

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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-13047
Date Received: 8/30/1989
Receipt No: S009001
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: TOONE RANCH
Address: 2096 E 1500 S
GOODING ID 83330 208-934-8114

2. Date of Priority: JUL 20, 1936

3. Source: SPRING Trib. to: TOONE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	16E	8	NW	SE			CAMAS

5. Description of diverting works:
COLLECTOR BOX AND PIPELINE.

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		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	16E	8	NW	SE		DOMEST	

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

TOONE CREEK IS THE PROPOSED NAME OF THIS UNNAMED STREAM.
AMENDED PD AND POU FROM TOIN R13E SEC 08 TO RANGE 16E PER
CLAIMANT 4-7-99. -VH

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.

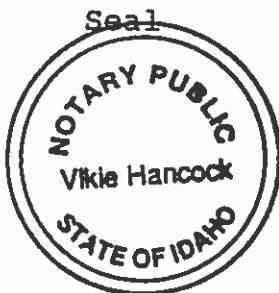
Signature of Claimant(s): Mark A. Toone Date: 4/6/99

Date: _____

State of Idaho)
County of Latah) SS.

Subscribed and sworn (or affirmed) before me this 6 day
of April 19 99

Vikie Hancock
Notary Public



Residing at Latah Falls, Idaho
My Commission Expires 5-7-2003

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IN RE THE GENERAL ADJUDICATION
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Receipt No: S009001
Received By: SCC

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(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 Organizations:

I do solemnly swear or affirm that I am Manager of
Title
Toone Ranches, that I have signed the foregoing
Organization
document in the space below as Manager of
Title
Toone Ranches and that the statements contained in the
Organization
foregoing document are true and correct.

Mark A. Toone
Signature of Authorized Agent

Manager
Title and Organization

8/30/89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of August 19 89

Steve Coll
Notary Public

Seal

Residing at 1 Twin Falls, Idaho

My Commission Expires December 7, 1994

Christensen, Kelly

Subject: 37-13046 ownership prob, 37-13047 p/u prob
Entry Type: Phone call
Contact: Mark Toone

Start: Wed 3/10/99 4:08 PM
End: Wed 3/10/99 4:08 PM
Duration: 0 hours

Categories: director's report response (B37)

He stated that the legal description on 13047 is incorrect. This claim is apparently for his mountain cabin. I suggested that he come in to the office with the maps showing the correct legal description. He stated that he would.

His name on 13046 is entered as Mark Ward. His name is Mark Toone. As his sister's name is Nancy Toone-Ward this is likely a data entry error at claims taking. This can also be handled when he shows up for the other claim.

Hancock, Vikie

From: Hancock, Vikie
Sent: Tuesday, April 18, 2000 8:30 AM
To: Shaff, Don
Subject: RE: Toone Ranch B37

Don,

From my memo in the file, it appears that we determined that the incorrect legal was a clerical type error, and so I advised Toone that an amendment would correct the claim. I provided him with an amended claim, an SF4 and instructions on what to do with both, but it appears that no Motion to file an Amendment has been submitted to the court. Both the A and R records reflected the changed (correct) legal, as I was under the impression that he would follow through. Live and learn. Let me know if you need me to do anything, and thanks for advising me of the status.

Vikie

-----Original Message-----

From: Shaff, Don
Sent: Monday, April 17, 2000 5:33 PM
To: Hancock, Vikie
Subject: Toone Ranch B37

Vikie, I'm working on the TEMP file as part of the data conversion project. I have R37-13047 on a list. I see you worked with the Claimant who was apparently convincing the legal was incorrect. I hope you told Toone an objection would be necessary. To date the right is unobjected but not yet decreed. I have put the R-record on the HOST file.

Don
208/327-7932
dshaff@idwr.state.id.us

H37-13041



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MEMO

Date: 5-7-99

To: Mark Toone

RE: 37-13047

Mark – per our phone conversation today, here is a Standard Form 4 to use in filing a Motion to File an Amended Claim with the SRBA court. Be sure to fill out the top of page 2, and pages 4, 5 and 6, and attach the amended claim 37-13047 that I gave you on April 7th, along with any documentation you need to provide regarding the change you wish to make in your claim. Be sure to sign, send the original to the SRBA Court in Twin Falls, and send copies to the three parties listed on page 6. You do not need to send any copies back to me, as the Court will notify the Department when the Motion is filed.

I have changed the ownership of claim 37-13046 based on the Warranty Deed you submitted. It is now in the name of Mark, Nancy and Ward Toone (see enclosed proof report), with your address. If there are any problems with that, let me know.

Vikie Hancock
Water Resource Agent

51-13041

COMMUNICATION DOCUMENTATION

April 7, 1999

Regarding:

Customer:

37-13047 and 37-13046

MARK TOONE

From: Vikie Hancock

[illegible]

Mr. Toone came in regarding the error in place of use and pt of diversion for the above claim, which was included in the basin 37 director's report. He failed to bring in any maps of his property, but did locate it on maps available in the office. I amended the legal description on his claim to reflect his original intent, and gave him the original amended claim form and SF4 to motion the SRBA court to amend his claim. Copy of the amended claim is attached to the file.

He also needed to correct the ownership of claim number 37-13046. It appears that the ownership was changed incorrectly in October 98. I gave him a change of ownership form to fill out and bring back to the office with correct documentation.

AJ0749NP
No. R37-13047

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

DATE: 04/07/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TOONE RANCH 2096 E 1500 S GOODING ID 83330 (208) 934-8114	07/20/1936	DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: SPRING

Tributary to: TOONE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T01N R16E S08 NWSE

CAMAS County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:			
01N	16E	8	:																	:			

POU County: CAMAS

Non-Irrigation Uses: 1 HOUSE

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP01N13E080100

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

A & R
Records
on Temp
file

AJ5856NP

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

DATE: SEP-5-1997
PAGE: A-10

RIGHT NUMBER: 37-13047

NAME & ADDRESS: TOONE RANCH
2096 E 1500 S
GOODING ID 83330

*Carl + Janine Key
RR1 Box 2015
COR21 ID 83322*

SOURCE: SPRING

TRIBUTARY: TOONE CREEK

QUANTITY: 0.04 CFS

PRIORITY DATE: 07/20/1936

POINT OF DIVERSION: T01N R13E S08

NWSE

Within CAMAS County

PURPOSE AND

PERIOD OF USE: PURPOSE OF USE
DOMESTIC D/1 HOUSE

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE:

DOMESTIC
T01N R13E S08

Within CAMAS County
NWSE ✓

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

TOONE CREEK IS THE PROPOSED NAME OF THIS UNNAMED STREAM.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP01N13E080100

Verified by

Darf

Date:

9/9/98

Verification Source:

SIS '91 Alpha v map



State of Idaho

DEPARTMENT OF WATER RESOURCES

- 1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

September 22, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CARL & JANINE REY
RR1 BOX 2015
CORAL ID 83322

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right Nos. A37-13047, A37-13288, A37-13289,
A37-13292, & A37-13301

Dear Claimant:

We have been advised you may be the current owner of the property with the water right referenced above.

Before we can modify our records to reflect your new ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please follow the instructions on the back of the form and return to my attention at this office by October 2, 1998.

Please call this office toll-free at 1-800-451-4129 if you have any questions.

Yours truly,

Danni M. Smith
SRBA Sr. Secretary

cc: Regional office

Enclosures: Form 42-248/42-1409(6)

Copy of Nos. A37-13047, A37-13288, A37-13289,
A37-13292, & A37-13301 water right filings

*10/19/98
no response
Duff*

AJ0749NP
No. R37-13047

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

DATE: 10/19/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TOONE RANCH 2096 E 1500 S GOODING ID 83330 (208) 934-8114	07/20/1936	DOMESTIC	01-01 12-31	0.04 CFS	0.04 CFS
TOTAL DIVERSION:					0.04 CFS	

Water Source: SPRING

Tributary to: TOONE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T01N R13E S08

NWSE

CAMAS County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
01N	13E	8	:															:	

POU County: CAMAS

Non-Irrigation Uses: 1 HOUSE

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP01N13E080100

Dates: Exam Made Date: Verified Date: 10/19/1998 Objection Filed Date:

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

Comments: Date: 10/19/1998 User-ID: DSMITH Subject: COPIED FROM REMARKS
TOONE CREEK IS THE PROPOSED NAME OF THIS UNNAMED STREAM.

Audit: 10/19/98 DSMITH

OK
2-11-99
KKE