

12/18/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-376

NAME AND ADDRESS: MAURICE A TOLER
231 E GLOVER RD
ARIMO ID 83214

HELEN TOLER
231 E GLOVER RD
ARIMO ID 83214

SOURCE: GARDEN CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.750 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.34 CFS. COMBINED RIGHT NOS.: 29-376, 29-377,
29-389, AND 29-390.

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION:

T10S R36E S7 SWNWNE Within BANNOCK County

T10S R36E S11 SWSNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.750 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T10S R36E S02	SWNE	7.3	T10S R36E S02	SENE	1.4
T10S R36E S02	NESW	23.0	T10S R36E S02	SWSW	5.4
T10S R36E S02	SESW	19.0	T10S R36E S02	NWSE	3.8
T10S R36E S11	NENW	4.4	T10S R36E S11	NWNW	15.0
T10S R36E S11	SWNW	26.0	T10S R36E S11	SENE	1.9
T10S R36E S11	NWSW	10.0			

117.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 117.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-376, 29-377, 29-389,
AND 29-390.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 37.5 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

12/18/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM GARDEN CREEK
IRRIGATION CO.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 29-376, 29-377, 29-389, AND 29-390.

SCANNED
MAY 31 2001

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: A29-00376
Date Received: 4/18/1990
Receipt No: E013276
Received By: Kew

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: MAY 01, 1887

3. Source: GARDEN CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	36E	7	NW	NE			BANNOCK

5. Description of diverting works:
HEADGATE MIDDLE DITCH FOR IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.750		

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

8. Total consumptive use is 293.3 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-00376

Page 1

Date: 04/18/90

MICROFILMED

NOV 13 1992



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	7.4
	NW	NW	IRR	17.0
	SW	NW	IRR	25.0
	SE	NW✓	IRR	3.0
	NW	SW	IRR	11.0

Section Acres 63.4

Total Acres 117.3

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:

29-00377/00389/00390/04079/04080

14. Remarks:

P/U SAME AS 29-00377/00389/00390 & P/U FOR 29-04079/04080 ARE A PORTION OF THIS LAND LIST.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

GARDEN CREEK IRRIG. CO.

Decree Plaintiff

vs

THOMAS E. WOLVERTON, ET. AL.

Decree Defendant

(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.

MICROFILMED
NOV 13 1992

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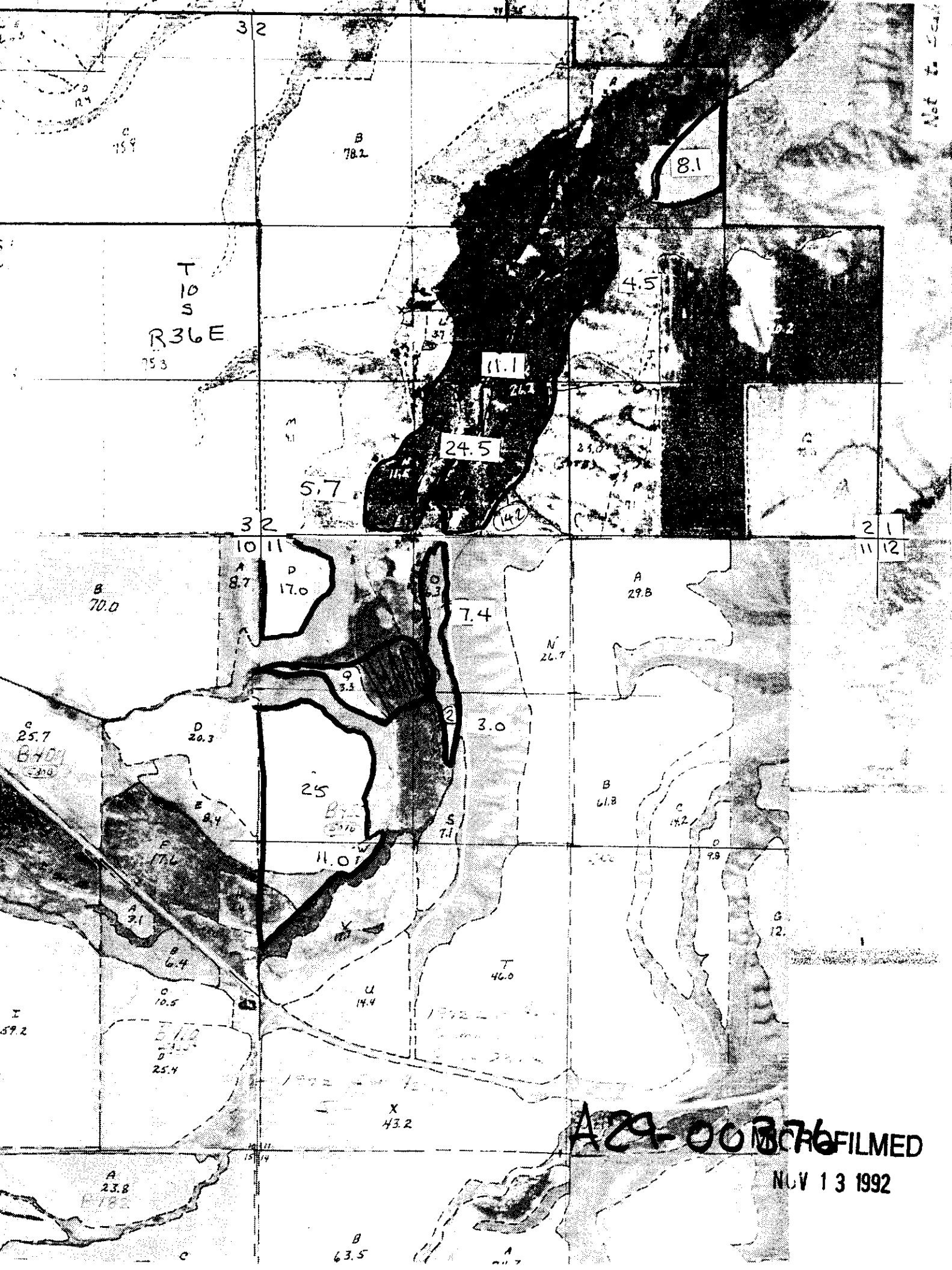
POINT OF DIVERSION

R35E R36E

A29-00376

MICROFILMED

EDAR



Not to Scale

A29-00376 FILMED

NOV 13 1992

02/18/2003

allen

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-376

MAURICE A TOLER
231 E GLOVER RD
ARIMO ID 83214
Telephone Number: (208)254-3361

HELEN TOLER
231 E GLOVER RD
ARIMO ID 83214
Telephone Number: (208)254-3361

RECEIVED
APR 10 2003
Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

YES I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4-4-03

SIGNATURE:

Maurice A. Toler, Helen Toler

Please print your name:

MAURICE A TOLER
HELEN TOLER

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

WATER RIGHT CLAIM

SOURCE

CFS

PRIORITY

STAGE

① 29-376	GARDEN CK	0.75	5/01/1887	DECREE
② 29-377	GARDEN CK	1.00	5/01/1904	DECREE
③ 29-389	GARDEN CK	0.75	5/01/1896	DECREE
④ 29-390	GARDEN CK	1.00	5/01/1904	DECREE
⑤ 29-4079	SPRINGS	1.00	4/01/1921	STATUTORY
⑥ 29-4080	GARDEN CK	1.50	7/08/1895	STATUTORY

EQ 6.0 cfs

POU: THERE ARE BASICALLY TWO SYSTEMS: AN UPPER AND A LOWER. MOST OF THE UPPER POU IS IN CRP. A GOOD CHOICE SINCE GARDEN CK WATER IS BASICALLY UNAVAILABLE. THE LOWER IS SERVED BY GARDEN CK (NOT CANAL) AND SPRINGS THAT ARE COLLECTED BY DITCHES AND CONVEYED TO VARIOUS POUS ON DOWN-STREAM. $A_{TAC} = 117^{\frac{2}{3}}$. AT 0.02 cfs/ac A MAX. OF 2.36 CAN BE USED ($942 - 202 IC$), AND GIVEN PRIORITIES AN ADEQUATE Q IS OVERCLAIMED, AS ABOVE. $117^{\frac{2}{3}} \times 0.02 \text{ cfs/ac} = 2.34 \text{ A}$. #2 AND #4, 1904 PRIORITIES ARE VERY RARE IN DELIVERY AND IF AVAILABLE... LASTS ABOUT 30 MINUTES. CLAIMS #1 AND #3 ARE GOOD RIGHTS (GIVEN GARDEN CK TRAIL HAS AN 1877 DATE). THEREFORE, GIVEN #1, #2, #3 & #4 THERE IS MORE Q THAN CAN BE USED ON $117^{\frac{2}{3}} \text{ AC}$. PLUS, MR. TOLER HAS GARDEN CK INT. SHARES UNDER THE 1877 PRIORITY.

RECOMMEND AS #1, #2, #3, #4 & #5 WITH APPROPRIATE LIMITS.

CLAIM #6 IS DISALLOWED.

Contacts Data Entry Form

29-376
DOCPDS

Owner Type Full Name Address City State Zip Phone

Current Owner M.A. Tolon

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

GARDEN CK FARM Co. vs Weardon et al, 15 Sept. 1906.FB: 8/8/02 w/MR TOLONFB INDICATOR: POD, POU, OVERLAP w/377

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: 1 May 1887 Water Right Basis: DUGROSClaimed Priority Date: " Claimed Basis: "Recommended Priority Date: " Recommended Basis: "☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Matchos DUGROS

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 10S, R 36E, Sec. 7,____, NW, NE. County: BANKSource: GARDON CK Tributary: MARSA CK

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>10S</u>	<u>36E</u>	<u>7</u>		<u>SWNWNE</u>	<u>BANK</u>	<u>GARDON CK</u>
GPS Coordinates: _____						
	<u>11</u>			<u>SWSE NW</u>	<u>"</u>	<u>"</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Trib:
MARSA CK
CØ3

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

POD NOT SPECIFIED BY DECREE
OPTIONAL Rts SAME PODS
Overlap w/ GARDON CK ORIG. SLIMES

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
105	36E	2			Bam		539	Tring
		11					634	

Total Acres 1173

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Decayed POU: E²SW, NWSE, SWNE Sec 2SWNW, W²SW Sec. 2 T10S R36ENo Ac Spec.Claims Use in Sec. 11 AND LESS LANDS IN Sec. 2 ⇒CPS whenCPS shows 117²ac - including overlap w/ 29-4079.Limitation to 37²ac w/ POU shown on GRS

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Filling</i>	<i>Nov</i>	<i>Spce</i>	<i>0.75</i>	

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Filling</i>	<i>4/1</i>	<i>11/1</i>	<i>0.75</i>	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Filling</i>	<i>4/1</i>	<i>10/31</i>	<i>0.75</i>	
	<i>DOPT</i>	<i>STO.</i>		

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

NO DIVERSED SOLI - L/SU DOPT. STO. 4/1 TO 10/31

DIVERSED AS 0.75, AS CLAIMED

Reviewer: _____

Date: _____

through said two canal systems does not exceed the said four cubic feet second of time, said right to date from the month of June, 1877, and is prior in time and superior in right to the rights of all of the defendants in this action, and to the rights of all and every of the persons signing said stipulations, or any of them, the same being the first right to the use of the waters of said stream to the amount of four cubic feet per second of time.

And the remaining waters of said stream are decreed as follows, to-wit:

- 29 0363 To Thomas E. Wolverton, three-fourths second foot of water to date from the 1st day of May, 1886 and one second foot of water to date from the 1st day of May 1904, said water to be used upon the S.W. 1/4 of the S.E. 1/4 of Sec. 4, and the N. Half of the S.E. 1/4 of Sec. 9 in Township 10, South of Range 36 E.B.M.
- 29 0365 To John Morley, three-fourths second foot of water to date from the 1st day of May, 1886, and one second foot of water to date from the 1st day of May, 1904, to be used on the E. half of the N.W. 1/4, Sec. 8, the S.E. 1/4 of the S.E. 1/4 of Sec. 5, and the S.W. 1/4 of the N.W. 1/4 of Sec. 9, in Township 10 South of Range 36 E. B. M.:-
- 29 0367 To Thomas C. Smith, three-fourths second foot of water to date from the 1st day of May, 1890 and one second foot of water to date from the 1st day of May, 1904, to be used on the N.W. 1/4 of Sec. 10, Township 10 South of Range 36 E.B.M.:-
- 29 0369 To William J. Millard, three-fourths second foot of water to date from the 1st day of May, 1893, and one second foot of water to date from the 1st day of May, 1904, to be used on the S.E. 1/4 of Sec. 3, Township 10 South of Range 36 E.B.M.:-
- 29 0371 To Albert Evans, three-eighths second foot of water to date from the 1st day of May, 1893, and three-eighths second foot of water to date from the 1st day of May, 1898; also one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N.W. 1/4 of Sec. 8, Township 10 South of Range 36 E.B.M.
- 29 0374 To L. S. Whitney three-eighths second foot of water to date from the 1st day of May, 1893, and three-eighths second foot of water to date from the 1st day of May, 1904, to be used on the West half of the N.W. 1/4 of Sec. 8, Township 10, South of Range 36 E.B.M.
- 29 0376 To J. S. Wheeler, three-fourths second foot of water to date from the 1st day of May, 1887 and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the S. W. 1/4, and the N.W. 1/4 of the S.E. 1/4 and S.W. 1/4 of the N.E. 1/4 in Sec. 2 Township 10, South of Range 36 E. B. M.:- Also the S.W. 1/4 of the N.W. 1/4 and the West half of the S. W. 1/4 of Sec. 2, Township 10 South of Range 36 E.B.M.:-
- 29 0378 To David Armstrong, three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the S.W. 1/4 of Sec. 10; also three-sixteenths second foot of water to date from the 1st day of May, 1895, and one-fourth of second foot of water to date from the 1st day of May, 1904, to be used on the S. W. 1/4 of the S.E. 1/4 of Sec. 9, all in Township 10, South of Range 36 E.B.M.:-
- 29 0381 To Andrew N. Thacker, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May, 1904, to be used upon the S. W. 1/4 of Sec. 9; also three-fourths second foot of water to date from the 1st day of May 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the West half of the N.W. 1/4 and the N.W. 1/4 of the S.W. 1/4 of Sec. 8, Township 10, South, of Range 36 E. B. M.
- 29 0385 To Thomas Exeter, three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the South half of the S. E. 1/4 Sec. 8, and the North half of the N.E. 1/4 Sec. 17, Township 10 South of Range 36 E. B. M.
- 29 0387 To William Jenkins, Jr., three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N. E. 1/4 and the East half of the S. E. 1/4 Sec. 10, Township 10, South of Range 36 E. B. M.:-
- 29 0389 To P. M. Larson, three-fourths second foot of water to date from the 1st day of May, 1896, and one second of water to date from the 1st day of May, 1904, and to be used on the East half of the N. W. 1/4 and the East half of the S. W. 1/4 Sec. 11 Township 10, South of Range 36 E. B. M.
- 29 0391 To Annie Crowshaw, three-fourths second foot of water to date from the 1st day of May, 1898, and one second foot of water to date from the 1st day of May, 1904, to be used on the N.W. 1/4 of Sec. 15, Township 10 South of Range 36 E. B. M.:-
- 29 0393 To Mads Christensen, three-fourths second foot of water to date from the 1st day of May, 1892 and one second foot of water to date from the 1st day of May, 1904, to be used on the S. W. 1/4 of the S. E. 1/4 and the East half of the S. E. 1/4 of Section 6 and the S. W. 1/4 of the S. W. 1/4 of Sec. 5, Township 10 South, of Range 36 E.B.M.
- 29 0395 To Ben Lockyer, Three-fourths second foot of water to date from the 1st day of May, 1901, and one second foot of water to date from the 1st day of May 1904, to be used on the North half of the N. E. 1/4 of Sec. 15 Township 10 South of Range 36 E.B.M.

SCANNED

MAY 31 2001

Log for claim A29-00376

Spatial Dynamics LTD

6/23/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s36e	2	SWNE	8	7.5	
10s36e	2	NESW	11	19	Indiscernible
10s36e	2	SWSW	5	5.2	
10s36e	2	SESW	24	24	
10s36e	2	NWSE	4	4.1	
10s36e	11	NENW	7	6.1	
10s36e	11	NWNW	17	15	
10s36e	11	SWNW	25	27	
10s36e	11	SENW	3	2.4	
10s36e	11	NWSW	11	11	
Totals:			115	121.3	

AJ5809NP
No. A29-00376

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00
PAGE: 18

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MAURICE A TOLER HELEN TOLER 231 E GLOVER RD ARIMO ID 83214 (208) 254-3361	05/01/1887	IRRIGATION	04-01 11-01	0.750 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	0.750 CFS 293.30 AFA

Water Source: GARDEN CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T10S R36E S07

NWNE

BANNOCK County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
10S 36E 2	: 08	:	:	:	:
10S 36E 11	:	: 07	: 17	: 25	: 03
	:	:	: 11	: 11	: 05
	:	:	:	: 24	:
	:	:	:	:	: 04
	:	:	:	:	: 53.9
	:	:	:	:	: 63.4
	:	:	:	:	: 117.3
	:	:	:	:	: TOTAL ACRES

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-00377/00389/00390/04079/04080

Other Water Rights with Same Point(s) of Diversion with Stage (includes All Sources):

29-11704	29-11705	A29-00362	A29-00374	A29-00375	A29-00377	A29-00383A	A29-00383B	A29-00384	A29-00387
A29-00388	A29-00389	A29-00390	A29-00409	A29-00410	A29-00414	A29-00415	A29-00416	A29-00417A	A29-00417B
A29-00418A	A29-00418B	A29-10642	A29-11704	A29-11705					

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

A29-00362	A29-00377	A29-00389	A29-00390	A29-04079	A29-04080	A29-07193	A29-11424
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Conditions of Approval:

R04 - Use of water under this water right will be regulated by the
- Watermaster of State Water District No. .

Remarks: GEN P/U SAME AS 29-00377/00389/00390 & P/U FOR 29-04079/04080 ARE A
PORTION OF THIS LAND LIST.

Dates: Exam Made Date: Verified Date: Objection filed Date:

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

Audit: 04/18/90 WILSON 05/24/94 COX 03/29/95 POST-STD

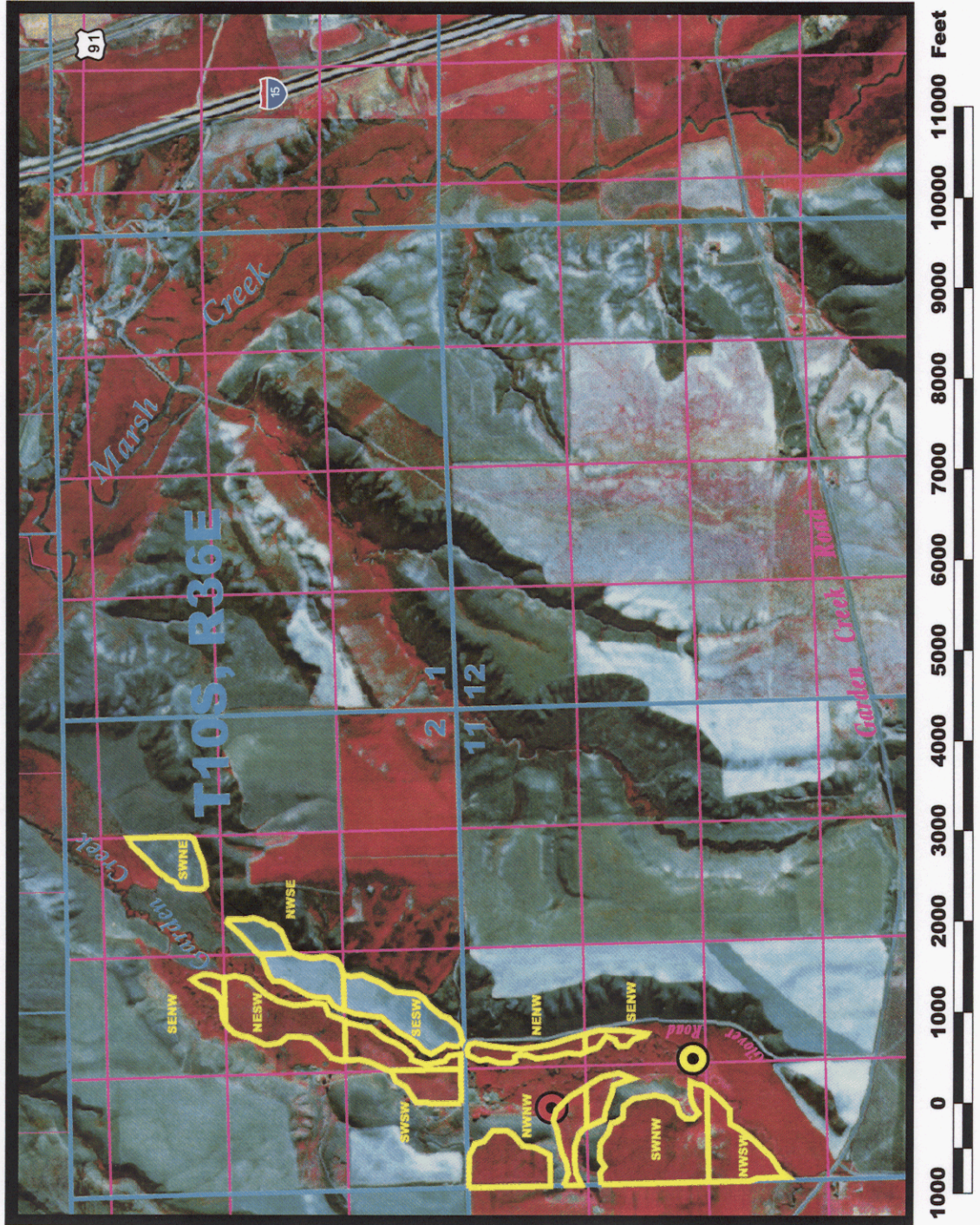


SCANNED
MAY 24 2004

State of Idaho

Department of Water Resources

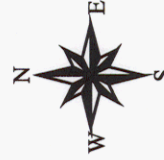
Eastern Region



Water Right(s):
29-00376, 29-00377,
29-00389, 29-00390

Place of Use: (parts of) T10S, R36E
Sec. 2 S2SW, NESW, SENW, W2NE,
Sec. 11 NW, NWSW

Point(s) of Diversion: T10S, R36E
Sec. 7 SWNWNE (not shown)
Sec. 11 SWSNW



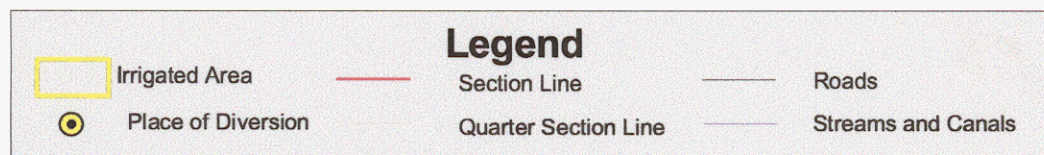
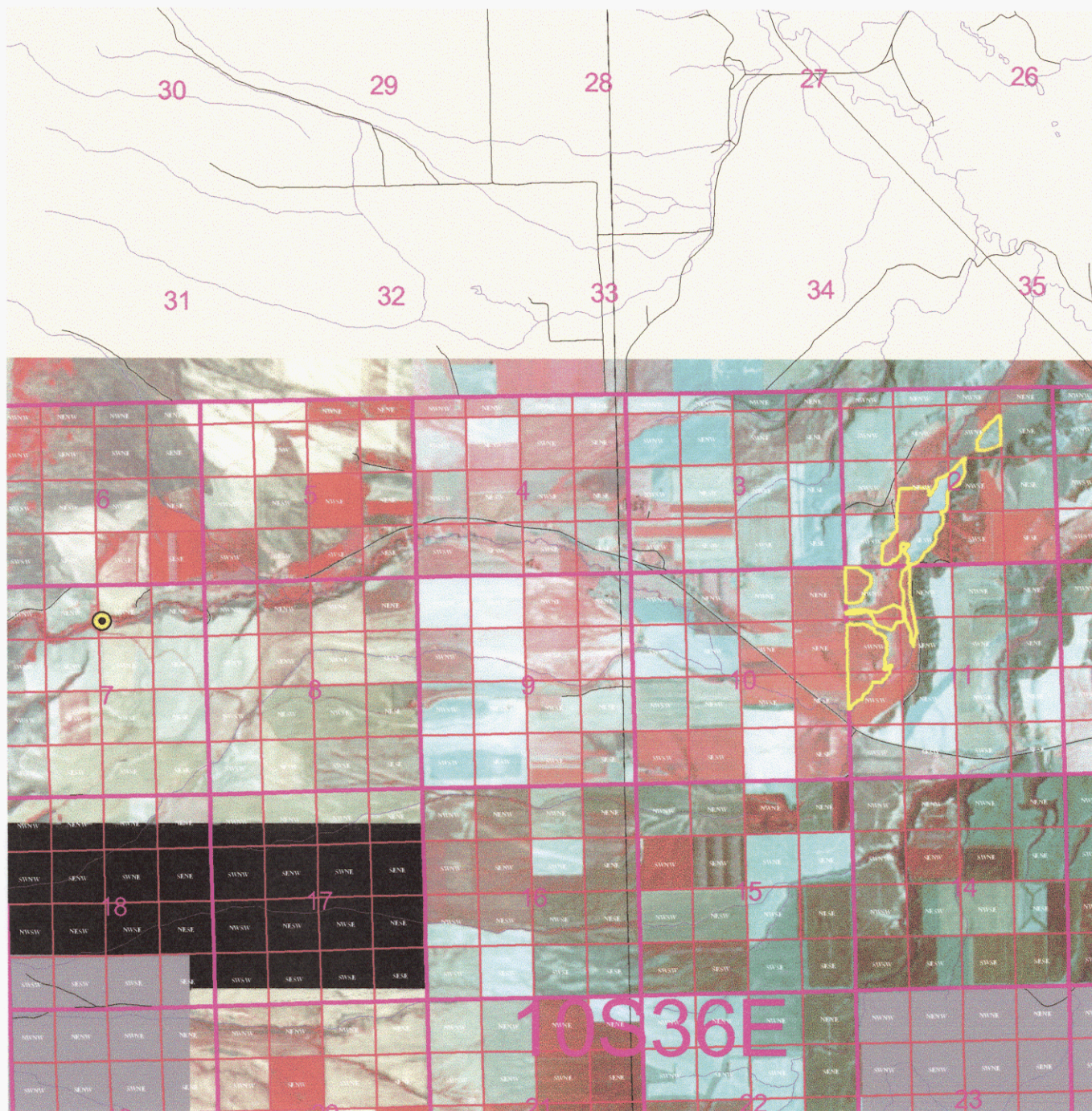
LEGEND

- Point of Diversion
- SESE
- Place of Use
- Section
- Quarter-Quarter

Water Right Claim Number A29-00376

06/23/2000

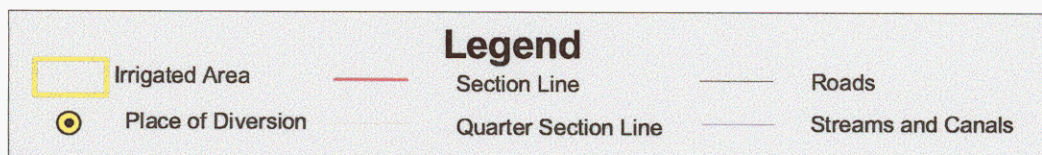
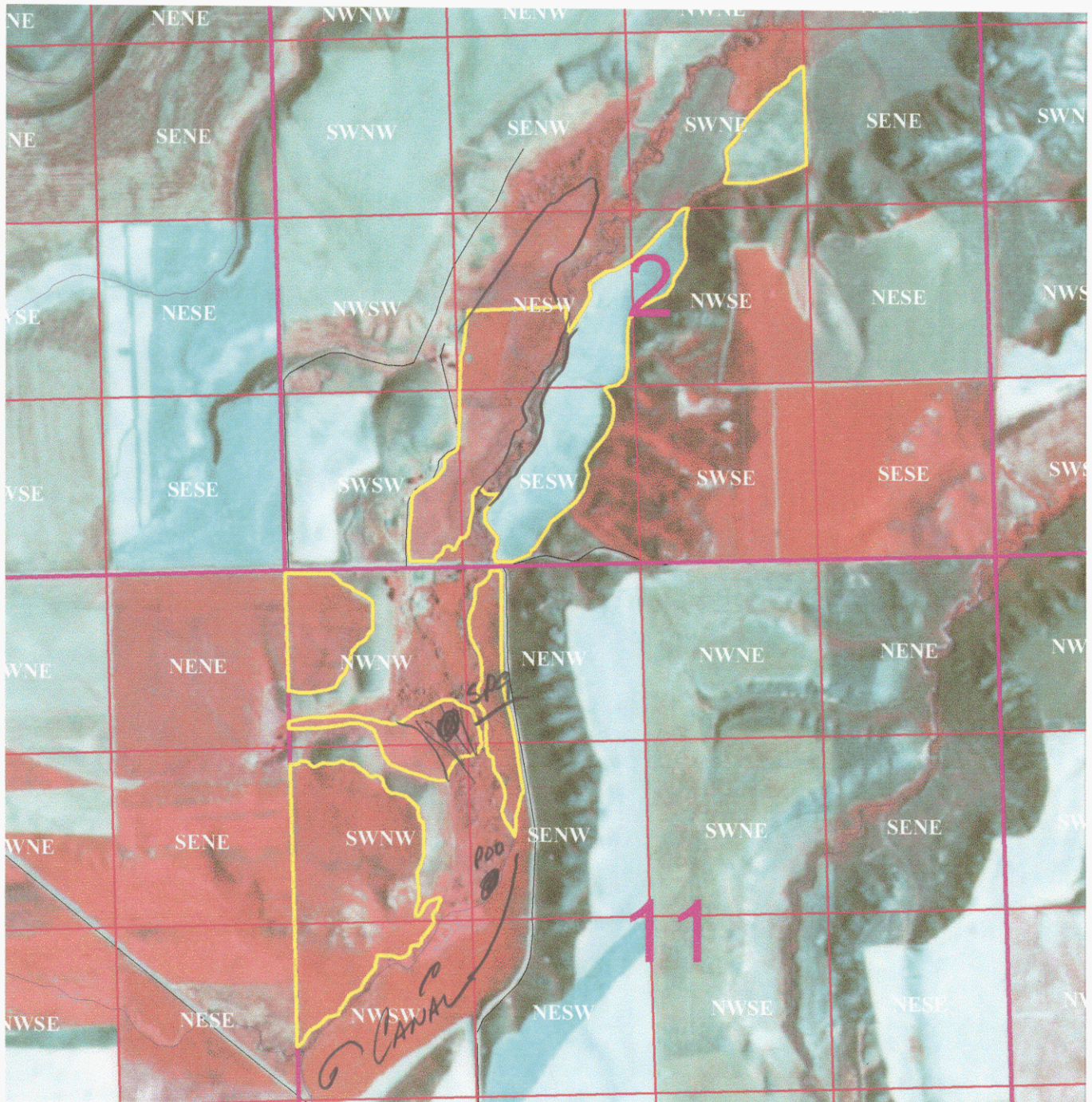
Township , 10S36E



2000 0 2000 4000 Feet



Township , 10S36E



600 0 600 1200 Feet

