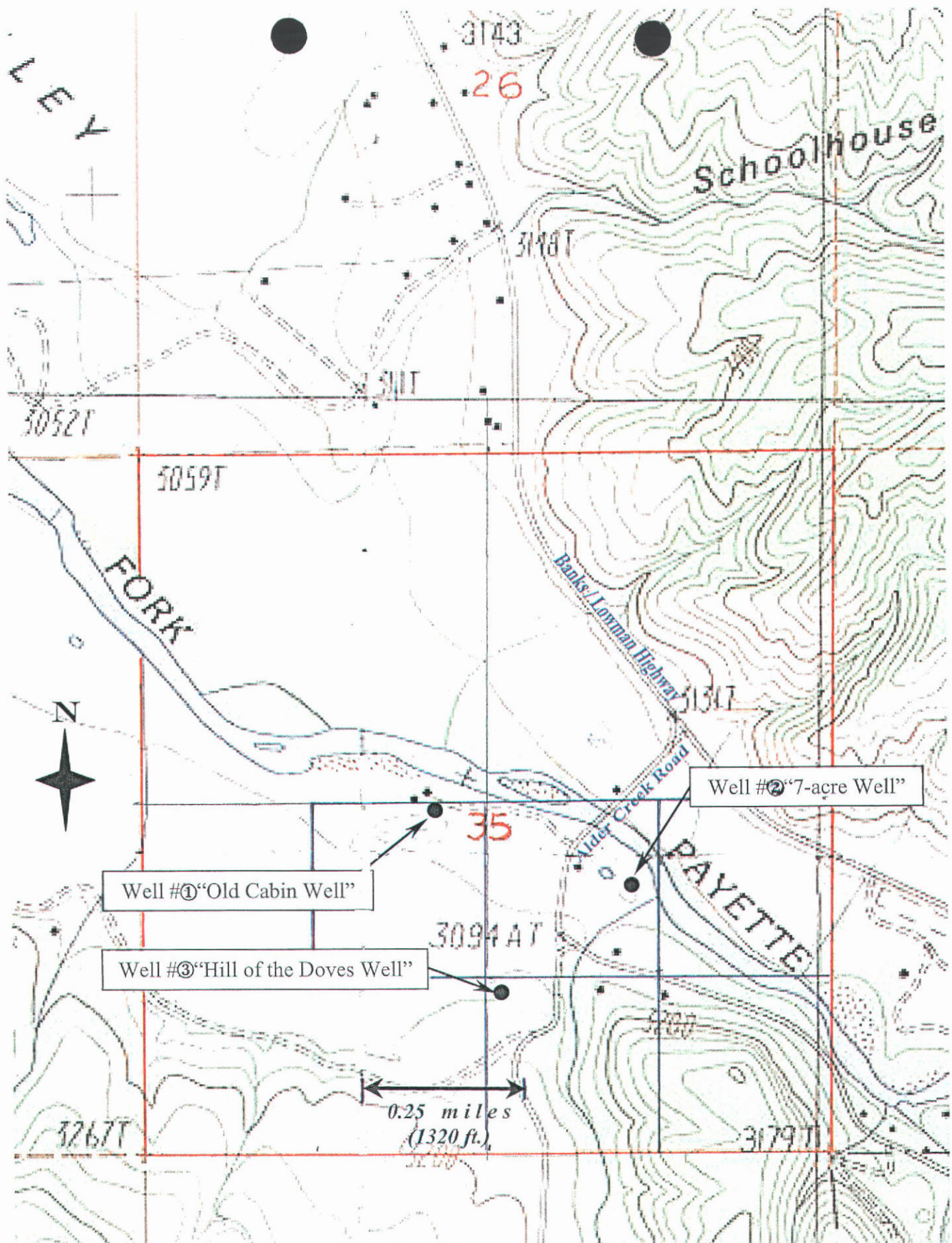
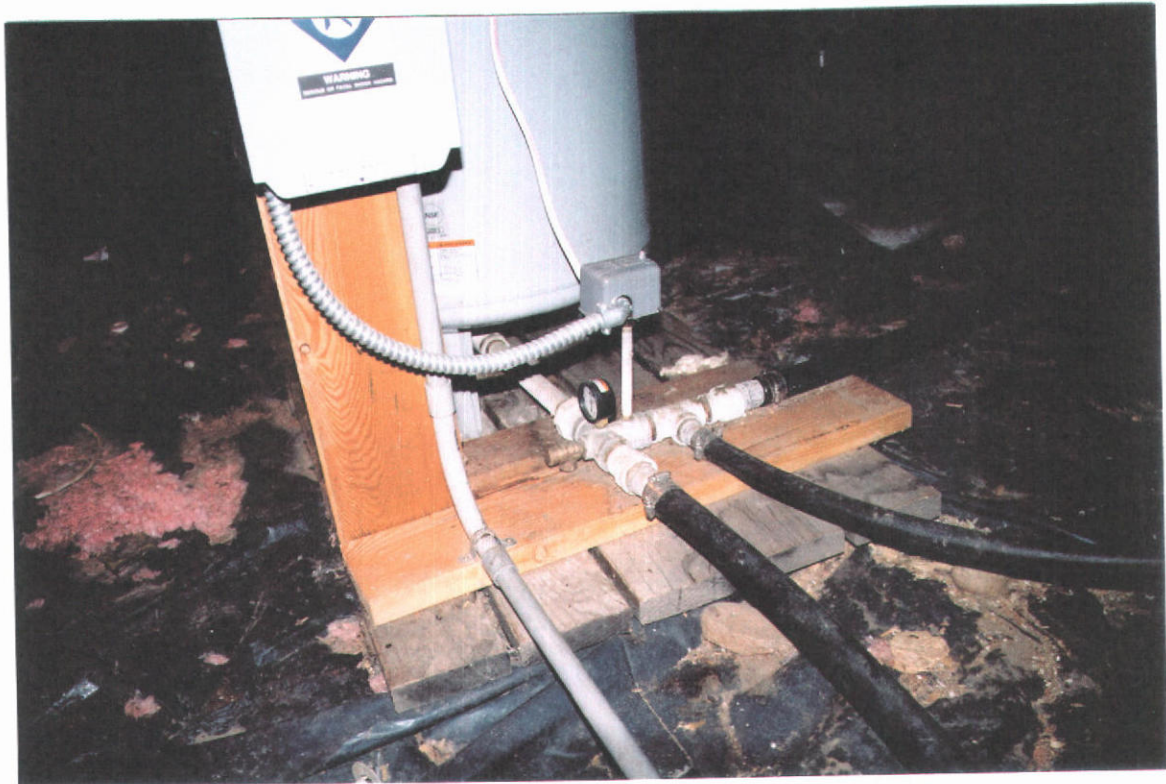




Location map of wells that belong to Lenora Barnes, Garden Valley, Idaho (Section 35, Township 9 North, Range 4 East). Wells locations were recorded with a handheld gps unit and plotted on this map. Base map: USGS Garden Valley, Idaho, 7.5-minute series.

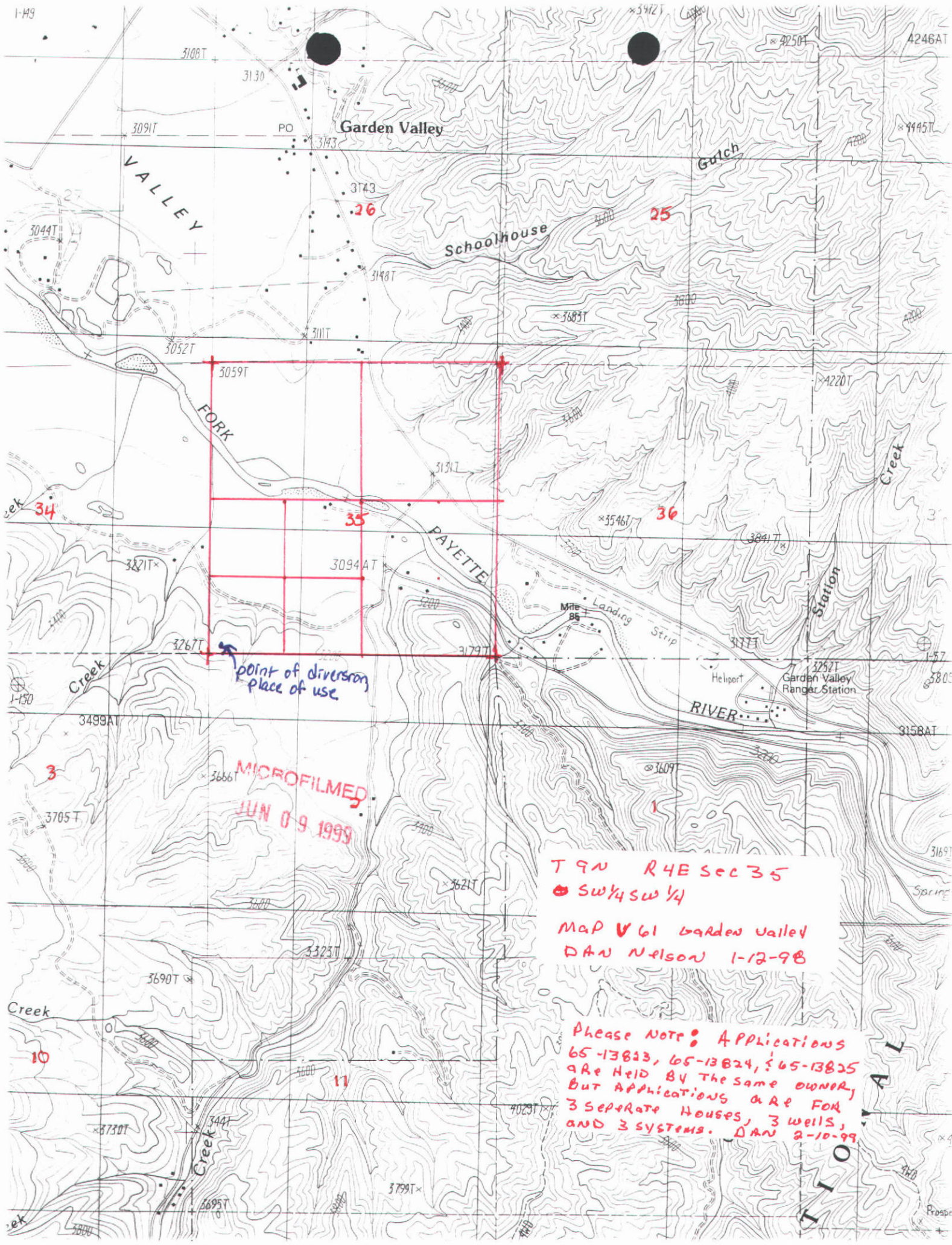




Send To Printer Back To TerraServer Change to 8.5x11 Print Size Show Grid Lines Change to Portrait
USGS 2 km S of Garden Valley, Idaho, United States 02 Jul 1998



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point of diversion
place of use

MICROFILMED
JUN 09 1999

T9N R4E sec 35
SW 1/4 SW 1/4

MAP V 61 Garden Valley
DAN NELSON 1-12-98

PLEASE NOTE: APPLICATIONS
65-13823, 65-13824, & 65-13825
ARE HELD BY THE SAME OWNER,
BUT APPLICATIONS ARE FOR
3 SEPARATE HOUSES, 3 WELLS,
AND 3 SYSTEMS. DAN 2-10-99

T10N

[illegible]

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

A 6-inch diameter steel casing extends 2.0 feet above ground level. Non-pumping water level in the well was measured at 11.34 A.M. at 55.12 feet below top of casing. The adjacent freeze-less faucet was opened full and the discharge measured by timed filling of a graduated 5 gallon bucket. The measured rate over several fill cycles was 5 gallons in 18 seconds or 16.6 gpm. The pump ran continuously for about 25 minutes when the measured pumping water level drew down to 104 feet below top of casing for a drawdown of about 49 feet and a calculated specific capacity of about 1/3 gpm/ft of drawdown. Using the following equation we can estimate rate of flow for the system at pressure shut off head of 50 psi and 49 feet of drawdown (pumping water level of 104 feet btoc):

$$\frac{\text{HP X 3960 X Pump Efficiency}}{\text{Total dynamic head}} = \text{Flow Rate (gpm)} = \frac{1.5 \text{ X } 3960 \text{ X } 8}{219.5} = 216 \text{ gpm}$$

This theoretical result assumes .8 % pump efficiency which is optimum. At a lower efficiency, the gpm would be somewhat less but, for a quick cross-reference, this would appear to validate the documented pumping plant. In other words it is reasonable to assume that the system can, and has in the past, operated at the permitted water right amount.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

B

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume (afa)
<u>Domestic</u>	<u>Jan 1.</u>	<u>Dec 31</u>	<u>0.04 cfs</u>	<u>N/A</u>
Totals:			<u>0.04 cfs</u>	<u>N/A</u>

2. Recommended Amendments

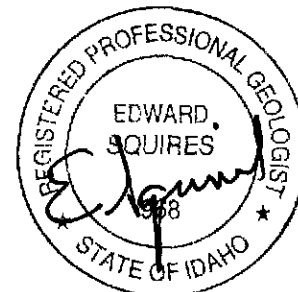
XX Change P.D. as reflected above _____ Add P.D. as reflected above _____ None
XX Change P.U. as reflected above _____ Add P.U. as reflected above _____ Other

I. AUTHENTICATION

Field Examiner's Name Edward Squires CWRE No 03-125 Date April 28, 2004

Reviewer _____ Date _____

SEAL



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

See attached sheets, appendices, and figures:

XX Copy of USGS Quadrangle Attached showing location(s) of point(s) of diversion and place(s) of use (Figures 1 & 2)

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

XX Photos 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
Well #3	Franklin	1½	No. 2823008110	Unknown	1¼ -inch discharge

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calibration Date
No metering						
See below						

2. **Measurements:** Discharge measurements for this examination were made using timed-fillings of a graduated 5 gallon bucket from a freeze-less faucet located a couple of feet from the well head (see photo). System pressure was read from a direct-reading 0-to-100 psi gage on the storage tanks (see photo). Water-level and drawdown measurements were obtained using a disinfected and calibrated "Powers Electric" electric well sounder

E. NARRATIVE/REMARKS/COMMENTS

The field examination for this permit was carried out on April 24, 2004 by me, Ed Squires, accompanied by Mr. Chris Brevick, manager of the Freedom Ranch. The Freedom Ranch Well #3 is located a few feet off of the west wall of the detached garage at 20 Charter House Road. The 6-inch diameter well is equipped with a submersible pump of unknown Make and Model Number. According to information on the pump electrical disconnect (in the crawl space of the home) the pump is driven by a Franklin 1½ HP motor of the model number listed above. The 1½ -inch diameter black plastic discharge- piping extends from the pit-less adaptor, below frost level on the well casing, to the SW corner of the crawl space of the residence. A 120-gallon "Flotec" hydro-pneumatic tank with a working pressure of 30-to-100 psi regulates pressure to the system. A 1-to-100 psi, direct-reading "Harvard" pressure gage registered 50.5 psi with the pump off.

A 6-inch diameter steel casing extends 2.0 feet above ground level. Non-pumping water level in the well was measured at 55.12 feet below top of casing at 11:34 A.M. The adjacent freeze-less tap was opened full and discharge measured by timed filling of a 5 gallon bucket. Some minor sand production was observed in the discharge and the pump impellers may be worn somewhat by the pumped sand. The measured rate over several fill cycles was 5 gallons in 18 seconds or 16.6 gpm. The pump ran continuously for about 25 minutes when the measured pumping water level drew down to 104 feet below top of casing for a drawdown of about 49 feet and a calculated specific capacity of about 1/3 gpm/ft of drawdown. Given that the well produces 17 gpm with only one faucet running and that the well pump impellers may be worn from sand production, it is reasonable to assume that the well can, and does, produce at its licensed capacity.

GPS coordinates of N 44° 04' 05.2" and W 115° 56.896" were recorded using a "Garmin eTrex Vista" unit factory calibrated in 2003. Measured elevation with this unit was 3166 feet above mean sea level.

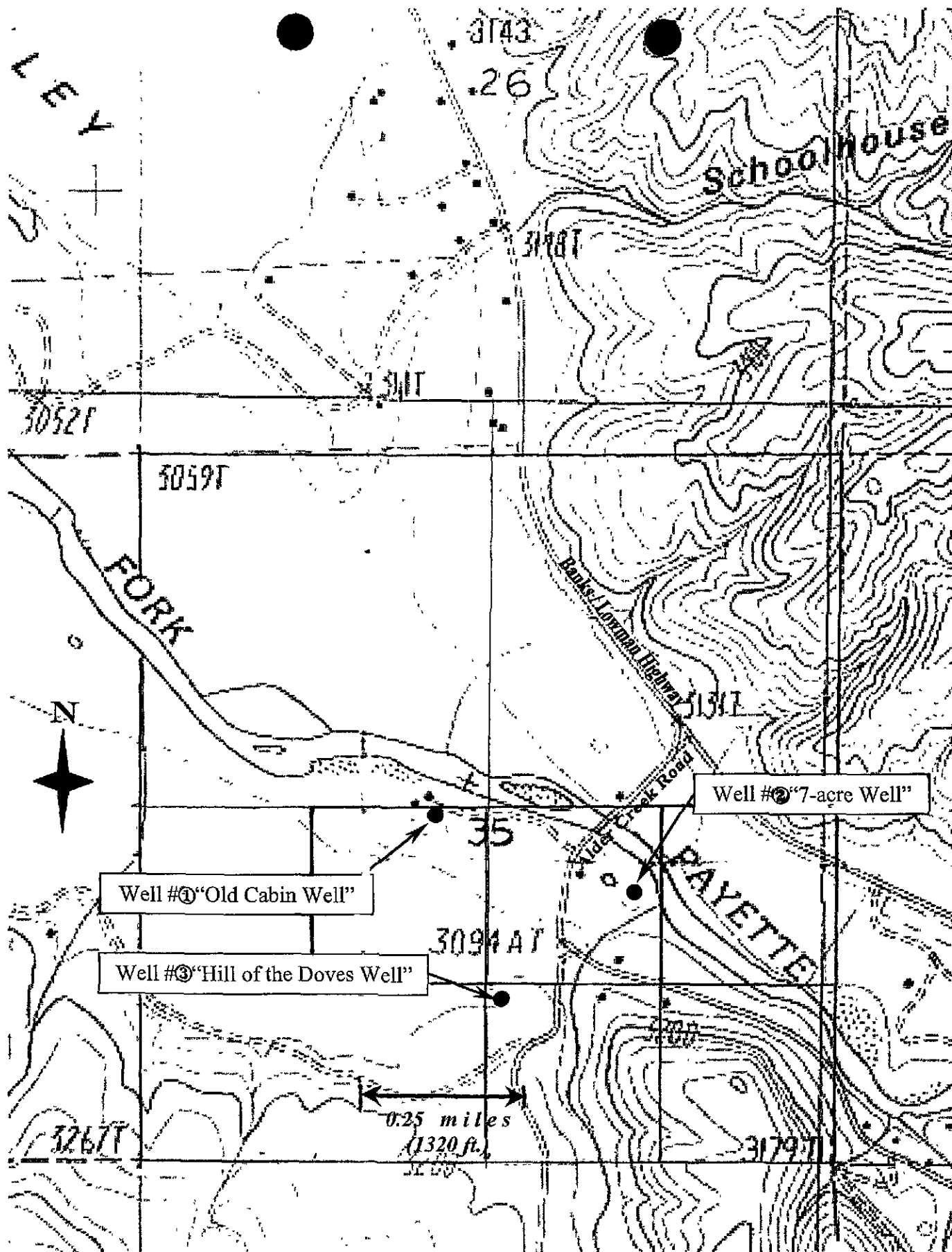
A Well Driller's Report for the well was not available from the owner and no corresponding record could be located on the IDWR web site well-construction data-base.

The point of diversion (well) and place of use for this water right are incorrectly listed on Permit No. 65-13825 as within the SW¼ SW¼ of Section 35, the place of use and point of diversion are actually located in the SW ¼ SE ¼ of Section 35 (see attached map).

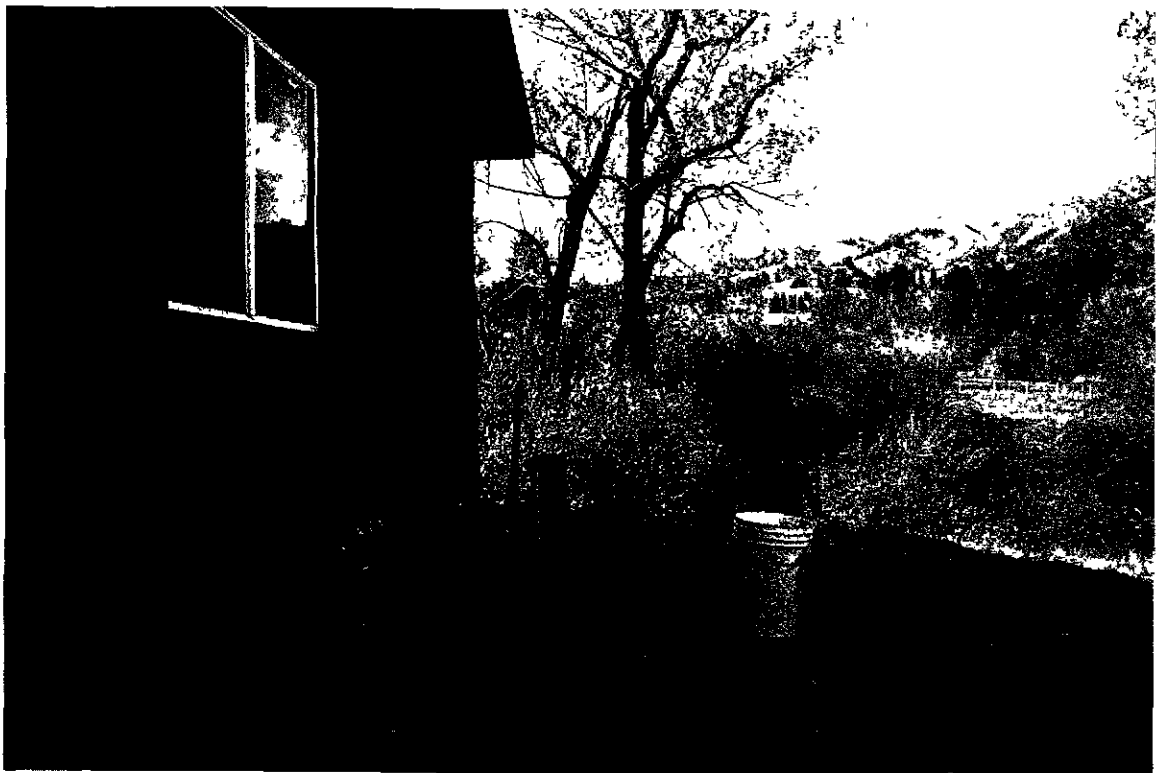
RECOMMENDATIONS:

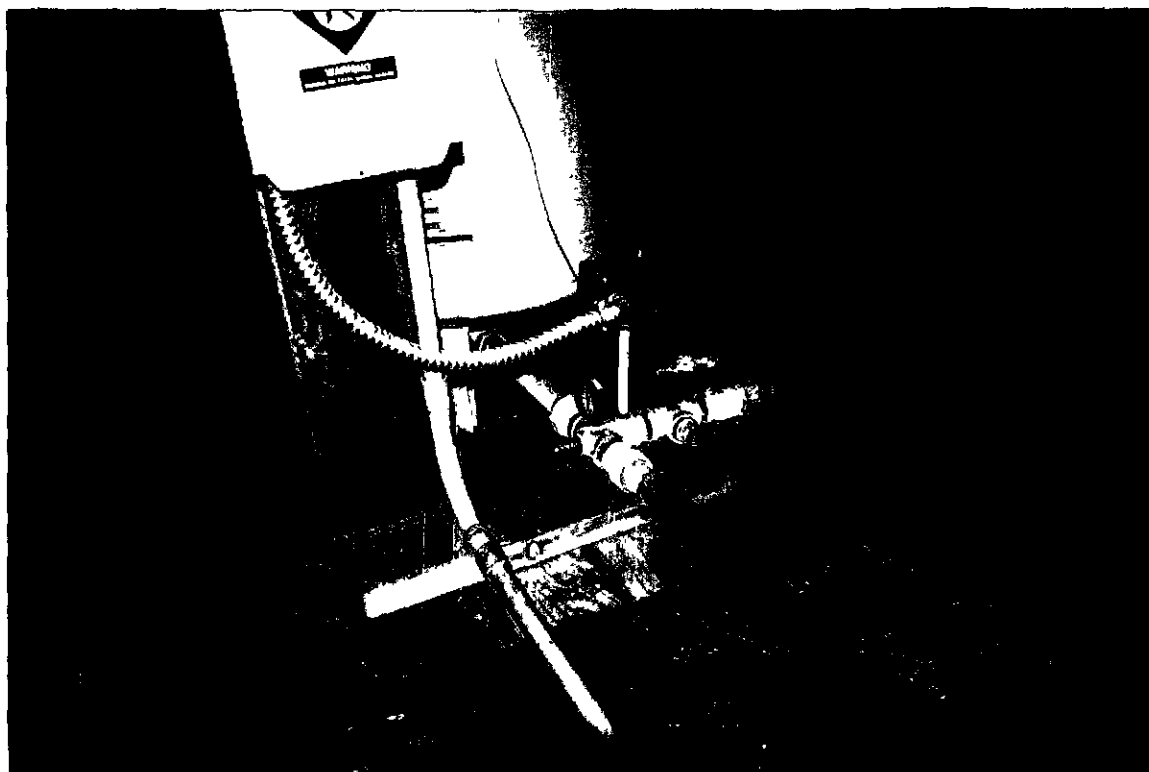
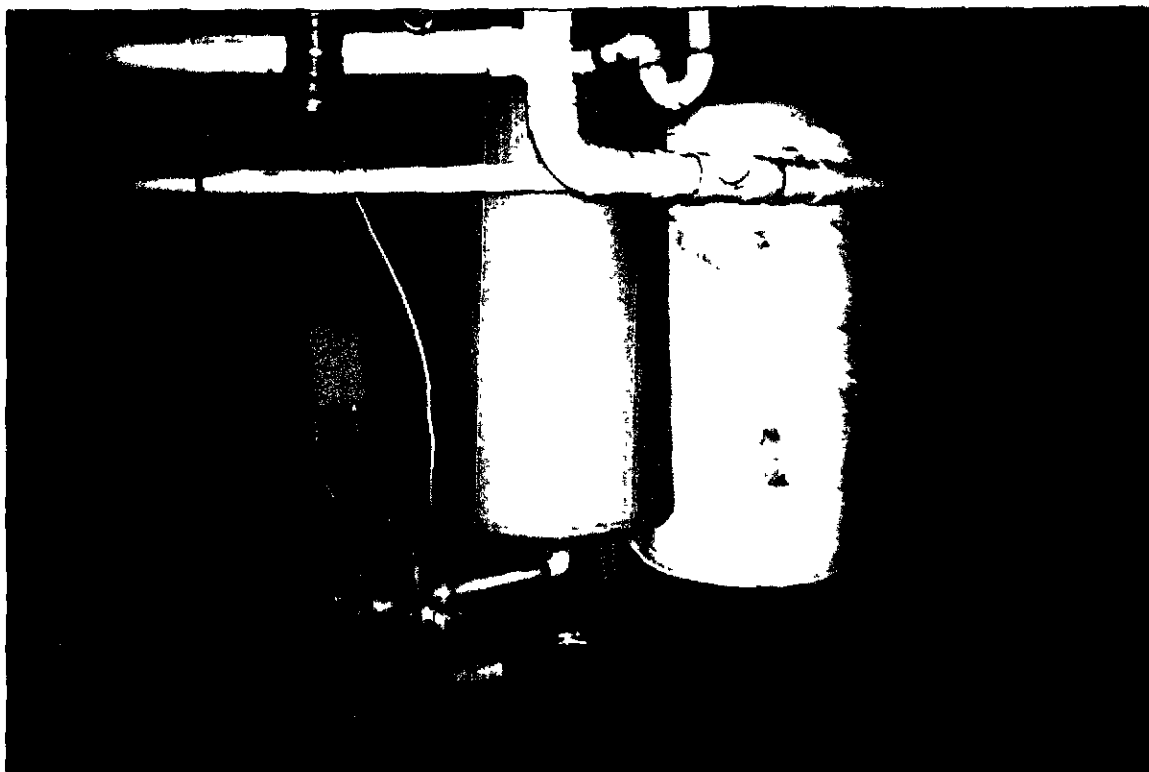
The place of use and point of diversion for this right should be changed to SW ¼, SE ¼, Section 35, Township 9N, Range 4E, BM, Payette County. The Barnes residence at 20 Charter House Road is occupied with the water system operational and well maintained. Therefore, I recommend that domestic water right No. 65-13825 be licensed for its requested diversion rate of 0.04 cfs (18 gpm).

Have conditions of permit approval been met? ☒ yes ☐ no



Location map of wells that belong to Lenora Barnes, Garden Valley, Idaho (Section 35, Township 9 North, Range 4 East). Wells locations were recorded with a handheld gps unit and plotted on this map. Base map: USGS Garden Valley, Idaho, 7.5-minute series.





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RECEIVED

APR 29 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

★ Please direct inquiries to Ed Squires at 342-8369.

PROOF OF BENEFICIAL USE

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

1 Permit No. 65 - 13825 Well #3 (Hill of the Doves Well) Telephone No. (208) 375-3740

2. Name(s) of Permit Holder(s) Lenora B. Barnes

3 Mailing Address: 5120 Sorrento Drive, Boise, Idaho 83704

4 Source of Water Groundwater If GROUNDWATER (well), Date Drilled: mo ? /yr 19??

a Well Driller _____ Drilling Permit Number: - - - -

b. OPTIONAL

Pump Horsepower: 1 1/2 Pressure (psi): 51 Dynamic pumping level (ft) ~ 104

5. Use(s) (as authorized by the water right permit)

Domestic (No. of households) 1 Stockwater (No. and type of stock): _____

Irrigation (no. of acres): _____ Other: _____

6. Total rate of diversion and / or volume for which proof is submitted: 0.04 cfs OR _____ acre feet

7 Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device Is a measuring device required? Yes _____ or No X

Has the measuring device been installed? Yes _____ or No X

Flow Measurement Port Is a flow measurement port required? Yes _____ or No X

Has the measurement port been installed? Yes _____ or No X

8. Fee Enclosed. \$ N/A (See Fee Schedule on back of the instructions for the filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Field examination to be conducted by Ed Squires, Hydro Logic, Inc. Telephone Number. 342-8369

Address 1002 W. Franklin Street, Boise, ID 83702-5431

10. The information given on this form 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

Signature of permit holder Ed Squires Date April 28, 2004

Ed Squires - Consultant to Lenora B. Barnes

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13825

Proposed Priority: November 16, 1998 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **LENORA B BARNES**
5120 SORRENTO DR
BOISE ID 83704

has applied for a permit to appropriate water from: **GROUNDWATER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.04 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 35, Township 09N, Range 04E
BOISE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

09N 04E 35 SWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 2004**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Domestic use is for 1 home.

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

26 day of April, 1999.


Karl J. Dreher, Director
for

MICROFILMED

JUN 14 1999

ORIGINAL

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APR 21 1999

DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO

Ident. No. 65-13825
Please send all notices
and correspondence to:

RECEIVED

NOV 16 1998

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

Scott L. Campbell
~~ELAN BURKE~~
~~R. G. B...~~
~~Boise, ID 83701~~

1. Name of Applicant Lenora B. Barnes Phone (208) 375-3740
Post Office address 5120 Sorrento Drive; Boise, ID; 83704
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____
Sec. 35 Township 9N Range 4E B.M. Boise Payette * County; additional points of
diversion if any: _____
4. Water will be used for the following purposes:
Amount .04 cfs for domestic purposes from 1/1 to 12/31 (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 is (a) .04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. The well will be 150-200 feet deep, with a casing not to exceed 6 inches. Water will be withdrawn by a submersible pump.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is approx. 8 inches; proposed depth of well is 150-200 feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? no
 - e. If well is already drilled, when? _____; Drilling firm _____:
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity if KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 1 household
 - e. Other; describe fully. _____

* COUNTY changed per legal description
& map placement. DAN 2-10-99.

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NOV 16 1998

WATER RESOURCES
WESTERN REGION

RECEIVED

NOV 19 1998

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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	4E	35								D									

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Lenora B. Barnes - Applicant

b. Who owns the land to be irrigated or place of use? Lenora B. Barnes - Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED XX Show clearly the proposed point of diversion, place of use, section number, township and range number.

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

Lenora B. Barnes
(Applicant)

FILED
JUN 14 1999

Received by [Signature] Date 11/16/98 Time 8:30 PM Preliminary check by [Signature]
Fee \$ 50.00 Receipted by [Signature] # CO13011 * Date 11/16/98
Publication prepared by [Signature] Date 2-10-99 Published in Idaho World
Publication approved [Signature] Date 4-5-99 2-11-99 9:34-99

* 3 application FOR PERMIT FEES WERE PAID UNDER
The same Receipt Number. DAN 2-8-99

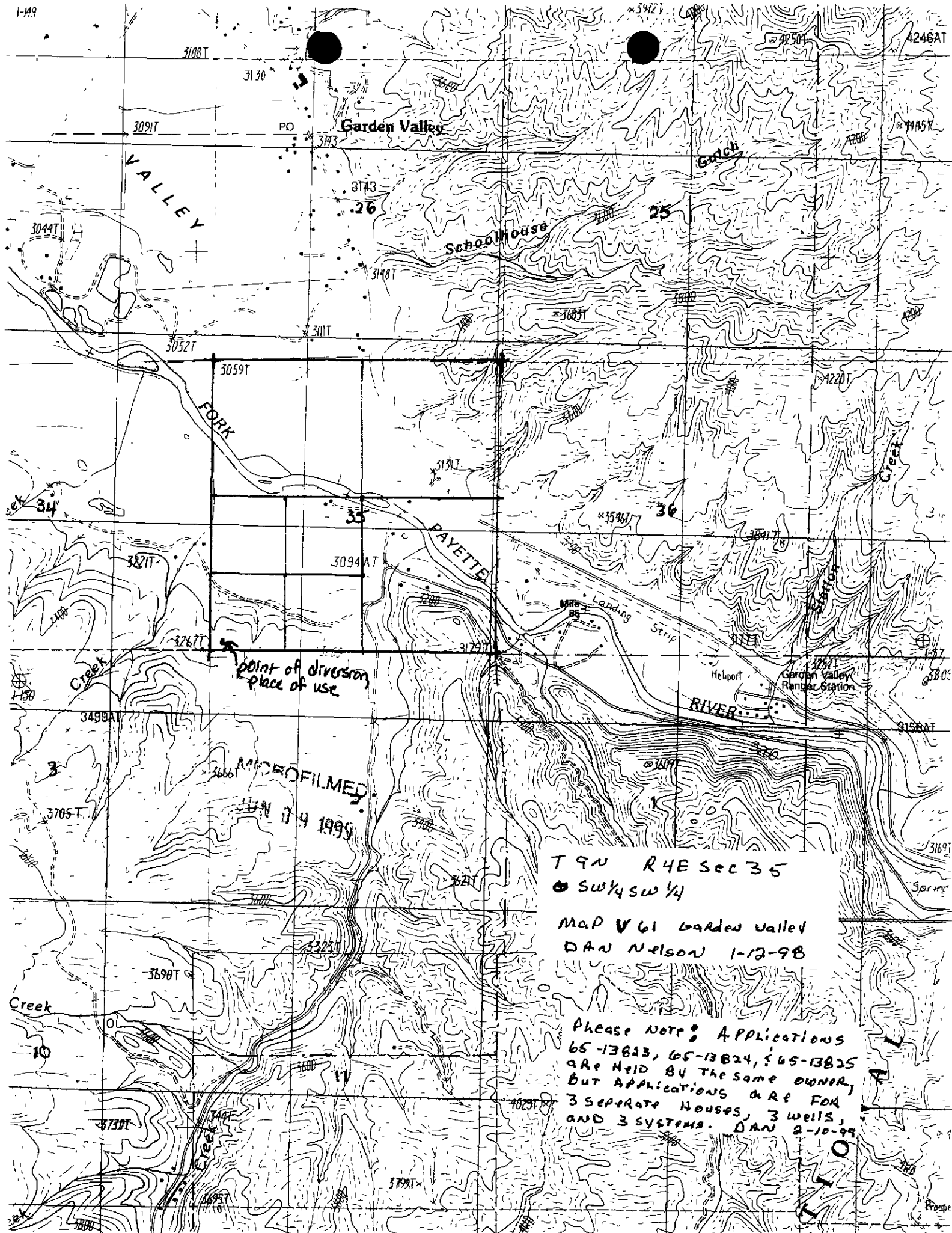
Ident. No. 65-13825

Comments: Date: 2/ 3/1999 User-ID: DNELSON

Subject: ADDITIONAL INFORMATION

Domestic use is for one household.

MICROFILMED
APR 09 1999



MICROFILMED
JUN 04 1999

T 9N R 4E Sec 35
SW 1/4 SW 1/4

MAP V 61 Garden Valley
DAN NELSON 1-12-98

PLEASE NOTE: APPLICATIONS
65-13823, 65-13824, 65-13825
ARE HELD BY THE SAME OWNER,
BUT APPLICATIONS ARE FOR
3 SEPARATE HOUSES, 3 WELLS,
AND 3 SYSTEMS. DAN 2-10-99



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 10, 2004

LENORA B BARNES
5120 SORRENTO DR
BOISE ID 83704

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13823, 65-13824 and 65-13825

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use forms submitted for the above referenced permits. The field examination reports are presently on file with the department, therefore, the next step in the process is for the department to review the file for issuance of a water right license.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office
Angela Schaefer Kaufmann
Ed Squires

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No . 65-13825

Reviewed By. dgibson

Date: December 9, 2004

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

Priority Calculation

Date proof received 04/29/2004

Date proof due - 05/01/2004

Lapse notice sent -

No. of days late = 0

Holiday allowance +

Priority date + 11/16/1998

New priority date = 11/16/1998

Deficiencies of Actions Items

Acknowledge proof and field exam.

Hydro Logic, Inc.

1002 W. Franklin Street, Boise, ID 83702 (208) 342-8369, (Fax) 342-3100, hydrologic@qwest.net

April 28, 2004

Mr. Shelley W. Keen
Water Rights Supervisor
Idaho Department of Water Resources
Water Allocation Bureau
1301 North Orchard Street
Boise, Idaho 83720

RECEIVED
APR 29 2004
Department of Water Resources

Re: Water right Permit Nos. 65-13823, 65-13824, and 65-13825 in the name of Lenora Barnes

Dear Shelley:

Under cover of this letter, please accept three Beneficial Use Field Reports for domestic water right Permit Nos. 65-13823, 65-13824, and 65-13825 in the name of Lenora Barnes.

Owing to the location of the points of diversion and places of use for these rights being in close proximity to cadastral section and quarter-section lines, there has been much confusion about their locations. For that reason, my clients (Lenora B. Barnes and Chris Brevick) and their legal counsel (Angela Schaer Kaufmann of Moffatt Thomas Barrett Rock & Fields, Chartered) have asked me to exercise special care in providing the final binding locations of the wells and residences. To that end, I have included aerial photographs, Global Positioning Satellite measurements, and topographical maps to back up my recommended changes to all three water rights.

All three water rights were filed with the same priority date of November 16, 1998. In an attempt to further clarify the distinctions between the three rights, and after visiting with the ranch owner and manager, I have used a well numbering system based on the chronological dates of well construction; the earliest (oldest) well being number one. In addition, each well is described with the vernacular local names of the Freedom Ranch residences with which they are associated.

I would like to request that original copies of approved licenses and transmittal letters be sent to Angela Schaer Kaufmann with a copy to me at the addresses below:

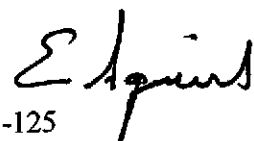
Angela Schaer Kaufmann
Moffatt Thomas Barrett Rock & Fields, Chartered
P.O. Box 829
Boise, ID 83701-0829

Ed Squires
Hydro Logic, Inc.
1002 W. Franklin Street
Boise, ID 83702-5431

Please call me direct at 342-8369 with any questions you may have concerning the reports.

Respectfully,

Ed Squires, CWRE 03-125



cc: Angela Schaer Kaufmann, Moffatt Thomas Barrett Rock & Fields, Chartered
Chris Brevick, Freedom Ranch

February 29, 2004

LENORA B BARNES
C/O SCOTT L CAMPBELL ELAM & BURKE
PO BOX 1539
BOISE, ID 83701

PROOF DUE NOTICE

RE: PERMIT NO. 65-13825

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 May 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

7000 1530 0000
9414 9755

Department of Water Resources

ANGELA D SCHAER

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

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AUG 06 1999

Department of Water Resources

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

E-mail ads@elamburke.com

August 3, 1999

Shelley W. Keen
Water Rights Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Lenora B. Barnes Water Right Permits Nos. 65-13823, 65-13824, and 65-13825

Dear Mr. Keen:

The purpose of this letter is to confirm my understanding regarding the above-referenced permits, following our conference of July 7, 1999. First, you have changed the address entry so that in the future, Scott Campbell and I will receive notices regarding the above-referenced water right permits. Second, you and I agreed that Permit No. 65-13825 is correct and comports with our client's application for permit and understanding.

As to Permit No. 65-13823, you indicated that the important aspect of the legal description is that it lists Government Lot 6 in Section 35, Township 9 North, Range 4 East, Boise Meridian, Payette County. You indicated that it is less important that the quarter quarter section description be correct at this point, and that the discrepancy can be made consistent when this water right is licensed. Please let me know if my understanding in this regard is not correct.

Much of our discussion centered around Water Right No. 65-13824. I had had extensive discussions with Dan Nelson of the Western Regional Office regarding this water right. I understood our discussions to concern the point of diversion only, while Mr. Nelson interpreted them to include the place of use as well. I am currently in the process of confirming with our client whether the legal description for the place of use should be in the SE ¼ of the NW ¼ of Section 35, or whether, like the point of diversion, it is in the NE ¼ of the SW ¼ of Section 35. Once I obtain his view on that matter, I will let you know how we wish to proceed regarding that water right.

MICROFILMED

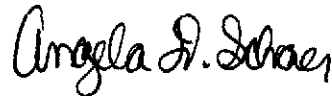
AUG 10 1999

August 3, 1999
Page 2

If you have any questions or concerns regarding the matters I have set forth in this letter, please do not hesitate to contact me. Thank you very much for your assistance in this matter.

Very truly yours,

ELAM & BURKE
A Professional Association



Angela D. Schaer

ADS:pw G:\Thm\WPDATA\6831\keen 8-3 wpd
Enclosures

cc: Mike Girdner
Lenora Barnes

UNFILMED
AUG 10 1999

MEMORANDUM

DATE: July 29, 1999

TO: Water Right Files 65-13823, 65-13824, and 65-13825

FROM: Shelley W. Keen *SK*

RE: Response to letter from Angela Schaer

Yesterday I spoke via telephone with Angela Schaer about her July 6, 1999, letter to me. In the letter, Ms. Schaer expressed the following three concerns.

1. The notices indicating approval of applications 65-13823, 65-13824, and 65-13825 were not sent to attorney Scott L. Campbell at Elam & Burke as requested by the applicant. I informed Ms. Schaer that I have changed the address entries for all three permits in our computer database and that all future correspondence will be directed to Mr. Campbell.
2. The point of diversion and place of use on permit 65-13823 are described as NESW Lot 6, but they should be NWSW Lot 6. I explained to Ms. Schaer that where there is a govt. lot, the lot is the proper legal description and that the quarter-quarter description just helps us know about where the lot is within the section. Because the permit and Ms. Schaer indicate Lot 6, there is no discrepancy. The quarter-quarter designation will be updated if/when the right is licensed
3. The place of use on permit 65-13824 is described as NESW Lot 6, but it should be SENW. I explained to Ms. Schaer that she can apply to amend the permit now and that I will recommend it not be advertised, or she can wait to amend the permit after the field report is completed, if development occurs. She said she wants confer with Mr. Campbell and the permit holder before deciding what to do.

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AUG 10 1999

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JUL - 9 1999

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

Department of Water Resources

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

ANGELA D. SCHAEER

E-mail: ads@elamburke.com

July 6, 1999

Shelley W. Keen
Water Rights Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

*Re: Lenora B. Barnes Water Right Permit
Permits Nos. 65-13823, 65-13824, and 65-13825*

Dear Mr. Keen:

The law firm of Elam & Burke represents Ms. Lenora Barnes. In November 1998, we filed three Applications for Permit on Mrs. Barnes' behalf. As part of those applications, we included a note at the top of each application that all notices and correspondence should be sent to Scott Campbell at our offices.

Subsequent to that time, I corresponded with Dan Nelson of the Western Region Office regarding the correct points of diversion for the Applications for Permit.

There were no questions regarding one water right, for which the point of diversion is the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 35, Township 9N, Range 4E, BM, Payette County. That Application for Permit appears to correspond to Permit to Appropriate Water No. 65-13825.

The first application about which we had a question was one in which we originally designated the legal description for the point of diversion in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, Township 9N, Range 4E, BM, Payette County. After Mr. Nelson questioned that legal description, and after careful review, we concurred with his assessment that the proper legal description for the point of diversion for that application should be the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Government Lot 6, Section 35, Township 9N, Range 4E, BM, Payette County. However, the legal description for the place of use for that water right should be the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Township 9N, Range 4E, Section 35. However, neither Permit to Appropriate Water No. 65-13823 nor 65-13824 contains that legal description for the place of use.

Finally, we had filed an Application for Permit which originally indicated that the point of diversion was in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Government Lot 5, Section 35, Township 9N, Range 4E, BM, Payette County. The place of use was the same legal description. However, after

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July 2, 1999
Page 2

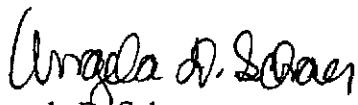
further conferences with Mr. Nelson, we concluded that the proper legal description was the NW ¼ of the SW ¼, Government Lot 6, Section 35, Township 9N, Range 4E, BM, Payette County. However, none of the applications as issued include that legal description for the point of diversion and the place of use.

I realize that, as a general rule, any petitions for reconsideration or exceptions or briefs should be filed within fifteen (15) days of the time the permit is approved. However, contrary to the instructions which were clearly delineated on the Applications for Permit we filed on behalf of Mrs. Barnes, we never received the Permits or the Permit Approval Notices and thus had no opportunity to review them on behalf of Mrs. Barnes until we received them in our office on June 24, 1999. I would like to meet with you personally to resolve these matters and clarify any misunderstandings. Therefore, please contact me at your earliest convenience in order to set up a mutually agreeable time for that meeting.

I have enclosed copies of the pertinent correspondence for your reference and review. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

ELAM & BURKE
A Professional Association


Angela D. Schaer

ADS:pw G:\Thm\WPDATA\6831\keen 7-2 wpd
Enclosures

cc: Mike Girdner
Lenora Barnes

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AUG 10 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 26, 1999

LENORA B BARNES
5120 SORRENTO DR
BOISE ID 83704

PERMIT APPROVAL NOTICE

RE: PERMITS 65-13824/65-13825

Dear Permit Holder:

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

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

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

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure

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JUN 09 1999

to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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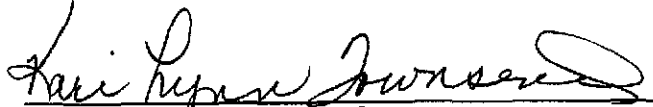
JUN 09 1999

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Rights 65-13824/65-13825

LENORA B BARNES
5120 SORRENTO DR
BOISE ID 83704


Kari Lynn Townsend
Secretary

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JUN 09 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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JUN 09 1999

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.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Sten*No.: 65-13875 Name: Barnes Date: 4/22/99 Ad OK? ☒ / Gvmt Lts: ☒AREA OF CONCERN: - No/Yes ☐ Mor / ☐ GWMA / Trust / Non-trust

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

SYSTEM COMPLETED:

- > 1 year - 26-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

WMD

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

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

- FISH & GAME CONTACTED - YES / No, WHEN ☐ RESPONSE ☐
- IN/ABOVE MSF (✓ MAP) - *WB9
- IN-STREAM DEVELOPMENT - P52 (stream channel alteration)
- WD (✓ MAP & LISTING) - R04 (WD # ☐)
- > 0.20 cfs - 01J-P08 (MD & LD)
- ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP) - 067 or No MD (in-stream stock or power)
- > 0.24 cfs/5 acres - No MD
- ≤ 0.24 cfs/5 acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE
- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water)

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

USE:

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

MUNICIPAL

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

DOMESTIC

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

FIRE PROTECTION

- 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓Code) -

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

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
APR 21 1999
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: DA. N DATE: 1-12-99 APPLICATION: 65-13825

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots:
ND P/D
ND P/U

ADDITIONAL INFORMATION

NO ADVERTISE REMARK(S)
(Reviewer identify which remarks)
NON CONSUMPTIVE

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APR 21 1999

Department of Water Resources

N/A T FLAG CHANGED TO P FLAG

YES NO

- N/A Overlapping place of use: (Describe source & relationship to present application on next page.)
- N/A Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium:
- ☒ Surface water source, IDFG letter needed.
- ☒ Bull trout impact area, IDFG letter needed
- ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ E-mail to Dam Safety staff: (for any storage)
- N/A Mitigation plan: Check any that apply.
- ☐ immediate = acceptable plan required and submitted.
- ☐ future = open areas, acceptance of condition of approval is in file.
- ☒ Send power requirement letter &/or fish farm requirement letter.
- ☒ Power residency affidavit:
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 65-13825

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

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

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:

☐ ☒ Final date for protest 3-8-99

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Water delivered by water master? District # _____

☒ ☐ Special conditions of approval or cover letter: 046

See below for additional information

Recommended Date of Priority 11/16/98

Recommended by: Davis Date: 4/19/99

ADDITIONAL INFORMATION:

Domestic use is for 1 House Hold

Applications 65-13823, 65-13824, 65-13825 are held
By The same owner, BUT are for 3 separate
Houses, 3 wells, and 3 systems

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MAR 17 1999

WATER RESOURCES
WESTERN REGION

The Idaho World

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

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13823

BARNES, LENORA B
5120 SORRENTO DR
BOISE, ID 83704

Source: GROUNDWATER

Diversion Pt: LOT 6 (NESW) Sec 35 T 09N R 04E in BOISE County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 11/16/1998

In: BOISE County
T09N R04E S35 Lot 6 (NESW)

65-13824

BARNES, LENORA B
5120 SORRENTO DR
BOISE, ID 83704

Source: GROUNDWATER

Diversion Pt: LOT 6 (NESW) Sec 35 T 09N R 04E in BOISE County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 11/16/1998

In: BOISE County
T09N R04E S35 Lot 6 (NESW)

65-13825

BARNES, LENORA B
5120 SORRENTO DR
BOISE, ID 83704

Source: GROUNDWATER

Diversion Pt: SWSW Sec 35 T 09N R 04E in BOISE County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 11/16/1998

In: BOISE County
T09N R04E S35 SWSW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MARCH 8, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World February 17 and 24, 1999

MAR 17 1999

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Feb 17, 1999 and ending with the issue of Feb 24, 1999.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 15 day of Mar in the year 1999, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Diane E. Caughlin

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 4/26/2001

65-13825

BARNES, LENORA B
5120 SORRENTO DR
BOISE, ID 83704

Source: GROUNDWATER

Diversion Pt: SWSW Sec 35 T 09N R 04E in BOISE County.

Use: DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 11/16/1998

In: BOISE County	
T09N R04E S35	SWSW

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JUN 09 1999

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MARCH 8, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 2/17/1999 & 2/24/1999

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JUN 09 1999