



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 W Center Street, Soda Springs, Idaho 83276-1575

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

C.L. "BUTCH" OTTIE
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 19, 2007

Julie Murphy
Snake River Basin Adjudication
253 3rd Avenue North
Twin Falls, ID 83301

REF: Contested claim in basin 24

Subject: Original Claims for 24-4019, 24-4021, 24-4064 and 24-4068B

Dear Ms Murphy,

Enclosed are the original Snake River Basin Adjudication claims for the above referenced rights. Claim 24-4019 was split into claims 24-10750 and 24-10751. Claim 24-4021 was also split into claims 24-10763 and 24-10764. Which from your list you need the originals for 24-10750, 24-10763 and 24-10764. I hope this clears up the confusion. If you have any questions please don't hesitate to call.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosures: Original Claims 24-4019, 24-4021, 24-4064 and 24-4068B

CC: Ray Williams (w/o attachments)

Notes

2/26/07 Original letters & affidavits are located in 24-4018. Copies are also in 24-10750 for Joel Porter. Kent Foster responded for both Kevin Toner & Joel Porter.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 24-4021 V1

WATER RIGHT NUMBER: 24-4021 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KEVIN TONER 136 MADISON AVE 3RD FLOOR NEW YORK, NY 10016 (212) 842-8903
Current Owner	YODON THONDEN 136 MADISON AVE 3RD FLOOR NEW YORK, NY 10016 (212) 842-8903
Original Owner	G HARVEY KENNINGTON PO BOX 98 FAIRVIEW, WY 83119 (307)225-3451
Previous Owner	GENEVA LAND & CATTLE LLC 329 S WOODRUFF IDAHO FALLS, ID 83401 (208)227-1451

Priority Date: 05/01/1987

Basis: Beneficial Use

Status: Parent

<u>Source</u>	<u>Tributary</u>
CROW CREEK	SALT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1 500 CFS	
	<u>Total Diversion:</u>	1 500 CFS	

Location of Point(s) of Diversion

CROW CREEK	SW1/4NE1/4	Sec. 29, Twp 09S, Rge 46E, B M
CARIBOU County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	46E	29	20.0			25.0													45.0

Total Acres: 45

Conditions of Approval:

- P22 Split right: See Right Nos. 24-10763 and 24-10764.

November 9, 2006

Joel Porter
130 N Court
Memphis TN 38103

RE: Notice of Claim

Dear Claimant:

The Department has changed the identification number for the Notice of Claim 24-4021. The new number is A24-10763.

A copy your Notice of Claim is enclosed for your records.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure

November 9, 2006

KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Notice of Claim

Dear Claimant:

The Department has changed the identification number for the Notice of Claim 24-4021. The new number is A24-10763. The claim number 24-4021 had already been claimed by Kevin Toner (24-10764).

A copy of both Mr. Porter and Mr. Toner's Notice of Claim are enclosed for your records.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that G. HARVEY KENNINGTON
(Name of Claimant)
P.O. Box 90 Fairview ID 83119 Telephone No. 225-3451
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) May 1, 1914
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 is that a claim may be filed on single family domestic use from a ground water source.
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Crow Creek tributary to Salt River
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>1.5 cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>April</u>	To <u>Nov 1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity <u>1.5 cfs</u>		Use _____		Period of Use From _____	To _____

- (4) 1.5 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)
- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 NE 1/4, Sec. 29 Twp. 9S Rge. 46E B.M., County of CARIBOU
Additional points of diversion: _____

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. Describe any changes in the system and give the date of the change.
HEADGATE WITH OPEN DITCH TO FLOOD IRRIGATION.

- (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.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			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	
9S	46E	29	20		5	25													50

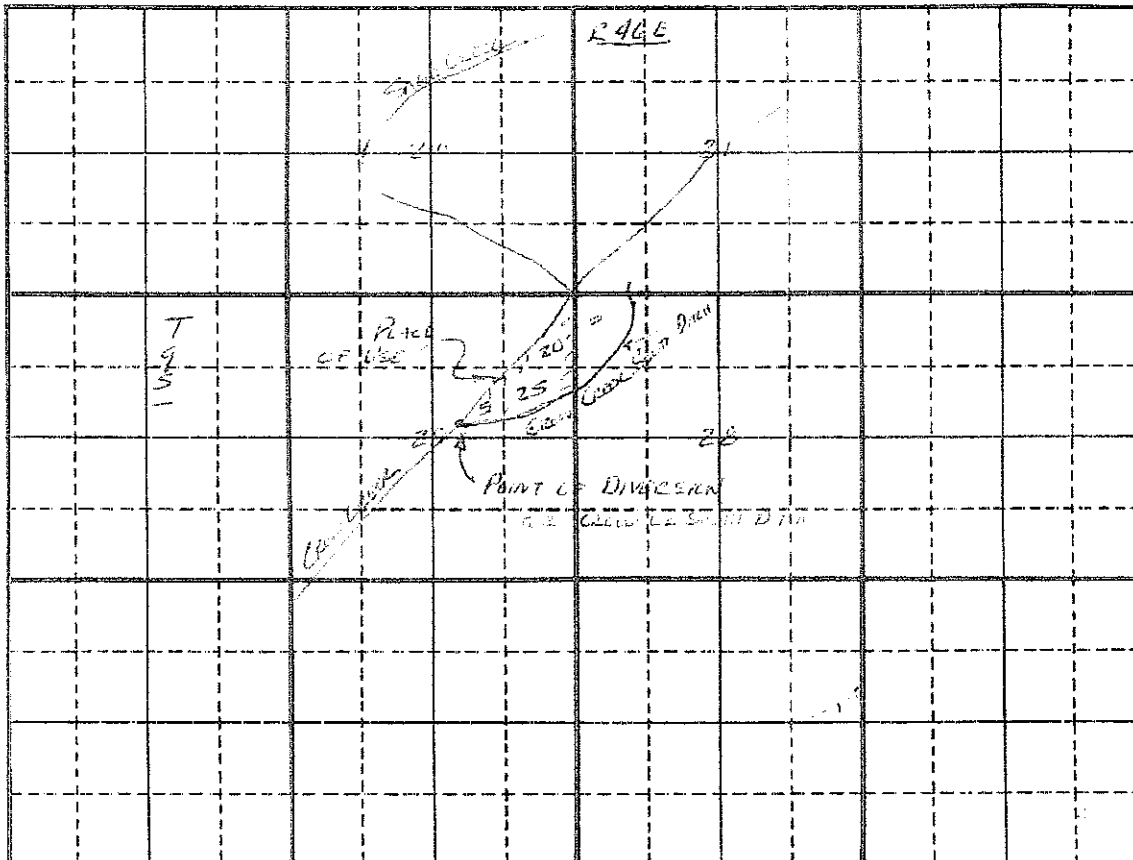
No. of acres 50

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks Draw Name Creek from South



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)
County of Bonneville) ss.

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 affiant's knowledge.

Sworn to before me this 11th day of May

[Signature]
(Claimant)

19 79

[Signature]
Notary Public
Residing at: Idaho Falls, Id.

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>dh</u>	Date <u>5-11-79</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>dh</u>	Date <u>5-11-79</u>		claimant by:	
\$20.00 fee received by <u>dh</u>	Date <u>5-11-79</u>	#11872		
Published in <u>Caribou County Sun</u>				
Dates <u>May 24 & 31, 1979</u>				