

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: **A36-00003H**
Date Received: 4/24/1989
Receipt No: S006941
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

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

2. Date of Priority: SEP 10, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	SE	NE			GOODING

5. Description of diverting works:
VIA BUCKEYE 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) A.F.A.

8. Total consumptive use is 1365.0 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	5.0

Section Acres 5.0

28	SE	SW	IRR	20.0
----	----	----	-----	------

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DEC 04 1996

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	13E	28	SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	100.0
		33	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	10.0
			SE		NW		IRR	10.0
			NE		SE		IRR	35.0
			NW		SE		IRR	25.0
			SW		SE		IRR	10.0
			SE		SE		IRR	35.0
							Section Acres	285.0
		34	NW		NW		IRR	5.0
			SW		NW		IRR	20.0
			NW		SW		IRR	30.0
			SW		SW		IRR	10.0
							Section Acres	65.0
							Total Acres	455.0

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:
A36-00001, A36-00002

14. Remarks:

APPLICANT OWNS LESS THAN TOTAL ORIGINAL BUCKEYE RANCH, BUT IS ENTITLED TO 12 CFS THROUGH BUCKEYE DITCH.

8/21/95, DJ: DATA ENTRY ERRORS IN PLACE OF USE COUNTY CORRECTED FROM BLAINE COUNTY TO GOODING COUNTY PER CORRESPONDENCE WITH STATE OFFICE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

NEW INTERNATIONAL MORTGAGE BA
Decree Plaintiff

IDAHO POWER COMPANY
vs Decree Defendant

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: **A36-00003H**

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: SEP 10, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	SE	NE			GOODING

5. Description of diverting works:
VIA BUCKEYE 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) A.F.A.

8. Total consumptive use is 1365.0 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	5.0
						Section Acres	5.0
		28	SE	SW		IRR	20.0

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Updated both A record
& blank prefix record
with new address.
JG 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

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

Petitioner,

vs.

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

Respondents.

Case No. 39576

STANDARD FORM 3

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

MOTION FOR SUBSTITUTION
OF PARTY

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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OCT 11 1994

36-0001
MICROFILMED

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 _____

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OCT 11 1994

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 Strickland
Notary Public for Idaho
Residing at: Shoshone
My commission expires: 12-17-97

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RECEIVED

JUN 10 1993

Department of Water Resources
Southern Region Office

P.O. Box 2199

Sun Valley, ID 83353

18335 U.S. Highway 30

Hagerman, ID 83332

New Telephone Number: (208) 837 - 6595

8) $\frac{837 - 6595}{-1042}$ А. Роскош

Date: 6/9/93

Initial Review and Data-Entry

Date: 6/28/93

By: IC

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

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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 FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39576
Ident. Number A36-000034
Date Received _____
Receipt Number _____

RECEIVED

MAR 01 1989

Department of Water Resources
Southern Region OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

SEP 1 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

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) September 10, 18843. Source of water supply (a) BILLINGSLEY CREEK
which is tributary to (b) SNAKE RIVER4. a. Location of existing point of diversion is: Township 7S Range 13E Section 11,
1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of GOODING
USGS MAP SHOWS DIVERSION IN SW1/4 NW1/4, Sec. 12,
Additional points of diversion if any: T. 7 S., R. 13 E.B.M.

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 BUILT BY BUCKEYE DITCH OWNERS -- IMPROVED IN 1980's BY
TROUTCO WHEN POWER PLANT CONSTRUCTED.MICROFILMED
OCT 11 1994

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 1365 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											5						5
		28												20			40	40	100
		33	40	40	40	40	10			10					35	25	10	35	285
		34						5	20			30	10						65

Total number of acres irrigated 455

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.
36-001, 36-002 or None ()

14. Remarks: APPLICANT OWNS LESS THAN TOTAL ORIGINAL BUCKEYE RANCH, BUT IS ENTITLED
TO 12 cfs THROUGH BUCKEYE DITCH.

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JAN 20 1993
OCT 11 1994

Last Name BUCKEYE FARMS Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile



Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☐ License ☐ Permit ☐
Decree XXXX

If applicable provide IDWR Water Right Number 36-003

Court FEDERAL DISTRICT CT. ID Case Number 1602 Decree Date March 22, 1932

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
John A. Rosholt, Power of Atty
for John A. Burke

Date

9/1/88

Date

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)

) SS.

County of TWIN FALLS)

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

SEAL

Notary Public

Sherry L. Call

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 11 1994
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JAN 20 1993

Copies White-State, 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

DECREE S. DISTRICT COURT
DISTRICT OF IDAHO

FILED MAR 23 1932

W. B. McLaughlin
W. B. McLaughlin, 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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and 8 South, Range 13 E. B. M. bears south 75° 50' west 4435 feet distant;

36-003

Also 20 second feet of the waters flowing in Billingsley Creek, with a date of priority of September 10, 1884, the same being diverted by means of a dam in, and a ditch leading from, said Billingsley Creek, the point of diversion being in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, Twp. 7 South, Range 13 E. B. M., from which the quarter section corner common to Sections 11 and 12, Twp. 7 South, Range 13 E. B. M. bears south 47° 22' east 718 feet distant.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, That the amounts of water heretofore set out, diverted from said natural water supply at the points of diversion heretofore mentioned and set out, are necessary for the proper irrigation and cultivation of, and that the same is appurtenant to the following, described land of the plaintiff, viz:

SW $\frac{1}{4}$ of NE $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$; S $\frac{1}{2}$ of NW $\frac{1}{4}$; N $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 27; SE $\frac{1}{4}$ of NE $\frac{1}{4}$; NE $\frac{1}{4}$ of SE $\frac{1}{4}$; Lots 4, 5, 8, and 9, all in Section 28; Lots 1, 4, 5, and 8; SE $\frac{1}{4}$ of SE $\frac{1}{4}$, all in Sec. 33; Lots 1, 2, 3, 4, 5, and 7; SE $\frac{1}{4}$ of NW $\frac{1}{4}$; NE $\frac{1}{4}$; N $\frac{1}{2}$ of NW $\frac{1}{4}$, all in Sec. 34; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35, all in Township 7 South, Range 13 E. B. M. Terrace Bar, Big Foot Bar, Union Bar and Comstock Placer Mining Claims according to plat of Mineral survey No. 1, Lot 37, filed in U. S. Land Office at Hailey, Idaho, November 20, 1884; Starr Hunt, Jack Rabbitt and Fractional Terrace Bar Placer Mining Claims according to plat of mineral survey No. 301, Lot 38, filed in U. S. Land Office at Hailey, Idaho, January 2, 1890; all in Township 7 South, Range 13, E. B. M. All islands in Snake River South of said Section 33, Township 7 South, Range 13 E. B. M., excepting tracts 16, 27, 37, 124, and 125 of Map of Buckeye Ranch recorded in Book 1 of Plats, page 44, in the office of the County Recorder of Lincoln County, Idaho.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, That said plaintiff may, and is hereby given the right to, change its point of diversion of the waters diverted from Billingsley Creek at the point of diversion hereinbefore described and set out to that certain point of diversion on Riley Creek heretofore designated and set out as the Tucker or Thompson Spring diversion, or elsewhere on Riley Creek;

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: A36-00003H
Date Received: 2/07/1989
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: SEP 10, 1884

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	13E	11	SE		NE		GOODING

5. Description of diverting works:
VIA BUCKEYE 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:
20.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1365.0 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	5.0
						Section Acres	5.0
		28	SE	SW		IRR	20.0

A36-00003H

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	SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								100.0
		33	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	10.0
			SE		NW		IRR	10.0
			NE		SE		IRR	35.0
			NW		SE		IRR	25.0
			SW		SE		IRR	10.0
			SE		SE		IRR	35.0
Section Acres								285.0
		34	NW		NW		IRR	5.0
			SW		NW		IRR	20.0
			NW		SW		IRR	30.0
			SW		SW		IRR	10.0
Section Acres								65.0
Total Acres								455.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A36-00001, A36-00002

14. Remarks:

APPLIICANT OWNS LESS THAN TOTAL ORIGINAL BUCKEYE RANCH, BUT IS ENTITLED TO 12 CFS THROUGH BUCKEYE DITCH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

NEW INTERNATIONAL MORTGAGE BAN
Decree Plaintiff

vs

IDAHO POWER COMPANY
Decree Defendant

A36-00003H

Page

2

Date: 04/24/89

MICROFILMED
JAN 20 1993

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
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

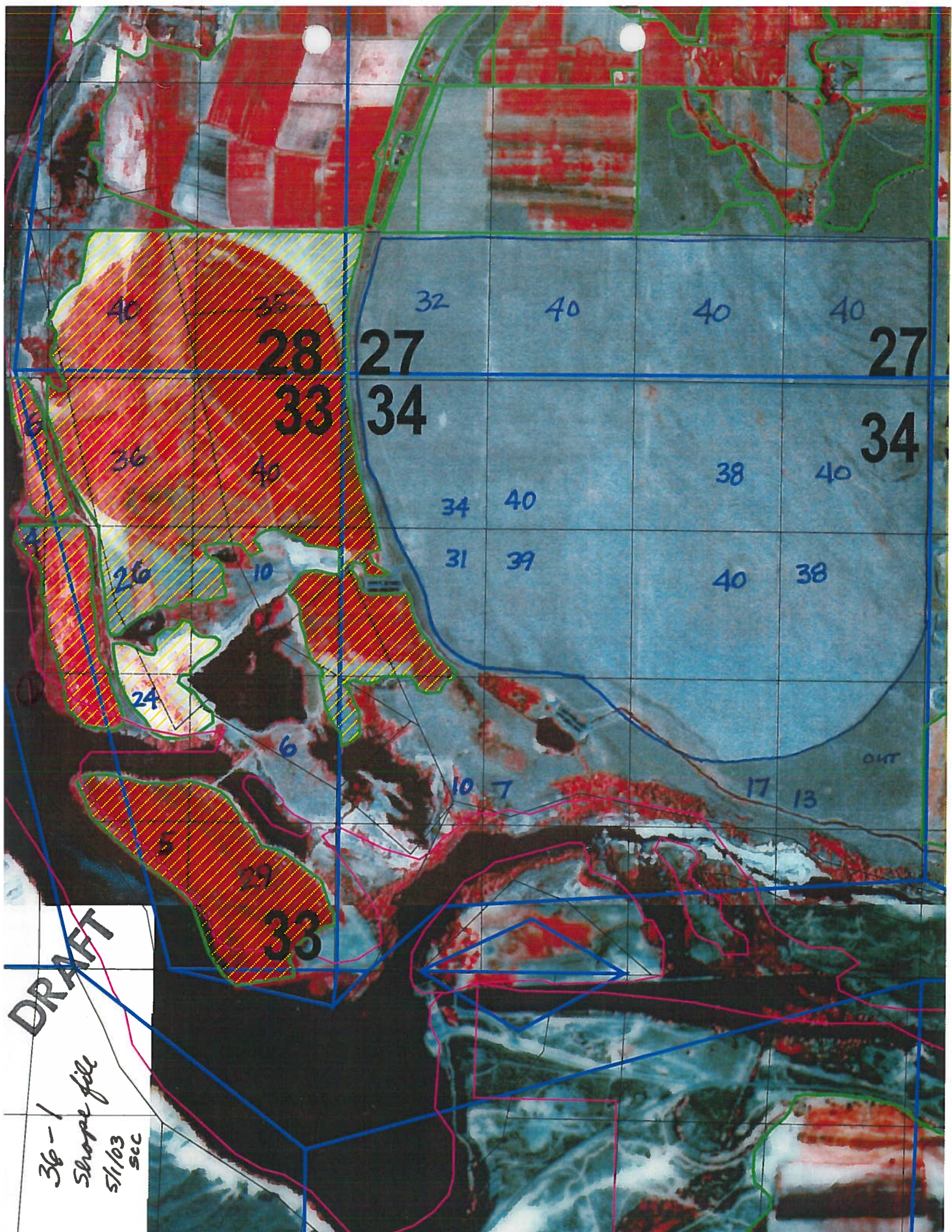
State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____



DRAFT

36-1
Shape file
5/1/03
SEC

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

RECEIVED

SEP 17 1999

Department of Water Resources
Southern Region

In Re SRBA

A. Subcase 36-00003H

Case No. 39576

STANDARD FORM 1a

OBJECTION TO IRRIGATION SEASON

AND/OR CONJUNCTIVE MANAGEMENT

GENERAL PROVISIONS

B. NAME AND ADDRESS OF PERSON OBJECTING

Name Buckeye Farms

Name & address of attorney, if any:

John Simpson

Address: 18335 W. Highway 30

Rosholt, Robertson & Tucker

Hagerman, ID 83332

P.O. Box 2139

Daytime Phone: (208) 837-6585

Boise, ID 83701-2139

C. CLAIMANT OF WATER RIGHT AS LISTED
IN SUPPLEMENTAL DIRECTOR'S REPORT

D. ELEMENTS OBJECTED TO:

Name: _____

8. Period (Irrigation Season) of Use

Should be: _____

Address: _____

12. General Provision

Number _____ Reported in Basin: _____

Comments: _____

E. REASONS SUPPORTING OBJECTION: (if you have additional reasons, please attach to this form)

The provision does not sufficiently define the legal and hydrologic relationship between this water right and other water rights or provide a sufficient basis for administration of this and other water rights.

Reservation of Rights. The Objector specifically reserves the right to amend this objection as circumstances, including additional investigation and discovery, may warrant. The Objector also reserves the right to object to any general provision(s) proposed for this water right in the future, including any revised interconnection and/or conjunctive management general provision(s).

F. VERIFICATION (Must be Completed)

State of Idaho)

County of Ada)

JOHN K. SIMPSON duly sworn, upon oath, deposes and says:
(Signature of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Subscribed and sworn to before me on: 9/1/99

(Attorney signing in representative capacity)

Brenda L. Hennkamp
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 9/2004

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Sept 1, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

3. Copies to:
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

2. One copy to the claimant of the water right at the following address:

Chief, Natural Resources Division
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Name: Buckeye Farms
Address: 18335 W. Highway 30
Hagerman, ID 83332

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

[Signature]
Signature of Objector or Attorney

CLAIM NUMBERS 36-00003H

DATE _____

AGENT _____

TRANSFER NUMBER _____

OBJECTION FILED _____

TOTAL ACRES FROM RECOMMENDATION 224

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	28															33	33	66
GIS																				
RECOM	075	13E	33	30	19	24	10	3								6	18	10	21	141
GIS																				
RECOM	075	13E	34						1	5			10	1						17
GIS																				
RECOM																				
GIS																				

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____

B36-DBPOD.DBF _____

POLYGON CREATED ON 604 () _____

ATTRIBUTES OF B36-POU.SHP () _____

ATTRIBUTES OF B36-POD.SHP () SESENE-11
(Buckeye Ditch)

P/U CONFLICT yes () no ()

P/D CONFLICT yes () no ()

READY FOR DECREE yes () no ()

SENT FOR DECREE yes () no ()

RECEIVED

MAR - 7 1997

Department of Water Resources
Tribal Water Bureau

1997 MAR -6 AM 9:55

DISTRICT COURT -
TWIN FALLS, IDAHO
1997

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

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE

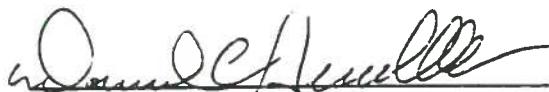
) For Water Right 36-00003H

On January 14, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-00003H be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 6, 1997.



DANIEL C. HURLBUTT, JR.

Presiding Judge

Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-00003H

1997 FEB -6 AM 9:55
DISTRICT COURT
TWIN FALLS, IDAHO
FILED

NAME & ADDRESS: BUCKEYE FARMS INC
18335 U S HWY 30
HAGERMAN ID 83332

SOURCE: BILLINGSLEY CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 11.9 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00002 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 28.55 CFS.

PRIORITY DATE: 09/10/1884

POINT OF DIVERSION: T07S R13E S11 SESENE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	11.9 CFS

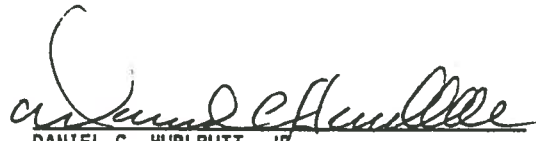
PLACE OF USE:	IRRIGATION	Within GOODING County
	T07S R13E S27	SWSW 1.0
	S28 Lot 8 (SWSE) 40.0	SESE 35.0
	S33	NENE 40.0 Lot 1 (NWNE) 36.0 Lot 4 (SWNE) 26.0 SENE 10.0
		Lot 1 (NENW) 6.0 SENW 4.0 NESW 1.0 NESE 6.0
		Lot 5 (NWSE) 24.0 Lot 8 (SWSE) 5.0 SESE 29.0
	S34	NWNW 2.0 SWNW 15.0 Lot 4 (NWSW) 10.0
	290.0 ACRES TOTAL	

USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00002 IS
LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 761 ACRES IN A
SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00002 IS
LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF
2663.5 AF.

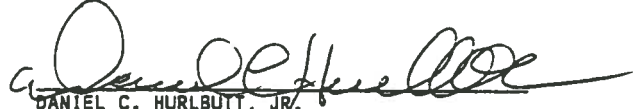
DATED: MAR 6 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

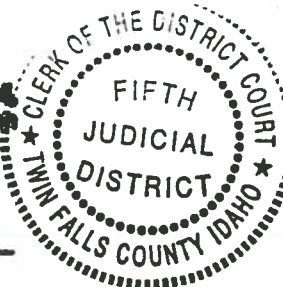
DATED: MAR 6 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-00003H

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full
true and correct copy of the original of
file in the above entitled action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



PAGE 2
FEB-25-1997

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

◇◇◇◇◇◇

February 18, 1997 8:45am

NAME:

KEN ELLIS & RICK EGGLESTON

CAMEIN

RE:

COPIES OF FILES

THEY CAME IN TO MEET WITH GEORGIA S. AND REVIEW FILES ASSOCIATED WITH BUCKEYE FARMS. I ASSISTED HER WITH THE SRBA PORTION OF THIS QUERY. SHE PROVIDED COPIES OF THE CURRENT PERMITS BEING EXAMINED BY DAN N. AND I PROVIDED COPIES OF THE SRBA FILES FOR THE FOLLOWING: A36-0003H, A36-00004, A36-00015, A36-00018. I GAVE THEM COMPLETE COPIES OF THE TEMP RECORDS WE HAVE ON FILE AS OF THIS DATE.

THEY REQUESTED COPIES OF SOME OTHER FILES I HAD PREPARED THAT SUMMARIZE THE VALLEY'S FLOWS AND RIGHTS. THESE ARE TO BE PICKED UP LATER TODAY.

MAPS & INFORMATION

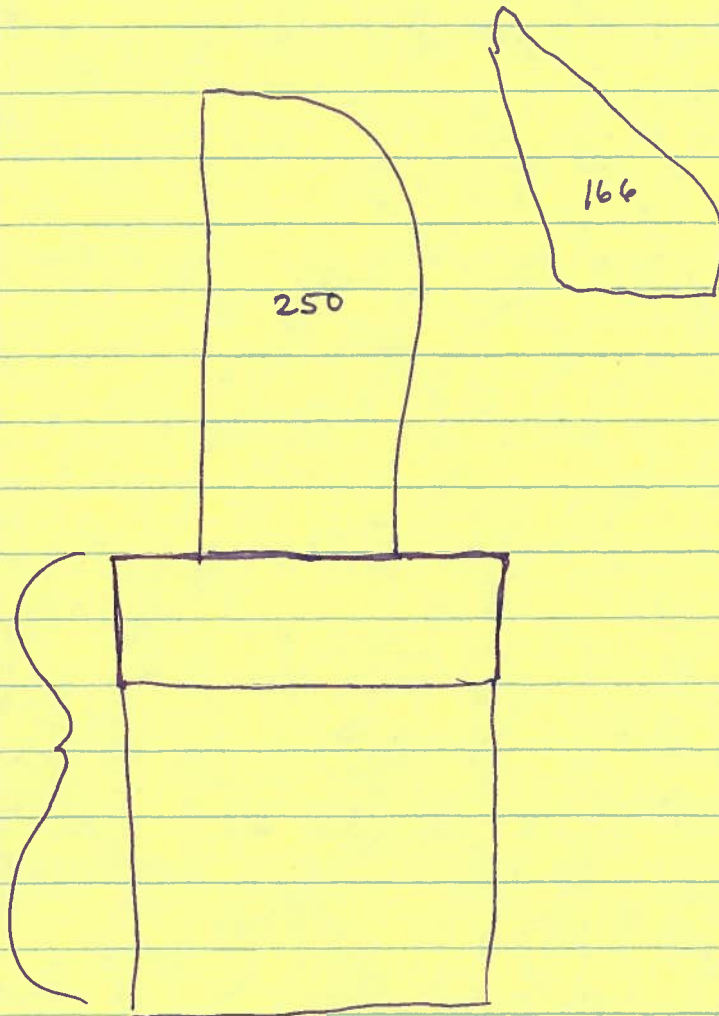
RELATED TO

36-00003 SPLITS

Buckeye TRANSFER

4/25/00

$$\text{Duty of water} - 004 \\ = 0.036 \text{ cfs/Ac}$$



$$\frac{36-00004}{416 \text{ Ac}} \\ 15 \text{ cfs}$$

$$\text{P. Decree: } 36-00018$$

$$20 \text{ cfs} / 264 \text{ Ac (South)} \\ = \cancel{0.076 \text{ cfs/Ac}} \\ / 219 \text{ Ac (North)} \\ \hline 483 \text{ Ac}$$

$$= 0.041 \text{ cfs/Ac}$$

BUCKEYE TRANS.
36-03 splits

M

Clelland, Steve

From: Clelland, Steve
Sent: Tuesday, April 13, 1999 2:20 PM
To: Spencer, Nick
Cc: Clelland, Steve; Merritt, Allen; Tuthill, Dave
Subject: Buckeye acres and settlement

Nick,

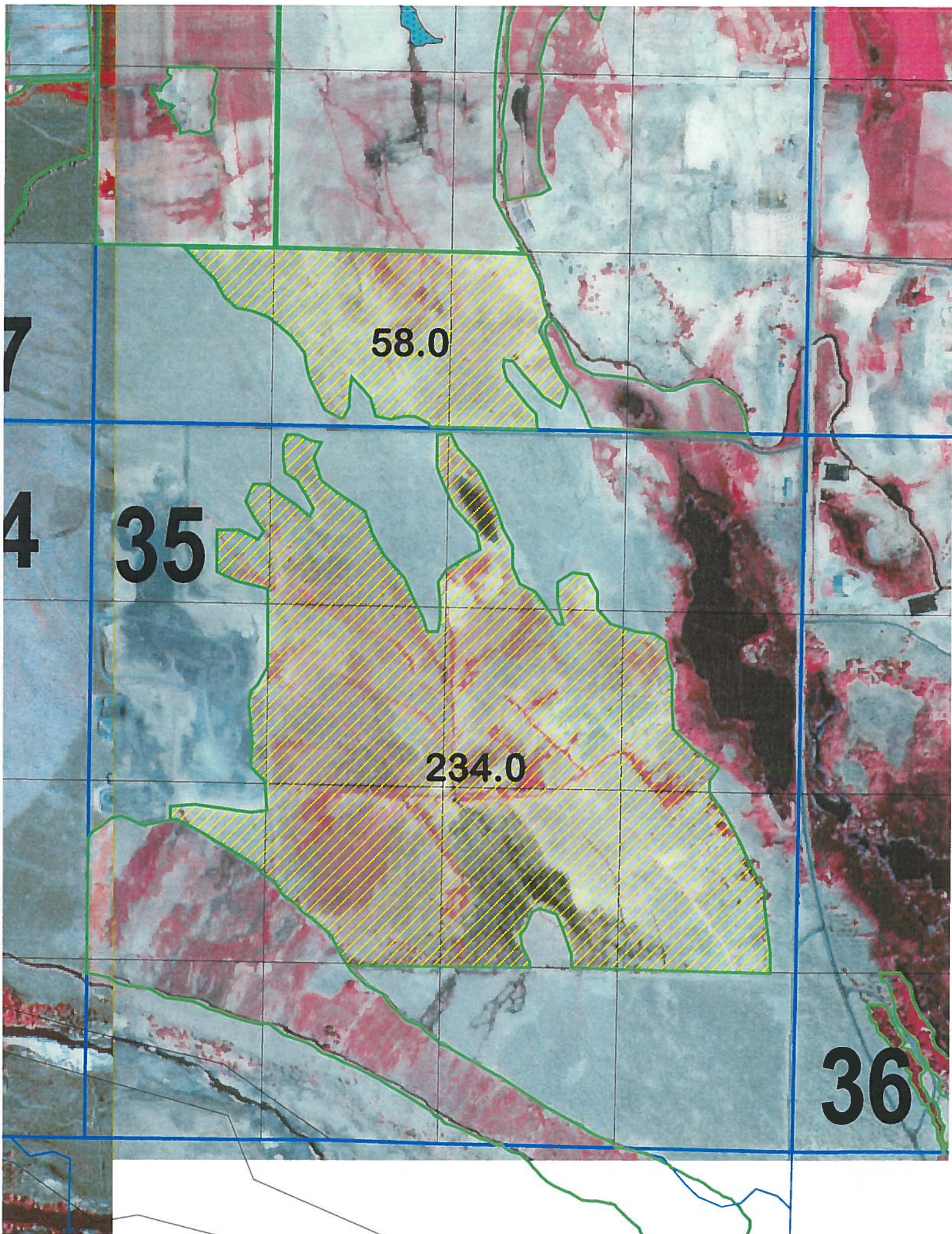
I Just spoke with John Simpson about the acres and issues... He seemed to agree the acres were close to a resolution (320-350 ac.) and I told him my latest GIS edits show about 320 acres. He thought we were trying to come to an agreeable acreage PLUS a duty of water for the full 20 cfs. I told him you and I had discussed this earlier today and concluded the same. He has been trying to call you to confirm this idea. He will contact Brockway to see how the duty numbers work with the 320 acres and I offered to forward these numbers along with this email to see if our staff can live with the duty of water.

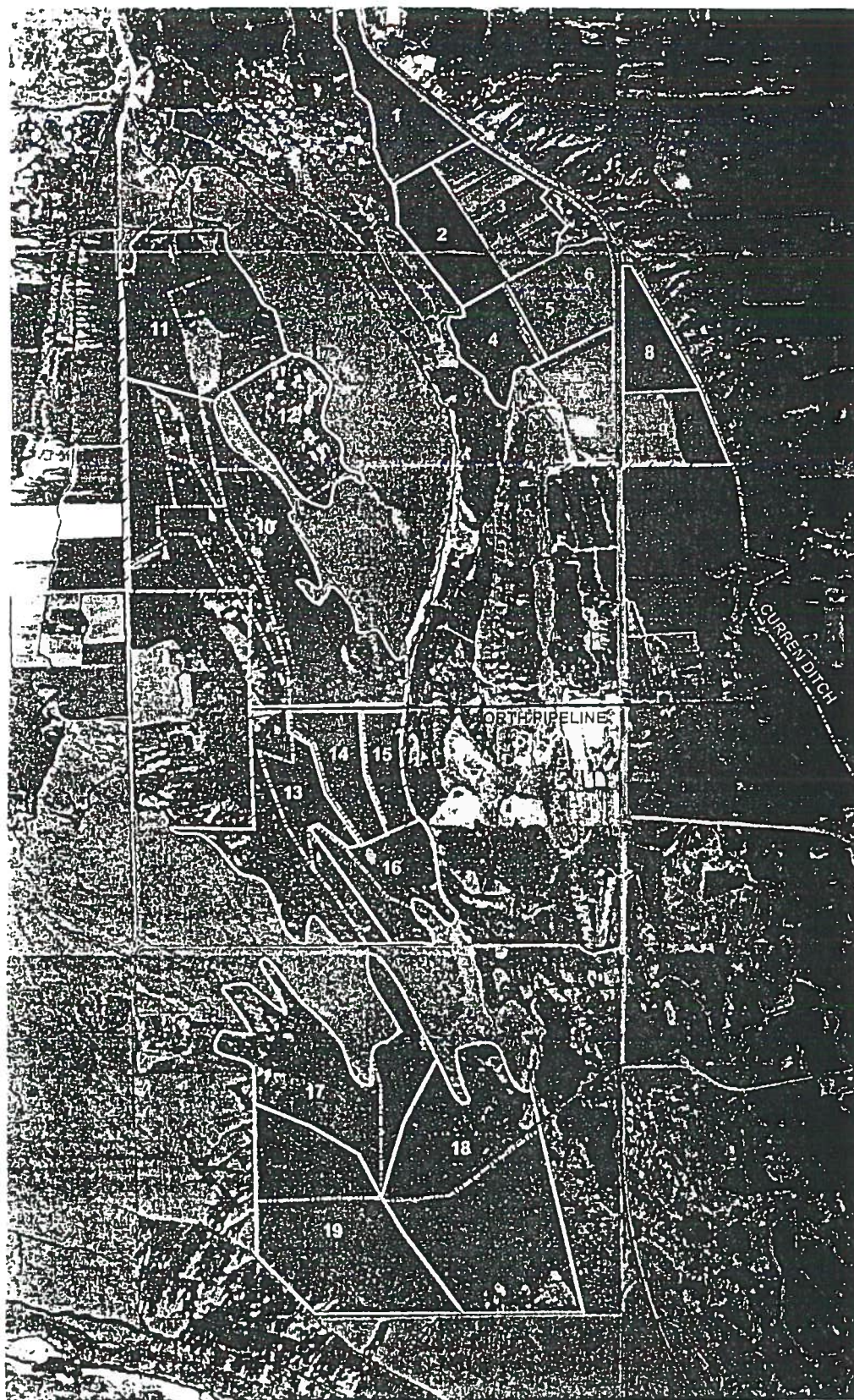
If you get a chance maybe you can give John S. a call...

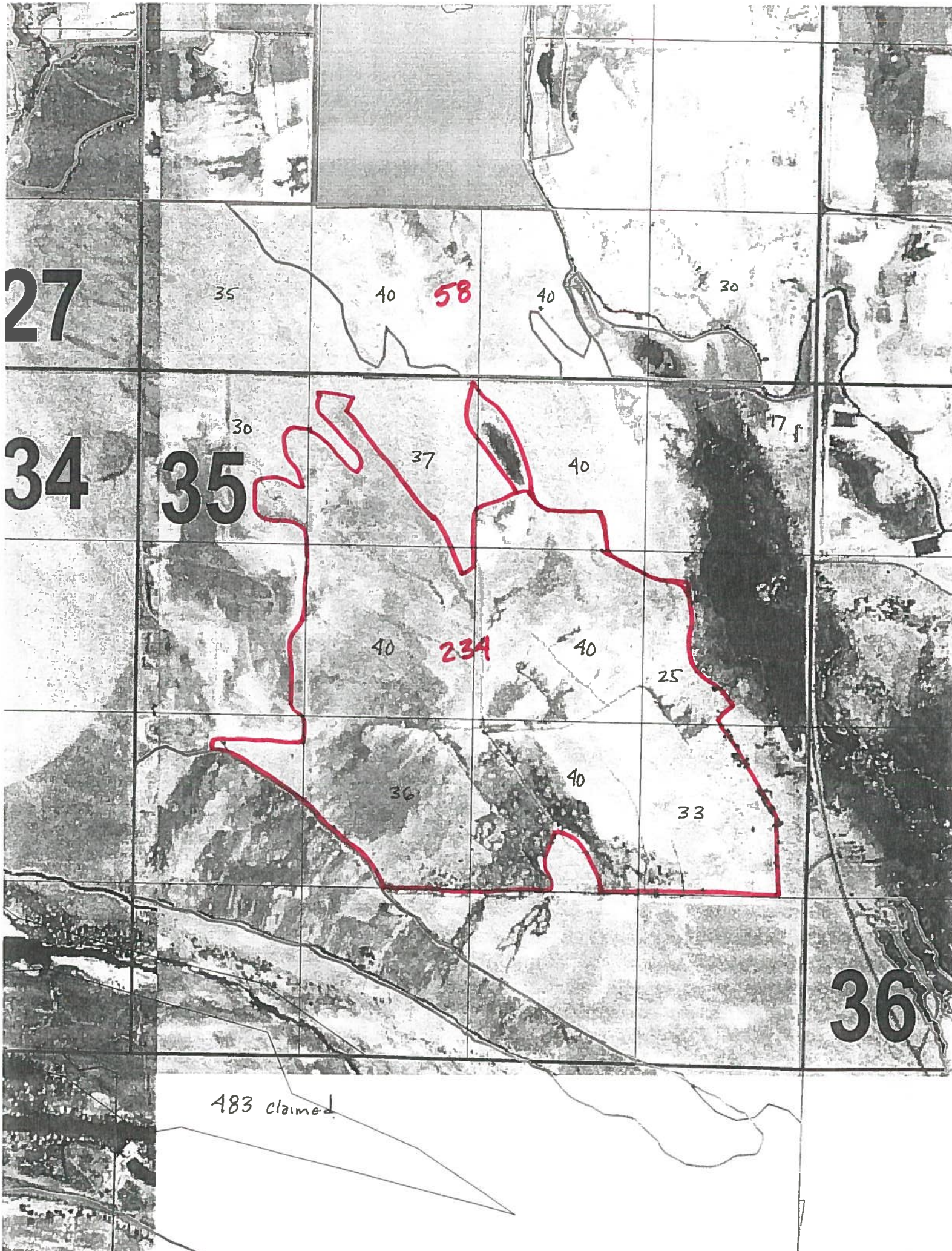
Steve

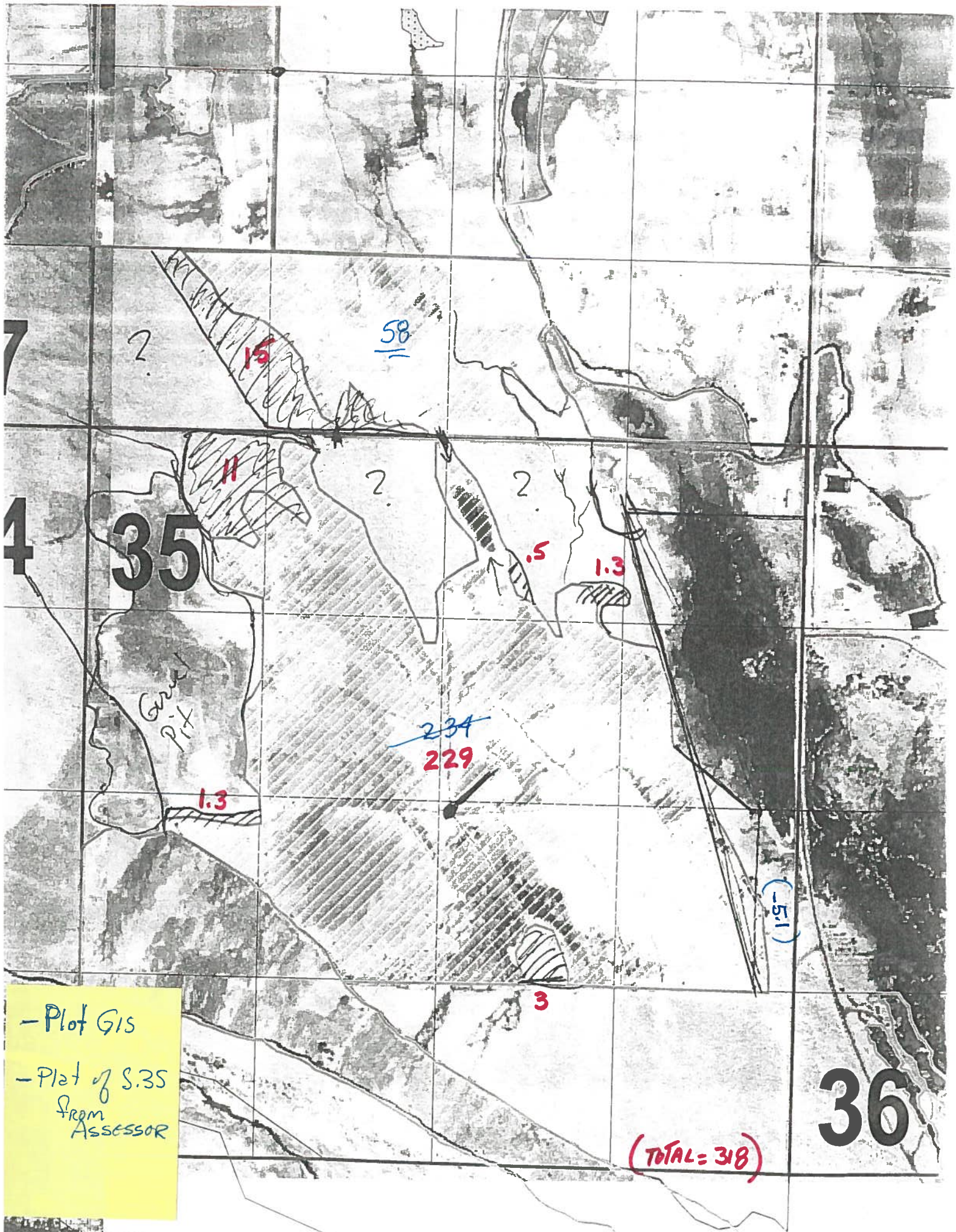
.036 cfs/Ac

$318 \text{ Ac} = 11.45$





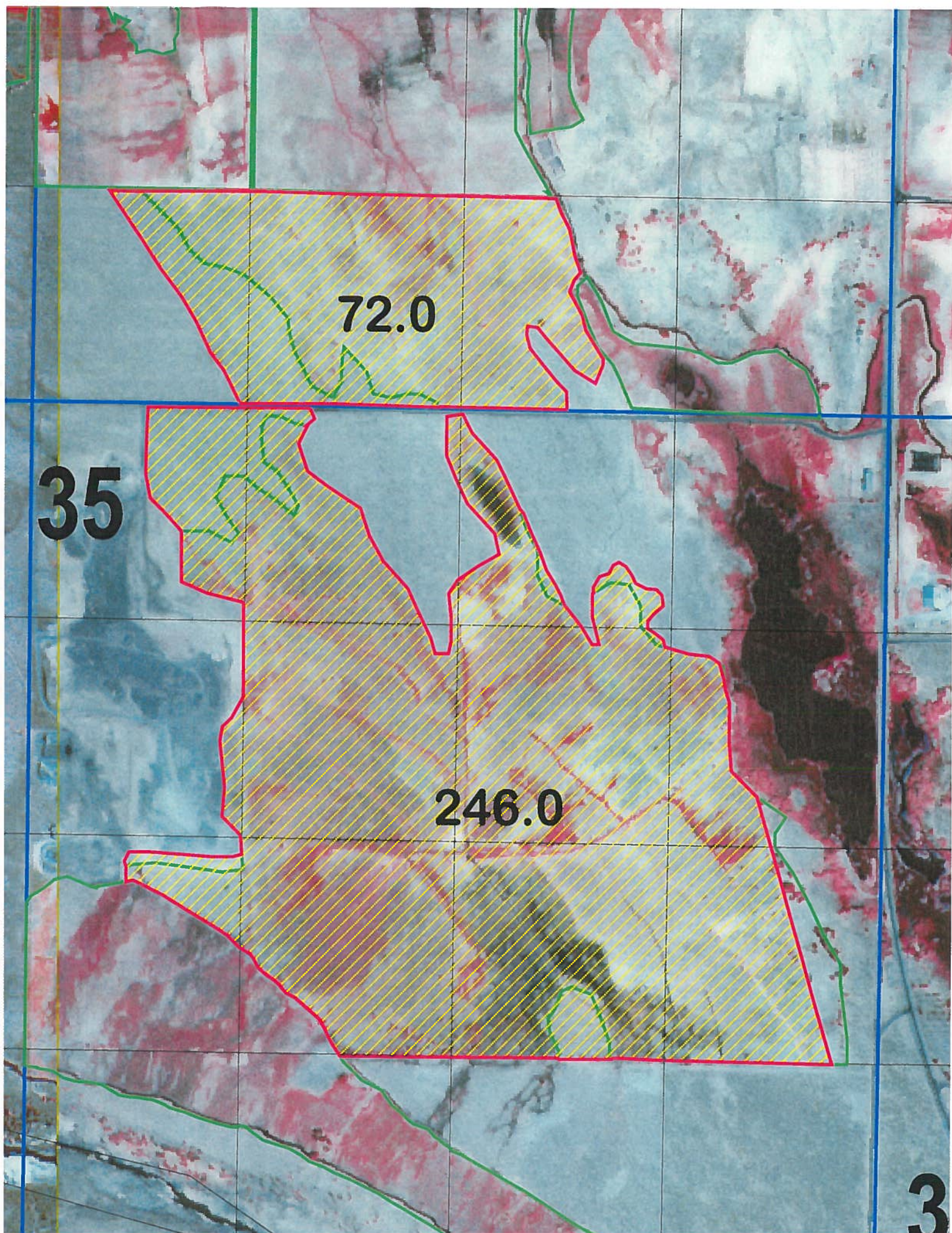


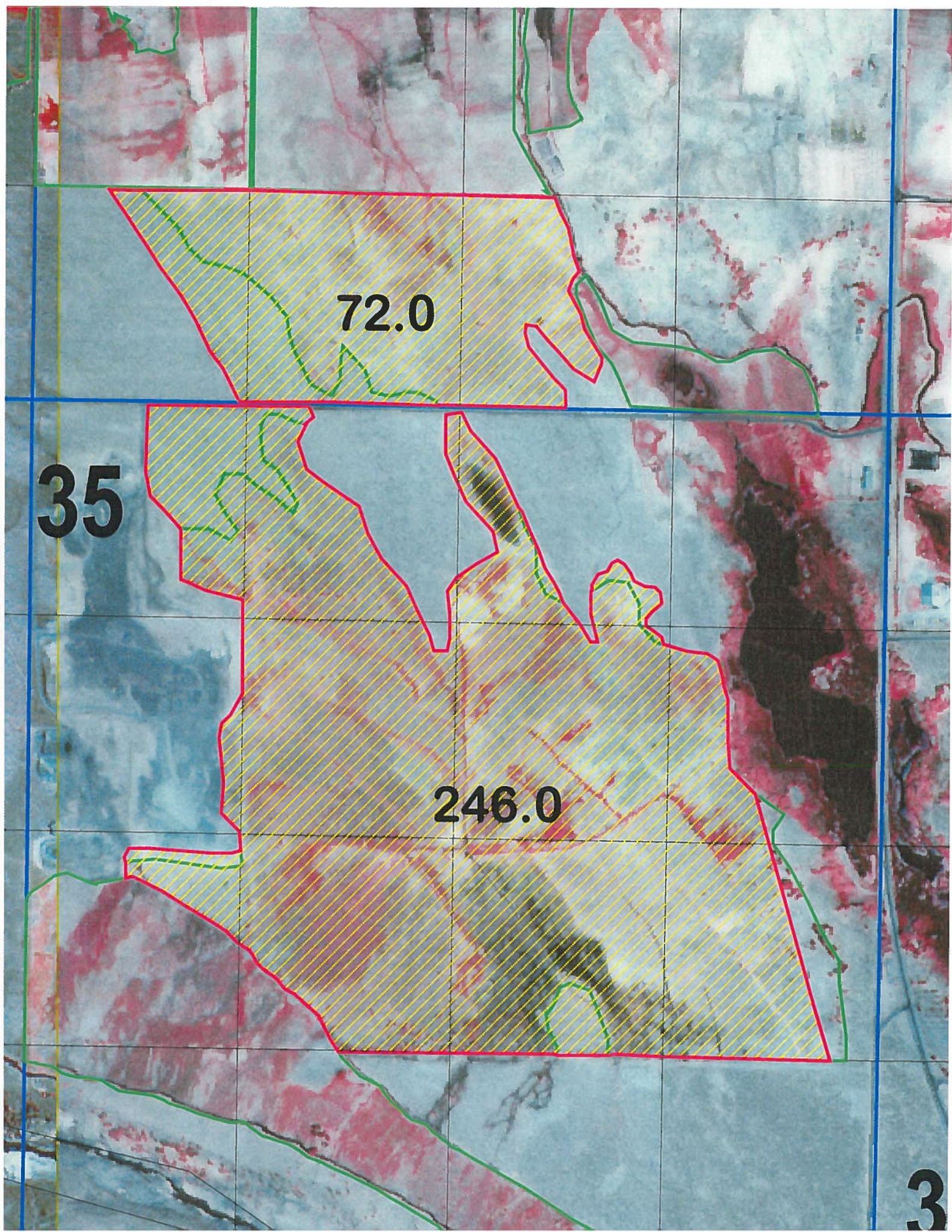


- Plot GIS
- Plot of S.35
from
Assessor

(TOTAL = 318)

36





14

13

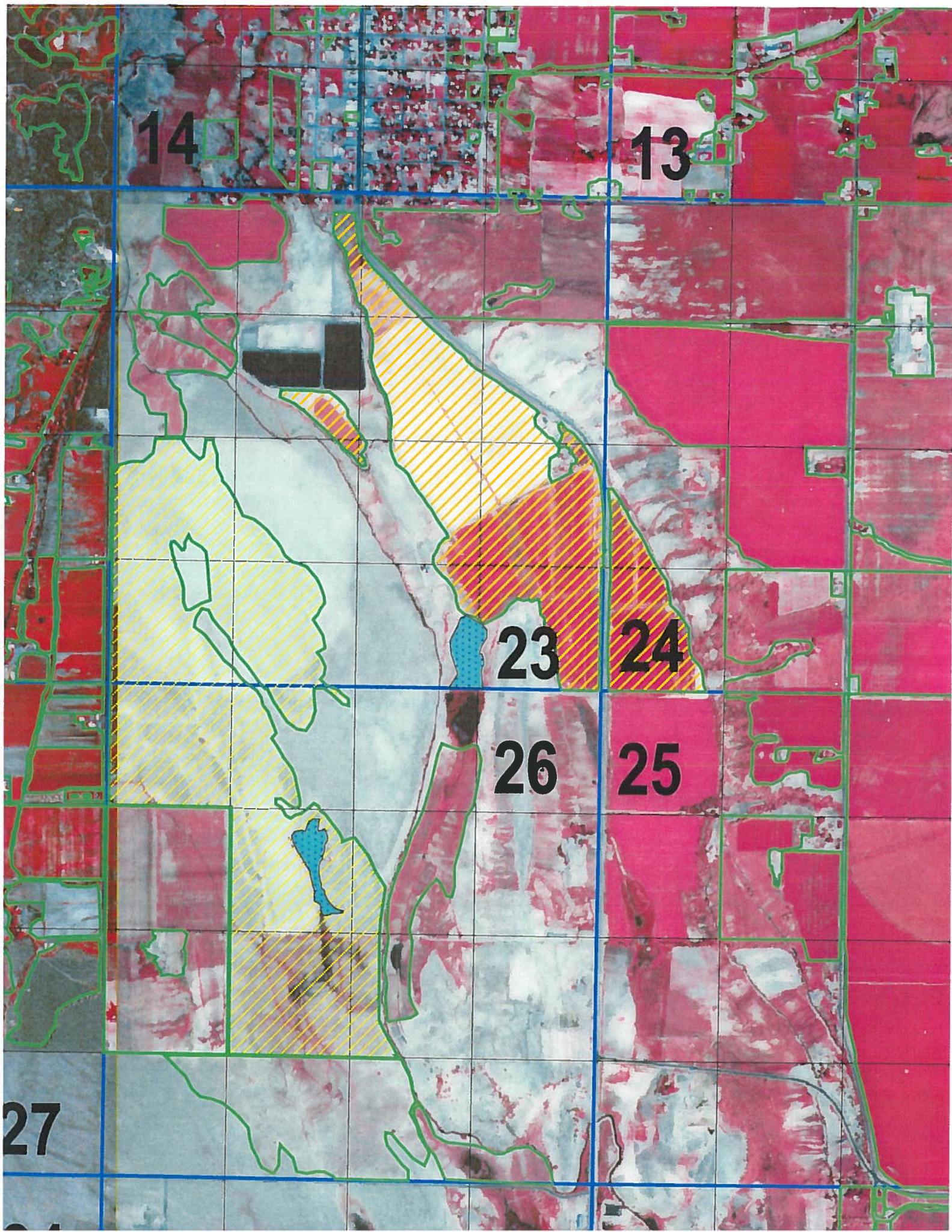
23

24

26

25

27



36-00004, 36-00018, 36-00015

Place of Use

Historical Use: all three water rights have historically been used on the subject property at various times as illustrated by historical data previously submitted.

This historical use is further supported by the three Claims for Water Rights filed by the Rosholt Law Firm.

Had the 36-00004 right been adjudicated at the same time as the 36-00018 and 36-00015, this administrative error of "Place of Use" might have been eliminated.

Place of Use is further supported by the following documents:

Agreement for Sale
Transfer Deed
Pasture Lease Agreement

These documents were not discovered prior to the 36-00018 and 36-00015 adjudication, thus the error in "Place of Use" of these two water rights.

18/15

04

Historic
water
use

36-00004

when
36-00018/15
not available

36-00004

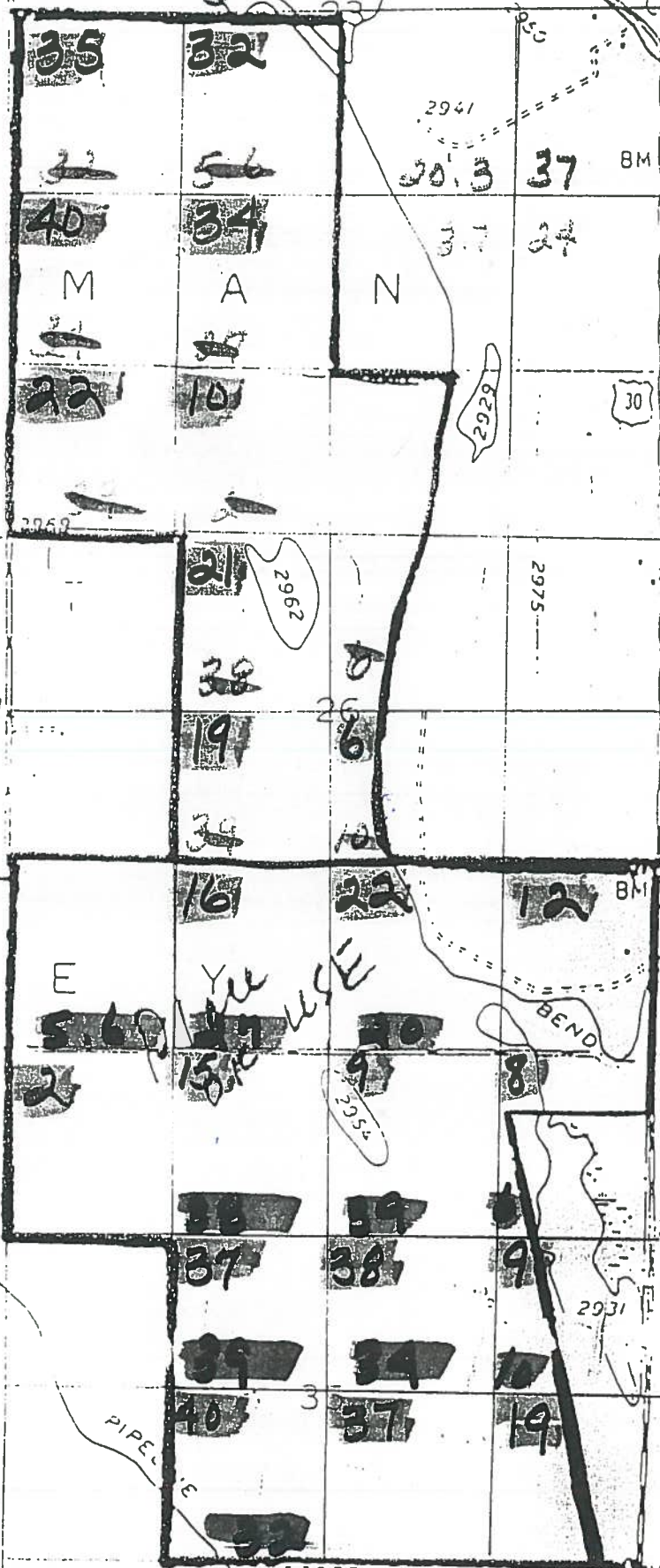
leased land

partially
Decreed
North Bars
219 acres

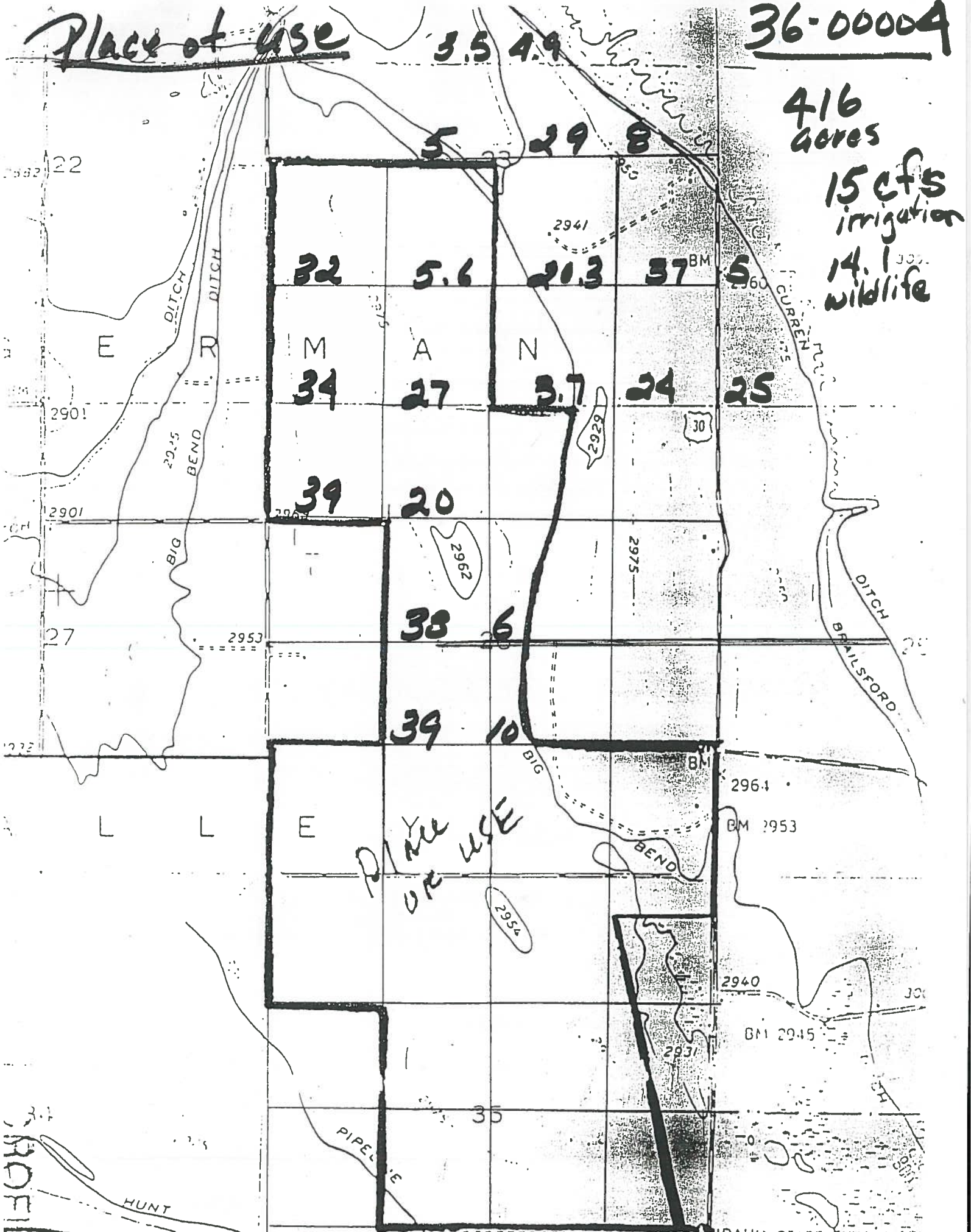
Total
Decreed
483 acres

36-00018
36-00015

Partially
Decreed
South Bars
264 acres



14. 100%
wildlife



IDAHO STATE FIRE MARSHAL

Points of use

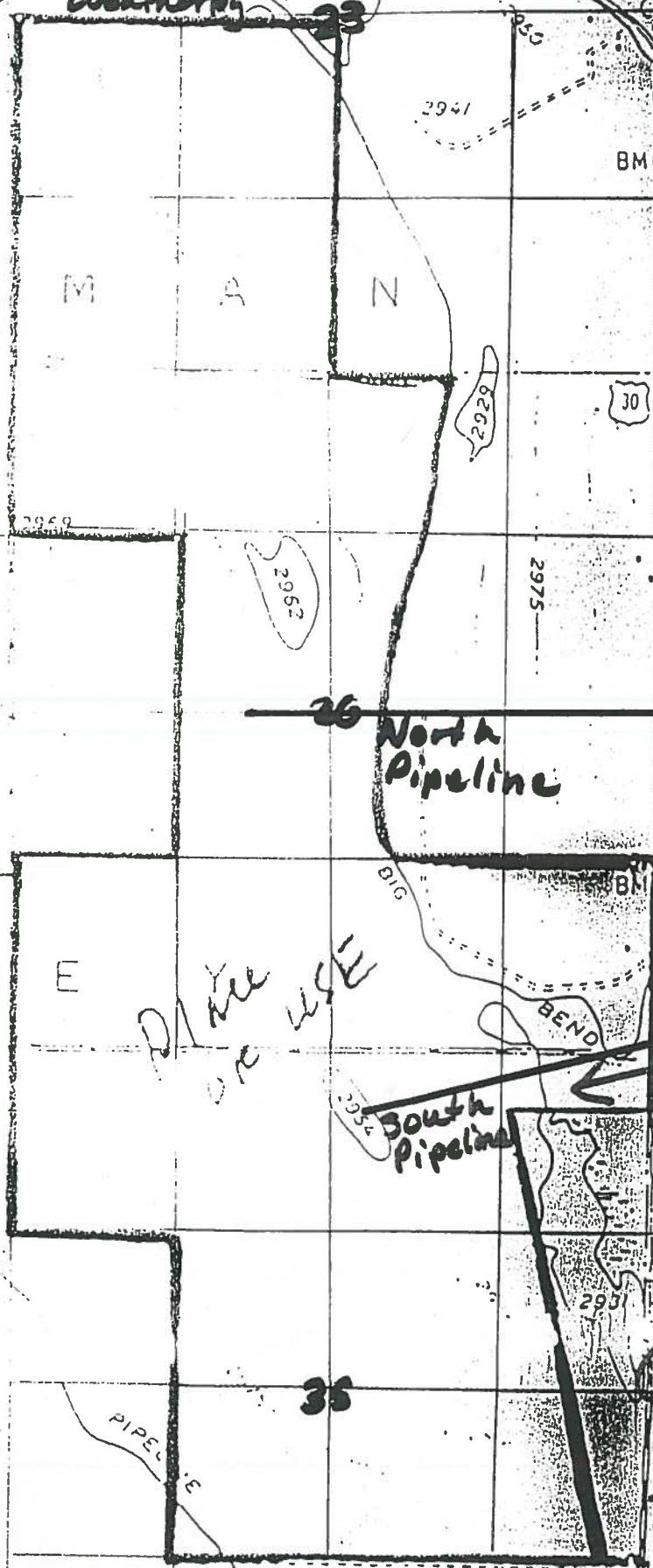
36-08335

36-00003H

8, 9, 10 of 5

(2/15 - 5/15) (-2 of 5 - 36-00015)
Weatherby

Sept 15 -
May 15 -



36-00004
7, 6, 5 cfs

36-00015
2 cfs

36-00004
8, 9, 10 of 5

20 cfs
36-00018
(9/15 - 2/15)

36-00018
5 cfs
(2/15 - 6-1)

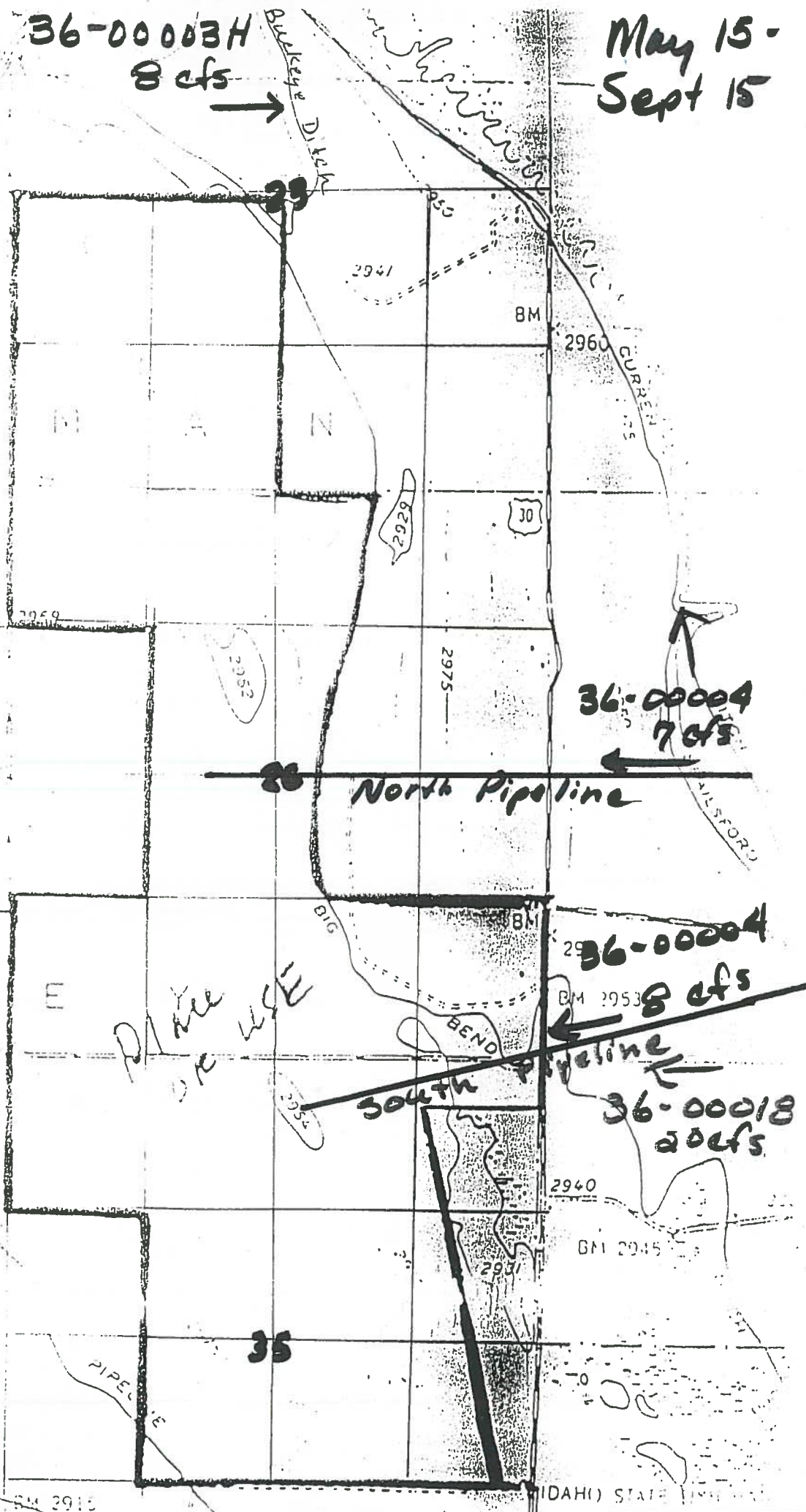
(2/15 - 6-1)
15 cfs
remains in
Billingsley
Creek

Place
or use

Points
of use

36-00003H
8 cfs

May 15 -
Sept 15



MEMORANDUM

TO: Dave Tuthill/Nick Spencer
Via Fax: (208) 327-5400

Via Fax: Steve Clelland/Allen Merritt, IDWR Twin Falls
(208) 736-3037

Via Fax: Charles Brockway, Sr.
(208) 736-8506

Via Fax: John Simpson, Attorney for Buckeye Farms, Inc.
(208) 344-6034

Via Fax: Brian Barsotti, Buckeye Farms, Inc.
(208) 726-2922

FROM: Pam Wascher, Western Legends LC
Via Fax: (208) 837-6641

RE: Transfer of Rights 36-00018/36-00015

DATE: April 12, 1999

I will be delivering to IDWR in Boise this date, the Exhibit Boards referenced herein.

I would like to summarize in writing the meeting of April 9, 1999. Due to schedules and illness, several parties either were absent or had to leave early. After several hours of negotiations, no resolution was reached. The meeting turned into a debate rather than a cohesive plan for effectuating the transfer.

The immediate problem: the Judge has stated that a SF5 must be signed by Wednesday, April 14, 1999.

Discussion was held concerning the criteria for determining this transfer. Chuck Brockway, Sr. inquired as to whether the photos were the sole source of determining irrigated acres. IDWR's response was that unless there were affidavits as to irrigation practices and acres irrigated, the photos would be the information upon which they would base their decision.

There are two factors which IDWR must consider in making their determination as to the Place of Use in this transfer.

1. The criteria in the Idaho Code 42-222, and
2. The historical information concerning acres irrigated.

Idaho Code 42-222 requires the director of IDWR to examine all the evidence and available information, and specifically issues set out in 42-222 must be addressed.

...the change does not constitute an enlargement in use of the original right.

IC 42-1416B(5)(a) "Expanded use" means an increase in the number of acres irrigated, or other additional use, under a valid ground water right without any increase in the rate of diversion or volume of water diverted."

Dovel v. Dobson, 122 Idaho 59, 831 P.2d 527 (1992) The transfer of water to divert 1.6 cfs of water to three separate fields did not result in an enlargement of the existing right even though consumptive use to one of the fields had been forfeited by nonuse.

The fact that the entire 560 acres has not been consistently irrigated over the 90 plus years should not prohibit the transfer. There has been no forfeiture, and there have been periods of time when the entire water right could not be delivered. Engineering studie proved up the duty of water for 483 acres.

Section 35 and portions of Section 26 have historically irrigated 560 acres. There are numerous documents relative to the Weatherby water (36-00015) and the Curran water (36-00018) substantiating this fact:

EXHIBIT BOARD NO. 1

1. Certificate of Completion of Works (Curran water) dated October 31, 1918, which identifies 520 acres in Section 35 as being the section for place of use of this water.
2. Engineer's Map (1918) showing Section 35 being owned by F. D. Brown showing the portion of Section 35 historically irrigated with the Curran water.
3. Certificate of Completion of Works dated October 31, 1918 issued by Fred A. Wilkie, State Engineer of the State of Idaho showing this Section as being the land to which this water is applied.
4. Deposition of Holder, F. D. Brown, dated March 21, 1918, testifying that the water has been turned into the works and is "running full of water". (Curran water on the 560 acres).

5. Deposition of Witness, Nat Owsley, dated March 21, 1918, describing the capacity of the "works" delivering the Curran water to Section 35.

6. Deposition of Witness A. T. Ingalls, dated March 21, 1918, describing the capacity of the "works" delivering the Curran water to Section 35.

EXHIBIT BOARD NO. 2

1. Indenture Agreement dated April 27, 1911, wherein The Buckeye Land Company, Inc. sells to Henry Bryant, thirty-five (35) inches of water to be used and applied on Lots numbered one and two (1 & 2) of Section Thirty-five (35), said water to be delivered from the Buckeye Ditch.

This document shows that water was historically delivered to the corner of Section 35 in question.

2. 1946 aerial photo showing the ditch system to Section 35 from the Buckeye Ditch.

3. 1964 aerial photo showing the ditch system to Section 35 from the Buckeye Ditch.

EXHIBIT BOARD NO. 3

1. 1946 aerial photo showing the irrigated acres reference in board documents.

2. 1918 Engineer Drawing indicating the location of a pipeline running parallel to Highway 30, which delivered water to the NE1/4 of the NE1/4 of Section 35, which was irrigated with the Weatherby water (IDWR determined that this 1/4 section could not have been irrigated by Weatherby water).

3. 1928 Engineer Drawing showing pipelines and the NE1/4 of the NE1/4 of Section 35 being irrigated by the Weatherby water.

4. Proof of Application of Water to Beneficial Use (Weatherby water) Deposition of Witness, Fred J. Vader, dated June 28, 1928, testifying to the acres being used for irrigation in Section 26 and the NE1/4 of the NE1/4 of Section 35.

5. 1911 Decree showing the Weatherby Water being decreed to the Ormsby Land and Livestock Company (then the owner of the Bar S property) in Section 26 and Section 35.

The total acreage referenced in these documents is 560 in Section 35 and the portions of Section 26 in question. These documents show that historically at least "483 acres" (as Decreed in Water Rights 36-00015 and 36-00018) were irrigated.

EXHIBIT BOARD NO. 4

1. 1946 aerial photo with colored arrows showing the North pipeline and the pipeline heading south which irrigated the NE1/4 of the NE1/4 of Section 35.
2. Photos of the pipeline from the North pipeline used to irrigate the NE1/4 of the NE1/4 of Section 35.

EXHIBIT BOARD NO. 5

1. Photos of the ditch system from the "North Bar S" in Section 26 to the South quarter sections.
2. Photos of the old gates and pipeline used to irrigate the south portion of Section 26.

EXHIBIT BOARD NO. 6

A number of documents support the use of 18/15 water on Section 35 and Section 26.

1. 1932 New International Decree.
2. Agreement for Sale of Spring Valley Ranch, Inc.
2. Corporate Warranty Deed.
3. Transfer Deed.

Idaho Code 42-222 further states:

...the change is consistent with the conservation of water resources within the state of Idaho.

Idaho Code 42-1501 references minimum stream flow and the Legislative Purpose. Buckeye Farms, Inc. is complying with this statute by way of allowing a major portion of their water rights to be diverted into Billingsley Creek for five (5) months of each year, and they will use these waters after it has been beneficially used in Billingsley Creek.

... is in the public interest as defined in section 42-203A(5)

- (a) this transfer will not reduce water supply
- (b) water supply is sufficient
- (c) application is made in good faith
- (d) financial resource is not an issue
- (e) this transfer will not conflict with public interest
- (f) this transfer complies with the state's conservation of water resources.

Again, Buckeye's allowing water to flow through Billingsley Creek before their use of their water rights, certainly supports this criteria of ID 42-222 as to public interest.

...significantly affect the agricultural base of the local area

This transfer does not negatively affect the agricultural base.

...The transfer of a right to the use of stored water for irrigation purposes shall not constitute an enlargement in use of the original right even though more acres may be irrigated, if no other water rights are injured thereby.

This criteria does not apply in that this transfer is not to the use of stored water for irrigation purposes.

This transfer is only asking for 483 acres to be placed where historically 560 acres have been irrigated, yet this statute would allow more acres to be irrigated with stored water.

CONCLUSION

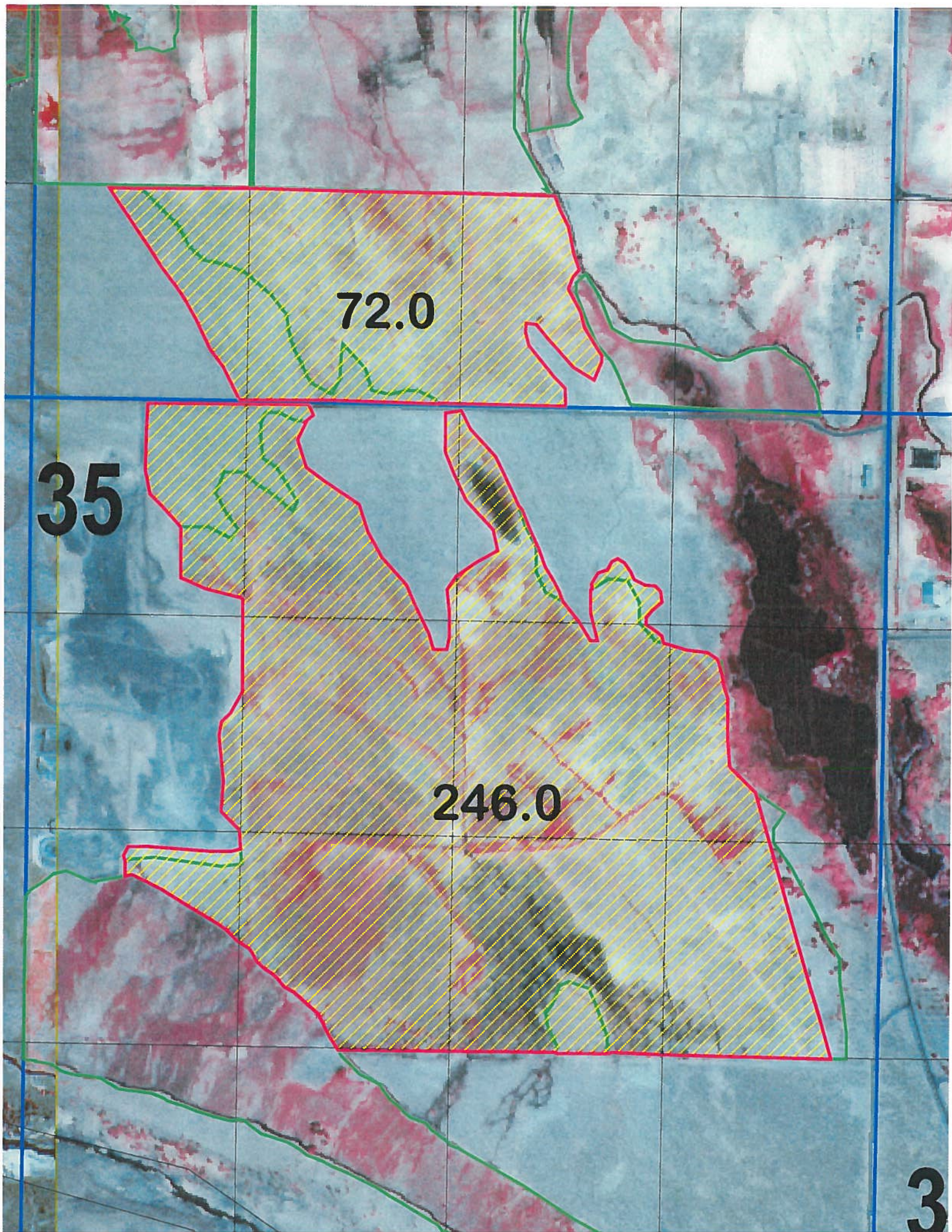
In our prior meeting in Twin Falls with Dave Tuthill, Nick Spencer, et al, the transfer was initially discussed, as well as historical irrigation practices. Issues of the protestants were also discussed. The issues of the protestants have been addressed. Buckeye Farms, Inc. and Western Legends LC (who was originally one of the protestants, and has withdrawn its protest), with the assistance of Chuck Brockway, Sr., is ready,

willing and able to obtain the withdrawal of all protests from protestants, having addressed their concerns immediately upon IDWR's approval of this transfer.

IDWR has stated from the inception of the Settlement Negotiations of 36-00004 that the removal of the 36-00015 and 36-00018 rights from the North Bar S must take place prior to the decreeing the 36-00004 right.

- All parties have complied with the requirement of the IDWR. Substantial evidence as to the historical use in Section 35 and Section 26 has been presented.
- IDWR stated that if Buckeye could prove that 483 acres were available in the South Bar S that either an administrative transfer or statutory transfer could take place, based on the fact that had the 04 right been adjudicated at the same time as the 15/18 right, this error in "place of use" would not have occurred.
- Time is of the essence in the conclusion of this matter due to the ruling of the Judge in the 36-00004. All parties to this adjudication have settled their differences, and IDWR needs to uphold their oral commitments in decreeing this 04 water right.
- Photos presented showing irrigated acreage are 5 examples of 1 day in 1 year, out of 90 plus years of irrigation on this property. These photos were presented to support IDWR's resolution to correcting an error in place of use.

IDWR has a fiduciary duty to complete this transfer based on their oral representations made to Buckeye Farms, Inc. and Western Legends LC., and based on the substantial evidence which more than adequately supports the Idaho Code requirements of this transfer.



8-3-92

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	1600	10.0	2.00	0.40	0.06	31.06	0.0130	0.00	32.80
2	200	10.0	2.00	0.05	20.69	31.00	0.0016	0.30	32.34
3	1700	10.0	2.00	0.43	1.00	10.31	0.0417	0.06	11.60
4	1500	10.0	2.00	0.38	6.25	9.31	0.0407	0.61	10.17
5	6300	3.0	2.00	0.48	3.06	3.06	0.1561	0.77	3.54
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	11300			1.74	31.06			1.74	

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

* THESE RIGHTS SHARE THIS PORTION:

36-00015

36-00011B

36-00189A

36-00011C

36-11142

36-00011D

36-00198A

36-00033B

36-15157

36-00033C

36-00033D

36-00033E

$$0.61 \div 12 = 0.05 \text{ cfs per right}$$

COPY

⊗ Some rights will not have their
conveyance loss identified in Decree.

R PROOF

CVR

MAPS

PHOTOS

MISC

INFORMATION REQUEST

NAME:

LeAnn-Pot Brown

DATE:

5/22/96

ADDRESS:

CITY/ZIP:

PHONE:

(please print)

I HAVE REQUESTED TO REVIEW AND/OR OBTAIN COPIES OF THE FOLLOWING DOCUMENTS ON FILE WITH THE DEPARTMENT OF WATER RESOURCES.

ADJUDICATION
CLAIM NUMBERS

ALLOCATION WATER
RIGHT NUMBERS

OTHER
DOCUMENTS

36-0003H

36-02166

36-02166

36-02178

36-02178

36-02046

36-02046

RESEARCH SUBJECT:

COPIES MADE OF:

10 COPIES OR LESS: FREE

NUMBER OF COPIES MADE: 140 + 339

FEES DUE @ \$0.05 PER COPY: \$7 + \$16.95

OTHER FEES:

RECEIPT NUMBER:

ASSISTING AGENT:

HB

LeAnn McMillan
(customer signature)

pd 5/27/96
SO 19161 ct
SO 19162

MICROFILMED
DEC 04 1996

From: DWR03::CFRITSCH 17-AUG-1995 14:58:42.94
To: DWR60::DJONES
CC: CFRITSCH
Subj: DATA ENTRY ERROR

Hi Doug,

J.J. found a data entry error in A36-00003H. She says the P.O.U. county should be Gooding instead of Blaine. If you could have someone look into this and make any appropriate corrections it would be appreciated.

Thanks,

Carter

From: DWR60::DJONES 21-AUG-1995 14:28:43.24
To: DWR03::DSHAFF
CC: DJONES
Subj: POU COUNTY

DON:

GREETINGS! IT APPEARS THAT THE S.O. HAS THE ORIGINAL FILE FOR CLAIM A36-00003H. SOUTHERN DOES NOT HAVE A COPY, APPARENTLY. I SUSPECT THAT THE CLAIM MAY HAVE BEEN FILED CORRECTLY, AND THAT DATA ENTRY WAS IN ERROR. HOWEVER, WITHOUT THE FILE I CAN NOT VERIFY THIS AND WOULD NOT WANT TO MODIFY THE "A" RECORD. I NOTICE THAT THE POU CO. IS CORRECT ON THE "" RECORD. IN THE EVENT THAT THE CLAIM WAS FILED WITH BLAINE COUNTY PLACE OF USE THEN CHANGING THE "A" RECORD WOULD BE ERRONEOUS.

CHECK WITH LEGAL FOR THE FILE AND SEE HOW IT WAS ACTUALLY FILED.

THANKS,

DOUG

From: DWR60::DJONES 21-AUG-1995 15:49:47.46
To: DWR03::DSHAFF
CC: DJONES
Subj: A36-00003H, BUCKEYE POU COUNTY

DON:

I FOUND OUR "TEMP" PAPER FILE AND VERIFIED THAT DATA ENTRY WAS TO BLAME AND WILL CORRECT ACCORDINGLY. PLEASE DISREGARD MY PREVIOUS MESSAGE.

THANKS, DON!

DOUG

Forwarded to Carter F.

MICROFILMED
DEC 04 1996



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,

Judy Givens
Adjudication Secretary

/jg

Enclosures

MICROFILMED
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. 36-00003H

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,

Respondents.

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.

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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 - 6 Pages

ATTACHMENT A - 1 Page

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OCT 11 1994

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. Harker
(Attorney signing in representative capacity)

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

Shane 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. Harker

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 than 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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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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OCT 11 1994

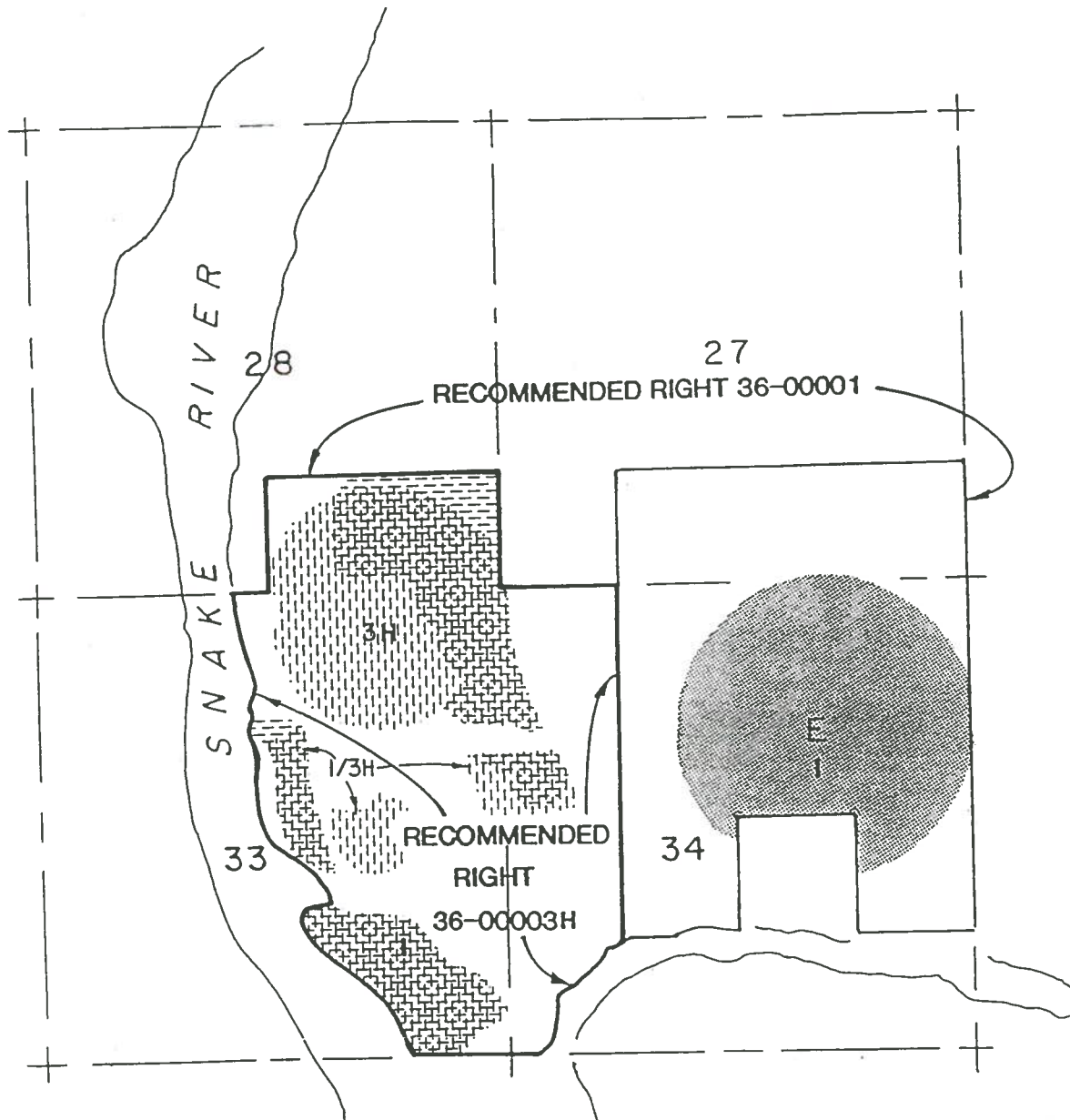
prevent the diversion of water to federal property for federal uses.

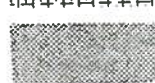
General Provision, IRRIGATION USE, Section 12, Paragraphs b.i.
- iii., Pages 13 & 14: all paragraphs are denied.

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

MICROFILMED

H&M ASSOCIATES
ENGINEERS - PLANNERS

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

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)

OCT 7 1981
NICHOLAS B. SPENCER

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 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)

OCT 1 1984
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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, 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:

Notice of Claim No. A36-00003H

No. of
Pages

6

(Over)

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OCT 11 1994

DECLINED
WICHOIUED

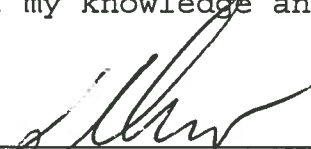
VERIFICATION (Must be Completed)

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

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 -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)

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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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 claimed and 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. 36-00003H-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)

DELIVERED
NOTIFIED

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

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 A36-000034
Date Received _____
Receipt Number _____

RECEIVED

MAR 01 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY

RECEIVED

SEP 1 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

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) September 10, 1884

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

4. a. Location of existing point of diversion is: Township 7S Range 13E Section 11,
1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of GOODING
USGS MAP SHOWS DIVERSION IN SW1/4 NW1/4, Sec. 12,
Additional points of diversion if any: T. 7 S., R. 13 E.B.M.

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 BUILT BY BUCKEYE DITCH OWNERS -- IMPROVED IN 1980's BY
TROUTCO WHEN POWER PLANT CONSTRUCTED.

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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 1365 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											5						5
		28												20			40	40	100
		33	40	40	40	40	10			10					35	25	10	35	285
		34						5	20			30	10						65

Total number of acres irrigated 455

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.
36-001, 36-002 or None ()

14. Remarks:
APPLICANT OWNS LESS THAN TOTAL ORIGINAL BUCKEYE RANCH, BUT IS ENTITLED
TO 12 cfs THROUGH BUCKEYE DITCH.

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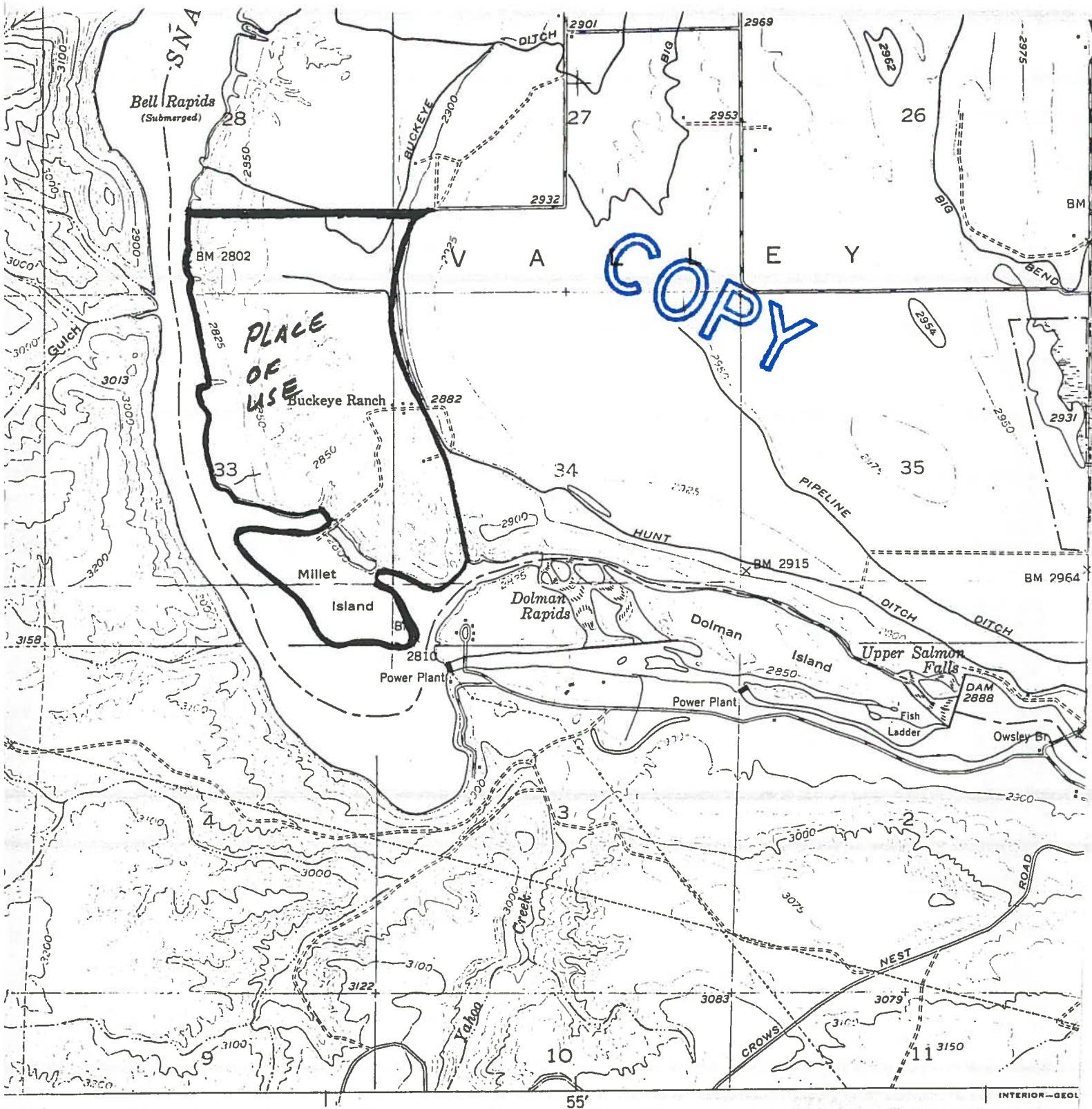
JAN 20 1993
JAN 11 1994

Last Name BUCKEYE FARMS Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



Last Name BUCKEYE FARMS

Ident No. _____

Copies: White-State, Yellow-Claimant

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OCT 11 1994

15. Basis of Claim (check one) ☐ Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☒ Decree XXXX

If applicable provide IDWR Water Right Number 36-003

Court FEDERAL DISTRICT CT, ID Case Number 1602 Decree Date March 22, 1932

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
John A. Rosholt, Power of ATT
for John A. Burke

Date 9/1/88

Date

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. Call

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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MICROFILMED
JAN 20 1993
OCT 11 1994

Copies White-State, 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

Wm. H. H. H. H. H.
W. H. H. H. H. H., 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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and 8 South, Range 13 E. B. M. bears south 75° 50' west 4435 feet distant;

36-003 Also 20 second feet of the waters flowing in Billingsley Creek, with a date of priority of September 10, 1884, the same being diverted by means of a dam in, and a ditch leading from, said Billingsley Creek, the point of diversion being in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, Twp. 7 South, Range 13 E. B. M., from which the quarter section corner common to Sections 11 and 12, Twp. 7 South, Range 13 E. B. M. bears south 47° 22' east 718 feet distant.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, That the amounts of water heretofore set out, diverted from said natural water supply at the points of diversion heretofore mentioned and set out, are necessary for the proper irrigation and cultivation of, and that the same is appurtenant to the following, described land of the plaintiff, viz:

SW $\frac{1}{4}$ of NE $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$; S $\frac{1}{2}$ of NW $\frac{1}{4}$; N $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 27; SE $\frac{1}{4}$ of NE $\frac{1}{4}$; NE $\frac{1}{4}$ of SE $\frac{1}{4}$; Lots 4, 5, 8, and 9, all in Section 28; Lots 1, 4, 5, and 8; SE $\frac{1}{4}$ of SE $\frac{1}{4}$, all in Sec. 33; Lots 1, 2, 3, 4, 5, and 7; SE $\frac{1}{4}$ of NW $\frac{1}{4}$; NE $\frac{1}{4}$; N $\frac{1}{2}$ of NW $\frac{1}{4}$, all in Sec. 34; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35, all in Township 7 South, Range 13 E. B. M. Terrace Bar, Big Foot Bar, Union Bar and Comstock Placer Mining Claims according to plat of Mineral survey No. 1, Lot 37, filed in U. S. Land Office at Hailey, Idaho, November 20, 1884; Starr Hunt, Jack Rabbitt and Fractional Terrace Bar Placer Mining Claims according to plat of mineral survey No. 801, Lot 38, filed in U. S. Land Office at Hailey, Idaho, January 2, 1890; all in Township 7 South, Range 13, E. B. M. All islands in Snake River South of said Section 33, Township 7 South, Range 13 E. B. M., excepting tracts 16, 27, 37, 124, and 125 of Map of Buckeye Ranch recorded in Book 1 of Plats, page 44, in the office of the County Recorder of Lincoln County, Idaho.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, That said plaintiff may, and is hereby given the right to, change its point of diversion of the waters diverted from Billingsley Creek at the point of diversion hereinbefore described and set out to that certain point of diversion on Riley Creek heretofore designated and set out as the Tucker or Thompson Spring diversion, or elsewhere on Riley Creek;

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

36-00003H -0001/
93-04-0011

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 - 6 Pages

ATTACHMENT A - 1 Page

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APR 14 1993
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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.

Shirley 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. 36-0003H

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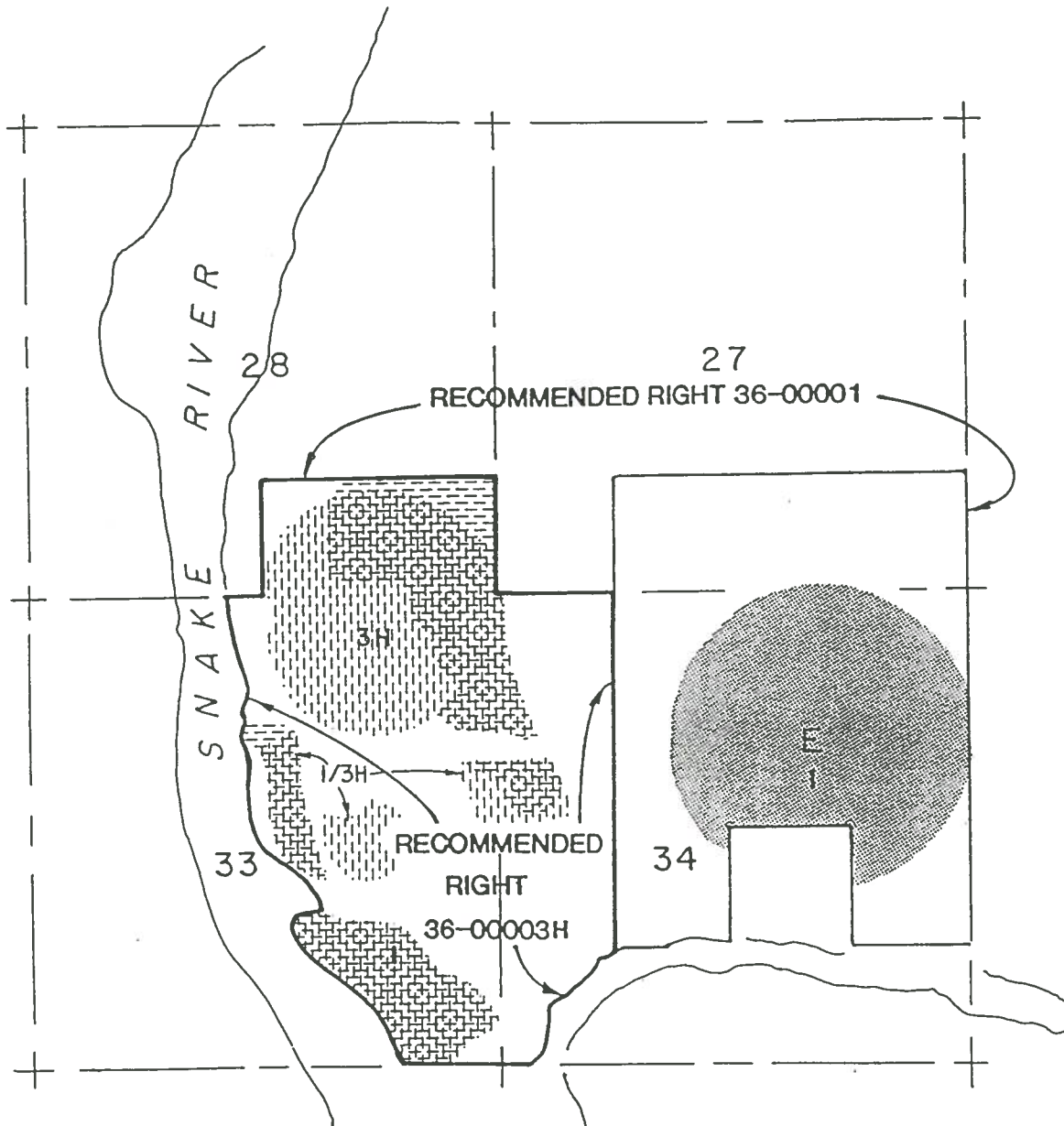
prevent the diversion of water to federal property for federal uses.

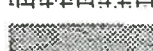
General Provision, IRRIGATION USE, Section 12, Paragraphs b.i.
- iii., Pages 13 & 14: all paragraphs are denied.

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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HEM ASSOCIATES
ENGINEERS • PLANNERS

RECEIVED
MICHIGAN

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)

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. 36-00003H 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

John 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.

Signature of person filing objection

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

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

Marion Jane Strickland
Notary Public for Idaho

Residing at: Boody

My commission expires 12-17-97

(Over)

002 / 1000
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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

102 02 10220
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. Rossmore
Signature of Objector or attorney
mailing on Objector's behalf

COPY

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

RECEIVED

SEP 01 1993

Department of Water Resources
Adjudication Bureau

CASE No. 36-00003H-0001

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

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

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.

STANDARD FORM 2

RESPONSE TO OBJECTION

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.

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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
as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

4 I. GENERAL INFORMATION

5 Please fill in the following information:

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

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

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

10 Briefly describe your interest in this water right:

11 Owner of the right.

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

13 Attorney Name: John A. Rosholt

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

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

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

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

21 Name: United States of America

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

26
27 MICROFILMED
28 OCT 11 1994

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. 36-00003H 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. 36-00003H 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.

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NOTARY PUBLIC FOR IDAHO

Residing at: Booding

My commission expires: 12-17-97

INSTRUCTIONS FOR MAILING

You must mail the response, 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 all of the parties listed below in the Certificate of Mailing.

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

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OCT 11 1994

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

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OCT 11 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

NOVEMBER 3, 1992

CECIL D. ANDRUS
Governor

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

NOTICE OF ERROR FORM

AUG-24-1992

RECEIVED

SEP 22 1992

Department of Water Resources

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

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

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

RECEIVED

1. Water right number: 36-00003H

SEP 28 1992

2. Name: BUCKEYE FARMS, INC.

Department of Water Resources
Southern Region Office

Address:

C/O JOHN A. ROSHOLT, ATTORNEY
P. O. Box 1906
TWIN FALLS, ID. 83303

MICROFILMED

Weekday Telephone Number: 734-0700

JAN 20 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(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 decreed & claimed
- c) Place of use as claimed
- d) Removal of restriction 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 amount of water decreed & claimed.
- c) Recommended place of use contains error.
- d) Claimant is entitled to more irrigated acreage than restriction allows.

6. Date: September 21, 1992

SIGNATURE

John A. Rosholt



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,

Allen Merritt, P.E.
Water Rights Supervisor

*See Other Water Right Numbers Attached

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

R. KEITH HIGGINSON
Director

1/30/85

Nelson Rosholt

RE: Buckeye 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)

- [] 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
- [] 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 \$ _____)

50⁰⁰ + 455⁰⁰ = \$505⁰⁰

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.

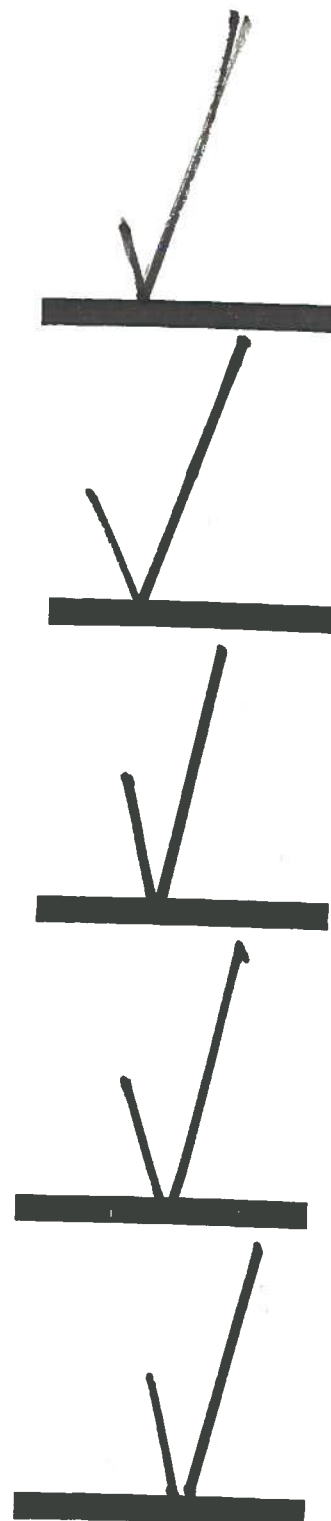
Sincerely,

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

MICROFILMED
JAN 20 1993

ADM:adm
Enclosures:

R PROOF
CVR
MAPS
PHOTOS
MISC



MICROFILMED

JAN 20 1993

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

VERIFIED BY HHS

MICROFILMED
AN 20 1993

Water Right Number - R36-00003H

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 - - +
09/10/1884

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
D - DECREED

+ - - Status - - - - +

+ - - - - Source - - - - - +
BILLINGSLEY CREEK

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

Point of Diversion						
TwN	Rng	Sec	Tract	Lot	RFlg	County
07S	13E	11	SE SE NE		(47)	GOODING

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	8.370	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
8.370		0.0	

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
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	NW NW		1.0	01	IRRIGATION	(47) GOODING
07S	13E	34	SW NW		5.0	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

Prefix Translation: RESEARCH

MICROFILMED
JAN 20 1993

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	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:36:22
06/28/90

PAGE: 17
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-00003H

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 SCC	N		SCC 8-7-92	DB	
POINT OF DIV	Y N			(Y)	1,5			
SOURCE	N			N				
PLACE OF USE	Y (Y)			(Y)	1,2,4,5,6			
DIV. AMOUNT CFS/VOLUME	Y *			(Y)	6. Decree			
CONSUMPTIVE USE	- N			(Y)				
PURPOSES	N			N				
PERIOD OF USE	Y * (Y)			(Y)	6. FOUR STAS			
BASIS OF CLAIM	Y			N				
REMARKS	Y			(Y) 6.				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP 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.

* Needs further review

See Master Review A36-00001

MICROFILMED
JAN 20 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:36:22
06/28/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-00003H

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

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

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: APPLICANT OWNS LESS THAN TOTAL ORIGINAL BUCKEYE RANCH, BUT IS
ENTITLED TO 12 CFS THROUGH BUCKEYE DITCH.

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JAN 20 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED
JAN 20 1993

A. AJ CLAIM: # A36-00003H PRIORITY DATE: 09-10-1884 STAGE: D
B. WR RECORD: # 36-00003 PRIORITY DATE: 09-10-1884 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

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

REMARKS:

=====

RECOMMENDED PRIORITY DATE:
09-10-1884

REVIEWED BY hnt

DATE 7-17-90

=====

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JAN 20 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-00003H	07S	13E	11		SE	NE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A36-00025	NONE
A36-00087	
A36-07658	
A36-10409	

WR RECORDS IN SAME 40 ACRE TRACT

36-00005
36-00019
36-00021
36-00024
36-00025
36-00026
36-00027
36-00034
36-00035A
36-00035B
36-00039A
36-00039B
36-00040
36-00051
36-00052
36-00064
36-00065
36-00067
36-00071
36-00076
36-00077
36-00082
36-00083
36-00085
36-00087
36-00088
36-00089
36-00090
36-00091
36-00094
36-00095
36-00096
36-00103
36-00108
36-00112A
36-00112B
36-00113B
36-00113C
36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739

MICROFILMED
JAN 20 1993

36-07834
36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-00003	07S	13E	11		SE	NE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-00005	A36-00025	NONE
36-00019	A36-00087	
36-00021	A36-07658	
36-00024	A36-10409	
36-00025	A36-00051D	
36-00026	A36-10119	
36-00027	A36-10120	
36-00034	A36-10751	
36-00035A	A36-10752	
36-00035B	A36-10755	
36-00039A	A36-10061	
36-00039B	A36-00103B	
36-00040	A36-00108A	
36-00051	A36-00003G	
36-00052	A36-00027	
36-00064	A36-00039C	
36-00065	A36-00090E	
36-00067	A36-00051B	
36-00071	A36-00076A	
36-00076	A36-00089B	
36-00077	A36-00089D	
36-00082	A36-10283	
36-00083	A36-10312	
36-00085	A36-00090A	
36-00087	A36-00003D	
36-00088	A36-00090B	
36-00089	A36-00090C	
36-00090	A36-00090D	
36-00091	A36-00090F	
36-00094	A36-00108F	
36-00095	A36-00125A	
36-00096	A36-00026	
36-00103	A36-00051C	
36-00108	A36-00071A	
36-00112A	A36-00089A	
36-00112B	A36-00108C	
36-00113B	A36-00108D	
36-00113C	A36-00108E	

MICROFILMED
JAN 20 1993

36-00113D
36-00125
36-04008
36-04115
36-04261
36-07271
36-07658
36-07739
36-07834
36-07840
36-07853
36-07875
36-07957
36-08058
36-08319
36-08335

A36-00108H
A36-04008
A36-04115
A36-04261
A36-00113B
A36-10316
A36-10588
A36-00039J
A36-00096A
A36-00113F
A36-00113G
A36-10559
A36-00048B
A36-00048C
A36-10223
A36-00103A
A36-00003B
A36-00003C
A36-00003E
A36-00003F
A36-00003J
A36-00039G

MICROFILMED
JAN 20 1993

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

	DUE TO POD DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
		Y	<u>N</u>
		N	<u>N</u>

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>7S</u>	<u>13E</u>	<u>11</u>	<u>SE</u>	<u>SE</u>	<u>NE</u>	<u>---</u>	<u>Gooding</u>

SOURCE: BILLINGSLEY CREEK

TRIB: SNAKE RIVER

REVIEWED BY: hht

DATE: 7-17-90

VIA Buckeye DITCH

MICROFILMED

JAN 20 1993

A. ROOT WATER RIGHT NUMBERS:

A36-00003A
A36-00003B
A36-00003C
A36-00003D
A36-00003E
A36-00003F
A36-00003G
A36-00003H
A36-00003J

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	SW		ROSHOLT, JOHN A.	A36-00003H / 5.0	-	38.0		
						BUCKEYE FARMS INC.	A36-00001 / 40.0	-			
						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	28	SE	SW		ROSHOLT, JOHN A.	A36-00003H / 20.0	-			
						BUCKEYE FARMS INC.	A36-00001 / 15.0	36-00001			
						ROSHOLT, JOHN A.	A36-00002 / 15.0	36-00002			
						BUCKEYE FARMS INC.	36-08335	/			
07S	13E	28	SW	SE		ROSHOLT, JOHN A.	A36-00003H / 40.0	-			
						BUCKEYE FARMS INC.	A36-00001 / 40.0	36-00001		33	
						ROSHOLT, JOHN A.	A36-00002 / 40.0	36-00002			33
						BUCKEYE FARMS INC.	36-08335	/			
07S	13E	28	SE	SE		ROSHOLT, JOHN A.	A36-00003H / 40.0	-			
						BUCKEYE FARMS INC.	A36-00001 / 40.0	36-00001		33	
						ROSHOLT, JOHN A.	A36-00002 / 40.0	36-00002			33
						BUCKEYE FARMS INC.	36-08335	/			
07S	13E	33	NE	NE		ROSHOLT, JOHN A.	A36-00003H / 40.0	-			
						BUCKEYE FARMS INC.	A36-00001 / 40.0	36-00001		30	
						ROSHOLT, JOHN A.	A36-00002 / 40.0	36-00002			30
						NEW INTERNATIONAL MORTGAGE BAN	36-00003	/			
						BUCKEYE FARMS INC.	36-07741	/			
07S	13E	33	NW	NE		ROSHOLT, JOHN A.	A36-00003H / 40.0	-			
						BUCKEYE FARMS INC.	A36-00001 / 40.0	36-00001		19	19

MICROFILMED

JAN 20 1993

				ROSHOLT , JOHN A. BUCKEYE FARMS INC.	A36-00002 /40.0	36-00002 / 36-07741 /		
07S 13E 33	SW	NE	(4)	ROSHOLT , JOHN A. BUCKEYE FARMS INC. ROSHOLT , JOHN A. BUCKEYE FARMS INC. BUCKEYE FARMS INC. BUCKEYE FARMS INC. BUCKEYE FARMS INC.	A36-00003H /40.0 A36-00001 /40.0 A36-00002 /40.0	- 36-00001 / 36-00002 / 36-07740 / 36-07741 / 36-07742 / 36-08335 /	24	
07S 13E 33	SE	NE		ROSHOLT , JOHN A. BUCKEYE FARMS INC. ROSHOLT , JOHN A. NEW INTERNATIONAL MORTGAGE BAN BUCKEYE FARMS INC. BUCKEYE FARMS INC. BUCKEYE FARMS INC. BUCKEYE FARMS INC. BUCKEYE FARMS INC.	A36-00003H /40.0 A36-00001 /40.0 A36-00002 /40.0	- 36-00001 / 36-00002 / 36-00003 / 36-07739 / 36-07740 / 36-07741 / 36-07742 / 36-08335 /	10	
07S 13E 33	NE	NW		ROSHOLT , JOHN A. BUCKEYE FARMS INC. ROSHOLT , JOHN A.	A36-00003H /10.0 A36-00001 /20.0 A36-00002 /20.0	- 36-00001 / 36-00002 /	3.0	3.0
07S 13E 33	~~SE~~	~~NW~~		ROSHOLT , JOHN A. BUCKEYE FARMS INC. ROSHOLT , JOHN A.	A36-00003H /10.0 A36-00001 /10.0 A36-00002 /10.0	- 36-00001 / 36-00002 /	Ø	Ø
07S 13E 33	NE	SE		ROSHOLT , JOHN A. BUCKEYE FARMS INC. ROSHOLT , JOHN A. BUCKEYE FARMS INC. BUCKEYE FARMS INC. BUCKEYE FARMS INC. BUCKEYE FARMS INC.	A36-00003H /35.0 A36-00001 /38.0 A36-00002 /38.0	- - - 36-07740 / 36-07741 / 36-07742 / 36-08335 /	6.0	6.0
07S 13E 33	NW	SE	(5)	ROSHOLT , JOHN A. BUCKEYE FARMS INC. ROSHOLT , JOHN A. BUCKEYE FARMS INC. BUCKEYE FARMS INC. BUCKEYE FARMS INC. BUCKEYE FARMS INC.	A36-00003H /25.0 A36-00001 /30.0 A36-00002 /30.0	- 36-00001 / 36-00002 / 36-07740 / 36-07741 / 36-07742 / 36-08335 /	18	18
07S 13E 33	SW	SE	(8)	ROSHOLT , JOHN A. BUCKEYE FARMS INC. ROSHOLT , JOHN A.	A36-00003H /10.0 A36-00001 /38.0 A36-00002 /38.0	- 36-00001 / 36-00002 /	10	10
07S 13E 33	SE	SE		ROSHOLT , JOHN A. BUCKEYE FARMS INC. ROSHOLT , JOHN A. NEW INTERNATIONAL MORTGAGE BAN BUCKEYE FARMS INC. BUCKEYE FARMS INC. BUCKEYE FARMS INC. BUCKEYE FARMS INC.	A36-00003H /35.0 A36-00001 /10.0 A36-00002 /10.0	- 36-00001 / 36-00002 / 36-00003 / 36-07740 / 36-07741 / 36-07742 / 36-08335 /	21	21
07S 13E 34	NW	NW		ROSHOLT , JOHN A.	A36-00003H / 5.0	-	1.0	1.0

MICROFILMED 24
JAN 20 1993

				BUCKEYE FARMS INC.	A36-00001 /40.0	36-00001 /		
				ROSHOLT , JOHN A.	A36-00002 /40.0	36-00002 /		
07S	13E	34	SW NW	ROSHOLT , JOHN A.	A36-00003H /20.0	-	/	
				BUCKEYE FARMS INC.	A36-00001 /40.0	36-00001 /		5.0
				ROSHOLT , JOHN A.	A36-00002 /40.0	36-00002 /		5.0
				BUCKEYE FARMS INC.		36-07739 /		
				BUCKEYE FARMS INC.		36-07740 /		
				BUCKEYE FARMS INC.		36-07742 /		
				BUCKEYE FARMS INC.		36-08335 /		
				BUCKEYE FARMS INC.		36-08424 /		
07S	13E	34	NW SW	ROSHOLT , JOHN A.	A36-00003H /30.0	-	/	
				BUCKEYE FARMS INC.		36-07740 /		10.0
				BUCKEYE FARMS INC.		36-07741 /		10
				BUCKEYE FARMS INC.		36-07742 /		
				BUCKEYE FARMS INC.		36-08335 /		
07S	13E	34	SW SW	ROSHOLT , JOHN A.	A36-00003H /10.0	-	/	
				BUCKEYE FARMS INC.	A36-00001 /20.0	36-00001 /		1.0
				ROSHOLT , JOHN A.	A36-00002 /20.0	36-00002 /		1.0
				BUCKEYE FARMS INC.		36-07740 /		
				BUCKEYE FARMS INC.		36-07741 /		
				BUCKEYE FARMS INC.		36-07742 /		
				BUCKEYE FARMS INC.		36-08335 /		
TOTAL ACRES				A36-00003H	455.00			38.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N (X)

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
Y

PRESUMPTION FLAG:

REMARKS:

See also A36-00001 POU review; all these acres are overlapped by that claim.

RECOMMENDATIONS:

TOTAL ACRES:

224.0

REVIEWED BY:

SCC

DATE:

1-8-91

A. AJ CLAIMED USES:

PURPOSES
A36-00003H IRRIGATION

FROM ~~03-01~~ MONTH/DAY 4-1 TO 11-15 10-31

DIVERSION QUANTITY
12.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

12.000 CFS

B. WR RECORDED USES:

PURPOSES
36-00003 IRRIGATION

FROM MONTH/DAY
TO

DIVERSION QUANTITY
20.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

20.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE FIELD
EXAMINER
N
Y
Y

Excessive

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(X)

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

As claimed exceeds standard reason for area - need policy decision re: outside standard

MICROFILMED

JAN 20 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

Split

AJ TOTAL CLAIMED DIVERSION RATE: 12.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 20.000 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?

FIELD
DATABASE EXAMINER
Y

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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

Need policy determination

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

OTHER RIGHTS LISTED IN CLAIM: A36-00001, ~~A36-00002~~

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-00003H	BILLINGSLEY CREEK	ROSHOLT, JOHN A.	12.000	0.026		
A36-00001	RILEY CREEK	BUCKEYE FARMS INC.	12.000	0.011	6120.00	6.02

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

MICROFILMED
JAN 20 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 224 x 0.02 CFS/ACRE = 4.48 CFS
(Taken from p/u review)

1b. CALCULATIONS

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 = 1365.0 AF/A

ACRES 224 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 672 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 224 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 896 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

*Combined limits
w/ 36-00001*

*spinkler irig. = (allow 0.02 cfs/Ac.)
4.48 cfs
Conveyance loss = 3.89 cfs*

TOTAL: 8.37 cfs

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	~~3-15~~ 03-01 11-15	~~12.000~~ EXAMINER ~~3.14~~	~~896~~	~~1365.0~~ EXAMINER ~~672~~
TOTAL FOR THIS RIGHT	4-1 10-31	~~12.000~~		~~1365.0~~
REVIEWED BY: <u>See</u>	DATE: <u>1-8-91</u>			

See 8-7-92

~~WR proportional $\frac{20 \text{ cfs}}{1446 \text{ Ac}} = 0.0138 \text{ cfs/Ac}$~~

~~(allow 0.014 cfs/Ac.)~~

~~$224 \times 0.014 = 3.136 \text{ cfs}$~~

~~Combined rate with overlap:~~

~~cfs per acre~~

~~- 00001~~	~~= 0.008~~
~~- 00002~~	~~= 0.008~~
~~- 00003H~~	~~= 0.014~~
~~TOTAL~~	~~0.03~~

F01 - Buckeye Ditch
D02 - 3.89 cfs

E09 - 36-00001
13.06 cfs

7.22 cfs FIR
1.95 conv. L.
Hant

3.89 conv. L.
Buckeye
13.06 cfs

NOTE:

abandoned/unused portions have been reclaimed under the permits for wildlife uses. (see 36-07739, 40, 41, 42.)

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	(X) <i>legal review</i>
ADDITIONAL DIV. AMOUNT _____	()	(✓) <i>excessive</i>

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-00003

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 20.000	EXAMINER _____	CFS
-----------------------------------	--------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A36-00003	A36-00003A	1.600	-		36-00003	20.000
A36-00003	A36-00003B	7.160	-		36-00003	20.000
A36-00003	A36-00003C	0.300	-		36-00003	20.000
A36-00003	A36-00003D	0.240	-		36-00003	20.000
A36-00003	A36-00003E	0.200	-		36-00003	20.000
A36-00003	A36-00003F	0.800	-		36-00003	20.000
A36-00003	A36-00003G	0.400	-		36-00003	20.000
A36-00003	A36-00003H	12.000	-		36-00003	20.000
A36-00003	A36-00003J	4.000	-		36-00003	20.000
TOTAL CFS		26.700				20.000

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
N

FIELD
EXAMINER
N *JK*

REMARKS:

See A36-00003H for split Review — enclosed w/ File.

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JAN 20 1993

=====

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

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JAN 20 1993

AJ0749NP
No. 36-00003H

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/21/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BUCKEYE FARMS INC 18335 U S HWY 30 HAGERMAN ID 83332 (208) 837-6595	09/10/1884	IRRIGATION	03-15 11-15	8.37 CFS	
TOTAL DIVERSION:					8.37 CFS	

Water Source: BILLINGSLEY CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T07S R13E S11 SESENE

GOODING County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE					
T	R S	: Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
07S	13E 28	:																	
07S	13E 33	:	30	01-19	04-24	10	:	01-03							08-33	33	:	66.0	
07S	13E 34	:					:	01	05				04-10	05-01		06 05-18	08-10	21	141.0
																	TOTAL ACRES	224.0	

POU County: GOODING

Other Rights: 36-00001

Remarks: WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.
3.89 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.
USE OF THIS RIGHT WITH RIGHT NO. 36-00001 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.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: 36A Field Inspection Flag:
Presumption Flag:

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OCT 11 1994

NOTICE OF ERROR



RESPONSE



CORRECTED R PROOF

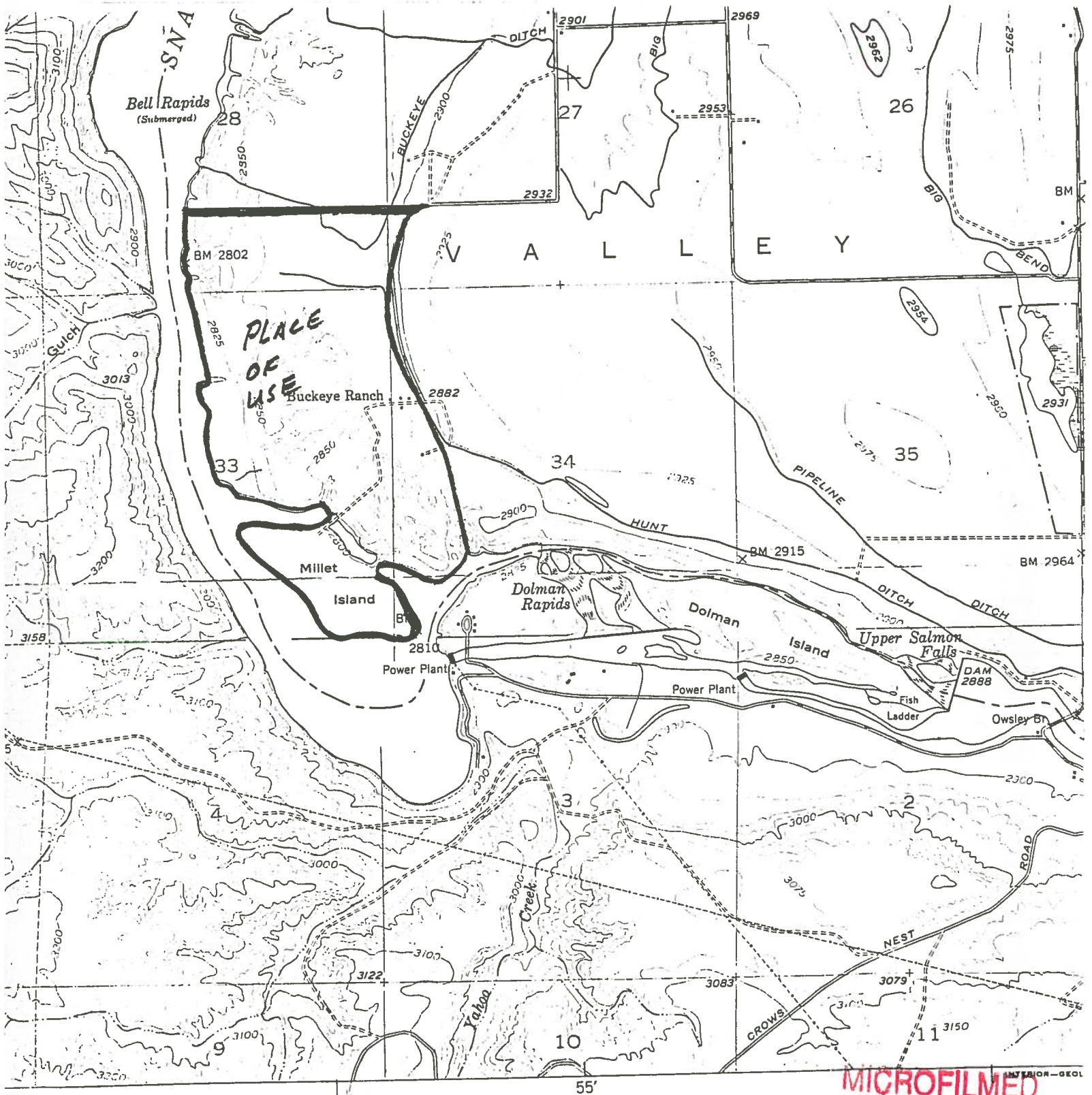

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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JAN 20 1993

Last Name

BUCKEYE FARMS

Ident No.

Copies: White-State, Yellow-Claimant

8-3-92

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	800	10.0	2.00	0.20	0.06	18.83	0.0107	0.00	26.81
2	600	10.0	2.00	0.15	1.02	18.77	0.0081	0.02	26.55
3	1400	10.0	2.00	0.35	0.24	17.75	0.0199	0.01	25.38
4	800	10.0	2.00	0.20	0.44	17.51	0.0115	0.02	24.79
5	1100	10.0	2.00	0.28	0.17	17.07	0.0163	0.01	24.14
6	1200	10.0	2.00	0.30	0.10	16.90	0.0179	0.01	23.70
7	300	10.0	2.00	0.08	1.22	16.80	0.0045	0.11	23.29
8	1000	10.0	2.00	0.25	0.16	15.58	0.0162	0.02	22.00
9	500	10.0	2.00	0.13	0.50	15.42	0.0082	0.06	21.58
10	2200	10.0	2.00	0.56	4.13	14.92	0.0373	0.62	20.96
11	5500	10.0	2.00	1.39	0.20	10.79	0.1288	0.06	16.27
12	1700	10.0	2.00	0.43	0.09	10.59	0.0406	0.03	14.68
13	3900	10.0	2.00	0.99	0.34	10.50	0.0938	0.14	14.16
14	600	10.0	2.00	0.15	0.27	10.16	0.0149	0.12	12.84
15	1500	10.0	2.00	0.38	0.62	9.89	0.0383	0.29	12.42
16	1600	10.0	2.00	0.40	1.00	9.27	0.0436	0.51	11.42
17	600	10.0	2.00	0.15	0.30	8.27	0.0183	0.16	10.01
18	300	10.0	2.00	0.08	3.25	7.97	0.0095	1.75	9.56
19	3000	10.0	2.00	0.76	0.24	4.72	0.1606	0.17	6.24
20	3000	10.0	2.00	0.76	4.48	4.48	0.1692	3.89	5.24
TOTALS	31600			7.98	18.83			7.98	

Buckeye Ditch

A36-00003H

conveyance loss
= 3.89 cfs

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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JAN 20 1993

A36-00002
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14902
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-07762
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14909
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-11146
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14901
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-14908
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-14900
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-10965
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14905
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-14903
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14903
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-00003H
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

A36-14907
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83303

A36-02366
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 83301

A36-00015
JOHN A. ROSHOLT
P.O. BOX 1906

TWIN FALLS ID 833031906

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JAN 20 1993

RE: In Re the 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

Claimant: Buckeye Farms, Inc.; Buckeye Land Co.

Claim No.(s): A36-11146; A36-00018; A36-00017; A36-00001;
A36-00002; A36-00003H; A36-00015; A36-00016;
A36-00046

 It is my desire that the law firm of Rosholt,
Robertson & Tucker enter an appearance on my behalf in the
Adjudication and represent my interest in the Adjudication
process.

DATED this 20 day of Nov., 1991.

Br Bassotti

Br Bassotti

 It is not my desire that the law firm
Robertson & Tucker represent my interest in the Adjudication
process.

DATED this _____ day of _____, 1991.

MICROFILMED

JAN 20 1993

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 04 1992

RECEIVED
FEB 04 1992

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

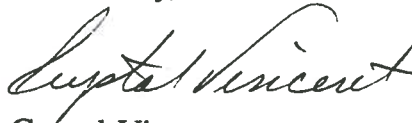
RE: SRBA CLAIMS IN THE SOUTHERN REGION

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

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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

DECREED RIGHT SPLIT ANALYSIS

PARENT RIGHT NO. 36-00003 TOTAL DIVERSION RATE 20.0PREPARATION DATE 7-29-92 HHT

CLAIM PORTION	CLAIMED RATE	RECOMMENDED RATE	IS CLAIMED RATE EXCEEDED BY ANALYSIS	CONVEYANCE LOSS	DOES DIV RATE + CALC. C.L. EXCEED CLAIMED RATE	TOTAL RECOMMENDED DIV. RATE
<u>A</u>	<u>1.6</u>	<u>0.26</u> 13ac.	<u>N</u>	<u>0.10</u>	<u>N</u>	<u>0.36</u>
<u>B</u>	<u>7.16</u>	<u>3.25</u> 129ac.	<u>N</u>	<u>1.75</u>	<u>N</u>	<u>5.00</u>
<u>C</u>	<u>0.30</u>	<u>0.20</u> 10ac.	<u>N</u>	<u>0.26</u>	<u>Y</u>	<u>0.30</u>
<u>D</u>	<u>0.24</u>	<u>0.24</u> 2ac.	<u>Y</u>	<u>∅</u> (0.17)	<u>NA</u>	<u>0.24</u>
<u>E</u>	<u>0.20</u>	<u>0.20</u> 5ac.	<u>Y</u>	<u>∅</u> (0.06)	<u>NA</u>	<u>0.20</u>
<u>F</u>	<u>0.80</u>	<u>0.80</u> 40ac.	<u>N</u>	<u>(0.26)</u>	<u>Y</u>	<u>0.80</u>
<u>G</u>	<u>0.40</u>	<u>0.09</u> 3ac.	<u>N</u>	<u>0.03</u>	<u>N</u>	<u>0.12</u>
<u>H</u>	<u>20.0</u>	<u>4.48</u> 224ac.	<u>N</u>	<u>3.89</u>	<u>N</u>	<u>8.37</u>
<u>J</u>	<u>4.0</u>	<u>0.30</u> 15ac.	<u>N</u>	<u>0.16</u>	<u>N</u>	<u>0.46</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
Total	34.7	9.82				15.85

Recommended rates do not exceed decreed diversion rate
HHT

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JAN 20 1993

A36-00003H



OVERVIEW OF BUCKEYE RANCH.
View NE.

PHOTOS BY SCL
8-30-90

MICROFILMED
JAN 20 1993

AGENT

DATE 8-7-92

**PRESUMPTION
CODE**

2

F01

BUCKEYE DITCH

Doz

3.89 cfs

E09

36-00001

13.06 cf3

1083 AF C4.

361 Acres

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JAN 20 1993