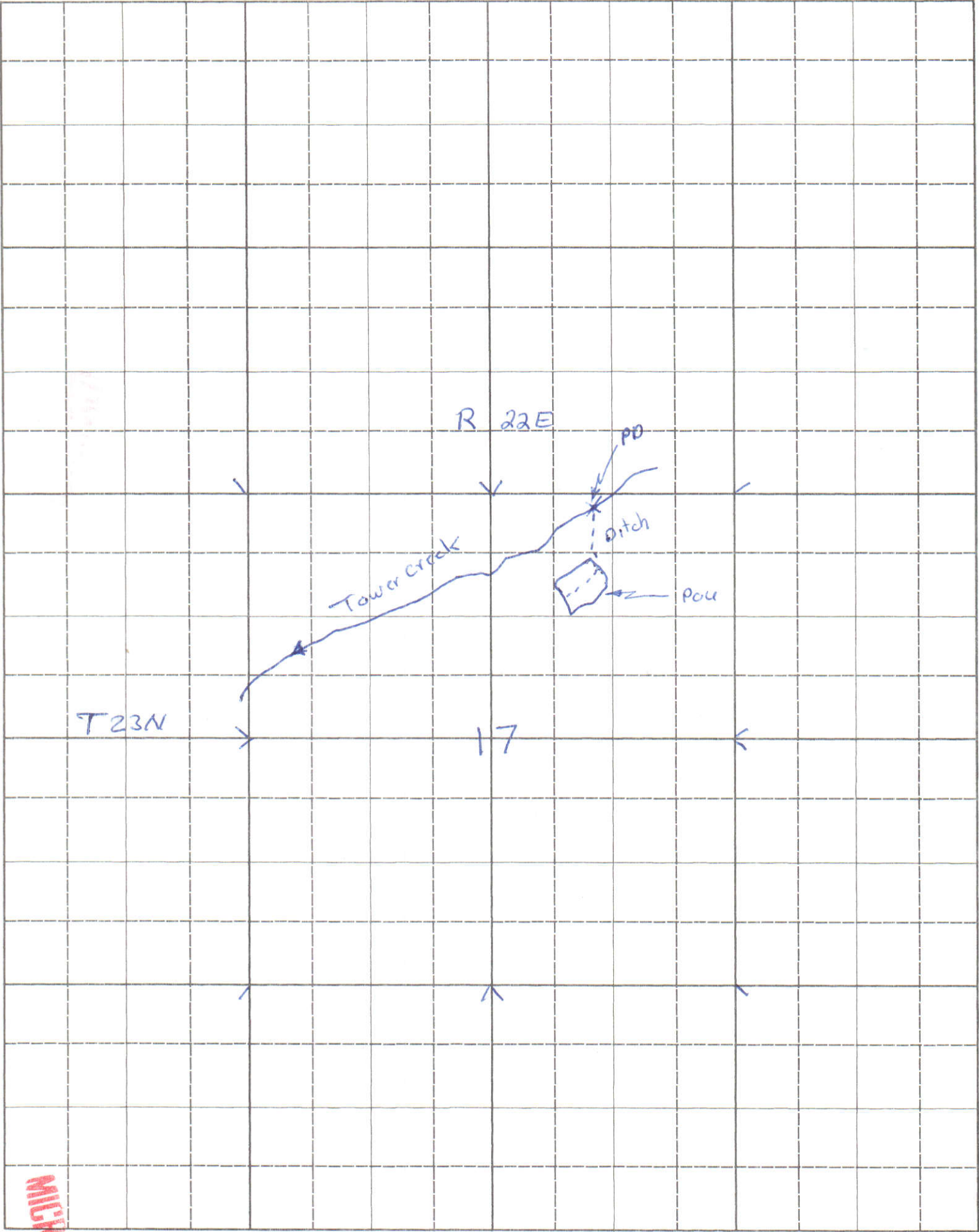


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



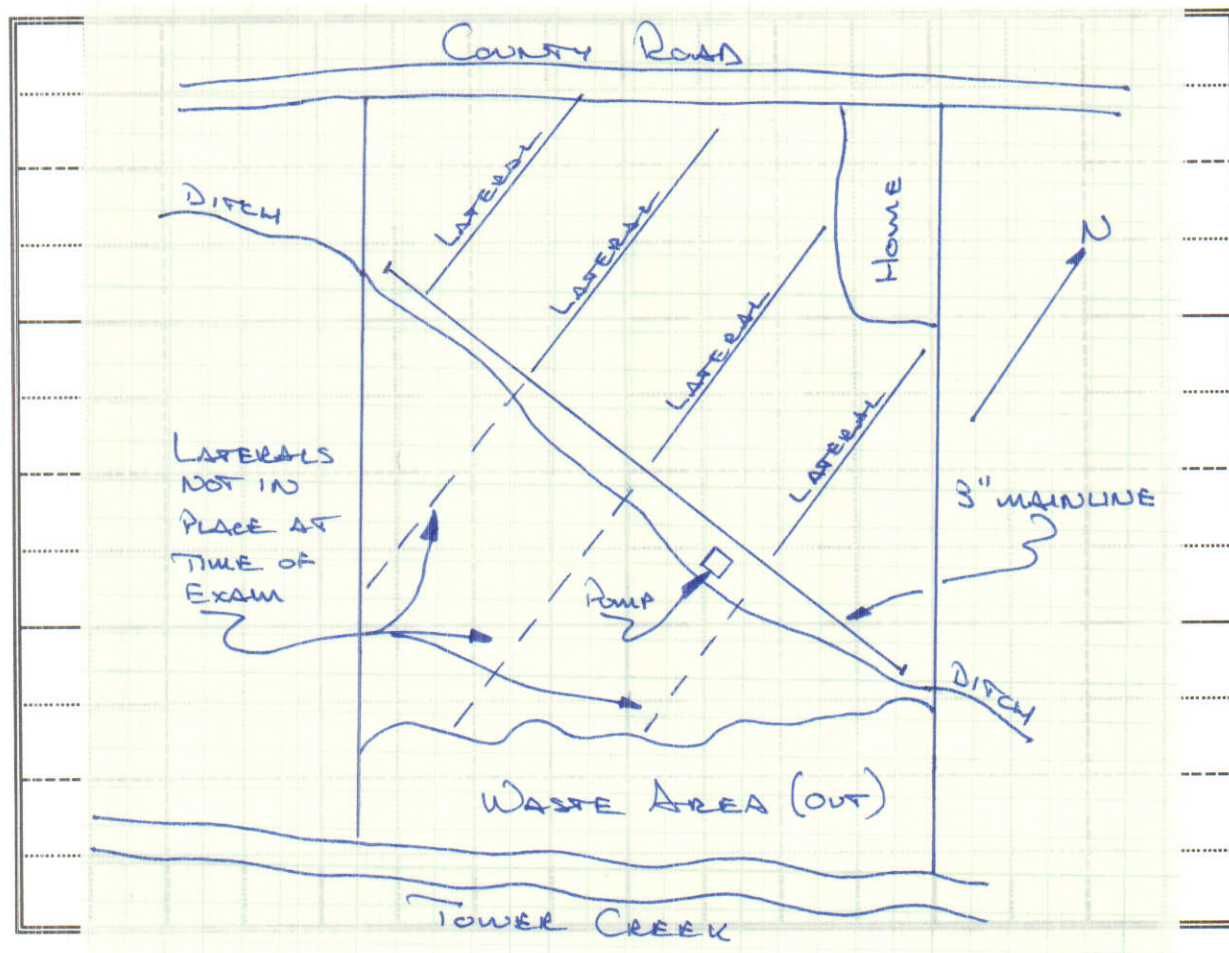
Scale: 2 inches equal 1 mile.

4 inches = 1 mile

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.

x John R. Charlton
(Applicant)

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GEN. ELEC	2	UNKNOWN		1 1/2"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
ASHCROFT PISTON						

2. **Measurements:** 14 BIRDS. UPPER BIRD = 25 PSI (5/32" NOZZLE) Lower BIRD = 36 PSI (9/64" NOZZLE)

7 8
18 17

8
17

BLM
Tower Creek Rd
1/2 mile out
for diversion
new tower creek

PLACE OF USE

Point of Diversion

POINT OF DIVERSION

T23N
R22E

75-07192

18 17
19 20

17
20

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AUG 11 1999

21E 22E

75-7192

Place of Use

Point of Diversion

7 8
18 17

8 9
17 16

18 17
19 20

17 16
20 21

T23N
R22E

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AUG 11 1991

75-07192



PLACE OF USE



PLACE OF USE

MICROFILMED

AUG 11 1999

PERMIT
NUMBER

75-07192



PLACE OF USE



DIVERSION IN
TOWER CREEK

MICROFILMED
AUG 11 1999

PERMIT
NUMBER

75-07192



Pump



Pump AND
DITCH

MICROFILMED
AUG 11 1999

PERMIT
NKMBE2

75-0792

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 75-07192

Priority: April 17, 1981

Maximum Diversion Rate:

0.09 CFS

Maximum Diversion Volume:

14.0 AF

This is to certify, that JOHN R CHARLTON

HCR 10 BOX 32A

CARMEN ID 83462

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 17, 1981; and has submitted Proof of Beneficial Use on July 30, 1986. An examination indicates that the works have a diversion capacity of 0.120 cfs of water from:

TOWER CREEK

tributary to SALMON RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.09 CFS	14.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 17, Township 23N, Range 22E
LEMHI 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>
23N	22E	17	NENW	4		4

Total number of acres irrigated: 4

CONDITIONS OF APPROVAL AND REMARKS

1. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 30th day of

JUNE, 1999.


Acting for KARL J. DREHER, Director

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AUG 11 1999

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JUN 28 1999

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 75-07192

Date of Priority: April 17, 1981

Maximum Diversion Rate: 0.09 CFS
Maximum Diversion Volume: 14.0 AF

Comes now JOHN R CHARLTON
HCR 10 BOX 32A
CARMEN ID 83462

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 75-07192, and requests that the permit be changed as follows:

Source: TOWER CREEK tributary to SALMON RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.09 CFS	14.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 17, Township 23N, Range 22E
LEMHI 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>
23N	22E	17	NENW	4		4

Total number of acres irrigated: 4

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this 25th day of June, 1999.

MICROFILMED

JUN 11 1999

John R. Charlton
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 75-07192

FOR DEPARTMENT USE ONLY

Preliminary check by SLK Fee = 50.- Receipted by HW # C045860 Date 6-29-99

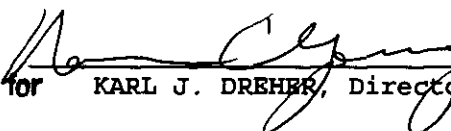
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 75-07192 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. 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.

Witness my hand this 30TH day of JUNE, 1999.

Acting for 
KARL J. DREHER, Director

MICROFILMED
JUL 11 1999

RECEIVED
JUL 30 1986

For Office Use Only
Fee Received 50.00
Date 7-30-86
Receipt # 38880
Receipt by [Signature]
Reviewed by [Signature]
Sent to region [Signature]

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 75-7172

Name(s) of Permit Holder: John R. or Juanita C. Charlton

Post Office Address: 680 W. Quinn, Pocatello, Idaho - 83202

Telephone No. 237-5789

Source of Water: Trouer Creek

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation 5 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 0.09 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 5-1981

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No
Fee enclosed \$ 50.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Person to contact to accompany the Department representative during the field examination:

John R. Charlton 237-5789
(Name) (Telephone Number)

680 W. Quinn Street, Pocatello, Idaho 83202
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

7-28-86
Date

John R. Charlton or Juanita C. Charlton
Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT APPROVED

To appropriate the public waters of the State of Idaho

office - 232-5352
Phone 237-5789

1. Name of applicant John R. Charlton

Post office address 325 Lark Lane, Pocatello, ID 83201

2. Source of water supply Tower Creek which is a tributary of Salmon River

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 17 Township 23N

Range 22E B.M. Lemhi County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.09 for irrigation purposes from April to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.09 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Ditch from Tower Creek with
small pump to handlines.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
23N	22E	17		5 4.5															4.5- 5

Total number of acres to be irrigated -4.5- 5
 Allow 5 acres RC 8/13/81

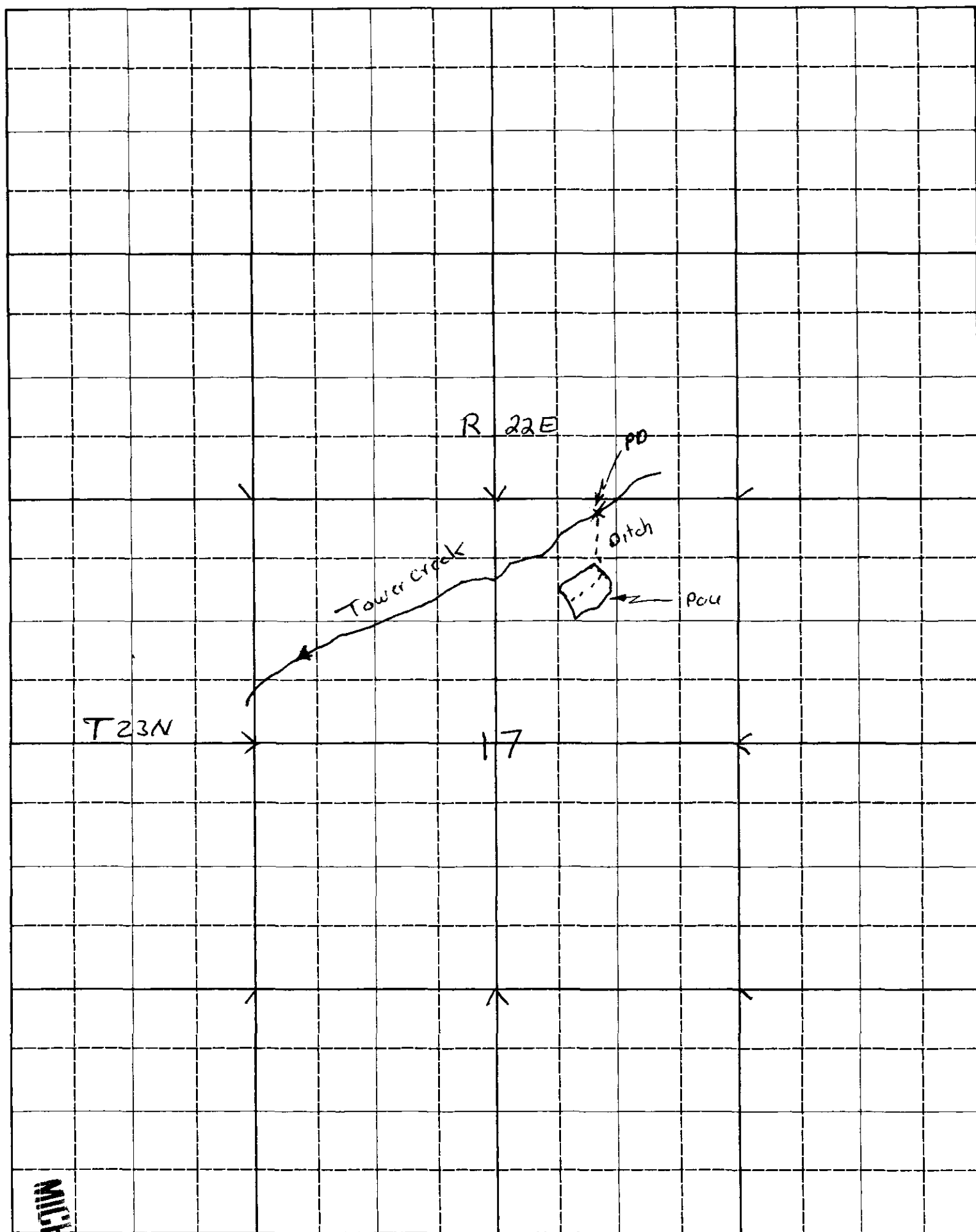
c. Describe any other water rights used for the same purposes as described above. none

9. a. Who owns the property at the point of diversion Mr. Wade
- 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 Ditch heads on another person's property and travels through several different properties.

10. Remarks _____

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11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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Scale: 2 inches equal 1 mile.

4 inches = 1 mile

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.

John R. Charlton
(Applicant)

Processed Priority 4/17/1981

Received by kw Date 4/17/81 Time 10:50

Preliminary check by HWT Fee \$ 30.

Receipted by kw Date 4/21/81 # 17195

Publication prepared by kw Date 4/23/81

Published in Recorder Herald

Publication dates 4/30 & 5/07/81

Publication approved kw Date 4/28/81

Protests filed by: Sharon Hennig

Protest withdrawn as per letter dated June 22, 1981.

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC. 20

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 75-7192, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 18th day of August, 1981.

J. Glen Saxton

MICROFILMED

May 4, 1981

Mr. Dunn:

This letter is in protest of granting a permit to John R. Charlton, 325 Lark Lane, Pocatello, Id. The reason being that the permit will be subject to all prior water rights. I do not understand what that statement implies. That ditch runs through our property, also, and we are ready to file our water rights permit, too. If Mr. Charlton's permit is issued as stated, will he have prior water rights to us? The priority date for that ditch is the same for everyone right now. Does the granting of Mr. Charlton's permit void the original priority date (around 1911) if it is not protested? Or does the granting of his permit prevent anyone else from using the ditch or the water from it? I am confused as to the effects of granting this water right to Mr. Charlton, in that I am not sure how we will be affected by his permit if it will be "subject to all prior water rights." Therefore, I am protesting until further clarification is made. Certainly, we do not want to lose our water rights to Mr. Charlton's permit.

Also, the ditch runs through the middle of the property (his and ours). Is it possible to use the ditch water to pump uphill, if never been used to irrigate the uphill side before? And, is it necessary to file a water claim for domestic purposes if the water is being used for household purposes, i. e. showers, laundry, dishes - we have been pumping the water in the house for these purposes - do we need to include this on the permit under domestic use - and for our garden also, is that domestic use?). Can we use the ditch year round, 1 - 12 months for these reasons - thereby not shutting the ditch down in the winter?

Thank you for your time to answer these questions with a prompt reply.

Sincerely,

Sharon Hennig

SHARON HENNIG
P. O. Box 955
Salmon, Idaho 83467

RECEIVED

MAY 5 1981

Department of Water Resources
Eastern District Office

RECEIVED

CO.
Use: STOCK WATER
(0.02 CFS) from 06/01 to
10/30
Place of Use: SWSE Sec
08 T 16N R 27E
Diversion Means: HEAD-
BOX & PIPELINE.
74-7112

U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25TH
ST., OGDEN, UT 84401
Source: SPRING tributary
to SINKS
Date Filed: 04/16/1981
Amount: 0.02 CFS
Diversion Point: SWNE
Sec 01 T 16N R 27E, LEM-
HI Co.
Use: STOCK WATER
(0.02 CFS) from 06/01 to
10/30
Place of Use: SWNE Sec
01 T 16N R 27E
Diversion Means: HEAD-
BOX & PIPELINE.
74-7113

U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25TH
ST., OGDEN, UT 84401
Source: DEAD COW
SPRING tributary to
SINKS
Date Filed: 04/16/1981
Amount: 0.02 CFS
Diversion Point: NESW
Sec 18 T 17N R 27E, LEM-
HI Co.
Use: STOCK WATER
(0.02 CFS) from 06/01 to
10/30
Place of Use: NESW Sec
18 T 17N R 27E
Diversion Means: HEAD-
BOX & PIPELINE.
74-7114

U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25TH
ST., OGDEN, UT 84401
Source: BANNACK

CO.
Diversion Means: HEAD-
BOX & PIPELINE.
74-7119

U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25TH
ST., OGDEN, UT 84401
Source: SPRING tributary
to SINKS
Date Filed: 04/16/1981
Amount: 0.02 CFS
Diversion Point: SWNW
Sec 26 T 20N R 22E, LEM-
HI Co.
Use: STOCK WATER
(0.02 CFS) from 06/01 to
10/30
Place of Use: SENE NESE
NWSE Sec 26 T 20N R
22E NWSW Sec 25 T 20N
R 22E
Diversion Means: HEAD-
BOX & PIPELINE.
74-7120

U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25TH
ST., OGDEN, UT 84401
Source: SPRING tributary
to SINKS
Date Filed: 04/16/1981
Amount: 0.02 CFS
Diversion Point: SESE Sec
30 T 20N R 23E, LEMHI
Co.
Use: STOCK WATER
(0.02 CFS) from 07/01 to
09/30
Place of Use: SESE Sec 30
T 20N R 23E
Diversion Means: HEAD-
BOX & PIPELINE.
74-7121

U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25TH
ST., OGDEN, UT 84401
Source: SPRING tributary
to SINKS
Date Filed: 04/16/1981
Amount: 0.02 CFS
Diversion Point: SWSE

CO.
27E SWNE Sec 33 T 17N
R 27E
Diversion Means: HEAD-
BOX & PIPELINE.
74-7126

U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25TH
ST., OGDEN, UT 84401
Source: HORSESHOE
SPRING tributary to
SINKS
Date Filed: 04/16/1981
Amount: 0.02 CFS
Diversion Point: SWNW
Sec 01 T 19N R 25E, LEM-
HI Co.
Use: STOCK WATER
(0.02 CFS) from 06/01 to
10/30
Place of Use: SWNW Sec
01 T 19N R 25E
Diversion Means: HEAD-
BOX & PIPELINE.
74-7127

U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25TH
ST., OGDEN, UT 84401
Source: SPRING tributary
to SINKS
Date Filed: 04/16/1981
Amount: 0.03 CFS
Diversion Point: NWNE
Sec 12 T 19N R 22E, LEM-
HI Co.
Use: STOCK WATER
(0.03 CFS) from 07/01 to
09/30
Place of Use: SENE Sec 12
T 19N R 22E
Diversion Means: HEAD-
BOX & PIPELINE.
74-7128

U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25TH
ST., OGDEN, UT 84401
Source: SPRING tributary
to SINKS
Date Filed: 04/16/1981
Amount: 0.02 CFS

U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25TH
ST., OGDEN, UT 84401
Source: CAPPS SPRING
tributary to SINKS
Date Filed: 04/16/1981
Amount: 0.02 CFS
Diversion Point: SWSW
Sec 17 T 17N R 23E, LEM-
HI Co.
Use: STOCK WATER
(0.02 CFS) from 06/01 to
09/30
Place of Use: SWSW Sec
17 T 17N R 23E
Diversion Means: HEAD-
BOX & PIPELINE.
74-7134

U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25TH
ST., OGDEN, UT 84401
Source: MULKEY
CREEK #4 SPRING tribu-
tary to SINKS
Date Filed: 04/16/1981
Amount: 0.02 CFS
Diversion Point: NENE
Sec 14 T 20N R 22E, LEM-
HI Co.
Use: STOCK WATER
(0.02 CFS) from 07/01 to
09/30
Place of Use: NENE Sec
14 T 20N R 22E
Diversion Means: HEAD-
BOX & PIPELINE.
74-7135

U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25TH
ST., OGDEN, UT 84401
Source: WILDCAT
SPRING tributary to
SINKS
Date Filed: 04/16/1981
Amount: 0.02 CFS
Diversion Point: SWNW
Sec 02 T 16N R 27E, LEM-
HI Co.
Use: STOCK WATER
(0.02 CFS) from 06/01 to

CO.
Use: IRRIGATION (0.09
CFS) from 04/01 to 11/01
DOMESTIC (0.04 CFS)
from 01/01 to 12/31
Place of Use: NWNE Sec
17 T 23N R 22E FOR 5
ACRES
Diversion Means: WELL
& PIPELINE.
75-7192

CHARLTON, JOHN R.
325 LARK LANE, POCA-
TELLO, ID 83201
Source: TOWER CREEK
tributary to SALMON
RIVER
Date Filed: 04/17/1981
Amount: 0.09 CFS
Diversion Point: NWNE
Sec 17 T 23N R 22E, LEM-
HI Co.
Use: IRRIGATION (0.09
CFS) from 04/01 to 11/01
Place of Use: NWNE Sec
17 T 23N R 22E FOR 5
ACRES
Diversion Means: DITCH
& PUMP.

If issued, the permit(s)
will be subject to all prior
water rights. Protests ag-
ainst the granting of any
permit must be filed with
the Director of the Idaho
Department of Water Re-
sources, 150 Shoup Ave.,
Idaho Falls, Idaho 83401
on or before MAY 18,
1981.

A. KENNETH DUNN
Director
Published 4/30 & 5/07/
81.

4-30-2tc

MICROFILMED

CHARLTON, JOHN R.
325 LARK LANE, POCA-
TELLO, ID 83201

Source: TOWER CREEK
tributary to SALMON
RIVER

Date Filed: 04/17/1981

Amount: 0.09 CFS

Diversion Point: NWNE
Sec 17 T 23N R 22E, LEM-
HI Co.

Use: IRRIGATION (0.09
CFS) from 04/01 to 11/01
Place of Use: NWNE Sec
17 T 23N R 22E FOR 5
ACRES

Diversion Means: DITCH
& PUMP.

If issued, the permit(s)
will be subject to all prior
water rights. Protests ag-
ainst the granting of any
permit must be filed with
the Director of the Idaho
Department of Water Re-
sources, 150 Shoup Ave.,
Idaho Falls, Idaho 83401
on or before MAY 18,
1981.

A. KENNETH DUNN
Director

Published 4/30 & 5/07/
81.

4-30-2tc

RECEIVED

APR 28 1981

Department of Water Resources
Eastern District Office



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

July 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN R CHARLTON
HCR 10 BOX 32A
CARMEN ID 83462

RE: WATER RIGHT NO. 75-07192

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It 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 described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

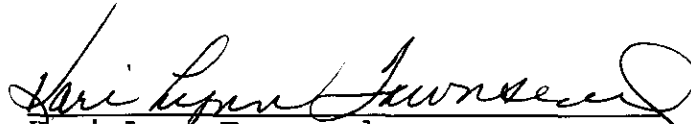
200 1 1999

CERTIFICATE OF MAILING

I hereby certify that on the **1st** day of **July, 1999**, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 75-07192

JOHN R CHARLTON
HCR 10 BOX 32A
CARMEN ID 83462


Kari Lynn Townsend
Secretary

MICROFILMED

AUG 11 1999

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.

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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.

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JUN 11 1999



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

June 23, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN R CHARLTON
HCR 10 BOX 32A
CARMEN ID 83462

RE: WATER RIGHT NO. 75-07192

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within 14 days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

AUG 11 1999



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

June 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN R CHARLTON
HCR 10 BOX 32A
CARMEN ID 83462

RE: WATER RIGHT NO. 75-07192

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

AUG 11 1999

LICENSE REVIEW CHECKLIST

PERMIT NO. 75-07192 DATE 5/26/99 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK Change (P39 /P47) Add (P45/P42) Feds - P40

W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE chg Change (P41/P47) Add (P41/P42) Feds - P43

W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV

Permitted Rate .09 cfs
 Fee limit .20 cfs \$50.00
 Measured .12 cfs rainbird calc.
 Theoretical 1 cfs

Recommended Total Div Rate .09 cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>Irr.</u>	<u>.09</u> cfs	<u>4x3.5</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
_____	_____ cfs	_____ af	supp. gw (WB7/065/079)
_____	_____ cfs	_____ af	overlap spec. combined rts (W35)
_____	_____ cfs	_____ af	<1acre (W31)
_____	_____ cfs	_____ af	Domestic (W01/WB5/070/071/075)
TOTALS	<u>.09</u> cfs	<u>14.0</u> af	Power (W42 or W43/025/027/R22 or R23)
			Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .09 cfs X 184 days X 1.98 = 32.8 af

REMARKS _____

ADD'L CONDITIONS _____ Watermaster Control WD# _____
 _____ GW Measurement/Measuring Device
 _____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes no SRBA Claim yes Adjust Memo _____
 Amend letters P41 P38
P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

AUG 12 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 75-7192

1. Owner: JOHN R. CHARLTON

Phone No. (208) 756-3114

Current Address: HCR-10 BOX 32A, CARMEN, IDAHO 83462

2. Accompanied by: JOHN

EXAM DATE: 7/3/96

Address: _____

Phone No. _____

Relationship to Permit Holder: OWNER

3. Source: LOWER CREEK

tributary to SALMON RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: POSSIBLE OLD DITCH RIGHTS

2. Other water rights with the same point of diversion: NONE - EXCEPT

75-10280, 75-04208, 75-02004, 75-04507

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NW	NE	17	23N	22E	LEWIS	ON SITE

2. Place(s) of Use:

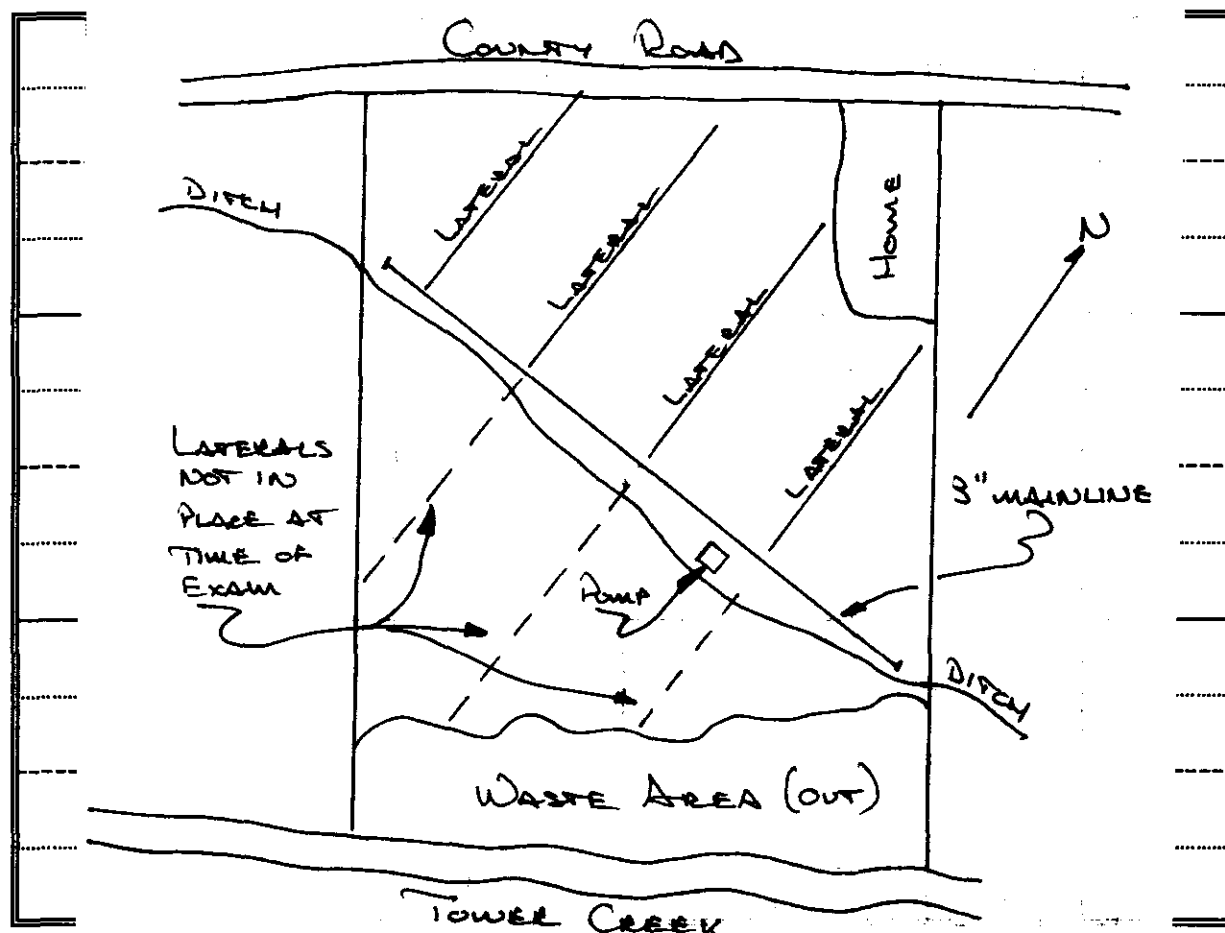
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	22E	17					4											4	

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AUG 11 1999

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GEN. ELEC	2	Unknown		1 1/2"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
ASHCRAFT PLOT						

2. Measurements: 14 BIRDS. UPPER BIRD = 25 PSI (5/32" NOZZLE) Lower BIRD = 36 PSI (9/64" NOZZLE)

E. NARRATIVE/REMARKS/COMMENTS

DITCH ~~W~~ WITH HEADWORKS IN Tower Creek TO PUMP AND HAND-
LINES AT PLACE OF USE FOR IRRIGATION. DITCH IS UTILIZED
BY NUMEROUS USERS

PARCEL IS 4.5 ACRES. $\frac{1}{2}$ ACRE OUT FOR HOME AND
WASTE AREA LEAVES 4.0 AC IRRIGATED.

EXAM CONDUCTED BY DON SIMPKINS

AMEND FOU AS SHOWN

DITCH IS USED TO DELIVER SEVERAL OTHER RIGHTS BELOW
THIS DIVERSION

Have conditions of permit approval been met? yes NO MICROFILMED
EUS 11 1999

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

$$\text{AVERAGE PSI} = (25 + 36) / 2 = 30.5 \sim 31 \text{ PSI}$$

ESTIMATE 7 BIRDS @ $5/32"$ + 7 BIRDS @ $9/64"$

$$7(5/32") \times 4.07 \text{ GPM} + 7(9/64") \times 3.31 \text{ GPM} = 28.5 + 23.2 = 51.7 \text{ GPM}$$

$$51.7 \text{ GPM} / 448.8 = 0.12 \text{ CFS} \quad \text{LIMITED BY PERMIT TO } 0.09 \text{ CFS}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{4.5 \text{ ac} \times 3.5 = 14 \text{ AFA}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{0.09 \times 184 \times 1.9835 = 32.8}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{14 \text{ AFA}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>4-15</u>	<u>10-15</u>	<u>0.09</u>	<u>14.0</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.09</u>	<u>14.0</u>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Don Simpson Date 3-31-98

Reviewer _____ Date _____

SEAL

MICROFILMED

AUG 1 1999

8

8

17

Tower Creek Rd

Place of Use

POINT OF DIVERGENCE

T23N
R22E

75-07192

18

17

17

19

20

20

MICROFILMED

AUG 1 1970

WANT 0.09 CFS
SACKS

FIELD EXAM NOTES

EXAM # 75-07192

DATE OF EXAM 7/3/96

PERMITEE NAME JOHN ELLI CHARLTON

OTHER WATER RIGHTS SAME POD POSSIBLE OLD DITCH RIGHTS

OTHER WATER RIGHTS SAME POU " " " "

PUMP #1 HP 3 MAKE GE SERIAL # _____
COLOR AND DESCRIPTION _____
OUTPUT DIAMETER _____ SYSTEM PRESSURE 30.5 PSI WELL DEPTH _____
STATIC H2O _____ WELL DEPTH any DYNAMIC PUMP _____
PSI GAGE TYPE _____ CHECK VALVE [Y] [N] GATE VALVE [Y] [N]

PUMP #2 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____
OUTPUT DIAMETER _____ SYSTEM PRESSURE _____ PSI WELL DEPTH _____
STATIC H2O _____ WELL DEPTH _____ DYNAMIC PUMP _____
PSI GAGE TYPE _____ CHECK VALVE [Y] [N] GATE VALVE [Y] [N]

BOOSTER PUMP #1 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____

BOOSTER PUMP #2 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____

CIRCLE PIVOT [Y] [N] NUMBER OF TOWERS _____ PIVOT LENGTH _____
PRESSURE [H] [L]

HAND LINES (Y) [N] NUMBER OF LINES VARIABLES LENGTH OF LINES VARIABLES
RAIN BIRDS PER LINE 17 NOZZEL DIAMETER ① 3/16 ② 9/16 ③ 5/16

SURFACE WATER TYPE OF MEASUREING DEVICE _____
AA METER PIGMY METER WEIR OR FLUME BUCKET/WATCH /

MICROFILMED
AUG 11 1998

USE BACK OF PAGE FOR SKETCH AND MEASUREMENTS OF SYSTEM

210 22E

Borrow Pit

JEEP

TRA

4800

4770

505

Race of

Point of Diversion

7

8

18

17

3

--	--

17

[illegible]

93

1

wer



17

15

1

2

T23N
R22E

1

1

2

1

23

MICROFILMED

416 29

75-07192

Mile 250

PLACE OF USE

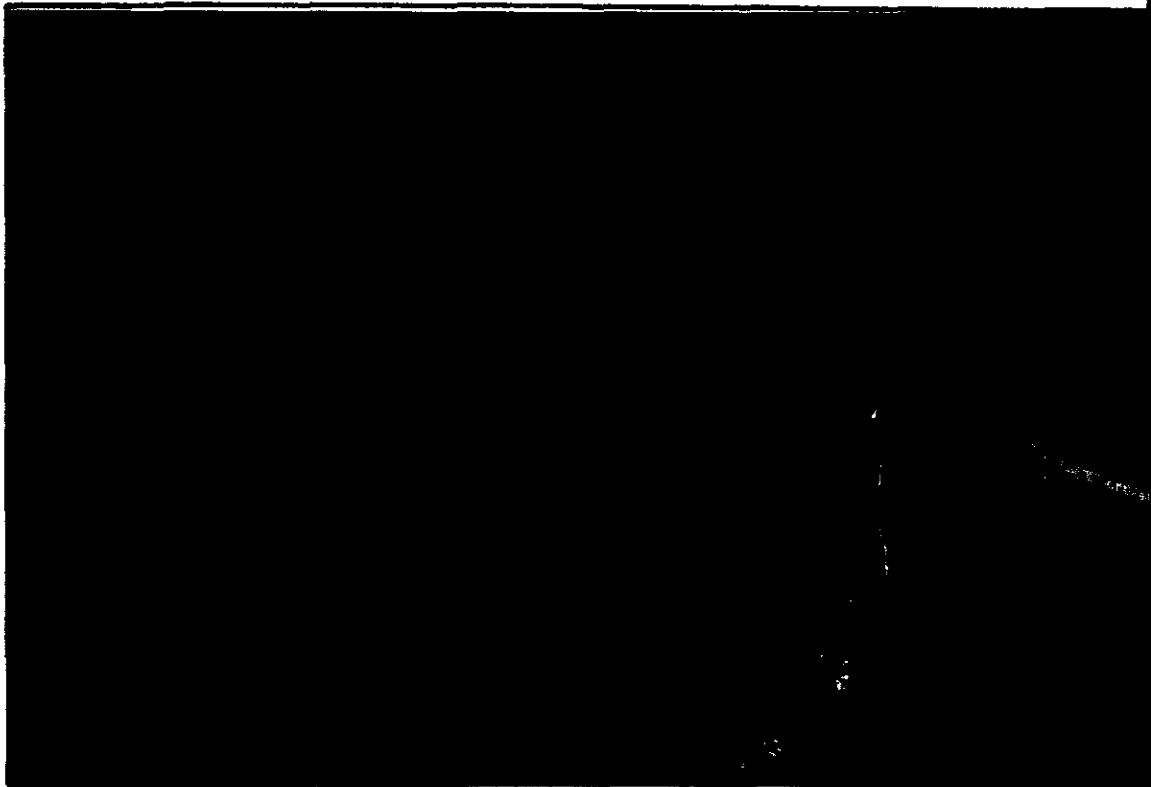
PLACE OF USE

MICROFILMED

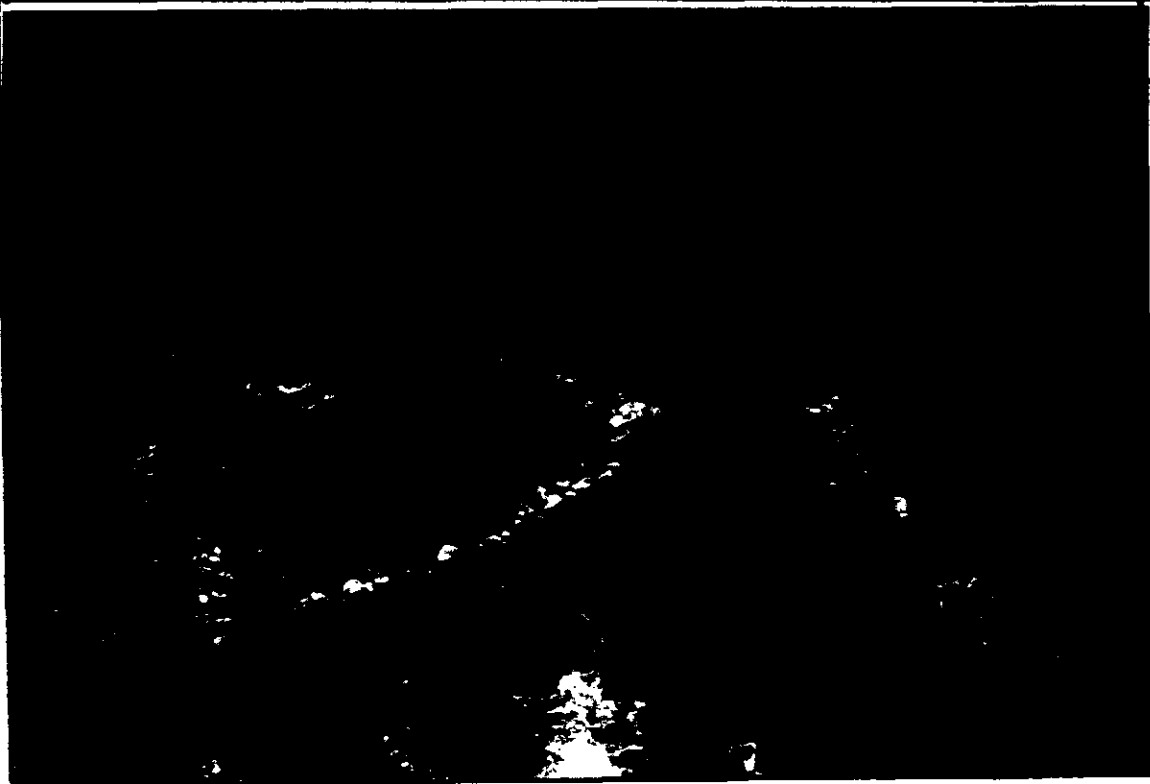
PERMIT
NUMBER

75-07192

203 1 2 1999



PLACE OF USE



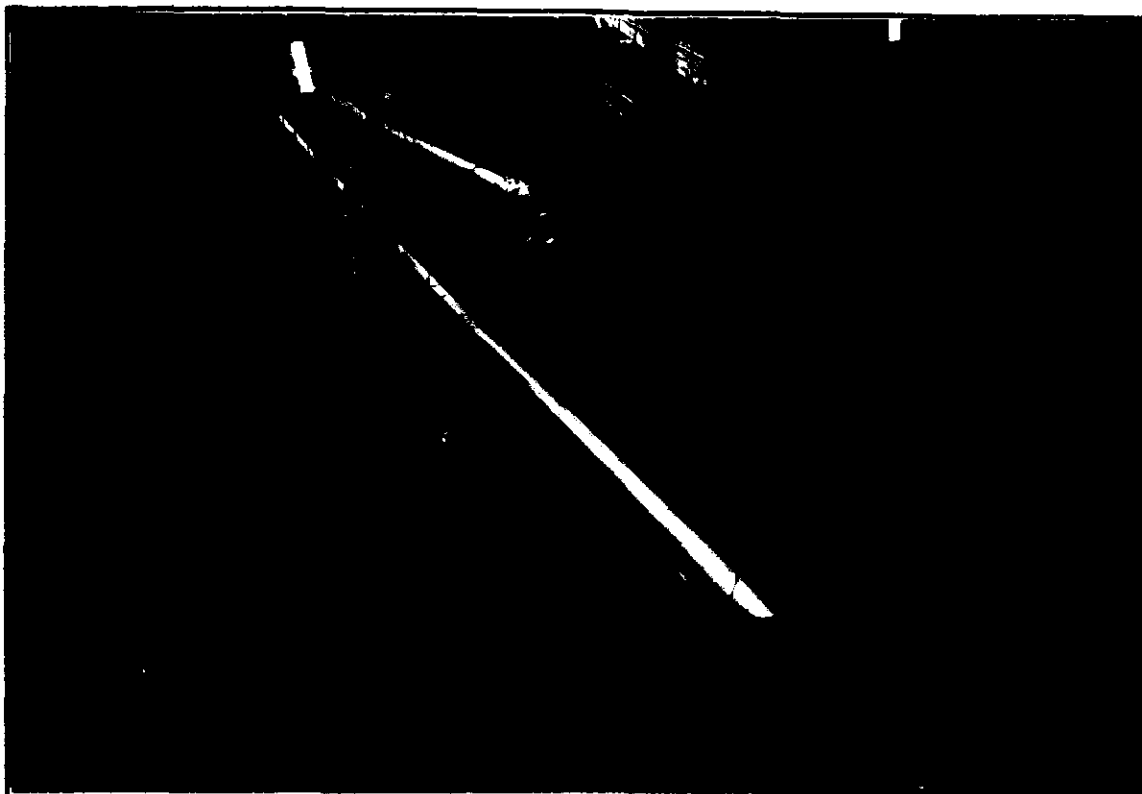
DIVERSION IN
TOWER CREEK

MICROFILMED

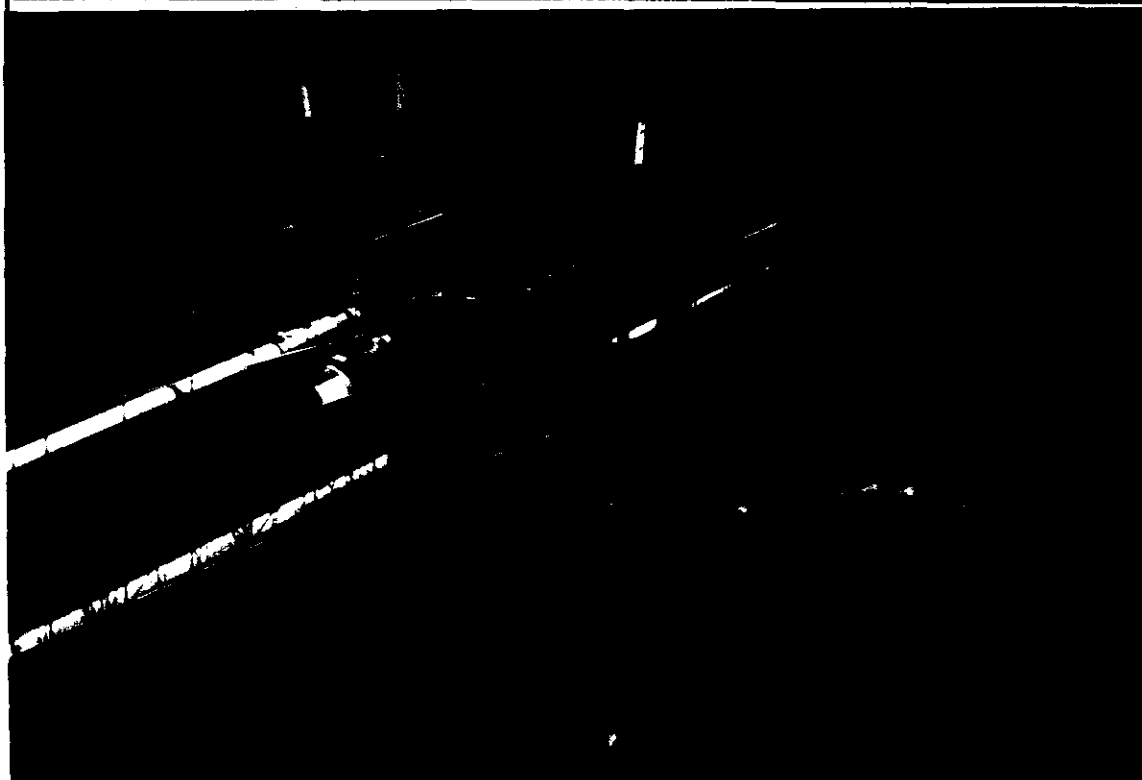
PERMIT
NUMBER

75-07192

2015 11 19 085



PUMP



PUMP AND
DITCH

MICROFILMED

AUG 11 1963

PERMIT
NUMBER

75-07A2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup, Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 3, 1986

JOHN R. CHARLTON
680 WEST GUINN
POCATELLO ID 83202

RE: Permit No. 75-7132

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

MICROFILMED
AUG 11 1999

John R Charlton
1838 10 S main Ave 1
Pocatello, Idaho
83302

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83730



INTER-DEPARTMENT MEMO — 1

FROM Rita Fleck

DATE 7-22-1986

TO Files 75-71914 75-7192

SUBJECT Returned Bk Notice

The Lemhi County Assessor's Office has
an address of 680 W. ~~State~~ Linn,
Box 1, Pocatello, ID 83201.

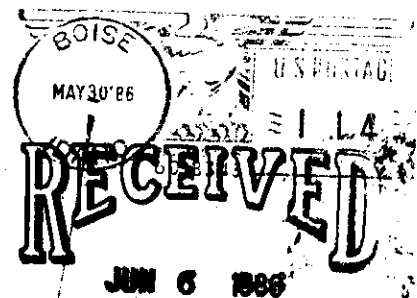
I'm forwarding the notices to this
address.

RECEIVED

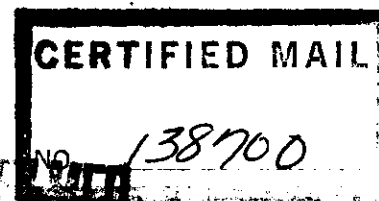
SIGNATURE

[illegible]

W
64-86



Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
MAY 31, 1986

CHARLTON, JOHN R.
325 LARK LANE
POCATELLO, ID 83201

138700

PROOF DUE NOTICE

RE: PERMIT NO. 75-7192

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 AUGUST 1, 1986. (SEE LAST PAGE OF YOUR APPROVED 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.

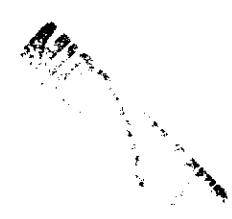
IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL 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,

KITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

CHARLTON, JOHN R.
325 LARK LANE
POCATELLO, ID 83201

AUGUST 25, 1981

RE: PERMIT NO. 75-7192

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

75 7192

INITIAL REVIEW BY: HUT

APPLICATION NUMBER: Charlton
75-7192

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____
Date: _____
Comments: _____

- ☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☒ Idaho State Health Department.
☒ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: FW Date: 5/4

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: May 18 ✓
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: May 1981 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ 4-17-81 Date of priority recommended.
Special conditions of approval or cover letter. _____

Code 04

By: Ernest Carlson Date: July 13, 1981

STATE OFFICE REVIEW:

SLW/acord Caritem BB
04

☐ See attached sheet for more information.
By: FW Date: 8/13/81

July 9, 1981

RE: Application for Permit No. 75-7191 and 75-7192

John R. Charlton
325 Lark Lane
Pocatello, Idaho 83201

Dear Mr. Charlton:

This is to advise you that Sharon Hennig has withdrawn her protest against approval of the above referenced applications. The Department will take no further action in setting a hearing in this matter and has resumed the processing of your applications.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

July 9, 1981

RE: Application for Permit No. 75-7191 and 75-7192 JOHN CHARLTON

Sharon Hennig
P.O. Box 955
Salmon, Idaho 83467

Dear Ms. Hennig:

This is to acknowledge receipt of your withdrawal of protest against approval of the above referenced applications. The Department will take no further action in setting a hearing in this matter.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

INTER-DEPARTMENT MEMO — 1

FROM Ernest Carlsen *emc*

DATE July 7, 1981

TO Files 75-7191 and 75-7192

SUBJECT Withdrawal of protest...

Because Ms. Hennig's letter of June 22, 1981, did not specify which applications they no longer wished to protest, I contacted her by telephone. She related to me that the withdrawal of protest pertained to both applications.

RECEIVED
JUL 10 1981
FBI - NEW YORK

SIGNATURE

6/18/81

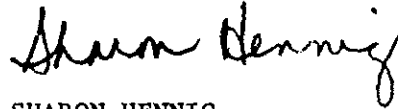
TO WHOM IT MAY CONCERN:

I apologize for the delay in withdrawing my protest for Mr. Charlton's water rights permit, on Lark Lane in Pocatello, Idaho.

I appreciated the call from your office explaining the particulars.

Thank you for your assistance.

Sincerely,



SHARON HENNIG

P.O. Box 955

Salmon, Idaho 83467

MICROFILMED

RECEIVED

JUN 22 1981

Department of Water Resources
Eastern District Office

CONVERSATION MEMORANDUM

DATE June 10, 1981FILE 75-7191 & 75-7192
Protested ApplicationsNAME OF PARTY Sharon HenningEMPLOYEE Ernest Carlsen *ENC*

RE: In response to Mrs. Hennig's letter of May 20, 1981, I contacted her
by telephone to discuss those issues with which she was concerned. It
was obvious from our conversation that there have been continual problems
with the three users who use a common ditch from Tower Creek. I explained
to Mrs. Hennig the water right law regarding the delivery of water
rights based on priority, the establishment of water rights prior to
1971, and subsequent to 1971. Then we reviewed Mr. Carlton's two
applications. She indicated she was not interested in protesting 75-
7191 which requests the appropriation of water from a well but was
concerned with 75-7192 for the diversion of water from Tower Creek. We
discussed this application at length and in conclusion, it was decided
she would discuss the matter with her husband and then correspond with
us concerning their decision regarding that application. She also
stated they would submit a withdrawal of protest for Application No. 75-
7191.

MICROFILMED

Tuesday, May 19, 1981

Mr. Carlson:

Thank you for your reply to our protest of John Charlton's permit application No. 75-7191 and 75-7192. I am protesting the permit because if issued, the permit(s) will be subject to all prior water rights. That is what it said in the paper. I do not know what that means. I would like to know exactly what that statement implies. As I said in my first letter and asked for clarification of the statement, we do not want to lose our priority date of 1911, which is recorded in the Lemhi County courthouse. Does issuance of Mr. Charlton's permit void the 1911 priority date? We would like to maintain that date of 1911 on our application for water rights also, which we are about to submit. What does subject to all prior water rights mean?? Is that what Mr. Charlton is supposed to tell me in an effort to determine what is proposed by his application? I do not think Mr. Charlton would like to resolve anything with us. We have already had many run-ins over ditch rights, and he has told us again and again we would not be able to use "his" water once he starts pumping all there is in the ditch onto his property. Can he pump up if the water has never been used to irrigate the upper property (which it hasn't). Could you please answer these questions, as I had them in my first letter, but received no answer to them in your reply. I also asked if a water rights permit is necessary if the ditch water is being pumped into a house for domestic purposes (dishes, shower, laundry), and can the ditch run 12 months a year for these purposes or does it have to be shut down in the winter months. Can I please have an answer to these questions? Is there anyone local in Salmon that might be of assistance? I would like to get this matter resolved, but I don't think any communication between Mr. Charlton and us is possible, therefore I am asking your office for assistance. Thank you for your help. If possible, can you call me at work to answer these questions and perhaps have a little more discussion? My number is 7562215, Ext. 118 from 8:30 until 4:30. Any reply would be appreciated. Thank you again.

Sincerely,

Sharon Hennig

Sharon Hennig
P.O. Box 955
Salmon, Idaho 83467

756-3126

RECEIVED

MAY 20 1981

Department of Water Resources
Eastern District Office

If Mr. Charlton's permit is issued, will he have prior water rights to us? Will he get all the water if not enough for anyone else? Is that what subject to all prior water rights mean? I do need some clarification. Does the granting of Mr. Charlton's permit void the original priority date which is 1911 as it stands for all of us on the ditch now. That is why I am protesting. Certainly, we do not want to lose our own water right to Mr. Charlton's permit. Thank you for your assistance.

MICROFILMED

May 15, 1981

RE: Application for Permit No. 75-7191 and 75-7192

John R. Charlton
325 Lamb Lane
Pocatello, Idaho 83201

Dear Mr. Charlton:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above referenced applications. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for 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 purpose 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?

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

cc: IDWR - State Office

MICROFILMED

May 15, 1981

RE: Application for Permit No. 75-7191 and 75-7192 John R. Charlton

Sharon Hennig
P.O. Box 955
Salmon, Idaho 83467

Dear Ms. Hennig:

Your protest against the approval of the above referenced applications has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the applications and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for 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 purpose 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?

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw:kw

cc: IDWR - State Office

MICROFILMED

May 1, 1981

RE: Application for Permit No. 74-7104 UDY
No. 75-7192 CHARLTON

Mr. Tom Reinecker
Regional Supervisor
Department of Fish & Game
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Tom:

We are enclosing a copy of two applications that may be of interest to your agency. Please review the applications and submit any comments you may have to our Department as soon as possible. The last date of protest is May 18, 1981, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

ERNEST CARLSEN
Sr. Resource Analyst

EC:cw:kw

Enclosures

75-7192

CHARLTON, JOHN R.

325 LARK LANE, POCA TELLO, ID 83201

Source: TOWER CREEK tributary to SALMON RIVER

Date Filed: 04/17/1981

Amount: 0.09 CFS

Diversion Point: NWNE Sec 17 T 23N R 22E, LEMHI Co.

Use: IRRIGATION (0.09 CFS) from 04/01 to 11/01

Place of Use: NWNE Sec 17 T 23N R 22E FOR 5 ACRES

Diversion Means: DITCH & PUMP.

MICROFILMED