

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

78592

Name of Applicant KENNETH L BUCKWALTER Phone (208)588-2434
Mailing Address PO BOX 216, MACKAY ID 83251 Email _____

- ☐ 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

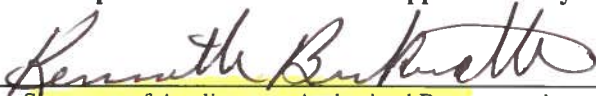
☐ Send original correspondence to the applicant and copies to the representative.

☐ 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.

 Kenneth Buckwalter 6/21/13
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

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

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	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
	34-2251	No	No	Yes	No	No	No

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JUN 21 2013

Department of Water Resources
Eastern Region

78592

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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.2**

Change the place of use to accommodate a new sprinkler irrigation system.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
34-543	3.200 cfs	N/A	360.0	428.0		N/A	N/A	N/A	N/A
34-808	6.400 cfs	N/A	320.0	428.0		N/A	N/A	N/A	N/A
34-884	3.200 cfs	N/A	360.0	428.0		N/A	N/A	N/A	N/A
34-886	1.600 cfs	N/A	360.0	428.0		N/A	N/A	N/A	N/A
34-2251	2.000 cfs	N/A	100.0	428.0		N/A	N/A	N/A	N/A
34-885	1.600 cfs	N/A	360.0	428.0		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

2. Total amount of water proposed to be transferred or changed 18 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes**

Proposed Water Right No. 34-543

Current Water Right Owner

KENNETH L
BUCKWALTER
PO BOX 216
MACKAY, ID 83251

AND/OR

JULIA L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

Priority Date: 3/23/1910

Origin: Water Right

Basis: Decreed

Status Active

Source: LOWER CEDAR CREEK

Tributary: SINKS

Beneficial Use

IRRIGATION

From

5/01

To

10/15

Diversion Rate

3.200 CFS

Subuse Code

Total Diversion

3.200 CFS

Source and Point(s) of Diversion:

LOWER CEDAR CREEK

SWNWSW

Sec. 2 Twp 07N Rge 24E CUSTER County

Describe the proposed diversion system

HEADGATE/ WOODEN STRUCTURE WITH SPILLWAY AND FLUME/ CANAL

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
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							31.0	26.0	20.0	35.0							112
07N	24E	17					26.0												26

Right Acre Limit: 360.0

POU Total Acres: 428.0

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Department of Water Resources
Eastern Region

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes**

Proposed Water Right No. 34-808

Current Water Right Owner

KENNETH L
BUCKWALTER
PO BOX 216
MACKAY, ID 83251

AND/OR

JULIA L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

Priority Date: 4/17/1909

Origin: Water Right

Basis: Decreed

Status Active

Source: LOWER CEDAR CREEK

Tributary: SINKS

Beneficial Use

IRRIGATION

From

5/01

To

10/15

Diversion Rate

6.400 CFS

Subuse Code

Total Diversion

6.400 CFS

Source and Point(s) of Diversion:

LOWER CEDAR CREEK

SWNWSW

Sec. 2 Twp 07N Rge 24E CUSTER County

Describe the proposed diversion system

HEADGATE OF L. CEDAR CK- WOODEN STRUCTURE WITH SPILLWAY AND FLUME

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
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							31.0	26.0	20.0	35.0							112
07N	24E	17					26.0												26

Right Acre Limit: 320.0

POU Total Acres: 428.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes**

Proposed Water Right No. 34-884

Current Water Right Owner

KENNETH L
BUCKWALTER
PO BOX 216
MACKAY, ID 83251

AND/OR

JULIA L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

Priority Date: 1/1/1913

Origin: Water Right

Basis: Decreed

Status Active

Source: LOWER CEDAR CREEK

Tributary: SINKS

Beneficial Use

IRRIGATION

From

5/01

To

10/15

Diversion Rate

3.200 CFS

Subuse Code

Total Diversion

3.200 CFS

Source and Point(s) of Diversion:

LOWER CEDAR CREEK

SWNWSW

Sec. 2 Twp 07N Rge 24E CUSTER County

Describe the proposed diversion system

HEADGATE/DITCHES

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
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							31.0	26.0	20.0	35.0							112
07N	24E	17					26.0												26

Right Acre Limit: 360.0

POU Total Acres: 428.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes**

Proposed Water Right No. 34-886

Current Water Right Owner

KENNETH L
BUCKWALTER
PO BOX 216
MACKAY, ID 83251

AND/OR

JULIA L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

Priority Date: 1/1/1915

Origin: Water Right

Basis: Decreed

Status: Active

Source: LOWER CEDAR CREEK

Tributary: SINKS

Beneficial Use
IRRIGATION

From
5/01

To
10/15

Diversion Rate
1.600 CFS
1.600 CFS

Subuse Code

Total Diversion

Source and Point(s) of Diversion:

LOWER CEDAR CREEK

SWNWSW

Sec. 2 Twp 07N Rge 24E CUSTER County

Describe the proposed diversion system

HEADGATE OF L. CEDAR CK- WOODEN STRUCTURE WITH SPILLWAY AND FLUME

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
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							31.0	26.0	20.0	35.0							112
07N	24E	17					26.0												26

Right Acre Limit: 360.0

POU Total Acres: 428.0

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes**

Proposed Water Right No. 34-2251

Current Water Right Owner

JULIA L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

AND/OR

KENNETH L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

Priority Date: 2/3/1926

Origin: Water Right

Basis: Decreed

Status Active

Source: LOWER CEDAR CREEK

Tributary: SINKS

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

2.000 CFS

Subuse Code

Total Diversion

2.000 CFS

Source and 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
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							31.0	26.0	20.0	35.0							112
07N	24E	17					26.0												26

Right Acre Limit: 100.0

POU Total Acres: 428.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes

Proposed Water Right No. 34-885

Current Water Right Owner

KENNETH L
 BUCKWALTER
 PO BOX 216
 MACKAY, ID 83251

AND/OR

JULIA L BUCKWALTER
 PO BOX 216
 MACKAY, ID 83251

Priority Date: 1/1/1914

Origin: Water Right

Basis: Decreed

Status: Active

Source: LOWER CEDAR CREEK

Tributary: SINKS

Beneficial Use

IRRIGATION

From

5/01

To

10/15

Diversion Rate

1.600 CFS

Subuse Code

Total Diversion

1.600 CFS

Source and Point(s) of Diversion:

LOWER CEDAR CREEK

SWNWSW

Sec. 2 Twp 07N Rge 24E CUSTER County

Describe the proposed diversion system

HEADGATE OF L. CEDAR CK- WOODEN STRUCTURE WITH SPILLWAY AND FLUME

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
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							31.0	26.0	20.0	35.0							112
07N	24E	17					26.0												26

Right Acre Limit: 360.0

POU Total Acres: 428.0

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

Head gate on Lower Cedar Creek diverted through ditch to a regulatory holding pond. Pump in holding pond diverted via pressurized pipeline to sprinkler irrigation system.

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

POD not changing

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?

No. ☒ 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:

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

It will be dry

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

- f. 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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 34-543

Current Water Right Owner

KENNETH L
 BUCKWALTER
 PO BOX 216
 MACKAY, ID 83251

AND/OR

JULIA L BUCKWALTER
 PO BOX 216
 MACKAY, ID 83251

Priority Date: 3/23/1910

Origin: Water Right

Basis: Decreed

Status: Active

Source: LOWER CEDAR CREEK

Tributary: SINKS

Beneficial Use

IRRIGATION

From

5/01

To

10/15

Diversion Rate

3.200 CFS

Subuse Code

Total Diversion

3.200 CFS

Source and Point(s) of Diversion:

LOWER CEDAR CREEK

SWNWSW

Sec. 2 Twp 07N Rge 24E CUSTER County

Describe the proposed diversion system

HEADGATE/ WOODEN STRUCTURE WITH SPILLWAY AND FLUME/ CANAL

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									40.0	30.0	9.0	12.0	40.0	40.0	30.0	32.0	233.0
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							37.0	16.0	14.0	40.0							107.0
07N	24E	17					20.0												20.0

POU Total Acres:

360.0

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 360 ACRES IN A SINGLE IRRIGATION SEASON.
 COMBINED RIGHT NOS.: 34-00808, 34-00884, 34-00885 AND 34-00886.
3. 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.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. WATER IS DELIVERED THROUGH LOWER CEDAR CREEK.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 34-808

Current Water Right Owner

KENNETH L
 BUCKWALTER
 PO BOX 216
 MACKAY, ID 83251

AND/OR

JULIA L BUCKWALTER
 PO BOX 216
 MACKAY, ID 83251

Priority Date: 4/17/1909

Origin: Water Right

Basis: Decreed

Status: Active

Source: LOWER CEDAR CREEK

Tributary: SINKS

Beneficial Use
 IRRIGATION

From
 5/01

To
 10/15

Diversion Rate
 6.400 CFS
 6.400 CFS

Subuse Code

Total Diversion

Source and Point(s) of Diversion:

LOWER CEDAR CREEK

SWNWSW

Sec. 2 Twp 07N Rge 24E CUSTER County

Describe the proposed diversion system

HEADGATE OF L. CEDAR CK- WOODEN STRUCTURE WITH SPILLWAY AND FLUME

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									40.0	30.0	9.0	12.0	40.0	40.0	30.0	32.0	233.0
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							37.0	16.0	14.0	40.0							107.0
07N	24E	17					20.0												20.0

Right Acre Limit: 320.0

POU Total Acres: 360.0

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 360 ACRES IN A SINGLE IRRIGATION SEASON.
 COMBINED RIGHT NOS: 34-00543, 34-00884, 34-00885 AND 34-00886 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. 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.
4. WATER IS DELIVERED THROUGH LOWER CEDAR CREEK.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 34-884

Current Water Right Owner

KENNETH L
BUCKWALTER
PO BOX 216
MACKAY, ID 83251

AND/OR

JULIA L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

Priority Date: 1/1/1913

Origin: Water Right

Basis: Decreed

Status: Active

Source: LOWER CEDAR CREEK

Tributary: SINKS

Beneficial Use
IRRIGATION

From
5/01

To
10/15

Diversion Rate
3.200 CFS
Total Diversion
3.200 CFS

Subuse Code

Source and Point(s) of Diversion:
LOWER CEDAR CREEK

SWNWSW

Sec. 2 Twp 07N Rge 24E CUSTER County

Describe the proposed diversion system

HEADGATE/DITCHES

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									40.0	30.0	9.0	12.0	40.0	40.0	30.0	32.0	233.0
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							37.0	16.0	14.0	40.0							107.0
07N	24E	17					20.0												20.0

POU Total Acres: 360.0

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 360 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00543, 34-00808, 34-00885 AND 34-00886.
3. 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.
4. WATER IS DELIVERED THROUGH LOWER CEDAR CREEK.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No. 34-886

Current Water Right Owner

KENNETH L
BUCKWALTER
PO BOX 216
MACKAY, ID 83251

AND/OR

JULIA L BUCKWALTER
PO BOX 216
MACKAY, ID 83251

Priority Date: 1/1/1915

Origin: Water Right

Basis: Decreed

Status: Active

Source: LOWER CEDAR CREEK

Tributary: SINKS

Beneficial Use

IRRIGATION

From

5/01

To

10/15

Diversion Rate

1.600 CFS

Subuse Code

Total Diversion

1.600 CFS

Source and Point(s) of Diversion:

LOWER CEDAR CREEK

SWNWSW

Sec. 2 Twp 07N Rge 24E CUSTER County

Describe the proposed diversion system

HEADGATE OF L. CEDAR CK- WOODEN STRUCTURE WITH SPILLWAY AND FLUME

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									40.0	30.0	9.0	12.0	40.0	40.0	30.0	32.0	233.0
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							37.0	16.0	14.0	40.0							107.0
07N	24E	17					20.0												20.0

POU Total Acres: 360.0

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 360 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00543, 34-00884, 34-00885 AND 34-00808.
3. 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.
4. WATER IS DELIVERED THROUGH LOWER CEDAR CREEK.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 34-2251

Current Water Right Owner

JULIA L BUCKWALTER
 PO BOX 216
 MACKAY, ID 83251

KENNETH L BUCKWALTER
 PO BOX 216
 MACKAY, ID 83251

Priority Date: 2/3/1926

Origin: Water Right

Basis: Decreed

Status: Active

Source: LOWER CEDAR CREEK

Tributary: SINKS

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

2.000 CFS

Subuse Code

Total Diversion

2.000 CFS

Source and 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												40.0					40.0
														L 5					
07N	24E	17					35.0			25.0									60.0

Right Acre Limit: 100.0

POU Total Acres: 100.0

Conditions/Remarks:

1. 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.
2. Water is delivered through the Lower Cedar Creek Ditch
3. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 34-885

Current Water Right Owner

KENNETH L
 BUCKWALTER
 PO BOX 216
 MACKAY, ID 83251

AND/OR

JULIA L BUCKWALTER
 PO BOX 216
 MACKAY, ID 83251

Priority Date: 1/1/1914

Origin: Water Right

Basis: Decreed

Status: Active

Source: LOWER CEDAR CREEK

Tributary: SINKS

Beneficial Use
 IRRIGATION

From
 5/01

To
 10/15

Diversion Rate
 1.600 CFS
 Total Diversion
 1.600 CFS

Subuse Code

Source and Point(s) of Diversion:

LOWER CEDAR CREEK

SWNWSW

Sec. 2 Twp 07N Rge 24E CUSTER County

Describe the proposed diversion system

HEADGATE OF L. CEDAR CK- WOODEN STRUCTURE WITH SPILLWAY AND FLUME

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									40.0	30.0	9.0	12.0	40.0	40.0	30.0	32.0	233.0
												L 3	L 4	L 5			L 6	L 7	
07N	24E	9							37.0	16.0	14.0	40.0							107.0
07N	24E	17					20.0												20.0

POU Total Acres: 360.0

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 360 ACRES IN A SINGLE IRRIGATION SEASON.
 COMBINED RIGHT NOS.: 34-00543, 34-00808, 34-00884 AND 34-00886.
3. 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.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. WATER IS DELIVERED THROUGH LOWER CEDAR CREEK.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78592

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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) KENNETH L BUCKWALTER

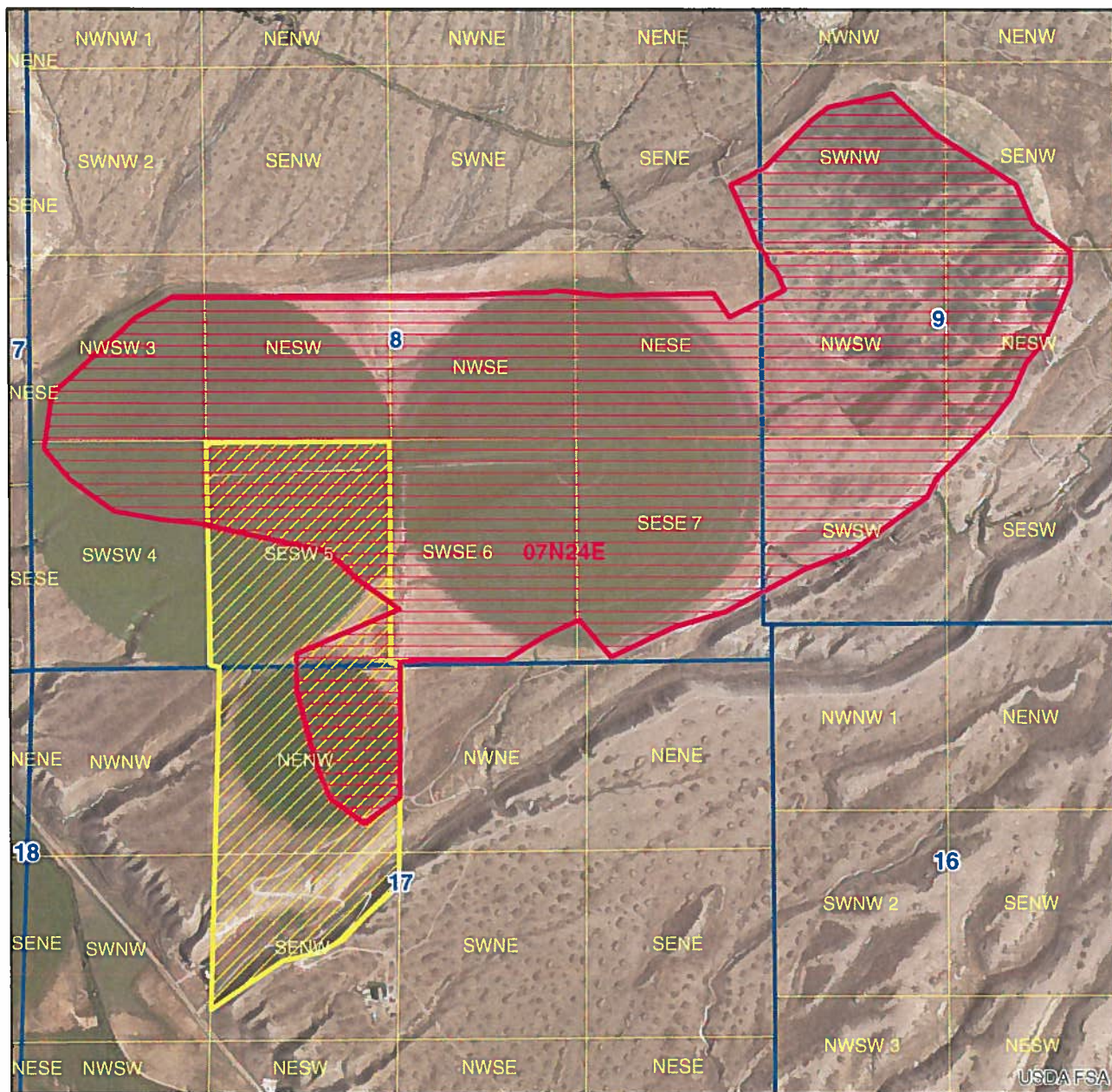
Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

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 #1-9.

- ☐ ☒ #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 transfer 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).
- ☐ ☒ #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 <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #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.
- ☐ ☐ #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.)
- ☐ ☒ #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 Other. Please describe: _____



Legend

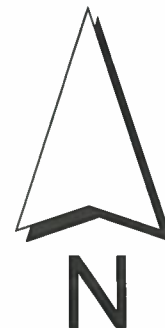
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- Current_POU_34-2251
- Township/Range
- Sections
- QQ

2011 Aerial Photography

0 500 1,000 2,000 Feet



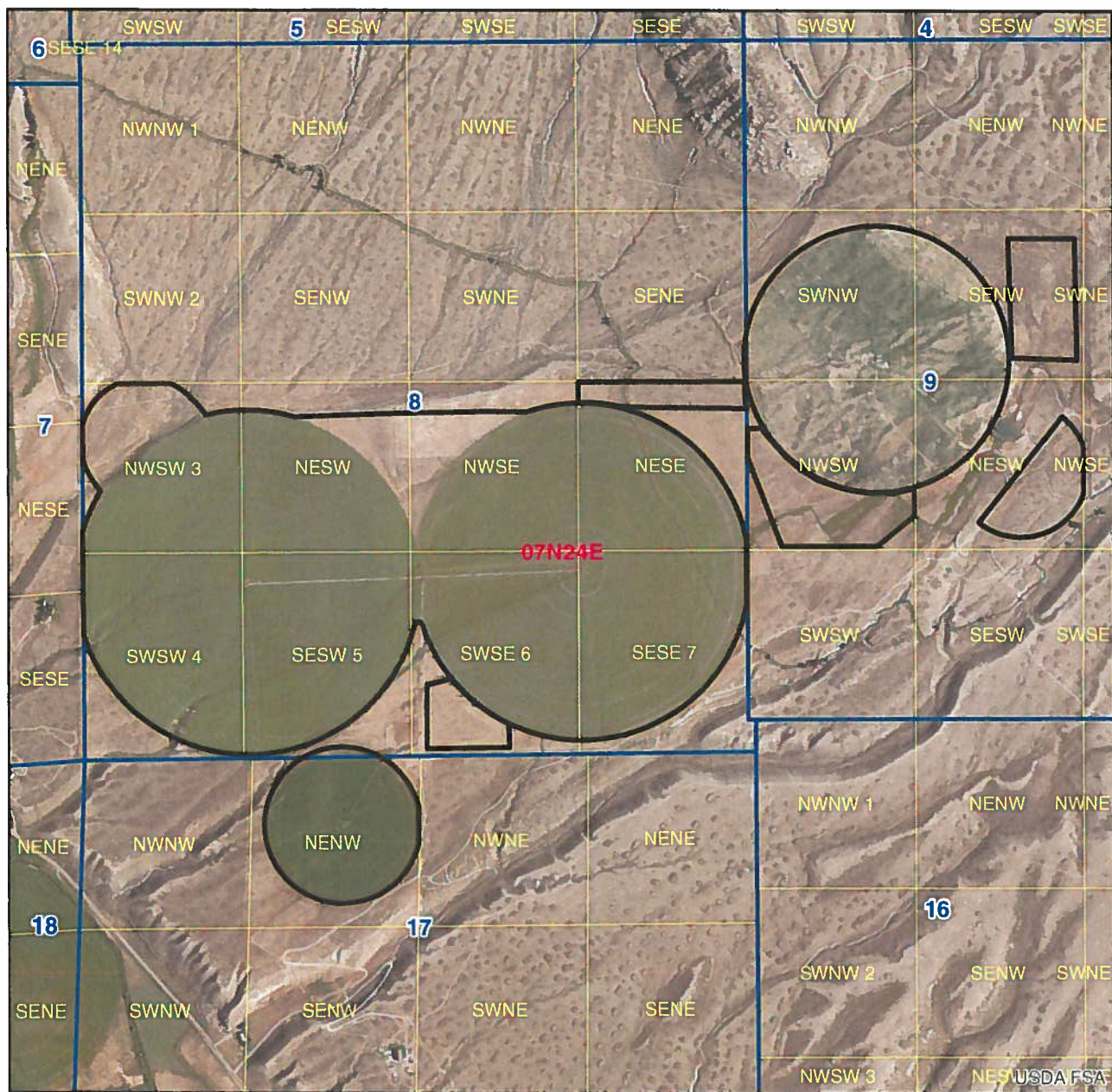
1 in = 1,175 feet



RECEIVED

JUN 21 2013

Department of Water Resources
Eastern Region



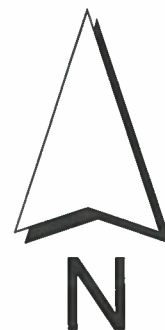
Legend

- Proposed POU
- Township/Range
- Sections
- QQ

0 750 1,500 3,000 Feet

1 in = 1,292 feet

2011 Aerial Photography



QUITCLAIM DEED

GRANTOR, JULIA LYNN BUCKWALTER of IDAHO FALLS, BONNEVILLE County, State of IDAHO, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM, unto KENNETH LEE BUCKWALTER, whose current address is 4350 N 4400 W, Mackay, Custer County, Idaho as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate, situated in MACKAY, CUSTER COUNTY, State of IDAHO, to-wit:

LOTS 3, 4, 5, 6, 7
N2SE4, NE4SW4
SEC 8 T7N R24E

S2NW4, N2SW4
SEC 9 T7N R24E

NE4NW4
TRACT 95-23
SEC 17 T7N R24E

W2NE4 N2SE4
SEC 10 T7N R24E

LOT 1
SE4NE4, NE4SE4
SEC 15 T7N R24E

LOT 4
NW4SW4, SW4NW4
SEC 14 T7N R24E

NE4NE4
SEC 22 T7N R24E

NW4NW4
SEC 23 T7N R24E

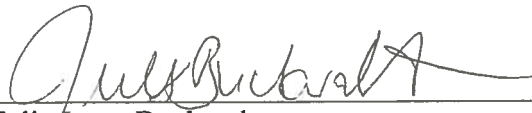
TRACT 369
N2SE4, N2SW4
SEC 26 T7N R24E

TOGETHER, with all tenements, hereditaments and appurtenances thereunto belonging.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

RECEIVED
JUN 21 2013
Department of Water Resources
Eastern Region

15 IN WITNESS WHEREOF, GRANTOR has hereunto set her name to this instrument this day of June, 2012.

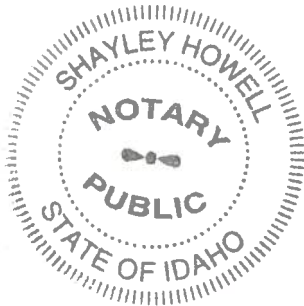

Julia Lynn Buckwalter

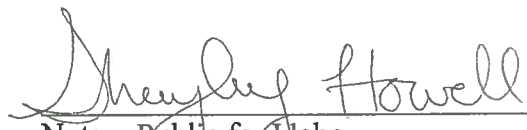
STATE OF Idaho)
) ss.
County of Bonneville)

On this 15th day of June, 2012, before me the undersigned, a Notary Public in and for said State, personally appeared JULIA LYNN BUCKWALTER, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official the day and year first above written.

(seal)




Notary Public for Idaho
Residing at Rigby, ID.
My Commission Expires: June 23, 2012

LAB/kwm
6335-1\011 quit claim deed