

10/05/2005

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

RIGHT NUMBER: 1-10186
NAME AND ADDRESS: ELIZABETH G BUHLER
2801 LOIS LN
POCATELLO ID 83201
CALVIN BUHLER
2801 LOIS LN
POCATELLO ID 83201

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 0.300 CFS
PRIORITY DATE: 08/11/1964
POINT OF DIVERSION:

T09S R24E S35 NWNESE Lot 2 Within MINIDOKA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.300 CFS

PLACE OF USE: IRRIGATION Within MINIDOKA County

T09S R24E S35 Lot 2 NESE	15.0	T09S R24E S35	NWSE	31.0
T09S R24E S35 Lot 6 SWSE	27.0			

73 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 - Beneficial Use

Use of this right is combined with water from Minidoka Irrigation Dist.

1-10186

CLAIMANT CONTACT

11/18/2005 12:17:59 PM

I talked with Elizabeth Buhler on the phone regarding her notice of error reply. I explained that, based on the additional evidence that accompanied her reply, I would still not be able to adjust my recommendation. The additional evidence submitted failed to justify changes to the recommended priority date and quantity. She understood that I could not adjust the recommendation without further evidence.

10/05/2005

NOTICE OF ERROR
REPLY

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: 1-10186

ELIZABETH G BUHLER
2801 LOIS LN
POCATELLO ID 83201
Telephone Number: (208)237-9005

CALVIN BUHLER
2801 LOIS LN
POCATELLO ID 83201
Telephone Number: (208)237-9005

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

priority date 0.300 CFS

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

change priority date to 14 May 1962 or 4-1-1962

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

Please note on Right NUMBER A36-13460 stating 1.60 CFS
Does 7 Acres make this Large difference?

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

DATE: _____ SIGNATURE: _____

Please print your name: CALVIN BUHLER ELIZABETH G BUHLER

Nov. 4, 2005

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

PROFILED

RECEIVED
NOV 07 2005

Department of Water Resources
Eastern Region

SCANNED

NOV 11 2005

Note: the adjudication receipt - Copy

farm lease - 40 hp. pump

real estate Contract pump - 7.5 hp

Km 5
1119

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		MAXIMUM DIVERSION	STAGE
				FROM	TO		
A36-13460	CALVIN BUHLER ELIZABETH G. BUHLER 2801 LOIS LANE POCATELLO ID 83201	04/01/1962 IRRIGATION		04-01	11-01	1.60 CFS	BENEFICIAL USE
						1.60 CFS TOTAL	
						0.00 AFA TOTAL	

TRIBUTARY:

SOURCE: GROUNDWATER
OTHER RIGHTS: A01-10186 & M.I.D.
CONDITIONS OF APPROVAL:

REMARKS:

POINT OF DIVERSION:
T09S R24E S35 SWSWSE

PLACE OF USE: IRRIGATION
T09S R24E S35 NESE 25.0
80.0 ACRES TOTAL

SWSE 30.0

NWSE 25.0

PROFILED

SCANNED
NOV 11 2005

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No:

5010087

Date:
Time:

10/13/89
14:02:05

(This is our daughter)

Received
From:

O'NEIL, KELLY OR CYNTHIA

Type of Payment

ADJUDICATION FEE

Program Acct Class

Amount

\$230.00

0410162 93376490

Total

\$230.00

CHECK 141

WR/NO: A36-13462 A36-13461 A01-10186 A36-13460

Idaho Department of Water Resources

Signature



Region: SOUTHERN

This is a copy of a very dim receipt. I printed in what it says as
printed info on the orig.

PROTECTED

SCANNED

NOV 11 2005

LESSEE

Larry Norby
Larry Norby

STATE OF IDAHO)
) ss.
County of)

On this 8 day of ^{July}~~May~~, 1982, before me, the undersigned Notary Public in and for said State, personally appeared CALVIN BUHLER and ELIZABETH BUHLER, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



(SEAL)

William H. O'Neil
Notary Public for Idaho
Residing at Pocatello, Idaho

STATE OF IDAHO)
) ss.
County of Minidoka)

On this 9th day of ^{August}~~May~~, 1982, before me, the undersigned Notary Public in and for said State, personally appeared LARRY NORBY, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

Nancy J. Hopkins
Notary Public for Idaho
Residing at Rupert, Idaho

SCANNED

NOV 11 2005

PRODUCED
IN FULL

FARM LEASE

THIS AGREEMENT, made and entered into this 1st day of April, 1982, by and between CALVIN BUHLER and ELIZABETH BUHLER, husband and wife, of 2801 Lois Lane, Pocatello, Idaho 83201, hereinafter referred to as "Lessor" and LARRY NORBY of Route #1, Rupert, Idaho 83350, hereinafter referred to as "Lessee";

W I T N E S S E T H:

That Lessor, for and in consideration of the covenants and agreements hereinafter mentioned to be kept and performed by Lessee, does, by these presents, hereby lease, rent and demise to Lessee, the following described lands, hereinafter called "Leased Premises", situated in Minidoka County, Idaho, to-wit:

70 acres of crop land and one-half of the pasture located in Lots 2 and 6 and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) lying South and East of the "A-1" Canal, all in Section 35, Township 9 South, Range 24 East of the Boise Meridian,

together with 40 horsepower pump, panel, buried mainline and 5 one-quarter mile handlines.

TO HAVE AND TO HOLD the same to Lessee, to be used solely for the purpose of farming and pasturing from the date of this agreement to the 31st day of December, 1984, subject to the terms, covenants, conditions and contingencies hereinafter set forth.

It is further mutually covenanted and agreed as follows:

1. Lessee shall furnish all equipment, labor, seed, fertilizer, and other materials for the planting, seeding, cultivation, tending, irrigation, care, harvesting and delivery of said crops, except as hereinabove provided, at Lessee's own cost and expense.

2. All seed furnished by Lessee in connection with crops to be sown on the leased premises shall be of first-class quality and condition, and shall be free from any disease likely to affect the crops to be grown on the leased premises to the detriment of future crops; and Lessee shall be responsible and liable to Lessor for any injury or damage to said leased premises from inoculation or impregnation of the soil thereof by diseases or pests preventable through the exercise of due care or in the selection of the seed to be sown or planted.

LESSORS

Calvin Buhler
Calvin Buhler

Elizabeth Buhler
Elizabeth Buhler

known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Shirley Black
Notary Public for Idaho
Residing at Pocatello, Idaho



State of Idaho } ss. 173607
County of Minidoka }

I hereby certify that this instrument was filed for record at request of

Celine Butler
at 35 minutes past 2 o'clock
this 11 day of Sept
A.D., 1964 in my office and duly
recorded on Film No. 35-173607

Filed _____

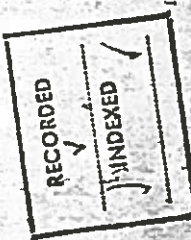
EX-Office Recorder

By Celine Butler Deputy

Celine Butler

1648 Homer Drive

Pocatello, Idaho



CLAUDE E. BOWMAN

SCANNED

NOV 11 2005

REAL ESTATE CONTRACT

173607

THIS AGREEMENT Made and Entered into this 11th day of August, 1964, by and between L. M. BUHLER and MONICA BUHLER Husband and wife, hereinafter referred to as sellers, and both of Salt Lake City, Utah and , CALVIN BUHLER AND ELIZABETH G. BUHLER, Husband and wife, hereinafter referred to as purchasers, both of Pocatello, Bannock County, Idaho;

WITNESSETH, that whereas the sellers in consideration of the covenants and agreements to be performed and the payments to be made by the purchasers as hereinafter contained do hereby
of each year commencing with said date in 1965 and each year thereafter.

SPECIAL PROVISIONS

The purchasers herein understand that they are purchasing the equity and rights of the sellers held by the sellers under the provisions of an agreement of sale made and entered into on the 14th day of May, 1962 by and between Robert E. Ling and Ruth L. Ling husband and wife as the sellers and in which L. M. Buhler appears as the purchaser, and that the said Contract of Sale together with Warranty Deed and Purchasers Title Policy are in escrow at the First Security Bank of Idaho, Rupert Branch, Rupert Idaho and that all payments to be made to Ruth L. Ling as set forth above are to be made to the escrow holder to-wit: First Security Bank of Idaho, Rupert, Idaho.

That any and all improvements made on said premises by the purchasers hereunder during the life of this contract shall remain on the property and become a part of the property.

IT IS FURTHER UNDERSTOOD AND AGREED by and between the parties hereto that in addition to the real property described above in this agreement that there is also sold herewith and subject to the terms of this contract:

600' 4" Portable Aluminum Mainline
2 1/4 Mile (1300' each) 3" Aluminum Laterals
complete with Sprinklers and Couplings
1 Centrifugal Pump connected to 7 1/2 HP
Electric Motor Complete with suction Pipe,
Priming pump and connecting piping.
1-4 Wheel pipe Trailer

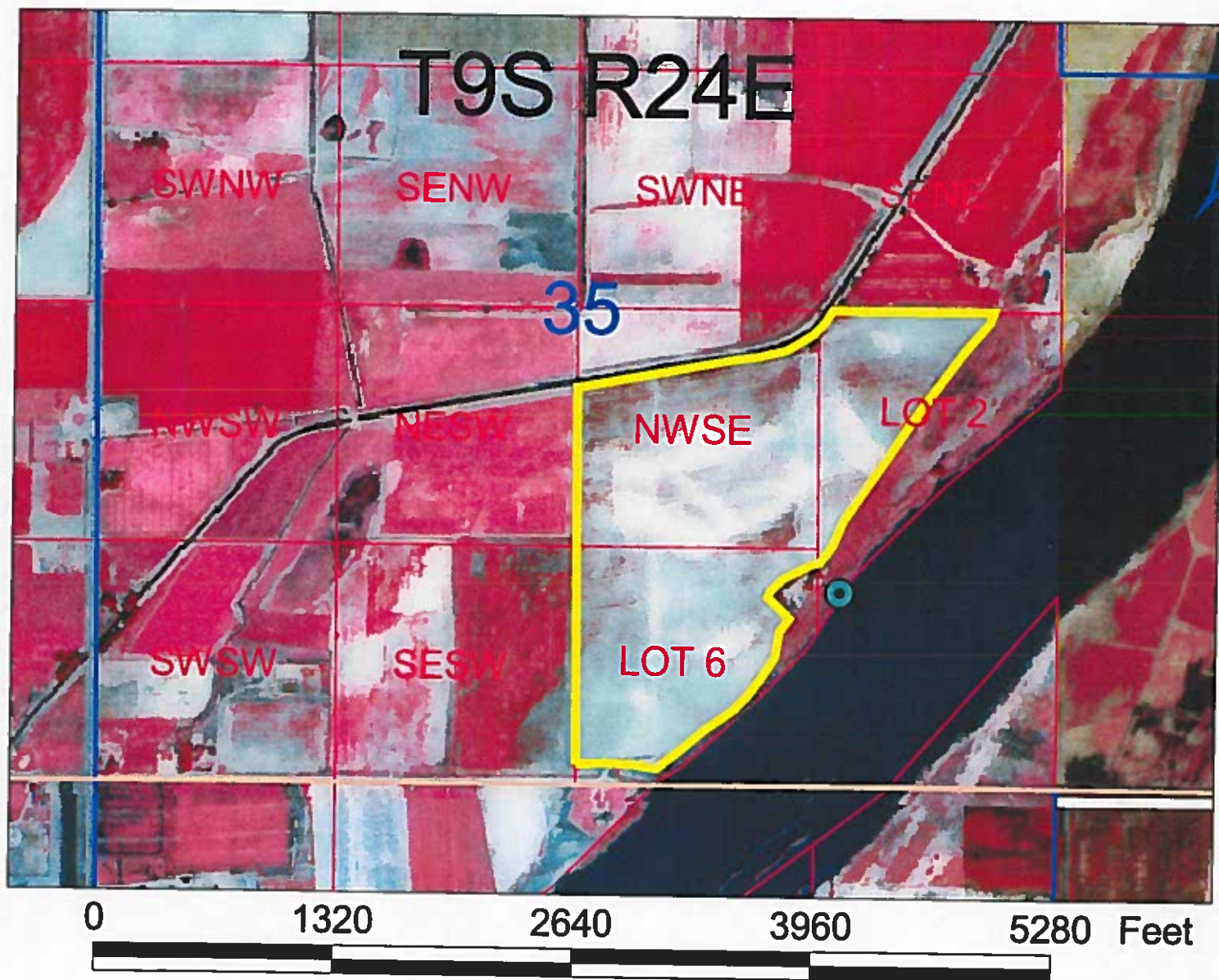
GENERAL PROVISIONS

The purchasers agree to keep the buildings located on said premises insured from loss by fire for their insurable value with a loss payable to the sellers and to Ruth L. Ling as their respective interests shall appear and premiums on said policies are to be paid.

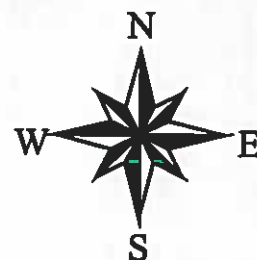


Department of Water Resources

Claim No.: 01-10186



- Point of diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: October 2005

Buhler

Reference 36-13461
01-10186

9/19/2005 Visit w/ owner at
home in Pocatello. 2801 Lois Lane
near golf course

9/24/2005 Verified original POD by inspection
owners not present. Photos, GPS fix

Water source is A1 canal, MID, for farmed land. However
this same land was watered from river in 1987 with previous
motor/pump system before it was stolen.

Pasture is sub irrigated.

Larry Norby leases land 208 300-0484 hnr, 208 436-3521 cel

Former owner was Ling

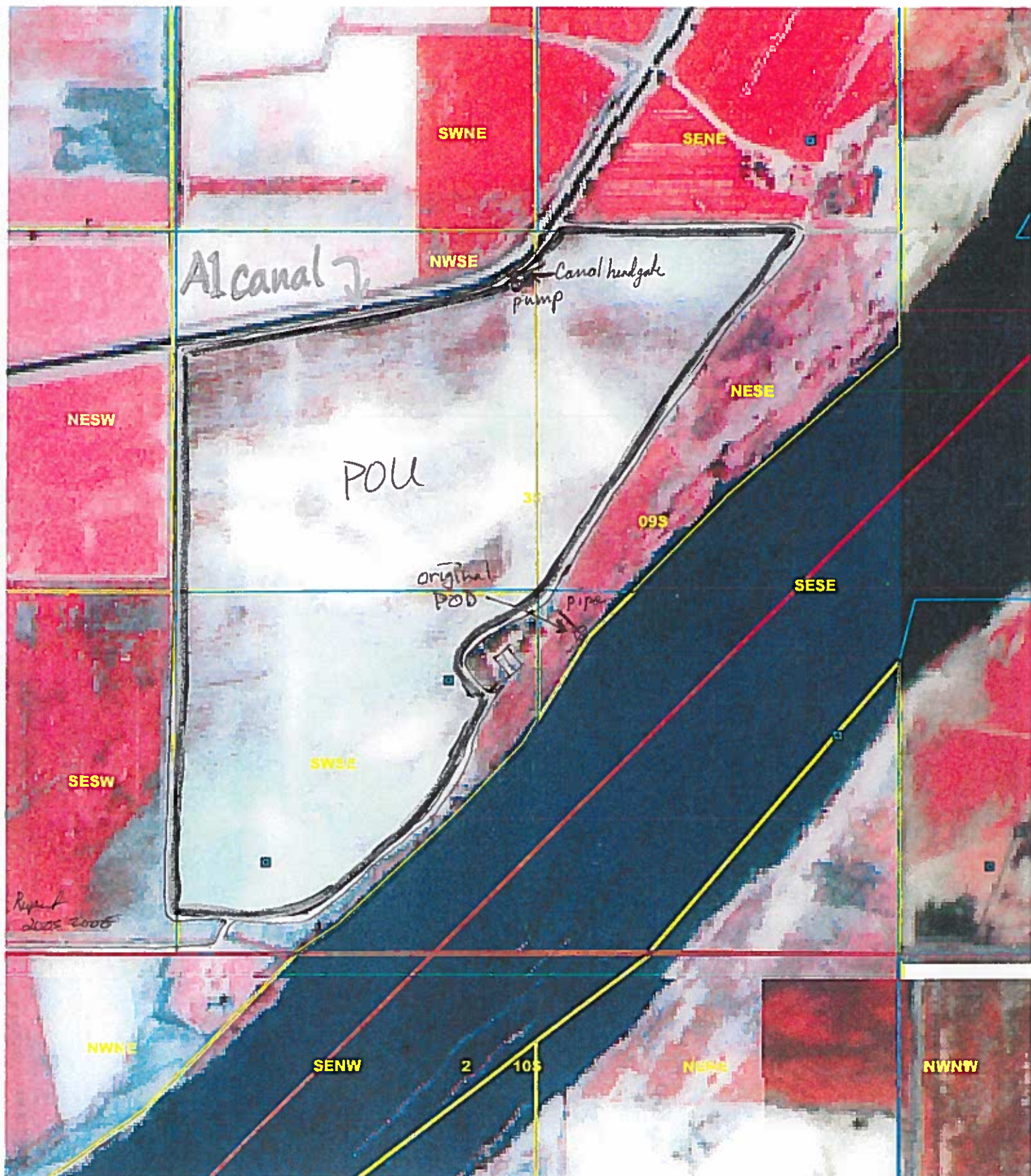
Mr. Buhler's brother, Calvin, first bought property in 1964 ^{11 Aug.}

~~There are~~ Crops grown are potatoes, corn, barley, wheat.
These would have been the same crops grown in the late 1980's.

$$Q = \frac{7.5 \times 8.814 \times .70}{(2.31 \times 60) + 15'} = 0.30 \text{ cfs}$$

Left estimated based on USGS quad maps.

01-10186



Claim Number **01-10186**

24 September 2005

Point(s) of Diversion

GPS Coordinates

Waypoint #: 087 2531721
1265982



Original POD (abandoned)



Main line from POD to fields (not connected, open on both ends)

Waypoint #: 088 2531650
1266406



Canal where water is diverted for irrigation.



Motor and pump

Motor/Pump



Motor



Pump

Irrigation system

The system described below was originally purchased with the property in 1964. The pump and aluminum pipe was later stolen sometime in the early 90's. Pump stolen is thought to be a 40 H.P. motor.

- 600' 4" portable aluminum mainline,
- 2½ miles (1300') 3" aluminum lateral,
- sprinklers and couplers,
- 1 centrifugal pump connected to a 7.5 H.P. elect. motor,
- suction pump
- priming pump

From
BILL OF
SALE
DATED
1964

40 HP pump.
was added in ~1981
based on conversation
w/ Elizabeth on
11/4/2005.

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: A01-10186
Date Received: 10/12/1989
Receipt No: 5010087
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CALVIN BUHLER 208-237-9005
Address: 2801 LOIS LANE
POCATELLO, ID 83201

AND/OR

Name: ELIZABETH G. BUHLER 208-237-9005
Address: 2801 LOIS LANE
POCATELLO, ID 83201

2. Date of Priority: APR 01, 1962

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	24E	35	NE	SE	SE		MINIDOKA

5. Description of diverting works:
PUMP, 6" PIPELINE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 240.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATERING & RECREATION USES INCIDENTAL TO RIVER USE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	24E	35	NE	SE		IRR	25.0
			NW	SE		IRR	25.0
			SW	SE		IRR	30.0

Section Acres 80.0

Total Acres 80.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
A36-13460, MINIDOKA IRRIGATION DIST.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

RECEIVED

OCT 13 1989

Ident. Number: A01-10186
Date Received: 10/12/1989
Receipt No: _____
Received By: _____

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CALVIN BUHLER 208-237-9005
Address: 2801 LOIS LANE
POCATELLO, ID 83201

AND/OR

Name: ELIZABETH G. BUHLER 208-237-9005
Address: 2801 LOIS LANE
POCATELLO, ID 83201

2. Date of Priority: APR 01, 1965 *2 cgo*

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	24E	35	NE	SE	SE		MINIDOKA

5. Description of diverting works:
PUMP, 6" PIPELINE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

Also in stream ~~water~~ livestock watering & recreational use - no diversion for these purposes *cgo*

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

8. Total consumptive use is 240.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A01-10186

Page 1

Date: 10/12/89

MICROFILMED

MAR 19 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	24E	35	NE		SE		IRR	25.0
			NW		SE		IRR	25.0
			SW		SE		IRR	30.0
							Section Acres	80.0
							Total Acres	80.0

11. Place of use in counties: MINIDOKA

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

13. Other Water Rights Used:
A36-13460, MINIDOKA IRRIGATION DIST.

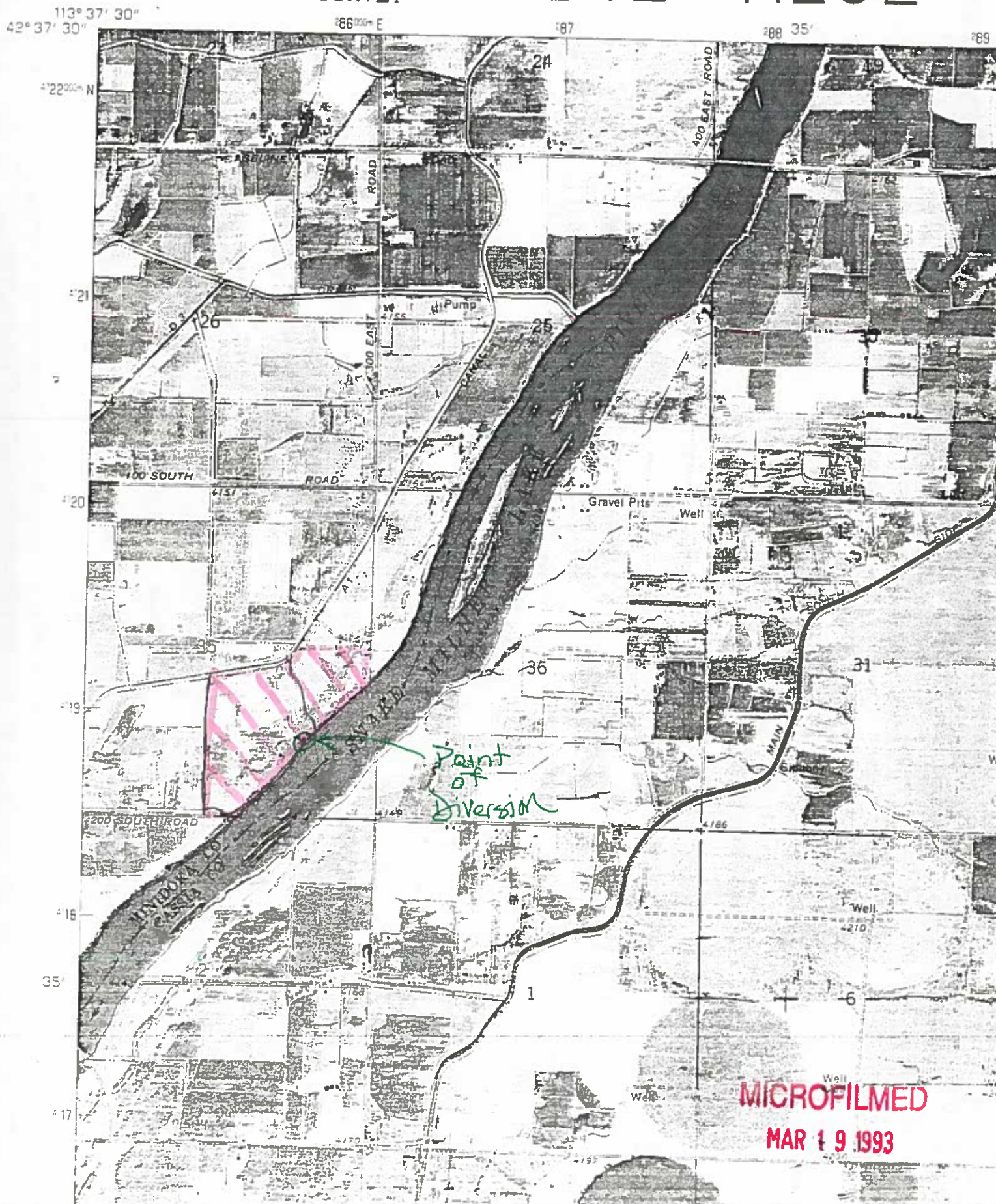
14. Remarks:

15. Basis of Claim: BENEFICIAL USE

Attachment to
A01-10186

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

R24E R25E



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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2 map POA

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): Calvin Butler by Cynthia G. O'Neil Date: 10-12-89
(power of attorney) Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of October 19 89 Marilyn Nelson
Notary Public



Residing at Boise, Idaho
My Commission Expires 2-23-95

8923805

GENERAL POWER OF ATTORNEY

Know All Men by These Presents: That Calvin Buhler and Elizabeth Gayle Buhler
of Pocatello, County of Bannock, State of Idaho,
have made, constituted and appointed, and by these presents do make, constitute, and appoint
Cynthia G. O'Neil, of Boise, County of
Ada, State of Idaho, their true and lawful attorney for
and in their name^s, place^s and stead, and for their use and benefit, to ask, demand,
sue for, recover, collect, and receive all such sums of money, debts, dues, accounts, legacies, bequests,
interest, dividends, annuities, and demands whatsoever, as are now or shall hereafter become due, owing,
payable, or belonging to them, and have, use, and take all lawful ways and means in their
name^s or otherwise for the recovery thereof, by attachments, arrests, distress or otherwise, and to com-
promise and agree for the same, and acquittances, or other sufficient discharges for the same, for them
and in their name^s, to make, seal, and deliver; to bargain, contract, agree for, purchase, receive,
and take lands, tenements, hereditaments, and accept the seisin and possession of all lands, and all deeds
and other assurances in the law therefor, and to lease, let, demise, bargain, sell, remise, release, convey,
mortgage, and hypothecate lands, tenements, and hereditaments upon such terms and conditions, and
under such covenants as she shall think fit. Also, to bargain and agree for, buy, sell, mortgage,
hypothecate, and in any and every way and manner deal in and with goods, wares, and merchandise,
choses in action, and other property in possession or in action, and to make, do, and transact all and every
kind of business of what nature or kind soever, and also for them and in their name^s
and as their act and deed to sign, seal, execute, deliver, and acknowledge such deeds, leases, and
assignment of leases, covenants, indentures, agreements, mortgages, hypothecations, bottomries, charter-
parties, bills of lading, bills, bonds, notes, receipts, evidences of debt, releases, and satisfaction of mort-
gages, judgments and other debts, and such other instruments in writing of whatever kind and nature as
may be necessary or proper in the premises.

Giving and granting unto their said attorney full power and authority to do and perform all
and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully
to all intents and purposes as they might or could do if personally present (with full power of sub-
stitution or revocation), hereby ratifying and confirming all that their said attorney (or his
substitute or substitutes) shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF, We have hereunto set our hand^s and seal^s the 23rd
day of December, 19 00.

Signed, sealed and delivered in the presence of

[Signature]

Calvin Buhler (Seal)
Calvin Buhler
Elizabeth Gayle Buhler (Seal)
Elizabeth Gayle Buhler

MICROFILMED
MAR 19 1993

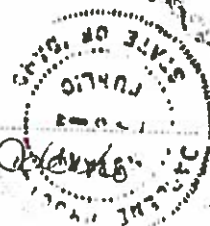
STATE OF IDAHO,
County of Ada Bannock } ss.

On this 27 day of December in the year 1988, before me
Darlene Proctor, a Notary Public

in and for said County, personally appeared Calvin Buhler and Elizabeth Gayle Buhler
known to me to be the persons whose name s are subscribed to the within instrument, and
acknowledge to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year
in this certificate first above written.

Darlene Proctor
Key Bank



No. _____

POWER OF ATTORNEY
GENERAL

TO _____

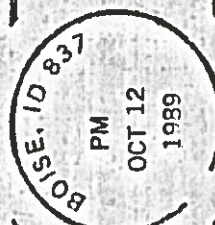
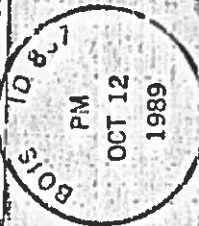
Dated May 25, 1988
STATE OF IDAHO,
County of Ada ss.

I hereby certify that this instrument
was filed for record at the request of
Betty K. O'Neil
at 45 minutes past 11
o'clock A.M. this 25th day
of May, A.D. 1988
in my office, and duly recorded in Book
of _____ at page _____

JOHN BASTIDA
Ex-Officio Recorder.
By [Signature] Deputy.
Fees \$ 6.00

MICROFILMED

MAR 19 1993



THURSTON LAMM & CO.
960 Broadway • Suite 240
Boise, Idaho 83706

TO: Idaho Dept. of Water Resources
2108 4th Ave. East
Twin Falls, ID 83301

RETURN POSTAGE GUARANTEED

MICROFILMED
MAR 19 1993
MICROFILMED

2801 Lois Lane

Pocatello, Idaho 83201

April 22, 1991

COPY TO
FILE WITH
101-10186
R.V.W.

State of Idaho
Department of Water Resources
South Region
222 Shoshone St. East
Twin Falls Idaho 83301

RECEIVED

MAY 07 1991

Department of Water Resources
Southern Region Office

Re: Claim #A36-13460

Gentlemen:

I purchased my Rupert farm consisting of between 90 and 100 acres August 11, 1964. When I purchased this property it was being irrigated by an established sprinkler system by pumping water directly out of the Snake River with an electric pump on the river bank.

I continued using this method of irrigation for many years after 1964. The wells did not produce enough water for irrigation.

Very truly yours,

Calvin Buhler

MICROFILMED

MAR 19 1993

5/28/91

Copy to File:

The point of Diversion was checked while examining claim A36-13460 on 5/22/91. I drove along the edge of the property bordering the Snake River and saw no evidence of a pump or electric power to supply a pump which would draw water from the river.

R. V. Worstell
Sr. Adj. Agent.

also see claim A36-13460

MICROFILMED

MAR 19 1993