

RECEIVED

NOV 27 2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

11/14/2006

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: December 8, 2006

Water right number: 67-14628

GALE TOTH

PO BOX 859

COUNCIL ID 83612

Telephone Number: (208)253-4859

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:

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

DATE: 11-26-06 SIGNATURE: Gale Toth

Please print your name: GALE TOTH

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
NOV 28 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 13, 2005

GALE TOTH
PO BOX 859
COUNCIL ID 83612

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #67-14628

Dear Claimant:

Enclosed is data-entered Notice of Claim referenced above that you filed for your property in Adams County. I have also enclosed your receipt #C079197 for the fees you paid. Please retain the receipt for your records.

We have interpreted the data from this claim in the process of data entry in a manner that we feel more accurately reflects the true status of this water right claim. The item that was modified is highlighted. Please review the enclosed claim to assure this modification is in agreement with the claimed water right.

If you believe our data is *incorrect*, and you wish to make any changes to this Notice of Claim, please initial the changes before signing the form in front of a Notary Public and return the form to me within 30 days. You may wish to make a copy for your files before returning the claim to me.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

SS:region
Enclosures:

Computer-generated Notice of Claim Referenced Above
Receipt #C078949

SCANNED
OCT 13 2005

RECEIVED
OCT 19 2005
Department of Water Resources

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 67-14628
Date Received: 10/12/2005
Receipt No: C079197
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GALE TOTH Phone: (208)253-4859

PO BOX 859
COUNCIL ID USA 83612

2. Date of Priority: 04/05/1997

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
17N	01W	7	SE SW	ADAMS	

5. Description of diverting works:

WELL WITH 6-IN CASING, 400-FT DEEP, 3-HP SUBMERSIBLE PUMP TO HOUSE AND BARN.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 5 HEAD

SCANNED
OCT 19 2005

Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	7	SE	SW	DOMESTIC	
			SE	SW	STOCKWATER	

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s) *Dee Sath*

(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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Debra Joth Date: 10/17/05

Date:

State of Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this

17

of Oct 2005



Janet S. Meyer
Notary Public

Residing at

Council

My commission Expires

10/13/10

SCANNED
OCT 19 2005

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
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COUNCIL ID USA 83612

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8. Total consumptive use:

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Number of other uses: 5 HEAD

Number of homes: 1

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Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	01W	7	SE	SW	DOMESTIC	
			SE	SW	STOCKWATER	

11. Place of use in counties: ADAMS

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14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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

Identification No. 67-14628Date Received 9.26.05Receipt Number C079197

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

SEP 26 2005

DEPARTMENT OF
WATER RESOURCES

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

d.o. no 10-12-05

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) GALE TOTH Phone (208) 253-4859
Mailing Address P.O. Box 859 Zip 83612

2. Date of Priority (Only one per claim) 4/5/97 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other ☒ (a) Well 400' deep
which is tributary to (b) _____
Name or kind of source

4. Location of point of diversion is: Township 17N Range 1W
Section 7, 1/4 of PT SE 1/4 of SEW 1/4, Govt. Lot _____, BM.,
County of ADAMS

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. Well, 6" casing, 400' deep, 3 HP submersible pump to house and barn.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1-1 Month/Day to 12-31 Month/Day amount 0.04 (cfs)

For Stockwater purposes from 1-1 (Both dates are inclusive) to 12-31 amount 0.040.02

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 House hold, Stockwater, 5 Animals

10. Place of use is: Township: 17N Range 1W
Section 7, 1/4 of SE 1/4, Govt. Lot SW, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? ADAMS
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.
X None or _____
14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court _____ Decree Date _____ Plaintiff vs Defendant _____
If applicable provide IDWR Water Right Number _____

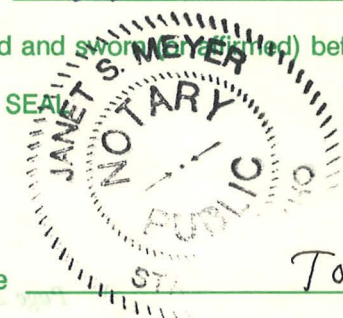
16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do X do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.
Signature of Claimant (s) Dale Toth Date 9/23/05
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, 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 _____ Date _____
Title and Organization _____

State of Idaho/or Idaho)
County of Adams) SS. **NOTARIZATION REQUIRED FOR EACH CLAIM**

Subscribed and sworn to (and signed) before me this 23 day of Sept 192005



Notary Public Janet S. Meyer
Residing at Cause
My Commission Expires 11/10/10
Last Name Toth Ident No. 67-14628
Copies: White-State, Yellow-Claimant

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14628 V1

WATER RIGHT NUMBER: 67-14628 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GALE TOTH PO BOX 859 COUNCIL, ID 83612 (208)253-4859

Priority Date: 04/05/1997

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 7, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N	01W	7												X					

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N	01W	7												X					

Conditions of Approval:

1. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14628 V1

2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. X02 Stockwater use is for 5 range cattle.
4. Parcel No: RP17N01W075399A
5. X01 Domestic use is for 1 home.
6. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	9/13/2006 1:07:05 PM	dnarsavage			Active
Summary			09/13/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/13/2006 1:11:52 PM	dnarsavage	Updated shape
POU	9/13/2006 1:14:10 PM	dnarsavage	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14628 V1

Summary	9/13/2006 1:15:14 PM	dnarsavage	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	9/13/2006 1:07:05 PM	dnarsavage	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - de minimus
POU	9/13/2006 1:13:53 PM	dnarsavage	Updated shape for Active POU

Water Supply Bank:



Idaho Department of Water Resources

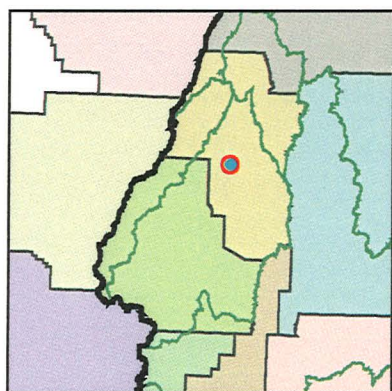
SRBA Recommendation:

67-14628

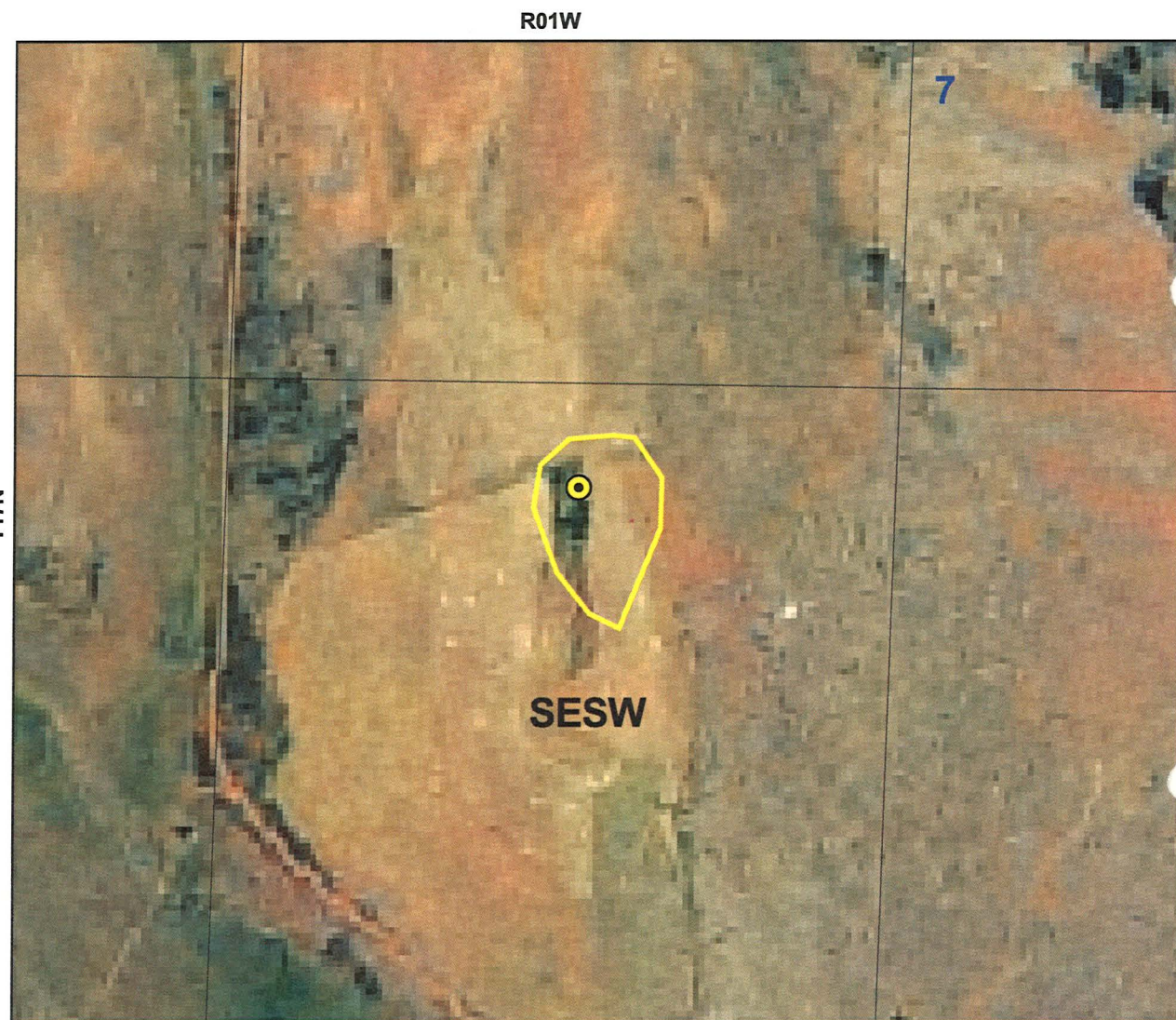
(Stockwater)

Legend

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



Adams County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by D. Narsavage
On Wednesday, September 13, 2006
1987/88 Aerial Photography