

The Idaho World

P O Box 99
Garden Valley, ID 83622
208 462-3487

RECEIVED

MAY 21 1996

WATER RESOURCES
WESTERN REGION

State of Idaho >

County of Boise >

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with May 1, 1996 and ending with the issue of May 8, 1996.

Deanna Stevenson

State of Idaho >

County of Boise >

On this 20 day of May in the year 1996, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

L. Cadotte

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 6-25-2000

MICROFILMED

SEP 30 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13655 ✓st

CHARTERS, JACQUELINE
13382 INITIAL POINT RD
MELBA, ID 83641

Source: UNNAMED STREAM

Tributary: SINKS

Diversion Pt: NWNW Sec 34 T 09N R 04E in BOISE County.

Use: IRRIGATION	(	0.130 CFS)
STOCKWATER	(	0.020 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.190 CFS)

Date Filed: 3/19/1996

In: BOISE County
T09N R04E S34NWNW

4.5 ACRES TOTAL

System is partially completed and in use.

65-13661

LUND, BRUCE
HC 77 BOX 3250
LOWMAN, ID 83637

Source: SPRINGS

Tributary: PAYETTE RIVER, SOUTH FORK

Diversion Pt: NWNENE Sec 31 T 09N R 08E in BOISE County.

Use: IRRIGATION	(	0.100 CFS)
STOCKWATER	(	0.020 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.160 CFS)

Date Filed: 4/19/1996

In: BOISE County
T09N R08E S31 Lot 4 (SWNE) Lot 3 (SENW)

5.0 ACRES TOTAL

65-13662

HORSESHOE BEND HYDROELECTRIC CO
PO BOX 2797
BOISE, ID 83701

Source: GROUNDWATER

Diversion Pt: LOT 5 (SWNE) Sec 32 T 07N R 02E in BOISE County.

Use: COOLING	(	0.050 CFS)
Total Diversion:	(	0.050 CFS)

Date Filed: 4/12/1996

In: BOISE County
T07N R02E S32 Lot 5 SWNE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MAY 20, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World May 1 and 8, 1996.

RECEIVED
AUG 03 2001
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG - 7 2001

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or accompanied by a completed field examination report prepared by a certified water right examiner.

- 65-13655
1. Permit No. JACQUELINE CHARTERS Telephone No. 208-495-2428
 2. Name of Permit Holder(s) ↓
 3. Mailing Address: 13382 INDIAN POINT RD., MELBA, ID 83641
City _____ State _____ Zip _____
 4. Source of Water: RAIN. STREAM If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr _____
Well Driller _____ Drilling Permit Number: _____
 5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 2 Stockwater (No. and type of stock): 10 HD
Irrigation (No. of acres): 4.5 Other: _____
 6. Total rate of diversion and/or volume for which proof is submitted: .06 cfs OR _____ acre-feet
 7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X
 8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
 9. Person to contact to accompany the Department representative during field examination of the water system.
Name SAME AS APPLICANT Telephone Number _____
Address _____
 10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder Jacqueline Charters Date 7/24/01
(includes your title, if on behalf of company or organization)

MICROFILMED

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13655

Proposed Priority: March 19, 1996

Maximum Diversion Rate:

0.06 CFS

This is to certify, that JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641

has applied for a permit to appropriate water from:
UNNAMED STREAM tributary of SINKS

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	0.06 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 34, Township 09N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N	04E	34	NWNW	4.5		4.5

Total number of acres irrigated: 4.5

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 2001.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
5. The Director retains jurisdiction to limit diversion of water to in-house uses only.

JUL 15 1990

JUL 16 1990

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

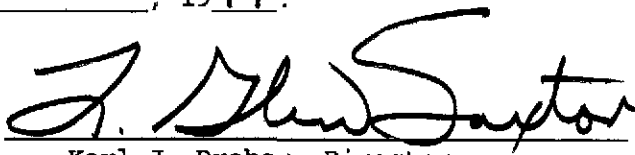
NO. 65-13655

CONDITIONS OF APPROVAL AND REMARKS

6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. An agreement between the right holder and protestants subordinates Right 65-13559 to this water right during periods of shortage. In addition, the agreement contains other provisions that may limit the use of this right in the future.
9. Water shall not be diverted under this right when flows in the South Fork of Payette River are below established minimum stream flows.
10. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.
11. Stockwater use is for 10 horses.
12. Domestic use is for 2 homes.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

20th day of August, 1999.


for Karl J. Dreher, Director

Ident. No. 65-13655

RECEIVED

AUG 17 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: JACQUELINE CHARTERS
Address: 13382 INITIAL POINT RD
MELBA ID 83641

208-495-2428

2. Source: UNNAMED STREAM Trib. to: SINKS
3. Location of Point of Diversion: NWNW Sec. 34, Township 09N, Range 04E
BOISE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/15	10/15	0.130		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

5. Total quantity to be appropriated is:
0.190 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
GRAVITY AND PUMPED SYSTEM PARTLY DEVELOPED, MAYBE TO EXPAND (?)
- Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
- Proposed well diameter is inches; proposed depth of well is
feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).

8. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
09N 04E 34	NWNW 04.5			4.5

Total number of acres irrigated: 4.5

NO RECORD

SEP 10 1999

REVISED PER DEPT. STANDARDS

-SL 4/23/96

Place of Use: STOCKWATER, same as IRRIGATION use

Place of Use: DOMESTIC, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:
System is partially completed and in use.

11. Map of proposed point of diversion and place of use attached? [☒]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

See original
Applicant

Received by RBW Date 3/19/96 Time 2:00 Preliminary check by SL

Fee \$ 50.00 Received by RBW #W020585 Date 3/19/1996

Publication prepared by SL Date 4-24-96 Published in Id. World

Publication approved SL Date 5-21-96

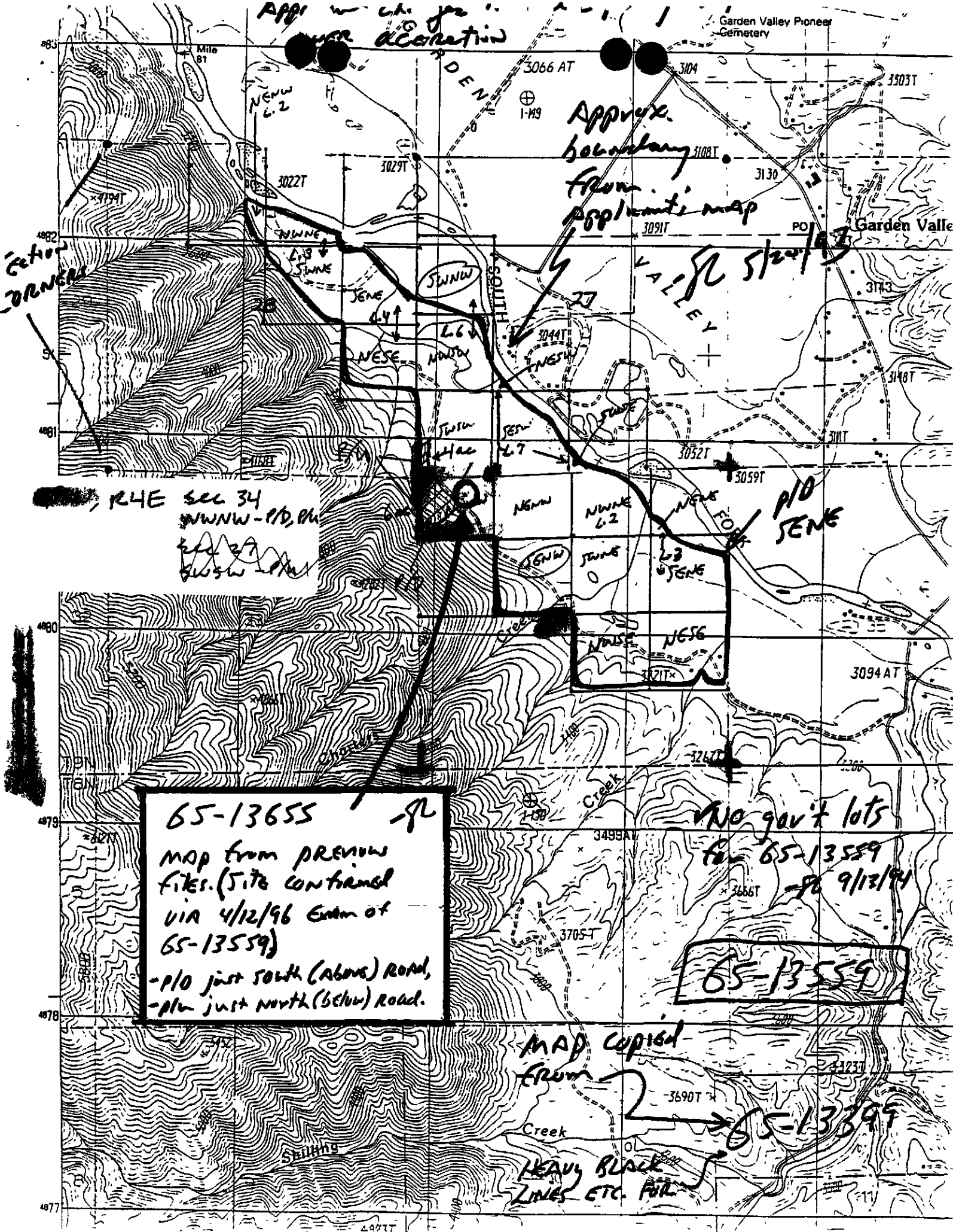
65-13655
APR 11 1996

Comments: Date: 4/23/1996 User-ID: SLESTER

Subject: APPLICATION INFORMATION

Relocated from Remarks per pilot program in Region: 2 homes & 10 horses.

Site inventory 4/12/96 per exam of McCallums' permit 65-13559 which occurred per complaint filed by J. Charters. Applicant's P/D is just above access road and cabin is below road. Existing diversion & uses for 65-13559 all found below road & adjacent to applicant's cabin. Found about 1 acre irrigated in 65-13559. Applicant's use partly covered in SRBA claim A65-18218 although not recognized in previous Payette River Decree. Possible solution to disagreement about limited water supply from stream may involve a shared/agreed diversion system(s) whereby some flow continues to applicant's minor uses & remaining flow routed to McCallums' existing & possible proposed (if need to file new right or change existing right to add/relocate point of diversion upstream &/or add acres not found to be irrigated in recent field visit) use. Seems like a way can be found to make this work for both parties without undue sacrifices being made. Source likely to be tributary to S. Fk. Payette River either via direct flow or via subbing effect if sinks in pasture by river. Comment letter regarding this application sent to McCallums as part of resolution process for this situation. Note that findings in exam 65-13559 are preliminary at this time - both parties can provide additional information is so desired.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: JACQUELINE CHARTERS
Address: 13382 INITIAL POINT RD
MELBA ID 83641 208-495-2428
2. Source: UNNAMED STREAM Trib. to: SINKS
3. Location of Point of Diversion: NWNW Sec. 34, Township 09N, Range 04E
BOISE County
4. Water will be used for the following purposes:

Purpose	From ^{10/15}	To ^{12/31}	CFS	(or)	AF
IRRIGATION	04/01	12/31	0.130		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		
5. Total quantity to be appropriated is:
0.190 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
GRAVITY AND PUMPED SYSTEM
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).
8. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
09N 04E 34	NWNW 04.5			4.5

Total number of acres irrigated: 4.5

*Notes -
for 4/22/66*

RECORDED

Original Appl.

Place of Use: STOCKWATER, same as IRRIGATION use

Place of Use: DOMESTIC, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

Domestic use is for 2 homes. Stockwater is for 10 head of horses.

11. Map of proposed point of diversion and place of use attached? ☒

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jacqueline Charters
Applicant

Received by JW Date 3/19/96 Time 2:00 P Preliminary check by SL

Fee \$ 50⁰⁰ Receipted by JW # W020585 Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

-add comments

Overlap w/ A65-18218

See AJ File

Appl. Filed for insurance
policy : Addl. use

*-move to
Comments
add
ADV. Remark*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

August 15, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13655

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the Western Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.
c: IDWR - Regional Office

MICROFILMED

AUG 18 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.. 65-13655

Reviewed By dgibson

Date: August 14, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No..		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		W028135	Well driller's report filed?		X
Additional Amount Due			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		08/03/2001
Date proof due	-	09/01/2001
Lapse notice sent	-	
No of days late	=	0
Holiday allowance	+	
Priority date	+	03/19/1996
New priority date	=	03/19/1996

Deficiencies of Actions Items

Acknowledge proof.

June 30, 2001

JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA, ID 83641

PROOF DUE NOTICE

RE: PERMIT NO. 65-13655

Dear Permit Holder.

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

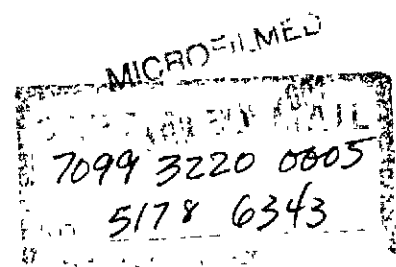
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 23, 1999

DIRK KEMPTHORNE
GOVERNOR

JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13655

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

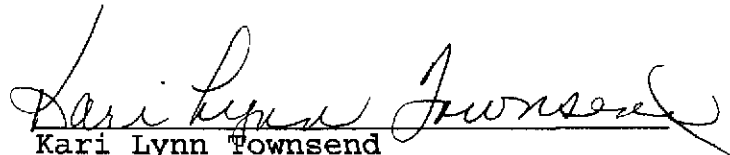
100-301495

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of August, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13655

JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641


Kari Lynn Townsend
Secretary

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED
APR 11 1997

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

No.: 65-13655 Name: Charters Date: 8/18/99 Ad OK? ☒ / Gvmt Lts: by *St Curtis*

AREA OF CONCERN: - No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED: - 26A P17 *special remark*
 > 1 year
 ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ WDQ3) - 046-P23
 In Basin 347 - 085
 Irr. within WD - P05 (new well location)
 WMD (✓ MAP) - North / East / West
 > 0.24 cfs/5 acres - 067
 ≤ 0.24 cfs/5 acres - No MD

WMD
 Supp Irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary Irr source)
 Supp. Irr + uses - 100-101
 > 0.24 cfs/5 acres - 01M (report when notified)
 ≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - YES / NO; WHEN: 6/21/99 RESPONSE: No objections

IN-ABOVE MSF (✓ MAP) - WB9 below river but see Steve Lesters

IN-STREAM DEVELOPMENT - P52 (stream channel alteration)

WD (✓ MAP & LISTING) - R04 (WD # 65)
 > 0.20 cfs - 01J-P08 (MD & LD)
 ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)
 > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
 ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE
 > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
 ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

Snake R (01) - *W22-P04, NA
 (02/03-Irr) - 007 (w/ remark *WB9 if above Weiser), NA
 Payette R (65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
 Salmon R (70's) - 029 (fish screens), NA
 Weiser R (67) - 086, 087

USE:

STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA
 IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
 > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
 STOCKWATER - R37 (BLM/USFS); NA
 MINING - 054(reg)-081-P10
 FISH PROPAGATION - 029(70's only)-007-042(reg)-081 (WQ)-P10
 HEATING/COOLING - R07 (Injection well)
 POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);
 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

MUNICIPAL

In restricted area? - 022, 075, 004 (+memo?)
 Irr., GW supp. to SW? - 102

DOMESTIC

Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge) 27A (Payette River); NA
 > 1 in rest. area - 071-070
 FIRE PROTECTION - 077

LOCATION:

BOISE FRONT LOGEO - 058 (<85° GW temp only) *requested*
 MITIGATION - 120
 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin) by Mary S in 6/17/99 memo
 SWAN FALLS FLAG (✓ Code)

Trust - 051-052-053-P74 (Consumptive Uses), NA
 Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS: - Spec Cond requested by Mary S.

STANDARD REMARKS: - 3/10 hours N/2 hours

BENEFICIAL USE DUE: - 9/11/2001

COMMENTS:

Comments in database

below river, but see Steve Lesters comments in database

below river, but see Steve Lesters comments in database

AUG 17 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: JK DATE: 4/23/96 APPLICATION: 65-13655

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ___ No* In form to receipt:

Gov't. Lots:

N P/D
P/U

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
☒ ☐ Overlapping point of diversion.
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☒ Critical groundwater area:
☐ ☒ Groundwater management area:
☐ ☒ 1992 moratorium:
☐ ☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
☐ ☒ Copy to Dam Safety staff: (for any storage)
☐ ☒ Basin 63 mitigation plan: (where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge)
☐ ☒ Send power requirement letter:
☐ ☒ Send fish farm requirement letter:
☐ ☒ Power residency affidavit:
☐ ☒ Power efficiency form:
☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☐ ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED

ADDITIONAL INFORMATION ON REVERSE SIDE:

Issues to explore: available supply - plenty in R. water, then scarcity?
ownership of acre in NW - old owner this appl. &
permit 65-13559? All QQ covered 3 rights, $\geq$ 40 acres.

65-13655

YES NO

☒ ☐
☐ ☐
☐ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO:

YES (NO)

(YES) NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands
☐ ☒ Adjudication Bureau

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. #
☒ ☐ Other McCallum's (Charter Mt. Rural)

"offstream source"
 in W.D. #65 - no
 comment letter to him

re: 65-13559 dispute dispute.

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☐
☒ ☐
☐ ☒
☒ ☐
☐ ☒
☐ ☒
☐ ☒
☒ ☐

Publication dates and paper recorded on application:

Protests received. Final date for protest 5-20-96

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter: see memo dated 6/17/99

See below for additional information

Recommended Date or Priority 3/19/96Recommended by: Gary S Date: 6/21/99

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

Overlap: same system for 1 home = A65-18218 (not included in
 Payette Review).

different system, other accn = 65-13559 (McCallum's, re complaint
 by applicant & proof filing, exam done 4/16/96).

different system, other accn = 65-13399 (River).

PROTEST INFORMATION SHEET

APPLICANT: Jacqueline Charters

WR #: 65-13655

DATE FILED: 3-19-96

PROTEST DATE: 5-20-96

PROTESTANT(S) NAME & ADDRESS:

John B. &/or Teresa M. McCallam, PO Box 143, Garden Valley, ID
83622

Attorney - Name & Address _____

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement Letters May 20, 1996

Hearing Notice _____

Hearing Date _____

Other: _____

4/20/96
10:00 AM
10:00 AM

From: SCOTT GRUNDER [sgrunder@IDFG.STATE.ID.US]
Sent: Monday, June 21, 1999 8:35 AM
To: slester@idwr.state.id.us
Cc: CECE MANN; TERRY VERNHOLM
Subject: 65-13655/Jacqueline Charters

From: SCOTT GRUNDER [sgrunder@IDFG.STATE.ID.US]
Sent: Monday, June 21, 1999 8:35 AM
To: slester@idwr.state.id.us
Cc: CECE MANN; TERRY VERNHOLM
Subject: 65-13655/Jacqueline Charters

Steve,

The Idaho Department of Fish and Game has reviewed the above application for amendment of water right in the South Fork Payette River watershed and we do not anticipate significant adverse effects on fish or wildlife habitats. Thank you for the opportunity to comment

Scott A. Grunder
Environmental Staff Biologist
IDFG-SW Region, Nampa
465-8465

IDFG RESPONSE

MEMORANDUM

To: File No. 65-13655 in the Name of Jacqueline Charters

Re: Recommended Conditions of Approval

From: Gary Spackman *Gary*

Date June 17, 1999

Jacqueline Charters filed application for water right no. 65-13655 seeking to divert 0.19 cfs from an unnamed stream that sinks prior to reaching the South Fork of the Payette River. The application was protested by John McCallum, dba Charter Mountain Ranch. After lengthy negotiations, McCallum withdrew his protest based on an agreement between the parties. Several copies of the agreement are contained in the file, all of which are of poor quality. I have requested from the parties a legible copy of the agreement and it has not been forthcoming.

Consideration given by each of the parties is as follows

JACQUELINE CHARTERS

1. Reduces the application quantity to 0.06 cfs for domestic, stock water and irrigation
2. If Charters subsequently obtains a ground water right, she will reduce the quantity of water diverted under water right 65-13655 to 0.02 cfs.
3. Any ground water right developed in the future cannot be hydrologically connected to the unnamed stream Charters is proposing as a source of water
4. Charters will not contest McCallum's use of water, or his adjudication claims in the Snake River Basin Adjudication.
5. Charters agrees that this water right is her complete right to use the water on her property.

MCCALLUMS

1. McCallum subordinates water right no. 65-13559 to application no. 65-13655, which bears a later priority date.

Jacqueline Charters
June 17, 1999
Page -2-

2 McCallum agrees to withdraw his protest

There are elements of this agreement that are difficult to write into a water right approval. I recommend the following conditions:

1. An agreement between the water right holder and the owner of water right no. 65-13559 subordinates water right 65-13559 to this water right during periods of shortage. In addition, the agreement contains other provisions that may limit the use of this right in the future.

2. (120)

As a footnote, the agreement does not reduce the number of acres sought for irrigation. I propose that the same four and a half acres be listed as a place of use.

Finally, I note that a copy of the application was not sent to the Idaho Department of Fish and Game. Comments should be sought from Fish & Game prior to forwarding this application to the state office for approval

Done Gary 8/13/99



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 15, 1999

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit No. 65-13655 in the Name of Jacqueline Charters

Dear Interested Party:

Enclosed is a copy of the above-referenced application for amendment of water right which may be of interest to you.

Please review the application and return any comments you might have within two weeks. If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS.st

Encl



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 25, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE SMITH
MOORE & MCFADDEN CHARTERED
999 MAIN ST STE 910
BOISE ID 83702

Re: Application for Permit No. 65-13655 in the Name of Jacqueline Charters

Dear Mr. Smith:

This letter is to acknowledge the withdrawal of protest in the above-referenced matter.

The department will now continue to process the application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

Gary Spackman

GS:st

CC: Applicant
Protestant

MOORE & McFADDEN, CHARTERED

ATTORNEYS AT LAW

ONE CAPITAL CENTER, SUITE 910
999 MAIN STREET, BOISE, ID 83702
TELEPHONE (208) 331-1800 FAX (208) 331-1202

DAVID H. BIETER
SUSAN E. BUXTON *
JOHN J. McFADDEN **
MICHAEL C. MOORE †
BRUCE M. SMITH
PAUL A. TURCKE

* Also Admitted in Oregon
† Also Admitted in Washington

RECEIVED

MAY 10 1999

WATER RESOURCES
WESTERN REGION

MONA DOBARAN MACK
Of Counsel

May 7, 1999

Gary Spackman
State of Idaho, IDWR, Western Region
2735 Airport Way
Boise ID 83705-5082

Re. Jacqueline Charters Application for Water Right No. 65-13655

Dear Mr. Spackman:

As you requested, enclosed is another copy of the executed letter agreement regarding the above-mentioned Water Right.

Sincerely,



Bruce M. Smith

BMS:law
ENC: Agreement

MAY 10 1999
MAY 10 1999

APR -15' 99 (THU) 16:51 MOORE & MCFADDEN CTD

TEL: 208 331 1202

P. 002

APR-15-99 11:38 AM CHARTER MTN. RANCH

208 336 2685

P. 02

APR -15' 99 (MON) 12:11 MOORE & MCFADDEN CTD

TEL: 208 331 1201

P. 003

RECEIVED

MAY 10 1999

WATER RESOURCES
WESTERN REGION

MOORE & MCFADDEN, CHARTERED

ATTORNEYS AT LAW

ONE CAPITAL CENTER, SUITE 211
999 MAIN STREET, BOISE, ID 83725
TELEPHONE: (208) 331 1202 FAX: (208) 331 1201

DANIEL H. BREYER
VINCE E. BRYAN
JOHN P. KELLY
MICHAEL C. MCDONNELL
BRUCE M. SMITH
PAUL A. TURNER

MOORE & MCFADDEN
ATTORNEYS

* Also Admitted in Oregon
* Not Admitted in Washington

April 12, 1999

This is the
best copy
we could get.

Mr. Dan Hardee
MARCUS, MERRICK & MONTGOMERY
737 No 7th St.
Boise, ID 83702-5575

Re: *In Re Application for Permit of a Water Right
No. 65-13655 (Jacqueline Charters)*

Dear Dan:

Hopefully this letter of agreement will resolve the outstanding issues between our clients over this application. Our agreement is that the IDWR will use this letter as a basis for approving Mrs. Charters' application. Furthermore, the agreements and understandings set out in this letter will be incorporated into the conditions section of the license.

The agreement is as follows:

Mrs. Charters acknowledges that she has no existing water right due to her failure to file a claim in the Payette River adjudication. Application No. 65-13655, if approved, therefore would give her a water right with a priority date of March 19, 1996. The water right would be for .06 cfs for domestic, stockwater, and irrigation combined, which Mrs. Charters affirmed is what she is currently diverting and using. This water right, which we anticipate will be approved by the IDWR, will constitute her entire water right. She has indicated a desire to possibly seek a groundwater right in the future for domestic purposes. That would be acceptable to Mr. McCallum so long as any proposed ground water diversion is not hydrologically connected to the source of the McCallums' and Charters' rights in the unnamed stream and that she agrees to abandon .04 cfs of the .06 cfs surface water right if she gets a ground water right. Mr. McCallum agrees that the priority date of September 9, 1994, for his water right 65-13559 will not be considered senior to Mrs. Charters' right 65-13655 as between those rights and, thus, in event of a shortage 65-13655 will have priority over right 65-13559. Any of the language regarding reservation of rights to water in the deeds and other documents regarding the land Mrs. Charters

APR -15' 99 (THU) 16:51 MOORE & MCFADDEN CTD
APR-15-99 11:39 AM CHARTER MTN. RANCH

TEL: 208 331 1202
208 366 2685

P. 003
P. 03

APR -12 99 (MON) 12:12 MOORE & MCFADDEN CTD

TEL: 208 331 1202

P 009

Dan Harder
April 12, 1999
Page 2

sold to Mr. McCallum is agreed to be totally complied with and of no further effect based on this agreement. Mrs. Charters agrees not to assert any other claims for water, and furthermore agrees not to contest or challenge Mr. McCallum's use of water. This understanding would carry through the SRBA also.

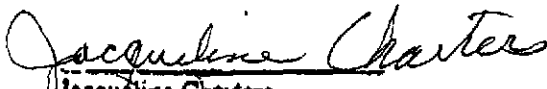
Sincerely,



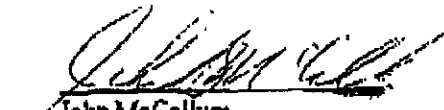
Bruce M. Smith

BMS:jtb

Dated: 4/22/99


Jacqueline Charters

Dated : _____


John McCallum

CLAUDE V. MARCUS
CRAIG MARCUS
BARRY MARCUS*
GALE M. MERRICK
GARY L. MONTGOMERY
MICHAEL CHRISTIAN†
TRENT MARCUS
DANIEL R. HARDEE

*Also Admitted to the California State Bar

† Also Admitted to the Washington State Bar

LAW OFFICES
MARCUS, MERRICK & MONTGOMERY LLP
THE MARCUS LAW BUILDING
737 NORTH 7TH STREET
BOISE, IDAHO 83702-5595

TELEPHONE
(208) 342-3563
TELEFAX
(208) 342-2170

RECEIVED

MAY 06 1999

WATER RESOURCES
WESTERN REGION

May 5, 1999

Gary Spackman
Dept. of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

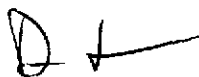
Re: Charters/McCallum Letter Agreement

Dear Gary:

Enclosed is a copy of the Letter Agreement that my client signed. It was a fax copy which she signed. Please let me know if you still cannot read this clearly.

Very truly yours,

Marcus, Merrick & Montgomery, LLP



Dan R. Hardee

DRH:da
Enclosure

If this isn't
clear enough
Call Bruce.
Thanks

DJ

APR -15' 99 (THU) 16:51 MOORE & MCFADDEN CTD

TEL:208 331 1202

P. 002

APR-15-99 11:38 AM CHARTER MTN. RANCH

208 331 2685

P. 02

APR -15' 99 (MON) 12:12 MOORE & MCFADDEN CTD

TEL:208 331 1202

P 008

MOORE & MCFADDEN, CHARTERED

ATTORNEYS AT LAW

ONE CENTRAL EXPRESS BUILDING
999 MAIN STREET, BOISE, ID 83728
TELEPHONE: (208) 331 1202 FAX: (208) 331 1202

DAVID H. BOSTER
WILLIAM E. BOSTER
JOHN A. MONTGOMERY
MICHAEL E. MONTGOMERY
BRYCE M. SMITH
PAUL A. TURNER

MISS BRIGIDAN HALL
BY APPOINTMENT

*Also Admitted to Oregon
*Also Admitted to Washington

April 12, 1999

Mr. Dan Hardee
MARCUS, MERRICK & MONTGOMERY
737 No. 7th St.
Boise, ID 83702-5575

Re: *In Re Application for Permit of a Water Right
No. 65-13655 (Jacqueline Charters)*

Dear Dan:

Hopefully this letter of agreement will resolve the outstanding issues between our clients over this application. Our agreement is that the IDWR will use this letter as a basis for approving Mrs. Charters' application. Furthermore, the agreements and understandings set out in this letter will be incorporated into the conditions section of the license.

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APR -15' 99 (THU) 16:51 MOORE & MCFADDEN CTD

TEL:208 331 1202

P.003

APR-15-99 11:39 AM CHARTER MTN. RANCH

208 331 2685

P.03

APR -15' 99:MCN 11:11 MOORE & MCFADDEN CTD

TEL:208 331 1202

P 009

Dan Hardee
April 12, 1999
Page 2

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Sincerely,

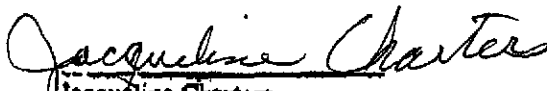


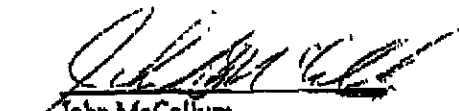
Bruce M. Smith

BMS:jtb

Dated: 4/27/99

Dated : _____


Jacqueline Charters


John McCallum



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 3, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE SMITH
MOORE & MCFADDEN
999 MAIN ST STE 910
BOISE ID 83702

DAN HARDEE
ATTORNEY AT LAW
737 N 7TH
BOISE ID 83702-5575

Re: Jacqueline Charters Application for Water Right No. 65-13655

Gentlemen:

Thank you for finally resolving this protested water right application. I received an executed withdrawal of protest from Bruce Smith on behalf of John McCallum, Charter Mountain Ranch, Inc., but did not receive an executed copy of the underlying agreement. On April 29, 1999, I received a very poor copy of the agreement that appeared to have been faxed several times. Some of the words are almost indistinguishable.

The purpose of this letter is to request a copy of the agreement so the conditions can be incorporated into the water right approval, and can also be read when the document is filed or recorded on microfilm.

Sincerely,


Gary Spackman

GS:st

COPY

RECEIVED

APR 29 1999

CLAUDE V. MARCUS
CRAIG MARCUS
BARRY MARCUS*
GALE M. MERRICK
GARY L. MONTGOMERY
MICHAEL CHRISTIAN†
TRENT MARCUS
DANIEL R. HARDEE

LAW OFFICES
MARCUS, MERRICK & MONTGOMERY, LLP

THE MARCUS LAW BUILDING
737 NORTH 7TH STREET
BOISE, IDAHO 83702-5595

WATER RESOURCES
TELEPHONE
(208) 342-3563
TELEFAX
(208) 342-2170

*Also Admitted to the California State Bar

† Also Admitted to the Washington State Bar

April 28, 1999

Bruce M. Smith
Moore & McFadden, Chtd.
Suite 910, Drawer A
999 Main St.
Boise, Idaho 83702

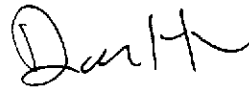
Re: Charters v. McCallum

Dear Bruce:

Enclosed is a copy of our letter agreement executed by Jackie Charters for your file. Please let me know if there is anything else we need to do on this case. Thanks for your cooperation.

Very truly yours,

MARCUS, MERRICK & MONTGOMERY, LLP



Dan R. Hardee

DRH:da
Enclosure
cc: Jackie Charters
Gary Spackman
Dept. of Water Resources

APR. -15' 99 (THU) 16:51 MOORE & MCFADDEN CTD

TEL: 208 331 1202

P. 002

APR-15-99 11:38 AM CHARTER MTH. RANCH

208 331 2685

P. 02

APP -15' 99 (MON) 12:12 MOORE & MCFADDEN CTD

TEL: 208 331 1202

P. 003

MOORE & MCFADDEN, CHARTERED

ATTORNEYS AT LAW

ONE CENTRAL CITY BLVD. SUITE 212
559 MAIN STREET, BOISE, ID 83725
TELEPHONE: (208) 331 1202 FAX: (208) 331 1203

DAVID H. GREY
WILLIAM F. BURTON
JOHN P. MCFADDEN
NICHOLE C. MOORE
BRUCE M. SMITH
PAUL A. TURNER

MISS ROSEAN HALL
OF COUNSEL

*App Admitted in Oregon
*App Admitted in Washington

RECEIVED

APR 29 1999

WATER RESOURCES
WESTERN REGION

April 12, 1999

Mr. Dan Hardee
MARCUS, MERRICK & MONTGOMERY
737 No. 7th St.
Boise, ID 83702-5575

Re: *In Re Application for Permit of a Water Right
No. 65-13655 (Jacqueline Charters)*

Dear Dan:

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APR. -15' 99(THU) 16:51 MOORE & MCFADDEN CTD

TEL:208 331 1202

P.003

APR-15-99 11:39 AM CHARTER MTN. RANCH

208 331 2685

P.03

APR. -12 99(MON) 12:12 MOORE & MCFADDEN CTD

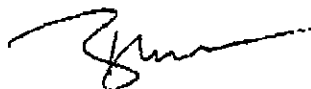
TEL:208 331 1202

P.009

Dan Hardee
April 12, 1999
Page 2

sold to Mr. McCallum is agreed to be totally complied with; and of no further effect based on this agreement. Mrs. Charters agrees not to assert any other claims for water, and furthermore agrees not to contest or challenge Mr. McCallum's use of water. This understanding would carry through the SRBA also.

Sincerely,

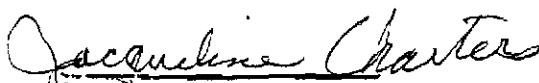


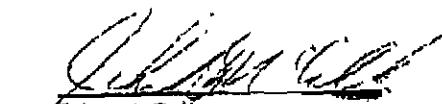
Bruce M. Smith

BMS:jtb

Dated: 4/27/99

Dated: _____


Jacqueline Charters


John McCallum



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

April 26, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE SMITH
MOORE & MCFADDEN CHARTERED
999 MAIN ST STE 910
BOISE ID 83702

Re: Application for Permit No. 65-13655 in the Name of Jacqueline Charters

Dear Mr. Smith:

This letter is to acknowledge the withdrawal of the protest in the above-referenced matter.

The department will now continue to process the application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

Gary Spackman

GS:st

CC:

JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641

JOHN &/OR TERESA MCCALLUM
RR 1 BOX 451
GLENN'S FERRY ID 83623-9701

DAN HARDY
ATTORNEY AT LAW
737 N 7TH
BOISE ID 83701

MOORE & McFADDEN, CHARTERED

ATTORNEYS AT LAW

ONE CAPITAL CENTER, SUITE 910
999 MAIN STREET, BOISE, ID 83702
TELEPHONE (208) 331-1800 FAX (208) 331-1202

DAVID H. BIETER
SUSAN E. BUXTON *
JOHN J. McFADDEN *‡
MICHAEL C. MOORE ‡
BRUCE M. SMITH
PAUL A. TURCKE

MONA DOBARAN MACK
Of Counsel

* Also Admitted in Oregon
‡ Also Admitted in Washington

April 22, 1999

RECEIVED

APR 23 1999

WATER RESOURCES
WESTERN REGION

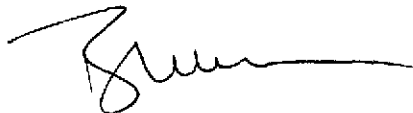
Gary Spackman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: *In Re Application for Permit of a Water Right
No. 65-13655 (Jacqueline Charters)*

Dear Gary,

This letter will serve as notice to the Idaho Department of Water Resources of the withdrawal of protest by John McCallum, Charter Mountain Ranch, Inc., on the above-referenced water right application.

Sincerely,



Bruce M. Smith

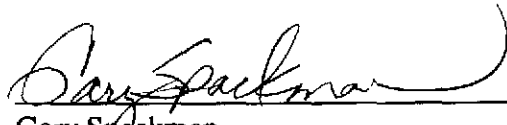
BMS:jtb
cc: Client
Dan Hardee

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION) FOR WATER RIGHT NO. 65-13655) IN THE NAME OF JACQUELINE) CHARTERS.) _____)	ORDER VACATING HEARING
--	-------------------------------

Based on representation that the protest against application no. 65-13655 has been resolved, the hearing scheduled for April 27 and 28, 1999, for the protest of water right application no 65-13655 in the name of Jacqueline Charters has been canceled.

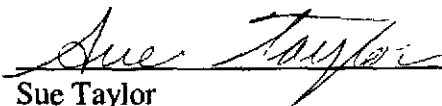
Dated this 22nd day of April, 1999.



Gary Spackman
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on this 22nd day of April, 1999, I served a copy of the foregoing document by depositing the same in the United States mail, postage prepaid, addressed to the following:



Sue Taylor

JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641

JOHN B &/OR TERESA MCCALLUM
PO BOX 143
GARDEN VALLEY ID 83622

BRUCE SMITH
MOORE & MCFADDEN
999 MAIN ST STE 910
BOISE ID 83702

DAN HARDY
ATTORNEY AT LAW
737 N 7TH
BOISE ID 83702-5575



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 14, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE SMITH
MOORE & MCFADDEN CHARTERED
999 MAIN ST STE 910
BOISE ID 83702

Re: Hearing for Tom Kasper Application for Transfer and Hearing for Jacqueline
Charters Application for Water Right

Dear Bruce:

After discussing possible hearing dates for the Tom Kasper application for transfer, we scheduled the hearing for April 27 and 28, 1999. At the time of scheduling the hearing, we discussed the overlapping and conflicting hearing scheduled for application for new water right no. 65-13655 filed by Jacqueline Charters. The Jacqueline Charters hearing was scheduled before the Tom Kasper hearing was scheduled. As you recall, we have encountered difficulty in settling the Charters dispute. At the time of scheduling the Tom Kasper hearing, you represented to me that the Charters matter would be settled and would not conflict with the Kasper hearing. I have heard nothing else regarding the Charters dispute.

I need to adequately notify parties if I must vacate one of the hearings. Because the Charters matter was scheduled first, and is an older filing, I intend to conduct the Charters hearing. If I have not received documents showing that the Charters matter has settled by April 21, 1999, I will vacate the Kasper hearing and will reschedule the Kasper hearing at a later date.

Sincerely,

Gary Spackman

GS:st

CC: Jacqueline Charters
Dan Hardy, Attorney at Law
Parties in Kasper Matter

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT OF WATER RIGHT NO.)
65-13655 IN THE NAME OF)
JACQUELINE CHARTERS.)
NOTICE OF HEARING

On March 19, 1996, Jacqueline Charters filed with the Idaho Department of Water Resources (IDWR) application for permit no. 65-13655. The application was protested by John B. &/or Teresa M. McCallum. The pre-hearing conference held by IDWR on Wednesday, October 29, 1997, did not resolve the matter of protest.

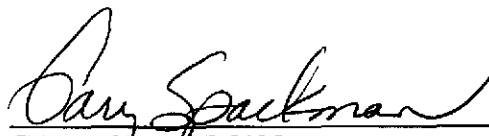
The Department has scheduled the matter for hearing on Tuesday and Wednesday, April 27 and 28, 1999, at 9:00 a.m. in conference rooms A & B, Idaho Department of Water Resources, 1301 N. Orchard, Boise, Idaho 83706. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the Department. A copy of the rules may be obtained from IDWR upon request. The presiding officer at the hearing will be Gary Spackman

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01.606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

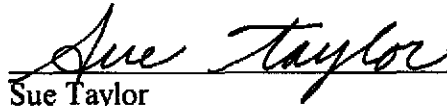
Dated this 26th day of January, 1999.



GARY SPACKMAN

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of January, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

CERTIFIED MAIL

JACUQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641

JOHN B &/OR TERESA MCCALLUM
PO BOX 143
GARDEN VALLEY ID 83622

NON-CERTIFIED MAIL

BRUCE SMITH
ROSHOLT ROBERTSON & TUCKER
PO BOX 2139
BOISE ID 83701

DAN HARDY
ATTORNEY AT LAW
737 N 7TH
BOISE ID 83702-5575

RECEIVED
SEP 30 1999

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

17022-1A-11
SEP 30 1999

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

RECEIVED
SEP 11 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAN HARDY
ATTORNEY AT LAW
737 N 7TH
BOISE ID 83702-5575

BRUCE SMITH
ATTORNEY AT LAW
PO BOX 2139
BOISE ID 83701

Re: Application for Water Right No. 65-13655 in the Name of Jacqueline Charters

Gentlemen:

A hearing was scheduled in May, 1998 for application for water right no. 65-13655 in the name of Jacqueline Charters. Because of a problem with the hearing notice and a conflict with jury duty, I canceled the hearing. I understood at the time that settlement of the protest was imminent. Approximately six (6) months have expired, and I haven't heard anything. I called Dan Hardy this morning to inquire about progress, and, although he stated that the parties have been communicating, no settlement has been reached.

This letter is a final inquiry regarding the possibility of settlement. If I have not heard anything with 21 days of the date of this letter, I will schedule the matter for hearing.

Sincerely,

Gary Spackman

GS:st

CC: Jacqueline Charters
John B. &/or Teresa McCallum

REC'D - 12-31-98

SEP 30 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 7, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BRUCE SMITH
ATTORNEY AT LAW
PO BOX 2139
BOISE ID 83701

DAN HARDY
ATTORNEY AT LAW
737 N 7TH
BOISE ID 83702-5575

Re: Application for Permit No. 65-13655 in the Name of Jacqueline Charters

Gentlemen:

This letter confirms the cancellation of the hearing scheduled for May 5, 1998. I understand that the parties have discussed settlement, and that an agreement probably can be reached. If I do not hear from you by May 20, 1998, I will arrange a telephone conference to discuss whether the hearing should be rescheduled.

Thank you for your cooperation in this matter.

Sincerely,

Gary Spackman

GS:st

CC. John McCallum
Jacqueline Charters

SEP 30 1998

Nary

5-4-98

Dan Hardy, who represents Charters, has been called to Jury duty on the 5th (Tuesday). He had talked to Bruce ~~and~~ Smith and Bruce didn't mind cancelling. I called him anyway & he had already called his clients & cancelled. I cancelled the room & left word for J. Charters.

Dan & Bruce thought they could settle this without rescheduling.

Joe

RECORDED

SEP 30 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT OF WATER RIGHT NO.)
65-13655 IN THE NAME OF)
JACQUELINE CHARTERS.)**

NOTICE OF HEARING

On March 19, 1996, Jacqueline Charters filed with the Idaho Department of Water Resources (IDWR) application for permit no. 65-13655. The application was protested by John B. &/or Teresa M. McCallam. The pre-hearing conference held by IDWR on Wednesday, October 29, 1997, did not resolve the matter of protest.

The Department has scheduled the matter for hearing on Tuesday, May 5, 1998, at 9:00 a.m. at the Department of Water Resources, upstairs conference room, 1301 N. Orchard, Boise, Idaho 83706. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of the Department. A copy of the rules may be obtained from the IDWR upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01.606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 31st day of March, 1998.

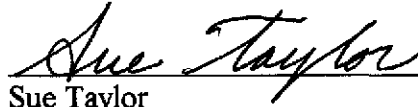


GARY SPACKMAN

FILED

SEP 30 1999

I hereby certify that on the 2nd day of April 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

CERTIFIED MAIL

JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641

JOHN B &/OR TERESA MCCALLUM
PO BOX 143
GARDEN VALLEY ID 83622

NON-CERTIFIED MAIL

BRUCE SMITH
ROSHOLT ROBERTSON & TUCKER
PO BOX 2139
BOISE ID 83701

RECEIVED

SEP 30 1998

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. the applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

SEP 30 1993

SEP 30 1993

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

The hearing will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

44-111-1000
80-111-1000

IDAHO DEPARTMENT OF WATER RESOURCES
2735 Airport Way, Boise, ID 83705

Conducted by: Gary Spackman

Bruce Smith Rosholt, Riberson, & Tucker
PO Box 2139 Boise 83701 336-0700
for 344-6034

Barry Marcus 737 N. 7th Boise 342-3563
Jackie Charters, 3382 Central St R. Melba

1990

1959

P 590 138 346

US Postal Service

Receipt for Certified Mail

JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641

Postage	\$ 1.50
Certified Fee	\$ 0.50
Special Delivery Fee	\$ 0.00
Restricted Delivery Fee	\$ 0.00
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6. Save this receipt and present it if you make an inquiry.

P 590 138 327

US Postal Service

Receipt for Certified Mail

JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2 52
Postmark or Date	

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6. Save this receipt and present it if you make an inquiry

P 590 138 328

US Postal Service

Receipt for Certified Mail

JOHN &/OR TERESA MCCALLUM
PO BOX 143
GARDEN VALLEY ID 83622

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.52

Postmark or Date

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make an inquiry.

P 590 141 767

US Postal Service

Receipt for Certified Mail

JOHN &/OR TERESA MCCALLUM
PO BOX 143
GARDEN VALLEY ID 83622

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6 Save this receipt and present it if you make an inquiry

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

63-12635

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641

4a. Article Number

P 590 138 346

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

1-27-99

5. Received By: (Print Name)

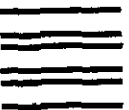
J. Reineke

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

● Print your name, address, and ZIP Code in this box ●

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83706

RECEIVED

SEP 30 1999

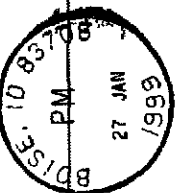
2 8 1999

WATER RESOURCES
WESTERN REGION

ZIP CODE

USE

ALWAYS



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

65-12635

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JOHN &/OR TERESA MCCALLUM
PO BOX 143
GARDEN VALLEY ID 83622

4a. Article Number

P 590 141 767

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

11/30/99

5. Received By: (Print Name)**6. Signature: (Addressee or Agent)**

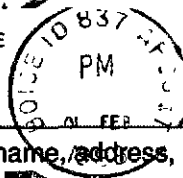
X

SEP 30 1999

Alison M. Baker

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

RECEIVED
MICROFILMED
SEP 3 11 1999
FEB 02 1999
WATER RESOURCES
WESTERN REGION

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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Consult postmaster for fee.

3. Article Addressed to:

JOHN &/OR TERESA MCCALLUM
PO BOX 143
GARDEN VALLEY ID 83622

4a. Article Number

P 596 138 328

4b. Service Type

- ☒ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

4-6-98

5. Received By: (Print Name)

TERESA M McCALLUM

6. Signature: (Addressee or Agent)

X *[Signature]*

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

MICROFILMED
SEP 30 1999

62-15632

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641

4a. Article Number

P 590138 327

4b. Service Type

- ☐ Registered ☒ Certified
☒ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

SEP 30 1995 9/3/98

5. Received By: (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

Jacqueline Charters

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

APR 06 1998

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

MICROFILMED

SEP 30 1999

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATION	)	
	)	NOTICE OF CONFERENCE
FOR PERMIT NO. 65-13655 IN THE	)	
	)	
NAME OF JACQUELINE CHARTERS.	)	
	)	

On March 19, 1996, Jacqueline Charters filed with the Department of Water Resources (Department) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by John B. &/or Teresa M. McCallum.

The Department has set the matter of protest for a conference to be held on Wednesday, October 29, 1997, at 10:00 a.m., at the Idaho Department of Water Resources, upstairs conference rooms A & B, 1301 N. Orchard, Boise, Idaho 83705. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

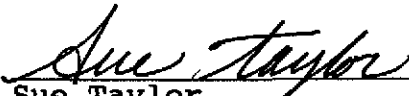
Dated this 2nd day of September, 1997.



Gary Spackman

NOTED
SEP 30 1997

I hereby certify that on the 3rd day of September, 1997, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641

JOHN B &/OR TERESA MCCALLUM
PO BOX 143
GARDEN VALLEY ID 83622

RECEIVED

SEP 9 11 1997

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. the applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

REC'D
SEP 30 1977

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

The hearing will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

11-1-77
SEP 30 1977

CONVERSATION MEMORANDUM

DATE 9/2/97FILE 65-13655NAME OF PARTY Jackie Charters 495-2428EMPLOYEE JLRE: PROTEST CONFERENCE?

Applicant called to relay this info:

1) Having surgery late Sept. so then to mid Oct.
not good.

2) Garth Baldwin has regained ownership of
McCallums' place ("Chatter Mt. Road") so probably
won't hear from protesters (McCallums).

3) We then discussed possible:

withdrawal of protest

void " " if no response by
McCallums.

- Later in day -

I called Bruce Smith, atty for McCallums. He has
not received any info a sale, said "have property
on the market to sell. Preferred to proceed w/
conference. Can also discuss M's permit (65-13559) then.

cc: 13559 (McCallums' permit)

INDEXED

SEP 3 11 1997

CONVERSATION MEMORANDUM

DATE 8/14/97FILE 65-13655 perm. appl.NAME OF PARTY DAN HAROLD atty. 342-356365-13559 perm. -
licensing
disputeEMPLOYEE SLRE: REQUEST FOR PROTEST CONF. ASAP

D.H. represents applicant J. Charters in protested appl. 65-13655.

Bruce Smith (336-0700) represents protestants (McCallums) who have permit 65-13559*. Proof of b.v. & licensing of that permit is disputed by J. Charters.

Prot. conf. previously not scheduled by attorneys' request as they tried to work it out. Appeals have been unsuccessful.

Now, D.H. asks for prot. conf. soonest since has not had reply from Smith's office (re: letters/calls). Wants to move forward. Stated that McCallums might be selling the Garden Valley land in their permit so possibly may not want to continue with protest (?).

This is D.H.'s followup to his request to schedule conf. per call of 7/24/97.

I can continue to work on permit/licensing issues in 65-13559 while conf. scheduling moves forward in 65-13655.

MICROFILMED

SEP 30 1999

* permit in name of Charters Mt. Ranch - name from previous property owner - family of J. Charters who sold to McCallums.

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Boise Office
1221 W IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

RECEIVED

October 25, 1996

OCT 28 1996

WATER RESOURCES
WESTERN REGION

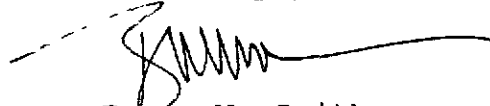
Barry Marcus
Marcus Merrick & Montgomery
737 N. 7th Street
Boise, ID 83702-5575

Re: Jackie Charters

Dear Barry:

I contacted you previously about trying to resolve water right disputes between Ms. Charters and the McCallums. The McCallums had offered to let Ms. Charters propose a solution that would address everyone's concerns. I would like to know if Ms. Charters intends to make a proposal, and if so, if it's feasible to arrange a meeting to address these matters. Thanks.

Sincerely yours,



Bruce M. Smith

BMS:gc

cc: John & Teresa McCallum

SEP 30 1996

bcc: Steve Lester

MICROFILM
SEP 24 1974

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
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Boise Office
1221 W. IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

September 6, 1996

RECEIVED

SEP 10 1996

WATER RESOURCES
WESTERN REGION

Barry Marcus
Marcus Merrick & Montgomery
737 N. 7th Street
Boise, ID 83702-5575

Re: Jackie Charters

Dear Barry:

Your client and my clients, the McCallums, have each protested the other's water rights application. I was trying to arrange a mutually convenient time for a conference for both parties with the IDWR. However, I think we could do better than that. The McCallums have offered to let Ms. Charters draft up some reasonable solution that would resolve the issue as to the water rights. I recognize there are some other issues between them, but those matters shouldn't prohibit us from resolving the water rights matter. Please convey this to Ms. Charters; I hope we can resolve this without having to take up the time of IDWR. I look forward to hearing from you.

Sincerely yours,



Bruce M. Smith

BMS:gc

cc: John & Teresa McCallum
Steve Lester

SEP 10 1996

CONVERSATION MEMORANDUM

DATE 8/21/96
FILE 65-13655

NAME OF PARTY Bruce Smith 336-0700

EMPLOYEE Steve Lester

RE: Protest

Is in contact with his clients (McCallums & protestants)
i applicant's attorney - trying to work out
settlement without IOWA conference.

Will keep this office posted.

OK to wait i see what develops.

Call up for 9/21/96.

MAC TO LINES

SEP 30 1996

MEMORANDUM

TO FILE NOS: A65-02468, A65-18218, 65-13399,
65-13559, 65-13655 ✓

FROM: Maria Minicucci, Western Region SRBA staff *MM*

DATE: August 13, 1996

RE: Request for information

Mr. Trent Marcus from the Law firm of Marcus, Merrizk, and Montgomery came into the office today with a request for copies of specific SRBA claim files and water right files. The following copies were provided to Mr. Marcus:

65-05696	Decreed water right	Profile report
65-13399	Permit	Entire permit file
65-13558	Permit	Profile report
65-13559	Permit	Entire permit file
65-13655	Appl. for permit	Entire application file
A65-02468	SRBA claim	Entire claim file
A65-18218	SRBA claim	Entire claim file

include preliminary exam data per mm.
-fr

Mr. Marcus' firm was billed for 156 copies and 3 hours of research time.

SEP 10 1996

CONVERSATION MEMORANDUM

DATE

7/15/96

FILE

65-

NAME OF PARTY

Bruce Smith (for Protestants)

(Charters)

EMPLOYEE

Steve Lester

RE:

SCHEDULING PROTEST CONFERENCE

Bruce discussed issues etc with applicant on Fri 7/12. Learned that applicant's atty. is Barry Marcus. The 2 attorneys will discuss to see & progress on moving forward.

Want to hear from Bruce & results of that meeting to decide how to proceed with scheduling.

7/30/96

Bruce Smith just returned from out of town - no word yet from Brian Marcus (applicant's atty.).

Will v it out & call me back

SEP 30 1996

CONVERSATION MEMORANDUM

DATE 6/1 through 7/11/96
FILE 65-13655NAME OF PARTY See Below
EMPLOYEE Steve LesterRE: Scheduling Protest Conference per Dept. 6/19 Letter

7/1/96 Bruce Smith 336-8700 Atty for protestors - clients out of country until week of 8/19-23, would like to meet there.

I will pass info on to Applicant & let Bruce know.

J. Charters 445-2428, Applicant - she will discuss with her Atty. & call me back.

7/8/96 Left msg. with Applicant's son - any info re scheduling? She called back later - does not want to delay delay, wants to schedule soonest.

≥ 7/24 is earliest I can do - @ then is good for her.

Left msg. with Bruce Smith - will ≥ 7/24 work?

7/11/96 Left msg. " " " " " again.

He called back - clients will have real difficulty attending < 8/19 week - he will call applicant & try to work out something.

He will then contact dept. soonest.

SEP 30 1996

Wait to hear from parties before proceed.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 19, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN & TERESA MCCALLUM
CHARTER MOUNTAIN RANCH
PO BOX 143
GARDEN VALLEY ID 83622-0143

RE: PROTEST CONFERENCE FOR APPLICATION NO. 65-13655

Dear Protestants:

This office has received information from the applicant, Jacqueline Charters, regarding the above-referenced water right filing which you have protested. The applicant has indicated that she will be available for the protest conference by the beginning of July.

This letter proposes to hold the meeting sometime in July after the fourth of July. At this time, July 12 and 23 are not possible dates but any other date is acceptable.

It appears that I was mistaken in our previous conversation about postponing this meeting for a somewhat longer period. I have since learned that a more expeditious resolution is preferred under department policy. Therefore, we must make some progress in the short term by scheduling the protest conference.

I hope that we might also resolve the status of your permit from this same source, no. 65-13559, during this process.

Please contact me at your earliest convenience to schedule a date for the protest conference. I will coordinate your response with suggestions by the applicant for a date suitable for both parties.

Sincerely,

Steve Lester
Deputy Regional Manager

c: Jacqueline Charters

175 40 1996

The Idaho World

P O Box 99
Garden Valley, ID 83622
208 462-3487

RECEIVED

MAY 21 1996

WATER RESOURCES
WESTERN REGION

State of Idaho >

County of Boise >

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with May 1, 1996 and ending with the issue of May 8, 1996.

Deanna Stevenson

State of Idaho >

County of Boise >

On this 20 day of May in the year 1996, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

L. Cadotte
Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 6-25-2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13655

CHARTERS, JACQUELINE
13382 INITIAL POINT RD
MELBA, ID 83641

Source: UNNAMED STREAM Tributary: SINKS
Diversion Pt: NWNW Sec 34 T 09N R 04E in BOISE County
Use: IRRIGATION (0.130 CFS)
STOCKWATER (0.020 CFS)
DOMESTIC (0.040 CFS)
Total Diversion. (0.190 CFS)

Date Filed 3/19/1996

In: BOISE County
T09N R04E S34NWNW

4.5 ACRES TOTAL

System is partially completed and in use.

65-13661

LUND, BRUCE
HC 77 BOX 3250
LOWMAN, ID 83637

Source: SPRINGS Tributary: PAYETTE RIVER, SOUTH FORK
Diversion Pt: NWNENE Sec 31 T 09N R 08E in BOISE County.

Use: IRRIGATION (0.100 CFS)
STOCKWATER (0.020 CFS)
DOMESTIC (0.040 CFS)
Total Diversion (0.160 CFS)

Date Filed: 4/19/1996

In: BOISE County
T09N R08E S31 Lot 4 (SWNE) Lot 3 (SENE)

5.0 ACRES TOTAL

65-13662

HORSESHOE BEND HYDROELECTRIC CO
PO BOX 2797
BOISE, ID 83701

Source: GROUNDWATER
Diversion Pt: LOT 5 (SWNE) Sec 32 T 07N R 02E in BOISE County.
Use: COOLING (0.050 CFS)
Total Diversion (0.050 CFS)

Date Filed: 4/12/1996

In: BOISE County
T07N R02E S32 Lot 5 SWNE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MAY 20, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World May 1 and 8, 1996.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 20, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHARTER MOUNTAIN RANCH
JOHN B OR TERESA M MCCALLUM
PO BOX 143
GARDEN VALLEY ID 83622

Re: Application for Permit No. 65-13655 in the Name of Jacqueline Charters

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 20, 1996

JACQUELINE CHARTERS
13382 INITIAL POINT RD
MELBA ID 83641

Re: Application for Permit No. 65-13655

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced applications. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

RECEIVED

MAY 14 1996

WATER RESOURCES
WESTERN REGION

May 11, 1996

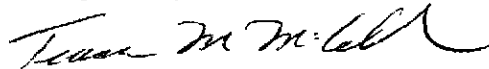
Mr. Steve Lester
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Ref.: Protest to Water Right Application # 65-13655

Dear Mr. Lester,

This letter is to serve as protest to the Water Right Application, by Ms. Jacqueline Charters application for Water Right # 165-13655. Applicant owns 4.5 +/- acres of which a portion is timbered and far above the stream and will not be irrigated, another portion is in the creek bed and cannot be irrigated. Ms. Charters present point of diversion is not on her property.

Respectfully submitted,



Teresa M. McCallum
Charters Mountain Ranch, Inc.
Secretary

*called protestant 5/14/96 (462-3882) - need
\$25 protest fee. Left msg., fee due by 5/20.*

-JC

SEP 11 1996

*Pd \$25 -
5-20-96
#W020885
By VR*

General Engineering Corporation

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the recipient or the employee or agent responsible for delivery of the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us immediately by telephone or arrange for the return of the original to us. Thank you.

FAX TRANSMITTAL SHEET

DATE: 5/17/92 TIME SENT: 12:29 EST PHONE # OF RECEIVING TELECOPY: (202) 234-2348

3 PAGES INCLUDING COVER SHEET

TO: STANLEY 10/1/55 10/1/55

OF: Dept. of Labor Resources OF Charter Motor Coach

RE: Patent to Labor Rights
appl 10-25-1965

JOS#

MESSAGE, we just received your message today
so I called your office and spoke with Julie.
She indicated that it is far a copy of
the check and mail it in return, that would
be adequate to meet the deadline.
Thank you for your consideration.
Should you need to reach me please
call (809) 778-0200. Thank you again
Lynn McGill

DISCUSSION

CHARTER MOUNTAIN RANCH
JOHN B. OR TERESA M. MCCALLUM
P.O. BOX 149 12081 452-3082
GARDEN VALLEY, ID 83622

FIRST SECURITY BANK OF IDAHO
102 W. MAIN ST.
EMMETT, ID 83617
92-6 1241

4427

5/17/1996

PAY TO THE ORDER OF Department of Water Resources

*****25 00

Twenty-Five and 00/100*****

DOLLARS

Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

MEMO Protest Fee Against Appl # 65-1

004427 0124100024000? 0000? 240

CHARTER MOUNTAIN RANCH JOHN B. OR TERESA M. MCCALLUM

Department of Water Resources

5/17/1996

4427

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CHARTER 2 Protest Fee Against Appl # 65-1

*****25 00

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SEP 30 1996

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P O BOX 1055
ST CROIX
KINGSHILL

WI 00081-1055

Dept. of Nat'l Resources
Attn: Steve Heston
2735 Arroyo Way
Bolsa, Idaho 83705

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JACQUELINE D CHARTERS RT 1 BOX 6 MELBA ID 83641 (208) 495-2428	08/24/1970	DOMESTIC	01-01 12-31	0.04 CFS	
				TOTAL DIVERSION:	0.04 CFS	

Water Source: UNNAMED STREAM

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T09N R04E S34 NWNW BOISE County

Place of use Legal Description for: DOMESTIC

[illegible]

POU County: BOISE

Non-Irrigation Uses: D/1 HOME

Other Rights: NONE

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE:

✓
4/25/96

TO:

Bruce Smith

(Atty. for McCollums)

Fax 344-6034

FROM:

Steve Lyster

DOCUMENT DESCRIPTION:

RE: McCollums & Charters -

Letter - 2 pgs + diagram & map from 4/12 field check = 4 pgs

Appl - 65-13655 (Charters) - 4 pgs. = 4 pgs

Permit - 65-13559 (McCollums) - 1 pg. + map from orig Appl = 2 pgs
10 pgs

TOTAL PAGES SENT:

10

+ COVER SHEET

CONTACT:

Follow up to telecon today w/ Atty. &
options for clients to pursue.

orig - 65 13559
cc - 65 13655



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

April 24, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR & MRS MC CALLUM
CHARTER MOUNTAIN RANCH
PO BOX 143
GARDEN VALLEY ID 83622-0143

RE: PERMIT NO. 65-13559 (UNNAMED STREAM)

Dear Mr. and Mrs. McCallum:

A field inspection of the above-referenced water right permit was conducted on April 12, 1996 as a result of a written complaint received at this office regarding the proof of beneficial use filed for the right. The proof filing was made on December 21, 1995 and stated that .20 cubic feet per second (cfs) for ten acres of irrigation had been developed.

It is conceivable, although highly unlikely, that the proof filing can be replaced with a request for an extension of time to complete additional development under the permit. The burden to justify such an unusual step would rest entirely on you as the permit owners.

Normally, a fair amount of time occurs between the filing of the proof of beneficial use and the field examination to verify the extent of development. An examiner is generally concerned with the development found on the inspection date and not so concerned with exactly when the development was completed. However, in a case like this one, a more urgent focus can result from additional information being submitted to the department.

The results of my field visit, graciously accommodated by your foreman, indicate that about one acre of irrigation has been developed via flooding and/or subbing below the old ditch and between the diversion point and the high point in the ditch. This is sketched in the enclosed field diagram for your convenience. The maximum rate of flow that can be awarded to one acre is .03 cfs (about 13 gpm). The preliminary license recommendation will include a single diversion point below the access road, .03 cfs (rate) and 3.5 acre-feet (annual volume) from April 15 through October 15 for one acre of irrigation.

Additional information can be provided to me within 30 days if you think that any important information has been overlooked. Any reasonable information can be factored into the final license recommendation that I will forward to the state office for licensing of permit no. 65-13559.

If you want to relocate the diversion point, add another diversion point, or irrigate more acres than finally can be recommended for this right, you must either file the appropriate document to change this right or file a new application for permit to establish another right from this source.

UNRECORDED

APR 26 1996

copy for
65-13655

April 24, 1996

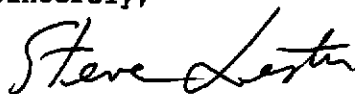
Page 2

This concept leads to the enclosed copy of a new application for permit filed by Ms. Charters for the same stream. The copy is provided for your information. The application will be advertised in the "Idaho World" in the first two weeks of May, and the protest deadline will be May 20, 1996. As you can see from the application comments, I think that a practical solution can be found to serve the interests of both water user parties. I hope this office can provide some assistance in that regard.

In summary, please submit any additional information related to Permit No. 65-13559 within thirty (30) days for evaluation. Also, if any comments about Application for Permit No. 65-13655 are to be submitted, the comments must be received by 5:00 p.m., Monday, May 20, 1996.

Please feel free to contact me at your convenience if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

Enclosure

c: J. Charters

65-13655

CHARTERS, JACQUELINE
13382 INITIAL POINT RD
MELBA, ID 83641

Source: UNNAMED STREAM

Tributary: SINKS

Diversion Pt: NWNW Sec 34 T 09N R 04E in BOISE County.

Use: IRRIGATION	(	0.130 CFS)
STOCKWATER	(	0.020 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.190 CFS)

Date Filed: 3/19/1996

In: BOISE County
T09N R04E S34 NWNW

4.5 ACRES TOTAL

System is partially completed and in use.