

12/07/2006

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

RIGHT NUMBER: 22-13222

NAME AND ADDRESS: MAHOGANY CREEK ENTERPRISES LLC
C/O FARRELL BUXTON
MANAGING MEMBER
332 S 500 W
DRIGGS ID 83422

SOURCE: MAHOGANY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.690 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T04N R44E S14 NWNE Lot 2 Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.690 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R44E S12 SWSE 25.00

25 ACRES TOTAL

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 - Decreed

This right is a split from former right 22-41.

11/22/2006

**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: 22-13222

MAHOGANY CREEK ENTERPRISES LLC
C/O FARRELL BUXTON
MANAGING MEMBER
332 S 500 W
DRIGGS ID 83422
Telephone Number: (208)354-2486

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

*We want this to be 25 Acres, as all of it
is irrigated. OK Do*

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: 12/6/06 SIGNATURE: Mahogany Creek Enterprises, LLC by

Please print your name: Kerry Buxton

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



Idaho Department of Water Resources

SRBA Recommendation:

22-13222

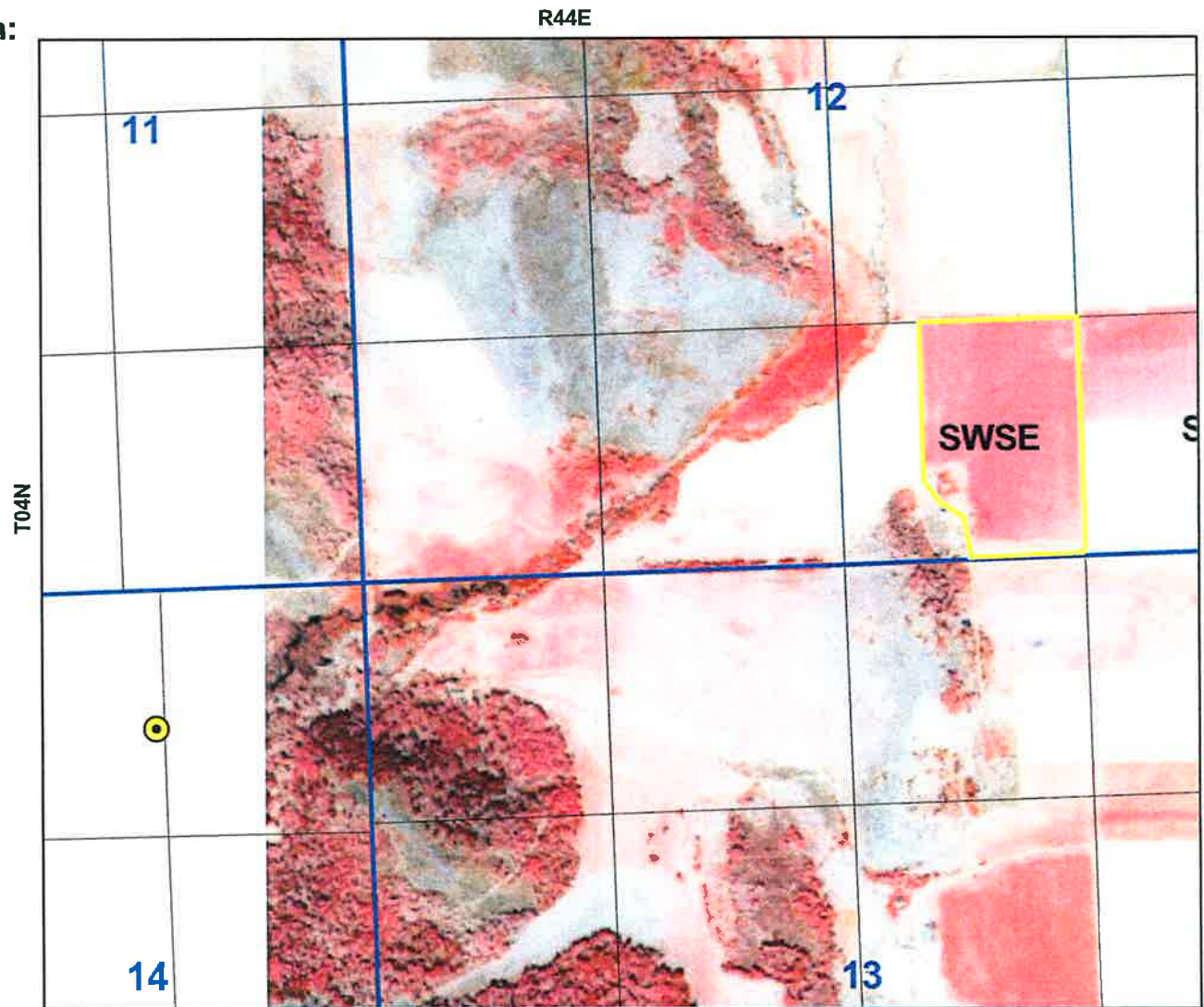
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



Prepared by J. Crabtre
On Wednesday, November 22, 2006
1987/88 Aerial Photography

Idaho Department of Water Resources

Adjudication Claim:

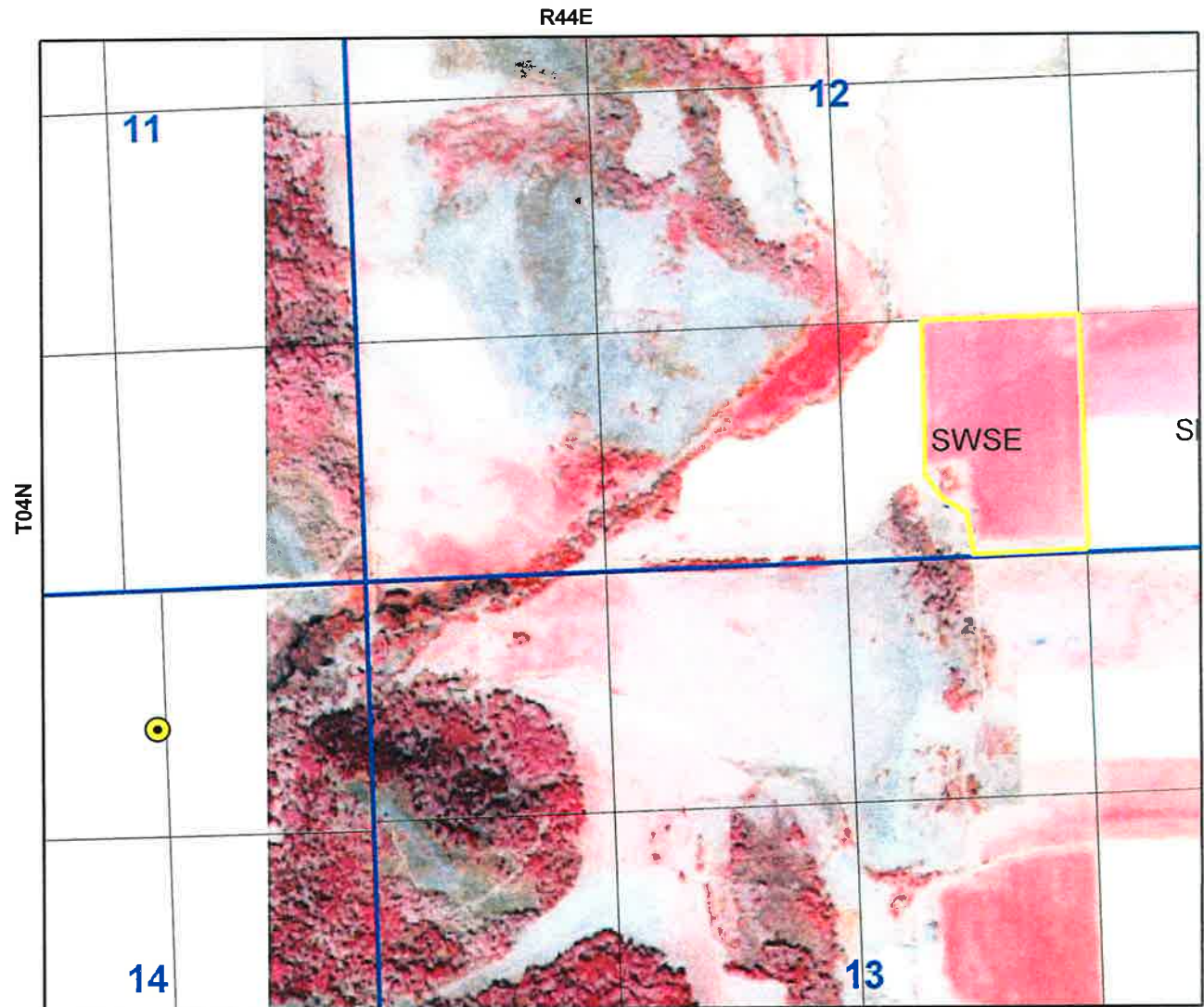
22-13222

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



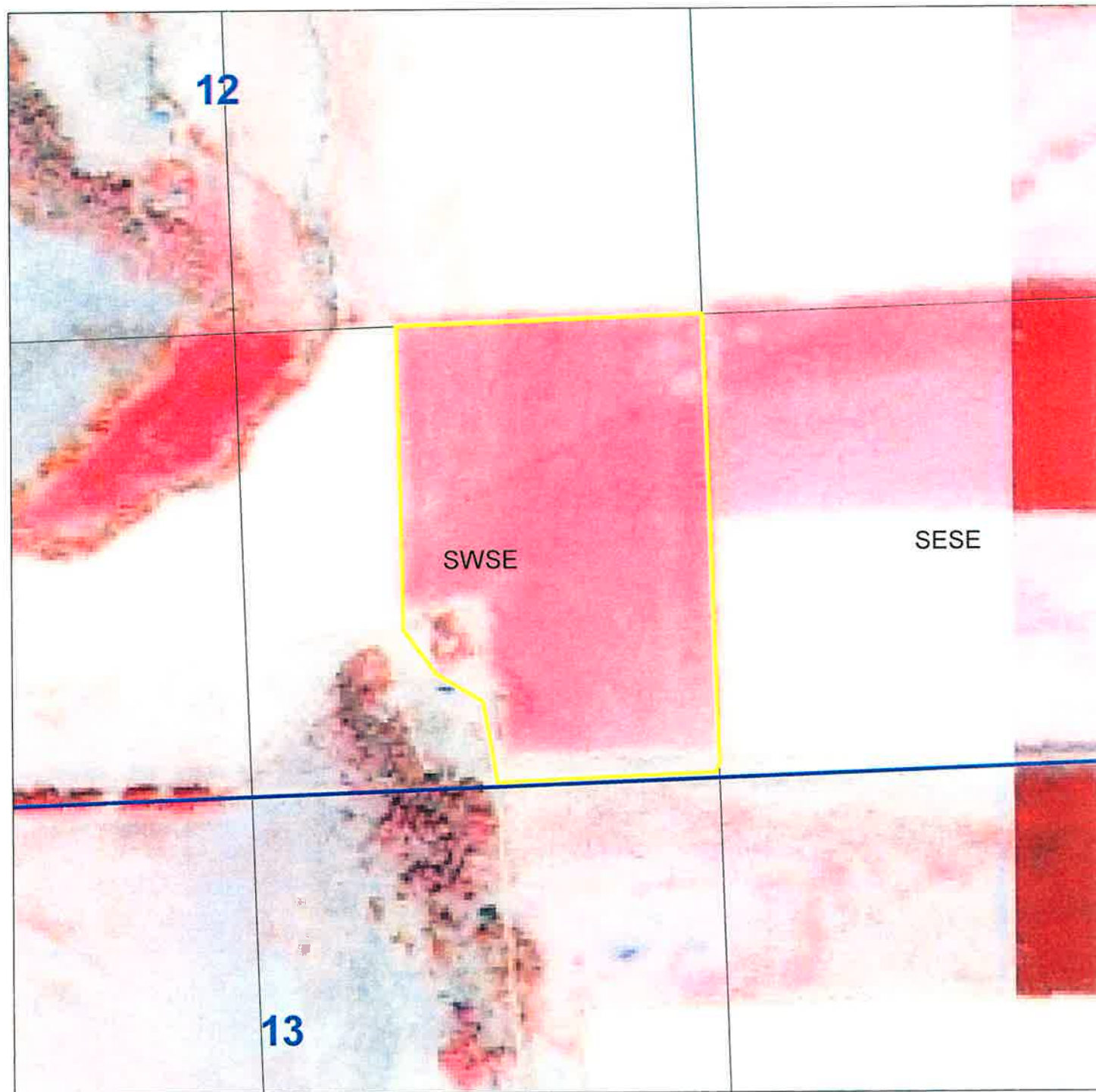
Teton County
IDWR Basin 22



0 0.4 0.8 Miles

Prepared by D. Carlson
On Friday, August 4, 2006
1987/88 Aerial Photography

22-13222



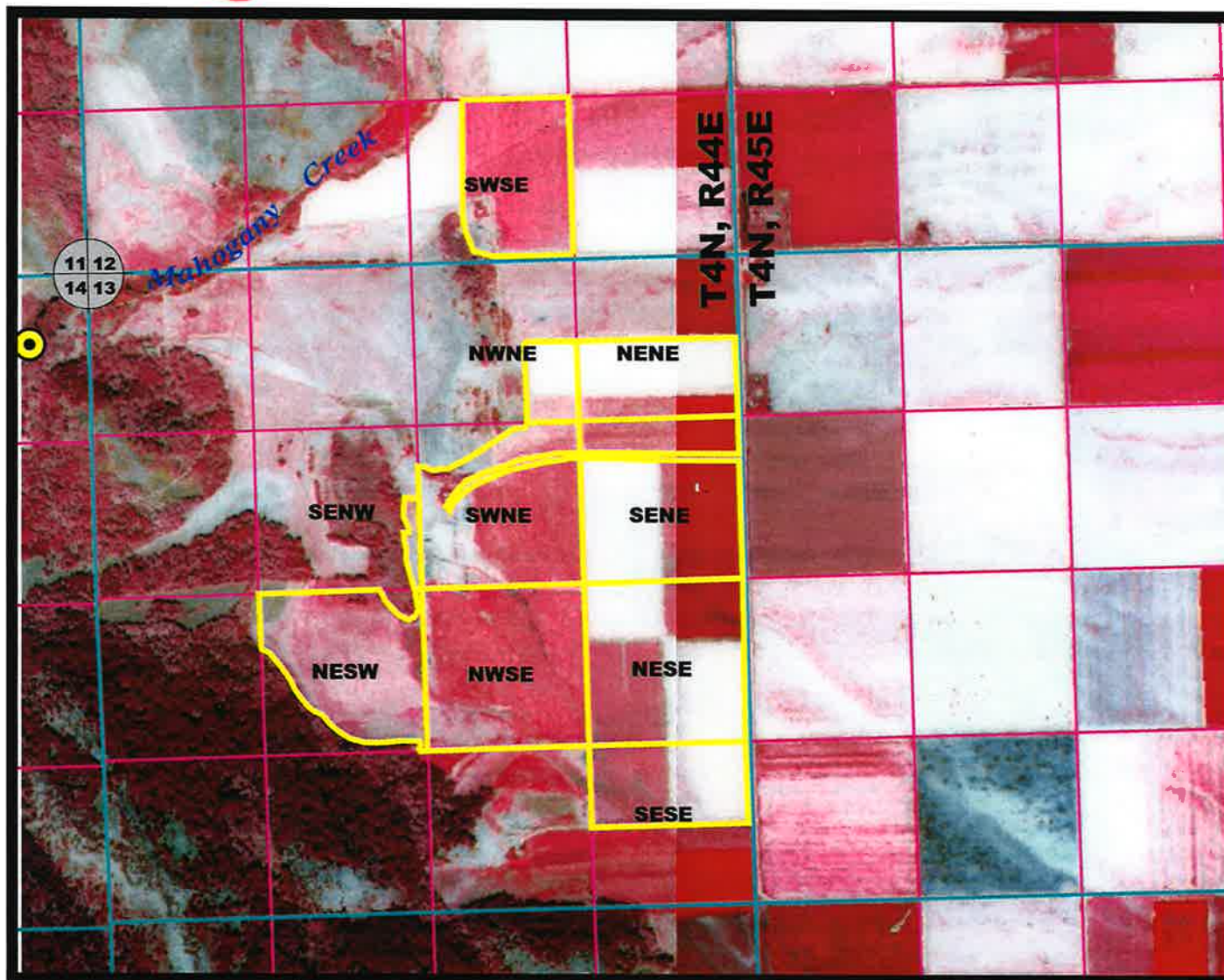


PROCLAIMED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

22-162,
22-256B,
22-13222

Point(s) of Diversion:

T4N, R44E
Sec. 14 NENENE (L1)

Place of Use: (parts of)

T4N, R44E
Sec. 13 NE, SENW,
NESW, N2SE, SESE

LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: July 2005

750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 Feet

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

JUL 18 2005

Department of Water Resources
Eastern RegionOK
JC
9-2-05
AOK

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
S&B Deeds IN	22-162				
	22-256B				
	22-13222				

NO SPLITS

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Farrell Buxton

332 South 500 West, Driggs, ID 83422

4. New Owner/Claimant(s)

Mahogany Creek Enterprises, LLC, % Farrell Buxton
Managing MemberName Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

332 South 500 West

City, State and ZIP Code

Driggs, ID 83422

New Telephone Number

208 354-2486

5. Date you acquired the property

ORIGINAL IN
22-162done!
KAT
9/16/05

RECEIVED

JUL 18 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
 Eastern Region

APR

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
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Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
SEE Deeds IN	22-162				
	22-256B				
	22-13222				

NO SPLITS

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

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OR

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3. Name and Address of Former Owner/Claimant(s)

Farrell Buxton

332 South 500 West, Driggs, ID 83422

4. New Owner/Claimant(s)

Mahogany Creek Enterprises, LLC, % Farrell Buxton
 Managing Member

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

332 South 500 West

City, State and ZIP Code

Driggs, ID 83422

New Telephone Number

208 354-2486

5. Date you acquired the property

PROFILED

JUL 22 2005
 SCANNED

04/27/2005

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: 22-13222

FARRELL BUXTON
332 S 500 W
DRIGGS ID 83422
Telephone Number: (208)354-2486

JEANNE BUXTON
332 S 500 W
DRIGGS ID 83422
Telephone Number: (208)354-2486

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:

The map from FSA has 24.1 A. The map included in this packet had 22 A. The area around the house & barn are in Kerry Buxton & Kathleen Buxton's names & should be included as they are watered from this decree -

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

DATE: 03 June 05

SIGNATURE:

Farrell Buxton - Jeanne Buxton

Please print your name: Farrell Buxton - Jeanne Buxton

IDWR Regional Office,

SEE 22-256B-NOE

Fixed 7/22/05

JUL 22 2005

SCANNED

PROFILED

Water Right and SRBA Split History Analysis

22-41

22-41

F. & J. Buxton
POD Mahogany Creek
POU TOWN R44E Sec 12
3ESW, SWSE
62 acres 1.4 cfs

22-13222

F. & J. Buxton
POD: Mahogany Creek
POU: TOWN R44E SWSE Sec 12
22.74 acres 0.69 cfs

22-13223

Cushman Family Trust
POD: Mahogany Creek
POU: TOWN R44E Sec 12 3ESW
30.26 acres 0.91 cfs

Reviewer: _____
mydoc/fieldexamforms/splithistory

Date: _____

SCANNED

MAY 26 2005

PROFILED

Water Right No(s). A22-13222

photo + Information for

A22-00162

GPS DATA:

Tag # 100/3801 Location: 0723731
0290053 on Concrete Structure.

Diversion Data:

Source: Wahgany Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Try on Concrete Structure
photo # 4 pod photo # 3 of Diversion
type type line to Field Capacity Flow
photo in East Direction

Field Exam Date: 6-8-04 Agent: Nick Olson

SCANNED

See 22-162

MAY 26 2005

PROFILE

- 22 0035²⁶. That the plaintiff, George Purace, is awarded the right to the use of 6.4 cubic feet per second or 320 miners inches of the waters of Mahogany Creek, with priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XXIX of the Findings of Fact.
- 22 0036²⁷. That the plaintiff, Charles Groschlose, is awarded the right to the use of .8 cubic foot per second or 10 miners inches of the waters of Mahogany Creek, with priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XXX of the Findings of Fact.
- 22 0037²⁸. That the plaintiff, George Stone, is awarded the right to the use of 4.8 cubic feet per second or 240 miners inches of the waters of Mahogany Creek, with priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XXXI of the Findings of Fact.
- 22 0038²⁹. That the plaintiff, A. C. Piquet, is awarded the right to the use of 1.6 cubic feet per second or 80 miners inches of the waters of Mahogany Creek, with priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XXXII of the Findings of Fact.
- 22 0039³⁰. That the plaintiff, Henry T. Bates, is awarded the right to the use of 1.6 cubic feet per second or 80 miners inches of the waters of Mahogany Creek, with priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XXXIII of the Findings of Fact.
- 22 0040³¹. That the plaintiff, Eph Josephson, is awarded the right to the use of 1.6 cubic feet per second or 80 miners inches of the waters of Mahogany Creek, with priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XXIV of the Findings of Fact.
- 22 0041³². That the plaintiff, Elba Wood, is awarded the right to the use of 1.6 cubic feet per second or 80 miners inches of the waters of Mahogany Creek, with priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands de-

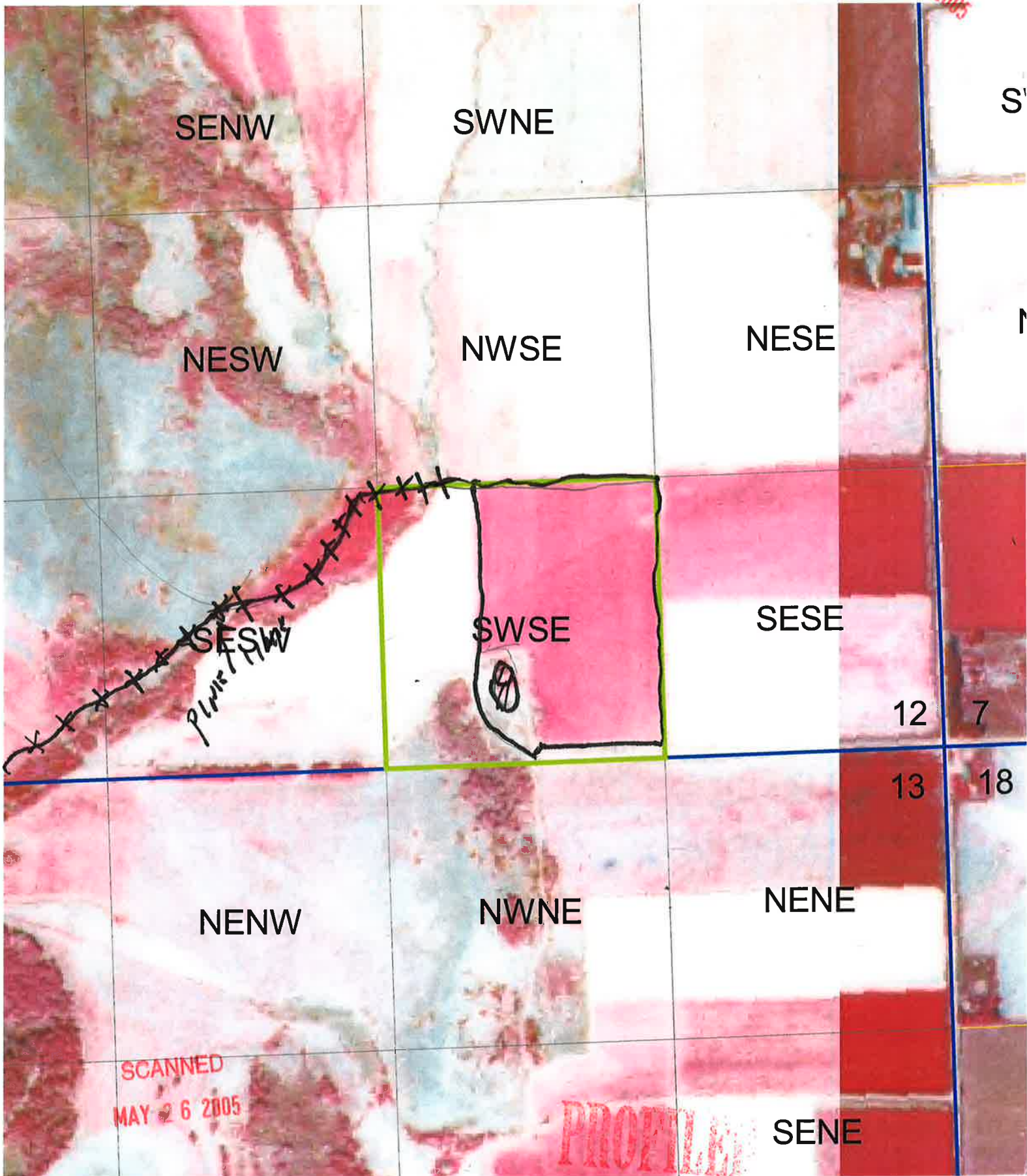
PROFIT

SCANNED

MAY 26 2005

22-13222

SCANNED
MAY 26 2005





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 17, 2002

FARRELL & JEANNE BUXTON
RT 2 BOX 1244
DRIGGS ID 83422

RE: CHANGE IN OWNERSHIP FOR 22-41

Dear Mr. & Mrs. Buxton:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

22-41:

22-13222, 0.69 cfs, 22.74 acres, Buxton

22-13223, 0.91 cfs, 30.26 acres, Cushman

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

SCANNED

MAY 26 2005

PROFILED

OK JC 4-17-02
RECEIVED

APR 03 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
 Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
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Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A22-00041		X			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Farrell and Jeanne Buxton
4. New Owner/Claimant(s) Rt. 2, Box 1244, Driggs, ID 83422
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address Cushman Family Trust U/D/T 3/29/89
- City, State and ZIP Code John C. Cushman III and Jeanine S. Cushman, Trustees:
601 South Figueroa Street, 47th Floor
Los Angeles, CA 90017
- New Telephone Number (213) 629-6575
5. Date you acquired the property 9/22/2000

SCANNED
 MAY 26 2005

PROFILED

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 22-13222
Date Received: 4/17/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FARRELL BUXTON Phone: (208)354-2486
RT 2 BOX 1244
DRIGGS ID USA 83422

JEANNE BUXTON Phone: (208)354-2486
RT 2 BOX 1244
DRIGGS ID USA 83422

2. Date of Priority: 01/22/1916

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

4. Point of Diversion:

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

5. Description of diverting works:

PIPELINE TO 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	0.69	

7. Total Quantity Appropriated is:
0.69 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

PROFILED

SCANNED
MAY 26 2005

A2213222



10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	44E	12	SW	SE	IRRIGATION	22.74
Section Acres						22.74
Total Acres						22.74

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:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 22-41

15. Basis of Claim: Decreed

PROFILED

SCANNED



Cushman

Buxton

SCANNED

MAY 26 2005

11007114