

## Merritt, Allen

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**From:** Merritt, Allen  
**Sent:** Friday, October 21, 2011 3:20 PM  
**To:** Keen, Shelley; Spencer, Nick; jks@idahowaters.com; dshaw@erresources.com; Rigby, Richard  
**Subject:** Buckeye Farms Maps  
**Attachments:** Buckeye Farms T66354.pdf; Buckeye Farms T66354-1.pdf

Re-numbered to 78283 12/2012.

Gents,

Based on our conversation yesterday, please find attached two maps spatially showing how rights 36-15, 36-18 and 36-4 were decreed.

For your reference the red numbers are the acres decreed in the various tracts for rights 36-15 & 36-18. The light blue shape is the shape currently associated with rights 36-15 & 36-18. The blue-greenish numbers are the acres decreed in the tracts for right 36-4. The little black numbers are the calculated intersected acres in each track driven by the light blue shape. The outlined red areas are the county taxlot info that lists Buckeye Farms Inc as the owner in the area of interest. Note they also own other tracts to the west not shown in red but they are not listed as owning the land in the SWNW, NWSW, NWNW, NENW, SENE and NESE of S35 covered by the blue shape outside of the red line.

On inspection it is obvious the blue shape associated with rights 36-15 and 36-18 does not match the decreed acre numbers. On further inspection it appears the blue shape on the Old Western Legend lands most closely matches the number of acres decreed for right 36-4 in the area of overlap on the old Western Legend property.

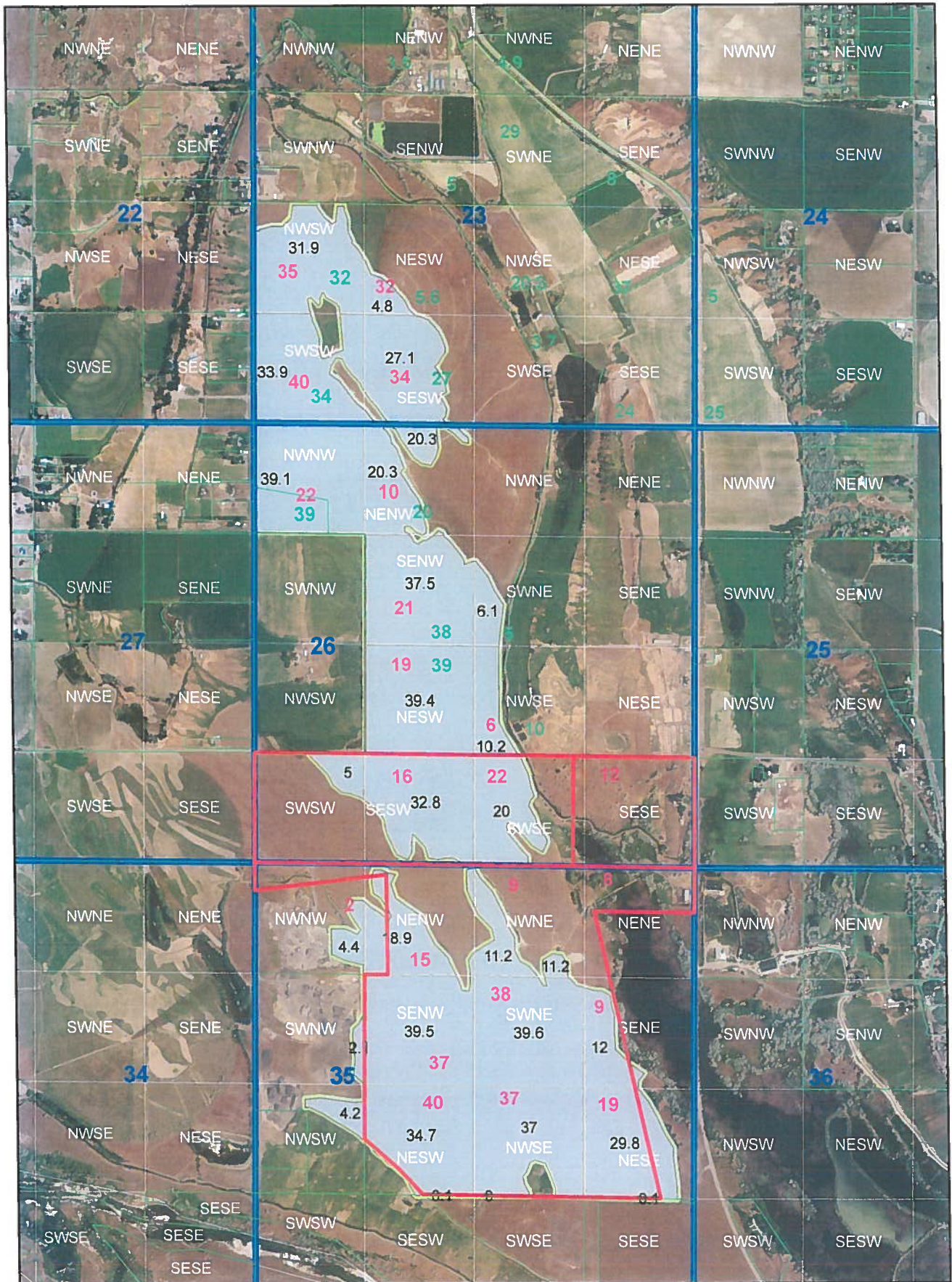
Rights 36-15 and 36-18 have a total decree of 483 acres.

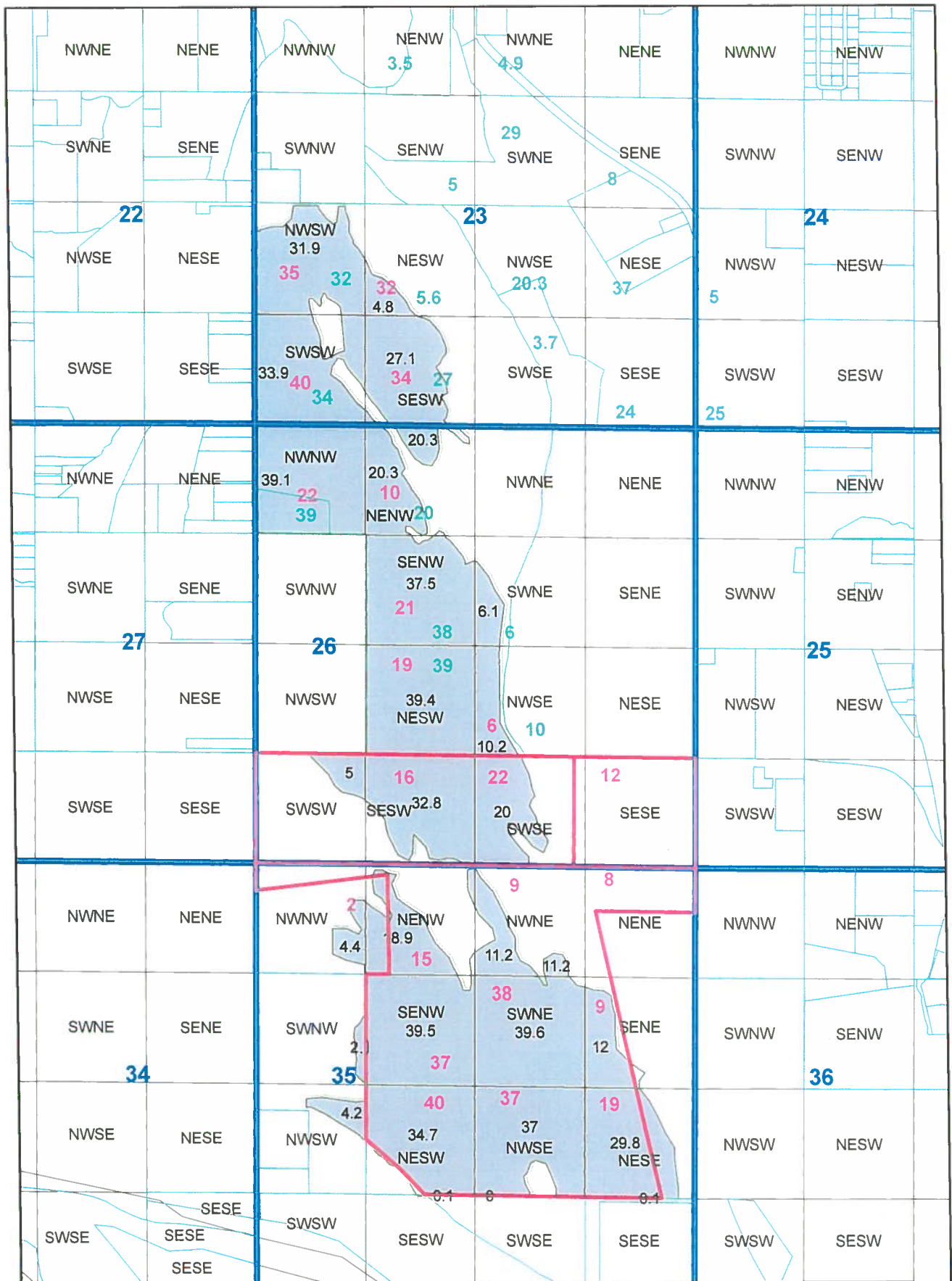
Based on the decree acre numbers of rights 36-15 & 36-18 the old Western Legend land was covered by 219 acres. Based on the decree acre numbers for right 36-15 & 36-18 the Buckeye Farms land is covered by 264 acres. This assumes everything south of Western Legend land was Buckeye which the taxlot info does not fully support. Based on these numbers Buckeye has 54.66% of the decrees

For reference the light blue shape below or south of Western Legend totals 291.2 acres. The total light blue shape totals 541.5 acres. Note that the GIS shape was created some time after the rights were decreed in the SRBA and it is obvious the shape is not correct.

I hope this analysis is useful for future reference.

Allen





## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 36-4

WATER RIGHT NUMBER: 36-4

| <u>Owner Type</u>      | <u>Name and Address</u>                                                                      |
|------------------------|----------------------------------------------------------------------------------------------|
| Directors Report Owner | SPRING VALLEY RANCH INC<br>PO BOX 73<br>HAGERMAN, ID 83332<br>(208)837-6105                  |
| Security Interest      | HOPKINS NORTHWEST FUND<br>PO BOX 670<br>MERIDIAN, ID 83680                                   |
| Current Owner          | WESTERN LEGENDS LC<br>C/O WILLIAM LEHMAN<br>PO BOX 764<br>KETCHUM, ID 83340<br>(208)725-0868 |

Priority Date: 09/10/1884

Basis: Decreed

Status: PARENT

| <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>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| STOCKWATER            | 1/01 to 12/31           | 0.210 CFS             |                      |
| IRRIGATION            | 2/15 to 11/30           | 15.000 CFS            |                      |
|                       | <u>Total Diversion:</u> | 15.000 CFS            |                      |

Location of Point(s) of Diversion

|                   |                 |                                 |
|-------------------|-----------------|---------------------------------|
| BILLINGSLEY CREEK | NE1/4SW1/4NE1/4 | Sec. 31, Twp 07S, Rge 14E, B.M. |
| GOODING County    |                 |                                 |

Place of Use

STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07S | 13E | 23  |    |    |    |    |    |    |    |    |    |    |    |    | X  | X  |    |    |        |
| 07S | 13E | 24  |    |    |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |        |

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 36-4

|            |  |  | NE | NW  | SW   | SE  | NE   | NW   | SW | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW  | SE   | Totals |
|------------|--|--|----|-----|------|-----|------|------|----|------|------|------|------|------|------|------|-----|------|--------|
| 07S 13E 23 |  |  |    | 4.9 | 29.0 | 8.0 | 3.5  |      |    | 5.0  | 5.6  | 32.0 | 34.0 | 27.0 | 37.0 | 20.3 | 3.7 | 24.0 | 234.0  |
| 07S 13E 24 |  |  |    |     |      |     |      |      |    |      |      | 5.0  | 25.0 |      |      |      |     |      | 30.0   |
| 07S 13E 26 |  |  |    |     | 6.0  |     | 20.0 | 39.0 |    | 38.0 | 39.0 |      |      |      |      | 10.0 |     |      | 152.0  |

Total Acres: 416

Conditions of Approval:

1. N01 THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.
2. THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT TO THE TERMS AND CONDITIONS OF THE FOLLOWING CONTRACTUAL AGREEMENTS: (1) THE WATER RIGHT AGREEMENT ENTERED INTO ON SEPTEMBER 16, 1998, BETWEEN WESTERN LEGENDS LC AND THE MAGIC VALLEY GROUND WATER DISTRICT, NORTH SNAKE GROUND WATER DISTRICT, AMERICAN FALLS- ABERDEEN GROUND WATER DISTRICT, BINGHAM GROUND WATER DISTRICT, THE IDAHO GROUND WATER APPROPRIATORS, INC., AND CRANNEY BROS., FILED OF RECORD IN THE OFFICE OF THE GOODING COUNTY CLERK AND RECORDER ON SEPTEMBER 28, 1998 AS INSTRUMENT NO. 177310; (2) THE AGREEMENT ENTERED INTO ON APRIL \_\_\_\_, 1999, AMONG BUCKEYE FARMS, INC., WESTERN LEGENDS LC, AND AQUA LIFE, INC., FILED OF RECORD IN THE OFFICE OF THE GOODING COUNTY CLERK AND RECORDER ON APRIL \_\_\_\_, 1999, AS INSTRUMENT NO. \_\_\_\_\_. EASTERN SNAKE PLAIN GROUNDWATER USERS ARE NOT BOUND BY, OR IN ANY WAY SUBJECT TO, THIS APRIL \_\_\_\_, 1999, AGREEMENT.
3. USE OF THIS RIGHT WITH RIGHT NO. 36-15534 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 15.0 CFS.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 360.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-15534 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 416.0 ACRES IN A SINGLE IRRIGATION SEASON.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. WATER IS DELIVERED THROUGH CURREN DITCH.  
STOCKWATER, 2,000 RANGE CATTLE

Remarks:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 36-4

Comments:

1. CHRISTEN 8/4/1992 COPIED FROM REMARKS  
Comment: AMENDED 12/29/89. ORIGINALLY FILED ON 360 ACRES, INCREASED TO 735 ACRES.
2. MERRITT 9/29/1992 NOTICE OF ERROR (NOE) FILED  
Comment: BY ATTORNEY COLEMAN IN NAME OF SPRING VALLEY RANCH, INC.
3. SOUTH3 10/19/1992 NO CHANGE TO RECOMMENDATION  
Comment: A LETTER OF EXPLANATION HAS BEEN SENT. RMC
4. CHRISTEN 10/21/1992 CHANGE IN CLAIM 10-21-92  
Comment: CHANGED SEASON OF USE FOR STOCKWATER TO AGREE WITH IRR SEASON.KKC
5. TBACKLUN 10/26/1995 NAME CHANGE  
Comment: OWNERSHIP CHANGE BASED ON 42-1409(7). SF3 WAS SENT TO NEW OWNER, WESTERN LEGENDS.
6. TFAWCETT 11/13/1996 ADDRESS CORRECTION/TELEPHONE NUMBER AND ATTORNEY ADDITION  
Comment: CONFORMED ADDRESS TO DATA ENTRY STANDARDS, ADDED TELEPHONE NUMBER AND PAT BROWN AS ATTORNEY.
7. SCLELLAN 4/14/1998 REFORMAT & RECOMMENDATION  
Comment: RECOMMENDATION BASED ON RECENT SETTLEMENTS. RESULTS IN OVERLAPPING ACRES WITH 36-00018. COPIED FROM REMARKS WATER IS DELIVERED THROUGH CURREN DITCH. 1.45 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
8. DSHAFF 4/15/1998 RECOMMENDATION  
Comment: THE CFS FOR THE IRR. WATER USE WAS MODIFIED TO THE 15 CFS THE SAME AS THE TOTAL QUANTITY CHANGED YESTERDAY. VERIFIED DATE RESET.
9. DSHAFF 4/17/1998 RECOMMENDATION  
Comment: THE CLAIM WAS AMENDED TO MAKE THE STOCK NUMBER 2,000 WITH AN ADDITIONAL FEE PAID. THE COND. CODES ON < 13K GPD AND HIST. B/U (N05, N080 WERE REMOVED WITH VER. DATE SET.
10. SCLELLAN 4/13/1999 REFORMAT AND RECOMMENDATION  
Comment: REVISED REC/D PER SETTLEMENTS.
11. tfawcett 12/19/2000 Security Interest Holder Added  
Comment: Big Bend Ranch Inc added as security interest holder per documentation received 8/28/00. Expiration date 10/10/2007.
12. nmiller 8/5/2005 POD  
Comment: Correlated PODID 230056 from SpatialDataID 341130 to SpatialDataID 133393
13. nmiller 8/5/2005 POD  
Comment: Correlated PODID 230056 from SpatialDataID 341130 to SpatialDataID 133393
14. Ownership Change 3/16/2010 9:27:48 AM Split Right  
Comment: Split into 36-16830 and 36-16831. and 36-16832. and 36-16833.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 36-4

Dates and Other Information:

Licensed Date:  
 Decreed Date: 11/27/2001  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal: S  
 Owner Name Connector:  
 Water District Number: 36A  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Decree Defendant:  
 Decree Plaintiff:  
 Civil Case Number: 39576  
 Judicial District: FIFTH  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:

| <u>Rate</u>                            | <u>Volume</u> | <u>Acres</u> |
|----------------------------------------|---------------|--------------|
| 15                                     |               | 416          |
| Combined Water Rights: 36-15534 , 36-4 |               |              |

SubCase:

SubCase Number: 36-4  
 Class: 2  
 SF5 Filed Date:  
 Special Master Recom Signed Date: 5/7/1999  
 Attorney Assigned: NICHOLAS B SPENCER  
 Adjudication Agent:  
 Basis of Claim:  
 Date Filed: 12/24/1998 Objection Status: Active  
 Date Filed: 11/20/1998 Objection Status: Active  
 Date Filed: 5/29/1998 Objection Status: Active  
 Date Filed: 4/29/1993 Objection Status: Active  
 Date Filed: 5/29/1998 Objection Status: Active

Water Supply Bank:



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

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
Case No. 39576 ) I.R.C.P. 54(b) FOR  
                  ) Water Right 36-00015

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

SOURCE: WEATHERBY SPRINGS TRIBUTARY: BILLINGSLEY CREEK

QUANTITY: 6.5 CFS

PRIORITY DATE: 03/08/1902

POINT OF DIVERSION: T07S R14E S30 SENESW Within GOODING County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION 03-15 11-15 6.5 CFS

PLACE OF USE: IRRIGATION Within GOODING County  
T07S R13E S23 NESW 32 NWSW 35 SWSW 40 SESW 34  
S26 NENW 10 NWNW 22 SENW 21 NESW 19  
SESW 16 NWSE 6 SWSE 22 SESE 12  
S35 NENE 8 NWNE 9 SWNE 38 SENE 9  
NENW 15 NWNW 2 SENW 37 NESW 40  
NESE 19 NWSE 37  
483 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00018 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 483 ACRES IN A SINGLE  
IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NO. 36-00018 IS LIMITED TO A TOTAL  
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1690.5 AF.

RULE 54(b) CERTIFICATE

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

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

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 36-15

WATER RIGHT NUMBER: 36-15

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                           |
|-------------------|-------------------------------------------------------------------------------------------------------------------|
| Current Owner     | BUCKEYE FARMS INC<br>PO BOX 269<br>HAGERMAN, ID 83332<br>(208)837-6595                                            |
| Attorney          | JOHN A ROSHOLT<br>BARKER ROSHOLT & SIMPSON LLP<br>113 MAIN AVE W STE 303<br>TWIN FALLS, ID 83301<br>(208)733-0700 |

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>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | 2/15 to 11/30         | 6.500 CFS             |                      |
| <u>Total Diversion:</u> |                       | 6.500 CFS             |                      |

Location of Point(s) of Diversion

|                   |                 |                                 |
|-------------------|-----------------|---------------------------------|
| WEATHERBY SPRINGS | SE1/4NE1/4SW1/4 | Sec. 30, Twp 07S, Rge 14E, B.M. |
| GOODING County    |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE  |     |      |     | NW   |      |      |      | SW   |      |      |      | SE   |      |      |    | Totals |
|-----|-----|-----|-----|-----|------|-----|------|------|------|------|------|------|------|------|------|------|------|----|--------|
|     |     |     | NE  | NW  | SW   | SE  | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE |        |
| 07S | 13E | 23  |     |     |      |     |      |      |      |      | 32.0 | 35.0 | 40.0 | 34.0 |      |      |      |    | 141.0  |
| 07S | 13E | 26  |     |     |      |     | 10.0 | 22.0 | 21.0 | 19.0 |      |      |      | 16.0 | 6.0  | 22.0 | 12.0 |    | 128.0  |
| 07S | 13E | 35  | 8.0 | 9.0 | 38.0 | 9.0 | 15.0 | 2.0  | 37.0 | 40.0 |      |      |      |      | 19.0 | 37.0 |      |    | 214.0  |

Total Acres: 483

Conditions of Approval:

1. WATER IS DELIVERED THROUGH THE BAR S DITCH, CURREN DITCH, NORTH PIPELINE, AND SOUTH PIPELINE.
2. USE OF THIS RIGHT WITH RIGHT NO. 36-00018 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 483 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 36-15

Remarks:Comments:

## 1. CHRISTEN 8/5/1992 COPIED FROM REMARKS

Comment: WEATHERBY SPRINGS LIMITED BY STIPULATION IN GOODING COUNTY CASE 16676 IN JANUARY OF 1979. ALL IRRIGATION AND STOCK USERS WERE TO SPLIT 325 INCHES MARCH 1 TO NOV. 1 AND 200 INCHES NOV. 1 TO MARCH 1. COURT DID NOT ALLOCATE REDUCTION AMONGST USERS. THIS FILING IS MADE TO COVER SO MUCH OF THE 6.5 CFS AS GETS TO APPLICANT'S GROUND. CHANGES IN THE PLACE OF USE PORTIONS OF THE PLACE OF USE DIECRIBED HEREIN WERE SOLD WITHOUT WATER RIGHTS ON FEBRUARY 7, 1989.

## 2. SCHULTZ 9/23/1992 NOTICE OF ERROR (NOE)

Comment: RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/5/92. DID NOT REVERIFY ANY PART OF CLAIM.

## 3. CLELLAND 10/21/1992 NOE RESPONSE

Comment: MET TODAY WITH JOHN SIMPSON AND SHARON STRICKLAND AT IDWR, REVIEWED THE RECOMMENDATIONS AND ANALYSIS FOR THE ACREAGES AND AMOUNTS. NO CHANGES.

## 4. ROBERTSO 6/21/1993 ADDRESS CHANGE

Comment: Change of address form received 6/17/93. A36-00015 also changed this date.

## 5. MSTERLIN 6/12/1996 COPIED FROM REMARKS/REFORMATTED REMARKS

Comment: 0.66 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

## 6. DSHAFF 8/2/1999 COPIED FROM REMARKS

Comment: USE OF THIS RIGHT WITH RIGHT NO. 36-00018 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1690.5 AF.

## 7. amerritt 9/11/2008 1:02:13 PM POD

Comment: PODID 501502 correlated from SpatialDataID 133183 to SpatialDataID 133183

Dates and Other Information:

Licensed Date:

Decreed Date: 8/27/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number: 36A

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> |
|-------------|---------------|--------------|
|             |               | 483          |

Combined Water Rights: 36-15 , 36-18

| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> |
|-------------|---------------|--------------|
| 6.5         |               |              |

Combined Water Rights: 36-15 , 36-7740 , 36-8728

Water Supply Bank:

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

In Re SRBA )  
                  ) PARTIAL DECREE PURSUANT TO  
Case No. 39576 ) I.R.C.P. 54(b) FOR  
                  ) Water Right 36-00018

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

SOURCE: BILLINGSLEY CREEK                      TRIBUTARY: SNAKE RIVER

QUANTITY: 20.00 CFS

PRIORITY DATE: 04/01/1917

POINT OF DIVERSION: T07S R14E S31                      NESWNE                      Within GOODING County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE                      PERIOD OF USE                      QUANTITY  
IRRIGATION                      03-15    11-15                      20.00 CFS

PLACE OF USE: IRRIGATION                      Within GOODING County

|               |         |         |         |         |
|---------------|---------|---------|---------|---------|
| T07S R13E S23 | NESW 32 | NWSW 35 | SWSW 40 | SESW 34 |
| S26           | NENW 10 | NWNW 22 | SENW 21 | NESW 19 |
|               | SESW 16 | NWSE 6  | SWSE 22 | SESE 12 |
| S35           | NENE 8  | NWNE 9  | SWNE 38 | SENE 9  |
|               | NENW 15 | NWNW 2  | SENW 37 | NESW 40 |
|               | NESE 19 | NWSE 37 |         |         |

483 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 36-00015 IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 483 ACRES IN A SINGLE  
IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NO. 36-00015 IS LIMITED TO A  
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1690.5 AF.

RULE 54(b) CERTIFICATE

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

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

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 36-18

WATER RIGHT NUMBER: 36-18

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                           |
|-------------------|-------------------------------------------------------------------------------------------------------------------|
| Current Owner     | BUCKEYE FARMS INC<br>PO BOX 269<br>HAGERMAN, ID 83332<br>(208)837-6595                                            |
| Attorney          | JOHN A ROSHOLT<br>BARKER ROSHOLT & SIMPSON LLP<br>113 MAIN AVE W STE 303<br>TWIN FALLS, ID 83301<br>(208)733-0700 |

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>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | 2/15 to 11/30         | 20.000 CFS            |                      |
| <u>Total Diversion:</u> |                       | 20.000 CFS            |                      |

Location of Point(s) of Diversion

|                   |                 |                                 |
|-------------------|-----------------|---------------------------------|
| BILLINGSLEY CREEK | NE1/4SW1/4NE1/4 | Sec. 31, Twp 07S, Rge 14E, B.M. |
| GOODING County    |                 |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE  |     |      |     | NW   |      |    |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|-----|-----|------|-----|------|------|----|------|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE  | NW  | SW   | SE  | NE   | NW   | SW | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 07S | 13E | 23  |     |     |      |     |      |      |    |      | 32.0 | 35.0 | 40.0 | 34.0 |      |      |      |      | 141.0  |
| 07S | 13E | 26  |     |     |      |     | 10.0 | 22.0 |    | 21.0 | 19.0 |      |      | 16.0 |      | 6.0  | 22.0 | 12.0 | 128.0  |
| 07S | 13E | 35  | 8.0 | 9.0 | 38.0 | 9.0 | 15.0 | 2.0  |    | 37.0 | 40.0 |      |      |      | 19.0 | 37.0 |      |      | 214.0  |

Total Acres: 483

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 36-00015 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 483 ACRES IN A SINGLE IRRIGATION SEASON.
2. WATER IS DELIVERED THROUGH CURREN DITCH, NORTH PIPE AND SOUTH PIPE.

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 36-18

Remarks:

Comments:

1. BEDKE 1/15/1991 SCC-STAFF REVIEW

Comment:

2. CHRISTEN 8/5/1992 COPIED FROM REMARKS

Comment: 36-00015 TO 36-00017 ARE APPURTENANT TO THIS GROUND, WERE LIMITED BY STIPULATION IN GOODING COUNTY CASE 16676, JONES V. RESERVOIR LAND CO., INC., ET.AL. TO 325" (6.5 CFS), MARCH 1 TO NOV. 1 AND 200" (4.0 CFS) NOV. 1 TO MARCH 1. 36-00018 WILL BE IMPAIRED BY AGREEMENT IF PERMIT 36-07742 DEVELOPED. CHANGES IN THE PLACE OF USE SINCE COMMENCEMENT PORTIONS OF THE PLACE OF USE DESCRIBED HEREIN WERE SOLD WITHOUT WATER RIGHTS ON FEBRUARY 7, 1989.

3. SCHULTZ 9/23/1992 NOTICE OF ERROR (NOE)

Comment: RECEIVED NOE 9/22/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 8/5/92. DID NOT REVERIFY ANY PART OF CLAIM.

4. CLELLAND 10/21/1992 NOE RESPONSE

Comment: MET TODAY WITH JOHN SIMPSON AND SHARON STRICKLAND AT IDWR, REVIEWED THE RECOMMENDATIONS AND ANALYSIS FOR THE ACREAGES AND AMOUNTS. NO CHANGES.

5. SCHULTZ 6/15/1993 CHANGE OF ADDRESS

Comment: RECEIVED CHANGE OF ADDRESS FORM 6/15/93. UPDATED BUCKEYE FARMS' ADDRESS. CLAIM VERIFIED 10/21/92. DID NOT REVERIFY ANY PART OF CLAIM.

6. DSMITH 1/18/1996 ADDRESS CORRECTION

Comment: \*NAME/ADDRESS CONFORMED TO AVOID DUPLICATE MAILING LABELS

7. CFRITSCH 5/20/1996 COPIED FROM REMARKS/REFORMATTED REMARKS

Comment:

8. DSHAFF 8/2/1999 COPIED FROM REMARKS

Comment: USE OF THIS RIGHT WITH RIGHT NO. 36-00015 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1690.5 AF.

9. nmiller 8/5/2005 POD

Comment: Correlated PODID 501503 from SpatialDataID 341130 to SpatialDataID 133393

10. nmiller 8/5/2005 POD

Comment: Correlated PODID 501503 from SpatialDataID 341130 to SpatialDataID 133393

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 36-18

Dates and Other Information:

Licensed Date:  
Decreed Date: 8/27/2001  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
State or Federal: S  
Owner Name Connector: OR  
Water District Number: 36A  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number: 39576  
Judicial District: FIFTH  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:

| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> |
|-------------|---------------|--------------|
|             |               | 483          |

Combined Water Rights: 36-15 , 36-18

| <u>Rate</u> | <u>Volume</u> | <u>Acres</u> |
|-------------|---------------|--------------|
| 20          |               |              |

Combined Water Rights: 36-18 , 36-7742 , 36-8730

Water Supply Bank: