

T6N

R39E

R40E

7.5 MINUTE SECTION

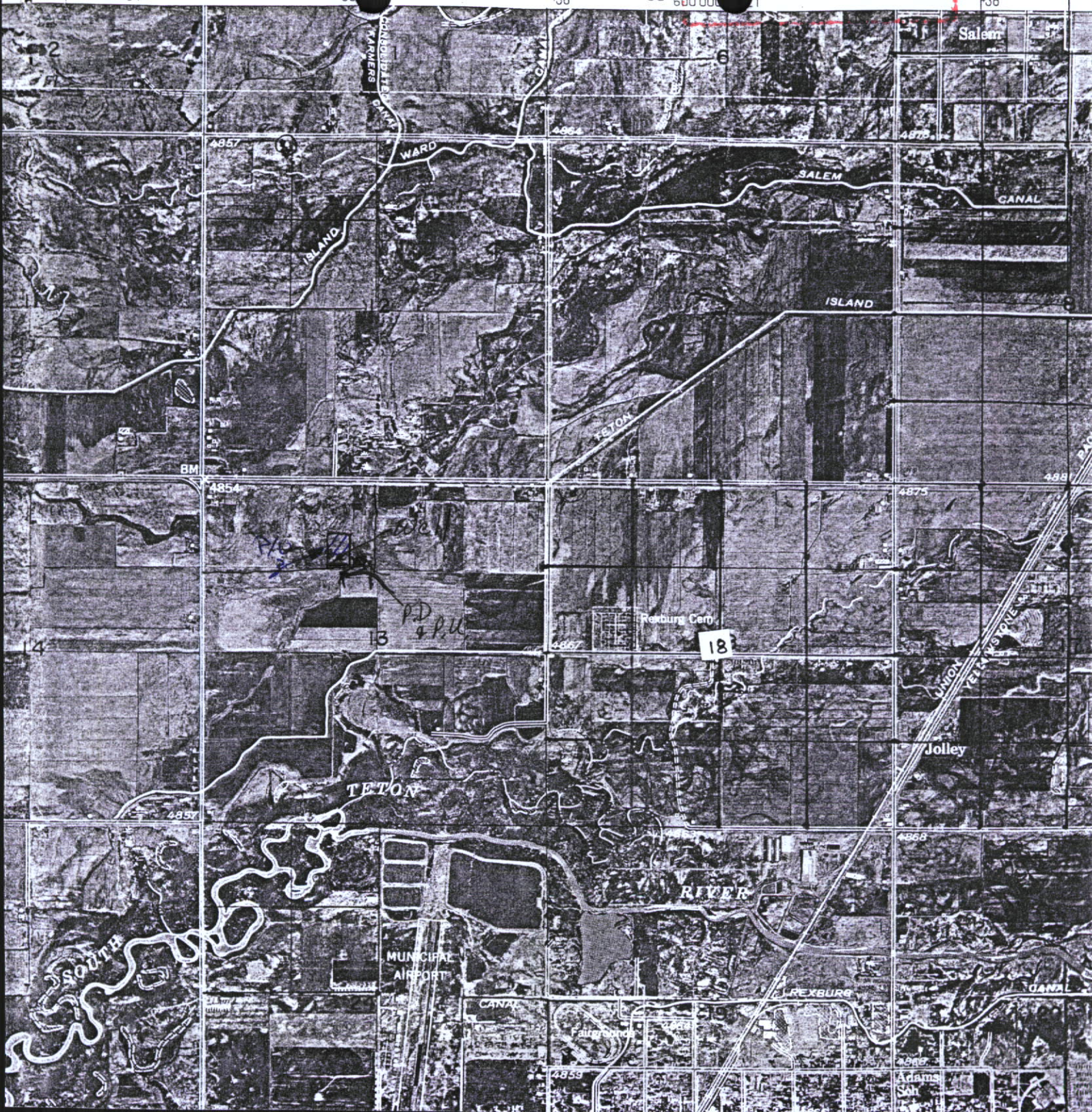
434

435

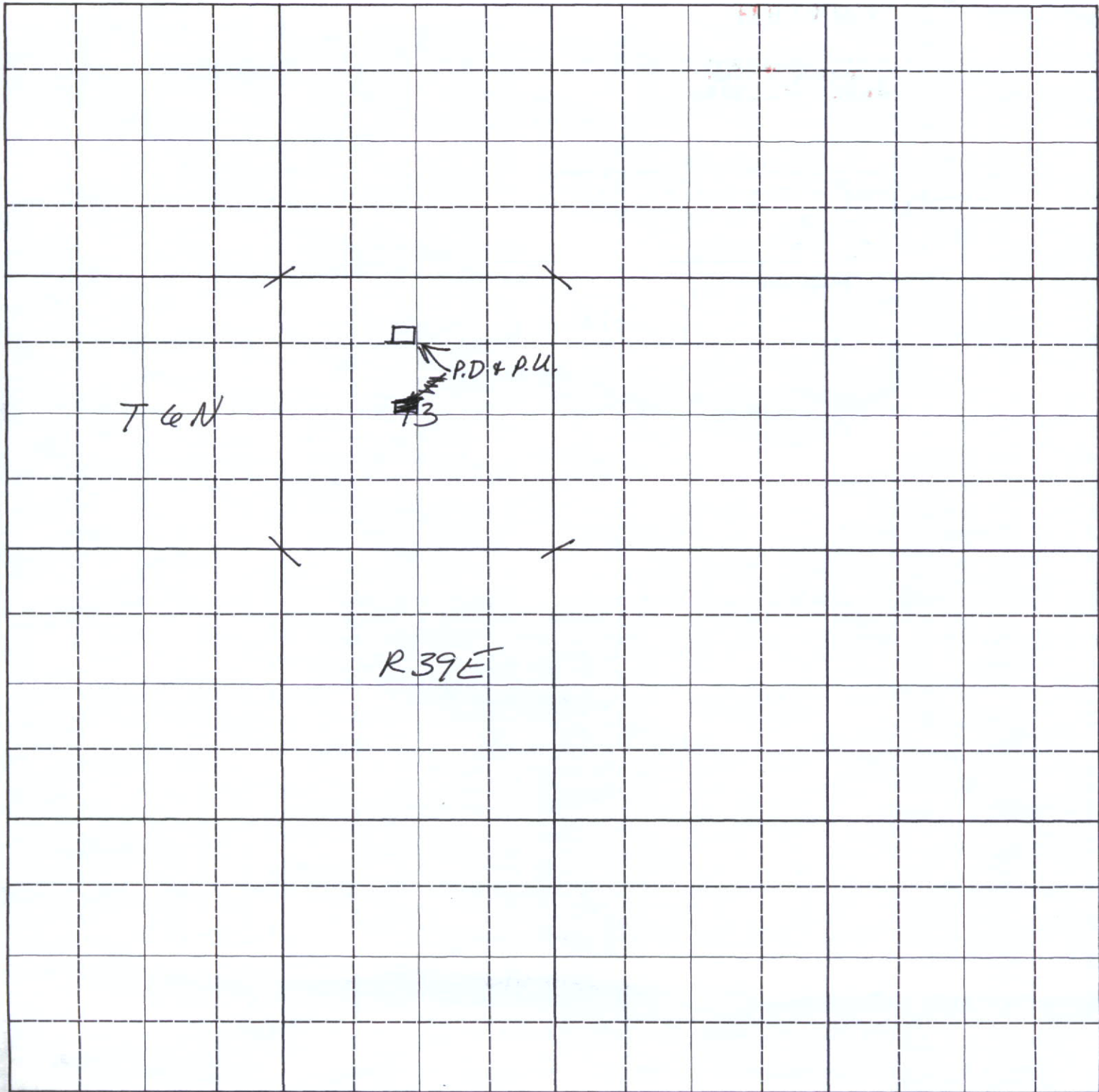
436

47' 30" 600 000

438



13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

FEB 14 1989

Bruce Butler
(Applicant)

THE STANDARD JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07573
MOUNTAIN WEST BARK PRODUCTS,
INC.
P.O. BOX 518
REXBURG, ID. 83440
Source: GROUNDWATER
Diversions Pt: SENENW Sec 14 T 05N R
39E
Use: COMMERCIAL (.080 CFS)
Date Filed: 8/08/1988
In: T05N R39E S14 NWNE NENW

22-07575
LARSEN, SPENCER T.
LARSEN, LINDA JO
549 S. 1500 W.
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: NESW Sec 25 T 06N R
39E
Use: IRRIGATION (.040 CFS)
DOMESTIC (.040 CFS)
Date Filed: 8/18/1988
In: T06N R39E S25 NESW NESW 1.5
ACRES TOTAL

22-07593
BARTON, BRECK
BARTON, MAURIE
1686 W. 1750 N.
REXBURG, ID. 83440
Source: GROUNDWATER
Diversions Pt: SENENW Sec 13 T 06N R
39E
Use: IRRIGATION (.090 CFS)
Date Filed: 8/25/1988
In: T06N R39E S13 NENW 3.0 ACRES
TOTAL

22-07594
RANDALL, GLADYS
216 MOHAWK
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: SESE Sec 25 T 06N R
39E
Use: COMMERCIAL (.040 CFS)
Date Filed: 8/25/1988
In: T06N R 39E S26 SESE

22-07598
FLYING H. CORPORATION
1082 N. HILL ROAD
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: NWSW Sec 18 T 06N R
41E
Use: DOMESTIC (.040 CFS),
STOCKWATER (.050 CFS), COMMER-
CIAL (.020 CFS)
Date Filed: 8/28/1988
In: T06N R41E S18 NWSW

22-07599
RANDALL & FLYING H
CORPORATIONS
216 MOHAWK
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: SENW Sec 20 T 06N R
41E
Use: DOMESTIC (.080 CFS), COM-
MERCIAL (.080 CFS)
Date Filed: 8/25/1988
In: T06N R41E S19 SESE, S20 SENW

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public interest
criteria of Sec. 42-203C, Idaho Code. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before DECEMBER 5, 1988.

R. KEITH HIGGINSON
Director

Publ. Nov. 17 and 24, 1988J.

DEC 9 1988

being
Department of Water Resources
Eastern District Office

STATE OF IDAHO
County of Madison

I, Terry Weatherston
first duly sworn, depose and say that
I am the printer of THE STANDARD-JOURNAL,
a semi-weekly newspaper printed and
published semi-weekly at Rexburg,
Madison County, Idaho; and I do solemnly
swear that the

Notice Of Application a copy
of which notice appears attached hereto,
was published in the regular and entire
issue of said newspaper, and not in any
supplement issue thereof for

Two consecutive issues, the
first publication having been made on
November 17, 1988 and the last
publication having been made on
November 24, 1988 .

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under the Idaho
Statutes; that it has at least two
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy eight
consecutive weeks prior to the first
publication of the said notice.

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

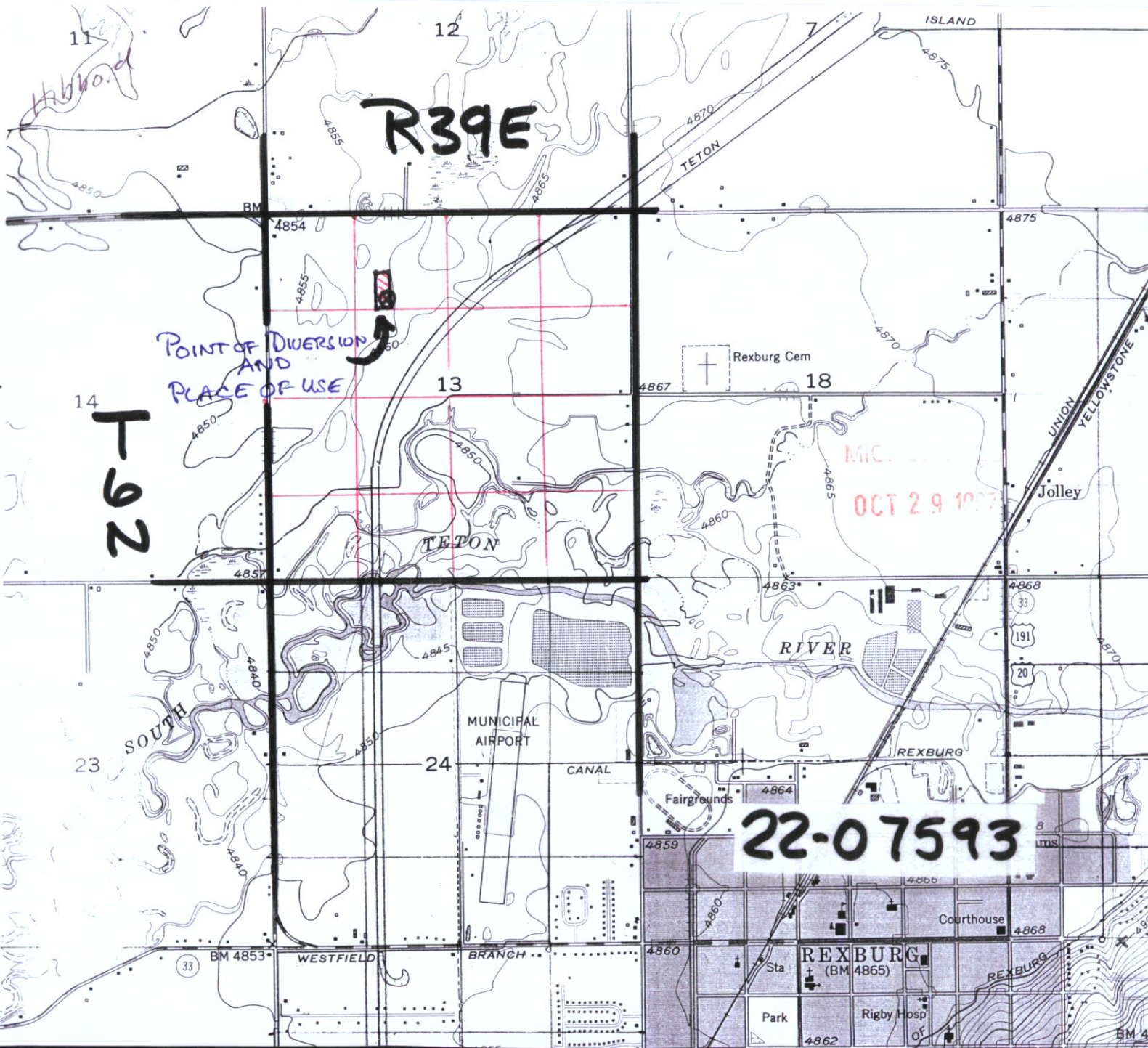
On this 25th day of November in
the year of 1988, before me, a Notary
Public, personally appeared Terry
Weatherston, known or identified to me
to be the person whose name subscribed
to the within instrument, and being by
me first duly sworn, declared that the
statements therein are true, and
acknowledged to me that he executed the
same.

Joseph M. Gade
Notary Public for Idaho

Residing at Rexburg, Idaho

My commission expires: June 8, 1993. FEB 14 1989

MICROFILMED



R39E

POINT OF DIVERSION
AND
PLACE OF USE

262

MIC. OCT 29 1977

22-07593

JUL/28 1997

T-55.9 R39E
THEL

POINT OF DIVERSION
PLACE OF USE

22-07593



PART OF
IRRIGATION
SYSTEM

POINT OF
DIVERSION

MICROFILMED

OCT 29 1997

22-07593

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07593

Priority: August 25, 1988

Maximum Diversion Rate:

0.09 CFS

This is to certify, that BRECK BARTON
MAURIE BARTON

1686 W 1750 N
REXBURG ID 83440

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 25, 1988; and has submitted Proof of Beneficial Use on January 31, 1990. An examination indicates that the works have a diversion capacity of 0.110 cfs of water from a GROUNDWATER 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>
-----------------------	----------------------	--------------------------	----------------------

IRRIGATION	04/15 to 10/15	0.09 CFS	
------------	----------------	----------	--

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 13, Township 06N, Range 39E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	39E	13	NENW	3		3

Total number of acres irrigated: 3

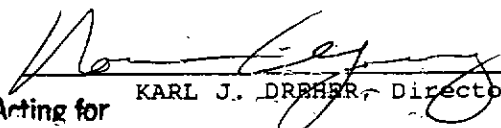
CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
5. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.
6. This right when combined with all other rights shall provide no more than .03 cfs per acre nor exceed a combined annual diversion volume of 10.5 af for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 23rd day of OCTOBER, 1988.

RECORDED

AUG 29 1988


Acting for KARL J. DRABHER, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

JAN 31 1990

Department of Water Resources
Eastern District Office

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 22-07593 Telephone No. 356-4980

Name(s) of Permit Holder(s): Breck Barton / Maurie Barton

Post Office Address: 1686 W 1750 N Rexburg, Ida.

Source of Water: Groundwater

If ground water, well driller's name: M. Frandsen Date drilled: 5-87

Extent of Use:
Domestic _____ (No. of households) Irrigation 5 (No. of acres)
Stockwater 10 pair cows
5 horses (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted 2 0.09 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 6-87

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes ☒ No Installed? Yes ☒ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☒ No

Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Breck Barton 356-4980
Name Telephone No.
1686 W 1750 N Rexburg
Address

The above information 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.

MAY 16 1990

1-26-90 Breck Barton
Date Signature (and title if on behalf of a company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 22-7593

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Breck and/or Maurie Barton Phone 356-3110
Post office address 1686 West 1750 North Rexburg, ID 83440
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 13 Township T6N Range 39E B.M. Madison County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.15 for irrigation purposes from 4-1 to 11-1 (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) 150.09 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. well and pump, sprinklers
 - 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 8" inches; proposed depth of well is 75 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
1 years (minimum 1 year).

FEB 14 1989

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. _____
- e. Other; describe fully. _____

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	39E	13					35												53

Total number of acres to be irrigated 53

10. Describe any other water rights used for the same purposes as described above. Shares of stock in the Independent Canal

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

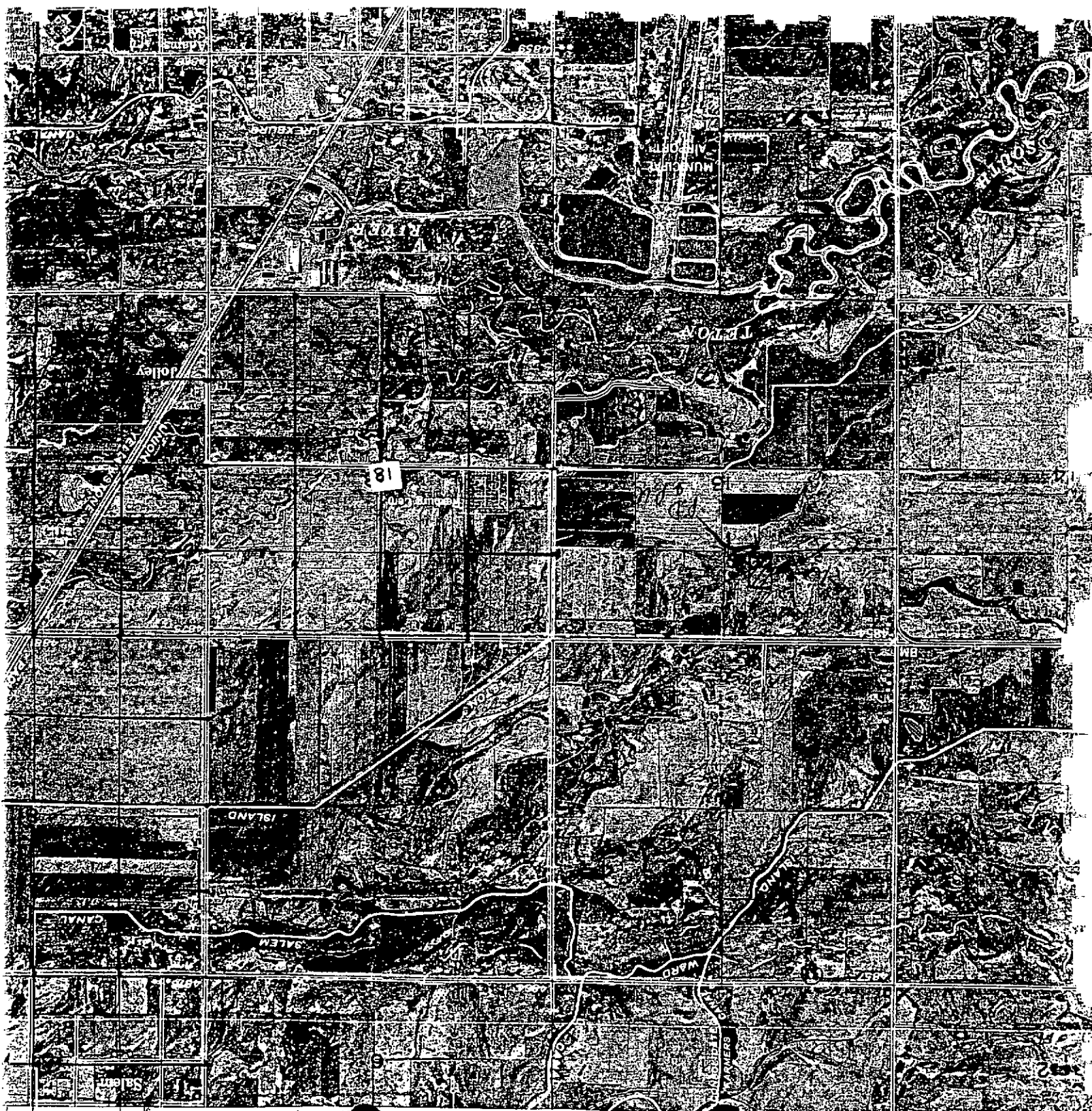
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Existing well, drilled in June, 1981
Adjudication claim filed for domestic and stockwater use from this well.

CORRECTIONS MADE AS PER PHON/CON WITH CLAIMANT 10-24-88 JRN

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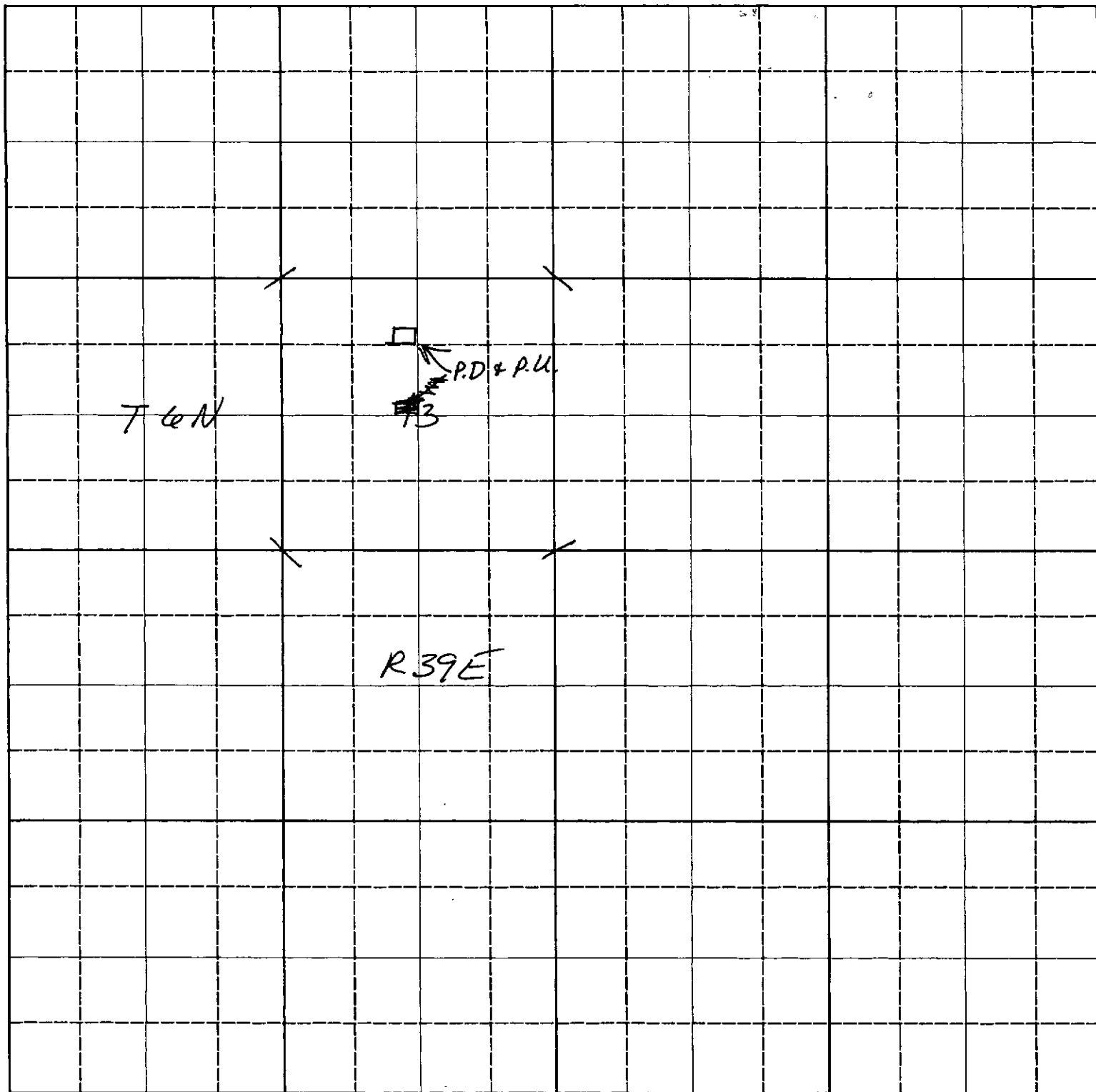
FEB 14 1989



7.3 MINUTE S. 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500

R39E R40E T6N

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

FEB 14 1989

Bruce Butler
(Applicant)

Proposed 8/25/88

Received by CA Date 8-25-88 Time 4:15 pm Preliminary check by PRM

Fee \$ 30.00 Receipted by CA # E001833 Date 8-25-88

Publication prepared by BB Date 11-9-88 Published in Rexburg Standard-Journal

Publication approved aw Date 12-7-88

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. 22-7593, and said application is hereby APPROVED.

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 February 1, 19 90.
- 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:

Irrigation use under this permit is authorized only in connection with a domestic use.

The maximum rate of diversion for irrigation purposes under this permit shall not exceed 0.09 cfs.

Use of water under this permit is limited to the irrigation of three (3) acres.

Witness my hand this 17th day of January, 1989.

A. Glen Saylor

RECEIVED

FEB 14 1989

THE STANDARD JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

DEC 6 1988

I, Terry Weatherston
first duly sworn, depose and say that I am the printer of THE STANDARD-JOURNAL, a semi-weekly newspaper printed and published semi-weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

Notice Of Application a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for

Two consecutive issues, the first publication having been made on November 17, 1988 and the last publication having been made on November 24, 1988.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy eight consecutive weeks prior to the first publication of the said notice.

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 25th day of November in the year of 1988, before me, a Notary Public, personally appeared Terry Weatherston, 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 he executed the same.

Joseph M. [Signature]
Notary Public for Idaho

Residing at Rexburg, Idaho

My commission expires: June 8, 1993. FEB 14 1989

NOTICE OF APPLICATION
FOR WATER RIGHT

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

22-07573
MOUNTAIN WEST BARK PRODUCTS, INC.
P.O. BOX 518
REXBURG, ID. 83440
Source: GROUNDWATER
Diversión Pt: SENENW Sec 14 T 05N R 39E

Use: COMMERCIAL (.080 CFS)
Date Filed: 8/08/1988
In: T05N R39E S14 NWNENW

22-07575
LARSEN, SPENCER T.
LARSEN, LINDA JO
549 S. 1500 W.
REXBURG, ID 83440
Source: GROUNDWATER
Diversión Pt: NESW Sec 25 T 06N R 39E

Use: IRRIGATION (.040 CFS)
DOMESTIC (.040 CFS)
Date Filed: 8/18/1988
In: T06N R39E S25 NESW NESW 1.5 ACRES TOTAL

22-07593
BARTON, BRECK
BARTON, MAURIE
1686 W. 1750 N.
REXBURG, ID. 83440
Source: GROUNDWATER
Diversión Pt: SENENW Sec 13 T 06N R 39E
Use: IRRIGATION (.090 CFS)
Date Filed: 8/25/1988
In: T06N R39E S13 NENW 3.0 ACRES TOTAL

22-07594
RANDALL, GLADYS
216 MOHAWK
REXBURG, ID 83440
Source: GROUNDWATER
Diversión Pt: SESE Sec 25 T 06N R 39E
Use: COMMERCIAL (.040 CFS)
Date Filed: 8/25/1988
In: T06N R 39E S26 SESE

22-07598
FLYING H. CORPORATION
1082 N. HILL ROAD
REXBURG, ID 83440
Source: GROUNDWATER
Diversión Pt: NWSW Sec 18 T 06N R 41E

Use: DOMESTIC (.040 CFS), STOCKWATER (.050 CFS), COMMERCIAL (.020 CFS)
Date Filed: 8/28/1988
In: T06N R41E S18 NWSW

22-07599
RANDALL & FLYING H CORPORATIONS
216 MOHAWK
REXBURG, ID 83440
Source: GROUNDWATER
Diversión Pt: SENW Sec 20 T 06N R 41E
Use: DOMESTIC (.080 CFS), COMMERCIAL (.080 CFS)
Date Filed: 8/25/1988

In: T06N R41E S19 SENE, S20 SENW
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 5, 1988.

R. KEITH HIGGINSON
Director
Publ. Nov. 17 and 24, 1988J.

MICROFILMED



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

October 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BRECK BARTON
MAURIE BARTON
1686 W 1750 N
REXBURG ID 83440

RE: WATER RIGHT NO. 22-07593

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.

RECORDED

OCT 29 1997

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:

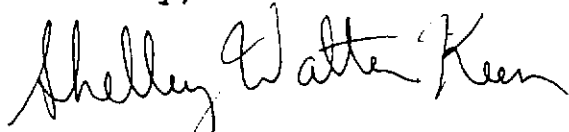
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

MICROFILMED

OCT 29 1957

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.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

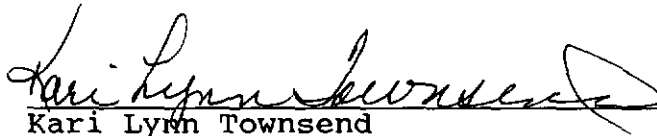
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of October, 1997, 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. 22-07593

BRECK BARTON
MAURIE BARTON
1686 W 1750 N
REXBURG ID 83440


Kari Lynn Townsend
Secretary

RECORDED

OCT 29 1997

MEMORANDUM

TO: File 22-07593

FROM: Sharla

DATE: October 17, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 22-07593 are based on the following:

H. RECOMMENDATIONS

Irrigation	4/15 - 10/15	0.09 cfs	10.5 afa
------------	--------------	----------	----------

The examiner did not fill in the recommendations portion of the exam, however, sufficient documentation exists to license the right.

In a conversation with Breck Barton on 10/22, he stated that this property once had 0.25 canal shares, but when it was subdivided into 5 acre parcels, the lot he purchased was 600+ yards away from any ditch or conveyance system that could have been used. He sold his share and has only used groundwater on the property since he purchased it in the 80's. Condition 050 will be placed on the license.

Examiner: Keith Wilson
Exam Date: August 1, 1997

RECORDED

OCT 29 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 22-07593

DATE 10/14/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	Change <u>—</u>	OK <u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	Change <u>—</u>	OK <u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	Change <u>—</u>	OK <u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.09</u> cfs
Fee limit	<u>.20</u> cfs \$5000
Measured	<u>—</u> cfs
Theoretical	<u>.08</u> cfs

sprinkler discharge = 0.11 cfs
at 82 psi and 50' lift

Recommended Total Div Rate .09 cfs

ANNUAL VOLUME/ NATURE OF USES

4/15 - 10/15 season

Use	cfs	Volume Calc
<u>Ir.</u>	<u>.09</u>	<u>3 x 3.5 = 10.5</u> af
SUBTOTAL	<u>.09</u>	<u>10.5</u> af

Flow rate .09 cfs X 184 days X 1.98 = 32.8 af
 Total volume recommended 10.5 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

WB7 (10.5)

CONDITIONS

— Watermaster Control WD# —
25 GW Measurement/Measuring Device

25 Overlap

— Use-specific conditions 065, 079

Advancement of Priority Date Required — yes — no

SRBA Claim Filed NA
 Adjustment Memo blanks

1st Amend Letter NA
 2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 23 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 22-07593

1. Owner: BRECK OR MAURIE BARTON Phone No. 356-3110 (H)

Current Address: 1686 W 1750 N Rexburg Id 83440 356-4880 (W)

2. Accompanied by: BRECK BARTON EXAM DATE: 8-1-1997

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NE	NW	13	6N	39E	MADISON	ON SITE / FSA AERIAL / USGS QUAT

2. Place(s) of Use:

Indicate Method of Determination FSA AERIAL

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	39E	13					3												3

SEP 29 1997

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

Scale: 1" = _____

☒ 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	Model # Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	MIJERS	3	2823028103	—	—

*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: 82 psi at both ends of wheel line

E. NARRATIVE/REMARKS/COMMENTS

Well pump mainline to wheel lines with sprinklers

9 - 9/64 NOZZLES 82 PSI AVERAGE PRESSURE

82 PSI 82 PSI
X X X X X X X X X
9/64 9/64 9/64 9/64 9/64 9/64 9/64 9/64 9/64

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

RECEIVED

OCT 29 1957

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

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 KETHA C WILSON Date 8-1-1997

Reviewer _____ Date _____

SEAL

- ① 80 psi $\frac{9}{64}$ " nozzle delivers 5.29 gpm
 ② 85 psi $\frac{9}{64}$ " nozzle delivers 5.45 gpm } 0.16 difference

$$\frac{2}{5} = \frac{x}{0.16} \quad x = 0.064$$

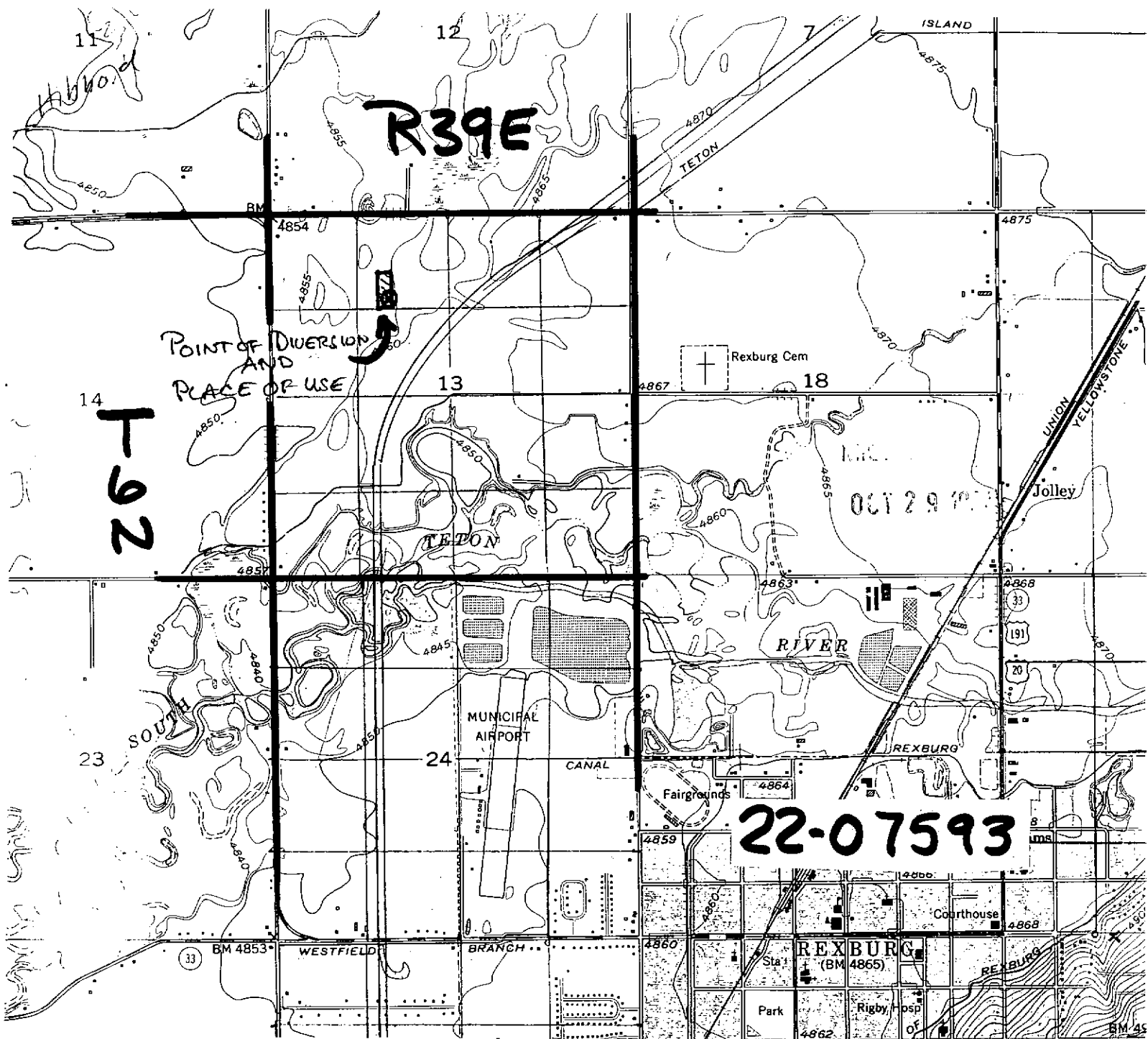
$$\therefore \textcircled{3} 82 \text{ psi } \frac{9}{64} \text{ nozzle delivers } 5.29 \text{ gpm} + 0.064 \text{ gpm} = 5.354 \text{ gpm}$$

$$(9 \text{ sprinklers}) (5.354 \text{ gpm}) = 48.2 \text{ gpm} = 0.11 \text{ cfs system capacity}$$

RECORDED

OCT 29 1987

PERMIT # 22-07593



JUL/28 997



1215

T-683

R39E
T-683
1 HEL

6

13 N

2 HEL

Point of Diversion

Place of Use

T-689

CT 2 0.4227

3

GOLF COURSE

22-07593



PART OF
IRRIGATION
SYSTEM

POINT OF
DIVERSION

INFORMATION

OCT 29 1957

22-07593

May 2, 1990

BRECK BARTON
MAURIE BARTON
1686 W. 1750 N.
REXBURG, ID 83440

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07593

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.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

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MAY 16 1990

1/00

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 22-7593

Date: 4-30-90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change NO If yes, prepare a data entry
☒ Proof received timely
☐ Reinstated

Source of Water:

- ☐ Surface water
☒ Groundwater
NO 1. well log in file May 1987
NA 2. drilling permit
NA A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- NO Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

<u>NA</u>	

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

138894

November 30, 1989

BRECK BARTON
MAURIE BARTON
1686 W. 1750 N.
REXBURG, ID 83440

PROOF DUE NOTICE

RE: PERMIT NO. 22-07593

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 February 1, 1990. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

RECORDED
MAY 16 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
February 6, 1989

BRECK BARTON
MAURIE BARTON
1686 W. 1750 N.
REXBURG, ID 83440

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07593

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also

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FEB 14 1989

enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Rights Permits Section

GS: SC
Enclosures

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FEB 14 1989

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY PRM DATE 9/6/88 APPLICATION NUMBER 22-7593REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ 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

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☐ Overlapping point of diversion
- ☐ Yes ☐ No Field check required
Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☐ No Critical groundwater area
- ☐ Yes ☐ No Groundwater management area
- ☐ Yes ☐ No Send dam safety information
- ☐ Yes ☐ No Send power requirement letter
- ☐ Yes ☐ No Send fish farm requirement letter
- ☐ Yes ☐ No Power residency affidavit
- ☐ Yes ☐ No Power efficiency form
- ☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

DEC 12 1988

Department of Water Resources

PROCESSING

☒ Yes ☒ No form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application

☐ Yes ☒ No Protests received

Final date for protest 12-5-88

☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application

☐ Yes ☐ No Recommendations attached

☐ Yes ☐ No Measuring device required

☐ Yes ☐ No Access port required

☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01-P05

☐ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended 8-25-88

By HWS Date 12-9-88

STATE OFFICE REVIEW P05, P16, P17, P18, P19, P20, P21, P22, P23, P24, P25, P26, P27, P28, P29, P30, P31, P32, P33, P34, P35, P36, P37, P38, P39, P40, P41, P42, P43, P44, P45, P46, P47, P48, P49, P50, P51, P52, P53, P54, P55, P56, P57, P58, P59, P60, P61, P62, P63, P64, P65, P66, P67, P68, P69, P70, P71, P72, P73, P74, P75, P76, P77, P78, P79, P80, P81, P82, P83, P84, P85, P86, P87, P88, P89, P90, P91, P92, P93, P94, P95, P96, P97, P98, P99, P100 P16 41 28 (irrig., 0.09 cfs)

☐ See below for additional information

By kw Date 1/13/89

ADDITIONAL INFORMATION

App describes an existing well - condition
4/6 N/A.

** Use of water under this permit is
limited to the irrigation of three (3)
acres.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 8, 1988

THE REXBURG STANDARD-JOURNAL
P.O. BOX 10
REXBURG, ID 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 5, 1988.

Yours truly,

Rita Bodell
Secretary

Encl.

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FEB 14 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

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FEB 14 1989

22-07593

BARTON, BRECK
BARTON, MAURIE
1686 W. 1750 N.
REXBURG, ID 83440

Source: GROUNDWATER

Diversion Pt: SENENW Sec 13 T 06N R 39E

Use: IRRIGATION (.090 CFS)

Date Filed: 8/25/1988

In: T06N R39E S13 NENW

3.0 ACRES TOTAL

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FEB 14 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 5, 1988.

R. Keith Higginson, Director

Published 11/17/1988 & 11/24/1988

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FEB 14 1989

October 14, 1988

Breck and/or Maurie Barton
1686 W. 1750 N.
Rexburg, ID 83440

RE: Application for Permit No. 22-07593

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 22-07593. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in THE REXBURG STANDARD-JOURNAL. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED

FEB 14 1989

