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DEPARTMENT OF
WATER RESOURCES

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

JAN 15 2009

COPY

By _____
**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

) Subcase No. 75-14581

Case No. 39576

)
)
) **STANDARD FORM 5**

)
) **STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT
Rex Tolman

CLAIMANT
Kathy Tolman

Rex Tolman
Rex Tolman
Pro Se

12/17/08
Date

Kathy Tolman
Kathy Tolman
Pro Se

12/17/08
Date

OBJECTOR
Randy Capps

Randy Capps 12/16/08
Randy Capps Date
Pro Se

OBJECTOR
Bill Gattung

Bill Gattung 12-16-08
Bill Gattung Date
Pro Se

OBJECTOR
Lois Gattung

Lois Gattung 12/16/08
Lois Gattung Date
Pro Se

OBJECTOR
Kevin Rice

Kevin Rice 12-16
Kevin Rice Date
Pro Se

IDWR Concurrence:

Nathaniel Arave 1/12/09
Nathaniel Arave Date
Senior Water Resource Agent

Garriek L. Baxter 1/12/09
Garriek L. Baxter Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on Jan. 14, 2008, 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
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

KATHY TOLMAN
125 WILLIAMS CREEK RD
SALMON, ID 83467

KEVIN RICE
127 CORBETT LN
SALMON, ID 83467

EDWARD REX TOLMAN
41 CORBETT LN
SALMON, ID 83467

RANDY CAPPS
87 CORBETT LN
SALMON, ID 83467

BILL & LOIS GATTUNG
88 LOIS LN
SALMON, ID 83467

Deserae Kramer
Signature of person or attorney mailing form

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

RIGHT NUMBER: 75-14581

NAME AND ADDRESS: EDWARD REX TOLMAN
41 CORBETT LN
SALMON ID 83467

KATHY TOLMAN
125 WILLIAMS CREEK RD
SALMON ID 83467

ERT R.C. KAR

L.H.

RS.

KAR

B.G.

1-9-05

NLA

SOURCE: WILLIAMS CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 2.500 CFS

PRIORITY DATE: 07/08/1943

POINT OF
DIVERSION:

T20N R21E S12 SENESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 11/01	2.500 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T20N R22E S06 SWNE 0.20	T20N R22E S06 Lot 4 NENW	7.00
	T20N R22E S06 Lot 6 SWNW 1.60	T20N R22E S06 SENW	33.00
	T20N R22E S06 NESW 40.00	T20N R22E S06 Lot 7 NWSW	17.00
	T20N R22E S06 SESW 1.20	T20N R22E S06 Lot 11 NWSE	13.00
	T20N R22E S06 Lot 13 SWSE 12.00		

125 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 - Beneficial Use

This right was renumbered to right 75-14581 .

This right is renumbered from former right 75-27H.