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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: 36-00001

Case No. 39576

)
) 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.

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.

On August 30, 1993, the Conservation Groups moved to intervene, but later advised the court that their concerns were addressed in a proposed settlement. Therefore, they effectively withdrew their pending *Motion*. The United States was dismissed as a party on June 13, 1995, by stipulation. A fully executed *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 36-00001:

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:

12 cfs

Use of this right, with rights 36-00002 and 36-00003H, is limited to a total combined diversion rate of 28.55 cfs.

5.96 cfs of right 36-00002 is limited to use for conveyance losses in delivery of this right and right 36-00002.

Date of priority:

May 1, 1883

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 (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 rights 36-00002 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 36-00002 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