

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82911**

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>
36-1	WR/DECREED	5/1/1883	12.000 cfs	N/A	N/A	761.0	RILEY CREEK
36-16987	WR/DECREED	3/8/1902	4.620 cfs	N/A	343.0	439.2	WEATHERBY SPRINGS
36-16988	WR/DECREED	4/1/1917	14.200 cfs	N/A	343.0	439.2	BILLINGSLEY CREEK
36-2	WR/DECREED	10/1/1908	10.450 cfs	N/A	N/A	761.0	RILEY CREEK
36-3H	WR/DECREED	9/10/1884	11.900 cfs	N/A	N/A	290.0	BILLINGSLEY 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>
36-1	NO	NO	YES	NO	NO	NO
36-16987	NO	NO	YES	NO	NO	NO
36-16988	NO	NO	YES	NO	NO	NO
36-2	NO	NO	YES	NO	NO	NO
36-3H	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>
36-1	36-1	12.000 cfs	N/A	761.0	1131.2	N/A	N/A	N/A	N/A	N/A
36-16987	36-16987	4.620 cfs	N/A	343.0	1131.2	N/A	N/A	N/A	N/A	N/A
36-16988	36-16988	14.200 cfs	N/A	343.0	1131.2	N/A	N/A	N/A	N/A	N/A
36-2	36-2	10.450 cfs	N/A	761.0	1131.2	N/A	N/A	N/A	N/A	N/A
36-3H	36-3H	11.900 cfs	N/A	290.0	1131.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		47.370 cfs	N/A	1104.0	1131.2		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 36-1

Transfer No. 82911

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82911

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 8th day of March, 2019.



Southern Region Manager



WATER RIGHT NO. 36-1
As Modified by Transfer No. 82911

In accordance with the approval of Transfer No. 82911, Water Right No. 36-1 is now described as follows:

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

Priority Date: 5/1/1883

Source: RILEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

2/15

to 11/30

To

Diversion Rate

12.000 cfs

12.000 cfs

LOCATION OF POINT(S) OF DIVERSION

RILEY CREEK

L6 (SESWNE)

Sec 1 Twp 08S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

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											37.2	38.5					75.7
07S	13E	27											36.9	39.6			39.8	39.9	156.2
07S	13E	28											1.1		0.1	31.3	17.6		50.1
																L 5			
07S	13E	28											6.0				1.1	15.3	22.4
													L 8				L 8	L 9	
07S	13E	28															3.0		3.0
																	L 9		
07S	13E	33	34.2	18.1	4.1	9.0	0.3			1.6					3.9	2.2	7.2	34.6	115.2
										L 4							L 8		
07S	13E	33		7.0	11.5		6.4								11.4	17.8			54.1
				L 1	L 4		L 1								L 10	L 5			
07S	13E	34	31.6	40.1	40.0	34.9	39.8	4.1	4.0	38.5	8.0	1.7	0.7		23.0	17.0			283.4
										L 3					L 1	L 2			
07S	13E	34						33.2	22.9			6.9	8.1						71.1
								L 8	L 7			L 4	L 5						
07S	13E	34										0.9							0.9
												L 5							
07S	13E	35	7.5	38.4	40.1	13.8	40.1	20.7		40.0	33.6				23.1	39.9			297.2
08S	13E	4	1.9																1.9
			L 5																

Right Acre Limit: 761.0

POU Total Acres: 1131.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 761 acres within the authorized place of use in a single irrigation season.

Transfer No. 82911

WATER RIGHT NO. 36-1
As Modified by Transfer No. 82911

CONDITIONS OF APPROVAL

2. Rights 36-1, 36-2, and 36-3H when combined shall not exceed a total diversion rate of 28.55 cfs and the irrigation of 761 acres.
3. 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. 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.
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
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(s).
8. Water is delivered through the Hunt Ditch.
9. Portions of the place of use in Sections 28, 33, & 34 of Township 7S Range 13E and Section 4 of Township 8S 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 82911. 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.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-2**As Modified by Transfer No. 82911**

In accordance with the approval of Transfer No. 82911, Water Right No. 36-2 is now described as follows:

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

Priority Date: 10/1/1908

Source: RILEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

2/15

To

to 11/30

Diversion Rate

10.450 cfs

10.450 cfs

LOCATION OF POINT(S) OF DIVERSION

RILEY CREEK

L6 (SESWNE)

Sec 1 Twp 08S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

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											37.2	38.5					75.7
07S	13E	27											36.9	39.6			39.8	39.9	156.2
07S	13E	28											1.1			0.1	31.3	17.6	50.1
																L 5			
07S	13E	28											6.0				1.1	15.3	22.4
													L 8				L 8	L 9	
07S	13E	28															3.0		3.0
																	L 9		
07S	13E	33	34.2	18.1	4.1	9.0	0.3			1.6					3.9	2.2	7.2	34.6	115.2
										L 4							L 8		
07S	13E	33		7.0	11.5		6.4								11.4	17.8			54.1
				L 1	L 4		L 1								L 10	L 5			
07S	13E	34	31.6	40.1	40.0	34.9	39.8	4.1	4.0	38.5	8.0	1.7	0.7		23.0	17.0			283.4
											L 3				L 1	L 2			
07S	13E	34						33.2	22.9			6.9	8.1						71.1
								L 8	L 7			L 4	L 5						
07S	13E	34										0.9							0.9
												L 5							
07S	13E	35	7.5	38.4	40.1	13.8	40.1	20.7		40.0	33.6				23.1	39.9			297.2
08S	13E	4	1.9																1.9
			L 5																

Right Acre Limit: 761.0

POU Total Acres: 1131.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 761 acres within the authorized place of use in a single irrigation season.

Transfer No. 82911

WATER RIGHT NO. 36-2
As Modified by Transfer No. 82911

CONDITIONS OF APPROVAL

2. Rights 36-1, 36-2, and 36-3H when combined shall not exceed a total diversion rate of 28.55 cfs and the irrigation of 761 acres.
3. 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. 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.
5. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
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(s).
8. Water is delivered through the Hunt Ditch.
9. Portions of the place of use in Sections 28, 33, & 34 of Township 7S Range 13E and Section 4 of Township 8S 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 82911. 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.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-3H
As Modified by Transfer No. 82911

In accordance with the approval of Transfer No. 82911, Water Right No. 36-3H is now described as follows:

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

Priority Date: 9/10/1884

Source: BILLINGSLEY CREEK **Tributary:** SNAKE RIVER

BENEFICIAL USE **From** **To** **Diversion Rate**
 IRRIGATION 2/15 to 11/30 11.900 cfs
 11.900 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK SESENE Sec 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: IRRIGATION

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											37.2	38.5					75.7
07S	13E	27											36.9	39.6			39.8	39.9	156.2
07S	13E	28												1.1		0.1	31.3	17.6	50.1
																L 5			
07S	13E	28												6.0			1.1	15.3	22.4
														L 8			L 8	L 9	
07S	13E	28															3.0		3.0
																	L 9		
07S	13E	33	34.2	18.1	4.1	9.0	0.3			1.6					3.9	2.2	7.2	34.6	115.2
										L 4							L 8		
07S	13E	33		7.0	11.5		6.4								11.4	17.8			54.1
				L 1	L 4		L 1								L 10	L 5			
07S	13E	34	31.6	40.1	40.0	34.9	39.8	4.1	4.0	38.5	8.0	1.7	0.7		23.0	17.0			283.4
										L 3					L 1	L 2			
07S	13E	34						33.2	22.9			6.9	8.1						71.1
								L 8	L 7			L 4	L 5						
07S	13E	34										0.9							0.9
												L 5							
07S	13E	35	7.5	38.4	40.1	13.8	40.1	20.7		40.0	33.6				23.1	39.9			297.2
08S	13E	4	1.9																1.9
			L 5																

Right Acre Limit: 290.0
 POU Total Acres: 1131.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 290 acres within the authorized place of use in a single irrigation season.

Transfer No. 82911

WATER RIGHT NO. 36-3H
As Modified by Transfer No. 82911

CONDITIONS OF APPROVAL

2. Rights 36-1, 36-2, and 36-3H when combined shall not exceed a total diversion rate of 28.55 cfs and the irrigation of 761 acres.
3. Rights 36-3H, 36-8335 and 36-7739 when combined shall not exceed a total diversion rate of 11.9 cfs.
4. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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.
6. 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).
7. Water is delivered through the Buckeye Ditch.
8. Portions of the place of use in Sections 28, 33, & 34 of Township 7S Range 13E and Section 4 of Township 8S 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 82911. 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.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-16987**As Modified by Transfer No. 82911**

In accordance with the approval of Transfer No. 82911, Water Right No. 36-16987 is now described as follows:

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

Priority Date: 3/8/1902

Source: WEATHERBY SPRINGS

Tributary: BILLINGSLEY CREEK

BENEFICIAL USE

IRRIGATION

From

2/15

To

to 11/30

Diversion Rate

4.620 cfs

4.620 cfs

LOCATION OF POINT(S) OF DIVERSION

WEATHERBY SPRINGS

SENESEW

Sec 30 Twp 07S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

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											37.2	38.5					75.7
07S	13E	27											36.9	39.6			39.8	39.9	156.2
07S	13E	28												1.1		0.1	31.3	17.6	50.1
																L 5			
07S	13E	28												6.0			1.1	15.3	22.4
														L 8			L 8	L 9	
07S	13E	28															3.0		3.0
																	L 9		
07S	13E	33	34.2	18.1	4.1	9.0	0.3			1.6					3.9	2.2	7.2	34.6	115.2
										L 4							L 8		
07S	13E	33		7.0	11.5		6.4								11.4	17.8			54.1
				L 1	L 4		L 1								L 10	L 5			
07S	13E	34	31.6	40.1	40.0	34.9	39.8	4.1	4.0	38.5	8.0	1.7	0.7		23.0	17.0			283.4
											L 3				L 1	L 2			
07S	13E	34						33.2	22.9			6.9	8.1						71.1
								L 8	L 7			L 4	L 5						
07S	13E	34										0.9							0.9
												L 5							
07S	13E	35	7.5	38.4	40.1	13.8	40.1	20.7		40.0	33.6				23.1	39.9			297.2
08S	13E	4	1.9																1.9
			L 5																

Right Acre Limit: 343.0

POU Total Acres: 1131.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 343 acres within the authorized place of use in a single irrigation season.

Transfer No. 82911

WATER RIGHT NO. 36-16987
As Modified by Transfer No. 82911

CONDITIONS OF APPROVAL

2. Rights 36-16987 and 36-16988 when combined shall not exceed the irrigation of 343 acres in any irrigation season.
3. Rights 36-16987, 36-15, 36-8728 and 36-7740 when combined shall not exceed a total diversion rate of 6.5 cfs.
4. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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.
6. 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).
7. Water is delivered through the Bar S Ditch, Curren Ditch and South Pipeline.
8. Portions of the place of use in Sections 28, 33, & 34 of Township 7S Range 13E and Section 4 of Township 8S 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 82911. 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.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-16988**As Modified by Transfer No. 82911**

In accordance with the approval of Transfer No. 82911, Water Right No. 36-16988 is now described as follows:

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

Priority Date: 4/1/1917

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

2/15

to

To

11/30

Diversion Rate

14.200 cfs

14.200 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK

NESWNE

Sec 31 Twp 07S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

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											37.2	38.5					75.7
07S	13E	27											36.9	39.6			39.8	39.9	156.2
07S	13E	28												1.1		0.1	31.3	17.6	50.1
																L 5			
07S	13E	28											6.0				1.1	15.3	22.4
													L 8				L 8	L 9	
07S	13E	28															3.0		3.0
																	L 9		
07S	13E	33	34.2	18.1	4.1	9.0	0.3			1.6					3.9	2.2	7.2	34.6	115.2
										L 4							L 8		
07S	13E	33		7.0	11.5		6.4								11.4	17.8			54.1
				L 1	L 4		L 1								L 10	L 5			
07S	13E	34	31.6	40.1	40.0	34.9	39.8	4.1	4.0	38.5	8.0	1.7	0.7		23.0	17.0			283.4
											L 3				L 1	L 2			
07S	13E	34						33.2	22.9			6.9	8.1						71.1
								L 8	L 7			L 4	L 5						
07S	13E	34										0.9							0.9
												L 5							
07S	13E	35	7.5	38.4	40.1	13.8	40.1	20.7		40.0	33.6				23.1	39.9			297.2
08S	13E	4	1.9																1.9
			L 5																

Right Acre Limit: 343.0

POU Total Acres: 1131.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 343 acres within the authorized place of use in a single irrigation season.

Transfer No. 82911

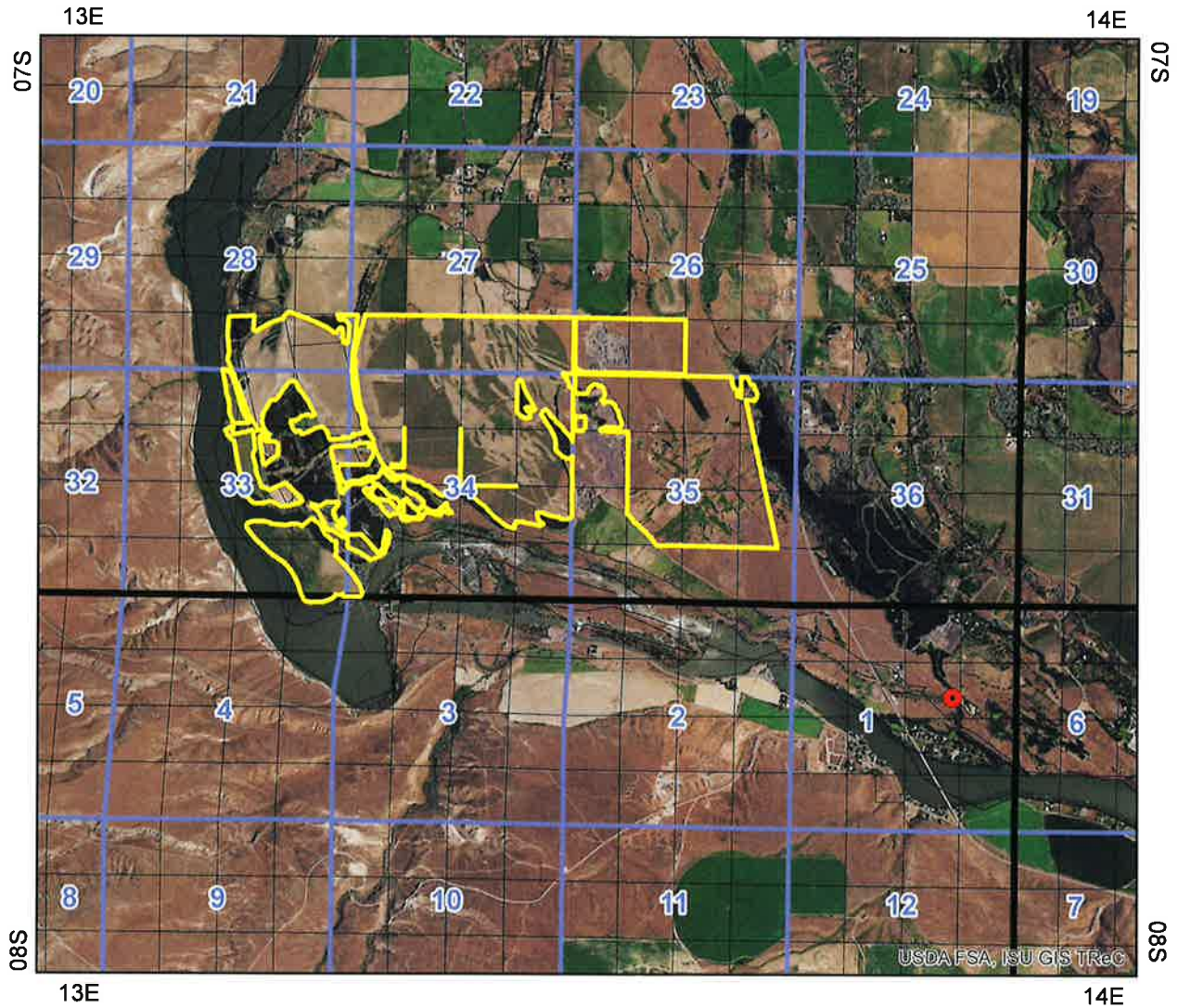
WATER RIGHT NO. 36-16988
As Modified by Transfer No. 82911

CONDITIONS OF APPROVAL

2. Rights 36-16987 and 36-16988 when combined shall not exceed the irrigation of 343 acres in any irrigation season.
3. Rights 36-16988, 36-18, 36-8730 and 36-7742 when combined shall not exceed a total diversion rate of 20 cfs.
4. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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.
6. 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).
7. Water is delivered through the Curren Ditch and South Pipeline.
8. Portions of the place of use in Sections 28, 33, & 34 of Township 7S Range 13E and Section 4 of Township 8S 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 82911. 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.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 82911
36-1 & 36-2

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



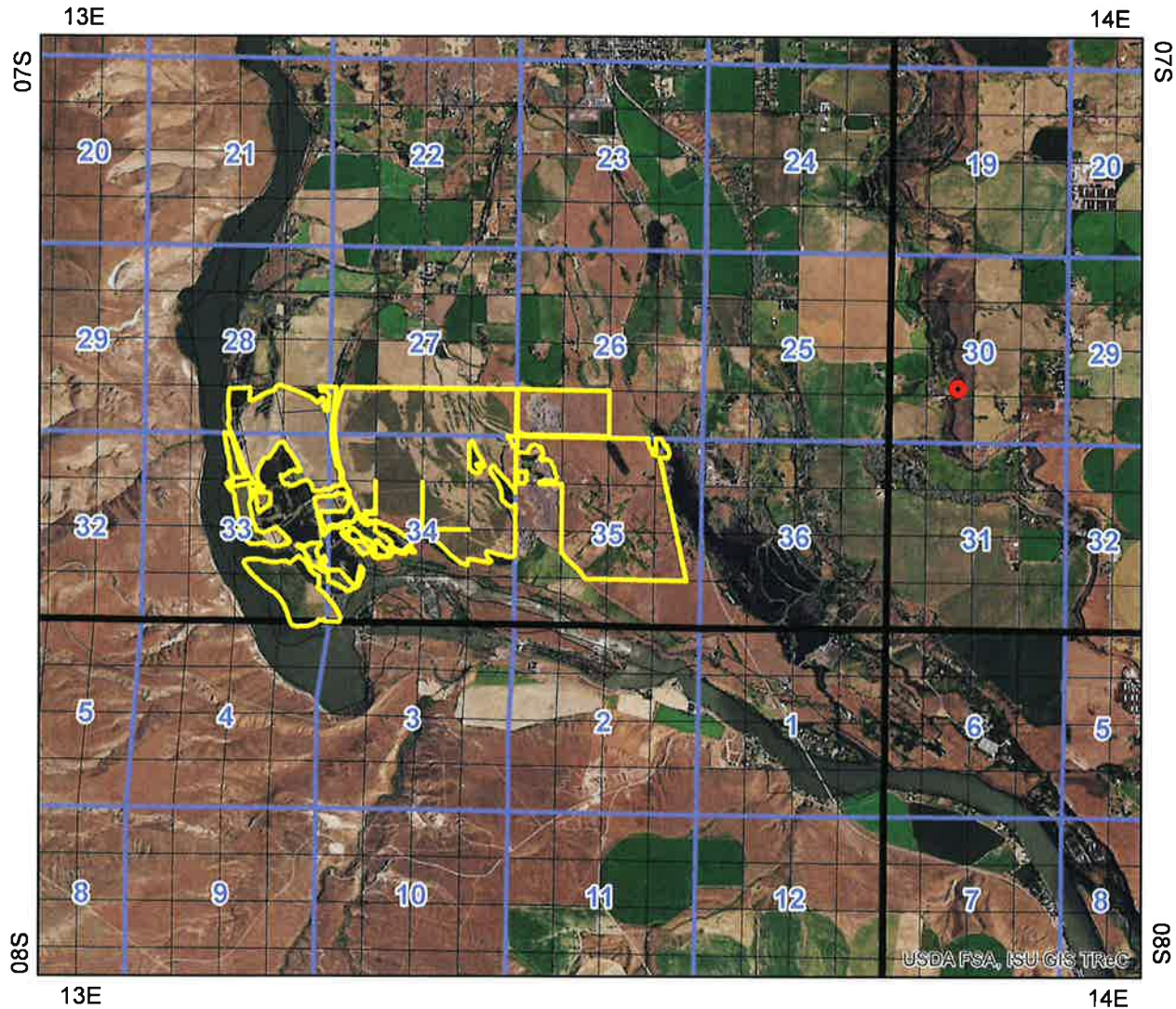
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.5 1 2 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 82911
36-16987

This map depicts the IRRIGATION 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.



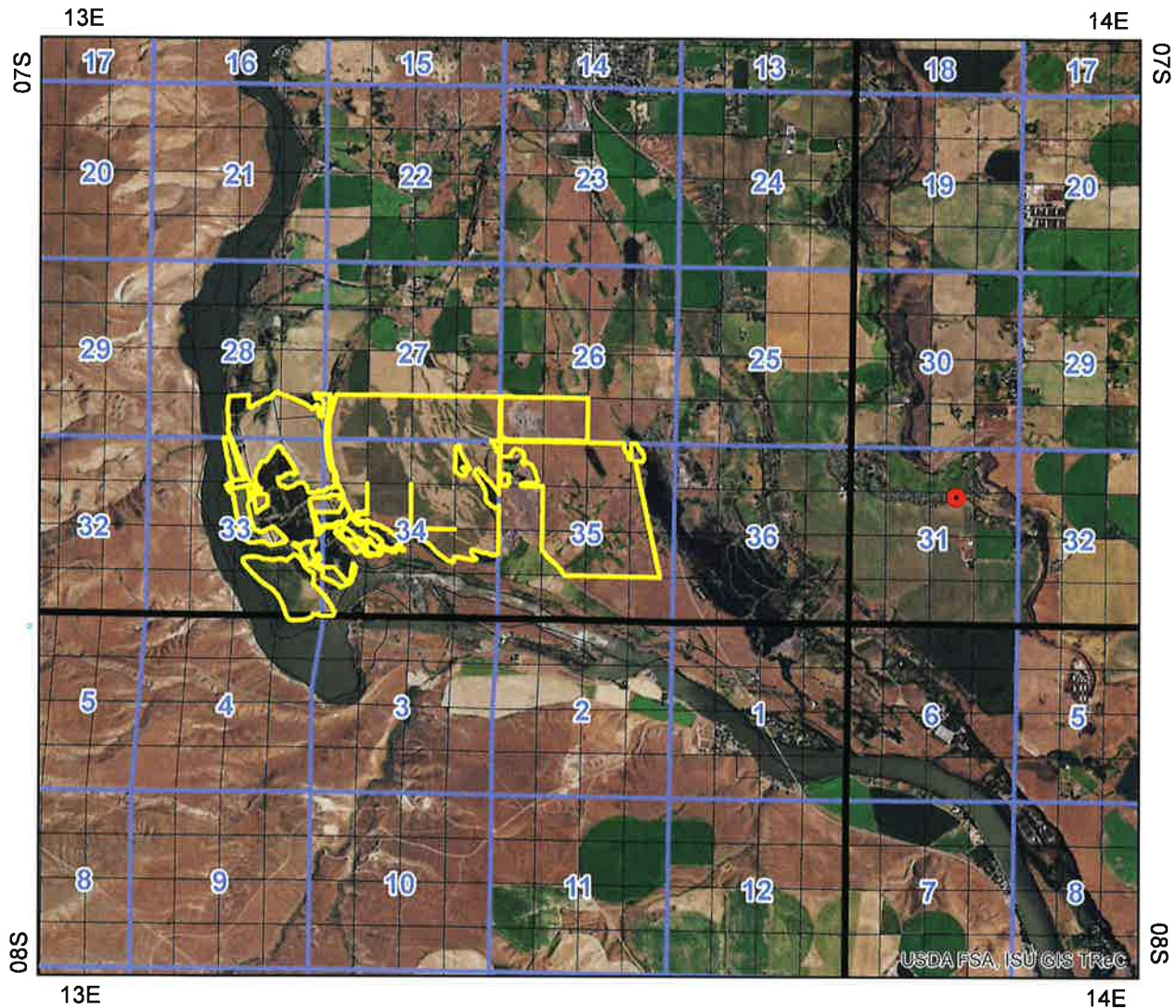
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.5 1 2 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 82911
36-16988

This map depicts the IRRIGATION 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 # 82911

36-3H

This map depicts the IRRIGATION 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

Transfer No. 82911**ORIGINAL**

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

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.

DEPT OF WATER RESOURCES

Name of Applicant(s) Buckeye Farms Inc

Check 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: _____

Amended application
received January 7, 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 11 2019

DEPT OF WATER RESOURCES

RECEIVED

JAN 07 2019

DEPARTMENT OF
WATER RESOURCES

**Amended 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

John Simpson
Print Name and Title if applicable

1/7/19
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 **Part1A.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 conform the place of use description for irrigation to the acres irrigated and create a permissible place of use for water right nos. 36-1, 36-2, 36-3H, 36-16987 and 36-16988.

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 ☒ ☐	36-1	12	Irrigation	2/15 to 11/30	Riley Creek/Snake River
☒ ☐	36-2	10.45	Irrigation	2/15 to 11/30	Riley Creek/Snake River
☒ ☐	36-3H	11.9	Irrigation	2/15 to 11/30	Billingsley Ck/Snake River
☒ ☐	36-16987	4.62	Irrigation	2/15 to 11/30	Weatherby Sp/Billingsley C
☒ ☐	36-16988	14.2	Irrigation	2/15 to 11/30	Billingsley Ck/Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 53.17 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 53.17 cubic feet per second and/or _____ 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	26											37.2	38.5					75.7
		27											36.9	39.6			39.8	39.9	156.2
		28															MS	MS	
																	306	801	
																	L8	L9	
																	43.1	32.4	75.5
Total Acres (for irrigation use)																			1131.2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 82911

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	¼	¼	¼	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	33	MS	MS	MS	MS									MS	MS			
			801	306	306	801									306	801			
				L1	L4										L10	L5	L8		
			35.4	31.8	17.2	8.4									13.6	21.1	7.2	34.6	169.3
		34						MS	MS			MS							
								801	801			801							
								L8	L7			L3	L4	L5		L1	L2		
			31.6	40.1	40	34.9	39.8	37.3	26.9	38.5	8	9.1	9.2		23	17			355.4
		35	7.5	38.4	40.1	13.8	40.1	20.7		40	33.6				23.1	39.9			297.2
8S	13E	4	L5																
			1.9																1.9

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 existing points of diversion.

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:

To create a PPU for the Buckeye surface water rights that includes the acres currently irrigated. Water right 36-3H is limited to the irrigation of 290 acres, water rights 36-1, 36-2 and 36-3H are limited to the irrigation of 761 acres and water rights 36-16987 and 36-16988 are limited to the irrigation of 343 acres for a total of 1,104 acres.

- 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. 36-1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BUCKEYE FARMS INC PO BOX 269 HAGERMAN, ID 83332 2088376595
Attorney	JOHN A ROSHOLT BARKER ROSHOLT & SIMPSON LLP 163 2ND AVE W PO BOX 63 TWIN FALLS, ID 83303-0063 2087330700

Priority Date: 05/01/1883
Basis: Decreed
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>
IRRIGATION	2/15	11/30	12 CFS	
Total Diversion			12 CFS	

Location of Point(s) of Diversion:

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

Place(s) of use:

Place of Use Legal Description: IRRIGATION 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		SWSW 32		SESW 40		
				SWSE 40		SESE 40		
		28	8	SWSE 40		SESE 35		
		33		NENE 40	1	NWNE 36	4	SWNE 26
			1	NENW 6		SENE 10		
				NESW 1		SENE 4		
				NESE 6	5	NWSE 24	8	SWSE 5
		34		NENE 40		NWNE 38		SESE 29
				NENW 40		NWNE 38		SWNE 40
				NENW 40		NWNW 34		SENE 38
			3	NESW 7	4	SWNW 31		SENE 39
			1	NESE 13		SENE 39		SENE 39
						NWSW 10		
						NWSE 17		

Total Acres: 761

Conditions of Approval:

1.
2.
3. C18
4.
- USE OF THIS RIGHT WITH RIGHT NOS. 36-00002 AND 36-00003H IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 28.55 CFS.
- USE OF THIS RIGHT WITH RIGHT NOS. 36-00002 AND 36-00003H IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 761 ACRES IN A SINGLE IRRIGATION SEASON.
- THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
- WATER IS DELIVERED THROUGH THE HUNT DITCH.

Dates:

Licensed Date:
Decreed Date: 08/27/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector: OR
Water District Number: 36A
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 761
Combined Volume Limit:
Combined Rate Limit: 28.55
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

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/23/2018

WATER RIGHT NO. 36-2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BUCKEYE FARMS INC PO BOX 269 HAGERMAN, ID 83332 2088376595
Attorney	JOHN A ROSHOLT BARKER ROSHOLT & SIMPSON LLP 163 2ND AVE W PO BOX 63 TWIN FALLS, ID 83303-0063 2087330700

Priority Date: 10/01/1908

Basis: Decreed

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>
IRRIGATION	2/15	11/30	10.45 CFS	
Total Diversion			10.45 CFS	

Location of Point(s) of Diversion:

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

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

TownshipRangeSectionLotTractAcresLotTractAcresLotTractAcresLotTractAcres

07S	13E	27		SWSW 32		SESW 40		
				SWSE 40		SESE 40		
		28	8	SWSE 40		SESE 35		
		33		NENE 40	1	NWNE 36	4	SWNE 26
			1	NENW 6		SENE 10		
				NESW 1		SENE 4		
				NESE 6	5	NWSE 24	8	SWSE 5
		34		NENE 40		NWNE 38		SESE 29
				NENW 40		SWNE 40		SENE 38
				NENW 40		SWNW 31		SENE 39
			3	NESW 7	4	NWSW 10		
			1	NESE 13		NWSE 17		

Total Acres: 761

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00003H IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 28.55 CFS.
2. USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00003H IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 761 ACRES IN A SINGLE IRRIGATION SEASON.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. WATER IS DELIVERED THROUGH THE HUNT DITCH.

Dates:

Licensed Date:

Decreed Date: 08/27/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 761

Combined Volume Limit:

Combined Rate Limit: 28.55

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

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

7/23/2018

WATER RIGHT NO. 36-3H

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BUCKEYE FARMS INC PO BOX 269 HAGERMAN, ID 83332 2088376595
Attorney	JOHN A ROSHOLT BARKER ROSHOLT & SIMPSON LLP 163 2ND AVE W PO BOX 63 TWIN FALLS, ID 83303-0063 2087330700

Priority Date: 09/10/1884

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	2/15	11/30	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: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	13E	27		SWSW 1										
		28	8	SWSE 40			SESE 35							
		33		NENE 40	1		NWNE 36	4		SWNE 26			SENE 10	
			1	NENW 6			SENE 4							
				NESW 1										
				NESE 6	5		NWSE 24	8		SWSE 5			SESE 29	
		34		NWNW 2			SWNW 15							
			4	NWSW 10										

Total Acres: 290

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00002 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 28.55 CFS.
2. USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00002 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 761 ACRES IN A SINGLE IRRIGATION SEASON.
3. WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.

Dates:

Licensed Date:

Decreed Date: 08/27/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 761

Combined Volume Limit:

Combined Rate Limit: 28.55

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

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

7/23/2018

WATER RIGHT NO. 36-16987

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BUCKEYE FARMS INC PO BOX 269 HAGERMAN, ID 83332 2088376595
Attorney	JOHN A ROSHOLT BARKER ROSHOLT & SIMPSON LLP 163 2ND AVE W PO BOX 63 TWIN FALLS, ID 83303-0063 2087330700

Priority Date: 03/08/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WEATHERBY SPRINGS	BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	2/15	11/30	4.62 CFS	
Total Diversion			4.62 CFS	

Location of Point(s) of Diversion:

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

IRRIGATION Use:

Acre Limit: 343

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	13E	26		SWSW	39		SESW	39						
				SWSE	33		SESE	26						
		27		SESE	9.4									
		34		NENE	7.3									
		35		NENE	3.5		NWNE	38		SWNE	40		SENE	13
				NENW	40		NWNW	17		SENE	40			
				NESW	33									
				NESE	22		NWSE	39						

Total Acres: 439.2

Conditions of Approval:

- Water is delivered through the Bar S Ditch, Curren Ditch and South Pipeline.
This right is limited to the irrigation of a specific 343 acres within the 439.2 acre place of use authorized by this right in a single irrigation season. The specific 343 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an
- 206 electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 343 acres to be irrigated within the 439.2 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
- X35 Rights 36-16987 and 36-16988 when combined shall not exceed the irrigation of 343 acres in any irrigation season.
- X35 Rights 36-16987, 36-00015, 36-08728 and 36-07740 when combined shall not exceed a total diversion rate of 6.5 cfs.
Use of water under this right will be regulated by a watermaster with responsibility for the distribution
- R05 of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
- 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(s).
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 08/27/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

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

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/23/2018

WATER RIGHT NO. 36-16988

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BUCKEYE FARMS INC PO BOX 269 HAGERMAN, ID 83332 2088376595
Attorney	JOHN A ROSHOLT BARKER ROSHOLT & SIMPSON LLP 163 2ND AVE W PO BOX 63 TWIN FALLS, ID 83303-0063 2087330700

Priority Date: 04/01/1917

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	2/15	11/30	14.2 CFS	
Total Diversion			14.2 CFS	

Location of Point(s) of Diversion:

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

IRRIGATION Use:
Acre Limit: 343

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	13E	26		SWSW	39		SESW	39						
				SWSE	33		SESE	26						
		27		SESE	9.4									
		34		NENE	7.3									
		35		NENE	3.5		NWNE	38		SWNE	40		SENE	13
				NENW	40		NWNW	17		SENE	40			
				NESW	33									
				NESE	22		NWSE	39						

Total Acres: 439.2

Conditions of Approval:

1. Water is delivered through the Curren Ditch and South Pipeline.
This right is limited to the irrigation of a specific 343 acres within the 439.2 acre place of use authorized by this right in a single irrigation season. The specific 343 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an
2. 206 electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 343 acres to be irrigated within the 439.2 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. X35 Rights 36-16987 and 36-16988 when combined shall not exceed the irrigation of 343 acres in any irrigation season.
4. X35 Rights 36-16988, 36-00018, 36-08730 and 36-07742 when combined shall not exceed a total diversion rate of 20 cfs.
5. 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.
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(s).
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:
Decreed Date: 08/27/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number: 36A
Generic Max Rate per Acre:
Generic Max Volume per Acre:
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

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ 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. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

Transfer contains _____ pages and _____ attachments.

Received by S.O. Date 1-7-2019 Preliminary check by _____ Date _____

Fee paid _____ Date _____ Received by _____ Receipt # _____

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Buckeye Farms Amended Application for Transfer



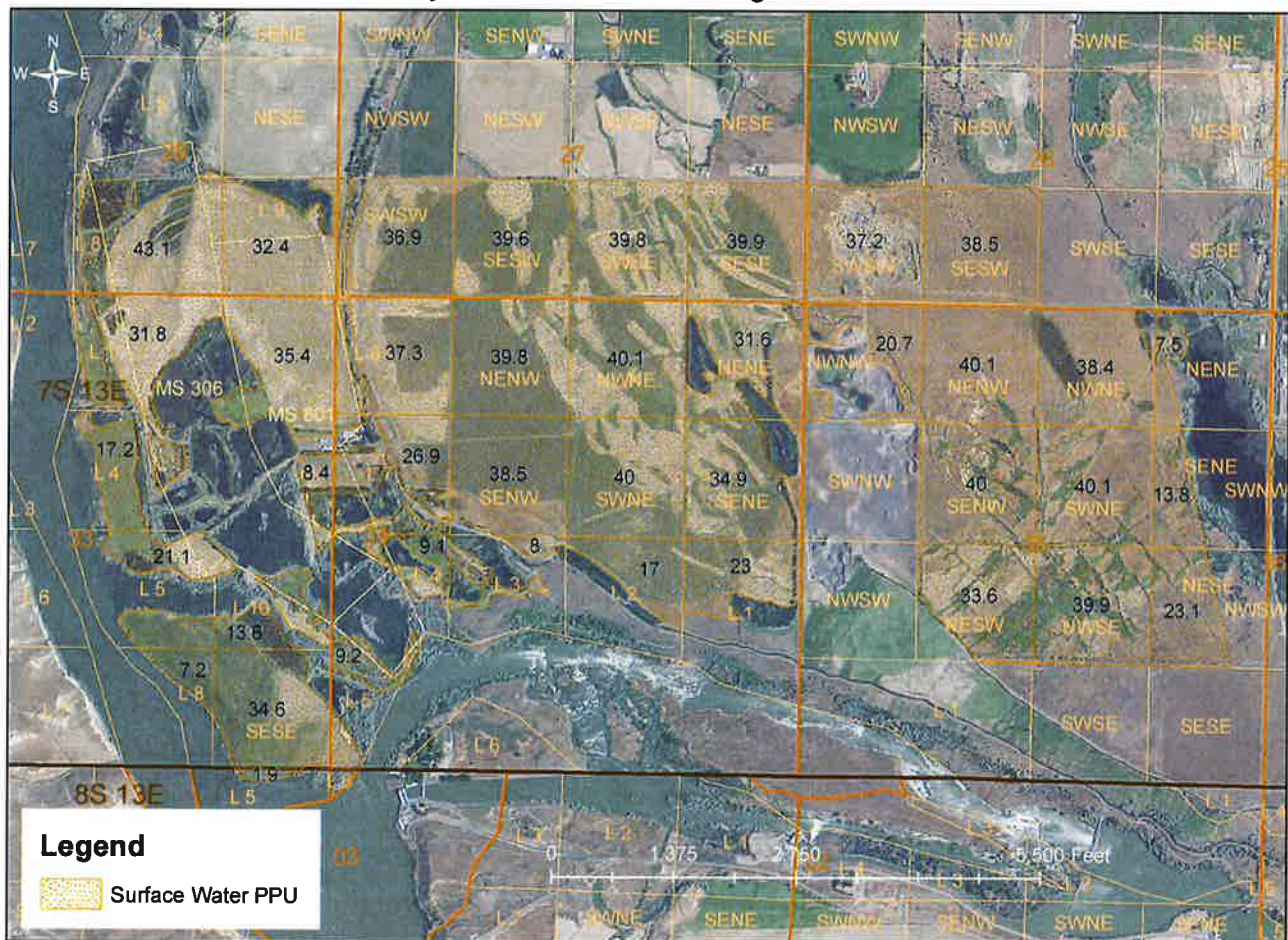
Based on 2017 NAIP Photography

Prepared for Buckeye Farms by ERO 1-2019

Attachment #7a

TRANSFER 82911

Buckeye Farms Amended Irrigation Transfer



Based on 2017 NAIP Photography

Prepared for Buckeye Farms, Inc by ERO 1-2019

Attachment #7b

TRANSFER 82911

RECEIVED

DEC 04 2018

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82911

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

DEC 06 2018

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 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: _____

DEC 04 2018DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**RECEIVED****DEC 06 2018**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

John Simpson Attorney
 Print Name and Title if applicable

12/4/18
 Date

 Signature of Applicant or Authorized Representative

 Print Name and Title if applicable

 Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place 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 conform the place of use description for irrigation to the acres irrigated and create a permissible place of use for water right nos. 36-1, 36-2, 36-3H, 36-16987 and 36-16988.

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	36-1	12	Irrigation	2/15 to 11/30	Riley Creek/Snake River
☒ ☐	36-2	10.45	Irrigation	2/15 to 11/30	Riley Creek/Snake River
☒ ☐	36-3H	11.9	Irrigation	2/15 to 11/30	Billingsley Ck/Snake River
☒ ☐	36-16987	4.62	Irrigation	2/15 to 11/30	Weatherby Sp/Billingsley C
☒ ☐	36-16988	14.2	Irrigation	2/15 to 11/30	Billingsley Ck/Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 53.17 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 53.17 cubic feet per second and/or _____ 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	26											37.2	38.5					75.7
		27											36.9	39.6			39.8	39.9	156.2
		28															MS	MS	
																	306	801	
																	L8	L9	
																	43.1	32.4	75.5
Total Acres (for irrigation use)																			1144.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 82911

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	¼	¼	¼	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	33	MS	MS	MS	MS									MS	MS			
			801	306	306	801									306	801			
				L1	L4										L10	L5	L8		
			35.4	31.8	17.2	8.4									13.6	21.1	7.2	34.6	169.3
		34						MS	MS			MS							
								801	801			801							
								L8	L7		L3	L4	L5		L1	L2			
			31.6	40.1	40	34.9	39.8	37.3	26.9	38.5	8	9.1	9.2		23	17			355.4
		35	9.3	38.4	40.1	15.4	40.1	20.7		40	33.6				33.3	39.9			310.8
8S	13E	4	L5																
			1.9																1.9

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 existing points of diversion.

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:

To create a PPU for the Buckeye surface water rights that includes the acres currently irrigated. Water right 36-3H is limited to the irrigation of 290 acres, water rights 36-1, 36-2 and 36-3H are limited to the irrigation of 761 acres and water rights 36-16987 and 36-16988 are limited to the irrigation of 343 acres for a total of 1,104 acres.

- 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. 36-1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BUCKEYE FARMS INC PO BOX 269 HAGERMAN, ID 83332 2088376595
Attorney	JOHN A ROSHOLT BARKER ROSHOLT & SIMPSON LLP 163 2ND AVE W PO BOX 63 TWIN FALLS, ID 83303-0063 2087330700

Priority Date: 05/01/1883

Basis: Decreed

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>
IRRIGATION	2/15	11/30	12 CFS	
Total Diversion			12 CFS	

Location of Point(s) of Diversion:

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

Place(s) of use:

Place of Use Legal Description: IRRIGATION 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	SWSW 32	SESW 40			
			SWSE 40	SESE 40			
		28	8 SWSE 40	SESE 35			
		33	NENE 40	1 NWNE 36	4	SWNE 26	SENE 10
			1 NENW 6	SENEW 4			
			NESW 1				
			NESE 6	5 NWSE 24	8	SWSE 5	SESE 29
		34	NENE 40	NWNE 38		SWNE 40	SENE 38
			NENW 40	NWNW 34		SWNW 31	SENEW 39
			3 NESW 7	4 NWSW 10			
			1 NESE 13	NWSE 17			

Total Acres: 761

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 36-00002 AND 36-00003H IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 28.55 CFS.
2. USE OF THIS RIGHT WITH RIGHT NOS. 36-00002 AND 36-00003H IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 761 ACRES IN A SINGLE IRRIGATION SEASON.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. WATER IS DELIVERED THROUGH THE HUNT DITCH.

Dates:

Licensed Date:

Decreed Date: 08/27/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 761

Combined Volume Limit:

Combined Rate Limit: 28.55

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

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/23/2018

WATER RIGHT NO. 36-2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BUCKEYE FARMS INC PO BOX 269 HAGERMAN, ID 83332 2088376595
Attorney	JOHN A ROSHOLT BARKER ROSHOLT & SIMPSON LLP 163 2ND AVE W PO BOX 63 TWIN FALLS, ID 83303-0063 2087330700

Priority Date: 10/01/1908

Basis: Decreed

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>
IRRIGATION	2/15	11/30	10.45 CFS	
Total Diversion			10.45 CFS	

Location of Point(s) of Diversion:

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

Place(s) of use:

Place of Use Legal Description: IRRIGATION 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>
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07S	13E	27	SWSW 32	SESW 40			
			SWSE 40	SESE 40			
		28	8 SWSE 40	SESE 35			
		33	NENE 40	1 NWNE 36	4	SWNE 26	SENE 10
			1 NENW 6	SENEW 4			
			NESW 1				
			NESE 6	5 NWSE 24	8	SWSE 5	SESE 29
		34	NENE 40	NWNE 38		SWNE 40	SENE 38
			NENW 40	NWNW 34		SWNW 31	SENE 39
			3 NESW 7	4 NWSW 10			
			1 NESE 13	NWSE 17			

Total Acres: 761

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00003H IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 28.55 CFS.
2. USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00003H IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 761 ACRES IN A SINGLE IRRIGATION SEASON.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. WATER IS DELIVERED THROUGH THE HUNT DITCH.

Dates:

Licensed Date:

Decreed Date: 08/27/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 761

Combined Volume Limit:

Combined Rate Limit: 28.55

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

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

7/23/2018

WATER RIGHT NO. 36-3H

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BUCKEYE FARMS INC PO BOX 269 HAGERMAN, ID 83332 2088376595
Attorney	JOHN A ROSHOLT BARKER ROSHOLT & SIMPSON LLP 163 2ND AVE W PO BOX 63 TWIN FALLS, ID 83303-0063 2087330700

Priority Date: 09/10/1884

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	2/15	11/30	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: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	13E	27		SWSW	1									
		28	8	SWSE	40		SESE	35						
		33		NENE	40	1	NWNE	36	4	SWNE	26		SENE	10
			1	NENW	6		SENE	4						
				NESW	1									
				NESE	6	5	NWSE	24	8	SWSE	5		SESE	29
		34		NWNW	2		SWNW	15						
			4	NWSW	10									

Total Acres: 290

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00002 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 28.55 CFS.
2. USE OF THIS RIGHT WITH RIGHT NOS. 36-00001 AND 36-00002 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 761 ACRES IN A SINGLE IRRIGATION SEASON.
3. WATER IS DELIVERED THROUGH THE BUCKEYE DITCH.

Dates:

Licensed Date:

Decreed Date: 08/27/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 36A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 761

Combined Volume Limit:

Combined Rate Limit: 28.55

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

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

7/23/2018

WATER RIGHT NO. 36-16987

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BUCKEYE FARMS INC PO BOX 269 HAGERMAN, ID 83332 2088376595
Attorney	JOHN A ROSHOLT BARKER ROSHOLT & SIMPSON LLP 163 2ND AVE W PO BOX 63 TWIN FALLS, ID 83303-0063 2087330700

Priority Date: 03/08/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WEATHERBY SPRINGS	BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	2/15	11/30	4.62 CFS	
Total Diversion			4.62 CFS	

Location of Point(s) of Diversion:

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

IRRIGATION Use:

Acre Limit: 343

Place(s) of use:

Place of Use Legal Description: IRRIGATION 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	26		SWSW	39		SESW	39						
				SWSE	33		SESE	26						
		27		SESE	9.4									
		34		NENE	7.3									
		35		NENE	3.5		NWNE	38		SWNE	40		SENE	13
				NENW	40		NWNW	17		SENE	40			
				NESW	33									
				NESE	22		NWSE	39						

Total Acres: 439.2

Conditions of Approval:

- Water is delivered through the Bar S Ditch, Curren Ditch and South Pipeline.
This right is limited to the irrigation of a specific 343 acres within the 439.2 acre place of use authorized by this right in a single irrigation season. The specific 343 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an
- 206 electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 343 acres to be irrigated within the 439.2 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
- X35 Rights 36-16987 and 36-16988 when combined shall not exceed the irrigation of 343 acres in any irrigation season.
- X35 Rights 36-16987, 36-00015, 36-08728 and 36-07740 when combined shall not exceed a total diversion rate of 6.5 cfs.
Use of water under this right will be regulated by a watermaster with responsibility for the distribution
- R05 of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
- 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(s).
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:
Decreed Date: 08/27/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number: 36A
Generic Max Rate per Acre:
Generic Max Volume per Acre:
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

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

7/23/2018

WATER RIGHT NO. 36-16988

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BUCKEYE FARMS INC PO BOX 269 HAGERMAN, ID 83332 2088376595
Attorney	JOHN A ROSHOLT BARKER ROSHOLT & SIMPSON LLP 163 2ND AVE W PO BOX 63 TWIN FALLS, ID 83303-0063 2087330700

Priority Date: 04/01/1917

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	2/15	11/30	14.2 CFS	
Total Diversion			14.2 CFS	

Location of Point(s) of Diversion:

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

IRRIGATION Use:

Acre Limit: 343

Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	13E	26		SWSW	39		SESW	39						
				SWSE	33		SESE	26						
		27		SESE	9.4									
		34		NENE	7.3									
		35		NENE	3.5		NWNE	38		SWNE	40		SENE	13
				NENW	40		NWNW	17		SENE	40			
				NESW	33									
				NESE	22		NWSE	39						

Total Acres: 439.2

Conditions of Approval:

- Water is delivered through the Curren Ditch and South Pipeline.
This right is limited to the irrigation of a specific 343 acres within the 439.2 acre place of use authorized by this right in a single irrigation season. The specific 343 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 343 acres to be irrigated within the 439.2 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
- 206 Rights 36-16987 and 36-16988 when combined shall not exceed the irrigation of 343 acres in any irrigation season.
- X35 Rights 36-16988, 36-00018, 36-08730 and 36-07742 when combined shall not exceed a total diversion rate of 20 cfs.
- X35 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.
- R05 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).
- R43 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- T07 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T08 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- T19

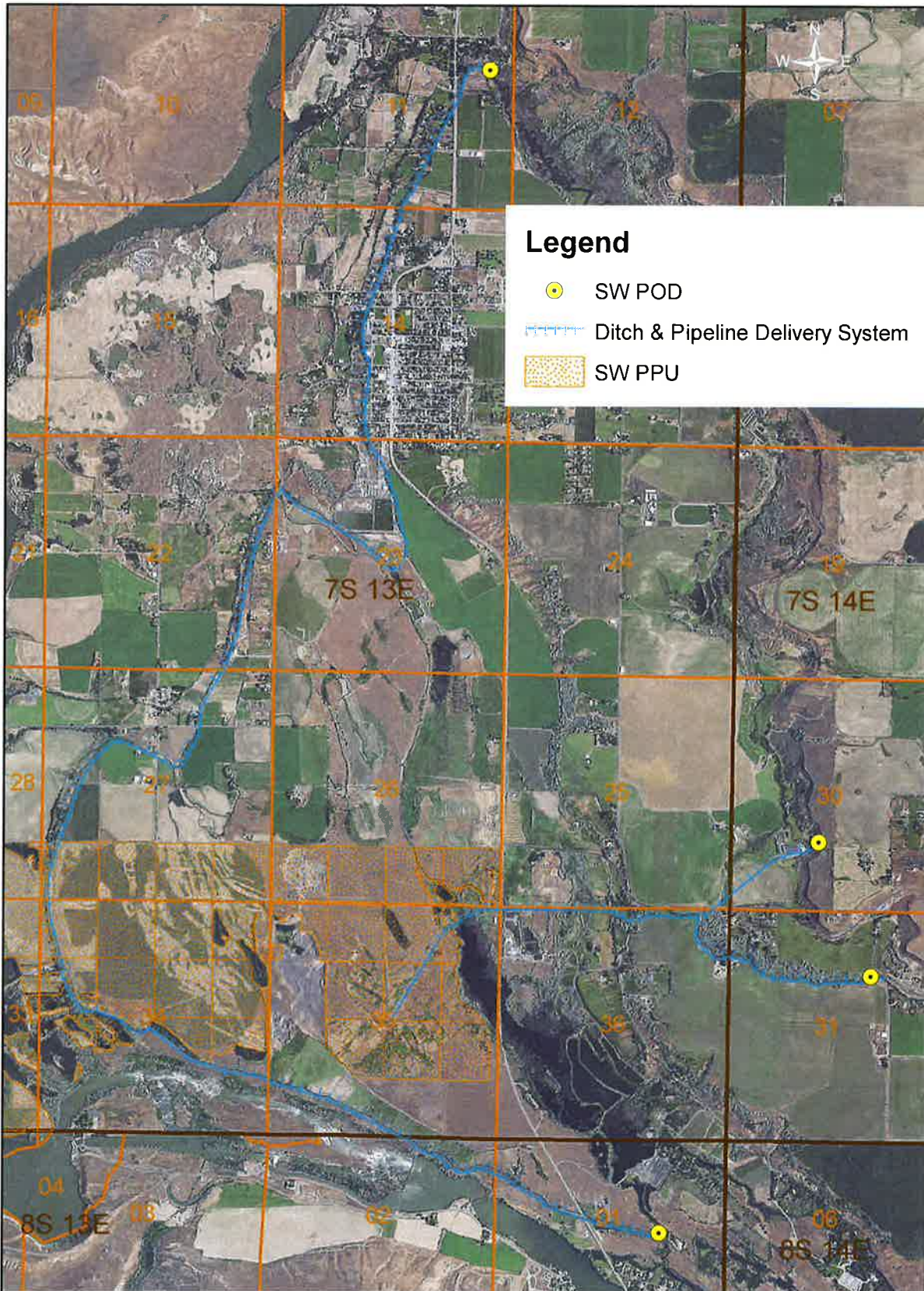
Dates:

Licensed Date:
Decreed Date: 08/27/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number: 36A
Generic Max Rate per Acre:
Generic Max Volume per Acre:
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

Buckeye Farms Transfer

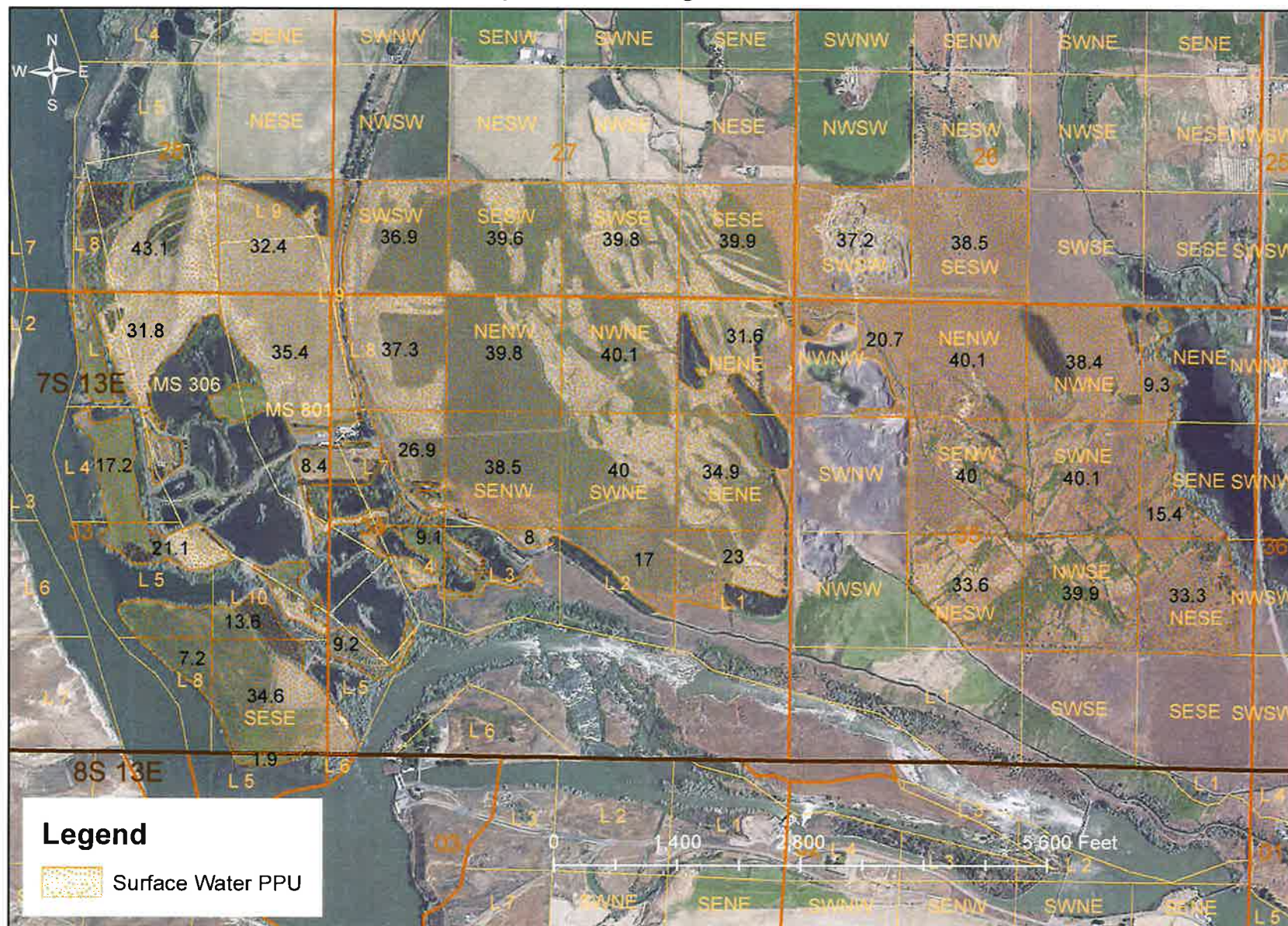


Based Upon 2017 NAIP Photography

Prepared for Buckeye Farms by ERO August 2018

Attachment #7a

Buckeye Farms Irrigation Transfer



Based on 2017 NAIP Photography

Attachment #7b

Prepared for Buckeye Farms, Inc by ERO 9-2018



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.

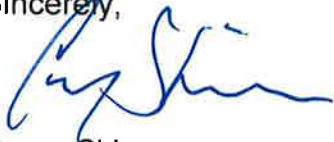
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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

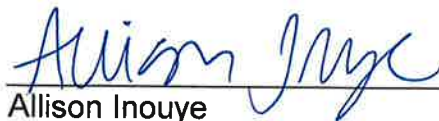
Water Right No(s): 36-8335, 36-8728, 36-8729, 36-8730, 36-8785

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 82911 Proposed Permissible Place Of Use

IRRIGATION 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											37.2	38.5					75.7
07S	13E	27											36.9	39.6			39.8	39.9	156.2
07S	13E	28												1.1		0.1 L5	31.3	17.6	50.1
07S	13E	28												6.0 L8			1.1 L8	15.3 L9	22.4
07S	13E	28															3.0 L9		3.0
07S	13E	33	34.2	18.1	4.1	9.0	6.4 L1								3.9	2.2		34.6	112.5
07S	13E	33		7.0 L1	11.5 L4		0.3			1.6 L4					11.4 L10	17.8 L5	7.2 L8		56.8
07S	13E	34	31.6	40.1	40.0	34.9	39.8	4.1	4.0	38.5	8.0 L3	1.7	0.7		23.0 L1	17.0 L2			283.4
07S	13E	34						33.2 L8	22.9 L7			6.9 L4	8.1 L5						71.1
07S	13E	34										0.9 L5							0.9
07S	13E	35	7.5	38.4	40.1	13.8	40.1	20.7		40.0	33.6				23.1	39.9			297.2
08S	13E	4	1.9 L5																1.9

POU Total Acres: 1,131.2

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.



MEMORANDUM

Date: February 11, 2019
To: Transfer 82911
From: Allison Inouye
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to create a 1131.2 acre permissible place of use (PPU) for 5 surface water rights with sources of Riley Creek, Billingsley Creek, and Weatherby Springs that allow for the total combined diversion of 47.37 cfs and the irrigation of 1104 acres. In addition to creating a PPU, the transfer proposes to update the legal description of the place of use of the water rights to reflect the current Public Land Survey System. No changes are proposed to the points of diversion (PODs). The PODs and PPU are located approximately 2-3 miles south of Hagerman between Highway 30 and the Snake River. The PPU 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**

Water rights 36-1, 36-2, & 36-3H were decreed in the SRBA in 1997. Rights 36-16987 and 36-16988 were split from decreed water rights 36-15 and 36-18 in Transfer No. 78283 which was approved in 2014. Recent aerial imagery indicates irrigation on the properties involved with the transfer.

- **Injury to Other Water Rights**

None anticipated. The transfer proposes to modify the place of use for these water rights on lands contiguous to the existing place of use within property owned by the applicant. No changes are proposed to the points of diversion.

- **Enlargement of Use**

None anticipated. The water rights will remain limited to a combined total of 1104 acres.

- **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.

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

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 13, 2019

To: Transfer 82911

From: Allison Inouye

Re: Transfer Synopsis

Application for transfer proposes to create a 1131.2 acre permissible place of use (PPU) for 5 surface water rights with sources of Riley Creek, Billingsley Creek, and Weatherby Springs that allow for the total combined diversion of 47.37 cfs and the irrigation of 1104 acres. In addition to creating a PPU, the transfer proposes to update the legal description of the place of use of the water rights to reflect the current Public Land Survey System. No changes are proposed to the points of diversion (PODs). The PODs and PPU are located approximately 2-3 miles south of Hagerman between Highway 30 and the Snake River. The PPU and PODs are located within Water District 36A and watermaster comments will be solicited.

Inouye, Allison

From: Inouye, Allison
Sent: Monday, December 31, 2018 4:55 PM
To: 'Dave Shaw'; 'John Simpson'; jlw@idahowaters.com
Subject: RE: Buckeye Farms Application for Transfer 82911 (Surface Water Irrigation Rights)

Hi Dave,

Thank you for looking into that. I spoke with Corey about getting the changes incorporated into the two Applications for Permit (36-17121 & 36-17122) and Transfer No. 82911. Since the acreages are being reduced in those quarter quarters, it will not be necessary to re-advertise the Applications for Permit. In order to get the application files updated, we will need signed, amended Applications for Permit & Transfer reflecting the changes. The items that I can think of that will need to be updated are the total acres, place of use land list, map, and the narrative for the Applications for Permit. I will be able to continue processing the information that we have received to date, but I would need the amended applications before submitting anything to Corey to final review.

On another note, Corey and I reviewed the filing fee for the irrigation transfer, and we will be able to refund a portion of it because 3 of the rights have a combined diversion rate limit. We calculated the fee considering that combined limit and it came out to \$3,140 rather than the \$3,380 that results when calculating all rights at the full diversion rate. A check for \$240 will be mailed to Barker Rosholt & Simpson LLP.

Feel free to contact me with any 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

From: Dave Shaw [mailto:dshaw@erresources.com]
Sent: Monday, December 31, 2018 3:12 PM
To: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>; 'John Simpson' <jks@idahowaters.com>; jlw@idahowaters.com
Subject: RE: Buckeye Farms Application for Transfer 82911 (Surface Water Irrigation Rights)

Allison,

I did let the shape area go too far east, I replotted the eastern boundary of the Buckeye Farms property and it appears to be similar to the boundary you show on your map. The result changes the acreage in the NENE 35 to 7.5 acres instead of 9.3 acres, in the SENE the acreage changes from 15.4 to 13.8 acres and in the NESE the acreage changes from 33.3 to 23.1 acres for a total reduction of 13.6 acres. These same changes will need to be made to the place of use description for the ground water applications.

Please let me know what additional information you need to proceed.
Thank you,
Dave

David Shaw

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

Sent: Friday, December 28, 2018 9:07 AM

To: 'John Simpson' <jks@idahowaters.com>; Dave Shaw <dshaw@erresources.com>; jlw@idahowaters.com

Subject: Buckeye Farms Application for Transfer 82911 (Surface Water Irrigation Rights)

Good morning,

I am currently processing the Applications for Transfer for Buckeye Farms Inc submitted 12/4/2018. In reviewing the proposed permissible place of use for the surface water irrigation rights, a portion of the acreage is located on land that appears to be owned by the Idaho Department of Fish & Game. The land is located on the eastern edge of the PPU, in portions of the NENE, SENE, and NESE of Twp 7S Rng 13E Section 35. Below is a screenshot. The blue shaded area reflects the proposed PPU, and the area outlined in light green is the land that appears to be owned by IDFG per the tax parcel records that we have available. You can see that a small portion of the PPU lies within that green boundary.

Can you please provide additional information regarding the ownership of that portion of the proposed PPU and/or any arrangements or easements that would allow Buckeye Farms Inc to irrigate those lands?



Feel free to contact me via phone or email if you would like to further discuss.

Thank you,

Allison

Allison Inouye

MEMORANDUM

Date: December 28, 2018
To: Transfer 82911
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. The transfer proposes two things: 1) to update the legal description of the place of use to reflect the Public Land Survey System and 2) to create a permissible place of use for the water rights on lands within and contiguous to the existing places of use. No changes are proposed for the points of diversion. 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: December 27, 2018

To: Transfer 82911

From: Allison Inouye

Re: Filing Fee

The filing fee for this transfer is based on the total amount of water being transferred, 47.37 cfs. The total flow rate was calculated based on the combined diversion limit of 28.55 cfs for water rights 36-1, 36-2, and 36-3H plus the diversion rates for rights 36-16987 (4.62 cfs) and 36-16988 (14.2 cfs). The transfer fee schedule indicates that for a transfer involving 20.01-100.00 cfs, the filing fee is \$2,020 plus \$40 for each additional 1.0 cfs or part thereof over the first 20.0 cfs. This equates to $\$2,020 + (\$40 \times 28) = \$3,140$. The applicant remitted a check in the amount of \$3,380 with the application (Receipt No. C105938), so a refund was initiated for the difference of \$240.

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' <jks@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