

04/11/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-139

NAME AND ADDRESS: JAY DELL BUXTON
256 S 500 W
DRIGGS ID 83422

SOURCE: MAHOGANY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.200 CFS

The rights listed below are limited to a total combined diversion rate of 6.8 cfs. Combined Right Nos.: 22-139, 22-140, and 22-2278.

PRIORITY DATE: 06/01/1889

POINT OF DIVERSION: T04N R44E S14 SENWNE Lot 2 Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	4/15 10/15	0.200 CFS
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		

T04N R44E S12	SENE	37.00	T04N R44E S12	NESE	35.00
T04N R44E S12	NWSE	39.00	T04N R44E S12	SESE	37.00
T04N R45E S07	NWNE	39.00	T04N R45E S07	SWNE	39.00
T04N R45E S07	NENW	39.00	T04N R45E S07 Lot 1	NWNW	30.00
T04N R45E S07 Lot 2	SWNW	36.00	T04N R45E S07	SENE	39.00
T04N R45E S07	NESW	40.00	T04N R45E S07	NWSE	40.00

450 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 450 acres in a single irrigation season. Combined Right Nos.: 22-139, 22-140, and 22-2278.

Right Nos. 22-139 and 22-140 are limited to the irrigation of a combined total of 160 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This right is subject to regulation by the watermaster of Water District No 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

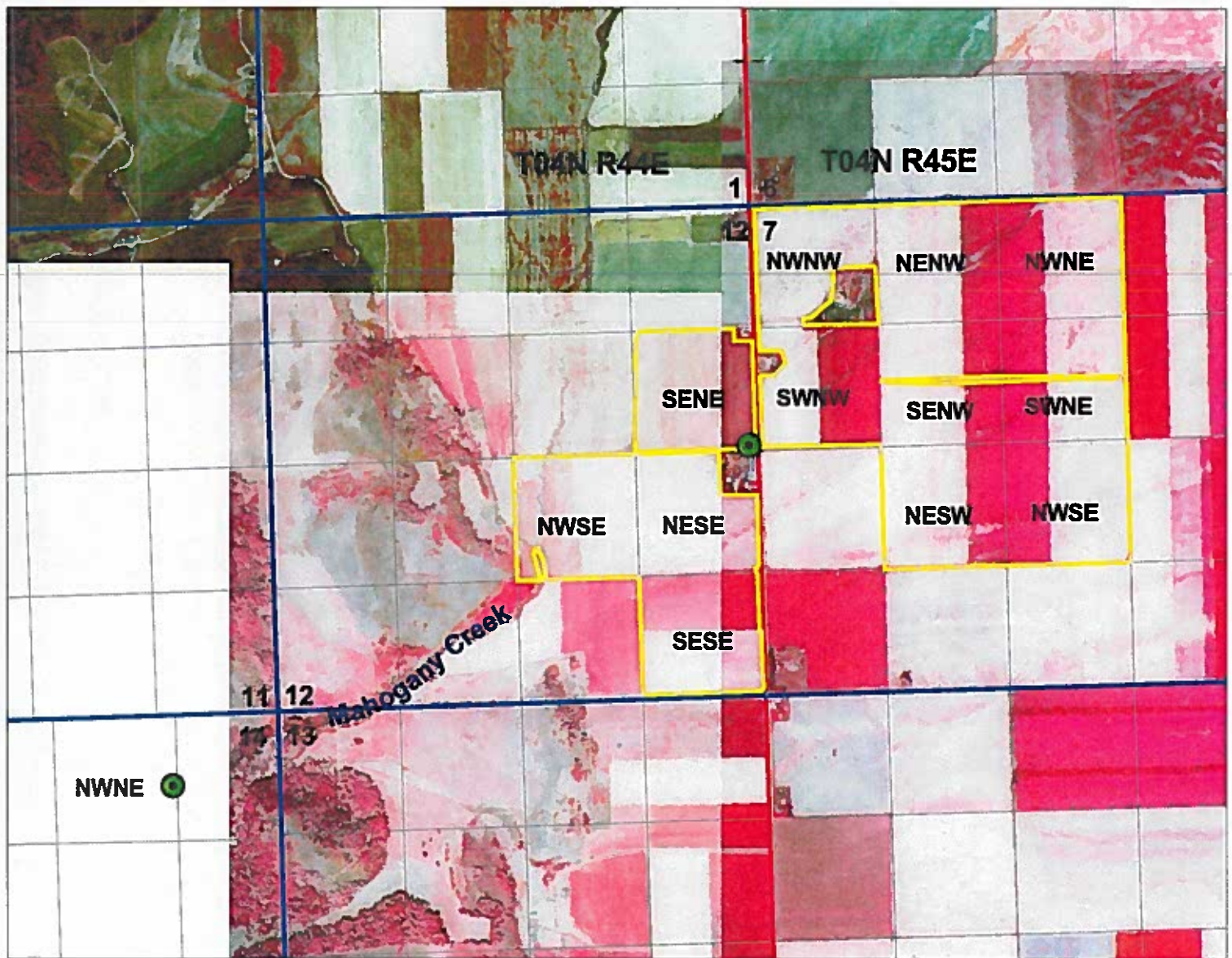
Right No. 22-140 is also diverted through point of diversion described above.



Department of Water Resources

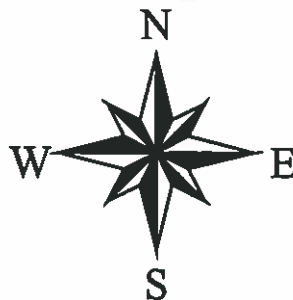
Eastern Region

Claim No.: 22-139, 22-140,
& 22-2278



0 1000 2000 3000 Feet

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: April 2006

04/28/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-139

JAY DELL BUXTON

256 S 500 W

DRIGGS ID 83422

Telephone Number: (208)354-2570

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

4/28/2006

SIGNATURE:

Jaydel Buxton

Please print your name:

JAYDELL Buxton

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Claim no. _____

Claimant Contact Log

Date	Remarks	Agent initials
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4-11-06	(TPU) This right is used in combination with 22-140 and 22-2278 on a total of 450 ac. In the decree, 22-139 and 22-140 were both applied to the same 1100 ac, which they claim. KM	
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Field exam notes are in 22-140.

THIS CASE came on regularly to be heard before the Court sitting without a jury, in Chambers, in the Courthouse at St. Anthony, Fremont County, Idaho, on this 2nd day of June, 1966 at the hour of 2:30 P.M. of said day; Plaintiffs appearing in person and by their attorney, H. C. Forbush; and the defendant appearing not, either in person or by counsel, and it appearing to the Court, from the records and files in this action, that the defendant was regularly served with process, and that a Notice of Pendency of this action, containing such matter as are required by law, having been published in the Fremont County Chronicle News, a weekly newspaper published at St. Anthony, Fremont County, Idaho; and the Teton Valley News, a weekly newspaper published at Briggs, Teton County, Idaho; in accordance with the Order issued out of this Court on the 27th day of April, 1966, and as required by law, and the time allowed by law for answering or appearing having expired, and the defendant or anyone for or on behalf of said defendant, having failed to appear or answer plaintiffs' complaint on file herein, and the default of said defendant having been duly and regularly entered, and the Court, having heard the evidence introduced by and on behalf of plaintiffs, and having duly considered the same, and being fully advised in the premises; and it appearing that each and all of the allegations in plaintiffs' complaint contained are true and correct.

NOW, THEREFORE, in consideration of the premises, and on motion of H. C. Forbush, Attorney for plaintiffs,

IT IS ORDERED, that the default of said defendant be, and it is hereby entered against said defendant; and

IT IS ORDERED, ADJUDGED AND DECREED, that the plaintiffs, Darrell C. Buxton and Mary Buxton, husband and wife, are entitled to, and are hereby awarded 10 miner's inches dated June 1st, 1889; and 150 miner's inches dated July 1st, 1890 of the waters of Shogany Creek; for the irrigation of their real property, described in plaintiffs'

complaint, and more particularly described as follows, to-wit:

The Southeast quarter of the Northeast quarter⁴⁰; Northwest quarter⁴⁰ of the Southeast quarter and East half of the Southeast quarter in Section Twelve, Township four North, Range 44, E.B.M.⁸⁰

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the foregoing adjudication of water be made subject only to the Decrees, in a certain action in the District Court of the Ninth Judicial District of the State of Idaho, in and for the County of Fremont, entitled "Texburg Irrigation Company, et. al., Plaintiffs, vs. Teton Irrigation Canal Company, et. al., Defendants," dated and filed December 16th, 1910; in a certain action instituted in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, entitled "Twin Falls Canal Company, Plaintiff, vs. Charles N. Foster, et. al., Defendants," filed on the 20th day of June, 1913, and the amended decree thereto, dated September 12th, 1916, and filed September 21st, 1916, and in a certain action, instituted in the United States District Court of Idaho, Eastern Division, entitled "Woodville Canal Company, a corporation, Plaintiff, v. Clark and Edwards Canal Company, a corporation, et. al., Defendants," dated the 25th day of June, 1929, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the defendant and all persons claiming by, through or under him, or either or any of his successors in office, and all persons claiming to have acquired any right or interest in or to or upon the said waters, hereinbefore decreed, by through, or under any person whatsoever, except the Plaintiffs herein, be hereby enjoined and restrained from obstructing, or in any way interfering with the flow of said waters, through the ditches of the Plaintiffs.

Done in Chambers in the Court House at St. Anthony, Fremont County, Idaho, this 2nd day of June, 1966.

WILLARD C. BURTON

JUDGE OF THE DISTRICT COURT

APR 20 1964

[illegible]

SCANNED

APR 20 2004

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: A22-00139
Date Received: 9/16/1988
Receipt No: M 001356
Received By: Emc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAYDELL BUXTON 208-354-2570
Address: 256 S. 500 W.
DRIGGS, ID 83422

2. Date of Priority: JUN 01, 1889

3. Source: MAHOGANY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	44E	14	NE SW	SW NE	NE		TETON

5. Description of diverting works:
CEMENT HEADBOX, GRAVITY FLOW PIPELINE AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.200		

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	44E	12	SE	NE		IRR	37.0
			NE	SE		IRR	35.0
			NW	SE		IRR	39.0
			SE	SE		IRR	38.0

Section Acres 149.0

A22-00139

Page 1

Date: 09/16/88

A2200139



MICROFILMED

NOV 04 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	7	NW	NE		IRR	39.0
			SW	NE		IRR	39.0
			NE	NW		IRR	39.0
			NW	NW		IRR	30.0
			SW	NW		IRR	36.0
			SE	NW		IRR	39.0
			NE	SW		IRR	40.0
			SE	SW		IRR	39.0
			NW	SE		IRR	39.0
Section Acres							340.0
Total Acres							489.0

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
22-0140.

14. Remarks:
IN 1961 I INSTALLED A GRAVITY FLOW PIPELINE AND SPRINKLER D
SYSTEM. THIS SYSTEM INCREASED MY IRRIGATION EFFECIENCY AND
ALLOWED ~~MY~~^{ME} TO APPLY THIS WATER TO ADDITIONAL LANDS IN SECTION 7.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

DARRELL BUXTON

Decree Plaintiff

vs

HENRY EAGLE, W. M.

Decree Defendant

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

Signature of Claimant(s): *James Buxton* Date: *Sept 20 1988*
Date: _____

State of Idaho)
County of *Bonneville*) SS.

Subscribed and sworn (or affirmed) before me this *20th* day
of *September* 19 *88*

Anthony A. Olmstead
Notary Public



Residing at *Idaho Falls*
My Commission Expires *9/12/1994*

36

31

32

Creek

Spring

Rain
Bend

R. 44E

6

R. 45E

N21-02275

Well

7

N21-00137

N21-11645

T. 4N

Madison

Pipeline Heading

13

8

MICROFILMED

2661 4 0 NOV

APR 20 2004

INDEXED

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