

11/06/2006

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

RIGHT NUMBER: 75-11617

NAME AND ADDRESS: DELORES E FISHER
PO BOX 863
SALMON ID 83467

MERLIN J FISHER
PO BOX 863
SALMON ID 83467

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.200 CFS

PRIORITY DATE: 02/15/1955

POINT OF DIVERSION:

T21N R22E S5 SWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.200 CFS

PLACE OF USE:

COMMERCIAL in LEMHI County

T21N R22E S05

SWSW

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.

THIS PROPERTY FORMERLY OWNED BY PAUL A FITZGERALD IN MAY 1990

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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: 75-11617

DELORES E FISHER

PO BOX 863

SALMON ID 83467

Telephone Number: (208)756-4406

MERLIN J FISHER

PO BOX 863

SALMON ID 83467

Telephone Number: (208)756-4251

RECEIVED
NOV 30 2006
IDWR/North

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: 11-24-06

SIGNATURE: Merlin J. Fisher

Please print your name: Merlin J. Fisher

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

SCANNED
NOV 30 2006

11/20/2006

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PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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PO BOX 863
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IDWR/North

SOURCE: GROUND WATER
QUANTITY: 0.200 CFS
PRIORITY DATE: 02/15/1955
POINT OF DIVERSION: T21N R22E S5 SWSW Within LEMHI County
PURPOSE AND PERIOD OF USE:

TRIBUTARY:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	COMMERCIAL	01/01 12/31	0.200 CFS
PLACE OF USE:	<u>COMMERCIAL in LEMHI County</u>		
	T21N R22E S05 SWSW		

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

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THIS PROPERTY FORMERLY OWNED BY PAUL A FITZGERALD IN MAY 1990

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SCANNED
NOV 30 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

October 30, 2006

Steven Firestone
112 S. Church St.
Salmon, ID 83467

RE: 75-11617

Dear Mr. Firestone:

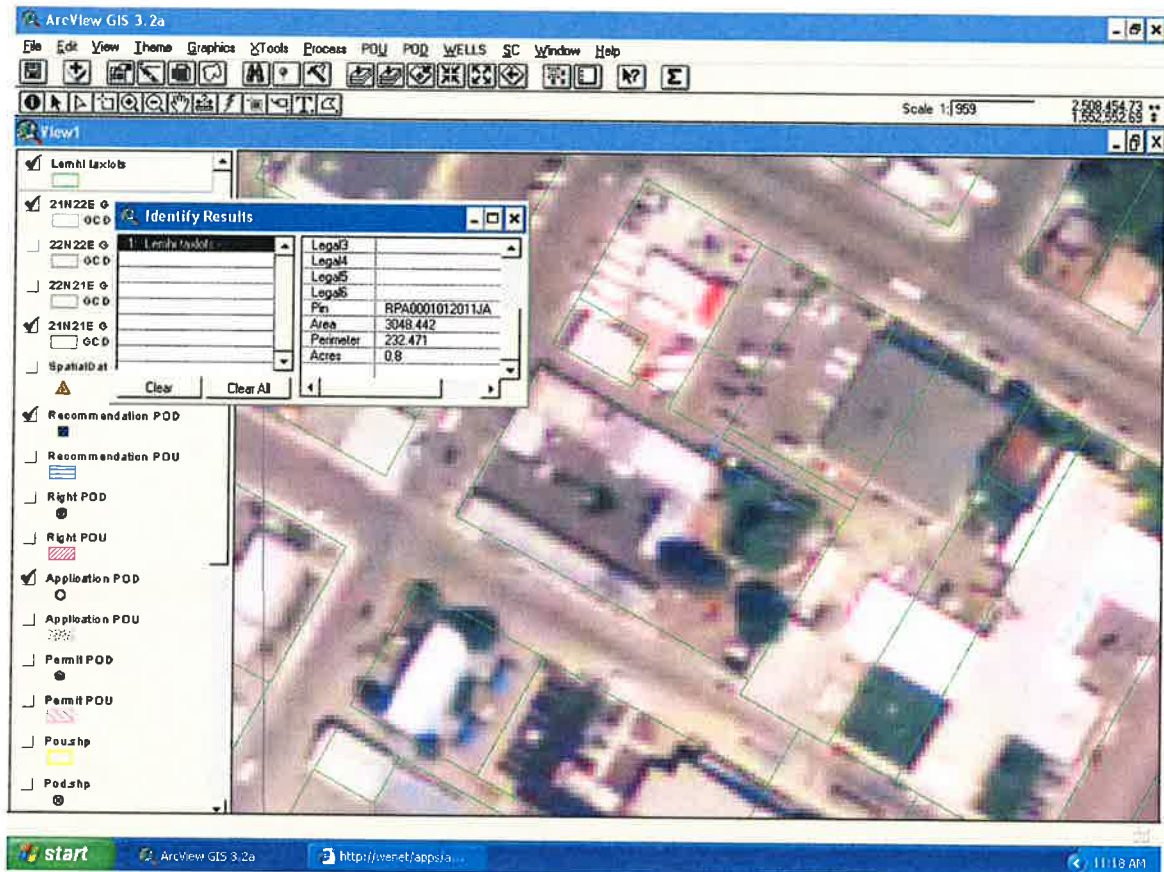
On May 5, 1990, Donald & Clara Tintle submitted a Notice of Claim in the Snake River Adjudication. We searched the Lemhi County tax lot information and it appears that you may now own the property or the business. If you do own the property, and the water is still being used, and you want your name in the final recommendation, then you need to file a change in water right ownership form and mail it to this office. Be sure to include a copy of the warranty deed or other document as described in item 2. B.

Please send this in the next two weeks so we can finish this process before the end of the year.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Knoblock', written over a horizontal line.

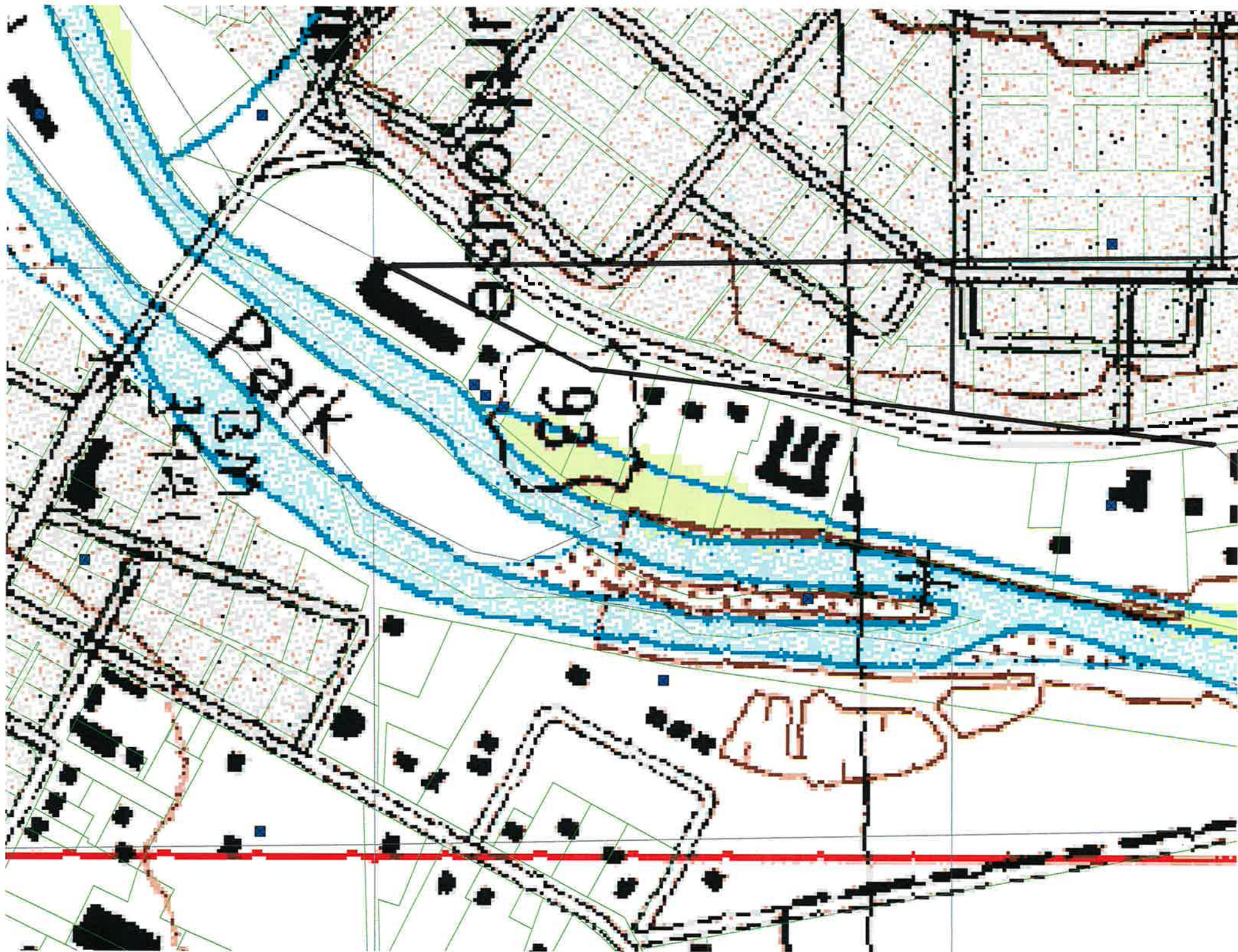
Kenneth Knoblock
Water Resources Agent



Steven Firestone
112 S. Church St.







SCANNED

Form No. 42-1409 (2) b 6/89

SEP 26 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 11617

Identification No. A75-~~11617~~

Date Received

Receipt Number

E014800

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Department of Water Resources
Eastern District Office

RECEIVED
See Receipt E018122
MAY - 5 1990
for 26.00
50.00 Pd By FORMER owner
26.00 more needed (new owner)

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) PAUL A. AND/OR PATRICIA A. FITZGERALD
DBA MOTEL DELUXE Phone (208) 756-2231
Mailing Address P.O. Box 1044 SALMON ID Zip 83467

2. Date of Priority (Only one per claim) Feb 15 1955 Month/Day/Year
3. Source of water supply (Check one) ☒ Groundwater or Other () (a) WB11
which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 21N Range 22E BM
Section 6 SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____ BM
County of LEMHI

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. WELL - 30' DEPTH 4" CASING 90.0 gpm -
ELECTRIC PUMP

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For DOMESTIC purposes from 1-1 Month/Day to 12-31 Month/Day amount 0.26 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.26 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 26 UNIT MOTEL

A751617



MICROFILMED

DEC 15 1992

10. Place of use is: Township: TN21N Range 22 EBM
Section 16 SE 1/4 of SE N.E 1/4 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
X None or _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Paul A. Fitzgerald Date 4-12-90

Patricia Fitzgerald Date 12 Apr 90

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Lemhi) SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 3rd day of May 19 90

SEAL

Notary Public Steve J. Robertson

Residing at Salmon

My Commission Expires Life

Last Name Robertson Ident No. 528-10-5444

Copies: White-State, Yellow-Claimant

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DEC 15 1992

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A75-11617
Date Received: 11/12/1992
Receipt No: E014800
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERLIN FISHER 208-756-4251
Address: PO BOX 863
SALMON ID 83467

AND/OR

Name: DEE FISHER 208-756-4251
Address: PO BOX 863
SALMON ID 83467

2. Date of Priority: FEB 15, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
21N	22E	6	SE	SE	NE		LEMHI

5. Description of diverting works:
30' DEEP, 4" CASING, 90GPM, ELEC PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.260		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERCIAL, 26 UNIT MOTEL

MICROFILMED
DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	22E	6	SE NE		COMMER	

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:
NONE

14. Remarks:

THIS PROPERTY FORMERLY OWNED BY PAUL A FITZGERALD IN MAY 1990

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): Merlin J. Fisher Date: 11/23/92
_____ Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of November 19 92

Ardis K. Rohrer
Notary Public

Seal

Residing at Salmon, Idaho

My Commission Expires 10-6-93

Fisher

ADDENDUM TO REAL ESTATE EXCHANGE AGREEMENT

REFERENCE IS HEREBY MADE to that certain Real Estate Exchange Agreement, dated the 28th day of June, 1990, wherein PAUL A. FITZGERALD and PATRICIA A. FITZGERALD, husband and wife, are FIRST PARTY, and MERLIN J. FISHER and DOLORES E. FISHER, husband and wife are SECOND PARTY:

WHEREAS, said PAUL A. FITZGERALD and PAT A. FTIZGERALD and MERLIN J. FISHER and DOLORES E. FISHER would like to add the following Paragraph to said Real Estate Exchange Agreement.

COVENANT NOT TO COMPETE:

That the FIRST PARTY covenants to and with the SECOND PARTY that for a period of ten (10) years from the date of the original Exchange Agreement, that FIRST PARTY, will not compete in the motel business within a fifty (50) mile radius of Salmon, Idaho.

In all other respects, except for this Addendum, the original Real Estate Exchange Agreement shall remain in full force and effect as originally written.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed our seals the 10TH day of July, 1990.

Paul A. Fitzgerald
PAUL A. FITZGERALD

Merlin J. Fisher
MERLIN J. FISHER

Patricia A. Fitzgerald
PATRICIA A. FITZGERALD

Dolores E. Fisher
DOLORES E. FISHER

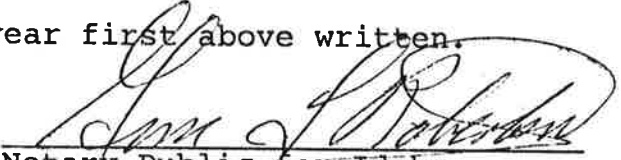
MICROFILMED

DEC 15 1992

STATE OF IDAHO)
) ss.
County of Lemhi)

ON THIS 10th day of July, 1990, before me, the under-
signed, a Notary Public in and for said County and State,
personally appeared PAUL A. FITZGERALD and PATRICIA A. FITZGERALD
known to me to be the persons whose names are subscribed to the
foregoing instrument and who acknowledged to me that they
executed the same.

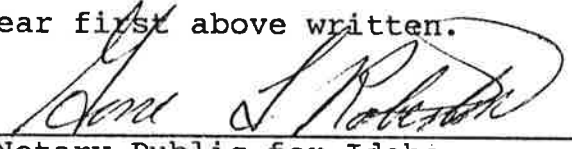
IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year first above written.


Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: Life

STATE OF IDAHO)
) ss.
County of Lemhi)

ON THIS 10th day of July, 1990, before me, the under-
signed, a Notary Public in and for said County and State,
personally appeared MERLIN J. FISHER and DOLORES E. FISHER known
to me to be the persons whose names are subscribed to the
foregoing instrument and who 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.


Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: Life

ACTION REQUIRED

11-12-92

FROM: Jo Thompson
TO: Mertin & Dee Fisher

as we discussed per our phone conversation this morning, Please sign the Notice in the presence of a Notary and return with a check for \$26.00 for .26 CFS of water used on the lawn. After claim is signed & notarized, please make a copy for your records. Also, please enclose contract copy to show you are purchasing this property. ONLY ONE OF YOU NEED SIGN THIS NOTICE.

Thank you for your help in resolving this.
If you have any questions, please call 525-7161 and ask for Tom.

Jo

11-25-92

Dave says no need to do C/O

RECEIVED

NOV 25 1992

Department of Water Resources
Eastern District Office

MICROFILMED

DEC-15 1992