

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-00001**
Date Received: 4/24/1989
Receipt No: S006941
Received By: address change

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BUCKEYE FARMS INC 208-837-6595
Address: 18335 U S HWY 30
HAGERMAN ID 83332

2. Date of Priority: MAY 1, 1883

3. Source: RILEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	13E	1	SW	NE			GOODING

5. Description of diverting works:
VIA HUNT DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/15	12.000		

7. Total Quantity Appropriated is:
12.000 C.F.S. (and/or) 6120.00 A.F.A.

8. Total consumptive use is 3072.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	27	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

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OCT 11 1994

Upd both A record
& blank prefix record
with new address.
98 6/5/93

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication of Rights
to the Use of Water From the Snake River
Drainage Basin Water System

Case No. 39576

STANDARD FORM 3

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as director
of the Idaho Department of Water
Resources,

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

Petitioner,

MOTION FOR SUBSTITUTION
OF PARTY

vs.

United States; State of Idaho; and all
unknown claimants to the use of water
from the Snake River Drainage Basin
Water System,

Respondents.

RECEIVED

JUN 17 1993

Department of Water Resources
Southern Region Office

INSTRUCTIONS FOR USE

This form must be used to provide notice of change in address or to substitute a party whose water right recommendation is in a director's report which has been filed with the court.

By filing a *Motion for Substitution of Party*, you are certifying that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

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Check each box that applies and fill in the requested information. A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here.

Follow the instructions on the form and attach all fees or the court will not accept it for filing. The verification, instructions for mailing and the Certificate of Mailing must be completed.

The standard form may be obtained from IDWR and the court. You must provide a copy of this form to each party in any subcase, or to their legal counsel, in which you are a party.

☒ **CHANGE OF ADDRESS**

My name is BUCKEYE FARMS, INC.

☒ I am the owner of 36-00018.

☒ I have filed an objection/response to the following water right(s): 36-00001; 36-00002; 36-00003H; 36-00015; 36-00018.

☒ My new mailing address and phone number are 18335 U.S. Highway 30, Hagerman, Idaho 83332; (208) 837-6595.

☐ **MOTION FOR SUBSTITUTION OF PARTY**

This motion must be accompanied by a check in the amount of \$10 made payable to "SRBA". As used in this standard form, the term "*new owner/buyer*" means any successor in interest of a claimant, whether the interest is acquired by purchase, gift, inheritance or other means.

My name is _____

☐ My address and phone number are _____

☐ The name, address and phone number of the party who I wish to be substituted for are:

☒ I am the prior owner/seller of _____ and
(Insert the water right number)

I am not required to submit proof of ownership.

☐ I am the new owner/buyer of _____ and
(Insert the water right number)

I am submitting proof of ownership, *which is required by the court* to support my motion for substitution of party. Proof of ownership must contain a legal description of the property, including the water right numbers conveyed. You must describe the documents you are submitting to verify your ownership.

☐ The change in ownership of this water right results in a splitting of the water right.

You must describe the portion of the water right owned by the new owner/buyer and that retained by the prior owner/seller.

☐ I request a hearing on this motion, and will follow the instructions below.

1. Contact the SRBA court (208-736-3011) to request a hearing date and time.

2. Fill in the following information:

The motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

3. Serve a copy of this motion on:

a. The Certificate of Mailing.

b. The original party filing this motion for substitution, if other than yourself.

If a hearing is requested, the information in #2 above must be filled out prior to filing the motion, or it will not be accepted by the court.

☐ I do not request a hearing on this motion because _____

Even if a hearing is not requested, another party may request a hearing on this motion.

☐ I have enclosed a check made payable to "SRBA" in the amount of \$10.

☒ **ATTORNEY OF RECORD COMPLETING FORM**

My name is JOHN A. ROSHOLT

☒ I am the attorney of record for BUCKEYE FARMS, INC.

My address and phone number are P.O. Box 1906, Twin Falls, Idaho 83303;
(208) 734-0700.

VERIFICATION

(Must be completed for either a change in address or motion for substitution of party)

State of IDAHO

County of Twin Falls

JOHN A. ROSHOLT, being first duly sworn, upon oath, deposes and says:

That I am the person or entity filing this form, that I am a water claimant or party, defined by I.C. §§ 42-1401A(1) (7) or (10); that I have read this form, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

BUCKEYE FARMS, INC.

By: John A. Rosholt
JOHN A. ROSHOLT

Subscribed and sworn to before me on June 9, 1993
(Insert Date)

Maureen Hart Hickland
Notary Public for Idaho
Residing at: Booding
My commission expires: 12-17-97

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court. You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on June 10, 1993, I mailed the original and copies of the foregoing form, including all attachments, to the following persons by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. A motion to substitute party filed by a new owner must be served on the prior owner or their attorney. A motion filed by the prior owner must be served on the new owner or their attorney. You must serve each party to the subcase or their attorney. (Check the box to establish that service has been made.)

- ☐ I have provided a copy of Standard Form 3 to the prior owner/seller of the water right at the following address:

- ☐ I have provided a copy of Standard Form 3 to the owner/buyer of the water right at the following address:

- ☐ I have provided a copy of Standard Form 3 to the prior subcase, or to their legal counsel at the following address(es):

3. One copy to:

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

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724



Signature of Person or attorney mailing the form

06079304.JAR

RECEIVED

CHANGE IN ADDRESS OF NOTICE OF CLAIM

JUN 10 1993

Department of Water Resources
Southern Region Office

[] Water Right Number (s): 36-00001

[] Old Mailing Address: Buckeye Farms, Inc.

P.O. Box 2199

Sun Valley, ID 83353

[] New Mailing Address: Buckeye Farms, Inc.

18335 U.S. Highway 30

Hagerman, ID 83332

New Telephone Number: (208) 837 - 6595

[] Signature of Claimant: Gary A. Rosholt

Date: 6/9/93

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 6/24/93 By: SC

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

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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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A36-00001

Date Received _____

Receipt Number _____

RECEIVED

MAR 01 1989

Department of Water Resources
Southern Region Office
Please type or print clearly

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

SEP 1 1988

Department of Water Resources
Southern Region Office

1. Name of Claimant (s) BUCKEYE FARMS, INC. Phone (208) 622-4100Mailing Address P.O. Box 2199, Sun Valley ID Zip 833532. Date of Priority (Only one (1) per claim) May 1, 1883

3. Source of water supply (a) Riley Creek
which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township 8S Range 13E Section 1,
SW 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of _____

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

DIVERSION AT RILEY CREEK INTO HUNT DITCH.

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OCT 11 1994
OCT 11 1994

6. Water is claimed for the following s: (both dates are inclusive) is) (acre feet)
- For IRRIGATION purposes from Mar 1 to Nov 15 amount 12 or 6120
- For purposes from to amount or
- For purposes from to amount or
- For purposes from to amount or
7. Total quantity claimed (a) 12 (cfs) and/or (b) 6120 (acre feet)
8. Total consumptive use claimed is 3,072 acre feet per annum.
9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)
10. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	13E	27											40	40			40	40	160
7S	13E	28												15			40	40	95
		33	40	40	40	40	20			10					38	30	38	10	304
		34	40	40	40	40	40	40	40	40			20	5	40	40	10	20	455

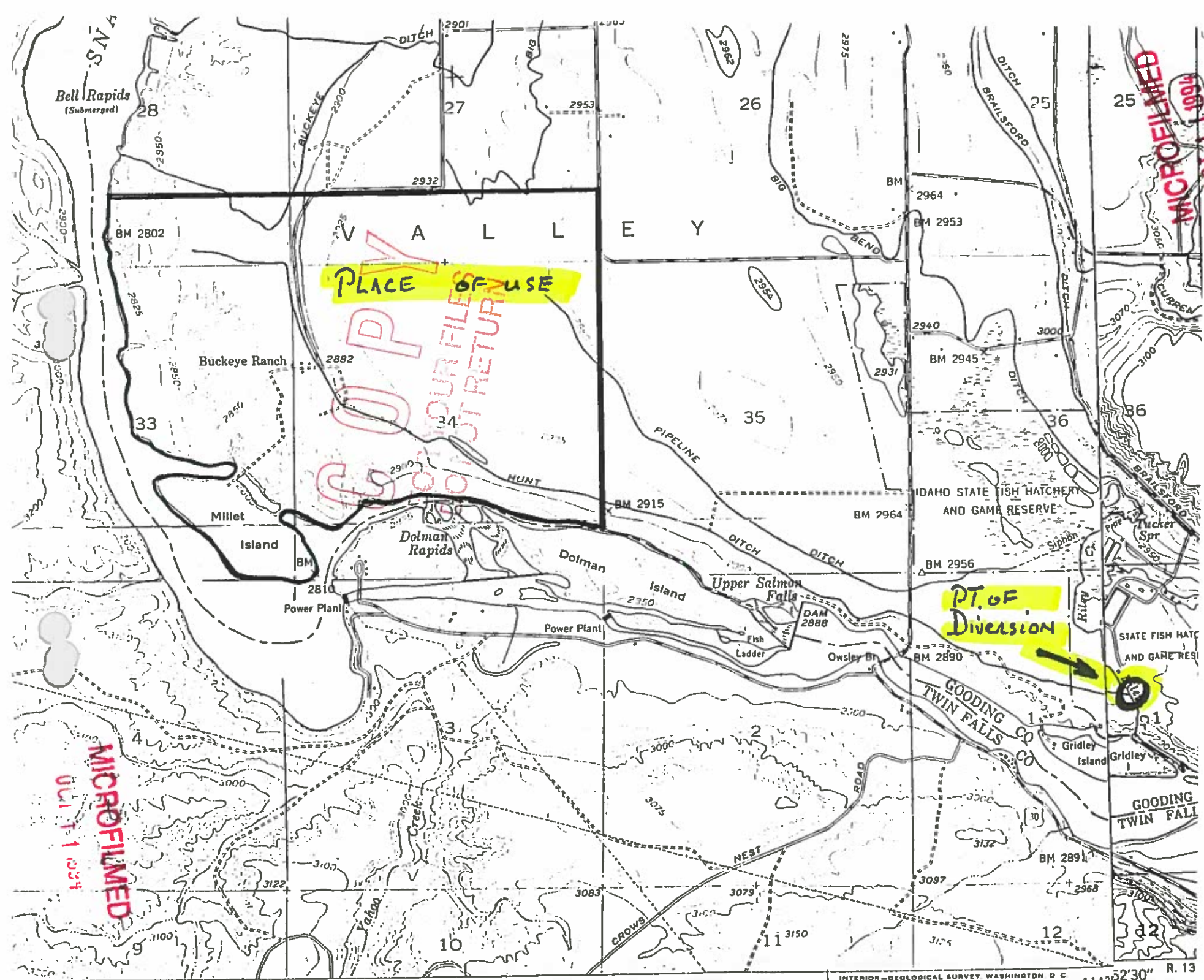
Total number of acres irrigated 1014

11. In which county (ies) are lands listed above as place of use located? GOODING
12. Do you own the property listed above as place of use? Yes XXXX No
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
36-002 and part of land with part of 36-003 or None ()
14. Remarks:

Last Name BUCKEYE FARMS Ident No.

Copies: White State Yellow Claimant

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JAN 7 0 1993



Ident No. _____
Last Name _____
BUCKEYE FARMS

Copies: White State, Yellow Claimant
JAN 17 1995

15. Basis of Claim (check one) ☒ Use Decree XXX Posted Notice Permit
If applicable provide IDWR Water Right Number 36-001
Court U.S. FEDERAL DISTRICT Case Number 1602 Decree Date 3/22/32
Plaintiff vs Defendant NEW INTERNATIONAL V. IPC

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Buckeye Farms, Inc Date 9/1/88
John A. Rosholt - Power of Att Date
for John A. Burke

For Organizations: I do solemnly swear or affirm that I am ATTORNEY

of BUCKEYE FARMS, INC. Title that I have signed the foregoing
document in the space below as HOLDER OF POWER OF ATTORNEY of BUCKEYE FARMS, INC.
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization ATTORNEY BUCKEYE FARMS, INC. Date 9/1/88

State of Idaho/or)
County of TWIN FALLS) SS.

COPY
FOR YOUR FILES
DO NOT RETURN

Subscribed and sworn (or affirmed) before me this 1st day of September 19 88

SEAL

Notary Public Sherry L. Cull

Residing at Twin Falls, Idaho

My Commission Expires 3/19/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, JOHN A. ROSHOLT will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature John A. Rosholt

Address P.O. Box 1906, Twin Falls ID 83303-1906

Date 9/1/88

Last Name BUCKEYE FARMS Ident. Number

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OCT 1 1988

Copies White-Stamp Yellow-Claimant

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE
DISTRICT OF IDAHO, SOUTHERN DIVISION.

NEW INTERNATIONAL MORTGAGE
BANK, a corporation,

Plaintiff,

-vs-

IDAHO POWER COMPANY, a
corporation, et al,

Defendants.

In Equity No. 1602

D E C R E E S. DISTRICT COURT
DISTRICT OF IDAHO

FILED MAR 23 1932

W. D. McHenry
W. D. McHenry, Clerk

By.....Deputy

WHEREAS, The above entitled action having heretofore been submitted to the court upon pleadings and stipulations of fact, on file herein, and WHEREAS, the court being duly advised in the premises, and having made its findings of fact and conclusions of law;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, That all of the land described in the complaint of the plaintiff, and in the answers, cross-complaints, and counter-claims of the defendants and intervenors, and each of them, is semi-arid in character and requires the artificial application of water or irrigation in order to produce thereon ordinary agricultural crops; that said land is situate in what is known as the Hagerman Valley, east of and adjacent to the Snake River, and that the same lies between the rim rock, or canyon wall, to the east of the Snake River and said Snake River; that the subsoil of said valley underlying said valley and all of the same is shattered, fissured lava flow, upon which has been deposited layers of clay and gravel, interspersed with water worn boulders, fragments of rock, and the soil is composed mainly of decomposed lava rock, oxidized lava rock and sand, and that owing to the nature of the soil and subsoil, the coarse texture and the mechanical composition of the soil and its free drainage, the said land and all of the land

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OCT 11 1994

rim rock bounding said Hagorman Valley on the east and also in said valley, and that the said Riley Creek and Billingsley Creek are a part of the same drainage system, and that interference with the waters supplying the seeps, trickles, rivulets and springs supplying Riley Creek is an interference with the natural flow of Billingsley Creek, and that interference with the waters supplying the seeps, trickles, rivulets and springs supplying Billingsley Creek is an interference with the natural flow of said Riley Creek.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, That of and from the waters comprising and constituting the source and supply of Billingsley Creek and Riley Creek and the waters of the seeps, springs, and rivulets so mentioned and above set out, the plaintiff, New International Mortgage Bank, be, and hereby is, ordered, adjudged, and decreed to have the use of, and the right to use for, the irrigation of its hereinafter described land and for domestic and other purposes thereon, the following amounts of water, to-wit:

35-001 Twelve second feet of the waters of Riley Creek, with a priority of May 1, 1883, said water to be diverted by means of a dam constructed in, and a ditch leading from, said Riley Creek; the point of diversion of said ditch being located at a point in the SW¹ SE¹, Sec. 1, Twp. 8 South, Range 13 E. B. M., from which the corner of Sections 1, 2, 35, and 36, Twps. 7 and 8 South, Range 13 E. B. M. bears north 60° 12' west 4365 feet distant;

35-002 Also 12 second feet of the waters of Riley Creek, with a priority of October 1, 1908, the point of diversion of said ditch being located near the head of Riley Creek, that is to say, where the main body of water comprising said Riley Creek emerges from the hillside in the form of springs, said springs being sometimes referred to as the Thompson or Tucker Spring, which said point of diversion is located in the SE¹ SE¹, Sec. 36, Twp. 7 South, Range 13 E. B. M., from ^{which} the corner of Sections 1, 2, 35, and 36, Twp. 7

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-00001

Date Received: 3/10/1989

Receipt No: 5006941

Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BUCKEYE FARMS, INC. 208-622-4100
Address: P.O. BOX 2199
SUN VALLEY, ID 83353

2. Date of Priority: MAY 01, 1883

3. Source: RILEY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	13E	1	SW	NE		6	GOODING

5. Description of diverting works:
VIA HUNT DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/01	11/15	12.000		

7. Total Quantity Appropriated is:
12.000 C.F.S. (and/or) 6120.00 A.F.A.

8. Total consumptive use is 3072.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	13E	27	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 160.0

A36-00001

Page 1

Date: 04/24/89

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JAN 20 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	28	SE		SW	8	IRR	15.0
			SW		SE	8	IRR	40.0
			SE		SE	9	IRR	40.0
			Section Acres					95.0
		33	NE		NE		IRR	40.0
			NW		NE	1	IRR	40.0
			SW		NE	4	IRR	40.0
			SE		NE		IRR	40.0
			NE		NW	1	IRR	20.0
			SE		NW	4	IRR	10.0
			NE		SE		IRR	38.0
			NW		SE	5	IRR	30.0
			SW		SE	8	IRR	38.0
			SE		SE		IRR	10.0
			Section Acres					306.0
		34	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	8	IRR	40.0
			SW		NW	7	IRR	40.0
			SE		NW		IRR	40.0
			SW		SW	5	IRR	20.0
			SE		SW		IRR	5.0
			NE		SE	1	IRR	40.0
			NW		SE	2	IRR	40.0
			SW		SE	2	IRR	10.0
			SE		SE	1	IRR	20.0
			Section Acres					455.0
			Total Acres					1016.0

11. Place of use in counties: GOODING

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A36-00002, A36-00003H

14. Remarks:

DECREE INCORRECTLY DESCRIBES P/D AS SWSE S 1 T8S R 13E

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs IDAHO POWER COMPANY
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

JAN 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

1/30/85

R. KEITH HIGGINSON
Director

Nelson Rosholt

RE: Buckeye Farms, Inc

Domestic Sec 2C

436-00001

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # 06428 for \$ 422.80 which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

- | | | | |
|-----|--|--------------------------------------|----------------|
| [] | Item #1 | Name - Address | |
| [X] | Item #2 | Priority | North dry year |
| [] | Item #3 | Source | |
| [] | Item #4 | Point of Diversion Legal Description | |
| [] | Item #5 | Description of Diversion Works | |
| [X] | Item #6 | Uses descriptions | cfj ? |
| [X] | Item #7 | Total Diversion Rate | |
| [] | Item #8 | Total Consumptive Use | |
| [] | Item #9 | Description of Non-irrigation Uses | |
| [] | Item #10 | Place of Use Legal Description | |
| [] | Item #11 | County of Place of Use | |
| [] | Item #12 | Ownership of Property | |
| [] | Item #13 | Other water rights for same uses | |
| [] | Item #14 | Remarks | |
| [] | Item #15 | Basis of Claim | |
| [] | Item #16 | Signature & Notorization | |
| [] | Improper fee (THE CORRECT FEE IS \$ <u>25.00</u>) | | |

Total fee

due

\$2166.00

\$433.20

payment p/2-

If you will make any necessary corrections and return the documents with the correct fee before March 1, 1985, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or need further assistance.

Sincerely,


Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

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JAN 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

1/30/85

Nelson Rosholt

RE: Buckeye Farms, Inc.

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # _____ for \$ _____ which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

- [] Item #1 Name - Address
- [] Item #2 Priority
- [] Item #3 Source
- [] Item #4 Point of Diversion Legal Description
- [] Item #5 Description of Diversion Works
- [] Item #6 Uses descriptions
- [] Item #7 Total Diversion Rate
- [] Item #8 Total Consumptive Use
- [] Item #9 Description of Non-irrigation Uses
- [X] Item #10 Place of Use Legal Description
- [] Item #11 County of Place of Use
- [] Item #12 Ownership of Property
- [] Item #13 Other water rights for same uses
- [] Item #14 Remarks
- [] Item #15 Basis of Claim
- [] Item #16 Signature & Notorization
- [] Improper fee (THE CORRECT FEE IS \$ 50.00)

If you will make any necessary corrections and return the documents with the correct fee before March 1, 1985, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or need further assistance.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

MICROFILMED

JAN 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

1/30/85

R. KEITH HIGGINSON
Director

Nelson Rosholt

RE: Bucken Fens Inc.

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # _____ for \$ _____ which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

- [] Item #1 Name - Address
- [] Item #2 Priority
- [] Item #3 Source
- [] Item #4 Point of Diversion Legal Description
- [] Item #5 Description of Diversion Works
- [] Item #6 Uses descriptions
- [] Item #7 Total Diversion Rate
- [] Item #8 Total Consumptive Use
- [] Item #9 Description of Non-irrigation Uses
- [X] Item #10 Place of Use Legal Description
- [] Item #11 County of Place of Use
- [] Item #12 Ownership of Property
- [] Item #13 Other water rights for same uses
- [] Item #14 Remarks
- [] Item #15 Basis of Claim
- [] Item #16 Signature & Notorization
- [] Improper fee (THE CORRECT FEE IS \$ _____)

155

46

420

621 unpaid sum

450 + 621 = \$ 671

If you will make any necessary corrections and return the documents with the correct fee before March 1, 1985, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or need further assistance.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

MICROFILMED

JAN 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

1/30/89

R. KEITH HIGGINSON
Director

Nelson Rosholt

RE: Buckeye Inc.

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # _____ for \$ _____ which you submitted to our office. I am returning these pursuant to Rule 10.4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

- [] Item #1 Name - Address
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- [] Item #10 Place of Use Legal Description
- [] Item #11 County of Place of Use
- [] Item #12 Ownership of Property
- [] Item #13 Other water rights for same uses
- [] Item #14 Remarks
- [] Item #15 Basis of Claim
- [] Item #16 Signature & Notorization
- [] Improper fee (THE CORRECT FEE IS \$ _____)

$50^{00} + 455^{00} = 505^{00}$

If you will make any necessary corrections and return the documents with the correct fee before MARCH 1, 1989, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or need further assistance.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm

Enclosures:

MICROFILMED

JAN 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

1/30/85

R. KEITH HIGGINSON
Director

Nelson - Rosholt

RE: Buckeye Farms, Inc

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # _____ for \$ _____ which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

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- [] Item #10 Place of Use Legal Description
- [] Item #11 County of Place of Use
- [] Item #12 Ownership of Property
- [] Item #13 Other water rights for same uses
- [] Item #14 Remarks
- [] Item #15 Basis of Claim
- [] Item #16 Signature & Notorization
- [] Improper fee (THE CORRECT FEE IS \$ 150.00)

If you will make any necessary corrections and return the documents with the correct fee before March 1, 1985, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or need further assistance.

Sincerely,

Allen Merritt
Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

MICROFILMED

JAN 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

1/30/85

R. KEITH HIGGINSON
Director

Nelson - Rosholt
RE: Duckeye Farms, Inc.

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # _____ for \$ _____ which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

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- [] Item #12 Ownership of Property
- [] Item #13 Other water rights for same uses
- [] Item #14 Remarks
- [] Item #15 Basis of Claim
- [] Item #16 Signature & Notorization
- [] Improper fee (THE CORRECT FEE IS \$ _____)

$\$50 + 790 = \$840^{00}$

If you will make any necessary corrections and return the documents with the correct fee before March 1, 1985, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or need further assistance.

Sincerely,

Allen Merritt

Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

MICROFILMED

JAN 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

1/30/85

R. KEITH HIGGINSON
Director

Nelson Rosholt

RE: Duckeye Farms, Inc

Domestic
Sec. 34

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # _____ for \$ _____ which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

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- [X] Item #6 Uses descriptions cfs ?
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- [] Item #8 Total Consumptive Use
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- [] Item #10 Place of Use Legal Description
- [] Item #11 County of Place of Use
- [] Item #12 Ownership of Property
- [] Item #13 Other water rights for same uses
- [] Item #14 Remarks
- [] Item #15 Basis of Claim
- [] Item #16 Signature & Notorization
- [] Improper fee (THE CORRECT FEE IS \$ 25⁰⁰)

If you will make any necessary corrections and return the documents with the correct fee before March 1 1985, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or need further assistance.

Sincerely,

Allen Merritt
Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

MICROFILMED

JAN 20 1993

REJECTED CLAIMS:

- | | | |
|-------------------------------|--|------------------|
| 1. <u>A36-0001</u> | \$ 50 + 1014 = \$ 1064 | acres: 1014
↑ |
| 2. <u>A36-0002</u> | \$ 50 = \$ 50 | acres: OVERLAP |
| 3. <u>A36-0003H</u> | \$ 50 + 60 = \$ 110
(overlap in part) | acres: 60 |
| 4. <u>A36-0018</u> | \$ 50 + 790 = \$ 840 | acres: 790
↑ |
| 5. <u>36-0015</u> | \$ 50 = \$ 50 | acres: overlap |
| 6. <u>domestic</u> | \$ 25 = \$ 25 | |
| 7. <u>36-0016</u> | 1. make pri pre-63 | |
| 8. <u>36-0017</u> | 2. make 65 <u>set</u> | |
| ~~7. <u>domestic</u>~~ | ~~1. DWR # = .08 plus .02~~ | |
| ~~- Dropped -~~ | ~~Per acre irig for fluv~~ | |
- ← D / A36-11146
- TOTAL

← D / A36-11146

1. \$50 fee + 1014 ACRES @ \$1 ea.
2. \$50
3. \$50 + 60
4. \$50 + 790
5. \$50
6. \$25
7. ~~\$50~~ 25

\$ 2239
20%

\$ 447⁸⁰

~~\$ 250~~

20% / ~~20%~~ = \$ ~~432.80~~
 plus chke = 422.80
10.00

MICROFILMED
JAN 20 1993

Total =
\$ 2239

20% =
\$ 447.80

Checks:

422.80
10.00
432.80
+ 15.00 ✓
447.80

MICROFILMED

JAN 5 9 1993





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

1/30/85

Nelson Rosholt

RE: Buckeye Farms, Inc.

RECEIVED

MAR 01 1989

Department of Water Resources
Southern Region Office

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # _____ for \$ _____ which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

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[]	Item #12	Ownership of Property
[]	Item #13	Other water rights for same uses
[]	Item #14	Remarks
[]	Item #15	Basis of Claim
[]	Item #16	Signature & Notorization
[]	Improper fee	(THE CORRECT FEE IS \$ <u>50.00</u>)

If you will make any necessary corrections and return the documents with the correct fee before March 1, 1985, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or need further assistance.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

ADM:adm
Enclosures:

MICROFILMED

JAN 20 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 36-00001

Adj. Flag Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NEW INTERNATIONAL MORTGAGE BANK

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - +
05/01/1883

+ - - Region - - - +
17 ERROR IN REGION

+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - - +
RILEY CREEK

+ - - Tributary - - - - - +
SNAKE RIVER

+ - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
08S 13E 1 SW NE 6 (47) GOODING

+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 12.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
12.000

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	27	SW NE			01	IRRIGATION	(47) GOODING
			SW NW					(47) GOODING
			SE NW					(47) GOODING
			NE SW					(47) GOODING
			NW SW					(47) GOODING
			NW SE					(47) GOODING
		28	SW NE	4				(47) GOODING
			SE NE					(47) GOODING
			SE NW	4				(47) GOODING
			NE SW	5				(47) GOODING
			SE SW	8				(47) GOODING
			NE SE					(47) GOODING
			NW SE	5				(47) GOODING
			SW SE	8				(47) GOODING
			SE SE	9				(47) GOODING
		33	NE NE					(47) GOODING
			NW NE	1				(47) GOODING
			SW NE	4				(47) GOODING
			SE NE					(47) GOODING
			NE NW	1				(47) GOODING
			SE NW	4				(47) GOODING

WR proportional Rate $\frac{12.0}{1446} = 0.008$

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - 36-00001

Adj. flag translation: WATER RIGHT

+	Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County	+
			34	NE SW	5				(47) GOODING	
				NW SE	5				(47) GOODING	
				SW SE	8				(47) GOODING	
				SE SE					(47) GOODING	
				NE NE					(47) GOODING	
				NW NE					(47) GOODING	
				SW NE					(47) GOODING	
				SE NE					(47) GOODING	
				NE NW					(47) GOODING	
				NW NW	8				(47) GOODING	
				SW NW	7				(47) GOODING	
				SE NW					(47) GOODING	
				NE SW	3				(47) GOODING	
				NW SW	4				(47) GOODING	
				SW SW	5				(47) GOODING	
				NE SE	1				(47) GOODING	
				NW SE	2				(47) GOODING	
				SW SE	2				(47) GOODING	
			35	SE SE	1				(47) GOODING	
				SW NW					(47) GOODING	
				NW SW					(47) GOODING	

Total Acres:

+ - - Diversion Means - VIA HUNT DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-0002, 36-0003

+	Remarks	+
	DECREE INCORRECTLY DESCRIBES P/U AS SWSE S 1 T8S R 13E AC. IRR. NOT SPECIFIED, FARM = 1446 AC. P/U INCOMPLETE SEE FILE	

+	Conditions of Approval	+
	No Conditions of Approval found.	

+	Decree Plaintiff	+	Decree Defendant	+	Decree Date	+
	NEW INTERNATIONAL MORTGAGE BANK		IDAHO POWER COMPANY		03/22/1932	

+	Comments	+
	No comments Found	

+ - - Audit Fields -

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - 36-00001

Adj. flag translation: WATER RIGHT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 03/12/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 36A
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 03/22/1932				

Water Right Number - 36-07741

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BUCKEYE FARMS INC.1 - P.O. BOX 2199
2 -
3 -
City- SUN VALLEY State- ID Zip- 833530000
Phone - 208-622-4100*** O - ORIGINAL OWNER ***
BUCKEYE LAND CO.1 -
2 -
3 -
City- State- ID Zip-
Phone - 208-000-0000+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
09/24/1987 17 P - PERMIT+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
RILEY CREEK SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
08S 13E 1 SW NE (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
16 - WILDLIFE 01/01 12/31 24.000
19 - FISH PROPAGATION 01/01 12/31 24.000
46 - RECREATION 01/01 12/31 24.000
52 - AESTHETIC 01/01 12/31 24.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
24.000 17375.50+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
07S 13E 33 NE NE 16 WILDLIFE (47) GOODING
07S 13E 33 NW NE 16 WILDLIFE (47) GOODING
07S 13E 33 SW NE 16 WILDLIFE (47) GOODING
07S 13E 33 SE NE 16 WILDLIFE (47) GOODING
07S 13E 33 NE SE 16 WILDLIFE (47) GOODING
07S 13E 33 NW SE 16 WILDLIFE (47) GOODING
07S 13E 33 SE SE 16 WILDLIFE (47) GOODING
07S 13E 34 NE SW 16 WILDLIFE (47) GOODING
07S 13E 34 NW SW 16 WILDLIFE (47) GOODING
07S 13E 34 SW SW 16 WILDLIFE (47) GOODING
07S 13E 34 NE SE 16 WILDLIFE (47) GOODING
07S 13E 34 NW SE 16 WILDLIFE (47) GOODING
07S 13E 34 SE NW 19 FISH PROPAGATION (47) GOODING

VIA HUNT DITCH

Water right number - 36-07741

Adj. flag translation: Standard Water Right Number

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	34	NE SW			19	FISH PROPAGATION	(47) GOODING

Total Acres:

+ - - Diversion Means - DITCHES, PIPELINE & PONDS.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-7739.

+ - - - - - Remarks - - - - -
P/U FOR AESTHETICS & RECREATION SAME AS WILDLIFE

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -

- 026 - Permit holder shall commence the excavation or construction of
- diverting works within one year of the date this permit is issued
- and shall proceed diligently until the project is complete.
- 027 - Use of water under this permit shall be non-consumptive.
- 004 - The issuance of this permit in no way grants any right-of-way or
- easement across the land of another.
- 01J - A measuring device and lockable controlling works of a type
- acceptable to the Department shall be permanently installed and
- maintained as part of the diverting works prior to diversion of
- water under this permit.
- 07A - Assignment or sale of this permit is subject to a determination
- by the Department that the permit holder has proceeded to develop
- the permit with due diligence and without speculation.
- 09D - Water used under this permit if discharged into a natural channel
- shall meet Idaho Water Quality Standards.
- 042 - The permit holder shall be required to provide the Department,
- upon request, information showing volume changes per hour
- necessary to maintain an adequate environment for the fish
- propagation facility. Volume changes per hour shall be based
- upon actual fish production.
- 044 - Use of water under this right is subject to policies set forth in
- the State of Idaho Water Plan, including Policy No. 5G.
- 005 - Use of water under this permit is subject to control by the
- watermaster of State Water District No. 36A.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 12/03/87

05/28/88 CONVERT 07/27/88 CURTIS 08/02/88 CURTIS

Water right number - 36-07741

Adj. flag translation: Standard Water Right Number

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 07/01/1993	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 07/26/1988	Protested Date	- 00/00/0000	Swan Falls	- Z
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 36A
Licensed Date	- 00/00/0000	Appl Received	- 08/01/1977	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-	Microfilm Roll Number	-

CLAIM NUMBERS 36-00001 DATE _____
 _____ AGENT _____

TRANSFER NUMBER _____
 OBJECTION FILED _____

TOTAL ACRES FROM RECOMMENDATION 361

GEOGRAPHIC INFO SYSTEM

RIGHT NO				NE				NW				SW				SE					
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
RECOM	075	13E	27												1			23	14	38	
GIS																					
RECOM	075	13E	28															33	33	66	
GIS																					
RECOM	075	13E	33	30	19	24	10	3									6	18	10	21	141
GIS																					
RECOM	075	13E	34	22	13	20	20	3	4	7	1	10	10	1		5				116	
GIS																					

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____
 B36-DBPOD.DBF _____

POLYGON CREATED ON 604 () _____
 ATTRIBUTES OF B36-POU.SHP () _____
 ATTRIBUTES OF B36-POD.SHP () SESWNE-6

(Hunt Ditch)

P/U CONFLICT yes () no ()

P/D CONFLICT yes () no ()

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication of
Rights to the Use of Water from the
Snake River Basin Water System

Case No. 36-00003H

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State of Idaho;
and all Claimants to the use of water
from the Snake River Basin Water
System,

Respondents.

OBJECTION

RECEIVED

MAY 04 1993

Department of Water Resources
Adjudication Bureau

See

36-00001

I. GENERAL INFORMATION

1. Person objecting:

Name: United States of America,
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734

Briefly describe your interest in this water right: The United States
holds water rights of many types in all reporting areas within the SRBA.

2. Owner of the water right:

Name: BUCKEYE FARMS, INC.
Address: PO Box 2199
Sun Valley, ID 83353

3. If this objection is filed by an attorney:

Attorney Name: David W. Harder
Attorney Address: United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734
Attorney Phone No.: (202) 272-5784

If filed by an attorney, notice of pending court proceedings will be sent to
the attorney only.

MICROFILMED

OCT 11 1994

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right
2. ☒ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - ☒ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre-feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - ☒ a. the legal description of the place of use; or
 - ☒ b. the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.
12. ☐ Water Right Recommendation: I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☒ Other: I object to certain paragraphs of the general provisions in the Director's report as noted on the attached "Reasons Supporting Objections and Proposed Changes".

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

- [X] Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

REASONS SUPPORTING OBJECTIONS AND PROPOSED CHANGES - 6 Pages

ATTACHMENT A - 1 Page

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VERIFICATION

In the District of Columbia,

The United States of America, being first duly sworn, upon oath, deposes and says:

That I am the entity filing this objection, that I am a water claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

By: David W. Harber
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 29th day of April, 1993.

Sharon Passeri
Notary Public for: District of Columbia
Residing at: District of Columbia
My Commission Expires: July 14, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right:

Name: BUCKEYE FARMS, INC.
Address: PO Box 2199
Sun Valley, ID 83353

3. One copy to:

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

David W. Harber

Signature of Objector or attorney mailing
on Objector's behalf

REASONS SUPPORTING OBJECTIONS AND PROPOSED CHANGES

BUCKEYE FARMS, INC.

CASE NO. 36-0003H

2. SOURCE

The Director's Report identifies Billingsley Creek as the source of supply for recommended water right 36-00003H. Aerial photography of the area shows, that during the time period between 1953 and 1987, the use of water diverted from Billingsley Creek, within the area recommended for this right, has changed substantially. It is evident, from the 1953 aerial photography, that Billingsley Creek water could have been used to irrigate most of the area included within this recommended right, except for that area in Attachment A marked with a 1 in the SE $\frac{1}{4}$ of Section 33.

It is inappropriate to recommend one water right for an area supplied by two different sources. At least two different water rights should be recommended.

By 1987, Billingsley Creek was being used on less lands then those listed in the Director's Report under Place of Use. Since 1953, in fact, the total number of acres irrigated was not more than 120. The specifics of when this acreage was brought under irrigation are discussed in detail in Objection 4.

3. QUANTITY

a. The Total Quantity of Water Used in Cubic Feet Per Second

The Director's Report recommends a total quantity of 8.37 cfs for this right. This quantity is based on irrigating an area of 224 acres at 0.02 cfs per acre and a conveyance loss of 3.89 cfs. The 1987 aerial photography of this area shows only 233 acres being irrigated within the areas described as the place of use in the Director's Report. A portion (44 acres) of this 233 acres, may in

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OCT 11 1994

fact, be irrigated with water diverted from Riley Creek.

At a rate of 0.02 cfs per acre, the maximum quantity recommended would be 4.66 cfs at the headgate for the area included within this recommended right. However, because Billingsley Creek is not the source of supply for all of the lands included within recommended right 36-00003H, and because the 1884 priority date is appropriate for only a small portion of the area, only a portion of the 4.66 cfs is appropriate for 36-00001. The quantity for acreage irrigated with water diverted from Riley Creek should be included within recommended right number 36-00001. Based on the rate of 0.02 cfs per acre and 95 acres, the quantity at the field headgate should be 1.90 cfs for 36-00003H.

4. PRIORITY DATE

The Director's Report recommends a priority date of September 10, 1884 for 36-00003H. An 1884 priority date is not appropriate for a substantial portion of the area included within this recommended right. The 1884 priority date is based on the priority date decreed in 1932 for the area included within this recommended right that is supplied with waters diverted from Billingsley Creek. Much of the area included within this recommended water right (1) has had lapses in irrigation longer than 5 years or (2) was not under irrigation until between 1975 and 1987.

Aerial photography of this area, taken on July 24, 1953, shows no evidence that large portions of the area included within recommended right 36-00003H had ever been irrigated. The 1953 aerial photography indicates that less than 155 acres were under flood irrigation at that time. Aerial photography taken for the Agricultural Stabilization and Conservation Service in 1964 indicates few changes from 1953. The Hagerman 7.5 minute orthophotoquad, based on an August 4, 1974 photograph, shows a significant reduction in the area under flood irrigation.

Aerial photography from 1987 shows that some of the areas that had not been irrigated between 1953 and 1974 remained non-irrigated in 1987. This photography also shows portions of lands that have come under irrigation since 1974. See Attachment A. The 1987 aerial photography of the area shows evidence of sprinkler irrigation in Sections 28, 33 and 34. Some of these lands had previously been under flood irrigation. NAPP photograph 419-59, dated June 25, 1987, shows evidence of irrigation water having been applied to portions of the area by a center pivot system. This system had been active prior to 1987, but does not appear on the 1974 photography. The pivot center for this system is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33. This pivot irrigates approximately 135 acres. A portion of this area was under flood irrigation in 1953, 1964 and 1974. An 1884 priority water right, for only a portion of the area under the pivot, is valid. The waters that supplied this system between 1953 and 1987 were diverted from Billingsley Creek.

Of the total 189 acres of land irrigated with water from Riley Creek through Hunt Ditch, only 95 acres could possibly be eligible for a 1884 priority date. The remaining 94 acres have come under irrigation since 1974 and thus should receive a priority date no earlier than March 15, 1975.

9. PLACE OF USE

a. The Legal Description of the Place of Use

As discussed above, only a portion of the area included within recommended right 36-00003H appears to be served with water from Billingsley Creek. Only the areas actually served with Billingsley Creek water should be described as the place of use for recommended right 36-00003H.

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It is also inappropriate to include those lands where the decreed right was forfeited or those lands that should be recommended for a priority date later than September 10, 1884 within the place of use for recommended right 36-00003H.

After eliminating the lands that are supplied water from Riley Creek and those that should have a later priority date, only the following forty (40) acre subdivisions should be included in the place of use for recommended right 36-00003H: Section 28, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and Section 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

b. The Number of Irrigated Acres Within Each Forty (40) Acre Subdivision

The same reasons, as discussed above, apply to this objection. The acres, within each forty (40) acre subdivision that are irrigated with Billingsley Creek water and eligible for an 1884 priority date, should be adjusted to reflect Objection 4.

10. CONSUMPTIVE USE

Because only 95 acres are irrigated, the recommended consumptive use should be less than the 1083 afy recommended in the Director's Report. The water right recommended for the acres with a 1975 priority date and the right recommended with a 1884 priority date should have a consumptive use based on the number of acres covered by each.

11. REMARKS

The 3.89 cfs recommended for conveyance loss is not appropriate for this recommended water right in light of (1) the excessive seepage values used in the calculation and (2) the smaller quantity that should be recommended because of the objections to source, priority date and place of use as discussed in 2, 4 and 9 above.

It is also inappropriate to recommend a combined diversion rate of 13.06 cfs for this recommended right and recommended right 36-00001. The area that is served by both recommended rights, 36-00001 and 36-00003H, is only about 23 acres in size. A combined diversion rate is only appropriate for these areas. These are shown on Attachment A and noted 1/3H. It is inappropriate to allow a right to serve an area where the right to the use of the water has been lost by forfeiture for non-use. This is the case for much of the area included within both 36-00001 and 36-00003H.

14. OTHER

General Provision, CONJUNCTIVE ADMINISTRATION, Section 3, Page 10; General Provision, ADMINISTRATION OF GROUND WATER, Section 4, Page 10; General Provision, ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER, Section 5, first paragraph, Page 10; General Provision, ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS, Section 6, Page 11: The U.S. objects to administration of federal water rights by the director to the extent that the director seeks authority beyond the scope of the waiver of sovereign immunity contained in the McCarran Amendment, 43 U.S.C. 666.

General Provision, ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER, Section 5, first paragraph, Page 1-10: Regarding the second sentence, which begins "(i)nformation presently available," the United States is without sufficient information or knowledge to form a belief as to the truth of the sentence, and therefore it is denied. Regarding the third sentence, which begins "(w)hen the director," it is denied.

General Provision, MEASURING DEVICES AND CONTROL WORKS, Section 7, Page 11: The U.S. objects to administration of federal water rights by the director inconsistent with the McCarran Amendment. The U.S. further asserts that the director may not prescribe measuring devices and control works to be installed and maintained on federal property and the director may not prohibit or

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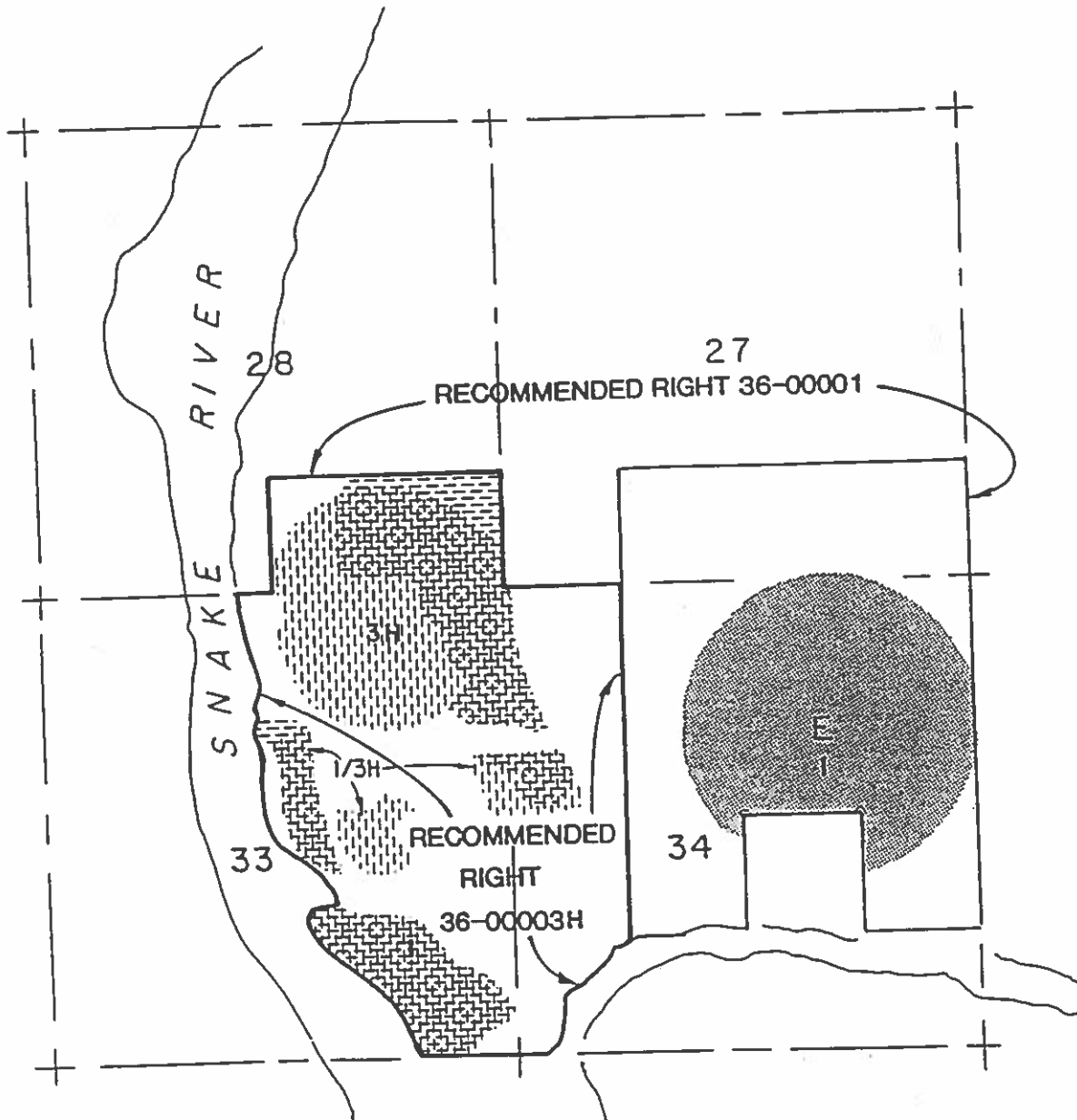
prevent the diversion of water to federal property for federal uses.

General Provision, IRRIGATION USE, Section 12, Paragraphs b.i.
- iii., Pages 13 & 14: all paragraphs are denied.

General Provision, IRRIGATION USE, Section 12, Paragraphs c.i.
- iii., Page 14: all paragraphs are denied.

General Provision, DIVERSION VOLUME FOR IRRIGATION, Section 13, the last sentence is denied. The Director's Report fails to place a limit on the total quantity of water that can be diverted from the water source. Since the water commissioner is typically required to deliver water from the water source to the farm system, adequate allocation of available water cannot be accomplished without limits being set on the total annual diversion, as well as the peak flow rates that are specified in the Director's Report. This is needed to insure that water is beneficially used. The peak rate of diversion should be based on peak irrigation requirements. Non-peak portions of the irrigation season typically require less water. Therefore, peak diversions made throughout the season cannot be considered beneficial use of water.

General Provision, DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE, Section 16, Paragraph a, Page 15: Regarding the second sentence, which begins "For purposes," it is denied. Neither IDWR nor the claimant have demonstrated a reasonable and actual basis for a diversion rate in excess of .02 cfs per acre due to conveyance losses or field conditions.



-  AREA BROUGHT UNDER IRRIGATION BETWEEN 1974 AND 1987
 -  AREA IRRIGATED IN 1953 BUT NOT IN 1974 OR 1987
 -  AREA IRRIGATED IN 1953 AND 1987
 -  AREA BROUGHT INTO IRRIGATION AFTER 1974 AND NON-IRRIGATED BY 1987
- I, 3H, 1/3H RECOMMENDED RIGHT THAT SERVES AREA

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HEA ASSOCIATES
 ENGINEERS • PLANNERS

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication
of the Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 36-00003H -0001

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

RESPONSE TO OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 W FORT ST BOX 33
BOISE ID 83734

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

2. |X| Source: I respond to the objection concerning the source of water.
3. |X| Quantity: I respond to the objection concerning:
- 3a. |X| The total quantity of water used in cubic feet per second.
4. |X| Priority Date: I respond to the objection concerning the priority date.
9. |X| Place of Use: I respond to the objection concerning:
- 9a. |X| The legal description of the place of use.
- 9b. |X| The number of irrigated acres within each forty (40) acre subdivision.
10. |X| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

11. |X| Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. |X| Other: I respond to the objection concerning:

GENERAL PROVISIONS

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 2, and all allegations of the objection regarding this item, IDWR responds that this right was decreed in the 1932 New International Mortgage Bank v. Idaho Power Company decree with Billingsley Creek as the source. IDWR further responds that upon examination it found that the claimant's diversion works are sufficient (1) to divert water from Billingsley Creek via the Buckeye Ditch pursuant to this right, and (2) to use such water to irrigate the entire recommended place of use. IDWR further found that water from this right is commingled with water from right no. 36-00001, which is diverted from Riley Creek, and that water from the two rights is used together on the entire place of use recommended for this right. IDWR has not seen and has insufficient information regarding the 1953 aerial photographs referenced by the objector to enable it to form a belief as to the truth of the matters asserted regarding those photographs; accordingly, IDWR denies all such assertions. Information currently in IDWR's possession does not support a finding that the right was forfeited or abandoned subsequent to the 1932 decree; therefore, IDWR denies this portion of the objection.

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: IDWR admits that the diversion rate recommended in the director's report is based on the irrigation of 224 acres at 0.02 cfs per acre, plus a conveyance loss of 3.89 cfs, for a total of 8.37 cfs. IDWR denies that review of the 1987 aerial photography alone is sufficient, in this case, to determine the current place of use upon which the recommended diversion rate is based. IDWR has information that the land irrigated by this right is managed for wildlife purposes, not commercial crop production; therefore, the usual interpretations of available aerial photography may not be an accurate indication of irrigation. Moreover, IDWR's recommendation is based upon review of the 1974 USGS and 1987 NAPP aerial photography as well as upon an on-site field inspection of the water use. IDWR denies this portion of the objection.

(Over)

In response to Statement of the Objection items 4, 9, 9.a, and 9.b, and all allegations of the objection regarding these items, IDWR responds as follows: IDWR admits that the priority date recommended for this right is the September 10, 1884, priority date decreed for water right no. 36-00003 in the New International Mortgage Bank v. Idaho Power Company decree. IDWR has not seen and has insufficient information regarding the 1953 and 1964 aerial photographs referenced by the objector to enable it to form a belief as to the truth of the matters asserted regarding those photographs; accordingly, it denies all such assertions. IDWR further responds that the recommended water right accurately describes the place of use of this right and the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used for irrigation under this water right. Information currently in IDWR's possession does not support a finding that the right was forfeited or abandoned subsequent to the 1932 decree; IDWR therefore denies this portion of the objection.

In response to Statement of the Objection item 10, and all allegations of the objection regarding item 10, IDWR responds that it has recommended the correct consumptive use volume for this water right. IDWR denies this portion of the objection.

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds that its findings indicate water from this right is commingled with water from right 36-00001, which has Riley Creek as its source, and that the entire place of use is covered by these two rights together; therefore, the combined diversion rate limitation of 13.06 cfs in the remarks for this right is appropriate. IDWR further responds that it has recommended the conveyance loss for this right in accordance with seepage loss values typical of the soils found in the locality of this right. IDWR denies this portion of the objection.

In response to Statement of the Objection item 14, and all allegations of the objection regarding this item, IDWR responds as follows: the matters raised in this portion of the objection are totally irrelevant to the water right being objected to. It is inappropriate for an objector to assert in an objection to another claimant's water right objections regarding the application of general provisions upon the objector's own water rights. The objector should raise those matters in objections to its own water rights. This portion of the objection therefore should be stricken.

In further response to this objection item, IDWR responds as follows: it denies this portion of the objection.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of
Pages

Notice of Claim No. A36-00003H

6

(Over)

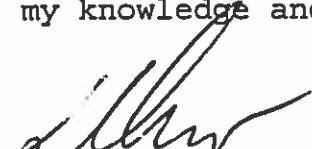
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 10th day of September,
1993.



Notary Public for Idaho
Residing at: _____

My Commission expires: _____

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of September, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

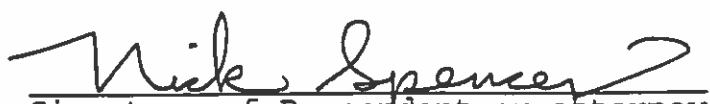
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: JOHN A ROSHOLT
Address: PO BOX 1906
TWIN FALLS ID 83303

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 W FORT ST BOX 33
BOISE ID 83734


Signature of Respondent or attorney
mailing on Respondent's behalf

R PROOF

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UNCLASSIFIED MED

OCT 11 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
RECEIVED

In Re the General Adjudication of
Rights to the Use of Water from
the Snake River Basin Water System

SEP 01 1993

Department of Water Resources
Adjudication Bureau

CASE No. 36-00001-001

(The water right number you are responding to must be
inserted here)

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department of
Water Resources,

STANDARD FORM 2

Petitioner,

RESPONSE TO OBJECTION

vs.

The United States; the State of Idaho;
and all Claimants to the Use of Water
from the Snake River Basin Water
System,

Respondents.

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. You may respond to all objections filed against one water right, using one response form. If you choose this option, your response should cover every issue raised in the objections. To respond to objections filed against more than one water right, you must file a separate response form for each water right. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you do, the text must be on the front and back of each page exactly as it appears here. The response must be received by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this response (Page 5), or the court will not accept it for filing.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 or more responses must make an appointment with the Clerk of the SRBA Court.

RESPONSE TO OBJECTION - 1

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1 By filing a response form, you are certifying that the response is well-
2 grounded in fact; is warranted by existing law or a good-faith argument for the extension,
3 modification or reversal of existing law; and is not filed for any improper purpose, such
4 as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

5 I. GENERAL INFORMATION

6 Please fill in the following information:

7 1. *Party/Claimant responding to objection:*

8 Name: BUCKEYE FARMS, INC., c/o John Burke, Secretary

9 Address: P.O. Box 2199
10 Sun Valley, ID 83353

11 Briefly describe your interest in this water right:

12 Owner of the right.

13 If this response is *filed by an attorney:*

14 Attorney Name: John A. Rosholt

15 Attorney Address: Rosholt, Robertson & Tucker
16 P.O. Box 1906
17 Twin Falls, ID 83303-1906

18 Attorney Phone No.: (208) 734-0700

19 If filed by an attorney, notice of pending court proceedings will be sent to the
20 attorney only.

21 2. *Party/Claimant who filed objection:*

22 Name: United States of America

23 Address: Environmental and Natural Resources Division
24 550 West Fort Street
25 Box 33
26 Boise, Idaho 83734
27
28

II. STATEMENT OF THE RESPONSE

Please check each "box" which identifies your response.

1. ☐ *Name and Address*: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ *Source*: I respond to the objection concerning the source of water.
3. ☒ *Quantity*: I respond to the objection concerning:
 - a. ☒ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ *Priority Date*: I respond to the objection concerning the priority date.
5. ☐ *Points of Diversion*: I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ *Instream Flow*: I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☐ *Purpose(s) of Use*: I respond to the objection concerning the purpose(s) of use.
8. ☐ *Period of Year*: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ *Place of Use*: I respond to the objection concerning:
 - a. ☒ the legal description of the place of use; or
 - b. ☒ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ *Consumptive Use*: I respond to the objection concerning the annual volume of consumptive use.
11. ☒ *Remarks*: I respond to the objection concerning the "remarks" listed with the water right.

12. ☐ *Water Right Recommendation:* I respond to the objection concerning:

- a. ☐ this water right being recommended at all; or
b. ☐ this water right not being recommended.

13. ☐ *Description of Reservation:* I respond to the objection concerning the legal description of the reservation.

14. ☐ *Other:* I respond to the objection concerning:

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

As to all boxes checked, Claim No. 36-00001 should be reported as claimed in the original Notice of Claim filed September 1, 1988. The claim is premised on the New International Decree of 1932 which determined the quantity, general place of use and priority date of this claim.

The objection filed by the United States of America fails to state a claim for which relief can be granted. Further, the objector lacks standing to object and therefore, the objection should be dismissed. Respondent reserves the right to raise further defenses to this objection.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

Director's Report for Claim No. 36-00001 should be reported as claimed.

Please note that you should attach copies of documents which support your response. Note on each document the "box number" it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

1 VERIFICATION (Must be Completed)

2 State of IDAHO

3 County of Twin Falls

4
5 JOHN A. ROSHOLT, being first duly sworn, upon oath, deposes and says:

6 That I am the person or entity filing this response, (as listed on Page 2, Section 1,
7 "Person responding to objection"), as defined by I.C. § 42-1401A(1) and (7), and I have
8 read this response, know its contents and that the statements are true to the best of my
9 knowledge and belief.

10 Signature of party/claimant filing response

11 By: John A. Rosholt
12 (Attorney signing in representative capacity)

13 Subscribed and sworn to before me on September 1, 1993.

14
15 Marion Hart Strickland
16 NOTARY PUBLIC FOR IDAHO
17 Residing at: Gooding
18 My commission expires: 12-17-97

19 INSTRUCTIONS FOR MAILING

20 You must mail the response, including all attachments, to the Clerk of the Court.
21 FAX filings will not be accepted by the Clerk of the Court. You must also send a copy
22 to all of the parties listed below in the Certificate of Mailing.

23 *You must sign the Certificate of Mailing to show that you followed these steps.*

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of September, 1993, I mailed the original and copies of this response, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: Buckeye Farms, Inc., c/o John Burke, Secretary

Address: P.O. Box 2199
Sun Valley, ID 83353

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: United States of America

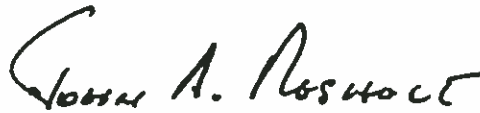
Address: Environmental and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734

4. One copy to:

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

1 5. One copy to:

2 United States Department of Justice
3 Environmental and Natural Resource Division
4 550 West Fort Street, Box 33
5 Boise, Idaho 83734



6 Signature of party/claimant or attorney

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RESPONSE TO OBJECTION - 7

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OCT 11 1994

Dates:	Exam Made Date:	Verified Date:
Misc:	Water District Number: 36A	Field Inspection Flag: Presumption Flag:

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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 the General Adjudication of
Rights to the Use of Water from the
Snake River Basin Water System

Case No. 36-00001

RECEIVED

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department of
Water Resources,

OBJECTION

MAY 04 1993

Department of Water Resources
Adjudication Bureau

Petitioner,

vs.

The United States; the State of Idaho;
and all Claimants to the use of water
from the Snake River Basin Water
System,

Respondents.

I. GENERAL INFORMATION

1. Person objecting:

Name: United States of America,
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734

Briefly describe your interest in this water right: The United States
holds water rights of many types in all reporting areas within the SRBA.

2. Owner of the water right:

Name: BUCKEYE FARMS, INC.
Address: PO Box 2199
Sun Valley, ID 83353

3. If this objection is filed by an attorney:

Attorney Name: David W. Harder
Attorney Address: United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734
Attorney Phone No.: (202) 272-5784

If filed by an attorney, notice of pending court proceedings will be sent to
the attorney only.

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II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right
2. ☒ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - ☒ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre-feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - ☒ a. the legal description of the place of use; or
 - ☒ b. the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.
12. ☐ Water Right Recommendation: I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☒ Other: I object to certain paragraphs of the general provisions in the Director's report as noted on the attached "Reasons Supporting Objections and Proposed Changes".

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

[X] Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

REASONS SUPPORTING OBJECTIONS AND PROPOSED CHANGES - 8 Pages

ATTACHMENT A - 1 Page

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VERIFICATION

In the District of Columbia,

The United States of America, being first duly sworn, upon oath, deposes and says:

That I am the entity filing this objection, that I am a water claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

By: David W Harder

(Attorney signing in representative capacity)

Subscribed and sworn to before me this 29th day of April 1993.

Heane Passero
Notary Public for: District of Columbia

Residing at: District of Columbia

My Commission Expires: July 14, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right:

Name: BUCKEYE FARMS, INC.
Address: PO Box 2199
Sun Valley, ID 83353

3. One copy to:

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

David W Harder

Signature of Objector or attorney mailing
on Objector's behalf

OCT 11 1994
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REASONS SUPPORTING OBJECTIONS AND PROPOSED CHANGES

BUCKEYE FARMS, INC.

CASE NO. 36-00001

2. SOURCE

The Director's Report identifies Riley Creek as the source of supply for recommended water right 36-00001. Aerial photography of the area shows, that during the time period between 1953 and 1987, the use of water diverted from Riley Creek, within the area recommended for this right, has changed substantially. It is evident, from the 1953 aerial photography, that Riley Creek water could not have been used to irrigate the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28. It appears the lands within the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28 were irrigated with Billingsley Creek water from at least 1953.

By 1987, Riley Creek water was being used on substantially less land. A change in irrigation methods within Section 33, i.e., converting from flood to sprinkler irrigation, also resulted in a change in source of supply. The land under the center pivot system in Sections 28 and 33 relies on water from Billingsley Creek as the source of supply. Hunt Ditch does not appear capable of delivering water to this system in 1987.

It is inappropriate to recommend one water right for an area supplied by two different sources. At least two different water rights should be recommended.

3. QUANTITY

a. The total quantity of water used in cubic feet per second

The Director's Report recommends a total quantity of 9.17 cfs for this right. This quantity is based on irrigating an area of 361 acres at 0.02 cfs per acre and a conveyance loss of 1.95 cfs. The 1987 aerial photography of this area shows only 233 acres being

OCT 11 1994
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irrigated within the areas described as the place of use in the Director's Report. A substantial portion of this 233 acres, may in fact, be irrigated with water diverted from Billingsley Creek.

At a rate of 0.02 cfs per acre, the maximum quantity recommended would be 4.66 cfs at the headgate for the area included within this recommended right. However, because Riley Creek is not the source of supply for all of the lands included within recommended right 36-00001, and because the 1883 priority date is appropriate for only a small portion of the area, only a portion of the 4.66 cfs is appropriate for 36-00001. The quantity for acreage irrigated with water diverted from Billingsley Creek should be included within recommended right number 36-00003H. Based on the rate of 0.02 cfs per acre and 67 acres, the quantity at the field headgate should be 1.34 cfs for 36-00001.

4. PRIORITY DATE

The Director's Report recommends a priority date of May 1, 1883 for 36-00001. An 1883 priority date is not appropriate for a substantial portion of the area included within this recommended right. The 1883 priority date is based on the priority date decreed in 1932 for the area included within this recommended right that is supplied with waters diverted from Riley Creek. Much of the area included within this recommended water right (1) has had lapses in irrigation longer than 5 years, or (2) was not under irrigation until between 1975 and 1987.

Aerial photography of this area, taken on July 24, 1953, shows no evidence that large portions of the area included within recommended right 36-00001 had ever been irrigated. The 1953 aerial photography indicates that less than 155 acres were under flood irrigation at that time. The map on Attachment A shows areas under irrigation in 1953. Aerial photography, taken for the Agricultural Stabilization and Conservation Service in 1964, indicates few changes from 1953. The Hagerman 7.5 minute

orthophotoquad, based on an August 4, 1974 photograph, shows a significant reduction in the area under flood irrigation.

Aerial photography from 1987 confirms that some of the area that had gone out of irrigation between 1953 and 1974 remained non-irrigated in 1987. The water rights to this acreage have been forfeited in accordance with I.C. § 42-222(2). These areas are also shown on Attachment A. This leaves only 139 acres, in the area described for this right, that could possibly be eligible for an 1883 or 1884 priority date. It is unlikely that all of this area has been served by water diverted from Riley Creek. Only that portion of the 139 acres that has been under irrigation using Riley Creek water, without a lapse of 5 years or longer, should be recommended for a priority date of 1883.

The 1987 aerial photography of the area clearly shows evidence of sprinkler irrigation in Sections 28, 33 and 34. Some of these lands had previously been under flood irrigation. NAPP photograph 419-59, dated June 25, 1987, shows evidence of irrigation water having been applied to portions of the area by two center pivot systems.

The pivot center for the larger system was located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34. This system had been active several years prior to 1987. There is no evidence of this system in 1974. The center pivot system was not on the property on June 25, 1987. The center pivot system irrigated about 185 acres (within the recommended 36-00001 area) sometime between 1974 and 1986. This system could utilize water diverted from Riley Creek and delivered through Hunt Ditch. This area is identified by an E on Attachment A. A priority date, after March 15, 1975, should be recommended for the 185 acres irrigated by that system within the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34. If this system was abandoned prior to 1982, no water right should be recommended for this area.

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OCT 11 1994

The pivot for the smaller center pivot system is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33. This pivot irrigates approximately 135 acres. A portion of this area was under flood irrigation in 1953, 1964 and 1974. An early priority water right, for a portion of the area under the smaller pivot, may be valid. However, during the latter portion of this time period, it does not appear that water was diverted from Riley Creek for this system. The waters that were supplied to the area under this system in 1987 appear to have been diverted from Billingsley Creek.

For the portions of recommended right 36-00001, in Sections 28, 33 and 34, three different priority dates are appropriate. A priority date of May 1, 1883 is only appropriate for those lands included in 36-00001 that have been irrigated, without a 5 year lapse, with Riley Creek water. This is only a relatively small area within Sections 33 and 34. This area consists of approximately 67 acres.

A priority date of September 10, 1884 should be recommended for the lands that have been irrigated, with no lapse of five years or longer. See the "3H" only area on Attachment A. The area that qualifies for this priority date is 72 acres. However, because these lands appear to utilize water diverted from Billingsley Creek, it is not appropriate to include them in recommended right 36-00001. Recommended right 36-00003H uses this source, includes this area in the place of use, and is owned by the same entity as recommended right 36-00001. There is also adequate water available from recommended right 36-00003H to serve this area. This area should be included in 36-00003H and not recommended right 36-00001.

Because additional land was brought under irrigation in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28, the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 33 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34 between 1974 and 1987, a later priority date is appropriate for these areas.

This area includes approximately 94 acres. Because the source of supply for some of this area is Billingsley Creek (the new 75 acres under the center pivot) it is not appropriate to include this area in 36-00001. The remaining 19 are served by Riley Creek but should be a part of this right because of its junior priority.

9. PLACE OF USE

a. The legal description of the place of use

As discussed above, only a portion of the area included within recommended right 36-00001 appears to be served with water from Riley Creek. Only the areas actually served with Riley Creek water should be described as the place of use for recommended right 36-00001.

It is also inappropriate to include those lands where the decreed right was forfeited, or those lands that should be recommended for a priority date later than May 1, 1883, within the place of use for recommended right 36-00001.

After eliminating the lands that are supplied by water from Billingsley Creek and those that should have a later priority date, only the following forty (40) acre subdivisions should be included in the place of use for recommended right 36-00001: Section 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

b. The number of irrigated acres within each forty (40) acre subdivision

The same reasons, as discussed above, apply to this objection. The acres within each forty (40) acre subdivision, that are irrigated with Riley Creek water and eligible for an 1883 priority date, should be adjusted to reflect Objection 4.

10. CONSUMPTIVE USE

Because only 67 acres should be included within this recommended right, the amount of consumptive use should also be substantially less than the amount recommended. The amount of consumptive use recommended should be 201 afy.

11. REMARKS

The 1.95 cfs recommended for conveyance loss is not appropriate for this recommended water right in light of (1) the excessive seepage values used in the calculation and (2) the smaller quantity that should be recommended because of the objections to source, priority date and place of use as discussed in 2, 4 and 9 above.

It is also inappropriate to recommend a combined diversion rate of 13.06 cfs for this recommended right and recommended right 36-00003H. The area that is served by both recommended rights, 36-00001 and 36-00003H, is only about 23 acres in size. A combined diversion rate is only appropriate for these areas. These areas are shown on Attachment A and noted 1/3H. It is inappropriate to allow a right to serve an area where the right to the use of the water has been lost by forfeiture for non-use. This is the case for much of the area included within both 36-00001 and 36-00003H.

14. OTHER

General Provision, CONJUNCTIVE ADMINISTRATION, Section 3, Page 10; General Provision, ADMINISTRATION OF GROUND WATER, Section 4, Page 10; General Provision, ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER, Section 5, first paragraph, Page 10; General Provision, ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS, Section 6, Page 11: The U.S. objects to administration of federal water rights by the director to the extent that the director seeks authority beyond the scope of the waiver of sovereign immunity

contained in the McCarran Amendment, 43 U.S.C. 666.

General Provision, ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER, Section 5, first paragraph, Page 1-10: Regarding the second sentence, which begins "(i)nformation presently available," the United States is without sufficient information or knowledge to form a belief as to the truth of the sentence, and therefore it is denied. Regarding the third sentence, which begins "(w)hen the director," it is denied.

General Provision, MEASURING DEVICES AND CONTROL WORKS, Section 7, Page 11: The U.S. objects to administration of federal water rights by the director inconsistent with the McCarran Amendment. The U.S. further asserts that the director may not prescribe measuring devices and control works to be installed and maintained on federal property and the director may not prohibit or prevent the diversion of water to federal property for federal uses.

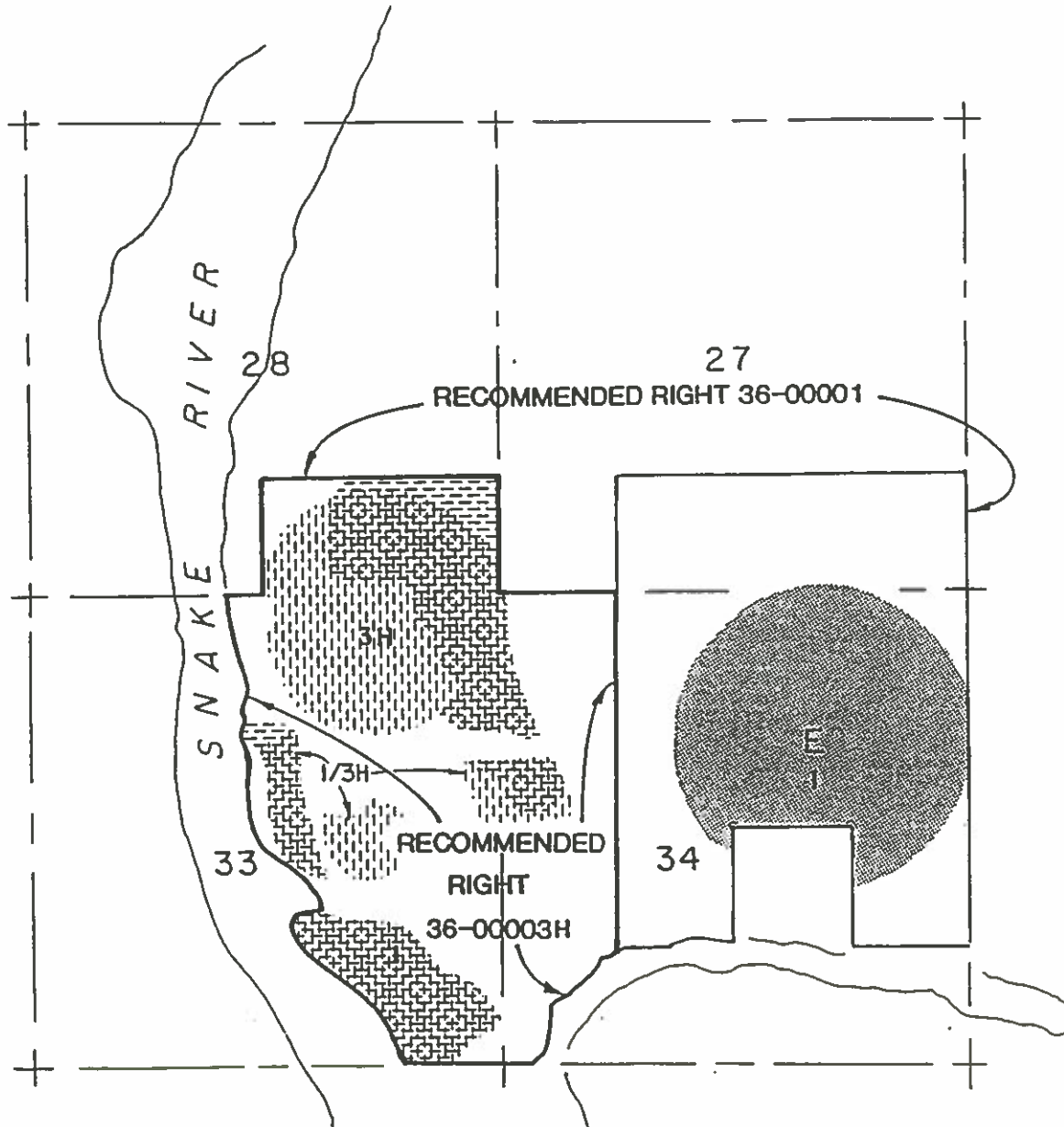
General Provision, IRRIGATION USE, Section 12, Paragraphs b.i.
- iii., Pages 13 & 14: all paragraphs are denied.

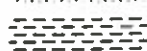
General Provision, IRRIGATION USE, Section 12, Paragraphs c.i.
- iii., Page 14: all paragraphs are denied.

General Provision, DIVERSION VOLUME FOR IRRIGATION, Section 13, the last sentence is denied. The Director's Report fails to place a limit on the total quantity of water that can be diverted from the water source. Since the water commissioner is typically required to deliver water from the water source to the farm system, adequate allocation of available water cannot be accomplished without limits being set on the total annual diversion, as well as the peak flow rates that are specified in the Director's Report. This is needed to insure that water is beneficially used. The peak rate of diversion should be based on peak irrigation requirements. Non-peak portions of the irrigation season typically require less

water. Therefore, peak diversions made throughout the season cannot be considered beneficial use of water.

General Provision, DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE, Section 16, Paragraph a, Page 15: Regarding the second sentence, which begins "For purposes," it is denied. Neither IDWR nor the claimant have demonstrated a reasonable and actual basis for a diversion rate in excess of .02 cfs per acre due to conveyance losses or field conditions.



-  AREA BROUGHT UNDER IRRIGATION BETWEEN 1974 AND 1987
-  AREA IRRIGATED IN 1953 BUT NOT IN 1974 OR 1987
-  AREA IRRIGATED IN 1953 AND 1987
-  AREA BROUGHT INTO IRRIGATION AFTER 1974 AND NON-IRRIGATED BY 1987

1, 3H, 1/3H RECOMMENDED RIGHT THAT SERVES AREA

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JUL 11 1984

HEA ASSOCIATES
ENGINEERS - PLANNERS

36-00001

BUCKEYE FARMS

2. source (Combined Sources)

Riley Creek water can be used and is used in conjunction with Bellingsley Co. water in the pivot.

- Entire objection is based on 704 acres

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NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



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JAN 20 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication
of the Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 36-00001 -0001

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

RESPONSE TO OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

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OCT 11 1994

2. Person who filed objection:

Name: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 W FORT ST BOX 33
BOISE ID 83734

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
- 3a. ☒ The total quantity of water used in cubic feet per second.
4. ☒ Priority Date: I respond to the objection concerning the priority date.
9. ☒ Place of Use: I respond to the objection concerning:
- 9a. ☒ The legal description of the place of use.
- 9b. ☒ The number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

11. |X| Remarks: I respond to the objection concerning the "remarks" listed with the water right.

14. |X| Other: I respond to the objection concerning:

GENERAL PROVISIONS

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 2, and all allegations of the objection regarding this item, IDWR responds that this right was decreed in the 1932 New International Mortgage Bank v. Idaho Power Company decree with Riley Creek as the source. IDWR further responds that upon examination it found that the claimant's diversion works are sufficient (1) to divert water from Riley Creek via the Hunt Ditch pursuant to this right, and (2) to use such water to irrigate the entire recommended place of use. IDWR further found that water from this right is commingled with water from right no. 36-00003H, which is diverted from Billingsley Creek, and that water from the two rights is used together on the entire 224 acre place of use of right 36-00003H, which is a portion of the 361 acre place of use recommended for this right. IDWR has not seen and has insufficient information regarding the 1953 aerial photographs referenced by the objector to enable IDWR to form a belief as to the truth of the matters asserted or alleged regarding those photographs; accordingly, IDWR denies all such assertions and allegations. Information currently in IDWR's possession does not support a finding that the right was forfeited or abandoned subsequent to the 1932 decree; therefore, IDWR denies this portion of the objection.

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: IDWR admits that diversion rate recommended in the director's report is based on the irrigation of 361 acres at 0.02 cfs per acre, plus a conveyance loss of 1.95 cfs, for a total of 9.17 cfs. IDWR denies that review of the 1987 aerial photography alone is sufficient, in this case, to determine the current place of use upon which the recommended diversion rate is based. IDWR's recommendation is based upon an on-site field inspection of the claimed place of use as well as upon a review of the 1974 USGS and 1987 NAPP aerial photography. IDWR denies this portion of the objection.

(Over)

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OCT 11 1994

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In response to Statement of the Objection items 4, 9, and 9.a, and 9.b, and all allegations of the objection regarding these items, IDWR responds as follows: IDWR admits that the priority date recommended for this right is the May 1, 1883, priority date decreed for water right no. 36-00001 in the New International Mortgage Bank v. Idaho Power Company decree. IDWR has not seen and has insufficient information regarding the 1953 and 1964 aerial photographs referenced by the objector to enable it to form a belief as to the truth of the matters asserted regarding those photographs; accordingly, it denies all such assertions. Moreover, IDWR has information the land irrigated by this right is managed for wildlife purposes rather than for commercial crop production; therefore, the usual methods of interpreting aerial photographs to determine the irrigated place of use may not be an accurate indication of irrigation. Accordingly, IDWR denies that review of aerial photographs alone is, in this case, sufficient to determine the current place of use of this right. IDWR's recommendation is based upon an on-site field inspection as well as on a review of the 1974 USGS and 1987 NAPP photography. IDWR further responds that the recommended water right accurately describes the place of use of this right and the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used for irrigation under this water right. Information currently in IDWR's possession does not support a finding that the right was forfeited or abandoned subsequent to the 1932 decree; IDWR therefore denies this portion of the objection.

In response to Statement of the Objection item 10, and all allegations of the objection regarding item 10, IDWR responds that it has recommended the correct consumptive use volume for this water right. IDWR denies this portion of the objection.

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds that its findings indicate water from this right is commingled with water from right no. 36-00003H, which has Billingsley Creek as its source, and that the entire 224 acre place of use recommended for right 36-00003H, which is a portion of the 361 acre place of use recommended for this right, is covered by these two rights together. Therefore, the combined diversion rate limitation of 13.06 cfs in the remarks for this right is appropriate. IDWR further responds that it has recommended the conveyance loss for this right in accordance with seepage loss values typical of the soils found in the locality of this right. IDWR denies this portion of the objection.

In response to Statement of the Objection item 14, an all

allegations of the objection regarding this item, IDWR responds as follows: the matters raised in this portion of the objection are totally irrelevant to the water right being objected to. It is inappropriate for an objector to assert in an objection to another claimant's water right objections regarding the application of general provisions upon the objector's own water rights. The objector should raise those matters in objections to its own water rights. This portion of the objection therefore should be stricken.

In further response to this objection item, IDWR responds as follows: it denies this portion of the objection.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of
Pages

Notice of Claim No. A36-00001

6

(Over)

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OCT 11 1994

WICKOLIFWED

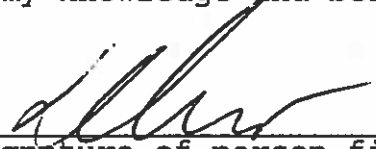
VERIFICATION (Must be Completed)

State of IDAHO

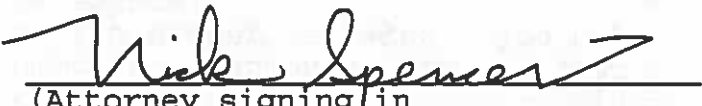
County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.


Signature of person filing response

By:


(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 10th day of September, 1993.


Notary Public for Idaho

Residing at:

My Commission expires

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of September, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: JOHN A ROSHOLT
Address: PO BOX 1906
TWIN FALLS ID 83303

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: ENVT & NAT RESOURCES DIV
550 W FORT ST BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

COPY

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A36-00001

Date Received _____

Receipt Number _____

RECEIVED

MAR 01 1989

Department of Water Resources
Southern Region Office
Please type or print clearly

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 1 1988

Department of Water Resources
Southern Region Office

1. Name of Claimant (s) BUCKEYE FARMS, INC. Phone (208) 622-4100
Mailing Address P.O. Box 2199, Sun Valley ID Zip 83353
2. Date of Priority (Only one (1) per claim) May 1, 1883
3. Source of water supply (a) Riley Creek
which is tributary to (b) SNAKE RIVER
4. a. Location of existing point of diversion is: Township 8S Range 13E Section 1,
SW 1/4 of NE 1/4 of 1/4, Govt. Lot, _____ B.M., County of _____
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
DIVERSION AT RILEY CREEK INTO HUNT DITCH.

COPY

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from Mar 1 to Nov 15 amount 12 or 6120

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 12 (cfs) and/or (b) 6120 (acre feet)

8. Total consumptive use claimed is 3,072 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	13E	27											40	40			40	40	160
7S	13E	28												15			40	40	95
		33	40	40	40	40	20			10					38	30	38	10	304
		34	40	40	40	40	40	40	40	40			20	5	40	40	10	20	455

Total number of acres irrigated 1014

11. In which county (ies) are lands listed above as place of use located? GOODING

12. Do you own the property listed above as place of use? Yes XXXX No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
36-002 and part of land with part of 36-003 or None ()

14. Remarks:

BUCKEYE FARMS

Ident No. _____

Copies: White 2 Yellow 0

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JAN 20 1983

15. Basis of Claim (check one) ☒ Special Use ☐ Posted Notice ☐ License ☐ Permit ☐
Decree XXX
If applicable provide IDWR Water Right Number 36-001
Court U.S. FEDERAL DISTRICT Case Number 1602 Decree Date 3/22/32
Plaintiff vs Defendant NEW INTERNATIONAL V. IPC

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

Buckeye Farms, Inc

Date 9/1/88

John A. Rosholt - Power of Att

Date

for John A. Burke

For Organizations: I do solemnly swear or affirm that I am ATTORNEY

Title

of BUCKEYE FARMS, INC.

Organization

, that I have signed the foregoing

document in the space below as HOLDER OF POWER OF ATTORNEY

Title

of BUCKEYE FARMS, INC.

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

ATTORNEY

Title and Organization BUCKEYE FARMS, INC.

Date 9/1/88

State of Idaho/or)

County of TWIN FALLS)

SS.

Subscribed and sworn (or affirmed) before me this 1st day of September 19 88

SEAL

Notary Public

Sherry L. Coel

Residing at

Twin Falls, Idaho

My Commission Expires

3/19/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, JOHN A. ROSHOLT will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

John A. Rosholt

Address

P.O. Box 1906, Twin Falls ID 83303-1906

Date

9/1/88

Last Name BUCKEYE FARMS

Ident. Number

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Copies While **8 JAN 2 0 1989**

POOR ORIGINAL

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE
DISTRICT OF IDAHO, SOUTHERN DIVISION.

NEW INTERNATIONAL MORTGAGE
BANK, a corporation,

Plaintiff,

-vs-

IDAHO POWER COMPANY, a
corporation, et al,

Defendants.

In Equity No. 1602

D E C R E E S. DISTRICT COURT
DISTRICT OF IDAHO

FILED MAR 23 1932

Wm. B. McHenry
W. B. McHenry, Clerk

By _____ Deputy

WHEREAS, The above entitled action having heretofore been submitted to the court upon pleadings and stipulations of fact, on file herein, and WHEREAS, the court being duly advised in the premises, and having made its findings of fact and conclusions of law;

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, That all of the land described in the complaint of the plaintiff, and in the answers, cross-complaints, and counter-claims of the defendants and intervenors, and each of them, is semi-arid in character and requires the artificial application of water or irrigation in order to produce thereon ordinary agricultural crops; that said land is situate in what is known as the Hagerman Valley, east of and adjacent to the Snake River, and that the same lies between the rim rock, or canyon wall, to the east of the Snake River and said Snake River; that the subsoil of said valley underlying said valley and all of the same is shattered, fissured lava flow, upon which has been deposited layers of clay and gravel, interspersed with water worn boulders, fragments of rock, and the soil is composed mainly of decomposed lava rock, oxidized lava rock and sand, and that owing to the nature of the soil and subsoil, the coarse texture and the mechanical composition of the soil and its free drainage, the said land and all of the land

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POOR ORIGINAL

rim rock bounding said Hagerman Valley on the east and also in said valley, and that the said Riley Creek and Billingsley Creek are a part of the same drainage system, and that interference with the waters supplying the seeps, trickles, rivulets and springs supplying Riley Creek is an interference with the natural flow of Billingsley Creek, and that interference with the waters supplying the seeps, trickles, rivulets and springs supplying Billingsley Creek is an interference with the natural flow of said Riley Creek.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, That of and from the waters comprising and constituting the source and supply of Billingsley Creek and Riley Creek and the waters of the seeps, springs, and rivulets so mentioned and above set out, the plaintiff, New International Mortgage Bank, be, and hereby is, ordered, adjudged, and decreed to have the use of, and the right to use for, the irrigation of its hereinafter described land and for domestic and other purposes thereon, the following amounts of water, to-wit:

30-001 Twelve second feet of the waters of Riley Creek, with a priority of May 1, 1883, said water to be diverted by means of a dam constructed in, and a ditch leading from, said Riley Creek; the point of diversion of said ditch being located at a point in the SW¹ SE¹, Sec. 1, Twp. 8 South, Range 13 E. B. M., from which the corner of Sections 1, 2, 35, and 36, Twps. 7 and 8 South, Range 13 E. B. M. bears north 60° 12' west 4365 feet distant;

30-002 Also 12 second feet of the waters of Riley Creek, with a priority of October 1, 1908, the point of diversion of said ditch being located near the head of Riley Creek, that is to say, where the main body of water comprising said Riley Creek emerges from the hillside in the form of springs, said springs being sometimes referred to as the Thompson or Tucker Spring, which said point of diversion is located in the SE¹ SE¹, Sec. 36, Twp. 7 South, Range 13 E. B. M., from ^{which} the corner of Sections 1, 2, 35, and 36, Twp. 7

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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 the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)

Case No. 36-00001 -0002

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

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2. Person who filed objection:

Name: BUCKEYE FARMS INC
Address: C/O JOHN A BURKE SECRETARY
PO BOX 2199
SUN VALLEY ID 83353

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER

Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

3. |☒| Quantity: I respond to the objection concerning:
- 3a. |☒| The total quantity of water used in cubic feet per second.
8. |☒| Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. |☒| Place of Use: I respond to the objection concerning:
- 9a. |☒| The legal description of the place of use.
- 9b. |☒| The number of irrigated acres within each forty (40) acre subdivision.
10. |☒| Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.
11. |☒| Remarks: I respond to the objection concerning the "remarks" listed with the water right.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 3 and 3.a, and all allegations of the objection regarding those items, IDWR responds as follows: (1) it recommended the amount of water it determined was being beneficially used; (2) the claimant is not entitled to any amount greater than that which is beneficially used (Idaho Code Secs. 42-104 and 42-1402).

In response to Statement of the Objection item 8, and all allegations of the objection regarding this item, IDWR responds as follows: The decree asserted by the claimant does not contain a period of use decreed for this water right. Idaho Code 42-1411(2)(g) requires the director to determine the period of use of each water right acquired under state law that is recommended in the director's report. IDWR has developed irrigation season of use standards for various climatic areas throughout the state based on a 75% chance of a 24 degree fahrenheit frost. The irrigation season of use cannot exceed the period in which water may be beneficially used. The period of the year during which this water right may be used is consistent with the standard irrigation season of use for the area in which the place of use of this water right is located. Water may be used for irrigation outside the standard season of use, subject to the conditions set forth in general provision 12b of the director's report.

In response to Statement of the Objection 9, and 9.a, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the place of use of the right.

In response to Statement of the Objection 9.b, and all allegations of the objection regarding those items, IDWR responds that the recommended water right accurately describes the total number of acres within each 40 acre subdivision upon which IDWR found water was beneficially used for irrigation under this water right.

In response to Statement of the Objection item 10 and all allegations of the objection regarding this item, IDWR responds as follows: (1) The decree asserted by the claimant did not set an annual volume of consumptive use for this water right. (2)

(Over)

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OCT 11 1994

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Idaho Code Sec. 42-1411(2)(i) requires the director to determine the annual volume of consumptive use for each water right acquired under state law and recommended in the director's report. (3) Idaho Code Sec. 42-1401A(2) provides that the quantification of consumptive use "is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code"; therefore, the consumptive use recommended for this water right is included solely for use in future transfer proceedings. (4) The annual volume of consumptive use recommended for this right is 3 acre feet per acre. This is the maximum volume of water consumed by the most water consumptive crop (pasture) that can be grown in the area during the period of year when water is used for irrigation, as provided for by Idaho Code Sec. 42-1401A(2).

In response to Statement of the Objection item 11, and all allegations of the objection regarding that item, IDWR responds that it has authority pursuant to Idaho Code Sec. 42-1411(2)(j) to include in its recommendations of water rights acquired under state law and recommended in the director's report "such other matters as are necessary to define the right." The remark or remarks objected to are necessary to adequately describe and define this water right. IDWR further responds that the claimant stated no reason for objecting to this objection item; therefore IDWR is unable to respond further.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of
Pages

The notice of claim is attached to IDWR's response
to Objection No. 36-00001-0001

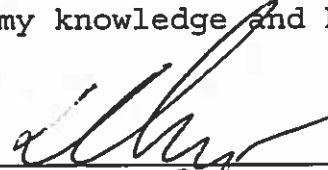
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

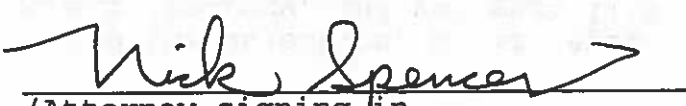
David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



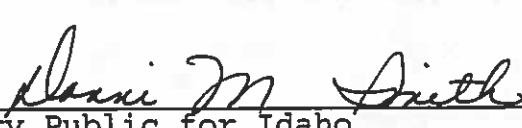
Signature of person filing response

By:



(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 10th day of September,
1993.



Notary Public for Idaho

Residing at: _____

My Commission expires _____

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

(Over)

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of September, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: JOHN A ROSHOLT
Address: PO BOX 1906
TWIN FALLS ID 83303-1906

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of Respondent or attorney
mailing on Respondent's behalf



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-Jun-1993 09:33

ROSHOLT ROBERTSON TOLMAN & TUCKER
ATTN CRYSTAL VINCENT
137 2 WEST
TWIN FALLS ID 83301

RE: ADDRESS CHANGE ON ADJUDICATED CLAIMS FOR BUCKEYE FARMS, INC.
36-11146, 36-00016, 36-00017, 36-00018, 36-00001, 36-00002
36-00003H, 36-00015

Dear Crystal:

This letter is in reference to THE CHANGE IN ADDRESS OF NOTICE OF CLAIMS on the above-referenced Claims. I changed the records and am enclosing proofs of each. The Rights that did not have an Adjudicated Claim, I have given to the Water Right Allocations Section.

Should you have any questions, please do not hesitate to contact me at this office, or call at the above-listed telephone number.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

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OCT 11 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication of
Rights to the Use of Water from the
Snake River Basin Water System

Case No. 36-00001

RECEIVED

MAY 04 1993

Department of Water Resources
Adjudication Bureau

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department of
Water Resources,

OBJECTION

Petitioner,

vs.

The United States; the State of Idaho;
and all Claimants to the use of water
from the Snake River Basin Water
System,

36-00001 -0001/
93-04-0001

Respondents.

I. GENERAL INFORMATION

1. Person objecting:

Name: United States of America,
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734

Briefly describe your interest in this water right: The United States
holds water rights of many types in all reporting areas within the SRBA.

2. Owner of the water right:

Name: BUCKEYE FARMS, INC.
Address: PO Box 2199
Sun Valley, ID 83353

3. If this objection is filed by an attorney:

Attorney Name: David W. Harder
Attorney Address: United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street
Box 33
Boise, Idaho 83734
Attorney Phone No.: (202) 272-5784

If filed by an attorney, notice of pending court proceedings will be sent to
the attorney only.

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OCT 11 1994

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II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right
2. ☒ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - ☒ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre-feet per year; or
 - ☐ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of Use: I object to:
 - ☒ a. the legal description of the place of use; or
 - ☒ b. the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.
12. ☐ Water Right Recommendation: I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☒ Other: I object to certain paragraphs of the general provisions in the Director's report as noted on the attached "Reasons Supporting Objections and Proposed Changes".

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See attached "Reasons Supporting Objections and Proposed Changes" numbered as per above check list.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

[X] Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

REASONS SUPPORTING OBJECTIONS AND PROPOSED CHANGES - 8 Pages

ATTACHMENT A - 1 Page

APR 1 1993
MICHOIGAN

VERIFICATION

In the District of Columbia,

The United States of America, being first duly sworn, upon oath, deposes and says:

That I am the entity filing this objection, that I am a water claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

By: David W. Harder
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 29th day of April 1993.

Heane Passero
Notary Public for: District of Columbia

Residing at: District of Columbia

My Commission Expires: July 14, 1997

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right:

Name: BUCKEYE FARMS, INC.

Address: PO Box 2199
Sun Valley, ID 83353

3. One copy to:

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

David W. Harder

Signature of Objector or attorney mailing
on Objector's behalf

REASONS SUPPORTING OBJECTIONS AND PROPOSED CHANGES

BUCKEYE FARMS, INC.

CASE NO. 36-00001

2. SOURCE

The Director's Report identifies Riley Creek as the source of supply for recommended water right 36-00001. Aerial photography of the area shows, that during the time period between 1953 and 1987, the use of water diverted from Riley Creek, within the area recommended for this right, has changed substantially. It is evident, from the 1953 aerial photography, that Riley Creek water could not have been used to irrigate the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28. It appears the lands within the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28 were irrigated with Billingsley Creek water from at least 1953.

By 1987, Riley Creek water was being used on substantially less land. A change in irrigation methods within Section 33, i.e., converting from flood to sprinkler irrigation, also resulted in a change in source of supply. The land under the center pivot system in Sections 28 and 33 relies on water from Billingsley Creek as the source of supply. Hunt Ditch does not appear capable of delivering water to this system in 1987.

It is inappropriate to recommend one water right for an area supplied by two different sources. At least two different water rights should be recommended.

3. QUANTITY

a. The total quantity of water used in cubic feet per second

The Director's Report recommends a total quantity of 9.17 cfs for this right. This quantity is based on irrigating an area of 361 acres at 0.02 cfs per acre and a conveyance loss of 1.95 cfs. The 1987 aerial photography of this area shows only 233 acres being

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OCT 11 1994

irrigated within the areas described as the place of use in the Director's Report. A substantial portion of this 233 acres, may in fact, be irrigated with water diverted from Billingsley Creek.

At a rate of 0.02 cfs per acre, the maximum quantity recommended would be 4.66 cfs at the headgate for the area included within this recommended right. However, because Riley Creek is not the source of supply for all of the lands included within recommended right 36-00001, and because the 1883 priority date is appropriate for only a small portion of the area, only a portion of the 4.66 cfs is appropriate for 36-00001. The quantity for acreage irrigated with water diverted from Billingsley Creek should be included within recommended right number 36-00003H. Based on the rate of 0.02 cfs per acre and 67 acres, the quantity at the field headgate should be 1.34 cfs for 36-00001.

4. PRIORITY DATE

The Director's Report recommends a priority date of May 1, 1883 for 36-00001. An 1883 priority date is not appropriate for a substantial portion of the area included within this recommended right. The 1883 priority date is based on the priority date decreed in 1932 for the area included within this recommended right that is supplied with waters diverted from Riley Creek. Much of the area included within this recommended water right (1) has had lapses in irrigation longer than 5 years, or (2) was not under irrigation until between 1975 and 1987.

Aerial photography of this area, taken on July 24, 1953, shows no evidence that large portions of the area included within recommended right 36-00001 had ever been irrigated. The 1953 aerial photography indicates that less than 155 acres were under flood irrigation at that time. The map on Attachment A shows areas under irrigation in 1953. Aerial photography, taken for the Agricultural Stabilization and Conservation Service in 1964, indicates few changes from 1953. The Hagerman 7.5 minute

orthophotoquad, based on an August 4, 1974 photograph, shows a significant reduction in the area under flood irrigation.

Aerial photography from 1987 confirms that some of the area that had gone out of irrigation between 1953 and 1974 remained non-irrigated in 1987. The water rights to this acreage have been forfeited in accordance with I.C. § 42-222(2). These areas are also shown on Attachment A. This leaves only 139 acres, in the area described for this right, that could possibly be eligible for an 1883 or 1884 priority date. It is unlikely that all of this area has been served by water diverted from Riley Creek. Only that portion of the 139 acres that has been under irrigation using Riley Creek water, without a lapse of 5 years or longer, should be recommended for a priority date of 1883.

The 1987 aerial photography of the area clearly shows evidence of sprinkler irrigation in Sections 28, 33 and 34. Some of these lands had previously been under flood irrigation. NAPP photograph 419-59, dated June 25, 1987, shows evidence of irrigation water having been applied to portions of the area by two center pivot systems.

The pivot center for the larger system was located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34. This system had been active several years prior to 1987. There is no evidence of this system in 1974. The center pivot system was not on the property on June 25, 1987. The center pivot system irrigated about 185 acres (within the recommended 36-00001 area) sometime between 1974 and 1986. This system could utilize water diverted from Riley Creek and delivered through Hunt Ditch. This area is identified by an E on Attachment A. A priority date, after March 15, 1975, should be recommended for the 185 acres irrigated by that system within the NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34. If this system was abandoned prior to 1982, no water right should be recommended for this area.

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The pivot for the smaller center pivot system is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33. This pivot irrigates approximately 135 acres. A portion of this area was under flood irrigation in 1953, 1964 and 1974. An early priority water right, for a portion of the area under the smaller pivot, may be valid. However, during the latter portion of this time period, it does not appear that water was diverted from Riley Creek for this system. The waters that were supplied to the area under this system in 1987 appear to have been diverted from Billingsley Creek.

For the portions of recommended right 36-00001, in Sections 28, 33 and 34, three different priority dates are appropriate. A priority date of May 1, 1883 is only appropriate for those lands included in 36-00001 that have been irrigated, without a 5 year lapse, with Riley Creek water. This is only a relatively small area within Sections 33 and 34. This area consists of approximately 67 acres.

A priority date of September 10, 1884 should be recommended for the lands that have been irrigated, with no lapse of five years or longer. See the "3H" only area on Attachment A. The area that qualifies for this priority date is 72 acres. However, because these lands appear to utilize water diverted from Billingsley Creek, it is not appropriate to include them in recommended right 36-00001. Recommended right 36-00003H uses this source, includes this area in the place of use, and is owned by the same entity as recommended right 36-00001. There is also adequate water available from recommended right 36-00003H to serve this area. This area should be included in 36-00003H and not recommended right 36-00001.

Because additional land was brought under irrigation in the S $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 33 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34 between 1974 and 1987, a later priority date is appropriate for these areas.

This area includes approximately 94 acres. Because the source of supply for some of this area is Billingsley Creek (the new 75 acres under the center pivot) it is not appropriate to include this area in 36-00001. The remaining 19 are served by Riley Creek but should be a part of this right because of its junior priority.

9. PLACE OF USE

a. The legal description of the place of use

As discussed above, only a portion of the area included within recommended right 36-00001 appears to be served with water from Riley Creek. Only the areas actually served with Riley Creek water should be described as the place of use for recommended right 36-00001.

It is also inappropriate to include those lands where the decreed right was forfeited, or those lands that should be recommended for a priority date later than May 1, 1883, within the place of use for recommended right 36-00001.

After eliminating the lands that are supplied by water from Billingsley Creek and those that should have a later priority date, only the following forty (40) acre subdivisions should be included in the place of use for recommended right 36-00001: Section 33, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Section 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

b. The number of irrigated acres within each forty (40) acre subdivision

The same reasons, as discussed above, apply to this objection. The acres within each forty (40) acre subdivision, that are irrigated with Riley Creek water and eligible for an 1883 priority date, should be adjusted to reflect Objection 4.

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10. CONSUMPTIVE USE

Because only 67 acres should be included within this recommended right, the amount of consumptive use should also be substantially less than the amount recommended. The amount of consumptive use recommended should be 201 afy.

11. REMARKS

The 1.95 cfs recommended for conveyance loss is not appropriate for this recommended water right in light of (1) the excessive seepage values used in the calculation and (2) the smaller quantity that should be recommended because of the objections to source, priority date and place of use as discussed in 2, 4 and 9 above.

It is also inappropriate to recommend a combined diversion rate of 13.06 cfs for this recommended right and recommended right 36-00003H. The area that is served by both recommended rights, 36-00001 and 36-00003H, is only about 23 acres in size. A combined diversion rate is only appropriate for these areas. These areas are shown on Attachment A and noted 1/3H. It is inappropriate to allow a right to serve an area where the right to the use of the water has been lost by forfeiture for non-use. This is the case for much of the area included within both 36-00001 and 36-00003H.

14. OTHER

General Provision, CONJUNCTIVE ADMINISTRATION, Section 3, Page 10; General Provision, ADMINISTRATION OF GROUND WATER, Section 4, Page 10; General Provision, ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER, Section 5, first paragraph, Page 10; General Provision, ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS, Section 6, Page 11: The U.S. objects to administration of federal water rights by the director to the extent that the director seeks authority beyond the scope of the waiver of sovereign immunity

contained in the McCarran Amendment, 43 U.S.C. 666.

General Provision, ADMINISTRATION OF BASIN 36 RELATIVE TO THE SNAKE RIVER, Section 5, first paragraph, Page 1-10: Regarding the second sentence, which begins "(i)nformation presently available," the United States is without sufficient information or knowledge to form a belief as to the truth of the sentence, and therefore it is denied. Regarding the third sentence, which begins "(w)hen the director," it is denied.

General Provision, MEASURING DEVICES AND CONTROL WORKS, Section 7, Page 11: The U.S. objects to administration of federal water rights by the director inconsistent with the McCarran Amendment. The U.S. further asserts that the director may not prescribe measuring devices and control works to be installed and maintained on federal property and the director may not prohibit or prevent the diversion of water to federal property for federal uses.

General Provision, IRRIGATION USE, Section 12, Paragraphs b.i.
- iii., Pages 13 & 14: all paragraphs are denied.

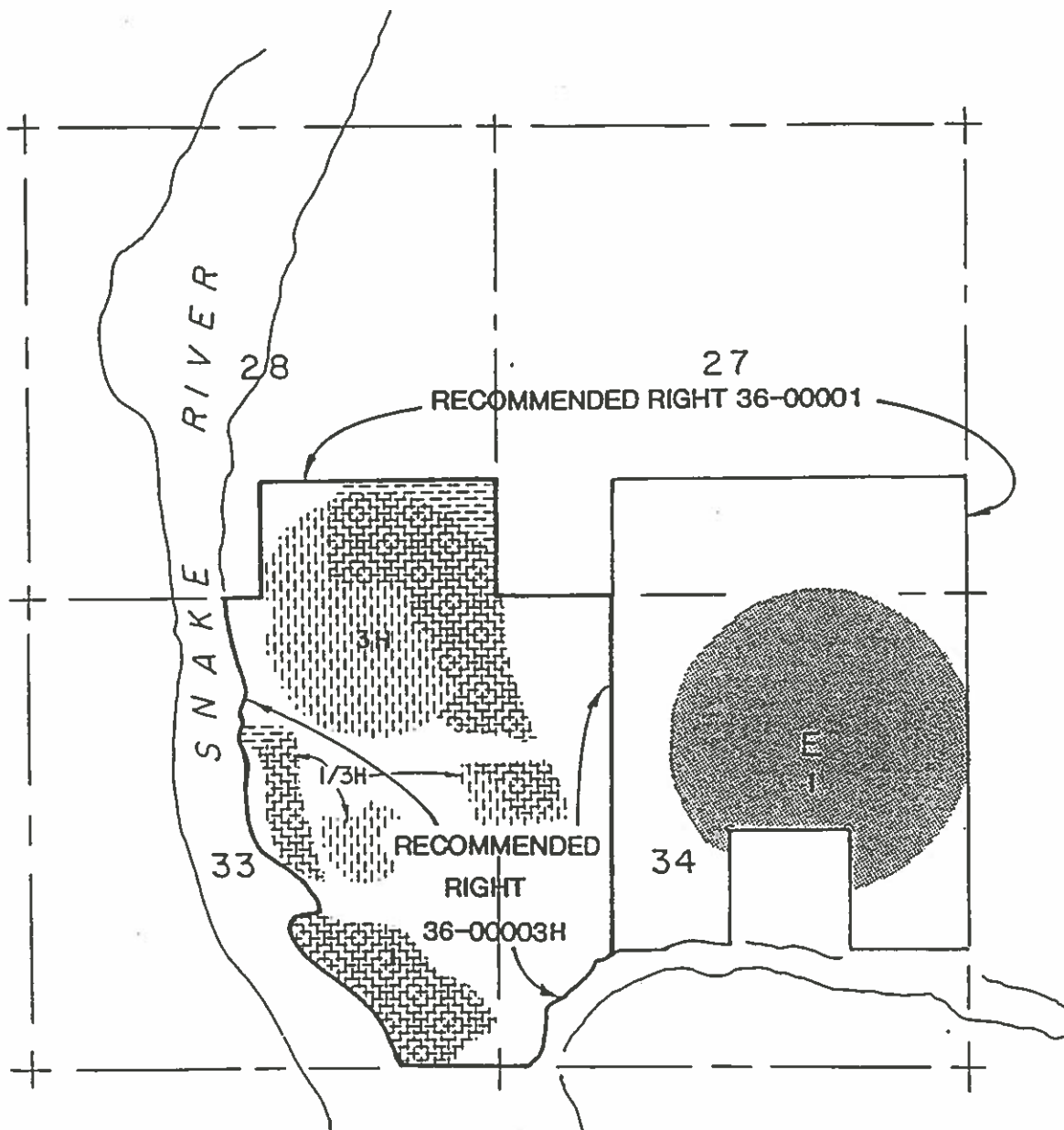
General Provision, IRRIGATION USE, Section 12, Paragraphs c.i.
- iii., Page 14: all paragraphs are denied.

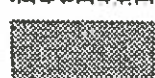
General Provision, DIVERSION VOLUME FOR IRRIGATION, Section 13, the last sentence is denied. The Director's Report fails to place a limit on the total quantity of water that can be diverted from the water source. Since the water commissioner is typically required to deliver water from the water source to the farm system, adequate allocation of available water cannot be accomplished without limits being set on the total annual diversion, as well as the peak flow rates that are specified in the Director's Report. This is needed to insure that water is beneficially used. The peak rate of diversion should be based on peak irrigation requirements. Non-peak portions of the irrigation season typically require less

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water. Therefore, peak diversions made throughout the season cannot be considered beneficial use of water.

General Provision, DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE, Section 16, Paragraph a, Page 15: Regarding the second sentence, which begins "For purposes," it is denied. Neither IDWR nor the claimant have demonstrated a reasonable and actual basis for a diversion rate in excess of .02 cfs per acre due to conveyance losses or field conditions.



-  AREA BROUGHT UNDER IRRIGATION BETWEEN 1974 AND 1987
-  AREA IRRIGATED IN 1953 BUT NOT IN 1974 OR 1987
-  AREA IRRIGATED IN 1953 AND 1987
-  AREA BROUGHT INTO IRRIGATION AFTER 1974 AND NON-IRRIGATED BY 1987

I, 3H, I/3H RECOMMENDED RIGHT THAT SERVES AREA

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1984
HKA ASSOCIATES
ENGINEERS - PLANNERS

RECEIVED

MAY 13 1993

Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication
of Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 36-00001

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

36-00001 -0002/
93-04-0002

Respondents.

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

(Over)

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OCT 11 1994

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Any party physically filing 25 (twenty-five) or more objections must make an appointment with a Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting:

Name: BUCKEYE FARMS, INC.
c/o John A. Burke, Secretary

Address: P.O. Box 2199
Sun Valley, Idaho 83353

Briefly describe your interest in this water right:

Owner of the right.

2. Owner of the water right:

Name: BUCKEYE FARMS, INC.
c/o John A. Burke, Secretary

Address: P.O. Box 2199
Sun Valley, Idaho 83353

3. If this objection is filed by an attorney:

Attorney Name: John A. Rosholt

Attorney Address: P.O. Box 1906
Twin Falls, Idaho 83303-1906

Attorney Phone No.: (208) 734-0700

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☒ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☒ Place of use: I object to:
 - a. ☒ the legal description of the place of use; or
 - b. ☒ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.

(Over)

MICROFILMED
OCT 11 1994

12. ☐ Water Right Recommendation: I object to:

☐ this water right being recommended at all; or

☐ this water right not being recommended.

13. ☐ Description of Reservation: I object to the legal description of the reservation.

14. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages, if necessary.

Boxes 3, 8, 9, 10 and 11: The owner of this right needs the water claimed in order to adequately irrigate their lands.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages, if necessary.

The Director's Report for Claim No. 36-00001 should read as originally claimed.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

James A. Rosenthal, being first duly sworn,
upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

James A. Rosenthal
Signature of person filing objection

By: James A. Rosenthal
(Attorney signing in representative capacity)

Subscribed and sworn to before me this 29th day of April, 1993.

Sharon Jane Strickland
Notary Public for Idaho
Residing at: Boody
My commission expires: 12-17-97

(Over)

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INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Owner name: BUCKEYE FARMS, INC.
c/o John A. Burke, Secretary

Owner's address: P.O. Box 2199
Sun Valley, Idaho 83353

3. One copy to:

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 4449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83724

John A. Rosman Jr
Signature of Objector or attorney
mailing on Objector's behalf

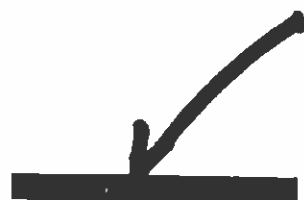
R PROOF

CVR

MAPS

PHOTOS

MISC



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1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

NOVEMBER 3, 1992

R. KEITH HIGGINSON
Director

BUCKEYE FARMS INC
C/O JOHN A ROSHOLT
PO BOX 1906
TWIN FALLS ID 83303-1906

RE: NOTICE OF ERROR IN THE SRBA FOR 36-00001, 36-00002, 36-00003H,
36-00015, 36-00016, 36-00017 & 36-00018

DEAR MR. ROSHOLT,

THIS LETTER IS TO CONFIRM THE RESULTS OF THE NOTICE OF ERROR MEETING I HAD WITH SHARON STRICKLAND AND JOHN SIMPSON ON OCTOBER 21, 1992 AT OUR SOUTHERN REGIONAL OFFICE. THE ISSUES RAISED BY YOUR NOE FILINGS WERE ADDRESSED AT THAT MEETING AND THIS LETTER WILL RECAP SOME OF THE RESPONSES FROM THAT MEETING.

COPIES OF THE MAPS FROM EACH FILE WERE REQUESTED BY SHARON STRICKLAND AT THE MEETING AND THOSE COPIES ARE ENCLOSED WITH THIS LETTER.

THE SEASON OF USE FOR IRRIGATION USES WITHIN THE SNAKE RIVER CANYON, BELOW THE RIM, AND HAGERMAN VALLEY HAS BEEN EXTENDED BY THE DIRECTOR AND THIS ANNOUNCEMENT WAS MADE THE DAY AFTER OUR MEETING. THE NEW SEASON IS 3/15 TO 11/15.

YOUR NOE QUESTIONS THE BASIS FOR RECOMMENDATION OF AN AMOUNT THAT IS LESS THAN THE AMOUNT SHOWN IN A PREVIOUS DECREE AND DISALLOWAL OF A CLAIM TO A PREVIOUSLY DECREED WATER RIGHT.

UNDER IDAHO LAW, A WATER RIGHT IS LIMITED TO THE AMOUNT OF WATER BENEFICIALLY USED FOR THE PURPOSES FOR WHICH THE WATER RIGHT WAS ESTABLISHED. THE AMOUNT OF WATER BENEFICIALLY USED IS LIMITED TO THE AMOUNT THAT IS ACTUALLY USED AND IS REASONABLY REQUIRED. FOR IRRIGATION PURPOSES, A REASONABLE AMOUNT IS THE AMOUNT REQUIRED USING IRRIGATION METHODS THAT ARE REASONABLY EFFICIENT UNDER CURRENT CIRCUMSTANCES. IF THE AMOUNT OF A WATER RIGHT SHOWN IN A DECREE IS GREATER THAN THE AMOUNT THAT IS BENEFICIALLY USED, THEN THE PORTION THAT IS NOT BENEFICIALLY USED IS FORFEITED. IN THE CASE OF 36-00002, 36-00016 & 36-00017, IF THE WATER RIGHT SHOWN IN A DECREE IS NO LONGER BENEFICIALLY USED, THE WATER RIGHT IS FORFEITED.

MICROFILMED

JAN 20 1993

THE AMOUNT PROPOSED TO BE RECOMMENDED FOR YOUR CLAIMS IS BASED ON THE AMOUNT OF WATER DETERMINED TO BE BENEFICIALLY USED FOR THE RECOMMENDED ACRES ACTUALLY BEING IRRIGATED, BASED ON AVAILABLE DATA AND CURRENT METHODS OF ANALYSIS.

IF YOU STILL DISAGREE WITH IDWR'S RECOMMENDATIONS, YOU WILL HAVE AN OPPORTUNITY TO FILE AN OBJECTION TO THE DIRECTOR'S REPORT WITH THE COURT.

SINCERELY,

A handwritten signature in black ink, appearing to read "Steve Clelland", with a long horizontal line extending from the end of the signature.

STEVE CLELLAND
SENIOR WATER AGENT

SCC
ENCL:

MICROFILMED

JAN 20 1993

AUG-24-1992

NOTICE OF ERROR FORM

Please type or print clearly, fill out completely, and return to:

**Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000**

RECEIVED

SEP 22 1992

Department of Water Resources

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: 36-00001

2. Name: BUCKEYE FARMS, INC.

Address: C/O JOHN A. ROSHOLT, ATTORNEY
P. O. BOX 1906
TWIN FALLS, ID 83303

Weekday Telephone Number: 734-0700

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SEP 26 1992

Department of Water Resources

MICROFILMED

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

JAN 20 1993

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on this copy.)

3. Describe the portion of proposed recommendation with which you disagree:

- a) Period of use
- b) Quantity of water
- c) Place of use
- d) Remarks

4. Describe the changes you wish to have made in the proposed recommendation:

- a) Period of use as claimed
- b) Quantity of water as decreed & claimed
- c) Place of use as claimed
- d) Removal of limitation on irrigated acreage.

5. Describe why you disagree with the proposed recommendation:

- a) Recommended period of use may restrict maximum beneficial use of the water.
- b) Claimant is entitled to the amount of water decreed & claimed.
- c) Recommended place of use contains error.
- d) Claimant is entitled to more irrigated acres than restriction allows.

6. Date: September 21, 1992

SIGNATURE

John A. Rosholt

ROSHOLT, ROBERTSON & TUCKER

**Chartered
ATTORNEYS AT LAW**

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1020 MAIN STREET, SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 334-6034

February 5, 1992

RECEIVED

FEB 08 1992

Attention: Judy Givens
Southern Region
Idaho Department of Water Resources
222 Shoshone St. E.
Twin Falls, ID 83301

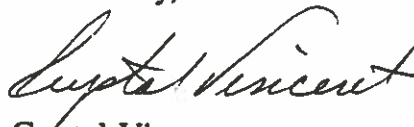
RE: SRBA CLAIMS IN THE SOUTHERN REGION

Dear Judy:

The attached is a list of our clients for whom we filed claims in the SRBA, and who by signing and returning a letter to our office, have requested that we continue to represent them in the adjudication process.

The claims highlighted identify those we filed in your region. Please check these claims and make certain that we are shown on your computer as representative, in order for us to receive the mailings from the department and perform the required service for our clients in a timely manner.

Yours truly,



Crystal Vincent

CV:mw
02059207.CV

MICROFILMED

JAN 20 1993

RECEIVED NOV 23 1991

BRIAN BARSOTTI

ATTORNEY AT LAW

GREYHAWK ALPINE CENTER

WARM SPRINGS VILLAGE

P. O. BOX 2133

KETCHUM, IDAHO 83340

208/726-3030 FAX NO. 208/726-2922

OF COUNSEL TO
ROARK, DONOVAN, PRAGGASTIS,
ELKINS & PHILLIPS

ADMITTED TO THE PRACTICE
OF LAW IN IDAHO AND
CALIFORNIA

November 21, 1991

John Rosholt
Rosholt, Robertson & Tucker
P. O. Box 1906
Twin Falls, Idaho 83303-1906

Re: General Adjudication of Rights to the Use of Water
from the Snake River Basin Water System, Case
No. 39576, District Court for Twin Falls County,
Idaho

Dear John:

Letter
I am in receipt of your letter dated November 15, 1991,
regarding Claim No. A71-02079, Claimant: Thomas M. O'Gara; O'Gara
Family Trust.

In that letter you state that it is your understanding that I
am representing Mr. O'Gara. Your office has represented the O'Gara
family on all matters relating to their water rights, upon my
referral. As I do very little, if any, water rights work, we
sought your representation with respect to all water rights matters
related to the Silver Springs Ranch. In the past, we had been
working closely with Frank Hitchcock, under your guidance, relative
to the Silver Springs Ranch water rights and issues.

I assume, with regard to the O'Gara/Silver Springs Ranch, that
only one claim need be made on their behalf relative to the SRBA.

On behalf of Mr. O'Gara, I request that you continue to
represent him with respect to the SRBA matter.

With respect to another matter, I have been referred your
letter of November 15, 1991, to Marilyn Yore, of the Buckeye Farms,
Inc., in Hagerman, for response.

I am a shareholder in Buckeye Farms, Inc., and have been asked
to monitor the water rights issues and your activities related
thereto. In that letter the Claimant is Buckeye Farms, Inc., and

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JAN 20 1993

John Rosholt
Rosholt, Robertson & Tucker
November 21, 1991
Page 2

Buckeye Land Co., with Claim No.(s) A36-11146; A36-00018; A36-00017; A36-00001; A36-00002; A36-00003H; A36-00015; A36-00016; A36-00046.

Again, I would ask that you file a Notice of Appearance on behalf of Buckeye Farms, Inc. Perhaps the Notice of Appearance could include me as co-counsel on both the Buckeye Farms and Silver Springs Ranch matters so that I might be able to monitor any documents. I am not familiar with the water rights issues, but if I have questions I can contact you to better educate myself as to the process and, hopefully, contribute if at all possible in your representation and assist you in obtaining the necessary information regarding the water rights of these two ranches.

I am enclosing the requested authorization form which I have executed on behalf of Buckeye Farms, Inc. All matters in terms of meetings to discuss the adjudication should be directed to me and I will be representing Buckeye Farms on this matter, together with other shareholders who are on a water committee for the corporation.

If you have any questions about any of the above, please do not hesitate to contact me.

Very truly yours,


Brian J. Barsotti

BB/k/13
Enc.

cc: Marilyn Yore
Mike Wallace
Alex Higgins
Stoney Burke

RECEIVED

NOV 22 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Jul-1990 13:51

A36-11142 *
JOHN A. RUSHOLT
P.O. BOX 1906

TWIN FALLS

ID 833031906

RE: Field examination of a water right claimed
in the Snake River Basin Adjudication

Dear Counselor,

The field staff of this agency may need to conduct water right field examinations of your client's water right claim(s) during the coming season. The field examiner may be visiting your client's property to obtain information necessary to verify the water use.

If a field exam is necessary your client will be contacted directly about the examination unless you contact us otherwise. If you wish to accompany your client at the time of any field examination, or if you have any questions regarding the field examination, you may contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Allen Merritt'.

Allen Merritt, P.E.
Water Rights Supervisor

*See Other Water Right Numbers Attached

MICROFILMED

JAN 20 1993

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

FAX (208) 736-0041

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY T. UHLING
TERRY R. McDANIEL
F. BRUCE COVINGTON
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
VICKI L. YRAZABAL
BRUCE M. SMITH
G. RICHARD BEVAN
BRAD M. PURDY
GARY L. QUIGLEY

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

April 21, 1989

RECEIVED

APR 21 1989

Department of Water Resources
Southern Region Office

Mr. Steve Clelland
Adjudication Claims Agent
Idaho Department of Water Resources
Southern Region
2148 Fourth Avenue E.
Twin Falls ID 83301

Dear Steve:

Please find enclosed SRBA claims previously filed by our firm for our client Buckeye Farms, Inc. in a timely manner on September 1, 1988, for diversions in Gooding County.

As we discussed, I have revised the claims so that each claim is filed separately as evidenced by the enclosed New International Decree and further, in accordance with the January 22, 1979, Stipulation, Gooding County Case No. 16676 directing all irrigation and stock users to split 325 inches of water for the irrigation season of March 1 to November 1 and 200 inches for the period of November 1 to March 1.

The claims have two attachments which include the original New International Decree and the cited Gooding County Stipulation. I am also enclosing a display that shows a copy of our cover letter at the time of the Gooding County filing last fall which shows our payment on the deferred payment plan for the total acres of all the irrigation claims filed for in the name of Buckeye Farms, Inc. A power of attorney for the original filing date is included with each of the claims for completeness in refiling these decreed rights.

Thanks for your continuing help and interest in resolving these claims accurately.

Sincerely,



FRANCIS G. HITCHCOCK
LEGAL ASSISTANT

FGH/dcb
19421

Enclosures

MICROFILMED

JAN 20 1993

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTORNEYS AT LAW
142 3RD AVE. N.
P.O. BOX 1906
TWIN FALLS, IDAHO 83301
(208) 734-0700

RECEIVED

DATE: September 1, 1988

TO: IDWR
Twin Falls

Department of
Southern Idaho

RE: Claims of Buckeye Farms, Inc.

We enclosed a check for \$422.80 which is 20%
of:

1 -- Domestic	\$ 25.00
2 -- Domestic	25.00
3 -- 5 Irrig. Claims	250.00
4 -- Total Acres	<u>1,814.00</u>

\$ 2,114.00

Please bill Buckeye Farms on deferred payment
plan.

Also enclosed is power of attorney authorizing
my execution of claims.

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

BY JOHN ROSHOLT

FILED
JAN 20 1993

VERIFIED BY Se

Water Right Number - R36-00001

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
ROSHOLT

JOHN A

1 - PO BOX 1906
2 -
3 -
City- TWIN FALLS
Phone - 208-734-0700

State- ID Zip- 833031906

*** C - CURRENT OWNER ***
BUCKEYE FARMS INC

1 - PO BOX 2199
2 -
3 -
City- SUN VALLEY
Phone - 208-622-4100

State- ID Zip- 83353

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1883 17 SOUTHERN D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
RILEY CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
08S 13E 1 SE SW NE 6 (47) GOODING

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 9.170

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
9.170 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
07S 13E 27 SE SW 1.0 01 IRRIGATION (47) GOODING
07S 13E 27 SW SE 23.0 01 IRRIGATION (47) GOODING
07S 13E 27 SE SE 14.0 01 IRRIGATION (47) GOODING
07S 13E 28 SW SE 8 33.0 01 IRRIGATION (47) GOODING
07S 13E 28 SE SE 33.0 01 IRRIGATION (47) GOODING
07S 13E 33 NE NE 30.0 01 IRRIGATION (47) GOODING
07S 13E 33 NW NE 1 19.0 01 IRRIGATION (47) GOODING
07S 13E 33 SW NE 4 24.0 01 IRRIGATION (47) GOODING
07S 13E 33 SE NE 10.0 01 IRRIGATION (47) GOODING
07S 13E 33 NE NW 1 3.0 01 IRRIGATION (47) GOODING
07S 13E 33 NE SE 6.0 01 IRRIGATION (47) GOODING
07S 13E 33 NW SE 5 18.0 01 IRRIGATION (47) GOODING
07S 13E 33 SW SE 8 10.0 01 IRRIGATION (47) GOODING
07S 13E 33 SE SE 21.0 01 IRRIGATION (47) GOODING
07S 13E 34 NE NE 22.0 01 IRRIGATION (47) GOODING

MICROFILMED
JAN 20 1993

Water right number - R36-00001

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	34	NW NE		13.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SW NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SE NE		20.0	01	IRRIGATION	(47) GOODING
07S	13E	34	NE NW		3.0	01	IRRIGATION	(47) GOODING
07S	13E	34	NW NW		4.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SW NW		7.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SE NW		1.0	01	IRRIGATION	(47) GOODING
07S	13E	34	NE SW	3	10.0	01	IRRIGATION	(47) GOODING
07S	13E	34	NW SW	4	10.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SW SW	5	1.0	01	IRRIGATION	(47) GOODING
07S	13E	34	NE SE	1	5.0	01	IRRIGATION	(47) GOODING

Total Acres: 361.0

+ - - Diversion Means - VIA HUNT DITCH, PUMP & SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-00003H

REMARKS

WATER IS DELIVERED THROUGH THE HUNT DITCH.
1.95 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
USE OF THIS RIGHT WITH RIGHT NO. 36-00003H IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 13.06 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 1083 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 361 ACRES IN A SINGLE IRRIGATION SEASON.

+ - - - - Old Water Right Numbers - - - - -
3600001+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK	IDAHO POWER COMPANY	00/00/0000

COMMENTS

Date: 08/07/1992 User Id: WORSTELL Subject: COPIED FROM REMARKS
DECREE INCORRECTLY DESCRIBES P/D AS SWSE S 1 T8S R 13E

+ - - Audit Fields - - +
08/18/92 CLELLANDMICROFILMED
JAN 20 1993

Water right number - R36-00001

Prefix Translation: RESEARCH

+ - - - - Adjudication Rights Dates and Flags Area - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 08/18/1992	Old Judicial District	-
Claim Received Date	- 04/24/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006941	Water District	- 36A
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
JAN 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:38:58
07/17/90

PAGE: 16
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00001

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	N		10-3-90 Sec	N		Sec 8-7-92	LB	Sec 8-18-92
POINT OF DIV	Y N			(Y)	1,5,6			
SOURCE	N			N				
PLACE OF USE	Y (Y)			(Y)	1,2,4,5			
DIV. AMOUNT CFS/VOLUME	N			(Y)	6 Deere			
CONSUMPTIVE USE	N			(Y)				
PURPOSES	N			N				
PERIOD OF USE	Y N			(Y)	6			
BASIS OF CLAIM	N			N				
REMARKS	Y N			(Y)	6			

hht
7-18-90

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAFF PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED

JAN 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:38:58
07/17/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00001

LAST: BUCKEYE FARMS INC.
ADDRESS: P.O. BOX 2199
CITY: SUN VALLEY
PHONE NUMBER: 208-622-4100

FIRST:
STATE: ID ZIP: 83353

OWNER CODE: C

LAST: ROSHOLT
ADDRESS: P.O. BOX 1906
CITY: TWIN FALLS
PHONE NUMBER: 208-734-0700

FIRST: JOHN A.
STATE: ID ZIP: 833031906

OWNER CODE: A

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: DECREE INCORRECTLY DESCRIBES P/D AS SWSE S 1 T8S R 13E

MICROFILMED

JAN 20 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 10/3/90

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

See photos of pou also.

MICROFILMED

JAN 20 1993

A. AJ CLAIM: # A36-00001 PRIORITY DATE: 05-01-1883 STAGE: D
B. WR RECORD: # 36-00001 PRIORITY DATE: 05-01-1883 STAGE: D

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD
N EXAMINER
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)
IF YES EXPLAIN.

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
05-01-1883

REVIEWED BY

DATE

7-18-90

MICROFILMED

JAN 20 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00001	08S	13E	1		SW	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-00002 NONE

WR RECORDS IN SAME 40 ACRE TRACT

36-02046
36-07741

SOURCE: RILEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00001	08S	13E	1		SW	NE	6	GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-00002
36-00031
36-00032
36-00056
36-00126
36-00137
36-00195
36-02718
36-07729
36-07842
36-08097

A36-07729 NONE
A36-00032
A36-08097
A36-00031
A36-07842

SOURCE: RILEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER
Y
N

MICROFILMED

JAN 20 1993

REMARKS:

MICROFILMED

JAN 20 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>87S</u>	<u>13E</u>	<u>1</u>	<u>SE</u>	<u>SW</u>	<u>NE</u>	<u>6</u>	<u>Gooding</u>

SOURCE: RILEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: hht DATE: 7-18-90

VIA HUNT DITCH

A. ROOT WATER RIGHT NUMBERS: A36-00001

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	13E	27	SW	SE		BUCKEYE FARMS INC.	A36-00001 /40.0	- /	40.0		
						ROSHOLT, JOHN A.	A36-00002 /40.0	- /		23.0	
						GOODING, AMANDA J.		36-00005 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /			
						BIG BEND IRRIGATION & MINING C		36-02007 /			
						BUCKEYE FARMS INC.		36-07740 /			
						BUCKEYE FARMS INC.		36-07742 /			
07S	13E	27	SE	SE		BUCKEYE FARMS INC.	A36-00001 /40.0	- /	27.0	14	
						ROSHOLT, JOHN A.	A36-00002 /40.0	- /			
						PETERSON, ORLAND	A36-10524 /	- /			
						GOODING, AMANDA J.		36-00005 /			
						BIG BEND IRRIGATION & MINING C		36-00133 /			
						MORTON REALTY CO. LTD.		36-00187 /			
						BIG BEND IRRIGATION & MINING C		36-00192 /			
						BIG BEND IRRIGATION & MINING C		36-02007 /			
						BUCKEYE FARMS INC.		36-07740 /			
						BUCKEYE FARMS INC.		36-07742 /			
07S	13E	28	~~SE~~	~~SW~~		BUCKEYE FARMS INC.	A36-00001 /15.0	- /			
						ROSHOLT, JOHN A.	A36-00002 /15.0	36-00002 /			
						ROSHOLT, JOHN A.	A36-00003H /20.0	- /			
						BUCKEYE FARMS INC.		36-08335 /			
07S	13E	28	SW	SE	8	BUCKEYE FARMS INC.	A36-00001 /40.0	- /		33	
						ROSHOLT, JOHN A.	A36-00002 /40.0	36-00002 /			
						ROSHOLT, JOHN A.	A36-00003H /40.0	- /			
						BUCKEYE FARMS INC.		36-08335 /			33
07S	13E	28	SE	SE		BUCKEYE FARMS INC.	A36-00001 /40.0	- /		33	
						ROSHOLT, JOHN A.	A36-00002 /40.0	36-00002 /			
						ROSHOLT, JOHN A.	A36-00003H /40.0	- /			
						BUCKEYE FARMS INC.		36-08335 /			33
07S	13E	33	NE	NE		BUCKEYE FARMS INC.	A36-00001 /40.0	36-00001 /		30	
						ROSHOLT, JOHN A.	A36-00002 /40.0	36-00002 /			
						ROSHOLT, JOHN A.	A36-00003H /40.0	- /			
						NEW INTERNATIONAL MORTGAGE BAN		36-00003 /			
						BUCKEYE FARMS INC.		36-07741 /			30
07S	13E	33	NW	NE	1	BUCKEYE FARMS INC.	A36-00001 /40.0	- /		19	
						ROSHOLT, JOHN A.	A36-00002 /40.0	36-00002 /			
						ROSHOLT, JOHN A.	A36-00003H /40.0	- /			
						BUCKEYE FARMS INC.		36-07741 /			19
07S	13E	33	SW	NE	4	BUCKEYE FARMS INC.	A36-00001 /40.0	- /		24	
						ROSHOLT, JOHN A.	A36-00002 /40.0	36-00002 /			
						ROSHOLT, JOHN A.	A36-00003H /40.0	- /			

MICROFILMED

JAN 20 1993

				BUCKEYE FARMS INC.	36-07740	/		
				BUCKEYE FARMS INC.	36-07741	/		
				BUCKEYE FARMS INC.	36-07742	/		
				BUCKEYE FARMS INC.	36-08335	/		
07S 13E 33	SE	NE		BUCKEYE FARMS INC.	A36-00001 /40.0	36-00001	/	
				ROSHOLT , JOHN A.	A36-00002 /40.0	36-00002	/	10
				ROSHOLT , JOHN A.	A36-00003H /40.0	-	/	
				NEW INTERNATIONAL MORTGAGE BAN		36-00003	/	
				BUCKEYE FARMS INC.		36-07739	/	
				BUCKEYE FARMS INC.		36-07740	/	
				BUCKEYE FARMS INC.		36-07741	/	
				BUCKEYE FARMS INC.		36-07742	/	
				BUCKEYE FARMS INC.		36-08335	/	
07S 13E 33	NE	NW	add → ①	BUCKEYE FARMS INC.	A36-00001 /20.0	-	/	
				ROSHOLT , JOHN A.	A36-00002 /20.0	36-00002	/	3
				ROSHOLT , JOHN A.	A36-00003H /10.0	-	/	3.0
07S 13E 33	~~SE~~	~~NW~~		BUCKEYE FARMS INC.	A36-00001 /10.0	-	/	
				ROSHOLT , JOHN A.	A36-00002 /10.0	36-00002	/	
				ROSHOLT , JOHN A.	A36-00003H /10.0	-	/	
07S 13E 33	NE	SE		BUCKEYE FARMS INC.	A36-00001 /38.0	-	/	
				ROSHOLT , JOHN A.	A36-00002 /38.0	-	/	
				ROSHOLT , JOHN A.	A36-00003H /35.0	-	/	
				BUCKEYE FARMS INC.		36-07740	/	
				BUCKEYE FARMS INC.		36-07741	/	
				BUCKEYE FARMS INC.		36-07742	/	
				BUCKEYE FARMS INC.		36-08335	/	
07S 13E 33	SW	SE	add → ⑧	BUCKEYE FARMS INC.	A36-00001 /38.0	-	/	
				ROSHOLT , JOHN A.	A36-00002 /38.0	36-00002	/	10
				ROSHOLT , JOHN A.	A36-00003H /10.0	-	/	10
07S 13E 33	SE	SE		BUCKEYE FARMS INC.	A36-00001 /10.0	36-00001	/	
				ROSHOLT , JOHN A.	A36-00002 /10.0	36-00002	/	
				ROSHOLT , JOHN A.	A36-00003H /35.0	-	/	
				NEW INTERNATIONAL MORTGAGE BAN		36-00003	/	
				BUCKEYE FARMS INC.		36-07740	/	
				BUCKEYE FARMS INC.		36-07741	/	
				BUCKEYE FARMS INC.		36-07742	/	
				BUCKEYE FARMS INC.		36-08335	/	
07S 13E 34	NE	NE		BUCKEYE FARMS INC.	A36-00001 /40.0	36-00001	/	30.0
				ROSHOLT , JOHN A.	A36-00002 /40.0	36-00002	/	22
				NEW INTERNATIONAL MORTGAGE BAN		36-00003	/	
				MORTON REALTY CO. LTD.		36-00187	/	
				BUCKEYE FARMS INC.		36-07740	/	
				BUCKEYE FARMS INC.		36-07742	/	
07S 13E 34	NW	NE		BUCKEYE FARMS INC.	A36-00001 /40.0	36-00001	/	40.0
				ROSHOLT , JOHN A.	A36-00002 /40.0	36-00002	/	13
				NEW INTERNATIONAL MORTGAGE BAN		36-00003	/	
				BUCKEYE FARMS INC.		36-07740	/	
				BUCKEYE FARMS INC.		36-07742	/	
07S 13E 34	~~SW~~	~~SE~~		BUCKEYE FARMS INC.	A36-00001 /10.0	-	/	
				ROSHOLT , JOHN A.	A36-00002 /10.0	36-00002	/	

delete

IDAHO POWER CO.	36-00136	/
IDAHO POWER CO.	36-00137	/
IDAHO POWER CO.	36-00194	/
IDAHO POWER CO.	36-00195	/

JAN 20 1993

MICROFILMED

07S 13E 34	~~SE~~ ~~SE~~	BUCKEYE FARMS INC.	A36-00001	/20.0	-	/		
		ROSHOLT, JOHN A.	A36-00002	/20.0	36-00002	/		
		IDAHO POWER CO.			36-02046	/19.0		
07S 13E 27	~~SW~~ ~~SW~~	BUCKEYE FARMS INC.	A36-00001	/40.0	-	/	38.0	
		ROSHOLT, JOHN A.	A36-00002	/40.0	-	/		
		ROSHOLT, JOHN A.	A36-00003H	/5.0	-	/		
		GOODING, AMANDA J.			36-00005	/		
		BIG BEND IRRIGATION & MINING C			36-00133	/		
		BIG BEND IRRIGATION & MINING C			36-00192	/		
		BIG BEND IRRIGATION & MINING C			36-02007	/		
		BUCKEYE FARMS INC.			36-07740	/		
		BUCKEYE FARMS INC.			36-07742	/		
07S 13E 27	SE SW	BUCKEYE FARMS INC.	A36-00001	/40.0	-	/	39.0	
		ROSHOLT, JOHN A.	A36-00002	/40.0	-	/		
		GOODING, AMANDA J.			36-00005	/		
		BIG BEND IRRIGATION & MINING C			36-00133	/		
		BIG BEND IRRIGATION & MINING C			36-00192	/		
		BIG BEND IRRIGATION & MINING C			36-02007	/		
		BUCKEYE FARMS INC.			36-07740	/		
		BUCKEYE FARMS INC.			36-07742	/		
07S 13E 33	NW SE	BUCKEYE FARMS INC.	A36-00001	/30.0	-	/		
		ROSHOLT, JOHN A.	A36-00002	/30.0	36-00002	/		
		ROSHOLT, JOHN A.	A36-00003H	/25.0	-	/		
		BUCKEYE FARMS INC.			36-07740	/		
		BUCKEYE FARMS INC.			36-07741	/		
		BUCKEYE FARMS INC.			36-07742	/		
		BUCKEYE FARMS INC.			36-08335	/		
07S 13E 34	SW NE	BUCKEYE FARMS INC.	A36-00001	/40.0	36-00001	/	40.0	
		ROSHOLT, JOHN A.	A36-00002	/40.0	36-00002	/		
		NEW INTERNATIONAL MORTGAGE BAN			36-00003	/		
		BUCKEYE FARMS INC.			36-07740	/		
		BUCKEYE FARMS INC.			36-07742	/		
07S 13E 34	SE NE	BUCKEYE FARMS INC.	A36-00001	/40.0	36-00001	/	32.0	
		ROSHOLT, JOHN A.	A36-00002	/40.0	36-00002	/		
		NEW INTERNATIONAL MORTGAGE BAN			36-00003	/		
		MORTON REALTY CO. LTD.			36-00187	/		
07S 13E 34	NE NW	BUCKEYE FARMS INC.	A36-00001	/40.0	36-00001	/	39.0	
		ROSHOLT, JOHN A.	A36-00002	/40.0	36-00002	/		
		NEW INTERNATIONAL MORTGAGE BAN			36-00003	/		
07S 13E 34	NW NW	BUCKEYE FARMS INC.	A36-00001	/40.0	-	/		
		ROSHOLT, JOHN A.	A36-00002	/40.0	36-00002	/		
		ROSHOLT, JOHN A.	A36-00003H	/5.0	-	/		
07S 13E 34	SW NW	BUCKEYE FARMS INC.	A36-00001	/40.0	-	/		
		ROSHOLT, JOHN A.	A36-00002	/40.0	36-00002	/		
		ROSHOLT, JOHN A.	A36-00003H	/20.0	-	/		
		BUCKEYE FARMS INC.			36-07739	/		

delete

delete

1.0

1.0

18

18

20

20

20

20

3.0

3.0

4.0

4.0

7.0

7.0

add → 5

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				BUCKEYE FARMS INC.	A36-07740	/			
				BUCKEYE FARMS INC.	36-07742	/			
				BUCKEYE FARMS INC.	36-08335	/			
				BUCKEYE FARMS INC.	36-08424	/			
07S	13E	34	SE NW	BUCKEYE FARMS INC.	A36-00001	/40.0	36-00001	/	43.0
				ROSHOLT, JOHN A.	A36-00002	/40.0	36-00002	/	1.0
				NEW INTERNATIONAL MORTGAGE BAN			36-00003	/	1.0
				BUCKEYE FARMS INC.			36-07740	/	
				BUCKEYE FARMS INC.			36-07741	/	
				BUCKEYE FARMS INC.			36-07742	/	
07S	13E	34	SW SW	BUCKEYE FARMS INC.	A36-00001	/20.0	-	/	
				ROSHOLT, JOHN A.	A36-00002	/20.0	36-00002	/	1.0
				ROSHOLT, JOHN A.	A36-00003H	/10.0	-	/	1.0
				BUCKEYE FARMS INC.			36-07740	/	
				BUCKEYE FARMS INC.			36-07741	/	
				BUCKEYE FARMS INC.			36-07742	/	
				BUCKEYE FARMS INC.			36-08335	/	
07S	13E	34	SE SW	BUCKEYE FARMS INC.	A36-00001	/ 5.0	-	/	
				ROSHOLT, JOHN A.	A36-00002	/ 5.0	-	/	
07S	13E	34	NE SE	BUCKEYE FARMS INC.	A36-00001	/40.0	-	/	
				ROSHOLT, JOHN A.	A36-00002	/40.0	36-00002	/	5.0
				BUCKEYE FARMS INC.			36-07741	/	5.0
07S	13E	34	NW SE	BUCKEYE FARMS INC.	A36-00001	/40.0	-	/	
				ROSHOLT, JOHN A.	A36-00002	/40.0	36-00002	/	
				BUCKEYE FARMS INC.			36-07741	/	
TOTAL ACRES				A36-00001	1016.00		368.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

341 341

Add Tracts:

7S. 13E. 34 Lot 3 NESW 10.0
Lot 4 NWSW 10.0

361 Acres

10.0
10.0

361

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PRESUMPTION FLAG:

REMARKS:

Acres determined by field exam - NAPP photo supports some acreage and discredits other acres. When looking at this POU as a whole this is the best representation of the irrigation used here. Possibility exists for expansion of irrigation uses beyond this recommendation.

RECOMMENDATIONS:

TOTAL ACRES: 361

REVIEWED BY: SC

DATE: 1-8-91

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-00001 IRRIGATION	FROM ~~03-01~~ TO ~~11-15~~	12.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		12.000 CFS 6120.00 AF/A

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-00001 IRRIGATION	FROM TO	12.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		12.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	<u>N</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(X)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(Y) N() Explain in remarks, below.

REMARKS:

Standard season 4-1 to 10-31

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(X) N()

AJ TOTAL CLAIMED DIVERSION RATE: 12.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 12.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
N N

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(Y) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: ~~A36-00002~~, A36-00003H

see maps

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00001	RILEY CREEK	BUCKEYE FARMS INC.	12.000	0.011	6120.00	6.02
A36-00002	RILEY CREEK	ROSHOLT , JOHN A.	12.000	0.011	6120.00	6.02

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-10524	DOMESTIC	PETERSON , ORLAND	FROM 01-01 TO 12-31	.040 CFS	

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 361 x 0.02 CFS/ACRE = 7.22 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(X) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(X) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 3072.0 AF/A

ACRES 361 x CONSUMPTIVE VOL. AF/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 1083 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = ~~5120.00~~ AF/A

ACRES 361 x DIVERSION VOL. AF/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 1444 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

1b. CALCULATIONS

*allow 0.02 cfs per acre
for sprinkler irrigation*

F.I.R. 7.22 cfs

conveyance loss = 1.95 cfs

TOTAL 9.17 cfs

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS. USE
	FROM	TO	RATE CFS		VOL. AF/A		
IRRIGATION	~~03-01~~	~~11-15~~	DATABASE ~~12.000~~	EXAMINER ~~2.89~~	DATABASE ~~1444~~	EXAMINER ~~1083~~	DATABASE ~~3672.0~~
TOTAL FOR THIS RIGHT	~~3-15~~	~~11-15~~	~~12.000~~	<u>9.17</u>	~~5120.00~~	<u>N/A</u>	~~3672.0~~
REVIEWED BY: <u>SCL</u>	<u>4-1</u>	<u>10-31</u>	DATE: <u>1-8-91</u>				

See 8-7-92

~~WR prop A: O Rate 12.0 cfs - 0.008 cfs/Ac. N/A~~
~~1446 Ac.~~
~~(allowed this rate)~~
~~(361 x 0.008 = 2.888)~~

F01 = 36-00003H

D02 = 1.95 cfs

E09

~~1083 AF~~ → 36-00003H

13.06 cfs

1083 AF

361 acres

← NOTE: The combined rate of these rights is:

7.22 (0.02 cfs/Acre x 361)

3.89 (conveyance for Buckeye D.)

1.95 (conveyance for Hunt D.)

13.06 cfs

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
(☒)
()
()

NEEDS
REVIEW
()
(☒) *Legal*

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00001

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
12.000

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A36-00001

12.000

-

36-00001

12.000

TOTAL CFS

12.000

12.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y OK

REMARKS:

AUTHENTICATION:

SIGNATURE: *Steve [Signature]*

DATE: *1-8-91*

NAME OF FIELD EXAMINER: _____

TITLE: _____

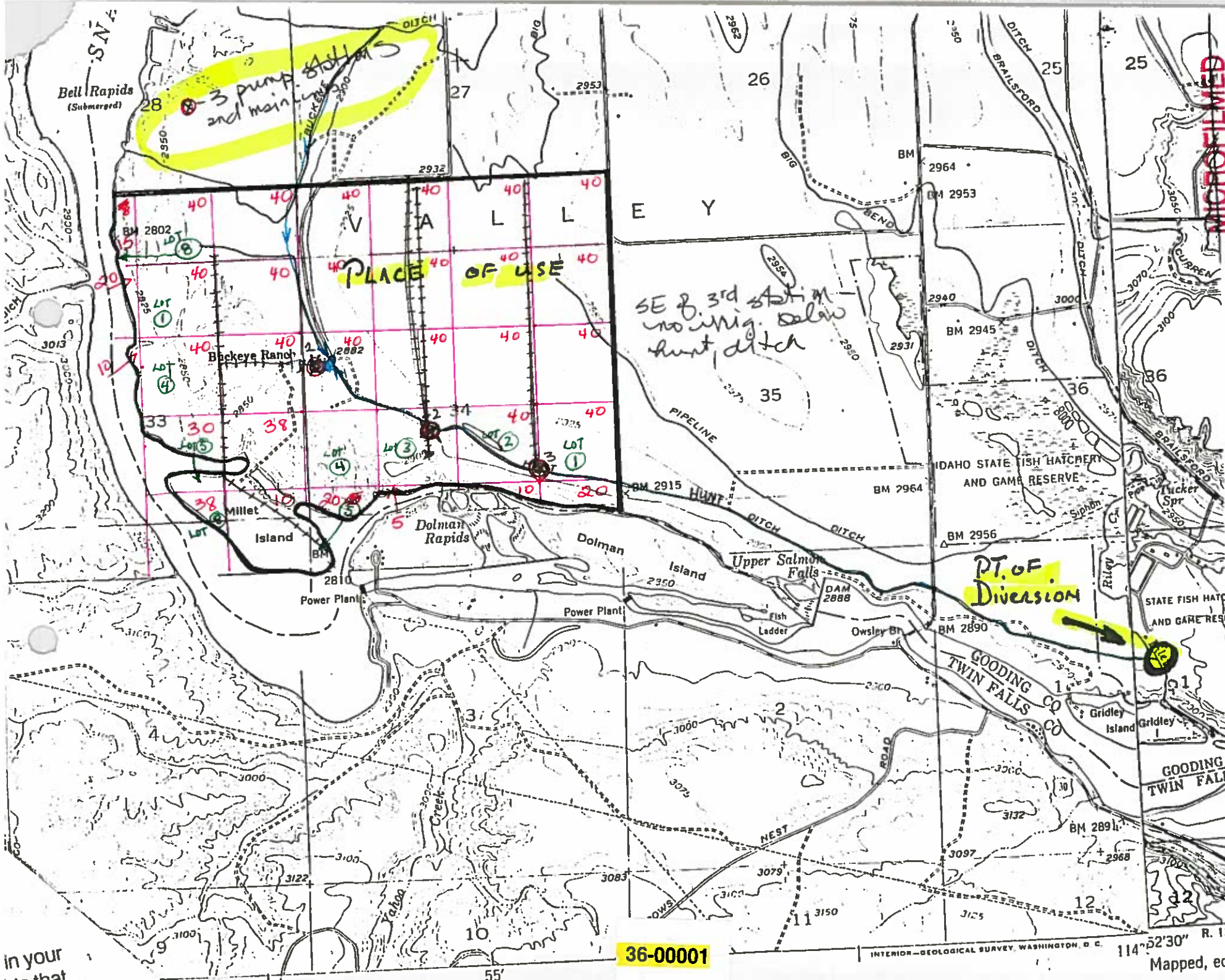
28

2953

1942

36-00001

114052-2011



Copies: White State, Yellow-Claimant
JAN 20 1993

Ident No.

BUCKEYE FARMS

Last Name

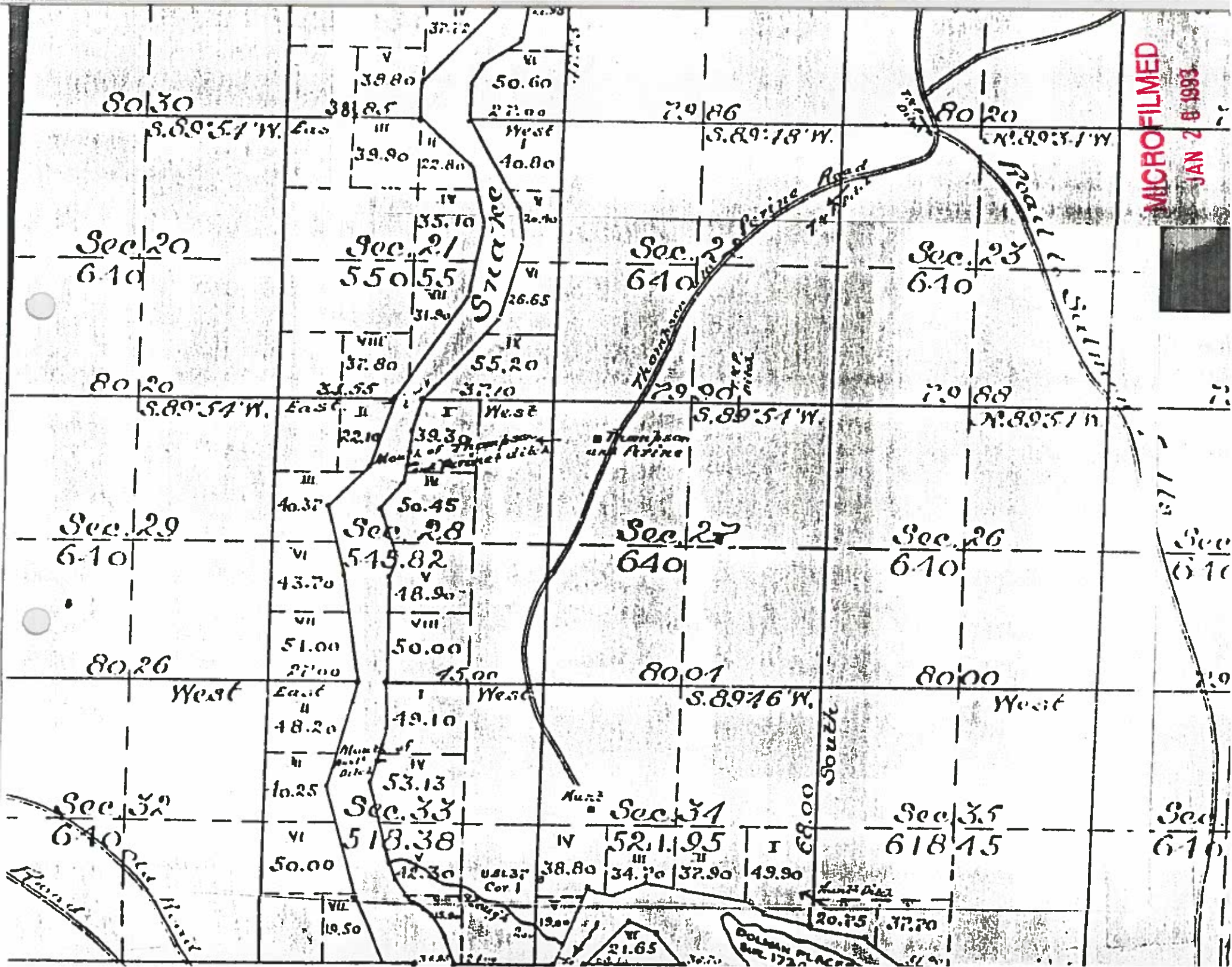
In your
hts that

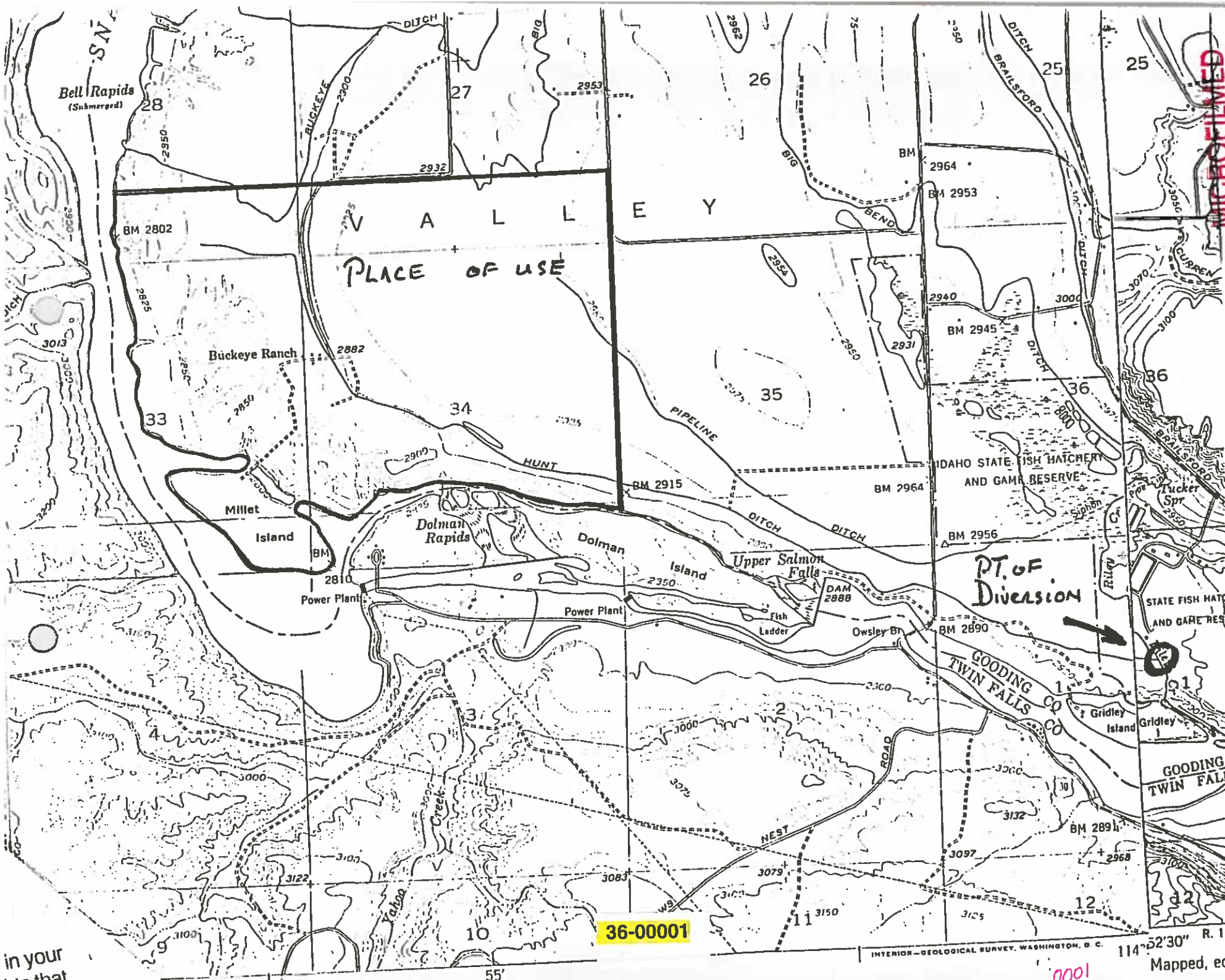
36-00001

INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D. C.

114° 52' 30" R. 13
Mapped, edi

AN 2 1993





MICROFILMED

Copies: White-State, Yellow-Claimant, 14N 20 1993

Ident No.

BUCKEYE FARMS

Last Name

in your
hts that

36-00001

INTERIOR- GEOLOGICAL SURVEY, WASHINGTON, D. C.

114° 52' 30" R. 13
Mapped, edi

0001
2

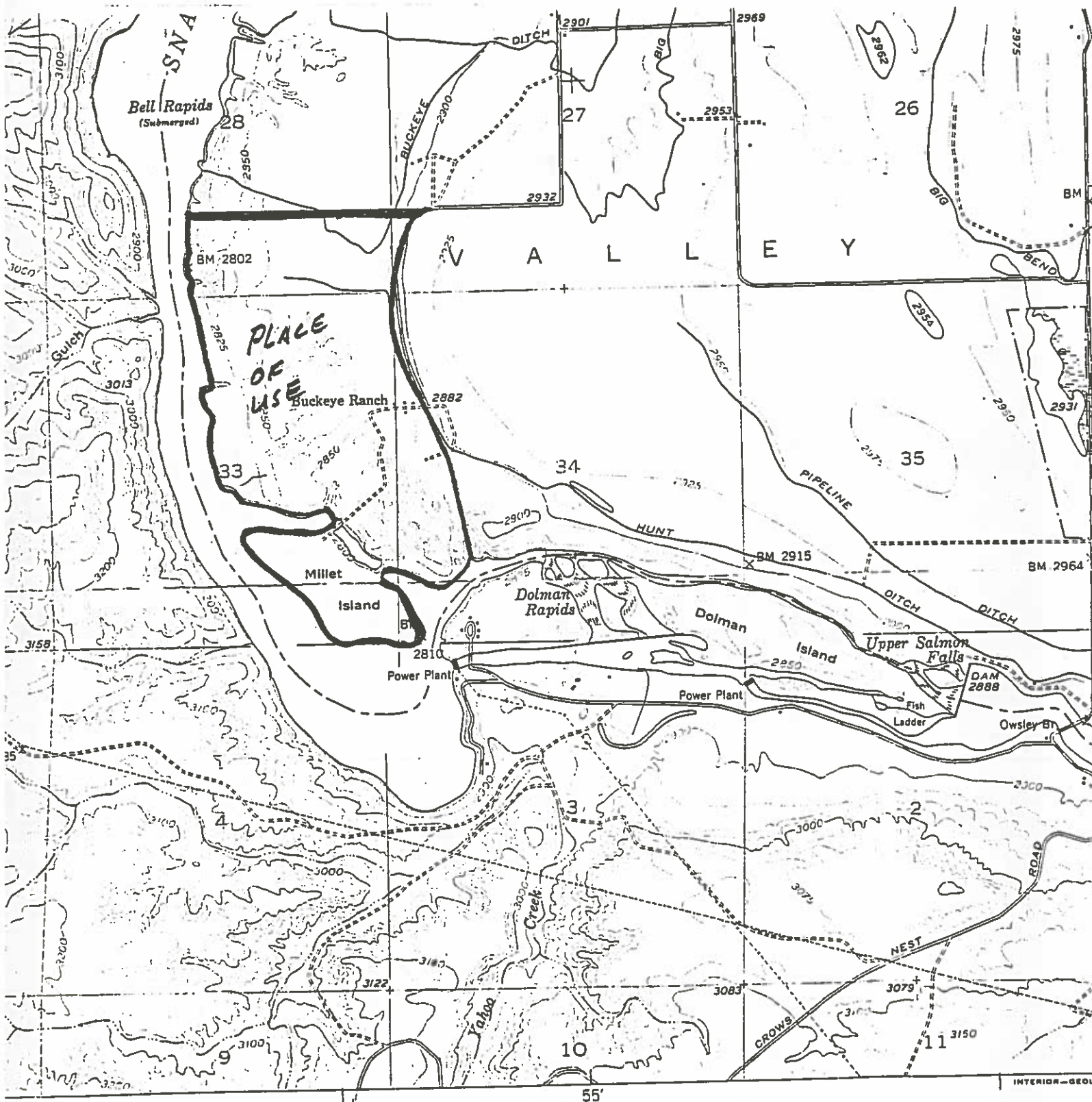
JAN 20 1993

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

0003



36-00001

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Last Name

BUCKEYE FA

Ident No.

Copies: White-State, Yellow-Claimant

JAN 20 1993

A36-00001

CONVEYANCE LOSS - WORSTELL

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	2000	8.0	2.00	0.40	28.50	39.51	0.0102	0.29	41.94
2	200	8.0	2.00	0.04	0.46	11.01	0.0037	0.01	13.03
3	2100	8.0	2.00	0.42	3.33	10.55	0.0402	0.18	12.53
4	7700	8.0	2.00	1.56	7.22	7.22	0.2156	1.95	8.78
5	0	0.0	0.00	0.00	0.00	-0.00	0.0000	0.00	-0.00
6	0	0.0	0.00	0.00	0.00	-0.00	0.0000	0.00	-0.00
7	0	0.0	0.00	0.00	0.00	-0.00	0.0000	0.00	-0.00
8				0.00		-0.00	0.0000	0.00	-0.00
9				0.00		-0.00	0.0000	0.00	-0.00
10				0.00		-0.00	0.0000	0.00	-0.00
11				0.00		-0.00	0.0000	0.00	-0.00
12				0.00		-0.00	0.0000	0.00	-0.00
13				0.00		-0.00	0.0000	0.00	-0.00
14				0.00		-0.00	0.0000	0.00	-0.00
15				0.00		-0.00	0.0000	0.00	-0.00
16				0.00		-0.00	0.0000	0.00	-0.00
17				0.00		-0.00	0.0000	0.00	-0.00
18				0.00		-0.00	0.0000	0.00	-0.00
19				0.00		-0.00	0.0000	0.00	-0.00
20				0.00		-0.00	0.0000	0.00	-0.00
TOTALS	12000			2.43	39.51			2.43	

HUNT DITCH

7-28-92

SC

1.95 cfs

conveyance loss

REACH = SECTION OF CHANNEL
 LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
 OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
 AVE WIDTH = AVERAGE TOP WIDTH OF REACH
 SEEPAGE = SOIL SEEPAGE RATE OF REACH
 WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
 DELIVERY = TOTAL DELIVERIES IN REACH
 DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
 LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
 DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
 REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH
 FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

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REMARK AND CONDITION CODE WORKSHEET

SYSTEM CLAIM NUMBERS

R36-00001

R36 00003H

AGENT

INITIALS SC

DATE

8-7-92

CLAIM NO.

OR ENTRY
ORDER

REMARK
CODE

ENTRY DATA

CONDITION
CODE

STAGE

OR
STATUS

PRESUMPTION
CODE

F01

HUNT DITCH

D02

= 1.95 cfs

E09

36-00003H

13.06 cfs

1083 AF cu.

361 Acres

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JAN 20 1993

Water right number - A36-00001

Adj. flag translation: Adjudication Temporary Work Area

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
07S	13E	33	SE SE		10.0	01	IRRIGATION	(47) GOODING
07S	13E	34	NE NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	34	NW NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SW NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SE NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	34	NE NW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	34	NW NW	8	40.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SW NW	7	40.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SE NW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SW SW	5	20.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SE SW		5.0	01	IRRIGATION	(47) GOODING
07S	13E	34	NE SE	1	40.0	01	IRRIGATION	(47) GOODING
07S	13E	34	NW SE	2	40.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SW SE	2	10.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SE SE	1	20.0	01	IRRIGATION	(47) GOODING

Total Acres: 1016.0

+ - - Diversion Means - VIA HUNT DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A36-00002, A36-00003H

+	-----	Remarks	-----	+
		DECREE INCORRECTLY DESCRIBES P/D AS SWSE S 1 T8S R 13E	put in comments	

```

+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
Old Water Right Numbers -----+
No Old Water Right Numbers found.

```

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +	+ - - - Decree Defendant - - - +	+ - Decree Date - +
NEW INTERNATIONAL MORTGAGE BANK	IDAHO POWER COMPANY	00/00/0000

```

+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
                                     -Comments-
                                     No Comments Found
+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+

```

+ - - Audit Fields - 04/24/89 CLELLAND

[illegible]

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	03/12/1985	Old Judicial District	-	
Claim Received Date	-	04/24/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Claims Tape Error Flg	-		Receipt Number	-	S006941	Water District	-	36A
Fee Exempt Flag	-		POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-	OR	Presumption Flag	-	

MICROFILMED
JAN 20 1993

Water Right Number - A36-00001

Adj. Flag Translation: Adjudication Temporary Work Area Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - -

*** C - CURRENT OWNER ***

BUCKEYE FARMS, INC. *No Contingent*

1 - P.O. BOX 2199

2 -

3 -

City- SUN VALLEY

State- ID Zip- 83353

Phone - 208-622-4100

*** A - ATTORNEY ***

ROSHOLT

JOHN A.

1 - P.O. BOX 1906

2 -

3 -

City- TWIN FALLS

State- ID Zip- 833031906

Phone - 208-734-0700

+ - - Priority Date - - +
05/01/1883+ - - - Region - - - +
17+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - - +

+ - - - - Source - - - - - +
RILEY CREEK+ - - - - Tributary - - - - - +
SNAKE RIVER

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
-----	-----	-----	-------	-----	------	--------	--------------------	---------------------------------------

08S	13E	1	SW NE	6		(47)	GOODING	
-----	-----	---	-------	---	--	------	---------	--

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/01	11/15	12.000	

Total Div. Rate - +	Total Div. Volume - +	Total Div. Capacity - +	Total Consumptive Use - +	KW Usage - +
12.000	6120.00		3072.0	

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	13E	27	SW SW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	27	SE SW		40.0	01	IRRIGATION	(47) GOODING
07S	13E	27	SW SE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	27	SE SE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	28	SE SW	8	15.0	01	IRRIGATION	(47) GOODING
07S	13E	28	SW SE	8	40.0	01	IRRIGATION	(47) GOODING
07S	13E	28	SE SE	9	40.0	01	IRRIGATION	(47) GOODING
07S	13E	33	NE NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	33	NW NE	1	40.0	01	IRRIGATION	(47) GOODING
07S	13E	33	SW NE	4	40.0	01	IRRIGATION	(47) GOODING
07S	13E	33	SE NE		40.0	01	IRRIGATION	(47) GOODING
07S	13E	33	NE NW	1	20.0	01	IRRIGATION	(47) GOODING
07S	13E	33	SE NW	4	10.0	01	IRRIGATION	(47) GOODING
07S	13E	33	NE SE		38.0	01	IRRIGATION	(47) GOODING
07S	13E	33	NW SE	5	30.0	01	IRRIGATION	(47) GOODING
07S	13E	33	SW SE	8	38.0	01	IRRIGATION	(47) GOODING

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JAN 20 1993



View North

NENW, S. 34

MAINLINE EXISTS BUT
NO IRRIGATION FOUND

PHOTOS BY
SCL
10-3-90



BUCKEYE FARMS

VIEW SOUTH - OVER MAINLINE
A36-00001, 2, 3H

NENW, S. 34

MICROFILMED

JAN 20 1993

36-00001 PHOTOS



View South NW NW, S.34
LIMITED IRRIGATION



View WEST NW NW, S.34
BUCKEYE DITCH IRRIGATION



VIEW NW NENW, S.34
BIG SIEVE POND
DISCHARGE END

PHOTOS BY
SCC
10-3-90

Buckeye Farms
A36-00001, 2, 3H
MICROFILMED
JAN 20 1993



VIEW NORTH SWSW, S. 34

VIEW EAST TO
DOLMAN RAPIDS



VIEW SW OVER MILLET ISLAND

PHOTOS BY SCC
10-3-90

BUCKEYE FARMS
A36-00001, 2, 3H

MICROFILMED
JAN 20 1993



VIEW South NWSE, S. 34



VIEW WEST NWSE, S. 34

PHOTOS
BY SCC
10-3-90



VIEW NORTH
PIPELINE POND NESE, S. 34



VIEW South NESE, S. 34

BUCKEYE FARMS

A36-00001, 2, 3H

JAN 20 1991



MICROFILMED

JAN 20 1993

← UPPER
SALMON
POWER PLANT
IPCO

VIEW FROM BELL RAPIDS ROAD OVERLOOKING BUCKEYE RANCH.

MILLET ISLAND IN FOREGROUND.

PHOTOS BY SCL
8-30-90

BUCKEYE RANCH

A36-00001

-00002

-00003

View WEST



From EAST side of S. 34
SENE



MICROFILMED

JAN 20 1993

photos By
SCL
10-3-90

HUNT
DITCH
↑
Flow



View WEST...
ABOVE HUNT Ditch. **BUCKEYE FARMS**
No IRRIGATION.



HUNT
DITCH
↓
Flow

VIEW EAST ABOVE HUNT DITCH.
A36-00001, 2, 3H NO IRRIGATION

BRAILSFORD

1) camping shed	$50 + 50 = \$100$
2) tenant name	$50 + 50 = 100$
3) W.N. name	$50 + 50 = 100$
4) N.I. decal	$50 + 200 = 250$
5) FISH	$50 + 300 = 350$
6) 2" TAPS	$50 + 70 = 120$

\$ 1020

previous fees chkr 870

Additional Fees 150
\$ 1020

MICROFILMED

36-00001

JAN 20 1993