

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 47-2351
Date Received: 10/28/2004
Receipt No: 5027142
Received By: KKC

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

1. Name of Claimant(s)

TOLBERT FAMILY LTD PARTNERSHIP Phone: (208)733-8230
C/O PAUL SLIGAR
3975 N 2600 E
TWIN FALLS ID USA 83301

2. Date of Priority: 03/29/1961

3. Source: WASTE WATER Trib. to: LP COULEE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	16E	11	NW SE	TWIN FALLS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.45	

7. Total Quantity Appropriated is:
0.45 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
10S	16E	11	NE NE	IRRIGATION	32
			SW NE	IRRIGATION	8
			SE NE	IRRIGATION	20
Section Acres					60
Total Acres					60

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

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: _____

For Organizations:

I do solemnly swear or affirm that I am General Partner of

Tolbert Family Ltd Partnership

Title

that I have signed the foregoing document in the

Organization

space below as

General Partner

Title

Tolbert Family Ltd Partnership

Organization

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

Best Matt Albert
Signature of Authorized Agent

General Partner, Tolbert Family Ltd Partnership
Title and Organization

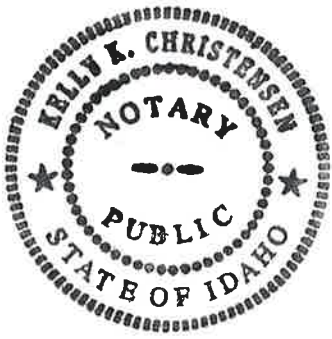
Oct 28, 2004
Date

State of Idaho)

County of Twin Falls)

SS.

Subscribed and sworn (or affirmed) before me this 28th day of October 2004



Kelly K. Christensen
Notary Public

Residing at Twin Falls

Commission Expires 4-2-2010

02/25/2005

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

RIGHT NUMBER: 47-2351

NAME AND ADDRESS: TOLBERT FAMILY LTD PARTNERSHIP
C/O PAUL SLIGAR
3975 N 2600 E
TWIN FALLS ID 83301

VERIFIED BY: KHC

SOURCE: UNNAMED STREAM

TRIBUTARY: ROCK CREEK

QUANTITY: 0.450 CFS

PRIORITY DATE: 03/29/1961

POINT OF DIVERSION:

T10S R16E S11 NENWSE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.450 CFS

PLACE OF USE: IRRIGATION Within TWIN FALLS County

T10S R16E S11	NENE	37.0	T10S R16E S11	SWNE	8.0
T10S R16E S11	SENE	36.0			

81 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 81 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 47-2351 & 47-4247

This right is limited to the irrigation of 60 acres within the place of use
described above in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

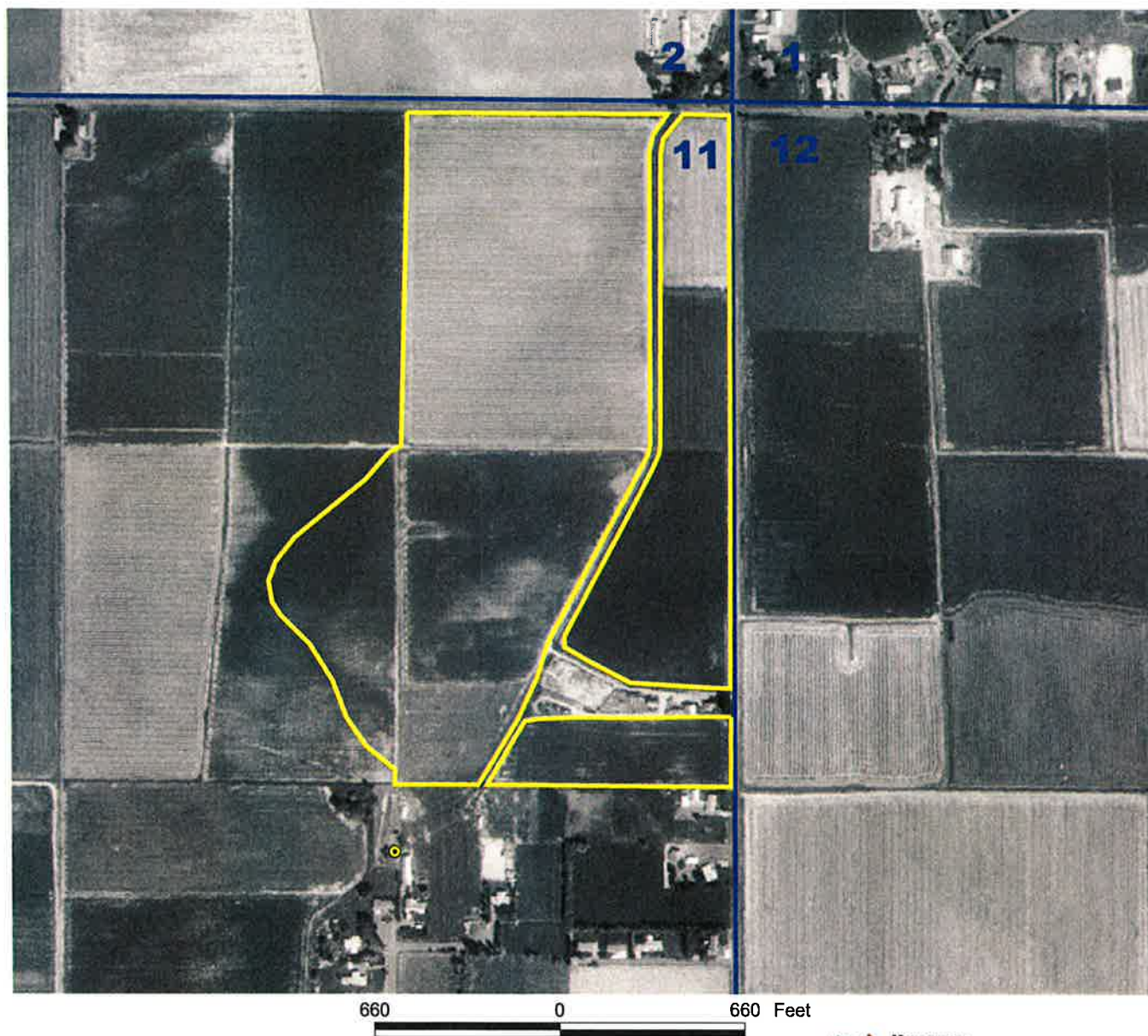
EXPLANATORY MATERIAL: License

SOURCE IS ALSO KNOWN AS THE P COULEE.

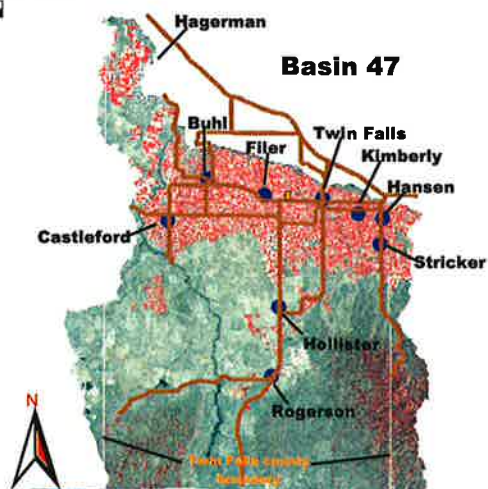
THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL
APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS
GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS,
TO CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF
WASTING IT, OR TO RECAPTURE IT.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM TWIN FALLS CANAL
CO.

RECOMMENDED PLACE OF USE FOR 47-2351



PLACE OF USE
TWP 10S, RNG 16E, SEC 11
Data entry on February 14, 2005



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

TOWNSHIP LINES

SECTION LINES

QUARTER/QUARTER LINES

LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
1993 ORTHO AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

02/25/2005

**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: See cover letter

Water right number: 47-2351

TOLBERT FAMILY LTD PARTNERSHIP
C/O PAUL SLIGAR
3975 N 2600 E
TWIN FALLS ID 83301
Telephone Number: (208)733-8230

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:

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

DATE: 11/1/06 SIGNATURE: Tolbert Family Limited Partnership
Please print your name: by Marian Tolbert Childs, for Part

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

MOA

02/14/2005

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

RIGHT NUMBER: 47-2351

NAME AND ADDRESS: TOLBERT FAMILY LTD PARTNERSHIP
C/O PAUL SLIGAR
3975 N 2600 E
TWIN FALLS ID 83301

SOURCE: WASTE WATER

TRIBUTARY: LP COULEE

QUANTITY: 0.450 CFS

PRIORITY DATE: 03/29/1961

POINT OF DIVERSION:

T10S R16E S11 NENWSE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.450 CFS

PLACE OF USE: IRRIGATION Within TWIN FALLS County

T10S R16E S11	NENE	37.2	T10S R16E S11	SWNE	7.6
T10S R16E S11	SENE	35.5			

37
36

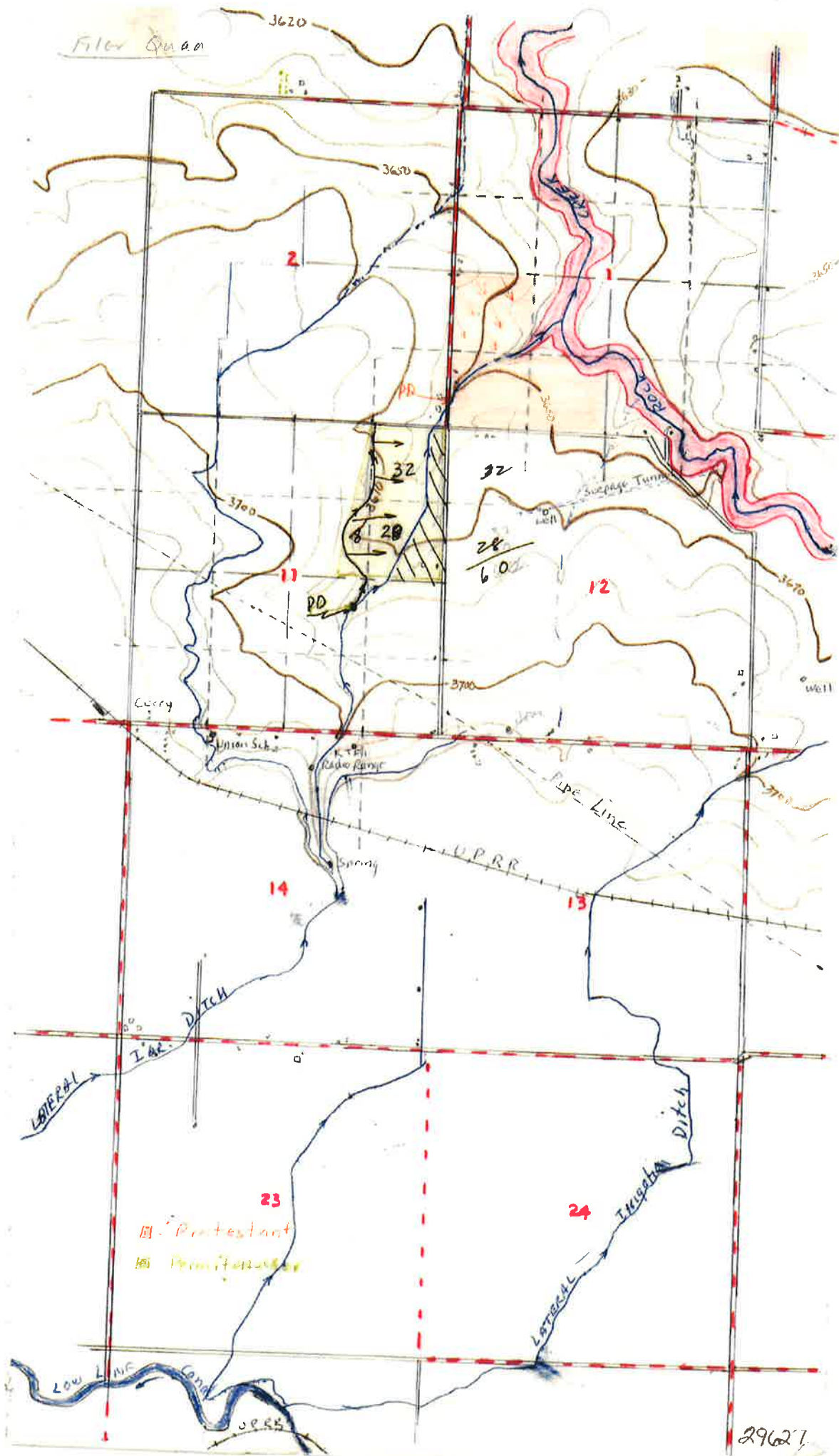
80.3 ACRES TOTAL

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

EXPLANATORY MATERIAL: License

Matt's Notes:

- 1) I used the same POU and POD as 47-4247. For 47-4247, I used your POU, but modified it slightly so it matched the photo better - this caused the acreage to go from 81.6 acres to 80.3 acres. I had to approximate the acreages by QQ because of the GCDB problem. I digitized the POD in ArcView based on the sketch by Bert Tolbert in the file.
- 2) I created a final layout.



Tolbert Family Limited Partnership
Bert M. Tolbert, General Partner
c/o Paul Sligar, 3957 N 2600 E, Twin Falls, ID 83301-0191
Telephone 303-447-8432, email bert.tolbert@colorado.edu

Application for Permit for Appropriation of Water in the State of Idaho
For use as supplemental irrigation water from drainage from fields and springs
in upstream sites.

On 160 acre farm of the SW quarter of Section 12, T 10S, 16E B.M., County
of Twin Falls.

Kind of Works: underground pipe

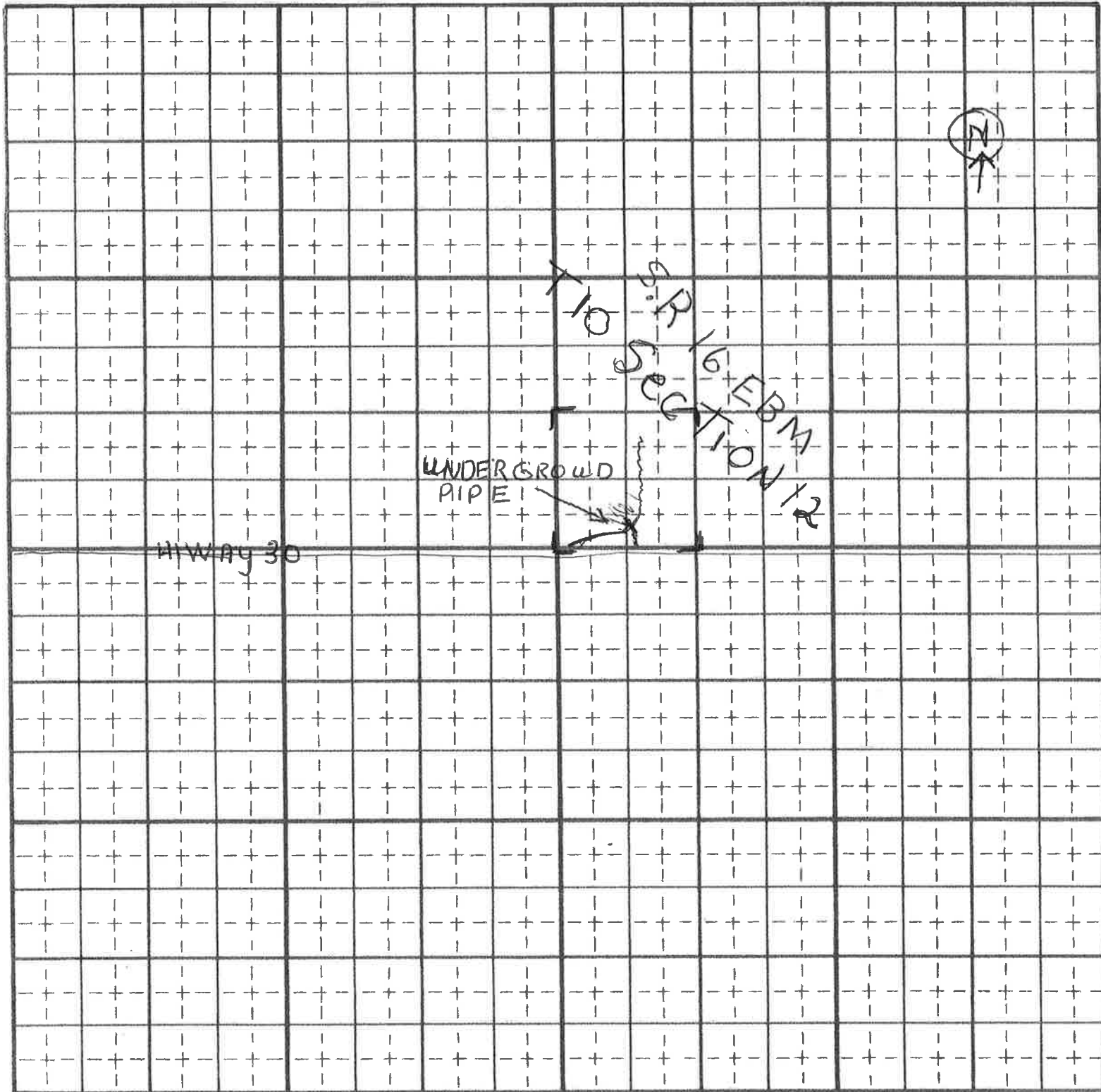
This farm was acquired in three parcels purchased in 1930, 1936, and the final NE quarter in 1942, by Ed and Helen Tolbert. The deeds for these three purchases, Deed Record 96, 123, and 132, copies attached. Subsequently it was deeded stepwise to their children, Nathan, Bert, Esther and Marian, who eventually transferred it into the Tolbert Family Limited Partnership.

Water from field and spring drainage to the south, where it comes across the main highway at the low point of this land about midway along the south border of this farm, has from earliest times of the Twin Falls irrigation tract, been used as supplemental irrigation for the adjacent fields to the north. This water was originally carried by flume over the Twin Falls Canal Company lateral, and is now carried by a underground pipe. Picture of the diversion are attached.

The intermittent water flow available at this point is used as supplemental water for the fields to the north. This supplemental irrigation has been very important in helping provide water for these field crops.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name TOLBERT FAMILY Ident No. _____
LTD PARTNERSHIP

Copies: White-State, Yellow-Claimant

TOLBERT FAMILY LTD PARTNERSHIP

SW QUARTER OF SECTION 12, T10S, 16 EBM



WASTE WATER
DITCH LEADING
TO UNDERGROUND
PIPE

SQUARE
BOX IS EXIT
FOR
UNDERGROUND
PIPE



DEED REC RD No. 96

Instrument No. 230895

TOLBERT FAMILY
LTD. PARTNERSHIP

This Indenture Made this 5th day of December, in the year of our Lord one thousand nine hundred and thirty (1930), between Andrew E Holmquist and Ellen Holmquist, his wife, of Twin Falls County of Twin Falls State of Idaho the part ies of the first part, and Ed Tolbert, of Twin Falls County of Twin Falls State of Idaho the part --- of the second part,

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of Twenty two thousand and 00/100 DOLLARS, lawful money of the United States of America, to them in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, ha ve granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm, unto the said part Y of the second part, and to his heirs and assigns forever, all the following described real estate situated in Twin Falls County, State of Idaho, to-wit:

West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section Twelve (12) Township Ten (10) South of Range Sixteen (16) E B M Together with all water rights appurtenant thereto. Subject to a certain mortgage in the sum of \$8000.00 payable to the Federal Land Bank of Spokane, there being an unpaid balance of \$7788.70 on said mortgage.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part ies of the first part:

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the part --- of the second part, and to --- heirs and assigns forever. And the said part ies of the first part, and --- heirs, the said premises in the quiet and peaceable possession of the said part --- of the second part, --- heirs and assigns, against the said part ies of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Andrew E Holmquist (SEAL.)

Ellen Holmquist, (SEAL.)

STATE OF IDAHO,

County of Twin Falls ss. On this 5th day of December in the year 1930 before me, the undersigned, a Notary Public State and in and for said County, personally appeared Andrew E Holmquist and Ellen Holmquist, his wife known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(J E White Notary Public)
(State of Idaho)
My commission expires on the 15th day of February, 1933

J E White Notary Public in and
for the State of Idaho, Re-
siding at Twin Falls, Idaho.

Filed for record at the request of Ed Tolbert
this 12 day of Dec 1930

at 2/10 o'clock p M.,

Fees, \$ 1.20

paid

Harry C Parsons

Recorder

TWIN FALLS COUNTY, IDAHO

TOLBERT FAMILY
LIMITED
PARTNERSHIP

Instrument No 277750

This Indenture, Made this 4th day of September, 1936, in the year of our Lord one thousand nine hundred and thirty-six between Ruby Brittomart Wolfe, a divorced woman and not re-married, formerly Brittomart Frame; also known as Ruby B Frame and as Ruby B Wolfe and Brittomart Wolfe Frame and Brittomart Wolfe of Twin Falls, County of Twin Falls, State of Idaho, the party of the first part and Ed Tolbert, whose wife is Helen E Tolbert, of Twin Falls, County of Twin Falls, State of Idaho, the party of the second part.

Witnesseth, That the said party of the first part, for and in consideration of the sum of Six thousand seven hundred and fifty dollars (\$6750.00) to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and by these presents does grant, bargain, sell and convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in Twin Falls County, State of Idaho, to-wit:

The Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$) of Section Twelve (12) of Township Ten (10) South of Range Sixteen (16) East of the Boise Meridian except that portion of said subdivision described as follows: Beginning at the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twelve (12) thence west 120 feet, north 423.6 feet, east 100 feet, north about 1006 feet, thence east 20 feet to the sixteenth corner, thence south $\frac{1}{4}$ mile to the point of beginning. Also subject to all recorded rights of way over said conveyed premises.

This deed is made, executed and delivered by the grantor and accepted by the grantee subject to that certain mortgage dated December 1, 1933, and recorded in Book 104 of Mortgages at page 361.

Also subject to that certain mortgage dated December 1, 1933, and recorded in Book 104 of Mortgages and page 363.

That the grantee herein agrees to pay all unpaid principal and accrued interest on each of the mortgages above described as a part of the purchase price herein above stated to have been paid. The party of the second part hereby assumes the 1936 taxes levied upon said premises. The crop growing upon said premises during the season of 1936 is reserved by the grantor as her property. Possession is to be given January 1, 1937.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said party of the first part:

To Have and To Hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and her heirs, the said premises in the quiet and peaceful possession of the said party of the second part, his heirs and assigns, against the said party of the first part and her heirs and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

DEED RECORD No. 111

her hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of Stella Hiester Ruby Brittomart Wolfe (Seal)

State of Idaho }
County of Twin Falls } ss

On this 4th day of September, 1936, before me, the undersigned a Notary Public in and for the State of Idaho, personally appeared Ruby Brittomart Wolfe, a divorced woman and not re-married, formerly Brittomart Frame; also known as Ruby B Frame and as Ruby B Wolfe and Brittomart Wolfe Frame and Brittomart Wolfe known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(S T Hamilton Notary Public)
(State of Idaho)

S T Hamilton Notary Public
Residing at Twin Falls, Idaho

Filed for record at the request of Ed Tolbert at 11:46 A M September 12, 1936

Fees \$1.40 paid

Frank J Smith

ld

Recorder

DEED RECORD No. 132

INSTRUMENT No. 332580

THIS INDENTURE, Made this 16th day of March in the year of our
 one thousand nine hundred and forty-two, between Lloyd Holmquist, a bachelor
 Twin Falls, County of Twin Falls, State of Idaho
 party of the first part, and Edward Tolbert whose wife's name is Helen E Tolbert
 Twin Falls, County of Twin Falls, State of Idaho
 party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of
 (\$10.00) and other valuable considerations DOLLARS
 full money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof
 hereby acknowledged, has granted, bargained, and sold, and by these presents does grant, bargain, sell, convey and confirm,
 to the said party of the second part and to his heirs and assigns forever, all the following described real estate, situated
 Twin Falls County, State of Idaho, to-wit:

The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section
 five (12), Township Ten (10) South Range Sixteen (16), East of the Boise Meridian, and
 to that part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twelve
 Township Ten (10) South, Range Sixteen (16), East of the Boise Meridian, described
 follows: Beginning at the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of Section
 five (12), Township Ten (10) South, Range Sixteen (16), East of the Boise Meridian,
 thence west 120 feet; thence north 435.6 feet, thence east 100 feet; thence north 1006
 feet; thence east 20 feet to the sixteenth corner; thence south one-fourth mile to the
 place of beginning.

Subject to the taxes for 1943 and subsequent years

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining,
 reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to
 said property, as well in law as in equity, of the said party of the first part:

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances,
 to the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and
 his heirs, and said premises in the quiet and peaceful possession of the said party of the second part,
 his heirs and assigns, against the said party of the first part, and his heirs, and against all and
 every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever
 defend.

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

Signed, Sealed and Delivered in the Presence of:
 W O Smith } Lloyd Holmquist (SEAL)
 .60 Doc Stamp Cancelled } (SEAL)

STATE OF IDAHO, } ss.
 COUNTY OF Twin Falls }
 On this 18th day of March, in the year 1943, before me,
 the undersigned Notary Public in and for said State
 personally appeared Lloyd Holmquist, a bachelor

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that
 he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above
 written.

W O Smith, Notary Public)
 State of Idaho)
 commission expires on the 31st day of Jan, 1947
 Filed for record at the request of Edward Tolbert at 11:30 o'clock A. M.
 18 day of March, 1943

\$ 1.40 paid Paul H Gordon, Recorder.

TOLBERT FAMILY
 LTD. PARTNERSHIP

NER

ESTATE

85 Acres

K . T . / F .  I

Radio Tower

TUNNEL

R.W. QUALLS,
TWIN FALLS
Contract #351

OPEN_COULEE DRAIN

5.2 AC

* 6-1 N.B.

ONE

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81-18

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7/11/80

○

2/11

15

9

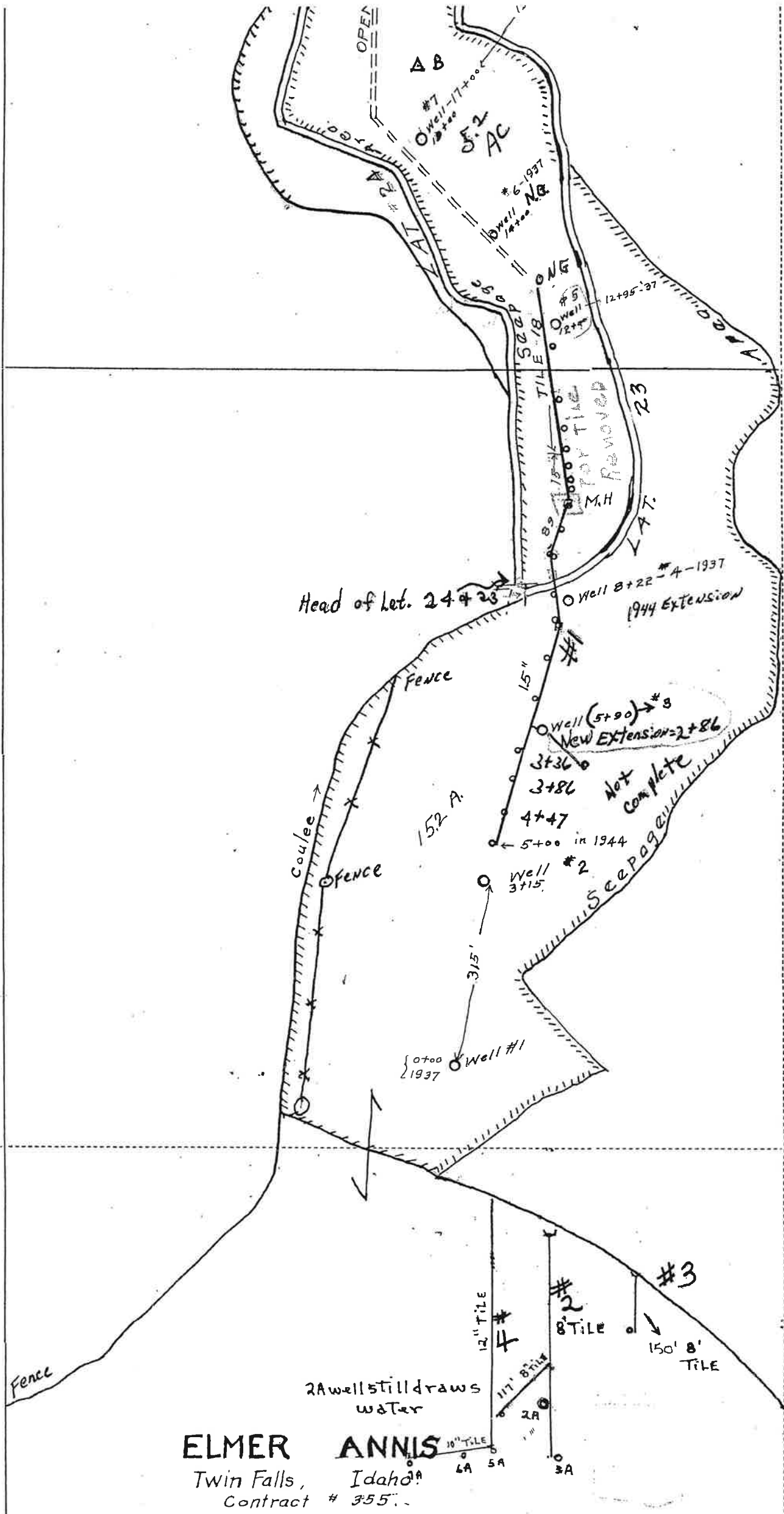
8-10

○

13

✗

Head of let. 24 + 23



Barlocke