

10/31/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14570

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

KATHY TOLMAN
125 WILLIAMS CREEK RD
SALMON ID 83467

SOURCE: PERREAU CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 2.080 CFS

PRIORITY DATE: 05/20/1898

POINT OF
DIVERSION:

T20N R21E S1 SWNNW Lot 4 Within LEMHI County
T20N R21E S2 NWNWNE Lot 2 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	2.080 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T20N R21E S01 SENE 0.60	T20N R21E S01 NESE	14.00
	T20N R22E S06 Lot 4 NENW 26.00	T20N R22E S06 Lot 5 NWNW	13.00
	T20N R22E S06 SWNW 31.30	T20N R22E S06 SENW	7.60
	T20N R22E S06 Lot 7 NWSW 11.00		

103.5 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

This right is a split from former right 75-4209 .

SCANNED

NOV 07 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

ncap split
75-4209
UT 75-14570
75-14571

RECEIVED
NOV 14 2008
Department of Water Resources
Eastern District

|||||
KATHY TOLMAN
125 WILLIAMS
SALMON ID 83467



NIXIE 837 DC 1 00 11/12/08

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 83402170073 *0395-05483-12-13

83402@1700



SCANNED
NOV 19 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

October 31, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Cary Schwartz
Rose Schwartz
10 Summer Creek Dr
Salmon ID 83467

RE: Notice of Change of Water Right Ownership (NCO) for
75-4209 (Split into 75-14570 and 75-14571) and Notice of Completed
Administrative Proceeding (NCAP)

Dear SIR/MADAM:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Technical Records Specialist

Enclosure

cc: Edward Tolman
Kathy Tolman

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NOV 07 2008

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

In Re SRBA)

Water Rights: 75-4209
(Split into 75-14570 and 75-14571)

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party TOLMAN-SCHWARTZ
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Nov 6, 2008



Signature of IDWR Representative

SCANNED

NOV 07 2008

CERTIFICATE OF MAILING

I certify that on November 7, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:

Edward Rex Tolman	Kathy Tolman
41 Corbett Ln	125 Williams
Salmon ID 83467	Salmon ID 83467

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

Cary Schwatz
Rose Schwartz
10 Summer Creek Dr
Salmon ID 83467

4. One copy to:

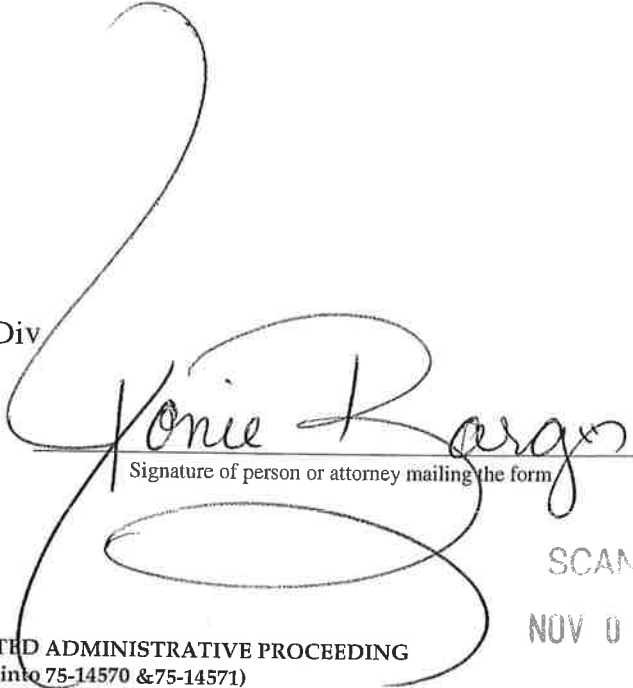
Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

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NOV 07 2008

10/31/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER NAME AND ADDRESS

75-4209

CLAIM DISPOSITION REASON

Disallowed
Split into 75-14570 and 75-14571

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NOV 07 2008

10/31/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14571

NAME AND ADDRESS: CARY SCHWARTZ
10 SUMMER CREEK DR
SALMON ID 83467

ROSE SCHWARTZ
10 SUMMER CREEK DR
SALMON ID 83467

SOURCE: PERREAU CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 05/20/1898

POINT OF
DIVERSION:

T20N R21E S1 SWNWNW Lot 4 Within LEMHI County
T20N R21E S2 NWNWNE Lot 2 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.100 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T20N R21E S01 SENE 0.50	T20N R21E S01 NESE	1.00
	T20N R22E S06 Lot 6 SWNW 1.70	T20N R22E S06 Lot 7 NWSW	2.00
	5.2 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

This right is a split from former right 75-4209 .

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NOV 07 2009

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
75-4209		X			
Split into 75-14570 & 75-14571					

RECEIVED

OCT 29 2008

Department of Water Resources
 Eastern Region

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)	Edward Rex & Kathy Tolman 41 Corbett Ln Salmon ID 83467
4. New Owner/Claimant(s)	Cary R. Von Rose J. Schwartz
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or	
New Mailing Address	10 Summer Creek Dr
City, State and ZIP Code	Salmon ID 83467
New Telephone Number	(208) 756-8383
Email:	SCANNED

NOV 07 2008

5. Date you acquired the property

1-28-2008

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation	75.4209	10 cfs 5ac
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)



(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____

Date _____

SCANNED

NOV 07 2008



WARRANTY DEED

Order No.:3070804535L-D

FOR VALUE RECEIVED

Edward Rex Tolman and Kathy Tolman, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Cary R. Schwarz and Rose J. Schwarz, Husband and Wife

whose current address is

10 Summer Creek Dr. Salmon, ID 83467

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

PARCEL "E-07"

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER SOUTHEAST QUARTER AND THE SOUTHEAST QUARTER NORTHEAST QUARTER, SECTION 1, TOWNSHIP 20 NORTH, RANGE 21 EAST, AND GOVERNMENT LOTS 6 & 7, SECTION 6, TOWNSHIP 20 NORTH, RANGE 22 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 1, FROM WHICH THE SOUTHEAST CORNER OF SECTION 1 BEARS S. 00° 15' 16" EAST, 5287.27 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S. 00° 15' 16" EAST 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; THENCE S. 18° 06' 03" WEST ALONG SAID RIGHT-OF-WAY, 273.26 FEET, TO THE POINT OF BEGINNING;

THENCE LEAVING SAID RIGHT-OF-WAY S. 82° 28' 30" EAST, 537.10 FT.;

THENCE S. 22° 34' 11" WEST, 429.71 FT.;

THENCE N. 85° 26' 19" WEST, TO A POINT ON SAID EASTERLY RIGHT-OF-WAY OF WILLIAMS CREEK ROAD, 530.38 FT.;

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

N. 24° 20' 10" EAST, 194.71 FT., N. 18° 06' 03" EAST, 260.44 FT., TO THE POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH: A 50.00 FT. WIDE INGRESS/EGRESS EASEMENT AND A 30.00 FT. WIDE IRRIGATION EASEMENT BOTH LOCATED SOUTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE POINT OF BEGINNING OF THE ABOVE DESCRIBED PARCEL RUN THENCE S. 82° 28' 30" EAST, 537.10 FT. TO THE POINT OF TERMINUS.

THE SIDELINES BEING LENGTHENED AND SHORTENED TO CONFORM WITH THE GRANTOR'S PROPERTY LINES.

ALSO SUBJECT TO: A 30 FT. IRRIGATION EASEMENT EAST OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE ABOVE DESCRIBED POINT OF BEGINNING FOR PARCEL "E-07"

SCANNED
NOV 07 2008

for simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: Jan 28, 2008

Edward Rex Tolman
Edward Rex Tolman

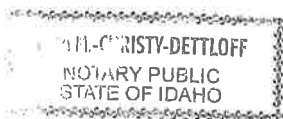
Kathy Tolman
Kathy Tolman

State of Idaho

County of LEMHI

On this 28th day of JANUARY, in the year 2008 before me, a Notary Public in and for said state, personally appeared Edward Rex Tolman and Kathy Tolman known or identified to me to be the person whose name is 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 first above written.



Christy Dettloff
Notary Public for the State of Idaho
Residing at: SALMON, ID
Commission Expires: 2/23/2010

State of Idaho) SS No. 275027
County of Lemhi)

This instrument was filed for record at the request

of Alliance Title
at 12 o'clock p m 1-28 2008

and duly filmed and indexed in the records of Lemhi
County

By Terri J. Morton Deputy
Notary Public
For 600
to AT