

County: Bannock.
 Stream: Unnamed Gulch.
 Amount: $\frac{3}{50}$ of 1 Sec. Ft.
 Use: Irrigation,
 Priority: $\frac{1}{5/12}$.

STATE OF IDAHO

Water License No. 8068
 Water District No. 17 D.

WHEREAS, On the 5th day of January, A. D. 1912,
 W. H. Barton

of Pocatello, County of Bannock, State of Idaho, duly made application (No. 11852) to me for a permit to use $\frac{4}{5}$ of 1 cubic foot per second of the waters of an unnamed gulch in $S\frac{1}{2}$ of $N\frac{1}{2}$, Sec. 32, T. 6 S., R. 35 E., Water District 17 D.

County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 2nd day of March, A. D. 1912, Permit No. 8068 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 2nd day of March, A. D. 1914, and for the application to beneficial use of said water on or before the 2nd day of March, A. D. 1916, and,

WHEREAS, On the 27th day of January, A. D. 1914, the time for completion of works under said permit, was extended to the 2nd day of March, A. D. 1915, and the time for beneficial use of water to the 2nd day of March, A. D. 1917, and,

WHEREAS, On the 11th day of March, A. D. 1915,
 W. H. Barton

the holder of said permit, duly made proof of the completion of adequate works for the diversion of $\frac{4}{5}$ of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 8068 dated April 17, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use $\frac{4}{5}$ of 1 cubic foot per second of said waters with date of priority of January 5, 1912, and

WHEREAS, On the 10th day of March, A. D. 1917,
 W. H. Barton

the holder of said permit, duly made proof of the application to beneficial use of $\frac{3}{50}$ 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 W. H. Barton

of Pocatello, County of Bannock, State of Idaho, the holder and owner of said Permit No. 8068, a perpetual right, dating from January 5, 1912 to the use of $\frac{3}{50}$ of 1 cubic foot per second of the waters of an unnamed Gulch

in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the $SW\frac{1}{4}$ of $NE\frac{1}{4}$, Sec. 32, T. 6 S., R. 35 E., B.M.

and conducted to and upon 3 acres of land in the $SW\frac{1}{4}$ of $NW\frac{1}{4}$, Sec. 32, T. 6 S., R. 35 E., B.M.,

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 14th day of July
 A. D. nineteen hundred and seventeen.

(Seal)

J. H. Smith,

State Engineer.

29 2139

~~29 2139~~

No. 11852

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of Applicant: W. H. Barton.
 Postoffice address: Pocatello
 County: Bannock State: Idaho
2. The quantity of water claimed is $4/5$ cubic foot per second.
3. Source of water supply: Spring waters of unnamed gulch in $S\frac{1}{2}$ of $N\frac{1}{2}$ Sec. 32, T. 6 S. R. 35 E. B. M.
4. Location of point of diversion: $SW\frac{1}{4}$ $NE\frac{1}{4}$ Sec. 32, T. 6 S. R. 35 E. B. M.
 County of Bannock.
5. To be used for:
 - I. Irrigation and domestic use:
 - (a) Amount of land to be irrigated: 40 acres.
 - (b) In the following legal subdivisions: $SE\frac{1}{4}$ $NE\frac{1}{4}$ Sec. 31, and $SW\frac{1}{4}$ $NW\frac{1}{4}$ Sec. 32, T. 6 S. R. 35 E.
6. Estimated cost of works: \$300.00
7. Description of works for diversion:
 - I. Kind of works: Dam and pipe
 - II. Dimensions of work:
 - (a) Height of dam 1 foot, length of dam at top 3 feet, length of dam at bottom 2 feet. Material used in construction: Earth.
 - (b) Size of headgate: Width None feet.
 - (c) Conduit pipe, diameter of pipe: 3" to 1"; average grade per mile is 50 feet. Length of conduit is one mile, and it crosses the following quarter sections: $SE\frac{1}{4}$ $NW\frac{1}{4}$ and $S\frac{1}{2}$ $NE\frac{1}{4}$ Sec. 32
8. The time required for the completion of the construction of such work is 2 years.
9. Time required for the complete application of the water to the proposed use is 2 additional years.

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.

W. H. Barton,.....Applicant.

By.. Bannock Engineering Co. Ltd...Agent.

APPROVAL OF STATE ENGINEER.

The number of this permit is 8068

Date of first receipt at office of State Engineer 9.00 a.m. January 5, 1912.

Returned to applicant for correction January 6, 1912.

Corrected application received February 16, 1912.

Recorded in Book 25, Page 8068. Approved March 2, 1912.

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 approve the same, subject to the following limitations and conditions:

Work to begin on or before May 1, 1912, 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 March 2, 1913.

The whole of said work to be completed on or before March 2, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before March 2, 1916.

Witness my hand this second day of March, 1912.

A. E. Robinson,
State Engineer

On proper request of the holder of the above numbered permit, I have this 27th day of January, 1914, extended the time for the completion of works to the 2nd day of March 1915.

F. P. KING,
State Engineer.

Proof of completion of works made March 11, 1915.

Certificate of completion of works issued March 17, 1915.

Permit No. 8068

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that W. H. Barton, of Pocatello, County of Bannock and State of Idaho, the holder of Permit No. 8068, issued upon Application No. 11852, bearing date of priority of January 5, 1912, authorizing the diversion of $\frac{4}{5}$ of 1 second foot of the spring waters of an unnamed gulch in the $S\frac{1}{2}$ of $N\frac{1}{2}$ of Sec. 32, T. 6 S., R. 35 E.B.M., County of Bannock, 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 $\frac{1}{4}$ of 1 second foot of the waters of an unnamed gulch; that the point of diversion of said waters is in the $SW\frac{1}{4}$ of $NE\frac{1}{4}$, Sec. 32, T. 6 S., R. 35 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Part of the $SE\frac{1}{4}$ of $NE\frac{1}{4}$ and part of the $SW\frac{1}{4}$ of $NW\frac{1}{4}$, Sec. 32, T. 6 S., R. 35 E.B.M., containing 10 acres.

Witness my hand this 17th day of April, A. D. 1915.

J. H. Smith,

State Engineer of the State of Idaho.

By Fred A. Wilkie, Deputy.

License No. _____

3/5 of 1 second foot
Page 2123

WATER RIGHT NUMBER 29-21391✓

OWNER LAST NAME - BARTON

FIRST NAME - W. H.

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - POCATELLO

STATE - ID ZIP CODE - 83201✓

SOURCE - UNNAMED STREAM✓

TRIBUTARY OF - PORTNEUF RIVER✓

STAGE - LICENSE

STATUS -

PRIORITY - 01-05-1912

COUNTY - BANNOCK

TOTAL DIV. RATE -

.0600✓CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. - 29✓

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWNE 32 06S 35E LOT REDIV -

272.0 452.0 12.7

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

4.0

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

.0600✓CFS

USE DIV. VOLUME -

.00 AFA

FROM - TO -

USE - DOMESTIC

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 06S RNG 35E SEC 32 TRACT SWNW LOT

AC 03

DECREE NAME -

DATE -

TOTAL ACRES

3

REMARKS - LICENSE IDENTIFIES SOURCE AS UNNAMED GULCH.✓

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 8069✓

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

MAN UERED

file 29-2139

July 15, 1980

Mr. L. Obermayer
3009 Barton Road
Pocatello, ID 83201

In reply to your letter of July 11, 1980, our records show that Permit No. 8068/29-2139 was licensed January 15, 1917, in the name of W. H. Barton with a priority date of January 5, 1912, for 3/50 of 1 sec. ft. (0.06 cfs) of the waters of Unnamed Gulch. The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, Twp. 6S., Rge. 35E. for domestic use and irrigation of 3 acres of land in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 32, Twp. 6S., Rge. 35E.

Mr. W. H. Barton filed Permit No. 9962/29-2172 January 17, 1914, for 0.1 cfs of the waters of Elwell Spring with the point of diversion located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, Twp. 6S., Rge. 35E. The intended use was for irrigation of 10 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, Twp. 6S., Rge. 35E. This permit was cancelled November 19, 1975, for failure of the permit holder to submit proof of beneficial use of water, due on January 1, 1920.

If the waters of Elwell Spring was placed to beneficial use prior to May 20, 1971 and used continually since, you may wish to file a claim to a historical use right showing the first date of actual use of the water. For multiple domestic use from a groundwater source, a claim may be filed if the water was placed to beneficial use prior to March 25, 1963; after this date, an application for permit is required.

I am returning your copies of the license and permit you sent for review. Also enclosed is our brochure entitled "Idaho Water Rights Claims Program" and application for permit and claim forms with instructions for filing. The completed form(s) with fee should be submitted to

Idaho Department of Water Resources
Eastern Region
1515 Lincoln Road
Idaho Falls, ID 83401
ph. 523-7186

Mr. L. Obermayer

2

July 15, 1980

If you have any questions or need further assistance, please do not hesitate to contact us here at State Office or our regional office in Idaho Falls.

Sincerely,

ROBERTA GARRETT
Records Supervisor

RG:rr

Enclosures

RECEIVED

JUL 11 1980

Department of Water Resources

Water Resources Bd
Borse

9962/29-217-
amended

Gentlemen:- Enclosed are copies of my
current water rights. Please review
them & inform me as to their validity.
I am concerned since there may be
some legal question in use of the pump.
I also wish to have whatever forms &
necessary for filing my well
currently used by several houses
in my ownership.

Thank you for your prompt attention.

Sincerely
Lorna Obermayer

L. OBERMAYER
3001 BARTON RD
POCATELLO ID
83201

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 8068 / 29-2139
Old No. New No.

Record

1. Original Owner: W. H. Barton

Present Owner: _____

2. Address:

3. City: Pocatello State: ID Zip: _____

4. A. Source of Water: unnamed stream

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 1-5-1912

D. County: OS

E. Total Diversion Rate: 6

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SLONE</u>	<u>32</u>	<u>65</u>	<u>85E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for DA purposes. Amount 6
(cfs or ~~AC-FT/yr~~)

from _____ to _____ for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

pf 8879

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 8068

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

REPORT OF ENGINEER

1. State name of applicant and number of permit: W. H. Barton- Permit 8068
2. State source of water supply: Unnamed Gulch
3. Location of point of diversion: S. 1 NW 1/4 Sec. 32, T. 6 S., R. 55 E. B. 1.

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 and capacities of same:

Pipe line consisting of 1" - 1 1/2" and 2" pipes, having a capacity of about 3 cfs.

6. State whether or not water has been turned into works of diversion: Yes

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

3 acres in SW 1/4 NW 1/4 Sec. 32, T. 6 S., R. 55 E.

8. Submit map on enclosed plat, showing location and details of above description.

Remarks:

This examination was made on the

16th day of

June

19 17

(Signed)

B. B. Hamner

Examiner.

8068

OVER

B. B.

y

(This report must be sworn to when not made by an attache of the State Engineer's office)

STATE OF IDAHO }
County of _____ } ss.

_____, 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 _____ day of _____ 191____

Notary Public.
My Commission Expires_____

DIST. NO. 17-D

A.H. Barton
Pocatello.

Name of Applicant W. A. Kington 2/10 1 m. 1000

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

