

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: A75-04323
Date Received: 5/25/1990
Receipt No: E014133
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY B. HAEFNER 406-363-5208
Address: PO BOX 1296
HAMILTON, MT 59840

2. Date of Priority: JUN 01, 1960

3. Source: SALMON RIVER NORTH FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
24N	21E	9	SW	SW	SW		LEMHI

5. Description of diverting works:
HEADGATE/ DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/30	0.240		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/20 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
24N	21E	16	NW	NW		IRR	12.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	12.0
					Total Acres	12.0

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:

15. Basis of Claim: STATUTORY CLAIM

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: _____

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: A75-04323 ³⁹⁵⁷⁶
Ident. Number
Date Received 5/3/90
Receipt Number E014133

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY - 3 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Gary B. Haefner Phone (406) 363-5208
Mailing Address P.O. Box 1296, Hamilton, MT Zip 59840

2. Date of Priority (Only one (1) per claim) June 1, 1960

3. Source of water supply (a) North Fork of Salmon River
which is tributary to (b) Salmon River

4. a. Location of existing point of diversion is: Township 24N Range 21E Section 9,
SW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Lemhi

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

A 36" diameter circular metal headgate exists in the North Fork of the Salmon River adjacent to our property. This headgate feeds water through an elaborate fish wheel it into a 10" metal culvert with metal headgate to regulate water flow further. Our property irrigated from this source by means of several ditches and one other metal headgate on the lower side of the property.

A7504323



MICROFILMED

DEC 15 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Apr 1 to Oct 30 amount .24 or _____

For Stockwater purposes from Jan 1 to Dec 31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .26 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 25.30 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 20 head stock cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>24N</u>	<u>21E</u>	<u>16</u>					<u>12</u>												<u>12</u>

Total number of acres irrigated 12

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 ☒ 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.

or None (☒)

14. Remarks:

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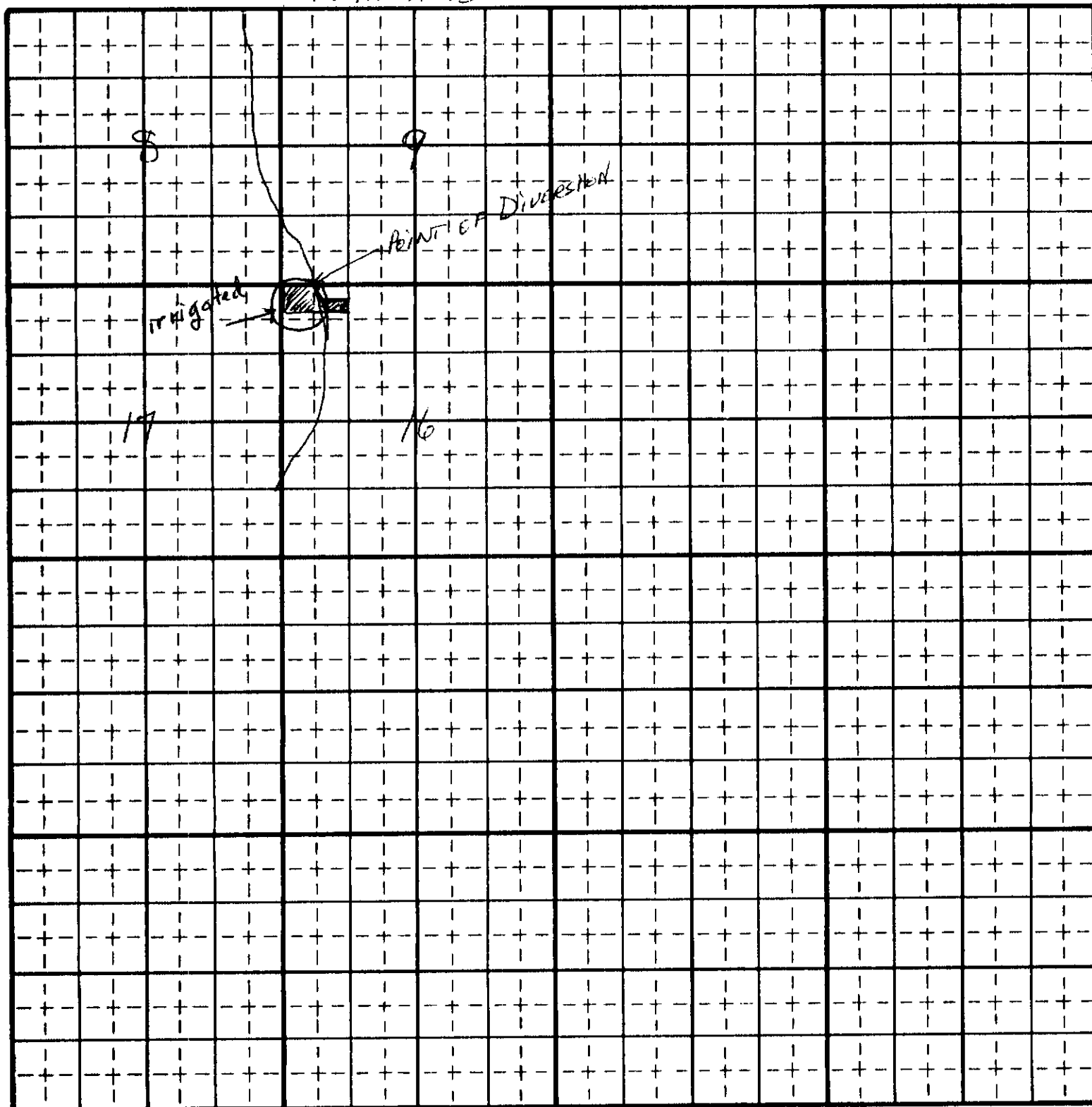
Last Name Haefner Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T24N R21E



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Last Name Haefner Ident No. _____

DEC 15 1992
Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 75 4323
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 (1) 62.00 check attached

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

Signature of Claimant (s) X [Signature] Date 5/1/90
_____ Date _____

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

_____ Title
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Montana)
~~Idaho~~)
County of Ravalli) SS.

Subscribed and sworn (or affirmed) before me this 1st day of May 19 90

SEAL

Notary Public Teressa E. Erickson

Residing at Hamilton, Mt.

My Commission Expires 11-13-90

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Hoefner Ident. Number _____

MICROFILMED

DEC 15 1992

Copies White-State, Yellow-Claimant

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)02/23/98 09:53:51
Page 1

Water Right Number - A75-04323

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

CHARLTON

RAY

1 - 29719 53RD PL S

2 -

3 -

City- AUBURN

State- WA Zip- 98001

Phone - 253-941-5976

CHARLTON

JO ANN

1 - 29719 53RD PL S

2 -

3 -

City- AUBURN

State- WA Zip- 98001

Phone - 253-941-5976

*** O - ORIGINAL OWNER ***

HAEFNER

GARY B

1 - PO BOX 1296

2 -

3 -

City- HAMILTON

State- MT Zip- 59840

Phone - 406-363-5208

+ - - Priority Date - - +

06/01/1960

+ - - - Region - - - +

15 EASTERN

+ - - - Stage - - - +

S - STATUTORY CLAIM

+ - - - Status - - - +

+ - - - - Source - - - - - +

SALMON RIVER, NORTH FORK

+ - - - - Tributary - - - - - +

SALMON RIVER

+ - - - - Point of Diversion - - - - - +

TwN Rng Sec Tract Lot RFlg County

24N 21E 9 SW SW SW (59) LEMHI

+ - - - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01

10/30

0.240

04 - STOCKWATER

01/01

12/31

0.020

+ - Total Div. Rate - + + - Total Div. Volume - +

0.260

+ - Total Consumptive Use - + + - KW Usage - +

30.0

+ - - - - Place of Use - - - - - +

TwN Rng Sec Tract Lot Acres Code Description County

24N 21E 16 NW NW 12.0 01 IRRIGATION (59) LEMHI

Total Acres: 12.0

+ - - Diversion Means - HEADGATE/ DITCHES

+ - - Non-Irrigation Use - S/20 HEAD CATTLE

+ - - Other Rights for Same Use -

02/23/98 09:53:51
Page 2

Prefix Translation: ADJUDICATION CLAIM

-----+-----Remarks-----+-----

GEN CHANGE OF OWNERSHIP, 2/23/98, ABR.

+ Old Water Right Numbers +

No Old Water Right Numbers Found

..... Conditions of Approval

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

.....Comments.....

No Comments Found

+ - - Audit Fields - - +

02/23/98 ARUBERRY

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 05/03/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- E014133	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	-
				Notice of Error Flag	-



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

March 9, 1998

RAY & JO ANN CHARLTON
29719 53RD PL S
AUBURN WA 98001

RE: CHANGE IN OWNERSHIP FOR A75-04323

Dear Mr. & Mrs. Charlton:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure: Notice(s) of Claim

FEB 17 1998

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

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 Number(s) A75-04323 ^{Stock .02} ^{12.24} ^{No Don}
Adjudication Claim Number(s) _____

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) Gary B. Haefner
P.O. Box 1296
Hamilton, MT 59840

4. New Owner/Claimant(s) Ray and Jo Ann Charlton
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address 29719 53rd Pl S

City, State and ZIP Code Auburn, WA 98001

New Telephone Number (253) 941-5976

5. Date you acquired the property Mar 6, 1991

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 actually irrigated 12 Number and type of stock 10 horses 10 cattle

Diversion rate in CFS ^{0.26} 2444 Number of homes 11 ^{No Don.}
cubic feet per second 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/Claimant(s) Ray Charlton Date Feb 9, 1998
Jo Ann Charlton Date Feb 9, 1998

(Corporations or other organizations must submit a 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.

WARRANTY DEED

For Value Received

GARY B. HAEFNER AND JUDY HAEFNER, husband and wife

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

RAY R. CHARLTON AND JOANN A. CHARLTON, husband and wife

whose current address is 29719 53rd PL. S.
AUBURN, WASHINGTON 98001

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

A PARCEL OF LAND LOCATED IN THE NW 1/4 NW 1/4, SECTION 16, TOWNSHIP 24 N., RANGE 21 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST SECTION CORNER OF SAID SECTION 16, A DISTANCE OF 50.00 FEET ON A BEARING OF S. 89° 48' 30" E., TO THE REAL POINT OF BEGINNING.

FROM THIS REAL POINT OF BEGINNING, A DISTANCE OF 478.00 FEET ON A BEARING OF S. 89° 48' 30" E. TO A POINT ON THE EAST BANK OF THE NORTH FORK OF THE SALMON RIVER;

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID EAST BANK:

S. 29° 32' E., 149.00 FEET;

S. 10° 16' E., 172.00 FEET;

S. 20° 39' E., 205.00 FEET;

THENCE S. 89° 48' 30" E., 611.24 FEET TO A POINT ON THE EAST BOUNDARY OF THE NW 1/4 NW 1/4, SECTION 16;

THENCE S. 0° 14' 19" W., 449.69 FEET ALONG SAID EAST BOUNDARY;

THENCE N. 89° 48' 30" W., 1284.19 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 93;

THENCE N. 1° 14' 40" E., 939.97 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO THE REAL POINT OF BEGINNING.

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 are 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:

GARY B. HAEFNER

JUDY HAEFNER

STATE OF IDAHO, COUNTY OF

On this 16th day of March, 1991,
before me, a notary public in and for said State, personally appeared

GARY B. HAEFNER AND
JUDY HAEFNER

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Cindy A. Willey
Notary Public
Residing at Stevensville, Montana, Idaho
Comm. Expires 11-20-93

County of Idaho
County of Lemhi

ss No. 209794

This instrument was filed for record at the request of American Land Title at 2:31 o'clock p m March 7 1991 and duly filed and indexed in the records of Lemhi County

Alberta Wiederrick

Ex-Officio Recorder

By Deanne Gray Deputy

Fees: 3.00

DEED OF RECONVEYANCE

AMERICAN LAND TITLE COMPANY, INC.

an Idaho Corporation, as

Trustee

in the deed of trust executed by RAY R. CHARLTON AND JOANN A. CHARLTON, HUSBAND AND WIFE

dated March 7, 1991

recorded March 7, 1991

Official Record Book , Instrument No. 209795 Mortgage records of Lemhi

County, Idaho, pursuant to the written request of the beneficiary, does hereby GRANT and RECONVEY unto the PARTIES ENTITLED THERETO, RAY R. CHARLTON AND JOANN A. CHARLTON, HUSBAND AND WIFE

without warranty, all the estate and interest derived to it by or through said Deed of Trust, in the lands therein described.

The corporate name subscribed by its Asst. Vice-President, and the seal affixed by its Asst. Secretary, is pursuant to a resolution authorizing the execution of this reconveyance duly adopted by its Board of Directors.

Dated: Sept. 12, 1995

AMERICAN LAND TITLE COMPANY, INC.

By

Laurie M. Santee
Laurie M. Santee

Asst. Vice-President

NW4NW4 16-24-21

Attest:

Terri Cotterell
Terri Cotterell

Asst. Secretary

STATE OF IDAHO
COUNTY OF Lemhi

ss.

On this 12th day of Sept. in the year 1995, before me, a Notary Public in and for said State, personally appeared Terri Cotterell known to me as the Asst. Sec. of the corporation that executed the instrument, or the person who executed the instrument on behalf of said corporation, and acknowledge to me that such corporation 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.

Steven R. Gott

Notary Public for the State of Idaho, Steven R. Gott
Residing at Salmon, ID
Commission expires: 12/14/1997

State of Idaho
County of Lemhi

SS No. 227365

This instrument was filed for record at the request of American Land Title
at 2:17 o'clock p.m. Sept 13 1995
and duly filed and indexed in the records of Lemhi County

Alberta Wiedemick
Ex-Officio Recorder
Debra Jacob Deputy
3.00

This instrument furnished by the AMERICAN LAND TITLE CO.

*Clarice
Auer
1/10
Circuit
Daring*

*N. 1/2
NW 1/4
5.4 + 4.93 + 2.06 = 12.39*

NE4 NE4

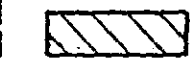
18.9
17.18

478

ROAD

Tract 2
8.42 Acres

64.24



Haefner



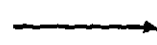
Exception



U.S.F.S. A



Section C



Property

HAEFNE.

Tract A (104.53 Ac)

Tract C (23.40 Ac)

Tract D (11.91 Ac.)

Tract E (3.10 Ac.)

Tract A
96.11 Acres

W2 NW4

F.O.R.A. S.A.L.M.

UNIMPROVED REAL

5.4
8.9

1.5

8.5

23.5

①

1.0

351

T551

②

8.4

③

3.7

④

3.0

8.9

little Silver

8 9
17 16

see
03
→

T24

35
755

5 10 a

6 10 a

7 10 a

Big Silverhead Creek

North
Fork
Idaho

Hwy 030

Hwy 93

0121