

12/18/2002

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

RIGHT NUMBER: 29-4079

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

HELEN TOLER
231 E GLOVER RD
ARIMO ID 83214

SOURCE:

SPRINGS

TRIBUTARY: GARDEN CREEK

QUANTITY:

0.240 CFS

PRIORITY DATE:

04/01/1921

POINT OF DIVERSION:

T10S R36E S11 SENWNW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.240 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T10S R36E S02	SENW	1.4	T10S R36E S02	NESW	15.0
T10S R36E S02	SWSW	5.4	T10S R36E S02	SESW	7.0

28.8 ACRES TOTAL $\times 0.02 = 0.576 \Rightarrow 0.58$

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: Beneficial Use

5/05/04 Mr. & Mrs. Toler were in to discuss their objection to this water right recommendation. Mr. Toler seems very confused about which right was claimed from whom, confusing 4079 w/ 4080.

I believe we have an understanding of this recommendation. However, I did agree to increase @ to 0.58 cfs. He is the only user of the spring and diverts all the outflow for irrigation - Any (potential) run-off goes to Garden Creek.

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: A29-04079
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
Address: 231 EAST GLOVER ROAD
ARIMO, ID

83214

208-254-3361

OR

Name: HELEN TOLER
Address: 231 EAST GLOVER ROAD
ARIMO, ID

83214

208-254-3361

A2904079



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	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

A29-04079

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					
	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: 1887 1904 1896 1904

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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 2 wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

For Individuals:

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

Date: 11/18/1

Signature of Claimant(s): Maurice A. Polu Date: 4/18/90

State of Idaho)
County of Bonneville) ss.

County of Douglas
Subscribed and sworn (or affirmed) before me this 18 day
of April 1990 [Signature]
Notary Public

Notary Public

Seal

Residing at

My Commission Expires

MEMORANDUM

DATE: August 25, 2003

FROM: Ernie Carlsen

TO: 29-4079 and 29-4080

RE: Consultation with Maurice Toler, claimant

Maurice scheduled an appointment to discuss with me issues he had about the recommendations for the above referenced numbers. After reviewing his irrigation practices it appears the recommendation for the point of diversion, quantity and place of use under 29-4079 are incorrect. According to Maurice this right historically irrigated approximately 36 acres on the east side of Garden Creek from a diversion in the SENW Section 11. This matter will easily resolved once he files an objection to the recommendation. The more difficult issue is 29-4080. This right was disallowed because he claimed a priority date that predates some of the rights on Garden Creek decreed in the case of Garden Creek Irrigation v Wolverton in October 1906. His basis for this claim is a posted notice by William Marley going back to 1895. He indicated water diverted under this claim consists of water rising in the channel downstream from the headings for Garden Creek Irrigation. Though this water is diverted separate from rights conveyed by Garden Creek Irrigation, I explained to Mr. Toler, in my opinion, we could not recommend a priority date earlier than October 1906 since the land described by posted notice is part of the decreed place of use for rights 29-376 and 29-377. Mr. Toler wanted to know why the State was taking water away from the water users? At that point I suggested we simply agreed to disagree on this issue and I provided him with another objection form.

RECEIVED

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

Case No. 39576

A. Subcase 29-4079
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Maurice A. and Helen Toler

Address: 231 East Glover Road
Arimo ID 83214

Daytime Phone: (208) 254-3361

Winter (435) 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: 1.0 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: SE NW Sec 11 T10S R36E
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: See Attachment 1

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.

E. REASONS SUPPORTING OBJECTION(S): ③ The Director's report reduces the quantity without logic or reason. ⑤ The Point of Diversion on the Director's report contains a typographical error. ⑨ Places of Use on the Director's report are unidentifiable, they don't track to any known acreages. Further, previous reports seem to indicate that Places of Use under case numbers 29-4079 and 29-4080 have been co-mingled.

SF.1 - Objection
Amended 10/16/07

Disallowed
No co-mingling!

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)

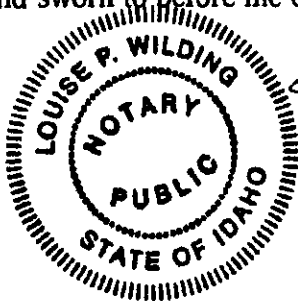
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Maurice A. Toler
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

September 8, 2003



Louise P. Wilding
Notary Public for Bannock
Residing at: Downey
My Commission Expires: 1-16-08

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 Sept 12, ~~2003~~ ²⁰⁰³, 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:

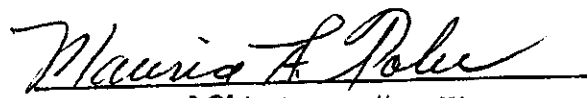
Name: _____
Address: _____

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

ATTACHMENT 1

References:

Exhibit A---a diagram supposedly reflecting the "Place of Use" of water claimed under this case number. It is incorrect. To help facilitate understanding of the explanations below, a yellow line has been drawn that represents the natural flow of Garden Creek. That natural flow is what divides the valley into its Eastern and Western portions.

Exhibit B---a diagram of the "Place of Use" of water claimed under case number 29-4080. It is accurate.

Explanations:

It appears that the 24.5 acres shown on Exhibit A near the middle of the page, is a combination of the 8.3 acres shown on Exhibit B, which is on the West side of the valley, and the remaining 16.2 acres on the East side of the valley that is not separately identified. Combining these two parcels creates a physically impossible situation from an irrigation standpoint. They lie on opposite sides of the valley and are independent of each other.

The same combination appears to have happened with the 11.1 acres shown on Exhibit A. The 2.6 acres on Exhibit B has been added to the remaining 8.5 acres that is not separately identified. Again, these two parcels lie on opposite sides of the valley and are independent of each other.

Therefore, the "Place of Use" for water claimed under case number 29-4079 should formally be described as follows:

<u>Range</u>	<u>Township</u>	<u>Section</u>	<u>1/4 of 1/4</u>	<u>Use</u>	<u>Acres</u>
36E	10S	11	SE NW	Irr	2.0
			NE NW	Irr	5.4
		02	<u>Section</u>	<u>Acres</u>	<u>7.4</u>
			SE SW	Irr	16.2
			NE SW	Irr	8.5
			NW SE	Irr	4.5
			SW NE	Irr	8.1
			<u>Section</u>	<u>Acres</u>	<u>37.3</u>
			<u>Total</u>	<u>Acres</u>	<u>44.7</u>

02/18/2003

NOTICE OF ERROR
REPLY

allen
RECEIVED
APR 10 2003
Department of Water Resources
Eastern Region

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: 29-4079

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

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

Maurice Toler

12/17/02

	WATER RIGHT CLAIM	SOURCE	Cfs	PRIORITY	STAGE
①	29-376	GARDEN CK	0.75	5/01/1887	DEGREE
②	29-377	GARDEN CK	1.00	5/01/1904	DEGREE
③	29-389	GARDEN CK	0.75	5/01/1896	DEGREE
④	29-390	GARDEN CK	1.00	5/01/1904	DEGREE
⑤	29-4079	SPRINGS	1.00	4/01/1921	STATUTORY
⑥	29-4080	GARDEN CK	1.50	7/08/1895	STATUTORY

E_0 6.9 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 SETWOD BY GARDEN CK (NOT CANAL) AND SPRINGS THAT ARE COLLECTED BY DITCHES AND CONVEYED TO VARIOUS POU'S ON DOWNSTREAM. $A_{ac} = 118^{\circ}$. 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. $118^{\circ} \times 0.02 \text{ cfs/ac} = 2.36 \text{ ac}$. #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 118^{ac}. PLUS, MR. TOLER HAS GARDEN CK IN SHARES UNDER THE 1877 PRIORITY.

RECOMMEND AS #1, #2, #3, #4 & #5 WITH APPROPRIATE LIMITS.
CLAIM #6 IS DISALLOWED.

Contacts Data Entry Form

29-4079

243 Stnt.

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner M. Tolstr

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:

BU claim - 1921 Post Dates 1906 CARDON CR vs WOLVERTON VOKINTRUSION ENG DID MURDER (2) FOR SANCOS, SPAINASFE: 8/8/02 w/ MR. TOLSTRFE INDICATOR - PODS, POU

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: April 1, 1921 Claimed Basis: BURecommended Priority Date: 4/1/1921 Recommended Basis: BU☐ 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:

EVIDENCE OF PRIORITY IS AN AFFIDAVIT BY MORLIN
BLANCHARD, PERSONAL KNOWLEDGE.
RECOMM PRIORITY IS CLAIMED.

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____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

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
10S	36E	11		NW1NW	BRAIN	SPRINGS

GPS Coordinates: _____

				SE1NW	"	THIS IS GARDEN CH POD
--	--	--	--	-------	---	-----------------------

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? _____

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

RE INDICATED

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
10S	36E	2			Banner		53 ⁹	Prarie
		11			"		7 ⁴	"

Total Acres 61³

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

Overlap w/ other rights

1⁰ cts @ 0.02/ac = limits to 50 ac. BUT, INTERIOR
ENG. MEASURED 0.24 cts - SO RECOMMENDED w/o stock.
POU IS 28⁸ ac and is 1/500 w/ other rts.

DECREAS RtsFE INDICATED

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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
ERRIS	4/1	11/1	1.2	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
FANNIS	4/1	10/31	0.24	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

ENTRADIO LENS MEASUREMENTS @ ± 0.238 (supposedly)SOL Sea AREA (DOPT STD) IS 4/1 TO 10/31.Therefore 0.24 cfs works.

Reviewer: _____

Date: _____



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID 29 4079
POD ID 205552
Quad Arimo
Claim Type L
Easting 645685
Northing 165347
GPSID A0012621

Diversion Description

DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION from spring. Full ditch runs 7" deep x 12" wide with very rough bed.

Assumptions

Slope.

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

POD ID 205552 01.JPG

Photos

POD ID 205552 02.JPG

EPE (ft)

16

Date (M/D/Y)

10/15/01

Time

11.30

Flow Rate (CFS)

0.237718062473381

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 1

☒ Rectangular Channel

Width 0.6

Depth 1

Flow Calculation

☐ Continuity

Velocity

0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water
above orifice
centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water
above nappe

Width of weir

☒ Manning (If used, include photo of representative channel section)

Channel Slope 0.005

Channel
Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Serviv, Inc.



INTREPID

Engineering Services, Inc. (IES)
Enabling People and Solutions

MAY 31 2001

Log for claim A29-04079

Spatial Dynamics BTD

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	

DIVERSION
VOLUME

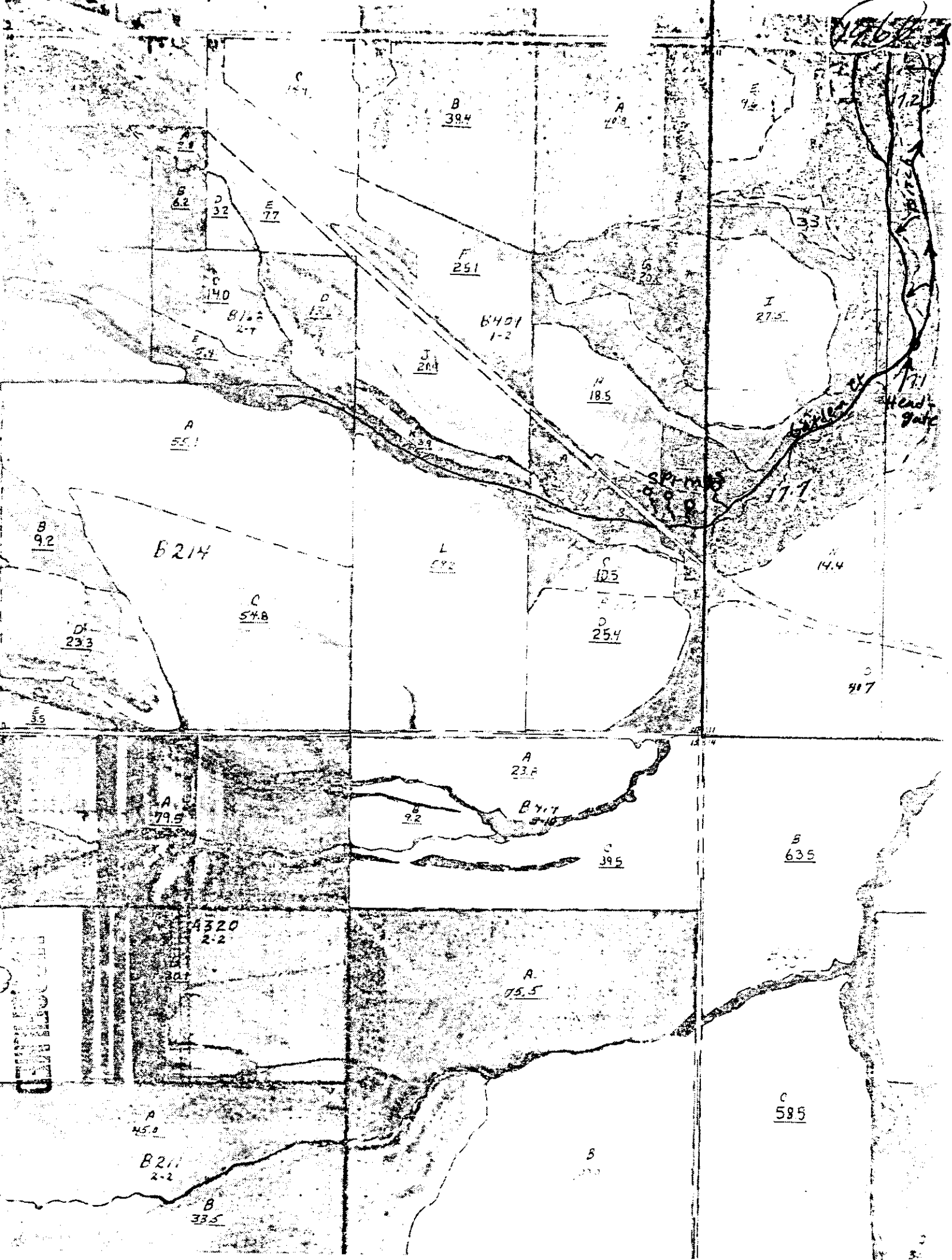
153.30 AFA

Stage: STATUTORY CLAIM

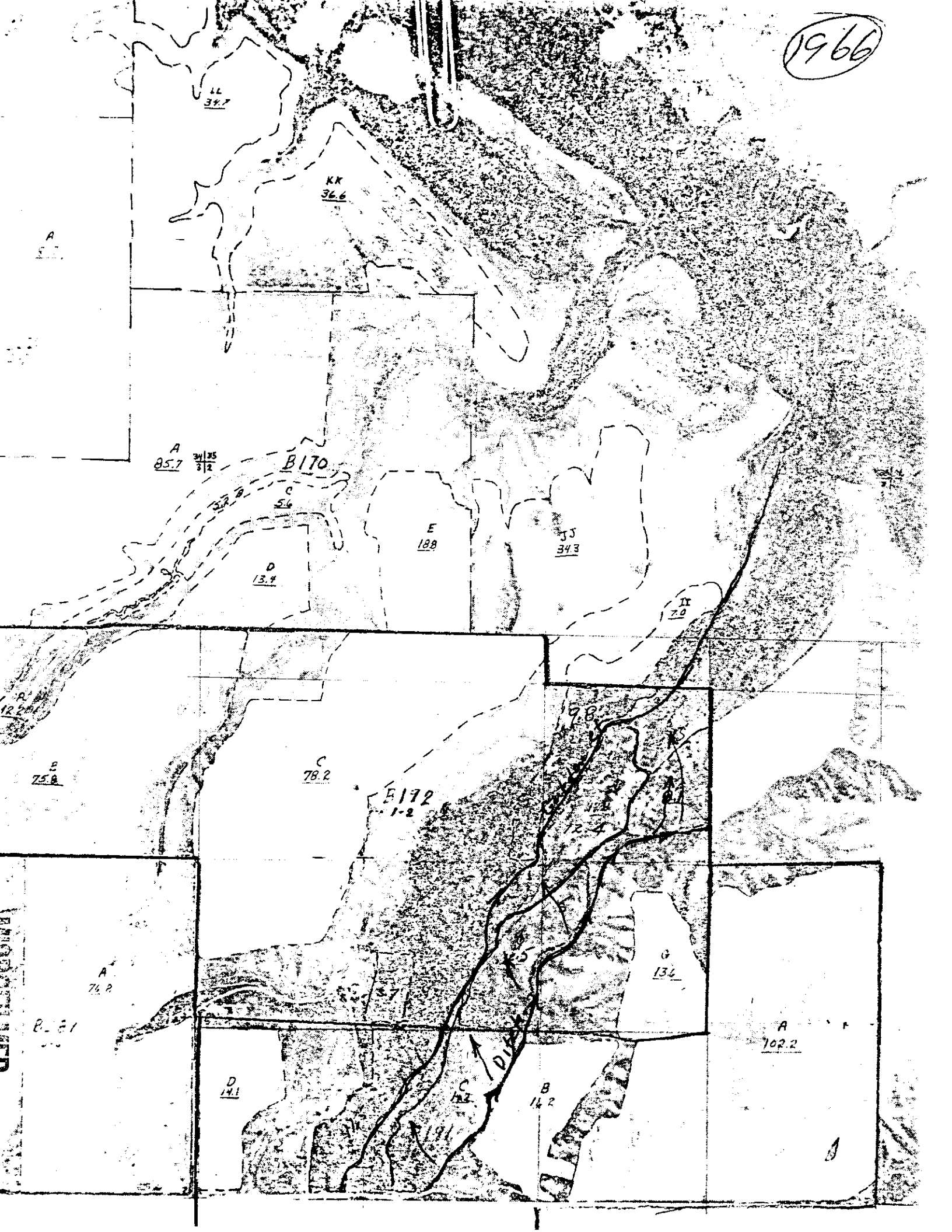
BANNOCK County

61.3

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



1966



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

STATE OF IDAHO

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 _____

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

The extent and nature of said claim is as follows:
Describe source of

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) unnamed springs tributary to Garden 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: Marsh Creek
- Amount 1.00

Amount <u>1.00</u>	Use <u>Irrigation</u>	Period of Use: From <u>Apr. 1</u> To <u>Nov. 1</u>
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 _____)

- (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, 1 1/2 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.

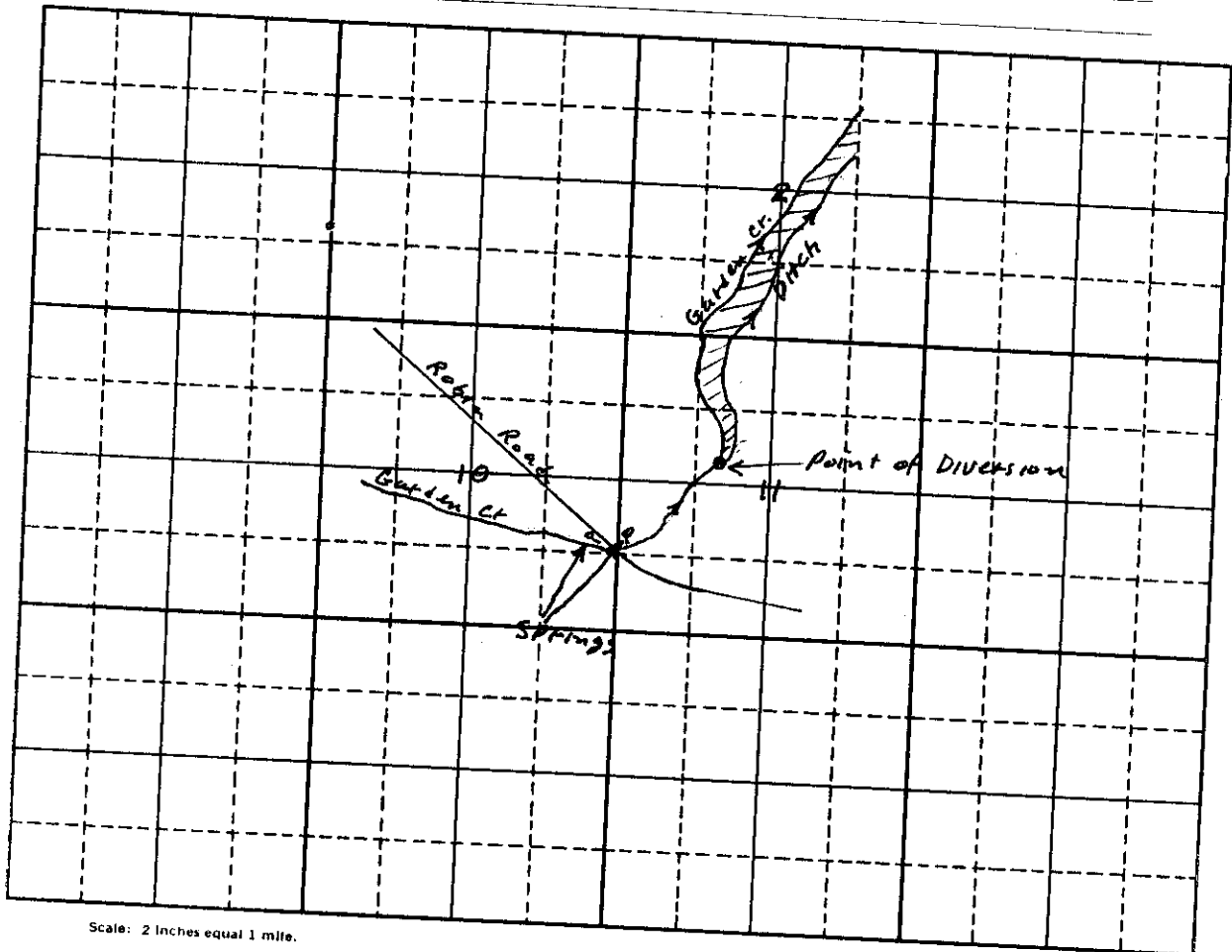
[illegible]

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:

SECRET

(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)
) ss.
 County of Bonneville)

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 affiants knowledge.

Maurice H. Ples
 (Claimant)

Sworn to before me this 18th day of March, 1977.

Loren O. Hulmer
 Notary Public

Residing at Idaho Falls, Id.

My comission expires March 21, 1979

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>JW</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>YNO</u>	Date <u>4-12-77</u>			
Published in <u>Idaho State Journal</u>	<u>4658</u>			
Dates <u>Mar 21 + Apr 7, 1977</u>				

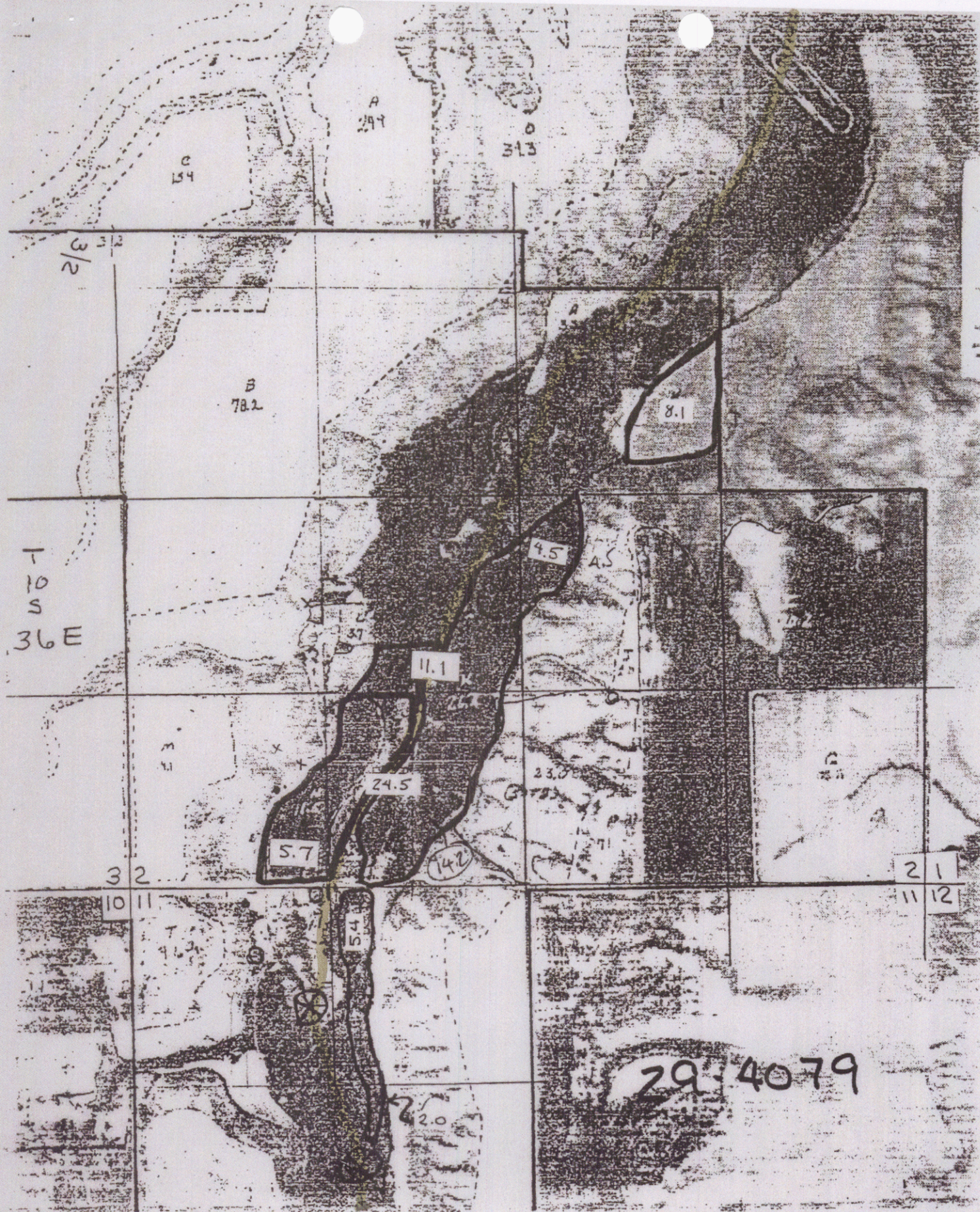


Exhibit A



State of Idaho

Department of Water Resources

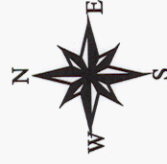
Eastern Region



Water Right(s):
29-04079

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

Point(s) of Diversion: T10S, R36E
Sec. 11 SENWNW (spring)



LEGEND

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

Water Right Claim Number A29-04079

06/29/2000

Township , 10S36E

