

12/18/2002

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

RIGHT NUMBER: 29-376

NAME AND ADDRESS: MAURICE A TOLER  
231 E GLOVER RD  
ARIMO ID 83214

HELEN TOLER  
231 E GLOVER RD  
ARIMO ID 83214

SOURCE: GARDEN CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.750 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 2.34 CFS. COMBINED RIGHT NOS.: 29-376, 29-377,  
29-389, AND 29-390.

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION:

T10S R36E S7 SWNWNE Within BANNOCK County

T10S R36E S11 SWSNW Within BANNOCK County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 0.750 CFS       |

PLACE OF USE: IRRIGATION Within BANNOCK County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T10S R36E S02 | SWNE | 7.3  | T10S R36E S02 | SENW | 1.4  |
| T10S R36E S02 | NESW | 23.0 | T10S R36E S02 | SWSW | 5.4  |
| T10S R36E S02 | SESW | 19.0 | T10S R36E S02 | NWSE | 3.8  |
| T10S R36E S11 | NENW | 4.4  | T10S R36E S11 | NWNW | 15.0 |
| T10S R36E S11 | SWNW | 26.0 | T10S R36E S11 | SENW | 1.9  |
| T10S R36E S11 | NWSW | 10.0 |               |      |      |

117.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 117.2 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-376, 29-377, 29-389,  
AND 29-390.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 37.5 ACRES WITHIN THE  
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: Decreed

12/18/2002

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

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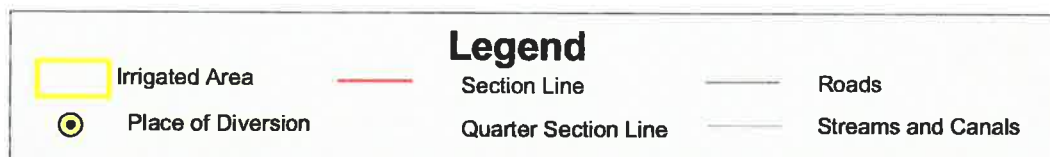
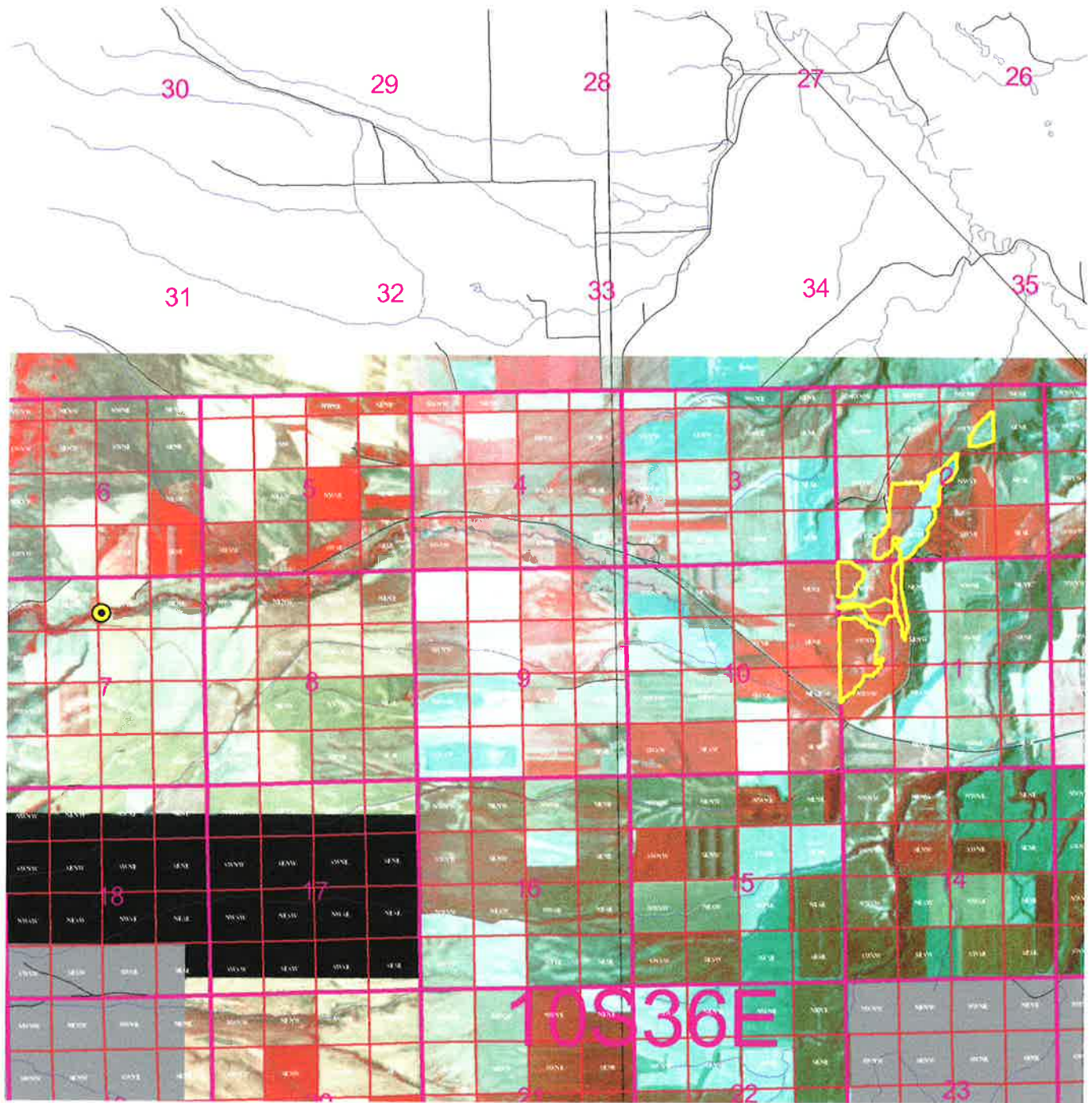
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT  
TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM GARDEN CREEK  
IRRIGATION CO.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF  
DIVERSION DESCRIBED ABOVE: 29-376, 29-377, 29-389, AND 29-390.

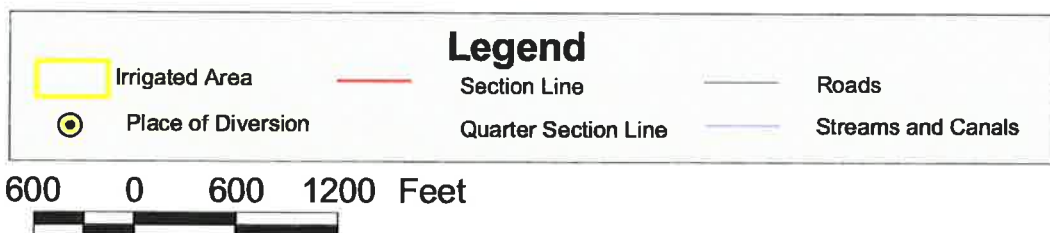
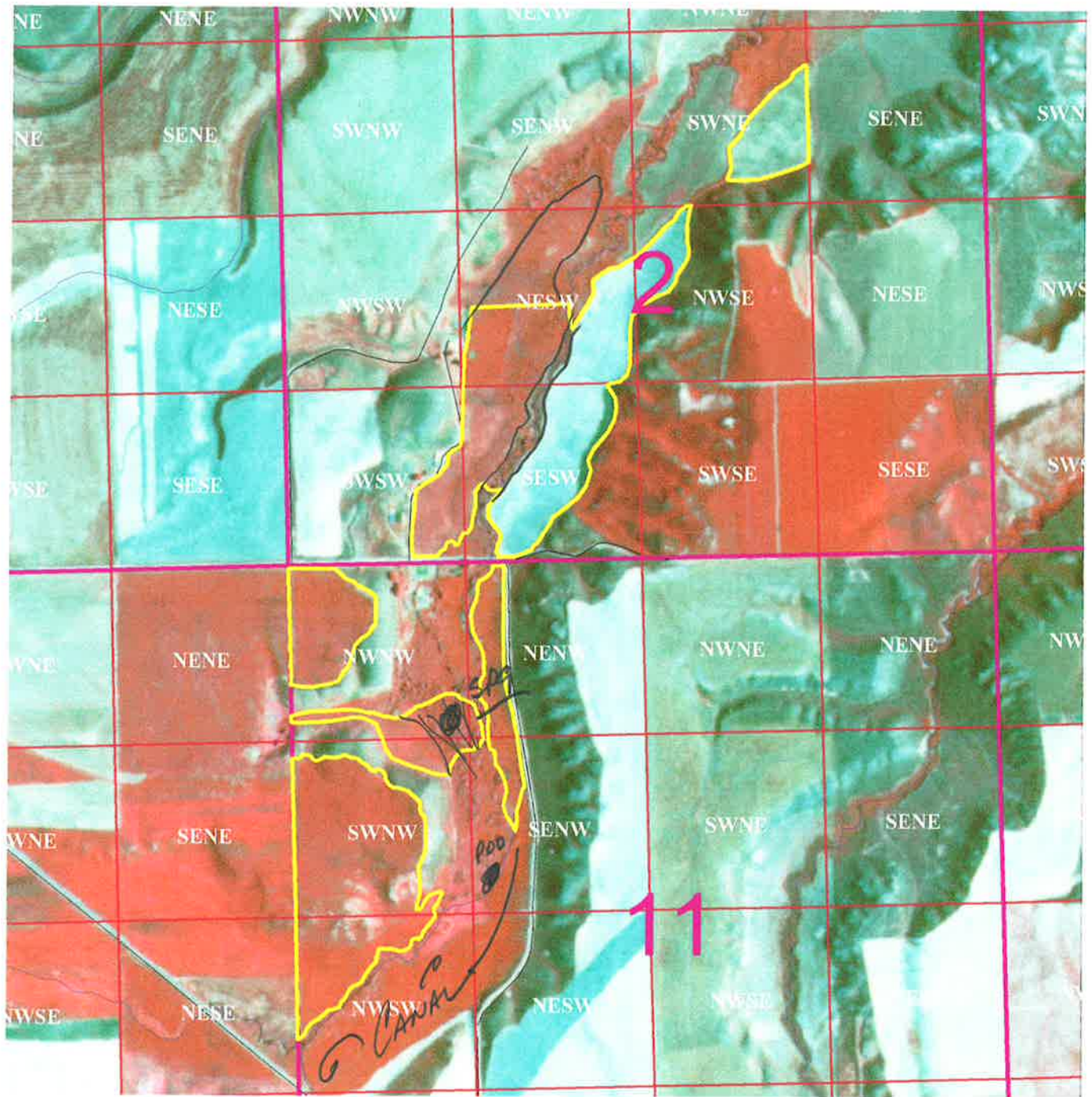
Township , 10S36E



2000 0 2000 4000 Feet



Township , 10S36E





JUN 29 2004

SCANNED

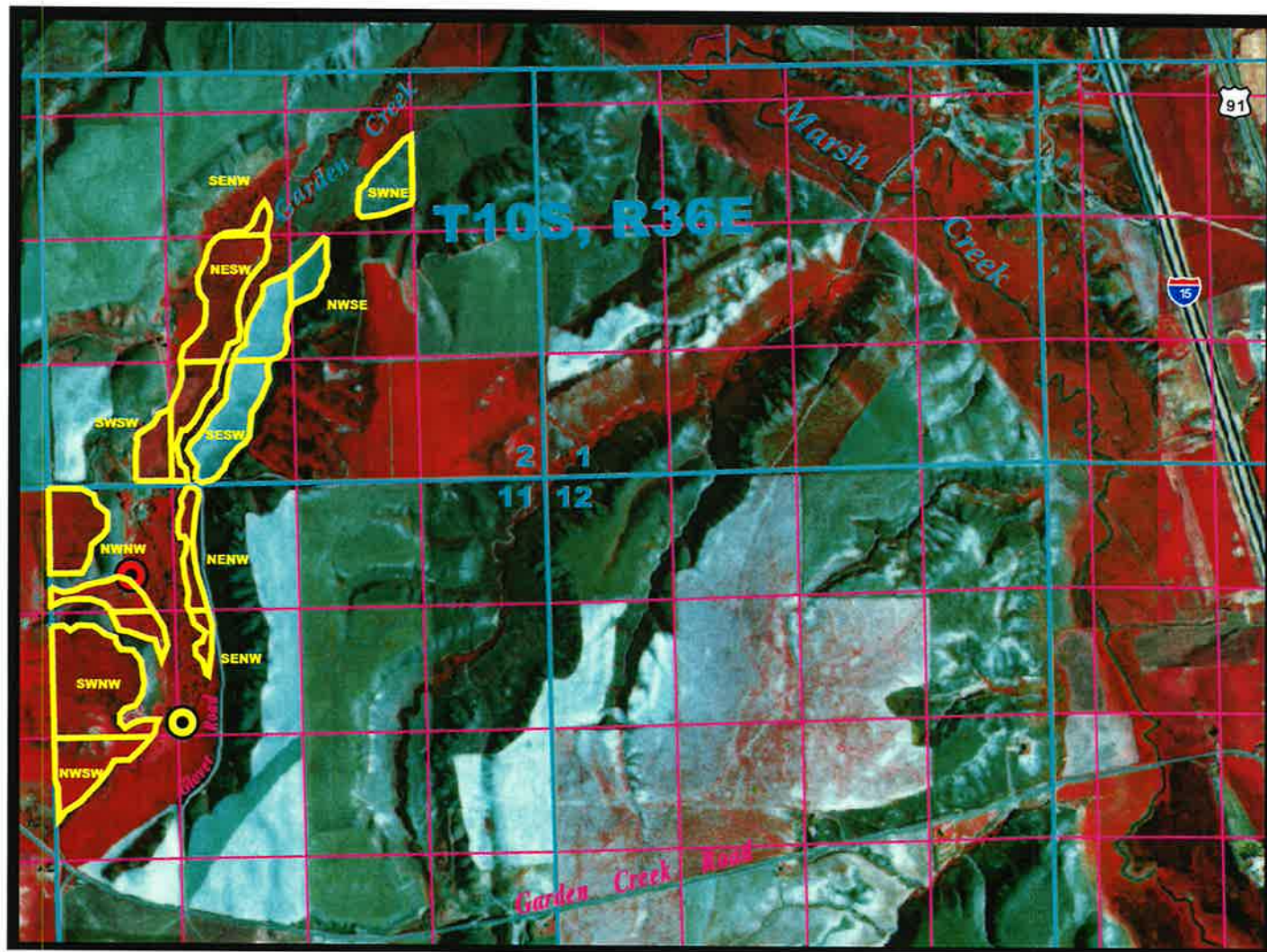
MAY 24 2004

SCANNED

# State of Idaho

## Department of Water Resources

### Eastern Region



1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000 11000 Feet

### Water Right(s):

29-00376, 29-00377,  
29-00389, 29-00390

Place of Use: (parts of) T10S, R36E  
Sec. 2 S2SW, NESW, SENW, W2NE,  
Sec. 11 NW, NWSW

Point(s) of Diversion: T10S, R36E  
Sec. 7 SWNWNE (not shown)  
Sec. 11 SWSNW



### LEGEND

- Point of Diversion
- SESE Place of Use
- Section
- Quarter-Quarter

GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: A. Ruberry  
Date: December 2002

29-376  
DOZROS

**JUN 29 2004**



# Point of Diversion and Source Data Entry Form

Claim Number: \_\_\_\_\_

Water Right Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec.\_\_\_\_,\_\_\_\_,\_\_\_\_,\_\_\_\_. County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary: \_\_\_\_\_

Claimed Point of Diversion: T 10S, R 36E, Sec. 7,\_\_\_\_, NW, NE. County: BANKSource: GARDEN CR Tributary: MARSH CR

Recommended Point of Diversion: T\_\_\_\_, R\_\_\_\_, Sec.\_\_\_\_,\_\_\_\_,\_\_\_\_,\_\_\_\_. County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary: \_\_\_\_\_

☐ Use Claimed POD and Source as Recommended POD and Source

| Twp                    | Rge        | Sec       | Gov Lot | QQQ of QQ of Q | County      | Source           |
|------------------------|------------|-----------|---------|----------------|-------------|------------------|
| <u>10S</u>             | <u>36E</u> | <u>7</u>  |         | <u>SWNWNE</u>  | <u>BANK</u> | <u>GARDEN CR</u> |
| GPS Coordinates: _____ |            |           |         |                |             |                  |
|                        |            | <u>11</u> |         | <u>SWSE NW</u> | <u>"</u>    | <u>"</u>         |
| GPS Coordinates: _____ |            |           |         |                |             |                  |
| GPS Coordinates: _____ |            |           |         |                |             |                  |
| GPS Coordinates: _____ |            |           |         |                |             |                  |
| GPS Coordinates: _____ |            |           |         |                |             |                  |
| GPS Coordinates: _____ |            |           |         |                |             |                  |
| GPS Coordinates: _____ |            |           |         |                |             |                  |

Trib:  
MARSH CR  
C#3

Other rights from this POD? \_\_\_\_\_

Document how the POD and Source were verified and/or Pump and Motor data:

POD NOT SPECIFIED BY DECREE  
OTHER Rts SAME PODS  
Overlap w/ GARDEN CR Prop. Shmoo

Transfers Changing POD \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

## Place Of Use Data Entry Form

Claim Number: \_\_\_\_\_

\_\_\_\_\_ Use Claimed POU as Recommended POU

## Claimed Place of Use

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|---|--------|---------|-------|----------------|
| 105 | 36E | 2   |    |   | Bam    |         | 559   | Panig          |
|     |     | 11  |    |   |        |         | 634   |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |

Total Acres 1173

## Recommended Place of Use

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|---|--------|---------|-------|----------------|
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |

Total Acres \_\_\_\_\_

Document how the POU was verified:

Decross POU: E<sup>2</sup>SW, NWSE, SWNE Sec 2  
SWNW, W<sup>2</sup>SW Sec. 2 120 TOS R36E  
No Ac Spec.  
Claims Use in Sec. 11 AND LOSS LANDS IN Sec. 2 ⇒  
GPS shows 117<sup>2</sup> ac - including overlap w/ 29-4079.  
Limited to 37<sup>2</sup> ac w/ POU shown on GPS

CPS  
when \_\_\_\_\_

Transfers Changing POU \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

## Period of Use and Quantity Data Entry Form

Claim Number: \_\_\_\_\_

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

## Water Right Period of Use and Diversion Rate

| Water Use | Start | End  | Rate | Volume |
|-----------|-------|------|------|--------|
| Permit    | Not   | Spec | 0.75 |        |
|           |       |      |      |        |
|           |       |      |      |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

## Claimed Period of Use and Diversion Rate

| Water Use | Start | End  | Rate | Volume |
|-----------|-------|------|------|--------|
| Permit    | 4/1   | 11/1 | 0.75 |        |
|           |       |      |      |        |
|           |       |      |      |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

## Recommended Period of Use and Diversion Rate

| Water Use | Start | End   | Rate | Volume |
|-----------|-------|-------|------|--------|
| Permit    | 4/1   | 10/31 | 0.75 |        |
|           | DUPT  | STO.  |      |        |
|           |       |       |      |        |

Overall Diversion Rate \_\_\_\_\_

Overall Diversion Volume \_\_\_\_\_

Document how the Period of Use and/or Diversion Rate were verified:

NO DUELED SOL - L/S DUPT. STO. 4/1 TO 10/31

↓ DECREASED AS 0.75, AS CLAIMED

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

SCANNED

MAY 31 2001

Log for claim A29-00376

Spatial Dynamics LTD

6/23/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT       |
|----------------|-----|------|------------------|----------------|---------------|
| 10s36e         | 2   | SWNE | 8                | 7.5            |               |
| 10s36e         | 2   | NESW | 11               | 19             | Indiscernible |
| 10s36e         | 2   | SWSW | 5                | 5.2            |               |
| 10s36e         | 2   | SESW | 24               | 24             |               |
| 10s36e         | 2   | NWSE | 4                | 4.1            |               |
| 10s36e         | 11  | NENW | 7                | 6.1            |               |
| 10s36e         | 11  | NWNW | 17               | 15             |               |
| 10s36e         | 11  | SWNW | 25               | 27             |               |
| 10s36e         | 11  | SENW | 3                | 2.4            |               |
| 10s36e         | 11  | NWSW | 11               | 11             |               |
| <b>Totals:</b> |     |      | 115              | 121.3          |               |

02/18/2003

*allen*

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-376

MAURICE A TOLER  
231 E GLOVER RD  
ARIMO ID 83214  
Telephone Number: (208)254-3361

HELEN TOLER  
231 E GLOVER RD  
ARIMO ID 83214  
Telephone Number: (208)254-3361

RECEIVED  
APR 10 2003  
Department of Water Resources  
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

YES I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4-4-03

SIGNATURE:

*Maurice A. Toler, Helen Toler*

Please print your name:

MAURICE A TOLER  
HELEN TOLER

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

|           |           |      |           |           |
|-----------|-----------|------|-----------|-----------|
| ① 29-376  | GARDEN CK | 0.75 | 5/01/1887 | DEGREE    |
| ② 29-377  | GARDEN CK | 1.00 | 5/01/1904 | DEGREE    |
| ③ 29-389  | GARDEN CK | 0.75 | 5/01/1896 | DEGREE    |
| ④ 29-390  | GARDEN CK | 1.00 | 5/01/1904 | DEGREE    |
| ⑤ 29-4079 | SPRINGS   | 1.00 | 4/01/1921 | STATUTORY |
| ⑥ 29-4080 | GARDEN CK | 1.50 | 7/08/1895 | STATUTORY |

$E_Q$  G.P. cfs

POU: THERE ARE BASICALLY TWO SYSTEMS: AN UPPER AND A LOWER. MOST OF THE UPPER POU IS IN CRP. A GOOD CHOICE SINCE GARDEN CK WATER IS BASICALLY UNAVAILABLE, THE LOWER IS SETWOD BY GARDEN CK (NOT CANAL) AND SPRINGS THAT ARE COLLECTED BY DITCHES AND CONVEYED TO VARIOUS POUS ON DOWNSTREAM.  $A \Sigma_{AC} = 117\frac{1}{2}$ . AT 0.02 cfs/ac A MAX. OF 2.36 CAN BE USED ( $\$42-202 IC$ ), AND GIVEN PRIORITIES AN ADEQUATE Q IS OVERCLAIMED, AS ABOVE.  $117\frac{1}{2} \times 0.02 \text{ cfs/ac} = 2.34 \text{ ac}$ . #2 AND #4, 1904 PRIORITIES ARE VERY RARE IN DELIVERY AND IF AVAILABLE... LASTS ABOUT 30 MINUTES. CLAIMS #1 AND #3 ARE GOOD RIGHTS (GIVEN GARDEN CK FRAUD HAS AN 1877 DATE). THEREFORE, GIVEN #1, #2, #3 & #4 THERE IS MORE Q THAN CAN BE USED ON 117 $\frac{1}{2}$  AC. PLUS, MR. TOLER HAS GARDEN CK IN SHARES UNDER THE 1877 PRIORITY.

RECOMMEND AS #1, #2, #3, #4 & #5 WITH APPROPRIATE LIMITS.  
CLAIM #6 IS DISALLOWED.

through said two canal systems does not exceed the said four cubic feet second of time, said right to date from the month of June, 1877, and is prior in time and superior in right to the rights of all of the defendants in this action, and to the rights of all and every of the persons signing said stipulations, or any of them, the same being the first right to the use of the waters of said stream to the amount of four cubic feet per second of time.

And the remaining waters of said stream are decreed as follows, to-wit:

- 29 0363 To Thomas E. Wolverton, three-fourths second foot of water to date from the 1st day of May, 1886 and one second foot of water to date from the 1st day of May 1904, said water to be used upon the S.W. 1/4 of the S.W. 1/4 of Sec. 4, and the N. Half of the S.E. 1/4 of Sec. 9 in Township 10, South of Range 36 E.B.M.
- 29 0364 To John Morley, three-fourths second foot of water to date from the 1st day of May, 1886, and one second foot of water to date from the 1st day of May, 1904, to be used on the E. half of the N.W. 1/4, Sec. 8, the S.E. 1/4 of the S.E. 1/4 of Sec. 5, and the S.W. 1/4 of the N.W. 1/4 of Sec. 9, in Township 10 South of Range 36 E. B. M.:-
- 29 0365 To Thomas C. Smith, three-fourths second foot of water to date from the 1st day of May, 1890 and one second foot of water to date from the 1st day of May, 1904, to be used on the N.W. 1/4 of Sec. 10, Township 10 South of Range 36 E.B.M.:-
- 29 0366 To William J. Hillard, three-fourths second foot of water to date from the 1st day of May, 1893, and one second foot of water to date from the 1st day of May, 1904, to be used on the S.E. 1/4 of Sec. 3, Township 10 South of Range 36 E.B.M.:-
- 29 0367 To Albert Evans, three-eighths second foot of water to date from the 1st day of May, 1893, and three-eighths second foot of water to date from the 1st day of May, 1898; also one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N.W. 1/4 of Sec. 8, Township 10 South of Range 36 E.B.M.:-
- 29 0368 To L. S. Whitney three-eighths second foot of water to date from the 1st day of May, 1893, and three-eighths second foot of water to date from the 1st day of May, 1904, to be used on the West half of the N.W. 1/4 of Sec. 8, Township 10, South of Range 36 E.B.M.
- 29 0369 To J. S. Wheeler, three-fourths second foot of water to date from the 1st day of May, 1887 and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the S. W. 1/4, and the N.W. 1/4 of the S.E. 1/4 and S.W. 1/4 of the N.E. 1/4 in Sec. 2, Township 10, South of Range 36 E. B. M.:- Also the S.W. 1/4 of the N. W. 1/4 and the West half of the S. W. 1/4 of Sec. 2, Township 10 South of Range 36 E.B.M.:-
- 29 0370 To David Armstrong, three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the S.W. 1/4 of Sec. 10; also three-sixteenths second foot of water to date from the 1st day of May, 1895, and one-fourth of second foot of water to date from the 1st day of May, 1904, to be used on the S. W. 1/4 of the S.E. 1/4 of Sec. 9, all in Township 10, South of Range 36 E.B.M.:-
- 29 0371 To Andrew N. Thacker, three-fourths second foot of water to date from the 1st day of May, 1895 and one second foot of water to date from the 1st day of May, 1904, to be used upon the S. W. 1/4 of Sec. 9; also three-fourths second foot of water to date from the 1st day of May 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the West half of the N.W. 1/4 and the N.W. 1/4 of the S.W. 1/4 of Sec. 8, Township 10, South, of Range 36 E. B. M.
- 29 0372 To Thomas Exeter, three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the South half of the S. E. 1/4 Sec. 8, and the North half of the N.E. 1/4 Sec. 17, Township 10 South of Range 36 E. B. M.
- 29 0373 To William Jenkins, Jr., three-fourths second foot of water to date from the 1st day of May, 1895, and one second foot of water to date from the 1st day of May, 1904, to be used on the East half of the N. E. 1/4 and the East half of the S. E. 1/4 Sec. 10, Township 10, South of Range 36 E. B. M.:-
- 29 0374 To P. M. Larson, three-fourths second foot of water to date from the 1st day of May, 1896, and one second of water to date from the 1st day of May, 1904, and to be used on the East half of the N. W. 1/4 and the East half of the S. W. 1/4 Sec. 11 Township 10, South of Range 36 E. B. M.
- 29 0375 To Annie Crowshaw, three-fourths second foot of water to date from the 1st day of May, 1898, and one second foot of water to date from the 1st day of May, 1904, to be used on the N.W. 1/4 of Sec. 15, Township 10 South of Range 36 E. B. M.:-
- 29 0376 To Mads Christensen, three-fourths second foot of water to date from the 1st day of May, 1892 and one second foot of water to date from the 1st day of May, 1904, to be used on the S. W. 1/4 of the S. E. 1/4 and the East half of the S. E. 1/4 of Section 6 and the S. W. 1/4 of the S. W. 1/4 of Sec. 5, Township 10 South, of Range 36 E.B.M.
- 29 0377 To Ben Lockyer, Three-fourths second foot of water to date from the 1st day of May, 1901, and one second foot of water to date from the 1st day of May 1904, to be used on the North half of the N. E. 1/4 of Sec. 15 Township 10 South of Range 36 E.B.M.

AJ5809NP  
No. A29-00376

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/00  
PAGE: 18

| OWNER<br>CODE | NAME & ADDRESS  | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | MAURICE A TOLER | 05/01/1887       | IRRIGATION | 04-01 11-01           | 0.750 CFS         |                     |
| C             | HELEN TOLER     |                  |            |                       |                   |                     |
|               | 231 E GLOVER RD |                  |            |                       |                   |                     |
|               | ARIMO ID 83214  |                  |            |                       |                   |                     |
|               | (208) 254-3361  |                  |            |                       |                   |                     |
|               |                 |                  |            | TOTAL DIVERSION:      | 0.750 CFS         |                     |
|               |                 |                  |            | CONSUMPTIVE USE:      |                   | 293.30 AFA          |

Water Source: GARDEN CREEK

Tributary to: MARSH CREEK

Stage: DECREED

Point(s) of Diversion: T10S R36E S07

NWNE

BANNOCK County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE   |      |      |      | NW |      |      |      | SW   |   |      |      | SE   |      |   |      |      |      |      |   |                   |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|-------------------|
| T   | R   | S  | : | NENE | NWNE | SWNE | SENE | :  | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : | SUM               |
|     |     |    | : | Lt   | Ac   | Lt   | Ac   | :  | Lt   | Ac   | Lt   | Ac   | : | Lt   | Ac   | Lt   | Ac   | : | Lt   | Ac   | Lt   | Ac   | : |                   |
| 10S | 36E | 2  | : |      |      |      | 08   | :  |      |      |      |      | : | 11   |      | 05   | 24   | : |      |      | 04   |      | : | 53.9              |
| 10S | 36E | 11 | : |      |      |      |      | :  | 07   | 17   | 25   | 03   | : |      | 11   |      |      | : |      |      |      |      | : | 63.4              |
|     |     |    |   |      |      |      |      |    |      |      |      |      |   |      |      |      |      |   |      |      |      |      |   | TOTAL ACRES 117.3 |

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: 29-00377/00389/00390/04079/04080

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

|            |            |           |           |           |           |            |            |            |            |
|------------|------------|-----------|-----------|-----------|-----------|------------|------------|------------|------------|
| 29-11704   | 29-11705   | A29-00362 | A29-00374 | A29-00375 | A29-00377 | A29-00383A | A29-00383B | A29-00384  | A29-00387  |
| A29-00388  | A29-00389  | A29-00390 | A29-00409 | A29-00410 | A29-00414 | A29-00415  | A29-00416  | A29-00417A | A29-00417B |
| A29-00418A | A29-00418B | A29-10642 | A29-11704 | A29-11705 |           |            |            |            |            |

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00362 A29-00377 A29-00389 A29-00390 A29-04079 A29-04080 A29-07193 A29-11424

Conditions of Approval:

R04 - Use of water under this water right will be regulated by the  
- watermaster of State Water District No. .

Remarks: GEN P/U SAME AS 29-00377/00389/00390 & P/U FOR 29-04079/04080 ARE A  
PORTION OF THIS LAND LIST.

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

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

Audit: 04/18/90 WILSON 05/24/94 COX 03/29/95 POST-STD

SCANNED  
MAY 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: A29-00376  
Date Received: 4/18/1990  
Receipt No: E013276  
Received By: Kcew

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MAURICE A. TOLER 208-254-3361  
Address: 231 EAST GLOVER ROAD  
ARIMO, ID 83214  
OR  
Name: HELEN TOLER 208-254-3361  
Address: 231 EAST GLOVER ROAD  
ARIMO, ID 83214

2. Date of Priority: MAY 01, 1887

3. Source: GARDEN CREEK Trib. to: MARSH CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 10S      | 36E   | 7       | NW     | NE     |        |     | BANNOCK |

5. Description of diverting works:  
HEADGATE MIDDLE DITCH FOR IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.750  |      |        |

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

8. Total consumptive use is 293.3 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

A29-00376

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Date: 04/18/90

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10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |           |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|-----------|
| 10S      | 36E   | 2       | SW  |    | NE✓ |     | IRR           | 8.1   |           |
|          |       |         | NE  |    | SW✓ |     | IRR           | 11.1  |           |
|          |       |         | SW  |    | SW✓ |     | IRR           | 5.7   |           |
|          |       |         | SE  |    | SW✓ |     | IRR           | 24.5  |           |
|          |       |         | NW  |    | SE✓ |     | IRR           | 4.5   | Same 4079 |
|          |       |         |     |    |     |     | Section Acres | 53.9  |           |
|          |       | 11      | NE  |    | NW✓ |     | IRR           | 7.4   |           |
|          |       |         | NW  |    | NW✓ |     | IRR           | 17.0  |           |
|          |       |         | SW  |    | NW✓ |     | IRR           | 25.0  |           |
|          |       |         | SE  |    | NW✓ |     | IRR           | 3.0   |           |
|          |       |         | NW  |    | SW  |     | IRR           | 11.0  | GCK-1724  |
|          |       |         |     |    |     |     | Section Acres | 63.4  |           |
|          |       |         |     |    |     |     | Total Acres   | 117.3 |           |

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:  
29-00377/00389/00390/04079/04080

14. Remarks:  
P/U SAME AS 29-00377/00389/00390 & P/U FOR 29-04079/04080 ARE A  
PORTION OF THIS LAND LIST.

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

GARDEN CREEK IRRIG. CO.  
Decree Plaintiff

vs

THOMAS E. WOLVERTON, ET. AL.  
Decree Defendant

(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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**NOV 13 1992**

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S

R35E R36E

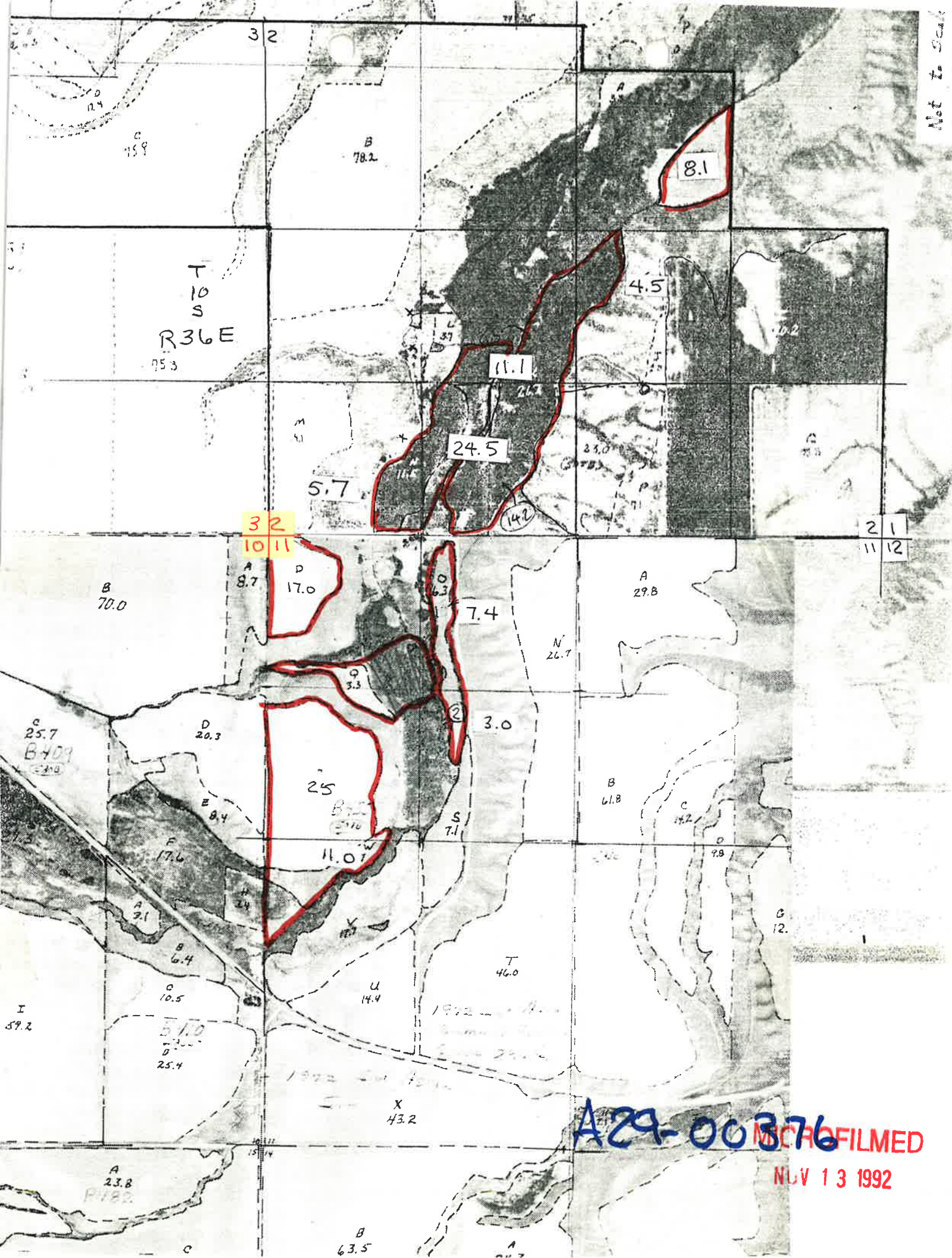
POINT OF DIVERSION



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Not to Scale

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