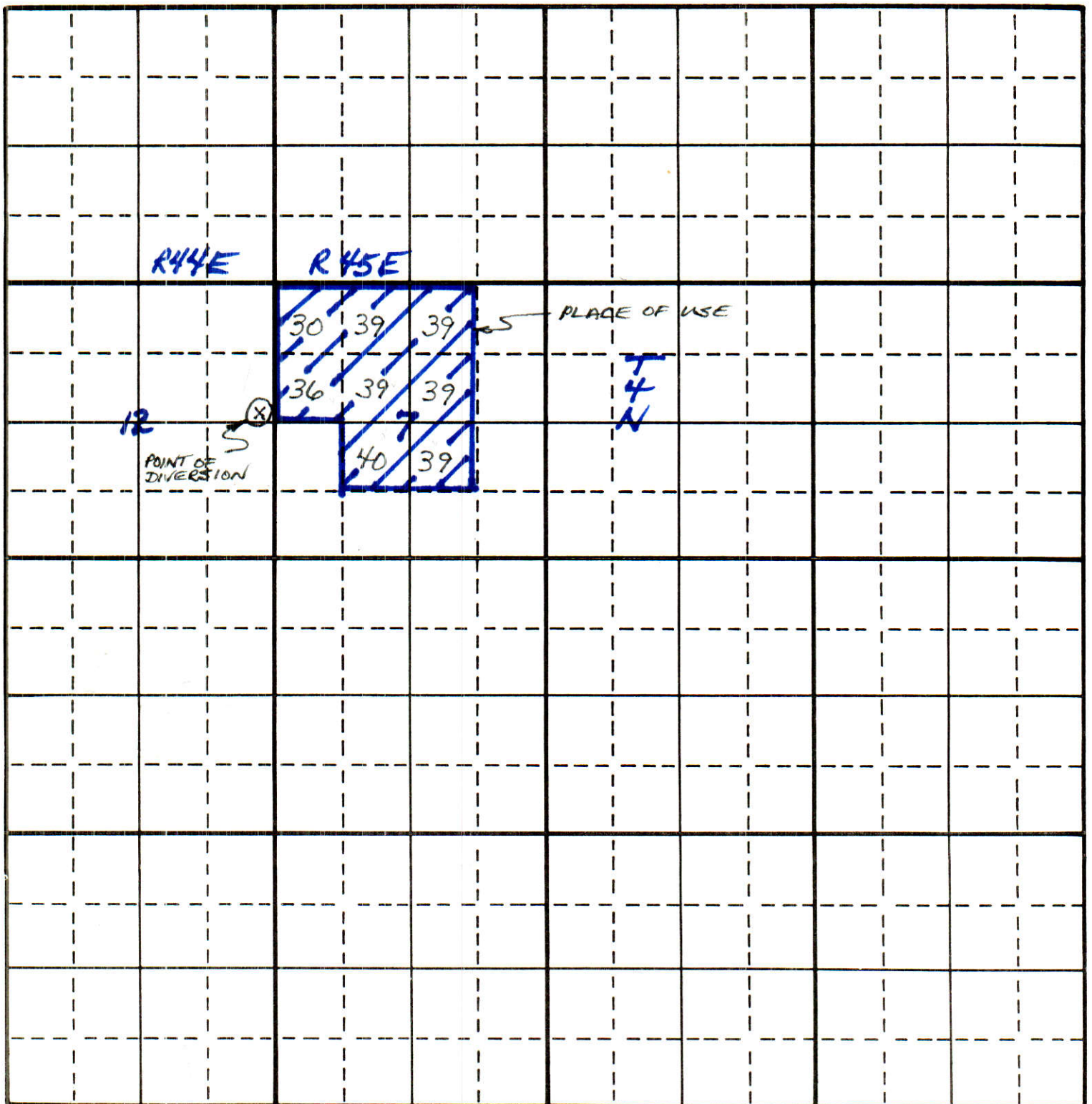


c. Describe the land place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	45E	7		39	39		39	30	36	39	40					39			301

Total number of acres to be irrigated 301

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED

and the

and the

of the second

situation

State of

Southeast

Township

So the

quarter and

the Southeast

and East

Range

three, Township

together with

Subject to a

ated the

amount of

thereof

beginning

of the

of the

of the

of the

of the

of the

of the

of the

INDEXED
FILED

STATE

IDENTITY

NOV 19 1964

U.S. DEPT. OF JUSTICE

WASHINGTON, D.C.

2-270

100

100

100

100

100

100

100

MICROFILMED

ORIGINAL QUALITY

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

I, DeGnn Hatch
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 58-106,
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 publica-
tion of

Notice of
Correction

And affiant further says that said
attached notice, advertisement 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 2
consecutive issues thereof; first
publication having been made on
the 30 day of Aug, 1984
and last publication on the 6 day
of Sept, 1984

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.

DeGnn Hatch

Subscribed in my presence and
sworn to before me this 17 day of
Sept, 1984
(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

Ronda Hansen
My Commission expires
9/29, 1986

RECEIVED

SEP 10 1984

Department of Water Resources
Eastern District Office

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN that
Notice of Proposed Change of
Water Right No. 22-2278 in the
name of Jay Dell Buxton was
published incorrectly on August
2 and 9, 1984. The original place
of use was advertised as being
within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 4N, R.
44E, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7,
T. 4N, R. 45E, B.M.

WHEREAS, the original place
of use before the transfer was
within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 4N, R.
44E; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7,
T. 4N, R. 45E, B.M.

Any protests against the
approval of the above proposed
change of water right as a result
of this correction must be filed
with the Idaho Department of
Water Resources, 150 Shoup,
Suite 15, Idaho Falls, Idaho,
83402, on or before Sept. 17,
1984.

A. Kenneth Dunn, Director
Published in the Teton Valley
News, Driggs, ID, on Aug. 30
and Sept. 6, 1984.

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

I, DeGunn Hatch
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 58-106, 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 proposed
change of water right

And affiant further says that said attached notice, advertisement 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 2 consecutive issues thereof; first publication having been made on the 2nd day of Aug, 1984 and last publication on the 9th day of Aug, 1984

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.

DeGunn Hatch

Subscribed in my presence and sworn to before me this 3rd day of Aug, 1984
(SEAL) Notary Public for the state of Idaho, residence and postoffice address, Driggs, Idaho.

Ronda Hammer
My Commission expires

9/29, 1986

RECEIVED

AUG 13 1984

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
No. 22-2278

Notice is hereby given that Jay

Dell Buxton, Driggs, ID, has applied to the Department of Water Resources for a change in the place of use of the waters of a ground water source. The right sought to be changed is evidenced by License No. 22-2278 and is recorded as follows: Amount 3.6c.f.s. Priority: August 18, 1966 Point of Diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 4N, R. 44E, B.M., Teton County

The water is used to irrigate 301 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 4N, R. 44E; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 4N, R. 45E, B.M.

To be changed as follows

The water will be used within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 4N, R. 45E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before August 20, 1984.

A. Kenneth Dunn, Director.
Published in the Teton Valley News, Driggs, ID, on August 2 and 9, 1984

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho, ss.
County of Teton

I, Clarence Hermes
being first duly sworn depose and say
that I am the Publisher
of the Teton Valley News, a news-
paper as defined by Idaho Codes Anno-
tated, Section 58-106, as amended, and
that said newspaper is a weekly news-
paper printed and published at Driggs,
in Teton County, Idaho, having a gen-
eral circulation in said county, and that
said newspaper has been printed in
said county for more than 78 consecu-
tive weeks prior to the first publication
of the attached notice, advertisement
or publication of

Notice for
water permit

And affiant further says that said
attached notice, advertisement or pub-
lication, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof, and
not in any supplement issue thereof,

for 2 consecutive issues thereof;
first publication having been made on
the 18 day of February
19 71

and last publication on the 25
day of February, 19 71

And affiant further says that at the
times herein mentioned said newspaper
was made up of at least four pages
of at least five columns each, printed
from type matter, of at least seven-
teen and three-fourths inches deep.

Clarence Hermes

Subscribed in my presence and sworn

to before me this 25 day of
February, 19 71

(SEAL) Notary Public for the State of
Idaho, residence and postoffice
address, Driggs, Idaho.

My Commission expires
Earl G. Sewell, Notary Public
My Commission Expires May 1, 1973
19 73

Clarence Hermes

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Jay-
dell Buxton, Route No. 2, Driggs,
Idaho has received an approved
Permit No. G-33114/22-2278 issued
by the Idaho Department of Water
Administration authorizing the di-
version of 6.0 cubic feet per second
of water from a ground water
source. The priority to be estab-
lished under this permit is August
18, 1966 and the permit was ap-
proved August 25, 1966.

Water is to be diverted by well,
casing, pipe from a point within
the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 4N, R.
44 E, B.M., Teton County to be
used for irrigation in the SE $\frac{1}{4}$ -
NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
12, T. 4N, R. 44 E, B.M.; SW $\frac{1}{4}$ -
NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 4N, R. 45
E, B.M.

Proof of the application of the
water to beneficial use is to be
submitted to the Department on or
before August 25, 1971. Any pro-
tests against the issuance of the
license for the above referenced
permit should be filed with the
Idaho Department of Water Ad-
ministration within ten (10) days
of the last date of publication of
this notice or prior to the licensing
of the permit. Licensing may com-
mence prior to the date beneficial
use proof is due without further
notice.

R. Keith Higginson, Director
Idaho Dept. of Water
Administration

Published in the Teton Valley
News, Driggs, Idaho on February
18 and February 25, 1971.

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

WEST

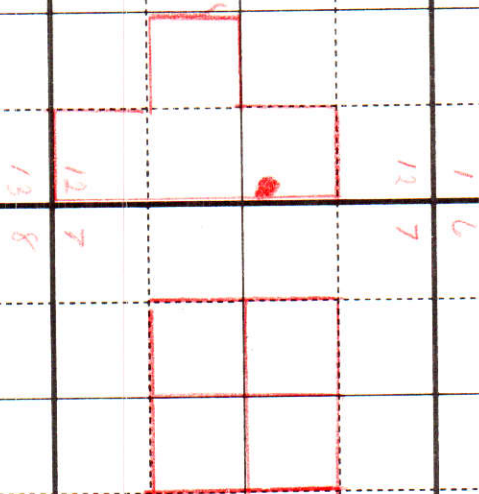
NORTH

SOUTH

Top 40.

Page 44 E.B.M

Page 45 E.B.M



NAME OF APPLICANT

Darrell C. Buxton.

Form No. 0

EAST

33114

44E

45E

22 2278

4/10

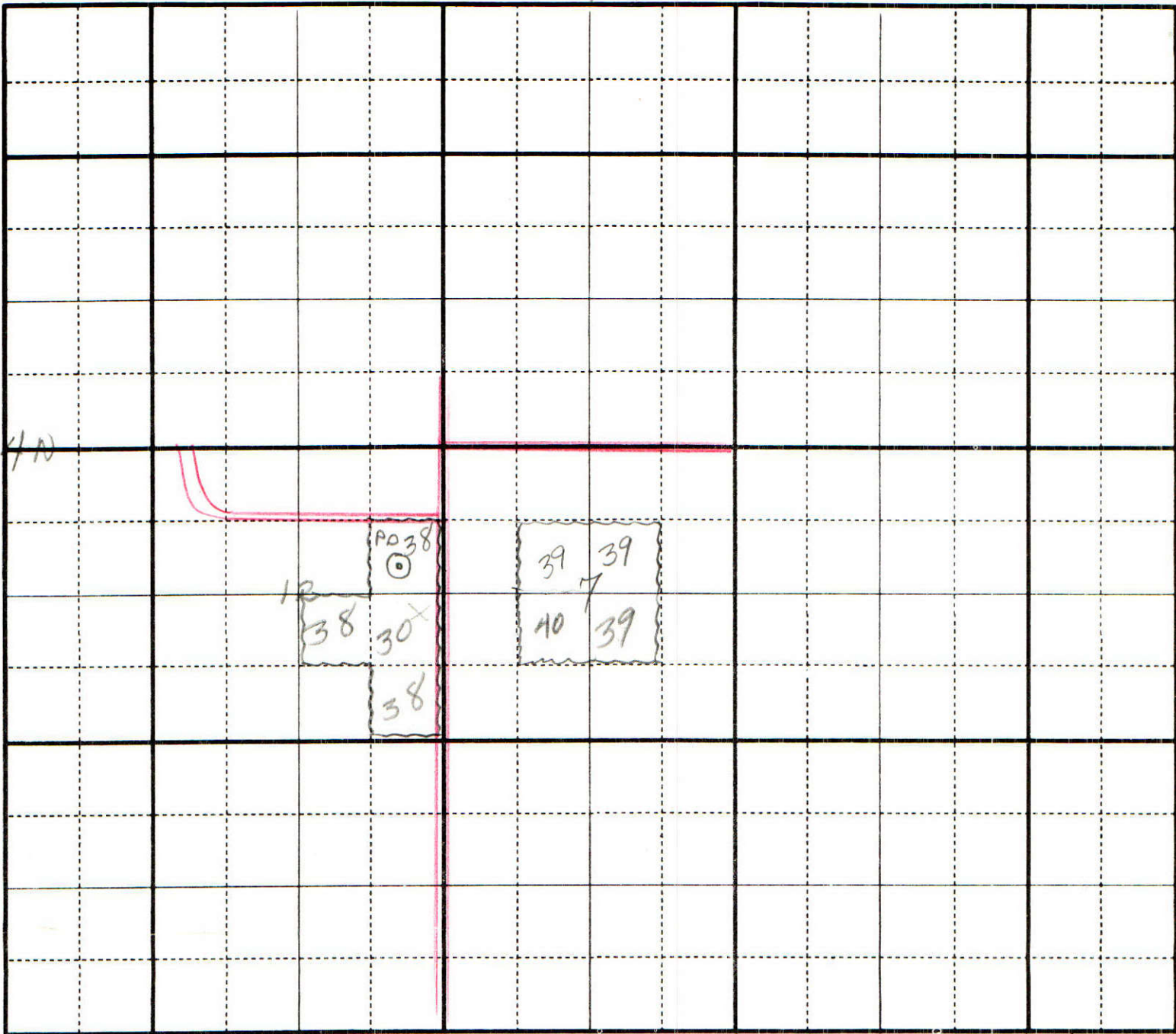
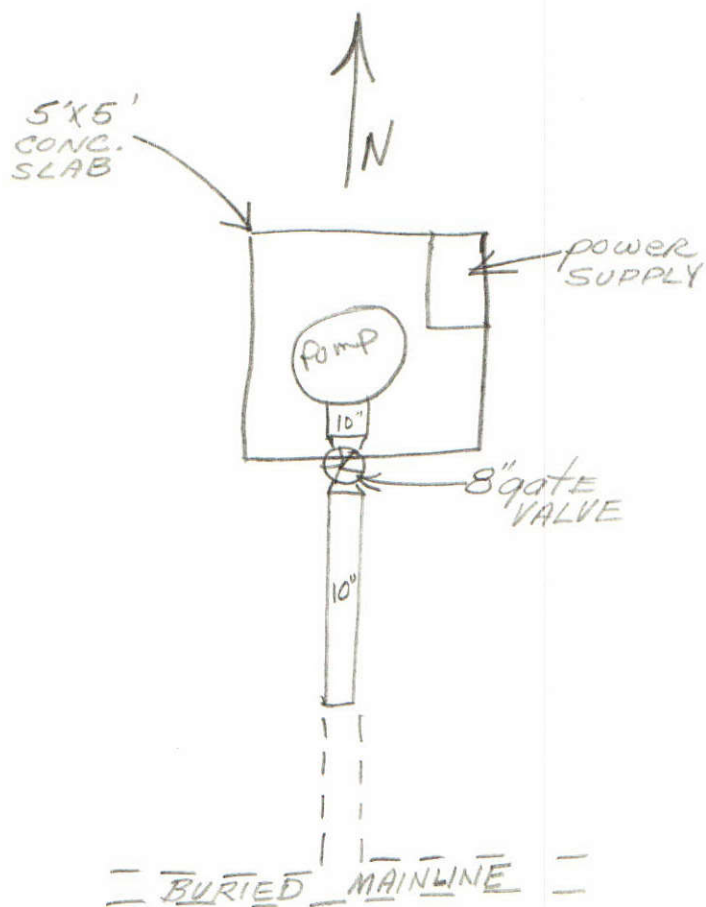


Diagram of System



CXU-1GG-133



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Jay Dell Buxton

Phone 354-2570

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

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree No. Decreed to (Name) in case of vs dated in in county of (Name of court)
- b. License No. 22-2278 issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
3. Source of water Groundwater tributary to
4. Date of priority 18 August 1966
5. Water is used for the following purposes:
- amount 3.6 cfs for Irrigation purposes from 4/15 to 10/15
- amount for purposes from to
- amount for purposes from to (month/day — both dates inclusive)
6. Total amount of water under right: a. 3.6 cubic feet per second &/or b. acre feet per annum
7. Location of original point of diversion is SE ¼ of NE ¼ of Section 12 Township 4N Range 44E, B.M., in Teton County
- Additional points of diversion, if any
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	44E	12				38									30	38		38	144
	45E	7			39					39	40					39			157

NOTED

Total number of acres to be irrigated 301

9. Describe any other water rights used for the same purpose as described above 22-0139/0140/0232/0233/2036
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

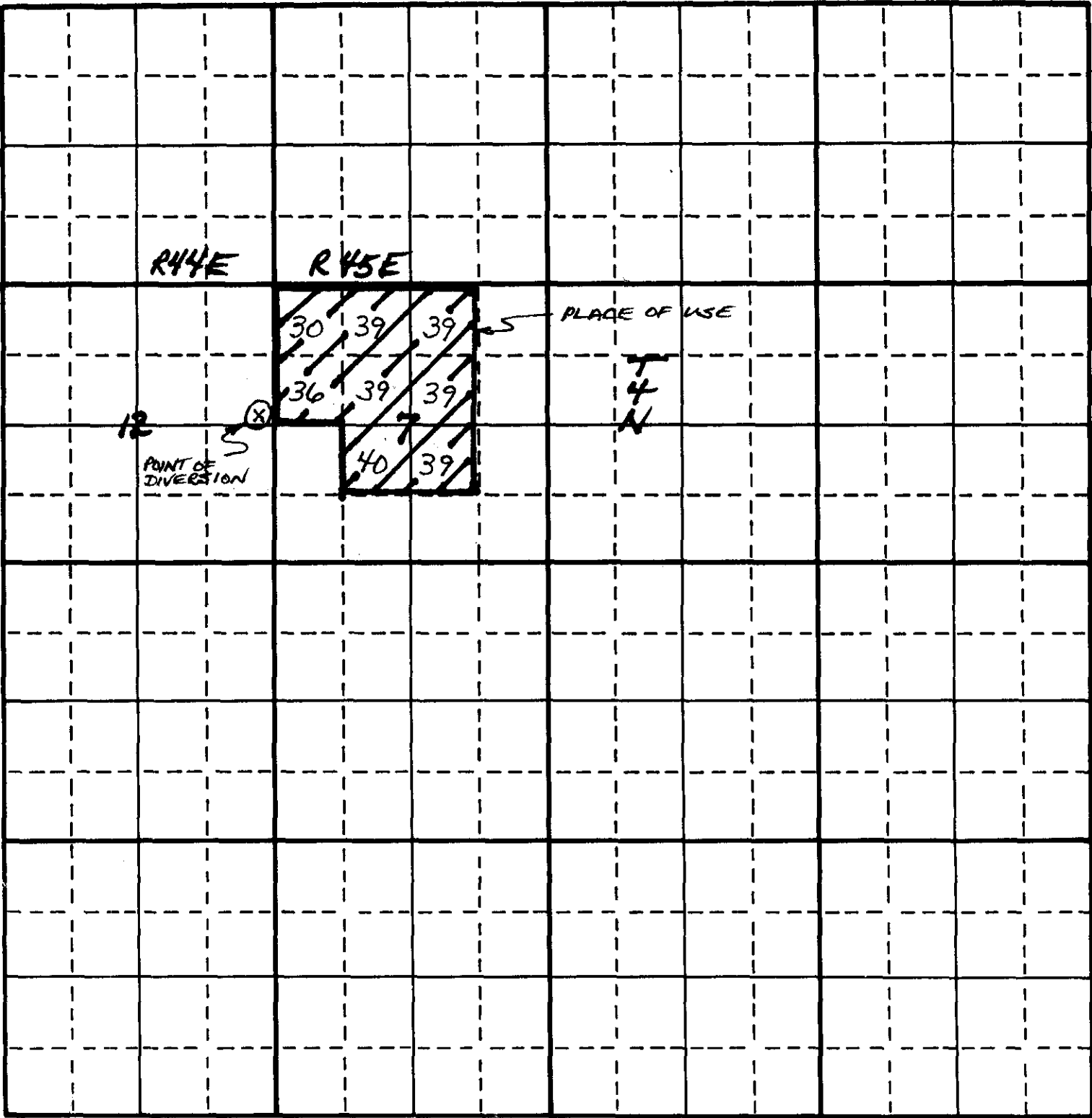
1. General Information
- a. Amount of water to be diverted 3.6 c.f.s. &/or _____ acre feet
- b. Description of diverting works Well, pump, mainline, laterals
with sprinkler.
- c. Describe the reasons for the proposed changes Transfer of Ground water appurtenancy
from irrigated lands in Section 12 to irrigated lands in Section 7 not
covered with appurtenancy. Lands in Section 12 are supplied by decreed water
from Mahogany Creek. Decreed water delivers full and reliable supply to
these lands in Section 12.
2. Change in point of diversion No Change
- Point of diversion SE ¼ NE ¼, Section 12 Township 4N
Range 44E, B.M., Teton County
Additional points _____
3. Change in place of use
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No XX. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None. Decreed water from Mahogany Creek at 1"/acre irrigates the
lands in Section 12. Ground water rights are supplemental.

c. Describe the land place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	45E	7		39	39		39	30	36	39	40					39			301

Total number of acres to be irrigated 301

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

RECEIVED

D. REMARKS

Transfer of appurtenancy from Section 12 to Section 7 will not adversely affect water supply to Section 12. Ground water is supplemental to decreed rights on Section 12. Affidavits attesting to the adequacy of decreed rights for Section 12 lands are provided as evidence supporting this transfer of appurtenancy from Section 12 to historically irrigated lands in Section 7.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Raymond Buxton
(Signature of Applicant)

Subscribed and sworn to before me this 18 day of June, 19 84

Allen Wray
(Notary Public)

My commission expires 6-15-85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-2278 and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 22nd day of February, 19 85

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>aw</u>	Date <u>6-26-84</u>	Protest filed by _____
Prelim. check by <u>fm</u>	Fee <u>\$50.00</u>	_____
Receipted by <u>g</u>	Date <u>7-05-84</u> <u>#34228</u>	_____
Published in <u>Yutan Valley News</u>	Copies of protest forwarded by _____	
Pub. dates <u>Aug 2 & 9, 1984</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	
_____ rec'd. _____	by <u>APC Jim DRC</u>	

Opinion of the Court—Ailshie, J.

Ralph Byrne and Mrs. Ralph Byrne, also by mesne conveyances from said George W. Allen, 20 miner's inches in Mahogany Creek with priority of May 26, 1900;

Golden R. Wood, Mrs. George E. Wood and the other Wood defendants herein, 160 miner's inches in said Mahogany Creek with priority of June 1, 1893, being a portion of the waters of said creek so decreed to one Samuel L. Wood."

In addition to the above rights, the following rights were acquired to the "high waters" of Mahogany Creek:

"Norma Dustin and Mrs. Norma Dustin, 160 miner's inches with priority of June 1, 1925; for Lots 1 & 2, Sec. 7-4-45;

Henry Bates and Mrs. Henry Bates, 100 miner's inches with priority of June 1, 1924, for Lots 3 & 4, Sec. 7-4-45."

Demurrer to the complaint was overruled. Cross-complaint by the several defendants, praying for adjudication of their rights under the Snake River Decree, was filed. The cause was tried to the court, without a jury. Nonsuit was granted as to plaintiff, Eleanore Patterson.

The court found, among other things, as follows:

"II.

"That the defendants and their predecessors in interest, and each and every one of them, have applied to beneficial use upon their respective lands, the water rights so decreed, and that since the entry of said Snake River Decree there has not been any period of five consecutive years that the water under said decreed rights, or any of them, was not applied to beneficial use upon the lands to which said waters were made appurtenant by said decree.

"III.

"That the plaintiff, C. E. Carrington has, at various times, attempted to take for his own use the water flowing to the defendants and their predecessors in interest under said decreed rights, but that each time the defendants and their predecessors in interest reclaimed said water, and the plaintiff has not at any time had the use of the water under said decreed rights, or any part thereof, for a period of five years.

"IV.

"That during low water season there is not sufficient

at the above and foregoing correct copy of the
is in my office.

1944
Auditor & Recorder
of the District Court
Deputy Clerk

UNRECORDED

Case #1072

County Teton
HER going origin
Dated June 15, 1984
E. Wayne Schiess
Ex-Officio Auditor & Recorder
Clerk of the District Court
Dorine Reese
Deputy Clerk

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON.

C. E. CARRINGTON,

Plaintiff,

Vs.

LYNN CRANDALL; GEORGE E. WOOD; MRS.
GEORGE E. WOOD; DODD WOOD; HENRY
BATES; MRS. HENRY BATES; NORMA
DUSTIN; MRS. NORMA DUSTIN; RALPH
BYRNE, AND MRS. RALPH BYRNE,

Defendants.

ANSWER AND CROSS-COMPLAINT

118.
9/27/41
R.W. Hastings

Come now the defendants in the above entitled action, jointly and severally, and for answer to the complaint of the plaintiff admit deny and allege as follows:

I.

Answering paragraph 1 of said complaint the defendants admit that the defendant Lynn Crandall is and for many years has been Water Master of District Number Thirty-six of the State of Idaho, and denies each and every other allegation in said paragraph 1.

II.

Answering paragraph 2 of the complaint, defendants deny each and all of the allegations in said paragraph, except as hereinafter admitted and modified by affirmative allegations.

III.

Answering paragraph 3 of the complaint the defendants admit that the plaintiff occupies the lands described in said paragraph, but denies each and every other allegation in said paragraph 3, except as hereinafter admitted or modified by affirmative averments.

IV.

As to paragraph 4 of the complaint the defendants deny that they claim any right, title or interest in or to any water right belonging to the plaintiff, but admit that they do have, claim, and own water rights in the stream, namely, "Mahogany Creek" mentioned in

RECORDED

by the defendants George E. Wood and Mrs. George E. Wood and Dodd Wood, whose true name is Golden Wood; that these defendants, Wood, succeeded to all rights of said Samuel L. Wood in and to the water rights so decreed to him, the said Samuel L. Wood; that the water and water rights so decreed to said Samuel L. Wood have, at all times and each and every year since the date of the appropriation of said water rights, namely, 1893, been used and applied upon the said lands, except at certain times when the flow of said water was interfered with by the plaintiff, and except at times when the water in said stream was not sufficient to supply all of the decreed rights therein.

VI-C

That the defendants Norma Dustin and Mrs. Norma Dustin also during the years that they have occupied the lands herein^{after}/referred to have used and applied upon their said lands water of said "Mahogany Creek" during the high water season when there was more water flowing in said stream than was necessary to fill the decreed rights therein, and that these defendants, Dustin, have acquired by use and application and appropriation as herein alleged additional rights to the use of the water of said stream during the high water season, each year, for use upon their said lands, to-wit: Lots One and Two, Sec. 7, Township Four North, Range Forty-five E. B. M., in said county,

VI-D

That the defendants Henry Bates, whose true name is Henry T. Bates, and Mrs. Henry Bates hold and occupy lands near the said "Mahogany Creek"; that they do not have or claim any decreed water rights in said "Mahogany Creek", but these defendants and their predecessors in interest have for many years used and applied upon the said lands water of said stream during the high water season, each year, when there was more water flowing in said stream than was necessary to fill the decreed rights therein, and have thereby by use and appropriation acquired high water rights in said stream.

STATE OF IDAHO

County of Teton

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of the original thereof, on file in my office.

Dated June 15, 1924

E. Wayne Schick
Ex-Officio Auditor & Recorder
Clerk of the District Court

By Bernard E. Beck
Deputy Clerk

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON.

C. E. CARRINGTON,

Plaintiff and Cross-Defendant,

Vs.

GEORGE E. WOOD and MRS. GEORGE E. WOOD,
Husband and Wife; GOLDEN WOOD; HENRY
BATES and MRS. HENRY BATES, Husband and
Wife; NORMA DUSTIN and MRS. NORMA
DUSTIN, Husband and Wife; AND RALPH
BYRNE and MRS. RALPH BYRNE, Husband
and Wife,

Defendants and Cross-Plaintiffs.

CROSS-COMPLAINT.

The above named defendants and cross-plaintiffs complaining
of the above named defendant by cross-complaint allege for cause
of action:

I.

That the defendants and cross-plaintiffs, George E. Wood
and Mrs. George E. Wood are husband and wife; that the defendant
and cross-plaintiffs Golden Wood is the same person as Dodd Wood
named in plaintiff's complaint; that the defendants and cross-plain-
tiffs Henry Bates and Mrs. Henry Bates are husband and wife; that
the defendants and cross-plaintiffs Norma Dustin and Mrs. Norma
Dustin are husband and wife; and the defendants and cross-plaintiffs
Ralph Byrne and Mrs. Ralph Byrne are husband and wife.

II.

That the defendants and cross-plaintiffs have, and each of
them has, rights to the use of the waters of Mahogany Creek mentioned
in the complaint in this action. That said Mahogany Creek is a
natural stream which rises in Teton County, State of Idaho, and flows
from the mountains eastward into Teton Valley; that said Mahogany
Creek is a tributary to the Teton River, and through the Teton River
a tributary of Snake River; that the waters of said Mahogany Creek

that said George W. Allen appropriated of the waters of said Mahogany Creek for irrigation and domestic uses, two hundred twenty (220) inches, each fifty inches of which was equivalent to a flow of one cubic foot of water per second of time; that said George W. Allen was a party to the aforesaid Snake River water suit, and that by said Snake River Decree there was decreed and awarded to him, the said George W. Allen, for use upon and made appurtenant to the lands herein described, and other lands adjacent thereto, and held by him the said George W. Allen, two hundred twenty inches of the water, equivalent to four and two fifths cubic feet of water per second of time of said Mahogany Creek, with priority date of the 26th day of May, A.D., 1900; that the water so appropriated by said George W. Allen and decreed to him as aforesaid was used and applied, and has been used and applied by him and his successors in interest, upon said land each and every year since the date of said appropriation, and without interruption, let or hindrance, except as herein alleged.

3.- That the defendants and cross-plaintiffs, Dustin, acquired the above described lands in the year 1920 by purchase, and with said land acquired as an appurtenant thereof, one hundred sixty (160) inches, equivalent to three and one-fifth cubic feet of water per second of time, of the waters of said Mahogany Creek, decreed to said George W. Allen as aforesaid; that each year during the cropping season these defendants and cross-plaintiffs, Dustin, have used and applied the waters and water rights in said Mahogany Creek, acquired by them as aforesaid, upon said land for the irrigation thereof, and for domestic uses thereon, without interruption, except as hereinafter alleged.

4.- That the defendants and cross-plaintiffs, Dustin, also claim by appropriation and use the right to use and apply an additional ^{Sixty} one hundred (160) inches, equivalent to three and 1/5 cubic feet per second of time of the waters of said Mahogany Creek during the high water season of each year, when the flow of water in said stream is more than is required to make the decreed rights therein, and that they have used and applied said additional and high water rights, each

year, since the year 1920 upon said lands for the irrigation thereof, and for domestic uses thereon.

B.- 1. That the defendants Ralph Byrne and Mrs. Ralph Byrne have purchased by contract, and own, hold and occupy the following described land, to-wit:

The Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}NE\frac{1}{4}$) of Section Six (6) in Township Four (4) North of Range Forty-five (45) East of the Boise Meridian, containing forty (40) acres.

2.- That the land here described is described in the said Snake River Decree, and is part of the lands held by the aforesaid George W. Allen, and for which the above described water right was decreed to said George W. Allen.

3.- That during all of the years since the said water right was appropriated by said George W. Allen, the waters of said Mahogany Creek under said right have been used and applied by said George W. Allen and his successors in interest upon the lands herein last described, each year, during the irrigation season for the irrigation of said lands and for domestic uses thereon, and that said defendants and cross-plaintiffs, Byrne, each year, since they acquired said land have used and applied said water, namely twenty (20) inches of the waters of Mahogany Creek upon said land for the irrigation thereof, and for domestic uses thereon, except as hereinafter alleged. *See Answer to*

4.-
C.- 1. That by said Snake River decree there was decreed and awarded to one Samuel L. Wood one hundred sixty (160) inches of the waters, equivalent to three and one-fifty cubic feet of water per second of time of the waters of said Mahogany Creek, having priority date of June 1, 1893; that the land for which said water right was so decreed to said Samuel L. Wood is situated in Teton County and described as follows, to-wit:

The North Half of the Southwest Quarter ($N\frac{1}{2}SW\frac{1}{4}$) and the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$) of Section One (1) and the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) of Section Twelve (12) in Township Four (4) North, Range Forty-four (44) East of the Boise Meridian.

AFFIDAVIT

I, Edwin C Hill, Affiant, residing at Driggs, Teton County, State of Idaho, being first duly sworn, declares:

1. That I have lived in Teton County, Idaho for 20 years.
2. That I am an appropriator of waters from the Mahogany Creek Drainage in Teton County, Idaho.
3. That I have personal knowledge that JayDell Buxton owns properties also having a water right out of Mahogany Creek.
4. That I am personally aware that JayDell Buxton has sufficient water with his appropriation out of Mahogany Creek to water lands known as the home place and more particularly described as:

The N 1/2 of the SE 1/4 and the SE 1/4 of the SE 1/4 and the SE 1/4 of the NE 1/4 less the North 12 rods of the East 12 Rods, Section 12, Township 4, Range 44 East Boise Meridian.
5. That JayDell Buxton has a subsurface appropriation that he has used on occasion to water the same above described properties.
6. That said subsurface rights are supplemental and unnecessary as to the above described lands and could be put to a more efficient use by being transferred to other properties.

Dated this 18 day of June 1984.

Edwin C Hill
AFFIANT

RECORDED

AFFIDAVIT

I, Darwin Josephson, Affiant, residing at Driggs, Teton County, State of Idaho, being first duly sworn, declares:

1. That I have lived in Teton County, Idaho for 30 years.
2. That I am an appropriator of waters from the Mahogany Creek Drainage in Teton County, Idaho.
3. That I have personal knowledge that JayDell Buxton owns properties also having a water right out of Mahogany Creek.
4. That I am personally aware that JayDell Buxton has sufficient water with his appropriation out of Mahogany Creek to water lands known as the home place and more particularly described as:

The N 1/2 of the SE 1/4 and the SE 1/4 of the SE 1/4 and the SE 1/4 of the NE 1/4 less the North 12 rods of the East 12 Rods, Section 12, Township 4, Range 44 East Boise Meridian.

5. That JayDell Buxton has a subsurface appropriation that he has used on occasion to water the same above described properties.
6. That said subsurface rights are supplemental and unnecessary as to the above described lands and could be put to a more efficient use by being transferred to other properties.

Dated this 19 day of June 1984.

Darwin Josephson
AFFIANT

RECEIVED

AFFIDAVIT

I, Ry Wood, Affiant, residing at
Driggs, Teton County, State of Idaho, being first duly
sworn, declares:

1. That I have lived in Teton County, Idaho for
_____ years.
2. That I am an appropriator of waters from the
Mahogany Creek Drainage in Teton County, Idaho.
3. That I have personal knowledge that JayDell
Buxton owns properties also having a water
right out of Mahogany Creek.
4. That I am personally aware that JayDell Buxton
has sufficient water with his appropriation
out of Mahogany Creek to water lands known
as the home place and more particularly
described as:

The N 1/2 of the SE 1/4 and the SE 1/4
of the SE 1/4 and the SE 1/4 of the
NE 1/4 less the North 12 rods of the
East 12 Rods, Section 12, Township 4,
Range 44 East Boise Meridian.

5. That JayDell Buxton has a subsurface appropriation
that he has used on occasion to water the same
above described properties.
6. That said subsurface rights are supplemental
and unnecessary as to the above described lands
and could be put to a more efficient use by
being transferred to other properties.

Dated this 6-18-84 day of June 1984.

Ry Wood
AFFIANT

AMERICAN LAND WHITE CO.

115 EAST MAIN
P.O. BOX 732
PHONE 356-9323
REXBURG, IDAHO
ZIP CODE 83440

JUL 9 1984

P.O. BOX 1169
PHONE 758-4231
SALMON, IDAHO
ZIP CODE 83467

Department of Water Resources
Eastern District Office

GERALD -

AS PER OUR PHONE CONVERSATION
THIS MORNING, HERE IS THE COPY
OF JAY DELLS DEED WHICH INCLUDES
LEGALS FOR SUBJECT PROPERTY
AND ANOTHER TRACT. SORRY FOR THE
COPY QUALITY. CALL IF YOU HAVE ANY
QUESTIONS. THANKS

DON.

POOR QUALITY COPY FILED

under the
tentative
be taken

THE CHAIR

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

I, De Genn Hatch
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 58-106,
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
that 78 consecutive weeks prior to
the first publication of the attached
notice, advertisement or publica-
tion of

Notice of
Correction

And affiant further says that said
attached notice, advertisement 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 2
consecutive issues thereof; first
publication having been made on
the 30 day of Aug, 1984
and last publication on the 6 day
of Sept, 1984

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.

De Genn Hatch

Subscribed in my presence and
sworn to before me this 7th day of
Sept, 1984
(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

Ronda Hammer
My Commission expires
9/69, 1986

RECEIVED

SEP 10 1984

Department of Water Resources
Eastern District Office

NOTICE IS HEREBY GIVEN that
Notice of Proposed Change of
Water Right No. 22-2278 in the
name of Jay Dell Buxton was
published incorrectly on August
2 and 9, 1984. The original place
of use was advertised as being
within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 40N, R.
44E, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7,
T. 40N, R. 45E, S. 14.

WHEREAS, the original place
of use before the transfer was
within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 40N, R.
44E, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7,
T. 40N, R. 45E, S. 14.

Any protests against the
change of the above proposed
change of water right as a result
of this correction must be filed
with the Idaho Department of
Water Resources, 150 Shoup,
Suite 15, Idaho Falls, Idaho,
83402, on or before Sept. 17,
1984.

A. Kenneth Dunn, Director
Published in the Teton Valley
News, Driggs, Idaho, Sept. 10,
1984.

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

1. McGinn Hatch...
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 58-106,
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 publica-
tion of

notice of proposed

change of water right

And affiant further says that said
attached notice, advertisement 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 2
consecutive issues thereof; first
publication having been made on
the 2nd day of Aug, 1984
and last publication on the 22nd day
of Aug, 1984

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.

McGinn Hatch

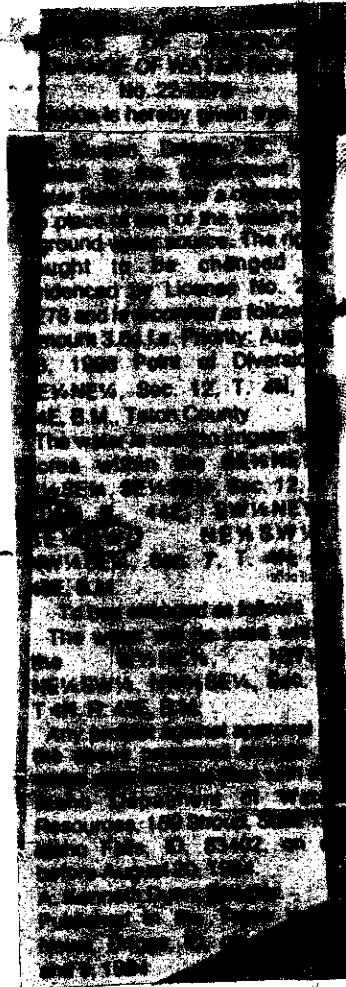
Subscribed in my presence and
sworn to before me this 30th day of
Aug, 1984
(SEAL) Notary Public for the state
of Idaho, residence and postoffice
address, Driggs, Idaho.

Ronda Hammer
My Commission expires
9/29, 1986

RECEIVED

AUG 13 1984

Department of Water Resources
Eastern District Office



MICROFILMED

State of Idaho
Department of Water Administration
LICENSE OF WATER RIGHT

License of Water Right No. 33114/22-2278 Priority August 18, 1966 Amount 3.60 cfs

THIS IS TO CERTIFY, that JAYDELL BUXTON
of Driggs, Idaho, has complied with the terms and conditions of Permit
No. 33114/22-2278 issued pursuant to Application for Permit dated August 18, 1966,
and has submitted proof to the Department of Water Administration on March 3, 1971,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 3.60 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 3.60 cfs for Irrigation from April 15 to Oct. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 3.60 cfs of water be diverted at
any one time, said waters to be diverted within the _____

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

in the county of Teton; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 903 acre feet per year or _____
3.0 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 N	44 E	12				38									30	38		38	144
4 N	45 E	7			39					39	40					39			157

Total number of acres irrigated 301

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of

April, 19 72.


Director

22 2278

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

1. a) Name of Permit Holder Jaydell Buxton
b) Post Office Address Route No. 2, Driggs, Idaho, 83422
2. Permit Number G-33114/22-2278
3. Date of Priority that you are prepared to establish August 18, 1966
4. a) Source from which water was appropriated Well
b) Location of the point of diversion: Southeast corner of the
SE 1/4 NE 1/4, Section 12
Township 4 North, Range 44 East Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
amount 6.0 cubic/feet for irrigational purposes from 1st May to 31st Oct. incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 6.0 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Pressure guage on Sprinkler-head nozzle by
Soil Conservation Service in August 1970.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: --
b) Describe the agreement or understanding by which you take water from the works: --
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Sub. well with 16 inch casing, Elect.
power to connect with existing 10 inch underground main pipe with
Sprinkler irrigation.
b) Describe the type and size of measuring device which you have installed at your point of diversion: --
c) Give well drillers name and address and date the well was completed Lewis Hopkins, Thornton, Idaho; well completed in April 1968.

Examined Typed
March 10, 1981
C. M.

22 2278

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

AFFIDAVIT OF PUBLICATION

State of Idaho, ss.
County of Teton

I, Clarence Hermer
being first duly sworn depose and say

that I am the Publisher
of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, Section 58-106, 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 for
water permit

And affiant further says that said attached notice, advertisement 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 2 consecutive issues thereof;
first publication having been made on

the 18 day of February
19 71

and last publication on the 25
day of February 19 71

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seven-teen and three-fourths inches deep.

Clarence Hermer
Subscribed in my presence and sworn

to before me this 25 day of
February, 19 71

(SEAL) Notary Public for the State of
Idaho, residence and postoffice
address, Driggs, Idaho.

My Commission expires

Notary Public for the State of Idaho

My Commission expires 19 73

Clarence Hermer

NOTICE OF

EXISTING WATER PERMIT

Notice is hereby given that Jay-dell Burton, Route No. 2, Driggs, Idaho has received an approved Permit No. G-33114/22-2278 issued by the Idaho Department of Water Administration authorizing the diversion of 6.0 cubic feet per second of water from a ground water source. The priority to be established under this permit is August 18, 1966 and the permit was approved August 25, 1966.

Water is to be diverted by well, casing, pipe from a point within SE 1/4 NE 1/4, Sec. 12, T. 4N, R. 4E, B.M., Teton County to be used for irrigation in the SE 1/4 NE 1/4, NW 1/4 SE 1/4, Sec. 12, T. 4N, R. 4E, B.M.; SW 1/4 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4, Sec. 7, T. 4N, R. 4E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before August 25, 1971. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. Keith Higginson, Director
Idaho Dept. of Water
Administration

Published in the Teton Valley
News, Driggs, Idaho on February
18 and February 25, 1971.

RECEIVED

FEB 1 1971

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

ASSIGNMENT OF PERMIT

Department of Water Administration

I, Darrell C. Buxton, hereby assign to Jaydell Buxton,
and Mary E. Buxton, his wife
of Driggs, Idaho, Rt. #2, 83422
Name
Address

CHECK ONE

- ☒ All my right, title, and interest, in and to Permit No. G 33114-122-2278
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within
each 40-acre subdivision.)

Made this 29th day of January, 19 71.

Darrell C. Buxton
Permit Holder

Mary E. Buxton
Wife of Permit Holder

State of Idaho)
County of Teton) ss.

On this 29th day of January, 19 71, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

F. D. Taylor
Notary Public residing at Rexburg, Idaho

My commission expires Dec. 21, 1973

22 2278

33114
402

22-2571

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

ASSIGNED TO:
Jaydell Buxton
Route 2,
Driggs, Idaho

Application No. G- 41315
Permit No. G- 33114
District No.

H. S. Forbush
6 Carlson Street
Rexburg, Idaho

Assigned to Jaydell Buxton
Rt. 2, Driggs, Idaho
8.3.22

1. Name of Applicant: Darrell C. Buxton
Postoffice address: Driggs County: Teton State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 6.0 or Idaho
Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the Southeast corner of the
1/4 SE 1/4 of the NE 1/4 of Section 12
Twp. 4 N , Rge. 44 E , B.M., County of Teton
5. Water is to be used for: irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Sub. well with 16 inch casing, powered by either gasoline or electricity to connect with
exist 10 inch underground main pipe.
8. Estimated cost of works: \$ 10,000.00
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is
years. 5
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Decree water from Mahogany Creek 1890
priority.
 - (a) 300 (~~cubic feet per second~~ inches or gallons per minute) of the water herein applied for is to be supple-
mental to the existing water rights.
 - (b) -0- (cubic feet per second, inches or gallons per minute) is for new lands.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

Applicant.

Agent.

Corrected application received:

12.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals	
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄		
4 N	44 E	12				x										x	x		x	160
	45 E	7				x				x		x					x			160
Total number of acres to be irrigated:																				320
LICENSE ISSUED FOR <u>360 S</u>																				
LICENSE PAGE NO. _____																				

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-33114/22-2278)

in the name of Darrell C. Buxton)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

WHEREAS, on August 1, 1968, the Department of Water Administration adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-33114 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this _____ day of _____, 1970.

R. Keith Higginson

R. KEITH HIGGINSON
Director

RKH/DG
CSA

22-2278

33114

Address all communications to:

H. S. Forbush

P.O. 6 Carlson St.
Rexburg, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE SUBTERRANEAN WATERS OF THE STATE OF IDAHO

Application No. G 41315

Permit No. G 33114

Water District No. _____

RECEIVED
MAY 18 1966
3:40 P.M.
Department of Reclamation

1. Name of applicant: Darrell C. Buxton

Post office address Driggs County Teton State Idaho

2. Quantity of water claimed: 6 second cubic feet

3. Source of water supply: Subterranean

4. Location of point of diversion or well is in the Southeast corner of the
SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12

Twp. 4 North, Rge. 15 44 E., B.M., County of Teton

5. Water is to be used for: Irrigation

6. If for domestic, municipal, industrial or recreational purposes give:

(a) Point of use of water is in the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$ of Section _____

Twp. _____, Rge. _____, B.M.

(b) Waste water or sewage effluent is to be returned to _____

at a point in the _____ $\frac{1}{4}$ of the _____ $\frac{1}{4}$ of Section _____, Twp. _____, Rge. _____, B.M.

7. Kind of Works: Sub. well with 16 in casing, powered by either gasoline or electricity to connect with exist 10 inch underground main pipe

8. Estimated cost of works: \$10,000.00

9. (a) Is reservoir to be used? _____

(b) Capacity of reservoir: _____

10. The time required for the completion of such work and complete application of the water to the proposed use is

five years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation: _____

(b) Amount of capital stock \$ _____ (c) Amount paid in: \$ _____

(d) Names and addresses of directors: _____

33114

(Continued)

II. The financial resources of the applicant are: (a) Cash on hand: \$_____

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources: _____

12. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:_____

Decree water from Mahogany Creek 1890 priority

(a) 300 (~~Cubic feet per second, inches or gallons per minute~~) of the water herein applied for is

to be supplemental to the existing water rights.

(b) 0 (cubic feet per second, inches or gallons per minute) is for new lands.

33/14

Remarks: It is intended that the application herewith presented is for
supplemental water to be used on approximately 320 acres of land, which
supplemental water shall be pumped into an installed sprinkler system.

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.

Darrell C. Buxton
Applicant

By _____, Agent

Approval of State Reclamation Engineer

The number of this permit is G 33114
Recorded in Book 116 Page 33114 Approved AUG 25 1966

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed before _____

One-fifth of the work above specified to be completed on or before February 25, 1969
The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before August 25, 1971

Witness my hand this 25th day of August, 1966

R. Keith Higgins
State Reclamation Engineer

IN TESTIMONY WHEREOF, We ROBERT E. SMYLIE, Governor of the State of Idaho,

and LOUIS E. CLAPP, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be

hereunto affixed, this 25th day of August, 1966.

Countersigned

STATE OF IDAHO

By

Louis E. Clapp
Secretary of State

By

Robert E. Smylie
Governor.

No. G 33114

PERMIT

Date of first receipt at office of State Reclamation Engineer

August 18, 1966 3:40 P.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 6.25

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof 25

33114

SCALE: 2 Inches Equal 1 Mile. Draw Pleg In Ink.

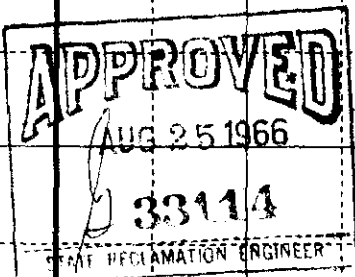
WEST

NORTH

By 44 E. B. M.

By 45 E. B. M.

Top 40.



NAME OF APPLICANT

33114

EAST

Darrell C. Buxton.

Form No. 0

SOUTH



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

February 25, 1985

RE: Transfer of Water Right No. 22-2278

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

Dear Mr. Buxton:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3051).

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:sc

Enclosure

MAILED

INTER-DEPARTMENT MEMO — 1

FROM Dave Tuthill

DATE February 13, 1985

TO File No. 22-2278

SUBJECT T 3051

The intent of the transfer application is to change the place of use of the above-referenced water right from location A to location B. Our records show that various decreed rights are appurtenant to land in location A. The aerial photo that is attached to the field exam for this water right is undated, but appears to have been used in the exam. It shows lands in location B to be irrigated at the time of the exam. Thus, this transfer application proposes to change from one supplemental use to another, which is acceptable.

~~CONFIDENTIAL~~

DET

SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET
G. F. RAMSEY

INITIAL REVIEW BY: JUL 5 1984

1. Right number 22-2278 Applicant JAY DELL BUXTON
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
☒ Description of original point of diversion.
☒ Description of original place of use.
5. Amount of land &/or water transferred:
☒ All of right.
b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
☒ Check description of point(s) of diversion. No change
☒ Check description of place of use.
☒ Check map (shows p.d. and p.u. after transfer).
☒ Check for correct signature, notarization, and fee.
☒ Check proof of ownership of right &/or land from which water is transferred. Copy quality very poor
h. ☒ Check for expansion in use of right. Comments SEE MEMO TO FILE OF 9-26-84
i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) None found Per Micro fische review see memo to file of 2-4-85
j. ☒ Is use within a Watermaster District? ☒ Yes ☒ No G.W. rt.
If yes, what district? 01

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 11 A ☒ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

4. By JK Date 10-22-84 **RECEIVED** OCT 30 1984

Jim 2-4-85

* All uses within Watermaster Districts require special conditions.

Department of Water Resources

TO: FILE

FROM: Jim

RE: Wtr Rt. OVERLAP REVIEW ON TRANSFER OF Rt. 22-2278
2-4-85

P/U BEFORE TRANSFER 301 ACRES

Per Micro Fische

T4N R44E

SECTION 12

NE SE - NONE

NW SE - NONE

SE SE - NONE

SE NE - NONE

T4N R45E

SECTION 7

SW NE NONE

SE NW "

NE SW "

NW SE "

Note: Decreed water rts
in Basin 22 not yet
computerized DRT 2/13/85

P/U AFTER TRANSFER 301 ACRES

NW NE NONE SEC. 7 T4N R45E

SW NE "

NE NW "

NW NW "

SW NW "

SE NW "

NE SW "

NW SE "

M E M O

TO: File, Application for Transfer 22-2278

FROM: Ernest *EMC*

DATE: September 26, 1984

Groundwater from License 22-2278 is being diverted through a sprinkler system that also conveys surface water diverted from Mahogany Creek. The groundwater has primarily been used on land in Sec. 7, T. 4N, R. 45E, because its elevation is lower than that of the pump and the land in Sec. 12 of T. 4N, R. 44E has ample decreed water from Mahogany Creek. The applicant contends use of the ground water historically has been on lands identified as the new place of use. The purpose of the application is to modify Department records so they are consistent with actual practice.

The application proposes to remove License 22-2278 from lands in Sec. 12 that are covered by several decreed rights from Mahogany Creek. Examination of the records concerning decreed rights 22-0139, 0140, 0232 and 0233 combined with information obtained from the applicant indicate the same two water rights have probably been numbered twice. This duplication occurred because a former right holder Darrel C. Buxton confirmed his entitlement to the rights through a court action in June of 1966. The court action changed the place of use without referring to the previous rights so new numbers were assigned by the Department. The applicant claims to only have decreed water rights for 10 inches with a priority of June 1, 1889 and 150 inches of July 1, 1890. But, in addition to this 160 inches the applicant also has 290 inches of water with a priority of August 3, 1908 also appurtenant to land in Sec. 12. The applicant contends he has always had sufficient surface water with these rights to mature crops raised in Sec. 12.

OVERLAP OF RIGHTS FOR JAY DELL BUXTON IN SEC 12 TAN R44E

AMOUNT

P
R
-
2
-
F

P/D

PLACE OF USE

22-0139

10"

1 JUN 1889

SE 1/4 NE 1/4 NW 1/4 SE 1/4

E 1/2 SE 1/4 SEC 12 TAN R44E

(SAME AS ABOVE)

22-0140

150"

1 JUL 1890

22-0232

10"

1 JUN 1889

SE 1/4 SE 1/4

SE 1/4 NE 1/4

W 1/2 SE 1/4

SEC 12 TAN R44E

(SAME AS ABOVE)

22-0233

150"

1 JUL 1890

22-2036

290"

3 AUG 1908

SW 1/4 SE 1/4 (30)

SE 1/4 SE 1/4 (40)

N 1/2 SE 1/4 (80)

S 1/2 NE 1/4 (80)

NE 1/4 NE 1/4 (40)

NW 1/4 NE 1/4 (20) S 12 TAN R44E

PARTIAL IN SECTION #12 OF THIS RIGHT

22-2278

144"

(GROUND WATER)

SE 1/4 NE 1/4 (38)

NE 1/4 SE 1/4 (30)

NW 1/4 SE 1/4 (38)

SE 1/4 SE 1/4 (38)

		22-2036 (20)	22-2036
		[22-0139 22-0140 22-2036 22-2036	[22-0232 22-0233 22-2036 22-2278 (38)
		[22-0139 22-0140 22-0232 22-0233 22-2036 22-2278(38)	[22-0139 22-0140 22-2036 22-2278(38)
		[22-0233 22-0233 22-2036 (30)	[22-0139 22-0140 22-0232 22-0233 22-2036 22-2278(38)

RECEIVED
JUL 1 1890



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

August 22, 1984

Teton Valley News
Driggs, ID 83422

Gentlemen:

We are resubmitting a legal notice to be published on August 30 and September 6, 1984. This notice was originally published in your paper on July 12 and 19, 1984. Unfortunately, it was advertised incorrectly. As we had no way of checking the accuracy of this notice before it went to print we, therefore, request this be readvertised again at your expense.

To prevent future problems in this matter, please submit a galley proof before the first date of publication. If we have any corrections, we will notify you; otherwise, assume the notice is correct. If the administrative procedures of your paper will not allow time for making corrections by submitting a galley proof, we will be glad to review the notice with you by telephone prior to publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to this office by September 17, 1984. Your cooperation in this matter is greatly appreciated.

Very truly yours,

CHERYL ZEMP
Secretary

CW/cz

Enc.

NOTICE OF CORRECTION

Notice is hereby given that Notice of Proposed Change of Water Right No. 22-2278 in the name of Jay Dell Buxton was published incorrectly on August 2 and 9, 1984. The original place of use was advertised as being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 4DN, R. 44E, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW/, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 4N, R. 45E, B.M.

WHEREAS, the original place of use before the transfer was within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 4N, R. 44E; SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 7, T. 4N, R. 45E, B.M.

Any protests against the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, Idaho, 83402, on or before Sept. 17, 1984.

A. KENNETH DUNN

Director

Published in the Teton Valley News, Driggs, ID, on Aug. 30 and Sept. 6, 1984.

Federal Land Bank Association of Rexburg

P.O. Box 157
217 N. 2nd East
Rexburg, Idaho 83440
Telephone: (208) 356-4442

June 25, 1984



LEE B. BOYLE, *Manager*

RECEIVED

JUN 26 1984

Department of Water Resources
Eastern District Office

Department of Water Resources
150 Shoup Avenue Suite 15
Idaho Falls, Idaho 83401

Dear Sir:

We are sending an application of permit and an application to change the point of diversion for Jay Dell Buxton. We are also sending a check from Mr. Buxton in the amount of \$95.00 for your processing.

Will you please send us copies of the completed permits.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don R. Bellamy".

Don R. Bellamy
Assistant Manager

DRB/msc

MICROFILMED



SERVING MADISON, FREMONT, AND TETON COUNTIES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JULY 24, 1984

Teton Valley News
Driggs,
Idaho 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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 AUGUST 20, 1984.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MACROTYPE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 22-2278

Notice is hereby given that Jay Dell Buxton, Driggs, ID, has applied to the Department of Water Resources for a change in the place of use of the waters of a ground water source. The right sought to be changed is evidenced by License No. 22-2278 and is recorded as follows:

Amount: 3.6 c.f.s. Priority: August 18, 1966

Point of Diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 4N, R. 44E,
B.M., Teton County

The water is used to irrigate 301 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; T. 4N, R. 44E; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7 T. 4N, R. 45E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be used within the W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 4N, R. 45E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup, Suite 15, Idaho Falls, ID, 83402, on or before August 20, 1984.

A. KENNETH DUNN

Director

Published in the Teton Valley News, Driggs, ID, on August 2 and 9, 1984.

RECORDED

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

April 11, 1972

C Re: Permit No. 33114/22-2278

O Mr. Jaydell Buxton
Route # 2
Driggs, Idaho 83422

Dear Mr. Buxton:

Enclosed herewith is your Water License issued on the above referenced permit.

P Sincerely,

BOBBY D. FLEENOR
Assistant Director

Y
BDF:DR
Enc: License

bc: Eastern District Office

22 2278

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

March 28, 1972

Jaydell Buxton
Route # 2
Driggs, Idaho 83422

Dear Mr. Buxton:

A representative of this Department has made an examination of the works covered by your Permit No. 33114/22-2278 and has found the following:

Quantity of water diverted: 3.60 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 3.60 cfs

The maximum quantity diverted shall not exceed 903 acre feet per season.

Beneficial use: Irrigation of 301 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, Twp. 4N, Rge. 44E, B.M. and SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, Twp. 4N, Rge. 45E, B.M.

Point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, Twp. 4N, Rge. 44E, B.M.

The priority date established is: August 18, 1966

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

22 2278

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

Permit No. G-33114/22-2278
Examination for Beneficial use

1. Name of permit holder Jaydell Buxton
Post office address Route # 2, Driggs, Idaho 83422 Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 6.0 c.f.s. for irrigation
_____ AF/Annum (nature of use)

Period of Use: from May 1 to October 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 6.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 4N N/S, Range 44E E/W, B.M., Section 12, Subdivision SE $\frac{1}{4}$ $\frac{1}{4}$ NE $\frac{1}{4}$ $\frac{1}{4}$, Teton
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County

Other Points of Diversions: _____

Description of diverting works: subterranean well with 16 inch casing, electric power to connect with existing 10 inch underground main pipe with Sprinkler irrigation

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	44E	12				40									40	40		40	160
	45E	7			40				40	40						40			160

22 2278

TOTAL ACREAGE 320 TOTAL

44E

45E

22 2278

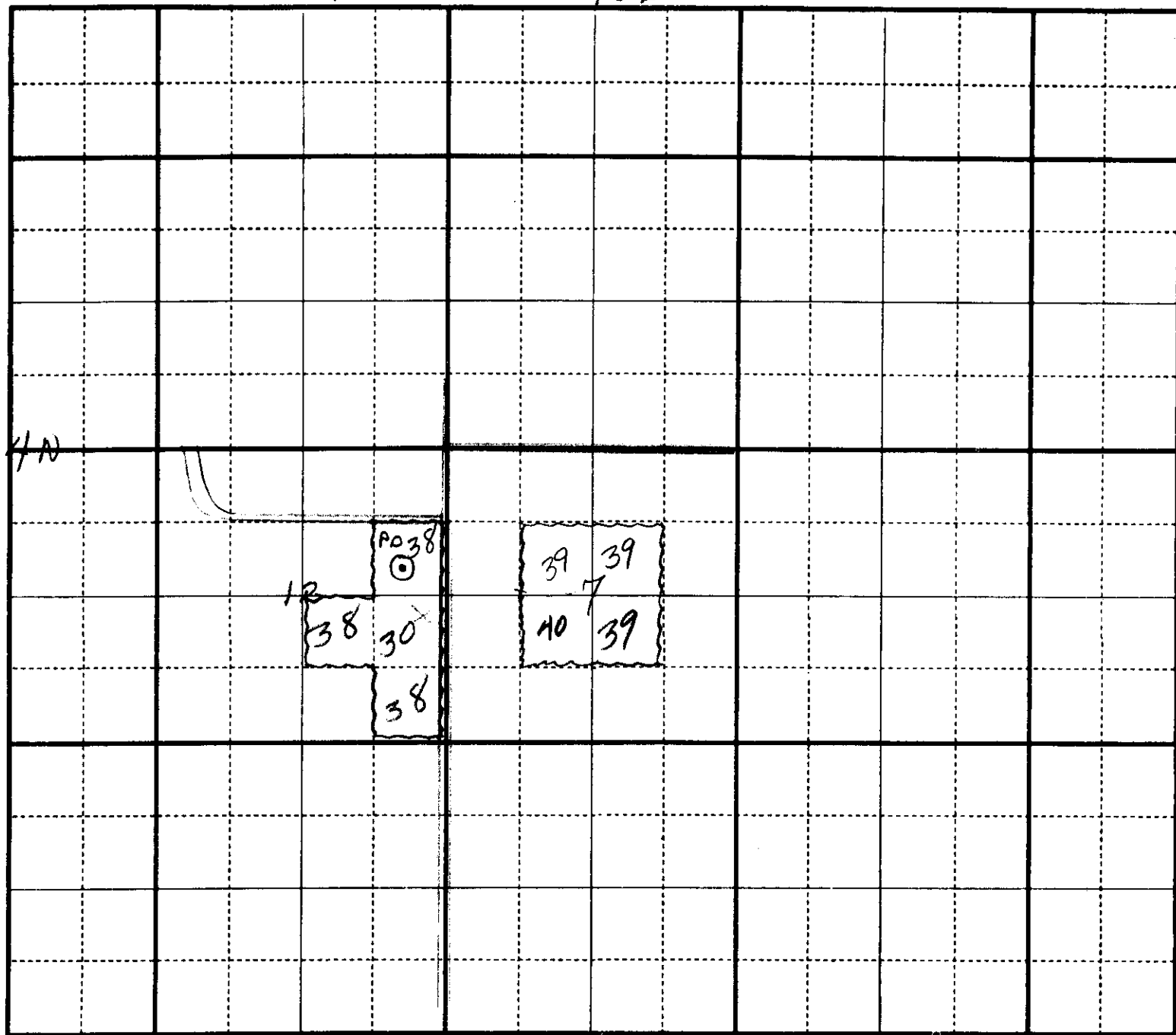
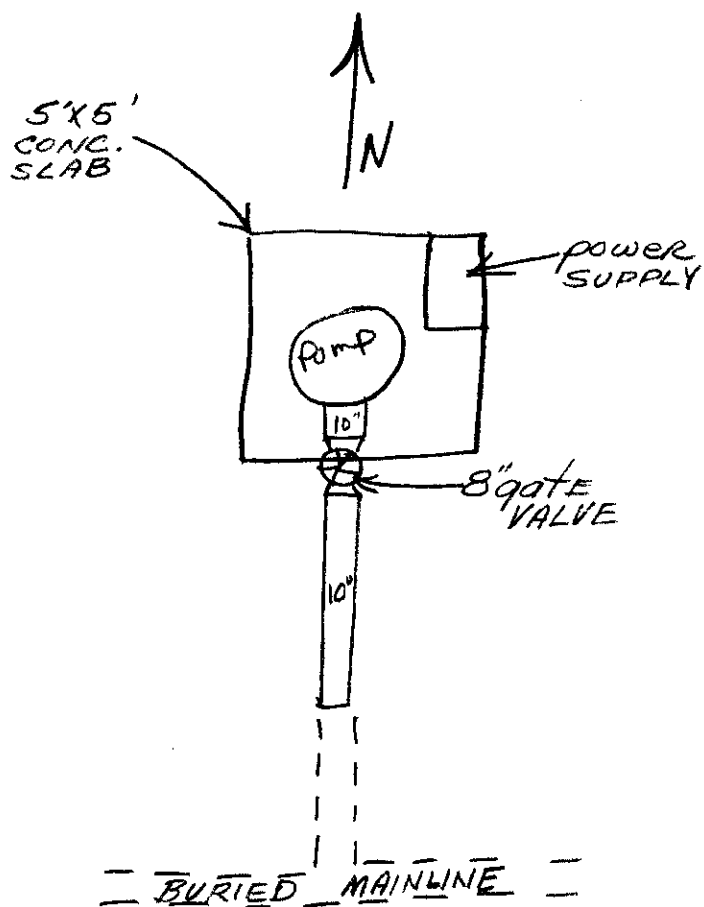


Diagram of System



CXU-1GG-133



DATE OF EXAM July 27-71

ACREAGE
Found 301
Recommended 301

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 3.6 c.f.s. V = 1053.5 AF/Ann. from April 15 to Oct. 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 3.6 Method of measurement pitot

Total Q recommended 3.6 Meter No. _____ Type _____ Condition _____

Total V recommended 1053.5

Recommended Amendments:
P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:
3/32" NOZZLES - 4.72 GPM - 26.4 heads
 $4.72 \times 26.4 = 1246.08 \div 450 = 2.77 \text{ cfs}$
1/4" NOZZLES - 5.70 - 6 heads
 $5.70 \times 6 = 34.20 \div 450 = .83$
3.60 cfs

SYSTEM DESCRIPTION:
Westinghouse pump motor 125hp - 60cy - 3ph - 220/440 V 60 Hz
1780 RPM - S# 627B530 G40 - Johnston pump (vertical)
no. 10" discharge south for 1 1/2' then 8" gate valve
then back to 10" pipe south for 6' then into ground to
buried east-west mainline.

REMARKS:

Examiner's Signature Rex L. Chapman Date July 27-71

Checked by _____ Date _____

Approved by _____ Date _____

March 8, 1971

Re: Permit No. G-33114/22-2278

Jaydell & Mary E. Buxton
Route 2
Driggs, Idaho 83422

Dear Mr. & Mrs. Buxton:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for permit G-33114/22-2278. Before a license can be issued, a field examination must be made by a representative from this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

We also acknowledge receipt of the affidavit of publication. We are returning the receipt from the Teton Valley News for your records.

If we may be of assistance at any time, please feel free to contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosure

cc: Mr. H. S. Forbush

22 2278

CITY ATTORNEY
CITY OF DRIGGS, IDAHO

H. S. FORBUSH
ATTORNEY AT LAW
DRIGGS, IDAHO 83422
March 2, 1971

PROSECUTING ATTORNEY
TETON COUNTY
PHONE 354-2977

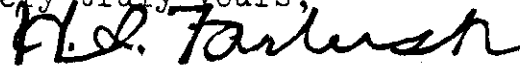
State of Idaho
Department of Water Administration
Statehouse--Annex 2
Boise, Idaho, 83707

Dear Sir: Re: Permit No. G-33564/22-2289--

Please find inclosed affidavit of Publication of Notice of Existing Water Permit together with a receipt showing payment to the local newspaper.

In Mr. Buxton's behalf we have completed Proof of Application of Water to Beneficial Use, which has been subscribed and acknowledged. I trust that the enclosures are in due and proper form and that in due course a license should be issued in his behalf. Should there be any questions or items to be considered, please let me know.

Very truly yours,



H. S. Forbush

HSE/MM

22 2278

February 5, 1971

Re: Permit No. G-33114/22-2278 - Jaydell Buxton

Mr. Jaydell Buxton
Route #2
Driggs, Idaho 83422

Dear Mr. Buxton:

We are in receipt of the assignment from Darrell C. Buxton to you with regard to the above referenced permit. Your name has been permanently placed on the permit in our files. We are enclosing a copy of the assignment and the permit sheet for your use.

The legal notice for the above referenced permit is being published in the Teton Valley News of Driggs, Idaho on February 18 and February 25, 1971. You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the Teton Valley News upon payment of the bill of publication. You will be advised in the future of further requirements.

If you have any questions, please feel free to contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: copy of assignment
copy of permit
cc: H. S. Forbush

February 5, 1971

Re: Permit No. G-33114/22-2278 - Jaydell Buxton

Teton Valley News
Driggs,
Idaho 83422

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Jaydell Buxton, Route #2,
Driggs, Idaho, to whom you should furnish
an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enc: legal notice

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Jaydell Buxton, Route #2, Driggs, Idaho
has received an approved Permit No.
G-33114/22-2278 issued by the Idaho Department of Water Administration authorizing the diversion ~~of~~ of 6.0 cubic feet per second ~~per/minute~~ of water from a ground water source.
The priority to be established under this permit is August 18, 1966
and the permit was approved August 25, 1966.

Water is to be diverted by well, casing, pipe
from a point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 4 N, R. 44 E, B. M., Teton County
to be used for irrigation
in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 4 N, R. 44 E, B. M.; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 4 N, R. 45 E, B. M.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ in Sec. 7, T. 4 N, R. 45, E. B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before August 25, 1971. Any protests against the issuance of the license for the above referenced permit should be filed with the Idaho Department of Water Administration within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON, Director
Idaho Dept. of Water Administration

Published in the Teton Valley News, Driggs, Idaho
on February 18 and February 25, 1971.

Permit No. 22-2278 33114

Director:

You are hereby authorized to have the above notice published at my expense in the Teton Valley News of Driggs, Idaho; published in the county in which the works are situated.

Jaydell Buxton
(Signature)

Driggs, Idaho
(Address)

January 29, 1971
(Date)

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

February 3, 1971

Re: Permit No. 22-2278

H. S. Forbush
Attorney at Law
Driggs, Idaho 83422

Dear Mr. Forbush:

We are in receipt of the authorization for publication and assignment that you have submitted in the behalf of Jaydell Buxton and Mary E. Buxton, and are in the process of recording the same. We do wish to advise you, however, that we cannot include an additional 80 acres in the above referenced permit. Once a permit is received by the department, it can only be amended to include new lands by deleting the same amount of land elsewhere. An amendment could not constitute an expansion of either the quantity of water appropriated, or the number of acres to be irrigated. The additional 80 acres that you have referenced in your letter of January 29, 1971, should be submitted on a new application, or, if you wish it to be included on the above referenced permit, the same number of acres will have to be deleted from the same permit.

We are enclosing a new application form with instructions for your use in this matter.

If we may be of any further assistance, please do not hesitate to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: application for permit form, with instructions

22 2278

CITY ATTORNEY
CITY OF DRIGGS, IDAHO

H. S. FORBUSH
ATTORNEY AT LAW
DRIGGS, IDAHO 83422
January 29, 1971

PROSECUTING ATTORNEY
TETON COUNTY
PHONE 354-2977

RECEIVED

FEB 1 1971

Mr. Donald W. McEldowney, Appropriation Supervisor
State of Idaho, Department of Water Administration
Statehouse --Annex 2
Boise, Idaho, 83707

Department of Water Administration

Dear Sir:

Re: Permit No. G 33114 22-2278
Name of Darrell C. Buxton--Jaydell Buxton:

In response to your letter of the 27th of July 1970, concerning the above, I inclose an Assignment of Permit #G 33114, signed and acknowledged, wherein Darrell C. Buxton and wife have assigned said Permit to Jaydell Buxton. Also inclosed is Authorization to publish the notice.

I should like to draw to your attention that following the date of Permit #G 33114 in 1966, Mr. Jaydell Buxton purchased an additional 80 acres adjacent to the described property in the Notice, and of course he wishes this described "80" to be included in the Notice, and of course he wishes the lands to be benefited by the water appropriation under the Permit, thus the following described 80 acres should be included in the Notice, to be published:

NW¼NE¼ and NE¼NW¼ in Sec. 7, Twp. 4 North, Range 45, E. B. M. in Teton County, Idaho.

If, in order to include this described revision or correction, a correction form must be completed, kindly forward the accepted form to be used in the file docket; otherwise I shall assume that the description printed here can be and shall be incorporated with Mr. Buxton's permit; I shall complete the affidavit of completion and forward same after the publication has been made and shall include the holder's affidavit, being the assignee, Mr. Jaydell Buxton, together with the newspaper publication affidavit.

I trust that the inclosures and my outline of procedure will meet with your approval.

Very truly yours,

H. S. Forbush

HSF/MM

P.S. Please note that Application Permit #G33114 is to be completed on or before August 25, 1971, and there should be no confusion with any former permits that Mr. Buxton had. Further it is assumed that with the execution of this assignment inclosed, his son Mr. Jaydell Buxton authorizes publication of the notice and will execute the affidavit of proof. In other words, Mr. Darrell C. Buxton and wife, the father will have nothing more to do with, and will have no ownership in this permit.

22 2278

July 27, 1970

Re: Permit No. 22-2278
Darrell C. Buxton/Jay Dell Buxton

Mr. Harold S. Forbush, Attorney at Law
68 East First South
Rexburg, Idaho 83440

Dear Mr. Forbush:

We have received your letter of July 10, 1970, concerning the above referenced permit. Please be advised that in order for the department to issue a license in favor of Jay Dell Buxton, the permit must be assigned from Darrell C. Buxton, to Jay Dell Buxton. We are enclosing our assignment form for your use in this matter. Please have Mr. Darrell C. Buxton execute the form, and return it to the department.

We are also modifying the requirements for completing the permit which was approved August 25, 1966. We are placing less stringent requirements per submitting proof of beneficial use, and aligning the permit with the current beneficial use proof procedures. We will require that an affidavit of beneficial use be submitted, which replaces the depositions of holder and witness, previously required. We are also requiring only two weeks of publication, instead of the four previously required. We will also require no licensing fee for the permit.

The order of modification will be forwarded to Mr. Buxton. If you have any questions on the matter, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/cm

Enclosure: proof package, advertising package, order of modification, &
an assignment form

22-2278

33114

HAROLD S. FORBUSH

Attorney at Law

68 East First South — P. O. Box 183

REXBURG, IDAHO 83440

July 10, 1970

Department of Administration

State Reclamation Engineer
State Reclamation Department
State House
Boise, Idaho, 82702

Dear Sir:

Re: Appropriation of Public waters (Subterranean) of the State of Idaho, Permit #G 33114, approved April 25th, 1966. 22-2278

On or about the 25th of August, 1966 approval of the Department was given in the above entitled Permit #G33114 being in the name of Darrell C. Buxton of Driggs, Idaho.

Since the above permit was approved, Mr. Buxton has sold under contract the property benefited by this appropriation to his son, Jay Dell Buxton of Driggs, Idaho. Hence would not the license, when issued, be done in the name of the present owner?

Mr. Jay Dell Buxton has had the Soil Conversation Supervisor, Mr. Glen Carnahan make a measurement of the amount of water which the well is currently capable of producing. As a matter of fact, Mr. Buxton would appreciate the opportunity of completing proof of beneficial application of the water immediately, rather than waiting until the 25th of August, 1971.

Would proof of beneficial application be made under the former law which required notice in the local paper plus despoitions of owner and two disinterested parties, or final proof be done under the present law?

I thank you for an early response to these inquiries in behalf of Mr. Jay Dell Buxton.

Very truly yours,

H. S. Forbush

H. S. Forbush

HSF/MM

22-2278
33114

RECEIVED

33114

September 12, 1966

Re: Permit No. G-33114
Darrell C. Buxton

H. S. Forbush
6 Carlson Street
Rexburg, Idaho

Dear Mr. Forbush

We enclose Permit No. G-33114 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. G-10748 which was issued covering payment in the amount of \$ 6.25 for the filing fee of the above mentioned permit.

Very truly yours,

Enc. permit, receipt
MRB:efw

A. RUSSELL BOSCH
Office Manager

cc: Darrell C. Buxton

33114

VILLAGE ATTORNEY
VILLAGE OF DRIGGS

HAROLD S. FORBUSH
ATTORNEY AT LAW
DRIGGS, IDAHO

Aug. 17, 1966

PROSECUTING ATTORNEY
TETON COUNTY

RECEIVED
AUG 18 1966

Department of Reclamation

Department of Reclamation
State House
Boise, Idaho

Dear Sir:

Re: Application appropriation of sub. water(well)for
Darrell C. Buxton

Kindly find inclosed an application for the appropriation of underground water. The permit for which is to be issued to Mr. Darrell C. Buxton of Driggs, Idaho. His check in the amount of \$6.25 is inclosed covering the statutory filing fee for six second cubic feet of water. The necessary maps are also inclosed. of the location of the well.

I trust that the inclosures are in due and proper form. Kindly make reply to me.

Very truly yours,

H. S. Forbush
H. S. Forbush

HSF/MM

33114