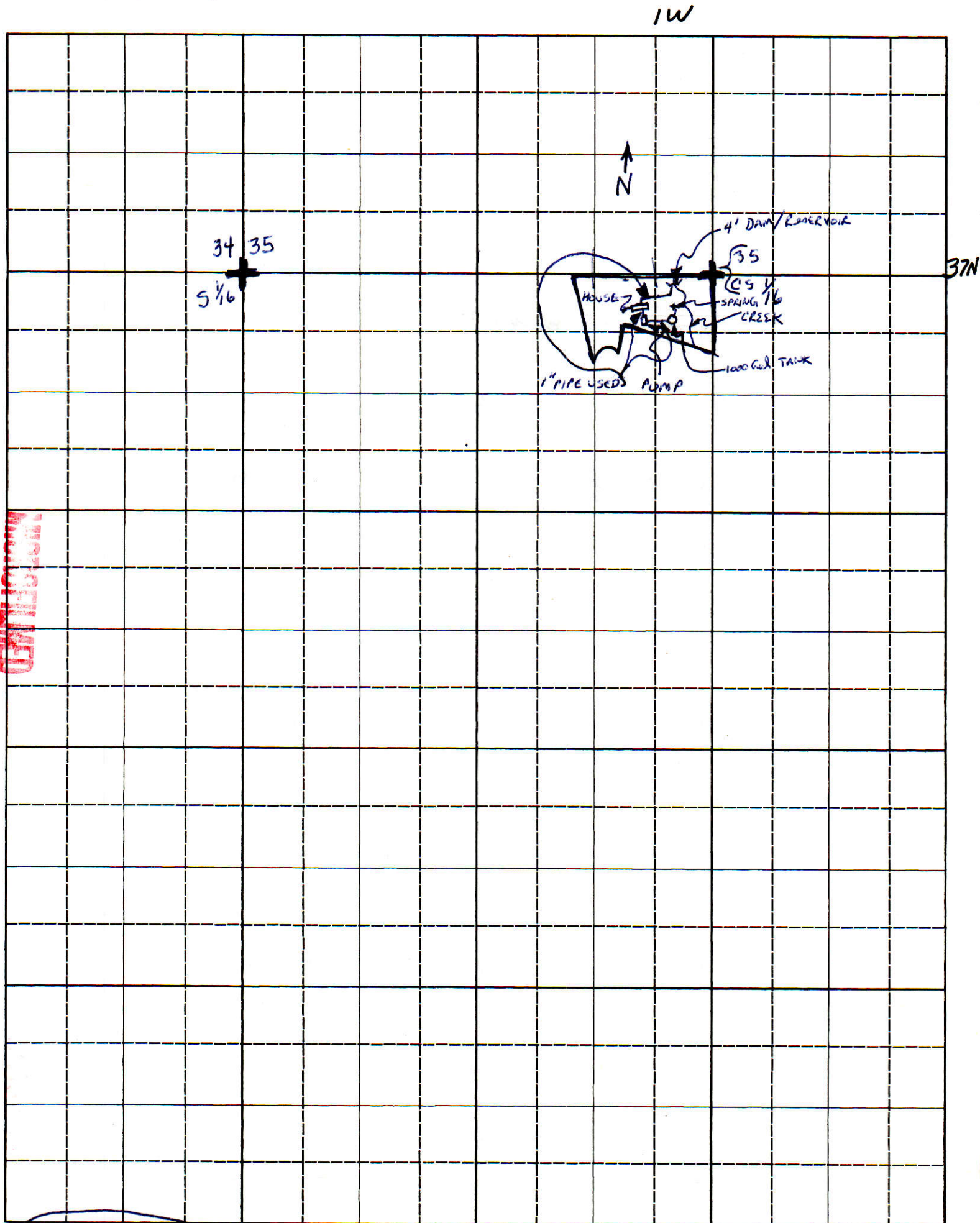


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal ~~1/4 mile~~.

1/4 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.

IDAHO DEPT of Water Resources
Route 5, Box 203-Suite 1
Coeur d'Alene, Idaho

83814


(Applicant)

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Application for
Water Right - 86-7133 Barton

That said Notice

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 1st day of October, 19 81, and ending on the 8th day of October, 19 81

Nancy Noble

Subscribed and sworn to before me this 9th day of October, 19 81

Betty E. Knight

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

RECEIVED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

86-7133

Barton, Robert L.
4801 Syracuse Dr., Oxnard,
CA 93033

Source: Unnamed Stream
tributary to Clearwater River
Spring tributary to CLEAR-
WATER RIVER

Date Filed: 08/10/1981

Amount: 0.02 CFS Wg

Diversion Point: SE SW Sec
35 T 37N R 01W, Clearwater
Co.

Use: Domestic (0.02 CFS)
from 01/01 to 12/31

Place of Use: SE SW Sec 35 T
37N R 01W

Diversion Means: Tank,
Pump and Pipeline.

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 4055 Got Way, Coeur d'Alene, ID 83814 on or before OCTOBER 19, 1981.

A. KENNETH DUNN
Director
10-1,8c

RECEIVED

OCT 13 1981
Department of Water Resources
Northern District Office

86-07133



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT SUPPLEMENT
C O N T E N T S

(✓) B/U Acknowledgment Letter Sent

This Examination Report Contains the Following Documents.

(✓) Field Report (✓) Quad Sheet () Gov. Lot Plat () Rules Check list
() Aerial Photo () Photo PD/PU () Well Log

Number of Diagrams Attached _____ Number of Calculation Sheets Attached _____

() Correspondence (Date) _____

Stream
collection
system and
settling tanks.

Contacts:

Remarks:



Exam Completed By Rain Antonio

Date 8/21/89

Sr. Agent Review _____

Date _____

Regional Manager Review ROMA

Date 5/8/90

PERMIT NUMBER

86-07133

RECEIVED

MAY 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT SUPPLEMENT
C O N T E N T S

(✓) B/U Acknowledgment Letter Sent

This Examination Report Contains the Following Documents.

(✓) Field Report

(✓) Quad Sheet

() Gov. Lot Plat

() Rules Check list

() Aerial Photo

() Photo PD/PU

() Well Log

Number of Diagrams Attached _____

Number of Calculation Sheets Attached _____

() Correspondence (Date) _____

Stream
collector
(List)
System and
settling tanks.

Contacts:

Remarks:



The
pond

Exam Completed By Ben Suter

Date 8/21/89

Sr. Agent Review _____

Date _____

Regional Manager Review RAH

Date 5/8/90

PERMIT NUMBER

86-07133

RECEIVED

MAR 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 86-2133

1. Owner: Robert L. Barton Phone No. (805) 488-2237

Current Address: 4801 Syracuse Dr. OXNARD Cal 93033

2. Accompanied by: No one EXAM. DATE: 8/7/89

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Unnamed Stream tributary to Clearwater R.

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

☐ Copies Attached

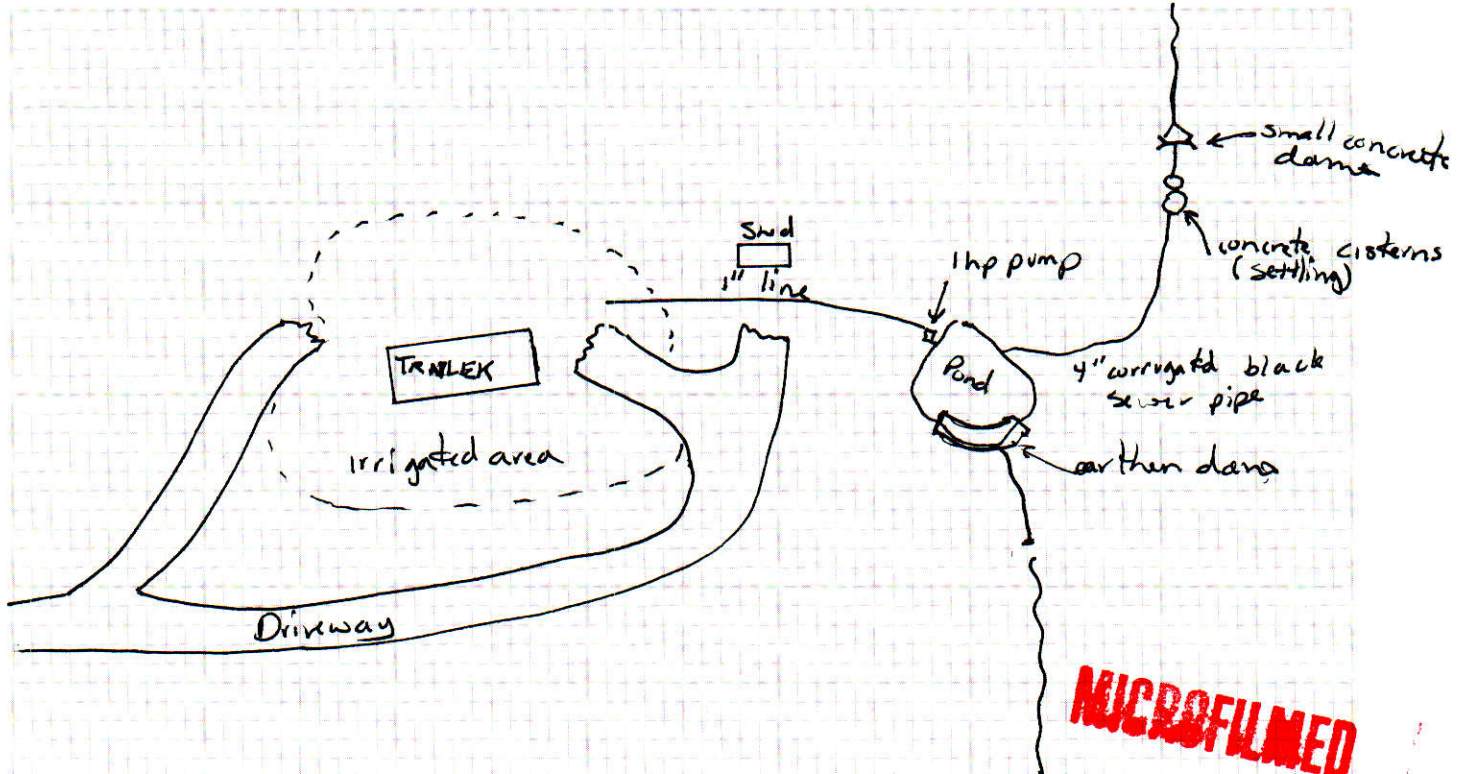
2. Other water rights with same point of diversion: NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NTS

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

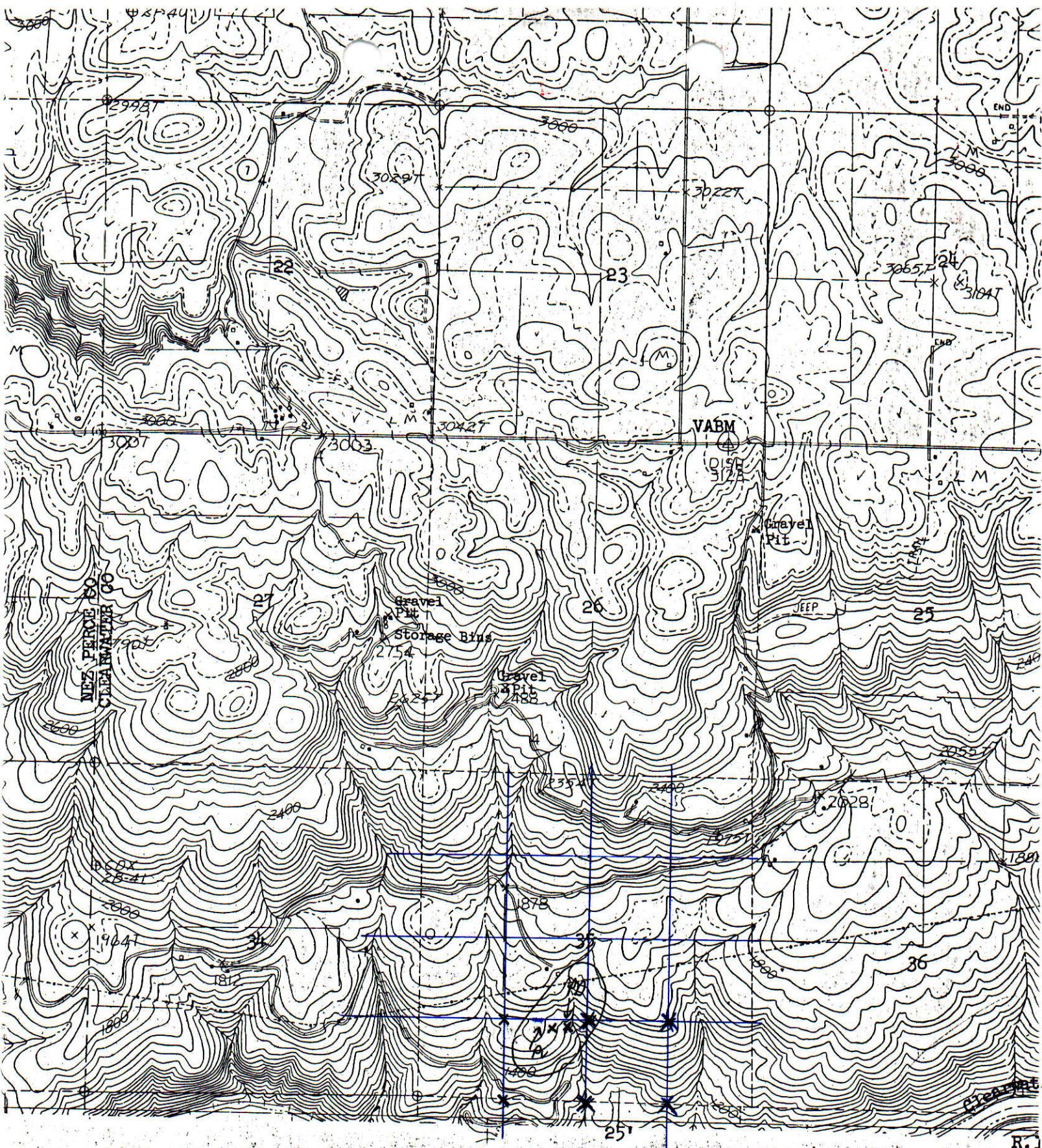
☐ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

MICROFILMED

MAR 21 1991

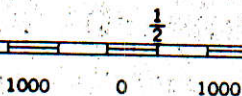


NAME: ROBERT BARTON
POINT OF DIVERSION: T37N, R1W, SEC. 35, SESW
PLACE OF USE: SAME
SOURCE: SPRING/UNNAMED CR.

PERMIT NUMBER: 86-07133
MAP # 10
QUAD: K-57

TRIBUTARY TO: CLEARWATER RIVER

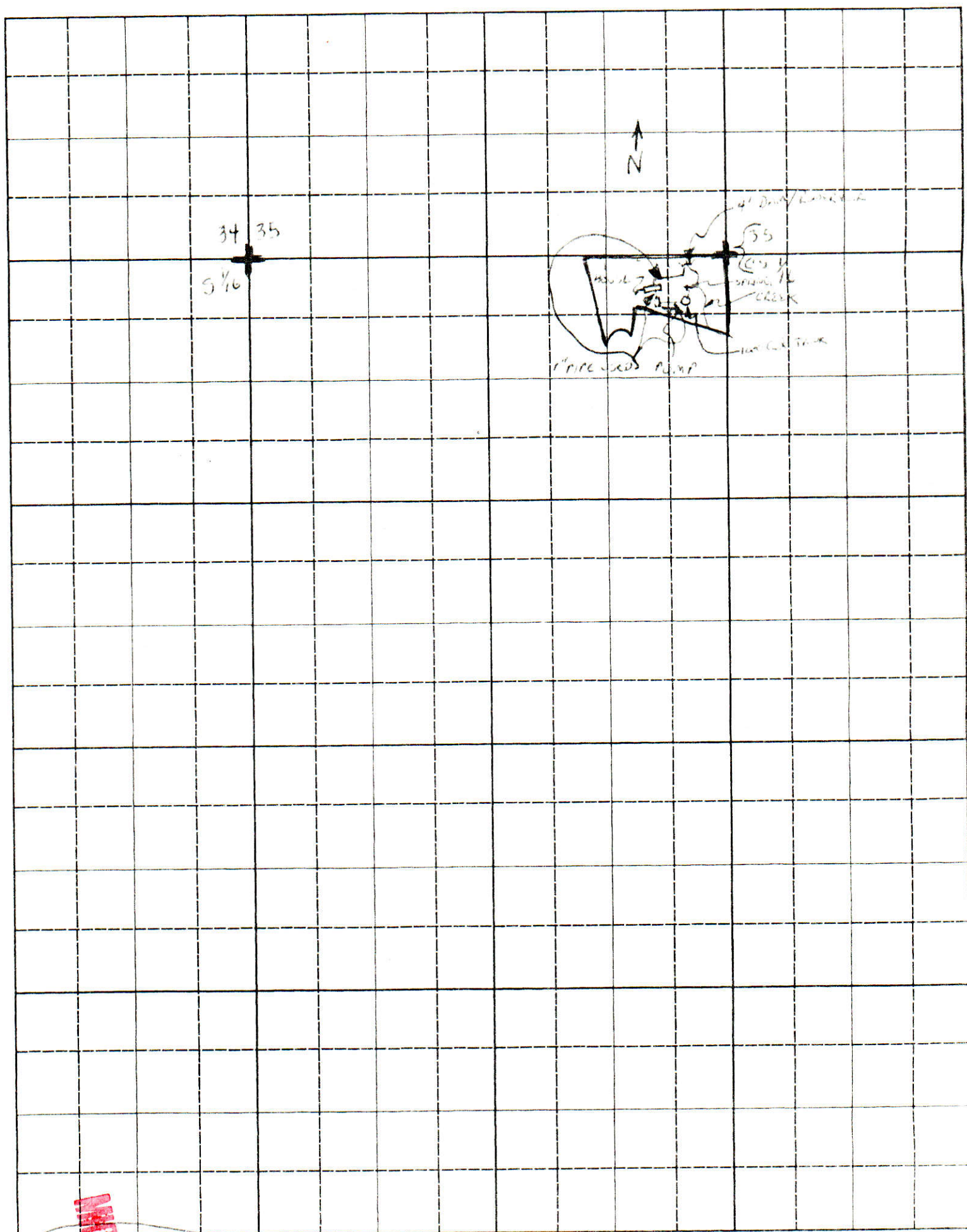
86-07133
MAR 21 1991



CONTOUR
DASHED LINES
DATA

86-04024
86-07135 UNLICENSED
86-07247 APPLICATION

11. 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.

1/4 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.

IDAHO DEPT of Water Resources
Route 5 - Box 203 - Suite 1
Coeur d'Alene, Idaho

83811

(Applicant)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 86-07133

Priority: September 10, 1981 Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume:¹ 0.6 AF

This is to certify, that ROBERT L. BARTON
4801 SYRACUSE DR.
OXNARD, CA 93033 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 10, 1981; and
has submitted Proof of Beneficial Use on September 22, 1988. An examination indicates
that the works have a diversion capacity of .020 cfs of water from:

UNNAMED STREAM tributary to CLEARWATER 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: SESW , Sec. 35, Township 37N, Range 01W
CLEARWATER County

PLACE OF USE: DOMESTIC
TWN RGE SEC

37N 01W 35 SESW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for irrigation of lawn.

REGISTERED

MAR 21 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 86-07133

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 15th
day of FEBRUARY, 1991.

Acting for

R. Keith Higginson, Director

MICROFILMED

MAR 31 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant ROBERT L. BARTON Phone 805-488-8493 ^{481-3855 work}
Post office address 4801 SYRACUSE DR. OXNARD, CAL 93033
2. Source of water supply UNNAMED CREEK / SPRING which is a tributary of ~~SE~~ CLEARWATER RIVER
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35 Township 37 North
Range 1 West B.M. CLEARWATER County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

- 0.05
CREEK - Amount 0.05 for Domestic purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
SPRING - Amount 0.01 for Domestic purposes from JAN 1 to DEC 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)

5. Total quantity to be appropriated:

- a. 0.05 cubic feet per second and/or b. N/A ~~acre-feet per annum~~

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. 300 ft / 1" pipe
1 - 1 HP pump - 1 - 1000 gal tank
b. Height of storage dam 4 ft. feet, active reservoir capacity .020 acre-feet; total reservoir capacity .025 acre-feet, materials used in storage dam: Concrete
Period of year when water will be diverted to storage JAN 1 to DEC 31 inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.

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 - maximum 5 years).

8. Description of proposed uses:

- a. If water is not for irrigation:
(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35 Township 37 North
Range 1 West B.M.
(2) Amount of power to be generated: N/A horsepower under N/A feet of head.
(3) List number of each kind of livestock to be watered N/A
(4) Name of municipality to be served N/A, or number of families to be supplied with domestic water 1 family.
(5) If water is to be used for other purposes describe: N/A

APPROPRIATE

N/A

$\frac{m}{n}$

N/A

N/A

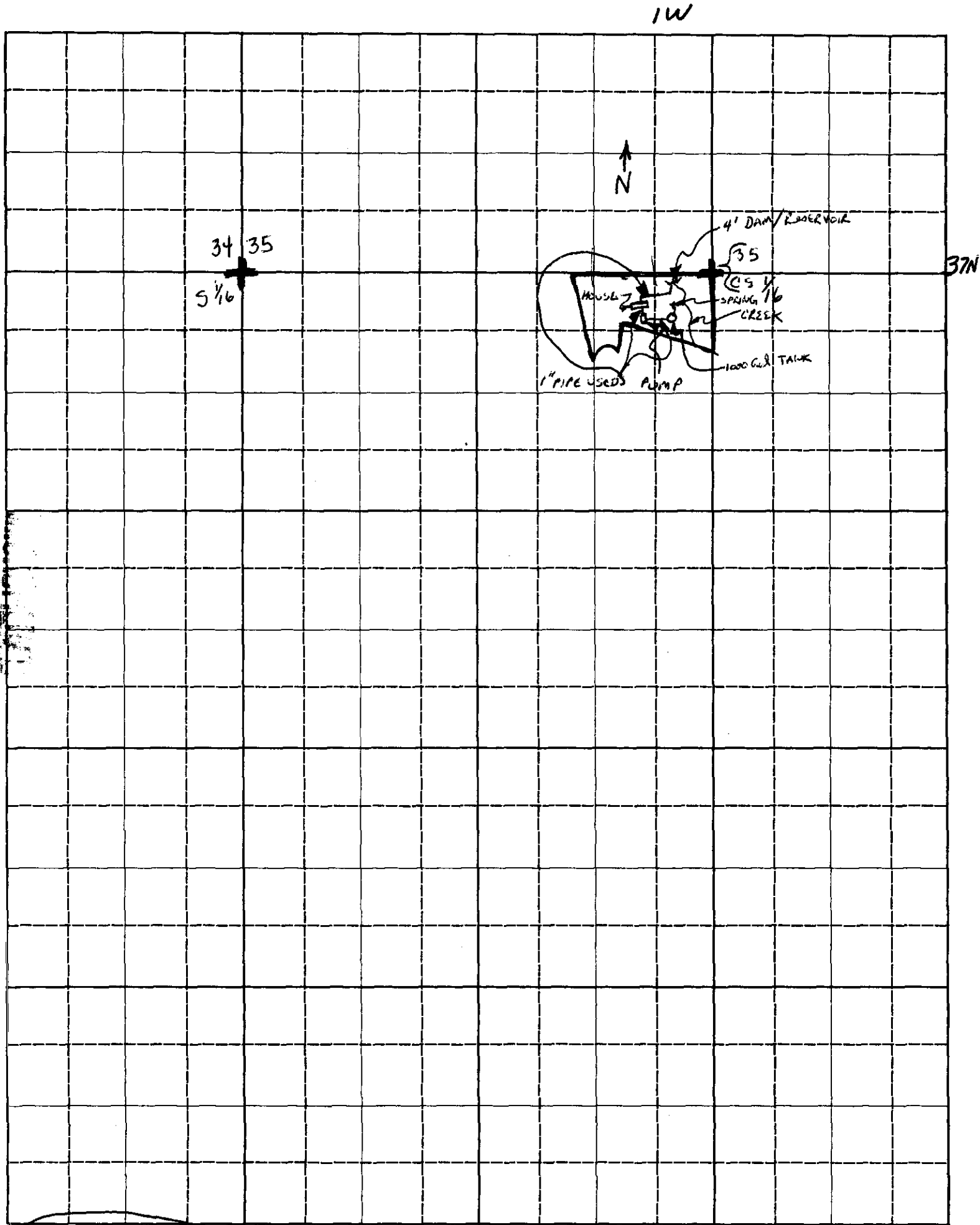
Robert L. Brown	Robert L. Brown
-----------------	-----------------

Robert L. Barton	Robert L. Barton
------------------	------------------

$$\frac{1}{\sqrt{2}}$$
$$\frac{1}{\sqrt{2}}$$

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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

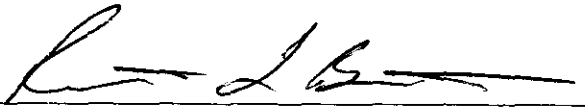


Scale: 2 inches equal ~~1/4~~ mile.

1/4 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.

IDAHO DEPT of Water Resources
Route 5, Box 203-Suite 1
Coeur d'Alene, Idaho


(Applicant)

83811

Proposed Priority 9/10/81

Received by Date 9/10/81 Time 1:00pm
Preliminary check by TR Fee \$ 30.00
Received by Date 9/22/81 (18345)
Publication prepared by Date 9/24/81
Published in
Publication dates 10/1 + 8/81
Publication approved Date 10/13/81
Protests filed by:

Copies of protests forwarded by
Hearing held by
Date 3/11/83
Recommended for approval denial by

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. 86-7133, 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 November 1, 19 88.

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. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Witness my hand this 4 day of November, 1983.

ACRM Chief, Operations Bureau

David R. T. T. T.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Clearwater } ss.

Nancy Noble

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: That said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of

Notice of Application for
Water Right - 86-7133 Barton

That said Notice

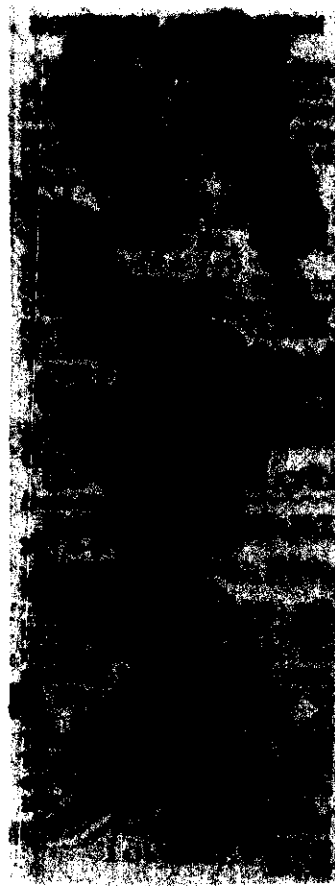
of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for full period of two consecutive issues commencing on the 1st day of October, 19 51, and ending on the 3th day of October, 19 51

Nancy Noble
Subscribed and sworn to before me this 2th day of October, 19 51

Betty E. Knight

NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT OROFINO THEREIN

MICROFILMED



RECEIVED

OCT 13 1951

Department of Water Resources
Northern District Office

February 19, 1991

ROBERT L. BARTON
4801 SYRACUSE DR.
OXNARD, CA 93033

RE: WATER RIGHT NO. 86-07133

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

RECORDED
MARCH 1 1991

September 18, 1990

ROBERT L. BARTON
4801 SYRACUSE DR.
OXNARD, CA 93033

RE: PERMIT NO. 86-07133

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED
MAR 21 1991

SENIOR AGENT REVIEW

Check List
for
Beneficial Use Field Report

RECEIVED
MAY 14 1990

Department of Water Resources
Permit 86-07133

A. GENERAL INFORMATION

- ☒ 1. Name and address are most current available. (Check BU statement)
☒ 2. Exam Date
☒ 3. Source (Check Permit)

B. OVERLAP REVIEW

- ☒ 1. & 2. (Rule 5,1,4)

C. SYSTEM DESCRIPTION

- ☒ 1. Diversion System Diagram (Rule 5,1,3 / 5,1,4)
☒ 2. USGS (Rule 5,1,7 / 5,1,9) Aerial (Rule 5,1,17)
☒ 3. Word Picture (Rule 5,1,3 / 5,1,4)
☒ 4. Diversion (Rule 5,1,3)
☒ 5. Compare with USGS Map, Land Survey Maps, Aerial Photos and Permit.
☒ 6. Irrigation (Rule 5,1,8)

D. FLOW MEASUREMENTS Check math (Rule 5,1,13 / 5,1,14)

E. FLOW CALCULATIONS Check math (Rule 5,1,13 / 5,1,14)

F. OPTIONAL

G. VOLUME CALCULATIONS

- ☒ Three significant figures and no more than 1/10's (Rule 6,1,2)
☒ Fish (Rule 5,1,11) number stock, homes, etc... (Rule 5,1,12)

H. REMARKS AND OVERLAP ANALYSES

- ☒ All actual uses listed; all permitted uses not used, also listed; (Rule 5,1,2):
☒ Overlaps (Rule 5,1,4):
☒ Return flows (Rule 5,1,5):
☒ Conditions (Rule 5,1,6).

I. RECOMMENDATIONS

- ☒ 1. Municipal (Rule 5,1,10): Compare with items E & G, permit, fee, capacity
(Rule 5,1,15): Measured flows for each use listed separately (Rule 5,1,14).
Period of year (Rule 5,1,13)
☒ 2. Compare permit to exam for amendments (Rule 5,1,16)

J. AUTHENTICATION

- ☒ Name, Signature, Certification Date, Exam Date.

WELL INSPECTION REPORT

- ☒ Check with permit and well log for discrepancies

Signature

J. Kuey

Date

8/24/89



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT SUPPLEMENT
C O N T E N T S

(☒) B/U Acknowledgment Letter Sent

This Examination Report Contains the Following Documents.

(☒) Field Report (☒) Quad Sheet () Gov. Lot Plat () Rules Check list
() Aerial Photo () Photo PD/PU () Well Log

Number of Diagrams Attached _____ Number of Calculation Sheets Attached _____

() Correspondence (Date) _____

Stream
collecter
() Other (List) _____
system and
settling tanks.

Contacts: _____

Remarks: _____

Pond



Exam Completed By John Dutton Date 8/21/89
Sr. Agent Review _____ Date _____
Regional Manager Review ROA Date 5/8/90

PERMIT NUMBER

86-07133

MAINTAINED
MAY 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

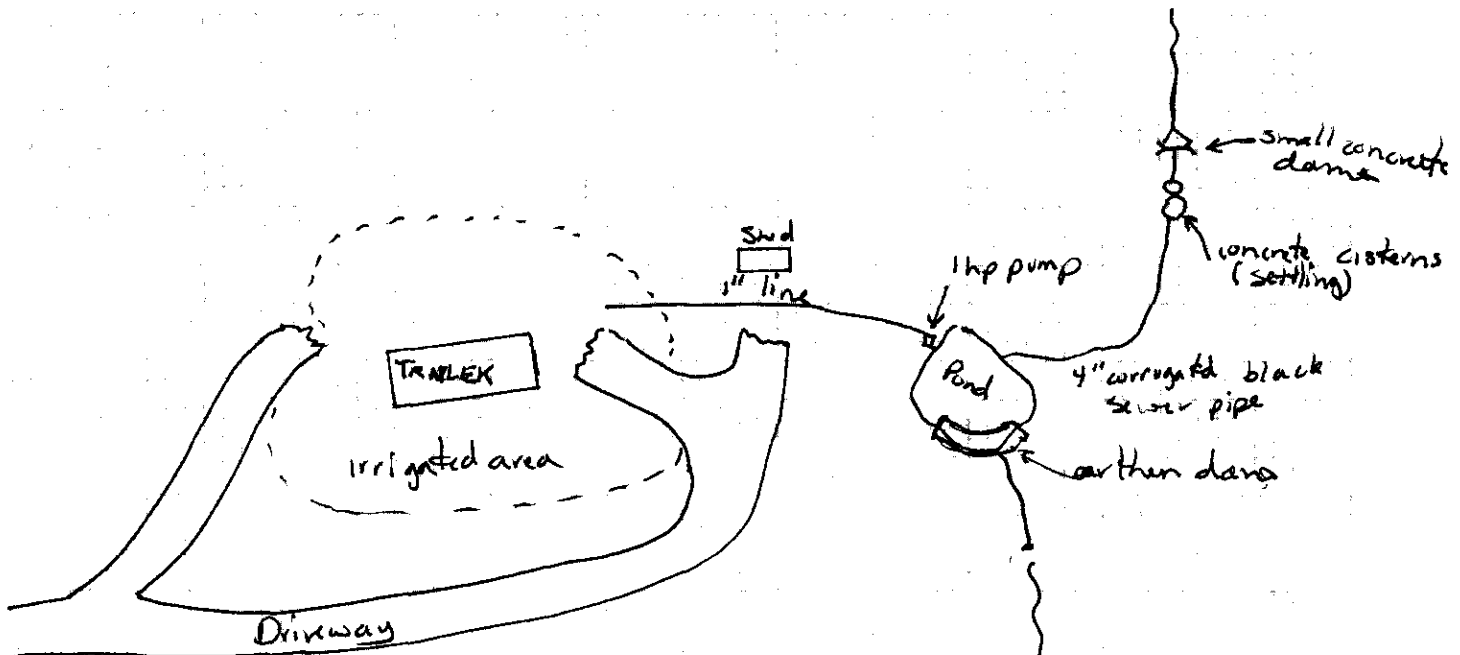
Permit No. 86-2133
1. Owner: Robert L. Barton Phone No. (805) 488-2237
Current Address: 4801 Syracuse Dr. OXNARD Cal 93033
2. Accompanied by: No one EXAM. DATE: 8/7/89
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Unnamed Stream tributary to Clearwater R.

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE ☐ Copies Attached
2. Other water rights with same point of diversion: NONE ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NIS

2. ☐ Copy of U.S.G.S. 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 or more).
☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

MICROFILMED
MAR 21 1991

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

^{small} concrete dam in creek with 4" pipe

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	?	1	?	?	1"

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SW		35	37N	1W	Clark	water map

6. Place(s) of Use:

Indicate Method of Determination Map

Twp.	Rge.	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	
37N	1W	35												D					

MICROFILMED

MAR 21 1981

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D. FLOW MEASUREMENTS

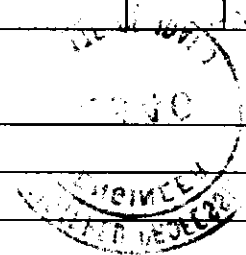
NONE

☐ Additional Data Sheets Attached

1.

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

2. Measurements:



E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

Domestic

2. Alternate Method for Checking Purposes:

0.02 cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

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:

Domestic irrigation

0.6 afa

FILED

MAR 21 1991

H. REMARKS AND OVERLAP REVIEW ANALYSIS

for household domestic use a well has been drilled

I. RECOMMENDATIONS

1. Recommended Amounts

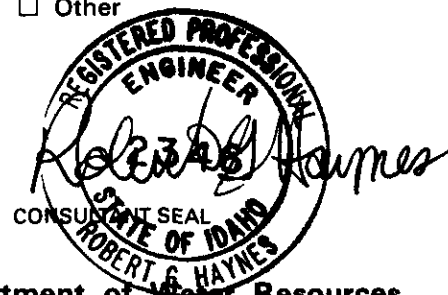
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	0.02 cfs	0.6 afa
Totals:			0.02 cfs	0.6 afa

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

J. AUTHENTICATION

Field Examiner's Name Louis Sukovaty
Signature [Signature]
Certification Date 2/17/89
Field Report Preparation Date 8/9/89



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

SC 8/23/90

MICROFILMED

MAR 21 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 9 • 4055 Government Way • Coeur d'Alene, Idaho 83814 • (208) 765-4639

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 17, 1988

RECEIVED
OCT 20 1988

Mr. Robert Barton
4801 Syracuse Dr.
Oxnard, Ca. 93033

Department of Water Resources

Re: 86-7133

Dear Permitholder:

We acknowledge receipt of your statement of completion of water development use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We do not know at this time when he will be able to conduct the examination; however, the examiner will try to contact you at the time he makes the examination so that you may show him the system. If you will not be available to show the system, please provide this office with the name and address of someone who will be able to do so. Your permit will remain valid until the examination is made.

If you have any questions concerning the field examination, please contact this office. Please be sure to use the above-referenced permit number in all future correspondence concerning this examination.

Sincerely,

/s/
TOM D. KING
Senior Water Resource Agent

TDK/pms

RECEIVED
MAR 21 1991

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IDAHO
1890 • CENTENNIAL • 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 86-7133
Name(s) of Permit Holder(s): ROBERT L. BARTON
Post Office Address: RT 1 BOX 14-F
LENORE, ID 83541 Tel. 476-3257

- ☐ I hereby certify that construction of diversion ~~has~~ for the above referenced permit began on 6-14-84 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

6/6/84
Date

[Signature]
Signature of Permit Holder

BARTON
RT1 Box 14-F
LENORE, ID 83541



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JUN 21 1984



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MAR 21 1991

Department of Water Resources
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 86-7133

Date: 7/24/88

General Considerations:

☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change _____ If yes, prepare a data entry
☒ Proof received timely
_____ Reinstated

Source of Water:

☒ Surface water
_____ Groundwater
_____ 1. well log in file
_____ 2. drilling permit
_____ 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:

☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

7/4

Priority Calculation:

Date proof received	_____	_____
Date proof due	_____	-
No. of days late	_____	=
Priority date	_____	+
NEW PRIORITY DATE	_____	=

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

Form 217
03/86

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SEP 22 1988

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by JS
Sent to region _____

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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. 86-07133

Name(s) of Permit Holder: ROBERT L. BARTON

Post Office Address: 4801 SYRACUSE DR.
OXNARD, CA. 93033

Telephone No. HOME (805) 488-2237
WORK (805) 483-5307

Source of Water: UNNAMED CREEK

Extent of Use:

Domestic 1 (number of households) Stockwater _____ (number and type of stock)
Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted .005 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: Sept. '84

Measuring Device: Required? Yes ☒ No
Installed? Yes ☐ No Fee enclosed \$ N/A
(See License Examination Fee Schedule)

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

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

BARBARA OR GORDON PAULSON 476-7025
(Name) (Telephone Number)

RT 1 BOX-14B LENORE, ID. 83541
(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.

9/7/88
Date

Robert L. Barton OCT 13 1988
Signature of Permit Holder (and title, if appropriate)

MAILED

ROBERT L. BARTON
4801 SYRACUSE DR.
OXNARD, CA 93033

138369
August 31, 1988

PROOF DUE NOTICE

RE: PERMIT NO. 86-07133

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 November 1, 1988. (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

MICROFILMED

OCT 13 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

HARTON, ROBERT L.
4801 SYRACUSE DR.
OXNARD, CA 93033

NOVEMBER 22, 1983

RE: PERMIT NO. 86-7133

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: JK APPLICATION NUMBER: 86-7133

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☐ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☐ Fee.

Field check by: _____

Date: _____

Comments: _____

☐ Yes ☒ No Field check required.

☐ Yes ☒ No Critical groundwater area.

☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____

☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____

☒ Yes ☐ No* In form for advertising.

Final date for protests: 10/18/81

☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 10/13/81
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ 9/10/81 Date of priority recommended.
☒ Special conditions of approval or cover letter. _____

By: Ryt Date: 10/6/83

STATE OFFICE REVIEW:

amount of water set at 3 digit due to resolve
of protest according to that letter (9/23/83 & 10/4/83).
217 36

☐ See attached sheet for more information.

By: KW Date: 11/2/83

October 4, 1983
Box 1002
Orofino, ID 83544

Robert G. Haynes, P.E.
Regional Supervisor
Idaho Department of Water Resources
Route 5 Box 203 - Suite 1
Coeur d'Alene, Idaho 83814

Re: 86-7133

Dear Mr. Haynes;

In reference to Robert Barton's application for a water permit I withdraw my protest to this application in accordance with his letter of 9-23-83, which he sent us a copy and one to your office.

Sincerely,

John W. Gilliam
John W. Gilliam

RECEIVED
OCT 5 1983
Department of Water Resources
Northern District Office



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

October 3, 1983

Mr. Paul Thomas Clark
Clark and Feeney
P.O. Drawer 285
Lewiston, Id. 83501

Re: 86-7133 - Robert Barton

Dear Mr. Clark:

Pursuant to your letter of September 26, 1983, this Department has received word from Mr. Barton and Mr. Gilliam indicating that they have resolved their differences.

Therefore, as soon as the necessary paperwork is in, we will complete the processing of the above application.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RCH/pms



PAUL THOMAS CLARK
THOMAS W. FEENEY
RON T. BLEWETT
ASSOCIATE

LAW OFFICES OF
CLARK AND FEENEY
1901 IDAHO STREET
P. O. DRAWER 285
LEWISTON, IDAHO 83501

TELEPHONE
AREA CODE 208
743-9516

September 26, 1983

RECEIVED
SEP 28 1983

Department of Water Resources
Northern District Office

Mr. Robert G. Haynes, P. E.
State of Idaho
Department of Water Resources
4055 Government Way, Suite No. 1
Coeur d'Alene, Idaho 83814

re: Robert Barton Water Right #86-7133

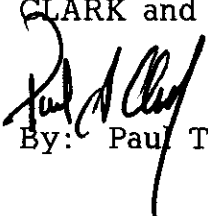
Dear Mr. Haynes:

On June 20, 1983, I wrote you to advise you that no agreement has been reached between the parties with respect to my client's application for permit in the above-captioned matter. I requested at that time that your office proceed to issue its determination at the earliest possible date. Since I have not received any further response from your office, I would request when it is anticipated that your office will issue a determination in this matter.

I shall await your response.

Sincerely yours,

CLARK and FEENEY


By: Paul Thomas Clark

PTC:gj

cc - Robert Barton

9-23-83

Dear Robert Haynes;

With reference to Application for Permit ID # 86-7133, I am requesting that "Item #4" be changed to "Creek Amount .005 for Domestic purposes from Jan 1 to Dec 31."

After speaking with John Billiam, his major concern is that his pond may periodically dry up. Although I can make no guarantee that this will not happen, modifying my application as above will reduce that possibility, while still providing my family with ample water.

This modification has met with John Billiam's approval, and written approval should reach your office shortly.

If I have neglected to include any necessary information please contact me.

Respectfully,

Robert J. Carter

RECEIVED

SEP 28 1983

Department of Water Resources
Northern District Office

RECEIVED

cc - Robert Barton

In the Matter of Protest)
of Application No. 86-7133)
In the Name of) Agreement
Robert L. Barton)

We the undersigned agree to allow the Department of Water Resources to render a decision on this application based on information presented at the conference at Lewiston on March ~~10~~ 11, 1983. We also waive the proposed decision. We ask that the Department wait until after June 10, 1983 to issue a decision

dated March 11 1983

John Gilliam
John Gilliam

Judith F. Gilliam
Mrs John Gilliam

Paul Thomas Clark
Paul Thomas Clark
Attorney for Robert Barton

86-7133-10

Name: Robert L. Barton
File: 86-7133
Place: Conference Rm., NezPerce Cty. Cthse, Lewiston, Id.
Date: Friday, March 11, 1983 at 10:30 a.m.

ROSTER OF ATTENDANCE

<u>Name</u>	<u>Address</u>	<u>Representing</u>
Paul T. Clark	Box 285, Lewiston, Id.	Bob Barton
John W. Gilliam	Rt. 1 Box 144 Lenore	
Judith S. Gilliam	Rt. 1 Box 144 Lenore	

85-7133

Tom Clark Response from Barton.

Consider records of department.

3 gpm determined by using 1 gallon jug in August 1981.

Property zoned Farm-Forest which includes up to two family unit

200

Gilliam 200 ft from Barton P.D. to line and another 400-500 ft to Gilliam's use

Gilliam's concern revolve around filling pond ~~on~~ for use for fire protection and irrigation

Water used on property in 1980, no improvements or use on property before them.

Linda Trout
1901 Idaho Box 285
Sewiston Idaho 83501

743-9616

Represent Bob Barton

Kenz
MUFFLER
SERVICE
Phone: (805) 487-3855
2508 SAVIERS RD.
OXNARD, CALIF. 93030

Bob Barton

MARCH 2, 1983

PAUL THOMAS CLARK
1901 IDAHO ST.
P.O. DRAWER 285
LEWISTON, ID. 83501

DEAR MR. CLARK;

ENCLOSED PLEASE FIND MY RESPONSES TO THE ISSUES
TO BE CONSIDERED IN THE APPROVAL OF MY APPLICATION FOR
PERMIT.

IF THE INFORMATION IS FOUND TO BE INSUFFICIENT, PLEASE
CONTACT ME AT YOUR EARLIEST CONVENIENCE.

I WILL CONTACT YOU PRIOR TO THE HEARING DATE.

SINCERELY YOURS,

Robert L. Barton

RECEIVED

RECEIVED
MAR 7 1983

1. To my knowledge there are no existing water rights to the stream in question. If the reduced quantity of water from that stream remains an issue, despite the lack of existing water rights, I believe that there is sufficient water, for domestic use, for both the Gilliam family and my own. This is based on the fact that in the last week of Aug 1981 there was a flow rate of approx. 3 Gal per min. According to the zoning officer for that region, Betty Firzlaff, if there is that much flow during the driest part of the year, it is a year round stream with a higher flow rate during the winter & spring months.

2. According to "TABLE 3- NON-IRRIGATION WATER REQ" in the "WATER USERS HANDBOOK", published by the IDAHO DEPT. of WATER RESOURCES, the daily requirement of water for a single family dwelling is 50-75 GAL. per resident. We are a family of 3, therefore, our requirement would be 150-225 GAL per day. At a flow rate of 3 GAL per min, our daily requirement would be satisfied in 50-75 minutes. Hence my belief that there is sufficient water for both families.

(NOTE - WATER FLOW MEASUREMENT WAS TAKEN AT THE POINT OF DIVERSION INDICATED ON MY APPLICATION.)

3. My application is made in good faith with the sole intention of providing water to a single residence dwelling, that I intend to construct myself.

A potential error on my part should be pointed out at this time. At the time I filed the application I was very optimistic of an early construction date, and I may have entered a period of "ONE YEAR" in ITEM #7. (TIME REQUIRED FOR THE COMPLETION OF THE WORK AND APPLICATION OF THE WATER TO BENEFICIAL USE.) I DO NOT

HAVE A COPY OF MY APPLICATION AND, THEREFORE CAN NOT VERIFY THIS. PRESENTLY, CIRCUMSTANCES BEYOND MY CONTROL HAVE DELAYED OUR MOVE TO IDAHO, WHICH WILL MAKE THE COMPLETION OF WORK WITHIN ONE YEAR EXTREMELY DIFFICULT. IF I HAVE, IN FACT, MADE THIS ERROR, IS IT POSSIBLE TO HAVE ITEM #2 CHANGED TO "5 YEARS" PRIOR TO MY APPLICATION'S APPROVAL/DISAPPROVAL? THIS WOULD PROVIDE A MORE REALISTIC TIME TABLE TO GET MOVED UP THERE & GET CONSTRUCTION COMPLETED.

4. I OWN 50% OF A MUFFLER SHOP VALUED AT APPROXIMATELY \$110,000. WHEN WE MOVE MY PARTNER WILL BUY MY 50%, WHICH WILL NET APPROXIMATELY \$45,000. WE ALSO WILL SELL OUR PRESENT RESIDENCE WHICH SHOULD NET \$45,000-\$50,000. WE WILL HAVE NO LIABILITIES.

5. I BELIEVE THAT THIS PROJECT IS OF INSIGNIFICANT MAGNITUDE TO CREATE ANY CONFLICT WITH LOCAL PUBLIC INTEREST. AS FAR AS I KNOW MR GILLIAM & MYSELF ARE THE ONLY INDIVIDUALS WITH ANY INTERESTS IN THIS STREAM.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~Executive Director~~
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

February 17, 1983

Ms. Karen Byington
County Commissioners Office
Nezperce County Courthouse
Lewiston, Id. 83501

Re: 86-7133

Dear Ms. Byington:

This is to confirm reservations for a conference &/or hearing to be held by this Department in the Conference Room of the Nezperce County Courthouse Annex on Friday, March 11, 1983, at 10:30 a.m.

Very truly yours,

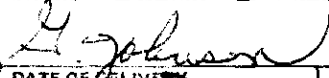
ROBERT G. MAYNES, P.E.
Regional Supervisor

pms

86-7133

PS Form 3811, Jan 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one.) ☒ Show to whom and date delivered.....¢ ☐ Show to whom, date and address of delivery.....¢ ☐ RESTRICTED DELIVERY Show to whom and date delivered.....¢ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery.\$____		
(CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: Ms. Linda Trout Attorney at Law P. O. Drawer 285 Lewiston, Id. 83501		
3. ARTICLE DESCRIPTION:		
REGISTERED NO.	CERTIFIED NO. 13649	INSURED NO.
(Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent 		
4. DATE OF DELIVERY		POSTMARK
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1

R E C E I V E D

COEUR D'ALENE, ID 83814
(Name of Sender)

FEB 22 1983

(Street or P.O. Box)

Department of Water Resources
Northern District Office

(City, State, and ZIP Code)

86-7133

PS Form 3825 Jan 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☒ Show to whom and date delivered..... \$
☐ Show to whom, date and address of delivery..... \$
☐ RESTRICTED DELIVERY
☐ Show to whom and date delivered..... \$
☐ RESTRICTED DELIVERY.
☐ Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**
 Mr. Robert L. Barton
 4801 Syracuse Dr.
 Oxnard, Cal. 93303

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13647	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. **DATE OF DELIVERY**

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S INITIALS

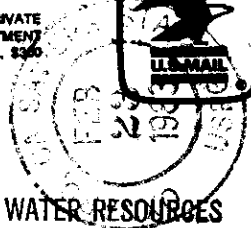
UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN TO
RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
SUITE 5, BOX 203, SUITE #1
BOISE, ID 83714
(Name of Sender)

FEB 23 1983

Department of Water Resources
Northern District Office

(Street or P.O. Box)

(City, State, and ZIP Code)

86-7133

PS Form 3811, Jan 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space or reverse.

1. The following service is requested (check one.)

- ☒ Show to whom and date delivered.....¢
☐ Show to whom, date and address of delivery.....¢
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.....¢
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery.\$____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mrs. John Gilliam
 P. O. Box 1002
 Orofino, Id. 83544

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	13648	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

John 2 Gilliam

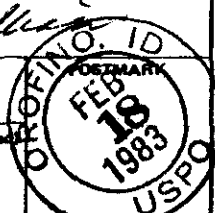
4. DATE OF DELIVERY

2-18

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS



UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Requested" adjacent to number.



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE: \$300



**RETURN
TO**
RECEIVED

FEB 22 1983

IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 283, SHILLON
(Name of School)
COEUR D' ALENE, ID 83814

(Street or P.O. Box)

Department of Water Resources
Northern District Office

(City, State, and ZIP Code)

NAME AND ADDRESS OF SENDER

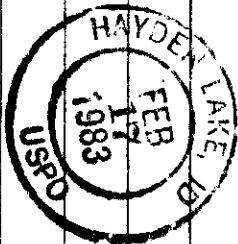
IDAHO DEPARTMENT OF WATER RESOURCES
NORTHERN DISTRICT OFFICE
ROUTE 5, BOX 203, SUITE #1

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of \$

Attach stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

1 NUMBER OF ARTICLE	2 NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	3 POSTAGE	4 FEE	5 Handling Charge	6 Actual Value (if Registered)	7 DUE SENDER IF O.D.	8 R. R. FEE	9 S. D. FEE	10 S. H. FEE	11 REST DEL. FEE	12 REMARKS
1	Robert L. Barton 4801 Syracuse, Dr., Oxnard, Cal. 93303	20	75c			2/22/83	60c				SL-7133
2	Mrs. John Gilliam P. O. Box 1002, Orofino, Id. 83544	"	"			2/24/83	"				"
3	Ms. Linda Trout, Attorney at Law P. O. Drawer 285, Lewistown, Id. 83501	"	"			2/24/83	"				"
4											
5											
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15											



TOTAL NUMBER OF PIECES LISTED BY SENDER

TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE

POSTMASTER: PER (Name of receiving employee)

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to \$1,000 or the full amount of the deductible if the deductible exceeds \$1,000. The maximum indemnity payable is \$25,000 for registered mail, \$400 for COD and \$400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

* U.S. GOVERNMENT PRINTING OFFICE: 1978 270-037

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 86-7133)
IN THE NAME OF ROBERT L. BARTON.)

NOTICE OF HEARING
AND/OR CONFERENCE

On September 10, 1981, Robert L. Barton
of Oxnard, Calif., filed with the Department of Water
Resources an application to appropriate the public waters of the State of Idaho.
On October 16, 1981, the Department received a protest against approval
of said application from Mrs. John W. Gilliam.

The Department has set the matter of protest for hearing for Friday,
March 11, 1983, at 10:30 a.m. in the Conference Room in the
basement of the NezPerce County Courthouse, 1230 Main Street,
Lewiston, Idaho. The hearing will be held in accordance with
Chapter 2, Title 42 of the Idaho Code and adopted Rules of Practice and Procedure
of the Department of Water Resources. Opportunity shall be afforded all parties to
respond and present evidence and argument on all issues involved.

Dated this 17th day of February, 1983.



ROBERT G. HAYNES, P.E.
Regional Supervisor

CONFERENCE AND HEARING INFORMATION

IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed

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decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments.

However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Under the provisions of Idaho Code, Sections 42-1701A and 67-5215, any court review of the Department's decision on appeal shall be confined to the record created before the Department.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

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JAN 10 1964
FBI - BUTTE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NORTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
~~C. Stephen Allen~~
Director

Suite No. 1
4055 Government Way
Coeur d'Alene, Idaho 83814
(208) 667-6484

June 11, 1982

Ms. Linda Copple Trout
Clark, Feeney and Trout
P. O. Drawer 285
Lewiston, Id. 83501

Re: 86-7133

Dear Ms. Trout:

This is in response to your letter of May 24 regarding the above-referenced application.

The understanding which you outlined in your letter is correct. We will be setting the protest for hearing sometime in the near future.

As you are probably aware, the State of Idaho is facing budget problems which preclude our doing anything until after July 1.

If you have any other questions, please contact me.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RCH/pms

PAUL THOMAS CLARK
THOMAS W. FEENEY
LINDA COPPLE TROUT

LAW OFFICES OF
CLARK, FEENEY AND TROUT
1901 IDAHO STREET
P.O. DRAWER 285
LEWISTON, IDAHO 83501

TELEPHONE
AREA CODE 208
743-9516

May 24, 1982

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MAY 25 1982

Mr. Robert G. Haynes
Regional Supervisor
Department of Water Resources
4055 Government Way
Coeur d'Alene, Idaho 83814

Department of Water Resources
Northern District Office

Re: Application for Permit - 86-7133

Dear Mr. Haynes:

On January 13, 1982, I spoke with you with respect to the above numbered application for a permit to use a water right. I am representing Mr. Robert L. Barton, who was the applicant for that permit which was filed on September 10, 1981. As I advised you in January, a protest was filed against the application by Mr. John Gilliam and the parties have not been able to reach an amicable settlement. At that time you advised me that there were a number of other matters to be set for a hearing and that you did not yet have a definite date. It was my understanding from our conversation that you would advise me when such a date had been set. This letter is simply to confirm that understanding, as I have not heard anything during the last several months and I want to make sure that I will be advised of such a hearing. Thank you again for your consideration.

Very truly yours,

CLARK, FEENEY and TROUT



By: Linda Copple Trout

LCT:jl

cc: Robert L. Barton

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN W. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

October 19, 1981

Mr. Robert L. Barton
4801 Syracuse Dr.
Oxnard, Calif. 93033

RE: 86-7133

Dear Mr. Barton:

Enclosed is a copy of a protest filed against the approval of a permit pursuant to the above-referenced application. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, IDAHO CODE):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH: fms

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region

JOHN V. EVANS
Governor
A. KENNETH DUNN
Director

4055 Government Way
Coeur d'Alene, ID 83814
(208) 667-6484

October 19, 1981

Mrs. John W. Gilliam
P. O. Box 1002
Orfino, Id. 83544

RE: 86-7133

Dear Mrs. Gilliam:

Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, IDAHO CODE):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculation?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Supervisor

RGH:fms

October 15, 1981
John W. Gilliam
P.O. Box 1002
Grofino, Idaho 83544
(208) 476-7329

Kenneth Dunn, Director
Idaho Department of Water Resources
Route 5, Box 203 - Suite 1
Coeur d'Alene, Idaho 83814

Dear Mr. Dunn;

In reference to an application for a water right #86-7133,
attached below.

I am in protest to the granting to this permit, as we are
using this same stream for domestic use and there is not
that much water in this stream. We are below the above property,
our legal description is Sec 35 37N 1W Clearwater Plateau
Subd #9, also Sec 2 36N 1W Lots 1 & 2 and Sec 35 T37 N
R/W S $\frac{1}{2}$ SE, Clearwater County. We have previously discussed
our water right with our local zoning officer, Mrs. Firklauff.

We appreciate your attention to this matter.

Sincerely,

Mrs. John W. Gilliam

John W. Gilliam

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OCT 16 1981

Department of Water Resources
Northern District Office

RECEIVED

OCT 16 1981

Department of Water Resources
Northern District Office

John W. Gilliam

P. O. BOX 1002
BOOFIND, IDAHO 83544

RETURN RECEIPT
REQUESTED

CERTIFIED

P24 2533404

MAIL

MICROFILMED

A Kenneth Dunn
Idaho Department of Water Resources
Suite 5, Box 203 - Suite 1
Boeur d Alene, Idaho 83814



DATE	10/14
1ST OFFICE	
2ND OFFICE	
RETURN	
Postage paid by addressee PS Form 380-A Feb. 1979	

86-2123

BARTON, ROBERT L.

4801 SYRACUSE DR., OXNARD, CA 93033

Source: UNNAMED STREAM tributary to CLEARWATER RIVER
SPRING tributary to CLEARWATER RIVER

Date Filed: 09/10/1981

Amount: 0.02 CFS

Diversion Point: SESW Sec 35 T 37N R 01W, CLEARWATER Co.

Use: DOMESTIC (0.02 CFS) from 01/01 to 12/31

Place of Use: SESW Sec 35 T 37N R 01W

Diversion Means: TANK, PUMP AND PIPELINE.

RECORDED

A. Kenneth Dunn
XXXXXXXXXX

September 11, 1981

Mr. Robert L. Barton
4801 Syracuse Dr.
Oxnard, Cal. 93033

Dear Mr. Barton:

We are returning your Check No. 161493 and your Application for Permit for clarification.

Please list the stream in Item No. 2 into which the water from the "Unnamed Creek" flows. If it sinks back into the ground, please state "Sinks".

You have also indicated power production in Item No. 8.a.2. Please be advised that Idaho law requires that persons generating hydro-electric power in the state must be residents of the state. It would appear to us that you are not a resident of Idaho from the address on the water right application. However, if you are, in fact, a resident of Idaho and do desire to generate power, the quantity of water and period of use must be listed under Item No. 4. I am also enclosing an Affidavit of Residency which must accompany the application.

You have listed the point of diversion as being within the SWSW, Sec. 35, but the map indicates the SESW, Sec. 35.

Please clarify these items and return your application and filing fee to this office. If you need any assistance please call me at this office.

Sincerely,

TOM D. KING
Senior Water Resource Agent
Enc. - Check
Application
Affidavit

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant ROBERT L. BARTON Phone 805-488 8493
Post office address 7801 SYRACUSE DR. OLYMPIA, WA 98553
2. Source of water supply UNNAMED CREEK / SPRING which is a tributary of N/A
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35 Township 37 North
Range 1-W35 B.M. BEAKWATER County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

- CREEK - Amount 201 for Domestic purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
SPRING - Amount 201 for Domestic purposes from JAN 1 to DEC 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)

5. Total quantity to be appropriated:

- a. 201 cubic feet per second and/or b. N/A acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. 300 ft. 12" pipe
1 - 1 HP pump - 1 - 1000 gal tank
b. Height of storage dam 7 ft. feet, active reservoir capacity 0.20 acre-feet; total reservoir capacity 0.25 acre-feet, materials used in storage dam: Concrete
Period of year when water will be diverted to storage JAN 1 to DEC 31 inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.

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 - maximum 5 years).

8. Description of proposed uses:

- a. If water is not for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35 Township 37 North
Range 1-W35 B.M.
(2) Amount of power to be generated: 1 horsepower under 3 feet of head.
(3) List number of each kind of livestock to be watered N/A
(4) Name of municipality to be served N/A, or number of families to be supplied with domestic water 1 family.
(5) If water is to be used for other purposes describe: N/A

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below: N/A

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated N/A

c. Describe any other water rights used for the same purposes as described above. N/A

9. a. Who owns the property at the point of diversion ROBERT L. BARTON

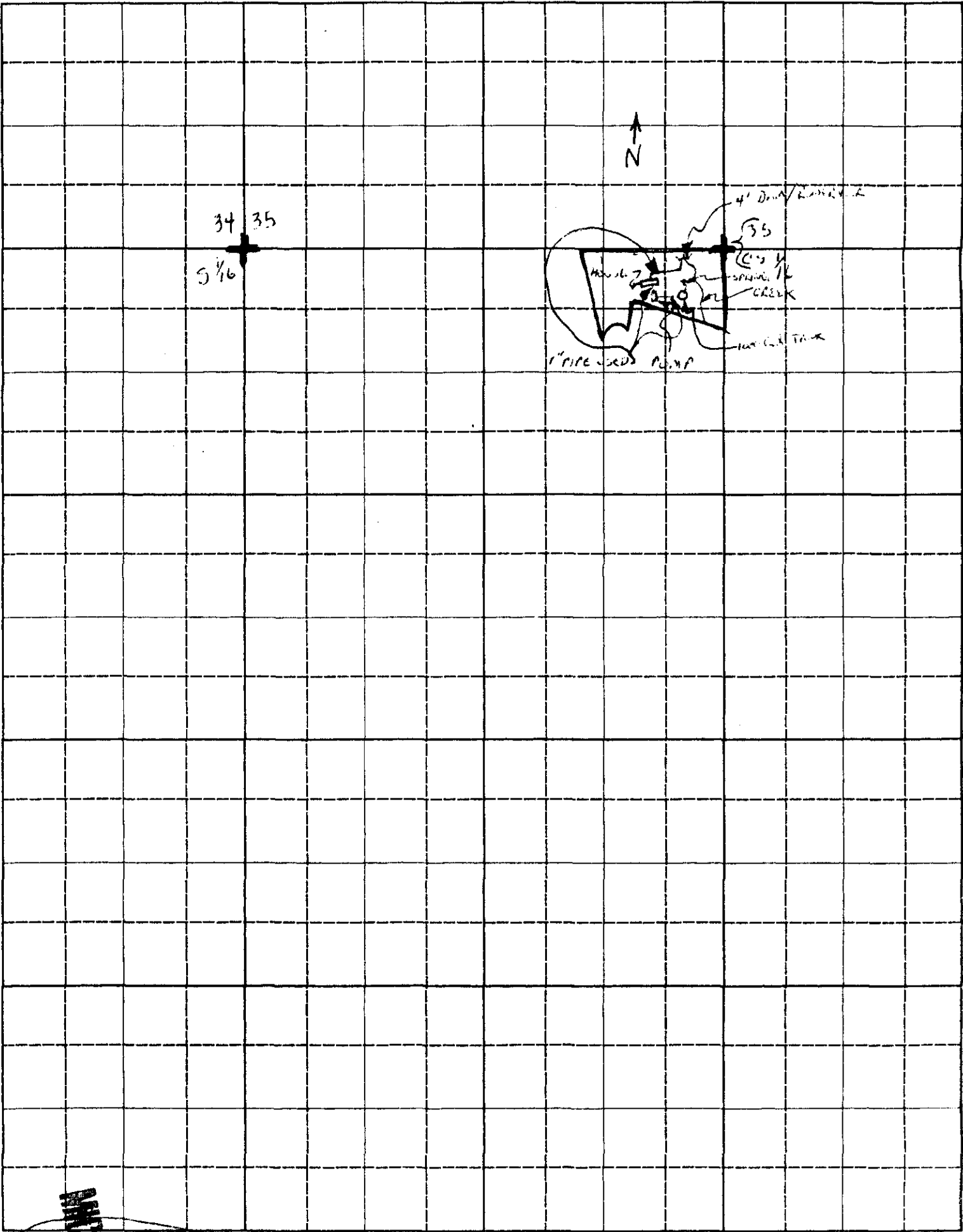
b. Who owns the land to be irrigated or place of use ROBERT L. BARTON

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

10. Remarks

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

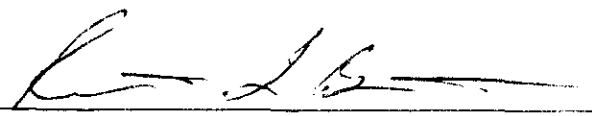


Scale: 1 inch equals 1/4 mile.

1/4 mile

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

IDAHO DEPT of Water Resources
Route 5 Box 203
Coeur d'Alene, Idaho
85811


(Applicant)

Recommended for approval denial by

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