

12040
COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

FILED
DISTRICT COURT - 5th
TWIN FALLS, IDAHO
MAY 21 1999 PM 3:11

In Re SRBA)
Case No. 39576) NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS
Water Right 37-13046

IDWR has completed the following Administrative Proceeding:

- ☐ Change of Address
- ☒ Substitution of Party
- ☐ I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water
right claimed? ☐ Yes ☒ No

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 37-13046

From (Claimant/Seller):

Name of Claimant: NANCY TOONE WARD
MARK WARD
Address: 2096 E 1500 S
GOODING ID 83330
Phone: (208) 934-8114

To (Claimant/Purchaser):

Name of Claimant: NANCY M TOONE
MARK S TOONE
Address: 2096 E 1500 S
GOODING ID 83330
Phone: (208) 934-8114

Name of Claimant: NANCY M TOONE
Address: 2096 E 1500 S
GOODING ID 83330
Phone: (208) 934-8114

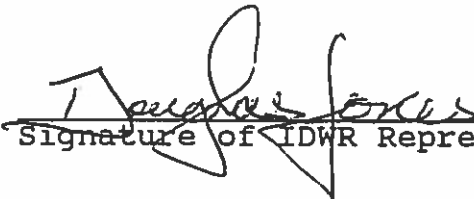
Name of Claimant: MARK S TOONE
Address: 2096 E 1500 S
GOODING ID 83330
Phone: (208) 934-8114

Name of Claimant: WARD C TOONE
Address: 2096 E 1500 S
GOODING ID 83330
Phone: (208) 934-8114

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 6/8/99



Signature of IDWR Representative

AJ5856NP

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

DATE: MAY-25-1999
PAGE: A-15

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 37-13046

NAME & ADDRESS: NANCY M TOONE
MARK S TOONE
WARD C TOONE
2096 E 1500 S
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/20/1964

POINT OF DIVERSION: T01S R13E S23 NENE Within CAMAS County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within CAMAS County
T01S R13E S23 NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 100 BEEF
PARCEL NO. RP01S13E230100



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

June 14, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

NANCY TOONE WARD
MARK WARD
2096 E 1500 S
GOODING ID 83330

RE: SRBA Claim(s) 37-13046

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Water Right No(s): 37-13046

Adjudication Claim No(s): 37-13046

The following REQUIRED information must be submitted with this form:

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant _____

4. New Owner/Claimant(s) Mark S. Toome

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 2096 E 1500 S

City, State and ZIP Code Gooding, ID 83330

New Telephone Number (208) 934-8114

5. Date you acquired the property 1980

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate N/A Number and type of stock 100

Diversion rate in CFS .04 Number of homes 1 Other uses stockwater

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Mark S. Toome

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

WARRANTY DEED

For Value Received ROSE M. TOONE, a widow

the grantor , do es hereby grant, bargain, sell and convey unto WARD C. TOONE, NANCY M. TOONE AND MARK S. TOONE, as tenants in common

the grantee s , whose current address is P.O. Box 487, Gooding, Idaho 83330
her interest in

the following described premises, in CAMAS..... County Idaho, to-wit:

TOWNSHIP 1 SOUTH, RANGE 14 E.B.M.

Section 28: NE $\frac{1}{4}$

Section 34: N $\frac{1}{2}$ NW $\frac{1}{4}$

TOWNSHIP 1 SOUTH, RANGE 15 E.B.M.

Section 19: NE $\frac{1}{4}$

TOWNSHIP 1 SOUTH, RANGE 13 E.B.M.

Section 23: E $\frac{1}{2}$

SITUATE IN CAMAS COUNTY, STATE OF IDAHO

EXCEPTING AND RESERVING in the Grantor, a LIFE ESTATE in the above described property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said GranteeS, their heirs and assigns forever. And the Grantor doe s hereby covenant to and with the said Grantee s, that s he is the owner in fee simple of said premises; that they are free from all encumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: 10-10-, 1995

Rose M. Toone
ROSE M. TOONE

STATE OF IDAHO, COUNTY OF GOODING

On this 10th day of October, 1995, before me, a notary public in and for said State, personally appeared ROSE M. TOONE

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me
that she executed the same.

Craig Hobdey

Residing at Gooding Notary Public, Idaho
Comm. Expires 10-24-2000

STATE OF IDAHO, COUNTY OF CAMAS

I hereby certify that this instrument was filed for record at the request of HOBDEY & HOBDEY

at 30 minutes past 11 o'clock A. M.,
this 11 day of OCTOBER,
19 95, in my office, and duly recorded in Book 29
of Deeds at page 644

FL Bennett
Ex-Officio Recorder

By _____

Deputy.

Fees \$ 3.00
Mail to:



First American Title Company of Idaho

INSTRUMENT NO. 69523

COMMUNICATION DOCUMENTATION

April 7, 1999

Regarding:

37-13047 and 37-13046

Customer:

MARK TOONE

From: Vikle Hancock

AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA

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.

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.

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: A37-13046
Date Received: 8/30/1989
Receipt No: 5009003
Received By: SCC

RECEIVED

SEP 1 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROSE TOONE
Address: P.O. BOX 487
GOODING, ID

208-934-4054

83330

2. Date of Priority: JUL 20, 1964

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	13E	23	NE	NE			CAMAS

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	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:
S/100 BEEF

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	13E	23	NE	NE		STOCK	

11. Place of use in counties: CAMAS

A37-13046

Page 1

Date: 08/30/89

MICROFILMED

FEB 26 1993

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): X Race Paine Date: X Aug 31, 1989

Date: _____

State of Idaho)
County of Looding) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of August 19 89

Leverly Johansen
Notary Public

Seal

Residing at Looding

My Commission Expires 5-27-92

AJ5856NP

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

DATE: SEP-5-1997

PAGE: A-9

RIGHT NUMBER: 37-13046

NAME & ADDRESS: ~~ROSE TOONE~~
PO BOX 487
GOODING ID 83330

→ Ward & Nancy Toone
Po Box 487

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 07/20/1964

POINT OF DIVERSION: T01S R13E S23 NENE Within CAMAS County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER S/100 BEEF	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within CAMAS County
T01S R13E S23 NENE

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Toone
R P01S13E 230100

Verified by Duf Date: 9/9/98

Verification Source: GIS '91 City Alpha & 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 21, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

WARD & NANCY TOONE
PO BOX 487
GOODING ID 83330

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. A37-13046

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,

A handwritten signature in cursive script, reading 'Danni M. Smith'.

Danni M. Smith
SRBA Sr. Secretary

cc: Regional office

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

Copy of No. A37-13046 water right filing

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

RECEIVED
SEP 28 1998

Department of Water Resources

1. Water Right or Adjudication Claim No(s): A 37 - 13046

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Rose Toome

Box 487 Gooding Id 83330

4. New Owner/Claimant(s)

Ward Mark + Nancy Toome

Name Connector (Check one): ☐ and, ☐ of, ☐ and/or

New Mailing Address

3096 E 1500 S

City, State and ZIP Code

Gooding Id 83330

New Telephone Number

(208) 934-8114

5. Date you acquired the property

in family transfer

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 0 Number and type of stock 100 Beef

Diversion rate in CFS .04 Number of homes 0 Other uses 0

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Mark S. Toome, Ward C Toome
Nancy M Toome

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

AJ0749NP
No. R37-13046

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

DATE: 10/14/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARK WARD	07/20/1964	STOCKWATER	01-01 12-31	0.04 CFS	
C	NANCY TOONE WARD					
	2096 E 1500 S					
	GOODING ID 83330					
	(208) 934-8114					
				TOTAL DIVERSION:	0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T01S R13E S23

NENE

CAMAS County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
01S	13E	23	:	S																:

POU County: CAMAS

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 STOCKWATER, 100 BEEF
PARCEL NO. RP01S13E230100

Dates: Exam Made Date: Verified Date: 10/14/1998 Objection Filed Date:

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

Comments: Date: 10/14/1998 User-ID: DSMITH Subject: CHG OF OWNERSHIP
FROM TOONE TO WARD

Audit: 10/14/98 DSMITH