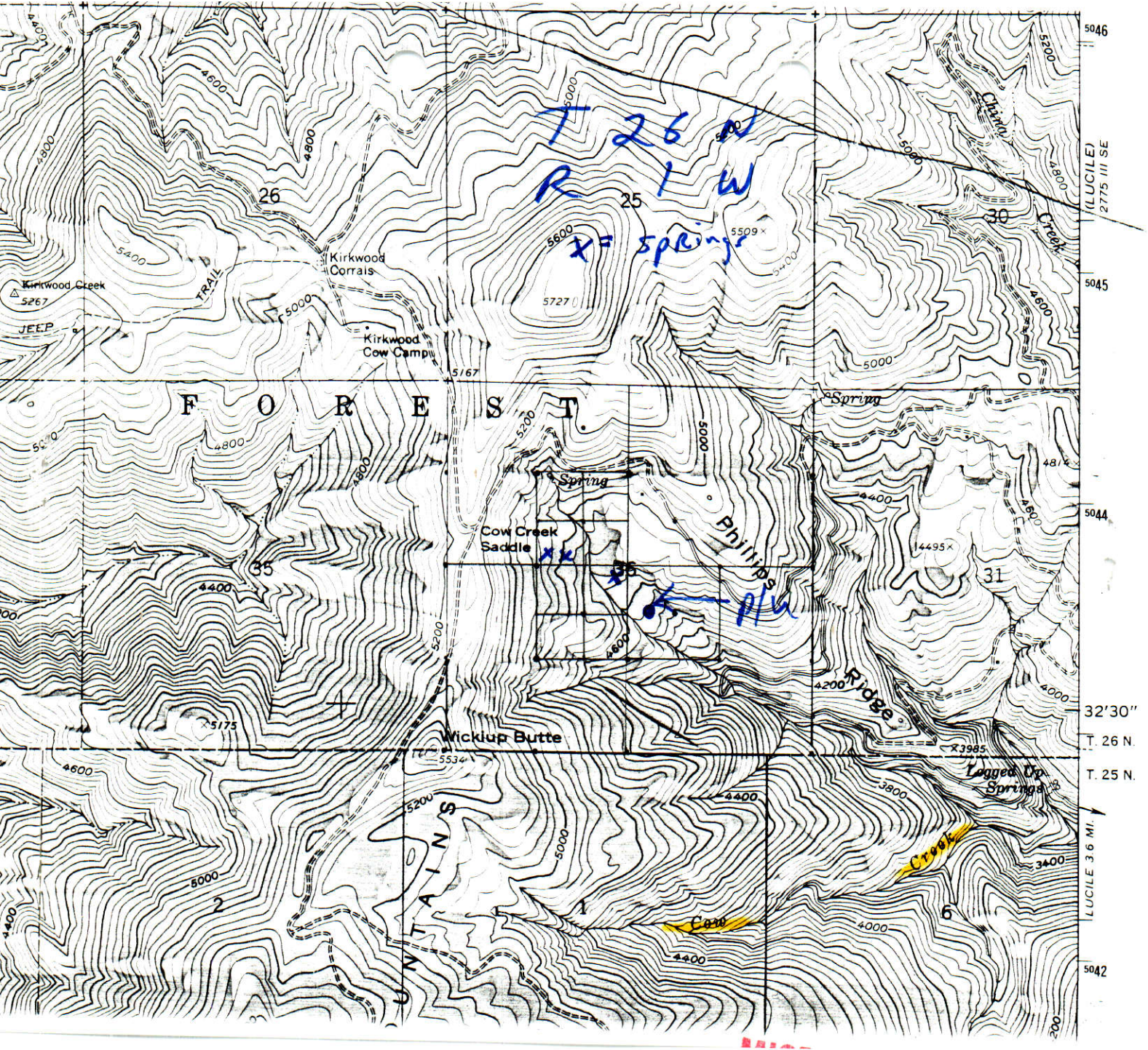
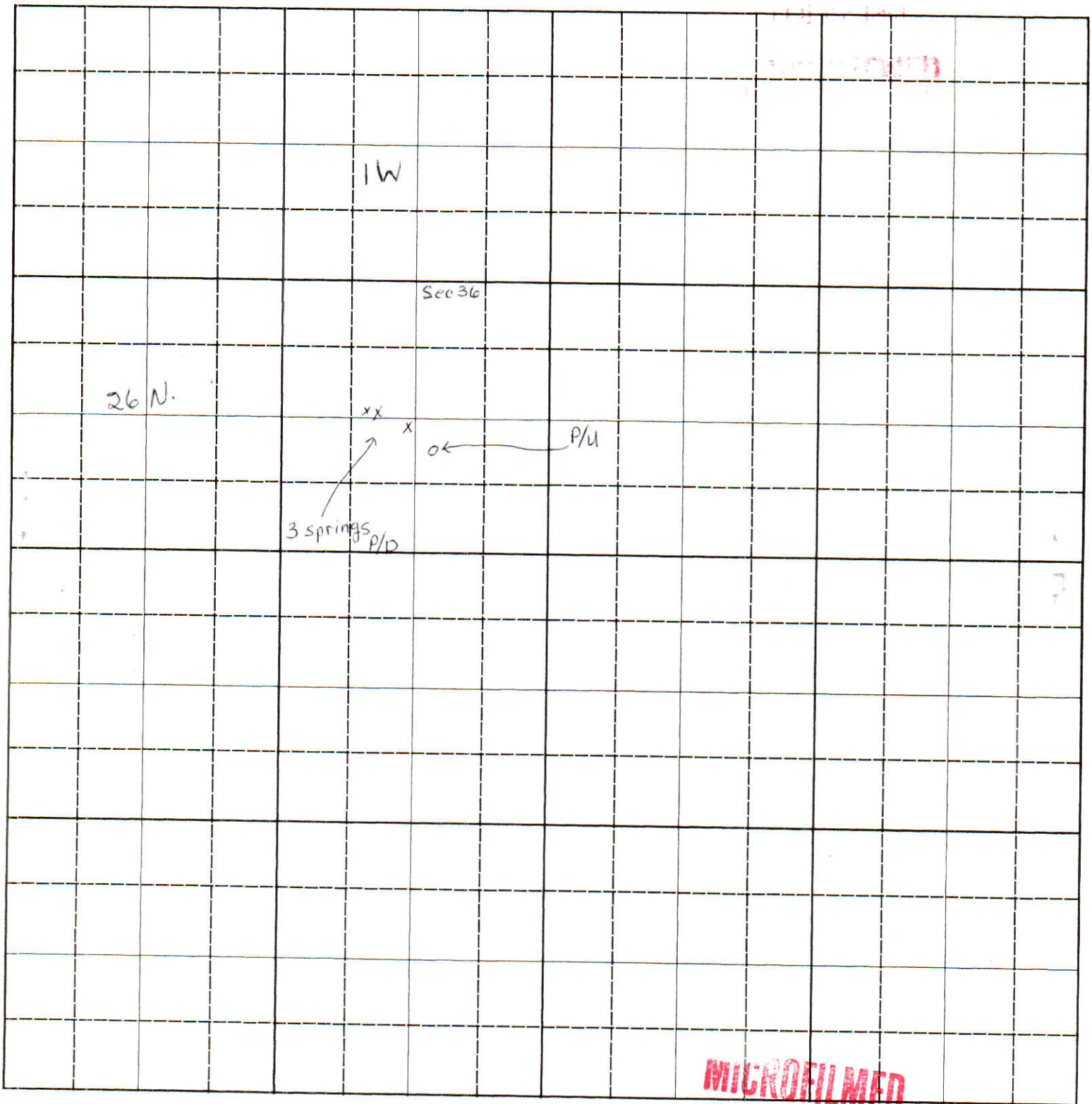

T 26 N
R 1 W
X= Springs
Kirkwood Creek
5267
TRAIL
JEEP
Kirkwood Corrals
Kirkwood Cow Camp
5167
5727
5509
26
25
30
31
35
36
1
2
6
F O R E S T
Spring
Cow Creek Saddle
Phillips
14495
Ridge
4200
5175
Wicklup Butte
5534
3985
Logged Op
Springs
Cow Creek
Chimney Creek
(LUCILE)
2775 III SE
LUCILE 3.6 MI.
5046
5045
5044
5042
32'30"
T. 26 N.
T. 25 N.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



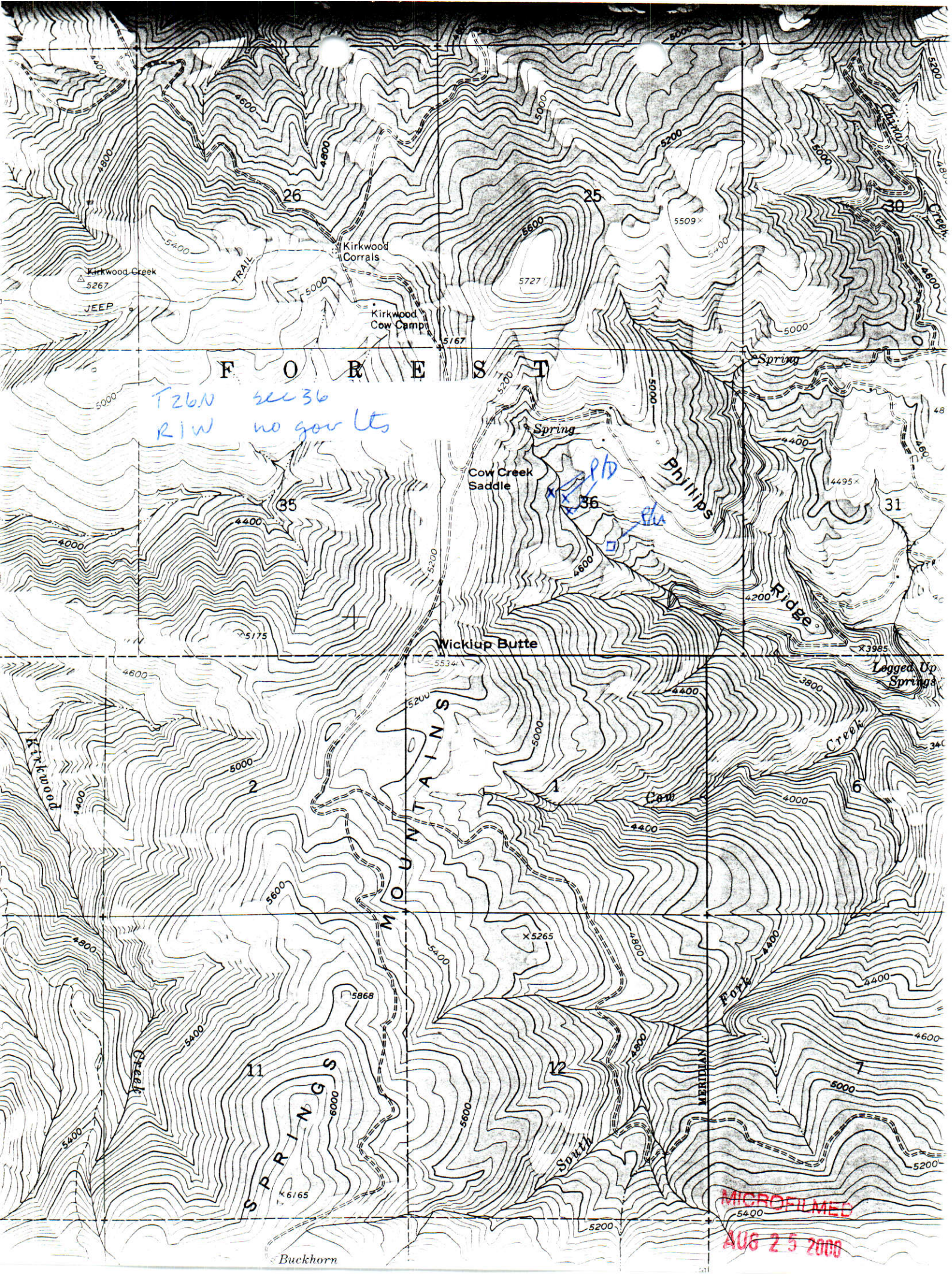
Scale: 2 inches equal 1 mile.

MICROFILMED
FEB 09 1989

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

William C. Bystone

(Applicant)

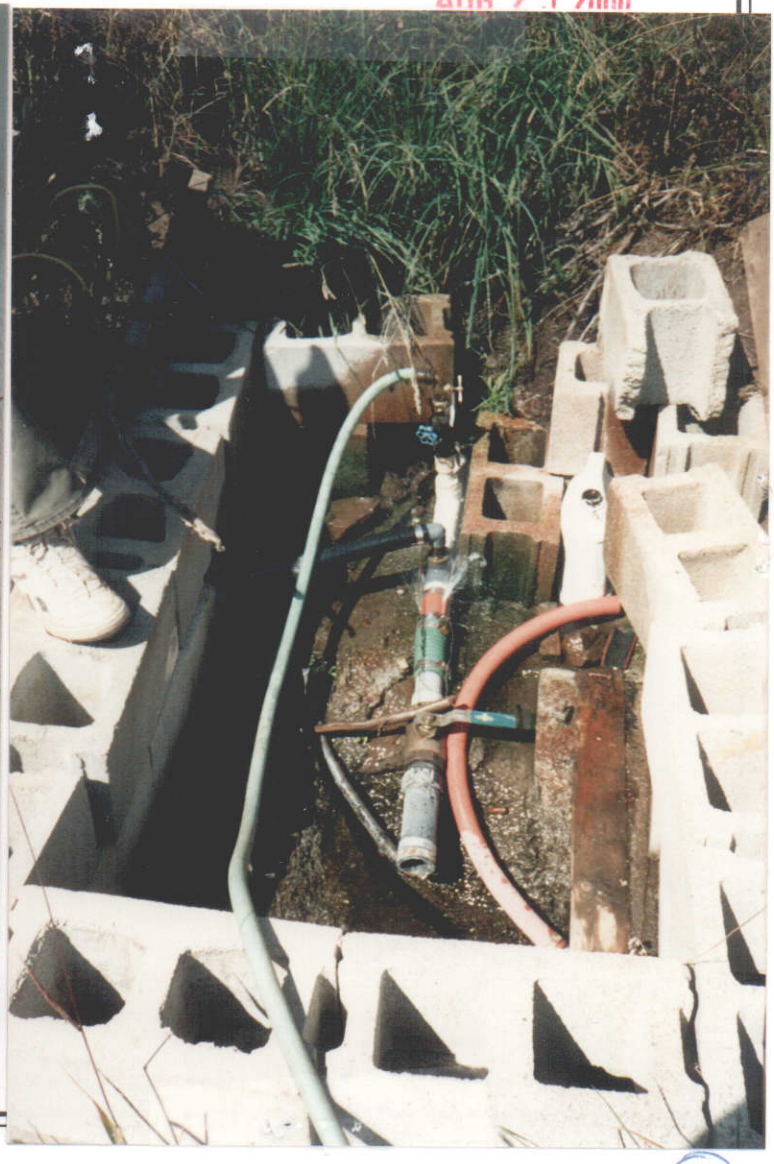

Kirkwood Creek
5267
TRAIL
JEEP
Kirkwood Corrals
Kirkwood Cow Camp
5167
F O R E S T
T26N sec 36
R1W no gov lts
Spring
Cow Creek Saddle
Phillips Ridge
Wickiup Butte
5534
5175
5727
5509
14495
X3985
Logged Up Springs
Kirkwood Creek
Cow Creek
Fork
South
MERIDIAN
SPRINGS MOUNTAINS
X5265
5868
X6165
Buckhorn
26
25
30
35
36
31
1
2
6
11
12
7
MICROFILMED
AUG 25 2008

MICROFILMED
AUG 25 2000

MICROFILMED
2 5 2000

MICROFILMED

AUG 2 5 2000



MICR
AUG 2

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 79-07186

Priority: July 18, 1988 — Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.5 AF

This is to certify, that WILLIAM C BUXTON
PO BOX 752
RIGGINS ID 83549 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 18, 1988; and has submitted Proof of Beneficial Use on May 19, 1989. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

SPRINGS tributary to **COW CREEK**

source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
STOCKWATER	01/01 to 12/31	0.01 CFS	0.3 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	0.04 CFS	1.5 AF

LOCATION OF POINT(S) OF DIVERSION: SWSENW , Sec. 36, Township 26N, Range 01W
SESENW , Sec. 36, Township 26N, Range 01W
NENESW , Sec. 36, Township 26N, Range 01W
IDAHO County

PLACE OF USE: STOCKWATER

TWN	RGE	SEC	
26N	01W	36	NWSE

PLACE OF USE:
DOMESTIC, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. One point of diversion known locally as Tree Stump Spring.
2. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license 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. Signed and sealed this 14TH day of AUGUST, 2000.

MICROFILMED
AUG 2 5 2000

Acting for KARL J. DREHER, Director

RECEIVED

AUG 10 2000

Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 79-07186

Date of Priority: July 18, 1988

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.5 AF

Comes now WILLIAM C BUXTON
PO BOX 752
RIGGINS ID 83549 and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 79-07186, and requests that the permit be changed as follows:

Source: **SPRINGS** tributary to **COW CREEK**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
STOCKWATER	01/01 to 12/31	0.01 CFS	0.3 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	0.04 CFS	1.5 AF

LOCATION OF POINT(S) OF DIVERSION:
SWSENW , Sec. 36, Township 26N, Range 01W
SESENW , Sec. 36, Township 26N, Range 01W
NENESW , Sec. 36, Township 26N, Range 01W
IDAHO County

PLACE OF USE: STOCKWATER

TWN	RGE	SEC	
26N	01W	36	NWSE

PLACE OF USE:
DOMESTIC, same as STOCKWATER use

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Riggins, ID, this 27 day of July, 2000.

MICROFILMED
AUG 25 2000

William C. Buxton
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 79-07186

****

FOR DEPARTMENT USE ONLY

Preliminary check by JM Fee $50.00 Receipted by JM # 050101 Date 8/10/00

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 79-07186 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. One point of diversion known locally as Tree Stump Spring.
2. Domestic use is for 1 home.

Witness my hand this 14TH day of AUGUST, 2000.

Acting for KARL J. DREHER, Director

MICROFILMED
AUG 25 2000

Form 217
03/86

RECEIVED
MAY 19 1989
Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Department of Water Resources
Western Regional Office

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received ~~$30.~~ N/A
Date 5-19-89
Receipt # —
Receipt by —
Reviewed by JRJ
Sent to region COPY @ Western

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

MAY

Permit No. 79-07186

Name(s) of Permit Holder: William C Buxton

Post Office Address: P.O Box 252

Riggins, ID 83549 Telephone No. 208-628-3876

Source of Water: Springs

Extent of Use:

Domestic 1 (number of households) Stockwater ~~[redacted]~~ 20 pairs cows (number and type of stock)

Irrigation 3 (acres) Other/Remark Garden

Total rate and/or volume for which proof is submitted .04 (18 GAL/MIN) cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1983 - AUG

Measuring Device: Required? __ Yes / No
Installed? __ Yes / No

Fee enclosed $ None Required
(See License Examination Fee Schedule)

Flow Measurement Port: Required? __ Yes / No
Installed? __ Yes / No

Person to contact to accompany the Department representative during the field examination:

Applicant (Name) Same (Telephone Number)

Same (Address)

MICROFILMED

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

JUL 18 1989

19-5-89
Date

William C. Buxton
Signature of Permit Holder (and title, if appropriate)

Buxton, William C.

Form 202
6/86

Ident. No. 79-07186

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant William C. Buxton Phone 208 628-3876

   Post office address P.O.Box 752 Riggins, ID 83549

2. Source of water supply ~~Tree Stump Springs & 2 unamed~~ * springs which is a tributary of Cow Creek, ~~Middle Fork~~ *

3. Location of point of diversion is SW ¼ of SE ¼ of NW ¼, Govt. Lot ____

   Sec. 36 Township 26N Range 1W B.M. Idaho County; additional

   points of diversion if any: NW¼ NE¼ SW¼ (3 springs in 2 tracts *)

   * per topo map interpretation 8/9/88 -SC

4. Water will be used for the following purposes:

   Amount .04 for Domestic purposes from Jan.1 to Dec.31 (both dates inclusive)
   (cfs ~~or acre-feet per annum~~)

   Amount .01 for Stockwater purposes from Jan.1 to Dec.31 (both dates inclusive)
   (cfs ~~or acre-feet per annum~~)

   Amount ____ for ____ purposes from ____ to ____ (both dates inclusive)
   (cfs or acre-feet per annum)

   Amount ____ for ____ purposes from ____ to ____ (both dates inclusive)
   (cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .05 (cubic feet per second) and/or (b) ____ (acre feet per annum)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. ____

   Perforated pipe set in springs piped to house and stock trough

   b. Height of storage dam ____ feet; active reservoir capacity ____ acre-feet; total

   reservoir capacity ____ acre-feet; period of year when water will be diverted to storage:

   ____ to ____ inclusive.

   c. Proposed well diameter is ____ inches; proposed depth of well is ____ feet.

   d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

   Allow 1 yr. * ~~Done~~ years (*minimum 1 year*).

MICROFILMED
FEB 09 1989

*tw 12/15/88

8. Description of proposed uses (*if irrigation only, go to item 9*):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. 20 Range 4 Horses

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 1 House

e. Other; describe fully. _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
26N	1W	36														D/S			

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Claimant

b. Who owns the land to be irrigated or place of use? Same

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

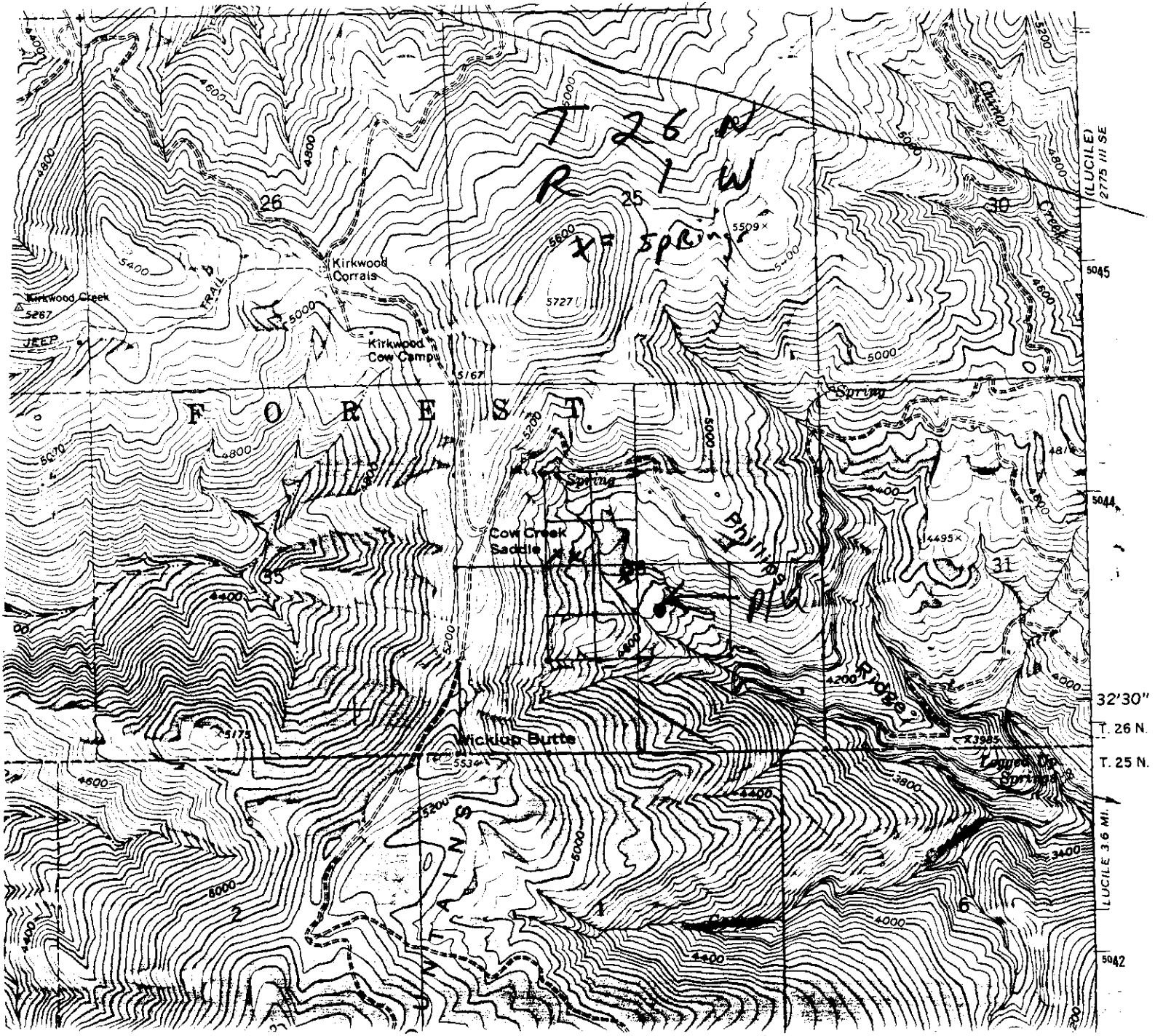
12. Remarks: Also filed app. for permit on Chilly Springs (for ~~same~~ different home & stock)*

* per phone conv.

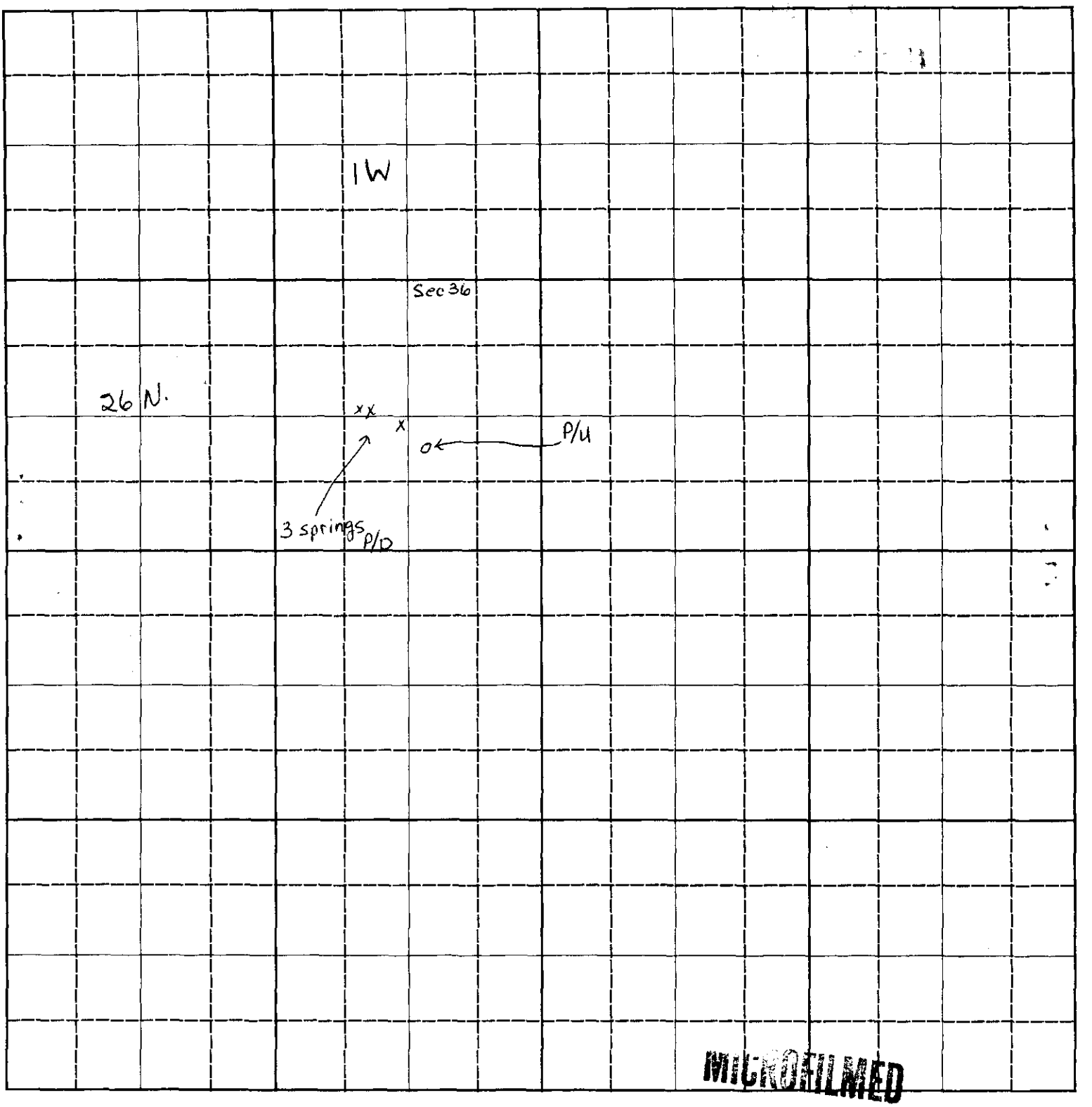
1 P/O locally known as Tree Stump Spring (SL 8/3/88).

RECEIVED

FEB 09 1989


T 26 N
R 1 W
Kirkwood Corrals
Kirkwood Creek
5267
TRAIL
JEEP
Kirkwood Cow Camp
5167
FOREST
Spring
Cow Creek Saddle
Pinnacle Pk
5509
5727
5495
Wicklup Butte
5534
5175
Lookout Cr. Spring
3985
Rogue
Charnley Creek
(LUCILE) 2775 III SE
5045
5044
5042
32'30"
T. 26 N.
T. 25 N.
LUCILE 3.6 MI.
26
25
30
31
35
2
1
6

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



MICROFILMED
FEB 09 1989

Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

William C. Dryston
(Applicant)

Proposed Priority 7/18/88

nl 8-1-88 12:00

Received by SCC Date 7-18-88 Time 11.00A Preliminary check by SL

Fee $ 30.00 Receipted by SCC # 5000971 Date 7-18-88

Publication prepared by JP Date 8/10/88 Published in ~~Idaho County Free Press~~ 8/17 & 8/24/88

Publication approved SL Date 9/30/88

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 79-7186, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 ~~90~~.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other:

Witness my hand this 19th day of December, 1988.

R. Glen Saxton

MICROFILMED
FEB 09 1989

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

79-07180

ADAIR, TERESA; RT. 4 BOX 504; COTTONWOOD, ID 83522
Source: UNNAMED STREAM Tributary: INDIAN CREEK
Diversion Pt: NWSE Sec 27 T 28N R 01W
Use: IRRIGATION (.020 CFS)
Date Filed: 7/25/1988
In: T28N R01W S27 NWSE
1.0 ACRES TOTAL.

79-07181

VOPAT, JAMES H.; RT. 2 BOX 667; GRANGEVILLE, ID 83530
Source: SPRING Tributary: SINKS
Diversion Pt: NENESE Sec 36 T 30N R 02E
Use: DOMESTIC (.040 CFS)
Date Filed: 7/28/1988
In: T30N R02E S36 SENE.

79-07182

WILSON, JOE; WILSON, ADA C.; HC01 BOX 81C; WHITEBIRD, ID 83554
Source: SPRING Tributary: SLIPPY CREEK
Diversion Pt: NESESW Sec 24 T 27N R 01E
Use: DOMESTIC (.080 CFS)
Date Filed: 8/10/1988
In: T27N R01E S24 NESW.

79-07183

BUXTON, WILLIAM C.; P.O. BOX 752; RIGGINS, ID 83549
Source: SPRING Tributary: COW CREEK
Diversion Pt: NENWSE Sec 36 T 26N R 01W
Use: DOMESTIC (.040 CFS) STOCKWATER (.010 CFS)
Date Filed: 8/10/1988
In: T26N R01W S36 NWSE.

79-07184

JAYO, PAUL; S & S JAYO RANCH; HC01 BOX 103A; WHITEBIRD, ID 83544
Source: SPRING Tributary: SINKS
Diversion Pt: NENENE Sec 9 T 26N R 01E
Use: STOCKWATER (.030 CFS)
Date Filed: 8/10/1988
In: T26N R01E S10 SENE.

79-07185

R & S REALTY CORP.; P.O.BOX 247; RIGGINS, ID 83549
Source: SPRING Tributary: RACE CREEK
Diversion Pt: SENWSW Sec 4 T 24N R 01E
Use: DOMESTIC (.040 CFS)
Date Filed: 7/27/1988
In: T24N R01E S04 NWSW.

79-07186

BUXTON, WILLIAM C.; P.O. BOX 752; RIGGINS, ID 83549
Source: SPRINGS Tributary: COW CREEK
Diversion Pt: SWSENW Sec 36 T 26N R 01W
NENESW Sec 36 T 26N R 01W
Use: STOCKWATER (.010 CFS) DOMESTIC (.040 CFS)
Date Filed: 8/10/1988 sec. 36 PAPER ERROR 7/28/88
In: T26N R01W S26 NWSE.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before SEPTEMBER 6, 1988.

R. KEITH HIGGINSON, Director

Published 8/17/1988 & 8/24/1988

A17-24

Department of Water Resources
Western Regional Office

AFFIDAVIT OF PUBLICATION

Charlotte Sotin being first duly sworn, says he is the Bookkeeper of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 17th day of August, 19 88., and the last publication on the 24th day of August, 1988.; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Charlotte Sotin

Subscribed and sworn to before me this 24th day of August, 19 88.

Notary Public for State of Idaho, residing at Grangeville, Idaho.

MICROFILMED
FEB 09 1989

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

August 15, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM C BUXTON
PO BOX 752
RIGGINS ID 83549

RE: WATER RIGHT NO. 79-07186

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED
AUG 2 5 2000

CERTIFICATE OF MAILING

I hereby certify that on the **15th** day of **August, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 79-07186

WILLIAM C BUXTON
PO BOX 752
RIGGINS ID 83549

Kari Lynn Townsend
Secretary

Mic

AUG 2 3 2000

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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. 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 Idaho Water Resource Board (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).

AMENDED
AUG 25 2009

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 issuance 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.

MICROFILMED
AUG 2 5 2000

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

July 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM C BUXTON
PO BOX 752
RIGGINS ID 83549

RE: WATER RIGHT NO. 79-07186

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion developed is in a location other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

The enclosed Application for Amendment form depicts the point(s) of diversion and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the $50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7944.

Sincerely,

for KAY WALKER
Sr. Water Resource Agent

KW:klt

Enclosure

MICROFILMED
AUG 25 2000

8/4- Lic amend in will be sent in per Matt Howard. Kw allow 1 extra week if necessary

LICENSE REVIEW CHECKLIST

Permit No. 79-07186 Date: 7-19-2000 Reviewer: Kay Walker

Change/OK

Name/Address ok

Source ok
Point of Diversion: add

Does change ~~clarify original intended~~ source? If no, void permit.
Change (P39/P49) ~~Add~~ (P45/P44) Feds (P40)

~~W32~~ (multiple in 1/4/1/4)
W36 (overlap)
~~W59~~ (subdivision description)

Place of Use ok

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 79-07183 — permit no exam - stock use from diff. spring
File reviewed____ Profile reports printed_____ no old OL

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.05 cfs
Fee Limit exempt cfs
Measured 0.04 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.04

Water Uses ok

Change (P46)

Irrigation	____ cfs	____ af	
Stockwater	0.01 cfs	0.3 af	
Domestic	0.04 cfs	1.2 af	
_____	____ cfs	____ af	
_____	____ cfs	____ af	
Total	0.04 cfs	1.5 af	

~~Irrigation~~ - overlap(R58-R61, **R62-R65, R66-R69)**
~~supp.~~ Gw (WB7/065/079)
~~overlap~~ spec combined rts (W35)
~~>1 acre~~ (W31)
Domestic (W01/~~wb5/070/071/075~~)
~~Power~~ (W42 or W43/025/027/R22 or R23
~~Fish~~ (042)
~~Fire~~ (077)
~~Water~~ Quality (081/R07)
~~Payette~~ – (W22/047/27A)
~~Stockwater~~ for US (R37)

Volume Determination

____ cfs x 1.9835 x ____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: W01 25 range x 0.0134 = 0.33 ≈ 0.3

Additional Conditions NO Watermaster Control
NO GW Measurement/Measuring Device
____ Other
~~Trust~~ (052/R55 – remove 051)
~~Non-trust~~ (048/049)

Government Lots? NO

Advance Priority? ____yes
✓ no If yes, explain why below.

SRBA Claim? NO

Adjust memo ✓

Amend Letters ~~P45~~ P39 **P87, S06** **Second Amendment Notice** P49 **S06**

MEMORANDUM

TO: File 79-07186

FROM: KAY WALKER KW

RE: License Recommendations

Date: July 19, 2000

We were asked to expedite the licensing of this right because Mr. Buxton is selling the property and would like to have the water rights in order. Permit 79-07183, which is for another spring for stockwater use, has not been examined yet so we can only finalize this permit.

Rob Whitney conducted this exam on August 19, 1989 and Lori Graves completed the exam write up in July of 2000. There are four pages of photos attached to the exam, which do not have narratives because Lori did not know what the specifics of the pictures were. Since this permit is for domestic and stockwater purposes only I believe we can live with not knowing the specifics of the photos.

MICROFILMED

AUG 25 2000

Form 219
6/92

RECEIVED (signed)
JUL 17 2000
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED (exam not signed)
JUN 29 2000
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 79-07186

1. Owner: WILLIAM BUXTON Phone No. 628-3876

Current Address: BOX 752 RIGGINS ID 83549

2. Accompanied by: OWNER EXAM DATE: 8/19/89

Address: SAME Phone No. ____

Relationship to Permit Holder: ____

3. Source: SPRINGS tributary to COW CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: A79-10361

2. Other water rights with the same point of diversion: ---

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	SE	NW	36	26N	1W	IDAHO	USGS Quad
		SE	SE	NW					
		NE	NE	SW					

2. **Place(s) of Use:** Indicate Method of Determination ____

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
26N	1W	36														D			
																S			

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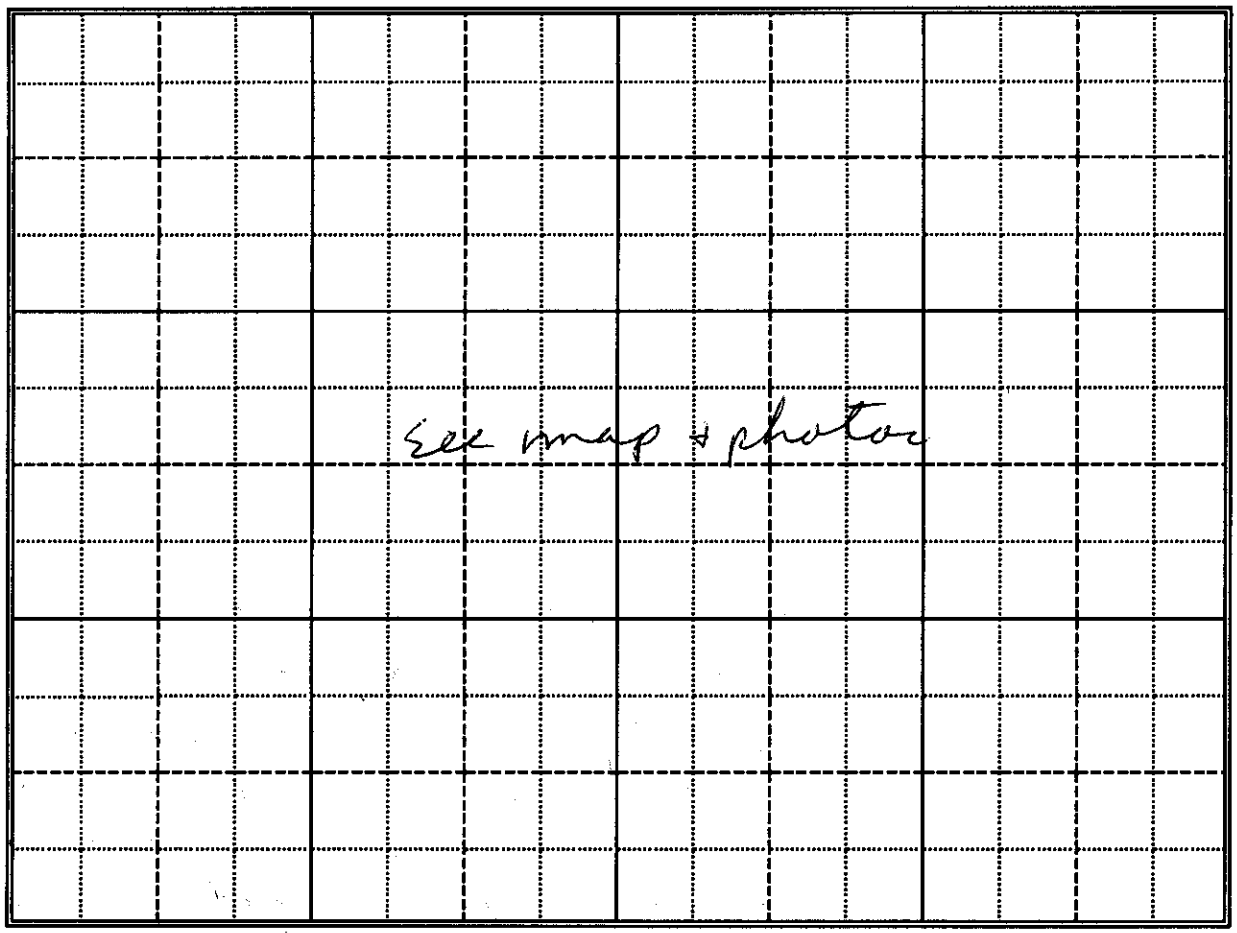
AUG 25 2000

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____.

✓ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

N/A Aerial Photo Attached (required for irrigation of 10+ acres)

✓ Photo of Diversion and System Attached

4. N/A - Gravity system

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

**Code to correspond with No. on map and aerial photo*

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** none

MODIFIED

E. NARRATIVE/REMARKS/COMMENTS

Water from three springs is delivered through a 1 1/4" pipe to a central distribution system. The water can then be valved to three separate hydrants – one for serving a trailer, one for garden use, and one for three small stock ponds.

The system is self pressurized with a flow capacity of 19 gpm based on a full pipe.

79-07183 is another seperate spring also used for stockwater. No other rts are used.

In 1999 Chatham Idaho Corp claimed that the spring located in the SWSE NW was developed on their property. As a result, Chatham filed SRBA claim A79-10361 on that spring. The Chatham property has since been sold and the new owners have not pursued the trespass issue (see attached correspond)

Have conditions of permit approval been met? ___ yes ___ no

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AUG 25 2000

F. FLOW CALCULATIONS ____ Additional Computation Sheets Attached

Measured Method:

1¼" pipe, gravity fed system:

$\left(\frac{1.25"}{12"} \div 2\right)^2 \times \pi$ = .04 cfs capacity

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

25 cattle + horses = .3 afa

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
DOMESTIC	1/1	12/31	.04	1.2
STOCKWATER	1/1	12/31	.01	.3
		Totals:	.04	1.5

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above ___ None

___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

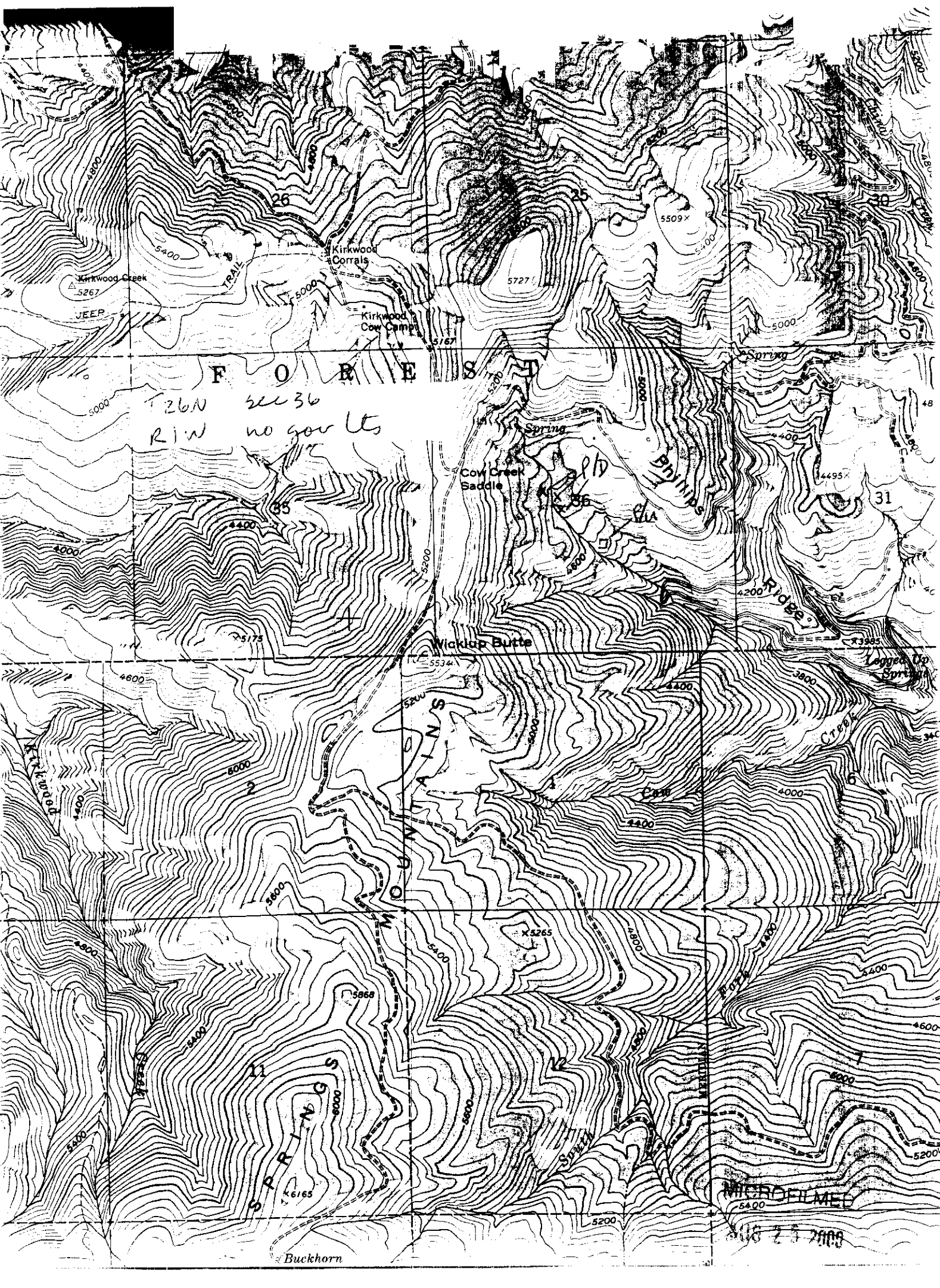
I. AUTHENTICATION Lori Gearen for

Field Examiner's Name Rob Whitney Date 7/17/00

Reviewer _____ Date _____ SEAL

MICROFILMED

AUG 25 2000


Kirkwood Creek
5267
TRAIL
JEEP
Kirkwood Corrals
Kirkwood Cow Camp
5167
5727
5509
Spring
F O R E S T
T26N Sec 36
R1W no govt lts
Spring
Cow Creek Saddle
Pinnacles
4495
31
Ridge
Wicklup Butte
5534
5175
Logged Up Spring
Kirkwood
Cow
Creek
6
2
11
12
7
5265
5868
6165
Buckhorn
South
Fork
MICROFILMED
Bldg 25 Spring

Dennis L. Albers
ATTORNEY AT LAW
P.O. BOX 314
GRANGEVILLE, IDAHO 83530

KAMIAH OFFICE
311 MAIN
PHONE (208) 935-2161

GRANGEVILLE OFFICE
204 W. NORTH
PHONE (208) 983-2310

August 31, 1989

RECEIVED
SEP 5 1989
Department of Water Resources
Western Regional Office

Robert Whitney
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Mr. Whitney:

Re: Chatham Idaho Protest

Please accept this letter on behalf of Chatham Idaho Corporation and its principal owner, George Klingelhofer of Sun Valley, Idaho. Mr. Klingelhofer asked me to write you protesting the granting of a permit for water rights on a certain spring located in the SWSENW Sec 36 T 26N R01W. This spring is the subject of an application for a permit filed by William Buxton of Lucile, Idaho, relating to File No. 79-07186.

You should be informed that Mr. Buxton's point of diversion on the above described property is a trespass onto the Chatham Idaho property. Chatham Idaho and its predecessors in title have used the springs on that property continuously for stock watering purposes since 1910. Mr. Buxton at one time was the owner of that property, but voluntarily gave it back to Chatham Idaho with a Deed in Lieu of Foreclosure in February, 1985. A copy of that Deed is enclosed for your file.

You will see that Mr. Buxton did not reserve any right to cross the property, and thus conveyed away any rights that he might have had. Since it has not been five years since the date of that Deed, he cannot claim an easement by prescription for the water piping as of today's date. I am informed that any work that he did to capture the water in this spring has realistically only been done in the last two years. I understand that one of your people was on site recently and saw the fairly recent backhoe work that Mr. Buxton did on the Chatham property. Chatham Idaho never gave any permission at all for this diversion of water or the interference with their Constitutional water right developed and used since 1910.

MICROFILMED
NOV 25 2008

On behalf of Chatham Idaho, we respectfully ask you to suspend further proceedings in granting Mr. Buxton this permit and honor the Snake River Adjudication Claim, filed by Mr. Klingelhofer on the said spring. A copy of that claim is included for your files as well.

Please correspond with me directly as to what action you are taking in this matter so that I can keep Mr. Klingelhofer informed.

Mr. Klingelhofer's address is: P. O. Box 247, Sun Valley, ID 83353.

Sincerely,

DENNIS L. ALBERS

DLA:jee

Enclosures

cc/ George Klingelhofer

Certified Mail
#P775 088 820

MICROFILMED
AUG 25 2000

I.C. 42-1409 (2) b 1/88

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number _____
Date Received _____
Receipt Number _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day. Filing fee $25

Please type or print clearly George E. Klingelhofer Pres.

1. Name of Claimant (s) Chatham Idaho Corp Phone (208) 726-8400

   Mailing Address P.O. Box 247 Sun Valley, Idaho Zip 83353

2. Date of Priority (Only one (1) per claim) Jan 1910

3. Source of water supply (a) 2 Springs
   which is tributary to (b) Sinks

4. Location of point of diversion is: Township 2 6 N Range 1 W

   Section 36, _____ 1/4 of SE 1/4 of NW 1/4, Govt. Lot _____, B.M.,

   County of Idaho

   Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 2 springs piped to stock troughs

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)
   (Both dates are inclusive) (cfs)

   For Stockwater purposes from 1-1 to 12-31 amount 0.04

   For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is *de minimus*

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) 50 head Livestock

Copies: White-State, Yellow-Claimant

MICROFILMED
AUG 25 2000

CHATHAM IDAHO CORP. TEL No.208-726-8312 Aug 17 09

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
26N	1W	36								S								

11. In which county (ies) are lands listed above as place of use located? Idaho

12. Do you own the property listed above as place of use? Yes ✓ No ____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
____ or None (✓)

14. Remarks: ____

15. Basis of Claim (check one) Beneficial Use ✓ Posted Notice ____ License ____ Permit ____
Decree ____
If applicable provide IDWR Water Right Number ____
Court ____ Case Number ____ Decree Date ____
Plaintiff vs Defendant ____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ___ do not ___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments ____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) x ____ Date ____

____ Date ____

For Organizations: I do solemnly swear or affirm that I am PRESIDENT (Title) of Chatham Idaho Corporation (Organization), that I have signed the foregoing document in the space below as President (Title) of Chatham Idaho Corp. (Organization), and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent ____

Title and Organization President - Chatham Idaho Corp. Date 6/23/88

State of Idaho/or ____)
) SS.
County of Blaine)

Subscribed and sworn (or affirmed) before me this 24th day of June 19 88

SEAL

Notary Public ____

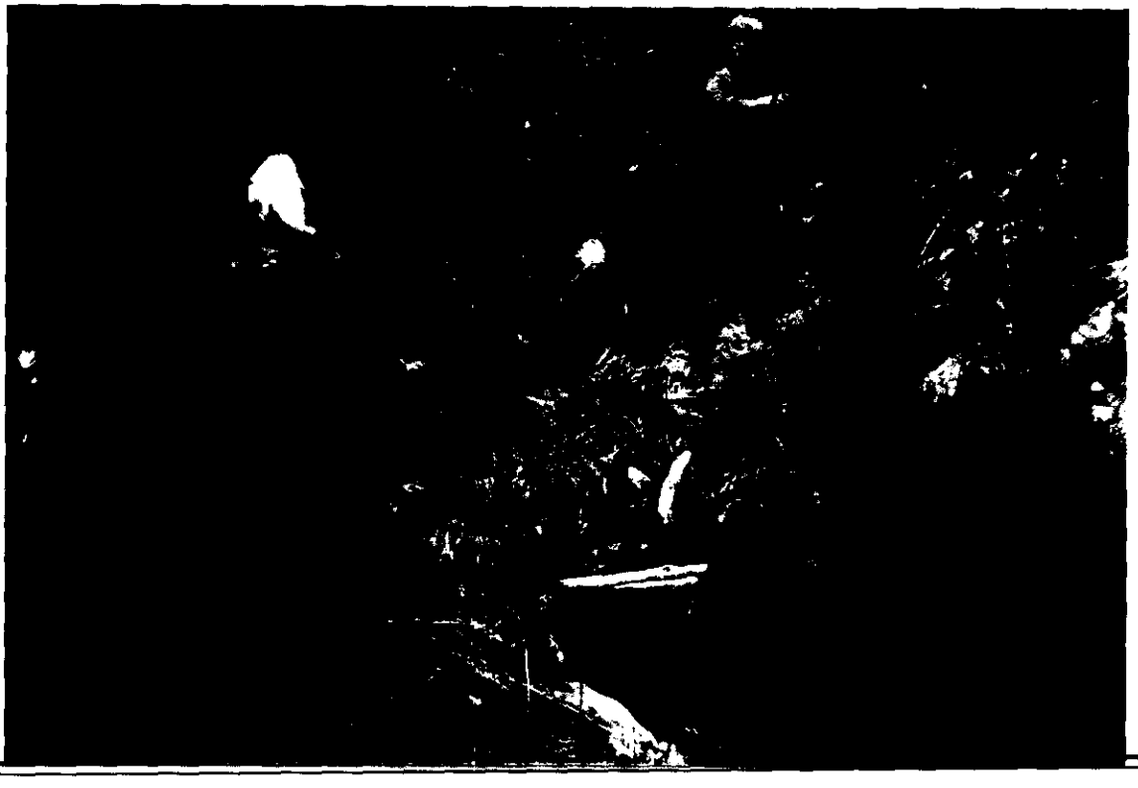
Residing at Baxter Sun Valley Idaho

My Commission Expires 11/8/94

Last Name Chatham Id. Corp. Ident No. ____

Copies White-State, Yellow-Claimant

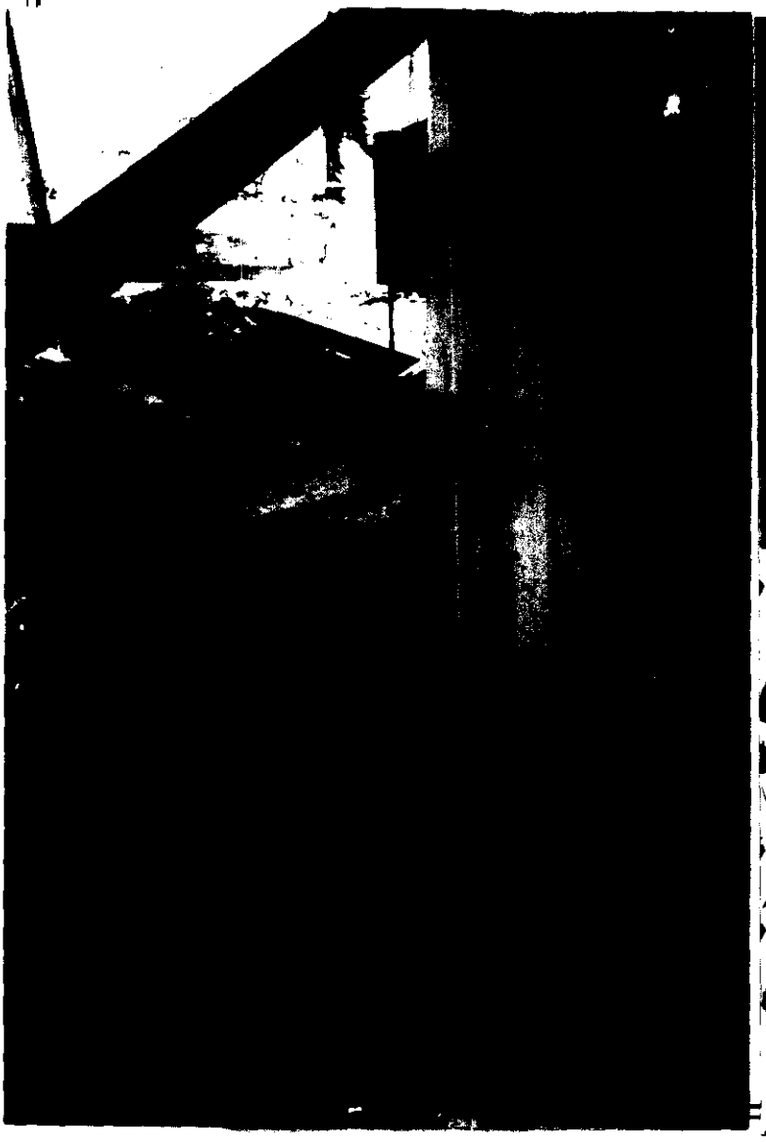
MICROFILMED
AUG 2 5 2000

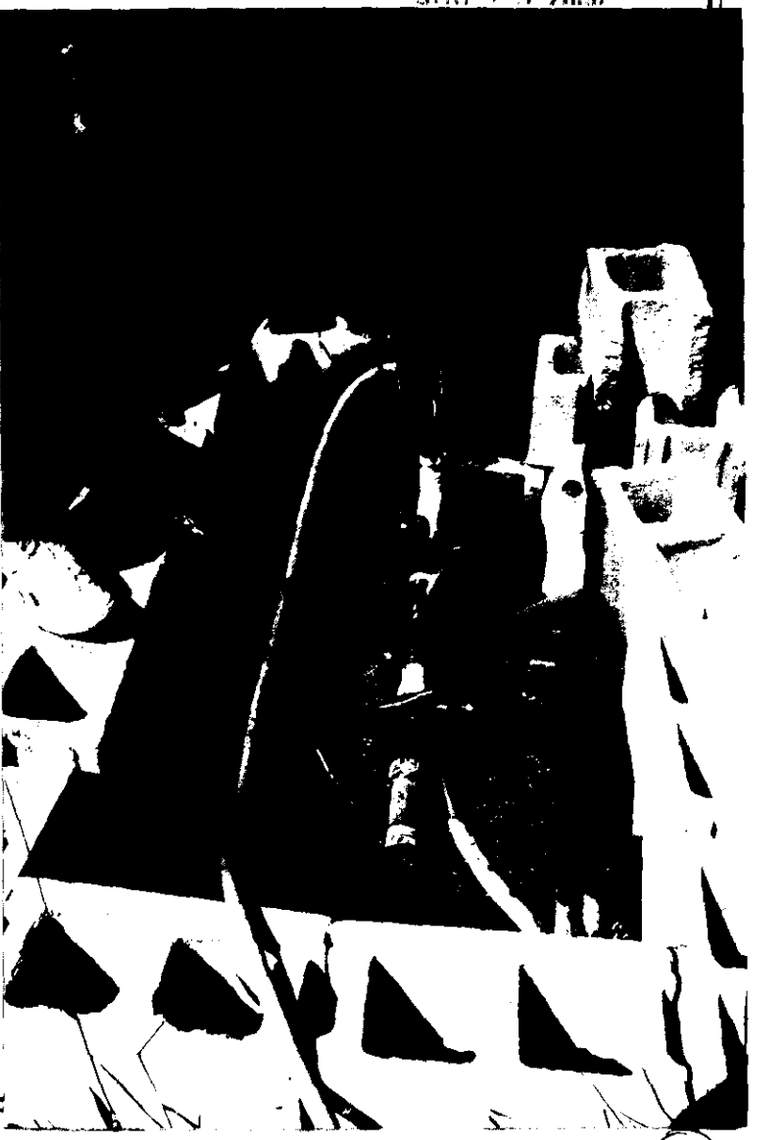


2 5 2000

MICROFILMED

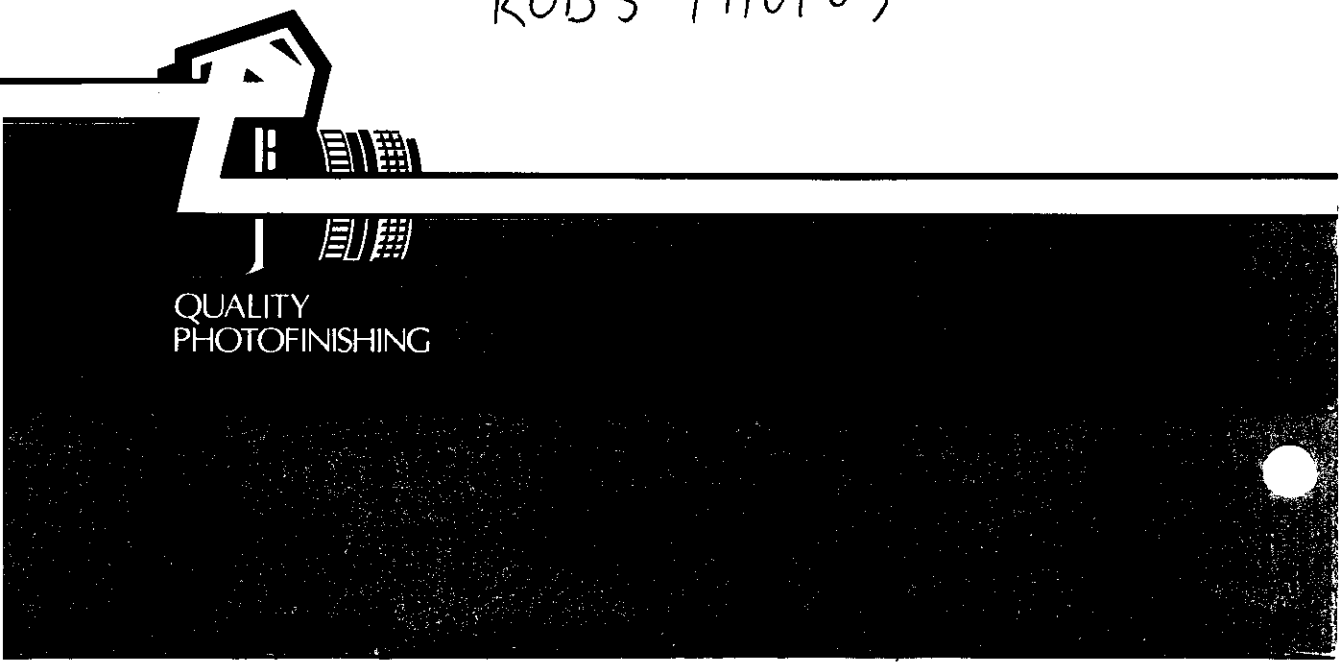
AUG 2 5 2000





MICR
AUG

ROB's PHOTOS



S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
December 27, 1988

WILLIAM C. BUXTON
P.O. BOX 752
RIGGINS, ID 83549

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 79-07186

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed.

Sincerely,

GARY SPACKMAN, Supervisor
Water Rights Permits Section

GS: SC
Enclosures

MICROFILMED
FEB 09 1989

1st 26N 1W S. 36 SWSENW NENESW

1st 11 NWSE

rm No. 202a
87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

ITIAL REVIEW BY SL DATE 8/9/88 APPLICATION NUMBER 79-07186

EQUIRED INFORMATION

- [x] Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- [x] Address
- [x] Source (See USGS Quad for names of water sources)
- [x] Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- [x] County
- [x] Quantity (flow and/or volume)
- [x] Period of Use
- [x] Nature of proposed use (Include description of use.)
- [x] Description of diverting works
- [x] Time required for beneficial use of water
- [x] Place of use or acres irrigated
- [x] Map
- [x] Signature (If applicant is corp. partnership, or minicipality, title of signator is required)
- [x] Fee
- [x] Yes [ ] No* In form to receipt

DDITIONAL INFORMATION

- [x] Overlapping place of use (Describe source & relationship to present application on the back.) NO
- [x] Overlapping point of diversion yes
- [ ] Yes [ ] No Field check required
  Field check by _____
- [ ] Yes [ ] No Field report attached
- [ ] Yes [x] No Critical groundwater area
- [ ] Yes [x] No Groundwater management area
- [ ] Yes [x] No Send dam safety information
- [ ] Yes [x] No Send power requirement letter
- [ ] Yes [x] No Send fish farm requirement letter
- [ ] Yes [x] No Power residency affidavit
- [ ] Yes [x] No Power efficiency form
- [ ] Yes [x] No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- [ ] Yes [x] No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- [x] See reverse side for additional information

REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

_____

_____ Date Requested _____

RECEIVED
NOV 23 1988
Department of Water Resources

P/O

79-7108 different spring and an unnamed stream in SENW.

OCESSING ☒Yes ☐No In rorm for advertising
☐Yes ☒No Statewide advertising
☒Yes ☐No Fee amount, receipt date & No. recorded on application

ND COPIES TO None
☐Idaho Dept. of Health & Welfare ☐U.S. BLM
☐Idaho Dept. of Fish & Game ☐U.S. Forest Service
☐Idaho Dept. of Lands ☐Water District
☐Adjudication Bureau Unit ☐Other_____

NAL REGIONAL PROCESSING REVIEW

☒Yes ☐No Affidavit of publication received
☐Yes ☒No Application published correctly. If not, record action taken.
Incorrect priority date - per memo in file this is not fatal to the advertising.
☒Yes ☐No Publication dates & paper, recorded on application
☐Yes ☒No Protests received
Final date for protest September 6, 1988
☐Yes ☒No Protests, dates, resolution of protest, recorded on application
☐Yes ☒No Recommendations attached Approve, DNR
☐Yes ☒No Measuring device required
☐Yes ☒No Access port required
☐Yes ☒No Will water be delivered by watermaster? If yes, what Dist._____
☐Yes ☐No Special conditions of approval or cover letter below._____

☐See below for additional information
Date of priority recommended 7/18/1988
By DNR Date 11/16/1988

STATE OFFICE REVIEW P16

☐See below for additional information
By KW Date 12/15/88

DDITIONAL INFORMATION

MEMORANDUM

RE: 79-07182 thru 07184, 79-07186

TO: DAVE T.

FROM: ROB WHITNEY

SUBJ: INCORRECT PRIORITY DATES ON ADVERTISING

Points of diversion for the above referenced applications for permit, have been compared with all other applications which may have been affected by the correction of priority dates.

From this information, it has been determined that the correction of these priority dates will not interfere with any other applications for permit. (see attached).

RECEIVED

FEB [illegible] 1989

Water Rights that May be affected by error in priority date during advertising.

79-07180 - 7/25/88 P/D 28N 1W S.27 NW SE (cr.)
*No Conflict different P/D

79-07181 - 7/28/88 P/D 30N 2E S.36 NE NE SE (spr)
*No Conflict

79-07185 - 7/27/88 P/D 24N 1E S.4 SE NW SW (spr)
*No Conflict

79-07188 - 7/28/88 P/D 24N 1E S.3 SW SE NE (spr)
*No Conflict

79-07189 - 7/22/88 P/D 28N 1W S.21 NE NE NW (spr.)
*No Conflict

* No interference evident - points of diversion Are located in different townships

Dave,

If this is enough Info. Please return to me to write a memo for files. If not I'll dig deeper

Thanx,

RW

MICROFILMED
FEB 09 1989

WATER RIGHT NUMBER	NAME	O C	STG STA	PRIORITY DATE	SOURCE OF WATER	TRIBUTARY TO
79-07178	KLOSTER , PAUL KLOSTER , BONNIE L.	C C	A/	07/18/1988	GETTA CREEK	SNAKE RIVER
79-07179	MC REYNOLDS , VIOLA MC REYNOLDS , CLARENCE	C C	P/	07/11/1988	GROUNDWATER	
79-07180	ADAIR , TERESA	C	P/	07/25/1988	UNNAMED STREAM	INDIAN CREEK*
79-07181	VOPAT , JAMES H.	C	P/	07/28/1988	SPRING	SINKS*
79-07182	WILSON , JOE P/D 27N 1E S.24 NE SE SW WILSON , ADA C.	C C	A/	07/19/1988	SPRING	SLIPPY CREEK
79-07183	BUXTON , WILLIAM C. P/D 26N 1W S. 36 NE NW SE	C	A/	07/18/1988	SPRING	COW CREEK
79-07184	JAYO , PAUL S & S JAYO RANCH 26N 1E S.9 NE NE NE	C C	A/	07/21/1988	SPRING	SINKS
79-07185	R & S REALTY CORP.	C	P/	07/27/1988	SPRING	RACE CREEK*
79-07186	BUXTON , WILLIAM C. 26N 1W S.36 SW SE NW	C	A/	07/18/1988	SPRINGS	COW CREEK
79-07188	HESTER , MRS. JAMES A. HELMICH , MRS. KIM L. SMITH , MRS. DUANE B.	C C C	A/	07/28/1988	SPRING	SINKS*
79-07189	LEFSAKER , KENNETH R.	C	A/	07/22/1988	SPRING	SINKS*
79-07190	FIEDLER , STEVE	C	A/	09/08/1988	COW CREEK	SALMON RIVER
79-07191	CONNOR, JR. , RICHARD M.	C	A/	08/05/1988	SPRING	JOHN DAY CREEK
79-07192	BLACK , ROBERT J. BLACK , RUTH M. LOVE , ARCHIE LOVE , KAY	C C C C	A/	09/26/1988	GROUNDWATER	
79-07193	WILSON , JOSEPH P.	C	A/	09/30/1988	UNNAMED STREAM	SLATE CREEK

Advertised W/priority OF 8/10/88

MICROFILMED
FEB 09 1989

79-07186

BUXTON, WILLIAM C.
P.O. BOX 752
RIGGINS, ID 83549

Source: SPRINGS Tributary: COW CREEK

Diversion Pt: SWSENW Sec 36 T 26N R 01W
NENESW Sec 36 T 26N R 01W

Use: STOCKWATER (.010 CFS)
DOMESTIC (.040 CFS)

Date Filed: 8/10/1988

In: T26N R01W S36 NWSE

MICROFILMED
FEB 09 1989

3/83

IDENT. NO. 79-07186

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
GG	8-10-88	Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Updated
		Transfer Updated
		Keypunched by State Office