



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 30, 2005

Kevin Toner
Yodon Thonder
381 5th Avenue
New York, NY 10016

REF: Snake River Basin Adjudication (SRBA)
Claims 24-4018, 24-4021 & 24-4022.

RECEIVED

OCT 03 2005

Department of Water Resources
Eastern Region

Subject: Ownership Change and filing a Notice of Claim to a water right

RESPONSE DATE: OCTOBER 28, 2005

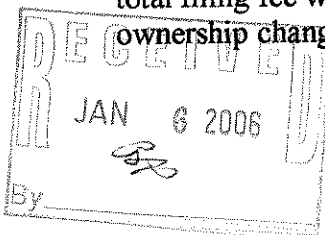
Dear Claimant(s):

We recently received your Notice of Change in Water Right Ownership form for 24-4000, 24-4018, 24-4021 and 24-4022. The information you provided us is incomplete. Your warranty deed is from Geneva Land and Cattle, LLC. However, they are not listed as the current owners of the water rights or SRBA claims. We need the proper documentation from the Kennington family to Geneva Land and Cattle, LLC to be sure the water was conveyed with the property and therefore conveyed to you. Also was specific water rights conveyed to you in the purchase of this property?

Secondly, a copy of a plat map, survey map or aerial photo with the irrigated place of use (POU) and point of diversion (POD) was omitted from the REQUIRED information. Please submit a map as soon as possible with the POU and POD clearly marked.

Your ownership change form requested an ownership change on water right 24-4021. Idaho Law requires that an adjudication claim to be filed on in the SRBA otherwise this claim to water will be lost. Therefore, an ownership change on this water right is NOT appropriate. If this statutory claim is part of your property then you will need to file a Notice of Claim to a water right with the Department of Water Resources on the enclosed form.

The required filing fee is \$50.00 plus \$1.00 an acre for an irrigation right. Under this water right it lists 45 acres in your described place of use per your warranty deed. So the total filing fee would be \$95.00. The Department receipted your check for \$75.00 for the ownership change. The \$25.00 on each water right 24-4021 and 24-4022 was sent in



error and that \$50.00 can be credited to your new claim. If you wish to file the Notice of Claim to a Water Right please complete the enclosed form and send it with a check for \$45.00 to my office by the above response date. If you do not want to file the claim then you need to write the Department a letter requesting a refund on the \$50.00 for the ownership change on water rights 24-4021 and 24-4022.

The ownership also listed 24-4000. This was decreed in 1999 and therefore is a water right and does require the \$25.00 filing fee. The ownership change on this right will be handled out of our State Office in Boise. Any request for additional information will come from them.

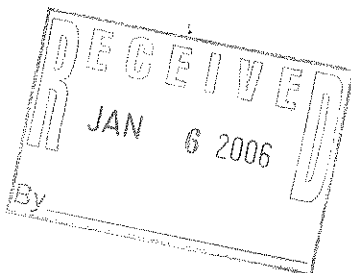
If you have any questions please, feel free to contact me at (208) 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Form No. 42-1409 (2) a 1/88 Notice of Claim to a Water Right
Water Right report 24-4021
The Snake River Basin Adjudication Brochure
Property Owners in Idaho Brochure

Cc: Geneva Cattle & Land LLC
Kari Lynn Townsend, State Office
Eastern Region





State of Idaho

DEPARTMENT OF WATER RESOURCES

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28 September 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Geneva Cattle & Land LLC
329 South Woodruff
Idaho Falls, ID 83401

COPY

Re: Snake River Basin Adjudication (SRBA)
Claim 24-4018 and 24-4022

Subject: CHANGE IN PLACE OF USE (POU), POINT OF DIVERSION (POD)
& DIVERSION RATE

Response Date: 11 October 2005

Dear Claimant (s):

The Idaho Department of Water Resources initial investigation of the Notice of Claim listed above indicates that there has been a change in the POD and diversion rate. The difference is as follows:

PODs found during field exam for 24-4018 and 24-4022:

T9S, R46E, Sec. 29, SWNE & NENE.

Diversion Rate: 1.5 cfs for 24-4018

Water Right POD for 24-4018 and 24-4022:

T9S, R46E, Sec. 29, SWNE.

Diversion Rate .09 cfs for 24-4018.

There has also been a change in the POU. The differences are as follows:

POUs found during field exam for 24-4018 and 24-4022:

T9S, R46E, Section 20, SESE 7.9 ac

T9S, R46E, Section 21, NWSW, 10 ac; SWSW, 32 ac

T9S, R46E, Section 28, NWNW, 12 ac

T9S, R46E, Section 29, NENE, 20 ac; **NWNE 5.5 ac.**

Total all acres 87.4.

Water Right POU for 24-4018:

T9S, R46E, Section 28, NWNW, 30 ac.

Water Right POU for 24-4022:

T9S, R46E, Section 20, SESE, 20 ac

T9S, R46E, Section 29, NENE 20 ac.

Total all acres 70.

A water right owner who has made a change in use of a water right prior to commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of those requirements is that the changes not result in injury to other water rights, or that the change be conditioned to prevent injury to other water rights.

Before IDWR may recommend your claim, you must provide IDWR with the date the change was made and some evidence tending to support that date. If the change was made before November 19, 1987, then the date provided must include the month, day and year. If the change was made after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after November 19, 1987.

Under the original statutory claim 24-4018 that was filed with our Department on May 11, 1979, the claimed diversion rate was 0.90 cfs on 30 acres. The SRBA claimed filed in 1990, was increased to 1.5 cfs on 50 acres. Under the mandatory permit statute for surface water the development must have occurred prior to May 20, 1971. Therefore, unless you can provide the Department convincing evidence that the development occurred prior to the mandatory date of May 20, 1971, the additional diversion rate and acres will not be recommended to the SRBA Court. It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

This office must receive your response by the above referenced response date. If no response is received, then your claim to water from the new POD and POU will not be recommended to be decreed. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,



Cindy E. Bird
Adjudication Bureau

CEB/bjp

Enclosure:

Copy of Claim 24-4018 and 24-4022

Cc: Kevin Toner
381 5th Avenue
New York, NY 10016



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

27 September 2005

COPY

Geneva Cattle & Land LLC
329 South Woodruff
Idaho Falls, ID 83401

Re: Snake River Basin Adjudication (SRBA)
Claim 24-4018, 24-4019, 24-4020, 24-4022

Subject: CHANGE IN OWNERSHIP

Response Date: 11 October 2005

Dear Claimant(s),

We have been advised that you are the current owner of the property and water right referenced above. Before we can modify our records to reflect your ownership of the property, we need Form 42-248/42-1409(6) completed, signed and returned. I have enclosed the form for your convenience.

In the adjudication review process there is no filing fee. However, we will need a copy of the plat, survey map or aerial photo with the appropriate area marked and a copy of the warranty deed.

If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

CEB/bjp

Enclosure:

Form 42-248/42-1409(6) "Change in Water Right Ownership"

Cc: Kevin Toner
381 5th Avenue
New York, NY 10016