

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

RIGHT NUMBER: 29-13936

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

YVONNE TONEY
13001 S ROBIN RD
ARIMO ID 83214

SOURCE: GARDEN CREEK

TRIBUTARY: MARSH CREEK

QUANTITY: 0.030 CFS

PRIORITY DATE: 05/01/1887

POINT OF
DIVERSION:

T10S R36E S4 SWSESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.030 CFS

PLACE OF USE: IRRIGATION in BANNOCK County

T10S R36E S04

SESE 7.70

7.7 ACRES TOTAL

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: BASIS OF CLAIM - Decreed

This right is a split from former right 29-417.



Idaho Department of Water Resources

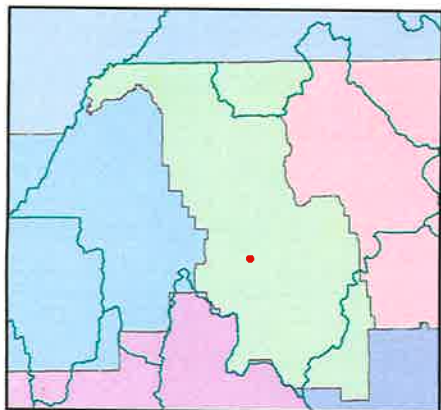
Adjudication Recommendation

29-13936

(IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Bannock County
IDWR Basin 29

Prepared by Kidman, Denise
On October 13, 2010
2004 Aerial Photography



PROFILED

SCANNED
FEB 10 2011

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO
IN AND FOR BANNOCK COUNTY.

Garden Creek Irrigation
Company, a corporation;
Plaintiff,

vs.

D E C R E E.

Thomas E. Wolverton, John Morley,
J. B. Chedgzy, David Armstrong,
D. P. Armstrong, William E. Burton,
Thomas Exeter, A. N. Thacker, Albert
Evans, L. S. Whiting, Robert C. Jamerson,
W. C. Smith, J. H. Curtis, A. M. Curtis,
Mads Christensen, Geo. J. Allen, Nannie
B. Rollison, T. C. Smith, W. J. Millard,
Geo. A. Smith, P. M. Larson, Wm. Jenkins,
Jr., James Chatterton, Hiram Chatterton,
Ann Crowshaw (widow) E. R. Kendall,
George Glover, J. S. Wheeler, A. I. Long,
J. W. Stinger, and Ben Lockyer; et al.
Defendants.

SCANNED

FEB 10 2011

RECEIVED

DEC 28 2009

Department of Water Resources
Eastern Region

PROFILED

This cause came regularly on for trial on this the 15th day of September, 1906, the same being a day of the regular term of the above entitled court, before the court, a jury being expressly waived, Messrs. Standrod & Terrell appearing as attorneys for the plaintiff and Messrs. Gray & Boyd appearing as attorneys for the defendants.

And it appearing to the court that all of the defendants have been regularly served with summons, and that the plaintiff and all of the defendants have appeared herein and have signed and filed stipulations in writing of the facts involved in said controversy, settling, adjusting and compromising all of their respective rights in and to the use of the waters of Garden Creek, a tributary of Marsh Creek, in Bannock County, State of Idaho;

And it further appearing that Robert C. Jamerson has heretofore sold all his right, title, claim and interest in and to the use of the waters of said stream to the defendant A. N. Thacker; and that the defendant D. P. Armstrong heretofore sold all his right, title and interest in and to the use of the waters of said stream to the defendant Ann Crowshaw.

And it being agreed in open court by counsel for respective parties that said stipulations shall be treated as the Court's findings of fact and made a part of the judgment roll and that all other findings of fact and conclusions of law are hereby waived; and it appearing from said stipulations of fact and from evidence taken at said hearing that all of the rights of the parties to said action are defined and established and should be decreed; and the court being fully advised in the premises;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the plaintiff, Garden Creek Irrigation Company, a corporation, is and at all times since the 26th day of January, 1885 has been, a corporation duly organized and existing under the laws of the Territory and State of Idaho, created, organized and existing for the purpose of taking, diverting, appropriating and acquiring the right to the use of the waters of Garden Creek, then in Oneida County, Territory of Idaho, now in Bannock County, State of Idaho, to be used by the stockholders of said corporation on their heirs, personal representatives and assigns for the irrigation of their respective lands and for domestic and stock purposes. in the proportion to the

of said stream to the defendant Ann Crowshaw.

And it being agreed in open court by counsel for respective parties that said stipulations shall be treated as the Court's findings of fact and made a part of the judgment roll and that all other findings of fact and conclusions of law are hereby waived; and it appearing from said stipulations of fact and from evidence taken at said hearing that all of the rights of the parties to action are defined and established and should be decreed; and the court being fully advised in the premises;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the plaintiff, Garden Creek Irrigation Company, a corporation, is and at all times since the 26th day of January, 1885 has been, a corporation duly organized and existing under the laws of the Territory and State of Idaho, created, organized and existing for purpose of taking, diverting, appropriating and acquiring the right to the use of the waters of Garden Creek, then in Oneida County, Territory of Idaho, now in Bannock County, State of Idaho, to be used by the stockholders of said corporation their heirs, personal representatives and assigns for the irrigation of their respective lands and for domestic and stock purposes, in the proportion to the capital stock of said corporation, held by them respectively;

That in the year 1877, about the month of June, the plaintiff and its grors and predecessors in interest diverted and appropriated of the waters of s Garden Creek and its tributaries, for the benefit of its stockholders and the heirs, personal representatives and assigns, for the irrigation of their respive lands and for domestic and stock purposes thereon, four cubic feet per se of time of the waters then flowing and to flow in said stream and its tributa and at said time, did, by means of dams and ditches of sufficient size and ca ty then and at all times thereafter, divert and appropriate of the waters of said stream said four cubic feet per second of time, and the plaintiff is now entitled to the prior and exclusive use at all times of four cubic feet per second of time of the waters of said Garden Creek, to be diverted from said stream at the two certain diverting points and through the two certain canal systems as they now exist, now owned by The plaintiff, in such quantity and amount as the plaintiff deems advisable, so that the total amount so diverted through said two canal systems does not exceed the said four cubic feet per s id of time, said right to date from the month of June, 1877, and is prior in and superior in right to the rights of all of the defendants in this action, to the rights of all and every of the persons signing said stipulations, or a of them, the same being the first right to the use of the waters of said stre to the amount of four cubic feet per second of time.

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

To Thomas E. Wolverton, three-fourths second foot of water to date from 1st day of May, 1886 and one second foot of water to date from the 1st day of 1904, said water to be used upon the S.W. 1/4 of the S.W. 1/4 of Sec. 4, and V. Half of the S.E. 1/4 of Sec. 9 in Township 10, South of Range 36 E.B.M.

To John Morley, three-fourths second foot of water to date from the 1st of May, 1886, and one second foot of water to date from the 1st day of May, 1 to be used on the E. half of the N.E. 1/4, Sec. 8, the S.E. 1/4 of the S.E. 1 of Sec. 5, and the S.W. 1/4 of the N.W. 1/4 of Sec. 9, in Township 10 South o Range 36 E. B. M.:-

SCANNED

PROTECTED

PROFILED

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.:—

William J. Millard, 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 E. 1/4 of Sec. 3, Township 10 South of Range 36 E.B.M.:—

Albert Evans, three-eighths second foot of water to date from the 1st day of May 1893; also one-eighth 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. :—

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.

J. S. Wheeler, 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 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 S. E. 1/4 in sec. 2, Township 10, South of Range 36 E. B. M.:— Also the S. W. 1/4 of the S. E. 1/4 and the West half of the S. W. 1/4 of Sec. 2, Township 10 South of Range 36 E.B.M.:—

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 N. 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.:—

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 on 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.

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 East 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.

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.:—

P. M. Larson, 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, 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.

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.:—

Mads Christensen, three-fourths second foot of water to date from the 1st day of May 1902 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.:—

10, South of Range 36 E. B. M.

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 East 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.

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.:-

P. M. Larson, 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, 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.

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.:-

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 Sec. 6 and the West half of the S. W. 1/4 of Sec. 5, Township 10 South of Range 36 E. B. M.

Ben Lockyer, 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 North half of the N. E. 1/4 of Sec. 15 Township 10 South of Range 36 E. B. M.

Hyrum Chatterton, three-fourths second foot of water to date from the 1st day of May 1900, and one second foot of water to date from the 1st day of May, 1904, to be used on the North half of the S. E. 1/4 and the South half of the N. E. 1/4 Sec. 15, Township 10 South of Range 36 E. B. M.

James Chatterton, three-fourths second foot of water to date from the 1st day of May 1900, 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. 15, Township 10 South of Range 36 E. B. M.

George Glover, three-fourths second foot of water to date from the 1st day of May 1896, 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. E. 1/4 of Sec. 33, Township 9, South of Range 36 E. B. M.

George J. Allen, three-fourths second foot of water to date from the 1st day of May 1896, 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 the N. W. 1/4 of Sec. 5; also the West half of the N. W. 1/4 of Sec. 5, Township 10 South of Range 36 E. B. M.

William C. Smith, 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. W. 1/4 of Sec. 7, Township 10 South of Range 36 E. B. M.

J. W. Stinger, 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. W. 1/4 of Sec. 4, and lots one and two in Sec. 5, Township 10 South of Range 36 E. B. M.

George A. Smith, three-fourths second foot of water to date from the 1st day of May 1891, 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 East half of the N. W. 1/4 of Sec. 10, Township 10 South of Range 36 E. B. M.

J. H. Curtis, three-eighths second foot of water to date from the 1st day of May 1894, and three-eighths 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 East half of the N. E. 1/4 of Sec. 7, Township 10 South of Range 36 E. B. M.

A. M. Curtis, three-eighths second foot of water to date from the 1st day of May 1894, and three-eighths 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 West half of the N. E. 1/4 of Sec. 7, Township 10 South of Range 36 E. B. M.

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Nannie B. Rollison

he N. E. 1/4 Sec. 7, Township 10, South of Range 36 E. B. M.
To Nannie B. Rollison, 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 S. E. 1/4 and the North half of the S. W. 1/4 and the S. E. 1/4 of the N. W. 1/4 of Sec. 4, Township 10 South of Range 36 E. B. M.

To William P. Burton, 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 North half of the S. E. 1/4 and the East half of the S. W. 1/4 of Sec. 8, Township 10 South of Range 36 E. B. M.

To John B. Chedzey, three-fourths second foot of water to date from the 1st day of May, 1891 and one second foot of water to date from the 1st day of May, 1904 to be used on the N. E. 1/4 of Sec. 9, Township 10, South of Range 36 E. B. M.

To William H. Allen, three-fourths second foot of water to date from the 1st day of May 1903 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 the S. E. 1/4 of Sec. 31 and the S. W. 1/4 of the S. E. 1/4 Sec. 32 in Township 9, South of Range 36 E. B. M.

To Laura T. Toler, three-eighths second foot of water to date from the 1st day of May, 1895 and one-half second foot of water to date from the 1st day of May, 1904, to be used on the North half of the S. W. 1/4 of Sec. 9, Township 10 South of Range 36 E. B. M.

To E. R. Kendall, three-sixteenths second foot of water to date from the 1st day of May, 1895, and one-fourth second foot of water to date from the 1st day of May, 1904, to be used on the S. E. 1/4 of the S. E. 1/4 of Sec. 9, Township 10 South of Range 36 E. B. M.

To Truman Rowe, one and three-fourths second foot of water to date from the 1st day of May, 1904, to be used on lots one and two in Sec. 4, Township 10, South of Range 36 E. B. M.

All of the above described lands being in Bannock County, State of Idaho.

It is further adjudged and decreed that the plaintiff and any of its stockholders, and any or all of said defendants, who are adjudged to be entitled to the use of any of the waters of said stream or any of its tributaries thereto or may hereafter unite the waters so decreed to them and use the same jointly or alternately in rotation, or in such other manner as will secure the greatest benefits and economical use of said water, so that the waters so united or pooled do not diminish the amount decreed to the parties entering into such arrangement.

It is further ordered, adjudged and decreed that each of the parties to this action, their and each of their servants, agents, employees or others acting in aid or assistance of them, or any of them be, and they are hereby forever enjoined and restrained in any-wise using the water herein decreed, or molesting or interfering with such use, or the works provided for the diversion or carrying of said waters, except as herein provided.

And it is further ordered, adjudged and decreed that each of the parties to this action, pay the costs incurred by him in this action.

Done in open court this 15th day of October, 1906.

Alfred Budge,

District Judge.

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All of the above described lands being in Bannock County, State of Idaho.

It is further adjudged and decreed that the plaintiff and any of its stock-
holders, and any or all of said defendants, who are adjudged to be entitled to the
of any of the waters of said stream or any of its tributaries thereto or may
or unite the waters so decreed to them and use the same jointly or alternately
in rotation, or in such other manner as will secure the greatest benefits and
economical use of said water, so that the waters so united or pooled do not
exceed the amount decreed to the parties entering into such arrangement.

It is further ordered, adjudged and decreed that each of the parties to this
action, their and each of their servants, agents, employees or others acting in aid
assistance of them, or any of them be, and they are hereby forever enjoined and
restrained in any-wise using the water herein decreed, or molesting or interfering
in such use, or the works provided for the diversion or carrying of said waters,
except as herein provided.

And it is further ordered, adjudged and decreed that each of the parties
also, pay the costs incurred by him in this action.

Done in open court this 15th day of October, 1906.

Alfred Budge,

District Judge. ✓

In the District Court of the Fifth Judicial District of the State of Idaho,
In and for the County of Bannock.

First National Bank of
Stetson, a corporation,
Plaintiff,
vs.
Frank Mallard,
Defendant.

JUDGMENT ON DEFAULT.

IN THIS ACTION the Defendant Frank Mallard, having been regularly served
with process and having failed to appear and answer the plaintiff's complaint
as herein, the legal time for answering having expired, and the default of
said defendant in the premises having been duly entered according to law; upon
application of said plaintiff.

Judgment is hereby entered against said defendant in pursuance of the prayer
of said complaint.

WHEREFORE by virtue of the law and by reason of the premises aforesaid, it
is ordered, adjudged and decreed, that the said plaintiff do have and recover
from the said defendant the sum of Two Hundred Fifty-two & 90/100 Dollars, with
interest thereon at the rate of seven per cent. per annum from the date hereof
until paid, together with said plaintiff's costs and disbursements incurred in
this action amounting to the sum of Nineteen & 35/100 Dollars.

E. G. Gallet,

Clerk.

SCANNED

FEB 10 2011

PROFILE

FORT

HALL

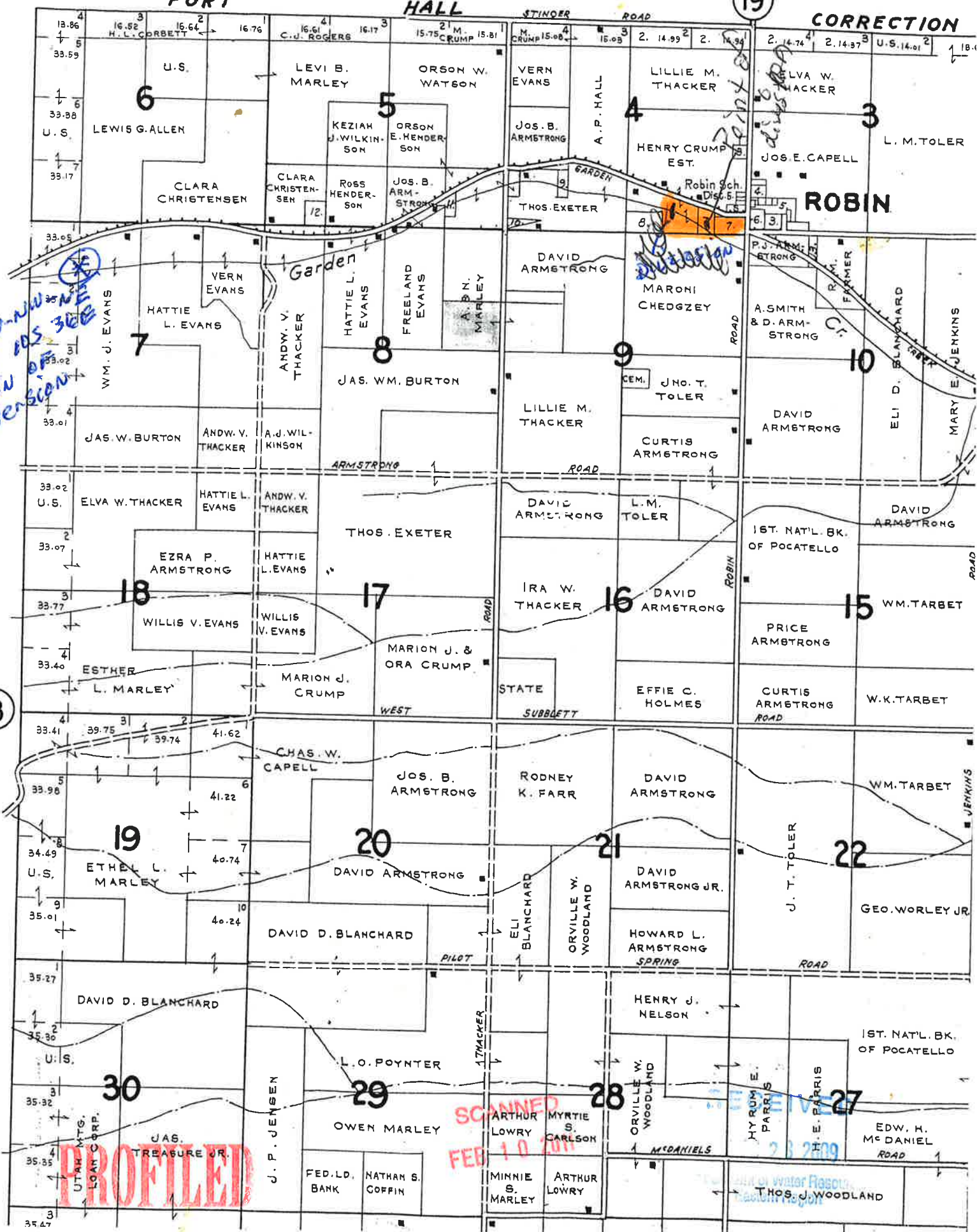
STINDER ROAD

19

CORRECTION

SW-NE 1/4
Sec 7 105 3000
Origin of
Division

13



WARRANTY DEED

For Value Received ROCHELLE ABRAMS, Personal Representative of the ANDREW ABRAM II, Deceased

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

JESS R. JONES and LAURA L. JONES, husband and wife

ACCEPTED AND APPROVED:

whose address is: 13001 SOUTH ROBIN ROAD, ARIMO, ID 83214

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, ID, to-wit:

PARCEL 1
COMMENCING AT A POINT 2 RODS SOUTH OF A POINT 2 RODS WEST OF THE SOUTHEAST CORNER OF SECTION 4,
TOWNSHIP 10 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, THENCE RUNNING NORTH 21 1/3 RODS; THENCE
WEST 37 1/2 RODS; THENCE SOUTH 21 1/3 RODS; THENCE EAST 37 1/2 RODS TO THE PLACE OF BEGINNING.

SEE ATTACHED EXHIBIT "A" FOR CONTINUATION OF LEGAL.....

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: March 16, 2000

Rochelle Abrams, Personal Representative
ROCHELLE ABRAMS, Personal Representative

STATE OF VA ^{on} Washington, DC

COUNTY OF N/A

On this 17th day of March, 2000, before me, a Notary Public in and for said State, personally appeared ROCHELLE ABRAMS, known or identified to me to be the person(s) whose name(s) IS subscribed to the within Instrument as Personal Representative of the Estate of ANDREW ABRAMS II, and acknowledged to me that SHE executed the same as such Personal Representative.

Cl. P. Mc
Notary Public of Washington, DC
Residing at FORT WASHINGTON, MD 20744
Commission Expires: 10-31-00



NOTARY SEAL

FILED

NO 20005059

RECORDED AT REQUEST OF
FIRST AMERICAN TITLE

2000 MAR 31 PM 4 26

OFFICIAL ID BOOK NO 156
BANNOCK COUNTY IDAHO
LARRA W CHAN RECORDER
FEE 60 DEPUTY JK

SCANNED

FEB 10 2011

PARCEL II:

EXHIBIT "A" CONTINUATION OF LEGAL

COMMENCING AT A POINT $39\frac{1}{2}$ RODS WEST OF A POINT 2 RODS SOUTH OF THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 36 E.B.M. BANNOCK, COUNTY, IDAHO, THENCE RUNNING NORTH $35\frac{1}{2}$ RODS, THENCE WEST 25 RODS; THENCE SOUTH $35\frac{1}{2}$ RODS; THENCE EAST 25 RODS TO THE PLACE OF BEGINNING.

PARCEL III:

SECTION 4, TOWNSHIP 10 SOUTH, RANGE 36 EAST, BOISE MERIDIAN: ALL OF THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ LYING SOUTH OF GARDEN GAP CREEK ROAD.

EXCEPT: COMMENCING AT A POINT $39\frac{1}{2}$ RODS WEST OF A POINT TWO RODS SOUTH OF THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, IN BANNOCK COUNTY, IDAHO; THENCE RUNNING NORTH $35\frac{1}{2}$ RODS; THENCE WEST 25 RODS; THENCE SOUTH $35\frac{1}{2}$ RODS; THENCE EAST 25 RODS, TO THE PLACE OF BEGINNING. TX 37

ALSO EXCEPT: COMMENCING AT A POINT 2 RODS SOUTH OF A POINT 2 RODS WEST OF THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 36 E.B.M. THENCE RUNNING NORTH $21\frac{1}{3}$ RODS; THENCE WEST $37\frac{1}{2}$ RODS; THENCE SOUTH $21\frac{1}{3}$ RODS; THENCE EAST $37\frac{1}{2}$ RODS TO THE PLACE OF BEGINNING. SUBJECT, HOWEVER, TO THE EXISTING RIGHTS-OF-WAY OR EASEMENT FOR THE PRICE J. ARMSTRONG AND TED CHEDGZEY WATER DITCHES TAKEN OUT OF GARDEN CREEK THAT CROSSES THE LAND ABOVE DESCRIBED. TX 1

ALSO EXCEPT: A TRACT OF LAND IN A PORTION OF THE SE $\frac{1}{4}$ OF SECTION 4, TOWNSHIP 10 SOUTH RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE IRON PIN MARKING THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 36 E.B.M., THENCE SOUTH $89^{\circ}48'03''$ WEST, 1064.25 FEET ALONG THE SOUTHERLY SECTION LINE OF SAID SECTION 4 TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH $89^{\circ}48'03''$ WEST, 713.47 FEET; THENCE NORTH $00^{\circ}10'26''$ WEST, 433.13 FEET; THENCE SOUTH $89^{\circ}48'03''$ WEST, 882.75 FEET TO A POINT ON THE MERIDIONAL CENTERLINE OF SAID SECTION 4; THENCE NORTH $00^{\circ}10'26''$ WEST, 735.70 FEET ALONG SAID CENTERLINE TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE ALONG A CURVE TO THE LEFT A DISTANCE OF 144.53 FEET, SAID CURVE HAVING A RADIUS OF 2897.79 FEET, A CENTRAL ANGLE OF $02^{\circ}51'28''$ A CHORD LENGTH OF 144.52 FEET AND A CHORD BEARING OF SOUTH $81^{\circ}42'16''$ EAST; THENCE SOUTH $83^{\circ}08'00''$ EAST, 559.80 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE ALONG THE CURVE TO THE RIGHT A DISTANCE OF 390.20 FEET, SAID CURVE HAVING A RADIUS OF 921.93 FEET, A CENTRAL ANGLE OF $24^{\circ}15'00''$ A CHORD LENGTH OF 387.29 FEET AND A CHORD BEARING OF SOUTH $71^{\circ}00'30''$ EAST; THENCE SOUTH $58^{\circ}53'00''$ EAST, 395.30 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE ALONG THE CURVE TO THE LEFT A DISTANCE OF 219.81 FEET, SAID CURVE HAVING A RADIUS OF 1942.86 FEET, A CENTRAL ANGLE OF $06^{\circ}28'56''$, A CHORD LENGTH OF 219.69 FEET AND A CHORD BEARING OF SOUTH $62^{\circ}07'28''$ EAST; THENCE SOUTH $00^{\circ}11'00''$ EAST, 642.53 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPT: RIGHT OF WAY FOR ROBIN ROAD.

SCANNED

FEB 10 2011

PROFILED



A Pioneer Company

PIONEER TITLE COMPANY

OF BANNOCK COUNTY

135 North Arthur Ave / Pocatello, Idaho 83204 / (208)
233-9595

20302625
20302625

PIONEER TITLE

RECORDED AT REQUEST OF

FEE 6.00 DEPUTY Jo

2003 JAN 31 PM 3 53

OFFICIAL RECORD BK# 834
LARRY W. GHAN RECORDER
BANNOCK COUNTY IDAHO

Order No. 20021936 AKE BK

WARRANTY DEED

For Value Received

Jess R. Jones and Laura L. Jones, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto
Dennis Toney and Yvonne D. Toney, husband and wife

hereinafter referred to as Grantee, whose current address is 13001 S Robin Road, Arimo, ID 83214 the
following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and
assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner
in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies,
and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon
the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: January 30, 2003

Jess R. Jones
Jess R. Jones

Laura L. Jones
Laura L. Jones

STATE OF IDAHO

SCANNED

S.

FEB 10 2011

COUNTY OF BANNOCK

PROFILED

On this 31 day of January, in the year of 2003, before me Stephanie Wright, notary public personally
appeared Jess R. Jones and Laura L. Jones known or identified to me to be the person/persons whose name
is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Stephanie Wright

hereinafter referred to as Grantee, whose current address is 13001 S Robin Road, Mo, ID 83214 the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: January 30, 2003

Jess R. Jones
Jess R. Jones

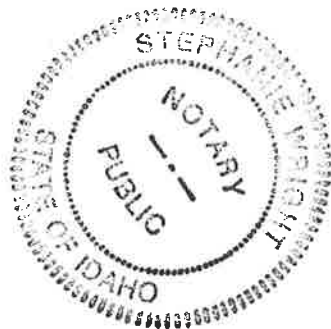
Laura L. Jones
Laura L. Jones

STATE OF IDAHO

s.

COUNTY OF BANNOCK

On this 31 day of January, in the year of 2003, before me Stephanie Wright, notary public personally appeared Jess R. Jones and Laura L. Jones known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Stephanie Wright
Stephanie Wright
Notary Public of Idaho
Residing at Pocatello ID
Commission expires: April 25, 2006

SCANNED

FEB 10 2011

PROFILED

Parcel 1

A parcel of land located in the Southeast Quarter Southeast Quarter of Section 4, Township 10 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at a point 2 Rods South of a point 2 Rods West of the Southeast corner of Section 4, thence running North 21 $\frac{1}{3}$ Rods; thence West 37 $\frac{1}{2}$ Rods; thence South 21 $\frac{1}{3}$ Rods; thence East 37 $\frac{1}{2}$ Rods to the Place of Beginning.

Parcel 2

A parcel of land located in the Southeast Quarter Southeast Quarter of Section 4, Township 10 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at a point 39 $\frac{1}{2}$ Rods West of a point 2 Rods South of the Southeast corner of Section 4, thence running North 35 $\frac{1}{2}$ Rods, thence West 25 rods; thence South 35 $\frac{1}{2}$ rods; thence East 25 Rods to the Place of Beginning.

Parcel 3

Section 4, Township 10 South, Range 36 East, Boise Meridian: All of the Southeast Quarter Southeast Quarter Lying South of Garden Gap Creek Road.

EXCEPT: A parcel of land located in the Southeast Quarter Southeast Quarter of Section 4, Township 10 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at a point 39 $\frac{1}{2}$ Rods West of a point 2 Rods South of the Southeast corner of Section 4, thence running North 35 $\frac{1}{2}$ Rods, thence West 25 rods; thence South 35 $\frac{1}{2}$ rods; thence East 25 Rods to the Place of Beginning.

EXCEPT: A parcel of land located in the Southeast Quarter Southeast Quarter of Section 4, Township 10 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at a point 2 Rods South of a point 2 Rods West of the Southeast corner of Section 4, thence running North 21 $\frac{1}{3}$ Rods; thence West 37 $\frac{1}{2}$ Rods; thence South 21 $\frac{1}{3}$ Rods; thence East 37 $\frac{1}{2}$ Rods to the Place of Beginning.

EXCEPT: A tract of land in a portion of the Southeast Quarter of Section 4, Township 10 South, Range 36 East, Boise Meridian, Bannock County, Idaho, and more particularly described as follows:

Beginning at the Iron Pin marking the Southeast corner of Section 4, thence South 89°48'03" West, 1064.25 feet along the Southerly section line of said Section 4 to the True Point of Beginning;

Thence continuing South 89°48'03" West, 713.47 feet; thence North 00°10'26" West, 433.13 feet; thence South 89°48'03" West, 882.75 feet to a point on the meridional centerline of said Section 4; thence North 00°10'26" West, 735.70 feet along said centerline to a point on the Southerly right of way line of the county road; thence along a curve to the left a distance of 144.53 feet, said curve having a radius of 2897.79 feet, a central angle of 02°51'28" a chord length of 144.52 feet and a chord bearing of South 81°42'16" East;

Thence South 83°08'00" East, 559.80 feet to a point of curve to the right; thence along the curve to the right a distance of 390.20 feet, said curve having a radius of 921.93 feet, a central angle of 24°15'00" a chord length of 387.29 feet and a chord bearing of South 71°00'30" East; thence South 58°53'00" East, 395.30 feet to a point on a curve to the left; thence along the curve to the left a distance of 219.81 feet, said curve having a radius of 1942.86 feet, a central angle of 06°28'56", a chord length of 219.69 feet and a chord bearing of South 62°07'28" East; thence South 00°11'00" East, 642.53 feet to the True Point of Beginning.

ALSO EXCEPT: Right of Way for Robin Road.

SCANNED
FEB 10 2011
PROFILED

RECEIVED

DEC 30 2009

Department of Water Resources
Eastern Region

M. Brent Morgan
M. Brent Morgan, P.C., Chrt'd.
Attorney at Law
1106 East Center
Pocatello, ID 83201
(208) 232-7800
(208) 232-1900 - Fax

20005058

20005058

NO
RECORDED AT REQUEST OF
FIRST AMERICAN TITLE

2000 MAR 31 PM 4 26

OFFICIAL RECORD BOOK NO 756

BANNOCK COUNTY IDAHO

LARRY W GHAN RECORDER

FEE 34 DEPUTY JC

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
STATE OF IDAHO, BANNOCK COUNTY

IN THE MATTER OF
THE ESTATE OF

ANDREW ABRAMS

DECEASED

CASE NO: SPIE.00.00011

LETTERS TESTAMENTARY

1. Rochelle Abrams was duly appointed and qualified as general
Personal Representative of the estate of the above-named decedent on the 20 day of
January, 2000, by the Court with all authority pertaining thereto.

2. Administration of the estate is unsupervised.

3. These letters are issued to evidence the appointment, qualification,
and authority of the said Personal Representative.

WITNESS, my signature and the seal of this Court this 20 day of
January, 2000.

BY THE COURT:

STATE OF IDAHO } ss.
County of Bannock
I hereby certify that the foregoing instrument
is a true and correct copy of the original on
file in this office.

Dated 3/15/00
Larry W. Ghan, Clerk of the District Court

Deputy Clerk

Ray B
Magistrate Judge

CORPORATE SEAL

SCANNED

FEB 10 2011

PROFILED

RECEIVED

DEC 28 2009

Department of Water Resources
Eastern Region
SCANNEDSCANNED
FEB 10 2011

PROFILED

JO LYNN ANDERSON
BANNOCK COUNTY ASSESSOR
PO BOX 4969
POCATELLO ID 83205-4969**2009 BANNOCK COUNTY ASSESSMENT NOTICE**Appeals of your property value must be filed in
writing on a form provided by the County By: **JUNE 17, 2009**

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE	
		Last Year	Current
12 RURAL RES TRACTS	1.140	3,399	3,399

SUBTOTAL
LESS HOMEOWNER EXEMPTION
NET TAXABLE PROPERTY VALUE

1.140 3,399 3,399
 3,399 3,399

PARCEL DESCRIPTION

S4-T10-T36E
 TR SE4SE4 TAX 51 1.0 AC
 TR SE4SE4 TAX 50 0.14 AC

Tax Code: 007300
Parcel Address:
Parcel Number: R4265003503
Appraiser Phone Number: 208-236-7059

Taxing Dist.	Phone No.	Date of Public Budget Hearing
COUNTY	208-236-7211	AUG 21, 2009
COUNTY RD&BRG	208-236-7211	AUG 21, 2009
SCHOOL NO. 21	208-254-3306	JUNE 9, 2009
ARIMO CEM	208-254-3681	JUNE 18, 2009
BAN FREE LIB	208-897-5270	AUG 24, 2009
AMBULANCE	208-236-7211	AUG 21, 2009

**THIS IS NOT A
 BILL
 DO NOT PAY**

Mail To:

TONEY, DENNIS
 & YVONNE D TONEY H/W
 13001 S ROBIN RD
 ARIMO ID 83214-1537

832141537 HC74



RECEIVED
 DEC 28 2009
 Department of Water Resources
 Eastern Region
 SCANNED
 FEB 16 2011

PROHIBITED

2009 BANNOCK COUNTY ASSESSMENT NOTICE

JO LYNN ANDERSON
 BANNOCK COUNTY ASSESSOR
 PO BOX 4969
 POCATELLO ID 83205-4969

Appeals of your property value must be filed in
 writing on a form provided by the County By: **JUNE 17, 2009**

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE	
		Last Year	Current
12 RURAL RES TRACTS	4.530	17,619	17,619
34 IMP ON CAT 12		153,204	153,204

SUBTOTAL
LESS HOMEOWNER EXEMPTION
NET TAXABLE PROPERTY VALUE

4.530	170,823	170,823
	85,412	85,412
	85,411	85,411

PARCEL DESCRIPTION

S4-T10S-R36E
 TP. SE4SE4 TAX 1 4.53 AC

Tax Code: 007300
Parcel Address: 13001 S ROBIN
Parcel Number: R4265003002
Appraiser Phone Number: 208-236-7059

Taxing Dist.	Phone No.	Date of Public Budget Hearing
--------------	-----------	-------------------------------

COUNTY	208-236-7211	AUG 21, 2009
COUNTY RD&BRG	208-236-7211	AUG 21, 2009
SCHOOL NO. 21	208-254-3306	JUNE 9, 2009
ARIMO CEM	208-254-3681	JUNE 18, 2009
BAN FREE LIB	208-897-5270	AUG 24, 2009
AMBULANCE	208-236-7211	AUG 21, 2009
ARIMO FIRE DISTRICT	208-254-3662	AUG 13, 2009

**THIS IS NOT A
 BILL
 DO NOT PAY**

Mail To:

TONEY, DENNIS
 & YVONNE D TONEY H/W
 13001 S ROBIN RD
 ARIMO ID 83214



RECEIVED
 DEC 28 2009
 Department of Water Resources
 Eastern Region
 POCATELLO
 FEB 10 2011

2009 BANNOCK COUNTY ASSESSMENT NOTICE

JO LYNN ANDERSON
 BANNOCK COUNTY ASSESSOR
 PO BOX 4969
 POCATELLO ID 83205-4969

Appeals of your property value must be filed in
 writing on a form provided by the County By: **JUNE 17, 2009**

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE	
		Last Year	Current
12 RURAL RES TRACTS	.260	1,100	1,100

SUBTOTAL
LESS HOMEOWNER EXEMPTION
NET TAXABLE PROPERTY VALUE

.260	1,100	1,100
	1,100	1,100

PARCEL DESCRIPTION

S4-T10S-R36E
 TR SE4SE4 TAX 61 0.26 AC

Tax Code: 007300
Parcel Address:
Parcel Number: R4265004201
Appraiser Phone Number: 208-236-7059

Taxing Dist.	Phone No.	Date of Public Budget Hearing
--------------	-----------	-------------------------------

COUNTY	208-236-7211	AUG 21, 2009
COUNTY RD&BRG	208-236-7211	AUG 21, 2009
SCHOOL NO. 21	208-254-3306	JUNE 9, 2009
ARIMO CEM	208-254-3681	JUNE 18, 2009
BAN FREE LIB	208-897-5270	AUG 24, 2009
AMBULANCE	208-236-7211	AUG 21, 2009

**THIS IS NOT A
 BILL
 DO NOT PAY**

Mail To:

TONY, DENNIS
 & YVONNE TONEY H/W
 13001 S ROBIN RD
 ARIMO ID 83214



RECEIVED
 DEC 28 2009
 DEPARTMENT OF WATER RESOURCES
 EASTERN REGION
 PROTECTED
 FEB 4 2011

2009 BANNOCK COUNTY ASSESSMENT NOTICE

JO LYNN ANDERSON
 BANNOCK COUNTY ASSESSOR
 PO BOX 4969
 POCATELLO ID 83205-4969

Appeals of your property value must be filed in
 writing on a form provided by the County By: **JUNE 17, 2009**

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE	
		Last Year	Current
12 RURAL RES TRACTS	5.210	15,975	15,975

SUBTOTAL
 LESS HOMEOWNER EXEMPTION
 NET TAXABLE PROPERTY VALUE

5.210
 15,975
 15,975

PARCEL DESCRIPTION

S4-T10S-R36E
 TR SE4SE4 TAX 37 5.21 AC

Tax Code: 007300
 Parcel Address:
 Parcel Number: R4265003001
 Appraiser Phone Number: 208-236-7059

Taxing Dist.	Phone No.	Date of Public Budget Hearing
--------------	-----------	-------------------------------

COUNTY	208-236-7211	AUG 21, 2009
COUNTY RD&BRG	208-236-7211	AUG 21, 2009
SCHOOL NO. 21	208-254-3306	JUNE 9, 2009
ARIMO CEM	208-254-3681	JUNE 18, 2009
BAN FREE LIB	208-897-5270	AUG 24, 2009
AMBULANCE	208-236-7211	AUG 21, 2009

THIS IS NOT A
 BILL
 DO NOT PAY

Mail To:

TONEY, DENNIS
 & YVONNE D TONEY H/W
 13001 S ROBIN RD
 ARIMO ID 83214





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 28, 2010

DENNIS TONEY
YVONNE TONEY
13001 S ROBIN RD
ARIMO ID 83214

Re: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right Nos. 29-13935 & 29-13936

Dear Dennis & Yvonne:

The Notices of Claim you filed were received from the SRBA Court recently. I have enclosed Receipt Nos. C090585 & C090586 for the filing fees you paid. Please retain the receipts for your records.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. If you have any questions, please feel free to contact our office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section

LH:I
Enclosures

SCANNED
APR 30 2010

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 29-13936
Date Received: 4/22/2010
Receipt No: C090586
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DENNIS TONEY Phone: (208)254-9008
13001 S ROBIN RD
ARIMO ID USA 83214

YVONNE TONEY Phone: (208)254-9008
13001 S ROBIN RD
ARIMO ID USA 83214

2. Date of Priority: 05/01/1887

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	36E	4	SW SE SE	BANNOCK	

5. Description of diverting works:

DAMS, DITCHES, AND SPRINKERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.12	

7. Total Quantity Appropriated is:
0.12 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	36E	4	SE	SE	IRRIGATION	11
					Section Acres	11
					Total Acres	11

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:

14. Remarks:

15. Basis of Claim: Decreed

APR 22 2010

DEPARTMENT OF
WATER RESOURCES

SRBA Form No.42-1409-1 (Internet 2/09)

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 29-13936

Date Received: 4-22-2010

Receipt No: C070386

Received By: SRB

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

JAN - 4 2010

Please type or print clearly

1. Name of Claimant (s) DENNIS AND/OR YVONNE TONEY

Mailing Address 13001 S. ROBIN RD ARIMO ID ZIP 83214

2. Date of Priority (Only one (1) per claim) MAY 1, 1887
Month Day Year (YYYY)3. Source of water supply (Check one) Ground Water () or Other (✓) (a) GARDEN CREEK

which is tributary to (b) MARSH CREEK

4. a. Location of Point of Diversion is: Township 10S, Range 36E, Section 4
SW, 1/4 of SE, 1/4 Govt. Lot SE, BM., County of BANNOCK

Parcel (PIN) no.

Additional points of diversion if any:

If available, GPS Coordinates

b. If instream flow, beginning point of claimed instream flow is:

Township, Range, Section, 1/4 of, 1/4

Govt. Lot, BM., County of

ending point is: Township, Range, Section, 1/4 of, 1/4

Govt. Lot, BM., 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. DAMS, DITCHES, AND SPRINKLERS.

SCANNED

APR 23 2010

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/15 to 10/31 amount 0.12 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.12 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.)

9. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	4																11	11

Parcel (PIN) no(s).

Total number of acres irrigated 11

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

11. 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.

12. Describe any other water rights used at the same place and for the same purposes as described above.

or None ()

13. Remarks: WE ARE ASKING THE WATER RESOURCE BOARD FOR A PERMIT TO DIVERT 0.36 CFS FROM A WELL LOCATED ON THIS PROPERTY FOR IRRIGATION WHEN FRESHETT WATER IS NOT AVAILABLE GARDEN CREEK IRRIGATION CO. FRESHETT DECREE STATES THAT NANNIE B ROLLISON IS ALLOWED 0.75 CFS WITH MAY 1, 1887 AND 1.0 CFS WITH MAY 4 1904 PRIORITY DATES. THIS 11 ACRES WAS WATERED UNDER THIS DECREE FROM 1904 TO 1986 WHEN CALVERT CHRISTENSEN LOST THE PROPERTY THRU BANKRUPTCY. ANDY ABRAMS BOUGHT THE PROPERTY IN 1986 FROM IDAHO BANK AND TRUST. HE ALSO FARMED THE PROPERTY BUT I DON'T BELIEVE HE FILED FOR THE WATER RIGHTS.

SCANNED
APR 23 2010

Last Name TONEY

Identification No.

29-13936

Fok

Pod

SCANNED
APR 23 2010

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License () Permit () Decree (✓)

Court 5TH JUDICIAL Decree Date OCT. 15, 1906 Plaintiff v. Defendant WOLVERTON ET AL VS. GAR

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____
_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing 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 _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of 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 Yvonne S. Toney Date Dec 28, 2009

Address 13001 S. Robin Rd
Arima ID 83214

SCANNED
APR 23 2010

Last Name TONEY Identification No. _____

RECEIVED

APR 22 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 21 2010

By

Clerk

Deputy Clerk

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

)

Subcases: 29-13935 & 29-13936

)

Case No. 39576

)

ORDER GRANTING MOTIONS TO FILE
LATE NOTICE OF CLAIM

)

)

)

On January 4, 2009, Dennis and Yvonne Toney filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on April 20, 2010. These *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices 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. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated April 21, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

SCANNED
APR 23 2010

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on April 21, 2010, with sufficient first-class postage to the following:

DENNIS TONEY

YVONNE TONEY

Represented by:

MC KENZIE, JAY R

MC KENZIE & MC KENZIE PA

102 N STATE ST STE 1

PRESTON, ID 83263

Phone: 208-852-3500

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

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APR 23 2010

ORDER

Page 1 4/21/10

FILE COPY FOR 00518

Deputy Clerk

Julie Murphy

Hearing: 4-20-10

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

Subcase 29-13936
(Insert water right number)

STANDARD FORM 4

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

JAN 05 2010

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Dennis & Yvonne Toney

My address is 13001 S. Robin Rd
Arimo Idaho 83214

My phone number is: ~~Work~~ ^{Cel} 251-8436 Home 208-254-9008

I am an attorney representing NA

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Thought previous owners had filed

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 111.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

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JAN 05 2010

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Barnock

Yvonne D. Toney, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Yvonne D. Toney
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on December 28, 2009.
(Insert Date)



James M. Bard
Notary Public for State of Idaho
Residing at: Idaho Falls
My Commission expires: July 24, 2013

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on December 31, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Yvonne D. Toney
Signature of person or attorney mailing the form

SCANNED
JAN 05 2010

**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 29-13936

Date Received: DISTRICT COURT-SRBA

Receipt No: Fifth Judicial District

Received By: County of Twin Falls - State of Idaho

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

JAN - 4 2010

Please type or print clearly

1. Name of Claimant (s) DENNIS AND/OR YVONNE TONEY

Mailing Address 13001 S. ROBIN RD ARIMO ID ZIP 83214
Street or Box City State

2. Date of Priority (Only one (1) per claim) MAY 1, 1887
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) GARDEN CREEK

which is tributary to (b) MARSH CREEK

4. a. Location of Point of Diversion is: Township 10S, Range 36E, Section 4,
SW, 1/4 of SE, 1/4 Govt. Lot SE, BM., County of BANNOCK

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., 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. DAMS, DITCHES, AND SPRINKLERS.

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JAN 05 2010

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/15 to 10/31 amount 0.12 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.12 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.)

9. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	4																11	11

Parcel (PIN) no(s).

Total number of acres irrigated 11

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

11. 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.

12. Describe any other water rights used at the same place and for the same purposes as described above.

or None ()

13. Remarks: WE ARE ASKING THE WATER RESOURCE BOARD FOR A PERMIT TO DIVERT 0.36 CFS FROM A WELL LOCATED ON THIS PROPERTY FOR IRRIGATION WHEN FRESHETT WATER IS NOT AVAILABLE GARDEN CREEK IRRIGATION CO. FRESHETT DECREE STATES THAT NANNIE B ROLLISON IS ALLOWED 0.75 CFS WITH MAY 1, 1887 AND 1.0 CFS WITH MAY 4 1904 PRIORITY DATES. THIS 11 ACRES WAS WATERED UNDER THIS DECREE FROM 1904 TO 1986 WHEN CALVERT CHRISTENSEN LOST THE PROPERTY THRU BANKRUPTCY. ANDY ABRAMS BOUGHT THE PROPERTY IN 1986 FROM IDAHO BANK AND TRUST. HE ALSO FARMED THE PROPERTY BUT I DON'T BELIEVE HE FILED FOR THE WATER RIGHTS.

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JAN 05 2010

Last Name TONEY

Identification No.

29-13936

FOA

FOA

SCANNED
JAN 05 2010

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License () Permit () Decree (✓)

Court 5TH JUDICIAL Decree Date OCT. 15, 1906 Plaintiff v. Defendant WOLVERTON ET AL VS. GAR

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing 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 _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of 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 Yvonne Stone Date Dec 28, 2009

Address 13001 S. Robin Rd
Arima ID 83214

SCANNED
JAN 05 2010

Last Name TONEY Identification No. _____