



REPRODUCTION

MAY 22 1996

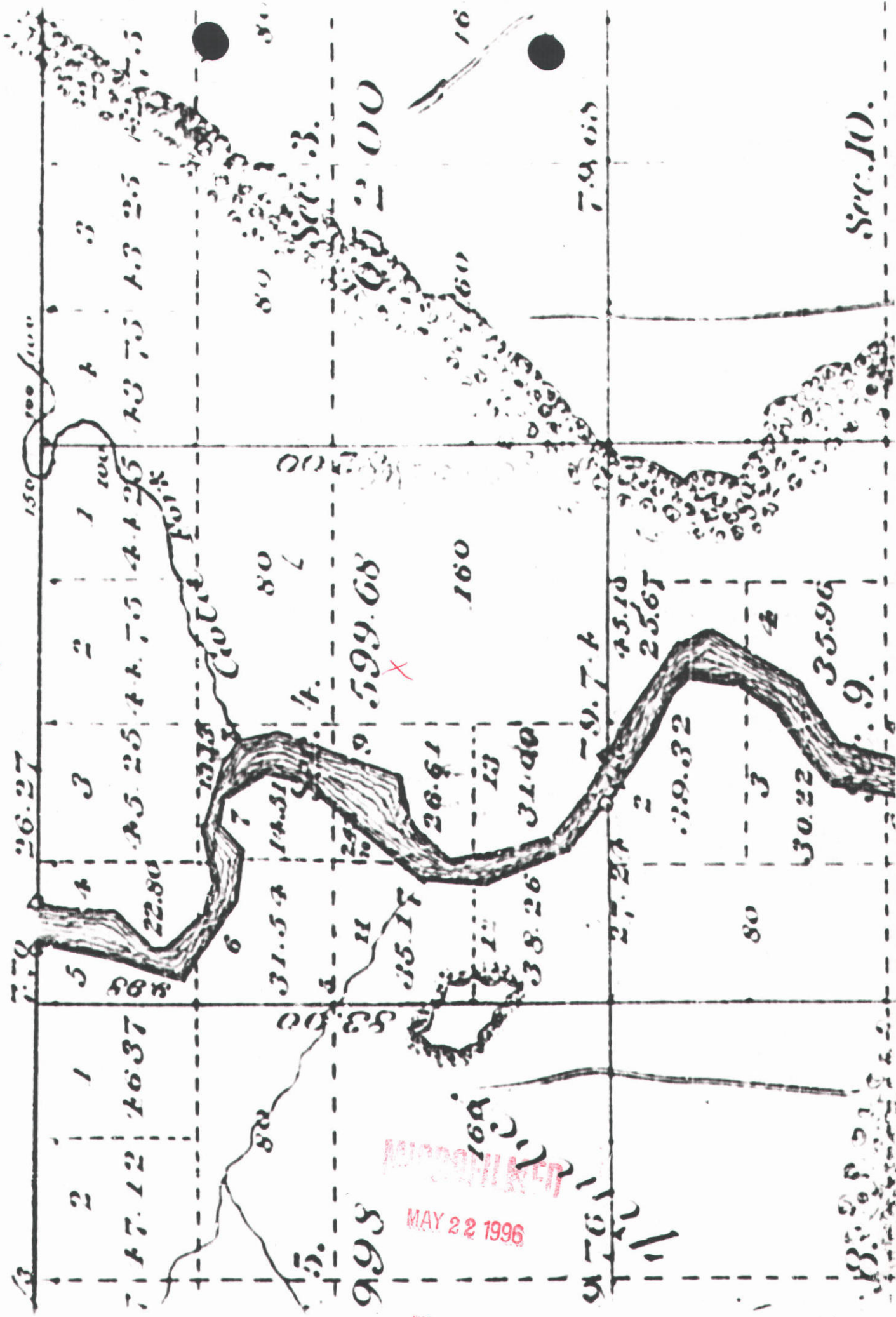
Actual subsection lines
in red pencil, based on
NO 1073 in SE 1/4
on S 1/2 NE 1/4 of S. 4.
This place - pld in
NW NWSE instead of
SW NWSE.

Based on the proximity
to 10 ac. boundary,
best to Revert pld to
40 ac. instead of 10 ac.
tract.

SC
2/6/88

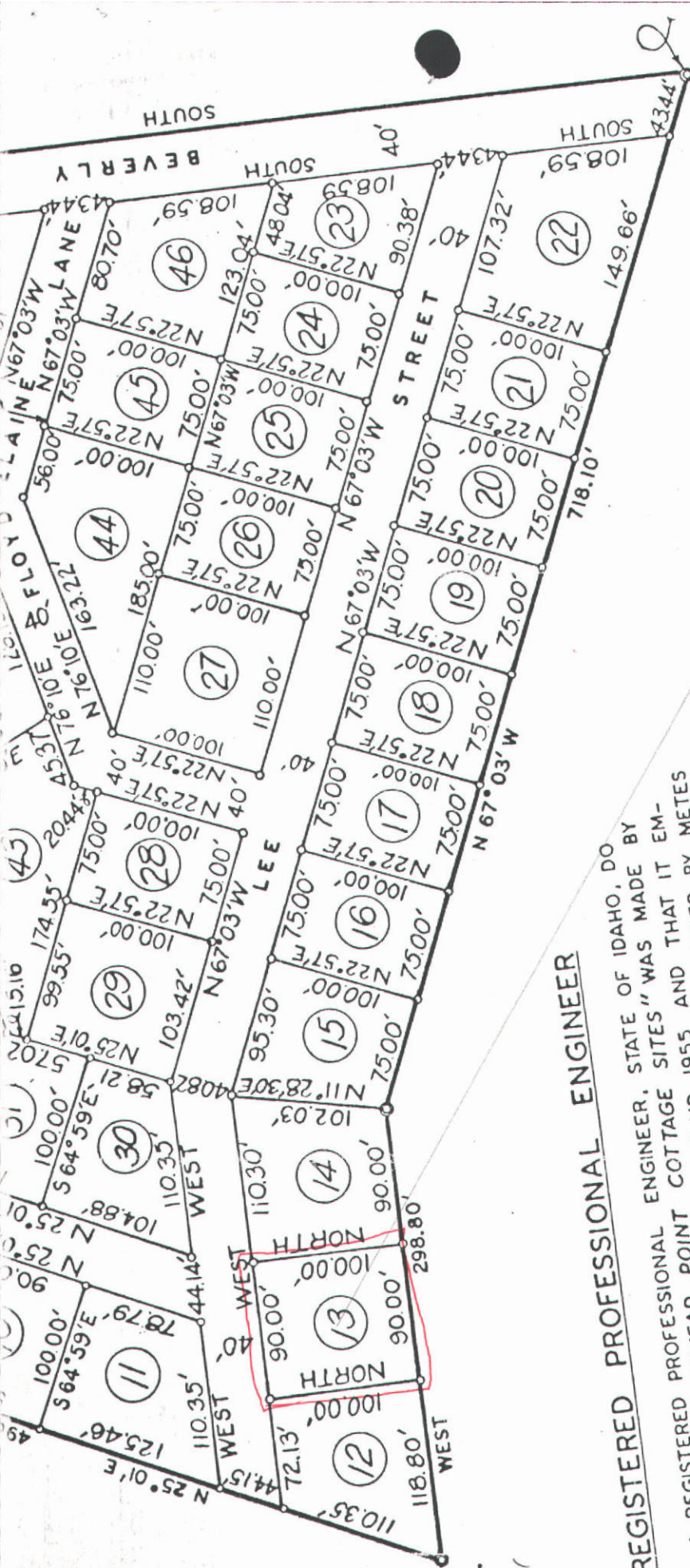
C L (1) C

15N 36 5.4 NWSE



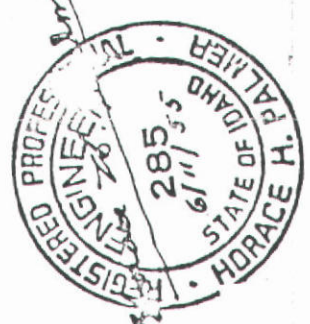
MAY 22 1996

Sec. 10.



CERTIFICATE OF REGISTERED PROFESSIONAL ENGINEER

I, HORACE H. PALMER A REGISTERED PROFESSIONAL ENGINEER, STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS PLAT OF "ARROWHEAD POINT COTTAGE SITES" WAS MADE BY ME FROM SURVEY NOTES TAKEN FROM MAY 25 TH TO JUNE 2 ND 1955 AND THAT IT EM- BRACES A PORTION OF THE NW 1/4 SE 1/4, SECTION 4, T.15 N., R.3 E., B.M. THENCE AND BOUNDS AS FOLLOWS: FROM THE SE CORNER OF THE NW 1/4 SE 1/4, SECTION 4, T.15 N., R.3 E., B.M. THENCE NORTH 250.00 FEET TO THE POINT OF BEGINNING; THENCE N 67° 03' W 718.10 FEET; THENCE WEST 298.80 FEET; THENCE N 25° 01' E 496.60 FEET; THENCE N 76° 10' E 355.30 FEET; THENCE N 51° 00' E 405.30 FEET; THENCE N 76° 10' E 1070.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 13.500 ACRES MORE OR LESS ALL IN THE NW 1/4 SE 1/4, SECTION 4, T.15 N., R.3 E., B.M., VALLEY COUNTY, IDAHO. AND THAT THE SAME IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHERMORE STATE THAT THIS PLAT IS RE-TRACEABLE. I FURTHERMORE STATE THAT THIS PLAT IS RE-TRACEABLE. I HAVE HEREUNTO SET MY HAND AND AFFIXED MY PROFES- SIONAL SEAL THIS 11 TH DAY OF JUNE 1955.



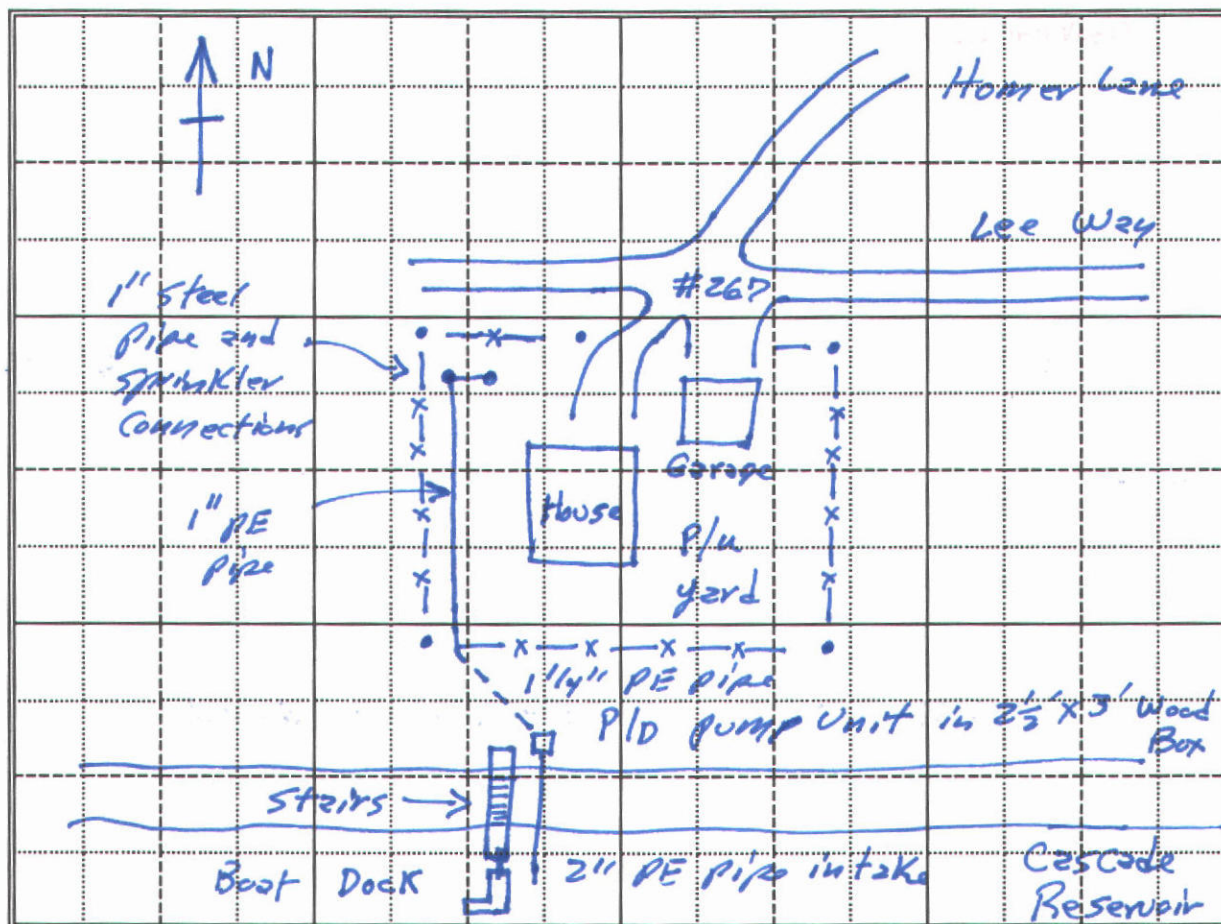
HORACE H. PALMER
CIVIL ENGINEER
319 MCCARTY BLDG.
BOISE
PHONE 2-0203
JUNE 11, 1955

CERTIFICATE OF ACCEPTANCE

SE CORNER NW 1/4 SE 1/4
SEC. 4, T.15 N., R.3 E., B.M.

The dedication plat and description of Arrow- head Point Cottage Sites (on un-incorporated land) hereby accepted and approved by the Board of Commissioners, Valley County, Idaho this

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



Scale: 1" = NONE

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

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

☒ Photo 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
<u>Pump Unit</u>	<u>GE Motors</u>	<u>1 1/2</u>	<u>5KCR39</u> <u>5N2204CX</u>	<u>F.E. Myers</u>	<u>5N 9860396</u>

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

D. FLOW MEASUREMENTS

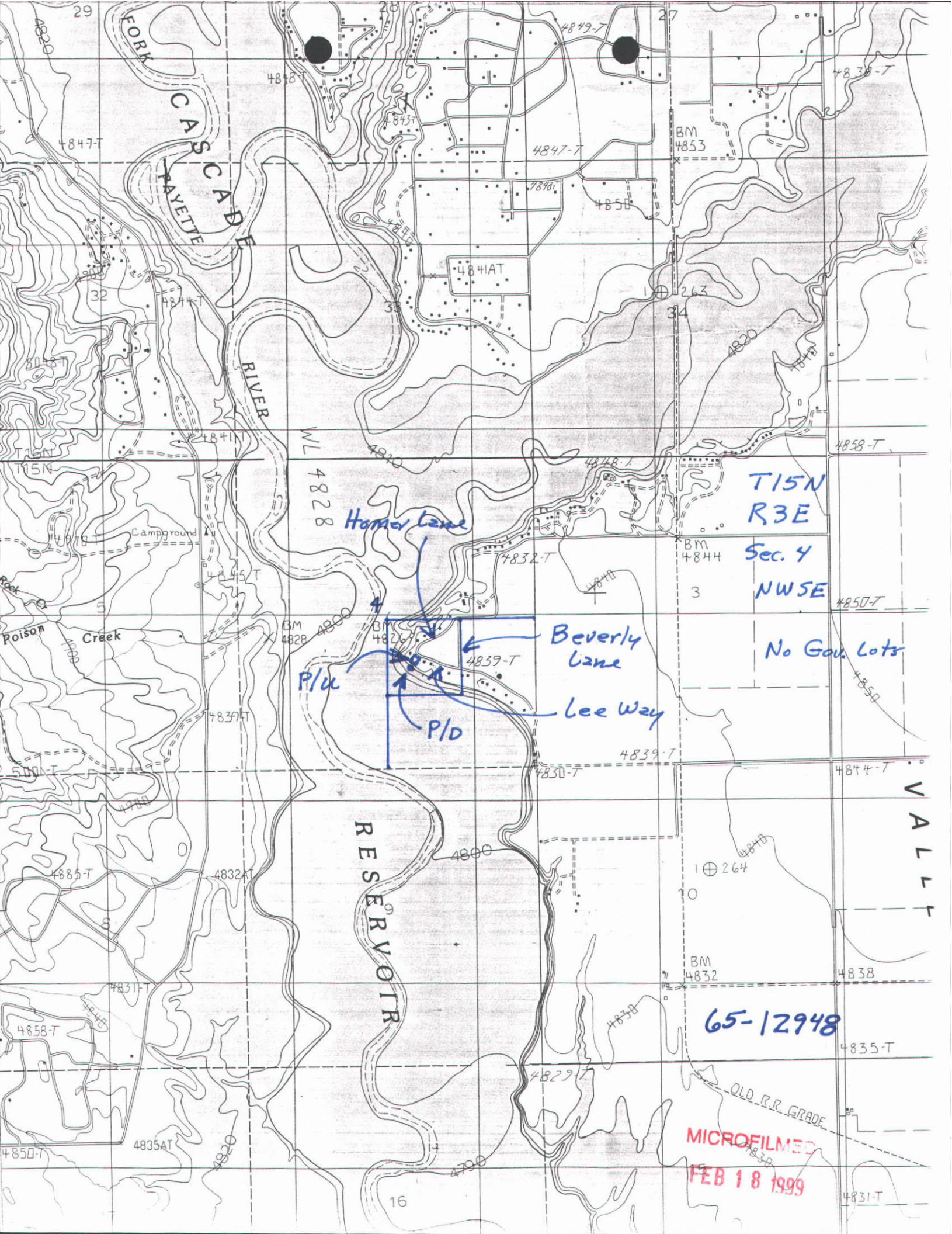
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None - System was off - owner not there.

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FORK CASCADE RIVER

CAMPGROUND

Poison Creek

RESERVOIR

Homer Lane

Beverly Lane

Lee Way

T15N
R3E
Sec. 4
NWSE

No Gov. Lots

65-12948

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OLD R.R. GRADE

P/U

P/D

4841AT

BM
4853

BM
4844

BM
4832

16

263

264

4838-T

4858-T

4850-T

4850

4844-T

4838

4835-T

4831-T

4847-T

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4847-T

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4832-T

4839-T

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5100

5101

5102

5103



1 of 2

P/D

Pump Unit
in Wood
Box by
Stair way.

Owner's
Boat
Dock in
background
on
Cascade
Reservoir.



P/D

Pump Unit

Pump Unit
was
disconnected
from intake
and
discharge
line.

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65-12948

2 of 2

P/u

Irrigated
yard
around
home on
lot.



P/u

1" PE pipe
and 1"
Steel
Sprinkler
stand
used for
irrigation
of yard.



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65-12948

State of Idaho
Department of Water Resources

Water Right License
WATER RIGHT NO. 65-12948

Priority: November 29, 1988

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

0.6 AF

This is to certify, that DAVID M BARTON
DOROTHY L BARTON

119 E HIGHLAND VIEW DR
BOISE ID 83702

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 29, 1988; and has submitted Proof of Beneficial Use on April 17, 1998. An examination indicates that the works have a diversion capacity of 0.100 cfs of water from:

PAYETTE RIVER, NORTH FORK tributary to PAYETTE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 4, Township 15N, Range 03E
VALLEY County

PLACE OF USE: DOMESTIC

TWN RGE SEC

15N 03E 4 NWSE

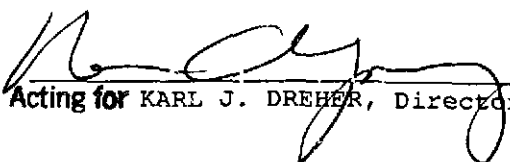
CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
2. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.
3. Domestic use is for lawn/garden irrigation not to exceed 1/2 acre.
4. Place of use is located within Lot 13, Arrowhead Point Cottage Sites.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 8th day of DECEMBER, 1998.

MICROFILMED

FEB 17 1999


Acting for KARL J. DREHER, Director

RECEIVED

Department of Water Resources

Signature of permit holder: David M. Barton Date: MICROFILMED
(include your title, if on behalf of company or organization) JUN 22 1992

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 65-12948

Proposed Priority: November 29, 1988 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **DAVID M BARTON**
DOROTHY L BARTON
119 E HIGHLAND VIEW DR
BOISE ID 83702
has applied for a permit to appropriate water from:
PAYETTE RIVER, NORTH FORK tributary of **PAYETTE RIVER**

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: NWSE , Sec. 4, Township 15N, Range 03E
VALLEY County

PLACE OF USE: DOMESTIC
TWN RGE SEC
15N 03E 4 NWSE

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, 1998.
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. Use of water under this right is subject to control by the watermaster of State Water District No. 65.
5. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.
6. Place of use is located within Lot 13, Arrowhead Point Cottage Sites.
7. 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

15th day of May, 1996

RECORDED
MAY 22 1996

[Signature]
for
[Signature]
Karl J. Dreher, Director

RECEIVED
MAY 13 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident No 65-12948

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant David M. & Dorothy L. Barton Phone 345-7609
Post office address 119 E. Highland View Dr. Boise Idaho 83702
Payette R. N.F. **
2. Source of water supply Cascade Reservoir which is a tributary of Payette River, North Fork **
3. Location of point of diversion is SW * $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt Lot _____
Sec 4 Township 15N Range 3E B.M. Valley County; additional
points of diversion if any. _____
4. Water will be used for the following purposes:
Amount 0.04 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) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump, pipeline to
place of use

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 _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 90°F being sought? no
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

MAY 28 1996
* show pld to do some tract per additional topo map (attached) interpretation.
jr 12/6/88
** See telecom memo dated 5/7/96

8 Description of proposed uses (if irrigation only, go to item 9)

- a Hydropower; show total feet of head and proposed capacity in KW. _____
- b Stockwatering; list number and kind of livestock _____
- c Municipal; show name of municipality. _____
- d Domestic, show number of households. 1
- e Other; describe fully. _____

9 Description of place of use

Lot 13 Arrowhead Point

- 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	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15N	3E	4													D				

Total number of acres to be irrigated _____

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

Groundwater right A65-17155 Claimed

11 a Who owns the property at the point of diversion? Applicant

b Who owns the land to be irrigated or place of use? Applicant

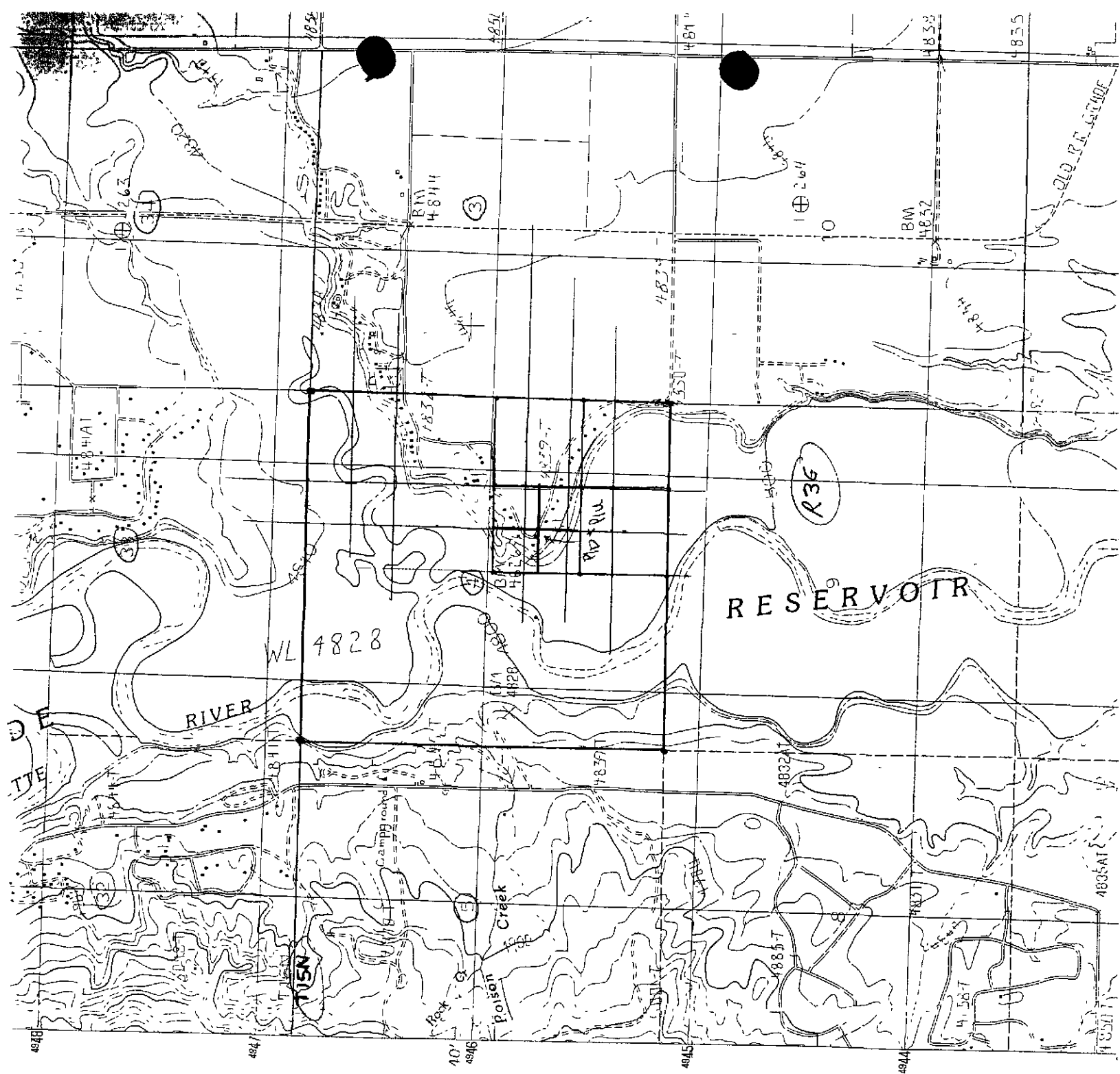
c If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

12 Remarks: This permit is for the watering of the domestic

lot. The area is less than 1/2 acre

Arrowhead Point Cottage Sites, Lot 13.

MAY 22 1996



Actual subsection lines
 rd rail & parcel, based on
 NW 90' lots in SE 1/4
 on S 1/2 NE 1/4 of S. 4.
 This phase pld in
 NW 1/4 SE instead of
 SW NW SE.

Based on the proximity
 to 10 ac boundary,
 best for parcel pld to
 40 ac instead of 10 ac.
 tract.

SL
 2/6/88

[illegible]

100%

100%

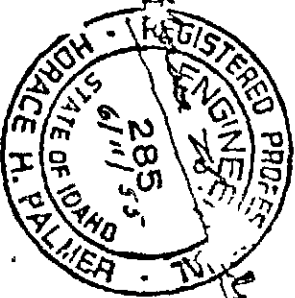
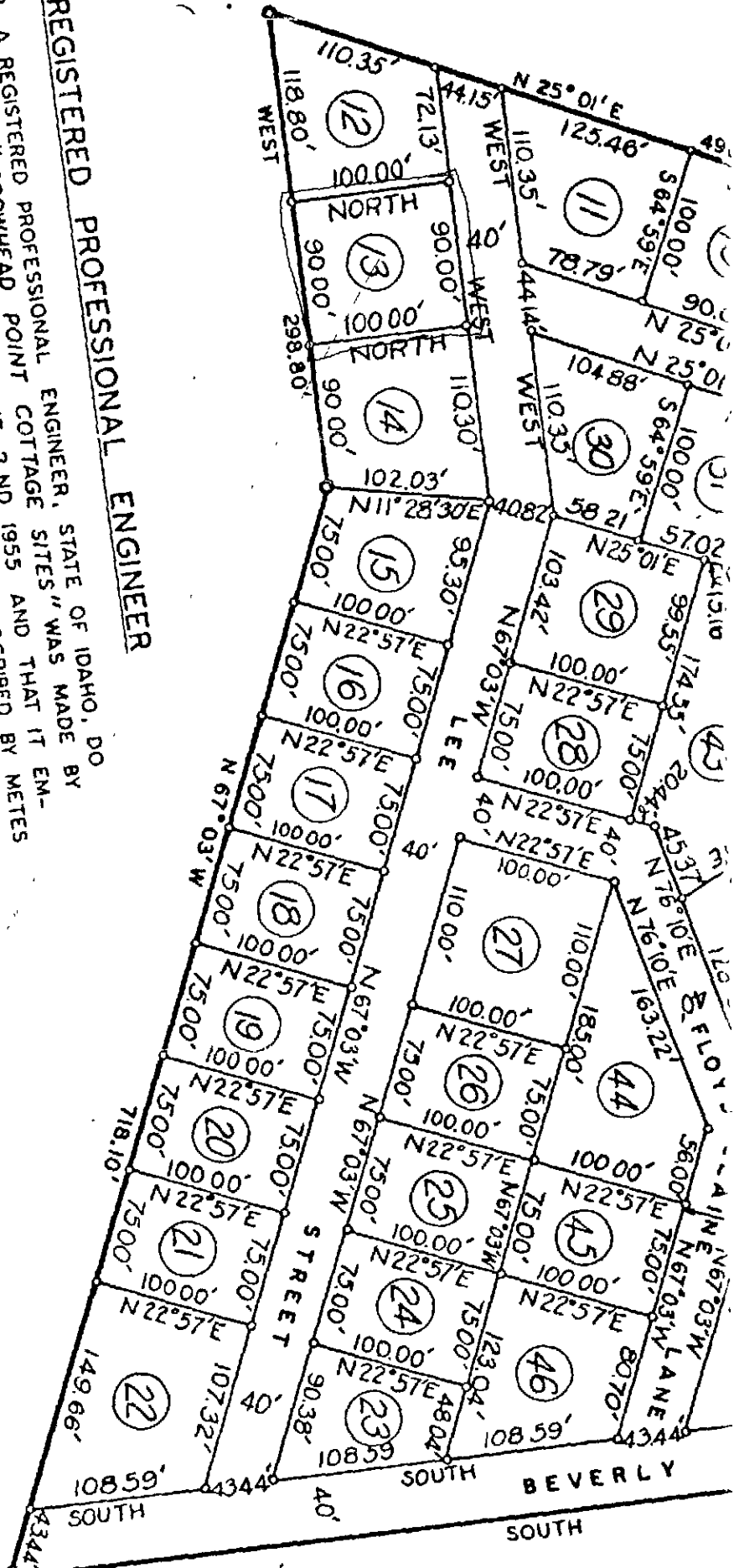
I FURTHER WHEREOF OF JUNE 1950.
IN WITNESS THIS 11TH DAY
SIGNAL SEAL THIS _____
CERTIFICATE OF ACCEPTANCE
a descript

CERTIFICATE OF

The dedication plat and description of Arrowhead Point Cottage Sites (on un-incorporated land) approved by the Board of

head Point Cottage Sites, Valley County, Idaho this

hereby accepted



HORACE H. PALMER
CIVIL ENGINEER
319 MCCARTY BLDG.
BOISE IDAHO
PHONE 2-0203
JUNE 11, 1955

SE CORNER NW 1/4 SE 1/4
SEC. 4, T.15N., R.3E., B.M.

See attached map
82 12/6/88

MAY 22 1996

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

David M. Barton
(Applicant)

Received by nl Date 11-29-88 Time 10:00 AM Preliminary check by DK
Fee \$ 30⁰⁰ Receipted by DK # W001562 Date 12-5-88 *check rec'd with appl. 11/29/88 &*
Publication prepared by GG Date 12-28-88 Published in The Advocate
Publication approved SS Date 2/6/89 1/4 & 1/11/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions.

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit

e. Other:

MAY 22 1996

PUBLIC NOTICES

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-12941
STEINER, HAROLD A.
P.O. BOX 2260
MURPHY, ID 83650
Source: SPRING
Tributary: SINKS
Diversion Pt: SENENW Sec 19 T 16N R

03E
Use: DOMESTIC (.040 CFS)
Date Filed: 10/31/1988
In: T16N R03E S19 NENW

65-12942
SEITZ, DONALD K.
1331 TETONIA DR.
BOISE, ID 83705
Source: CAMPBELL CREEK
Tributary: CASCADE RESERVOIR
Diversion Pt: NWSE Sec 33 T 14N R

03E
Use: IRRIGATION (.030 CFS)
Date Filed: 11/10/1988
In: T14N R03E S33 SESE
1.0 ACRES TOTAL

65-12943
FLATLANDERS WATER USERS ASSN.
RT 4 BOX 4218
NAMPA, ID 83651
Source: GROUNDWATER
Diversion Pt: NENW Sec 28 T 16N R

03E
Use: DOMESTIC (.110 CFS)
Date Filed: 11/15/1988
In: T16N R03E S28 NENW
65-12944
NICKELS, CARL D.
NICKELS, VICKI L.
P.O. BOX 351
CASCADE, ID., 83611
Source: SPRING
Tributary: SINKS
Diversion Pt: NENESE Sec 4 T 12N R

04E
Use: STOCKWATER (.020 CFS)
Date Filed: 11/16/1988
In: T12N R04E S04 SENE
65-12945
WESTWINDLANDINGSUBD.OWNERS
ASSN. INC.
C/O REALTY ONE
FRONTIER REALTY
7310 POTOMAC DR.
BOISE, ID 83704
Source: GROUNDWATER
Diversion Pt: SESE Sec 27 T 16N R

03E
Use: IRRIGATION (.120 CFS)
DOMESTIC (.160 CFS)

Date Filed: 11/16/1988
In: T16N R03E S27 SESE
4.0 ACRES Total
65-12946
GORRANO, LOUIE
GORRANO, RANDY
P.O. BOX 637
EMMETT, ID 83617
Source: SPRING
Tributary: SINKS
Diversion Pt: SWSESE Sec 1 T 11N R

03E
Use: DOMESTIC (.020 CFS)
Date Filed: 11/16/1988
In: T11N R03E S01 SESE
65-2948
BARTON, DAVID M.
BARTON, DOROTHY L.
115 E. HIGHLAND VIEW DR.
BOISE, ID 83702
Source: CASCADE RESERVOIR
Tributary: PAYETTE RIVER, NORTH FORK
Diversion Pt: NWSE Sec 4 T 15N R

03E
Use: DOMESTIC (.040 CFS)
Date Filed: 11/29/1988
In: T15N R03E S04 NWSE

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho, 83705 on or before JANUARY 23, 1989.

R. KEITH HIGGINSON, Director
Published 1/04/1989 & 1/11/1989

I, Fred K. O'Brien, being duly sworn deposes and says, I am the Publisher of *The Advocate*, a weekly newspaper published at Cascade, in Valley County, Idaho; and having a general circulation therein and of legal status in said county.

The *Advocate* of *Valley County, Idaho* is a copy of which is attached hereto; was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began:

1-4, 19 89
and ended 1-11, 19 89

2-9-89
Subscribed and sworn before me, this the 13 day of Jan, 1989

On this 13th day of Jan, 1989
I, a Notary Public in and for the State of Idaho, state that said person, Fred O'Brien, did in fact present me with this document and I did witness his signature on the document.

Rayola Jarzyn
Rayola Jarzyn, Notary Public residing at Cascade, Idaho

MAY 22 1989

MEMORANDUM

DATE: February 3, 1999

TO: Water Right File 65-12948

FROM: Shelley W. Keen *SK*

RE: Licensed maximum diversion volume

Last week I spoke with Jo Beeman in response to her request to change the licensed volume on right 65-12948. According to a plat in the file the lot where the water is used is only 0.2 acres. Therefore, I explained to Jo that employing her suggested method for calculating the volume would still result in 0.6 AFY ($0.2 \text{ acres} * 3.0 \text{ AF/Acre} = 0.6 \text{ AF}$). Jo indicated that she would verify the lot size with Dr. Barton, the permit holder, and get back in touch with me if she needs to correct the information in the file.

MICROFILMED

FEB 18 1999

BEEMAN & HOFSTETTER, P.C.

Counselors and Attorneys at Law

608 West Franklin Street

P. O. Box 1427

Boise, Idaho 83701-1427

Josephine P. Beeman

Dana L. Hofstetter

Telephone: (208) 388-8900

Facsimile: (208) 388-8400

E-mail: beehof@micon.net

RECEIVED

JAN 20 1999

January 18, 1999

Department of Water Resources

Norm Young
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Re: Water Right License 65-12948

Dear Norm:

I am writing to ask if the Idaho Department of Water Resources (IDWR) would reconsider the annual volume listed in water right license 65-12948. The approved application for permit listed 0.04 cfs for domestic purposes from the North Fork of the Payette River. Condition #3 of the license states that domestic use is for lawn/garden irrigation not to exceed one-half acre. The approved application for permit listed one-half acre as the place of use.

License 65-12948 lists a rate of diversion of 0.02 cfs and an annual volume of 0.6 acre-feet. The field examination indicated that the diversion works have a capacity of 0.1 cfs. Had the claimant, David M. Barton, filed for an irrigation right for one-half acre, the allowed diverted volume would be 1.5 acre-feet based upon irrigation field headgate requirements for this area of the state. The consumptive irrigation requirement would be one acre-foot per year for one-half acre. This information is from the IDWR map entitled Consumptive Irrigation Requirement, Field Headgate Requirement and Season of Use.

Perhaps IDWR could reconsider the annual volume since the application and license were not sought as a domestic exemption under *Idaho Code* § 42-111. Apparently when a domestic use is claimed as part of an exemption under I.C. § 42-111, IDWR limits the diverted volume to 0.6 acre-feet per year when the use is only for inside the house. And, when the domestic exemption use is for inside the house and some limited use outside the house, the 1.2 acre-feet per year limitation applies. Since this application was

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FEB 18 1999

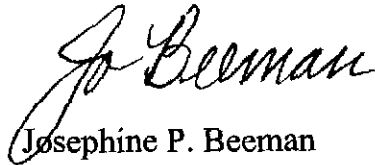
Norm Young
Re: 65-12948
January 18, 1999
Page 2

not filed to achieve a domestic exemption but was filed to secure a water right for the irrigation of property adjacent to a cabin at Arrowhead Point Cottage Sites on Cascade Reservoir, perhaps IDWR could reconsider the annual volume for license 65-12948. The rate of diversion at 0.02 cfs allows two miner's inches to the acre. An annual volume of 1.5 acre-feet would appropriately address the irrigation nature of the use.

I appreciate your assistance.

Sincerely,

BEEMAN & HOFSTETTER, P.C.



Josephine P. Beeman

JPB:ja
cc: David Barton
D \1772\2627

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FEB 18 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

December 9, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID M BARTON
DOROTHY L BARTON
119 E HIGHLAND VIEW DR
BOISE ID 83702

RE: WATER RIGHT NO. 65-12948

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department 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 this 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 this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

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FEB 12 1999

ORAL ARGUMENT

If the Department grants a petition to review the 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 the 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.

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FEB 12 1994

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.

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

Enclosure

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FEB 18 1998

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of December, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 65-12948

DAVID M BARTON
DOROTHY L BARTON
119 E HIGHLAND VIEW DR
BOISE ID 83702


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 18 1999

MEMORANDUM

TO: File 65-12948

FROM: Sharla

DATE: December 1, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 65-12948 are as follows:

H. RECOMMENDATIONS

Domestic	1/1 - 12/31	0.02 cfs	0.6 afa
----------	-------------	----------	---------

The domestic use is external only; the rate has been changed accordingly.

Exam Date: August 6, 1998
Examiner: Dan Tomich

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FEB 14 1999

LICENSE REVIEW CHECKLIST

PERMIT NO 65-12948 DATE 11/30/98 REVIEWER SHARLA

NAME OK Change/OK
 Address OK
 SOURCE OK Does change clarify orig intended source? If no, Void permit
 POINT OF DIV OK ☐ Change (P39 /P47) ☐ Add (P45/P42) Feds - P40

W32 (multiple in 1/4)
~~W36 (overlap)~~
~~W39 (subd desc)~~

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK ☐ Change (P41/P47) ☐ Add (P41/P42) Feds - P43

~~W60 (subd. desc)~~
~~W27 (ppu acre limit)~~

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .04 cfs
 Fee limit .20 cfs \$5
 Measured cfs
 Theoretical .10 cfs
 Recommended Total Div Rate .04 cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>Dom</u>	<u>.02</u> cfs	<u>.6</u> af	Img - overlap (R58-R61, R62-R65, R66-R69)
_____	_____ cfs	_____ af	supp gw (WB7/065/079)
_____	_____ cfs	_____ af	overlap spec combined rts (W35)
_____	_____ cfs	_____ af	<1acre (W31)
_____	_____ cfs	_____ af	Domestic (W01/WB5/070/071/075)
TOTALS	_____ cfs	_____ af	Power (W42 or W43/025/027/R22 or R23)
			Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .02 cfs X 365 days X 1.98 = 14.5 af

REMARKS D/lawn watering of garden not to exceed 1/2 ac. or less. 1/2 ac. W22

ADD'L CONDITIONS 204 Watermaster Control WD# 65
☐ GW Measurement/Measuring Device
☐ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority ☐ yes ☒ no SRBA Claim NA Adjust Memo rate
 Amend letters

NOV 25 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-12948

1. Owner: David M. Barton, M.D. and Dorothy C. Barton Phone No. (208) 343-6791

Current Address: 119 E. Highland View Dr., Boise, ID 83702

2. Accompanied by: Reviewed exam with EXAM DATE: 8-6-98

Address: Dr. Barton by phone, but Phone No.
he was unable to be there)

Relationship to Permit Holder:

3. Source: Payette River North Fork tributary to Payette River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None on file (Potable Water is a Separate System)

2. Other water rights with the same point of diversion: *None*

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

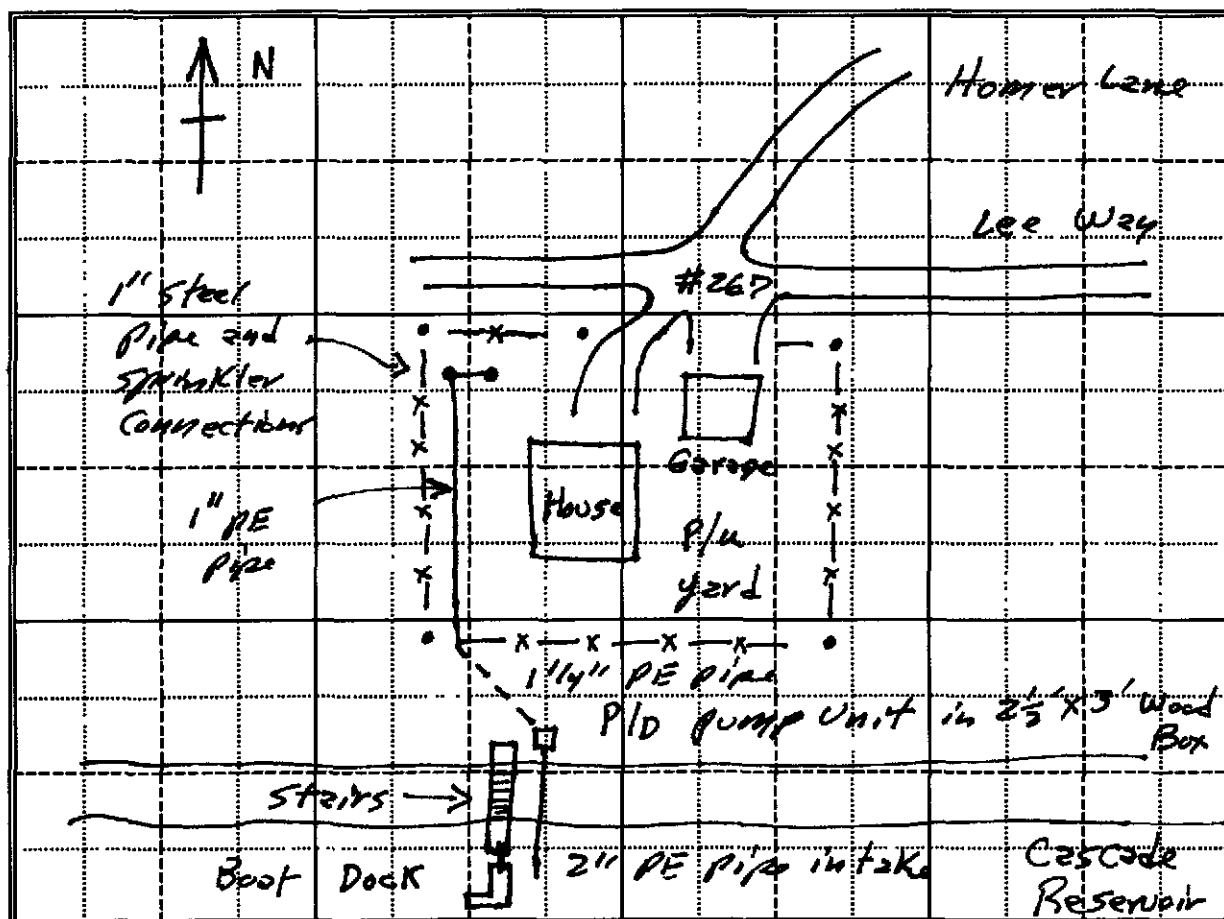
2. Place(s) of Use:

Indicate Method of Determination Site Visit, map

[illegible]

57 13 1944

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



Scale: 1" = NONE

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

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

☒ Photo 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
<u>Pump Unit</u>	<u>GE Motors</u>	<u>1 1/2</u>	<u>5KCR39</u> <u>5N2204CX</u>	<u>F.E. Myers</u>	<u>5N9860396</u>

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None - System was off - owner not there.

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751 12 W.D.

E. NARRATIVE/REMARKS/COMMENTS

1. This is a domestic permit for irrigation only of lot 13, Arrowhead Point Cottage sites. The potable water used by the home is provided through a separate system.
2. A small pump unit located in a wood box adjacent to the boat dock stairway pumps Cascade Reservoir water for irrigation of the yard on the lot. The pump unit has a 2" PE pipe intake in the reservoir, a 1 1/4" buried PE pipe mainline to the yard, a 1" PE pipe on the west side of the yard, and a 1" steel pipe sprinkler stand. The sprinkler is moved around to irrigate the yard.
3. The lot location number is 267 at the junction of Lee Way and Homer Lane.
4. Dr. Barton's office number is 367-2845 in Boise.

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

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DEC 18 1985

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method: None.Domestic Irrigation only.

$$Q = \frac{(8.8)(1.5 \text{ ft}) (70\%)}{12' + (35 \text{ psi}) \left(\frac{34'}{14.7 \text{ psi}} \right)}$$
$$= 0.10 \text{ cfs}, > 0.04 \text{ cfs}$$

Allow 0.04 cfs**G. VOLUME CALCULATIONS****1. Volume Calculations for Irrigation:** $V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$ $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$ $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = \underline{\hspace{2cm}}$ **2. Volume Calculations for Other Uses:**Domestic External use only - Allow 0.6 AFA**H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>01/01</u>	<u>12/31</u>	<u>0.04</u>	<u>0.6</u>
Totals:			<u>0.04</u>	<u>0.6</u>

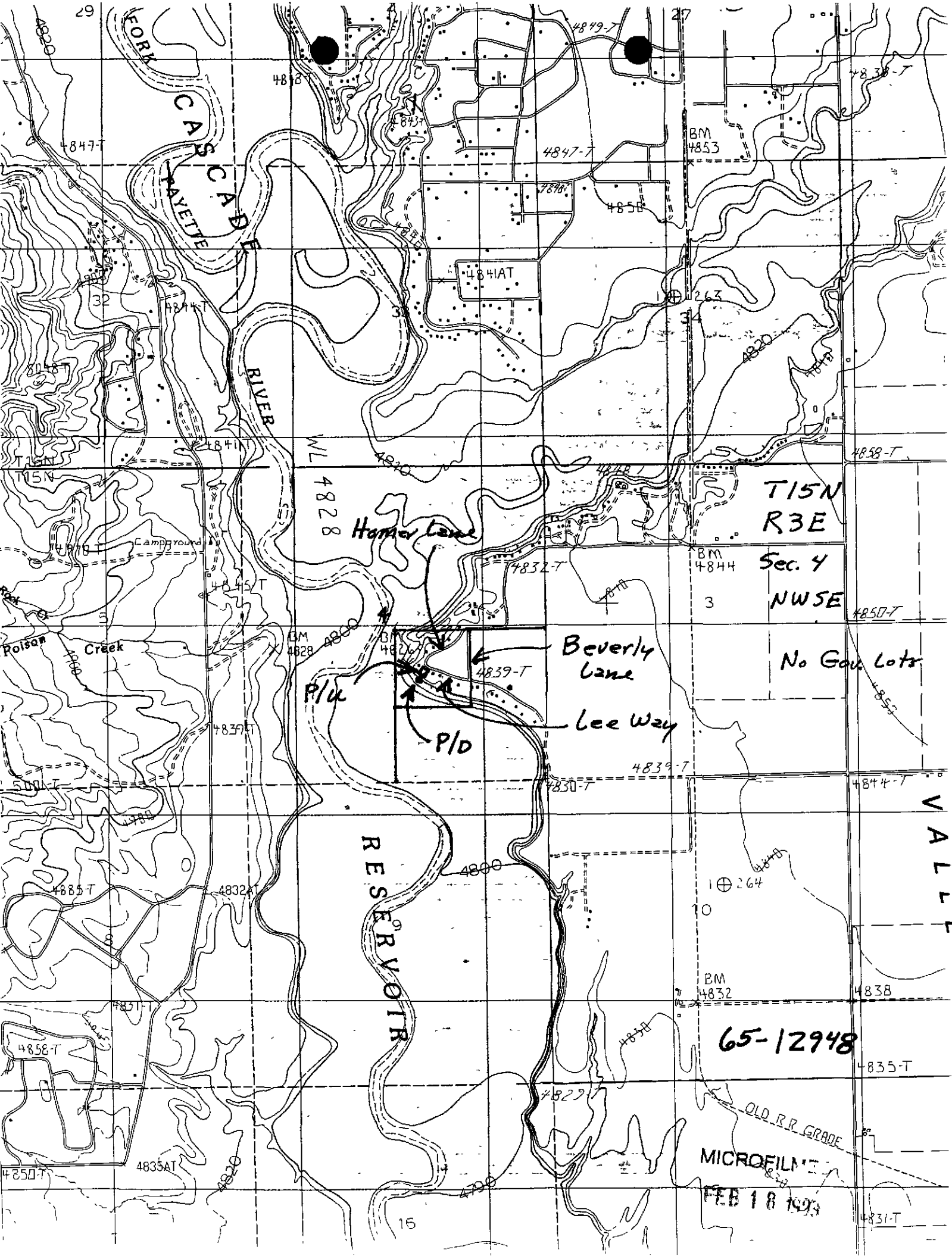
2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name Don Tomich Date 11-24-98

Reviewer _____ Date _____

MICROFILMED
100-13-4034



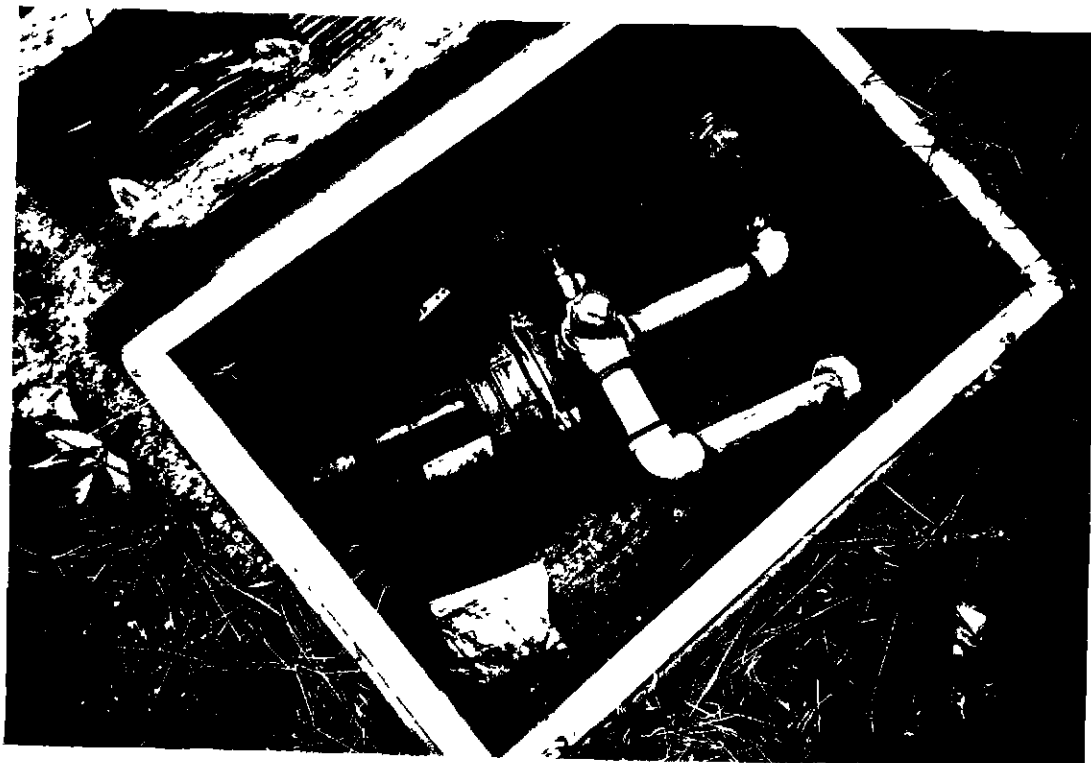


1 of 2

P/D

Pump Unit
in Wood
Box by
Stair way.

Owner's
Boat
Dock in
background
on
Cascade
Reservoir.



P/D

Pump Unit

Pump Unit
was
disconnected
from intake
and
discharge
line.

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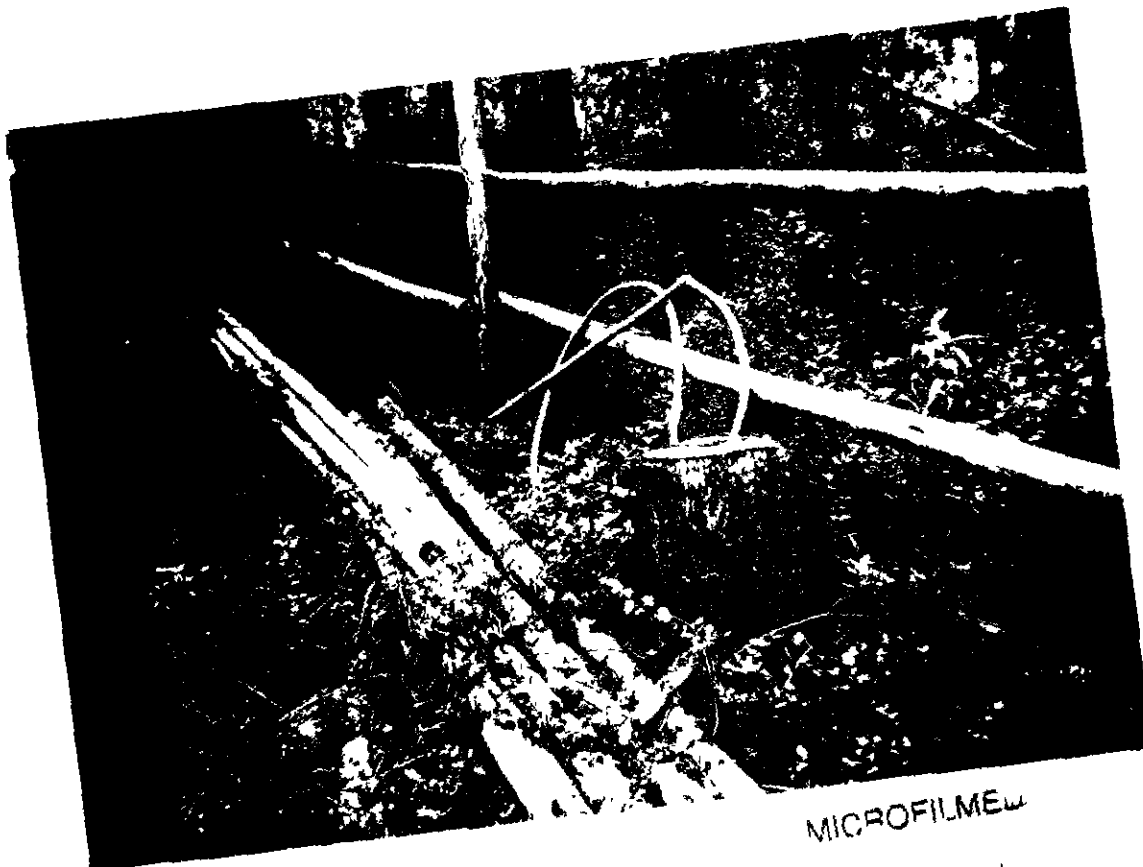
65-12948



2 of 2

P/u

Irrigated
yard
around
home on
lot.



P/u

1" PE pipe
and 1"

steel

sprinkler

stand
used for
irrigation
of yard.

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FEB 14 1983

65-12948

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-12948 Reviewed by [Signature] Date 6-12-98

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? Dom.
yes Address same as permit? _____
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
_____ Ground water source
_____ Drilling permit required?
_____ Copy in the file? Drilling Permit No. _____
_____ Amount paid for permit _____ Correct?
_____ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required? NO Required?
50- Amount Submitted / Installed?
yes Correct? _____ Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____ Proof Made 4-17-98



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 16, 1998

David M Barton
Dorothy L Barton
119 E Highland View Dr
Boise ID 83702

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-12948

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right 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.

If you have questions concerning the field examination, please contact the department's **WESTERN** Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
JUN 22 1998

February 28, 1998

DAVID M BARTON
DOROTHY L BARTON
119 E HIGHLAND VIEW DR
BOISE ID 83702

PROOF DUE NOTICE

RE: PERMIT NO. 65-12948

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 1, 1998.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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.

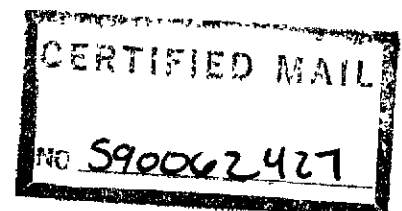
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
JUN 20 1998





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 16, 1996

DAVID M BARTON
DOROTHY L BARTON
119 E HIGHLAND VIEW DR
BOISE ID 83702

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-12948

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was 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.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

MAY 22 1996

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 65-12948 Name: Barton Date: 5/15/96 Ad OK? ✓
Correct Fee? ✓ Receipt #: W001562 Priority: 12/5/88 ✓ Gvmt Lts:

AREA OF CONCERN? - No/Yes Mor GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)
SYSTEM COMPLETED:
Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17
GROUNDWATER: <✓ FLO-CH>
+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)
Drilling Permit:
Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. , P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)
SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):
Water District(dam) - 005 (req) WD # 65 <SEE MAP & LISTING>
+ 0.2 cfs - 01J(meas dev)-P08
=/- 0.2 cfs - 01H(lock dev)-P01 or No MD
In-WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M
RIVER BASINS (*Surface water):
Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-† Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA
USE:
Domestic (surface) - 021(Boise R † Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA
LOCATION:
Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - B <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA
OWNERSHIP: Non-land owner - 004 (PD/PU)
OTHER CONDITIONS:
STANDARD REMARKS: GPO4PU LT 13, 1400 - land front College Sites
5-1-1998
BENEFICIAL USE DUE:
COMMENTS:

P/D T 15N R 3E S 4
P/U T 15N R 3E S 4

NW SE
NW SE

Form No. 202a.
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: DR DATE: 12-5-88 APPLICATION: 65-12948

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:
☒ Signature: (If applicant is corp., partnership, or municipality title of signator is required)
☒ Fee:
☒ yes ___ No* In form to receipt:

Gov't. Lots:

ND P/D

ND P/U

ADDITIONAL INFORMATION

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion:
☒ Field check required: Field check by: _____
☒ Field report attached:
☒ Critical groundwater area:
☒ Groundwater management area:
☒ Send dam safety information:
☒ Send power requirement letter:
☒ Send fish farm requirement letter:
☒ Power residency affidavit:
☒ Power efficiency form:
☒ Within trust water boundry: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☒ Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

RECEIVED
MAY 13 1996

Department of Water Resources

DATE REQUESTED: _____

☒ Additional information on reverse side:

PROCESSING

YES NO

- ☒ ☐ In form for advertising:
☐ ☒ Statewide advertising:
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

- ☐ ☒ I.D. Health and Welfare
☐ ☒ I.D. Fish and Game
☐ ☒ I.D. Lands
☐ ☒ Adjudication Bureau

YES NO

- ☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Svc.
☐ ☒ Water District # _____
☐ ☒ 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:
☐ ☒ Protests received, Final date for protest January 23, 1989
☐ ☒ Protests, dates, resolution of protest recorded on application:
☐ ☒ Recommendations attached: Approve, DRR
☐ ☒ Measuring device required: } too small
☐ ☒ Measuring port required: }
☒ ☒ Water delivered by water master? District # 65
☒ ☐ Special conditions of approval or cover letter: (see additional info. below)
☐ ☐ See Below For Additional Information
Recommended Date of Priority 11/29/1988
Recommended by: DR Date 5/7/96

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

different overlap 65-10236 Local rock creek N/A
owners 65-12780 surrounding water N/A
Both P/D + P/U }
Hold pending availability of ABS-17155 3 small wells for domestic use at
Cascade Reservoir water. Other applicant's home at same site discussed in Application.

26A (Allow 2 years), 05 (65, Payette River). The water right holder must cease diverting
during the summer months, or arrange for water the use of Rental Poll water
via the Watermaster of Water District 65.

65-12948

BARTON, DAVID M.
BARTON, DOROTHY L.
119 E. HIGHLAND VIEW DR.
BOISE, ID 83702

Source: CASCADE RESERVOIR

Tributary: PAYETTE RIVER, NORTH FORK

Diversion Pt: NWSE Sec 4 T 15N R 03E

Use: DOMESTIC (.040 CFS)

Date Filed: 11/29/1988

In: T15N R03E S04 NWSE

EX-101
MAY 22 1996

CONVERSATION MEMORANDUM

DATE 5/7/96FILE 65-12948NAME OF PARTY David BartonEMPLOYEE Dave Tushill

RE: _____

In response to my letter dated 3/19/96, Mr. Barton called to indicate that he does want to pursue development under this app. I explained that it is unlikely that Bore will sell storage water. However, we can issue a water rt for North Fork Payette R. water subject to the condition that he must obtain rental pool water for any diversions during low flow periods. He agreed with this approach. I said we would process accordingly. Done

Note: This change will not require an amendment, readvertising, or written instructions from the applicant because we are merely re-defining the naming convention of the source — this modification does not constitute a change.

MICROFILMED

MAY 22 1996



State ● Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 19, 1996

DAVID M &/OR DOROTHY BARTON
119 E HIGHLAND VIEW DR
BOISE ID 83702

RE: Application for Permit No. 65-12948

Dear Applicant:

The purpose of this letter is to inquire as to the status of the above-referenced application. This file has been in our hold files since 1988, and it is unlikely that it will be approved at this time. I am enclosing a withdrawal form if you wish to withdraw your application or we can continue to maintain your file in our hold drawer.

Please bring us up to date on this matter as soon as possible.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

From: DWR80::SLESTER 20-FEB-1996 10:51:28.46
To: DWR03::SKEEN
CC: SLESTER
Subj: APPLICATION 65-12948 (BARTON)

Shelley, I found one of the appl.s from the list of several you sent last week. 65-12948 was filed for pumping from Cascade Reservoir & has been in region's Hold File since 1991. It does not appear approvable at this time but applicant might want to continue in Hold pattern much as GWMA applicants often do.

Meanwhile, I will route the file here as follows so that at least our d'base can be current:

alt
to Sue - to update BCQ1 to show in Region Hold File

to DRT - to see if wants to send another withdrawal letter or not

Will keep working on the others as you can see from other mail message sent today.

-- Steve



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 25, 1991

David M. and/or Dorothy L. Barton
119 E. Highland View Dr.
Boise, ID 83702

RE: Water Rights for Property Near Cascade Reservoir

Dear Dr. and Mrs. Barton:

Pursuant to a telephone conversation with Dr. Barton last week, I indicated that I would provide a letter describing the present status of water rights presently on file with this agency for the your property near Cascade Reservoir.

Adjudication Claim No. A65-17155, which you filed with the Department on September 29, 1991, describes diversion from ground water (3 wells), which supplies water for your household. In addition, in the remarks section of the claim you have indicated that the three wells serve a community system for about 20 domestic uses.

As we discussed, the coordination of filing on the wells for the community system is a matter for the homeowners and subdivider (Mr. Loomis) to resolve. In the meantime, your individual claim appears to be acceptable. The Department will not be preparing adjudication recommendations for water rights in Valley County for at least two more years, which will allow the homeowners and Mr. Loomis an opportunity to clarify the water right filings before our adjudication report for the district court is prepared.

Regarding your application to divert directly from Cascade Reservoir, your application no. 65-12948 was initially filed on November 29, 1988. I can deduce from information on the application that you were assisted in this filing by one of our new water resource agents at the time, Mr. Darren Knudsen. At the time, he was not aware that Cascade Reservoir is not subject to appropriation. Storage water in the reservoir is already licensed to the U.S. Bureau of Reclamation so the Department cannot issue the permit for which you have applied.

The Bureau was for a time issuing "Irrigation Pump Permits" for diversions from the reservoir for a cost of \$150.00 for a five year contract. However, these contracts have not been available for the past three years pending the completion of reservoir utilization studies. We have had your application in our hold file pending the

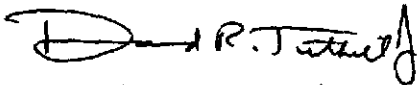
MAY 22 1996

Dr. and Mrs. Barton
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resolution of utilization studies that might allow you to obtain a valid use contract. With the interjection of the salmon issue in the pacific northwest, such resolution seems remote. Therefore, you may now desire to withdraw your application, and we will remit your \$30.00 filing fee. In the meantime, we will continue to maintain your file in our hold drawer.

Please feel free to contact me if you have further questions regarding the status of these or other water rights.

Sincerely,



David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

MAY 22 1996