

1996 MAY -7 PM 4:12
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: 36-00003H
	)	
Case No. 39576	)	PRELIMINARY 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 Billingsley Creek to irrigate 455 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 8.37 cfs for 224 acres.

On April 30, 1993, the United States of America filed its *Objection* to source, quantity, priority date, place of use, consumptive use, remarks and other. The same date, the claimant filed its *Objection* to quantity, period of year, place of use, consumptive use and remarks.

The United States was dismissed as a party on May 22, 1995, by stipulation. A *Standard Form 5* was filed by the claimant and IDWR 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 36-00003H:

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:

11.9 cfs

Use of this right, with right nos. 36-00001 and 36-00002, is limited to a total combined diversion rate of 28.55 cfs.

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

Date of priority:

September 10, 1884

Point of diversion:

**T 7S, R 13E, § 11, B.M., Gooding County, Idaho,
SE¼SE¼NE¼**

Water is delivered through the Buckeye Ditch.

Purpose of use:

Irrigation

Period of use:

Irrigation Season

Place of use:

**T 7S, R 13E, B.M., Gooding County, Idaho,
§ 27: SW¼SW¼ -1 acre
§ 28: Lot 8 SW¼SE¼ -40 acres
SE¼SE¼ -35 acres
§ 33: NE¼NE¼ -40 acres
Lot 1 NW¼NE¼ -36 acres
Lot 4 SW¼NE¼ -26 acres
SE¼NE¼ -10 acres
Lot 1 NE¼NW¼ -6 acres
SE¼NW¼ -4 acres
NE¼SW¼ -1 acre
NE¼SE¼ -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: NW $\frac{1}{4}$ NW $\frac{1}{4}$ -2 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ -15 acres
Lot 4 NW $\frac{1}{4}$ SW $\frac{1}{4}$ -10 acres
290 acres- total

Use of this right, with rights 36-00001 and 36-00002, 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 rights 36-00001 and 36-00002, 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

DATED May 6, 1996.



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