11/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10042

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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.060 CFS

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

PRIORITY DATE: 06/01/1952

POINT OF DIVERSION:

T17N R20E S15 SENE Within LEMHI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/01 11/01	0.020 CFS
DOMESTIC	1/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T17N R20E S15 SENE 1.00

DOMESTIC in LEMHI County

T17N R20E S15 SENE

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.

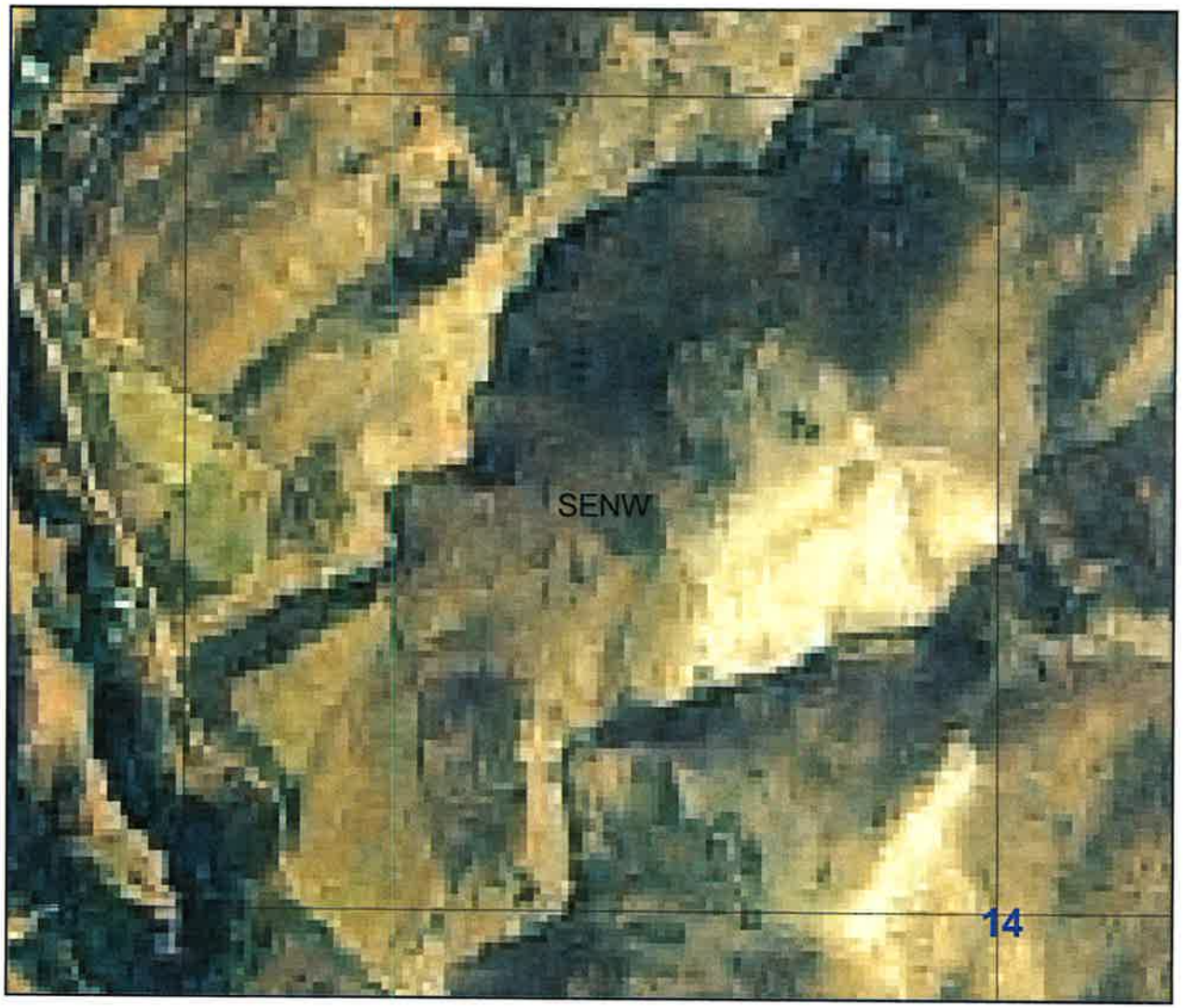
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

Adjudication Claim:
75-10042

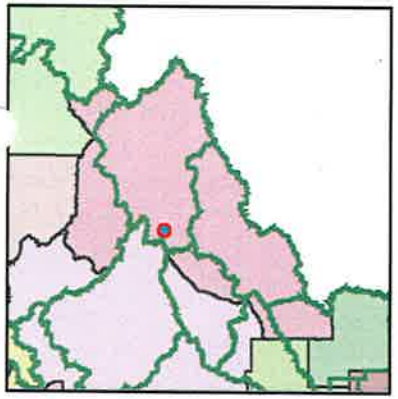
R20E

T17N



Legend

- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 75

N

0 0.1 0.2 Miles

Prepared by R. Brown
On Friday, March 3, 2006
1987/88 Aerial Photography

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. Helpern 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

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: 75-10042

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):

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: 11/29/06 **SIGNATURE:** Martin W. 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

Form 42-248/42-1409(6) July, 2000

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
75-4043					
75-4180					
75-7067 ← permit					
75-10042					
75-10043					

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): Rex, 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 Alliance Title at 4:26 o'clock P m 7-19 2005 and duly filmed and indexed in the records of Lemhi County

Terri J. Morton
Ex-Officio Recorder

By Deputy

Fee 12-

Return

SCANNED A. T.

FEB 22 2006

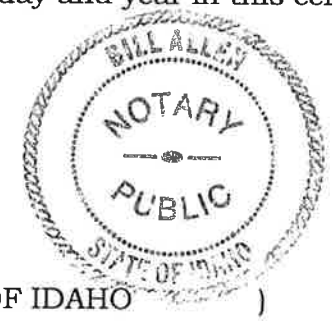
SCANNED

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.



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.

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

SCANNED
FEB 7 2 2006

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 2 2 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

Form 42-248/42-1409(6) July, 2000

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
75-4043 ✓					
75-4186 ✓					
Permit ← 75-7067 ✓					
75-10042 ✓					
75-10043 ✓					

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: Argyle Texas 76226

   New Telephone Number: 214 927 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.

Preston E. Dixon

State of Idaho)
County of Lemhi) SS No. 265646

This instrument was filed for record at the request of Alliance Title at 2:30 o'clock p m 12-30 2005 and duly filmed and indexed in the records of Lemhi County

Terri J. Morton
Ex-Officio Recorder

By Brenda Sutton Deputy

Fee 12.00

Return to AT Pd

SCANNED
FEB 2 2 2006

265646

STATE OF IDAHO)
) SS
County of Lemhi)

On this 22nd day of ~~July~~ Dec, 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.

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

BILL ALLEN NOTARY PUBLIC STATE OF IDAHO

SCANNED
FEB 22 2006

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° 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

SCANNED
FEB 2 2 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

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

August 21, 2003

EDWARD REX & KATHY TOLMAN
125 WILLIAMS CREEK RD
SALMON ID 83467

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 75-27H, 75-4209, 75-10042, 75-10043, 75-10556, 75-10557

Dear Mr. & Mrs. Tolman:

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. Also enclosed is a packet of correspondence regarding an objection filed against claim 75-27H. Please review this report along with the packet and contact this office if there are corrections or questions.

Respectfully yours,

Kristen Forsgren

Kristen Forsgren
Office Specialist 1

Enclosure

OK
gc
8/20/03

Form 42-248/42-1409(6) July, 2000

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
75-2714		✓	pd-75-10557-$25		
75-4209					
pd-75-10556-$25					
75-10042					
75-10043					

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

   A. The appropriate **FILING FEE**. See instructions for fee amounts. $50

   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): J. Rex and/or Elizabeth C. Tolman
   41 Corbett Lane, Salmon ID 83467

4. New Owner/Claimant(s): Edward Lee Tolman or Kathy Tolman
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   New Mailing Address: 125 Williams Creek Road

   City, State and ZIP Code: Salmon Idaho 83467

   New Telephone Number: 208 756-3015

5. Date you acquired the property: _____

RECEIVED
OCT 04 2002

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 75-2714

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	2.54 cfs	125 Acres
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) ~~Kathy Dolman~~ Edward Kay Dolman
Kathy Dolman

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 JC Date 10-4-02 Fee $50-
Receipted by JC Date 10-4-02 Receipt No. E028215
Processed by AJ Date WR Date

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED, ELIZABETH C. TOLMAN, personally in her own capacity as a single woman, and also in her capacity as Personal Representative of the ESTATE OF J. REX TOLMAN, deceased, address 41 Corbett Lane, Salmon, Idaho 83467, the Grantors, do hereby grant, bargain, sell and convey unto EDWARD REX TOLMAN and KATHY TOLMAN, husband and wife, address 125 Williams Creek Road, Salmon, Idaho 83467, the Grantees, the following described real estate situated in Lemhi County, State of Idaho, to-wit:

See Exhibit A attached hereto.

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

SUBJECT TO: All existing liens and encumbrances, as well as all existing easements or claims of easement, rights of way, covenants, restrictions, reservations, applicable building and zoning ordinances, use regulations and restrictions, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey, inspection of the premises or environmental assessment, and accruing taxes and assessments.

TO HAVE AND TO HOLD the said premises with their tenements, hereditaments and appurtenances unto the said Grantees, and their successors and assigns forever. Grantors do hereby covenant, for the Grantors and for their heirs, to and with the said Grantees, that Grantors are the owners in fee simple of said premises; that they are free from all encumbrances, except as set forth hereinabove, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

In construing this Deed and where the context so requires, the singular includes the plural and the masculine, the feminine and neuter.

DATED this 4th day of MARCH, 2002.

ESTATE OF J. REX TOLMAN, deceased

Elizabeth C. Tolman
ELIZABETH C. TOLMAN

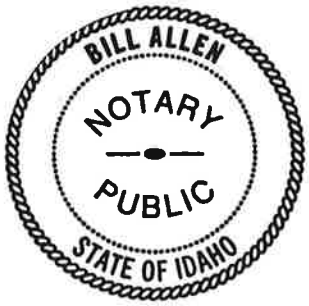
By Elizabeth C. Tolman
ELIZABETH C. TOLMAN, Personal Representative

STATE OF IDAHO)
) ss.
County of Lemhi)

ON THIS 4th day of MARCH, 2002, before me, Bill ALLEN, a Notary Public in and for said State, personally appeared ELIZABETH C. TOLMAN, personally in her own capacity as a single woman, and also in her capacity as Personal Representative of the ESTATE OF J. REX TOLMAN, deceased, address 41 Corbett Lane, Salmon, Idaho 83467, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same, both in her individual capacity and in her capacity as personal representative of that estate .

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

(SEAL)



Notary Public for Idaho
Residing at: SALMON
My Commission Expires: 2-19-2003

Exhibit "A"
Real Property Description

A ranch commonly referred to as the Rex Tolman Ranch, more particularly described by Lemhi County Assessor Parcel Number as:

Township 20N Range 22E Section 6

Parcel RP20N22EO64202A consisting of 0.58 acres;
Parcel RP20N22EO64201A consisting of 52.576 acres;
Parcel RP20N22EO63001A consisting of 163.556 acres;

Township 20N Range 21E Section 1

Parcel RP20N21E011801A consisting of 18.7 acres;

the entire ranch consisting of 235.41 acres, more or less, together with all buildings and improvements thereon and all rights thereto except as specified below.

TOGETHER WITH all minerals and mineral rights, water and water rights, ditches and ditch rights, appurtenant or otherwise related thereto, whether represented by decree, license, permit or otherwise, and all improvements, buildings and fixtures situated on said property,

Including but not limited to 1115 shares of stock in the Rainbow Farms Ditch Company, and the water rights represented by State of Idaho Department of Water Recources Water Right Nos. 75-27H, 75-4209, 75-10556, 75-10042, 75-10043, and 75-10557.

SUBJECT TO all easements, rights of way, covenants, restrictions, reservations, applicable building and zoning ordinances, use regulations and restrictions, and accruing taxes.

For a more particular description of the Rex Tolman Ranch, conveyed by this Deed, see the attached metes and bounds description.

PARCEL A:

A PARCEL OF LAND LOCATED IN THE SE1/4NE1/4 AND THE NE1/4SE1/4, SECTION 1, T. 20 N., R. 21 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF SAID SECTION 1, FROM WHICH THE SE CORNER OF SECTION 1 BEARS S. 00° 15' 16" E., 5287.27 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S. 00° 15' 16" E. ALONG THE EASTERLY BOUNDARY OF SAID SECTION 1 A DISTANCE OF 2174.29 FT. TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF WILLIAMS CREEK ROAD SAID POINT BEING THE POINT OF BEGINNING;

CONTINUE THENCE S. 00° 15' 16" E. ALONG SAID EASTERLY BOUNDARY OF SECTION 1 A DISTANCE OF 1588.35 FT.;

THENCE S. 16° 21' 42" W. A DISTANCE OF 213.06 FT. TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID NE1/4SE1/4 OF SECTION 1;

THENCE N. 89° 58' 20" W. ALONG SAID SOUTHERLY BOUNDARY A DISTANCE OF 737.77 FT. TO A POINT ON SAID EASTERLY RIGHT-OF-WAY OF WILLIAMS CREEK ROAD;

THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES:

N. 42° 16' 53" E., 13.45 FT.; N. 29° 15' 16" E., 288.80 FT.;

N. 26° 39' 11" E., 269.80 FT.; N. 24° 20' 10" E., 858.34 FT.;

N. 18° 06' 03" E., 533.69 FT. TO THE POINT OF BEGINNING.

TOGETHER WITH A 30.00 FT. WIDE EASEMENT FOR INGRESS AND EGRESS NORTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NE CORNER OF SAID SECTION 1, FROM WHICH THE SE CORNER OF SECTION 1 BEARS S. 00° 15' 16" E., 5287.27 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S. 00° 15' 16" E. ALONG THE EASTERLY BOUNDARY OF SAID SECTION 1 A DISTANCE OF 2174.29 FT. TO A POINT ON THE EASTERLY RIGHT-OF-WAY WILLIAMS CREEK ROAD;

CONTINUE THENCE S. 00° 15' 16" E. ALONG SAID EASTERLY BOUNDARY OF SECTION 1 A DISTANCE OF 1588.35 FT.;

THENCE S. 16° 21' 42" W. A DISTANCE OF 213.06 FT. TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID NE1/4SE1/4 OF SECTION 1 SAID POINT BEING THE POINT OF BEGINNING OF SAID EASEMENT;

THENCE S. 89° 58' 20" E. ALONG SAID SOUTHERLY BOUNDARY A DISTANCE OF 60.93 FT. TO THE S1/16 CORNER OF SAID SECTION 1 AND SECTION 6, T. 20 N., R. 22 E., BOISE MERIDIAN;

THENCE S. 89° 21' 58" E. ALONG THE SOUTHERLY BOUNDARY OF GOVERNMENT LOT 7 OF SAID SECTION 6 A DISTANCE OF 964.99 FT. TO A POINT IN THE CENTER OF CORBETT LANE.

PARCEL B:

A PARCEL OF LAND LOCATED IN THE NW1/4,N1/2SW1/4 AND W1/2SE1/4, SECTION 6, T. 20 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID SECTION 6, FROM WHICH THE SW CORNER OF SECTION 6 BEARS S. 00° 15' 16" E., 5287.27 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S. 00° 15' 16" E. ALONG THE WESTERLY BOUNDARY OF SAID SECTION 6 A DISTANCE OF 2174.29 FT. TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF WILLIAMS CREEK ROAD SAID POINT BEING THE POINT OF BEGINNING.

THENCE N. 18° 06' 03" E. ALONG SAID RIGHT-OF-WAY A DISTANCE OF 884.76 FT.;

THENCE S. 89° 59' 58" E. A DISTANCE OF 815.13 FT.;
THENCE N. 02° 34' 06" E. A DISTANCE OF 253.76 FT.;

THENCE N. 65° 46' 38" W. A DISTANCE OF 710.77 FT. TO A POINT ON SAID EASTERLY RIGHT-OF-WAY.

THENCE N. 18° 06' 03" E. ALONG SAID RIGHT-0F-WAY A DISTANCE OF 229.84 FT.;

THENCE S. 71° 12' 15" E. A DISTANCE OF 298.02 FT.;

THENCE N. 0° 44' 40" E. A DISTANCE OF 441.00 FT.;

THENCE N. 89° 15' 30" W. A DISTANCE OF 76.18 FT. TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF WILLIAMS CREEK ROAD;

THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES:

496.12 FT. ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 41° 53' 36", A RADIUS OF 678.52 FT. AND A CHORD BEARING N. 69° 32' 28" E. FOR 485.14 FT.; S. 89° 44' 24" E., 1067.51 FT. TO A POINT IN THE CENTER OF CORBETT LANE;

THENCE ALONG THE CENTER OF CORBETT LANE THE FOLLOWING COURSES:

S. 08° 11' 13" W., 675.59 FT.; S. 32° 12' 51" W., 462.84 FT.;

243.57 FT. ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 32° 15' 52", A RADIUS OF 432.53 FT. AND A CHORD BEARING S. 16° 04' 55" W. FOR 240.36 FT.; S. 00° 03' 01" E., 164.69 FT.;

S. 03° 16' 21" E., 261.00 FT.; 297.23 FT. ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 37° 46' 50", A RADIUS OF 450.76 FT. AND A CHORD BEARING S. 15° 37' 05" W. FOR 291.88 FT.;

S. 34° 30' 30" W., 521.22 FT.; S. 19° 07' 13" W., 1578.64 FT. TO A POINT ON THE SOUTHERLY BOUNDARY OF GOVERNMENT LOT 7, SECTION 6, T. 20 N., R. 22 E.;

THENCE LEAVING SAID LANE N. 89° 21' 58" W. ALONG SAID SOUTHERLY BOUNDARY A DISTANCE OF 510.89 FT.;

THENCE N. 16° 27' 44" W. A DISTANCE OF 132.78 FT.;
THENCE N. 11° 33' 25" E. A DISTANCE OF 136. 18 FT.;
THENCE N. 23° 58' 51" E. A DISTANCE OF 129.61 FT.;
THENCE S. 88° 39' 59" E. A DISTANCE OF 81.86 FT.;
THENCE N. 23° 50' 33" E. A DISTANCE OF 333.54 FT.;
THENCE N. 83° 47' 40" W. A DISTANCE OF 560.64 FT.;
THENCE S. 16° 21' 42" W. A DISTANCE OF 555.98 FT. TO A POINT ON THE WESTERLY BOUNDARY OF SAID SECTION 6;
THENCE N. 00° 15' 16" W. ALONG SAID WESTERLY BOUNDARY A DISTANCE OF 1588.35 FT. TO THE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH:

THE PORTION OF A 30.00 FT. WIDE EASEMENT FOR INGRESS AND EGRESS APPURTENANT TO THE ABOVE DESCRIBED PARCEL. SAID EASEMENT BEING LOCATED NORTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NE CORNER OF SAID SECTION 1, FROM WHICH THE SE CORNER OF SECTION 1 BEARS S. 00° 15' 16" E. , 5287.27 FT.; THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S. 00° 15' 16" E. ALONG THE

EASTERLY BOUNDARY OF SAID SECTION 1 A DISTANCE OF 2174.29 FT. TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF WILLIAMS CREEK ROAD;

CONTINUE THENCE S. 00° 15' 16" E. ALONG SAID EASTERLY BOUNDARY OF SECTION 1 A DISTANCE OF 1588.35 FT.;

THENCE S. 16° 21' 42" W. A DISTANCE OF 213.06 FT. TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID NE1/4SE1/4 OF SECTION 1 SAID POINT BEING THE POINT OF BEGINNING OF SAID EASEMENT;

THENCE S. 89° 58' 20" E. ALONG SAID SOUTHERLY BOUNDARY A DISTANCE OF 60.93 FT. TO THE S 1/16 CORNER OF SAID SECTION 1 AND SECTION 6, T. 20 N., R. 22 E., BOISE MERIDIAN;

THENCE S. 89° 21' 58" E. ALONG THE SOUTHERLY BOUNDARY OF GOVERNMENT LOT 7 OF SAID SECTION 6 A DISTANCE OF 964.99 FT. TO A POINT IN THE CENTER OF CORBETT LANE.

THE SIDELINES OF THIS EASEMENT BEING LENGTHENED OR SHORTENED TO CONFORM WITH THE GRANTOR'S AND THE GRANTEE'S PROPERTY LINES.

PARCEL C:

A PARCEL OF LAND LOCATED IN THE NW1/4, N1/2SW1/4 AND W1/2SE1/4, SECTION 6, T. 20 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID SECTION 6, RUN THENCE S. 00° 15' 16" E. ALONG THE WESTERLY BOUNDARY OF SECTION 6, 5287.27 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, TO THE SW CORNER OF SAID SECTION 6;

THENCE S. 89° 43' 53" E. ALONG THE SOUTHERLY BOUNDARY OF SAID SECTION 6 A DISTANCE OF 2556.66 FT. TO THE S 1/4 CORNER OF SECTION 6, SAID POINT BEING THE POINT OF BEGINNING;

THENCE N. 00° 22' 05" W. ALONG THE CENTER OF SAID SECTION 6 A DISTANCE OF 1303.91 FT. TO THE SE CORNER OF SAID N1/2SW1/4;

THENCE N. 89° 21' 58" W. ALONG THE SOUTHERLY BOUNDARY OF SAID N1/2SW1/4 A DISTANCE OF 1589.28 FT. TO A POINT IN THE CENTER OF CORBETT LANE;

THENCE ALONG THE CENTER OF CORBETT LANE THE FOLLOWING COURSES:

N. 19° 07' 13" E., 1578.64 FT.; N. 34° 30' 30" E., 521.22 FT.;

297.23 FT. ALONG A CURVE TO THE LEFT HAVING A DELTA OF 37° 46' 50" A RADIUS OF 450.76 FT. AND A CHORD BEARING N. 15° 37' 05" E. FOR 291.88 FT.; N. 03° 16' 21" W., 261.00 FT.;

N. 00° 03' 01" W., 164.69 FT.; 243.57 FT. ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 32° 15' 52", A RADIUS OF 432.53 FT. AND A CHORD BEARING N. 16° 04' 55" E. FOR 240.36 FT.;

N. 32° 12' 51" E., 462.84 FT.; N. 08° 11' 13" E., 675.59 FT. TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF WILLIAMS CREEK ROAD;

THENCE LEAVING SAID LANE S. 89° 44' 24" E. ALONG SAID RIGHT-OF-WAY A DISTANCE OF 25.00 FT. TO A POINT ON THE WESTERLY BOUNDARY OF CHINOOK SUBDIVISION;

THENCE ALONG SAID SUBDIVISION BOUNDARY THE FOLLOWING COURSES:

S. 00° 04' 43" E., 342.73 FT.; S. 23° 37' 20" E., 657.79 FT.;
S. 00° 17' 46" E., 1656.85 FT.; S. 89° 50' 55" E., 286.93 FT.;
S. 89° 46' 59" E., 32.70 FT.; S. 00° 27' 49" W., 137.86 FT.;
S. 15° 21' 24" E., 1043.21 FT.; S. 10° 23' 49" E., 261.60 FT.;
S. 20° 44' 06" W., 257.17 FT.; S. 10° 20' 48" W., 675.55 FT.;
S. 26° 32' 57" W., 372.21 FT. TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID SECTION 6;

THENCE N. 89° 28' 58" W. ALONG SAID SOUTHERLY BOUNDARY A DISTANCE OF 248.75 FT. TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A PARCEL OF LAND LOCATED IN THE E1/2, SECTION 6, T. 20 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID SECTION 6, RUN THENCE S. 00° 15' 16" E. ALONG THE WESTERLY BOUNDARY OF SECTION 6, 5287.27 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, TO THE SW CORNER OF SAID SECTION 6;

THENCE S. 89° 43' 53" E. ALONG THE SOUTHERLY BOUNDARY OF SAID SECTION 6 A DISTANCE OF 2556.66 FT. TO THE S1/4 CORNER OF SECTION 6;

THENCE N. 00° 22' 05" W. ALONG THE CENTER OF SECTION 6 A DISTANCE OF 2595.08 FT.;

THENCE S. 89° 27' 44" E. ALONG THE SOUTHERLY BOUNDARY OF THE ORIGINAL LOT 27 OF THE ORIGINAL CHINOOK SUBDIVISION A DISTANCE OF 297.23 FT. TO THE POINT OF BEGINNING;

THENCE N. 00° 17' 45" W. ALONG THE COMMON BOUNDARY OF LOTS 26 AND 27 OF SAID ORIGINAL CHINOOK SUBDIVISION A DISTANCE OF 44.77 FT. TO A POINT ON THE BOUNDARY OF AMENDED CHINOOK SUBDIVISION;

THENCE ALONG AMENDED CHINOOK SUBDIVISON THE FOLLOWING COURSES:

S. 89° 46' 59" E., 24.81 FT.; S. 00° 27' 49" W., 137.86 FT.;
S. 15° 21" 24" E., 1043.21 FT.; S. 10° 23' 49" E., 261.60 FT.;
S. 20° 44' 06" W., 257.17 FT.; S. 10° 20' 48" W., 675.55 FT.;
S. 26° 32' 57" W., 222.31 FT. TO A POINT ON THE BOUNDARY OF SAID ORIGINAL CHINOOK SUBDIVISION;

THENCE ALONG THE ORIGINAL CHINOOK SUBDIVISION THE FOLLOWING COURSES:

N. 14° 00' 36" E., 1179.87 FT.; N. 13° 42' 16" W., 1354.18 FT. TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED PARCELS OF LAND LYING IN THE COUNTY ROAD KNOWN AS CORBETT LANE.

ALSO EXCEPTING A 1972 NASHUA 12X48 MOBILE HOME.

PARCEL D:
LOT 29 IN CHINOOK SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF FILED FOR RECORD IN BOOK 5 OF PLATS AT PAGE NO. 29, RECORDS OF LEMHI COUNTY, IDAHO.

HOPKINS RODEN CROCKETT HANSEN & HOOPES, PLLC
LAWYERS
SALISBURY BUILDING · 428 PARK AVENUE
P.O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219
TELEPHONE (208) 523-4445
FAX (208) 523-4474
E-MAIL IFLaw@hrchh.com

C. TIMOTHY HOPKINS
WILLIAM C. RODEN
GREGORY L. CROCKETT
JOHN D. HANSEN
D. FREDRICK HOOPES
JOHN MICHAEL BRASSEY
LARY S. LARSON
PAUL B. RIPPEL
TERESA L. STURM
STEVEN K. BROWN
DAVID H. SHIPMAN
KATHERINE STEELE MORIARTY
REED E. ANDRUS
CURTIS R. SMITH
LANCE J. SCHUSTER
MARTY R. ANDERSON
JEREMY P. PISCA

ROBERT A. deGROOT
REGISTERED PATENT AGENT

SEWARD H. FRENCH (1941-1984)
TED C. SPRINGER (1943-1984)
WILLIS B. BENJAMIN (1939-1999)

OF COUNSEL
BRUCE L. THOMAS
ORVAL HANSEN
GEORGE DENNISON

802 WEST BANNOCK · SUITE 900
P.O. BOX 2110
BOISE, IDAHO 83701-2110
TELEPHONE (208) 336-7930
FAX (208) 336-9154
E-MAIL BoiseLaw@hrchh.com

8 E. STREET S.E.
WASHINGTON, D.C. 20003
TELEPHONE (202) 546-0360
FAX (202) 546-6294
E-MAIL cipr@aol.com

August 29, 2002

Idaho Dept. Of Water Resources
Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Re: Notice of change in Water Right Ownership

Dear Sir or Madam:

You will find enclosed a Notice of Change in Water Right Ownership, which we are filing on behalf of Edward and Kathy Tolman. I am enclosing a copy of the Warranty Deed whereby Mr. and Mrs. Tolman recently purchased the property to which these water rights are appurtenant. I am also enclosing Adjudication Claim Reports for each of these water rights, in lieu of a plat of the property, a survey map, or an aerial photo. If you need any of those, please let me know.

I also understand that these water rights are currently pending in the Snake River Basin Adjudication, and the Legislature has waived the filing fee for this Change in Water Right Ownership. If that is not the case, let me know what the fee will be for making these changes.

If you have any questions, don't hesitate to give me a call.

Sincerely,

Lary S. Larson

LSL:cs
enclosures
cc: Mr. and Mrs. Edward Tolman
Elizabeth C. Tolman
John S. McKinney, Esq.

RECEIVED
SEP 03 2002
Department of Water Resources
Eastern Region

NUMBER	DELTA AI	RADIUS	TANGENT	ARC LENGTH	CHORD DIRECT	CHORD LENGTH
C1	37°46'50"	450.76	154.25	297.23	S 15°37'05" W	291.88
C2	32°15'52"	432.53	125.11	243.57	S 16°04'55" W	240.36
C3	41°53'36"	678.52	259.74	496.12	N 69°32'28" E	485.14

Inst. No. 2505
Book 13 Page 2
Rec 5-14-02

C.P.&F. INST. NO. 230600

1200.90'

N 90°00'00" W

1091.99'

253.18'

C.P.&F. INST. NO. 230599

SEE R.O.S. INST. NO. 229696

S 89°44'24" E 1067.51'

SEE CHINOOK SUBDIVISION INST. NO. 151844

CORBETT LANE 50.00'

WILLIAMS CREEK ROAD

T-1953

T-1896

N 65°46'38" W 710.77'

S 89°59'58" E 815.13'

S 23°37'20" E 657.79'

S 32°12'51" W 462.84'

S 00°03'01" E 1646.69'

S 03°19'21" E 261.00'

S 00°17'46" E 264.09'

1392.76'

S 00°15'16" E 2174.29'

BASIS OF BEARING

S 00°15'16" E 5287.27'

N 18°06'03" E 884.76'

NOTE: THE PURPOSE OF THIS SURVEY IS TO AGGREGATE RP20N22E063006A, RP20N22E064202A, RP20N22E064201A AND MAKE TWO PARCELS "B&C".

P.O.B. "A&B"

SEE R.O.S. INST. NO. 247462

NOT TO SCALE

N 18°06'03" E 533.69'

PARCEL "B"

PARCEL "C"

S 34°30'30" W 521.22'

25'

25'

S 19°27'13" W 1578.64'

N 24°20'10" E 859.34'

N 00°15'16" W 1358.35'

GOVERNMENT LOT 7

PARCEL "A"

30' INGRESS/ EGRESS EASEMENT

CORBETT LANE 50.00'

N 89°58'20" W 737.77'

S 1/16

510.09'

N 89°21'58" W 1589.28'

C-S 1/16

S 39°17'06" W 249'

60.93'

S 89°58'20" E

NOT TO SCALE

30' INGRESS/ EGRESS EASEMENT

S 00°15'16" E 1320.17'

GOV

C.P.&F. IN NO. 2355

1 6 12 7

S 15°21'24" E 1043.21'

SEE AMENDED CHINOOK SUBDIVISION INSTRUMENT NUMBER 224362

N 00°22'05" W 1303.91'

S 10°20'48" W 675.55'

INST. 50327

6 L24 656.46'

.O.B. "C" 7 N 89°28'58" W MC

The Company has not surveyed the premises described in C2-1087LM. The sketch below is furnished without charge solely for the purpose of assisting in locating said premises and the Company assumes no liability as to the validity, location, or ownership of any easement or other matter shown thereon, nor for the inaccuracies therein, including the accurate location of boundaries, including water boundaries. This sketch does not purport to show all highways, roads and easements adjoining or affecting said premises, nor is it a part or modification of the report, commitment, policy or other title evidence to which it may be attached.

/4

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JEREMY P. PISCA

ROBERT A. deGROOT
REGISTERED PATENT AGENT

SEWARD H. FRENCH (1941-1984)
TED C. SPRINGER (1943-1984)
WILLIS B. BENJAMIN (1939-1999)

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October 1, 2002

Idaho Dept. Of Water Resources
Eastern Region
Attention: Jennifer
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Re: Notice of change in Water Right Ownership

Dear Sir or Madam:

You will find enclosed a Notice of Change in Water Right Ownership, which we are filing on behalf of Edward and Kathy Tolman. I am enclosing a copy of the Warranty Deed whereby Mr. and Mrs. Tolman recently purchased the property to which these water rights are appurtenant. I previously sent you the Adjudication Claim Reports for each of these water rights, and I now enclose a plat of the property. Please find enclosed our filing fee in the amount of $50.00, for two of the water rights. I also understand that the other water rights are currently pending in the Snake River Basin Adjudication, and the Legislature has waived the filing fee for those.

If you have any questions, don't hesitate to give me a call.

Sincerely,

Lary S. Larson

LSL:ln
Enclosures
cc: Mr. and Mrs. Edward Tolman
Elizabeth C. Tolman
John S. McKinney, Esq.

RECEIVED
OCT 04 2002
Department of Water Resources
Eastern Region

SCANNED
OCT 12

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: **A75-10042**
Date Received: 2/12/1990
Receipt No: E012030
Received By: DC

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

A7510042

2. Date of Priority: JUN 01, 1952

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
17N	20E	14	SW SE NW		LEMHI

5. Description of diverting works:
   DITCHES TO FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
   D/ ONE CABIN S/ UP TO 15 HORSES

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
17N	20E	14	SE NW		IRR	1.0
			SE NW		DOMEST	
				Section Acres		1.0

MICROFILMED
DEC 15 1992

10. Place of Use: Continued

Total Acres 1.0

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:
NONE

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

15. Basis of Claim: BENEFICIAL USE

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DEC 15 1992

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 Gay Tolman Date: 2-12-1990

_____ Date: _____

State of Idaho)
) SS.
County of Bonneville)

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

Betty J Thompson
Notary Public

Seal

Residing at RESIDING AT IDAHO FALLS, IDAHO MY COMMISSION EXPIRES: 6-30-94

My Commission Expires BETTY J. THOMPSON, NOTARY PUBLIC

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DEC 15 1992

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 75-10042
Date Received: 2/12/1990
Receipt No: E012030
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

EDWARD REX TOLMAN Phone: (208) 756-3015
125 WILLIAMS CREEK RD
SALMON ID USA 83467

KATHY TOLMAN Phone: (208) 756-3015
125 WILLIAMS CREEK RD
SALMON ID USA 83467

2. Date of Priority: 06/01/1952

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4			Lot	County	Type
17N	20E	14	SW	SE	NW		LEMHI	

5. Description of diverting works:

DITCHES TO FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.02	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.06 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

17N	20E	14	SE SE	NW NW	IRRIGATION DOMESTIC	1
					Section Acres	1
					Total Acres	1

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:

14. Remarks:

CONTRACT PURCHASER J. REX TOLMAN OWNER EDWARD CORBETT

15. Basis of Claim: Beneficial Use