

VERIFIED BY



05/10/2004

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

RIGHT NUMBER: 45-11058

NAME AND ADDRESS: SUSAN TONER
29 E 400 S
BURLEY ID 83318

FRANK DAVID TONER
29 E 400 S
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.240 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1912

POINT OF DIVERSION:

T11S R23E S17 NENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	1/01 12/31	0.200 CFS
DOMESTIC	1/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T11S R23E S17 NENE

DOMESTIC Within CASSIA County

T11S R23E S17 NENE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

PARCEL NO. 11S23E170000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

29 East 400 South

45-11058
TONER
RT BOX 3045



NOT DELIVERABLE
AS ADDRESSED —
UNABLE TO FORWARD



Dwy

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: A45-11058
Date Received: 6/21/1989
Receipt No: S007518
Received By: lu

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK DAVID TONER 208-678-3997
Address: RT 3 BOX 3045
BURLEY, ID 83318

AND/OR

Name: SUSAN TONER 208-678-3997
Address: RT 3 BOX 3045
BURLEY, ID 83318

2. Date of Priority: JUN 01, 1912

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	23E	17	NE	NE			CASSIA

5. Description of diverting works:
60' WELL, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE, S/300 COW DAIRY

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	23E	17	NE	NE	STOCK DOMEST	

11. Place of use in counties: CASSIA

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: BENEFICIAL USE

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)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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 SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A45-11058Date Received 6-5-1989Receipt Number 5007518NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

JUN 5 1989

ACQUIRED UNDER STATE LAW

Department of Water Resources For Domestic and/or Stockwater Purposes
Southern Region Office Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) FRIANK DAVID ^{SUSAN} TOWER Phone (208) 678-3997Mailing Address RT #3 Box 3045 Bunley, Idaho Zip 833182. Date of Priority (Only one per claim) 6-1-1912 Month/Day/Year3. Source of water supply (Check one) (☒ Groundwater or Other () (a) _____

which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 11 S Range 23 ESection 17, NE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot _____, BM.,County of CASSIA

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. 60' well and pump

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For <u>domestic</u> purposes from	Month/Day <u>1/1</u> to	Month/Day <u>12/31</u>	amount <u>0.04</u> (cfs)
(Both dates are inclusive)			
For <u>Livestock</u> purposes from	Month/Day <u>1/1</u> to	Month/Day <u>12/31</u>	amount <u>0.20</u>

7. Total quantity claimed 0.24 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single owner; stockwater: Type and Number of livestock) 1 house dairy 300

MICROFILMED

MAR 6 9 1989

10. Place of use is: Township: 11 Range 23 E

Section 17, NE 1/4 of NE 1/4, Govt. Lot _____, B.M.,

County of Cassia for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

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 ☒

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

By signing I/We acknowledge reading the notice on the back of this claim form. I/We wish to receive for a small annual fee monthly copies of the docket sheet. YES _____ NO ☒

16. Signature (s) _____

Number of Attachments _____

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

Signature of Claimant (s) Frank Louis [Signature] Date 6-1-89

_____ Date _____

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 1st day of June 19 89

SEAL

Notary Public [Signature]

Residing at Burley, ID.

My Commission Expires 5-15-92

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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MAR 09 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

. Aug. 21, 1989

Re: A45-11059

A45-11058

. FRANK DAVID TONER
. RT 3 BOX 3045
. BURLEY ID 83318

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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MAR 09 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

WATER RIGHT NUMBER - A45-11058

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - - LAST NAME - - - - - +

+ - FIRST NAME - - +

+ - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
TONER

FRANK DAVID

1 - RT 3 BOX 3045

2 -

3 -

CITY- BURLEY

STATE- ID ZIP- 83318

PHONE - 208-678-3997

TONER

SUSAN

1 - RT 3 BOX 3045

2 -

3 -

CITY- BURLEY

STATE- ID ZIP- 83318

PHONE - 208-678-3997

+ - - PRIORITY DATE - - +
06/01/1912

+ - - - REGION - - - +
17 SOUTHERN

+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

----- SOURCE -----
GROUNDWATER

+ - - - - - - - - - - TRIBUTARY - - - - - - - - - - - - - - - - +

| + - - - - - POINT OF DIVERSION - - - - - + | | | | | | | |
|--|-----|-----|-------|-----|------|--------|---------------------------------------|
| TWN | RNG | SEC | TRACT | LOT | RFLG | COUNTY | STREAM INDEX (BLANK IF NO INDEX CODE) |
| 14 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |

11S 23E 17 NE NE (31) CASSIA

| CODE | DESCRIPTION | PERIOD FROM | PERIOD TO | DIVERSION RATE | DIVERSION VOLUME |
|-----------------|-------------|-------------|-----------|----------------|------------------|
| 43 - DOMESTIC | | 01/01 | 12/31 | 0.040 | |
| 04 - STOCKWATER | | 01/01 | 12/31 | 0.200 | |

| + | - | TOTAL DIV. RATE | - | + | - | TOTAL DIV. VOLUME | - | + | - | TOTAL DIV. CAPACITY | - | + | - | TOTAL CONSUMPTIVE USE | - | + | - | KW USAGE | - | + |
|---|---|-----------------|---|---|---|-------------------|---|---|---|---------------------|---|---|---|-----------------------|---|---|---|----------|---|---|
| | | 0.240 | | | | | | | | | | | | 0.0 | | | | | | |

| TWN | RNG | SEC | TRACT | LOT | ACRES | PLACE OF USE
CODE | DESCRIPTION | COUNTY |
|-----|-----|-----|-------|-----|-------|----------------------|-------------|--------------|
| 11S | 23E | 17 | NE NE | | | 04 | STOCKWATER | (31) CASSIA |
| 11S | 23E | 17 | NE NE | | | 43 | DOMESTIC | (31) CASSIA |

+ - - DIVERSION MEANS - 60' WELL. PUMP

+ - - NON-IRRIGATION USE - D/1 HOUSE, S/300 COW DAIRY

+ - - OTHER RIGHTS FOR SAME USE - NONE

| + | REMARKS | + |
|---|-------------------|---|
| | NO REMARKS FOUND. | |

----- OLD WATER RIGHT NUMBERS -----
NO OLD WATER RIGHT NUMBERS FOUND.

MICROFILMED
OCT 26 1994

WATER RIGHT NUMBER - A45-11058

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 06/21/89 WHITE

+ - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

| | | | | | |
|-----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| COURT REPORT FILING | - 00/00/0000 | FIELD INSPECTION MADE | - 00/00/0000 | CIVIL CASE NUMBER | - 39576 |
| OBJECTION FILED DATE | - 00/00/0000 | FIELD INSPECTION FLAG | - | OLD CASE NUMBER | - |
| RESPONSE FILED DATE | - 00/00/0000 | VERIFIED DATE | - 00/00/0000 | OLD JUDICIAL DISTRICT | - |
| CLAIM RECEIVED DATE | - 05/05/1989 | LAST AMENDED DATE | - 00/00/0000 | TEMPORARY RIGHT | - P |
| PROOF DUE DATE | - 00/00/0000 | PROOF MADE DATE | - 00/00/0000 | WATER DISTRICT | - |
| LICENSED DATE | - 00/00/0000 | RECEIPT NUMBER | - S007518 | FEDERAL/STATE INDICATOR | - S |
| CLAIMS TAPE ERROR FLG | - | POU OWNERSHIP FLAG | - Y | PRESUMPTION FLAG | - |
| FEE EXEMPT FLAG | - | NAME CONNECTOR | - AND/OR | NOTICE OF ERROR FLAG | - |

11523E170000

DATA ENTRY
ENTERED 8/14/89
CHECKED 2/7/91

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
NOV 02 1991

PROOF
SEP 10 1991

CERTIFIED
DEC 23 1991
WATER EXAMINER