

E35175

Department of Water Resources

900 N. Skyline Dr. Suite A

Idaho Falls, Idaho 83402-1718

RE: Transfer Number 75222 and 75647

T 75647

Dear Sir;

In response to Klain Christensen's notice to transfer point of diversion ^{FROM} our property we are strongly opposed. First and foremost the easement agreement Klain made with Andy Abrams is 22 years old and does in not legally describe specifically how said easement can be utilized. Klain did ask Dennis Toney if he could dig up our land and put in a head gate. Dennis Toney said, "No". Since that time we have received no plan or written requests to further request easement. We found out through the newspaper that he plans to continue his plans without notice to Dennis or Yvonne Toney. Furthermore this man has harassed us on several occasions to buy our home and property for a significant amount less than it is worth. At this point we are seeing this as his latest attempt to coerce us into selling our property significantly under value. We do not want his presence on our property at his choosing.

When Klain Christiansen approached the local water master Gary Blanchard, Blanchard approved this change without notifying the Toney's. Gary Blanchard has not attempted to contact us to date. Furthermore, the paper Gary Blanchard signed does not reflect the views of the Garden Creek Irrigation Company. What right does he have to invoke entire districts resources and the property of the Toney's for one individual's personal gain?

The six and a half years we have lived here Klain has not used water for irrigation on the Robin Valley Estates nor has he requested any use of the easement. To restate we will not support and are totally opposed to any use of our property by and for Klain Christiansen. There are many people downstream that utilize this water as their means of livelihoods. Klain Christensen has developed other water resources such a large pond complete with pumps on the Robin Valley Estates Property that may be in violation of the government grant he received.

For further information you may contact us at 208-254-9008 or email address traistoney@hotmail.com.

Sincerely,

Dennis Toney and Yvonne Toney
13001 S. Robin Rd
Armo ID 83214

Yvonne Toney

Receipt
E035175

RECEIVED

JUL 02 2009

Department of Water Resources
Eastern Region

Department of Water Resources

900 N. Skyline Drive

Suite A

Idaho Falls, Idaho 83402-1718

Transfer # 75647
Right # 29-417C
Right # 29-418C

July 5, 2009

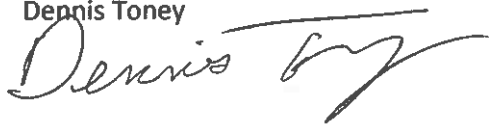
After having more time to reflect on Klain's request for change of point of diversion many more questions have come to mind. With the head gate on our property, who is going to be available at all times in case of flash flood? If the head to gate is closed our home would be in serious jeopardy of being flooded. Who will cover the costs? Last year an insurance agent told us that it would cost \$410,000.00 to replace our home. With prices ever increasing I'm sure that figure has also increased. That figure does not cover the contents of our home. Is Mr. Christensen going to be willing to put that kind money in an escrow account to cover the cost? Is he also willing to cover the costs of increased insurance premiums? We also have several outbuildings that would sustain damage, one of which is carpeted and full of expensive exercise equipment.

Mr. Klain Christensen has made no attempt to put in writing what responsibility he would take to ensure the viability and restoration to previous condition. Nor has he accepted any responsibility for possible livestock or property damage in his pursuit of this easement. It seems clear to us that he just wants to put this gate on our property leaving all responsibility for maintenance, restoration and calamity on us while he reaps the benefit of such change. We have every intention of fighting this easement that is a threat to our personal well being and legal rights as citizens and property owners residing in Bannock County and the State of Idaho.

In conclusion, our position is that Klain Christensen has no purpose but to serve his own desires regardless of the price others must pay for this alteration, as stated in our previous letter, the letters of others within this water district, and this letter. The IDWR would be acting in the most irresponsible manner imaginable to approve this water rights transfer without considering our rights, needs, and perspectives along with that of the others who actually depend on Garden Creek to support their livelihoods.

Sincerely,

Dennis Toney



Yvonne Toney

