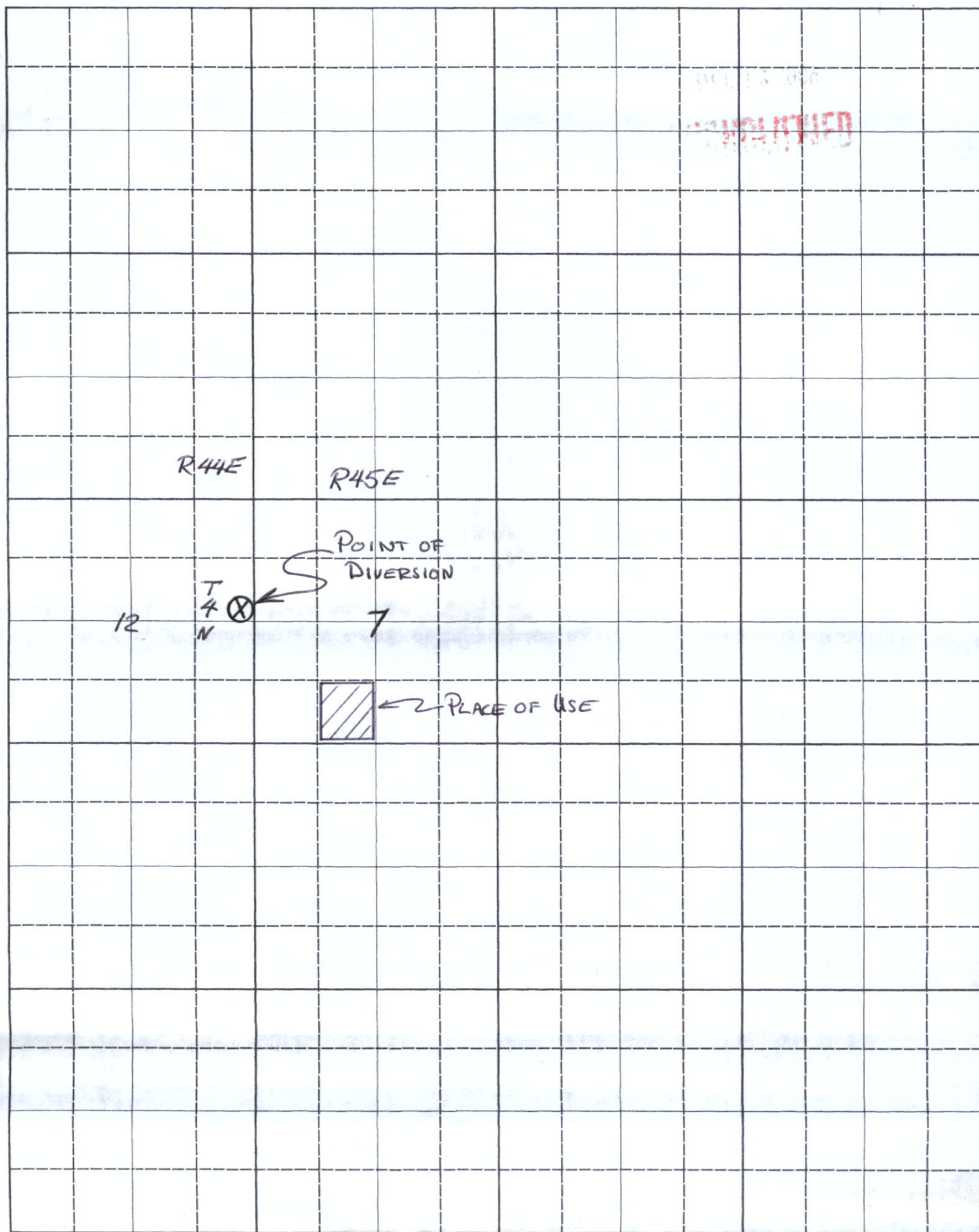


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

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DEC 12 1989

Raymond Buxton
(Applicant)

Idaho Dept. of Water Resources
Place of Use Comparison Report

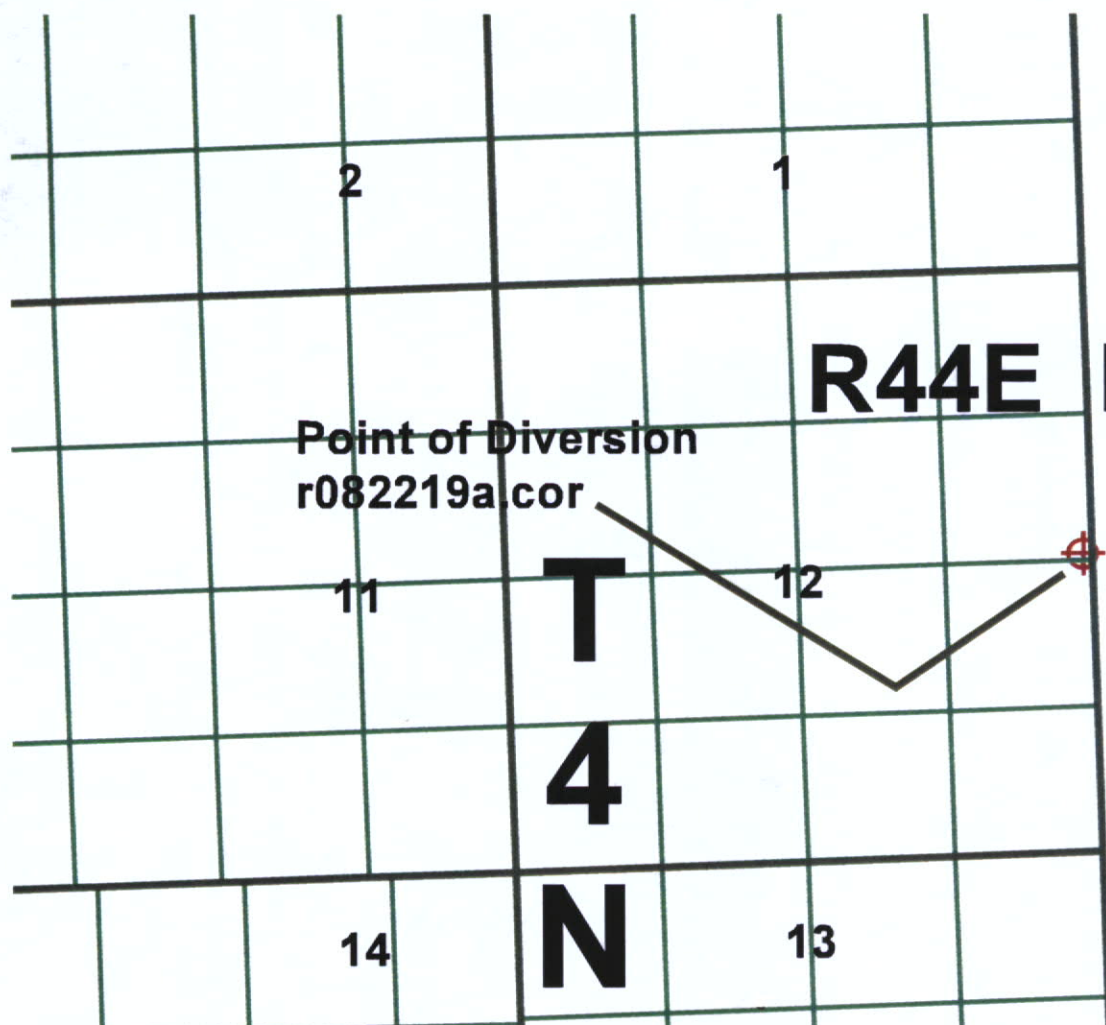
12/20/2002

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	NESW	NWSW	SESW	NESE	NWSE	SESE	Total
Claim	22 11645	JAYDELL BUXTON, JUDY BUXTON,	GROUND WATER	04N45E7										39				39
Claim	22 139	JAYDELL BUXTON,	MAHOGANY CREEK	04N45E7		39	39		39	30	36	39	40			39		340
Claim	22 140	JAYDELL BUXTON, JUDY BUXTON,	MAHOGANY CREEK	04N45E7		39	39		39	30	36	39	40			39		340
Right	22 7479	JAY DELL BUXTON,	GROUND WATER	04N45E7										39				39
Permit	22 7479	JAY DELL BUXTON,	GROUND WATER	04N45E7										40				40
Right	22 40	EPH JOSEPHSON,	MAHOGANY CREEK	04N45E7										X				0
Claim	22 2278	JAYDELL BUXTON,	GROUND WATER	04N45E7		39	39		39	30	36	39	40			39		301
Right	22 2278	JAY DELL BUXTON,	GROUND WATER	04N45E7		39	39		39	30	36	39	40			39		301
Claim	22 39	JAMES EGBERT,	MAHOGANY CREEK	04N45E7										40				80
Right	22 39	HENRY T BATES,	MAHOGANY CREEK	04N45E7									X	X				0
Claim	22 7030	SCHIESS BROTHERS,	GROUND WATER	04N45E7	38			39							39		39	155
Right	22 7030	EDWIN E SCHIESS,	GROUND WATER	04N45E7	38			39							39		39	155

only claim

diff source
w/ B7, 065, 104
use

12/20/02
per phone conversation w/ Jay Dell Buxton
this right is supplemental to
Mahogany Rts. — kw



- ☐ S04n44e.shp
- ☐ T04n44e.shp
- ☒ Posnpnt.shp

22-07479

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MAR 11 2003

R44E R45E

T4N

POINT OF DIVERSION

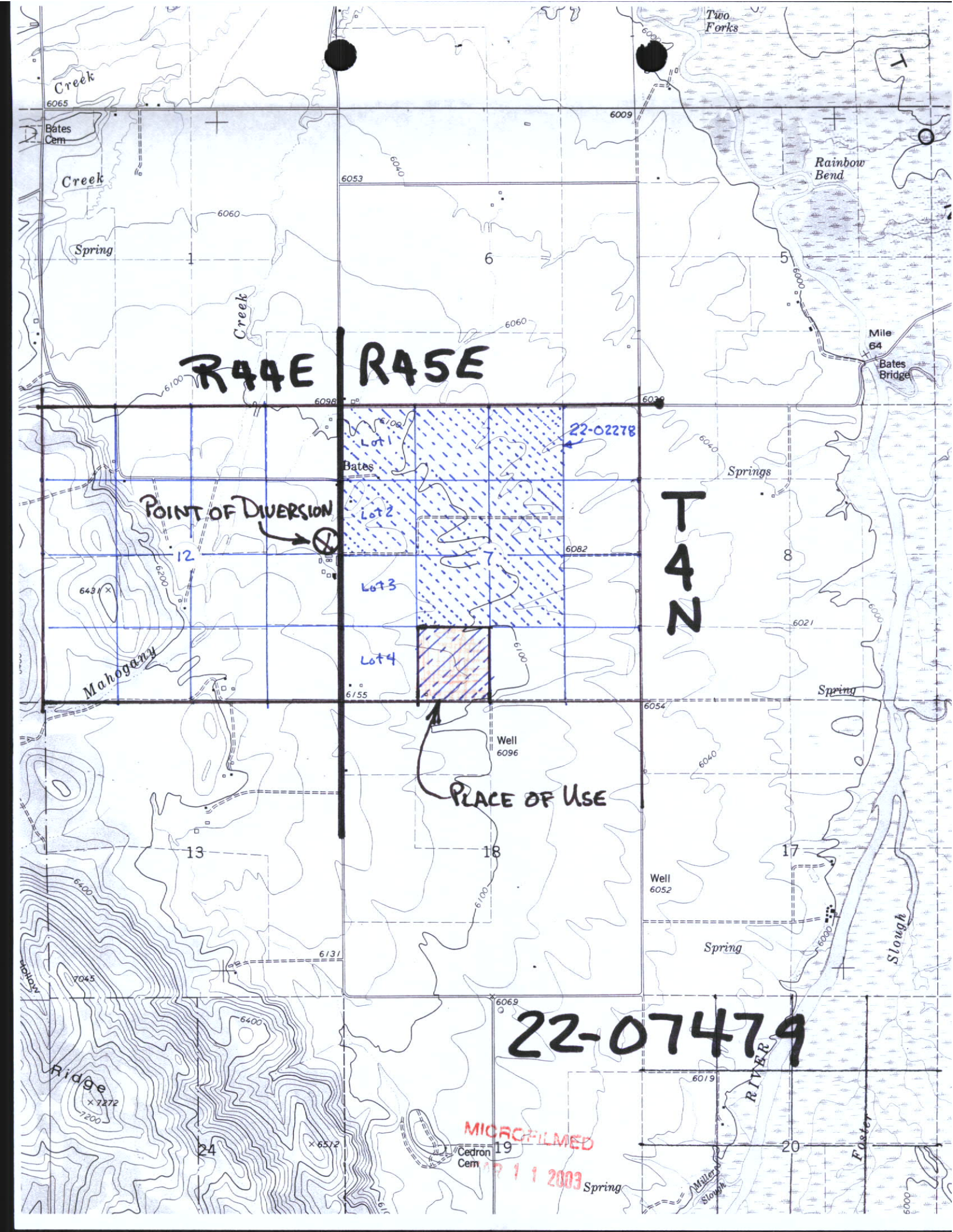
22-02278

PLACE OF USE

22-07479

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11 2003



1 6
12 7

1 35.1

2 195

3 143

4 203

5 203

10 95.8

583
T274

NHEL
Lot 1

23 33.1

HEL

Lot 2 NHEL

24 40.0

25 40.8

26 37.3

14 204

SEC
7

1 54.1

R44E

R45E

T
4
N

Lot 3

PLACE OF
USE

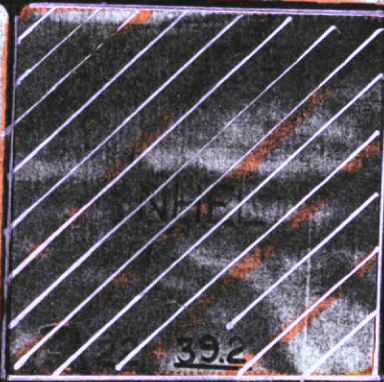
27 40.4

28 4.0

29 38.9

Lot 4

21 35.2



39.2

861
T227

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MAR 1 1 2003

40.4

12 7
13 18

22-07479

POINT OF DIVERSION

infant
water
well water (concrete)
this way of well
concrete

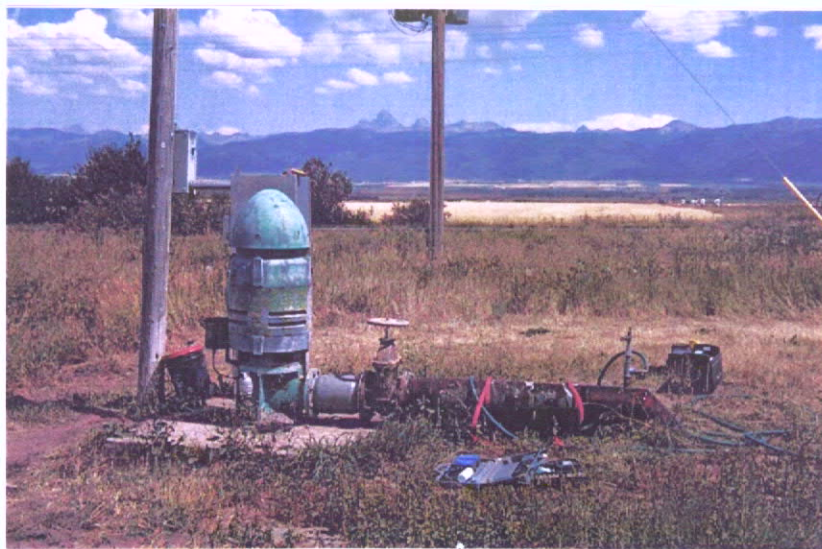
Rent 4
over
water right

GPS Pump running & vibrating so couldn't put it on top



#

POD looking North



POD looking east

22-7479

MICROFILMED

MAR 11 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07479

Priority: June 26, 1984

Maximum Diversion Rate: 0.78 CFS

It is hereby certified that JAY DELL BUXTON
256 S 500 W

DRIGGS ID 83422 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 26, 1984; and has submitted Proof of Beneficial Use on November 27, 1992. An examination indicates that the works have a diversion capacity of 3.6 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/15 to 10/31

DIVERSION RATE

0.78 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 12, Twp 04N, Rge 44E, B.M., TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 45E 7													39.0
Total Acres:	39												

CONDITIONS OF APPROVAL

1. Right 22-02278 is also diverted through the point of diversion described above.
2. Rights 22-02278 and 22-07479 when combined shall not exceed a total diversion rate of 3.6 cfs.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 137.0 af at the field headgate for the lands above.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right.
5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

MICROFILMED
MAR 11 2003

State of Idaho
Department of Water Resources
Water Right License

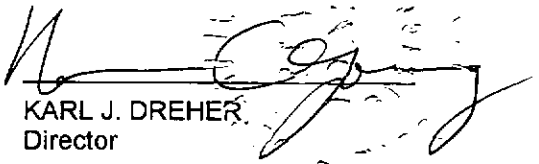
WATER RIGHT NO. 22-07479

6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 26th day of DECEMBER, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED
MAR 11 2003

RECEIVED

NOV 27 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

Department of Water Resources
Eastern District Office

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have 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.

Permit No. 22-7479 Telephone No. 354-2570

Name(s) of Permit Holder(s): Jay Dell Buxton

Post Office Address: 256 S 500 W, Driggs Id, 83422

Source of Water: GROUNDWATER

If ground water, well driller's name: Lewis Hopkins Date drilled: 1968

Extent of Use:
Domestic _____ (No. of households) Irrigation 300 (No. of acres)
Stockwater _____ (No. and type of stock) Other 40 121/2 kg

Total rate and/or volume for which proof is submitted 0.80 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: June 1990

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes ☒ No Installed? Yes ☐ No

OR

Flow Measurement Port: Required? ☒ Yes ☐ No Installed? Yes ☒ No

Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

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

Same as above
Name Telephone No.

Address

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.

DEC 09 1992

23 Nov 92
Date

Jay Dell Buxton
Signature (and title if on behalf of a company or organization)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single ownership
domestic use or stockwater use of
less than 13,000 gallons per day.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07479

Proposed Priority: June 26, 1984

Maximum Diversion Rate:

0.80 CFS

This is to certify, that **JAY DELL BUXTON**
RT. 2 BOX 38
DRIGGS, ID 83422

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/15 to 10/15

0.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENE Sec. 12, Township 04N, Range 44E
TETON County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

04N 45E 7

SESW 40

40

Total number of acres irrigated:

40

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **December 1, 1992**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed **0.02** cubic feet per second for each acre of land.

DEC 1 - 1989

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07479

CONDITIONS/REMARKS:

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

30th day of October, 1989.

for *J. Glen Saxton*
R. Keith Higginson, Director

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DEC 12 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Jay Dell Buxton Phone 354-2570

Post office address Route 2, Box 38, Driggs, ID 83422

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12 Township 4N

Range 44E B.M. Teton County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.80 cfs for Irrigation purposes from 4/15 to 10/15 (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)

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

5. Total quantity to be appropriated:

a. 0.80 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump, mainline, laterals
with sprinkler

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 16 inches; proposed depth of well is 240 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

RECORDED

DEC 12 1989

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

[illegible]

Total number of acres to be irrigated	40
---------------------------------------	----

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

9. a. Who owns the property at the point of diversion Applicant

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

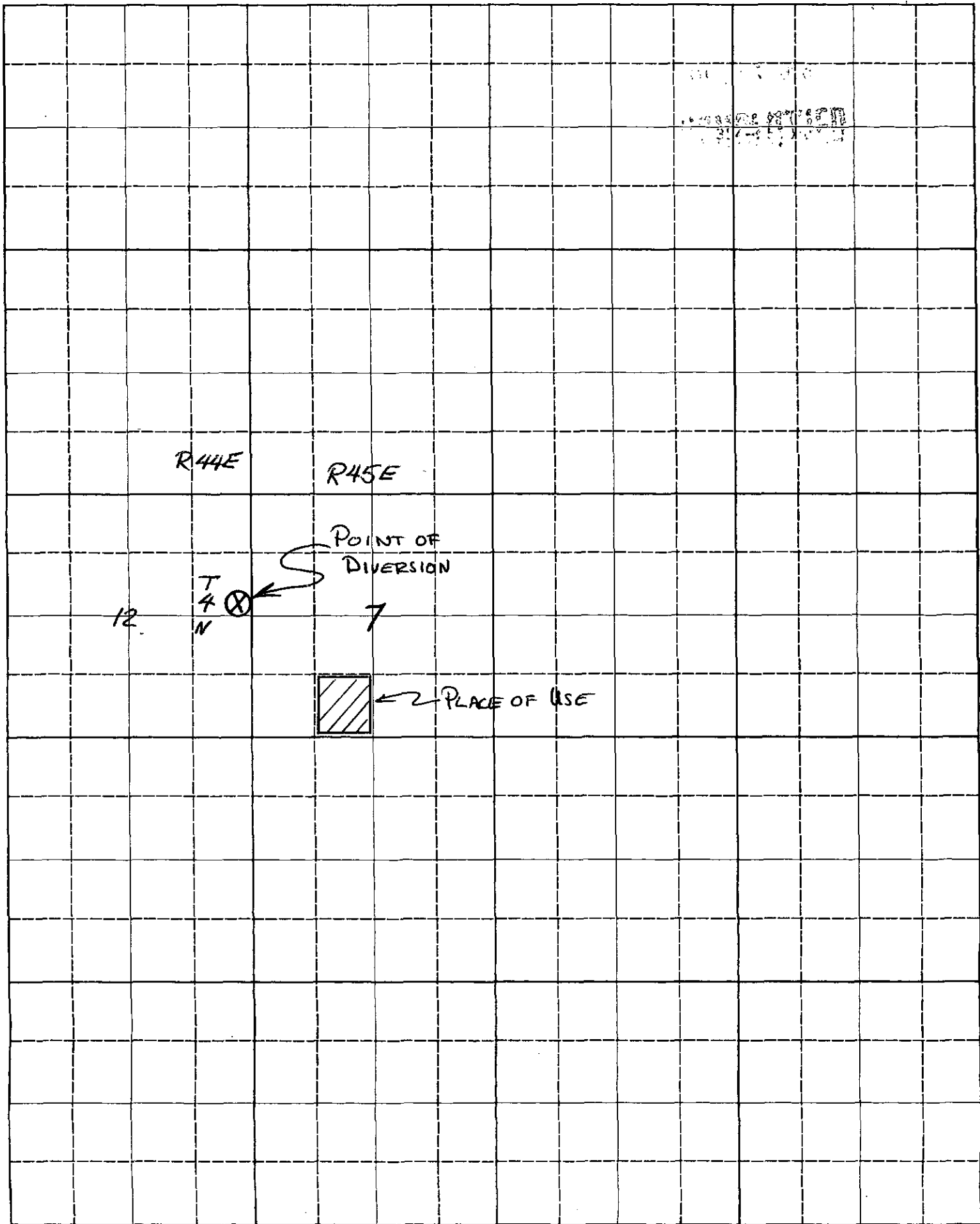
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks _____

REFILMED

DEC 12 1989

11. 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.

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.

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DEC 12 1989

Dayrell Buxton
(Applicant)

Received by CW Date 6-26-84 Time 1:30p
Preliminary check by Ln Fee \$ 4500
Receipted by ag Date 7-05-84 # 34228
Publication prepared by RB Date _____
Published in Teton Valley News
Publication dates 9-7-84-89
Publication approved CW Date 9-22-89
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by HCW

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. _____, and said application is hereby _____.

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 _____, 19 ____.
- 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. Other:

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DEC 12 1989

AFFIDAVIT OF PUBLICATION

State of Idaho)
)
 County of Teton)

I, Nadine L. Loe,
 being first duly sworn depose and
 say that I am the Secretary
 of the Teton Valley News, a
 newspaper as defined by Idaho
 Codes Annotated, Section 38-100,
 as amended, and that said
 newspaper is a weekly newspaper
 printed and published at Driggs, in
 Teton County, Idaho, having a
 general circulation in said county,
 and that said newspaper has been
 printed in said county for more
 than 78 consecutive weeks prior to
 the first publication of the attached
 notice, advertisement or
 publication of

Notice of Application
for Water Right

And affiant further says that
 said attached notice, adver-
 tisement, or publication, as per
 clipping attached, was published in
 said newspaper, in the regular and
 entire issue thereof, and not in any
 supplement issue thereof, for two
 consecutive issues thereof; first
 publication having been made on
 the 7 day of Sept., 1989

And affiant further says that at
 the times herein mentioned said
 newspaper was made up of at least
 eight pages of at least five columns
 each, printed from type matter, of
 at least sixteen inches deep.

Nadine Loe

Subscribed in my presence and
 sworn to before me this 10 day of
Sept., 1989
 (Notary Public for the State
 of Idaho, residence and postoffice
 address, Driggs, Idaho.

[Signature]
 My Commission expires
Life
19

NOTICE OF APPLICATION FOR WATER RIGHT

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

22-07420
 LYONS, ROBERT J.
 80 W. 550 S.
 VICTOR, ID 83455

Source: Groundwater
 Diversion Pt: SWNW Sec 26 T
 04N R 45E
 Use: IRRIGATION (.720 CFS)
 Date Filed: 10-11-1988
 In: T04N R45E S26 SWNW
 36.0 ACRES TOTAL

22-07443
 LITTLE, WALLACE
 NEWDALE, ID 83436
 Source: GROUSE CREEK
 Tributary: SINKS
 Diversion Pt: NESE Sec 19 T 06N
 R 46E
 Use: IRRIGATION (1.000 CFS)
 STOCKWATER (.040 CFS)
 Date Filed: 6-13-1983
 In: T06N R46E S19 NESE NWSE
 50.0 ACRES TOTAL

22-07459
 FINLEY, KAY A.
 HONSINGER, ROBERT R.
 RT. 1, BOX 1910
 TETONIA, ID 83452
 Source: GROUNDWATER

Diversion Pt: SESW Sec 35 T 07N
 R 45E
 Use: COMMERCIAL (.020 CFS)
 IRRIGATION (.020 CFS)
 DOMESTIC (.020 CFS)
 Date Filed: 6-23-1983
 In: T07N R45E S35 SESW
 15.0 ACRES TOTAL

22-07467
 THE ASPEN PROPERTY
 OWNERS ASSN.
 P.O. BOX 426
 DRIGGS, ID 83422
 Source: GROUNDWATER
 Diversion Pt: NESE Sec 25 T 05N
 R 45E
 Use: IRRIGATION (.840 CFS)
 DOMESTIC (.400 CFS)
 Date Filed: 7-6-1983
 In: T05N R45E S25 SENE NESE
 SWSE SESE
 42.0 ACRES TOTAL

22-07470
 RICKS, MARK R.
 RIKO, INC.
 259 SOUTH THIRD EAST
 REXBURG, ID 83440
 Source: TETON RIVER
 Tributary: SNAKE RIVER
 Diversion Pt: NENW Sec 15 T
 06N R 44E
 Use: IRRIGATION (3.000 CFS)
 Date Filed: 7-21-1983
 In: T06N R44E S09 SESW SWSE
 SESE
 S10 SWSW
 S15 NENW NWNW SWNW

SENW NWSW
 S16 NENE NWNE SWNE NENW
 460.0 ACRES TOTAL

22-07478
 KUNZ, HOMER
 PATTERSON CREEK
 VICTOR, ID 83455
 Source: GROUNDWATER
 Diversion Pt: NESE Sec 36 T 04N
 R 44E
 Use: IRRIGATION (.150 cfs)
 STOCKWATER (.020 CFS)
 DOMESTIC (.040 CFS)
 Date Filed: 6-6-1984
 In: T04N R44E S36 NESE
 5.0 ACRES TOTAL

22-07479
 BUXTON, JAY DELL
 ROUTE 2 BOX 38
 DRIGGS, ID 83422
 Source: GROUNDWATER
 Diversion Pt: SENE Sec 12 T 04N
 R 44E
 Use: IRRIGATION (.800 CFS)
 Date Filed: 6-26-1984
 In: T04N R45E S07 SESW
 40.0 ACRES TOTAL

22-07488
 ARNOLD, DENNIE K.
 BOX 43
 FELT, ID 83424
 Source: GROUNDWATER
 Diversion Pt: NWNE Sec 27 T
 07N R 44E
 Use: IRRIGATION (5.240 CFS)
 Date Filed: 3-8-1985
 In: T07N R44E S21 SENE
 S22 NENE NWNE SWNE SENE
 SWNW SENW NESW NWSW
 NESE
 262.0 ACRES TOTAL

The permit(s) will be subject to
 all prior water rights. Protests may
 be submitted based on the criteria
 of Sec. 42-203A, Idaho Code
 and/or the new public interest
 criteria of Sec. 42-203C, Idaho
 Code. Protests must be filed with
 the Director, Dept. of Water
 Resources, 150 Shoup Ave., Suite
 15, Idaho Falls, Idaho 83402 on or
 before SEPTEMBER 25, 1989.

R. Keith Higginson, Director

Published in the Teton Valley
 News September 7 and 14, 1989.

RECEIVED

SEP 10 1989

Department of Water Resources
 Eastern District Office

MICROFILMED

DEC 12 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2002

JAY DELL BUXTON
256 S 500 W
DRIGGS ID 83422

RE: License No. 22-7479 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or 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 forms and instructions.

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
JAN 9 1 2003

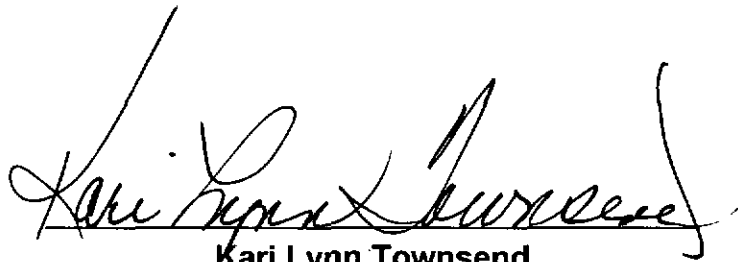
CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

22-7479

JAY DELL BUXTON
256 S 500 W
DRIGGS ID 83422

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

Kari Lynn Townsend
Secretary

MICROFILMED
MAR 11 2003

**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).

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.

LICENSE REVIEW CHECKLIST

Permit No. 22-7479 Date: 12-20-02 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

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): Mahogany Ck. rights -

File reviewed Profile reports printed

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

Rate of Diversion:

Permitted rate 0.80 cfs

Fee Limit 4.0 cfs

Measured 3.01 cfs

Theoretical 3.6 cfs

Recommended Total Diversion Rate 0.78

Season of Use per new Standards

4-1 10-31

Water Uses OK

Change (P46)

Irrigation 0.78 cfs * af

Stockwater 0 cfs 0 af

Domestic 0 cfs 0 af

0 cfs 0 af

0 cfs 0 af

Total 0.78 cfs * af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

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 (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

0.78 cfs x 1.9835 x 200 days = 309.4 af (vs) 39 acres x 3.5 (FHR) = 136.5 af ~137

2.5 (con)

Remarks:

WB7, 065, 104, W36

Additional Conditions

Watermaster Control

GW Measurement/Measuring Device

Other

Trust R55 - remove 051)

Non-trust (048)

GW Dist?

Water Msmt. Dist?

Crit. GWMA?

GWMA?

Government Lots?

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim? NO

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

Ø in WMIS for this right holder or legal description

12/20/2002

Idaho Dept. of Water Resources
Place of Use Comparison Report

Page1

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	22 11845	JAYDELL BUXTON, JUDY BUXTON,	GROUND WATER	04N45E7												39					39
Claim	22 139	JAYDELL BUXTON,	MAHOGANY CREEK	04N45E7			39	39		39	30	36	39	40		39		39			340
Claim	22 140	JAYDELL BUXTON, JUDY BUXTON,	MAHOGANY CREEK	04N45E7			39	39		39	30	36	39	40		39		39			340
Right	22 7479	JAY DELL BUXTON,	GROUND WATER	04N45E7												39					39
Permit	22 7479	JAY DELL BUXTON,	GROUND WATER	04N45E7												40					40
Right	22 40	EPH JOSEPHSON,	MAHOGANY CREEK	04N45E7												X					0
Claim	22 2278	JAYDELL BUXTON,	GROUND WATER	04N45E7			39	39		39	30	36	39	40				39			301
Right	22 2278	JAY DELL BUXTON,	GROUND WATER	04N45E7			39	39		39	30	36	39	40				39			301
Claim	22 39	JAMES EGBERT,	MAHOGANY CREEK	04N45E7											40	40					80
Right	22 39	HENRY T BATES,	MAHOGANY CREEK	04N45E7											X	X					0
Claim	22 7030	SCHIESS BROTHERS,	GROUND WATER	04N45E7	38			39									39			39	155
Right	22 7030	EDWIN E SCHIESS,	GROUND WATER	04N45E7	38			39									39			39	155

only
claimsdiff source
use WB7, 065, 104

12/20/02
per phone conversation w/Jay Dell Buxton
this right is supplemental to
Mahogany Rts. — kw

<u>Basin</u>	<u>Sequence</u>	<u>Basis</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
OL → 22	2278	License	3.60	903	GROUND WATER	IRRIGATION	BUXTON, JAY DELL (Current)	wrWaterRight
22	7479	License	0.78	137	GROUND WATER	IRRIGATION	BUXTON, JAY DELL (Current)	wrWaterRight
~~22~~	~~7479~~		~~0.80~~		~~GROUND WATER~~	~~IRRIGATION~~	~~BUXTON, JAY DELL (Current)~~	~~wrWaterPermit~~
claim 22	2278	License	3.60		GROUND WATER	IRRIGATION	BUXTON, JAYDELL (Current)	wrAdjudicationClaim
claim 22	11645	Beneficial	1.83		GROUND WATER	IRRIGATION	BUXTON, JAYDELL (Current)	wrAdjudicationClaim
22	2035	License	2.20		MAHOGANY CREEK	DOMESTIC, IRRIGATION	BUXTON, JUDY (Current)	wrWaterRight
diff 22	2036	License	5.80		MAHOGANY CREEK	DOMESTIC, IRRIGATION	ELLIS, EDWARD (Current)	wrWaterRight
source 22							ELLIS, JANE E (Current)	wrWaterRight

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 22-2278

WATER RIGHT NUMBER: 22-2278

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DARRELL C BUXTON
	, ZZ
Current Owner	JAY DELL BUXTON RT 2 BOX 38 DRIGGS, ID 83422

Priority Date: 08/18/1966

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	3.600 CFS	903.00 AF
	<u>Total Diversion:</u>	3.600 CFS	903.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 12, Twp 04N, Rge 44E, B.M.
TETON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	45E	7	39.0	39.0			39.0	30.0	36.0	39.0	40.0					39.0			301.0

Total Acres: 301

Conditions of Approval:Remarks:

1. General TRANS. 3051

Comments:Dates and Other Information:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 19 2001

DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 22-7479

1. Owner: Jay Dell Buxton Phone No. (208) 354-2570

Current Address: 256 S 500 W, Driggs, ID 83422

2. Accompanied by: _____ EXAM DATE: 8-22-01

Address: Jay Dell Buxton Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Yes Surface from Mahogany Creek

2. Other water rights with the same point of diversion: Yes 22-2278 22-11645

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	NE	12	4N	44E	Teton	GPS R082219A

2. Place(s) of Use:

Indicate Method of Determination

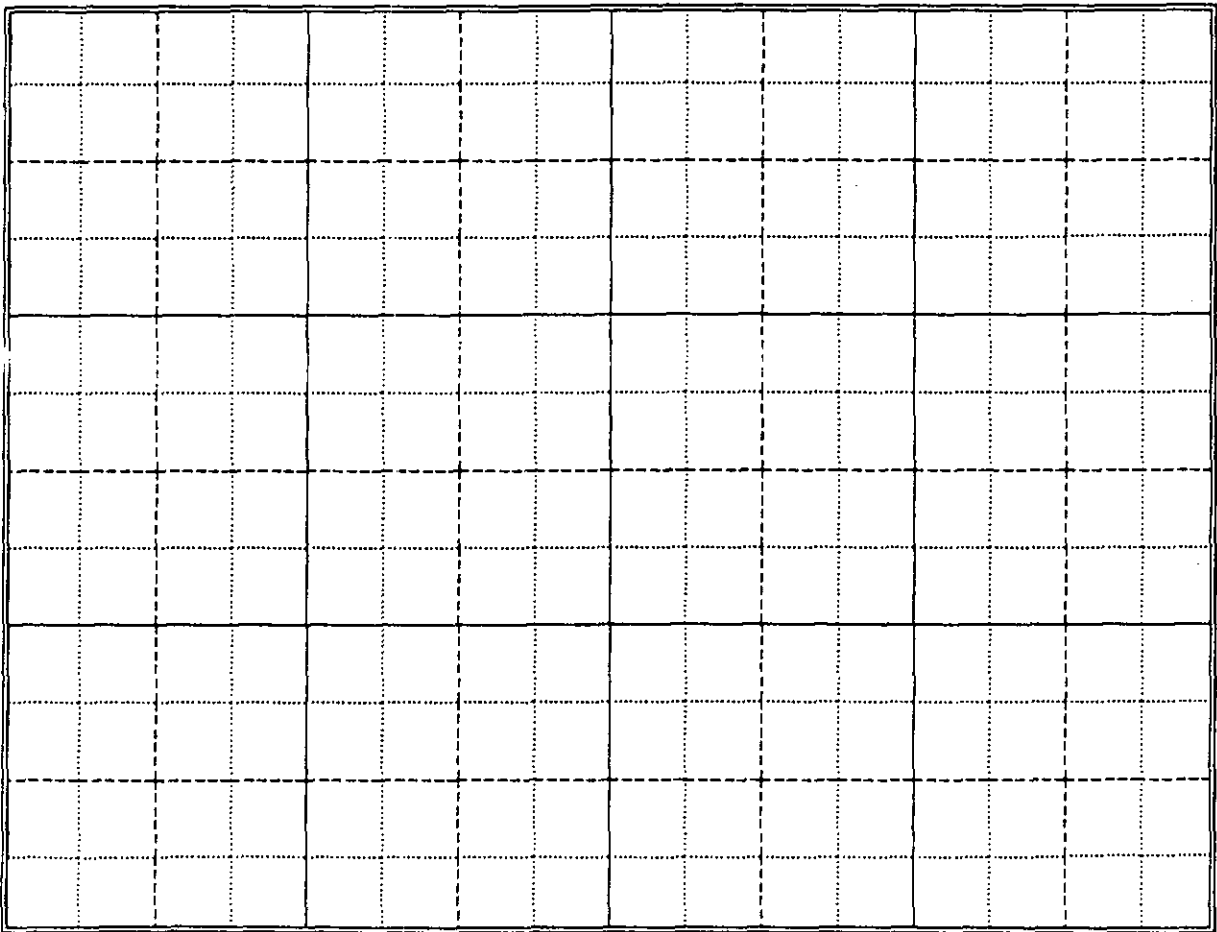
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4SE	7																	39

MICROFILMED

MAR 11 2003

22-7479

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 Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
 _____ Aerial Photo Attached (required for irrigation of 10+ acres)
 _____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Westinghouse	125	6803	Johnson	18940

*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
Flow Meter	SONIC	DFI	FLC-51011	7K008978	#240333	

2. Measurements:

Observed 1350 gpm = 3.01 cfs

22-7479

Well - Pump - wheel / lines & handlines. Water mixes with surface rights that flow gravity into a pressurized system. This well acts somewhat like a booster pump adding pressure, but also water to the system. It is used most heavily during dry years or towards end of season.

Jay Dell has another well to the north that he has plenty of water from. Can he bring part of that water this way?

A flow would have been taken for homes 22-2278. Can that flow be hooked up and used? The pump is older and may be needing work soon. (Motor; Pump not same as for 22-2278)

FLOW MEASUREMENT PORT

Have conditions of permit approval been met? ☒ yes ☐ no

22-7479

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MAR 11 2003

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$Q = 3.01 \text{ cfs}$$

$$Q_{\text{LIMITED BY } 0.02 \text{ cfs/acre (39 ac)}} = 0.78 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{L,R} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 39 (3.5) = 136.5$$

$$V_{D,R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.78 \text{ cfs (199)} 1.9835 = 307.9 \text{ afa}$$

$$V = \text{Smaller of } V_{L,R} \text{ and } V_{D,R} = 136.5$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/15	10/31	0.78 cfs	136.5
Totals:			0.78 cfs	136.5

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

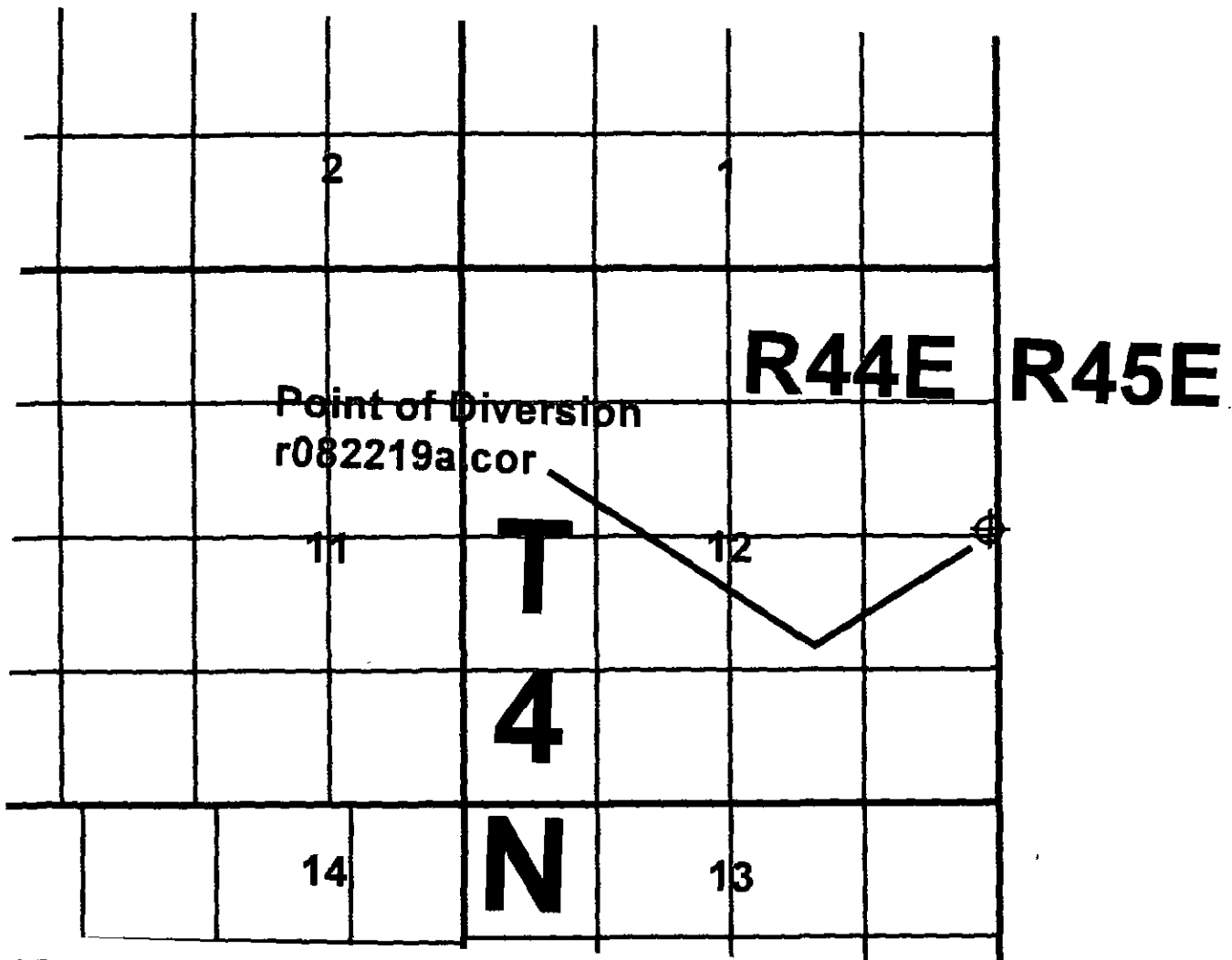
Field Examiner's Name Keith C. Wilson Date 12/13/2001

Reviewer Steve Mueller Date 8-22-01

SEAL

MICROFILMED 22-7479

MAR 11 2003



 S04n44e.shp
 T04n44e.shp
 Posnpnt.shp

22-07479

MICROFILMED
MAR 1 1 2003

R44E R45E

POINT OF DIVERSION

T
4
N

PLACE OF USE

22-07479

MICROFILMED

2003 Spring

1

6

1.35

2

95

314.3

4 20.3

15 20.3

10 95.8

12

7

NHEL

Lot 1

23 33.1

HEL

583
T274

Lot 2 NHEL

25 40.8

26 37.3

NHEL

14 20.4

SEC

7

54.1

R44E

R45E

T
4
N

HEL

Lot 3

PLACE OF
USE

28 4.0

29 38.9

HEL
water
well
in canal
water
in canal
water
in canal

NHEL
water
well
in canal
water
in canal
water
in canal

NHEL
water
well
in canal
water
in canal
water
in canal

Lot 4

2 35.2

86
T227

MICROFILMED

40.4

12

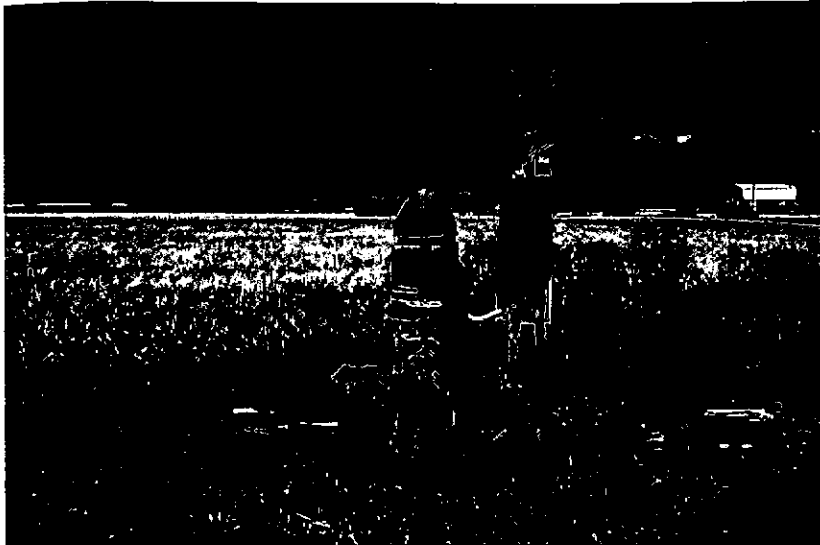
7

13

18

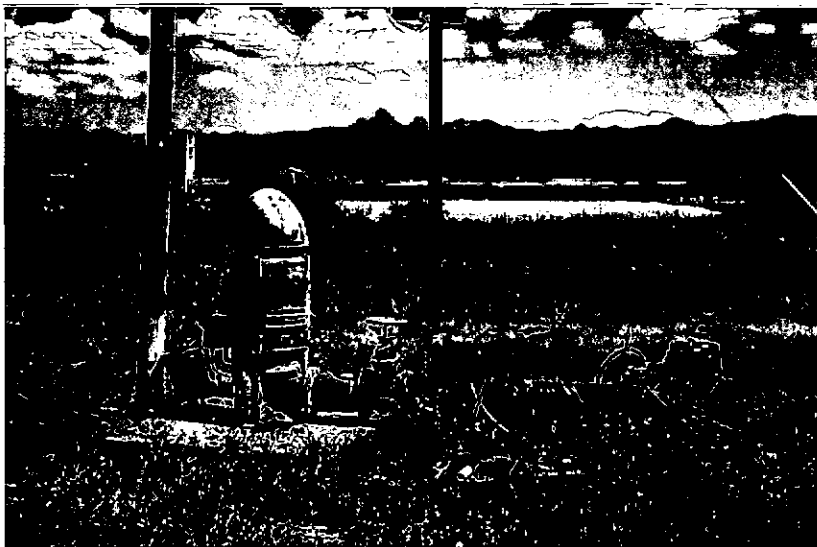
22-07479

GPS Pump running & vibrating so couldn't put it on top



#

POD looking North



POD looking east

22-7479

MICROFILMED

MAR 11 2003

December 4, 1992

JAY DELL BUXTON
256 S 500 W
DRIGGS ID 83422

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07479

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED

DEC 09 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 22-07479

Reviewed by Klg

Date 12/1/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
no Address same as permit?
yes Proof timely received?
If not, complete calculation below.

irrigate - 40
Correct Uses? yes

SOURCE OF WATER

Surface water source
Ground water source

NA Drilling permit required?

1968 / Copy in the file? Drilling Permit No. _____

/ Amount paid for permit _____ Correct?

/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
100 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due _____ -
No. of days late _____ =
Priority Date _____ +
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

DATA ENTRY

New Address 256 S 500 W 12/1/92 Klg

needs a flow
Proof Made 11/27/92
12/4/92 Klg

September 30, 1992

JAY DELL BUXTON
RT. 2 BOX 38
DRIGGS ID 83422

PROOF DUE NOTICE

RE: PERMIT NO. 22-07479

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

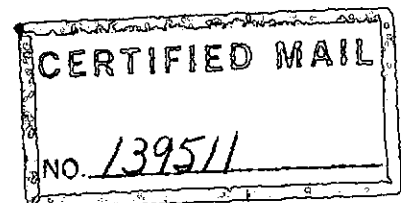
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED
DEC 09 1992



S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
October 31, 1989

JAY DELL BUXTON
RT. 2 BOX 38
DRIGGS, ID 83422

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P22-07479

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.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

MICROFILMED

DEC 12 1989

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

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 into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED
DEC 7, 1989

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: G. F. RAMSEY APPLICATION NUMBER: 22-7479
CHECK: JUN 28 1984

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.

Field check by: _____

Date: _____

Comments: _____

- ☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 9-25-89
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 9-20-89
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 01-P05
6-26-84 ☒ Date of priority recommended.
Special conditions of approval or cover letter. LOIG7

App. in NON-TRUST area -
Allow 3 yrs. for B/U development

By: AWJ Date: 9-25-89

STATE OFFICE REVIEW:

P05, P23, P03, P17 48 49 46 26 01G

- ☐ See attached sheet for more information.

By: KW Date: 10/24/89

RECEIVED
SEP 26 1989

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

30-Aug-1989

Jay Dell Buxton
Rt.2, Box 38
Driggs,, ID 83422

RE: Application for Permit No. 22-7479

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Teton Valley News. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED
DEC 12 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 29, 1989

TETON VALLEY NEWS
P.O. BOX 509
DRIGGS, ID 83422

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 25, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

DEC 12 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

DEC 12 1989

22-07479

BUXTON, JAY DELL
ROUTE 2 BOX 38
DRIGGS, ID 83422

Source: GROUNDWATER

Diversion Pt: SENE Sec 12 T 04N R 44E

Use: IRRIGATION (.800 CFS)

Date Filed: 6/26/1984

In: T04N R45E S07 SESW

40.0 ACRES TOTAL

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The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before SEPTEMBER 25, 1989.

R. Keith Higginson, Director

Published 9/07/1989 & 9/14/1989

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

August 13, 1985

RE: Application for Permit No. 22-7479

Jay Dell Buxton
Rt. 2, Box 38
Driggs, Idaho 83422

Dear Mr. Buxton:

In October of 1984, Idaho Power Company and the State of Idaho signed an agreement stating the Company's water rights would be subordinated to those persons who beneficially used water prior to October 1, 1984, and who filed an application or claim for said use by June 30, 1985.

To insure proper consideration of your application pursuant to the above agreement, follow the directions on the enclosed form and return it to this office when completed. For your benefit in identifying the point of diversion and place of use, included on the form is a description of the major items contained on the application.

Your cooperation in returning the completed form and supplemental documentation will expedite future administrative action on your application when processing of applications above Swan Falls resumes.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

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22-7479

BUXTON, JAY DELL

ROUTE 2 BOX 38, DRIGGS, ID 83422

Source: GROUNDWATER

Date Filed: 06/26/1984

Diversion Pt: SENE Sec 12 T 04N R 44E

Use: IRRIGATION (0.80 CFS)

In: SESW Sec 07 T 04N R 45E FOR 40 ACRES

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DEC 12 1989