

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

T
4
N

P.D.
P.U.

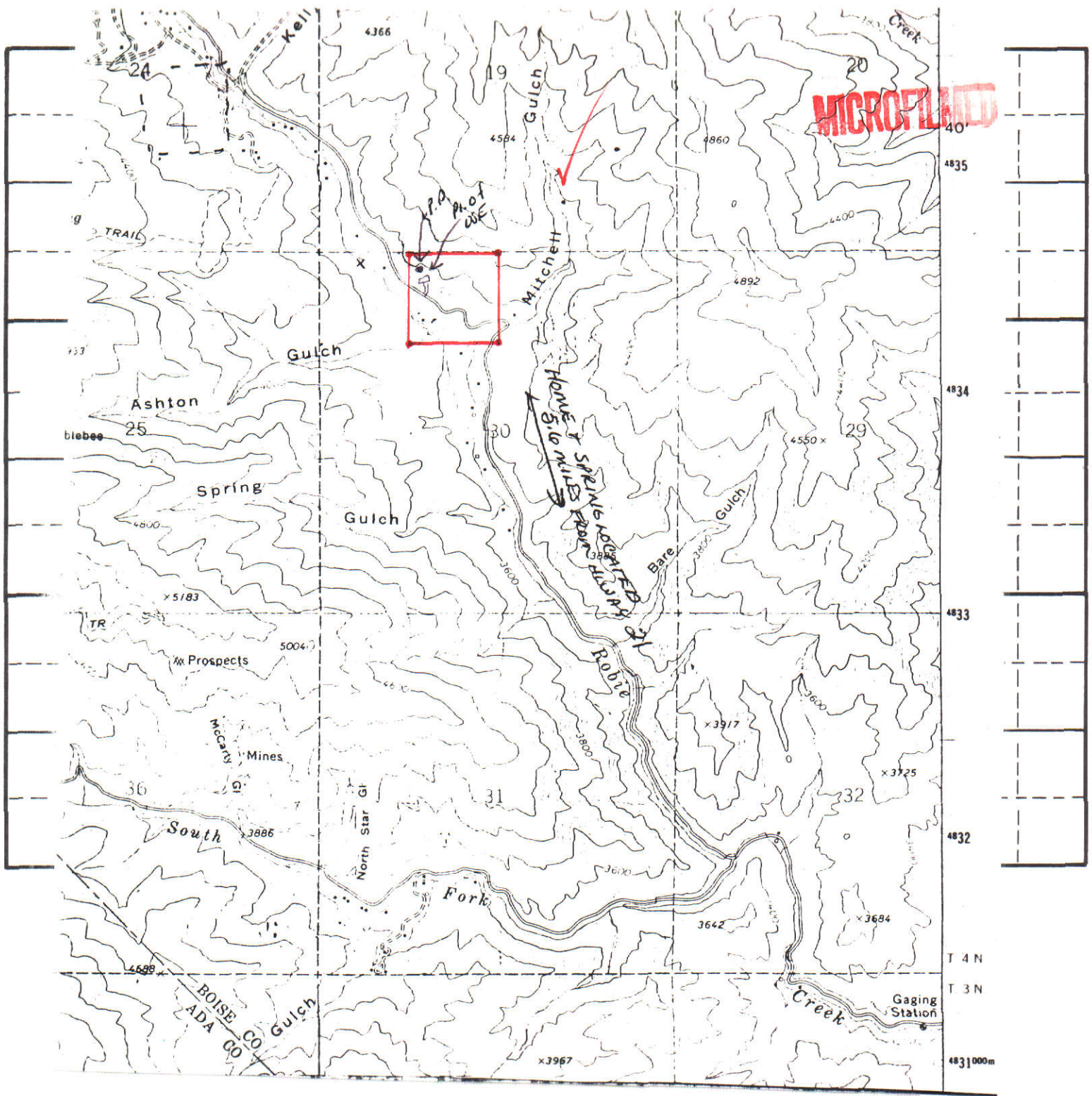
30

R4E

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.

Lessie A. Seutner
(Applicant)



Point(s) of diversion: NE NW, S. 30, T. 4N, R. 4E.

Place(s) of Use ✓

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	4E	30					X												

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

Examiner's Signature Jan Shute
 Checked by 6h5
 Approved by K. Walker

Date 2/25/86
 Date 3/11/86
 Date 4-25-86

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-9834 Priority November 12, 1981 Amount 0.04 cfs

THIS IS TO CERTIFY, that Robert Earl Butner &/or Bessie A. Butner
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 63-9834 issued pursuant to Application for Permit dated November 12, 1981,
and has submitted proof to the Department of Water Resources on April 29, 1983,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.04 cfs of water from a spring,
tributary to Robie Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 Unit)	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>0.6</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
0.6 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30,
Twp 4N, Rge 4E in the County of Boise

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	4E	30					X												

Total number of acres irrigated _____

MICROFILMED

MICROFILMED

CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Use of water under this license is limited to in-house use only.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29th day of APRIL, 19 86.

Norm C Young

Assistant to the Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-9834 IN THE
NAME OF ROBERT EARL AND BESSIE A. BUTNER

)
) ORDER OF REINSTATEMENT
)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before June 1, 1983; and,

WHEREAS, the Department has notified the permit holders by certified mail that proof was due and instructed the permit holders as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holders that the permit lapsed for failure of the permit holders to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holders have provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use in a timely manner;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 63-9834 be REINSTATED with no advance in priority.

Dated this 6th day of October, 1983.



L. GLEN SAXTON

Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Robert Earl Butner &/OR Bessie A Butner Phone 343-8794

Post office address C/O Idaho City Stage, Robie Creek, Boise, Idaho 83707

2. Source of water supply Spring- Unnamed which is a tributary of Robie Creek , Nearest Down Hill Creek

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 30 Township 4N

Range 4E B.M. Boise County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 for domestic purposes from 1/1 to 12/31 (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:

a. .04 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Gravel packed spring development with pipeline to 2-1,000 gallon tanks and gravity line to residence

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

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

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

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

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 30 Township 4N

Range 4E 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 _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.

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

RECORDED

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

[illegible]

Total number of acres to be irrigated

c. Describe any other water rights used for the same purposes as described above.

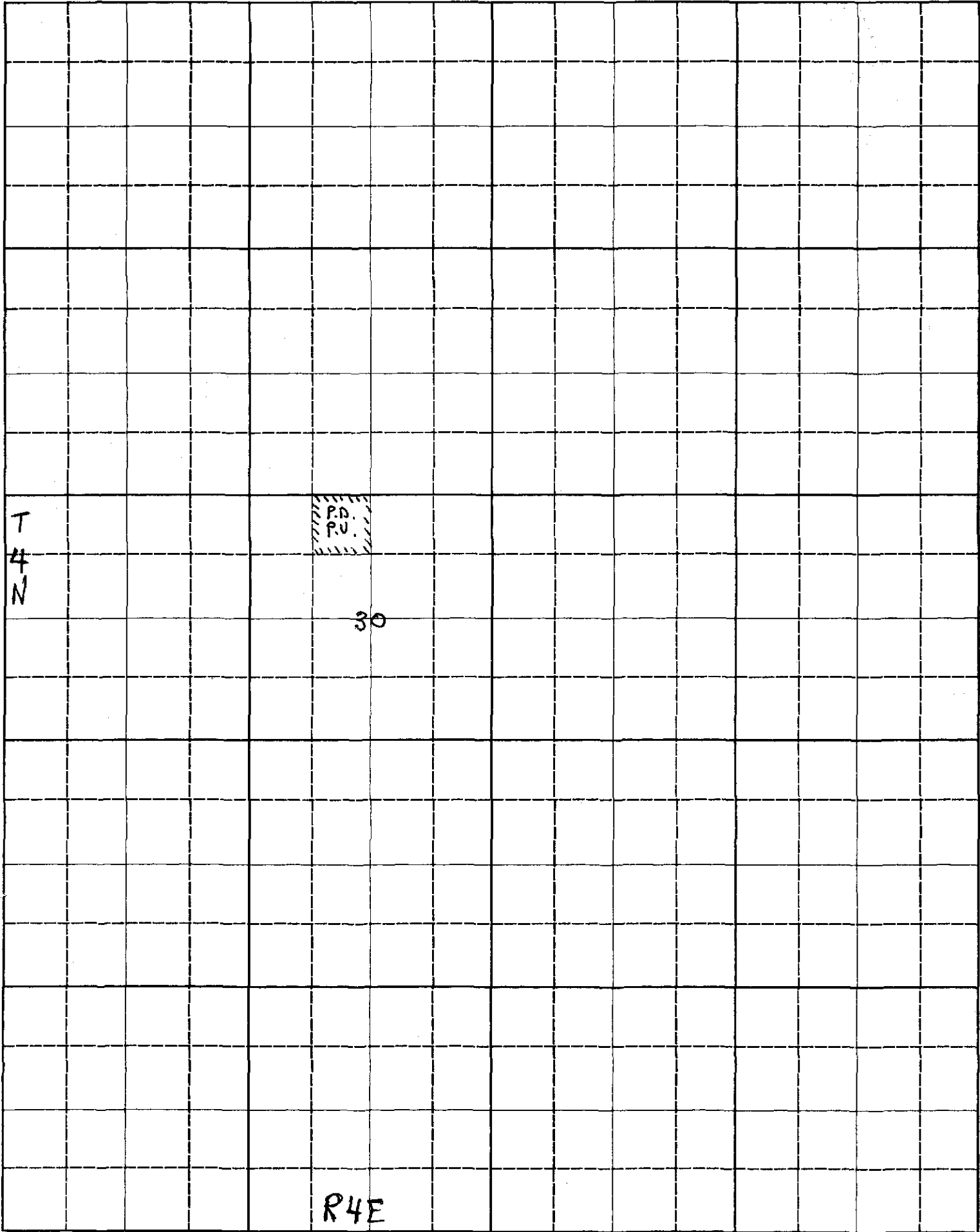
9. a. Who owns the property at the point of diversion Charles W. Bartlett

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Verbal agreement with Mr. Bartlett to allow
development of spring. Applicant is obtaining written agreement

10. Remarks

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.

Bessie A. Lutzner
(Applicant)

Proposed Priority 11/12/1981

Received by SP Date 11/12/81 Time 11:10 AM

Preliminary check by SP 11/13/81 Fee \$ 30⁰⁰/₁₀₀

Receipted by SP Date 11/12/81 # 20342

Publication prepared by SP Date 12/13/81

Published in Idaho World

Publication dates 12/10/81 & 12/17/81

Publication approved _____ Date _____

Protests filed by: Glont O. & Gisela Biloschaetski / c/o Idaho

City Stage, Boise, Id. 83706

protest withdrawn 3/11/82

Copies of protests forwarded by JP

Hearing held by _____ Date _____

Recommended for approval denial by DBS RC

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. 63-9834, 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 June 1, 19 83.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

Use of water for domestic purposes under this permit shall be limited to in-house use and watering of household stock.

This permit is subject to the agreement dated March 11, 1982, between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

Witness my hand this 12th day of _____ May _____, 19 82.

J. Glen Saxton
Chief, Operations Bureau

RECEIVED

342-0509

AGREEMENT OF SALE

THIS AGREEMENT, made and entered into this th 30 day of June, 1982, by and between CHARLES BARTLETT and CELISTE BARTLETT, husband and wife, hereinafter referred to as "Seller", and ROBERT BUTNER and BESSIE BUTNER, husband and wife, hereinafter referred to as "Buyer";

W I T N E S S E T H:

WHEREAS, Buyer has previously purchased from Seller certain real property located in the Northwest 1/4 of Section 30, Township 4 North, Range 4 East, Boise Meridian, Boise County, Idaho and more particularly described as follows:

From a set steel pin being the REAL POINT OF BEGINNING on the northerly right-of-way of Robie Creek Road:
Thence along the northerly right-of-way of said county road S54°-59'-55"E a distance of 206.99 feet to a set steel pin,
Thence leaving said northerly right-of-way N6°-11'-30" E a distance of 376.89 feet to a set steel pin,
Thence S79°-25'-33W a distance of 231.88 feet to a set steel pin,
Thence S4°-37'-04"E a distance of 214.20 feet to the REAL POINT OF BEGINNING

WHEREAS, there was no source of water in use on the aforesaid land at the time Buyer purchased the same from Seller, and

WHEREAS, Seller's land had located thereon a spring which spring was located adjacent to Bartlett Road approximately 300' due West from Buyer's house, and

WHEREAS, the Buyer and Seller entered into an agreement on or about May 15, 1981, by the terms of which agreement Seller agreed to sell and transfer to Buyer all of Seller's right, title and interest in and to the waters from said spring in consideration of Buyer developing said spring as a usable source of domestic water; and

WHEREAS, the Buyer has expended approximately \$3,000.00 for the purpose of developing said spring as a source of domestic water;

NOW, THEREFORE, In consideration of the mutual promises of the parties hereto, each to the other, and the matters recited above, it is hereby agreed:

Seller hereby sells, transfers and assigns to Buyer and Buyer hereby accepts all of Seller's right, title and interest in and to the waters of the aforesaid spring for and in consideration of the Buyer having developed said spring as a source of domestic water which development Buyer has satisfactorily accomplished.

Seller grants and transfers to Buyer a perpetual easement across Seller's land for the pipe which is already in place and which runs from the said spring to Buyer's house.

This Agreement shall bind the executors, administrators, personal representatives, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties have affixed their signatures hereto this 30th day of June, 1982.

SELLER:

Charles Bartlett
Charles Bartlett

Celliste Bartlett

BUYER:

Robert Butner
Robert Butner

Bessie Butner
Bessie Butner

STATE OF IDAHO)
County of Ada) ss

On this 30th day of June, 1982, before me, a Notary Public in and for said state personally appeared CHARLES BARTLETT and CELISTE BARTLETT, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act.

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

Bessie A. Butner

Bessie A. Butner
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires 9/28/85

STATE OF IDAHO)
County of Ada) ss

On this 30th day of June, 1982, before me, a Notary Public in and for said state, personally appeared ROBERT BUTNER and BESSIE BUTNER, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act.

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

Rosanne A. Josephson

Notary Public for Idaho
Residing at Boise, Idaho

Idaho City, Boise County, Idaho

LEGAL NOTICES

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-9834

BUTNER, ROBERT EARL &/or BESSIE A.
c/o IDAHO CITY STAGE, ROBIE CREEK,
BOISE, ID 83707

Source: SPRING tributary to ROBIE CREEK

Date Filed: 11/12/1981

Amount: 0.04 CFS

Diversion Point: NENW Sec 30 T 04N R 04E,
BOISE CO.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: NENW Sec 30 T 04N R 04E

Diversion Means: PIPELINE, TANKS &
GRAVITY LINE

If issued, the permits 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 DECEMBER 28, 1981.

Published in the Idaho World in Idaho City,
Idaho on December 9 and 16, 1981.

STATE OF IDAHO,
County of Boise

Charles J. ... being
duly sworn, deposes and says:
that he is the manager and prin-
cipal clerk of THE IDAHO
WORLD, a weekly newspaper
published at Idaho City, in the
County of Boise and State of Ida-
ho; that said paper has been and
is in general circulation in the
county aforesaid, and in the vi-
cinity of Idaho City; that the
advertisement, a copy of which is
here-to attached, was published in
said newspaper once a week for

2 consecutive weeks in
the entire and regular issue of
every number of said paper dur-
ing the period and time of publi-
cation and was published in the
newspaper and not a supplement;
that said paper has been estab-
lished and regularly and continu-
ously published for more than
seventy-eight weeks past previ-
ous to the first publication of
this notice. Such notice was pub-
lished in the issue beginning with

12-9 19*81* and end-

ing with the issue of *12-16*

19*81*

Charles J. ...
Subscribed and sworn to before

me this *13th* day of *Dec.*, 19*81*.

Sara Hoffman
Notary
Idaho City, Id.

RECEIVED

Department of Water Resources
Western Regional Office

RECEIVED

JUL 18 2001

Department of Water Resources

ee: W.A.
SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM

Claim Number(s):

License # 63-09834 + A63-15230

Previous Mailing Address:

Hc 33 Box 2230
Boise, Id. 83706

New Mailing Address:

10 Grandpa Mtn Ln
Boise Id. 83716

Telephone Number:

(208) 343-8794

Signature of Claimant(s):

Gen A Butner
Robert E Butner

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177



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

May 5, 1986

RE: Permit No. 63-9834

Robert E. &/or Bessie A. Butner
c/o Idaho City Stage, Robie Creek
Boise, ID 83707

Dear Mr. and Mrs. Butner:

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

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

758 928

RECEIVED

MAR 16 1986

State of Idaho
DEPARTMENT OF WATER
WATER RIGHT BENEFICIAL USE

Department of Water Resources

47-2421
JERRY L. HAYES
1000 N. 1st St. Boise, ID 83724
208-333-8111

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☒ Telephone call made (List Telephone No. used)	5/1/85	Jr	
☒ Appointment scheduled for: (Date, time, location)	5/2/85 1:00 1 mile past Tropic on rt. hand side. (Robie Creek)		

EXAMINATION

Date: 5/2/85 Accompanied by: Mrs. Butner Total Q measured: Est. - .04 cfs
Source: Spring Tributary to: Robie Creek Supp. annubar measurement sheet used?
If source is surface water, estimate total flow of source
Methods of measurement: estimated Meets permit requirements?

Measurement calculations:
Domestic - .04 cfs + 0.6 afa (in house use only)

WELL/DIV. NO.*	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
			N/A					

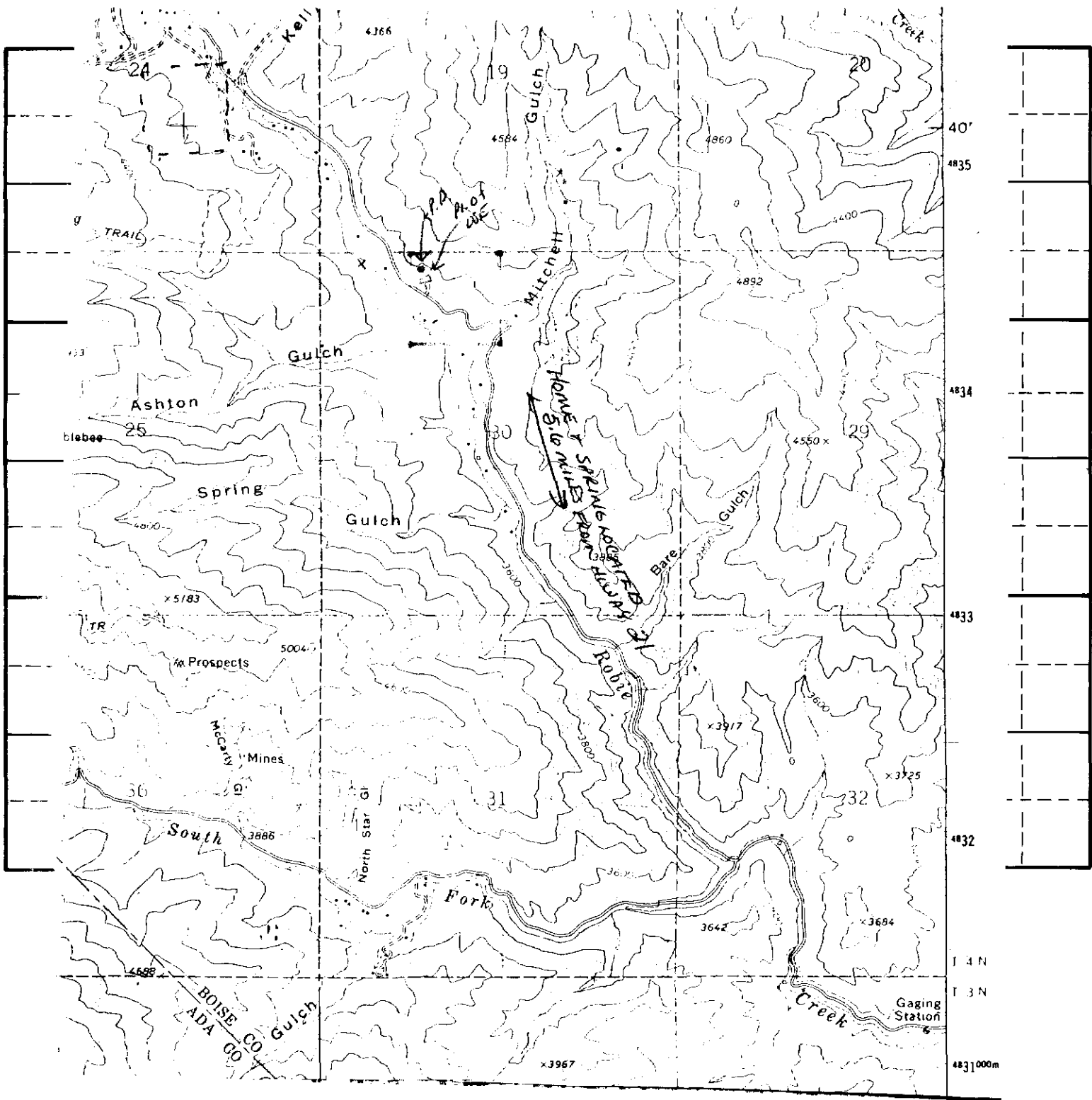
System Description: SPRING w/ GRAVEL PACKED & AER. PIPE w/ 2-1000 GALLON STORAGE TANKS. 1 1/2" pipeline to home. RUNS 1-1 1/2 GPM. Well for irrigation purposes.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Irrigation requirement =		AFA/Acre	
	Q (cfs)	V (afa)	FROM	TO
DOMESTIC - 1 home	0.04 cfs	0.6 afa	1-1	12-31
Total	0.04 cfs	0.6 afa		

Remarks:



Point(s) of diversion: NE NW, S. 30, T. 4N, R. 4E.

Place(s) of Use

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
4N	4E	30					X												

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

Examiner's Signature

Checked by

Approved by

Jan Skute

6h5

Date

Date

Date

2/25/86

3/11/86

WATER RIGHT NUMBER 65-9334

OWNER LAST NAME - BUTNER

FIRST NAME - ROBERT EARL

ORIG OWNER -

OWNER LAST NAME - BUTNER

FIRST NAME - BESSIE A.

ORIG OWNER -

ADDRESS LINE 1 - C/O IDAHO CITY STAGE

ADDRESS LINE 2 - ROBBIE CREEK

ADDRESS LINE 3 -

CITY - BOISE

STATE - ID ZIP CODE - 83707

SOURCE - SPRING

TRIBUTARY OF - ROBBIE CREEK

STAGE - PERMIT

STATUS -

PRIORITY - 11-12-1981 COUNTY - BOISE

TOTAL DIV. RATE - .0400 -CFS

TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND -

WATER DIST. -

OLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NEW 30 04N 04E LOT REDIV -

272.0 312.0 84.0 3.0 0.0 0.0 0.0 0.0 0.0 0.0 3.4

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE -

.0400 -CFS

USE DIV. VOLUME -

.00 AFA

USE - DOMESTIC

PLACE OF USE - TWN 04N RNG 04E SEC 30 TRACT NEW LOT AC

DECREE NAME -

DATE -

TOTAL ACRES 0

REMARKS - REINSTATED 10-8-1985.

THIS PERMIT IS SUBJECT TO THE AGREEMENT DATED MARCH 11, 1942,

✓ BETWEEN PERMIT HOLDER & PROTESTANT(S) TO THE EXTENT SUCH

AGREEMENT COVERS MATTERS WITHIN THE JURISDICTION OF THE DEPT. OF

WATER RESOURCES.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE - 08-01-1983 PERMIT/DENIED - 05-12-1982 PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - P FLD EXAM - COND. OF APPROVAL - 04 21 18

DIVERSION MEANS - PIPELINE, TANKS & GRAVITY LINE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

DECEMBER 30, 1983

ROBERT E. BUTNER
C/O IDAHO CITY STAGE
ROBIE CK.
BOISE

ID 83707

RE: Permit No. 63-9834

Dear Permit Holder:

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

Enclosed please find a copy of an order involving your 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 by phone at 334-2190 or in person in the third floor State Towers Building, 430 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

Enclosure

MICROFILMED

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. 63-9834

Name(s) of Permit Holder: Butner, Robert Earl & Bessia A.

Post Office Address: c/o Idaho City Stage

Robie Creek Boise, ID 83707 Tel. No. 343-7894

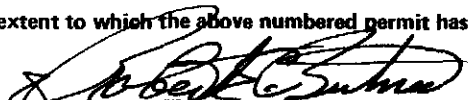
Source of Water: spring

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


Signature of Permit Holder

PLACE
13 CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources
Western Regional Office

RECEIVED
JUN 20 1971

DEC 1 1971

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. 63-9834 9?

Name(s) of Permit Holder:

Robert E. Butner

Post Office Address:

Idaho City Flago Robert Cr.
BoiseTel. No. 343-8794

Source of Water:

Extent of Use:

- ☒ Domestic ONE (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres)
☐ Other

Measuring Device:

Required?

☐ Yes ☒ No

Installed?

☐ Yes ☐ No

Access Port:

Required?

☐ Yes ☒ No

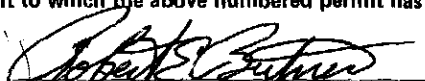
Installed?

☐ Yes ☐ No

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

29 April 83

Date



Signature of Permit Holder

RECEIVED

APR 29 1983

PLACE
TEN CENT
STAMP
HERE

**Department of Water Resources
Western Regional Office**

MICROFILMED



**IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**

June 21, 1983

Robert Butner
c/o Idaho City Stages
Robie Creek
Boise, ID 83707

RE: Water Right Permit No. 63-9834

Dear Mr. Butner:

Thank you for coming to our office June 20, 1983, in regards to the lapse letter you received. After discussing the situation with Erv Ballous and doing an extensive search in the office, I am sorry to inform you that we cannot locate the original Beneficial Use card you turned in.

While you were in the office, I overlooked the fact that you did not sign the duplicate Beneficial Use card. I have enclosed it for your signature. Please return it as soon as possible.

If you have any other questions, please contact us.

Sincerely,

ROBYN CARLSON
Technical Records Specialist

RC:sc

Enclosure

6/20/83

63-9834

NAME OF PARTY

Mr. Butner

EMPLOYEE

Kelyn Carlson

RE:

Mr. Butner was in the office today in regards to the lapse letter he received. He said he turned his B/U card in on 4-29-83 to Erv Ballou. I spoke with Erv & he does remember but does not know what he did with the B/U card.

Judge therefore ~~had~~ typed up another card but I overlooked that fact that Mr. Butner did not sign it. The attached copy was Mr. Butner's notations on his visits to the office.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATE 10153
BOISE, IDAHO 83720
(208) 334-4440

ROTNER, ROBERT FARD & BESSIE W.
C/O IDAHO CITY STAGE
ROBIE CREEK
BOISE, ID 83707

LAPSE NOTICE

JUNE 02, 1983

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 63-9834 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF OF NOTICE TO YOU DATED MARCH 31, 1983.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. Glen Saxton

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

Received Notice 6/16/83

*all info was given in person to Erv Ballou
on april 29, 1983 3:30 P.M.*

6/20 12:00
Robin Carlson
70 Investment Co.

Judy. 6/17 9:25
Lee Corso
Erv will
Back mon 6/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BUTNER, ROBERT EARL & BESSIE A.
C/O IDAHO CITY STAGE
ROBIE CREEK
BOISE, ID 83707

LAPSE NOTICE

JUNE 02, 1983

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 63-9834 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE NOTICE THAT YOU HAVE COMPLETED THE PROJECT (PROOF OF BENEFICIAL USE) BY THE DATE REQUIRED ON YOUR PERMIT OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED MARCH 31, 1983.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST AND THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

CERTIFICATION OF MAILING

I hereby certify that on 6/15/83
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above

Shirley Curtis

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

BUTNER, ROBERT EARL & BESSIE A.
C/O IDAHO CITY STAGE
ROBIE CREEK
BOISE, ID 83707

138413

PROOF DUE NOTICE

MARCH 31, 1983

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 63-9834 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

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

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BUTNER, ROBERT EARL & BESSIE A.
C/O IDAHO CITY STAGE
ROBIE CREEK
BOISE, ID 83707

MAY 26, 1982

RE: PERMIT NO. 63-9834

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

INITIAL REVIEW BY: SC 11/23/81

APPLICATION NUMBER: 63-9834

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ 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: APPLICANT WAS INFORMED THAT IN HOUSE USE ONLY WAS BEING APPROVED FROM SURFACE WATER IN BOISE DRAINAGE.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☐ No
☐ Yes ☐ No

Platted by: _____ Map No. _____

Other rights on same place of use. _____

- ☒ Yes ☐ No*
☒ Yes ☐ No

In form for advertising.

Final date for protests: December 28, 1981 ✓

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12/21/81
☒ Application published correctly. If not, record action taken:
☒ Fee amount, receipt date & number, recorded on application. 30.00 20342
☒ Publication dates and paper, recorded on application. Idaho World 12/10 & 12/17/81
☒ Protests, dates, withdrawal etc., recorded on application. 12/21/81
☒ 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? _____

11/12/81 Date of priority recommended.

Special conditions of approval or cover letter. Right-of-way clause

By: DBS

Date: 3/11/82

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: [Signature]

Date: 5/6/82

RECEIVED
APR 30 1982

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
NEW	30	04N	04E			003.4

IDAHO STREAM CODE INDEX

2720.3120.0840.0030.-----

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----

IDAHO STREAM CODE INDEX

IN THE MATTER OF PROTESTED)
 APPLICATION FOR PERMIT NO.) AGREEMENT
 63-9834 IN THE NAME OF) AND
 ROBERT EARL AND/OR BESSIE A.) WITHDRAWAL OF
 BUTNER) PROTEST

We, the applicants, agree the use of water under this filing will be limited to in house use only and will not be used for lawn or garden or other outside uses.

Signed at Boise, Idaho on the 11th of March, 1982.

Robert E. Butner

Robert Earl Butner

Bessie A. Butner

Bessie A. Butner

The protestants agree to withdraw our protest against the above numbered application based on the condition the water will be used in the house only.

Signed at Boise, Idaho on the 11th of March, 1982.

Horst O. Biloschaetske

Gisela Biloschaetske

Gisela Biloschaetske

Horst Biloschaetske

MICROFILMED

PROTEST INFORMATION SHEET

Protestant - Name(s)

Glont O. & Gisela Biloschaetski

Address c/o Idaho City Stage Boise, Idaho 83706

Attorney - Name & Address

Date Filed 12/21/81 Protest Date

Issues

Applicant - Attorney - Name & Address

Dates:

Acknowledgement letters: 12/31/81

Hearing Notice: 2/24/82

Hearing Date: 3/11/82

Other:

Protest withdrawn
3/11/82

Protest Information submitted in Computer (following hearing):

3/11/82

63 - 9834

App: Butner

Prot:

^{Prot.}
~~App:~~ - Does not want water to ~~be~~ lose
water that is tributary to Robre. Creek -

App - water is not from Mitchel Creek
& Kelly Gulch

Already developed - dug out w/ backhoe
& gravel packed - two 1000 gal storage
tanks - developed last May.

Spring was uncovered when road was
constructed.

This spring is not the same spring
that was used by blacksmith shop.

- Drilled a well & does not produce
any water.

- app. plans only in house use

MICHELLE

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



RECEIVED

RETURN



RECEIVED

FEB 26 1982

Department of Water Resources
Western Regional Office

(Name of Sender)
**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE**

**92 SOUTH COLLEGE (Street or P.O. Box)
BOISE, IDAHO 83709**

(City, State, and ZIP Code)

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

Mont O. #101 Paula Biloschanski
40 Idaho City Stage
Boise, ID 83706

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

226 067

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

FEB 5 1982

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

US CARRIER
INITIALS

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



IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE

92 SOUTH COLE ROAD
BOISE, IDAHO 83709

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

RECEIVED

MAR 3 1982

RETURN
TO

Department of Water Resources
Western Regional Office



RECEIVED

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

Robert Earl Butner a/v
Beaie A. Butner
c/o Idaho City Stage
Robin Creek, Boise, ID 83707

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	6 066	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

MAR 1 1982

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

**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.

P 300-226 066

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO *Robert Earl Butner & Son*
Bessie A. Butner

STREET AND NO. *So Idaho City Stage*
Robin Creek

P.O., STATE AND ZIP CODE

Brice, ID 83707

POSTAGE

\$

CERTIFIED FEE

¢

SPECIAL DELIVERY

¢

RESTRICTED DELIVERY

¢

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

CONSULT POSTMASTER FOR FEES

OPTIONAL SERVICES

RETURN RECEIPT SERVICE

63-9834

**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.

P 300 226 067

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO

Blont B. C/O David Biloschanski

STREET AND NO.

C/O Alaska City Stage

P.O., STATE AND ZIP CODE

Boise, Id. 83706

POSTAGE

\$

CONSULT POSTMASTER FOR FEES

CERTIFIED FEE

¢

SPECIAL DELIVERY

¢

RESTRICTED DELIVERY

¢

OPTIONAL SERVICES

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

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

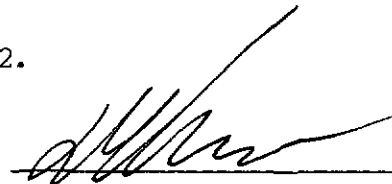
IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 63-9834 IN THE NAME)
OF ROBERT EARL AND/OR BESSIE A.)
BUTNER)

NOTICE OF HEARING
AND/OR CONFERENCE

On November 12, 1981, Robert Earl and/or Bessie A. Butner filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On December 21, 1981, the Department received a protest against approval of said application from Glont O. & Gisela Biloschaetski.

The Department has set the matter of protest for hearing for March 11, 1982, at 10:00 a.m., at the State Office of the Department of Water Resources, State Tower Bldg., Third Floor Conference Room, 450 W. State St., Boise, Idaho, 83720. The hearing will be held in accordance with provisions of Chapters 2 and 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. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

Dated this 24th day of February, 1982.



DAVID B. SHAW
Western Region Supervisor

MICROFILMED

CONFERENCE AND HEARING INFORMATION
IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

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

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.

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 may 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 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision 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 42-1701A 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.

Under the provisions of Idaho Code, Sections 42-1701A and 67-5215, any court review of the Department's decision on appeal shall be confined to the record created before the Department.

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

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN

Director

(208) 334-2190

December 21, 1981

Robert Carl &/or Brenda L. Langer
c/o Idaho City Water
Mobile Creek
Boise, Idaho 83717

Dear Mr. & Mrs. Langer:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. 81-034. The Department suggests you contact the protestants(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.

RECEIVED
DEC 22 1981



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN
Director

(208) 334-2190

Re: December 22, 1981

Glenn C. Smith, Administrator
c/o Idaho Highway
Boise, Idaho 83709

Re: 62-5634

License, C. Smith, Administrator

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

21 December 1981

Director of Idaho Dept.
of Water Resources.
92 So Cole Road
Boise, Idaho 83709

Dear Sir,

This is in regards to the
water rights to be granted to
Robert Earl Sutures or Bessie a
% Idaho City Stage, Robee Creek.

I hereby protest this action
which is in reference to NET2
Sec 30 + 04 N R04 E. Boise, Idaho.

Hunt O. Bilvoschutke
Ljislav Bilvoschutsk

% Idaho City Stage
Boise, Idaho 83706

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

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

DECEMBER 3, 1981

The Idaho World
Box 220
Idaho City, ID 83631

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 DECEMBER 28, 1981.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.

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 DECEMBER 28, 1981.

A. KENNETH DUNN

Director

Published 12/10 & 12/17/81.

MICROFILMED

63-9834-

BUTNER, ROBERT EARL &/or BESSIE A.

C/O IDAHO CITY STAGE, ROBIE CREEK, BOISE, ID 83707

Source: SPRING tributary to ROBIE CREEK

Date Filed: 11/12/1981

Amount: 0.04 CFS

Diversion Point: NENW Sec 30 T 04N R 04E, BOISE Co.

Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: NENW Sec 30 T 04N R 04E

Diversion Means: PIPELINE, TANKS & GRAVITY LINE

MICROFILMED

IDENT. NO. 63-9834

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]