

Ident No. 15-7295

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION AS AN ALTERNATIVE TO
INSTREAM STOCKWATER USE**

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks as an alternative to instream use for the watering of livestock)

1. Name of right holder Buehlers Inc Phone 208-766-2513
Mailing address 305 N. 2100W. Malad, Idaho 83252
2. Source of water supply Unnamed Spring tributary to Wrights Creek
3. Point of Diversion:

- a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number _____

If no, describe the beginning and ending points for the instream stockwater use:

Beginning point is in Gov't. Lot _____, _____ 1/4 _____ 1/4 _____ 1/4,
Section _____, Township _____ Range _____, B.M.,
_____ County.

Ending point is in Gov't. Lot _____, _____ 1/4 _____ 1/4 _____ 1/4,
Section _____, Township _____ Range _____, B.M.,
_____ County.

- b) Alternate point of diversion is in Gov't. Lot _____, SE 1/4 NW 1/4 NW 1/4,
Section 24, Township 12S Range 34E, B.M.,
Oneida County.

4. Description of diversion and delivery system:

- a) Describe the type of diversion Spring development
- b) Describe the delivery system Buried PVC pipe will carry water to troughs. System will operate by gravity.
- c) Describe the number, type and total capacity of troughs or tanks 6 troughs, 500 gallons per trough

RECEIVED

AUG 14 2007

RECEIVED

JUL 16 2007

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source Troughs will have floats to control flow & overflow pipes will carry water to Wrights Creek.
- e) Describe how the system is designed to allow measurement of the rate of diversion An in-line flow meter will be installed before the first trough.

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
12S	34E	24						X										

6. Priority date claimed or established Dec. 1953
7. Rate of diversion .01 cfs
8. Season of use: from April 15 to December 15
9. a) Who owns the property at the point of diversion? Buehlers Inc.
b) Who owns the property at the place of use? Buehlers Inc.
10. When will construction occur? July/August 2007
11. Comments (include number and type of stock) 50 head of beef cattle & a few horses.

This is when we bought the property - it is possible that the spring was used for several years before this, but at least I know we have used the spring to water our cattle since we bought the property.

(We use this spring year round because the well freezes over in the winter and the spring does not)

I hereby assert the following:

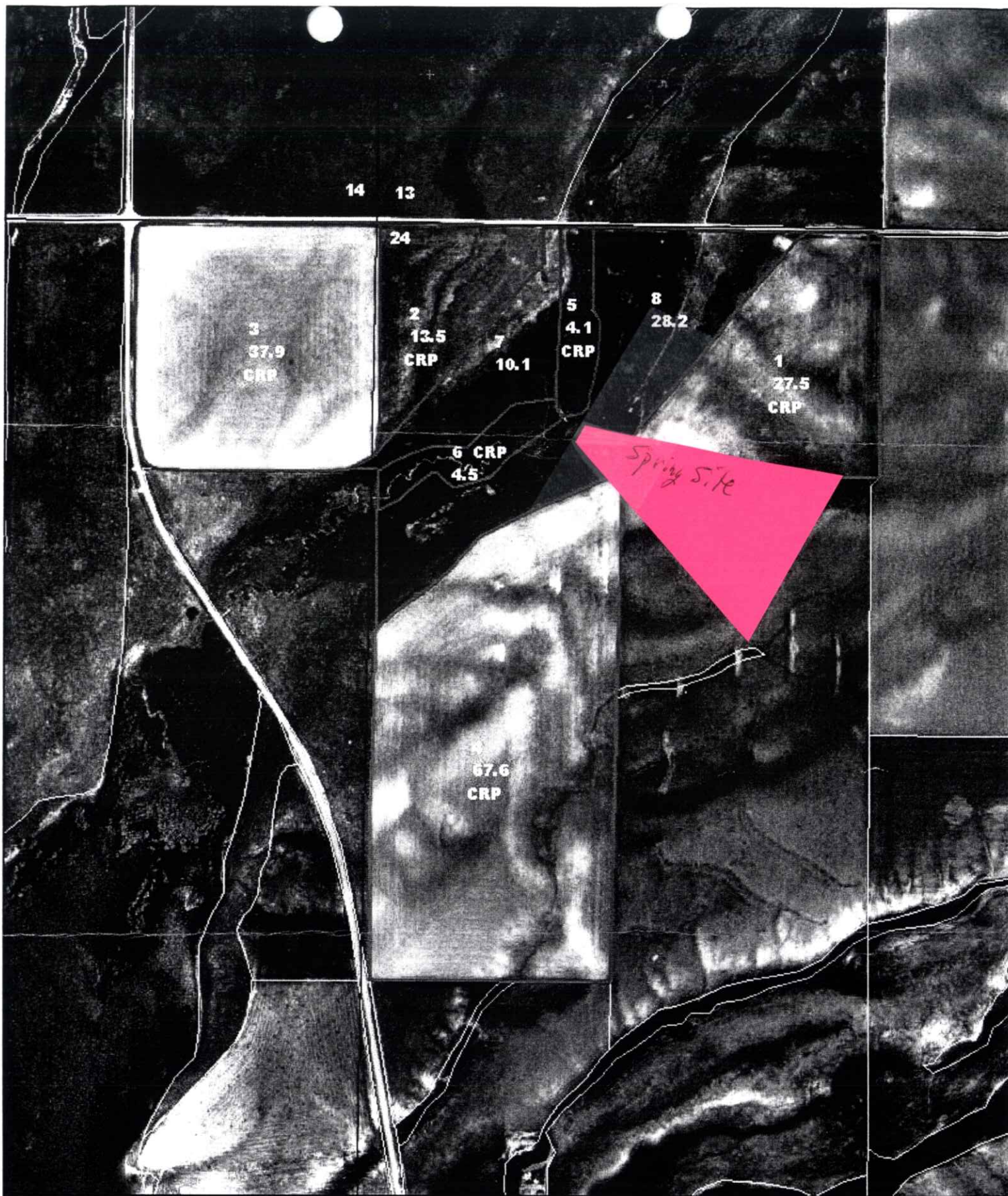
- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this July 12th day of July, 2007

Don C. Buell, Pres. Buell Inc.
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by SC Date 7/16/07 Preliminary check by _____
Fee: \$ 25.00 Received by SC Receipt No. EO 33114 Date 7/16/07



Tract 1474 Map 05
Farm 956
Oneida County

0.07 0 0.07 0.14 0.21 0.28 Miles



Map Printed: Mar 1, 2004