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Department of Water Resources
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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: 36-00018
	)	
Case No. 39576	)	PRELIMINARY SPECIAL MASTER'S
	)	REPORT & RECOMMENDATION
_____	)	

FINDING OF FACT

On September 1, 1988, Buckeye Farms, Inc. filed its *Notice of Claim to a Water Right* claiming 20 cfs of water from Billingsley Creek to irrigate 790 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 20 cfs for 466 acres.

On April 30, 1993, the claimant filed its *Objection* to period of year, place of use and remarks. 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. 36-00018:

Name and address of claimant:

**Buckeye Farms, Inc.
18335 U.S. Hwy 30
Hagerman, ID 83332**

Source of water:

Billingsley Creek

Quantity of water used:

20 cfs

1.23 cfs of this right is limited to use for conveyance losses in delivery of this right.

Date of priority:

April 1, 1917

Point of diversion:

**T 7S, R 14E, § 31, B.M., Gooding County, Idaho,
NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$**

Water is delivered through Curren Ditch, North Pipe and South Pipe.

Purpose of use:

Irrigation

Period of use:

March 15 to November 15

Place of use:

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

- § 23- NE $\frac{1}{4}$ SW $\frac{1}{4}$ (32 acres)
NW $\frac{1}{4}$ SW $\frac{1}{4}$ (35 acres)
SW $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres)
SE $\frac{1}{4}$ SW $\frac{1}{4}$ (34 acres)**
- § 26- NE $\frac{1}{4}$ NW $\frac{1}{4}$ (10 acres)
NW $\frac{1}{4}$ NW $\frac{1}{4}$ (22 acres)
SE $\frac{1}{4}$ NW $\frac{1}{4}$ (21 acres)
NE $\frac{1}{4}$ SW $\frac{1}{4}$ (19 acres)
SE $\frac{1}{4}$ SW $\frac{1}{4}$ (16 acres)
NW $\frac{1}{4}$ SE $\frac{1}{4}$ (6 acres)
SW $\frac{1}{4}$ SE $\frac{1}{4}$ (22 acres)
SE $\frac{1}{4}$ SE $\frac{1}{4}$ (12 acres)**
- § 35- NE $\frac{1}{4}$ NE $\frac{1}{4}$ (8 acres)
NW $\frac{1}{4}$ NE $\frac{1}{4}$ (9 acres)**

SW $\frac{1}{4}$ NE $\frac{1}{4}$ (38 acres)
SE $\frac{1}{4}$ NE $\frac{1}{4}$ (9 acres)
NE $\frac{1}{4}$ NW $\frac{1}{4}$ (15 acres)
NW $\frac{1}{4}$ NW $\frac{1}{4}$ (2 acres)
SE $\frac{1}{4}$ NW $\frac{1}{4}$ (37 acre)
NE $\frac{1}{4}$ SW $\frac{1}{4}$ (40 acres)
NE $\frac{1}{4}$ SE $\frac{1}{4}$ (19 acres)
NW $\frac{1}{4}$ SE $\frac{1}{4}$ (37 acres)
483 acres- total

Use of this right, with right no. 36-00015, is limited to the irrigation of a combined total of 483 acres in a single irrigation season.

Annual volume of consumptive use:

Use of this right, with right no. 36-00015, is limited to a total combined annual consumptive use volume of 1,449 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 26, 1996.



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

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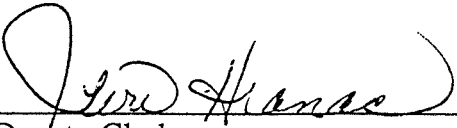
In Re SRBA	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	Water Right 36-00018
_____	)	

I certify that a true and correct copy of the *Preliminary Special Master's Report for Subcase No. 36-00018* and *Notice of Issuance of Preliminary Special Master's Report and Recommendation* were mailed on April 26, 1996 with sufficient first-class postage prepaid to the following:

Chief, Natural Resources Division
Office Of The Attorney General
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Boise, ID 83711-4449

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Boise, Idaho 83720-0098



Deputy Clerk