

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Chuck R. and/or Claudia F. Charlton Phone (208) 876-4419Post Office address P.O. Box 96, Ellis, ID 83235

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes The applicant is participating in a Custer Soil & Water Conservation District project to encourage less use of the "Ellis ditch" diversion from the Pahsimeroi River (known as "P-9") and the "Ellis-Cross ditch" diversions from Patterson Creek, Duck Spring and Mud Springs Creek. The new point of diversion listed on the transfer is the existing diversion known as "P-7".

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>73-12047</u>	<u>04/01/1912</u>	<u>0.35 cfs</u>	<u>irrigation</u>	<u>04/01</u> to <u>10/31</u>
<u>73-12103</u>	<u>04/01/1912</u>	<u>0.20 cfs</u>	<u>irrigation</u>	<u>04/01</u> to <u>10/31</u>
<u>73-12104</u>	<u>02/18/1926</u>	<u>0.20 cfs</u>	<u>irrigation</u>	<u>04/01</u> to <u>10/31</u>

2. Total amount of water being transferred 0.75 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Pahsimeroi River tributary to Salmon River
 _____ tributary to _____
 _____ tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	SW	8	15N	21E	Custer	P-7

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	21E	7				6.6													6.6

Total Acres 6.6

PART 1

6. General Information:

a. Description of diversion system existing headgate, fish screen and ditch to place of useb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

n/a

d. Remarks:

Right Nos. 73-12047, 73-12103 and 73-12104 are limited to the irrigation of a combined total of 6.6 acres in a single irrigation season.**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director73682

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-12047
NAME AND ADDRESS: CHUCK R CHARLTON
PO BOX 96
ELLIS ID 83235
SOURCE: DUCK SPRING
PATTERSON CREEK
TRIBUTARY: PATTERSON CREEK
TRIBUTARY: PAHSIMEROI RIVER
QUANTITY: 0.350 CFS
PRIORITY DATE: 04/01/1912
POINT OF
DIVERSION: T15N R21E S26 SWSW Injection Within LEMHI County
T15N R21E S26 SESW Within LEMHI County
T15N R21E S26 SWSE Within LEMHI County
T15N R21E S27 SESE Rediversion Within LEMHI County
Water diverted under this right is exchanged by injecting water diverted under this right into the Pahsimeroi River at the point of injection described above, and diverting an equal amount from the Pahsimeroi River at the point of rediversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.350 CFS

PLACE OF USE:

IRRIGATION in CUSTER County
T15N R21E S07 SENE 6.60
6.6 ACRES TOTAL

Right Nos. 73-12047, 73-12103, and 73-12104 are limited to the irrigation of a combined total of 6.6 acres in a single irrigation season.

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 - Decreed

Patterson Creek is also known as Spring Creek.

This right is a split from former right 73-73A.

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-12103
NAME AND ADDRESS: CHUCK R CHARLTON
PO BOX 96
ELLIS ID 83235
SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER
QUANTITY: 0.200 CFS
PRIORITY DATE: 04/01/1912
POINT OF DIVERSION: T15N R21E S27 SESE Within CUSTER County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.200 CFS

PLACE OF USE: IRRIGATION in CUSTER County
T15N R21E S07 SENE 6.60
6.6 ACRES TOTAL

Right Nos. 73-12047, 73-12103 and 73-12104 are limited to the irrigation of a combined total of 6.6 acres in a single irrigation season.

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 - Decreed
Recommended as a portion of Right No. 73-73B.
This right is a split from former right 73-4026.

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-12104

NAME AND ADDRESS: CHUCK R CHARLTON
PO BOX 96
ELLIS ID 83235

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 02/18/1926

POINT OF
DIVERSION: T15N R21E S27 SESE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.200 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T15N R21E S07 SENE 6.60

6.6 ACRES TOTAL

Right Nos. 73-12047, 73-12103, and 73-12104 are limited to the irrigation of a combined total of 6.6 acres in a single irrigation season.

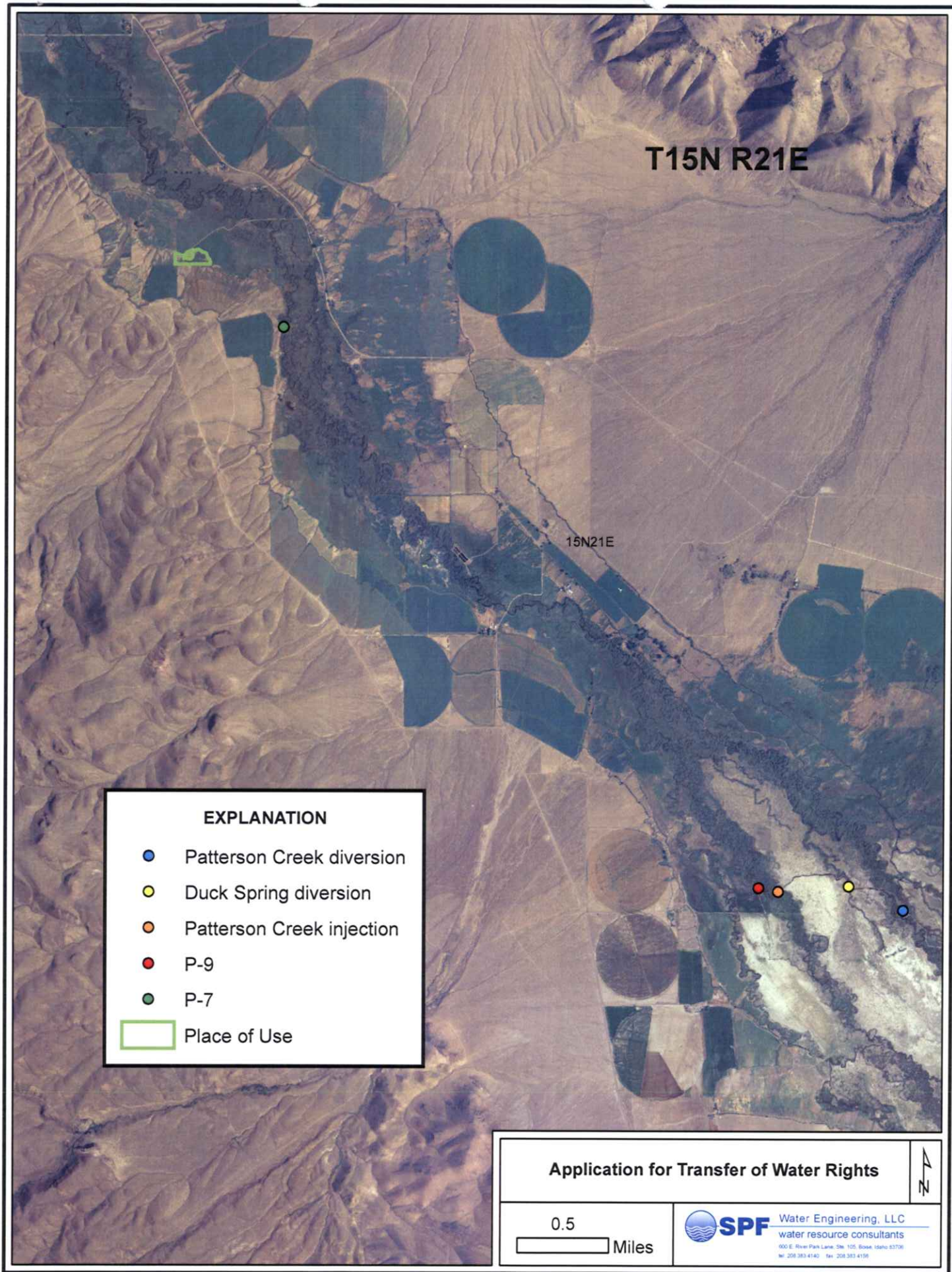
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

This right is a split from former right 73-4026.

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PART 3

B. CHANGES IN NATURE OF USE

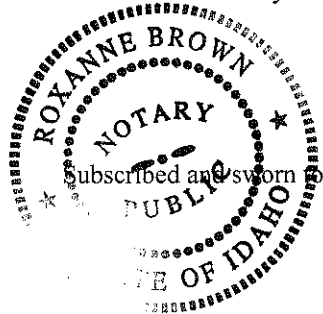
1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

Quantity and quality of return flows and location of discharge: _____

2. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



Clayton J. Charlton
 (Signature of Applicant)

before me this 19TH day of February, 20 07

Roxanne Brown
 (Notary Public)

My commission expires 5/11/2008

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 2 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee 250- EO 32777

Received by se Date 4/18/07

Published in Challis Messenger Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

Claudia Charlton

2:50 P.M.

Mar. 3 1995
Edna M. Beck, Clerk

6.00 Deputy

WARRANTY DEED

For value received RAY HAMILTON, an unmarried man, of Custer County, Idaho, the grantor, does hereby grant, bargain, sell and convey unto JHUCK R. CHARLTON and CLAUDIA F. CHARLTON, husband and wife, the grantees, whose current address is 2269 West Village Dr., Phoenix, Arizona, the following described premises, in Custer and Lemhi County, Idaho, to-wit:

TOWNSHIP 15 NORTH, RANGE 21 EAST, BOISE MERIDIAN,
LEMHI COUNTY, IDAHO.

SECTION 8: SE $\frac{1}{4}$ NW $\frac{1}{4}$, and that part of the E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
lying and being in Lemhi County, Idaho.

EXCEPTING THEREFROM:

A parcel of land located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8.
Township 15 N., Range 21 E., Boise Meridian, Lemhi
County, Idaho, more particularly described as
follows, to-wit:

Commencing at the Northwest Section corner of said
Section 8, a distance of 1,320.35 feet on a bearing
of S. 0°01'02" E. along the West boundary of Section
8 to the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence N.
89°57'22" E., 2,638.77 feet to the Northeast corner
of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the REAL POINT OF BEGINNING.

From this REAL POINT OF BEGINNING a distance of
760.88 feet on a bearing of S. 0°02'15" E. to a point
on the Easterly right-of-way of the county road;
thence the following courses and distances along said
right-of-way;

N. 21°02'30" W., 150.22 feet;

N. 16°48'15" W., 423.39 feet along the chord of a
curve to the right having a central angle of 8°28'30"
and a radius of 2,832.00 feet;

N. 12°34' W., 11.80 feet;

N. 26°42'44" W., 227.96 feet along the chord of a
curve to the left having a central angle of 21°40'56"
and a radius of 606.00 feet to a point on the Northerly
boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Thence N. 89°57'22" E., 280.88 feet along said
Northerly boundary to the REAL POINT OF BEGINNING.

TOWNSHIP 15 NORTH, RANGE 21 EAST, BOISE MERIDIAN,
CUSTER COUNTY, IDAHO.

SECTION 7: SE $\frac{1}{4}$ NE $\frac{1}{4}$

SECTION 8: That portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$ lying South-
west of the Pahsimeroi River . . .

CONTAINING approximately 116 acres.

TOGETHER WITH all appurtenant water and ditch rights.

TO HAVE AND TO HOLD the said premises, with their appur-
tenances unto the said Grantees, their heirs and assigns forever.
And the said Grantor does hereby covenant to and with the said
Grantees, that he is the owner in fee simple of said premises;
that they are free from all incumbrances and that he will warrant
and defend the same from all lawful claims whatsoever.

DATED this 30th day of October, 1980.

Ray Hamilton
RAY HAMILTON

STATE OF IDAHO)
) ss.
County of Custer)

On this 29th day of December, 1980, before me, a Notary
Public in and for said State, personally appeared RAY HAMILTON,
known to me to be the person whose name is 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 first above written.

Cliff H. Lacey
Notary Public
residing at: Box 370, Challis, ID