

Cefalo, James

From: Cefalo, James
Sent: Thursday, September 28, 2017 12:53 PM
To: 'jdjoan@gmail.com'; 'nanfelts12@gmail.com'; 'scottspray47@gmail.com'
Cc: 'smbarnhart5'
Subject: FW: Application 95-17241 - Error in Access Agreement from Philip and Patsy Barnhart
Attachments: 20170928_111520.jpg

Please be aware, Mr. Barnhart had Philip and Patsy Barnhart sign a document clarifying the location of the spring described in Application 95-17241. A photo of the updated access agreement is attached.

From: smbarnhart5 [mailto:smbarnhart5@gmail.com]
Sent: Thursday, September 28, 2017 12:16 PM
To: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Subject: RE: Application 95-17241 - Error in Access Agreement from Philip and Patsy Barnhart

Legal clarification

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Cefalo, James" <James.Cefalo@idwr.idaho.gov>
Date: 9/28/17 7:53 AM (GMT-08:00)
To: smbarnhart5@gmail.com
Cc: jdjoan@gmail.com, nanfelts12@gmail.com, scottspray47@gmail.com, "Jones, Doug" <Doug.Jones@idwr.idaho.gov>
Subject: Application 95-17241 - Error in Access Agreement from Philip and Patsy Barnhart

Mr. Barnhart,

I have just started to review the administrative record for your application. I noticed an error in the legal access letter from your parents. The letter states: "I hereby grant Steve Barnhart use to a spring to develop and use for power and domestic use for his home and placement of pond. It [the spring] is located [in] Sect 15 Range 2 West Twn 54 N, above government Lot 3 in the S.E. corner."

The proposed spring point of diversion is located in the SENWSE of Section 15, T54N, R02W. It is not located "above government lot 3". The proposed place of use (your home) is actually located in Lot 3 of Section 15.

Legal access to the proposed point of diversion falls within the good faith / no speculation element of review. Prior to the hearing, the protestants agreed that the no-speculation element of review (legal access to the proposed point of diversion) is not at issue in this contested case. Therefore, I think you should contact your

parents to correct the access agreement. The proposed spring point of diversion is located in the SENWSE of Section 15, T54N, R02W. The proposed pond is located in the NESW of Section 15, T54N, R02W.

You can provide a copy of the corrected access agreement by email. Please include the protestants on the email.

James Cefalo

Water Resources Program Manager

IDWR Eastern Region

(208) 525-7161