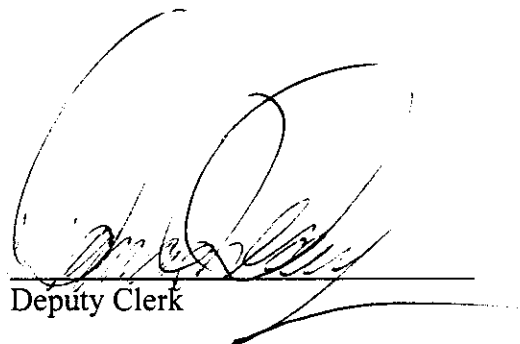
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** was mailed on January 21, 2004, with sufficient first-class postage to the following:

Randall C. Budge
PO Box 1391
Pocatello, ID 83204-1391
Representing: Dennis and Yvonne Toney

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



Deputy Clerk

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

29-13658

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 15 2003

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Dennis and Yvonne Toney Phone (208) 254-9008
Mailing Address 13001 S. Robin Rd., Arimo, ID 83 Zip 83214
2. Date of Priority (Only one (1) per claim) 6/11/1987
3. Source of water supply (a) Ground water
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 10 S. Range 36 E. Section 4,
SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Bannock
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Domestic well with 6" casing, electric pump and motor
Irrigation well with 8" casing, electric pump and motor

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.04 or de minimus

For Irrigation purposes from 4/1 to 10/15 amount 0.18 or 36

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.22 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 36 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic for 1 household, yard, garden

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	36E																	9	9

Total number of acres irrigated 9

11. In which county (ies) are lands listed above as place of use located? Bannock

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks: See attached Supporting Affidavit of Yvonne Toney and
notarized statement of Derald Armstrong.

Last Name _____ Ident No. _____

Scale: 2 inches equals 1 mile

TOWNSHIP 57 N

RANGE 36 E

SECTION 4

P/D

Last Name Toney Ident No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 (2)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X *Turner Tony* Date 10-14-03
X _____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____
Organization _____, that I have signed the foregoing

document in the space below as _____ of _____
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 14th day of October 2003

Notary Public *Randall C. Budge*

Residing at Pocatello, Id.

My Commission Expires 10/11/2003

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, *Randall C. Budge* will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature *Randall C. Budge*

Address P.O. Box 1391 Pocatello, Id. 83204

Date 10/14/03

Last Name _____ Ident. Number _____

09/19/03

Derald Armstrong
490 N. Front
Arimo, ID 83214
(208) 254-9214

I, Derald Armstrong, along with my family, have farmed the property next to Dennis and Yvonne Toney, all of my life. In the mid-1980's, the property was repossessed by the bank. In 1986, the bank had an irrigation well and a domestic well put in so that the property would sell. Over the years, both wells have been utilized for their respective purposes.

Derald Armstrong 9/19/03
Derald Armstrong Date

Kim Madrid Acosta 9/19/03
Bannock County, ID
2/15/08

