

BROCKWAY
ENGINEERING
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Hydraulics

Hydrology

Water Resources

RECEIVED
JAN 07 2005
Department of Water Resources
Southern Region

January 4, 2005

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Transfer No. 71587 / 36-16171

Dear Allen:

Enclosed is a signed statement from the Board of Directors of the Buckeye Ditch, concurring with the above-referenced transfer application and agreeing not to protest the application.

Cordially,

Charles G. Brockway, P.E.

cc: Peter Sturdivant

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

JAN 07 2005

Department of Water Resources
Southern Region

October 7, 2004

RE: The transfer and sale of 0.34 cubic feet per second of water from Idaho Department of Water Resources water right number 36-16171. The transfer and sale will be from Christina Ellston (Seller) to Mr. & Mrs. Peter Sturdivant.

The undersigned, being the Board of Directors of the Buckeye Ditch, hereby agree as follows:

1. That they agree to allow and not protest the transfer and sale of said 0.34 cfs.
2. That all costs associated with said transfer and sale shall be the responsibility of the Buyers.
3. That they will require a one time assessment of \$675.00 to be paid by the Buyers to the Buckeye Ditch Company. This amount is to be paid upon the transfer and approval by the Idaho Department of Water Resources and will be held by Jensen Real Estate until said occurs.
4. That the Seller pay all prior assessments, including but not limited to the 2004 assessment, concerning water right #36-16171 to the Buckeye Ditch Company.
5. That the approval of the Board of Directors of the Buckeye Ditch Company was given after review and examination of the individual water right on a one on one basis.
6. That if the Board of Directors of the Buckeye Ditch Company are ever presented with a like situation, they will look at it on a one on one basis.
7. That they understand the Buyers intend to change the point of diversion and place of use and allow said 0.34 cfs to flow down Billingsley Creek to the Snake River. Thus, the said 0.34 cfs will no longer be a part of or be assessed by the Buckeye Ditch Company.

Dan Fore 12/27/04

Jim Bolyard 12/27/04

Christina Ellston
12/27/04

Floyd Brown

PETER STURDIVANT
10-12-04

October 7, 2004

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JAN 07 2005

Department of Water
Southern Region

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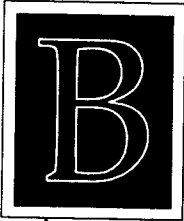
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Dan Hore 12/27/04
Greg R. Easterday
12/27/04

Joe Bolyard 12/27/04
Thayer Brown

PETER STURDIVANT
10-12-04



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FILE

December 27, 2004

Dan Yore
Buckeye Farms
18335 US Highway 30
Hagerman, ID 83332

RE: Agreement with Buckeye Ditch

Dear Dan:

Thank you for expediently arranging the meeting with the Buckeye Ditch Board of Directors regarding the Peter Sturdivant water right transfer.

Enclosed is a copy of the signed agreement for your records.

I am transmitting a copy of the agreement to the Idaho Department of Water Resources, and it is my understanding that the Buckeye Ditch Company will not protest the water right transfer on 36-16171.

Again, thank you for your efforts.

Sincerely,

Charles E. Brockway, P.E., Ph.D.

Enclosure

cc: Peter Sturdivant

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