

1996 MAY -7 PM 4:13
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: 36-00015
	)	
Case No. 39576	)	PRELIMINARY MASTER REPORT
	)	AND RECOMMENDATION
	)	

FINDING OF FACT

On April 21, 1989, Buckeye Farms, Inc., filed its *Notice of Claim to a Water Right* claiming 6.5 cfs of water from Weatherby Springs 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 1.22 cfs for 446 acres.

On April 30, 1993, the claimant filed its *Objection* to quantity, period of year, place of use, consumptive 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 36-00015:

Name and address of claimant:
Buckeye Farms, Inc.
18335 U.S. Hwy 30
Hagerman, ID 83332

Source of water:

Weatherby Springs

Quantity of water used:

6.5 cfs

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

Date of priority:

March 8, 1902

Point of diversion:

**T 7S, R 14E, § 30, B.M., Gooding County, Idaho,
SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$**

Water is delivered through the Bar S Ditch, Curren Ditch, North Pipeline and South Pipeline.

Purpose of use:

Irrigation

Period of use:

Irrigation Season

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. 36-00018, 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. 36-00018, is limited to a total combined annual consumptive use volume of 1,449 af.

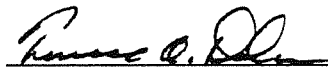
Conditions on exercise of water right:

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

DATED: May 6, 1996.



TERRENCE A. DOLAN

Special Master, Reporting Area 3
Snake River Basin Adjudication

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**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	)	CERTIFICATE OF MAILING
	)	
Case No. 39576	)	Water Right 36-00015
_____	)	

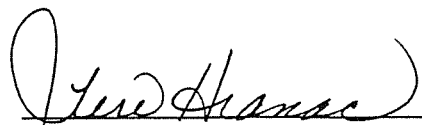
I certify that a true and correct copy of the *Preliminary Special Master's Report for Subcase No. 36-00015* and *Notice of Issuance of Preliminary Special Master's Report and Recommendation* were mailed on May ⁷3, 1996 with sufficient first-class postage prepaid to the following:

Chief, Natural Resources Division
Office Of The Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

Director of IDWR
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Boise, Idaho 83720-0098

United States Department of Justice
550 West Fort Street MSC 033
Boise, Idaho 83724-4378

Laird Lucas
Land & Water Fund of Rockies
P O Box 1612
Boise, Idaho 83701



Deputy Clerk