

24-2046

Tolman Family Assn

No Layout Needed

Domestic/Stockwater

02/15/2006

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

RIGHT NUMBER: 24-2046

NAME AND ADDRESS: TOLMAN FAMILY ASSN
2274 N 2100 E
LAYTON UT 84040

SOURCE: SPRINGS TRIBUTARY: CROW CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 03/31/1960

POINT OF DIVERSION:

T09S R46E S30 SWSE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.020 CFS

Domestic use is for 1 home.

PLACE OF USE: STOCKWATER Within CARIBOU County

T09S R46E S31 NENE

DOMESTIC Within CARIBOU County

T09S R46E S31 NENE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - License

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 24-2046
Date Received: 9/16/2003
Receipt No:
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TOLMAN FAMILY ASSN Phone: (801)547-0180

2274 N 2100 E
LAYTON UT USA 84040

2. Date of Priority: 03/31/1960

3. Source: SPRINGS Trib. to: CROW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	46E	30	SW SE	CARIBOU	

5. Description of diverting works:

2 SPRINGS IN MANNING CANYON ARE BOXED IN WITH PIPELINE EXITING TO THE EAST.

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	0.02	

7. Total Quantity Appropriated is:
0.02 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
09S	46E	31	NE	NE	STOCKWATER	
			NE	NE	DOMESTIC	

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

I AM CLAIMING MORE THAN 13,000 GALLONS PER DAY AS SHOWN ON MY FOREST SERVICE USE PERMIT. IT AUTHORIZES MY USE OF .20 CFS OF WATER FROM 2 MANNING CANYON SPRINGS.

STOCKWATER, 4 HORSES, 10 CATTLE

15. Basis of Claim: License

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.

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
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AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TOLMAN FAMILY ASSN Phone: (801)547-0180

2274 N 2100 E
LAYTON UT USA 84040

2. Date of Priority: ~~06/17/1960~~ 03/31/1960

3. Source: SPRINGS Trib. to: CROW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	46E	30	SW SE	CARIBOU	

5. Description of diverting works:

2 SPRINGS IN MANNING CANYON ARE BOXED IN WITH PIPELINE EXITING TO THE EAST.

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~~ <u>0.02</u>	

7. Total Quantity Appropriated is:

~~0.2~~ 0.02 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
09S	46E	30	SW	SE	STOCKWATER	
			SW	SE	DOMESTIC	
09S	46E	31	NE	NE	DOMESTIC	
			NE	NE	STOCKWATER	

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

I AM CLAIMING MORE THAN 13,000 GALLONS PER DAY AS SHOWN ON MY FOREST SERVICE USE PERMIT. IT AUTHORIZES MY USE OF .20 CFS OF WATER FROM 2 MANNING CANYON SPRINGS.

STOCKWATER, 4 HORSES, 10 CATTLE

15. Basis of Claim: License

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: 0

For Organizations:

I do solemnly swear or affirm that I am Secretary of
Title
Tolman Family Association, that I have signed the foregoing
Organization
document in the space below as Secretary of
Title

Tolman Family Association and that the statements contained in the
Organization
foregoing document are true and correct. Emilee H. Tanner
Signature of Authorized Agent

Secretary/Tolman Family Association
Title and Organization
09/30/05
Date

State of ~~Idaho~~ Utah)
County of Davis) SS.

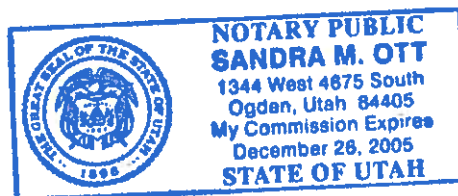
Subscribed and sworn (or affirmed) before me this 30th day
of September, 2005

Sandra M. Ott
Notary Public

Sandra M. Ott
Print Name

Residing at Weber County

My commission Expires 12-26-05



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 24-2046
Date Received: 9/16/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

TOLMAN FAMILY ASSOC Phone: (801) 547-0180
2274 N 2100 E
LAYTON UT USA 84040

2. Date of Priority: 06/17/1960

3. Source: SPRINGS Trib. to: CROW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	46E	30	SW SE	CARIBOU	

5. Description of diverting works:

2 SPRINGS IN MANNING CANYON ARE BOXED IN WITH PIPELINE EXITING TO THE EAST.

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:
0.2 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
09S	46E	30	SW SE	STOCKWATER	
			SW SE	DOMESTIC	

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

STOCKWATER, 4 HORSES, 10 CATTLE

I AM CLAIMING MORE THAN 13,000 GALLONS PER DAY AS SHOWN ON MY FOREST SERVICE
USE PERMIT. IT AUTHORIZES MY USE OF .20 CFS OF WATER FROM 2 MANNING CANYON SPRINGS.

15. Basis of Claim: License

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 24-2046
Date Received: 9/16/2003
Receipt No:
Received By:

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

A2402046



1. Name of Claimant(s)

MARIE M WADE Phone: (801)479-5371
2551 E COMBE RD
OGDEN UT USA 84403

2. Date of Priority: 06/17/1960

3. Source: SPRINGS Trib. to: CROW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	46E	30	SW SE	CARIBOU	

5. Description of diverting works:

2 SPRINGS IN MANNING CANYON ARE BOXED IN WITH PIPELINE EXITING TO THE EAST.

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:
0.2 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
09S	46E	30	SW SE	STOCKWATER	
			SW SE	DOMESTIC	

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

STOCKWATER, 4 HORSES, 10 CATTLE

I AM CLAIMING MORE THAN 13,000 GALLONS PER DAY AS SHOWN ON MY FOREST SERVICE
USE PERMIT. IT AUTHORIZES MY USE OF .20 CFS OF WATER FROM 2 MANNING CANYON
SPRINGS.

15. Basis of Claim: License

SCANNED

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

A2407046



A24-02046

NUMBER: 39576

on No. A24-02046
ived 1/12/1990
umber E011705

AIM

RECEIVED

oses
per day.

JAN 12 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

- Name of Claimant (s) MARIE M. WADE Phone (801) 479-5371
Mailing Address 2551 East Combe Road Ogden, UT Zip 84403
- Date of Priority (Only one per claim) June 17, 1960 Month/Day/Year
- Source of water supply (Check one) () Groundwater or Other (X) (a) 2 springs in Manning Canyon
which is tributary to (b) ~~Spring River~~ CROW CREEK Name or kind of source
- Location of point of diversion is: Township 9S Section 30 Range 46 E. B.M.
Section SW 1/4 of SE 1/4 of 1/4, Govt. Lot , B.M.,
County of Caribou
Additional points of diversion if any: None
- 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. 2 Springs in Manning Canyon are boxed-in with pipeline exiting to the East. A Pole fence encloses that area to protect it from roaming animals. Completion of Works Cert. dated Feb. 19, 1962.
- Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For ~~Domestic~~ Domestic purposes from 1-1 ^{Month/Day} to 12-31 ^{Month/Day} amount .04 (cfs)
For Stock Water purposes from 1-1 to 12-31 amount .02 (Both dates are inclusive)
- Total quantity claimed .20 (cfs) (See Remarks on following page)
- Total consumptive use claimed is de minimus
- Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) One home and approximately 4 horses and 10 cattle are presently served by this pipeline. This is a reduction of stock from

IN
OF
TH

B25 paid
Priority date slightly wrong
Amounts for each use don't add up.
Claim for more than 13,000 gpd
and future use (see Item #14).

Recommend only 13,000 gpd and
inform claimant.

10. Place of use is: Township: T9S Range R.46 E.

Section 30 , SW 1/4 of SE 1/4, Govt. Lot _____, 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? Caribou

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: previous years but future use will require more water. I am claiming more than 13,000 gal a day as shown on my US Forest Service Use Permit (a copy of permit is attached.) Also my deceased husband's name is on the permit. I have since had that changed to my name. (Marie M. Wade) (Cont. Pg. 3)

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit 28584 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 _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 4

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Marie M Wade Date January 9, 1990

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____ that I have signed the foregoing

document in the space below as _____ Organization _____

_____ Title _____ of _____ 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 _____)

County of _____) SS.

_____)

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 9th day of January 19 90

SEAL

Notary Public Rebecca Tolman

Residing at Layton, Utah

My Commission Expires 4/20/91

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

Remarks - Cont.

Also attached is a copy of my US Forest Service "Completion of Works Certificate for permit No. 28584. It authorizes my use of .20 cfs of water from the 2 Manning Canyon springs. I am the only landowner using the spring. I recently sold a portion of my land (approx. 2 ac.) to another person who in the future will probably file for rights to use this water for a small summer home. I see no future use for anyone else requiring use of this water.

Marie M. Wade

02/15/2006

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:

Water right number: 24-2046

TOLMAN FAMILY ASSN

2274 N 2100 E

LAYTON UT 84040

Telephone Number: (801)547-0180

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

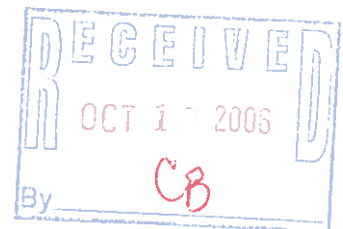
2. Describe the changes you wish to make in the proposed recommendation:

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: 10/9/06 SIGNATURE: Emilee T. Tanner
Please print your name: Emilee T. Tanner

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



COMPLETED
NOE KAT 10/16



State of Idaho
DEPARTMENT OF WATER RESOURCES

15 W. Center St. Soda Springs, Idaho 83276

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

September 19, 2006

Tolman Family Assn
2274 N 2100 E
Layton, UT 84040

REF: Preliminary Director's Report on 24-2046

Subject: Stock water clarification remark added

Dear Claimant(s),

The Preliminary Director's report on the above reference claim has recommended stock water in the SRBA. An additional remark has been added to your recommendation clarifying the number of stock being watered by the source claimed. This number of stock watered is based on the SRBA claim of **4 horses and 10 cows**. If you have any questions please don't hesitate to give me a call at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure(s):

Bird, Cindy

From: Cox, Sharla
Sent: Wednesday, December 14, 2005 2:23 PM
To: Bird, Cindy
Cc: Warner, Roger
Subject: RE: 24-10688

I spoke to the applicant - he will contact Heidi.

sharla

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

From: Bird, Cindy
Sent: Wednesday, December 14, 2005 1:07 PM
To: Cox, Sharla
Cc: Warner, Roger
Subject: 24-10688

hi,

I got a call from Heidi with Caribou Targhee National Forest of the above referenced application. She pointed out that the name is spelled incorrectly. I don't know if that was a printing error or our error. It should be Pear Land & Development LLC, not Pear Land & Development LLC. She also stated that the source and tributary is incorrect. It should be Springs, tributary to Manning Creek.

Does a correction need to be published?

thanks,
Cindy

PUBLIC NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

24-10688

PEAR & LAND DEVELOPMENT, LLC, BOX 128, RANDOLPH, UTAH 84064

Point(s) of Diversion: SWSW SE S30 T09S R46E, CARIBOU COUNTY

Source: MANNING CREEK,

Tributary to CROW CREEK.

Use: DOMESTIC 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 11/09/2005

Place of Use: DOMESTIC

T09S R46E S31 NENE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the director, Dept. of Water Resource, Eastern Region, 900 N. Skyline Dr. Ste. A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 for each application on or before Dec. 19, 2005. The protestant must also send a copy of the protest to the applicant.

(s) KARL J. DREHER

Director

Published Dec. 1 and 8, 2005 in the Caribou County Sun.



United States
Department of
Agriculture

Forest
Service

Caribou-Targhee National Forest
Montpelier Ranger District

322 North Fourth Street
Montpelier, ID 83254
208-847-0375

File Code: 2540

Date: December 13, 2005

Dan or Donna Peart
Peart Ranch LLC
P.O. Box 128
Randolph, UT 84064

Dear Dan or Donna;

I see that you have filed an Application For Permit, [Number 24-10688], to appropriate the public waters of the State of Idaho with the Idaho Department of Water Resources (IDWR). This application is to divert water from Manning Spring in the SWSWSE of Section 30, T9S, R46E, Boise Meridian, and the purpose of use is for domestic use at a single family swelling on private land. Our records show that this spring and point of diversion is on National Forest System (NFS) land.

You have contacted us about this matter and are aware that you must receive authorization for this use of NFS land from the USDA Forest Service. At the present time you are not authorized to occupy and use NFS land for this purpose.

All occupancy and use of NFS land to construct and operate water diversion and transport facilities or to use water on NFS land must be authorized under 19 U.S.C. 551, 43 U.S.C. 1761, 36 CFR 251.50, and 36 CFR 261.10(a). Because you are not authorized to occupy and use NFS land for the purpose shown on your claim there is no ability to exercise the beneficial use stated in your application. To do so could be a violation of the laws and regulations cited above.

Forest Service personnel collected information on this spring in May of 1995 indicating a flow of approximately 4 gpm. The IDWR has already issued a licensed water right No. 24-02046 for this spring to the Tolman Family Association for 0.02 cfs of water, or 9 gpm. Our observations indicate that the spring produces not even half the amount of water needed to supply water for this one water right. For this reason we believe approval of additional water rights would be futile and place unreasonable expectations and demands from resources on NFS land.

Some observations and comments we have concerning your application are that it is partially correct in Number 12 where it is stated that, "the Tolman Family has an agreement with the Forest Service to divert from the spring up to 0.02 cfs." The statement in Number 12 continues, "The Tolman's conveyed water to the Peart Land & Development. They agree that Dan can divert from the spring." If Tolman's conveyed water to you, then they must have agreed to give, sell, or deed to you a portion of (or split) their licensed water right No. 24-02046 with you. If this is the case, then all you would need to do is to complete and file with IDWR a Notice of Change of Water Right Ownership showing the proportionate "split" of water right 24-02046, and no new water right would be needed. Then, I would work with you and Tolman's on the specifics to include you, as a new owner of a portion of the existing water right, to the existing special use permit authorizing that purpose on NFS land because this would not be a new use of NFS land.

I also see several items in the application that deserve attention. They are:

Pear & Land & Development LLC should be Peart Land & Development LLC



The source should be spring, not Manning Creek.
Then the tributary should be Manning Creek, not Crow Creek.

At the present time I see two distinct options. The first is pursuing your application for permit No. 24-10688, which is a new appropriation of water. Your Application For Permit would establish a new water right appropriation that encumbers NFS land. The procedures and criteria that must be considered in this situation are numerous and include specific direction to deny proposals for use of NFS land which can reasonably be accommodated on non-NFS lands and not to authorize the use of NFS lands just because it affords the applicant a lower cost and less restrictive location when compared with non-NFS lands. You will have to provide evidence and documentation including estimated costs, to the Forest Service of attempts and efforts to secure water on private land by other means, such as drilling a well, developing another source of water, or hauling water that does not involve NFS land. This needs to lead to the conclusion that there is no other reasonable source of water on private land. If other reasonable sources are not diligently sought, a special use authorization must be denied. There is also the issue that the spring only produces 4 gpm, so there is no other water available for a new appropriation. This information is needed before any consideration of a special use authorization can begin.

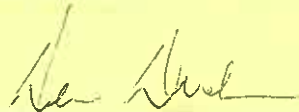
Your proposed use of NFS land must also be evaluated against two levels of screening criteria. If your proposal meets these criteria and all policy requirements, it would then be appropriate for you to submit a formal application for the proposed occupancy and use of NFS land. The application would then be assessed in accordance with applicable laws such as the Endangered Species Act, the Historic Preservation Act, and the National Environmental Policy Act. It is during this formal application phase that it may be appropriate for an application for a water right permit to proceed although it could be quite some time before a decision on the occupancy of NFS land is final.

I want you to understand that this is what is required of all new proposals to use NFS land. Your proposal at this time is entirely separate from the Tolman's existing licensed water right issued by the State of Idaho and their corresponding special use authorization to have diversion and conveyance facilities on NFS land. You are proposing to establish a new water right that necessitates use of NFS land.

The second would be for you to work out the details of a split of licensed water right No. 24-02046 with Tolman's and then provide evidence of that split to the Forest Service. Then the details of the special use permit can then be worked out.

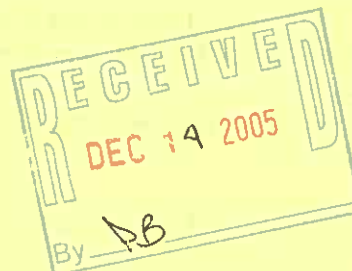
Please consider this information. If you have other information that would help me work through these issues please contact me. I want to evaluate this matter with accurate facts and information. If you have any questions, please contact me at (208) 847-0375.

Sincerely,



DENNIS DUEHREN
District Ranger

Cc: Idaho Department of Water Resource





TO: Cindy Bird

FROM: Hidi Heyrend

CARIBOU-TARGHEE NATIONAL FOREST

Montpelier Ranger District

Phone: 208-847-0375

322 N. 4th St.

Montpelier, ID 83254

FAX: 208-847-3426

Pages (Including this sheet): 3

Message: Attached are the amendment
for Special Use authorization &
Adjudication form - if you need
anything, please call.
Hidi

Authorization ID CAR542901
Contact ID CAR5429

Page 1 of 1
FS-2700-23 (4/97)
OMB No. 0596-0082

U. S. DEPARTMENT OF AGRICULTURE
Forest Service

AMENDMENT
FOR
SPECIAL USE AUTHORIZATION

AMENDMENT NUMBER 1

This amendment is attached to and made a part of the special use authorization (indicated above) issued to THE TOLMAN FAMILY ASSOC. on 11/13/1997 which is hereby amended as follows:

Correct errors in original permit description to read as follows: This permit covers 0.15 acres and is described as a 8 foot by 800 feet strip of land in the SW1/4SE1/4 of Section 30 and the NW1/4NE1/4 of Section 31 in T9S, R46E, B.M. Caribou Couty as shown on the location map attached to and made a part of this permit and is issued for the purpose of: Maintaining the existing headbox, collection system and pipeline.

This Amendment is accepted subject to the conditions set forth herein, and to conditions n/a to n/a attached hereto and made a part of this Amendment.

Holder: Tolman Family Association

Authorized Officer: Greg B. Rice

Holder: Self 2/11/2020

Title: Forest Supervisor

Crystal Walker
Treasurer / Sec. return

Date: 2/17/00

st Service ID: 4 51704010 6

0132

RAMIS #: 24 nd use

ce: UNNAMED SPR

Trib: MANNING CRK

Permit
Tolman Family

se: Stockwater

Diversion: None

Priority Date: 4/ 1/1886

ity 0.02 cfs

Livestock: 355 Cattle

Allotment: 3001

ned / Permitted

Quad ID: Elk Valley 39

Point of Diversion: T: 9 S R: 46 E S: 30 SWSE
SESE

Elev. 6600'

GPS Used: Lat:

Long:

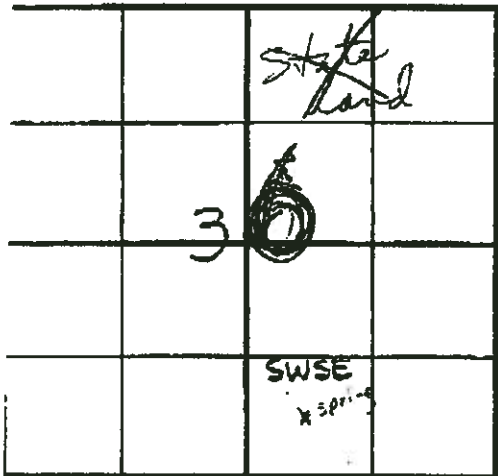
N 42° 26.331'
W 111° 07.124'

Point of Use: T: 9 S R: 46 E S: 30 SWSE
SESE

N 42° 36.213'
W 111° 07.120'

GPS Used: Lat:

Long:



erial Photo #: 1790-160 Date: 8-11-92

escription of Improvements: Pipe length, Trough Dimensions, Dam height/length, Ac./ft.

Spring developed - overflow goes South East
to creek. Fence around spring box - no access
for cattle. Water flows down drainage - easy access.

Remarks: Spring developed for culinary use - house below
forest boundary. No ponds.
In Manning creek drainage, but
no water flows
above spring.

Flow: _____ GPM / CFS

Method: measured at

overflow - 1 gal / 16 sec.

Date Site Visited: 5/4/95

Photo Date: 5/4/95

Jane Kuran

Who Visited Site

Responsible Official/Supervisor



Confidential: Attorney - Client and Work Product Privileged

2720 SPECIAL USES

KEEP IN CURRENT FILE
UNTIL CLOSED

TOLMAN FAMILY ASSOCIATION
WATER TRANSMISSION LINE

Notes

9/23/05 Once we receive the amended claim and documents from Marie Wade this is ready for ECVR work. CB

9-26-05 Letter from claimant re ownership change + copy of deed. BP

435-793-6285

9/28/05 Dan Peart called about my letter. He is going to make application for permit for his home + pond. CB.

His going to wait to split this to see if his new application is approved. CB

9-28-05 Sent Peart application for permit. BP

10-3-05 received amended claim back AB

10-20-05 Recommend as claimed under amended claim. CB

12/14/05 Heidi Haven, Montpelier Ranger. 847-8936 or 847-0375. Calling in reference to Dan Peart's application for permit. If the Tolman family would do an ownership change, then they wouldn't have anything to say about the appropriation of the Springs F.S. measured

12/21/05 Dan Peart 1-435-793-6285 CB.

12-30-05 Forward a copy of the FS 12-13-05 letter to Tolman (801+392-7198). BP

7-30-05 Contractors letter to **Notes** claimant 134

8-16-05 Bryce called re mix up on #1 B

8-22-05 Letter from Bryce re price room B

9/23/05. This was properly licensed at 0.02 cfs because this is a continuous source of water. Versus a well that has to provide an instantaneous rate of 9 gpm.

Recommending 0.02 cfs as licensed and disallowing additional claim 24-10679 for additional water. For 2 reasons

1. It was licensed properly at 0.02.
2. Dan Peart's house was added after 1971 and therefore needs to obtain an permit from the Department. It won't have the same priority date as the original house under this license.

9/22/05 9:53 AM. Marie Wade called me back. She is a Tolman, Wade is her married name. She put this in the family name in 2-14-2000. She will send me a copy of the documents that made that transfer. She sold a piece of the property to Roger Peart, NOT Dan. Dan is Roger's son. She's going to also send me a copy of the warranty deed (Quit claim Deed) to Roger Peart.

As I explained to Marie the SRBA claims reflect how the W/R was pre-1987. Since Dan built his home last year he needs to go thru all the facts and the permitting process.

Notes

10-28-04 Assessor's Office: PB

Tolman Family Associates

% Emilee Tolman

2274 North 2100 East

Layton, UT 84040

5-20-05 POD & source match the license,
priority date & POI do not. PB

21 July 05 Robert Tolman 307 886 5711 in Afton phone book
307 886 5711 8:22 pm msg on machine. BAC

Second cabin - Dan Piert - $\frac{1}{3}$ of water -

Mrs. Wade has talked w/ Idaho Falls IDWR -

Pond for stock water still in place -

22 July 05 - The above notes were jotted down as I
visited w/ Mrs. Wade who happened to be
pulling into the driveway of the cabin. I was
late for another appt so the notes are abbreviated.
Two important things from this conversation:

1) The cabin has not been moved, it is where it
always has been. Therefore the claim is in
error in describing POI in section 30, should
be in 31 as licensed.

2) There is a second home on the system
belonging to Dan Piert. Ms. Wade said she
"went to Idaho Falls and got permission"

So I need to research a second permit or
license. She says the agreement states
Piert gets $\frac{1}{3}$ of the water. BAC

Contacts Data Entry Form

A24-02046

Owner Type _____ Full Name Tolman Family Associates Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner _____
Name connector: and _____, or _____, and/or _____
Current Owner 910 Emilee Tolman
Current Owner 2274 N. 2100 E
Lahton, ut 84040

Representing Attorney: _____ Phone Number: _____

Accompanied By: Ms. Marie Wade Phone Number: _____

Relationship to Claimant: member of association

Date of Field Exam: 22 July 05 Time: PM

Directions to Property (if different from above) and/or update owner information:

Please see letter re: diversion rate and priority date. Since this WR was developed before 1971, it can either be recommended based on the license, or it can be recommended with a later priority date based on the Certificate of Completion and the field exam. Note that the licensing examiner did not measure Q but found a 1 1/4" pipe, more than adequate to carry 0.06 cfs. There is no evidence of enough beneficial use for the full claimed 0.20 cfs. BAC 1 August 05

I did not take photos or do a full field inspection because the license correctly describes the POB & POO & verifies historical use.

Reviewer: CSBDate: 9/23/05

Contacts Data Entry Form

Priority Date Data Entry Form

Claim Number: 24-2046

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: 3-31-1960 Recommended Basis: license☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

31 March 1960 if licensed diversion rate is used,
17 October 1963 if larger BU diversion rate. BUC 1 Aug 05

Reviewer: CBDate: 9/23/05

Priority Date Data Entry Form

1. Should this water use have been included in a later court decree of the water rights from this source? Yes ☐ No ☒
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes ☐ No ☐
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes ☐ No ☐
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes ☒ No ☐
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes ☒ No ☐
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes ☒ No ☐
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes ☐ No ☐
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes ☐ No ☐
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes ☐ No ☐
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit.
Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes ☐ No ☐
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes ☐ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes ☐ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes ☐ No ☐
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes ☒ No ☐
If Yes, go to 16
If No, Enter the appropriate basis of claim.
16. Is a Priority Date remark and/or condition required? Yes ☐ No ☒
If Yes, Enter the appropriate basis of claim. Priority Date review is complete.
If No, Priority Date review is complete.

Priority Date

Claim No. 24 - 2046

Point of Diversion and Source Data Entry Form

Claim Number: 21-2046

Water Right Point of Diversion: T____, R____, Sec.____, County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____, County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____, County:_____

Source:_____ Tributary:_____

☒ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of Q	County	Source
9S	46E	30		SWSE	Carbon	Spring
GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

Other rights from this POD? Dan Piert house. See letter.

Document how the POD and Source were verified and/or Pump and Motor data:

Based on license. I did not go up to spring. BAC 1 Aug 05

Transfers Changing POD _____

Reviewer: CBDate: 9/23/05

Point of Diversion and Source Data Entry Form

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (✓) No ()

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes () No ()

3. Has the License been issued?

If Yes, go to 5
If No, recommend the POD as shown on the Permit. Go to 10

Yes () No ()

4. Does the parent right have a POD?

If Yes, go to 5
If No, go to 6

Yes (✓) No ()

5. Can the claimed POD be verified using the water right file?

If Yes, recommend the POD as shown in the water right file. Go to 10
If No, go to 6

Yes (✓) No ()

6. Is there evidence that there has been a change in the POD?

If Yes, go to 7
If No, go to 9

Yes () No ()

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C03, go to 9
If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8

Yes () No ()

8. Was a transfer filed?

If Yes, recommend the POD as shown on the approved transfer. Go to 10
If No, go to 9

Yes () No ()

9. Does the file contain all of the necessary information to verify the POD?

If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10
If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10

Yes () No ()

10. Is a POD remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POD review is complete
If No, POD review is complete.

Yes () No (✓)

Point of Diversion

Claim No.

24 - 2046

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11

Yes (☐) No (☐)

4. Does the parent right have a Source?

If Yes, go to 5
If No, go to 7

Yes (☒) No (☐)

5. Can the claimed Source be verified using the water right file?

If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7

Yes (☒) No (☐)

6. Is the basis of claim a Posted Notice?

If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7

Yes (☐) No (☐)

7. Is there evidence that there has been a change in the Source?

If Yes, go to 8
If No, go to 10

Yes (☐) No (☐)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C02, go to 10
If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9

Yes (☐) No (☐)

9. Did the claimant file a transfer?

If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10

Yes (☐) No (☐)

10. Does the file contain all of the necessary information to verify the Source?

If Yes, recommend the Source as it existed on 11-19-1987. Go to 11
If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11

Yes (☐) No (☐)

11. Is a Source remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.

Yes (☐) No (☒)

Source

Claim No. 24 - 2046

Purpose of Use Data Entry Form

Claim Number: 24-2046☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Domestic	1			

Document how the Purpose of Use was verified:

See letter. Cabins observed, stockwater based on license.
Bac 1 Aug 05.

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 9/23/05

Purpose of Use Data Entry Form

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13

Yes (☐) No (☐)

4. Does the parent right have a Purpose of Use?

If Yes, go to 5
If No, go to 6

Yes (☒) No (☐)

5. Can the claimed Purpose of Use be verified using the water right file?

If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6

Yes (☒) No (☐)

6. Is there evidence that there has been a change in the Purpose of Use?

If Yes, go to 7
If No, go to 11

Yes (☐) No (☐)

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C04, go to 11
If No, go to 8

Yes (☐) No (☐)

8. Does the change include an enlargement of the Purpose of Use?

If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9
If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12

Yes (☐) No (☐)

9. Was an enlargement claim filed?

If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10

Yes (☐) No (☐)

10. Did the claimant file an enlargement claim?

If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

11. Does the file contain all of the necessary information to verify the Water Use?

If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes (☐) No (☐)

12. Did the claimant file a transfer?

If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13
If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes (☐) No (☐)

13. Is a Purpose of Use remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.

Yes (☐) No (☒)

Purpose of Use

Claim No. 24 - 2016

Place Of Use Data Entry Form

Claim Number:

24-2046☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
9S	46E	31	NENE		Caribou		-	Domestic
9S	46E	31	NENE		Caribou			Stock water.

Total Acres 1

Document how the POU was verified:

9S 46E 31 NENE based on license / field insp.
BAC 1 Aug 2005

Transfers Changing POU _____

Reviewer:

LB

Date:

9/23/05

1. Is the basis of claim a Decree or License?

If Yes, go to 2a
If No, go to 2b

Yes (X) No ()

2a. Is a POU required?

If Yes, go to 5
If No, go to 14

Yes (X) No ()

2b. Is a POU required?

If Yes, go to 3
If No, go to 14

Yes () No ()

3. Is the basis of claim a Permit or Application?

If Yes, go to 4
If No, go to 7

Yes () No ()

4. Has the License been issued?

If Yes, go to 6
If No, recommend the POU as shown on the Permit. Go to 14

Yes () No ()

5. Does the parent right have a POU?

If Yes, go to 6
If No, go to 7

Yes (X) No ()

6. Can the claimed POU be verified using the water right file?

If Yes, recommend the POU as shown in the water right file. Go to 14
If No, go to 7

Yes () No (X)

7. Is there evidence that there has been a change in the POU?

If Yes, go to 8
If No, go to 13

Yes () No (X)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C05, go to 13
If No, go to 9

Yes () No ()

9. Does the change include an enlargement of the POU?

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10
If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

Yes () No ()

10. Was an enlargement claim filed?

If Yes, go to 13
If No, notify claimant that an enlargement claim is necessary. Go to 11

Yes () No ()

11. Did the claimant file an enlargement claim?

If Yes, go to 13
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

12. Was a transfer filed?

If Yes, recommend the POU as shown on the approved transfer. Go to 14
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

13. Does the file contain all of the necessary information to verify the POU?

If Yes, go to 14
If No, collect the necessary information. Conduct field exam if necessary. Go to 14

Yes (X) No ()

14. Is a POU remark and/or condition required?

If Yes, enter the appropriate remark and/ or condition. POU review is complete.
If No, POU review is complete.

Yes () No (X)

Place of Use

Claim No. 24 - 2046

Period of Use and Quantity Data Entry Form

Claim Number: 24-5046☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Domestic	Y1	12/31	0.02	
Stockwater	Y1	12/31	0.02	

Overall Diversion Rate 0.02

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

field exam
1987 imagery
1 Home

Reviewer: CSDate: 9/23/05

1. Is the basis of claim a Decree or License? Yes ☒ No ☐
If Yes, go to 4
If No, go to 2
2. Is the basis of claim a Permit or Application? Yes ☐ No ☐
If Yes, go to 3
If No, go to 6
3. Has the License been issued? Yes ☐ No ☐
If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18
4. Does the parent right have a Period of Use? Yes ☒ No ☐
If Yes, go to 5
If No, go to 6
5. Can the claimed Period of Use be verified using the water right file? Yes ☒ No ☐
If Yes, go to 14
If No, go to 6
6. Is there evidence that there has been a change in the Period of Use? Yes ☐ No ☐
If Yes, go to 7
If No, go to 12
7. Does the change include an enlargement in the Period of Use? Yes ☐ No ☐
If Yes, go to 9
If No, go to 8
8. Can the change be recommended as an accomplished transfer? Yes ☐ No ☐
If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11
9. Was an enlargement claim filed? Yes ☐ No ☐
If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10
10. Did the claimant file an enlargement claim? Yes ☐ No ☐
If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
11. Was a transfer filed? Yes ☐ No ☐
If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
12. Does the file contain all of the necessary information to verify the Period of Use? Yes ☐ No ☐
If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13
13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined? Yes ☐ No ☐
If Yes, go to 14
If No, go to 15
14. Is irrigation claimed as a purpose of use? Yes ☐ No ☒
If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18
15. Is irrigation claimed as a purpose of use? Yes ☐ No ☐
If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18
16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? Yes ☐ No ☐
If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18
17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use? Yes ☐ No ☐
If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18
18. Is a Period of Use remark and/or condition required? Yes ☐ No ☒
If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.
If No, Period of Use review is complete.

Period of Use

Claim No. 24 - 2046

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes ☒ No ☐

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes ☐ No ☐

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11

Yes ☐ No ☐

4. Does the parent right have a diversion rate and/or volume?

If Yes, go to 5
If No, go to 7

Yes ☒ No ☐

5. Can the claimed diversion rate and/or volume be verified using the water right file?

If Yes, go to 8
If No, go to 7

Yes ☒ No ☐

6. Is the basis of claim a posted notice?

If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7

Yes ☐ No ☐

7. Is a flow measurement required?

If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9
If No, describe why a flow measurement is not required. Go to 9

Yes ☐ No ☐

8. Does the parent right have an annual diversion volume limit?

If Yes, go to 10
If No, go to 9

Yes ☐ No ☒

9. Is the source Ground Water and does the purpose of use require a diversion volume limit?

If Yes, go to 10
If No, go to 11

Yes ☐ No ☒

10. Is irrigation a purpose of use?

If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

Yes ☐ No ☐

11. Has a diversion volume limit for this water use been established by a decree, license or transfer?

If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, go to 12

Yes ☐ No ☒

12. Is a Quantity remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.

Yes ☒ No ☒

Quantity

Claim No. 24 - 2046

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?

If Yes, go to 2
If No, go to 3

Yes ☒ No ☐

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4
If No, status will be set as Active. Go to 5

Yes ☐ No ☒

3. Is the water being used for all of the purposes claimed and to the extent claimed?

If Yes, status will be set as Active. Go to 5
If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4

Yes ☐ No ☐

4. Is any portion of the claim being recommended?

If Yes, status will be set as Active. Go to 5
If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5

Yes ☐ No ☐

5. Does this right have any combined used limits with other rights?

If Yes, go to 6
If No, go to 6

Yes ☐ No ☒

6. Is an additional remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Go to 7
If No, go to 7

Yes ☒ No ☐

7. Would you like to view the recommended right?

If Yes, go to 8
If No, the review is incomplete. The recommendation must be viewed to complete the review.

Yes ☒ No ☐

8. Is this a "split" or "combined" right?

If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 9
If No, go to 9

Yes ☐ No ☒

9. Do you have documents you would like to attach or link to the file?

If Yes, go to PowerDOCS and profile the documents. Go to 10
If No, go to 10

Yes ☐ No ☒

10. Would you like to set the verification date?

If Yes, the review is complete.
If No, the review is incomplete. The recommendation must be verified to complete the review.

Yes ☒ No ☐

Summary

Claim No.

24 - 2046

Summary Data Entry Form

Claim No.: _____

Remarks and Conditions (Include Type, Category and Code if applicable):

N11 gen cond

N13 qty cond

C18

X01 Purpose of use. domestic / home

Split or Combined Right Analysis:

No

Attached Field Notes or Other Documents:

Yes.

Claim No.:

24-2046

Reviewer

CB

Date

7/23/05



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

28 September 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dan Peart
Box 128
Randolph, UT 84064

COPY

Subject: APPLICATION FOR PERMIT

Dear Mr. Peart:

Thank you for calling the office this morning. Enclosed are the requested Applications for Permit for your home and pond. Also enclosed are the filing instructions

Respectfully,

Cindy E. Bird
Adjudication Bureau

CEB/bjp

Enclosure:

2 Applications for Permit and instructions

September 23, 2005
1034 E. 5750 S.
Ogden, UT 84405

Ms. Cindy Bird
Idaho Division of Water Resources
15 Center Street
Soda Springs, ID 83276

Re: Water Right license No. 28584, issued March 31, 1960

Dear Ms. Bird,
In response to our telephone conversation of Sept. 23, 2005, I am enclosing the documentation that you requested.

1. Photocopy of Water Right change of ownership to Tolman Family Assoc.
2. Copy of deed that shows purchase of acreage by Roger Peart.

If I can help you further please don't hesitate to contact me.

Sincerely,



Marie M. Wade

Enclosures: 2



Copy

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
24-2046					

The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. ☒
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Marie Wade

4. New Owner/Claimant(s) TOLMAN FAMILY ASSOC.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 2274 N 2100 E

City, State and ZIP Code LAYTON UT 84040

New Telephone Number (801) 547-0180

5. Date you acquired the property 14 Feb 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Tolman Family Association - Emilee Tanner
(include title if applicable) (Secretary)

** See attached page*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

ATTACHMENT TO NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP
CLAIM: 24-2046

Members of The Tolman Family Association:

Risa Ashment,

Risa Ashment

Rick F. Tolman

Rick F. Tolman

J. Mark Tolman

J. Mark Tolman

Emilee Tanner

Emilee Tanner

Kent M. Tolman

Kent M. Tolman

Chrystal Walker

Chrystal Walker

Jayne Tolman

Jayne Tolman

Steven W. Tolman

Steven W. Tolman

Blair V. Tolman

Blair V. Tolman



Copy

THIS IS A LEGALLY BINDING CONTRACT. IF NOT UNDERSTOOD SEEK COMPETENT ADVICE.

WHEN RECORDED MAIL TO:

Space Above for Recorder's Use

Q U I T C L A I M D E E D

\$450 per acre
2005

MARIE M. WADE, AS TRUSTEE, IN TRUST, OF THE LESTER H. WADE TRUST, grantor,
of OGDEN, WEBER County, State of UTAH, hereby
QUIT CLAIMS to ROGER PEART, grantee,
of RANDOLPH, County of RICH, State of UTAH, for the sum of
TWO THOUSAND THREE HUNDRED NINETY-FOUR and no/100 DOLLARS (\$2,394.00),
all of that tract of land located in CARIBOU County, State of IDAHO, within
THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 9 SOUTH,
RANGE 46 EAST OF THE BOISE MERIDIAN located:

So much of the land therein which both lies Northwest of existing Crow Creek Road and lies
Southwest of the existing road which runs Northwest from the said Crow Creek Road to the West
Line thereof, MORE ACCURATELY DESCRIBED AS:

BEGINNING at a Point on the West Line of the said Northeast Quarter of the Northeast
Quarter South 00 Degrees--0.6.3' East, 97.94 feet from the Northwest Corner of the said
Northeast Quarter of the Northeast Quarter, found as described in the Certified Land
Corner Recordation Certificate filed in the Office of the Clerk of Caribou County,
State of Idaho;

thence South 53 Degrees--52.3' East, 537.11 feet to a Point;

thence continuing South 53 Degrees--52.3' East, 31.18 feet to a 3/8ths inch x 12 inch
steel spike on the Centerline of the Crow Creek Road (hereinafter referred to as the
"Centerline");

thence South 51 Degrees--55.6 East, 33.60 feet along the Centerline to another 3/8ths
inch x 12 inch steel spike;

thence South 56 Degrees--12.6' West, 455.20 feet along the Centerline of the to another
3/8ths inch x 12 inch steel spike;

thence South 39 Degrees--34.0' West, 83.22 feet along the Centerline to another 3/8ths
inch x 12 inch steel spike on the West Line of the said Northeast Quarter of the
Northeast Quarter;

thence North 00 Degrees--06.3' West, 46.99 feet to a Point;

thence continuing North 00 Degrees--06.3' West, 626.10 feet to the POINT OF BEGINNING;

ENCOMPASSING AN AREA OF 3.41 ACRES, MORE OR LESS;



TOGETHER WITH the right to share, with that (those) tract(s) of land within the said Northeast Quarter of the Northeast Quarter located both Northwest of the Crow Creek Road and Northeast of the tract hereby granted, the use of the water running through that certain existing stream and water pipeline running through that certain aforesaid tract(s) within the said Northeast Quarter of the Northeast Quarter located both Northwest of the said Crow Creek Road and immediately Northeast of the tract hereby granted.

TOGETHER WITH the right to construct, repair and maintain a water pipeline (to access the aforementioned stream and water pipeline) across an easement described as:

A strip of land ten (10) feet in width, being part of the Northeast Quarter of the Northeast Quarter of the aforementioned Section 31 with the centerline of such strip described as:

BEGINNING on an existing water pipeline, South 65 Degrees--43.6' East, 373.20 feet from the Northwest corner of the said northeast Quarter of the Northeast Quarter, thence South 26 Degrees--03.4' West, 109 feet, more or less;

TOGETHER WITH the right of ingress and egress across an easement described as:

A strip of land twenty (20) feet in width being part of the Northeast Quarter of the Northeast Quarter of the aforementioned Section 31, with the southwest line described as follows:

BEGINNING at a Point on the West Line of the said Northeast Quarter of the Northeast Quarter, South 00 Degrees--06.3' East, 97.94 feet from the northwest corner of the said Northeast Quarter of the Northeast Quarter,

thence South 53 Degrees--52.3' East, 568.29 feet to a 3/8ths inch x 12 inch steel spike on the Centerline of the Crow Creek Road,

the side line of said easement to be prolonged or shortened to meet at angle point intersections on the West Line of the said Northeast Quarter of the Northeast Quarter and the Centerline of the said Crow Creek Road.

SUBJECT TO all easements of sight and record;

(Each "Point" marked by a 5/8ths inch x 24 inch steel reinforcing rod with an aluminum cap (SurvKap) inscribed, "SSLTD BIG PINEY WY RLS 164";)

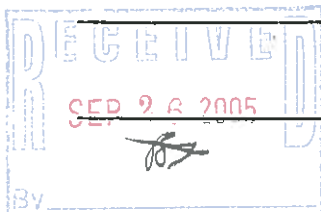
(The base bearing for the foregoing description being the East Line of the Northeast Quarter of said Section 31, being North 00 Degrees--01' East;)

(All in accordance with the plat prepared to be filed in the Office of the Clerk of Caribou County titled, "MARIE M. WADE PLAT OF TRACTS WITHIN THE NE1/4NE1/4 SECTION 31 T9S R46E CARIBOU COUNTY IDAHO", dated 20 July 1987).

WITNESS The hand of said grantor, this 4 day of January, 1987.

Signed in the presence of

: MARIE M. WADE, AS
: TRUSTEE, IN TRUST, OF
: THE LESTER H. WADE TRUST



Ammendment to a Quit Claim Deed with Marie M. Wade, Trustee of the Lester H. Wade Trust, Grantor, and Roger Peart, of Randolph, Rich County, Utah, Grantee. Dated 4 Jan. 1988. (Marie M. Wade transferred the property by Quit Claim Deed to the Tolman Family Association 14 Feb. 2000)

AGREEMENT - DISPOSITION OF APPROPRIATED WATER

Agreement made between TOLMAN FAMILY ASSOC.

Address: 2274 N. 2100 E., County of DAVIS State of UTAH

And Dan Peart ^{Trust} ~~of Roger Peart~~ Address Randolph

County of Rich State of UT

The parties recite and declare that:

1. The parties constitute the users of water diverted from Manning Spring by means of a pipeline in the area of, Crow Creek, County of, Caribou, State of, Idaho.
2. Such water is appropriated pursuant to water permit No. 24-2046, issued by State of Idaho Department of Water Resources, to Marie Wade. The Water Right ownership was changed 14 Feb. 2000, to Tolman Family Association.

In consideration of the mutual covenants and promises herein contained, the parties agree as follows:

DISPOSITION OF WATER:

All water diverted and conveyed by means of pipeline to the various lands of the parties situated in Crow Creek, Caribou County, Idaho, be caused to flow, continuously and uninterrupted, as necessary for the use of such lands as follows:

- a. 2/3 of the allotted 0.2 C.F.S of water for use on land owned by: TOLMAN Family ASSOC.
- b. 1/3 of the allotted 0.2 C.F.S of water for use on land owned by: Dan Peart

The amount of water granted by permit no. 24-2046 is subject to change based on General Adjudication of Rights to the use of water from the Snake River Basin Water System.

Water users agree to share proportionally the costs of maintaining the fence, headbox, collection system, and existing pipeline which originates at Manning Spring and runs East to the point of water use.

The terms and conditions of this agreement shall inure to the benefit of, and be binding on, the parties and their respective heirs, executors, administrators, successors, and assigns.

In witness whereof, the parties have executed this agreement at:

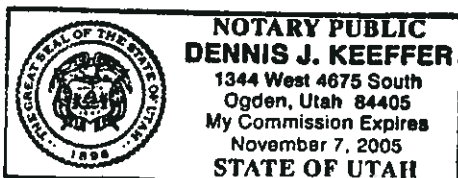
Date: 6-7-04

Signature Tolman Family Assoc.
J. MARK TOLMAN,
PRESIDENT

Date: 6/7/04

Signature

In the County of DAVIS State of Ut
on this 11 day of JUNE 2004
before me, the undersigned notary, personally
appeared J. MARK TOLMAN, who proved to
his/her identity through documentary evidence in
the form of a drivers license, to be the per-
whose name is signed on the preceding document,
and acknowledged to me that he/she signed it
voluntarily for its stated purposes.



Notary Signature and seal



Continued: Amendment to Quit Claim Deed between Marie M. Wade, Trustee of the Lester H. Wade Trust, Grantor, and Roger Peart, of Randolph, rich County, Utah, Grantee.

Date: 7-13-04

Signature

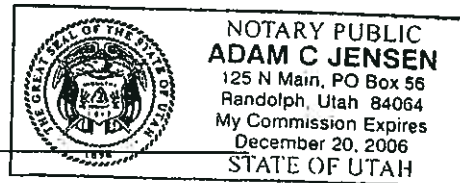
[Signature]

Date 7-13-04

Signature

Notary Public

[Signature]



STATE OF IDAHO } ss
County of Caribou }

I hereby certify that this instrument was filed at the request of MMW

at 11:15 o'clock A m this 14 day of October, 2004 in my office and duly recorded official Records

Recorder Edie Bush

Signature

[Signature]

Deputy

\$6.00 pcl





State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 23, 2005

Peart Land & Development
Box 128
Randolph, UT 84064

REF: Snake River Basin Adjudication (SRBA)
Notice of claims 24-2046 and 24-10679.

Subject: Ownership Change and post adjudication development

RESPONSE DATE: October 7, 2005

Dear Mr. Peart:

We received your ownership change form on 24-2046 and 24-10679. We are unable to process the change because the proper documentation was not provided with the form. Under part 2 are the **REQUIRED** documents needed to process this form. Under part B. of the above referenced sections of **REQUIRED** information is a copy of the warranty deed or contract of sale from the Tolman Family to you or a chain of title to you. Part C is either a plat of the property, survey map or an aerial photo with the property clearly outlined.

The SRBA claim 24-2046 is being recommended at the 0.02 cfs (9 gallons per minute or gpm) as licensed. If 24-2046 were split between the Tolman's at 2/3 and you at 1/3 of the right this would give you 3 gpm for your home and stock only. This however **DOES NOT** give you the right to divert and store water in a pond.

Under Idaho Code 42-202 it requires that you obtain a water right to divert the water from the spring. The pond requires a separate water right to store the water. Water rights in the state of Idaho are based on the date the water was put to beneficial use. Since your house was built last year and you added a pond I suggest you make an application for permit with our Idaho Falls of a separate water right with a 2005 priority date to cover the water you are using for the house and pond. Otherwise you will be limited to the 3 gpm under 24-2046 for your home only and abandon the pond.

The SRBA claim 24-10679 is not being recommended to the SRBA court because the additional water was not developed prior to the mandatory permit statute dated May 20,

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
AUG 24 2005

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
1) ~~424-02025(3)~~ ²⁰⁴⁶	✓				
Tolman Family Partnership					
2) ~~New claim expected to~~					
~~be filed by Tolman~~					
~~Family Partnership~~					
24-10679	✓				

2. The following **REQUIRED** information must be submitted with this form:

A. ~~The appropriate FILING FEE. See instructions for fee amounts.~~

☒ B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Tolman Family Partnership

- ☒ 4. New Owner/Claimant(s)

Peart Land & Development LLC

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

Box 128

City, State and ZIP Code

Randolph, UT 84064

New Telephone Number

(435) 793-6285

- ☒ 5. Date you acquired the property

2002

After recording, mail to

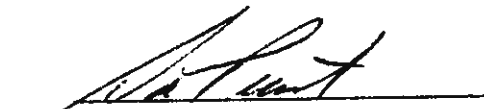
Dan C. Peart
P.O. Box 128
Randolph, Utah 84064

QUIT-CLAIM DEED

Dan C. Peart, Grantor(s) of Randolph, County of Rich, State of Utah, hereby quit-claims to Peart Land & Development, L.L.C., Grantee of 6450 Manhead Road, Randolph, Utah, for the sum of ten dollars (\$10.00) and other good and valuable consideration, the following described tract of land in County of Caribou, State of Idaho:

SEE EXHIBIT "A" HERETO.

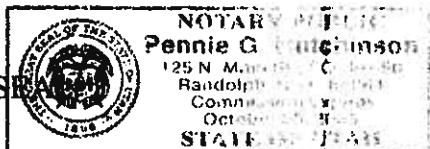
WITNESS, the hand of said grantor(s), this 14th day of Jan, 2005.


Dan C. Peart

STATE OF UTAH)

County of Rich)

On the 4th day of Jan, 2005, Dan C. Peart personally appeared before me, the signer(s) of the foregoing instrument, who duly acknowledged to me that they executed the same.



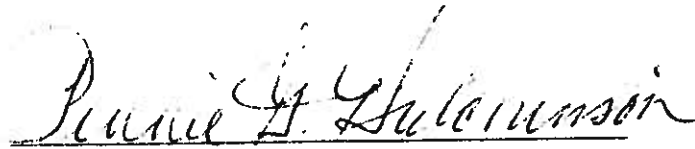

NOTARY PUBLIC

EXHIBIT "A"

So much of the land therein which both lies Northwest of existing Crow Creek Road lies Southwest of the existing road which runs Northwest from the said Crow Creek Road to the West Line thereof. MORE ACCURATELY DESCRIBED AS:

BEGINNING at a point on the West line of the said Northeast Quarter of the Northeast Quarter South $00^{\circ} 06.3'$ East, 97.94 feet from the Northwest Corner of the said Northeast Quarter of the Northeast Quarter, found as described in the Certified Land Corner Recordation Certificate filed in the Office of the Clerk of Caribou County, State of Idaho;

thence South $53^{\circ} 52.3'$ East, 537.11 feet to a Point;

thence continuing South $53^{\circ} 52.3'$ East, 31.18 feet to a $\frac{3}{8}$ ths inch x 12 inch steel spike on the Centerline of the Crow Creek Road (hereinafter referred to as the "Centerline");

thence South $51^{\circ} 55.6'$ East, 33.60 feet along the Centerline to another $\frac{3}{8}$ ths inch x 12 inch steel spike;

thence South $56^{\circ} 12.6'$ West, 455.20 feet along the Centerline of the to another $\frac{3}{8}$ ths inch x 12 inch steel spike;

thence South $39^{\circ} 34.0'$ West, 83.22 feet along the Centerline to another $\frac{3}{8}$ ths inch x 12 inch steel spike on the West Line of the said Northeast Quarter of the Northeast Quarter;

thence North $00^{\circ} 06.3'$ West, 46.99 feet to a point;

thence continuing North $00^{\circ} 06.3'$ West, 626.10 feet to the POINT OF BEGINNING;

ENCOMPASSING AN AREA OF 3.41 ACRES, MORE OR LESS;

TOGETHER WITH the right to share, with that (those) tract(s) of land within the said Northeast Quarter of the Northeast Quarter located both Northwest of the Crow Creek Road and Northeast of the tract hereby granted, the use of the water running through that certain existing stream and water pipeline running through that certain aforesaid tract(s) within the said Northeast Quarter of the Northeast Quarter located both Northwest of the said Crow Creek Road and immediately Northeast of the tract hereby granted.

TOGETHER WITH the right to construct, repair and maintain a water pipeline (to access the aforementioned stream and water pipeline) across an easement

described as:

A strip of land ten (10) feet in width, being part of the Northeast Quarter of the aforementioned Section 31 with the centerline of such strip described as:

BEGINNING on an existing water pipeline, South $65^{\circ} 43.6'$ East, 373.20 feet from the Northwest corner of the said Northeast Quarter of the Northeast Quarter, thence South $26^{\circ} 03.4'$ West, 109 feet, more or less;

TOGETHER WITH the right of ingress and egress across an easement described as:

A strip of land twenty (20) feet in width being part of the Northeast Quarter of the aforementioned Section 31, with the southwest line described as follows:

BEGINNING at a Point on the West Line of the said Northeast Quarter of the Northeast Quarter, South $00^{\circ} 06.3'$ East, 97.94 feet from the Northwest corner of the said Northeast Quarter of the Northeast Quarter,

thence South $53^{\circ} 52.3'$ East, 568.29 feet to a $3/8$ ths inch x 12 inch steel spike on the Centerline of the Crow Creek Road.

The side line of said easement to be prolonged or shortened to meet at angle point intersections on the West Line of the said Northeast Quarter of the Northeast Quarter and the Centerline of the Crow Creek Road.

SUBJECT TO all easements of sight and record;

Each "Point" marked by a $5/8$ ths inch x 24 inch steel reinforced rod with an aluminum cap (SurvKap) inscribed, "SSLTD BIG PINEY WY RLS 12-4"

(The base bearing for the foregoing description being the East Line of the Northeast Quarter of said Section 31, being North $00^{\circ} 01'$ East;)

All in accordance with the plat prepared to be filed in the Office of the Clerk of Caribou County titled, "MARIE M. WADE PLAT OF TRACTS WITHIN THE NE1/4NE1/4 SECTION 31 T9S R46E CARIBOU COUNTY IDAHO", dated 20 July 1987).



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 23, 2005

Tolman Family Association
C/O Emlee Tolman
2274 N 2100 E
Layton UT 84040

REF: Snake River Basin Adjudication (SRBA)
Claim 24-2046

Subject: Amending the Notice of Claim

RESPONSE DATE: OCTOBER 7, 2005

Dear Claimant(s):

I've enclosed an amended Notice of Claim to a Water Right for your signature. Please sign the form in front of a NOTARY. Family members CAN NOT notarize your signature it must be a independent notary.

In the original claim the priority date was claimed as 6-17-1960, which is later than the licensed priority date of 3-31-1960. For me to recommend the earlier priority date to the SRBA court you must first claim the earlier date. Also in the original claim the place of use is incorrect. Therefore, I've amended your SRBA claim to the earlier priority date and corrected the legal description for the place of use.

The licensed diversion rate is 0.02 for both the stock and domestic use. That is correct for a spring because the spring runs 24 hours a day into the spring box. I've also corrected that back to the licensed diversion rate.

If we don't here from you by the above referenced response date the claim will be recommended to the SRBA court with the 6-17-1960-priority date. If you have any

questions please don't hesitate to call me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Amended Notice of Claim 24-2046

Water Resources Field Services

P.O. Box 94
Iona, ID 83427
208-681-9100

17 August 2005

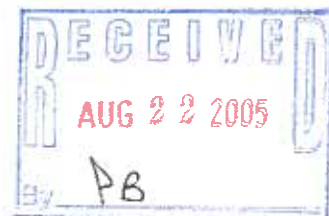
Cindy Bird
IDWR
15 West Center Street
Soda Springs ID 83276

Re: A24-02046 and accompanying beneficial use claim

Dear Cindy:

I've already returned the claim file to Eastern Region, so this follow-up letter is to explain recent developments.

1. I've prepared a beneficial use claim (copy enclosed) for the difference between the standard domestic diversion rate of 0.04 cfs and the licensed diversion rate of 0.02 cfs. The priority date is the date of the licensing exam. The examiner did not perform a flow measurement. The intent is that A24-02046 and the new claim together will cover the standard domestic use plus stockwater use, which was not on the license either.
2. The source is a spring and the claimed beneficial-use priority date is before the mandatory permit requirement date.
3. The property has been split, and according to the claimant the deed conveys 1/3 of the domestic portion of the water right to the purchaser Mr. Peart. I gave Mr. Peart's daughter a change of ownership form, but I incorrectly wrote "A24-02026" on the top. The claimant understands that both this new claim and A24-02046 will be split with this change of ownership.
4. The photos show the two hydrants. The first hydrant (by the log home) was measured while the second ran a garden hose to a sprinkler. I unhooked the hose from the second hydrant and measured its flow while the first hydrant remained turned on. I measured a combined flow of 0.023 cfs. The claimant tells me there is also a stock trough above the homes but I was pressed for time so I did not walk up to it. I did see horses on the place.



Water Resources Field Services

P.O. Box 94
Iona, ID 83427
208-681-9100

17 August 2005

Marie Wade
1034 E 5750 S
Ogden UT 84405

Re: Beneficial use claim to accompany claim A24-02046

Dear Ms. Wade:

Enclosed is a new beneficial use claim for the additional water that was developed along with license 24-02046. When I talked to you this morning I had not yet done the calculations from the flow measurement I did at the place last Friday. The recommendation will likely not be for the full claimed amount, but I expect IDWR to recommend some additional domestic flow along with the stockwater flow. Please check this claim carefully. If you wish to go ahead and file the claim, return it with a check for \$50 to:

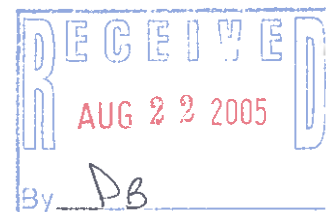
IDWR
15 West Center Street
Soda Springs ID 83276

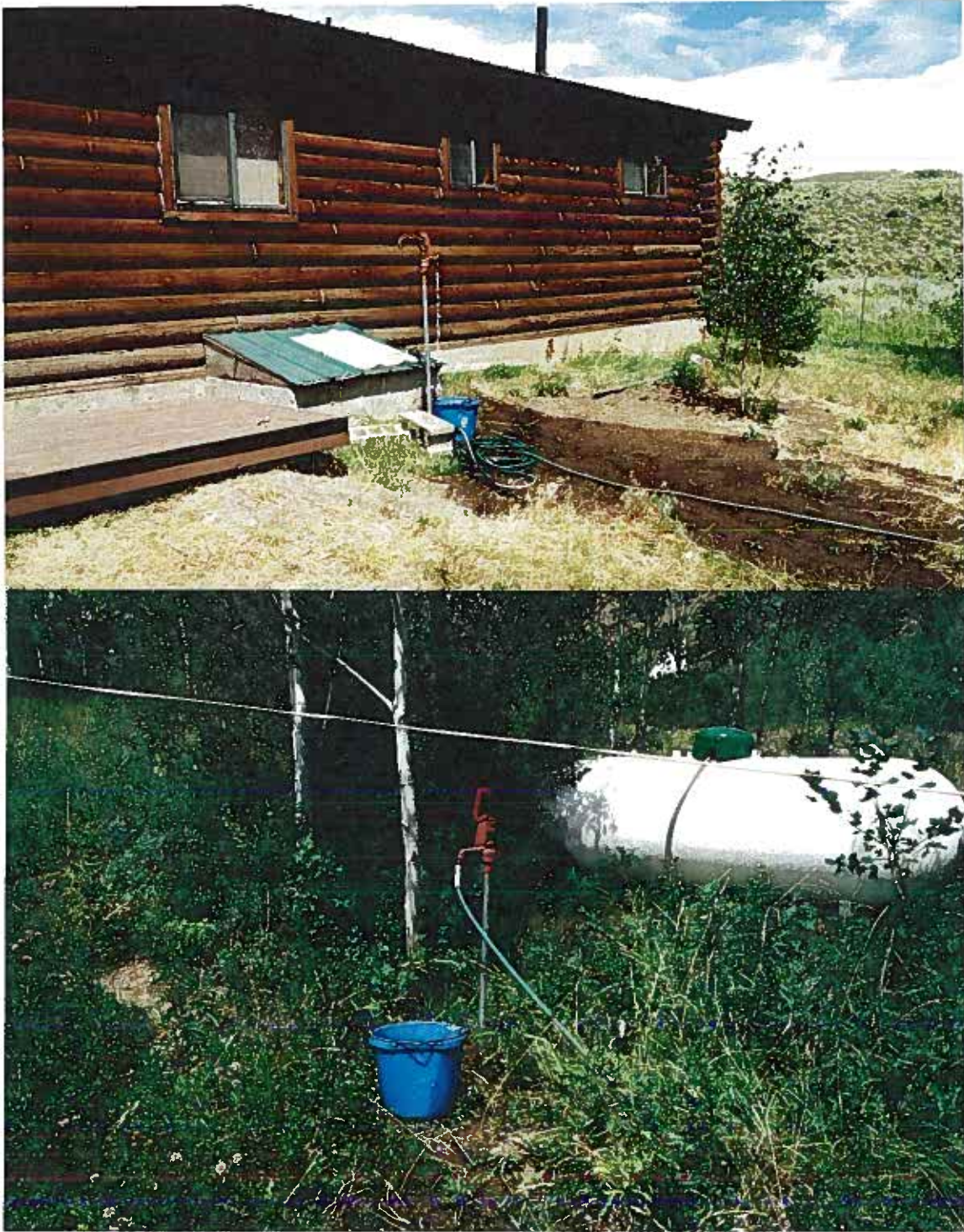
I will forward a copy of this letter along with my field exam report to Ms. Bird at IDWR.

Sincerely,

Bryce A. Contor.

✓ cc: Cindy Bird, IDWR
enclosure





Sincerely,

Bryce A. Contor

Bryce A. Contor
enclosures



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 _____

Date Received _____

Receipt Number _____

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

1. Claimant Tolman Family Association
c/o Emlee Tolman
2274 North 2100 East
Layton UT 84040

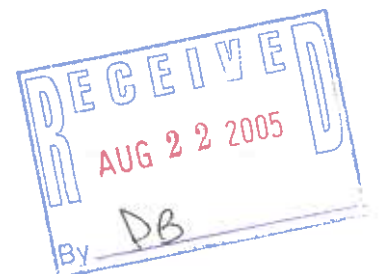
2. Date of Priority 17 October 1963

3. Source of water (a) Springs
which is tributary to (b) Sinks

4. a. Location of points of diversion:

Township	Range	Section	QQQ	Diversion Name
9S	46E	30	NWSE	

5. Description of existing diversion works. Spring box, pipes to home and stock trough



AJ Claim No. _____ Last name: Tolman Family Association

6. Water is claimed for the following purposes:

Purpose	Start Date	End Date	cfs	acre feet/year
Stockwater	1/1	12/31	0.02	
Domestic	1/1	12/31	0.02	

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) (acre feet per year)

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

9. Non-irrigation uses: Stockwater for up to 25 head horses or range cattle

10. Description of place of use

Township Range Section
 9S 46E 31
 NE NW SW SE
 NE NW SW SE NE NW SW SE NE NW SW SE Total
 S
 D

Total number of acres irrigated: The only irrigation is a small lawn associated w/ domestic use.

11. Irrigated lands are located in county(s) of: Caribou

12. Do you own the property listed above as place of use? No

13. Describe any other water rights used at the same place and for the same purposes as described above: A24-02046

14. Remarks.

License 24-02046 was licensed for only 0.02 cfs even though the examiner did not perform a flow measurement. This claim is for the additional 0.02 cfs to make a standard domestic use, plus stockwater. The priority date is the date of the licensing exam. The current system is the same system that was present at that time.

The entire property was owned by claimant in 1987. Recently part of the property has been sold and a change of ownership will be submitted soon. The deed specifies the split of the water rights (this claim and A24-02046).

Map of project: Please see license file 24-02046 and claim file A24-02046

15: Basis of Claim: Beneficial Use

IDWR water right number: None

16: Signatures

Number of attachments: None

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

Signature of Claimant(s) _____ Date _____

_____ of Tolman Family Association.
(title)

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

Subscribed and sworn (or affirmed) before me this _____ day of _____ 20__

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

August 16, 2005

4:40 pm

Bryce Contur called and left a message concerning 24-2046, Tolman Associates
Phone 681-9100

He told the claimant the claim number was 2026 NOT 2046. It also needs a
change of ownership and needs to be split.

bp

Water Resources Field Services

P.O. Box 94
Iona, ID 83427
208-681-9100

July 30, 2005

Emlee Tolman
Tolman Family Associates
2274 North 2100 East
Layton UT 84040

Re: Idaho Water Right Adjudication Claim A24-02046

Dear Ms. Tolman:

Idaho Department of Water Resources (IDWR) has asked me to do a field examination on the Snake River Basin Adjudication claim for the water right for the Tolman Family Association cabin. This is for background information to allow IDWR to make a water-right recommendation to the court, so that your water right may be decreed in the adjudication. This will improve the certainty of your water right.

Last week I met with Ms. Marie Wade at the cabin and discussed the current use of the water right. There are some differences between the claim and the original underlying license, and there have been some recent changes in water use at the cabin.

1. The claim is for a larger diversion rate than the license authorizes.
2. The claim has a later priority date than the license.
3. The license correctly lists the place of use as Section 31. The claim incorrectly lists the place of use as Section 30.
4. There is now a pond associated with the stockwater use, and perhaps also for recreational use.
5. There is now an additional home (the Dan Piert home) supplied from this spring.

Based on the field inspection and the original license, I can propose to IDWR that the recommendation should show the place of use in Section 31, where the cabin is actually located.

The diversion rate and the priority date are tied together. One option is to propose to IDWR that the recommendation include the priority date of the

license (31 March 1960) and the licensed diversion rate (0.02 cfs, or about 9 gallons per minute).

The other option is to base the recommendation on beneficial use (when the water was actually put to use) using the Certificate of Completion of Works and the IDWR field examiner's report. In this case, I would propose to IDWR that the diversion rate be 0.06 cfs or about 27 gallons per minute (0.02 cfs for domestic and 0.04 cfs for stockwater), with a priority date of 17 October 1963. Please let me know which you would prefer. You may contact me at the address or phone number at the top of the letter, or you may contact Ms. Cindy Bird of IDWR at 208 547-3993.

Because the stockwater/recreation pond and the Piert home were put in place after 1971, these uses cannot be recommended under the Snake River Basin Adjudication. The pond can probably be licensed as a new water-right use. You may wish to contact Ms. Bird about the pond.

Ms. Wade believes that she has already taken care of the Piert water right; she told me she "went to Idaho Falls and took care of all that." There is no reference to the Piert cabin water use on the water right database available on the IDWR Website. I suspect that Ms. Wade worked with the District Seven Health Department on public water supply safety issues but did not work with Idaho Department of Water Resources on water right issues.

There are two choices for the Piert home. One is to split the original water right using a Change of Ownership. The recommended diversion rate would be divided between the Tolman Family Association and Mr. Piert. Both water rights would retain the earlier priority date. The other choice would be for Mr. Piert to apply for his own permit for a new water right, which would carry a 2005 priority date. This will leave the full recommended diversion rate under A24-02046 with the Tolman property. Mr. Piert will have to initiate either action. Ms. Bird can help him.

Please let me know which direction to proceed with the water right recommendation. Please call me if you have questions. You may call in the daytime or in the evening. Often I cannot answer the phone but I always respond to messages left on the voice mail.

Sincerely,

Bryce A. Contor

Parcel Numbers:

^{Sec. 2}
~~21100~~
^{Sec. 10}
~~21220~~

^{Sec. 2}
~~21110~~
^{Sec. 11}
~~21240~~

^{Sec. 3}
~~21140~~
~~21380~~

^{Sec. 3}
~~21150~~

21380

9, 46, 31

NENE,

rural res. tract

5 ac.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 15, 2003

TOLMAN FAMILY ASSOC
2274 N 2100 E
LAYTON UT 84040

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 24-2046

Dear Tolman Family Assoc:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Kristen Forsgren
Office Specialist 1

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

OKge 10/15/03

RECEIVED

OCT 14 2003

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	24-2046				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts. ☒

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Marie Wade

4. New Owner/Claimant(s)

TOLMAN FAMILY ASSOC.

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2274 N 2100 E

City, State and ZIP Code

LAYTON UT 84040

New Telephone Number

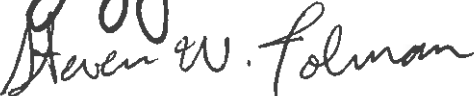
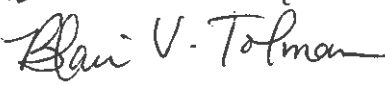
(801) 547-0180

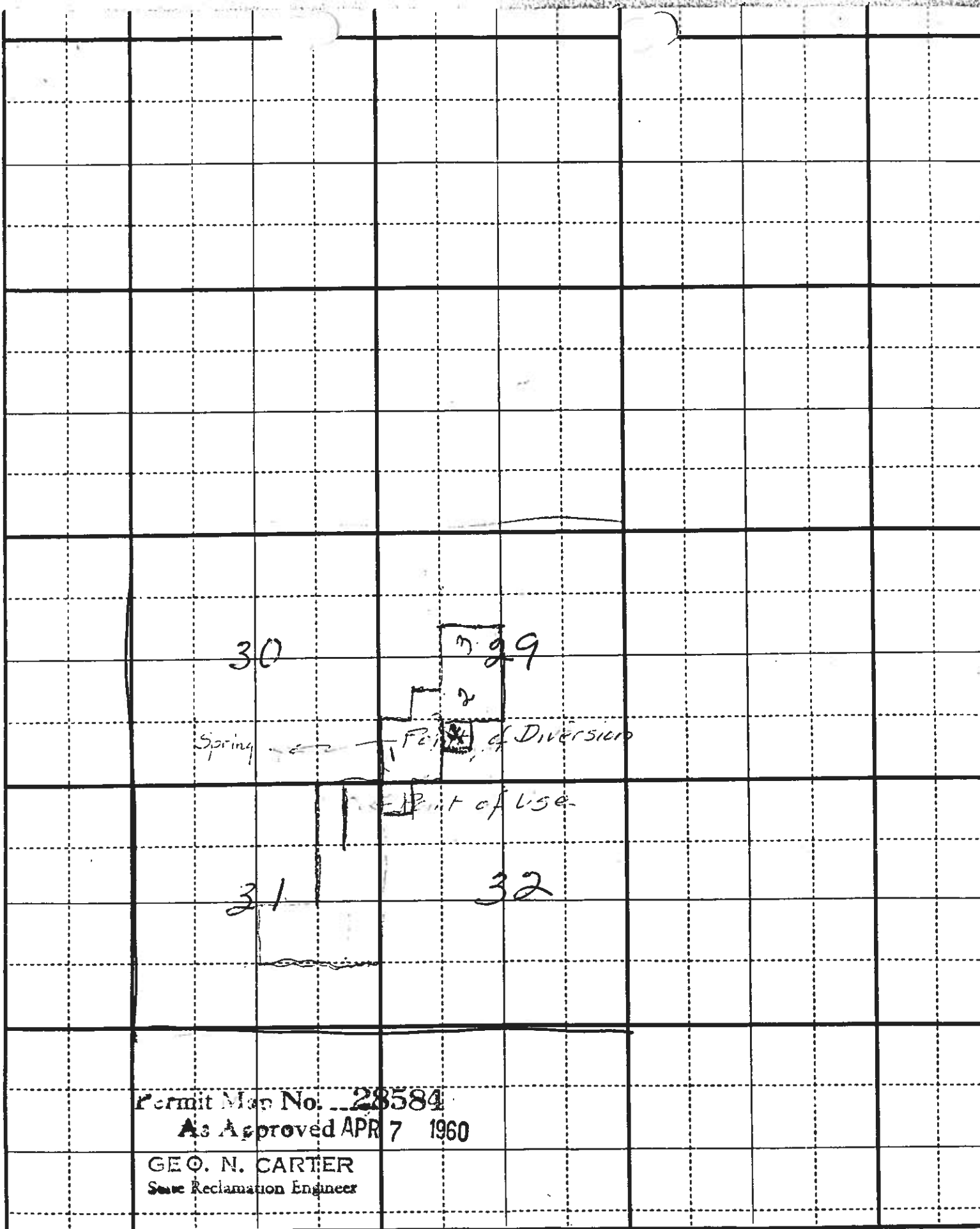
5. Date you acquired the property

14 Feb 2000

ATTACHMENT TO NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP
CLAIM: 24-2046

Members of The Tolman Family Association:

Risa Ashment,	
Rick F. Tolman	
J. Mark Tolman	
Emlee Tanner	
Kent M. Tolman	
Chrystal Walker	
Jayne Tolman	
Steven W. Tolman	
Blair V. Tolman	



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

X LOCATION OF SPRING
O PLACE OF USE

W.C.

1971. Under the Idaho code in order to file a beneficial use right the water must have been used prior to the mandatory permit statute and your home wasn't built until last year.

This office must receive your response by the response date shown above. If no response is received, then your claim to a portion of 24-2046 from the springs will not be recommended to be decreed. You can find the necessary forms on our website <http://www.idwr.idaho.gov> to file an application for permit for the spring development along with the fees required to process the application. I've enclosed a couple brochures from the Department to help with using our website and to understand a property owners responsibilities in the State of Idaho. If you have any questions please feel free to contact me at (208) 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Property Owner Brochure
Using the Internet Brochure

Cc: Tolman Family Association

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

See attached split description in deed.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Signature] (Manager)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____