

15 West Center Street
Soda Springs, Idaho 83276
(208) 547-3993
(208) 547-3939 fax

Idaho Department of Water Resources

Fax

To: Scott Elickson	From: Cindy Bird
Fax: 522-0791	Pages: 5
Phone: 523-6644	Date: 3 October 2005
Re: Kevin Toner	CC:

Good Morning Scott,

Here is a copy of the letter I sent to Kevin on the 30th of September. I also included a copy of the original statutory claim on 24-4021. From Kevin's deed he should file on the 20 acres in the NENE and the 25 acres in the SENE of section 29, T9S, R46E.

After looking closer at both the water right and SRBA claim on 24-4022. I've determined that the entire right should be changed to Kevin. Since the 20 acres in the NENE were paid for under 24-4022 SRBA claim they do not need to be paid for again under 24-4021. Therefore, the check would only need to be for \$25.00 for the remaining acres in the SENE.

Our website is www.idwr.idaho.gov

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

Respectfully,

Cindy Bird

FAXED
10:50 AM
10-3-05 CB.



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.

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