

AMENDED

2-10-05 DMJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Walter Buechler Phone 208-345-0933

Mailing address 1192 E. Braemere Rd. Boise, ID 83702

2. Source of water supply unnamed stream (spring) ^{groundwater} which is a tributary of Lake Fork Creek

3. Location of point of diversion is Township T17N Range R3E Sec. 3, in the SE NW 1/4, SWSE 1/4, Govt. Lot _____, B.M., _____, Valley County;

additional points of diversion if any: shallow groundwater in SESW and SWSE

4. Water will be used for the following purposes:

Amount 0.5 cfs for pond diversion to storage Sept. 16 to April 30 purposes from Jan 1 to Dec 31 (both dates inclusive)

Amount 0.5 cfs for recreation purposes from Jan 1 to Dec 31 (both dates inclusive)

Amount 9 afa for recreation storage purposes from Jan 1 to Dec 31 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) approx. 1 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source water is currently diverted into Lake Fork Creek by a beaver dam (see attachment)

b. Height of storage dam n.a. feet; active reservoir capacity 6 acre-feet; total reservoir capacity is 6 acre-feet

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

d. Is ground water with a temperature of greater than 85°F being sought? no

e. If well is already drilled, when? n.a.; Drilling firm n.a.;

Well was drilled for (well owner) n.a.; Drilling Permit No. n.a.

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. n.a.

b. Stockwatering; list number and kind of livestock. n.a.

c. Municipal; show name of municipality. n.a.

d. Domestic; show number of households. n.a.

e. Other; describe fully. see attachment "History and Description of Project"

W.B. 0.5
12/19/06

W.B.
12/19/06

RECEIVED

JAN 24 2005

WATER RESOURCES
WESTERN REGION

3. Description of place of use: see #3

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	3E	3												X				X	

Total number of acres to be irrigated n.a.

10. Describe any other water rights used for the same purposes as described above. n.a.

11. a. Who owns the property at the point of diversion? US (Walter Buechler)

b. Who owns the land to be irrigated or place of use? US

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n.a.

12. Remarks: see attachment 1 acre foot surface area and approximately 6 feet deep 3 acre foot for sub peration

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Walter Buechler
Signature of Applicant (and title, if applicable)

Received by DB Date 1-24-05 Time 12:00 PM Preliminary check by DAN
Fee \$ 250- Received by AO # W032546 Date 1-24-05
Publication prepared by AK Date 3-3-05 Published in STAR NEWS
Publication approved AK Date 3-14-05

History and Description of the Project

We own the property at 20 E. Lake Fork Road, Lake Fork, Valley County, Idaho 83635. On the property there is a man-made pond of about 3,000 yd². The pond was built about 30 years ago by previous landowners. When we purchased the property in 1999, the pond water came from a source on neighboring land, flowed through the pond, and finally joined Lake Fork Creek. At that time a beaver family was living in the pond but they have since moved upstream because of the poor ecological conditions in the pond. The water has since been partially or completely diverted directly into Lake Fork Creek by the new upstream beaver activities. Over the years the pond has undergone a natural succession process, filling in with mud and plants. To restore the ecology of the pond, to make it usable for our recreational purposes (swimming, boating, fishing), and to get the beavers back into the pond, we applied for a dredging permit with the U.S. Army Corps of Engineers and with the Idaho Department of Water Resources. The permit from the U.S. Army Corps of Engineers was granted in fall of 2004 but the Idaho Department of Water Resources requires that we clarify the water rights situation first. As we have no records of registered water rights we herewith apply for a water use permit.

Sincerely,



Walter Buechler
1192 E. Braemere Rd.
Boise, ID 83702
Tel. 208-345-0933
e-mail buecdoug@msn.com

RECEIVED

JAN 24 2005

WATER RESOURCES
WESTERN REGION

Proposed pond dredging.
Walter Buechler and Dotty Douglas
20E Lake Fork Road, Lake Fork, Valley County, Idaho.
Sheet 1 of 1, September 22, 2004



NO Gov't
HOT9
DAN
2-9-06

R3E

65-22938

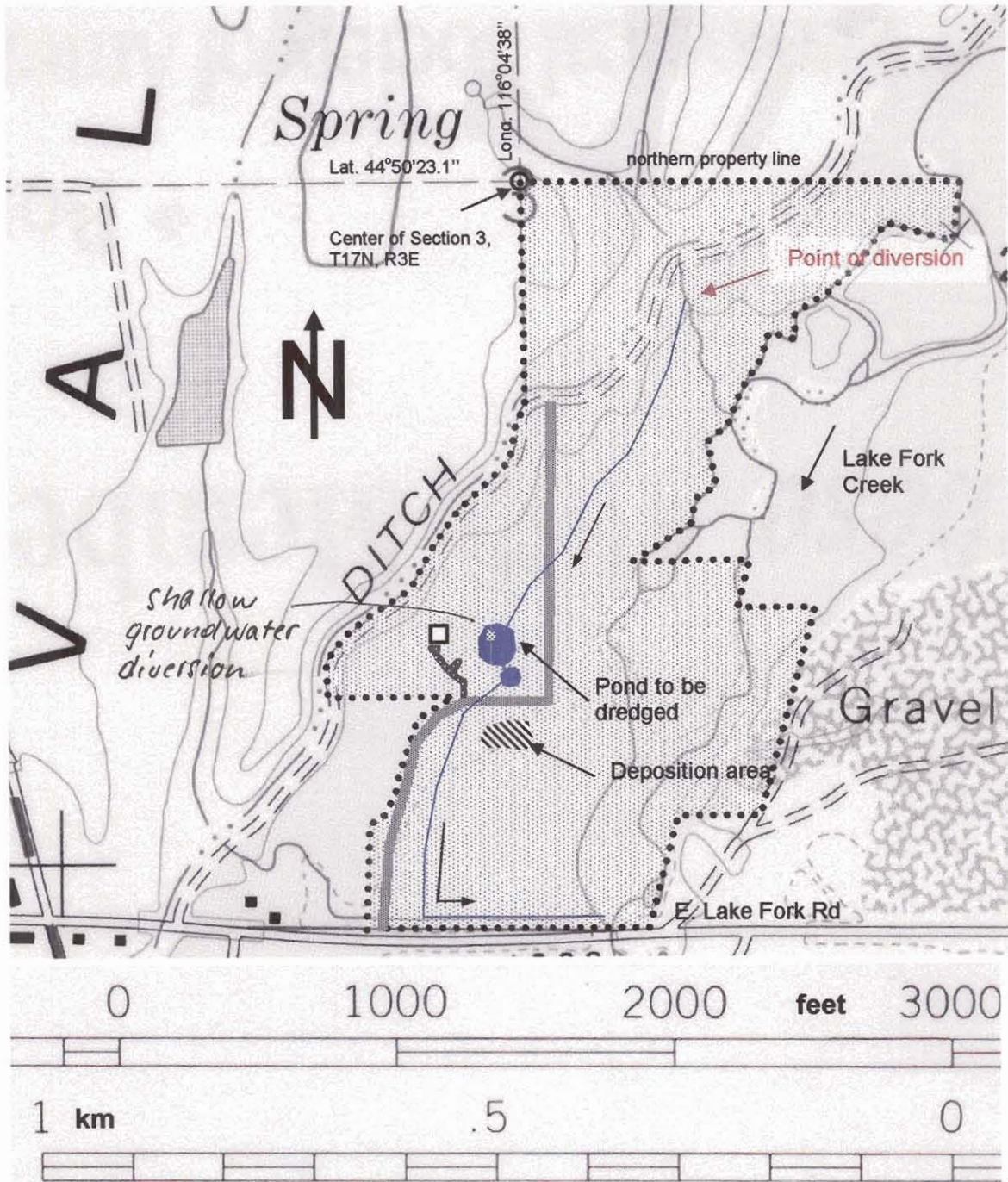
Location Map

Proposed pond dredging.

Walter Buechler and Dotty Douglas

20 E Lake Fork Road, Lake Fork, Valley County, Idaho.

~~Sheet 2 of 4~~, September 22, 2004



Location Map
09/22/2004



Buechler - Douglas property

65-22938

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

Walter Buechler

Mailing Address

1192 E. Braemere Rd.

Boise, ID 83702

Application No.
(if known)

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

☐ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Walter Buechler

Date

2/10/2005

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
Attn: Dan Nelson
2735 Airport Way
Boise, ID 82705-5082

APPLICATIONS CHECKLIST FOR **PROTESTED** FILES

APPLICATION NO: 65-22938 APPLICANT: Buehler

- ☒ Green sticker on file ☒ Protest information sheet
- ☒ Put protest names & date in data base ☒ Change bar code ☒ Put protest in apps.lis
- ☒ Reserve Room ☒ Protest letters ☒ Conference notices
- ☐ Copies to vault (Debbie Gibson) ☐ Copies of interventions to vault
- ☒ Copy of conference changes to Gary (Debbie G.)
- ☐ Make sure rooms are handicap approved
- ☒ Double check mailing list. ☒ Attendance sheet ☒ Room confirmation letter
- ☒ Put conf. dates on John's calendar, and ☒ Sue's calendar ☒ Western's calendar

TRANSFER

- ☐ Scan legal notice ☐ Scan affidavit ☐ Scan protests ☐ Scan prot/conf documents
- ☐ E-mail protest info to Debbie Gibson

PROTEST OR APPLICATION WITHDRAWN

- ☒ Protest withdrawn ☐ Application withdrawn
- ☒ Change bar code ☒ Change apps.lis ☒ Change database
- ☒ Put protest WD in database ☐ If conditions, send letter to applicant
- ☒ Sent to S.O. (~~Kari Lynn~~) Date 2/2/07

PROTEST INFORMATION SHEET

APPLICANT: WALTER BUECHLER *ym*
1192 E BRAEMERE RD
BOISE ID 83702

PH: 208-345-0933

APPLICATION NO: 65-22938

DATE FILED: 1-24-05

PROTEST DATE: 3-21-05

PROTESTANT(S) NAME & ADDRESS:

LAKE IRRIGATION CO
C/O HERALD NOKES *- 634-5566 ✓*
~~PO BOX 644~~ 1270 ELO RD
LAKE FORK ID 83635 *McCall ID 83638*

GAIL MCGARRY
US BUREAU OF RECLAMATION PH: 378-5306
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

MARCHELLE HART PH: 634-0572 ✓
PO BOX 1311
MCCALL ID 83638

Protestant's Attorney Name & Address: Issues:

Applicant - Attorney - Name & Address: *- See Notice of Appearance.*
William D Collins, Atty
Westberg McCake + Collins
516 W Franklin St. Box 2836.
Boise 83701

Other: _____

Protest
W D
11-8-05



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 20, 2006

Lake Irrigation Co.
C/O Herald Nokes
1270 Elo Rd.
McCall, ID 83638

Gail McGarry
US Bureau of Reclamation
1150 N. Curtis Rd. Ste. 100
Boise, ID 83706-1234

William D. Collins, Atty.
Westberg, McCabe and Collins
516 W. Franklin St. Box 2836
Boise, ID 83701

RE: Withdrawal of Protest Application for Permit #22938; Buechler.

Dear Dr. Nokes, Ms. McGarry and Mr. Collins:

This letter is acknowledging receipt of the protest withdrawals on December 14th and 18th 2006 for the above referenced application for permit. The hearing set for Dec. 21st is cancelled.

The application will continue to be processed by our agency. A copy of the amended application is attached

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra
Manager, Western Region

Lake Irrigation District
P.O. Box 3126
McCall, Idaho 83638
December 15, 2006

John Westra, Director
Idaho Department of Water Resources,
Western Region
2735 Airport Way
Boise, ID 83705-5082

Dear John;

The Lake Irrigation District hereby withdraws
its protest to Application for Permit #65-22938
Buechler. This withdrawal is contingent upon
the application showing that water usage will be
restricted to the period from November 1 To
March 31. Thank you.

Yours Truly:



Herald S. Nokes M.D.,
President, Lake Irrigation District

RECEIVED

DEC 18 2006

WATER RESOURCES
WESTERN REGION

- 12/19/06 Diversion period Sept. 1 to April 30 - OK
Conversation with H. Nokes JFW



IN REPLY REFER TO

PN-3100
WTR-4.10

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

DEC 14 2006



Mr. William D. Collins
Westberg, McCabe & Collins, CTD
516 West Franklin Street
Boise, ID 83701-2836

Mr. John F. Westra
Western Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

DEC 15 2006

WATER RESOURCES
WESTERN REGION

Subject: Walter Buechler Water Right Application No. 65-22938, Payette Drainage, Idaho

Dear Mr. Collins and Mr. Westra:

This letter is in response to our conversations and Mr. Collins' letter of February 17, 2006, seeking to amend the subject application.

Please consider this letter a withdraw of our protest of the subject application, conditioned upon the application being amended to have a season of use from September 16th through April 30th or a lesser season, and to have the quantity not exceed 0.5 cfs.

Of course, the Bureau of Reclamation will continue to have the right to seek curtailment of the exercise of the subject water right if it interferes with the exercise of Reclamation's senior water rights. Please call me if you have any questions at 208-378-5306.

Sincerely,

Gail McGarry
Program Manager,
Water Rights and Acquisition

RECLAMATION

Managing Water in the West

U.S. Department of the Interior
Bureau of Reclamation
Pacific Northwest Region

1150 North Curtis Road, Suite 100
Boise, ID 83706-1234

Main Phone: (208) 378-5377

Fax Cover

Water Rights and Acquisition

Date: 12/14/2006

Pages including this cover: 2

Fax: (208) 378-5066

To: Mr. John Westra
Idaho Department of Water Resources

From: Valerie Shaw

DOI - BOR

Code: PN3101

E-mail: vshaw@pn.usbr.gov

Fax: (208) 334-2348

Phone: (208) 378-5377

Subject: Walter Buechler Water Right Application No 65-22938

Message: Gail McGarry asked that I fax you a copy of the attached. If you have any questions, you may contact Gail McGarry at 208-378-5306.

Valerie Shaw

TRANSMISSION NOTICE: This fax is intended only for the addressee above. It may contain information that is privileged or otherwise protected from disclosure. Any use of this fax or its contents by persons other than the addressee is strictly prohibited. If you received this fax in error, please notify the sender immediately and mail the original back to the sender at the address above.



United States Department of the Interior

BUREAU OF RECLAMATION

Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234



IN REPLY REFER TO:

PN-3100
WTR-4.10

DEC 14 2006

Mr. William D. Collins
Westberg, McCabe & Collins, CTD
516 West Franklin Street
Boise, ID 83701-2836

Mr. John F. Westra
Western Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: Walter Buechler Water Right Application No. 65-22938, Payette Drainage, Idaho

Dear Mr. Collins and Mr. Westra:

This letter is in response to our conversations and Mr. Collins' letter of February 17, 2006, seeking to amend the subject application.

Please consider this letter a withdraw of our protest of the subject application, conditioned upon the application being amended to have a season of use from September 16th through April 30th or a lesser season, and to have the quantity not exceed 0.5 cfs.

Of course, the Bureau of Reclamation will continue to have the right to seek curtailment of the exercise of the subject water right if it interferes with the exercise of Reclamation's senior water rights. Please call me if you have any questions at 208-378-5306.

Sincerely,

Gail McGarry
Program Manager,
Water Rights and Acquisition



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

December 11, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

William D Collins, Attorney
Westberg, McCabe & Collins CTD
516 West Franklin Street
PO Box 2836
Boise ID 83701 2836

RE: Contested Application for Permit #65-22938 Buechler

Dear Mr. Collins:

The purpose of this letter is a reminder. The hearing for the above contested application is scheduled for **9:00 AM, December 21, 2006, at the Idaho Department of Water Resources (Water Center), 322 E Front St, Boise Idaho.** Gary Spackman is the appointed hearing officer.

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra
Western Regional Manager

cc: Gail McGarry, USBR
Harold Nokes, Lake Fork Irrigation District.

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-22938 IN THE) NOTICE OF HEARING
NAME OF WALTER BUECHLER)
_____)**

On January 24, 2005, Walter Buechler filed with the Idaho Department of Water Resources (IDWR) an application for permit for public water of the State of Idaho. The application was protested by Lake Irrigation District, US Bureau of Reclamation, and Marcelle Hart. A prehearing protest conference was held on April 25, 2005. Marcelle Hart withdrew her protest on November 7, 2005. The protests of Lake Irrigation District and US Bureau of Reclamation remain.

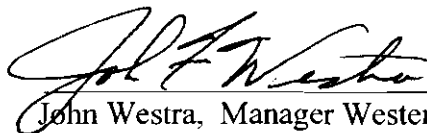
PLEASE TAKE NOTICE that a formal hearing will be held on **December 21, 2006, beginning at 9:00 AM in the Idaho Department of Water Resources (Water Center 6th floor), 322 E Front St. Boise Idaho.** The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record at the hearing, note that Rule 606 of the Department's Rules of Procedure requires that a copy be provided to each party and to the presiding officer.

The hearing will be held in accordance with the provisions of Idaho Code, Chapters 2 and 17, Title 42, Chapter 52, Title 67 and Department Rules of Procedure IDAPA37.01.01. A copy of the code/rules may be obtained from the Department's website www.idwr.state.id.us. or upon request. Parties appearing in this matter will have opportunity to present information, examine witnesses, and provide argument relating to the contested application.

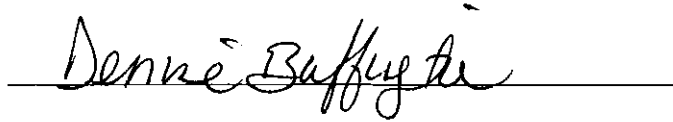
The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend or participate in the hearing, please advise the Department within 10 days prior of the hearing date.

Dated this 1st day of November 2006


John Westra, Manager Western Region

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of November, 2006, I mailed a true and correct copy, postage prepaid, of these documents to those on the attached list.

A handwritten signature in cursive script, reading "Denise Buffington", is written over a horizontal line.

Denise Buffington
Administrative Assistant

Documents Sent

- Notice of Hearing
- Map/directions to Water Center

Mailings

William D Collins
Westberg McCabe & Collins
516 W Franklin St
PO Box 2836
Boise ID 83701

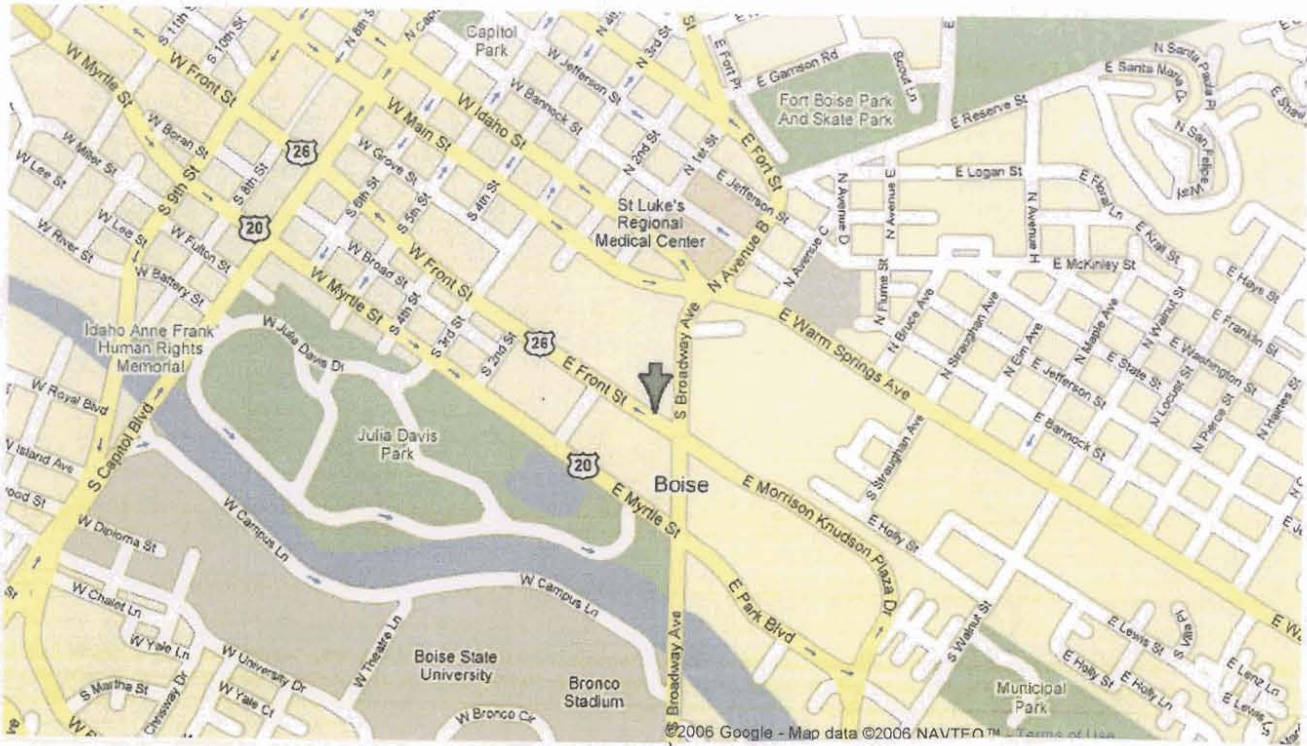
Lake Irrigation District
C/O Herald Nokes
PO Box 644
Lake Fork ID 83635

Gail McGarry
US Bureau of Reclamation
1150 N Curtis RD STE 100
Boise ID 83706-1234

G. Spackman, IDWR



WATER Center
Address **322 E Front St**
Boise, ID 83702



Take I-84 Broadway Exit

Water Center Parking
(a fee is required)

-Turn Right to parking gates at interesection of Avenue "A" and Front Street light. (A Winco Grocery is on the left)

-Park under the building on the right or park on the left in the parking garage.

Location:

Idaho Department of Water Resources Conference Room—6th Floor of the Water Center

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

RECEIVED

AUG 24 2006

**WATER RESOURCES
WESTERN REGION**

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS
CHRISTIAN D. COLLINS

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

August 23, 2006

Mr. John Westra
Western Regional Manager
ID Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Contested Application for Permit No. 65-22938, Walter Buechler

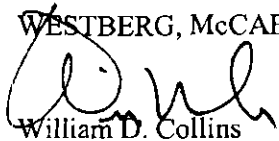
Dear Mr. Westra:

I received your letter of August 22 inquiring as to whether or not a formal hearing is necessary. I believe a formal hearing is necessary and would ask that it be scheduled.

It is my understanding that the Bureau of Reclamation has no objection. However, I think Lake Irrigation District is reluctant to do so. Therefore, a hearing is necessary.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.



William D. Collins

WDC:mrs

cc: Walter Buechler
E. Gail McGarry, Bureau of Reclamation
Dr. Harold Nokes, Lake Irrigation District



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

August 22, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

William D. Collins, Attorney
Westberg, McCabe & Collins, CTD.
516 West Franklin Street
PO Box 2836
Boise ID 83701-2836

RE: Contested Application for Permit #65-22938-Buechler

Dear Mr. Collins:

The purpose of this letter is to provide the background/status to-date of the Buechler contested application. Attached is a sequence summary of the application for your information.

Since the pre-hearing conference in April 2005, no settlement has been reached with the 2 remaining protestants. Our office has not received correspondence/contact from you or the protestants since late February 2006. It appears, the negotiation efforts for settlement have been exhausted, and therefore a formal hearing is needed for the contested case. Your client may request a formal hearing scheduled in late December 2006, **OR** the application can be withdrawn by submitting the attached withdrawal form.

Please submit to the Department in writing your client's intentions regarding the application by **September 29, 2006**. If a response is not received by the deadline, the Department will consider voiding the application.

Should you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Westra'.

John Westra,
Western Regional Manager

cc: Lake Irrigation Dist., BOR

Buechler Application for permit # 65-22938
Sequence Summary

Jan. 24, 2005	IDWR receives application for permit
Feb. 10, 2005	Application is amended by the applicant
Mar. 1, 2005	Comment letters sent to interested parties.
Mar. 3 & 10, 2005	Public notice made in the Star News-McCall
Mar 9, 2005	Recommendation received from the Lake Fork Watermaster #65K opposing approval.
Mar. 21, 2005	Protest deadline—(3) protests received prior to the deadline. Lake Irrigation Dist., US Bureau of Reclamation, Marcelle Hart
April 25, 2005	Notice of Appearance received from W. Collins, Atty for the applicant
April 25, 2005	Pre-hearing protest conference held—no settlement reached.
May 24, 2006	An additional 30 days is requested by Mr. Collins to negotiate a settlement with the protestants.
Oct 27, 2005	Department letter sent requesting status of the application negotiations
Nov. 7, 2005	Marcelle Hart withdraws her protest.
Dec. 13, 2005	Department letter sent requesting status of the application
Jan 30, 2006	Mr. Collins sends letter to protestants proposing settlement options.
Feb. 17, 2006	Letter sent to the Department asking the application be amended to reflect a period of use during the non irrigation season.
Feb. 23. 2006	Discussed that protestants should agree to protest withdrawal prior to submitting the amendment to IDWR for processing.

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES 2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Permit No. 65-22938 in the Name of Walter Buechler

Place: McCall Library

Date: Monday, April 25, 2005

Conducted by: John Westra

NAME

ADDRESS

Walter Buechler 1192 E. Braemere Rd., Boise, ID 83702

Dotty Douglas 1192 E. Braemere Rd, Boise, ID 83702

William D. Collins P.O. Box 2836, Boise, ID 83701

~~Harvey W. Lawrence~~ Box 697 Lake Fork Idaho

634-4254 John Leedom 370 Knights Rd McCall

634-5566 HERALD NOKES 1270 Elm Rd, McCall

378-5382 RUTH PAGE 1150 N. Curtis Rd Boise (BOR)

334-1461 RICK WELLS 230 COLLINS RD., BOISE, ID

WARREN SKIDWACER P.O. BOX 270 CASCADE ID 83611

378-5306 Gail McGarry 1150 N Curtis Rd, Boise 83706
BOR

~~Marcottelle Host~~ arrived late JFW withdrawn



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348



FAX COVER SHEET

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FROM Steve Lester DATE 4/20/06
TO Bill Collins FAX # 336-2121
RE Copy of original Application 05-22938 AS
Requested

TOTAL PAGES SENT 6 + COVER SHEET

IDWR INFORMATION & THE INTERNET

You can search for IDWR records on the Internet at www.idwr.idaho.gov

See **main menus** in the upper left corner. Click on any of those main menus for a more specific homepage with more information. Most IDWR records are organized by township, range and section. Township, range and section information is usually available from county offices. For best results, try a **broad search first and narrow the search as needed** to avoid overlooking the information you seek.

Water Right &/or Adjudication information: click main menu **on-line data** for that homepage, then click **water right & adjudication search**. For type of query, select **all srba & water rights** then click the **where** tab and enter township, range, section (and maybe $\frac{1}{4}$ or $\frac{1}{4}$ $\frac{1}{4}$ of section). Be sure to choose "Point of Diversion" or "Place of Use" depending on the information you need ("both" means diversion and use within identical search parameters, not that either are within the parameters).

Well Log information: **on-line data**, then **well construction search**. Enter the township, range and section. Results will list information about $\frac{1}{4}$ $\frac{1}{4}$ location in a section. Many well logs have been scanned and are available on the Internet.

Forms, Rules and Statutes: click that main menu item to find this homepage.

If you cannot find any information or have trouble interpreting the information, contact the IDWR staff person on duty each day. This person is called the "office day" person and is available to provide general assistance. Call the office day person at **208-334-2190 between the hours of 8 and 5 Monday through Friday**.

Your cooperation in using the Internet is appreciated. Your help in asking for the "office day" person for general help instead of a particular IDWR staff member helps us improve our efficiency and provide better, more cost effective service to the public. Thank you.

* * * Memory TX Result Report (Feb. 24. 2006 2:30PM) * * *

1) Idaho Dept. of Water Resources
2)

Date/Time: Feb. 24. 2006 2:29PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
3813 Memory TX	93362121	P. 2	OK	

Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5882 - (208) 334-2190

FAX (208) 334-2348

DICK KRAFTHOENE
GeneralKARL J. GREYER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 2-24-06TO: Bill CollinsFROM: Western RegionDOCUMENT DESCRIPTION: Name & some phone #'sfor Buchler application for water right# 65-22938TOTAL PAGES SENT: 1 + COVER SHEETCONTACT: Ann Kruger

CONVERSATION MEMORANDUM

Date 2-23-06

File Bueschler 65-22938

NAME OF PARTY Wm Collins - 336-5200

EMPLOYEE Aue Kueger

RE: Talled Bill Collins. He will call
Dr. Nokes of Lake Irving. & try to get
a verbal withdrawal of protest. He
will let me know & if we received
he will come in & change the
water use dates & initial charges.

2-24-06 - Bill Collins left message - he
got no answers at Nokes. Asked me
for other contacts. I faxed him
names & phone #'s from attendance roster.

RECEIVED

FEB 17 2006

WATER RESOURCES
WESTERN REGION

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS
CHRISTIAN D. COLLINS

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

February 17, 2006

VIA FAX HAND DELIVERY

Mr. John Westra
Western Regional Manager
ID Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Permit No. 65-22938, Walter Buechler

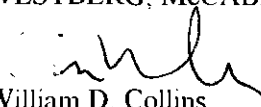
Dear Mr. Westra:

Mr. Buechler has decided to amend the Application to decrease the quantity of water sought from 1.0 cfs to 0.5 cfs and to also reduce the period of use from January 1 through December 31 to a period of use during the non irrigation season of Lake Irrigation District's water rights which I understand to be September 16 through April 30 of each year. I am not aware of a form the Department uses for such an amendment. Therefore, on behalf of Mr. Buechler, the Application is amended as stated above.

If the Department has a form for preparing an amendment to an application, I would be happy to resubmit this request on that form. I have asked the applicant to sign his consent to this amendment and that consent appears below. It is my understanding the Bureau of Reclamation will withdraw its protest based upon this amendment. I would think that the Lake Irrigation District might do the same since there would be no interference with its rights.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.


William D. Collins

CONSENT

Consent to the foregoing Amendment of Application No. 65-22938 is hereby given.

Dated this 17 day of February, 2006.


Walter Buechler

cc: Bureau of Reclamation
Lake Irrigation District
Walter Buechler

RECEIVED

JAN 31 2006

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW

516 WEST FRANKLIN STREET

P.O. BOX 2836

BOISE, IDAHO 83701-2836

WATER RESOURCES
WESTERN REGION

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS
CHRISTIAN D. COLLINS

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

January 30, 2006

Herald Nokes
Lake Irrigation Co.
P.O. Box 644
Lake Fork, Idaho 83635

E. Gail McGarry, Program Manager
U.S. Bureau of Reclamation
1150 N. Curtis Road, Ste. 100
Boise, Idaho 83706-1234

Re: Walter Buechler Application No. 65-22938

Dear Dr. Nokes and Ms. McGarry:

As you know, the Department continued the hearing on Mr. Buechler's Application to appropriate water for recreational use. He and the prior owner of his property have diverted water from a creek and small spring into a pond on his property for about 30 years. Water from the pond flows back into Lake Fork Creek. Each of you have objected to the Application. The Application sought 1.0 cfs of water for recreational purposes with a year round diversion. Since the hearing I have had some correspondence with Ms. McGarry, but no resolution of the protest has been reached.

In talking with Mr. Westra, he suggested that I make a formal request to withdraw your protests if we amended the Application.

In doing some further measurements, the total quantity of water which has and is being diverted is not 1.0 cfs. It is closer to 0.5 cfs. I propose to amend the Application to reduce the quantity of water to 0.5 cfs. I also propose to amend the Application to apply for a water right only during the non-irrigation season.

By making these modifications, I think that the Irrigation District would no longer have an objection since its water rights do not comprise a storage right below the point of diversion.

As you know, this would not be the case with respect to the Bureau since it is storing Lake Creek water in Cascade Reservoir during the non-irrigation season. However, as outlined in my prior correspondence to Ms. McGarry, the loss of water to the Bureau would be diminimus. Also, the

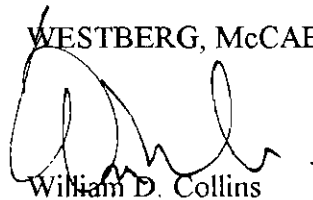
Herald Nokes
E. Gail McGarry, Program Manager
January 30, 2006
Page 2

Büechler right would be junior to that of the Bureau and, in times of scarcity, the diversion would have to be curtailed. However, I do not believe that the Bureau would be receiving any more water if the diversion did not occur. The diversion probably has the effect of causing Lake Fork Creek to carry more water later in the year.

I would like to hear back from each of you by February 15.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.



William D. Collins

WDC:mrs

cc: ✓ John F. Westra
Walter Büechler

CONVERSATION MEMORANDUM

DATE 12/15/05FILE 65-22938NAME OF PARTY William Collins Attorney - ApplicantEMPLOYEE J. Westra, Western Ry. JFWRE: Application for Permit 65-22938Dept. letter of 12/13/05 - Had received

Mr. Collins called to discuss the status of the application. He is proposing reducing the rate of flow and period of use to the winter months. He is making the pitch to the irrigation district and BOR. Mr. Collins stated, he was having trouble getting a response from Gail at BOR. I suggested, he contact Ruth Page as a alternate. I stated, if they need more time beyond Febury 1st 2006 we would work with them. This memo will be considered a formal response to the Dept. letter of 12/13/05.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 13, 2005

William D. Collins, Attorney
Westberg, McCabe & Collins, CTD.
516 West Franklin Street
PO Box 2836
Boise ID 83701-2836

RE: Contested Application for Permit #65-22938-Buechler

Dear Mr. Collins:

In late October, the Department sent an inquiry letter requesting the status of the above described contested application. Our office recently processed the Hart protest withdrawal, but the Lake Irrigation District and Bureau of Reclamation protests still remain. There has been no response or communication from you since June 28, 2005.

If you feel settlement efforts have been exhausted, the Department will schedule a hearing at your request. However, if you can not reach a protest settlement by **February 1, 2006**, the Department will schedule a hearing in March-April 2006.

Please forward your client's intentions and current status of the application. A withdrawal form is enclosed if you desire to withdraw the application.

Should you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "John Westra".

John Westra,
Western Regional Manager

cc: Lake Irrigation Dist., BOR



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 8, 2005

MARCHELLE HART
PO BOX 1311
MCCALL ID 83638

Re: Application for Permit No. 65-22938 in the Name of Walter Buechler

Dear Protestant:

This letter is to acknowledge your withdrawal of protest of the above-referenced application for permit.

There are still protests pending by Lake Irrigation Co. and the Bureau of Reclamation against the application, therefore, we will hold this application in our protest drawer pending further processing.

If you have any questions please call this office.

Sincerely,

John Westra
Western Regional Manager

JW:sk

CC: LAKE IRRIGATION CO
C/O HERALD NOKES
PO BOX 644
LAKE FORK ID 83635

WILLIAM COLLINS
WESTBERG, MCCABE & COLLINS CTD
PO BOX 2836
BOISE ID 83701-2836

US BUREAU OF RECLAMATION
E GAIL MCGARRY PN 3100
1150 N CURTIS RD STE 100
BOISE ID 83706

WALTER BUECHLER
1192 E BRAEMERE RD
BOISE ID 83702



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RECEIVED

NOV 07 2005

WATER RESOURCES
WESTERN REGION

October 27, 2005

William D. Collins, Attorney
Westberg, McCabe & Collins, CTD.
516 West Franklin Street
PO Box 2836
Boise ID 83701-2836

RE: Application for Permit #65-22938-Buechler

Dear Mr. Collins:

The purpose of this letter is to request the status and negotiation progress for the above contested application. My last conversation with you was on June 28th; you then wished to continue negotiating with the protestants. We have not communicated since.

If settlement efforts have been exhausted, the Department will schedule a hearing at your request. Please provide the Department with the current application status, and the applicant's intentions by December 1, 2005.

Sincerely,

John Westra,
Western Regional Manager

cc: Lake Irrigation Dist., BOR, M. Hart

Dear John,

*I am no longer protesting this water
right application. I apologize for
not letting you know sooner.*

*M. Hart
634-0572*

11/3/05



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 27, 2005

William D. Collins, Attorney
Westberg, McCabe & Collins, CTD.
516 West Franklin Street
PO Box 2836
Boise ID 83701-2836

RE: Application for Permit #65-22938-Buechler

Dear Mr. Collins:

The purpose of this letter is to request the status and negotiation progress for the above contested application. My last conversation with you was on June 28th; you then wished to continue negotiating with the protestants. We have not communicated since.

If settlement efforts have been exhausted, the Department will schedule a hearing at your request. Please provide the Department with the current application status, and the applicant's intentions by December 1, 2005.

Sincerely,

John Westra,
Western Regional Manager

cc: Lake Irrigation Dist., BOR, M. Hart

Return Call
CONVERSATION MEMORANDUM

DATE 6/28/05

FILE LS-22938

NAME OF PARTY William Collins, Attorney

Protested.

EMPLOYEE J. Westra

RE: Resolution of Protest / Status of Application

I called Mr. Collins to discuss the status of the
protested application. Mr. Collins felt he would like to
continue working toward a resolution with irrigation district
rather than going to a hearing. We discussed several
possible solutions:

- divert water to the pond in only the old irrigation
season. Oct - May ??

- Compensate evaporation losses to the pond with
except domestic well. 25.00 gal/day.

- argue that spreading water over wetlands more evaporate loss the pond.
He would contact Dr. Nokes. Agreed to call up file
in 30 days. to find out status - hear next.

Call up August 1st

RECEIVED

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836

MAY 25 2005

WATER RESOURCES
WESTERN REGION

PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS
CHRISTIAN D. COLLINS

FAX
(208) 336-2121

TELEPHONE
(208) 336-5200

May 24, 2005

**VIA FAX 334-2348
AND REGULAR MAIL**

Mr. John Westra
Western Regional Manager
ID Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Permit No. 65-22938
Walter Buechler

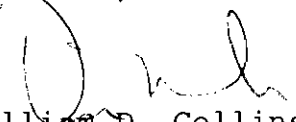
Dear Mr. Westra:

At our prehearing conference held April 25, no resolution of various protests was reached. However, I requested an additional thirty days to see what might be agreed upon. As of this point, no agreement has been reached with the protestants. Therefore, I see no alternative but to request that the hearing be held. However, I have still some ideas that have not been tried. If it is proper, I would like to talk with you on matters of a somewhat general nature once you are available.

If that is permissible, please give me a call.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.


William D. Collins

WDC:mrs
cc: Walter Buechler

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW

516 WEST FRANKLIN STREET

P.O. BOX 2836

BOISE, IDAHO 83701-2836

**PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS
CHRISTIAN D. COLLINS**

**FAX
(208) 336-2121**

**TELEPHONE
(208) 336-5200**

FACSIMILE TRANSMISSION COVER PAGE

CONFIDENTIALITY NOTICE - This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named below. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, immediately notify us by telephone to arrange for return of the documents.

TO: John Westra

RE: Application for Permit No. 65-22938

FAX # : 334-2348

FROM: William D. Collins

DATE: May 24, 2005

NUMBER OF PAGES: 2 (including cover page)

SENT BY: Margaret

CONTENTS: 1. Letter of 05/24/05, William D. Collins to
Mr. John Westra

COMMENTS:

NOTE: If you do not receive the total number of pages indicated, please call the sending individual listed above

WESTBERG, McCABE & COLLINS, CTD.

ATTORNEYS & COUNSELORS AT LAW

516 WEST FRANKLIN STREET

P.O. BOX 2836

BOISE, IDAHO 83701-2836

**PAUL L. WESTBERG
THOMAS J. McCABE
WILLIAM D. COLLINS
CHRISTIAN D. COLLINS**

**FAX
(208) 336-2121**

**TELEPHONE
(208) 336-5200**

May 24, 2005

**VIA FAX 334-2348
AND REGULAR MAIL**

Mr. John Westra
Western Regional Manager
ID Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Application for Permit No. 65-22938
Walter Buechler

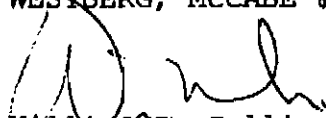
Dear Mr. Westra:

At our prehearing conference held April 25, no resolution of various protests was reached. However, I requested an additional thirty days to see what might be agreed upon. As of this point, no agreement has been reached with the protestants. Therefore, I see no alternative but to request that the hearing be held. However, I have still some ideas that have not been tried. If it is proper, I would like to talk with you on matters of a somewhat general nature once you are available.

If that is permissible, please give me a call.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.


William D. Collins

WDC:mrs
cc: Walter Buechler

Prehearing Conference Notes

Bueckler Application for Permit #65-22938

From: J. Westra
Date: 4/25/05

Attendance- See attached roster

The conference opened with the applicant presenting the project to the group. The applicant would like to dredge/deepen an existing pond near Lake Fork Creek. Flows from a natural draw to an excavated ditch are the pond source. Shallow ground water and a spring are additional sources listed on the application. The applicant believes the pond was excavated in the 1970's. The beneficial use would be recreation and recreation storage. Mr. Collins described references and landmarks on a colored project map passed to the group. Beaver have made several dams along the ditch.

The Lake Irrigation District representatives stated the ditch on the Bueckler property was excavated in the 1950s for drainage of the property, swamp. The Irrigation District has no control on the ditch other than a spill exit for their canal above. Flow should naturally go down the draw directly into Lake Fork Creek, but follows the ditch now, see map. The natural draw pond source is actually waste water from district land irrigated upstream and is normally dry. The Irrigation district rediverts all Lake Fork Creek into the Mahala Ditch just downstream across Lake Fork Rd. The applicant would be taking storage water from the district. The Bueckler property is not part of the irrigation district, but is located within the district boundaries.

BOR has concerns about injury related to Cascade Reservoir, and the SRBA agreement regarding water rights junior to 1977 on separate listed streams. The application would be considered tributary to the Payette River and regulated by WD 65. Cascade Reservoir storage rights (1937 priority) and Black Canyon natural flow rights (1938 priority) would be injured.

Marcelle Hart protested on the fact she did not know the application location and proposal. She had talked with the applicant previously. Her property and water rights were upstream on the same draw, so she would not be effected.

I discussed, that shallow ground water that near to Lake Fork Creek is considered Creek water by the Department. It appears the waste water resulting from usage of irrigation district is still under their control and within the district boundaries, therefore the water is still considered theirs. They can redivert it for use at the Mahala Ditch downstream. There is also no natural flow available for new allocation once the creek goes on storage flow from Little Payette Lake.

The protestants requested that they meet alone to discuss options. They later reported to the applicant they could not come up any solutions. I discussed the options that might be chosen by the applicant:

- Continue with the hearing process for the application. The burden of proof rests with the applicant. Proof must be made water is available for allocation
- Withdraw the application
- Find an existing water rights to mitigate injury to senior water users.

It was decided to allow the applicant 30 days to provide the Department with a decision. None of the protestants were willing to withdraw their protests.

Follow-up: Check back with the applicant in 30 days for status.

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES 2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Permit No. 65-22938 in the Name of Walter Buechler

Place: McCall Library

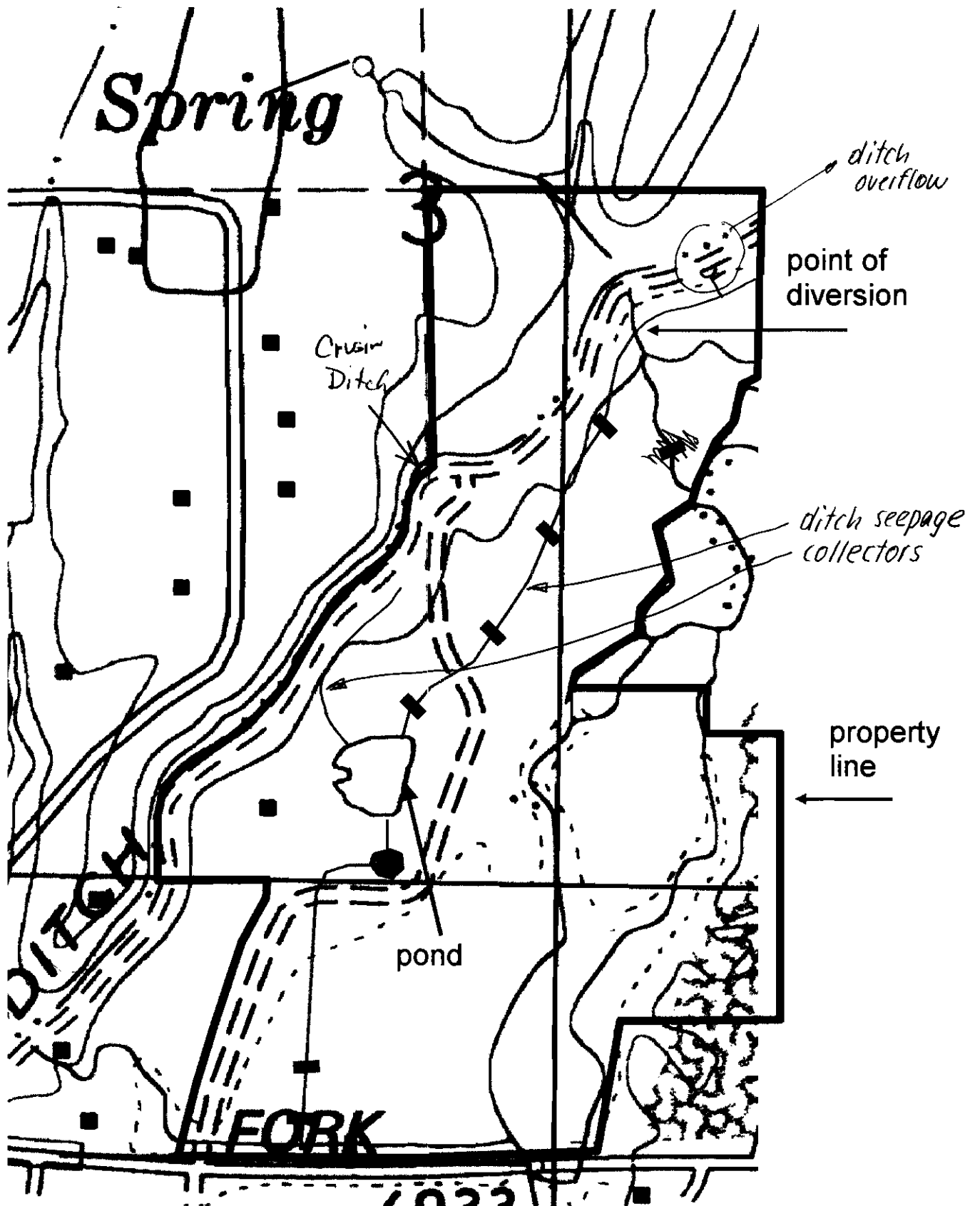
Date: Monday, April 25, 2005

Conducted by: John Westra

NAME

ADDRESS

Walter Buechler	1192 E. Braemere Rd., Boise, ID 83702
Dotty Douglas	1192 E. Braemere Rd, Boise, ID 83702
William D. Collins	P.O. Box 2836, Boise, ID 83701
~~Harvey N. Sorenson~~	~~Box 457 Lake for 6 miles~~
John Keedon	370 Knights Rd McCall
HERALD NOKES	1270 Elm Rd, McCall
RUTH PAGE	1130 N. Curtis Rd Boise (BOR)
RICK WELLS	230 COLLINS RD., BOISE, ID
WARREN SKIDWICK	P.O. Box 270 CASCADE ID 83411
Gail McGarry	1150 N. Curtis Rd, Boise ID 83706
Marcelle Host	- arrived late. JFW



1000 feet



Beaver dams



WILLIAM D. COLLINS
Idaho State Bar No. 1054
WESTBERG, McCABE & COLLINS, CTD.
ATTORNEYS & COUNSELORS AT LAW
516 WEST FRANKLIN STREET
P.O. BOX 2836
BOISE, IDAHO 83701-2836
FACSIMILE: (208) 336-2121
TELEPHONE: (208) 336-5200
ATTORNEYS FOR BÜECHLER

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

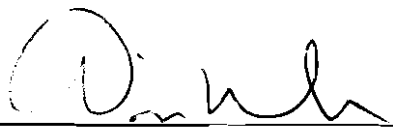
IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-22938 IN THE) NOTICE OF APPEARANCE
NAME OF WALTER BÜECHLER)
_____)

TO: DEPARTMENT OF WATER RESOURCES and all parties of record:

YOU ARE HEREBY NOTIFIED that WILLIAM D. COLLINS, attorney at law, of the firm of WESTBERG, McCABE & COLLINS, Ctd., with offices at 516 West Franklin Street, P.O. Box 2836, Boise, Idaho 83701-2836, hereby enters an appearance as attorney of record for Walter Büechler, and the Administrative Assistant is hereby requested to make such entries as may be required to record such appearance.

DATED this 25 day of April, 2005

WESTBERG, MCCABE & COLLINS, CTD.

By 

William D. Collins
Attorneys for Büechler

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25 day of April, 2005, a true and correct copy of the foregoing document was served by first-class mail, postage prepaid, and address to; by FAX transmission addressed to; or by personally delivering to or leaving with a person in charge of the office; or by Federal Express; or if "E-mail" is indicated it was sent via e-mail to the person at his or her e-mail address, as indicated below:

Lake Irrigation District
P.O. Box 644
Lake Fork, ID 83635

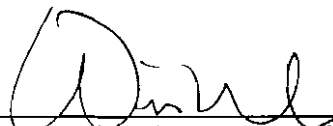
☒ U.S. Mail
☐ FAX ()
☐ Hand Delivery
☐ Federal Express
☐ via e-mail:

E. Gail McGarry
PN-3100
Bureau of Reclamation
1150 North Curtis Rd., Ste. 100
Boise, Idaho 83706

☐ U.S. Mail
☐ FAX ()
☒ Hand Delivery
☐ Federal Express
☐ via e-mail:

Marchelle Hart
P.O. Box 1311
McCall, Idaho 83638

☐ U.S. Mail
☐ FAX ()
☒ Hand Delivery
☐ Federal Express
☐ via e-mail:



William D. Collins

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 65-2927J

WATER RIGHT NUMBER: 65-2927J

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	US DEPT OF INTERIOR BUREAU OF RECLAMATION 1150 N CURTIS RD STE 100 BOISE, ID 83706-1234 (208) 378-5306
Current Owner	BLACK CANYON IRRIGATION DIST PO BOX 226 NOTUS, ID 83656 (208)459-4141

Priority Date: 12/24/1937

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK PAYETTE RIVER	PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION FROM STORAGE	4/01 to 11/10		240,000.00 AF
IRRIGATION STORAGE	1/01 to 12/31		240,000.00 AF
	<u>Total Diversion:</u>		240,000.00 AF

Location of Point(s) of Diversion

NORTH FORK PAYETTE RIVER VALLEY County	L5 ()	Sec. 26, Twp 14N, Rge 03E, B.M.
NORTH FORK PAYETTE RIVER VALLEY County	L1 (NE1/4NE1/4)	Sec. 26, Twp 14N, Rge 03E, B.M.

Place of Use

Conditions of Approval:

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 65-2927J

1. General WATER USES, CONTINUED: 19.23% OF THE TOTAL ACTIVE CAPACITY OF CASCADE DAM RESERVOIR AMOUNTING TO THE ESTIMATED EQUIVALENT OF 125,000 AFA ANNUALLY TO BE CREDITED TO BCID STORAGE FROM FIRST INFLOW STORED DURING EACH WATER YEAR. KNOWN AS "PREFERRED CAPACITY". 21.9% OF THE REMAINING TOTAL ACTIVE CAPACITY OF CASCADE DAM AND RESERVOIR AFTER DEDUCTING THE PREFERRED CAPACITY ABOVE (21.9% OF 80.77%). THIS AMOUNT IS ESTIMATED TO BE EQUIVALENT TO 115,000 AFA AND IS KNOWN AS "REMAINING CAPACITY". THE REMAINING CAPACITY FILLS PROPORTIONATELY WITH OTHER CONTRACTED AND UNCONTRACTED SPACEHOLDERS IN THE SAID RESERVOIR AFTER THE PREFERRED CAPACITY IS SATISFIED.
PLACE OF USE, CONTINUED: LANDS WITHIN THE BOUNDARIES OF BCID CONSISTING OF 53,200 ACRES, MORE OR LESS, IN TOWNSHIPS 4, 5, 6 AND 7 NORTH, RANGES 2, 3, 4 AND 5, WEST OF B.M.
THIS CLAIM IS AN OVERLAPPING CLAIM WITH CLAIM NO. A65-02927A REPRESENTING 745,200 AFA WHICH IS THE TOTAL CAPACITY OF CASCADE DAM AND RESERVOIR FILED BY THE UNITED STATES OF AMERICA, ACTING THROUGH THE REGIONAL DIRECTOR, PACIFIC NORTHWEST, BUREAU OF RECLAMATION, BOISE, IDAHO. THE U.S. HOLDS THE LICENSE AND DECREEED RIGHT TO WATER RIGHT A65-02927, WHICH INCLUDES THIS CLAIM OF BCID, FOR THE ACTUAL USE AND BENEFIT OF BCID, AND BCID DOES DIVERT, USE AND APPLY THE WATER FROM SAID RIGHT UPON THE BCID LANDS DESCRIBED ABOVE. A WRITTEN CONTRACT BETWEEN BCID AND THE U.S. DATED SEPTEMBER 2, 1954, CONTRACT NO. 14-06-W.70 DOES CONTAIN PROVISIONS WHEREBY SAID WATER RIGHT SHALL BE MADE AVAILABLE TO BCID. SAID CONTRACT IS DEEMED INCORPORATED HEREIN AND A COPY THEREOF RECORDED AS INSTRUMENT NO. 414456, RECORDS OF CANYON COUNTY, IDAHO, AND IN THE RECORDS OF THE DEPARTMENT OF WATER RESOURCES, STATE OF IDAHO, BOISE, IDAHO.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 65-2433C

WATER RIGHT NUMBER: 65-2433C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	US DEPT OF INTERIOR BUREAU OF RECLAMATION 1150 N CURTIS RD STE 100 BOISE, ID 83706-1234 (208) 378-5306
Current Owner	BLACK CANYON IRRIGATION DIST PO BOX 226 NOTUS, ID 83656 (208)459-4141

Priority Date: 09/19/1938

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PAYETTE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1,200.000 CFS	

Total Diversion: 1,200.000 CFSLocation of Point(s) of Diversion

PAYETTE RIVER	L6 ()	Sec. 22, Twp 07N, Rge 01W, B.M.
GEM County		

Place of UseConditions of Approval:Remarks:

1. General THIS CLAIM IS AN OVERLAPPING CLAIM WITH CLAIM NO. A65-02433 FILED BY THE UNITED STATES OF AMERICA, ACTING THROUGH THE REGIONAL DIRECTOR, PACIFIC NORTHWEST, BUREAU OF RECLAMATION, BOISE, IDAHO. THE U.S. HOLDS THE LICENSE AND DECREEED RIGHT TO WATER RIGHT A65-02433, WHICH INCLUDES THIS CLAIM OF BCID, FOR THE ACTUAL USE AND BENEFIT OF BCID, AND BCID DOES DIVERT, USE AND APPLY THE WATER FROM SAID RIGHT UPON THE BCID LANDS DESCRIBED ABOVE. A WRITTEN CONTRACT BETWEEN BCID AND THE U.S. DATED SEPTEMBER 2, 1954, CONTRACT NO. 14-06-W.70 DOES CONTAIN PROVISIONS WHEREBY SAID WATER RIGHT SHALL BE MADE AVAILABLE TO BCID. SAID CONTRACT IS DEEMED INCORPORATED HEREIN AND A COPY THEREOF RECORDED AS INSTRUMENT NO. 414456, RECORDS OF CANYON COUNTY, IDAHO, AND IN THE RECORDS OF THE DEPARTMENT OF WATER RESOURCES, STATE OF IDAHO, BOISE, IDAHO.
PLACE OF USE IS THE LANDS WITHIN THE BOUNDARIES OF BCID CONSISTING OF 53,200 ACRES, MORE OR LESS, IN TOWNSHIPS 4, 5, 6, AND 7 NORTH, RANGES 2, 3, 4 AND 5, WEST OF B.M.

from conclusions of law, Payette River Adjudication

beneficial use prior to May 20, 1971, for surface waters and prior to March 25, 1963, for groundwater sources. Nonreserved water rights acquired after these dates must be based upon statutory compliance. All existing water rights of the United States within the Payette River Drainage Basin, whether consumptive or nonconsumptive, are recommended herein.

3) An adjudication of water rights should recognize the past history of water use in the area. Since there exist numerous and separate decrees on tributaries to the Payette River, and since users on these stream systems have distributed their waters under direction of a watermaster independently and without regard for prior uses on the Payette River proper, the water users on those tributaries or water sources have adversed or prescribed any prior right to demand water from the tributary streams to fill rights on the Payette River proper. For the purposes of water distribution in the Payette River Drainage Basin, water rights from the following sources, to the extent recommended herein, are not considered junior to water rights from the Payette River:

1. Big Willow Creek, tributary to Payette River, and tributaries,
2. Boulder Creek, tributary to Cascade Reservoir, and tributaries,
3. Campbell Creek, tributary to Cascade Reservoir, and tributaries,
4. Lake Fork Creek, tributary to Cascade Reservoir, and tributaries,
5. Little Willow Creek, tributary to Payette River, and tributaries,
6. Porter Creek, tributary to Payette River, and tributaries,
7. Richards Creek, tributary to South Fork Payette River, and tributaries,
8. Rock Creek (Richards Creek), tributary to Cascade Reservoir, and tributaries,
9. Scriver Creek, tributary to Middle Fork Payette River, and tributaries,
10. Squaw Creek, tributary to Payette River, and tributaries,
11. Warm Springs Creek, tributary to Middle Fork Payette River, and tributaries,
12. Willow Creek, tributary to Cascade Reservoir, and tributaries.

Appropriations of water after October 18, 1977, on the above streams or any other water source or stream in the Payette River Drainage Basin, however, are considered to be tributary to the Payette River proper for the purposes of distribution. *

Water sources or creeks not included in the listing above are tributary to the Payette River for the purposes of distribution if in fact water from the water source or creek would eventually reach the Payette River.

4) The consumptive use of water for irrigation purposes in the Payette River Drainage Basin has been determined to be dependent upon location of use as shown in Figure 2. The Director of the Department of Water Resources will be guided by this determination in authorizing changes requested pursuant to Section 42-222 Idaho Code or pertinent case law. Regulation of diversion for irrigation purposes by the Department of Water Resources will be on the basis of the rates of diversion herein specified rather than by the acre-feet allotment.

5) The rates of diversion recommended are generally based on .02 CFS (one miner's inch) per acre with consideration given for reasonable losses incurred dependent on the nature of the conveyance system.

* Also see settlement language in SRBA decrees re separate streams

B.S. 65 "SEPARATE STREAMS" ETC.

1938 Black Canyon
1903

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



ROGER BURDICK
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

March 7, 2003

Settlement language
from SRBA c Rs. 65
Attention Water Right Claimant,

Enclosed is an *Amended Partial Decree* which amends and supercedes the partial decree previously issued for your water right to contain the following provision:

1) Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations after October 18, 1977.

2) This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in event of injury.

The provision was recommended in the *Special Master's Report and Recommendation* to be included in the *Partial Decree* for your water right, but was inadvertently omitted due to a clerical error.

Should you have any questions regarding this matter, please contact the Clerk of the Court for the SRBA at (208) 736-3011.

Sincerely,

Diana Delaney

DD:sb
Enc.

1) "SEPARATE STREAMS" RE EARLIER PAYETTE RIVER ADJUDICATION N/A TO PRIORITIES YOUNGER THAN 10/18/1977.

2) "SEPARATE STREAMS" CAN BE OVERTURNED IN A FILING BASED ON 42-222 (TRANSFERS OR EXTENSIONS OF TIME TO AVOID FORFEITURE)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 30, 2005

McCALL LIBRARY
218 E PARK ST
MCCALL ID 83638

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Monday, April 25, 2005, at 10:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

A handwritten signature in cursive script that reads 'Sue Kreger'.

Sue Kreger
Administrative Assistant

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-22938 IN THE)
NAME OF WALTER BUECHLER)
_____)**

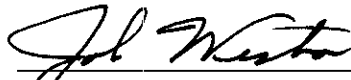
**NOTICE OF PREHEARING
CONFERENCE**

On January 24, 2005 Walter Buechler filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Lake Irrigation Co., the Bureau of Reclamation and Marchelle Hart.

IDWR has scheduled a prehearing conference for the protest to be held on **Monday, April 25, 2005 at 10:00 am at the McCall Library, 218 Park St., McCall Idaho 83638**. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR at least ten (10) days prior to the conference.

Dated this 30th day of March 2005.

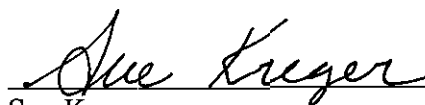


JOHN WESTRA

Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of March 2005, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:



Sue Kreger
Administrative Assistant

WALTER BUECHLER
1192 E BRAEMERE RD
BOISE ID 83702

LAKE IRRIGATION CO
C/O HERALD NOKES
PO BOX 644
LAKE FORK ID 83635

GAIL MCGARRY
US BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

MARCHELLE HART
PO BOX 1311
MCCALL ID 83638

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 29, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LAKE IRRIGATION CO
C/O HERALD NOKES
PO BOX 644
LAKE FORK ID 83635

GAIL MCGARRY
US BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

MARCHELLE HART
PO BOX 1311
MCCALL ID 83638

Re: Application for Permit No. 65-22938 in the Name of Walter Buechler

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

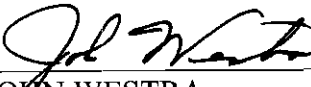
1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for Monday, April 25, 2005 at McCall Library, McCall, Idaho 83638. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If this office can be of further assistance, please contact us.

Sincerely,



JOHN WESTRA
Western Regional Manager

JW:sk

Encl: Copy of Application
Notice of Prehearing Conference



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 29, 2005

WALTER BUECHLER
1192 E BRAEMERE RD
BOISE ID 83702

Re: Application for Permit No. 65-22938

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for Monday, April 25, 2005 at the McCall Library, McCall, Idaho 83638. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Please contact this office if you have questions regarding this procedure.

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:sk

Enclosure: Copy of protest(s)
Notice of Conference

APPLICATIONS CHECKLIST FOR **PROTESTED** FILES

APPLICATION NO: 63-22938 APPLICANT: Buechler

- ☒ Green sticker on file ☒ Protest information sheet
- ☐ Put protest names & date in data base ☐ Change bar code ☐ Put protest in apps.lis
- ☐ Reserve Room ☐ Protest letters ☐ Conference notices
- ☐ Copies to vault (Debbie Gibson) ☐ Copies of interventions to vault
- ☐ Copy of conference changes to Gary (Debbie G.)
- ☐ Make sure rooms are handicap approved
- ☐ Double check mailing list. ☐ Attendance sheet ☐ Room confirmation letter
- ☐ Put conf. dates on John's calendar, and ☐ Sue's calendar ☐ Western's calendar

TRANSFER

- ☐ Scan legal notice ☐ Scan affidavit ☐ Scan protests ☐ Scan prot/conf documents
- ☐ E-mail protest info to Debbie Gibson

PROTEST OR APPLICATION WITHDRAWN

- ☐ Protest withdrawn ☐ Application withdrawn
- ☐ Change bar code ☐ Change apps.lis ☐ Change database
- ☐ Put protest WD in database ☐ If conditions, send letter to applicant
- ☐ Sent to S.O. (Kari Lynn) Date _____

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 21 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application 65-22938 in the name of Walter Brueckler
2. Name of protestant Marcella Hart
3. Protestant's Representative for service (If different than protestant)
N/A
4. Service mailing address P.O. Box 1311 McCall, ID. 83638
5. Service telephone no. (208) 634-0572

6. Basis of protest (including statement of facts and law upon which the protest is based)

Idaho Code 42-106 Priority - my concern is that Mr. Brueckler's
application for a pond does not in anyway damage or existing water
rights + application [45-4213, 45-4214, 45-22915]
(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Please show me that the source of water
for the unnamed stream is from a spring and not from
the unnamed stream from an existing pond.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 17th day of March, 2005
2000

Marcella Hart
Protestant

Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by DB Date 3-21-05 Time 12:00 pm
\$25.00 fee Receipted by DB # W032699 Date 3-21-05

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 21 2005
WATER RESOURCES
WESTERN REGION

NOTICE OF PROTEST

This form may be used to file a protest with the department under section 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all the necessary information.

1. Matter being protested Application for Permit No. 65-22938 in the name of Walter Buechler, 1192 E. Braemere Rd. Boise, ID 83702

2. Name of Protestant United States Department of Interior Bureau of Reclamation

3. Protestant's representative for service (if different than Protestant)
E. Gail McGarry, Manager Water Rights and Acquisition, Pacific Northwest Regional Office, Bureau of Reclamation.

4. Service mailing address
E. Gail McGarry, PN-3100, Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706.

5. Service telephone number E. Gail McGarry (208) 378-5306

6. Basis of protest (including statement of facts and law upon which the protest is based)
Injury to Reclamation project water rights.

7. What would resolve your protest? Unknown

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 21st day of March, 2005

United States

PROTESTANT

E. Gail McGarry

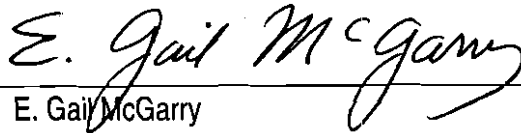
PROTESTANT'S REPRESENTATIVE

Certificate of Service

The undersigned does hereby certify that on this 21st day of March 2005, he or she caused a true and correct copy of the Protest Application for Permit No. 65-22938 transmitted by the following means:

Original hand delivered to:
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

U.S. mail to:
Walter Buechler
1192 E. Braemere Rd
Boise, ID 83702



E. Gail McGarry

Idaho Department of Water Resources Receipt

Receipt ID W032699

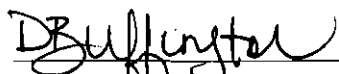
Payment Amount	\$25.00	Date Received	3/21/2005 1:07:45 PM	Region	Western	Status	
Payment Type	Check	Check Number	2478				

Payer HART, DARYL E (OR) MARCHELLE D

Comment NOTICE OF PROTEST: 65-22938

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	62103	1155



Signature Line (Dept. Representative)

Idaho Department of Water Resources Receipt

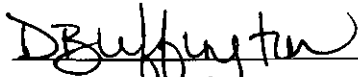
Receipt ID W032683

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	PROTESTS	0229	21	62103	1155



Signature Line (Dept. Representative)

RECEIVED

MAR 16 2005

WATER RESOURCES
WESTERN REGION

LAKE IRRIGATION DISTRICT

PO BOX 644
LAKE FORK, ID 83635

March 10, 2005

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Id 83705-5082

Re: Water Right Application No. 65-22938

To Whom It May Concern:

The Lake Irrigation District hereby protests the water right application No. 65-22938 as submitted by Walter Buechler. The subject water is under the control and administration of the Lake Irrigation District.

Thank you for your time in this matter.

Sincerely,

Herald Nokes

Chairman



\$25 - DB 3-16-05 W032683

Buechler

<u>Basin</u>	<u>Seq</u>	<u>Basis</u>	<u>Priority</u>	<u>Rate(cfs)</u>	<u>Vol(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
65	2355	Decreed	7/20/1928	0.5		PINE CREEK	IRRIGATION	MAYBACH, DOROTHY TRABERT	wrAdjudicationClaim
65	2356	Decreed	7/20/1928	2.7		PINE CREEK	IRRIGATION	CRUZEN RANCH	wrAdjudicationClaim
65	2355	Decreed	7/20/1928	0.5		UNNAMED STREAM	IRRIGATION	MAYBACH, DOROTHY TRABERT	wrAdjudicationRecomm
65	2356	Decreed	7/20/1928	2.7		UNNAMED STREAM	IRRIGATION	BETTIS, HARRY L	wrAdjudicationRecomm
65	2355	Decreed	7/20/1928	0.5		PINE CREEK	IRRIGATION	MAYBACH, DOROTHY TRABERT	wrWaterRight
65	2356	Decreed	7/20/1928	2.7		PINE CREEK	IRRIGATION	CRUZEN, EDWARD A	wrWaterRight
65	8035	Decreed	4/1/1948	0.04	1.2	GROUND WATER	DOMESTIC	JARVIE, CARL S	wrWaterRight
65	9694	Decreed	5/27/1975	0.04	1.2	GROUND WATER	DOMESTIC	HAWKINS, CHARLES E	wrWaterRight
65	10247	Decreed	5/15/1974	0.04	1.2	GROUND WATER	DOMESTIC	DONICA, PAT D	wrWaterRight
65	12929	License	11/4/1988	0.04	1	GROUND WATER	COMMERCIAL, DOMESTIC	OWSLEY, LESLIE G ; OWSLEY, PATRICIA L	wrWaterRight

2/8/2005

Idaho Dept. of Water Resources Place of Use Comparison Report

Page1

Type	WR #	Owner	Source	TRS	NESW	SESW	Total
Right	65-10245	S G M IRREVOCABLE TRUST,	GROUND WATER	17N03E3	X		0
Right	65-10247	PAT D DONICA,	GROUND WATER	17N03E3		X	0
Right	65-12929	LESLIE G OWSLEY, PATRICIA L OWSLEY,	GROUND WATER	17N03E3		X	0
Right	65-19619	JAMES R NEWCOMB, LORRAINE G NEWCOMB,	GROUND WATER	17N03E3	X		0
Right	65-7478	R D HEINZMANN, CONNIE M HEINZMANN,	GROUND WATER	17N03E3	X		0
Right	65-7478	R D HEINZMANN, CONNIE M HEINZMANN,	GROUND WATER	17N03E3		3	3
Right	65-7478	R D HEINZMANN, CONNIE M HEINZMANN,	GROUND WATER	17N03E3	X		0
Right	65-8035	CARL S JARVIE,	GROUND WATER	17N03E3		X	0
Right	65-9694	CHARLES E HAWKINS,	GROUND WATER	17N03E3		X	0
Rec	65-3218	LAKE IRRIGATION DIST,	LAKE FORK	17N03E3	X	X	0
Rec	65-3219A	LAKE IRRIGATION DIST,	LITTLE PAYETTE LAKE	17N03E3	X	X	0
Rec	65-3219X	LAKE IRRIGATION DIST,	LITTLE PAYETTE LAKE	17N03E3	X	X	0
Right	65-9491	SYLVIA MC CLAIN,	POND	17N03E3	X		0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-2340A V1

WATER RIGHT NUMBER: 65-2340A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HENRY NORTUNE PO BOX 130 DONNELLY, ID 83615 (208)325-8720
Current Owner	BETTE NORTUNE C/O SANDRA METZKER PO BOX 1073 NORTH PLAINS, OR 97133 (503) 647-5372

Priority Date: 05/03/1926

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	LAKE FORK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.430 CFS	
	<u>Total Diversion:</u>	0.430 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NW1/4NW1/4NE1/4	Sec. 10, Twp 17N, Rge 03E, B.M.
VALLEY County	(Rediversion)	
UNNAMED STREAM	SE1/4NW1/4SE1/4	Sec. 3, Twp 17N, Rge 03E, B.M.
VALLEY County	(Injection)	

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	03E	34																	34.0

Total Acres: 34

Conditions of Approval:

1. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-2340A V1

2. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 65-02519A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.0 CFS.
2. Explanatory WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 65-02519A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 50 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. AJU10-JS 9/24/1999 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 65
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1		50

Combined Water Rights: 65-2340A , 65-2519A

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-2340A V1

SubCase:

SubCase Number: 65-2340A

Class: 1

SF5 Filed Date: 9/20/2002

Special Master Recorn Signed Date: 10/29/2002

Attorney Assigned:

Adjudication Agent:

Basis of Claim: Decreed

Date Filed: 6/9/2000 Objection Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-2340B V1

WATER RIGHT NUMBER: 65-2340B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARRY L BETTIS 10775 SUCKER CREEK RD PAYETTE, ID 83661 (208)365-2512
Current Owner	HARRY L BETTIS STAR RT PAYETTE, ID 83661 (208)365-2512
Attorney	JOSEPHINE P BEEMAN BEEMAN & ASSOCIATES PC 409 W JEFFERSON ST BOISE, ID 83702 (208)331-0950
Directors Report Owner	JAMES L CRUICKSHANK TRUST RT 1 BOX 70 MC CALL, ID 83638 (208)325-8549

Priority Date: 05/03/1926

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	LAKE FORK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	1.965 CFS	
	<u>Total Diversion:</u>	1.965 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NW1/4NW1/4NE1/4	Sec. 10, Twp 17N, Rge 03E, B.M.
VALLEY County	(Rediversion)	
UNNAMED STREAM	SE1/4NW1/4SE1/4	Sec. 3, Twp 17N, Rge 03E, B.M.
VALLEY County	(Injection)	

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	03E	34	39.0	36.0	39.0	40.0													154.0

Total Acres: 154

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 65-2340B V1

1. C18 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.
2. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
3. W29 USE OF THIS RIGHT IS COMBINED WITH WATER FROM MAHALA DITCH CO.

Remarks:

1. Quantity THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 65-03158B & 65-03159B SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE MEASURED AT FIELD HEADGATE.
2. Explanatory WATER IS DELIVERED THROUGH MAHALA DITCH IN SECTION 10.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED AS T17N, R03E, S10. NWNWNE: 65-03158B & 65-03159B.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 154 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 65-03158B & 65-03159B.

Comments:

1. AJU10-JS 9/24/1999 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

2. DBUFFING 1/4/2000 NAME CHANGE - OWNERSHIP CHANGE

Comment: THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS AN OWNERSHIP CHANGE.

Dates and Other Information:

Decreed Date: 1/14/2003
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Owner Name Connector:
 Water District Number: 65
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		154

Combined Water Rights: 65-3158B , 65-3159B , 65-2340B

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 65-2340B V1

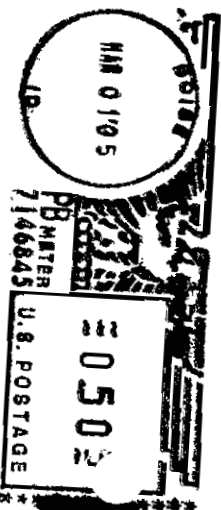
SubCase:

SubCase Number: 65-2340B
Class: 1
SF5 Filed Date: 9/20/2002
Special Master Recom Signed Date: 11/13/2002
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 6/9/2000 Objection Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082
RETURN SERVICE REQUESTED

WALK 043

PREPAID
FIRST CLASS



RECEIVED

MAR 07 2005

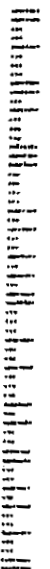
WATER RESOURCES
WESTERN REGION

MAHALA DITCH CO
PO BOX 44

DON

WALK 043
WALKER

7036152008 1A04 05 03/03/05
RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 1, 2005

TO: THOSE ON THE ATTACHED LIST

Re: Water Right Application No. 65-22938 in the Name of Walter Buechler

Dear Interested Parties:

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by March 21, 2005.

If you have any questions regarding the application(s), please contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Sue Kreger'.

Sue Kreger
Administrative Assistant

Encl. Copy of Application(s)

AMENDED

2-10-05 DMJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Walter Buechler Phone 208-345-0933
Mailing address 1192 E. Braemere Rd. Boise, ID 83702
2. Source of water supply unnamed stream (spring) groundwater which is a tributary of Lake Fork Creek
3. Location of point of diversion is Township T17N Range R3E Sec. 3, in the SE NW 1/4, SWSE 1/4, 1/4, Govt. Lot , B.M., Valley County;
additional points of diversion if any: shallow groundwater in SESW and SWSE
4. Water will be used for the following purposes:
 Amount ~ 1 cfs for pond diversion to storage purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 1 cfs for recreation purposes from Jan 1 to Dec. 31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 2 cfs for recreation storage 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)
 Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) approx. 1 cfs and/or (b)
 cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source water is currently diverted into Lake Fork Creek by a beaver dam (see attachment)
 - b. Height of storage dam n.a. feet; active reservoir capacity 6 acre-feet; total reservoir capacity IS 6 acre-feet
 - c. Proposed well diameter is n.a. inches; proposed depth of well is feet
 - d. Is ground water with a temperature of greater than 85°F being sought? no
 - e. If well is already drilled, when? n.a.; Drilling firm n.a.;
 Well was drilled for (well owner) n.a.; Drilling Permit No. n.a.
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. n.a.
 - b. Stockwatering; list number and kind of livestock. n.a.
 - c. Municipal; show name of municipality. n.a.
 - d. Domestic; show number of households. n.a.
 - e. Other; describe fully. see attachment "History and Description of Project"

RECEIVED

JAN 24 2005

WATER RESOURCES
WESTERN REGION

3. Description of place of use: see #3

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	3E	3												X				X	

Total number of acres to be irrigated n.a.

10. Describe any other water rights used for the same purposes as described above. n.a.

11. a. Who owns the property at the point of diversion? US (Walter Buechler)

b. Who owns the land to be irrigated or place of use? US

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n.a.

12. Remarks: see attachment 1 acre foot surface area and approximately 6 feet deep 3 acre foot for superation

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Walter Buechler
Signature of Applicant (and title, if applicable)

Received by DB Date 1-24-05 Time 12:00 PM Preliminary check by DAN
Fee \$ 250- Received by AD # W032546 Date 1-24-05
Publication prepared by AK Date 1-3-10-05 Published in STAR NEWS
Publication approved _____ Date _____

Proposed pond dredging.
Walter Buechler and Dotty Douglas
20E Lake Fork Road, Lake Fork, Valley County, Idaho.
~~Shoshone, ID~~, September 22, 2004



NO Gov't
LGTG
DAN
2-9-06

65-22938

HARRY BETTIS
10775 SUCKER CREEK RD
PAYETTE ID 83661

HENRY NORTUNE
PO BOX 130
DONNELLY ID 83615

BETTE NORTUNE
C/O SANDY METZER
PO BOX 1073
NORTH PLAINS OR 97133

LAKE IRRIGATION DISTRICT
PO BOX 644
LAKE FORK ID 83635

MAHALA DITCH CO
PO BOX 43
DONNELLY ID 83615

MAILING LIST

HARRY BETTIS
10775 SUCKER CREEK RD
PAYETTE ID 83661

HENRY NORTUNE
PO BOX 130
DONNELLY ID 83615

BETTE NORTUNE
C/O SANDRA METZKER
PO BOX 1073
NORTH PLAINS OR 97133

LAKE IRRIGATION DISTRICT
PO BOX 644
LAKE FORK ID 83635

MAHALA DITCH COMPANY
PO BOX 43
DONNELLY ID 83615

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22938

WATER RIGHT NUMBER: 65-22938

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WALTER BUECHLER 1192 E BRAEMERE RD BOISE, ID 83702 (208)345-0933

Priority Date: 01/24/2005

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	LAKE FORK CREEK
UNNAMED STREAM	LAKE FORK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	01/01 to 12/31	1.000 CFS	
RECREATION	01/01 to 12/31	1.000 CFS	
RECREATION STORAGE	01/01 to 12/31		9.00 AF
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NW1/4SE1/4	Sec. 3,	Twp 17N,	Rge 03E, B.M.
VALLEY County				
GROUND WATER	SE1/4SW1/4	Sec. 3,	Twp 17N,	Rge 03E, B.M.
VALLEY County				
GROUND WATER	SW1/4SE1/4	Sec. 3,	Twp 17N,	Rge 03E, B.M.
VALLEY County				

Place of Use

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	03E	3												X				X	

RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	03E	3												X				X	

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22938

Conditions of Approval:Remarks:Comments:

1. scurtis 2/21/2005 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

2. dnelson 2/21/2005 Comment/Analysis

Comment: Applicant amended his application on 2/10/2005 at the Regional Office, and left without initialling changes. This application is for a pond that captures shallow ground water tributary to Lake Fork Creek, and for a ditch from a nearby unnamed stream also tributary to Lake Fork Creek. The water will be run into the pond from the unnamed stream. The pond intercepts the shallow groundwater and naturally fills. The pond has a volume of approximately 6 acre feet, and an additional 3 acre feet of water was requested for evaporation losses. Recreation use will be for any water that flow through the pond for refreshing purposes. There are a few overlaps of the place of use and point of diversion, but none of these seem significant.

Dates and Other Information:

Application Received Date: 1/24/2005

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: 1 af surface area and approx 6 ft deep, 3 af for evaporation

Other Water Rights:

Time to Complete Works: 2

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Publisher's Affidavit of Publication

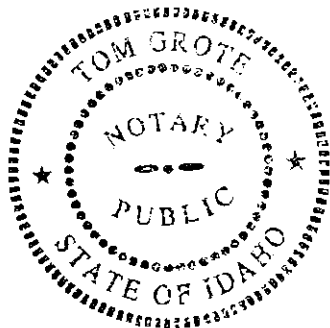
STATE OF IDAHO }
County of Valley } .SS

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of one week in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began March 10, 2005 and ended March 10, 2005.

Carol J. Wright
Subscribed and sworn before me this the 10th day of March, 2005.
STATE OF IDAHO

COUNTY OF VALLEY }

On this 10th day of March, in the year of 2005, before me, a Notary Public, personally appeared Carol J. Wright, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Tom Grote
Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/06

**THE FOLLOWING
APPLICATION(S) HAVE BEEN
FILED TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE
OF IDAHO:**

65-22938
WALTER BUECHLER, 1192 E
BRAEMERE RD, BOISE ID 83702.
Point(s) of Diversion NWSE S3
T17N R03E VALLEY County Source
UNNAMED STREAM Tributary To
LAKE FORK CREEK.
Point(s) of Diversion SESW S3
T17N R03E VALLEY County Source
GROUND WATER. Tributary To LAKE
FORK CREEK
Point(s) of Diversion SWSE S3
T17N R03E VALLEY County Source
GROUND WATER
Tributary To LAKE FORK CREEK
Use: RECREATION 01/01 To 12/31
1 CFS. Use: RECREATION STORAGE
01/01 To 12/31 9 AFA. Use: DIVER-
SION TO STORAGE 01/01 To 12/31
1 CFS. Total Diversion: 1 CFS
Date Filed: 01/24/2005
Place Of Use: RECREATION T17N
R03E S3 SESW SWSE. Place Of Use:
RECREATION STORAGE. T17N R03E
S3 SESW SWSE

Remark: Applicant agrees to mitigate
consumptive use in the future as needed.

Permits will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec 42-203A,
Idaho Code.

Any protest against the approval
of this application must be filed with
the Director, Dept. of Water Resource,
Western Region, 2735 Airport Wy, Boise
ID 83705 together with a protest fee of
\$25.00 for each application on or before
03/21/2005. The protestant must also
send a copy of the protest to the appli-
cant.

KARL J DREHER, Director. 2tc3/10

RECEIVED

MAR 11 2005

WATER RESOURCES
WESTERN REGION

12/99

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECOMMENDATION OF WATERMASTER

Application No: 65-22938

Applicant's Name: Walter Buechler

Watermaster's Recommendation:

a) ☐ I do not oppose approval of this application.

b) ☐ I do not oppose approval of this application if it is conditioned as

follows: _____

c) ☒ I oppose approval of this application for the following reasons:

I oppose approval of this application
Because #1 it is For Recreation #2 there
are other Filling on that Water.

d) ☐ Additional Comment: #3 it is a tributary

to lake Fork creek. In which we

hold the Rights on any Question Please Cal.
634-9672 Thank

Dated this 29 day of March, 2005.

Water District No: 65-14

John Leedom
Watermaster's Signature

Use reverse side of page if you need more space.

RECEIVED

MAR 09 2005

WATER RESOURCES
WESTERN REGION

LAKE IRRIGATION DISTRICT

PO BOX 644
LAKE FORK, ID 83635

March 8, 2005

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Id 83705-5082

Re: Water Right Application No. 65-22938

Dear Sue Kreger;

Thank you for your letter regarding the water right application of Walter Buechler. We do feel that this is a matter that is of interest to us, yet we feel the information we received is inadequate in describing the location of the proposed pond and point of diversion. We would appreciate more information on this matter so we can make the appropriate conclusion.

Thank you for your time in this matter.

Sincerely,

Shirley Florence
Shirley Florence
Secretary

3-9-05

John,
I sent Shirley F.
a copy of the application
with the comment
letter. What else
should I send or do?

Sue 3-10-05

Sue

- Please copies to

*DR H Nokes
1270 E10 Rd
McCall ID
83639*

634-5566 Dr Nokes.

- Put file in drawer.

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Thursday, February 24, 2005 12:02 PM
To: 'eleitzin@idfg.state.id.us'
Subject: comment letters

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

February 24, 2005

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

Enclosed is a copy(s) of an application(s) for permit. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by March 21, 2005.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,
Sue Kreger
(208) 334-2190
Id Dept Water Resources
Sue.Kreger@idwr.idaho.gov



65-22936.pdf



65-22938.pdf



65-22939.pdf



65-22940.pdf



67-7913.pdf



78-12229.pdf



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 1, 2005

TO: THOSE ON THE ATTACHED LIST

Re: Water Right Application No. 65-22938 in the Name of Walter Buechler

Dear Interested Parties:

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by March 21, 2005.

If you have any questions regarding the application(s), please contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Sue Kreger'.

Sue Kreger
Administrative Assistant

Encl. Copy of Application(s)

HARRY BETTIS
10775 SUCKER CREEK RD
PAYETTE ID 83661

HENRY NORTUNE
PO BOX 130
DONNELLY ID 83615

BETTE NORTUNE
C/O SANDY METZER
PO BOX 1073
NORTH PLAINS OR 97133

LAKE IRRIGATION DISTRICT
PO BOX 644
LAKE FORK ID 83635

MAHALA DITCH CO
PO BOX 43
DONNELLY ID 83615

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

March 1, 2005

JOHN LEEDOM
370 KNIGHTS RD
MCCALL ID 83638

Re: Application(s) for Water Right

Dear Watermaster:

Attached are copies of one or more applications. Also attached is a form for your recommendation concerning these application(s).

Please review the application(s) that are in your area. We must have your comments within two weeks. If you have any questions or need information, feel free to contact this office at 334-2190.

Sincerely,


Sue Kreger
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705
334-2190 phone
334-2348 fax

Idaho Department of Water Resources Receipt

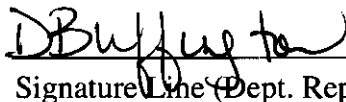
Receipt ID W032546

Payment Amount \$250.00 Date Received 1/24/2005 1:35:49 PM Region Western Status 1
Payment Type Check Check Number 3428

Payer BUECHLER, WALTER / DOUGLAS, DOROTHY ANNComment APPLICATION FOR PERMIT: WALTER BUECHLER

Fee Detail

Amount Description Fund FD PCA SO
\$250.00 PROTESTS 0229 21 62103 1155



Signature Line (Dept. Representative)

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

February 23, 2005

Legal Notice Department
STAR NEWS
1000 1ST ST
MC CALL ID 83638

RE: Application for Permit No. 65-22938

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 03/21/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

65-22938

WALTER BUECHLER
1192 E BRAEMERE RD
BOISE ID 83702

Point(s) of Diversion NWSE S3 T17N R03E VALLEY County Source UNNAMED STREAM

Tributary To LAKE FORK CREEK

Point(s) of Diversion SESW S3 T17N R03E VALLEY County Source GROUND WATER

Tributary To LAKE FORK CREEK

Point(s) of Diversion SWSE S3 T17N R03E VALLEY County Source GROUND WATER

Tributary To LAKE FORK CREEK

Use: RECREATION 01/01 To 12/31 1 CFS

Use: RECREATION STORAGE 01/01 To 12/31 9 AFA

Use: DIVERSION TO STORAGE 01/01 To 12/31 1 CFS

Total Diversion: 1 CFS

Date Filed: 01/24/2005

Place Of Use: RECREATION

T17N R03E S3 SESW SWSE

Place Of Use: RECREATION STORAGE

T17N R03E S3 SESW SWSE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 03/21/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Star News on March 3 and 10, 2005.