

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

SS.

County of Valley

Mary S. Kiely, being duly sworn deposes and says, I am the Bookkeeper 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 aforesaid and is a legal newspaper; that the App. #77-7096, a copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for Two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began May 1, 1980 and ended May 8, 1980.

Subscribed and sworn to before me this the 8 day of May, 1980.

Mary S. Kiely

Melody Juarez

Notary Public in and for the State of Idaho, residing at McCall therein.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

77-7096

BUETTGENBACH,

HUBERT H.

P.O. BOX 375, YELLOW

PINE, ID

Source: UNNAMED

SPRING

Date Filed: 03-21-1980

Amount: 0.08 CFS

Diversion Point: NENE

Sec 26 T 19N R 07E, VALLEY

Co.

Use: IRRIGATION (0.06

CFS) from 04-01 to 10-15;

DOMESTIC (0.08 CFS) from

01-01 to 12-31

Place of Use: SWNW Sec

25 T 19N R 07E FOR 2

ACRES

Diversion Means:

SPRING & RESERVOIR

If issued, the permit(s)

will be subject to all prior

water rights. Protests

against the granting of any

permit must be filed with the

Director of the Idaho

Department of Water

Resources, 92 S. Cole Road,

Boise, Idaho 83709 on or

before MAY 19, 1980.

C. STEPHEN ALLRED

Director

Published 5-1 & 5-8-80

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MAY 13 1980

Department of Water Resources
Western Regional Office

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H27.

T 1 N, R 7 E, B 1

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



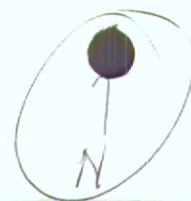
Scale: 2 inches equal 1 mile.

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

Robert A. Brettonbach
(Applicant)

Sketch prepared by
H. H. Buettgenbach
Yellow Pine, ID.

5/25/80



Section Corner

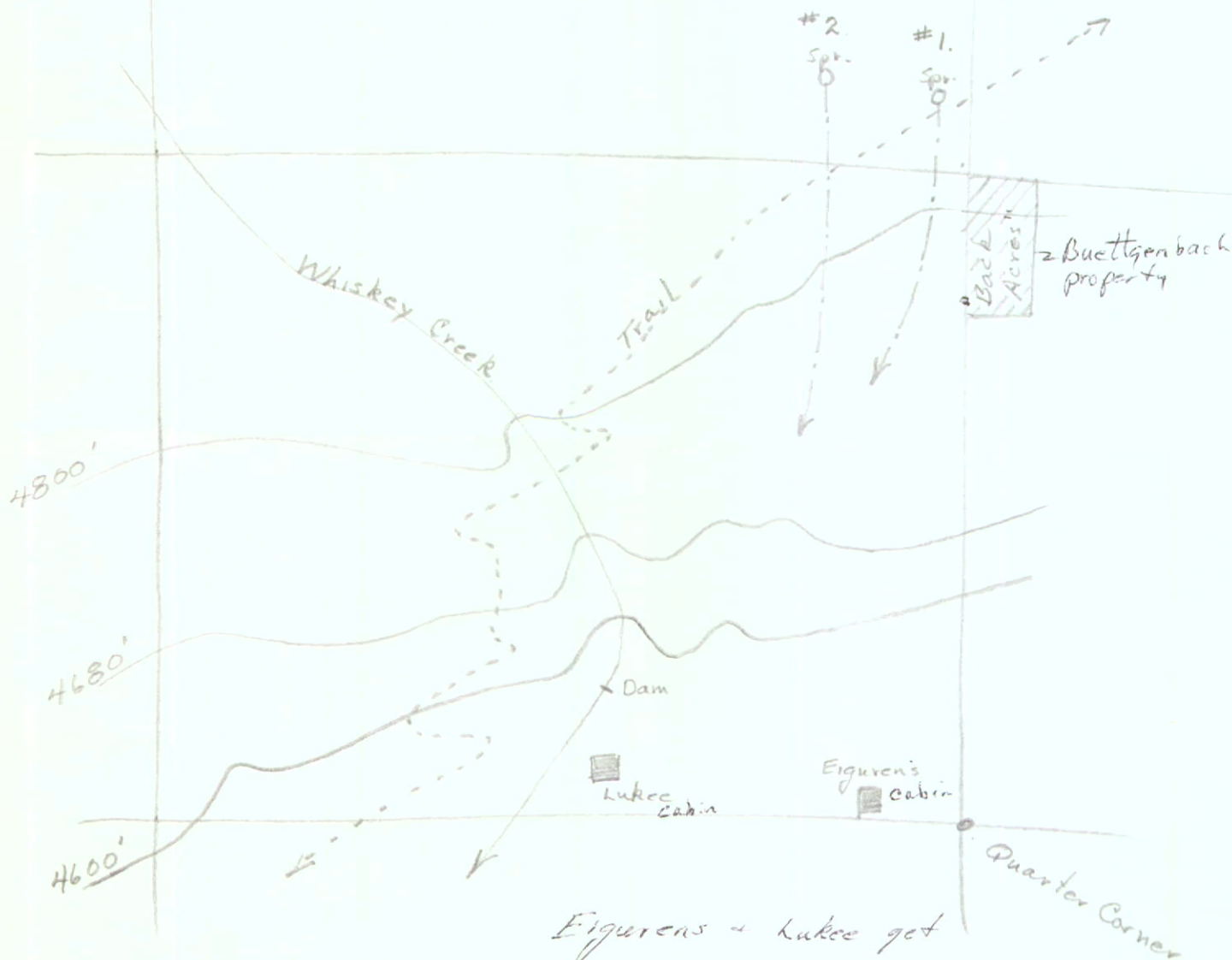
Sec 26

Sec. 25

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JUN 11 1980

Department of Water Resources
Western Regional Office



Eugene's + Lukee get
water from Whiskey Cr.
Note that Springs #1 + 2 drain to the East of their Creek + Dam.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

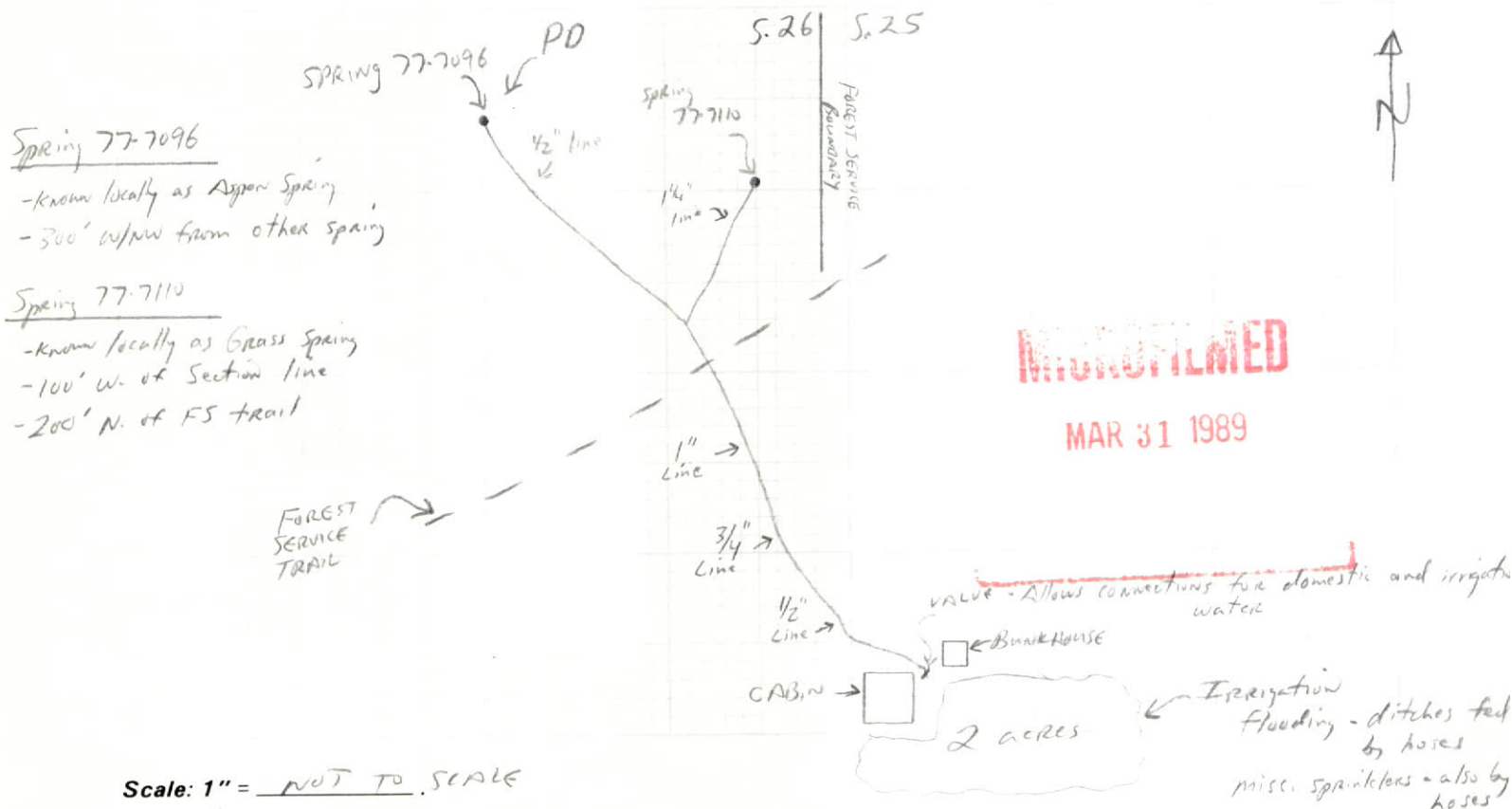
Permit No. 77-7096
Phone No. NONE
1. Owner: Hubert H. Buettgenbach
Current Address: P.O. Box 76 Yellow Pine, ID 83677
2. Accompanied by: Same EXAM. DATE: 7/2/87
Address: Same Phone No. NONE
Relationship to Permit Holder: Same
3. Source: Spring tributary to Sinks

B. OVERLAP REVIEW

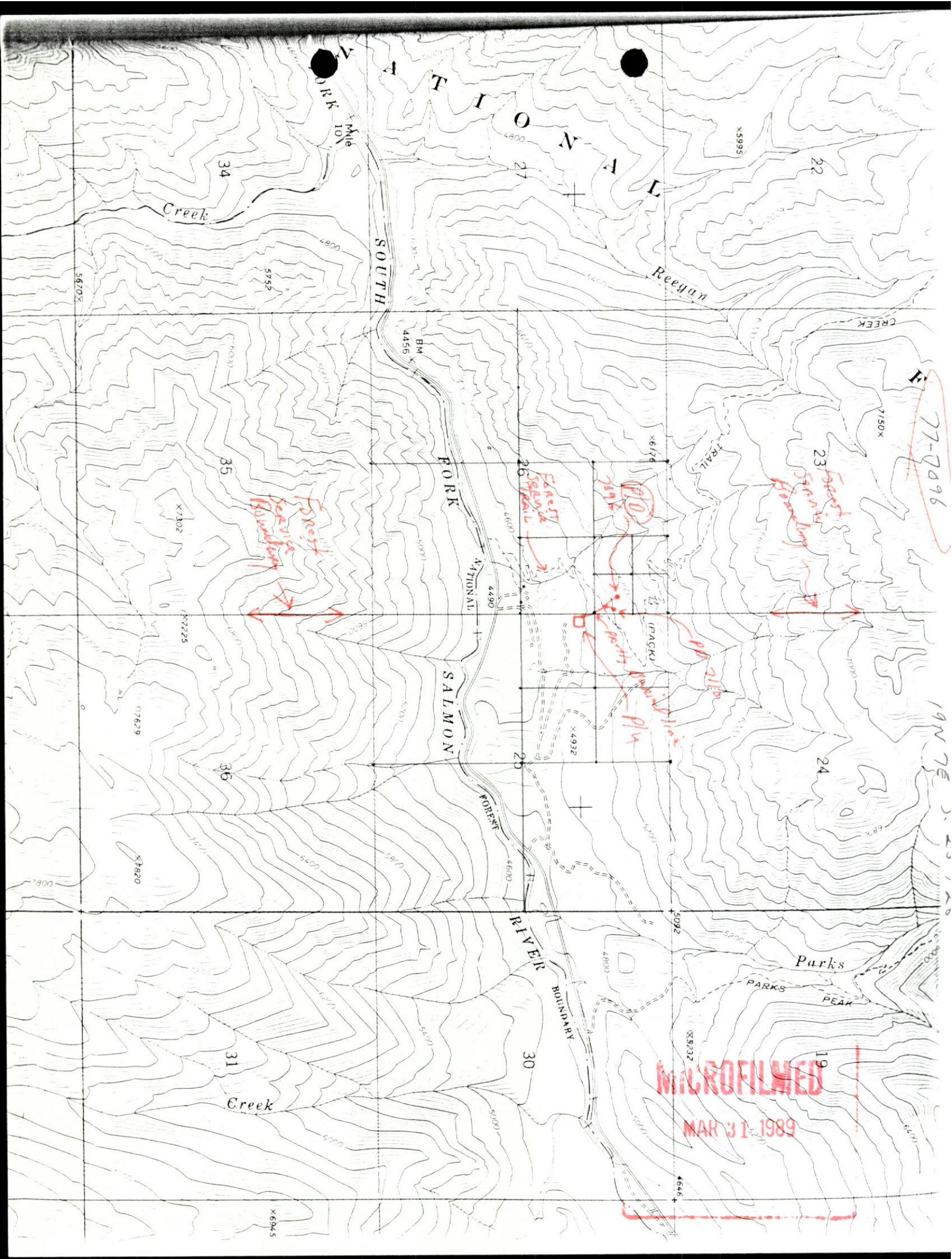
1. Other water rights with same place of use: 77-7110, 77-2205, 77-2035
☒ Copies Attached 7110 only
2. Other water rights with same point of diversion: 77-7110
☒ Copies Attached ☒ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached - See 77-7110 (required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached (required for irrigation of 10 acres or more).



77-0096

1975

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Forest Service Boundary

P.O.

P.H.

P.H. 2110

Forest Service Boundary

Forest Service Boundary

Forest Service Boundary

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Forest Service Boundary

SOUTH FORK

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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 77-07096

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

This is to certify, that HUBERT H. BUETTGENBACH

P.O. BOX 76

YELLOW PINE, ID 83677

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

SPRING

tributary to SINKS

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

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

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 26, Township 19N, Range 07E
VALLEY County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
19N	07E	25	SWNW	2		2

Total number of acres irrigated: 2

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

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

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MAR 31 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 77-07096

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 28th
day of MARCH, 1989.

Acting for the Director



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MAR 31 1989

For Office Use Only	
Fee Received	15 ⁰⁰
Date	9-14-82
Receipt #	24684

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

SEP 10 1982

Department of Water Resources

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Hubert H. Buettgenbach POB 76, Yellow Pine
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, ~~or the duly authorized agent of the holder*~~, of Permit to Appropriate the Public Water of the State of Idaho No. 77-7096 ("Aspen Spring" - previously unnamed)

That under the terms and conditions of said permit, work thereunder was required to be completed on or before Nov. 1, 19 82

That he has heretofore performed the following work described under said permit:

(This must be filled out! If no work has been completed put none.)

Water from above source in use* since May 6, 1980,
using surface pipe. Leveling completed, roads built, cabin +
sheds built, garden established (3rd year now), orchard ground
cleared, and permanent water system pipe, etc. Purchased
* for household, irrigation, and livestock Costing \$ 2000.00 min. estimate.

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

unemployment has slowed financing work on
above tasks, requiring work be done by hand,
also the permit issued by the USFS to bring
water across their land was delayed by a protest and
scheduled hearing (permit ~~was~~ issued)

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations

under said permit to Nov. 1, 19 84
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

ck # 109 end.
by J. Wickham

Hubert H. Buettgenbach
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to November 1, 1987.

Signed this 21st day of September, 19 82

L. Glen Saxton
Chief, Operations Bureau

BOX 76
YELLOW PINE,
ID. 83677



Idaho Dept of Water
Resources
Statehouse
Boise, Idaho 83720

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

SS.

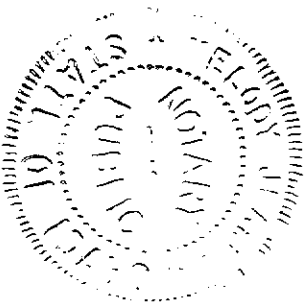
County of Valley

Mary S. Kiely, being duly sworn deposes and says, I am the Bookkeeper 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 aforesaid and is a legal newspaper; that the App. #77-7096, a copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began May 1, 19 80 and ended May 8, 19 80.

Subscribed and sworn to before me this the 8 day of May, 19 80

Mary S. Kiely

Melody Jones
Notary Public in and for the State of
Idaho, residing at McCall
therein.



NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

77-7096

BUETTGENBACH,

HUBERT H.

P.O. BOX 375, YELLOW

PINE, ID

Source: UNNAMED

SPRING

Date Filed: 03-21-1980

Amount: 0.08 CFS

Diversion Point: NENE

Sec 26 T 19N R 07E, VALLEY

Co.

Use: IRRIGATION (0.06

CFS) from 04-01 to 10-15;

DOMESTIC (0.08 CFS) from

01-01 to 12-31.

Place of Use: SWNW Sec

25 T 19N R 07E FOR 2

ACRES

Diversion Means:

SPRING & RESERVOIR

If issued, the permit(s)

will be subject to all prior

water rights. Protests

against the granting of any

permit must be filed with the

Director of the Idaho

Department of Water

Resources, 92 S. Cole Road,

Boise, Idaho 83709 on or

before MAY 19, 1980.

C. STEPHEN ALLRED

Director

Published 5-1 & 5-8-80

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MAY 13 1980

Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Hubert H. Buettgenbach Phone none
Post office address PO Box 375, Yellow Pine, ID
J.O. 10-T-80
2. Source of water supply Hammond Spring which is a tributary of — Sinks RH 9-30-80
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26 Township 19 N
Range 7 E B.M. Valley County, additional points of diversion if any: —
Whiskey Creek (described in separate application)
Center Creek (described in separate application)
4. Water will be used for the following purposes:

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

Amount .08 for domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. .08 cubic feet per second and/or b. — acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. Diversion Box at spring
and 1" line to property (or join in line from
Whiskey Cr.). Small reservoir on property.
- b. Height of storage dam — feet, active reservoir capacity (200 gal) ~~acre-feet~~, total reservoir capacity — acre-feet, materials used in storage dam: —
- Period of year when water will be diverted to storage — to — inclusive.
(Month/Day) (Month/Day)
- c. Proposed well diameter is — inches; proposed depth of well is — feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

- a. If water is not for irrigation:
- (1) Give the place of use of water: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25 Township 19 N
Range 7 E B.M.
- (2) Amount of power to be generated: — horsepower under — feet of head.
- (3) List number of each kind of livestock to be watered 2 cows, 10 horses,
mules, or burros.
- (4) Name of municipality to be served —, or number of families to be supplied with domestic water 2.
- (5) If water is to be used for other purposes describe: —

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MAR 21 1980

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SE¼	SW¼	
19N	7E	25							2										2

Total number of acres to be irrigated 2

c. Describe any other water rights used for the same purposes as described above. currently applying for rights on Whiskey Cr. and Center Cr. due to seasonal fluctuations of sources.

9. a. Who owns the property at the point of diversion US Forest Service

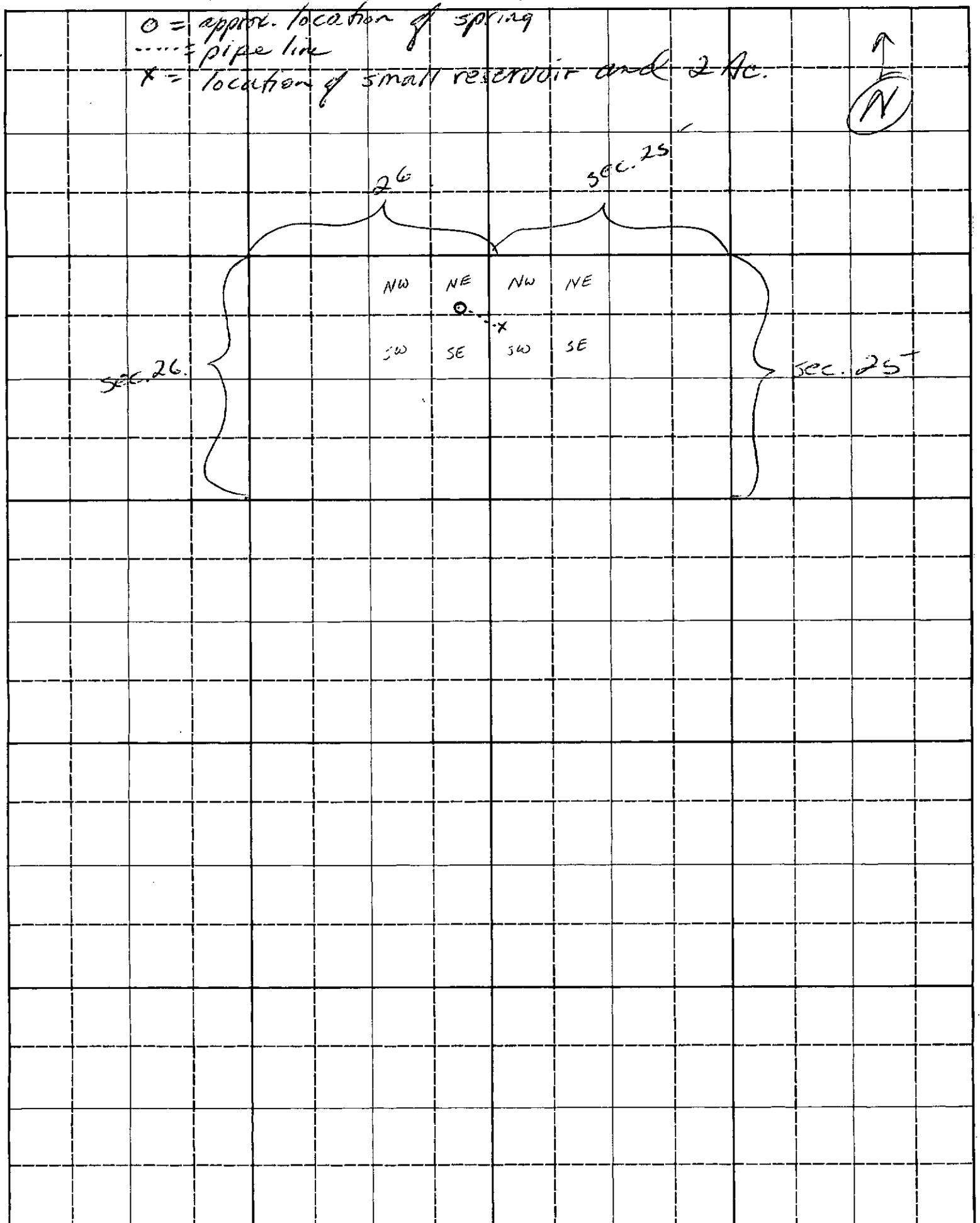
b. Who owns the land to be irrigated or place of use I do

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing to apply for use permit from the USFS.

10. Remarks No surface waste water to return to streams.

T 14 N, R 7 E, B. 1

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Robert A. Bretzger
(Applicant)

Proposed Priority

4/23/80

Received by _____ Date 3-21-80 Time 10:30 A.M.

Preliminary check by 6hs Fee \$ 20,00

Receipted by 6hs Date 4/23/80 #16259

Publication prepared by HLH Date 4/24/80

Published in Star News

Publication dates 5/1 - 5/18/80

Publication approved HLH Date 5/19/80

Protests filed by: John Eguen

withdrawn 9/16/80

Copies of protests forwarded by HLH

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

Recommended for approval denial by DBS RA

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 77-7096, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 82.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 2nd day of October, 19 80.

J. Glen Saxton
Chief, Operations Bureau

June 6, 1980

David B. Shaw
Western Reg. Dir.
Dept. of Water Res.
State of ID.

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JUN 11 1980

Department of Water Resources
Western Regional Office

Dear Mr. Shaw,

Re. your letter dated May 16, 1980:

1. Would you please confirm that the Applic. No. 77-7096 discussed in your letter is for water rights on an ^{"unnamed"} ~~"unnamed"~~ spring to the N.W. of my property?
2. Please, also send me another water rights application form.
3. Re. the protest on my applic. no. 77-7096, I discussed the matter with John Eiguren on May 24, 1980 and arranged with him to meet me at the property on May 25 to view the above "unnamed" spring, the drainage pattern and their relationship to Whiskey Creek on which he reportedly has rights.
Mr. Eiguren did not make it for the meeting, so I have prepared a sketch from the Caton Lake Quadrangle (7.5 min. Topo. map) and

MICROFILMED

my knowledge of the area in question to show the relationships between the "unnamed spring", on which I have filed, Whiskey Creek, and Mr. Eiguren's diversion dam on Whiskey Cr.

The location of the "unnamed spring" and its drainage do not intersect with Whiskey Creek at any point above his dam, i.e. I would not be using any of "his" water.

4. Since Mr. Eiguren was "not completely clear" as to the location of my water source and a possible "infringement on existing water rights", it was unfortunate that he did not come as agreed to view the situation. I am sending him a copy of my sketch, enclosed, and will request that he withdraw his protest.

Please disregard
RAB
~~5. May we please have a postponement of the hearing pending such a withdrawal of his protest? I would like to avoid a trip to Boise from Yellowstone if it is at all possible.~~

Thank you for your help, we'll get it straightened out soon with your help.

Sincerely,

Robert A. Buelgenbach

see enclosed
letter written
6/9/80

June 9, 1980

David B. Shaw
Western Reg. Director
Dept. of Water Res.

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JUN 11 1980

Dear Mr. Shaw,

Department of Water Resources
Western Regional Office

After writing the June 6 letter enclosed, I spoke again with John Figueroa on June 7 in Yellow Pine and rescheduled a meeting with him to view the "unnamed spring" (No. 1 on my sketch) and its drainage on June 8.

Again, unfortunately, he did not come to my place as planned.

In view of the above and the delay, please go ahead and schedule our hearing, in spite of the expense of travel,

etc.

Please, send me ample notice
so that I may fit it into
my schedule.

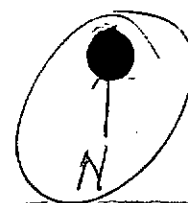
And please, do send another
application form as I
wish to file on a second
spring (Spr. No. 2, on my
sketch) to ensure a water
supply in dry years, or
dry months.

Sincerely,

Robert H. Buellgerback

Sketch prepared by
H. H. Buettgenbach
Yellow Pine, ID.

5/25/80



Section Corner

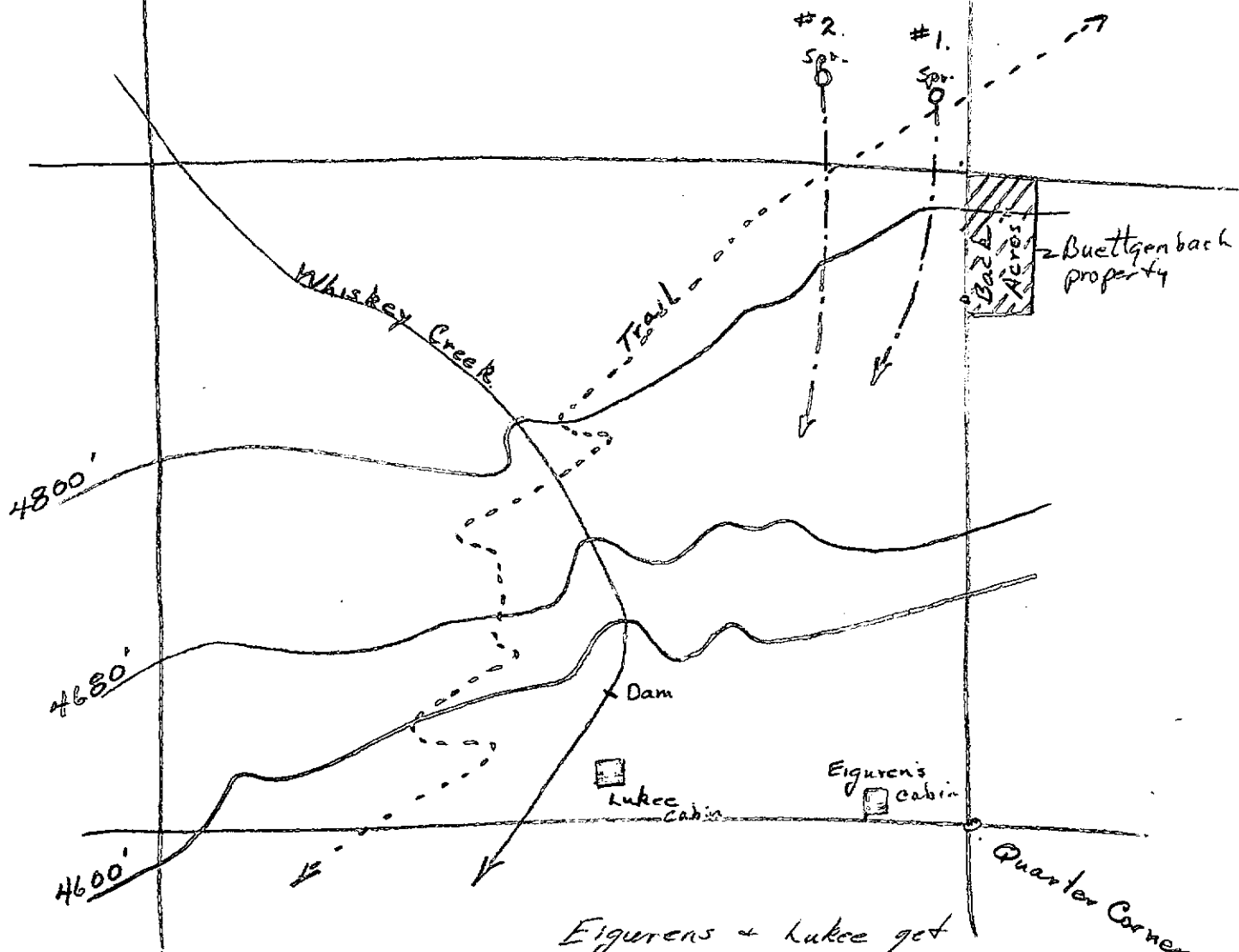
Sec. 26

Sec. 25

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JUN 11 1980

Department of Water Resources
Western Regional Office



Eiguren's + Lukee get
water from Whiskey Cr.

Note that Springs #1 + 2 drain to the East of their Creek + Dam.

H.H. Buettgenbach

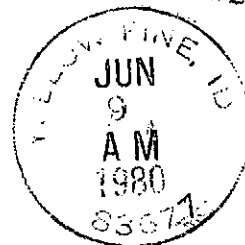
Box 375

Yellow Pine, ID.

83677

David B. Shaw
92 South Cole Rd.
Boise, ID.

83705



0735

FRANK W. STOPPELLO

ATTORNEY AT LAW

620 W. HAYS STREET

BOISE, IDAHO 83702

TEL. (208) 336-1020

May 16, 1980

Director
Idaho Department of Water Resources
92 South Cole Road
Boise, Idaho 83709

Re: Notice of Application for
Water Right, Application
77-7096, Hubert H.
Buettgenbach, P.O. Box
375 Yellow Pine, Idaho

Dear Sir:

I write as attorney for Terry and John Eiguren, holders of certain Water Rights in and to certain free flowing spring waters affected by the above Application for Water Right. This letter is to confirm the protest having been filed by the above individuals Terry and John Eiguren, with the Director of Idaho Department of Water Resources, and I hereby request that further correspondence be directed through this office, together with any and all Notices of Hearings and requests for information.

Sincerely,

FRANK W. STOPPELLO


Charles B. Bauer
Attorney at Law

CBB/th

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MAY 19 1980

Department of Water Resources
Western Regional Office

Jan 7

4/18/80

GHS

Water user's Handbook

RECEIVED

APR 18 1980

Department of Water Resources
Western Regional Office

Apr. 16, 1980

G.L. Sisco
Sen. Water Res. Agent.
Dept. of Water Res.
Boise, ID. 83709

Dear Mr. Sisco,

Rec. your reply (3-27-80) re my applc. (3)
for water use permits.

Re. the standard allowances and filing
fees, I had no knowledge of same;
thank you for your assistance.

— So that I may be fully informed. would you
please send me copies of the applicable
sections of the Idaho Code and any
other relevant regulations for irrigation
and domestic water uses.

— Please hold my applications (3) on file
pending rec. of my fees (\$60⁰⁰), I

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am presently out of work, and cash,
so there will be a delay, short
I hope. In the mean time,
I can acquaint myself with all
the relevant laws, ~~reley~~ regulations, etc.

Thanks!

Sincerely,

~~Hubert H. Bue ttgenback~~

Hubert H. Bue ttgenback

Box 375

Yellow Pine, ID.

83677.

7-6-80

David B Shaw
W. Reg. Supervisor
Dept. of Water Res.
Boise, ID.

RECEIVED

JUL 9 1980

Department of Water Resources
Western Regional Office

Dear Mr Shaw

Microsoft Word

In rel to your letter dated June 16, 1980 re my application for permit No. 77-7096 on an "unnamed spring," which I will here after refer to as Aspen Spring, please do schedule the conference in Cascade at the earliest possible date as my need for water is critical.

In light of Mr. John Figueroa's protest of the above application, I wish to withdraw two (2) other applications previously submitted (3-14-80) on Whiskey Cr.

and Center Cr. (fees unpaid).

Please find enclosed my applic.
for permit and fee (⁴20⁰⁰ ck)
for water rights on Grass Spring,
submitted in lieu of the above
two applic. due to its closer
location and due to the fact
that it (like applic. No. 77-7096
on Aspen Spring (previously unnamed))
will not conflict with any
other rights, to my knowledge.

Sincerely,

Robert M. Bretzenbach

enclosures:

1. Application for permit on Grass Spring
2. Fee - Ck. for \$20⁰⁰

Apr. 21, 1980

G.L. Sisco

Senior Water Res. Agent

Dept. of Water Res.

Boise ID. 83709

RECEIVED

APR 23 1980

Department of Water Resources
Western Regional Office

Ref. my three (3) applications 3-14-80
and letter 4-16-80.

Dear Mr. Sisco,

MICROFILMED

Please find enclosed my check for \$20.00
for the filing fee for one of the
above applications. Please apply it
to my application for the "unnamed spring"
N.W. of my property.

Sorry, I only have the one fee now,
but that will get me started, it's
the nearest source. The remaining
two fees will be available soon
I hope. Keep the Faith.

Sincerely,

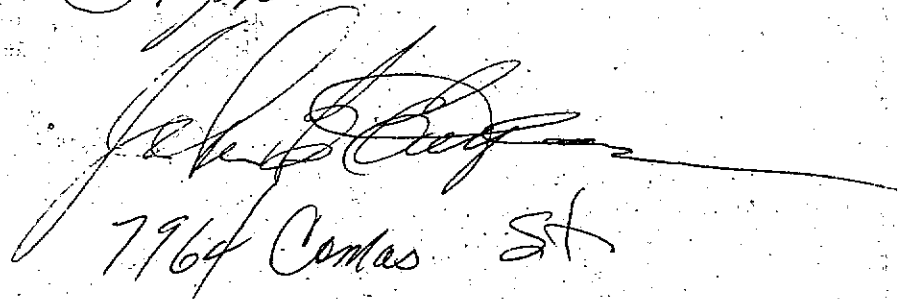
Antler M. Buettgenbach

H.H. Buettgenbach
Yellow Pine, ID
83677

J. John B. Eguen Protest app. No.
77.7096. Buettenbock Hubert H. P.O. Box
375 Yellow Pine Ida. on Behalf
of Eguen Ranch.

The reason being is the
Said creek and the location are not
completely clear. To us at this time and
May infringe on existing water rights.

Sign



7964 Comas St

Boise Id

83709

RECEIVED

MAY 15 1980

Department of Water Resources
Western Regional Office

RECEIVED

David B. Shaw
Supervisor
Water Resources Dept.
Boise.

RUSH
MICROFILMED

RECEIVED
SEP 16 1980

Department of Water Resources
Western Regional Office

OBS
note - conference
held 9/10/80
9-11-80 protest withdrawn

Dear Mr. Shaw;

I have several questions and/or requests re.
- the upcoming conf. or hearing with the
Eigurens 9-16-80 in McCall.

Concerning your letter (3 Sept. 80); ~~who~~

① Who will speak in behalf of the
Eigurens at the meeting? John or Terry?
You have included Terry's name but he
actually didn't submit a protest. Anyway,
which, or who, will represent the Eigurens
at our meeting?

② You listed the 5 issues again that
the Dept will consider in applications +
protests. Does that mean that all 5 of
them will be considered at our meeting
or just those which are applicable to
the protest(s) as it (they) were written +
submitted? Issue #1 seems to be the

only one which is applicable to John Eiguens two protests.

③ In a previous letter I requested a copy of any rules or regulations that would be followed at the hearing. In your response you indicated that you would enclose same but they were not enclosed, unfortunately. May I have them now so that I may ~~comply~~ properly prepare & comply with them?

④ May I bring my own tape recorder to the hearing, or meeting, or conference... what ever it is to be?

⑤ Is this ~~the~~ meeting Tue. 9-16-80 in McCall to be a "conference" or a "hearing"?

Sincerely,

Howard Buetzantek
Yellow Pine, ID,

Application No. 77-7096

DBS

July 12, 1980

David B Shaw
Western Region Supervisor
Dept. of Water Resources
Boise ID.

RECEIVED

JUL 15 1980

Department of Water Resources
Western Regional Office

Dear Mr. Shaw,

Re. my letter mailed July 7 and
your response dated July 9:

Thank you for returning my applic.s
on Whiskey Cr. + Center (Middle?)
Cr.

Please find enclosed my checks
for \$20⁰⁰ and \$10⁰⁰ and the
application previously submitted
for water rights on Grass Spring.
Sorry, I wasn't aware that
your fee rates had increased,
again.

MICROFILMED

In my letter, mailed 7/7/80,
I requested several items of
information to help me
prepare for the conference
(to be scheduled) on the
Eiguera's protest of my application
for permit on Aspen Spring.
Please forward those items as
soon as possible. If unable
to respond or supply, please
explain, as I feel each is
necessary for my participation
in the conference.

John Eiguera indicated that
the conference would be held
about the 20th of this month,
but you have, again, not
committed yourself on a date
to me. As pointed out earlier

my water needs are critical and I have made every effort to expedite the application process. Please, give me, ~~me~~ ~~at~~ at least, an estimated or approximate conference date and please, do schedule that conference at the earliest possible date.

At present, having shown the Eigurens that my application does not, apparently, infringe on their rights, I see no valid reason for their not withdrawing their protest.

Further delays, dragging out the protest or waiting under time for a conference, only aggravates my situation —

I certainly wouldn't deny them
their rights and don't ~~wish~~ wish
to press your office but I
would like to feel we were
moving ahead on the applicatⁿ
process — getting me some
water. When I live here,
lacking telephone and the
capability of dropping by to
discuss these matters, I
feel a communication need.
I do much appreciate your
prompt replies. Thanks!

Sincerely,

Howard Bretzgerlach

Re. Applic. No. 77-7096 and another
Applic. made 7-7-80

7/8/80

David B. Shaw
W. Reg. Director
Dept. of Water Res.
Boise, ID.

RECEIVED

JUL 11 1980

Dear Mr. Shaw,

Department of Water Resources
Western Regional Office

Yesterday afternoon I met
with John and Terry Egeken
at my property and walked
over the area of the two
springs on which I have
applied for water rights, i.e.

1. Aspen Spring (previously unnamed)

Applic. No. 77-7096

2. Grass Spring, Applic.

submitted 7-7-80

MICROFILMED

Though I was able to clearly
show them that the above
springs do not drain into

Whiskey Cr. from which they apparently take some of their water and for ~~center~~^{middle} Creek on which they may also have rights, they still wish to have a hearing, or conference.

In order that I may prepare for that conference may I please have the following information:

① A list of the Eigurens' water rights which may ~~have~~ be inkinged up on by my application No. 77-7096 and

② What "relief" do the Eigurens seek with or by their protest and

③ the procedures, Rules, etc. to be followed at the conference and for hearing

and

④ any materials or information that I should have present at the conference ^{or} for hearing and of course,

⑤ the date, time, and place of the conference and/or hearing.

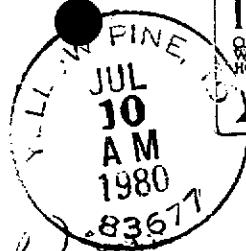
I also met with Drew Bellon, the District Ranger for the Forest Service property on which the springs are located and over which my line will carry the water to my property. We discussed the necessary use permit and their requirements for such an installation and will be working out the details.

Thanks.

Sincerely,

Howard Bretzger

H. H. Buettgenbach
Box 375
Yellow Pine, ID.
83677



David B. Shaw,
Dept. of Water Resources
92 South Cole Rd.
Boise, ID.
83709

March 27, 1989

HUBERT H. BUETTGENBACH
P.O. BOX 76
YELLOW PINE, ID 83677

RE: PERMIT NO. 77-07096

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 31 1989

March 1, 1989

HUBERT H. BUETTGENBACH
P.O. BOX 76
YELLOW PINE, ID 83677

RE: PERMIT NO. 77-07096

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 31 1989

RECEIVED

MAR - 1 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for

Department of Water Resources
Official Use Field Report

77-7096
Permit No.

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index S.L. 6/23/87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☒ copy of exam(s) attached? 7/10
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☒ Other: _____

Check of P/U index S.L. 6/23/87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☒ copy of water right(s) attached? 7/10
Type of Overlap? ☐ Increase rate of flow or volume
☒ Add P/D's 7/10
☐ Increase number of acres within tracts
☒ Other: _____

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? N/A S.L. 6/23/87 (Initial and date)

☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Stan Foster 7/2/87 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent BD 1/21/88 (Initial and date)

Exam Reviewed by Manager of Regional Office Ans 2/19/88 (Initial and date)

Exam Date Entered in Computer ✓ (Initial and date)

Exam sent to State Office al 2-24-88 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

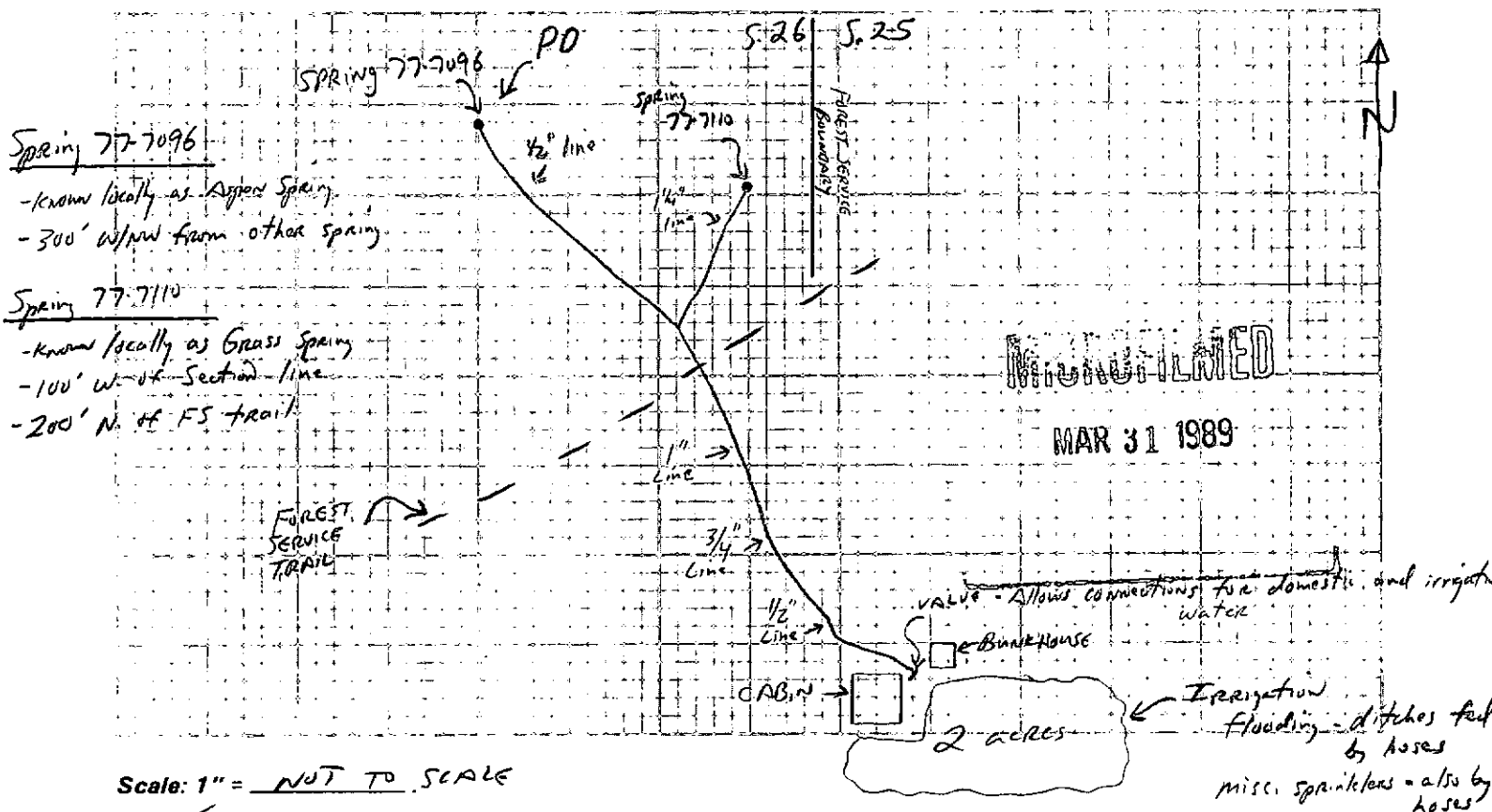
Permit No. 77-7096
1. Owner: Hubert H. Buettgenbach Phone No. NONE
Current Address: P.O. Box 76 Yellow Pine, ID. 83677
2. Accompanied by: Same EXAM. DATE: 7/2/87
Address: same Phone No. NONE
Relationship to Permit Holder: Same
3. Source: Spring tributary to Sinks

B. OVERLAP REVIEW

→ known locally as Aspen Spring
1. Other water rights with same place of use: 77-7110, 77-2205, 77-2035
2. Other water rights with same point of diversion: 77-7110
☒ Copies Attached 7110 only
☒ Copies Attached ☒ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached - see 77-7110 (required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached (required for irrigation of 10 acres or more).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A spring box and 1/2" line and a 1 1/4" overflow line constitute the diverting works. The 1/2" line is joined by a 1 1/4" line from spring in 77-7110. The common line then reduces in stages (1", 3/4", 1/2") before reaching the p/u. One cabin, one bunkhouse, and two acres of garden, berries, and misc. shrubs/trees receive water. A valve near the terminal end of the line allows multiple hoses to provide internal domestic water, flood irrigation (ditches), or misc. sprinkler irrigation.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	NONE				

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE	NE	26	19N	7E	Valley	USGS 7 1/2' Quad; spring located with respect to section line and Forest Service trail.

6. **Place(s) of Use:**

Indicate Method of Determination USGS 7 1/2' Quad

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
19N	7E	25							2										2
									D										1

RECEIVED

MAY 01 1989

Do not use this space

Do not use this space

MAR 31 1989

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements:

NONE

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: *NONE POSSIBLE - Some flow occurs in a.m. but by p.m. (when exam conducted) flow is negligible. Dry year has had considerable impact on spring. Usual flow is quite predictable and ample.*
2. Alternate Method for Checking Purposes: *NONE*

F. PUMP EFFICIENCY DATA (Optional) *N/A*

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (2)(3.0) = 6.0$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (.06)(198)(1.9835) = 23.6$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 6.0$

2. Volume Calculations for Other Uses:

*Domestic, 2 units
cabin & bunkhouse, internal use only.
2 x .6 = 1.2*

MICROFILMED

MAR 31 1989

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Due to variable flow from this spring this year, there was no way to quantify flow. Therefore, allow the full .03 cfs/ac. for irrigation. Domestic rate is restricted by nature of use to .04 cfs.

Overlap:

P/O : 77-7110 is another spring 300' E/SE for same system of use.

P/U : 77-7110 is same P/U.

77-2035 ~~uses~~ both use Parks Creek for irrigation and domestic use of 77-2205 land SE of area in question.

→ License condition: This right, when combined with 77-7110, shall not exceed .08 cfs on 7.2 AFA, and shall not exceed .03 cfs/acre or 3.0 AFA/acre.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4/1	10/15	.06	6.0
Domestic	1/1	12/31	.04	1.2
Totals:			.08 (limited by permit)	28 7.2

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

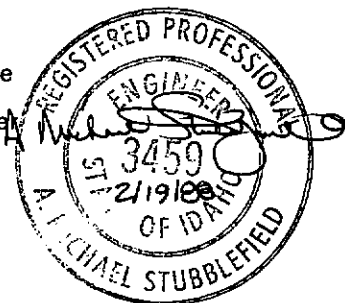
Steven Lester

Steven Lester

7/2/87

BD

1/21/88



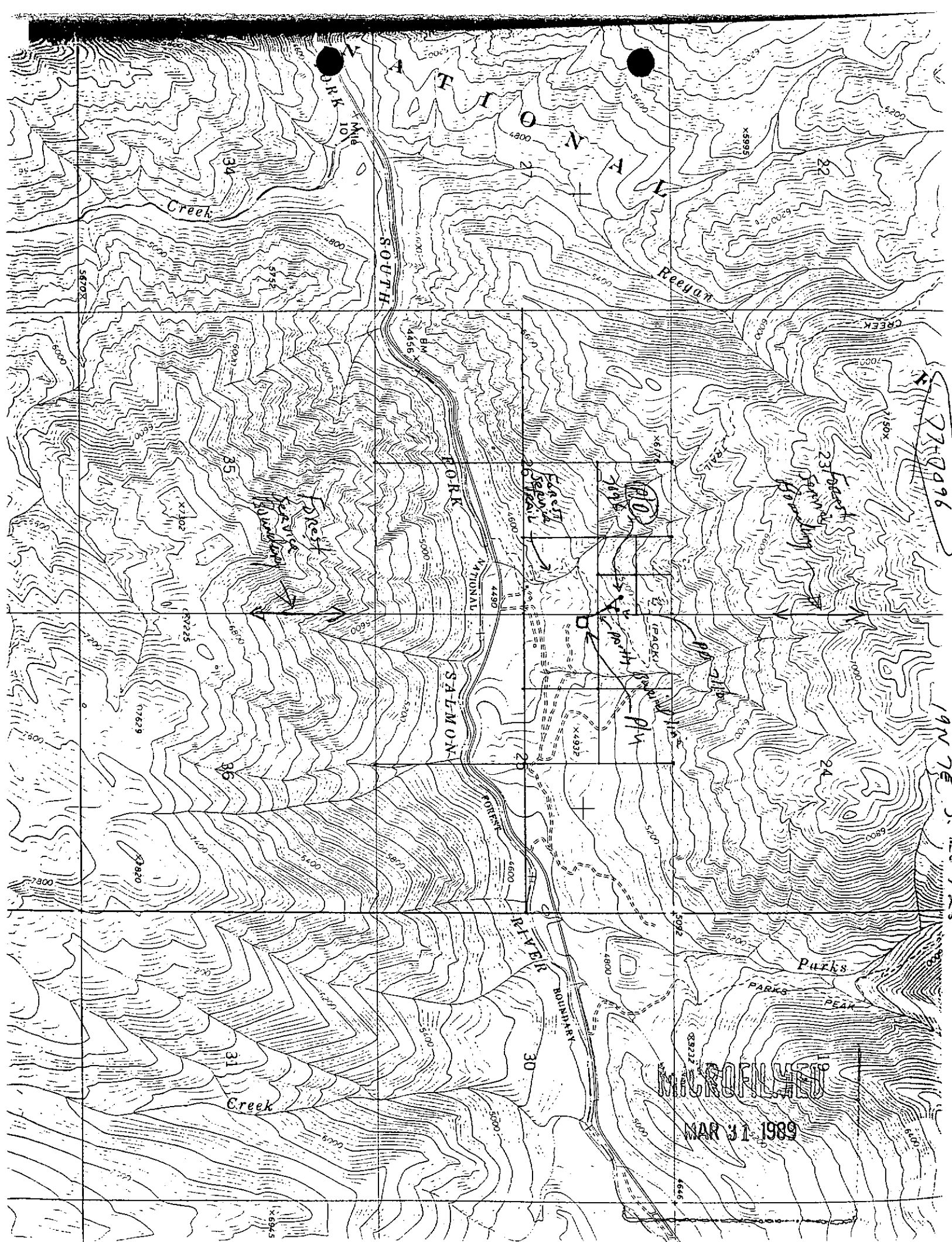
CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

JDM 1/23/89

MICROFILMED

MAR 31 1989



\$100⁰⁰ money order enclosed for fees
for 77-110 + 77-7096

4/86

see map + directions with
earlier letter.

RECEIVED

JUN 8 1987

KEYPUNCHED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received \$ 50
Date 6/12/87
Receipt # 44947
Receipt by 48
Sent to S.O.

Department of Water Resources
Western Regional Office

EXAMINATION FEE INFORMATION

1. Permit No. 77-7110 ⁷⁰⁹⁶

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit;
attached is the examination fee. (If this box is marked, complete items 1
thru 8.)

2. Permit Holder: Hubert H. Buet-Lachar

3. Post Office Address: PO Box 76 Yellow Pine, ID.

83677 Telephone No.

4. Source of Water: Grass Spring

5. Extent of Use:

Domestic 2 (No. of households) Stockwater (No. and type of stock)

Irrigation 2 (acres) Other/Remark

6. Total rate &/or volume for which proof is submitted .08 cfs acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1980

8. Person to contact to accompany the department representative during the field
examination:

above

(Name)

same

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right
examiner. Attached is a statement from the certified examiner I have selected
verifying that he has been retained to conduct the examination. (If this box is
marked, complete items 1 thru 7.)

June 1, 1987
Date

Hubert H. Buet-Lachar
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

Cecil D. Andrus
Governor

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

August 18, 1987

77-7096
BUETTGENBACH, HUBERT H
P.O. BOX 76
YELLOW PINE, ID 83677

Dear Applicant(s):

We acknowledge receipt of your statement of proof of beneficial use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Judy Pense
Secretary

/jp

MICROFILMED

MAR 31 1989

Form 12
03/86
RECEIVED
JUN 8 1987

RECEIVED
JUN 17 1987

For Office Use Only
Fee Received \$50
Date 6/12/87
Receipt # 44946
Receipt by AA
Reviewed by _____
Sent to region _____

OK
JP

Department of Water Resources
Western Regional Office

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 77-7096

Name(s) of Permit Holder: Hubert H. Buettgenbach

Post Office Address: PO Box 76 Yellow Pine ID 83677

Telephone No. _____

Source of Water: Unnamed Spring (Aspen Spring)

Extent of Use:

Domestic 2 (number of households) Stockwater _____ (number and type of stock)
Irrigation 2 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 1.08 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1980

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No
Fee enclosed \$ 50
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☐ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Howard Buettgenbach _____
(Name) (Telephone Number)

PO Box 76 Yellow Pine ID 83677
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED

June 1 1987 Hubert H. Buettgenbach AUG 24 1987
Date Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

Hubert H. Buehgenbach
PO Box 76, Yellow Pine, ID

PLACE
13 CENT
STAMP
HERE

RECEIVED
APR 27 1987

Department of Water Resources
Western Regional Office

83677
RECEIVED
AUG 24 1987



IDAHO DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

2735 Airport Way
Boise, ID.
83705

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 77-7096.

Name(s) of Permit Holder: Hubert H. Buettgenbach

Post Office Address: P.O. Box 76

Yellow Pine, ID 83677 Tel. No. none in Yellow Pine

Source of Water: Aspen Spring

Extent of Use: ☒ Domestic 2 (number of households)
☐ Stockwater _____ (number and type of stock)
☒ Irrigation 2 Acres
☐ Other _____

Measuring Device: Required? ☐ Yes ☒ No Installed? ☒ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Apr. 21, 1987
Date

Hubert H. Buettgenbach
Signature of Permit Holder

MICROFILMED

ADG 24 1987



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

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

May 1, 1987

Herbert H. Buettgenbach
P.O. Box 76
Yellow Pine, ID 83677

Re: Permit Nos. 77-7110 and 77-7096

Dear Mr. Buettgenbach:

We have received your letter of April 21, 1987 in which you raise questions concerning the field examination for Permit No. 77-7110, and in which you enclose a Proof of Beneficial use card for Permit No 77-7096.

Although you received a letter in 1984 from this Department stating that a field examiner would contact you to examine your system, our records indicate that no licensing examination for Permit No. 77-7110 has been conducted to date. House Bill 646 (effective April 4, 1986) states that an examination fee is required for all permits for which proof of beneficial use has been submitted but no licensing examination has been conducted. As an alternative, you may retain a certified private water rights examiner. I suggest that you contact your legislator if you wish to argue the fairness of examination fees.

We have adopted a new "Proof of Beneficial Use" form which replaces the card you submitted for Permit No. 77-7096. I have enclosed a copy of this form for you to complete and return to the Department. This new proof form incorporates the licensing examination fee; therefore, a fee must be submitted along with this form.

Please feel free to contact this office if you have any questions.

Sincerely,

Brad E. Dingee
Sr. Water Resource Agent

MICROFILMED

AUG 24 1987

September 21, 1982

Hubert H. Buettgenbach
P.O. Box 76
Yellow Pine, ID 83677

Dear Mr. Buettgenbach:

Re: Permit No. 77-7096

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to November 1, 1987.

Sincerely,

RITA I. FLECK
Sr. Secretary

Enc: Ext. of Time



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

EXTENSION OF TIME

September 14, 1982

Janet Wickham
c/o Hubert H. Buettgenbach
P. O. Box 76
Yellow Pine, ID 83677

PERMIT NO. 77-7096, Hubert H. Buettgenbach

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 24684.

Roberta Garrett
Records Supervisor

Enclosure

RECEIVED
SEP 15 1982
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138622

BUETTGENBACH, HUBERT H
P.O. BOX 375
YELLOW PINE, ID 83677

AUGUST 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 77-7096 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE NOVEMBER 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

RECEIVED
AUG 31 1982

WATER RIGHT NUMBER 77-7096

WATER RIGHTS EDIT REPORT

10/16/80

PAGE 44

ACT
ION

X SOURCE - UNNAMED SPRING

L SOURCE - SPRING

C

L

L

STAGE - PERMIT

TRIBUTARY OF - SINKS

PRIORITY - 04-23-1980

PROOF DUE - 11-01-1982 PERMIT/DENIED - 10-02-1980

COND. OF APPRVL - 04

ACT

ION

N OWNER LAST NAME - BUETTGENBACH ✓ FIRST NAME - HUBERT H ✓
N ADDRESS LINE 1 - P.O. BOX 375 ✓
N CITY - YELLOW PINE ✓ STATE - ID ✓
N SOURCE - UNNAMED SPRING ✓
N STAGE - APPLICATION ✓ PRIORITY - 03-21-1980 COUNTY - VALLEY ✓ TOTAL DIV. RATE - .0800CFS ✓
N DIVERSION POINT - NENE 26 19N 07E ✓
N FROM - 04-01 TO - 10-15 ✓ USE - IRRIGATION ✓ USE DIV. RATE - .0600CFS ✓
N FROM - 01-01 TO - 12-31 ✓ USE - DOMESTIC ✓ USE DIV. RATE - .0800CFS ✓
N USE - IRRIGATION ✓ PLACE OF USE - TWN 19N RNG 07E SEC 25 TRACT SWNW ✓ AC 02 ✓
N DIVERSION MEANS - SPRING & RESERVOIR ✓

206
233
7

IDENT. NO. 77-7096

WATER RIGHT
DATA ENTRY LOG

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BUETTGENBACH, HUBERT H
P.O. BOX 375
YELLOW PINE, ID 83677

OCTOBER 23, 1980

RE: PERMIT NO. 77-7096

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

Hold for Filing Fee Sent letter

INITIAL REVIEW BY: 6LS

APPLICATION NUMBER: _____

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

3/28/8

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising. _____
Final date for protests: 5/19/80 ✓
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 5/13/80 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
4/23/80 ✓ ☒ No Date of priority recommended.
Special conditions of approval or cover letter. Right-of-way clause

By: DBS

Date: 9/18/80

STATE OFFICE REVIEW:

Con item 2 04
slu/o cond =

- ☐ See attached sheet for more information.

By: Robyn

Date: 9/30/80

MICROFILMED

RECEIVED
SEP 28 1980

No.

978262

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO				Frank W. Stoppello	
STREET AND NO.				620 W. Hays	
P.O., STATE AND ZIP CODE				Boise, ID 83702	
POSTAGE				\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE		\$	
		SPECIAL DELIVERY		\$	
		RESTRICTED DELIVERY		\$	
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		\$	
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		\$	
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		\$	
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		\$	
TOTAL POSTAGE AND FEES				\$	
POSTMARK OR DAY				 9/3	

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

No.

978261

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO				Hubert H. Buettgenbach	
STREET AND NO.				P.O. Box 375	
P.O., STATE AND ZIP CODE				Yellow Pine, ID 83677	
POSTAGE				\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE		\$	
		SPECIAL DELIVERY		\$	
		RESTRICTED DELIVERY		\$	
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		\$	
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		\$	
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		\$	
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		\$	
TOTAL POSTAGE AND FEES				\$	
POSTMARK OR DATE					
9/3					

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

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5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

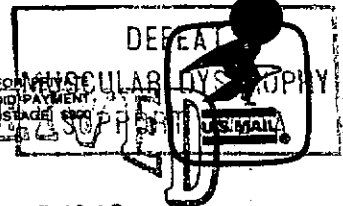
SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED

SEP 9 1980



**RETURN
TO**



Department of Water Resources
Western Regional Office

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGIONAL OFFICE
(Name of Office)

92 SOUTH COLE ROAD

BOISE, IDAHO 83709

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete Items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☒ Show to whom and date delivered..... \$
☐ Show to whom, date and address of delivery... \$
☐ RESTRICTED DELIVERY
Show to whom and date delivered..... \$
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery \$
(CONSULT POSTMASTER FOR FEES) ²⁸

2. ARTICLE ADDRESSED TO:
Hubert H. Buettgenbach
P.O. Box 375
Yellow Pine, ID 83677

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	978261	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. *Hubert H. Buettgenbach*
DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
SEP 4 1980
U.S. POST OFFICE
CLERK'S INITIALS
BP

MICROFILMED

77-2096 / 77-7110

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION OFFICE
(Name of Sender)

92 SOUTH COLE ROAD

BOISE, IDAHO 83709

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☒ Show to whom and date delivered..... \$
☐ Show to whom, date and address of delivery..... \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered..... \$
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
 Frank W. Stoppello
 620 W. Hays.
 Boise, ID 83702

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☒ Authorized agent

4. DATE OF DELIVERY: SEP 5 1980

5. ADDRESS (complete only if requested)

6. UNABLE TO DELIVER REASON: Department of Water Resources
 Western Regional Office

CLERK'S INITIALS

77-7096/77-7110

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

APRIL 24, 1980

The Star News
Box 985
McCall, ID 83638

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 19, 1980.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.

MICROFILMED

ZZ-2096-

BUETTGENBACH, HUBERT H

P.O. BOX 375, YELLOW PINE, ID

Source: UNNAMED SPRING

Date Filed: 03/21/1980

Amount: 0.08 CFS

Diversion Point: NENE Sec 26 T 19N R 07E, VALLEY Co.

Use: IRRIGATION	(0.06 CFS)	from 04/01 to 10/15
DOMESTIC	(0.08 CFS)	from 01/01 to 12/31

Place of Use: SWNW Sec 25 T 19N R 07E FOR 2 ACRES

Diversion Means: SPRING & RESERVOIR

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before MAY 19, 1980.

C. STEPHEN ALLRED

Director

Published 5/1 & 5/8.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 384-2190

May 16, 1980

Hubert H. Buettgenback
P.O. Box 375
Yellow Pine, Idaho 83677

Dear Mr. Buettgenback:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. _____. The Department suggests you contact the protestant(s) directly in an effort to determine the nature of the protest(s) and to attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, 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?

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

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

Enc.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

May 16, 1980

Mr. John B. Eiguren
7964 Camas Street
Boise, ID 83709

RE: 77-7096

Dear Mr. Eiguren:

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

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, 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?

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

Yours truly,

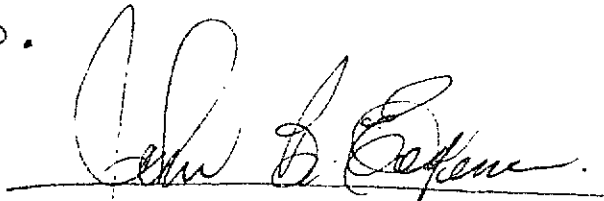
DAVID B. SHAW
Western Regional Supervisor

MICROFILMED

IN THE MATTER OF PROTESTED)
APPLICATIONS FOR PERMITS No.) WITHDRAWAL
77-7096 AND 77-7110 IN THE) OF
NAME OF Hubert H. Buettgenbach) PROTEST

After hearing the explanation of the proposed spring development I do not believe the development will affect our water rights and agree to withdraw the protest against these applications,

Signed at McCall, Idaho on September
16, 1980.



John B. Eguen

MICROFILMED

77-7096 AND 77-7110 HUBERT H. BUETTGENBACH

McCall Ranger District Conference Room, McCall, Idaho

Tuesday, September 16, 1980, 1:30 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
John B Eiger	3554 Hudson. Boise	Eiger - Kench
Howard Buettgenbach	Box 375 Yellow Pine	Buettgenbach

MICROFILMED

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

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF THE APPLICATIONS FOR PERMIT NOS. 77-7096) NOTICE OF CONFERENCE
AND 77-7110 IN THE NAME OF HUBERT H. BUETTGENBACH) AND/OR HEARING

On March 21, 1980 and July 9, 1980, respectively, Hubert H. Buettgenbach filed with the Department of Water Resources applications to appropriate the public waters of the State of Idaho. On May 15, 1980 and August 18, 1980, respectively, the Department received protests against approval of said applications from John B. and Terry Eiguren.

The Department has set the matter of protests for conference and/or hearing for Tuesday, September 16, 1980, at 1:30 p.m., in the McCall Ranger District Conference Room, McCall Idaho. Any hearing will be held in accordance with provisions of Chapter 17, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protests:

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose 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 conflict with the local public interest?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

MICROFILMED

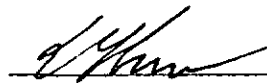
If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties will be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 67-5211.

By written stipulation, the parties may waive compliance with Idaho Code, Section 67-5211. If the hearing is conducted by a hearing officer, the hearing officer will ask the parties at the close of the hearing whether they would like to make such a stipulation.

Failure to waive compliance with Idaho Code, Section 67-5211 will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 67-5211 is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department to dismiss without prejudice the protest of the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 3 day of September, 1980.



DAVID B. SHAW
Western Region Supervisor

MICROFILMED

July 9, 1980

Herbert H. Buettgenbach
P.O. Box 375
Yellow Pine, ID 83677

Dear Mr. Buettgenbach:

Enclosed please find your application for Whiskey and Center Creeks which you asked to be returned to you.

Also enclosed is your application for Grass Spring along with your \$20.00 check which you sent to us. Effective July 1, 1980, the fees for filing applications were increased and the fee required for your Grass Spring filing is now \$30.00. You may resubmit your filing with the correct fee.

I have not set a hearing date for your Aspen Spring application. You will be notified of the time and place when the hearing date is set.

If you need any additional information, please call.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

Enclosures

MICROFILMED

June 16, 1980

Hubert H. Buettgenback
P.O. Box 375
Yellow Pine, ID 83677

Re: Application for Permit No. 77-7096

Dear Mr. Buettgenback:

I am in receipt of your letters dated June 6 and June 9, requesting an additional water right application form and confirmation that the source listed in filing No. 77-7096 is an unnamed spring. Application No. 77-7096 lists as the source an unnamed spring located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26, T 19N, R 7E, in Valley County. Enclosed with this letter please find an additional application for permit form as you had requested.

I have not yet set a time for the conference and/or hearing on your application, however, I will provide you with ample notice prior to the meeting time. Any conference or hearing on this filing will probably be scheduled in Cascade.

If you need additional information or have questions concerning your application, please feel free to contact this office.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

cc: Frank W. Stepello

Enclosure

MICROFILMED