

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

A36-11060

Date Received

9-1-88

Receipt Number

0002309

NOTICE OF CLAIM

TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 1 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) BUCKEYE LAND COMPANY Phone (208) 837-6174
Mailing Address RT. #1, Hagerman ID Zip 83332

2. Date of Priority (Only one (1) per claim) March 1, 1971

3. Source of water supply (a) BIG SPRINGS WATER USERS ASSN. -- THREE SPRINGS
which is tributary to (b) BILLINGSLEY CREEK

4. a. Location of existing point of diversion is: Township 7S Range 14E Section 18,
BIG SPRING
1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of GOODING

Additional points of diversion if any: THREE SPRINGS -- SE1/4 NW1/4, Sec. 30, T. 7 S., R. 14 E.B.M.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. EXISTING PIPELINES CONVEYING WATER TO
APPLICANT FROM BIG SPRINGS USERS ASSN. (154 shares) AND THREE SPRINGS CONVERGE
AT PONDS. AFTER PROPAGATION USE, WATER GOES TO IRRIGATION, OR TO BILLINGSLEY
CREEK WHEN NOT NEEDED FOR IRRIGATION.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For FISH PROPAGATION purposes from Jan 1 to Dec 31 amount 7.7 or 5621

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.7 (cfs) and/or (b) 5621 (acre feet)

8. Total consumptive use claimed is 0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	14E	24													H				

Total number of acres irrigated _____

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

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

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

14. Remarks: 12 RACEWAYS, 8' x 100" each

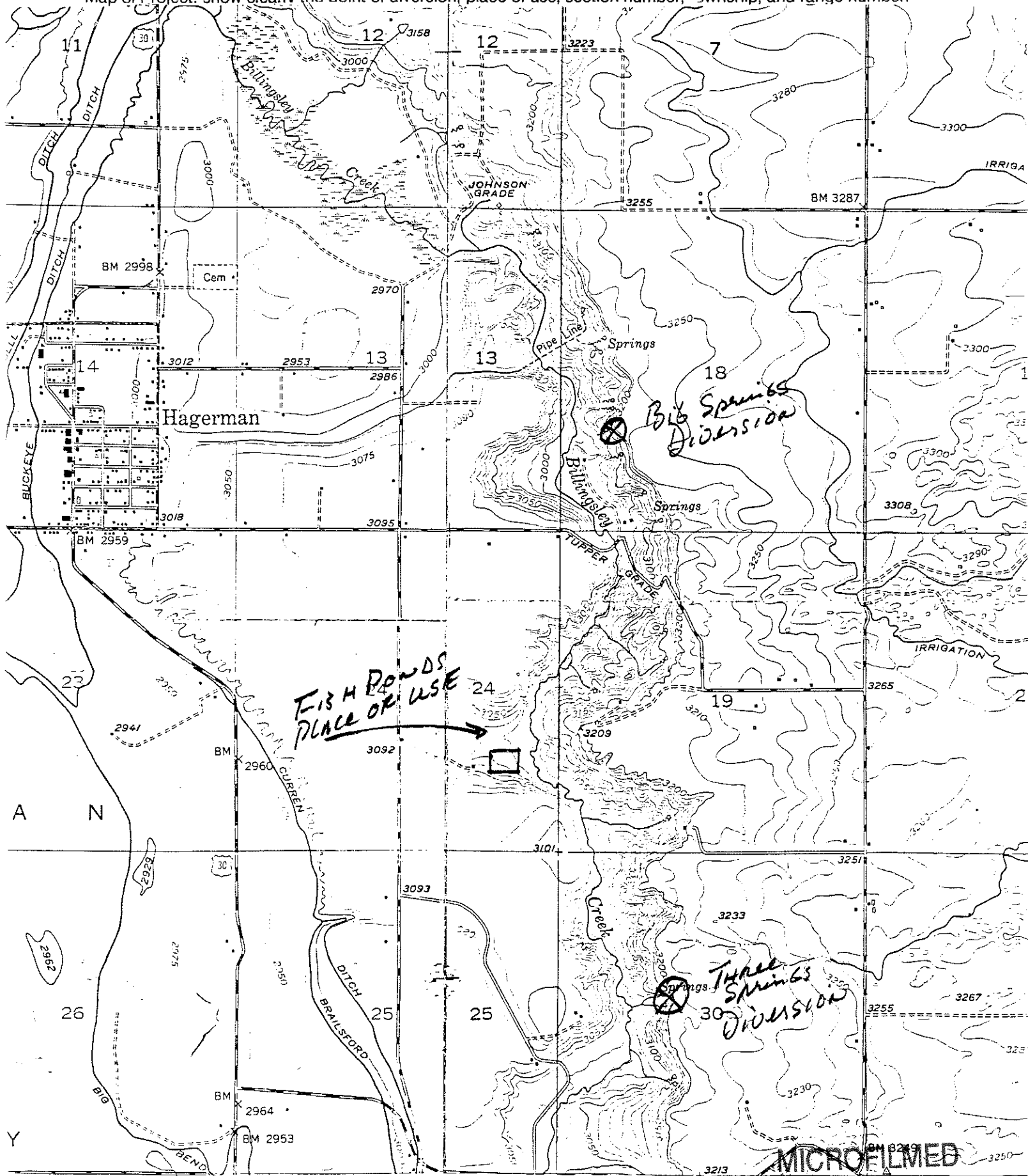
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Last Name BUCKEYE LAND CO. Ident No. _____

Copies: White Blue Yellow Claimant

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



Last Name BUCKEYE LAND COMPANY Ident No. _____

Copies: White-State OCT 20 1994

15. Basis of Claim (check one) Be Special Use XX Posted Notice _____ Use _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XXX
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 1

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

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am PRESIDENT
Title

of BUCKEYE LAND COMPANY, that I have signed the foregoing
Organization
document in the space below as PRESIDENT of BUCKEYE LAND COMPANY
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *Donna M. Kessler*
Title and Organization PRESIDENT, BUCKEYE LAND COMPANY Date 9/1/88

State of Idaho/or _____)
County of TWIN FALLS) SS.

Subscribed and sworn (or affirmed) before me this 1st day of SEPTEMBER 19 88

SEAL

Notary Public *Sherry R. Call*

Residing at *Twin Falls, Idaho*

My Commission Expires *3/19/92*

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, JOHN A. ROSHOLT will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature *John A. Rosholt*

Address P.O. Box 1906, Twin Falls ID 83303-1906

Date 9/1/88

Last Name BUCKEYE LAND CO. Ident. Number _____

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OCT 20 1988
Copies When State, Yellow-Claimant

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE
DISTRICT OF IDAHO, SOUTHERN DIVISION.

NEW INTERNATIONAL MORTGAGE
BANK, a corporation,

Plaintiff,

-vs-

IDAHO POWER COMPANY, a
corporation, et al,

Defendants.

In Equity No. 1602

D E C R E E S. DISTRICT COURT
DISTRICT OF IDAHO

FILED MAR 23 1932

W. D. McCreary, Jr.
W. D. McCreary, Jr., Clerk

By.....Deputy

WHEREAS, The above entitled action having heretofore been submitted to the court upon pleadings and stipulations of fact, on file herein, and WHEREAS, the court being duly advised in the premises, and having made its findings of fact and conclusions of law;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, That all of the land described in the complaint of the plaintiff, and in the answers, cross-complaints, and counter-claims of the defendants and intervenors, and each of them, is semi-arid in character and requires the artificial application of water or irrigation in order to produce thereon ordinary agricultural crops; that said land is situate in what is known as the Hagerman Valley, east of and adjacent to the Snake River, and that the same lies between the rim rock, or canyon wall, to the east of the Snake River and said Snake River; that the subsoil of said valley underlying said valley and all of the same is shattered, fissured lava flow, upon which has been deposited layers of clay and gravel, interspersed with water worn boulders, fragments of rock, and the soil is composed mainly of decomposed lava rock, oxidized lava rock and sand, and that owing to the nature of the soil and subsoil, the coarse texture and the mechanical composition of the soil and its free drainage, the said land and all of the land

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	NAME	AMOUNT OF WATER IN SECOND FEET AND SOURCE	PRIORITY OF APPROPRIATION	DIVERSION POINT
36-0022 -0023	BIG SPRING WATER USERS ASSOCIATION, a corporat- ion	12.9 Spring 5 Spring	March 21, 1901 April 1, 1911	Big Spring; (Durfee-Secor Tunnel) Big Spring; (Durfee-Secor Tunnel)
		(Said Big Spring is located on the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 18, Twp. 7 S. R. 14 E. B. M.)		
36-0024 -0025	BLACKHART, CHARLES R. AND ISMA G. BLACKHART	2.4 Billingsley Creek .2 Billingsley Creek SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 22, Twp. 7 S. R. 13 E. B. M.	March 30, 1884 Sept. 10, 1884	E. M. Bell Ditch Buckeye Ditch
36-0026 -0027	BLACKHART, MABEL	2.4 Billingsley Creek .4 Billingsley Creek SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 22, Twp. 7 S. R. 13 E. B. M.	March 30, 1884 Sept. 10, 1884	E. M. Bell Ditch Buckeye Ditch
36-0028	BOYER, EM- ERSON, AND ETHEL BOYER	2 Riley Creek SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 36, Twp. 7 S. R. 13 E. B. M.	Oct. 1, 1903	Pipe Ditch re- ferred to in paragraph 7 of the Finding
36-0029	BOYER, LEE, and ALICE BOYER	2 Spring (Said Three Springs is located immediately east of the east boundary line of the Dan Jones' Ranch about one-eighth mile east of Billingsley Creek and about one mile north of the head of said Billingsley Creek.) SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 24, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.	Feb. 17, 1893	Three Springs
36-0030	BRAILSFORD A.H., AND BEATRICE E. BRAILSFORD	8 Len Lewis Spring W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. M.; E $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 26, Twp. 7 S. R. 13 E. B. M.	Sept. 1, 1889	Brailsford- Owens Ditch;
36-0031 -0032	BRIGGS, E. G., AND EDNA G. BRIGGS	.5 Riley Creek 1 Riley Creek (The diversion point of said Conyers Ditch is on Riley Creek 100 yards below the diversion point of said Hunt Ditch described in paragraph 7 of the Finding.)	May 1, 1883 May 1, 1883	Hunt Ditch; Conyers Ditch;

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3-0043
-0044

NAME	IN SECOND FEET AND SOURCE	PRIORITY OF ALP REFORMATION	REV. UNION POINT
ELIASON, JACOB AND CARRIE I. X	1.6 Len Lewis Spring .7 Nevada Omohundso Spring	Sept. 1, 1889 March 3, 1902	Brailsford- Owens Ditch Weatherby Springs;

The SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 25, Twp. 7 S. R. 13 E. B. 1.; also that certain portion of the northwest corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 33, in Twp. 7 S. R. 13 E. B. 1. in Idaho, more particularly described as follows, to-wit: Beginning at the quarter corner between sections 25 and 33 in said Twp. 7 S. R. 13 E. B. 1. running thence east a distance of 300 feet to the center of the public highway, thence in a southwesterly direction in the center of the said highway a distance of 378 feet; thence westerly along the north bank of the Clifford Ditch a distance of 370 feet to the west boundary line of the said northwest quarter of the northeast quarter of said Sec. 36, thence north along the said west boundary line a distance of 257 feet to the place of beginning, known as Tax No. 1 in Sec. 33, in the office of the Assessor of Gooding County, Idaho;

Also that certain tract of land more particularly described as follows, to-wit: Beginning at the southwest corner of the southwest quarter of the southeast quarter of Sec. 25, Twp. 7 S. R. 13 E. B. 1., thence running east 397 feet, thence northwesterly to a point distant eighteen hundred and seventy feet on section line from the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said section, thence south 1870 feet to the place of beginning. Said piece of land being a triangular piece of land containing 9.5 of an acre according to the survey thereof, and known as Tax No. 1 of said Sec. 25, in the office of the Assessor of Gooding County, Idaho.

-0045
-0046

FARMER, J. EUGENE, AND MARVEL FARMER	.5 Spring 5.7 Spring	Feb. 1, 1888 Feb. 17, 1896	Weatherby Springs; "Three Springs"
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(Said "Three Springs" is located immediately east of the east boundary line of the Dan Jones' Ranch, about one-eighth mile east of Billingsley Creek and about one mile north of the head of said Billingsley Creek.)

SE $\frac{1}{4}$ of Sec. 24, Twp. 7 S. R. 13 E. B. 1. and Lot 4 of Sec. 19, Twp. 7 S. R. 14 E. B. 1.

-0047

FISH, EARL, AND ALLISON MARY FISH	1.6 Spring	July 23, 1910	Sherman Springs;
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(Said Sherman Springs arises about one mile east of the land described below and is about 200 feet from "Big Springs" elsewhere described herein.)

Beginning at a point 50 rods east of the northwest corner of the northwest quarter of the southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, Twp. 7 S. R. 13 E. B. 1. and on the north line of the above described forty acres. Thence 50 rods due east on the half sec-

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State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Dec-1992

DONNIE MC FADDEN
BILLINGSLEY CREEK RANCH
RT 1 BOX 216
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 36-02379, 36-10870, 36-11060

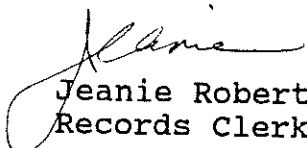
Dear Mr. Mc Fadden:

Please find enclosed the copies of documents you recently requested contained in the above referenced SRBA file(s) as of this date. Please note that copies of orthophoto quad maps or NAPP photography or aerial slides which may have been used in the review of your claim(s) have not been included since they are not easily reproduced. These items are however available for your review at our office. Please also note that in some situations some water rights may have other associated files which contain privileged information between IDWR staff and our legal council which has not been copied.

Please remit the following for the cost of the copies and postage:

\$11.77

Sincerely,


Jeanie Robertson
Records Clerk

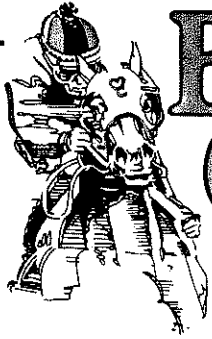
Encl:

pd. 1-13-93
receipt # 5015279

Billingsley
C. Ranch
44
43
86
173 x 5 = 8.65
Post. 2.90
env. .22
11.77

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BILLINGSLEY CREEK RANCH

RECEIVED

DEC 17 1992

Department of Water Resources
Southern Region Office

Route 1 Box 216
Hagerman, Idaho 83332

Phone 208-837-6174
Fax 208-837-6563

December 16, 1992

Loren Holmes
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

Dear Loren:

I would appreciate it if you would have someone in your office copy all of the information in the files that pertain to water right numbers 36-02379, 36-11060 and 36-10870. I realize that there will be a charge for the copies and will pay for them when you advise me that they are ready to be picked up. As I plan to argue these recommendations in District Court, I need to know and understand all of the facts upon which you based your decisions. If, for some reason, you do not release all of the information in these files, I want to know what was not copied and why. Please call me at 837-6174 when this information is available. I would like to have it within 30 days.

Sincerely,

Donnie McFadden

DM/2t

cc: David B. Shaw
John Hepworth

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OCT 20 1994