

FILED
JAN 24 1997
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

2007 JAN 24 PM 15 42

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 24-10753

Case No. 35976

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Kevin Toner & Yodon Thonden

Address: 136 Madison Ave., 3rd Floor

New York, NY 10016

Daytime Phone: 212-842-8903

Name & Address of Attorney, if any:

Kent W. Foster

Holden, Kidwell, Hahn & Crapo, PLLC

PO Box 50130, Idaho Falls, ID 83405

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

Name: Kevin Toner & Yodon Thonden

Address: 136 Madison Ave., 3rd Floor

New York, NY 10016

RECEIVED
JAN 24 1997
3/

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: 1.6 cfs
4. ☒ **Priority Date**
Should be: May 1, 1902
5. ☒ **Points of Diversion**
Should be: SESW, Sec. 20, T9S., R46E.
6. ☐ **Instream Flow Description**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Irrigation
8. ☒ **Period of Year**
Should be: 04/01 to 10/31
9. ☒ **Place of Use**
Should be: T9S., R46E., Sec. 20, SESE (6), Sec. 29, NENE (8)

10. **I object because:**

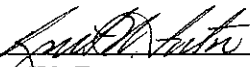
- ☐ This water right should not exist.
- ☒ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** Claimants recently acquired this land and hired a ranch manager who has now been able to obtain information from the former owners and irrigators of the property.

VERIFICATION (Must be Completed)

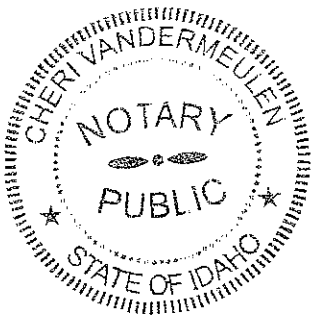
State of Idaho)
)ss.
County of Bonneville)

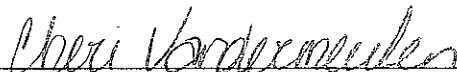
Kent W. Foster, duly sworn, upon oath, deposes and says that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Kent W Foster

Subscribed and sworn to before me this 2nd day of January, 2007.





Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: July 7, 2009

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, 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 hereby certify that on the 22nd day of January, 2007, 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
P O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

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



Kent W. Foster

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09/08/2006

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

RIGHT NUMBER: 24-10753

NAME AND ADDRESS: YODON IHONDEN
136 MADISON AVE 3RD FLOOR
NEW YORK NY 10016

KEVIN IONER
136 MADISON AVE 3RD FLOOR
NEW YORK NY 10016

SOURCE: SAGE CREEK

TRIBUTARY: CROW CREEK

QUANTITY: 0.280 CFS

PRIORITY DATE: 05/01/1968

POINT OF DIVERSION: 109S R46E S20 NESESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.280 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County
T09S R46E S20 SESE 9.40

9.4 ACRES TOTAL

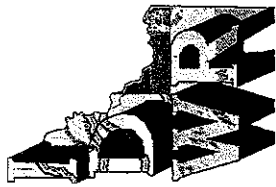
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 24-4020.



Idaho Department of Water Resources

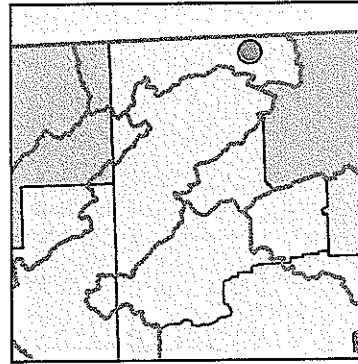
SRBA Recommendation:

24-10753

(Irrigation)

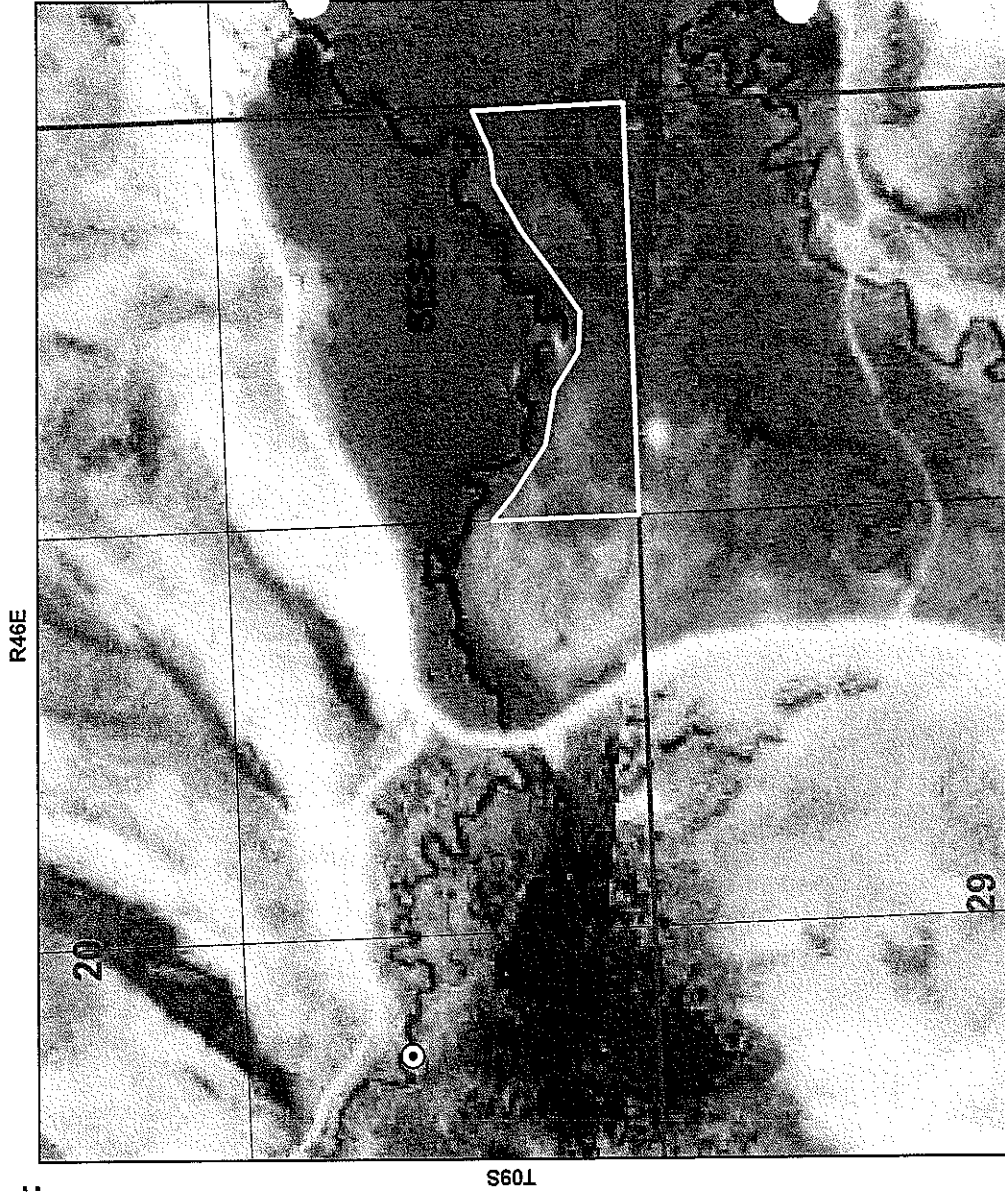
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Caribou County
IDWR Basin 24

Prepared by C. BIRD
On Friday, September 1, 2006
1987/88 Aerial Photography



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 24-10753
Date Received: 1/30/1990
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

YODON THONDEN Phone: (212) 842-8903
136 MADISON AVE 3RD FLOOR
NEW YORK NY USA 10016

KEVIN TONER Phone: (212) 842-8903
136 MADISON AVE 3RD FLOOR
NEW YORK NY USA 10016

2. Date of Priority: 05/01/1902

3. Source: SAGE CREEK Trib. to: CROW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	46E	20	NE SW	CARIBOU	

5. Description of diverting works:

HEADGATE & DITCHES TO FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.64	

7. Total Quantity Appropriated is:
0.64 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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09S	46E	20	SE	SE	IRRIGATION	24
					Section Acres	24
					Total Acres	24

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 24-4020

15. Basis of Claim: Statutory Claim