

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: 77-7110

KATE MC MILLAN
PO BOX 76
YELLOW PINE ID 83677

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

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:

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: 77-7110

NAME AND ADDRESS: KATE MC MILLAN
PO BOX 76
YELLOW PINE ID 83677

HUBERT H BUETTGENBACH
PO BOX 76
YELLOW PINE ID 83677

SOURCE: GRASS SPRING

TRIBUTARY: SINKS

QUANTITY: 0.080 CFS
7.20 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: 07/15/1980

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>
IRRIGATION	04/15 10/15	0.060 CFS 6.00 AFY
DOMESTIC	01/01 12/31	0.040 CFS 1.20 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
Source is known locally as Grass Spring.

SCANNED
FEB 23 2006

04/01/2005

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

RIGHT NUMBER: 77-7110

NAME AND ADDRESS: KATE MC MILLAN
PO BOX 76
YELLOW PINE ID 83677

HUBERT H BUETTGENBACH
PO BOX 76
YELLOW PINE ID 83677

SOURCE: GRASS SPRING

TRIBUTARY: SINKS

QUANTITY: 0.080 CFS
7.200 AFY

PRIORITY DATE: 07/15/1980

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>
IRRIGATION	04/15 10/15	0.060 CFS 6.00 AFY
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY

PLACE OF USE: IRRIGATION Within VALLEY County

T19N R07E S25 SWNW 2.0

DOMESTIC Within VALLEY County

T19N R07E S25 SWNW

2 ACRES TOTAL

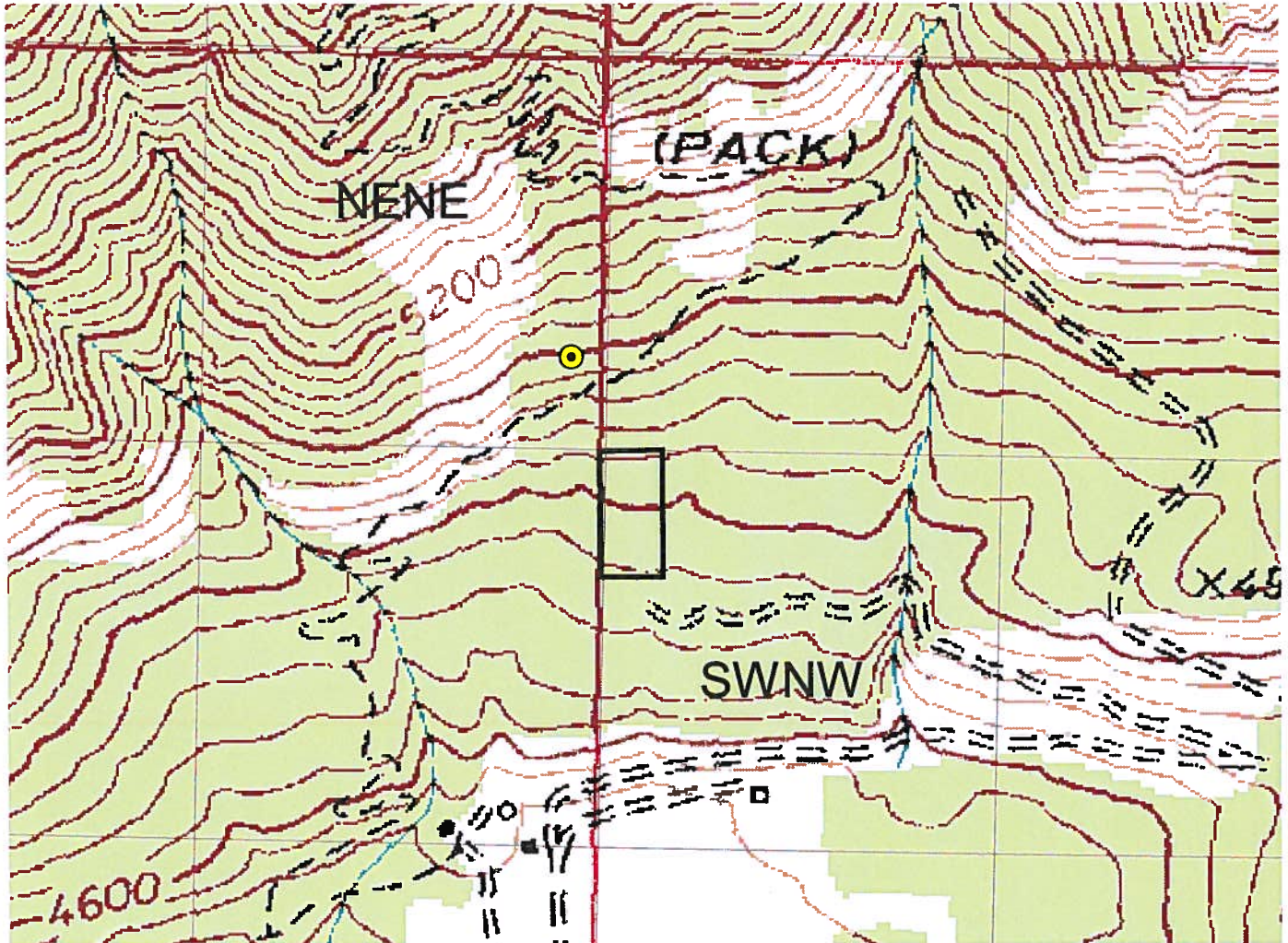
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The maximum combined rate of diversion under this right & Right 77-7096 shall not exceed .08 cfs.
The combined annual volume of water under this right & Right 77-7096 shall not exceed 7.2 af.
Domestic use is for 1 home.
Source is known locally as Grass Spring.

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

77-7110



0 400 800 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

3/16/05

PMO100 - PARCEL MASTER INQUIRY

11:42:57

PARCEL: RP 19N07E253770 A

F19=SP

LEGAL DESCRIPTION

BUETTGENBACH, HOWARD

TAX NO. 2 IN SW4 NW4
S25 T19N R7E

BOX 76

ProVal Area Number 1

CODE AREA 8-0000 OWNER CD

PARC TYPE LOC CODE 4700

YELLOW PINE ID 83677

EFFDATE 1011993 EXPDATE

4738 EAST FORK RD

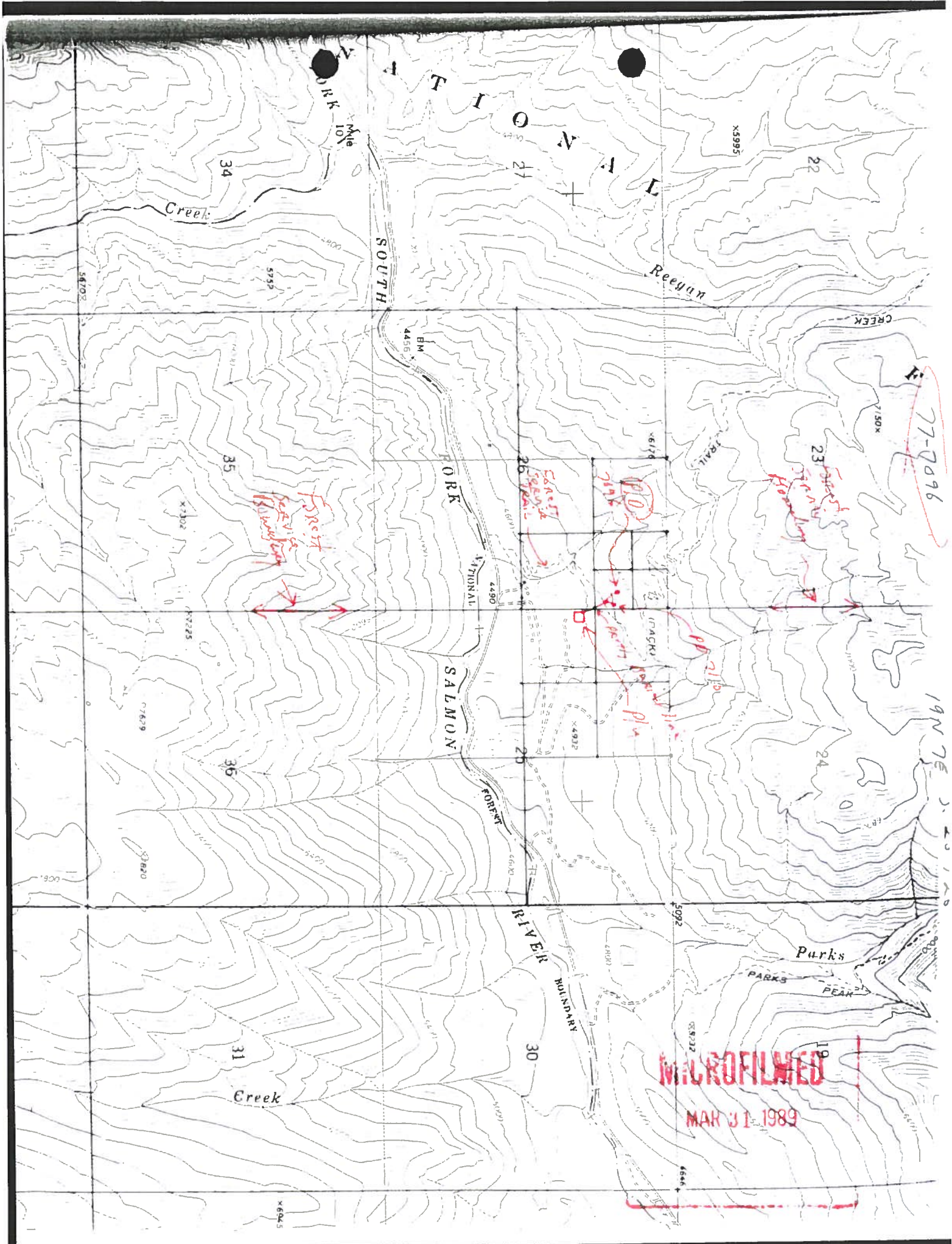
PREV PARCEL RP19N07E253770A

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
12	2001	2015	AC	16960				
34	2001			10930				

TOTALS 2015 27890

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU



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: A77-07110
Date Received: 11/08/1989
Receipt No: 2012748
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

RECEIVED

NOV 09 1989

Department of Water Resources

2. Date of Priority: JUL 15, 1980

3. Source: GRASS SPRING Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
DIVERSION BOX & PIPELINE.

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		
DOMESTIC	01/01	12/31	0.080		

7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) A.F.A.

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

9. Non-irrigation uses:
D/2 CABINS & 1 BUNKHOUSE.

A77-07110

Page 1

Date: 11/08/89

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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:
A77-07096 CLAIMED

14. Remarks:

15. Basis of Claim: PERMIT

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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): *Robert D. Swetnam* 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 11/23/88

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

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. Buchtenbach Phone (208) 337-3824Mailing Address P.O. Box 201 Home Lake ID. Zip 836282. Date of Priority (Only one (1) per claim) May 12, 19803. Source of water supply (a) Grass Spring
which is tributary to (b) Sinks4. Location of point of diversion is: Township 19 N Range 7 ESection 26, 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____, B.M.,County of ValleyAdditional points of diversion if any: none5. 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,
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)
(Both dates are inclusive)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 households served; Stockwater: Type and number of
livestock) 4 persons, 2 cows, 10 mules, horses, or burros.

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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	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	
19N	TE	26	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 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: Aspen Spring Permit # 77-7096 and Center Creek (on Homestead) - (Cont' from #13) by decadal rights from Eugene Rn. Owner.

15. Basis of Claim (check one) Beneficial Use Decree Posted Notice License Permit ✓
If applicable provide IDWR Water Right Number IDWR Permit No. 77-7110
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 0

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 M. Brutzguth Date Nov. 23, 1988

For Organizations: I do solemnly swear or affirm that I am Organization Title that I have signed the foregoing
document in the space below as Organization 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 Marlyn White

Residing at Colomede

My Commission Expires 4/10/92 **MICROFILMED** **OCT 05 1992**

Last Name Ident No.

Copies White, Yellow, Blue

Water Right Number - 77-07110 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - + + - - - - - Address - - - - - +
*** C - CURRENT OWNER ***
BUETTGENBACH
HUBERT H.
1 - P.O. BOX 76
2 -
3 -
City- YELLOW PINE State- ID Zip- 83677
Phone -
+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/15/1980 14 P - PERMIT
+ - - - - Source - - - - + + - - - Tributary - - - - - SINKS
GRASS SPRING
+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code)
Twn Rng Sec Tract Lot Rflg County
19N 07E 26 NE NE (85) VALLEY 272.0 92.0 172.0 48.0 20.0 0.6
+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume
Code
01 - IRRIGATION 04/01 10/15 0.060
43 - DOMESTIC 01/01 12/31 0.080
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.080
+ - - - - - - - - - - - Place of Use - - - - - Description County
Twn Rng Sec Tract Lot Acres Code
19N 07E 25 SW NW 2.0 01 IRRIGATION (85) VALLEY
Total Acres: 2.0
+ - - Diversion Means - DIVERSION BOX & PIPELINE.
+ - - Non-Irrigation Use - D/4 HOMES.
+ - - Other Rights for Same Use -
+ - - - - - - - - - - - Remarks - - - - -
No Remarks found.
+ - - - - - - - - - - - Conditions of Approval - - - - -
+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
Microfilm Rolls - 00/00/0000

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| Proof Due Date | 11/01/1984 | Field Exam Made | 07/02/1987 | Field Exam Fee |
|------------------|--------------|-----------------|--------------|------------------|
| Approved/Denied | - | Protested Date | - | Swan Falls |
| Proof Made Date | - 10/06/1980 | Hearing Date | - 00/00/0000 | Temporary Right |
| Start Work Date | - 01/01/1990 | Verified Date | - 00/00/0000 | DLE/Carey Act |
| Order Show Cause | - 00/00/0000 | Receipt Number | - 06/03/1985 | Water District |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended |
| Decree Date | - 00/00/0000 | | | |

087 05 1992

WATER RIGHT NO. 77-07110

Priority: July 15, 1980

Maximum Diversion Rate: 0.08 CFS
Maximum Diversion Volume:¹ 7.2 AF

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 July 15, 1980; and has submitted Proof of Beneficial Use on September 6, 1984. An examination indicates that the works have a diversion capacity of .080 cfs of water from:

SPRING tributary to SINKS

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

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

LOCATION OF POINT(S) OF DIVERSION:

SENENE , 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 21 | | | 2 |
| Total number of acres irrigated: | | | | | | 2 |

PLACE OF USE: DOMESTIC, same as IRRIGATION use

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 reflect cropping patterns or acceptable standards of water delivery 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. This right when combined with all other rights shall provide no more than 3.0 afa per acre for the lands above.

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WATER RIGHT NO. 77-07110

CONDITIONS/REMARKS:

6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
7. The maximum combined rate of diversion under this right & Right 77-7096 shall not exceed .08 cfs.
8. The combined annual volume of water under this right & Right 77-7096 shall not exceed 7.2 af.
9. Domestic use is for 1 home.
10. Source is known locally as Grass Spring.

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 _____ day of _____, 19____.

R. Keith Higginson, Director

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OCT 05 1992

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
APPROVED

JUL 15 1980 To appropriate the public waters of the State of Idaho

Department of Water Resources
Western Regional Office

1. Name of applicant John H. Bice Corporation Phone 505-356-7711
Western Regional Office

Post office address Box 513, Idaho Falls, ID 83401

2. Source of water supply Cains Spring which is a tributary of "Cains"

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26 Township 17N

Range 7E B.M. Valley County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .06 for irrigation purposes from Apr 1 to Oct 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .08 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. .08 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____

Diversion box at spring - 18" dia
to a gravity main. Spring (previously unmineralized).

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 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: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26 Township 17N
Range 7E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 2 milk cows,
10 horses, mules, and horses.

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water none.

(5) If water is to be used for other purposes describe: _____

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

| TWP | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | | | 21 | | | | | | | | | | 21 |
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Total number of acres to be irrigated 21

c. Describe any other water rights used for the same purposes as described above. None applied.

for rights on Apple Spring as the flow
is somewhat seasonal.

9. a. Who owns the property at the point of diversion USFS

b. Who owns the land to be irrigated or place of use Applicant - Robert H. Buetgenbach

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

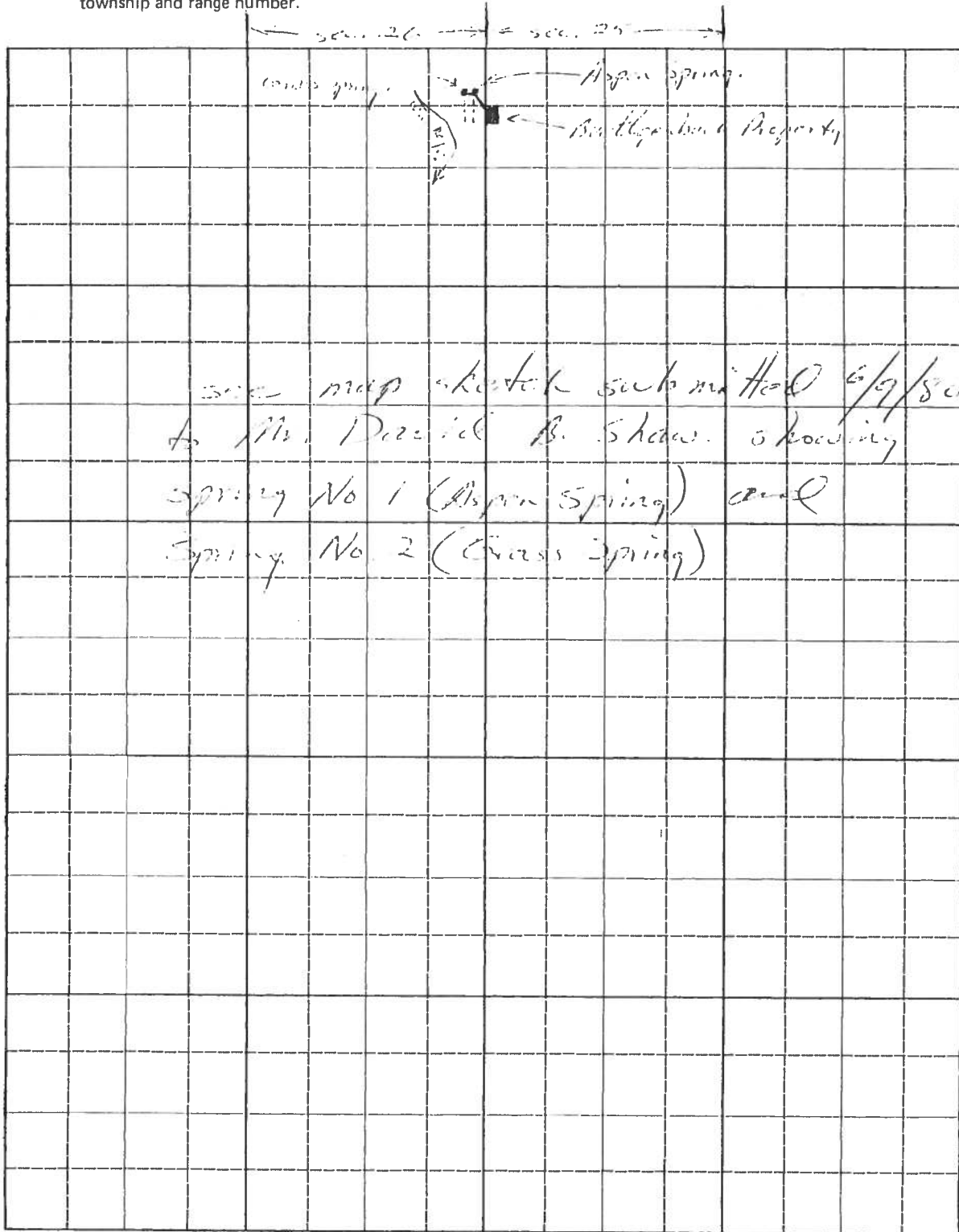
applicant to make this filing permission to make use
has been requested from the Dist.
Ranger Mike Bolton

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: 2 inches equal 1 mile.

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

Robert A. Butterfield
(Applicant)

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OCT 05 1992

Proposed Priority 7/15/80

Received by hjh Date 7-15-80 Time 12:55
hjh 7-9-80 11:20

Preliminary check by 6LS Fee \$ 20.00

Received by hjh Date 7/24/80 # 12643

Publication prepared by hjh Date 7/24/80

Published in Armed Forces

Publication dates 7/31 & 8/1/80

Publication approved hjh Date 8/18/80

Protests filed by: John Eiguren

prot. withdrawn 9/16/80

Copies of protests forwarded by HLH

Hearing held by DBS, BDF Date 9/16/80

Recommended for approval denial by DBS RA

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. 77-7110, 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 82.
- 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:

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 6th day of October 19 80.

A. Glen Saxton
Chief, Operations Bureau

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OCT 05 1992

SRBA CLAIMS RECEIVING CHECKLIST

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

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

A Permit is required: (1) for groundwater developed after 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.

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

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

Is the period of use included?

Is a quantity claimed for each use?

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

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

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

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? *ok* —

Claim checked by:

Comments: Need # of Dom. units & acres of irrigation ^{on long}
650 + variable fees (~~unless single family dom.~~) ^{for} Field exam
shows Cabin + Bunkhouse & 2 ac. irrigation \$5200



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.

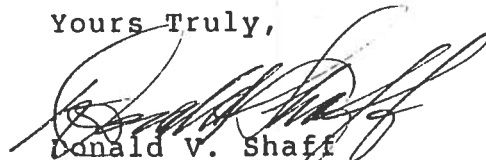
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The correct filing fee for these claims would be \$50.00, plus a variable fee of \$1.00 per irrigated acre claimed. If you claim the same acres on both claims, the \$1.00 per acre variable fee will be assessed only once. We can find no record of having 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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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 77-07110

Priority: July 15, 1980

Maximum Diversion Rate:

0.08 CFS

Maximum Diversion Volume:¹

7.2 AF

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 July 15, 1980; and has submitted Proof of Beneficial Use on September 6, 1984. An examination indicates that the works have a diversion capacity of .080 cfs of water from:

SPRING

tributary to SINKS

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

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

LOCATION OF POINT(S) OF DIVERSION:

SENENE, 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 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 reflect cropping patterns or acceptable standards of water delivery 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. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

MAILED
MAY 13 1984

Jim

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 77-07110

CONDITIONS/REMARKS:

6. The maximum combined rate of diversion under this right & Right 77-7096 shall not exceed .08 cfs.
7. The combined annual volume of water under this right & Right 77-7096 shall not exceed 7.2 af.
8. Domestic use is for 1 home.
9. Source is known locally as Grass Spring.

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 28TH
day of NOVEMBER, 1989.

Acting to R. Keith Higginson, Director

RECORDED
MAR 13 1990