

RECEIVED
JUL 27 2021
DEPARTMENT OF
WATER RESOURCES

To: Idaho Dept. of Water Resources; Attn: Jean Hersley
Re: Water Right # 94-8280
From: Ken Chariton
Date: July 21, 2021

Per a telephone call between Ken and Karen Chariton with Jean Hersley/IDWR on July 20, 2021, I'm (Ken Chariton) providing information as requested by Jean to clarify current issues for Permit #94-8280.

I, Ken Chariton, am the legal joint owner of the property related to this Permit #94-8280. I and my deceased wife Teresa were initially involved in the 2011 permit application with Eugene Deitz to provide water to the four RV sites and for irrigating ½ acre of the parcel. Due to health issues of my wife Teresa and her death in April 2014, I spent limited time at the property. Issues regarding Eugene Deitz, the other owner of the property, impacted action on the original application. Months and years passed – and the matter of this application/permit were never brought up to me by the Deitz family.

However, in visiting the property in 2020, I observed galvanized metal pipes sticking out of the ground – one was approximately 3 inches in diameter and about 12 inches tall with a cut-off plastic beverage bottle over the top, and a 1½ inch pipe about 36 inches tall with an elbow on the top. The ground/grass surrounding the pipes was not disturbed – there was no evidence the pipes were installed in a hand-dug hole, as observed by several members of our family that can verify this statement. Upon the discovery of these unidentified pipes, at the first available chance I asked Jan Deitz if it was a water well. She said nothing – I responded I hoped it wasn't as I hadn't been informed. Upon subsequent visits to the property since then, the pipes remained unchanged until 7/11/2021 when we noticed that the pipes were now enclosed in a small metal well cover with a yellow power cord coming out of the top of the back and a spigot on the front (pictures attached). The cover did not display any tags or permits to indicate there was an inspection of the work done. At this time, Janice (Jan) Deitz was present at the property - I stated to Jan that I wished she hadn't put in the well without notifying me.

Due to my concerns about liability, research was done through the IDWR website. The information indicated that the Deitz family, without my knowledge or consent, had submitted paperwork for an extension of time for the permit. Subsequently they proceeded to install the water well. I was never informed of this procedure and had no involvement and do not want to be held liable for the Deitz family actions. I do not know who drilled the well, if they were an authorized well driller, if any attempt was made by the Deitz family to provide IDWR with a permit given to them by the well driller, or how deep the well is or if it meets any of the setback requirements. You indicated you would have to check with the legal department related to liability issues due to the Deitz family actions and that you would let us know your findings. Please advise us as to our role from this point forward.

For clarification, I feel it necessary to point out particular items in the paperwork found in the IDWR file.

- In the original Application for Permit received by IDWR/Northern on 8/31/2011:
 - In #1, it was my understanding that the applicants were to be connected by "and" as was handwritten by Eugene through use of the "&" symbol – however the document was changed in the connector box to indicate "and/or" without my knowledge/consent
 - It was noted in #6 that the type/source would be "pump in well"
 - In #11, it is noted that "Hand dug well no lower than 18 feet"
 - Lastly, the summation above the signature line states *"The information contained in this application is true to the best of my knowledge. I understand that any willful*

misrepresentations made in this application may result in rejection of the application or cancellation of an approval."

- Based on what I have observed, the noted items above have not been completed in compliance with the application requirements.
- As issuers/approvers of the permit application, IDWR will need to investigate the actions of the Deitz family.
- In the original Proof Deficiency Letter dated December 15, 2016, Darla Block noted "The assignment of permit form must be filled out and signed by all of the current permit holders." As a co-owner of the property and of full ability, I was not contacted by the Deitz family or IDWR to get my signature on the form and/or notification to complete this form independently.
- In the document Request for Extension of Time received by IDWR on February 23, 2017, Janice Deitz did not indicate that I, Ken Chariton, was a co-owner and party of the initial application.
 - You noted in the call that this would be a question to ask IDWR legal if Janice Deitz, on behalf of the Deitz Family Trust, had the authority to request the extension without consulting with me and getting my approval/signature of this document as a current original owner, prior to changing the application to solely the Deitz Family Trust.

I have signed the Assignment of Permit form to get my water rights back as I was omitted in the paperwork completed by the Deitz family. I am paying the \$25 fee and filing the paperwork to assign my water rights permit to The Chariton Revocable Living Trust. In order to remove Teresa Chariton as an owner, I am also enclosing a copy of the death certificate of my deceased wife Teresa Chariton as verification.

In my opinion, the Deitz Family Trust committed fraud to gain access to the water rights by refusing to get my lawful signature as a co-owner of the property. However, as you stated in our phone call on 7/20/21, you noticed we (Ken and Teresa Chariton) had been removed as owners – which should not have been done, and you corrected the assignment to add us back in as current owners. Thank you for correcting this error. As communication with the Deitz family is an issue, can you please provide me with copies of future correspondence related to this water right #94-8280 at my home address listed below.

As the action of the Deitz family happened without my involvement and the fact that IDWR did not inform me of the changes, I would ask you to contact the Deitz Family Trust via Janice Deitz to inform her of the water rights changes and/or any issues that arise as a result of their actions.

Again, thank you Jean for your assistance in this matter. You have been informative and helpful in dealing with a very convoluted matter...

Sincerely,



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Photographs of the said well/cover taken on July 11, 2021 (also sent via email to Jean Hersley)





