

11/16/2006

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

RIGHT NUMBER: 75-10043

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 SENENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE:

IRRIGATION in LEMHI County

T17N R20E S15 NENE 1.00

DOMESTIC in LEMHI County

T17N R20E S15 NENE

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: **75-10043**



Legend

-  PLS Sections
-  Quarter Quarters



0 0.1 0.2 Miles

A horizontal scale bar with three segments, corresponding to the 0, 0.1, and 0.2 mile markings.

Prepared by M. Vanbussum
On Thursday, May 12, 2005
1938 Aerial Photography



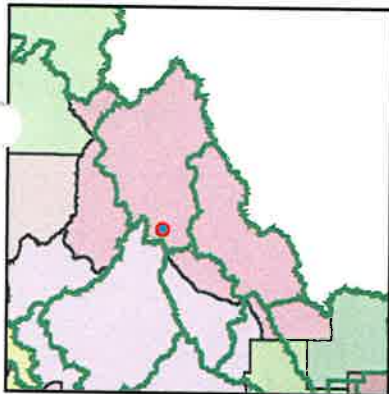
Idaho Department of Water Resources

Adjudication Claim:

75-10043

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



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. 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>75-4180</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)

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
Edward R. Tolman, Trustee

Elizabeth C. Tolman
Elizabeth C. Tolman

Janet Tolman Forsgren
Janet Tolman Forsgren, Trustee

Timothy J. Tolman
Timothy J. Tolman, Trustee

263738

State of Idaho)
County of Lemhi) 86 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 [Signature] Deputy
Fee 12
Return SCANNED A-7-

FEB 22 2006

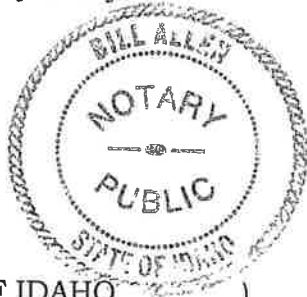
SCANNED

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
75-4043					
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)

Forrest 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

214 937 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
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 filed and indexed in the records of Lemhi
County

Terry J. Morton
Ex-Officio Recorder

By Brenda Lutton Deputy

Fee 12.00

Return to AT PD

Preston E. Dixon
Preston E. Dixon

265646

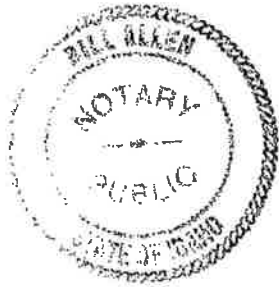
STATE OF IDAHO

) 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.


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

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: 75-10043

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:

Marty W Halpern

Please print your name:

MARTY W. Halpern

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

SCANNED
DEC 12 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
Office Specialist 1

Enclosure

OK
JC
8/20/03

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
75-274		✓	pd-75-10557-825		
75-4209					
pd-75-10556-825					
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. Solman
41 Corbett Lane, Salmon ID 83467

4. New Owner/Claimant(s)

Edward J. Solman or Kathy Solman
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

6/10/02

Department of Water Resources

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 <u>75-2714</u>		
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	<u>2.54 cfs</u>	<u>125 ACRES</u>
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)

Edmund Ky Tolman
Kathy Tolman

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-
 Received 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

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

STATE OF IDAHO

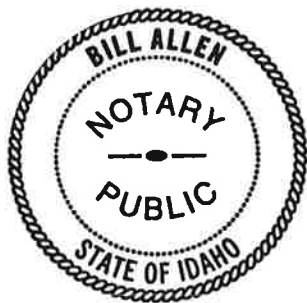
)
) ss.
)

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 acknowl-
edged 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)



Bill Allen
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 Resources 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-OF-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 SUBDIVISION 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 ABO [] 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

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

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

August 29, 2002

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

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

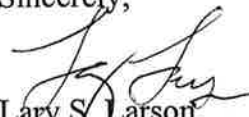
Dear Sir or Madam:

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.

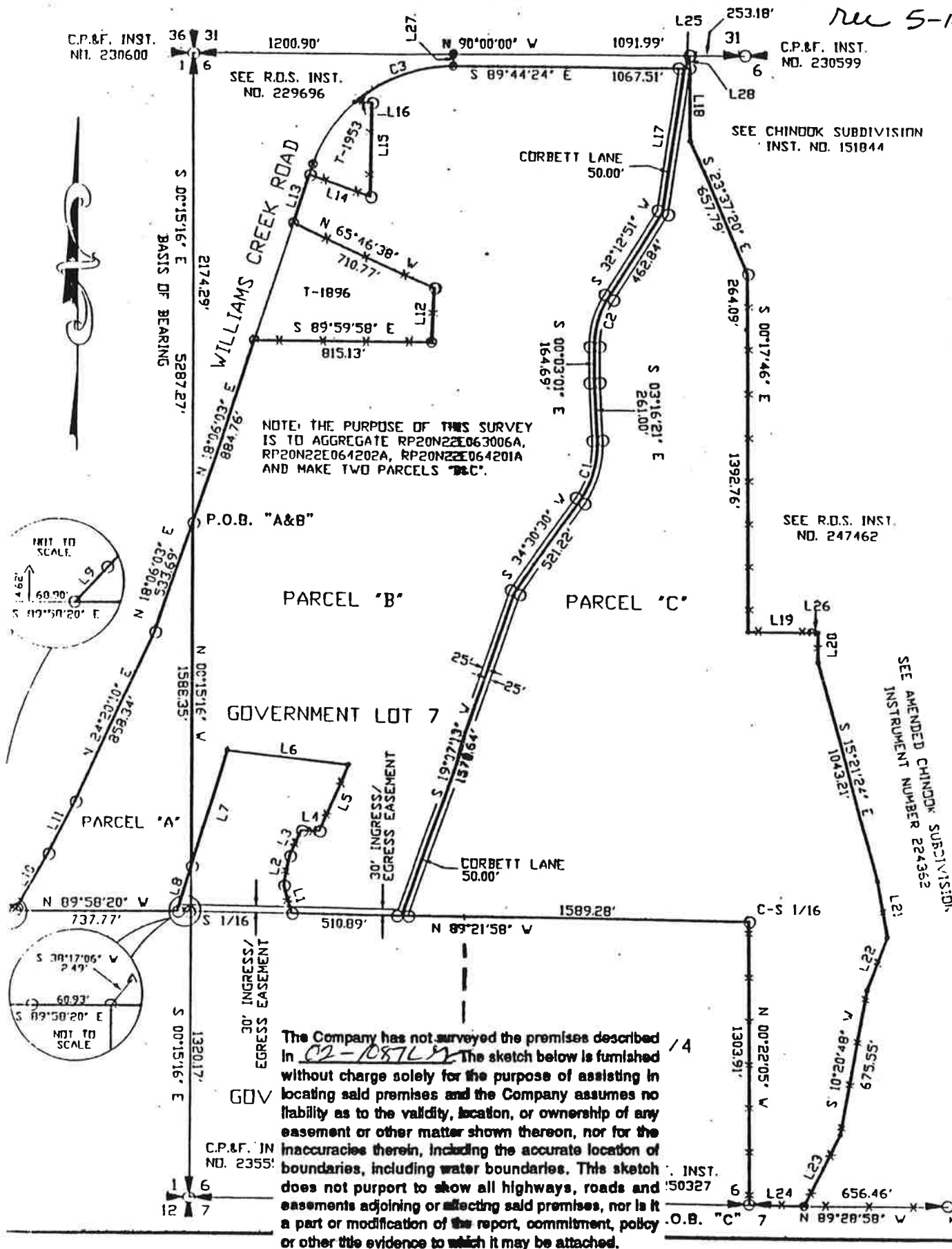
RECEIVED

SEP 03 2002

Department of Water Resources
Eastern Region

NUMBER	DELTA ANGLE	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
Rev 5-14-02



HOPKINS RODEN CROCKETT HANSEN & HOOPES, PLLC
LAWYERS

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STEVEN K. BROWN
DAVID H. SHIPMAN
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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 4 2002

Department of Water Resources
Eastern Region

SCANNED

0071 23

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: A75-10043
Date Received: 2/12/1990
Receipt No: ED12036
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. REX TOLMAN
Address: RT 1 BOX 247
SALMON, ID

208-756-3293

83467

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 of	Lot	Count
17N	20E	15	SE	NE	NE		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 of	Lot	Use	Acres
17N	20E	15	NE	NE		IRR	1.0
			NE	NE		DOMEST	

Section Acres 1.0

A75-10043

Page 1

Date: 02/12/90

MICROFILMED

DEC 15 1992

A7510043



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

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. Rex Tolman Date: 2-12-1990

Date: _____

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 12 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 EXP. DATE: 6-30-94

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 75-10043
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	15	SE NE NE	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
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17N	20E	15	NE	NE	DOMESTIC	
			NE	NE	IRRIGATION	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