

KEVIN TONER AND YODON THONDEN

JOEL PORTER

24-10750 & 24-10751



IMG 1576

Photo number

Photo Rename

5/23/07

Date

1:53

Time

AM

PM

Accompanied by Monte Clemo; Ranch Manager for the Toner/Porter property. Looking at the diversion from Sage Creek. Water flows into the ditch south of Sage Creek. GPS point taken on the north side of Sage Creek. South side of Sage Creek is the Toner/Porter land. GPS Filename: "SSGCRK" N42° 37.243' W111° 06.297' Sage Creek flows on the north side of the road for a while before going through the culvert on the Joel Porters ground.

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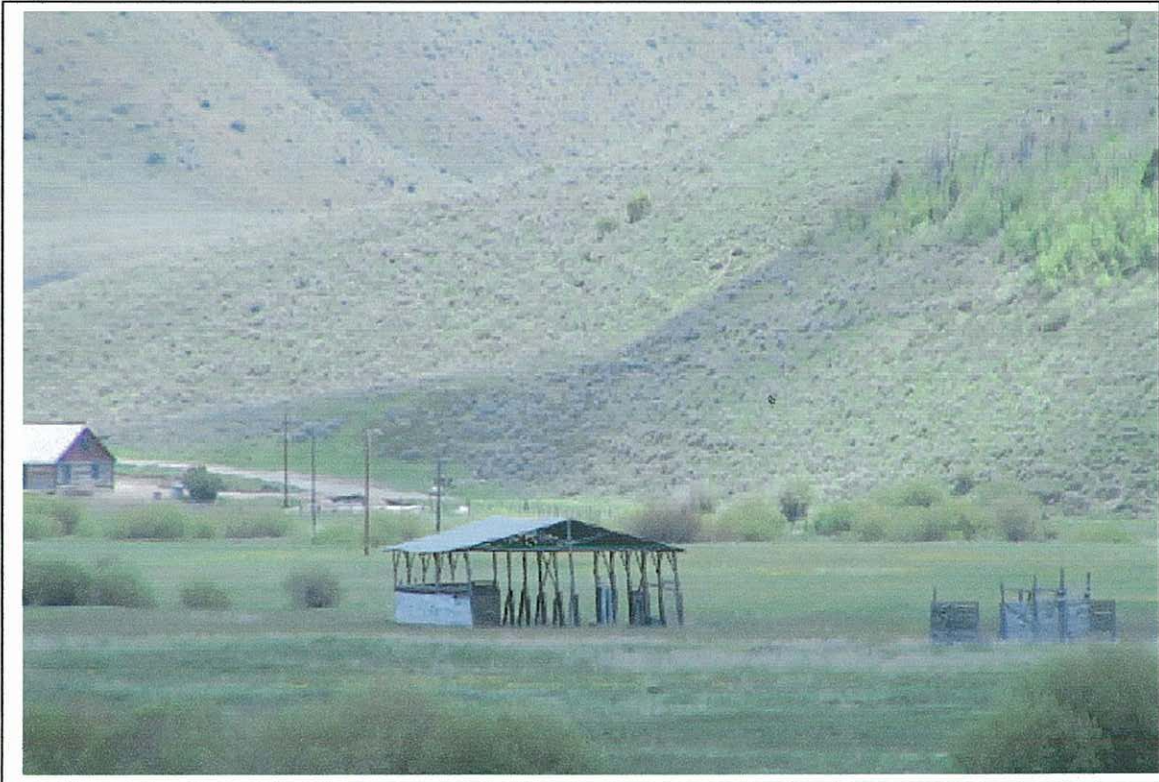
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KEVIN TONER AND YODON THONDEN

JOEL PORTER

24-10750 & 24-10751



IMG\_1577

Photo number

Photo Rename

5/23/07

Date

2:03

Time

AM

PM

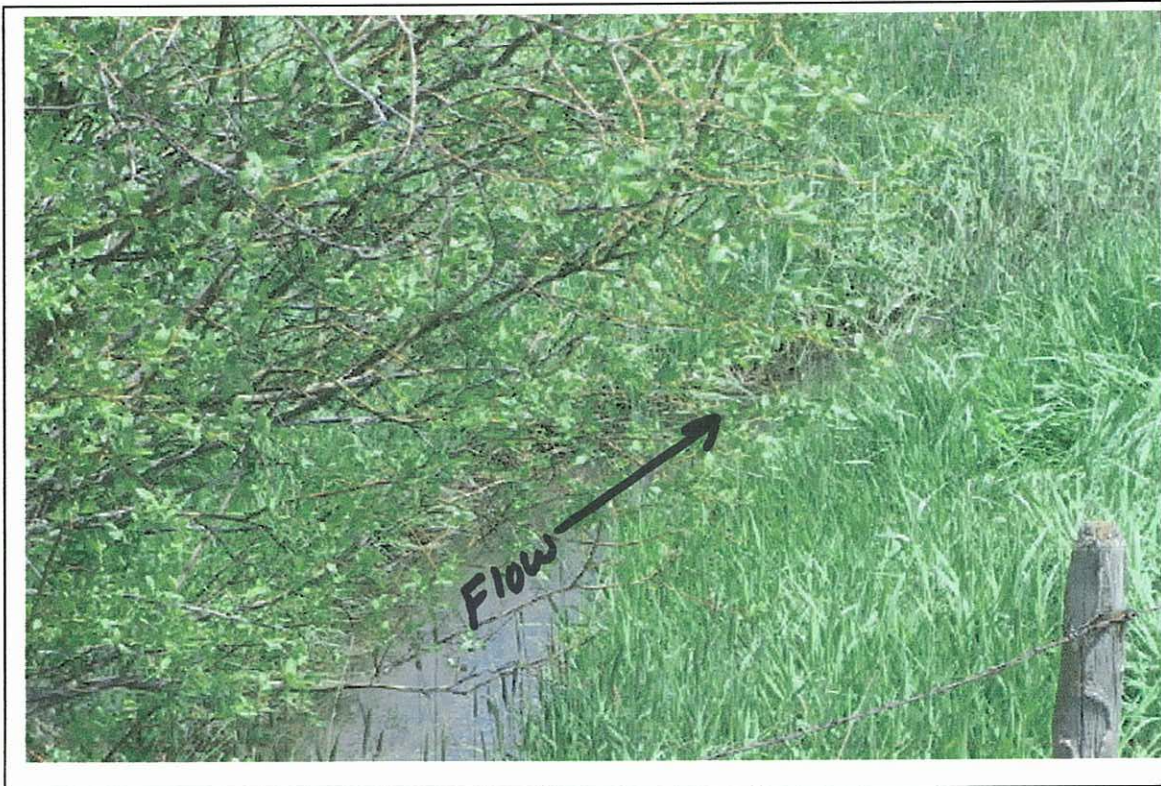
Accompanied by Monte Clemo; Ranch Manager for the Toner/Porter property. Looking  
easterly at the place of use from Sage Creek.

CB

KEVIN TONER AND YODON THONDEN

JOEL PORTER

24-10750 & 24-10751



IMG 1578

Photo number

Photo Rename

5/23/07

Date

2:54

Time

AM

PM

Accompanied by Monte Clemo; Ranch Manager for the Toner/Porter property. Looking east at the Sage Creek water just after it comes under the road and enters Joel Porters property. Velocity was measured in the ditch to determine the Q. Velocity was 10ft/12 seconds=0.83 ft/sec. Ditch dimensions 32 inches wide and 11 3/4 inches deep. A=1.3 ft<sup>2</sup>; therefore Q=VA=1.1 cfs. Monte Clemo has worked for Kevin Toner and Joel Porter approximately 2 years.

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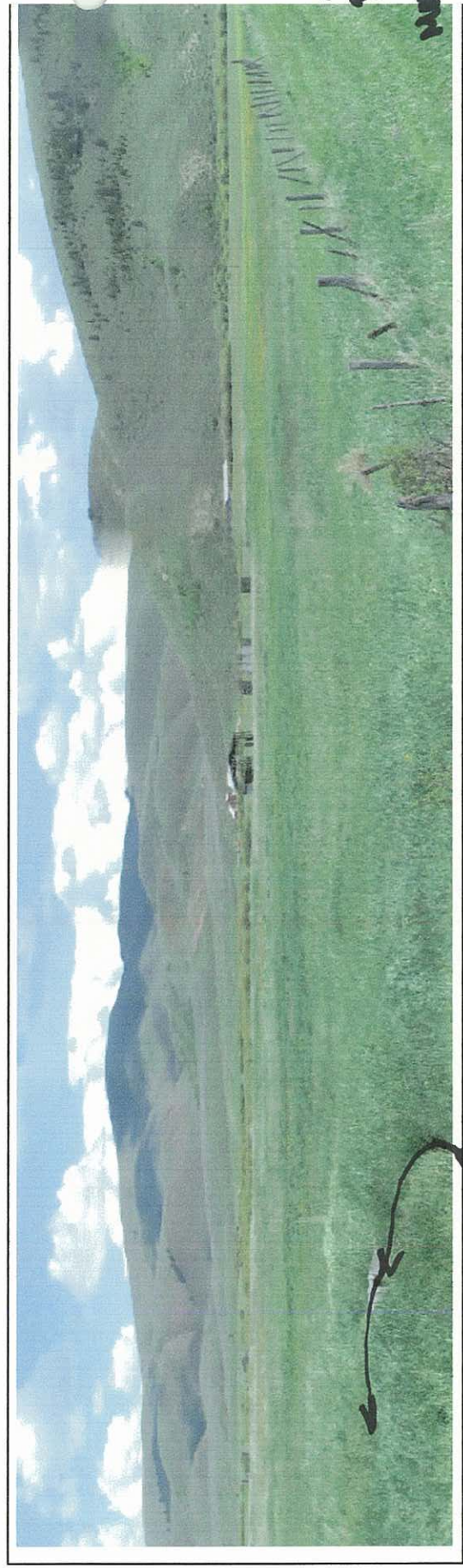
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KEVIN TONER AND YODON THONDEN

JOEL PORTER

24-10750 & 24-10751



IMG 1579-1581 Merge 1579-1581 sage crk 5/23/07 2:55 AM  
Photo number Photo Rename Date Time PM

Accompanied by Monte Clemo; Ranch Manager for the Toner/Porter property. Looking east at the Sage Creek water just after it comes under the road and enters Joel Porters property..

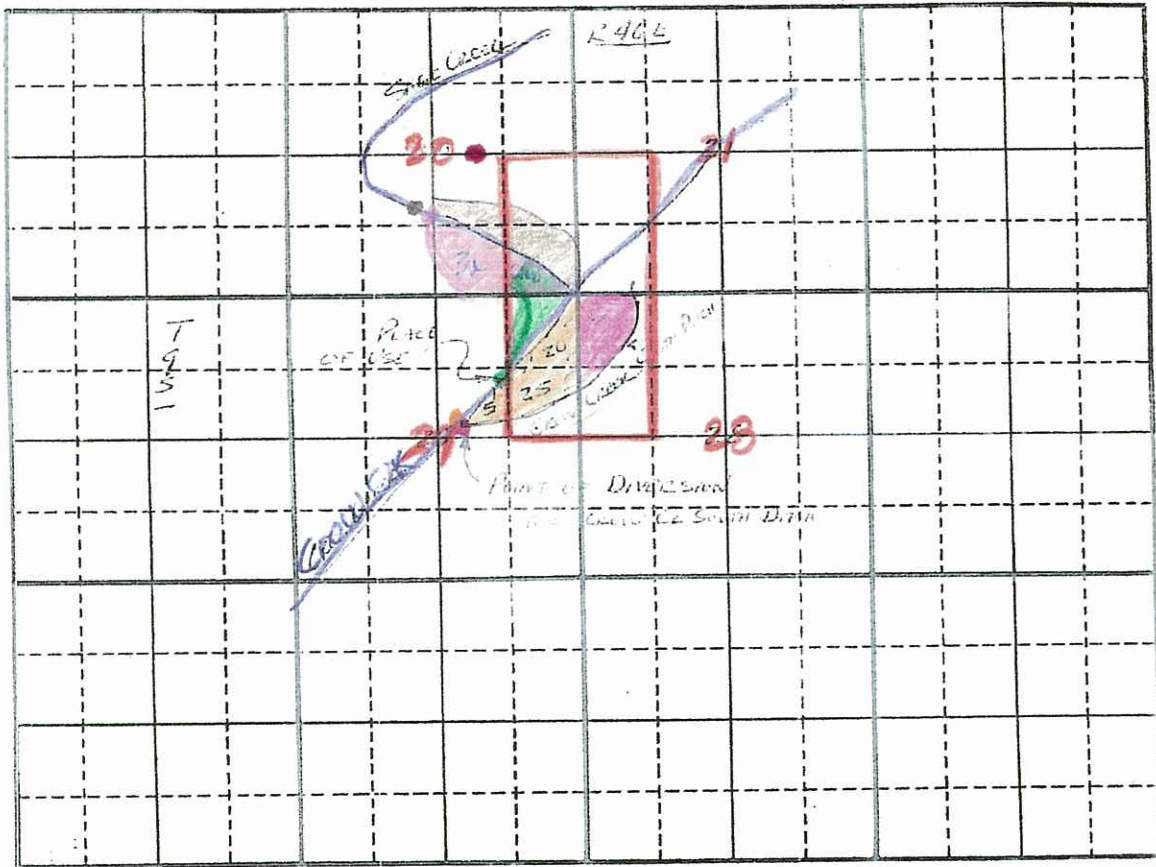
- See file A24-4018 for additional data.

(18) Remarks

Diver Name Crow Creek South

T9S R46E

8/30/06 Created by CBU



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

Bonanza

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 11<sup>th</sup> day of May, 1979.

Notary Public

Residing at

My commission expires

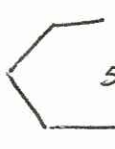
6/15/81

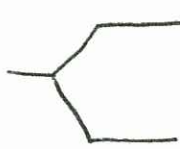
## FOR DEPARTMENT USE ONLY

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

Joel Porter / Kevin Toner Analysis 8/29/06.

24-4019 and 24-4020 was split. due to ownership change for Joel Porter (purchased West portion of Ranch) and Kevin Toner. (Purchased east Portion of Ranch).

(North) 24-4019  10750 Joel Porter 0.6  
5-1-1932.  
10751 Kevin Toner. 0.6.  
1.2 cfs.  
40 AC.  
0.03 cfs/AC.  
1932

(South) 24-4020  10752 Joel Porter 0.96.  
5-1-1902.  
10753 Kevin Toner. 0.64.  
1.6 cfs.  
60 AC.  
0.026 cfs/AC.  
1968

Statutory Claims: 24-4019 & 24-4020 was filed.  
May 11<sup>th</sup>, 1979 by G. Harvey Kennington on Sage crk.  
24-4019 - irrigates ground North of Sage crk.  
24-4020 - irrigates ground South of Sage crk.

- POD'S.: Under the original statutory claims the pod was listed in the NESW of Section 20, T9S R46E. It doesn't appear that Sage Creek has even gone through this QQ. I don't feel there has been a change in POD. I think we are just better able to determine the location today. But I will add the CO3 Remark to note the difference.

POU: In the 1957 imagery the ground South of the creek doesn't appear to be irrigated.

In the 1976 imagery it does show irrigation. In Oct, 2005. J. Robert Beus. signed an affidavit that the irrigation is the same today as it was in 1968.

Therefore, I'm advancing the priority date for the land South of Sage crk. to 1968.

The ditches are also very apparent in the 1976 imagery where they are not in the 1957 photo.

The SWSE of Section 20 was homesteaded by Stephen Green.

In Mr. Fred Beyler's affidavit made Aug 23, 1956.

He states that about 30 acres on the Green place was irrigated by Sage Crk. From the imagery that appears to be what is North of Sage Crk.

Then in the 1930's the irrigation was expanded on Sage Crk. The imagery doesn't support this statement.

Mr. Beyler's affidavit isn't clear what ground he's referring to as being irrigated.

- According to the assessor's office. S. Harvey Kennington Geneva Cattle. has no irrigated ground. They have some meadow ground, and a lot of dry grazing. (Parcel 21360).

| Type  | WR #     | Owner                       | Source     | TRS      | NENE | NWNE | SWNE | SENE | NESE | NWSE | SWSE | SESE | Total |
|-------|----------|-----------------------------|------------|----------|------|------|------|------|------|------|------|------|-------|
| Claim | 24 4022  | KEVIN TONER,YODON THONDEN,  | CROW CREEK | 09S46E20 |      |      |      |      |      |      |      | 20   | 20    |
| Claim | 24 10753 | KEVIN TONER,YODON THONDEN,  | SAGE CREEK | 09S46E20 |      |      |      |      |      |      |      | 24   | 24    |
| Claim | 24 10751 | KEVIN TONER,YODON THONDEN,  | SAGE CREEK | 09S46E20 |      |      |      |      | 2    |      |      | 18   | 20    |
| Claim | 24 10752 | JOEL PORTER,                | SAGE CREEK | 09S46E20 |      |      |      |      |      |      | 36   |      | 36    |
| Claim | 24 10750 | JOEL PORTER,                | SAGE CREEK | 09S46E20 |      |      |      |      |      | 18   | 2    |      | 20    |
| Right | 24 4019  | G HARVEY KENNINGTON,        | SAGE CREEK | 09S46E20 |      |      |      |      | 2    | 18   | 2    | 18   | 40    |
| Right | 24 4020  | G HARVEY KENNINGTON,        | SAGE CREEK | 09S46E20 |      |      |      |      |      |      | 36   | 24   | 60    |
| Right | 24 4022  | G HARVEY KENNINGTON,        | CROW CREEK | 09S46E20 |      |      |      |      |      |      |      | 20   | 20    |
| Claim | 24 4022  | KEVIN TONER, YODON THONDEN, | CROW CREEK | 09S46E29 | 20   |      |      |      |      |      |      |      | 20    |
| Claim | 24 4018  | KEVIN TONER, YODON THONDEN, | CROW CREEK | 09S46E29 | 20   |      | 5    | 20   |      |      |      |      | 45    |
| Claim | 24 4021  | KEVIN TONER, YODON THONDEN, | CROW CREEK | 09S46E29 | 20   |      |      | 25   |      |      |      |      | 45    |
| Right | 24 4022  | G HARVEY KENNINGTON,        | CROW CREEK | 09S46E29 | 20   |      |      |      |      |      |      |      | 20    |
| Right | 24 4021  | G HARVEY KENNINGTON,        | CROW CREEK | 09S46E29 | 20   |      | 5    | 25   |      |      |      |      | 50    |

