

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

COPY

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

NOV 24 2006

DEPARTMENT OF
WATER RESOURCES

RECEIVED

NOV 21 2006

WATER RESOURCES
WESTERN REGIONPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
~~77-14138~~					
77-07110	PD				
AT 77-07096					

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DEC 01 2006
IDWR/North

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Howard Butcherbach
608 River Valley St. Nampa

4. New Owner/Claimant(s)

Robert & Darlene Rosenbaum
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or 83687

New Mailing Address

PO Box 77

City, State and ZIP Code

Yellow Pine Id. 83677

New Telephone Number

(208) 633-3377

5. Date you acquired the property

Sept 21, 2006

SCANNED
NOV 28 2006

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Robert + Darlene Rosenbaum

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
 Received by DAN Date 11-21-06 Fee NO Fee DAN 11-21-06
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED
NOV 28 2006



IDWD
Order No. 0009410

Instrument # 313287
VALLEY COUNTY, CASCADE, IDAHO
2006-09-14 02:20:00 No. of Pages: 2
Recorded for : AMERITITLE
LELAND G. HEINRICH
Ex-Officio Recorder Deputy *[Signature]* Fee: 6.00
Index to: DEEDS

WARRANTY DEED

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DEC 01 2006
IDWR/North

For Value Received,

Howard Buettgenbach, an unmarried man

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Robert T. Rosenbaum and Darlene C. Rosenbaum, husband and wife

GRANTEE(s), whose address is: **1222 Profile Street, Yellow Pine, ID 83677**

the following described real property, to-wit:

tract of land located in the SW1/4NW1/4 Section 25, Township 19 North Range 7 Boise Meridian, Valley County, Idaho and is more particularly described as follows:

Commencing at the NW corner of the SW1/4 NW1/4, Section 25 Township 19 North Range 7 run North 89°47' East 209.5 feet; thence South 00°01' East 419 feet; Thence South 89°47' West 209.5 feet; Thence North 00°01' West 419 to the True Point of Beginning.

Together with this certain easement as Recorded on November 19, 1973 as Instrument No. 80911, Records of Valley County, Idaho.

Together with that certain Easement Modification Agreement for the purpose of modifying the pipeline easement and right-of-way easement as Recorded on February 27, 2006 as Instrument No. 306236.

TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 5 day of September, 2006.

Howard Buettgenbach
Howard Buettgenbach

RR
RCB

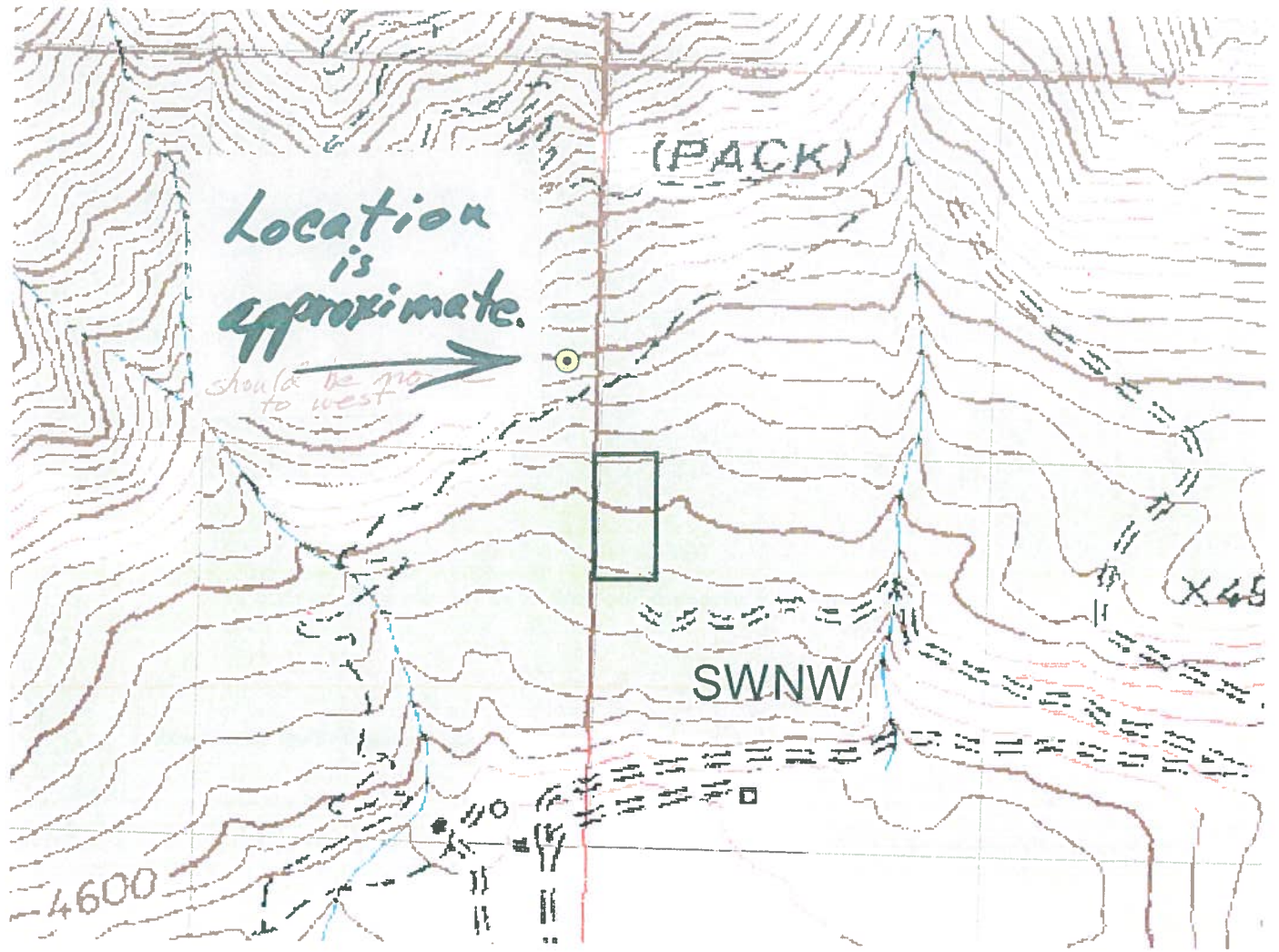
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NOV 28 2006

77-7110

77-7110

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IDWR/North



Sections 25 & 26
T19N R7E



- ⊙ Point of Diversion
- Place of Use

SCANNED
NOV 28 2006

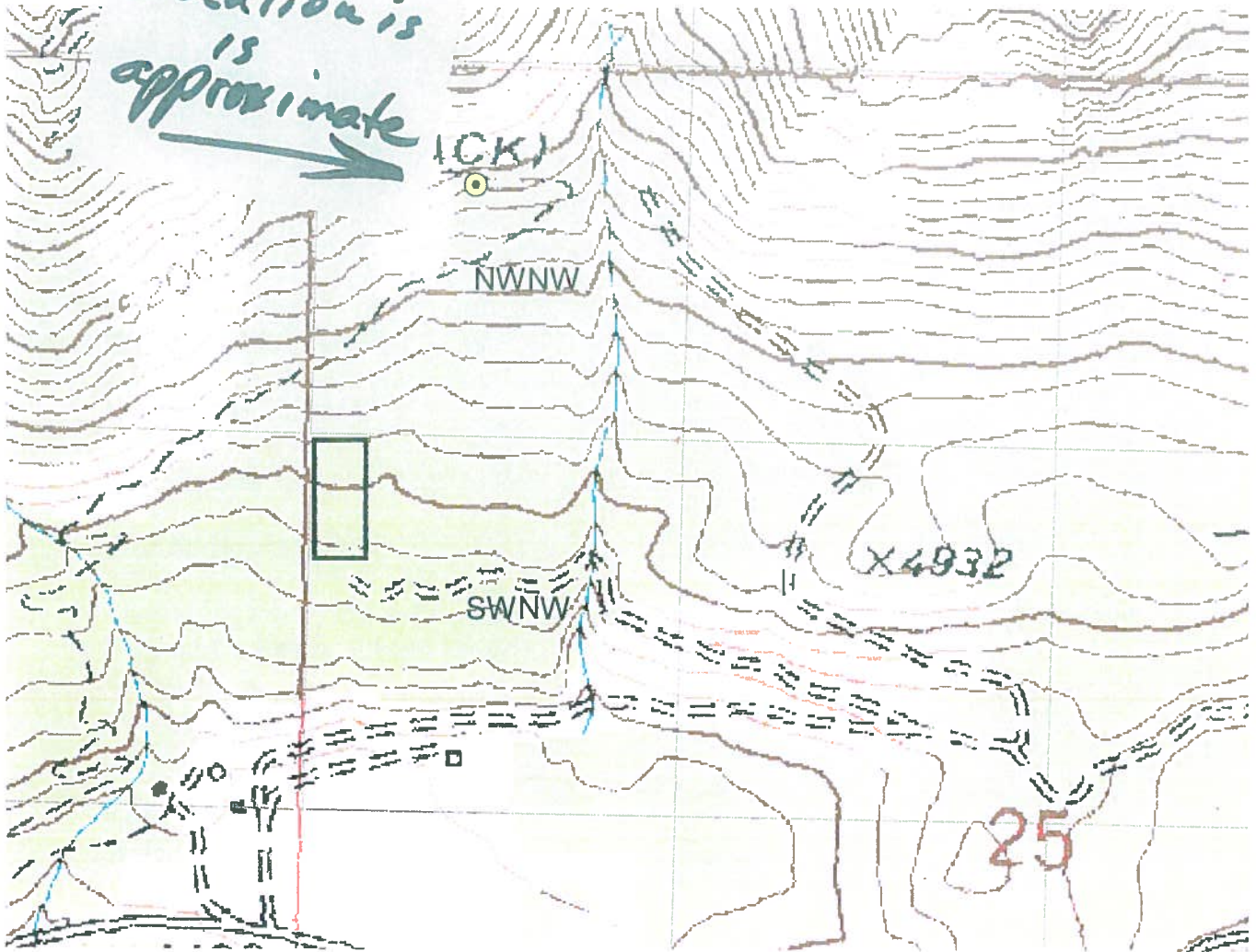
Map prepared on April 1, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

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IDWR/North

Aspen
Spring

77-7096

Location is
is approximate
→



0 400 800 Feet

Section 25
T19N R7E



● Point of Diversion

□ Place of Use

SCANNED
NOV 28 2006

Map prepared on March 3, 2006
By Kenneth Knoblock
Idaho Department of Water Resources

SRBA

SUBCASE SUMMARY REPORT 77-07096

[Return to SRBA Home Page](#)

SRBA
12-01-2006

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 77-07096 FILE#: 00144
CLAIMANT: BUETTGENBACH, HUBERT H
PO BOX 76YELLOW PINE ID 83677
STATUS: READY FOR PD SPECIAL MASTER: MELANSON, JOHN M
WATER SOURCE: ASPEN SPRING TRIBUTARY: SINKS

**** PARTIES INVOLVED ****

HUBERT H BUETTGENBACH C PRO SE
KATE MC MILLAN C PRO SE

**** ROA ENTRIES ****

11-09-2006 AMENDED DIRECTOR'S REPORT
 ADD TRIBUTARY TO SOURCE ELEMENT
11-27-2006 NOTICE OF COURT'S INTENT TO ISSUE PARTIAL
 DECREE AND NOTICE OF HEARING THEREON
11-27-2006 HEARING SET - NOTICE OF COURT'S INTENT HS 01-16-2007 0130

[Return to SRBA Home Page](#)

03/06/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-7096

NAME AND ADDRESS: HUBERT H BUETTGENBACH
PO BOX 76
YELLOW PINE ID 83677

KATE MC MILLAN
PO BOX 76
YELLOW PINE ID 83677

SOURCE: ASPEN SPRING

TRIBUTARY: *Sink*

QUANTITY: 0.080 CFS
7.200 AFY

Right Nos. 77-7096 and 77-7110 are limited to a total combined diversion rate of 0.08 cfs and to a total combined annual diversion volume of 7.2 AF.

PRIORITY DATE: 04/23/1980

POINT OF DIVERSION:

T19N R07E S25 NWNWNW Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY
IRRIGATION	04/15 10/15	0.060 CFS 6.00 AFY

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION Within VALLEY County

T19N R07E S25 SWNW 2.00

DOMESTIC Within VALLEY County

T19N R07E S25 SWNW

2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

02/23/2006

NOTICE OF ERROR
REPLY

RECEIVED
MAR 02 2006
IDWR/North

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 77-7096

HUBERT H BUETTGENBACH
PO BOX 76
YELLOW PINE ID 83677
Telephone Number: (208) 466-5663

KATE MC MILLAN
PO BOX 76
YELLOW PINE ID 83677

RECEIVED

FEB 23 2006

Department of Water Resources

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

see recommendation attached.

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2-23-06

SIGNATURE:

Hubert H. Buettgenbach

Please print your name:

Hubert H. Buettgenbach

IDWR Regional Office,

SCANNED

FEB 23 2006

02/23/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-7096
NAME AND ADDRESS: HUBERT H BUETTGENBACH
PO BOX 76
YELLOW PINE ID 83677
KATE MC MILLAN
PO BOX 76
YELLOW PINE ID 83677

SOURCE: *Aspen* SPRING
QUANTITY: 0.080 CFS
7.20 AFY

TRIBUTARY: SINKS

Right Nos. 77-7096 and 77-7110 are limited to a total combined diversion rate of 0.08 cfs and to a total combined annual diversion volume of 7.2 AF.

PRIORITY DATE: 04/23/1980

POINT OF DIVERSION: *S.25 NW 1/4 NW 1/4 NW 1/4*
T19N R07E S26 ~~SENE~~ Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY
IRRIGATION	04/15 10/15	0.060 CFS 6.00 AFY

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION Within VALLEY County
T19N R07E S25 SNNW 2.00
DOMESTIC Within VALLEY County
T19N R07E S25 SNNW
2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED
FEB 23 2006

19N07E23SSE 19N07E24SWSW 19N07E24SESW 19N07E24SWSE

(PACK)

19N07E26NENE 19N07E25NWNW 19N07E25NENW 19N07E25NWNE

USFS
Private

X4932

19N07E26SENE 19N07E25SWNW 19N07E25SENW 19N07E25SWNE

25

4490

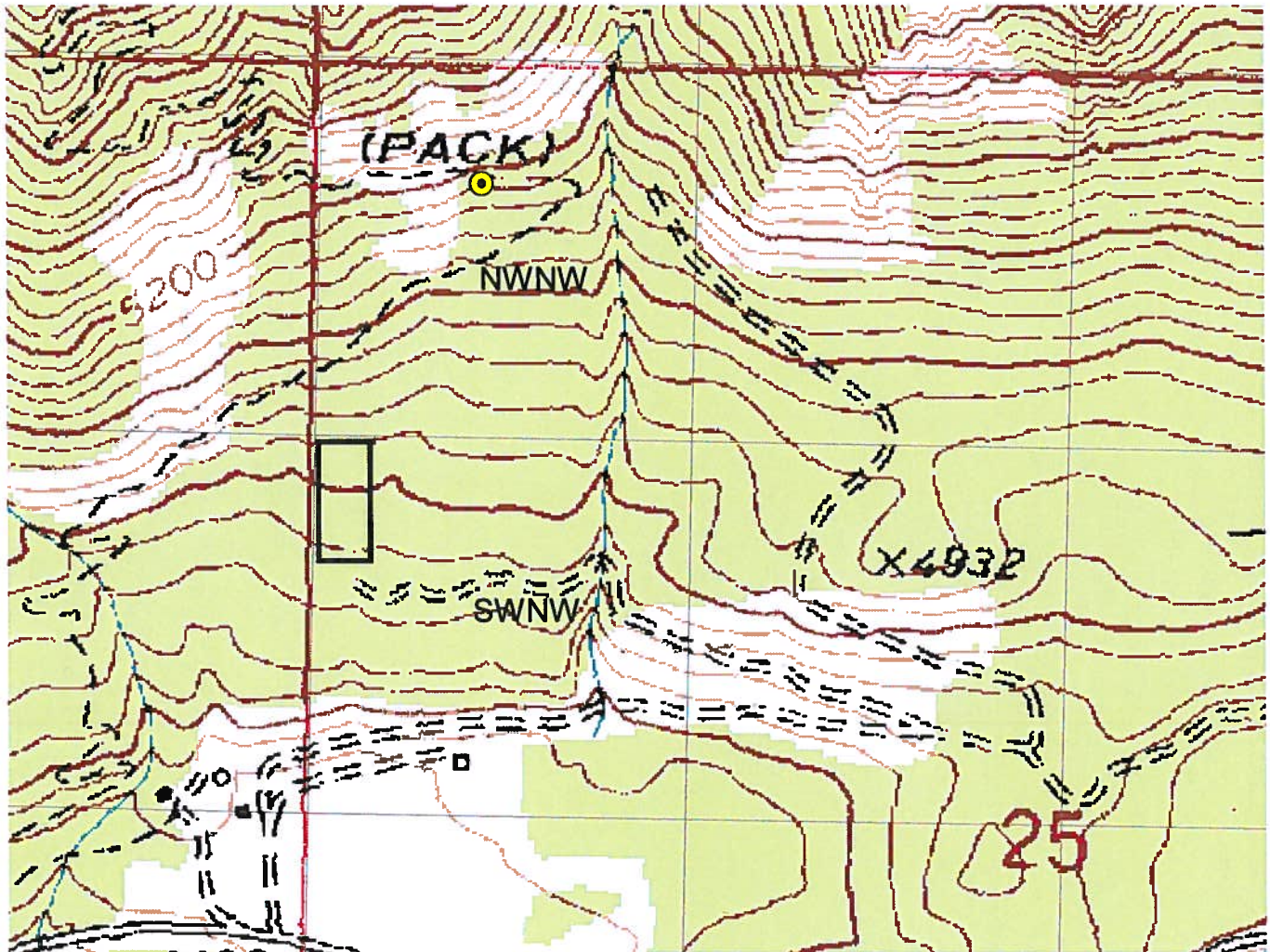
19N07E26NESE 19N07E25NWSW 19N07E25NESW 19N07E25NWSE

FINAL

SALE MON

19N07E26SESE 19N07E25SWSW 19N07E25SESW 19N07E25SWSE

77-7096



0 400 800 Feet

Section 25
T19N R7E



● Point of Diversion

□ Place of Use

Map prepared on March 3, 2006
By Kenneth Knoblock
Idaho Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 6, 2006

Hubert H. Buettgenbach
Box 76
Yellow Pine, ID 83677

RE: 77-7096

Dear Mr. Buettgenbach:

Enclosed is a new map and a preliminary recommendation reflecting the comments you made on the Notice of Error Reply.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Knoblock', written over a horizontal line.

Kenneth Knoblock
Water Resources Agent

04/01/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-7096

NAME AND ADDRESS: HUBERT H BUETTGENBACH
PO BOX 76
YELLOW PINE ID 83677

KATE MC MILLAN
PO BOX 76
YELLOW PINE ID 83677

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.080 CFS
7.200 AFY

PRIORITY DATE: 04/23/1980

POINT OF DIVERSION:

T19N R07E S26 SENENE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY
IRRIGATION	04/15 10/15	0.060 CFS 6.00 AFY

PLACE OF USE: DOMESTIC Within VALLEY County

T19N R07E S25 SWNW

IRRIGATION Within VALLEY County

T19N R07E S25 SWNW 2.0

2 ACRES TOTAL

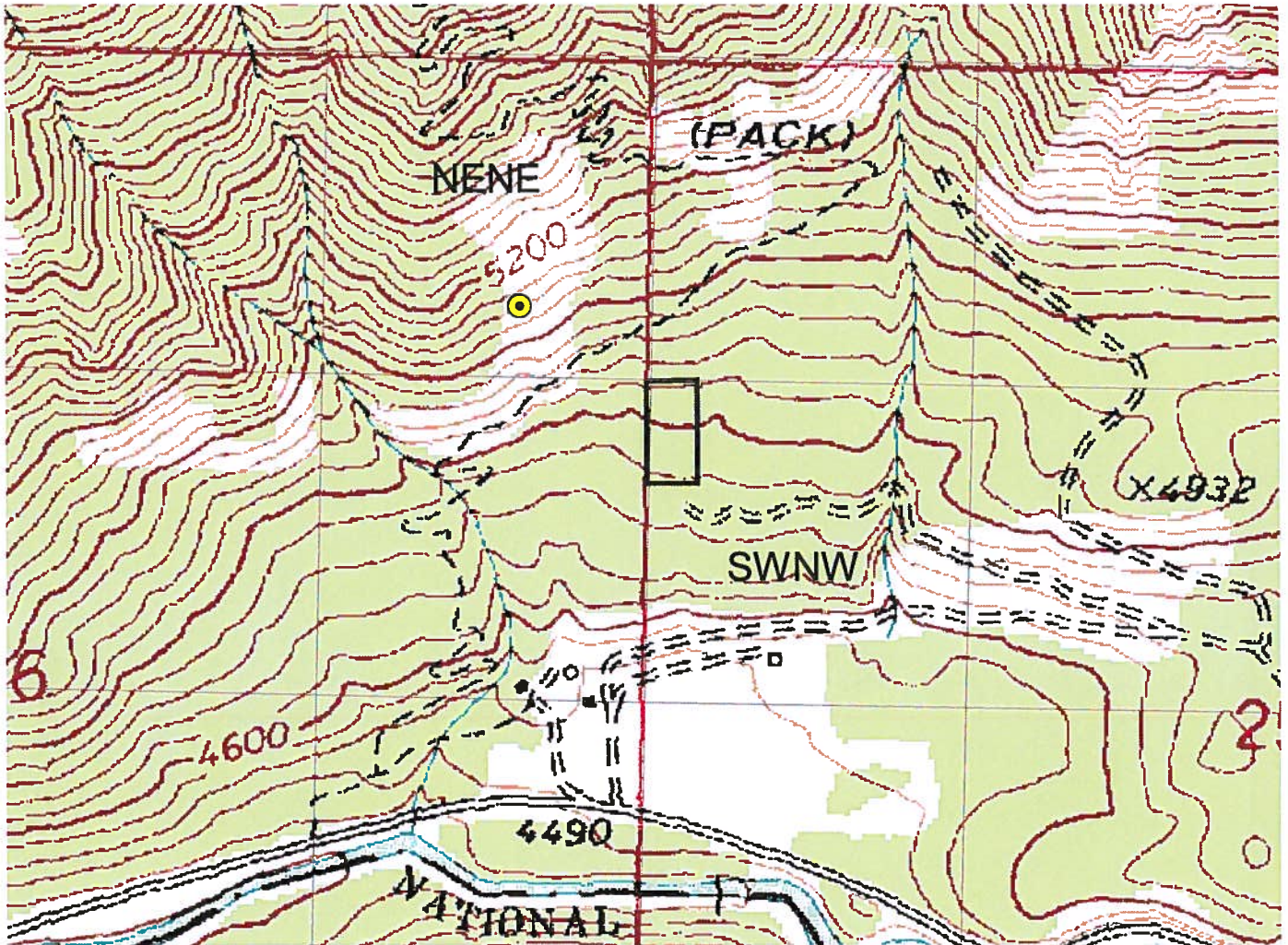
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The maximum combined rate of diversion under this right & Right 77-7110
shall not exceed .08 cfs.
The combined annual volume of water under this right & Right 77-7110
shall not exceed 7.2 af.
Domestic use is for 1 home.

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: License

77-7096



0 500 1000 Feet

Sections 25 & 26
T19N R7E



● Point of Diversion

□ Place of Use

Map prepared on April 1, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-07096
Date Received: 11/08/1989
Receipt No: C012748
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HUBERT H. BUETTGENBACH
Address: P.O. BOX 76
YELLOW PINE, ID 83677

OR

Name: KATE MC MILLAN
Address: P.O. BOX 76
YELLOW PINE, ID 83677

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NOV 09 1989

2. Date of Priority: APR 23, 1980

Department of Water Resources

3. Source: SPRING

Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	07E	26	SE	NE	NE		VALLEY

5. Description of diverting works:

SPRING-BOX ON FS LAND WITH PIPELINE TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.060		6.00
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:

0.080 C.F.S. (and/or) 7.20 A.F.A.

8. Total consumptive use is 4.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC 2HOUSEHOLDS, LAWN & GARDEN, DOMESTIC STK.UP TO 10/MIXED.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
19N	07E	25	SW NW		IRR	2.0
			SW NW		DOMEST	

Section Acres 2.0

Total Acres 2.0

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A77-07110 CLAIMED

14. Remarks:
DOMESTIC USE IS FOR TWO CABINS AND A BUNKHOUSE.

15. Basis of Claim: LICENSE

MICROFILMED
OCT 05 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Mabel A. Buntgenbach Date: Nov. 9, 1989
_____ Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of November 19 89

Danni Smith
Notary Public

Seal

Danni Smith, Notary Public
Residing at _____
Residing at Boise, Idaho
My Commission Expires December 5, 1994
My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

Postmarked 4/23/88

RECEIVED

NOV 9 5 1988

no 46

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Department of Water Resources

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

1. Name of Claimant (s) Hubert H. Buettgenbach Phone (208) 337-3824Mailing Address P.O. Box 201, Hamdale, ID Zip 836282. Date of Priority (Only one (1) per claim) May 12, 19803. Source of water supply (a) Aspen Spring
which is tributary to (b) water sinks4. Location of point of diversion is: Township 19N Range 7ESection 26, NE 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____, B.M.,County of ValleyAdditional points of diversion if any: none for above source5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc).
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion Box at spring
and 1 1/4" line to property reservoir tank.

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

For irrigation purposes from Apr. 1 to Oct. 15 amount .06 (cfs)For domestic purposes from Jan. 1 to Dec. 31 amount .087. Total quantity claimed .14 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of household's served; Stockwater: Type and number of
livestock) 4 persons, 2 cows, 10 horses, mules or burros.

MICROFILMED

OCT 05 1992

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	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	NE 1/4	NW 1/4	SW 1/4	SE 1/4
19N	7E	25							DS									

11. In which county (ies) are lands listed above as place of use located? Valley

12. Do you own the property listed above as place of use? Yes yes No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks: Grass Spring Permit # 77-7110 and Decree right on Carter-Horn Cr. - apparently
(cont' from #13) not previously claimed, according to IDWR.

15. Basis of Claim (check one) Beneficial Use Posted Notice License Permit ✓
Decree Permit No. 77-7096
If applicable provide IDWR Water Right Number 77-7096
Court Case Number Decree Date
Plaintiff vs Defendant

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.
Signature of Claimant (s) Robert R. Bruckenthal Date Nov. 23, 1988
 Date

For Organizations: I do solemnly swear or affirm that I am Title
of Organization , that I have signed the foregoing
document in the space below as of
 Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent
Title and Organization Date

State of Idaho/or)
County of Owyhee) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of November 19 88

SEAL Notary Public Marlene White
Residing at Donedate **MICROFILMED**
My Commission Expires 4/10/92 **OCT 05 1992**
Last Name Ident No. Copies: White, Some, Yellow, Blue

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 77-07096

Priority: April 23, 1980 Amount: 0.08 CFS 7.2 AFA

This is to certify, that HUBERT H. BUETTGENBACH
P.O. BOX 76

YELLOW PINE, ID 83677 has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated April 23, 1980, and
has submitted proof to the Department of Water Resources on June 8, 1987, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of .080 cfs of water from:

SPRING tributary to SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 10/15	0.06 CFS	6.0 AFA
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AFA
	Totals	0.08 CFS	7.2 AFA

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 26, Township 19N, Range 07E
VALLEY County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
19N	07E	25	SWNW	2		2
Total number of acres irrigated:						2

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Domestic use is for a cabin and a bunkhouse.

MICROFILMED

MAR 31 1989

MICROFILMED

OCT 05 1992

Adj. Flag Translation:	Standard Water Right Number	Old (D) Number -

*** C - CURRENT OWNER ***

HUBERT H

1 - P.O. BOX 76
2 -
3 -

State- ID Zip- 83677

```

+ - - Priority Date - - +
04/23/1980
+ - - - Region - - +
14
+ - - - Stage - - +
p - pnmrm
+ - - - Status - - +
14

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+ - - - - - Source - - - - - +
- - - - - SPRING
+ - - - - - Tributary - - - - - +
- - - - - SINKS

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Town	Rng	Sec	Tract	Lot	RFig	County	Point of Diversion	Stream Index (Blank if no Index Code)
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19N	07E	26	NE NE	(85)	VALLEY	272.0	92.0	172.0	48.0	20.0	0.5
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Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume

01 - IRRIGATION
43 - DOMESTIC

04/01	10/15
01/01	12/31

+ - Total Div. Rate	- +	+ - Total Div. Volume	- +	+ - Total Div. Capacity	- +	+ - Total Consumptive Use	- +	+ - KW Usage	- +
		0.080							

Town	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
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IRRIGATION

(85) VALLEY

Total Acres: 2.0

+ - - Diversion Means - SPRING & RESERVOIR

+ - - Non-Irrigation Use - D/2 HOMES.

- - - Other Rights for Same Use - -

[illegible]

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	52
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[illegible]

- - - Microfilm Rolls -

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Proof Due Date	11/01/1987	Field Exam Made	07/02/1987	Field Exam Fee	R
Approved/Denied	-	Protested Date	-	00/00/0000	-
Proof Made Date	-	Hearing Date	-	00/00/0000	-
Start Work Date	-	Verified Date	-	00/00/0000	-
Order Show Cause	-	Receipt Number	-	03/26/1985	-
Licensed Date	-	Appl Received	-	00/00/0000	-
Decree Date	-		-	00/00/0000	-
				Transfer/Amended	
				Water District	
				DLE/Carey Act	
				Temporary Right	
				Swan Falls	

OCT 05 1992

SRBA CLAIMS RECEIVING CHECKLIST

DATE RECEIVED 11-25-88 CK # none AMOUNT \$ —

1. Is the name and address complete with zip code? YES NO

2. Is a priority date entered?

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? /

(b) Is a tributary to entered? (if required) N/A

4. Is the legal description of the p.d. sufficient? /

5. Is there a description of the diverting works? /

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included?

Is a quantity claimed for each use? /

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered? N/A

Is the consumptive use correct? N/A

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A

10. Is (are) the place(s) of use and purpose(s) indicated?

11. Is (are) the county(ies) entered?

12. Is the ownership of p.u. checked? /

13. Are other water rights listed or "none" indicated? /

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A

15. Is the basis of the claim indicated? /

16. Is the claim signed by the claimant, and is the signature appropriate?
(If an individual is the claimant, has that individual signed the claim,
or if an organization is the claimant, is the organization signature
block complete?)

Has the claim been signed, sealed, and dated by a notary? /

Was this claim filed on time, or was an extension granted?

Is the fee enclosed correct? Exempt *ok.*

If this claim is based on an existing water right, has the identification number been entered? N/A

Should this claim be receipted and data entered? ☒

6/12/90 - Forest assumedly his fellow ^{east} Nov

Claim checked by: **OCT 05 1992**

Comments: Need # of down units & covers of irrigation on line Form

\$50 + variable fees (~~unless single family domestic~~)

II.11 1. Police Bureau & Jan. 1961. \$50.00



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 10, 1989

Mr. Hubert H. Buettgenbach
P. O. Box 201
Homedale, Idaho 83628

Re: Snake River Basin Adjudication SRBA
Valley County

Dear Mr. Buettgenbach:

We are returning your Notice of Claims to a Water Right filed for your property in Valley County. We have noted some problems with your claims which we would like you to correct.

The forms you have used are limited to small domestic and stock water rights. Your claims show irrigations and irrigation claims must be filed on Form #42-1409(2)a.

Please complete Forms #42-1409(2)a (copies enclosed), sign the forms, having your signature notarized and return them to this office.

At Item #8, you have failed to indicate the amount of consumptive use for your property. For your legal description the Department suggests 2 acre feet per annum. You may multiply the 2 acre feet per annum by the number of acres irrigated to determine a consumptive use. If this does not agree with your actual usage, please explain in Item #14, "Remarks".

You have entered domestic use of the water in Item #6. In Item #9 describe fully the domestic uses, i.e. give number of households served, and if single ownership.

In Item #10, you have indicated domestic and stockwater as separate uses. However,, in Item #6 you entered "Domestic" and "Irrigation" uses. Please enter the number of acres irrigated in Item #10. Also, your permits do not list stockwater as a separate use. Your domestic use includes water used for stock associated with the household. The two cows and ten horses, mules or burros would appear to qualify as stock associated with the household and would not have to be listed as a separate use.

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OCT 05 1992

Mr. Hubert H. Buettgenbach

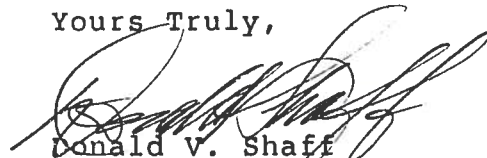
Page 2

October 10, 1989

The correct filing fee for these claims would be \$50.00, plus a variable fee of \$1.00 per irrigated acre claimed. If you claim the same acres on both claims, the \$1.00 per acre variable fee will be assessed only once. We can find no record of having received payment in connection with these Notices of Claim. We are unable to accept your claims for processing until we receive the correct filing fees.

Please return the documents to this office at the attention of Carter Fritschle. If you will make these corrections before November 10, 1989, you will not be assessed a late filing fee. Do not hesitate to contact this office if you have any questions or desire an appointment to obtain assistance in completing the form.

Yours Truly,



Donald V. Shaff

Manager, Adjudication Section

DVS:CF:mcc:state

Enclosures:

Notice of Claims (2)

Long Forms (2) w/Instructions

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OCT 05 1992

