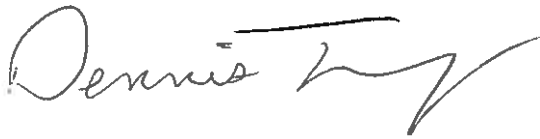


07/22/09

Ms. Cox:

As per your request, this is a copy of our letter and attempt to resolve the issue with Klain Christensen. Please keep this for your records. Thank you for your assistance in this matter.

A handwritten signature in black ink, appearing to read "Dennis Toney". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Dennis Toney

RECEIVED  
JUL 31 2009  
Department of Water Resources  
Eastern Region

07/21/09

Dennis & Yvonne Toney  
13001 South Robin Road  
Arimo, Idaho 83214

Mr. Klain Christensen  
963 West Glover Road  
Arimo, Idaho 83214

Mr. Christensen:

The Department of Water Resources has requested that this matter of easements be settled without their involvement if possible. To address this matter in truth, neither Dennis or Yvonne rounded up the concerned citizens in this valley and set them against you as your daughter so rudely called and stated. We were actually about the last involved people to be notified of your plan.

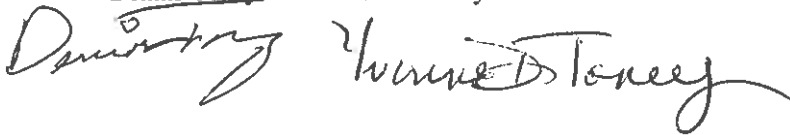
Since you have never seen fit to negotiate in writing or explain how your use of how the easement would affect our property, animals, insurance, or value of our property, we are requesting that you do so now. For the past twenty-two years you have not utilized this supposed easement nor in our time here until recently, have you shown any interest in this easement and you have never given us, in writing, any reason why we should support you in this process. Why do you want to go to this expense when the Garden Creek is usually dry by July?

How can we be assured that value of our property will be maintained. We are not about to allow you access to our property without the written proposal and legal assurances regarding your plans for our property and how you will substantiate any damage, injury, or negligence caused by your project. Should you wish to purchase our home and property, the price is \$290,000, firm and non-negotiable. We await your reply.

Sincerely,

Dennis Toney

Yvonne Toney

Handwritten signatures of Dennis Toney and Yvonne Toney. The signature of Dennis Toney is on the left, and the signature of Yvonne Toney is on the right.

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Department of Water Resources  
Eastern Region



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

**EASTERN REGION**

July 10, 2009

**C. L. "BUTCH" OTTER**  
Governor

**DAVID R. TUTHILL, JR.**  
Director

Dennis and Yvonne Toney  
13001 S Robin Rd  
Arimo ID 83214

RE: Application for Transfer No.: 75647 – Klain T Christensen

Dear Protestant:

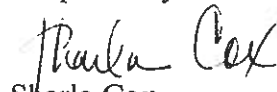
The Department of Water Resources acknowledges receipt of your protest against the approval of the above referenced application. Your copy of your protest has been sent to the applicant. The Department suggests that you contact the application directly for details regarding the application and if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-222, Idaho Code).

- 1) Will other water rights be injured by the proposed transfer?
- 2) Will the proposed change constitute an enlargement in the use of the original rights?
- 3) Will the proposed change conflict with the local public interest?
- 4) Will the proposed change be contrary to the conservation of water resources within the State of Idaho?

If we may be of further assistance, please contact us.

Respectfully submitted,

  
Sharla Cox  
Administrative Assistant

**RECEIVED**

**JUL 31 2009**

Department of Water Resources  
Eastern Region