

03/21/2005

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

RIGHT NUMBER: 75-7300
NAME AND ADDRESS: MICHAEL MOLTER
7740 S 450 E
LAFAYETTE IN 47905

PATRICIA MOLTER
7740 S 450 E
LAFAYETTE IN 47905

SOURCE: HUGHES CREEK TRIBUTARY: NORTH FORK SALMON RIVER
QUANTITY: 0.060 CFS
9.200 AFY
PRIORITY DATE: 06/21/1982
POINT OF DIVERSION:

T25N R21E S8 SWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS 0.20 AFY
IRRIGATION	4/01 10/15	0.040 CFS 9.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within LEMHI County
T25N R21E S08 SWSE 3.0
STOCKWATER same as IRRIGATION

3 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: License

PROPERTY IS ALSO KNOWN AS LOT 5A, HUGHES CREEK SUBDIVISION.

DATE: 12/30/98
PAGE: 1

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

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: 75-7300

MICHAEL MOLTER
7740 S 450 E
LAFAYETTE IN 47905
Telephone Number: (208)523-2392

PATRICIA MOLTER
7740 S 450 E
LAFAYETTE IN 47905
Telephone Number: (208)523-2392

RECEIVED

DEC 13 2006

IDWR/North

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

Address & Phone Number

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

*Michael E + Patricia L. Molter sh em ✓
4001 East 900 South
Lafayette, IN. 47909 765-523-3071*

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: 12-4-06

SIGNATURE: *Michael E. Molter*

Please print your name: Michael E. Molter

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

✓
mailed back 12-4-06



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 30, 1998

MICHAEL & PATRICIA MOLTER
7740 S 450 E
LA FAYETTE IN 47905

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A75-07300

Dear Mr. & Mrs. Molter:

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 Hoagland
Technical Records Specialist

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 15, 1990

Mrs. Johnna Eisenbarth
4130 Liberty Lane
Grand Island, NE 68803

RE: Snake River Basin Adjudication (SRBA)
Lemhi County - #A75-07300

Dear Johnna,

Thank you for your call yesterday. It's a pleasant change to have someone plan ahead vs. waiting until deadline day! You were almost correct when you said that you had paid a fee and "everything was taken care of". However, what was taken care of was your license, not the filing of a Claim to a Water Right. In other words, as you will note on Item 15 of the Notice of Claim, this is a licensed water right, not a decreed water right.

Enclosed is a computer-generated Notice of Claim to a Water Right. Please review the enclosed claim to assure it is correct, sign it, have your signature notarized, and return it to us with your fee of \$53.00 (\$50.00 filing fee plus \$1.00 per acre) by May 10, 1990 to avoid late fees.

If you believe our data is incorrect and you make any changes to this Notice of Claim, please initial the changes.

Please don't hesitate to contact me if you have any questions.

Sincerely,

Sally Frazee

Secretary, Adjudication Section

SF:state:tf

Enclosure:

Notice of Claim #A75-07300

"How You Will Receive Notice ..."

MICROFILMED

DEC 15 1992

DELOG SVH 12-22-98
OK SVH 12-30-98

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

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

RECEIVED

1. Water Right Number(s) A75-07300 DEC 22 1998
Adjudication Claim Number(s) _____ Department of Water Resources
Eastern Region

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 on file with the county.)

OR

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

3. Name and Address of Former Owner/Claimant(s) Royce and Johnna Eisenbarth
4130 Liberty Lane Grand Island, NE 68803

4. New Owner/Claimant(s) Michael and Patricia Molter
Name connector (Check one): ☐ AND, ☐ OR, ☒ AND/OR
New Mailing Address 7740 South 450 East
City, State and ZIP Code Lafayette IN. 47905
New Telephone Number (765) 523-2392

5. Date you acquired the property November 3, 98

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. Does Not Apply

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

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/Claimant(s)  Date 12-16-98

Date _____

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

ALLIANCE

TITLE & ESCROW CORP.

LETTER OF CLOSING INSTRUCTIONS TO ALLIANCE TITLE & ESCROW

ESCROW NO. E-2828-LMS

DATE: November 3, 1998

We, the undersigned, hereby instruct ALLIANCE TITLE & ESCROW hereinafter referred to as the "Closing Agent", when in receipt of all documents and monies as set out herein, to close this transaction according to the following instruction and information:

The parties have entered into a contract for the purchase and sale of the subject property entitled, SALE AGREEMENT dated JULY 31, 1998, hereinafter referred to as the contract. The closing agent is hereby instructed to close the transaction in accordance with the terms of the Contract as well as these instructions, HOWEVER, in the event the terms of the contract and the terms of these instructions shall conflict, the terms of these instructions shall control.

PROPERTY: LOT 5A HUGHES CREEK SUB NORTH FORK, IDAHO

BUYER: MICHAEL MOLTER AND PATRICIA MOLTER

GRILLER: ROYCE A. EISENBARTH AND JOHNNA D. EISENBARTH

TERMS:

Sales Price \$ 25,000.00

Payable as follows:

Earnest Money Deposit	\$ <u>312.50</u>	held by <u>ALLIANCE TITLE & ESCROW</u>
Cash (approximate)	\$ <u>24,687.50</u>	
Assumption of	\$ _____	
approx. balance owing to	\$ _____	
New Loan amount	\$ _____	from _____
Deed of Trust (Mortgage)	\$ _____	
in favor of _____		

In the event more than one deed of trust or mortgage is to be recorded in connection with this transaction, said liens shall be recorded in the following order of priority:

1st lien shall be in favor of _____ in the amount of \$ _____
2nd lien shall be in favor of _____ in the amount of \$ _____

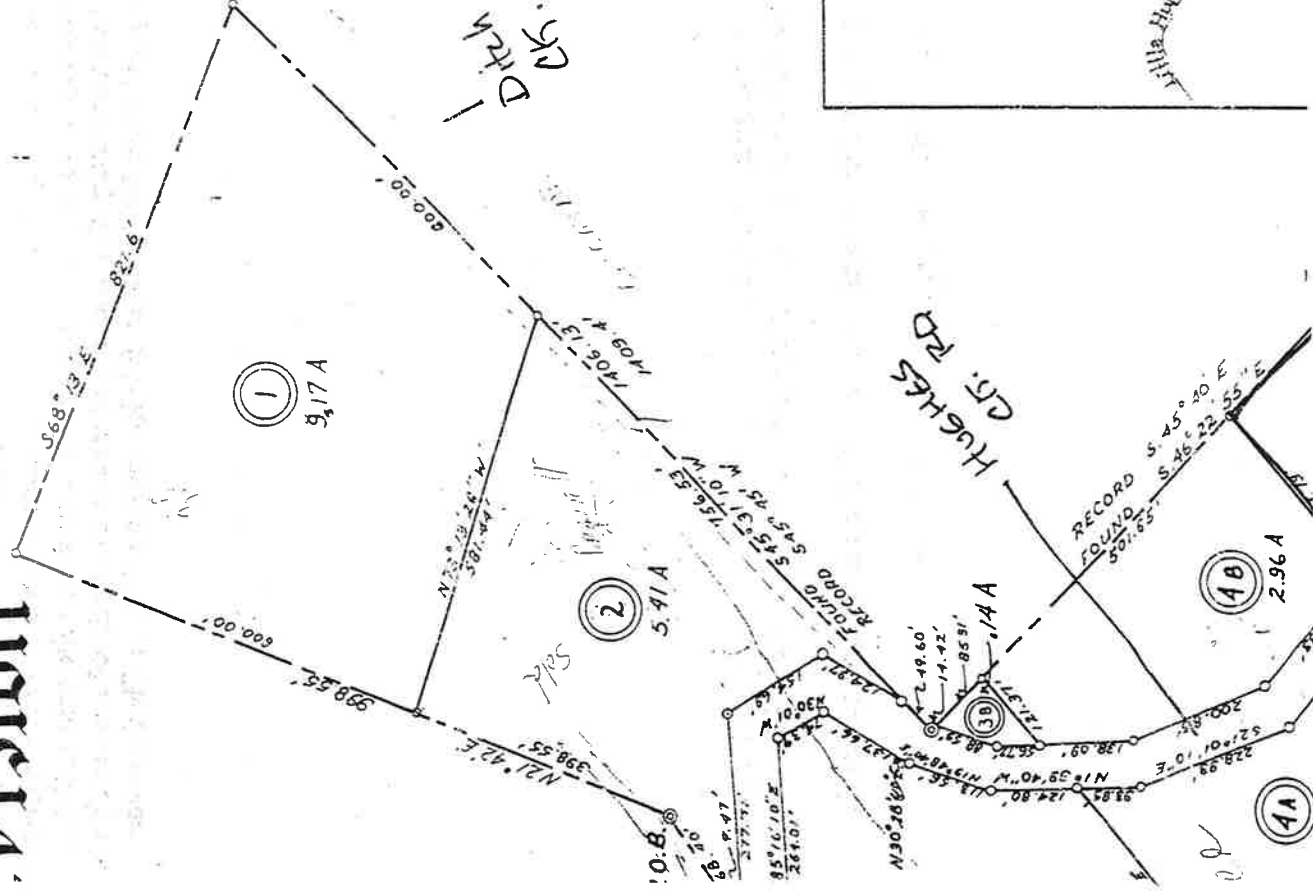
In the event this transaction involves a new loan or assumption of existing loan, these instructions must conform to the instructions of that lender.



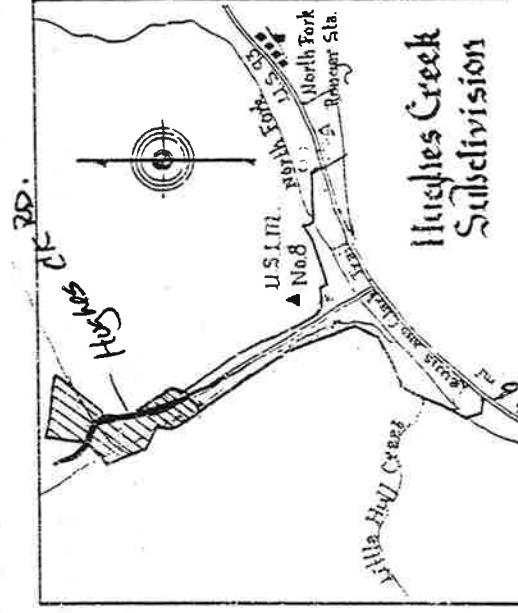
205 COURTHOUSE DRIVE • P.O. BOX 1169 • SALMON, ID 83467

208.755.4231 • FAX 208.755.4232

11751



Scale: 1 inch = 200 ft.



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: A75-07300
Date Received: 4/16/1990
Receipt No: C016292
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHNNA EISENBARTH 308-384-4875
Address: 4130 LIBERTY LANE
GRAND ISLAND, NE 68803
AND/OR
Name: ROYCE EISENBARTH 308-384-4875
Address: 4130 LIBERTY LANE
GRAND ISLAND, NE 68803
2. Date of Priority: JUN 21, 1982
3. Source: HUGHES CREEK Trib. to: SALMON RIVER, NORTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
25N	21E	8	SW	SE			LEMHI
5. Description of diverting works:
PUMP, MOTOR & SPRINKLERS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.040		9.00
STOCKWATER	01/01	12/31	0.020		0.20
7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 9.20 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:

MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
25N	21E	8	SW SE		IRR	3.0
Section Acres						3.0
Total Acres						3.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

P/U ALSO KNOWN AS LOT 5A, HUGHES CREEK SUBD.

15. Basis of Claim: LICENSE

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

\$53.00

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

RECEIVED
APR 16 1990

Ident. Number: A75-07300
Date Received:
Receipt No: 0016292
Received By: [Signature]

Department of Water Resources NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROYCE EISENBARTH 308-384-4875
Address: 4130 LIBERTY LANE
GRAND ISLAND, NE 68803
AND/OR
Name: JOHNNA EISENBARTH 308-384-4875
Address: 4130 LIBERTY LANE
GRAND ISLAND, NE 68803
2. Date of Priority: JUN 21, 1982
3. Source: HUGHES CREEK Trib. to: SALMON RIVER, NORTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
25N	21E	8	SW	SE			LEMHI
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7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) 9.20 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:

A7507300

MICROFILMED
DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
25N	21E	8	SW SE		IRR	3.0
Section Acres						3.0
Total Acres						3.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

P/U ALSO KNOWN AS LOT 5A, HUGHES CREEK SUBD.

15. Basis of Claim: LICENSE

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): Royce Eisenbath Date: 4-11-90
Debra H. Davis Date: 4-11-90

State of ~~Idaho~~ Nebraska)
County of Hall) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of April 19 90
Debra H. Davis
Notary Public



Residing at Grand Island NE
My Commission Expires May 13, 1992