

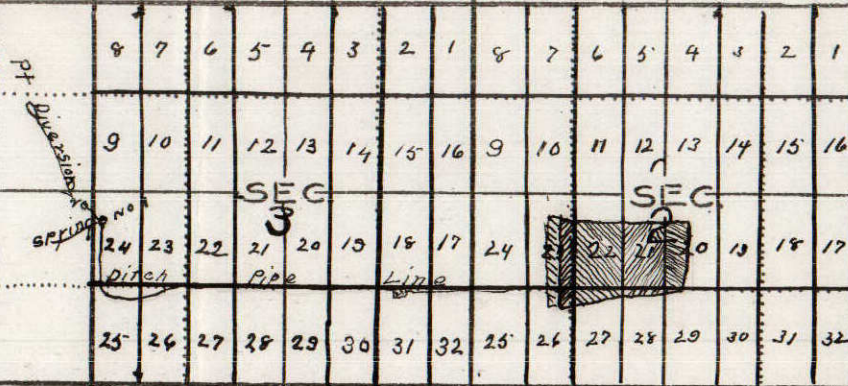
Name of Applicant *Thomas D. Barton*

T 35 N. R 4 W B M.

SEC.
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SEC.
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SEC.
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SEC.
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SEC.
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SEC.
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SEC.
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SEC.
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SEC.
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SEC.
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SEC.

6168

13/8

County: Nez Perce
Stream: Springs
Amount: 9/10 of 1 cubic foot per second.
Use: irrigation
Priority: May 6, 1910.

1829

STATE OF IDAHO

Water License No. 6168

WHEREAS, On the 6th day of May, A. D. 1910, Thomas D. Barton

of Lapwai, County of Nez Perce, State of Idaho, duly made application (No. 8779) to me for a permit to use 9/10 of 1 cubic foot per second of the waters of Springs

County of Nez Perce, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 28th day of May, A. D. 1910, Permit No. 6168 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 28th day of May, A. D. 1914, and for the application to beneficial use of said water on or before the 28th day of May, A. D. 1915, and,

WHEREAS, On the 23rd day of May, A. D. 1914, Thomas D. Barton

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 9/10 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 6168 dated April 26, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 9/10 of 1 cubic foot per second of said water with date of priority of May 6, 1910, and

WHEREAS, On the 24th day of May, A. D. 1915, Thomas D. Barton

the holder of said permit, duly made proof of the application to beneficial use of 9/10 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Thomas D. Barton

of Lapwai, County of Nez Perce, State of Idaho, the holder and owner of said Permit No. 6168, a perpetual right, dating from May 6, 1910 to the use of 9/10 of cubic foot per second of the waters of Springs

in the County of Nez Perce and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted as follows: from the corner of sections 3-4-9-10, T. 35 N. R. 4 W.B.M., spring No. 1 bears N. 3350 chains, 25 links East: from Spring No. 1 Spring No. 2 bears N. 21 degrees 30 minutes W., 10 chains, 25 links distant

and conducted to and upon 45.75 acres, as follows: S $\frac{1}{2}$ and S $\frac{1}{2}$ of N $\frac{1}{2}$; W $\frac{1}{2}$ of N $\frac{1}{2}$ of N $\frac{1}{2}$ of Lot 23 and N $\frac{1}{2}$ of E $\frac{1}{2}$ of Lot 24; fractional Lot 26 and fractional Lot 27, all in Sec. 2, T. 35 N. R. 4 W.B.M., in the Village of Lapwai,

for the purpose of Irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 23rd day of July A. D. nineteen hundred and fifteen

J. H. SMITH.

(Seal)

85 2028

State Engineer:

85-2028

No. 8779.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of Applicant: Thomas D. Barton.

Postoffice address: Fort Lapwai.

County: Nez Perce State: Idaho.

II. The financial resources of the applicant are:

(a) Cash on hand: \$3,000.00

(d) Other resources: Merchant and Town property.

2. The quantity of water claimed is Forty five 50ths or ($9\frac{1}{2}$ 10th) cubic feet per second.

3. Source of water supply from Springs.

County of Nez Perce.

4. Location of point of diversion: From the cor. of Secs. 3, 4, 9 and 10 T. 35 N. R. 4 W. A spring No. 1 bears N. 3350 chs and 25 lks E. of said cor. From this spring. Spring No. 2 bears N. 21° 30' W. 10 chs and 25 lks dist. The quantity of water claimed is from Spring No. 1, $\frac{4}{5}$ second feet, From Spring No. 2, $\frac{1}{10}$ second feet. Total $\frac{45}{50}$ second feet.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: Forty five $\frac{75}{100}$ acres.

(b) In the following legal subdivisions: S2 and S2 of N2 Lot 22, S2 and S2 of N2, W2 of N2 of N2 of Lot 23, and N2 of E2 lot 24, ^{of} Fract lot 26 $\frac{4}{50}$ a Fract lot 27, $\frac{3}{75}$ A

6. Estimated cost of works: Twenty Eight hundred dollars.

7. Description of works for diversion:

I. Kind of works: Reservoir ditch and pipe. Reservoir, dam pipe and ditch.

II. Dimensions of Works:

(a) Height of dam 4 feet, length of dam at top 20 feet, length of dam at bottom 18 feet. Material used in construction: concrete.

(b) Capacity of reservoir: 120 acre feet.

(c) Size of headgate: Width one foot, height $\frac{3}{4}$ foot.

(d) Conduit pipe and ditch, width at bottom one foot, width at water line $1\frac{1}{2}$ feet, depth of water $\frac{2}{3}$ feet. Diameter of pipe: 6 inches. Average grade per mile is 8 to 12 feet. Length of conduit is one $\frac{1}{2}$ miles and it crosses the following quarter sections: SW4 and SE4 of Section 3 and the SW4 of Sec. 2 T. 35 N. R. 4 W. B. M. to land described in 5 I (b) above which is the point of intended use.

8. The time required for the completion of the construction of such work is 4 years.

9. Time required for the complete application of the water to the proposed use is one additional year.

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

Thomas D. Barton, Applicant.
By.....Edson D. Briggs.....Agent.

JONES CURENA LEAF. PAT. FEB. 7, 1905

HALL LITHO CO. TUPPER 87427

Remarks: The water from Spring No. 1 and 2 will be conveyed through ditch and pipe to a reservoir located on a hill the same bears S. 19° E. 1200 chs from the $\frac{1}{4}$ Sec. cor. bet secs. 2 and 3 Tp. 35 N. R. 4 W.

This Reservoir will be 20 ft. wide and 200 ft. long & 8 ft. deep estimate capacity 300-ths gallons.

From Spring No. 2 the water will be conveyed in a two in. pipe and into the Reservoir at Spring No. 1 at this point immediately below spring No. 1, the concrete Reservoir will be built.

APPROVAL OF STATE ENGINEER.

The number of this permit is 6168.

Date of first receipt of application 9.00 a.m. May 6, 1910.

Returned to applicant for correction May 7, 1910.

Corrected application received May 28, 1910.

Recorded in Book 18, Page 6168 Approved May 28, 1910.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

Work to begin on or before July 27, 1910, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before May 28, 1912.

The whole of said work to be completed on or before May 28, 1914.

The time for proof of beneficial use of water appropriated in accordance herewith, extended to May 28, 1915.

Witness my hand this twenty-eighth day of May, 1910.

D. G. Martin,

State Engineer.

Proof of completion of works made May 23, 1914.
 Fees received April 19, 1915.
 Certificate of completion of works issued April 26, 1915.

Permit No. 6168

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Thomas D. Barton, of Lapwai, County of Nez Perce and State of Idaho, the holder of Permit No. 6168, issued upon Application No. 8779, bearing date of priority of May 6, 1910, authorizing the diversion of 9/10 of 1 second foot of the waters of Springs, County of Nez Perce, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use 9/10 of 1 second foot of the waters of Springs; that the point of diversion of said waters from the corner of Secs. 3, 4, 9 & 10, T. 35 N., R. 4 W.B.M., bears N. 3350 chains and 25 links E; from said Spring No. 1 Spring No 2 bears N. 21° 30' W. 10 chains and 25 links; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: For use upon lawns and gardens and for domestic use in town of Lapwai and suburbs thereto.

Witness my hand this 26th day of April, A.D. 1915.

J. H. Smith,

State Engineer of the State of Idaho.

License issued for 9/10 second foot
Page 1829



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 11, 1995

Dennis Kachelmeier
Lapwai School District No. 341
P.O. Box 247
Lapwai, ID 83540

RE: Diversion from Groundwater

Dear Mr. Kachelmeier:

Thank you for taking my call earlier this month. As we discussed, Uhlenkott Drilling reported that they drilled a well for Lapwai School District at T35N, R4W, S2, SESW, in 1992. The driller's report indicates that water from the well was intended to be used for irrigation and domestic purposes. However, I can find no record of a water right to cover a diversion by Lapwai School District from that well. According to department records, the only water right filing by the school district is Snake River Basin Adjudication claim A85-02028 for irrigation from some springs located at T35N, R4W, S4, NESE.

Since 1963, all users of ground water in Idaho except those using the water solely for domestic and/or stockwater purposes have been required to file an application with the Department of Water Resources. In your case, you may file an Application for Permit to establish a new water right. Or, if you are no longer diverting from the springs and can show a hydrologic connection between the springs and your well, you may file an Application for Transfer to change the point of diversion of right 85-02028. I have enclosed both an Application for Permit form and an Application for Transfer form for you.

I have also enclosed a brochure which provides a general overview of Idaho water appropriation law. If you have any questions not answered in the brochure, please contact me at 208-327-7946 in Boise.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

SWK
Enclosures

USE ADDITIONAL SHEETS IF NECESSARY. FORWARD THE WHITE COPY TO THE

REPORT OF ENGINEER

1. State name of applicant and number of permit Thomas D. Barton, No. 6168
2. State source of water supply: Springs
3. Location of point of diversion: From the cor of Secs. 3, 4, 9 and 10 T. 35 N. R. 4 W. a spring No. 1 bears N. 33° 50' chs. and 25 lks. E. of said cor from this spring. spring No. 2 bears N 21° 30' W 10 chs and 25 lks dist. the quantity of water claimed is from spring No 1 4/5 second feet from Spring No 2. 2.1/10 Second feet. Total 45/50 Second feet

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit.

Yes.

5. Describe works as they exist, giving dimensions of same as follows:

- (a) Width of conduit at bottom: Ditch found not practical, pipe line substituted
- (b) Width at water line: *
- (c) Depth of water: *
- (d) Grade per mile: 125 ft.
- (e) Capacity of ~~river~~ spring. Pipe line will carry full capacity of springs second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent:

Full amount

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract S $\frac{1}{2}$ and S $\frac{1}{2}$ of N $\frac{1}{2}$ Lot 22; S $\frac{1}{2}$ and S $\frac{1}{2}$ of N $\frac{1}{2}$; W $\frac{1}{2}$ of N $\frac{1}{2}$ of N $\frac{1}{2}$ of Lot 23; and N $\frac{1}{2}$ of E $\frac{1}{2}$ of Lot 24, Frad. lot 26 4.50 A Frad. Lot 27 3.75 A. Total Forty five and 75/100 Acres

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

6168

Edson D. Briggs

STATE OF IDAHO,

County of Nez Perce

} ss.

Edson D. Briggs, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 27th day of May 1915

My Commission Expires Jan. 1916

H K Barnett

Notary Public.

B/2

Name of Applicant: Thomas O'Brien

[illegible]