

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 72-7423

**Priority:** April 27, 1989

**Maximum Diversion Rate:** 1.00 CFS

**Maximum Diversion Volume:** 55.9 AF

It is hereby certified that:

R M BARRETT  
PO BOX 347  
CHALLIS ID 83226

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 27, 1989, and has submitted Proof of Beneficial Use on August 31, 1992. An examination confirms water is diverted from:

**Source :** SWIFT GULCH CREEK

**Tributary:** YANKEE FORK

| <u>Beneficial Use</u> | <u>Period of Use</u> | <u>Rate of Diversion</u> | <u>Annual Volume</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| INDUSTRIAL            | 1/01 to 12/31        | 0.11 CFS                 | 53.2 AF              |
| DOMESTIC              | 1/01 to 12/31        | 0.11 CFS                 | 2.7 AF               |
| FIRE PROTECTION       | 1/01 to 12/31        | 1.00 CFS                 |                      |

**Location of Point(s) of Diversion**

SWIFT GULCH CREEK NE¼ SW¼, Sec. 3, Twp 12N, Rge 15E, B.M. CUSTER County

**Place of Use: INDUSTRIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | No QQ | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |        |
| 12N | 15E | 10  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |       |        |

**Place of Use: DOMESTIC**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | No QQ | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |        |
| 12N | 15E | 10  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |       |        |

**Place of Use: FIRE PROTECTION**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | No QQ | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |        |
| 12N | 15E | 10  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |       |        |

**Conditions of Approval**

1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 170.

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 72-7423

2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Domestic use is for two homes. Industrial use is for ore processing and a shower house for miners.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 6<sup>th</sup> day of September, 20 19.

  
\_\_\_\_\_  
COREY SKINNER  
Southern Regional Manager

DWR

State of Idaho  
Department of Water Resources

# Attachment to Water Right License

72-7423

This map depicts the INDUSTRIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

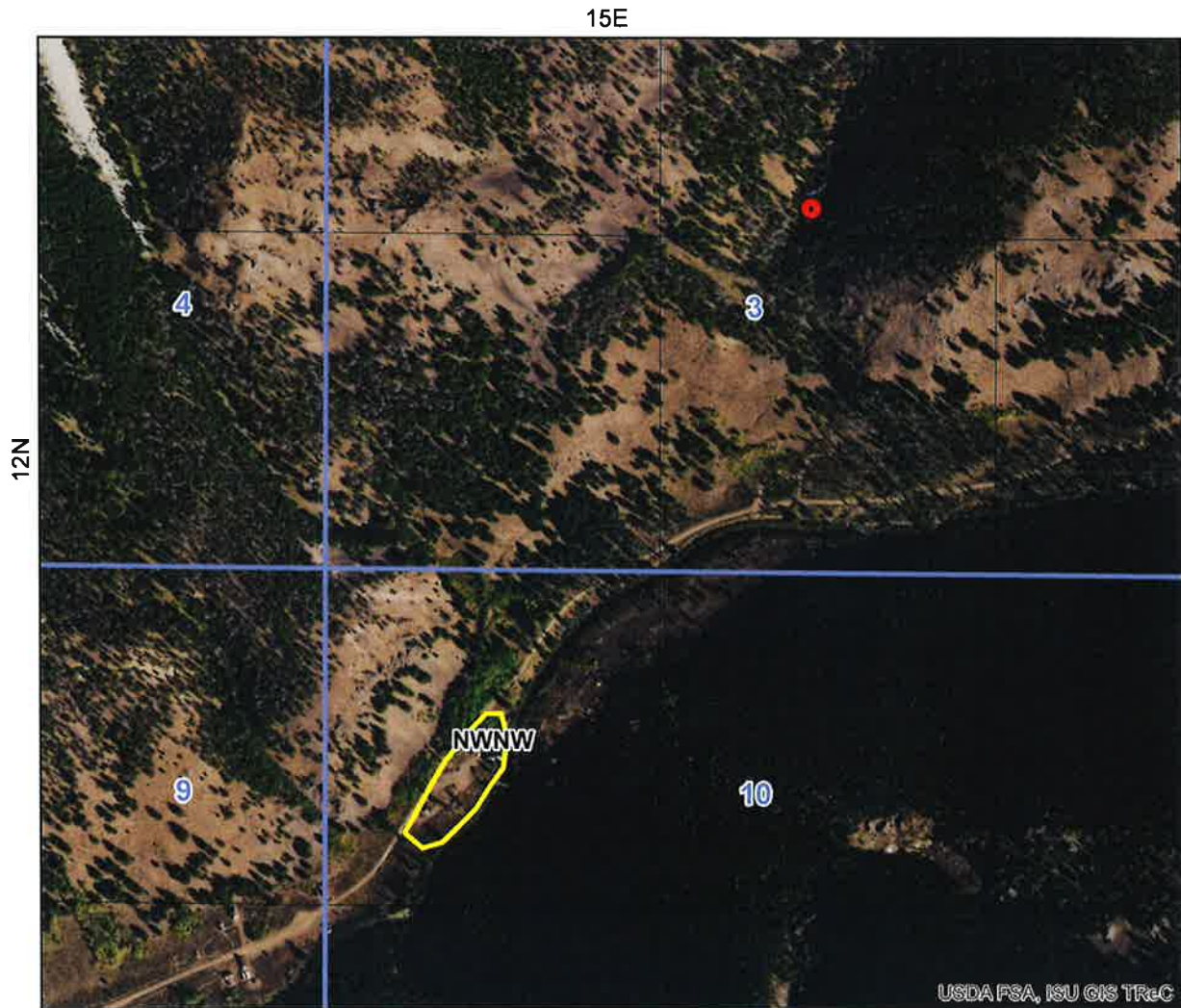
0 0.075 0.15 0.3 Miles



State of Idaho  
Department of Water Resources

# Attachment to Water Right License 72-7423

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles



State of Idaho  
Department of Water Resources  
**Attachment to Water Right License**  
72-7423

This map depicts the FIRE PROTECTION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 Miles





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858  
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

September 13, 2019

R M BARRETT  
PO BOX 347  
CHALLIS ID 83226

RE: License No. 72-7423

### Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a water master in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov)

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner  
Southern Regional Manager

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2019, I served a true and correct copy of Water Right License No. 72-7423 by U.S. Mail, postage prepaid, to the following:

R M BARRETT (Current Owner)  
PO BOX 347  
CHALLIS ID 83226

WATER DISTRICT #170  
CINDY YENTER (Watermaster)  
102 S WARPATH  
SALMON ID 83467



Denise Maline  
Administrative Assistant 1

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document 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 of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this order. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director 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 Director 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 service date 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.

State of Idaho  
Department of Water Resources  
**Application for Amendment**  
(For Licensing Purposes)  
**Water Right No. 72-7423**

**RECEIVED**  
**AUG 26 2019**  
DEPT OF WATER RESOURCES  
SOUTHERN REGION

Priority: April 27, 1989

Maximum Diversion Rate: 1.00 CFS  
Maximum Diversion Volume: 55.9 AF

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 72-7423

R M BARRETT  
PO BOX 347  
CHALLIS ID 83226

requests the permit be changed as follows:

Source : SWIFT GULCH CREEK

Tributary: YANKEE FORK

**Beneficial Use****Period of Use****Rate of Diversion****Annual Volume**

INDUSTRIAL

1/01 to 12/31

0.11 CFS

53.2 AF

DOMESTIC

1/01 to 12/31

0.11 CFS

2.7 AF

FIRE PROTECTION

1/01 to 12/31

1.00 CFS

**Location of Point(s) of Diversion**

SWIFT GULCH CREEK NE¼ SW¼, Sec. 3, Twp 12N, Rge 15E, B.M. CUSTER County

**Place of Use: INDUSTRIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | No QQ | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |        |
| 12N | 15E | 10  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |       |        |

**Place of Use: DOMESTIC**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | No QQ | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |        |
| 12N | 15E | 10  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |       |        |

**Place of Use: FIRE PROTECTION**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | No QQ | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |        |
| 12N | 15E | 10  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |       |        |

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 this 22<sup>nd</sup> day of AUGUST, 2019. For R M BARRETT BY  
Much OB + (DR)  
(Signature)

State of Idaho  
Department of Water Resources  
**Application for Amendment**  
(For Licensing Purposes)  
**Water Right No. 72-7423**

FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = \$100 Received by DM # 5037514 Date 8.26.2019

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 72-7423 with the following:

**Conditions of Approval**

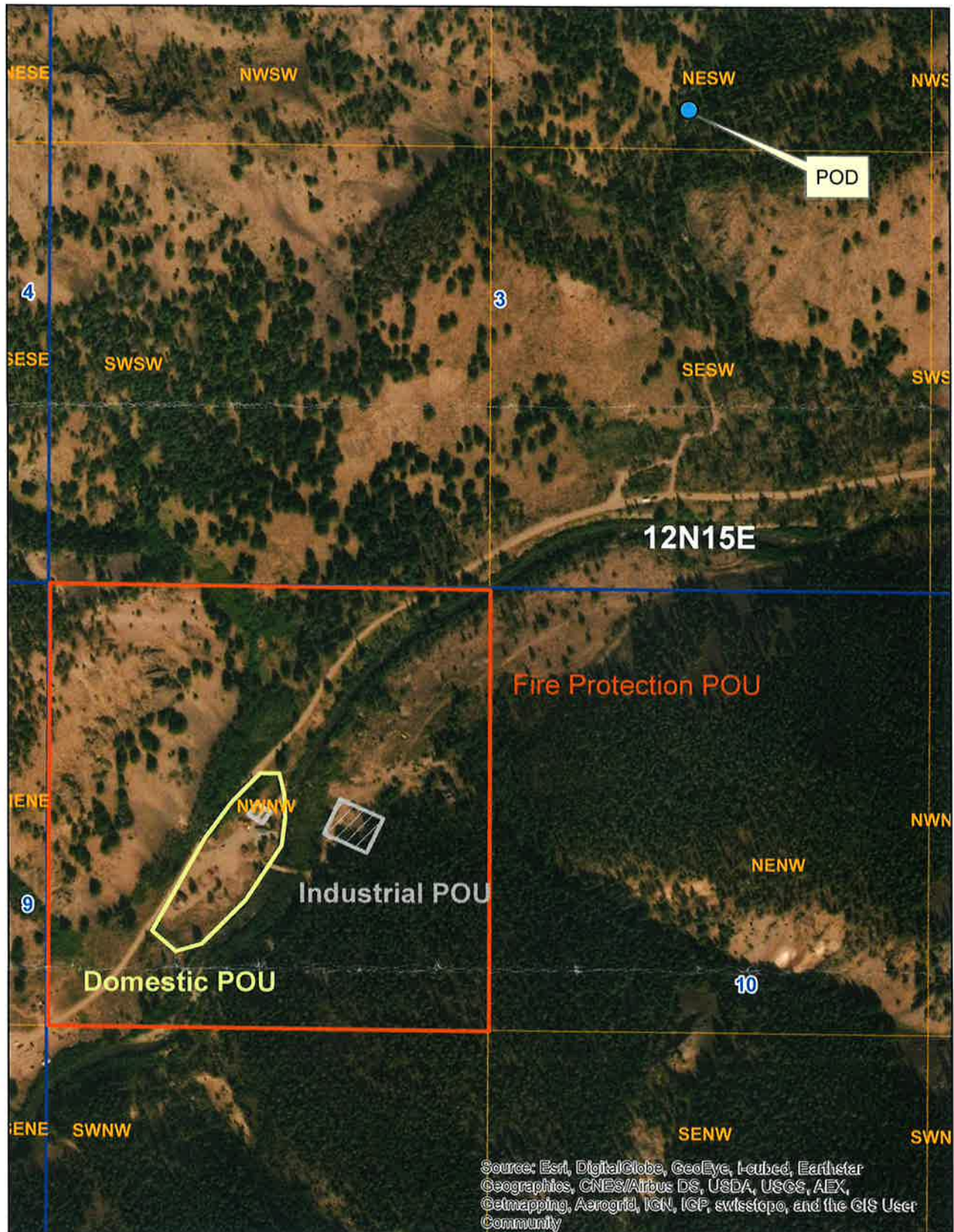
1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 170.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Domestic use is for two homes. Industrial use is for ore processing and a shower house for miners.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 6<sup>th</sup> day of September, 2019.

  
\_\_\_\_\_  
COREY SKINNER  
Southern Regional Manager

# 72-7423, Barrett, Amendment Map



## Legend

- Township/Range
- Sections
- QQ

0 0.05 0.1 0.2 Miles



CUSTER COUNTY  
IDAHO  
LAILA PLUMMER  
2011 FEB 11 AM 11:59

Thomas J. Holmes (ISB#2448)  
JONES, CHARTERED  
Attorneys at Law  
P.O. Box 967 / 203 South Garfield  
Pocatello, Idaho 83204  
(208) 232-5911

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER

In the Matter of the Estate of )

ROBERT MICHAEL BARRETT, )

Deceased. )

Case No. CV-204-25

LETTERS OF PERSONAL  
REPRESENTATIVE

Signed: 8/21/2019 03:11 PM

THE STATE OF IDAHO:

*[Signature]*

Know all people by these presents:

WHEREAS Michael Hardy Barrett was appointed and qualified as general Personal Representative of the above-named Decedent by this Court, with all the authority granted to a personal representative by law;

NOW, THEREFORE, these Letters are issued as evidence of such appointment and qualification and authority for Michael Hardy Barrett to do and perform all acts which may be required by law.

SO ORDERED.

DATED this 11<sup>th</sup> day of Feb, 2011.

*[Signature]*

MAGISTRATE

STATE OF IDAHO } ss  
COUNTY OF CUSTER

I hereby certify that the foregoing is a full,  
true and correct copy of the original on file  
in this office.

DATED Signed: 8/21/2019 03:10 PM

LURA H. BAKER, Clerk of the District Court

By \_\_\_\_\_ Deputy



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

August 16, 2019

R M BARRETT  
PO BOX 347  
CHALLIS ID 83226

RE: Water Right Permit No. 72-7423

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Idaho Code § 42-211. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

  X   Point of Diversion

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the filing fee of \$100.00 within fourteen (14) days.

If you have any questions, please call me at (208) 293-9909.

Sincerely,

Jim Bitzenburg  
Senior Water Resource Agent, Southern Region

Enclosure(s): Application for Amendment, map



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

July 2, 2019

R. M. Barrett  
P.O. Box 347  
Challis, ID 83226

RE: PERMIT TO DIVERT WATER 72-7423, Beneficial Use Field Examination

Dear Permit Holder:

On August 31, 1992, the Department of Water Resources (IDWR) received the Proof of Beneficial Use statement submitted by R. M. Barrett for Permit 72-7423, which authorized the diversion of water from Swift Gulch Creek for Industrial, Domestic, and Fire Protection purposes in Section 10, Township 12 North, Range 15 East, B.M., in Custer County (see enclosed water permit report).

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that all the requirements for establishing a water right were met. No water right license can be issued, however, if the development authorized by the permit did not occur within the authorized time period. For that reason, before issuing a license IDWR must conduct an examination to verify the development.

As I stated in my letter dated June 4 of this year, I will be conducting the field examination for permit 72-7423 on Thursday, July 18, 2019 and request that you, or a representative, be present in order to assist with the completion of the exam. I plan to be at the permit place of use, located about ¼ mile north of Custer at approximately 10:00 AM on July 18. If you have any questions, feel free to contact me at 208-736-3033.

Sincerely,

Jim Bitzenburg  
Water Resource Agent

Enclosure



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

June 4, 2019

R. M. Barrett  
P.O. Box 347  
Challis, ID 83226

RE: PERMIT TO DIVERT WATER 72-7423

Dear Permit Holder:

On August 31, 1992, the Department of Water Resources (IDWR) received the Proof of Beneficial Use statement submitted by R. M. Barrett for Permit 72-7423, which authorized the diversion of water from Swift Gulch Creek for Industrial, Domestic, and Fire Protection purposes in Section 10, Township 12 North, Range 15 East, B.M., in Custer County (see enclosed water permit report).

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that all the requirements for establishing a water right were met. No water right license can be issued, however, if the development authorized by the permit did not occur within the authorized time period. For that reason, before issuing a license IDWR must conduct an examination to verify the development.

I will be conducting the field examination for permit 72-7423 on Thursday, July 18, 2019 and request that you, or a representative, be present in order to assist with the completion of the exam. If you have any questions, feel free to contact me at 208-736-3033.

Sincerely,

Jim Bitzenburg  
Water Resource Agent

Enclosure



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

September 17, 2015

R.M. Barrett  
PO Box 347  
Challis, ID 83226

RE: Licensing Exam for Permit to Divert Water 72-7423

Dear Permit Holder/Representative:

On August 31, 1992, the Idaho Department of Water Resources (IDWR) received the Proof of Beneficial Use statement submitted by you for permit 72-7423, which authorized the diversion of water from Swift Gulch Creek for industrial, fire protection, and domestic purposes in Section 10, T12N, R15E, B.M. in Custer County. The final step in the water appropriation process is the issuance of a water right license. By issuing a license, IDWR recognizes that all the requirements for establishing a water right were met. No water right license can be issued, however, if the development authorized by the permit did not occur within the authorized time period. For that reason, before issuing a license, IDWR must conduct an examination to verify the development.

It is my understanding that Mr. R.M. Barrett passed away in 2010. Our records need to be updated to show the actual current ownership of this permit. The legal representative of the estate should be able to accomplish this with the proper documentation.

On several occasions since 1992, IDWR personnel attempted to contact you by telephone and by mail to schedule a time to conduct an examination. In 2014 and 2015, a minimum of 10 phone or mail contacts were attempted in order to arrange a field exam. The time for completion of the permit development is long past and IDWR needs to conduct the beneficial use exam.

If you do not contact me within 14 days of the date of this letter to set up a time to complete the beneficial use exam, I will take action to void the permit. It would be better to license the portion of the permit which has been developed than to have the entire permit voided. My email address is: [james.bitzenburg@idwr.idaho.gov](mailto:james.bitzenburg@idwr.idaho.gov), and the phone number is 208-736-3033.

Sincerely,

Jim Bitzenburg  
Water Resource Agent



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 23, 2014

R. M. Barrett  
P.O. Box 347  
Challis, ID 83226

RE: PERMIT TO DIVERT WATER 72-7423

Dear Permit Holder:

On August 31, 1992, the Department of Water Resources (IDWR) received the Proof of Beneficial Use statement submitted by R. M. Barrett for Permit 72-7423, which authorized the diversion of water from Swift Gulch for Industrial, Domestic, and Fire Protection purposes in Section 10, Township 12 North, Range 15 East, B.M., in Custer County.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that all the requirements for establishing a water right were met. No water right license can be issued, however, if the development authorized by the permit did not occur within the authorized time period. For that reason, before issuing a license IDWR must conduct an examination to verify the development. From our records, it appears that attempts to complete Beneficial Use Field Examinations were made in 1996, and in 2000, to no avail. I am now contacting you to attempt, once again, a Field Exam on permit 72-7423. I have tried to make contact through telephone numbers found in the permit paperwork, but have had no success.

If you believe a water right was developed in accordance with the permit, please contact me to make arrangements for a field examination to be conducted on your property. If I do not hear from you within thirty days, I will assume you no longer have any interest in establishing a water right, and I will take action to void the permit. If you have any questions, feel free to contact me at 208-736-3033.

Sincerely,

Jim Bitzenburg  
Water Resource Agent

8/10/00

4:00 pm

Amanda:

Call from Lenore Barrett re Michael/Robert Barrett claim nos.  
72-07424 and 72-07423.

Evidently you wrote her a letter dated Aug 8 regarding an exam.  
She called in response to that, but to say they have big fires up  
there at this time and will need to postpone your visit  
indefinitely. . . . Evidently they're worried about losing h  
heavy equipment, etc.

She will get back to you as soon as she can.

(208) 879-2797

*Am*



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

**1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380**

**Phone: (208) 736-3033 FAX: (208) 736-3037**

**SOUTHERN REGION**

**DIRK KEMPTHORNE  
GOVERNOR**

**KARL J. DREHER  
DIRECTOR**

August 8, 2000

Robert or Michael Barrett  
Or current Care Taker  
PO Box 1104  
Challis ID 83226

**SECOND FIELD EXAM NOTICE**

RE: Permit Numbers 72-07424 & -07423

Dear Permit Holder:

This letter is to advise you that a field exam is still needed to complete the water licensing process. I believe that I spoke with Mrs. Barrett on the telephone a couple of months ago. We were going to try and set up an exam sometime in August. If this is possible or not possible at this time please call this office as soon as possible. A field exam is needed even if the water is not being used as permitted.

Please be advised that you will need to operate your system under normal conditions during the examination.

In order to conduct your exam as efficiently as possible, I ask again that you call this office to schedule a day and time convenient for you.

If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made.

Sincerely,

Amanda Folsom  
Summer Field Aid



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 18, 2000

R. M. Barrett  
PO Box 347  
Challis ID 83226

**FIELD EXAM NOTICE**

RE: Permit Number 72-07423

Dear Permit Holder:

We are planning to conduct water right examinations in the vicinity of the above-referenced permit beginning June 1, 2000. An examination is needed to verify your water use in order to issue a water right license.

Please be advised that you will need to operate your system under normal conditions during the examination.

In order to conduct your exam as efficiently as possible, we ask that you call this office to schedule a day and time convenient for you.

If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made.

Sincerely,

Amanda Folsom  
Summer Field Aid