

01/11/2007

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

RIGHT NUMBER: 75-10280

NAME AND ADDRESS: JUANITA E CHARLTON
103 TOWER CREEK RD
CARMEN ID 83462-4517

JOHN R CHARLTON
103 TOWER CREEK RD
CARMEN ID 83462-4517

SOURCE: TOWER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 07/10/1911

POINT OF DIVERSION:

T23N R22E S17 NWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.050 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T23N R22E S17 NENW 1.80

1.8 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

12/21/2006

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

RIGHT NUMBER: 75-10280

NAME AND ADDRESS: JUANITA E CHARLTON
103 TOWER CREEK RD
CARMEN ID 83462-4517

JOHN R CHARLTON
103 TOWER CREEK RD
CARMEN ID 83462-4517

SOURCE: TOWER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 02/19/1912

POINT OF DIVERSION:

T23N R22E S17 NWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.050 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T23N R22E S17 NENW 1.80

1.8 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

11/06/2006

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

RIGHT NUMBER: 75-10280

NAME AND ADDRESS: JUANITA E CHARLTON
103 TOWER CREEK RD
CARMEN ID 83462-4517

JOHN R CHARLTON
103 TOWER CREEK RD
CARMEN ID 83462-4517

SOURCE: TOWER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 04/01/1912

POINT OF DIVERSION:

T23N R22E S17 NWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.050 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S17 NENW 1.80

1.8 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

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO.:

75-10280

T23N R22E Sec. 17

LEGEND

 Point(s) of Diversion

 Place of Use

Gov. Lot Numbers

 Townships

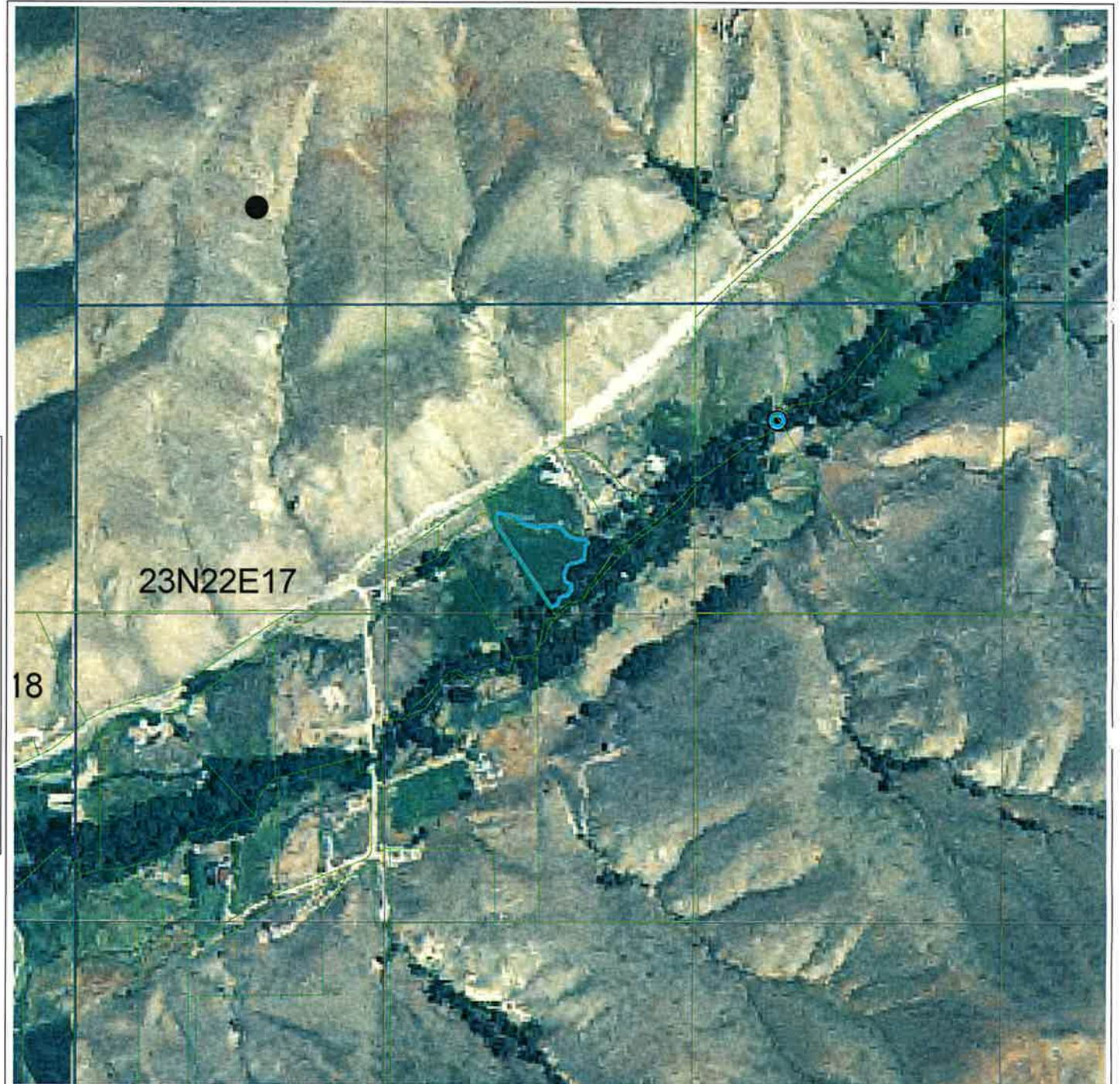
 Sections

 Quarter Quarter

IMAGE 1993 True Color



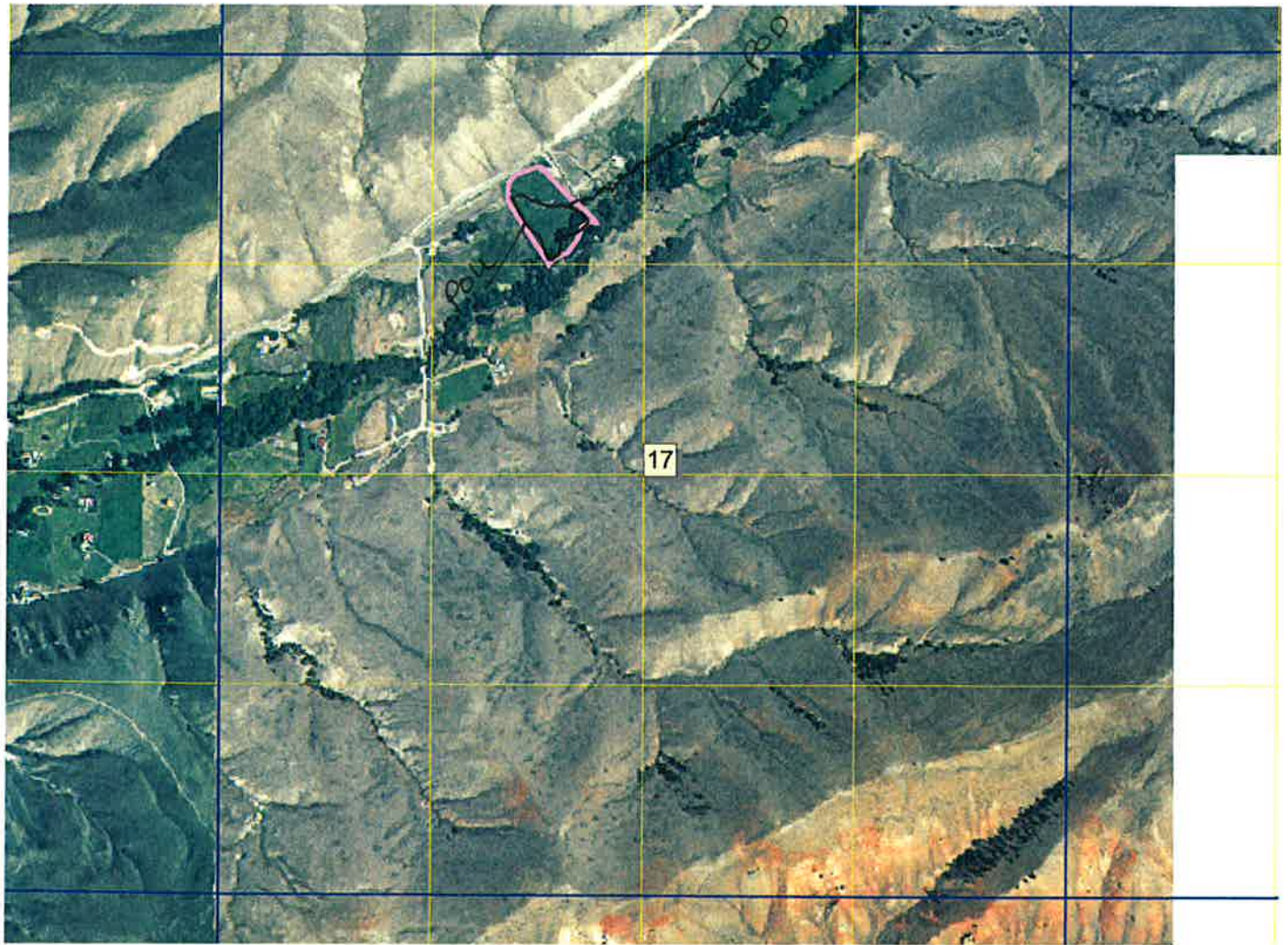
Prepared By: Asher Barton
November 9, 2005



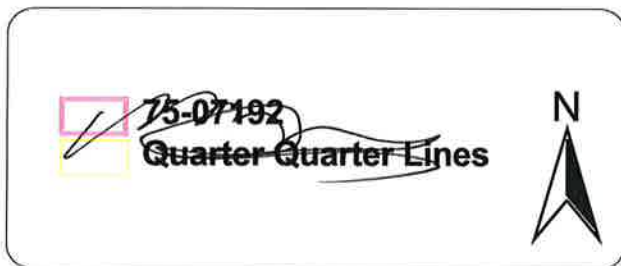
Idaho Dept. of Water Resources

Water Right No. 75-7192

10280



0.3 0 0.3 0.6 Miles



GIS Presentation
Prepared by B. Foster
March 22, 2005
1993/94 True Color Photography



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

January 11, 2007

JOHN R & JUANITA E CHARLTON
103 TOWER CREEK RD
CARMEN ID 83462

Re: Tower Creek Adjudication Recommendation

Dear Mr. & Mrs. Charlton:

Enclosed is a spreadsheet that summarizes recommendations filed with the SRBA court for claims for water from Tower Creek for properties that were settled in the 1890's or early 1900's. The claims had a wide array of priority dates and evidence in support of those priority dates was received. Some of you filed a Notice of Error in response to the Recommended Findings that were mailed out to claimants in November 2006. Some of you may have already received a response from us regarding your Notice of Error.

After looking at each right separately, we concluded that a more systematic approach to how recommendations were made was required. It seemed to us that it made sense to have the same priority date recommended for all of the property that was originally part of a single homestead. To that end we evaluated the Evidence of Priority information that was submitted and used the earliest date that we felt could be verified. In some cases documents were submitted that may reference dates earlier than what we have recommended, but the extent of development was not quantified. The spreadsheet lists the various water rights and the basis for the selection of the date used. Please note that you still have the option of filing an objection with the court if you disagree with these recommendations

If you have any questions please don't hesitate to contact us.

Sincerely

Robert G. Haynes P.E.
Regional Manager

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-10280 V1

WATER RIGHT NUMBER: 75-10280 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUANITA E CHARLTON 103 TOWER CREEK RD CARMEN, ID 83462-4517 (208)756-3114
Current Owner	JOHN R CHARLTON 103 TOWER CREEK RD CARMEN, ID 83462-4517 (208)756-3114

Priority Date: 04/01/1912

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
TOWER CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.050 CFS	
<u>Total Diversion:</u>		0.050 CFS	

Location of Point(s) of Diversion

TOWER CREEK	NW1/4NE1/4	Sec. 17, Twp 23N, Rge 22E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	22E	17					1.8												1.8

Total Acres: 1.8

Conditions of Approval:

1. C18 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.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-10280 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	2/3/2006 3:19:24 PM	rbrown			Active
Contacts	2/3/2006 3:19:25 PM	rbrown			Active
Priority Date	2/3/2006 3:22:18 PM	rbrown			Active
POD	2/3/2006 3:22:51 PM	rbrown			Active
Source	2/3/2006 3:23:52 PM	rbrown			Active
POU	2/3/2006 3:24:31 PM	rbrown			Active
Use	2/3/2006 3:29:26 PM	rbrown			Active
Season	2/3/2006 3:29:51 PM	rbrown			Active
Quantity	2/3/2006 3:30:33 PM	rbrown			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	2/3/2006 3:19:25 PM	rbrown	(No) 1. Do you want to schedule an appointment?
			Comment for 1: field exam 6/14/2005
POD	2/3/2006 3:23:28 PM	rbrown	Updated PLS
POU	2/3/2006 3:28:22 PM	rbrown	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-10280 V1

Season	2/3/2006 3:29:51 PM	rbrown	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	2/3/2006 3:30:33 PM	rbrown	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - <0.20 cfs per memo
Contacts	2/3/2006 3:19:24 PM	rbrown	(No) 1. Do you want to schedule an appointment?
General	2/3/2006 3:22:19 PM	rbrown	Comment for 1: field exam 6/14/2005 (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? Description for Question 12/13 - Claimant submitted tax assessment roll for 1912 showing irrigation in this area. The historic ditch runs above the property irrigated and delivers water further down the ditch to a licensed right with a 1907 priority date. It is assumed that the land below the ditch was part of the 59 acres shown on the assessment for 1912.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-10280 V1

POD	2/3/2006 3:22:52 PM	rbrown	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	2/3/2006 3:23:53 PM	rbrown	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - topo map
POU	2/3/2006 3:24:32 PM	rbrown	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (No) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - aerial photo and ditch location as established during field exam
POU	2/3/2006 3:28:59 PM	rbrown	Updated PLS for Active POU
Use	2/3/2006 3:29:26 PM	rbrown	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - field exam
POU	11/9/2005 11:10:40 AM	abarton	Updated shape for Active POU
POU	11/9/2005 11:10:50 AM	abarton	Updated PLS for Active POU
POD	11/9/2005 11:06:35 AM	abarton	Updated shape
POD	11/9/2005 11:06:51 AM	abarton	Updated PLS

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 75-10280

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☐ No Change ADDRESS _____

☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION

☒ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0015036 GPS GL # T0610203

Township 23N Range 22E Section 17 1/4 NW 1/4 NW 1/4 NE

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

diversion in creek, ditch to place of use

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

Shares POD with 75-7192, 75-4208A, 75-4208B, 75-4143

75-2004A, 75-2004H, 75-2004L, 75-2004K, 75-11623, 75-13710

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 6-14-05

FIELD EXAMINER: Bob Foster

Print Name

Bob Foster

Signature

```
filename: c:\docs\forms\ditch flow computations upgraded.xls
```

Measurement done by: B. Foster

Date if measurment: 6/10/2005

REW value: 1.00

LEW value: 4.00

Space between

readings (ft): 0.50

Make entries in cells without shading.

[illegible]

TOWNSHIP 23 RANGE 2ASSESSMENT ROLL FOR THE YEAR 19112
REAL PROPERTY

BY THE TOWN CO., FILE A BORN. 20843

Line No.	Receipt No.	OWNER OR REPUTED OWNER'S NAME AND ADDRESS	Subdivision or Tax No.	Sec.	Twp. N.	Rng. E.	CLASSIFICATION OF LANDS										Improvements		Val T V
							Irrigated Agricultural	Natural Meadow and Pasture	Orchard Land	Grazing	Desert Waste and Swamp	Mineral	Kind	Value					
							Acres	Value	Acres	Value	Acres	Value			Acres	Value	Acres	Value	
29		Carmen, Ida.	W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,	9															
30			SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,																
31			SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,	10			15	⁴⁹⁵ 450					145	³³⁰ 300					
32	128	Bowler S.E.	NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,	17			59	²³¹⁰ 2100	12	²¹¹² 192	1	35	38	²⁹⁶ 266	10				
34		Rose Nancy	SW $\frac{1}{4}$ NW $\frac{1}{4}$,	17															
35		Carmen, Ida.	SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,	18			75	²⁸⁴⁹ 2590			1	35		44				3	

Jo Ann Charlton

1-253-512-7669

MARY ANN HEISER
LEMHI COUNTY TREASURER AND
EX-OFFICIO TAX COLLECTOR
206 COURTHOUSE DRIVE
SALMON, IDAHO 83467

R. BROWN
RECEIVED
JUL 29 2005
DEPARTMENT OF
WATER RESOURCES

Please Fax Water rights request to
208-756-8051, Iats in my
office and doesn't have your phone #
Shuts are to big to fax's

Pat Alden

To Roxanne Brown,

If There is anything else you need
please let me know or call Mary Ann Heiser the
Lemhi County Treasurer and Ex-office Tax collector
and let her know what you need and ask her to call
me at 253 312-6711. Thank you
Attn:

JoAnn Charlton

Ray Charlton son of John L. Charlton

To: 1-253-512-7669

SCANNED
AUG 01 2005

Quitclaim Deed.

This Indenture, Made the Second day of November in the year of our Lord one thousand nine hundred and thirteen between Frederick Meyers

of the County of Lemhi and State of Idaho, the party of the first part, and

William J. Rose of the County of Lemhi State of Idaho the party of the second part,

WITNESSETH, that the said part of the first part, for and in consideration of the sum of One Thousand Dollars lawful money of the United States to him in hand paid by the said part of the second part, the receipt of which is hereby acknowledged, do hereby REMISE, RELEASE and forever QUITCLAIM unto the said part of the second part, and to his heirs and assigns, the following described real estate, situated in the County of Lemhi and State of Idaho, to-wit:

The south east quarter of the north east quarter, the north east quarter of the south east quarter of Section Eighteen (18), and that certain forty acre tract of unimproved land, which when surveyed will be the south west quarter of the north west quarter of Section Seventeen (17) all in Township Twenty Three North of Range Twenty Two, east, being the same land described in Desert Land Entry, No 1086, dated United States District Land Office, Hailey, Idaho, April 8th 1903, also two ditches and water right taken out of Boyle Creek, and carried to and upon the aforesaid land, and all other ditches and water rights upon, belonging to, and used in connection with said land. The above mentioned water right, being the second right to the use of the waters of said Boyle Creek. And the party of the first part does hereby relinquish, demise, set over and assign to the said party of the second part, all his right, title and interest, in and to that certain Desert Land Entry of said land, No 1086, made by said party of the first part, at the United States District Land Office, Hailey Idaho, April 8th 1903.

together with all the tenements, hereditaments and appurtenances therunto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest property, possession, claim and demand whatsoever as well in law as in equity, of the said part of the first part, of, in or to the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD, all and singular the said premises, with the appurtenances

unto the said part of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, the said part of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of
J. C. Sinclair } Frederick Meyers (SEAL)
(SEAL)

STATE OF IDAHO, ss.
County of Lemhi
On this Second day of November 1903, before me John C. Sinclair
a Notary Public in and for said County, personally appeared Frederick Meyers
known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same; and on this 2nd day of November 1903, before me, the officer above described, personally appeared William J. Rose
known to me to be the person whose name is subscribed to the within instrument, described as a married woman, and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

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

John C. Sinclair
Notary Public

STATE OF IDAHO, ss.
County of Lemhi
I hereby certify that this instrument was filed for record at request of William J. Rose
at 17 minutes past 1 o'clock P. M., this 3rd day of November A. D. 1903, in my office, and duly recorded in Book 10 of Deeds at page 57

SCANNED
AUG 11 2005

This Indenture, Made this 31st day of July, in the year of our Lord one thousand nine hundred and Sixteen, between William J. Rose and his wife Nannie Rose, both of Salmon, Lemhi County, Idaho, the parties of the first part, and W. L. Thompson, of Northfork, Idaho,

the part Y of the second part.

WITNESSETH, That the said part 1as of the first part, for and in consideration of \$5500.00

FIFTY FIVE HUNDRED DOLLARS,

lawful money of the United States of America, to them in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, ha ve GRANTED, BARGAINED and SOLD and by these presents do GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said part Y of the second part, and to his heirs and assigns forever, all those certain lots, pieces and parcels of land, situate, lying and being in Lemhi County, Idaho, to-wit:

The southeast quarter of the Northeast Quarter; the Northeast Quarter of the Southeast Quarter, of Section Eighteen; and the Southwest Quarter of the Northwest Quarter, Section Seventeen, and the Northwest Quarter of the Southwest Quarter of Section Seventeen; all in Township Twenty-three North, Range Twenty-two, East, Boise Meridian, containing 159 acres of land, more or less.

This being what is commonly known as the Rose Ranch, situated on Boyle Creek in said County and State.

Together with any and all water, water rights, ditches and conduits whatsoever, situate upon, belonging to, used in connection with, or appurtenant to said, or any part or said lands.

(Excepting and reserving from this conveyance, a certain tract of land, embracing about one acre, conveyed by said parties of the first part, to one S. E. Bowler by deed dated April 17th, 1911 and recorded in the County Recorder's office of said County in Book "U" of Deeds at page 334 thereof.)

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all estate, right, title, interest in and to the said property, possession, claim and demand whatsoever, as well in law as in equity, of the said part 1as of the first part, of in or to the said premises, and every part and parcel thereof, with the appurtenances to have and hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the part Y of the second part, and to his heirs and assigns forever. And the said part 1as of the first part, and their heirs, the said premises in the quiet and peaceful possession of the said part Y of the second part, and his heirs and assigns, against the said part 1as of the first part and their heirs, against all and every person and persons whomsoever, lawfully claiming or to claim, the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part 1as of the first part ha ve hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

William J. Rose (SEAL)

Nannie Rose (SEAL)

W. L. Thompson (SEAL)

STATE OF IDAHO, } ss.
COUNTY OF LEMHI }

On this 31st day of July, in the year 1916 before me, Ariel C. Cherry, a Notary Public, for the State of Idaho, and William J. Rose and his wife Nannie Rose, personally appeared William J. Rose and his wife Nannie Rose, personally known to me, to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that he 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.

SEAL.

Ariel C. Cherry

Notary Public for Idaho, Residing at
Salmon, Lemhi County, Idaho.

SCANNED

AUG 1 2006

Recorded at request of W. L. Thompson at --- minutes past 9 o'clock
A.M., Nov. 13th 1916 in Book X of Deeds, on page 94 Records of

4 pages



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-10280

JOHN R CHARLTON

JUANITA E CHARLTON

103 TOWER CREEK RD

CARMEN ID 83462-4517

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

SCANNED

AUG 1 2005

SCANNED

OCT 15 1991

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: A75-10280

Date Received: 4/25/1990

Receipt No: 11006740

Received By: J De

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN R. CHARLTON
Address: HCR-10 BOX 32A
CARMEN, ID

208-756-3114

83462

AND/OR

Name: JUANITA E. CHARLTON
Address: HCR-10 BOX 32A
CARMEN, ID

208-756-3114

83462

2. Date of Priority: AUG 10, 1904

3. Source: TOWER CREEK

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
23N	22E	17	NE NW NE		LEMHI

5. Description of diverting works:
DITCHES WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.180		

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

A.F.A.

8. Total consumptive use is

7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A75-10280

Page

1

Date: 04/25/90

MICROFILMED
DEC 15 1992



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	22E	17	NW NE		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:
A75-07192

14. Remarks:

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): John R. Charlton Date: 4-25-90
Janita C. Charlton Date: 4-25-90

State of Idaho)

County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 25 day

of April 19 90

John D. Lohr
Notary Public

Seal

Residing at Boise Id

My Commission Expires 6/2/94

