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Department of Water Resources

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED

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

In Re SRBA

Subcase: 36-00002

Case No. 39576

PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

FINDING OF FACT

On September 1, 1988, Buckeye Farms, Inc., filed its *Notice of Claim to a Water Right* claiming 12 cfs of water from Riley Creek to irrigate 1,014 acres based on the 1932 *New International Mortgage Bank* decree. The Director of the Idaho Department of Water Resources filed his *Director's Report for Reporting Area 3 (Basin 36)* on November 2, 1992, recommending that the claim be disallowed. On April 30, 1993, the claimant filed its *Objection* to the water right not being recommended.

Following two settlement conferences, the claimant and IDWR filed a *Standard Form 5* on September 13, 1995.

CONCLUSIONS OF LAW

The claimant is entitled to a water right as described in the *Standard Form 5*.

RECOMMENDATION

It is recommended that Buckeye Farms, Inc., be adjudicated the following water right under claim no. 36-00002:

Name and address of claimant:

Buckeye Farms, Inc.

18335 U.S. Hwy 30

Hagerman, ID 83332

Source of water:

Riley Creek

Quantity of water used:

10.45 cfs

Use of this right, with right nos. 36-00001 and 36-00003H, is limited to a total combined diversion rate of 28.55 cfs.

5.96 cfs of this right is limited to use for conveyance losses in delivery of this right and right no. 36-00001.

Date of priority:

October 1, 1908

Point of diversion:

T 8S, R 13E, § 1, B.M., Gooding County, Idaho,

Lot 6 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$)

Water is delivered through the Hunt Ditch.

Purpose of use:

Irrigation

Period of use:

March 15 to November 15

Place of use:

T 7S, R 13E, B.M., Gooding County, Idaho,

§ 27- SW $\frac{1}{4}$ SW $\frac{1}{4}$ (32 acres)

SE $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ (40 acres)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ (40 acres)

§ 28- Lot 8 SW $\frac{1}{4}$ SE $\frac{1}{4}$ (40 acres)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ (35 acres)

§ 33- NE $\frac{1}{4}$ NE $\frac{1}{4}$ (40 acres)

Lot 1 NW $\frac{1}{4}$ NE $\frac{1}{4}$ (36 acres)

Lot 4 SW $\frac{1}{4}$ NE $\frac{1}{4}$ (26 acres)

SE $\frac{1}{4}$ NE $\frac{1}{4}$ (10 acres)

Lot 1 NE $\frac{1}{4}$ NW $\frac{1}{4}$ (6 acres)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ (4 acres)

NE $\frac{1}{4}$ SW $\frac{1}{4}$ (1 acre)

NE $\frac{1}{4}$ SE $\frac{1}{4}$ (6 acres)

Lot 5 NW $\frac{1}{4}$ SE $\frac{1}{4}$ (24 acres)

Lot 8 SW $\frac{1}{4}$ SE $\frac{1}{4}$ (5 acres)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ (29 acres)

§ 34- NE $\frac{1}{4}$ NE $\frac{1}{4}$ (40 acres)

NW $\frac{1}{4}$ NE $\frac{1}{4}$ (38 acres)

SW $\frac{1}{4}$ NE $\frac{1}{4}$ (40 acres)

SE $\frac{1}{4}$ NE $\frac{1}{4}$ (38 acres)

NE $\frac{1}{4}$ NW $\frac{1}{4}$ (40 acres)

NW $\frac{1}{4}$ NW $\frac{1}{4}$ (34 acres)

SW $\frac{1}{4}$ NW $\frac{1}{4}$ (31 acres)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ (39 acres)

Lot 3 NE $\frac{1}{4}$ SW $\frac{1}{4}$ (7 acres)

Lot 4 NW $\frac{1}{4}$ SW $\frac{1}{4}$ (10 acres)

Lot 1 NE $\frac{1}{4}$ SE $\frac{1}{4}$ (13 acres)

NW $\frac{1}{4}$ SE $\frac{1}{4}$ (17 acres)

761 acres- total

Use of this right, with right nos. 36-00001 and 36-00003H, is limited to the irrigation of a combined total of 761 acres in a single irrigation season.

Annual volume of consumptive use:

Use of this right, with right nos. 36-00001 and 36-00003H, is limited to a total combined annual consumptive use volume of 2,283 af.

Conditions on exercise of water right:

None

Remarks or other matters necessary for definition of the right, for clarification of any element of the

right, or for administration of the right by the director:

None

No general provisions are included pending resolution of Basin-Wide Issue No. 5.

DATED April 25, 1996.



TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication