

02/08/2005

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

RIGHT NUMBER: 29-13658

NAME AND ADDRESS: YVONNE TONEY
13001 S ROBIN RD
ARIMO ID 83214

DENNIS TONEY
13001 S ROBIN RD
ARIMO ID 83214

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 06/11/1987

POINT OF DIVERSION:

T10S R36E S4 SESESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE: DOMESTIC Within BANNOCK County

T10S R36E S04

SESE

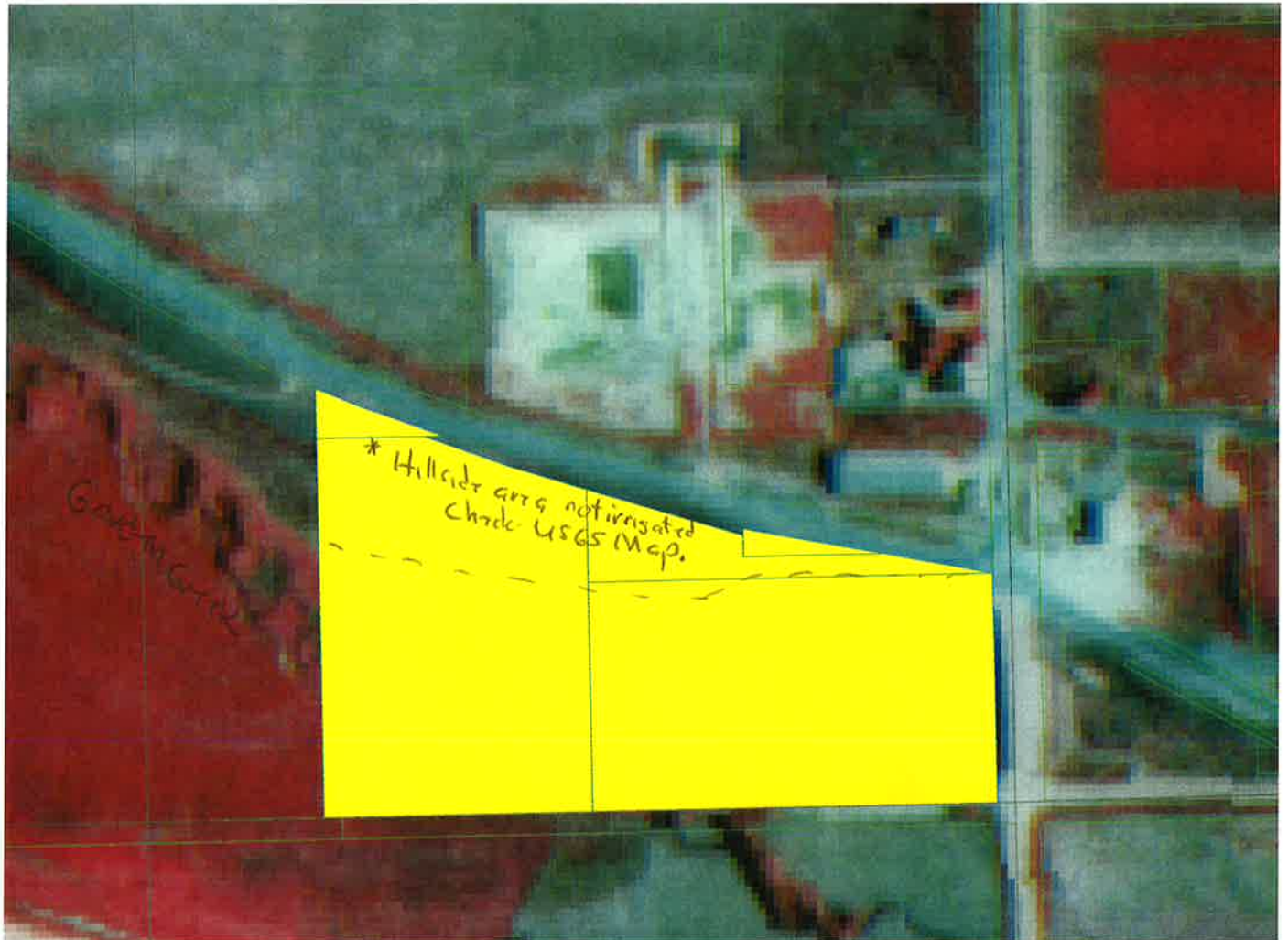
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

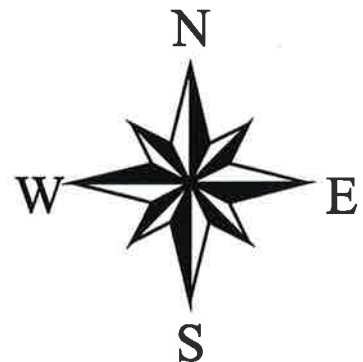
The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

29-13658
Property Location
10S 36E 4 SESE



0.07 0 0.07 0.14 Miles



GCDB10S36E GCDB
Bannock taxlots

SCANNED
MAY 29 2007

SRBA

SUBCASE SUMMARY REPORT 29-13658

[Return to SRBA Home Page](#)

SRBA
01-17-2007

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 29-13658 FILE#: 00167
CLAIMANT: TONEY, DENNIS
13001 S ROBIN RDARIMO ID 83214
STATUS: LATE CLAIM TO IDWR SPECIAL MASTER: MELANSON, JOHN M
WATER SOURCE:****** PARTIES INVOLVED ******DENNIS TONEY C ATTY: RANDALL C BUDGE
YVONNE TONEY C ATTY: RANDALL C BUDGE****** ROA ENTRIES ******

10-28-2003	MOTION TO FILE LATE NOTICE OF CLAIM	MG	01-20-2004
10-28-2003	HEARING ON MOTION FOR LATE CLAIM	HS	01-20-2004 0130
01-20-2004	HEARING HELD ON MOTION OR LATE CLAIM	HH	01-20-2004 0130
01-21-2004	ORDER GRANTING MOTION FOR LATE CLAIM		
01-21-2004	LATE CLAIM FORWARDED TO IDWR		01-21-2004

[Return to SRBA Home Page](#)

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Claim no. A29-12658

Claimant Contact Log

Date	Remarks	Agent initials
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10-5-2004

Remarks

Agent initials

Heft

Exam was done on 10-5-2004 with Yvonne Toney. The place of use has a severe hillside on the North edge along the highway that is not irrigated & needs to be leveled. Perhaps a USGS map will show the elevation change to calculate the actual acres irrigated.

There are two wells involved about 50' from each other.

GPS data for the Domestic well (6" casing) is: 2643570
1265248

GPS File # 13658D

No GPS Tag

GPS data for the Irrigation well (8" casing) is: 2643587
1265237

GPS File # 13658I GPS Tag # A0000233

Claimant is trying to find out H.P. of irrigation well for theoretical. Claimant is a recent buyer of property.

Both wells have had extreme drawdown this year & have almost gone dry.

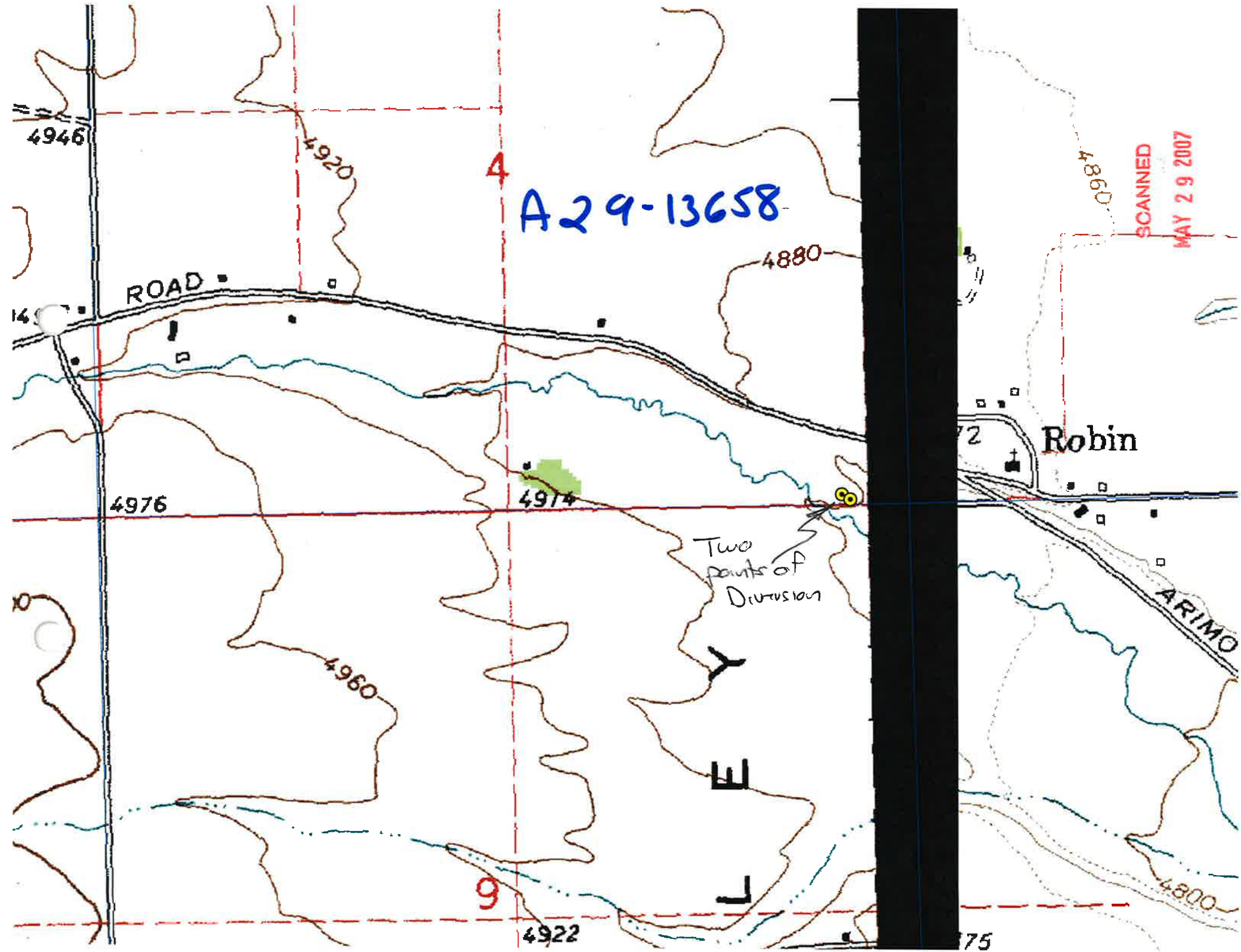
I advise separating out Home & 1/2 acre under Domestic classification & use the rest of the acres for the Irrigation use.

The Domestic well is the more westerly p.d. location.

Exam done by Harold C. Jones of Water Rights Contracting Services

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MAY 29 2007





Home &
1/2 acre
under
Domestic well

Pasture watered from
Irrigation well

A29-13658 - Portion of irrigated P.O.U.
East of well sites

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MAY 29 2007



A29-13658

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A29-13658



MAY 29 2007

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Adg-UCS8





Domestic
well

GPS Tag on
Irrigation well

A29-13658 - Looking West

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MAY 29 2007

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MAY 29 2007

A29-13658 - Remnants of old hand line



DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2004 JAN 21 PM 4 27

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

In Re SRBA)

Subcase 29-13658)

Case No. 39576)
_____)

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On October 28, 2003, Claimants Dennis and Yvonne Toney filed a *Motion to File Late Notice of Claim*. Hearing was held on the *Motion* January 20, 2004. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for water right 29-13658 is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated January 21, 2004.



JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** was mailed on January 21, 2004, with sufficient first-class postage to the following:

Randall C. Budge
PO Box 1391
Pocatello, ID 83204-1391
Representing: Dennis and Yvonne Toney

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098



Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

February 2, 2004

RECEIVED

FEB - 9 2004

Department of Water Resources



RANDALL C BUDGE
PO BOX 1391
POCATELLO ID 83204

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #29-13658
Dennis and Yvonne Toney

Dear Mr. Budge:

We are returning the Late Notice of Claim to a Water Right referenced above filed by your clients Dennis and Yvonne Toney. Before we can continue, we need their assistance. I have also enclosed their receipt #C072419 for the filing fees. They may retain the receipt for their records.

At Item #1, they have entered Dennis and Yvonne Toney, but only Yvonne signed the claim at Item #16. Please have them either put "or" between their names at Item #1 or have Dennis sign the claim in front of a Notary Public and return it to me.

Also, at Item #10, they need to enter the section number.

They may want to make a copy of their claim before returning it to me. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

Donald V. Shaff, Manager
Adjudication Technical Section

DVS:ss:region
Enclosures:

Incomplete Notice of Claim to a Water Right #29-13658
Receipt #C072419

Robin -
✓ *I revised claim as requested*
Copy for file *in the mission*
or just "pen in" on our copy
Resubmit.

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FEB 09 2004

09/19/03

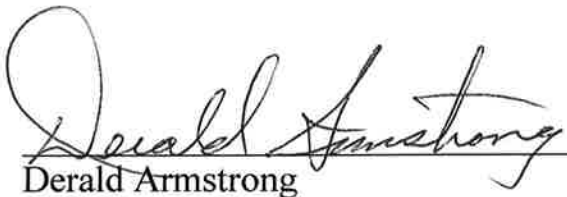
Derald Armstrong

490 N. Front

Arimo, ID 83214

(208) 254-9214

I, Derald Armstrong, along with my family, have farmed the property next to Dennis and Yvonne Toney, all of my life. In the mid-1980's, the property was repossessed by the bank. In 1986, the bank had an irrigation well and a domestic well put in so that the property would sell. Over the years, both wells have been utilized for their respective purposes.


Derald Armstrong

9/19/03
Date


Bannock County, ID
2/6/08

9/19/03



29-13658

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JAN 23 2004

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

Ident. Number 29-131058Date Received 1-23-04Receipt Number C072419NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 15 2003

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Dennis and Yvonne Toney Phone (208) 254-9008
Mailing Address 13001 S. Robin Rd., Arimo, ID 83 Zip 83214
2. Date of Priority (Only one (1) per claim) 6/11/1987
3. Source of water supply (a) Ground water
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 10 S. Range 36 E. Section 4,
SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Bannock
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., 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. _____
Domestic well with 6" casing, electric pump and motor
Irrigation well with 8" casing, electric pump and motor

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JAN 23 2004

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FEB 09 2004

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.04 or de minimus
For Irrigation purposes from 4/1 to 10/15 amount 0.18 or 36
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.22 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 36 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic for 1 household, yard, garden

10. 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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10S	36E	4																9	9

Total number of acres irrigated 9

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

12. Do you own the property listed above as place of use? Yes X 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.
_____ or None ()

14. Remarks:

See attached Supporting Affidavit of Yvonne Toney and
notarized statement of Derald Armstrong.

Last Name TONEY Ident No. 29-13658

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JAN 23 2004

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FEB 09 2004

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 (2)

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

Signature of Claimant (s) X Toney Date 10-14-03
X _____ Date _____

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

of _____ Title _____, that I have signed the foregoing
Organization

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 _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 14th day of October 2003

Notary Public Randall C. Budge

Residing at Pocatello, ID

My Commission Expires 10/11/2003

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Randall C. Budge will be acting as attorney at law on 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 Randall C. Budge

Address P.O. Box 1391 Pocatello, ID 83204

Date 10/14/03

Last Name TONEY Ident. Number 29-13658

SCANNED

SCANNED

JAN 23 2004

FEB 09 2004