

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78592**

This is to certify that: **KENNETH L BUCKWALTER**
PO BOX 216
MACKAY, ID 83251

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>
34-2251	WR/DECREED	2/3/1926	2.000 cfs	N/A	100.0	100.0	LOWER CEDAR CREEK
34-543	WR/DECREED	3/23/1910	3.200 cfs	N/A	N/A	360.0	LOWER CEDAR CREEK
34-808	WR/DECREED	4/17/1909	6.400 cfs	N/A	320.0	360.0	LOWER CEDAR CREEK
34-884	WR/DECREED	1/1/1913	3.200 cfs	N/A	N/A	360.0	LOWER CEDAR CREEK
34-885	WR/DECREED	1/1/1914	1.600 cfs	N/A	N/A	360.0	LOWER CEDAR CREEK
34-886	WR/DECREED	1/1/1915	1.600 cfs	N/A	N/A	360.0	LOWER CEDAR CREEK

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>
34-2251	NO	NO	YES	NO	NO	NO
34-543	NO	NO	YES	NO	NO	NO
34-808	NO	NO	YES	NO	NO	NO
34-884	NO	NO	YES	NO	NO	NO
34-885	NO	NO	YES	NO	NO	NO
34-886	NO	NO	YES	NO	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>
34-2251	34-2251	2.000 cfs	N/A	100.0	428.0	N/A	N/A	N/A	N/A	N/A
34-543	34-543	3.200 cfs	N/A	360.0	428.0	N/A	N/A	N/A	N/A	N/A
34-808	34-808	6.400 cfs	N/A	320.0	428.0	N/A	N/A	N/A	N/A	N/A
34-884	34-884	3.200 cfs	N/A	360.0	428.0	N/A	N/A	N/A	N/A	N/A
34-885	34-885	1.600 cfs	N/A	360.0	428.0	N/A	N/A	N/A	N/A	N/A
34-886	34-886	1.600 cfs	N/A	360.0	428.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		18.000 cfs	N/A	428.0	428.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 34-543

Transfer No. 78592

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78592

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 12th day of July, 2013.



Water Resources Program Manager



WATER RIGHT NO. 34-543**As Modified by Transfer No. 78592**

In accordance with the approval of Transfer No. 78592, Water Right No. 34-543 is now described as follows:

Right Holder: KENNETH L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

Priority Date: 3/23/1910

Source: LOWER CEDAR CREEK **Tributary:** SINKS

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

3.200 cfs

3.200 cfs

LOCATION OF POINT(S) OF DIVERSION

LOWER CEDAR CREEK SWNWSW Sec 2 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	8									32.0	35.0	38.0	41.0	33.0	33.0	41.0	37.0	290.0
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							31.0	26.0	20.0	35.0							112.0
07N	24E	17					26.0												26.0

Right Acre Limit: 360.0

POU Total Acres: 428.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 360.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-543, 34-808, 34-884, 34-885 and 34-886 when combined shall not exceed the irrigation of 360.0 acres.
3. Rights 34-543, 34-808, 34-884, 34-885, 34-886 and 34-2251 when combined shall not exceed the irrigation of 428.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 78592

WATER RIGHT NO. 34-543
As Modified by Transfer No. 78592

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 34-808**As Modified by Transfer No. 78592**

In accordance with the approval of Transfer No. 78592, Water Right No. 34-808 is now described as follows:

Right Holder: KENNETH L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

Priority Date: 4/17/1909

Source: LOWER CEDAR CREEK **Tributary:** SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/15	6.400 cfs 6.400 cfs

LOCATION OF POINT(S) OF DIVERSION

LOWER CEDAR CREEK SWNWSW Sec 2 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	8									32.0	35.0	38.0	41.0	33.0	33.0	41.0	37.0	290.0
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							31.0	26.0	20.0	35.0							112.0
07N	24E	17					26.0												26.0

Right Acre Limit: 320.0

POU Total Acres: 428.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 320.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-543, 34-808, 34-884, 34-885 and 34-886 when combined shall not exceed the irrigation of 360.0 acres.
3. Rights 34-543, 34-808, 34-884, 34-885, 34-886 and 34-2251 when combined shall not exceed the irrigation of 428.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 78592

WATER RIGHT NO. 34-808

As Modified by Transfer No. 78592

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 34-884**As Modified by Transfer No. 78592**

In accordance with the approval of Transfer No. 78592, Water Right No. 34-884 is now described as follows:

Right Holder: KENNETH L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

Priority Date: 1/1/1913

Source: LOWER CEDAR CREEK

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

3,200 cfs

3,200 cfs

LOCATION OF POINT(S) OF DIVERSION

LOWER CEDAR CREEK SWNWSW Sec 2 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	8									32.0	35.0	38.0	41.0	33.0	33.0	41.0	37.0	290.0
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							31.0	26.0	20.0	35.0							112.0
07N	24E	17					26.0												26.0

Right Acre Limit: 360.0

POU Total Acres: 428.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 360.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-543, 34-808, 34-884, 34-885 and 34-886 when combined shall not exceed the irrigation of 360.0 acres.
3. Rights 34-543, 34-808, 34-884, 34-885, 34-886 and 34-2251 when combined shall not exceed the irrigation of 428.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 78592

WATER RIGHT NO. 34-884
As Modified by Transfer No. 78592

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 34-886**As Modified by Transfer No. 78592**

In accordance with the approval of Transfer No. 78592, Water Right No. 34-886 is now described as follows:

Right Holder: KENNETH L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

Priority Date: 1/1/1915

Source: LOWER CEDAR CREEK

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

1.600 cfs

1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

LOWER CEDAR CREEK SWNWSW Sec 2 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	8									32.0	35.0	38.0	41.0	33.0	33.0	41.0	37.0	290.0
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							31.0	26.0	20.0	35.0							112.0
07N	24E	17					26.0												26.0

Right Acre Limit: 360.0

POU Total Acres: 428.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 360.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-543, 34-808, 34-884, 34-885 and 34-886 when combined shall not exceed the irrigation of 360.0 acres.
3. Rights 34-543, 34-808, 34-884, 34-885, 34-886 and 34-2251 when combined shall not exceed the irrigation of 428.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 78592

WATER RIGHT NO. 34-886
As Modified by Transfer No. 78592

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 34-2251**As Modified by Transfer No. 78592**

In accordance with the approval of Transfer No. 78592, Water Right No. 34-2251 is now described as follows:

Right Holder: KENNETH L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

Priority Date: 2/3/1926

Source: LOWER CEDAR CREEK

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

2.000 cfs

2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

LOWER CEDAR CREEK SWNWSW Sec 2 Twp 07N Rge 24E CUSTER 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	
07N	24E	8									32.0	35.0	38.0	41.0	33.0	33.0	41.0	37.0	290.0
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							31.0	26.0	20.0	35.0							112.0
07N	24E	17					26.0												26.0

Right Acre Limit: 100.0

POU Total Acres: 428.0

CONDITIONS OF APPROVAL

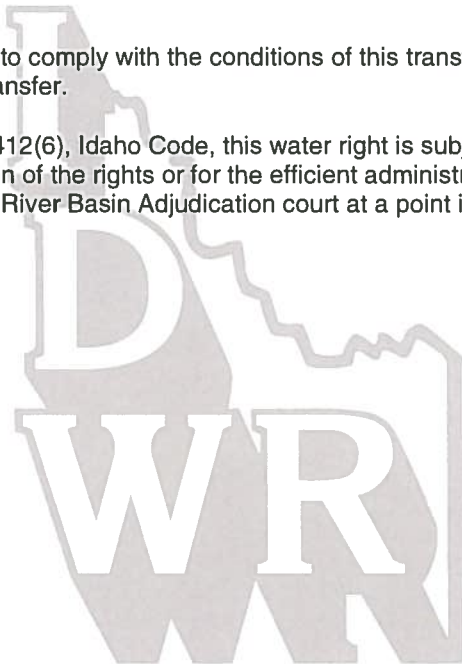
1. This right is limited to the irrigation of 100.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-543, 34-808, 34-884, 34-885, 34-886 and 34-2251 when combined shall not exceed the irrigation of 428.0 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 78592

WATER RIGHT NO. 34-2251
As Modified by Transfer No. 78592

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. This right does not grant any right-of-way or easement across the land of another.
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 Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.



WATER RIGHT NO. 34-885**As Modified by Transfer No. 78592**

In accordance with the approval of Transfer No. 78592, Water Right No. 34-885 is now described as follows:

Right Holder: KENNETH L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

Priority Date: 1/1/1914

Source: LOWER CEDAR CREEK **Tributary:** SINKS

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

1.600 cfs

1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

LOWER CEDAR CREEK SWNWSW Sec 2 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	8									32.0	35.0	38.0	41.0	33.0	33.0	41.0	37.0	290.0
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							31.0	26.0	20.0	35.0							112.0
07N	24E	17					26.0												26.0

Right Acre Limit: 360.0

POU Total Acres: 428.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 360.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-543, 34-808, 34-884, 34-885 and 34-886 when combined shall not exceed the irrigation of 360.0 acres.
3. Rights 34-543, 34-808, 34-884, 34-885, 34-886 and 34-2251 when combined shall not exceed the irrigation of 428.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 78592

WATER RIGHT NO. 34-885
As Modified by Transfer No. 78592

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.