



State of Idaho

DEPARTMENT OF WATER RESOURCES

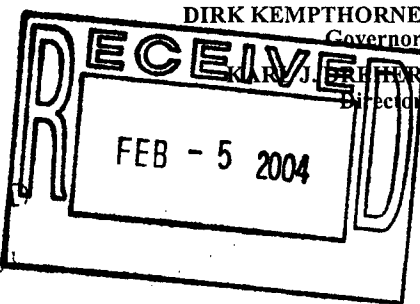
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

February 2, 2004

RECEIVED

FEB - 5 2004

Department of Water Resources



RANDALL C BUDGE
PO BOX 1391
POCATELLO ID 83204

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #29-13658
Dennis and Yvonne Toney

Dear Mr. Budge:

We are returning the Late Notice of Claim to a Water Right referenced above filed by your clients Dennis and Yvonne Toney. Before we can continue, we need their assistance. I have also enclosed their receipt #C072419 for the filing fees. They may retain the receipt for their records.

At Item #1, they have entered Dennis and Yvonne Toney, but only Yvonne signed the claim at Item #16. Please have them either put "or" between their names at Item #1 or have Dennis sign the claim in front of a Notary Public and return it to me.

Also, at Item #10, they need to enter the section number. ✓

They may want to make a copy of their claim before returning it to me. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

Donald V. Shaff, Manager
Adjudication Technical Section

DVS:ss:region
Enclosures:

Incomplete Notice of Claim to a Water Right #29-13658
Receipt #C072419

Robin -
✓ - I revised claim as requested
Copy for file ~~for~~ in the revision
or just "pen in" on our copy
Resubmit.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-131058Date Received 7-23-04Receipt Number C672419NOTICE 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 ^{DR}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

SCANNED

JAN 23 2004

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:

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 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	4																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 TONEY Ident No. 27-13658

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JAN 23 2004

Scale: 2 inches equals 1 mile

Range 36 E.

Section 4

Township 70 S.

Range 10 E.

P/D

P/V

JAN 23 2004

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.

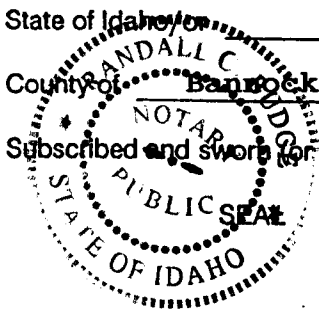
Signature of Claimant (s) X Toney Date 10-14-03
X _____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
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 TONEY Ident. Number 29 13650

SCANNED

JAN 23 2004