

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82924**

This is to certify that: **BUCKEYE FARMS INC**
PO BOX 269
HAGERMAN, ID 83332-0269

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-8335	WR/LICENSE	9/24/1987	11.900 cfs	646.0 af	N/A	N/A	BILLINGSLEY CREEK
36-8728	WR/LICENSE	9/24/1987	6.500 cfs	763.0 af	N/A	N/A	WEATHERBY SPRINGS
36-8729	WR/LICENSE	9/24/1987	24.000 cfs	748.0 af	N/A	N/A	RILEY CREEK
36-8730	WR/LICENSE	9/24/1987	20.000 cfs	763.0 af	N/A	N/A	BILLINGSLEY CREEK
36-8785	WR/LICENSE	10/29/1998	16.000 cfs	11600.0 af	N/A	N/A	RILEY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-8335	NO	NO	YES	NO	NO	NO
36-8728	NO	NO	YES	NO	NO	NO
36-8729	NO	NO	YES	NO	NO	NO
36-8730	NO	NO	YES	NO	NO	NO
36-8785	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-8335	36-8335	11.900 cfs	646.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8728	36-8728	6.500 cfs	763.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8729	36-8729	24.000 cfs	748.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8730	36-8730	20.000 cfs	763.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8785	36-8785	16.000 cfs	11600.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		76.850 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 36-8335

Transfer No. 82924

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82924

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 11th day of March, 2019.



Southern Region Manager



WATER RIGHT NO. 36-8729**As Modified by Transfer No. 82924**

In accordance with the approval of Transfer No. 82924, Water Right No. 36-8729 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332-0269

Priority Date: 9/24/1987

Source: RILEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	11/16	to 03/14	24,000 cfs	
DIVERSION TO STORAGE	03/15	to 11/15	22,450 cfs	
AESTHETIC STORAGE	01/01	to 12/31		748.0 af
RECREATION STORAGE	01/01	to 12/31		748.0 af
WILDLIFE STORAGE	01/01	to 12/31		748.0 af
			24,000 cfs	748.0 af

LOCATION OF POINT(S) OF DIVERSION

RILEY CREEK L6 (SESWNE) Sec 1 Twp 08S Rge 13E GOODING County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	33	X	X	X	X	X			X					X	X		X	
							L 1			L 4						L 5			0
07S	13E	33		X	X											X			
				L 1	L 4														
07S	13E	34	X	X		X	X		X	X	X	X	X		X	X			
										L 3					L 1	L 2			
07S	13E	34							X			X	X						
									L 7			L 4	L 5						
07S	13E	35						X											

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	33	X	X	X	X	X			X					X	X		X	
							L 1			L 4						L 5			0
07S	13E	33		X	X											X			
				L 1	L 4														
07S	13E	34	X	X		X	X		X	X	X	X	X		X	X			
										L 3					L 1	L 2			
07S	13E	34							X			X	X						
									L 7			L 4	L 5						
07S	13E	35						X											

Transfer No. 82924

WATER RIGHT NO. 36-8729
As Modified by Transfer No. 82924

PLACE OF USE: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	33	X	X	X	X	X			X					X	X		X	
							L 1			L 4							L 5		0
07S	13E	33		X	X											X			
				L 1	L 4														
07S	13E	34	X	X		X	X		X	X	X	X	X		X	X			
											L 3				L 1	L 2			
07S	13E	34							X			X	X						
									L 7			L 4	L 5						
07S	13E	35						X											

CONDITIONS OF APPROVAL

1. Rights 36-1, 36-2, 36-7741, and 36-8729 when combined shall not exceed a total diversion rate of 22.45 cfs from March 15 through November 15.
2. Rights 36-7741 and 36-8729 when combined shall not exceed a total diversion rate of 24.0 cfs from November 16 through March 14.
3. Rights 36-1, 36-2, 36-7741, 36-8729, and 36-8785 when combined shall not exceed a total diversion rate of 38.45 cfs and a total annual maximum diversion volume of 27,800 af.
4. Rights 36-8335, 36-8728, 36-8729 and 36-8730 when combined shall not exceed a total annual maximum storage volume of 871 af.
5. The ponds established by the storage of water under this right shall not exceed a total surface area of 165.7 acres.
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. The uses of water under this right are for private fishing, hunting and aesthetic ponds.
9. Portions of the place of use in Sections 33 & 34 of Township 7S Range 13E are located within Government Lots, Mineral Survey 306, and/or Mineral Survey 801. The quarter quarter descriptions identified in the place of use reflect the projected location using the current version of GCDB on the date of Transfer approval 82924. The Government Lot and/or Mineral Survey descriptions constitute the legal place of use.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 36-8729
As Modified by Transfer No. 82924

CONDITIONS OF APPROVAL

11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



WATER RIGHT NO. 36-8728**As Modified by Transfer No. 82924**

In accordance with the approval of Transfer No. 82924, Water Right No. 36-8728 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332-0269

Priority Date: 9/24/1987

Source: WEATHERBY SPRINGS

Tributary: BILLINGSLEY CREEK

BENEFICIAL USE

DIVERSION TO STORAGE
AESTHETIC STORAGE
RECREATION STORAGE
WILDLIFE STORAGE

From

01/01
01/01
01/01
01/01

to

To

12/31
12/31
12/31
12/31

Diversion Rate

6.500 cfs

Diversion Volume

763.0 af

763.0 af

763.0 af

763.0 af

LOCATION OF POINT(S) OF DIVERSION

WEATHERBY SPRINGS

SENESEW

Sec 30 Twp 07S Rge 14E GOODING County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	26											X	X					
07S	13E	27												X			X	X	
07S	13E	33				X									X	X			
07S	13E	34							X			X							
									L 7			L 4							0
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35		X			X	X		X	X					X			

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	26											X	X					
07S	13E	27												X			X	X	
07S	13E	33				X									X	X			
07S	13E	34							X			X							
									L 7			L 4							0
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35		X			X	X		X	X					X			

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WATER RIGHT NO. 36-8728
As Modified by Transfer No. 82924

PLACE OF USE: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	26											X	X					
07S	13E	27												X			X	X	
07S	13E	33				X									X	X			
07S	13E	34							X				X						
									L 7				L 4						0
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
07S	13E	35		X			X	X		X	X				L 1	L 2			0

CONDITIONS OF APPROVAL

1. Rights 36-16987, 36-00015, 36-07740 and 36-08728 when combined shall not exceed a total diversion rate of 6.5 cfs.
2. Rights 36-08729, 36-08730, 36-08335 and 36-08728 when combined shall not exceed a total annual maximum storage volume of 871 af.
3. The ponds established by the storage of water under this right shall not exceed a total surface area of 165.7 acres.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The uses of water under this right are for private fishing, hunting and aesthetic ponds.
7. Water is delivered through Bar S Ditch and Curren Ditch.
8. Portions of the place of use in Sections 33 & 34 of Township 7S Range 13E are located within Government Lots, Mineral Survey 306, and/or Mineral Survey 801. The quarter quarter descriptions identified in the place of use reflect the projected location using the current version of GCDB on the date of Transfer approval 82924. The Government Lot and/or Mineral Survey descriptions constitute the legal place of use.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 36-8730**As Modified by Transfer No. 82924**

In accordance with the approval of Transfer No. 82924, Water Right No. 36-8730 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332-0269

Priority Date: 9/24/1987

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	01/01	to 12/31	20.000 cfs	
AESTHETIC STORAGE	01/01	to 12/31		763.0 af
RECREATION STORAGE	01/01	to 12/31		763.0 af
WILDLIFE STORAGE	01/01	to 12/31	20.000 cfs	763.0 af

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK NESWNE Sec 31 Twp 07S Rge 14E GOODING County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	26											X	X					
07S	13E	27												X			X	X	
07S	13E	33				X									X	X			
07S	13E	34							X				X						
									L 7				L 4						0
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35		X			X	X		X	X					X			

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	26											X	X					
07S	13E	27												X			X	X	
07S	13E	33				X									X	X			
07S	13E	34							X				X						
									L 7				L 4						0
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35		X			X	X		X	X					X			

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WATER RIGHT NO. 36-8730**As Modified by Transfer No. 82924****PLACE OF USE: WILDLIFE STORAGE**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	26											X	X					
07S	13E	27												X			X	X	
07S	13E	33				X									X	X			
07S	13E	34							X			X							
									L 7			L 4							0
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35		X			X	X		X	X					X			

CONDITIONS OF APPROVAL

1. Rights 36-16988, 36-00018, 36-07742 and 36-08730 when combined shall not exceed a total diversion rate of 20 cfs.
2. Rights 36-08335, 36-08728, 36-08729 and 36-08730 when combined shall not exceed a total annual storage volume of 871 af.
3. The ponds established by the storage of water under this right shall not exceed a total surface area of 165.7 acres.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. The uses of water under this right are for private fishing, hunting and aesthetic ponds.
7. This right is subject to the agreement dated 7/18/88 between right holder and protestants to the extent such agreement covers matters within the jurisdiction of IDWR.
8. Water is delivered through Curren Ditch.
9. Portions of the place of use in Sections 33 & 34 of Township 7S Range 13E are located within Government Lots, Mineral Survey 306, and/or Mineral Survey 801. The quarter quarter descriptions identified in the place of use reflect the projected location using the current version of GCDB on the date of Transfer approval 82924. The Government Lot and/or Mineral Survey descriptions constitute the legal place of use.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 82924

WATER RIGHT NO. 36-8335**As Modified by Transfer No. 82924**

In accordance with the approval of Transfer No. 82924, Water Right No. 36-8335 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332-0269

Priority Date: 9/24/1987

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	01/01	to 12/31	11.900 cfs	
AESTHETIC STORAGE	01/01	to 12/31		646.0 af
RECREATION STORAGE	01/01	to 12/31		646.0 af
WILDLIFE STORAGE	01/01	to 12/31		646.0 af
			11.900 cfs	646.0 af

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK

SESENE

Sec 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	28													X	X	X	X	
07S	13E	28														L 5		X	0
																		L 9	0
07S	13E	33	X	X	X	X	X			X				X	X		X	X	
							L 1			L 4									0
07S	13E	33		X	X											X			
				L 1	L 4											L 5			0
07S	13E	34							X		X	X							
07S	13E	34							X		X	X							
									L 7			L 4	L 5						0

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	28													X	X	X	X	
07S	13E	28														L 5		X	0
																		L 9	0
07S	13E	33	X	X	X	X	X			X				X	X		X	X	
							L 1			L 4									0
07S	13E	33		X	X											X			
				L 1	L 4											L 5			0
07S	13E	34							X		X	X							
07S	13E	34							X		X	X							
									L 7			L 4	L 5						0

Transfer No. 82924

WATER RIGHT NO. 36-8335
As Modified by Transfer No. 82924

PLACE OF USE: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	28													X	X	X	X	
																L 5			0
07S	13E	28																X	
																		L 9	0
07S	13E	33	X	X	X	X	X			X					X	X		X	
							L 1			L 4									0
07S	13E	33		X	X											X			
				L 1	L 4											L 5			0
07S	13E	34							X			X	X						
07S	13E	34							X			X	X						
									L 7			L 4	L 5						0

CONDITIONS OF APPROVAL

1. Rights 36-00003H, 36-07739 and 36-08335 when combined shall not exceed a total diversion rate of 11.90 cfs.
2. Rights 36-08728, 36-08729, 36-08730 and 36-08335 when combined shall not exceed a total annual maximum storage volume of 871 af.
3. The ponds established by the storage of water under this right shall not exceed a total surface area of 165.7 acres.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right does not grant any right-of-way or easement across the land of another.
7. Water is delivered through Buckeye Ditch.
8. Portions of the place of use in Sections 28, 33, & 34 of Township 7S Range 13E are located within Government Lots, Mineral Survey 306, and/or Mineral Survey 801. The quarter quarter descriptions identified in the place of use reflect the projected location using the current version of GCDB on the date of Transfer approval 82924. The Government Lot and/or Mineral Survey descriptions constitute the legal place of use.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 82924

WATER RIGHT NO. 36-8785**As Modified by Transfer No. 82924**

In accordance with the approval of Transfer No. 82924, Water Right No. 36-8785 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332-0269

Priority Date: 10/29/1998

Source: RILEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
FISH PROPAGATION	01/01	to 12/31	16.000 cfs	11600.0 af
WILDLIFE	01/01	to 12/31	16.000 cfs	11600.0 af
RECREATION	01/01	to 12/31	16.000 cfs	11600.0 af
AESTHETIC	01/01	to 12/31	16.000 cfs	11600.0 af
			16.000 cfs	11600.0 af

LOCATION OF POINT(S) OF DIVERSION

RILEY CREEK L6 (SWNE) Sec 1 Twp 08S Rge 13E GOODING County

PLACE OF USE: AESTHETIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	33		X	X		X								X	X			
				L 1	L 4		L 1												0
07S	13E	33	X	X	X	X				X						X		X	
										L 4						L 5			0
07S	13E	34							X			X	X						
									L 7			L 4	L 5						0
07S	13E	34	X	X		X	X		X	X	X	X	X		X	X			
											L 3				L 1	L 2			0
07S	13E	35						X											

PLACE OF USE: FISH PROPAGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	34							X		X								
									L 7		L 3								0

PLACE OF USE: RECREATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	33		X	X		X								X	X			
				L 1	L 4		L 1												0
07S	13E	33	X	X	X	X				X						X		X	
										L 4						L 5			0

Transfer No. 82924

WATER RIGHT NO. 36-8785**As Modified by Transfer No. 82924****PLACE OF USE: RECREATION**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	34							X			X	X						
									L7				L4	L5					0
07S	13E	34	X	X		X	X		X	X	X	X	X		X	X			
											L3				L1	L2			0
07S	13E	35						X											

PLACE OF USE: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	33		X	X		X								X	X			
				L1	L4		L1												0
07S	13E	33	X	X	X	X				X						X		X	
										L4						L5			0
07S	13E	34							X			X	X						
									L7			L4	L5						0
07S	13E	34	X	X		X	X		X	X	X	X	X		X	X			
											L3				L1	L2			0
07S	13E	35						X											

CONDITIONS OF APPROVAL

1. During the period from March 16 of each year to September 15 of the year, the right holder may only divert 8 cfs when the flow in Riley Creek immediately downstream of the Conyer Ditch (Le Moyne Diversion) is equal to or less than 45 cfs. When the flow in Riley Creek is greater than 45 cfs immediately downstream of the Conyer Ditch (Le Moyne Diversion), the right holder may divert 8 cfs and any amount in excess of 45 cfs up to a total of 16 cfs (subject to other conditions).
2. Rights 36-1, 36-2, 36-7741, 36-8729, and 36-8785 when combined shall not exceed a total diversion rate of 38.45 cfs and a total annual maximum diversion volume of 27,800 af.
3. Use of water under this right shall be non-consumptive.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
5. The right holder shall maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works. Additionally, the right holder shall maintain a measuring device or rated section in Riley Creek to measure the flows of Riley Creek and insure the bypass below the Conyer Ditch (Le Moyne Diversion) as described in the conditions of this right.
6. Should the use of the water under this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, the right holder shall cease diversion under this right.

WATER RIGHT NO. 36-8785
As Modified by Transfer No. 82924

CONDITIONS OF APPROVAL

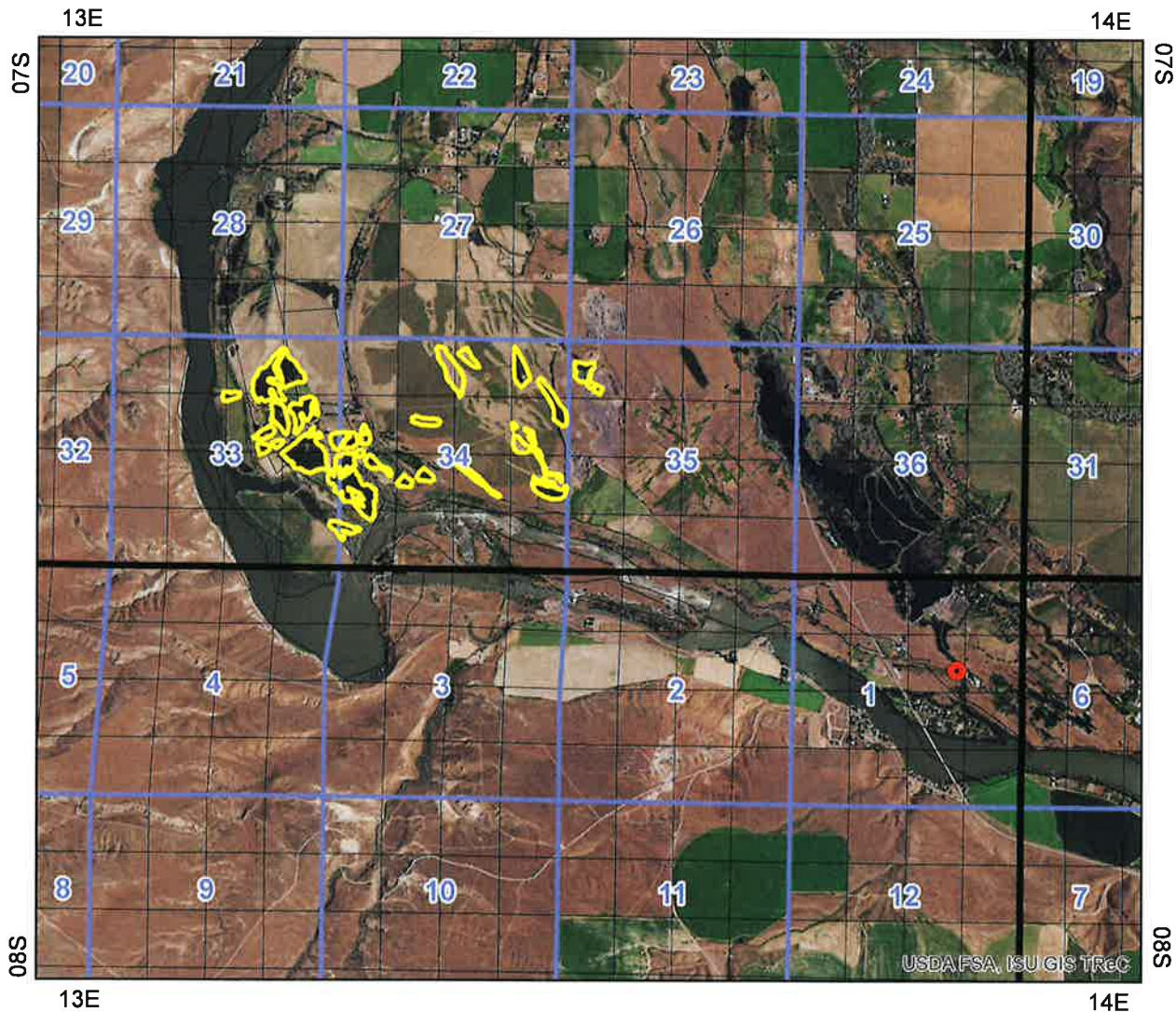
7. This right does not authorize construction of new fish propagation facilities or expansion or enlargement of wildlife, recreation or aesthetic ponds or features not already authorized under existing rights held by the right holder. (See rights 36-7741 and 36-8729)
8. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
9. The Director retains jurisdiction to require a bypass flow for maintenance of fish, wildlife, riparian and aquatic habitat.
10. Portions of the place of use in Sections 33 & 34 of Township 7S Range 13E are located within Government Lots, Mineral Survey 306, and/or Mineral Survey 801. The quarter quarter descriptions identified in the place of use reflect the projected location using the current version of GCDB on the date of Transfer approval 82924. The Government Lot and/or Mineral Survey descriptions constitute the legal place of use.
11. The diversion and use of water described in water right 36-8785 may be subject to additional conditions and limitations agreed to by the Idaho Department of Fish and Game and the right holder under separate agreement dated July 26, 2004, to which the Department is not a party and which may be enforceable by a court of law.
12. This water right shall be junior and subordinate to other rights for the use of water, other than fish propagation, wildlife, recreation, aesthetic purposes, and hydropower in the State of Idaho that are initiated later in time than the priority date of this right and shall not give rise to any claim against any future rights for the use of water, other than fish propagation, wildlife, recreation, aesthetic uses, or hydropower within the State of Idaho initiated later in time than the priority of this right.
13. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
14. Use of water pursuant to this right is either nonconsumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

State of Idaho
Department of Water Resources

Attachment to Transfer # 82924

36-8729

This map depicts the AESTHETIC, RECREATION & WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



13E

14E

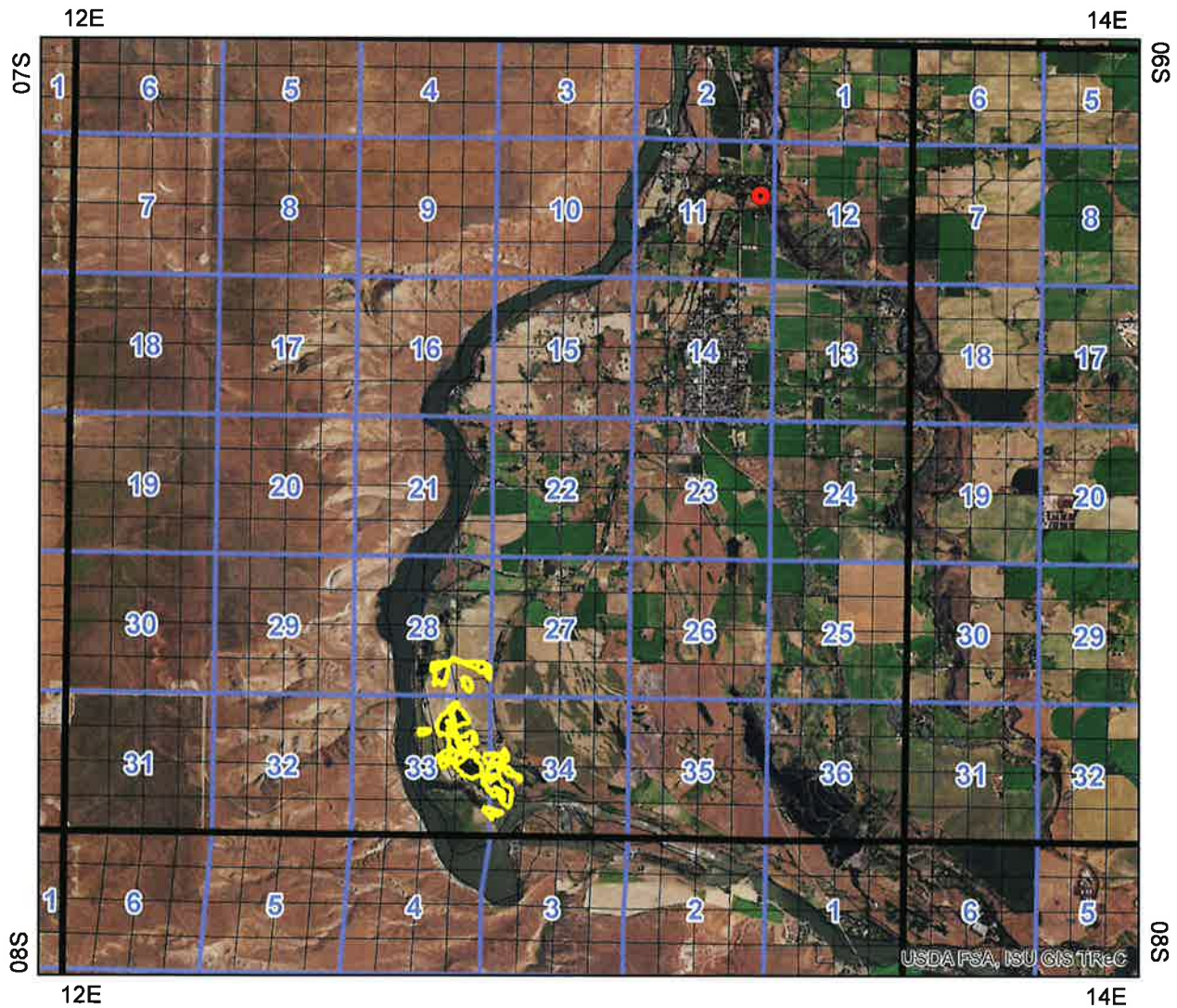
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.5 1 2 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 82924
36-8335

This map depicts the AESTHETIC, RECREATION & WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.75 1.5 3 Miles

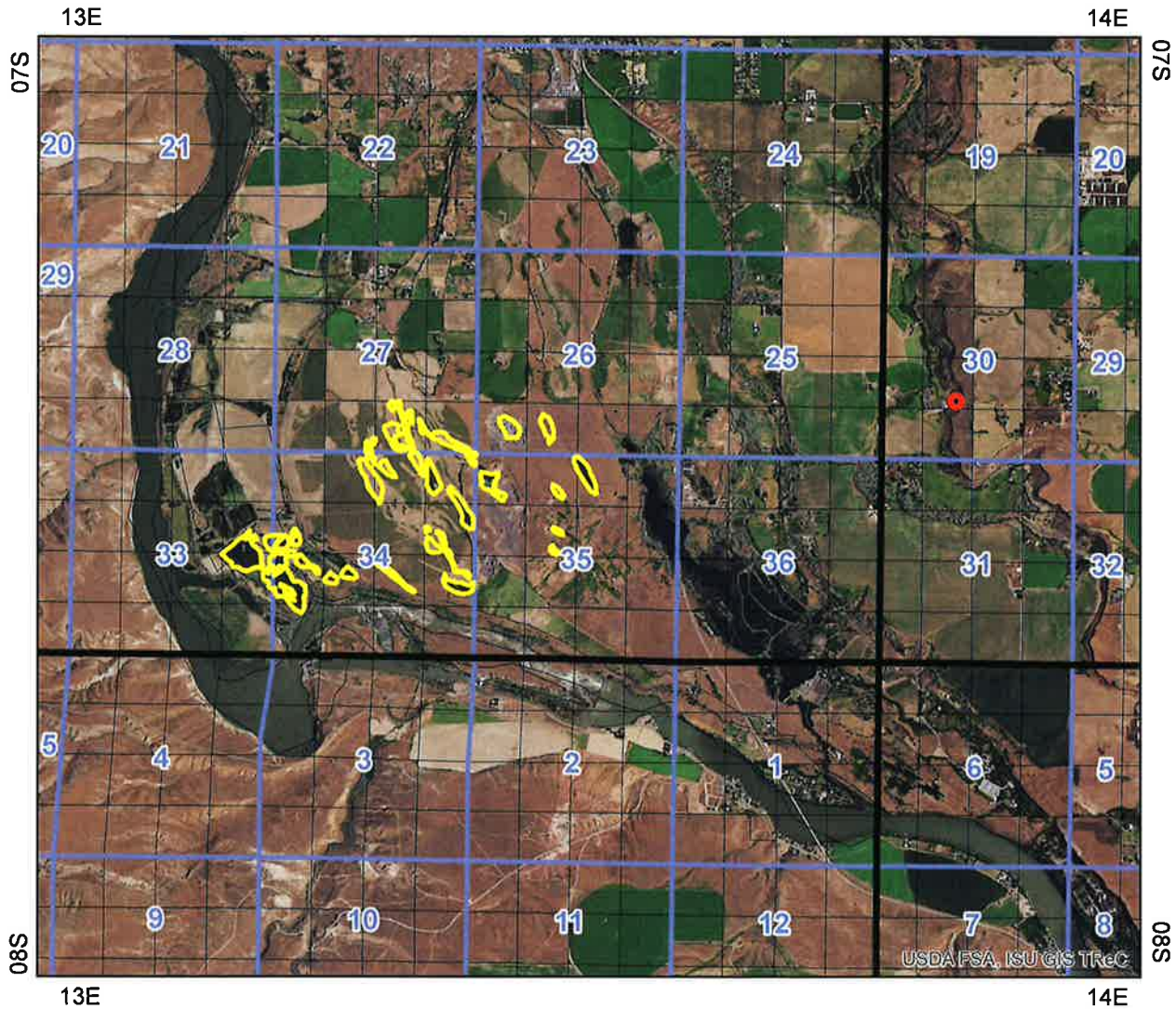


State of Idaho
Department of Water Resources

Attachment to Transfer # 82924

36-8728

This map depicts the AESTHETIC, RECREATION & WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



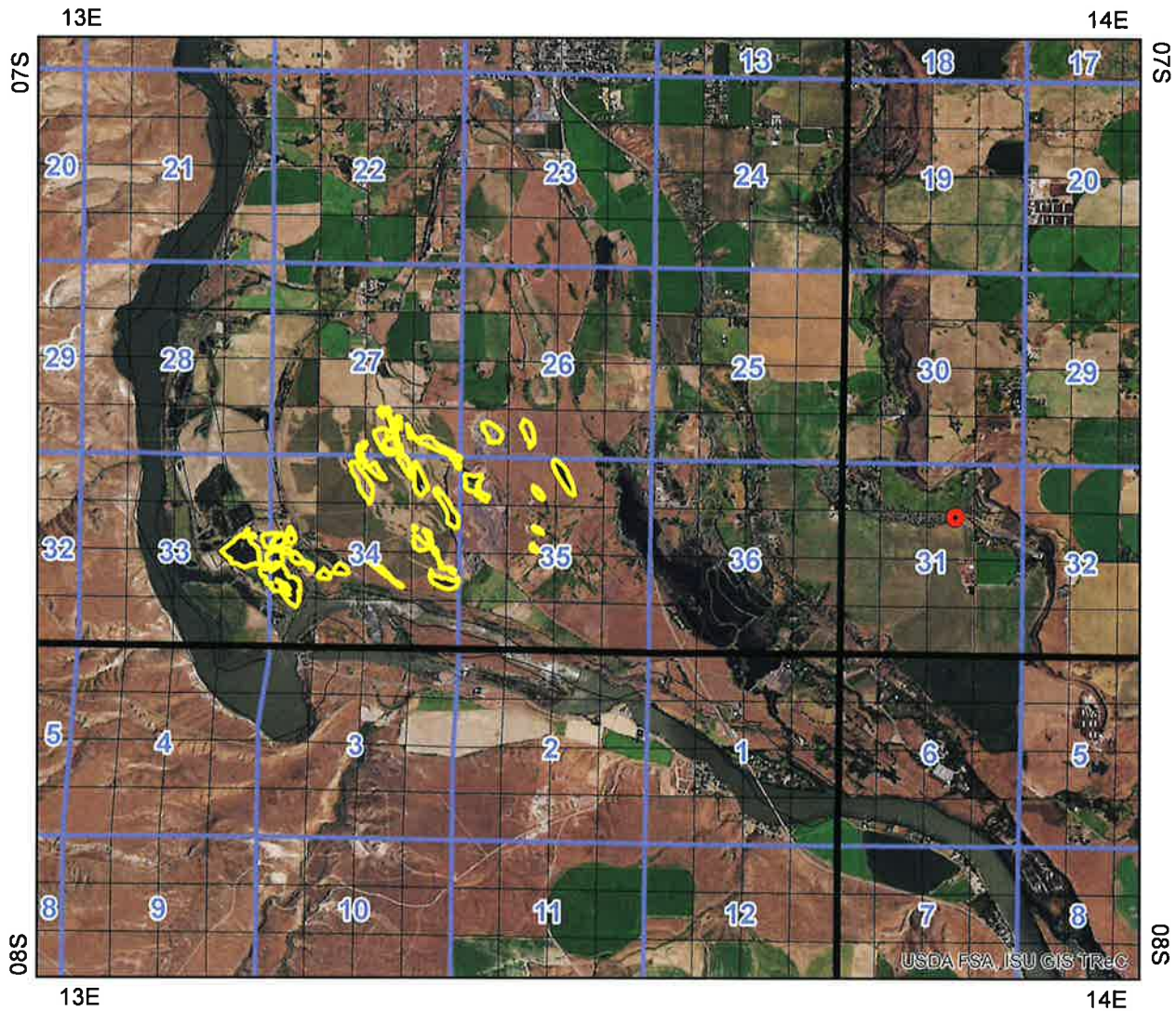
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.5 1 2 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 82924
36-8730

This map depicts the AESTHETIC, RECREATION & WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



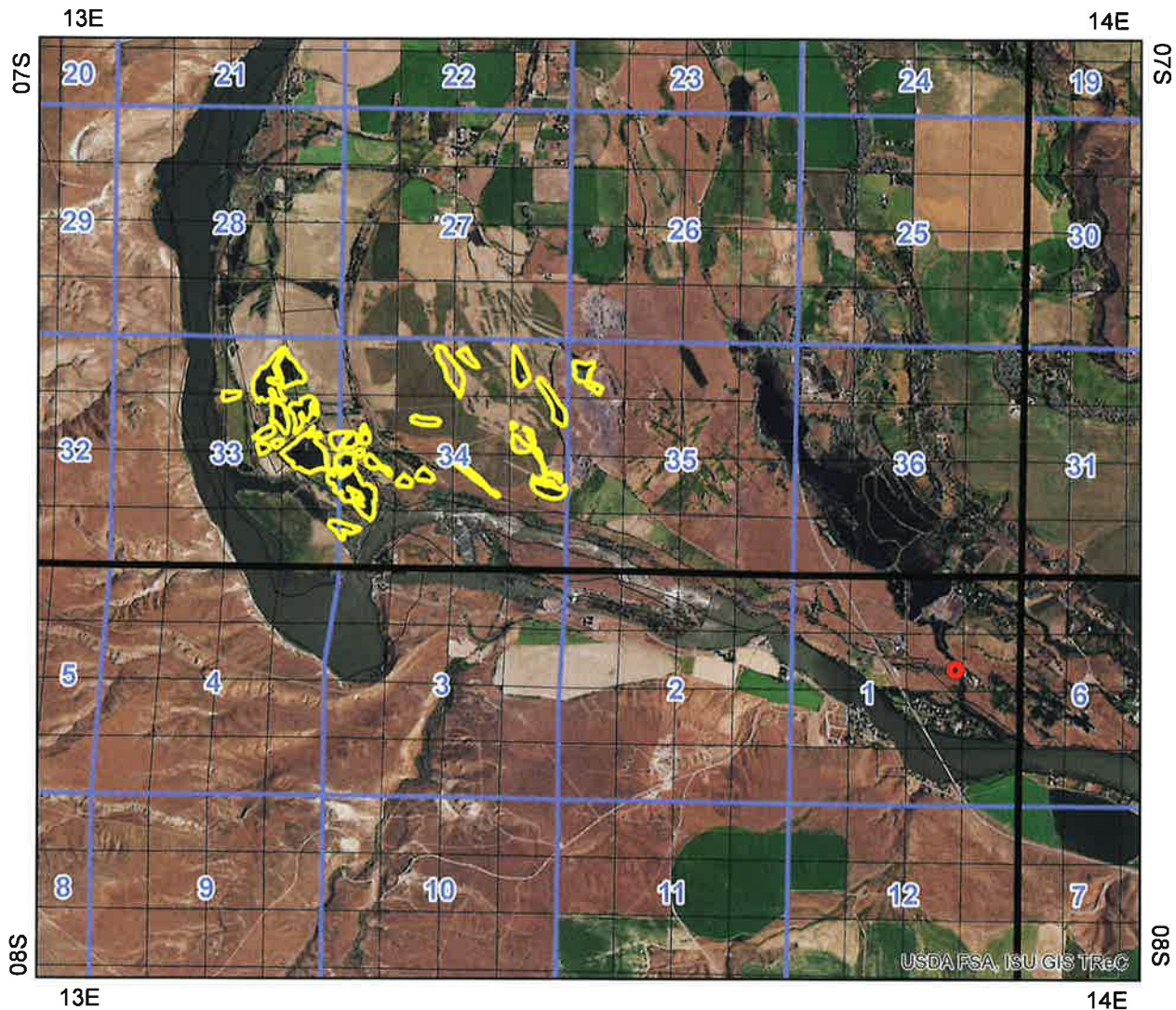
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.5 1 2 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 82924
36-8785

This map depicts the AESTHETIC, RECREATION & WILDLIFE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.5 1 2 Miles



State of Idaho
Department of Water Resources

Attachment to Transfer # 82924

36-8785

This map depicts the FISH PROPAGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.4 0.8 1.6 Miles



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DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82924

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Buckeye Farms IncCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

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DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Buckeye Farms Inc Phone 208-837-6595
Mailing address PO Box 269, Hagerman, ID 83332 Email buckeyefarmsinc@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative John Simpson Phone 208-336-0700
Mailing address PO Box 2139, Boise, ID 83701-2139 Email jks@idahowaters.com

- ☒ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?

If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

The purpose of the transfer is to move some ponds away from the river, cover all existing ponds and create some new ponds under the existing water rights.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	36-8335	2.07	Diversion to Storage	1/1 to 12/31	Billingsley Ck/Snake River
☐ ☐		646	Wildlife Storage	1/1 to 12/31	
☐ ☐		646	Recreation Storage	1/1 to 12/31	
☐ ☐		646	Aesthetic Storage	1/1 to 12/31	
☐ ☒	36-8728	1.24	Diversion to Storage	1/1 to 12/31	Weatherby Spr/Billingsley
☐ ☐		763	Wildlife Storage	1/1 to 12/31	
☐ ☐		763	Recreation Storage	1/1 to 12/31	
☐ ☐		763	Aesthetic Storage	1/1 to 12/31	
☐ ☐				to	

Total authorized under rights 10.17 cfs and/or 871 acre-feet. See attached memo for explanation of quantity.

2. Total amount of water proposed to be transferred or changed 10.17 cubic feet per second and/or 871 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	13E	28													X-1	L5	MS	MS	
																X-1	306	801	
																	X-2	L9	
																		X-3	
Partial place of use for 36-8335.																			Total Acres (for irrigation use)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 82924

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- 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 the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	13E	33	MS	MS	MS	MS									MS	L5		X-1	
			801	306	306	306									306	X-1			
			X-1	L1	L4	801									X-3				
				X-3	X-6	X-3													
		34							MS				MS	MS					
									801				306	801					
									L7				801	L5					
									X-4				L4	X-2					
													X-3						

Remainder of place of use for 36-8335.

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page 3B

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SOUTHERN REGION
via email

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 82924

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- 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 the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	13E	26											X-1	X-1					
		27												X-1			X-8	X-1	
		33				MS									MS				
						306									306				
						801									801				
						X-2									X-3				
		34	X-3	X-3		X-5	X-2		MS		L3	MS	MS		L1	L2			
									801		X-3	306	801		X-2	X-1			
									L7			801	X-1						
									X-4			L4							
												X-3							
		35		X-1			X-2	X-1		X-2	X-1					X-1			

Place of use for 36-8728 and 36-8730.

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page 3C

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via emailSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 82924

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- 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 the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	13E	26											X-1	X-1					
		27												X-1			X-8	X-1	
		33				MS									MS				
						306									306				
						801									801				
						X-2									X-3				
		34	X-3	X-3		X-5	X-2		MS		L3	MS	MS		L1	L2			
									801		X-3	306	801		X-2	X-1			
									L7			801	X-1						
									X-4			L4							
												X-3							
		35		X-1			X-2	X-1		X-2	X-1					X-1			

Place of use for 36-8728 and 36-8730.

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page 3C

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SOUTHERN REGION
via emailSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 82924

Point of Diversion/Place of Use Supplement

SUPERSEDED

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- 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 the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	13E	26											X-1	X-1					
		27												X-1			X-8	X-1	
		33				MS									MS				
						306									306				
						801									801				
						X-1									X-2				
		34	X-3	X-3		X-5	X-2		MS		L3	MS	MS		L1	L2			
									801		X-3	306	801		X-2	X-1			
									L7			801	X-1						
									X-4			L4							
												X-3							
		35		X-1			X-2	X-1		X-2	X-1					X-1			

Place of use for 36-8728 and 36-8730.

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page 3C

SUPERSEDED BY AMENDED PAGE 3C REC'D 1-9-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 82924

Point of Diversion/Place of Use Supplement

SUPERSEDED

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- 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 the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	13E	26											X-1	X-1					
		27												X-1			X-8	X-1	
		33				MS													
						306													
						801													
						X-1													
		34	X-3	X-3		X-5	X-2		MS		L3	MS	MS		L1	L2			
									801		X-3	306	801		X-2	X-1			
									L7			801	X-1						
									X-4			L4							
												X-3							
		35		X-1			X-1	X-1		X-2	X-1					X-1			

Place of use for 36-8728 and 36-8730.

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page 3C

SUPERSEDED BY AMENDED PAGE 3C REC'D 1-7-2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 82924

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- 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 the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	13E	33	MS	MS	MS	MS									MS	L5		X-1	
			801	306	306	801									306	X-1			
			X-1	L1	L4	306									X-3				
				X-3	X-6	X-3													
		34	X-2	X-2		X-5	X-1		MS	X-1	L3	MS	MS		L1	L2			
									801		X-3	306	801		X-3	X-1			
									L7			801	L5						
									X-4			L4	X-2						
												X-3							
		35						X-1											

Place of use for 36-8729 and 36-8785.

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page 3D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

All existing diversions through the Curren, Buckeye and Hunt ditches.

- b. Who owns the property at the point(s) of diversion? All points of diversion are existing.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Existing rights of way will not change as a result of this transfer.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/23/2018

WATER RIGHT NO. 36-8335

Owner Type | Name and Address

Current Owner | BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332
2088376595

Priority Date: 09/24/1987

Basis: License

Status: Active

Source | Tributary
BILLINGSLEY CREEK | SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE STORAGE	01/01	12/31		646 AFA
RECREATION STORAGE	01/01	12/31		646 AFA
AESTHETIC STORAGE	01/01	12/31		646 AFA
DIVERSION TO STORAGE	01/01	12/31	11.9 CFS	
Total Diversion			11.9 CFS	

Location of Point(s) of Diversion:

BILLINGSLEY CREEK | SESENE | Sec. 11 | Township 07S | Range 13E | GOODING County

Place(s) of use:

Place of Use Legal Description: WILDLIFE STORAGE GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	28		SESW										

	NESE	NWSE	SWSE	SWSE
	SWSE	SESE		
33	NENE	NENE	NWNE	SWNE
	SWNE	SENE		
	NENW	NENW	SENE	
	NESE	NESE	NESE	NWSE
	NWSE	SESE		
34	SWNW	SWNW		
	NWSW	NWSW	NWSW	NWSW
	NWSW	SWSW	SWSW	

Place of Use Legal Description: RECREATION STORAGE GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	13E	28		SESW										
				NESE			NWSE			SWSE			SWSE	
				SWSE			SESE							
		33		NENE			NENE			NWNE			SWNE	
				SWNE			SENE							
				NENW			NENW			SENE				
				NESE			NESE			NESE			NWSE	
				NWSE			SESE							
		34		SWNW			SWNW							
				NWSW			NWSW			NWSW			NWSW	
				NWSW			SWSW			SWSW				

Place of Use Legal Description: AESTHETIC STORAGE GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	13E	28		SESW										
				NESE			NWSE			SWSE			SWSE	
				SWSE			SESE							
		33		NENE			NENE			NWNE			SWNE	
				SWNE			SENE							
				NENW			NENW			SENE				
				NESE			NESE			NESE			NWSE	
				NWSE			SESE							
		34		SWNW			SWNW							
				NWSW			NWSW			NWSW			NWSW	
				NWSW			SWSW			SWSW				

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.

2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. X35 Rights 36-00003H, 36-07739 and 36-08335 when combined shall not exceed a total diversion rate of 11.90 cfs.
4. Rights 36-08728, 36-08729, 36-08730 and 36-08335 when combined shall not exceed a total annual maximum storage volume of 871 af.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. F01 Water is delivered through Buckeye Ditch.

Dates:

Licensed Date: 09/15/2011

Decreed Date:

Permit Proof Due Date: 9/1/1991

Permit Proof Made Date: 7/10/1991

Permit Approved Date: 9/16/1988

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/24/1987

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 11.9

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 36-8728

1.	amount	1.24 cfs	(cfs/ac-ft) for	Diversion to Storage	purposes from	1/1	to	12/31
	amount	763 ac-ft	for	Wildlife Storage	purposes from	1/1	to	12/31
	amount	763 ac-ft	for	Recreation Storage	purposes from	1/1	to	12/31
	amount	763 acft	for	Aesthetic Storage	purposes from	1/1	to	12/31
	amount		for		purposes from		to	
	amount		for		purposes from		to	
	amount		for		purposes from		to	
	amount		for		purposes from		to	

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/23/2018

WATER RIGHT NO. 36-8728

Owner Type **Name and Address**

Current Owner BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332
2088376595

Original Owner BUCKEYE LAND CO
RT 1
HAGERMAN, ID 83332
2088376174

Priority Date: 09/24/1987

Basis: License

Status: Active

Source**Tributary**

WEATHERBY SPRINGS | BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE STORAGE	01/01	12/31		763 AFA
RECREATION STORAGE	01/01	12/31		763 AFA
AESTHETIC STORAGE	01/01	12/31		763 AFA
DIVERSION TO STORAGE	01/01	12/31	6.5 CFS	
Total Diversion			6.5 CFS	

Location of Point(s) of Diversion:

WEATHERBY SPRINGS | SENESW | Sec. 30 | Township 07S | Range 14E | GOODING County

Place(s) of use:

Place of Use Legal Description: WILDLIFE STORAGE GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	13E	27		SESW										
				SWSE			SESE							
		33		SWNE		4	SWNE			SENE			SESE	
				NESE		10	NESE		5	NWSE				
		34		NENE			NWNE			SENE				
				NENW			SWNW		7	SWNW				
			3	NESW			NWSW		4	NWSW			SWSW	
			5	SWSW										
			1	NESE		2	NWSE							
		35		NWNE										
				NENW										
				NESW										
				NWSE										

Place of Use Legal Description: RECREATION STORAGE GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	13E	27		SESW										
				SWSE			SESE							
		33		SWNE		4	SWNE			SENE			SESE	
				NESE		10	NESE		5	NWSE				
		34		NENE			NWNE			SENE				
				NENW			SWNW		7	SWNW				
			3	NESW			NWSW		4	NWSW			SWSW	
			5	SWSW										
			1	NESE		2	NWSE							
		35		NWNE										
				NENW										
				NESW										
				NWSE										

Place of Use Legal Description: AESTHETIC STORAGE GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	13E	27		SESW										
				SWSE			SESE							
		33		SWNE		4	SWNE			SENE			SESE	
				NESE		10	NESE		5	NWSE				
		34		NENE			NWNE			SENE				
				NENW			SWNW		7	SWNW				
			3	NESW			NWSW		4	NWSW			SWSW	
			5	SWSW										
			1	NESE		2	NWSE							
		35		NWNE										

NENW
NESW
NWSE

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. X35 Rights 36-16987, 36-00015, 36-07740 and 36-08728 when combined shall not exceed a total diversion rate of 6.5 cfs.
4. Rights 36-08729, 36-08730, 36-08335 and 36-08728 when combined shall not exceed a total annual maximum storage volume of 871 af.
5. The uses of water under this right are for private fishing, hunting and aesthetic ponds.
6. Water is delivered through Bar S Ditch and Curren Ditch.

Dates:

Licensed Date: 09/15/2011

Decreed Date:

Permit Proof Due Date: 1/1/1995

Permit Proof Made Date: 12/12/1994

Permit Approved Date: 7/26/1988

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/24/1987

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 6.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 36-8729

1. amount	1.82 cfs	(cfs/ac-ft) for	Diversion to Storage	purposes from	1/1	to	12/31
amount	748 ac-ft	for	Wildlife Storage	purposes from	1/1	to	12/31
amount	748 ac-ft	for	Recreation Storage	purposes from	1/1	to	12/31
amount	748 ac-ft	for	Aesthetic Storage	purposes from	1/1	to	12/31
amount		for		purposes from		to	
amount		for		purposes from		to	
amount		for		purposes from		to	
amount		for		purposes from		to	

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) _____

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/23/2018

WATER RIGHT NO. 36-8729

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BUCKEYE FARMS INC PO BOX 269 HAGERMAN, ID 83332 2088376595
Original Owner	BUCKEYE LAND CO RT 1 HAGERMAN, ID 83332 2088376174

Priority Date: 09/24/1987

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
RILEY CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE STORAGE	01/01	12/31		748 AFA
RECREATION STORAGE	01/01	12/31		748 AFA
AESTHETIC STORAGE	01/01	12/31		748 AFA
DIVERSION TO STORAGE	11/16	03/14	24 CFS	
DIVERSION TO STORAGE	03/15	11/15	22.45 CFS	
Total Diversion			24 CFS	

Location of Point(s) of Diversion:

RILEY CREEK|SESWNE Lt 6|Sec. 01|Township 08S|Range 13E|GOODING County

Place(s) of use:

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	13E	33		NENE SWNE SENE		4	NENE SWNE SENE			NWNE SENE		1	NWNE SENE	
			4	SENW NESE SESE			NESE	10		NESE		5	NWSE	
		34		NENE NENW			NWNE SWNW			SENE SWNW				
			3	NESW			NWSW	7		NWSW			NWSW	
			4	NWSW			SWSW	5		SWSW				
			1	NESE		2	NWSE							

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	33		NENE		4	NENE			NWNE		1	NWNE	
				SWNE			SWNE			SENE			SENE	
			4	SENE			SENE							
				SENW										
				NESE			NESE		10	NESE		5	NWSE	
				SESE										
		34		NENE			NWNE			SENE				
				NENW			SWNW		7	SWNW				
			3	NESW			NWSW			NWSW			NWSW	
			4	NWSW			SWSW		5	SWSW				
			1	NESE		2	NWSE							

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	13E	33		NENE		4	NENE			NWNE		1	NWNE	
				SWNE			SWNE			SENE			SENE	
			4	SENE			SENE							
				SENW					10	NESE		5	NWSE	
				NESE			NESE							
		34		SESE										
				NENE			NWNE			SENE				
				NENW			SWNW		7	SWNW				
			3	NESW			NWSW			NWSW			NWSW	
			4	NWSW			SWSW		5	SWSW				
			1	NESE		2	NWSE							

7/23/2018, 9:15 AM

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
2. Rights 36-8335, 36-8728, 36-8729 and 36-8730 when combined shall not exceed a total annual maximum storage volume of 871 af.
3. X35 Rights 36-1, 36-2, 36-7741, and 36-8729 when combined shall not exceed a total diversion rate of 22.45 cfs from March 15 through November 15.
4. X35 Rights 36-7741 and 36-8729 when combined shall not exceed a total diversion rate of 24.0 cfs from November 16 through March 14.
5. X35 Rights 36-1, 36-2, 36-7741, 36-8729, and 36-8785 when combined shall not exceed a total diversion rate of 38.45 cfs and a total annual maximum diversion volume of 27,800 af.
6. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. The uses of water under this right are for private fishing, hunting and aesthetic ponds.

Dates:

Licensed Date: 09/15/2011

Decreed Date:

Permit Proof Due Date: 1/1/1995

Permit Proof Made Date: 12/12/1994

Permit Approved Date: 7/26/1988

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/24/1987

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 22.45

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 36-8730

1. amount	3.82 cfs	(cfs/ac-ft) for	Diversion to Storage	purposes from	1/1	to	12/31
amount	763 ac-ft	for	Wildlife Storage	purposes from	1/1	to	12/31
amount	763 ac-ft	for	Recreation Storage	purposes from	1/1	to	12/31
amount	763 ac-ft	for	Aesthetic Storage	purposes from	1/1	to	12/31
amount		for		purposes from		to	
amount		for		purposes from		to	
amount		for		purposes from		to	
amount		for		purposes from		to	

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) _____

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/23/2018

WATER RIGHT NO. 36-8730

Owner Type	Name and Address
Current Owner	BUCKEYE FARMS INC PO BOX 269 HAGERMAN, ID 83332 2088376595
Original Owner	BUCKEYE LAND CO RT 1 HAGERMAN, ID 83332 2088376174

Priority Date: 09/24/1987

Basis: License

Status: Active

Source	Tributary
BILLINGSLEY CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
WILDLIFE STORAGE	01/01	12/31		763 AFA
RECREATION STORAGE	01/01	12/31		763 AFA
AESTHETIC STORAGE	01/01	12/31		763 AFA
DIVERSION TO STORAGE	01/01	12/31	20 CFS	
Total Diversion			20 CFS	

Location of Point(s) of Diversion:

BILLINGSLEY CREEK|NESWNE|Sec. 31|Township 07S|Range 14E|GOODING County

Place(s) of use:

Place of Use Legal Description: WILDLIFE STORAGE GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	27		SESW										
				SWSE			SESE							
		33		SWNE		4	SWNE			SENE				
				NESE		10	NESE		5	NWSE			SESE	
		34		NENE			NWNE			SENE				
				NENW			SWNW		7	SWNW				
			3	NESW			NWSW		4	NWSW			SWSW	
			5	SWSW										
			1	NESE		2	NWSE							
		35		NWNE										
				NENW										
				NESW										
				NWSE										

Place of Use Legal Description: RECREATION STORAGE GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	27		SESW										
				SWSE			SESE							
		33		SWNE		4	SWNE			SENE				
				NESE		10	NESE		5	NWSE			SESE	
		34		NENE			NWNE			SENE				
				NENW			SWNW		7	SWNW				
			3	NESW			NWSW		4	NWSW			SWSW	
			5	SWSW										
			1	NESE		2	NWSE							
		35		NWNE										
				NENW										
				NESW										
				NWSE										

Place of Use Legal Description: AESTHETIC STORAGE GOODING County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	13E	27		SESW										
				SWSE			SESE							
		33		SWNE		4	SWNE			SENE				
				NESE		10	NESE		5	NWSE			SESE	
		34		NENE			NWNE			SENE				
				NENW			SWNW		7	SWNW				
			3	NESW			NWSW		4	NWSW			SWSW	
			5	SWSW										
			1	NESE		2	NWSE							
		35		NWNE										

NENW
NESW
NWSE

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Rights 36-16988, 36-00018, 36-07742 and 36-08730 when combined shall not exceed a total diversion rate of 20 cfs.
4. X35 Rights 36-08335, 36-08728, 36-08729 and 36-08730 when combined shall not exceed a total annual storage volume of 871 af.
5. The uses of water under this right are for private fishing, hunting and aesthetic ponds.
6. This right is subject to the agreement dated 7/18/88 between right holder and protestants to the extent such agreement covers matters within the jurisdiction of IDWR.
7. Water is delivered through Curren Ditch.

Dates:

Licensed Date: 09/15/2011

Decreed Date:

Permit Proof Due Date: 1/1/1995

Permit Proof Made Date: 12/12/1994

Permit Approved Date: 7/15/1994

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/24/1987

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 871

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:
Cary Act Number:
Mitigation Plan: False
[Close](#)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 36-8785

1.	amount	1.22 cfs	(cfs/ac-ft) for	Wildlife	purposes from	1/1	to	12/31
	amount	1.22 cfs	for	Recreation	purposes from	1/1	to	12/31
	amount	1.22 cfs	for	Aesthetic	purposes from	1/1	to	12/31
	amount		for		purposes from		to	
	amount		for		purposes from		to	
	amount		for		purposes from		to	
	amount		for		purposes from		to	
	amount		for		purposes from		to	

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/23/2018

WATER RIGHT NO. 36-8785

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BUCKEYE FARMS INC PO BOX 269 HAGERMAN, ID 83332 2088376595
Attorney	BARKER ROSHOLT & SIMPSON LLP 1010 W JEFFERSON STE 102 PO BOX 2139 BOISE, ID 83701-2139 2083360700
Representative	ERO RESOURCES CORP C/O DAVID SHAW 4001 E MAIN ST EMMETT, ID 83617 2083657684

Priority Date: 10/29/1998

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
RILEY CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE	01/01	12/31	16 CFS	11600 AFA
FISH PROPAGATION	01/01	12/31	16 CFS	11600 AFA
RECREATION	01/01	12/31	16 CFS	11600 AFA
AESTHETIC	01/01	12/31	16 CFS	11600 AFA
Total Diversion			16 CFS	

Location of Point(s) of Diversion:

Place of Use Legal Description: WILDLIFE GOODING County

Place of Use Legal Description: FISH PROPAGATION GOODING County

Place of Use Legal Description: RECREATION GOODING County

Place of Use Legal Description: AESTHETIC GOODING County

7/23/2018, 9:17 AM

	SENE	SENE		
4	SENE			
	NESE	NESE	10	NESE
	SESE			5
34	NENE	NWNE		SENE
	NENW	SWNW	7	SWNW
3	NESW	NWSW		NWSW
4	NWSW	SWSW	5	SWSW
1	NESE	2	NWSE	

Conditions of Approval:

1. During the period from March 16 of each year to September 15 of the year, the right holder may only divert 8 cfs when the flow in Riley Creek immediately downstream of the Conyer Ditch (Le Moyne Diversion) is equal to or less than 45 cfs. When the flow in Riley Creek is greater than 45 cfs immediately downstream of the Conyer Ditch (Le Moyne Diversion), the right holder may divert 8 cfs and any amount in excess of 45 cfs up to a total of 16 cfs (subject to other conditions).
The right holder shall maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works. Additionally, the right holder shall
2. 01J maintain a measuring device or rated section in Riley Creek to measure the flows of Riley Creek and insure the bypass below the Conyer Ditch (Le Moyne Diversion) as described in the conditions of this right.
3. R11 Should the use of the water under this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, the right holder shall cease diversion under this right.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
5. 122 The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
6. X13 The Director retains jurisdiction to require a bypass flow for maintenance of fish, wildlife, riparian and aquatic habitat.
7. 027 Use of water under this right shall be non-consumptive.
8. 17H This water right shall be junior and subordinate to other rights for the use of water, other than fish propagation, wildlife, recreation, aesthetic purposes, and hydropower in the State of Idaho that are initiated later in time than the priority date of this right and shall not give rise to any claim against any future rights for the use of water, other than fish propagation, wildlife, recreation, aesthetic uses, or hydropower within the State of Idaho initiated later in time than the priority of this right.
9. 020 The diversion and use of water described in permit 36-8785 may be subject to additional conditions and limitations agreed to by the Idaho Department of Fish and Game and the right holder under separate agreement dated July 26, 2004, to which the Department is not a party and which may be enforceable by a court of law.
10. X35 Rights 36-1, 36-2, 36-7741, 36-8729, and 36-8785 when combined shall not exceed a total diversion rate of 38.45 cfs and a total annual maximum diversion volume of 27,800 af.
11. This right does not authorize construction of new fish propagation facilities or expansion or enlargement of wildlife, recreation or aesthetic ponds or features not already authorized under existing rights held by the right holder. (See rights 36-7741 and 36-8729)
12. 051 Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

Dates:

Licensed Date: 09/15/2011

Decreed Date:

Permit Proof Due Date: 11/1/2010

Permit Proof Made Date: 10/28/2010

Permit Approved Date: 11/24/2004

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 10/29/1998

Protest Deadline Date: 01/25/1999

Number of Protests: 1

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 38.45

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: T

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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JAN 03 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION
via email

Buckeye Farms Application for Transfer
Water Right Nos. 36-8335, 36-8728, 36-8729, 36-8730 and 36-8785

The purpose of this transfer is to move water away from some ponds near the river that will be abandoned, be certain all existing ponds are covered by the existing water rights listed above and provide water for new ponds to be constructed at other locations on the Ranch.

The 4 water rights listed above, excluding water right no. 36-8785, have a combined storage volume limit of 871 acre-feet that was apparently developed at the time of the field examination for those water rights. The diversion rate for each of the rights during the irrigation season is based on existing irrigation water rights and fish propagation rights from the same sources and using the same delivery systems. During the non-irrigation season water right no. 36-8729 has a slightly larger diversion rate, 24 cfs instead of 22.45 cfs. The individual water rights each also have a storage volume but the combined volume of the 4 water rights is much larger than the combined limit of 871 acre-feet.

The only pond element that could be easily measured from available data is the surface area of the ponds based upon IDWR's place of use shape files for the 5 water rights included in this transfer. Since there are no records of how water has been delivered to the ponds from the respective water rights and the storage volume limits of the individual rights are in excess of the combined storage limit, using the areas of the ponds to be abandoned seems to be a reasonable, verifiable means of determining the amount of water no longer used in those ponds and available for use in ponds at a different location on the Ranch.

The total surface area of all ponds in IDWR's shape files is 165.7 acres. The surface area of the place of use of each of the 5 water rights is associated with specific ponds with the totals shown in the table below. Also shown in the table is the surface area of the existing ponds that will remain after the transfer is approved. Finally, the reduction in acreage that results from abandoning some of the ponds is calculated to determine the percentage of each water right being changed. That percentage of each water right being changed is then calculated to determine the portion of the diversion to storage, or in the case of water right no. 36-8785 the percentage of the diversion for each use, will be involved in the transfer to calculate the application fee.

	Before Acres	After Acres	Difference	% of Diversion Rate	Diversion Rate Changed
36-8335	105.21	86.91	18.3	17.4	2.07
36-8728	118.57	95.87	22.7	19.1	1.24
36-8729	116.65	107.74	8.91	7.6	1.82
36-8730	118.57	95.87	22.7	19.1	3.82
36-8785	116.65	107.74	8.91	7.6	1.22
Total	165.7	146.1			10.17

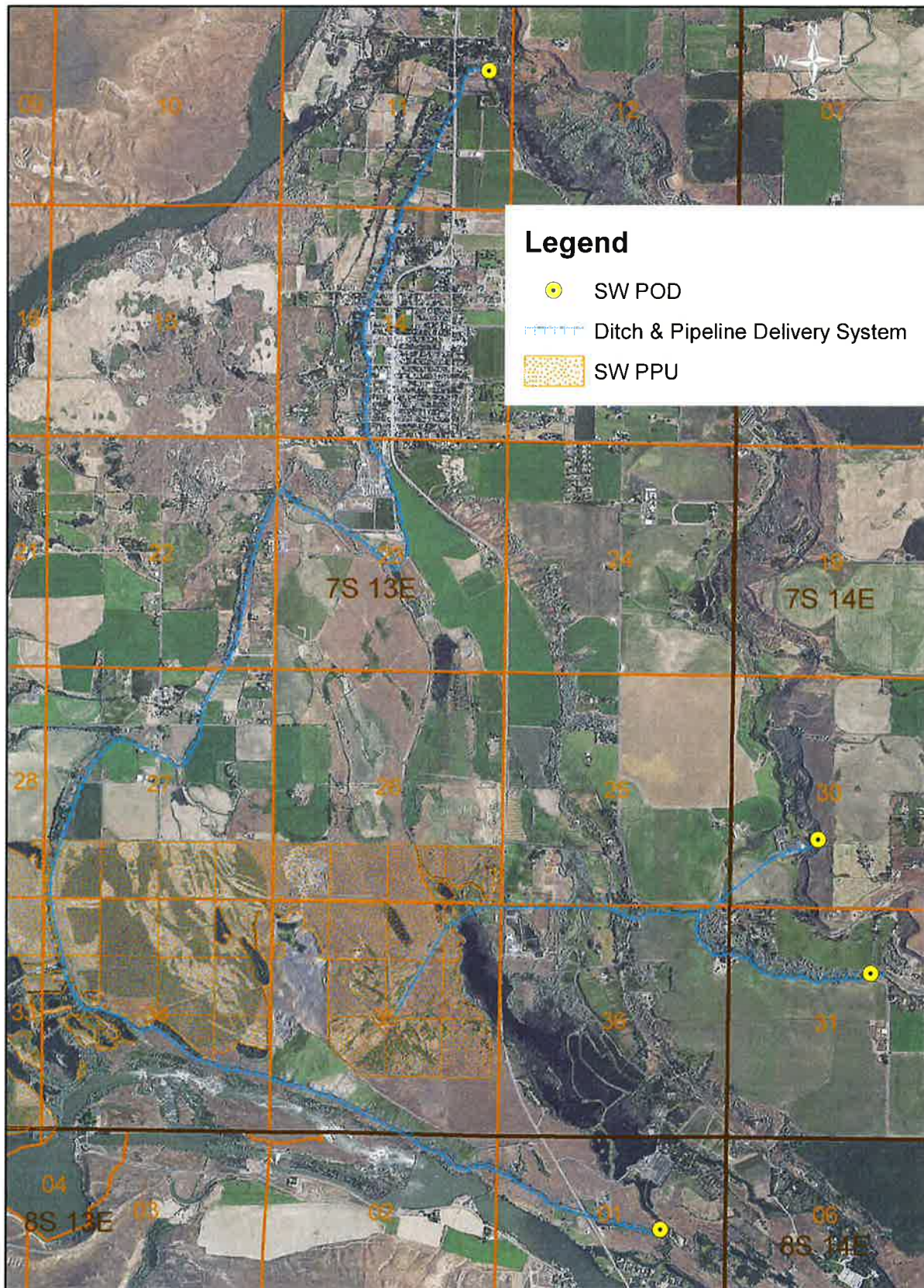
The surface area of the new ponds proposed in the transfer application is 19.6 acres, the difference between the 165.7 acres of ponds covered by the water rights as they exist today and the remaining 146.1 acres of ponds that will be unchanged by this application for transfer.

Since there are many overlaps among the 5 water rights with multiple rights for many of the ponds, the place of use for the five water rights are shown separately in the application for transfer. Water right nos. 36-8728 and 36-8730 have identical places of use both before the transfer and after the proposed transfer and are listed together in the place of use table. Likewise, water right nos. 36-8729 and 36-8785 have identical places of use both before and after the proposed transfer and are listed together in the place of use table.

In the place of use table for all the water rights, and "X" indicates Wildlife, Recreation and Aesthetic uses all occur in that tract. The "X" will be followed by a number indicating the number of ponds or portions of ponds occurring in that tract.

Where the Mineral Surveys are located the projection of normal 40 acre tracts is not clear but an attempt was made to identify the ponds located approximately where the tract would be located if it existed.

Buckeye Farms Transfer



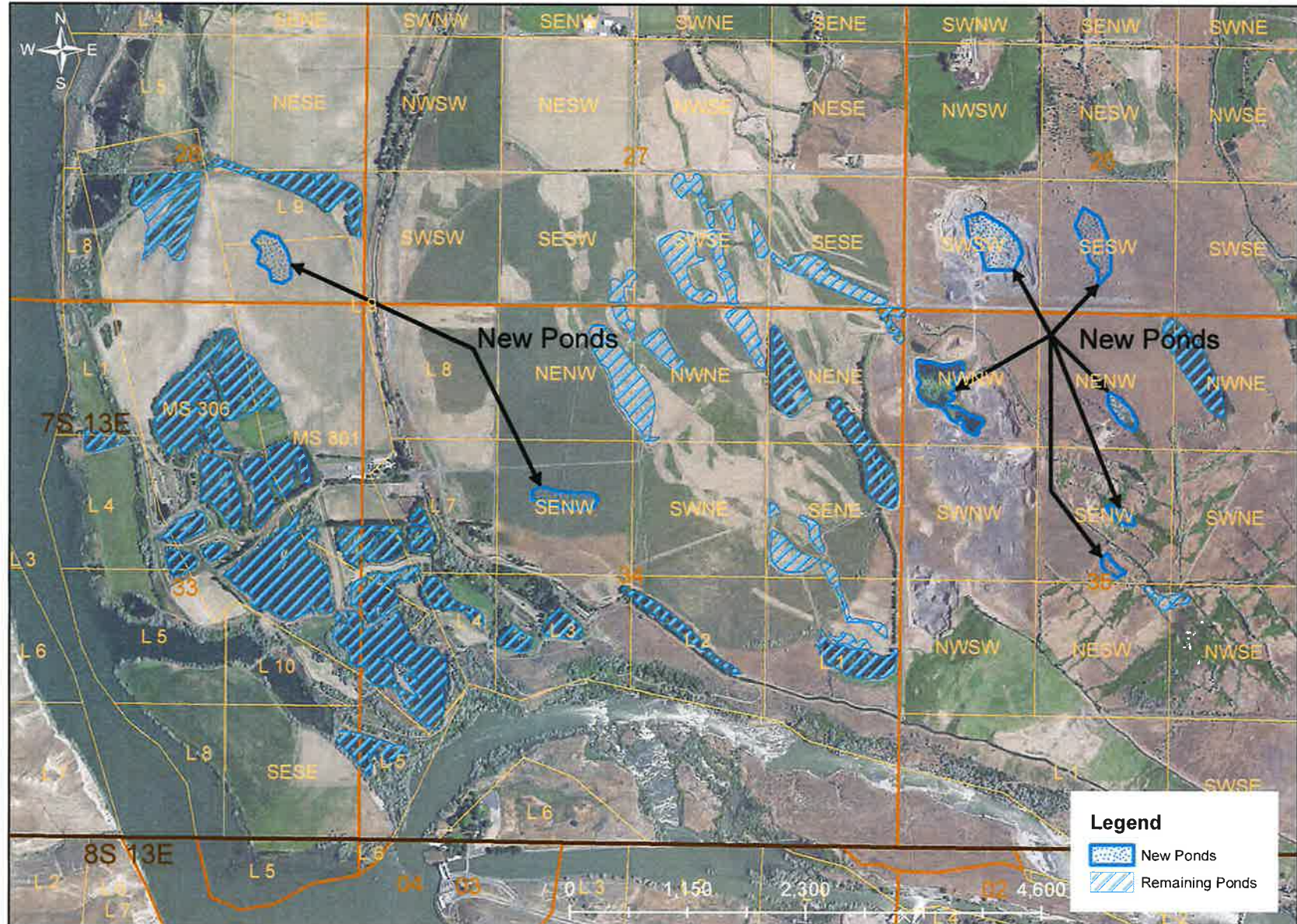
Based Upon 2017 NAIP Photography

Prepared for Buckeye Farms by ERO August 2018

Attachment #7a

TRANSFER 82924

Buckeye Farms Pond Transfer



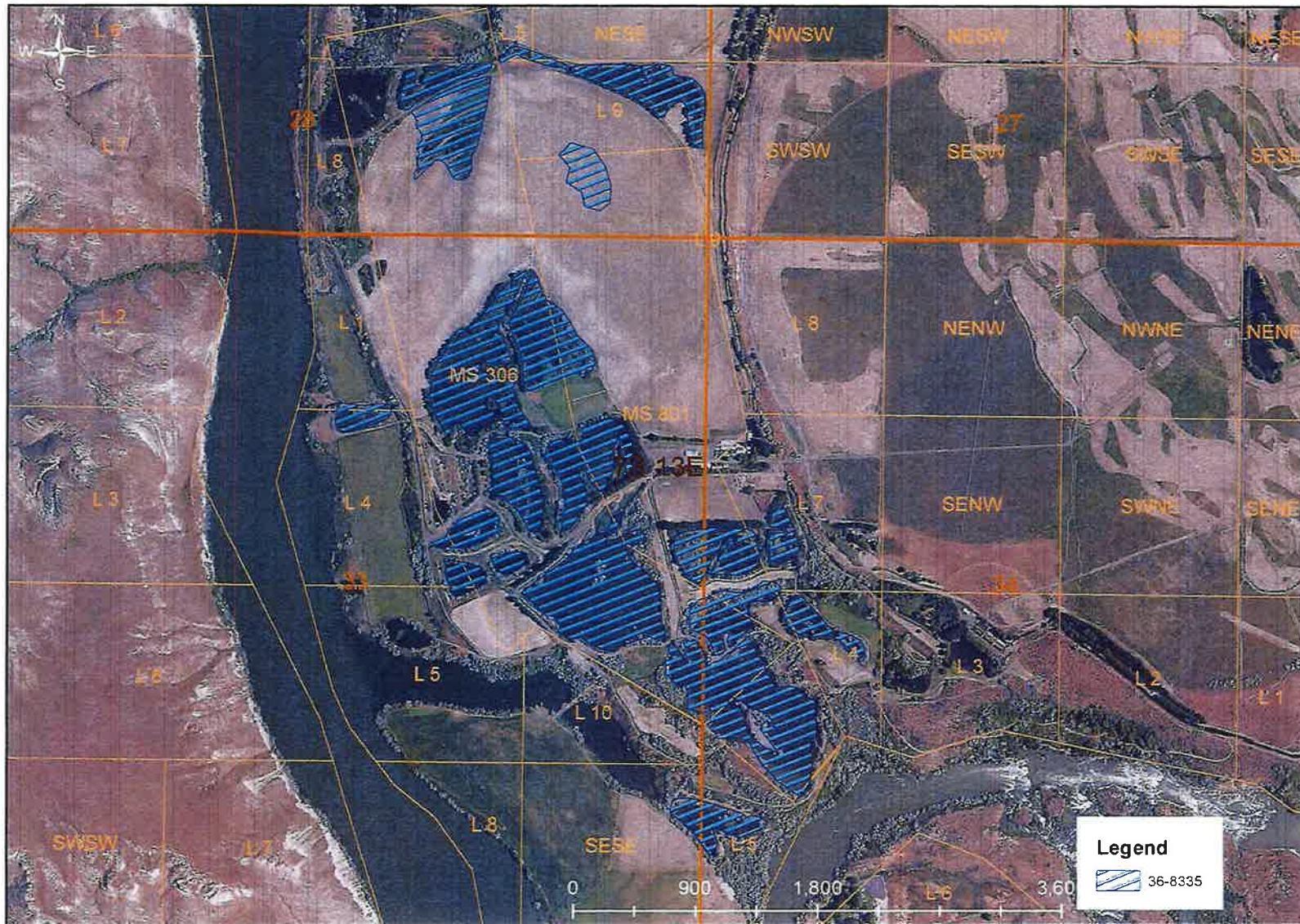
Based on 2017 NAIP Photography

Attachment #7B

Prepared for Buckeye Farms, Inc by ERO 9-2018

TRANSFER 82924

Buckeye Farms Pond Transfer



Based on 2017 NAIP Photography

Prepared for Buckeye Farms, Inc by ERO 1-2019

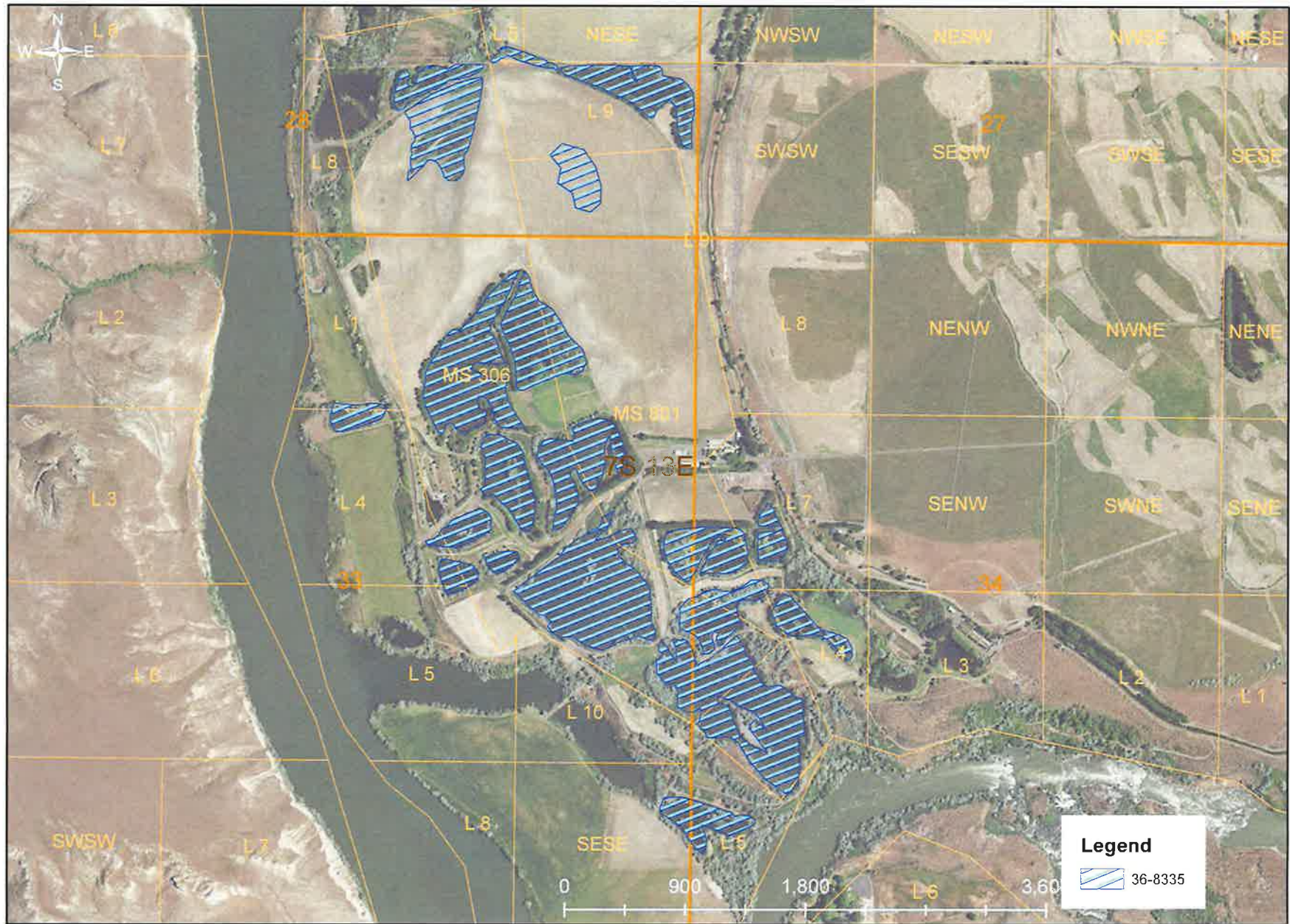
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DEPT OF WATER RESOURCES
SOUTHERN REGION

Buckeye Farms Pond Transfer



Based on 2017 NAIP Photography

Prepared for Buckeye Farms, Inc by ERO 1-2019

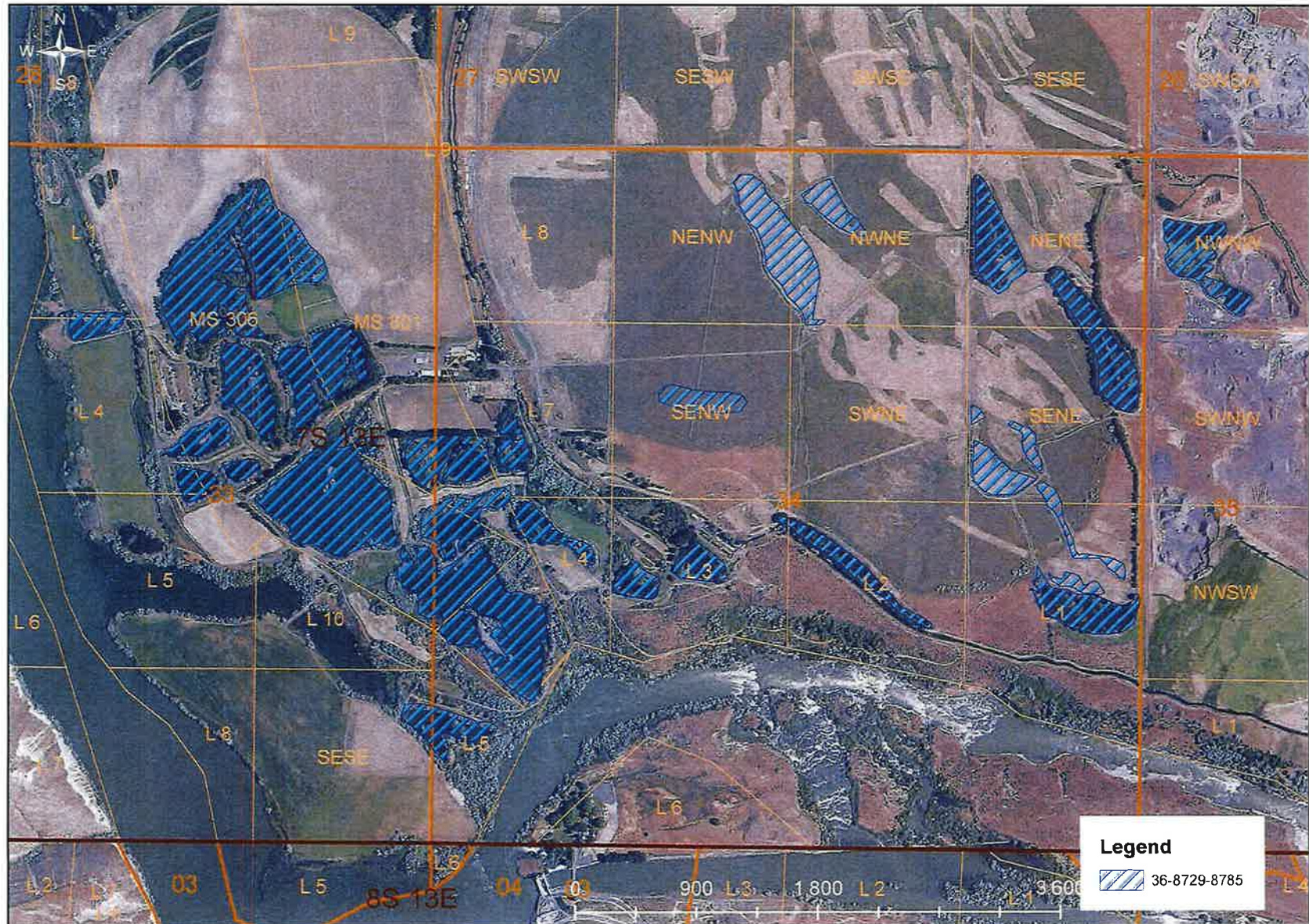
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SOUTHERN REGION

TRANSFER 82924

Buckeye Farms Pond Transfer



Based on 2017 NAIP Photography

Prepared for Buckeye Farms, Inc by ERO 1-2019

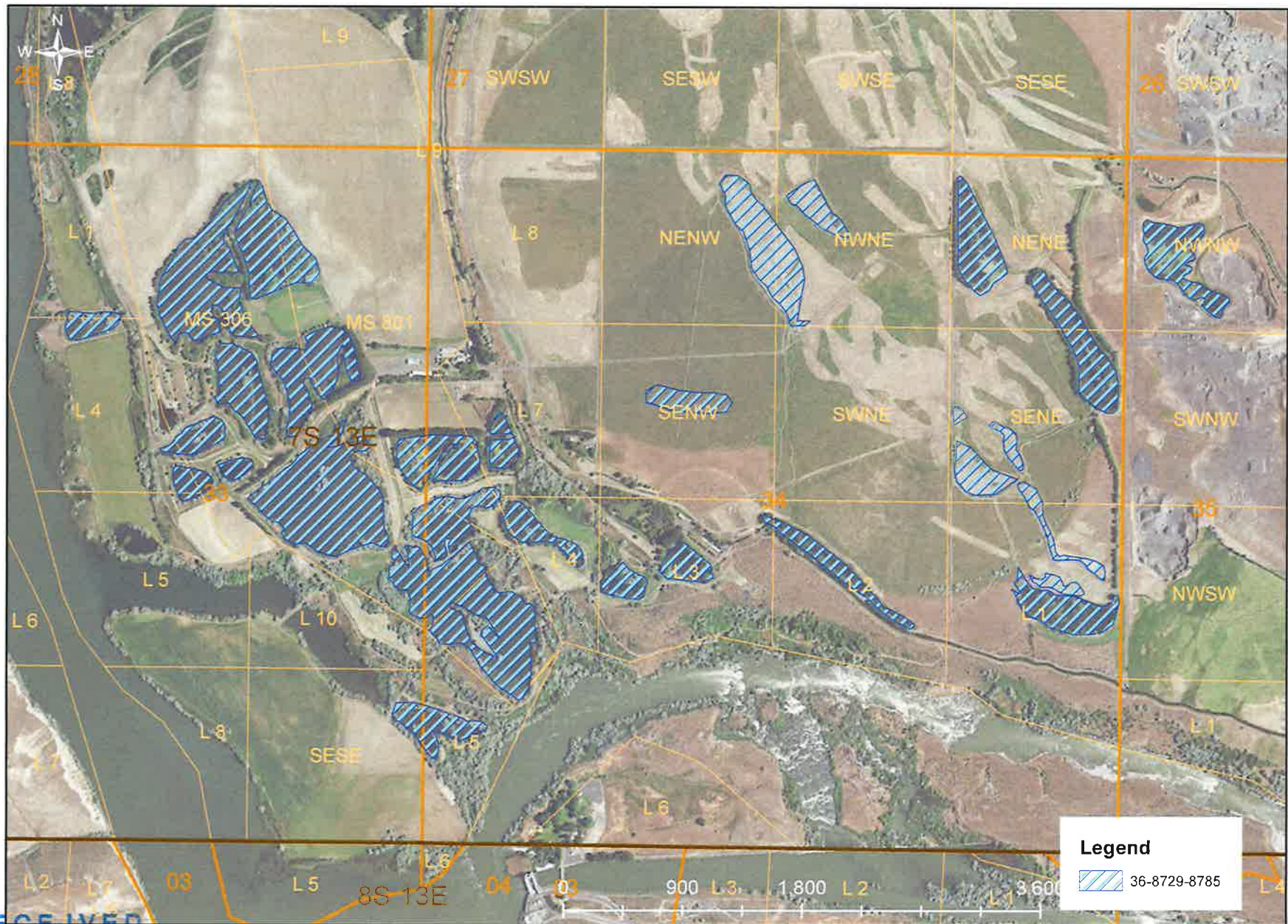
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SOUTHERN REGION

Buckeye Farms Pond Transfer



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DEPT OF WATER RESOURCES
SOUTHERN REGION

Based on 2017 NAIP Photography

Prepared for Buckeye Farms, Inc by ERO 1-2019

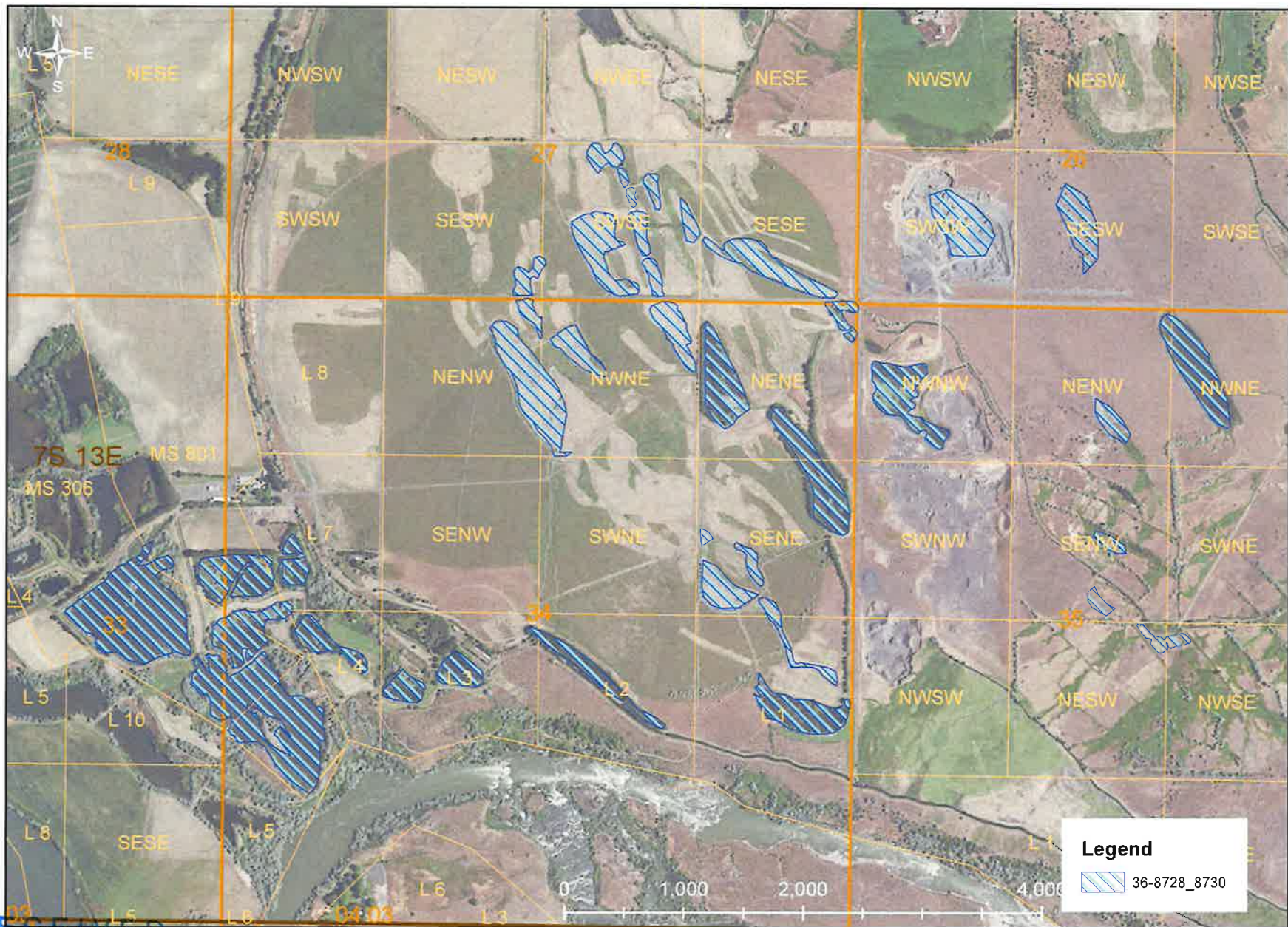
TRANSFER 82924

Prepared for Buckeye Farms, Inc by ERO 1-2019

IAN 23 2019 via email

DEPARTMENT OF WATER RESOURCES SOUTHERN REGION

Buckeye Farms Pond Transfer



Based on 2017 NAIP Photography

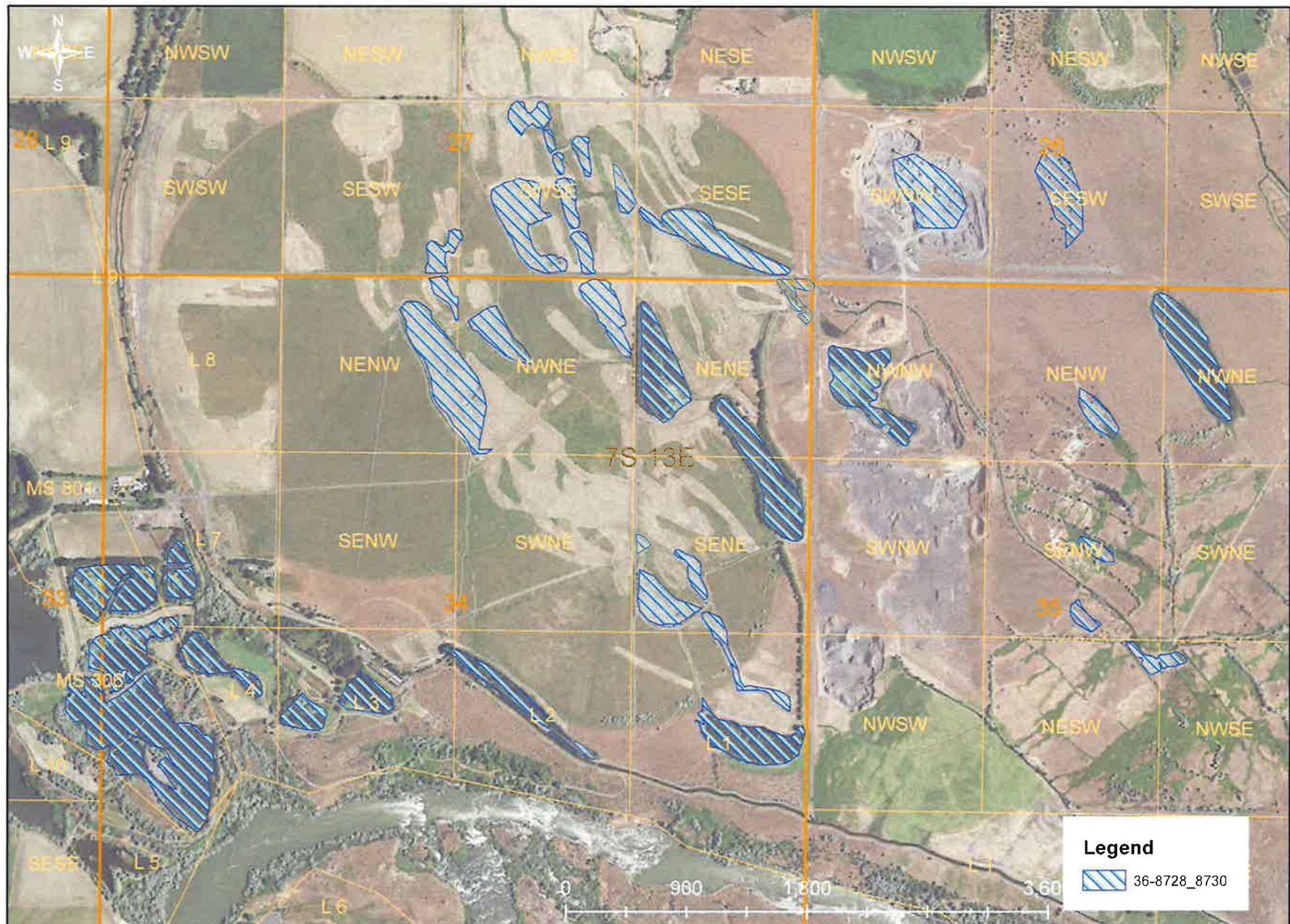
Prepared for Buckeye Farms, Inc by ERO 1-2019

JAN 09 2019 via email

DEPT OF WATER RESOURCES
SOUTHERN REGION

TRANSFER 82924

Buckeye Farms Pond Transfer



Based on 2017 NAIP Photography

Prepared for Buckeye Farms, Inc by ERO 1-2019

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JAN 07 2019 via email

DEPT OF WATER RESOURCES
SOUTHERN REGION

SUPERSEDED BY AMENDED MAP REC'D 1-9-2019



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 18, 2019

BUCKEYE FARMS INC
PO BOX 269
HAGERMAN ID 83332-0269

Re: Transfer No: 82911

Water Right No(s): 36-1, 36-2, 36-3H , 36-16987, 36-16988

Transfer No: 82924

Water Right No(s): 36-8335, 36-8728, 36-8729, 36-8730, 36-8785

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfers of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval documents.

Each Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

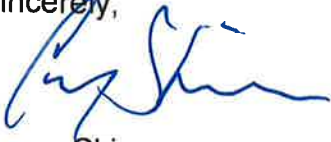
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Transfers) to the person(s) listed below:

Re: Transfer No: 82911

Water Right No(s): 36-1, 36-2, 36-3H , 36-16987, 36-16988

Transfer No: 82924

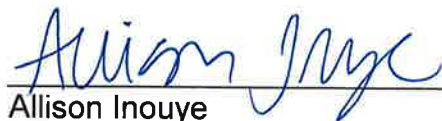
Water Right No(s): 36-8335, 36-8728, 36-8729, 36-8730, 36-8785

BUCKEYE FARMS INC (Current Owner)
PO BOX 269
HAGERMAN ID 83332-0269

JOHN K SIMPSON (Attorney)
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON ST STE 102
PO BOX 2139
BOISE ID 83701-2139

ERO RESOURCES CORP (Representative)
C/O DAVID SHAW
4001 E MAIN ST
EMMETT ID 83617

WATER DISTRICT 36A
FRANK ERWIN (Watermaster)
711 E AVE NORTH
HAGERMAN ID 83332



Allison Inouye
Water Resource Agent, Senior

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Inouye, Allison

From: Dave Shaw <dshaw@erresources.com>
Sent: Tuesday, February 26, 2019 11:50 AM
To: Inouye, Allison; John Simpson
Cc: Jessica Witt
Subject: RE: Buckeye Farms Transfers 82911 & 82924; legal description of places of use

Allison,

The additional condition looks good to me & covers my concerns about the meaning of the projected tracts.
Thank you,
Dave

David Shaw

ERO Resources Corporation

From: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Sent: Tuesday, February 26, 2019 9:16 AM
To: Dave Shaw <dshaw@erresources.com>; John Simpson <jks@idahowaters.com>
Cc: Jessica Witt <jlw@idahowaters.com>
Subject: RE: Buckeye Farms Transfers 82911 & 82924; legal description of places of use

All –
I understand the concern posed by Dave. Following is a proposed condition similar to others we have used in the past – will this work for you?

“Portions of the place of use in Sections 28, 33, & 34 of Township 7S Range 13E are located within Government Lots, Mineral Survey 306, and/or Mineral Survey 801. The quarter quarter descriptions identified in the place of use reflect the projected location using the current version of GCDB on the date of Transfer approval 82924. The Government Lot and/or Mineral Survey descriptions constitute the legal place of use.”

If that sounds ok to you, I am ready to pass these transfers on to Corey for final review.
Best,
Allison

From: Dave Shaw [<mailto:dshaw@erresources.com>]
Sent: Wednesday, February 13, 2019 2:30 PM
To: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>; John Simpson <jks@idahowaters.com>
Cc: Jessica Witt <jlw@idahowaters.com>
Subject: RE: Buckeye Farms Transfers 82911 & 82924; legal description of places of use

Allison,

I think the proposed changes are fine but I believe another condition needs to be added. Something similar to the following:

“Recording place of use by projected 40 acre tracts (sixteenth sections) where the underlying land is described by government lots or mineral surveys is for convenience only and does not change the actual description of the place of use in terms of government lots or mineral surveys.”

Since the projection of the 40 acre tracts are for convenience and are not surveyed or of any legal standing, I don't want the next person that projects 40 acre tracts on these parcels to claim the place of use is not properly described because the next projection turns out to be different.

Thanks Allison, please let me know if you have any questions,
Dave

David Shaw

ERO Resources Corporation

From: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Sent: Wednesday, February 13, 2019 12:07 PM
To: John Simpson <jks@idahowaters.com>; Dave Shaw <dshaw@eroresources.com>
Cc: Jessica Witt <jlw@idahowaters.com>
Subject: Buckeye Farms Transfers 82911 & 82924; legal description of places of use

Hello,

In regards to the Buckeye Farms irrigation transfer (No. 82911) and pond transfer (No. 82924), portions of the proposed places of use lie within Mineral Surveys 306 & 801. Within those Mineral Surveys, the Public Land Survey System quarter quarters are undefined; however (as you know), IDWR water right records must identify places of use based on Township/Range/Section/QQ. The application notes that an attempt was made to identify how the place of use would be described in those areas using projected quarter quarters.

Corey and I reviewed the applications in conjunction with IDWR's projected quarter quarters and developed slightly revised place of use descriptions. Attached are two documents – one for each transfer – with the modified POU descriptions. The attachments also include screenshots showing how IDWR's projected QQs intersect with the mineral surveys. Regarding the irrigation transfer, note that it allocates the same number of acres per section and includes the same number of total acres; the discrepancies between the attached document and the application resulted from minor adjustments in describing which QQ the acreages lie within.

Please review the attached documents and let me know if these revised place of use descriptions are acceptable for the water rights in the transfers. We also plan to add an explanatory condition identifying the mineral surveys (also in the attached documents).

Feel free to contact me with questions or concerns.

Best,
Allison

Allison Inouye
Water Resource Agent
Southern Regional Office | Idaho Dept. of Water Resources
p (208) 736-3033 | f (208) 736-3037
Allison.Inouye@idwr.idaho.gov

Transfer 82924

Water Right 36-8335 Proposed Place Of Use

AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE within GOODING County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	28																X L9	
07S	13E	28													X	X L5	X	X	
07S	13E	33		X L1	X L4											X L5			
07S	13E	33	X	X	X	X L1				X L4					X	X		X	
07S	13E	34							X L7			X L4	X L5						
07S	13E	34							X			X	X						

Explanatory Condition: Portions of the place of use in Sections 28, 33, & 34 of Township 7S Range 13E are located within Mineral Survey 306 and Mineral Survey 801.

Water Rights 36-8728 & 36-8730 Proposed Place Of Use

AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE within GOODING County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	26											X	X					
07S	13E	27												X			X	X	
07S	13E	33				X									X	X			
07S	13E	34							X L7			X L4							
07S	13E	34	X	X		X	X		X		X L3	X	X		X L1	X L2			
07S	13E	35		X			X	X		X	X					X			

Explanatory Condition: Portions of the place of use in Sections 33 & 34 of Township 7S Range 13E are located within Mineral Survey 306 and Mineral Survey 801.

Water Rights 36-8729 & 36-8785 Place Of Use

36-8729: AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE within GOODING County

36-8785: AESTHETIC, RECREATION, WILDLIFE within GOODING County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	33	X	X	X	X	X L1			X L4					X	X L5		X	
07S	13E	33		X L1	X L4											X			

07S	13E	34	X	X		X	X		X	X	X	X	X		X	X			
										L3					L1	L2			
07S	13E	34							X			X	X						
									L7			L4	L5						
07S	13E	35						X											

Explanatory Condition: Portions of the place of use in Sections 33 & 34 of Township 7S Range 13E are located within Mineral Survey 306 and Mineral Survey 801.

36-8335



[illegible]

36-8729 & 36-8785



MEMORANDUM

Date: February 7, 2019
To: Transfer 82924
From: Allison Inouye
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to modify portions of the places of use (POU) for 5 surface water rights with sources of Riley Creek, Billingsley Creek, and Weatherby Springs that provide water to a network of ponds. Four of the water rights are used for aesthetic storage, wildlife storage, and recreation storage purposes and are limited to a total storage volume of 871 acre feet. One water right is for aesthetic, recreation, wildlife, and fish propagation purposes. The transfer proposes to dry up some ponds near the Snake River, add some new ponds further away from the river, and slightly rearrange which ponds are covered by which water right(s). The total surface area of the ponds is proposed to stay the same as the current surface area. No changes are proposed to the points of diversion (PODs). The PODs and POUs are located approximately 2-3 miles south of Hagerman between Highway 30 and the Snake River. The POUs and PODs are located within Water District 36A and watermaster comments were solicited.

- **Authority to File**
The application is filed in the name of Buckeye Farms Inc, the owner of the water rights being transferred per IDWR records. The application was signed and submitted by John K Simpson, the attorney for the applicant.
- **Water Right Validity**
All five water rights were licensed in September 2011. Recent aerial imagery indicates multiple ponds on the property.
- **Injury to Other Water Rights**
None anticipated. The transfer proposes to modify a portion of the places of use for these water rights on lands contiguous to the existing places of use within property owned by the applicant. No changes are proposed to the points of diversion.
- **Enlargement of Use**
None anticipated. The four storage rights are limited to 871 acre feet of storage volume when combined. This limiting condition will be retained on the rights after the transfer. The applicant provided ArcMap shapefiles of the proposed place of use; a comparison to the current place of use using the Department's water right place of use shapefiles indicates that the total surface area of ponds will remain the same after this proposed transfer.
- **Local Public Interest**
No issues anticipated. Watermaster comments were solicited and the watermaster did not oppose the approval of this application.
- **Beneficial Use/Conservation of Water Resources**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area**
None anticipated.
- **Effect on the Agricultural Base of the Local Area**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Inouye, Allison

From: Dave Shaw <dshaw@erresources.com>
Sent: Monday, February 11, 2019 2:15 PM
To: Inouye, Allison; John Simpson
Cc: Jessica Witt
Subject: RE: IDWR Transfer 82924 Buckeye Farms (Ponds)

Allison,

Page 5D was intended to show the only parts of water right 36-8785 that are to be transferred in this application and Fish Propagation is not included. Only a portion of the Wildlife, Aesthetic and Recreation uses for this right are intended to be transferred.

Hope this helps, please let me know if you have any additional questions,
Dave

David Shaw

ERO Resources Corporation

From: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Sent: Monday, February 11, 2019 1:37 PM
To: Dave Shaw <dshaw@erresources.com>; John Simpson <jks@idahowaters.com>
Cc: Jessica Witt <jlw@idahowaters.com>
Subject: RE: IDWR Transfer 82924 Buckeye Farms (Ponds)

Hi Dave,
No, I haven't received a response yet.
Thanks,
Allison

From: Dave Shaw [<mailto:dshaw@erresources.com>]
Sent: Monday, February 11, 2019 1:08 PM
To: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>; John Simpson <jks@idahowaters.com>
Cc: Jessica Witt <jlw@idahowaters.com>
Subject: RE: IDWR Transfer 82924 Buckeye Farms (Ponds)

Allison,

Did you ever receive a response to your question about the 36-8785 fish propagation use?

Dave

David Shaw

ERO Resources Corporation

From: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Sent: Thursday, February 7, 2019 4:07 PM
To: John Simpson <jks@idahowaters.com>
Cc: Dave Shaw <dshaw@eroresources.com>; Jessica Witt <jlw@idahowaters.com>
Subject: IDWR Transfer 82924 Buckeye Farms (Ponds)

Hello,

Water right 36-8785 is included in the Buckeye Farms pond transfer (Transfer No. 82924). My understanding based on the application and supporting materials is that no changes are being proposed for the place of use for fish propagation under that right;; rather, the proposed place of use changes are for the aesthetic, recreation, and wildlife uses only. Can you please confirm if this is correct?

Thank you,
Allison

Allison Marshall Inouye
Water Resource Agent
Southern Regional Office | Idaho Dept. of Water Resources
p (208) 736-3033 | f (208) 736-3037
Allison.Inouye@idwr.idaho.gov

Inouye, Allison

From: Inouye, Allison
Sent: Wednesday, January 23, 2019 2:07 PM
To: 'Jessica Witt'
Cc: Dave Shaw; John Simpson
Subject: RE: Buckeye Farms, Inc. - Transfer No. 82924

Hi Jessica,

Thank you – I received your email with the amended pages for the transfer.

-Allison

From: Jessica Witt [mailto:jlw@idahowaters.com]
Sent: Monday, January 21, 2019 8:03 AM
To: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Cc: Dave Shaw <dshaw@eroresources.com>; John Simpson <jks@idahowaters.com>
Subject: Buckeye Farms, Inc. - Transfer No. 82924

Dear Allison,

Please find attached revised page 3C and revised maps for the above referenced transfer application, initialed by John Simpson on behalf of Buckeye. Please reply to confirm receipt.

Sincerely,
Jessica

Jessica L. Witt
Legal Assistant to John K. Simpson
Barker Rosholt & Simpson LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, Idaho 83701-2139
Phone: 208.336.0700
Fax: 208.344.6034
www.idahowaters.com

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State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RECEIVED
JAN 22 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 82924

Water Right No(s): 36-8335, 36-8728, 36-8729,
36-8730, 36-8785

Transfer Applicant's Name: BUCKEYE FARMS INC.
PO BOX 269
HAGERMAN ID 83332

Water master's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons:
- d) Additional comments:

Dated this 19th day of January, 2019

Water District No. 36A

Frank Erwin

Water master's Signature

Frank Erwin

Printed Name



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 15, 2019

WATER DISTRICT #36A *via hand delivery*
FRANK ERWIN
711 EAST AVE N
HAGERMAN ID 83332

RE: Transfer No. 82911
Water Right No(s). 36-1, 36-2, 36-3H, 36-16987, 36-16988

RE: Transfer No. 82924
Water Right No(s). 36-8335, 36-8728, 36-8729, 36-8730, 36-8785

Dear Frank:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office *within 14 days of the date of this letter*.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 14 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: January 15, 2019

To: Transfer 82924

From: Allison Inouye

Re: Transfer Synopsis

Application for transfer proposes to modify portions of the places of use (POU) for 5 surface water rights with sources of Riley Creek, Billingsley Creek, and Weatherby Springs that provide water to a network of ponds. Four of the water rights are used for aesthetic storage, wildlife storage, and recreation storage purposes and are limited to a total storage volume of 871 acre feet. One water right is for aesthetic, recreation, wildlife, and fish propagation purposes. The transfer proposes to dry up some ponds near the Snake River, add some new ponds further away from the river, and slightly rearrange which ponds are covered by which water right(s). The total surface area of the ponds is proposed to stay the same as the current surface area. No changes are proposed to the points of diversion (PODs). The PODs and POUs are located approximately 2-3 miles south of Hagerman between Highway 30 and the Snake River. The POUs and PODs are located within Water District 36A and watermaster comments will be solicited.

MEMORANDUM

Date: January 15, 2019

To: Transfer 82924

From: Allison Inouye

Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

MEMORANDUM

Date: January 15, 2019

To: Transfer 82924

From: Allison Inouye

Re: Filing Fee

As detailed in the narrative memo accompanying the application, this transfer proposes to change a portion of the places of use for five water rights used for storage and flow-through purposes for ponds. Because only a portion of each right is changing, the application proposed a methodology for calculating the proportional change using the current and proposed surface area of the ponds. Considering that the primary data available to analyze the change is aerial photography, this seems like a reasonable approach.

The proportion of each right that is changing was calculated as the difference between the current surface area of the ponds and the surface area of the ponds that will not change divided by the current surface area. An in-house review of the portion proposed to change was conducted using ArcMap and resulted in the same calculations that are outlined in the application. The proportion of each right that is changing was then multiplied by the respective diversion rate and/or storage volume if applicable.

For each right, the filing fee based on the portion of the diversion rate changing vs. the filing fee based on the portion of the storage volume changing was compared. In all cases, the filing fee based on the diversion rate change was the higher fee, so the sum of the changes in diversion rate for all five rights (10.2 cfs) was used to determine the filing fee. The transfer fee schedule indicates that for a transfer involving 10.01-11.00 cfs, the filing fee is \$1,300. (Receipt C105937)

Inouye, Allison

From: Inouye, Allison
Sent: Tuesday, January 15, 2019 10:24 AM
To: 'Dave Shaw'
Subject: RE: Buckeye Ponds

Hi Dave,

I had a chance to review the second revised page 3C and map for rights 36-8728/36-8730 and that cleared up my questions regarding the memo.

Because it is only a couple pages changing, I don't think it is necessary to submit an entire amended application; however, I do need some sort of authorization to be able to make the changes to the transfer application. Could you have John Simpson initial the changed pages (3C and 36-8728/8730 map) and submit them to our office? The transfer number is 82924.

Thank you,
Allison

Allison Inouye
Water Resource Agent
Southern Regional Office | Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls, ID 83301-5858
p (208) 736-3033 | f (208) 736-3037
Allison.Inouye@idwr.idaho.gov

From: Dave Shaw [mailto:dshaw@eroresources.com]
Sent: Wednesday, January 09, 2019 3:29 PM
To: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Subject: RE: Buckeye Ponds

Allison,

I didn't keep the shapes that I used to prepare the transfer application and when I recreated them this week I left a pond out of the 36-8728-8730 POU. The total unchanged for 36-8728 and 36-8730 is now 95.76 acres based on the shapes for the attached map and the total with the new ponds is 110.54 acres for these rights. The total area of all ponds under all rights remains 165.7 acres. A second revised page 3C and map are attached.

Thank you,
Dave

David Shaw

ERO Resources Corporation

From: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Sent: Wednesday, January 9, 2019 2:47 PM

To: Dave Shaw <dshaw@eroresources.com>

Subject: RE: Buckeye Ponds

Hi Dave,

In reviewing the memo that you sent on 1/3 for the Buckeye pond transfer, I understand the approach that was taken to calculate the proportion of the water rights being changed. Conceptually I think the approach is reasonable and I think Corey will be open to it. However, I have not been able to recreate the numbers for water rights 36-8728 and 36-8730 (same place of use). The main difference is regarding the After Acres. I calculated 82.16 acres that would not be changing while the memo notes 95.87. I did calculate the same After Acres as are noted in the memo for the other water rights.

Below are the numbers that I calculated; would you mind taking a look to see if you can find where the discrepancy might be coming from?

Water Right	Before Acres	After Acres (Unchanged Portion)	Abandoned Acres	New Acres	Total Acres After Transfer
36-8728/36-8730	118.57	82.16	36.41	14.77	96.79

Thanks,
Allison

From: Dave Shaw [<mailto:dshaw@eroresources.com>]

Sent: Thursday, January 03, 2019 3:39 PM

To: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>

Cc: 'John Simpson' <jks@idahowaters.com>

Subject: Buckeye Ponds

Allison,

I think I am getting this to the right person, your voice mail was broken up, but since you were talking about the Buckeye Pond transfer, you must be the right person. The memo is attached, if you still have questions please call, I should be in the office in the morning if you would like to discuss.

Thanks,
Dave

David Shaw

ERO Resources Corporation

Consultants in Natural Resources and the Environment

4001 E Main Street | Emmett, ID 83617

208.365.7684 | dshaw@eroresources.com | www.eroresources.com

Inouye, Allison

From: Dave Shaw <dshaw@eroresources.com>
Sent: Monday, January 07, 2019 11:46 AM
To: Inouye, Allison
Subject: Buckeye Ponds
Attachments: 36-8335 Ponds.pdf; 36-8728-8730 Ponds.pdf; 36-8729-8785 Ponds.pdf; Revised Page 3C.pdf

Allison,

Attached are 3 maps, one for each set of pond water right and a revised page 3C, it appears I left some ponds out of the description on page 3C for water rights 36-8728 & 63-8730. I don't know if you can substitute this page or if we need to go through getting a signed amended application for transfer.

Please let me know if you need anything additional, thank you for your help,
Dave

David Shaw

ERO Resources Corporation

Consultants in Natural Resources and the Environment

4001 E Main Street | Emmett, ID 83617

208.365.7684 | dshaw@eroresources.com | www.eroresources.com

Inouye, Allison

From: Dave Shaw <dshaw@eroresources.com>
Sent: Friday, January 04, 2019 2:36 PM
To: Inouye, Allison
Subject: RE: Buckeye Ground Water Applications

OK, thanks.

David Shaw

ERO Resources Corporation

From: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Sent: Friday, January 4, 2019 2:29 PM
To: Dave Shaw <dshaw@eroresources.com>
Subject: RE: Buckeye Ground Water Applications

Hi Dave –maps showing the pou's by water right *after* the transfer would be sufficient. I can always review our files for current pou as necessary.

Thanks,
Allison

From: Dave Shaw [<mailto:dshaw@eroresources.com>]
Sent: Friday, January 04, 2019 2:12 PM
To: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Subject: RE: Buckeye Ground Water Applications

Allison,

I started preparing maps for ponds by water right but I forgot to ask, do you want before the transfer or after the transfer ponds by water right?

Thanks,
Dave

David Shaw

ERO Resources Corporation

Inouye, Allison

From: Dave Shaw <dshaw@eroresources.com>
Sent: Thursday, January 03, 2019 3:39 PM
To: Inouye, Allison
Cc: 'John Simpson'
Subject: Buckeye Ponds
Attachments: Buckeye Farms Pond Transfer Memo.pdf

Allison,

I think I am getting this to the right person, your voice mail was broken up, but since you were talking about the Buckeye Pond transfer, you must be the right person. The memo is attached, if you still have questions please call, I should be in the office in the morning if you would like to discuss.

Thanks,
Dave

David Shaw

ERO Resources Corporation

Consultants in Natural Resources and the Environment

4001 E Main Street | Emmett, ID 83617

208.365.7684 | dshaw@eroresources.com | www.eroresources.com

Inouye, Allison

From: Dave Shaw <dshaw@eroresources.com>
Sent: Friday, December 07, 2018 2:00 PM
To: Skinner, Corey
Cc: 'John Simpson'; Keen, Shelley; Inouye, Allison
Subject: RE: Buckeye Farms Application for Permit Shapefiles
Attachments: All_Ponds.cpg; All_Ponds.dbf; All_Ponds.prj; All_Ponds.sbn; All_Ponds.sbx; All_Ponds.shp; All_Ponds.shp.xml; All_Ponds.shx

Thank you Corey,

The All_Ponds shape is attached.

With regard to the acres covered by Big Bend under rights 36-133 and 36-192 we were relying on the 67.5 shares of Big Bend stock held by Buckeye. At this point, to move the applications along I suggest amending the acreage in the S½SE¼ Sec 26 to match the Big Bend shape of less than 20 acres. If there is something more to be done to make that happen, please let me know.

With regard to the differences between the surface water acreage and ground water acreage, the surface water transfer proposes a PPU of 1144.8 acres with irrigation limited to 1104 acres, the difference being 40.8 acres that matches your number when the Section 35 total is corrected for the ground water applications. The ground water applications do not propose a PPU at this time and are intended to be supplemental to the 1104 acres covered by Buckeye's surface water rights.

Section 35 should be corrected by changing the NE¼NW¼ acreage to 39.4 instead of 39.5. My error, I took the total from the shape file and did not account for the rounding that took place when the acreages were limited to a single decimal place.

I recognize there are acreage changes in 3 tracts, what is the most expedient way to make that happen? Please let me know if you need anything additional.

Thanks again,
Dave

David Shaw

ERO Resources Corporation

From: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Sent: Friday, December 7, 2018 1:16 PM
To: Dave Shaw <dshaw@eroresources.com>
Cc: 'John Simpson' <jks@idahowaters.com>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>; Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Subject: RE: Buckeye Farms Application for Permit Shapefiles

Dave,

Thanks for sending the shape files. They are helping. However, I could not get the "All_Ponds" shapefile to load. Could you resend those files so I can try again?

With regards to the irrigation shapes and applications....

Apparently there is an idea that the S1/2 SE1/4 of Sec26 is covered with canal water. This would explain why the 67.5 acres (36 + 31.5) are listed on the new GW applications for permit, but not the irrigation transfer (new GW will supplement canal water and not the Buckeye private surface rights). This is supported by the shapes you sent (GW_Irrigation.shp vs. GW Acres.shp/SURFACE WATER PPU). However, the only irrigation rights, other than Buckeye's, in these tracts are Big Bend Irrigation & Mining Co. rights 36-133 and 36-192 which are limited to 361 acres within the Big Bend service area boundary (approximately 1165 acres according to shapefile). Note that the Big Bend service area boundary shapefile covers less than 20 acres in the S1/2 SE1/4 of Sec26 (nowhere close to the 67.5 acres identified on the GW applications for permit).

Other than this issue in the S1/2 SE1/4 of Sec26, it seems to me that the rest of the place of use on the GW apps for permit should match the place of use described on the irrigation transfer. We have found the following discrepancies...

Location	GW applications for permit	Irrigation Transfer	Difference	Comments
SWSW Section 26	11 acres	37.2 acres	26.2 acres	Reflected in GIS shapes (maybe a gravel pit?)
SWNE Section 33	16.2 acres	17.2 acres	1.0 acre	Reflected in GIS shapes (maybe a pond?)
NESE Section 33	9.8 acres	13.6 acres	3.8 acres	Reflected in GIS shapes (maybe a pond?)
SESE Section 33	32.3 acres	34.6 acres	2.3 acres	Reflected in GIS shapes (maybe a pond?)
NWNE Section 35	32.3 acres	38.4 acres	6.1 acres	Reflected in GIS shapes (maybe a pond?)
NENW Section 35	39.5 acres	40.1 acres	0.6 acres	Reflected in GIS shapes (maybe a pond?)
NWNW section 35	20 acres	20.7 acres	0.7 acres	Reflected in GIS shapes (maybe a pond?)

Note that the transfer identifies larger acre amounts than the apps for permit and the total differences above amount to 40.7 acres.

Also note there is a slight math error in the Section 35 totals on the GW apps for permit for Section 35 with the total being 303.4 instead of the indicted 303.3 acres, bringing the total to 1171.6 instead of the 1171.5 listed on the applications and the operating plan. Perhaps one of the tracts within the Section 35 Place of Use is 0.1 acre to large and the total should be 303.3 acres?

If we take the 1171.6 acres and subtract the 67.5 acres (S1/2 SE1/4 of Sec26) we get 1104.1 acres (really close to the allowed 1104 acres)

If we take the 1144.8 acres identified on the transfer and subtract the differences identified in the table above we get 1104.1 acres (really close to the allowed 1104 acres).

I suspect that a total of 1171.6 + or - acres for the place of use for the apps for permit is probably the intent, but the entirety of the 67.5 acres (S1/2 SE1/4 of Sec 26) might be questionable with regards to being existing irrigated acres (are the 67.5 acres really covered by canal water?). This would result in the irrigation transfer place of use having to be corrected (changes in table above) to reflect the 1171.6 acres minus the 67.5 acres (resulting in a total of 1104.1 acres if the transfer place of matches the rest of the apps for permit place of use).

Does this seem correct?

Corey

From: Dave Shaw [<mailto:dshaw@eroresources.com>]

Sent: Friday, December 07, 2018 9:54 AM

To: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>

Cc: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; 'John Simpson' <js@idahowaters.com>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>

Subject: RE: Buckeye Farms Application for Permit Shapefiles

Allison and Corey,

Attached are 4 sets of files:

MS.shp is the corrected mineral survey layer. The mineral survey in the PLSS shape from BLM is in error. The attached shape was corrected based on the original survey notes for the mineral surveys.

All_Ponds.shp is the pond layer after the transfer.

GW_Irrigatioin.shp is the ground water irrigation place of use for the applications. The PODs for ground water did not change from the original application.

GW Acres.shp is the SURFACE WATER PPU. In spite of the name, this shape was modified to reflect the PPU for the surface water rights.

The canal company lands are in the S½SE¼ Sec 26 Twp 7S Rge 16E, B.M.

Please let me know if you have questions or need any additional information.

Dave

David Shaw

From: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Sent: Thursday, December 6, 2018 2:09 PM
To: Dave Shaw <dshaw@eroresources.com>
Cc: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: Buckeye Farms Application for Permit Shapefiles

Dave – Thanks, that sounds great. I will be out of the office tomorrow so could you also send it to Corey (cc'd on this message)?

Thanks,
Allison

From: Dave Shaw [<mailto:dshaw@eroresources.com>]
Sent: Thursday, December 06, 2018 1:53 PM
To: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Subject: Re: Buckeye Farms Application for Permit Shapefiles

Allison,

I am out of the office but will send them when I return. Probably tomorrow am.

Dave

Sent from my Verizon 4G LTE Droid

On 6 Dec 2018 12:02 pm, "Inouye, Allison" <Allison.Inouye@idwr.idaho.gov> wrote:

Hi Dave,

I am working with Corey Skinner in the Twin Falls regional office. I believe he just left you a voicemail inquiring if we could get the shapefiles that were used for the recently filed Buckeye Farms transfer applications and applications for permit. I think there would be 3 shapefiles – the irrigation permissible place of use for the transfer application, the groundwater irrigation place of use for the application for permit, and the pond place of use.

If it is possible to get copies of those shapefiles, we would appreciate it.

Best,
Allison

Allison Inouye
Water Resource Agent
Southern Regional Office | Idaho Dept. of Water Resources
p (208) 736-3033 | f (208) 736-3037
Allison.Inouye@idwr.idaho.gov