

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84210**

This is to certify that: STACEY BUCKINGHAM
PO BOX 187
BRUNEAU, ID 83604-0187

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
51-2132	WR/DECREED	12/30/1954	0.640 cfs	231.6 af	N/A	57.4	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
51-2132	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
51-2132	51-2132	0.640 cfs	231.6 af	N/A	57.4	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.640 cfs	231.6 af	N/A	57.4		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 19 day of August, 2020.

for

Patricia Willy
Chief, Water Allocation Bureau

WATER RIGHT NO. 51-2132
As Modified by Transfer No. 84210

In accordance with the approval of Transfer No. 84210, Water Right No. 51-2132 is now described as follows:

Right Holder: STACEY BUCKINGHAM AND
 KELLI BUCKINGHAM
 PO BOX 187
 BRUNEAU, ID 83604-0187

Priority Date: 12/30/1954

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/01	to 11/15	0.640 cfs	229.6 af
STOCKWATER	1/01	to 12/31	0.050 cfs	2.0 af
			0.640 cfs	231.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 24 Twp 07S Rge 04E OWYHEE County
GROUND WATER	SWSE	Sec 24 Twp 07S Rge 04E OWYHEE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	04E	24			6.0									4.4		27.0	20.0		57.4

POU Total Acres: 57.4

CONDITIONS OF APPROVAL

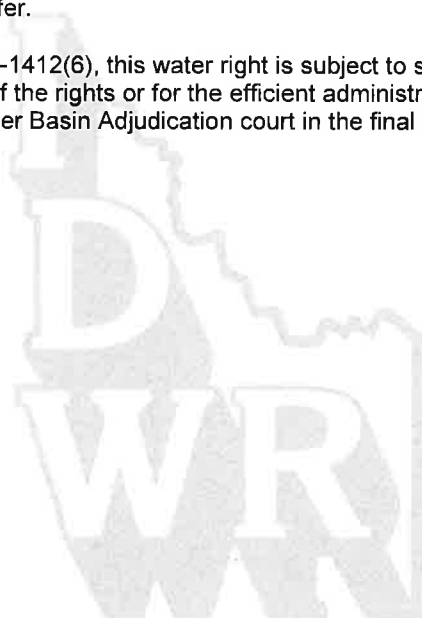
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. Stockwater use is for 150 range cattle from a low temperature geothermal water source.
5. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

Transfer No. 84210

WATER RIGHT NO. 51-2132
As Modified by Transfer No. 84210

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

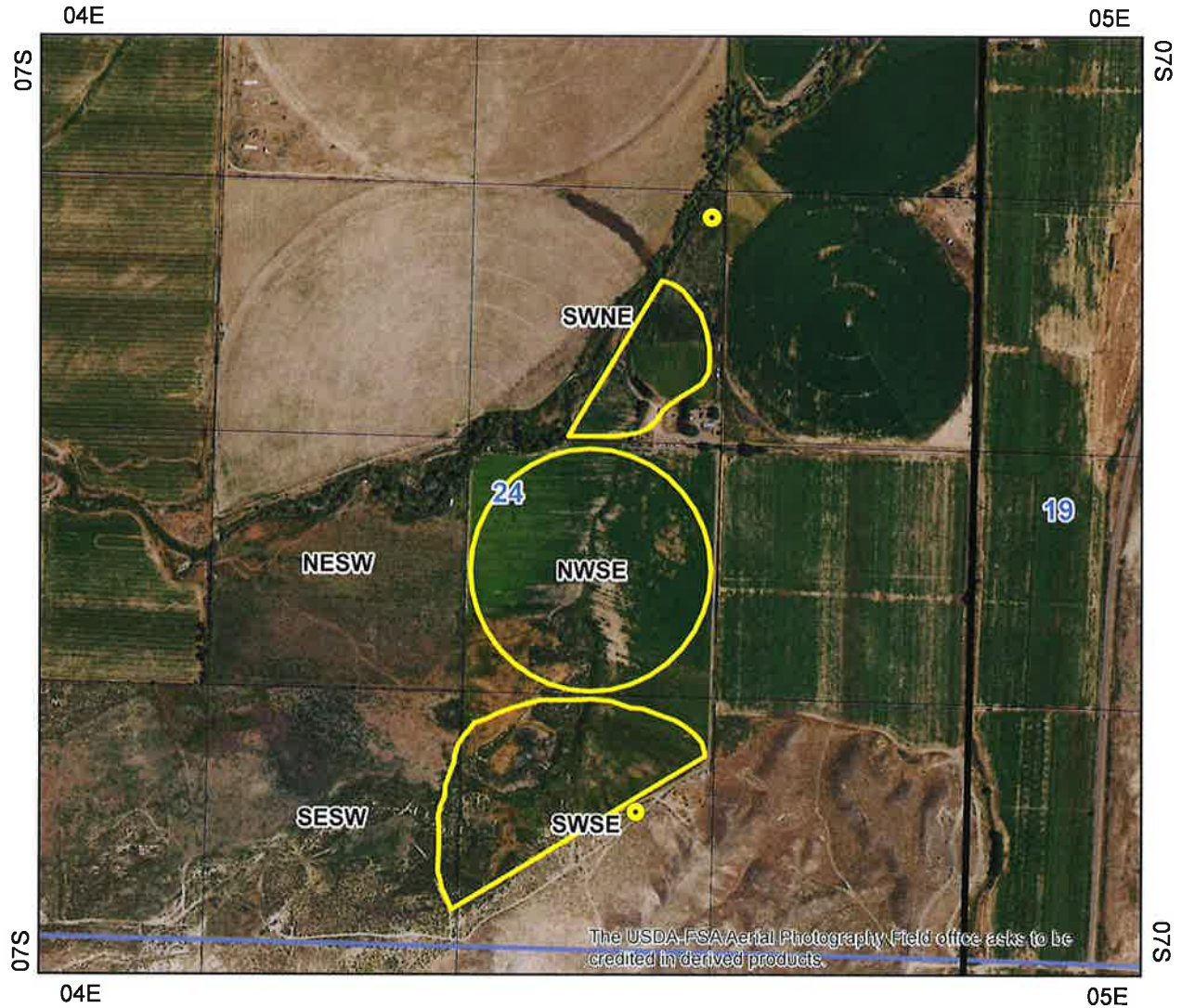


State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 84210

51-2132

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Townships
-  PLS Sections
-  Quarter Quarters
-  Transfer POD
-  Transfer POU

0 0.1 0.2 0.4 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84210

RECEIVED

JUL 24 2020

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) STACY BUCKINGHAM

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) STACEY BUCKINGHAM Phone 208-599-4771
Mailing address PO Box 187, BRUNEAU-ID, 83604 Email S.CONSTRUCTION1@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

ASB Signature of Applicant or Authorized Representative
STACEY BUCKINGHAM (Landowner) Print Name and Title if applicable
July-21-20 Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
 ☒ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

SEE ATTACHED LETTER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or Part	51-2132	0.64	irrigation	3-1 to 11-15	grand water
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 0.64 cfs and/or 231.60 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.64 cubic feet per second and/or 229.60 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
	SEE PREVIOUS TRANSFER									

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	04E	24			6.5								4.4		26.5	20			57.4

Total Acres (for irrigation use) 57.4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Drilling a new well, installing pivots, system will have a flow meter and be securable as well

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: NO

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

// ↓ //

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

moving location of irrigated acres

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/22/2020

Water Right 51-2132

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STACEY BUCKINGHAM PO BOX 187 BRUNEAU, ID 83604-0187
Current Owner	KELLI BUCKINGHAM PO BOX 187 BRUNEAU, ID 83604-0187
Original Owner	JOHN A GLIDDEN BRUNEAU, ID 83604
Previous Owner	WALTER C NILLES 29143 SHOOFLY CUTOFF RD BRUNEAU, ID 83604-5063 (208) 845-2823

Priority Date: 12/30/1954

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/01	11/15	0.640 CFS	229.6 AF
STOCKWATER	1/01	12/31	0.050 CFS	2.0 AF
	<u>Total Diversion</u>		0.640 CFS	231.6 AF

Source and Point(s) of Diversion

GROUND WATER SWSE Sec. 24, Twp 07S, Rge 04E, OWYHEE County

Place Of Use

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	04E	24			12.0											39.0	6.4		57.4

POU Total Acres: 57.4

STOCKWATER Same as IRRIGATION

Conditions of Approval:

1. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES

6/22/2020

Proof Report

2. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. STOCKWATER, 150 RANGE CATTLE WATER IS LOW TEMPERATURE GEOTHERMAL WATER.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates and Other Information

Decreed Date: 12/1/2000

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: NWD

Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

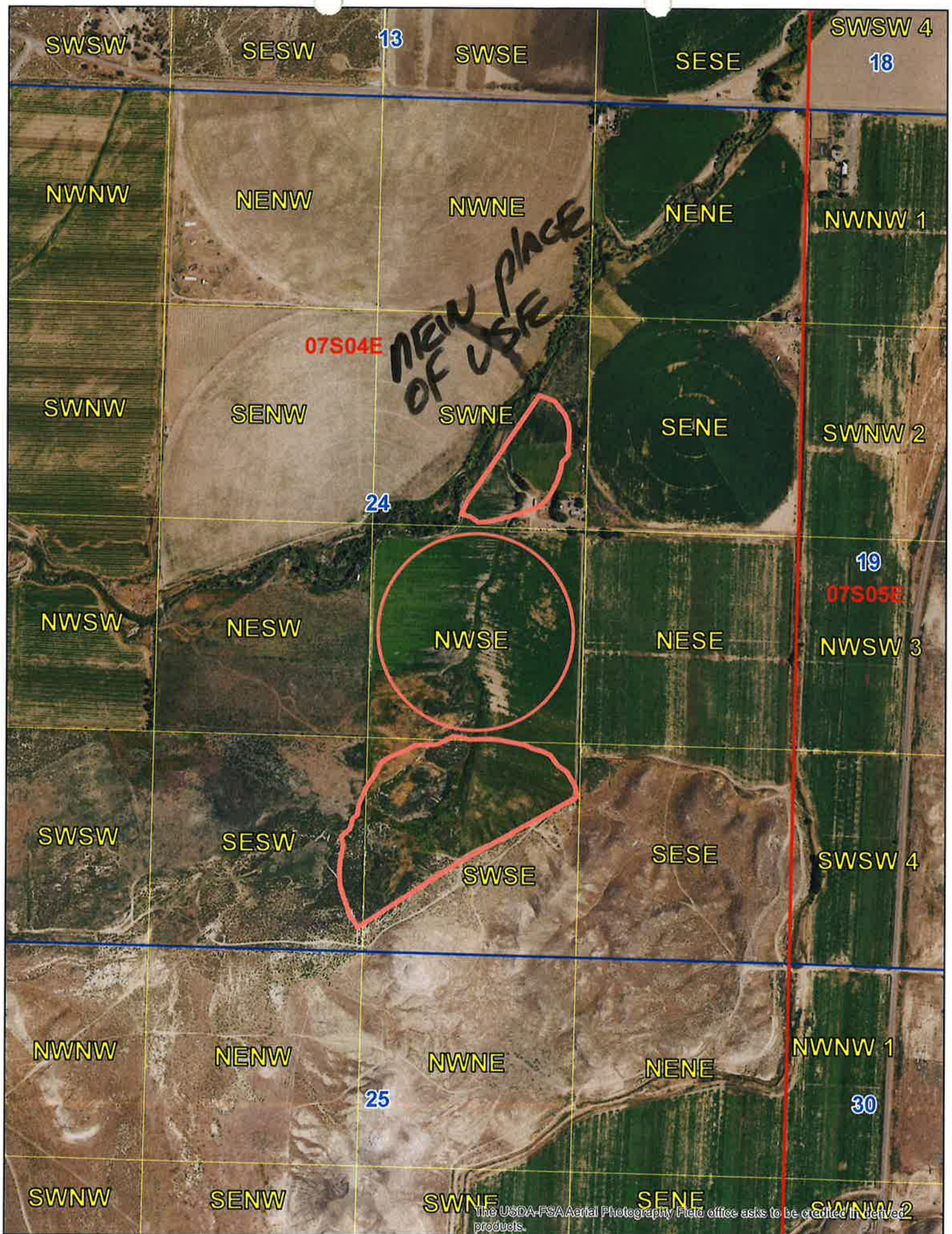
N/A

A. DESCRIPTION OF RIGHT(S) AS RECORDED

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- Right Number: _____

- [illegible]



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 18 2020

INCOMPLETE
DEPARTMENT OF
WATER RESOURCES

JUN 19 2020

INCOMPLETE
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) STACEY BUCKINGHAM Phone 208 845 2288
2. MAILING ADDRESS PO Box 187 City BRUNEAU
State Idaho Zip 83604 Email S.construction1@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 51-02132

- ☐ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is .64 cubic feet per second and/or 229.60 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
YES			SW	NE	24	7S	4E	Owyhee	WELL	075 04E 24DCB1
			SW	SE	24	7S	4E	Owyhee	WELL	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: old well to be used for stock water purposes only
we need to drill a new well, existing well is failing and not. NRCS requires a flow
meter on the new system for measurement. After irrigation season the power will be
disconnected for control.
- b. Who owns the property at the point(s) of diversion? STACEY BUCKINGHAM (Applicant)
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No
- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
 (Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☐ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. You may create a map at idwr.idaho.gov, [Water Rights](#), [Water Right Transfers](#), [File a Transfer Application](#), [Step 2C](#).

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Stacey Buckingham

Signature of applicant or authorized agent

STACEY BUCKINGHAM

Print name and title if applicable

6-18-20

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, [Water Right Transfers](#), [Step 4](#) and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes 450 pages of attachments. Received by KM Date 06/18/2020
 Fee paid \$50 Date 07-02-2020 Receipted by LE KM Receipt # W048461 C108920

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

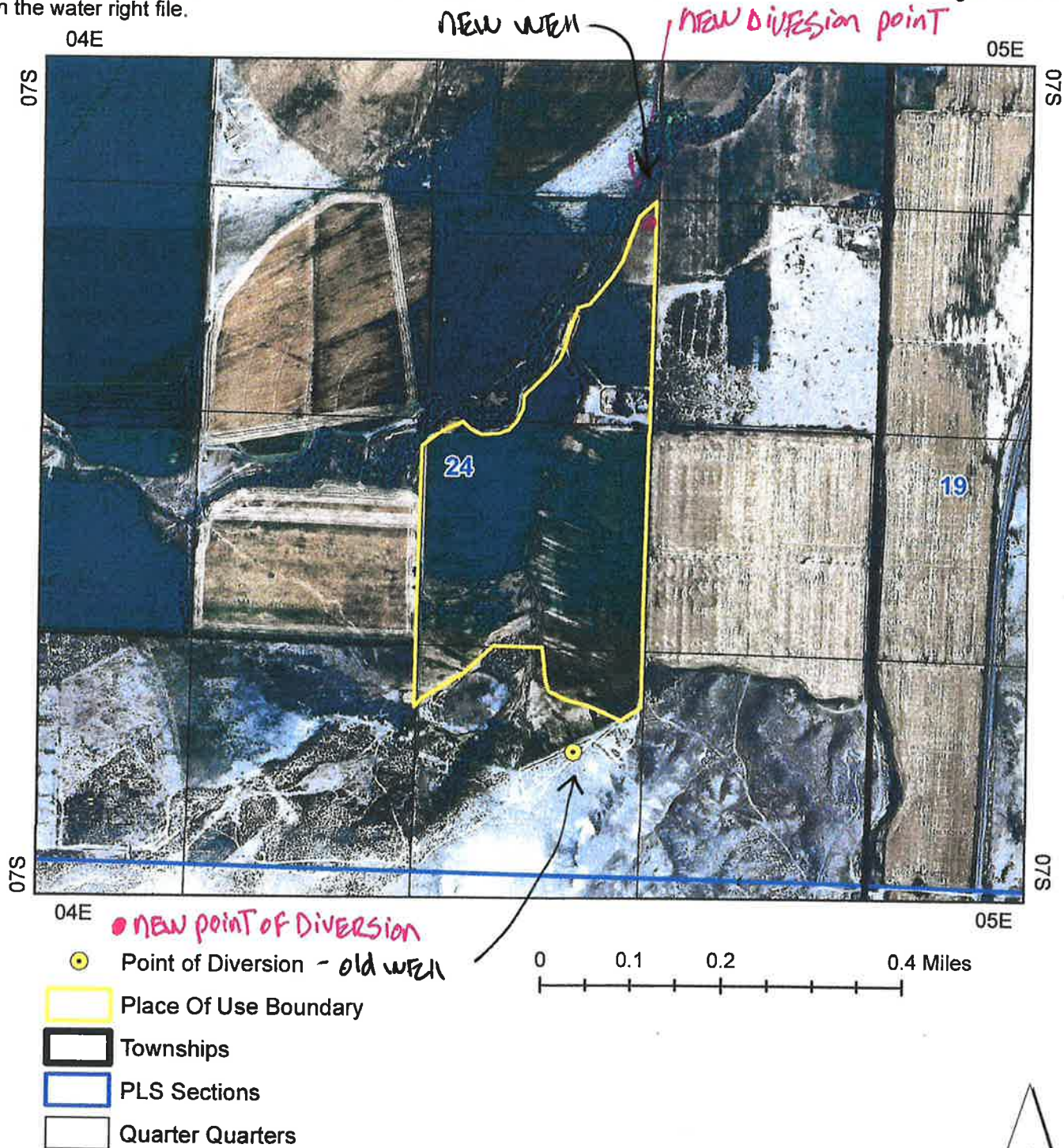
(Do NOT scan the W-9 – confidential information is held by fiscal only)

State of Idaho
Department of Water Resources

Water Right
51-2132

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 51-02132

NAME AND ADDRESS: WALTER C NILLES
HC 85 BOX 165
BRUNEAU, ID 83604

SOURCE: GROUNDWATER

QUANTITY: 0.64 CFS
231.60 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/30/1954

POINT OF DIVERSION: T07S R04E S24 SWSE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.64 CFS 229.60 AFY
	Stockwater	01-01 TO 12-31	0.05 CFS 2.00 AFY

PLACE OF USE: Irrigation T07S R04E S24 SWNE 12.0 Within Owyhee County
NWSE 39.0
57.4 Acres Total

Stockwater Within Owyhee County
Same as Irrigation

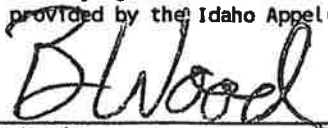
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

~~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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

WARRANTY DEED

15588

For Value Received,

WALTER C NILLES, A SINGLE MAN

the Grantors do hereby grant, bargain, sell, convey and warrant unto

STACEY BUCKINGHAM AND KELLI BUCKINGHAM, husband and wife

the Grantees whose current address is:
PO Box 187, Bruneau, ID 83604

the following described real property in Owyhee County, State of Idaho more particularly described as follows, to-wit:

The West Half of the Southeast Quarter (W1/2SE1/4) and that part of the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) lying South and East of what is commonly known as Jack's Creek, in Section 24, Township 7 South, Range 4 East, B.M., Owyhee County, Idaho.

Together with all water, water rights, pumps and irrigation facilities appurtenant thereto or used in connection therewith.

Together with Water right No. 51-2132.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that they will warrant and defend the same from all lawful claims whatsoever, except those of record.

Date: April 4, 2017

Walter C Nilles

Walter C Nilles

Instrument # 303628

MURPHY, OWYHEE, IDAHO
6-8-2020 02:04:08 PM No. of Pages: 1
Recorded for: STACEY BUCKINGHAM
ANGELA BARKELL Fee: 15.00
Ex-Officio Recorder Deputy *Angela Barkell*
Index to: DEED, WARRANTY

State of Idaho

County of *Owyhee*

On this 4th day of April, 2017, before me, the undersigned, a Notary Public, in and for said State, personally appeared WALTER C NILLES, known to me, and/or identified to me on the basis of satisfactory evidence, to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Barbara Foust

Notary Public

Residing at: *Bruneau, Idaho*

Commission Expires:



MY COMMISSION EXPIRES
October 3, 2017
BONDED THRU NOTARY PUBLIC UNDERWRITERS



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 19, 2020

STACEY BUCKINGHAM
PO BOX 187
BRUNEAU ID 83604-0187

Re: Transfer No: 84210
Water Right No(s): 51-2132

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Rights. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Rights is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

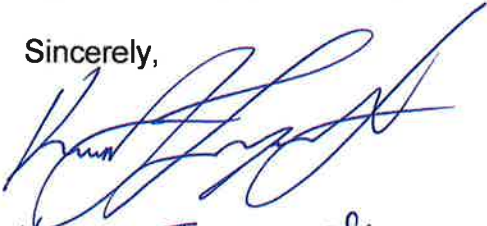
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190

Sincerely,

A handwritten signature in blue ink, appearing to read "Kensi Thorneycroft", written in a cursive style.

Kensi Thorneycroft
For: Patrick Kelly
Water Rights Supervisor

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No: 84210
Water Right No(s): 51-2132

STACEY BUCKINGHAM
KELLI BUCKINGHAM
PO BOX 187
BRUNEAU ID 83604-0187



Kersie Thorneycroft
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 84210
FROM: Tyler Smith
DATE: August 5, 2020
RE: Evaluation of Application

Summary of Information Submitted

Stacey Buckingham is a property owner in Bruneau, ID Owyhee County. Mr. Buckingham filed transfer 84210 to add a point of diversion and change the place of use to water right 51-2132. The new point of diversion will be a new well drilled on the north end of the property because the original point of diversion well is not producing at its historic capacity, and is unable to be pulled and fixed due to caving in of the well. The change in place of use is to change where the acres are being irrigated with the installation of new pivots.

Authority to File:

Mr. Buckingham is the current water right owner and has the authority to file.

Water Right Validity:

The parent water right, 51-2132, was decreed in 2000. The right authorizes 57.4 acres of irrigation. Aerial imagery from 2015 to 2019 shows roughly 50 acres of irrigation. In a defense to forfeiture, the applicant stated that the original well produces water that is a temperature warm enough to kill crops, making it difficult to establish irrigation near the headlands. Additionally, the original well has a pump that has been gradually producing less water every year. The applicant has been unable to pull the pump and service it due to "a portion of the rocky part of the well caving in down past the casing." This qualifies as a valid defense to forfeiture because the nonuse resulted from circumstances over which the water right owner had no control.

Injury to Other Water Rights:

None anticipated. The applicant plans to use the existing well to maintain stockwater use while using the new well to resume historical irrigation practices.

Enlargement of Use:

The water right will still be limited to 0.64 cfs and irrigation of 57.4 acres, therefore enlargement is not of concern. Additionally, the installation of pivots will likely result in the more efficient use of water than the historic flood irrigation technique.

Local Public Interest:

No information has been made available to suggest a conflict with the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion:

There is no overlap present at the POD or POU, and no other rights should be considered. The initial transfer was filed for an additional POD only, but included an NRCS map with plans for new pivots for irrigation. Review of the imagery showed irrigation practices had changed and were not current with IDWR records. The applicant then filed an additional transfer application to change the POU to reflect the proposed changes to acres irrigated as well as add an additional POD.

Summary

Assuming other information not yet discovered does not contradict the above analysis, the application can be approved as reflected by the draft approval.

To Whom It May Concern:

July 23, 2020

This letter is providing additional information regarding transfer 84210.

I am inheriting the property from my Grandfather. The current irrigation methods are not adequate to properly cover the acres in production. The existing well was drilled through rock and is in a hot water aquifer which is difficult to use because the temperature of the water will kill the crops near the headlands so it needs to be moved morning and night and on a good portion of the farm that is not enough time to get the water to the end of the field. The pump is old and is bringing up less water every year. We cannot pull the pump up to service it due to a portion of the rocky part of the well caving in down past the casing. These problems have forced us to modify our irrigation tactics to create enough income to just cover the costs of the little place.

The fallow area indicated on the map we cannot irrigate because we had to switch from open ditches to gated pipe, this change was implemented to save as much water as possible due to the lower output of the pump the last few seasons.

The area we have been irrigating outside our place of use I honestly did not know we were doing until recently.

We have been working with NRCS for the last four years to get a final design and a approved contract. We finally got one not long ago. The only portion not completed is the new well information and of course we cannot get that until we get our transfers complete with IDWR so we can get our drilling permit and then drill a new well.

Our plans are to drill a new well into a cool water aquifer and to put three little pivots on the farm. When the pivots get into production there will be a number of acres in the current place of use not irrigated, the corners etc. I would like to move those acres to the area currently out of our place of use in section SWSE. We are excited to improve the little farm and get it producing the best it can and to do so we need to irrigate the 57.4 acres.

Sincerely,

Stacey Buckingham



RECEIVED

JUL 24 2020

**WATER RESOURCES
WESTERN REGION**



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

COPY

July 15, 2020

STACEY BUCKINGHAM
PO BOX 187
BRUNEAU, ID 83604

RE: Additional Information Request for Transfer 84210

Dear Applicant:

On June 19, 2020, you filed a transfer application #84210 to add a diversion point for water right 51-2132. Part of the transfer process is review for rights subject to forfeiture. Idaho Statute 42-222 states in part:

... (2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; except that any right to the use of water shall not be lost through forfeiture by the failure to apply the water to beneficial use under certain circumstances as specified in section 42-223, Idaho Code.

I am now trying to verify the water use on your land. The rights described above authorize a total irrigation of 57.4 acres. Using aerial imagery and digital tools to measure irrigated lands found a surface area of ~50 acres. Remote sensing tools from satellites in 2014 to 2018 as well as Google Climate Engine satellites in 2020 were used to show the areas described as fallow within your application may be subject to forfeiture. **Evidence of irrigation use in these areas is needed to complete processing of the transfer application.**

Additionally, acres currently being irrigated do not match the Department's records for the place of use, specifically in the SWSE and NWSE $\frac{1}{4}$ (see attached map). It is suggested that the transfer be amended to add a *change in place of use* component in order to reflect current practices.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application may be approved with partial forfeiture or rejected without a timely written reply within the next thirty (30) days. Refunds are not issued for rejected applications. You may also withdraw the application with the form enclosed in order to receive a refund for the filing. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Respectfully,

Tyler Smith
Water Resource Agent
208.334.2190 phone
tyler.smith@idwr.idaho.gov

Enclosure(s): National Agriculture Imagery Program (NAIP) imagery map
Idaho Statute §42-223
Withdrawal form

National Agriculture Imagery Program (NAIP) Imagery Map

