

T3051 BUXTON

Transfer No. 3051

FEB 20 1985

Water Right No. 22-2278

Department of Water Resources

STATE OF IDAHO

Eastern District Office

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 354-2570Post 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 nonuse? No If yes, describe in item D. 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.	NE¼				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

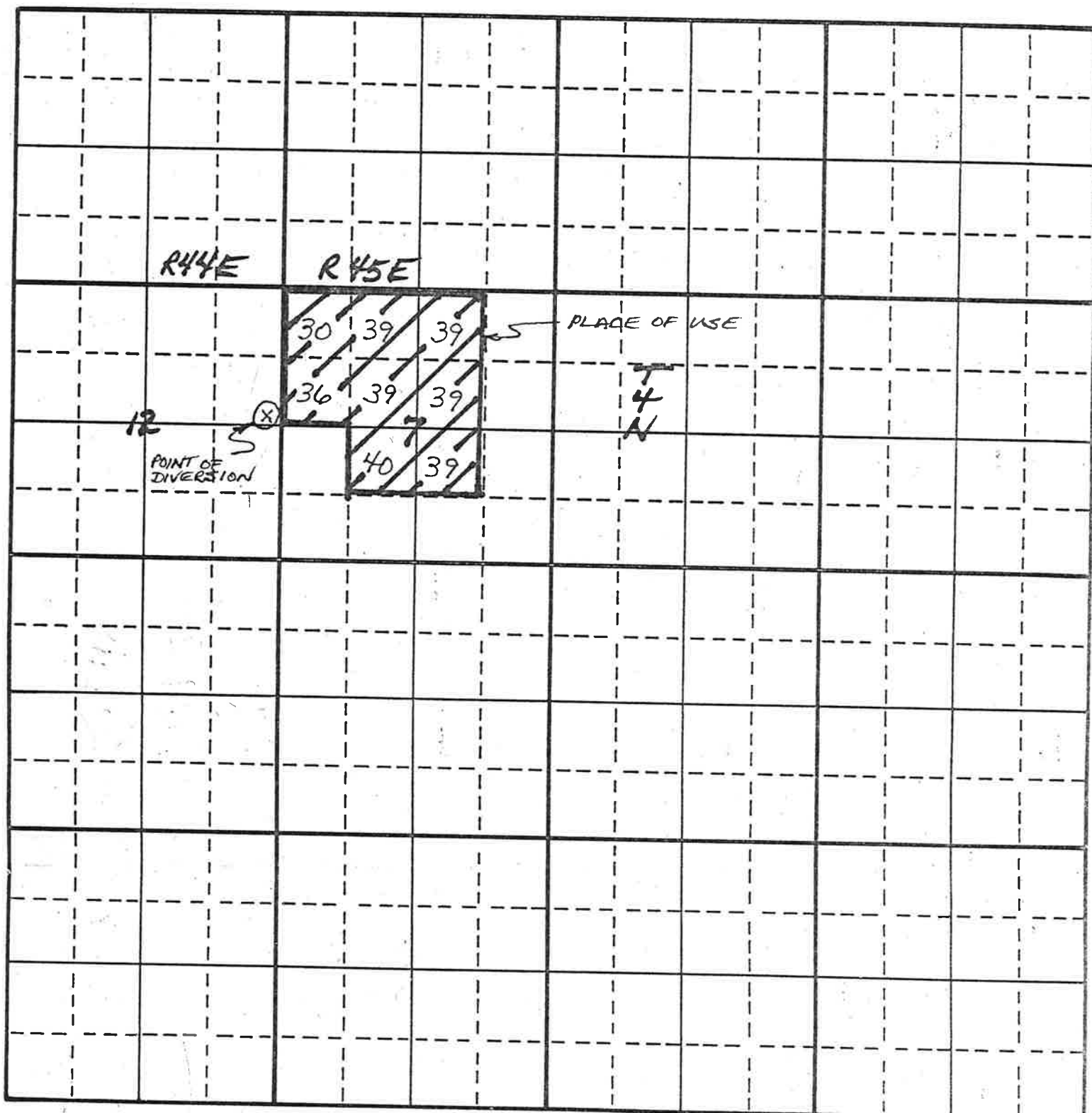
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No XX. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe 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.

Raybell Buxton
(Signature of Applicant)

Subscribed and sworn to before me this 18 day of June, 19 87

William W. Wray
(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

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>AW</u>	Date <u>6-26-84</u>	Protest filed by _____
Prelim. check by <u>AW</u>	Fee <u>\$50.00</u>	_____
Received by <u>AW</u>	Date <u>7-05-84</u> <u>#34228</u>	_____
Published in <u>Petalum Valley News</u>	Copies of protest forwarded by _____	
Pub. dates <u>Aug 2 & 9, 1984</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	
_____ rec'd.	by <u>APC Jim DRC</u>	