

RECEIVED

AUG 21 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 20 2008	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcase: 34-02251

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On May 15, 2008, Kenneth L. and Julia L. Buckwalter, by and through counsel, Jerry R. Rigby, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on August 19, 2008. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated August 20, 2008.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on August 20, 2008, with sufficient first-class postage to the following:

JULIA L BUCKWALTER
KENNETH L BUCKWALTER
Represented by:
JERRY R. RIGBY
25 N 2ND E
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the "Deputy Clerk" text.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 34-02251

Date Received: _____

Receipt No: _____

Received By: _____

DISTRICT COURT SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 15 2008

By _____
Clerk

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) Kenneth L. Buckwalter, Julia L. Buckwalter Phone (208) 588-2434 Deputy Clerk

Mailing Address P.O. Box 216, Mackay, Idaho 83251 ZIP 83251
Street or Box City State

2. Date of Priority (Only one (1) per claim) 02/03/1926
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other () (a) Lower Cedar Creek

which is tributary to (b) Sinks

4. a. Location of Point of Diversion is: Township 07N, Range 24 E.B.M, Section 2,
NE, 1/4 of SW, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of Custer

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of

_____, 1/4 Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Headgate on Lower Cedar Creek and a canal.

Last Name Buckwalter Ident No. 34-2251

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 10/31 amount 2.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.0 c.f.s. (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) _____

9. Description of place of use:

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

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

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	8												40					40
07N	24E	17					35			25									60

Total number of acres irrigated 100 acres

10. In which county (ies) are lands listed above as place of use located? Custer

11. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

12 acres in Section 8 and 20 acres in Section 17 are watered by _____ or None ()
water rights 34-543, 34-808, 34-884, 34-885, and 34-886

13. Remarks: This water right has a license date of 04/19/1979. We have only recently
become aware that a claim was never filed on this right. Attached is a warranty
deed and title insurance evidencing ownership of the land to which this right
pertains. Also attached is a copy of the license printed off by IDWR in Idaho
Falls.

Last Name Buckwalter Ident No. 34-2251

14. Basis of Claim (Check One) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____ Decree _____

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 34-2251

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *Jerry R. Rigby* Date 5-14-08

Title and Organization ATTORNEY

Please Print Name

16. Notice of Appearance:

Notice is hereby given that I, Jerry R. Rigby, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature *Jerry R. Rigby*

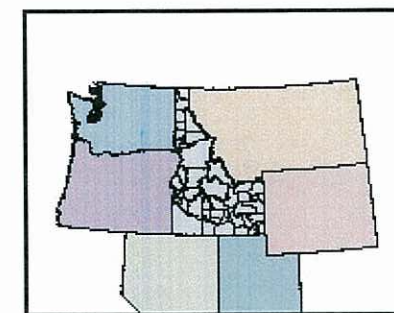
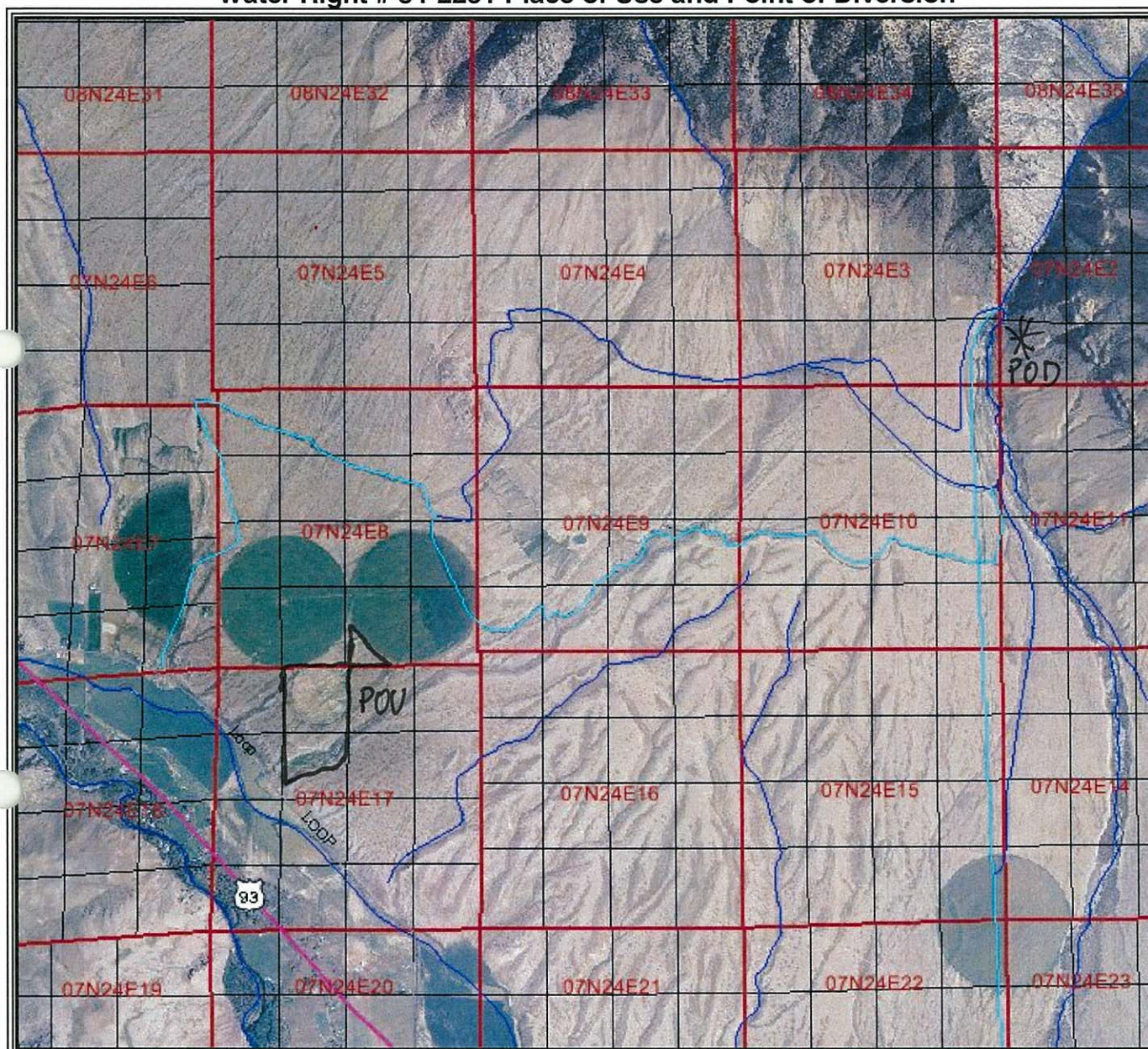
Address P.O. Box 250, Rexburg, Idaho 83440

Date 5-14-08

Last Name Buckwalter Ident No. 34-2251

Water Right # 34-2251 Place of Use and Point of Diversion

Created: May 14, 2008



- Legend**
- Major Roads
 - Interstate
 - U.S. Highway
 - State Highway
 - Other
 - Lakes
 - Major Rivers
 - 20001 - 1000000
 - 10001 - 20000
 - 250 - 10000
 - Rivers
 - Rivers & Streams
 - Canals & Ditches
 - Other streams
 - PLS - Section
 - PLS - quarter quarter
 - Cities
 - Counties
 - state
 - High Res. NAIP (2004)



Prepared by the ArcIMS Map Server at:



Idaho Department of Water Resources
 322 East Front Street, P.O. Box 83720
 Boise, Idaho 83720-0098
 Ph: (208) 287-4800
 www.idwr.idaho.gov

The Idaho Department of Water Resources is maintaining this web site as a public service. Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.