03/29/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-7120

NAME AND ADDRESS: JILL L MELTON
RT 10 BOX 28A
CARMEN ID 83462

DAVID K MELTON
RT 10 BOX 28A
CARMEN ID 83462

SOURCE: SPRING TRIBUTARY: EAST FORK TOWER CREEK

QUANTITY: 0.050 CFS
34.800 AFY

The maximum combined rate of diversion under this right and Right 75-7107 shall not exceed 0.05 cfs.

PRIORITY DATE: 02/19/1980

POINT OF DIVERSION:

T23N R22E S3 SESESW Within LEMHI County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	01/01 12/31	0.050 CFS 34.80 AFY

PLACE OF USE: FISH PROPAGATION Within LEMHI County

T23N R22E S03 SESW

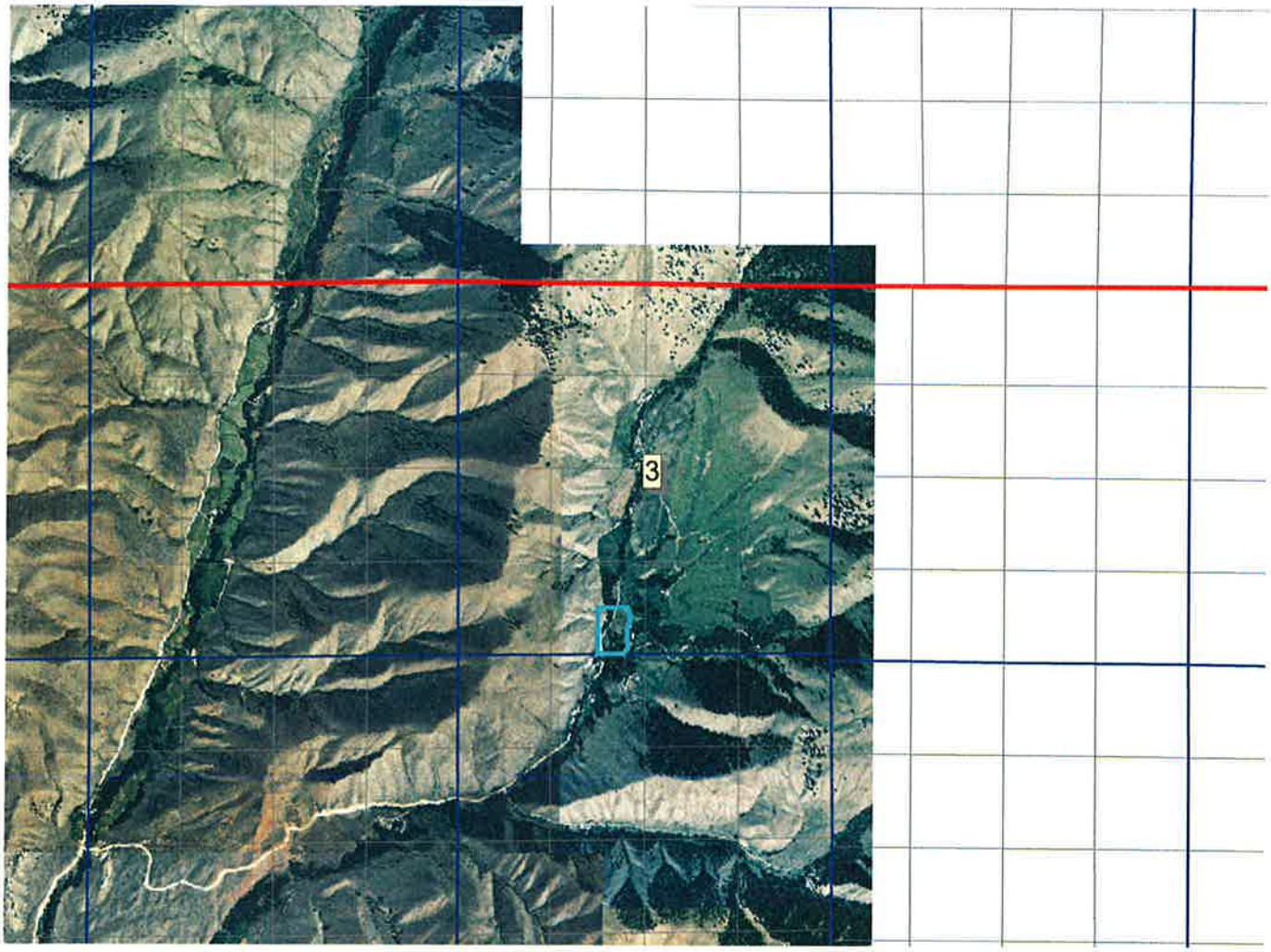
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

EXPLANATORY MATERIAL: License

Source known locally as Landry Springs.

Idaho Dept. of Water Resources
Water Right No. 75-7120



0.6 0 0.6 1.2 Miles

75-7120

N

GIS Presentation
Prepared by R, Foster
March 21, 2005
1993/94 True Color Photography

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID K MELTON	03/16/1979	FISH PROPAGATION	01-01	12-31	0.500 CFS	
C	JILL L MELTON						
	RT 10 BOX 28A				TOTAL DIVERSION:	0.500 CFS	
	CARMEN ID 83462						
	(208) 756-6963						

Water Source: UNNAMED SPRING Tributary to: TOWER CREEK Stage: PERMIT

Point(s) of Diversion: T23N R22E S03 NWSWSE LEMHI County

Place of use Legal Description for: FISH PROPAGATION

			NE				NW				SW				SE			
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
23N	22E	3												F				

POU County: LEMHI

Non-Irrigation Uses: H/ FISH PROP.

Other Rights: NONE

Conditions of Approval:
009 - Return water shall be treated to insure that the effluent
- meets intrastate stream water quality standards.

Remarks: GEN REINSTATED 5-21-1984.
OWNERSHIP CHANGED PER REQUEST/JC/5/31/00

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

SCANNED
OCT 1 2001

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 31, 2000

DAVID & JILL MELTON
RT 10 BOX 28A
CARMEN ID 83462

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A75-07120

Dear Mr. & Mrs. Melton:

The request for Change of Water Right Ownership concerning the above-referenced Notice 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 the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Crabtree

Jennifer Crabtree
Technical Records Specialist

Enclosure

D2C08- JC 493406

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

OK JC 5/15/00

RECEIVED
APR 20 2000
Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right or Adjudication Claim No(s).: "A" 75-07120, blank 75-07107, blank 75-10157

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant: Jon Wright

PO Box 65 Carmen ID 83462

4. New Owner/Claimant(s): David K. Melton &/or Jill L. Melton

Name Connector (Check one): [ ] and, [ ] or, [X] and/or

New Mailing Address: RT. 10 Box 28A

City, State and ZIP Code: Carmen, ID 83462

New Telephone Number: (208) 756-6963

5. Date you acquired the property: 3-31-99

6. **If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.**

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s): David K Melton

_____

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

Warranty Deed

For Value Received

GEORGE L. BUTCHER AND LOIS P. BUTCHER, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

DAVID K. MELTON AND JILL L. MELTON, husband and wife

whose current address is

RT. 10, BOX 28A
CARMEN, ID 83462

the grantees, the following described premises, in LEMHI County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they're the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: MARCH 31, 1999

George L. Butcher
GEORGE L. BUTCHER

Lois P. Butcher
LOIS P. BUTCHER

STATE OF IDAHO, COUNTY OF LEMHI

On this 31st day of MARCH, 19 99 before me, a notary public in and for said State, personally appeared

GEORGE L. BUTCHER AND
LOIS P. BUTCHER

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

Steven R. Gott
STEVEN R. GOTT Notary Public
Residing at SALMON, Idaho
Comm. Expires 12-14-2003

State of Idaho
County of Lemhi) SS No. 240111

This instrument was filed for record at the request of George L. Butcher at 2:06 o'clock P m 4-1 1999 and duly filmed and indexed in the records of Lemhi County

Terri J. Melton
Ex-Officio Recorder

By Glenda Calloway Deputy

Fee 6.00

Return to

UTHO Litho 5-2561 Furnished by the ALLIANCE

PROPERTY DESCRIPTION
FOR
WEST PARCEL

A parcel of land located in the SE1/4SE1/4SW1/4, Section 3, T. 23 N. R. 22 E., B.M., Lemhi County, Idaho more particularly described as follows:

Commencing at the Southwest Corner of said Section 3, a distance of 1987.10 feet on a bearing of S. 89°49' 12" E. along the section line to the **REAL POINT OF BEGINNING.**

Thence S. 89° 49' 12" E. 355.24 feet;
Thence N. 41° 14' 46" E. 104.65 feet;
Thence N. 04° 40' 06" W. 251.86 feet;
Thence N. 19° 16' 47" E. 166.95 feet;
Thence N. 12° 07' 53" W. 173.07 feet;
Thence N. 89° 51' 03" W. 419.46 feet;
Thence S. 00° 15' 51" W. 656.48 feet to the **REAL POINT OF BEGINNING,** said parcel contains 6.340 Acres.
EXCEPTING: The road right-of-way of the East Fork Tower Creek road.

6-6368-C

Warranty Deed

For Value Received

JONATHAN L. WRIGHT, A SINGLE PERSON

the grantor , does hereby grant, bargain, sell and convey unto

LOIS BUTCHER, A MARRIED WOMAN DEALING WITH HER SOLE AND SEPARATE PROPERTY; AND RUTH BUTCHER, A SINGLE PERSON

whose current address is

RT. 10 BOX 30
CARMEN, ID 83462

the grantee S, the following described premises, in LEMHI County Idaho, to wit:

THE $SE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$ SECTION 3, TOWNSHIP 23 N., RANGE 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO. . .

Note: THIS IS BEING RE-RECORDED TO CORRECT THE LEGAL DESCRIPTION

State of Idaho
County of Lemhi) SS No. 225502

This instrument was filed for record at the request of American Land Title
at 11:38 o'clock A m. March 1 1995
and duly filmed and indexed in the records of Lemhi County

Alberta Wiederrick
Ex-Officio Recorder

By Miriam Sharp Deputy
Fee 3.00
Returned A. L. T.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee S, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: JANUARY 25, 1995

Jonathan L. Wright
JONATHAN L. WRIGHT

STATE OF IDAHO, COUNTY OF Ada

On this 25th day of JANUARY, 1995 before me, a notary public in and for said State, personally appeared JONATHAN L. WRIGHT

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

JENNIFER KASSIS NOTARY PUBLIC STATE OF IDAHO

Jennifer Kassis
Notary Public, Idaho
Residing at Boise
Comm. Expires 5-18-99

State of Idaho
County of Lemhi) SS No. 225272

This instrument was filed for record at the request of American Land Title
at 3:30 o'clock pm 1-27 1995
and duly filmed and indexed in the records of Lemhi County

Alberta Wiederrick
Ex-Officio Recorder

By Terri J. Morton Deputy
Fee 3.00
Returned

Furnished by the AMERICAN LAND TITLE COMPANY, INC.

6-6368-C

Warranty Deed

For

[illegible]

[illegible] hereinafter called the Grantor, does hereby convey, release, remise and forever quitclaim unto [illegible] SOLE AND SEPARATE PROPERTY AND [illegible] PERSON

whose current address is

RT. [illegible]

[illegible]

the following described premises, to-wit:

THE SE¼ [illegible] EDGE 22 E., [illegible] EDIAN,

[illegible]

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S, [illegible] heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee S, that he IS the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: JANUARY 22, 1990

[illegible]

JONATHAN L. WRIGHT

STATE OF IDAHO, COUNTY OF [illegible]

On this [illegible] day of [illegible] before me, a notary public in and for said state, personally appeared

JONATHAN L. WRIGHT

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

[illegible]

Residing at [illegible]

Comm. Expires [illegible]

JENNIFER KASSIS
NOTARY
PUBLIC
STATE OF IDAHO

225272.

American Land Title Co.

[illegible]

[illegible]

Furnished by the AMERICAN LAND TITLE COMPANY, INC

PERSONAL REPRESENTATIVE'S DEED

THIS DEED Made by LOIS P. BUTCHER, as Personal Representative of the Estate of GEORGE J. BUTCHER and RUTH M. BUTCHER, Grantor, to LOIS P. BUTCHER, a married woman dealing with her sole and separate property, of Rt. 10, Box 30, Carmen, ID 83462, Grantee.

WHEREAS, the Grantor is the qualified Personal Representative of the said estate, filed as Probate Number SP-96-75, Lemhi County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee the following described real property in Lemhi County, Idaho:

The SE1/4 SE1/4 SW1/4 Section 3, Township 23 N., Range 22 E., Boise Meridian, Lemhi County, Idaho.

EXECUTED this 17th day of July, 1996.

Lois P. Butcher

Lois P. Butcher

State of Idaho)
County of Lemhi)

SS No. 230536

This instrument was filed for record at the request of Jordan P. Smith
at 10:11 o'clock A m 7-18 19 96
and duly filmed and indexed in the records of Lemhi County

Alberta Wiedemick
Ex-Officio Recorder

By Terri Jo Morton Deputy

Fee 6.00

Return to

State of Idaho
Department of Water Resources

RECEIVED
JUL 20 1990
Department of Water Resources
Eastern District Office

WATER RIGHT LICENSE

WATER RIGHT NO. 75-07120

Priority: February 19, 1980

Maximum Diversion Rate: 0.05 CFS
Maximum Diversion Volume:[1] 34.8 AF

This is to certify, that JON WRIGHT
P.O. BOX 65
CARMEN, ID 83462
has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 26, 1979; and has submitted Proof of Beneficial Use on April 19, 1984. An examination indicates that the works have a diversion capacity of .050 cfs of water from:

SPRING tributary to TOWER CREEK, EAST FORK

source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
FISH PROPAGATION	01/01 to 12/31	0.05 CFS	34.8 AF

LOCATION OF POINT(S) OF DIVERSION: SESESW , Sec. 3, Township 23N, Range 22E
LEMHI County

PLACE OF USE: FISH PROPAGATION

TWN	RGE	SEC	
23N	22E	3	SESW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The maximum combined rate of diversion under this right & Right 75-7107 shall not exceed 0.05 cfs.
6. Source known locally as Landry Springs.

State of Idaho
Department of Water Resources

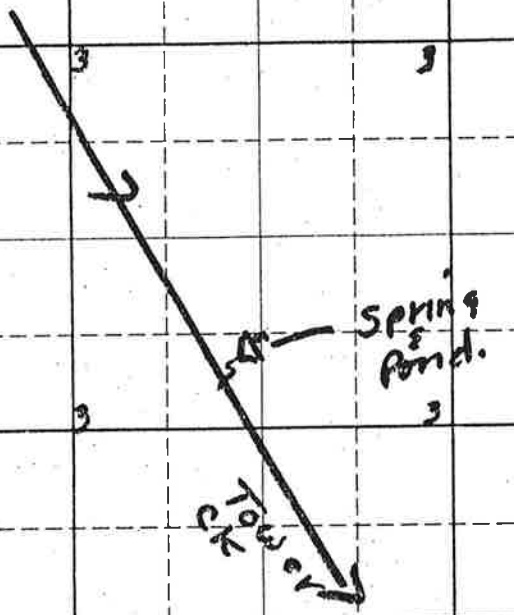
WATER RIGHT LICENSE

WATER RIGHT NO. 75-07120

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 16th day of July, 1990.

Acting for R. Keith Higginson, Director

11. Map of proposed project: show clearly the proposed point of diversion, pla. of use, section number, township and range number.



SCANNED
OCT 12 2001

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: A75-07120
Date Received: 4/19/1990
Receipt No: 1100 6674
Received By: JPR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JONATHAN L. WRIGHT 208-756-2947
   Address: P.O. BOX 65
   CARMEN, ID 83462

2. Date of Priority: MAR 16, 1979

3. Source: UNNAMED SPRING Trib. to: TOWER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
23N	22E	3	NW SW SE		LEMHI

5. Description of diverting works:
   SMALL EARTH-FILL DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	0.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   H/ FISH PROP.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	22E	3	SE SW		FISH	

11. Place of use in counties: LEMHI

MICROFILMED
DEC 15 1992

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

13. Other Water Rights Used:
NONE

14. Remarks:
REINSTATED 5-21-1984.

15. Basis of Claim: PERMIT

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): Jonathan L. Wright Date: April 19 1990

Date: _____

State of Idaho)
) SS.
County of Lemhi)

Subscribed and sworn (or affirmed) before me this 19 day of April 19 90

Seal

Joh Dale Carlson
Notary Public

Residing at Boise Id

My Commission Expires 4/2/94

MICROFILMED
DEC 15 1992

MICROFILMED
DEC 15 1992