

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 37-13050
Date Received: 8/30/1989
Receipt No: S009001
Received By:

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

RECEIVED

APR 07 2005

**DEPARTMENT OF
WATER RESOURCES**

1. Name of Claimant(s)

CLIFFORD S TOONE TRUST Phone: (208)934-8114

C/O MARK TOONE, TTEE
2096 E 1500 S
GOODING ID USA 83330

2. Date of Priority: 05/02/1890

3. Source: WILLOW CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	16E	8	SW NW NW	CAMAS	

5. Description of diverting works:

DAMS AND DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.8	

7. Total Quantity Appropriated is:
1.8 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
01N	16E	8	NW NW	IRRIGATION	5
			SW NW	IRRIGATION	30

SE	NW	IRRIGATION	10
NE	SW	IRRIGATION	15
		Section Acres	60
		Total Acres	60

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

ALTHOUGH THE AMOUNT CLAIMED IS 60", EQUAL TO 1"/ACRE, IN THE SPRING DURING RUNOFF MORE WATER MAY BE USED.

Claim amended to reflect decreed elements of 37-643, ownership updated per deeds. 4-3-2006

15. Basis of Claim: Decreed

IMPORTANT MESSAGE

FOR Doug
 DATE _____ TIME 4:45 ^{A.M.} ~~P.M.~~

M Mark Toone
 OF _____

PHONE _____ AREA CODE _____ NUMBER _____ EXTENSION _____

☐ FAX

☐ MOBILE _____ AREA CODE _____ NUMBER _____ TIME TO CALL _____

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU	☒	WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE will call for an appt
on Friday 3/31. He received
2 second round notices and 2
wants to know what property
they're referencing.

SIGNED _____

*Regarding 37-643
 claimed as 37-13050*

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 37-13050

Date Received _____

Receipt Number _____

AMENDED *
NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

Clifford S. Toone Trust
Toone Ranch Part

Please type or print clearly

1. Name of Claimant (s) * Mark S. Toone Trustee Phone (208) 934-8114
Mailing Address 2096 E 1500 S Gooding, ID Zip 83330
2. Date of Priority (Only one (1) per claim) 5/2/1890 *
3. Source of water supply (a) Willow Cr
which is tributary to (b) Camas Cr
4. a. Location of existing point of diversion is: Township 1N Range 16E Section 8,
_____ 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Camas

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.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irr purposes from 3/15 to 11/15 amount 1.80* or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.80* (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
<u>1N</u>	<u>16E</u>	<u>8</u>					<u>5</u>	<u>30</u>	<u>16</u>	<u>15</u>									<u>60</u>

Total number of acres irrigated 60

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

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: Amended to reflect original Frost Decree
information of 37-643 as far as priority
and flow rate.

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant Frost v Alfaro

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 do solemnly swear or affirm 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 that I am Trustee Title _____

of Clifford Toone Trust Organization _____, that I have signed the foregoing

document in the space below as Trustee Title _____ of Clifford Toone Trust Organization _____

and that the statements contained in the foregoing document are true and correct.

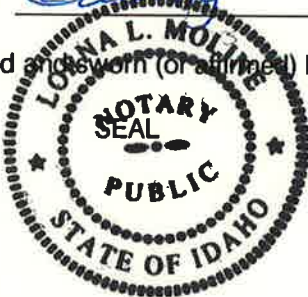
Signature of Authorized Agent Mark J. Toone

Title and Organization Trustee Date 5/16/05

State of Idaho/or _____)

County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 16th day of May 192005



Notary Public Lona L. Moline

Residing at Gooding Idaho

My Commission Expires 8-22-2007

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

2-24-2006

Clifford Toone Trust
Mark Toone, Ttee
2096 E 1500 S
Gooding ID 83330

RE: Amended Notice of Claim 37-13050

Dear Mr. Toone,

Last June we worked together to correctly identify the water right upon which the claim was filed and an amended claim was drafted. During our work together it became apparent that ownership of the Camas Co. land has evolved over time. You have identified that the ownership should be Clifford Toone Trust.

However, before we can make this change, and finalize the priority date and flow rate amendment, I need deeds or probate decree conveying the land from the Estate of Clifford S. Toone (First Security Bank, trustee) to the Clifford Toone Trust name.

In the absence of this documentation I cannot complete the amendment or name change and the right may be recommended with a 1909 priority date and 1.2 cfs (60"), if it is recommended at all.

Please get in touch with me should you have any questions or need to set up an appointment. Thank you for your attention to this and I look forward to working with you to be able to recommend the most water at the best priority date that we can.

Sincerely,



Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit

QUITCLAIM DEED

For value received, WELLS FARGO BANK, as successor Trustee to FIRST SECURITY BANK OF IDAHO, NA, as Trustee under the Will of CLIFFORD S. TOONE, (hereinafter Grantor), conveys, releases, remises and forever quitclaims unto NANCY TOONE, successor Trustee of the CLIFFORD S. TOONE TRUST, all Trustee's interest in the following described property located in Camas and Gooding Counties Idaho, to-wit:

Parcel #1: Camas County, State of Idaho,
Township 1 North, Range 16, EBM
✓ Section 6: SESE OK
✓ Section 7: SENE; NESE
✓ Section 8: E1/2; NWNW; S1/2NW1/4; N1/2SW1/4 OK
✓ Section 9: SWNW; NWSW
✓ Section 17: NE1/4; E1/2SE1/4
✓ Section 29: NE1/4

Instrument # 200935

GOODING, GOODING, IDAHO
2003-05-27 02:52:50 No. of Pages: 2
Recorded for : CRAIG HOBDEY
HELEN EDWARDS
Ex-Officio Recorder Deputy *Houser* Fee: 6.00

Parcel #2: Gooding County, State of Idaho,
Section 15, Township 5 South, Range 15 EBM
SWSW
NWSW lying South and East of the river, and
Section 16, Township 5 South, Range 15 EBM
SESE, Northeast of river and
NESE Southeast of the river

Parcel #3: Gooding County, State of Idaho,
The following described property situate in the
N1/2SE1/4, Section 32, Township 5 South, Range 15 EBM

Beginning at the Southeast corner of the NW1/4 of the
SE1/4 of said Section;

THENCE, West along the South line of the said
NW1/4 to the SE1/4 a distance of 790 feet;

THENCE, North parallel with the West line of said
Forty a distance of 600 feet more or less to the South
Bank of the slough ditch as the same now exists;

THENCE, Southeasterly along the Southwest bank of
Said ditch (crossing the east line of said NW1/4 of SE1/4
At a point 295 feet North of the SE corner of said
NW1/4 of the SE1/4) to a point directly North of the next
Point mentioned herein;

THENCE, South parallel to the East line of said
NW1/4 of the SE1/4 to a point on the South line of the NE1/4
Of the SE1/4 of said Section 32 which is 235 feet East of
The Southwest corner of said NE1/4 of the SE1/4 and
THENCE, West along the latter South line a distance
Of 235 feet to the Point of Beginning.

AND together with BLM Grazing Right consisting of
Four Hundred Ninety-One (491) AUM's and Forest Grazing
Permit consisting of One Thousand One Hundred (1,100) AUM's.

AND together with all water rights, water stock, and
ditches appurtenant thereto.

DATED THIS 20th day of May, 2003.

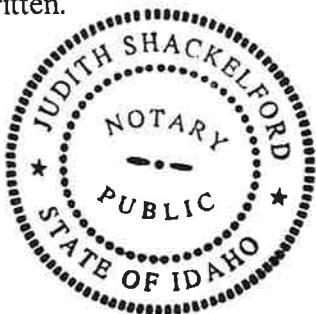
WELLS FARGO BANK, TRUSTEE

By: Calvin E. Kidney
STATE OF IDAHO)
County of Ada)ss.

By: Shelley Ross
Shelley Ross

On the 20th day of May, 2003, before me, the undersigned, a Notary Public in and for said
State, personally appeared Calvin E. Kidney & Shelley Ross, known to me, or proved to me on oath to
be, the Registered P. & Trust Mgrs. of Wells Fargo Bank, Trustee of the CLIFFORD S. TOONE
TRUST, and acknowledged to me that he executed the same on behalf of Wells Fargo Bank as such
Trustee.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal, the day and
year above written.



Judith Shackelford
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: Boise Id
Commission Expires: 7/25/06

Recorded at the Request of
Hobley & Hobley
at 11:40 A.M.
May 30 2003
in Book 33 Page 493
of Deeds

Balbre D. Walton
Fees \$ 6.00

WARRANTY DEED

For Value Received

ROSE M. TOONE
P.O. Box 487
Gooding, Idaho 83330

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

First Security Bank of Idaho, N.A.,
as Trustee under the Will of
Clifford S. Toone, deceased

Hereinafter called the Grantee, the following described premises situated in Camas and Gooding Counties, Idaho, to-wit:

All my right, title and interest in and to an undivided sixty five (65%) percent interest in and to the following described property, to-wit:

Camas County, State of Idaho,
Township 1 North, Range 16, EBM

Section 6: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 7: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 8: E $\frac{1}{2}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$

Section 9: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 17: NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 29: NE $\frac{1}{4}$

Gooding County, State of Idaho,
Section 15, Township 5 South, Range 15, EBM

SW $\frac{1}{4}$ SW $\frac{1}{4}$

NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying South and East of the river, and

Section 16, Township 5 South, Range 15, EBM

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Northeast of river and

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Southeast of the river

Gooding County, State of Idaho,
The following described property situate in the
N $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, Township 5 South, Range 15, EBM

Beginning at the Southeast corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section;

thence West along the South line of the said NW $\frac{1}{4}$ to the SE $\frac{1}{4}$ a distance of 790 feet;

thence North parallel with the West line of said forty a distance of 600 feet more or less to the South bank of the slough ditch as the same now exists;

thence Southeasterly along the Southwest bank of said ditch (crossing the east line of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ at a point 295 feet North of the SE corner of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$) to a point directly North of the next point mentioned herein;

thence South parallel to the East line of said NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ to a point on the South line of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 32 which is 235 feet East of the Southwest corner of said NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and

thence West along the latter South line a distance of 235 feet to the Point of Beginning.

89968

17 3 PC 16

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 37-13050

Date Received _____

Receipt Number _____

*AMENDED **
**NOTICE OF CLAIM
TO A
WATER RIGHT**

ACQUIRED UNDER STATE LAW

*Clifford S. Toone Trust
Toone Ranch Part*

Please type or print clearly

1. Name of Claimant (s) *x Mark S. Toone Trustee* Phone (205) *934-8114*Mailing Address *2096 E 1500 S Gooding, ID* Zip *83330*2. Date of Priority (Only one (1) per claim) *5/2/1890 **3. Source of water supply (a) *Willow Cr*
which is tributary to (b) *Camas Cr*4. a. Location of existing point of diversion is: Township *1N* Range *16E* Section *8*,
_____ 1/4 of *NW* 1/4 of *NW* 1/4, Govt. Lot, _____ B.M., County of *Camas*

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.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRR purposes from 3/15 to 11/15 amount 1.80* or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.80* (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
<u>1N</u>	<u>16E</u>	<u>8</u>						<u>5</u>	<u>30</u>	<u>10</u>	<u>15</u>								<u>60</u>

Total number of acres irrigated 60

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

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: Amended to reflect original Frost Decree
information of 37-643 as far as priority
and flow rate.

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

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

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

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 do solemnly swear or affirm 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 that I am Trustee _____ Title _____

of Clifford Toone Trust _____, that I have signed the foregoing
Organization
document in the space below as Trustee _____ of Clifford Toone Trust _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Mark S Toone _____

Title and Organization Trustee _____ Date 5/16/05

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

Subscribed and sworn (or affirmed) before me this 16th day of May 192005

SEAL

Notary Public Rutha R Moline _____

Residing at Gooding Idaho _____

My Commission Expires 8-22-2009 _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-13050
Date Received: 8/30/1989
Receipt No: S009001
Received By: See

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TOONE RANCH 208-934-8114
Address: 2096 E. 1500 S.
GOODING, ID 83330

2. Date of Priority: MAR 15, 1896

3. Source: WILLOW CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	16E	8	SW	NW	NW		CAMAS

5. Description of diverting works:
DAMS AND DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

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

8. Total consumptive use is 180.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	16E	8	NW	NW		IRR	5.0
			SW	NW		IRR	30.0
			SE	NW		IRR	10.0
			NE	SW		IRR	15.0

Section Acres 60.0

A37-13050

Page 1

Date: 08/30/89

MICROFILMED
FEB 26 1993

10. Place of Use: Continued

Total Acres 60.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
 NONE

14. Remarks:
 ALTHOUGH THE AMOUNT CLAIMED IS 60", EQUAL TO 1"/ACRE, IN THE
 SPRING DURING RUNOFF MORE WATER MAY BE USED.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
FEB 26 1993

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 Organizations:

I do solemnly swear or affirm that I am Manager of
Title
Toone Ranches, that I have signed the foregoing
Organization
document in the space below as Manager of
Title
Toone Ranches and that the statements contained in the
Organization
foregoing document are true and correct.

Mark S. Toone
Signature of Authorized Agent

Manager
Title and Organization

8/30/89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of August 19 89

Steve C. Allen
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires December 7, 1994

MICROFILMED
FEB 26 1993

04/26/2006

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

RIGHT NUMBER: 37-13050

NAME AND ADDRESS: CLIFFORD S TOONE TRUST
C/O MARK TOONE, TTEE
2096 E 1500 S
GOODING ID 83330

SOURCE: WILLOW CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 1.200 CFS

PRIORITY DATE: 05/02/1890

POINT OF DIVERSION:

T01N R16E S8 NWNWNW Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.200 CFS

PLACE OF USE:

IRRIGATION Within CAMAS County

T01N R16E S07	NENE	1.00	T01N R16E S08	NWNW	8.00
T01N R16E S08	SWNW	20.00	T01N R16E S08	SENW	8.00
T01N R16E S08	NESW	20.00	T01N R16E S08	NWSW	3.00

60 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



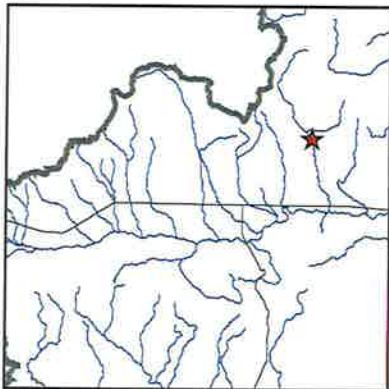
Idaho Department of Water Resources

SRBA Recommendation:

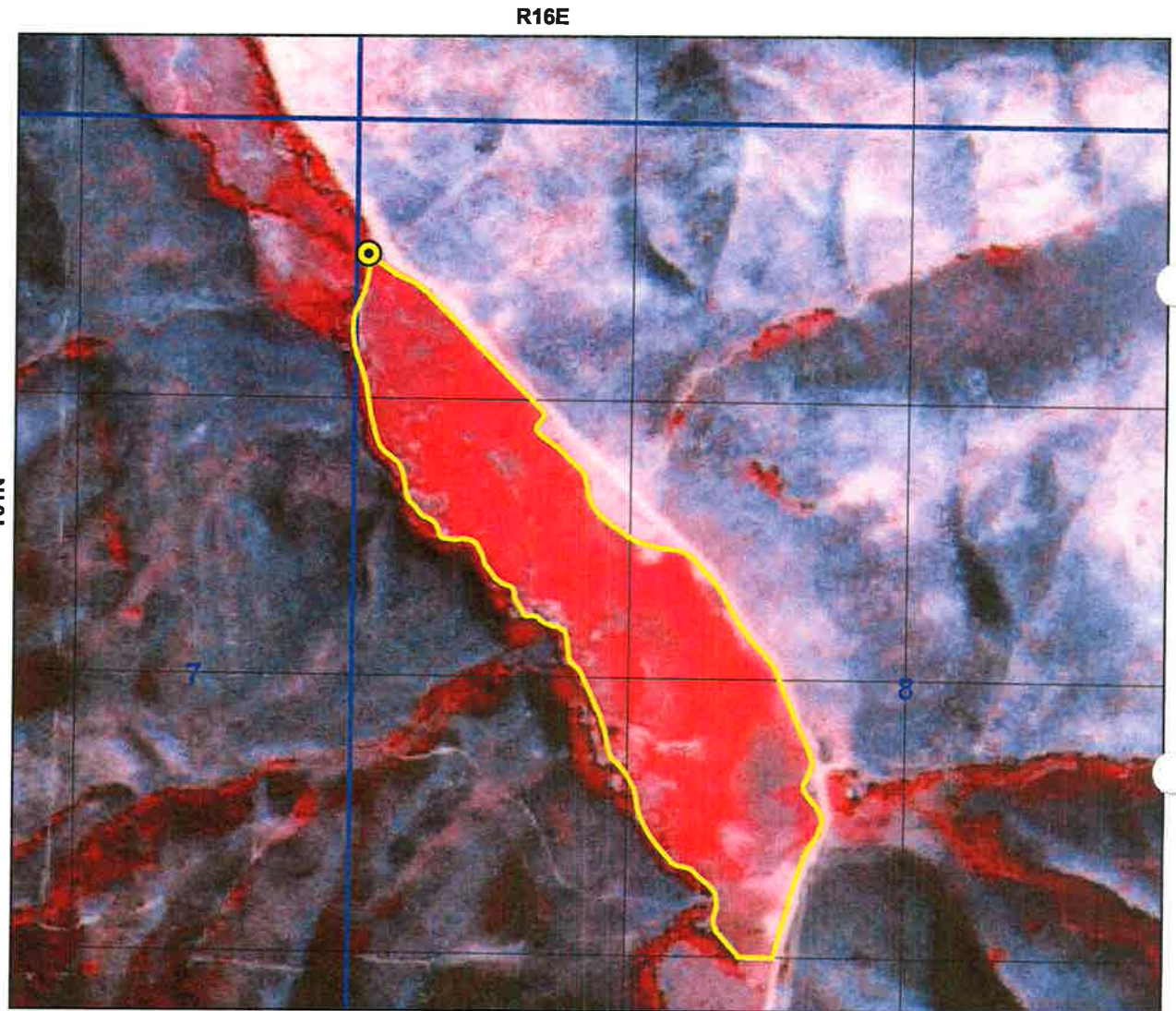
37-13050

Legend

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



Camas County
IDWR Basin 37



0 0.25 0.5 Miles

A scale bar showing distances of 0, 0.25, and 0.5 miles.

Prepared by M. Anders
On Wednesday, April 26, 2006
1987/88 Aerial Photography

11/01/2006

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: November 21, 2006

Water right number: 37-13050

CLIFFORD S TOONE TRUST
C/O MARK TOONE, TTEE
2096 E 1500 S
GOODING ID 83330

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

None

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

None

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

None

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

DATE:

11/25/06

SIGNATURE:

Mark S. Toone

Please print your name:

Mark S. Toone

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (800)451-4129

SCANNED
NOV 30 2006

Adjudication Claim Notes

Claim(s): 37-13050

Background Data

- Source is Willow Creek tributary to Camas Creek
- Priority date search indicates:
 - 37-643 originally decreed for 1.8 cfs for Irrigation of 7 QQ (all on East side of Willow Creek according to description in Frost Decree)
 - Claims
 - 37-13050 claimed 1.8 cfs for Irrigation of 60 acres

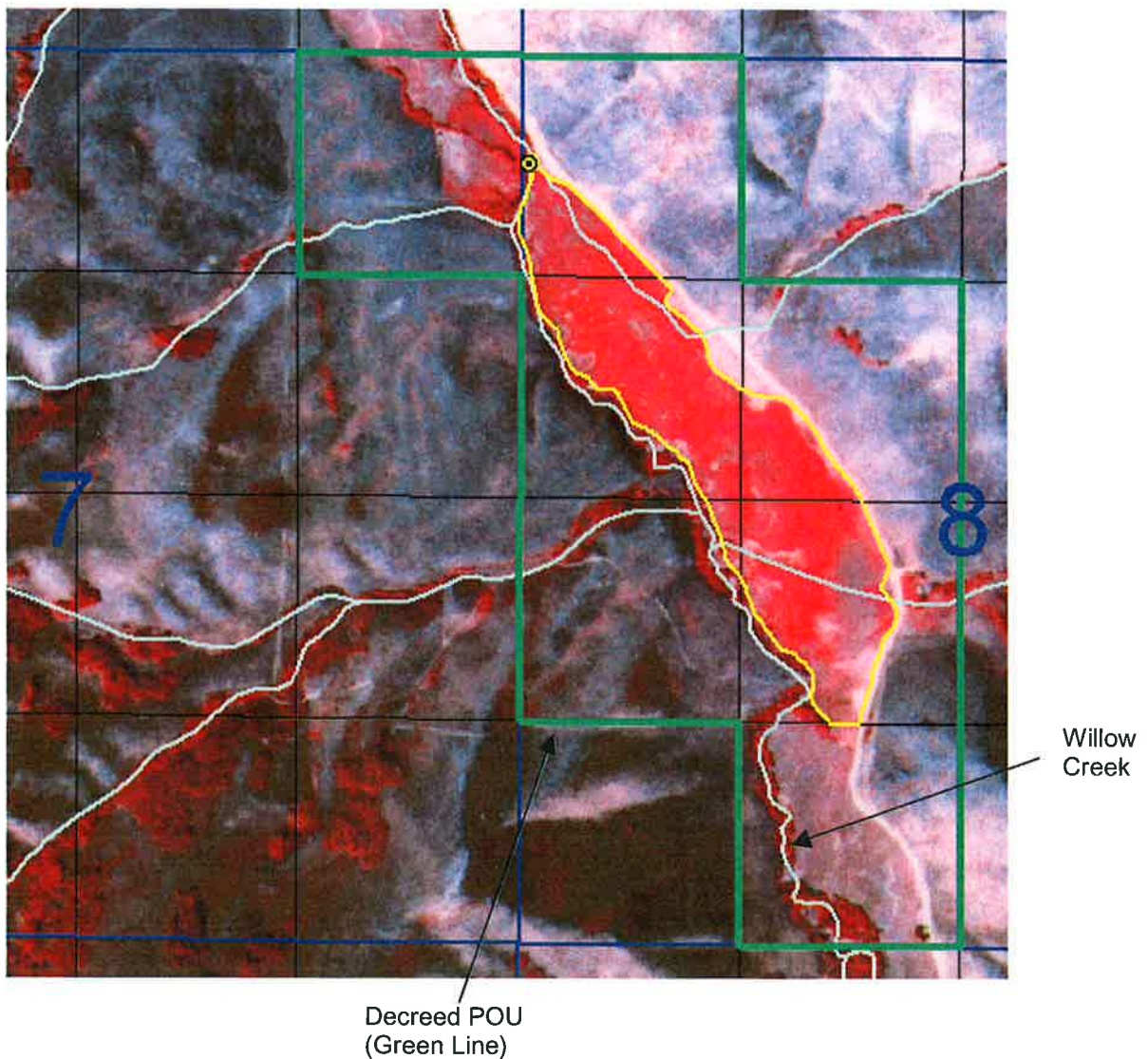
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1N R16E Sections 7 & 8

- Found 56 acres for Irrigation
- The decreed POU was approximately 90 acres and the diversion rate was 1.8 cfs, making the water duty 0.02 cfs/acre. Claimed 60 acres of the decreed POU, so recommended 1.2 cfs.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Priority Date Search

4/24/06

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Right ID</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water Use Owner(s)</u>	<u>Source Table</u>
37		93	Decreed	36702	1890-05-01	4.8	WILLOW CREEK	IRRIGATIC BRINEGA	wrWaterRight
37	13050		Decreed	281469	1890-05-02	1.8	WILLOW CREEK	IRRIGATIC CLIFFORD	wrAdjudicationCl
37	643		Decreed	37600	1890-05-02	1.8	WILLOW CREEK	IRRIGATIC STEVENS	wrWaterRight

Anders, Matthew

From: Jones, Doug
Sent: Friday, March 31, 2006 3:12 PM
To: Jones, Doug; Clelland, Steve; Anders, Matthew
Subject: RE: Toone Ranch -- CALL OFF THE DOGS

Ach! Wouldn't you know as soon as I sent this I rechecked some piles and there it was. I'll get it updated and on to you. Oh, who do I send it too? Willow Cr trib to Camas Cr.

Doug

-----Original Message-----

From: Jones, Doug
Sent: Friday, March 31, 2006 3:08 PM
To: Clelland, Steve; Anders, Matthew
Subject: Toone Ranch

Hey Guys,

We have a deed for 37-13050 that records the ownership to Clifford S Toone Trust. I think is to legit an amended claim that hasn't been data entered due to my reluctance to change the record without proper owner recording. Do you have the file with amendment? I'm searching high and low for the amendment to get it in the database and on to you.

Let me know. Thanks!

Doug

11/23/05

Conversation w/ Doug Jones

- claimed against 37-64B
- he is waiting to get clear ~~an~~ ownership documentation
- he asked me to contact Lomas Co clerk (208-764-2242)

PIN = RPOIN16E080100A

~~records~~

Contact = Nancy Toone

Tax Assessor = 208-764-2370

Owner = Clifford Toone Trust

Clelland, Steve

From: Jones, Doug
Sent: Wednesday, May 11, 2005 8:01 AM
To: Clelland, Steve
Subject: Toone Ranch 37-13050

Steve,

I was contacted by Toone Ranch about evidence of priority. They gave a printout from the Frost Decree and a 1912 Quit Claim from Stevenson (Frost owner) and the present family that speak about conveying the award. The bottom line is that the claim is wrong and needs to be amended.

I will contact them and fill them in on what I found out. I'll have them come in and complete an amendment and forward it up to you.

Doug



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

Re: Evidence of Priority

RESPONSE DEADLINE
JUNE 17, 2005

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-_____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

Toone 934-8114
Cliff or Mark 37-13058 7 643

QUIT-CLAIM DEED

No 19 74
THIS INDENTURE, Made the 20th day of June, in the year of our Lord One Thousand
nine Hundred and twelve, between
WILLIS STEVENSON
the part y of the first part, and
R. C. TOONE
the part y of the second part:
WITNESSETH: That the said part y of the first part, for and in consideration of the sum of
One (\$1.00) and no/100 DOLLARS,
lawful money of the United States of America, to Willis Stevenson
in hand paid by the said part y of the second part, receipt whereof
is hereby acknowledged, ha s granted, bargained, sold, remised, released, and forever quit-claimed, and by these presents do es
grant, bargain, sell, remise, release, and forever quit-claim, unto the said part y of the second part, and to his heirs,
and assigns, the following described desert entry situated in the County of Blaine
and State of Idaho, to-wit:
The East Half (E 1/2) of the Northwest quarter (NW 1/4), Southwest quarter (SW 1/4)
of the Northeast quarter (NE 1/4) and the Northwest quarter (NW 1/4) of the Southeast
quarter (SE 1/4) Section Eight (8), Township One (1) North Range Sixteen (16) East
Boise Meridian.
Known in the Hailey Land Office as Desert Entry #08952.
Together with all water rights used on said land, either undecreed or decreed,
including the 90 inches decreed Willis Stevenson by Decree dated December 13th, 1909,
said water right dating from May 2nd, 1890.
Together with all improvements now on the place.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereto belonging, or in any wise apper-
taining, and the rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand
whatsoever, as well in law as in equity, of the said part y of the first part, of, in or to the said premises, and every part and parcel
thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular, the said premises together with the appurtenances, unto the said part y
of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, The said part y of the first part ha s hereunto set his hand and seal
the day and year first above written.

Signed, Sealed and Delivered in the Presence of	Willis Stevenson (SEAL)
Coral T. Heydecker	(SEAL)
A. W. Ensign	(SEAL)

Acknowledgment-Single
STATE OF IDAHO)
COUNTY OF BLAINE) ss. On this 20th day of June 1912 before me A. W. Ensign, a Notary
Public in and for said county personally appeared WILLIS STEVENSON known to me to be
the person who ie described in and who executed the within instrument, and acknowledged
tolme that he executed the same freely and voluntarily, and for the uses and purposes
therein set forth.
Given under my hand and Notarial Seal the day and year last above written.
(SEAL) A. W. Ensign Notary Public.

Recorded at Request of R. C. Toone.
State of Idaho, County of Blaine,) ss. I hereby certify that this Deed was filed for
record in my office at 9:25 o'clock A. M. June 20, 1912.
By Geo. A. McLeod, Deputy. W. F. Horne, County Recorder.

Transcribed from page 309, Book 69, Deed Record, Blaine County Records.

S. C. F 1st Decree
Oct 1909

J. General Record I

Sims, William	160 inches	May 1, 1884	Big Wood River.
"	65 "	May 1, 1891	" " "
Sing, Quong			(See Quong Sing.)
Skiles, J.W.	150 "	June 15, 1888	Monumental Creek.
Slater, Charlotte M.	80 "	Apr. 3, 1882	Big Wood River.
"	120 "	Apr. 3, 1895	" " "
Smidt, Christina	60 "	Apr. 15, 1889	Rock Creek.
"	30 "	June 1, 1885	" "
"	All of	June 1, 1891	Smidt Creek.
Smith, C.H.	140 inches	June 1, 1891	Three Mile Creek or Four Mile Creek.
Smith, Charles C.	25 "	May 15, 1904	Aubrey Creek.
"	35 "	June 30, 1885	Butte Creek.
"	35 "	June 15, 1887	" "
Smith, Henry E.	150 "	June 3, 1897	Butte Creek or Powers Creek.
Smith, Joseph A.	35 "	May 1, 1881	Little Wood River.
"	80 "	Apr. 1, 1882	" " "
"			(Also shares in Little Wood River Canal Co.)
Smith, Lafayette	30 "	Apr. 1, 1891	Little Wood River. (Also shares in Little Wood River Canal Co.)
Stanfield, Heber	190 "	Apr. 1, 1885	Little Wood River.
"	10 "	Apr. 1, 1884	" " "
Stanford, Thomas C. and Cyrus	J. 25 "	Dec. 1, 1881	" " "
Do.	100 "	Apr. 1, 1882	" " "
Stevenson, J.P.	160 "	May 1, 1898	Big Wood River.
"	80 "	May 1, 1899	" " "
Stevenson, Willis	90 "	May 2, 1890,	Willow Creek.
Stiffler, Mrs. Lucy C.	100 "	Apr. 1, 1884	Big Wood River.
Storey, George C.	100 "	May 10, 1887	" " "
Stott, Lester	160 "	June 1, 1886	Soldier Creek.
Strunk, William M.	160 "	Dec. 18, 1903	Big Wood River or Malad River.
Sutherland, Margaret and Peter Weber	857 "	Apr. 30, 1889	Big Wood River.
Sweet, Catherine, and Mary and Sarah Brown			(See Brown, Mary and Sarah, and Catherine Sweet.)
Sweet, Catherine, and Mary, Michael and Sarah Brown.			(See Brown, Mary, Sarah and Michael, and Catherine Sweet.)
Taylor, Goodwin P.	75 inches	May 15, 1883	Little Wood river.
Taylor, Goodwin P.	80 "	May 15, 1880	Little Wood River.
"	30 "	Apr. 1, 1884	" " "
Thomason, Tilford P.	120 "	Apr. 26, 1901	Big Wood River.
Timmerman, John L. Estate of	25 "	May 15, 1881	Timmerman Spring.
"	90 "	May 15, 1881	Spring Creek.
Do.	100 "	July 1, 1888	" " "
Trader, Charles C.	160 "	Apr. 5, 1900-	Cow Creek,
Troeger, Anna B.	160 "	May 1, 1881	Big Wood River.
"	200 "	June 15, 1891	" " "
"	90 "	July 15, 1889	" " "
Turbull, Charles	60 "	May 1, 1902	" " "
"	50 "	May 1, 1904	" " "
Turner, Jane E., Miller, et al.			(See Miller, Annie I. Turner, et al.)
Turner, John G.	75 "	June 15, 1885	Little Wood River.
Uhrig, William	180 "	June 1, 1884	Big Wood River.
Utah & Idaho Improvement Co.	220 "	July 10, 1884	" " "
Do.	1300 "	Oct. 15, 1884	" " "
Do.	900 "	June 12, 1886	" " "
Do.	1800 "	June 15, 1891	" " "
Vance, Martha E.	100 "	May 15, 1884	Little Wood River.
Vandergraft, Delilah	160 "	Apr. 30, 1896	Big Wood River.
Vaughn, William R.	160 "	June 1, 1884	Little Wood River.
Village of Shoshone			(See Shoshone Village of)
Wallace, Chattie P.	310 "	May 1, 1904	Big Wood River.
Wallace, W.J.	280 "	Nov. 15, 1897	" " "
Walter, James F.	80 "	May 20, 1897	" " "
"	120 "	1906	" " "
Walter, L.	120 "	May 20, 1897	" " "
Ward, Augusta M.	65 "	June 2, 1899	Little Wood River.
"	40 "	June 2, 1882	" " "
Wardrop, John	120 "	Nov. 30, 1882	Soldier Creek.
"	125 "	June 1, 1885	" " "
"	160 "	Apr. 1, 1900	" " "
Wayman, William M. and Olive, et al. Weber, Peter, and Margaret Sutherland			(See Miller, Annie I., Wayman, et al. (See Sutherland, Margaret, and Peter Weber.)
Wells, George W.	155 inches	May 14, 1883	Soldier Creek.
Welsh, Mrs. Bridget	25 "	Apr. 17, 1883	Big Wood River.
"	225 "	June 20, 1884	" " "
"	50 "	June 2, 1890	" " "
Werry, Joseph Jr.	320 "	Oct. 15, 1884	" " "
Werry, Joseph, Sr.	n78 "	June 1, 1886	Big Wood River.
Werry, Nicholas G.	100 "	July 1, 1887	" " "
Werry, Thomas	150 "	Aug. 15, 1902	" " "
Werry, Thomas, Jr.	40 "	July 15, 1885	# " "

Case #

2-24-2006

Clifford Toone Trust
Mark Toone, Ttee
2096 E 1500 S
Gooding ID 83330

RE: Amended Notice of Claim 37-13050

Dear Mr. Toone,

Last June we worked together to correctly identify the water right upon which the claim was filed and an amended claim was drafted. During our work together it became apparent that ownership of the Camas Co. land has evolved over time. You have identified that the ownership should be Clifford Toone Trust.

However, before we can make this change, and finalize the priority date and flow rate amendment, I need deeds or probate decree conveying the land from the Estate of Clifford S. Toone (First Security Bank, trustee) to the Clifford Toone Trust name.

In the absence of this documentation I cannot complete the amendment or name change and the right may be recommended with a 1909 priority date and 1.2 cfs (60"), if it is recommended at all.

Please get in touch with me should you have any questions or need to set up an appointment. Thank you for your attention to this and I look forward to working with you to be able to recommend the most water at the best priority date that we can.

Sincerely,

Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit

Anders, Matthew

From: Jones, Doug
Sent: Friday, February 24, 2006 9:59 AM
To: Anders, Matthew
Subject: FW: 37-13050

Ugh, I found the draft amended claim just now. No owner change, no data entry. Sorry for the confusion. I am drafting a letter right now to request a conveyance document from the estate of Clifford Toone to Clifford Toone Trust with list of trustees. I'll email you a copy for the file.

Doug

-----Original Message-----

From: Jones, Doug
Sent: Friday, February 24, 2006 8:46 AM
To: Anders, Matthew
Subject: RE: 37-13050

Hi Matt,

I was digging out from under piles of paper, found those and thought I'd get them up. I think the claim is amended to the correct Frost decree priority and basis of claim, but I am not sure. As for ownership - I'm pretty sure it is not up-to-date, but so what.... You can lead a horse to water but you can't make them drink. If the claim is still wrong then I didn't accept the amended claim because of owner issues.

Doug

-----Original Message-----

From: Anders, Matthew
Sent: Friday, February 24, 2006 7:39 AM
To: Jones, Doug
Subject: 37-13050

Doug,

A 1912 quit claim from Willis Stevenson to R.C. Toone and a print out of a portion of Frost decree landed on my desk. I'm not sure who it came from so I'm trying to figure out what this means.

According an email you sent to Steve and my notes, the claimant submitted the 1912 quit-claim and frost printout to you. you determined the claim was wrong and were going to contact the claimant to get clear ownership documentation. At your request I got the PIN and owner name from the Camas County Assessor. Sooooo...is the quit claim from you? Is the claim correct? Do we have clear ownership?

Thanks!

Matt