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Ident. No. 83-11986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Robert Carlton and Linda Carlton Phone (208) 746-2217
Name connector (check one): ☒ and ☐ or ☐ and/or

Mailing address 425 Warner Avenue City Lewiston
State Idaho Zip 83501 Email jjjcranch@msn.com

2. Source of water supply Spring which is a tributary of sinks 4/26/16
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
38N	2E	29		SW	NE	SE	Clearwater	Spring	

4. Water will be used for the following purposes:
Amount .04 for Domestic purposes from January 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) .04 cubic feet per second (cfs) and/or (b) 20 acre feet per year (af).

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Applicant plans on using a 1 to 2 inch pipe to divert water from the spring to a 1600 gallon cistern. The system will be a gravity fed system.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

7. Description of proposed uses (if irrigation only, go to item 8):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; complete and attach the Municipal Water Right Application Checklist.
d. Domestic; show number of households 1 4/26/16 cabin
e. Other; describe fully. pse

8. 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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
38N	2E	29													D				

Total number of acres to be irrigated: _____

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

Applicant does not have any other water right associated with his property. Applicant would likely use some of the water for gardening and landscaping, but said amount would be less than 13,000 gallons a day.

10. a. Who owns the property at the point of diversion? Jerry and Susan O'Neill
- b. Who owns the land to be irrigated or place of use? Robert and Linda Carlton
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:
See attached Exhibit B

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Applicant intends to place approximately 400 feet of 1 to 2 inch diameter pipe from the spring to a 1600 gallon cistern located on applicant's property. The system would be a gravity fed system.

12. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

Robert C. Carlton
Signature of Applicant

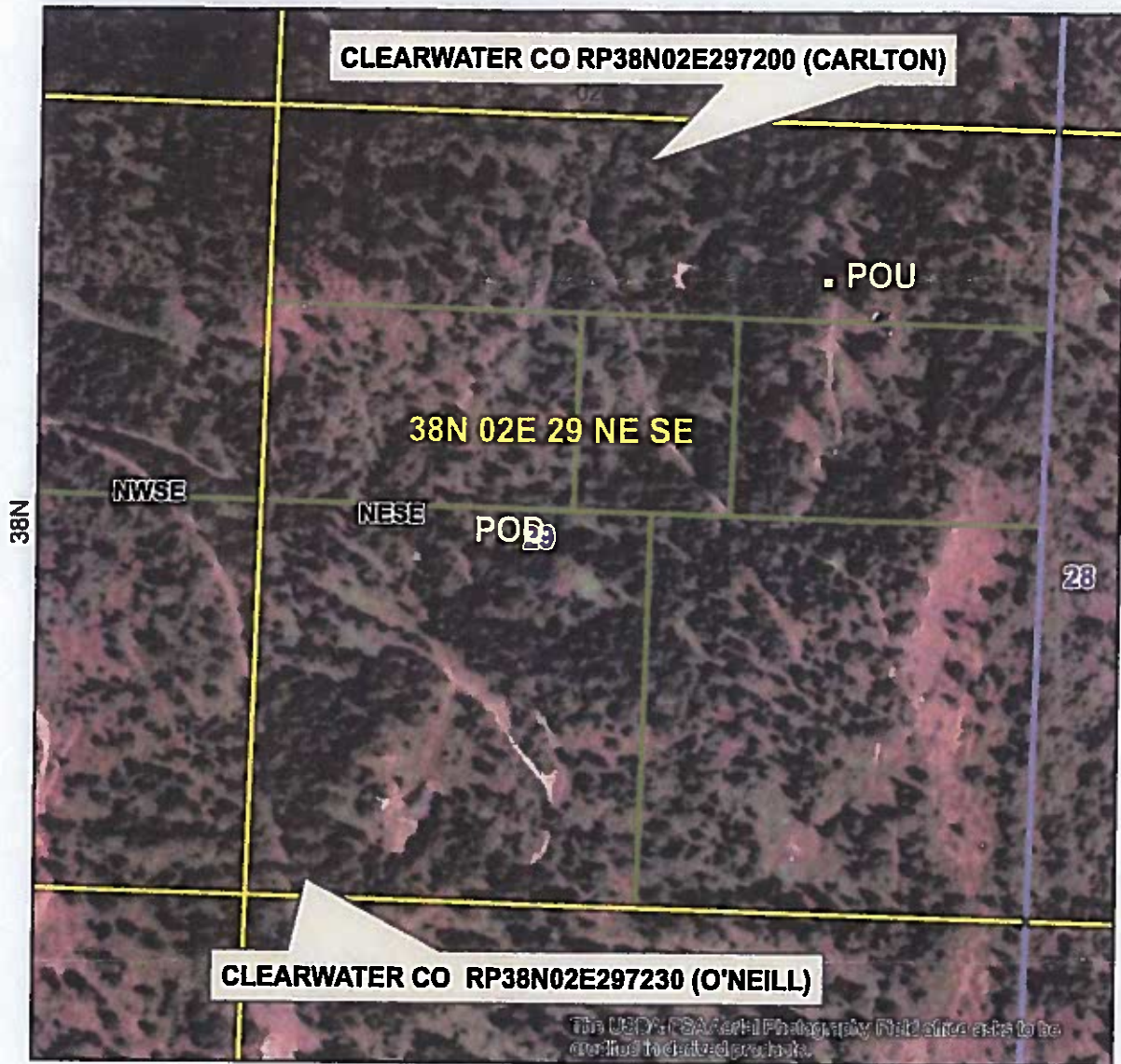
Robert C. Carlton
Print Name (and title, if applicable)

Linda Carlton
Signature of Applicant

Linda Carlton
Print Name (and title, if applicable)

Received by [Signature] Date 4/22/16 Time _____ Preliminary check by _____
Fee \$ 100.00 Receipted by [Signature] Receipt No. N23853 Date 4/22/16

State of Idaho
Department of Water Resources
Application For Permit
83-XXXXX



- PLS Sections
- Quarter Quarters
- Taxlots

0 0.035 0.07 0.14 Miles



EXHIBIT A

EXHIBIT B

10 c. Applicant's warranty deed grants an undivided one-half interest in the spring. Warranty Deed also grants applicant an easement for a pipeline from said spring to applicant's property. The development of the spring is not to exceed a 50 foot by 50 foot area. Attached is a copy of said Warranty Deed.

303-WARRANTY DEED

158151

Printed and for sale by Hym-Tark Company Boise Idaho

(Optional)
 Recorded ☒ Platted ☐ Key Punched ☐ To Treasurer ☐
 Microfilm ☐ Durd Card ☐ Master File ☐
 Indexed ☒ Compared ☐ Abstracted ☐
 T.F.

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED

E. B. PONACK and PATRICIA PONACK, husband and wife
 of Lewiston County of Nez Perce
 hereby CONVEYS, GRANTS and WARRANTS TO

GRANTOR(S)
 State of Idaho

ROBERT C. CARLTON and LINDA CARLTON, husband and wife
 whose current address is 1156 12th Ave, Lewiston, ID. 83501
 for the sum of One Dollar and other valuable consideration Dollars (\$)

GRANTEE(S)

the following described tract(s) of land in Clearwater

County, State of Idaho:

The North 330 feet of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ in Section 29,
 Township 38 North, Range 2 E. B. M.

TOGETHER WITH

An easement and right of way 50 feet in width for a
 roadway and power lines over and across the roadway,
 as now established across the easterly portion of the
 South 990 feet of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;

An undivided one-half interest in and to all ~~land~~ in
 that certain spring located approximately 660 feet South
 and 330 feet East of the Northwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$
 of Section 29, together with an easement for a pipeline
 from said spring to the tract hereby conveyed; the
 development of said spring not to exceed a 50-foot by
 50-foot area.

Location of above described property

House No.

Street

CLEARWATER COUNTY, IDAHO 83544

WITNESS the hand of said Grantors this

25th

day of November A.D. 1991

EXPIRATION DATE

State of Idaho

County of Nez Perce

On the

25 day of November A.D. 1991

personally appeared before me E. B. PONACK and PATRICIA PONACK, husband and wife and ROBERT C. CARLTON and LINDA CARLTON, husband and wife the signers of the within instrument, who duly acknowledged to me that they executed the same

Reading at Lewiston

My Commission expires

1-8-96

MAIL DEED TO:

Justin Carlton

1156 12th Ave.

Lewiston, ID. 83501

MAIL TAX NOTICE TO:

Name Robert C. Carlton

Address 1156 12th Ave.

City & State Lewiston, ID. Zip 83501

No.

WARRANTY DEED

-10-

Dated _____, 19__

STATE OF IDAHO

County of Clearwater

I hereby certify that this instrument was

filed for record at request of

CLEARWATER LAND TITLE

at _____ minutes past _____

o'clock _____ M. this _____ day

of _____ A.D. 1991

in my office and duly recorded in Book _____

of _____ page _____

My Comm. expires _____

Per _____

Deputy _____

Remains CLEARWATER LAND TITLE

CLEARWATER LAND TITLE

Ball, Dianne

From: Ball, Dianne
Sent: Friday, May 27, 2016 1:26 PM
To: Legal Notices-Clearwater Tribune
Cc: Maxey, Shaun; Case, Morgan
Subject: Application for Permit No. 83-11986, 85-15774
Attachments: LegalNotice 05-27-16 CT 83-11986 and 85-15774.doc

Hi, Marcie and Andrea,

Please publish the enclosed legal notice on the dates indicated, June 2 and 9, 2016, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This is scheduled to publish June 2 and 9, 2016 with June 20, 2016 as final date for protests to be received in our office

This should be very close to press ready – for 2-column, 8pt. I don't have available the straight **Times** font, so I have used the Times New Roman in preparing the legal.

Please note the area(s) under **USE** containing dates and water amounts that are offset and lined up. Our legal should appear in this format.

Please also send a proof/preview copy for my review before this actually goes to press.

If you have any questions, please contact me as early as possible.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/20/2016. Your cooperation is greatly appreciated.

It's always a pleasure to work with you.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

83-11986

LINDA CARLTON

ROBERT CARLTON

425 WARNER AVE

LEWISTON, ID 83501

Point of Diversion SWNESE S29 T38N R02E

CLEARWATER County

Source SPRING tributary SINKS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 4/29/2016

Place of Use: DOMESTIC T38N R02E S29 NESE

Domestic use is for 1 home.

85-15774

ELLEN M BYINGTON

230 112TH ST

OROFINO, ID 83544

Point of Diversion L6(SENW) S2 T36N R01E

CLEARWATER County

Source UNNAMED STREAM tributary CLEARWATER River

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 5/16/2016

Place of Use: DOMESTIC T36N R01E S2 L6(SENW)

Domestic use is for 1 home.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800; or for a full description of the right(s), please see:

<http://www.idwr.idaho.gov/apps/ExtSearch/WVApplicationResults/>.

Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 6/20/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/2/2016 and 6/9/2016



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 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 27, 2016

LINDA CARLTON
ROBERT CARLTON
425 WARNER AVE
LEWISTON, ID 83501

Application For Permit No. 83-11986

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the CLEARWATER TRIBUNE on 6/2/2016 and 6/9/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink that reads "Shaun M. Maxey". The signature is fluid and cursive, with a large loop at the end of the last name.

Shaun M Maxey
Senior Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Friday, May 27, 2016 1:35 PM
To: rhennekey@idfg.idaho.gov; Cynthia.Barrett@deq.idaho.gov
Subject: RE: Application for Permit No. 83-11986-and 85-15774
Attachments: App-map-exhibits-83-11986.pdf; App-map-85-15774.pdf

Dear Ray and Cindy:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. A copy of each of the applications is attached for your reference.

These are being prepared for publication in the Clearwater Tribune on June 2 and 9, 2016 with June 20, 2016 being final date for protests to be received in our office.

Your prompt response to this request is appreciated. If your agency desires to formally protest the approval of either or both of these applications, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee per water right application within 10 days after final publication.

Please contact Shaun Maxey in this office if you have any questions regarding either of these applications.

Sincerely,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-

WILLIAM JEREMY CARR
PAUL THOMAS CLARK
RUBE G. JONES *
KATE A. HAWKINS **
CHARLES M. STROSCHEIN **

THOMAS W. FEENEY (1922-2007)

* LICENSED IN WASHINGTON & OREGON ONLY
** LICENSED IN IDAHO & WASHINGTON

LAW OFFICES OF
CLARK AND FEENEY, LLP
THE TRAIN STATION, SUITE 106
1229 MAIN STREET
P.O. DRAWER 285
LEWISTON, IDAHO 83501

TELEPHONE: (208) 743-9516
TOLL FREE: (800) 865-9516
—
MAIN FAX: (208) 746-9160
ALTERNATE FAX: (208) 798-5399
—
EMAIL: cflaw@lewiston.com
WEBSITE: www.clarkandfeeny.com

April 26, 2016

RECEIVED
APR 29 2016
IDWR / NORTH

IDAHO DEPT OF WATER RESOURCES
NORTHERN REGION
7600 N MINERAL DR STE 100
COEUR D' ALENE ID 83815-7763

re: Application for Permit by Robert and Linda Carlton

Dear Sirs:

Enclosed please find the original and one copy of the revised Application for Permit completed by Robert and Linda Carlton. We have made the suggested changes to sections 2 and 7, and the attached map. Please conform the enclosed copy and return it to my office in the enclosed envelope.

If you have any questions, do not hesitate to contact me.

Sincerely,

CLARK and FEENEY



By: W. Jeremy Carr

WJC:jm

enc.

cc: Bob and Linda Carlton w/enc.