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Department of Water Resources

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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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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

Case No. 39576

) Subcase: 36-00002
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)
)
)
)

AMENDED 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 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 rights 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 36-00001.

Date of priority:
October 1, 1908

Point of diversion:
**T 8S, R 13E, § 1, B.M., Gooding County, Idaho,
Lot 6 (SE¼SW¼NE¼)**

Water is delivered through the Hunt Ditch.

Purpose of use:
Irrigation

Period of use:
Irrigation season

Place of use:
T 7S, R 13E, B.M., Gooding County, Idaho,
§ 27: SW¼SW¼ -32 acres
SE¼SW¼ -40 acres
SW¼SE¼ -40 acres
SE¼SE¼ -40 acres
§ 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 (NW¼SE¼) -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 rights 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 rights 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

DATED May 14, 1996.


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