

**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 29-13936

Date Received: DISTRICT COURT-SRBA

Receipt No: Fifth Judicial District

Received By: County of Twin Falls - State of Idaho

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

JAN - 4 2010

Please type or print clearly

1. Name of Claimant (s) DENNIS AND/OR YVONNE TONEY

Mailing Address 13001 S. ROBIN RD ARIMO ID ZIP 83214
Street or Box City State

2. Date of Priority (Only one (1) per claim) MAY 1, 1887
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) GARDEN CREEK
which is tributary to (b) MARSH CREEK

4. a. Location of Point of Diversion is: Township 10S, Range 36E, Section 4,
SW, 1/4 of SE, 1/4 Govt. Lot SE, BM., County of BANNOCK

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

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

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

Govt. Lot _____, BM., County of _____

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

Govt. Lot _____, BM., 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. DAMS, DITCHES, AND SPRINKLERS.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/15 to 10/31 amount 0.12 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.12 (cfs) and/or (b) (acre feet)

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

9. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	4																11	11

Parcel (PIN) no(s) Total number of acres irrigated 11

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

11. 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.

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

13. Remarks: WE ARE ASKING THE WATER RESOURCE BOARD FOR A PERMIT TO DIVERT 0.36 CFS FROM A WELL LOCATED ON THIS PROPERTY FOR IRRIGATION WHEN FRESHETT WATER IS NOT AVAILABLE GARDEN CREEK IRRIGATION CO. FRESHETT DECREE STATES THAT NANNIE B ROLLISON IS ALLOWED 0.75 CFS WITH MAY 1, 1887 AND 1.0 CFS WITH MAY 4 1904 PRIORITY DATES. THIS 11 ACRES WAS WATERED UNDER THIS DECREE FROM 1904 TO 1986 WHEN CALVERT CHRISTENSEN LOST THE PROPERTY THRU BANKRUPTCY. ANDY ABRAMS BOUGHT THE PROPERTY IN 1986 FROM IDAHO BANK AND TRUST. HE ALSO FARMED THE PROPERTY BUT I DON'T BELIEVE HE FILED FOR THE WATER RIGHTS.

Last Name TONEY Identification No.

29-13936

POD

POK



14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License () Permit () Decree (✓)

Court 5TH JUDICIAL Decree Date OCT. 15, 1906 Plaintiff v. Defendant WOLVERTON ET AL VS. GAR

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____
_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing 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 _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of 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 Yvonne Stone Date Dec 28, 2009

Address 13001 S. Robin Rd
Armo ID 83214

Last Name TONEY Identification No. _____