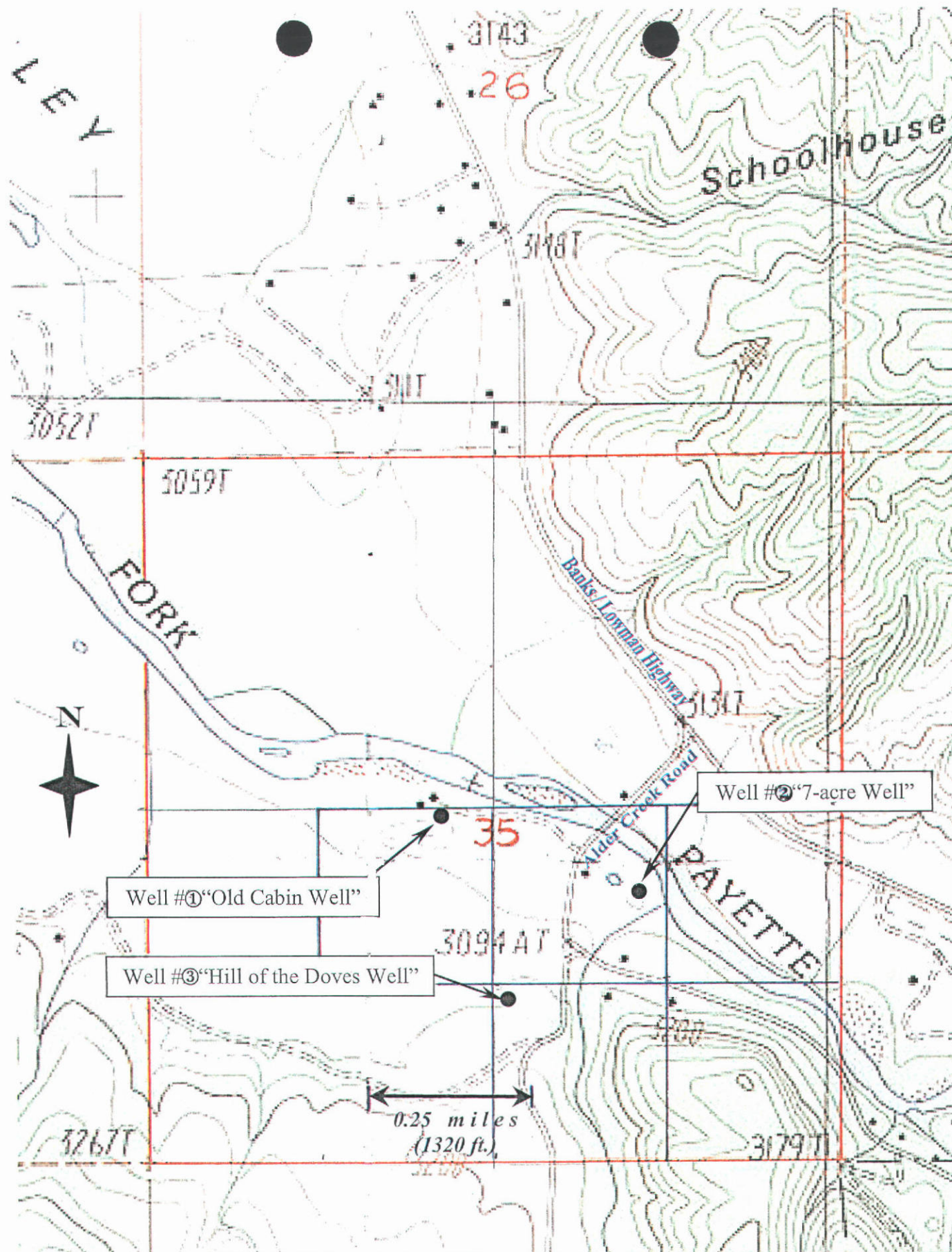
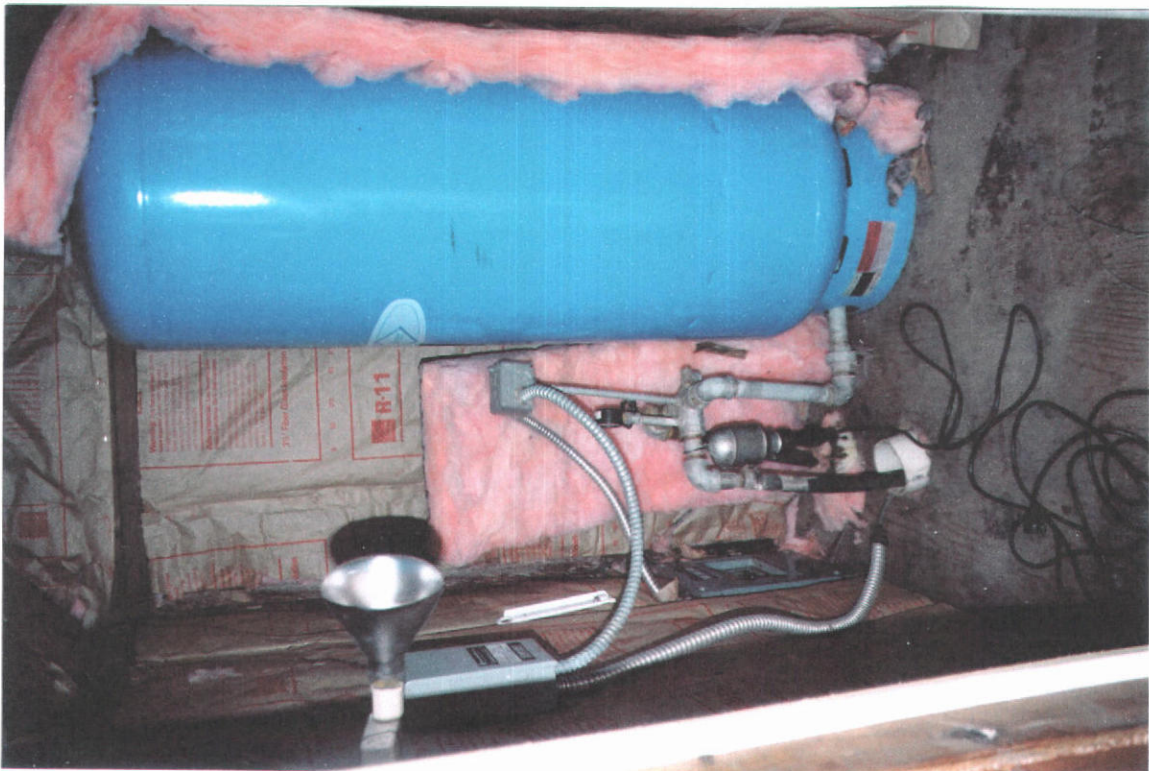




Location map of wells that belong to Lenora Barnes, Garden Valley, Idaho (Section 35, Township 9 North, Range 4 East). Wells locations were recorded with a handheld gps unit and plotted on this map. Base map: USGS Garden Valley, Idaho, 7.5-minute series.

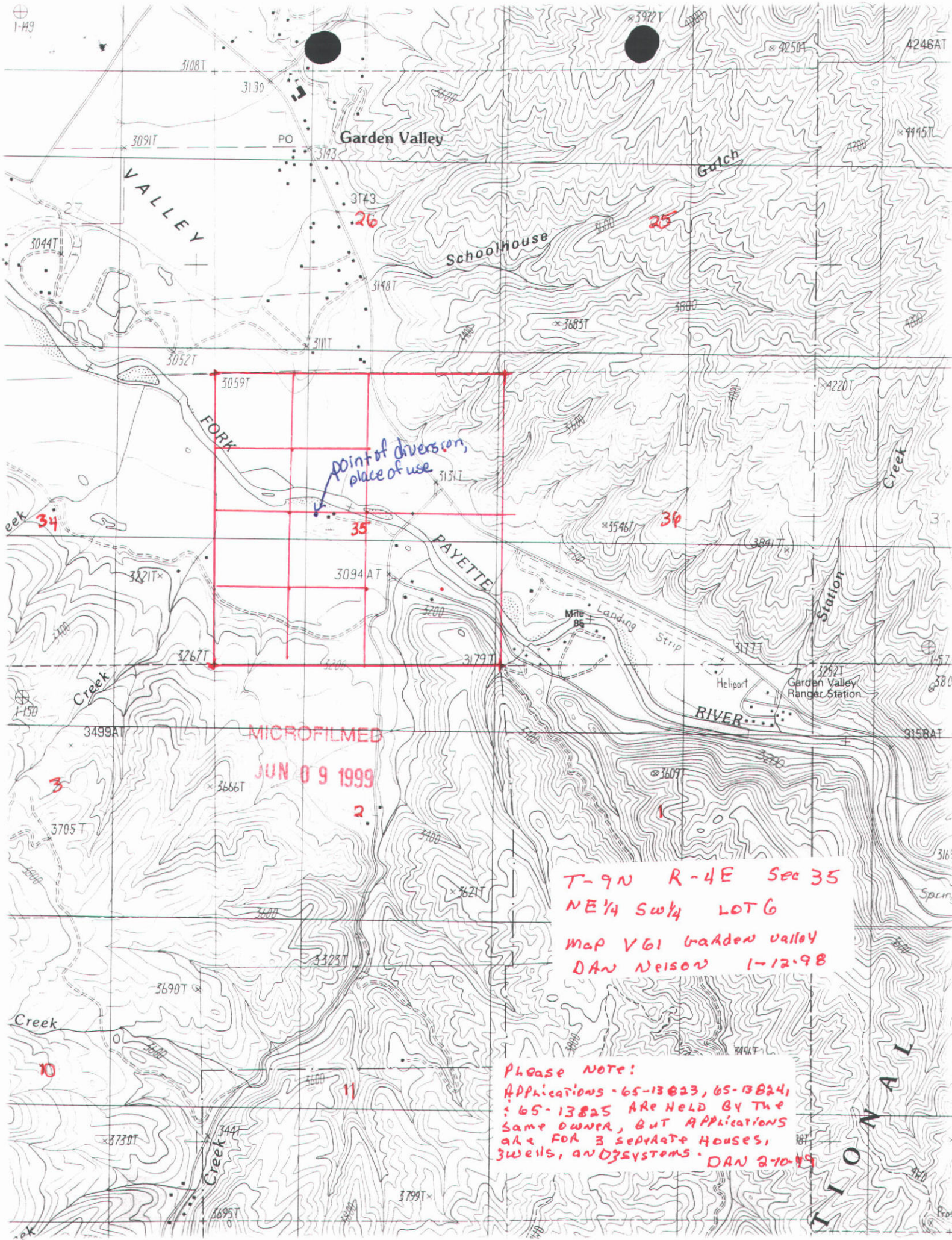




Send To Printer Back To TerraServer Change to 8.5x11 Print Size Show Grid Lines Change to Portrait **USGS 2 km S of Garden Valley, Idaho, United States 02 Jul 1998**



Image courtesy of the U.S. Geological Survey
© 2004 Microsoft Corporation. **Terms of Use** **Privacy Statement**

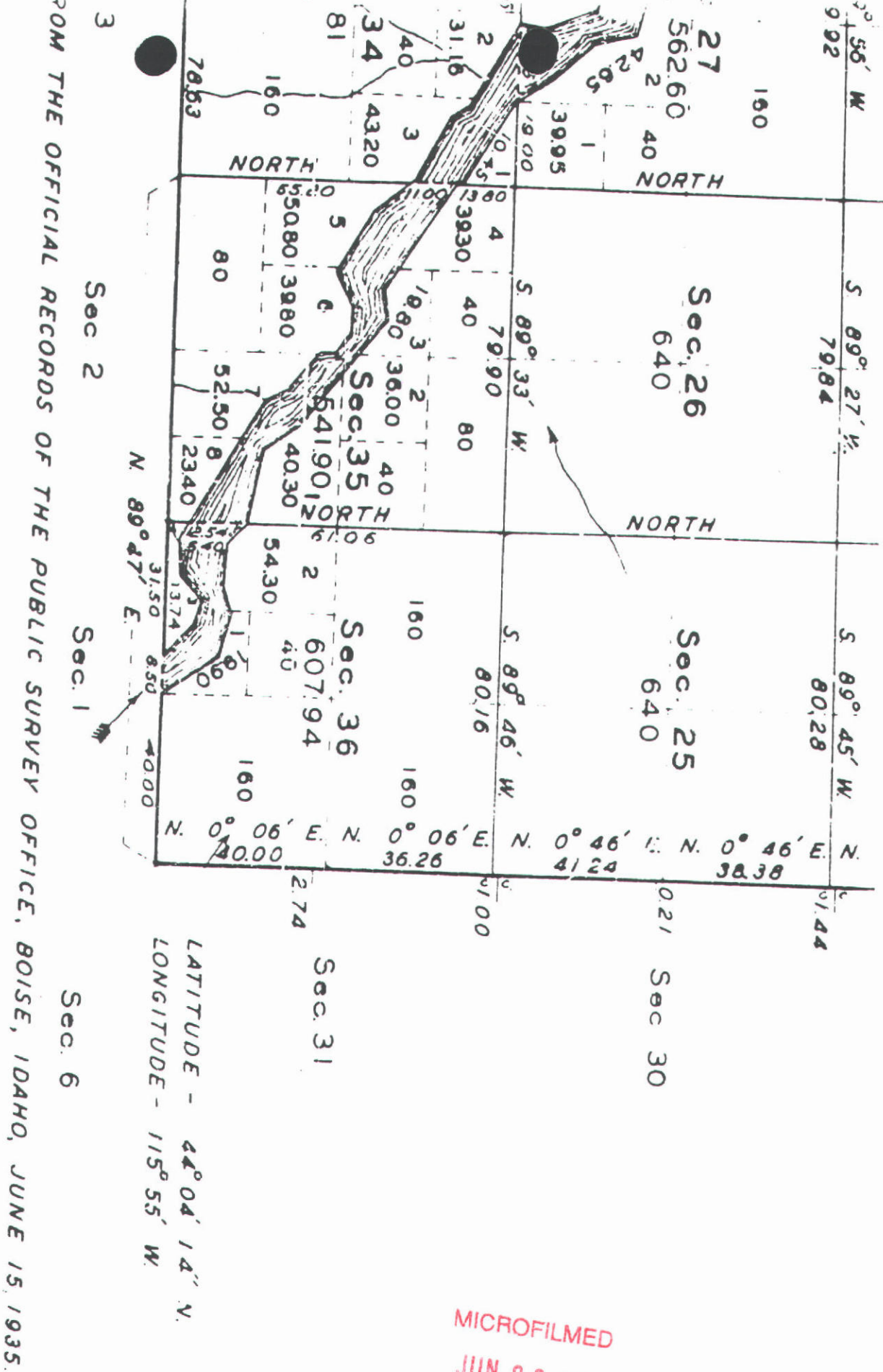


MICROFILMED
JUN 09 1999

T-9N R-4E Sec 35
NE 1/4 SW 1/4 LOT 6
Map V61 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,
WELLS, AND SYSTEMS. DAN 2-10-99

TIONAL



MICROFILMED
JUN 09 1999

[illegible]

- 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 #2	Franklin Electric	1 HP	#2801084910	Unknown 3450 rpm	1¼ inch pit-less 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 discharge piping between the well and the storage/pressure tank (see photo). Water-level and drawdown measurements were obtained using a sanitized "Powers Electric" electric well sounder calibrated with a steel tape.

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 #2 is located approximately 50 feet off the NE corner of 1133 Alder Creek 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 pump control house) the pump is driven by a Franklin 1 HP motor of the model number listed above. The 1½-inch diameter black plastic discharge piping extends about 4-feet from the pit-less adaptor, below frost level on the well casing, to the adjacent 4-foot wide by 5-feet long by 7 5-foot high insulated out building that houses the well head plumbing, pump motor controls, and pressure tank. The hydro-pneumatic tank is an 81 gallon, Model #244 Challenger Series from Flexcon Industries with a rated working pressure of 100 psi. The 1½-inch discharge piping from the well enters the control house through the floor where it is coupled with 1-inch NPT galvanized pipe and a 1-inch black plastic distribution line to the house, exiting below ground through the well house floor (see attached photos). The plumbing is equipped with a "Campbell" 1-to-100 psi direct-reading pressure gage which read 73 psi with pump off and the tank fully charged.

A 6-inch diameter steel casing extends 2.2 feet above ground. Non-pumping water level in the well was measured at 18.9 feet below top of casing. The adjacent freeze-less tap was opened full and discharge measured by timed filling of a 5 gallon bucket. Approximately ¼ cc of fine-grained, white-to-clear colored quartzose sand was observed in each five gallons of discharge. The measured rate from this single tap, over several fill cycles, was 5 gallons in 25 seconds or 12 gpm. The pump ran for 90 second intervals, shutting down for 90 second intervals to supply the 12 gpm of continuous flow. After several pump cycles, the pumping water level drew down to about 28 feet below top of casing for a drawdown of 11 feet and a calculated specific capacity of 1 gpm/ft of drawdown. Given that 1) the well produces 12 gpm with one faucet running, 2) the pump runs only half the time to maintain system pressure, 3) that the pump impellers are likely somewhat worn from sand production, and 4) the specific capacity indicates adequate drawdown potential exists to produce the permitted 18 gpm with slightly more than the measured drawdown, it is reasonable to assume that the well can produce at its licensed capacity.

A Well Driller's Report was not available from the owner but a record from the IDWR's web site well construction data base would appear to be a match. This report reflects a 202-foot drilled depth with casing to 19 feet and a static water-level of 13 feet. Sand production was observed in the discharge and the pump impellers may be worn somewhat by the pumped sand.

Although the point of diversion (well) and place of use for this water right is listed on Permit No. 65- 13824 as within the NE¼ SW¼ of Section 35, I believe the place of use and point of diversion are incorrectly located. Rather, the well and residence served by the well are located within the NW¼ SE¼ of Section 35 (see attached map). GPS coordinates of N 44°, 04.174' and W 115°, 56.678' were recorded using a "Garmin eTrex Vista" unit factory calibrated in 2003. Measured elevation with this unit was 3134 feet above mean sea level.

RECOMMENDATIONS:

The place of use and point of diversion for this right should be changed to NW¼, SE¼, Section 35, Township 9N, Range 4E, BM, Payette County. The Brevick residence at 1133 Alder Creek Road is occupied and the water system operational and well maintained. Therefore, I recommend that domestic water right No. 65-13824 be licensed for its requested diversion rate of 0.04 cfs (18 gpm).

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

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method.

A 6-inch diameter steel casing extends 2.2 feet above ground level. Non-pumping water level in the well was measured at 10:33 A.M. at 18.9 feet below top of casing. The adjacent freeze-less faucet was opened full and the discharge measured by timed fillings of a graduated 5 gallon bucket. The measured rate over several fill cycles was 5 gallons in 25 seconds or 12 gpm. The pump ran for 90 second intervals, shutting down for 90 second intervals to supply the 12 gpm. After several pump cycles, the pumping water level drew down to about 28 feet below top of casing for a drawdown of 11 feet and a calculated specific capacity of about 1 gpm/ft of drawdown. Using the following equation we can estimate rate of flow for the system at pressure slightly below shut off head of 70 psi and 11 feet of drawdown (PWL of 28 feet):

$$\frac{\text{HP X 3960 X Pump Efficiency}}{\text{Total dynamic head}} = \text{Flow Rate (gpm)} = \frac{1.0 \text{ X } 3960 \text{ X } 8}{190} = 167 \text{ gpm}$$

At lower pressure (pressure drop necessary to activate the pump), the flow rate would be more. In other words it is reasonable to assume that the system can, does, and has in the past, operated at the permitted water right diversion rate.

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		Rate of Diversion Q (cfs)	Annual Volume (afa)
	From	To		
<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>

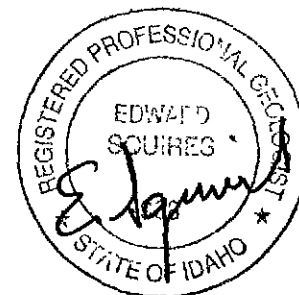
2. Recommended Amendments

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

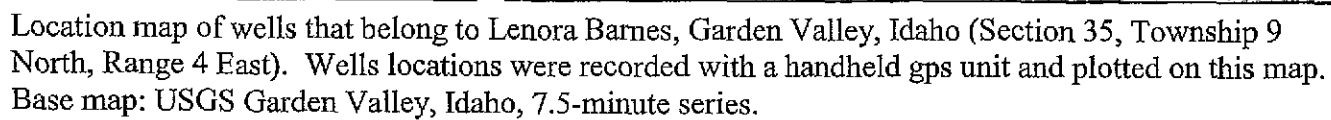
I. AUTHENTICATION

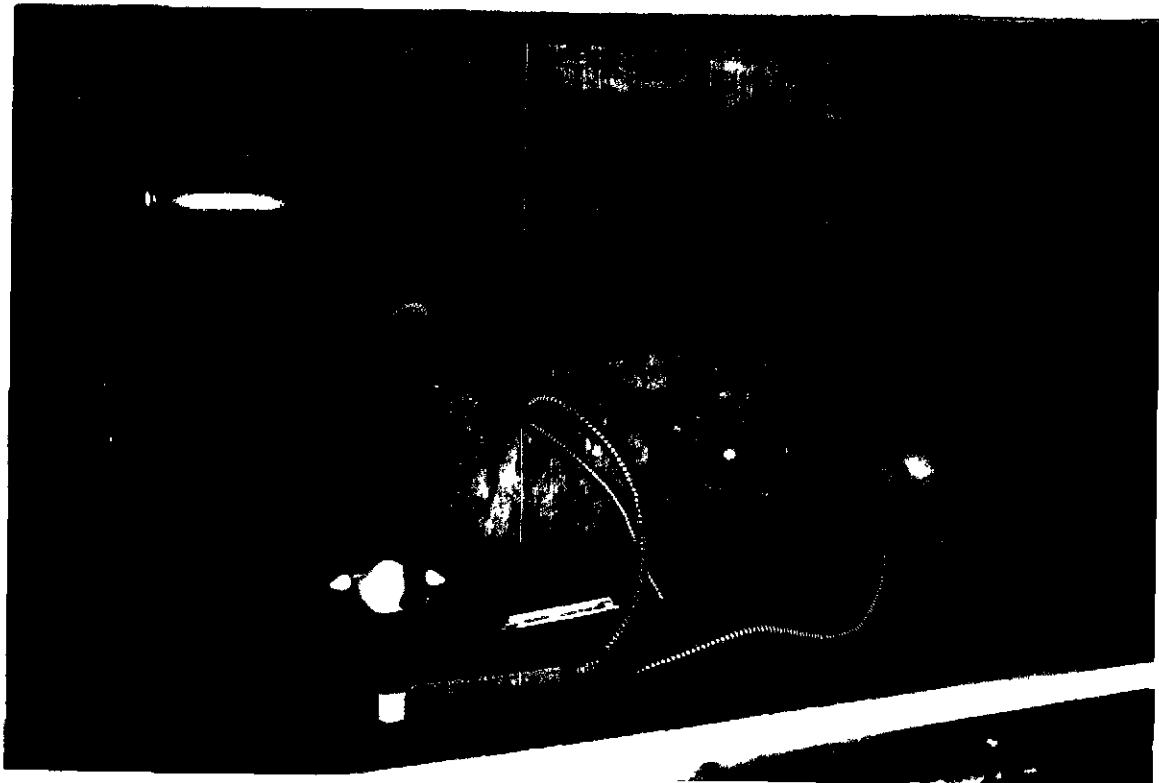
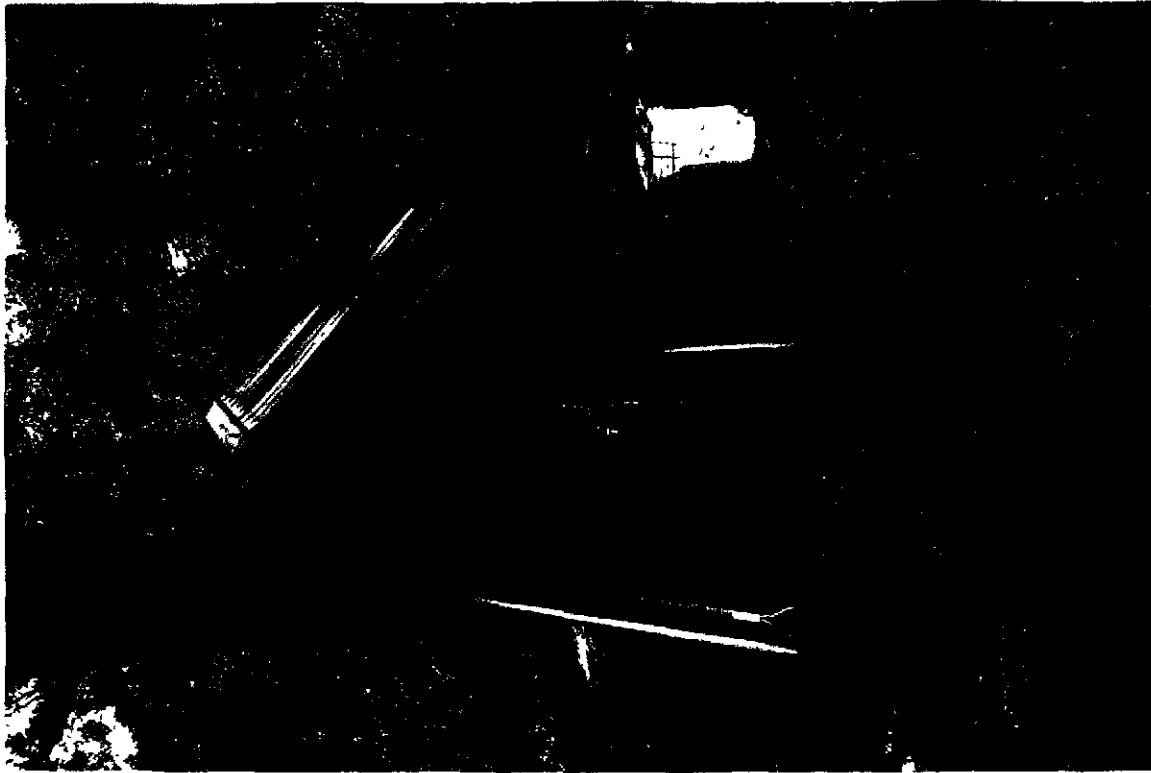
Field Examiner's Name Edward Squires CWRE No 03-125 Date April 28, 2004

Reviewer _____ Date _____



SEAL







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



0 100M 100yd

Image courtesy of the U.S. Geological Survey
© 2004 Microsoft Corporation. Terms of Use Privacy Statement

RECEIVED

APR 28 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 - 13824 Well #2 (7-acre 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 9 /yr 1995

a. Well Driller: Unknown at this time Drilling Permit Number - - - -

b. OPTIONAL

Pump Horsepower 1 Pressure (psi): 73 Dynamic pumping level (ft) ~ 28

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. 65-13824

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: Lot 6 (NESW), Sec. 35, Township 09N, Range 04E
BOISE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

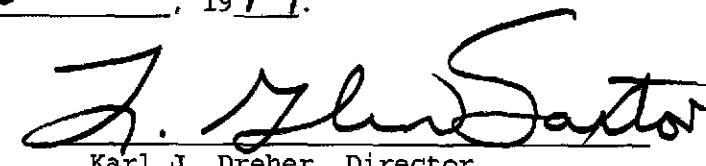
09N 04E 35 Lot 6 (NESW)

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 th day of April, 1999.


Karl J. Dreher, Director
for

MICROFILMED

JUN 09 1999

ORIGINAL

RECEIVED

APR 21 1999

FORM 202

1/96

Ident. No. 65-13824Please send all notices
and correspondence to:

RECEIVED

DEPARTMENT OF WATER RESOURCES

NOV 16 1998

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

Scott L. Campbell
ELAM & BURKE

P. O. Box 1539

Boise, ID 83701
(208) 375-5740

1. Name of Applicant Lenora B. Barnes Phone (208) 375-5740
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 SE 1/4 of SW 1/4, Govt. Lot 6
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 15-200 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. _____

Changed legal description per
correspondence with owner's
attorney (see letter from
Elam & Burke attorneys & counselors
at law) DAN 1-20-99

RECEIVED

NOV 16 1998

WATER RESOURCES
WESTERN REGION

* * * COUNTY CHANGED
per legal description
and placement
on map DAN
2-10-99

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					*	LOT			
															D	E	4		

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. n/a

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.

MICROFILMED

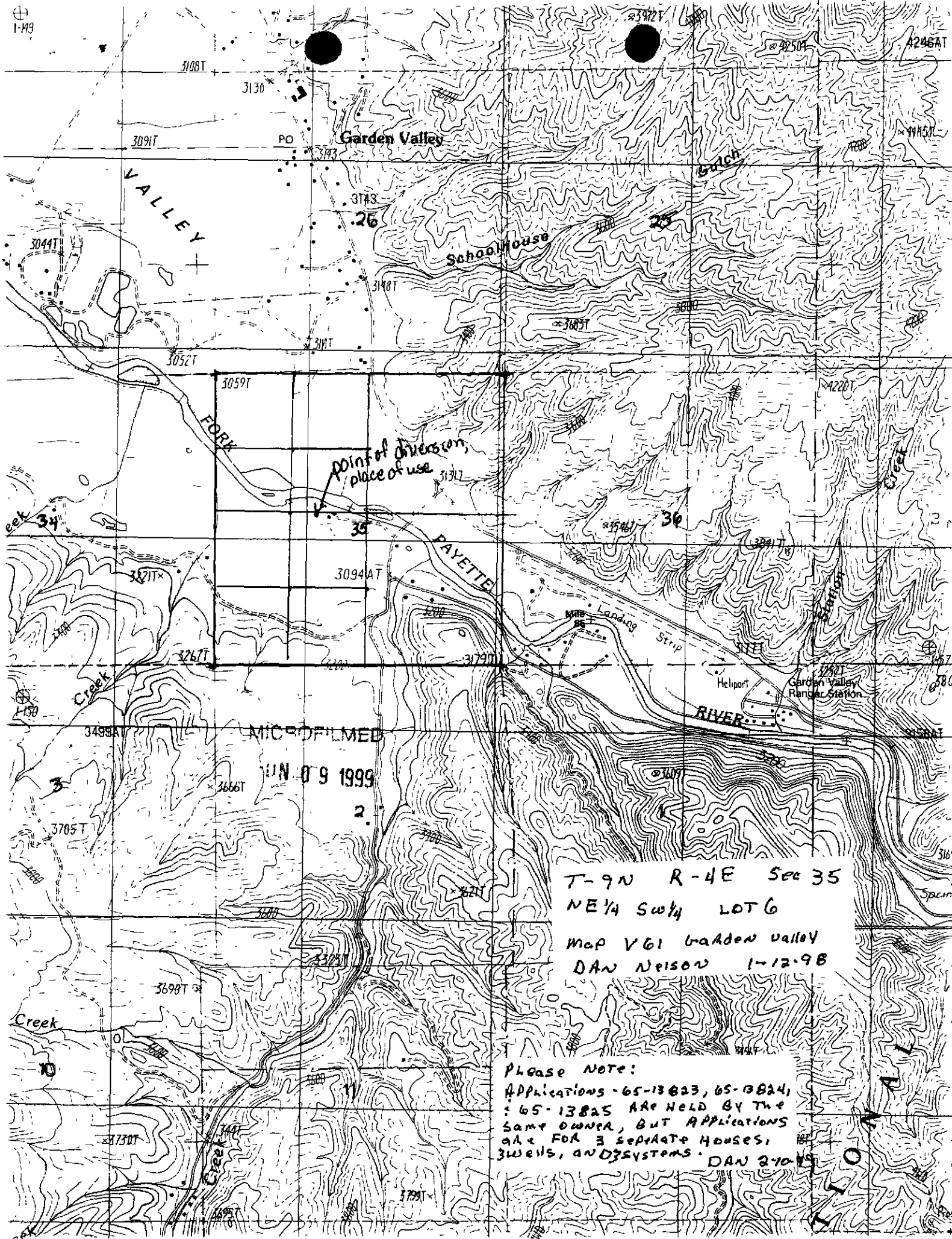
Lenora B. Barnes

(Applicant)

Received by [Signature] Date 11/16/98 Time 8:30 am Preliminary check by DAN
 Fee \$ 5000 Received by [Signature] # 12111 * * Date 11/16/98
 Publication prepared by [Signature] Date 2-10-99 Published in Idaho 12201d.
 Publication approved [Signature] Date 4-5-99 3-17 93-34-99

* changed legal description per correspondence with OWNERS ATTORNEY (see attached letter from ELAN & BURKE ATTORNEYS; COUNSELOKS AT LAW). DAN. 1-20-99

* * 3 application FOR PERMIT FEES were paid under same receipt #. DAN 1-2-99



MICROFILMED

JUN 09 1999

2.

T-9N R-4E Sec 35
NE 1/4 SW 1/4 LOT 6

Map V61 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,
WELLS, AND SYSTEMS. DAN NELSON

Ident. No. 65-13824

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

Subject: ADDITIONAL INFORMATION

Domestic use is for 1 household.

MICROFILMED

MAR 09 1999



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 : 65-13824

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?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received 04/25/2004

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:

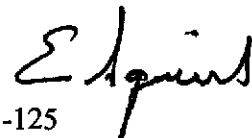
Angela Schaer Kaufmann
Moffatt Thomas Barrett Rock & Fields, Chartered
P.O. Box 829
Boise, ID 83701-0829

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. 65-13824

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

RECEIVED

AUG 06 1999

Department of Water Resources

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

Department of Water Resources

TELEPHONE
208-343-5454

FACSIMILE
208-384-5844

ANGELA D. SCHAEER

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

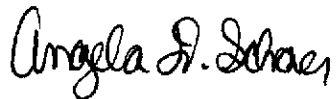
AUG 10 1999

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:\Tm\WPDATA\6831\keen 8-3.wpd
Enclosures

cc: Mike Girdner
Lenora Barnes

MICROFILMED

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.

MICROFILMED

AUG 10 1999

RECEIVED

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. SCHAER

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 ¼ of the SW ¼, 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 ¼ of the NW ¼ 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 ¼ of the SW ¼, 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 ¼ of the NW ¼, 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 ¼ of the SW ¼, Government Lot 5, Section 35, Township 9N, Range 4E, BM, Payette County. The place of use was the same legal description. However, after

MICROFILMED

AUG 10 1999

July 2, 1999
Page 2

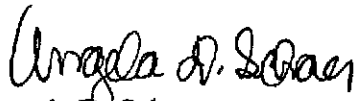
further conferences with Mr. Nelson, we concluded that the proper legal description was the NW ¼ of the SW ¼, Government Lot 6, Section 35, Township 9N, Range 4E, BM, Payette County. However, none of the applications as issued include that legal description for the point of diversion and the place of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

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

cc: Mike Girdner
Lenora Barnes

MICROFILMED

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 to report a change of ownership or mailing address within 120 days of the change is a violation of the Water Rights Act. **REC'D MED 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

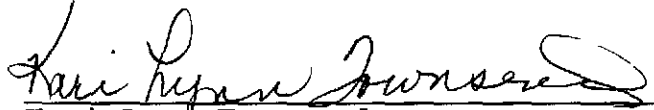
MICROFILMED
JUN 09 1999

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

MICROFILMED

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.

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 StenNo.: 05-13824 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 - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 045-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)
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 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

OWNERSHIP:

- 004 (PD/PU) _____

OTHER CONDITIONS:

- _____

STANDARD REMARKS:

- DWA

BENEFICIAL USE DUE:

- 5/1/2004

COMMENTS:

- _____

DO

NOT

FILM

Keep in file :

S.W. Kae

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

WATER RIGHT NO. 65-13824

Date of Priority: November 16, 1998 Maximum Diversion Rate: 0.04 CFS
Comes now LENORA B BARNES
C/O SCOTT L CAMPBELL
ELAM & BURKE
PO BOX 1539
BOISE ID 83701 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. 65-13824, and requests that the permit be changed as follows:

Source: GROUNDWATER

<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: Lot 6 (NESW), Sec. 35, Township 09N, Range 04E
BOISE County

PLACE OF USE: DOMESTIC
TWN RGE SEC
09N 04E 35 SENW

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 _____ day of _____, 19____.

(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

WATER RIGHT NO. 65-13824

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

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. 65-13824 with the following;

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.

Witness my hand this _____ day of _____, 19____.

KARL J. DREHER, Director

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
APR 21 1999
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: DAN DATE: 1-12-99 APPLICATION: 65-13824

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:
yes P/D
yes P/U

RECEIVED
APR 21 1999

ADDITIONAL INFORMATION

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

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.
- NON CONSUMPTIVE USE ☒ 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.

65-13824

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 or Priority 11/16/98

Recommended by: Gary S Date: 4/19/99

ADDITIONAL INFORMATION:

Domestic use is for 1 Household

Applications 65-13823, 65-13824, & 65-13825 are Held

By the same owner, but are 3 separate

houses & 3 separate wells.

RECEIVED

R 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 *st*

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

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

Published In The Idaho World February 17 and 24, 1999
MICROFILMED
JUN 09 1999

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

TELEPHONE
208-343-5454

FACSIMILE

RECEIVED

JAN 19 1999

WATER RESOURCES
WESTERN REGION

208-384-5844

ANGELA D. SCHAEER

January 18, 1999

Mr. Dan Nelson
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Applications for Permit Submitted by Lenora B. Barnes, Applicant

Dear Mr. Nelson:

After our conversation of January 14, 1999, we reviewed the maps which you provided as well as the Applications for Permit we filed on behalf of Lenora Barnes. The first Application with which you were concerned is the Application for which the legal description of the point of diversion was in the SE ¼ of the NW ¼ of Section 35, Township 9N, Range 4E, Boise Meridian, Payette County. After reviewing the documentation, we concur with your assessment that the proper legal description for the point of diversion should be the NE ¼ of the SW ¼, Government Lot 6, Section 35, Township 9N, Range 4E, Boise Meridian, Payette County.

The second water right Application for which you had a concern was that which lists the point of diversion as the NE ¼ of the SW ¼, Government Lot 5, Section 35, Township 9N, Range 4E, Boise Meridian, Payette County. Our review indicates that instead of your suggested change that the legal description be Government Lot 6, we have decided that the proper legal description is the NW ¼ of the SW ¼, Government Lot 5, Section 35, Township 9N, Range 4E, Boise Meridian, Payette County. I would also like to confirm that I indicated to you on January 14, 1999 that Item 7 on that Application, the time required for completion of works and application of water to propose beneficial use, should be five (5) years.

If you have any further questions regarding these Applications, please do not hesitate to contact me or Scott Campbell.

Very truly yours,

ELAM & BURKE
A Professional Association

Angela D. Schaer

Angela D. Schaer

COPY

SEE APPLICATION
FOR PERMIT # 65-
FOR ORIGINAL.

ADS:thm G:\Thm\WPDATA\6831\00015-ads.wpd
encl.

cc: Lenora Barnes
Mike Girdner

MICROFILMED

JUN 09 1999

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)

MICROFILMED
JUN 03 1993