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AUG 07 2019

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE COEUR D'ALENE-SPOKANE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Claim ID: 95-17848

Date Received: _____

Receipt No: _____

Claim Fee: _____ By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) ROBERT P AND/OR KATHLEEN B BARRETT Phone (208) 818-6966
 Mailing address 20404 S HEDMARK LANDING RD WORLEY ID Zip 83876
Street or Box City State
 Email address (optional) kbarrettcda@gmail.com
2. Date of priority: (Only one per claim) 12/31/1953 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) COEUR D'ALENE LAKE
 which is tributary to (b) SPOKANE RIVER
4. a. Location of point of diversion is: Township 48N, Range 04W, Section 20,
NW 1/4 of SW 1/4, Govt. Lot _____, BM, County of KOOTENAI
 Parcel no. 00580000003A
 Additional points of diversion, if any: _____
 If available, GPS Coordinates _____
- b. If instream flow, beginning point of claimed instream flow is:
 Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
 Govt. Lot _____, BM, County of _____
 Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
 Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
 including the dates of any changes or enlargements in use, the dimensions of the diversion works as
 constructed and as enlarged and the depth of each well.
UNDERWATER PUMP WITH PIPELINE TO SPRINKLER SYSTEM LENGTH AND WIDTH OF LOT

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)
 For IRRIGATION purposes from 3/15 to 11/15 amount 0.02 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.02 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
48N	04W	20							0.2										
									Lot 2										
48N	04W	20										0.3							
												Lot 2							

Parcel no(s) 00580000003A

Total number of acres irrigated 0.5

10. In which county(ies) are lands listed above as place of use located? KOOTENAI

11. Do you own the property listed above as place of use? Yes (☒) No (☐)

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (☒)

13. Remarks (Include an explanation of the priority date selected):

APPROXIMATE DATE PUMPS WERE FIRST PUT IN LAKE AND IRRIGATION OF PROPERTY BEGAN

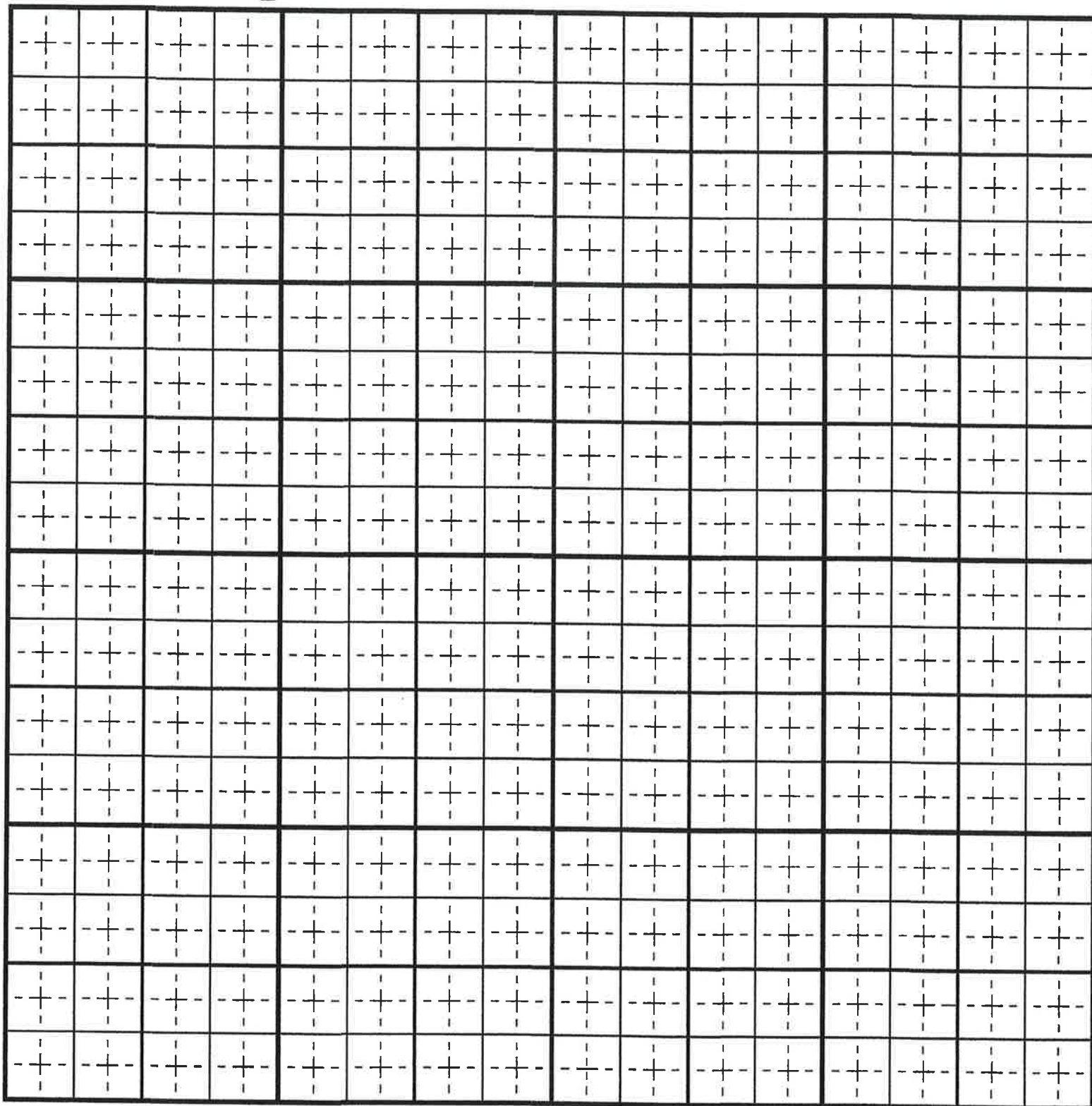
See attachment

Name of claimant(s) ROBERT P AND/OR KATHLEEN B BARRETT

Claim ID 95-17848

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below. *Attached.*

Scale: 2 inches equals 1 mile



Name of claimant(s) ROBERT P AND/OR KATHLEEN B BARRETT

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14. Basis of claim (Check one) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Water System Adjudication."

(b.) I/We do (☐) do not (☒) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Kathleen B Barrett Date: 8-5-2019
Robert P Barrett Date: 5 Aug 2019

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Name of claimant(s) ROBERT P AND/OR KATHLEEN B BARRETT

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NOTICE OF CLAIM TO A WATER RIGHT:

Robert Barrett and Kathleen Barrett

13. Remarks: APPROXIMATE DATE PUMPS WERE FIRST PUT IN LAKE AND IRRIGATION OF PROPERTY BEGAN:

In 1928, Desla and Edna Bennion (the senior Bennions), paternal grandparents of claimant Kathleen Bennion Barrett, bought the estate of deceased homesteader John Hedmark that included 1 ½ miles of lakefront on Windy Bay and around the point to Rockford Bay. (Hedmark's cabin was in the exact location of the home now to the west side of the claimants' home.) At the time of purchase, and for the following 25 years, there was no electric service, as the Bennions continued use of the Hedmark cabin.

Kathleen B Barrett believes she was 11 years old when electricity finally arrived, i.e. estimated 1953. At that time, the senior Bennions installed a pipeline into the lake connected to a large pump below the cabin. A line of hose continued uphill to irrigate a large garden. That garden was not established directly behind the original cabin, because that area was occupied by the barn built by Hedmark. (The barn is still in existence). Therefore, the Bennions located their garden eastward onto the lot they had given to their son and wife, Irving and Jean Bennion, parents of claimant Kathleen B Barrett. As they grew older, the garden was enlarged and increasingly cultivated by their son, Irving.

The senior Bennions died in 1965 and 1969, after which their 5 children and spouses sold their parents' lot that contained the original cabin and barn. At that time, Irving and Jean Bennion removed the pump and pipeline from that lot and moved them eastward onto their own lot, where irrigation continued for the same garden.

In 1998, Irving and Jean Bennion gave to their daughter, Kathleen B Barrett, the furthest west portion of their lot, adjacent to the property that had formerly belonged to the senior Bennions. The garden there continued to be cultivated and irrigated until Irving Bennion sold the remainder of his lot in 2004 and moved into Kathleen's home on the lot to the west. The sale cut off a portion of the garden to the east, as it had existed originally. By this time, however, the gardened area extended from near the south to the north ends of the claimants' lot, irrigated from the pump and pipeline from the lake originally established by the senior Bennions after electricity had made it possible.

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PARCEL LOCATION OF CSRBA CLAIM



Name of claimants Robert P & Kathleen B Barrett claim ID 95-17848