

04/11/2006

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

RIGHT NUMBER: 22-2278
NAME AND ADDRESS: JAY DELL BUXTON
256 S 500 W
DRIGGS ID 83422

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.600 CFS
903.00 AFY

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: 08/18/1966

POINT OF DIVERSION: T04N R44E S12 SESENE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	3.600 CFS 903.00 AFY

PLACE OF USE: IRRIGATION Within TETON County

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	SENW	39.00
T04N R45E S07	NESW	40.00	T04N R45E S07	NWSE	40.00

450 ACRES TOTAL

This right is limited to the irrigation of 301 acres within the place of use described above in a single irrigation season.

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.

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

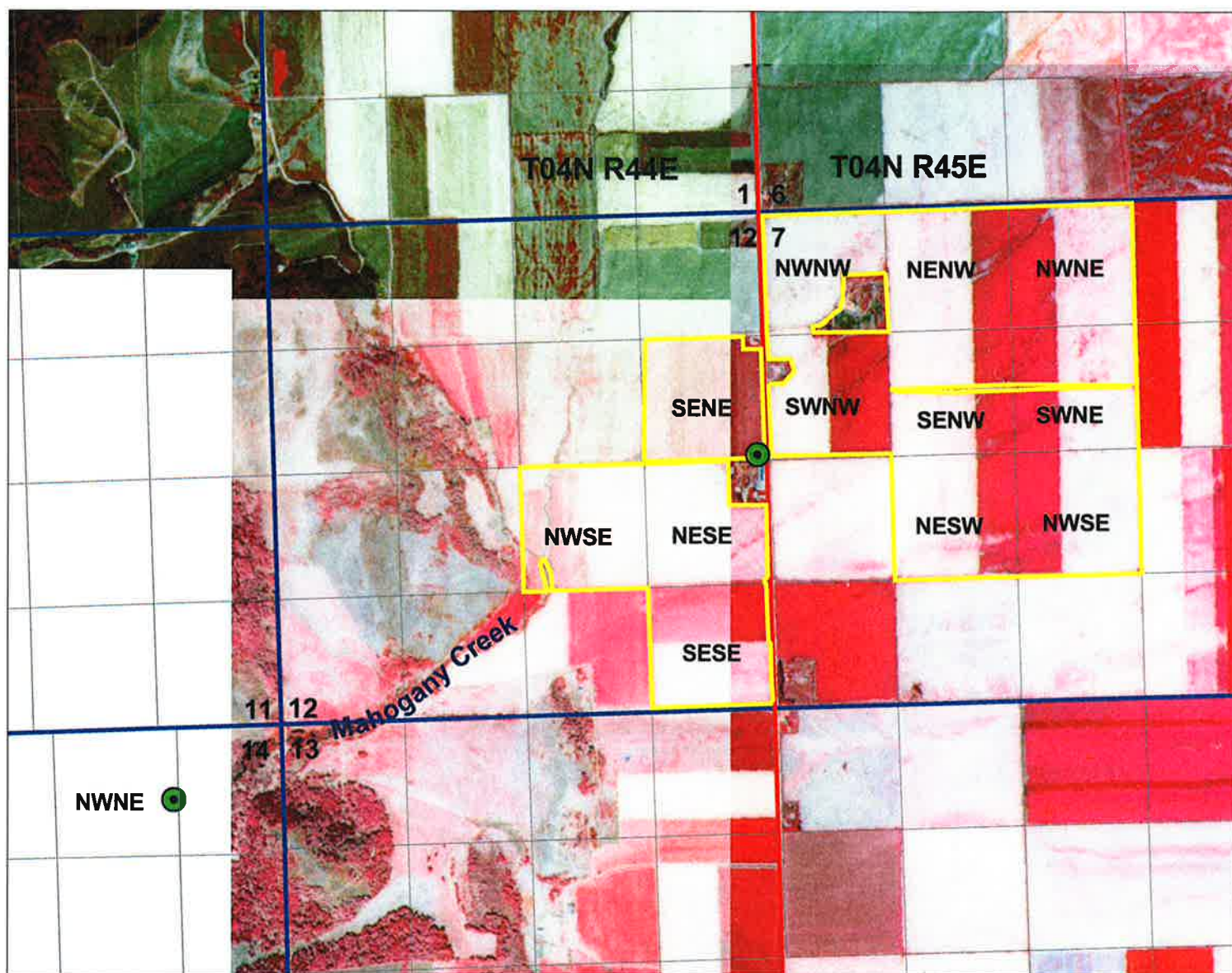
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



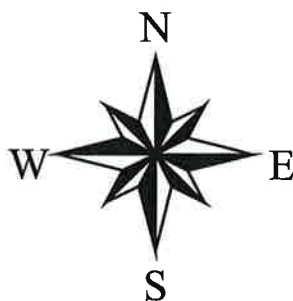
Department of Water Resources Eastern Region

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: 22-2278

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:

Dec 5/2006

SIGNATURE:

Jaydell 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

6-15-04 HAS SOLD 20 AC TO DAUGHTER
+ SON for 1000. NEED TO TRANSFER TO DAUGHTER
+ SON. FILE NEW CLAIM CLAIM WILL HAVE
TO BE SPLIT

4-11-06 Not splitting right during adjudication. They can split it later.
This right is used in combination with decreed rights 22-139 and
22-140 from Mahogany Creek. They are used in same system, therefore
a permissible POW was used for recommendation. This claim is
also associated with claim 22-11145; however that claim was disallowed.
The 39 ac. claimed under that right are licensed under 22-7479, which
is non-SRBA. No need of enlargement.

KM

Water Right No(s). _____

GPS DATA:

Tag # A000 6721 Location: ON MAIN LINE

Diversion Data:

Source: Ground Water Trib to: 0725632
0291179

MOTOR

Make: WESTINGHOUSE Model: A0.00 Hp: 125
SN: 627B530E40

PUMP

Make: JOHNSON Model: NA Disch: NA
SN: NA

NOTES:

Photo # 7 Had GPS Tag already on
main line

Field Exam Date: 6.15.04 Agent: Nick Chon

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 33114/22-2278 Priority August 18, 1966 Amount 3.60 cfs

THIS IS TO CERTIFY, that JAYDELL BUXTON
of Driggs, Idaho, has complied with the terms and conditions of Permit
No. 33114/22-2278 issued pursuant to Application for Permit dated August 18, 1966,
and has submitted proof to the Department of Water Administration on March 3, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 3.60 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 3.60 cfs for Irrigation from April 15 to Oct. 15 (both dates inclusive)

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

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

Subject, however, to the condition that no more than 3.60 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12, Twp. 4 N, Rge. 44 E, B.M.

in the county of Teton; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 903 acre feet per year or _____

3.0 acre feet per acre.

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 $\frac{1}{4}$	
4 N	44 E	12				38									30	38		38	144
4 N	45 E	7			39					39	40					39			157

Total number of acres irrigated 301

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of

April, 19 72.


Director

Transfer No. 3051

FEB 27 1985

Water Right No. 22-2278Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Jay Dell Buxton Phone 354-2570
 Post Office address Route 2, Box 38, Driggs, ID 83422

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
 in case of _____ vs _____
 dated in _____ in _____ county of _____
 (Name of court)
- b. License No. 22-2278 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Groundwater tributary to _____

4. Date of priority 18 August 1966

5. Water is used for the following purposes:

amount 3.6 cfs for Irrigation purposes from 4/15 to 10/15
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day — both dates inclusive)

6. Total amount of water under right: a. 3.6 cubic feet per second
 &/or
 b. _____ acre feet per annum

7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12
 Township 4N Range 44E, B.M., in Teton County
 Additional points of diversion, if any _____

8. Lands irrigated or 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	44E	12				38									30	38		38	144
	45E	7			39					39	40					39			157

Total number of acres to be irrigated 301

9. Describe any other water rights used for the same purpose as described above 22-0139/0140/
0232/0233/2036

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years

of non-use?

No

If yes, describe in Item 9. REMARKS

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NEW				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 3.6 c.f.s. &/or _____ acre feet
- b. Description of diverting works Well, pump, mainline, laterals
with sprinkler.
- c. Describe the reasons for the proposed changes Transfer of Ground water appurtenancy
from irrigated lands in Section 12 to irrigated lands in Section 7 not
covered with appurtenancy. Lands in Section 12 are supplied by decreed water
from Mahogany Creek. Decreed water delivers full and reliable supply to
these lands in Section 12.

2. Change in point of diversion No Change

Point of diversion SE ¼ NE ¼, Section 12 Township 4N
Range 44E, B.M., Teton County
Additional points _____

3. Change in place of use

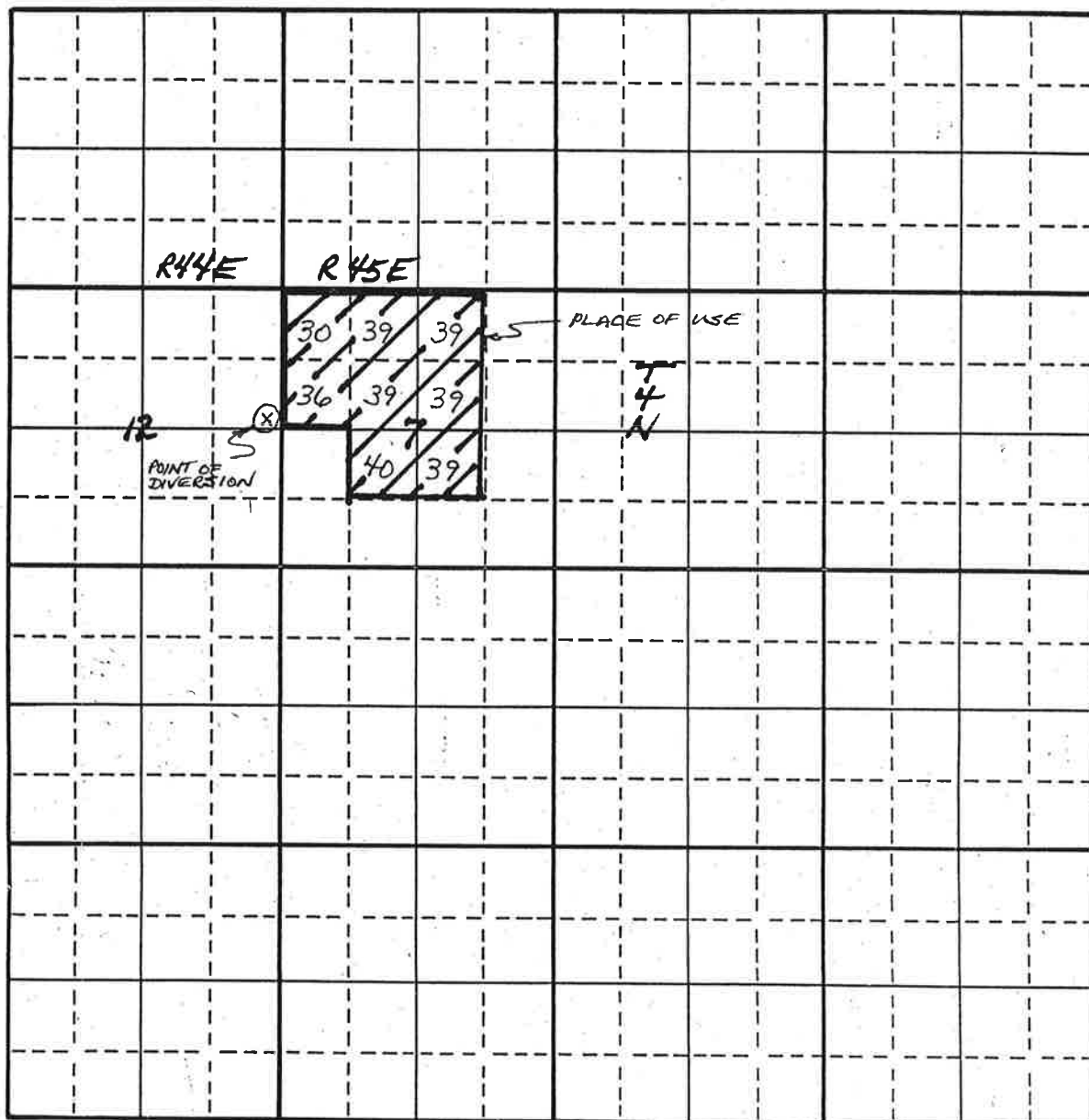
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No XX. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None. Decreed water from Mahogany Creek at 1"/acre irrigates the
lands in Section 12. Ground water rights are supplemental.

c. Describe the land place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	45E	7		39	39		39	30	36	39	40					39			301

Total number of acres to be irrigated 301

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

Transfer of appurtenancy from Section 12 to Section 7 will not adversely affect
water supply to Section 12. Ground water is supplemental to decreed rights
on Section 12. Affidavits attesting to the adequacy of decreed rights for
Section 12 lands are provided as evidence supporting this transfer of
appurtenancy from Section 12 to historically irrigated lands in Section 7.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 18 day of June, 19 84

(Signature of Applicant)

(Notary Public)

My commission expires 6-15-85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-2278
and said application is hereby APPROVED, subject to the following limitations and conditions:

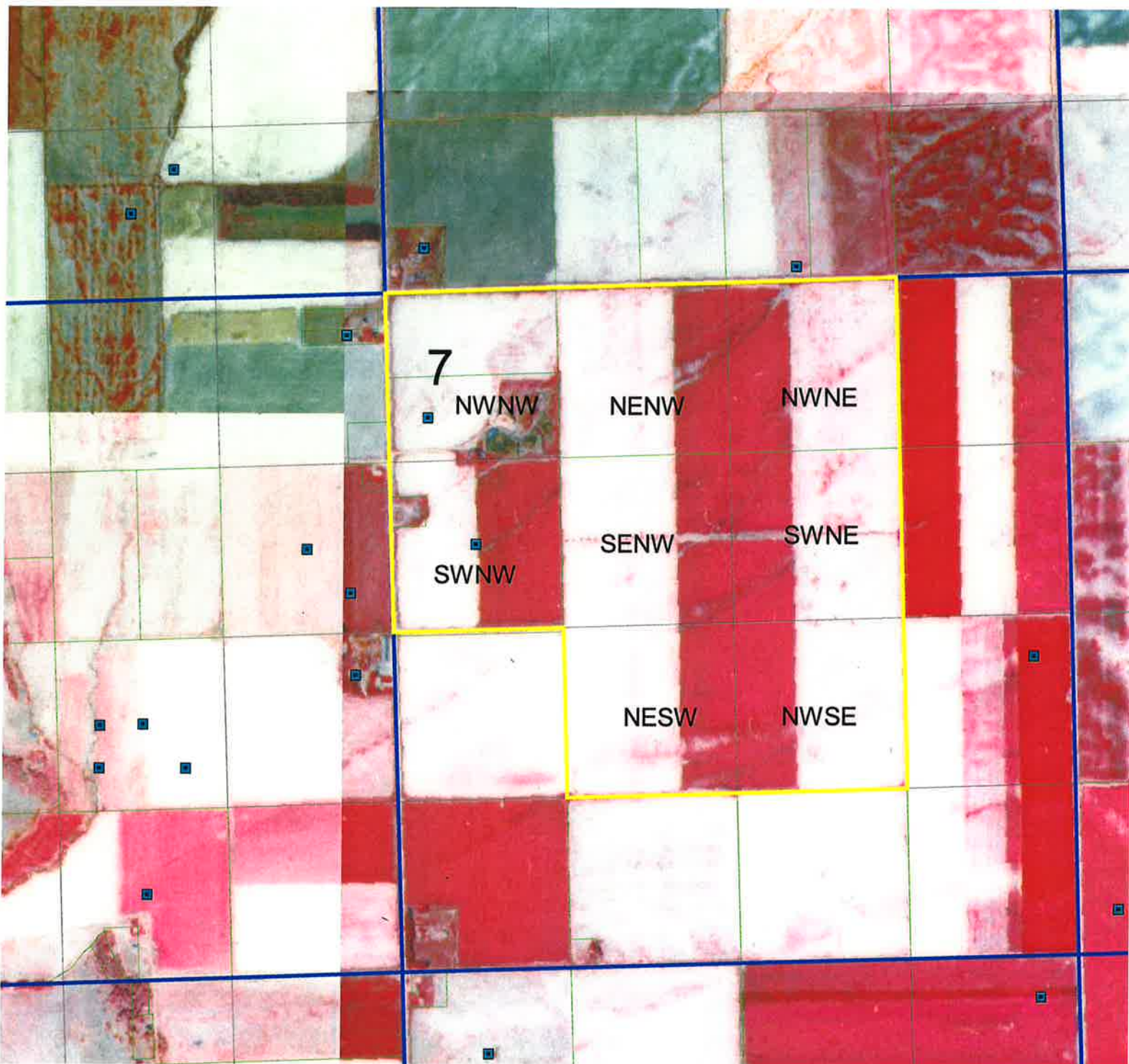
Witness my hand this 22nd day of February, 19 85

Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by aw Date 6-26-84 Protest filed by _____
Prelim. check by fm Fee \$50.00 _____
Receipted by g Date 7-05-84 #3428 _____
Published in Potom Valley News Copies of protest forwarded by _____
Pub. dates Aug 2 & 9, 1984 Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for approval denial _____
_____ rec'd. _____ by A. B. Jim Durr

22-2278
4N 45E



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: A22-02278
Date Received: 9/16/1988
Receipt No: 1001356
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAYDELL BUXTON
Address: 256 S. 500 W.
DRIGGS, ID

208-354-2570

83422

2. Date of Priority: AUG 18, 1966

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	12	SE	SE	NE		TETON

5. Description of diverting works:

WELL, PUMP, 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	3.600		

7. Total Quantity Appropriated is:

3.600 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	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

A22-02278

Page

1

Date: 09/16/88

A2202278



MICROFILMED

OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	7	SW	NW		IRR	36.0
			SE	NW		IRR	39.0
			NE	SW		IRR	40.0
			NW	SE		IRR	39.0
Section Acres							301.0
Total Acres							301.0

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:

SURFACE WATER FROM TWELVE MILE CREEK.

? *NOT CORRECT*

14. Remarks:

TRANS. 3051

LAND IS ALSO IRRIGATED WITH WATER FROM MAHOGANY CREEK THRU
A GRAVITY FLOW PIPELINE WHICH ALSO CO-MINGLES THIS WATER WITH
GROUNDWATE.

15. Basis of Claim: LICENSE

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): *Carol 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 S. Olmstead
Notary Public

Seal

Residing at *Idaho Falls*

My Commission Expires *9/12/1994*

36

3

3

R. 44E

6
R. 45E

N21-02678

Well

7

A22-00137

T. 4N

A21-11645

Pipeline Heading.

Pidgeon

DARK 2011