

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 24-4018

NAME AND ADDRESS:

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

YODON THONDEN
136 MADISON AVE 3RD FLOOR
NEW YORK NY 10016

SOURCE: Source: Tributary:
CROW CREEK SALT RIVER

QUANTITY: 0.060 CFS ~~0.900 CFS~~
0.000 AFY

PRIORITY DATE: 05/01/1919
~~05/01/1987~~

POINT OF DIVERSION: T09S R46E S29 SWNE ~~T09S R46E S29 SWNE~~
Within CARIBOU County ~~Within CARIBOU County~~

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	<u>04/15 10/31</u>	<u>0.060 CFS</u>
		~~04/01 11/01~~	~~0.900 CFS~~

PLACE OF USE: IRRIGATION within CARIBOU County
T09S R46E S21 SWSW 3.2 ~~T09S R46E S28 NWNW 30.0~~

3.2 ACRES TOTAL ~~30 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.

~~No beneficial use found.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~No beneficial use found. This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.~~

10/04/2007

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

RIGHT NUMBER: 24-4018

NAME AND ADDRESS: KEVIN TONER
136 MADISON AVE 3RD FLOOR
NEW YORK NY 10016

YODON THONDEN
136 MADISON AVE 3RD FLOOR
NEW YORK NY 10016

SOURCE: CROW CREEK

TRIBUTARY: SALT RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 05/01/1919

POINT OF DIVERSION:

T09S R46E S29 SWNE 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	0.060 CFS

PLACE OF USE: IRRIGATION in CARIBOU County

T09S R46E S21 SWSW 3.20

3.2 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

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 24-4018
Date Received: 1/30/1990
Receipt No: E011889
Received By:

**AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

KEVIN TONER Phone: (212) 842-8903

136 MADISON AVE 3RD FLOOR
NEW YORK NY USA 10016

YODON THONDEN Phone: (212) 842-8903

136 MADISON AVE 3RD FLOOR
NEW YORK NY USA 10016

2. Date of Priority: 05/01/1919

3. Source: CROW CREEK Trib. to: SALT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	46E	29	SW NE NE	CARIBOU	

5. Description of diverting works:

HEADGATE & DITCHES/ 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	0.06	

7. Total Quantity Appropriated is:
0.06 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
09S	46E	21	SW	SW	IRRIGATION	3.2
					Section Acres	3.2
					Total Acres	3.2

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:

CHANGED OWNERSHIP PER REQUEST/JH/5-20-99

15. Basis of Claim: Statutory Claim

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20 _____

Notary Public

Residing at _____

My commission Expires _____

Red ditch

COPY

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

Case No. 39576

A. Subcase 24-4018
(Insert water right number
From the Objection Form)

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By file a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

- ☐ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Kevin Toner, Yodon Thonden

My name is Kent W. Foster; Holden, Kidwell, Hahn & Crapo, PLLC

My address is PO Box 50130, Idaho Falls, ID 83405-0130

My phone number is 208-523-0620

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

- ☐ I did not file a Notice of Claim to the use of water in the SRBA because:

- ☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.
- ☐ I am providing a legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of you Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA Court courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

√ I must amend my Notice of Claim to the use of water in the SRBA because:

Detailed field examinations by IDWR have disclosed that information contained in former
claims is inaccurate and needs to be corrected.

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION

State of Idaho)
)ss:
County of Bonneville)

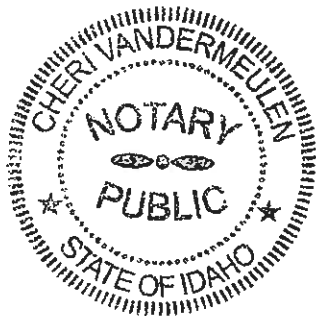
Kent W. Foster, being first duly sworn, upon oath, deposes and says:

That I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



Kent W. Foster, Attorney

Subscribed and sworn to before me this 10th day of August, 2007.





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

CERTIFICATE OF MAILING

I certify that on this 12th day of August, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amend Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.



Kent W. Foster, Attorney

G:\WPDATA\KWF\10652 MARTIN, STEPHEN E\07 Toner, Kevin\Motion to Amend Claim, 24-4018 wpd

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 24-4018
Date Received _____
Receipt Number _____

**AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s) Kevin Toner & Yodon Thonden Phone (212) 842-8903
Mailing Address 136 Madison Ave., 3rd Floor, New York, NY Zip 10016
2. Date of Priority (Only (1) per claim) May 1, 1919
3. Source of water supply (a) Crow Creek
which is tributary to (b) Salt River
- 4.a. Location of existing point of diversion is:
Township 9S Range 46E Section 29, SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____,
County of Caribou
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Headgate and Ditch
6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)
For Irrigation purposes from 04/01 to 10/31 amount 0.06 cfs or _____
7. Total quantity claimed (a) 0.06 cfs (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe full (eg. Domestic: Give number of household served; Stockwater: Type and number of livestock Etc.) _____
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	46E	21											3.2						3.2

Total number of acres irrigated 3.2

11. In which county(ies) are lands listed above as place of use located? Caribou
12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

14. Remarks:

15. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice ☐ Permit ☐ Decree ☐ License ☐
If applicable provide IDWR Water Right Number 24-4018
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) [Signature] Date 7/30/07

[Signature] Date 7/30/07

For Organizations: I do solemnly swear or affirm that I am _____ of _____ (Title)

_____, that I have signed the foregoing document in the space below as (Organization)

_____ of _____ and that the statements contained in the (Title) (Organization)

foregoing document are true and correct.

Last Name Toner/Thonden Ident. Number 24-4018

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho)
County of New York) SS.

Subscribed and sworn (or affirmed) before me this 30 day of JULY, 2007.

Notary Public JESSICA FLORES (CALDERON)
Residing at No. 01FL6149342
My Commission Expires Qualified in Queens County
Commission Expires July 10, 2010

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address: 1000 Riverwalk Dr., Ste. 200, PO Box 50130, Idaho Falls, ID 83405-0130

Date _____

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

Case No. 35976

A. Subcase 24-4018

**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



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: Crow Creek tributary to Salt River.
3. ☒ **Quantity**
Should be: 0.9 cfs
4. ☒ **Priority Date**
Should be: May 1, 1919
5. ☒ **Points of Diversion**
Should be: NENE, Sec. 29, 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. 21, NWSW (6), SWSW (16), Sec. 28, NWNW (12), Sec. 29, NENE (2)
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.

SCANNED
MAR 27 2007

VERIFICATION (Must be Completed)

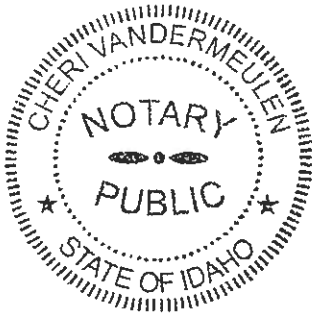
State of Idaho)
)ss.
County of Bonneville)

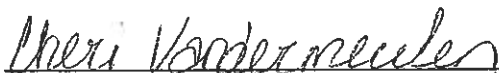
Kent W. Foster, duly sworn, upon oath, deposes and says that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



Kent W. Foster

Subscribed and sworn to before me this 22nd 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

SCANNED
MAR 27 2007

G:\WPDATA\AKW\FU0652 MARTIN, STEPHEN E\07 Toner, Kevin\Objection.4018.wpd

09/01/2006

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

RIGHT NUMBER: 24-4018

NAME AND ADDRESS: KEVIN TONER
136 MADISON AVE 3RD FLOOR
NEW YORK NY 10016

YODON THONDEN
136 MADISON AVE 3RD FLOOR
NEW YORK NY 10016

DISALLOWED

SOURCE: CROW CREEK

TRIBUTARY: SALT RIVER

QUANTITY: 0.900 CFS

PRIORITY DATE: 05/01/1987

POINT OF DIVERSION:

T09S R46E S29 SWNE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.900 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T09S R46E S28 NWNW 30.00

50 ACRES TOTAL

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

MAR 27 2007

PROHIBITED

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 24-4018
Date Received: 1/30/1990
Receipt No: E011889
Received By:

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

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

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

2. Date of Priority: 05/01/1919

3. Source: CROW CREEK Trib. to: SALT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	46E	29	SW NE	CARIBOU	

5. Description of diverting works:

HEADGATE & DITCHES/ 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	0.9	

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

8. Total consumptive use:

SCANNED
MAR 27 2007

RECEIVED
MAR 27 2007

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	46E	28	NW	NW	IRRIGATION	30
					Section Acres	30
					Total Acres	30

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

CHANGED OWNERSHIP PER REQUEST/JH/5-20-99

15. Basis of Claim: Statutory Claim

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

SCANNED
MAR 27 2007

RECEIVED

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
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CIVIL CASE NUMBER: 39576

Ident. Number 24-4018

Date Received _____

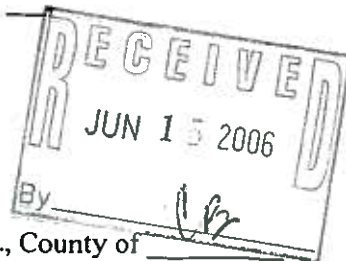
Receipt Number _____

RECEIVED

JUN 12 2006

AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Department of Water Resources
Eastern Region
Name of Claimant(s) Kevin Toner and Yodon Thonden Phone (917) 749-5796 212 842 8903
136 MADISON AVENUE
Mailing Address Aristeia Capital 381 5th Ave., New York, New York. Zip 10016
2. Date of Priority (Only (1) per claim) May 1, 1919
3. Source of water supply (a) Crow Creek
which is tributary to (b) Salt River
- 4.a. Location of existing point of diversion is:
Township 9S Range 46E Section 29, 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____
County of CARIBOU
- Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of 1/4 of 1/4, Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of 1/4 of 1/4 Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Headgate and ditches
6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)
For Irrigation purposes from 4/1 to 11/1 amount 0.9 cfs or _____
7. Total quantity claimed (a) 0.9 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____



MAR 2 2006

- [illegible]

Division of Water Resources
Eastern Region

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of ~~Idaho~~ NY)
County of Hqs.) SS.

ROSALYN SINGH
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01314006880
QUALIFIED IN KINGS COUNTY
COMMISSION EXPIRES 03-03-2010
2006

Subscribed and sworn (or affirmed) before me this 30th day of May, 2002.

only for Kevin C. Toner
Yoder Thornden
Notary Public Rosalyn Singh
Residing at Hqs. NY
My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

G:\WPDATA\KWF\10652 MARTIN, STEPHEN E\Kevin Toner\Amended Claim.wpd.cdv

SCANNED
MAR 27 2007

Last Name Toner and Thornden Ident. Number 24-4018

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
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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GENEVA LAND & CATTLE LLC Phone: (208)227-1451

329 S WOODRUFF
IDAHO FALLS ID USA 83401

2. Date of Priority: 05/01/1919

3. Source: CROW CREEK Trib. to: SALT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	46E	29	NW SE	CARIBOU	

5. Description of diverting works:

HEADGATE & DITCHES/ FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.5	

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

8. Total consumptive use:

9. Non-irrigation uses:

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10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
09S	46E	28	SE	NE		IRRIGATION	5
						Section Acres	5
09S	46E	29	NE	NE		IRRIGATION	20
			SW	NE		IRRIGATION	5
			SE	NE		IRRIGATION	20
						Section Acres	45
						Total Acres	50

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:

CHANGED OWNERSHIP PER REQUEST/JH/5-20-99

15. Basis of Claim: Statutory Claim

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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MAR 27 2007

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title

_____, that I have signed the foregoing

Organization

document in the space below as _____ of

Title

_____ and that the statements contained in the

Organization

foregoing document are true and correct. _____

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)

) SS.

County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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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 24-4018
Date Received: 1/30/1990
Receipt No: E011889
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

LYNETTE K BEUS Phone: (307)886-5749

PO BOX 31
FAIRVIEW WY USA 83119

DONALD KENNINGTON Phone: (307)886-5749

PO BOX 31
FAIRVIEW WY USA 83119

G HARVEY KENNINGTON Phone: (307)886-5749

PO BOX 31
FAIRVIEW WY USA 83119

ANNA MAE K ANDERSON Phone: (307)886-5749

PO BOX 31
FAIRVIEW WY USA 83119

PHILLIP KENNINGTON Phone: (307)886-5749

PO BOX 31
FAIRVIEW WY USA 83119

ANNA BETH KENNINGTON Phone: (307)886-5749

PO BOX 31
FAIRVIEW WY USA 83119

2. Date of Priority: 05/01/1919

3. Source: CROW CREEK Trib. to: SALT RIVER

4. Point of Diversion:

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MAR 27 2007

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	46E	29	NW SE	CARIBOU	

5. Description of diverting works:

HEADGATE & DITCHES/ FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.5	

7. Total Quantity Appropriated is:
1.5 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
09S	46E	28	SE	NE	IRRIGATION	5
					Section Acres	5
09S	46E	29	NE	NE	IRRIGATION	20
			SW	NE	IRRIGATION	5
			SE	NE	IRRIGATION	20
					Section Acres	45
					Total Acres	50

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:

CHANGED OWNERSHIP PER REQUEST/JH/5-20-99

15. Basis of Claim: Statutory Claim

SCANNED
MAR 27 2007

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 24-4018

Date Received _____

Receipt Number _____

**AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s) Kevin Toner and Yodon Thonden Phone (917) 749-5796
Mailing Address Aristeia Capital, 136 Madison Ave, 3rd Fl. Zip 10016
New York, NY
2. Date of Priority (Only (1) per claim) May 1, 1919
3. Source of water supply (a) Crow Creek
which is tributary to (b) Salt River
- 4.a. Location of existing point of diversion is:
Township 9S Range 46E Section 29, 1/4 of SW 1/4 of NE 1/4, Govt. Lot ,
County of CARIBOU

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of 1/4 of 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of 1/4 of 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Headgate and ditches

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4/1 to 11/1 amount 0.9 cfs or _____

7. Total quantity claimed (a) 0.9 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of
livestock Etc.) _____

10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	46E	28						30											30

Total number of acres irrigated 30

11. In which county(ies) are lands listed above as place of use located? Caribou
12. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
24-4021 and 24-4022 or None ()

14. Remarks:

15. Basis of Claim (Check one) Beneficial Use Posted Notice Permit Decree License
If applicable provide IDWR Water Right Number
Court Case Number Decree Date
Plaintiff vs Defendant

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)  Date 10/20/05

 Date 10/20/05

For Organizations: I do solemnly swear or affirm that I am of (Title)

 , that I have signed the foregoing document in the space below as (Organization)

 of and that the statements contained in the (Title) (Organization)
foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of ~~Idaho~~ NY)
) SS.
County of NY)

Subscribed and sworn (or affirmed) before me this 20 day of Oct, 2005 .

RANDY FRANCIS
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01FR066207
QUALIFIED IN DELAWARE COUNTY
COMMISSION EXPIRES SEPT. 23, 2006

Notary Public [Signature]
Residing at _____
My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

G:\WPDATA\KWF\10652 MARTIN, STEPHEN B\Kevin Toner\Amended Claim.wpd:cdv

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MAR 27 2007

SCANNED

AUG 31 2001

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: A24-04018
Date Received: 1/29/1990
Receipt No: E011889
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: G. HARVEY KENNINGTON 307-225-3451
Address: P. O. BOX 98
FAIRVIEW, WY 83119

2. Date of Priority: MAY 01, 1919

3. Source: CROW CREEK Trib. to: SALT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	46E	29	NW	SE			CARIBOU

5. Description of diverting works:
HEADGATE & DITCHES/ 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	1.500		

7. Total Quantity Appropriated is:
1.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ UP TO 150 HEAD CATTLE AND 10 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	46E	28	SE	NE		IRR	5.0
Section Acres							5.0

A24-04018

Page 1

Date: 01/30/90

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	46E	29	NE		NE		IRR	20.0
			SW		NE		IRR	5.0
			SE		NE		IRR	20.0
							Section Acres	45.0
							Total Acres	50.0

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

SCANNED
MAR 27 2007

SCANNED

AUG 8 5 2006

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: A24-04018
Date Received: 1/29/1990
Receipt No: E011889
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: G. HARVEY KENNINGTON 307-225-3451
Address: P. O. BOX 98
FAIRVIEW, WY 83119

2. Date of Priority: MAY 01, 1919

3. Source: CROW CREEK Trib. to: SALT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	46E	29	NW	SE			CARIBOU

5. Description of diverting works:
HEADGATE & DITCHES/ 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	1.500		

7. Total Quantity Appropriated is:
1.500 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ UP TO 150 HEAD CATTLE AND 10 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	46E	28	SE	NE		IRR	5.0
						Section Acres	5.0

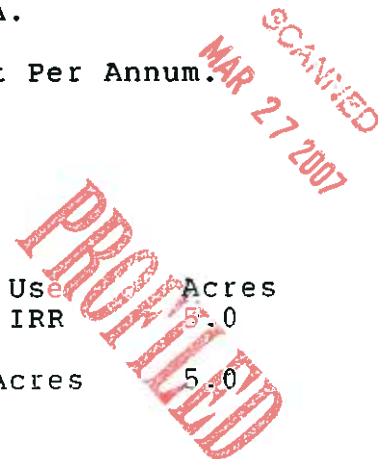
A24-04018

Page 1

Date: 01/30/90

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	46E	29	NE		NE		IRR	20.0
			SW		NE		IRR	5.0
			SE		NE		IRR	20.0
							Section Acres	45.0
							Total Acres	50.0

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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MAR 27 2007

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/20/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		DIVERSION RATE	DIVERSION VOLUME
				FROM	TO		
C	PHILLIP KENNINGTON	05/01/1919	IRRIGATION	04-01	11-01	1.50 CFS	
C	DONALD KENNINGTON					1.50 CFS	
C	LYNETTE K BEUS					1.50 CFS	
C	GRANT KENNINGTON					1.50 CFS	
C	ANNA MAE K ANDERSON					1.50 CFS	
C	ANNA BETH KENNINGTON					1.50 CFS	
	PO BOX 31					1.50 CFS	
	FAIRVIEW WY 83119					1.50 CFS	
	(307) 886-5749					1.50 CFS	

TOTAL DIVERSION:
CONSUMPTIVE USE: 125.00 AFA

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MAR 27 2007

Water Source: CROW CREEK

Tributary to: SALT RIVER

Stage: STATUTORY CLAIM

CARIBOU County

Point(s) of Diversion: T09S R46E S29 NWSE

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE		SUM
T	R	S	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
09S	46E	28	:	05	:	:	:	:	:	5.0
09S	46E	29	:	20	:	:	:	:	:	45.0
TOTAL ACRES										50.0

POU County: CARIBOU

Non-Irrigation Uses: S/ UP TO 150 HEAD CATTLE AND 10 HORSES

Other Rights: NONE

Remarks: GEN CHANGED OWNERSHIP PER REQUEST/JH/5-20-99

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

PROFILED

NO LATE FEE IF RECEIVED

BY 2/17/90 1.0.IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39576Ident. Number A24-04018Date Received 1/29/90Receipt Number E011889NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 29 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) J. Harvey Kennington Phone (225-3451Mailing Address Fairview, Wyo. Zip 831192. Date of Priority (Only one (1) per claim) May 1st 19193. Source of water supply (a) Crow Creek
which is tributary to (b) Salt River4. a. Location of existing point of diversion is: Township 9 S Range 46 E Section 29SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Caribou

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Dam and Headgate, Open ditch to Flood
irrigate.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from April to Nov. 1st amount 1.5 or 30

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.5 (cfs) and/or (b) 30 (acre feet)

8. Total consumptive use claimed is 30 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 150 head of Stock Cattle - 10 horses
one household

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	28	N	E		5													50
"	"	29	20		5	20													45

Total number of acres irrigated 50

11. In which county (ies) are lands listed above as place of use located? Caribou

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
none or None (X)

14. Remarks: I have stock Cattle and Horses
on my Ranch that must have
water to drink.

Last Name Kennington Ident No. 519-22-8203

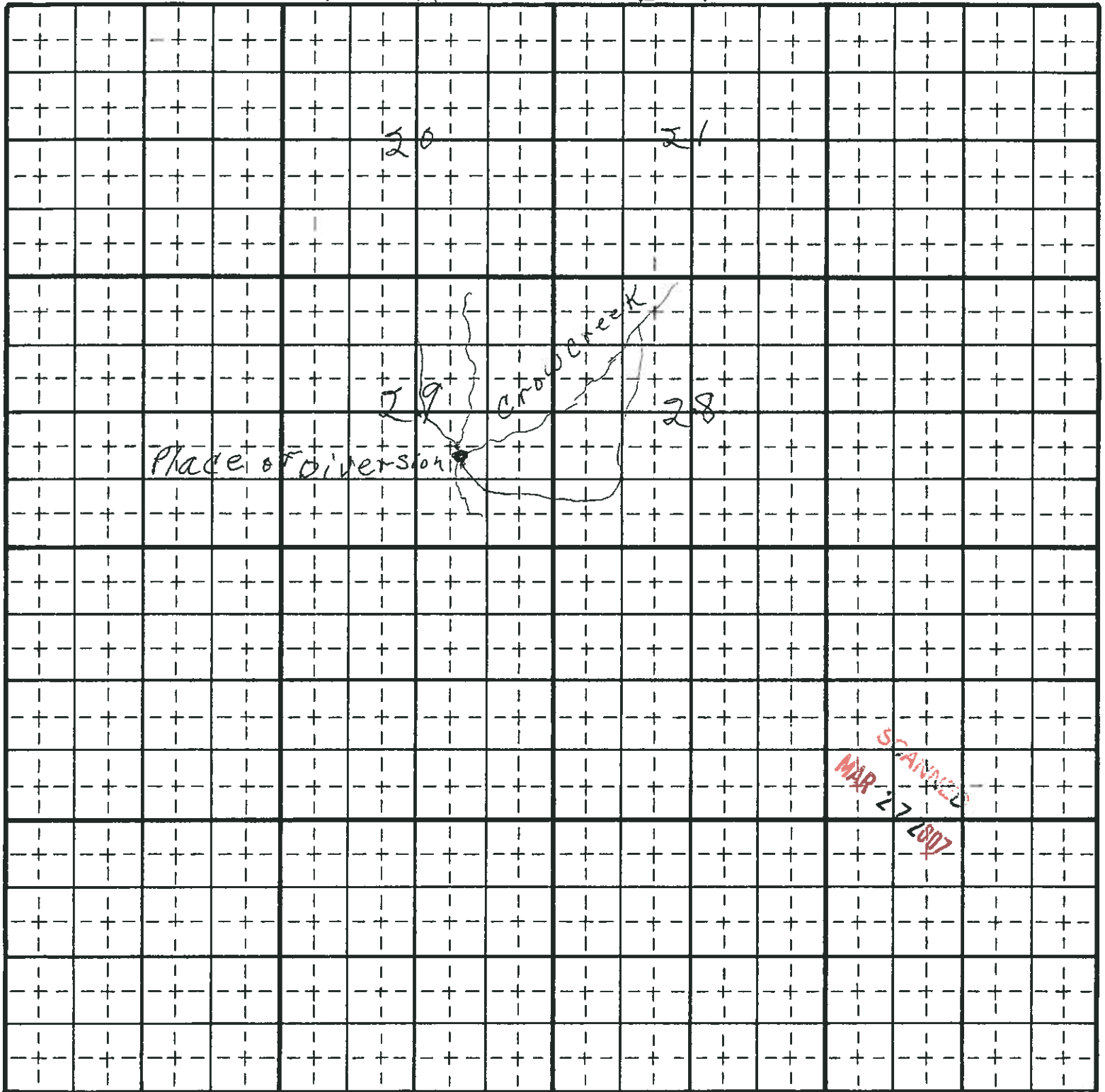
Copies: White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

9S 46E

BM



MICROFILMED

NOV 06 1992

Last Name

Kennington

Ident No.

519-22-820³

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 34-39018
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 4

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) L. Harvey Kennington Date 1-18-90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

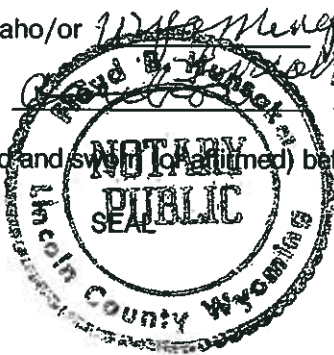
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Wyoming

County of Lincoln SS.

Subscribed and sworn to (or affirmed) before me this 22nd day of January 19 90



Notary Public Floyd B. Hunsaker

Residing at Afton, Wyoming

My Commission Expires Apr. 25, 1990

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

SCANNED
MAR 27 2007

MICROFILMED

NOV 06 1992

Last Name Kennington Ident. Number 519-22-8203

Copies White-State, Yellow-Claimant