

11/16/2006

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

RIGHT NUMBER: 75-4180

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

SOURCE: HAT CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 01/01/1952

POINT OF DIVERSION:

T17N R20E S10 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.360 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T17N R20E S14

NWNW

0.10

T17N R20E S15

NENE

7.00

7.1 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

11/16/2006

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

RIGHT NUMBER: 75-4180

NAME AND ADDRESS: MARTIN W HALPERN
PO BOX 32
ARGYLE TX 76226

SOURCE: HAT CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.360 CFS

PRIORITY DATE: 01/01/1952

POINT OF DIVERSION:

T17N R20E S10 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.360 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T17N R20E S14	NWNW	0.10	T17N R20E S15	NENE	7.00
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7.1 ACRES TOTAL

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

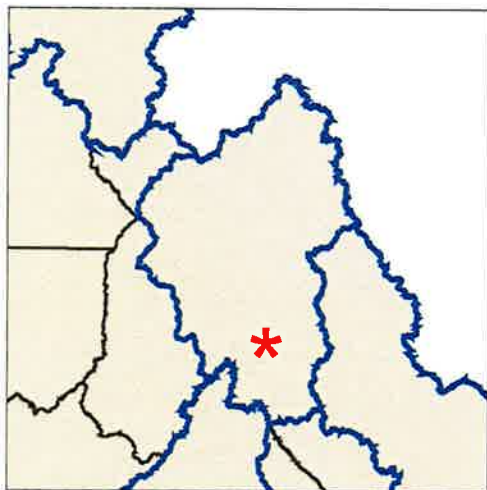
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

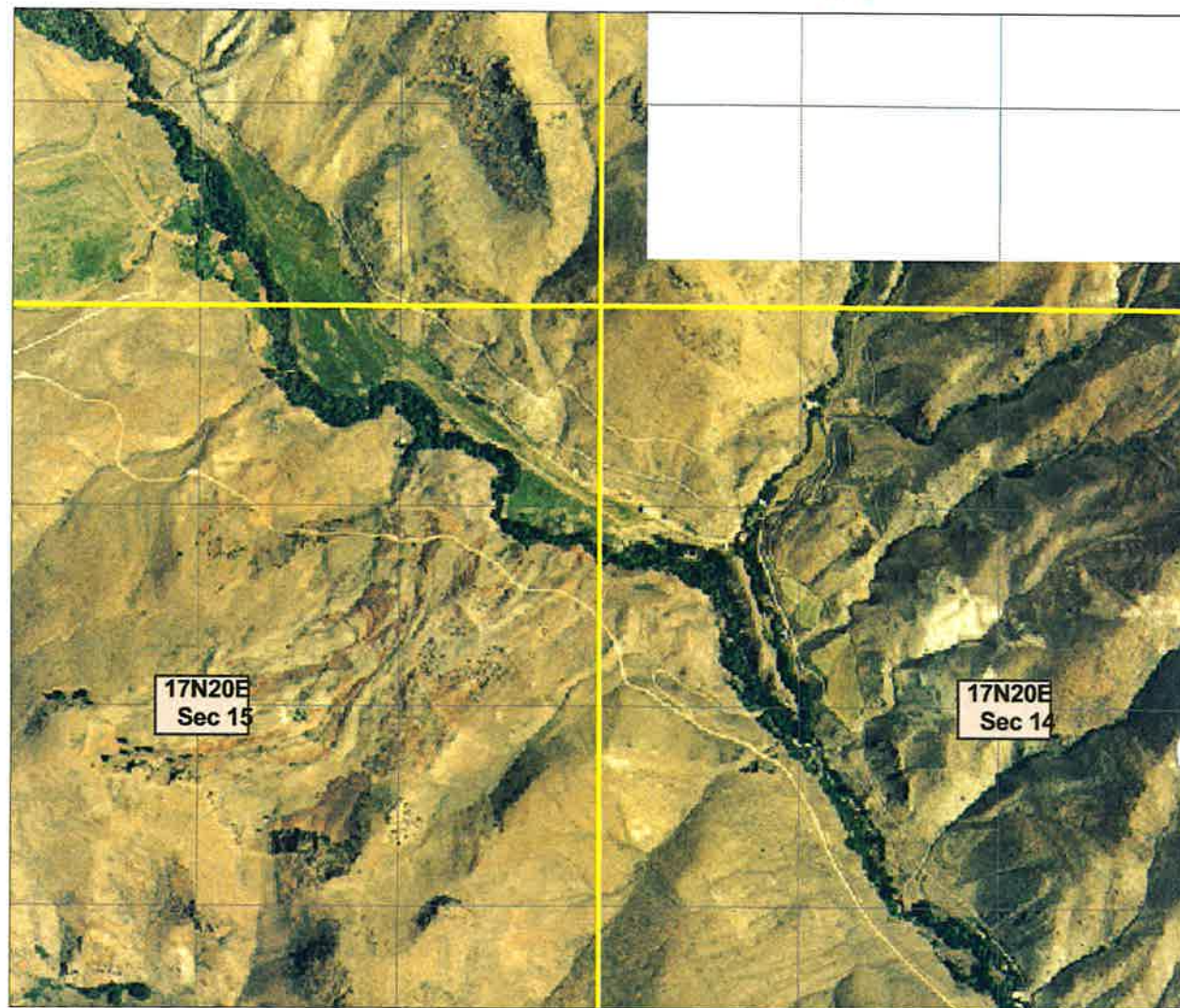


Adjudication Claim Number: **75-4180**



Legend

-  Section Lines
-  17N20E GCDB

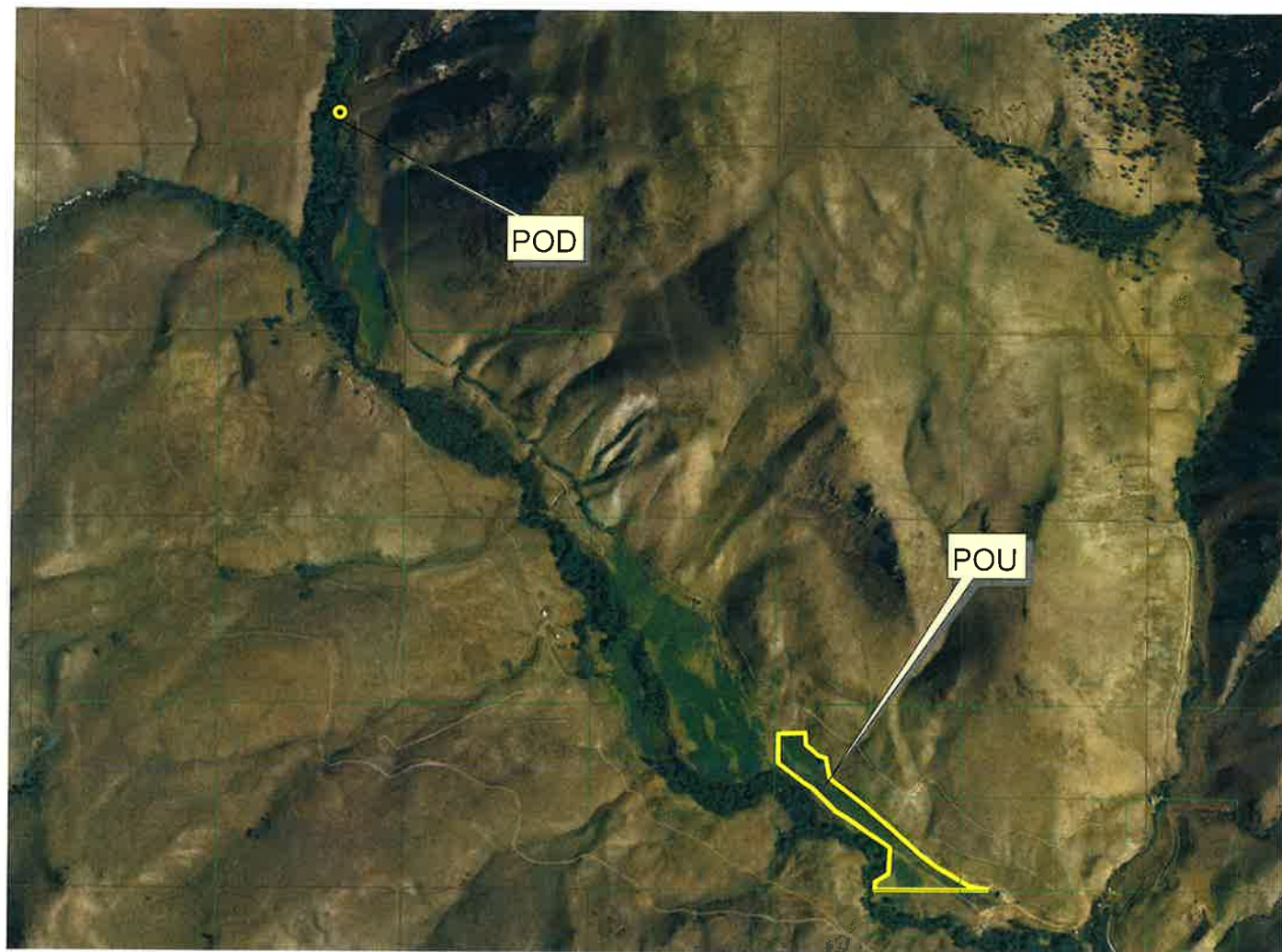


Prepared by M. Van Bussum
On Tuesday, May 10, 2005
1988 Aerial Photography

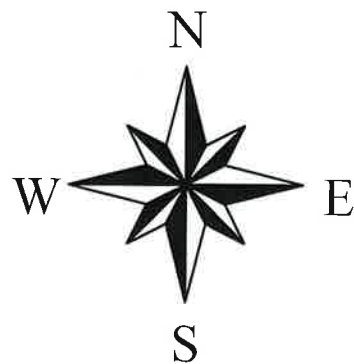
0 0.4 0.8 Miles

A horizontal scale bar with markings at 0, 0.4, and 0.8 miles.

75-4180



-  Lemhi taxlots
-  GCDB17N20E GCDB
-  Foster.shp
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



Claimed
area

NENE
Sec. 15

NW NW
Sec. 14

SW NW
Sec. 14



Arave, Nathaniel

From: Brown, Larry (ENRD) [Larry.Brown@usdoj.gov]
Sent: Wednesday, March 05, 2008 9:12 AM
To: Baxter, Garrick; Cooley-Denney, Suzy; Arave, Nathaniel
Cc: Fredric_Price@blm.gov; Sherman_Beazer@blm.gov; Casey_O'Brien@blm.gov; Alan_Bittner@blm.gov
Subject: 75-04043, 75-04180, 75-07067, 75-10042, and 75-10043; Claimant: Halpern

I just spoke with Mr. Halpern. We agreed to resolve BLM's objections to the above-referenced water right claims by adding the "no fed land" remark to the place of use element. Please prepare appropriate SF-5s and let Fred know when then are done. He will send them to Mr. Halpern along with an addressed, postage-paid envelope for returning the signed documents to the BLM. When Fred gets them back, he will obtain IDWR's concurrence, then send them to me for signature, filing, and service. Thanks,

Larry

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

RECEIVED

FEB 22 2006

DEPARTMENT OF
WATER RESOURCES

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 (under the "split" heading), 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
<u>75-4043</u>					
<u>75-4186</u>					
<u>75-7067</u>					
<u>75-10042</u>					
<u>75-10043</u>					

permit

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) is 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)

Ken, Edward, Kathy Tolman

4. New Owner/Claimant(s)

Preston E. Dixon

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

New Mailing Address

PO Box 367

City, State and ZIP Code

Challis ID 83226

New Telephone Number

(208) 879 2225

5. Date you acquired the property

7/15/2005

SCANNED

FEB 22 2006

RECEIVED

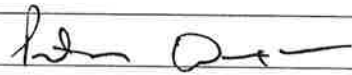
FEB 10 2006

Department of Water Resources
 Eastern Region

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) 
(include title if applicable) _____

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 _____

SCANNED
FEB 7 2 2006

WARRANTY DEED

FOR VALUE RECEIVED, The REX TOLMAN TRUST, and ELIZABETH C. TOLMAN, a single woman, the Grantors, do hereby grant, bargain, sell and convey unto PRESTON E. DIXON, a single man, whose current address is P.O. Box 367, Challis, ID 83226, the Grantee, the following described premises, in Lemhi County, Idaho, to-wit:

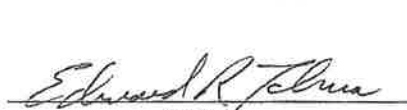
See attached Exhibit "A."

TOGETHER WITH all improvements, buildings, and fixtures situated on said property, and all water rights, tenements, hereditaments, and appurtenances thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: July 15th, 2005.

REX TOLMAN TRUST


Edward R. Tolman, Trustee


Elizabeth C. Tolman


Janet Tolman Forsgren, Trustee


Timothy J. Tolman, Trustee

263738

State of Idaho)
County of Lemhi) SS No. _____

This instrument was filed for record at the request
of Alhanna Little
at 4:26 o'clock P.m. 7-19 2005
and duly filed and indexed in the records of Lemhi
County
Terri J. Morton
Ex-Officio Recorder
By  Deputy
Fes 12
Return SCANNED A-T
FEB 22 2006

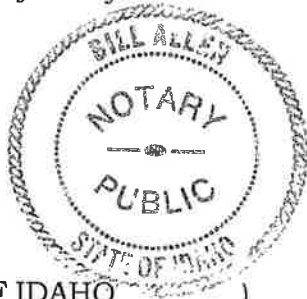
SCANNED

STATE OF IDAHO)
) SS
County of Lemhi)

263738

On this 15th day of July, 2005, before me, a Notary Public in and for said State, personally appeared EDWARD R. TOLMAN, JANET TOLMAN FORSGREN and TIMOTHY J. TOLMAN, known to me to be Trustees of The REX TOLMAN TRUST, and the persons whose names 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.



Bill Allen
Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: 2/19/2009

STATE OF IDAHO)
) SS
County of Lemhi)

On this 15th day of July, 2005, before me, a Notary Public in and for said State, personally appeared ELIZABETH C. TOLMAN, 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.



Bill Allen
Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: 2/19/2009

**LEGAL DESCRIPTION
EXHIBIT 'A'**

263738

PARCEL I

THE N1/2SW1/4NW1/4 AND THE SE1/4SW1/4NW1/4, SECTION 14, TOWNSHIP 17 NORTH, RANGE 20 EAST, BOISE MERIDIAN, LEMHI COUNTY, STATE OF IDAHO.

PARCEL II

THE S1/2NW1/4NW1/4 AND THE W1/2SE1/4NW1/4 AND THE SW1/4NE1/4NW1/4, BOISE MERIDIAN, LEMHI COUNTY, STATE OF IDAHO. LESS A PARCEL OF LAND LOCATED IN THE N1/2NW1/4 OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 20 EAST, B.M. LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS DUE WEST 535 FEET FROM THE NORTHEAST CORNER OF THE SW1/4 OF THE NE1/4 OF THE NW1/4 OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 20 EAST, BOISE MERIDIAN; RUNNING THENCE FROM SAID POINT OF BEGINNING DUE WEST 265 FEET, THENCE DUE SOUTH 300 FEET, THENCE DUE EAST 195 FEET AND THENCE NORTH 13° 08' 02" EAST 308.05 FEET TO THE POINT OF BEGINNING.

PARCEL III

A PARCEL OF LAND LOCATED IN THE N1/2NW1/4 OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 20 EAST, B.M. LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS DUE WEST 535 FEET FROM THE NORTHEAST CORNER OF THE SW1/4 OF THE NE1/4 OF THE NW1/4 OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 20 EAST, BOISE MERIDIAN; RUNNING THENCE FROM SAID POINT OF BEGINNING DUE WEST 265 FEET, THENCE DUE SOUTH 300 FEET, THENCE DUE EAST 195 FEET AND THENCE NORTH 13° 08' 02" EAST 308.058 FEET TO THE POINT OF BEGINNING.

PARCEL IV

A PARCEL OF LAND LOCATED IN THE NE1/4, SECTION 15, T. 17 N., R. 20 E., LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE N1/4 CORNER OF SAID SECTION 15, FROM WHICH THE NE CORNER OF SECTION 15 BEARS N. 89° 52' 19" E., 2638.60 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE N. 89°

**SCANNED
FEB 22 2006**

52' 19" E. ALONG THE NORTHERLY BOUNDARY OF SECTION 15 A
DISTANCE OF 1319.30 FT. TO THE EAST 1/16 CORNER OF SETIONS 15 AND
10, SAID POINT BEING THE POINT OF BEGINNING;

CONTINUE THENCE N. 89° 52' 19" E. ALONG SAID NORTHERLY
SECTION BOUNDARY A DISTANCE OF 659.65 FT. TO THE E-E 1/64 CORNER
OF SAID SECTIONS 10 AND 15;

THENCE S. 00° 02' 08" E. A DISTANCE OF 660.69 FT. TO THE NE-NE
1/64 CORNER OF SAID SECTION 15;

THENCE N. 89° 51' 24" E. A DISTANCE OF 659.56 FT. TO THE N-N 1/64
CORNER OF SECTIONS 14 AND 15;

THENCE S. 00° 01' 40" E. ALONG THE EASTERLY BOUNDARY OF
SAID SECTION 15 A DISTANCE OF 990.77 FT. TO THE N-S-N 1/256 CORNER
OF SAID SECTIONS 14 AND 15;

THENCE S. 89° 50' 03" W. A DISTANCE OF 659.42 FT. TO THE C-N-SE-
NE 1/256 CORNER OF SAID SECTION 15;

THENCE N. 00° 02' 08" W. A DISTANCE OF 330.34 FT. TO THE C-E-NE
1/64 CORNER OF SAID SECTION 15;

THENCE S. 89° 50' 30" W. A DISTANCE OF 32.83 FT. TO A POINT IN
THE CENTER OF HAT CREEK;

THENCE ALONG THE CENTER OF HAT CREEK THE FOLLOWING
COURSES:

N. 11° 20' 41" W, 63.43 FT; N. 42° 24' 25" E, 178.45 FT;

N. 25° 26' 38" W, 94.55 FT.; N. 70° 20' 13" W, 339.91 FT.;

S. 72° 08' 30" W, 65.51 FT.; N. 42° 30' 06" W, 461.78 FT. TO A POINT ON
THE WESTERLY BOUNDARY OF THE NE1/4NE1/4 OF SAID SECTION 15;

THENCE N. 00° 02' 37" W. ALONG SAID WESTERLY BOUNDARY A
DISTANCE OF 605.92 FT. TO THE POINT OF BEGINNING.

SCANNED

FEB 7 2 2006

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 (under the "split" heading), 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
75-40431					
75-41861					
Permit ← 75-70671					
75-100421					
75-100431					

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) is 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) Preston Dixon
PO Box 367 Challis ID 83226
4. New Owner/Claimant(s) Martin W Halpern
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 32
- City, State and ZIP Code Angyle Texas 76226
- New Telephone Number 214 937 6189
5. Date you acquired the property Dec 29 2005

RECEIVED
FEB 10 2006
Department of Water Resources
Eastern Region

SCANNED
FEB 22 2006

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) _____
(include title if applicable)



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 _____

SCANNED
FEB 7 2 2006

AT 3405

WARRANTY DEED

FOR VALUE RECEIVED, PRESTON E. DIXON, a single man, the Grantor, does hereby grant, bargain, sell and convey unto MARTIN W. HALPERN, whose current address is P.O. Box 32, Argyle, TX 76226, the Grantee, the following described premises, in Lemhi County, Idaho, to-wit:

See attached Exhibit "A."

TOGETHER WITH all improvements, buildings, and fixtures situated on said property, and all water rights, tenements, hereditaments, and appurtenances thereto.

SUBJECT TO that certain Mortgage between Preston E. Dixon as Mortgagor and The Rex Tolman Trust and Elizabeth C. Tolman, a single woman, as Mortgagees, dated July 15, 2005, and recorded on July 19, 2005 as Instrument No. 263739, records of Lemhi County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that he is the owner in fee simple of said premises; that they are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

DATED: 12/22, 2005.

State of Idaho) SS No. 265646
County of Lemhi)
This instrument was filed for record at the request
of Alliance Title
at 2:50 o'clock p.m. 12-30 2005
and duly filed and indexed in the records of Lemhi
County
Terri J. Morton
Ex-Officio Recorder
By Brenda Kuttig Deputy
Fee 12.00
Return to AT Pd

Preston E. Dixon
Preston E. Dixon

265646

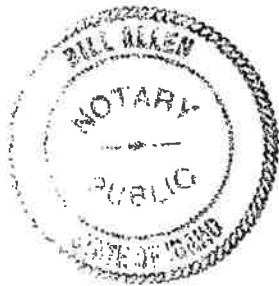
STATE OF IDAHO

))
) SS

County of Lemhi

On this 22nd day of July, 2005, before me, a Notary Public in and for said State, personally appeared PRESTON E. DIXON, 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.



For Bill Allen
Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: 02/19/2009

LEGAL DESCRIPTION
EXHIBIT 'A'

265646

PARCEL I

THE N1/2SW1/4NW1/4 AND THE SE1/4SW1/4NW1/4, SECTION 14, TOWNSHIP 17 NORTH, RANGE 20 EAST, BOISE MERIDIAN, LEMHI COUNTY, STATE OF IDAHO.

PARCEL II

THE S1/2NW1/4NW1/4 AND THE W1/2SE1/4NW1/4 AND THE SW1/4NE1/4NW1/4, SECTION 14, TOWNSHIP 17 NORTH, RANGE 20 EAST, BOISE MERIDIAN, LEMHI COUNTY, STATE OF IDAHO.
LESS A PARCEL OF LAND LOCATED IN THE N1/2NW1/4 OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 20 EAST, B.M. LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS DUE WEST 535 FEET FROM THE NORTHEAST CORNER OF THE SW1/4 OF THE NE1/4 OF THE NW1/4 OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 20 EAST, BOISE MERIDIAN; RUNNING THENCE FROM SAID POINT OF BEGINNING DUE WEST 265 FEET, THENCE DUE SOUTH 300 FEET, THENCE DUE EAST 195 FEET AND THENCE NORTH $13^{\circ} 08' 02''$ EAST 308.05 FEET TO THE POINT OF BEGINNING.

PARCEL III

A PARCEL OF LAND LOCATED IN THE N1/2NW1/4 OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 20 EAST, B.M. LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS DUE WEST 535 FEET FROM THE NORTHEAST CORNER OF THE SW1/4 OF THE NE1/4 OF THE NW1/4 OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 20 EAST, BOISE MERIDIAN; RUNNING THENCE FROM SAID POINT OF BEGINNING DUE WEST 265 FEET, THENCE DUE SOUTH 300 FEET, THENCE DUE EAST 195 FEET AND THENCE NORTH $13^{\circ} 08' 02''$ EAST 308.058 FEET TO THE POINT OF BEGINNING.

PARCEL IV

A PARCEL OF LAND LOCATED IN THE NE1/4, SECTION 15, T. 17 N., R. 20 E., LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE N1/4 CORNER OF SAID SECTION 15, FROM WHICH THE NE CORNER OF SECTION 15 BEARS N. $89^{\circ} 52' 19''$ E., 2638.60

SCANNED

FEB 22 2006

265646

FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE N. 89° 52' 19" E. ALONG THE NORTHERLY BOUNDARY OF SECTION 15 A DISTANCE OF 1319.30 FT. TO THE EAST 1/16 CORNER OF SETIONS 15 AND 10, SAID POINT BEING THE POINT OF BEGINNING;

CONTINUE THENCE N. 89° 52' 19" E. ALONG SAID NORTHERLY SECTION BOUNDARY A DISTANCE OF 659.65 FT. TO THE E-E 1/64 CORNER OF SAID SECTIONS 10 AND 15;

THENCE S. 00° 02' 08" E. A DISTANCE OF 660.69 FT. TO THE NE-NE 1/64 CORNER OF SAID SECTION 15;

THENCE N. 89° 51' 24" E. A DISTANCE OF 659.56 FT. TO THE N-N 1/64 CORNER OF SECTIONS 14 AND 15;

THENCE S. 00° 01' 40" E. ALONG THE EASTERLY BOUNDARY OF SAID SECTION 15 A DISTANCE OF 990.77 FT. TO THE N-S-N 1/256 CORNER OF SAID SECTIONS 14 AND 15;

THENCE S. 89° 50' 03" W. A DISTANCE OF 659.42 FT. TO THE C-N-SE-NE 1/256 CORNER OF SAID SECTION 15;

THENCE N. 00° 02' 08" W. A DISTANCE OF 330.34 FT. TO THE C-E-NE 1/64 CORNER OF SAID SECTION 15;

THENCE S. 89° 50' 30" W. A DISTANCE OF 32.83 FT. TO A POINT IN THE CENTER OF HAT CREEK;

THENCE ALONG THE CENTER OF HAT CREEK THE FOLLOWING COURSES:

N. 11° 20' 41" W, 63.43 FT; N. 42° 24' 25" E, 178.45 FT;

N. 25° 26' 38" W, 94.55 FT.; N. 70° 20' 13" W, 339.91 FT.;

S. 72° 08' 30" W, 65.51 FT.; N. 42° 30' 06" W, 461.78 FT. TO A POINT ON THE WESTERLY BOUNDARY OF THE NE1/4NE1/4 OF SAID SECTION 15;

THENCE N. 00° 02' 37" W. ALONG SAID WESTERLY BOUNDARY A DISTANCE OF 605.92 FT. TO THE POINT OF BEGINNING.

SCANNED
FEB 7 2 2006

SESE

SWSW

NENE

NWNW

SENE

SWNW



SCANNED

OCT 10 2000

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: A75-04180
Date Received: 2/12/1990
Receipt No: ED17030
Received By: De

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. REX TOLMAN 208-756-3293
Address: RT 1 BOX 247
SALMON, ID 83467

2. Date of Priority: JAN 01, 1952

3. Source: HAT CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	20E	10	NW	NW	NW		LEMHI

5. Description of diverting works:
HEADGATE & DITCHES FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.300		

7. Total Quantity Appropriated is:
1.300 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
17N	20E	14	NW	NW		IRR	25.0

Section Acres 25.0

A75-04180

Page 1

Date: 02/12/90

MICROFILME
DEC 15 1992

A7504180



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	20E	15	NE NE		IRR	25.0
Section Acres						25.0
Total Acres						50.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
SOUTH GULCH

14. Remarks:
CONTRACT PURCHASER IS J. REX TOLMAN
OWNER IS EDWARD H. CORBETT

15. Basis of Claim: STATUTORY CLAIM

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 Individuals:

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

Signature of Claimant(s): J. Ruf Tolman Date: 2-12-1990

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of Feb 19 90

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 13, 2006

Martin W. Halpern
PO Box 32
Argyle TX 76226

Re: Claim 75-4180

Dear Mr. Halpern:

The Idaho Department of Water Resources has reviewed your Notice of Error Reply for the above-mentioned claim.

The original claim submitted by J. Tex Tolman in 1990 was for the irrigation of 25 acres located in the NW of the NW of Section 14, Township 17 North, Range 20 East and 25 acres located in the NE of the NE of Section 15, Township 17 North, Range 20 East. In processing the claim, the department could only substantiate 7.0 acres being irrigated in the NE of the NE of Section 15 and only 0.1 of an acre being irrigated in the NW of the NW of Section 14. Please refer to the attached aerial photograph and map. It was for this reason the diversion rate for the claim was reduced from 1.3 cfs to 0.36 cfs.

If you feel the claim was made in error, you can file an objection with the court any time prior to October 17, 2007. I have enclosed Standard Form 1 Objection for your convenience. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

11/20/2006

**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: 12/13/2006

Water right number: 75-4180

MARTIN W HALPERN

PO BOX 32

ARGYLE TX 76226

Telephone Number: (214) 957-6189

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

THE STATUTORY CLAIM QUANTITY WAS 1.3 ; IT IS BEING REDUCED TO 0.360

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

HAT CREEK DIVERSION WATER PROVIDES THE MOST EFFICIENT SOURCE OF IRRIGATION H₂O I.E. GRAVITY. KEEP THE ORIGINAL C.F.S. AMOUNT OF 1.3

3. Give a brief explanation as to why you disagree with these portions:

MY ONLY PRACTICAL SOURCE OF GRAVITY FEED WATER IS

HAT CREEK; 0.360 C.F.S. IS NOT ENOUGH TO IRRIGATE

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

DATE: *11/29/06*

SIGNATURE: *Marty Halpern*

Please print your name: *MARTIN W. HALPERN*

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

SCANNED
DEC 12 2006

Estimating Conveyance Loss using the Worstell Method

Claim No.

Formula: $S = (w)(i)(0.0667)$

Where: S = loss in cfs per mile

w = top width of the high water mark in feet

i = loss rate in feet per day (see Table)

Type of soil	i (ft/day)
medium clay loam	0.5 - 1.5
impervious clay	0.5
medium soils	1.0
somewhat pervious soils	1.5 - 2.0
gravels	2.5 - 5.0

Worksheet:

$w = 3'$ assumed

$i = 1.0$ ft/day

ditch length (mi.) = $5,800' = 1.1$ miles

Conveyance Loss:

$S = (3)(1)(0.0667) = 0.2 \text{ cfs/mile}$

Loss = 0.22 cfs

$0.2 \text{ cfs/mile} \times 1.1 \text{ miles} = 0.22 \text{ cfs}$

$(7.1 \text{ ac})(0.02 \text{ cfs/ac}) = 0.14 \text{ cfs irrigation}$
 ditch loss
 $= + 0.22 \text{ cfs}$

 0.36 cfs Total

Claimed: 1.3 cfs

Recommended: 0.36 cfs